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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, October 26, 1971*

The House met at 12 o'clock noon.

Dr. John Milton Sayre, First United Methodist Church, Valparaiso, Ind., offered the following prayer:

Almighty God, our Father, in whose hands are held our lives and times; we give hearty thanks for the sense of Your presence in our lives and the affirmation of Your love.

We are not great men and women and we are sometimes awed by the responsibilities that are placed upon us and by the power that is entrusted to us. We are forced to set a course when there is no place to go. We are forced to say "yes" and "no" when "yes" and "no" is not enough. If we cannot attain perfection then comfort and strengthen us in our efforts to do our best.

If we seek to attain greatness then let it be the true greatness of humility, integrity, and truth. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had agreed to the first House amendment to Senate amendment No. 2 with an amendment to a bill of the House of the following title:

H.R. 4590. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 44. Concurrent resolution authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document.

RESIGNATION FROM COMMITTEE ON ARMED SERVICES

The SPEAKER laid before the House the following resignation from the Committee on Armed Services:

WASHINGTON, D.C.,
October 26, 1971.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation from the committee on Armed Services effective immediately.

Best wishes.

Sincerely,
CHARLES W. WHALEN, Jr.,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEES ON AGRICULTURE AND GOVERNMENT OPERATIONS

The SPEAKER laid before the House the following resignation from the Committees on Agriculture and Government Operations:

WASHINGTON, D.C.,
October 26, 1971.

Hon. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby respectfully tender my resignation as a member of the Committee on Agriculture and as a member of the Committee on Government Operations.

Sincerely yours,
J. KENNETH ROBINSON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 660) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 660

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Appropriations: J. Kenneth Robinson of Virginia;

Committee on Foreign Affairs: Charles W. Whalen, Jr., of Ohio;

Committee on Standards of Official Conduct: Carleton J. King, of New York and Floyd D. Spence, of South Carolina.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN WYOMING

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The Clerk read the Senate bill as follows:

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey to the successors in interest of Ferne M. McNeil all right, title, and interest of the United States, except right, title, and interest in deposits of oil and gas, in lands in resurvey lots 38C, 38D, and 38F (original survey southeast quarter southwest quarter, north half southeast quarter) section 25, township 52 north, range 103 west, sixth principal meridian, Park County, Wyoming, lying east and south of the Cody Canal. Such conveyance shall be made only upon application therefor within six months after the date of this Act, and upon payment of the fair market value of the land as of May 13, 1949, plus the administration costs of making the conveyance, as determined by the Secretary of the Interior, within one year after modification by the Secretary of the Interior of the amount due. In determining the fair market value of the land, the Secretary of the Interior shall not include any values added to the land by Ferne M. McNeil or her successors in interest or their heirs. Any conveyance made pursuant to this Act shall reserve to the United States all deposits of oil and gas in the lands, together with the right to mine and remove the same, under applicable laws and regulations established by the Secretary of the Interior.

SEC. 2. Acceptance of Ferne M. McNeil or her successors in interest of any conveyance made hereunder shall constitute a waiver and release by them of any and all claims against the United States arising out of the operation, maintenance, or construction of the Buffalo Bill Reservoir as now or hereafter authorized, including, without limitation, by reason of enumeration, claims for seepage, wave action, blowing silt, or increase in ground water level.

Mr. RONCALIO. Mr. Speaker, on Tuesday when the private calendar was called, the House inadvertently passed

H.R. 2082, an identical bill to S. 137. The passage of S. 137 is necessary if this legislation is to be enacted.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NEWSLETTER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this week I will be mailing to my constituents my third newsletter of this session of Congress. With the thought that it might interest my colleagues, I am submitting its full text for reprinting in the CONGRESSIONAL RECORD. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

Dear Constituent and Fellow New Yorker: You know as well as I do that the Congress has continually abdicated its responsibility in bringing an end to the Vietnam War. This is especially true of the House of Representatives. It has ducked every occasion for a vote—up or down—on setting a date certain for total withdrawal from Vietnam.

The Senate has twice adopted the Mansfield Amendment which declares it to be the sense of Congress that the United States shall withdraw from Vietnam no later than six months from date of enactment subject to the release of all American prisoners of war.

Fearing its passage, the House leadership, at the direction of the President, has used parliamentary chicanery on two occasions to prevent a direct vote on the Mansfield Amendment. On a procedural vote in June we failed by 44 votes in getting a record vote on ending the war. This month, on another procedural vote, we failed by 23 votes.

It is greatly distressing for me to see the House moving at a snail's pace while young men die everyday in Vietnam and we have no date certain as to when the killing will stop. In my mind "winding down the war" is an unacceptable agony that our country and fighting men should not have to endure. And the failure of Congress to force the President to speed up withdrawals shows contempt for the American people who have made it abundantly clear to their Representatives that they are sick of waiting for an end to this national disgrace and nightmare.

WELFARE

In March of this year I reported to you that the administration of welfare in New York City was in a shambles as illustrated by my investigation of "welfare hotels."

Since that earlier report there has been more evidence of the continuing mismanagement of the welfare program in New York City.

My office has been involved in two individual cases which highlight the welfare bureaucracy's confusion and inertia. The first case involved a woman with nine children who for one full year lived in three unconnected rooms at a welfare hotel at a cost to the taxpayers of $24,000 annually for food and rent. They had no cooking facilities and ate most of their meals in restaurants. In addition there were seven fires in the hotel during the past year, one of which destroyed all the family's clothing. After months of futile correspondence with the Department of Social Services in an attempt to relocate this family, I finally brought this case to the attention of the press and public. Only then did the Department act to relocate this family.

The second case related to a woman who says her husband earns $32,000 per year, owns his own business, and lives in a luxury apartment in Riverdale. She and her six year old son have been on welfare for 2½ years despite the fact that a support order from Manhattan Family Court is in effect against her husband. When I asked the Department of Social Services to investigate this matter, pointing out that they would save public funds if the court order were enforced, they replied that the Department has no authority to enforce the support order. I checked the law and discovered that the Department of Social Services does, indeed, have enforcement authority. Their refusal to use it simply costs the taxpayer unnecessarily, and leads one to question how many such unenforced support orders involve individuals on welfare.

It is regrettable that the City's Welfare Administration does not respond to these problems until there is a crisis or after their own fumbling has been exposed in the press. A good example has been the problem of fraudulent cashing of welfare checks. Assemblyman Antonio Olivieri and I met with Welfare Administrator Jule Sugarman back in April to urge the establishment of a program for distributing relief checks through local banks to avoid the loss and theft of mailed checks. But the Department of Social Services procrastinated until the press revealed the tremendous loss involved whereupon the City finally proposed a pilot project based on our earlier proposals.

It is distressing that the Department of Social Services attempts to minimize the significance of the problems that are brought to light. Their standard response is that the waste resulting from welfare hotels or forged checks is marginal in light of their overall budget. The sum of all this ineptitude, however, is enormous bungling and enormous waste. The Department of Social Services here is simply not doing the job with which it is charged by law.

The price cannot be weighed in dollars alone. This continual mismanagement has eroded public confidence in the welfare program, which in turn threatens the survival of the very legitimate and necessary aspects of welfare. It also creates a difficult situation for Congressmen such as myself who believe in a full federal assumption of welfare and who must convince colleagues in the House that federal funds so spent will be well used.

BIKES

In cities all across the country, pedal power is gaining momentum. More and more people are taking up bicycling for both commuting and recreational purposes.

To encourage bicycling and to make this form of transportation safer, I have introduced H.R. 9369, the Bicycle Transportation Act of 1971. My bill would allow states and communities to use Highway Trust Fund monies for the development of bicycle lanes and paths. It also provides that such funds can be used for the construction of bicycle shelters and parking facilities and for bicycle traffic control devices. H.R. 9369 is now cosponsored by 51 Members of the House and 12 Senators. Senators Cranston and Tunney of California introduced my bill in the Senate.

I believe that bicycling offers us an important transportation resource that must be more fully utilized, particularly in our metropolitan areas. We have in the bicycle a vehicle that emits no pollution, makes no noise, takes up little space, and requires little maintenance.

However, safety requires that cyclists be given their own lane on the road or a special bike path. In New York City a lot of green signs have been put on streets to indicate recommended places for bicycling—but nothing has been done to separate the cyclists from the cars. My own view is that this is dangerous tokenism. For the City to encourage bike riding without providing the necessary safety precautions is foolhardy. In the meantime, Congress should also do its part by permitting existing Highways funds to be used to make bicycling more attractive and safe.

DRUGS

In the past few months the Congress has taken several steps to stem the flow of hard-drugs into this country and provide therapy for drug addicts.

Congressional action has been taken on two of my bills designed to provide treatment for two categories of easily identifiable addicts.

My first bill (H.R. 8390) requires that drug addicts on welfare undergo treatment for their addiction and periodically be tested to be certain that they are not reverting to their drug habit. It also provides that the Department of Health, Education and Welfare will be responsible for determining that adequate facilities are available to treat these addicts. The provisions of this bill were included in H.R. 1, the Family Assistance Plan, approved by the House on June 22 and now awaiting Senate action.

My second bill (H.R. 8389) requires states and localities receiving federal "corrections" funding from the Law Enforcement Assistance Administration to provide treatment for drug addicts in prisons and on parole. Up till now little has been done in our prisons to treat addicts. Prisoners are detoxified, but are given no therapy so that most, when released from prison, resume their drug habits.

Since drug addiction accounts for 50% of the street crime in New York City, making us prisoners in our very homes, we must have treatment of drug addicts in prison while they are easily identified and isolated. My bill was unanimously approved and reported out by the House Judiciary Committee on October 21. It will be voted on by the full House soon.

Since coming to Congress I have co-sponsored legislation directing the President to cut off both economic and military aid to countries failing to take measures necessary to control the growth, production and traffic of dangerous drugs. Finally this year we managed to get the cut-off aid directive included in the Foreign Assistance Act of 1971 as passed by the House on August 3. Now Turkey has announced that it will terminate its legalization of opium production within one year. 80% of the heroin coming into the United States starts out in the opium fields of Turkey.

Another important foreign target is the heroin processing factories in the French port of Marseilles. It appears that the French government is beginning to cooperate with us in facing the problem but we must exert continued pressure if these factories are to be shut down once and for all.

SOVIET JEWS

In June I reported on my trip to the Soviet Union to learn firsthand about the plight of imprisoned Soviet Jews protesting against religious and cultural discrimination.

For many months, I and many others have been attempting to have the United States government make it absolutely clear that we are willing to accept any Soviet Jews allowed to emigrate. Toward this end, I introduced H.R. 5606 last March to provide 30,000 special refugee visa for Soviet Jews in event they are allowed to leave the Soviet Union. H.R. 5606 gained the support of 123 House co-sponsors, 34 Senate sponsors and hundreds of thousands of Jews and non-Jews in the country.

On September 30th in a major shift of Nixon Administration policy, Attorney General John Mitchell announced that he would use his parole authority, without regard to quota restrictions, to bring Soviet Jews into the United States should they be able to leave the Soviet Union. The Attorney General has done administratively what my bill would have done legislatively.

While our country's action does not, by itself, ease the plight of the Soviet Jews—it is a strong moral incentive for pressing the Soviet Union to allow Jews to emigrate and be reunited with their families and relatives in Israel or wherever they may be.

STUYVESANT TOWN

On September 16th, Assemblyman Andrew Stein and I wrote to the Secretary of the Treasury John Connally to protest the request by the Metropolitan Life Insurance Company that tenants of Stuyvesant Town renew their leases and increase their security deposits during the 90 day wage-price freeze.

On September 30th, the Office of Emergency Preparedness wrote to me indicating that the request for additional security was, indeed, a violation of the freeze. The Stuyvesant Town Tenants Association was alerted to this fact and formally protested through the Internal Revenue Service. Subsequently, Met Life retracted its request for the additional security.

While the federal regulations do not specifically prohibit Met Life from seeking lease renewals during the freeze, I think it is extremely unfair to request such renewals before the tenants of Stuyvesant Town know what controls will affect rents after the official 90 day freeze. I have written to the Mayor, members of the Board of Estimate and the City Corporation Counsel asking that they stop Met Life from seeking lease renewals until such time as the Board of Estimate has approved Met Life's application for a rent increase.

NIXON'S ECONOMIC PROGRAM

The President's recent reversal of his past economic policies is in essence an acknowledgement of the failure of his Administration to deal with the now all-too-familiar problems of inflation, unemployment and balance-of-payments.

During the past 2½ years of Nixon's Presidency, unemployment climbed from 3.3 to 6.1 percent, prices rose at an annual rate of 8.4 percent, the GNP fell for the first time since 1958, and the United States suffered its first balance-of-trade deficit since 1893.

Clearly, it was high time for the Nixon Administration to give second thought to its optimistic claims about impending economic recovery and to yield to the long-standing recommendations of many economists and Congressmen.

Although I feel it is essential that the basic outlines of the President's new economic program be put into effect, I have supported changes in Nixon's original program so as to provide additional tax relief for low-income individuals. I have also supported the reduction of accelerated depreciation allowances and of the investment tax credit from the proposed 10 percent to 7 percent. However, I wholeheartedly supported the Nixon proposals to speed up increases in the standard deduction and personal exemption allowances for individual taxpayers.

I think more funds should be used to expand emergency public service and public works job programs; and the enactment of welfare reform and revenue sharing should not be postponed.

In the weeks to come you may have questions about President Nixon's post-freeze (Phase II) wage and price program. My New York staff probably won't have the answers but they will make every effort to get them for you or put you in touch with government officials who do. Please make any post-freeze inquiries by letter (26 Federal Plaza, Room 3139, New York 10007) instead of by phone. In that way the staff can more efficiently serve you.

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write to me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 26 Federal Plaza on 264–1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

GOLDWATER HOSPITAL

During the past summer, I was notified by two social workers at Goldwater Hospital on Welfare Island that about 25 disabled and elderly patients were being denied the privilege of attending special summer camps outside the City because they could not get $300 to obtain adequate clothing. I was told the Department of Social Services was not providing any clothing allowances whatsoever.

After checking that funds were unavailable from private charitable services, I sent a letter to HRA Administrator Jule Sugarman advising him there was a special fund for Medicaid clients (all the patients concerned were on Medicaid) which could be used for obtaining the needed clothing. The next day the Department of Social Services called saying that funds would be made available. This was very gratifying since the patients of Goldwater Hospital are rarely able to leave and the special camp offered a very important recreational opportunity to them.

Of the pictures included in the newsletter, one was captioned and its text read as follows:

During the Congressional Recess in August I visited Israel and, in particular, the Ashdod absorption center above where I spoke with Mrs. Rochel Shpunghin and other newly arrived Russian immigrants.

While in Israel, I met with Prime Minister Golda Meir, Finance Minister Pinchas Sapir and former Prime Minister David Ben-Gurion. I made trips to the Suez Canal, the Golan Heights, and Sharm el-Sheikh. I was enormously impressed by the pride of the Israelis in their country and their confidence that they can withstand any assault that may be launched by the Arab states.

PRAYER AMENDMENT: MISCONCEIVED MOVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the prayer amendment to the Constitution will shortly be before this House. It is the matter of much discussion with emotions running high on both sides of this issue. I personally am religious and attend services of my faith not as often as I should but when I do I feel the better for it. But I believe in denominational prayer and I think that to be meaningful prayer must be conducted in conformity with one's own religion and therefore ought not to be conducted in the schools in an antiseptic manner intended to be acceptable to all but really not acceptable to any.

I recently have had the great pleasure of meeting with Father Donald R. Campion who is editor-in-chief of America, a magazine published by Jesuits of the United States and Canada. He provided me with a superb editorial which appeared in the magazine America of October 23, 1971, and expresses his own misgivings about the proposed amendment. I should like to bring it to the attention of our colleagues.

PRAYER AMENDMENT: MISCONCEIVED MOVE

Sometime before it adjourns, the House of Representatives is expected to vote on proposing a "prayer amendment" to the Constitution. The bill proposing the amendment had been locked up in the House Judiciary Committee, but a discharge petition was successful last month in forcing it out on the House floor. As a result, the House will consider the measure without having had the benefit of the kind of hearings that usually precede House debate on a constitutional amendment. For this the liberals on the House Judiciary Committee have only themselves to thank. If they had not blocked full and open discussion of the amendment under the usual procedures, they would not now be faced with the prospect of House adoption of an ill-written, mischievous and misconceived proposal.

The text of the proposed amendment reads as follows: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds to participate in non-denominational prayer." To be adopted as part of our Constitution, the amendment needs a two-thirds vote in both the House and Senate and ratification by three-fourths of the states.

The amendment looks innocuous but it is not. The word "nondenominational" is a serious flaw, certain to provoke extensive litigation and to involve the Supreme Court in theological disputes far beyond its competence and patience. Moreover, the implication from the amendment is that "denominational" prayers in public buildings are forbidden. This is not the law today, and never has been.

The Supreme Court's decisions banning official sponsorship of prayer in public schools do not forbid the renting of public buildings (including public schools) for religious services, the employment of chaplains by Congress and the state legislatures, or the celebration of Mass in the White House. Even the Supreme Court itself begins each public session with an invocation of God's help. Whether the prayer is "denominational" or not depends entirely upon your theological point of view.

Secondly, the proposed amendment does not include the important word "voluntarily" between "to participate" and "in prayer." Although this might seem like a quibble, since the proposal speaks of the "right" of persons to pray in public buildings, the word "voluntarily" should not have been omitted. It cannot be emphasized too much that the government must remain neutral in religious matters, and the right *not* to participate is just as important as the right to join one's heart and voice to the prayer being offered.

The most serious defect, however, of the proposed amendments is that it is sheer tokenism in an extremely important area. If passed, the amendment will be thought to have altered our Constitution with respect to religion in the public schools. The amendment, however, will do no such thing. It does not touch the question of government sponsorship of prayer, especially in the public schools during regular school hours. The amendment simply asserts what very few would deny, that there is no constitutional interdict on truly "private" prayer in public buildings.

Reconciling the rights of all parents and students with respect to religion in the public schools is a serious, difficult problem. It should not be trifled with by passage of the "prayer amendment."

VETERAN ADDICTION: DO YOU PEOPLE KNOW WHAT REALLY IS GOING ON?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday, Veterans Day, I went as I have every year since I have been in Congress, to the veterans hospital in my district located at 24th Street and First Avenue. The director, Mr. John V. Sheehan, conducted me through several wards in the hospital, newly opened, in response to the need to provide therapy for drug addicted veterans. It was in January of this year that the VA Hospital instituted several programs to deal with drug addiction. One is detoxification and the other is a methadone maintenance program. The total number of veterans in the program at the present time is 251. The total number having gone through the program since its inception is 172. The current number of patients in the detoxification ward is 31. The number in the methadone maintenance ward is 20 and those who by choice are seeking detoxification without the aid of methadone in other wards, cold turkey, is 5. The current number of out patients receiving continuing assistance in the methadone maintenance program is 150 and those who are receiving aid other than methadone to stay drug free is 45.

There is a waiting list of 85 veterans who wish to enter the program for which there are no beds available. However, Mr. Sheehan made a point of saying that any veteran who is an addict walking into the hospital at any time of the day or night requesting immediate admission is admitted notwithstanding the bed shortage.

I spoke with a number of these young veterans and they included some who were in the Korean war and others from the war in Vietnam. The youngest was 18 years of age and the oldest appeared to be in his late thirties. The stories they told me have become all to familiar to those of us who have visited the many drug programs operated by private agencies, as well as the city of New York, for drug addicts. Some were hooked on heroin before going into service; others became heroin addicts while in service and this was particularly true of the veterans who had served in Vietnam. One young veteran said to me and his question sums it all up, "Do you people know what really is going on?" It is hard to respond to his question. I like to think that we do know but if we do, then why is it we have been so ineffective in dealing with the problem. It was just this year that President Nixon announced his concern for the drug addicted veteran.

I do not know anymore who to believe insofar as the figures on drug addiction are concerned. On one hand we are told by Members of Congress who have visited Vietnam that the figures of drug addicted servicemen in Vietnam average between 25,000 to 40,000. On the other hand we are told by the White House that the figure does not exceed 5,776. Whether the figure is the lowest or the highest it includes thousands of our young men who are returning to civilian life drug addicted.

The program in the Veterans' Administration hospital in Manhattan appears to be a good one although clearly inadequate. The young men who participate in the program find no jobs available for them when they leave. Due to the efforts of the hospital personnel, and obviously they are not equipped to do the job, 60 of the 172 men who have graduated have found jobs. But one need not be a genius to know how easy it will be for those who are unemployed to sink back to drug addiction for whatever solace that brings them by blocking out the disappointments of every day existence. Furthermore, when these young men leave the hospital setting, many of them, because they are without funds and jobs must apply for welfare. In the city of New York the Department of Social Services in finding accommodations for these men who are usually single and without families, is for the most part limited to placing them in what has come to be known as welfare hotels. These hotels are generally squalid and have become centers of drug pushing and addiction.

What we need to supplement the drug detoxification and methadone maintenance programs now provided in the Veterans' Administration hospital are job programs for these veterans, and halfway houses in which they can live for some reasonable time after their discharge from the hospital—the stay in the hospital is approximately 6 weeks in duration.

Prior to going to see this particular program in the Veterans' Administration hospital I had been contacted by constituents complaining that they, who were former drug addicts and now on methadone maintenance programs, were barred from jobs with government agencies. In looking into their complaints I found them to be valid and that indeed at least two agencies of government, one the U.S. Postal Service and the other, the Metropolitan Transit Authority in New York did indeed effectively bar from employment former drug addicts now on methadone maintenance. I think such an attitude is wrong. Would these agencies bar alcoholics who have reformed and who are now able to work and are well-motivated citizens? I am told that in fact these agencies do not bar reformed alcoholics. Why then should a reformed drug addict be barred? Furthermore, drug addicts have a problem in securing jobs which require that they be bonded and it is evidently the policy of bonding companies not to issue bonds for such individuals. If that is the case, then legislation, at least for veterans who were addicts and are now reformed, should be passed which would provide bonds, in appropriate cases where private insurance companies will not.

At the conclusion of my tour through the VA hospital I participated in the chapel service conducted by the three major faiths at the hospital, and as I sat meditating there I had only one thought and that was, no matter what our feelings may be about the war in Vietnam we must all be united in making certain that these young men who our country sent there and who have come back, physically or psychologically handicapped, be given every aid necessary to restore them to their rightful place as productive citizens in our society.

The correspondence which I have had with President Richard M. Nixon, the U.S. Postal Service, and the Metropolitan Transit Authority is appended.

The letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1971.
Mr. RICHARD M. NIXON,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I want to bring to your attention a matter which I believe deserves your intercession.

Former drug addicts have a very difficult time obtaining employment. To indicate that, I have enclosed correspondence that I have had with the United States Post Office.

At the present time, there are an estimated 200,000 heroin addicts in the United States and at least 40,000 soldiers now in Viet Nam who are heroin addicts.

You recently announced that you will be providing programs to deal with the total problem and that will include: education, law-enforcement, treatment and rehabilitation. Shouldn't the program also include jobs for those who have been rehabilitated? Would it not make sense to begin with the Post Office in the instant case described in the enclosed correspondence?

I await your response. Please reply to my New York office.

Sincerely,
EDWARD I. KOCH.

THE WHITE HOUSE, *June 22, 1971.*
Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Many thanks for your letter of June 15 regarding the need to formulate a program for the employment of rehabilitated drug addicts. I know the President will be most interested in your comments which will be presented for his early consideration.

With warm regards.

Sincerely,
WILLIAM E. TIMMONS,
Assistant to the President for Congressional Relations.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 12, 1971.
WINTON M. BLOUNT,
Postmaster, U.S. Post Office,
Washington, D.C.

DEAR MR. BLOUNT: I am writing to you concerning the case of Charles Katznelson, about which I learned from reading James Wechsler's column in the April 1st *New York Post*. In the even you may not have seen it, I am enclosing a copy of the article.

I would very much appreciate your advising me, subject to your regular rules and regulations regarding matters such as these, of the reasons for which Mr. Katznelson was denied employment with the Post Office. It may be that the Post Office was justified and acting within its authority in refusing this particular man's application, and the purpose of my letter is not to question the Post

Office's judgment in this particular case. However, Mr. Wechsler's column does raise the significant question of what employment opportunities exist for people with drug histories who are trying to live without drugs.

Could you tell me if the Post Office is considering the removal of restrictions on the employment of individuals who are on a qualified Methadone Maintenance program? If not, could you then tell me why the Post Office would not consider such a policy?

Sincerely,

EDWARD I. KOCH.

OFFICE OF THE EXECUTIVE ASSISTANT
TO THE POSTMASTER GENERAL,
Washington, D.C., May 27, 1971.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in further reply to your letter of April 12 addressed to the Postmaster General, enclosing a copy of an article which appeared in the New York Post concerning Charles Katznelson.

In February 1971, Mr. Katznelson's name appeared on a list of eligibles, furnished by the Civil Service Commission to the New York Post Office, to be considered for employment. All applicants, who notified the Personnel Office that they were available for duty, were interviewed. This did not guarantee appointment. The postmaster or selected official may choose any one of the top 3 eligibles certified to him (rule of three requirement) as long as he does not pass over a veteran to select a non-veteran.

Each postmaster had the authority to select employees upon whom he must depend for proper performance, judging each applicant on his own merits. In the instant case, the postmaster appointed the applicant whom he considered the best qualified of the top 3 eligibles.

Until a policy is established on drug misuse, each applicant who has undergone methadone treatment, must be judged on his own merits. Such factors as treatment received, rehabilitative efforts in the community, and past employment history as related to job requirements would be considered.

Due to budget limitations and employment restrictions, we have not implemented a formal program on drug misuse. When guidelines are developed and published, we will be glad to furnish this information.

With kind regards.

Sincerely,

JOHN W. POWELL,
Congressional Liaison Officer.

JAMES A. WECHSLER—ONE CASE HISTORY

He might be mistaken for the chairman of the department of philosophy if one saw him walking across a college campus. He is 46, quiet in tone as well as demeanor, with a few streaks of gray in his hair. He is a veteran of World War II who enlisted at the age of 17 and served for more than three years in the Marine Air Corps in the Pacific.

For 23 years after his discharge from the service, he was a drug addict who supported his habit by shoplifting, at which he was caught innumerable times because of his ineptitude. In his own words, "I amassed an extensive record of misdemeanors, larceny and drug convictions—but no felonies."

On Feb. 15, 1968, he gained admission to the Methadone Maintenance Renewal Program at the Beth Israel Medical Center and has faithfully pursued that program for more than 37 months.

He had high hopes that he could obtain secure employment as a postal clerk after he achieved an 83.5-plus score in his test and was placed on the eligible list last December. His doctor and counselor at Beth Israel both backed his application. But on March 5 he received a cryptic message informing him that "favorable consideration cannot be given for this appointment."

So he is back on welfare, where he had been for many months after his temporary job in the census count ran out. He is haunted by the question of whether a man who finally licked hard drugs in middle age is nevertheless deemed unfit for employment by the Post Office—and many other institutions—because of his past record and his present reliance on methadone.

Recently I wrote a column suggesting that the "welfare case load" included many human beings who defied the prevailing Reaganesque stereotype. Those remarks evoked a letter from Charles Katznelson outlining the facts recorded above and ending:

"I really would like to work in the Post Office because it would give me a sense of security, which at the age of 46 I doubt I could find anywhere else. Can you please help so I can get off welfare?"

We talked at length in my office yesterday. One was struck at once by the apparent miracle of methadone. Here was a man who, by his own confession, had been a prisoner of hard drugs for more than 20 years—almost from the time when he was honorably discharged by the Marines in 1945—and who still had sufficient resources of spirit to begin fighting for escape when he was over 40.

"When I came out I was just 21," he recalls, "I finished up at high school in Chicago—I hadn't graduated when I enlisted—and I started going to music school. I wanted to be the White Charley Parker but I just couldn't get myself organized. I started smoking pot, like a lot of the musicians, and then I tried the hard stuff and got addicted immediately.

"At first I was a very bad shoplifter, I got caught all the time, but gradually I became a professional—with the advice of some experts."

He drifted from place to place—Texas, California, finally New York. Eventually he married, but that ended more than ten years ago. Then, in 1967, he met a woman who was in the methadone program at Beth Israel's Morris J. Bornstein Institute. She persuaded him to apply for admission and, after about a year's interim, he entered the hospital. Within eight weeks he was released as an outpatient. Twice a week since that time he has diligently returned to obtain his medication; there are also sessions with his counselor.

* * * * *

Early last year he had six months of employment during the census operation and he was recalled for another month in December. But he knew that would be transitory and began is quest for Post Office employment. In his personal interviews he did not conceal any of his personal history. But he clung to the hope that his three-year "drug-free" record, confirmed in a letter signed by hospital officials, along with his passing of the eligibility test, would enable him to break through.

The negative response contained no reason for his rejection. It simply concluded: "Another eligible was appointed to this vacancy in accordance with Civil Service regulations."

Currently Katznelson is seeking employment as a counselor in a neighborhood addiction program; that application is still pending. Meanwhile he receives $204 a month in welfare.

It's enough to pay the rent and survive if you don't really do anything except read and watch the tube—but you have a feeling that you can get deeper into a rut," he says. And the unemployment figures shadow his landscape.

Charles Katznelson, age 46. One methadone success story—and one "welfare case"; literate, articulate, yet deemed unacceptable for the routine chores of a postal clerk. A man salvaged from the drug-heap—but where does he go from here?

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 31, 1971.

WILLIAM J. RONAN,
Chairman, Metropolitan Transit Authority,
New York City.

DEAR BILL: I am writing to you concerning the hiring policies of the MTA with regard to former addicts.

The enclosed letter from Ronald Brayer of the Greenwich House Counseling Center deals with a patient who is on Methadone Maintenance and whose application for a position with the MTA was turned down.

It may be true, as Mr. Brayer points out, that the MTA is justified and acting within its authority in refusing this particular man's application, and the purpose of my letter is not to question the MTA's judgment in this particular case. However, the letter does raise the significant question of what employment opportunities exist for people with drug histories who are trying to live without drugs.

Could you tell me if the MTA has, or is considering a policy of hiring patients who are on a qualified Methadone Maintenance Program? If not, could you then tell me why, then, the MTA would not consider such a policy?

Sincerely,

EDWARD I. KOCH.

NEW YORK CITY
TRANSIT AUTHORITY,
April 16, 1971.

Representative EDWARD I. KOCH,
House Office Building,
Washington, D.C.

DEAR ED: I note in Mr. Bayer's letter that Mr. O'Connor had applied for a position at the Transit Authority; therefore, I will confine my remarks to Transit policy rather than attempt to cover an operation as varied as the MTA.

In regards to your first question, the TA has considered the policy of hiring patients who are under treatment for addiction. In the course of this consideration various clinics were visited and many opinions were solicited. After an extensive investigation it was decided that the TA's longstanding policy of not appointing applicants with an addiction history would continue.

There are several reasons for arriving at this conclusion:

1. There are approximately 1500-2000 limited service employees who must be assigned to special jobs because of physical disabilities. The size of this group is not expected to decrease as medical standards will remain high and when employees are disqualified from critical jobs by the Medical Department transfers must be made to less demanding assignments. Although these special jobs are the ones that new appointees with medical limitations such as Mr. O'Connor's might be assigned to, I think you would agree the policy of giving preference to employees is desirable.

2. Transit Authority employees are responsible for passenger safety. I am sure you would agree that any experiments that might endanger the riding public cannot be justified.

3. There is general agreement that present narcotic rehabilitation programs are in the experimental stages. In the interest of passenger safety and passenger peace of mind, it would be untimely to initiate such an experimental program in Transit facilities.

Kind personal regards,

Sincerely,

WILLIAM J. RONAN.

A PREDICTION: MORTGAGE RATES ARE STILL GOING UP DESPITE ADMINISTRATION CLAIMS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the interest on home mortgages is still going up despite freezes on prices and wages.

Telephone calls, letters, and other information reaching my office indicate that there has been a great deal of price-gouging on the part of lenders since the August 15 freeze. These increases on mortgage lending have come at a time when the wages of all workers—everyone from the schoolteacher to the assembly line worker—have been frozen. The home buyer has not received a single dime in wages to pay the higher interest rates and the additional discount points.

Yet, the administration continues to talk about "voluntary" approaches to the interest rate problem. Under Secretary of the Treasury Charls Walker, went to the White House last Tuesday to brief the national press on the phase II legislative package and once again indicate that this administration has no plans to invoke credit controls.

Mr. Walker indicated that the controls were not needed because "interest rates were coming down." Once more, the administration was clinging to various changes in the money market rates to support its claims. The administration has been very silent on the rates paid by actual people on mortgages and consumer loans.

All of us welcome the improvements in the bond markets, but in a wage-price freeze, it is essential that we have equity at the consumer level. Even the changes in the money market rates are being greatly exaggerated by the administration and, today, key corporate issues are still bearing interest rates of 7½ percent and higher. The prime rate went down but there is no indication that this reduction is being passed on to the consumers.

These changes in the money market rates are temporary. In the long run, we are going to see even greater pressure on interest rates, particularly, if we have the heavy investment in plant equipment predicted by the administration. The time to impose controls on interest rates is now and not after they start going up again.

The time for controls is now if the administration is truly interested in having an equitable wage-price program under phase II. It is disgraceful that the administration continues to put its economic spokesmen on national television to claim that interest rates are coming down when homebuyers are being forced to pay higher rates and higher under-the-table charges. It is shameful that the administration continues to spread this propaganda when millions of Americans are being gouged by small loan sharks, second mortgage manipulators and are being forced to pay 18 and 24 percent on revolving retail credit.

Mr. Speaker, I hope the news media—which has been so willing to repeat the administration's claims about interest rates—will start asking the Charlie Walkers tougher questions about consumer credit—about mortgage credit. I hope the television networks which have given Mr. Walker and others time to make their claims about lower interest rates will start talking about the increases in the mortgage rates.

The problem of rising mortgage rates in a wage-price and rent freeze is very serious. In recent years, the Congress and many groups across the Nation have done everything possible to help maintain housing in the inner cities of our urban areas. The rents in these buildings are now frozen, but the lenders are seeking substantial increases in interest rates as the mortgages come due.

The New York Times of October 12 noted this problem and I quote from this article:

> Interest rates and mortgage terms have also caused hardship, according to Sanford Sirulnick, a vice president of the Ditmas Management Corporation, which owns 20 apartment houses in Brooklyn and Queens.
>
> In the next three months, Mr. Sirulnick said, "four of our mortgages are coming due." This means they must be renegotiated with the banks at current interest rates or paid off entirely.
>
> The interest on the four is currently 5.5 to 6 percent, Mr. Sirulnick said, but the banks are raising it now to 8 percent.

This type of situation has been called to my attention by several people. It is an impossible situation where the rents are frozen on one side and the interest charges—the single biggest cost—are going up on the other. What may happen is that many of these buildings will simply be abandoned and the space converted into other uses further worsening an already severe housing shortage.

In addition, uncontrolled mortgage rates will probably discourage many owners from seeking financing to rehabilitate and repair existing homes and apartment buildings. Unless interest rates are controlled, we are going to greatly increase the already-horrendous housing problems.

Mr. Speaker, the administration has been very silent about mortgage rates and few in the news media have pressed them on this point. It is nearly the end of October and the administration has yet to release the figures on the September mortgage rates.

Last week, the White House issued a statement commending the banks for reducing the rate to their affluent "prime" customers. I will be interested in seeing the White House statement after it is confirmed that the homebuyers—most of whom do not fit into the affluent "prime" class—are actually paying higher rates.

Mr. Speaker, in coming weeks, we will continue to see fluctuations in the money market rates. There is a strong possibility that there will be a reduction in the Federal Reserve discount rate—the rate which banks pay on their borrowings from the System. There will be other similar announcements, but we cannot base policy on temporary changes in broad market rates. The important thing—in a wage-price freeze—is what the consumer is paying.

CORPORATION MERGERS SHOULD BE FROZEN DURING PHASE II

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, corporate mergers should be frozen for the duration of the current wage-price controls.

Many of our price problems stem directly from the concentration of economic power in certain industries and the situation has worsened in recent years through the boardinghouse reaches of the giant conglomerates. It would be foolhardy to allow a further concentration at a time when the entire machinery of the Federal Government is being enlisted in a stabilization effort.

In addition to an outright ban on all corporate mergers, the antitrust division of the Justice Department should greatly step up its efforts to prosecute existing anticompetitive mergers and to break up concentrations which are leading to administered prices.

The current concern over the economy gives the Justice Department the kind of public backing needed for vigorous enforcement of all antitrust laws. The American public will support such a stepped-up law enforcement campaign and I feel certain the Congress would readily provide what additional funding was needed to finance the effort.

The new Price Commission should be required to certify to the Justice Department any questionable concentrations of economic power it discovers in the process of administering price controls.

The Price Commission will be in an ideal position to spot these monopoly situations and to identify areas where inflation and price distortions are being caused by administered prices. The Price Commission should work hand-in-glove with the Justice Department in these cases.

The Nation will have no long-range benefit from the current economic restrictions unless we take steps to increase competition.

Unless we have a strong antimonopoly program, we will find ourselves back in the same economic mess shortly after the controls are removed. The same dreary cycle will return again unless we instill and maintain real competition in key industries.

THE UNITED STATES SHOULD EXAMINE ITS CONTINUED MEMBERSHIP IN THE U.N.

(Mr. FISHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, action last night by the General Assembly of the United Nations, in approving Communist Albania's resolution to admit Red China and expel the Republic of China, must be treated as a major victory for Communist forces at the U.N. level. Yesterday was a day of rejoicing for the Communist bloc and for the Peking regime. It was indeed a black day in the history of the United Nations.

The U.N. now becomes a weak, vacillating, and ineffective agency. In view of this action, and this precedent, the future use of the United Nations as an instrumentality for promotion of peace and prevention of war, is but a meaningless gesture.

It is time the United States now seriously reexamine the matter of its continued membership in that body. And, in any event, financial support by the Congress to the U.N. budget must be drastically reduced. Now that the Communist influence has become dominant in the U.N. let the Communist nations pay in accordance with the number of people they claim to represent.

Another thing: The United Nations headquarters should be moved out of this country.

PERSONAL EXPLANATION

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, because of an unavoidable conflict in my schedule which necessitated that I be in my district on the afternoon and evening of October 14, I was not present to vote on the Moorhead amendment to H.R. 10835 and the bill itself.

If present, I would have voted "nay" on roll No. 299, the Moorhead amendment, and "yea" on roll No. 300, the vote for final passage of H.R. 10835.

FLAG OF MANKIND FLIES AT HALF MAST

(Mr. FUQUA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FUQUA. Mr. Speaker, if the world had a flag, it should fly at half mast today.

Peace and freedom, justice for all men, has suffered a blow which will peril peace for our children and our children's children. The United Nations has voted to expel Taiwan from its membership.

We have here an example of stupidity which is beyond comprehension. A nation that has abided by the principles of the United Nations—a charter member of an organization formed with a fervent prayer for peace for all mankind—has been thrown out.

It is not just the United States that will inevitably suffer from this foolhardy act. It will come back to plague the Soviet Union and the other nations around the world.

We have seen example after example of the foolhardiness of man in traveling the seemingly impassable road for a world at peace. The one today should stand as a landmark.

There are 14 million humans living on Taiwan. There are many nations in the United Nations with populations far less.

The policy of the U.N., it would seem, has been to admit every tiny state on the pretext that all nations should have a voice in this international forum. But, when it came to Nationalist China, that tenet went out the window.

As I listened to the final act of tragedy, I could not help but think of how many of those delegates were actually voting against the retention of Nationalist China just to slap the United States in the face.

This is the De Gaulle syndrome where a nation can take our generosity in rebuilding a ravaged land—after having been liberated from enslavement in two world wars—and immediately making every effort to destroy their friend.

This is no tirade.

This is said on a note of sadness.

It is a dark day for international peace.

The American people are going to have to stand mighty tall in the decade ahead. We are going to have to suffer many indignities, it would seem, because the American people genuinely seek world peace.

Here at home, it seems there are those forces that continually rave at the failings of our society and turn their backs on much worse conditions in other lands.

How long can our Nation continue to fight against such heartbreaking incidents for our goal of world peace?

Just as long as we endure—so long as we have life and breath.

But, this does not mean that we are not heartsick at the ignorance expressed by little minds at the U.N. Monday. That folly, just as the folly of the League of Nations will come back to haunt mankind.

It was a dark day for those who genuinely want world peace and freedom for all men everywhere.

A NEW ERA OPENED FOR THE UNITED NATIONS

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, the seating of representatives of the People's Republic of China in the United Nations will open a new era full of opportunities and challenges for the United Nations and for the United States. With a positive American response to these opportunities and challenges, it could be an era of more effective cooperation among the great powers of the world. On the other hand, an American backlash at this point could aggravate cold-war tensions which have been steadily receding for several years.

Yesterday's vote at the General Assembly will be interpreted from many points of view. But it should be noted that the vote did not expel a member nation of the U.N. China was a member before yesterday's vote and remains a member today so far as the U.N. is concerned. The General Assembly's decision was to replace a government controlling 14 million people on Taiwan with one controlling 800 million Chinese as representatives of China.

If yesterday's General Assembly action had been decided by a handful of votes, there might be some doubt as to world opinion on the subject. But the so-called Albanian resolution received over a two-thirds majority—a clear expression of world opinion. And although the United States worked diligently for a solution which would allow both Chinese Governments to be represented, it is obvious that our recent initiatives to improve relations with Peking had the effect of releasing inhibitions our friends and allies may have had about supporting Peking's claim to exclusive representation of China in the United Nations.

A look at yesterday's rollcall shows clearly that without the support of governments very friendly to the United States, the Albanian resolution would not have passed. Probably these friends had been waiting hopefully for some sign of a thaw in Sino-American relations, and when the thaw came, they merely acted to facilitate it.

The great opportunity in the United Nations now is to bring the Chinese People's Republic into a system of international cooperation, to demonstrate to that government that decisions arrived at jointly by nations of different ideologies can be beneficial to the Chinese people and to the world at large. Americans need not fear a Chinese "takeover" of the United Nations, for China will learn, as the United States has learned, that no single nation can dictate policy to the other 130 members of the world organization.

American interests will certainly be confronted with great challenges in the United Nations, perhaps greater than ever before. We will find ourselves at odds with Peking more frequently than we were with Taipei, and this problem will be particularly acute in the Security Council. But a Security Council which more nearly reflects the real power configuration in the world today will be better equipped to grapple with worldwide problems of peace and war.

The United States could ignore both the opportunities and challenges of the U.N.'s new era by shirking its responsibilities there. Some have proposed an illegal reduction of our financial contributions to the U.N. It is ironic that among those urging that we blackmail the U.N. in this way are persons who were loudest in demanding that the Soviet Union and France pay their withheld contributions to the United Nations during the financial crisis of the last decade. A reduction of American contributions now would be not only hypocritical but entirely inconsistent with this country's longstanding position as a world leader.

The Subcommittee on International Organizations and Movements of which I am chairman has arranged for Ambassador Bush to testify at a hearing next week. This will provide an opportunity for interested members of the House to discuss this new situation in the United Nations with our permanent representative there.

It is my hope that the Congress of the United States will support new and continuing American efforts to make the United Nations an effective force for international peaceful cooperation in this new era.

BEVILL PRAISES PUBLIC EDUCATION SYSTEM

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, the basis of American prosperity and American progress is clearly the success of our public education system, and as a Member of Congress, I am proud of the achievements we have made through the close cooperation of Congress and our educational institutions.

I would like at this time, on the occasion of American Education Week, to express my admiration for our public schools, our teachers and administrators; for what they have accomplished to date, and what they currently are striving to achieve.

There is no professional group of people on earth who works harder and more conscientiously than our teachers, and no other group who has more daily problems with which to cope than teachers in the public schools.

During this special week of recognition, I encourage all parents and interested citizens to reexamine their attitudes toward our public schools. Education is the most important area of concentration to all mankind. Our teachers need and deserve the full support and cooperation of every citizen.

From the beginning of our country, Congress has been in the forefront of the struggle for a well-informed America, providing land grants to newly formed States for use in the interest of public education.

The 1940's witnessed a dramatic, different kind of commitment of the Congress to education. Through the Servicemen's Readjustment Act of 1944, the "GI bill of rights," and again through the "Korean GI bill," Congress assured the education of thousands of veterans who had interrupted or forgone theirs in order to defend their country.

The Elementary and Secondary Education Act of 1965 was a comprehensive effort to improve educational quality and educational opportunity in the Nation's grade and high schools.

It is the intent of Congress that the local and State education agencies draw up their own programs designed to meet their problems. In this way we hope to assist the States in maintaining leadership in the field of education.

Congress also responded to public demands for higher quality and increased accessibility in higher education throughout the country. The Higher Education Act of 1965 contains a number of provisions which offer our institutions of higher learning both opportunity and challenge. Funds are authorized to the schools to improve their library facilities and to train greatly needed librarians. Funds are also authorized for the improvement of undergraduate instruction in our colleges.

During American Education Week, it is, I believe, most appropriate for us to take a moment to reflect on what has been done and to establish firm, reachable goals for what we wish to accomplish in the future.

In any case, we are deeply indebted to our teachers for their contributions to the progress of the American system of education.

SEVEN YEARS AND 214 DAYS AGO THE FIRST AMERICAN PRISONER OF WAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, 7 years and 214 days ago the first American prisoner of war was captured by Communist forces in Southeast Asia. During all that time our country has used every conceivable approach to obtain the release of Americans now in Communist hands and to insure better treatment for them during their captivity. All this has been unavailing. No one knows how many of the approximately 1,500 men who are missing are alive in Communist hands. No one knows their exact condition. We do know that the Communists have heaped infamy upon themselves by their inhuman disregard for the rights of these prisoners and for the feelings of the wives and families who maintain lonely vigil in the United States.

There is little to be said that has not been said in this long and continuing effort, but we shall not cease in that effort, and I hope that we shall never forget what has transpired. We now have learned in full measure of the perfidy of the Communists; of their callous disregard for the rights and feelings of human beings. We should constantly be reminded that any action now or henceforth which glorifies any Communist nation is an insult to those unfortunate Americans who are in Communist hands and a disgrace to our own country.

TIME TO LEAVE A SINKING SHIP

(Mr. SIKES asked and was given permission to address the House for 1 minute.)

Mr. SIKES. Mr. Speaker, the current debacle in the United Nations shows it is now time for the United States to get out of that organization and to get the U.N. out of the United States. We have been deserted by our friends and the Communists have taken over its operations. It can serve no further useful purpose toward a better world.

The expulsion of Nationalist China is an inexcusable act and should not be accepted by the United States. No nation has been expelled before nor has there been a motion for expulsion. The United Nations has started to disintegrate and it is time for the United States to leave a sinking ship.

Whether or not the United States remains in the United Nations, I do not believe the American people will tolerate continued payments of over $300,000,000 a year of the taxpayers' money to the United Nations. The State Department's estimate on the amount for fiscal year 1971 was $335.4 million. The taxpayers have never been fully apprised of the gargantuan contributions which they are called upon to make. They do not realize the United States is paying half of the total operating costs of the United Nations. It is time to call a halt to this and I am one of the introducers of legislation to accomplish it. We should not pay a penny more than our own pro rata share according to the population of United Nations countries. Such a formula will cut our contributions to $59 million per year and Russia which now pays $42 million would have to pay $74 million. Newly admitted Red China would be billed for $228 million.

For more than 25 years, the taxpayers of the United States have been carrying the major burden for United Nations operations. It should be noted in 1970, for example, it cost every American—man, woman, and child—$1.33 for United Nations operations while it cost every Russian only 17 cents.

This means the average American has been paying almost eight times the amount paid by each Russian. The American pays 2½ times as much as the Frenchman and 1½ times that of the citizen of the United Kingdom.

This is grossly unfair and it must be stopped. The time has come for the Congress to reassess the U.S. position and to take steps to bring our contributions to the United Nations in line with reality.

At present, the United States has 7.6 percent of the total United Nations population, yet we are paying half of the United Nations cost. If our payments were established on the population ratio formula, the United States would pay $76 million a year for the United Nations instead of the $335.4 million it is estimated we will pay in 1971. This would be a saving of almost $260 million in 1971. With Communist China admitted and Nationalist China expelled, the U.S. population percentage will drop to 5.9 percent and our payment would be only $59 million a year—a saving to the American taxpayer of more than $275 million a year.

At a time when we are struggling with an economic crisis, and there are increasing demands for better health care, education, and programs for the elderly and the needy, I believe we can begin in no better place than the United Nations to set our own house in order.

THE REPUBLIC OF CHINA

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DORN. Mr. Speaker, I was shocked and saddened to see the Republic of China, a devoted and dedicated member of the United Nations for 25 years, voted out of any representation in the United Nations Assembly, a free government of 14 million people who served the United Nations in the cause of freedom almost without parallel. Really, Mr. Speaker, it was a "day of infamy." Countries created and sustained largely by U.S. aid going down the line against any representation whatsoever for Taiwan in a representative body, thus making a mockery of justice, gratitude, and fairness.

Mr. Speaker, the Government of the Republic of China on Taiwan, headed by Chiang Kai-shek, has done as much for the cause of freedom and to oppose aggression as any government in the modern history of the world. Chiang fought with courage and determination the Japanese invasion of Manchuria in 1931. He received no help from the League of Nations at that time, although the American Secretary of War Henry Stimson urged that action be taken against this stark-naked aggression or the world would have to later face the consequences. Subsequently, following the example of Japan, Hitler invaded the Rhineland and Mussolini invaded Ethiopia. Again, virtually nothing was done by the League and the free nations of the world.

In 1937 the warlords of Japan struck China again with aggression, a full-scale naval, land, and air attack. Chiang held out valiantly for more than 4 years till Pearl Harbor. China absorbed unprecedented punishment and provided the time necessary for the forces of freedom to mobilize. Chiang continued to absorb the pressure of hundreds of thousands of crack Japanese troops and air squadrons while we concentrated in the South Pacific and on Europe. Chiang by his unbelievable tenacity occupied Japan to the extent that Red Russia could turn back the Nazi onslaught at Moscow. Had there been no Chiang, Japan could have attacked Russia simultaneously with the Nazis and Russia would have been crushed and the war lost to the Allies. After World War II Chiang fought the Communists who were equipped with Russian and Japanese materials of war during the critical days of the Berlin airlift and the Communist threat to Greece and Turkey. After the mainland was overrun the Republic of China continued its resistance on Taiwan. The Republic of China offered its troops to the United Nations effort to repel the sinister, diabolical Communist invasion of the little free nation of South Korea. Again, Taiwan offered its troops to the allied cause in South Vietnam.

Taiwan has been a strong bastion of freedom. Taiwan is a model of the prudent use of American foreign aid. Her standard of living has become a model for the Far East. Her agricultural and industrial production is truly phenomenal. Taiwan has been a model member of the United Nations—a classic example of the principles and ideals as originally envisioned by the United Nations. To be voted out of the United Nations largely by former colonies and nations whose freedom was made possible by the United States and, yes, by the long struggle of the Republic of China against aggression, is a tragedy beyond comprehension. It is a step away from peace, justice, and fairness. The time has come for the United States to reevaluate its foreign aid program, its stupendous financial support of the United Nations and yes, to even exercise its veto in the Security Council in the cause of our own national interest and the self-determination of free people throughout the world.

EXPULSION OF NATIONALIST CHINA AND ADMISSION OF RED CHINA A BLOW TO FREE WORLD

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATHIS of Georgia. Mr. Speaker, I feel certain that a great number of our fellow Americans are distressed and deeply concerned over the action taken last night by the United Nations General Assembly. The admission of Red China and the expulsion of Nationalist China, a charter member of 26 years, is a blow to the free world.

It is not an understatement to say that the United States has carried the United Nations on its back for too long now. The load grows heavier with each irresponsible action.

I feel that the time has come to reassess our country's moral and financial support of an ineffective and irresponsible body. Why should America continue to furnish more than one-third of the UN's money? If the Communists and their lackey nations, which continue to spring forth like dandelions, want all the privileges of membership, let them pay an equal share and bear equal responsibility with the United States.

I also feel that the Nixon administration must shoulder the responsibility for the U.N. action. When the President announced that the United States would vote to admit Communist China, he opened the floodgates. The resulting action could be foreseen as a natural course of events.

Mr. Speaker, I feel that it is highly appropriate for each Member of Congress to ask himself this question: "Can we continue to give our full support to an organization which not only acts against the national interests of the United States but also fails to live up to its obligations?"

The administration should ask, "How can we undo what has been done?"

AMERICANS FAVOR PRAYER AMENDMENT

(Mr. LENNON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LENNON. Mr. Speaker, the Reverend Claud Logan Asbury, pastor of the Gibson Avenue Baptist Church in Wilmington, N.C., is a dedicated and distinguished constituent of mine. His church is one of 52 Baptist churches in the Wilmington Baptist Association which includes New Hanover County and five adjoining counties.

On July 21, 1970, Reverend Asbury offered a resolution to the association calling for a constitutional amendment authorizing voluntary prayer in the public schools of our Nation which was unanimously adopted.

The same resolution was adopted by the North Carolina Baptist State Convention representing 3,200 churches with approximately 1 million members. This action was taken in Greensboro, N.C., in November 1970.

Some misunderstanding and perhaps even confusion has developed among Baptists as the result of what appears to be a reversal of position on the part of the president of the Southern Baptist Convention. By letter of July 27, 1970, Rev. Claud Asbury advised Dr. Carl E. Bates, president of the Southern Baptist Convention of the action taken by the Wilmington Baptist Association. On August 17, 1970, Dr. Bates acknowledged this letter, and I quote from same:

> Thank you for your thoughtful letter of July 27 and for the enclosed news story. I am always pleased to know of such action. May our Lord continue to richly bless and use you is my earnest prayer.

So it came as quite a shock to learn later that Dr. Bates had changed his position and is now writing Members of Congress urging them to vote against the resolution that is presently scheduled for consideration on November 8.

I cannot bring myself to believe that we should as Members of Congress take any legislative position except what is in our total national interest. While some Members have advised me that prayer is still continued in some of our public schools, the fact remains that many of our State school officials and many of our local school boards are rigidly adhering to what they have been advised is the intent of the Supreme Court in outlawing prayer in our public school system.

Why not settle this perplexing question by the adoption of the resolution authorizing a constitutional amendment. Then, after action by both branches of the Congress, the people of our Nation, through the general assemblies of our 50 sovereign States, can make what is rightfully their decision on this question.

ANOTHER COMMUNIST VICTORY IN THE U.N.

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the American people are reeling in shock and disbelief over the announcement of the latest betrayal of another free world government, the Nationalist Chinese, a charter member of the United Nations.

Expulsion of Nationalist China by the United Nations, the result of the President's personal diplomacy, has furthered the cause of international communism. Many are wondering if this explains Herr Kissinger's delayed departure from Peiping—to celebrate the admission of the Red Chinese Communist Party to the "U.N. peacemaking organization" and to offer his personal assistance in arranging diplomatic quarters for another army of Communist U.N. bureaucrats in New York City.

The United Nations and Red China merit one another. I only regret that the same U.N. bureaucrats did not vote to move their shouting headquarters to Peiping so that they would benefit by the experience of living and operating within the confines of a Communist nation.

Transferral of the United Nations to Red China would help solve the New York housing problem, reduce the crime rate, and even help Red China increase its per capita income. Certainly the American people can use their money more advantageously in their own domestic programs than by squandering it in continuing to support the United Nations.

I include the list of voting nations and the arrearages, by nation, on their U.N. accounts follow:

U.N. Roll-Calls on China

UNITED NATIONS, N.Y., OCT. 25.—Following are two roll-call votes taken in the General Assembly tonight on seating Communist China and expelling Nationalist China.

ON TWO-THIRDS REQUIREMENT

Resolution declaring the expulsion of Nationalist China an "important matter" and thus requiring a two-thirds vote rather than a simple majority passage.

In favor—55

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Cambodia, Central Africa Republic, Chad, China, Colombia, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia.

Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico.

New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

Opposed—59

Afghanistan, Albania, Algeria, Bhulan, Britain, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Congo (Brazza), Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea.

Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria.

Norway, Pakistan, Peru, Poland, Rumania, Sierra Leone, Singapore, Somalia, So. Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Trinidad/Tobago, Uganda, Ukraine, Yemen, Yugoslavia, Zambia.

Abstentions—15

Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

Absent, Maldives, Oman.

ON SEATING PEKING

Resolution to seat Communist China and expel Nationalist China.

In favor—76

Afghanistan, Albania, Algeria, Austria, Belgium, Bhulan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Eq. Guinea, Ethiopia, Finland, France, Ghana, Guinea.

Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Congo (Brazza), Peru.

Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Togo, Trinidad-Tobago, Tunisia, Turkey, Uganda, Ukraine, Britain, Yemen, Yugoslavia, Zambia.

Opposed—35

Australia, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Rep., El Salvador, Gabon.

Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Lesotho, Liberia, Madagascar, Malawi, Mali, New Zealand.

Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

Abstentions—17

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

Absent—3

China, Maldives, Oman.

SUMMARY AS OF JUNE 30, 1971—COLLECTIONS AND ARREARAGES FOR 1970 AND PRIOR YEARS OF UNITED NATIONS ACCOUNTS FOR THE REGULAR BUDGET, WORKING CAPITAL FUND, EMERGENCY FORCE AND THE CONGO[1]

BALANCE DUE, 1970 AND PRIOR YEARS, JUNE 30, 1971

Members (126) [2]	Regular budget	UNEF	UNOC	Balance due 1970 and prior years
Afghanistan		$29,499	$37,603	$67,102
Albania	$61,343	45,299	43,602	150,244
Algeria		8,932		8,932
Argentina	145,756			145,756
Australia		63,227		63,227
Austria				
Barbados				
Belgium		144,583		144,583
Bolivia	148,259	41,905	34,833	224,997
Botswana				
Brazil	751,705		248,838	1,000,534
Bulgaria	339,890	181,155	190,746	711,791
Burma				
Burundi	109,570	11,278	10,471	131,319
Byelorussian S.S.R	696,113	911,964	1,357,881	2,965,958
Cambodia	49,996	1,689		51,685
Cameroon		1,689		1,689
Canada				
Central African Republic	48,817	2,256	6,589	57,662
Ceylon				
Chad	59,547	8,385	9,832	77,764
Chile	123,475	165,903	224,847	514,225
China, Republic of	11,934,547	5,274,569	6,687,207	[3] 23,896,323
Colombia	433,361			433,361
Congo (Brazzaville)	8,519	9,249	9,938	27,706
Congo (Kinshasa)				
Costa Rica	18,746			18,746
Cuba	488,816	249,811	260,259	998,886
Cyprus				
Czechoslovakia	825,927	1,814,845	2,759,408	5,400,180
Dahomey	73,949	5,530	6,994	86,473
Denmark				
Dominican Republic	165,495	22,898	54,503	242,896
Ecuador	102,585	10,129	4,120	116,834
El Salvador	106,243	7,411	3,349	117,003
Equatorial Guinea				
Ethiopia				
Finland				
France		765,655	17,031,152	17,796,807
Gabon				
Gambia	5,612			5,612
Ghana	6,736			6,736
Greece				
Guatemala			38,209	38,209
Guinea	84,693	19,410	9,938	114,041
Guyana				
Haiti	165,469	25,661	33,916	225,046
Honduras	32,073		5,677	37,750
Hungary	1,147,451	898,298	995,024	3,040,773
Iceland				
India				
Indonesia				
Iran				
Iraq		100,407	22,362	122,769
Ireland				
Israel				
Italy	219,418			219,418
Ivory Coast		1,689		1,689
Jamaica				
Japan				
Jordan		$45,299	$43,602	$88,901
Kenya				
Kuwait				
Laos				
Lebanon		19,850	12,108	31,958
Lesotho				
Liberia				
Libya		1,689		1,689
Luxembourg				
Madagascar				
Malawi				
Malaysia				
Maldives				
Mali	$42,706	5,469	24,259	72,434
Malta				
Mauritania	55,059		17,215	72,274
Mauritius				
Mexico	136,352	679,491	786,193	1,602,036
Mongolia		12,387	17,215	29,602
Morocco				
Nepal				
Netherlands				
New Zealand				
Nicaragua	117,666	1,288	33,915	152,869
Niger		1,906		1,906
Nigeria				
Norway				
Pakistan				
Panama	6,256	15,648	33,915	55,819
Paraguay	151,205	31,661	24,229	207,095
Peru	287,825	77,441	89,184	454,450
Philippines		15,632		15,632
Poland	977,581	2,528,364	2,466,010	5,971,955
Portugal	101,478		201,673	303,515
Romania	390,402	682,212	641,015	1,713,629
Rwanda	5,510	11,278	10,471	27,259
Saudi Arabia		74,890	69,487	144,377
Senegal	39,936	9,814	20,418	70,168
Sierra Leone	34,849	5,469		40,318
Singapore				
Somalia		11,191	17,445	28,636
South Africa	352,402	80,862	1,503,337	1,936,601
Southern Yemen	46,256			46,256
Spain		1,089,981	985,159	2,075,140
Sudan	132,805	89,332	5,860	227,997
Swaziland				
Sweden				
Syria	56,256	46,654	20,379	123,289
Tanzania				
Thailand		9,026		9,026
Togo		16,174	25,324	41,498
Trinidad and Tobago				
Tunisia				
Turkey				
Uganda	97	9,589	10,471	20,157
Ukrainian S.S.R	1,759,080	3,476,580	5,185,697	10,421,357
Union of Soviet Socialist Republics	19,976,184	27,665,631	39,223,085	86,864,900
United Arab Republic		351,946	48,387	400,333

Members (126) [2]	Regular budget	UNEF	UNOC	Balance due 1970 and prior years
United Kingdom		$383,300		$283,300
United States	$948,743	[4] 1,188,096		2,136,839
Upper Volta	92,258	19,936	$14,145	126,339
Uruguay	223,298	54,388	97,662	375,348
Venezuela	632,885	32,298		665,183
Yemen	165,750	45,299	43,602	254,651
Yugoslavia		$7,598	$333,269	$340,867
Zambia				
Total	$45,086,950	49,520,995	82,092,029	176,699,974
Members in arrears	53	65	56	76

[1] Source: Information as of June 30, 1971, supplied by the United Nations.

[2] The number of members (126) excludes Fiji, admitted to membership by the 25th General Assembly, October 13, 1970.

[3] China deficit includes assessment on mainland China.

[4] This amount is the difference between the original apportionment for 1967 and the amount paid by the United States toward its share of revised estimates of 1967 costs.

U.N. ACTION ON THE TWO CHINAS

(Mr. PASSMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, if I wanted to be popular in my congressional district temporarily, I know what I should say, but I am not necessarily interested in popularity at this time. I am interested in doing what is right and that is what I shall do whether it pleases or displeases my friends and colleagues.

We have only one peacekeeping organization in the world, as bad as it may be, and that is the U.N. I do not like many of the things that are happening in the U.N. I am just as disappointed as many of my colleagues about the fact that our solid and dependable ally, the government of Chiang Kai-shek, has been expelled from the U.N., but I do not believe we should advocate abolishing the U.N. simply because of this one disappointment. Rather, I believe we should limit our contribution to the U.N. to the percentage of the previously agreed upon formula, and not a nickel more. I do not believe we should ever again make a contribution greater than the amount agreed upon originally, and if the other nations do not put up their share to pay for the U.N.'s operation, then close it down.

But, to stand here in the well of the House and advocate pulling out of the U.N. and kicking the U.N. out of the country would only be yielding to a temporary impulse and to our enemies' desire. It is time to stop, look, and listen, and I am not going to be one of those to condemn the President. I believe our President is working to bring about world peace, and that is what we all want. We should wait for the results of his efforts and not criticize prematurely because of our shock and disappointment over the events of last evening.

I could not be more pro-Nationalist China if I were made an honorary citizen of that country. I am shocked and disappointed because of last night's events which establish the fact that I have long pointed out, that you cannot buy friends. Those we helped the most, voted against us the loudest. They have betrayed our trust after squandering our wealth.

Before advocating the abolishment of the U.N., we should first try to make a real peacekeeping organization out of it. We should subsequently insist that Nationalist China be returned to the U.N. and, failing in our honest efforts, then it would be time to wind down an unwieldly, political, anti-American organization.

Mr. Speaker, without a doubt, there has been more real progress in the direction of a sound economy and freedom made in Nationalist China than in any other country in the face of the earth during the same period of time. It is indeed regrettable that this terrible thing has happened to this great and dependable ally, but criticism alone will not undo the wrong. That will require cool deliberation and wise counsel. Short of this, all nations sooner or later will be doomed.

CONGRESS SHOULD TAKE ACTION TO RESTORE EQUITY TO U.N.

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, in the light of the action taken by the United Nations over the weekend, I believe that this Congress now should take some action to restore equity to that world body.

We recognize that many are disappointed by the voting on the China question. But, beyond that action, the United Nations as a body is itself in a questionable status. It is nearly bankrupt. Despite this, it is asking the United States for a $20 million donation to expand its operations in New York. I believe it is time we faced the facts on the U.N. and its fiscal shambles.

There are 76 nations in debt to the U.N.—well over two-thirds of its membership. Why are they allowed to vote? How can a body call itself a world organization when its member nations renege on their dues and assessments for the peacekeeping operations that the U.N. conducts.

The United Nations is in hock to the tune of $176,699,974. The Soviet Union owes nearly half of that sum.

I believe that before we authorize one more penny of U.S. taxpayers money to the U.N., we in Congress have the obligation to demand a full accounting, and to demand that the U.N. collect its dues, or conduct some more voting and expel members who are delinquent in paying those dues.

If the U.N. is going to determine the status of Nations in the world by its votes, it should be a fiscally sound, credible organization. Until the Communist bloc, which owes a grand total of $118,753,898 and other delinquents pay up, the United States has no business socking our taxpayers for another penny. Let us face reality, as those who sought the one-China solution like to say, let us not continue to subsidize "deadbeat democracy" in the U.N.

TOCKS ISLAND DAM SUSPENSION OF CONSTRUCTION

(Mr. DU PONT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DU PONT. Mr. Speaker, I was happy to learn on Friday of the decision of the Council on Environmental Quality and the Army Corps of Engineers to suspend construction of the Tocks Island Dam pending further study.

On July 27, I stood before this House and asked for the withholding of allocation of funds to build a dam that could turn out to be detrimental to our environment. I was not then and am not now against the construction of the Tocks Island Dam, per se.

I only felt we would do well to study all information that could be made available to us regarding the dam's possible effect on the Delaware River, its pollution and its marine life. We were told that evening that this project had been studied to death. Indeed it has, but we still do not have the answers. Unfortunately, we have followed the policy of "spend now; study later."

I stood pretty much alone that night, and the funding passed the House before the environment impact statements had even been filed. I still feel the same way about the Tocks Island project, and fortunately the Council on Environmental Quality shares my concern. They have requested more studies, and have requested that they be completed before we do something to Delaware and other States that we cannot undo or correct with a recorded teller vote on the floor of the House.

On Friday I learned that the Council on Environmental Quality had requested an immediate halt in construction of the $260 million Tocks Island Dam on the upper Delaware near Stroudsburg, Pa. I also learned that the Army Corps of Engineers acceded to this request. I strongly support CEQ's stand.

Just prior to learning of CEQ's action, I had sent a letter to Russell Train, Chairman of the Council on Environmental Quality, to recommend an immediate halt to the project. I pointed out that the environmental impact statement recently filed by the Army Corps of Engineers confirms the probability of serious environment consequences should the dam be constructed as presently planned. It would contradict national environmental policy to proceed knowing that serious problems exist.

In a special report prepared by Jack McCormick Associates of Devon, Pa., for the Corps of Engineers it was revealed that the probability of cultural eutrophication of the impounded waters behind the dam could seriously endanger many of the uses of the proposed multipurpose dam. According to the report—

> Without positive and immediate action, the potential for the onset of accelerated cultural eutrophication during the early stage of reservoir operation is a real and serious threat to the full use of the impoundment for the multiple purposes cited for its justification.

"Cultural eutrophication" is a term used to describe the growth of algae and other plant life in nutrient-rich water, especially when stagnant. The report cites upstream pollution, especially of poultry waste, as a prime cause of this phenomenon.

I previously questioned the congressional funding of the proposed dam in July before the environmental impact statements were filed as required by law. At that time I said:

> I am opposed to setting up a comprehensive program for studying possible harmful environmental consequences of major Federal projects, as now required by law, and then going ahead and appropriating the construction money before we even see the reports. That's really saying, "You go ahead and study it, but we're going to build it anyway." That just doesn't make sense.

The report was a perfect example of what happens with this type of approach. We went ahead and appropriated the money, and now we find out a major problem exists. I have already introduced legislation which would require Congress to have these reports before appropriating the money, not after.

The corps had recommended proceeding with construction, in spite of the dangers cited in the report—hoping answers could be found as construction proceeds. That is an outrageous recommendation; it is repeating the same error: build now, study later. The Army Corps of Engineers seem to have been going hell-bent for leather to build this dam, regardless of the consequences. Why did not the corps discover these problems before? The dam has been authorized since 1962. The Delaware River Basin Commission is responsible for finding the answer to water quality problems in the Delaware River Basin. Where have they been? I am deeply disturbed that we have come so far down the road toward construction, and now we find out a major problem exists affecting the viability of the entire project. We must have answers, and we must have answers before another dollar of taxpayers' money is spent on a $260 million project which strong evidence suggests may not work. I have asked for an immediate halt to the project to get these answers, and I am glad the Corps of Engineers has acceded to CEQ's request.

This project emphasizes the need for the legislation I introduced in Congress a week ago. It emphasizes the need for strengthened procedures for studying the environmental impact of Federal projects. The Congress must have the benefit of impact studies before it appropriates milions of taxpayers' dollars. My legislation would insure that all environmental data available on a project would be brought to the attention of the Congress early in the legislative process, not after the fact.

A DAY IN INFAMY

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, yesterday's U.N. vote to oust Taiwan and seat Communist China is living proof of the ridiculousness of U.N. voting which gives the same vote to tiny countries such as the Congo, or Guyana or Kuwait, as it does to the United States of America. It is reasonable to predict that future United Nations voting patterns will be increasingly adverse to U.S. interests.

But more is involved in the ouster of Taiwan by the U.N. than an unsound voting structure. While admission of Red China has been urged by steadily increasing numbers of nations for some years now, it does not follow that the U.N. should have voted to oust Taiwan, or more particularly that the United States should go along with this. Taiwan has been loyal to the United States for more than a quarter of a century. It has stood with us through thick and thin. It built itself up and took itself off our foreign aid. It has looked always to America as its ally.

The Communist regime of mainland China has committed untold crimes against the Chinese people. It was conceived in slaughter and pillage. It thrives on anti-Americanism from constant propaganda to presently aiding in the killing of Americans defending the independence of South Vietnam.

Mr. Speaker, I do not see how the United States can tolerate the deliberate expulsion of an ally and its replacement by an enemy. For this country to accept this is to proclaim to all the world the worthlessness of any country remaining loyal to the United States of America.

Many of my colleagues in the Congress are now questioning our continued participation in the United Nations. It seems to me that our integrity as a Nation is at stake before all the world.

THE UNITED NATIONS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, the eyes of the world, of course, today are focused on the decision of the United Nations. It should come as no great surprise to us that the Communist-dominated organ known as the United Nations has finally supplanted the flag that formerly flew on their flag pole with banner displaying the Hammer and Sickle.

To admit Red China is a travesty of justice. They were condemned as aggressors in 1952 in the Korean conflict, and to my knowledge have never been removed. How soon we forget Red China as hordes in that conflict and the American lives they took.

They never made application for admission to the U.N. They have been forced into it by default not by their own request, by somebody holding a shotgun to our heads.

We are deserting our allies right and left. We have made a mockery of the entire democratic process for smaller nations who have been our friends. We have dropped one of our great friends, the Taiwanians. We should now abolish the entire sham or at least make the Commies pay their way.

TRIBUTE TO REV. JOHN M. SAYRE

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute.)

Mr. LANDGREBE. Mr. Speaker, I wish to extend a word of greeting to our visiting Chaplain for today, Rev. John Milton Sayre, who has retired after 26 years with the U.S. Army, with the rank of colonel, and who has now settled down in my hometown and is the minister of the United Methodist Church, Valparaiso, Ind. He has taken a very active role in community and church affairs. He is a very fine gentleman, and I am particularly happy to welcome him here today; also, I wish to thank Dr. Latch for his cooperation.

WHEN THE BATTLE WAS LOST AT THE UNITED NATIONS

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, my reaction to the United Nations action of last night was about the same as after I witnessed a professional wrestling match. What we saw was a show. The decision which determined the outcome of last night's gala was made long ago.

As a matter of fact, we lost the battle, so far as I am concerned, when Kissinger came to Washington.

As a military officer I will say this: When one fights a battle on the wrong battleground, one should not be too surprised when he loses.

If we are going to pull out all of the stops, to pull all of the strings to keep Taiwan in the United Nations, why not do the same thing to keep Red China out?

How can the small nations of the world take us seriously as friends of free China when Kissinger is in Peking and when the President is planning a trip to China? How can they take us seriously on a "two China" policy when on the one hand we are smiling at the Communist overlords who have 700 million people held under bondage and at the same time are asking the small nations to rub them the wrong way just once for us, to keep Taiwan in? I do not believe anyone took our position too seriously.

We should not be too surprised when we lose under these conditions. As I say, the battle was not lost last night but was lost when we started on this insane policy.

OUSTER OF REPUBLIC OF CHINA FROM U.N.

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, last night, the Republic of China was ousted from membership in the United Nations. I submit to you that that action not only flouted the spirit of the world body, but was in fact contrary to the provisions of its own charter. I am sad to report that in my opinion, the question is now open as to whether or not that organization should be permitted to survive, or at least, should this Nation continue to be a party to its deliberations?

The Republic of China is a member in good standing of the U.N., and has never violated any of the conditions of membership. Can the same be said for others? Was it not a charter member, the Soviet Union that invaded Hungary and later Czechoslovakia? Was it not the charter members, Great Britain and France who invaded Egypt in 1963? Was it not the same U.N. that branded Communist China as an aggressor during the Korean war? What acts of aggression has the Republic of China committed upon their neighbors? The answer is none.

The Republic of China is a charter member of the United Nations, its representatives have sat continuously since its founding. The U.N. Charter provides that all expulsions and admissions must be initiated by the Security Council before action can be taken by the General Assembly. In the Council, the permanent members hold a veto over such actions, and we can be certain that the Republic of China would certainly have used it.

The leadership of Communist China has never sought membership in the United Nations, why then has it been offered?

What must be the thoughts of the new and emerging nations whose only international debating forum is the General Assembly, can their seats so easily be taken away by whim or design? I fear that the precedent has been set.

Mr. Speaker, a number of years ago, I served as a representative of the Congress to the World Health Organization. I have watched since that time the United States provide the bulk of the funding for the WHO. I have also watched the Republic of China do its part. Will the leadership of Red China be so benevolent?

In view of the actions of the United Nations General Assembly last night, I feel it is time that this Nation reviewed once again its commitment to world peace and determine if in fact the United Nations, on the basis of last night's vote, is still an instrument dedicated to that goal.

CHIEFS COME, GO, NOTHING CHANGES IN BUREAUCRACY

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, an article in the October 16, 1971, Daily Oklahoman written by Mr. Allan Cromley entitled "Chiefs Come, Go, Nothing Changes in Bureaucracy," points out the ineptitude, lack of initiative, and lack of imagination in our Federal bureaucracy. The article points out how our colleague, the Honorable H. R. GROSS of Iowa, is consistently fighting to protect the U.S. interests abroad when many in the Federal bureaucracy stand piously by with hands folded refusing to look out for these interests. Congressman GROSS is to be commended for his stand and for his continual struggle to protect and to look out for the interests of the American taxpayers. The article follows:

CHIEFS COME, GO, NOTHING CHANGES IN BUREAUCRACY

(By Allan Cromley)

WASHINGTON.—It was 1971, the Nixon era, but what took place in a small congressional committee room Friday seemed more like something out of the days of John F. Kennedy or Lyndon B. Johnson.

The antagonists were a "striped pants" State Department official and a conservative Republican congressman.

The issue was U.S. policy toward countries unfriendly toward the United States—in this particular case, Chile.

And the moral of it all, if any, was that presidents come and go, but nothing ever really changes in the U.S. bureaucracy.

The administration witness, defending the department's placid acceptance of Chilean expropriation of American copper companies, was Charles A. Meyer, 53-year-old, Harvard-educated assistant secretary of state for inter-American affairs.

In a Boston accent, he coolly and imperviously parried the angry questions of Rep. H. R. Gross, Republican veteran from Iowa, the premier congressional watchdog of the taxpayers' dollars.

Their forum was a meeting of a House foreign affairs subcommittee, which was examining recent Chilean expropriation of American copper mines and other interests.

Gross listened to Meyer's defense of a statement by Secretary of State William P. Rogers that the action by the government of Marxist Socialist Salvador Allende was "disquieting" and might "erode the base of support for foreign assistance" in the United States.

Meyer termed Rogers' reaction a "moderate" statement.

"Gross stormed that it was "more on the order of skim milk—an awfully weak statement."

Meyer said comments he has heard "vary from too soft to too hard."

He emphasized that the State Department particularly wanted to avoid a "ripple effect," which he defined as "the growth of public and congressional opinion adverse to authorizing or appropriating or allocating sufficient funds . . . for development assistance" to Chile and other countries.

"It's about time for a 'ripple effect' in this country," declared Gross, glaring down from his subcommittee post.

Chile is in the process of eliminating all American companies' holdings, which have a book value of $629 million. The Chilean government says there'll be no compensation to American companies.

In fact, says Allende's controller general, Hector Humeres, the companies owe the Chilean government an unclear sum—possibly in the hundreds of millions—because of their receipt of $774 million in "excess profits."

To make matters worse, and raise Gross' blood pressure higher, the U.S. government-backed Overseas Private Investment Corporation (OPIC) has insured American holdings in Chile to the tune of $313 million.

Claims will overshadow assets of OPIC, and it will probably ask Congress to make up the difference, possibly in excess of $100 million.

Further infuriating Gross and other critics is the fact that the United States extended $5 million in military credits to Chile last June. They were used to purchase one C–L30 airplane and small arms ammunition.

Gross asked, "The situation was pretty well established in Chile by then, wasn't it? We knew what the Allende government would do . . . that we would get slapped in the face . . . so we went ahead and sweetened the pot."

Meyer said, "We thought we would be compensated."

Gross said, "It's time for the State Department boys in Foggy Bottom to get hard nosed."

He wanted to know why the Inter-American Development Bank loaned $11.5 million to two Chilean universities recently.

"They are institutions whose merits have long been established," said Meyer.

"It was nothing but a lolly-pop sweetener," contended Gross. "A glorified bribe to the Chileans not to go ahead and do what we knew they were going to do anyway."

"We recognize their right to nationalize foreign holdings . . . but we thought there would be compensation," said Meyer.

He said there is no contemplated change in U.S. policy.

Gross noted sarcastically that OPIC, created in 1969 by Congress, has 130 persons in the payroll whose average salary is $25,902."

"It makes you sick what's going on in government," said Gross, who conceded that he made similar remarks in the Kennedy and Johnson administrations.

"We never left those days," he said after the hearing. "Nothing ever changes—except that it gets worse."

THE LATE JAY G. HAYDEN

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, death has taken from us a grand old man of journalism, Jay G. Hayden.

Jay was a Washington correspondent for 50 years. The possessor of a keen and agile mind, Jay wrote a highly perceptive political column for the North American Newspaper Alliance until 1965, when he retired.

Jay began covering the Washington scene in 1916 and was a longtime Washington Bureau chief for the Detroit News. During his long service in the Detroit News' Washington Bureau, Jay covered nine Presidents beginning with Woodrow Wilson. In 1945, George Washington University awarded him an honorary doctor of laws degree. He also served as president of the Gridiron Club.

There are few Washington correspondents of Jay Hayden's caliber. He was made of stern stuff. He had an instinct for political news that pierced through all the fluff and went straight to the substance of the matter.

For years the reader who wanted to know what was really happening in Washington read Jay Hayden's thrice-weekly column. His was interpretive writing that was worthy of the appellation.

Jay was a hard-working newspaperman who truly loved his job. He lived for journalism. He kept tapping out his outstanding columns until he reached the age of 80.

And Jay was eminently fair. It was for this reason that he could count untold numbers of politicians among his close friends.

My wife and I considered Jay Hayden one of our closest and dearest friends. When we first came to Washington in 1949, Jay Hayden bent over backward to be friendly and helpful. It was a great help for a freshman congressman to have the benefit of the kindness and knowledge of one of the Nation's outstanding newsmen. For this friendship I will forever be grateful.

Mr. Speaker, Washington and the Nation have lost a truly outstanding individual with the death of Jay Hayden. I extend my condolences to his wonderful wife, Ruth, his fine son, Martin, others in his family and his host of friends.

U.S. POLICY TOWARD U.N. AND WORLD SHOULD CHANGE

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, yesterday must have been a red-letter day for all the ardent, red-faced supporters of the United Nations.

After spending hundreds of millions through the years in support of the United Nations, they not only got their faces roundly slapped but all their front teeth kicked in at the Tower of Babel.

The United States, if it now has an inch of backbone left, should withdraw from the United Nations, lift its economic boycott of Rhodesia and do what it should have done long ago—assist only those few countries around the world that have demonstrated evidence of fair play and friendship.

COMMENDATION FOR AMBASSADOR BUSH

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I read this morning in the Washington Post the comments of our former colleague, the Ambassador to the United Nations, George Bush, in which he was quoted as saying: "Obviously, I did not do a good job."

As one Member of the House of Representatives sharing the disappointment of many that Taiwan was expelled from the United Nations, I want to assure George Bush that I believe no man could have done more in the effort to save Taiwan from expulsion.

The decision of the United Nations is a sad one, but I think the decision by the President and our Ambassador to the United Nations, George Bush, to carry on an effective campaign to maintain Taiwan in the United Nations did not fail because George Bush did not do a good job.

Mr. CONABLE. Mr. Speaker, will the gentleman yield to me?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Wisconsin.

Ambassador Bush performed a yeoman service to this country in the United Nations, and I would like to compliment him on his efforts to support Taiwan in its membership in the United Nations.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield to me?

Mr. STEIGER of Wisconsin. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I share the view of the gentleman from Wisconsin. I think it is regrettable that the Chinese Nationalist Republic was expelled from the United Nations. It will harm rather than help the United Nations in the long run. But certainly our Ambassador, George Bush, a former colleague, did an outstanding job in pleading the case for the continued membership of Taiwan in the United Nations.

Mr. STEIGER of Wisconsin. I thank the distinguished minority leader and the gentleman from New York for their contribution.

AMBASSADOR GEORGE BUSH OF THE UNITED NATIONS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I join the gentleman from Wisconsin (Mr. STEIGER) and the distinguished minority leader in expressing my sentiments as to the extremely efficient work that Ambassador George Bush has been doing in the United Nations.

Mr. Speaker, the action of last evening was one setback in the United Nations but one which I know should not be looked upon as representing a lack of effort on behalf of Ambassador Bush.

Mr. Speaker, all of us who served with Ambassador Bush when he was in the House of Representatives know him as a hard-working and effective man and are extremely proud of his energetic representation of the United States in that forum.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, I wish to associate myself with the sentiments which have just been expressed by the gentleman from Texas (Mr. de la GARZA) regarding the efforts that George Bush made in the United Nations during this struggle to keep Taiwan in that body last night. I am convinced that he was sincere and that he did everything on earth he could do on behalf of the cause that meant a lot to him, to the United States and to the whole free world.

Mr. DE LA GARZA. I thank my colleague from Texas.

THE UNITED STATES SHOULD VETO ADMISSION OF RED CHINA TO SECURITY COUNCIL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, it is obvious that the General Assembly of the United Nations yesterday helped to write its own obituary.

By starting this business of throwing nations out, we do not know where it is going to begin or end. But, it would be my hope that the President would try to save some of the pieces by exercising the U.S. veto in the Security Council on the question of seating Red China on that Council.

Mr. Speaker, the vote yesterday was for seating Communist China in the General Assembly. There is no veto in the General Assembly, however, we have a veto in the Security Council.

I do not think it would be asking too much to have Red China show some good faith; to see what she is going to do and in what manner she is going to behave before being seated on the Security Council.

You know, we never did exercise that veto power and it is my hope that we will exercise that power in the Security Council because the Communists have been using it for a number of years.

So, it seems to me that in the name of humanity and decency and if there is any honor left among nations, the United States ought to exercise a veto power with reference to seating Red China on the Security Council until we have an opportunity to see what she is going to do.

THE EFFECTIVENESS OF THE UNITED NATIONS

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, we have heard some talk here today about the peacekeeping operations of the United Nations. I think it is obvious that the United Nations has been an utter failure in its basic purpose. It causes me to wonder about the consistency of these people who believe in the one man, one vote concept because that is the only major forum in the world that does not follow that rule. Here they expel a nation of 14 million people for no good reason, when in the last year they have admitted four insignificant nations with a population of less than 4 million people.

The United States should no longer pay the lion's share of the U.N. expenses, and not a cent more than our proportionate share, if that.

It seems to me that we should adopt a practice which all nations understand and that is that the United States should cut off all foreign aid to those nations which voted in opposition to our position in the action which was taken yesterday. When you hit these pip-squeak countries in the pocketbook, that is one thing they understand.

CONTINUED SUPPORT FOR THE UNITED NATIONS

(Mr. RYAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, regardless of how one may feel about the action taken in the United Nations yesterday, it is essential that this country maintain its firm and unequivocable support of the United Nations.

It is most disturbing to hear suggestions that aid be cut off to those countries which did not vote as we might have wanted them to vote. It is also most disturbing to hear threats of retaliation by the withholding of funds from the United Nations because the position which was vigorously advocated by our Ambassador to the United Nations did not prevail.

Our efforts must be directed toward strengthening the U.N., recognizing that, however imperfect it may be, it remains still the most hopeful vehicle for seeking world peace. Our commitment to the U.N. should be firm and unequivocable, whether votes go for or against us in that body.

For years the United States has opposed the efforts of other United Nations members to exercise a financial veto over its activities by withholding funds. What was right then is right now. The United Nations must be strengthened—not simply for its own sake but because the attainment of an international community of nations at peace should be the foundation of our foreign policy.

I believe that we all must be united in one overriding effort: the creation of a just and peaceful world. The United Nations remains an important element in that quest.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for today and the schedule for the remainder of the week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we had scheduled originally for today general debate only on the higher education bill. The rule on that bill was not filed until a few minutes ago, so we are unable to call it up. We will call it up tomorrow immediately following the military construction appropriation bill.

We also plan to call up the other legislation as scheduled on the whip's notice, and also the bills originally scheduled for last week, including the Guam bill which went over Thursday.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, then I take it that we will be adjourning today out of sympathy for Nationalist China, or out of sympathy for the now dead and defunct United Nations, one or the other—which way should it be?

Mr. BOGGS. If the gentleman will yield further, the gentleman from Iowa can view that subject any way he likes, but we will be adjourning before very long, and unfortunately we have to adjourn because we did not have the rule filed on the higher education bill. That is the real reason.

WE MUST CONTINUE OUR SUPPORT TO THE UNITED NATIONS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, this Member had the privilege of visiting Taiwan as a member of a delegation that was led by our distinguished Speaker of the House, the gentleman from Oklahoma (Mr. ALBERT). As a result of that visit and the conversations and the briefings that we had there, I must confess my deep disappointment in the action taken by the General Assembly of the United Nations last night in ejecting the Taiwan Government from the United Nations. I had hoped it would have been otherwise.

However, I think in measuring our reaction we should take note that many if not most of our NATO partners were on the opposite side of that question, and that many of the leading developed and underdeveloped countries of the world were on the opposite side of that question.

So, Mr. Speaker, I would hope that we would not take retalitatory action, either in the form of reducing our contributions to the United Nations or in the form of bilateral action against the nations involved. For example, we are trying very hard to get contributions to the U.N. Special Fund on Narcotics Control, which was established about a year ago, and some of the very highly developed countries whose cooperation we need, England, France, and Denmark, and all the other countries in Western Europe to whom we can hopefully look for contributions, are countries who disagreed with our position in the U.N. last night. Any form of U.S. retaliation against these countries for their vote yesterday would only lead to diminished support for the special fund.

I would hope, therefore, that we will carefully consider any action that we might be tempted to take to "punish" those who voted against our resolution. We must not respond in haste and anger.

BILL HARRELL: OUTSTANDING OFFICER AND GENTLEMAN

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, a young boy would look up from his mule-pulled plow and standing in the furrow, see pre-World War II planes in the blue Florida skies. He dreamed of someday becoming a pilot.

That dream became a reality and more.

Today, Bill Harrell has retired after a distinguished record of 30 years of military service in the Air Force, followed by outstanding service to his Nation as the senior adviser to the Secretary of the day America.

And might I add, a man who has been a warm personal friend and one who counseled with me as a relatively new Congressman and never failed to advise me in many areas pertaining to the armed services and their needs in modern day America.

Those who know Bill Harrell from his days as a high school student testify that there was always something that set him apart. Here was a young farm lad from a family that worked hard in an era when there was plenty of food on the table, but very little money.

From that background came a man who was to fly 52 different types of aircraft in 24 years as a pilot, graduate from college and law school, and advise in the purchase and procurement of billions of dollars of military supplies.

I met Bill Harrell when he first came to Washington, as I asked him down to the Capitol to have lunch with me. He was from Live Oak, Fla., a fine city in my district, and I knew many of his close friends and family.

From that first meeting, there came a warm friendship and today, upon his having retired from a second career, I thought it fitting and proper to pay tribute to a fine officer and gentleman.

He typifies those who gave so much, so many their lives, in the fighting of World War II and then a great contribution to national security in the years that followed. His story could be repeated hundreds of times among those now serving in a very difficult period in the life of our Nation.

For all of those who serve—and to a very close friend—might I offer this tribute in the journal of the Congress.

William Hasel Harrell was born near Mayo, Fla., November 26, 1914, son of the late Steve and Alberta Harrell. The family moved to a farm near Live Oak where Bill grew up.

His sister, Mrs. Eumera Taylor, lives in the Luraville section where the farm of some 300 acres was located, and his surviving brother, Moray, is an agronomist with the Corps of Engineers in Jacksonville.

His wife is a lovely lady, the former Elizabeth Phillips, whose father was a member of the State Senate from her hometown of Lake City, Fla. She has been his mainstay and helpmate since their marriage in 1941 at Barksdale Field at Shreveport, La.

To this union came three children—and like their father, they are very much interested in the study and practice of law.

The oldest daughter, Mrs. Susan Black, is an assistant state attorney in Jacksonville, Fla. Bill, Jr., is married and a law student at his father's alma mater, the University of Florida.

The youngest daughter is Diana Silberborn of Cincinnati, Ohio—her husband is in law school.

Bill Harrell graduated from the University of Florida and enlisted in the Air Force. He never lost that dream of a boy who wanted to fly.

The story of his class at flight school is so typical of that day and time. Of the 99 who graduated out of his class of 200, only 13 are alive today. Many were lost in Europe, many gave their lives in fighting in the Pacific.

A nation at war, and ill prepared, had to train pilots rapidly to fight on two fronts, and pushed its productive force to the limit to produce the planes to fly.

Harrell was sent to England as he advanced rapidly from second lieutenant to serve as a squadron commander flying out of England. There were to be 14 combat missions and seven weather missions. His squadron was composed of 36 aircraft, with an 11-man crew to operate the B–17 bombers.

Weather missions were hazardous, flying over Europe to check out the weather to advise the planes coming on a bombing mission of the conditions to expect.

Sometimes 1,000 aircraft would assemble in the skies over England for strikes on Germany.

He began his service flying the B–10 and B–12 bombers, the first this Nation had. With these planes, the oil gage and gasoline gages were on the outside of the cockpit on the wings. A pilot hoped they were accurate—there was a constant realization that the landing gear might not go down.

Harrell was shot down twice. The first time he lost most of a wing, forcing the bomber to land in a very small field in Belgium. He was rescued.

But the second time, antiaircraft riddled his plane. The nose was blown off, two engines shot out and the bombbay jammed shut with a full load of bombs.

The bombardier had lost a leg, the navigator was severely wounded, and the waist gunner's arm was shot off. Flying out of the flak, the bomb-heavy ship could only make it to the North Sea as Harrell tried to fly to Holland so that those able might attempt to escape and the wounded receive medical treatment.

The weather at that altitude dropped to 50° below zero, with the plane facing a gale of 50 knots before being ditched near an island in the North Sea. The wind blew the plane up on the shoreline.

Germans shouted for them to bring the wounded ashore. Later the crew found they were in heavily mined territory and that the German soldiers expected the plane to be blown to bits at any moment.

Thus, like so many others, Bill Harrell was a prisoner of war. There are many stories of brutality as he dropped down to a skeleton and today he calmly recounts that experience as part of war—horrible, as he said, but part of war.

Upon gaining freedom, he asked for an opportunity to receive further training and was sent to law school at the University of Denver where he graduated in 1950.

This enabled him to be assigned to the Strategic Air Command in the Judge Advocate General's office for 2 years.

But when the Korean war started, a new career began. He was sent to the Air Materiel Command as chief of contract settlements. Contract law fascinated Harrell and he became an expert in a field where someone was needed with legal knowledge, the problems of flying aircraft, and understood the requirements of the Air Force contracts.

In 1954, he was transferred to Europe in another advancement as chief of procurement for the Air Force in some 12 to 14 nations from Norway to Africa.

After 5 years, he was assigned to Wright Patterson as director of procurement policy for that command and stayed there until being moved to Brookley Air Force Base in Alabama in 1960. From that position he retired as a colonel after 30 years of distinguished military service.

On his chest he proudly wore his wings, the Distinguished Flying Cross, Air Medal with cluster, Legion of Merit, and Commendation Medal.

It was in the fall of 1965 that he was offered and accepted the position of small business adviser to the Secretary of the Air Force and his staff. The Air Force needed a man with experience in contracts, a knowledge of the needs of the service, legal training and a good administrator.

In Bill Harrell, they found the right man.

The purpose of this position is to make certain that small business in America receives a fair share of the dollars spent for procurement—and for the past 5 years this has been running at a volume of $1 billion annually. The Air Force currently spends $10 billion of the $45 billion spent by the Department of Defense.

The Small Business Act of the Congress was passed to preserve small business as an entity in this country, having learned from the experience of other nations that giant concerns can monopolize this area and the Nation loses the vitality which small business creates.

Harrell's job was to see that the Air Force complied with that act along with covering the 50 States with his people in 176 installations and training those individuals in carrying out the program. A part of that responsibility is to counsel small business in doing business with the Government.

It is important to point out in talking about small business that some 30 percent of large contract awards are subcontracted to small business.

Every purchase of $2,500 or more is reviewed to see if it can be placed with small business. If it can, then that item is set aside for small business companies to compete for the award.

Of course, all business in this Nation was small. In 1871 there were 300,000 businesses for a nation of 30 million people with hardly any of these large by today's standards.

Harrell told me that there are several criteria for establishing whether a firm is small business or not. In some cases it is by the number of employees. In construction, it is by dollar volume, and in oil it is measured by barrels produced.

The Small Business Administration has the authority to review the actions of the services in making certain that they comply with the law in this area—and men like Harrell perform a service that is vital to the business community of America.

He has now retired from that position with the best wishes and admiration of a great many men and women at the Pentagon who knew him..

It is significant that the Small Business Administration and the Air Force have just presented him with their highest civilian medals in recognition of his service.

In his well deserved retirement, he can look back on a most successful career, a fine family, a host of friends—and I am proud of the fact that he considers me and my office in that number.

DISASTER TO AMERICAN FOREIGN POLICY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, the monumental disaster to American foreign policy suffered in the General Assembly of the United Nations yesterday should be of extreme concern to all of us both in the Congress and out of the Congress, for we see here an alinement of nations which are rearranging and redirecting the balance of power in the United Nations.

I said earlier it is my hope the President will exercise America's veto power in denying Communist China a seat on the United Nations Security Council even though she has been admitted to membership in the General Assembly.

I have discussed this matter with a number of international experts and they assure me that the United States being one of the five charter members of the Security Council does have the veto power over any changes in that Council including membership changes.

I have made a number of inquiries in the State Department and, as usual, got a fuzzy answer. The State Department begged off giving a concrete answer on the ground that there has never been any such precedent.

I submit that the time has come to initiate that kind of precedent and I hope the President will indeed exercise that veto power. I do not see any great damage being done to anyone if we require Red China to serve an apprenticeship in the General Assembly to see what her conduct will be like, particularly when we have already been forewarned by Peking that it has no intentions of adopting or accepting the rules and charter provisions of the United Nations.

I submit that a careful study of the United Nations Charter and precedence established under that charter—including memoranda adopted by the Security Council in the absence of specific language in the charter—leads one to conclude that not only the United States can veto the admission of Red China into the Security Council, but such action can also be taken by the Republic of China itself as a charter member of the Security Council with full veto powers.

The Security Council consists of 15 members. They are: Argentina, Belgium, Burundi, China,* France,* Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syria, U.S.S.R.,* United Kingdom,* United States.*

The above is the Security Council membership in 1971. The five permanent members, which have veto powers on votes on questions of substance, are asterisked. The Presidency of the Council rotates monthly, in the alphabetical ordering of the above list. In August the representative of Italy was President of the Council. On 31 December, five nations will complete their terms of membership: Burundi, Nicaragua, Poland, Sierra Leone, and Syria.

U.N. Charter—article 27(2) states:

> Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members. (3) Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. . . .

Under the second part of article 27(3) obligatory abstention from voting as a member to a dispute applies only when the Council is voting on proposals for pacific settlement.

Please note that the five permanent members of the Security Council have veto power on votes involving questions of a substantive matter. I submit that the replacement of one of the five Charter members is a substantive matter and if there is any question about it being a substantive matter, by use of the "double veto," either the Republic of China or the United States can make it a substantive matter.

I call attention again to the United Nations Charter article 27(2) which clearly states that decisions of the Security Council on all matters—and this includes the decision whether a question is one of substance or one of procedure—must have the concurring votes of the permanent members. This means that any one of the five permanent members can alter a decision by merely not concurring in the findings.

It is important to draw a distinction between procedure and substance.

The confusion which reigns relative to the definition of these two terms and thus what proposals and draft resolutions of the Security Council are subject to the veto, is traced to the silence of the Charter—see article 27, above—and of the Council's rules of procedure on the subject. But a statement at San Francisco by the permanent members of the Council, on June 8, 1945, on voting procedures in the Security Council, does specify matters which they regarded as procedural, and thus passable by an affirmative vote of any seven—now nine—members.

First, adopt or alter its rules of procedure; second, determine the method of selecting its President; third, organize itself in such a way as to be able to function continuously; fourth, select the times and places of its regular and special meetings; fifth, establish such bodies or agencies as it deems necessary for the performance of its functions; sixth, invite a member not represented on the Council to participate in its discussions when that member's interests are specifically affected; and seventh, invite any state, when it is a party to a dispute being considered by the Council, to participate in the discussion relating to that dispute.*

The statement also indicated that—

> The decision regarding the preliminary question as to whether or not . . . a matter is procedural must be taken by a vote of seven (nine) members of the Security Council, including the concurring votes of the permanent members.

Thus subject to veto. The rules of procedure of the Council are of little help in determining what is procedural and what is substantive; in fact, they are still "provisional" primarily because no agreement could be reached on the mechanics of voting and "on the majority by which various decisions of the Council should be taken"—Bailey, page 16. Mr. Bailey observes that practice has identified the following matters as procedural:

> Inclusion of items in the agenda;
> Order of items on the agenda;
> Invitations to participate in the proceedings;
> Challenges to ruling of the President;
> Postponement of consideration of items on the agenda;
> Suspension or adjournment of a meeting;
> Order of voting on proposals;
> Retention or removal of items from the list of matters of which the Council is seized;
> Convocation of emergency special sessions of the General Assembly. (Bailey, page 17.)

Thus, Mr. Speaker, it is patently clear that a decision regarding the preliminary question as to whether or not a matter is procedural must first be concurred in by the votes of the permanent members. I stress this because failure by a permanent member to concur that a question is procedural automatically constitutes a veto.

Thus, if a question is not procedural and cannot be resolved by a simple vote of nine members, the only alternative is that the question is one of substance, and when it is one of substance, either the United States or the Republic of China can veto any proposal to change the membership of the Security Council.

It is absolutely clear, Mr. Speaker, that within the present legal framework of the Security Council there appears no way for the Republic of China to be driven out of the Security Council unless it chooses to do so voluntarily. An affirmative statement by the United States that it will veto, at least for the time being, any effort to replace the Republic of China with Communist China would only strengthen the Republic of China's position in the Security Council.

I believe it should be made very clear that the action by the General Assembly in ousting the Republic of China from the General Assembly has no legal bearing on the Security Council. It is an established legal fact that a permanent nation member does not have to be a member of the General Assembly in order to serve on the Security Council if it is one of the five Charter member nations with veto power.

The General Assembly's resolutions are only recommendations and have no bearing or binding on the Security Council, nor does the Security Council have any legal obligation to carry out recommendations by the General Assembly.

I am convinced that a firm position by the United States at this time will at least give all of us time to pause and reflect on this issue while a formal request is made to the World Court in the Hague to resolve whatever legal problems may arise out of America's decision to exercise its veto, or the Republic of China's decision to exercise its veto, and block the intrusion of Communist China into the Security Council.

It seems to me that we are not making an extraordinary or unusual request.

I am mindful that the President is planning his trip to Pekin and after that to Moscow, and I know that there will be those in the State Department who will argue that a veto of seating Red China in the Security Council at this time would jeopardize or destroy that trip. But I would not be surprised, Mr. Speaker, now that Red China appears to have gotten everything she wants in the United Nations, if, indeed, Red China initiates the action to wreck Mr. Nixon's visit to Peking. When we see the turmoil in Red China; the confusion; and we see the fact that no one seems to know what really is going on in China, there is reason to believe that perhaps Peking has some second thoughts about Mr. Nixon's visit to Red China.

It occurs to me that we are at a crossroads of destiny, and either the United States will provide leadership to manifest to the members of the United Nations General Assembly and to the world that we have an abiding interest in human dignity, or we will see this the sellout of Nationalist China placed by historians right next to the sellout of human dignity at Yalta.

If the President fails to exercise his responsibilities, I say to you, Mr. Speaker, that Mr. Nixon will have to sit next to President Roosevelt on history's special bench reserved for American Presidents who have been duped by the Communists. As we look at the 180 million people in Communist-dominated nations behind the Iron Curtain; as we witness the Communist takeover of mainland China after World War II, we can draw no other conclusion but that a great President was tragically duped at Yalta into agreements that took on entirely new significance after the war.

So, it seems to me, we had better look at the two monuments out there on Pennsylvania Avenue in front of the National Archives Building, the one that says, "What is past is prologue," and the other one, "Study the past." From the immediate part we can see the scope of Communist treachery.

All we have to look at is the relationship we have had with the Communists in the last 25 years. They have kept this world in constant turmoil. They have plunged our Nation into two disastrous wars, one in Korea and one in Vietnam. Are those the kind of people we are being asked to trust in the United Nations today?

The irony of yesterday's action of expelling Nationalist China is that there are 92 nations in that world organization, which have populations substantially below the 14 million people living in Formosa.

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* Bailey, Sidney D. *Voting in the Security Council*. Bloomington, Indiana University Press, 1969. Page 14.

The great tragedy of yesterday's action will be seen in many ways. One, in that it will afford Red China a field for extreme mischief and turmoil in the Security Council.

I have asked the President to use our American veto power in the Security Council at least temporarily, at least until we have had an opportunity to let the air clear, at least until we have had an opportunity to see what sort of a member Red China will be in the General Assembly before we admit her into the United Nations Security Council, where she will have a veto power from now into perpetuity, or at least as long as the United Nations continues to exist.

I can tell you this. There is a reluctance in our American State Department to use the American veto power. But the Communists have never hesitated to use it. They have used it time and again in the United Nations whenever their own interests were jeopardized.

By admitting Communist China to the Security Council, the American interest is most seriously jeopardized for the balance of power will now shift. Out of the five charter members, Russia, Red China, and France will constitute one bloc, and we will be stuck with a very flimsy ally in Britain on the other side. This is the Britain that, incidentally, voted with Albania against the American interest yesterday.

The perfidy of yesterday's action is reflected in the fact that some of those we helped most turned their back on the United States yesterday. It is a monument to ingratitude by these nations we have been helping at great expense to the American people that these same nations would not even give us a vote on a procedural matter. I can appreciate why some of the nations voted the way they did on the final question, but what kind of fair-weather allies do we have in the United Nations who would not give the United States a vote to declare this an "important question" requiring a two-thirds vote? They would not even give us a vote on a purely procedural matter on something as important as driving a member nation out of the United Nations.

This is what leads me so strongly to believe that yesterday's action has led the General Assembly to write its own obituary. I think it is reasonable to predict today that it will not be very long before the United Nations will go the way of the League of Nations.

This is a tragedy, Mr. Speaker. I have been among the strongest defenders of the United Nations from the inception of that organization. I have advocated that we bring all nations into the United Nations. I have advocated that we bring in North Korea and South Korea, and North Vietnam and South Vietnam, and East Germany and West Germany—all these countries—to try to resolve their difficulties in the United Nations, making the United Nations an umbrella of peace throughout the world. And we have been doing that. At the opening of this General Assembly session, we admitted three new nations to membership to the General Assembly. They were three nations whose names I cannot even recall. I could not even tell you where they are.

One of those nations has 100,000 people, another has 100,000 people, and a third one has 150,000 people. These are three nations with three votes, each vote as big as the U.S. vote in the General Assembly, and yet these three new nations combined have a total population amounting to only two-thirds of the population of my one congressional district.

These are countries that made the decision yesterday and altered the future of the world and the relationships in the world.

So it is my firm judgment that the President has a great responsibility and that if the United States is, indeed, to restore its leadership in the world, if we are to give meaning to American leadership, if we are to restore any confidence in American leadership, the President must act decisively. To do otherwise will reduce the United States to a second-rate world power, and we will see the turning point of world history recorded last night on this tragic vote against Nationalist China.

Now, Mr. Speaker, I also believe we ought to give careful consideration to our future relationship with the United Nations. I had hoped the United Nations could become an instrumentality of bringing peace to the world. I do not think its prospects are very promising today. So it seems to me it is perfectly proper for the Congress of the United States to reevaluate our whole role and relationship with the United Nations.

This morning in the Chicago Tribune there was an excellent editorial which points out that quite properly the United States is carrying 31.52 percent of the U.N. administrative budget of almost $208 million for 1972. Our Nation is carrying 31 percent, a third of the cost, while all the other nations bear the rest but because they don't pay even their reduced rates, the U.N. is in serious trouble.

The Tribune quite properly points out that Albania, the country that started the resolution against Nationalist China, pays only 0.04 percent into this general fund.

I think the time has come when we in Congress ought to make good on the pledge we made before this tragic vote. Many of us had signed a telegram and many of us had signed a resolution addressed to our Ambassador in the United Nations that if, indeed, Nationalist China was driven out of the United Nations General Assembly, we would move forcefully here to reduce substantially our contribution to that world organization.

I shall place the Tribune editorial in the RECORD at the conclusion of my remarks.

The Tribune editorial makes an excellent case for reducing our contribution to the United Nations with or without yesterday's vote. But it occurs to me that the tragic vote yesterday only fortifies the argument that the honeymoon is over.

The United States ought to serve notice on all in the United Nations that they will either carry their fair share of the load or else the United Nations will go the way of all other efforts at world peace.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague from Iowa.

Mr. GROSS. I want to commend the gentleman from Illinois for the statement he is making.

I know the gentleman from Illinois is not one of them, but many people seem to forget that had it not been for Red China many thousands of Americans would still be living who fought in Korea.

It was the Red Chinese who furnished the warm bodies, the combat troops as well as supplies, in Korea; and it was certainly the Red Chinese who provided most of the sinews of war in North Vietnam, where more than 45,000 Americans have died and many, many thousands more have been wounded.

So it is incomprehensible to me that a nation which has not so far shown any disposition to expiate its crimes toward the United States should now be seated at the United Nations, and a nation which has been friendly kicked out in order to make a seat at the United Nations for this country that has been an enemy and so far as I know still is an enemy of the United States.

I will say to the gentleman that I was surprised and somewhat shocked by the fact that the President of the United States would make a trip to Red China in the absence of diplomatic relations between the United States and that country. It seems to me that the first requisite ought to have been the establishment of diplomatic relations. I cannot recall when a President of the United States made a trip to a foreign nation with which this country did not have diplomatic relations.

I thank the gentleman for yielding.

Mr. PUCINSKI. I thank my colleague for his contribution. I believe he raises a very good point.

One cannot absolve this administration from the tragedy which occurred last night at the United Nations. As has been previously here, and properly so, how could we expect some of these countries in the United Nations to vote otherwise, when we see the President's top personal adviser in Peking for 4 days and, because the voting had not been completed, he extended his tour in Peking for 2 additional days, going out to look at the great China Wall and also some other sightseeing ventures, in order to be in Peking to the tragic end of the voting.

So today the outrage we hear emanating from the administration would be much more convincing indeed if the President would now serve notice that the United States will exercise its veto power in the Security Council. We want to see what Red China is going to be like as a member of the General Assembly before we admit her to the Security Council. We have done that with every other nation admitted to the Security Council on a rotation basis. Why should we have a different standard for a nation that has not given us one iota of evidence that it will behave like a civilized partner in the United Nations?

If there is anyone in the Congress who can show me one iota of evidence that Red China intends to abide by the rules and regulations of the United Nations Charter, I want to see that evidence. We have not the slightest idea what role China will be playing in the United Nations, yet they are going to go ahead, after they have paved the way in the General Assembly.

When we ponder the fact that the United States has been dragged into three costly wars, with a deficit of almost $400 billion, and we have shelled out $150 billion of direct aid, as OTTO PASSMAN quite properly points out, when we count the cost of those loans and the interest, we discover we have helped those countries to the tune of about $225 billion to get on their feet.

For them not to give us a vote on a procedural question yesterday is an indictment of their loyalty and of their value as allies.

I think perhaps the time has come, Mr. Speaker, to take a hard look at the entire NATO structure, because with allies like that we do not need enemies.

Mr. Speaker, I do not believe that this administration can voice outrage against what happened in the United Nations yesterday. To set the groundwork and to set the stage for this, we have the announcement of the President's visit to Peking and to Moscow. All of these things created enough doubt and confusion in the United Nations. Then the final coup de grace was when they sent Kissinger off to Peking to be there apparently in order to hold Mr. Chou En-lai's hand when the voting was going on.

I am afraid that the American people will look at this and say that there is nothing we can do about it. There is a kind of desperation setting in amongst American people because they feel that all of these things have to be and that they cannot be changed. The only thing that we can do here in this Chamber to show our outrage is, as the Chicago Tribune quite properly proposes today, take a hard look at the financing and the share of America's contribution in the U.N.

Mr. Speaker, I would like to ask unanimous consent that at the conclusion of my remarks I may be permitted to include the editorial from the Chicago Tribune and also a list which I would like to call a list of infamy which I want to appear in the permanent RECORD for time eternal stating the nations that voted last night for the beginning of the end of the United Nations.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. I hope there is some way by which this could be printed in the CONGRESSIONAL RECORD in 10-point type at least.

I note that the morning newspaper in Washington printed it in the smallest type that is available. I am talking about the list of the countries voting on this issue.

Mr. PUCINSKI. When you look at the number of countries that have been to the public trough in the United States for the last 25 years and who abandoned us on this vital issue, the one time that we asked them to stand up with us and be counted and who went their own way, I am not surprised that they appear in small print because they are going to have to carry their heads bowed in shame for a lot longer than I will.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New Hampshire.

Mr. WYMAN. In the printing of this list, is the size of type going to reflect the size of the nations that the gentleman addressed himself to who voted on this problem, and will it indicate how ridiculous it is that the United Nations should give the Republic of the Congo and Kuwait the same vote, one vote, that the United States has on these questions? Has the gentleman considered that?

Mr. PUCINSKI. Yes. As I said a little while ago, before my colleague entered the Chamber, as an immediate measure toward trying to save some of the pieces of this at least, I would like to have us veto the admission of Red China in the Security Council at least for the time being, because I believe that we should take an entirely new look at the structure of the United Nations. We will never have a better opportunity to do it. If we keep Red China out of a voting position for the time being at least, it will give us an opportunity to review the whole structure of the United Nations Charter and see what changes are necessary. Obviously, neither the Soviet Union nor Red China will vote for any changes now that they have everything they want. You are absolutely right. You have a group of nations here which, as has been said earlier, the average American would not have the slightest idea as to where they are on the map.

I do not think many of them even appear on a map because they are so tiny, and you are right. However, they have a vote that is as big as the vote of the United States in that General Assembly. That is why I say we must preserve the Security Council while we still can because once Red China is seated on the Security Council, the ball game is over.

Mr. WYMAN. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield further to the gentleman from New Hampshire.

Mr. WYMAN. Would not the gentleman agree that the United States, nevertheless, ought to stay in an international organization such as the United Nations if there is going to be a viable and effective working relationship, but based upon a proper vote formula, rather than not participating at all?

Does not the gentleman recall the League of Nations after World War I and the background of it? Is the gentleman urging that we withdraw from the United Nations?

Mr. PUCINSKI. No, I am not suggesting that we withdraw from the United Nations, but on the contrary. I said that I propose that we exercise our rights. For once let us have the State Department have the guts and understanding to know that they are dealing with the most vicious force that has ever confronted free men, let them have the guts to stand up and veto the seating of Red China on the Security Council until the air has cleared and until we know where we are going. Let us look at the financing of that institution. As the gentleman knows, the United States is carrying about 33 percent of the cost of the load of that organization. However, the action of last night convinced me that we are really supporting a bunch of dead heads whose minds were made up. They did not want to be convinced by the facts. I say to you that when we have a chance later to do so, the United States ought to exercise every resource at its command. However, I am not suggesting that we leave the United Nations. We should strive to make it a more workable and viable United Nations and that will be accomplished only when we serve notice that Uncle Sam is not "Uncle Sap."

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, would the gentleman not agree that what was demonstrated in the U.N. yesterday will progressively deteriorate insofar as the interest of the United States is concerned and so long as this one nation, one vote formula is concerned in the United Nations?

Mr. PUCINSKI. I say to the gentleman from New Hampshire that we should review the entire basis of voting in the U.N. My colleague asked me if I advocated withdrawing from the United Nations. I will say to the gentleman that I am convinced that the vote of last night began the obituary for the United Nations. It will sink itself. It will not need the United States to provide the impetus for its demise. I think all we want to do is be there for the wake, because the United Nations demonstrated yesterday that it is insensitive when it drove Nationalist China out. It barred a solution to the Pakistan question, it barred solution in North Vietnam and North Korea. It closed the door. It established a precedent yesterday that the General Assembly of the United Nations hereafter will be the sole judge of what group constitutes the sovereign government of a divided country. They are going to take on that task. History will not need to say but very little to decide what a horrible example they set yesterday. It is going to come back to haunt them over and over again.

Mr. WYMAN. Will the gentleman yield for a further question?

Mr. PUCINSKI. Yes, I yield further to the gentleman.

Mr. WYMAN. If there is, as the gentleman from Illinois has suggested, probably going to be a wake, does the gentleman have any suggestion as to the form in which the reincarnation should take place?

Mr. PUCINSKI. Yes, it could take place if the President of the United States would serve notice that while we have lost the battle in the General Assembly for human dignity, a battle to which we are pledged, we may have lost that battle but we still have a great deal of strength and muscle and vigor left on the Security Council and if the President will have the courage to stand up and use that muscle and courage in the Security Council I think he will have served notice on all of these nations that despite what happened on yesterday, America is still a leader in this great world struggle for human dignity and respect for the individual. But for us to roll over and accept this defeat without any kind of effort to preserve human dignity would be a signal to these nations that their future lies with the Communist nations and not with the United States and, thus, the beacon of hope which has been held out by the United States is going to go down the drain. Thus, we have to have the courage to stand up and be counted.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Does the gentleman from Illinois think that for 1 minute our President or any Member of Congress has any intention of rolling over and playing dead on this particular issue? I think most of us recognized what the facts were in the situation and I look upon this as nothing more than the revelation of the facts of life. I have not voted for the foreign aid bill for the reasons which the gentleman has stated. We will have to have a movement in the direction of new alliances on an international scale.

Mr. PUCINSKI. I believe you can reconstitute the U.N. I think once our country reviews its resources and the tools under its command that we can give the United Nations some meaning and some leadership. But I tell you again that if we just roll over and do nothing then we are through.

Mr. DON H. CLAUSEN. We will not do that.

Mr. PUCINSKI. You say we will not do that, but the fact of the matter is that last night in the General Assembly you have lost all your options. The United States has no options in the General Assembly, but I submit to you that we do have options in the Security Council, and all I am pleading for here today is that we exercise those options. I do not mean we should leave Red China out of the Security Council indefinitely, not at all. There will be ample time to make that decision, but it does seem to me that logic and decency and everything else in the name of human dignity requires us to proceed cautiously in that body where we do have options. That is all I am asking for.

Mr. Speaker, the material that I requested permission to insert in the RECORD is as follows:

SQUEEZE ON U.N.

The United Nations General Assembly has voted Red China in and Nationalist China out. The United States last night lost the crucial vote on the "important question" issue requiring a two-thirds vote for the expulsion of Taiwan and later lost on an Albanian resolution, now requiring only a simple majority, to seat the mainland Chinese and to oust the Nationalist Chinese delegation.

A considerable group in Congress has contended that with Taiwan out, after 25 years as a loyal, dues-paying member, the United States should retaliate by sharply reducing its assessed contribution of 31.52 per cent to the U.N. administrative budget of almost $208 million for 1972. This budget doesn't include any of the U.N. specialized agencies, such as the Children's Fund, World Health Organization and International Labor Organization.

The I.L.O. provides a precedent for the kind of financial sanctions members of Congress are suggesting. For the last year Congress has refused to pay the United States membership assessment to the I.L.O. This amounts to 25 per cent of the organization's operational budget, as compared to 10 per cent by the Soviet Union and 9 percent for Britain.

This action was taken at the urging of George Meany, president of the AFL-CIO, after the director general of the I.L.O., Wilfred Jenks, a Briton, had appointed a Russion, Dr. Pavel Astapenko, as one of his five assistant directors general. Meany said the I.L.O. had become a transmission belt for Communist propaganda and collectivist schemes, and Congress agreed with him.

Red China's ball in the U.N. debate has been carried by such nations as Albania, Cuba, Czechoslovakia, Poland, and Yugoslavia. Alice Widener, publisher of U.S.A. Magazine and a syndicated columnist, has looked into the respective financial stakes of the contending camps over the China issue and has found that the Communist mouthpieces are getting in the door at bargain prices.

The Soviet Union, for example, is paying 14.18 per cent of the U.N. regular budget, and the fictiously independent Ukraine and Byelorussia, which are integral parts of the Soviet Union, respectively pay 1.87 per cent and .50 per cent of U.N. upkeep. Thus for three votes in the General Assembly the Soviet members pay a combined 16.55 per cent, or about half as much as the United States.

Tho Poland and Cuba have millions and millions of words to say in U.N., their respective contributions are 1.41 per cent and .16 per cent, while Czechoslovakia pays .90 per cent and Yugoslavia .38 per cent. As for Albania, the nation which proposed expulsion of Nationalist China, its assessment is .04 per cent, while the Republic of China [Taiwan] was assessed 4 per cent, or 100 times more than the expeller. Taiwan, in fact, paid more than one-fourth more for U.N. upkeep than all five of these Red governments which clamored for her ouster.

"It might be said," remarks Mrs. Widener, "that never in all history was so much said by diplomats and propagandists at such little cost to themselves as by the Socialist nations in the U.N. As things stand now, the 31.52 per cent United States share of U.N. regular upkeep is extremely excessive. Congress ought to reduce our share, no matter what happens at the U.N."

U.N. ROLLCALLS ON CHINA

(Special to The New York Times)

UNITED NATIONS, N.Y., Oct. 25.—Following are two roll-call votes taken in the General Assembly tonight on seating Communist China and expelling Nationalist China.

ON TWO-THIRDS REQUIREMENT

Resolution declaring the expulsion of Nationalist China an "important matter" and thus requiring a two-thirds vote rather than a simple majority for passage.

In favor—55

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Chad, China, Colombia, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia.

Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico.

New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

Opposed—59

Afghanistan, Albania, Algeria, Bhutan, Britain, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Congo (Brazza), Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial.

Guinea, Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria.

Norway, Pakistan, Peru, Poland, Rumania, Sierra Leone, Singapore, Somalia, So. Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Trinidad/Tobago, Uganda, Ukraine, Yemen, Yugoslavia, Zambia.

Abstentions—15

Austria, Belgium, Botswana, Cyprus, Iran. Italy, Laos, Malta, Morocco, Netherlands. Qatar, Senegal, Togo, Tunisia, Turkey.

Absent—Maldivas, Oman.

ON SEATING PEKING

Resolution to seat Communist China and expel Nationalist China.

In favor—76

Afghanistan, Albania, Algeria, Australia, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Equador, Egypt, Eq. Guinea, Ethiopia, Finland, France, Ghana, Guinea.

Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Congo (Brazza), Peru.

Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Togo, Trinidad-Tobago, Tunisia, Turkey, Uganda, Ukraine, Britain, Yemen, Yugoslavia, Zambia.

Opposed—35

Australia, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Congo (Kinsh.) Costa Rica, Dahomey, Dominican Rep., El Salvador, Gabon.

Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand.

Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

Abstentions—17

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

Absent—3

China, Maldives, Oman.

INTERNATIONAL SPECIAL FISSIONABLE MATERIALS SAFEGUARDS SYMPOSIUM

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, an interesting symposium is taking place at Kansas State University, Manhattan, Kans., on the subject of safeguards against the illicit diversion of fissionable material. These are the special ingredients of nuclear weapons as well as the fuel for nuclear reactors.

The symposium is international in scope and financed by a grant from the National Science Foundation. Experts from all over the world are contributing their knowledge and experience toward raising the barriers against misuse of atomic science and nuclear materials. I was pleased to keynote this meeting yesterday. My remarks follow:

KEYNOTE REMARKS OF CONGRESSMAN CRAIG HOSMER, REPUBLICAN OF CALIFORNIA, BEFORE THE SYMPOSIUM ON IMPLEMENTING NUCLEAR SAFEGUARDS, KANSAS STATE UNIVERSITY, OCTOBER 25, 1971

With the discovery of nuclear processes over three decades ago there came as a twin the need for precautions to keep the special materials and knowledge involved out of the wrong hands. At that time these were construed by the Manhattan District to be "anybody else's." However, this simplicity was not for long to be.

Over the years holding the ever-expanding applications of atomic energy inside peaceful channels has become a matter of world-wide concern. Almost a hundred countries have signed the nuclear Nonproliferation Treaty and numerous other precautions have been instituted to guard against misuse of the atom. So many, in fact, that in the overall effort to prevent the perversion of nuclear science, some confusion exists as to who is policing whom, which agencies are guarding what, and by whose authority.

The confusion results because the overall antiproliferation problem is several-sided and complex. Possible proliferors might be desperately imperiled countries or even some evil conspiracy of ruthless or irrational individuals. Many separate endeavors are required to meet such challenges. The need to protect society and its members from nuclear proliferation spans the entire spectrum of human interest. And, in the countereffort to contain nuclear dangers there are a large number of of possible controls which can be imposed selectively, separately, or simultaneously at international regional, national, or industrial levels.

ANTIPROLIFERATION—A MANY-SIDED EFFORT

Despite the focus of attention on nuclear safeguards envisioned at the international level by the Nonproliferation Treaty, this category of restraints constitute a response to but one of the several facets of the antiproliferation problems. Similarly, on a national level the disappearance of special fissionable material from peaceful channels at some particular point in the nuclear fuel cycle may constitute but one of several nonproliferation concerns. Therefore, in order to pinpoint specific deficiencies in the total structure being erected to prevent the multiplication of nuclear weapons states and to inhibit the proliferation of like dangers, we must first examine the individual building blocks from which it has been fashioned.

The Nonproliferation Treaty and the International Atomic Energy Agency's guidelines for the structure and content of safeguards agreements fully recognize this basic multiplicity of the anti-proliferation challenge and the wisdom of the division of effort in meeting it. These documents begin by acknowledging the large technical and political gulf between weapons states and nonweapons states. They impose IAEA safeguards and mandatory inspections upon the latter, but make these burdens discretionary with the former.

As it has worked out, the United States and the United Kingdom have voluntarily submitted to some inspections, but the Soviet Union to none. The other nuclear weapons states, France and Mainland China, refuse even to sign the NPT, but insist that their nuclear hearts are pure and that their atomic arsenals are pacific.

Meanwhile, non-nuclear weapons states must comply fully with IAEA requirements in order (a) to obtain special nuclear materials for strictly peaceful purposes, and, (b) to be spared the embarrassment of being reported to the UN should they carelessly lose them.

This separate but unequal treatment of nations based on nuclear club membership stems from the obvious fact that the two categories of countries necessarily function with different effectiveness in different antiproliferation roles.

For instance, Articles I and II of the Nonproliferation Treaty prohibit the transfer between nuclear states and non-nuclear states of "nuclear weapons or other nuclear explosive devices." These articles also ban the "manufacture, or assistance with the manufacture or other acquisition whatsoever" of these troublesome items. Yet the safeguards provisions of Article III are cast exclusively in terms of monitoring diversions from peaceful channels of "source or special fissionable material." Article III does not even mention safeguard monitoring of A-bombs or H-bombs as such.

International safeguards thus focus almost exclusively upon that one facet of the total anti-proliferation problem having to do with accounting for fissionable isotopes legitimately in the possession of non-nuclear weapons states. This, of course, is a form of atomic bomb birth control. It can be quite helpful in preventing the spread of nuclear weapons. It is a logical responsibility to be assigned to non-nuclear countries. But, no matter who does it, materials accounting is by no means the only anti-proliferation precaution which must be taken. It is but one of many.

WEAPONS PHYSICAL SECURITY

Very special efforts are required to insure that existing nuclear weapon stockpiles are maintained physically secure in the hands of their rightful owners. Yet the NPT contains not a word about procedures to enforce Articles I and II bans upon trafficking in nuclear weapons, and, properly so. Implementation of this distinct facet of the anti-proliferation effort is correctly remanded to the conspicuous self-interest of Nuclear Club members. It is backstopped by their respective civilian and military police organizations and networks of spies, counterspies and informers.

This is not to say, however, that pressure for top notch performance should not constantly be kept upon these organizations. Speaking as one who has been active in the military, worked in the weapons labs, ridden storage site perimeters, and over a decade ago took part in a review of nuclear weapons storage, handling, shipping safety and security practices which result in a series of major reforms, I will state flatly that no matter how good a physical security job is being done, it can always be done better, and ought to be done better. Frankly, I think members of the Nuclear Cartel ought to keep under constant review their procedures to prevent the theft or misuse of their bombs. They also ought to pass around tips to each other on improving such procedures whenever that can be done with a net gain for the common security.

WEAPONS DESIGN SECURITY

It is interesting to note that the related subject of security of nuclear weapons design data, which to the uninitiated might seem to be highly important in preventing nuclear spread, is actually of little or no concern from strictly a non-proliferation standpoint. Nuclear weapons designs are only an incidental facet of the general anti-proliferation effort. This is because the laws of physics from which nuclear weapons are designed have become so universally understood that any effort now to suppress the data would be absurd. This cat has been out of the bag for a long, long time.

A potential proliferor enterprising enough to lay hands on illicit supplies of fissionable material is certain to be smart enough to know how to weaponize them. Refined and sophisticated designs are unnecessary. Whether such proliferor be one country seeking to overpower another or a criminal organization bent on cruder forms of nuclear blackmail, its need is not to become an instant superpower. It requires only primitive explosive devices.

Insofar as nuclear powers are concerned, their weapon designs are top security items not primarily due to proliferation fears, but simply because compromising them will reveal to a rival the characteristics and vulnerabilities of one's own arsenal.

EVOLUTION, EXPANSION AND FORMALIZATION OF CONTROLS

If at this point you are starting to pick up a theme in these rather simplistic remarks, it is that preventing the proliferation of nuclear weapons requires the integrated efforts of several separate national forces and multinational institutions. It is the same theme which runs though the United States Atomic Energy Act of 1954 and the United States Atoms-for-Peace program announced in 1956 which established the legitimacy of peaceful uses of atomic energy and encouraged their application on a global scale.

The many bilateral and multilateral agreements for cooperation which followed these historic landmarks frequently required practical judgments as to the identity of critical weapons proliferation danger points and the means best to deal with them. As anti-proliferation efforts have expanded and become formalized with only minor changes, these earlier judgments gradually have been incorporated into treaties, international law and various regional and national statutes.

Now, both formally and as a practical matter the physical security of nuclear weapons is recognized as a national responsibility of the nuclear weapons states. So also is fissionable material in the hands of the weapons states, except to the extent that they themselves submit it to international safeguards. In clear contrast safeguards against diversion of fissionable material from peaceful channels are made both international and national responsibilities of the signatory non-nuclear weapons states.

The IAEA safeguards systems thereupon functions to engage the non-weapons nuclear community in a parallel effort with the nuclear weapons powers aimed at deterring illicit diversions of fissionable material by means of an established capability to detect and report diversions should they occur. These international safeguards depend heavily upon the functioning of regional or national safeguards systems, which in turn rely upon strict materials accounting and other security measures at the individual plant level. Great resources and manpower are devoted to these efforts and their improvement.

International safeguards have become the glamour segment of the overall anti-proliferation effort. Safeguards people, their systems and analyses, methodologies, black boxes, game theories, non-destructive test paraphernalia preventing this diversion. This may be a very dangerous assumption in the real world, populated by very fallible people, some of whom are very certain to be just no damn good.

ANTIPROLIFERATION PUBLIC OPINION

In any event, the world political community probably ought to be doing a lot more than it is now under IAEA leadership to foster a climate of public opinion exceedingly hostile to the idea of nuclear spread. Trafficking in the ingredients of mass destruction is equitable to the heinous war crime of genocide, and its penalty should be fixed accordingly. An international norm boosting the intensity of disapprobation accorded anyone who might participate in nuclear black marketing would certainly do no harm and it might provide additional insurance against a day when incentives to divert may be on the rise.

COORDINATION WITH NATIONAL POLICE SYSTEMS

Deterrence also can be made more certain by boosting the illicit diverter's risk of getting caught, thereby both incurring punishment and losing the profits of his crime.

If, under our safeguards systems of international public opinion, when a diversion is discovered, the alarm sounds, whistles blow, sirens scream, the United Nations is notified, and it all strikes fear and terror in the hearts of the general public, that is one thing. Quite another and far better thing is if it scares hell out of the criminal because he knows that the jig is up.

Every increase in the likelihood of a quick and positive identification and apprehension of a nuclear criminal plays a key role in fortifying the deterrent equation. So also does every increase in the degree of certainty with which the stolen item can be recovered.

Yet, neither apprehension nor recovery are functions of the current nuclear safeguards structure. These are the responsibility of independent and relatively uncoordinated national, and even local, police systems. Undoubtedly the IAEA and other nuclear authorities can do far more than they do now to prepare these police authorities to move rapidly and effectively in nuclear cases.

This is a facet of the overall antiproliferation problem that is relatively neglected. It is not a glamorous facet, like systems analyzing the five components of MUF to estimate the confidence level with which a material balance can be closed in some hypothetical nuclear fuel factory. But effective international police coordination will be of utmost importance when and if the world ever faces a real life criminal threat of nuclear blackmail and we ought to be promoting it.

Inspector General Rometsch, who follows me today, reiterated during Geneva IV that the IAEA policy is only to render advice to national police authorities when requested. However, my feeling is that both IAEA and the police authorities ought to do more than wait for each other's ideas to get on with the serious business of improving and sharing the capabilities of over one hundred national police systems to cope with possible nuclear crimes.

The IAEA could serve a particularly useful function by setting guidelines for police training, indoctrination, and equipment for this specialized work. The principal nuclear nations of the world could actively assist other countries in developing a worldwide network of nuclear competent police systems. When the need comes for such systems, it will be a sudden and critical one. It will then be too late to start putting things in shape. Therefore, the more concern in advance to this subject, the better.

REWARDS AND BOUNTIES

The practice of rewards for information leading to the arrest and conviction of offenders and the return of specific stolen goods has been an historic companion of efficient police work since the beginning of mankind. Informants are the backbone of any security apparatus. Today there is no particular assurances by the IAEA or any of the major nations that persons cooperating with the authorities on nuclear cases will even get a pleasant "thank you" for their troubles. Establishment of standing nuclear theft rewards and a "no questions asked" bounty system for return of unaccounted for materials should be put on the agenda at Vienna and elsewhere.

PROLIFERATION PROFILES

Along similar lines, IAEA and national authorities ought to be encouraged to arm themselves with psychological and other data useful in forestalling nuclear thefts. The airlines have developed fairly comprehensive profiles for potential highjackers. Potential proliferators also could be profiled. Is such a man more likely to be a three-time loser in the criminal courts, or an underpaid, underpromoted worker in a reprocessing facility with a large debt and a nagging wife, or some other type? What people in what positions for how long deserve special observation? These questions, too, are facets of anti-proliferation to which attention must be given if the total effort is to succeed.

RELAX ACCOUNTING FOR LOW ENRICHMENT U-235

And, if more attention is to be devoted to some things, it is likely that less can be paid to others. To me it seems unwarranted for the safeguards systems to spend a lot of time and effort accounting for low enrichment U-235. This material is little more useful from a diversionary standpoint than source material. Notice of shipments and receipts are about all that are required for the latter and all that seem reasonably necessary for 5 percent or less U-235. This product is totally dissimilar to plutonium and U-233 which are explosively fissionable as soon as a critical mass is accumulated.

DECLASSIFYING DIFFUSION TECHNOLOGY

For this same reason a relaxation of the zealous classification of diffusion enrichment technology has for long seemed warranted. Anybody wanting to go about making an atomic bomb by enriching U-235 in a diffusion plant could hardly be secretive about it. At Geneva IV, Wataru Hiraizumi, the President of the Japanese Atomic Energy Commission, recommended diffusion declassification and advised the owners of these secrets to get themselves some good patents, start licensing them and stop worrying about proliferation via the diffusion route, because it isn't in the cards.

So long as we make sure that no high enrichment cascades are built into these plants, I agree with the gentleman. We can better spend our safeguards, time and money checking on alternate enrichment processes which can be carried on in secrecy because they do not require large physical installations. We can safely take our eyes off the diffusion plants and concentrate them on the ultra-centrifuge, the Becker Nozzle, laser and thermal diffusion techniques and possibly whatever unique enrichment process the South Africans claim to have invented.

"BOMBS FOR ALL"

Since one unusual thought breeds another, I am now emboldened to mention the fantastic proposal that we contain the dangers from nuclear weapons not by limiting their ownership but by deliberately and rapidly accelerating proliferation on a worldwide basis.

This is the "bombs for all" idea that proliferation is inevitable, efforts to slow it down only unevenly delay the deadly day of reckoning and that mutual deterrence should work as well for ordinary powers as it has for the super-powers for over a quarter of a century. Therefore, every non-nuclear country is to be given four atomic bombs and made a nuclear power. It then can deter its enemies and in turn be deterred by them. The bombs are rigged with permissive action links which keep them from being turned against the supplier members of the Nuclear Club.

The kicker in this one is that any country which uses its bombs doesn't get any more. That will leave it a very, very lowly non-nuclear weapons state in a hostile world of nuclear powers. Such a possibility, it is argued, blanks out the proliferation problem and permanently guarantees a super-safeguarded worldwide nuclear truce. That, of course, is a fallacy and the idea of "bombs for all" as the answer to proliferation is an abusurdity or an obscenity, depending on your own preference for adjectives.

INCREASING NEED FOR TIGHT PHYSICAL SECURITY

Almost everyone but the astute chairman of our session this morning, Dr. Theodore B. Taylor, has neglected one very promising means to effectuate society's containment of the nuclear dangers. His ideas for enhanced physical security of the devices and materials concerned make a lot of sense and should receive serious attention. Taylor points out that nuclear material safeguards emphasis has been and continues to be concerned primarily with detection of losses after they have occurred. Physical security measures to prevent thefts in the first place are accorded only a secondary role.

The intrinsic value of special nuclear materials is high. At $10,000 per kilogram the value of plutonium by weight is about ten times that of gold. Yet the physical security levels provided for plutonium are considerly lower than those generally obtaining for the protection of bank vaults or large shipments of money and other valuables. And, here is another pertinent statistic: during the last decade successful million dollar robberies have averaged one a year and $100,000 and over robberies or thefts have occurred at a rate of around five per year.

Within about two years, plutonium recycle will commence on a large-scale and the flow of this product through the civilian power reactor fuel cycle will increase rapidly. The quantity, price and value of plutonium for illicit use could easily rise to a point where deterrence of theft, in the sense we have been talking about it, becomes much too weak a reed to rely upon. Dr. Taylor believes this will happen and contends that improved physical security is absolutely essential to reduce the vulnerability of these materials to large-scale felonious taking not only during shipment, which already is recognized as a serious hazard, but also during storage and handling. He points out that:

"Stolen special nuclear materials could supply an illegal national or international market, be incorporated into crude but highly destructive nuclear explosives for use by domestic or foreign extremist organizations, or sold to countries that want to make nuclear explosives but that do not have direct access to special nuclear materials."

Recently, the U.S. AEC somewhat tightened up its 10 CFR Part 73 physical security regulations, but they still fall short of constituting major barriers to special nuclear materials thefts or robberies by highly motivated professional criminals. Regardless of monetary costs, Taylor recommends that the United States Government vigorously press for action by appropriate foreign governments and the International Atomic Energy Agency to set up dependable SNM physical security systems on a worldwide basis. These should be designed to lock up SNM at least as tight as conventional valuables, and possibly tighter.

CONCLUSION

In conclusion let me say that this is a very distinguished audience of noted experts gathered together from many parts of the world. As this symposium begins, I am proud and pleased to have been given this opportunity to focus its attention upon the sea of problems associated with keeping vital atomic ingredients in the right hands and securely out of the way of mischief. My remarks have only skimmed the surface of that sea. During these few days here on the campus of Kansas State University, you will probe its depths for answers which may contribute significantly to the peace of the planet and the safety of its citizens.

I wish you well. All of civilization wishes you Godspeed.

TO ACHIEVE A FAIR APPORTIONMENT OF REVENUES FROM OFFSHORE MINERAL PRODUCTIONS

The **SPEAKER**. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS), is recognized for 10 minutes.

Mr. **BOGGS**. Mr. Speaker, as you know, vast quantities of minerals lie in the submerged lands off the shores of our coastal States.

The State of Louisiana has been a leader in the technology of offshore mineral production. Techniques and equipment devised in Louisiana are being used in other coastal States and countries around the world.

In the past 16 years, total Federal income from the sale of mineral rights in the federally controlled Outer Continental Shelf has multiplied more than 30 to 1. With our country facing a growing energy shortage, there is reason to believe that this trend will continue.

To date, all revenues from the Outer Continental Shelf have gone to the Federal Government. Federal revenues from submerged lands off the coast of Louisiana alone now amount to well over $3 billion.

Mr. Speaker, the revenues accruing to the Federal Government from the Outer Continental Shelf off the coast of Louisiana are possible only because of the many services rendered by the State of Louisiana. Louisiana and other coastal States build the schools, pave the roads, provide the health care, fire and police protection and other governmental services, without which there could be no offshore mineral production.

For similar reasons, it is present national policy for the Federal Government to share revenues from public lands on the mainland with the State within whose borders those lands lie. Thus, a mainland State is given 37½ percent of the revenues from mineral production from Federal lands within its borders.

Reason and equity require that the same formula be applied to Federal revenues from mineral production off the coasts of the States. For this reason, I have introduced a bill, H.R. 4343, intended to achieve the same fair apportionment of revenues from offshore mineral production as is now afforded States with public lands within their borders.

On past occasions I have inserted editorials and articles on this subject by the distinguished executive editor of the New Orleans Times Picayune, George W. Healy, Jr. Mr. Healy has just completed an outstanding, six-part series of articles on this subject. I am inserting these articles in the RECORD and calling them to the attention of my colleagues:

SHELF OIL INCOME ZOOMS

(George W. Healy, Jr.)

In 16 years total federal income from sale of mineral rights in the Outer Continental Shelf has multiplied more than 30 to 1.

This income has been from bonuses and first-year rentals, and is exclusive of continuing royalties of one-sixth of the value of minerals produced under federal leases.

Lease sales made in 1954, shortly after the start of deep water exploration and production, brought a total of $142,404,630.48.

Sixteen years later, on Dec. 15, 1970, federal income from bonuses and first-year rentals had mounted to a total of $4,398,902,411.74.

In 1968, before the Santa Barbara oil spill, several fires and expansion of demands for protection of the environment led to suspension of offshore drilling rights sales, more than a billion and a quarter dollars went into the treasury at Washington from Outer Continental Shelf sales. The exact amount for the year was $1,349,497,375.25.

After dropping off in 1969, the Outer Continental Shelf revenue collected from bonuses and rentals resumed the rise which has been increasing in proportion to the number of leases offered for sale by the Bureau of Land Management.

Now, with the new national energy policy calling for increased offshore production of fuel, there is good prospect that income from Outer Continental Shelf minerals will double within the next few years.

To date, the greatest federal income has come from submerged lands adjacent to Louisiana.

Revenue produced by bonuses and rentals from minerals rights sales for operations off coastal states up to Dec. 15, 1970, was:

Louisiana	$3, 021, 740, 545. 86
Texas	699, 022, 081. 96
California	638, 754, 209. 28
Oregon	29, 045, 074. 24
Washington	8, 231, 188. 40
Florida	2, 109, 312. 00

Although activity in the Gulf of Mexico has been more productive than offshore activity in other United States areas, government experts and private oil men predict that other offshore areas of this nation soon will yield increasing volumes of valuable minerals.

Potentially rich oil deposits running the full length of the United States Atlantic Coast have been discovered by scientists for the National Oceanic and Atmospheric Administration, an agency of the Department of Commerce. Exploration has indicated rich oil and gas reserves off the Pacific Coast and the coasts of Hawaii and Alaska.

To date, all revenue from the Outer Continental Shelf has gone to the federal government. None of it has been shared with a state off whose shores the revenue was produced.

In the case of Louisiana, a single year's "take" by the federal government (in 1970) amounted to more than 55% of the amount of the state's entire budget for fiscal year 1970–71. Although the state provided many services which made the offshore production possible, none of the 1970 bonus and rental income received by the federal government (all of which came from oil, gas and mineral leases off this state) was shared with Louisiana.

FEDERAL REVENUES FROM OUTER CONTINENTAL SHELF—MINERAL LEASE SALES, INCLUDING BONUSES AND RENTALS

Adjacent State and products	Number	Acreage	Bonus	1st year rental
1954:				
Louisiana—oil and gas	90	394, 721. 16	$116, 378, 476. 00	$1, 184, 175
Louisiana—sulfur	5	25, 000. 00	1, 233, 500. 00	50, 000
Texas—oil and gas	19	67, 148. 70	23, 357, 029. 48	201, 450
Total	114	486, 869. 86	140, 969, 005. 48	1, 435, 625
1955:				
Louisiana—oil and gas	94	252, 806. 92	100, 091, 262. 93	758, 442
Texas—oil and gas	27	149, 760. 00	8, 437, 461. 60	449, 280
Total	121	402, 566. 92	108, 528, 724. 53	1, 207, 722
1959:				
Florida—oil and gas	23	132, 480. 00	1, 711, 872. 00	397, 440
Louisiana—oil and gas	19	38, 819. 90	88, 035, 121. 27	388, 200
Total	42	171, 299. 90	89, 746, 993. 27	785, 640
1960:				
Louisiana—oil and gas	99	464, 046. 23	246, 909, 783. 59	1, 392, 159
Texas—oil and gas	48	240, 480. 00	35, 732, 031. 20	721, 440
Louisiana—salt	1	2, 500. 00	75, 250. 00	7, 500
Total	148	707, 026. 23	282, 717, 064. 79	2, 121, 099
1962:				
Louisiana—oil and gas	401	1, 879, 526. 71	445, 036, 031. 81	5, 638, 671
Texas—oil and gas	10	28, 800. 00	557, 719. 50	86, 400
Louisiana—oil and gas	9	16, 177. 95	43, 887, 358. 75	161, 780
Total	420	1, 924, 504. 66	489, 481, 110. 06	5, 886, 851
1963:				
California—oil and gas	57	312, 944. 85	12, 807, 586. 68	938, 838
1964:				
Louisiana—oil and gas	23	32, 673. 34	60, 340, 626. 00	326, 780
Oregon—oil and gas	74	425, 433. 05	27, 768, 722. 24	1, 276, 302
Washington—oil and gas	27	155, 420. 00	7, 764, 928. 40	466, 260
Total	124	613, 526. 39	95, 874, 326. 64	2, 069, 342
1965:				
Texas—sulfur	50	72, 000. 00	$33, 740, 308. 80	$216, 000
1966:				
Louisiana—oil and gas	17	35, 056. 00	88, 845, 963. 00	350, 570
Louisiana—oil and gas	24	104, 717. 19	99, 164, 930. 42	523, 600
California—oil and gas	1	1, 995. 48	21, 189, 000. 00	9, 980
Total	42	141, 768. 67	209, 199, 893. 42	884, 150
1967:				
Louisiana—oil and gas	158	744, 456. 13	510, 079, 177. 76	2, 233, 458
Louisiana—salt	1	2, 495. 00	30, 563. 75	7, 485
Total	159	746, 951. 13	510, 109, 741. 51	2, 240, 943
1968:				
California—oil and gas	71	363, 181. 00	602, 719, 261. 60	1, 089, 543
Texas—oil and gas	110	541, 304. 41	593, 899, 046. 38	1, 623, 915
Louisiana—oil and gas	16	29, 682. 00	149, 868, 789. 27	296, 820
Total	197	934, 167. 41	1, 346, 487, 097. 25	3, 010, 278
1969:				
Louisiana—oil and gas	20	48, 505. 00	44, 037, 338. 65	485, 050
Louisiana—sulfur	4	5, 625. 00	715, 150. 00	16, 875
Louisiana—oil and gas	16	60, 153. 06	66, 908, 195. 60	601, 550
Total	40	114, 283. 06	111, 660, 684. 25	1, 103, 475
1970:				
Louisiana—oil and gas	19	44, 642. 00	97, 769, 013. 00	446, 420
Louisiana—oil and gas	116	543, 897. 70	845, 832, 785. 06	1, 631, 694
Total	135	588, 539. 70	948, 601, 798. 06	2, 078, 114
Grand total to Dec. 15, 1970	1, 649	7, 216, 448. 78	4, 374, 924, 334. 74	23, 978, 077

Source: U.S. Bureau of Land Management.

OUR "LOST" OIL REVENUES

(By George W. Healy, Jr.)

For all intents and purposes, the billions of barrels of oil and condensate and the trillions of cubic feet of gas being produced from the Gulf of Mexico outside Louisiana's boundary are tax free.

The State of Louisiana collects no severance tax on this production. Nor does it collect any sales tax on the materials and supplies used to effect the production. These taxes are paid to no one.

Since 1898 the state Constitution has authorized a severance tax on natural resources severed from the soil of Louisiana. The greater part of the severance tax on oil, gas, salt, coal, ores, marble, stone, gravel, sand and shells is dedicated to support public education. Different severance tax rates apply to different products.

Since 1936 Louisiana has collected a sales or use tax on goods consumed or used in the state. Since 1970 the rate of this state tax has been 3 per cent. Various parishes and parish school boards also collect local sales taxes. In Orleans Parish the sales tax amounts to 6 per cent—divided equally between the state government and local agencies.

If the state had collected its severance tax on oil, condensate, casinghead gas and natural gas on which no severance tax was collected, its income from this source in the 11-year period, 1955–68, would have been increased by more than one-third of a billion dollars—$397,356,668.42.

Most of this tax income would have gone to pay the cost of educating Louisiana children—many of whom were the children of workers who made the federal offshore lands productive by manning drilling platforms and rigs.

These estimates are conservative. The severance tax on oil was based on an average of 25 cents per barrel. The severance tax rate varies as the quality, or gravity, of oil varies. Offshore oil generally is high-gravity crude. The tax on condensate was based on an average rate of 35 cents per barrel, and the tax on gas was based on an average of 2 cents per thousand cubic feet. The state recently increased its gas severance tax rate to 2.5 cents per thousand.

Here's the minimum severance tax that would have been collected by Louisiana, were this tax collectible on offshore production from federal lands:

Oil	$250, 233, 711. 75
Condensate	26, 933, 276. 65
Casinghead Gas	23, 503, 190. 66
Natural Gas	96, 686, 489. 36
Total	397, 356, 668. 42

Final production figures for 1969 and 1970 have not been tabulated, but preliminary tabulations show large increases. The 1968 offshore production from federal lands was more than 10 times as great as the 1958 production. This trend continues.

The figures showing uncollected or "lost" severance tax in this report take into consideration that the Federal Government receives one-sixth of the minerals produced from federal lands, or the revenue from one-sixth of the production. No severance tax was figured as due by the United States from its share of the oil, condensate and gas.

In addition to collecting this one-sixth royalty, the federal government collects bonuses and first-year rentals which amounted to $3,021,740,545.86 from sales of drilling rights off Louisiana between 1954 and Dec. 15, 1970. A report on the billions of dollars that are being received by the federal government from bonuses, rentals and royalties will be included in a later part of this weekly series.

Louisiana receives nothing to compensate it for the many services this state performs to make possible production of riches from submerged federal lands off its coast.

It is the editorial position of this newspaper that the U.S. Congress should pass legislation to correct inequity by having the federal government share with coastal states revenues which it receives from minerals production from offshore federal lands adjacent to those states.

This revenue sharing should be on the same formula as that now applied in sharing with inland states of revenues from federal lands within those states.

(Explanation: Casinghead gas is a by-product of production from oil wells, just as condensate is a by-product of production from natural gas wells.)

PRODUCTION BEYOND LOUISIANA BOUNDARY

Year and zone	By barrel— Crude oil	By barrel— Condensate	By 1,000 cubic feet— Casinghead gas	By 1,000 cubic feet— Natural gas
1958:				
II	11, 824, 115	397, 619	8, 574, 052	59, 209, 986
III	8, 236, 430	420, 211	9, 559, 134	46, 178, 404
IV	2, 116, 053	70, 831	1, 403, 349	8, 965, 911
Total	22, 176, 598	888, 661	19, 536, 535	114, 354, 301
1959:				
II	18, 481, 271	1, 263, 051	16, 720, 958	82, 646, 268
III	10, 154, 709	486, 311	11, 582, 520	90, 861, 207
IV	3, 655, 240	220, 158	2, 811, 337	22, 778, 920
Total	32, 291, 220	1, 969, 520	31, 114, 815	196, 286, 395
1960:				
II	28, 021, 749	1, 679, 780	27, 964, 244	99, 705, 794
III	10, 739, 292	572, 130	15, 293, 896	101, 042, 699
IV	4, 310, 620	464, 226	3, 333, 312	40, 102, 495
Total	43, 071, 661	2, 716, 136	46, 591, 452	240, 850, 988
1961:				
II	39, 123, 538	2, 817, 295	40, 451, 812	135, 401, 283
III	12, 930, 168	734, 063	17, 301, 042	93, 318, 857
IV	5, 984, 666	544, 963	4, 811, 869	44, 360, 234
Total	58, 038, 372	4, 096, 321	62, 564, 723	276, 080, 374
1962:				
II	53, 598, 165	3, 808, 807	59, 902, 255	172, 145, 655
III	16, 179, 899	1, 574, 325	22, 918, 036	137, 608, 002
IV	6, 790, 407	761, 738	5, 016, 425	53, 223, 694
Total	76, 568, 471	6, 144, 870	87, 836, 716	362, 977, 351
1963:				
II	64, 633, 811	4, 947, 881	74, 294, 639	198, 414, 452
III	21, 327, 573	2, 531, 098	31, 016, 477	180, 181, 967
IV	8, 305, 410	1, 133, 305	6, 264, 678	66, 577, 091
Total	94, 266, 794	8, 612, 284	111, 575, 794	445, 173, 510
1964:				
II	74, 726, 608	4, 516, 573	88, 326, 198	232, 284, 572
III	27, 258, 250	2, 336, 316	35, 256, 301	203, 610, 639
IV	11, 150, 490	1, 433, 225	10, 224, 764	82, 690, 389
Total	113, 135, 348	8, 286, 114	133, 807, 263	521, 585, 600
1965:				
II	84, 097, 491	6, 181, 166	94, 613, 780	303, 113, 750
III	39, 805, 366	2, 290, 262	48, 650, 958	205, 070, 069
IV	13, 796, 080	1, 327, 869	14, 448, 216	84, 852, 808
Total	137, 698, 937	9, 799, 297	157, 712, 954	593, 036, 627
1966:				
II	96, 175, 703	8, 920, 782	105, 397, 046	492, 098, 002
III	39, 765, 675	2, 557, 327	52, 294, 773	208, 811, 392
IV	37, 424, 736	2, 407, 916	44, 850, 116	153, 505, 404
Total	173, 366, 114	13, 886, 025	202, 541, 935	854, 414, 998
1967:				
II	105, 920, 098	9, 747, 299	122, 564, 074	520, 019, 962
III	44, 015, 777	1, 933, 144	60, 299, 866	181, 618, 075
IV	56, 633, 701	4, 731, 699	71, 547, 476	271, 526, 484
Total	206, 569, 576	16, 412, 142	254, 411, 416	973, 164, 521
1968:				
II	115, 435, 557	9, 439, 258	124, 710, 821	589, 879, 359
III	53, 402, 073	2, 083, 550	73, 651, 480	197, 044, 324
IV	75, 101, 095	8, 008, 485	104, 135, 535	436, 341, 013
Total	243, 938, 725	19, 531, 293	302, 497, 836	1, 223, 264, 696
Grand total for 11 years	1, 201, 121, 861	92, 342, 683	1, 410, 191, 439	5, 801, 189, 361

Source: The American Petroleum Institute.

"BURIED TREASURE" SPLIT

(By George W. Healy, Jr.)

Desolate mountains of northwest Colorado and adjoining areas in Utah and Wyoming are being described as covering "one of the greatest deposits of potential energy on the face of the globe."

Under these mountains, according to the September issue of Reader's Digest, lies "Biggest Buried Treasure on Earth." Source of the Digest Article is the Kansas City Star of Aug. 15, 1971.

Oil shale in the three states, the Star reported, via the Digest, is regarded as a potential source of riches for the United States Treasury. It could yield the federal government, the article reports, "according to one conjecture," royalties amounting to $275 million a year.

If and when a way is found to produce oil economically from this rich shale deposit, Colorado, Utah and Wyoming will receive 37½ per cent of the federal government's revenue from its share in the deposit. That is, if existing law continues in effect.

Now, to face reality and present facts rather than conjecture.

The United States Treasury during fiscal year 1971 (the year which ended June 30) received more than $159 million in royalties from oil and gas produced from the Outer Continental Shelf. Submerged lands in the

Gulf of Mexico off Louisiana produced more than 90 per cent of this revenue.

There is a possibility that the Outer Continental Shelf royalty yield to the federal government for the single year may exceed $380 million. More than $221 million of 1971 offshore revenue is held in an escrow fund pending final settlement of hearings by courts and masters to establish the exact contour of the Louisiana coast.

Already the federal government received more than $890 million in bonuses and rentals in 1970–71, all for leases off the Louisiana coast.

The total receipts by the U.S. from the Outer Continental Shelf for this most recent year then, may top $1,272 billion.

What do Louisiana, Texas, California and other costal states get from this really big buried treasure? To date, they've received exactly nothing.

Although it has yet to share in revenues from oil shale from federal lands that have not been placed in production, Wyoming received $18,792,266.71 from revenues produced in 1970 by other federal lands within its borders. The state deserved its share of those revenues. It provided many expensive services to make the inland federal lands productive.

Coastal states perform the same and possibly more services to make offshore federal lands productive. They deserve a fair share of the fruits of that production. Until the Congress acts to end inequity, the coastal states won't receive their just deserts.

OUTER CONTINENTAL SHELF RECEIPTS, FISCAL YEAR 1955 THROUGH 1970

	Bonuses, rent	Royalties	Escrow	Total
1955	$142,404,630.48	0	$12,217,134.37	$154,621,764.85
1956	111,171,041.53	$52,814.63	26,518,518.78	137,742,374.94
	[1] (57,434,228.69)	[1] (1,656.94)	57,435,885.63	
1957	1,976,361.00	232,342.31	10,969,890.58	13,178,593.89
1958	2,630,090.41	830,760.69	12,208,496.48	15,669,347.58
1959	1,145,720.00	2,266,484.40	20,418,121.35	23,830,325.75
1960	226,616,838.22	2,839,980.97	172,265,367.50	401,722,186.69
1961	1,716,161.23	5,588.525.60	43,762,875.15	51,067,561.98
1962	6,006,921.00	5,605,230.15	498,586,287.97	510,198,439.12
1963	359,370,525.43	7,443,921.55	(229,540,465.57)	137,273,981.41
1964	$5,870,970.00	$10,620,439.52	$135,904,544.80	$152,395,954.32
1965	42,223,700.64	11,246,201.92	89,032,099.84	142,502,002.40
1966	161,893,155.47	86,424,061.11	(39,552,372.76)	208,764.843.82
1967	596,202,951.97	41,107,770.26	148,129,983.44	785,440,705.67
1968	903,330,950.83	57,935,108.40	121,497,143.09	1,082,763,202.32
1969	[2] 350,194,610.43	78,083,889.47	285,633,591.37	713,912,091.57
1970	73,280,497.60	[2] 113,580,953.89	146,947,619.87	333,809,072.36
1971	890,634,479.13	159,914,891.13	221,707,956.30	1,272,257,326.56
Total	3,819,235,376.68	583,771,719.06	1,734,142,678.49	6,137,149,774.23

[1] GAO adjustment taken from general fund and placed in escrow.

[2] Includes transfers to land and water conservation fund: 1969, $126,783,300.34; 1970, $107,882,204.45.

Source: Bureau of Land Management.

FED OIL TAKE UP, STATE SHARE DOWN

(By George W. Healy, Jr.)

Back in 1955, five years before the United States Supreme Court held that Louisiana's historic boundary extended three miles from its coast, this state collected $44,212,534.53 in bonuses from its submerged lands. Sixteen years later, in 1970, the state's bonuses collections from its submerged lands had dropped to $1,581,773.07—a decrease of more than 30 to 1.

During the same period the United States Treasury's collections from bonuses from federal lands off Louisiana's coast jumped from $100,091,262.93 to $948,601,798.06—up more than nine to one.

Knowledgeable operators in the petroleum industry credit several developments to the sharp rise in receipts from federal lands off Louisiana and to decreases in receipts from state submerged lands.

1. Improvement in technology is permitting the drilling of deep wells far off the coast that would have been considered impossible several years ago.

2. Producers prefer to develop fields in offshore federal lands because oil and gas from those areas pay no severance tax and no sales tax is levied on supplies and materials used in operations beyond the three-mile limit. Testimony has been presented in public hearings that 6 per cent state and local sales taxes would have yielded more than $438,000 per year had this total tax been collected on food and beverages alone used on Louisiana offshore rigs and platforms in 1970. Sales tax on pipe, cement, mud and other materials used in the offshore operations, according to estimates, would have yielded another $22,000,000 in the same year.

The total severance tax which would have been paid, at the Louisiana rates, had this levy been collected on oil, condensate, casinghead gas and natural gas produced between 1958 through 1968 from the Outer Continental Shelf beyond Louisiana's boundary would have amounted to a minimum of $397,356,668.42.

The net result has been that the U.S. Treasury's total interest in production of minerals from the Outer Continental Shelf—bonuses, rents and royalties—has mounted from about $154.6 million in 1955 to more than $6,137.1 million in 1971.

During the same time Louisiana's income from submerged lands has produced a total of about one-sixth of the federal receipts.

Louisiana's income from royalties on the state's inland minerals deposits rose each year for many years until 1970, when these receipts dropped from $102,013,241.15 to $99,632,735.92.

As production from offshore federal lands has increased, the state of Louisiana to make possible this production also has increased.

However, under existing federal law, the United States does not compensate the state for any part of the cost of these expensive services—education, police protection, highway construction and maintenance and others.

Twenty-six states in 1970 received from the U.S. Bureau of Land Management 37½ percent of receipts from production from federal lands within those states. Coastal states received nothing from receipts of production from federal lands off those states.

They will continue to receive nothing until existing law is amended by the Congress to treat offshore federal lands in the same manner that inshore federal lands are treated today.

REVENUE FROM OIL AND GAS MINERAL LEASES ON STATE LANDS

	Inland			Submerged lands			
	Royalty	Rentals	Bonuses	Royalty	Rentals	Bonuses	Total
Year:							
1945	$2,574,762.51	$591,831.21	$834,092.23	0	0	$634,997.65	$4,635,683.60
1946	3,298,980.40	421,136.06	981.088.10	0	$229,381.07	4,854,612.66	9,785,198.29
1947	5,141,146.63	680,843.39	1,823,995.51	0	2,275,598.96	8,676,522.50	18,598,106.99
1948	8,066,882.20	572,495.27	6,242,296.39	$32,524.05	5,573,630.90	11,866,374.91	32,354,203.72
1949	8,837,096.92	941,068.94	2,456,750.42	273,813.89	7,663,728.14	0	19,372,458.31
1950	9,218,156.91	1,090,123.85	4,220,646.76	941,800.10	3,941,764.07	1,340,590.04	20,753,081.73
1951	11,508,659.90	1,122,356.59	3,947,828.61	319,958.62	867,455.32	4,087,286.41	21,853,545.45
1952	12,708,412.88	862,593.87	6,046,357.29	136,889.94	1,026,868.99	8,933,573.02	29,714,695.99
1953	13,638,787.90	1,063,870.63	7,028,049.18	3,576,812.09	1,300,175.70	3,766,110.49	30,373,805.99
1954	17,103,753.91	1,254,127.24	9,650,516.90	3,983,146.41	2,091,481.25	36,302,875.08	70,385,900.79
1955	18,652,338.11	1,440,242.50	44,564,388.17	5,839,622.82	1,553,068.66	44,212,534.53	116,262,194.79
1956	20,794,053.39	1,654,620.99	46,784,657.04	6,342,201.65	1,260,145.11	15,951,511.75	92,787,189.93
1957	35,083,879.29	2,677,982.47	24,988,764.23	13,167,241.45	941,054.47	1,522,310.47	78,381,232.38
1958	30,022,757.15	1,643,532.21	13,243,909.22	10,160,215.10	348,777.47	0	55,419,191.15
1959	40,657,718.13	668,979.73	24,106,967.16	13,129,934.42	168,952.93	47,459,266.67	126,191,819.04
1960	39,400,679.41	1,189,417.93	11,267,698.77	13,094,525.06	302,978.60	850,000.00	66,105,335.77
1961	44,494,831.45	1,253,895.68	6,787,951.96	13,299,765.12	72,112.66	10,265,223.61	76,173,780.48
1962	51,487,656.87	479,355.07	10,436,750.62	18,599,278.71	205,819.08	6,641,701.95	87,850,562.30
1963	56,672,037.78	1,043,191.68	34,477,333.71	15,901,028.50	449,098.52	832,360.00	109,375,050.19
1964	58,799,759.36	982,220.16	21,838,107.81	17,445,071.41	468,635.50	13,142,149.44	112,675,943.68
1965	63,029,409.25	2,079,919.00	22,732,440.88	21,787,067.72	628,656.31	7,768,949.00	118,036,442.16
1966	71,267,105.68	1,166,962.66	14,243,497.51	44,610,478.52	857,674.43	21,996,887.30	154,142,606.10
1967	86,341,690.05	1,041,282.64	8,555,217.57	32,945,913.61	630,282.76	6,450,679.94	135,965,066.57
1968	95,098,223.79	1,055,460.23	14,145,477.97	34,992,621.35	575,557.31	4,241,395.13	150,108,735.78
1969	102,013,241.15	1,294,697.44	12,886,377.69	37,516,328.02	717,061.51	1,840,471.16	156,268,176.97
1970	99,632,735.92	1,044,301.61	6,426,423.02	38,270,035.03	367,510.67	1,581,778.07	147,323,684.41
Total	1,004,754,756.94	29,316,509.05	360,717,584.72	346,367,200.59	34,517,479.48	265,220,161.78	2,040,893,692.56

Source: Table by register of state land office for Mid-Continent Oil and Gas Association.

SHELF OIL STAKES RISE

(By George W. Healy Jr.)

Because Louisiana pioneered in production of offshore oil, its citizens probably have a greater appreciation of the potential of the Outer Continental Shelf as a major source of energy than have residents of other states.

This appreciation in other states, particularly coastal states, we predict, soon will grow rapidly. Interest of these states in this production will be stimulated by proliferation of offshore exploration and development activity. This activity already has spread to Alaska, the Pacific and Atlantic coasts and the Great Lakes; and the spread apparently has just started.

The reason?

Since 1958 production of offshore oil has increased more rapidly in the free world than has production of onshore oil.

ONSHORE OIL

1958—15 million barrels per day
1970—30 million barrels per day

OFFSHORE OIL

1958—8 million barrels per day
1970—7.6 million barrels per day

These figures from the trade publication Offshore News reflect that in 1970 20.1 per cent of the free world's oil came from offshore operations. In 1960, according to this publication, 83 rigs were working offshore. In 1970, 309 rigs were working offshore.

Offshore oil wells drilled in the United States in 1970 were distributed: Alaska 19; California 146; Louisiana 838; Texas 60.

In other areas, offshore wells drilled in 1970 were distributed: Africa 30; Middle East 55; Mediterranean 4; Europe 56; Southeast Asia and Pacific 131; Latin America 475.

The North American total, including Canada, was 1,007 offshore wells.

Both official and private sources predict continued growth of offshore petroleum production. The Energy Policy Staff of the United States Department of the Interior is on record as saying: "The entire continental shelf bordering the U.S. is composed of sedimentary deposits favorable for the occurrence of petroleum."

The National Petroleum Council earlier reported to the President of the U.S., "The entire continental shelf area of the U.S., comprising 278,000 square miles, may be considered prospective petroleum province."

Already, of course, preservationists and ecologists are questioning wisdom of the offshore exploration and production program. Several of them were very vocal in their opposition at a hearing held Sept. 13 at Montauk, N.Y. A panel, sponsored by the New York Ocean Science Laboratory, expressed confidence that energy fuels may be recovered safely and without ecological damage to beaches of Long Island and other areas in that part of the Atlantic coast.

Improved techniques for finding oil and for eliminating spills which already have been used in the Gulf of Mexico, we are confident, will meet the ecologists' objections.

The growth of demand for energy, already acute in practically every section of the U.S., in our opinion, will necessitate development of offshore fields in practically all waters adjacent to coastal states.

This, obviously, will extend to many other states a condition which in Louisiana is becoming more aggravated every day. With each increase in offshore activity in the Gulf of Mexico, demands on the state to provide expensive governmental services for the offshore workers and their families increases.

Today the coastal states receive nothing from the federal government to compensate them for providing services which make possible rich production from offshore federal lands. Until federal law is changed to share revenues from offshore federal lands in the same manner that revenues from inshore federal lands are shared, discrimination against coastal states will persist.

Wyoming and 25 other states received 37½ per cent of the revenues produced from federal lands in those states in 1970. California, Texas and Louisiana received no part of the revenues produced from federal lands off their coasts.

STATE "OIL POPULATION" UP

(By George W. Healy, Jr.)

During the past two decades parishes of Louisiana which touch the Gulf of Mexico and contiguous sounds have grown in population at a rate far exceeding that of the remainder of the state.

These eight parishes between 1950 and 1960 had a population gain of 44.8 per cent. In the 1960–70 period their aggregate gain was at a rate of 138.4 per cent.

Total Louisiana population grew 21.4 per cent between 1950 and 1960 and 9.4 per cent between 1960 and 1970.

A major factor in this growth along the coast was an increase in exploration for and production of oil, gas, sulphur, salt and other minerals off Louisiana.

The eight coastal parishes had a population of 293,757 in 1950 and 1,014,372 in 1970. Of the 720,615 additional residents, a substantial number work on drilling rigs and platforms off the coast, build or maintain exploration and drilling equipment at marinas or in bays or canals which connect with the coast, operate boats or aircraft which supply the offshore operators with food, machinery and other materials or perform other services required for production of revenues from federal offshore lands.

Educating children of these new residents, providing access roads to permit them to get to boats and helicopters which supply offshore needs, protecting homes and business property necessary for successful operation beyond the coast and providing other essential services have cost the State of Louisiana many millions of dollars.

Revenues from federal offshore lands received by the United States government have amounted to about $6 billion.

None of these revenues has been shared with Louisiana, whose services have made their production possible.

By contrast, the federal government shares with 26 states revenues which it receives from federal lands within those states. Twenty-five states receive 37½ per cent; Alaska receives 90 per cent.

This, in our opinion, is obvious discrimination.

If Wyoming received, as it did, $18,792,266.71 as its share of revenues produced from federal lands within that state, Louisiana—by right—was entitled to a fair share of the revenues produced from federal lands off its coasts.

Wyoming's population in 1970 of 332,416 was approximately 700,000 less than the population of Louisiana's eight parishes which touch the Gulf of Mexico and contiguous sounds. Wyoming's population probably was less than the number of Louisianians who contributed directly to the more than $1 billion produced in fiscal 1971 for the federal treasury from offshore federal lands.

Wyoming earned, in our opinion, every penny that it received from federal lands revenues. Louisiana, we insist, deserves a substantial share of the revenues which its services made possible from federal offshore lands.

This state and other coastal states will not receive their just deserts until the Congress of the United States enacts legislation providing for the sharing with adjacent states of revenues from offshore federal lands in the same manner that revenues from onshore federal lands are shared with inland states.

Coastal states will receive just treatment only after this legislation becomes law.

	1950	1960	Growth (percent)	1970	Growth (percent)
Louisiana total	2, 683, 516	3, 257, 022	21. 4	3, 564, 310	9. 4
Coastal parishes:					
Cameron	6, 244	6, 909	10. 7	7, 685	11. 2
Jefferson	103, 873	208, 769	100. 9	688, 774	229. 9
Lafourche	42, 209	55, 381	31. 2	67, 652	22. 2
Plaquemines	14, 239	22, 545	58. 3	24, 700	9. 6
St. Bernard	11, 087	32, 186	190. 3	50, 729	57. 6
St. Mary	35, 848	48, 833	36. 2	59, 559	21. 9
Terrebonne	43, 328	60, 771	40. 3	73, 343	20. 7
Vermilion	36, 929	38, 855	5. 2	21, 930	7. 9
8-parish total	293, 757	425, 416	44. 8	1, 014, 372	138. 4

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fuqua, for 10 minutes, today, and to revise and extend his remarks.

Mr. Sikes, for 10 minutes, today, to revise and extend his remarks and to include extraneous material.

Mr. Pucinski, for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Smith of New York) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Spence, for 1 hour, today.

Mr. Hosmer, for 10 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Boggs, for 10 minutes, today.

(The following Members (at the request of Mr. Miller of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. Mizell, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel to revise and extend his remarks.

(The following Members (at the request of Mr. Smith of New York) and to include extraneous matter:)

Mr. Hastings.
Mr. Erlenborn.
Mr. Baker.
Mr. Scherle in 10 instances.
Mr. Broomfield.
Mr. Pelly in two instances.
Mr. Reid of New York in three instances.
Mr. Duncan.
Mr. Schmitz.
Mr. Wyman in two instances.
Mr. Landgrebe.
Mr. Conable.
Mr. Hosmer in three instances.
Mr. O'Konski.
Mr. Price of Texas.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Fraser in five instances.
Mr. Rosenthal in five instances.
Mr. Gonzalez in three instances.
Mr. Hagan in three instances.
Mr. Griffin in two instances.
Mr. Rarick in three instances.
Mr. Begich in five instances.
Mr. Celler.
Mr. Brinkley in two instances.
Mr. Baring in three instances.
Mr. Dorn in two instances.
Mr. Edwards of California in three instances.
Mr. Anderson of California.
Mr. Ryan in three instances.
Mr. Rodino in two instances.
Mr. Daniels of New Jersey.
Mr. Edmondson in three instances.
Mr. Eilberg.
Mr. James V. Stanton.
Mr. Obey in six instances.
Mr. Hanna in five instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 44. Concurrent resolution authorizing the printing of the study entitled "International Cooperation in Outer Space: A Symposium" as a Senate document; to the Committee on House Administration.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 27, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1228. A letter from the Secretary of the Interior, transmitting a report on the current status of the Government's helium program, pursuant to 50 U.S.C. 167; to the Committee on Interior and Insular Affairs.

1229. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1971, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules, House Resolution 661. Resolution providing for the consideration of H.R. 7248. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education (Report No. 92-588). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Pennsylvania (for himself, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Fraser, Mr. Hawkins, Mr. Mikva, and Mr. Mitchell):

H.R. 11420. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H. Con. Res. 439. Concurrent resolution to provide for the printing of 50,000 additional copies of the subcommittee print of the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, entitled "A Primer on Money"; to the Committee on House Administration.

By Mr. FUQUA:

H.J. Res. 936. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

278. The SPEAKER presented a memorial of the Legislature of the State of California, relative to a national wildlife refuge for south San Francisco Bay, which was referred to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

149. The SPEAKER presented a petition of D. E. Leveque, Sheboygan, Wis., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, October 26, 1971*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D. offered the following prayer:

"O God of love, O King of peace,
  Make wars throughout the world to cease;
The wrath of sinful man restrain:
  Give peace, O God, give peace again!
"Whom shall we trust but Thee, O Lord?
  Where rest but on Thy faithful word?
None ever called on Thee in vain:
  Give peace, O God, give peace again!"
—Henry W. Baker.

As we have remembered with thanksgiving the veterans of the Nation's wars, may we now firmly resolve to bring in the generation of peace. May all who serve here and in all other areas of the Government, all who serve in churches and universities, in business and the professions, and in every vocation of our common life, concert their best efforts to adjudicate all internal and international conflicts by peaceful methods to bring the era of peace. Grant us peace of mind and soul that our service may be a blessing to our children and their children's children.

We pray in the name of the Prince of Peace. Amen.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the Secretary of the Senate, on October 22, 1971, received the following message from the President of the United States:

The nominations of Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States; and William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore, on today, October 26, 1971, laid before the Senate a message from the President of the United States, received on October 22, 1971, submitting the nominations of Lewis F. Powell, Jr., of Virginia, and William H. Rehnquist, of Arizona, to be Associate Justices of the Supreme Court of the United States, which nominations were referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the Secretary of the Senate, on October 21, 1971, received the following message from the House of Representatives:

That the House had disagreed to the amendment of the Senate to the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Dingell, Mr. Murphy of New York, Mr. Adams, Mr. Springer, Mr. Devine, Mr. Harvey, and Mr. Kuykendall were appointed managers on the part of the House at the conference.

That the Speaker had affixed his signature to the enrolled bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 20, 1971, the following reports of committees were submitted:

By Mr. **JACKSON**, from the Committee on Interior and Insular Affairs, with an amendment:

S. 35. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes (Rept. No. 92–405).

By Mr. **FULBRIGHT**, from the Committee on Foreign Relations, with an amendment:

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 92–404).

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 21, 1971, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

THE UNITED NATIONS

Mr. **SCOTT**. Mr. President, the United Nations has severely wounded itself with self-inflicted blows—unwise, illogical, and foreboding for the future.

The United Nations has weakened itself by a decision which would permit that body, any time it rides on an emotional tide, to expel any country, particularly any little country, with whose actions it disagrees.

For example, had this precedent been established a short while ago, the United Nations could well have expelled Nigeria and thus removed itself as an agency for supplying relief to a part of Nigeria, Biafra.

Woe betide the next little country that runs athwart the majority sentiment of a couple of voting blocs in the United Nations who wish to get rid of it.

Mr. President, this may well be the beginning of a woeful period for the United Nations. It is a particularly bad time in history for world peace.

The United States has contributed far beyond what should have been its fair and normal share to the United Nations over the years. We have contributed out of our substance, out of our blood, sweat, and tears more money than any other nation in the world—far, far more money than any other nation in the world has ever contributed.

Yesterday, too many states cavalierly voted against the position of the United States, which was merely an act designed to preserve the integrity of the United Nations as a body and to preserve its obligations toward universality and toward being truly representative of all the peoples of the world.

It is an unfortunate thing which occurred yesterday. I grieve for the damage which the United Nations has done to itself. If it falls, weakens, or sickens, it has no one to blame but the spirit of selfishness, the spirit of narrowness, and the spirit of ingratitude which pervaded so many of its members.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. Byrd) is now recognized for not to exceed 15 minutes.

A CORRECTION OF ERRORS IN CERTAIN RECENT NEWSPAPER STORIES

Mr. **BYRD** of West Virginia. Mr. President, a recent newsstory entitled "Senator Byrd Tactics Irk His Colleagues," written by Associated Press political writer Carl Leubsdorf, has been brought to my attention. I wish, for the record, to correct certain misstatements therein.

The newsstory began with the following paragraph:

> Washington.—The hard-driving tactics of Sen. Robert C. Byrd, who has taken virtual control of day-to-day Senate scheduling, are beginning to cause resentment among some of his fellow Democratic senators.

The story then read as follows:

> But twice in the past week, first on an amendment by Sen. Gale McGee, D-Wyo., and then on one by Sen. Hubert H. Humphrey, D-Minn., Byrd stirred antagonism from the sponsors he claimed to be helping.
>
> On Tuesday, Byrd announced that the Senate would debate and vote Wednesday on McGee's amendment to delete a provision of the $21-billion military procurement bill to reopen U.S. chrome ore imports from Rhodesia despite the U.N. trade embargo.
>
> The next day, without explanation, the amendment was put over until Thursday.
>
> The reason, Senate sources said, was that Byrd had not cleared the schedule with McGee.

Mr. President, I am always suspicious of stories that use the words "Senate sources." What are "Senate sources"? One is not given to believe that they are Senators. If a story sought to create the impression that my work as majority whip is creating "resentment among some of his fellow Democratic Senators," why did not the Associated Press political writer quote Senators rather than "Senate sources"? Is this a term that is used in reference to someone in and around the Senate who is not a Senator but who makes of himself a convenient vehicle for the spreading of false propaganda and who, for unknown reasons, may deliberately mislead members of the press corps?

In any event, I have long since taken with a grain of salt any news report that is based on information gathered from "Senate sources."

In this instance, an explanation of the rescheduling of Senator McGee's amendment was stated by me at the time in question, and that explanation appears on page 32759 of the Congressional Record for Wednesday, September 22, 1971.

Why did the reporter seek to leave the false impression that the amendment of Senator McGee was put over until the next day "without explanation"? Why did the reporter state that "Byrd had not cleared the schedule with McGee"?

If the reporter had asked me or had asked Senator McGee he would have gotten the facts with respect to the matter. Or, if the reporter had simply read the Congressional Record he would have found the explanation. The explanation, which was perfectly clear and logical, was spread on the face of the Record for all to see.

I ask unanimous consent that the appropriate excerpts from the Congressional Record of September 22, 1971, to which I have just referred—in other words, the explanation which the reporter failed to note—be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Military Procurement Authorizations, 1972—Unanimous-Consent Agreement

Mr. Byrd of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the morning business on today, the pending question, the amendment submitted by the Senator from Wyoming (Mr. McGee), be temporarily set aside and that at the close of business today, at the time of the adjournment of the Senate, the amendment by the Senator from Wyoming (Mr. McGee) again be made the pending question.

The President pro tempore. Is there any objection?

Mr. Stennis. Mr. President, reserving the right to object, I came into the Chamber a little late. I understand that an agreement has been now reached between the Senator from Wyoming (Mr. McGee) and the Senator from Virginia (Mr. Byrd).

Mr. Byrd of West Virginia. The Senator is correct. Mr. President, by way of explanation, on yesterday several recesses were had in an effort to find a Senator who would be willing to call up an amendment today prior to 1 o'clock.

It was finally agreed upon between staff members of the Senator from Wyoming (Mr. McGee) and the other Senators present on the floor at the time that his amendment No. 423 would be the pending question when the Senate adjourned last night and would be the first amendment to be considered when the Chair laid before the Senate the unfinished business today. However, following the adjournment of the Senate last night, the Senator from Wyoming (Mr. McGee) contacted me to say it would not be possible for him to call up his amendment today.

That is the reason for vacating this unanimous-consent request.

I discussed the matter with the distinguished Senator from Virginia (Mr. Byrd), and it was agreed upon by him and by the Senator from Wyoming (Mr. McGee) that the McGee amendment could be made the pending business at the close of business today.

Mr. BYRD of West Virginia. Mr. President, Mr. Leubsdorf's story also might leave the impression that I had sought to "pull a fast one" on Senator HUMPHREY in scheduling his amendment. Pertinent paragraphs are as follows:

> In the meantime, pursuing his efforts to bring amendments up for votes as quickly as possible, Byrd had persuaded Humphrey to bring up on Friday his proposal to hold up funds for converting U.S. missiles to multiwarhead MIRVs.
>
> By noon Friday, Humphrey looked around him and at the absentee list, realized he didn't have a chance and that, in fact, the Senate might not even have the necessary quorum of 51 members to do business.
>
> As the Senate paused, Humphrey told Byrd in a voice audible in the gallery that he had been "trapped"—he later explained he had agreed to a vote without being told many potential supporters would be absent.

The facts are these: I had been asked by the majority leader to try to get an amendment scheduled for that particular Friday. Many Senators were out of the city or, for one reason or another, could not call up their amendments on Friday. Whereupon I went to Senator HUMPHREY and asked if he would be willing to bring up his amendment, to which he replied in the affirmative. I then asked if he would be willing to enter into a time agreement, and he again indicated in the affirmative. He also indicated that 4 hours, equally divided, would be ample on the amendment. I asked him if he wanted a rollcall vote thereon, and he again replied in the affirmative. So it was not a matter of my "persuading" Senator HUMPHREY to bring up his amendment. I did not persuade him to bring it up on that Friday. I asked him if he would be willing to go with his amendment on that day and he said that he would.

Moreover, contrary to the impression that the political writer sought to convey, I am under no obligation to state what the absentee situation will be unless asked.

As a matter of fact, I may not have even known. I did not know precisely of any occasion. I leave it to the judgment of the author of an amendment as to whether or not he is willing to schedule action on his amendment at a particular time. Although in this particular instance I happened to vote against Senator HUMPHREY's amendment, I have never used my position in the leadership purposely and knowingly to place a colleague at a disadvantage regardless of my own viewpoint with respect to his amendment or his position on legislation. That is not a proper function of the Democratic whip of the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Mr. Leubsdorf, to which I have referred, published in the Beckley, W. Va., Post-Herald of September 27, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR BYRD'S TACTICS IRK HIS COLLEAGUES

(By Carl Leubsdorf)

WASHINGTON.—The hard-driving tactics of Sen. Robert C. Byrd, who has taken virtual control of day-to-day Senate scheduling, are beginning to cause resentment among some of his fellow Democratic senators.

Democratic Leader Mike Mansfield of Montana has been content to let Byrd, his deputy, handle the time-consuming and often tedious duty of making sure amendments are brought up and bills expedited, and the West Virginian has been relentless in pushing for unanimous-consent agreements to set specific times for action.

But twice in the past week, first on an amendment by Sen. Gale McGee, D-Wyo., and then on one by Sen. Hubert H. Humphrey, D-Minn., Byrd stirred antagonism from the sponsors he claimed to be helping.

On Tuesday, Byrd announced that the Senate would debate and vote Wednesday on McGee's amendment to delete a provision of the $21-billion military procurement bill to reopen U.S. chrome ore imports from Rhodesia despite the U.N. trade embargo.

The next day, without explanation, the amendment was put over until Thursday.

The reason, Senate sources said, was that Byrd had not cleared the schedule with McGee.

In the meantime, pursuing his efforts to bring amendments up for votes as quickly as possible, Byrd has persuaded Humphrey to bring up on Friday his proposal to hold up funds for converting U.S. missiles to multiwarhead MIRVs.

By noon Friday, Humphrey looked around him and at the absentee list, realized he did not have a chance and that, in fact, the Senate might not even have the necessary quorum of 51 members to do business.

As the Senate paused, Humphrey told Byrd in a voice audible in the gallery that he had been "trapped"—he later explained he had agreed to a vote without being told many potential supporters would be absent.

Despite the recent resentment, most senators appreciate Byrd's efforts to bring more order to the Senate's usually haphazard scheduling. Fixed times for votes mean senators can plan their schedules, including out-of-town speeches, with prior knowledge of when they need to be on the floor.

And Byrd has been scrupulous about protecting the interests of absent senators, picking up in the process some valuable credits for the time he seeks the majority leadership after the 68-year-old Mansfield leaves the scene.

Mr. BYRD of West Virginia. Mr. President, in a later news story, Mr. Leubsdorf pursued the same theme, saying that I had "incurred the wrath of fellow Democrats, chiefly those in the party's more liberal wing who have feared he would use the job to push his conservative views."

Mr. Leubsdorf, in his second story, enlarges the number of Democrats whom I have reportedly "antagonized." He again refers to Senator MCGEE and Senator HUMPHREY, whose names were in his first story, and he now adds Senator JOSEPH MONTOYA. The Associated Press writer states that I had reportedly antagonized Senator MONTOYA "when BYRD tried to persuade him to call up an antiwar amendment likely to lose before MANSFIELD's which was expect to be approved."

Why did the political writer not ask Senator MONTOYA if I had antagonized him? The impression is to be had, one may suppose, that I was trying to trick Mr. MONTOYA into scheduling his amendment—for which I voted—at a time when it was calculated to be defeated. In other words, I was trying to take advantage of Senator MONTOYA—so the writer would have readers believe.

I ask unanimous consent to have printed at this point in the RECORD, Mr. Leubsdorf's second story, which appeared in the Bluefield, W. Va., Daily Telegraph of October 11, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANSFIELD MOVES TOWARD MORE ACTIVE ROLE IN RUNNING SENATE; BYRD'S METHODS ARE UNDER FIRE

(By Carl P. Leubsdorf)

WASHINGTON.—Democratic Leader Mike Mansfield of Montana is moving to reassert a larger role in running of the Senate in the wake of grumbling over the methods of his assistant, Sen. Robert C. Byrd of West Virginia.

The situation came to a head 10 days ago when Byrd lost control of an evening session that saw the adoption of an amendment dealing with chrome imports from Rhodesia—and then its reversal after several senators including Mansfield had gone home.

It was the latest in a series of incidents in which Byrd, who has been largely responsible for day-to-day scheduling of Senate business, incurred the wrath of fellow Democrats, chiefly those in the party's more liberal wing who have feared he would use the job to push his conservative views.

As a result, Byrd has been much less in evidence around the Senate in the past week—and Mansfield has been more visible.

Senate observers said they couldn't recall when Mansfield had spent as much time on the floor, keeping an eye on business.

Since Byrd became assistant leader in January by unseating Sen. Edward M. Kennedy of Massachusetts he has pushed hard to put the Senate on a more businesslike basis.

As a result, most amendments on key bills have had specific times set for voters after agreement on debate limitation, a procedure that makes it easy for senators to know when to come but which reduces attendance and spontaneity.

Before the chrome incident, Byrd reportedly had antagonized three fellow Democrats—Gale McGee of Wyoming, by scheduling his amendment also dealing with chrome on a day he was unable to be there; Hubert H. Humphrey of Minnesota, who claimed he had been "trapped" when he agreed to bring up an amendment on multiwarhead missiles without being told nearly half the Senate would be absent; and Joseph M. Montoya of New Mexico, when Byrd tried to persuade him to call up an antiwar amendment likely to lose before Mansfield's which was expected to be approved.

On the night of Sept. 30, the Senate had just approved by a vote of 45 to 43 an amendment by Sen. J. W. Fulbright, D-Ark., to keep the United Nations embargo on trade with Rhodesia on what leaders had said would be the final vote of the night.

But Sen. John C. Stennis, D-Miss., succeeding in winning two votes, 40 to 36 and 39 to 38, that reopened the issue after Mansfield and others had left.

On the latter vote, Byrd, at that point the acting leader, cast the decisive vote for reconsideration.

Fulbright then served notice he would prevent final action on the amendment by offering a series of alterations—a guarantee that final action could not be taken.

Mansfield told reporters later he felt he shared some responsibility for what had happened—and made clear he agreed with Fulbright's effort to put off final action because senators had left.

At the same time he made clear that he stands behind Byrd's efforts to expedite Senate business.

But a more visible Mike Mansfield has emerged in the Senate.

Mr. BYRD of West Virginia. Mr. President, while on the subject of newspaper misrepresentations, I call attention to a news story by James Doyle and Lyle Denniston, published in the Washington Sunday Star of October 10, 1971, in which the following two paragraphs occur:

Two weeks ago Sen. J. W. Fulbright, D-Ark., the chairman of the Foreign Relations Committee, became irritated with Byrd for some parliamentary maneuvers, and accused him of conducting "a slick operation" in the way he scheduled bills for floor action.

Fulbright removed that remark from the Congressional Record, and Byrd removed his own comment, "I assure the Senator I am not trying to trick him."

I have in my possession, Mr. President, the original transcript of the Congressional Record of September 30, 1971. It is the transcript in which all deletions, additions, and interpolations for that date appear. An examination of this original transcript will show, contrary to the statement of the Star staff writers, that Senator **Fulbright** did not remove—I repeat; did not remove—any such remark from the Congressional Record and, more important, that he made no such remark. The transcript will also show that I made no deletion of my comment and, indeed, that I did not make any reference to "trying to trick him."

Therefore, I ask unanimous consent that the pertinent colloquy as it appears in the original transcript, dated September 30, 1971, be printed at this point in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Mr. **Byrd** of West Virginia. Mr. President, I ask unasimous consent that upon the disposition of the amendment by the Senator from Alaska (Mr. **Gravel**) on Tuesday, the Senate proceed to the consideration of amendment No. 447, offered by the Senator from New York (Mr. **Buckley**).

By way of explanation, Mr. President, There has already been an agreement entered into whereby time on that amendment would be limited to 1 hour.

The **President** pro tempore. Is there objection?

Mr. **Fulbright**. Mr. President, reserving the right to object, is the Senator going to ask for the allocation of all the time on Tuesday, so that then there will be no time for even the possible consideration of the pending business?

Mr. **Byrd** of West Virginia. Mr. President, I hope all Senators will understand that I am not trying to play either side. 1 happened to vote with the Senator from Virginia on this question, but I do not intend now, or at any time in the future, and I do not think I ever have in the past——

Mr. **Fulbright**. I did not suggest that. I was merely asking for information.

Mr. **Byrd** of West Virginia. I am trying to answer. I do not think the Senator from West Virginia is going to try any legerdemain, but I do have requests to take up two more amendments following the one as to which I have just presented the unanimous consent request, and following that, I hope the Senate will proceed to dispose of the amendment on Rhodesian chrome ore.

Mr. **Fulbright**. Would the Senator mind asking unanimous consent for that first?

Mr. **Byrd** of West Virginia. No, because I want to clock in the other two amendments, and know where we stand, and at what point we can dispose of the Rhodesian ore amendment.

Mr. **BYRD** of West Virginia. Mr. President, I also ask unanimous consent to have printed at this point in the Record the complete news article written by Messrs. Doyle and Denniston.

There being no objection the article was ordered to be printed in the Record, as follows:

Senators Back Robert Byrd for High Court Vacancy

(By James Doyle and Lyle Dennison)

President Nixon has received personal requests from a number of senators that he consider Sen. Robert C. Byrd, the West Virginia Democrat, for one of the two vacancies on the Supreme Court.

A high government official disclosed yesterday that Byrd's name has been put before the President in letters and personal conversations during recent weeks.

He did not name the senators who were pushing Byrd for the nomination, and it could not be determined yesterday whether the campaign on his behalf was a coordinated one. Byrd is majority whip in the Senate, ranking next to Democratic Leader Mike Mansfield in the party leadership.

The official said Nixon would give serious consideration to such suggestions, but he discounted a published report that Byrd was now Nixon's personal choice for the Supreme Court.

REPORT CAUSES SUPRISE

Several different administration sources also downplayed that report, but each noted that Byrd was indeed among those being considered.

It could not be determined how Byrd's name got on the White House list, but its appearance there caused considerable surprise, even shock, in government circles, including within the Senate.

Byrd has never practiced law. He was once a member of the Ku Klux Klan in his youth. The West Virginia AFL-CIO declined to support him for re-election in 1970. And within the last two weeks he has come under fire privately by Senate liberals, especially Republicans.

One of his Senate critics said yesterday, "First if all, I know this story was first floated by Byrd himself. But even if it were instigated by the White House, it couldn't be taken seriously. It would cause one of the most vicious fights this city has ever seen, and the past ones would look tame."

CRITIC SEES APPROVAL

That appeared to be a minority opinion, however. One of Byrd's bitterest critics in the Senate said late yesterday he thought the West Virginia Senator would be confirmed if his name were sent to the Senate by Nixon.

Byrd's name has not been submitted to the American Bar Association for clearance, but neither has any other name since the name of Rep. Richard H. Poff, R-Va., was withdrawn just one week ago.

Byrd apparently played a role in Poff's decision to withdraw his name from consideration for the nomination despite Nixon's almost certain intention to name Poff.

Byrd called Poff ten days ago and told him that if Poff's name was submitted to the Senate, it would face a long delay by liberal opponents.

FIGHT PREDICTED

Poff subsequently withdrew eight days ago, and his supporters disclosed that he had been unwilling to subject his family to the kind of bitter public controversy that went on with the earlier, rejected, nominations of Judge Clement Haynsworth and former Judge G. Harrold Carswell.

A smiliar controversy was predicted by opponents of Byrd's selection, and many offered the view that Byrd's choice, if it were to be made, would be disapproved outright by the A.B.A.

Byrd who is 53, earned his law degree belatedly at age 45 from American University, attending classes as a part-time student for six years during his last term in the House and his first in the Senate.

His only experience with the judiciary has been as a recent member of the Senate Judiciary Committee. He is the newest Democrat on that committee.

TARGET OF LIBERALS

One of Byrd's supporters with the President, reportedly, has been the chairman of the Judiciary Committee, Sen. James Eastland, D-Miss.

Besides his lack of legal experience, Byrd has a controversial record with a number of liberal groups, including welfare rights organizations and those seeking more liberal benefits for the District of Columbia.

These stem from his past role as chairman of the Senate Appropriations subcommittee for the District, and his frequent acerbic comments on the floor of the Senate about D.C. residents who, he said, abused their welfare benefits.

His most serious opposition would be expected from blacks. In a well-remembered Senate speech in 1965, after the Watts riot, Byrd said:

"The ghettoes are blamed; yet people of all races have lived in ghettoes in the past, but they have not rioted.

"Poverty is blamed for the riots; yet poverty-stricken whites outnumber poverty-stricken Negroes in America, but they are not rioting . . . We can take the people out of the slums, but we cannot take the slums out of the people."

DISPLACED KENNEDY

In recent years he has moderated public comments and spent more time climbing the Senate leadership ladder.

Despite the bitter criticism of some liberals in the Senate, Byrd succeeded in displacing one of them, former Sen. Joseph Clark of Pennsylvania, as secretary of the Democratic Conference in 1967.

And earlier this year he succeeded in moving to the second position by displacing Edward M. Kennedy of Massachusetts as party whip. In each case he succeeded in winning solid conservative support and enough liberal support to win.

Byrd has been working closely with the White House in that role, and reportedly has developed a good relationship with Nixon and some of his top aides.

Byrd is also pushing a civil rights bill in the Senate at present, legislation which would strengthen the enforcement powers of the Equal Employment Opportunities Commission.

BACKED REJECTED NOMINEES

He voted for Nixon's two rejected court nominees, Haynsworth and Carswell, and has said publicly on several occasions that the Supreme Court needed a change in its membership in order to put the country "back on the right course."

Byrd was aboard Air Force One Friday when President Nixon flew to Elkins, West Va., to attend the 35th annual Mountain State Forest Festival. But a White House spokesman said yesterday that Byrd and the President did not confer privately during the trip.

Byrd declined comments about the reports of his possible nomination.

Byrd has been involved in controversy throughout his time in Washington, since first elected to Congress in 1952.

He admitted that as a youth he had been a member of the Ku Klux Klan, but called it a mistake, and he has appointed blacks to his staff on various occasions.

Two weeks ago Sen. J. W. Fulbright, D-Ark., the chairman of the Foreign Relations Committee, became irritated with Byrd for some parliamentary maneuvers, and accused him of conducting "a slick operation" in the way he scheduled bills for floor action.

STORIES DISPUTED

Fulbright removed that remark from the Congressional Record, and Byrd removed his own comment, "I assure the senator I am not trying to trick him."

After that incident, which occurred during an angry night session of the Senate, news stories were written indicating that some liberals were disenchanted with Byrd as whip, and that he might be challenged as he worked his way toward the goal of being the next Majority Leader after Mike Mansfield of Montana.

Byrd told a reporter that the stories had been generated by Senate aides rather than senators, and even his critics admitted that he appeared to still have wide support among his fellow Democrats.

But last Tuesday a number of Republican senators complained privately to their own leaders about Byrd's manner in running the Senate, including his use of a unanimous consent agreement to keep all Senate aides off the Senate floor, where they are sometimes posted by absent senators to protect the absentee's interests.

Sen. Mansfield, who normally leaves the control of the floor to Byrd, maintained a closer vigil throughout last week, reportedly to mute criticism that Byrd was taking advantage of Mansfield's easy attitude.

Mr. BYRD of West Virginia. Mr. President, finally, I wish to refer to a story by Steve Gerstel of United Press International, published in the Williamson, W. Va., Daily News of October 8. Mr. Gerstel apparently sought to pick up the theme already established by Mr. Leubsdorf. The first two paragraphs of Mr. Gerstel's newsstory read as follows:

> WASHINGTON.—First from the left and then from the right, the buffeting of Bobby Byrd has begun. The natives are restless.
>
> A number of colleagues from both parties are chafing under the rigid, almost autocratic way that Sen. Robert C. Byrd runs the Senate as assistant Democratic leader.

Mr. Gerstel then proceeded to say:

> Last week, the complaintant was Sen. Hubert H. Humphrey, D-Minn., the former vice president, well-known for his ability to talk at length.
>
> It was no surprise, therefore, that he was caught open mouthed when his facile tongue was stilled by Byrd's operations.
>
> He stopped virtually in mid-sentence by the end of the so-called morning hour, a period of 15 minutes devoted to three-minute speeches.

Mr. Gerstel apparently did not bother to examine the facts. In the first place, Senator HUMPHREY's remarks were not "stilled by BYRD's operations." For one thing, I was not on the floor of the Senate at the time to "still" the remarks of anyone. Moreover, the practices which have been utilized during this session with respect to early morning 15-minute speeches and the limitation against extending the time on 3-minute morning business speeches are not "BYRD's operations" at all. These practices have been put into effect upon the recommendation of four distinguished Senators in this body, two from each side of the aisle—Senator CRANSTON and Senator HUGHES, both Democrats, and Senator SCHWEIKER and Senator SAXBE, both Republicans. The suggestions which these Senators made have been good ones and have worked exceedingly well. They were originally taken up before the Democratic and Republican conferences and were agreed upon; and, since the beginning of this session, it has been my duty as majority whip, to assist in implementing the procedures recommended and approved. The remainder of Mr. Gerstel's story will speak for itself, and I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BUFFETING OF WEST VIRGINIA'S SEN. ROBERT BYRD HAS BEGUN

(By Steve Gerstel)

WASHINGTON.—First from the left and then from the right, the buffeting of Bobby Byrd has begun. The natives are restless.

A number of colleagues from both parties are chafing under the rigid, almost autocratic way that Sen. Robert C. Byrd runs the Senate as assistant democratic leader.

The issues are minor, if not petty.

They are not peace, war, inflation or unemployment. That's not Byrd's world.

Rather, the issues are whether a senator will get three minutes for a speech and whether a Senate aide can or cannot stay in the chamber when the boss is away. In this area, Byrd reigns supreme.

And the complaints, when they come, are enveloped in words of praise and even love for the West Virginian.

Last week, the complainant was Sen. Hubert H. Humphrey, D-Minn., the former vice president, well-known for his ability to talk at length.

It was no surprise, therefore, that he was caught open-mouthed when his facile tongue was stilled by Byrd's operations.

He stopped virtually in mid-sentence by the end of the so-called morning hour, a period of 15 minutes devoted to three-minute speeches.

Humphrey contended, correctly, that 11 of the 15 minutes were used trying to find senators to make three-minute speeches leaving only four minutes for expounding.

Because Byrd was not present to hear Humphrey's protests in the morning, he continued them at night. Could, HHH asked, the time needed to search for speakers be charged to some other period than the 15 minutes. Absolutely unworkable, Byrd replied.

But in an attempt to soothe the tempers, Byrd said anytime he was on the scene (he almost always is) he would seek to extend the 15-minute period by three minutes if a senator needed the time.

As a result, GOP leaders will now ask every day that aides of all the Republican senators can stay on the floor. Byrd strangely will not, according to GOP policy chairman Gordon Allott—object to this back-door approach of getting the helpers into the chamber.

Mr. BYRD of West Virginia. Mr. President, I expect no special treatment from anyone in the news media. I have been in public life long enough to understand that criticism of those in public life is to be expected. Such criticism does not bother me when critical opinion is based on facts. When facts are distorted, either deliberately or through failure to ascertain what the truth is, then something quite different from fair criticism is involved.

Let me say, finally, that I would be less than honest if I did not acknowledge that most representatives of the news media have been fair with me. For that I am grateful.

Mr. MANSFIELD. Mr. President, I have just listened to the speech of the distinguished assistant majority leader, and I want to say that, insofar as I am concerned and to the best of my knowledge, what he has had to say in reference to the McGee amendment, having to do with Rhodesia; what he has had to say with reference to the Humphrey amendment, which was called up on a Friday; and what he had to say relative to the Montoya amendment is the truth.

What the distinguished Senator from West Virginia has done, under my direction and with my full knowledge at all times, is to seek to bring about a limitation of debate on bills and amendments to the end that the business of the Senate can move forward.

I know that some doubts have been voiced about that policy because some people are under the illusion that it does away with the unlimited debate concept which has marked the Senate for so many years. I do not agree with that inference because if a measure is important enough, there will be plenty of objections to a limitation of time. So far as I am concerned, one Senator only has to object to any request, and that objection will be honored.

The distinguished Senator from West Virginia was correct when he said that the basis for the 15-minute rule in the morning was the recommendation of four distinguished Senators in this body—the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. SAXBE), and the Senator from Pennsylvania (Mr. SCHWEIKER)—who developed an extraordinary personal interest in the conduct of the affairs of the Senate. And the joint leadership is delighted that they did.

They came to us with this recommendation, among others, and, on the basis of the recommendations which they brought to our attention, we brought this particular matter before our respective conferences, and this recommendation was approved by those bodies.

So I think the RECORD ought to be straight. I have no hesitation in saying what I have just said, because I believe that the truth is what counts. The account of the distinguished Senator from West Virginia (Mr. BYRD) is accurate. What he did was done on the basis of my direction, I repeat, and with my full knowledge.

I am sure that that is the way this side of the body will operate in the future, just as it has in the past.

Mr. SAXBE. Mr. President, I should like to associate myself with the remarks of the majority leader.

It is true that I was quite interested in this subject, and we recommended the specific 15-minute limitation; and we also recommended great firmness when it came to setting up the schedule and keeping the schedule. I think it has worked very well. I also believe that the leadership on both sides has demonstrated genuine interest in trying to expedite business and not waste the time of Senators on the floor of the Senate.

If we will look at the progress made on appropriation bills, which have always been a stumbling block, and at the authorization bills that have been cleared this year, we will see that it has not been by accident; it has been due to the emphasis placed by the chairman of the Committee on Appropriations and the chairmen of the various committees on authorizations on expediting the bills, and also by the leadership in scheduling these measures on the floor and seeing that all time is limited without depriving any Senator of his time in court, so to speak.

I do not want to see this system break down at a time when it is so important that we proceed with a degree of order. I think most Senators are quite willing to spend whatever time is necessary here in Washington, and on the floor of the Senate, as the case may be, to conclude our work.

If there are Senators who wish to talk at great length, for 1 hour, 2 hours, or 3 hours, they are not denied; Senators can take the floor at the close of the pending business. I have heard no Senator complain that he has not been given this opportunity. This was the idea. If a Senator wants to limit himself to 15 minutes and get his speech over with at the beginning of the session, that is allowed; if he wants to go on at great length, generally to an empty Chamber, he can do so at the end of the pending business.

As a relatively new Member I have never been able to understand why a Senator would want to stand up and read a paper for 2 hours when he could say his introduction and put the rest of the speech in the RECORD. Is it to entertain the half dozen people in the gallery at the time? It is not to enlighten Members of the Senate.

I wish there were some way in which Senators could be here to engage in a lively exchange, but such is not the case, so we have to face reality. If there are Senators who wish to go on for 2 hours, let them come at the end of the session.

I wish to commend the leadership for the efforts they have undertaken.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business, with the statements therein limited to 3 minutes.

THE UNITED NATIONS

Mr. **STEVENSON**. Mr. President, it may be expected that those who have done the most over the years to cause the expulsion of Taiwan from the United Nations will now be the ones to most excitedly protest it.

Ten years ago the United States might have recognized that the People's Republic won the war against a corrupt and incompetent regime and was in fact the government of China. The United States might then have supported a two-China policy and won its acceptance in both Peking and Taiwan. But the partisans of the Taiwan regime had their way. The United States refused to admit that the government of the most populous nation on earth existed.

We waged a long, humiliating retreat instead, fighting realities with technicalities, pressuring our allies to go against commonsense, expending every year a litle more credibility in an impatient world.

One by one our allies dropped away—Canada, Great Britain, and France. But we went on stubbornly opposing the efforts of others to build a truly universal institution. We resisted the chance to break down the isolation of the People's Republic and bring it into the community of nations, until, our credibility gone, it was too late to save Taiwan's place in the United Nations.

What chance remained was lost in August when Mr. Nixon admitted that the government of China was located in Peking.

I regret the expulsion of Taiwan. And I deplore the posturing of those most to blame for it. They have caused the Nation enough humiliation.

It would be better now if the hysterics on the right were disregarded and instead we calmly accepted our defeat. We could restore some confidence in our commonsense. We could recognze that if Peking accepts its seat we will have a chance to forge a new community of nations at peace.

Our difficulties in the United Nations will not be diminished by petulant and threatening postures upon the stage of world opinion. We would be helped if we demonstrated that the United States wishes to be a citizen of the world and a friend of all mankind by recommitting ourselves in this hour to the support of the United Nations.

Mr. **BYRD** of Virginia. Mr. President, I have never thought it logical—or right—to undermine one's friends in order to accommodate one's enemies.

The United States itself agreed to throw Nationalist China out of the United Nations Security Council in order to give that seat to Communist China.

In view of this action, it is not surprising that a majority of the United Nations members decided to go one step further and throw Nationalist China out of the General Assembly.

From the outset, I have opposed seating Communist China at the price of the expulsion of Nationalist China.

Nationalist China is an original member of the United Nations and is larger in population than half the present member states.

Neither China is democratic—but Nationalist China has been an ally of the United States for many years.

THE EXPULSION OF NATIONALIST CHINA—A REPREHENSIBLE STEP

Mr. **BYRD** of West Virginia. Mr. President, I rise to state my dismay at the ejection of Nationalist China from the United Nations and the seating of Communist China in its place. I have no objection to bringing the Peking government into the U.N.; but I believe that the members of the U.N. have made a grievous mistake in ousting the Taiwan government, which was a charter member and in a position of great responsibility in the world body by reason of being one of the five permanent members of the Security Council.

This reprehensible slap at a country which has consistently supported the U.N. since its inception can have no other effect than the further weakening of the U.N. itself.

There is no inherent incompatibility, in my judgment, in having both the People's Republic of China and Nationalist China as members of the U.N. That is the bedrock issue here. The U.N. is an organization which should be interested above all else in promoting and keeping the peace of the world. How does it serve that interest when it expels, without due cause or sufficient reason, a nation which was a charter member of the U.N. and which has fully discharged its responsibilities over the years?

This action by members of the United Nations, many of whom are so-called emerging nations whose ultimate impact upon the world's destiny is debatable at best, is not only unfair and unreasonable, but it also makes a mockery of the very objectives to which the U.N. should be dedicated.

The United States, in its efforts to retain the seat of Taiwan while favoring the admission of Communist China, was seeking a realistic solution of a difficult problem with one aim in mind: the promotion of peace in Asia and in the world. It is not logical in my opinion that a majority of the U.N. members should scorn this objective and throw their support to a Communist nation which has never hesitated to pursue its own selfish ends regardless of the effect its course might have upon the rest of the world.

A very bad precedent has been established, in my judgment, by this expulsion. I cannot condemn it too strongly, and I commend the representatives of the U.S. Government who have attempted to deal with this problem in a manner which I am convinced could eventually have contributed to peace in the world.

There is no question in my mind that the United Nations will be further diminished in the estimation of the American people. The Congress at the very least, I believe, should reexamine in considerable detail U.S. commitments to this organization which has failed so miserably in this hour of testing, and should definitely reduce U.S. contributions to the United Nations.

The **PRESIDENT** pro tempore. Is there further morning business?

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **GOLDWATER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **GOLDWATER**. Mr. President, a parliamentary inquiry.

The **PRESIDENT** pro tempore. The Senator will state it.

Mr. **GOLDWATER**. Are we still in the morning hour?

The **PRESIDENT** pro tempore. Yes. The Senator may proceed for 3 minutes.

A DEFEAT FOR HONOR

Mr. GOLDWATER. Mr. President, in last night's infamous session in New York, the United Nations ended whatever small usefulness it ever had in the cause of world peace and became an instrument of and a sounding board for international communism.

I do not believe there is any longer any reason for us to deny the actual meaning of an action which expelled an honorable charter member of the United Nations for no other reason than that the action was demanded by a powerful, Communist outsider.

My only regret, when I heard the news last night, was that my country had not joined the representatives of Taiwan in walking out on a session so farsical that it defies description. And if we felt we had to be recorded on the final vote, we could have easily asked for a live pair with some powerful voting equal like Sierra Leone, or Togo, or Zambia.

Mr. President, it is my understanding that a meeting will be held today by some Senators who believe the time has come for cutting down our financial contribution to the United Nations. I, for one, do not want to cut down our contribution; I want to cut it out entirely. I do not want to see the United States demeaned in one vote after another by being given equal voice with countries which are not as big as some of our counties, but which hold membership in the United Nations primarily because of their Communist and leftist leanings. I have heard it said that the admission of Red China was inevitable and that that was the reason why our government ended a long quarter century policy of opposition in advancing the ill-fated two-China plan. Now, in acknowledging that this prediction was correct, I should like to say that it is now inevitable that the United Nations will become more and more of an instrument to defeat or frustrate the strategic interests of the United States and other freedom-loving members of the family of nations.

And this being the case, I suggest that the time has come for us to stop acquiesing in our own trouble. In other words, the time has come to recognize the United Nations for the anti-American, anti-freedom organization that it has become. The time has come for us to cut off all financial help, withdraw as a member, and ask the United Nations to find a headquarters location outside the United States that is more in keeping with the philosophy of the majority of voting members, someplace like Moscow or Peking.

Mr. President, what happened in the United Nations last night has been described as a defeat for Taiwan and an embarrassment for the United States. I reject both contentions in the belief that what happened last night was a defeat for honor and decency in the family of nations and a victory for expediency, dictatorship, and oppression.

It it were not so tragic, the action taken last night would be downright ludricous. We found a majority of the General Assembly deciding that it was not an important question to expel a charter member of the organization which has lived up to every one of the requirements of the organization and in contravention of the charter upon which the United Nations was founded. And this action was taken at the insistence of a government which stands condemned by the United Nations itself as an aggressor against peace in the Korean war.

I repeat, I believe the United States made a mistake when it deserted a principle on which it has stood in opposing the admission of Red China for more than two decades. In moving the admission of Red China—regardless of whether that motion was coupled with an attempt to retain Assembly membership for Taiwan—we sacrificed principle for expediency. We went on record as favoring the admission of a bandit nation which has had a long history of violating every precept of peace as outlined by the U.N. Charter. In other words, when we agreed to go along with the admission of the bandit nation, under any circumstances, we in effect agreed to play by rules laid down by the bandit rather than by responsible members of the United Nations. It would have been far better for the United States to have stood by the position of honor and responsibility upon which it has based its longtime opposition to admission of Red China. Then, if we were defeated, we could at least have maintained principle and exerted our strongest efforts on behalf of a position which was patently honorable and correct.

Mr. President, I would urge every Member of this body and every citizen of the United States of America to read the nation-by-nation tally on this important question of expulsion for a charter member. Only in this way can it be understood how our position has been watered down by a steady process of addition and attrition. You will find the United States being given one vote against along with countries like Saudi Arabia, the Upper Volta, Gabon, and Malta. You will find the United States being outvoted by tiny, seldom-heard of regimes such as Kuwait, Kenya, Ethiopia, and Botswana.

It might be well for other members of the United Nations to look closely at how easy it now becomes to expel any member who happens to be standing in the way of a major communist objective. More went on last night than the ouster of Taiwan, the seating of Red China, and the setting of a dangerous precedent. What happened in the United Nations last night was the death of honor in the family of responsible members. It is time for the United States to get out and stop subsidizing an organization which has only negative value in a divided world. Perhaps the Communist nations which were so intent on booting out a dues-paying member and insulting the major financial contributor to the U.N. will be willing to take up the financial slack.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Is there further morning business?

CHINA IN THE UNITED NATIONS

Mr. PERCY. Mr. President, the overwhelming United Nations vote to admit mainland China and expel Nationalist China shows that the world will no longer tolerate the absence of the 750 million people of mainland China from the U.N. I myself felt that mainland China should be seated without expelling Nationalist China, which has always been a charter-abiding member of the U.N. Moreover, the expulsion of any member sets a dangerous precedent and runs counter to the generally accepted view that the United Nations should be universal.

I would oppose, however, any effort to reduce the U.S. contribution to the United Nations now that Nationalist China has been expelled. I feel it would be a very dangerous precedent, every time a nation lost a vote, even though it be a very important vote, for that nation to take the attitude that it then would retaliate by reducing its contribution to the United Nations. The U.N. is in a very precarious financial position today as it is. This kind of action would really put the United Nations into a shambles, and I cannot imagine that, at this stage of world history, we would want to contribute in any way toward weakening the United Nations. Every effort should be made to strengthen it by encouraging other countries to increase their contributions.

It would be wrong, however, for the United States at this time, having lost a vote, to reduce its contribution to the United Nations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The President pro tempore announced that on today, October 26, 1971, he signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 923. Joint Resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Activities and Status of Civil Defense in the United States," Department of the Army, dated October 26, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON MATTERS CONTAINED IN THE HELIUM ACT

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act, for the fiscal year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON FUNDS CONTRIBUTED FOR ADVANCEMENT OF THE INDIAN RACE

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs", during the fiscal year ended June 30, 1971; to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 49

"Relative to a national wildlife refuge for South San Francisco Bay

"Whereas, The establishment of a national wildlife refuge for the southern portion of the San Francisco Bay to preserve open space and recreational values in the natural environment of the bay for benefits to man and to protect endangered species and a wildlife habitat of national significance from the increasing threat of urbanization has been endorsed, after extensive studies, by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and resolutions in support of such action have been adopted by 24 governmental agencies of the San Francisco Bay area; and

"Whereas, House and Senate bills to establish the refuge have been introduced during 1971 in the 92nd Congress, and are presently in committee, and hearings will be held on the question of the proposed refuge after June 1, 1971; and

"Whereas, The proposed refuge area of open water, sloughs, tidal shallows, flats, marshes, saltponds, and upland meadows is a natural habitat for more than 100 species of land birds and, as a vital part of the Pacific Flyway, is host to thousands of migratory wild birds making the long fall flight from the Arctic to Baja California and South America; and

"Whereas, The South San Francisco Bay region provides the habitat and resting areas for several species of bird and animal life which are on the verge of extinction, and prompt acquisition of land for a national wildlife refuge is essential in view of the continuing pollution and destruction of the natural environment of the region by rapidly expanding urban development; and

"Whereas, The proposed national refuge, carefully managed for the protection of wildlife, would also provide the people of the San Francisco Bay area and of the nation with access to the bay and its wildlife for observation and enjoyment, offering opportunity for picnicking, photography, fishing, and other recreational activities compatible with the primary purpose of the refuge, and would enable students of all ages from elementary school to college to use the refuge as an outdoor laboratory for the study of biology, ecology, history, and sociology; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a national wildlife refuge for the southern portion of the San Francisco Bay; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marine and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MILLER:

S. 2740. A bill to authorize the hiring of employees of detective agencies for other than investigative services. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. STEVENS):

S. 2741. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2742. A bill to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District. Referred to the Committee on Interior and Insular Affairs.

By MR. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2743. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MUSKIE (for himself and Mr. CRANSTON):

S. 2744. A bill to provide better in-service education and training programs for members of the Armed Forces of the United States, to provide additional education and training opportunities for veterans, to provide better job training and job placement for veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By MR. FANNIN:

S. 2745. A bill for the relief of Alicia De Jesus Coto-Melgar. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MILLER:

S. 2740. A bill to authorize the hiring of employees of detective agencies for other than investigative services. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to authorize the hiring of employees of detective agencies for other than investigative services. This is basically the same bill that was passed by the Senate on October 17, 1963, and which I cosponsored in 1966. I also introduced this bill in the 91st Congress.

My bill would amend section 3108 of title 5, United States Code. This section was originally enacted as part of the act of March 3, 1893 (27 Stat. 591), and, in effect, prohibits the Federal Government or the District of Columbia from employing for any purposes employees of organizations which engage in investigative work.

Section 3108 now reads as follows:

> An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the District of Columbia.

Over a period of many years, the Comptroller General has uniformly held that this provision is a prohibition against the employment in Government service of employees of detective agencies and is applicable to contracts with detective agencies as firms or corporations as well as the contracts with, or appointments of, individual employees of such agencies. Thus, whereas firms or organizations which furnish only protective services may be employed by the Government, organizations which do both protective and investigative work may not be employed, even to supply protective services. The statute, therefore, results in discrimination against organizations which provide both types of services and is detrimental to the interest of the Government, since it serves to eliminate from competitive bidding numerous major detective organizations which would otherwise respond to Government invitations to bid on contracts for the furnishing of supplementary guard service. Undoubtedly, this causes an increase in the cost to the Government of contract guard services.

The purpose of my bill is to amend this restrictive legislation—which was originally adopted over 75 years ago—by repealing the prohibition so far as the use of employees of detective agencies to perform other than investigative work is concerned. The original enactment arose out of public and congressional concern resulting from the practice, once prevalent in private industry—especially steel and railroads—of employing certain detective agencies to recruit and furnish armed guards who were allegedly used as labor spies and strikebreakers in labor disputes, giving rise to bloodshed, loss of life, and destruction of property. Labor-management relations today are fully regulated by Federal and State statutes, and there is no longer any justification for the continuance of this discriminatory and costly prohibition.

Mr. President, I want to make it entirely clear that the bill I am introducing today is aimed specifically at a particular problem, that is, the fact that organizations which provide detective services may not provide protective or guard services for the Federal Government. My bill merely changes the so-called anti-Pinkerton provision to provide that no employee of a detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services. Thus while it would permit the Government to hire employees of detective agencies to perform protective services, it would continue the prohibition on the hiring of such employees to perform investigative services. This limits the bill to exactly the situation that needs correcting.

Mr. President, I urge early adoption of this bill.

By Mr. CANNON (for himself and Mr. Stevens):

S. 2741. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I introduce today for myself and for the senior Senator from Alaska a bill to broaden and extend the Government Guarantee of Equipment Act of 1957.

Mr. President, this act which is due to expire next year, was passed some 14 years ago to assist the local service airlines of the United States in purchasing aircraft needed to provide the public service required of them in serving the Nation's many small towns and communities.

Since 1957 the local service airlines assisted by this act have made great strides in modernizing their fleets and reequipping to meet the growing demands for local air service to the communities these carriers serve.

The result has been better, faster, more comfortable and more economical air transportation for millions of citizens who live in our rural areas and small towns. In the past this act has enabled many airlines to purchase, for the first time, new jet aircraft comparable to the equipment serving the largest cities in the United States. Much of this equipment could not have been purchased without the Government guaranteed loans made possible by the act of 1957.

For example, the United States has guaranteed a total of 23 separate loans for $58.2 million in assisting the local service, Alaska and Hawaiian carriers to purchase 81 new aircraft.

Mr. President, since the program was initiated there has not been a single default—the United States has not incurred any losses in backing up the credit of the Nation's certificated local service carriers. In recent years because of unrealistic limitations of law and burdens of administrative procedures, the act has not been utilized like it might have been. At the present time only one guaranteed loan is outstanding, a $1.2 million guarantee for Alaska Airlines.

Mr. President, while this act has been helpful and useful it now needs to be broadened and extended if it is to efficiently meet today's needs of the local service airlines and the communities who depend upon their service. Hopefully, this bill will have that effect. In addition to modernizing the program, my legislation will extend for another 5 years the provisions of the basic act.

The first change which I propose is to increase the limitation on loan guarantees from $10,000,000 per carrier to $30,000,000. With present jet aircraft costing between $4,000,000 and $8,000,000 per plane, the $10,000,000 limit in present law is quite inadequate in light of the present financing needs of our local service air carriers. The second change I propose would allow the airlines to refinance equipment they are now operating under terms of the guaranteed loan act. This refinancing provision is an attempt to ease the burden of extremely high interest rates these lines currently face absent the guarantee. Since these interest rates are reflected in the costs and therefore the subsidy requirements of the local service airlines; it is entirely appropriate that the Government, through the guarantee of equipment loans, assist in this refinancing if it will have the effect of lowering interest costs. This, hopefully, will reduce the carriers' needs for Federal subsidy to operate the public service routes on which they cannot make a profit.

Finally, I suggest certain other administrative changes which will make the administration of the act less burdensome and time consuming and which will encourage its broader use by the local service airlines.

While the changes I suggest will be helpful in meeting the current needs of local service air carriers the enactment of these provisions should not lead to increased costs to the United States.

Mr. President, this legislation is a matter of some importance and consequence to our responsibility to maintain a balanced national transportation system which includes fast and convenient air service to rural and smalltown America.

Therefore, I am confident that the Subcommittee on Aviation, which I chair, will be able to hold hearings on this matter soon. At that time we will explore in some detail the current needs of the local service carriers.

I am not absolutely committed to all of the provisions of this legislation. Rather, I view it as a working paper from which we will begin a study of the best way to continue to meet the requirements for local air service in the United States.

During the hearings I am hopeful that we will have a full discussion of this bill and all alternatives which may be advanced from other interests. From that process we will be able to report the best possible legislation to meet the needs for continued local air service in the United States.

By Mr. JACKSON (for himself and Mr. Allott) by request):

S. 2742. A bill to convey certain federally owned land to the Twenty-nine Palms Park and Recreation District. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I send to the desk for appropriate reference a bill to convey certain federally owned land to Twenty-nine Palms Park and Recreation District.

This legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be presented in full in the Record at this point in my remarks.

There being no objection, the communication was ordered to be printed in the Record, as follows:

United States Department
of the Interior,
Washington, D.C., June 10, 1971.

Hon. Spiro T. Agnew,
President, United States Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To convey certain federally owned land to the Twenty-nine Palms Park and Recreation District."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides for the conveyance of one acre, more or less, to the Twenty-nine Palms Park and Recreation District. This parcel was originally set aside as a cemetery for Indians of the Twenty-nine Palms Band.

In 1911, under the authority of the Act of January 12, 1891 (26 Stat. 712), the United States purchased the property by warranty deed from the Southern Pacific Railroad Company. The deed showed $5.00 as the purchase price, but the source of funds used to pay this sum is not known.

The cemetery contains remains of the ancestors of the Twenty-nine Palms members having Chemehuevi blood; however, there are no markers, mounds, or depressions. There have been no burials in recent years nor are any members of the Twenty-nine Palms Band buried there. It is presently unused land and is considered excess to the needs of the band and the United States Government. Furthermore, the band is most anxious that the cemetery character of the property be preserved.

The Twenty-nine Palms Band of Mission Indians does not live in the area, nor does it have the means to maintain the cemetery plot, therefore, the band is in favor of having the cemetery conveyed to the Twenty-nine Palms Park and Recreation District. This district is a political subdivision of the local government and has agreed to assume the responsibility for this cemetery. After the plot is conveyed to the Twenty-nine Palms Park and Recreation District, it plans to remove a stone house from private land and reconstruct the building on this site to be used as an Indian museum to preserve Indian artifacts. The site itself would be of historical interest to the general public and would be carefully preserved.

The appraised value of the cemetery site is $500. Even though the district is not in a position to expend any funds to purchase the site, it will beautify the property and preserve its historical significance if the land is conveyed to it.

Consideration has been given to turning the parcel over to General Services Administration for disposal, but this is not feasible in view of the Indians' firm desire to have this sacred burial ground of their ancestors protected from any adverse use. Therefore, in order to respect the wishes of the band and to protect this cemetery site with its historical significance, we strongly urge that this legislation be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,
Harrison Loesch,
Assistant Secretary of the Interior.

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 2743. A bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes.

This legislation was submitted and recommended by the Assistant Secretary of the Interior and I ask unanimous consent that the executive communication accompanying the draft proposal be set forth in the RECORD at this point in my remarks.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 25, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To establish a working capital fund for the Bureau of Land Management of the Department of the Interior, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Bureau of Land Management, like many government agencies whose operations involve long-range or unexpected commitments of funds, has long felt the need for a more stable and flexible source of working capital than is possible through annual appropriations. This proposed bill, patterned after the Act of August 3, 1956, as amended (16 U.S.C. 579b) which provided for a working capital fund for the United States Forest Service, would provide a more efficient method of financing and accounting for the various programs and service operations of the Bureau of Land Management: including grazing, forestry, outdoor recreation, wildlife habitat development, range improvement, cadastral survey, watershed treatment, lease and sale of land and mineral resources, weed control, construction, and maintenance of buildings and roads, and other conservation and environmental protection activities.

These programs affect more than 450 million acres of public lands—approximately 20% of the total area of the United States.

These programs require a variety of special supplies and equipment such as firefighting equipment, grass seed, tree seedlings, survey markers, pulaskis, rations, and fire retardants, which are not readily available and therefore must be purchased in advance, stored in convenient locations until needed and replenished when used.

Substantial economies can be achieved if purchases and repairs of such equipment can be accumulated to take advantage of quantity for seasonal purchasing. A working capital fund would also greatly simplify bookkeeping and contractual arrangements with suppliers, which when funding is based on annual appropriations not available for obligation beyond the end of the fiscal year, is rather complicated.

The $3 million authorized in the bill will provide the initial capital to establish the fund. The initial capital is necessary to acquire the assets for "sale" to activities financed by annual appropriations. The working capital fund will be self sustaining. The small administrative cost of the fund will be recovered from the benefiting activities. The savings generated by the fund will more than offset the administrative costs.

The Office of Management and Budget has advised that this proposal is in accord with the President's program.

Sincerely yours,
HARRISON LOESCH,
Assistant Secretary of the Interior.

By Mr. MUSKIE (for himself and Mr. CRANSTON):

S. 2744. A bill to provide better in-service education and training programs for members of the Armed Forces of the United States, to provide additional education and training opportunities for veterans, to provide better job training and job placement for veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. MUSKIE. Mr. President, today I am introducing for myself and Senator CRANSTON a bill entitled "Servicemen's and Veterans' Education, Training and Job Assistance Act of 1971." This act changes fundamentally the basic concepts of this Nation's responsibility to those who enter our military forces. It would guarantee effective job training and educational opportunity to all American servicemen and women while in the service and to recent veterans.

During the past few years this country has become increasingly troubled by the plight of returning Vietnam veterans. The unemployment rate for the 322,000 Vietnam-era veterans out of work, 80 percent higher than the unconscionable national rate, is disturbing to all Americans. The Nation has been shocked to learn that large numbers of our servicemen returning home and remaining abroad are victims of drug addiction and abuse.

Regardless of differing views on the Vietnam war, all Americans must be united in our concern with the problems of our returning veterans. What American would disagree with the statement of President Franklin Roosevelt in announcing the first GI bill in 1944:

> We must make provision now to help our returning servicemen . . . bridge the gap from war to peace activity.
>
> The members of the armed forces have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us, and are entitled to definite action to help take care of their special problems.

The goal of helping the returning veteran established by President Roosevelt in 1944 should still be a goal in 1971. Unfortunately, we are moving away from—rather than approaching—it. We have failed our veterans because the administration has not developed new programs to handle the new and old problems facing the serviceman today. Instead, the administration has produced a series of belated actions in an attempt to bolster outmoded and largely ineffective existing programs.

The plight of our returning veterans and the certainty that these kinds of problems will continue demand that we abandon stagnant approaches. We must fundamentally revise our programs for veterans to meet truly the goal established in 1944 to help this Nation's servicemen bridge the gap from war to peace activities. We owe nothing less to those who volunteer or are called to serve.

I. THE SCOPE OF THE PROBLEM

A few statistics reveal the alarming problems faced by Vietnam veterans:

Although the national unemployment rate is 6 percent, the unemployment rate for veterans from ages 20 to 29 is 8.4 percent; for those under age 20, 14.6 percent; and for minority group veterans from ages 20 to 24, an estimated 20.9 percent. During August 1971, there were 322,000 unemployed veterans, a 50-percent increase in unemployment in one year.

A recently published Department of Defense study shows that present training programs are not helping those who need assistance most. The study indicates that those who have served in the most dangerous combat jobs—infantry, armor, artillery—and those who have served in Vietnam have a higher unemployment rate than other servicemen.

Only 26 percent of veterans eligible for educational benefits upon discharge are taking advantage of this opportunity, compared with 50 percent after World War II, and 41 to 45 percent after the Korean war. Also, veterans who most need educational assistance to obtain a high school diploma are receiving the least assistance. Although 15.5 percent of our Vietnam-era veterans have not completed high school, less than 10 percent of them are using any GI bill education benefits.

The marvelous medical care provided in Vietnam has resulted in a lower death rate than in any other war in recent U.S. history. It has also resulted in more seriously wounded returning veterans needing extensive medical assistance, prosthetic devices and rehabilitative training. While veterans with service-connected injuries are given priority in the VA hospital system, their numbers have produced overcrowding and intolerable delays for veterans needing medical care.

The administration responded to this tragic situation by requesting funds for the present fiscal year which did not even cover inflationary increases in the cost of medical care. Congress refused to accept this grossly inadequate request and appropriated an additional $200,000,000 for VA hospitals and expressly insisted that the average daily patient level be maintained at 85,000. Tragically, $72,000,000 of this increase was slashed in the President's cost-cutting program and the remainder has not been released.

By September 30, 1971, the average daily patient level had shrunk to less than 80,000—the equivalent of closing eleven 500-bed hospitals—in direct violation of the congressional directive. Cost-cutting procedures in these areas are intolerable and inhumane. The medical needs of veterans cannot be sacrificed.

Recent surveys have estimated that between 10 to 15 percent of all American troops in Vietnam are taking hard drugs. Senate investigators have learned that this epidemic exists in many major military installations outside Vietnam as well. Senate hearings have disclosed that there are 80,000 to 90,000 recently discharged veterans in the United States who are addicted to heroin and other narcotics. Present programs scarcely begin to deal with this crisis. We cannot avoid it by claiming—as the administration seems prepared to do—that the problem is overstated because tests which are so easily faked by heroin addicts seem to indicate a smaller percentage of heroin being used.

Even the elementary but extremely important task of handling routine inquiries and applications for benefits and informing veterans of their rights under the various veterans' programs is inadequate. Despite the implementation of various "outreach" and other programs designed to expedite communication between veterans and the VA, the operation is overwhelmed by the refusal of the administration to seek adequate funding. Since 1969, the average workload of VA division offices has increased by 25 percent, while the employment in these offices has increased by only 3½ percent. A new direct-dialing telephone system has been introduced to give veterans better communication with VA offices, but an indicator at the Boston office has reported about 900 "busy signals" daily because there are not enough employees to answer the phones. Almost every VA office has reported inordinate backlogs in the handling of routine applications.

II. THE ADMINISTRATION'S RESPONSE

The response of the present administration to these problems has been totally inadequate. Today's veteran is met by over 40 different programs administered by the Department of Defense, the Veterans' Administration, the Department of Labor, the Department of Health, Education, and Welfare, and 50 State employment services. The discharged serviceman receives instruction and information from most of these organizations, but in many cases receives no real assistance. The administration has made little effort to simplify the bureaucratic maze which faces the average veteran.

On October 15, 1970, the administration, recognizing the serious employment problem of veterans, announced a jobs for veterans program and formed yet another Presidential committee to encourage employers—including the Federal Government—to hire veterans. This committee, operating without any real power, has launched an advertising campaign and obtained vague promises from employers to hire veterans.

While its purposes are commendable, the committee does not do the job. For example, 3 weeks after a recent VA-sponsored "Job Mart" in Washington, D.C., where some 1,300 veterans were given job interviews with 50 employers claiming to have 3,000 jobs available, only 67 veterans had actually received job offers. Moreover, no sooner had the administration stated that it would make every effort to bring veterans into Federal jobs, than it announced that, as part of its new economic program, Federal employment would be reduced. Quickly forgotten were all previous promises of hiring veterans.

It was only in June of this year that the administration began to make serious efforts to deal with the narcotics problem in the Armed Forces. Compulsory tests for servicemen returning from Vietnam to identify users of heroin were initiated and an expansion of narcotic treatment facilities was obstensibly accelerated.

These belated administration programs to find jobs for veterans and to deal with the narcotics epidemic are commendable to the extent thay have some effect. But these programs must be classified in the all too familiar category of "too little, too late." They are aimed primarily at providing assistance to servicemen once they are leaving the military or have already been discharged. Dealing with servicemen's problems after discharge is dealing only with the tip of the iceberg. Surely the time has come to go beyond the addition of just a few new patches to the current tattered patchwork of programs and benefits.

III. A WIDER ROLE FOR THE ARMED FORCES

The Armed Forces must recognize their responsibility to train and to educate to the fullest extent possible servicemen and women who need these most basic societal skills. While the Armed Forces obviously must concentrate first on their military mission, experience has shown that a portion of every serviceman's time in a noncombat situation can be made available for comprehensive education and job-training programs before a serviceman is released. That time should be used by the Defense Department to insure that all Americans who serve their country in uniform be given in return the tools needed for a productive and decent civilian life.

Expanding the role of the Defense Department would not only assist the servicemen—it would serve to increase the popularity and desirability of service in the Armed Forces. During the past fiscal year, the Defense Department spent $18 million in a recruiting campaign designed to show military life as a frolic—a vacation in Europe. Yet one report estimates this $18 million attracted only an estimated 2,500 recruits because, as anyone who has served knows, military life is anything but a vacation.

If military service were advertised as a time of opportunity—a time to receive needed education, training and job assistance—the attractiveness of a tour of duty would surely increase. This will help us approach the goal of lower draft calls during times of peace.

During times of crisis when manpower needs are high, our draft laws do not place an equal burden on all of our young people. Some young men must serve while others continue their lives without interruption. If we make military service a time of opportunity—as well as a time of danger and sacrifice—then the uneven burden of the draft can begin to be equalized.

Just as we must offer more education and training to those who serve our country, we must offer them programs at a time in the serviceman's career when they are useful. This Nation's present programs are geared primarily at assisting a veteran after he has been released from military service. Admittedly, some recognition of a governmental responsibility to equip members of the Armed Forces to face the civilian world occurred under the Johnson administration through the organization of Project Transition. This program was designed to counsel and train servicemen in selected skills. However, the low rate of success of Project Transition is revealed not only by unemployment statistics but also by the fact that less than 10 percent of separating servicemen have received training under its auspices.

Yet, just a few relevant facts indicate why effective assistance before release from active duty is needed:

Of those enlisted personnel separated from service during fiscal year 1970, 15.5 percent did not have a high school diploma and 77 percent had less than 1 year of college work. If these servicemen must wait to begin their education until after their discharge, they will lose more valuable time in becoming full and productive members of society.

Over 50 percent of our servicemen serve in military jobs where conversion to civilian occupations based in skills learned in the military is not possible. Delaying vocational training until after military service causes a drain on society and a hardship for the affected veteran. There is no better time to help provide a serviceman with the skills needed to enter the civilian world than while that serviceman is still in the military.

IV. THE CHARTER OF ECONOMIC OPPORTUNITY

In recognition of the obligations I believe the Government owes our men in uniform, and I and Senator CRANSTON are proposing that Congress enact a Charter of Economic Opportunity for servicemen and veterans. This charter would guarantee that each serviceman would be entitled to receive, during his duty hours and at Government expense, the following:

The opportunity to obtain a high school diploma or any certificate equivalent to such a diploma;

If the serviceman has a high school diploma, the opportunity for refresher or preparatory courses making the transition to college far easier;

Training for a civilian job; and

Assistance in securing a job after discharge.

Enactment of the Charter of Economic Opportunity will provide an incentive for entering military service and substantially eliminate many of the problems of present and future veterans. There is no reason why our defense establishment, which rightly prides itself as the finest trainer of fighting men, cannot also train men for peace. The talents which have been turned to destruction can be redirected toward creating innovative programs for educating young men and women quickly and effectively. Military service should be recognized as a reciprocal obligation in which young people give service and are, in turn, provided services. Post-discharge programs will then be a continuation and completion of what began in the service. They would not be burdened with the problems of starting out from scratch.

Simply enacting a Charter of Economic Opportunity will not, of course, completely solve our present or future problems. A series of additional steps must be taken as well:

The legislation will provide for the creation of a new Deputy Assistant Secretary of Defense appointed by the President and confirmed by the Senate who will be charged with insuring that the guarantees in the charter are implemented. The legislation will also require that, within 30 days after the Deputy Assistant Secretary takes office, an advisory committee of education and training experts appointed by the President be established to begin organizing the program immediately. The Deputy Assistant Secretary should report to Congress, within 60 days after the committee is organized, on the specific steps and the funding necessary to implement the charter.

The bill will provide for the creation of a new line organization in the Defense Department, to report to the Deputy Assistant Secretary and to be responsible for administering all charter programs such as counseling, training, education, or job placement. In this way, fixed and central responsibility and efficient administration will be secured.

The legislation will provide specific directions and guidelines as to how the Congress intends the charter to be implemented and maintained under careful civilian control. To this end, the following 10 requirements will be prescribed:

First. The legislation will require that trained counselors be provided so that each serviceman will receive assistance from the day he begins active duty. At present, only 50 percent of those separating from service receive any counseling at all during their entire military tour of duty—and most of this advice and assistance is of little practical use. The Deputy Assistant Secretary will be required, as part of his initial report to Congress, to specify how many counselors will be needed and what costs will be involved.

Second. Since many members of the Armed Forces will be capable of finding employment immediately upon their release without either intensive training or education, these men should be provided with an opportunity—prior to discharge—to refresh and improve any skills which became rusty during their years in the Armed Forces. The legislation will require that refresher and preparatory education programs be expanded and that the educational institutions close to military installations be utilized. This type of training is currently authorized under the VA-administered PREP program, but the extent to which servicemen are given the opportunity to participate in the program seemingly varies according to the dictates of individual post commanders. The program should be made a direct responsibility of the Department of Defense—and expanded so that servicemen have an absolute right to such training before discharge.

Third. Since the military has virtually no job placement program, the Defense Department must encourage base recruitment by employers who can guarantee job opportunities and provide servicemen with information before discharge about public employment services in areas where these men expect to reside. Federal, city, and State governments and other public and private employers should be offered assistance in scheduling periodic visits to military bases in order that as many servicemen as possible can be channeled into promising careers before their tours of duty have ended.

Fourth. The legislation will provide authorization and funding for military recruitment activities. As part of this program, the Defense Department will be given responsibility for compiling job opportunities for servicemen and veterans, to expand the information available on job opportunities and to eliminate needless duplication. The information being compiled by the Department and all job placement activities should be coordinated with the activities of the Veterans' Administration and the nationwide job bank administered by the Department of Labor and State employment agencies. The entire responsibility for soliciting potential employers, collecting job information and assisting servicemen in securing employment will be placed with the new Deputy Assistant Secretary and his organization.

Fifth. To implement the guarantee of a high school diploma or some equivalent in the charter, the Defense Department will identify through the counseling program those servicemen needing such education and provide the necessary facilities and programs. Obviously, many servicemen will be unable to complete their high school education within their 2 years of military service. Moreover, many veterans who have already been discharged do not have a high school education and are virtually unemployable in today's economy. In order to insure a high school diploma for those now in service and those who have been discharged, the legislation will provide that the Defense Department use existing programs and establish regional academies in areas where such programs do not exist, to which any present serviceman or discharged veteran can go to obtain a high school diploma. Existing classroom and other facilities on military installations will be utilized for the purpose to the extent possible. The new regional academies will be run by qualified educators employed by or under contract to the Department of Defense, with curriculums established after consulation with the civilian advisory committee and the Office of Education. Tuition, room, and board will be provided by the Government at these academies or at other comparable civilian facilities. The Deputy Assistant Secretary and the advisory committee will be required in its initial report to advise the Congress whether, and to the extent to which, new facilities will have to be established and present facilities converted to use as regional academies.

Sixth. To implement the guarantee for job training while in military service, the Defense Department, under the direction of the new Deputy Assistant Secretary, will be required to coordinate its activities with the Department of Labor and with Federal, State, and local government employment services in order to compile full predictive analyses of the types of job skills for which there will be a demand in the civilian economy during the next decade. Other agencies of the Federal Government will provide the Defense Department with estimates of their manpower needs. This information will be used by the counseling service as a guide for channeling servicemen into job opportunities.

The new Deputy Assistant Secretary, working with the Office of Education, the Department of Labor, and the VA, will plan for training operations to be established on the various bases. The vocational training programs could be run directly by the military, by specific companies, by consortiums of companies, or by training experts under contract.

Seventh. This type of in-service training, however, will not suffice for every serviceman. Many will be ready to return to civilian life and obtain a decent job. But others will not. Furthermore, over 322,000 veterans are now unemployed. Accordingly, the bill authorizes for vocational training what is authorized for education: When adequate training programs do not exist or where these programs cannot rapidly absorb veterans, the Defense Department will be authorized to establish vocational training centers. Centers established by the Department for carrying out its responsibilities under the charter will be open both to servicemen and to veterans of the Vietnam era who were discharged before such programs were established. Again, costs of transportation, room and board, and minimum subsistence will be borne by the Government. The only distinction between the servicemen and the veterans who receive training at Defense Department vocational training centers will be that the latter will not be required to participate in any day-to-day military activities.

Eighth. Training at vocational training centers, however, does not guarantee a job. As an incentive to employers to hire veterans and provide needed on-the-job training, current job-training programs being administered by the Department of Labor will be revised so that anyone who has successfully completed a Defense Department training center program will receive an employability rating from the center. An employer hiring a veteran or serviceman who has participated in a Defense Department sponsored program can use this rating to receive a subsidy of up to 50 percent of the veteran's wages—up to set dollar amounts—for a period of either 3 months, 6 months, or 9 months, depending upon how far short of the minimum job qualifications the veteran, after training, is considered to be. The subsidy will be available not only for established apprenticeship programs but for all skilled and semiskilled occupations. This subsidy will serve to encourage employers to hire veterans and to persuade individuals to undertake preliminary job training. An employer hiring a veteran with a training subsidy, however, must assure that the job is not a temporary one that ends with the subsidy.

Ninth. At present many servicemen return from Vietnam and are immediately discharged. They are cast back to the civilian world with little or no assistance and no chance to even become acquainted with available reorientation assistance. These veterans—more than any others—are in need of immediate advice and assistance. In order to fulfill the obligations of the charter to these servicemen, no one should be returned to the United States and immediately discharged. The bill therefore requires that each serviceman be returned to the United States at least 30 days before the expiration of his service. Special centers can then be established to provide the returning serviceman with all necessary information.

Tenth. One of the first responsibilities of the Deputy Assistant Secretary and his advisory committee under the proposed legislation will be to report to the Congress on the expected costs of implementing the charter. But, as was the case with veterans' programs for World War II and the Korean war, the economic return to society of these types of programs will be many times greater than the amount of the original investment. Furthermore, some of the appropriations for the charter should replace existing funding of other agencies for educational, job training, and welfare benefits.

V. REVISION OF THE GI BILL EDUCATION PROGRAMS

Although once implemented, the Charter of Economic Opportunity will reduce the demand for postdischarge employment and educational assistance, the existing programs must nevertheless be retained to fill the remaining gaps. For example, current VA counseling and assistance programs for veterans should be retained, as should VA/Department of Labor job programs. And for a variety of reasons, many veterans pursuing a high school diploma or vocational training may opt for the present program.

There will undoubtedly continue to be a great demand for the educational assistance provided by the current GI bill. The charter will not be a substitute for the college education that millions of veterans have received under the GI bill. At the same time, the current GI bill must be altered to make it more equitable and more responsive to the growing needs of individual veterans. While educational benefits under the GI bill have increased by 59 percent since 1950, average tuition costs have increased by 200 percent. Even more important, however, is the fact that costs vary widely among colleges, even among the various State-supported institutions. At LSU and Texas Tech, for example, costs—tuition and room and board—are at least $500 per year less than at such State-supported schools as Minnesota, Ohio State, and Purdue. Benefits under the current GI bill, however, are the same for all veterans regardless of the college or other institution they attend. The only variable in computing today's benefits is the number of the veterans' dependants, with no consideration given to the costs of obtaining an education at a particular college or the amount a veteran is able to contribute.

I will, therefore, propose new legislation designed to change the method of computing educational benefits under the GI bill. Every veteran entering school after passage of this bill will be entitled to a minimum benefit set at the amount of tuition and fees charged by the State university in his State or $500 per year, whichever is greater. For many veterans this amount will provide more than enough incentive to return to school. However, other veterans will, of course, not be able to attend even a State university—or a high school or vocational education facility, as the case may be—if only tuition is provided. Accordingly, the legislation will provide that additional funds for room and board and other necessary benefits will be provided to veterans, on the basis of need, in addition to the minimum payment. At present, all major colleges and universities are utilizing the services of the College Scholarship Service to assess appropriate financial grants to students. The VA should be required to consult with the College Scholarship Services—and perhaps utilize its services on a contract basis—to assist it in determining each veteran's entitlement to additional educational benefits.

VI. DRUG ADDICTION

In recent years drug addiction and abuse among the country's servicemen has been a growing problem. Between 10 and 15 percent of our servicemen in Vietnam are estimated to be using heroin and other hard drugs as are large numbers of servicemen in Germany, Korea, and elsewhere. When these men return home, they bring their drug problems with them. An estimated 25 percent of the drug addicts in this country are veterans who first used drugs while in the service. Many of these drug-using veterans received less than honorable discharges because of their use of drugs. Under current law, such discharges often make them ineligible for treatment in Veterans' Administration hospitals. Without such treatment and rehabilitation, these drug-dependent veterans will be a burden and a possible menace to society.

The Nixon administration has only belatedly recognized the serious nature of this drug epidemic. It is astonishing that the administration waited so long to take action. It must have known that arrests of servicemen for the use or possession of heroin increased by 400 percent from 1969 to 1970.

What steps have been taken? First, the administration began to test servicemen about to return from Vietnam for heroin use. When these tests indicate heroin use, the serviceman is not released from service until he has been detoxified over a short period of time. At first this period was 10 days—obviously inadequate—but now some servicemen are being referred to VA hospitals for more extended treatment. So far only 150 have been referred, a tiny fraction of the total addicts being discharged.

Second, the Department of Defense has announced that voluntary requests for treatment or the heroin addiction tests may not be used as a basis for court martial or for an other than honorable discharge.

Third, when an addict is discharged, the administration relies upon voluntary participation in VA programs. Recently, the VA increased the number of its hospitals equipped to serve drug addicts from five to 32 facilities with a combined total capacity of 6,000 patients. It is apparent that these new facilities cannot begin to provide for the estimated 80,000 to 90,000 veterans presently in need of drug addiction treatment. While speaking broadly about its grand design to establish these "VA rehabilitation centers," the administration demonstrates its lack of real concern for this problem by quietly seeking to close down major facilities of the National Institute of Mental Health which are already equipped and staffed to treat drug addicts and which now serve many veterans.

Moreover, the administration has tolerated steps which assure that new VA facilities will not operate at capacity. For example, treatment is presently provided only to veterans who volunteer for it, thus assuring that most of the 32 new centers will have vacant beds. By accepting only voluntary cases, the VA has kept its hospitalized drug patient load to 6,335 for the first 9 months of 1971. While this has effectively prevented overcrowding of VA drug centers, empty beds hardly represent an all-out attack on drug addiction among veterans.

Finally, the administration proposes to provide assistance to veterans with other than honorable discharges who are now ineligible for treatment by having the Department of Defense, on request by a veteran, review his records on a case-by-case basis to change his discharge if the discharge was drug related. This would then make the veteran eligible for VA treatment.

What is needed is a more enlightened and committed approach to this problem. It is not enough to simply set up a new office to coordinate programs, as the administration did in establishing the Special Action Office for Drug Abuse, and then develop some piecemeal solutions.

Senators CRANSTON, HUGHES, and JAVITS and other Members of Congress are to be commended for placing the problem, and solutions of the kind required, before the Congress and the American public. Senator CRANSTON in particular has introduced legislation designed primarily to: first, make veterans with other than honorable discharges eligible for VA treatment, second, provide funds for community drug programs which veterans can attend, third, increase drug vocational rehabilitation programs, fourth, establish an outreach program to advise veterans of these programs, and fifth, provide an incentive by specifying that other than honorable discharges will be converted to honorable if the veteran stays off drugs for 1 year.

Senator CRANSTON's proposals contain many of the elements needed to deal with military drug problems, and his bill deserves support. In addition, the following proposals should be added to an effective drug use program:

Each serviceman must be given an effective and realistic education on the addictive capacity of various available drugs and the dangers of such addiction. Many servicemen would not knowingly acquire a heroin habit in Vietnam, which costs very little to support there, if they knew that that same habit may cost $100 per day when they return home. Although the Defense Department began an education program in 1968, the facts indicate that this program is not working. In September 1970, a survey of troops in Vietnam indicated that 60.8 percent of those asked wanted more information on drugs.

To be effective, an education program should employ ex-addicts to participate in small group discussions rather than large, pre-packaged lectures. Drug users must be identified and treatment in the service—along with the nonpunitive nature of that treatment—must be emphasized. Confidentiality must be imposed upon the medical records of servicemen seeking treatment, a proposal which the administration has not accepted. If outsiders can secure these records, very few men will willingly seek treatment even if there is no chance for court-martial punishment.

VA drug addiction treatment must be made available to all veterans regardless of whether their discharge disqualifies them for other veteran benefits. The administration's case-by-case approach is time consuming and depends upon the addict to initiate an application and then wait several months for a decision. Assistance should be available without regard to the nature of the discharge.

To facilitate treatment, the number of VA rehabilitation centers should be expanded much more rapidly and to a greater extent than is now proposed by the administration.

The VA should be authorized—indeed, directed—to accept involuntary commitments from the State and Federal courts of veterans who are addicts. The availability of VA facilities for such commitments will afford many veterans an opportunity for quality treatment and rehabilitation they otherwise would not have and would help ease the pressure on the woefully inadequate civilian institutions and programs that are grappling with the enormous problems of drug addiction.

To fill the gap between the maximum capacity of VA drug treatment centers and the number of veterans who will require treatment—particularly during the period when new VA facilities are being established—large numbers of community-based programs now in existence should be utilized to treat drug-dependent veterans by contract to VA. Existing NIMH community centers should be utilized wherever possible. Community-based programs should receive a Federal allotment per veteran, and the veteran should have the choice of the program in which to participate, with the allotment following his choice. The veteran could then select the program most suitable to his own needs, with the advice of his counselor, and community-based programs would be given added incentive to structure programs which would fill those needs.

VIII. CONCLUSION

For too long we have deluded ourselves that the problems of veterans were being met. We have believed that by a piecemeal addition of new benefits we were truly dealing with the basic problems. But, as with so many other governmental efforts, the result has been to treat symptoms and not causes. Bandaids rather than surgery have been the prescription.

The plight of the returning Vietnam serviceman must be dealt with now—not only in fairness to that serviceman but to preserve the stability and morale of the Armed Forces. If our military does not respond to the needs of young people, it will continue to show the horrible strains and tensions which have recently become an unfortunate part of military life. When men can view service not as a dead end but as an opportunity along with an obligation, a truly effective fighting force can be created.

Mr. President, I ask that at the conclusion of my remarks a brief explanation of my veterans' proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

OUTLINE OF MUSKIE VETERANS' PROPOSAL

Approaching veterans' problems by concentrating on traditional post-discharge veterans' programs can only result in help to them that is "too little, too late". A new approach that provides assistance before discharge from active duty is needed. In FY 1970, 15.5% of all enlisted personnel leaving the military did not have a high school diploma, and 77% had less than one year of college education. Over 50% of all servicemen serve in military jobs not convertible to civilian occupations.

The Muskie legislation therefore creates a Charter of Economic Opportunity for servicemen and veterans. This Charter guarantees that each serviceman during his duty hours, and each Vietnam era veteran would be entitled to receive, at government expense, the following:

(a) A high school diploma or any certificate equivalent to such a diploma

(b) If the serviceman has a high school diploma, the opportunity for refresher or preparatory courses which will make the transition to college far easier;

(c) Training for a civilian job; and

(d) Assistance in securing a job after discharge.

The legislation provides for the creation of a new Deputy Assistant Secretary of Defense appointed by the President and confirmed by the Senate who is charged with ensuring that the guarantees in the Charter are implemented. The Deputy Assistant Secretary reports to Congress on the specific steps necessary to implement the Charter. The legislation provides for the creation of a new line organization in the Department of Defense (DOD) to report to the Deputy Assistant Secretary and be responsible for administering all Charter programs.

The legislation provides specific directions and guidelines as to how Congress intends the Charter to be implemented. The following directions are included:

A. To require that trained counselors be provided every serviceman from the day he enters active duty.

B. To provide refresher courses for those who enter the service with skills. Many service personnel do not require intensive training or education to be employable after discharge.

C. To provide for on-the-base recruitment by civilian employers and other measures assisting enlisted men to obtain jobs after their discharge.

D. To implement the guarantee of a high school diploma, the legislation requires the DOD to use existing educational institutions or to establish regional academies which any serviceman or veteran can attend to study for a high school diploma.

E. To implement the guarantee for job training, the legislation directs the DOD to use existing vocational training facilities or to establish regional academies which any serviceman or veteran could attend to obtain vocational training. The Defense Department must compile employment opportunity information and establish on-base training operations. Incentives are offered to employers to hire serviceman or veterans who completed a job-training program.

F. To require the Defense Department to return every serviceman to the U.S. at least 30 days prior to discharge in order to provide adequate re-orientation assistance.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1032

At the request of Mr. MANSFIELD, for Mr. HART, the Senator from New Mexico (Mr. ANDERSON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), and the Senator from Rhode Island (Mr. PASTORE), were added as cosponsors of S. 1032, a bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment.

S. 1528

At the request of Mr. HART, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1528, the Wholesome Fish and Fishery Products Act of 1971.

S. 1784

At the request of Mr. PACKWOOD, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1784, relating to mineral resources in lands comprising the Three Sisters Wilderness, Oregon.

S. 2571

At the request of Mr. MCGOVERN, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Texas (Mr. BENTSEN), and the Senator from California (Mr. TUNNEY), were added as cosponsors of S. 2571, the Rural Development and Population Dispersion Act of 1971.

S. 2719

At the request of Mr. PERCY, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 2719, the Alcoholic Drivers Safety Act of 1971.

SENATE JOINT RESOLUTION 67

At the request of Mr. HART, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 67, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

SENATE CONCURRENT RESOLUTION 45—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR UNITED NATIONS CHARTER REVIEW

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON. Mr. President, the seating of the Peoples Republic of China in the United Nations is long overdue. Since the most populous nation on earth has now been offered membership, a major step toward universality of representation has at last been taken and an injustice lasting 22 years has been rectified. The United Nations could not pretend to tackle the world's problems as long as its membership did not include the government of the 800 million people on the Chinese mainland who comprise one-fifth of the world's population.

The right and realistic solution has at last been reached. I regret, however, that the price for the admission of Peking has been the loss of United Nations representation for the government of Taiwan. As a result of last night's vote, the government of the 14 million people on Taiwan now is not represented in the world body. I hope that some means can be found to restore Taiwan representation.

While the U.S. Delegation was unable to prevent the expulsion of the Nationalist government from the United Nations, President Nixon did accomplish half of what he set out to achieve by gaining admission for the People's Republic. I believe it would be unwise to retaliate by threatening to withhold funds or otherwise reduce our participation in the United Nations, as some people have suggested, because the President did not get the second half of his package. I strongly oppose a further weakening of the United Nations by arbitrarily cutting our contributions to its budget. We need a strong United Nations now more than ever. Unilateral actions in response to decisions that go against us are totally inconsistent with the purposes of the United Nations and the principles which the United States has historically upheld.

The United Nations, now beginning its 27th year of existence, is suffering a crisis of confidence that has been building for a long time. In growing financial difficulties for years, the organization is increasingly handicapped by the unwillingness of its members to abide by its resolutions and recommendations. Yet at this moment we are on the threshold of an era when a strong and viable international forum is needed even more than it was in 1945 when the United Nations was born.

The first international agreement controlling the means of delivery of nuclear weapons is apparently about to be initialed at SALT. It must surely be followed by more comprehensive arms control and disarmament measures affecting all nations, not just the United States and the Soviet Union. Other political settlements involving major portions of the globe, are long overdue. New economic realities have changed the pattern of trade and development in recent years as multinational enterprises become increasingly important in the world economy. The growth of new technologies brings with it increasing problems for the continued health of the world environment, requiring international cooperation on a wide scale if worldwide pollution of the seas, the air, and the earth are to be controlled. For these and many other pressing reasons it is past time to take steps to restore the United Nations to the stature it deserves.

The United Nations is still mankind's best hope for world peace under law. But the U.N. in 1971 contains many structural and procedural weaknesses that were not apparent to many, nor deemed important by most, in 1945. Because of these weaknesses, nations that should be turning first to the United Nations to resolve major conflicts are instead often the first to turn way from it.

Article 109 of the United Nations Charter provides means for convening a Charter Review Conference to examine inadequacies in the organization and to provide remedies for them.

Many supporters of the organization have despaired of ever reaching agreement on the major changes in the charter that are needed to restore to the United Nations the authority and status it requires. They recommended many worthwhile formulas, short of charter revision, for meeting many shortcomings. I share their awareness of the size of the effort needed. I believe, however, that nothing less than a major charter revision will in the long run provide more than temporary remedies.

Among the most pressing problems now facing the organization are the following:

Voting: The membership has grown from 51 member states in 1945 to 130 today. A one-nation one-vote procedure in the General Assembly has systematically weakened the effectiveness of that body as each new member has been added. The larger powers have become increasingly reluctant to submit critical issues to the Assembly for resolution, or to accept its decisions, fearful that blocs of small countries may use the existing voting formula to gain advantages out of all proportion to their populations.

To remedy this loss of confidence, a radical change in voting procedures, is in order. One formula that has been suggested, and which I believe assigns a fair weighting to large countries and small ones alike, is one based partially but not wholly on population: under this formula, member states with populations of up to 5 million would have 1 vote each; larger states would have proportionally larger numbers of votes, but in no case more than 30, for countries with populations of 150 million or greater. Under such a formulation, the United States, with 200 million population, would have more votes than, for example, Ghana, with 9 million or Honduras with 2½ million, but we would have just as many votes as India, China, or the Soviet Union.

Financing: A better formula for determining the size of financial assessments is needed as is an ironclad obligation by all member states to contribute to the cost of operating the organization. The United Nations remains in a grave financial crisis as a legacy of the refusal of some member states to pay for peacekeeping operations. Some countries have also refused to pay their share of contributions to retire U.N. bonds. It is neither fair nor, in my opinion, does it make sense, for any member state to be asked to pay more than a reasonable share of the costs of operating the U.N., but it makes much less sense for any member to decide that it should reduce its allocation and further weaken the organization because it disagrees with a particular aspect of United Nations policy.

The financial deficit is not overwhelming. The recently published report of the United Nations Association points out that the $189 million needed to retire the United Nations bonds and restore the organization to financial solvency is $70 million less than it costs to run the New York City Fire Department for a year, and $400 million less than it costs to run the New York Police Department.

Compared to the billions of dollars spent on armaments each year, the sum is small indeed. In 1970, an estimated $204 billion was spent by all countries on armaments—over one thousand times the cost of restoring the United Nations to fiscal solvency or meeting its annual budget of about $200 million. The United States arms budget is nearly $80 billion this year. That amounts to over $200 million every day.

A fair and practicable formulation for determining assessments of United Nations members must be found, and I am of the opinion that again a weighted formula based in part on population and in part on economic vitality is a reasonable and workable approach. The cost of placing the U.N. on a sound financial footing is far less than the cost of letting it fail would ever be.

Peacekeeping forces: The creation of effective peacekeeping forces is long overdue. Under the present charter, the United States should lead the way in earmarking forces for U.N. peacekeeping missions, and providing logistical support for U.N. peacekeeping forces. Much machinery for effective U.N. peacekeeping operations is provided for in the charter but commitment by the major member nations to make the machinery work has been lacking. A drastic change in the attitudes of the great powers toward peacekeeping is called for, and the United States should lead the way. Serious consideration must also be given, within the United Nations, to the various proposals that have been made for charter revisions that would expand and strengthen the ability of the United Nations to keep the peace.

International Court of Justice: A change in the attitudes of the parties to the statute of the court is essential to strengthen the prospects for the international settlement of disputes. I strongly support the recommendations of Senators HUMPHREY, and JAVITS, and others, in the direction of modifying, and perhaps withdrawing, the Connally reservation, which has since 1946 crippled the court by providing such a ready escape valve to nations wishing to apply their own self-judging formulas before submitting to the rulings of the court. Even without withdrawing the Connally reservation, however, the United States could adopt a far more accommodating attitude toward the court and make acceptance of its jurisdiction the rule rather than the exception in many instances. There are many other ways to strengthen the court. We must get behind them for we need the rule of law in our world just as much as we need it in the streets of our cities.

There are many other procedural and institutional reforms that should also be implemented to increase significantly the effectiveness of the U.N. to restore international confidence in the organization and faith in its ability to better meet the challenges it will face in the future.

To this end, I am introducing today a resolution which reaffirms the historic role of the United States in providing world leadership in working for the modernization and reform of the United Nations; calls on the President to initiate high-level studies in the executive branch to determine what changes should be made in the charter of the United Nations, and to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House the results of these studies before June 30, 1972; and which calls on the Government to take the lead in calling for a conference to review the United Nations Charter in accordance with article 109 of the charter, not later than 1974.

A comparable resolution has been introduced in the House by Representative HUNGATE and 66 cosponsors. I invite Senators to join me in cosponsoring this resolution.

Mr. President, I ask unanimous consent that the full text of this resolution be printed in the RECORD at this point.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 45

LIST OF SPONSORS

Mr. Cranston (for himself, Mr. Allott, Mr. Bayh, Mr. Byrd (W. Va.), Mr. Case, Mr. Church, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hartke, Mr. Hatified, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Taft, Mr. Tunney, and Mr. Williams.

Resolved by the Senate (the House of Representatives concurring),

Whereas the United Nations General Assembly voted on December 11, 1970, to request the Secretary General to "invite Member States to communicate to him, before July 1, 1972, their views and suggestions on the review of the Charter of the United Nations" (General Assembly Resolution 2697 (XXV)): Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) The United States should continue in its historic role of providing world leadership in working for modernization and reform of the United Nations, and toward the establishment and preservation of a civilized family of nations in accordance with the highest aspirations of mankind.

(2) The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations, to promote a just and lasting peace through the development of the rule of law, including protection of individual rights and liberties as well as the field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives before June 30, 1972, the results of such studies.

(3) The Government of the United States should take the lead in calling for a conference to review the United Nations Charter in accordance with article 109 of the Charter, not later than 1974.

Mr. ALLOTT. Mr. President, it is a pleasure to join with the distinguished senior Senator from California as a cosponsor of his Senate concurrent resolution which calls upon the President to make thorough, urgent, and high-level studies preparatory to recommending reform of the United Nations Charter.

Mr. President, these are difficult days for the United Nations and for its many friends around the world. We who have been deeply devoted to the cause of the United Nations are deeply disturbed by these difficulties.

The events of Monday evening at the United Nations—the expelling of a member of that body for no good reason—make it clear that the time has come for a sober look at the entire operation of the United Nations. Clearly a majority of the United Nations members are—to put it delicately—casual in their approach to due process and rudimentary fair play. But the distressing events of Monday night—events which may have consequences here in the Senate before long—are just additional evidence of what we have known for many years: the United Nations needs reform.

I have long felt that there are three facets of the United Nations that might be improved by reform. These areas are financial support, membership criteria, and voting procedures.

The debate about membership for the Peoples Republic of China and for Nationalist China dramatized the confusion that surrounds the question of criteria governing United Nations membership.

In addition, it is not surprising that voting procedures arrived at a quarter of a century ago, when the United Nations was in the planning stage and prospective members numbered fewer than half today's total membership, should be in need of some reassessment, and, perhaps, reform.

Mr. President, the best friends of the United Nations are those who are most anxious to see it strengthened by reform. They realize that the United Nations, like any growing, vital, vibrant institution, must adapt to changed circumstances. And no one can doubt that there have been staggeringly complex and far-reaching changes in the circumstances of international politics since the end of the Second World War.

Mr. President, it is in a spirit of concern for the United Nations that I join as cosponsor of this timely resolution.

SENATE RESOLUTION 187—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF HEARINGS ON ORGANIZED CRIME

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN. Mr. President, I submit a resolution and ask that it be referred to the Rules Committee. It calls for the approval of the printing of 1,600 additional copies of part 4 of the recently concluded organized crime hearings. This number of additional copies has already been approved by the Senate for the first three volumes. The ranking minority member of the subcommittee has been notified of this resolution and has approved it.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

The resolution is as follows:

SENATE RESOLUTION 187

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 4 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 181

At the request of Mr. CHILES, the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of Senate Resolution 181, expressing the sense of the Senate concerning the availability of appropriated funds for the food stamp program, and for other purposes.

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 482

(Ordered to be printed and lie on the table.)

Mr. SCOTT submitted an amendment, intended to be proposed by him, to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 483 THROUGH 530

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted 48 amendments, intended to be proposed by him, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 531

(Ordered to be printed and referred to the Committee on Finance.)

WAITING PERIOD FOR DISABILITY BENEFITS

Mr. HARTKE. Mr. President, this amendment reduces from 6 to 3 months the waiting period for disability benefits.

It also eliminates the requirement that the disability must have lasted or be expected to last at least 12 months, or result in death.

The 6-month waiting period works a severe hardship on the disabled.

By financing benefits sooner, additional workers would become eligible sooner for rehabilitation programs financed by social security trust funds. Rehabilitation is more successful if begun sooner.

NOTICE OF HEARING ON THE NOMINATION OF MR. HENRY M. RAMIREZ

Mr. PERCY. Mr. President, the Committee on Government Operations will hold a public hearing on the nomination of Mr. Henry M. Ramirez to be Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People on Tuesday, November 9, at 10 a.m., in room 3302, New Senate Office Building. Persons interested in this nomination should contact the committee staff on extension 54751.

NOTICE OF HEARING ON FEDERAL CREDIT UNIONS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will hold a hearing on the bill, S. 2679, to extend the period within which certain Federal credit unions must obtain insurance of member accounts in accordance with title II of the Federal Credit Union Act.

The hearing will be held on Monday, November 8, 1971, and will begin at 10 a.m., in room 5302, New Senate Office Building.

NOTICE OF HEARINGS ON SURFACE TRANSPORTATION ACT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for November 4 and 5 and S. 2362, the Surface Transportation Act of 1971. Hearings will commence at 10 a.m. in room 5110, New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225-9351.

NOTICE OF HEARINGS ON GAS PIPELINE SAFETY BILLS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for November 9, 1971, on S. 980, S. 1910, and H.R. 5065, gas pipeline safety bills. Hearings will commence at 10 a.m. in room 1114, New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225-9351.

ADDITIONAL STATEMENTS

THE CHARLES FAHY READING ROOM

Mr. RIBICOFF. Mr. President, following the dedication of the new facilities of the Georgetown Law Center, a very special occasion marked the dedication of the Charles Fahy Reading Room. There, on September 18, 1971, former Chief Justice Earl Warren delivered a moving address which was both a tribute to Senior Circuit Judge Fahy and a demonstration of the significant role played by a great lawyer in the development of many important facets of our public law. Judge Fahy's career has been an inspiration to scores of dedicated lawyers who have served our Government and will shine through the future as a standard for all to follow.

After Judge Fahy retired from his post as legal adviser to the Department of State, he became associated in Washington in the practice of law with one of my predecessors, former U.S. Senator John A. Danaher, who, himself, was later appointed a U.S. circuit judge for the District of Columbia Circuit. In passing, I may note with satisfaction that Judge Danaher and I have been firm friends over a long period, for he and I were fellow practitioners at the Hartford County Bar.

I ask unanimous consent that Chief Justice Warren's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY HON. EARL WARREN

I am very happy to play a role in these ceremonies associated with the new facilities of the Georgetown Law Center. The Center brings to these splendid new quarters both a rich heritage and a bright promise. Others have spoken of that heritage and that promise during this weekend. My charge, which I welcome, is to speak of them in a special way.

Sometimes it is easier, for me at least, to measure an institution's past by what I know of its alumni in particular than by what I know of the institution in general. And sometimes it is easier, for me at least, to gauge the future of an institution by how it regards the qualities of its former graduates than by what it proposes be the qualities of its future graduates.

On that test, this Law School does itself a singular honor by honoring Judge Charles Fahy today. And the Law School does me an honor by giving me the chance to say in public some of the things I have said so often about Charles Fahy in private for many years. I know that Charles, notwithstanding his commitment to the First Amendment, would attempt to censor the remarks I am about to make about him if he had jurisdiction. But I consider that your invitation to me clothes me with unreviewable discretion in that respect.

Having made this brave start, I confess that it is hard to know where to begin. Simply identifying the positions that Judge Fahy has held amounts to the recitation of a litany so long as almost to exhaust my time. But let me do it anyway, just so we can remind ourselves what a remarkable career of public service this man has had.

First of all, of course, there was a condition precedent to this career. That is to say, he was born. More specifically, he was born in Rome, Georgia, of Irish-Jewish parentage. One can only speculate about how a Southern Catholic boyhood around the turn of the century influenced the development of his character. What one knows is that to this day he retains a warm affection and strong family ties to the region of his birth.

And there was, I venture to say, a second condition precedent that I should like to note at the outset—an extraordinarily warm and rewarding marriage to his lovely wife of some 42 years, Agnes; a marriage blessed by four children—Father Thomas, Anne, and Sister Charles Mary, all with us today, joined by Anne's husband, Rourke Sheehan [and their children], and Mary Agnes, who lives with her husband and family in the West and was unable to make the long journey.

But, back to my chronicle. After attending the University of Notre Dame and securing his law degree here at Georgetown, Charles' public career began with military service in the Naval Air Force during the First World War.

After an interlude of private practice here and in Santa Fe, he returned to Washington in the early days of the New Deal. And now my litany begins: First Assistant Solicitor of the Department of Interior, 1933; member and then chairman of the Petroleum Administrative Board, 1933-1934; General Counsel of the National Labor Relations Board, 1935-1940; member of the President's Naval and Air Base Commission to London, 1941; Solicitor General of the United States, 1941-1945; Legal Advisor and Director of the Legal Division of the Military Government of Germany, 1945-1946; Advisor to the American Delegation to the San Francisco Conference, 1945; member of the Legal Committee of the United Nations General Assembly, 1946; Legal Advisor to the State Department, 1946-1947; alternate United States representative to the United Nations General Assembly in 1947 and 1949; Chairman of President Truman's Committee on Equality of Treatment and Opportunities in the Armed Forces, 1948; and, finally, Judge of the United States Court of Appeals beginning in 1949.

For such a young man—Judge Fahy is, you know, even younger than I—he has gotten around a good deal.

But these raw data are only suggestive of the man. It is one thing, for example, to say that he served in the Naval Air Force during World War I. It is another to know that he was awarded the Navy Cross for gallantry. It is one thing to note the bare fact that he was General Counsel of the National Labor Relations Board between 1935 and 1940.

It is quite another to reflect upon the critical character of that period for that Board, for the Supreme Court, and for the Nation. The National Industrial Recovery Act had been gutted by the Court's decision in *Schechter*.[1] Large elements of the Administration's legislative assault on the massive economic and social ills of the time were under the most serious constitutional cloud. If *Schechter* were not restricted, but were instead read expansively in respect of the Congress' power under the Commerce Clause, the emerging constitutional crisis could hardly have been turned aside. And the principal judicial test was to come by way of the Labor Board cases that began working their way up through the lower judiciary.

I venture to say that the management of that litigation—the selection of cases, the making of a record, the framing of arguments—was one of the most important jobs of lawyering in this century. And Charles Fahy, as General Counsel of the Board, together with others of great talent such as Judge Warren Madden, then Chairman of the Board; Mr. Justice Stanley Reed, then Solicitor General; and Judge Charles Wyzanski, then a member of the Solicitor General's office, held the responsibility for that management.

As you all know, the country was well served. With Judge Fahy participating in the arguments a group of thoughtfully selected cases were presented to the Supreme Court in the 1936 Term.

The resulting opinions, often referred to collectively as *Jones & Laughlin*,[2] ratified the validity of the Wagner Act. Moreover, as Judge Fahy and his colleagues had hoped and urged, the Court acted on the basis of a reading of the Commerce Clause that permitted the Act to be given its full and intended reach. The President, the Congress, and the country then knew that the Administration's legislative reform program was secure. It must have been a very proud moment in Judge Fahy's life.

Given the time, I could speak about each of these biographical entries in much the same way. For example, if one reads off the list of his offices, as I did a few minutes ago, it might seem that Judge Fahy's participation on President Truman's Commission investigating segregation in the Armed Forces was but a footnote in the march of events in the Judge's life. But try to remember what the situation was in 1948. It required a full measure of courage and determination for that Commission to recommend, and for the President to adopt, a program bottomed on the proposition that racial segregation was intolerable and had to be eradicated.

But I wish to speak or a few minutes about the Judge's work on the bench, and so I must

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Footnotes at end of article.

sacrifice some of the other things I would like to say.

Still, the Office of Solicitor General is too important to the operation of the Supreme Court, and Judge Fahy was far too important a figure in the history of that Office, for me to pass over his years there without comment. I regret that I was not on the Court at that time, so that I must rely on hearsay evidence. However, since it is the hearsay evidence of my fellow Justices, I take the liberty of waiving that particular rule of evidence.

I begin by saying that the most important attribute of a Solicitor General, in my view, is absolute candor, absolute integrity. The Solicitor General, of course, is not a judge. He is the attorney for the Government. Accordingly, he is entitled to make whatever reasonable arguments are available in support of the Government's position. But the position should be at least arguably reasonable, and the argument should not be made to appear to carry more weight than they can bear. Moreover, and perhaps more importantly, the relevant facts must be exposed, damaging or not, and whether or not the opposing party is counseled well enough to expose them on his own behalf.

Happily for the Court, this view of the responsibilities of the Solicitor General's Office is part of the established tradition of that Office. However, there are degrces of excellence, and by all accounts the manner in which Judge Fahy carried out that tradition marks him as among the most outstanding occupants of the office since it was established.

Moreover, this is the common evaluation no matter what characteristic of the Office is stressed. I think I can best summarize the consensus by noting that Mr. Chief Justice Stone is reported to have observed that the country would be well served if Charles Fahy were appointed *permanent* Solicitor General.

But as it turns out, Mr. Chief Justice Stone, who rarely erred, was wrong that time. For if Charles had been a permanent Solicitor General, he would never have become a judge. And we could ill have afforded that.

In preparation for this address, I have reread some of Judge Fahy's most significant opinions. That experience has confirmed, as I knew would be the case, that there is much too rich a vein there for me to mine in oral remarks on an occasion such as this. I should like to dwell, for example, on his dissenting opinion in *Thompson* v. *District of Columbia*, subsequently sustained unanimously by the Supreme Court,[3] which broke down segregation in the District of Columbia restaurants prior to our decision in *Brown* v. *Board of Education*. Or his opinion in *Jeffers* v. *United States*, again sustained by the Supreme Court,[4] restricting the artificial use of the "standing" doctrine to avoid determination of search and seizure questions. Or his dissenting opinion in *Stewart* v. *United States*, again sustained by the Supreme Court,[5] according full play to the Fifth Amendment privilege against self-incrimination with respect to a defendant's failure to testify at his trial. Or his dissenting opinion in *Green* v. *United States*, again sustained by the Supreme Court,[6] based on the principle that a person convicted of a lesser charge could not thereafter be convicted of first degree murder on the theory that he had waived his protection against double jeopardy by his successful appeal. Or, if prudence did not forbid, his dissenting opinion in the security clearance case of *Cafeteria Workers* v. *McElroy*, where I am sorry to say both he and I turned up on the losing side as the case was finally decided by the Supreme Court.[7] And on and on runs the list of his contributions.

But let me just single out for a moment an aspect of his judicial career that is of special interest to me. It has to do with the admissibility of confessions. And I think that in an important way the story begins when Judge Fahy was practicing law in the District of Columbia after World War I and was persuaded to undertake the defense of a murder charge against a young Chinese native by the name of Mr. Wan. The central legal issue turned upon the admissibility of Wan's confession. Wan had been held incommunicado for a week by the police in a hotel room, having been denied permission even to see his own brother. Though ill, he was subjected to constant questioning.

Finally, he confessed after having been taken to the scene of the crime and interrogated for a whole night without any opportunity for sleep. Charles' attack on that confession was unavailing in the lower courts, and Wan was sentenced to death. But he fared differently in the Supreme Court. During the course of the argument, Mr. Justice Holmes is reported to have inquired for a confirmation of the facts respecting the interrogation, and then after the response to have leaned back and observe quite audibly, "That's enough for me." And it was enough for the entire Court (which reversed unanimously in an opinion by Mr. Justice Brandeis on the ground that the confession had been involuntary as a matter of law.[8] Bear in mind that this was in 1924. Much of the involuntary confession law that was announced many years later seems to me to have been simply a rediscovery of the principles announced by the Court in the *Wan* decision.

I now skip to a point in time almost forty years later—Judge Fahy's opinion for the majority of an *en banc* Court of Appeals in *Killough* v. *United States*.[9] The basic approach of Judge Fahy toward confessions obtained without benefit of an effective warning respecting the right of counsel and the privilege against self-incrimination had been foreshadowed in decisions such as his dissenting opinion in *Goldsmith* v. *United States*.[10]

Judge Fahy stated his views fully in his *Killough* opinion. While he wrote in terms of the McNabb-Mallory rule, based upon Rule 5(a) of the Federal Rules of Criminal Procedure, he accurately identified the constitutional principles that were to come into play two years later in the Supreme Court's decision in *Escobedo* and then later in Miranda [11]—the privilege against self-incrimination and the right to assistance of counsel. And so his work as a jurist bore the fruit of decades of thought that began when, as a young man, he was called upon to come to the assistance of Mr. Wan.

These, then, are some of Judge Fahy's works. But his measure as a Judge cannot really be taken simply by examining his opinions. Nor am I quite sure how it can be taken. I know that he is a great judge. But I do not pretend to be able to say with assurance precisely what qualities have produced that greatness. He has, of course, the essential qualities of intellectual capacity, balanced judgment, diligence, and care. But so do others. What, then is the added dimension that is so plainly there?

Perhaps there is no more to do than to note its presence. But I venture a thought or two. Judge Fahy's vision of the role of law is not that of a technician adjusting and balancing competing political, economic and social interests. He does not, to put it differently, regard the law as ethically neutral, or the search for truth as foredoomed.

His vision, rather, is essentially that of a moralist. He believes that there is such a thing as moral good and moral evil; that in the political order they are manifested as social justice and social injustice; and that in a perfect political order the law would be an instrument of rooting out the one and securing the other. He recognizes, of course, that we do not live in a perfect order, and, moreover, that the power of a judge is rightly cabined by institutional restrictions. Still, within those restrictions he is moved by his conception of justice as a controlling reality, and not simply as the label that one places on the outcome of a decision in order to conform to society's expectations. If I may refer once again to Judge Fahy's dual natural inheritance, that is the vision of a St. Thomas More and a St. Thomas Acquinas, and of a Brandeis and a Cardozo.

I do not know of anyone more widely loved and admired than Charles Fahy. He has done great honor to this institution, and it is, therefore, fitting that the institution today do honor to him. And this gentle, strong, and wise man has so graced the federal judiciary that I am gratified to be able to pay tribute to him today on behalf of his colleagues at the bench and bar. Surely the students of this school, in using this fine new reading area, will draw inspiration from the man to whom it is dedicated.

FOOTNOTES

[1] *Schechter* v. *United States*, 295 U.S. 495 (1935).

[2] *Labor Board* v. *Jones & Laughlin*, 301 U.S. 1 (1937); *Labor Board* v. *Fruehauf Co.*, 301 U.S. 49 (1937); *Labor Board* v. *Marks Clothing Co.*, 301 U.S. 58 (1937); *Associated Press* v. *Labor Board*, 301 U.S. 103 (1937); *Washington Coach Co.* v. *Labor Board*, 301 U.S. 142 (1937).

[3] 203 F. 2d 579 (1953), *rev'd* 346 U.S. 100 (1953).

[4] 187 F. 2d 498 (1950), *aff'd*, 342 U.S. 48 (1951).

[5] 275 F. 2d 617 (1960), *rev'd*, 366 U.S. 1 (1961).

[6] 236 F. 2d 708 (1956), *rev'd*, 355 U.S. 184 (1957).

[7] 284 F. 2d 173 (1960), *aff'd*, 367 U.S. 886 (1961).

[8] *Wan* v. *United States*, 266 U.S. 1 (1924).

[9] 315 F. 2d 241 (1962).

[10] 277 F. 2d 335 (1960).

[11] *Escobedo* v. *Illinois*, 378 U.S. 478 (1964); *Miranda* v. *Arizona* 384 U.S. 436 (1966).

ARMS EDGE A U.S. "MUST"

Mr. YOUNG. Mr. President, a most cogent, thought-provoking editorial entitled, "Arms Edge a U.S. Must," appeared in the Bismarck Tribune, published in Bismarck, N. Dak., on October 19.

Russia's headlong plunge into more sophisticated weapons and increasing spending for more over-all military might cannot help but be of deep concern to all of us. It should be apparent to everyone now that they are determined to be the number one military power in the world. The editor cites the most authoritative sources in the world on comparative military strength of the various countries.

I share his concern. If we continue to give decreasing priority to the national defense of this country, we could well become a second-rate power to Russia very soon and suffer all of the consequent indignities, to say nothing of the adverse effects it would have on our entire economy.

I do not believe we need to have the biggest military force in the world, but I share the editor's concern that we have the most modern equipment possible and an overall military strength and that will not permit the United States to become a second-rate power to Russia.

My own feeling is that equally important to maintaining our military superiority is that we quit this business of trying to police the entire world with the resultant involvement in unnecessary wars.

Mr. President, I ask unanimous consent that this very thought-provoking and timely editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARMS EDGE A U.S. "MUST"

If another Cuban missile crisis or its equivalent were to occur in this decade it could very well be the United States that would have to back down.

The authoritative Jane's Fighting Ships reports that Russia is now a first-class seapower, equalling if not surpassing the United States with its aging fleet. That well-known gadfly, Adm. Hyman Rickover, complains that for the first time a world leader, the United States, is deliberately adopting a posture of weakness.

The International Institute for Strategic Studies reveals that the U.S.S.R. now exceeds the United States in intercontinental ballistic missiles, military manpower and defense spending (15 to 20 per cent of its gross national product compared to a 4 per cent for the United States; China spends 12 per cent).

Other quarters point to a growing anti-technology spirit in America by the defeat of the supersonic transport and opposition to a space shuttle, as well as congressional resistance to funding advanced weaponry, such as the B–1 bomber.

Aviation Week & Space Technology magazine has begun a special five-part series "detailing the growing nature of the Soviet Union's techo-military threat."

For the past decade, says editor Robert Hotz, we have basked in our Cuban missile triumph in which Russia retreated in the face of the superior strategic power of the United States. We have been further soothed by the success of great technological plunges that produced the Minuteman and Polaris missile forces and the Apollo manned moon landing.

But during the last half of the 1960s, he says, U.S. technological effort diminished substantially, "primarily because of the insatiable financial demands of the war in Southeast Asia but also because of some incredible top-level management decisions by Defense Secretary Robert McNamara and his 'whiz kids'."

The Asia war, says Hotz, required only peripheral new technology while it squandered national funds on expandable equipment.

The insatiable demands, if not the squandering, continue.

The question is not whether the United States should or should not spend $493 million in Laos this year (plus millions more in South Vietnam and Cambodia) in an attempt to stop communism in Southeast Asia, or whether it can afford to. Congress has decided that it should and can.

The question is whether the United States can afford not to spend every other dollar necessary to ensure that it maintains, or regains, its technological and strategic military superiority over all rivals.

The completely non-Communist Southeast Asia would have been of little help to President Kennedy in 1962 when Nikita Khrushchev challenged the United States right at its front door.

THE EQUAL RIGHTS AMENDMENT

Mr. **MUSKIE**. Mr. President, the recent passage by the House of Representatives of the equal rights amendment should be followed by immediate approval in the Senate of the same constitutional amendment without modification.

The commemoration of the passage of the 19th amendment to the Constitution, marked on August 26 last, was the occasion for widespread comment from concerned citizens everywhere regarding the unfinished business of equal rights for women. The triumph of August, 1920, it was noted, had been limited by the courts to the granting only of the right to vote and to hold office. Such equality has not meant equality for women in many other respects. In 1923, Senator Charles Curtis of Kansas introduced a resolution which would have added another amendment guaranteeing full equality of rights under the law for both men and women. This amendment, known as the equal rights amendment, has yet to be adopted despite the long history of efforts by a great number of men and women to add it to our Constitution.

Some have questioned the need for the equal rights amendment. But I do not believe the objections to it are convincing. The 14th amendment, as it is presently interpreted by the Courts, has been a sufficient Constitutional guarantee of equal rights for women. And various proposed modifications of the ERA have not been helpful to the cause of equal opportunities for women. Arguments in favor of modifications, particularly those which would qualify its universal applications are, in my view, not valid. They would seriously weaken the amendment and divert the Congress from speedy adoption of the resolution that simply states that:

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

A nonpartisan organization, Women United, formed to promote the passage of the equal rights amendment, has provided excellent reasons to oppose any crippling modifications of the ERA. It seems to me that the arguments presented by Women United are very persuasive and I am responding to their organization by reaffirming my support of the amendment without modification.

Last week, the Senate postponed consideration of the equal rights amendment until January of next year. After waiting so many years for congressional enactment of this constitutional amendment, this delay can only be disappointing to the supporters of equal rights for women. However, I believe the delay will be in the interests of those who back the ERA. Any consideration of that amendment at the end of the session would certainly lead to a filibuster. However, consideration at the beginning of the second session of the Congress will avoid the problem of a filibuster and substantially expand the chances of Senate passage of the amendment.

As I have traveled throughout the country in the last several months, I have noted a steadily increasing interest in the question of bringing about full equality between men and women in the economic, social, and cultural mores of our country. The widespread concern about the equal rights amendment and its passage is an expression of a much broader demand for a change in the status of women. This demand has been expressed in many ways. An initial response, which would remedy inequities in specific laws but would not be a substitute for the ERA, would be the prompt passage of the Women's Equality Act of 1971, which is presently before the Congress.

I am stressing the importance of the equal rights amendment in the movement to bring about equality of opportunity for both men and women because I believe that it is fundamental to the full use of all our human resources. While its passage, as well as that of the Women's Equality Act, is essential, they must be accompanied by a full and complete program of implementation by the administration. While one would hope for the immediate passage of both the ERA and the Women's Equality Act, there still should be no delay in effective administration of legislation which now exists or in the development of an administration program which will be able to respond on a regular basis to the dynamic national needs for full equality.

A SALUTE TO GIRL SCOUTS

Mr. **PACKWOOD**. Mr. President, the second week in November is Youth Appreciation Week. I should like to take a few moments today to pay tribute to an organization of young people that is always deserving of our highest respect and appreciation—the Girl Scouts of the United States of America.

There are more than 3,000,000 of these girls across the Nation, and I do not think we can overemphasize the good that they do. They are not merely leaders of tomorrow. They already are constructive forces in their communities, setting precedents in leadership more of their elders would do well to follow. They are working in ghettos, migrant labor camps, and in poor rural areas. They are teaching remedial reading, setting up recreation programs, helping underprivileged children and their families to know that there is personal concern for their welfare within the community. Today's Girl Scout is constantly seeking new areas of need where her willing hands and heart can be of service.

From October 31 through November 6, Girl Scouts will be observing Scouting's Person to Person Week in towns and cities across the Nation.

Their goal is to make all Americans more fully aware of what young people are doing to serve their communities and the Nation. They want to show that community support of Girl Scouting is a reciprocal arrangement; that service is, indeed, a way of life in Scouting. Every Scout is being urged to recruit a non-Scout to attend troop meetings, and to participate in special events scheduled for Person to Person Week. Adults will be encouraged to show their concern for the young people of their communities by offering their services as troop leaders or assistant leaders, or in other volunteer capacities which lend support to local Girl Scout activities.

Mr. President, I should like to ask that each one of us here today encourage Girl Scouts in any way he can. Many of the young people who lose themselves in the world of drugs and self-destructive activities lack opportunities to discover worthwhile alternatives.

Scouting seeks alternatives. Its emphasis on outdoor life and nature lore, the skills it teaches, and the opportunities for service it presents, are all mind-expanding activities in the very best sense.

Mr. President, may I take a moment more to pay special tribute to the 25,000 Girl Scouts in my own home State. We have four councils: the Columbia River, Santiam, Western Rivers, and the Winema. Their achievements in improving the quality of our environment are of special pride to me, but they are equally involved in other noteworthy community services ranging from drug abuse prevention to reading to the blind.

The beauty of youth today is that they are not afraid to get involved. They are willing to challenge the old and established to make it better; but, most of all, they are not afraid to reach out and smile. They do indeed deserve our highest praise and encouragement both during the Girl Scouts Person to Person Week and Youth Appreciation Week.

ASSISTANCE TO FARMERS BY SENATOR MOSS IN ANTITOBACCO DRIVE

Mr. METCALF. Mr. President, we are well aware of the significant efforts of the Senator from Utah (Mr. Moss) in the area of consumer health and safety. He sponsored the Child Health and Toy Safety Act of 1969, under whose provisions 150 toys have been banned and 60 have been redesigned to remove the electrical thermal and mechanical hazards which imperil our children. He sponsored the Poison Prevention Packaging Act which will save many children's lives and eliminate the anguish and suffering of large numbers who are accidentally poisoned each year.

But of all his efforts, Senator Moss is perhaps best known for his work in the area of cigarettes. He has pushed strenuously for adequate labeling and appropriate advertising restrictions. He has brought about continuous monitoring of cigarette advertising by the Federal Trade Commission. As a result there may some day be hardships for tobacco farmers and workers, but Senator Moss has prepared legislation which attempts to deal with that problem too.

Last week, the Louisville Courier Journal reported on his activities to help the tobacco farmer. I believe that this is a most constructive approach, and I urge Senators to read about it. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Louisville Courier-Journal and Times, Oct. 10, 1971]

To Propose Tar Tax—Utah's Moss Maps Antitobacco Drive, Offers To Help the Farmers "Adjust"

(By Leonard Pardue)

Washington.—When U.S. Sen. Frank Moss of Utah casts his eye over the federal budget, he sees a $60 million contradiction.

On the one hand, he notes, the government spends $60 million a year in some way boosting the sale of tobacco, mainly through export subsidies and credits.

On the other hand, it forbids cigarette advertising on radio and television, and requires health warnings to be displayed on cigarette packages and in cigarette advertising in newspapers and magazines.

In a few days, Moss, a foe of cigarette smoking, plans to introduce legislation that he thinks will remove the contradiction and get the federal government right with itself on the smoking-and-health question.

Moss's package of remedies is wrapped chiefly in the view that the federal government should discourage cigarette smoking and tobacco growing, instead of encouraging it, as he believes some federal programs do now.

His proposals will include:

A new "tar tax" on cigarettes that would seek to discourage cigarette smoking by making it more expensive. It would particularly penalize the purchase of hightar cigarettes: The tax would range from 8 to 30 cents a pack, depending on the tar content of the cigarette. (Tar is regarded as a likely cause of such diseases as lung cancer and emphysema.)

An end to federal subsidies for tobacco exports.

A halt to federal price supports and production controls for tobacco, a system that now guarantees farmers a good price for their crop in return for curbs on the amount they can grow. Moss would phase out supports and controls by 1975.

An end to free federal tobacco inspection and grading services, which cost $4 million a year and which are provided a fee basis for nearly all other crops.

Creation of a federal Commission on Tobacco Adjustment Assistance to recommend ways to aid those who will be hard hit by halting export subsidies and ending price supports. The commission also would seek ways "to eliminate or substantially reduce the use of cigarettes, cigars and other tobacco products. . . ."

If Moss's proposals seem uncompromising, so does his sometimes evangelical rhetoric. (He is a member of the Church of Jesus Christ of The Latter Day Saints, which opposes the use of tobacco and alcoholic beverages.)

In a speech last month, he said that the opponents of a ban on televised cigarette commercials were motivated by "greed" and that tobacco interests waged a "vicious battle" against the ban.

Now he is warming up for another fray. The federal government's duty is "to use every persuasive device that it can to discourage the use of tobacco," Moss said in an interview last week.

"The diseases caused by smoking have really become epidemic. This is costing us millions of dollars in production, setting aside the personal discomfort and anguish and early death" suffered by those who contract the diseases.

Moss acknowledged that eliminating the price-support and production-control system could lead to chaotic conditions for farmers, but he said, "I think we ought to do it."

Eliminating the support-and-control system "would free us from what I call the schizophrenic thrust of government"—the split-personality policy of encouraging and discouraging the use of tobacco," he said.

Besides, Moss said, "changes are going to come rather slowly. Consumption is not going to drop off the face of the earth. There isn't going to be any large unemployment created."

In part to guard against charges that he is callous to the problems his plan would create for farmers, Moss has proposed that the proceeds from the "tar tax" be reserved to aid farmers and others who would be hurt economically by a decline in the consumption of cigarettes.

He envisions the adjustment-assistance commission recommending (and Congress later approving) such things as income supplements and retraining programs for those in need of aid.

Moss, who was a leader in the successful fight to ban cigarette advertising from television and radio, admits the prospects for approval of his package are not bright.

"They can always conjure up the little farmer," he said of tobacco-state members of Congress. "There are a lot of emotional type of arguments there."

Also, the agriculture committees of the House and Senate traditionally are friendly to tobacco interests, and those committees would have to approve a large portion of the legislation Moss advocates.

Tobacco companies, too, have an "enormous economic stake" in continued cigarette production, Moss said. "They grasp at every kind of straw they can find that might in some way dispute this evidence (of the adverse affects of smoking) that continues to pile up," he asserted.

Nonetheless, he is hopeful that at least two portions of his bill will be favorably received—the "tar tax" and the adjustment assistance commission.

The commission proposal in itself would have no negative impact, Moss said, and thus might appeal to tobacco state congressmen.

Moss carefully refrains from appearing to advocate a ban on cigarette sales.

"I don't believe we should ever go to an absolute ban on a substance unless it's immediately lethal. It's not only impractical and unlikely to work, but more damaging, it clashes with our tradition of freedom and openness," Moss said.

And, he said, if ban opponents "can ever wave that flag at you, telling you that you're a blue-nosed prohibitionist, that's a hell of a weapon," he said.

A PLAN TO REPATRIATE FOREIGN-HELD U.S. DOLLARS

Mr. CRANSTON. Mr. President, recently Mr. Martin Stone, of Los Angeles, chairman of the board of Monogram Industries, made an interesting proposal to help to restore the stability of the dollar and, at the same time, provide a tremendous source of new capital for the American economy.

Mr. Stone proposes that the $50 billion in American dollars now being held by various foreign governments, banks, and individuals be used by them to purchase American investments in foreign countries with long-term, lease-back provisions.

The advantages of these sales would be numerous, according to Mr. Stone. American businessmen would gain a new source of capital funds while still retaining their overseas operations. Foreign countries would lessen internal political problems created by the so-called American economic imperialism of U.S. investments. In addition, of course, they would find a use for their U.S. dollars which now, with the suspension in convertibility to gold, have less attraction.

Obviously, many complex problems are involved in this idea. Nevertheless, the idea should be explored by the administration and by Congress.

For that reason, I ask unanimous consent that Mr. Stone's proposal, originally published in the Los Angeles Times of September 11, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A Plan To Get Those Dollars Back

One of the major problems that has brought about the present international money crisis and continues to restrict America's policy options with reference to that crisis is the $50 billion held by foreign governments and foreign citizens against which we have only $10 billion of gold reserves. It is this vast supply of excess dollars which has caused severe distortions in a number of the important world currencies and eventually led to the necessity for restructuring our existing exchange rate pattern.

These dollar holdings arose primarily because the United States government and its citizens over the last ten years have spent far more abroad than was spent by foreigners in this country. Contrary to popular opinion, this situation did not arise because of a flood of cheap foreign-made imports. In fact, our exports exceeded our imports during the last ten years by more than $30 billion. Nor was it caused by foreign investments of American firms even though such foreign investments are huge. Actually, in the last ten years the United States has received income on its foreign investments in excess of the amounts spent on new foreign investment.

The primary reason for our huge international payments deficits was our military purchases abroad, both to support the Vietnam war and to support our troops in Europe and other places in the world. It was these expenditures that caused us to become internationally insolvent. Military expenditures and military aid reduced our international reserve position by more than $45 billion in the past ten years.

However, with our Vietnam commitment hopefully coming to an early end and the prospect for major troop reductions in Europe and the rest of the world, we should be able to put our international financial house in order without drastic trade restrictions and impediments if we could find a way to eliminate the $50 billion pool of floating dollars that must somehow be redeemed.

At the present time the value of U.S. foreign assets is approximately $160 billion. These are largely fixed assets consisting of plant and equipment. A program could be developed that would encourage the use of excess dollars held by foreign governments and citizens for the purchase of assets owned by U.S. companies in those countries. As part of the transaction, such assets would then be leased back to the American companies by their foreign owners.

The American government could encourage the repatriation of these funds by exempting them from taxation, in whole or in part, either in the form of income taxes on any gain realized on such sales or in connection with taxes on the return of the funds to the domestic parent companies in the United States.

The advantages of such a plan are many:

1—To the foreign governments, it would reduce the problem created by American investments in their countries and would give them an opportunity to invest their surplus dollar funds in investments producing a reasonable rate of return (the leasebacks).

2—The dollar would be tremendously strengthened by eliminating the floating pool of excess dollars.

3—The American companies would receive an infusion of badly needed working capital funds at a time when there is still something of a long-term liquidity shortage in the United States. (The infusion would be less than the full $50 billion since some portion of the funds are already invested in American securities and businesses.)

4—The billions of dollars added to the money supply available to American industry would act as an extremely strong factor in reducing long-term interest rates in the United States.

5—It would represent a tremendous shot in the arm for the American economy since a vast amount of additional investment dollars would be added to the economy. This would probably result in a substantial step-up in the rate of new plant and machine tool investment in the United States.

A plan such as this would not eliminate the necessity of an adjustment in international currency exchange rates to reflect more realistic current values, but it would quickly restore us to a condition of international solvency and provide us with more flexibility in establishing our foreign and domestic fiscal and monetary policies.

THE FEDERAL BUREAUCRACY AND INDIVIDUAL FREEDOM

Mr. GOLDWATER. Mr. President, to my knowledge, the first time that any American newspaper ever devoted its entire front page to an editorial was the case of the Arizona Republic on Sunday, October 24. Mr. Eugene Pulliam, the publisher of that newspaper, and also newspapers in Indiana, took over the front page of his newspaper to discuss with his readers what he feels is a serious threat to America. I join him in this feeling, and I have addressed myself to it on many occasions throughout the years I have been in national politics. This threat, to me, constitutes a greater threat than any other external one facing the United States today, and it can be corrected only when the Congress makes up its mind that correction is needed.

The President has pointed the way in his reorganization outline, and I am hopeful that Congress will shortly see fit to take action on these proposals. What Mr. Pulliam speaks about when he mentions bureaucracy is not an un-American or an unpatriotic attitude on the part of those people who constitute bureaucracies, but merely the natural tendency of anyone who is left for a long time in a job to feel that the only way to do that job is the way that person feels it should be done.

Our Federal bureaucracy is so constituted today, and so strongly so, that the President does not have control of the administrative branch of Government. I have heard Senators on the floor of the Senate bemoan the fact that the legislative branch has lost its strength, or rather, I should say, has given the strength of the legislative branch to the administrative branch, but let me remind Senators that every time that we vote additional funds for a bureaucracy to spend or additional laws for them to interpret and operate in their own way, we are adding to the threat posed by this entrenched political force within the boundaries of our National Government.

This editorial, in just the few short days it has been published, has caused a sensational furor across the State of Arizona, and while there have been a handful of complaints against it, the overwhelming sentiment is one of approval at its having been written and one of concern at what Mr. Pulliam outlines. So that Senators and others who read the Congressional Record might have the benefit of the words of wisdom written by Mr. Pulliam, I ask unanimous consent that the entire editorial be printed in the Record.

Mr. FANNIN. Mr. President, Eugene C. Pulliam is one of the great publishers in America today. His newspapers include the Arizona Republic, the Phoenix Gazette, the Indianapolis News, the Indianapolis Star.

For 9 years he served as a director of the Associated Press. He has won the Peter Zenger Award from the University of Arizona, the Wells Key Award of Sigma Delta Chi, and awards from the William Allen White Foundation and Freedoms Foundation.

Gene Pulliam has the deep respect of those in the news profession.

He is a man who has observed American life and politics for many years.

In the Sunday edition of the Arizona Republic, Gene Pulliam presented a full-page editorial voicing some of his fears concerning our Government today.

Mr. President, I believe that the editorial gives valuable food for thought for all of us in Congress. I join my colleague from Arizona in asking unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Will the Federal Bureaucracy Destroy Individual Freedom in America?

The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life.

This is not a partisan issue. As a matter of fact, there are now three great parties in America—the Democratic party, the Republican party and the Federal bureaucracy. Of the three, the Federal bureaucracy is the strongest and most powerful because it is the best organized and is protected from political reprisal by civil service.

When a new administration comes in, less than 10 percent of the bureaucrats go out; the other 90 percent keep their jobs regardless of which party is in power.

The U.S. State Department is probably the most bureaucrat-infested agency in the entire government. A small coterie of career men who are protected and immune from discipline by civil service constantly harass and embarrass whoever is secretary of state. They did it to Dean Rusk and are doing it now to Secretary Rogers. Secretary Foster Dulles had some very terrible experiences with this group. These State Department parasites don't want any secretary to succeed. They want to run the State Department in their image. They never want to get tough with any nation, whether friend or foe. They just want to be personally popular in all capitals of the world, no matter what their actions do to the prestige of our foreign policy. It's a hell of a way to run a State Department but that is the way it is being run now. If President Nixon is re-elected, he should ask Congress for the right to abolish civil service in the State Department and clean house from the first under secretary to the brocaded janitors.

Entrenched behind the safety of civil service tenure, the bureaucrats always proclaim that they are acting in the public interest and proceed to issue decree after decree, having the full force and effect of law, whereas not 20 per cent of the bureaucratic rules and regulations and orders are ever voted on by the Congress.

There are thousands of honest and dedicated men and women in the government civil service but their leaders and department heads make life unbearable for anyone who dares speak out against the arrogant plan for government by bureaucratic decree.

PRESIDENT STYMIED

The American people don't realize just how terrifically strong this bureaucracy is. At the present time there are 2,911,000 Federal employees; when President Nixon came to office, out of 4,000 and some employees in the Office of Economic Opportunity he could only change 16! Think of it. The President of the United States was absolutely overwhelmed, to the tune of 4,000 to 16.

Another instance of the arrogant determination of the bureaucracy developed recently in the Interior Department. The United States government has a treaty with the Navajo nation. The treaty is just as binding as any treaty we have with Canada or Mexico, yet the bureaucrats in the Interior Department paid no attention whatever to its stipulations. President Nixon promised the Indians he would do something about it. When he tried to do so this summer, the Bureau of Indian Affairs paid no more attention to the President of the United States than they had to the chief of the Navajo Indians. The bureaucrats in the Bureau of Indian Affairs are determined to run all matters pertaining to Indians in this country—regardless of treaties, presidents or the welfare of the Indians themselves.

Bureaucrats seldom get mixed up in financial scandals. They are not interested in money; they are interested only in power, and the American people have permitted them to take over, often without legislation.

Robert Finch, one of President Nixon's closest friends, was literally driven out of the Department of Health, Education and Welfare because the career bureaucrats in HEW just weren't about to let anyone else run that department, which is one of the largest and most important and spends more money than any other department except Defense. And things haven't changed one iota since Finch left.

Just how far they will go in expressing contempt for the people to whom they are supposed to be responsible is suggested by protest demonstrations in defiance of the President staged by employes of this department.

Senator Barry Goldwater observes that "several hundred employes of the Department of HEW—none of whom was elected by the people who pay them—could hold a mass meeting to protest policy decisions reached by the White House and by the Secretary of HEW."

The bureaucracy dominates the Federal Trade Commission, the Food and Drug Administration and countless other agencies. Prof. Yale Brozen of the University of Chicago recently called attention to the fact that because of these regulatory bodies free enterprise in this country is only half alive. He cited as evidence government's control of the mail, of water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies.

JOB DESTROYERS

Government regulation has driven the railroads to the point of near extinction, hampered the small businessman with a network of controls, created problems in our cities with ill-conceived programs which have caused a net loss of at least half-a-million units of low cost housing since the 1930s. Yet the same bureaucrats and regulators who have created these problems now say they are going to cure them—and that for this purpose they must have still more authority over our lives.

The regulators talk a great deal about unemployment, and the need for still more government power to cure it. Yet Prof. Brozen has shown at length that government wage regulation has caused unemployment, pricing youthful and other marginal workers out of the labor market. Federal wage minimums have caused a doubling of unemployment levels among minority youth since 1954—from 16.5 per cent to well over 30 per cent.

In their effort to control everything, the regulators are trying to dictate virtually every phase of the business process—from the content of peanut butter and breakfast cereals to the packaging of soap flakes and the advertising of tooth paste. The Federal Trade Commission has recently decided it has the right to halt "special" sales in stores and back its decrees with a $5,000 fine.

In a similar move, attorneys for the Equal Employment Opportunity Commission have argued that businessmen cannot relocate if this would deprive minority workers of employment—claiming such relocation would violate the 1964 Civil Rights Act. Examination of the act shows it contains no such sweeping provision, and that this interpretation is purely something dreamed up by the bureaucrats to extend their own arbitrary power over business.

Members of Congress are helping the bureaucrats by holding hearings, spending government money by the millions to prove we probably shouldn't be eating cranberries at the wrong time and that cyclamates might poison your neighbor's dog. Think of the time, effort and money that have been wasted on just those two things alone, which accomplished nothing whatever.

Perhaps the clearest example of the way in which the regulators achieve the opposite of what they say they are going to may be seen in the current controversy over pollution. In one case regulatory fever brought the closing of a plant in Northern California which was not in violation of pollution standards and whose termination meant the loss of 800 jobs. A similar story was written in Marietta, Ohio, where Federal pollution standards if enforced would require the closing of a key industrial plant and the loss of 625 jobs. In the most serious case of all, senseless regulation threatened the closing of a Connecticut plant where some 40 per cent of the nation's supply of penicillin is produced.

TIPPING THEIR HAND

The arrogance of the bureaucrats was blatantly emphasized when they proposed a special tax break for themselves. These bureaucrats already enjoy job pay increases more frequently than most Americans and they have all sorts of benefits and special privileges which put them in a class apart from and above the average citizen. The plan now being studied to give them special tax exemption is the last straw. Special exemptions from Federal taxes on the top $3,000 of salaries paid to bureaucrats in the highest of three civil service classifications are proposed. These salaries range from $28,000 to $38,000 a year. A diminishing scale of tax breaks is provided for the lower classes. All bureaucrats will get a tax break if this plan is accepted, while we know of no other group of Americans who are going to receive any such tax breaks.

As their control over our economic life has grown, the bureaucrats and regulators have shown their intentions more and more openly. In a wide variety of cases they are advancing the idea of "social engineering"—the notion that government "experts" should take children away from their parents, break the ties of family life, and mold American youngsters into the image of the bureaucrats themselves. In the dispute over "busing," for example, we have seen Federal regulators disrupting the life of local communities, ordering children transported to schools far from their homes, overriding the wishes of parents and city officials.

The motive behind this is spelled out clearly by spokesmen who say "disadvantaged" children have to be taken away from the influence of their parents and placed increasingly under the influence of the bureaucratic experts. "It is important," says one spokesman, "to replace this family environment as much as possible by an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

Busing is opposed by 76 per cent of the American people, including black, white and yellow. It has become a national headache and a national scandal. This never would have happened had it not been for the zealots among the career people in HEW, who are determined to demonstrate their power.

How far the problem of bureaucracy and dictatorial control of American economic life can be carried is suggested by the case of Ralph Nader. Here is a man without any official authority or credentials of any kind, forcing American industry into submission, threatening Federal prosecution if industry doesn't agree with his plans, bullying his way toward being the supreme dictator of all industrial production in this country. I want to quote here from a speech made by Thomas R. Shepard Jr., publisher of Look Magazine, regarding Nader's program and objectives.

Mr. Shepard says, "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the American consumer by improving business methods. Forget it. Mr. Nader isn't interested at all in seeing American industry clean house. What he wants is the house—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

"Find it hard to believe? Then listen to this Associated Press report of a speech he made last September, and I quote: 'consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail.' "

Among the proposals Nader favors are having "publicly elected" members imposed on corporation boards of directors to serve the "public interest" as defined by Nader, abolishing corporate trade secrets on the grounds that "a corporation doesn't have the right of privacy" and making all corporate tax returns public on the same grounds.

Still more incredible are Nader's proposals that corporate executives be suspended from their jobs through "sanctions" he wants to impose and that entire companies be driven out of business if they don't live up to what he calls a "social cost test."

NADER'S FINANCES

Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and effort of thousands of Americans who have entered into the voluntary associations of corporate endeavor? Who has commissioned them to dictate, suspend, or bankrupt organizations in which the resources and energies of countless American citizens have been invested?

Unbelievably enough, many of his assaults on our business system are financed by elements in the business community itself. He receives a good deal of money from foundations—including the prestigious Carnegie Foundation. He is also supported by the Philip M. Stern family fund, the Norman Fund, the Jerome Levy foundation, and Gordon Sherman of the Midas muffler company, among others.

Even so, Nadar never would have gotten to first base with his crusades if he had not had the help of the bureaucrats.

Recently Professor C. Northcote Parkinson, noted for his numerous laws governing human behavior, predicted that, if the present trend toward government employment continues, everyone in Britain will be working for the government by the year

2195. Following this prediction by Dr. Parkinson the Morgan Guaranty Trust Company of New York prophesied that if this trend in America goes on, every American will be working for the government by the year 2000.

The significance of all this for the American press should be apparent. The collectivists and regulators like to say they are in favor of freedom of expression, and that the controls they have placed over our economic lives will not endanger other aspects of our liberty like the free press and freedom of speech.

The argument they use is that "human rights" can be separated from "property rights," and that economic controls do not mean political controls. The whole record of what has been happening in this country shows such an argument to be false. Those of us in the newspaper business have long argued, and correctly, that the rest of the nation cannot remain free unless the press is free.

By the same token, it is impossible to have a society and economy supervised in every detail by Washington regulators and at the same time expect the press to be free.

The mission of the American press always has been to keep this country free and never before has there been a time when the American press should give first priority, regardless of other considerations, to the job of keeping a free press functioning in this country. The networks are having a very serious battle with the bureaucracy. They cannot fight their own fight because they have one hand tied behind them by bureaucratic controls. We do have an obligation to fight their battle for them because the networks have the same basic right of free expression as we do. The right of free expression is the fundamental right of liberty and we should remember always that America is the greatest country only because America is free.

The bureaucrats have been able to bully and blackmail television into accepting all kinds of unfair regulations. They attempted the same thing with the press. They realize their goal cannot be accomplished until they have control of the press, and now they are using the FCC to do that very thing. They are also using the office of the Attorney General, frequently without his knowledge or consent, to send out threats, directives and regulations unsanctioned by Congress, but with the full force and effect of law nonetheless.

Take two or three of the most recent cases. In 1968 Congress, after two years of debate, passed Senator Carl Hayden's failing newspaper bill. President Nixon signed that bill. Yet two months ago, the same crowd in the Attorney General's office who were there when they made such a terrific fight against the bill and were holdover Civil Service employes—most of them Socialists at heart who believe in statism and state control—sent out letters to a group of 50 newspapers, demanding all kinds of reports and statements under threat of being hauled before the Senate anti-trust division for violation of the anti-trust laws.

That law was passed by Congress. It hasn't been repealed. It hasn't been violated. And yet these bureaucratic lawyers in the Attorney General's office go right ahead and cause unmitigated annoyance and expense to the newspaper industry, their one object being to get the newspapers to agree to some form of government regulation. Well, thank God, most of the newspapers ignored the Justice Department.

FCC DECREES

Then the FCC gets into the act again by issuing a decree, without the consent of Congress, simply on its own volition, telling the networks they must devote so much time to this and so much time to that and so much time to public broadcasts which are put out by the NEA, hardly a source of unbiased information. And what do the television people do? They must comply or else. Now the FCC had no authority to make such a decision and thank God one judge told the FCC to go jump into the lake until it got authority from Congress to issue such a decree. But that didn't stop the bureaucrats. The Justice Department has jumped onto the agreement which was made by the New York Times and the Chicago Daily News wire services. The cost of the wire tolls was increased and the two companies decided to split a day and night wire in order to save money.

The irony of this situation is that in April of 1970 the Federal Communications Commission told the two wire services that they would have to do just exactly what they are doing if they wanted to use the services of the AT&T, and the Commission itself proposed that the two services share the wire with another user simply as an economical manner in which to serve their clients. And the New York Times and the Chicago Daily News entered into an agreement positively dictated and approved by the FCC.

Now along comes the Justice Department and says, "You can't do this. It is a violation of the anti-trust laws."

Let's take the case of tobacco. The FCC, without the consent of Congress—which it later obtained—told the television stations they could not advertise cigarettes. Yet the very same government which the FCC represents is spending $660,000,000 a year to promote, encourage and carry on the sale of tobacco. This order of the FCC is clearly unconstitutional unless the United States government absolutely prohibits the growing and sale and manufacture of tobacco and its products.

From the other direction, the U.S. government is subsidizing programs over the Public Broadcasting Service network which are often slanted to the radical side. The nature of this bias came to light in an "educational" TV attack on the FBI which was cancelled from its regular broadcast slot after J. Edgar Hoover protested. The Corporation for Public Broadcasting will receive an estimated $35 million from the taxpayers this year, some $9.2 million going to PBS. Why should bureaucrats force the taxpayer to underwrite one-sided propaganda?

A related case involving abuse of the regulatory power of the Federal Communications Commission is the interpretation that has been given the so-called "fairness doctrine." A memorandum prepared by the Reuther brothers in 1961 urged that this doctrine, which is supposed to insure balanced programming, be used as a device for attacking conservative broadcasters, most of whom appear on a local and not a network basis. Over the past 10 years the "fairness doctrine" has repeatedly been invoked against broadcasters and station owners whose views are different from those of the collectivists, but has not been invoked against network figures whose views are more in keeping with the Reuther memorandum outlook.

PRESS IS NEXT

Two years ago a member of the Federal Communications Commission urged that this dictatorial formula be used against newspapers as well. In an August 1969 speech in Dallas, Tex., Kenneth Cox of the FCC said that "Congress could constitutionally apply counterparts of our equal time and rights of reply obligations to most newspapers, since they move in, or clearly affect, interstate commerce, and since the public interest in their providing their readers with both sides of important questions is clear."

Give these bureaucrats the right of regulation over the American press and you have lost America to bureaucratic statism.

This country was founded as a republic with a representative government, but has degenerated into a democracy run by organized minorities, the strongest of which is the Federal bureaucracy. Never in the history of man has a democracy survived more than 200 years, and ours will not survive unless we make it a representative government and abolish the power of the Federal bureaucrats.

Most democracies have been destroyed by centralized bureaucracies—or at least by the rule of organized minorities. The newspapers of this country owe it to America and to the world to make sure that representative government survives in this country—that freedom of the press and the right of free expression are never destroyed by a bureaucracy or any minority group. If we prove here that representative government can work, then freedom will spread to all corners of the world in time.

The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

THE PERILS OF BRINKMANSHIP

Mr. PERCY. Mr. President, I invite the attention of Senators to an excellent editorial in the Chicago Tribune of October 21 on the international monetary and trade situation.

The Tribune editorial poses this question: Are we tottering on the brink of a round of retaliatory economic measures that will hurt all countries?

On October 20 we learned that Denmark, long a leading free trade advocate, had found it necessary to impose a 10-percent import surcharge to protect its balance of payments. Analysts indicate that the Danish move is in large part the result of a severe domestic inflation and was not intended as retaliation against the United States, a fact Denmark's representatives have made clear to U.S. officials in Washington. But Denmark's protective move was necessitated by an impending balance-of-payments crisis, and this was exacerbated by the changes in world currency values, and trade flows, that have occurred since August 15, U.S. exports to Denmark were $227.6 million in 1970. A drop in our exports because they will be 10 percent more expensive will translate directly into lost American jobs. This is a small but significant example. It shows how unemployment can be exported and how we, too, can be hurt even though U.S. exports are a small part of U.S. GNP.

Likewise, news reports on October 20 indicated that France had asked its common market partners to impose an import surcharge.

On October 21 we learned that the representatives of the group of ten major monetary powers ended their 3 days of meetings in Paris with no solution—indeed, without having even conducted serious negotiations.

The next meeting of the group of 10 will not be until November. In the meantime the crisis seems to deepen. As the Chicago Tribune points out:

> The longer the stalemate goes on, the worse Europe's troubles are likely to become and the more likely its recession is to become a world recession. That, lest we forget, is what happened in the 1930's.

It is imperative that the current international issues be resolved, exchange rates stabilized, and the surcharge removed at the earliest possible time.

There seem to be several major issues at contention. Most important seems to be the issue of gold. The French argue that the United States should raise the price of gold, and will not discuss upvaluing the franc until we do. United States negotiators seem reluctant even to consider such a change, even though many economists have recommended it, and influential Members of Congress have expressed support for it.

Another major issue is the nature of the trade changes the United States must have before removing the import surcharge. We appear to not yet have specified to our trade partners what it is we want. This is a necessary prerequisite to settlement, and should be intensively considered.

As each day goes by we come closer to a very serious international economic crisis that would profoundly affect the U.S. relationships with its oldest and best international allies. I trust that these allies will promptly take whatever steps are necessary, and which they must realize are fair and reasonable to meet the critical situation faced by the United States. Many leading figures in foreign countries have told me that the actions taken by President Nixon on August 15 were long overdue and were proper and right under the circumstances. Necessary adjustments to these new conditions should be made promptly.

I ask unanimous consent that the Chicago Tribune editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Perils of Brinkmanship

There is no longer much doubt that Europe, Canada and Japan are experiencing a business slump and that the measures President Nixon has taken to restrict American imports have aggravated their problems. The question is whether this will strengthen our bargaining position or lead to retaliation.

Logically, perhaps, it should do the former. Foreign trade is vastly more important to the economies of other industrial countries than it is to ours; after all, only about 4 per cent of our output is destined for export, compared with 25 per cent of Germany's. You might think they would all be willing to make substantial monetary and trade concessions in order to appease us, as Japan has done.

But logic doesn't always govern international affairs [as the United Nations has amply demonstrated]. And as the stalemate continues, the signs of retaliation grow. Denmark has responded to the Nixon moves by announcing that it will slap on a 10 per cent tariff surcharge of its own. France, in turn, has called upon its Common Market colleagues to impose a 15 per cent customs barrier against imports from the United States.

Are they bluffing, hoping that the United States will modify its demands? Maybe so, to some extent. This is part of the poker game of diplomacy. The trouble is that while the statesmen may be bluffing, the economic statistics are not. The longer the stalemate goes on, the worse Europe's troubles are likely to become and the more likely its recession is to become a world recession. That, lest we forget, is what happened in the 1930s.

Mr. Nixon probably had no choice but to do what he did, given the threatening monetary crisis that built up during the summer. But there is a dangerous feeling on the part of some industries and some unions that protectionism enables us to hold off foreign competition while allowing inflation to resume at home, thus presumably providing the best of both worlds. It would be a shame to be so blinded by this misconception as to miss realizing that the real solution is almost in our grasp.

Europe's recent troubles have been marked by accelerating inflation. Prices have risen faster thruout Western Europe this year than they have in the United States, thanks to the Nixon administration's success in holding inflation for the first seven months of 1971 down to 4.4 per cent.

And conforming to the usual pattern, rising prices have brought rising unemployment in Europe—especially in Britain and Sweden.

Which brings us back to logic. Our real trump card is not the power to threaten, twist arms and cajole. It is the power to keep our rate of inflation below that of our competitors. If we can do this, the balance of world trade will gradually shift back in our favor without surcharges, quotas or other gimmicks. It would be a shame to bring on a worldwide recession thru our efforts to blast our way out of what has, in fact, been a relatively minor recession at home.

IMPORTATION OF RHODESIAN CHROME ORE

Mr. McGEE. Mr. President, the edition of the New York Times of October 15 contains an article assessing the impact of a vote 2 weeks ago by the Senate to permit the importation of Rhodesian chrome ore despite a United Nations embargo on that country.

The article entitled "Rhodesia Sees Hand Bolstered by U.S. Senate Move on Chrome," and written by Paul Hofmann, explores the detrimental impact our action could have on the delicate negotiations now being held between Great Britain and the Rhodesian Government.

The Senate amendment removing the President's authority to ban importation of Rhodesian chrome has yet to be considered by a Senate-House conference committee on the military procurement bill. It would be my hope that close scrutiny be given to this article prior to the convening of the conference committee.

I ask unanimous consent that Mr. Hofmann's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rhodesia Sees Hand Bolstered by U.S. Senate Move on Chrome

(By Paul Hofmann)

Salisbury, Rhodesia.—The vote last week by the United States Senate to permit the importation of Rhodesian chrome despite a United Nations embargo is felt here to have strengthened the hand of Prime Minister Ian D. Smith in the present delicate stage of his contacts with the British Government.

Liberal foreign residents say that Rhodesia is now at a crossroads—either her white leaders may promise London, in general terms, to bring about African majority rule in 30 years or so in return for recognition, or the country may drift completely into the orbit of South Africa and adopt ever more stringent apartheid patterns.

Blacks outnumber the 250,000 whites in this former British colony 20 to 1.

DEVELOPMENTS EXPECTED

Spokesmen for the white Government declare that the moves on Rhodesian matters in the United States Congress "are symptomatic—they show increasing sympathy for us." The officials appear convinced that Mr. Smith stands to gain even if American importers are not able to buy chrome ore directly from Rhodesia soon.

The Senate amendment removing the President's authority to ban importation of Rhodesian chrome will be considered in the next few weeks by Senate-House conferees when the military procurement bill goes to conference.

Neither Mr. Smith nor any other official will discuss the negotiations with London, aimed at settling the dispute over Rhodesia's unilateral declaration of independence.

The rebellion by Rhodesia's white rulers will be six years old on November 11. Important—perhaps decisive—developments are expected here around that date.

The House of Commons in London is due to debate on or about the anniversary whether Britain should continue her trade blockade against Rhodesia. It is thought here that Lord Goodman, the jurist who has been conducting the negotiations for London, will arrive in Salisbury soon on his fourth visit this year. If he reaches preliminary agreement with Mr. Smith, a trip to Rhodesia by the British Foreign Secretary, Sir Alec Douglas-Home, next month is considered likely.

Many British or British-descended settlers undoubtedly would like peace with the old country, but they stress that Rhodesia isn't really in a hurry. The white leadership insists that production is booming at an annual growth rate of 4.3 per cent.

True, the economic sanctions imposed by the United Nations five years ago have gravely depleted Rhodesia's foreign currency reserves and forced the country to curtail imports. However, visitors find to their surprise that there seem to be no significant shortages of consumer goods. Rhodesians proudly point out that the siege mentality spurred the country to develop many new industries, including the manufacture of "trendy" clothes.

IMMIGRANTS KEEP COMING

An American expert who recently visited Rhodesian mines reported; "They have new computers and other sophisticated equipment. They don't even bother taking off the United States labels."

Oil and other vital supplies are reaching here by way of South Africa and Mozambique, the Portuguese possession adjoining Rhodesia. Rhodesian chrome ore, an important earner of foreign currency, is exported by circuitous channels and some of it is believed to end up in the United States at sizable markups.

Rhodesia keeps wooing—and getting—white immigrants while unemployment among the masses of unskilled Africans is high.

Black guerrilla activity has been going on for years in parts of the country, but the militant black Rhodesians who are exiled in neighboring Zambia are reported to be deeply split along tribal lines.

THE ART OF FREEDOM—ADDRESS BY SENATOR HANSEN

Mr. JORDAN of Idaho. Mr. President, on October 20, 1971, Members in attendance at the Senate Prayer Breakfast were privileged to hear a most excellent dissertation on the "Art of Freedom" by the distinguished Senator from Wyoming. Senator Hansen points out that liberty is fragile, that it does not stand alone as an absolute right because freedom cannot be achieved without responsibilities and obligations.

In order that others may share this worthwhile and well researched statement, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ART OF FREEDOM

"Where the spirit of the Lord is, there is liberty."

These words of the Apostle Paul have a special relevance for us today: they touch upon one of the most vital issues of our time—the place of liberty, of freedom, of liberation.

No word has been more often and more loudly invoked in our troubled century than liberty. The heritage of 1776 has become the slogan and rallying cry of half the world.

Unfortunately, in many cases, the appeal to liberty has become a mask for license.

"O liberty," cried Madame Roland as she mounted the scaffold of the guillotine:

"How many crimes are committed in thy name."

The history of the nations since that time tends only to confirm that judgment. It has become increasingly clear that liberty in and of itself, apart from responsibility, apart from some sense of purpose, direction, and constraint, too easily degenerates into anarchy, the seed-bed of tyranny.

We see this in every realm of life: The political and social, the economic, and the moral.

What is called for, then, is a context for liberty, which gives meaning to freedom, which asks "free *for* what?" as well as ". . . *from* what?"

This is precisely what is suggested in the text from St. Paul.

He is speaking of that liberty which belongs to the Christian, his freedom from the Jewish law and its innumerable obligations, the freedom of faith in the risen Christ whose spirit is a real and present help, counselor, and guide.

Where that spirit is to be found, there, he declares, is true liberty.

"What is liberty," asked Edmund Burke, "without wisdom, and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint."

In short, it is liberty in the absence of "the spirit of the Lord."

With good reason, Otto Kahn, speaking in 1918, could declare that "liberty has been wounded in the house of its friends"—and never more deeply wounded, we might add, than in our own troubled times.

In another place, St. Paul speaks of "the glorious liberty of the children of God," a liberty which he carefully defines in the context of the Christian community—its responsibilities and obligations.

"Use not liberty," he counsels, "for an occasion to the flesh." And, again, use not your liberty "as a cloak of maliciousness."

And, yet again, "take heed lest by any means this liberty of yours become a stumbling block to them that are weak."

Clearly, Paul—who has gloried in "our liberty which we have in Christ Jesus", a freedom from forms of bondage, all things that would enslave the conscience—is profoundly aware of how liberty may be abused.

He therefore summons men and women to use their freedom in Christ with compassion, prudence, and restraint.

Here is liberty deeply rooted and wisely directed by the power of the spirit; here is liberty, indeed.

A contemporary writer, W. A. Peterson, has spoken of "the art of freedom" as that which "makes life on earth worth while."

In portraying freedom as an art, he does not neglect its status as a gift—the gift of God to all who will accept it.

Every art is characterized by some form of disclipline—whether painting or music or drama—some demand made upon the person, which he must meet if he is to exercise that art freely and creatively.

So, too, with liberty—a deeply personal art which is the birthright of every child of God.

Indeed, we can think of it as invitation to be creative, especially mindful of the innumerable forms of the arts—to paint, to sing, to carve, to write, to build, according to the heart's desire, to express our own unique creativity.

Freedom is the right to be yourself, to make mistakes, to fail, and to try again, conscious that no failure is final.

Under the liberty of the children of God, we are always given yet another chance; there is always ground for hope and renewal—in men and in institutions.

In the light of that same Godward vision, freedom is ours here and now: What we do with it is up to us. We are free to aim at the highest goals and noblest aspirations, or not—as we will.

Freedom is an open door, beckoning us to new opportunities, but *we* must walk through it.

It is a ladder, but *we* must climb it. True freedom lacks any element of coercion.

Contrary to much misunderstanding in the modern world. Freedom does *not* mean that you can do whatever you please.

It *does* mean that nothing can hold men back from striving to realize their finest ideals and aspirations.

Freedom—for Paul and, indeed, throughout the scriptures—is a gift, an art, and a blessing—a blessing because it is an opportunity to dedicate our lives to the service of others.

If freedom is more than an empty concept, the fruits of freedom must derive from and depend upon the thoughts, ideas, and ideals of men and women. You and I must give freedom its incarnation in our own daily lives and in the world of public affairs.

Freedom is a wide horizon gleaming with promise: It is the key to an inspiring future.

In truth, the only shackles we must break are *within*, the interior shackles with which we often bind ourselves—shackles of fear, of prejudice, and of self-interest. We practice the art of freedom when, breaking those shackles, we make the most of all that freedom offers.

Freedom so conceived is the gracious gift of God, available for our acceptance and reverent use.

It is the foundation of American Democracy and, indeed, of all human community for it witnesses to the creative power of God in man.

We who are gathered here for this prayer breakfast are particularly aware of the blessing and burden which comes with the gift of freedom.

May our common prayer be for greater liberty and wiser use—that liberty which comes as the inescapable companion of the spirit whose guiding presence we seek both for ourselves and for our nation.

So may we say, with the author of the Epistle of James:

"Who so looketh into the perfect law of liberty, and continueth therein . . . shall be blessed."

ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, on October 19 and 20, 1971, because I was unavoidably absent from the Senate due to a death in my family, I missed several record votes. I would like to make my position known at this time. If present I would have voted as follows:

No. 261 leg.—Vote on amendment No. 450 to S. 215 to require that the delegates to a constitutional convention approve proposed amendments by a two-thirds majority—"aye";

No. 262 leg.—Final passage of S. 215, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States—"aye";

No. 263 leg.—Final passage of S. 748, a bill to authorize payment and appropriations of the second and third installments of the United States contributions to the Fund for Special Operations of the Inter-American Development Bank—"nay";

No. 263 leg.—Final passage of S. 2010, a bill to provide for increased participation by the United States in the International Development Association—"nay."

Mr. President, I ask that the permanent RECORD reflect my position on these votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUCCESS OF THE ORGANIZED CRIME PROGRAM AND THE ORGANIZED CRIME CONTROL ACT OF 1970 AND TITLE III OF THE 1968 CRIME CONTROL ACT

Mr. McCLELLAN. Mr. President, on January 15, 1969, along with the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA), I introduced S. 30, the Organized Crime Control Act of 1970. Support for this measure was later obtained from the administration and after nearly a year long difficult legislative battle the bill became Public Law 91–452 on October 15, 1970.

Attorney General Mitchell made a significant address before the Associated Press Managing Editors Association Convention in Philadelphia on Wednesday of last week, just about a year since the enactment of S. 30. It was a report on the status of the Federal effort now being made against organized crime and the key role now being played in that effort by both S. 30 and title III on wiretapping of the 1968 Crime Act, which I also sponsored. I note that S. 30 passed the Senate by a record vote of 73 to 1 and that a motion to strike title III from the 1968 act failed to carry by a vote of 68 to 12. The wisdom of the Senate in these two votes is now being indicated in practice.

Mr. President, it is seldom that an individual is privileged to see successful results mature so quickly from his efforts to strengthen the hand of law enforcement in dealing with the forces of crime and corruption. I am heartened by the Attorney General's report. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE WAR ON ORGANIZED CRIME AND CORRUPTION

(An address by John N. Mitchell, Attorney General of the United States)

Today I want to talk to you about organized crime and its handmaiden, official corruption. More especially, I want to talk about what President Nixon's Administration has done about it.

Let me set a framework for my remarks by discussing the relationship between organized crime and official corruption, on the one hand, and society as a whole, on the other.

Some opponents of the Nixon Administration have said that our firm enforcement against crime is going at the problem from the wrong end. They say we will always have crime until we clean up the environment that breeds it—poverty, the ghettos, urban blight.

I will not pursue this issue today, except to say that the problem *is* being tackled from both ends by the Nixon Administration, including the Department of Justice. Our Civil Rights Division and our Community Relations Service have made remarkable progress in furthering the rights and opportunities of minorities. Our Land and Natural Resources Division is taking vigorous action against polluters and is working to improve the quality of our environment.

At the same time, I'm sure you'll agree that Justice is that department primarily responsible for approaching the crime problem at the enforcement end. And the point I wish to make is that a substantial part of Federal crime is represented by organized racketeering and official corruption, and that these have nothing to do with the controversy I just mentioned.

Unlike street crime, they cannot be said to derive from poverty or prejudice. The kings of the underworld live in wealth, and have for generations. The wealth of their political accomplices is determined by the price at which they are willing to sell themselves.

So the sympathetic picture of the Jean Valjean whom hunger drove to steal a loaf of bread does not apply to these criminals. They do not lack the basic advantages of life. All they lack is principle. And I therefore have small patience with those who fault Justice for taking a hard line on crooks.

There is, however, one very definite relationship between organized crime and the people of our inner cities. These people are the main victims of the racketeers—the bookmakers and the numbers men, the narcotics traffickers and the loan sharks. These people are also the main victims of corrupt officials—those who use public funds to line their own pockets rather than to clean up the city—those who take bribes to look the other way while the gangsters prey on the public. After the 1967 ghetto riots in Newark, the New Jersey grand jury reported that one of their causes was "the all-pervasive atmosphere of corruption." Minority leaders, including some representing the most militant groups, have declared that stopping the racketeers and grafters is one of the key steps in cleaning up the inner cities.

Thus my second point is that in tackling Federal crime from the enforcement end, we are at the same time tackling it from the end of social betterment. As Richard Nixon said in 1968, "Organized crime is the tapeworm of the American society." In liquidating the problems of the inner cities, one of the key steps is to liquidate organized crime and corruption. In many of the most blighted American cities, a successful attack on official corruption will open the way to elect public officials—often from the ranks of the minorities themselves—who are dedicated to solving problems rather than to feathering their own nests.

In this connection it is significant that the old Jersey City machine which produced the officials convicted of betraying their public trust has been thrown into political disarray. Exposure of corruption has cost it large segments of traditional support, and it is fighting an uphill battle against the reform candidate in the forthcoming mayoralty election.

So to those who say that crime must be fought through social improvement, my answer is that the war against organized crime and corruption is doing just that. I'm proud to say that in my belief, the Federal crackdown on racketeers and grafters is not only an enforcement duty, it is a social crusade.

In fact, it has been my observation that newspaper editors are often the first to agree with this concept. You are critically aware of the toll which corruption can take in your home towns. The eyes of the press are just as important to the public safety as the eyes of law enforcers, and sometimes they are even more effective.

The press is frequently the first to suspect corruption, and it may have to crusade long and loudly before a change in the government will bring the wrongdoers to justice. To give only one example, for years New Jersey newspapers cried corruption before a new State Administration and a new Federal Administration came in and prosecuted.

Others of you have also gone through this kind of experience. And while you are thoroughly familiar with the facts in your own city, I hope that in the next few minutes I may be able to give you a better picture of the war against racketeering and corruption across the nation.

As early as 1967 a national crime commission warned that organized crime "is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society." An Attorney General called organized crime "nothing less than a guerrilla warfare against society." Yet his successor called it a "tiny part" of the crime picture in the United States, and refused to use the weapon of court-authorized wiretapping that Congress provided in 1968 to help fight it.

When Richard Nixon became President in January 1969 he launched an all-out war on organized crime.

He immediately sanctioned the use of court-authorized wiretapping to penetrate the illegal and secret operations of the racketeers.

He asked for and received from Congress added funds that permitted a substantial increase in investigators and in U.S. Attorneys' staffs.

He asked for and got from Congress an Organized Crime Control Act which, among other things, facilitated the protection and immunity of witnesses and broadened the Federal Government's jurisdiction in illegal gambling cases.

He established the National Council on Organized Crime, consisting of the heads of all appropriate Federal departments, to focus the capabilities of those departments on racket investigation.

Along with this National Council, the strike force program was greatly expanded and placed on a permanent footing. Today, in 17 major cities where we know organized crime is operating, we have established a strike force team which applies the various skills and enforcement jurisdictions of the appropriate Federal agencies, such as the FBI, the Bureau of Narcotics and Dangerous Drugs, the Internal Revenue Service, and others. Through this method, information from the various intelligence agencies is centralized in an efficient, inclusive system. We plan to establish still more strike forces in the future, and not long ago we set up an 18th strike force in Washington, D.C., to work against efforts of organized crime to infiltrate legitimate business around the country.

So we had more funds, bigger staff, better legal weapons, and above all, concerned and active leadership. What have been the results in nearly three years? First, what about wiretapping—has it been effective?

In the 1969 and 1970 calendar years the Federal Government installed 202 court-authorized wiretaps which resulted in 752 arrests—nearly four per tap.

The year 1971 to date is included in a report on FBI wiretaps alone, showing that in less than three years, approximately 350 court-authorized wiretaps resulted in more than 1,500 arrests. Due to the long time lag before many courts can hear these cases, we have no true correlation as yet between wiretaps and convictions, but to date more than 170 convictions have resulted from the FBI wiretaps alone. In many cases these are the leaders of the underworld "families" in various cities, so the effect on organized crime is far more devastating than the figures reveal.

Last January the organized crime boss of New Jersey and 45 co-defendants pled guilty to Federal gambling conspiracy charges when they heard their voices played back to them on the wiretap tapes.

Last February, as a result of careful infiltration of drug trafficking operations in a number of organized crime families, and evidence from 12 court-authorized wiretaps, Bureau of Narcotics and Dangerous Drugs made simultaneous raids in seven cities. Known as Operation Flanker, this was the largest action on record against organized crime heroin traffickers, and has so far brought 162 arrests.

Last June a major illegal bookmaking operation in Miami was broken up with the conviction of its leaders on Federal wiretap evidence. One of them admitted with regard to wiretapping: "You can't work without a telephone . . . Federal wiretaps are going to put us all out of business."

Next, what about the new legal weapons in the Organized Crime Control Act of 1970—such as protection of witnesses and new antigambling weapons?

In 1965 Attorney General Nicholas Katzenbach testified that the Federal effort against organized crime had lost 25 informants within four years through murder, threats or bribery. Today, largely through provisions in the Organized Crime Control Act, I can report that we have assisted approximately 100 key witnesses whose testimony has been vital in bringing organized criminals to justice. We have relocated many of them in new jobs under assumed names, and not one of these has been lost.

I might add that the business community, working with us through the United States Chamber of Commerce, has been extremely cooperative in providing jobs that are the key to relocating witnesses and their families under new identities.

The same success has resulted from the 1970 provision further extending Federal jurisdiction in illegal gambling cases. Two weeks after the law was passed the FBI had gathered enough evidence to smash a series of major gambling operations in Newark and here in Philadelphia. Since then FBI agents have arrested more than 1,000 gambling figures under this new legislation. One underworld leader is said to have retired recently with the complaint that because of the new laws the heyday of illegal gambling is over.

So it is obvious that these new enforcement weapons, executed under new leadership, have made deep inroads into the criminal community. The number of organized crime and gambling figures convicted as a result of FBI investigations was 281 during fiscal 1968, but by fiscal 1971 this annual figure had jumped to 631. The total who were convicted through the 1969, '70 and '71 fiscal years from FBI investigations is more than 1,400. Also, 2,100 more organized crime defendants are in various stages of prosecution as a result of FBI investigations in this same period.

Further, the rate of convictions in fiscal 1972 is already running well ahead of last year's rate. I should add that the FBI figures do not include, of course, the results of arrests by a number of other Federal agencies, such as the Secret Service and the Internal Revenue Service.

Even so, the FBI figures are impressive when it is noted that in 1967 the national crime commission estimated that there were "5,000 or more members of organized crime's core group." I do not say that we have convicted or indicated 3,500 of this 5,000, because many of those brought under prosecution would not be classified as actual "members of organized crime's core groups." But I do believe these figures give some gauge of the type of damage being dealt to the crime syndicates.

Even more revealing is the condition of the organization's top leaders. Our Criminal Division reports that convictions of high echelon figures in organized crime syndicates have increased from 23 in fiscal 1968 to 61 in fiscal 1971, with a total of 123 in the past three fiscal years.

In New York City, where there are five organized crime "families", four of the five bosses or acting bosses have either been indicted or convicted, and so have the heads of the two existing subfactions.

In Chicago, nine out of the 13 top gangland leaders have been brought under the processes of justice, and for months the top spot has gone begging. One explanation is that the three possible contenders feel that the job is a sure ticket to the penitentiary.

In New England, the top leadership is practically decimated. Of nine leaders who have been identified, two are on death row and three—including the boss—are in prison.

Here in Philadelphia, the boss is in jail and the acting boss is under indictment.

These are some of the most telling examples, but they are by no means the only ones. If it is true that organized crime operates like a business, let me ask you how many of your businesses could operate profitably for very long with vacant desks where, say, your publisher, your editor and your advertising manager ought to be?

From the evidence we have, we are rocking the foundations of the criminal empire, and we are doing our best to put it completely out of business. And the sooner the remaining criminal bosses get the message and get out of the rackets, the better it will be for them and for the country.

Finally, I would like to point out that we are attacking the gangsters on still another front—the officials that they have corrupted in order to carry on their evil business. In a little less than three years the Department of Justice has obtained indictments or convictions of more than 170 state and local officials or former officials on Federal charges or on state charges based on Federal information. This figure includes only those offenses connected with organized crime, or those charges that appear to link the defendant with organized crime. The figure does not include charges of income tax evasion in cases where we suspect the income was derived from organized crime sources. Altogether, these 170 or so individuals represent officials of 21 cities, 12 counties, and five states. They range from positions of judgeships to state elective officers, from mayors to councilmen, from law enforcement officers to purchasing agents.

I take no pleasure in recounting for you this catalog of accused or convicted betrayers of the public trust. Such corruption of public officials must sicken every American who honors his birthright. Nor do I exempt Federal officialdom from the light of examination, for there have also been a number of Federal employees, including a few elected and appointed officials, brought under prosecution in the same period.

But beyond the shocking aspect of this spectacle, it serves to display clearly the power that organized crime has held in American life. When organized crime can, through bribery and graft, wreak this kind of havoc in the machinery of American Government, then it can hardly be dismissed as a "tiny part" of crime. On the contrary, it turns out to be the most dangerous part of all.

All this is not in any way to disparage the overwhelming majority of honest American public officials who keep faith with President Grover Cleveland's well-known definition: "A public office is a public trust." It is only in contrast to these dedicated officials that the corruption of the others is so disappointing.

But to those others who are caught in the web of corruption, but have so far escaped detection, I am bound to say that if their crimes are Federal crimes the Department of Justice is doing its best to identify them and put them out of business. We now have the legal weapons, the funds, the dedicated manpower, and the equally dedicated leadership to do it.

Therefore, let me give an answer to those who have said that we will never eliminate the tapeworm of organized crime, that it is too deeply imbedded in American society, and that therefore the solution is to legalize the vices on which the tapeworm feeds—offtrack gambling, use of narcotics, prostitution.

The answer of the Nixon Administration is that this proposal is an insult to the American people.

Our answer is that Americans do not have to capitulate to those who prey on society's weaknesses, just because past enforcement efforts were inadequate.

Our answer is that, for the first time, we have mounted an all-out, comprehensive drive on organized crime, and we are obtaining outstanding results.

Our answer is that legalization of vice does not assure freedom from gangland control.

Our answer is that even if it did, Americans are made of stronger stuff than to accept vice as a hallmark of their culture.

And our answer is that, far from allowing its vitality to be sapped by the tapeworm of organized crime, America *can* rid itself of this tapeworm and in the process can gain a new level of vitality, confidence, and achievement.

A STRENGTHENED ROLE FOR THE U.S. TARIFF COMMISSION UNDER CHAIRMAN BEDELL

Mr. PERCY. Mr. President, the U.S. Tariff Commission has recently come under the Chairmanship of Mrs. Catherine May Bedell, a former U.S. Representative from Washington's Fourth District, who served with great distinction in the House until 1968 as a member of the Committee on Agriculture. In a speech to the Third Western Agricultural International Trade Conference in Los Angeles on September 28, Chairman Bedell discussed her conception of the role of the Commission in the 1970s, with particular application to agriculture.

The role of the Tariff Commission is of very great importance to me and to the Congress. Both Congress and the President tend to forget that the Tariff Commission exists as an arm of the Congress. Though it has certain statutory functions that are performed as part of the administration of trade and tariff laws by the executive, the Commission was created as an independent factfinding body in 1916 to inform Congress on trade and tariff matters, conduct special studies, and give advice.

It is reassuring to me, as I know it is to other Members of Congress, that the Commission's new chairman understands the unique relationship of confidentiality and trust that must be maintained between the Commission and Congress and is determined to strengthen it by building the staff and the capabilities of the Commission to enable it to fulfill better its important functions.

I note with considerable interest and approval that Chairman Bedell proposes to establish Commission offices in Brussels and Tokyo. In the past the Commission had such offices in foreign commercial centers, but they were subsequently closed. Offices in these two key locations would be of immense value to the factfinding functions of the Commission which must make investigations that require obtaining data from foreign sources.

One of the greatest concerns of the State of Illinois is its export position, particularly as to agricultural products, in which Illinois leads the Nation. One of the events that will affect the Nation's agricultural exporters most is Britain's membership in the EEC. American agriculture rightly feels a great deal of apprehension about this problem, and a strengthened Tariff Commission's ability to study and advise on this problem is to be welcomed. In Chairman Bedell's words:

> A revitalized and strengthened Tariff Commission will mean more and better information on a more timely basis so government and industry will have the information on which to act.

I ask unanimous consent that Mrs. Bedell's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE TARIFF COMMISSION IN THE SEVENTIES: IMPLICATIONS FOR AMERICAN AGRICULTURE

(By Hon. Catherine Bedell)

It's a pleasure to be with you today and talk about the Tariff Commission and the implications of its work for American agriculture. When the President appointed me as Chairman of the United States Tariff Commission, I knew I was taking office at a most exciting time for that agency. Public interest in the problems of international trade were at an all-time high.

Then came the President's August 15th announcement of major changes in his domestic and international economic program. As a result, the historic role of the Tariff Commission as a bipartisan factfinding agency in the field of international trade assumes greater importance than ever before.

The stakes are high in this fast moving age of ours, and only sound decisions can thus avert disaster whereby our country could be consigned to the role of a second class economic power. And that, gentlemen, is a very real threat!

We at the Tariff Commission are keenly aware that we must provide the facts on which the President and the Congress can make the major economic decisions of this decade. If our work is to be effective we must look ahead, we must be thorough, and we must be responsive

Here timing of our efforts will be most important. So often the "economy" as we speak of it is like an iceberg. Only a portion of it shows as it slowly floats through its life cycle at sea. Few citizens know or understand what is below the surface or what influences its course of behavior.

We do know what happened when the "unsinkable Titanic" threw caution to the winds in favor of speed. Had the Captain had all the facts before him, disaster might have been averted. Economic efforts, as in the case of the Titanic, are often delayed, for the first shudder of impact may give no clue to the nature or severity of impending catastrophe.

Immediately on being asked by President Nixon to serve as commissioner and Chairman, I began to do my homework. As I studied, I became aware of the wide powers and responsibilities that have been vested by Congress in this prestigious agency. I also became aware of the fact that a great many people are unaware, as I was, of exactly what the Tariff Commission does. This realization became apparent when such searching questions would pop up in a conversation as:

"What does the Trade Commission do?"; "How do you set a tariff?"; or even, "How do you spell tariff? Is it with two 'r's, or two 'f's'?"

As a result, I thought it might be best to start my comments by placing things in historical perspective—then tell you something of our aspirations—and finally, the implications for American agriculture.

Down through American history political arguments have swirled about the tariff as an issue. Although the Republican Party had stood for high protective tariffs, the movement for some orderly system of establishing tariff rates and removing them from politics received its real impetus during the administration of President William Howard Taft.

In spite of the opposition of more conservative elements within the Republican Party, considerable public agitation for an independent Tariff Commission continued into the administration of President Woodrow Wilson. As it became clear that the economic effects of the European war would transform the industrial and commercial world, it also became apparent that more information would be needed as a guide to future policies in tariff affairs.

On September 8, 1916, legislation was passed authorizing a six member bipartisan Tariff Commission. The Commission was to report directly to the President and Congress. Its main objective as an investigative body was to collect and analyze information on commodities entering into international trade—particularly competitive production costs and the effects of imports on domestic production.

The original Commission consisted of men possessing wide experience and first rate ability. It was unique in that all were of independent judgment and had an objective approach to tariff questions. The staff also was of unusually high caliber. As so, a high standard of performance was set from the Commission's establishment fifty-five years ago.

New legislation in 1922 expanded the Tariff Commission's work four different ways.

1. The President could adjust, either up or down, individual tariff rates but only after completion of a Tariff Commission investigation.

2. It provided for investigations into unfair methods of competition as a means of safeguarding American industry.

3. The Commission was empowered to investigate any discrimination of any foreign country against U.S. commerce.

4. It was also empowered to investigate the cost of production and international competition.

These provisions, slightly modified by the Tariff Act of 1930, form the basis for much of the Commission's work today.

The Commission is also directed or authorized to conduct investigations under provisions of the Trade Expansion Act of 1962, the Antidumping Act of 1921 and the Agricultural Adjustment Act, with which many of you are familiar.

It also undertakes research and special studies relating to significant aspects of the commercial policy and international trade of the United States. These studies may be requested by the Congress, the President, or undertaken on the initiation of the Commission itself.

As I continued to do my homework, I noted with interest that a criticism often heard from within industry and government, that the work of the Commission has not been as responsive or as timely as it could have been, dates back to the 1920's.

For example, the first Chairman, Dr. Frank Taussig, felt that at that point in time the Commission had lapsed into pedantic procedures which required unreasonable detail and pretended to achieve the impossible, thereby delaying its reports. Some of this criticism may have been justified, and the problem of timeliness is still with us today. We must keep in mind, however, that objective fact-finding takes time. In many instances, the depth of study and quality of work are in itself a function of time.

In the past decade the Commission has faced lean times with declining budget support and resulting cuts in personnel, but I'm happy to report that this has started to change within the past few years. This change may be late, but it comes at a fortunate time. Our balance of payments situation has become a crisis, which necessitated President Nixon's dramatic and far reaching pronouncements of August 15th. Now, after a decade of talking about the problem, we must do something about it.

As domestic industries and their employees have begun to feel the impact of foreign competition, and possible injury, the work load of the Commission has directly reflected their growing concern.

For instance, under Section 301 of the Trade Expansion Act of 1962, the President is authorized to take measures to prevent segments of the U.S. economy from being adversely affected by trade concessions.

Under these provisions the President may increase duties or impose other import restrictions. He may authorize assistance to firms or workers. He may also take a combination of actions. The Tariff Commission must determine that (as a result, in major part, of trade agreement concessions) an article is being imported in such increased quantities as to cause, or threaten to cause, serious injury to an industry or firm, or the unemployment or underemployment of a group of workers.

This past fiscal year, the Commission completed 86 of these investigations. This is an increase of 67 over fiscal year 1970. We've currently received 30 additional investigations, where, according to the Act, we must look for injury within narrow criteria.

The case load and time frame within which we must make our findings has unfortunately forced delay in other studies and research. Despite this burden, deadlines have been met largely because of the dedication of our staff, working under an investigatory workload that has more than tripled in the past year.

And now, the Tariff Commission is embarking upon one of the most important assignments given to us by two of our major "clients"—the President and the Congress.

At their request we have started work on five significant studies that will require over two years and thousands of man hours of work by Tariff Commission experts—studies that you will recognize as having tremendous implication for some of the most crucial trade decisions the United States must make in the era of the seventies.

These studies include a multi-faceted approach to analyzing the competitiveness of American industry in the world of today.

Of prime importance is a study of the implications of multi-national firms on world trade and investment. Also underway is a study on tariff and nontariff barriers among principal trading nations, a study of the nature and extent of tariff concessions granted in U.S. trade agreements, and a study of the customs valuation procedures of U.S. and foreign countries.

The Commission is also in the process of finishing two self-initiated research projects. One deals with the probable effects if this country and other major trading nations adopt preferential tariff reductions affecting products of less developed countries, and the other, of particular interest to this audience, has involved extensive research on restraints in agricultural trade.

While we are several months away from any conclusions, I thought you'd appreciate hearing something about the agriculture restraints study and some of the more sophisticated techniques being employed.

Approximately 30 countries or regional trading blocs, accounting for about 90 percent of our agricultural exports and nearly 80 percent of the country's agricultural imports, are being studied to determine the policies and programs which significantly affect their position as our market outlets or sources of supply. This review will seek to identify restrictive measures employed by our leading foreign markets (including the European Economic Community, Japan, the United Kingdom and other members of the European Free Trade Association) that affect our agricultural exports. Also included for study are our major competitors in world markets such as Argentina, Australia, and Canada, to ascertain the impact of measures affecting our competitive position.

A unique aspect of this study is the development of an economic model by the University of Wisconsin for the quantitative measurement of the impact of agricultural restraints on our agricultural exports. The first group of commodities being considered includes wheat, feed grains and beef, which represented about 39 percent of the value of U.S. agricultural exports in the period from 1967 to 1969.

For example, the model will provide an estimate on what effects a levy on feed grains of 30 percent by the EEC, and 20 percent by EFTA would have on total trade in feed grains, and indirectly, trade in wheat and beef.

Similarly, the model is intended to provide estimates of the simultaneous effects on trade when several restraints are operating concurrently, as, for example, the U.S. acreage allotment on wheat, the EEC variable levy on feed grain imports, and an Australian subsidy on beef.

When the results of the study are ready early next year, the model may provide an effective and sophisticated tool for estimating the impact of various barriers on trade. Perhaps this technique can be applied later to citrus fruit and other western commodities.

Now, these studies, coupled with the investigation load, have provided motivation to the Tariff Commissioners in another area. With the encouragement of the President and the Congress, we're spending a lot of time on a revaluation of the day-to-day administrative operations of the Commission itself. What needs to be done?

First, our initial preoccupation will be the rebuilding and strengthening of the Commission staff. It must be adequate in number to enable the Commission to assume the role assigned to it by the Congress. We must attract more experts from all fields. From the ranks of our young people entering the work force, we must recruit the most creative minds from the legal and economics professions. Those who are chosen must possess a high degree of intellectual curiosity and be interested in international trade.

Second, the Commission must not be content to look inward. There's more to its work than an analysis of imports, and there's a wealth of information to be gathered abroad that we must pursue aggressively. In its early years, the Commission maintained offices in Paris and Berlin. These were later closed and one was maintained in Brussels, but it too was closed. We've requested funds in the Fiscal Year 1973 for offices in Brussels and

Tokyo and hopefully they will be authorized.

Third, the Commission must develop further sophistication in its work. While it may appear to some that it is slow in moving into the field of automatic data processing, it must not run pell mell into computerization and jeopardize the meaningfulness of its data. We must find the most effective and accurate ways of utilizing these new techniques to greatest advantage while at the same time developing the finest data bank possible in support of our research.

Our goal is still that set by the Commission's first Chairman, who put it rather succinctly when he said, "We will proceed with care and method that we shall be accurate, painstaking, discriminating. We shall refrain from guess, rumor, exaggeration, vague and untested general statements. We will proceed in a scientific way if we gather all the information we can, sift it with care, present it clearly, and apply it intelligently."

I know that over the years there have been those who question the need for an independent agency such as the Tariff Commission. They question why our work couldn't be done just as well by a Congressional committee or an Executive agency, and yet I wonder how they would propose to assure that one essential ingredient—objectivity. There are other reasons.

First, a commission can develop a staff of high expertise. As an independent, bipartisan, fact-finding agency it is less liable to change with the violent vicissitudes of party politics. It is also less affected by the bias and prejudice of partisan controversy, and last but not least it provides continuity. Executive agencies change—so does the Congress!

Second, over the years the Tariff Commission has earned the trust of industry, as no other body has, because it has respected and preserved the confidentiality of the information supplied it by business concerns and associations.

Finally, and probably least known, are the Tariff Commission's sweeping compulsory powers that authorize it to subpoena witnesses and papers in the conduct of its investigations. While these powers are seldom used, some individuals familiar with the Commission's work feel that they should be utilized to bolster and buttress the effectiveness and quality of its work.

Since hindsight is 20-20, it is interesting to speculate as to where we would be today if the Commission had been encouraged to fulfill one of its most important statutory roles and had pursued advance research studies on its own initiative. Would we have had instructive and believable information that would be applicable and useful in the light of today's situation?

Certainly, if we knew in advance the potential impact of Britain's entry into the Common Market on agricultural exports it would be helpful. We might not be able to eliminate some of the resulting headaches but we might at least hope to cope with them.

Needless to say, as we look ahead we should watch the rapidly growing expertise of Eastern Europe, not to mention the whole new and mind boggling thought of future trade with Red China.

What does all this mean to you in agribusiness where the health of American agriculture depends on exports and imports?

First, good solid economic facts are the basis for sound trade policy decisions. A revitalized and strengthened Tariff Commission will mean more and better information on a more timely basis so government and industry will have the information on which to act. You in agribusiness will be able to proceed in a more scientific manner.

Second, the Commission will hopefully develop new and more sophisticated means at getting at this information that will be of benefit to government, industry and labor.

Speaking now for myself, it is my hope that in the seventies the expertise of the Commission staff will be upgraded and enhanced. I want the reputation these people have enjoyed in the past for objectivity and unbiased research to be utilized more fully for the benefit of industry and agriculture. I believe that as our store of information is further developed, as our numbers grow, as new tools such as computers are utilized and field work is expanded, that trade problems will be anticipated and solutions developed before the horse leaves the barn.

I want for the Commission in the seventies a group of generalists, together with specialists who are renowned in economics, respected in the field of international trade, highly imaginative and knowledgeable in the commercial policy of our trading partners.

A staff such as I visualize will, I believe, bring added lustre to our Government and furnish you in agriculture and industry with an important tool you will utilize for the mutual benefit of the private and public sector of our economy.

THE GROWING POWER OF JAPAN

Mr. GOLDWATER. Mr. President, in recent weeks one of the most fascinating indoor sports, not only in Washington but throughout the entire world, has been the guessing game aimed at figuring out President Nixon's moves in the field of foreign affairs. We hear much talk about "a peace offensive" involving projected trips to both Peking and Moscow. Some commentators would like us to believe that the President is playing Red China off against the Soviet Union in a complicated three-way power play while others believe the President is being used by certain cliques in both Peking and Moscow to further their internal designs.

In fact, you can get almost as many theories as there are foreign policy experts and the strange thing is, there may be some elements of truth in many projected explanations for the sudden and dramatic moves which have been announced by the White House in recent weeks.

My own feeling is that President Nixon's latest moves in the field of foreign affairs are being dictated in large part by new factors which are arising throughout the world and which afford an alert President an enormous opportunity for furthering the cause of world peace.

One aspect of the changing world scene, I believe, is the enormous and growing power of the Japanese. I agree with the theory which today envisions a realinement of world order involving five, rather than two or three, super powers. I believe we are on the threshold of a new world order in which the United States and the Soviet Union will be forced to share their world leadership with Communist China, Japan and the 10-Nation European Community.

In recent weeks I have mentioned some facets of this emerging world order and have been surprised at the reaction of many of the people with whom I have spoken. For example, many are quite surprised to hear that I believe Japan is destined to become one of the world's greatest military powers within the next two to three decades. I have pointed out repeatedly that Japan now has the independence and the economic and technological base upon which to build a truly awesome military system.

We have only to look around us and see what the Japanese have been able to do in the commercial sense to see the potential about which I am concerned. The Japanese are making better and cheaper electronics products than many producers in this country and Europe. They are turning out automobiles which are better and cheaper than the models made by many other countries. They are steadily enlarging their range of production in all areas of commercial endeavor and there is no reason to think that, when the time is ripe, they will hesitate to put together one of the world's most modern military systems—one that might easily be far better than our own and far better than the systems maintained by the Soviet Union and Red China.

It will serve no useful purpose for Americans to pretend such a thing could not happen. We know from past experience that the Japanese suffer seriously from territorial limitations and is only fair to assume that as its power grow this nation will look for ways and means to extend her boundaries. We also know from past experience that there is a strong strain of militarism that runs through some segments of the Japanese population, and it is only natural to assume that this strain will become more pronounced as the Japanese begin to feel the importance of their growing power and the problems which may later confront it from a nuclear Red China.

In this whole situation, I feel that Indochina will play an important part as the future unfolds. For example, if most of Asia should fall under the domination of Communist China then the chances of Japan emerging as a military power and of the Soviet calling for an armed confrontation with China will be vastly increased. All too often we make the mistake of thinking of the war in Vietnam as strictly a provincial conflict involving only a small part of Southeast Asia. Actually the stakes are far reaching and of enormous importance to the future peace of the world.

In conclusion, Mr. President, I believe all these factors are considerations which have entered into President Nixon's decisions to visit Peking and go to the summit with the Soviet leaders in Moscow.

World events are moving with a rapidity which is quite breathtaking. I feel that our President recognizes this situation more keenly than any of the rest of us, and I think the American people should be grateful that we have in the White House a man who is farsighted enough to see the probable direction of future events and who has the courage to try and meet them in a way that will prove to be in the best interests of the United States.

FEDERATION OF AMERICAN SCIENTISTS ENDORSES TRUTH IN ADVERTISING ACT

Mr. McGOVERN. Mr. President, the Truth in Advertising Act of 1971, which I have introduced with the Senator from

Utah (Mr. Moss) and a number of other Senators, has the simple objective of requiring advertisers to make available for public inspection any documentation supporting advertising claims they may make. The proposed legislation differs from the present practice of the Federal Trade Commission, which is asking for advertising documentation on an industry-by-industry basis. For one thing, the advocates of the FTC's partial approach seem to believe that Government can protect the individual better than the individual can protect himself.

I expect that next April, after the FTC has been given a decent period to test its method, the Senate will proceed to the consideration of the bill.

In that regard, Senators may be interested to know that the Federation of American Scientists has endorsed the Truth in Advertising Act. Many advertising claims are based on supposed scientific tests and American scientists quite rightly would want to see their own standing protected through the fair use of these tests in advertising.

Mr. President, I ask unanimous consent that a letter from Dr. Jeremy J. Stone, director of the Federation of American Scientists, to me be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federation of American Scientists,
Washington, D.C., September 13, 1971.
Hon. George McGovern,
U.S. Senate,
Washington, D.C.

Dear Senator McGovern: We have a special interest in supporting S. 1461, the Truth in Advertising Act of 1971, requiring advertisers to furnish documentation of claims on request. As you are well aware, most of the claims that are susceptible to documentation claim the support of "scientific tests" or the support of "scientists" or "doctors," etc. False, undocumented claims of this kind misuse science and, the creditibility of advertising being so low, these claims tend to undermine the credibility of science.

We see no difficulty in asking advertisers to present documentation on request, so long as the costs of reproduction and mailing, etc., of the documentation are borne by those requesting it. We believe that media advertisers would find this documentation useful since it protects the media from distributing unsubstantiated claims that may turn out to be false—claims for which the media bears moral, if not legal, responsibility. We do not think that the media should have to add to each advertisement the fact that the Truth in Advertising Act provides for such documentation. But we think the press should give wide publicity to the Act when it passes—the consumer groups can further spread the word.

With these understandings, we support and welcome S. 1461 and will do whatever we can to assure its passage.

Respectfully,
Jeremy J. Stone,
Director.

EMERGENCY STRIKE LEGISLATION IS NEEDED NOW

Mr. GRIFFIN. Mr. President, I wish it were not necessary to continue reminding the Senate about a very serious problem that still awaits action by Congress.

I refer to work stoppages which have choked off normal trading through our seaports and are strangling our trade relations with other nations.

On February 3, 1971, I introduced S. 560 on behalf of the administration. This bill would significantly increase administrative options to deal with strikes which imperil the national health or safety in the transportation industries.

This is the same legislation which I first introduced in February 1970. With the exception of subcommittee hearings there has been no action in the Senate. Meanwhile the situation is getting worse.

On the west coast, the President has found it necessary to invoke the Taft-Hartley Act to deal with a dock strike. But there is no assurance that the strike will not resume after the 80-day cooling-off period.

At the gulf and east coast ports, dock strikes continue unabated while our customers overseas are being forced to look to other countries for the goods and services they require. In the meantime U.S. farmers continue to suffer from depressed prices.

Several Cabinet officers have been calling attention to the seriousness of this situation. During the past few weeks, Secretary of Agriculture Clifford M. Hardin has made five public statements deploring the seriousness of the situation.

Last week, for example, Secretary Hardin pointed out that prolonged work stoppage at the east and gulf coast ports could depress farm prices as much as 25 cents per bushel for soybeans and 10 cents per bushel for corn during the months October through December.

Mr. President, I ask unanimous consent that the five statements to which I have referred be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Secretary Hardin Says Prolonged Dock Strike Could Cut Farm Income

Washington, October 22.—A prolonged work stoppage at East and Gulf Coast ports could depress farm prices as much as 25 cents per bushel for soybeans and 10 cents per bushel for corn during the months of October through December, Secretary of Agriculture Clifford M. Hardin said today.

"This means that soybean growers could lose $125 million in income, and corn growers could lose as much as $120 million," Secretary Hardin said. "There would be a further loss of income for livestock farmers, fruit and vegetable growers, tobacco growers and other farmers."

Farmers ordinarily market about 500 million bushels of soybeans and more than a billion bushels of corn during October, November and December, the Secretary pointed out. Ordinarily, he said, export markets would take about 80 million bushels of soybeans and 105 million bushels of corn during this period, and about 80 percent of these soybean exports and 75 percent of these corn exports ordinarily move through East and Gulf Coast ports that are now closed.

"Last year, during October and November alone, the flow of agricultural exports through this same group of East and Gulf Coast ports that are now closed totalled about $70 million per week," Secretary Hardin said. "While the strike continues, the stoppage of this flow of crops backs clear up to the farm gate. This backup not only results in depressed prices and loss of income for farmers; it also seriously disrupts established export markets that are so vitally important to our balance of trade and our agricultural economy."

The Secretary said that for months bills to deal more effectively with strikes in the transportation industry have been before the Congress—H.R. 3596 and S. 560, The Emergency Public Interest Protection Act.

"President Nixon supports these bills," he said. "In testimony on September 28, before the Sub-committee on Labor of the Senate Committee on Labor and Public Welfare, the U.S. Department of Agriculture strongly endorsed S. 560. "The threat of grain prices being further depressed, resulting in further loss of farm income, clearly shows the urgent need for legislation of this kind."

Hardin Lauds U.S. Farmers; Criticizes Inflationary Wage Demands

Washington, October 5.—Secretary of Agriculture Clifford M. Hardin today paid tribute to the "bounty of food" being produced by the Nation's farmers and said farmers are being hurt by the demands of some labor leaders who would prolong inflation.

"Inflation that is triggered by unrestrained use of power pushes farm costs higher and higher and grasps farmers tight in a cost-price squeeze. The farmer's business suffers; and his family living suffers," Mr. Hardin said.

Speaking at the International Day of Bread observance in the patio of the U.S. Department of Agriculture, Secretary Hardin said that farmers are hurt because "costs of getting farm products to their important foreign outlets are increased. This makes farm products less competitive, loses sales for farmers, harms our national balance of payments, and hurts our nation."

Mr. Hardin criticized the dock strikes and the "lack of statesmanship on the part of some labor leaders."

Noting that farmers can feel proud of their bountiful harvest, Mr. Hardin said: "Yet, this is also a sad day. A sad day for farmers."

"We are at this moment engaged in a great national effort to halt inflation and strengthen the nation's economy. It is an historical time as we de-escalate a long war with its inflationary excesses and return to a peacetime without inflation so that we can build our nation at home."

"Yet we meet here while the testimony of a prominent labor leader reverberates across the land demanding that labor should get what its leaders want, seemingly regardless of whether it is inflationary—and seemingly without regard for what it does to the rest of society.

"We also meet at a time when the ports of the nation are closed tight. The greatest trading nation in the world is on its knees, its overseas market outlets idled to a standstill . . .

". . . while the docks are tied up, farm products are backing up clear to the farm gate. Many markets, as a result, are demoralized. Just when we have a bountiful harvest to move, it isn't moving . . . this nation and the nation's farmers, deserve better on this Day of Bread."

The tradition of a "Day of Bread" was revived in Germany in 1953 to epitomize the spirit of the harvest season. The observance spread to other countries on the continent. The "Day of Bread" on October 5 is a part of Harvest Festival Week October 3–9.

Hardin Blames Strike for Depressing Farm Prices

Washington, Oct. 1—Secretary of Agriculture Clifford M. Hardin today issued the following statement (1) charging that transportation tie-ups are depressing farm prices and (2) announcing new steps to strengthen the farm economy:

"The longshoremen's strike on East and Gulf ports, which started today, is a painful blow to the nation's farmers.

"The production from nearly one out of four harvested acres in this country ordinarily goes into overseas commerce. Any disruption of the flow of farm products to our large foreign outlets directly depresses prices to our American farmers.

"Farmers, faced with a threat to the nation's food supplies in the form of southern corn leaf blight, and burdened with heavy costs, this year have produced a record harvest for the nation and for world markets. Now spokesmen for the contending parties in the longshoremen's strike have plunged an economic sword into the hearts of farmers by closing the outlet to world markets. As this happens, the nation's farmers are caused to suffer from depressed prices.

"The dock strike on the West Coast has shut off movement of grain, fresh fruit and vegetables for two months. Wheat has backed up from elevators to the farm; some has had to be piled on the ground. Japan, and other foreign customers, have taken their business elsewhere.

"In the Midwest, a 30-day elevator strike in Chicago has substantially hampered the movement of grain from Chicago for one month. In addition, the mere anticipation of a strike at East and Gulf Coast ports has already dealt a severe economic blow to farmers and has already resulted in substantial drops in current market prices of grain. Elevators have held up on buying the new crop because they didn't know whether they would be able to ship it.

"Due to these various impediments to the orderly movement of this record crop, the price of corn has dropped below 90¢ in some areas.

"The longshoremen's strike is in direct opposition to the several steps that this Administration has taken to strengthen farm prices without jeopardizing the long-run prospects for growth in markets.

"The heavy participation in this years' set-aside program by farmers, has made approximately 4.7 billion bushels of corn eligible for loan compared with only 2.1 billion bushels of the large crop two years ago.

"The large supply of corn eligible this year, and the recent drawdown in grain and soybean stocks on farms and elevators, will permit heavy loan activity. The farm facility loan program, which was liberalized this year, has helped farmers acquire 286 million bushels of additional grain storage capacity since 1969. This increased capacity will enable those farmers to more readily take advantage of loan programs.

"The sale of CCC storage bins to farmers this year has added 16,000 structures and almost 68 million bushels of capacity to on-farm storage.

"To further encourage farmers to plan an orderly marketing program for this large corn crop, the Department of Agriculture announced on Sept. 17 that farmers may reseal their 1969, 1970 and 1971 crop corn until May 31, 1973.

"These actions reduce the supply of 1971 crop corn available to the market from 5.3 billion bushels to an estimated 4.5 billion bushels—which is 244 million bushels below the estimated demand for 1971–72 marketing year. As this occurs, market prices will need to move up enough to convince farmers to redeem from loan enough corn to meet the demand.

"We also plan to provide a feed grain program in 1972 that will permit farmers to reduce their stocks further. This action in 1972 will help increase farm income in two ways: by increasing program payments and by bolstering feed grain prices.

"This action can result in increased feed grain usage during the 1971–73 period and will remove any burdensome supply of feed grains so that farm prices of feed grains may be more buoyant.

"But meantime, these actions cannot help farmers fully as long as the suffocating noose of the dock strike is drawn tight around farm outlets to foreign markets."

Statement of Secretary of Agriculture Hardin

Washington, Sept. 29.—Secretary of Agriculture Clifford M. Hardin at noon today issued the following statement on the effect on farm prices of dock work stoppages:

"U.S. farmers are losing business every day and are continuing to suffer a tragic loss in income from prices that are depressed because their products can't move to market.

"Right now, wheat that ordinarily would be moving to Japan is piling up in elevators and spoiling on the ground because of the West Coast dock strike. Perishable fresh fruit and vegetables can't wait for the strike to end, and this business will be completely lost.

"As these products pile up, it adds to the burden of supplies that seek an outlet here at home—and this depresses U.S. farm prices. Further, the transportation tie-up forces foreign buyers to look elsewhere for their supplies—which causes an immediate loss in our sales and sets up trade relationships between foreign buyers and new sources of supply that will be hard to break.

"Right now there is the threat of a strike on Gulf ports. That would be even more of a catastrophe for the nation's farmers. Even now, the mere threat of a strike is hurting. Elevators are reluctant to buy the new crop because they don't know when they can ship the commodities—and they know that if the ports are tied up prices on the supplies they hold will drop lower.

"This is particularly hard on farm prices and the nation's farmers right at a time when they have record harvests to move to market.

"It would be a disaster to the nation's farmers if Gulf Coast ports were to be tied up for any length of time. A previous Gulf Coast strike in 1969 turned around an upward trend in farm exports; export totals dropped $570 million under the previous year. Soybeans, feed grains, wheat, cotton, meat and meat products all lost substantial sales.

"President Nixon said on Saturday that 'we cannot tolerate a continuation of this pattern of delay and slow progress toward an ultimate settlement' of the West Coast longshoremen's strike. 'The times is overdue for the parties involved to live up to their responsibilities to the American people.'

"I join the President in asking that the participants in this strike on the West Coast, and the one threatened on Gulf ports, listen to the appeals of their fellow Americans to move food and farm products at this critical time. At this moment, we are engaged in a national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments. It is a time for all of us to look up to this challenge and respond to it."

Dock Strike Doing Irreparable Damage to Farmers, Hardin Said

Washington, Aug. 16—"The West Coast dock strike is doing irreparable damage to U.S. farmers," Secretary of Agriculture Clifford M. Hardin said today. "Farmers are losing valuable cash markets for exports every day. Foreign buyers are turning to other sources, and it will be hard for us to win them back," Secretary Hardin said.

"This strike is running rough shod over farmers," the Secretary declared. "It is high time that the principal parties in this strike think about farmers for a change—and worry how farmers are going to keep up their income and meet their mounting costs," Secretary Hardin said.

"If this West Coast dock strike drags on through the rest of the month there will be $215 million worth of farm products that would have moved through West Coast ports in July and August, which didn't," Secretary Hardin said. "About $40 million of that will be in fresh fruits and vegetables—these are perishable products that can't wait for a strike to end, and 90 percent of that business will be lost."

Secretary Hardin said: "Wheat farmers are getting hit; our wheat is sitting there all tied up while our competitors are walking off with our markets. Livestock farmers are also losing sales."

Japan is our largest export customer and it depends heavily on Pacific Coast ports for its imports. "Already the Japanese are developing new sources of supply through investments in less developed countries because they can't depend on our farm products moving when they need them," Hardin said.

"I'm getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market," the Secretary said. "We are working as hard as we can to build up foreign markets for farm products so that we can ease up on acreage controls in this country and help farmers do a little better.

"This year we have managed to set a new record on farm exports of $7.8 billion. This is $1 billion higher than a year ago. And the increase is in cash. It is one of the bright spots in our national export picture. It is made possible mainly because our farmers are so productive and efficient," Secretary Hardin said.

"If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when its ready, then agriculture will be in worse trouble," Secretary Hardin declared.

THE STRATEGIC STORABLE AGRICULTURAL FOOD COMMODITIES ACT OF 1971

Mr. HARTKE. Mr. President, I wish to lend my voice in strong support of the Strategic Storable Agricultural Food Commodities Act of 1971, which has been revised and reintroduced by Senators Humphrey and Mondale.

While a strategic food reserve should have been established long ago for the purpose of protecting our ever fluctuating markets, the need for such a reserve now seems more compelling than ever considering the experience of the past two crop seasons.

In 1970, due to circumstances over which our farmers had no control, the national corn crop fell some 400 million bushels short of expectations.

This year, the corn farmers of the United States were asked and encouraged to put out a large acreage of corn in order to assure the country of an ample supply of corn and the resultant end products of meat, milk, and eggs.

Our farmers responded to this challenge, as they always have, and now find themselves in the midst of a bumper corn crop so large that they are literally facing economic ruin.

Estimates of the 1971 U.S. corn crop range from 5.065 to 5.345 billion bushels. When we add to this an anticipated carryover of 700 million bushels from 1970 along with expected imports of 1 million bushels, we arrive with a total estimated supply for the 1971 marketing year in excess of 6 billion bushels. Considering that utilization last year totaled 4.4 billion bushels, we can expect a supply of more than 1.6 billion bushels of corn in excess of the amounts used in the past year.

Even the lowest estimates which exclude anticipated exports finds the United States producing 500 million bushels more corn than we will consume in the next 12 months.

All of this means that there is going to be a huge food reserve this year and next. It also means that our farmers are going to be left with a devastating crop-producing price blight. Already prices have dropped to levels that will bankrupt many farmers unless steps are taken immediately to correct the situation.

In surveying bids for No. 2 new crop corn, we cannot find bids anywhere of even $1 per bushel. Presently, prices range from 90 to 95 cents per bushel at the elevators and the harvest pressure would not climax for another week or two. What the prices may be then no one knows.

Throughout the entire Midwest we find corn farmers dismayed and outraged over this big drop in corn prices. To a man they seem to place the blame for this situation upon the Department of Agriculture's new farm program which relaxed planting restrictions on corn during the current producing year. As we all know, the Department set the program for an increased acreage this year, fearful that with blight or a drought there might be another shortage. Now, in the midst of a record crop, these farmers are being asked to pay for the miscalculations of the Department of Agriculture.

The implications of these miscalculations are indeed far reaching. Not only may we expect hundreds of corn producers to put their farms up for sale this winter, we may also look forward, if present low prices of corn continue, to a tremendous overproduction of end products which, of course, means that hog, cattle, and poultry producers will suffer in price likewise.

Mr. President, this is an extremely frustrating and critical situation. Surely there is something dreadfully wrong with a system that penalizes the good farmers of America for success and hard work to the extent that many will face bankruptcy.

I have reviewed the new feed grain program announced early last week by the Secretary of Agriculture and I regret to say that it offers few assurances of an adequate income for farmers in 1972. Nor does it relieve the low price and income situation for the 1971 crop.

In view of these deficiences and the need for something drastic and dramatic to reverse the present calamitous situation, I believe it is imperative that we consider and enact the new "Strategic Storable Agricultural Food Commodities Act of 1971," which establishes reserve inventories of wheat, feed grains, soybeans, dairy, and poultry products.

This legislation, by authorizing the Secretary of Agriculture to maintain reserve inventories of not more than 300 million bushels of wheat, 30 million tons of feed grains, and 100 million bushels of soybeans, would serve to stabilize our market and eliminate the kind of artificially induced surplus which is currently depressing the prices and incomes of corn farmers.

Moreover, by requiring definite guidelines for acquisition and eventual distribution of reserves, the bill would serve to protect producers of food commodities against unfair losses of income resulting from the establishment of a reserve supply by stabilizing family-farm income near a level of full parity.

Aside from being responsive to the price and market problems of farmers, however, there are other benefits which would accrue from this legislation.

Perhaps the most important of these benefits is the protection a strategic reserve would offer to our consumers and our export customers.

With so many of our people living in urban areas, and with our volume of consumption being so large, even a 10-percent reduction in a corn crop can have disastrous consequences for both our domestic and foreign markets. In spite of his sophistication and technological know-how, this country's farmer still finds himself at the mercy of forces over which he has little or no control. Both weather and disease may, at a moment's notice, decimate his crops and confront us with severe food shortages. The corn blight scare last year was, I think, most instructive. When we produce so much grain, then the conditions are right for those diseases that feed upon grain. The strategic reserve, as authorized by S. 2729, would serve to protect our consumers against future crop losses.

Finally, by authorizing the use of reserves to meet famine or other urgent or extraordinary relief requirements outside the United States, this legislation would serve well the cause of world peace and understanding.

Let us not forget that we are teetering on a precarious balance with world food production. To many of us who receive more than adequate diets, the idea that others are either hungry or undernourished is difficult to comprehend. However, malnutrition is not an isolated phenomenon. It is widespread today. It is not overstating the case to suggest that our food reserves may prove to be the crucial margin of difference for that 70 percent of the world's population now living in those developing countries where food shortages are both frequent and severe.

It is for these reasons, Mr. President, that I lend my support to the Strategic Storable Agricultural Food Commodities Act of 1971. In giving this legislation our prompt and favorable consideration, we will not only have served to protect the vital interests of our Nation's farmers and consumers, we will also have demonstrated a genuine concern for that portion of the world's population which we now help feed.

McGRAW-HILL ON THE NEED FOR INVESTMENT STIMULATION

Mr. PERCY. Mr. President, McGraw-Hill's publications for business have won a wide reputation for accuracy and scholarship, and I think it is appropriate that McGraw-Hill's management has chosen to notify Congress and the public that its own analysis of America's competitive position in the world economy demands new growth of business investment.

In a statement published in the Washington Post and the New York Times on October 21, McGraw-Hill pointed out that—

> Much of our plant and equipment is simply too old. From 1960 to 1969, the U.S. devoted only 13% of its Gross National Product to private investment in the facilities modern business requires. In the same period, Japan was putting 27% of its output into such investment, West Germany 20%, France, 18%.

This year the plans of business for new plants and equipment are not encouraging:

> Far from stepping up investment to meet the threat of overseas competition, U.S. industry will actually be putting less new equipment in place this year than last.

Appropriately, therefore, McGraw-Hill supports revisions and modernization of U.S. depreciation and the investment tax credit:

> Both moves are sound. Both deserve fast ratification.

Mr. President, I commend McGraw-Hill's statement entitled "American Industry is Losing the Lead" to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN INDUSTRY IS LOSING THE LEAD

American industry is losing the lead—it must be encouraged to step up plant improvement, if it is to stay competitive and boost the real income of labor.

The American people and their leaders have been accustomed for generations—and particularly since World War II—to think of their country as the most prosperous and "most efficient" on earth. And they have correctly believed that American efficiency is a major reason for American prosperity.

But all of us must face up to a shocking new fact: our prosperous American way of life is in jeopardy because our efficiency is no longer what it should be.

By prosperity, we mean dependable dollars in the average man's purse and a rising standard of living for all. And by efficiency, we mean the ability of U.S. industry to produce and sell competitively—not only in markets abroad, but also right down at the corner store. We are losing ground in the trading world, and many American companies are finding it difficult, in some cases impossible, to compete with foreign producers in our own country.

These symptoms of a change for the worse in our competitive position are spreading, and if we don't do something about the situation, all of us are in for real trouble.

LAGGING INVESTMENT

We can begin by giving immediate attention to the declining quality of our industrial plants, machinery, and equipment. It's as basic as that. Much of our plant and equipment is simply too old. From 1960 to 1969, the U.S. devoted only 13% of its Gross National Product to private investment in the facilities modern business requires. In the same period, Japan was putting 27% of its output into such investment, West Germany, 20%, France, 18%.

It's pretty clear that the nations making these heavy investments got their money's worth in efficiency. The U.S. trailed behind. In the '60s Japan scored an annual increase of 11% in efficiency, as measured by productivity or output-per-manhour. The Netherlands rang up 8.3% per year, West Germany, 6%, France, 4.7%. But the U.S. gained a scant 3.3% per year.

As foreign competitors closed the gap in productivity, U.S. producers lost ground in both overseas and domestic markets. Imports shot up, while our exports lost steam. In 1964, the U.S. exported $7 billion more in merchandise than it imported. But in 1971, we will import more than we export—for the first time in the Twentieth Century.

IT AFFECTS US ALL

Obviously this is not good for business. It also is not good for anyone who depends for his job or his personal prosperity on the efficiency of American industry. And that is just about everybody.

It would be simplistic to blame this state of affairs on our lagging industrial investment alone. The inflexibilities of the international payments system had a lot to do with it. And the continuing impact of inflation on U.S. costs, especially wage costs, was probably even more important.

The fact remains, however, that U.S. industry has lost its accustomed competitive advantage, not only in foreign markets but right on its own home grounds. And the slow pace of investment in new plants and equipment has been a major cause of the trouble.

LESS NEW EQUIPMENT THIS YEAR

All this is disturbing enough, but the situation becomes more alarming when business' plans for new plant and equipment investments this year are considered. *Far from stepping up investment to meet the threat of overseas competition, U.S. industry actually will be putting less new equipment in place this year than last.*

In manufacturing, where the competition is toughest, the reduction in new plants and equipment is greatest.

These are frightening facts for a nation that depends on capital investment to maintain the highest wages and the highest living standards in the world. We simply must find ways to generate a permanent upward shift in our level of capital investment. This is the only way American manufacturers can keep overseas competitors from taking away more and more of their markets. It is the only way American labor can achieve its goals: maximum employment and increases in real income.

The Nixon Administration has analyzed the problem correctly and has taken two major steps to stimulate an upturn in capital investment. Earlier this year, the Treasury adopted new rules for accelerated depreciation which permit a company that invests in new plant or equipment to write off the cost in a much shorter time than under the old rules. Then, in his emergency statement to the country on August 15, the President proposed an investment tax credit similar to the one that had been repealed in 1969.

Both moves are sound. Both deserve fast ratification by Congress.

The Tax Bill that passed the House last week contains a modified version of the investment tax credit that the President requested and an endorsement of most of the new depreciation rules. Now it is before the Senate Finance Committee.

ARITHMETIC, NOT POLITICS

The House bill has drawn fire from some individuals who call it a "raid on the Treasury" and from others who call it a "give-away to business." It would be a great misfortune if Congress should let the attacks make a political issue out of what should be simple arithmetic.

The new depreciation rules are not a tax reduction for business; they are simply a postponement that will allow capital funds to be put to use sooner. They provide for a stretch-out in payments, but the corporate taxpayer will pay the same amount as under previous rules.

The investment credit is a tax reduction, an urgently needed one. Two things should be noted: the House Tax Bill also includes tax reductions for individuals, and it still leaves U.S. industry carrying by far the heaviest burden of direct income taxation borne by the industry of any nation in the world.

Congress should restore the investment tax credit promptly—and ratify the new depreciation rules. But neither the Administration nor Congress can afford to stop there. One of the most urgent priorities of the federal government in the years ahead must be to devise even more effective ways to help American industry equip itself for the challenge it faces. The future well-being of the nation depends upon it.

BISHOPS ENDORSE AMNESTY

Mr. McGOVERN. Mr. President, it is highly significant that Roman Catholic bishops in the United States have determined by a 2-to-1 margin both that conscientious objection is a valid position for Catholics and that the Government should consider granting amnesty to those who have been punished as selective conscientious objectors to the war in Vietnam.

A statement endorsed by two-thirds of America's Roman Catholic bishops reads, in part:

> In the light of the gospel and from an analysis of the church's teachings on conscience, it is clear that a Catholic can be a conscientious objector to war in general or to a particular war because of religious training and belief.

This position deserves both attention and action. I ask unanimous consent that an article describing the bishops' action, published in last Friday's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CATHOLIC BISHOPS ENDORSE CONSCIENTIOUS OBJECTORS

(By Betty Medsger)

America's Roman Catholic bishops have declared that conscientious objection to war is a valid position for Catholics.

In a mail vote, more than two-thirds of the 290 bishops approved a document endorsing conscientious objectors. They have debated the issue for two years and twice they rejected an appeal to take the stance.

The bishops also urged government officials to consider granting amnesty to those who have been imprisoned as selective conscientious objectors.

"Now it's clear that a man who says 'I won't go' is just as good a Catholic as one who takes up colors," said Msgr. Marvin Bordelon, director of the department of international affairs of the bishops' U.S. Catholic Conference.

Immediate practical application of the six-page document is that it should help young men who try to convince their Selective Service board that their refusal to serve in the armed forces is based on Catholic Church teachings.

"In the light of the gospel and from an analysis of the church's teaching on conscience," said the document, "it is clear that a Catholic can be a conscientious objector to war in general or to a particular war because of religious training and belief."

The release of the bishops' vote here yesterday was accompanied by a call from their chief executive, Bishop Joseph L. Bernardin, for the establishment of a presidential commission to "determine methods of making a selective conscientious objector provision work properly in a modified Selective Service Act."

Suggesting that such a commission should include moralists, lawyers and civil servants, Bishop Bernardin "offered the assistance of the conference in such an endeavor."

The strongest opponent of the endorsement of conscientious objection was the Most Rev. Robert E. Lucey, retired archbishop of San Antonio and friend of former President Lyndon Johnson.

Archbishop Lucey, who conducted a steady mail campaign against the proposal, said in an interview that "people want to be conscientious objectors because they are afraid to die. And they're afraid to die because they're living in sin . . ."

Noting that "when survival of the wider community has been threatened by external force, the church has traditionally upheld the obligation of Christians to serve in military defense forces," the bishops' document said. It also noted:

". . . the common good is also served by the conscientious choice of those who renounce violence and war, choosing the means of nonviolence instead . . ."

MYTH AND REALITY: PROBLEMS OF HEALTH CARE—WE HAVE NO SHORTAGE OF DOCTORS, NOR ARE INSURERS GETTING FAT

Mr. HANSEN. Mr. President, the House Committee on Ways and Means began hearings this week on national health insurance. There will be landmark hearings on an area of legislation that will probably affect everyone's pocketbook as well as the delivery of health care in this country for decades to come.

It is important that the very real problems in the health care field be recognized as problems. It is equally important that we do not create additional problems by dealing in myths and hearsay.

Health, Education, and Welfare Secretary Elliot Richardson was the leadoff witness this week before the Ways and Means Committee hearings. Earlier this year Secretary Richardson wrote, for the New York Times, an excellent article entitled "Myth and Reality: Problems of Health Care."

I believe the article is an important contribution, because it seeks to separate myths from reality. This is what the Congress must do if it is to face the problems and come up with realistic solutions.

Mr. President, I urge Senators to take a moment to read Secretary Richardson's excellent remarks. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MYTH AND REALITY: PROBLEMS OF HEALTH CARE—WE HAVE NO SHORTAGE OF DOCTORS NOR ARE INSURERS GETTING FAT

(By Elliot L. Richardson)

WASHINGTON.—Social issues are often shrouded in myth and misconception. As an example, for too long it was popularly believed that fathers of welfare families irresponsibly abandoned their wives and children to live carefree, devil-may-care lives financed by the public's largesse. But careful analyses by social scientists revealed that, in fact, able-bodied men on welfare were often forced by the system to leave their families.

Health care in the United States is a current example of a vast social issue encrusted with a layer of invention and illusion. We all know there is something wrong with the current health care system, and it is commonly held that too few doctors, greedy insurance companies, and an apathetic government are at fault. But are these the real problems? Does such conventional "wisdom" mislead us to propose inadequate solutions to complex problems? Let us examine some of the nation's health myths in order to see the Administration's health proposals in light of the true problems behind them.

Myth: The United States is the only major industrial nation in the world that does not have a national health service or a program of nationalized health insurance. This claim was made last month on the floor of Congress, and the idea is widely shared, even among some health "experts." Those who hold this view seem to have in mind the British and Eastern European model in which health services are paid for out of general tax revenues. But the British model is not the typical Western European model. In fact, continental health-insurance schemes are predominantly financed by employer-employe contributions and operate within the framework of national standards. This is basically the route the President has proposed that we travel—national health insurance, not nationalized health insurance.

Myth: There is a gross shortage of doctors in America. In fact, we have one of the highest ratios of doctors per capita in the world—and the number of physicians is growing at a rate faster than the population. The basic problem is maldistribution. There are too few doctors in the ghettos, in rural America and in the primary care disciplines, such as general practice and pediatrics, while there is no real shortage of doctors in suburban practices or in certain specialties like surgery. To meet this paradox of scarcity amid plentitude, the Administration has proposed incentives to bring doctors to the areas and types of practice where they are most needed.

Myth: It is better doctoring that is making us a healthier nation. In fact, infant mortality rates have declined and longevity has increased due largely to better nutrition and sanitation, higher income, and improved education. For example, when we replaced the horse and buggy, the death rate of infants and children fell because of an accompanying decline in fatal diarrhea caused by animal filth. In recognition of these interrelationships, the Administration has proposed efforts to clean our environment, provide a basic income for poor families, provide adequate nutrition, and make education available to more people. In truth, the Administration is concerned about health and not only medical care. That is one reason why we feel that very expensive federally financed health insurance schemes may, in fact, preempt too large a share of Federal tax revenues for medical care, when a more balanced approach would better achieve health goals.

Myth: Insurance companies are getting fat on health insurance. In reality, these companies on the average have retained less than 6 per cent of premiums for administrative overhead and profit on group health insurance. The Administration's choice to build upon the present strengths of our system was based on a desire to reform, not dismantle, our health care institutions. We see no need to create another mammoth bureaucracy in response to the misconception that we are making the rich richer.

An Old Saying: "An ounce of prevention is worth a pound of cure." Not all ancient wisdom is myth. Prevention is a more satisfactory solution than cure. It can be demonstrated that significant improvements in our health status will come about more through prevention of accidents and chronic disease than through improvements in curative medicine. The President's proposed health education, accident prevention, and biomedical research programs are targeted at those areas of prevention where we can hope to have the greatest success.

With our health program we have attempted to eschew the simple, grant solution, which often turns out to be both expensive and misdirected. A hallmark of a responsible government is the ability to distinguish between sound reasoning and chimeras.

THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

Mr. KENNEDY. Mr. President, because I share with the chairman of the Juvenile Delinquency Subcommittee and other Members of this Senate the need for effectively stringent firearms control, I believe the "Saturday Night Special and Other Hardware" deserves special attention.

Robert Sherrill, who is the Washington correspondent of the Nation, presented a very detailed account of the gun control issue in the October 10 edition of the New York Times Magazine.

Mr. Sherrill has astutely revealed what may happen if legislation is enacted to ban so-called cheap handguns, without also placing adequate controls on all handguns.

As he points out, the results of recent gun hearings in the Senate suggest there is more interest in identifying "safe" handguns than in defining any redeeming "social" value of any handgun. Thus, it would be extremely risky to enact legislation that only bans these so-called inexpensive weapons. According to Mr. Sherrill—

> If Congress agrees on this special reform, then—that absurd little piece of deadly gadgetry will indeed be standardized off the market—respectability will have been stamped upon the handgun traffic in America, for after that all guns sold on the open market will be federally certified as "safe" and "reliable."

"Safe and reliable" for whom? Certainly not for an intended target. It can hardly console the wife of a distraught husband that he used a "safe" and "reliable" pistol on her during an angry rampage. Or, the 14-year-old who curiously toyed with his father's unloaded .38 and killed his 6-year-old brother with a pistol approved for use by the Treasury Department.

The issue is not whether different firearms can be identified as safe or dependable. But rather, the issue is to determine who are the few in our society who need firearms for police or other security work. By definition all guns are dangerous. But we can minimize the danger if we minimize the number of guns in the hands of those who fail to demonstrate a valid need for them.

Mr. President, I ask unanimous consent that "The Saturday Night Special and Other Hardware" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SATURDAY NIGHT SPECIAL AND OTHER HARDWARE

(By Robert Sherrill)

WASHINGTON.—Gun buffs who favor unfettered ownership of firearms consider Mayor Lindsay to be something of a crank because he accuses the Federal Government of "total permissiveness regarding gun traffic nationally." He's just sore, they say, because this year he has had to attend the funerals of eight New York policemen who were killed with handguns, most of them bought outside the city. But after all, that's only eight of 31,500 men on the force.

The gun buffs also believe that Mayor Roman Gribbs of Detroit, where pistols and revolvers account for two-thirds of the murders, is the victim of an irrational emotionalism. Simply because his city's murder count for 1971 passed 500 on Sept. 11 (once again assuring Detroit the title of murder capital of America), they ask, was that any reason for Gribbs to declare, "We can stand no more!" and demand a statewide ban on all privately owned pistols and revolvers? Indeed, subsequent events have proved the gun buffs right and Mayor Gribbs wrong: Detroit has already stood a dozen more murders, and the sky hasn't fallen.

Still, even gun lovers should be able to understand why some public officials are upset. The traffic in pocket and belt armaments in this country does seem to be a bit out of control. Nobody knows how many handguns are loose in this land. The "experts"—of whom there are really none—put the number anywhere from 30 million to 60 million. If New York has its share, and who can doubt it, that means there are more than a million pistols and revolvers in the city, virtually all of them held illegally. For New York policemen, it's a losing proposition. While they hope to seize 10,000 handguns in 1971, the year is also expected to see an estimated 80,000 arriving in town.

A thriving underground interstate traffic exists. Eight out of ten handguns in places like Boston and New York come from other areas. Just to show how easily it can be done, two New York detectives flew recently to Kentucky, which offers gunmen all the conveniences, including no waiting period for purchases. They struck up a friendship with an ex-convict (they needed someone with local identification) who happily accompanied them to two gun shops and a pawn shop in Newport and Covington to buy some beautiful hardware: a .38 Smith & Wesson Special with a 4-inch barrel and .32 Brazilian Rossi with a 2-inch barrel. The detectives were back in New York the same day. Though it's a violation of Federal law for an ex-convict to buy a handgun, the detectives' Kentucky contact went even further than that, he promised that when they came back he would help them get forged identifications of their own so they wouldn't have to depend on his.

But even with Kentucky I.D.'s, that's doing it the hard way. There are plenty of people around New York who will be happy to go shopping out of state for you. Albert A. Seedmen, the citys Chief of Detectives, says one of his men bought a 9-mm. Lugar and ammunition from a candy-store proprietor in the Bronx the other day. The candy dealer said that if the detective wanted any other firearms—including a machine gun for $350—he should place his order quickly; the candy man was leaving for a shopping spree in South Carolina a few days later.

A significant number of the guns in underworld commerce are stolen—by the crate from piers and warehouses or singly in burglaries. In some New York neighborhoods, one can place his gun order at the pool hall. Half of all the nation's gun transactions are believed to be carried out on the street, and New York is said to follow that pattern. In some neighborhoods the market is glutted, or at least the police assume it to be glutted because, says Seedman, "We just assume that certain people all have guns. Like members of the mob who hang out in areas such as Bath Beach. Or if you go to Bedford-Stuyvesant or Harlem, it's assumed that certain people all carry guns." He backs his assumptions with statistics: Five years ago most New York murders were committed with knives; today most are with handguns.

The police in every major city report that at the bottom of the underworld heap, among the pettiest of the petty thugs, a communal system exists: Several disadvantaged criminals living in the same neighborhood share a gun. Chicago has a unique type of helping hand for the needy crook—a "rent-a-gun" arrangement by which, one police official explained, "a convict gets out of prison and can't buy a gun, so he rents one until he can make his first heist and then he buys the gun outright."

The Federal Government has traditionally shown a strange tolerance, even indifference, toward what goes on in handgun traffic. No Federal agency keeps accurate track of how many guns are manufactured or who buys them; no agency attempts to keep a record of the movement of guns from owner to owner. Agents of the Treasury Department's Alcohol, Tobacco and Firearms Division are supposed to have some idea of what goes on in the firearms industry, but they keep records like Keystone cops, and they haven't the foggiest idea where all the guns have gone and are going. The U.S. Department of Commerce, which pretends to oversee manufacturing, has no figures for gun production later than 1967.

The record-keeping of most major police departments is just about as sloppy. But the best guessers seem to agree that the ownership of guns used for crime is increasing twice as fast as the ownership of sporting guns; and gun crimes seem to be increasing twice as fast as other crimes. Each year pistols and revolvers are used to carry out more than 100,000 robberies (some "experts" say more than 200,000) and more than 8,000 murders.

Prosecutors and judges are apparently as indifferent as Treasury agents to what's going on. Two times out of three, a person caught packing a rod in the nation's capital will not spend a day in jail. The police guess there are between 500,000 and a million handguns around Detroit, most of them unregistered, but only 1,200 persons were prosecuted for illegal possession in that city last year, and most of them got light punishment. New York is supposed to be a tough place to be caught carrying an unregistered gun, but Police Commissioner Patrick Murphy contends that, "because the American people have listened too long to the gun nuts, the judges don't deal with gun cases as a terribly serious problem, and the prosecution of the Sullivan Law has been sad." That's one explanation. Another comes from Edmund G. Brown, the former Governor of California and chairman of the National Commission on the Reform of Federal Criminal Laws. Asked about judicial tolerance of gun-law violations, Brown replied: "Well, there are some judges that are superannuated and senile and mentally ill and alcoholics, and they should be removed—but don't get me started on that."

This kind of a gloomy survey of uncontrolled gun-running, gun-happy criminals and gun-dumb officials occurs rather regularly in Washington. It happened again recently, bringing most of the above-named characters to town, and some of them will be back before the year is out to complete the annual tragicomedy of writing gun legislation. This year it is all the more entertaining because there is a plot within a plot, a political plot within the gun plot.

Senator Birch Bayh is chairman of the Senate juvenile delinquency subcommittee, which for the last dozen years has been handling most of the gun bills. Because of the several political assassinations and because of normal opposition from the National Rifle Association—whose million members constitute the most powerful grassroots lobby in America—the issue of gun controls is highly emotional, and any politician who gets deeply involved in it is guaranteed plenty of headlines. Bayh, who would like to become the Democratic Presidential nominee next year but usually scores no more than 1 percent on any Democratic public preferential poll, needs plenty of headlines if he is to stay in the running. So on Sept. 13 he opened hearings on his bill to prohibit the manufacture and sale of the "Saturday Night Special" handgun.

Now, if you will bear in mind that at the time Bayh opened his hearings—in fact, until the second day of the hearings—he had not even introduced his bill, you will see the political plot begin to thicken. For it happens that Senator Edward Kennedy, a member of Bayh's subcommittee and also a contender for the Democratic Presidential nomination, had, as long ago as Feb. 17, introduced his own bill, a bill that would do everything Bayh's would do and more (it would also require the registering and licensing of all guns and owners). Why wasn't Kennedy's bill being considered at the hearings, since he had beaten Bayh to the punch by seven months? That's the question Kennedy was reportedly asking privately, and he was pretty angry about it.

But just when Bayh thought he had outfinessed all rivals for publicity, he ran up against Mayor Lindsay. Naturally, no gun-control hearing would be complete without some message from the New York cops, so Bayh asked Commissioner Murphy to testify. Murphy at first said he was occupied with other things. Then he called back and said he might be willing to come down, but only if Mayor Lindsay were permitted to be the chief spokesman. By this time Bayh was in Europe, and when his staff got him on the telephone with the Murphy ultimatum, his response is said to have melted the trans-Atlantic wires. Lindsay, who recently switched to the Democratic party, is assumed to be a dark dark-horse candidate for something, and Bayh's crowd figured he wanted to come in and steal the spotlight.

Which is exactly what Lindsay did by staging a table-thumping confrontation with Senator Roman Hruska of Nebraska, the subcommittee's resident gun man, and by belittling Bayh's legislation as inadequate and even dangerous.

"Recently," said Lindsay (with all the TV cameras on him and none on Bayh), "a good deal of attention has focused on possible controls on the so-called 'Saturday Night Special'—cheap guns costing as little as $1 to manufacture and usually selling for $5 to $15. Saturday Night Specials constitute the most outrageous element of the handgun trade, and Federal legislation against Saturday Night Specials alone would certainly be an improvement. But Saturday Night Specials are only the tip of the iceberg—the most visible part of the illegal handgun trade, but actually a small part of the problem. In New York City, 75 per cent of the illegal firearms seized by our police were not Saturday Night Specials.

"Outlawing cheap guns may give the public a sense that meaningful action on handguns had been taken. But that clearly is a dangerous deception. To ignore the literally millions of better handguns now available would be to ignore the essence of the problem itself . . . nothing less than national action against all handguns will suffice."

Commissioner Murphy chimed in, saying that the Specials are "by no means the most significant part of the gun problem." He added: "I strongly urge against limiting the focus of new Federal legislation only to Saturday Night Specials. Most of the guns we seized are quality weapons manufactured by reputable foreign and domestic companies."

Much the same thing had been said—with little publicity—by Lloyd Cutler, former executive director of the National Commission on the Causes and Prevention of Violence. He called Bayh's bill "a step worth taking, but a very small step," deficient in that "it would only prohibit such sales by federally licensed dealers. It would do nothing to stop private resales and transfers of similar handguns already at large or to force their redemption and surrender to the Government. It would do nothing to control the production, sale and possession of the millions of other handguns which are more expensive and more lethal than the Saturday Night Special, but are equally lacking in redeeming social value."

These might seem strangely ungrateful responses to legislation that would at least banish from gun stores the weapon whose price makes it the most accessible. If it is ingratitude, it is compounded by being directed not only at Bayh but at some of the most faithful gun-control advocates in Congress, men like Kennedy and Representative John M. Murphy of New York City, both of whom have been riding the Saturday Night Special issue for months.

But in fact Lindsay, Murphy and Cutler have good instincts. There is something queer going on behind the Saturday Night Special legislation, and its advocates may be walking into a trap. The best evidence of that comes from the fact that some of the most vicious opponents of gun-control laws are actually encouraging this legislation.

Is it a change of heart? Is it true benevolence? On that question we raise the curtain on the gun plot. Enter, from the right, the weapon itself.

The genre has been around since before Frankie shot Johnny. Its predecessors were the little nickle-plated whatsiz that ladies of the evening carried in their handbags to ward off nonpaying drunks and the single-shot derringers riverboat gamblers carried up their sleeves. Over the years it has picked up a multitude of nicknames—"Murder Special," "Suicide Special," "7-to-11." The present nickname, though it sounds antique, has been around only since the early nineteen-sixties, and its place of birth was—fittingly—Detroit.

Mischievous Detroiters who could not buy guns near home would simply tool down to Toledo, less than an hour away, where guns were sold out of candy stores, flower shops, filling stations—anywhere. Since a great many of these purchases were made to satisfy the passions of Saturday night, Detroit lawmen began to refer to the weapons as Saturday Night Specials. Thus was the language enriched.

But like many folk terms, "Saturday Night Special" does not have a fixed meaning. It can be just about any handgun that is cheap, easy to get and preferably—but not necessarily—easy to conceal. Originally a gun didn't have to be poorly made to qualify as a Saturday Night Special. Originally, it could be, say, a Spanish surplus military .38 that reached these shores 20 years ago and passed through 20 pawnships and 20 poolhalls before being sold on a street corner by a Harlem junkie who needed $5 for a fix. Before the passage of the 1968 Gun Control Act, many thousands of military-surplus weapons were imported each year. Some critics dismissed them as "junk guns," but in fact many were well made and highly serviceable. Many models were inexpensive and compact, and they rated as Saturday Night Specials. But the 1968 act cut off that supply by specifically outlawing military-surplus guns. It also cut off the brand-new but rickety, foreign-made $3.50-and-up handguns (most of them small enough to hide in your hand). It did so by requiring that imported guns must be of certain dimensions—that pistols, for instance, must be at least 6 inches long and 4 inches high—must have certain safety features and in other respects pass as "sporting weapons."

But there was a gaping loophole in the law. It did not embargo the importation of foreign gun parts other than frames, so several American companies have started importing enough parts to assemble more than a million cheesy pistols this year. Another group of gun industrialists started producing cheapies from American parts. And still another group started importing guns that legitimately qualify as "sporting models" under the 1968 act; once they get the pistols past customs, they saw off the barrels and market them as "belly guns"—that's where you carry them and that's where you shoot the other fellow, by standing up against him.

Together, these entrepreneurs are expected—according to the Treasury Department, which can be trusted only somewhat here—to put more than two million handguns on the market this year, selling for $10 to $25 and offering no safety features, no engineering quality, almost no accuracy. Most are .22 and .25 caliber, though a few are .32's. The police say that these weapons and their predecessors will be responsible for a significant percentage of the nation's murders, assaults and holdups. It is this type of gun that has taken over the title Saturday Night Special, and it is this gun that Congress is going after.

To hear the manufacturers of these little items talk about their market, one might conclude that the Special is no more deadly than a scarecrow. Harry Friedman is the president of Arms Corporation of America in Nashville, Tenn., which turns out about 35,000 Mark-059 pistols each year, many of which he gets rid of through his own retail store. He says: "I find that most people buy guns for their wives, for the table beside their beds. Not to shoot, just to make their wives feel good, to feel like they've got protection. I had a gentleman call me yesterday who said, 'I want one of those inexpensive guns to give to my wife to make some noise, to make her feel like she's got protection.' She doesn't know how to shoot it. She takes it out once and shoots it to see if she can do it, and that's the last time the gun is fired.

"The American people are entitled to this market. If you are a $1.60-an-hour working man and your wife is scared and you can't afford a $95 Colt, you may want ours for $16.95. Your wife will never use it. How many women get raped, percentage-wise? How many houses get broken into?"

Anyone who wanted to take up crime seriously would be stupid to buy a Saturday Night Special, says Friedman. "These guns are not accurate. A holdup man would have to be right next to a man to hit him. We'd be better off if every holdup man in America owned one of these guns instead of a good .38. If you want an accurate gun, don't buy this one. If you want a gun to give to your wife to make noise or a gun to stick in your tackle box for killing snakes on fishing trips, O.K., this one is O.K."

The Saturday Night Special is not quite so innocuous as Friedman makes it sound. Indeed, it can be a wicked little job, as one of the $3.50 versions demonstrated the other day when it was used to kill a Detroit cop. Lieut. Paul E. Murphy of the New York Police Department, a lifelong gun lover whose marksmanship was sufficiently developed to win him the department's second-highest medal, the Combat Award, says: "The .25 and the .22 are very underestimated weapons. It's a small bullet, but it has a tremendous velocity. If you shot one of those weapons at 125th Street, you could kill somebody in Jersey. Most people say, 'What can happen with a .22?' We had a policeman killed with one. The bullet went in his eye and around his skull three times—just cored his brain like you core an apple."

Any bullet that travels faster than 300 feet a second is capable of penetrating flesh and bone. Under ideal conditions, .22 bullets travel at 900 to 1,400 feet a second. Even though the Saturday Night Specials are so poorly constructed that a bullet fired from one lacks something in velocity, there is still sufficient energy left in the bullet to kill. Moreover, the .22 bullet has a special deadliness. Lieut. Charles V. Rorke, who runs the ballistics office at the New York Police Academy, explains: "When the larger-caliber bullet hits the body, it tends to go right through. If a person is shot in the shoulder with a .38 bullet, that ordinarily wouldn't be a lethal wound. It might tear half his shoulder off, but the wound would probably be restricted to the shoulder. The .22 caliber, because it is small but travels at great velocity, is easily deflected. You have a big bullet's velocity with a pellet that is very unstable. So the .22 might hit the shoulder and then rip off in another direction, maybe dropping into the chest area and doing some fatal damage there."

William L. Cahalan, the Prosecuting Attorney in Wayne County, which includes Detroit, says there is still another danger in the Saturday Night Special. "They are more deadly than the well-manufactured gun because they do not expel the bullet through the barrel in a true line," he says. "Rather, after four or five shots, the rifling is worn out, and this causes the bullet to come tumbling out of the barrel. It creates what doctors call a 'keyhole' wound—several perforations, and much more difficult to treat."

And there is always the possibility that the Saturday Night Special will be as dangerous to the shooter as to the target. Sometimes the bullets in the cylinder are so close together that two will fire at once. Sometimes a stuck bullet will cause the pistol to explode. More common than two bullets firing is no bullet firing; the hammer and firing pin are often so far out of alignment that they don't discharge the bullet—which makes it sometimes the safest gun on the market.

In the production of a high-class handgun—a Smith & Wesson, for instance—the finest ordinance steel is used; all parts are heat-treated to give them great strength; there are more than 1,000 inspection operations on each gun, and every one is test fired. For a Saturday Night Special, the opposite is true. Hold one over a bunsen burner and it will start melting in 10 seconds; it's pot metal. The guns are reported to be thrown together with virtually no assembly-line inspection, and rarely are they test fired.

It is, in short, quite easy to make an elaborate case against the Special, proving that it is very often both a menace and a gyp. But neither charasteristic explains why the National Rifle Association, which never in the past favored outlawing any gun, favors outlawing the Saturday Night Special. Neither characteristic explains why Senator Hruska, as devoted a champion of lissez-faire gun ownership as there is in Congress, also wants to banish it. Equally mysterious is the seeming about-face of the Nixon Administration. It has been steadfastly against an extension of gun controls, yet it is for suppressing the Special.

Cynics, who are numerous in this debate, believe that the supposed change of heart is only a subterfuge for protecting one favored element of the gun industry from competition by the Special while increasing the supply of good foreign guns, which have been denied to the shooting fraternity since the adoption of the Gun Control Act of 1968. The diverse gun world—arms and ammunition manufacturers, gunsmiths, hunters, collectors, shooting clubs, criminals—has many interests, not all of them overlapping. But the cynics contend that the scheme now being proposed is a step toward satisfying some of the more selfish interests. It is constructed very cleverly, they say, around two arguments: the need for fair play in international trade and the need for consumer protection.

The background for the consumer argument is plain enough. The trade argument goes like this: Under the General Agreement for Tariffs and Trade (GATT), the United States is forbidden to discriminate against foreign products. If the manufacture of certain guns is allowed in this country, the importation of similar guns is supposed to be allowed. But the Gun Control Act of 1968 prohibits the importation of any gun that fails to meet the "sporting test," while American-made guns that would fail this test are flooding the domestic market.

Treasury officials say these violations of GATT are damaging U.S. trade relations. "Why, the embargo on Italian guns has turned some areas of that country into a poverty-stricken Appalachia," one official told me. "Communities that depended on gun exports to the U.S. have become ghost towns. Be sure to mention that in your story. You might even want to make it your lead. And of course, Italian officials are very unhappy. They put an embargo on Florida oranges, and when we complain they say, 'Well, if you won't let us send Italian guns you can't ship us Florida oranges.' And the same economic devastation is seen in Spain and Germany and elsewhere because of the discriminatory features of the gun-control act."

Testifying before the Bayh subcommittee, Assistant Secretary of the Treasury Eugene Rossides said the U.S. had received formal protests from seven foreign countries because of the gun embargo's violation of GATT.

Italy dumped $2.4-million worth of handguns into this country in 1968, and these exports slumped to $200,000 by 1970. For Spain, the decline was from $1.6-million to $200,000; for West Germany it was from $6.6-million to $3.3-million; for Brazil, from $2.3-million to $600,000; for Belgium, from $3.5-million to $1.4-million.

But the "poverty" resulting from this decline apparently is no more than a Treasury Department hallucination. Martha Carbone, the State Department officer concerned with special trade agreements, says: "The embassies would be the only ones with data on that. They've never given it to us. The embassies of Italy and Spain have been the ones that have mentioned it." Did they just mention it, or did they scream about it? "Well, we've been talking about it, shall we say."

Asked about the Treasury's description of the economic chaos in Italy, an official of the Italian Embassy said: "It is true that Italy was damaged a little by the gun embargo, but it is not true that Brescia and its province—the center of our gun manufacturing—is 'ghostlike.' There are too many really important things in GATT to worry about guns right now.

"Where did you hear that we had ghost towns?"

The Treasury Department.

"Oh. Well, then, you should be a gentleman and write it that way."

Officials at the Brazilian Embassy were equally ignorant of any economic slump caused by the gun embargo, and at the German Embassy an official said: "I have no knowledge of unemployment caused by the gun-control act. We have very vehemently opposed the law, of course, but we have no unemployment. We have so little unemployment in Germany that we even employ quite a lot of foreign labor."

Actually, according to John Sipes, director of the State Department's Office of Munitions Control, the great majority of the guns imported before the 1968 embargo were military-surplus weapons, so the foreign industry could hardly be affected much. "We weren't importing many new guns," he says. "The foreign manufacturers may have lost a few mail-order sales to gun nuts in this country, but as far as volume sales, it did not come from new manufacture. I'd say at least 75 per cent was military surplus."

Nevertheless, Treasury officials proceeded with their little farce. They would rescue U.S. trade from the shoals of gun discrimination; they would create an atmosphere of international fair play by establishing standards that would apply to domestic manufacture as well as to foreign imports. And as a fillip to their heroism, they set forth to do all this in such a way as to protect the U.S. consumer from defective merchandise—which, in a consumer-oriented era, they recognized as being a much more sensitive point than the question of whether it was intelligent to manufacture the product at all.

So with $135,000 in tax money, the Treasury hired the H. P. White Laboratory of Bel Air, Md., to test 150 guns representing 58 different models from seven foreign countries and the United States to determine if objective tests for safety and reliability could be set up.

Significantly, although the press and the general public were refused information about what was going on at White Labs, the N.R.A., the gun lobby, was kept abreast of it all, and when the tests were about half finished—they ended in August—N.R.A. officials were permitted to take pictures and look over the records of the experiment. One official at White Labs explained that "in order not to offend the shooting community too badly, they [Treasury officials] sort of solicited the N.R.A.'s participation in this, so they went overboard to divulge information to them."

To nobody's surprise, D. R. Dunn, manager of White Labs, concluded that an adequate test for reliability and safety had been put together. The most important part of the test was 5,000 rounds of test firing for each pistol.

That is one hell of a lot of testing, so it was also to nobody's surprise that Dunn reported only 6 of the 58 models passed. To expect a Saturday Night Special to survive a test like that would be to expect a trade miracle. None occurred. Of the nearly two dozen .22-caliber pistols tested, only one survived, and it was not one of those costing less than $20. It cost $71.58. None of the .25-caliber models came through the test.

That, at least, was the official report paid for by the Treasury. But, interestingly, there had been unofficial reports seeping out of the laboratories that much cheaper guns were doing quite well. When the tests were 85 per cent completed, an official of White Labs told me that although the N.R.A.'s magazine, American Rifleman, had carried an article implying that "a small, imported, low-grade handgun is either unsafe or unreliable, I can cite within our test data here a small imported low-grade handgun that whistled through everything we could throw at it. The weapon cost $40. And I can cite a very expensive U.S. prestige weapon that failed after 15 or 16 rounds. You can make a gun of papiermâché, and if it passes this test, then in our opinion it is a very safe weapon. It makes no difference whether it costs 25 cents or $2,500, whether it has a very respected seal on the side of it or whether it was made up in somebody's backyard. The testing would seem to say to us that the failure cannot be related to cost, origin, type or whatever. But within that trend, there are some shadings."

The N.R.A., the Administration and Hruska and his gaggle of gun lovers are all pushing the White Labs test as the heart of whatever legislation is written to outlaw the Saturday Night Special. With luck, they can persuade Bayh and others to accept the test as an amendment. Bayh has said he is open to such a suggestion. Representative Murphy has already written the test into his legislation. If Congress agrees on this reform, then the Special, that absurd little piece of deadly gadgetry, will indeed be standardized off the market.

And at that point the trap will be sprung. Respectability will have been stamped upon the handgun traffic in America, for after that all guns sold on the open market will be federally certified as "safe" and "reliable."

If that happens, any further significant extension of the Gun Control Act of 1968 will be extremely difficult, if not impossible, to accomplish. Even under the best of conditions, Congress hesitates to oppose the gun lobby, and any reform movement within Congerss would be at a tremendous psychological disadvantage if the lobby could argue that only "safe" and "reliable" guns were being sold.

If the performance standards are applied to imports without discrimination, it will also mean—if GATT is to be satisfied—that the floodgates will again be lifted on the foreign military-surplus weapons (both handguns and rifles) specifically prohibited by the 1968 act. If U.S. military models are available commercially, their foreign counterparts should be, too. At least that is the opinion of Senator Hruska, who hopes devoutly that this will be the case. The N.R.A.'s position on military-surplus imports is not yet clear, but Jack Basil, its legislative director, speaks kindly of them: "We would be in favor of getting rid of unsafe guns. We're for it, the gun manufacturers are for it, everybody's for it. People play on emotions too much when dealing with gun safety. At the time of President Kennedy's assassination, they were yelling about the Italian rifle Oswald used. They were being melodramatic about guns, rather than judging them from technical standpoints. Same thing is true about the way they judged foreign military-surplus guns. Before the 1968 law, a lot of people were saying the U.S. was the dumping ground of cast-off guns. They were using emotional phrases like that. Actually, some of the foreign military-surplus imports also seems to be favored by some members of the Administration, including Associate Deputy Attorney General Donald Santarelli, who in 1969 told the Senate that he believed it was "unfair to exclude the good with the bad." He also said he thought some foreign surplus military weapons were very good.

Indeed they are. Good and sometimes inexpensive. Often as inexpensive as Saturday Night Specials. Many of the more than one million of these goodies that were imported in the last year before the embargo are still on the market, and their bargains shine from the advertisements in any gun magazine: A British Enfield Mark 1, a .88 that, the ad says, was "designed for rapid, close-quarter defense work," only $19.95; a .450 Webley & Scott by the famous British maker with a 2¼-inch barrel that fits in the pocket nicely, only $30; the same kind of Luger used by the Luftwaffe during World War II, $36; the P–38, sidearm for the German Army in World War II, only $19; a French M–35–S, built much like a Browning automatic, $23.

Many of these guns will probably pass the performance test, which means that, so long as the supply of military-surplus imports holds out, the aspiring hoodlum can go into business with a life-time gun for well under $40, perhaps half that amount. Of course, he will have to pay more for the heavier caliber ammunition, but offsetting that extra expense will be the comfort of knowing that he will no longer be faced with the embarrassing misfirings that so often marred the performance of the Saturday Night Specials.

Even if the adoption of the performance test cuts the importation and domestic production of handguns in half, though, Kennedy and Bayh may sign almost nostalgically for the return of the Saturday Night Special, for, say what you will about it, it does have one virtue: it falls apart fast. Fire a hundred rounds from some of the species and there's a good chance it won't be good for anything but a paperweight thereafter. Not so, the finely crafted $100 rod. There are Colts and Smith & Wessons that have fired many thousands of rounds over many years, and though they are outwardly battered, they are just as deadly efficient as ever.

The same is true of many of the foreign military-surplus handguns imported before the 1968 act. As Sipes, the State Department munitions expert, observed: "This surplus military stuff never dies, you know. Nobody ever buries these damn things. They keep moving around, passed along from owner to owner, for years and years."

Most of the 30 million handguns in this country are the quality jobs, and they will still be around and will still be just as dangerous 50 years from now unless they are bought up (or confiscated) and melted.

You don't hear many Federal politicians pushing that kind of remedy. They fear the National Rifle Association. The late Senator Thomas Dodd of Connecticut, who carried on the gun-control fight for a decade, lost in his first bid for re-election after passage of the 1968 act. Another leader in the control crusade, Senator Joseph Tydings of Maryland, was also defeated in 1970. Leonard S. Blondes, a former Maryland legislator who pushed gun-control legislation and who is vice president of the National Council for a Responsible Firearms Policy, is under indictment on two counts of bribery, one of conspiracy and two of malfeasance in office. His friends feel he was framed by the gun lobby—and the lobby, eager to be considered omnipotent in matters of vengeance, encourages the idea, just as it encourages the idea that it knocked off Dodd and Tydings, which is a considerable exaggeration; both men had plenty of other troubles.

The toughest gun-control advocate in Congress is Representative Abner Mikva of Chicago, who stops short of advocating confiscation but does have legislation that would prohibit the manufacture, transportation, sale or transfer of handguns for any purpose but police or military work or competitive target shooting, with the proviso in the last case that the guns be kept locked at the target range. His bill also allows the Federal Government to buy, at a fair market price, any handgun a citizen turns in.

Representative Emanuel Celler of New York, chairman of the House Judiciary Committee, must think well of Mikva's bill, in principle, since he incorporated some of its provisions into his own bill. But there are more than 160 other gun bills stacked up in Celler's committee awaiting action—some for expanding gun controls, most of them for repealing the 1968 act—and Celler doesn't seem eager to open that can of worms. He has yet to set a hearing on any of the bills.

"The real problem in getting attention here," says Mikva, "is that Celler and others sympathetic to tightening gun controls think any effort will be futile. I think I could talk from now to doomsday that Tydings wasn't knocked off by the lobby, but a lot of Congressmen would continue to think he was. My colleagues say they can't afford to sponsor my bill. I guess I've talked to 50 or 60 who say they would like to see stronger controls, but they say they can't get involved. I have no—I repeat, no—rural sponsors, though I can tell you that at least two dozen rural legislators say they would like stronger laws.

"I ran into the same thing in the Illinois Legislature. I started out in 1965 with 110 co-sponsors of a bill to register handguns, and by the time the Illinois Rifle Association got through, all but 38 had withdrawn their names. The lobby even came in advocating that we repeal the 'Capone Law'—our anti-machine-gun law. They were putting out brochures saying, 'The Russians know how to use machine guns, but American citizens don't. Americans are helpless.'"

"There's nobody even second to the N.R.A. as a lobby. They are working down there at the precinct level. You can't beat something with nothing—and those of us who want tough controls have virtually nothing. There's no organization on our side. You can't take on the gun lobby with good will. That's where the next set of tragedies will work."

The Nixon Administration will not support more gun controls. Attorney General John Mitchell has said so. Richard W. Velde, associate administrator of the Law Enforcement Assistance Administration, says that those who want more controls must have forgotten that, after all, "the use of firearms is but a small segment of the over-all crime problem."

But the most serious handicap faced by anyone who tries to legislate total handgun control is not the irrational passion of the gun nuts and it is not the waffling of Federal politicians and bureaucrats. The most serious handicaps, oddly enough, are thrown up by the police and the "nice" people of America.

Carl Perian, who was Dodd's chief of staff before going with Congressman Murphy, may have a point. "After 17 years with the juvenile delinquency subcommittee," he says, "I have concluded that a great number of police officers enjoy the Wild West aspect of being a cop. We went to the Watts riots, right in the middle of it. The cops had bushel baskets full of guns they had taken off rioters and looters. But the precinct captain was very upset because we were investigating the gun traffic. He said that just because the rioters had hundreds of guns was no reason to prevent people from owning guns."

Police Chief Jerry Wilson of Washington recently told newsmen that he didn't think that Iowans should be strapped with a tight Federal gun law just because the District of Columbia's underworld is heavy with armament. Milwaukee's police chief came out in opposition to gun registration and licensing. The Minneapolis Deputy Police Chief, Gordon Johnson, is against gun controls and says his feeling is shared by a majority of policemen in his area. Commissioner John Nichols of Detroit, though confronted with the most anarchistic gun situation in the nation, says he supports the outlawing of private handguns in theory but considers such a plan no more practical than the 18th Amendment's prohibition of liquor. Virtually all small-city police chiefs refused to support Mikva's or Murphy's bills.

Top police officials in Chicago, Cleveland, Oakland and New York proclaim a passionate desire to see handguns restricted to police use. But more often than not, the tough talk ends in compromise. Nobody has seemed more earnest in advocating total control than New York's Commissioner Murphy, but he says he would be willing to see guns left in the hands of "some businessmen and merchants." His chief of detectives, Seedman, says: "If I were the owner of a jewelry store, I'd like to have a handgun on the premises." And the New York police ballistics expert, Rorke, says it would be "unreasonable" to ask sportsmen to leave their guns locked up at the firing range.

Those who take Rorke's position argue that people who buy guns for lawful reasons, sportsmen and the like, hardly ever go astray. "Of the 20,000 registered guns in this city," says Rorke, "no more than five or six have ever been used in a crime." This is the most dangerous argument, that firearms can safely be allowed in the hands of sporting fellows and decent citizens. You hear it stated, or see it implied, everywhere.

When former Governor Brown spoke on behalf of all laws that would take handguns out of circulation, he pointed out that "most murder in real life comes from a compound of anger, passion, intoxication and accident—mixed in varying portions." The prototype who emerges from that is the low-class, squabbling drunk. It's not hard to get agreement that guns should be kept from such people. But until the happy day of gun confiscation arrives, "nice" people should be allowed to maintain a gentlemanly arsenal. Right? Brown must think so, too, because he keeps a handgun in his home.

Congressman Murphy, in pushing his Saturday Night Special bill, said: "These gun nuts think their weapons are extensions of their penises." That colorful remark conjures up the kind of psychotic that most people would agree should be kept away from guns. But of course no one would think it applied even remotely to the Chief Justice of the Supreme Court, Warren Burger, who answered his doorbell the other night to confront two reporters with a loaded six-shooter.

If "nice" people were easy to spot, it might work out. But the police blotters have proved many thousands of times that so long as there is this notion that "nice" people should have guns and "bad" people shouldn't, the "bad" people will wind up with more than their share anyway.

And Bayh and Kennedy and Murphy and their allies are likely to learn that attempts to pacify the nation by discriminating against bad guns will work no better. It is easy to work up almost total agreement on outlawing the shabby Saturday Night Special. But it wasn't a shabby little Special that Sirhan Sirhan used to blow the back of Bobby Kennedy's head off. It was a well-constructed Iver Johnson .22—a product, like the Kennedys, of Massachusetts.

The Legal Mishmash

Laws relating to the buying and keeping of handguns are a mishmash, and except in a dozen states (notably the Northeastern bloc—New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania) where the standards are high, they are mostly mish.

In those areas of the country where handguns equate with *machismo*—places like Louisiana, Arizona, Nevada, Texas, Mississippi—control laws are nonexistent or scarce or largely ignored. In Texas, for instance, there is no required waiting period before purchasing a gun, no required permit or registration of guns, no license needed for carrying weapons either openly or concealed, no license needed for carrying a gun in a vehicle.

In New York, handguns are controlled by all those restrictions, but the law's enforcement is undermined by the "easy-buy" states. Merchandise sold out there has a way of getting to the big city via what Mayor Lindsay calls the "wide-open national handgun commerce."—R.S.

PEACE CORPS IN NEPAL

Mr. PERCY. Mr. President, when I was in Nepal in August, I had the opportunity to visit with many members of the Peace Corps serving in that country as I have done in dozens of countries over the past 10 years. I was most favorably impressed with their technical contributions to the Government and people of Nepal, and by their enthusiasm and determination to work constructively with the Nepolese.

Duane Karen, a fine young volunteer from Wisconsin, for example, was prepared to walk for 9 days to get to the village where he was to work, but by flying together to an interior airport he was able to reduce this to only two walking days away from the village. I had confidence that this fine young man was prepared to make the sacrifices necessary to achieve credibility in his village.

After observing a number of Peace Corps projects in Nepal, I came away with much respect for their projects in education, agriculture, community development, and forestry

Peace Corps volunteers have now begun serving as field technicians working side by side with representatives of the Government of Nepal and UNICEF in a cooperative effort to supply the rural villages and bazaar towns of Nepal's middle hill regions with convenient, sanitary water for domestic consumption. The need for water supply delivery systems in Nepal is acute; of the 28,000 rural or village communities in Nepal, only 4,000 have elementary water supply systems, few of which are adequate or safe. It is not uncommon for a woman to walk for a half hour to a water source, wait another half hour for her turn, and then walk the half hour home loaded down with several gallons of polluted water.

The contaminated drinking water thus obtained contributes to a high infant mortality rate and the occurrence of disease in the population. The work efficiency of adults is seriously lowered by the prevalence of amoebic and bacillary dysentery, and the water supply carries other intestinal parasites and infectious diseases such as cholera, typhoid, and hepatitis.

Another new Peace Corps program will help alleviate the problem of protein deficiency in Nepal by helping farmers to build and maintain private fish ponds.

In the area of education, Peace Corps volunteers are contributing their skills to the modernization of Nepali teaching methods. The objective of the STEP—science teaching enrichment program—program developed in 1966 by a volunteer and his Nepali coworker is to modernize science education at the secondary level. It is administered by Nepal with advisory and financial support from US AID, UNESCO, and UNICEF. The central focus of STEP is on the Nepali teacher and his role in teaching the creative skills of observation, conceptualization, generalization, and problem-solving. Since there is a lack of trained teachers to implement the STEP program, Peace Corps volunteers are augmenting the teaching force and introducing innovation and ingenuity within the framework of the prescribed syllabus and curriculum. In addition, science teachers in Nepal are invariably requested to teach mathematics and Peace Corps volunteers are sought to lend fresh impetus to math instruction by making mathematics relevant to the student and his environment.

Under the program for Revision and Improvement of Mathematics Education—PRIME—a few Peace Corps volunteers who have been teaching in the field are working with two Nepali math teacher educators to develop teaching materials and teacher manuals and to train Nepali math teachers to participate in the PRIME program.

In the area of agriculture extension, volunteers serve as junior technical assistants to Nepali Agriculture Development Officers in selected districts throughout Nepal. As of October 1, about 65 volunteers were serving in this program, primarily in Terai, but also in several hill villages. The volunteers provide technical assistance to farmers, thereby assisting the Nepali Government toward its goal of increasing agricultural production by 16 percent in the 1970–75 period. They assist farmers in improving seed, implements and irrigation facilities as well as contributing toward the development and systemization of transport and communication facilities essential to the development of agriculture. In high priority districts designated as Intensive Agriculture Districts, a new group of volunteers will help farmers increase their production of rice, wheat, and corn.

Since India is moving toward self-sufficiency in small grain production, Nepal will lose some of her Indian market and therefore will have to develop grain varieties with better milling quality in order to compete in the international market.

Other Peace Corps volunteers with specialized skills are working in other significant assignments. Four volunteers with degrees in forestry are working with the Nepali Government and the United Nations Development program in developing Nepal's natural resources both for marketing purposes and conservation. Two volunteers with degrees in geology are involved in groundwater surveys with the objective of developing irrigation projects. Two recently arrived volunteers with graduate degrees are teaching courses at Tribhuvan University in Kathmandu, and two volunteers will soon begin work at Nepal's new Center for Economic Development and Administration. One of these volunteers will conduct seminars in business administration and one will help set up the center's documentation library.

The relationship between the country director Mr. Mike Furst, as well as his wife, Shirley, and the peace corps volunteers in Nepal is one of great respect and admiration, as is the relationship between them and our very able career Ambassador Carole Laise. The firm working relationship also between our American officials and the officials of the Nepalese Government contributes greatly to the success of our program in this strategically located and important country.

THE QUALITY OF THE ENVIRONMENT

Mr. McGOVERN. Mr. President, the quality of our environment is of constant concern to the average American. The rampant disregard for the preservation of our most valued natural resource, pure water, has reached crisis proportions and must be dealt with on a crisis basis.

Representative Bella S. Abzug, who has a great capacity for shedding light on a difficult problem, has written a splended article entitled "A Bold Program for Clean Water," which was published in the October issue of the Progressive. I commend it highly to Senators who are interested in and concerned with the conservation of our natural resources. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Bold Program for Clean Water

(By Bella S. Abzug)

Our Nation's waters—our most precious natural resource—are rapidly being transformed into a vast, rancid sewer. Scarcely an uncontaminated body of water remains in the United States. A constant torrent of waste, mostly untreated, pours into our waterways from farms, factories, and cities. And despite Administration claims of progress, the situation is getting worse Present Government programs are hopelessly inadequate.

Most of us assume that the sewage we flush down our plumbing pipes is being properly treated by some unknown, unseen plant at the other end. In fact, however, much of the human waste produced by Americans is dumped into our waterways with little or no treatment. More than 400 million gallons of such waste are dumped into the Hudson River *every day* after some chlorine has been added to kill the odor; samples taken there recently showed the intestinal bacteria concentration to be 170 times the "safe" limit set by the Environmental Protection Agency (EPA). Similar horror stories can be told about almost every other major American waterway. The Cuyahoga River in Cleveland is notorious for being so loaded with industrial wastes and oil that it is actually combustible. The EPA has warned that touching or being splashed by water from the Potomac River is a health hazard.

In the case of many lakes, the damage is already almost irreversible. Lake Erie, once the source of a thriving fishing industry, is now considered "dead;" even if nothing but clean water entered the lake from this day on, it would take centuries to restore the lake to health Even the oceans are poisoned. Swordfish has disappeared from our tables; what will be next?

In every part of our country, industry has used our waterways as cheap dumping grounds in which to unload its waste. Some 12,000 potentialy toxic chemicals are in industrial use today. Little information is available to the public on the dangers posed by these chemicals when they are improperly dispersed.

In a recent survey, one out of every three samples of drinking water taken by the Department of Health, Education, and Welfare's Bureau of Water Hygiene was found to be unsafe.

We do have a choice about all this. We can continue on our reckless way, or we can take steps—and they must be giant steps—to arrest the deterioration and to begin the job of cleaning up. It will not be cheap. We must recognize that our efforts up to now have been almost completely ineffective. A recent study by the General Accounting Office concluded that the $2 billion spent since 1956 on pollution control has merely slowed the deterioration of water quality.

We cannot do the job by patching up old programs. A comprehensive and tough new approach is needed.

The House Committee on Public Works, of which I am a member, is presently in the process of formulating new water pollution legislation. I have introduced a bill, H.R. 10366, which could make an effective start towards cleaning up our waters.

Water sewage treatment facilities are an essential means of pollution control. My bill authorizes $5 billion a year for construction of these facilities—more than any other bill pending and a minimum to begin to do an effective job. It also provides for reimbursement for local and state governments which have prefinanced the construction of plants which meet grant requirements under present law but for which Federal money has not been available. These plants were constructed in anticipation of Federal funding, and it would certainly be unfair to finance plants in these states which have failed to meet their responsibilities for sewage treatment without reimbursing those which have.

Operated by local governments, these facilities treat residential and industrial sewage before it enters open waters. With full treatment, such plants have the capability of purifying sewage to the quality of drinking water. The waste from localities which do not have such facilities either goes into individual septic tanks (which often leak into the surrounding soil and waterways) or directly—and without treatment—into nearby bodies of water. The facilities which do exist are often overworked, or simply are not equipped to handle the new chemicals which appear as waste. Many of the existing treatment facilities treat waste only on a "primary" basis, which has been described by one official as "pulling the dead cats out of the water."

Merely by running a pipe to such facilities, industry is provided with a free and legitimate avenue for disposing of its waste. It does not, in such instances, have to concern itself with the problem of disposal. Obviously, this situation offers no incentive to industry to seek new means of disposing of its wastes or of reducing the volume of pollutants it discharges.

Instituting a system of user charges, however, would do much to remedy this state of affairs. Under this policy, proposed in my bill, industries would pay for the use of treatment facilities, in proportion to the volume and strength of the waste products they discharge. This would provide a significant incentive for businesses to seek new production processes which would create less waste, to rely more on recycling of waste products, and to develop more effective in-plant controls. Taxpayers would no longer have to carry the burden of cleaning up after industry.

In the few areas where user charges have been tried, they have been quite successful. Faced with a user charge of $1,400 a month, a Missouri packing plant altered its production processes and reduced its waste to a point where the charge dropped to $225. Is Otsego, Michigan, a plant that had been discharging 1,500 pounds of effluents per day and overloading the local treatment center found ways to reduce the outflow to less than 500 pounds daily after users charges were instituted.

A user charge system, then, would go a long way towards reducing the pollution caused by industrial waste discharges. However, big industry is not the only villain of this piece. The Federal Government itself is among the worst polluters. In 1968, the Department of Defense alone was responsible for more than 335 million gallons of human waste per day, of which approximately twenty-five to thirty-five per cent was inadequately treated (i.e., given less than secondary treatment). The Navy contaminates our harbors and estuaries with waste from more than 700 U.S.-based vessels, of which only three have any sewage treatment facilities at all.

Many other pollution problems complicate the control picture. Water ecosystems are destroyed by thermal pollution resulting from use of waterways to dissipate the heat generated by nuclear power plants and industrial processes. Many chemical wastes require special and expensive treatment; in some cases, industries simply sink the more toxic of these wastes into deep wells. Relatively small concentrations of certain materials, especially metal compounds and pesticide residues, are concentrated in the bodies of water organisms and further concentrated in the bodies of predators of these species. This process has resulted in the dangerously high levels of mercury in ocean fish which have already done great damage to the fishing industry and have led to the near extinction of several species of sea birds through DDT poisoning.

Much pollution also originates in "nonpoint" sources such as agriculture and mining. Acid wastes and poisonous metal compounds from mines, fertilizers and pesticides from farmlands, mud from eroded hillsides—vast quantities of these and other pollutants are washed into waterways by rain. Phosphates from fertilizers cause "tutrophication" of water bodies, depleting their oxygen supply to the point where only "trash fish" and algae can survive. A complex ecological system is reduced to a simple and degraded one; when the process has gone far enough, the body of water can be considered "dead."

It has been estimated that more than half of the water pollution in some areas of the United States is caused by such non-point pollution. Stricter regulation of agricultural, lumbering, and mining practices will be necessary to begin to cope with this problem.

Of course, the construction of more and better sewage treatment plants will be of little help if industry chooses not to use them and builds or relocates its facilities in areas which lack such plants. H.R. 10366 would require states to set minimum quality levels for all navigable waters, and maximum levels for plant effluents, in accordance with Federal guidelines. These guidelines require a provision excluding all materials designated "toxic" by the EPA from waterways and urge the establishment of programs for the recycling of waste. The states would have to submit to the EPA detailed plans for implementing and enforcing these standards, including compliance schedules and timetables for restoring our waters to a safely usable state for drinking, recreation, fish propagation, and for the countless other uses we make of this valuable asset.

Raising standards is only part of the answer, for even the weak standards which presently exist have not been vigorously enforced. Existing law gives Federal and state agencies far too much discretion as to how and when to enforce the law. Civil penalties have been levied too sparingly, and even the most blatant violators have rarely been brought to court.

H.R. 10366 would greatly strengthen the enforcement powers of the Environmental Protection Agency. It would raise maximum fines and introduce minimum fines for the first time. Violators would no longer be given six months to comply with the law, but would have to do so immediately. The cumbersome procedure of enforcement conferences would be eliminated. Criminal charges could be brought against willful violators of state standards. In addition, H.R. 10366 would permit individual citizens to take the EPA to court if it failed to enforce the standards set under the law. Citizens would also be empowered to bring suit directly against polluters, and to receive a portion of any fine levied by the courts.

H.R. 10366 is only one of more than 150 water pollution bills pending before the House Committee on Public Works. The Committee has conducted extensive hearings over recent months to define the extent of the problem and to consider a wide range of proposed solutions. This fall the Committee will go into executive session to develop a totally new water pollution bill. It will consider whether or not it has the political power to report out a strong and complete bill, a bill which would effectively begin the job of protecting and cleaning up our nation's waters.

Similarly, the Senate Public Works Committee is developing legislation. Both House and Senate should have completed their work by late September and the bill should reach the floor by mid-October.

Without strong and concerted citizen pressure, it will be impossible to pass effective legislation or to get it enforced. Without sustained work by environmental groups, we would not have even the rather weak legislation that now exists. It is important for citizens to organize and express themselves in relation to the legislative work now in process. Major polluters have a large economic stake in avoiding and delaying expensive pollution control efforts; they form a powerful lobby.

Only in the face of strong, united citizen pressure will the committees report out and Congress approve a bill that carries any hope of effectiveness.

The answer to pollution problems cannot be purely legislative. The political reality at this time is that Congress cannot specify the many detailed water quality standards, effluent limitations, and other specific measures required to put legislation into effect. Any bill we can get passed will leave much discretion on setting standards and their enforcement to the Administrator of the Environmental Protection Agency. We are trying to pass a bill which will tighten up enforcement procedures. But for effective enforcement, the efforts of environmentally minded groups and citizens will be necessary. They will need to use the citizen suit procedures; to identify and publicize problems; and to create a climate of opinion within which the Administration will *have* to enforce the legislation. Each of us can play a part.

PSEUDOSCHOLARSHIP

Mr. EAGLETON. Mr. President, last week the distinguished Senator from Massachusetts (Mr. Brooke) called our attention to a polemic entitled "The News Twisters," written by Edith Efron, which purports to be authentic, highly professional research into network news practices. It turns out that this research is more than a little suspect. In fact, in an editorial published on October 15, the St. Louis Post-Dispatch, one of the Nation's great newspapers, described the book as "pseudoscholarship masquerading as valid research."

Ben H. Bagdikian, the noted author of "The Information Machines," characterized the work as "dishonest, inaccurate, unscientific and pretentious." Maury Green, reviewing the book for the Los Angeles Times, writes:

> Even a kangaroo court would demand better evidence.

And Edwin Diamond, on WTOP–TV, deplored "this kind of malice in wonderland."

I ask unanimous consent that the St. Louis Dispatch editorial and the reviews by Ben H. Bagdikian, Maury Green, and Edwin Diamond be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Oct. 15, 1971]

Heckling the Networks

The deliberately "explosive" thesis that the three television networks are polluting the mainstream of political information in the United States is advanced in a new book titled "The News Twisters." That the initials of the title spell TNT is admittedly a contrivance designed to jar the supposedly mesmerized TV viewer into an awareness that the networks' news coverage—as shown by a study of their treatment of the 1968 presidential campaign—is "strongly biased in favor of the Democrat-liberal-left axis of opinion, and strongly biased against the Republican-conservative-right axis of opinion."

Offered with the questionable claims that its findings are based on a simple but heretofore unavailable method of measuring political bias and buttressed by massive documentation, the study is touted by its author, Edith Efron, a staff writer for TV Guide, as a manual for detecting what the author views as slanted news and as a means of "correcting" the TV networks in time to prevent them from poisoning the public with their left-wing ideology during the 1972 presidential campaign.

Contrary to the grandiose claims of its author and promoters, the book is simply not what it purports to be. The author, despite her alleged discovery of truth, has no "simple analytical method for ascertaining" bias; she and her coworkers, by applying their own simplistic rules to the analysis of an extremely complex set of issues, have merely "proved" network news bias by finding that it does not conform to their own subjective notions of fairness. (To report that "hecklers threw rocks, eggs and tomatoes at George Wallace" is showing bias against Wallace because the throwers were called "hecklers" instead of "hoodlums.") The alleged voluminous documentation of bias consists merely of a sequential listing of the author's conclusions, with virtually no supporting texts from broadcasts.

Although the networks may be faulted at times for the shallowness and brevity of their political coverage, this book does not even make that case. It is pseudo-scholarship masquerading as valid research. The fact that publication of the book was subsidized by a far-right foundation tells as much as one needs to know about its validity. Yet no doubt Republican campaign orators like Vice President Agnew will use it in the 1972 campaign to heckle the networks and create the sort of news credibility gap on which those who wish to manipulate the news thrive.

[From the Washington Post, Oct. 11, 1971]

The News Twisters

(By Edith Efron)

This book is dishonest, inaccurate, unscientific and pretentious. Furthermore, it's not very good. Ordinarily it would be worth attention only as a demonstration on how to doctor evidence. But it deserves examination because it is undoubtedly destined to enter political literature as holy text for those who wish to prove at any price that Spiro Agnew is right.

There are lots of things wrong with network news but the networks couldn't have hired a more effective worker to make criticism look silly.

Edith Efron, a member of the staff of TV Guide, set out to measure bias in prime-time network newscasts. She uses the method of—pardon the expression—objectivity; that is, description without personal judgment. True objectivity is possible in measuring fenceposts: everyone agrees what an inch is and anyone can check someone else's measurement with a standard yardstick.

Writing, including journalism, is something else. If a dozen honest people had to cut down six hours of possible material to 22 minutes they would come out with dozen different selections. The same word can strike different people in different ways. Where objective measurement of bias has been tried, it has been effective to the extent that the method has been sensible, applied honestly and used modestly, characteristics that do not shine forth from this book.

The author recorded all network newscasts between 7 and 7:30 p.m. during the height of the 1968 political campaign, September 6 to November 4 (for some reason, no weekend interview shows). She transcribed 300,000 words from the three major presidential slates and 10 subjects. With each she looked for what she calls orientation toward Republican-conservative-right axis or Democratic-liberal-left axis. She counted words and made charts and conclusions.

Some of her conclusions:

"The networks actively slanted their opinion coverage against U.S. policy on the Vietnam war."

". . . network coverage tends to be strongly biased in favor of Democratic-liberal-left axis opinion . . ."

"All three networks clearly tried to defeat Mr. Nixon in his campaign for the Presidency of the United States . . . The opinion-selectivity of all three networks resulted in: 1) a portrayal of Mr. Humphrey as a quasi-saint, 2) a portrayal of Mr. Nixon as corruption incarnate."

". . . the networks were favoring the radicals."

Bias against U.S. war policy? All major candidates agree against existing—that is, Lyndon Johnson's—war policy, so accurate reporting of what they said would result in a preponderance of criticism against existing policy.

In this, as in other things, Miss Efron displays a talent for dizzying contradictions. "It is worth noting," she notes, "that all three networks virtually ignored the pure 'hawk' or conservative or 'victory' position." Seven lines later she calmly discloses that she did not include attacks on government war policy by Barry Goldwater and Curtis LeMay because "they charged the government with fighting a 'no-war war.' "

She prints a number of bar graphs analyzing her word counts. The trouble is that the graphs show the opposite of some of her conclusions. Networks biased in favor of liberals? On page 40 she has a graph labeled, "The number of words spoken for and against liberals on the three networks combined—ABC, 77 for, 112 against; CBS, 0 for, 120 against; NBC, 101 for, 474 against." By my calculation that makes network words 20 per cent for liberals and 80 per cent against liberals. By Miss Efron's it comes out network bias in favor of liberals.

The pro-Humphrey bias? One of the more intriguing studies in human emotion will be a look at Hubert Humphrey's face when he reads on Page 50 that in the 1968 campaign the media treated him as a quasi saint." But that would be unscientific. On page 128 the author writes, "Where candidate Humphrey is concerned, the networks are split," and she says ABC was split, NBC is against Humphrey, and CBS split with its reporters for Humphrey and their quotation of others against.

On page 179 she says, "the networks were favoring the radicals." On page 46 she has a bar graph showing no network words in favor of radicals and 281 against. But on page 158 she says, "To all intents and purposes, network news behaves as if the New Left scarcely exists. The networks in effect are 'censoring' the New Left's identity." But on pages 43 and 44 there are bar graphs showing that on the subject of "Demonstrators" and "Black Militants" the network wordage was 13,260.

Crucial to the book's technique is how the author classified the broadcast words. We see her word counts, for or against certain subjects. And we see her paraphrase of "bias" on the newscast. But if you look at the actual broadcast words there is a strange relationship to her interpretations of them.

On page 330 Miss Efron says that the CBS newscast of Sept. 30 is an "editorial" in which a "reporter supports demonstrators." According to CBS, the actual broadcast transcript says that Humphrey "has not, however, figured out how to handle the demonstrators. When the hecklers wish, they can dominate his campaign appearances, and that frustrates and angers Humphrey and his staff. To that extent, at least, the hecklers have the upper hand." That's what the author calls, "reporter supports demonstrators."

She lists as an anti-Nixon "editorial" a message she paraphrases as "says Nixon is over confident; suggests he is a liar." The CBS script: "Nixon says he is warning his staff against over confidence, but he himself hardly looks worried."

Miss Efron has a remedy for the alleged bias: have the Federal Communications Commission label the politics of each network so that the political philosophy will be known "candidly and openly." She quotes copiously from William F. Buckley Jr. and his National Review and her book jacket contains an enthusiastic blurb from him, identifying him as an editor and television commentator. She also acknowledges her thanks to "the Board of Directors of The Historical Research Foundation, whose confidence in me, whose financial generosity, made the entire undertaking possible."

If one looks up the foundation objectively, he finds that the same year Miss Efron got her grant it gave to right-wing causes: Foundation for Economic Research, Arlington House, and Louis Budenz. A trustee of The Historical Research Foundation? William F. Buckley Jr. How's that for "candidly and openly" stating editorial philosophy?

[From the Los Angeles (Calif.) Times,
Oct. 8, 1971]

AUTHOR TAKES TV NEWSMEN TO TASK

(By Maury Green)

In the first episode of this exciting new series, the heroine, Edith Efron of TV Guide and points to the right, gallops to the rescue of beleaguered Vice President Spiro Agnew. She reaches the wagon train just in time to drive off the attacking Indians, disguised as TV newsmen, before they can close in for the kill.

Think of the dramatic possibilities in the format!

In the next episode Miss Efron, as Sitting Bull's squaw, sends a band of renegade Indians to extricate Gen. Custer from the Little Big Horn. In another, playing the Duchess of Wellington, she tips Napoleon to her husband's battle plan for Waterloo.

This can change history.

It already changes TV news beyond recognition. Miss Efron's new book, "The News Twisters," put out by Nash Publishing in Los Angeles, is at first glance the most damning, most massively documented indictment of slanting and bias in TV news ever published.

Miss Efron lumps all network newsmen together as an "ill-educated and intellectually pretentious" mob of "outright liars" hell bent on discrediting anyone who does not conform to their own perverse "radical chic" brand of liberalism.

She accuses them of deliberately slanting TV coverage of the 1968 presidential campaign against Richard M. Nixon.

She finds statistical documentation of the same kind of bias against American policy in Vietnam, against the entire white middle class, and in favor of black militants.

Her evidence on these and other cardinal sins is taken from a transcript of almost every word uttered on the ABC, CBS and NBC evening news broadcasts during the seven weeks of the 1968 campaign (Sept. 16 to election eve, Nov. 4)—some 300,000 words in all.

ANTI-NIXON WORDS 10 TO 1

Miss Efron finds, for example, that the three networks broadcast a total of 17,027 words against Nixon and only 1,620 words in his favor—an anti-Nixon ratio of better than 10 to 1.

In contrast they used 8,458 words against Nixon's opponent, Hubert H. Humphrey, and 8,407 words for him—roughly an even balance.

The result, she says, was a portrait of Humphrey as a "quasi-saint," Nixon as "corruption incarnate."

By similar statistical analysis she discovers that network TV news pointed a "crude racist cartoon" of America, encouraged the "actively criminal elements of the black power movement," and totally failed to let the public know that the radical New Left consists mostly of Marxist-Maoist-Marcusian revolutionaries whose aim is "class murder and dictatorship."

That's at first glance. At second glance "The News Twisters" becomes transparent. It's a $3 bill passed off as intellectual currency.

Miss Efron never identifies those TV "liars" by name, although you'd think she'd be tacking up "wanted" posters nationwide. Of course, if she named them she'd probably get hit by an avalanche of libel suits.

You'll have to take her on faith regarding those massive statistics; she doesn't disclose which words she evaluated as pro or con. Unless you fine-comb the 300,000-word transcript, which is not included in the book, the source of her figures remains a secret. (If you're rich enough, you can buy the transcript for the cost of reproduction.)

Repeatedly Miss Efron's own anti-TV bias peeps through the pages. It shows most clearly when her own statistics fail to support her own preconceived theory.

For example, she finds it damning that ABC and NBC were anti-George Wallace. But when her analysis turns up CBS as pro-Wallace, that "appears to mean nothing." Her argument that TV is anti-white middle class is derived, by Byzantine logic, from statistics indicating that TV is 2 to 1 in favor of that segment of society.

WORDS ALONE NOT INDICATORS

She completely ignores approximately nine-tenths of TV communication, which is not by words alone the only aspect she examines) but by picture and vocal intonation—factors which can completely reverse word meanings.

Even a kangaroo court would demand better evidence.

But the Historical Research Foundation, which paid for her study, obviously did not. This New York outfit was founded by the late Alfred Kohlberg, a close associate of the late Sen. Joseph McCarthy, who crusaded on even shoddier evidence than Miss Efron's.

Miss Efron actually reveals symptoms of political schizophrenia. She urges that the FCC's Fairness Doctrine "be fought for militantly," coupling this with a statement excusing the bombing of broadcasting facilities on the ground that the "monopolistic practices of the networks are serving as provocateur."

In short, it'll serve them right if they're blown up!

This is a classic example of the Marxist-Maoist-Marcusian dogma which I would have thought Miss Efron would abhor. J. Edgar Hoover really ought to investigate this woman.

In short, it'll serve them right if they're episode of the book's TV version. Instead of the wagon train rescue, we'll open on a nice, quiet domestic scene showing Caesar's wife sharpening the knife for Brutus.

[From WTOP–TV 9 Sept. 22, 1971]

EDWIN DIAMOND COMMENTARY NO. 105

What do you say about a brand new book that's dead wrong? Generally, you try not to give it any attention on the theory that any comment will boost sales . . . something like a movie being banned in Boston.

But the book, "The News Twisters," by TV Guide Editor Ephron, has to be seen to be disbelieved. "The News Twister" is really bad news, and you have to wonder at the academics, on the left and on the right, who endorsed this pseudo-scientific attack on the three television networks.

The networks can defend themselves. That's not MY job. I want to defend myself . . . and the other members of the audience . . . whose common sense is assaulted by Miss Ephron's mumbo jumbo.

First of all, her method consists of tape recording all the words of the networks tv news programs during the nineteen sixty-eight presidential race. To look at the words without the accompanying pictures is, simply, a distortion. Pictures on tv fill out the story. Second . . . and this is the whole shaky premise. . . . Miss Ephron classifies all items of tv news in two ways: they are either *for* or *against* a man or a position. Everything in her world is partisan: there are no facts, no neutral statements, no straight accounts. She cites an ABC story of how student demonstrators interrupted a speech by Senator Muskie—and calls this an example of anti-war opinion by ABC. Incredibly, Miss Ephron also calls this "anti-Muskie" opinion, and uses it to build the scientific looking charts in her book.

We've met Miss Ephron before; she's Lewis Carroll's Queen of Hearts, making up the rules of the game as she goes along. TV needs—and gets close inspection. But not this kind of malice in wondelrand.

CHUCK HUGHES, DETROIT LION

Mr. GRIFFIN. Mr. President, these are sad days for everyone who knew and admired the talented wide receiver for the Detroit Lions, Chuck Hughes.

This past Sunday, as the Lions were threatening to defeat the Chicago Bears with a last-minute touchdown drive, Chuck Hughes collapsed on the 15-yard line, having suffered a fatal heart attack.

Not a big man by National Football League standards—he was 6 feet tall and weighed 180 pounds—Chuck Hughes represented everything that make pro football the Nation's leading fall pasttime—spirit, determination, teammanship, and the skill.

I know that the Lions will miss his services. I know that all who knew him will miss him.

Mrs. Griffin joins me in extending our sympathy to his family.

I ask unanimous consent that a newsstory from the Washington Post of October 25, 1971, concerning the tragedy be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hughes Suffers Ruptured Blood Vessel: Lions' Receiver Dies

Detroit, October 24.—Wide receiver Chuck Hughes of the Detroit Lions died of a ruptured vessel in the aorta today following a National Football League game with the Chicago Bears, Henry Ford Hospital reported.

Hughes, 28, collapsed as he returned to the Lions' huddle minutes before the end of the game. Artificial respiration and heart massage were applied as he lay on the field.

Hughes was taken from the field on a stretcher and rushed to the hospital, where he was pronounced dead about an hour after the game.

An autopsy will be performed Monday morning, doctors said.

Hughes' wife, Sharon, was among first arrivals at the hospital. Members of the Lions' team began arriving shortly thereafter.

Hughes, the backup man to Larry Walton, replaced Walton in the fourth quarter when Walton suffered an injury.

He caught a 32-yard pass with 1:38 to play in Chicago's 28–23 victory and was pinched severely between two Chicago defenders. He remained in the game for three subsequent incomplete passes and was just trotting back to the huddle with 62 seconds left when he collapsed on the Chicago 15-yard line with nobody near him.

"We gave him mouth-to-mouth (resuscitation) and cardiac massage," said Dr. Richard A. Thompson. "He never regained consciousness," said the Lions' team physician.

"We thought we had him when we got it (his heart) going again, but . . ." and Dr. Thompson was unable to continue. A team of doctors also tried to revive Hughes at the hospital.

Several Detroit players cried openly when Hughes' death was announced.

Hughes was seemingly all right just before his collapse. Lyall Smith, public relations director for the Lions, said that quarterback Greg Landry and other members of the team told him in essence that "they all came back to huddle and everything seemed all right" on the previous play.

It was pro football's first game-related death since December 1965, when Mack Lee Hill died following surgery for a knee injury, and Hughes was believed to be the first player to suffer a fatal heart attack in an AFL game.

Hill, a fullback with the Kansas City Chiefs, had suffered torn knee ligaments in a Sunday game against Buffalo. He underwent the operation two days later and died of what a Chiefs spokesman described as a "sudden and massive embolism (blood clot) after surgery."

The 6-foot, 180-pound Hughes was drafted by the Philadelphia Eagles from Texas-El Paso in 1967. He was used as a reserve for three years by the Eagles before the Lions acquired him for a draft choice before the 1970 season.

He saw limited action last year, catching a career-high total of eight passes for 162 yards.

Hughes, one of 13 children, was a native of Philadelphia, but made his home in Sheridan, Tex., where he worked in a bank during the off-season. At Texas-El Paso , he made the All-Texas first team two years and captained the club as a senior.

THE UNITED NATIONS ON CHINA

Mr. KENNEDY. Mr. President, regardless of our individual positions on the issue of China's representation in the United Nations, I hope that in these difficult days for Taiwan, voices of reason and moderation will prevail in the United States and that America will be spared the hate and bitterness of yet another era of appalling inquisitions and reprisals over "Who Lost China?" To me, two immensely important points stand out in the wake of last night's vote:

First, the vote, however tragic for Taiwan, is not the end of the road for Chiang Kai-shek and his government. The deep and longstanding relations between the United States and Taiwan remain unimpaired. There is no weakening of the strong American defense commitment to Taiwan. Nor does the vote even mean the permanent end of representation in the United Nations for the people of Taiwan. Inevitably in the months and years to come, Taiwan and mainland China will resolve their mutual hostilities and antagonisms, and I am confident that when that day arrives, the people of Taiwan will again be represented in the United Nations, in accord with whatever status the island finally acquires.

Second, in spite of the shock at the departure from the United Nations of a friend of the United States so loyal and trusted as Taiwan, I hope that the administration and the American people will not focus exclusively on the negative side of the vote. Instead, I hope that we will see the new and extraordinary opportunities that now exist with Peking as a member of the world community. For the first time in nearly a quarter of a century, all the major powers of the world are represented in the United Nations. Vast new horizons for international cooperation are now opening, especially in areas like arms control. It would be a tragedy far greater than the loss of Taiwan for the United States to fail to embrace these opportunities.

EXPULSION OF NATIONALIST CHINA FROM UNITED NATIONS

Mr. FANNIN. Mr. President, the vote by the United Nations to expel Nationalist China is shocking. It is an unjust act and a development which could damage hopes of maintaining relative peace in Asia after the Vietnam conflict is settled. The U.N. has expelled a legally constituted and constructive member. The U.N. has accepted and given powerful position to a belligerent Communist government which is hostile to principles the U.N. supposedly stands for.

The U.N. has floundered for years as an ineffective organization when the chips were down.

Enemies of the United States have participated in the world organization simply as a means of undermining our position in the world.

Monday night's vote only goes to emphasize the need for a complete reevaluation of our participation in the United Nations and our monetary contribution to that organization.

Certainly America's contribution should not be any larger than that of any other major nation such as the Soviet Union or the new member, Red China.

President Nixon has been trying to lay the groundwork for better world communications. Our Government's decision to accept mainland China into the United Nations was in keeping with this concept.

Instead of expanding and strengthening the United Nations, the U.N. vote Monday night was a serious blow to world cooperation and understanding.

A government representing 14 million persons on Taiwan has been told that, for no reason whatsoever, it is no longer welcome in the family of nations. This could happen to any other nation. The smaller the nation, the more easily it could fall victim to the whims of the U.N. delegates.

There is speculation that many delegates voted against Taiwan simply because they wanted to spite the United States. It was a case of smaller and less powerful nations taking delight in tormenting the leading power in the world.

Mr. President, if this is the case, then the United Nations is in even worse condition than I had feared.

There is talk in this Nation of a trend toward protectionism and isolationism.

It is no wonder that we have such a trend when faced with the actions such as that which took place Monday night.

COALITION FOR RURAL AMERICA ENDORSES TAX CREDIT FOR RURAL JOB DEVELOPMENT

Mr. PEARSON. Mr. President, one of the more potentially significant recent developments on the American political scene was the establishment last month of the Coalition for Rural America. This new organization was brought into being because of the growing conviction of the need to move ahead with programs for rural development and balanced national growth, and because of the widespread recognition that the interests and needs of the total American rural community are not being adequately represented in the American political process.

Mr. Norbert Tieman, former Governor of Nebraska, is the president of the organization. Mr. Edward Breathitt, former Governor of Kentucky, is chairman of the board. The composition of the board, both in terms of the stature of the individual members and the range of their interests and philosophies, is an indication of the strength of the rural development movement, and a reflection of the growing recognition that we simply must do a better job of guiding the patterns of economic growth and population distribution.

Mr. President, on October 15, Mr. Mark Freeman, executive director of the Coalition for Rural America, testified before the Senate Finance Committee to generally advise the members of the committee of the coalition and its objectives and to specifically endorse the adoption of special tax credits to encourage job creating industrial and commercial enterprises in rural areas. Mr. President, I wish to call this excellent testimony to the attention of the Senate and ask unanimous consent that Mr. Freeman's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MARK H. FREEMAN

Mr. Chairman, members of the Committee, as Executive Director of the Coalition for Rural America it is my pleasure to appear this morning in support of Senator Pearson's amendment which, by providing increased incentives for rural investment, will be an important step toward truly balanced growth for this country. I speak on behalf of, and bring you greetings from, our Chairman, Governor Breathitt, Governor Tiemann, our President, and Governor Winthrop Rockefeller, our Executive Vice President.

The Coalition is newly formed and has come into existence to deal with a problem of long standing in our country. As Governor Breathitt put it:

"Through a complete lack of any governmental policy we have permitted rural America to deteriorate like a rusting hand plow languishing in a fallen down barn, while the social and economic problems once scattered across the thousands of square miles of our great land have become compacted into urban ghettoes where they have become both more evident and more volatile.

"As former Secretary of Agriculture Freeman says, this process couldn't have occurred in a more insidiously efficient way if we had planned it in our national policy councils.

"Governor Tiemann and I have been chosen to lead the Coalition for Rural America. In directing the activities of the coalition, we will be guided by these principles:

"We are strongly in support of a structure of agriculture that includes prosperous family farms and an economically viable marketing and processing system based in rural areas.

"In building rural America, our aim is to see that development is consistent with the preservation and enhancement of a quality environment.

"We are concerned, not just with the aggregate development of the rural economy, but with eliminating the causes and ameliorating the effects of rural poverty, through such measures as welfare reform and public service employment.

"We are committed to the principle of equal concern for, and equal involvement of, all the people of rural America, without discrimination on any basis.

"Admittedly these are broad purposes that take in a lot of territory. But the need clearly exists. The people who live in rural America need a voice, and we hope to give it to them. Certainly there are a number of fine farm organizations now existing, and we support their basic aims. We will work closely with them. But the fact is that the vast majority of the people now living in Countryside U.S.A. are not farmers, and they have no one to speak for them.

"Since the depression we have heard talk about rural development, but something seems wrong. Somehow there has been only talk and not much action.

"In the past ten years we have heard a lot of talk about balanced national growth—a balance between rural and urban America. Again, we have just heard talk. There are about 200 federal assistance programs designed in whole or in part to help rural America, and somehow they are not having an economic impact that would promote balanced growth."

Balanced growth for the United States is hardly a controversial objective. It is accepted on both sides of the aisle as something that is desirable and which should be encouraged. But what does it really mean and how can it be accomplished? These are questions that have never really been adequately answered, by either government or the private sector, and the search for these answers is one of the principal reasons the Coalition has been formed.

Certain facts are obvious and have been so for a number of years. Seventy-five percent of our population is urbanized, living on only 2% of our land, and each year 600,000 more rural Americans migrate to the cities. Experts predict that by the turn of the century at least one-half of our population of 300 million will live in *three* giant urban strips. But these are merely statistics—given the fact that massive urbanization is occurring at an accelerated rate, what is the net effect on the quality of our lives?

To those directly involved with the problems of our cities, it has become increasingly apparent that one of the root problems is the tide of rural migration. The inner city of today is a monument to the collapse of our rural society, and the massive social problems we now face in our cities will never be solved until the tide is stemmed. Our deteriorating environment can also be traced, in part, to the decline of rural America. With increasing urbanization, our nation has lost sight of those basic natural resources upon which it was built.

For rural America, the impact of urbanization has been equally severe. It is important at this point to state what the Coalition means by "rural America"—this is the part of the population that lives outside the major metropolitan areas, the people living in the towns, villages and small cities of this country, as well as on the farms and ranches. Interestingly, less than one-fifth of the rural population now resides on farms, and only 800,000 farmers account for 90% of our agricultural production.

The Coalition is alarmed at the shocking statistics of rural America where the economic base of rural America, for both farmers and non-farmers, is being destroyed by the present patterns of urbanization: one-half of our citizens living in poverty, 14 million people live in rural areas, and 60% of the nation's inadequate housing is found outside the major metropolitan areas; thirty thousand rural communities lack adequate water systems and more than 45,000 have no sewer systems at all; the infant mortality rate in rural areas exceeds the national average by 20%, and for non-white rural infants it is almost twice as high.

This, then, is the imbalance in our development: concentrated urbanization, not only at the expense of rural life but also at the expense of our metropolitan areas. This is an important point— the problems of rural America are really the problems of the entire country. The Coalition does not think of itself, or Senator Pearson's amendment, as representing a special interest. The days when city and country folk battled each other for their share of the federal pie are over. Our problems are totally inter-related and equally complex, and they cannot be resolved in isolation. As the President said in his 1970 State of the Union message:

"What rural America needs most is a new kind of assistance. It needs to be dealt with not as a separate nation but as part of an overall growth policy for America."

With this in mind, the Coalition has developed certain legislative objectives described by Governor Tiemann as:

"The direct infusion of dollars into the rural economic system—the investment or job tax credit, non-agricultural credit, and the regional approach toward public works assistance.

"Our reasoning is simple enough. Our organization is composed of a number of former governors. Through sometimes brutal experience, they have learned what works to stimulate economic development.

"The indications are that the older approaches may be the best ones."

It would appear that many of the 200 Federal Assistance programs established all, or in part for rural people were established on the basis of guesstimates that this or that program might be a good idea, with no planning beforehand to determine whether they would accomplish anything worthwhile. The basis for this criticism comes from a report done for the Economic Development Administration by the Center for Political Research. This two-volume report has not had much circulation, and that is a shame, because it is the first attempt that I know of to determine which Federal programs truly influence rural economic development, and which ones do not. The report states that even with substantial modifications of priorities, funding levels and administrative processes, the capabilities of most federal assistance programs to alter—and particularly reverse—geographic patterns of economic development is extremely limited.

The report concludes that broad economic forces in the private sector are the major determinants of economic trends and decisions, and that many programs are not designed, administered or funded to achieve a significant impact on economic development.

It is heartening that there are a number of Bills now pending, including Senator Pearson's amendment, which go right to the heart of the problem, and the concepts embodied in these Bills are endorsed by the Coalition. One such Bill is S. 2223 which would provide for nonfarm rural credit.

An investment tax credit of the type proposed by Senator Pearson is a powerful economic tool. It can be used quickly and is relatively simple to administer. Since it relies on the initiative of the private sector, it has the potential to be more effective than direct Federal spending. The leverage gained from such an incentive can be tremendous. For example, under Senator Pearson's Amendment, if new rural investment is stimulated and takes advantage of the investment tax credit, every dollar lost to, or in effect spent by, the Federal Treasury will be matched by seven dollars invested by the private sector in rural America. It also has the advantage of encouraging rural industrial development without destroying the tax base of rural communities—when tax incentives are left to the state or local communities alone, those who can least afford the loss of revenues are often those who have to make the biggest concessions to attract industry.

The advantages of the investment tax credit proposed by this amendment, however, are contingent solely upon the extent to which this credit is focused, by this Committee and the Internal Revenue Service, on the real problem. Like any other tax break, it can be abused by use inconsistent with its underlying purpose. To insure that this does not happen, the amendment would have to be administered pursuant to criteria which clearly delineates the types of industries the credit would be available to and the types of nonmetropolitan areas where investment would qualify.

One important criterion is already contained in the amendment, which requires that "the new employment opportunities in the rural area which will be assisted by such property will not result in a decrease in employment in any other area." As I noted earlier, we are not involved in a battle between urban and rural areas for industrial investments; it is rather an attempt to reorder the development of the nation for the benefit of all areas. Therefore, a criterion which prevents the credit from being used to relocate industries from our beleaguered inner cities to rural areas is absolutely essential. But even if relocation is effectively prohibited, it would also seem essential to limit the credit to those industries which will fit the pattern of economic restructuring most suited for that particular area. The Public Works and Economic Development Act of 1965 contains such a criterion in its "excess capacity" provision, Section 702, which prohibits assistance to those industries where the demand is not sufficient to employ the efficient capacity of existing enterprises. A difficult criterion to administer, certainly, but at the least it is a recognition of the directions which the implementation of the public policy should take.

The Public Works and Economic Development Act of 1965 also contains the criteria as to the types of areas that should qualify for assistance, and we think that they should be equally applicable to the Pearson amendment:

(1) the rate of unemployment or underemployment is substantially above the national rate;

(2) the median level of family incomes is significantly below the national median;

(3) the level of housing, health, and educational facilities is substantially below the national level;

(4) the economy of the area has traditionally been dominated by only one or two industries, which are in a state of long-term decline;

(5) the rate of outmigration of labor or capital or both is substantial;

(6) the area is adversely affected by changing industrial technology;

(7) the area is adversely affected by changes in national defense facilities or production; and

(8) indices of regional production indicate a growth rate substantially below the national average.

We think these criteria are implicit in the amendment and its underlying purpose. We ask only that they be made explicit in the Committee's Report and, hopefully, in the IRS regulations implementing the new law should it be passed.

In conclusion, I want to reemphasize that the amendment proposed by Senator Pearson, if adopted and administered as described above, will eventually have a substantial impact on rural America. We recognize, however, that a tax incentive alone is not enough, but it will serve as a precedent for the adoption of other vitally needed legislation and indicate Congressional approval for a new and long overdue change in direction for U.S. economic development policies.

A NEW DEPARTMENT OF HUMAN RESOURCES, OR A DEPARTMENT OF EDUCATION

Mr. PERCY. Mr. President, the proposed Department of Human Resources that would be established by S. 1432 is one of the most important of the President's executive reorganization proposals. One of the major elements of controversy relating to the proposed department is the role of education. National education organizations have argued strongly for a separate Department of Education. The proposed Human Resources Department on the other hand would integrate all the programs relating to child development, including education, into one operating unit under strong secretarial management.

The arguments for a Department of Human Resources have been stated in an article entitled "Why a Department of Human Resources Is Needed Now," written by John K. Meagher, appearing in the September issue of the Phi Delta Kappan, the publication of the national education fraternity, Phi Delta Kappa. Mr. Meagher, then an official of the Department of Health, Education, and Welfare, and now legislative counsel to Dr. Jerome H. Jaffe, Special Consultant to the President for Narcotics and Dangerous Drugs, also presents arguments against creating a Department of Education.

I ask unanimous consent that Mr. Meagher's article be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHY A DEPARTMENT OF HUMAN RESOURCES IS NEEDED NOW

(By John K. Meagher)

"We sometimes seem to have forgotten that government is not in business to deal with subjects on a chart but to achieve real objectives for real human beings."—President Nixon, March 25, 1970, Message to Congress.

The frequently uttered resolution, "Next week we've got to get organized," can no longer be a source of humor when the subject is the executive branch of the government. As former HEW Secretary John Gardner said recently in testimony before the Senate Government Operations Committee, "The people of the United States are deeply troubled about the great institutions, corporate and governmental, that dominate their lives. A people that no longer believes in the effectiveness of its institutions of government are a people in deep trouble." It was in recognition of this problem that President Nixon, on March 25, 1971, proposed a comprehensive reorganization of the executive branch.

The President's plan involves the merging of seven existing cabinet departments and several agencies into four new cabinet-level departments which reflect the basic concerns of government: natural resources, community development, human resources, and economic affairs.

The need for changes in organization of the executive branch is clear when its growth is considered. In the past 20 years the number of cabinet-level departments has increased from 9 to 12, the major independent agencies from 27 to 41, and the domestic programs from about 150 to 1,400. In addition, the number of federal employees has increased by 30% and the federal budget has risen from $42 billion to well over $200 billion.

All this growth in budgets, programs, and personnel has been the result of an enlarged mission for the federal government. New responsibilities have come from congressional mandates and new programs have been developed to handle them. The great domestic legislation of the 1960's—much of it in the areas of health, education, and welfare—brought a patchwork quilt of programs and attendant bureaucracies, many of which, although related, were housed in different departments. Often similar programs have competed for clients, as in the case of a southwestern city. There a large and modern skills training center for vocational education was constructed with HEW funds while, at about the same time, a private corporation operating under a Department of Labor contract to train workers constructed a similar center three blocks away. Although an extreme example, this serves to illustrate the problems which can, and unfortunately do, exist because of haphazard organizational structures.

To eliminate this kind of overlap and duplication, the President's Reorganization Plan would bring together like programs which relate to the basic and important purposes of government. While all the proposed departments are of interest, the one of primary concern to the education community and the Department of HEW is the proposed department of human resources (DHR). Accordingly, it will be discussed in depth here.

The mission of DHR would be to promote the well-being and development of individuals and families. Real individuals. Real families. Unfortunately, under the existing organizational maze, it is difficult for anyone in the federal executive to deal with the individual citizen or family in a comprehensive, sensible fashion. No cabinet secretary, no Office of Management and Budget official, no White House aide, has the tools at his disposal to formulate and carry out sensible "people" policy, because the elements which must be utilized are fragmented among various departments. For example, while HEW has the basic income security programs—public assistance and social security—Agriculture has the food stamp and commodity distribution programs and Labor has the unemployment insurance program. As Joseph Califano, former special assistant to President Johnson, recently testified: "Coordination is no substitute for getting the boxes in the right place, for giving to the President one man with enough authority to be held responsible for a major purpose of government." In the new proposed department, the secretary for the first time would be able to control many more of the federal programs enacted to assist individuals and families.

PROGRAM COMPONENTS OF DHR

In order to accomplish its mission, the new DHR would contain all of the present DHEW except the National Institute of Occupational Safety and Health, which would go to the new department of economic affairs, and the Office of Education's Public Library Construction Program, which would be transferred to the new department of community development.

In addition, the DHR would contain from other departments:

School lunch, meat, poultry and egg inspection, and food stamps and commodity programs from Agriculture;

Manpower Administration and Women's Bureau from Labor;

Health and migrant programs from OEO;

The Railroad Retirement Board;

College housing construction programs from Housing and Urban Development; and

Flammable fabric regulation from Commerce.

In FY '72 outlay figures, the total budget of DHR would be nearly $81 billion and the number of employees over 120,000.

Many observers of government cringe at figures depicting the size of the presently constituted DHEW and express horror at the prospect of an even larger new DHR. They think that DHEW is unmanageable and accordingly assume the same will be true of the larger new department.

Bigness in itself does not make anything unmanageable. Otherwise, most of the major corporations of the United States would be considered as such. The key, of course, to managing anything is effective leadership, delineation of authority and purpose, and rational organization. These elements are the cornerstone of the President's proposal for the new department of human resources.

One of the difficulties in running DHEW today is that its secretary does not have the direct control and sole responsibility for the resources that are needed to do the job. The problems arise from what isn't under his jurisdiction, not from what is. That problem is resolved by the DHR organization by consolidating the programs listed above.

Under the existing organization, over 20 high-level officials report directly to the secretary. This does not include his personal staff and others with whom he is in contact. In the new DHR only nine officials will report directly to the secretary and six of these will make up a management team of key staff advisers and line managers. These officials will have clearly delineated responsibilities in broad functional areas. This change should free the secretary from many of the problems he encounters today while at the same time insuring better management of the department's programs under the line administrators for health, human development, and income security.

A DEPARTMENT OF EDUCATION

Some thoughtful individuals and groups concerned about the bigness of DHEW and the new DHR have suggested dividing the existing department into smaller units. There have been from time to time proposals for a separate department of health. This year Senator Ribicoff has introduced S. 1485, which would establish a department of education. Phi Delta Kappans are no doubt interested in a department of education and many probably feel that education deserves the kind of recognition only cabinet status can offer.

No one questions the importance of education and the fact that it will play an even more vital role in the years ahead. What is questioned in every city and town in America every day by educators, by parents, and by students themselves is whether the product of our system is as good as it should be. For a long period the schools, teachers, and principals were blamed when a youngster encountered difficulties. Recently, we have learned there are many reasons for underachievement and other academic problems. We know that it does little good, for example, to provide additional instruction to a poor child if he is so hungry or in such poor health that he cannot benefit from expanded educational opportunities. The child's problems must be approached on a comprehensive basis if he is to overcome his learning difficulties.

To do this, it is necessary that all the programs of the federal government which are involved in the comprehensive approach be closely coordinated and focused, and this is greatly simplified when they are located together in one department. Separating education from the health and other programs relating to the nutrition of the student is not sensible. Only by involving education with the other vital elements in the human development process will the products of our system measure up to our expectations. In the new department of human resources, education, manpower, and social services programs would be placed together under a single administration.

It is certain that, in the future, education and educators will be called on to help in solving problems much broader than those concerned with the classic three R's. One cogent example is the problem of drug abuse. Part of the solution lies with treatment and rehabilitation involving the National Institute of Mental Health and the Vocational Rehabilitation Administration; but many leading experts feel that ultimately the battle will be won or lost in the schools of America. The Office of Education does now and must continue to play a major role in the solution of what is a serious social problem. But to deal with this problem effectively, the programs that OE sponsors must be accurate and up to date; they must be targeted on what we have found to be the needs of drug users and the corresponding attractiveness of drugs. Obviously, this kind of education requires the closest coordination with the other organizations dealing with drug abuse, so that their research results and practical knowledge can be tapped. A separate department of education would make this coordination more difficult, especially since conflicts could require White House or OMB mediation, rather than being handled at the departmental level.

This is only one example of the links that a department of human resources will make possible. The proposal places manpower training and early childhood programs with education in the same organization and thus forces a focus on significant nonschool educational systems. It is our feeling that all sorts of programs will benefit from this interchange.

Finally, let me deal with the "status" argument. A separate department of education, it is said, would have higher visibility and prestige. The education profession would then receive more respect and education a larger share of the federal resources. One of the consequences of such a move would be increasing the difficulty of managing the executive branch. As new cabinet-level officers are created, the effectiveness of each as an advocate for his program is diminished, both because there are then more voices clamoring for the President's ear and because the secretary now is less the broad-range advisor that a President needs. This is hardly a desirable goal.

The resources devoted to education have increased significantly over the last 10 years, both in relative and absolute terms. The total federal budget, in terms of outlays, has grown from $106 billion to $229 billion, a rate of 12% a year. Total federal outlays for education have increased from $2.76 billion to $13.54 billion, a rate of 39% a year, and an overall increase from 2.6% to 5.9% of the total federal budget. This includes outlays in areas such as research at academic institutions, Veterans Administration payments, health and scientific manpower training, and other educational activities not directly funded by the Office of Education. The budget of the Office of Education itself has grown from $543 million in 1962 to a projected $4.83 billion in 1972, an annual rate of growth of almost 79%. During the first two years of the Nixon Administration, while federal funds expended increased at the annual rate of 3.5%, Office of Education expenditures increased 8.5% and overall education expenditures 12% annually. Education, in sum, has been and is receiving an increasingly larger share of the pie; it is not at all clear how having a separate department would further enlarge this share.

The legislation dealing with education that has been proposed by the President represents a reasoned and comprehensive group of additions to present federal responsibilities. The national foundation for higher education and the national institute of education will provide the knowledge base and the discretionary authority to promote reform and innovation in the system. Emergency school aid will target on finally eliminating racial segregation from our schools. Education special revenue sharing will greatly simplify our grant-in-aid programs, making this assistance to states and localities more flexible, so that the units of government closest to the people can set their own priorities in accordance with local need. And the department of human resources proposal will consolidate federal programs dealing with individuals and families and thus allow a comprehensive approach to dealing with their problems and promoting their well-being.

THE REVENUE ACT OF 1971

Mr. HOLLINGS. Mr. President, the Revenue Act of 1971 is pending business before the Senate Finance Committee and shortly will be before the entire Senate. My concern is that we redirect the thrust of the President's tax proposal by creating more jobs now and by stimulating the demand for goods and services that will result in the fullest possible use of our productive capacity.

In order to create more consumer demand, it is my intention to propose as an amendment to the President's tax proposal, three-pronged tax relief for the benefit of low-income individuals and middle-income taxpayers.

First, I propose a direct payment to each poverty household in the form of sales tax relief based upon the amount of sales taxes paid in the purchase of food.

Second, I propose property tax relief to every poor household to reimburse it for State and local property taxes paid either as a homeowner or as a renter.

Third, I propose tax relief to American families in the form of partial reimbursements for the cost of providing for a child's trade school or higher education.

In addition to tax relief, we must create more jobs, now, and they must be meaningful, permanent jobs. On June 3, 1971, I introduced S. 1986, a bill to create a national program in marine science and resource development. In hearings on this bill, Floyd E. Smith, president, International Association of Machinists and Aerospace Workers, AFL–CIO, testified that this program could easily harness the special talents possessed by the armada of unemployed scientists, researchers, engineers, and technicians. Mark Morton, vice president of General Electric, testified that 800,000 jobs would be created by the oceans program. These are productive jobs that can do some real good, not make-work public service jobs that provide little by way of fulfillment and planning for our Nation's future. Separately from my tax relief proposal, it is my intention to press for early consideration of S. 1986.

I would like to discuss how each aspect of my plan would work.

The first aspect of this plan would provide food sales tax relief to every household whose income is at or below the poverty level as determined annually by the Bureau of the Census. The impact of sales taxes is far greater on those in poverty, since a great percentage of their income is used to provide food and shelter. Indeed, in 1965, sales taxes took a 6.1-percent bite out of family incomes that were less than $2,000, whereas a family of over $15,000 pays approximately 1 percent in all sales tax.

A State and/or local sales tax is levied on all food purchased for consumption off the premises in 30 States, including Alaska, where the tax is solely local. Sales taxes on food, therefore, cost those poor persons who live in three-fifths of the States between 2 and 6 percent of their limited funds for food. The food sales tax eats into their ability to purchase an adequate diet. Food stamp program families in New York, who are informed by the Department of Agriculture that they need $108 to purchase the barest nutritional minimum, find instead that they can buy as little as $100 worth of food. The State and local government pockets the remaining $8, which was intended to alleviate human malnutrition.

Against this background, it is reasonable and just for the Federal Government to assume the responsibility for guaranteeing that the poor have enough purchasing power—in stamps or money—to afford the food they must have to subsist. This should be after, and not merely before, taxation by other levels of government. Any attempt to eliminate hunger before taxes must fail by definition.

At the same time, State and local governments are hard pressed. They ought not to be deprived of such a valuable source of revenue. The food sales tax relief proposal would eliminate fiscal dependence on the poor, without impairing State and local tax receipts. To this extent, the relief contained in this proposal would represent indirect revenue sharing.

The sales tax relief would be in the form of an annual Federal payment equivalent to the State and local sales taxes on food consumed at home by members of poor households. Beginning taxable year 1971, an application would be filed by each family at or below the poverty level. The Internal Revenue Service would first determine the combined State and local sales tax rates effective in the household's area of residence, assuming a 4 percent rate in the four States having no sales tax. This 4-percent rate for no-tax jurisdictions is based on the fact that the rate in 23 States falls between 4 and 6 percent, while the rate in the 23 other States with a tax lies between 2 and 4 percent. The IRS would multiply the tax rate by the cost of the U.S. Department of Agriculture low-cost food plan for that household's composition. The resulting amount would be sent to the household by check.

The low-cost food plan, $138 per month for a family of four, is the most reliable measure of food expenditure because of the administrative difficulties involved in requiring poor persons to retain all of their receipts for food purchases. The Department of Agriculture labels this plan "a reasonable measure of basic money needs for a good diet." It counsels rejecting any lower level of food spending as not conducive to nutritional well-being. Moreover, there are differences in the plan based on the sex and age composition of the family. Accordingly, the application would set forth the household's address, income, and the sex and age of each household member, including a notation as to whether a member was expecting a child or nursing an infant during the year. The relief under this and other two proposals would not constitute income for Federal income tax purposes, or for determining eligibility or assistance level in connection with any federally subsidized benefit program.

As an example of the result this sales tax payment would have, a family of four living in Detroit, Mich., would receive $66. Because the tax bite is greater in Jackson, Miss., the same family would get approximately $100. A young couple anticipating a child would be entitled to $75 in New York City while the same family in Butte, Mont., would receive $43. The relief for a household of eight persons, including six children, would amount to $112 throughout South Carolina.

For those poor persons not actually subjected to food sales taxes, the relief would be a modest, but vital, boost for their food budgets. In California, which does not impose a tax on food, the relief contemplated would be $84. Assuming that every eligible household applies, we would be turning an additional $420 million of direct tax relief back into the economy. This is based on an average tax rate of 4 percent and 25.5 million recipient poor persons.

The second aspect of my plan would provide property tax relief to every household whose income is at or below the Census Bureau's poverty level. As with the sales tax relief, it would take the form of an annual payment through the Internal Revenue Service. The payment would be equal to the State and local property taxes actually paid by homeowner households. We all know that persons who rent pay property taxes indirectly. Consequently, for those who pay rent the relief would be 20 percent of their annual payments. In operation, this proposal would mean that a household of four paying $80 in rent per month—$960 per year—would receive a $192 payment.

The property tax is universal. It accounts for more than one-fourth of all revenues raised by State and local governments from their own sources. But its impact is inequitable, falling hardest upon the poor. Families with over $15,000 in total annual income require only 1.4 percent of their income to meet property taxes. Families whose income is less than $2,000 are compelled to spend an average of 8.5 percent of their meager incomes on property taxes, while 3.1 million low-income nonfarm homeowners pay over 10 percent of their income for this purpose.

To offset the regressive nature of the property tax, particularly where the low-income elderly are concerned, five States—California, Kansas, Minnesota, Vermont, and Wisconsin—have adopted so-called circuit-breaker statutes. These statutes provide a variety of income tax credits or rebates for elderly homeowners, and in some instances renters, whose incomes fall below fixed levels. In no case, however, is full relief granted.

In other attempts to protect impoverished homeowners from property loss due to nonpayment of taxes, seven States have homestead exemptions and 16 States have a modified homestead exemption tailored to veterans, frequently limited to the disabled. However, none of these methods of relief is free of discriminating characteristics.

The Advisory Commission on Intergovernmental Relations advocates the circuit-breaker approach as introducing a badly needed element of modern economic realism and social justice into the administration of the property tax. There is no reason for not extending such relief to a widow with a houseful of children or an unemployed father with a family since they, too, are forced to carry extraordinary residential tax loads in relation to their income.

The 20-percent figure assigned in connection with rent was selected to guarantee all renters relatively complete relief. At the same time calculation of the relief would be administratively simple. The Wisconsin circuit-breaker law assumes that 25 percent of the rental payment goes for property taxes, while the other four States apply the 20-percent factor.

Assuming that all eligible households apply, this form of tax relief would total approximately $1.25 billion. This projects an average rent for a family of four of $80 per month, or slightly over $190 in annual relief per family.

Written into my proposed legislation is a phase out provision whereby the relief payment for sales and property taxes would be reduced by 50 cents for every $1 in income over the poverty level.

The third aspect of my plan provides relief to families trying to provide higher education for their children. A tax credit would be given for part of the expenses paid by the taxpayer for his dependents' school tuition, books, and equipment. The credit would be calculated on a sliding scale with a $325 maximum. Should the credit exceed the tax liability, a positive payment would be received by the taxpayer. Room and board expenses are excluded and scholarship assistance would be deducted.

The sliding scale favors those whose children attend low tuition schools. Credit is given for a maximum of $1,500 as follows: 75 percent of the first $200, 25 percent of the next $300, and only 10 percent of the remainder. The maximum credit would be $325.

The credit also favors those in the lower tax brackets by providing for a reduction in the credit by $1 for each $100 of income over $25,000.

To illustrate, a family earning $4,000 and spending $300 to put a child through a trade school or a public institution, would receive a $175 credit. Since this family would not pay income tax, it would receive a payment in this amount. A family which earns $15,000 and pays $1,200 toward a child's higher education, would receive a credit of $295.

A similar provision has passed the Senate on two separate occasions. The most recent was in December 1969, when the distinguished Senator from Connecticut, Senator RIBICOFF, sponsored it as an amendment to the Tax Reform Act. Regrettably it was delected in conference.

The cost of that proposal was estimated to be $1.8 billion. To that provision, I have added the positive payment where the credit exceeds the tax. The inclusion of these low-income families should have only a slight impact on the cost.

We must recognize the heavy financial burden borne by families in providing this vital education for their children. This burden falls particularly hard on low- and middle-income families. It is appropriate for the Federal Government to provide some measure of relief, and in doing so we will also provide an incentive for more students to extend their education beyond high school.

This, Mr. President, is my plan. It goes to the heart of the problem and provides direct stimulus to our ailing economy. It represents positive methods of putting revenue in the hands of consumers who can use it and who will spend it. We can be certain that amounts paid out by the Government will be turned back into the economy through the purchase of consumer goods. This, I maintain, is the road to recovery.

In addition, the revenue effects of my plan are entirely in keeping with what the President has suggested is appropriate. My plan, even if added on top of H.R. 10947, would, over the next 3 years still not cost the Treasury much more than the President has already indicated he wants to have deducted for the tax liability of businesses and individuals. Back in January, he announced changes in the calculation of depreciation that would save business $11.7 billion through 1973 and $40 billion by the end of the decade. In August, he proposed another $17 billion in tax savings for a total of approximately $29 billion over the next 3 years. The House Ways and Means Committee has reduced this overall package to under $27 billion, including the depreciation changes already implemented by regulation.

My plan, at the outside, assuming 100 percent participation by every eligible family, which highly is doubtful where the poor are concerned, would add $3.7 billion in tax relief. A more realistic cost estimate would be in the neighborhood of $2.5. This, when added to the House's cost, would approximately equal the cost approved, indeed ardently desired, by the President.

My plan thus makes fiscal as well as human and economic sense. I urge its adoption.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1971".

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

Sec. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(1) In section 202(a), relating to authorization—

(A) strike out "$685,000,000 for the fiscal year 1967, $450,000,000 for the fiscal year 1968, $350,000,000 for the fiscal year 1969, $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$320,000,000 for each of the fiscal years 1972 and 1973";

(B) beginning with the word "That", immediately after *"Provided,"*, strike out through *"Provided further,"*; and

(C) strike out "for each of the fiscal years ending June 30, 1970, and June 30, 1971" and insert in lieu thereof "for each of the fiscal years ending June 30, 1972, and June 30, 1973".

(2) In section 203, relating to fiscal provisions, strike out "1970 and for the fiscal year 1971" and insert in lieu thereof "1972 and for the fiscal year 1973".

(3) (A) Section 209, relating to multilateral and regional programs, is amended—

(i) by striking out subsection (a) and inserting in lieu thereof the following: "(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance. It is the sense of Congress that an increasing proportion of United States assistance to the developing countries should be channeled through multilateral organizations and that the United States Government should undertake such measures as may be necessary to help increase the competency and capacity of such organizations."; and

(ii) by inserting at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of law, the President shall reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of phasing out the bilateral loan program by not later than June 30, 1975.

"(d) In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions ad multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries. Any such transfer shall be made—

"(1) only if the institution or organization agrees that, in making loans out of funds so transferred, it will emphasize and take into account those matters emphasized and taken into account by the President under sections 201 (b) and (f), 207, and 208 of this Act;

"(2) without regard to any other provision of this title; and

"(3) upon such other terms and conditions as the President may determine."

(B) Subsection (b) of such section 209 is amended by striking out "Regional Programs.—".

(C) Section 205 of such Act is repealed.

(D) Effective July 1, 1975, section 619 of such Act is amended by inserting after "this Act" the following "(other than title I of chapter 2 of such part)".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

Sec. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(1) In section 212, relating to authorization, strike out "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971" and insert in lieu thereof "$208,270,000 for each of the fiscal years 1972 and 1973".

(2) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000" and insert in lieu thereof "for each of fiscal years 1972 and 1973, $30,000,000".

(3) At the end of such title II, add the following new section:

"Sec. 220A. Suez Canal.—The President is atuhorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the Canal by the ships of all nations, including Israel, on a nondiscriminating basic. For the purpose of carrying out this section, there are authorized to be appropriated not to exceed $10,000,000 in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requirements of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended."

HOUSING GUARANTIES

Sec. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(1) In section 221, relating to worldwide housing guaranties, strike out "$130,000,000" and insert in lieu thereof "$180,000,000".

(2) In section 223(i), relating to general provisions, strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

INTERNATIONAL DRUG CONTROL ASSISTANCE

Sec. 104. (a) Chapter 2 of the Foreign Assistance Act of 1961, relating to development assistance, is amended by inserting after title III the following new title:

"TITLE IIIA—INTERNATIONAL DRUG CONTROL ASSISTANCE

"Sec. 225. Authority.—(a) The President is authorized to furnish assistance to any foreign country, on such terms and conditions he determines necessary, in order to encourage and enable that country to control or eliminate the production, processing, or distribution of drugs within or across its boundaries.

"(b) The President is authorized to furnish assistance to any international organization, such as the United Nations Special Fund for Drug Abuse Control, involved in efforts to control or eliminate the production, processing, or distribution of drugs.

"(c) Of the funds provided to carry out the provisions of this Act, not less than $25,000,000 shall be available each fiscal year only to carry out the provisions of this title.

"(d) For purposes of this section, 'drug' means any matter which is included within the definition of controlled substance under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970."

(b) Section 620 of such Act, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v) (1) The President shall determine annually, before furnishing any military, economic, and other assistance to a foreign country under this or any other law, whether such country has undertaken appropriate measures to prevent drugs, partially or completely processed or produced in or transported through such country, from unlawfully entering the United States or from being unlawfully supplied to citizens of the United States.

"(2) Except as otherwise provided under paragraph (3) of this subsection, if the President determines that a foreign country has not undertaken appropriate measures to prevent any such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens, he shall immediately cease to furnish all military, economic, and other assistance to such country authorized under this or any other law. The President is urged also to seek, through the United Nations or any other international organization, the imposition of international economic sanctions against such country.

"(3) If the President finds that a foreign country referred to under paragraph (2) of this subsection has undertaken, after his determination, appropriate measures to prevent such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens or finds that the overriding national interest requires that military, economic, or other assistance be furnished to such country, the provisions of such paragraph shall not apply to that country unless the provisions of such paragraph would apply further to that country as a result of a further determination.

"(4) The President shall utilize such agencies and facilities of the United States Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of drugs into the United States or from being unlawfully supplied to United States citizens.

"(5) No provisions of this or any other law shall be construed to authorize the President to waive the provisions of this subsection.

"(6) For purposes of this subsection—

"(A) 'drug' means any matter which is included within the definition of controlled substance under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

"(B) 'foreign assistance' means any tangible or intangible item provided by the United States Government (by means of gift, loan, sale, credit sale, guaranty, or any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country."

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 105. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(1) In the first proviso of section 238(c), relating to definitions, strike out "required by law to be".

(2) At the end of section 239, relating to general provisions and powers, add the following new subsection:

"(g) Except for the provisions of this title, no other provision of this or any other Act shall be construed to prohibit the operation in a particular country of the programs authorized by this title, if the President determines that the operation of such program in a particular country is important to the national interest."

(3) Section 240(h), relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

ALLIANCE FOR PROGRESS

SEC. 106. Section 252(a) of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended—

(1) by striking out "for the fiscal year 1970, $482,250,000, and for the fiscal year 1971, $428,250,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973, $309,400,000"; and

(2) by striking out "$90,750,000" and inserting in lieu thereof "$109,650,000".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 107. Section 292 of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—To carry out the purposes of this title, there is authorized to be appropriated to the President $125,000,000 for each of the fiscal years 1972 and 1973, which amounts are authorized to remain available until expended. Other funds provided to carry out the provisions of this part I shall also be available to carry out the purposes of this title and, notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis. The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act."

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 108. Section 302 of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(1) In subsection (a), strike out "for the fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" and insert in lieu thereof "for each of the fiscal years 1972 and 1973, $139,000,000".

(2) Subsection (b) (2) is amended—

(A) by striking out "for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000" and inserting in lieu thereof "for use in each of the fiscal years 1972 and 1973, $15,000,000"; and

(B) by adding at the end thereof the following new sentence: "The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this Act."

(3) In subsection (e), strike out "$1,000,000 for the fiscal year 1970 and $1,000,000 for the fiscal year 1971" and insert in lieu thereof "$1,000,000 for each of the fiscal years 1972 and 1973".

(4) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President for each of the fiscal years 1972 and 1973, in addition to other amounts available for such purposes, $1,000,000 in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended."

CONTINGENCY FUND

SEC. 109. Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $30,000,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973 not to exceed $30,000,000".

REFUGEE RELIEF ASSISTANCE

SEC. 110. Part I of the Foreign Assistance Act of 1961, relating to economic assistance, is amended by adding at the end thereof the following new chapter:

"CHAPTER 8—REFUGEE RELIEF ASSISTANCE

"SEC. 481. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

PART II—MILITARY ASSISTANCE

GENERAL MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, amended as follows:

(1) In section 504(a), relating to authorization, strike out "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$565,000,000 for the fiscal year 1972".

(2) Section 505, relating to conditions of eligibility, is amended—

(A) by striking out of subsection (b) (2) the word "and" and inserting in lieu thereof "or"; and

(B) by striking out subsection (e).

(3) In section 506(a), relating to special authority, strike out—

(A) "1970 and the fiscal year 1971" and insert in lieu thereof "1972"; and

(B) "each of the fiscal years 1970 and 1971" and insert in lieu thereof "the fiscal year 1972".

(4) Section 507(a), relating to restrictions on military aid to Latin America, is amended to read as follows: "(a) Except as otherwise provided in this section, the value of defense articles furnished by the United States Government under this Act to Latin American countries shall not exceed $10,000,000. Not to exceed $25,000,000 in value of defense articles may be furnished under this part on a cost-sharing basis to an inter-American military force under the control of the Organization of American States."

(5) At the end of chapter 2 of such part II, add the following new sections:

"SEC. 511. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—(a) It is the sense of Congress that the need for large United States military assistance advisory groups and military aid missions in foreign countries has diminished substantially during the last few years. In the words of the Peterson Task Force Report on International Development, 'The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. United States military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.'

"(b) In accordance with the provisions of subsection (a) of this section, the total number of United States military personnel assigned and detailed, as of September 30, 1971, to United States military assistance advisory groups, military missions, and other organizations of the United States performing activities similar to such groups and missions, shall be reduced by at least 25 per centum by September 30, 1972.

"SEC. 512. MILITARY ASSISTANCE AUTHORIZATIONS FOR THAILAND, LAOS, AND SOUTH VIETNAM.—After June 30, 1972, no military assistance shall be furnished by the United States to Thailand, Laos, or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

"Sec. 513. Limitations on Availability of Funds for Military Operations.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation.

"Sec. 514. Special Foreign Country Accounts.—(a) Except as otherwise provided by subsection (b) or (c) of this section, no defense article may be given, and no grant of military assistance may be made, under this or any other law to a foreign country unless the country agrees—

"(1) to deposit in a special account established by the United States Government the following amounts of currency of that country:

"(A) in the case of any excess defense article to be given to that country, an amount equal to 25 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

"(B) in the case of a grant of military assistance to be made to that country, an amount equal to 25 per centum of each such grant; and

"(2) to allow the United States Government to use such amounts from that special account as may be determined, from time to time, by the President to be necessary to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.

"(b) The President may waive any amount of currency of a foreign country required to be deposited under subsection (a)(1) of this section if he determines that the United States Government will be able to pay all of its official costs payable in the currency of that country enumerated under subsection (a)(2) of this section without the deposit of such amount and without having to expend United States dollars to purchase currency of that country to pay such costs.

"(c) The provisions of this section shall not apply in any case in which an excess defense article is given, or a grant of military assistance is made, to a foreign country under an agreement with that country which allows the United States Government to operate a military or other similar base in that country in exchange for that article or grant.

"(d) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section."

SECURITY SUPPORTING ASSISTANCE

Sec. 202. (a) At the end of such part II, add the following new chapter:

"Chapter 4—Security Supporting Assistance

"Sec. 531. General Authority.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"Sec. 532. Authorization.—There are authorized to be appropriated to the President not to exceed $614,400,000 to carry out the purposes of this chapter for the fiscal year 1972 and not to exceed $85,000,000 for such purposes for that fiscal year for Israel only. Where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange, and the rate of exchange for United States Government purchases of piasters for goods and services, between said Government and the United States is fair to both countries.

"Sec. 533. United States Refund Claims.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than $10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise."

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. All references to such chapter or any sections thereof made prior to the date of the enactment of this Act shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 made prior to the date of enactment of this Act shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

PROHIBITIONS AGAINST FURNISHING ASSISTANCE

Sec. 301. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is further amended by adding after subsection (v), as added by section 104(b) of this Act, the following new subsections:

"(w) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(x)(1) All military, economic, or other assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), all sales of agricultural commodities (whether for cash, credit, or by other means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakiston in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this subsection shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, or monitored under international auspices."

AUTHORIZATION OF ADMINISTRATIVE EXPENSES

Sec. 302. Section 637(a) of the Foreign Assistance Act of 1961, relating to authorization of administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" and inserting in lieu thereof "for each of the fiscal years 1972 and 1973, $51,800,000".

MISCELLANEOUS PROVISIONS

Sec. 303. (a)(1) Section 652 of chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is amended to read as follows:

"Sec. 652. Limitation Upon Exercise of Special Authorities.—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, at least ten days prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

(2) The last sentence of section 506(a) of such Act, relating to special authority, is repealed.

(3) The last sentence of section 634(d) of such Act, relating to reports and information, is amended by striking out "614(a),".

(b) Such chapter 3 is amended by adding at the end thereof the following new sections:

"Sec. 653. Change in Allocation of Foreign Assistance.—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637), the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each. Notwithstanding any other provision of law, the United States Government shall not provide to any foreign country or international organization any funds under that law which is in excess of 10 per centum of the amount of each category of assistance which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is vital to the security of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress, at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance.

"(b) The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614(a) of this Act.

"SEC. 654. PRESIDENTIAL FINDINGS AND DETERMINATIONS.—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

"(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

"(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

"(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, the Foreign Assistance and Related Programs Appropriations Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

"SEC. 655. LIMITATION UPON ASSISTANCE TO OR FOR CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be obligated or expended in any amount in excess of $250,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia during the fiscal year ending June 30, 1972.

"(b) In computing the $250,000,000 limitation on obligation and expenditure authority under subsection (a) of this section in fiscal year 1972, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(c) No funds may be obligated or expended for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated or expended for any such purpose during such fiscal year.

"(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the obligation or expenditure of funds to carry out combat air operations over Cambodia.

"(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1971, a written report showing the total amount of funds expended in, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purpose, except that in the case of the first two quarters of the fiscal year beginning July 1, 1971, a single report may be submitted for both such quarters and such report may be computed on the basis of the most accurate estimates the President is able to make taking into consideration all information available to him.

"(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense."

LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA

SEC. 304. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 655, as added by section 303(b) of this Act, the following new section:

"SEC. 656. LIMITATIONS ON UNITED STATES PERSONNEL AND PERSONNEL ASSISTED BY UNITED STATES IN CAMBODIA.—The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. The United States shall not, at any time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than fifty individuals in Cambodia who are citizens of countries other than Cambodia or the United States. For purposes of this section, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government."

ANNUAL FOREIGN ASSISTANCE REPORT

SEC. 305. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 656, as added by section 304 of this Act, the following new section:

"SEC. 657. ANNUAL FOREIGN ASSISTANCE REPORT.—(a) In order that the Congress and the American people may be better and more currently informed regarding the volume and cost of assistance extended by the United States Government to foreign countries and international organizations, and in order that the Congress and the American people may be better informed regarding the sale of arms to foreign countries and international organizations by private industry of the United States, not later than December 31 of each year the President shall transmit to the Congress an annual report, for the fiscal year ending prior to the fiscal year in which the report is transmitted, showing—

"(1) the aggregate dollar value of all foreign assistance provided by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance by category provided by the United States Government to each such country and organization, during that fiscal year;

"(2) the total amounts of foreign currency paid by each foreign country or international organization to the United States Government in such fiscal year, what each payment was made for, whether any portion of such payment was returned by the United States Government to the country or organization from which the payment was obtained or whether any such portion was transferred by the United States Government to another foreign country or international organization, and, if so returned or transferred, the kind of assistance obtained by that country or organization with those foreign currencies and the dollar value of such kind of assistance;

"(3) the aggregate dollar value of all arms, ammunitions, and other implements of war, and the aggregate dollar value of each category of such arms, ammunitions, and implements of war, exported under any export license, to all foreign countries and international organizations, and to each such country and organization, during that fiscal year; and

"(4) such other matters relating to foreign assistance provided by the United States Government as the President considers appropriate, including explanations of the information required under clauses (1)–(3) of this subsection.

"(b) All information contained in any report transmitted under this section shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplement to any report shall be transmitted to the Congress at the same time that the report is transmitted.

"(c) If the Congress is not in session at the time a report or supplement is transmitted to the Congress, the Secretary of the Senate and the Clerk of the House of Representatives shall accept the report or supplement on behalf of their respective Houses of Congress and present the report or supplement to the two Houses immediately upon their convening.

"(d) For purposes of this section—

"(1) 'foreign assistance' means any tangible or intangible item provided by the United States Government under this or any other law to a foreign country or international organization, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies owned by the United States Government of any foreign country;

"(2) 'provided by the United States Government' includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit sale, or guaranty; and

"(3) 'value' means value at the time of transfer except that in no case shall any commodity or article of equipment or material be considered to have a value less than one-third of the amount the United States Government paid at the time the commodity or article was acquired by the United States Government."

(b) Section 644(m) of such Act is amended by striking out—

"(m) 'Value' means—"

and inserting in lieu thereof—

"(m) 'Value' means, other than in section 657 of this Act—".

(c) Subsection (a) of section 634 of such Act is repealed.

(d) The provision of this section shall apply with respect to any fiscal year commencing on or after July 1, 1971.

LIMITATION ON USE OF FUNDS

SEC. 306. Chapter 3 of part III of the Foreign Assistance Act of 1961, relating to miscellaneous provisions, is further amended by adding after section 657, as added by section 305(a) of this Act, the following new section:

"SEC. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for highway construction, low-rent public housing, Model Cities, water and sewer grants, urban renewal, regional economic developmnet, farm credit, and mass transportation have been released for obligation and expenditure.

"(b) The provisions of this section shall not apply—

"(1) to funds being withheld in accordance with specific requirements of law; and

"(2) to appropriations obligated or expended prior to January 1, 1972."

PART IV—MISCELLANEOUS PROVISIONS

FOREIGN MILITARY SALES

SEC. 401. The Foreign Military Sales Act is amended as follows:

(1) In section 31(a), relating to authorization, strike out "$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$459,000,000 for the fiscal year 1972".

(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$523,800,000 for the fiscal year 1972".

(3) In section 33(a), relating to regional ceilings on foreign military sales, strike out "$75,000,000" and insert in lieu thereof "$100,000,000".

(4) Section 33(c), relating to regional ceilings on foreign military sales, is repealed.

EXCESS DEFENSE ARTICLES

SEC. 402. Section 8 of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended—

(1) by striking out the first and second sentences of subsection (a) and inserting in lieu thereof the following: "Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development) shall be considered to be an expenditure made from funds appropriated under the Foreign Assistance Act of 1961 for military assistance. Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the other.";

(2) by striking out, in subsection (b), "$100,000,000" and inserting in lieu thereof "$150,000,000"; and

(3) by adding at the end thereof the following new subsection:

"(e) Except for excess defense articles granted under part II of the Foreign Assistance Act of 1961, the provisions of this section shall not apply to any excess defense article granted to South Vietnam prior to July 1, 1972."

INTERPARLIAMENTARY UNION

SEC. 403. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "$53,550" and insert in lieu thereof "$102,000".

(2) Strike out "$26,650" and insert in lieu thereof "$57,000".

(3) Strike out "$26,900" and insert in lieu thereof "$45,000".

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

SEC. 404. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"PART IV—THE INTER-AMERICAN FOUNDATION ACT".

(2) The caption of section 401 and subsection (a) of such section of that part are amended to read as follows: "INTER-AMERICAN FOUNDATION.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;".

(5) Section 401(l) is amended to read as follows:

"(l)(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code."

ANNUAL AUTHORIZATIONS FOR STATE DEPARTMENT AND USIA

SEC. 405. (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing annual authorizations of appropriations for that Department and Agency.

(b) Section 15 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680) is amended to read as follows:

"SEC. 15. (a) Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress.

"(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions. Any such department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility."

(c) The last sentence of section 13 of such Act (22 U.S.C. 2684) is repealed.

(d) Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended to read as follows:

"PRIOR AUTHORIZATIONS BY CONGRESS

"SEC. 701. Notwithstanding any other provision of law, no appropriation shall be made to the Secretary of State, or to any Government agency authorized to administer the provisions of this Act, under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress."

WITHDRAWAL OF UNITED STATES FORCES FROM INDOCHINA

SEC. 406. (a) The Congress hereby finds that the repeal of the joint resolution entitled "Joint Resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (Public Law 88–408), known as the Gulf of Tonkin Resolution, has left the Government of the United States without congressional authority for continued participation in the war in Indochina. Therefore, in order to bring an end to the involvement of the armed forces of the United States in the hostilities in Indochina, to secure the safe return of United States' prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all United States armed forces.

(b) On and after the date of enactment of this Act, in order to carry out the policy of withdrawal of all United States armed forces from Indochina, funds authorized for use by such forces by this or any other Act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn.

TERMINATION OF UNITED STATES MILITARY OPERATIONS IN INDOCHINA

SEC. 407. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vetnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

LIMITATION OF UNITED STATES ACTIVITIES IN CAMBODIA

SEC. 408. Section 7(a) of the Special Foreign Assistance Act of 1971 (84 Stat. 1943) is amended by striking out "Cambodian military forces" and inserting in lieu thereof "military, paramilitary, police, or other security or intelligence forces".

RESTRICTIONS RELATING TO FOREIGN TROOPS

SEC. 409. Section 401(a) of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is amended—

(1) by inserting in the second sentence of paragraph (1), after "to or for the use of the Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States"; and

(2) by inserting in the introductory matter preceding clause (A) of paragraph (2) of such section, after "Armed Forces of the United States", the following: "or of any department, agency, or independent establishment of the United States".

REPEAL OF FORMOSA RESOLUTION

SEC. 410. The joint resolution entitled "Joint Resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores, and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

USE OF FOREIGN CURRENCIES

SEC. 411. (a) Section 502(b) of the Mutual Security Act of 1954 is amended to read as follows:

"(b) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, and which are determined by the Secretary of the Treasury to be excess to the normal requirements of the United States, shall be made available to appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act of 1946, and to the Joint Committee on Atomic Energy and the Joint Economic Committee and the Select Committees on Small Business of the Senate and House of Representatives for their local currency expenses. Any such excess local currencies shall not be made available (1) to defray subsistence expenses or fees of witnesses appearing before any such committee in the United States, or (2) in amounts greater than the equivalent of $100 a day for each person, exclusive of the actual cost of transportation."

(b) The amendment made by this section is effective March 1, 1972.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the text of the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Mr. Carl Marcy, Mr. Norvill Jones, and Mr. Robert Dockery, of the staff of the Committee on Foreign Relations, be permitted to remain on the floor during rollcall votes on the foreign aid bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, it is with great reluctance that I present this foreign aid bill to the Senate. There is much in it, in the form of policy changes, that I can support with enthusiasm. But, on the money amounts involved, I find myself in disagreement with the majority of my colleagues on the committee. I cannot support their recommendation for a total of $3.2 billion in foreign aid when we face a $30 billion—or more—Federal deficit for this fiscal year, an unprecedented balance-of-payments gap, mounting unmet domestic needs, all on top of a sick economy. A majority of my colleagues, however, believe that an aid program of this magnitude is in the national interest.

The committee has recommended a number of broad and far-reaching policy changes in this bill, changes designed both to restore a greater congressional role in foreign policy and to reform the foreign aid program. These are some of the more significant provisions in the bill:

It authorizes a total of $3.2 billion in foreign aid in the 1972 fiscal year: $1.5 billion in economic assistance and $1.7 billion in military and related aid.

It authorizes $1.2 billion in economic aid for the 1973 fiscal year.

It contains the Cooper-Church amendment which prohibits use of funds for U.S. forces in Indochina for any purpose other than withdrawal.

It contains the Mansfield amendment which declares a national policy for withdrawing all U.S. forces from Indochina within 6 months, subject to the release of prisoners of war.

It ties release of foreign aid and military sales funds to prior release of funds for domestic programs which have been impounded.

It provides for periodic authorization of appropriations for the Department of State and the U.S. Information Agency.

It provides for funding of military aid to South Vietnam, Thailand, and Laos from the regular military assistance program beginning July 1, 1972.

It imposes a ceiling of $250 million on obligations and expenditures for Cambodia in fiscal year 1972 and puts a ceiling of 200 on the number of American civilian and military government personnel in Cambodia.

It call for shifting more of our economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program by June 30, 1975.

It authorizes $250 million in fiscal year 1972 for refugee relief programs in India and Pakistan.

It requires the President to submit to Congress a country-by-country list of foreign aid allocations within 30 days after passage of the appropriation bill and permits a maximum 10-percent increase in aid in each category and country by transfer of funds from other countries or programs without advance notice to Congress.

It requires advance notice to Congress before use by the President of the transfer, waiver, and other special authority available to him under the Foreign Assistance Act.

It requires a 25-percent cutback within the next year in the number of U.S. military personnel assigned abroad to military advisory missions or similar activities.

It provides for a cutoff in aid to countries which do not take adequate steps to control the international drug traffic.

It requires 25 percent payment in foreign currency for U.S. military grant aid.

It suspends all assistance and military sales to Pakistan, except humanitarian relief.

It prohibits further foreign assistance or military sales to Greece with provision for a partial Presidential waiver.

These and the other provisions are explained in detail in the committee report, which I believe is a thorough and excellent report, and I will not burden the Senate by repeating that information.

SHIFT TO MULTILATERAL BASIS

Two years ago, the Foreign Relations Committee's last report to the Senate on a bilateral foreign aid bill put the basic problem about foreign aid policy this way:

> All members of the committee are acutely aware that the richest Nation in the world has an obligation to help close the widening gap between the "haves" and the "have nots" of the world. The issue is not "Should we provide aid?" It is "How?" and "How much?" The first question must be answered before the second can be approached sensibly—and the old answers of the past to "How?" are outmoded and discredited. The future of foreign aid is bleak indeed until a new program can be developed which will command greater respect and support, both with the public and the Congress, than the current program commands.

A majority of the Committee on Foreign Relations have for years urged that the U.S. development aid program be put on a multilateral basis and that the United States encourage both the growth of the multilateral institutions and increased support for them from other nations. The international lending and development agencies have an institutional status which places them above disputes of national interest which now afflict both donor and recipient alike in our bilateral arrangements. In addition, the international development agencies can attach stringent economic conditions to their loans and grants without being accused of intervention.

There is another reason for shifting from bilateral to multilateral aid. That is the potential value of foreign aid as an instrument for easing hostilities between the United States and the Communist world and for helping to build a peaceful and cooperative international community. Foreign aid was forged as an instrument in the cold war and has, in large measure, remained as such. We should now seek agreement with the Soviet Union, in particular, for cooperation on world development problems where we have common interests. I hope that the President will pursue this subject on his coming trip to the Soviet Union. With Communist China as a member of the United Nations, the potential of that organization to be a more effective leader in international development will be enhanced. Hopefully, China will wish to participate in the Asian Development Bank and, perhaps, other development institutions. Cooperation, like conflict, tends to feed upon itself.

We should make every effort to define and nurture the community of interest which we and the Soviet Union share and which we and China share, in assisting the poor nations of the world.

Although the President has stated his support for channeling "... an increasing share of its development assistance through multilateral institutions, as rapidly as practicable," neither the size of the bilateral aid request nor future planning seem to reflect that policy. Indeed, in reply to a request for information about the outlook over the next few years for a change in the mix between bilateral and multilateral aid, the committee was told by the Department of State that—

> ... we do not foresee ... in the near term a drastic cutback in the proportion of our aid administered on a bilateral basis.

In an effort to insure that our bilateral aid program is internationalized more rapidly, the committee adopted a provision requiring a phaseout of the development loan program over the next 4 years and, in the interim, provided authority for loan funds to be transferred for administration through the multilateral institutions. Hopefully, this step will encourage other countries to increase their support for the multilateral approach to aid.

I believe that a substantial majority of the members of the committee have answered the question of "how" quite clearly. But until there are positive steps toward implementing the shift in policy recommended by the committee, there can be no clear-cut answer to the question of "how much?" The amounts recommended by the majority of the committee are for a transitional program and, in my view, and that of a substantial majority of the committee members, much too generous for the circumstances and the times.

COMPARISON OF RELATIVE EFFORTS

In recent years executive branch officials have argued that, compared with other rich nations, the United States development aid effort is quite low. It is said that we rank 11th out of the 16 major aid donors, and that our share of the total aid given has dropped significantly. On the face of it, this looks like we are, indeed, slackers. But no nation approaches the United States in the overall contribution we make to the security and the economic well-being of both the rich and the poor nations of the world. The figures cited to prove we are not generous enough refer only to development aid, as defied by the Development Assistant Committee of the OECD, measured as a percentage of GNP.

In the first place, GNP is a distorted and grossly inaccurate measure of a nation's real resources and productive capacity. The tens of billions spent annually in the United States on liquor, tobacco, cosmetics, stock brokerage fees, the enormous amounts for space exploration and research, Goverment payrolls, and horse racing, for example, do not add, in my opinion, to our capacity to give finite resources to other countries. Much of what goes into our GNP reflects only the serious distortion of our own priorities, not an added increment to our real economic wealth, or our capacity to service the needs of foreign countries. On the other side of the coin, the use of GNP to measure the economic well-being of poorer countries makes them appear to be poorer than they really are. In a nation with a subsistence economy, it is quite possible that a large portion of its production, in terms of food, clothing, and shelter, may not be reflected in the GNP figures. Perhaps GNP may be the best measure of relative national wealth available, but it is a poor measure at best. And any use of it to show comparative efforts in foreign aid should be taken with a grain of salt.

Also, the distorted measurement of aid effort by GNP does not take into account the some $5 billion in military aid planned to be given other countries this year, hundreds of millions in humanitarian relief, and other aid outflows which we, but not other nations, will incur. It also does not take into account the tremendous burden that American taxpayers have assumed under treaty obligations to protect the security of 43 nations around the world. The estimated costs of maintaining forces to meet the NATO commitment alone start at $14 billion annually and go up from there. NATO countries, as a group, spent some 4.1 percent of their GNP on defense last year, while we spent 8.6 percent. Yet, for example, the United States continues to foot the military aid bill for Greece and Turkey, both members of NATO. Japan, now so very prosperous, spends less than 1 percent of GNP on defense, but is certainly not noted for her generosity in giving development aid to the poor nations.

And so it goes. Throughout the world, the United States provides the defense umbrella which frees vast resources of the other rich nations, a goodly part of which would otherwise be spent for military purposes. This subsidy enables these nations to achieve, with relative ease, more rational priorities for use of their budget resources, a feat we in the United States have been unable to accomplish because of our huge military expenditures. It is only fitting that these nations should give a greater proportion of their resources in the form of aid to the developing nations.

SIZE AND DIRECTION OF THE AID PROGRAM

Mr. President, judging from the amounts contained in this bill—amounts totaling more than $3.2 billion—it is "business as usual" for foreign aid, despite the state of our economy, the Government's fiscal dilemma, and our domestic needs. This bill would authorize $1.3 billion more than the amount appropriated for these programs in the 1970 fiscal year. And it is more than $1 billion above the 1971 appropriations, if we exclude the supplemental appropriations for last year.

The distortation of the aid program for military purposes continues. Of the amounts approved by the committee, $1.7 billion is for military and related aid and $1.2 billion is for economic aid, not counting the special authorization for Pakistan relief. This compares with the 1970 program when $1 billion was for economic aid and $815 million went for military purposes, less than half the current request.

And the money in this bill for military aid represents only about one-third of the total military aid planned to be distributed by the United States around the world in this year. At the same time the President seeks to assure the American people that the United States is winding down its military involvement abroad. Yet, in the last year the executive branch has adopted a new client state in Cambodia, reversed a long-standing ban on arms to Indonesia, doubled our aid to Korea, waived the congressional ceiling on arms to Latin America and Africa, and the list goes on.

In fiscal year 1970 Congress appropriated $420 million for military aid and credit sales. This year the President asked for $1.2 billion for these two programs—three times the amount Congress provided only 2 years ago. What does this vast increase in military aid signify? Does it mean that U.S. policy is now to carry on a Pax Americana by proxy, with arms as the carrot for encouraging foreign cooperation.

Is the policy to seek to accomplish the same objectives as the previous administration, only through greater use of subsidized foreign forces? Or has there been a genuine change in the way this administration looks at the world and our role in it? I do not know the answer to these questions. But at least some of the answers are suggested by the military aid aspects of this bill.

The $3.2 billion in this bill is just a small portion of the down payment of the total price of the foreign aid program, just the tip of the foreign aid iceberg. The total price tag on all foreign aid and related programs proposed for fiscal 1972 is actually $9.5 billion. And if the cost of all these and other aid programs is projected over the next 5 years, the grand total comes to approximately $51 billion.

This estimate was made by the committee staff, after the administration refused to provide the committee with the facts and figures on its own 5-year estimates. I believe the staff's projections, based on current aid costs represent a reasonable and very probably a conservative estimate of what the foreign aid price tag is likely to be over the next 5 years based on the current trends.

NATIONAL PRIORITIES

Senators will recall that last spring, the White House announced that some $12 billion in funds appropriated by Congress for domestic purposes would be withheld because of the general economic situation and the expectations for enactment of the President's revenue sharing proposal. Most of these funds are still impounded and there is no indication when they will be released. It is difficult to reconcile the fact that these funds remain impounded at a time when the administration is requesting $3.5 billion in foreign aid. The committee adopted an amendment to this bill requiring that the President release by December 31 all funds impounded for domestic projects or be faced with a cutoff of the authority to obligate foreign aid funds.

The committee adopted this provision with a view to focusing attention on two fundamental issues: first, our national priorities, in terms of domestic against foreign needs; and second, the principle of separation of powers, the President's refusal to spend funds appropriated by the Congress. In effect, this provision says to the President, "If you continue to impound funds appropriated by the Congress for domestic programs, then Congress will restrict your authority to spend money with respect to those programs to which, apparently, you have given a higher priority." In addition, the provision speaks to the American public and says, "You will be assured of getting funds for your domestic programs before any additional foreign aid funds can be obligated for similar programs abroad."

Mr. President, the funds impounded by the President represent the hopes and aspirations of millions of citizens of this country. In order to get these funds appropriated, governors, mayors and other local officials lobbied long and hard, first to get the programs authorized and then to get the appropriations. After careful and thorough hearings by our respective committees, they persuaded Congress that their needs were valid. Congress appropriated the money and the mayors and other officials went home believing they had done a good job; that their time had been well spent; and that the funds they needed would be forthcoming. They had gone to their elected representatives; they had presented their case; they had made this case in an open forum before all of the country, and they had won.

Then came the announcement from the White House, which said, in effect:

> Consistent with the President's economic game plan, he has decided that the additional funds recently appropriated by the Congress for domestic programs shall not be obligated at this time.

I may say that the appropriations were, of course, signed by the President and he is obligated under his oath of office to execute the law of the United States.

Contrast this with what happens concerning funds for similar projects abroad: A planning official from country X goes to the AID Mission Director and says that he needs X amount for slum clearance and housing in his country's capital city. AID officials are convinced that the project should be given priority and the recommendation is submitted to Washington, where AID officials approve the project and the funds are obligated. For the planning official in country X, the "system" works perfectly. Neither he nor his advisers have had to plead for an authorization for these projects from Congress. Nor have they had to test their mettle before an Appropriations Committee—but, still, they get their slum clearance funds. From their standpoint, the President of the United States has his priorities in the proper order.

And, for military aid, the system is even more generous. A recent news story revealed, for example, that last year Lebanon, much to its Government's embarrassment, was given $5 million in U.S. military aid which it had never requested.

The article stated:

> For a time, the unexpected announcement of the gift threatened U.S.-Lebanon relations.

I wonder how many U.S. mayors have ever received an unasked-for bonanza for their city from the Federal Government.

I also direct the attention of my colleagues to section 102(2) of the bill which authorizes $30 million for American schools and hospitals abroad. This money will probably end up funding some 20 to 30 projects out of the 40 or so submitted to Congress. With perhaps one of two exceptions, testimony has not been received by committees on these projects, but, as in the past, the sponsors of these projects, in the majority of cases, will wind up with the money they asked for. Who among us could get, with such ease, funds for a school or hospital project in his own State? And even if you or I did make it through the congressional gauntlet, with a project for our State, the President would probably impound the funds.

But there is no talk of the President impounding any appreciable portion of the funds for overseas programs. All we have heard about this 10 percent cut in economic aid announced by the President in August are the exclusions from its coverage. When, how, and even if the order will be implemented remains to be seen. There is no evidence that the funds destined for Brazil, Greece, Turkey, Korea, or Taiwan will be impounded in significant amount, if at all.

COOPER-CHURCH AND MANSFIELD AMENDMENTS

Now let me say a few words about the Cooper-Church and the Mansfield amendments, which the committee approved by votes of 11 to 5 and 12 to 4, respectively. The repeal of the Gulf of Tonkin Resolution left the President without any congressional sanction for engaging our forces in combat other than for self-protection during the withdrawal process. There is no national policy for Indochina to which Congress has given its approval. The Cooper-Church and the Mansfield amendments together declare a national policy for Indochina.

The Mansfield amendment says that U.S. military operations must be terminated at the earliest practicable date and that all U.S. forces must be withdrawn within 6 months, contingent on the release of all U.S. prisoners of war. The Cooper-Church amendment ensures that funds for military purposes in Indochina can be used only to effectuate the withdrawal of our forces and to protect them from "imminent danger" while they are being withdrawn. The Mansfield amendment sets the time frame for withdrawal of the Cooper-Church amendment restricts spending to that objective.

Perhaps the war will continue indefinitely after United States forces leave. No one can foresee the final military or political outcome in the area. But a majority of the members of the committee believe that the continued presence of our forces works to prevent the operation of natural political factors that might result in a settlement between the parties and assures the continued imprisonment of captured Americans. The best way to get American prisoners home, other than through a negotiated settlement, and, indeed, the best way to obtain a negotiated settlement is to get a date for withdrawal and bring all of our troops, airmen, and sailors home. That is the purpose of these amendments.

ACCESS TO INFORMATION

Mr. President, I have done my best to encourage members of the committee, and Members of this body generally, to reassert themselves in order to restore the Senate's proper constitutional role in foreign policy. Three months ago in an effort to obtain planning data on military aid, the committee, by a vote of 15 to 0, invoked a statutory provision designed to insure congressional access to information about the conduct of the foreign aid program. Funds for the program at issue would be cut off if the information were not provided. But the statute contained an escape clause which enabled the President to avoid the fund cutoff by claiming executive privilege. He did so, directing both the Secretaries of State and Defense—

> . . . not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program . . .

During the markup of the foreign aid bill I offered an amendment to eliminate the language giving the President the authority to avoid the fund cutoff if the information requested were not supplied. Much to my disappointment the amendment was defeated by a vote of 9 to 7.

"Talk is cheap," the old saying goes. While Senators may complain at length about the need to redress the balance between the President and Congress, and restore the Senate's role in the conduct of our relations with foreign countries, all too often when the showdown comes Senators' votes do not match their rhetoric. Until Senators act as the Founding Fathers intended Senators to act, there is little hope for Congress to play a truly effective role again.

CONCLUSION

Mr. President, in conclusion, I point out that a majority of the Foreign Relations Committee believes that continuation of the foreign aid program at this level is in the national interest. But there is general agreement that the program as constituted must be drastically reshaped if it is to continue to command the congressional support in the future. For the last several years Congress has allowed it to continue more by sufferance and a lack of appealing alternatives than by true support. In view of the dearth of enthusiasm for the existing program, the Government's fiscal crisis, and the state of our economy and our society, it is remarkable that there is a foreign aid bill at all this year. Under the circumstances, the amounts the committee has recommended are, indeed, generous and the policy changes it recommends long overdue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to address a few questions to the distinguished chairman of the Foreign Relations Committee. I have just had an opportunity to study briefly the report of the committee in connection with the Foreign Assistance Act of 1971, and I am particularly interested in the section dealing with the suspension of assistance to Pakistan and the $250 million established as a fund to aid refugees.

With respect to the latter question, the newspapers have been filled with stories of the continuing exodus of refugees from East Pakistan. When I was there a few months ago, it was perfectly evident that people are still continuing to flee East Pakistan for the refugee camps in India. We have established an amount of relief assistance for food for East Pakistan and an amount for India. However, the conditions are quite fluid. It may be that the figures given to me at that time by Dr. Malik and General Tikka Khan of East Pakistan might be wrong, in that they would not need as much food relief for East Pakistan because of the large exodus of the population from the country. However, this is authorizing legislation.

Is it the purpose and intention of AID to adjust these amounts to what the current situation would be and would it be possible for the amount established for India to be increased if it were apparent, say, that instead of 8 million refugees, as there were in August, there might be 10, 11, or 12 million refugees in India, which required larger funds for that country?

Mr. FULBRIGHT. First, Mr. President, may I call attention to the language of the report dealing with the situation in Pakistan and India and ask unanimous consent that the appropriate portions be printed at this point in the Record.

There being no objection, the portions of the report were ordered to be printed in the Record, as follows:

Suspension of Assistance to Pakistan

The new subsection 620(x) suspends all military, economic and other assistance to the Government of Pakistan, including sales of military equipment and sales of agricultural commodities. The adoption of this provision demonstrates the Committee's deep concern over the repressive actions taken by the Government of Pakistan against the people of East Pakistan. It is the Committee's view that, in the current savage civil war between the western and eastern wings of Pakistan, the United States should be benevolently neutral, giving aid to neither side.

This suspension does not apply to the provision of food and other humanitarian assistance when such assistance is coordinated, distributed, or monitored under international auspices. The Committee, in authorizing $250,000,000 for refugee relief, adopted language designed to stress the role of the international agencies and U.S. voluntary agencies in the relief effort. That language states that relief assistance ". . . shall be distributed to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

The Committee expects that "humanitarian relief" will be construed with a rule of reason with relieving human suffering as the objective. But under no circumstances is the language to be used to justify resumption of normal foreign aid activities under the guise of "humanitarian relief." Neither should articles, such as trucks or boats, provided for relief purposes be allowed to be diverted for military purposes.

The prohibition approved by the Committee is considerably more strict than that contained in the bill as passed by the House of Representatives. It prohibits providing military services as well as articles, guaranty of credit sales of military items as well as direct credit, and it suspends all outstanding licenses relating to export of military materials to Pakistan.

Under this provision no new loan agreements can be made, and disbursements under existing loan agreements can be made only pursuant to outstanding irrevocable letters of credit. Technical assistance contracts shall be terminated according to the termination provisions of the contracts. Title I sales programs under P.L. 480 shall be terminated, to the extent legally possible, except for those providing for famine or disaster relief directly for the people of East Pakistan. Other humanitarian relief under P.L. 480, Title II, could also be continued. It is expected that the A.I.D. mission staff would be withdrawn except for the personnel absolutely essential to winding up A.I.D. programs in an orderly fashion. The term "other assistance" is intended to prohibit any official U.S. action to suspend or postpone repayment of debts, including interest, owned by Pakistan to the United States, operation of Peace Corps programs, the making of Export-Import Bank loans, operation of programs by the Overseas Private Investment Corporation, as well as any other indirect aid to that government. The provision is not intended to affect funds made available for U.S. contributions to the Indus Basin Project.

Assistance and sales could be resumed after the President reports to Congress that the "Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent possible, to return to their homes and to reclaim their lands and properties."

SECTION 110—RELIEF FOR PAKISTANI REFUGEES

This section adds a new section 481 to the Foreign Assistance Act which authorizes $250,000,000, requested by the President, for use in providing for the relief of refugees from East Pakistan in India and for humanitarian relief in East Pakistan. These funds will be in addition to those available for humanitarian and relief assistance under Public Law 480.

The Committee is greatly concerned over the tragedy taking place in East Pakistan. The Agency for International Development estimated that, as of October 14, more than nine and one-half million East Pakistanis had fled their homes to take refuge in India. And the flow continues. Famine threatens many millions of Bengalis who remain in East Pakistan. The United States has a very strong interest in helping in every way possible to avert war and massive human suffering in that area.

The Committee has been advised that the United Nations is leading and coordinating humanitarian relief efforts in both India and East Pakistan. The Agency for International Development estimates that the total costs of providing food, water, clothing, shelter, medicine, and skeletal public services for the refugees in India will cost about $95 million per one million refugees for the first year. This totals over $900 million for first-year costs for the existing refugee load.

According to the latest information available to the Committee, total refugee aid to India from all sources amounts to about $210 million, of which the United States has contributed $89.2 million. It is estimated that the costs thus far exceed $350 million, most of which has been borne by the Indian government. United States grant funds for refugees in India are contributed as part of the international relief effort which is being coordinated by the UN High Commissioner for Refugees (UNHCR). These funds are made available through the Office of Refuge and Migration Affairs, Department of State. Some of the grant funds are being allocated directly to the Government of India and some to the UN High Commissioner for Refugees (UNHCR) or directly to other international voluntary agencies, depending upon priority needs of the refugee situation and capabilities and plans of the various organizations involved. P.L. 480 food assistance is made available through A.I.D. channels.

The relief requirements in East Pakistan are difficult to estimate. A United Nations team has estimated that there will be a foodgrain shortfall in East Pakistan of 1.8 million tons. In addition, edible oils and high protein foods will be needed to supplement grain requirements. According to A.I.D., total U.S.

humanitarian relief for East Pakistan since March 25 comes to $82.3 million in dollars and food aid, and U.S.-owned local currency. Assistance from other nations totals $37.5 million.

In East Pakistan the monitoring of the receipt and distribution of foodstuffs and other relief assistance is being carried out by a special UN Relief Supervisory Team set up by the Secretary General. Primary distribution of foodstuffs is being made by the Food Department of the Government of East Pakistan under the supervision of that Team.

In authorizing $250 million for relief activities the Committee expects that Executive Branch officials will exert every effort to get other countries, including the Soviet Union and other Communist nations, to pay a fair share of the costs of this tragedy. The Executive Branch estimates that countries other than the United States have, thus far, contributed $159 million in goods and services for the refugee relief effort. The Committee does not intend that the United States, in any way, assume primary responsibility for the refugee problem. This is an international disaster and the responsibility must be shared by the entire world community under the leadership of the United Nations.

The Committee adopted the following amendment to stress its concern that government-to-government channels be minimized in the distribution of relief and to forestall the possible buildup within the Agency for International Development of a large operating arm to carry out disaster relief programs:

"Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

The Committee does not wish to have the U.S.-Pakistani relief effort used by A.I.D. as a foot in the door to build up an operating disaster relief agency, as A.I.D.'s normal activities are curtailed by the shift of our aid to a multilateral basis. The Committee believes that the international organizations and the voluntary agencies provide the most effective organizational framework for distribution of U.S. relief in disaster situations.

Printed below are two tables providing information on the United States relief assistance furnished to date in both Indian and East Pakistan:

South Asia relief assistance

(Contributions reported as of Oct. 19, 1971)

Refugee Relief in India:	
U.S. Government Assistance	$89,157,000
(Of which Dollar Assistance was $35,500,000; and Food Assistance was $53,657,000)	
Assistance from Other Sources	121,068,766
(U.S. contributions as 42% of total)	
East Pakistan Relief:	
U.S. Government Assistance	92,300,000
(Of which Dollar Assistance[1] was $9,000,000; Food Assistance,[2] $69,800,000; and Local Currency Assistance, $13,500,000)	
Assistance from Other Sources	$37,510,146
(U.S. contributions as 71% of total)	

[1] Excludes $4.7 million for cyclone rehabilitation projects which is available for current expenditure.

[2] Excludes $18.3 million food for cyclone relief authorized earlier but being delivered currently, and also excludes $38.9 million of previously authorized normal PL 480 food which is also being delivered this fiscal year.

Source: A.I.D.

SOUTH ASIA RELIEF ASSISTANCE

(As of Oct. 19, 1971)

[In millions of dollars]

	Allocation of international assistance between India and Pakistan			
	Total assistance from sources	Percent share	U.S. assistance only	Percent share
India	210.2	62	89.2	44
Pakistan	129.8	38	93.3	56
Total	340.0	100	182.5	100

U.S. SHARE OF TOTAL INTERNATIONAL RELIEF ASSISTANCE

	Total	Percent share
United States	181.5	53
Other donors	158.5	47
Total	340.0	100

Source: AID.

Mr. FULBRIGHT. Mr. President, this authorization will give the executive branch the authority to use any or all of the funds for the relief of refugees in India if that is where it is needed. It is not required that any certain amount be used in either India or Pakistan. It is designed for the relief of those refugees, wherever they may be. As the Sentor has said, from the newspapers, we read that they are continuing to go into India. If India is where they are, that is where the money will be used.

Mr. PERCY. Can the distinguished chairman of the committee tell us a little more about the distribution of food in East Pakistan? As I understand, there are United Nations observers there now. Is every reasonable precaution being taken to be certain that the food reaches the refugees or the malnourished people of East Pakistan and is not distributed in such a way that it simply will enable the army to increase its control over East Pakistan and enable it to reward its friends and punish its enemies by giving or withholding food?

Mr. FULBRIGHT. The Senator has asked a question that I am not sure anybody can answer very well, except those who are in there. Although we had considerable testimony, I do not believe that testimony is very reliable as to just how efficient the operation is.

On page 43 of the report, it is stated that:

> The Committee expects that "humanitarian relief" will be construed with a rule of reason with relieving human suffering as the objective. But under no circumstances is the language to be used to justify resumption of normal foreign aid activities under the guise of "humanitarian relief." Neither should articles, such as trucks or boats, provided for relief purposes be allowed to be diverted for military purposes.

That is the policy of the committee. But when the Senator asks me, is this policy actually being observed in East Pakistan, that is a very difficult question for us to answer. Shortly after the civil war in East Pakistan began we requested information from our Consul General in Dacca. We had considerable difficulty with the Department of State in information we could get on what had actually taken place and was taking place.

As I am sure the Senator knows, we have been in a rather ambivalent position with regard to the Government of Pakistan. Our own Government has felt compelled, for reasons with which I am not too sympathetic, to continue the arms aid, for example, and not to do anything to offend the Government of Pakistan.

So when the Senator asks whether I am sure relief is really going down to the people who need it, I can only say that is the policy, the intention; that is what we have required and are doing as far as we can. But this is an area of considerable chaos and confusion. We have been told the distribution facilities have been greatly disrupted because of the war, and there have been great difficulties in achieving what the Senator has mentioned.

My own feeling is that one or two of the reasons—there may be more—for the hazardous conditions include fear, of course, of the Pakistan military activities, and also the difficulties of distribution that have been encountered in East Pakistan. I imagine the distribution of food, at least, in India, is on a little bit more orderly basis.

I call to the attention of the Senator that the committee adopted this amendment "to stress its concern that government-to-government channels be minimized in the distribution of relief and to forestall the possible buildup within the Agency for International Development of a large operating arm to carry out disaster relief programs":

> Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

This was an effort to avoid what the Senator is asking about, the intervention of the Government or the diversion of this food or material, clothing, and so on, to activities other than caring for the refugees themselves.

There is a very considerable limit to what a committee can do or what Congress can do, other than state the policy that this is the way it ought to be. I think the committee has done what it can to say this is the way it ought to be. But in the situation as it exists in Pakistan today, it is a very difficult thing to say that the policy we recommend is being carried out.

Mr. PERCY. I thank the distinguished chairman.

My last question pertains to page 43 of the report, under the title "Suspension of Assistance to Pakistan."

It is perfectly clear that subsection 620 acts to suspend all military, economic, and other assistance to the Government of Pakistan, including sales of military equipment and sales of agricultural commodities.

On page 44, the provisions under which assistance and sales can be resumed are clearly enumerated. But there is a good deal of leeway for interpretation as to what we mean by cooperation and what we mean by facilitating the return of reasonable stability and the return of refugees to East Pakistan.

My question pertains to the $1.5 million that is still in the pipeline of commercial sales of spare parts. What effect does this position have on those spare parts? This is not aid; these are commercial sales, the licenses for which have been approved, and they are now in the pipeline, but are as yet, as I understand it, undelivered to Pakistan. Does it have any effect upon those?

Mr. FULBRIGHT. When enacted, the bill would suspend all outstanding licenses. If what the Senator has referred to has already been delivered before the bill becomes law, I do not suppose it would have any effect.

Mr. PERCY. But an undelivered or unfilled license that is outstanding, this would tend to cancel that?

Mr. FULBRIGHT. It is intended to suspend licenses.

Mr. PERCY. And our Government should take all action that it can, then, to suspend those licenses?

Mr. FULBRIGHT. Upon enactment of the law, that is correct. But we have had this interim, here, as the Senator knows, of shipments that have continued under existing licenses, and of course there is no prohibition of that.

It is a very difficult matter, as the Senator knows. I would say in general we have tried to take the position that you cannot be neutral in these matters of humanitarian concern. But we hope the Pakistanis will arrive at some form of settlement—there have been many discussions about how this should be done—I do not mean officially—but it has been suggested by members of the committee and others that a degree of autonomy may lead to a settlement of this controversy.

Complete independence, of course, is utterly unacceptable to the government of Pakistan. Now, whether there is a possibility of some adjustment within the concept of autonomy and yet not separation, I do not know.

The bill is very specific on the matter of suspending licenses. On page 40, the bill states:

> All licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Pakistan under this or any other law shall be suspended on the date of enactment of this subsection.

That is pretty clear.

Mr. PERCY. Yes.

Mr. FULBRIGHT. But when the Senator says the ones now in process, if it is delivered, and so on, before this measure becomes law, of course it will not be affected.

Mr. PERCY. Mr. President, I commend the committee for the conclusion that they have reached, and I fully support this aspect of the bill.

I would like to point out that there has been gross exaggeration by the Indain press, and I am sorry that this has not been clarified by the Indian Government, as to the nature of shipments that have been made by the United States to Pakistan. There is apparently a general impression in India that we are sending massive shipments of foreign aid in the form of tanks, planes, guns, et cetera, and this is simply not true. We suspended such shipments. There was a one-time relief from this, but the amount of shipments in those areas of spare parts has been miniscule compared to the general impression that has been created.

It is for that reason that I took the position months ago that I thought we ought to stop, cease, and desist from all military shipments of any kind, that the amount was so small in relationship to the impressions created around the world, particularly in India, that damage was being done to our relationships, that somehow the impression was given that we were taking sides in this case and Pakistan should understand the necessity of our action.

So I fully support what is proposed here. I hope that it will hasten whatever action is required by the Pakistan Government to make conditions such that the refugees can return.

I have visited some of the refugee return camps in East Bengal, and there is very little activity. There are 29 camps established, but there are virtually no people in those camps, and the flood continues to go the other way. Of the hundreds of people I talked to in the seven different refugee camps I visited in India, none had the slightest intention of returning until they had an absolute guarantee that they would have a safe and secure position and the assurance that their property that has been seized would be returned to them.

So we are faced with a terrible situation. I am delighted that Mrs. Gandhi has shown confidence that there will not be precipitate action by either her government or the Pakistan Government, and has demonstrated that confidence by continuing her journey to Europe and to this country.

But I know the pressures upon the Governments of Pakistan and India to take precipitate action. I have never seen as many hawks as I saw in a month's travel in India during my trip.

I think both Governments are showing restraint, and I hope that both Governments will take whatever action is required to right this condition. Certainly, our clearly earmarking our assistance as humanitarian food assistance to help relieve the pressure of refugees leaving East Pakistan, because of a lack of food, and assisting India in the backbreaking job it has, will be helpful. This task has imposed costs ranging up to almost a billion dollars on India's already very hard-pressed economy, and this could be the straw that could break the camel's back. We simply cannot permit that condition to occur.

Certainly we must use our good offices in every way possible, as I am sure we are, to find a way to relieve the tension in that area and have these refugees in a frame of mind that would induce them to return to their homes. That requires a changed political climate and a cessation of the repressive measures that have been used in East Pakistan by the Pakistan Army.

I commend the committee for the positions it has taken in this very difficult area.

Mr. FULBRIGHT. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not to extend later than 2 p.m.

The motion was agreed to; and (at 12:56 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:59 p.m. when called to order by the Presiding Officer (Mr. BYRD of Virginia).

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

The message also announced that the House had passed a bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I renew my suggestion concerning the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

LET US NOT RETALIATE AGAINST THE U.N.

Mr. CHURCH. Mr. President, I hope that the United Nations decision admitting China to the seats in the General Assembly and Security Council formerly occupied by Taiwan, will not leave the American people, this Senate, or the Government excessively dismayed. I personally would have preferred to see Taiwan remain in the United Nations, and I believe the United States, in view of our long and intimate alliance with Taiwan, had an obligation to support the Chinese Nationalists. But our failure to prevail is not a tragedy of surpassing magnitude. The "two Chinas" issue has been troubling the world too long, and as with many problems of long duration, the corrosive effects of its perpetuation could well have proved worse than this unfavorable resolution.

For these reasons—and others—one must commend the Nixon administration for its repudiation of all proposals that the United States reduce drastically its contribution to the United Nations just because Nationalist China has been expelled. The United States has long and quite properly condemned the refusal of France and the Soviet Union to contribute to the cost of United Nations peacekeeping operations of which they have disapproved. The principle at stake is one which is essential to the successful functioning of any political institution: that to some degree the members of the body must subordinate their own preference to the decisions of the corporate whole. Our loyalty to the United Nations is neither shown nor tested when the Organization does what we want it to do; it can only be shown by our civilized acceptance of a decision we opposed.

Still another factor to be kept in mind is the possibility that the People's Republic would not have accepted a "two Chinas" solution. Premier Chou En-lai has been unequivocal in his opposition to any form of dual representation for China in the United Nations.

If we had carried the vote, it probably would not have led to the "two Chinas" we desired, but rather to an empty China seat on the Security Council while Taiwan remained in the General Assembly. Such an outcome would have represented a long step backward from the goal of universalization, which, in the long run, can help make the U.N. more effective in its role as keeper of the peace.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Weicker) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

CALL OF THE ROLL

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 265 Leg.]

Aiken
Bible
Byrd, Va.
Byrd, W. Va.
Church
Fulbright
Griffin
Hollings
Hughes
Mansfield
McClellan
Montoya
Saxbe
Scott
Stennis
Weicker

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Burdick
Cannon
Case
Chiles
Cook
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Fannin
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Ribicoff
Roth
Schweiker
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. Bentsen), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from California (Mr. Tunney), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Javits), the Senator from Oregon (Mr. Packwood), and the Senator from South Carolina (Mr. Thurmond), are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. MANSFIELD. Mr. President, we have had the opening statement on the pending legislation. It is my understanding that there are no amendments at the desk, and I suggest to my colleagues that if they do have amendments, they offer them as expeditiously as possible, so that we may get on with the bill and dispose of it, and then turn to other business.

I make this statement at this time only because of the fact that we have been waiting in abeyance, so to speak, for some action to be taken; and if no action is taken, it would be the intent of the majority leader, at least, to move to third reading.

Mr. SAXBE. Mr. President, I move that the pending bill be recommitted to the Committee on Foreign Relations, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAXBE. Mr. President, I make this motion not facetiously, but in view of the action of the United Nations last night. I feel that we should have a period of not less than a week and perhaps 2 weeks to digest that action, to allow it to sink in, to the country and also to the Members of this body. I believe that to proceed at this time would result in angry words on some of the amendments. A number of amendments are to be brought up, some in hot blood, I am sure; and there is also the fact that we have a new ball game, it seems to me. We have a new ball game when it comes to considering our friends in the U.N. and the community of nations, and we have a new ball game in our relationships with the world.

This bill, of some $3.2 billion, is a continuation of a policy that was established after World War II, when the world was in chaos and it was essential that we assist numbers of nations to reconstitute their governments and their economies, when it was necessary to reestablish governments that had completely fallen into chaos as a result of their losses in World War II, both economic and physical, or that had surrendered their ability to govern and had not the time to pull themselves together.

First there was the Marshall plan, which was a great success. Then, as we began to doctor the numerous ills of the world wherever they were found, we felt that our resources were unlimited and that we could redesign and perfect governments wherever they existed. We eagerly accepted the multiplicity of governments, say, in Africa: Any country, no matter how small or how weak its claim to sovereignty, we were willing to set up—and not just to set them up, but to make them our equal in the United Nations. Then, whenever any great plan came along for world health, disaster relief, the relief of children, or many other worthy causes, we were the first to pick up the check. We not only picked up the check; we fought for it and we got it really good. We find that, in the U.N. today, the cost to this Government is not the cost of being a member in the U.N. It is the cost of the fringe benefits—

this check that we pick up at our insistence. I think this amounts to about six times the cost of our contributing membership to the U.N.; and, unlike most other countries, we pay it and have paid it. We have done this with the view that we were going to better ourselves throughout the world by showing our altruism, by showing our capacity to appreciate the misery that existed all over the world and how we were going to do away with it. Well, we found that we could not do away with misery. We found that many of the instances were not something we could overcome by pouring money in, but we found that it was a result of the failure of the people themselves to want to change their type of government. We did pour in money, however, and we felt that by doing this we would make friends of these people and that we would obligate them to duplicate in some way the democracy that we have enjoyed in this country.

Again, we found that this did not follow. Democracy exists in very few of these countries. Democracy, as we know it, is limited almost entirely to the Western nations—those referred to as the Western nations. And even of these, when it came to the test in the U.N., we found that almost every one of them turned against us, not in our desire to keep mainland China out but, rather, our desire to give representation to a country—Taiwan—that has most democracy, even though we would not consider it as satisfactory to us, than practically all the countries that voted against it. The most embarrassing and the most humiliating part of it—it was an embarrassing and humiliating experience—was the fact that they would not even give it the status of an important question.

In other words, at any time a majority dislikes one of the collection of nations in the U.N., they can, by a majority, expel it. I can foresee instances in which perhaps the countries of Africa and the countries of South America could get their heads together and say, "Look, go along with us or we'll vote you out." It is not likely, because no other country has the money or the inclination to pour into it. But do you not see how it opens the door for continued and wholesale blackmail by saying, "Nothing is an important question that we say is not an important question"? So there is no two-thirds vote; there is a simple majority vote.

Of the countries that voted in that rollcall—or did not vote, by abstaining—42 get some kind of relief from the bill we are considering today. Of the countries which abstained, 12 get some kind of funds from this bill. In other words, 54 of the countries in the United Nations receive some benefits under this bill.

I cannot help believe that it would be wise to put this matter off for a reasonable time. As I have said to those who have inquired on the floor, if Senators want instructions to bring it back in a week or 2 weeks, I have no objection, if offered as a separate amendment and so considered. But I think that to proceed at this time is to invite an avalanche of speeches which are now being written someplace and which will be brought in and delivered with great heat, probably starting tomorrow. Unless this bill is sent back to the committee, we are going to regret the heat of the debate.

All the world have their eyes on the Senate today, to see what our reaction is to the outrage, as some have called it. I think it would be wise if we did this. I also feel that it would permit the severity of this debate in the U.N. to sink in across the world.

If Senators witnessed on television last night the affair in the U.N., they saw a lynching party, with the shouting and the dancing, the slapping of each other on the back, the heaping of abuse upon this country, one nation after nation taking the stand and telling what great exploiters of the world we were—colonialism and imperialism. It was a regular lynching party.

Then, when they won, they did not take it in good grace but, rather, again took the rostrum to tell how they had clobbered the United States. I am sure they are going back to their countries now reveling in the fact that they have clobbered the United States.

Those of us who feel that, however ill-advised our actions have been in the world, we nevertheless have been altruistic and have been well intentioned, were greatly disappointed to find that the people to whom we have given most have turned against us, not just in the vote but also in their actions, in the way they voted, and the emotionalism to which they succumbed. It was not a great deliberative body. It looked more like a state legislature on adjournment night. This is not the degree of propriety that we expect from a great assembly of nations.

I think, therefore, that the motion I offer is well put, is well considered. Time is not of essence in this matter. I think we should have a reaction from our President. I think we should give him time to make his statement, and he will. I think we should hear from our Ambassador to the United Nations, who all agree did a great job. He did everything he could to pull things together. He spoke this morning, as some of us saw, of the bad faith that was exhibited to him by direct statements of people who said one thing and did another.

Therefore, I am not going to worry this question. I put it to the Senate, and I hope that it will be accepted as I have put it.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. ELLENDER. What would the Senator expect the Foreign Relations Committee to do in respect to what took place in New York last night and this morning in dealing with Formosa?

Mr. SAXBE. I know many things that I hope will not happen, and one is that I hope we will not say that we are going to take our football and go home. I think that is one of the dangers we face today—the emotionalism of a response, to say, "Well, we got licked. Therefore, we don't want to play anymore." I do not want that.

Mr. ELLENDER. I thought the Senator stated that the reason why he wanted to recommit the bill was to prevent emotional debate. Does he believe that if we send this bill back to the Foreign Relations Committee, that it is going to stop debate on the floor of the Senate on the issue in which we were involved in New York?

Mr. SAXBE. In reply to the Senator's question, I think it will delay debate for a few days. It will give us the time to cool off a little. It will give us the time to be more objective when the bill is considered.

Mr. ELLENDER. Does not the Senator agree that since this is a foreign aid bill, we should deal with that subject more or less exclusively? That is the way the Foreign Aid bill has been handled in the past. I express the hope the Senator's motion will not be agreed to.

As the Senator knows, we are trying to adjourn sine die in a few weeks, and one of the main stumbling blocks is the foreign aid bill and the authorization for it. I express the hope that we can go along with at least the money part of the bill so that the Appropriations Committee can report back to the Senate and pass all the appropriation bills. As the Senator knows we have four more appropriation bills left and one of them is the foreign aid bill. Without authorizations, the Senate Committee on Appropriations will be stymied and will not be able to move forward unless the pending bill is passed at an early date.

Mr. SAXBE. I am well aware that the Senator from Louisiana has done a tremendous job in trying to keep up to date with appropriation bills. We are in better shape than we have been for some time. I am also well aware that he is embarrassed in this effort by delays in some authorization bills. But, I think, in this particular instance, a few days' delay, as we proceed with something else in the meantime, would not deprive the Senator from being able to complete the job he wants to do within the time he has established.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield there?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, I invite the attention of the Senate to the fact that we have very little business on the calendar to take up and that if this bill is returned to the committee even for a week, it will mean we will not get it for several days and that will not make us look very good. If the Senate desires to adjourn sine die between the middle of next month and the first of December at the latest, the effect of sending this bill back to committee would make it difficult for us to meet that date. It will be hard enough to make that adjournment period, if we can make it, and the joint leadership has always recognized that. Therefore, I hope it would not be on the basis of being emotional that we would return this bill to committee. We are all grown men and women. Certainly we can weigh and calculate and assess and do things as mature people. I would therefore hope, regardless of our feelings—and so far as I am concerned, I do not intend to vote for the bill anyway, but that is nothing new with me—that we could get on with the bill; because if we do not, we will have an interregnum because there are two bills on the calendar that are available for consideration, and neither of the Senators most interested wants them brought up. I think it is about time the Senate stayed in session and faced up to its responsibilities on a daily basis and not slough off its responsibilities on measures because of emotionalism.

Mr. SAXBE. In answer to the majority leader's statement—and I appreciate his forthrightness—that is the choice we are going to make, to send the bill back to committee, or to defeat it; because I am with the Senator, I do not intend to vote for the bill at the present time and I believe there are many others who feel exactly the same way.

Send the bill back and let it soak a week and then have a more objective vote, because if we vote on this in the next 2 or 3 days, it will be defeated.

Mr. MANSFIELD. If the Senator from Ohio will yield right there, I do not intend to vote for this bill under any circumstances. My vote against it has nothing to do with the vote in the United Nations last night.

Mr. SAXBE. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WEICKER). The Chair has previously recognized the distinguished Senator from Pennsylvania (Mr. SCOTT).

Mr. FULBRIGHT. Mr. President, I want to ask a question of the Senator from Ohio.

Mr. SCOTT. I will be glad to yield to the Senator from Arkansas to ask a question of the Senator from Ohio.

Mr. FULBRIGHT. I want to ask the Senator from Pennsylvania, is he going to talk about something else?

Mr. SCOTT. No; on this subject.

Mr. FULBRIGHT. Mr. President, for the record, on the question of expulsion, Taiwan cannot be expelled by a majority. Article 18 of the U.N. Charter requires two-thirds vote for expulsion. The question last night was not one of expulsion but was with reference to credentials as to who represents China. We must not get too emotional about this. The question of who represents China is largely our responsibility, going back to the 1940's and what we did in the late 1940's under President Truman and Mr. Acheson.

As usual, I think that mistakes finally catch up with us. But I want to set the record straight here, that the question of expulsion does require a two-thirds vote under the U.N. Charter. Yesterday the expulsion of Taiwan was not the question; it was purely one of credentials and who is the real representative of China.

It is very interesting that neither Chiang Kai-shek nor Mao Tse-tung ever have announced that there are two countries. Chiang Kai-shek has always said there is only one China and that he represents it. Of course Mao Tse-tung says the same thing, that he represents China.

We have always said it is one country, too. We have always supported Chiang Kai-shek on the idea of one country, not two, and we have always said that Chiang Kai-shek represented China. So I think that the Senator inadvertently overstated the case.

I support the President's policy, and I hope that the Chinese find a way to accommodate some kind of system, such as the Russians have with regard to the Ukraine and Byelorussia. But that is another question.

I do not think we should consider that this is a denigration by all these people against the United States. I think that the Senator misconstrues the action.

This matter has been before the United Nations for a long time. Many of our people have recognized that it is an anachronism to say that Chiang Kai-shek represented the whole nation of China, the whole ball of wax. He obviously was not representative of it. That is a long story, but to say that we were clobbered leaves the implication that there is a feeling of distaste and disrespect and so on against the United States. I do not interpret it that way at all.

I think there is a way in which, after many years, mistakes of judgment catch up with us, as has happened in this case over the question of who is the real, practical representative of the Chinese people. History, the Pentagon Papers, and recent information, all come out in support of what has happened. Others have not turned against us in that sense—no more than the way in which we used to like to tweak the lion's tail of Great Britain, when Great Britain was a powerful country, or when the mayor of Chicago took such delight, every time there was an election, in condemning King George. We remember he said he was going to hit him in the snoot. That did not mean that the people of Chicago or the United States had no respect for England or that the people of the world did not. Or, if you want to use the President's analogy—when the Redskins beat the Cowboys—they were supposed to be the big dog and every one was delighted when the Redskins knocked them down a peg or two.

I do not believe it is a serious reflection upon the integrity of the position of the United States. On the contrary, I think this is together with the President's move to go to Peking and to go to Moscow, the beginning of a change in policy—I certainly hope so, and I certainly approve of it—of trying to get back into a normal relationship with the rest of the world. Up to now it has been diverted, I believe, because of some fundamental mistakes going back to the late 1940's and the Truman administration and then the Eisenhower administration.

I do not see why we should be so offended. When the United Nations was first formed, it had 53 members. It was said at that time that we controlled 40 votes, and that it was a tool of ours. Anything we wanted we got through except when the veto was used. If it had not been for the veto, we could have run it in any way we wanted. The Senator knows what I mean. However, now that it has about 127 members, no one runs the U.N., as was demonstrated last night. We do not and neither do the Russians nor any other country. It is a big, unwieldy body.

I do not think what happened should be held against the United Nations as an institution. It was the individual members who voted against us, many of whom we have been giving large sums. Many of these countries will get additional aid under the pending bill.

I think their action shows a sense of ingratitude. I suppose they do not think so. I ask unanimous consent to have printed in the RECORD a list that has been compiled by the staff and the vote last night in the U.N.

There being no objection, the list and who voted were ordered to be printed in the RECORD, as follows:

Aid recipients who voted in favor of the Albanian resolution and the amount proposed (all types) for each in fiscal year 1972

[In millions]

1. Afghanistan	$11.8
2. Botswana	1.6
3. Burma	.5
4. Burundi	.1
5. Cameroon	.5
6. Ceylon	23.4
7. Chile	14.1
8. Ecuador	25.5
9. Equatorial Guinea	—
10. Ethiopia	31.8
11. Ghana	36.9
12. Guinea	7.7
13. Guyana	5.8
14. Iceland	.9
15. India	419.7
16. Iran	8.4
17. Iraq	.1
18. Israel	[1] 56.1
19. Kenya	4.3
20. Laos	178.0
21. Malaysia	11.0
22. Mali	1.4
23. Mauritania	.7
24. Mexico	.1
25. Morocco	[1] 45.1
26. Nepal	4.3
27. Nigeria	34.3
28. Pakistan	225.5
29. Peru	34.3
30. Portugal	5.0
31. Rwanda	.3
32. Senegal	3.1
33. Sierra Leone	2.2
34. Singapore	9.4
35. Somalia	.5
36. Southern Yemen	—
37. Sudan	.1
38. Syria	.1
39. Tanzania	7.8
40. Togo	.9
41. Trinidad-Tobago	.1
42. Tunisia	[1] 32.7
43. Turkey	242.5
44. Uganda	5.3
45. Yemen	.7
46. Zambia	.1
Total	1,494.7

[1] Does not include classified data.

Aid recipients who abstained on the Albanian resolution and the amount proposed for each in fiscal year 1972

[In millions]

1. Argentina	$15.8
2. Colombia	110.2
3. Cyprus	.3
4. Greece	117.8
5. Indonesia	267.0
6. Jamaica	14.1
7. Jordan	[1] 33.8
8. Lebanon	3.5
9. Mauritius	1.6
10. Panama	29.5
11. Spain	80.6
12. Thailand	139.4
Total	813.6
Grand total I and II	2,308.1

[1] Does not include classified data.

[From the New York Times, Oct. 26, 1971]

U.N. ROLLCALLS ON CHINA

UNITED NATIONS, N.Y., October 25.—Following are two roll-call votes taken in the General Assembly tonight on seating Communist China and expelling Nationalist China:

ON TWO-THIRDS REQUIREMENT

Resolution declaring the expulsion of Nationalist China an "important matter" and thus requiring a two-thirds vote rather than a simple majority for passage.

In favor—55

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Chad, China, Colombia, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Republic, El Salvador, Fiji, Gabon, Gambia.

Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho.

Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico.

New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

Opposed—59

Afghanistan, Albania, Algeria, Bhulan, Britain, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Congo (Brazza), Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea.

Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria.

Norway, Pakistan, Peru, Poland, Rumania, Sierra Leone, Singapore, Somalia, So. Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Trinidad/Tobago Uganda, Ukraine, Yemen, Yugoslavia, Zambia.

Abstentions—15

Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

Absent

Maldives, Oman.

ON SEATING PEKING

Resolution to seat Communist China and expel Nationalist China.

In favor—76

Afghanistan, Albania, Algeria, Australia, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Eq. Guinea, Ethiopia, Finland, France, Ghana, Guinea.

Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Congo (Brazza), Peru.

Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Togo, Trinidad-Tobago, Tunisia, Turkey, Uganda, Ukraine, Britain, Yemen, Yugoslavia, Zambia.

Opposed—35

Australia, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Rep., El Salvador, Gabon.

Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand.

Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

Abstentions—17

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

Absent—3

China, Maldives, Oman.

Mr. FULBRIGHT. Mr. President, I take issue with the Senator who says this is a great rebuff to the United States of America. I do not think it is at all. I think it is one of the signs of our returning to a more powerful relationship with the other nations of the world. I support the President and his overtures to the People's Republic of China, and my guess is that this action will make it easier for the President to do whatever he can when he goes to Peking than it would be otherwise.

I ask the Senate not to turn its back on the committee. There is a lot in the bill that I would like to see cut. I did vote in the committee to cut back on many of the authorizations in the bill. I think they are too large. The committee worked hard on the bill. I would like to see the bill cut. I hope that the Senate will make substantial cuts in it. I did all I could in the committee to cut it, but the committee thought otherwise.

I do not see any point in sending the bill back to the committee. I do not see any substantial change that could be made there. If there is going to be a change, it has got to be made by the Senate.

The decisive votes in the committee on the amounts contained in the bill were 9 to 7. That is the way it was. That is the way the majority voted in the committee. I would hope that the Senate would take some of these things into consideration.

I think it is quite proper to look at the various countries who voted against us and say, "Look at country X. We have been giving hundreds of millions of dollars to that country and they do not have the gratitude to support us in our position." I am sympathetic with that. However, I do not say that the United Nations should be abandoned. The United Nations did not vote. The members voted. And 46 of them, as the Senator points out, are recipients of various amounts of aid. I hope that we will not recommit the bill.

Mr. SAXBE. Mr. President, if the Senator will yield, I do not disagree with the Senator when he is talking about a return to reason by recognizing mainland China. I think that in this case we have been living in the dark. And I think we all recognize that Taiwan is a country with 14 million people living on an island off mainland China with approximately 2 million people running the island and that the people in mainland China are represented by the People's Republic of China and that they should be represented in the U.N.

There was not an escape hatch there for mainland China to continue as a representative of the Taiwanese Government. Our Ambassador was concerned that they could vote on this question of the expulsion by refusing to accept the parliamentary device which, one would think, would permit Taiwan to be kicked out of the back door and to run around to the front door with their hats in their hands and come back in. However, that is not going to happen at the present time because of the attitude of mainland China that this is a subject province of mainland China.

Let me say that what bothers me is that mainland China might say, "All right; here is a province in rebellion on this island. It is not the affair of the United Nations. This is a province that belongs to us. These are Chinese people. We are the Government of China, and therefore we are going to take care of this unusual situation and we are going to give them 90 days to line up or we will blow them off the face of the earth."

That could be the next step. I do not think it will be. I am just mentioning the matter. Taiwan has no recognition in the United Nations. The United Nations by their actions have said, "This is a part of China. This is their internal government." We have neither the stomach nor the capacity in this Nation to interfere, and I doubt if one of the nations who voted against us would help us if we had.

So, we have a situation where 14 million people in a successful and enterprising country with a goal of democracy—and I certainly do not want to tell the Members here assembled that they have a pure democracy on Taiwan, but I think they have a hope of democracy and of increasing that capacity—are going to be left as a subject province of mainland China. I think that if they take the stand they have indicated and come to the front door with their hats in their hands, they are not going to get in. We have done these people a grave injustice, and we do not have the capacity to act after our misfortunes in Vietnam and misadventures elsewhere and with the current attitude toward the military in this country and with our second-rate military which we had allowed to decline. We would be powerless to intervene.

This worries me. We can talk about this being just another event in the community of nations, that it is like a football game that we lose and we can just change our clothes and go to work.

I do not think it is that. I think that the United Nations has suffered a death blow, and I am afraid that these are self-inflicted wounds because we have allowed every two-bit nation that comes along to have an equal vote. We have put ourselves at the mercy of people in a country containing no more population than we have in one of our counties to come in and by their vote throw out another country.

This is a serious thing. The bill we are considering has to do with this matter.

Mr. FULBRIGHT. Mr. President, we have always insisted that this is only one country. We have never denied it. We have affirmatively said so for 25 years. We have said that this is a province of China and a part of China. The Senator overnight wants to change our approach.

Mr. SAXBE. That is a thing we can try to work out.

Mr. SCOTT. Mr. President, with great respect to my colleagues, may I implore them to permit me to enter into the dialog.

Mr. President, up until about 2 o'clock today, I would have hoped that we could find a way for deferment of the pending business for at least a few days or a week. However, I am advised not only by the majority leader that we do not have sufficient work before us, but also by the administration which is very much concerned that we not, by postponing the pending bill, delay the oncoming tax legislation or delay something which means a great deal to this Nation—the ratification of the Okinawa Treaty.

The distinguished majority leader and I both have the same problem of getting on with business. I was of the opinion that a few days' delay, a short delay, would be useful and prior to 2 o'clock today I so expressed myself. I am very much in sympathy with the points made by the distinguished senior Senator from Ohio with respect to the gross and crass ingratitude of a number of nations to have chosen this opportunity to deliver a kick in the pants to the United States, which is, I am afraid, the major sport prevailing on the U.N. playing field. We seem to be the football; they seem to be the team. I regret this and deplore it very much indeed.

As I indicated earlier to a number of my colleagues, I wish it were possible that I could seek to secure an extension of time but I have stated what the majority leader tells me and what the administration tells me is the risk in postponing this legislation. There will be 8 or 10 amendments offered that I know of. So I would hope if the motion to recommit does not carry we will have some of these amendments ready tomorrow at the latest.

I agree with the chairman of the committee that referring the bill to the committee without a date certain would not serve the purpose we have in mind because all that would be required would be for the chairman to call a meeting of the committee and report the bill out again. If it were allowed to follow in the committee, and the bill has many good provisions, it could not be enacted this year.

So this is a reversal of my opinion of 2 hours ago, but I have tried to maintain a reputation of candor here. Lacking that statement, I could well be accused of misleading some of my colleagues. It is because of events that have occurred since 2 o'clock that I am compelled to do this. I believe we can get somewhere with this bill. It is going to be difficult, especially in view of the way a number of Senators feel with respect to the United Nations. I would like to see us enact the bill. I think we can work out our problems, adjustments, and revisions.

A friend of mine has called attention to a letter from Dr. Samuel Johnson to James Boswell, written in 1775, in which he said, "Life cannot subsist in society but by reciprocal concessions." I hope we will get reciprocal concessions and come out with a reasonably good bill.

Therefore, as much as I regret it, I would have to be against the motion to recommit which is without a date.

Mr. President, I yield the floor.

Mr. AIKEN. Mr. President, the bill before us is not a perfect bill by any means. There are several provisions in it I strenuously object to and which I will try to correct as far as lies within my small power to do so. But there is absolutely nothing at all to be gained by recommitting this bill at this time. We have worked on it since early last summer. We finally got the bill out because some of us voted for it even though it contained provisions we did not like. But let us not be afraid to face the music now. If we have amendments to offer, offer them and vote them up or down. If at the end of the discussion and offering of amendments we do not favor the bill, vote against it. If we think there is a chance to reach some arrangement with the House and come out with a fairly respectable bill, we can vote for it.

I think the United Nations did a terrible wrong yesterday in voting to turn a small country, and not too small a country, over to a big country.

I have always felt that the country of Taiwan should be called Formosa. It is inhabited by Formosans, 12 million of them and possibly 3 million Chinese. What right have the countries of Western Europe and others who voted against it yesterday to say that this small country of some 15 million people—and some member countries of the United Nations do not even have 50,000 people—can be given to the big country of China obviously to get even with the United States. That is the way it looks from the vote of yesterday.

If this is to be the fate of the small nations of the world, if they are to be used for the purpose of being pawns to make deals with this country or that country, then we are a long way from a self-governing world at this time.

I was delighted to see that most of the important countries of Latin America, with only two or three exceptions, voted against the proposal to pawn Formosa. I think that shows us plainly where perhaps we should be more considerate and understanding than we have been up to this time.

By slapping down this bill or sending it to committee for weeks or months, and Lord knows how much longer, we will be doing more harm to small countries and friendly countries of the world than we would be doing good for ourselves or anyone else.

I know the United States must protect its economy, and other nations have been peeved because we have tried to protect our economy that has slipped away from us to the point where it has put us in serious trouble.

Those countries that we have considered friendly, to which we have sent millions of our own sons to defend and fight for them in two major wars ought not to be very proud of what they have done. I think it is safe to say although the governments of these countries hoped to embarrass us by their action, the people of those countries will regret the actions they have taken.

I say let us get on with the bill; let us use our best collective judgment. I know that the aid program is growing more and more unpopular. I think under the circumstances that the proposal to extend more aid under multilateral arrangements with other countries has received a severe setback by the vote in the United Nations yesterday. We will have to act more bilaterally from here on.

However, I do say this. We have the courage and the good judgment to face this issue now. Let us show we have that courage and judgment and if Western Europe means what they seemed to mean yesterday, it means they want us to get our troops out from over there. Keeping nearly 300,000 troops in Europe has been costing us billions of dollars a year. Let us get them home, maybe not next week, but as fast as we can, and let Western Europe stand on its own feet.

I am against the motion to recommit this bill.

Mr. STEVENS. Mr. President, in reviewing this bill and considering the motion of the Senator from Ohio, I have come across something very interesting which I did not realize was included in this bill. I would like to ask the chairman of the committee, in view of the action taken yesterday, whether or not it is wise to repeal the Formosa resolution, as proposed in section 410. I understand this is the sole authority the President has at the present time to take any action to protect Taiwan.

The situation presently exists, as the Senator from Ohio pointed out, where the world community in the United Nations feels that mainland China is really China. If the fears the Senator from Ohio had expressed could possibly come into play, it would seem to me this is not the time to be repealing the Formosa resolution right on the heels of the recent action by the United Nations.

I noted with interest the remarks in the report which specifically mentions that the use of armed forces in such a situation—that is, a direct attack on Taiwan—would require specific authorization by the Congress.

In New York, in 1 day, the United Nations took steps which led to the China which I consider to be the true China being expelled. Yet, at the same time, lying on my desk is a bill with a proposal—that the administration has not had a chance to review since then. I reviewed the bill that passed the House and if I am not mistaken, that section was not incorporated into the House bill. Am I correct that it was not in the House bill?

Mr. FULBRIGHT. No; it was not. A similar resolution, Calendar No. 361; is on the calendar, a joint resolution by Senators CHURCH and MATHIAS. It was added to this bill. The administration was requested to give its viewpoint about this repeal, and it responded by saying that it has no objection to the repeal of the Formosa resolution.

It will be seen, on page 61 of the report, that the repeal of this resolution does not have any effect on the Mutual Defense Treaty of 1954, which we do not touch, and which, I assume, the administration would rely upon in case of any need.

I did not imagine the Senator from Alaska would object on the ground that before taking action under the Mutual Defense Treaty, Congress should authorize it. This is one of the things many Members of Congress have been concerned about. I certainly have been. I do not know what the Senator thinks would be gained by not repealing the resolution. This has been under consideration for a long time. As I have said, the administration has no objection to the repeal of it.

Mr. STEVENS. I share the chairman's opinion as a general matter. However, in terms of timing, has the administration been approached with regard to that section in view of the change in circumstances that has taken place in the last 2 days? As I understand the provision, before any action could be taken to protect Taiwan, and if this section were approved, Congress would, in fact, have to authorize it. If I am incorrect, I would appreciate being corrected, as this is a strange area for me.

Perhaps the Senator from Ohio has a point. Perhaps the whole bill ought to be examined in terms of what has happened in the United Nations, with respect to who are and who are not our friends, and in terms of planning to be the Santa Claus of the world for another 25 years.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. CHURCH. As I am one of the sponsors of the particular provision of the bill to which the Senator alludes, I would like to explain that nothing in the repeal of the Formosa resolution would impair the formal obligation of the United States to come to the defense of Taiwan, as it is set out in the Mutual Defense Treaty between the two countries. Our only purpose in repealing the Formosa resolution is to reclaim the constitutional role of the Congress. The formal treaty is very specific. It was ratified by the Senate. It provides that, in the case of an attack on Taiwan, the United States will respond "in accordance with its constitutional processes," which we take to mean the participation of the Congress, in fulfilling its constitutional role in determining, under the circumstances, whether or not the United States goes to war.

The Formosa resolution was passed at a time when it was the habit of the Congress to delegate unrestricted war-making authority to the President—carte blanche authority to use the Armed Forces of the United States whenever and wherever he might choose.

Last year, we repealed the Gulf of Tonkin resolution, having had a very bitter experience with that particular kind of unlimited delegation of congressional authority; and in this bill we take another step, repealing the Formosa resolution, but we do not impair or undermine or weaken the formal obligation of the United States to Taiwan as set forth in the Mutual Defense Treaty. That remains intact.

The intention of the committee, let me stress, was not directed against Taiwan at all, but was directed toward reasserting the proper congressional role in future decisions relating to war and peace. I just want to emphasize that, because I think we ought not to assume that this provision has been placed in the bill as an aspersion against Taiwan or against the treaty by which we are formally committed to the defense of Taiwan.

Mr. STEVENS. I appreciate the explanation. I find the explanation on page 61 of the report very interesting with regard to the situation as it exists now. I share the opinions that have been expressed with regard to Congress taking action to resume its constitutional role with respect to war powers. I think the war powers resolution is very clear in that sense and I hope to be able to support it. The statement in the report states:

> In addition, this repeal would clear away a legislative obstacle to a new China policy.

That statement was made, and the section was inserted in the bill before the action of the United Nations. I would think that the administration would want an opportunity to consider it. We are asked to consider taking action on this provision which does not simply repeal that legislation, but is to be effective as of the date of the adjournment of the First Session of this Congress.

Instead of sending the bill back to the committee—and I can understand why the chairman of the committee does not want the bill to be recommitted—we ought to have time to consider amendments that are bound to come forward while this bill is on the floor. I would ask the Senator from Ohio, if we are going to repeal the Formosa resolution, why does it not become effective when the bill does? Why does it relate to the last day of the first session of this Congress? We previously provided an effective date as of the enactment of the act when we repealed the Gulf of Tonkin resolution. Why do we provide for it to become effective in this case in the future? Are we saying to mainland China, "After the first of the year, go to it, boys"? I do not understand it.

It is my understanding that even with a mutual defense treaty, the President would have to come to Congress to protect Taiwan, if this amendment is adopted. Under current circumstances, I could not support that, although I support the return of the war powers to Congress. It seems to me circumstances have changed considerably in the last 2 days.

Mr. CHURCH. The Senator, of course, is free to vote for or against this provision, but he should not act under any misapprehension as to the reason why the committee included it in the bill. Its purpose was to repeal another instance where Congress had delegated to the President its own war power. I think, if the time should come when the United States must face up to a war over Formosa, that this is a decision Congress should make. I think the Constitution properly vested that authority in Congress, whether it relates to Taiwan or any other country.

Mr. STEVENS. I agree, but Congress may not be here on November 30, or whatever date we adjourn. We will have no way to let the President take action in the event of catastrophe. It seems to me we are walking off, and saying, "There it is; it is the end of the time for Taiwan."

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. FULBRIGHT. I would like to read the executive branch's position on this issue. It is contained in the report accompanying the repeal of the Formosa resolution.

I ask unanimous consent that the bulk of the report be inserted in the Record, for the information of the Senate. I will however read the pertinent comments of the executive branch.

There being no objection, the report was ordered to be printed in the Record, as follows:

Repeal Formosa Resolution

* * * * *

COMMITTEE ACTION

Senate Joint Resolution 48 was introduced by Senator Church (for himself and Senator Mathias) on February 23, 1971, and was referred to the Department of State for comment on February 26, 1971. The following Senators cosponsored the resolution: Mr. Inouye, Mr. Packwood, Mr. McGovern, Mr. Moss, Mr. Hughes, Mr. Hart, Mr. Eagleton, Mr. Pell, Mr. Case, Mr. Cranston, Mr. Stevenson, and Mr. Gravel. Comments on the resolution were received from the Department of State on May 18, 1971.

On June 24, 25, 28 and 29 and July 20 public hearings were held by the committee on the resolution as well as other legislative proposals dealing with U.S. policy toward China. The committee met in executive session on July 21 and by a voice vote ordered Senate Joint Resolution 48 reported favorably to the Senate without amendment.

BACKGROUND

Following its defeat in 1949 on the mainland of China, the Nationalist Government, led by Chiang Kai-shek, fled to Taiwan where it established its regime in the autumn of that year. At that time the Nationalists controlled, in addition to Taiwan and the Pescadores, a number of small islands immediately adjacent to the Fukien coast. Those islands included Quemoy, Matsu, and the Tachen group.

On January 5, 1950, President Truman stated that the United States would not:

"Pursue a course which will lead to involvement in the civil conflict in China."

Secretary of State Acheson reiterated, in more specific terms, that:

"The President says, we are not going to use our forces in connection with the present situation in Formosa. We are not going to attempt to seize the island. We are not going to get involved militarily in any way on the island of Formosa. So far as I know, no responsible person in the Government, no military man has ever believed that we should involve our forces in the island."

Accordingly, the U.S. policy was then clear that we would not intervene to protect the Chiang Kai-shek regime.

Following the eruption of war in Korea, however, the United States abruptly reversed its stance. On June 25, 1950, President Truman announced that the occupation of Taiwan by Communist forces must be prevented. He therefore ordered the intervention of the 7th Fleet in the Taiwan Strait, ostensibly to prevent an invasion of the mainland by the Nationalists as well as deterring the more plausible threat, a conquest of Taiwan by the Communists.

After President Eisenhower terminated the restrictions concerning a Nationalist invasion of the mainland (popularly referred to as the "unleashing" of Chiang Kai-shek) in February of 1953, there was a substantial increase in U.S. military assistance to the Nationalists. The military deployments of the Communists opposite Taiwan attracted much concern, especially when, in September 1954, the Communist government initiated artillery fire on Quemoy. Military activity around the offshore islands and the Taiwan Strait intensified in the succeeding months and the U.S. 7th Fleet evacuated the Nationalist troops from Ichiang, one of the Tachen islands.

The revival of military hostilities between the Communists and the Nationalists occurred in the context of an emerging U.S. sponsored treaty structure designed to "contain" China. The ANZUS Pact, a security treaty with Japan, and the mutual defense treaty with the Philippines became effective in 1952. The mutual defense treaty with the Republic of Korea, signed in late 1953, came into force in the fall of 1954. On September 8, 1954, the SEATO Treaty was signed. On December 2, 1954, the Mutual Defense Treaty with the Republic of China was signed.

At the time President Eisenhower requested the authority provided by the Formosa Resolution, the Mutual Defense Treaty with the Republic of China had been signed but had not been ratified by the Senate. The Formosa Resolution was designed to give the President free rein to commit the Armed Forces of the United States to assist the Chinese Nationalists. The resolution typified the inclination of Congress, at that time, to delegate to the President its war powers. The President's authority, under the resolution, extended to "the securing and protection of such related positions and territories of that area now in friendly hands." Thus, he was empowered to take action in the event of an attack on Quemoy or Matsu, so long as he judged such an attack to be preliminary to an attack on Taiwan itself.

The Formosa Resolution did not contain a specific date by which the President's authority would expire. It instead provided that:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress." (See appendix for full text)

The crisis which precipitated passage of the Formosa Resolution has long since passed. Since 1964, artillery activity in the area has been limited to ritualistic exchanges of shells containing propaganda leaflets. Despite the developments of the past 16 years and radically changed conditions, the President has not made the report contemplated by the last paragraph of the Formosa Resolution.

EXECUTIVE BRANCH POSITION

However, Assistant Secretary of State David Abshire transmitted executive branch comments on Senate Joint Resolution 48 in a letter dated May 18, 1971, which is included in the appendix to this report. He stated that:

"While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet that commitment."

PURPOSE

Senate Joint Resolution 48 would revoke the power of the President unilaterally to employ the Armed Forces of the United States to protect Taiwan and the Pescadores and, in connection therewith, the offshore islands referred to in the Formosa Resolution. It would not affect the validity of the Mutual Defense Treaty of 1954 between the United States and the Republic of China. Under that treaty, however, any action taken by the United States in the event of an armed attack directed against Taiwan or the Pescadores must be taken "in accordance with its constitutional processes. Hence use of U.S. Armed Forces in such a situation would require specific authorization by the Congress. Senate Joint Resolution 48 would restore the constitutional balance of authority with regard to the use of Armed Forces in this area.

In addition, Senate Joint Resolution 48 would clear away a legislative obstacle to a new China policy. The Formosa Resolution reflects a perception of China at variance with the view of that country and the situation in the Taiwan Strait which has prevailed for so many years. Senate Joint Resolution 48 would constitute a timely recognition of the changed conditions in this region. It is also consistent with the administration's objective of normalizing relations with the People's Republic of China, which was fully endorsed by the Senate by the adoption of Senate Concurrent Resolution 38.

APPENDIX

FORMOSA RESOLUTION

A joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores.

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

DEPARTMENT OF STATE,
Washington, D.C., May 18, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 26 requesting coordinated executive branch comments on Senate Joint Resolution 48, "To repeal authorization for the employment of Armed Forces for the protection of Formosa and the Pescadores," introduced by Senator Church.

As Senator Church noted on February 23 when he introduced the joint resolution, the administration addressed the question of the possible repeal of the Formosa Resolution in a letter to you dated March 12, 1970, commenting on the provisions of Senate Joint Resolution 166. There has been no change in the position of the administration toward repeal of the Formosa Resolution as set forth in that letter. While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the defense of the treaty area or our ability to meet that commitment.

In response to a further inquiry last year from the committee we stated that it would not be possible to predict in advance just what actions might be necessary in the event of a new crisis in the Taiwan Strait. We continue to believe, as we noted in our letter to you of April 14, 1970, that the relevant consideration, so far as our treaty commitment is concerned, would be whether hostile actions amounted to an armed attack directed against Taiwan or the Pescadores. In the event that it was determined that our treaty commitment was involved there would probably be a wide range of actions that would be considered depending on the precise circumstances of the situation.

In any case, should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital U.S. interests in the Taiwan area we would wish to see Congress at that time fulfill its proper role under the Constitution in the decisionmaking process. We would keep the appropriate committees and the congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities.

The Department has been informed by the Office of Management and Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. FULBRIGHT. The part that I want to read appears on page 3, as follows:

> While we neither advocate nor oppose congressional action, we believe that the specific crisis situation to which the Formosa Resolution was directed has passed. We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations. Our defense commitment to the Republic of China is set forth in our Mutual Defense Treaty which entered into force shortly after the Formosa Resolution was adopted. Repeal of the resolution would not affect our commitment to the de-

> fense of the treaty area or our ability to meet that commitment.

I do not know how much more explicit you could be than that, insofar as the attitude of the administration goes.

Mr. STEVENS. I might answer the chairman again by reading from the report:

> It would not affect the validity of the Mutual Defense Treaty of 1954 between the United States and the Republic of China. Under that treaty, however, any action taken by the United States in the event of an armed attack directed against Taiwan or the Pescadores must be taken in accordance with its constitutional processes." Hence, use of U.S. Armed Forces in such a situation would require specific authorization by the Congress. The repeal of the Formosa Resolution would restore the constitutional balance of authority with regard to the use of Armed Forces in this area.

I agree with that objective. I am questioning the timing in regard to the action just taken in the United Nations; that is all. I do think it is something the administration ought to reconsider, and that the Senate ought to consider whether we should adjourn and, effective on our adjournment, leave Taiwan without any protection unless we are called back into session by the President for some constitutional authority to protect Taiwan.

Several Senators addressed the Chair.

Mr. STEVENS. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I think the argument of the Senator from Alaska is a very facetious argument. After all, Congress can be called back any time. The chairman of the Committee on Foreign Relations and the senior Senator from Idaho have both indicated the administration's attitude vis-a-vis the Formosa resolution. They have both stated there is a treaty of mutual security which becomes operative under certain conditions, to which I am sure all 100 Senators agree.

So I would hope we would not raise this kind of a herring across the path of the measure we are discussing. I would hope we would get on with this business which is confronting us, and not look for ways to avoid facing up to a situation, emotional or otherwise. As I have said before, we are all mature people in this body. We should not be swayed too much by emotion. We all know what we are going to do.

If we delay this measure, it means we will delay the possibility of getting out by the 1st of December at the latest. As far as the Senator from Montana is concerned, he does not care one whit, but as far as the Senate is concerned, I think we ought to face up to our business and vote on it on the basis of the report issued by the committee.

Several Senators addressed the Chair.

Mr. STEVENS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. STEVENS. I yield.

Mr. ALLOTT. The Senator from Alaska has the floor, does he not?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. ALLOTT. Mr. President, I would like to say to the majority leader that whether I agree with the arguments of the Senator from Alaska or not, which I happen to, I would not call his remarks facetious, and I do not think it is quite fair to the Senator to call them facetious, because "facetious" implies he is approaching this matter in a very light or even jocular vein, which he is not.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I do not have the floor.

Mr. MANSFIELD. If the Senator from Alaska will yield, the Senator from Colorado has misinterpreted my remarks entirely, because what the Senator from Alaska has done is raise an argument when there is no argument to raise, because the mutual security treaty takes care of the factor which he had in mind.

Mr. ALLOTT. Mr. President, I disagree with the majority leader entirely.

I wonder how many times the Senate, the Congress of the United States, and this Government can walk down this road and make the same mistake. I would like to call the attention of the Senate to the fact that in December of 1949, the then Secretary of State issued a white paper in which he drew a line between Japan and the Philippines, saying, in effect, that we had no interest in anything west of that area.

In January of the following year, 1950, President Truman made a statement endorsing that paper and saying the same thing. It was immediately after that that we became involved in the Korean war. The Communists took us at our word, that we were drawing a line and saying we had no interest in anything west of that line. They took us at our word, and we had I do not know how many thousands of casualties we suffered in Korea—not as many as in Vietnam, but we had a great many casualties there. It was a so-called United Nations war, but we all know who supplied the troops, who supplied the means of war, and who supplied the effort.

Are we never going to learn, for heaven's sake, not to make the same mistake that was made before the Korean war? This is what we are doing. The Senator from Alaska is entirely right. He is entirely right and he is entirely serious in voicing his concern about the effect of the withdrawal of the resolution at this particular time, immediately following the action of the United Nations yesterday.

I am not one of those who oppose retaining in the Congress the powers the Constitution gave us. I just hope people will stick with the Constitution all the time, instead of moving away from it part of the time and coming back at other times. I do feel if we are going to become involved in a war, Congress should declare war.

But to repeal this resolution at this time, to my mind—and maybe I am wrong, but there are Senators besides those on the Foreign Relations Committee who study foreign affairs—is an invitation to the Red Chinese—and for my money they are still red, even though they are a member of the United Nations; they are still red, they still have to prove to the world at large, even as a member of the United Nations, that they can live within the family of nations under international law and assume the same responsibilities that other nations in this world assume in this respect.

So I do not denigrate, downgrade, nor in any way try to diminish the argument of the Senator from Alaska. I believe that it is a very wise one. I do not want to see this country ever again drawing lines. We made the same mistake in Cuba when we said we would not attack nor invade that country.

Let us not start down this long line of telling other people in the world what we are going to do and what we are not going to do, because the logical answer to the passage of this particular section would be renewed warfare on Quemoy, Matsu, and the Pescadores within the next year. And make no mistake, the determination of the Red Chinese to take advantage of anything they can with respect to the domination of Taiwan has not diminished one bit. To keep this provision in here, and to include it in the bill, invites trouble, and I hope my friends in the Senate will remember that I said this at this time.

I thank my friend from Alaska. I was going to raise the same question. I think he is entirely right and entirely proper in raising it.

Mr. STEVENS. I thank the Senator from Colorado. I would most respectfully say to the majority leader that, having served in China in World War II, I am most concerned about the future of Nationalist China as it resides on Taiwan. I cannot understand why we would not want to reexamine the proposal to repeal the Formosa resolution. I intend to support the Senator from Ohio, and I would also want to consider, if we continue to debate this resolution in the event his motion fails, whether I should offer an amendment to delete that section, because I think it ought to be reconsidered. I do not see any reason for this action to be taken so quickly after the recent action of the United Nations.

While I do not disagree at all with the end result, it seems to me that the matter of timing ought to be given serious consideration, and that the question raised by the Senator from Colorado about drawing lines in regard to what we are going to do without further action by Congress is absolutely correct.

Mr. SAXBE. Mr. President, I offer this motion for more than one reason. I have given a couple of reasons, but another is that I think we have to do something short of defeating a foreign aid bill to show the world that "Uncle Sucker" is dead.

I am afraid that we are going to have a tremendous vote against this bill at the present time, because we are disillusioned and because it is a Christmas tree, with something for everybody.

In the committee, everybody who had a project hung it on there. It is like a pork barrel bill of pubic works. This fellow wants a computer over there, this fellow wants school help, this fellow wants this for the peanut crop, and this fellow wants this. Everybody gets in there, and they all go along, and then we pass the bill. It is a pretty high price to pay. We have a Christmas tree here, and I think that if we do not send it back to the committee, we are going to defeat it. It is obvious that I do not have very widespread support. One Senator has spoken.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that point?

Mr. SAXBE. I will yield in a moment. Until we call the attention of the world to the fact that we do not have unlimited funds, that we have serious domestic problems where this money could be used, we are going to have one bill after another with one trinket after another for this Senator, for that Senator, for this country, for somebody in the State Department who has an ax to grind, for somebody in this Department who wants to do something in a foreign country, until we get $3.2 billion. That is overkill, if I ever heard of it. The money would not be going to where it is specifically needed and doing the good works it might do to help a friend or to eliminate misery some place but, rather, to demonstrate somebody's clout, that they can get this out of a foreign aid bill.

There are schools in the State of Ohio that are closing, because they do not have any funds. At the same time, we are sending money to open a school someplace else. We have villages by the hundreds in my State that have no sewer and water facilities; yet, we take this money and build sewer and water facilities someplace else.

My motion is based upon what happened yesterday. But there are other good reasons for it.

Mr. FULBRIGHT. Mr. President, will the Senator yield on that?

Mr. SAXBE. At this time, I am going to turn the floor back to the chairman of the committee; but before I do, I ask that my motion be withdrawn.

The PRESIDING OFFICER. Does the Senator from Ohio request unanimous consent to have his motion withdrawn?

Mr. SAXBE. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MANSFIELD. Mr. President, first, may I express my thanks to the distinguished senior Senator from Ohio for the action he has just taken.

Second, it is my understanding that no amendments are at the desk.

Third, it is my understanding that the distinguished minority leader indicated that several amendments would be available tomorrow.

So, I would say that, on the basis of what has happened this afternoon—and the hour is getting a little late—with no possibility, evidently, of any amendments or motions being made at this time, there will be no votes this afternoon on any amendments. But I would hope that those Senators who feel inclined to do so, as many Senators seem to, would use this time to give expression to their feelings, so that tomorrow we could come in and get started with the consideration of amendments to the pending business.

Mr. FULBRIGHT. Mr. President, I agree with what the Senator from Ohio said a moment ago. I also am glad the Senator has withdrawn his motion.

The point I want to make is that we did not have the votes in the committee to do what he suggests. Efforts were made in the committee to do just what the Senator is complaining about, and the votes were not there. To get the action he wants, it has to be done by the Senate as a whole.

I very much share the Senator's views about the matters he mentioned. Several efforts were made to change those items, and we did not have the votes. I see no prospect of changing it by sending it back. It has to be done on the floor. I would welcome the Senator from Ohio offering amendments to effect what he was just talking about.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to meet at 11 a.m. tomorrow.)

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW—ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately upon the conclusion of the remarks by the distinguished Senator from Oklahoma (Mr. HARRIS), there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes; and that at the conclusion of the period for the transaction of routine morning business, the Chair lay before the Senate the unfinished business.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. A moment ago, the majority leader requested that the Senate convene at 10 a.m. tomorrow. I am committed to start hearings with the administration on the Okinawa Treaty in the morning, in which the administration and the Senate are very much interested. I feel almost compelled to be there at least at the beginning. This has been set for a long time.

I wonder whether some other time for convening could be set. It would be very embarrassing for me not to be at the opening of the hearings on the Okinawa Treaty with the Secretary of State.

Mr. BYRD of West Virginia. Is it the Senator's intention to begin the hearings at 10 o'clock?

Mr. FULBRIGHT. Ten o'clock. They have been set for 2 or 3 weeks, and it is a matter of great importance to the administration. I was not thinking of that, but was thinking of the debate, when the majority leader asked that the Senate convene at 10 a.m. I hope very much that that is not done, because I want to be here if anything is offered.

Mr. BYRD of West Virginia. Could the Senator be here by 10:45? The reason I ask the question is that an order has been entered under which the Senator from Oklahoma (Mr. HARRIS) will be recognized for not to exceed 15 minutes, and I was just in the process of requesting that there then be a period for the transaction of routine morning business, for not to exceed 30 minutes, which would make it about 10:45 when the Senate resumes its consideration of the unfinished business tomorrow.

Mr. FULBRIGHT. The Senator understands that it would be embarrassing for me to get up in the middle of the Secretary of State's opening statement on the Okinawa Treaty. This matter has received great attention, and it is of first importance.

If no amendments are pending, it may be that someone else could carry on until we got through with the Secretary of State. But I would not feel it proper for me to get up and leave in the middle of the Secretary of State's statement.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, in view of what the distinguished chairman of the Committee on Foreign Relations has just said, that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I now renew my request with respect to the transaction of routine morning business on tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. tomorrow. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Oklahoma (Mr. HARRIS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, Calendar No. 402, H.R. 9910, a bill to amend the Foreign Assistance Act of 1961.

The distinguished minority leader indicated a few minutes ago that several Senators have amendments which will be ready for action by tomorrow, hopefully.

So, it is anticipated that tomorrow will be a day of action, a day in which there will be rollcall votes.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, October 27, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 22, 1971 (under authority of the order of October 20, 1971):

Supreme Court of the United States

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States, vice Hugo L. Black.

William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States, vice John Marshall Harlan.

Executive nominations received by the Senate October 26, 1971:

U.S. ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Ferd L. Davis, SSAN [redacted], Adjutant General's Corps.

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Barreca, Joseph P., Jr.
Bason, William M.
Beach, Thomas B.
Beeby, James L.
Cassidy, Walter J.
Coil, Edmonston F.
Collier, James C.
Comer, Ralph D.
Cremona, Frederick J.
Davis, John W.
Defiebre, Bruce K., Jr.
Early, Calvin B.
Easterling, James F.
Elliot, William A.
Evans, Fred S.
Fresh, James W.
German, Roy E.
Gragg, Donald M.
Hauler, Donald R.
Herbert, James E.
Hopping, Donald W.
Inman, Charles E.
Jacobs, Edmund P.
James, Stephen H.
Johnson, Bernett L.
Kendra, Stephen J.
Knapp, Robert W.
Lansinger, Donald T.
Lobpreis, Ervin L.
Loew, Albert G., Jr.
Mazzarella, Italo C.
Meredith, Robert C.
Metz, George E.
Mukomela, Arthur E.
Myers, Joseph S.
Poley, Richard W.
Proulx, Ronald A.
Reed, Ernest C., Jr.
Seeley, Richard J.
Steffenson, John L.
Steyn, Rolf W.
Storz, William J., Jr.
Van Peenen, Peter F.
Wilson, Wayne R., Jr.
York, Lowell T.

SUPPLY CORPS

Barrett, Charles W.
Baunsgard, Perry E.
Bennett, William W.
Boyce, Thomas A.
Caliman, Wayman G., Jr.
Carpenter, Charles F., Sr.
Carpenter, Dan M.
Carpenter, Norman E.
Carson, Donald E.
Cuson, Charles E.
Dickey, William H.
Dreese, Richard N.
Dunlevy, John H.
Edsall, Van T.
Flores, Joseph L.
Foster, Robert W.
Frost, Shirley D.
Gallagher, Robert F.
Galves, Richard M.
Gillespie, James A., Jr.
Giordano, Andrew A.
Gudbranson, Larry G.
Hamilton, Oliver W., Jr.
Hendershot, Theodore R.
Hennessy, William J.
Hill, Robert E.
Hurt, Richard O.
Jackson, Arthur D.
Kerwath, Richard C. F.
Kohl, Jacob D.
Landfair, Robert W.
Lazarus, Steven
Mayer, William H.
McGillivary, Duncan P.
McMahan, Paul T.
Morrison, Quinn B.
Phleger, Charles P.
Postak, John N.
Postich, George
Sandrock, John E.
Schriner, James A.
Spears, Laurence
Stevens, Robert J.
Thompson, Gerald J.
Umstead, Walter W., Jr.
Wadsworth, Ben A., Jr.
Waller, Edmund M., Jr.

CHAPLAIN CORPS

Auel, Carl A.
Bevan, Leroy A.
Carr, John F.
Dillard, Donald H.
Goad, John T.
Johns, Harry D.
Laboon, John F., Jr.
Linzey, Stanford E., Jr.
Miller, Harry R.
Morrill, Giles D.

CIVIL ENGINEER CORPS

Armatrout, Merritt F.
Bannister, William H.
Biederman, Jack C.
Dixon, Olin L., III
Doyle, Thomas J.
Gates, Paul R.
Green, Lawrence J.
Mooney, Malcolm T.
Myers, Clayman C., Jr.
Raber, Robert R.
Saravia, Benjamin L.
Sutherland, Andrew G
Sutley, Robert M.
Taylor, James T.
Williams, Edward J., Jr.
Wilson, William L.

JUDGE ADVOCATE GENERAL'S CORPS

Bridges, Kenneth K.
Evans, Laverne E.
Fruchterman, Richard L., Jr.
Haight, Gardiner M.
Higgins, Clinton K., Jr.
Newton, Robert B.
McHugh, James J.
O'Donnell, John H., Jr.
Rogers, Richard J.
Salomon, Ferdinand L.

DENTAL CORPS

Allensworth, Thomas M., Jr.
Barrow, Paul E.
Billotte, Alfred C.
Brault, Alfred O.
Chutter, Reinald J.
Collier, Richard D.
Cotton, William R.
Evans, Charles G.
Fulcher, Clyde L.
Gaston, Robert A.
Hall, Ollie V., Jr.
Hayes, Daniel E.
Kaneshiro, Kenneth K.
Keene, Harris J.
Kelly, William P.
Koutrakos, John
Lommel, Tennyson J.
Longton, Robert W.
Loo, Wallace D.
Mainous, Elgene G.
Muller, Henry, III
Russell, John R.
Sand, Ralph E.
Scott, James F.
Strauss, Philip W.
Tugwell, Howard S.
Ulrey, Richard D.
Vessey, Robert A.
Watkins, Eugene A., Sr.
Williams, John E., Jr.

MEDICAL SERVICE CORPS

Asche, Clifton A.
Becker, David E.
Bower, Harold R.
Browne, Weldon G., Jr.
Dowling, James H.
Greene, William J., Jr.
Harris, Albert C.
Hughes, Robert G.
Kirsch, Jean P.
Mateik, Edward D.
McConville, William E.
Reed, Robert F.
Sanders, James M.
Schindele, Rodger F.
Summerour, Thomas J.

NURSE CORPS

Gagnon, Eva M.
Heimberger, Peggy S.
McKay, Bernadette A.
Miller, Jean L.
Nielubowicz, Mary J.
Redgate, Janet M.
Stone, Charlotte R.

The following-named officers of the U.S. Naval Reserve for temporary promotion to the grade of captain in the Chaplain Corps, subject to qualification therefor as provided by law:

Foelber, Robert E.
Lionberger, Paul H.
Shaw, Charles A.
Taylor, Gerard W.
Thompson, John E.

Cmdr. Lois E. Harden for permanent promotion to the grade of captain in the Supply Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Ace, Robert Frederick
Ackart, Leon Eddy
Adkins, James Newton, Jr.
Aiello, Robert Jack
Ainsworth, Gerald Irving
Akers, Max Neil
Albrecht, Carl John
Alexander, Hershel David
Alexander, Edward Eugene, Jr.
Alligood, Bruce Tyndall, Jr.
Allman, John Iverson, III
Alvarez, Radul
Ambrogi, John Francis, Jr.
Amendt, Lester Dale
Anderson, George Edwin
Apap, Antonio
Artim, Ronald Nicholas
Ashley, Wallace Tuttle
Atkins, Thomas Maurer
Atwell, Marion Allen
Ayres, David Richard
Babb, Richard Lee
Baker, Eldon Stover
Baker, Jack
Baldwin, Edwin McClean
Ball, Ronald Fredric
Banta, Clifton Edward, III
Barnes, Fletcher James, III
Barnhart, Don Henry
Barrier, Lee Ellsworth
Barringer, Larry Edward
Barron, Douglas Wayne
Bartels, Harlan Bruce
Bass, William Hardie, III
Bassett, Charles Howard, Jr.
Bassin, Paul Howard
Beam, James Carlin
Beasley, Edwin Lee
Beedle, Leland S., Jr.
Belcher, Job Oscar, Jr.
Bennett, David Gray
Benton, Chestley Melvin
Berg, Roger Lee
Bernard, Eugene Charles
Bertelsen, Ralph Ivan
Besecker, John Albert
Blatt, Russel Neal
Bledsoe, Paul Ishamel
Bleynat, Edward Louis
Blish, Donald Eugene
Bloh, William Carl
Boecker, Donald Vaux
Bolinger, Charles William
Bondi, Joseph Ronald
Borden, Edward Lee
Bott, Melvin Carl
Bouchrad, Joseph Samuel
Boyle, Ronald Anthony
Brandt, Robert Thomas
Breidenstein, John Frederick
Brennock, Robert Francis
Brickner, John Smith
Brightman, James Morris
Brooks, Thomas Aloysius
Brown, John William
Brown, Michael Jack
Brown, Peter James
Brown, Thomas William
Brubaker, William Fredrick
Brune, Charles Marvin
Buchberger, Harold Francis
Bullard, Lewis Duane
Bunting, Keith McAlister
Burns, Charles Edwin
Butcher, Bradley Alwin
Butterfield, John Alden
Buxton, Donald George
Caggiano, Robert Richard
Calhoun, John Franklin
Calkins, Delos Samuel, Jr.
Calvert, John Frederick
Calvin, Donald Ural
Carden, Orelan Ralph, Jr.

Carleton, Reid Paul
Carlson, William Clifford
Caron, Gerald Clark, Jr.
Carretta, Albert Aloysius, Jr.
Carroll, Thomas Davis
Carson, Richard Lew
Cartwright, Jackson Eugene
Carver, Gerald Jones
Casagranda, Raymond John
Cater, Michael Charles
Cavness, Jim Henry
Chadwick, Wayne Louis
Chaires, Charles Allen
Chilcoat, John David
Childs, Johnny Harrold
Christensen, Robert
Clinton, John Charles
Clune, Edward Michael
Coats, Barry Wingo
Cockrell, Wilbur William
Coldwell, Thomas
Cole, Gerald Lee
Colley, Michael Christian
Collins, James Edward
Collins, John Fletcher
Collins, Richard Frank
Collins, William David
Comer, Robert Franklin
Compton, William Hopson
Connor, Ronald Lowell Franklin
Cordova, Richard Nathaniel
Cornelius, Harold Ward
Cosby, Millard Albert
Cox, David Ronald
Crews, Nelson Ray
Culhane, William Patterson
Cullen, Charles William
Curtin, James Michael
Cuseo, Michael Angelo, Jr.
Davis, Chester Clark
Davis, John David
Dawson, James Floyd
Dawson, William Henry
Daybert, William Knoeppel
Dellwo, Richard Edward
Dennis, Everett Jackson
Dennison, Terry Arden
Derr, Allen Joseph
Desko, Daniel Arthur
Dipalma, Robert Francis
Disney, Donald Gilbert
Doe, Ralph Farrington
Doherty, Joseph Franklin
Dombrowski, Henry Richard
Donovan, Francis Raymond
Dorsey, Edward Bradley
Doss, Marion Turner, Jr.
Dothard, John Jennings
Dougherty, William Adam, Jr.
Drees, Marvin John
Dreessen, Francis McCleary
Dressler, Joseph Anthony
Duben, Edward Martin
Duff, Karl Melton
Dunbar, Douglas Paul, Jr.
Duncan William Edward
Dundon, Alan Michael
Durham, James Louis
Eastman, David Ray
Eastman, Leonard Corbett
Eaton, James Willard, Jr.
Edgemond, John William, III
Edson, Philip Norman
Edwards, Marion Richard
Eglin, James Meikle
Eikel, Harvey Andrew
Eller, Alvin Lee
Ellis, Herbert Aloysius, Jr.
Emery, William Frederick
Entwistle, Thomas William, Jr.
Erhardt, Francis Joseph, Jr.
Erner, Eugene Joseph
Evans, Gordon Evan
Evans, Rowland Grayson
Farrar, Bobby Clark
Farrell, Edmun Francis
Feeney, John Stanton, Jr.
Felderman, John Laverne
Fenick, Joseph Daniel, Jr.
Ferguson, John Kirk
Ferro, James Lewis
Fesler, Robert John
Field, Blake Edward
Finch, Charles Curtis
Fisher, James Ronald
Fiske, Charles Matthew
Fleishman, Anthony Thomas
Fleming, James Joseph
Flickinger, Dean Franklin
Flow, James Wright
Floyd, Francis Marshall
Flynn, Gerrish Cecil
Fondren, George
Ford, Frank Richard, Jr.
Foreman, Merlin Lee Robert
Forsgren, Dean Herbert
Fosko, Paul David
Foss, Donald Minot
Foulk, William Henry
Franklin, John Scott
Franks, Vernon Mitchell
Freakes, William
Frederick, Keith James
Fredericks, Harold Arthur
Fuller, Robert Harold
Gallo, Salvatore Frank
Gattis, Harold Vondon
Gaudry, Byron Aloiseius
Gay, Warren Lewis
Gentry, Kerry Ford
George, Hugo Calvin
Geraldson, Elmer Lee
Gerould, Donald Edward
Gibson, Ronald Clark
Gies, Leo Charles
Gilchrist, James Leon
Glossner, Locke Harel
Godbey, Thomas Neal
Gold, Edward Frank
Goldenstein, Gordon Richard
Gosebrink, Fred John
Goss, James Eugene
Grafel, Lynn Harrison
Gram, Emil Glenn
Green, Frank Clifford, Jr.
Grow, Robert Lee
Gustafson, Earl Frederick
Haag, Ernest Vernon
Hahn, Dwight Emerald
Haines, Donald Albert
Halloran, William Renwick, Jr.
Halm, Terrence William
Halye, Lawrence Alston
Hamilton, Jackie Dale
Hancock, Richard James, Jr.
Hanna, Donald Vincent
Harbrecht, Raymond John
Harley, John Key
Harris, Albert Gecovia
Harris, Jess Marvin, III
Harris, Richard Albert
Harrison, Joe Pat
Harshberger, Robert Lee
Hartman, Phillip Gerard
Hastings, Ralph Lincoln
Hawkins, Clyde Dalton
Haynes, Jerry Ray
Hayter, Roscoe, Jr.
Heck, Alger Roscoe
Heckathorn, Clair Eugene
Henderson, Noel Barry
Henderson, Arnold Herbert
Herold, Lance
Herrick, Austin, Wallace
Heuberger, Nathan Albert
Hill, Eugene Lester
Hill, Martin George
Hines, Rubert, Jr.
Hoel, Jack Ira
Hoff, Michael George
Hoffman, John Melville
Hokeness, Sylvan Paul
Holland, Wylen Righton
Hollister, Floyd Hill
Holmberg, Bruce Alden
Holt, Fred Certain
Holt, William Colliver
Hooks, Edward French
Horne, Ronald Gene
Howard, William Stamps, III
Huddleston, Charles Raymond, Jr.
Hughes, Robert Lee
Huntington, Stuart Laurie
Hutchinson, Joseph Dwight
Ilg, Raymond Paul
Immerman, Arthur Leslie
Irvin, Robert Milton
Isherwood, Raymond Thomas
Ivey, Clarence Gresham, Jr.
Jackson, Milton, Jr.
Jackson, Morse Robert
Jacobs, Selby Weaver
Jaeger, James Walter
Jarrell, Jerry Dean
Jenkins, George Joseph, Jr.
Johnson, Curtis Wayne
Johnson, David Henry
Johnson, Kenneth Wilfred
Johnson, Ronald Lloyd
Jones, Arden William F., Jr.
Jones, Benjamin William
Jones, Daniel Pryor, Jr.
Jones, Harold Lee
Jones, William Dean
Kauffman, William Clayton
Keasler, Walter Harold
Keith, Frederick William, Jr.
Keith, Robert Taylor Scott, Jr.
Kelly, Harold William
Kennedy, Peter Paul
Kennedy, Philip Joseph
Kenney, James Alexander
Kersh, John McKay
Kessler, John Charles
Keyes, James Lyman
Kihune, Robert Kalani Uichi
King, Larry Norman
Kirk, Edward Redman
Kirkconnell, William Bayliss
Kirkman, Roger James
Kistler, George Keith
Kletter, David Martin
Klinedinst, Paul Richard, Jr.
Klinkerman, Robert Dale
Knapp, Norman Edward, Jr.
Knight, Walter Edwin
Kober, Harry Patrick, Jr.
Koch, William Anthony
Kolb, John Robert
Konkel, Harry Wagner
Kosoff, Tracy Monroe
Krehmeyer, James Alfred
Kryway, John Terrance
Kuehn, Gordon Norman
Kuhn, Joseph Lee
Lachance, George Modeste, Jr.
Lamb, Ellis Russell, Jr.
Landaker, John Albert, Jr.
Landrum, Raymond Garnett
Lane, John Weston, Jr.
Langdon, Stewart Douglas
Langston, Nicholas Denning
Laskaris, Gus Constantinos, Jr.
Lauf, Joseph Walter
Lavinder, Carlton Leslie, Jr.
Leach, Richard Daniel
Lee, Bobby Clyde
Lee, John Jackson
Leech, Joseph William
Lehmberg, George Russell, Jr.
Leisy, Ned Bruce
Less, Anthony Albert
Lewis, David Edwin
Lewis, Marwood Dean
Lewis, Tom Arthur
Leygraaf, Gerard Joseph
Lineback, Harry Winburn
Lisle, George Frenger
Lloyd, George Marvin
Loftus, Stephen Francis
Long, Carl Herbert, Jr.
Loonam, Walter Leo, Jr.
Lowe, Larry Taylor
Lubbers, Gary Wendel
Luders, Ernest Celestino
Ludwig, Ronald Emil
Lukenas, Leo Allen
Lynch, Dale William
Lyon, Hylan Benton, Jr.
MacKenzie, Franklin Forsthove
MacLedd, Wallace Francis, Jr.
MacNeill, Donald William
Maddox, Rex Arl
Magee, Francis Hugh

Magee, James Alexander
Maier, Peter Tillou
Major, James Arthur
Maloy, Larry Lee
Mamele, Clayton Carl
Markey, Alden Cyril
Maroldy, Thomas Michael
Marovich, Michael
Marr, William Thomas
Martin, Richard Herman
Mater, Bernard Everardus
Mattingly, Thomas Kenneth, II
May, Wesley
Mazzola, Vincent Steven
McBride, Joseph William, Jr.
McBrien, Jack Warren
McCandless, John Edward
McCandless, Bruce, II
McCarthy, Kenneth Ray
McCauley, Victor
McCroskey, Bobby Ray
McCullough, David Underwood
McCullough, Martin Lientz
McDaniel, Robert Sherman
McDonald, Michael Harold
McFerren, Robert Wilmer
McGhee, Kenneth Buren
McGruther, Gordon Thomas
McGuire, Michael Lee
McInvale, Joe Billy
McLane, Michael John
McLaughlin, Bruce Campbell
McLaurin, Kenneth Eugene
McMahon, Bernard Francis, Jr.
McMichael, John Coleman, Jr.
McNulla, James Edward, III
McVadon, Eric Alton, Jr.
Meenan, Robert Leon
Meese, Richard Ellsworth
Megonigle, Carl Earl
Meyer, Dale Allen
Meyer, Donald Christian
Meyer, Frank William
Midgarden, Peter Neil
Midvedt, Harold Leonard
Miller, Charles Louis
Miller, Edward Arthur
Miller, George William, Jr.
Miller, Robert Dewayne
Miltenberger, James Russell
Milwee, William Ivon, Jr.
Monroe, Philip Alvah
Montag, Charles Frederick
Moore, James Albert
Moore, Rufus Beverly
Morris, Clyde Cecil
Moss, Robert Lee
Mott, George Edward, III
Moynihan, John Joseph
Mueller, William Alfred
Mullaly, Raymond Kenneth
Mulloy, Charles Sullivan
Munch, Charles Herbert
Murphy, Chester Arthur
Murphy, Norbert Patrick
Murray, Gordon Lawrence, Jr.
Murray, Joseph Walter
Nahlovsky, Richard Earl
Nakagawa, Gordon Ross
Narro, Arthur Thomas
Nash, Norman Bert
Nazak, Robert Michael
Nelson, Henry Eugene
Nelson, Richard Melvin
Nesbit, Arthur MacLean
Newcomb, David Arthur
Newton, George Berryman, Jr.
Neyman, George Purviance, III
Nichols, John Bennett, III
Nicolls, Robert Patrick
Niedbala, Joseph Thomas, Jr.
Nolan, Thomas Edward
Nutting, Roger Marvin
Oakey, Eugene Snyder
Obeirne, Frank, Jr.
O'Brien, Walter Harvey
O'Leary, John Patrick, Jr.
Oleson, Charles Andrew
Oliver, Earl Lee
O'Neill, Cornelius Thomas
Osberg, John Walfrid, III

Osborne, Robert Bell
Ostrander, William Edward
Owen, Robert Stephen
Owens, Ramon Ronald
Pape, Jerry Lee
Parker, Richard Stanley
Pate, Zachariah Tayor, Jr.
Patrick, Meredith Willis
Pauole, Alvin Hawaii
Pearce, Michael Alton
Pease, Charles Curtis
Peden, Joe Dean
Pender, Thomas
Perkins, Robert Starnes, Jr.
Peters, Frank Joe, Jr.
Peters, John David
Peterson, Robert Anthony
Phelps, George Thomas
Phillips, Clifford Roy
Phillips, Robert Earl
Pidgeon, Robert Huntley
Pierce, George Eagleton
Pigg, Bobby Joe
Pinson, Peter Clyde
Pirotte, James Henry
Pittenger, Richard Fay
Pizinger, Donald Dean
Polski, Paul Arthur
Poore, James Stanley
Port, Joseph Clinton
Porter, Donald Henry
Porter, Gene Huntley
Porter, Oliver Howard
Powell, Richard Allen
Pratt, John Lee
Pressly, James Moffatt
Preston, Craig Andrew
Proctor, Robert Remmington
Pruitt, Arnold William
Purnell, Clement Irvine
Pye, Reginald Cecil, Jr.
Pyle, Ronald William
Quay, Thomas Willoughby
Rager, Richard Ronald
Rasmussen, John David
Ratto, Lawrence John
Redford, Maury English, Jr.
Reeve, William Francis
Rehder, William August
Reich, William Fredrick
Reilly, Robert Kevin
Reimann, Robert Theodore
Reister, Walter Alvin
Render, Ronald William
Rentie, Norman Leroy
Rentz, William Oliphant Kendr
Retz, Michael Joseph
Reuscher, David Lloyd
Rice, William Lynwood
Richardson, Daniel Charles
Riley, Roy G.
Riley, William Ernest
Riordan, William Patrick
Ripple, James Ellsworth, Jr.
Robbins, Philip Dale
Roberson, Arleigh Edward
Roberts, James Harold
Robins, Harry Blaine, Jr.
Rogers, Gerald Winston
Rohrbough, John Davis
Ross, Norman Albert
Rothrauff, Thomas Benedict
Rowley, Cornelius Malcolm
Rumney, Robert Earl
Runzo, Melvin Arthur
Ruona, Keith Vernon
Ruppert, Noel Laurenston
Russell, Cleveland Hannon
Russell, Harold Berton
Sachse, Clark David
Salmon, Walter William, Jr.
Schaffer, Ruben Wayne
Schluntz, Frank Reuel
Schoenfeld, Jay Kenneth
Schoocraft, James Loomis
Schoonover, Richard Thales
Schramm, William George
Schulz, Russell King
Schulz, William John
Scott, Milton Myrlin

Seidel, Melvin Leroy
Sendek, Joseph Michael
Sharp, Grant Alexander
Shattuck, George Wendell
Shawkey, Dallas Walton
Sheppard, Donald David
Shriver, Robert Ambrose
Sillery, Charles Doyne
Simmons, James Leon
Simone, Thomas Joseph
Skezas, George Christ
Skinner, George Ross
Skrukrud, Clare Evon
Slaven, Robert Knowles, Jr.
Slye, Richard Earl
Smith, Bradley George
Smith, Charles Jacob
Smith, Clyde Arnold
Smith, Donald Duane
Smith, Nepier Vrabel
Smith, Peter Taylor
Sommer, Henry Joseph, Jr.
Sorensen, Richard Sheldon
Sorna, Ronald Edward
Soules, Charles Webster
Spencer, Thomas James
Stark, William Robert
Starrin, Roy Edward
Staudenmayer, Frederick G.
Stein, Edwin Francis, Jr.
Stoker, Laron L.
Stokes, Carl Julian, Jr.
Storey, Edward Leo
Street, Robert William
Strohsahl, George Henry, Jr.
Strole, Dennis Silver
Strunk, David William
Stubbs, David William
Stubbs, George Richard
Stumcke, Frederick Bradley, Jr.
Sturm, Paul Morrison
Sullivan, Gerald Francis
Susag, Gary Robert
Sutton, Charles Rudolph
Swain, Donald Derk
Swor, Jerry Glenn
Szczecinski, Joseph Lawrence
Szczypinski, Walter S., Jr.
Taft, Denis James
Tambini, Anthony Louis, II
Tarquin, Donald Charles
Taylor, Jimmie Wilkes
Taylor, Thomas Paul
Teague, Robert Arson
Tenefrancia, Ambrose James, Jr.
Terry, Bert Dixon
Terry, Ross Randle
Thomas, Kinnison Henry
Thompson, Glynn Murphy
Thurston, John Kindred
Tilger, Billy Ralph
Tingle, Adrian Artomus
Tomcavage, Norman Jerry
Toney, Robert Lee
Triebes, Carl John, Jr.
Trout, Michael Duane
Troutman, Darrell Clinton
Turlay, William Evert
Usalis, Jerome Thomas
Vaiana, James George
Vaught, Clarence Thomas
Veenstra, Robert Murlin
Venable, Robert Luther
Vick, John Clifton
Victor, Alfred Erwin
Vold, Almer Charles
Wagner, William Francis
Wanglie, Eugene Einar
Ward, James Jackson
Ward, Sibley Logan, III
Warner, Lloyd
Waters, Ronald Lee
Waymire, Donald Marion
Wegert, Sidney Julius
Weigand, James Gary
West, Ralph Whitaker, Jr.
Westbrook, Dale Allen
Westerman, William Robert
Wettestead, Norman Charles
Wheatley, Gary Francis

Wheeler, George Clifton
White, Ervin Eugene
White, Robert Sherman
Whitmer, Benjamin Franklin
Wicklund, Richard John
Williams, Willis Terrell
Wilson, Richard James
Wingo, Robert Freeman
Wold, Robert Michael
Woodbury, David Edward
Woodworth, Benjamin Bohlken
Wren, Gregory Secord
Wright, Robert Herring, III
Wuorenmaa, John Paul
Wyatt, Richard Lee
Yaeger, Ernest Franklin
Young, Arthur Edmund, Jr.
Young, Rober Allan
Young, Sol
Zeller, Raymond Guy
Zorbach, Anthony Joseph
Zucker, Channing Morse

The following-named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Hardman, William Morgan
Hart, Robert Netherland, III
Hedden, Forrest Farley
McCalla, Thomas Richard
Strobel, Carl William
Tarbox, Thomas N.
Taylor, Richard Louis
Woodhouse, James Everett

The following-named Regular officers of the line of the U.S. Navy, for temporary promotion to the grade of commander, pusuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law:

Cullen, Richard Columbus
Jones, Jenus B.
Katz, Alfred Charles
Long, David Elbert
McKee, Richard Grant
Mixon, Tracy Roland
Nielsen, Emanuel Kevin
Shaw, Frederick Albert
Specher, Herbert Edgar, Jr.
Taylor, Bruce Andrew, Jr.
White, Robert
Youngberg, Guy Milton

The following-named women officers of the U.S. Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Burch, Mary Jean
Higgins, Maria Salter
Jackson, Virginia Elliott
McIlraith, Margaret Ann
Steenburgen, Anna Lea

EXTENSIONS OF REMARKS

WELFARE LEGISLATION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 26, 1971

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of October 21 contains an interesting editorial analyzing the welfare legislation supported by the administration.

The editorial refers to this proposal as "revolutionary and expensive," a description applied to it by Secretary of Health, Education, and Welfare Richardson.

I believe this is an accurate description, and I believe that the proposal has many flaws. I hope that Congress will not take action on the proposal this year.

I ask unanimous consent that the editorial, "A Needed Analysis," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEEDED ANALYSIS

Speaking on the floor of the Senate yesterday, Senator Harry F. Byrd Jr. had some important comments regarding the Administration's welfare reform proposals. The senator's remarks are extremely pertinent to the question of whether or not this nation wishes to go all the way down the road to welfare statism, proceeding to the ultimate point at which handouts to millions of able-to-work recipients will be an intolerable fiscal burden for the nation.

Classifying the Administration's present reform proposals as "welfare expansion" rather than "welfare reform," Sen. Byrd said he cannot support this "revolutionary and expensive" program for these basic reasons:

"One, it lacks adequate work incentives.

"Two, I doubt the wisdom of writing into law the principle of a guaranteed annual income.

"Three, the annual cost of the new program would be at least $5 billion greater than the present program.

"Four, the number of welfare recipients would be increased from 12 million persons in 1970 to 25 million persons.

"Five, Richard P. Nathan, Deputy Under Secretary of Welfare, says the government would need to hire an unprecedented 80,000 new federal employees to administer the program."

According to the Department of Health, Education and Welfare's own figures the cost of Federal welfare in 1962 was $2.7 billion. The cost in the current fiscal year of 1971-72 is projected to be $14.2 billion. If the Administration's proposed reform program is adopted, HEW Secretary Richardson has estimated that welfare costs for the Federal government in 1973 would be $19.7 billion, an increase of $5.5 billion in one year.

Does this recommended program provide the kind of welfare reform that we need and that we can afford to live with?

Sen. Byrd thinks not, and we agree. He put it to his fellow senators this way yesterday:

"I feel that the government has an obligation to our fellow-citizens who are physically or mentally unable to earn a living. But the 'revolutionary and expensive' proposal of Secretary Richardson goes far beyond that. It does not have adequate work incentives, nor does it have adequate provisions to keep off the welfare rolls able-bodied citizens who should be seeking jobs instead of hand-outs."

The senator reminded the nation that, "When President Nixon was a candidate for President in 1968, he stated again and again that he wanted to reverse the trend to the welfare state. How does one reverse the trend . . . by doubling the number of people on welfare?

Yes, how?

AMERICAN MINING CONGRESS SERVES AMERICA'S PEOPLE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BARING. Mr. Speaker, the State of Nevada, which I represent in the House of Representatives, was host last week to a convention of one of this Nation's most important and largest industries—the American Mining Congress.

I was privileged to attend as a speaker for the informative seminar on public lands along with several of our colleagues in both the House and the Senate who attended and spoke before other mining meetings at the convention.

The site of the convention for 15,000 mining men was our Nevada city of Las Vegas and, needless to say, Las Vegas offered a warm western welcome to this traditional American industry whose history is well marked with development in our Silver State—Nevada.

The theme of the week-long series of seminars and speakers centered on man's duty for the search for improving his existence while at the same time offering concrete proposals to secure the proper balance between man's needs and uses of America's natural resources and the preservation of those resources.

Mr. Speaker, the publisher of the Las Vegas Sun newspaper, Mr. Hank Greenspun, took time and space to record his thoughts about the history and men of the American mining industry.

I include the following article, "Where I Stand," by Hank Greenspun, in the October 14, 1971, issue of the Las Vegas Sun, in the RECORD for the benefit of our colleagues:

WHERE I STAND

(By Hank Greenspun)

The earth is jealous of her bounties and yields only to those who have the strength and the will to contest for her riches.

The American Mining Congress is made up of such men.

It is fitting that the foremost mining men and the major exhibitors of the tools they need in their work are holding their annual convention in Nevada.

As history shows, Nevada earned the title of "Battleborn State" because the wealth of her mines is credited with saving the Union during the Civil War.

But wealth wasn't the only contribution made by the pioneer engineers who challenged earth for her treasure during the mining booms of the late 19th and 20th Centuries in Nevada.

Many of the innovations in mining methods which were necessary to work the rich deposits of the Comstock Lode are still in use around the world today, with modern refinements, of course.

Square set mining, which allowed the stripping away of huge blocks of ore were first used on the Comstock, as were steam powered drills, huge pumps for dewatering deep mine shafts, and various kinds of hoists and milling processes.

Many of the techniques have changed of course, but miners today aren't much different than they were a hundred years ago. They still are men of courage and confidence. Without these two ingredients, much of the earth's wealth would have remained in her bosom.

Instead, the fruits of the earth have been used to build cities, to fuel industry which has provided food, clothing and shelter for millions, and to build our nation into a world power.

The earth of Nevada has been good to

those with enough daring to dream their dreams and then turn them into reality.

The evidence that these basic attributes haven't been lost is easily visible at the Las Vegas Convention Center and in the surrounding grounds.

For those not closely connected with the mining industry, the equipment on display seems to be from another world.

Men are dwarfed by the monster earth moving equipment, the giant power shovels, the drills, generators and all the other tools which have been invented to ease the task of removing the earth's wealth for the use of humanity.

It's easy to believe that the modern miner can turn a mountain into a molehill in a matter of hours with the machinery now available for his use.

Alongside the forces of nature, man is puny, but his brains give him the means to challenge earth. Miners remain people who cherish the earth, however. They appreciate it like no others because they realize the earth is the source of all good things and can make nations and men strong.

Man is strengthened by the earth, not only because it produces food and fiber and precious and essential minerals, but because it makes him use his strength and knowledge if he is to harvest the fruits.

Farmers and miners are somewhat akin because they know firsthand the surprises and often the reverses the earth has in store for them and they have had to devise techniques and machines to overcome the superior forces of nature.

Mahomet of old made the people believe he could call a hill to come to him. When the people assembled and Mahomet called the hill again and again; and when the hill stood still he was never a whit abashed, but said, "If the hill will not come to Mahomet, Mahomet will go to the hill."

Today, Mahomet would have been able to move the entire hill within a matter of hours simply by getting one of the super earth movers now on display at the Convention Center.

Like Mahomet, the miners of today are challenged with bringing the mountains to the industry and they have devised the machines to do the job.

Thus, our nation can feed the world, if need be, or supply it with numerous basic raw materials, if necessary, because of the ingenuity of our industrious toilers in the earth.

When the American Mining Congress meets in Nevada, they come to the right place. There is no other state in the Union with a richer or more colorful history in this endeavor.

The earth has given Nevada sustenance all these years, and she shared her wealth with others to build cities and the nation.

Nevada's miners were men who matched her mountains and the American Mining Congress carries on that rich heritage.

PROTECTION OF WILD FREE-ROAMING HORSES

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 26, 1971

Mr. SCOTT. Mr. President, on June 29, 1971, the Senate passed S. 1116, a bill to require the protection, management and control of wild free-roaming horses and burros on public lands. As a sponsor of S. 1116, I am delighted that the House of Representatives has also passed this measure and that it will soon be considered by a Joint House-Senate Conference Committee.

At this time, I would like to call the attention of the Senate to a Resolution adopted by the Pennsylvania State Senate urging the Congress to enact this legislation to protect these valuable and beautiful horses. I ask unanimous consent that the Resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE OF PENNSYLVANIA,
Harrisburg, Pa., March 30, 1791.

Once again part of our American heritage is being destroyed. In ten of our Western states packs of wild horses roam freely; however, they are rapidly being killed and processed for dog food. Just a few years ago there were over two million of these animals and now there are less than twenty thousand. These horses are historically and esthetically valuable. We cannot allow them to be brought any closer to the brink of extinction. At this very time the Congress of the United States is considering legislation which would protect these animals;

Now therefore, the Senate of the Commonwealth of Pennsylvania memorializes the Congress of the United States to pass the legislation now before it which would protect the valuable and beautiful wild horses which roam freely in the West so that this part of our ecology may stay with us;

And further directs that a copy of this resolution, Serial No. 20, sponsored by Senators Louis G. Hill, W. Louis Coppersmith, Henry C. Messinger, Henry J. Cianfrani, Thomas P. McCreesh, Patrick J. Stapleton, Joseph F. Smith and Thomas M. Nolan and adopted by the Senate of Pennsylvania the twelfth day of October, one thousand nine hundred and seventy-one, be transmitted to the presiding officer of each House of Congress of the United States, and to each Senator and Representative from Pennsylvania serving in the Congress of the United States.

REPORT BY THE COMMITTEE FOR PUBLIC JUSTICE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues a committee known as the Committee for Public Justice. This committee has on its executive council well-known and distinguished citizens including Roger Wilkins, Blair Clark, Ramsey Clark, Robert Coles, Norman Dorsen, Lillian Hellman, Burke Marshall, Robert B. Silvers, Telford Taylor and Jerome Wiesner. The committee has recently issued a statement on prisons and the conditions in these institutions that must be changed.

The report includes a description of cells 7 feet by 8 feet by 9 feet in which three men are sometimes squeezed with the third man sleeping on the cement floor. Such conditions are not found only in the most backward sections of our country. I have personally seen these conditions in the Tombs, a major detention facility in New York City. I brought these conditions to the attention of the correction authorities and the mayor of the city of New York. Cell occupancy has been reduced to two in many instances and in cells where there continues to be a third man a mattress has been provided. And, as a result of exposure of that and other barbaric conditions some changes have been made in New York City jails but clearly not enough.

The statement follows:

STATEMENT ON PRISONS AND JAILS BY THE COMMITTEE FOR PUBLIC JUSTICE, ISSUED SEPTEMBER 23, 1971

THIS STATEMENT IS ABOUT PRISONS AND JAILS, THE PEOPLE WHO MUST LIVE IN THEM AND THE PEOPLE WHO DO NOT

Last spring, members of the Committee for Public Justice began visiting prisons and jails throughout the country. We hoped to prepare a prisoners' Bill of Rights for use by enlightened penologists and prisoners' rights lawyers. We had already begun to draft our recommendations when the recent events occurred at the New York State Correctional Facility at Attica. Now Attica overshadows whatever we say, and perhaps it should because the startling fact is that our independent conclusions of what must be done significantly overlap the 28 demands of the Attica inmates. Often, our conclusions expand on the inmates' demands. But if Attica looms behind each of our recommendations, it may be because each of the institutions we visited was another Attica. The fear and danger is that by neglect or ignorance we have made Atticas of all our jails and prisons.

THE ISSUE

We have long known that about half of all inmates released from penal institutions return. This fact was a constant warning that we have been concerned more with confining people than with adequately preparing them for return to society. Perhaps this seemed cheaper, more efficient, less trouble. But most sentences are not life sentences, each year, about 100,000 men and women are released from state and federal penal institutions and, ready or not, return to society.

In recent years there has been additional compelling evidence that we are unconcerned with the fate of the people we lock up, so long as they are locked up. Inmate riots and suicides, press reports on conditions at numerous institutions, and judicial decisions holding particular prison practices (or even entire institutions) cruel and unusual, all reflect an ugly reality far removed from the pretty rhetoric of rehabilitation.

For one example, earlier this year, a Michigan state court ordered massive changes in the Wayne County jail because of deplorable conditions there. One portion of the lengthy opinion comments on the overcrowding and unsanitary conditions:

> When two persons are squeezed into a cell, less than 7' by 8' by 9', the conscience of the court is disturbed. Yet two men to each of these tiny "old cells" is the rule rather than the exception in the old section of the jail.
>
> When three persons are jammed into these undersized "old cells," with one person sleeping on the floor, the conscience of the court is not merely shocked, it is outraged. Three men are routinely confined in these undersized one-man cells for nine consecutive hours from 9:00 P.M. to 6:00 A.M. Although not the general rule, three men to an "old cell" is by no means uncommon. . . .

The plight of the "third man" is particularly oppressive. He must sleep on the floor. If he is in one of the many cells with a leaking toilet, he sleeps near seeping human wastes; and if he is admitted to the jail in a peak population period, he will not even have a mattress between him and the cell floor. There are so many leaking toilets, that when inmate population runs high, the jail lacks sufficient clean, dry cell floors on which all of the newly admitted jail occupants can sleep. (One inmate, who refused to sleep on the floor of a cell with a leaking toilet, was put in the hole as punishment.)

This and similar situations pose critical questions about the use and operation of our jails and prisons. In short, just what goes on in these places?

It is, we believe, a principle of our political system that power over the lives of men should, wherever possible, be subject to control and review. But this principle seems absent in penal institutions. Yet, as Judge Simon Sobeloff has written, "the corrupting influence of absolute power is true of prison guards no less than of other men."

In response to this problem, members of the Committee for Public Justice have, in the past few months, visited state and local penal institutions around the country.* We have talked to inmates, guards, administrators, and wardens. We have come to certain conclusions about the nature and scope of the issues raised. The single conclusion most obvious to us all is that these problems won't wait. Society must respond. We hope our experiences in the past few months will help crystallize the issues and suggest solutions.

A WAY OF VIEWING THE SOLUTION

Our experience indicates that the major issues in the prisoners' rights movement fall into four rough categories.

A. Rights to mental autonomy

This category includes the right to send and receive uncensored mail, the right to buy periodicals and books without control over content, and the right to religious freedom inside the institution.

Many correctional institutions censor incoming and outgoing mail. Since there is a limited number of censors, volume of mail is necessarily restricted. To assure this restricted volume, prisoners often may not write to anyone who is not on an approved list; in addition, letters may have length restrictions. The initial decision to censor thus results in secondary rules which have no independent justification. But is censorship necessary? The experience of one Facility seems to indicate it is not. In the New York City Men's House of Detention, outgoing mail is censored, and incoming mail is opened but not read. There is no restriction on volume of mail or on number of correspondents.

It seems to us that censorship of mail, with its ancillary regulations, serve no real state interest and, therefore, unnecessarily intrudes on prisoners' rights. In any event, the positive experience of institutions which have relaxed these rules should lead others seriously to re-examine their positions.

Receipt of periodicals and books is another area in which the regulations cover a spectrum. For one example, we understand that the New York State Penitentiary at Ossining will not allow inmates to receive books from anyone but the publisher. The explanation given an attorney who recently tried to bring his client some paperback novels is that the prison does not have the manpower to search each book for hidden messages. The same state's facility at Auburn will not allow an inmate even to receive a publisher's catalogue because he might then try to order forbidden books. We do not here advocate a particular rule. We simply believe the whole question should be re-examined in order that limitations which no longer have a basis in fact—if they ever did—can be removed.

The same is true with religious freedom. Recent federal court decisions have guaranteed prisoners the rights, subject to reasonable limitations, to hold group religious services, to possess religious books and periodicals, and to follow special diets required by their religions. It is important that the federal courts, when petitioned, reaffirmed these rights. It is, however, a sad indication of the attitudes of the prison administrations that recourse to the courts was necessary.

B. Right to a humane environment

The most immediate problems in this area are overcrowding and unclean conditions. Our own experience confirms this. Psychological well-being and physical health require certain minimum living conditions. The literature—judicial, reportorial, autobiographical—describes, sometimes in graphic detail, the shocking extent to which facilities now fall below barest minimums. There is no need to repeat these descriptions here. We believe, however, that it would jolt the sensibilities and consciences of many Americans if they knew the conditions under which many of our jails and prisons propose to rehabilitate.

This problem is more acute when punitive segregation or "strip cells" are used. Whether conditions ever exist to justify segregation in no event, we think, do conditions justify subjecting an inmate to an inhumane environment.

There are, we believe, two other rights in this area. There is a right to medical, dental and psychiatric services. This right requires that every correctional facility have sufficient professionals available to provide these services—not only in response to illness, but on a preventative basis as well. Medical services, however, are apparently scarce in many prisons and jails; and too often, psychiatric and social services are entirely absent.

It was recently reported, for example, that the Manhattan House of Detention for Men did not have a functioning X-ray machine or sterilizer for its nearly 1500 inmates (500 above capacity). Responsible officials did not know who was in charge of providing a resuscitator for the mentally disturbed inmates. There was no comprehensive record of pharmaceutical drugs in stock. One critic estimated that nearly half the 25 deaths in that institution in 1971 might have been prevented if medical facilities were better.

A final right in the humane environment area concerns the way prison and jail inmates are able to occupy their time.

This problem most often arises in jails because they are housing more inmates for longer periods of time than was even intended when they were built. Jail inmates have complained to us that there is nothing to do during the months of their incarceration. We believe that if jails and prisons are going to be constructive, the men and women we lock up must have meaningful jobs while inside. If they have a useful skill, they should be allowed to use it; if not, they should be taught one. In this regard, we think there is a right to rehabilitation opportunities, a right to have or to learn a constructive job that can be used to make a living during confinement and after release.

One footnote to the issue of a humane environment. We have noticed in our visits that smaller institutions, both in size and population, provide a more humane environment than large ones. In addition, smaller institutions, such as Yardsville in New Jersey, seem to have an atmosphere of community and personal interdependence beneficial to both inmates and staff. The large institutions we visited, on the other hand, tended to lack these qualities. At huge Trenton State Penitentiary, for example, the Warden refused to let us talk to prisoners or see the solitary confinement area.

C. Right to political freedom

We think there are two predominant rights here. They are in need of special protection now because inmates will more likely seek to exercise them as the prisoners' rights movement grows.

Prisoners, like the rest of us, should not be punished for holding or espousing a political belief. In addition, consistent with reasonable administrative controls, prisoners should be allowed, without fear, to organize and exercise their political beliefs. It is not the Warden's job to give an inmate "the proper" political perspective. In correctional facilities, as elsewhere, the state has no business in this area.

The real danger is that prison and other officials will discriminate against an inmate because of his political beliefs or activities without actually saying so. Since the internal operation of prisons do not enjoy great public visibility and since there are many areas in which prison officials and others can control the lives of inmates, this danger is not one we can ignore.

Three areas, for example, in which discretion may be abused for political reasons are the loss of good time, denial of parole, and punitive segregation. In each case, officials have the power to control either release or the conditions of imprisonment; and in each case, standards are vague and public visibility poor. The denial of parole to George Jackson and Philip and Daniel Berrigan come readily to mind. We are not convinced that political considerations did not play a part in these decisions. But Jackson and the Berrigan brothers are simply the most obvious examples. Are there others? Again, low visibility and vague standards leave this question unanswered.

The other side of the right not to suffer for holding or exercising one's political beliefs is the opportunity to exercise them. We recognize that institutional life demands certain restrictions that the state could not impose outside. But we do not believe that these restrictions can reasonably, or justly, deny all chance to exercise one's beliefs. Such claims should be carefully examined by responsible officials and reexamined by the courts.

D. The rights of access and fairness

Inmates live in a world of rules. There are the rules that affect the inmate inside the correctional facility and those that put him there in the first place. Inmates are rightly concerned that they not be unjustly punished for allegedly breaking a facility rule and that they have access to the judicial rules that might eventually free them or improve the conditions of confinement.

With regard to the rules of the correctional facility, we believe that before an inmate is punished for their breach, he should have an opportunity to defend himself at a hearing. That hearing should observe certain minimum due process safeguards. We recognize that this puts a large burden on the institution, and we emphasize that we do not urge the right to a fair hearing every time the infraction of a minor rule results in a minor punishment. But when the punishment is solitary confinement or loss of a substantial amount of good time, for example, we think a fair hearing is necessary. This procedure, we believe, will serve the additional function of helping to convince inmates that authority is not necessarily arbitrary and punitive, but is concerned with a just result.

Perhaps the major goal of inmates is to change their status and rejoin society. We think prisoners should be aided in that pursuit by allowing and encouraging their access to legal know-how. Inmates should be permitted to help and to be helped by their fellows as they pursue judicial remedies. They should have access to an adequate law library. They should have reasonably free access to their attorneys and to the courts. No inmate should be punished for gaining lawful release for himself or for another. Here again, we believe that the therapeutic value of encouraging resort to legal remedies far outweighs any harm—if there is harm—it may involve.

CONCLUSION

We do not claim this list of rights is exhaustive. Many will consider other rights equally important and, as time passes, society may find that it will have to devise additional ways to protect the interests of confined men and women. There is a common denominator, however. It is the depth of humanity we share as a nation. If our concern for fellow human beings is real and deep, we will not have to worry about future Atticas. They will not happen. But if our concern remains only to lock people up and not prepare for their almost certain return to society, then we are all in trouble.

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* Institutions visited include Soledad, Vacaville and the Corona Rehabilitation Center in California, Trenton State and Yardsville in New Jersey, and the Women's and Men's Houses of Detention in Manhattan.

FINAL REPORT ON MAYDAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mrs. ABZUG. Mr. Speaker, news reports over the past few days have informed us of the dismissal of the last 300 cases arising out of the 12,000 arrests during the Mayday demonstrations. Of the 12,000 arrests, only a few were sustained after trial, and all of those were reversed on appeal.

It is important, at a time when the President is preparing to fill two seats on the Supreme Court, that we be reminded of his administration's lack of commitment to civil liberties and due process of laws. We must take care that a man who has tried again and again to gut the Bill of Rights by executive action is not permitted to gut it by judicial action.

The Board of Trustees of the Public Defender Service of the District of Columbia has just issued a report on the legal services which it rendered in connection with the Mayday demonstrations. I include the text of that report in the CONGRESSIONAL RECORD at the conclusion of my remarks, and I commend its contents to all of my colleagues:

LEGAL SERVICES DURING THE 1971 MAYDAY DEMONSTRATIONS

(A Special Report of the Board of Trustees of the Public Defender Service for the District of Columbia)

INTRODUCTION

The Board of Trustees of the Public Defender Service is required by statute to submit an annual report of the Service's operations. This year, in light of the unprecedented demands made upon the agency by the events of April 28 through May 7, we present in addition to the report of our regular activities, this special summary of services rendered as a result of the "Mayday" demonstrations.

What is reported is not intended to indict or absolve any of the institutions which processed the approximately 12,000 arrestees. Nor do we report the response of many lawyers who played a significant role during the Mayday period, such as volunteer attorneys, the Georgetown Legal Interns, and American Civil Liberties Union lawyers, all of whom worked hard and long in providing representation. Our purpose is to present the facts and situations with which PDS attorneys dealt. Much of the representation during the Mayday disorders was of a nature unusual for the Public Defender Service, which under its governing statute ordinarily represents only those charged with serious crimes. But when called upon by the courts, the PDS responded to the emergency in the District of Columbia. It is the view of the Board of Trustees that the ability of PDS attorneys to provide such emergency aid averted a serious problem which would have arisen from the lack of attorneys to assure adequate representation.

The detailing of the activities of the PDS staff during the disorders is done partly in consideration of our statutory duties to report our activities, and partly in the hope that such a record may be of use to others who share with us the duty to plan for the administration of justice during crises.

SAMUEL DASH,
Chairman, Board of Trustees,
Public Defender Service.

LEGAL REPRESENTATION

The Public Defender Service became involved in representation of demonstrators on Wednesday, April 28, with a 9 P.M. call from the Clerk of the Superior Court to the Director of the Service, stating that the courts were starting to arraign several hundred demonstrators arrested at Selective Service Headquarters and that lawyers would be needed to represent them. In the following days similar requests were frequently made. While some PDS attorneys were representing defendants, others were recruiting, aiding and organizing volunteer attorneys from the private bar.

The Board of Trustees believes that the response of the Public Defender Service proves the usefulness of a central office of defense lawyers, which can be quickly mobilized in emergencies. As Chief Judge Greene wrote in a letter to the Service dated July 6, 1971; "Without the dedicated assistance of many [PDS] staff attorneys the Court's ability to function during the period immediately following the demonstrations would have been seriously hampered."

The pattern of arrests was as follows: Wednesday, April 2: 255 people arrested at Selective Service; Thursday, April 29: 254 arrested at HEW; Friday, April 30, 385 arrested, mostly at a demonstration at the Justice Department; Sunday, May 2: more than 200 arrested in the dispersal of people from the campsite at West Potomac Park; Monday, May 3; the mass arrests of more than 7,000 people from different parts of the city; Thursday, May 4: approximately 3,800 arrests comprised of demonstrators at the Justice Department and again from various parts of the city; and Wednesday, May 5, approximately 1,500 arrested, including 1,200 persons assembled on the Capitol grounds. These were the last mass arrests, although there were others arrested at several small demonstrations on Thursday and Friday, May 6 and 7.

Between April 28 and May 7, Public Defender Service attorneys spent more than 1,030 hours in court representing defendants, and assisting the private bar in representation. Approximately 675 of these hours were between 6 p.m. and 9 a.m. In addition, PDS attorneys spent over 850 hours in places of detention or in court cellblocks counseling people who had not yet been brought before a judge.

Advice to the detainees, most of whom had never before been arrested,[1] and aid in contacting friends and relatives was the first part of the lawyer's job. Secondly, as in every criminal case, the defense attorney tried to obtain the release of his client pending disposition of the charges. But during the early days of the Mayday demonstrations, on April 28, 29, 30 and May 2, there was, to some extent at least, a uniform policy of setting money bond, regardless of the individual case. On those days also, the police suspended the collateral schedule,[2] which meant that all people arrested were arraigned in court even though almost every one of them was charged with typical collateral-forfeiture offenses. Bonds of $250 and $500 were frequently set with a provision that a percentage of the sum could be deposited with the court. To handle the volume of arraignments, the courts remained open until all the day's arrests were processed, often as late as 3 or 4 A.M. or even around the clock.

The allowance of collateral-posting returned briefly at about 6:30 p.m. on Monday, May 3, while a habeas corpus hearing (see pages 6–13) was in progress. At that time the police began to release—upon the posting of $10—those persons on whose behalf the habeas corpus action had been brought. In light of this reversal of policy by the police, resulting in many people being released from places of detention, Chief Judge Greene closed the courts after the habeas hearing, because further late hours were unnecessary.[3] This was at about 1 a.m. on Tuesday, May 4.

The power of the police to suspend and reinstitute collateral at will was challenged in a suit argued late Tuesday night, May 4, by a private attorney representing the Mayday demonstrators. Upon completion of oral argument Chief Judge Greene issued an order suspending the collateral schedule altogether; therefore most of the arrestees of May 4 who had not previously been released, and all arrestees of May 5 and 6 were processed through the courts, continuing the sustained demand for lawyers.

Generally, during the last part of the Mayday period, May 3–8, the various judges did not appear to be following a uniform policy with respect to bond or conditions of release, through *each* judge seemed to treat all defendants similarly. Thus, when and whether a defendant was released became very much a matter of which judge he appeared before. For clients not released at arraignment, attorneys spent much time seeking review of the bond conditions and by Saturday, May 8, virtually all people arrested had been released, although many who had been simultaneously arrested spent vastly different amounts of time in custody.

When a money bond of about the same amount is routinely set in every case by almost every judge (as occurred until May 3), or when there are great disparities from judge to judge in the treatment of people similarly situated (as occurred from May 3 on), defense attorneys are frustrated in their work. If the bond is predetermined, the attorney's argument for his individual client is meaningless. When some judges set conditions of release which can be met and others do not, the attorney's role as counselor and explicator of the process to his clients becomes, simply, impossible.

Attorneys were, moreover, dealing with clients who were brought to court exhausted by unusually long periods in detention, frequently under difficult physical conditions. For the vast majority of people arrested, the setting of any condition of release came after at least ten or fifteen hours, while many others were detained thirty, forty or even sixty hours.

On most days the demonstrators did not arrive in the court in any numbers before nightfall. By 8 P.M. on May 3, for instance, only 363 persons of more than 7000 arrested had been arraigned in court. When told this at a hearing by a representative of the U.S. Attorney's Office, Chief Judge Greene observed:

> Many more cases could have been processed. All the judges were available at eight o'clock this morning and the same was true yesterday. The court waited ten or twelve hours before the first cases came, so I know that there are difficulties under which everyone is laboring, but you can't say that the greatest haste was made in bringing these cases before the court, which I think should have been made.[4]

Five PDS attorneys and three Offender Rehabilitation Division workers[5] labored exclusively in the Superior Court's Juvenile Branch during the demonstrations. Representatives of the Corporation Counsel's Office recognized as early as May 2 that successful prosecution of the vast majority of the juvenile cases being brought to court was doubtful. Nevertheless, they attempted to use the threat of prosecution and pretrial detention to prevent juveniles who had been arrested from participating in any further demonstrations. Thus a trial date was set in each case, but the Corporation Counsel would agree to close the case on or before the trial date in exchange for a promise from the juvenile that he would return home and not participate in any further demonstrations. The promise having been extracted, the Government did not oppose release if a

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Footnotes at end of article.

relative or suitable third party custodian was available to see that the promise was kept. Therefore, the emphasis of PDS attorneys was in obtaining third-party custodians to aid out-of-town juveniles in returning home. Private citizens responded enthusiastically to the call of the attorneys, appearing in the court through the night and agreeing to aid arrested children. The processing of juveniles proceeded throughout most nights during the Mayday period.

EMERGENCY LITIGATION

The first habeas corpus action: May 3

Arrests on Monday, May 3, began as early as 6 A.M. By noon the media reported thousands of people detained, more than had ever been arrested on a single day in the District of Columbia or anywhere else in the United States during a similar period of time. PDS lawyers were waiting to represent the people who would presumably be brought speedily to court. But the morning and the afternoon passed with cases arriving in dozens, rather than hundreds.

Following a rumor about the location of the people arrested, PDS attorneys went to an open field adjacent to RFK Stadium where they saw approximately 1,700 people encircled by armed guards. Through a chain fence lawyers interviewed about 100 of them and heard of students arrested on their way to class, professional people arrested on their way to work and demonstrators arrested while not demonstrating. The field was next to the Anacostia River, and the day was unseasonably cold with temperatures in the fifties reported. There were no apparent provisions for shelter or blankets, and very few portable toilets. Most of the people had been there since early morning without food. Many of the people said that they had not been "arrested", meaning that they had never been told that there was any charge against them, asked to give their names, seen any form made out about their arrest, or received any other indication that they were in official custody.[6]

The lawyers returned to the PDS office at about three in the afternoon. Immediate phone calls were made to civil liberties and private lawyers to see whether they planned to seek release of these young people before nightfall. No one was ready or equipped to act.

While some lawyers collaborated on an affidavit describing what they had observed, others wrote a "Complaint for Habeas Corpus, Temporary Restraining Order or Other Appropriate Relief" on behalf of "John Doe and Approximately 1700 Detainees Confined Adjacent to Robert F. Kennedy Memorial Stadium, *ex rel.* Public Defender Service for the District of Columbia," Named as defendants were the Chief of Police, the U.S. Attorney, the Corporation Counsel, the Commissioner of the District of Columbia, and the Commanding Officer of the D.C. National Guard. It was an extraordinary legal document designed for an unprecedented situation.

A hearing on the complaint and affidavit was set for 7:30 P.M. on May 3 before Chief Judge Greene. At the time of this hearing, the number of people on whose behalf the action was brought was enlarged to include all those arrested on May 3, wherever they were detained. Petitioners' argument was that even if there had been probable cause for their arrests, it had evaporated because there were neither arrest forms nor any other methods to connect an individual defendant with any particular criminal activity. The Corporation Counsel's Office acknowledged its present inability to make a case against most of the detainees but responded that given time, it could sort out those who could be successfully prosecuted. As to the "sorting process", Government counsel explained:

> That is precisely what is being done right now. It may well be that within the lapse of a reasonable time these people will be sorted out, that the government will ascertain that it has no case, that the government will not proceed. . . . [But] this is an amorphous complaint. They are asking a "dragnet" injunction on the basis of a "dragnet" arrest. . . .[7]

Continuing, government counsel stated:

> [P]erhaps there might be a reasonable time—a week or so we'll go back and somebody will still be relegated to RFK Stadium and that is the time to seek habeas corpus, not a few hours after the arrest.[8]

The "reasonableness" of government action was, in some respects, the central issue of the habeas corpus litigation.

At about 11 P.M. on Monday, May 3, the court entered an order finding "[I]t is extremely unlikely that a successful prosecution can be brought under the circumstances without a field arrest form or the equivalent and a photograph" and "that the interest of justice requires that persons against whom charges cannot be sustained shall not be held in confinement." The court then gave the Government until 8 P.M. on Tuesday, May 4 (21 hours from the time of issuance of the order) to show cause for any detention continued beyond that time. Thus the order clearly implied that throughout the next day people against whom the Government lacked evidence were to be released without awaiting the 8 P.M. Tuesday deadline.

During the court hearing, people confined in the open field adjacent to the RFK Memorial Stadium were removed to an enclosed sports arena—The Washington Coliseum. Following entry of the court's order, private and Public Defender attorneys went to the Coliseum and several other places of detention to advise people and to observe the execution of the order.

As described in subsequent testimony and affidavits by participants and observers, the processing at the Coliseum consisted of filling out forms, which were supposed to have been completed at the time of arrest, using information supplied by the arrestees themselves, fingerprinting and photographing them, and finally requiring the payment of $10 collateral. The arrest forms were completed, hours after apprehension, by volunteer government attorneys, most from the Justice Department who on Tuesday night were to become witnesses for petitioners in the habeas corpus action, and to describe what they had done. When one such attorney was asked: "Did you understand or were you told or did anyone say in your presence what the purpose of this procedure was?" He answered, "well I gather—it was clear the purpose of this procedure was to formally arrest people—persons who had already been detained previously." Here is how it was done, as explained under oath by the same Justice Department lawyer:

> Q. By PDS: [S]howing you [the form that you were instruced to fill out]. . . . What were the instructions?
>
> A. The complaint number . . . was always the same number, 211046. We were then requested to get the name, nickname, or alias, address, sex, race, date of birth, height, weight, hair, eyes, marital status, place of birth, of the person to be arrested at this time. . . . [T]he space marked "Date and Time of Arrest", we were only to put the date, that is, the 3rd of May 1971. For "Location of the Arrest", we were to put . . . "D.C." For "Type of Premises", on the form we were to put "Public Street". For "Date, Day and Time of Offense", we were to circle "M" for Monday and write "3rd of May 1971. . . ."
>
> We were then instructed to get from the people who were being arrested, where they were employed, or the school they were attending, their occupation and their home phone number, driver's license number if they had it, if they appeared to be students or young people, the parents name or address.
>
> We were then instructed to write this sentence in the space for "Specification", "Arrested during demonstrations in D.C. on May 3, 1971". . . .
>
> In the space for "Arresting Officer", we were given the names of seven officers . . . [and] instructed to fill . . . one name taken seriatim from a list of seven, as we were filling out these forms.[9]

Although some attorneys doing this processing received orders to change the designation "Arresting Officer" to "Court Officer," it was clear from all the testimony that, however denoted, the officer named on the form had no particular connection with the arrest.

During the early morning hours of Tuesday, May 4, as defense attorneys realized the import of this procedure, they sought from police officials and two Assistant Attorneys General who were present at the Coliseum, the release of the detainees without the falsification of arrest forms and without the other procedures, especially the fingerprinting and posting of collateral. This was refused.[10]

Then at about 2 A.M., a private attorney at the Coliseum, who had consulted previously with the PDS about its habeas corpus petition, phoned a judge of the District of Columbia Court of Appeals and asked for an immediate hearing on a motion to modify Chief Jude Greene's order so that all people against whom the Government did not have a case would be immediately released. The Court agreed to meet at 8 A.M. on Tuesday and PDS attorneys joined by American Civil Liberties Union lawyers argued, and also submitted affidavits from those who had observed conditions and practices in the Coliseum. Relief was denied on the ground that there was no final appealable order from the lower court, and that, "in view of the complexities of the case" the trial court had not "acted unlawfully by giving respondents 21 hours to prepare evidence on the factual issues raised by the order to show cause."

During the day of May 4, after the early morning Court of Appeals argument and decision, many people were "processed" at the Coliseum. Many others, however, refused to give their names, fingerprints, photographs, or the information sought on the field arrest forms, but instead awaited the 8 P.M. hearing. At the hearing, testimony concerned the processing in the Coliseum and the allegation that there were dragnet arrests throughout the city. A professor at George Washington University Law School testified, for example, that he observed large numbers of people on a quiet street being arrested and further testified that he had been arrested himself:

> I was standing next to the curb on the sidewalk. I had a legal observer armband on my arm. . . . The police officer walked up to me, accused me of bumping into him and took me to the bus." [11]

The argument was then made by PDS counsel for the petitioners:

> [I]n essence, what the Government has done here, is to round up . . . hundreds and thousands of people, place them into a type of confinement, and say . . . to all outsiders as well as to the court. 'If we have enough time, if we take our time, maybe we'll come up with something'. Although in fact, the only thing they have come up with are the filling out of what amounts to frankly fictitious [arrest forms].
>
> * * * * *
>
> [Then, the police] are taking those pieces of paper [i.e., the false arrest forms], calling them an offense against a person, saying "If you want your liberty, if you want your constitutional rights to liberty you can pay $10, and you can exit out of the front door. And if you don't do that, then you are going to remain in custody."
>
> Chief Judge Greene. What is the purpose of that according to you, what is the purpose of that?
>
> PDS Counsel. The purpose apparently

Footnotes at end of article.

> Your Honor is to have them fingerprinted, to have them photographed, and without any question whatsoever, the very practical effect is to give them an arrest record in the District of Columbia, potentially to have that arrest record sent to the Federal Bureau of Investigation.

* * * * *

> We would submit Your Honor, that law violation by the authorities should be no less subject to the law, than violations by demonstrators.[12]

To which the Government responded:

> All I can say, Your Honor, is we can represent that they will be brought to the court in due course.

* * * * *

> Does it follow that all these people should be forthwith released because of a present inability on the part of the police to link up some whom they will be able to link up later on, that's the question before this court.[13]

At the Tuesday night hearing, the Government outlined a method for linking with criminal activity the suspects that it had detained for the past forty hours. It proposed to compare 1500 feet of movie film and many still pictures taken of the demonstrators with the mug shots of people in custody in the hope that officers would be able to make identifications. How long this might take was not approximated.[14]

The hearing ended at midnight and shortly thereafter Chief Judge Greene ordered (1) that the detainees be released without collateral, bond or citation, and (2) that they be fingerprinted and photographed. Any person refusing to submit to such processing was to be brought to Court the following day, which was Wednesday, May 5. In a third paragraph Judge Greene added that the Government was:

> . . . [O]rdered and directed that any information secured from any . . . [fingerprinting and mug shots] shall not be used to constitute an official arrest record; shall not be disseminated to the Federal Bureau of Investigation or otherwise, unless and until such person shall have been convicted for an act committed on May 3, 1971, and shall be submitted to the Superior Court for destruction ninety days from this date.

Public Defender and private attorneys then went back to the Coliseum to make this order known. Lawyers advised the wisdom of being processed under the protections of the order and, beginning at about 1 a.m. on Wednesday, May 5, many people began to be released. Meanwhile, the Government secured by telephone from the D.C. Court of Appeals, a stay of Judge Green's order pending a 7 a.m. hearing in the Court of Appeals. When word of the stay reached the Coliseum at about 4 a.m., processing came to a virtual halt.

The next morning in the Court of Appeals there was no record of the testimony presented or the legal representations from the three-hour hearing before Chief Judge Greene the night before. Nor were any questions specifically asked by the Court about the purpose or appropriateness of any part of the order. Shortly after argument the Appeals Court issued an order sustaining release without collateral but requiring that the arrestees give information in addition to their names, fingerprints and photographs. The Court also struck paragraph 3 of Chief Judge Greene's order (see page 12) which had assured no official police record, prevented dissemination of fingerprints to the FBI, and provided for destruction of all fingerprints and mug shots if there was no conviction. PDS attorneys sought reconsideration of the part of the Court of Appeals order striking paragraph 3, and a further oral hearing was held on Wednesday afternoon. Revision of the order was denied.

The case of 383 John and Jane Does: May 5

While the Court battles were waged May 3 and 4, people had been obtaining release from the Coliseum as well as other places of detention, by giving their fingerprints, photographs, and other information, and by paying collateral. After Chief Judge Greene's order Tuesday night, and the appellate court action of Wednesday morning, they obtained release in essentially the same way but without paying collateral. Some of the more than 7,000 arrested on Monday, however, refused to give even their names, much less their fingerprints or photographs. On Wednesday, May 5, at about 6 p.m., these people were finally brought before the Superior Court, where they filled the seats of two courtrooms.

The Corporation Counsel filed 383 individual informations in the names of John and Jane Doe and sought to have the courts arraign the people on the charge that each of them on May 3 had "crowded, obstructed and incommoded" the use of a thoroughfare or foot pavement in the District of Columbia. The location of this thoroughfare, or how it was obstructed was unspecified. Nor did the Government have, for any of the Does, an arresting officer or any witness to a crime. Before two different Superior Court judges in adjacent courtrooms Public Defender Service attorneys simultaneously argued the insufficiency of the information to advise the defendants of the charge against them, and lack of probable cause to hold the people. The Corporation Counsel's Office was also accused of an abuse of prosecutorial discretion for seeking criminally to charge persons against whom specific evidence was totally absent. The Government responded with a theory of "mass probable cause," apparently meaning that if later probable cause to prosecute some of the 383 Does was discovered, there was probable cause initially to proceed against everyone.

In the end, both judges dismissed the informations against the John and Jane Does. Then, the Government requested a stay of the dismissal so that an appeal to the D.C. Court of Appeals could be taken, stating: "[W]e would be irreparably injured if this person [the representative 'John Doe'] walked out of this courtroom. We would not have any basis for bringing him back." [15] But the Court refused the stay and 383 out of the more than 7,000 arrested on May 3 were released without having given their names, fingerprints and photographs, having spent between fifty and sixty hours in detention.

A contempt hearing: The case of approximately 500 persons detained in the District Court cellblock

Late Wednesday, May 5, approximately 1200 people were arrested at the Capitol steps. By the next day it became clear that about half of the people arrested would refuse to be fingerprinted or processed by the Metropolitan Police Department on the ground that the arrests and fingerprinting violated their constitutional rights. Essentially, they maintained that their arrests were illegal, and that the Government in the circumstances had no right to take their fingerprints and transmit them to the FBI. The Corporation Counsel's Office commenced a civil action on May 6 in the Superior Court seeking an order to compel the defendants to submit to "processing" and to authorize the Metropolitan Police Department to detain the defendants until they complied.

A hearing was held the same day before Chief Judge Greene at which the defendants were represented, at the request of the Court, by Public Defender Service lawyers. At about 5 P.M. Chief Judge Greene ordered the defendants to submit to fingerprinting and photographing, but provided that the records were not to be transmitted to the FBI as a permanent file and that the fingerprints were to be surrendered to the Court within ninety days of the order for destruction.

The Government noted an appeal from this order the same evening, May 6, and moved for summary reversal. Following oral argument which lasted nearly to midnight, the D.C. Court of Appeals denied the Government's motion but remanded the case for further consideration. Thus, a hearing was held before Chief Judge Greene on Friday, May 7, and at its conclusion, he ordered that the defendants had to submit to fingerprinting, but that the records could be transmitted to the FBI only if they were retained in a separate file, were used solely for purposes of verification of identity, and were not distributed to anyone, whether a potential employer or any law enforcement agency. Friday evening the defendant, after still another hearing before a Superior Court judge, complied with the order by submitting to fingerprinting.

During the following week the Government again moved the D.C. Court of Appeals to summarily reverse Chief Judge Greene's restrictions on the dissemination of arrest records. The case was briefed and argued for the defendants in late May by the Public Defender Service, which stressed the equitable balance struck by the order between the rights of the Government to learn the identity of the arrested persons, and the defendants' rights to be protected against possible dissemination of FBI dossiers before they could demonstrate at trial that their activity was constitutionally proected. On June 14, the D.C. Court of Appeals affirmed that portion of Chief Judge Greene's order requiring the arrest records to be maintained in a separate file and prohibiting their dissemination to employers. Although the Court of Appeals ordered that the records could be disseminated to law enforcement officials, the United States Attorney's Office assured Public Defender Service attorneys that such disseminations would not occur, except in very limited situations, because the FBI was unable administratively to accomplish it. The Court of Appeals' order was to remain in effect until completion of the trial of the Capitol demonstrators, at which time the trial court would redetermine the defendants' rights in his regard.[16]

The second habeas corpus action: May 6 and 7

At about the same time on Thursday morning that PDS attorneys began litigating the refusal of Capitol Hill arrestees to be fingerprinted and photographed, those allegedly refusing to submit to these procedures were transported to the cellblock in the basement of the United States District Court. Normally, prisoners are brought to these cells on the day of their court appearance and are returned to a regular holding facility as soon as they are finished. Because it is not an overnight facility, the cellblock has neither beds nor kitchen.

The cellblock has a constantly shifting daily population of less than a hundred. On Thursday, May 6, there were never fewer than 500, and, for much of the day, as many as a thousand people were held there. By Thursday night when the detention issue was litigated, the number was over 600. Most of the people arrested on Wednesday afternoon and transported to the cellblock Thursday morning were not released, brought to court, or sent to another place of detention util after 4 A.M. on Friday, May 7.

Thursday afternoon doctors from the D.C. Public Health Association initiated a habeas corpus action and in affidavits described the cellblock conditions, including excessive temperatures, the presence of infectious diseases, inadequate toilet facilities, emotional trauma from fear, exhaustion, and overcrowding so extreme that people had to sit or lie down in shifts. The Public Defender Service entered the case at the suggestion of the Court to represent people in medical danger who had been without access to counsel since their arrest.

The habeas corpus hearing before Judge

Footnotes at end of article.

Belson of the Superior Court began shortly after 6 P.M. on Thursday, May 6. After indicating that he might visit the cellblock later that night, the Court recessed so that Corporation Counsel lawyers could ascertain the exact number in the District Court cellblock and determine whether there were places of confinement to which people could be transferred.

At about 10:00 P.M. Judge Belson, with a court reporter and counsel, went into the cellblock and viewed the conditions. There followed arguments about the remedy for what both sides agreed was an intolerable situation. The Corporation Counsel represented that the police would remove the people to other places of detention and speedily bring them to court for arraignment. Petitioners sought immediate release and an injunction against this kind of detention ever again in the District. The hearing ended at about 1:00 A.M., Friday, May 7.

Four hours later, at about 5:00 A.M., the court issued a written order finding that "[S]erious conditions of overcrowding exist at the facility and . . . from the standpoint of health and sanitation, the facility is totally inadequate for the purpose for which it is being used", and holding that the "petitioners are experiencing cruel and unusual punishment and irreparable injury". The remedy ordered was their dispersal to other places of confinement, and it was further ordered that for ten days a limit of no more than one hundred men and fifty women be kept in this particular facility before being brought to Superior Court. The Court also ordered that the people be given blankets and "inasmuch as they have been detained for some thirty-five hours without counsel, be promptly afforded the opportunity to speak with counsel".

By the next day at noon, it was reported in open court that the terms of the order had been met. Throughout the record of this particular habeas hearing, counsel sought unsuccessfully to raise the issue of the equally bad, and on occasion even worse conditions at the Washington Coliseum, D.C. Jail, precincts and other places of detention. Only the night before this action, for example, PDS counsel had brought a habeas corpus on behalf of sixty women detained in the second precinct holding cells for more than thirty hours. Papers filed in that case alleged that ten or twelve people were housed in cells made for two; toilets had overflowed, hepatitis was spreading, and that at least one of the women enduring these conditions was pregnant. Judge Burka agreed at 4 a.m. to hear a petition on behalf of these women, and the Government responded by removing them from the precinct and bringing them immediately to court.

A second contempt hearing: May 6

At the end of the Court hearing late Thursday afternoon before Chief Judge Greene on whether the approximately 500 persons detained in the District Court cellblock had to submit to fingerprinting and photographing, the Court was informed that attorneys from the Public Defender Service had been denied access to their clients there. Faced with this representation, Chief Judge Greene orally ordered that two attorneys be given admittance for one hour. But when the attorneys went to the cellblock a short time later, the police would not admit them. When informed of this by telephone, Chief Judge Greene set a hearing for 9:30 the same night (Thursday, May 6) on whether those responsible should be held in contempt. From two hours of testimony, it emerged that the police officers were under general orders not to admit attorneys, and they thought that these orders were from the General Counsel's Office of the Police Department. A representative of that office testified that earlier in the week the General Counsel's office had tried to persuade the police administration to reverse their general policy against admitting lawyers to places of detention, but that then

Yesterday and today additional information came to me that there was a widespread practice of a lot of attorneys to advise their clients not to cooperate in any way because of some legal issues that may be valid, I don't know. Based on that I made the decision . . . [that] the Metropolitan Police Department [shouldn't] do attorneys a favor, which I believed we didn't have to do . . . [i.e. allow access to the cellblocks] when [the attorneys] were messing up the process.[17]

On whether access to clients should turn on the advice attorneys were likely to give, there was the following colloquy:

PDS Counsel. It's immaterial . . . but I would state for the record that the advice given by [the Public Defender Service] . . . during this entire four day period . . . varied from time to time . . . depending upon the circumstances under which people were arrested.

The Court. No doubt it is much easier to keep people thirty hours incommunicado, without advice from anyone and that is preferable from the point of view of the police. I have no doubt about it.[18]

The problems of access to clients in places of detention were summarized when the representative of the General Counsel's Office was asked:

Q. By PDS Counsel. When you received the information that Judge Greene had issued the oral order [admitting attorneys] your concern was for a reasonable way out of that order, was it not?

A. Yes, ma'am.[19]

At the end of all the testimony, the Court expressed concern about the apparent belief of some subordinates in the police department that the police department is really completely independent of any civilian authority, either judicial or prosecutorial . . . [These are] people who have been in a Coliseum and have been in the District Cellblock for 30 hours or more, and many under extremely emotionally trying circumstances. . . .[20]

But the Court found insufficient cause to issue a contempt citation. Counsel for the PDS observed:

. . . [I]t is very seldom that the Court has an opportunity to have before it what we as defense counsel experience daily. . . . It was extremely important that we get in to see these clients because . . . they are very uneasy. They know [that] Court proceedings are [underway] and they need to be advised as to what is happening. . . . I am not urging any action upon the Court, but I think it should be called to the attention of the Court that this is the way that defense counsel are treated with some regularity in times other than times of crisis.[21]

POST MAYDAY REPRESENTATION

On May 8, the Public Defender Service was left with some rudimentary information on thousands of clients from "legal advisor forms" devised by PDS attorneys and filled out in courts or the Coliseum, the knowledge that many of these people wanted to contest the charges against them, and the task of organizing representation for those unable to afford counsel.

For the first several weeks after Mayday, attorneys from within the PDS were assigned to coordinate representation. Then, on a temporary basis, an attorney was hired with the specific and sole task of organizing representation for people as they came to court. This attorney remained with the agency throughout the summer, and became the resident expert on the trial of demonstration cases. He aided volunteer lawyers in handling the day-to-day cases, as well as writing several handbooks on how to afford representation in the Superior Court. In addition, on June 15, the PDS sent to about 4,000 people (those for whom its attorneys or the Georgetown Legal Interns had addresses and whose cases had not yet come to court), a memorandum explaining the progress of the cases and their various legal options.[22]

"Demonstrator" cases were scheduled, as many as thirty or forty a day, throughout the Summer and early Fall. At this writing, the pattern of each court day has been much the same. Some cases are dismissed for want of prosecution because the police officer does not appear, or the Government does not have sufficient information to go forward. In many of these cases, defendants appear who have come great distances to meet their court dates. In other cases collateral is forfeited because the defendant does not appear; judges vary on whether they make an inquiry into whether the Government could prove its case before ordering forfeiture of collateral. Finally, each afternoon one or two cases may be tried, and many times there is an acquittal. The acquittals come with the inability of the arresting officer to specify any criminal conduct by the accused. Often the defendant testifies that he was not engaged in any such conduct.

In addition to the cases disposed of on a daily basis, several groups of cases were dismissed as a result of class suits. In early June, approximately 2400 cases were dismissed as a result of a suit brought by the American Civil Liberties Union demanding that prosecution cease of those against whom the Government had no hope of making a case. In early July additional cases were dismissed when a PDS attorney challenged the arrests made on Sunday, May 2, in West Potomac Park.[23]

ISSUES RAISED FOR THE ADMINISTRATION OF JUSTICE BY THE MAYDAY DEMONSTRATIONS

As stated at the outset of this report, one of its purposes is to serve those who will study and seek to learn from the history of the encounter between the Mayday demonstrators and the criminal justice system. To aid in the study, we note some the issues which emerge from the observations and experience of the Public Defender Service staff. While conceding the difficulty of the philosophical and legal problems presented, we urge that the following questions be faced and dealt with now, rather than in the midst of some future disorder.

(1) The initial issue is the propriety of many of the arrests themselves, especially those of May 3. Are police procedures for mass arrests, originally recommended in 1968 by the Committee on the Administration of Justice During Emergency Conditions, workable in the kind of confrontation experienced during Mayday? What was the ability of the Metropolitan Police Department and the National Guard to carry out the field arrest form procedures at the time of their suspension? Should other mass arrest procedures be devised? Are there techniques short of arrest and detention to prevent the disruption of traffic?

(2) Under any circumstances can detention be justified once procedures establishing a basis for prosecution have been abandoned? What plans should be made for detention of people awaiting arraignment in court? What steps should be taken to assure adequate health and other facilities in places of detention? How should access to counsel be effected in places of detention?

(3) What independent judgments about the merit of cases should the prosecutor make during periods of announced and assumed threat to the Government? Are there procedures and forms which would enable prosecutorial decisions to be more expeditiously and efficiently made during large-scale disorders?

(4) What view should courts take of their responsibilities to society and the individual in times of crisis? Do the courts have a responsibility strictly to maintain the law and apply the Constitution when institutions of Government are threatened? If their func-

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Footnotes at end of article.

tion is to strike a balance between the rights of citizens in opposition to their Government and the Government's right to preserve itself, how can courts gain information which will enable them to make this delicate judgment? Should uniform bail and other policies for the treatment of people similarly situated be effected? How should they be developed? Should they be announced?

CONCLUSION

The focus of this report has been the activities of the Public Defender Service during the emergency in the courts. Although the entire course of representation was an unplanned part of the agency's work in fiscal 1971, the response to the situation is nevertheless illustrative of the capacities of a defender office organized like this one.

The Public Defender Service operates as a core for the delivery of defense services, in which public defenders may handle a majority of the cases (up to sixty according to statute) while providing backup and organizational services for private appointed attorneys. In this "mixed" system, the Service as an ongoing and organized office, has a responsibility to speak and act for the whole defense community when there are problems in the administration of criminal justice. These concepts were exemplified in the emergency representation. When demonstration cases flooded the courts, it became apparent that volunteer attorneys were not organized in sufficient numbers for the task. PDS attorneys, familiar with criminal processes, were able to train other attorneys and provide services ranging from round-the-clock representation to the organization of habeas corpus suits raising fundamental legal issues applicable to thousands of people.

A second central idea in the formation of the Public Defender Service is its governance by a private uncompensated Board of Trustees. Independent policy direction gives the Service flexibility to respond in emergencies. In addition, PDS attorneys are able fully to represent their clients, and if in so doing, they come in conflict with other parts of the Government, no limits are placed on them by the Board of Trustees. The ability of this public agency to act as it did during the Mayday arrests is, we believe, abundant evidence that a professional defender service organized like this one is a vital component in the city's criminal justice system.

FOOTNOTES

[1] The baffiement of some with the system is suggested by the case of a young man who entered the courtroom for arraignment carrying a balloon, "What's that balloon doing here?" the judge asked. "Well," the defendant replied, "it was doing the same thing I was on the street, just standing there." "All right," the judge reportedly answered, "we'll arraign the balloon."

[2] Usually a defendant charged with certain minor offenses is not arraigned in court, but, instead, is permitted to post a sum of money (collateral) at the police station. If he chooses not to return for a trial on the charges, the only sanction is forfeiture of the money posted.

[3] Before the courts were closed, however, several hundred people already in the courthouse were arraigned before judges rather than being allowed to post collateral. Most judges released them on the equivalent of a ten-dollar collateral, but some continued to set substantial money bonds. Effectively, this meant that some people brought to court were detained while their companions, who fortuitously had remained in police custody, were released.

[4] Transcript of court proceedings, page 43, *John Doe and Approximately 1700 Detainees Adjacent to Robert F. Kennedy Memorial Stadium ex rel. the Public Defender Service for the District of Columbia* v. *Jerry V. Wilson, Chief of Police, Metropolitan Police Department, et al.*, S.P. No. 50–71, May 3, 1971 (hereinafter cited as *Doe* v. *Wilson*).

[5] The Offender Rehabilitation Division of the Public Defender Service is its social work arm, which in tandem with defense attorneys, helps defendants obtain employment, counseling, or whatever services may aid them in avoiding future involvement in the criminal process.

[6] Affidavits by attorneys filed in *Doe* v. *Wilson*, S.P. No. 50–71, Superior Court, District of Columbia.

[7] *Deo* v. *Wilson*, Transcript at 19, 22, May 3, 1971.

[8] *Id.* at 22.

[9] *Doe* v. *Wilson*, Transcript at 10–11, May 4, 1971.

[10] The steps taken by attorneys and the refusal by police and Justice Department officials to alter procedures are summarized in an affidavit filed in support of the Public Defender Service appeal from the May 3 Show Cause Order entered by Chief Judge Greene. See court docket in *Doe* v. *Wilson*, No. 5823, District of Columbia Court of Appeals.

[11] *Doe* v. *Wilson*, Transcript at 31–2, May 4, 1971.

[12] *Id.* at 42, 43–44.

[13] *Id.* at 47, 50.

[14] Several weeks after the Mayday demonstrations, attempts at photographic comparisons were actually made. The Washington Daily News of May 12, 1971 (page 3) reported that photos of several thousand demonstrators were being studied by officers at the Police Training Center. According to the article, hundreds of policemen were coming to the Center in an effort to make identifications of people they had arrested. But apparently evidence was not developed of sufficient value to forestall eventual dismissal of virtually all cases against persons arrested on May 3.

[15] Transcript of court proceeding, page 33, *District of Columbia* v. *John Doe*, Criminal No. 25045–71, May 5, 1971.

[16] On July 26, 1971, after a thirteen day trial, verdicts of not guilty were returned in eight "test cases" raising the free speech, peaceable assembly and right-to-petition-Congress aspects of the Capitol Hill arrests. These cases were tried by ACLU and Georgetown Legal Intern attorneys. On August 26 the United States Attorney's Office announced dismissal of the approximately 800 remaining cases of persons arrested on the Capitol Hill steps.

[17] Transcript of court proceeding, page 65, *In the Matter of Approximately 500 Persons Detained in D.C. Cellblock*, CA No. 4602–71, May 6, 1971.

[18] *Id.* at 33.

[19] *Id.* at 67.

[20] *Id.* at 72.

[21] *Id.* at 69–70.

[22] This memorandum is included as an Appendix to this report.

[23] People were arrested in the park when a permit to camp there was revoked. They were charged with unlawful entry, a misdemeanor carrying a maximum penalty of six months imprisonment. At a hearing stretching over the course of three weeks, a PDS lawyer argued that the arrests were in violation of the agreement between the Government and the people for use of the park, and that the prosecutions were in violation of the First and Fifth Amendments. Both the Chief of Police, Jerry V. Wilson, and Deputy Attorney General Richard Kleindienst were called by the defense as witnesses to explain the basis for the Government's action in closing the park. At the conclusion of the hearing, Chief Judge Greene granted the defense motion to dismiss informations, ruling that the Government had violated its contract with the Mayday demonstrators by failing to consult with the representatives of the people prior to revoking the permit. The Government has noted an appeal of this ruling.

APPENDIX A

PDS STAFF WHO WORKED ON MAYDAY REPRESENTATION

Attorneys

Jonathan P. Axelrod, Barbara Allen Bowman, James E. Brown, Sarah E. Brown, Colie B. Chappelle, Paul A. Chernoff, Theodore J. Christensen.

Marilyn Cohen, William F. Dow, III, James E. Drew, James E. Duggan, Carrie Fair, Robert J. Golten, Stuart S. Greenfeig, Marian Halley.

Thomas A. Hammond, Jr., Charles D. Hickey, J. Patrick Hickey, Gail P. Higgins, Peter J. Hoagland, Kirby S. Howlett, III, Susan J. King.

Peter R. Kolker, Martin Krubit, Norman Lefstein, Arline Mendelson, Karen Moore, Caroline Nickerson.

John G. Perazich, Roark Reed, William G. Schaffer, Lawrence H. Schwartz, Paul C. Semple, Stuart Stiller, William W. Taylor, III.

Ricardo M. Urbina, Michael S. Wald, Silas Wasserstrom, Robert Weinberg, Frederick Weisberg, Stephen Zalkind, Matthew Zwerling.

Offender Rehabilitation Division Staff

Jane Comerford, Mary-Margaret Golten, Charles R. Rouselle, Donna J. Rowles.

Attorney Hired for Post Mayday Representation

Alexander P. Humphrey, IV.

APPENDIX B

PUBLIC DEFENDER SERVICE MEMORANDUM

To: All Those Arrested During the Mayday Disorders.

From: The Public Defender Service for the District of Columbia.

This memorandum is for the purpose of informing those arrested during Mayday about their present legal situation. We are sending it to all people for whom we or the Georgetown Legal Interns have interview forms, in order to aid those who do not have attorneys.

The Public Defender Service will arrange for an attorney at trial for persons unable to afford a lawyer. For those who can retain private counsel, the Lawyer's Referral Service of the District of Columbia Bar Association (202–223–1482) will, without charge, put you in touch with a local attorney.

Alexander P. Humphrey of the Public Defender Service is coordinating attorneys for indigent demonstrators. Basically because of the lack of government preparation and the uniformity of the legal issues, attorneys so far have been able successfully to defend people even though their only contact is on the trial date. We therefore recommend, for the time being, that questions await your appearance when you will be able to consult with a lawyer before you go to trial.

TRIAL DATES

Some cases have been consolidated for trials and continued for specific dates, or disposed of, as listed below:

April 29, Justice Department Arrests—continued to September 16.

April 29, HEW Arrests—All Dismissed.

May 2, West Potomac Park Arrests—continued to July 19.

May 5, Capitol Hill Arrests—continued to July 16.

(Certain Capitol Hill Arrests will be tried as "test" cases, raising the constitutional issues applicable to all on July 8.)

People not in the above categories who plan to stand trial should be in Courtroom No. 17 of the Superior Court, Building A, located on Fifth Street, N.W. between E and F Streets, at 9:00 a.m. on their scheduled trial date. If you know witnesses to your arrest, bring them with you. Also bring your receipt for the deposit of cash bond or collateral; you will need it to get a refund. The court clerk has duplicate bond receipts; the police precinct where you paid your collateral has duplicate collateral receipts.

If you elected to forfeit collateral at the time of posting, you will not have a trial date. If through some misunderstanding you have given up your trial without intending to, you may seek to have the forfeiture set aside. This must be done in person within 90 days of the date of forfeiture. The steps for moving to set aside a forfeiture are set out on an enclosed sheet.

WHAT WILL HAPPEN IF YOU FAIL TO APPEAR

Please understand that we are not advising you not to appear but simply undertaking for those who don't have attorneys to outline the probable consequences of non-appearance.

(a) *If you were released on a cash bond.* The most severe consequence could be a warrant for your arrest, and a charge of bond-jumping. If convicted, you would be subject to fine and/or imprisonment beyond the penalties for the offense for which you are presently charged. You could be extradited from another state to the District to stand trial on the original and the bond-jumping charge. Most likely, you would not be extradited, but if the warrant issued and you ever returned to the District and were rearrested, the warrant would then be served on you.

The court will not, however, necessarily issue a bench warrant if you fail to appear. It may simply order the cash bond, or some part of it, forfeited.

When you appear for trial, the amount of the cash bond will be refunded (less a small amount for administration), regardless of the outcome of the case.

(b) *If you were released on collateral.* Failure to appear for trial means that the money you posted will be forfeited to the court. This forfeiture will be entered as a police record indicating an election to forfeit, but is not considered a conviction for any purpose. If you appear for trial, the amount posted will be refunded to you by the clerk.

(c) *If you were released on personal recognizance* (including release on third-party custody). The court will invariably issue a bench warrant for your arrest. See (a) above.

PROBABLE OUTCOME OF YOUR CASE

For all cases in which the government does not have a contemporaneous filed arrest form (i.e., where you were first written up in a precinct or at the Coliseum) the American Civil Liberties Union has successfully brought a class action resulting in the dismissal ahead of the trial date of these cases. If you believe that no field arrest form was made in your case at the time of your arrest but you have not received a letter from the ACLU notifying you, contact ACLU offices at 1424 16th Street, N.W., Room 501, Washington, D.C. 20036; telephone 483-3830.

Even where the government has a field arrest form or knows the name of a relevant officer, your case may not be prosecuted if the officer fails to appear on the trial date.

Trials in the vast majority of May 3 arrests have resulted in acquittals; there have also been many acquittals in Justice Department (May 4) cases, although there have also been some convictions. The statutes under which most persons were charged authorize fines of up to $250, or imprisonment not to exceed ninety days, or both. Capitol grounds offenses are punishable by 180 days imprisonment, a fine of $250, or both. The sentences imposed, so far, on those found guilty have uniformly been less than the maximum. The highest sentence imposed by the courts so far has been a jail term of ten days.

Some of you may be interested in pursuing civil remedies at law, as well as contesting the criminal charges. The ACLU is planning a variety of lawsuits, and you may work with them by completing the enclosed affidavit and returning it to 1424—16th Street, N.W., Washington, D.C. 20036.

HOW TO SET ASIDE A FORFEITURE OF COLLATERAL

Follow this procedure precisely, because failure to observe the steps inevitably results in lost papers, frustration, and wasted effort.

(1) Obtain from the Clerk of the Superior Court, Criminal Division, two copies of a printed Motion to Set Aside Forfeiture.

(2) The form must state good reasons for setting aside the previous forfeiture (e.g., you did not know you were forfeiting). If forfeiture was ordered by the court as a result of your failure to appear for trial, you must assign good cause for not appearing on that date.

(3) The motion must be signed by the Police Liaison Office, which is Room 117 in Building B and a trial date will be entered.

(4) The motion and your copy should be signed by an Assistant Corporation Counsel, whose office is in Room 127 in Building A.

(5) The motion then should be filed with the Clerk's Office, together with a motion card. The clerk will arrange a court hearing on the motion, which, if all of the foregoing steps have been completed before 10:30 a.m. can be the same morning.

(6) If your collateral receipt was signed by "Private John Doe," or has no police officer's signature, the Government is presently dismissing the charge(s) as soon as the motion is granted. Otherwise, if the court grants the motion, take it personally from the judge's clerk and deliver it to the Police Liaison Office, where you should have your own copy signed "Original received by [Officer's Name] ---------------------- on [Date] -------- at [Time] -------." Plan to be in court on your trial date.

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 26, 1971

Mr. BYRD of Virginia. Mr. President, the Lawton, Okla., Constitution of October 6 contains a fine editorial on the proposal for periodic reconfirmation of Federal judges.

This is one of many editorials which have been published in recent weeks on this subject. I believe that a healthy debate now is taking place on the subject of the proper role of the Federal judiciary, and I hope that this debate will end by making the Federal courts more responsible to the people.

I ask unanimous consent that the editorial, entitled "A Judge for Life," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A JUDGE FOR LIFE

Sen. Harry Byrd of Virginia has a good idea. He has proposed a Senate review every eight years on the qualifications of Federal court judges. Right now, Federal court judges are appointed for life. Some, maybe even most, are excellent. But some are not.

Listen to Sen. Byrd:

"It is time that we made federal judges more responsible to the people. Too many have assumed more and more power—and have run rampant in asserting authority over the daily lives of all Americans . . . In recent years, the federal courts have acted under the premise that the Constitution is whatever the judges say it is . . .

"Prayer has been swept from our schools; the historic right of a legislature to redistrict itself has been abolished; sociological treatises have replaced the common law; traditional equity powers have been enlarged to allow rule by judicial fiat," Byrd says.

"Mr. Justice Cardozo once noted that if judges are permitted to substitute their personal sense of justice for rules of law, the reign of law will end and the rule of benevolent despots will begin.

"Is not that about where we find ourselves today?

". . . The revolution which began in the Supreme Court has permeated the lower federal courts. Judges of these courts have, in many cases, arrogantly assumed unto themselves the prerogatives of lords of the Middle Ages. Nothing in our system at present exists to control these judges. They have lifetime appointments. Their passions of the moment are unrestrained.

"I fully support the concept of an independent judiciary," Byrd says. "The legislation I introduced simply provides a method by which the courts might be made more accountable to the people."

This is the most sensible proposal coming out of Washington in recent years. But why wait eight years. The conduct of judges should be examined every four years, at most.

A WOMAN ON THE SUPREME COURT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 26, 1971

Mr. BYRD of Virginia. Mr. President, the U.S. News & World Report of October 25 contains an excellent editorial by Mr. David Lawrence, the editor of the magazine, on the subject of the desirability of appointing a woman to the U.S. Supreme Court.

Mr. Lawrence makes the important point that "we need realism on the Court and knowledge of human society." He adds that a woman's judgment would be "a great asset" on the Supreme Court.

I ask unanimous consent that the editorial entitled "Should a Woman Be on the Supreme Court? Certainly," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOULD A WOMAN BE ON THE SUPREME COURT? CERTAINLY

(By David Lawrence)

Whether the President appoints a woman now to one of the two vacancies on the Supreme Court or does so in the future, it seems likely that he will brush aside any arguments about sex.

The discussion which has been going on about a woman serving on the highest court is indeed a surprise. Why should there be any controversy at all? Women have intelligence and the same understanding of impartiality and of the basic meanings of law that men have. Many of them are serving on federal, State and city courts in different parts of the country.

Women judges have shown a sense of fair play and have dedicated themselves to their tasks. To select a woman to serve on the highest court in our land would be a novelty. But it would also be a constructive step and a benefit to the other Justices, too.

There is a tendency to regard a person's qualifications for judicial appointment only on the basis of his or her experience in the practice of law or as a judge in a lower court. Should these really be the sole criteria? An individual who has not been a judge or who has not engaged actively in the practice of law but has studied the Constitution intensively for many years can be well equipped to sit on the Supreme Court.

When a person is nominated as a Supreme Court Justice, the temptation is to look back on the record and, if the individual is a Senator, to find out what he or she has said on public questions. There also is an inclination to attribute particular views or ideologies to prospective nominees—whether they are "strict constructionists" or "liberals" or "conservatives." None of these attitudes should be important. For what the nation needs and expects to be appointed to the Court is a person with a fair and honest mind. A woman Justice can contribute a fair and honest mind and, what's more, a common-sense mind.

Any nominee to the High Court should, upon confirmation, say something like this:

"I don't believe I should advocate any of the theories which I have held in public or private life. I am not a legislator. I am not placed on the High Court to decide cases in accord with some political philosophy. My duty is to decide between right and wrong based on the facts and on what the Constitution honestly interpreted really means and commands me to say."

Some criticisms which have been made of opinions written by Supreme Court Justices are rather unfortunate. They tend to portray the men on the bench as legislators with political or partisan concepts in their minds. These may be convictions of political thought, derived from their own experience, but Justices are not supposed to make rulings that constitute legislation based upon any political doctrine, "liberal" or "conservative."

Justices are expected to deal fairly and honestly with the words of the Constitution and to read carefully the interpretations in past rulings. They need not accept the latter if they feel the decisions were wrong. But the test to be applied in the rule of fairness includes a recognition of the rights of the individual, the rights of the owners of property, the rights of government and the collective rights of society.

A Justice of the Supreme Court should consider only the facts, disregard all previous affiliations or associations and be guided by his conscience in interpreting the Constitution and rendering a decision that is just. True independence must be the goal.

There is a very heavy burden placed upon a Justice of the Supreme Court of the United States. The rulings of the Court have a far-reaching effect on the decisions of the lower courts and on the writing of laws in Congress and in the legislatures of States.

The Justices of the Supreme Court often confer with each other as they discuss drafts of proposed opinions, but, in the final analysis, each one makes his own decision. The presence of a woman on the Supreme Court would be helpful, for a woman's mind contains attributes that would be found useful in any discussion. A woman is sensitive to human feelings and, in controversies that arise, can well understand the consequences of a decision, not only in a particular case but in the effect on citizens as a whole.

Women have a keen grasp of the motivations of human behavior and also are fully aware of the many conflicts in our society which every day produce crimes and disturbances in our midst.

Are we too permissive in our approach, and do our laws fail to define the difference between liberty and license? These questions are pressing for answers. We need realism on the Court and a knowledge of human society.

A woman's judgment would be a great asset. There is no convincing reason why a woman should not be nominated to the Supreme Court of the United States.

NEW WAYS OF KILLING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. ROSENTHAL. Mr. Speaker, the war in Vietnam is continuing but is purposely being deemphasized by the administration through press releases, troop withdrawal announcements and the increased attention on the President's Peking and Moscow trips. The major tactic of the administration is to change the quality of the American role in the conflict from ground combat to automated war involving aircraft, computerized artillery strikes and highly sophisticated technicians safely located in Thailand.

Americans are told the war is "winding down" and casualties are down to "acceptable" levels, only five or 10 or 15 a week. But these are only American deaths. The killing of Vietnamese has not slackened. While the U.S. command in Saigon proudly announced last week's American battle deaths were "only five," another 15 died from such causes as drug overdoses, illnesses, and traffic accidents. Further, 319 South Vietnamese were killed and 1,198 North Vietnamese and NLF soldiers were reported killed. In other words, more than 1,500 persons died in Vietnam last week either from American bombs and artillery or South Vietnamese using American weapons.

Our involvement in the killing contradicts the administration's pretense of withdrawing or that the war is ending. The absence of U.S. ground troops does not mean a decrease of the war effort by the administration, but rather a deception against the American people. The only true withdrawal is the removal of all American men, weapons, and support for that tragic conflict.

I wish to insert into the Record two articles from the New Republic concerning these aspects of the war. One is by William Haseltine from the October 16, 1971, issue discussing the automation of the war, and the other from October 9, 1971, on the question of amnesty for those who have broken the law by refusing participation in the war. Each exposes the dishonesty for the administration in its continued perpetration of the conflict.

The articles follow:

The Automatic Air War

(By William Haseltine)

". . . War involves very small numbers of people, mostly highly trained specialists. The fighting . . . takes place on the vague frontiers whose whereabouts the average man can only guess at. . . ."—George Orwell, 1984.

As this is written, hundreds of the most sophisticated machines of war in history are hovering over the bamboo villages of Indochina, waging a new kind of mechanized warfare even as US ground troops are being withdrawn. Since Mr. Nixon became President, we have dropped 2,700,000 tons of bombs on Indochina—more than was dropped on two continents during World War II and the Korean War combined.

There are O1E, O2 and OV10 spotter planes at 2000 feet; A1E, A26, T28 prop bombers, AC47, AC54, AC119, AC130 gunships, flare ships, rescue and gunship helicopters at 5000 feet; F4, F100, F105, A7, B57 jet bombers, jet reconnaissance, EC47 and EC119 electronic aircraft at 10,000; KC-135 super-tankers at 20,000; B52s at 30,000; EC130 command and control aircraft at 35,000; and SR71 reconnaissance aircraft at 70,000 feet. As no less an expert than General Westmoreland puts it, "We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball or even rifle-to-rifle with the enemy." Hence Vietnamization, hence automation. Military planners are busy finding ways to wind down the war. The Electrontic Systems Division at Hanscom Field, an Air Force Base not far from Boston, orchestrates the intricacies of applying space-age technology to counter-insurgency weaponry. The academic community provides advice and inspiration, the companies test and manufacture the new gadgets, the air base integrates these into tactical weapons systems and ships them to Indochina.

The most dramatic example of the automation of the war is Hanscom's show-case project, code-named *Igloo White*. It became operational in November 1967, over Laos, was expanded last year to include Cambodia, and today directs much of the bombing over both countries. Its major task is to automate destruction of North Vietnamese supply routes in those lands. Its supporters boast that *Igloo White* is "entirely air supported—it requires no ground troops." It is almost fully automatic as well. The system consists of battery-operated seismic and acoustic sensors dropped from the air along the elaborate system of roads and trails in Laos and Cambodia. The acoustic detectors transmit noises in their vicinity and are dropped so that they hang suspended from trees. The more widely used seismic detectors are partially buried and detect ground vibrations. The Air Force is working on new detectors and soon hopes to have one that responds to both metal objects and to body heat.

The exact placing of the sensors is a problem which isn't yet solved. Many of the sensors are dropped from planes flying hundreds of miles an hour. If you don't know where the sensor is, you don't know where to attack. A common solution is to use weapons which blanket large areas with lethal missiles and to attack several nearby locations.

The signals from the detectors are sent to a plane which retransmits information to ground facilities for processing. Formerly these planes were converted super-constellations with large crews and data processing equipment on board. They are being replaced with a modified Beech Debonair that can be flown by remote control, making the detection system fully automatic. These drones are currently circling over Laos 24 hours a day.

The information collected by the drones goes directly to two huge IBM 360-65 computers located in Nakhon Phanom, Thailand, 75 miles west of the Mugia Pass, the beginning of the Ho Chi Minh Trail. These computers analyze the noises and vibrations, printing out the data and labeling it by time and place. Upon request the computer can display a map of the section of the road under suspicion and indicate the target site by a moving blip. The computer printout is passed to an intelligence coordinator and on to the Battlefield Control Center, which sends out the planes for attack.

Besides being programmed to select sites for immediate attack, the computer correlates the information to determine a general traffic pattern, so it can be decided where to lay mine fields. The Air Force is working on mobile computation centers which can be air-lifted to any part of the world. A basic feature of *Igloo White* is that the sensors draw no distinction between friend or foe, civilian or soldier, adult or child, man or animal, and will impartially call down an automated death on all who cross their path. Over two billion dollars has been spent on *Igloo White* over the past five years. Air Force officials consider the program to be successful and envision a worldwide deployment capability by 1976, the 200th anniversary of the American Revolution.

Igloo White is closely integrated with the attack system called *Commando Hunt* which began November 15, 1968, 15 days after the bombing of North Vietnam was halted. *Commando Hunt* is a four-step program to cut the supply lines in Laos and Cambodia. First, all major distinguishable targets such as bridges, buildings, dams and power stations are repeatedly attacked. For pinpoint accuracy the Air Force uses two new bomb delivery systems, one directed by a laser beam, the other by a TV camera. The laser-guided bombs and missiles weigh as much as a ton-and-a-half and have an eye on their nose which guides them to a spot of light beamed off the ground by another airplane. The man with the laser shines it on the target and the bomb falls on it. A TV camera on the other transmits a picture of what it sees to a screen in the cockpit. The pilot locks his bomb on the desired target image and releases it; it falls so that the central portion of the picture is always in view. It was first used over Laos in 1969.

The second part of the program is the dropping of antitruck mines along suspicious paths and roads, mines triggered by sound, pressure, metal objects or vibrations. One of the newest detects movement and explodes when anything comes toward it. Some detonate within a specified time if not triggered, others do not.

Third, antipersonnel landmines are dropped over the antitruck mines and down the entire length of some roads. The Air Force emphasizes that these are purely antipersonnel. WAAPM, the acronym for wide-area antipersonnel mine, is a large bomb containing hundreds of little bomblets. On impact each bomblet sends out rip wires. The mine explodes if the wires are disturbed. Both cover large parts of the countryside.

The fourth phase of the program is immediate reaction air strikes to areas selected by the *Igloo White* computers. The bomb favored for these missions is the CBU–24 antipersonnel and anti-light-material bomb. After it is released from the plane it splits open and hundreds of bomblets spill out. One bomb will normally send 250,000 pellets spewing about on an area the size of a football field. Anything above ground is lucky to escape unscathed. Another version of the same bomblet has a random time-delay fuse, so that after the initial attack bombs keep going off, making it difficult to care for the wounded or repair damage.

F–4 Phantom jets commonly used for these attacks have recently been equipped with a new TPQ-10 radar navigation device. The command computer can feed the map coordinates directly into a computer on the plane and direct it to a precise location. When the plane approaches coordinates, the computer automatically releases the bombs at the proper time to hit the target. The Air Force claims "using air-wide type ordnance, excellent results have been obtained with this blind-bombing method." All-weather navigation aides and light-amplification systems for night attacks are other new features on the attack planes.

The Air Force is satisfied with this program. They credit themselves with 5950 truck "kills" during the 1969–1970 dry period and 14,000 this year. Nevertheless the supplies traveling down the Ho Chi Minh Trail are undiminished. A recent Senate Foreign Relations Staff Report discounts the Air Force's claim by 30 percent. The total number of truck kills claimed by the Air Force greatly exceeds the number the US Embassy in Saigon believes are in all North Vietnam.

The ineffectiveness of the automated war against the trail was highlighted two weeks ago when the Communists launched a massive offensive in Cambodia in the midst of the rainy season and the heaviest floods in North Vietnam's recent history. With Sihanoukville port closed, where were supplies obtained for this offensive? It is not only the cynics who suspect that supplies have been moving down the trail much as they always have.

Still, the bombs continue to rain down. The U.S. has dropped over one million tons on Laos alone in the last two-and-a-half years. And although overall sortie figures are classified, the Senate report revealed that 340 sorties a day were being flown in April 1971, twice as many as during the height of the bombing over Laos during the Johnson years. And this figure did not include the 30 tons per sortie B52 flights secretly sent over northern Laos since February 18, 1970. In all, over 1000 tons of bombs are being dropped daily on Laos.

Although the "Rules of Engagement and Operational Authorities" which regulate the bombing in Laos make it seemingly impossible for villages and other nonmilitary targets to be bombed, there is no evidence to indicate that they are enforced. Despite the most protracted bombing of civilian targets in history, for example, there are no known instances of disciplinary action taken against pilots for bombing villages in Pathet Lao-controlled zones. The Senate staff report itself states that in some cases the rules are deliberately violated, and in any case have loopholes which account for "roads with civilian traffic, villages and groups of civilians—bombed, rocketed or naplamed." One rule permits ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of "infiltrating or exfiltrating" troops. There are 15 freefire zones in Laos not protected by these rules. In addition there are special operating areas that the embassy has determined have no active villages, where any type of ordnance may be jettisoned or used. These areas cover most of the Plain of Jars and route 7 leading from North Vietnam to the plain. Until 1967, when the bombing began, the population of the Plain of Jars was well over 100,000.

The bombing in Laos is, of course, only part of the air war. Large-scale bombing of Cambodia, South Vietnam and even North Vietnam continues. The Pentagon insists that since November 1968, there has been no bombing of the North—only "protective reaction strikes"—184 of them, 64 thus far in 1971, about two a week and some involving over 250 planes each, as on March 21 and September 21. The officially acknowledged purpose of the bombing is to interdict the flow of men and material into Vietnam, buying time for Vietnamization, and to provide tactical support to ARVN troops. Implicit is the threat, rendered credible by massive daily bombing of the countryside, that were NLF and North Vietnamese to seize control of the cities as they did during Tet 1968, the cities would again be destroyed from the air.

The need to replace men with machines in Indochina is becoming more urgent as more Americans come home. General Westmoreland is sure that the U.S. can meet this challenge: "Today machines and technology are permitting economy of manpower on the battlefield, as indeed they are in the factory. But the future offers even more possibilities for economy. I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine."

A PROPOSAL TO THE PRESIDENT—VIETNAM AMNESTY

(By James Reston, Jr.)

The figures on what the war in Vietnam has done to a generation of Americans are staggering. Beyond the 347,214 killed and wounded (as of September 18, 1971), there are over 50,000 American exiles in Canada. Members of the Canadian Parliament expect this figure to reach 150,000 before the war and draft are over. The FBI received 146,554 draft violation complaints between 1966 and 1970, and needless to say, the Bureau does not receive the name of every draft evader. Over 89,000 American soldiers deserted the military in 1970. In 1968, 723 men were in federal prisons for draft-related convictions.

There is no way to compute the psychological casualties. Beyond the despair all around us, we now have a new, sad element: the bitterness of those who offered themselves up as soldiers in 1965–66 for patriotic reasons, and now find out they were lied to by their President, Thus for the Vietnam generation, the country must prove itself worthy of respect, not as some would have it, the other way around.

The immediate issue, however, is restitution to a generation that has both fought the war abroad and been the vanguard of protest at home. This must come in the form of major concessions to the dissident young, concessions which should in no way demean the sacrifices of those who fought in Vietnam.

What is needed is a program of universal amnesty for all who are or have been subject to prosecution by the U.S. government for crimes relating to opposition to the war in Vietnam. This is the logical end result of a domestic application of Vietnamization, which is simply the national recognition of a mistake couched in bureaucratic language. Amnesty can come either by presidential or congressional action, either as the Amnesty Act, or the Amnesty Proclamation of 1971. The President is authorized under Article I, Section II of the Constitution "to grant reprieves and pardons for offenses against the United States". In numerous cases in the post-Civil War era, Congress acted to relieve persons whose civil rights had been taken away, before it finally passed the Universal Amnesty Act in 1898.

Universal amnesty is appropriate in the case of political exiles and political prisoners today, and is distinguished legally and historically from general amnesty. General amnesty has conditions and exceptions, whereas universal amnesty contains none. President Lincoln made the first Civil War Amnesty Proclamation on Dec. 8, 1863. It was a general amnesty for all who would sign an oath of allegiance to the Union, except six classes of individuals: civil or diplomatic officers of the Confederate government; judges who defected to the Confederacy; military men above the rank of colonel in the Army or captain in the Navy; legislators who left Congress to aid the rebellion; commissioned officers in the US military who resigned to become Confederate officers; and those who sold black escapees back into slavery across the battle lines. President Andrew Johnson declared three general amnesties: on March 29, 1865, Sept. 7, 1867, and July 4, 1868—all requiring an oath of allegiance.

A President with a sense of history might choose Christmas Day 1971, the 97th anniversary of President Andrew Johnson's declaration as a fitting time for a Vietnam Amnesty declaration. If President Lincoln could declare a general amnesty one year and a half before Lee's surrender at Appomattox, President Nixon can declare a universal amnesty this year.

The way amnesty is declared is nearly as important as the proclamation itself. A sanctimonious tone taken toward misguided, errant young will miss the point. The country has erred; the instinct of the exiles and the prisoners has been right. Amnesty must come as an honest and courageous attempt at national expiation. The majority of exiles are not waiting for their country to forgive them. Rather, I've been told by a counselor of hundreds of Americans in Toronto, it is a question of whether they can forgive their country.

The terms "draft dodging" and "desertion" have lost their old flavor, expecially as the facts of US involvement become more widely known. These offenses are after all, not treasonous in the sense that the offenses pardoned under the Civil War amnesties were. The exiles in Canada or the prisoners at home have refused to participate in their country's intrigues; they have not actively joined the enemy. I suspect that draft refusal, and even draft evasion and desertion will be overlooked by most Americans, and indeed admired by many after the war, just as today a jail sentence during the Southern civil rights campaigns of the early 60s is a badge of honor.

Historically, the shortness of the country's memory is borne out. Dr. Evan Thomas, Norman Thomas' brother, who has perhaps the best pacifist credentials of any American alive today (draft refusal, 1917; chairman, War Resisters League in World War II) told me a story which shows this. After he was released from military custody in 1919, nearly a year after he had been sentenced in a military court to 99 years for "refusing to eat," the outcome of a hunger strike, Thomas tried to get into a number of medical schools. None would have him, including New York University. Ten years later, NYU sought him out and begged him to attend their medical school. He did and some years later was a resident physician at the NYU Medical Center.

Amnesty for political exiles abroad should be only one aspect of a general program of restitution. It would be irresponsible to grant amnesty to the exiles without attending to the whole pattern of harassment.

The campaign might start with the investigative machinery that has been created during the Vietnam years to track down the subversives and to report on the dissidents. This system is a hangover from the Johnson era when victory in Vietnam was a national goal, and the refusal of participation was considered treason. But still in 1971 the FBI and the military investigating agencies work on directives set under Johnson, and the bureaucratic ball is rolling more smoothly than ever. Department of Defense Directive 1325.2, entitled Unauthorized Desertion and Absence, directs the services to turn over to the FBI the names of all AWOL soldiers after 60 days absence. In FY '69 the FBI received 51,000 such names and apprehended 14,000 of them. An FBI spokesman proudly told me that this constituted a higher apprehension rate than in FY '68 when 38,885 soldiers deserted. The FBI has also received from Selective Service an average of 28,000 draft evasion complaints a year since 1966, but in 1970, the second year of Vietnamization, the bureau could point to 923 convictions, the highest yet.

The combination of a well-oiled investigative machine, the talk of an end to the war, and court decisions strengthening the pleas of conscientious objectors creates tremendous uncertainties. Should he who demurs flee to Canada before the FBI picks him up? Should he stay and try to win in court?—but what if he loses? What device will stall the induction process for two years when a draft call may be eliminated, and there may be a different President?

I know a 22-year-old who refused induction over a year ago and has waited ever since to be picked up. He has honorably tried to face his moral obligation as he sees it, has spent over a thousand dollars in legal fees, and has stayed in the town of his refusal, delaying a career he wished to pursue elsewhere. He has adjusted himself to the thought of prison, but not to the reality of waiting. I told the fellow to remove Vietnam from his life now as best he could, and continue about his business. He has paid his dues.

The Congress acted to remove the uncertainty of the draft by limiting elgibility to 19-year-olds. It could eliminate uncertainty about arrest also, either demanding a stop to further prosecutions of draft evaders and draft refusers, or at the very least, by limiting eligibility for arrest to a set period, say six months, after which the individual would be immune. Of course, the President could obviate this need, by simply freezing further Justice Department action. There is historical precedent for this. In late 1865 after Appomattox and after Andrew Johnson's first amnesty proclamation, Judge John C. Underwood of the Federal District Court of Virvinia in Norfolk, continued to order arrests and treason indictments of paroled prisoners of war. Ulysses S. Grant appealed to President Johnson to restrain Underwood. Johnson at first refused, as initially in his presidency he espoused a tough line against the rebels. But when Grant threatened to resign over the issue, the President relented, and the prosecutions ceased.

Finally, there are some 500 persons in prison convicted on draft refusal charges. To them an amnesty is also due, for they are perhaps the most hopeful breed of all draft resisters. They've stayed, which may indicate that they feel the country is worth fighting for.

Draft refusal or draft evasion questions have largely been an issue for the college educated. This is reflected in the exile population: the impulse to flee for the evader is abstract, political, whereas the impulse to flee for the deserter is often a gut reaction of outrage at what he sees in the military. What sort of amnesty is due the latter?

The main area for concern here is the proposed All-Volunteer Army. In two summers I worked in the Neighborhood Youth Corps in New York City, I say time and again poor youngsters take the military option as the only escape from the streets. The Pentagon is perfectly aware of this opportunity. If you travel around the country, you notice the heavy advertising for the services in the rural areas or in poverty neighborhoods. The so-called combat skills get thte biggest push, because the Army has the hardest time getting volunteers for these jobs. Thus recruiters armed with Madison Avenue techniques, appeal to the *machismo* of the 18 and 19 year old for whom virility is something to be proved. I will never forget an 18-year-old I met in basic training who had volunteered to be a helicopter gunner, one of the most dangerous jobs in Vietnam, because his recruiter said the job was like riding shotgun on the pony express.

The poor youth of this country deserve an amnesty from the military dupe. The Army must cease to be a primary escape from the Appalachias, the inner cities and the small towns of America. A system of humanitarian alternatives of equal statute, duration, and sacrifice to military enlistment should be devised. The streets of Brooklyn or the roads of Eastern Kentucky provide infinite possibilities for regional service if youth were mobilized for social programs. The goal must be to change of national emphasis: to admit error and get on with useful work, so that young people will again freely want to serve their country.

A MAJOR DIPLOMATIC DEFEAT FOR THE UNITED STATES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. LANDGREBE. Mr. Speaker, last night's 76-to-35 vote in the United Nations to expel Nationalist China and admit Communist China must be considered a major diplomatic defeat for the United States, but it may be a blessing in disguise.

When the vote was first announced, I am sure most Americans felt a deep sense of loss. There was the suspicion that somehow we had laid the groundwork for betrayal of a friend with President Nixon's planned visit to Peking and Secretary of State William Rogers' subsequent announcement that the United States favored the Mao regime's admission to the U.N., although not at Taiwan's expense.

Perhaps if we had not opened the door via the route of pingpong diplomacy, this would not have happened. Perhaps we gave the impression that we would not get too upset if the member nations dumped Chiang's delegation and delivered one more gratuitous insult to America.

But then again, perhaps Mr. Nixon's efforts to ease Sino-American tensions would not have made any difference. Last year, you will recall, a majority of the General Assembly did vote to oust Taiwan in favor of Peking, and only our drive to make the vote an "important question," requiring a two-thirds majority, prevented an ouster of the Nationalists then.

Be that as it may, when viewed in the cold light of day, has either Washington or Taipei lost all that much? Despite the bold hopes of its boosters, is the U.N. all that important or effective?

In all fairness, it should be noted that the world body had done fairly good in the economic and social development fields. But the fact remains that, when it comes to global power politics, the U.N. is a hollow, toothless nonentity, taken seriously by few thinking men and fewer governments.

Thus, a case can be made that our loss has been slight—more symbolic than substantive. We can even hope that this latest humiliation will finally awaken the American public and the Congress to the realities of the U.N.

We have seen the organization deteriorate into little more than a sounding board for anti-American invective. We have seen the Soviet Union in a position of casting three votes—even more if you count the satellite countries—to our one. And we have seen this farce financed in large part, by Uncle Sam, who must be viewed by the other member nations as the biggest sucker in history.

Now, chances appear good that Congress will insist that our dues payment will be limited to our own fair share of the U.N. budget, instead of the present ridiculous situation, in which Uncle Sam pays more than a third of the tab.

We have far, far better things to do with the taxpayers' money than to pay other nations to insult us.

But even beyond financial considerations, this latest vote will force thinking Americans to ask themselves a question that has needed asking for a long, long time: What on earth has the U.N. ever done for us?

UNITED NATIONS MOBILIZES TO COMBAT RACISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. RARICK. Mr. Speaker, the latest U.N. aggressive program is a call to mobilize the people of the world to combat racism. I fear that many of our people who are unfamiliar with Communist jargon and application of our words may fall unwilling accomplices in the so-called battle which they can wage only against themselves. Especially is this true for those who have experienced the loss of freedom of choice in selecting a child's school and those denied the use of their own neighborhood school by having their children forcefully bused to eliminate some idealistic theory of racial imbalance.

In each of these instances, the forced integration of public schools and the busing experiment are said to be advantageous to our society in the attainment of peace by overcoming racial imbalance—someone's sociological solution to prejudice and racism.

Likewise, the United Nation's goal of stamping out racism is rationalized as a requirement to further the U.N. goal of peace. Conversely, the propaganda impact on our people is that anyone opposing the combating of racism is against peace.

Experience since 1954 in the United States certainly should convince any doubters that the race-mixing policy, as an implementation of the United Nations peace through racial proportions program, has backfired and there is more overt evidence of racism in the United States today than before the Supreme Court adopted Gunnar Myrdal's novel as the judicial guidelines for the future.

In the United States since 1954, the taxpayers have been milked of billions in the battle to combat racism called ordered equality. Millions of American people have been coerced, intimidated, and have surrendered to unbelievable tyranny from their government by forced changes in custom and practice.

Public schools are integrated at great expense amid community tension only to become resegregated. Cities and suburbs are integrated by every conceivable ploy of preferential Government financial assistance only to resegregate. Hardly a segment of our society has remained untouched under the some 17 years of promotion of equality in the war to stamp out racial distinctions. Thus far, every move and action taken by the Government to eliminate racism in the United States has proven but costly and futile failures which have succeeded only in massive migrations of our people.

The reason for the failure of these racial experiments in our country is that free people refuse to be regimented or herded like so many cattle. Free people, on their own initiative and following their own conscience, refuse to accept unnatural conditions and socialistic solutions.

There can be no elimination of racism in the United States or elsewhere in the world so long as the individual is free to escape the planned patterns. Racism can be eliminated only if freedom is destroyed

I am doubtful that those Americans who are so eager to protect their school, home, business, and community realize that they are the target of activities which further the U.N. goal to stamp out racism whenever they watch TV, go to church, attend a concert, or even go to a professional sporting event. Many Americans are now engaged in a war for survival and do not know who the enemy is.

We learn here in Washington that schoolchildren are being encouraged to participate in oratorical contests on the subject "What Can We Do To Combat Racism Around the World?" This program apparently is to continue until December 10, which has been established as Human Rights Day. What a difference it would make to the American people if words were honest and the subject for the debate was expressed so that it would be understood by Americans to be "What Can We Do To Combat Freedom Around The World?"

I include a related news clipping:

[From the Washington Evening Star, Oct. 23, 1971]

UNA TO CELEBRATE U.N. DAY-WEEK

Tomorrow is United Nations Day, but every day is U.N. Day to the shoppers and volunteers at the UNA Gift Shop in Georgetown.

The 2,000-member Washington chapter of the United Nations Association—part of a 100,000-member national organization—hopes to have 150 persons enrolled to work at its shop during the Christmas shopping season. During that time they will mark the shop's second anniversary.

One of the UNA's programs, an oratorical contest, will begin tomorrow and end on Dec. 10, Human Rights Day. Many high schools in the Washington area are taking part in the contest, for which the subject is: "What Can We Do to Combat Racism Around the World?"

Some 50 finalists in the contest will receive a free trip to New York.

Other events marking United Nations Week—in accord with proclamations issued by both President Nixon and Mayor Walter Washington—are:

A U.N. Day program at Glen Echo Park, described today in the "Sunday and Monday in Washington" column on Page 3.

A noon luncheon Thursday at Billy Martin's Carriage House, 1238 Wisconsin Ave. NW. Assistant Secretary of State Samuel de Palma will speak on "The 26th U.N. General Assembly: Turning Point in History." For reservations, call 337-5551.

The manager of the store on N Street is Anne Marie Adkison. She hopes to attract visitors not only to buy such expensive trinkets as an Indian necklace, but staples like UNICEF greeting cards and calendars—or simply to look around at the posters and learn about the association's work.

THE NEWS TWISTER

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. REID of New York. Mr. Speaker, a new book entitled "The News Twisters" is receiving a good deal of attention and has been mentioned in the CONGRESSIONAL RECORD. Authored by Miss Edith Efron, the book makes a statistical analysis of network news broadcasts during the period of the 1968 presidential campaign and concludes that all three major networks are systematically biased in their presentation of television news.

As this is a serious charge in the context of a most controversial issue, fairness requires that the pages of the RECORD be balanced.

The conclusions of Miss Efron's book are drawn from her statistical analysis of the word content of network news telecasts. Clearly the validity of these conclusions depends upon the validity of the methodology employed by the author. This methodology has been criticized by some reviewers, was the subject of a recent roundtable discussion on the Public Broadcast System, and has been extensively analyzed by Dr. Charles Winick, professor of sociology at the City University of New York, in a study commissioned by CBS News which CBS pledged to publish regardless of its findings. It is my understanding that Dr. Winick is experienced in making content analyses of the nature undertaken by Miss Efron in her book, and he received a special Peabody Award for his book, "The Young Viewer."

As of possible interest to Members, I am including a copy of Dr. Winick's study in the RECORD:

CRITIQUE OF THE METHODOLOGY OF EDITH EFRON'S "THE NEWS TWISTERS"

(By Charles Winick)

SUMMARY

Content analysis is an established technique for the systematic description of communication content. Although *The News Twisters* uses content analysis, it does not observe a number of the accepted practices in the field.

The News Twisters deals only with 7 p.m. network news during the 1968 pre-election period, which is not representative of the total news programming of the day, nor of news broadcasts at other times of the year.

Even in reference to the 7 p.m. network news, less than one-fourth of the total number of words broadcast was coded and neutral or non-partisan material was not considered.

Key coding categories and concepts are not clearly defined in the book and neither intensity nor degree of opinion was systematically measured. Word count of "pro" and "anti" opinion, the basic quantitative procedure used, is probably less desirable than other measures might have been. The communicator as a contributor to the context of an opinion was not evaluated, nor were the visual and pictorial dimensions of television.

No check for reliability of coding was included and there was no quantitative indicator of intensity of opinion.

The author's interpretation of the findings exclusively in terms of network newsmen's bias can be questioned, especially in view of some of the circumstances of the 1968 campaign which bear directly on news content and help to explain it.

Content analysis is a powerful tool for the study of the manifest content of a communication. Even though it relies on judgments, content analysis can be scientific, if it is objective, systematic, and quantitative. Its validity may be enhanced by following procedures which have become reasonably established and apply to any study of content, regardless of its subject or political orientation. Such techniques are less important in the exploration of a literary subject than in a study involving public policy, such as Edith Efron's *The News Twisters*.

The following comments on the book will consider some of the principles of content analysis and the manner in which *The News Twisters* observes them. These comments are based primarily on the contents of the book. In a conversation with this author, Miss Efron clarified some aspects of her methodology.

Sampling

A sample of broadcast news chosen for content analysis should be reasonably representative of all broadcast news. By selecting a pre-election period, *The News Twisters* is essentially presenting a study of pre-election coverage, although its conclusions are presented as though they apply to all news broadcasts.

In the pre-election period, there is almost a built-in polarization of views because of the importance of the dimension of Republican-Democratic. Even though such a dimension is reasonable in terms of the two major candidates, it may be far less relevant in terms of the issues studied. Yet, by applying the "pro-anti" dimension to the issues, they are forced into a polarization which is artificial and does not adequately convey the range of material covered.

A much fairer procedure would have been to sample news broadcasts at other times of the year, when there would be a greater spectrum of both content and opinion than is possible before election.

A study seeking to explore network coverage of news should extend its coverage to more than one program, which may be subject to special considerations in terms of content because of its brevity, time of broadcast, differences between time zones, responsiveness to "hard news", and similar factors.

In the case, for example, of the presidential candidates, who often climaxed a day of campaigning by an important evening appearance, the report of such an appearance might be "stale" by the time of the following evening's 7 p.m. news, although it would have been covered in other news programs. Material which might have been extremely important in terms of the candidate's activity is not counted in this study.

Selection of dimensions

The techniques of content analysis may be applied to almost any kind of material. In this study, opinions on 13 "controversial issues" are studied in terms of their presentation by broadcasters on the 7 p.m. news during the seven pre-election weeks of 1968. The "issues" are: the three Presidential candidates, U.S. policy in Viet Nam, U.S. policy on the bombing halt, the Viet Cong, the white middle class, liberals, conservatives, the left, black militants, demonstrators, and violent radicals. The "issues" were chosen because they were controversial and both the "Republican-conservative-right-axis" and the "Democratic-liberal-left-axis" took "strong opposing positions" on them (p. 30).

The study should have been preceded by a preliminary pilot study to identify and tabulate the range of content and "controversial issues" broadcast during this period. The pilot study could clarify whether there were "controversial issues" other than those chosen and facilitate the selection of categories which are appropriate, exhaustive, and mutually exclusive.

In *The News Twisters*, no "issue" is accorded greater importance than any other. How important was the "Viet Cong", if it elicited a grand total of 81 words, less than one minute of air time? Or "violent radicals", with 281 words?

Assuming the selection of these 13 "issues", an alternate procedure would have been to group some of the ten non-candidate subjects as part of larger ones. Six "issues" lend themselves to such reclassification, as part of the "Viet Nam" and "law and order" areas of concern, which were certainly crucial:

Viet Nam: U.S. policy on the war; U.S. policy on the bombing halt; Vieg Cong.

Law and order: black militants; demonstrators; violent radicals.

In terms of "law and order", it is possible that the American public was concerned about some of its less controversial aspects, like personal safety and crime in the streets. The presidential candidates also talked about other "issues" like the cities, integration, and the economy. Even if these "issues" received relatively little coverage, it would seem desirable to know how they were treated on television since they so urgently affect the daily lives of citizens.

Three of the categories coded—"liberals", "conservatives", and "the left"—are less "issues" than political labels. If "the left" is included, why not "the right"? "The white middle class" is a sociological category rather than an issue. These four categories are probably not "issues" in the same sense as the three candidates, Viet Nam, and law and order and questions may be raised about their inclusion.

Definition of terms

A study in content analysis must clearly define its terms, not only so that the coder knows how to classify units of content but also for the benefit of the reader of the report. In a content analysis dealing with emotionally toned concepts, it is particularly urgent that there be clear definitions. Otherwise, the researcher may be responding to a private definition of the concept. In reference to broadcast material, there is again particular need of definition because a newsman or other communicator may use a word which is similar to the title of one of the categories, although the passage may be more accurately categorized in another category.

The only concept which is formally and clearly defined in the book is "opinion". The various "issues" are not explicitly defined, which is to say that the coder's criteria for classifying specific content in one category or another are not spelled out.

The concepts most in need of careful definition are "pro" and "anti", since they represent the most important classifiers in the study. Assessment of "pro" or "anti" attitudes is very difficult without clear definitions.

But even a seemingly simple concept like "white middle class" needs definition, since in network stories so tabulated by the author it includes "the white middle class majority", "white America", "white racist America", "the middle class electorate", "the American electorate" and "the American people" (p. 67).

Classification of content

The basic classifications used for content must be complete, in terms of the goals of the research. In a study of bias, it is important that there be consideration of content which is not clearly "pro" or "anti" but deals with the issues studied.

The analysis in *The News Twisters* is based on a fairly small proportion of all the material during the period studied (p. 102, 247):

Network	Number of words transcribed	Number of words of opinion	Opinion as percent of total words
ABC	100, 600	32, 219	32. 07
CBS	115, 500	19, 340	16. 74
NBC	107, 000	25, 825	24. 14
Total	323, 100	77, 384	23. 95

In other words, the number of words of opinion which were coded came to less than one-fourth (23.95%) of the total number of words broadcast. The remaining (76.05%) content was therefore either a) relevant to the 13 coded subjects but not classifiable "pro" or "anti", or b) not relevant to the coded subjects. The exact proportion of uncoded content in each of these two categories is not known.

Had all verbiage on the subjects been coded, it would have been possible to determine how the amount of "pro" and "anti" material on each issue compared with the amount of non-opinion material.

One way of handling the latter is to classify it as "neutral", or a passage which contains both "pro" and "anti" can be placed in a "balanced" category.

Another way of including degree of direction is to assign a numerical value to the direction of an opinion: —3 strongly anti; —2 anti; —1 somewhat anti; 0 neutral; +1 somewhat pro; +2 pro; +3 strongly pro.

Either of these procedures—coding an idea which is "neutral" or "balanced" as such, or assigning it a numerical value on a scale—would provide a fuller and thus more valid content analysis than assigning opinion to "pro" or "anti".

Coding units

In content analysis, the coding unit should be large enough to convey meaning, small enough not to contain too many meanings, and clearly identifiable. Serious questions may be raised about whether the opinion, as defined in *The News Twisters*, meets these criteria.

Since the audience of television news may perceive a section within a broadcast rather than each opinion, a more logical unit of analysis would seem to be the program section dealing with a theme, rather than each statement of the theme. For example, an ABC broadcast on 10/30/68 is classified as carrying seven different pro-Humphrey opinions (p. 260):

Negroes support Humphrey.
Abernathy says Negroes can elect President.
Negroes support Humphrey.
Southern Negroes support Humphrey.
Eighty-five percent of the Negroes support Humphrey.
Charles Evers is getting out the vote.
Negro minister supports Humphrey.

A realistic series of content categories could have categorized these seven opinions as one theme. In addition to this material being tallied as seven opinions, each word is counted toward the total. A word count may be helpful in the determination of attitudes but tabulation of the material by theme is usually more useful and valid. In content analysis, large units of meaning have generally been found to provide as valid in indication of direction as small units and an opinion expressed in many words is not necessarily stronger than one in fewer words.

A word count restricted to opinions may not accurately measure the content of a story, in terms of how it will be perceived by a viewer. A long story which implicitly conveys the overall thrust of being on one side of an issue but expresses no explicit opinion for that side, might contain a one sentence opinion which would be tabulated on the other side of the issue. Because the bulk of the story contained no explicit opinion it would have been ignored by Miss Efron, in favor of the single deviant sentence. A candidate who conducts a cautious campaign, like Mr. Nixon in 1968, may get substantial favorable exposure which would not be counted at all because it contained no opinion content.

Although there is probably a positive correlation between word count, number of opinions expressed, and broadcast exposure days, the use of measures other than word count might modify some of the conclusions of the study. Thus, the word count shows more words "pro" than "anti" "demonstrators," but the "anti" material appears in more opinions and broadcasts. Although "pro" "left" verbiage exceeds "anti," the "anti" opinions are presented on more broadcasts. The word count shows "black militants" receiving almost twice as much favorable as unfavorable coverage, but in the same number of broadcasts. Reliance on word count as the only quantiative measure of opinions has limitations because the count may mask other dimensions which could be important.

Depending on opinion means that significant other kinds of content which could influence audiences will not be counted. In the same paragraph in which Miss Efron criticizes the networks for inadequate coverage of black achievement, she notes that a Negro general was interviewed by NBC on the occasion of his promotion (p. 146). Because the general was not expressing an opinion, this interview was not counted in her study.

The communicator

Ever since psychologists developed the concept of "prestige suggestion" in the 1930's, content analysts have taken into account the status, reputation, and credibility of the communicator. In this study, no systematic efforts are made to consider the impact of the communicator. Miss Efron observes that "it does not matter *who* is voicing the opinions—it matters only *what* opinions are being voiced" (p. 131). But it *does* matter who is doing the talking, because the same remark may be coded either "pro" or "anti", depending on its source. If George Ball says, "Humphrey should get the Negro vote," it would clearly be "pro" Humphrey; the same remark from George Wallace would have to be classified as "anti" Humphrey. The various politicians whose opinions are coded are not identified in terms of political allegiance, although such placement could affect the public's perception of their views.

Another problem with the way in which the sources of the opinion are presented is the ascription of source (public, politicians, candidates, other, reporters). There is no tabulation of opinions in terms of each of these groups, except for the reporter category, which is not broken down in terms of "commentators" and other newsmen. Although reporters account for a considerable part of the total opinion broadcast (48% at ABC, 31% at CBS, 18% at NBC, p. 102), the reader is not told what proportion of it is represented by persons identified as "commentators". In a study of bias, it would seem important to know the amount of opinion which is clearly labeled as such because a "commentator" is expressing it.

The "public" category includes sources as varied as Bud Wilkinson, Walter Lippman, Walter Reuther, Scripps Howard newspaper, and the U.A.W. The political identification of such sources surely affects the public's perception of what they say, but this dimension is not considered systematically.

Three kinds of non-editorial opinion are described: direct quotes, paraphrases, and reports. The opinions presented are not, however, tabulated by these categories. If they were so tabulated, the analysis would have been much more meaningful.

The medium

Content analysis of multidimensional media considers as many of the dimensions as possible. Network news consists of more than flat voices. It has visual content, which may contribute very substantially to the content of a program and includes film, still photographs, and maps and charts. *The News Twisters'* reliance on sound alone may convey an inadequate impression of what was communicated by the 7 p.m. telecasts.

The voice, phrasing, gestures, and timing of a communicator can substantially contribute to the direction and intensity of what he is saying. Consider a citizen who is asked, "For whom are you voting?" and immediately answers, "Nixon is the one for me." Another citizen, asked the same question, may look deliberate and pensive for a few seconds and then carefully answer, "Nixon". The first exchange would be tallied as 11 pro-Nixon words and the second as only 6, although its impact on audiences might be at least as great as the longer dialogue. A content analysis should consider such aspects of a message but this study does not do so.

Related to the visual nature of television but not included in the study is the matter of relative time placement of a story within the half hour of the program. Such placement is important because we know that not all viewers view the whole program and that they may be influenced by the time placement of specific content. In content analysis of newspapers, an "attention score" or "display index" is often used to assign points for relative position on a page. Similarly, it is possible to assign points for relative position within the half hour time period of the broadcast.

Reliability

In content analysis, the issue of reliability is important: can someone else, or the original researcher on another occasion, achieve the same results using the same techniques on the same material? There are simple techniques for establishing the degree of reliability. One procedure is to give the same instructions and text to different coders and establish the degree of consistency between them. In the split halves procedure, the same coder divides the content into randomized halves, codes both and compares the correlation between them. Another reliability procedure is to have the same coder code the same content at different times. None of these procedures was followed.

Reliability measures are crucial in content studies of controversial and issue-oriented material, where a coder's bias may intrude in spite of himself. *The News Twisters'* non-use of any reliability procedures, in view of the seriousness of its charges, is a barrier to its credibility.

Employment of more than one coder would not only have made possible more confidence in the coding of opinions used in the study, it might have led to the inclusion of material which is not now tallied. For example, opinion content dealing with the Democratic party and President Johnson was not counted, although many viewers surely perceived anti-Democratic and anti-LBJ material as anti-Humphrey.

Content analysts usually assume that some communications will not lend themselves to easy categorization and establish a procedure for having a third person resolve any coding differences. In this study, material which posed coding difficulties is not tallied.

Intensity of opinion

"Pro" and "anti" express the direction of an idea unit but not the vigor and emotion with which it is expressed and the contribution to intensity of various kinds of language: verbs, adverbs, adjectives, etc. A point of view may be expressed mildly or vigorously, actively or passively. Content analysts try to quantify ratings of a communication's intensity, in order to permit precise comparisons.

One technique for assessing intensity of a communication is to give it a numerical value on a simple scale. Each idea unit can then be given a score, as indicated above (p. 6). It would have been possible to tally the scores assigned to all the "pro" and "anti" material on the same issue and emerge with two scores, which could be compared.

This procedure, including appropriate measures of reliability on the coding of intensity, would permit others to perform an independent check on the measure of intensity. Because Miss Efron estimates comparative intensity qualitatively and does not follow any standard procedure, quantify scores, or use a measure of reliability, her procedure cannot easily be evaluated or duplicated.

Interpretation of data

A content analyst usually considers his findings from different viewpoints and discusses the relative plausibility of each interpretation. All findings in this study, however, are considered only from the single viewpoint of network newsmen's twisting of the news, which in one instance is described as a "pathological phenomenon" (p. 95). Network news output is what it is, says Miss Efron, because "the liberal composition of network staffs renders it impossible for network news departments to be anything but liberal news agencies" (p. 196). Some network newsmen are said to be "outright liars" (p. 195).

This is one possible conclusion from Miss Efron's findings, but other interpretations are also possible. In any scientific study, the simplest explanation which fits the facts is preferable to more convoluted interpretations. One explanation relates broadcast news content to what is taking place "out there". As Miss Efron notes, news is "something new" that has happened somewhere (p. 6). There can be no coverage of an event that has not occurred.

An evaluation of the broadcast coverage of the two major presidential candidates during the seven week period of the study, requires examination of both the coverage itself and what was actually happening in the campaign.

Theodore H. White in *The Making of the President 1968* points out that Mr. Humphrey's chief tactic was "to goad Nixon into anger or blunder" (p. 399). Humphrey ran a vigorous anti-Nixon campaign, among other reasons, because the Democrats had so little money for the purchase of broadcast time. White notes that from the convention to October 24, not one national radio or television spot had been scheduled (p. 412). The September 30, Salt Lake City speech represented the Democrats' first nationwide telecast.

Mr. Humphrey and other Democrats, because of Humphrey's personal style and the campaign situation, attacked Nixon, quite vigorously and consistently. Their anti-Nixon opinions were duly reported on the 7 p.m. news. Such considerations ought to enter into Miss Efron's interpretation of the seemingly large amount of anti-Nixon verbiage, but they are not mentioned.

Although the "out" party usually attacks the incumbent, historians of the 1968 election uniformly agree that Mr. Nixon began the campaign intending not to divide and embitter the country by attacking the Democrats. His commanding lead in the polls five or six weeks before the election, also made it less necessary for him to take extreme positions. The Republicans' extensive use of friendly "citizens panels" on paid local television broadcasts contributed to their disinclination to attack the Democrats.

Theodore H. White describes Mr. Nixon's approach to the election as "the strategy of caution and safety" (p. 386). Miss Efron herself notes, in explaining why she does not include presidential candidates' opinion on U.S. policy on the Viet Nam war, that "there was virtually no material from Mr. Nixon"

(p. 37). The low key nature of the Nixon campaign certainly is a factor in understanding why there is seemingly little anti-Humphrey opinion, but it is not mentioned. Here as in other issues, the broadcasters' commitment to a "Democratic-liberal-left-axis" is invoked as the reason for the finding.

In the coverage of the campaign, the networks' presentation can certainly be clarified in terms of the nature of each candidate's campaign. "Pro" and "anti" content related to other "issues" can similarly be related to what was occurring at the time.

The News Twisters seems less interested in exploring alternate explanations and implications of its findings than in documenting network bias. It is more like a legal brief, organizing evidence to support a thesis, than a research study which seeks to explore all facets of a situation.

In the introduction to the appendix which summarizes the methodology, the author gives as one of the requirements for undertaking such a study "a thorough mastery of the rules as set forth" (p. 247). However, a comparison of "the rules as set forth" with the established principles of content analysis raises serious questions about the validity of *"The News Twisters."*

THE 10 COMMANDMENTS OF GOOD GOVERNMENT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BAKER. Mr. Speaker, each year, Civitan International, sponsors a nationwide essay contest challenging America's young writers to focus upon the meaning of American citizenship. As a member of the Chattanooga, Tenn., Civitan, an organization boasting 107 members, I am proud to note a young lady from my home State, Miss Sharon McRedmond, of Nashville, has won first prize in this year's contest. Miss McRedmond's excellent and inspiring entry is appropriately titled, "Citizenship—A Privilege and a Responsibility."

Like the majority of her contemporaries, Miss McRedmond realizes responsibility must be a constant companion to privilege if America is to remain at the pinnacle of world leadership. It behooves all of us to heed Miss McRedmond's apt warning:

> We scan the horizon for enemy ships, but never notice the termites gnawing relentlessly on the timbers.

While exercising vigilance over outside forces which would destroy us, we cannot fail to maintain a strong moral fiber here at home. A survey of history shows the great empires of the world were toppled ultimately not by outside forces, but by internal decadence. Let us profit from their mistakes.

Among the "Ten Commandments of Good Government" offered by Miss McRedmond, perhaps the most important reads, "Thou shalt realize the privilege of living in the U.S."

Sadly, the young authoress is correct in her comment queues before motion picture box offices are often longer than those before the ballot box. When we fail to assume our responsibility for the success of democracy, we leave the job—by default—to others.

I am inserting in the RECORD Miss McRedmond's winning essay as it appears in the October 1971, Civitan magazine:

AWARD WINNING ESSAYS: CITIZENSHIP—A PRIVILEGE AND A RESPONSIBILITY

I've been waiting here at the Loew's Theatre for forty-five minutes, hoping I could get in to see "Love Story." The line stretches a block's length, three people thick. It's a long wait, but there is a diversion: I listen to the conversations around me.

The lady in front of me has a son named Albert, who must plan to run for 18th District Representative. "Well, Betty, you know, I always say we're mighty lucky to live here, with no problems and nothing to bother us. Look, we're the richest country anywhere and nobody would dare hurt us."

She went on, but I stopped there. Her words could not be true, because they sounded too good. She and many other people are unaware that forces like Communism can destroy us, if we sit, and pat ourselves on the back. "No problems. . . ." Then why is her son a candidate? Is it because there is no other job? He obviously realizes the need for improvement, the ever present need. Most of us are citizens who are brainwashed . . . the unsinkable S. S. United States will always ride the high seas. We scan the horizon for enemy ships, but never notice the termites gnawing relentlessly on the timbers.

As a nation, we cannot afford to sit still. We either push ahead or are left behind. This movement depends on the citizens, not the bureaucrats in Washington.

If I were the Moses of America, I would give the Ten Commandments to keep America alive through good citizens.

"Thou shalt love thy country with thy whole heart" and please don't be a word-lover; show it in actions.

"Thou shalt vote in every election." Even if none of them appeals to thee, still vote. For many people this is their only way to take part in government, yet the line at this theatre is longer than the polls, which are open only one day. It is a privilege unequalled in most of the world. Use it wisely.

"Thou shalt then tell these representatives what to do." Imagine the helpless feeling of no citizen response, yet plenty of criticism. Tell him exactly what you want. Write a letter, and urge your friends to do so.

"Thou shalt not criticize unless the criticism can be used to improve." Don't gripe. It's useless, and deadens the response to a valid complaint.

"Thou shalt honor thy president and first lady." Respect all leaders. Remember that to respect does not mean to blindly adhere to all he may think or say. Question him, but don't degrade him.

"Thou shalt realize that there is another side to the story." Often it's not possible to tell the reason behind an action. Draw the fine line of difference between this and unconcern. Certainly, everyone has a right to know what goes on, but sometimes it's either impossible or impractical.

"Thou shalt know thy history." Find in it the mistakes which we must avoid. Find in it an inspiration. Think of the bloody tracks in the snow at Valley Forge, the fear of those men that all was in vain, and the hope that gave them strength.

"Thou shalt realize the privilege of living in the United States." There are not words good enough to describe this. It must be experienced. Our Constitution tries. Read it, and its list of rights. We have a right to do almost anything and we have the means with which to do it. We do not have the burden of fear which many nations carry. In all ways, we are truly a privileged people.

"Thou shalt recognize the responsibility of caring for this privilege of citizenship." Only with great care can it be beautiful. Everyone can participate. They must. My little brother has his own way. Right now he is out with his Boy Scout Troop, picking up litter. My Aunt Ellen teachers her children a bedtime democracy course. Most people can do this by following the other commandments. Don't be one who enjoys the privileges without the responsibility.

They just shut the ticket office. I didn't get in, so I must go home. On the way I will see churches of every kind, companies, shops, recreation centers, schools, and hospitals. I will see people in demonstrations, children in parks, policemen in squad cars. I will see reporters from the Gazette, free to write what they please. Then I will be home, and I will slowly realize the value of my citizenship—that it is a privilege which holds an important responsibility. Then I will live it.

SELF-DETERMINATION FOR NORTHERN IRELAND

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. PEYSER. Mr. Speaker, the ideals of democracy, freedom, liberty, justice, natural law, and nondiscrimination are being threatened by the situation in Northern Ireland. Ireland is artificially partitioned against the wishes of the majority of Irish people, those living in the six-county area of Northern Ireland are discriminated against and are denied basic civil right and equal justice under the law, and violence and bloodshed continue to threaten peace and security, which should be the prime concern of any government for its people.

I am delighted to cosponsor a resolution with the Honorable HUGH L. CAREY calling for peace in Northern Ireland. The resolution requests that the U.S. Government at the highest levels urge the implementation of the following: First, the termination of the policy of internment and the release of all persons detained thereunder; second, full respect for civil rights and the termination of discrimination; third, implementation of the reforms promised by the United Kingdom since 1968 in the fields of law enforcement, housing, employment, and voting rights; fourth, dissolution of the Parliament of Northern Ireland; fifth, withdrawal of all British forces from Northern Ireland and the institution of law enforcement and criminal justice under local control.

Last month I submitted a resolution of my own concerning the conditions in Ireland, House Resolution 631. This resolved "That it is the sense of the House of Representatives of the United States of America that: 'The Irish people ought to be permitted to exercise the right of national self-determination thus returning the disputed six counties to the Irish Republic, unless a clear majority of all the people of Ireland, in a free and open plebiscite, determine to the contrary.' "

On Saturday, October 16, I spoke at a rally in Yonkers, N.Y. At that time I joined with people from all religious and ethnic backgrounds to express my feeling that the situation in Northern Ireland was deplorable and that the Irish must be given the right to self-determination. I think that the violence and bloodshed has continued long enough. If the United Kingdom cannot control the situation, we ought to apply as much pressure as we can to urge immediate resolution of the conflict and see that the rights of the Northern Irish are not destroyed.

A prolonged conflict will cause extreme damage to all parties involved, and will threaten peace and the ideals which America cherishes. I believe that this Congress ought to take a firm stand now and make a public statement concerning the contempt of the rights of the people of Northern Ireland by a minority, and the unification of all Ireland.

A COMMISSION ON INTERNATIONAL TRADE AND EXCHANGE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. CONABLE. Mr. Speaker, on October 20, David Rockefeller delivered a speech at the annual dinner of the British National Committee of the International Chamber of Commerce on problems of world trade and international exchange. Among other things Mr. Rockefeller called for establishment of an international commission to study the need for longer range reform of the world monetary system as well as trade and investment patterns. I wish to second his suggestion, which seems to me far preferable to the convening of a worldwide conference such as that at Bretton Woods in 1944. The consensus for such a conference obviously does not now exist, and it would probably be counterproductive without the groundwork which a commission should first perform.

We must study the analysis and advice of financial leaders like David Rockefeller here in the Congress if we are to prepare ourselves for the decisions that face us in the world today. While not claiming any expertise in this vital area of economics—the international scene which is now in such turmoil—I approve of Mr. Rockefeller's realistic and informed approach. I also share the sense of urgency with which he speaks. The United States cannot be a happy place if uncertainty in international financial circles precipitates a worldwide depression. Time is of essence. I am including Mr. Rockefeller's speech in the Record for the consideration of those who may not have seen it:

A New Design for World Monetary Order

When your program planners invited me to speak, they were gracious enough to give me an unlimited choice of topics. They did suggest, though, that it might be both appropriate and relatively easy for a banker to talk about solutions to world monetary problems!

I find their confidence in me most reassuring, but I wonder whether I have the proper credentials to live up to their lofty expectations.

The story is told that on that fateful August weekend at Camp David, where the new Nixon economic blueprint was drawn, one of the government officials participating made the suggestion: "Everybody who worked on this program should be awarded a Ph.D. in Economics."

At that point, a former professor who had taken part in the discussions countered: "Yes, and those of us who earned our Ph.D.'s should turn them in!"

While I'm not quite ready to turn mine in, I am tempted to hedge more and more on my forecasts in this incredibly complex area.

The turmoil of the past few months has focused the attention of the average man and woman on matters usually the almost exclusive preserve of international financiers and economists. The financial pages of our daily newspapers have blossomed with a whole new vocabulary made up of such colorful terms as "mini-devaluations," "crawling pegs," "clean" and "dirty floats."

One Wall Street friend confided to me that his children, after watching a television commentator's review of monetary developments, demanded that their weekly allowance be paid in Swiss francs!

Certainly, the critical interlocking role that money plays in the economies of nations has again been conclusively demonstrated. At the recent annual meeting of the International Monetary Fund, which I attended in Washington, the dependence of business prosperity on monetary stability was one of the chief topics of conversation. There was an air of concern about the impact which the monetary crisis was likely to have on jobs, prices and company profits—all of which are heavily influenced by the international exchange rate of a nation's currency.

Among the bankers and government financial specialists present, one could hear dismaying echoes of the widespread complaints and misinterpretations that greeted the American actions of August 15. These actions appear to have been seen by many overseas as a set of beggar-thy-neighbor policies, while at home they have been condemned by some as foreboding a fresh wave of protectionism.

I believe both interpretations are inaccurate.

I believe, too, that there is nothing to be gained by trying to assign blame in a situation as serious and all-encompassing as the one we now face. Discordant voices on both sides of the Atlantic can only delay a solution and must be toned down if we are to end the series of crises that have jeopardized the unity and stability of the world's economy.

Fortunately, even amid the strains which have been produced, traditional friendships have not suddenly been washed away. Partnerships of allies in the monetary field such as your own country and mine remain steadfast. The task ahead, as I see it, is to combine our wisdom and our energies to address the short-term problem of restoring some degree of certainty to international money exchange and trade, and the longer-term problem of remaking the world monetary system.

For a few minutes tonight, I'd like to review the events that brought on the latest crisis since in understanding the cause we may find the key to some remedial action. Then I'd like to propose some ways of bringing about, on a more permanent basis a flexible monetary system.

The upheaval, from which we are still suffering, was precipitated, as you know, by the drastic steps taken by President Nixon to control inflation and improve the U.S. balance of payments. Persistent inflation in the United States—which did not yield to the economic and monetary restraints of the past couple of years—had become a compelling issue and had severely strained the patience and confidence of both consumers and business. Personally, I believe Congressman Wilbur Mills was correct when he said that the economy would have remained stagnant if the President had not launched his new economic program when he did. A dramatic highlight of that program, of course, was cutting the dollar loose from gold and imposing a 10% surcharge on American imports.

While the U.S. decisions of mid-August brought the matter to a head, the crisis in our monetary system had actually been building for a long time—at least since the early 1960's when redemption claims held by foreign central banks against the United States outpaced the nation's gold reserves. The world moved onto a *de facto* paper dollar standard which gave the United States the unique power to use its national currency without limit to cover deficits in its balance of payments.

The Nixon package was designed not only to restore domestic prosperity and price stability, but also to check a deterioration in world financial and trade matters, and move toward a restructuring of such arrangements. Clearly, these goals are vitally important not only to the United States but to the rest of the world.

While it is true that in the short run the U.S. appears to be the prime beneficiary of the measures taken, the extent of the transitional adjustment should not be over-emphasized. The highly controversial figure of a $13 billion swing in the U.S. balance of payments should be set against such magnitudes as total U.S. trade transactions of $86 billion and total world trade of almost $600 billion. The point is that the required adjustments, while difficult for several nations, will not be catastrophic for any.

To understand what is involved, it is helpful to strip away the veil of money and look at what has been going on in real terms. The rest of the world, and notably Japan, has been selling goods and services to the U.S. on credit. More such credit has been provided through the Eurodollar market.

The big change now is that the United States can no longer use automatic credit lines indefinitely to finance its balance-of-payments deficit. She will have to pay international bills by exporting real goods and services. This fact, plus the relative devaluation of the dollar in terms of other major currencies, means that the U.S. must export more real resources to pay for a given amount of imports of goods and services. This is another way of saying that the terms of trade will move against the U.S. For that reason, recent initiatives should not be looked upon as unilaterally favorable to the U.S. To a degree, the contrary is the case.

Nations which upvalue their currencies against the dollar will be the gainers assuming that they maintain full employment. Their imports will cost them less in real terms. This is true of Japan, where the import factor is highly significant. Indeed, the net result of all the prospective changes could be favorable to Japan, in the longer term, in the sense of overall welfare, although it will have an important adverse effect on her export industries.

These relative gains or losses in terms of trade are less important over time than the general viability of the system. All nations will benefit from a system which promotes a continuing growth in world trade.

The major U.S. objective is to assist in restructuring world financial and trade relationships in a manner which will prove a lasting benefit to all concerned. The U.S. cannot accomplish this unilaterally. Nor can it do so overnight. The cooperation of other leading currency nations is essential, and the task must be approached in a series of stages.

The indispensable first stage is to restore order in the monetary system. It would be in the best interests of all nations for the United States to return to an export surplus. At a time of rising protectionism in America, I know of no more powerful force to turn us back to an open world trade policy.

To some extent, the present situation resembles that faced by Great Britain after the Corn Laws and the Napoleonic Wars. At that time of economic challenge a similar choice had to be made between free trade or protectionism. Choosing the former, Britain led the world toward an open global economy that lasted into the present century.

Today, as you know, a number of key currencies, with certain notable exceptions, are floating in relation to the dollar. In point of fact, though, all countries have imposed restrictions—including central bank intervention in market trading—to hold back increases in the value of their currencies that market realities might otherwise dictate. The United States, too, has restrictions which prevent the full interplay of market forces. These will have to disappear if a stable equilibrium is to be established.

We need an accord on a satisfactory realignment of exchange rates—which might well include a modest change in the relationship between the dollar and gold—coupled with assurances that nations are prepared to discuss seriously a broad restructuring of financial, trade and defense mechanisms. Then the United States should move swiftly to drop the import surcharge and the Buy-American investment credit. Removing these protective restrictions would greatly enhance the international atmosphere and foster a climate in which further agreements might be easier to achieve. Besides, experience shows that the longer a trade restriction stays on, the larger the constituency it attracts and the harder it is to remove.

The essential point is to secure a consensus that a strong U.S. balance-of-trade position is in the best interests of all nations.

When some semblance of order has been restored in the world monetary system, we should strive for accord on fundamental revision of the monetary and financial structure. Perhaps wider bands of fluctuations for temporary periods will be necessary to allow for greater independence of monetary policy or for the adjustment of payments balances in certain cases.

We should also work toward agreement on a set of new reserve arrangements which would strengthen and bring to the fore some variation of the Special Drawing Rights or SDR's, the so-called "paper gold" created by the Monetary Fund and held by central banks. Revision is needed so that SDR's can be used not simply to supplement key currency reserves and gold but in the longer run to supplant them. In this regard, I am sympathetic with the view of your Chancellor of the Exchequer, Anthony Barber, as expressed at the meetings of the World Bank and Monetary Fund.

The longer-term objectives, in my view, should be to devise a system which will make possible an increased scale of aid to the less-developed nations, improve the process of adjustment to international changes through greater use of fiscal policy, and remove barriers to trade and investment. Liberalization of trade arrangements—with uniform international safeguards and rules of the game—could open broader markets for all countries. In this evolution, certain countries, such as Japan, would have an opportunity to revise their own priorities and gradually shift their emphasis from trade surpluses to accommodating the infrastructure needs of a growing domestic economy.

In prescribing the removal of barriers to trade and capital flow, I don't mean to exclude my own country. The United States must show a willingness to negotiate reasonably on trade concessions, and not expect that all the dropping of barriers will be done by others.

Even with the best of solutions to broad issues of international payments and trade, the inevitable changes will pose difficult transitional problems for individual industries and companies where final arrangements must be credible to labor and sensitive to a variety of other concerns. An agreement on trade adjustment procedures might well be added to the list of overall objectives. The goal should not be to avoid such adjustments, but to provide time to accommodate them. Instead of the awkward mechanism of voluntary quotas, is might be possible to set up rules under which all patries would avoid the sudden flooding of specific markets.

One suggestion for arriving at a longer-range solution which we hear from time to time is that a second worldwide conference, such as that at Bretton Woods in 1944, should be convened to redesign the world financial structure. While this idea may be superficially appealing, I do not believe its time has come. Conditions now are greatly different from those of a quarter-century ago—consider only the shift of the dollar from shortage to surplus. But no solid consensus exists at the moment as to what structural changes would be desirable. In such an environment, a large international conference might become at best a debating contest, and at worst an arena for political bickering.

Instead, while the Group of Ten leading industrial nations are examining the immediate problems, I believe we should seriously consider the establishment of an International Commission to study quietly but intensively the need for longer-range reform of the world monetary system as well as trade and investment patterns. This Commission might address itself to a redefinition of official currency parities in terms of a new international currency unit, perhaps SDR's. There is a basic need for the world to begin moving away from both gold and the dollar standard toward a monetary system that will insure all countries greater security and equilibrium. The proposed International Commission might also consider reforming the role of internationally-created central bank reserve assets. And it should examine more thoroughly the possible advantages of widening, or even narrowing, exchange rate margins.

While it is unrealistic to assume that all our monetary problems can be solved quickly, it is nevertheless essential that we lose no time in moving ahead. Failure to act promptly could lead to the imposition of new barriers against trade and investment which, in turn, would have an adverse effect on the growth of domestic economies. If business slows down and unemployment rises, governments will be increasingly hesitant to inflict painful measures on their economies by making upward adjustments in the value of their currencies. So the sooner we can reach agreement on the preliminary stages, the better it will be.

It seems to me compellingly important that any adjustments in the monetary mechanism, which might be considered by an International Commission such as I propose, should be tempered with a concern for those two-thirds of the world's people continuing to live in poverty. In the evolving world economy, plans for the growth of the richer nations must also take into account the needs and aspirations of the developing societies.

Our longer-term goals must be the free flow of trade and investment, monetary stability and worldwide economic growth leading to a better life for all people. The sound improvement of monetary relationships is a significant step along this road, and one that can be achieved only through a spirit of cooperation and international solidarity.

ILLINOIS QUESTIONNAIRE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. ERLENBORN. Mr. Speaker, to whatever degree a congressional poll indicates people's opinions, the citizens of the 14th Congressional District of Illinois are on record as strongly approving President Nixon's new economic plan.

My office sent a questionnaire to 87,000 homes in 14 communities in our district. The replies numbered 6,352, or slightly more than 7 percent.

In addition to the approval of wage and price controls, the poll shows a preference for President Nixon's way of getting us out of the Vietnam war, a preference for a greater Federal effort to end air and water pollution, distaste for continued Federal deficits, and opposition to giving food stamps to strikers.

By a small proportion, they agreed that strip mines ought not to be outlawed.

Below are the questions and the number of answers to each. Percentages do not equal 100 because the "undecided" vote is now shown.

REPLIES TO QUESTIONNAIRE—AUGUST 20, 1971

I. HOW WELL IS THE UNITED STATES DOING?

Using a scale, A=Excellent, B=Good, C=Average, D=Poor, and E=Failing. How do you rate the President's performance in the first 2½ years of the Nixon Administration?

How do you rate his handling of:

The withdrawal from Vietnam?

A, 1,610; 25 percent.
B, 2,111; 33 percent.
C, 1,019; 16 percent.
D, 877; 14 percent.
E, 555; 9 percent.

Domestic unrest (riots, demonstrations)?

A, 902; 14 percent.
B, 1,981; 31 percent.
C, 1,760; 28 percent.
D, 959; 15 percent.
E, 544; 9 percent.

The Economy (inflation, jobs, etc.)?

A, 875; 14 percent.
B, 1,652; 26 percent.
C, 1,486; 23 percent.
D, 1,253; 20 percent.
E, 886; 14 percent.

Foreign Affairs (USSR, Mideast, China, NATO, Latin America)?

A, 1,181; 19 percent.
B, 2,247; 35 percent.
C, 1,691; 27 percent.
D, 641; 10 percent.
E, 347; 5 percent.

Now, put them all together, an overall grade?

A, 789; 12 percent.
B, 2,289; 36 percent.
C, 1,662; 26 percent.
D, 945; 15 percent.
E, 348; 5 percent.

II. A VARIETY OF QUESTIONS

Do you favor federal deficit financing to stimulate the economy?

Yes, 1,532; 24 percent.
No, 4,338; 68 percent.

Should the federal government impose controls on prices and wages in order to control inflation?

Yes, 5,119; 81 percent.
No, 827; 13 percent.

Should food stamps be made available to persons on strike?

Yes, 915; 14 percent.

No, 5,085; 80 percent.

Should the federal government expand efforts to end air and water pollution, even if this costs you more in taxes and prices?

Yes, 4,666; 73 percent.

No, 1,293; 20 percent.

III. GETTING OUT OF THE WAR

(a) It has been suggested that Congress cut off funds for the war by a date certain, provided only that our prisoners of war be returned. 877, 14 percent.

(b) It has been proposed that Congress direct the President to set a date for withdrawal of our forces, that date to be, let us say, 105 days after a cease fire and 90 days after return of our prisoners of war, and that our withdrawal be matched by withdrawal of North Vietnamese troops; the cease fire and withdrawals to be supervised by the United Nations. 1,767, 28 percent.

(c) The Senate has passed an amendment which would bring pressure to bear on the President to set a date (within nine months after enatcment) for withdrawal of our forces from Vietnam, provided the North Vietnamese release our prisoners of war as we withdraw our troops. 874, 14 percent.

(d) Some say we are withdrawing our forces at a satisfactory rate, consistent with getting our prisoners of war back, protecting our remaining troops, and giving South Vietnam a reasonable chance to work out its own future. 2,524, 40 percent.

IV. QUESTION ABOUT THE ENVIRONMENT

Strip mines produce about one-third of our coal, but are responsible for only about one-eighth of mining deaths (no cave-ins, no explosions). On the other hand, strip mines leave a scarred landscape and jeopardize the water supply in their neighborhood.

Environmentalists believe that strip mines ought to be outlawed, even at the risk of cold homes or shortages of electricity. Do you agree?

Strip mines should be outlawed:

Yes, 2,179; 34 percent.

Should not be outlawed:

No, 3,739; 59 percent.

Ballots mailed: 87,000.

Answers returned: 6,352.

Mailed/Returned Ratio: 7.3 percent.

Ballots sent to: Glen Ellyn, Hinsdale, Itasca, Lisle, Lombard, Naperville, Roselle, Villa Park, Warrenville, West Chicago, Westmont, Wheaton, Winfield and Wood Dale.

THE PEOPLE'S CHOICE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. O'KONSKI. Mr. Speaker, a very close friend of mine, Dr. J. T. Salter, has recently authored a book on the subject of big-city politics, which, I feel, may be of interest to my colleagues.

"The People's Choice," depicting the nitty-gritty of political bossism and well oiled party machinery, concerns itself with the growth of a political empire in the city of Philadelphia, at the time when William S. Vare made his bid for the title of undisputed boss of that city. This realistic and unique book uncovers the fundamentals which permitted a man, void of feelings for the social process of which he was a part, to become the most powerful feudal lord the city had known to that time.

Dr. Salter gathered the material for this book in the early 1930's, when he was granted a fellowship by the Social Service Research Council. At that time, he went to Philadelphia, and talked with the voters, who had placed Vare in office. He talked with the mayor's handmaidens, and he talked with the "tough ringmaster" William S. Vare, himself. After his retirement, in 1968, Dr. Salter compiled and assessed his materials, and authored "The People's Choice."

This is not the only contribution that Dr. Salter has given to his country. For, before his retirement, students at the University of Wisconsin benefited from his teachings of politics for 38 years. Dr. Salter is to be commended for this great effort, and I wish to congratulate him on the occasion of the successful completion of his book.

MISSISSIPPI'S ECONOMY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. GRIFFIN. Mr. Speaker, the State of Mississippi will have an extremely bright economic future as the positive aspects of the State continue to attract industry.

The indicators show that Mississippi has a strong economic foundation on which to build. This foundation will be utilized by the people of the State of Mississippi who are noted for their sense of pride, energetic optimism, and progress.

I invite the attention of the House to the following appraisal of Mississippi's economy published recently by the Corporate Planning and Research Department of the Deposit Guaranty National Bank, Jackson, Miss.:

THE MISSISSIPPI ECONOMY

PERSONAL INCOME CONTINUES TO ADVANCE

After a brief setback during last year's recession, Mississippi's personal income has resumed an upward path. Personal income advanced from a seasonally adjusted annual rate of $5.6 billion in the third quarter of 1970 to a record $6.0 billion in the first quarter of 1971. This increase represented a growth rate of 5.9 per cent during the period, almost double the United States growth rate of 3.0 per cent.

Mississippi's gains in personal income from the fourth quarter of 1970 to the first quarter of 1971 also exceeded those of the United States and the Southeast. While personal income increased by 3.7 per cent during this period, the United States as a whole and the southeast region experienced a growth rate of 2.2 per cent and 2.6 per cent respectively. While preliminary data on second quarter personal income has not yet been released, available information indicates another healthy increase in the State's personal income.

UNEMPLOYMENT REMAINS AT A RELATIVELY HIGH LEVEL

During the second quarter of 1971, the rate of unemployment in Mississippi averaged 5.3 per cent, the highest level in several years. This rate is still, however, lower than the 6 per cent averaged throughout the United States during the same quarter. The State's rising unemployment rate is the result of several factors: (1) an increase in the civilian labor force during every month of the quarter—as of June the civilian labor force was 856,800, and (2) a decrease in nonagricultural employment—this decline was mainly the result of educational related activities and a drop in construction employment on a seasonally adjusted basis.

Manufacturing employment has remained at a record level, but growth in this sector has proceeded at a slow pace recently. Much of the latest growth in manufacturing employment is centered in the important transportation category with increased shipbuilding activity accounting for much of the gain. Manufacturing payrolls have risen substantially in excess of the United States level this year. The index of manufacturing payrolls stood at 141.6 in Mississippi during the second quarter, which is 41.6 per cent above the monthly average of 1967. In contrast, the index of manufacturing payrolls averaged only 121.2 for the United States during this same period.

RETAIL SALES REBOUND IN THE SECOND QUARTER

Estimated retail sales in Mississippi totaled $2.61 billion in the first half of 1971, an increase of 11.5 per cent over the first half of 1970. Sales tax collected by the State Tax Commission during the fiscal year ended June 30, 1971, amounted to $169,354,441, an increase of 8.0 per cent over the total for the previous fiscal year. Sales tax paid in the second quarter of 1971 was $44,416,825. This total compared with $40,425,240 collected during the second quarter of 1970 and represented a 9.9 per cent increase. The outlook for retail sales during the second half of the year will be influenced by the strength of consumer spending plans and the effects of private educational costs on many of the State's citizens.

BANK DEPOSITS AND LOANS STRENGTHEN

The banking sector of the Mississippi economy has been unusually strong this year. Both loans and deposits have expanded at a very rapid rate with loan demand well in excess of national trends. The statistics contained in the charts on page four are for member banks in the Sixth Federal Reserve District portion of Mississippi only. It is anticipated that comparable data for the northern half of the State will be forthcoming in 1972. As soon as this occurs, an index for the entire State will be constructed. Nevertheless, available information indicates that loan and deposit expansion has been strong throughout the State.

The index of bank deposits in Mississippi stood at 147 during the second quarter, while bank loans averaged 58 per cent greater than the 1967 base period. The vitality of the State's banking system can be vividly seen by comparing these figures with those of all member banks in the United States. For this same period, the index of bank deposits was 134, while the index of bank loans averaged 137 for all member banks in the U.S. Both of these indexes portray a much lower rate of growth. Preliminary data for July indicate that banking activity continued to expand during the first month of the third quarter. In fact, debits to bank deposits accounts for the southern half of Mississippi totaled $2,173,094,000 in July, up 9 per cent over the same month in 1970.

THIRD QUARTER OUTLOOK APPEARS FAVORABLE

An examination of second quarter data confirms that last year's recession has bottomed out and that Mississippi is back on the road to economic recovery. The major effect on the State was actually a slow-down in the rate of growth rather than a deep recession, but it appears that most sectors of the economy are again on the upswing. While President Nixon's new economic program is expected to stimulate the local economy, its effects should not be evident until the fourth quarter of 1971.

MISSISSIPPI COMMENTARY

State personal income exceeds national growth rate

Statistics released last month by the U.S. Department of Commerce report that Mississippi's personal income grew 8.8 per cent in 1970, a figure which compares favorably with the 7.1 per cent rate experienced in the nation as a whole. This growth rate was the twelfth highest in the nation and placed our personal income at $5.7 billion. In terms of per capita personal income, the State's increase was also greater than both the national average and the southeastern states' average. While per capita income grew only 5.8 per cent in the United States and 7.3 per cent in the Southeast, this vital standard of living measure advanced 9.0 per cent in Mississippi.

Agricultural sector contributes largest gain

Although the manufacturing sector of our economy has received the majority of attention recently from economic developers, the primary reason for our above average rate of growth in personal income during 1970 can be traced to the performance of agriculture. An examination of civilian production income by source reveals that during 1970 income received by the State's farmers increased 17.7 per cent as compared to a loss of 3.7 per cent for the nation as a whole. Other sectors of the State's economy which showed rates of growth in excess of the national average in 1970 were manufacturing and mining. It is interesting to note that every sector of the Mississippi economy experienced a respectable growth rate in 1970.

Mississippi's per capita income still lowest in the Nation

Mississippi's gains in personal and per capita income have been quite impressive recently. Nevertheless, the fact remains that our per capita income is the lowest in the nation. This average income level has unfavorable implications for the standard of living of our State's citizens. During 1970 the State's per capita income totaled only 66 per cent of the national average. While this represents an improvement over the 55 per cent averaged in 1960, it is still much lower than any other state in the Southeast.

One disturbing aspect of the State's income growth over the last decade is that although our percentage of the national average has increased, the actual dollar gap between the income of the State's citizens and the citizens of the United States has increased. This can be illustrated by examining the per capita dollar totals during the past decade. While the per capita income of the United States was only $1,010 higher than that of Mississippi in 1960, by 1970 this disparity had growth to $1,346.

Although this information appears paradoxical, it can be easily explained. Since the State's per capita income is so low, a relatively small dollar gain results in a fairly large percentage growth rate. Therefore, even though we are making progress in closing this percentage gap, the actual dollar difference has remained a serious problem. It is imperative that if Mississippi is to reach parity with the nation in per capita income, this ever widening dollar gap must be closed.

SPEECH BY ALFRED E. SANTANGELO

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. JAMES V. STANTON. Mr. Speaker, on October 9, Cleveland was honored to have as the principal speaker at its Columbus Day dinner the Honorable Alfred Santangelo, our former colleague and now president of the Americans of Italian Descent. His statement outlining the achievements of Italian Americans remind us that this country was built by men of many different nationalities, and that their accomplishments, as well as their diverse cultures and traditions, are something in which we can all take pride.

In charting the future course of our land, let us hope that we will exhibit some of the same strength, determination, and wisdom that characterize these men of Italian lineage who contributed so much to our country.

I would now like to commend to my colleagues the text of his remarks:

SPEECH BY ALFRED E. SANTANGELO

Mr. Chairman DiMauro, Father Costanzo, Mr. Calandra, Mr. Leanza, Governor Gilligan, Congressman Stanton, Consul General Anziano, Judges Celebrezze, Angelotta Parrino, Gagliardo, LoPresti, Councilman Garafoli, other distinguished guests, Citizens of Ohio and my friends:

Today is a milestone in American History. Today we commemorate the 479th Anniversary of the discovery of America by Christopher Columbus. At long last our federal government has declared Columbus Day a National Legal Holiday. It was a citizen of Ohio, President Benjamin Harrison who first proclaimed by executive order in 1892 that October 12th would be a National Holiday. We Italian-Americans take special pride in the discovery by the Genoese Admiral, but Christopher Columbus belongs to all peoples. He belongs to Italian and to the Spanish, the Irish and the English, the Frenchmen and the Germans, the African and the Asiatic. He belongs to the Protestant and the Catholic.

The great order of the Knights of Columbus has pointed out that we honor Christopher Columbus not only for opening up a new world to the homeless and the tempest tossed but also for planting the cross of Christianity in this country. Prayers may be forbidden in the schools but prayer can never be eradicated from the land which the Christ Bearer discovered.

Despite the image which a bigoted and biased media of communication have created for Italian-Americans, we of Italian-American origin have no apologies to make. We are proud of the contributions which Italy has made to the discovery and exploration of America. We are proud of the sacrifices their descendants have made to preserve the freedom of this land. We are proud of the contributions the Italian-Americans have made toward the development of this nation, the inspiration for its ideals, the growth of its farms and cities, the feeding of its people, the building of its homes and roads, the running of its institutions and its government. We are proud of the contributions to the arts, the sciences and culture. Without the contributions the Italian-Americans have made to the United States and to the world, we could not today enjoy the civilization which blesses our land.

If it is disputed by Yale University that Italians discovered this land, we can show that Italians and Italian-Americans explored the wilderness and helped liberate the American colonies.

Beetrami and Tonti explored the Mississippi River, Francis Vigo, who explored the Mid-West helped to finance George Washington in the Revolutionary War. John Paca signed the Declaration of Independence. We thrill when we hear how Phillip Mazzei inspired Thomas Jefferson to pen the stirring words that All Men are Created Equal. He was truly one of the fathers of American Democracy. We find pleasure when we remember that Carlo Mengarini founded Santa Clara University. Father Cataldo founded Gonzaga University, Dr. Peter Samartino developed Fairleigh Dickinson College.

We are proud when hear of the valorous sacrifice of John Basilone of New Jersey. The only two time Congressional medal of honor winner in our history who rejoined his buddies and gave his life at Iwo Jima. We fly on wings of joy when we read about the air victories of a young man from Ohio, Don Gentile the Eagle of the Skies. We beam when we recall the valor of Peter Dalesandro of Watervliet, at the Hurtgen Forest and other medal of honor winners such as Lieutenant Bianchi, Geno Marli, Guy Martini in the Vietnam War. We take justifiable pride when war records disclose that not one out of 1 million 400 thousand American soldiers of Italian origin defected or turned traitor to the United States in World War II. We swell with cultural pride when we gaze at the fresco works of Constantino Brumidi and Luigi Persico whose art beautifies the United States Capitol at Washington, D.C. We are amazed at the scientific contributions by Italians such as Marconi, Meucci, and Galvani. Just as Christopher Columbus opened up a new world, so did Enrico Fermi, who split the atom, open the universe to men of this planet.

The immortal Roman Poet Vergil once asked "What Region on Earth is not Filled with the Fruits of our Labor." Today we ask, in the United States, What part of this nation is not filled with the labor of Italian-Americans.

Over twenty four million Americans of Italian origin play an important role in every walk of life, in every field of endeavor. They serve the needs of American life at every stage between birth and death, many excel, many prosper. They render daily contributions to the growth of this country. They contribute to the development of its economic life. They help preserve and protect the health of its citizens, and they in large measure contribute to the enjoyment of leisure hours. We ask and properly so—when, oh when will the President appoint a Jurist of Italian background to the US Supreme Court?

In the history of the United States, when growers and builders needed money, bankers such as Giannini or his family in the West and Luigi Scala of Rhode Island furnished financial help.

In the buildings of homes, Italian-American laborers put together the brick, plaster, mortar, concrete and tile. Most of the workers in the construction trade are Italian.

Leading the construction industry out of Chicago we find names such as Moreschi and Fosco who lead the International Labor Unions. After homes are built we find Italian men furnishing the fuel and the furniture.

In the educational field outstanding are names like Dr. Leonard Covello, Angelo Patri, Mario Pei.

Italian-Americans have always been famous for their artists and musicians. Like Abou Ben Adam, the names Frank Sinatra and Perry Como lead all the rest.

In the operatic field we remember the immortals Enrico Caruso, Giovanni Martinelli, Renata Tibaldi and Baccoloni. Today we have the Flagello's. Who can ever forget Arturo Toscannini and popular Guy Lombardo?

In the legal field we have the Justinian Society of Judges from Maine to Texas and from N.Y. to California.

These contributions are great, but the greatest contributions to our land are the contributions of the unsung heroes, the Italian-American Mothers. They teach their children and their grandchildren daily the qualities of loyalty, and respect for authority for parent and govermment. The Italian-American mother teaches her offspring love of family, love of country and love of God.

Our nation and the world are challenged on every side by old evils and new ideologies. Today it has become fashionable in many quarters to substitute personal license for obedience and personal ease for the common good. The simple truth is that it takes the same qualities of self-discipline today to make a responsible human being as it did in 1492, when Christopher Columbus crossed the uncharted seas.

The sons and descendants of Christopher Columbus, the Italian-Americans can change the present drift of events in this nation. We have it within our grasp to found a new world of brotherhood, respect for each other and peace under the cross which the Christ bearer Columbus planted at San Salvadore many years ago.

As we face the uncertain future, let us be inspired by the example which Christopher Columbus left to America. In times of adversity, opposed, or misunderstanding—Let us cry out what he said to his fearful and mutinous crew when they sought to turn back, "Sail on, Sail on."

We, in America, must go forward, upward and onward, we must say avanti, until we reach that day when peace and understanding are accepted with a whole heart, when the immigrant is accepted on the basis of worth and not on the accidental place of birth; when the foreign and native born, black and white are respected and treated with dignity. On that day we can say with justification, "Oh Christopher Columbus, the land you discovered in the name of God is the land of brotherhood among all races and creeds and we, your beneficiaries have kept faith with you.

MAKING SUMMER CAMPS SAFE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. FRASER. Mr. Speaker, in 1969 one of my constituents lost a son when he and a companion were on a canoe trip in the Boundary Waters Canoe Area of Minnesota.

This tragic accident focused my attention on the Youth Camp Safety Act, title 19 of H.R. 7248, sponsored by DOMINICK DANIELS, of New Jersey and PETER PEYSER, of New York.

The protection of children and youth in organized camps of America through sound safety standards is indeed important and a genuine concern of all parents.

I am impressed with the remedial character of title 19 as contrasted to the penal approach for seeking safety in camps. I believe it is important to camping leaders that the law's intent is to upgrade safety practices by encouraging the elimination of safety hazards in consultation with the camp owner and director. The primary focus on "serious violations" is a genuine asset for effective implementation.

At the same time the application of the "general duty" clause for each camp owner will strengthen and support the excellent standards and practices developed by the competent and concerned camp owners and directors over many years of very significant service to youth and families.

I command the Post's editorial of October 23 to my colleagues:

MAKING SUMMER CAMPS SAFE

Most of the nation's estimated eight million youth campers have now returned from happy weeks or months enjoying Nature and the outdoors. Many of the children were at safe, well-run camps where supervision is firm and accident prevention is taken seriously. This is not true for all the children, however; many attended camps where counselors had little or no knowledge of dangerous waters or woods, where safety equipment was not provided, where safety and health inspections were rare or non-existent. The statistical breakdown between safe and unsafe camps is not known. A possible guide is that out of 11,000 camps in the country only about 3,500 are accredited by the American Camping Association. According to Dr. John Kirk, president of the ACA, testifying in the last session of Congress, only "26 states have adequate legislation in the areas of sanitation. About 15 have safety regulations that would be meaningful. About three or four make reference to personnel." Against this background, the House is soon to consider an amendment to the higher education act offered by Representatives Daniels and Peyser.

The amendment, which is essentially the Youth Camp Safety bill, has been endorsed by such groups as the American Camping Association, the YMCA, the Boy Scouts of America, the Salvation Army. A main feature is that HEW sets minimum federal standards for safety in the camps. These standards can then be administered by the states; the latter will receive 80 per cent funding from the government to administer these safety measures. The Daniels-Peyser amendment is an effective approach because it provides incentives to let the states administer their own programs while ensuring that nationwide standards will be met. Thus, a camp in one state will have the same minimum safety standards as a camp a mile across a state line or a camp 2,000 miles across the country. Congress has been debating for years now on how to protect millions of children from poorly run camps, so the endorsement of the camping groups for this amendment can hardly be ignored. ACA President Kirk is on record as saying that the Youth Camp Safety bill "is one of the most outstanding pieces of proposed legislation that I have ever seen."

The need for federal minimum standards is great. Over the years, the list of camp deaths and injuries has grown long, from river drownings because children were not given life jackets to highway crashes of children riding on dangerous flatbed trailer trucks. Safety-minded officials say that large numbers of these tragedies could easily have been avoided.

CAPITAL'S LEGENDARY HOST

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. WALDIE. Mr. Speaker, I was delighted to recently read a newspaper article in the Sacramento Bee about an old and dear friend of mine, Frank Fat, upon his retirement.

I am sure I join all my colleagues from California who have served at one time or another in the State legislature, in wishing Frank well upon his retirement, although I feel that Frank will probably work more during this "retirement" than before.

Mr. Speaker, Frank Fat's name is synonymous with graciousness and hospitality.

I join with his many friends and his wonderful family in wishing him well.

I would also like to place into the RECORD the Bee article entitled, "Capital's Legendary Host."

The article follows:

CAPITAL'S LEGENDARY HOST—SURPRISING CHINESE RESTAURATEUR RETIRES—TO NEW VENTURE

(By John V. Hurst)

Since 1939 the gilded door at 806 L St. has opened onto a mealtime Mecca for generations—brief as such generations are—of politicians both voting and votive.

And since 1939 they have been met behind that door by a cerubic, cheerful Chinese named Frank S. Fat, an upbeat antithesis of the stereotyped inscrutable Asian. Glowing with a kind of pleasure that goes beyond professional pretense, he has presided daily, peripatetically over the prandial ploy and patter of legislators, lobbyists, state workers, businessmen and tourists.

So it may come as something of a surprise to the lunchtime regulars to learn that Fat has retired—especially since they still see him there every noon.

But then, Frank Fat is full of surprises. How many know, for instance, that he once worked as dishwasher in the Sutter Club—and has the scar to prove it? Or that he has plunked some $50,000 into a tiny food stand on land he doesn't even own?

CUTTING DOWN

As for retirement, his explanation is simple enough:

"I used to put in 14–16 hours a day. But since I retired in July, I'm here only a couple of hours a day. Besides, I want to help build another Frank Fat's on Front Street, in Old Sacramento."

Wing Fat, at 46 the eldest of Fat's six children—there are 11 grandchildren—runs the L Street restaurant now.

"I was born in 1904, in May," Frank replies when asked his age, tactfully leaving it to the questioner to reckon, according to Chinese or Western custom. By whatever reckoning, however, the age is another surprise: Fat's round, unlined face and compact, unbowed frame are those of a man far younger.

He himself follows the old ways in this: "I was just a kid—16 then," he says of his arrival in Sacramento in 1919, 15 years after his birth.

Just in from China, he came up to Sacramento from San Francisco to visit an uncle who ran a restaurant on I Street, near 3rd, "and I happened to pick the right time and the right place."

FIRST JOB

It seems the Sutter Club, then at 327 J St., had just hired a Chinese crew for its kitchen, and his uncle's chief cook was organizing this crew. "My uncle said, 'Why don't you hire that kid?' So I was dishwasher for the Sutter Club for a few months."

This career ended abruptly when he dropped a platter in the kitchen and "I cut my hand trying to clean it up—see? I still have the scar. It was the end of my dishwashing job."

Then came a $3-a-week job filling bottles of "hair tonic," in a room behind a beauty salon run by two sisters. "One Sunday I came in and one of the sisters put my coat back on me and gave me my cap. I thought they didn't like me and I was being fired. I ran all the way back to Chinatown. I learned the next day they had everything ready to take me on a picnic."

In 1920 Fat followed another relative to

Ohio, working as kitchen help, then busboy, then waiter in a succession of Midwestern cities. "I always worked hard," he says. "I learned my English as a waiter."

In 1923 Fat returned to his native Conton to marry the woman who now presides over the weekly family gatherings in the family's Sacramento home. "I stayed in China until 1926. Wing was born there."

BULLETS FLYING

He returned to Chicago of the gangland '20s where, during the parade honoring Charles Lindbergh, "Capone's gang and another gang were shooting people in the street." When the depression hit, Fat felt the fish. Mercury poisoning is an unforeseen no pay—just food and tips.

His uncle summoned him back to Sacramento in 1930 to manage his remodeled Ho King Lum Cafe. "It was still the depression, so I also waited on table. But many of my good friends I made waiting on table all those years."

He counted on these friends to follow him when he opened Frank Fat's in 1939. They did. "My friends said, 'You're crazy.' There was an Italian restaurant in there then, and they'd never made a go of it. It used to be a speakeasy. L Street was to tough then."

Fat's Lake Tahoe venture, during World War II, followed a visit to the lake during which he was asked to leave a Bijou motel because, as the manager told Fat, "I didn't know you were Chinese."

Commuting between Sacramento and the lake proved too demanding, and after three years Fat and his partner sold the land and restaurant at Crystal Bay for $300,000. "Last year, the same place sold for $3½ million."

CHINESE SANDWICH

There have been Frank Fats in Gourmet Land and Carmichael's Food Fair, both now defunct, and one such cafeteria-style operation continues in Arden Fair's Food Circus But Fat's heart is in his kiosk on the K Street Mall—"the first one of its kind, I think, in the United States. We serve a Chinese sandwich. It's prepared here and cooked there.

"That kiosk is the most expensive building in Sacramento," Fat says. 'It's 12-by-12 and it cost $30,000 to build. The city owns the ground. It cost about $20,000 more for equipment

"I did it because I wanted to put something nice on the mall. Besides, the first one is very important. Making money is the next thing."

Through the years the city and its Chinese community have called upon Fat for a number of jobs. He was among the first to agree to assume leadership in developing a Chinese center for Sacramento's downtown redevelopment area. He was an organizer, is now a director, of the Guild Savings and Loan Association.

But he is proudest of his recent initiation into the Grandfathers Club. "They came and asked me to join," Fat says with quiet pride.

Besides Wing, his children include Kenny, a dentist Tony, a Los Angeles tax attorney, and Gerald, at 19 the youngest, a student at the University of California at Berkeley. The two daughters and all the sons save Gerald are married, and all but Tony live in Sacramento.

AN OKLAHOMA INNOVATION RECEIVES HIGH MARKS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. EDMONDSON. Mr. Speaker, you were with me last week when a distinguished visitor to Oklahoma said some very nice words about our State. I am referring, of course, to Federal Communications Commissioner H. Rex Lee's address at the dedication of the Oklahoma Higher Education Television Instruction System.

Commissioner Lee praised our State for leadership and innovation in the use of television in educational instruction. I am proud that our State could merit praise for leadership and innovation, and I am especially proud that this leadership is being demonstrated in the field of education.

The facility which we were in Oklahoma to dedicate owes its success to the vision of one of Oklahoma's finest public servants, Dr. E. T. Dunlap, chancellor of higher education, and to the understanding and support Dr. Dunlap received from the regents for higher education and the Oklahoma State Legislature. The result is remarkable, and I know Dr. Dunlap would be pleased to demonstrate it for any of our colleagues.

Mr. Speaker, I would like to have Commissioner Lee's remarks delivered at that dedication appear in the RECORD.

Commissioner Lee's remarks follow:

REMARKS BY COMMISSIONER H. REX LEE, FEDERAL COMMUNICATIONS COMMISSION AT THE DEDICATION OF THE OKLAHOMA HIGHER EDUCATION TELEVISED INSTRUCTION SYSTEM

It is indeed an honor to be here this afternoon for the dedication of the Oklahoma Higher Education Television Instruction System. I am especially pleased to be on the platform this afternoon with three old friends whom I have worked with for over twenty years on problems affecting not only the State of Oklahoma but the welfare of the country as a whole, friends who have been very helpful to me as a representative of the Executive Branch—I refer to our Speaker, to Congressman Tom Steed, and to Congressman Ed Edmondson. I am also pleased to be again with an old friend from National Governors' Conference days, Senator Henry Bellmon. The importance of the occasion today is measured by their presence.

Most people agree that television is the most effective means of communication ever devised by man. However, for many years television has remained a poorly utilized national resource in terms of its educational potential.

And, to me, this is tragic.

Ten years ago I was appointed the Governor of American Samoa. As a firm believer in the educational promise of television, I ordered the use of this communications medium as the central core of instruction in all the schools on the islands. At the time, this was considered a radical approach to the disgraceful educational situation which confronted the islanders. There were many doubters as to the efficacy of employing television in solving Samoa's educational problems. As a matter of fact, all of my educational advisers from the mainland were very doubtful of the project.

My major problem was to obtain the necessary finances to fund the project. However, due to the support of many farsighted friends in Congress—including our Speaker Carl Albert, Tom Steed, who was on the Appropriations Committee, and Ed Edmondson, who was on my substantive committee— we were given the opportunity to embark on the project.

Needless to say, the new television system worked exceedingly well—beyond even our fondest expectations. It sparked new interest by educators and administrators at home and throughout the developing nations in the role of television in the educational process.

While I was still Governor, and later as assistant administrator of our foreign aid program (where the President had asked me to emphasize the use of television in helping developing countries), I had expected that the use of the medium in education would rapidly grow as more and more people began to recognize the powerful potential of television in serving the needs of the world.

Unfortunately, this has not happened to any significant extent.

That is why I was especially interested when Chancellor Dunlap and Dr. Bush came to the Commission with their plans for your system.

The time limit which Chancellor Dunlap laid out for the project looked impossible to meet—or at least so said many of the technicians at the Commission and elsewhere. *You did meet the schedule.*

Now—more than one year later—this exciting facility is operating and successfully meeting the needs of this great state.

This new instructional system is more than just a means of transmitting television programs from one location to another; it is more than just a method for efficiently and economically utilizing the resources of this state; and it is more than merely a means for improving the quality of higher education in Oklahoma.

True, the system is all of these things.

But it also stands as a shining example of cooperation, innovation, and farsighted planning in the otherwise barren desert of higher educational reform in the United States.

This system signals a new pioneering effort in the frontier of education.

Recently a major report on higher education by a prestigious task force was presented to the Secretary of Health, Education, and Welfare. The report analyzed the problems facing the Nation's system of higher education in the 1970's. Not surprisingly, it found that the problems were many and severe. It recommended that the means be found to create a diverse and responsive system, and that we enlarge our concepts of who can be a student and what is a college.

The report further stressed the fact that the electronic technologies are available for revolutionizing access to higher education, but it concluded, "only the imagination and commitment are as yet lacking in the United States."

I would say that one place where imagination and commitment are not lacking is here in Oklahoma.

It is also here that the seeds of a radically new approach to higher education have now been sown.

The Oklahoma State Legislature, the educators, and the local business and industrial communities are to be congratulated for the spirit of cooperation that moved this project off the drawing boards and into action.

Such cooperation is rare.

But I would hasten to add, that with this example, I am sure many other states and regions will soon follow.

A special debt of gratitude should be given to the Oklahoma Legislature for enacting Senate Bill No. 452 which authorized and directed the establishment of the instructional televised system as an integral part of the state system of higher education.

Your pioneering efforts with this system are so very much in keeping with the nickname of the people of your state, "the Sooners." While other states and regions are still talking about and planning for similar systems, the people of Oklahoma have once again jumped the gun.

This television system has opened up new vistas for higher education. It will bring new and equal educational opportunities to all areas of the state.

One aspect of this which particularly intrigues me is that while your system at present involves only higher education, I am sure it will demonstrate what can be done in the way of educational reform in the secondary, primary, and pre-school areas. These reforms will not only bring improvements, but should also contribute to more reasonable educational costs.

Your new system of instruction will further help to break down the status quo of the four-wall classroom which currently plagues the educational system of the United States.

The American architectural design expert, R. Buckminster Fuller, once remarked that the most important thing about our spaceship earth is that an instruction book didn't come with it.

The public and private leaders of Oklahoma, with your commitment to educational innovation, are writing one of the most important instruction books for the people of the United States and, I might add, for other countries as well.

Many people will be watching your pioneering efforts, and I am sure you will not fail to meet your highest goals.

Congratulations and best wishes for your continued success and development in this exciting venture.

THE CLOSING CIRCLE—II

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. HANNA. Mr. Speaker, on October 15, 1971, I inserted into the RECORD the first part of a two-part article by Mr. Barry Commoner entitled "The Closing Circle."

The second part of that article, which was published in the October 2, 1971, issue of New Yorker, follows:

THE CLOSING CIRCLE—II

There is something seriously wrong with the way human beings have occupied their habitat, the earth. The fault must lie not with nature but with man, for no one has argued, to my knowledge, that the recent advent of pollutants on the earth is the result of some natural change, independent of man. Indeed, the few remaining areas of the world that are relatively untouched by the powerful hand of man are to that degree free of smog, foul water, and deteriorating soil. One explanation that is sometimes offered is that man is a "dirty" animal—that, unlike other animals, man is likely to "foul his own nest." Somehow, according to this view, people lack other animals' tidy nature, and increasingly foul the world as their numbers increase. This explanation is basically faulty, for in a natural ecological cycle no waste can accumulate, because nothing is wasted. Thus, a living thing that is a natural part of an ecosystem cannot by its own biological activities degrade that ecosystem; it is always from without that an ecosystem is subjected to stress. Human beings, as animals, are no less tidy than other living organisms. They pollute the environment only because they have broken out of the closed network of the environmental cycle in which all other living things are held. As long as human beings held their place in the terrestrial ecosystem—consuming food produced by the soil and oxygen released by plants, returning organic wastes to the soil and carbon dioxide to the plants—they could do no serious ecological harm. However, once removed from this cycle—for example, to a city—so that bodily wastes are not returned to the soil but released into surface water, the human population is separated from the ecosystem of which it was originally a part. Now the wastes become external to the aquatic system on which they intrude, overwhelm the system's self-adjustment, and pollute it.

Certain human activities—for example, agriculture, forestry, and fishing—directly exploit the productivity of a particular ecosystem. In these cases, a constituent of the ecosystem that has economic value—an agricultural crop, timber, or fish—is withdrawn from the ecosystem. This represents an external drain that must be carefully adjusted to natural and man-made inputs to the ecosystem if collapse is to be avoided. A heavy drain may drive the system out of balance toward collapse. Examples include the destructive erosion of agricultural or forest lands following overintense exploitation, and the incipient extinction of whales. Environmental stress may also arise if the amount of a particular component of the ecosystem is deliberately augmented from without, whether by the disposal of human waste, as in the dumping of sewage into surface waters, or in an effort to accelerate the system's rate of turnover and thereby increase the yield of an extractable good, as in the use of nitrogen fertilizer in agriculture. Finally, since human beings are uniquely capable of producing materials not found in nature, environmental degradation may be due to the intrusion into an ecosystem of a substance wholly foreign to it. Perhaps the simplest example is a synthetic such as plastic, which, unlike natural materials, is not degradable by biological decay, and therefore persists as rubbish or is burned—in either case causing pollution. In the same way, a toxic substance such as DDT or lead, which does not play any natural role in the chemistry of life and interferes with the actions of substances that do, is bound to cause ecological damage wherever it is sufficiently concentrated. In general, any productive activity that introduces substances foreign to the natural environment runs a considerable risk of polluting it. It becomes necessary, then, to discover why human activities generate environmental impacts—that is, external intrusions into the ecosystems which tend to diminish its natural capacity for self-adjustment.

As a first step, we might look at the history of the pollution problem in a highly industrialized country like the United States. Unfortunately, despite the national proclivity for collecting and storing in the memories of the ubiquitous computers all sorts of statistics, from an individual's tax returns to the record of his attendance at political rallies, historical data on pollution levels are very spotty. However, a rather striking picture emerges from the data that are available: most pollution problems made their first appearance, or became very much worse, in the years following the Second World War.

A good example of this trend is provided by phosphate, an important pollutant of surface waters. In the thirty-year period from 1910 to 1940, the annual phosphate output from municipal sewage more than doubled, from about seventeen million pounds (calculated as phosphorus) to about forty million pounds. However, in the next thirty-year period, from 1940 to 1970, it increased more than sevenfold, to about three hundred million pounds a year. Since 1946, there have been these other significant increases in annual pollutant outputs: nitrogen oxides (which are released from automobile exhaust, and which trigger the formation of smog), 630 per cent; tetraethyl lead (from gasoline), 415 per cent; mercury (from chlorine-alkali factories), 2,100 per cent; synthetic pesticides (between 1950 and 1967 only), 270 per cent; inorganic nitrogen fertilizer (some of which leaches into surface water), 789 per cent; non-returnable beer bottles, 595 per cent. Many pollutants were totally absent before the Second World War, having made their environmental debuts during or just following the war years: photochemical smog first became a matter of public concern in Los Angeles in 1942 and 1943; man-made radioactive elements were first produced in significant quantity in the wartime atomic-bomb project; DDT was widely used for the first time in 1944; synthetic detergents began to displace soap in the nineteen-forties; plastics became a contributor to the rubbish problem only after the war.

These striking changes in the pace of environmental deterioration provide an important clue to the origin of the pollution problem. The last fifty years have seen a sweeping revolution in science, which has generated powerful changes in technology and in the application of technology to industry, agriculture, transportation, and communication. The Second World War marked the turning point. The twenty-five years preceding the war were the main period of the modern scientific revolution in basic science, especially in physics and chemistry, upon which so much of the new productive technology is based. In the period of the war itself, under the pressure of military demands, much of the new scientific knowledge was rapidly converted into new technologies and productive enterprises. Since the war, the new technologies have rapidly transformed the nature of industrial and agricultural production.

The development of postwar technology had its origins in the basic nature of the prewar scientific revolution. In the nineteen-twenties, physics broke away from the ideas that had dominated the field since Newton's time. Spurred by discoveries about the properties of atoms, a wholly new conception of the nature of matter was formulated. Experiment and theory advanced until physicists gained a remarkably effective understanding of the properties of subatomic particles and of the ways in which they interact to generate the properties of the atom. This new knowledge produced powerful techniques for smashing the theretofore indestructible atom, driving out of its nucleus extremely energetic particles. Artificial radioactivity was discovered. By the late nineteen-thirties, it had become clear, on theoretical grounds, that vast quantities of energy could be released from the atomic nucleus. During the Second World War, this theory was converted into practice, giving rise to nuclear weapons and nuclear reactors—and to the hazards of artificial radioactivity, including the potential for catastrophic war. The new physical theories also helped to explain the behavior of electrons, especially in solids—knowledge that led, in the postwar years, to the invention of the transistor and the proliferation of solid-state electronic components. This provided the technological base for the modern computer, not to speak of the transistor radio.

Chemistry, too, had made remarkable progress in the prewar period. Particularly significant for later alterations in the environment were advances in the chemistry of organic compounds. These substances were first discovered by eighteenth-century chemists in the juices of living things. Gradually, chemists learned the molecular composition of some of the simpler varieties of these natural organic substances and developed a powerful desire to imitate nature—to synthesize organic substances in the laboratory. The first man-made organic substance, urea, was synthesized in 1828. From this simple beginning (urea contains only one carbon atom), chemists learned how to make laboratory replicas of increasingly complex natural products. Once techniques for putting organic molecules together were worked out, an enormous variety of substances could be made. For example, although the molecules classed as sugars contain only three types of atoms—carbon, oxygen, and hydrogen—and these three can be related to each other in only a few different ways, there are sixteen different molecular arrangements for just those sugars which contain six carbon atoms. (One of these arrangements produces the familiar glucose.) The number of different kinds of organic molecules that can, in theory, exist is so large as to have no meaningful limit. Around 1900, chemists learned practical ways of creating many of the theoretically possible molecular arrangement. The knowledge that the variety of possible organic compounds is essentially limitless and that ways of achieving at least some of the possible combinations were at hand proved irresistible. The result represents, in terms of the number of new man-made objects, probably the most rapid burst of creativity in human history. Acceleration was built into the process, for each newly created molecule became the starting point for building many other new ones. Consequently, there accumulated on the chemists' shelves a huge array of new substances, similar to the natural materials of life in that they were based on the chemistry of carbon, but absent from the realm of living things. Some of the chemicals were taken off the shelf—either because of a resemblance to some natural substance or at random—and tried out in practical uses. This is how it was found in 1935 that sulfanilamide, which a dyestuff chemist had synthesized in 1908, could kill bacteria, and how it was found in 1939 that DDT, which had sat on a shelf in a chemical laboratory since 1874, could kill insects. During this period, a good deal was learned about the chemical basis of important molecular properties—the kind of molecular structure that governs a substance's color, elasticity, fibrous strength, and ability to kill bacteria, insects, or weeds. It then became possible to design new molecules for a particular purpose rather than search the chemical storeroom for likely candidates.

Thus, the prewar scientific revolution produced, in modern physics and chemistry, sciences capable of manipulating nature—of creating, for the first time on earth, wholly new forms of matter. But until the Second World War the practical consequences were slight, compared to the size and richness of the accumulated store of knowledge. What the physicists had learned about atomic structure appeared outside the laboratory only in a few kinds of electrical equipment, such as certain lamps and X-ray apparatus. In industry, the technological use of physical phenomena was still largely restricted to mechanical motion, electricity, heat, and light. In the same way, the chemical industry was based largely on familiar substances—minerals and other inorganic chemicals. But the new tools, unprecedented in their power, were there, awaiting only the urgency of wartime needs and the stimulus of postwar reconstruction to be put to work. Not until later was the potentially fatal flaw in the scientific foundation of the new technology discovered. This technology was like a two-legged stool: well founded in physics and chemistry but missing its essential third leg—the biology of the environment.

In addition to the great outburst of technological innovation, there have been significant social and economic changes in the United States since the Second World War. Are these, too, related to the pollution problem? Pollution is often blamed, for example, on a rising population and a rising level of affluence. It is easy to demonstrate that the changes in pollution levels in the United States since the Second World War cannot be accounted for simply by the increased population, which in that period rose by forty-odd per cent. Of course, this is a simplistic response to a simplistic proposal. It is conceivable that even a forty- or fifty-per-cent increase in population might be the cause of a much larger increase in pollution intensities—which can be shown to lie in the range of from two hundred to two thousand per cent. It might be that providing food, clothing, and shelter necessary for the increased population would require intensified production by inefficient facilities. (For example, obsolete factories might need to be pressed into use.) In this case, a disproportionate case, a disproportionate increase in pollution would result from the operation of the inefficient production facilities, and, furthermore, the production facilities would need to expand much more than forty or fifty per cent to meet the needs of the increased population. This would imply a reduction in productivity (that is, the value produced per unit of labor expended). In actuality, matters are just the other way around; there have been sharp increases in productivity since 1946. Moreover, the chemical industries, which are particularly heavy polluters, have shown especially large increases in productivity; between 1958 and 1968, productivity in the chemical industries increased by seventy-three per cent, compared to a thirty-nine-per-cent increase for all manufacturing. So there is no evidence of a decrease in productive efficiency that might account for the discrepancy between recent increases in pollution levels and the growth of the population.

Another popular idea is that the increase in population has led to the rapid growth of cities, where internal crowding and deteriorating social conditions cause a worsening of the pollution problem. This notion, too, fails to account for the actual intensity of the environmental crisis. For one thing, a number of serious pollution problems, such as those created by radioactive fallout, fertilizer, pesticides, and mercury, are not of urban origin. It is true, however, that the size and population density of a city will have a disproportionately large effect on pollution levels, because of the "edge" effect; that is, as a city becomes larger, the length of its circumference relative to its area becomes smaller, and since wastes must be removed at the city's boundaries, waste levels can be expected to rise in terms of the effort to remove them per unit area. This effect may explain differences that exist among cities of different sizes in the incidence of diseases related to air pollution. Thus, the per-capita incidence of lung cancer in the largest cities—cities with a population of one million or more—is about thirty-seven per cent higher than that in cities with a population ranging from two hundred and fifty thousand to one million population. The distribution of population clearly does have a serious effect on environmental pollution resulting from automotive transport. Consider, for example, the consequences of the population shifts that are typical of United States cities, namely, the rising population of blacks and other minority groups in urban ghettos, and the migration of more affluent social groups to the suburbs. These processes separate the homes and the places of work of both ghetto dwellers and suburbanites. The relatively affluent who work in the city but are unwilling to live there need to commute; ghetto dwellers who have found work in outlying industries but are unable to live in the suburbs must commute in reverse. Partly as a result, the per-capita figure for automobile vehicle-miles travelled within metropolitan areas increased from 1,050 in 1946 to 1,790 in 1966. The significant point, however, is that the intensification of environmental problems associated with urbanization is due not so much to the increasing size of the population as to the maldistribution of the living and working places in metropolitan areas.

Indeed, there appears to be no way to account for the rapid growth in pollution levels in the United States since 1946 by the concurrent growth in the over-all population. Neither simple increase in numbers nor the multiplicative effects of urban crowding nor a supposed decrease in productive efficiency can explain the sharp increases in pollution that are the mark of the environmental crisis. For the fact is that the ratio between the amount of pollution generated in the United States and the size of the population has increased greatly since 1946. This relationship can be converted to the mathematically equivalent—but highly misleading—statement: There has been a sharp increase per person in the amount of pollution produced. Since the biological wastes produced per person have certainly not increased, this statement might lead one to conclude that each of us has become more affluent and therefore responsible for the use of more goods and for the production of more wastes. A statistic that is sometimes introduced to bolster this conclusion is that the United States contains about six percent of the world's population but uses from forty to fifty percent of the world's goods, and that this kind of affluent society is in the nature of things also an "effluent society."

Again, it is useful to look at the facts about "affluence" in the United States. We can think of affluence in terms of the average amount of goods devoted, per person, to individual welfare. As a very rough measure—as we shall see, it is vastly inflated-we might use the gross national product available per person. In the twenty-year period from 1946 to 1966, the G.N.P. per capita (expressed in 1958 dollars, to correct for inflation) went up from $2,222 to $3,354. This represents an increase of about fifty percent, which by itself is insufficient to account for the observed increases in pollution per capita.

Since the G.N.P. is a crude over-all estimate of the goods and services produced in the country, it is more informative to break it down into specific items, and especially to distinguish between those essential to life—food, clothing, and shelter—and such amenties as personal automobiles, televison sets, and electric corn poppers. With respect to food, the over-all picture for the 1946–66 period is quite clear: No significant changes took place in the per-capita availability of the major food categories, such as total calories and total protein, in the United States. The total calories available actually declined somewhat, from about 3,320 per person per day in 1946 to about 3,170 per person per day in 1966. The total protein available dropped slightly in the late forties, remained constant at about ninety-five grams per person per day until 1963, and then began to rise slightly, reaching the value of ninety-seven grams per person per day in 1966. These figures are reflected in over-all agricultural-production data for the United States. In the postwar period, total production per capita of grain and meat have not varied from year to year by more than a few per cent. In the same period, per-capita consumption of certain important diet components—calcium, Vitamins A and C, and thiamine—declined between six and twenty per cent. This situation may reflect a temporary improvement in nutritional balance effected by war-time food programs and an unfortunate decline in the quality of the United States diet when these programs were abandoned. Over all, it is clear that, in total quantity per capita, food consumption in the United States remained essentially unchanged from 1946 to 1966, although there was some decline in certain aspects of diet quality. There is no sign of increasing affluence with respect to food consumption.

When it comes to clothing, the situation is quite similar. There was essentially no change in per-capita production. For example, the annual production of shoes per person in the United States remained constant, at about three pairs, between 1946 and 1966.

The per-capita domestic production of all types of hosiery in that period was more variable, but there was no significant over-all change between 1946 and 1966. While rapidly changing styles in those twenty years caused large variations in the proportion of different types of clothing used per capita (for example, the production of men's and women's suits declined considerably, and the production of separate skirts, blouses, trousers, and sports shirts increased), the over-all per-capita production of clothing remained essentially the same. The total fibre used per capita in 1950 was forty-five pounds, and in 1968 it was forty-nine pounds—an increase of only nine per cent. Again we must conclude that, at least in the crude terms of the amount of clothing produced per capita, there is no sign of increasing affluence in the United States in the period following the war.

With respect to shelter, housing units occupied in 1946 were .272 per capita, and in 1966 they were .295 per capita. These figures do not take into account the quality of housing, but, in any case, they do not indicate any marked increase in affluence with respect to housing. This situation is also reflected in the production figures for housing materials, which show little change per capita in the period following 1946.

In sum, the per-capita production of goods to meet major human needs—food, clothing, and shelter—did not increase significantly in the period between 1946 and 1966, and has actually declined in some respects. There was an increase in the per-capita utilization of electric power, fuels, and paper products, but these changes cannot fully account for the striking rise in pollution levels. If affluence is measured in terms of household amenities such as television sets, radios, and electric can openers and corn poppers and in terms of leisure items such as snowmobiles and boats, then there have been striking increases. But, again, these items are simply too small a part of the nation's over-all production to account for the observed increase in pollution levels. What these figures tell us is that, in the most general terms, United States production—apart from certain items mentioned above—has about kept pace with United States population growth in the period between 1946 and 1966. This means that the overall production of basic items, such as food, steel, and fabrics, has by and large increased in proportion to the rise in population. This over-all increase in total United States porduction falls far short of the concurrent rise in pollution levels. It seems clear, then, that despite the frequent assertions that the cause of the environmental crisis is overpopulation or affluence, or both, we must seek elsewhere for an explanation.

Exploitation of the ecosystem is what generates economic growth, but the rate of the exploitation cannot increase indefinitely without overdriving the system and pushing it to the point of collapse. To be sure, this does not mean that any increase in economic activity automatically produces more pollution. What happens to the environment depends on how the growth is achieved. During the nineteenth century, the nation's economic growth was sustained in part by rapacious lumbering, which denuded whole hillsides and eroded the soil. On the other hand, the economic growth that began to lift the United States out of the economic depression in the nineteen-thirties was enhanced by an ecologically sound measure, the soil-conservation program. This program contributed to economic growth by helping to restore the fertility of the depleted soil. Such ecologically sound economic growth not only avoids environmental deterioration but can actually reverse it. For example, improved conservation of pasturelands, which has been economically beneficial in the western part of the Missouri River drainage basin, seems to have reduced the level of nitrate pollution in that stretch of the river. By contrast, farther downstream, in Nebraska, agricultural growth has been achieved by an intensification of the use of fertilizer, which leads to serious problems of nitrate pollution. In other words, the fact that the economy has grown—that the G.N.P. has increased—tells us very little about the possible environmental consequences. For that, we need to know *how* the economy has grown.

The growth of the United States economy is recorded in elaborate detail in a variety of government statistics—huge volumes that tabulate the amounts of various goods produced annually, the expenditures involved, the value of the goods sold, and so forth. Although these endless columns of figures are rather intimidating, they can be useful in comparing one kind of economic activity with another. Not long ago, with two colleagues, I went through the statistical tables and selected from them the data for several hundred items that together are both a major and a representative part of this country's over-all agricultural and industrial production. We then committed the numbers to an appropriately programmed computer. For each item, the average annual percentage of change in production or in consumption was computed for the years since 1946, or since the earliest date after that for which the statistics were available. Then we computed the over-all change for the entire twenty-five-year period—a twenty-five-year growth rate. This list, arranged in decreasing order of growth rate, presents a striking picture of how the American economy has grown since the Second World War.

The winner of this economic sweepstakes, with the highest postwar growth rate, is the production of non-returnable soda bottles, which has increased about 53,000 per cent in the past twenty-five years. The runners-up are an interesting but seemingly mixed bag. In second place is the production of synthetic fibres, up 5,980 per cent, and in third place is mercury used for chlorine production, up 3,930 per cent.

Succeeding places are held as follows: mercury used in mildew-resistant paint, up 3,120 per cent; air-conditioner compressor units, up 2,850 per cent; plastics and resins, up 1,960 per cent; nitrogen fertilizer, up 1,050 per cent; electric housewares (such as can openers and corn poppers), up 1,040 per cent; synthetic organic chemical commodities, up 950 per cent; aluminum, up 680 per cent; chlorine gas, up 600 per cent; electric power, up 530 per cent; pesticides, up 390 per cent; wood pulp, up 313 per cent; truck freight, up 222 per cent; consumer electronics (TV sets, tape recorders, and the like), up 217 per cent; motor-fuel consumption, up 190 per cent; cement, up 150 per cent. Then comes a group of productive activities that, as I indicated earlier, have grown, at about the pace of the population: food production; the total production of textiles and clothes; household utilities; and steel, copper, and other basic metals. Finally, there are the losers—economic activities that have increased more slowly than the population, or have actually shrunk. These start off with railroad freight, up only 17 per cent; and continue with lumber, down 1 per cent; cotton fibre, down 7 per cent; returnable beer bottles, down 36 per cent; wool, down 42 per cent; and soap, down 76 per cent. At the end of the line comes the horse—work-animal horsepower is down 87 per cent.

What emerges from all these data is striking evidence that while over-all production for most basic needs—food, clothing, housing—has kept up with the increase in population (that is, production per capita has been essentially constant), the kinds of goods produced to meet these needs have changed drastically. Of course, part of the economic growth in the United States since 1946 has been based on newly introduced goods—television sets, tape recorders, and snowmobiles, for example—which have increased absolutely, without displacing older products.

But, in general, what has happened is that old production technologies have been displaced by new ones. Soap has been displaced by synthetic detergents; natural fibres—cotton and wool—have been displaced by synthetic ones; steel and lumber have been displaced by aluminum, plastics, and concrete; railroad freight has been displaced by truck freight; returnable bottles have been displaced by non-returnable ones. On the road the low-powered automobile engines of the twenties and thirties have been displaced by high-powered ones. On the farm, where per-capita production has remained about constant, the amount of harvested acreage has decreased; in effect, fertilizer has displaced land. Older methods of insect control have been displaced by synthetic insecticides, such as DDT; for controlling weeds, the cultivator has been displaced by the herbicide spray. Range feeding of livestock has been displaced by feedlots. In each of these cases, what has changed drastically is the technology of production rather than over-all output of the economic goods.

That statistical fiction "the average American" now consumes each year about as much protein and other foods, for about as many calories (but with somewhat less vitamin content), uses about the same amount of clothes and cleaning agents, occupies about the same amount of housing, requires about as much freight, and drinks about the same amount of beer (twenty-six and a half gallons per capita) as he did in 1946. However, his food is now grown on less land with much more fertilizer and pesticides than before; his clothes are more likely to be made of synthetic fibres than of cotton or wool; he washes with synthetic detergents rather than soap; he lives and works in buildings that depend more heavily on aluminum, concrete, and plastic than on steel and lumber; the goods he uses are increasingly shipped by truck rather than by rail; he drinks beer out of nonreturnable bottles or cans rather than out of returnable bottles or at the tavern bar. He is more likely to live and work in air-conditioned surroundings than before. He also drives about twice as much as he did in 1946, in a heavier car, on synthetic rather than natural rubber tires, using more gasoline per mile, containing more tetraethyl lead, fed into an engine of increased horsepower and compression ratio.

All this reminds us of something we have already been told by advertising (which, incidentally, has also grown, with the use of newsprint for advertising growing faster than its use for news)—that we are blessed with an economy based on very modern technologies. Something the advertisements do not tell us—as we are urged to buy detergents, synthetic shirts, aluminum furniture, and Detroit's latest creation—is that all this "progress" has greatly increased man's impact on his environment.

To most people, the "new technology" connotes computers; automation, nuclear power, and space exploration; these technologies are often blamed for the discordant problems of our technological age. In comparison, the farm, closer to nature, seems a place of innocence and simplicity. Yet some of the most serious environmental failures can be traced to technological developments on the American farm. Before it was transformed by modern technology, the farm was no more than a place where, to serve the convenience of man, several natural biological activities were localized: the growth of plants in the soil and the nurture of animals on the crops. Plants and animals were nourished, grew, and reproduced by means long established in nature. Their interrelationships were equally natural: the crops withdrew nutrients, like inorganic nitrogen, from the soil; the nutrients were derived by gradual bacterial action from the store of organic matter in the soil; the organic store was maintained by the return of plant debris and animal wastes to the soil and by the fixation of nitrogen from the air into useful organic forms. When these circumstances prevail, the ecological cycles are nearly in balance, and with a little care the natural fertility of soil can be maintained for centuries—as it has been, for example, in European countries and in many parts of the Orient. Particularly important is the retention of animal manure in the soil and the similar utilization of vegetable matter—including the garbage generated in the cities by the food produced on the farm. Almost every knowledgeable European observer who has visited the United States has been shocked by our carefree attitude toward soil husbandry. Not surprisingly, the American farmer has been engaged in a constant struggle to survive economically. In the great Depression of the nineteen-thirties, some of the severest hardships were endured by farmers, as the soil was first degraded by poor husbandry and then literally lost to the winds and rivers through the resultant erosion. In the postwar period, new agricultural technology came to the rescue. This new technology has been so successful—measured in the hard currency of the farmer's economic return—that it has become enshrined in a kind of farm management that is so far removed from the ancient plan of farming as to merit a wholly new name: "agribusiness."

Agribusiness is founded on several technological developments, chiefly in farm machinery, genetically controlled plant varieties, feedlots, inorganic fertilizers (especially nitrogen), and synthetic pesticides. But much of the new technology has been an ecological disaster; agribusiness is a main contributor to the environmental crisis. For example, consider feedlots—where cattle, removed from pasture, are crowded together to be fattened for market. Since the animals are confined, their wastes are heavily deposited in one small area. The natural rate of conversion of organic waste to humus is limited, so in a feedlot most of the nitrogenous waste is converted to soluble forms (ammonia and nitrate). This material is rapidly evaporated or leached into ground water beneath the soil, or may run directly into surface waters during rainstorms. This is responsible, in part, for the appearance of high nitrate levels in some rural wells supplied by ground water, and for serious pollution problems resulting from the runaway growth of algae in a number of streams in the Midwest. Where untreated feedlot manure is allowed to reach surface water, it imposes a heavy oxygen demand on streams that may be already overloaded with municipal wastes. A livestock animal produces much more waste than a human being, and much of this waste is now confined to feedlots. For example, in 1966 more than ten million cattle were maintained in feedlots before slaughter—an increase of sixty-six per cent over the preceding eight years. Feedlots now produce more organic waste than the total sewage from all our municipalities. Thus, our sewage-disposal problem is more than twice its usually estimated size. The physical separation of livestock from the soil is related to an even more complex chain of events, which again leads to severe ecological problems. Animals confined in feedlots are supplied with grain rather than pasturage. When the soil is used for intensive grain production rather than pasturage—as it has been in much of the Midwest—the humus content is depleted; farmers then resort to increasingly heavy applications of inorganic fertilizer, especially of nitrogen, setting off an ecological sequence that is drastically disruptive.

At this point, fertilizer salesmen—and some agronomists—might counter with the argument that feedlots and the intensive use of fertilizer have been essential in increasing food production to keep pace with the rising population of the United States and the world. The actual statistics on this matter are worth some attention. Between 1949 and 1969, total agricultural production in the United States increased by about forty-five per cent. Since the United States population grew by thirty-four per cent in that period, the over-all increase in production was just about enough to keep pace with the population growth; crop production per capita increased by only six per cent. In the same period, the annual use of nitrogen fertilizer increased by six hundred and forty-eight per cent—an increase far greater than the increase in crop production. One reason for this disparity also turns up in the agricultural statistics: between 1949 and 1968, harvested acreage declined by sixteen per cent. Clearly, more crop was being produced on less land; in fact, the yield per acre increased by seventy-seven per cent. Intensive use of nitrogen fertilizer is the most important means of achieving this improvement in yield per acre. Thus, the intensive use of nitrogen fertilizer allowed agribusiness to meet the growing population's need for food while reducing the acreage used for that purpose.

These same statistics also help explain why our water has been polluted more and more. In 1949, an average of about eleven thousand tons of nitrogen fertilizer was used for each unit of crop production (defined by the United States Department of Agriculture), while in 1968 about fifty-seven thousand tons of nitrogen was used for the same unit of crop production. This means that the efficiency with which nitrogen contributed to the growth of the crop declined fivefold. Obviously, a good deal of the nitrogen fertilizer did not enter the crop and must have ended up elsewhere in the ecosystem. Indeed, in order to achieve very high yields the farmer must use more nitrogen than the plants can take up. Though much of the leftover nitrogen leaches from the soil and pollutes the river, the farmer, given his present economic situation, has reason to believe that he cannot survive unless he pollutes. To get that last twenty bushels of corn out of an acre which means the difference between profit and loss, the farmer must use nitrogen fertilizer in amounts so great as to be inefficiently taken up by the crop. Since the cost of fertilizer, relative to the resultant gain in crop sales, is lower than that of any other economic "input," the new technology pays him well. The cost in environmental degradation is borne by his neighbors in town who find their water polluted. The new technology is an economic success, but only because it is an ecological failure.

The pesticide story is quite similar: increased annual use at reduced efficiency, leading to an excessive environmental impact. By killing off natural insect predators of the target pest while the pest tends to develop resistance to the substance, the new insecticides become increasingly inefficient. As a result, increasing amounts must be used simply to maintain crop yield. Thus, following the introduction of the new synthetic insecticides, such as DDT, the amount of pesticide used in the United States per unit of agricultural production increased by a hundred and sixty-eight per cent between 1950 and 1967. In Arizona, the use of insecticide on cotton tripled between 1965 and 1967, while yields declined slightly—an agricultural treadmill that forces farmers to move ever faster to stay in the same place. And, again, the decreasing efficiency means an increasing release of insecticide into the environment—where it becomes an increasing threat to wildlife and man.

I have sometimes thought that the nitrogen-fertilizer industry must surely be one of the cleverest business operations of all time. nitrogen-fixing bacteria to maintain the fertilizer, the farmer had to rely heavily on nitrogen-fixing bacteria to mainatin the fertility of the soil. These bacteria naturally inhabit the soil either in or around the roots of plants, and can make up for the nitrogen inevitably lost when food is shipped off the farm for sale, or lost by natural processes. The bacteria are a free economic good, available at no cost other than the effort involved in crop rotation and other forms of husbandry of the soil. Now comes the fertilizer salesman with impressive—and quite valid—evidence that crop yields can be increased sharply by the application of inorganic nitrogen in amounts that much more than make up the soil deficit. And not only does the new, salable product replace what nature freely provided; it also helps to kill off the competition.

For there is considerable laboratory evidence that in the presence of inorganic nitrogen bacterial nitrogen fixation declines and eventually stops. Under the impact of a heavy use of inorganic nitrogen fertilizer, the nitrogen-fixing bacteria originally living in the soil may not survive, or, if they do, may mutate into non-fixing forms. It is probable, I believe, that wherever inorganic nitrogen fertilizers have been in continuous and intensive use, the natural population of nitrogen-fixing bacteria has been sharply reduced. And as this main source of natural nitrogen fertility is lost, it will become increasingly difficult to give up the intensive use of nitrogen fertilizer. To the salesman, nitrogen fertilizer is the perfect product—it wipes out the competition as it is used. The new insecticides are equally good business propositions, for by killing off the beneficial insects that previously helped to keep insect pests in check they deprive us of their freely available natural competitors. Like an addictive drug, nitrogen fertilizer and synthetic pesticides create increased demand as they are used: the buyer becomes hooked on the product.

In marketing terms, detergents are certainly among the most successful of the various technological innovations that have transformed the U.S. economy. In a scant twenty-five years, this new product has captured more than two-thirds of the cleaning-agent market from one of man's oldest, best-established, and most useful inventions—soap. That technological displacement of a natural organic product by an unnatural synthetic one is typical of many that have occurred since the Second World War. Soap is produced by causing a natural product, fat, to react with alkali. A typical fat used in soap-making is coconut oil. This is produced by the plam tree from the raw materials water and carbon dioxide by means of energy from sunlight. These are all freely available, renewable resources. The synthesis of the coconut-oil molecule has no adverse impact on the environment. Of course, with inadequate husbandry a copra plantation can deplete the soil, and fuel is burned in the extraction of the oil from the coconut, thus contribution to air pollution.

The manufacture of soap from oil and alkali also consumes fuel and produces wastes. But soap, once it has been used and sent down the drain, is broken down by the bacteria of decay, for natural fat is readily attacked by bacterial enzymes. This bacterial action usually takes place in a sewage-treatment plant. Since fat contains only carbon, hydrogen, and oxygen atoms, what is then emitted to surface waters is only carbon dioxide and water. In its production and use, soap has a relatively light impact on the environment.

Detergents are synthesized from organic raw materials originally present in petroleum along with a number of other substances. To obtain the raw materials, the petroleum is subjected to distillation and other energy-consuming process, with the burned fuel polluting the air. Once purified, the raw materials are used in a series of chemical reactions involving chlorine and high temperatures, which finally yield the active cleaning agent. This is then mixed with a variety of additives, designed to soften hard water, bleach stains, "brighten" wash (this effect is produced by an additive that strongly reflects light, and achieves a simulated whiteness by dazzling the eye), and otherwise gladden the heart of the advertising copywriter. Suitably boxed, this mixture is the detergent. The total energy used to produce the active cleaning agent alone is probably three times that needed to produce oil for soap manufacture, and the resultant air pollution is also tripled. To produce the needed chlorine, mercury is used, and it, too, is released to the environment as a pollutant. In its substitution of man-made chemical processes for natural ones, detergent manufacture inevitably produces greater environmental stress than the manufacture of soap does.

Once detergents have been used, they become serious sources of additional pollution. Here the contrast with soap is striking. Soap has been used for thousands of years—everywhere in the world, in a wide variety of ecological, economic, and cultural settings—without any record, to my knowledge, of pollution problems. But in only twenty-five years detergents have established a notoriously bad environmental record wherever they have been used. The first detergents marketed were synthesized from petroleum derivatives composed of branched molecules. Since the enzymes of the decay bacteria cannot attack such molecules, they passed through sewage-treatment plants unchanged. The industry became aware of the problem only when mounds of foam appeared in streams and, in some places, water drawn from the tap foamed like beer. In 1965, under the threat of legislation, "biodegradable" detergents were introduced in this country; these had unbranched molecules, which decay bacteria could attack. However, the benzene unit at one end of the degradable molecule now became a hazard; in aquatic systems, benzene can be converted to phenol (carbolic acid), a toxic material. In fact, the new degradable synthetic detergents seem more likely to kill fish than the old ones, although they do not produce the nuisance of foam.

Another pollution problem arises from the phosphate content of detergents, whether degradable or not, for phosphate can stimulate excessive growth of algae, which on their death overburden the aquatic ecosystem with organic matter. Phosphate is added to detergents for two purposes: to combat hard water (it helps to tie up materials, such as calcium, that cause dirt particles so that they can be readily rinsed away. Soap itself accomplishes the second of these functions. In hard water, soap is rather ineffective; it can be improved by the addition of a water-softening agent such as phosphate. However, there are other ways to solve the hard-water problem. For one thing, the water in some places is soft and no phosphate is needed, whether soap or detergent is used. Where the water is hard, it can be treated by a household water-softener—a device that could also be built into washing machines. In other words, successful washing can be accomplished without resort to phosphate, which upon being added to detergents worsens their already serious environmental effects. The actual need to replace soap is slight. As a recent chemical-engineering textbook states, "There is absolutely no reason why old-fashioned soap cannot be used for most household and commercial cleaning." The obvious answer to the present confusion over the relative environmental hazards of phosphate and other detergent constituents—such as the caustics and other hazardous materials present in phosphate-free detergents—is to return to soap.

It might be argued, of course, that the mere fact that detergents have driven soap from the market must mean that users find them more desirable than soap, and that detergents are therefore a worthwhile economic good. This argument loses most of its force when advertising is taken into account. A study in England shows that the sales of different brands of detergents are directly proportional to their advertising expenditures. Nor is this a matter of merely acquainting the buyer with the virtues of the product, in the expectation that these virtues will sustain further purchases. For when advertising it cut back, sales fall off. In 1949, Unilever spent sixty per cent of the total sum devoted to the advertising of detergents in England and enjoyed sixty per cent of the total sales; by 1951, its advertising budget had been reduced to twenty per cent of the total and its sales had fallen off to ten per cent. The lesson was learned, and by 1955 the 1951 low in advertising expenditures—and sales—had tripled. It would appear that the most important determinant of detergent sales is advertising, rather than the product's virtues.

In 1946, every ton of cleaner (counting the active cleaning agent in detergent as equivalent to an equal weight of soap) sold in the United States contained about seven pounds of phosphate phosphorus—which eventually entered waterways, where it contributed to the problem of excessive growths of algae. In 1968, a hundred and thirty-seven pounds of phosphate phosphorus was emitted into environmental systems per ton of cleaner used. The technological displacement of soap by detergents has caused a twentyfold intensification of the impact of phosphate from cleaners on the environment, and has done so at no basic gain to the consumer. The displacement of soap by detergents has made us no cleaner than we were, but it has made our environment more foul.

Textile production reflects another important displacement of natural organic materials by unnatural synthetic ones. Some relevant statistics: In 1950 in the United States, about forty-five pounds of fibre was used per capita by fabric mills. Of this total, cotton and wool accounted for about thirty-five pounds, modified cellulosic fibres (such as rayon) for about nine pounds, and wholly man-made synthetic fibres (such as nylon) for about one pound. In 1968, total fibre consumption was forty-nine pounds per capita, of which cotton and wool accounted for twenty-two pounds, modified cellulosic fibres for nine pounds, and synthetic fibres for eighteen pounds. "Affluence," at least as it can be measured by the per-capita use of fibre, was essentially unchanged, but natural materials had been considerably displaced by synthetic ones. This technological displacement has intensified the stress on the environment.

To produce fibre, whether natural or synthetic, both raw materials and a source of energy are required. The molecules that make up a fibre are polymers—chains of repeated smaller units. In cotton, the polymer is cellulose—long, threadlike molecules composed of hundreds of glucose units linked end to end. Energy is needed to assemble such an elaborate structure—both to form the necessary glucose units and to join them into the molecular thread. The energy required to form the cotton fibre is derived by the cotton plant from a free, renewable resource—sunlight. The energy needed to form wool, which is made up of the protein polymer called keratin, is derived from the sheep's food, which, in turn, is derived from sunlight. The crucial link between an energy process and the environment is the temperature at which the process operates. Living things do their energy business without heating up the air or polluting it with noxious combustion products. Whether in the cotton plant or in the sheep, the chemical reactions that put the natural polymers together operate at rather low temperatures, and the energy is transferred efficiently. Nothing is wasted, nothing noxious is produced.

Part of the energy required for the manufacture of a synthetic fibre, like nylon, is contained in the raw materials; since these are usually derived from petroleum or natural gas, their energy represents solar energy previously trapped by fossil plants and animals. This is a non-renewable source of energy. Another part of the energy used in nylon synthesis is that needed to separate the various raw materials from the petroleum or natural gas and to drive the various chemical reactions. Nylon, for example, is produced by a series of from six to ten chemical reactions, operating at temperatures ranging from 200° F. (near the boiling point of water) to 700° F. (above the melting point of lead). This means a considerable combustion of fuel—and resulting air pollution. In addition, such chemical reactions may release waste chemicals into the air or water, again producing an environmental impact not incurred in the production of a natural fibre.

Of course, the production of cotton or wool can also violate ecological principles, and as it is currently carried on it does. In the United States, cotton is now grown with intensive applications of nitrogen fertilizer, insecticides, and herbicides, all of which have serious environmental impacts that are avoided in the manufacture of synthetic fibres. In addition, the gasoline burned by tractors engaged in cotton production produces air pollution. Some of these effects could be reduced considerably; for example, more reliance could be placed on natural control of insect pests. Similarly, nylon production could be improved, ecologically, by reducing waste-chemical emissions. However, the fundamental point here is that even if all possible ecological improvements were made in the two processes, the natural one would still be more advantageous ecologically, because it can use a freely available, non-polluting source of energy—sunlight—for the basic chemical synthesis, whereas the energy for the chemical synthesis of a fibre must be derived from a non-renewable resource, and through high-temperature operations, which even with the best possible controls will pollute the environment with waste heat.

Once a synthetic fibre has been produced, it inevitably generates a greater impact on the environment than a natural fibre. Because the synthetic fibre is man-made, it cannot be disposed of without putting a stress on the environment, whereas cellulose and keratin, the natural polymers in cotton and wool, participate in the soil ecosystem and therefore cannot accumulate as wastes if they are returned to the soil. The ecological fate of cellulose, whether in a leaf, a cotton shirt, or a bit of paper, is well known. If it falls on the ground and becomes covered with soil, it enters into a series of complex biological processes. The cellulose structure is first invaded by molds; their cellulose-digesting enzymes release the constituent sugars into the soil. These stimulate the growth of bacteria. At the same time, the degradation of cellulose allows enzymatic attacks on other polymeric components in a leaf, releasing soluble nitrogenous constituents into the soil. These, too, stimulate bacterial growth. The result is the development of fresh microbial organic matter, which becomes converted to humus—a substance essential to the natural fertility of the soil. Because cellulose is an essential cog in the soil's ecological machinery, it cannot accumulate as a "waste." The keratin of wool behaves similarly in the soil eco-system. All this results from the crucial fact that for every polymer that is produced in nature by living things there exist enzymes that have the specific ability to degrade it. The contrast with synthetic fibres is striking. The structure of nylon and similar synthetic polymers is a human invention and does not occur in natural living things. Unlike natural polymers, synthetic ones have no counterpart in the armamentarium of degradative enzymes in nature. Ecologically, synthetic polymers are indestructible. Hence, every bit of synthetic fibre or polymer that has been produced on the earth either is destroyed by burning—and thereby pollutes the air—or accumulates as rubbish.

This is apparent to anyone who has wandered along a beach in recent years and marvelled at the array of plastic objects cast ashore. A closer look at such objects—bits of nylon cordage, discarded beer-can packs and plastic bottles—is even more revealing. Like other objects on the beach—bits of glass, for example—the plastic objects are worn by wave action. Ecologically, it is useful to ask about any given material in the environment, "Where does it go?" Where, then, does the material abraded from plastic objects go in the marine environment? The answer has been made apparent by a recent report. Nets that have been used to collect microscopic organisms from the sea now accumulate a new material: tiny fragments of plastic fibres, often red, blue, or orange. In recent years, natural fibres such as hemp and jute have been almost totally replaced by synthetic fibres in fishing lines and fish nets. While the natural fibres are subject to microbial decay, the synthetic ones are not, and therefore accumulate. And the chief reason that synthetic cordage has replaced natural materials in fishing operations is that the synthetic fibres have the advantage of resisting degradation by molds, which, as we have seen, readily attack cellulosic materials such as hemp or jute. Thus, the property that makes the synthetic fibre more valuable economically than the natural one—its resistance to biological degradation—is precisely the property that increases its environmental impact.

Not long ago, I saw a poignant photograph of a wild duck, its neck garlanded with a plastic beer-can pack. Consider this event. A particular plastic pack is formed in a factory, shipped to a brewery, fitted around six cans of beer, further transported until it reaches human hands that separate plastic from beer can. Then, tossed aside, it persists until it comes to float on some woodland lake, where a wild duck, innocent of modern technology, plunges its head into the plastic noose. Such events, bringing into improbable, wildly incongruous, but often fatal conjunction some plastic object and some unwitting creature of the earth, can only become increasingly frequent as plastic factories continue to emit their stream of indestructible objects, each destined, by its triumphant escape from the limited life of natural materials, to become waste.

The vast development of modern synthetic organic materials has produced other stresses on the environment. Some of these materials, unlike plastics, are not inert but biochemically active, and in some cases this activity is intentional—to kill insects or weeds, or to defoliate forests and crops in Vietnam. However, living things share a number of similar biochemical systems, so that an unnatural substance that is intended to affect a specific organism is likely to affect others, in different ways, as well. DDT, which attacks biochemical processes in the insect nervous system, also influences the behavior of enzymes in the livers of birds in such a way as to inhibit the formation of egg-shells, which readily break after the eggs are laid. The weed killer, 2,4,5–T, sprayed in huge amounts on the forests and croplands of Vietnam, distorts the biochemistry of the plants and denudes them of leaves; it has also been found to induce birth defects in laboratory animals, and may be the cause of increased birth defects among recently born Vietnamese babies. These substances are, in effect, drugs, and ought to be dispensed with appropriate foresight and control, but such control is impossible when tons of the ecological drugs are sprayed across the countryside from the air.

To provide raw materials for the synthesis of the new materials—fibres, plastics, detergents, pesticides, and drugs—there has been a huge concurrent increase in the production of organic chemicals generally (up 746 per cent since 1946). This change, too, has put an increased stress on the environment. For example, the poisoning of fish with mercury is one of the costs that we are paying for synthetic detergents. Manufacturing the detergents now in common use requires large amounts of chlorine, which is usually produced by passing an electric current through a solution of common salt (sodium chloride). Mercury is a valuable adjunct to this process, for it serves not only to conduct electricity but also to trap another product of the reaction, sodium, as an amalgam. The use of mercury for chlorine production in the United States has therefore increased immensely. After the electrolytic process, the sodium-laden mercury is made to react with water; this converts the sodium to the alkali sodium hydroxide, regenerating pure mercury for further use. In this process, large amounts of mercury and water are mixed and circulated, and inevitably some of the mercury is "lost," ending up eventually in the waste-drainage system. The lost mercury is carried to the bottom of rivers and lakes, where bacteria convert the metallic mercury to a soluble form, methyl mercury. This poisons lucky to be working as a Chicago waiter for feature of the "plastic age."

When the automobile and the internal-combustion engine were first developed, no one could have realized that some seventy years later they would become the greatest single source of urban environmental pollution. It is often assumed that automotive pollution is an inescapable result of the huge numbers of vehicles that choke the highways. There is no doubt that the number of cars is part of the problem; in the years from 1947 to 1968, the total number of vehicles on United States roads increased by 166 per cent, and the total vehicle-miles travelled went up by 174 per cent. However, at least two major automotive pollutants, lead and photo-chemical smog, increased much faster than even the proliferating cars and use of cars. For example, studies of the amounts of lead deposited yearly in polar glaciers show that between 1940 and 1965 the annual entry of lead—which comes almost entirely from gasoline additives—into the environment increased by about 300 per cent, or about twice as fast as the increase in the total consumption of gasoline in that time. The smog situation shows an even greater disparity. Photochemical smog made its debut in Los Angeles in the early forties. Since then, it has appeared in most of the nation's large cities and has become vastly more intense in Los Angeles itself. A reasonable estimate of the over-all increase in smog levels in United States cities since the Second World War would be tenfold or so, or in the range of 1,000 per cent—again an increase much greater than the concurrent rise in automobile travel. Clearly, something besides the number of cars and the mileage travelled has changed.

What has changed is the automobile. Cynics are sometimes prone to dismiss the annual changes in Detroit car models as superficial ones, but beneath the recurrent transformation of the automobile's gaudy and increasingly fragile skin technological changes, especially in the engine, have converted it into a highly efficient smog generator. In the internal-combustion engine, gasoline is mixed with air in the cylinders, and the mixture is ignited, at a suitable moment, by means of an electric spark. Just before the fuel-air mixture is ignited, it is compressed by the cylinder piston. The cylinder pressure has a great deal to do with the amount of power that the engine can deliver; generally, the greater the pressure the higher the power output. For reasons that have not yet been fully explained, the automobile industry long ago became committed to increasing the engine's power. In 1925, when the first figures became available, the average American passenger-car engine delivered fifty-five horsepower. By 1946, the average was a hundred horsepower. Between 1946 and 1958, the average horsepower was raised to two hundred and thirty. In response to foreign competition, United States manufacturers introduced the "compact" car, with a smaller engine. As a result, between 1958 and 1961 the average horsepower dropped from two hundred and thirty to a hundred and seventy-five. Then a curious phenomenon occurred: the "compact" cars gradually grew in size and in engine power, so that between 1961 and 1968 the average horsepower climbed back to reach two hundred and fifty. To increase the horsepower, it was necessary to increase engine compression; the relevant measure, known as the compression ratio, rose from 5.9 in 1946 to 9.8 in 1958. It then dipped briefly, along with horsepower, but, recovering from that aberration, climbed upward again, reaching an average of 9.4 in 1968. Thus, between 1946 and 1968 the low-powered, low-compression engine was displaced. This technological displacement, like many others in that period, has strongly intensified the impact of automobile travel on the environment.

Because high-powered engines use fuels less efficiently than low-powered ones do—especially when the engines are run at low speeds, as they are in car-choked city streets—there has been an increase in the amount of gasoline burned per mile. In 1946, passenger cars averaged about fifteen miles per gallon; by 1968, the average was about fourteen miles per gallon. This meant more fuel combustion—and therefore more air pollution from gasoline-combustion products—per vehicle-mile travelled. A second, more acute pollution problem arises from the special engineering needs of the high-compression engine. At high cylinder pressures, the explosive combustion is apt to be uneven, causing a jarring "knock," which decreases engine power. To suppress engine knock, it was found necessary to add tetraethyl lead to the gasoline. Almost all of this lead—which is a toxic material—is emitted into the air from the engine exhaust. As the average compression ratio rose, so did the lead content of the gasoline. In 1946, the gasoline used in the United States emitted about fifty thousand tons of lead into the environment. By 1968, the lead emitted had increased to two hundred and sixty thousand tons. In those twenty-two years, the amount of lead used rose from two hundred and eighty pounds per million vehicle-miles to five hundred pounds. In other words, the increase in engine power and compression ratio means that for the same amount of actual use cars now pollute the environment with nearly twice as much lead as they did just after the war.

Then, there is the matter of photochemical smog, which results from the emission of nitrogen oxides—in urban areas, largely from automotive vehicles—into the air. The natural levels of nitrogen oxides in the air are ordinarily very low, but when air is heated—for example, during fuel combustion in the cylinder—nitrogen and oxygen react, and nitrogen oxides are emitted from the engine exhaust. Activated by sunlight, nitrogen oxides combine with waste hydrocarbons from automobile exhaust to produce the noxious final product of photochemical smog, peroxyacetyl nitrate, often referred to as PAN. This can take the form of a whitish haze, tinged with brown, that causes the eyes to smart. Now, as compression ratio increased, so did the engine's operating temperature, and this, in turn, sharply increased the amount of nitrogen oxides emitted per unit of engine use. The emission of nitrogen oxides is also affected by a number of other engine characteristics. When these are taken into account, it can be estimated that whereas the emission of nitrogen oxides in the exhaust of the average 1946 passenger car came to about five hundred parts par million, the emission of the average 1968 automobile was twelve hundred parts per million. Thus, the emission of nitrogen oxides for each unit of vehicle use more than doubled over this period. When the increased mileage and increased gasoline consumption in the period are also taken into account, total emission of nitrogen oxides is found to have increased about sevenfold—a rise that begins to account for the sharp increase in smog levels.

In the fall of 1965, exhaust-control devices appeared on new 1966-model cars in California, and the emission of waste hydrocarbons began a downward trend in Los Angeles. Between 1965 and 1968, emission of waste hydrocarbons from motor vehicles was reduced from 1,938 tons per day to 1,720. (Without controls, emission would have risen to 2,400 tons per day by 1968.) Eye irritation was also reduced. At the same time, the level of another important pollutant emitted by motor vehicles, carbon monoxide, was also reduced by the new devices. It might appear, then, that by 1968 Los Angeles would have been ready to celebrate the end of a long and frustrating search for a solution to the smog problem. But at that point the situation took a new and ominous turn: the improvements in exhaust emissions brought on a new problem. For, coincident with the twelve-per-cent drop in hydrocarbon emissions between 1965 and 1968, the burden of nitrogen oxides in the Los Angeles air *increased* by twenty-eight per cent. The nitrogen oxides in automobile exhausts include both nitric oxide and nitrogen dioxide. While nitric oxide is relatively innocuous (except as an ingredient of the smog-forming reaction), nitrogen dioxide is highly poisonous, with a long history as a serious industrial hazard. The gas destroys the cells of the lungs, tends to enlarge lung blood vessels, and, at a sufficiently high concentration, causes an accumulation of fluid in the lungs, which may lead to death. Nitrogen dioxide, a colored gas, tinges the air a kind of whiskey brown, and as the concentration has increased in the Los Angeles air serious visibility problems have arisen—in the air lanes and along the high-speed freeways. In addition, nitrogen dioxide is toxic to plants; at levels of less than one part per million, the growth of tomato plants is reduced about thirty per cent. In 1965, nitrogen dioxide in Los Angeles had exceeded what had been designated the "adverse" level on a hundred days. In 1968, three years after the introduction to exhaust-control devices, that level was exceeded on a hundred and thirty-two days.

There are two reasons for the increase in the level of nitrogen dioxide. One is the simple ecological rule that "everything must go somewhere." If hydrocarbon emissions are reduced, the nitrogen oxides that might have combined with hydrocarbons to form smog necessarily accumulate in the air. The other reason for the rise in nitrogen oxides is that in devising the present pollution controls the automobile manufacturers considered only the demand for reduced emissions of hydrocarbons and carbon monoxide. This demand led them to make engine modifications designed to increase the thoroughness of fuel combustion in the cylinders by increasing the engine's air intake. But increased fuel combustion also increases the combustion of the major constituent of the air, nitrogen, generating nitrogen oxides. Thus, the engine modifications introduced for the purpose of reducing the emission of hydrocarbons tended to increase the emission of nitrogen oxides, and in enforcing the new automobile-engine modifications Los Angeles had simply traded one pollution problem for another. Catalytic exhaust devices have been developed for the purpose of converting engine-generated nitrogen oxides into innocuous products. However, it appears that the catalysts are poisoned by the lead used as a gasoline additive, and here the smog problem reaches to the heart of the automotive-pollution problem—the modern high-powered, high-compression gasoline engine, which operates effectively only on high-octane fuels. Such fuels have usually been produced by the addition of tetraethyl lead, and the elimination of lead requires a large-scale change in the petroleum-refining industry—or else a change in the design of automotive engines. There is also a serious question about how effective the increasingly complex exhaust devices are under actual conditions of use. For example, California tests show that the exhaust devices on 1966 models lost their effectiveness for controlling hydrocarbon and carbonmonoxide emissions and, on the average, exceeded the California emission standards after five to ten thousand miles of use.

In part, the increase in automobile travel during the last twenty-five years is a consequence of changes in the distribution of residences and places of work. Traffic studies show that about ninety per cent of all automobile trips are ten miles or less in length; this class of trips represents about thirty per cent of total automobile mileage travelled. The mean work-residence travel distance in U.S. metropolitan areas is about five miles for central-city dwellers and about six miles for those living in suburban areas. This is statistical evidence of what millions of people know from their own daily frustration: that in most urban areas the roads are clogged twice a day with people driving to and from work—a consequence of the separation between place of work and residence and the absence of adequate means of mass transportation. A related problem that has developed as a result of the American growth pattern since 1946 is the displacement of railroad freight haulage by trucks. The ecological cost of this displacement is evident in the following figures: the energy required to move a ton of freight one mile by rail now averages about 624 B.T.U. (British thermal units), and by truck, about 3,460 B.T.U. This means that for the same amount of freight haulage, trucks burn nearly six times as much fuel as trains—and emit about six times as much environmental pollution. Moreover, the amount of power required to produce the cement and steel for a mile of four-lane highway—essentially for truck traffic—is 3.6 times the power required to produce a mile of steel track for comparable rail traffic. Finally, the highway takes up a four-hundred-foot right-of-way, while the railroad takes only a hundred feet. In all these respects, the displacement of railroads by automotive vehicles for freight—and also for passenger travel—has intensified the environmental impact of transportation.

The electric-power industry, which has expanded rapidly in the postwar period, is still another source of major pollution problems. These include sulphur dioxide, nitrogen oxides, and dust emitted by power plants that burn fossil fuels; radioactive emissions, and the threat—small but with enormously catastrophic potential—of an accident, from the operation of nuclear power plants; and the emission of waste heat to the air and nearby surface waters by both types of plants. The growth in the use of electric power has been attributed, with justification, to the modernity of our economy and with much less justification, to our supposed affluence. The statistics appear straihgtforward. In the United States, power consumption by the economically active population in 1968 was about 20,500 K.W.H. (kilowatt-hours) per capita, as opposed to about 2,900 for Chile, 260 for India, and 230 for Thailand. (The United States produces thirty-four per cent of the world's electric-power output.) However, electric power is not in itself capable of satisfying any known human need, and its contribution to human welfare needs to be measured in terms of the economic goods that it can produce. Here we discover another serious failing—in terms of human welfare—of postwar technology: the new productive technologies are far more costly in the consumption of electric power and other forms of fuel-generated energy than the technologies they have displaced. For example, aluminum, which has increasingly displaced steel and lumber as a construction material, requires for its production about fifteen times as much fuel energy per pound as steel and about a hundred and fifty times as much fuel energy as lumber. Even when the fact is taken into account that the weight of aluminum needed for a given purpose is less than that of steel, the power discrepancy remains. For example, the energy required to produce the metal for an aluminum beer can is 6.3 times that needed to produce the metal for a steel beer can. Thus, the expansion of power production in the United States has been greatly inflated by the growing tendency to displace power-thrifty goods with power-consumptive ones. The cost of this inefficiency is heavily borne by the environment.

Once again it is clear that the chief reason for the environmental crisis that has engulfed the United States in recent years is not the increase in our population and not a rise in our affluence but the sweeping transformation of productive technology. The economy has grown only enough to give the people of the United States about the same amount of basic goods per capita that it gave them in 1946. However, productive technologies with intense impacts on the environment have displaced less destructive ones. These technologies are ecologically faulty because they are designed to solve single, separate problems, and fail to take into account the "side effects" that are inevitable because on earth no form of matter or energy is isolated from the whole ecological fabric. The fragmented design of technology reflects its scientific foundation, for science is divided into disciplines that are governed largely by the notion that complex systems can be understood only if they are first broken down into their components. This reductionist bias has also tended to shield basic science from a concern with real-life problems, like environmental degradation.

Confronted by decisions on nuclear power, radiation, nitrate levels, photochemical smog, bacterial warfare, and all the other technicalities of environmental problems, one is tempted to call in the scientific expert. Scientists can, of course, evaluate the relevant benefits; how many kilowatt-hours of electricity a nuclear-power plant can deliver, and at what price; the yield of corn to be expected from the use of nitrogen fertilizer. They can also evaluate the related risks: the radiation dose to people in the vicinity of the power plant; the hazard to infants from nitrate levels exacerbated by fertilizers. Those evaluations can be derived from appropriate scientific theories, principles, and data. However, no scientific principle can guide the choice between some number of kilowatt-hours of electric power and some number of cases of thyroid cancer, or between some number of bushels of corn and some number of cases of infant methemoglobinemia. These are matters of morality, of social and political judgment; they are determined not by scientific principle but by the relative value we place on economic advantage and human life.

Indeed, there are powerful links between the environmental crisis and the economic system we live under. Conventional economic science conceives of the production and distribution of wealth as a vastly elaborated development of the ancient marketplace. Goods are produced and services performed so that they may be exchanged for other goods and services; values are determined, at least as a first approximation, by the interplay of supply and demand. The term "externality" has been introduced into economic theory to describe what once appeared to be a rather rare departure from this basic exchange process. In its simple form, an exchange is both mutually beneficial and voluntary; it takes place because both parties hope to gain from it. An externality, by contrast, may be neither beneficial nor voluntary for all parties in the transaction: Mercury benefits the chlorine-alkalip producer but harms the commercial fisherman; it is used voluntarily by one party but is involuntarily inflicted upon the other. This is an example of a negative externality. In theory, but less commonly in practice, an externality may be economically positive—as in the case of a householder who happens to live next to a well-kept golf course. Now that very large negative externalities have begun to emerge in the form of environmental degradation, economists have begun to devote considerable attention to this once minor facet of economic theory. They face some difficult questions: How can the social costs of environmental deterioration be evaluated and met by the operation of the economic system? Are the basic operational requirements of the major economic systems—capitalism and socialism—compatible with the ecological imperatives we face?

The conventional solution proposed for a country like the United States is to "internalize the externalities," by taxing pollution or raising the prices of products to cover its costs. However, even if these measures are adopted, many serious difficulties will remain. In the private-enterprise system, one of the chief motivating forces is private profit. What is the connection between pollution and profit in a private-enterprise economic system like that of the United States? Many of the large-scale technological displacements in industry and agriculture that have occurred since 1946 are much more prone to pollute than the older ones they have displaced, and the new technology has clearly played an important role in the profitability of postwar business enterprise. A good example is the massive displacement of soap by synthetic detergents. In 1947, when the cleaning-product industry produced essentially no detergents, its profit amounted to about thirty per cent of sales. In 1967, when the industry produced about one-third soap and two-thirds detergents, the profit was about forty-two per cent of sales. From the data for intervening years, it can be computed that the profit on pure-detergent sales is about fifty-two per cent, considerably higher than the profit on pure-soap sales. This may help to explain why soap, despite its continued usefulness for most cleaning purposes, has been driven off the market by detergents. Another important example is provided in the displacement of small, low-powered automobiles by large, high-powered ones. An article in *Fortune* has noted, "As the size and selling price of a car are reduced, then, the profit margin tends to drop even faster. A standard U.S. sedan with a basic price of $3,000 for example, yields something like $250 to $300 in profit to its manufacturer. But when the price falls by a third, to $2,000, the factory profit drops by about half. Below $2,000, the decline grows even more precipitous." The introduction of a car of reduced environmental impact, which would necessarily have a relatively low-powered, low-compression engine and a low over-all weight, would sell at a relatively low price, and it would therefore yield a smaller profit than the standard heavy, high-powered, high-polluting vehicle.

This may explain the recent remark by Henry Ford II that "minicars make miniprofits." Steel and lumber have been increasingly displaced as construction materials by aluminum, cement (in the form of concrete), and plastics. In 1967, the profits (in relation to total sales) from steel production by blast furnaces and lumber production were 12.5 per cent and 15.4 per cent, respectively. The products that have displaced steel and lumber yielded significantly higher profits: aluminum, 25.7 per cent; cement, 37.4 per cent; plastics and resins, 21.4 per cent. Again the displacement of technologies with relatively weak environmental impacts by technologies with stronger impacts has been accompanied by significant increases in profitability.

The costs of environmental degradation, it appears, are borne chiefly by society as a whole, in the form of externalities, rather than by the producer. A business enterprise that pollutes the environment is therefore being subsidized by society, and to this extent the enterprise, though free, is not wholly private. When a manufacturing process borrows from the ecosystem and incurs what might be called "a debt to nature" in the form of pollution, there is an immediate saving for the producer. At the same time, pollution often adds to the living costs of the population as a whole, most of which consists of wage earners rather than entrepreneurs. Thus, when the workers in the vicinity of a power plant find their cleaning costs increased because of soot emitted by its stacks, their wages are reduced by the amount of that increase. In essence, the workers' extra cleaning costs subsidize part of the cost of operating the power plant. Of course, it may have taken fifteen or twenty years of environmental pollution from industrial plants along the shore of Lake Erie, say, before the burden of waste reduced the water's oxygen content to zero, halted the self-purification process, and fouled the beaches so badly that in order to enjoy a swim the plants' workers had to add to their cost of living the price of admission to a swimming pool. Similarly, chronic low-level exposure to radiation, mercury, or DDT may shorten a wage earner's life without reducing his income or even causing him to incur extra medical costs during his lifetime. In this case, the cost of pollution is not met for a long time; the bill is finally paid by the wage earner's premature death, which—apart from the feelings of his family and friends—can be reckoned in terms of a certain number of years of lost income.

The economic theory of the private-enterprise system is based very substantially on the advantages of growth. And yet the total rate by which men exploit the earth's ecosystem has some upper limit; if this rate is exceeded, the system will eventually be driven to collapse. Hence, all productive systems must eventually reach a no-growth condition—at least with respect to the accumulation of capital goods designed to exploit the ecosystem, and the products that these yield. In a private-enterprise system, a no-growth condition means no further accumulation of capital. If the accumulation of capital, through profit, is a basic driving force of this system, as it seems to be, it is difficult to see how the system can continue to operate under conditions of no growth. Moreover, different ecological cycles vary considerably in their intrinsic rates—rates that cannot be exceeded if breakdown is to be avoided. For example, the natural turnover rate of a soil system is considerably lower than that of an aquatic system—a fish farm, let us say. It follows that if the private-enterprise system is to exploit these different ecosystems concurrently without inducing ecological breakdown, there will be different rates of economic return. But when one enterprise yields a lower return than another, investment funds will tend to be transferred to the latter. Of course, many marginal enterprises that yield profits significantly below those available elsewhere in the economic system have important social value. It will perhaps be possible to keep them going by means of subsidies, but very often the subsidies will need to be so large as to amount to nationalization—a contradiction of private enterprise. Finally, since the "debt to nature" represented by environmental pollution is essentially a saving in production costs on the part of the entrepreneur, it provides a cushion against the effects of internal problems in the economic system—such as the conflict between entrepreneur and employee over wages. Now we know that the debt must be paid, and in this sense the emergence of an ecological crisis must be regarded as the signal of an emerging crisis in our economic system.

What little I have been able to learn from available reports indicates that the problems of environmental pollution in industrialized socialist nations are not basically different from those typical of industrialized private-enterprise nations like the United States. The pollutants in surface waters in the Soviet Union are similar in both type and origin to the ones that trouble the United States and other developed countries. They include wastes from municipalities, food-processing plants, and pulp and paper plants, industrial chemicals and metals, oil spills, and drainage of fertilizer. There is no evidence that the new postwar technologies introduced in the Soviet Union differ much from those which dominate American production, and the evidence that environmental pollution in Russia is following about the same course it has taken in capitalist countries suggests that the drive for "plan fulfillment" takes its toll of the ecosystem just as the drive for profits does. However, the socialist system does have in theory, several advantages over the private-enterprise system in dealing with ecological problems. One of these is the relative ease of national planning, which is essential for an ecologically rational system of production. Another advantage relates specifically to the problem of growth. Though it is true that the Soviet Union and other socialist states have emphasized economic growth just as heavily as capitalist states have, the theory of socialist economics does not appear to require that the growth should continue indefinitely. Moreover, it should be comparatively easy for a socialist system to enforce varying rates of return from productive activities in different sectors of the ecosystem.

In any case, both socialist and capitalist economic theories have apparently developed without taking into account the limited biological capital represented by the ecosystem. As a result, neither of the systems is now well prepared to confront the environmental crisis, and both will be severely tested by it. For if any civilization is to survive, industry, agriculture, and transportation must meet the inescapable demands of the ecosystem. This will require the development of major new technologies, including methods of returning sewage and garbage directly to the soil; the replacement of many synthetic materials by natural ones; the reversal of the present tendency to retire soil from agriculture and to elevate the yield per acre; the replacement of synthetic organic agents by biological means of controlling insects and other pests; the discouragement of power-consuming industries; the development of land transport that operates with maximum fuel efficiency at low combustion temperatures and with minimum land use; essentially complete containment and reclamation of wastes from combustion processes, smelting, and chemical operations; essentially complete recycling of all reusable metal, ceramic, and paper products, and ecologically sound planning of land use, especially in urban areas. In effect, all major elements of the new productive enterprises constructed on the basis of ecologically faulty technology have to be rebuilt along ecologically sound lines. Obviously, these changes must be worldwide; for example, if industrialized countries were to give up the large-scale use of synthetic materials, tropical countries would need to take up the slack and manufacture such products as soap, tires, and fabrics from natural materials for world commerce. Like the ecosphere itself, the peoples of the world are linked by their separate but interconnected needs to a common fate. The world will survive the environmental crisis as a whole or not at all.

We live in a time that is dominated by enormous technical power and extreme human need. The power is self-evident in the megawattage of power plants and the megatonnage of nuclear bombs. The human need is painfully evident in the sheer numbers of people now and soon to be living, in the deterioration of their habitat, the earth, and in the tragic worldwide epidemic of hunger and want. The gap between brute power and human need continues to grow, for the power fattens on the same faulty technology that intensifies the need. Everywhere in the world, there is evidence of a deep-seated failure to use the competence, the wealth, the power at human disposal for the maximum good of human beings. The environmental crisis is a major example of this failure. It has come about because the means by which we use the ecosphere to produce wealth threaten the ecosphere itself. The present system of production is self-destructive.

My own judgment, based on the evidence now at hand, is that the present course of environmental degradation, at least in industrialized countries, represents such a serious challenge to essential ecological systems that if it is continued it will destroy the ability of the environment to support a reasonably civilized human society. Some number of human beings might well survive such a catastrophe, for the collapse of civilization would reduce the pace of environmental degradation. What would then remain would be a kind of neo-barbarism, with a highly uncertain future.

Deep pessimism is perhaps a natural aftermath of the shock of recognizing that the caunted "progress" of modern civilization is only a thin cloak for global catastrophe. No scientist, economist, or politician—no committee of experts—could possibly come up with a specific plan for resolving the environmental crisis. To pretend otherwise is only to evade the real meaning of the environmental crisis: that the world is being carried to the brink of ecological disaster not by a single fault, which some clever scheme could correct, but by a phalanx of powerful economic, technological, and social forces. What is required is nothing less than a change in the course of history. I am convinced, however, that once we pass beyond mere awareness of empending disaster and begin to understand how we have reached our present predicament and where the alternative paths ahead can lead, there is reason to hope. After all, the environmental crisis is not the product of man's biological capabilities, which could not change in time to save us, but of his social actions, which are subject to much more rapid change. If the environmental crisis is the result of social mismanagement of the world's resources, then it can be resolved and man can survive in a humane condition by consciously bringing his social organization into harmony with the ecosphere.

Here we can learn a basic lesson from nature: that nothing can survive on the planet unless it is a cooperative part of a larger whole. Life itself learned that lesson on the primitive earth—for the first living things, like modern man, consumed their nutritive base as they grew, converting the geochemical store of organic matter into wastes that could no longer serve their needs. Life as it first appeared on the earth was embarked on a linear, self-destructive course. What prevented extinction was the appearance, in the course of evolution, of a new life form, which reconverted the waste of the primitive organisms into fresh organic matter. The first photosynthetic organisms transformed the rapacious linear course of life into the earth's first great ecological cycle. By closing the circle, they achieved what no living organism alone can accomplish—survival. Human beings have broken out of the circle of life, driven not by biological need but by the social organizations that they have devised to "conquer" nature. Once more, in order to survive, we must close the circle. We must learn how to restore to nature the wealth we borrow from it.

CONGRESSMAN WILBUR D. MILLS ADDRESSES THE ANNUAL MEETING OF THE NATIONAL SOCIETY OF STATE LEGISLATORS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. EILBERG. Mr. Speaker, The National Society of State Legislators held its annual meeting this year in Philadelphia from Wednesday, October 20, 1971, through Friday, October 22, 1971. Among the many special activities conducted were panels on the Attica State prison, drug addiction, juvenile justice, court reform and prison reform. All activities were well attended with delegates from around the country. The news media covered this annual meeting with great interest.

One of the sparkling features of this meeting was an address by our colleague, the Honorable WILBUR D. MILLS, chairman of the House Ways and Means Committee. He spoke about criminal justice, general revenue sharing, national health insurance, and other matters before his committee.

While all Members of the House will not agree with all the views Chairman MILLS expresses, it safe to say that every Member in the House thinks the world of him as a man and as a colleague.

The remarks of Congressman WILBUR D. MILLS, delivered October 22, 1971, at the Holiday Inn, Penn Center, Philadelphia, Pa., follows:

REMARKS OF CONGRESSMAN WILBUR D. MILLS

It is a real pleasure and privilege for me to join with my fellow legislators in this annual meeting of your excellent organization. We have many problems of mutual concern, and I appreciate your invitation to discuss them with you.

I am sincerely quite impressed with the bipartisan makeup of your organization, the professional purposes for which it was organized, and your goal of building a high level of professionalism among state legislators by providing the information and tools they need to do their job.

I was pleased to learn that my good friend, Cal Ledbetter, of Little Rock has recently become a member of your Board of Governors. I know he will make the same type of high contribution to your organization that he has always made as a representative in our legislature back home.

I am also pleased to see so many other friends from back home and from around the country taking a real interest in the work of your organization.

Today I would like to discuss with you my views on important pieces of legislation which are presently under consideration or have recently been considered by the Ways and Means Committee. Certainly, these proposals, including the President's revenue sharing proposal, are of as much interest and concern to you as state legislators as they are to us in Congress. We share the same objectives—better government and better results at all levels.

But before I go into these matters, I would like to say a few words about the important subjects with which you are immediately concerned in this annual meeting. I have been advised that the principal themes of this year's conference are *criminal justice* and *modernization* of State governments. You could not have chosen more timely or appropriate topics.

With the general public, I have a deep concern about the present state of our criminal justice system. I am concerned because of its failure to exercise power already in existence to stem the outrageous violence of a minority in our society, namely, the *criminal* minority, which attempts to suppress the rights of the majority. This unfortunately has led many citizens into believing that they are unprotected in their rights to liberty and indeed to life itself.

Whether this failure in our criminal justice system can be attributed primarily to a failure in the courts or the correction system, or the police force or society in general is the subject of continuing and heated debate in government bodies at all levels. It is also a current subject of editorial comment in the national and local press and, indeed, a matter for discussion in practically every gathering of two or more persons.

Whatever our individual views, one thing is certain—one of the major, if not the major, domestic issues is crime, crime in all its aspects. Another thing certain is that this is a problem which must be solved by government—Federal, State and local. While I have always firmly believed that most of our nation's problems can be solved by non-governmental means, I think we must agree that government agencies established for that purpose are clearly the only appropriate means for preventing crime and enforcing the law.

At the national level, I am convinced that we did take a proper step in the direction of better control of crime with the passage of the Omnibus Crime Control and Safe Streets Act of 1968, by funding programs for police, courts, corrections, and for control of organized crime and other crime-related problems. However, while we at the national level can help, the basic responsibility for solving these problems still remains at the local level, and it is here that you as State legislators can do so much. We in the Congress are most eager to give you our complete cooperation, but, as you well know, it is at the local and State levels that the challenge of crime in our free society must be met. Together, we can and must solve this problem.

With respect to the second of the two emphases of this annual meeting—modernization of State legislative machinery—recognition should be given the great strides you as leaders of state legislators have made and are making in the modernization of your organizations. The movement to modernize state legislatures, encouraged by your society and others with common interests, has been especially effective in the past decade.

This is manifested in your successful efforts in many legislatures in bringing about more efficient scheduling of legislative activities, adequate legislative compensation, adoption of sound committee systems, updating of equipment and the hiring of professional staffs. Modernization of legislative machinery is a necessary first step in solving the many and complex social and environmental problems that beset us today.

Basic to these problems is one with which I am very familiar. I am speaking of the very real and pressing financial difficulties of some of our State and local governments. We on the Ways and Means Committee are keenly aware that if our Federal system of government is to endure and function properly, State and local governments, as well as the Federal Government, must function on a sound financial basis.

With this in mind, the Committee in good faith has devoted a considerable amount of time in this session to the subject of general revenue sharing—a full month of public hearings and another month of executive sessions. It was to have been the continuing subject for the Committee's consideration until August 15 when it was displaced by the President's legislative recommendations under his "new economic policy" message. His recommendations in that message, as you will recall, included one that the effective date of any revenue sharing proposal be deferred until next year.

The Committee's examination of the so-called no-strings-attached revenue sharing proposal in public hearings and in its subsequent executive sessions, revealed and confirmed a number of glaring inequities, inadequacies and fallacies in the President's proposal. Very few proposals have enjoyed the dubious distinction of being publicly opposed at the same time by the National Association of Manufacturers, the AFL–CIO, the Chamber of Commerce of the United States and the American Farm Bureau Federation.

Despite all the ballyhoo and high pressure advertising devoted to this proposal by the Administration, careful study of the extensive evidence that has been presented to us has confirmed the initial reaction on the part of a substantial majority of the Committee that the Administration's revenue sharing plan is not the answer to the financial problems of the State and local governments. We must look elsewhere for the solution.

As I have said on many occasions, the President's general revenue sharing proposal has just too many basic deficiencies both as to principle and as to application. In my opinion, it cannot reach the financial root of the State and local government problems. It would not apply Federal funds where they are most needed and will do the most good. Money would be parceled out indiscriminately to all State and local governments, regardless of need, and without making the proper effort to encourage State governments to face up to their own problems—particularly, by improving their own tax systems. I am more than ever convinced that this program would be a truly inefficient and wasteful form of Federal aid.

Our study of the problem has established that there is diversity in the financial position and problems of the various State and local governments. It is only when individual local governments are examined that problems become apparent. We have found that their problems are not the same and, therefore, the benefits need not be the same.

Moreover, it is clear that among the various States, there are very substantial variations in tax effort. In 1969, if all the States and localities had made the same tax effort that was made by the average of the 10 States with the highest tax effort, State and local governments would have raised an additional $18.6 billion—an amount which is close to four times the amount of aid proposed by the Administration in its revenue sharing proposal.

In making these statements, I am not taking a negative attitude. However, in view of the limited resources available to the Federal Government, particularly Federal unified budget deficits during the fiscal year 1971 of $23 billion and the conservatively estimated deficit for 1972 of $28 billion, I know you must agree that we in the Federal Government must be quite selective in whatever aid is provided.

I need not remind you that the Federal Government has already given substantial aid to the State and local governments in the form of Federal grants-in-aid—for example, an estimated $30.3 billion in fiscal year 1971. Then, too, there is the exemption from income taxes of interest on State and local bonds which cost the Federal Government about $2 billion in 1969, as well as the income tax deduction for State and local taxes whereby the Federal Government is absorbing part of the State and local tax burden.

In addition, although the Administration has now recommended deferral of the effective date of H.R. 1, the "Social Security Amendments of 1971," we should not forget that this legislation, which has already passed the House, would relieve State and local governments of annual public welfare costs through the Federal assumption of the basic provisions for needy families with children and for aged, blind and disabled persons. The beneficial financial results to the States of federalization of public welfare are quite substantial, aggregating some $1.6 billion of State savings in the first year of operation. The President has recently asked that the effective date of this measure be deferred one year. I hope inaction in the Senate on it will not further delay the enactment and implementation of this much needed program.

Another subject of the Committee's agenda in which the States have a very considerable financial interest is the matter of national health insurance on which the Committee commenced public hearings on Tuesday. In our consideration of this subject, we shall be searching for means to provide significant savings to the States through a revision of the Medicaid program. For example, under the Administration's proposal, which is only one among the many that have been introduced, the savings to the States are estimated at *$1.8* billion. At this stage, it is impossible to predict the final form of the bill or the provisions it will contain, but certainly one of the Committee's prime considerations will be the opportunity this proposed legislation affords for very considerable cost savings to the States.

There are other possible means of assistance to the States under study by the Committee staff, including the so-called "piggyback" arrangement. This would make available to the States the Federal Government's relatively efficient income tax collection machinery, save them administrative costs, encourage more reliance on the State income tax and simplify filing requirements for taxpayers.

But the single most productive and helpful act the Federal Government could do for the States at this juncture is to get this country back on the path of stable economic growth. The current economic situation, in which the nation suffers simultaneously from inadequate productivity and high unemployment on the one hand and inflation on the other, has been very costly to States and localities. For example, State and local governments could have collected about $3.5 billion more in additional revenues in calendar year 1970 had the economy been at the full employment level. And in recent years, price rises due to inflation have been the single most important factor responsible for the almost crushing cost increases of State and local governments.

I, therefore, was one of those who genuinely welcomed the President's new economic measures of August 15, which thankfully transform inaction into action. On the day following his message, I announced public hearings in the Committee on Ways and Means on the legislative elements of the President's message relating to taxes. We concluded those public hearings in the span of just one week, a record period of time for a program of such magnitude and dimensions.

On September 29, the Committee filed its report on the bill, H.R. 10947, and on October 6, it was passed by the House. Most of you are familiar with its principal provisions restoring the investment credit, repealing the excise taxes on automobiles and light trucks, accelerating individual tax cuts, and providing tax incentives for exports.

I hope the Senate will follow the House's example and that the bill will be on the President's desk for approval at an early date. I am convinced it is a necessary step in putting our lagging economy back on the path to adequate and stable growth. The restoration of our economy to a proper growth rate would in and of itself vastly improve the financial position of State and local governments.

I am hopeful that the State and local governments will use the period between now and the time the Committee returns to the subject of revenue sharing to work out programs which will materially assist themselves. There are few things which could be more helpful in arriving at a satisfactory solution to this problem than a realistic and constructive approach by the State and local governments.

I know that an organization such as yours is dedicated to these realistic approaches, and I look forward to working with you. Again, I thank you for your kind invitation to be with you today.

UNITED PRESBYTERIAN CHURCH OPPOSES PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. CELLER. Mr. Speaker, I urge every Member of the House to read the communication sent to me on October 19, 1971, by the United Presbyterian Church. I agree that House Joint Resolution 191 would, in fact, make of government an administrator of religious practice and a judge of theology. The text of the letter follows:

The United Presbyterian Church,
Philadelphia, Pa., October 19, 1971.

The Honorable Emanuel Celler,
House Office Building,
Washington, D.C.

Dear Mr. Celler: We write to urge your opposition to H.J. Res. 191—the so-called "Prayer Amendment."

The first General Assembly of our church in 1789, commenting on the affirmation in our historic Westminster Confession that "God alone is Lord of the conscience and hath left it free from the doctrines and commandments of men . . ." said we "consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: (we) do not even wish to see any religious constitution aided by the civil power. . . ."

In 1962–63, our denomination undertook a study in-depth of church-state relations. One of the questions studied at the local congregational and regional (presbytery) levels was the issue of prayer and Bible reading in the public schools. One hundred and thirty-one presbyteries reported their findings, and *two-thirds of them approved opposition to that practice.* Nine hundred and eighty-nine sessions of local churches and congregational groups reported their findings and *two-thirds of them took the same position.*

These findings were ratified by the 175th General Assembly (1963) in adopting the Report on Relations between Church and State that:

Religious observances never be held in a public school or introduced into the public school as part of its program. Bible reading in connection with courses in the American heritage, world history, literature, the social sciences, and other academic subjects is completely appropriate to public school instruction. Bible reading and prayers as devotional acts tend toward indoctrination or meaningless ritual and should be omitted for both reasons. Ministers, priests, and rabbis should be free to speak in public schools, provided their speaking does not constitute religious indoctrination or their presence form a part of a religious observance.

The issue today is the same.

H.J. Res. 191 would make the first change in our history to our cherished Bill of Rights. It would, in fact, make of government an administrator of religious practice and a judge of theology.

There is no prohibition today against our children praying in school *as the spirit moves them*. Nor is there any prohibition against teachers teaching objectively about our country's religious heritage. Nor is there any prohibition against use of the Bible in connection with the study of world history, literature, etc. We would oppose such prohibition if attempted.

But we equally oppose nondenominational prayers authored, in effect, by those who are agents of the state.

We urge the defeat of H.J. Res. 191.

Sincerely yours,

Lois H. Stair,
Moderator of the 183rd General Assembly (1971).

ALASKA RURAL ELECTRIFICATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BEGICH. Mr. Speaker, this morning I had the opportunity to appear before the Subcommittee on Farm Credit and Rural Electrification of the Senate Agriculture Committee.

This subcommittee meeting was very important because those who testified at the subcommittee hearings pointed to the great need for increasing rural electrification projects throughout the United States. I was especially pleased to offer testimony because Alaska has a special interest in rural electrical programs. For this reason I entered testimony that showed what has been done in Alaska to date, in regard to rural electrification needs, as well as demonstrate what needs to be done in light of Alaska's rapid growth and development.

The testimony which I offered before Senator McGovern's subcommittee details some of the longstanding electrical problems facing the people of my State. At this time, if there is no objection, Mr. Speaker, I wish to insert the text of my testimony so that my colleagues in the Congress can be aware of some of the difficulties facing Alaska today:

Testimony of Congressman Nick Begich

Mr. Chairman, it is indeed a pleasure for me to offer testimony today before the Subcommittee on Farm Credit and Rural Electrification. This subcommittee has an outstanding record of being able to gather and evaluate relevant information and then codify these facts into meaningful and progressive legislation.

Alaska is a state of many contrasts. It is important that I come before this subcommittee because the people of Alaska have a special interest in rural electrification programs. We are the potentially richest supplier of energy in the United States but also we are the most underdeveloped power rich state in the Union.

My testimony will include an analysis of the programs already in progress within Alaska as well as a description of the needs and problems of the state regarding rural electrification. I would be remiss in my responsibility as a witness if I did not compare the present programs and present needs with the future growth of my state. Our potential is almost unlimited and I'm certain that you will find that the present programs are in need of revision in light of our great untapped potential.

Examining the present program we see that the Rural Electrification Administration has been in existence for more than 35 years. During this relatively short period of time, we have witnessed unprecedented changes in our world. During our own lifetime, we have witnessed more technological progress than all the combined generations of mankind before us. This is a startling reality, and its significance in terms of economic and social effects is difficult to fully grasp.

The mission of the Rural Electrification Administration has been to bring about change in rural America. While the R.E.A. has illuminated thousands of rural homes and many rural homes enjoy the benefits of modern telephone service, there is still much work to be done. Without question, the R.E.A. cooperatives in Alaska have played a key role in transforming rural Alaska and the aspirations and lives of thousands of people.

This is progress, but we cannot stop here, we must continue to update our R.E.A. systems to keep in pace with changing times.

Rural Electrification Administration loans to rural electric systems in Alaska provide service to an estimated 52,602 rural consumers over some 5,255 miles of service line. Loans made thus far to the 13 R.E.A. electric borrowers in the State including 11 cooperatives total $170,334,196.

Alaska's need for electrical power is more severe than any other state. The long period of sub-zero weather requires, efficient and inexpensive service.

Alaska has all the natural resources to produce power at low cost. Generally costs for power from hydro, coal, natural gas and oil sources can be low in some locations if sizeable plants and coordinated power systems can be built. What is needed now more than anything else is a complete and accurate study to determine all of the problems regarding rural Alaska electrification programs and all the ramifications for potential growth.

Since 1965, non-utility generating plants have increased to such a rate that they now serve 19% of Alaska's population. Public utilities increased their capacity to a total of 406,596 kilowatts, and this trend is projected to continue.

About 90% of Alaska's people have reliable electric service. However, I have visited many isolated villages that have no central station power and power is both inadequate and costly. In 1969, Alaskans were paying 3.13 cents per kilowatt hour. This is a vast improvement from the cost of electric power in 1960 at 4.32 cents per kilowatt hour. While there has been a sharp decrease in the cost of electrical power, the extended winters make the use of electrical power very costly. I might add, too, that Alaska's power cost is still higher than the average rates in all other states.

The delivery of power in Alaska is handled by several means. The Rural Electrification Administration has made several loans to borrowers in Alaska. The first R.E.A.-financed line emerged January 15, 1942 by the Matanuska Electric Association Inc. at Palmer.

Consumers served by R.E.A. borrowers in the State are using increasing amounts of electricity on their farms, in their rural homes and business. In 1960, the average monthly consumption per consumer was 580 kilowatt hours. By 1970, the average had risen to 1,348 kilowatts. As you can see, in a short period of 10 years, the consumer consumption more than doubled.

As of July of this year, the R.E.A. had advanced $170,334,196 to borrowers in Alaska. The funds have been invested by the borrower in their local electric facilities. By June 30, 1970 borrowers had energized 4,346 miles of line serving 44,351 farm and other rural consumers. Of the 310 farms in our state, 97% are receiving electric service.

By July 1, 1971, REA borrowers in Alaska had made a total of $35,636,203 in payments on their Government loans. The payments included $16,722,663 repaid on principal as due, $1,048,966 of principal paid ahead of schedule and interest payments of $17,864,574. These data clearly indicate that rural people of Alaska are using increasing amounts of electricity and are paying for it.

Over the past several years the Rural Electrification Administration has been working with State and Federal agencies to develop a feasible plan for providing electric service in 59 widely scattered villages. The Alaska Electric Cooperative at Anchorage was organized for the purpose of carrying out the plan developed through the efforts of REA, the Office of Economic Opportunity, the Bureau of Indian Affairs, the U.S. Department of Labor and the State of Alaska.

The Rural Electrification Administration made a loan allocation of $5,205,000 to the Alaska Village Electric Cooperative, Inc., about three years ago to finance the necessary construction and facilities.

Funds for staffing and other central administrative purposes were originally provided the cooperative by the Office of Economic Opportunity, under its Community Action Research and Pilot Project Program. The Department of Labor provided funds to train people from the villages to handle routine operation and maintenance of the systems in each of the villages.

To date, about $3.9 million have been advanced by REA to finance the program of the Alaska Village Electric Cooperative. Real progress has been made, 33 villages have already been electrified. But, of course, we must continue.

It should be noted too, that the people in the villages receiving the electric service will own and operate the cooperative.

While much progress has been made by REA to provide central station electrical service to rural people, the job is not nearly finished. During the past decade we have noted that the average consumption of electricity per consumer more than doubled. Estimates indicate that it will double again during the next ten years. This means that facilities will need to be improved and expanded to continue to meet the growing needs for electrical power. Financing will continue to be a problem. Even though an important step has been taken to provide a supplemental source of financing for the REA cooperatives, through the organization of an independent financing institution, owned and controlled by the borrowers, known as the National Rural Utilities Cooperative Finance Corporation, for the immediate future, at least, REA will have to continue to be the major source of financing for rural electrification.

Looking further into the future, the Alaska Power Administration estimated that by 1985 the annual investment for both utility and non-utility investors will reach as high as $70 million annually so that overall capital needs by 1985 may amount to as much as $750 million, bringing the total electric power investment in Alaska to over $1 billion.

Alaska has an underdeveloped water power potential of about 172.5 billion kilowatt hours average annual energy, or 36% of the nation's total underdeveloped water power. Without doubt, Alaska has enough power potential to satisfy its needs within the

State as well as supplying power for other states. The oil, gas and coal reserves continue to increase at an enormous rate. We are not exaggerating when we say that Alaska is the nations richest energy state.

In the past few minutes I have attempted to explain to you Mr. Chairman, the present program of rural electrification in Alaska, some of our problems and needs as well as provide a glimpse into the future.

While much more needs to be done, rural electrification is a program for which all Americans should be both proud and thankful. It has worked to change the face of rural America, from dark and dismal to bright, cheerful, and with hope for the future. Rural electric cooperatives have made valuable contributions to America's growth and have, on the basis of their past performance, earned a permanent place in the present and future of rural America.

POLITICS OF THE MILK PRICE SUPPORTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. FRASER. Mr. Speaker, Frank Wright, Minneapolis Tribune staff correspondent here in Washington, has done a superb job over the past 7 months in reporting on the political contributions of dairy farmers' organizations.

Wright has performed a major service by digging out and reporting the facts. Our political finance reform duties lie before us. This newspaper series is a case study in the issues we face. The weaknesses of the existing laws are mercilessly highlighted for all to see.

Mr. Speaker, we are all products of the existing system. We are thoroughly acquainted with the problems of financing political campaigns. We know both the strengths and the weaknesses of our present system. But certainly none of us ought to ignore Frank Wright's evidence. We ought not cynically label $255,000 in contributions to political organizations by groups benefiting from a 27-cent-per-hundredweight increase in milk price supports a "coincidence" and leave it at that, especially in view of the timing involved.

And though in this case Frank Wright was able to pierce the veil of dummy committees concealing the ultimate beneficiary of these particular political contributions, we all know that disclosure of political money sources and recipients is hindered, not aided, by existing legislation.

Alexander Heard, author of "The Costs of Democracy," a major scholarly book on political money, has written that one cannot be certain whether some are against publicizing political financial operations because they fear the public would understand or because they would not understand what was disclosed. Mr. Speaker, I believe the vast majority of the American people understand that it takes money to campaign for public office. We shall not suffer from a timely and candid disclosure of the sources of our funds. We must enact legislation to insure this disclosure.

The articles referred to follow:

[From the Minneapolis Tribune, Mar. 26, 1971]

DAIRY-INTEREST PRESSURE FORCES RISE IN MILK SUPPORTS

(By Frank Wright)

WASHINGTON, D.C.—The Nixon administration, yielding to pressure from dairy interests, reversed itself Thursday and announced a 27-cent-per-hundredweight increase in milk price supports.

The increase, to $4.93 per hundredweight for manufacturing-grade milk, effective for the new marketing year beginning next Thursday, was announced by Agriculture Secretary Clifford Hardin.

His action came almost two weeks after he announced March 12 that the federally guaranteed price of $4.66 would be continued during the coming year.

Between the two announcements milk producers pressured Congress and the administration for an increase.

They contended that a raise to close to $5.00 was needed to maintain support at about 85 percent of parity. The 85-percent level had been reached last year with the increase to $4.66, a raise of 38 cents over 1969. But, because of rising production costs, the $4.66 is now only about 80 percent of parity, the dairymen claimed.

In his original announcement of March 12, Hardin took note of the arguments for an increase but said that another raise could lead to overproduction, lower prices and increased government buying of surplus milk.

Hardin said that production during 1970 had risen to a level adequate for the nation's needs and that the average free market price of $4.72 was higher than the guaranteed support level. He said a further increase in the subsidy rate would not be in the long-term interests of producers.

"They know from past experience that they do not benefit when dairy production substantially exceeds demand and excessive surpluses pile up in government warehouses. We must avoid this," the secretary said on March 12.

In yesterday's announcement, Hardin did not refer to his earlier rationale for holding the line.

He said only that the department is constantly analyzing milk production and has found that "farmer costs have escalated sharply, particularly in concentrate feed, which has gone up $10 to $20 per ton. Farmers have no way to cut other costs to compensate for those which have risen."

[From the Minneapolis Tribune, Mar. 28, 1971]

DAIRY INDUSTRY'S POLITICAL WAR CHEST BRINGS PAYOFF

(By Frank Wright)

WASHINGTON, D.C.—For the past two years many of America's dairy farmers, including thousands from Minnesota, have been giving part of their income to a political war chest.

Last week those contributions—totaling more than $1 million—paid off.

The payoff came in the form of an abrupt reversal by the Nixon administration on the question of milk-price supports for the 1971 marketing year, which begins Thursday.

On March 12 Secretary of Agricultural Clifford Hardin had announced that the government-guaranteed price would not be increased and would remain at the $4.66 per hundredweight in effect for 1970.

The price applies to manufacturing milk, which is used to make butter, cheese and nonfat dry milk.

Hardin said in his announcement that production is adequate to meet the nation's needs and that most milk is being sold by producers in the free market at prices higher than the support level. He said he saw no need for an increase.

Last Thursday, just 13 days later, the secretary announced that he had changed his mind. He said the support level will be raised after all, to $4.93, an increase of 27 cents.

The dairy industry, with few exceptions, was ecstatic at the news, declaring it a great break for the milk-producing farmer.

There were, however, some experts who saw trouble ahead. If farmers respond by sharply increasing production, prices paid to them in the free market are likely to drop accordingly, it was said, and the administration's action could cost the taxpayers up to $300 million in increased subsidies.

So, in view of that financial risk, how did Hardin's about face come about?

Needless to say, it did not just happen.

It was the result of an intensive lobbying campaign mounted by the nation's biggest milk-producer cooperatives with the eager—and perhaps crucial—assistance of dozens of members of Congress, including many whose recent election campaigns were financed partially by the dairy industry's political war chest.

Among these congressional allies were some of the most powerful and well-known men on Capitol Hill, such as House Speaker Carl Albert, D-Okla.; Rep. W. R. Poage, D-Texas, chairman of the House Agriculture Committee; Rep. Page Belcher, R-Okla., senior minority member of the committee; Sen. Hubert Humphrey, D-Minn., a member of Senate Agriculture Committee; Sen. Edmund Muskie, D-Maine, currently the leading contender for the 1972 Democratic presidential nomination; Sen. Harold Hughes, D-Iowa, a darkhorse prospect for that nomination; Sen. William Proxmire, D-Wis., a ranking member of the Senate Agriculture Appropriations Subcommittee, and Sen. Gale McGee, D-Wyo., chairman of that subcommittee.

Most of them helped the lobbying campaign by cosponsoring legislation that, if passed, would have forced Hardin to raise the support price. Others, such as Belcher, did not put their names on the legislation but pressured the administration personally.

During the past two years, according to records filed with Congress, Poage received $5,000 from the dairy industry political financiers—even though he had no opposition for reelection in 1970. The record says that an additional $11,500 was spent on an appreciation dinner for Poage and $2,000 on a similar dinner for Albert, who also had no opposition last year.

Belcher received contributions totaling $5,000, Humphrey $10,625, Muskie $7,132, Proxmire $8,160 and McGee $2,000, according to the records.

Hughes was listed as receiving $5,000—even though he was not up for reelection last year. According to the records, his money was in the form of an "honorarium," the customary label applied in Washington to the fee for a speaking engagement.

The money was funneled through four organizations.

The biggest is the Trust for Agricultural Political Education (TAPE), political arm of American Milk Producers, Inc. (AMPI). Both organizations are headquartered in San Antonio, Texas, but draw support from approximately 32,000 member farms in 20 states ranging from the Caandian border to the Gulf of Mexico. Approximately 7,000 members are located in Minnesota, according to an AMPI spokesman. AMPI markets slightly more than 10 percent of the nation's milk.

The members, according to AMPI President John Butterbrodt, a Burnett, Wis., dairyman, voluntarily contribute one-third of 1 percent of their milk checks to TAPE, up to a maximum of $100 per year.

The maximum is set at that level, he said, to protect the anonymity of the givers. Persons who give more than $100 must be listed by name in the reports filed with Congress, as required by law.

Since the spring of 1969, when TAPE went into business, it has reported receipts of

$1,053,571 and expenditures—mostly in the form of campaign contributions to congressional candidates—of $447,291.

A second organization, the Trust for Special Political Agricultural Community Education (SPACE), has reported receipts of $181,472 and expenditures of $126,170.

SPACE is the political arm of Dairymen, Inc., a large milk cooperative group in the southeastern United States. Its headquarters are in Louisville, Ky.

The remaining two milk industry political organizations are smaller.

One is the Agricultural and Dairy Educational Political Trust (ADEPT) of Mid-American Dairymen, Inc., Springfield, Mo. Mid-America includes the old Twin City Milk Producers Association—which had about 3,000 members—and provides most of the fluid milk for the Minneapolis-St. Paul metropolitan area.

ADEPT has reported receipts of $13,803 and expenditures of $9,851, mostly to Humphrey and Muskie.

The other organization is the Agricultural Cooperative Trust (ACT) of the National Milk Producers Federation, located here in Washington.

The federation is an umbrella group representing about 80 super cooperatives or groups of cooperatives. It claims to speak for producers of virtually all the cooperatively marketed milk in the country, about 75 percent of all of the nation's milk.

ACT has reported raising $10,871 and spending $6,700.

The legislation promoted by these groups would have required the secretary to set the minimum price support at 85 percent of parity, close to $5. The dairy groups argued that this would only keep pace with rising production costs. The $4.66, they said, had been 85 percent a year ago but had since dwindled to about 80 percent.

Main sponsor in the House was Rep. Neal Smith, D-Iowa. About 70 others signed up, with Democrats outnumbering Republicans almost 5 to 1. More than 30 of the sponsors had received funds from the industry during 1969 and 1970 in amounts ranging from a few hundred dollars to several thousand. Several recipients, in addition to Poage, had no election opposition.

House sponsors from the Upper Midwest included Reps. John Zwach, R-Minn., who received $1,000 for his campaign, according to the reports; William Steiger, R-Wis., $1,000; David Obey, D-Wis., $3,500; Robert Kastenmeier, D-Wis., $50, and Alvin O'Konski, $100.

Among the sponsors who received no contributions, according to the records, were Democratic Reps. Donald Fraser and Robert Bergland of Minnesota, James Abourezk and Frank Denholm of South Dakota and Clement Zablocki of Wisconsin.

Main Senate sponsor was Democrat Gaylord Nelson of Wisconsin, a leading dairy state. Of the 22 other sponsors, 12 were up for election last year. Eight of them received contributions from the milk people.

Upper Midwest sponsors, in addition to Nelson, Proxmire and Humphrey, included Democrats Walter Mondale of Minnesota, George McGovern of South Dakota and Quentin Burdick of North Dakota. The record indicates that Humphrey and Proxmire are the only ones to receive money. Except for Burdick, none of the others was up for election last year.

The legislation was introduced within a week after Hardin's first announcement.

AMPI, apparently the spearhead in the move to pressure the administration, provided the lawmakers with considerable help. In Nelson's case, for example, an aide said AMPI lobbyists, operating from a three-room headquarters in a Madison, Wis., hotel, delivered the text of the bill to the senator's office—and he introduced it the same day.

In addition, according to the aide, AMPI provided at least some of the research material that Nelson used in a statement for the Congressional Record, inserted in conjunction with the bill. The aide said AMPI calculated the claim in the statement that Hardin's March 12 refusal to raise the support price would cost dairy farmers $500 million nationally this year and $90 million in Wisconsin.

(An AMPI spokesman told the Minneapolis Tribune that the cost to Minnesota Producers would be about $50 million, based on the assumption that market prices would drop about 50 cents per hundred weight.)

AMPI and the rest of the dairy industry had other weapons, too, in additon to the legislation sponsored by the approximately 100 members of Congress—legislation that Poage, the House committee chairman, said could be passed if the administration refused to act on its own.

Letters from AMPI members deluged numerous lawmakers, most of them Republicans who were sympathetic to the dairymen but who did not wish to break publicly with the GOP administration by signing up as sponsors of the bills. It was claimed that more than 50,000 came from AMPI's northern region, headquartered in New Ulm, Minn.

Many of the recipients, including Reps. Ancher Nelsen and Albert H. Quie from the heavy dairy regions of southern Minnesota, responded by privately urging the administration to alter its course. Both Nelsen and Que are Republicans.

Pressure also was applied directly to the Agriculture Department and to the White House.

George Mehren, as assistant secretary of agriculture under Minnesota's Orville Freeman in the 1960s, was added to the AMPI staff and began making the rounds in the Agriculture Department.

And, as frosting on the cake, the dairymen won an audience with President Nixon himself. Tuesday morning 16 industry spokesmen, including nine from AMPI, spent an hour talking to Mr. Nixon, Hardin and representatives of the Office of Management and Budget.

Several members of the milk delegation were from the Upper Midwest. They included Paul Affeldt, Sparta, Wis., president of Pure Milk Products Cooperative, which is merging with AMPI; Melvin Besemer, New Ulm, Minn., president of AMPI's northern region; Butterbrodt, AMPI national president; Bill Eckles, Fond Du Lac, Wis., general manager of Pure Milk Products, and Carlyle Hansen, New Ulm, AMPI northern region manager.

Not everybody gets to spend an hour with the President pleading their case; but, if, as the dairy audience indicates, they have spent more than $1 million on politics, it is easier to get in the door. This is especially true if they speak for a segment of society that recently has expressed itself at the polls as being unhappy with administration policies generally, as did many farmers in the 1970 elections.

With the threat of further farm revolt hanging over its head, the administration caved in.

Hardin's new announcement, raising the support price, came two days after the White House meeting.

The shift in position represented, to some degree, a defeat for a well-known Minnesota dairy cooperative, Land O'Lakes, Inc.

Land O'Lakes officials, prior to Hardin's first announcement, had circulated among administration farm officials a position paper opposing a price-support increase.

It said, in summary, that higher supports would increase production, cause sales of dairy products to decline, cause consumers to use substitutes for whole fluid milk and result in higher government costs. An increase would hurt the producer in the long run, it said.

That argument initially won out in the administration and was the basis for the March 12 announcement that there would be no increase.

The Land O'Lakes paper also claimed that AMPI had been engaging early this year in "apparent" market manipulations designed to drive the market price paid to producers up to unrealistically high levels, about $5.10 for manufacturing milk. This ploy, it was said, laid the groundwork for the AMPI argument that support prices could be raised to almost that level for 1971 without boosting government costs—because the free market price would always be higher than the support.

Unexpectedly high prices paid by AMPI for cheese in Wisconsin were cited by Land O'Lakes as evidence of manipulation.

One AMPI spokesman, Jim Hill of the northern regional staff, acknowledged in an interview with the Minneapolis Tribune last week that the organization "may have overpaid producers a little bit to prove our point—to get the market price up around $5."

But, he claimed, the prices were not unrealistically high, as claimed by Land O'Lakes, because the "consumers were not complaining. They wouldn't have revolted."

So far, nobody in Congress or in the Department of Agriculture has been moved to look further into the charges of market manipulation. Unless somebody does, the entire price-support incident appears closed.

Looking back on it, Quie had this comment: At first the department decided that Land O'Lakes made economic sense. And then it decided that AMPI made political sense."

Patrick Healey, head of the Milk Producers Federation, had this to say: "AMPI has found its political operation very useful to them."

Plenty of people here would second both comments.

[From the Minneapolis Tribune, May 30, 1971]

NFO Antitrust Suit Claims Co-ops Forced Farmers To Aid Political "Fund"

(By Frank Wright)

Washington, D.C.—The political fund-raising efforts of two large milk cooperatives, to which thousands of Upper Midwest dairy farmers contributed last year, are under fire in court.

It is alleged that the cooperatives, Associated Milk Producers, Inc. (AMPI) and Mid-America Dairymen, Inc. (MAD), "compelled" members to give to these "slush funds" and then "utilized these contributions to advance their monopolistic interests."

The allegations are contained in an antitrust suit filed May 14 in Federal District Court in Kansas City, Mo., by the National Farmers Organization (NFO) against AMPI and MAD.

The NFO action is in the form of an answer and counterclaim to an antitrust suit brought a day earlier in the same court by MAD.

The NFO suit does not spell out how the farmer members of the two co-ops were forced to make political contributions nor does it detail how the money supposedly was used to further a monopoly.

The funds first attracted the attention of the public a month ago when the Minneapolis Tribune reported that dozens of members of Congress who had received hundreds of thousands of dollars in 1970 election campaign aid from the co-ops later helped them in their successful fight for higher milk price supports.

The fight started March 12 when Secretary of Agriculture Clifford Hardin announced that the 1970 government-guaranteed mlik price of $4.66 per hundredweight would not be increased for 1971.

More than 40 lawmakers who had benefited from the co-ops' campaign fund almost immediately introduced legislation that would have forced an increase to about $5. The legislation was drafted by the co-ops.

Other congressmen privately urged the secretary to change his position on his own.

The pressure was too great and on March 25 Hardin capitulated, announcing an increase to $4.93.

According to reports filed with Congress, as required by law, the AMPI fund raised $1,053,571 and gave out $447,291. AMPI officials said at the time that members contributed voluntarily from their milk sale proceeds. The MAD fund was much smaller, reporting receipts of $13,803 and expenditures of $9,851.

The recipients included several Upper Midwest congressional candidates Sen. Hubert Humphrey, D-Minn., got $10,625, according to the records; Sen. William Proxmire, D-Wis., $8,160, Rep. John Zwach, R-Minn., $1,000; Rep. David Obey, D-Wis., $3,500; and Rep. William Steiger, R-Wis., $1,000. All but Steiger are on committees that handle agricultural legislation.

Others included such key people as Rep. Robert Poage, D-Texas, chairman of the House Agriculture Committee, and Sen. Gale McGee, D-Wyo., chairman of the Senate Agriculture Appropriations Subcommittee.

The suit does not indicate whether the price-support episode will be brought into the court battle, but so far it is the only public indication of the impact that the so-called "slush funds" have had.

The funds are only a part of a much broader dispute between the NFO and MAD for dominance in the milk market of the Midwest, including Minnesota and Wisconsin.

Each farmer group claims the other has conspired to restrain trade and has in fact restrained trade throughout the area.

Plaintiffs in the MAD suit include 32 individual farmers, among them 10 from Minnesota or Wisconsin.

The Minnesotans are Robert Alexander, Northfield; Arthur Anderson, Fergus Falls; Warren Krause, Buffalo; Donald Lohmann, Zumbrota; Lloyd Schaefer, Hutchinson, and Kenneth Varner, Montrose. Those from Wisconsin are Richard Kruschke, New Richmond; Laverne Ludwigson, Bloomer; Richard Peterson, Baldwin, and Gerald Sipple, Menomonie. All are members of MAD.

MAD claims the NFO effort to control trade in raw milk goes back to 1960 and includes NFO holding actions of 1967 and since, in which members refused to sell their milk in an attempt to drive up the price. The NFO is accused in the suit of using violence to intimidate MAD members and coerce them into joining the holding actions.

MAD asks that the NFO activities be declared unlawful, that the NFO "conspiracy" to restrain trade be enjoined and that MAD be paid triple damages for injury to its members' business. No amount of damage is specified, the determination being left to the court.

The NFO denies the charges and says that even if they were true, the four-year statute of limitations has expired.

The organization asks dismissal of the suit and accuses MAD and AMPI of themselves conspiring to monopolize the milk trade.

The NFO claims that the co-ops' growth by merger with other dairy organizations, including several in Minnesota and Wisconsin, is improper and that they have otherwise acted illegally by trying to fix prices, trying to exclude NFO from the market and using "threats, boycotts and coercion" to discourage potential buyers of NFO-produced milk.

The NFO asks that MAD and AMPI be dissolved and required to pay triple damages of $125 million. The figure is based on $11.9 million in lost membership dues and $29.8 million in other losses.

No trial date has been set.

[From the Minneapolis Tribune, June 20, 1971]

Milk Price, Lobby's Gifts Rose Together

(By Frank Wright)

WASHINGTON, D.C.—President Nixon's decision three months ago to raise milk-price supports was accompanied by at least $85,000 in 1972 campaign contributions from grateful lobbyists for the nation's dairy farmers.

The contributions are disclosed in new reports of political financing filed with the clerk of the House of Representatives by the lobbyists themselves, as required by the 1925 Federal Corrupt Practices Act.

The reports cover the months of March, April and May.

They show that the money was given to a variety of Republican political committees by at least three different co-operative organizations of milk producers just before and just after the Nixon administration's announcement on March 25 that this year's government-guaranteed price would be increased 27 cents to $4.93 per hundredweight.

The announcement successfully climaxed an intensive campaign by the dairymen's lobby to reverse an administration decision 13 days earlier that the support price would not be increased and would instead remain at the 1970 level of $4.66.

According to the financial reports in the House clerk's office, most of the contributions—$45,000—came from an organization that represents most of the suppliers of fluid milk for consumers in the Minneapolis-St. Paul metropolitan area.

This was the chronology:

March 12, Secretary of Agriculture Clifford Hardin announced that there would be no increase in milk price supports for 1971. Production, he said, was adequate to meet the country's needs, and most milk was being sold by producers in the free market at prices higher than the existing support level. An increase was unnecessary, he said.

March 22. The Trust for Agricultural Political Education (TAPE) gave $10,000 to the GOP—$3,000 each to the Republican Campaign Committee and the Dinner Committee and $2,000 each to the Republican Victory Committee and the Committee for a Republican Congress.

TAPE is the political arm of American Milk Producers, Inc. (AMPI). AMPI, headquartered in San Antonio, Texas, has 32,000 member farms in 20 states ranging from the Canadian border to the Gulf of Mexico. Approximately 7,000 members are from Minnesota, and the national president—dairy farmer John Butterbrodt—is from Burnett, Wis.

March 23. Sixteen leaders of the dairy farmers' lobby met with Mr. Nixon for one hour at the White House to plead their case for higher price supports. The leaders included Butterbrodt and officials of Dairymen, Inc., headquartered in Louisville, Ky., and Mid-America Dairymen, Inc., headquartered in Springfield, Mo. Hardin sat in with the President.

March 24. The Trust for Special Political Agricultural Community Education (SPACE) gave $25,000 to five GOP committees—$5,000 each to the Republican National Finance Operations Committee, the Republican National Candidates Conference, the Republican National Committee, the Republican National Finance Committee and the Republican National Associates.

SPACE is the political arm of Dairymen, Inc.

March 25. Hardin announced the price-support increase. He said "continuing research" had turned up new information on farmers' rising costs that had to be offset by a higher guaranteed price for their milk.

April 1. The 1971 marketing year began, and the new support went into effect.

April 5. The Agricultural and Dairy Educational Political Trust (ADEPT) gave $45,000 to nine GOP committees—$5,000 each to the Kickoff '72 Republican Dinner Committee, the Republican National Committee, the Republican National Finance Committee, the Republican National Finance Operations Committee, the Republican National Associates, the Republican Victory Committee, the Republican Campaign Committee, the Committee for a Republican Congress and the Republican Congressional Candidates Conference.

ADEPT is the political arm of Mid-America Dairymen. Mid-America includes the old Twin City Milk Producers Association, whose members number about 3,000. They provide most of the milk for the Twin Cities and their suburbs.

May 7. Space gave another $5,000, this time to the Kickoff '72 Committee.

The March, April and May contributions are the continuation of a milk-fed flow of political money that began in 1969.

The dairy groups collected more than $1 million that year and the next from their farmer members and gave more than $600,000 to friendly candidates in the 1970 congressional elections.

Dozens of those who got elected last fall came to the dairy farmers' aid this spring, helping in the campaign to pressure the administration into changing its mind on price supports.

Their ranks included such high-powered congressmen as House Speaker Carl Albert, D-Okla., Rep. W. R. Poage, D-Texas, chairman of the House Agriculture Committee; Rep. Page Belcher, R-Okla., senior minority member of the committee; Sen. Hubert Humphrey, D-Minn., the 1968 Democratic candidate for president, and Sen. Edmund Muskie, D-Maine, a leading contender for the 1972 Democratic nomination.

The rest of the list was similarly bipartisan.

But this year, with a presidential election just over the horizon, it appears that the dairy farmers already have rather firmly decided that Mr. Nixon, their Republican benefactor, is their man.

That conclusion is based on the fact that while they were giving his party $85,000, they were giving the Democratic Party $16,000.

Undoubtedly, there is more to come. Collections received by the dairy groups so far this year, according to the reports on file, total more than half a million dollars.

[From the Minneapolis Tribune, June 23, 1971]

Dairy Co-op Officials Deny Knowledge of Gifts to GOP

(By Frank Wright)

WASHINGTON, D.C.—Officials of three large dairy cooperatives said Tuesday that they know nothing about $85,000 in contributions made by their members to the Republican Party during a campaign for higher milk price supports.

John Butterbrodt, of Burnett, Wis., president of American Milk Producers, Inc. (AMPI), said "Gee, that's news to me. I really couldn't explain it."

John Moser, of Louisville, Ky., president of Dairymen, Inc., said "As to time and amount, I don't have that direct information."

William Delano, of Springfield, Mo., executive vice president for finance and treasurer of Mid-America Dairymen, Inc., said, "I'm not in a very good position to help with that. I can talk only on supposition."

The contributions came to light last week in political-financing reports filed with the clerk of the House of Representatives as required by the 1925 Corrupt Practices Act.

The reports were filed by trust funds set up in connection with the three cooperatives, beginning a little over two years ago. Since then the funds have reported raising almost $2 million. Almost all, if not all, of the contributors are farmer members of the co-ops. About half the money has been given to members of Congress friendly to dairy interests.

Recently, according to the latest reports, the bulk of the money has been going to national GOP committees.

The fund related to AMPI, which has about 7,000 members in Minnesota, gave $10,000 on March 22, the day before 16 dairy farmer leaders, including Butterbrodt and Moser, met with President Nixon and Secretary of Agriculture Clifford Hardin at the White House and urged them to increase the support price.

The fund related to Dairymen, Inc., which operates mainly in the southeastern United States, gave $25,000 on March 24, the day after the meeting and the day before Hardin announced that the guaranteed price would be raised from $4.66 per hundredweight to $4.93.

The fund related to Mid-America, which supplies most of the fluid milk in the Minneapolis-St. Paul vicinity, gave $45,000 on April 5. The dairymen-connected fund gave $5,000 more on May 7.

When asked by the Minneapolis Tribune yesterday to comment on the timing of the contributions, Butterbrodt, Moser and Delano all said that they could not do so.

Butterbrodt said that although links exist between AMPI and the trust fund—the same man is comptroller of AMPI and trustee of the fund, for example, and members of AMPI serve on the committee that controls the fund—it is a separate legal entity, and he is not personally involved in its operations. "I have no knowledge of what the trust is doing," he said.

He suggested that questions be directed to Robert Isham, of San Antonio, Texas, AMPI comptroller and fund trustee. Isham's secretary said that he was out of town yesterday and would be all week.

Arthur Moczygemba, AMPI director of information, said, "We don't disown the trust fund, but we have no say in it. The only way you can connect us is through the back door."

Moser said that he is chairman of the committee that oversees the fund related to dairymen. He said that the committee functions largely in a review capacity, "looking things over after they happen."

The decisions on which politicians are to receive funds are left largely to three dairymen executives, he said. He identified them as J. E. Mueller, trustee of the fund; Paul Alagia, executive director and general counsel of Dairymen, Inc., and Joe Westwater, economist and reserve milk supply manager.

Moser referred inquiries to Mueller, but efforts to contact him twice by telephone yesterday were unsuccessful. His secretary, said that he was "in sort of a meeting."

Delano said that he was not a member of the committee that handles the Mid-America trust. "I just follow their orders," he said. He refused to identify the committee members, other than to say that they were members of the co-op, but did say that he would "see you get some answer from somebody regarding the timing and size of the contributions."

[From the Minneapolis Tribune, June 24, 1971]

GOP Won't Talk About Gifts From Dairy Lobby

(By Frank Wright)

Washington, D.C.—The White House declined Wednesday to comment on $85,000 in contributions made to the Republican Party by the dairymen's lobby while the Nixon administration was raising milk price supports.

The national chairman of the Republican Party also had little to say about the contributions.

Gerald Warren, President Nixon's deputy press secretary, told a regular afternoon press briefing at the White House that the administration would not discuss the matter "pending a check on the accuracy" of a newspaper article disclosing the contributions. The article, published Sunday in the Minneapolis Tribune, was based on reports filed by the lobby groups themselves with the clerk of the House of Representatives.

The White House had been asked by the Tribune before the briefing yesterday to comment on whether the contributions were discussed at an hour-long meeting between Mr. Nixon and dairy lobby leaders on March 23 and to comment on the propriety of the gifts.

Asked for similar comments, Sen. Robert Dole of Kansas, national chairman of the GOP, issued a brief statement saying that he was not aware of any such contributions. He also said that to the "best of my recollection these people have contributed to both parties" and "some of the leading members of these co-ops are Democrats."

The March 23 meeting with the President came during a series of contributions made by political funds associated with three large cooperatives—American Milk Producers, Inc., Dairymen, Inc., and Mid-America Dairymen, Inc. Their officials dominated the delegation to the White House.

Most of the contributions were made between March 22, the day before the White House meeting, and April 5, 11 days after the support increase was announced.

[From the Minneapolis Tribune, June 27, 1971]

Dairy Farmers Less Vocal Now in Lobbying Efforts

(By Frank Wright)

Washington, D.C.—For a while there it appeared as if the dairy farmers' lobby was going to be different.

Its leaders and spokesmen not only were proud of the way in which they had started to use money to help their friends stay in office and happy about the manner in which those friends had come to their aid in their time of need. They also—and this is what made the dairymen unique—were eager to tell the world about it.

But now all that is changing.

They are finding that publicity is not always desirable—and they are starting to clam up in a manner similar to the many more experienced special-interest organizations that always have felt that the less the public knows about their political funds and their lobbying campaigns the better.

Apparently feeling that their declining numbers by themselves were no longer an adequate political force, the dairy farmers decided late in 1968 to try to see if their money could give them a bigger voice in Washington.

Three of the biggest dairy cooperatives set up political trust funds to handle money contributed by co-op members and a few other people. The three are Dairymen, Inc., of Louisville, Ky.; American Milk Producers, Inc., of San Antonio, Texas; and Mid-America Dairymen, of Springfield, Mo. The last two have thousands of members in the Upper Midwest.

Since then they have raised close to $2 million, according to reports they have filed with the clerk of the House as required by federal law.

The funds' activities did not really attract public attention, however, until last March when the coops began an intense campaign for higher milk-price supports. The campaign went into high gear after the Nixon administration announced on March 12 that it saw no need to raise supports for 1971.

The co-ops enlisted dozens of allies on both sides of the aisle in Congress to pressure the administration privately and to introduce legislation that would require an increase in the support level.

Reporters inquiring into the campaign discovered from reports filed earlier in the House clerk's office that many of the congressmen who were aiding the co-ops had also received substantial campaign contributions from the trust funds during 1970. The contributions totaled about $600,000.

At that time co-op officials were more than willing to talk. John Butterbrodt, of Burnett, Wis., president of American Milk Producers, freely described how members could have their political contributions deducted from their co-op milk checks and turned over to the trust fund.

For another example, after the administration reversed itself on March 25 and announced that milk supports would go up from $4.66 per hundredweight to $4.93, Arthur Moczygemba, director of information for American Milk, asked a reporter how to obtain 30 extra copies of the reporter's article detailing the connection between the campaign contributions and the congressional pressure for the price increase.

"We want to send them to all of our national and regional directors to show them how effective this has been," he said. Then came the change.

Reports filed by the trust funds earlier this month covering contributions made during March, April and May showed that $85,000 had been given to President Nixon's party—the Republicans—at the time he was discussing price supports with the co-op leaders and making the decision to raise them.

Nobody denied that the contributions had been made, but neither was anybody in authority willing to discuss why they had been made at that particular time and in such a generous amount—an amount which, according to the records, made them the largest from any single source during the spring reporting period.

Co-op officials, in general, pleaded ignorance. Butterbrodt said that it was all news to him. Moczygemba said that the trusts weren't really closely connected to the co-ops at all, and that the co-ops really had nothing to say about what they did.

Officials of the trusts, all of whom happen to be co-op employees, either were unavailable for comment or refused to discuss the matter.

The White House said Mr. Nixon would have no comment. The GOP said Sen. Robert Dole of Kansas, national party chairman, was unaware of the contributions.

About the only persons who have said anything substantive since the $85,000 in gifts came to light are W. R. (Preach) Griffith and Lyn Nofziger.

Griffith is a farmer in Newcastle, Okla., and chairman of American Milk's Government Relations Committee. He said that while the co-ops weren't trying to buy anybody, "You've been around long enough to know you don't get nothing you don't pay for."

Nofziger is communications director for the GOP and a veteran political practitioner who once was press secretary to Gov. Ronald Reagan of California. With what sounded like a chuckle, he said that the whole thing looked like "coincidence."

[From the Minneapolis Tribune, Sept. 3, 1971]

Dairy Farmers' Extravaganza To "Star" Nixon

(By Frank Wright)

Chicago, Ill.—The nation's biggest dairy cooperative is about to flex its newfound political muscle with a two-day extravaganza starring President Nixon, 21 congressmen and a crowd of almost 40,000.

The occasion is the second annual meeting of Associated Milk Producers Inc. (AMPI), the organization that contributed hundreds of thousands of dollars to farm-state congressmen in the 1970 election and then enlisted their aid last spring in forcing the Nixon administration to raise milk price supports.

Mr. Nixon will speak at tonight's opening session in McCormick Place auditorium on his way back to Washington, D.C., from the Western White House in San Clemente, Calif.

The congressmen, including two from Minnesota and several of the most influential leaders on Capitol Hill, will speak Saturday morning at a series of breakfasts in downtown Chicago hotels.

The two Minnesotans are Sen. Walter Mondale, a Democrat, and Rep. John Zwach, a Republican.

Others from Congress include House Republican Leader Gerald Ford of Michigan; his assistant leader, Leslie Arends of Illinois; and House Democratic Whip Thomas O'Neill of Massachusetts.

Others include Rep. W. R. Poage, D-Texas, chairman of the House Agriculture Committee; Rep. Page Belcher, R-Okla., ranking minority member of the committee; Sen. Herman Talmadge, D-Ga., chairman of the Senate Agriculture Committee; Sen. Jack Miller, R-Iowa, the committee's ranking minority member; and Sen. John Stennis, D-Miss., chairman of the Senate Armed Services Committee and a senior member of the Senate agriculture subcommittee.

Tonight's speech by the President will be his first to a major group since his about-face on the milk-support issue in March.

The administration initially announced that it would not raise the government-guaranteed price this year. Then, in the face of the lobbying effort led by AMPI, it reversed itself less than two weeks later and boosted the 1971 level to $4.93 per hundredweight, an increase of 27 cents.

Rounding up dozens of farm-state congressmen to pressure the White House was only one technique employed by AMPI in persuading Mr. Nixon to change his mind. In addition, AMPI and other dairy farmer co-ops contributed at least $85,000 to various national committees of Mr. Nixon's Republican Party at the time the price increase was being announced.

Tonight's appearance by the President and Saturday's by the congressmen thus amount to a recognition of and a tribute to the well-financed political power of this young organization.

It has approximately 43,000 individual members in 22 states stretching across the middle of the country from Minnesota and Wisconsin on the north to Texas on the south. Its political funds come from the members, who contribute up to $100 annually from their milk checks on what, according to AMPI officials, is a voluntary basis.

Mr. Nixon and most of the congressional speakers will be coming here with an eye not only on the past but also on the future—the 1972 election. Mr. Nixon will be up for reelection then, as will all of the 10 House members and six of the senators, including Mondale. They will not be adverse to securing AMPI support.

At least some of the congressmen will receive fees for their appearances here, but AMPI spokesmen refused to say which ones will be paid or how much.

Last year, according to public reports made by members of Congress under the rules of the Senate and the House, AMPI paid individual fees of up to $5,000 to eight speakers.

Mondale is among those who will receive no fee. His office said that he was offered one but rejected it. No amount was discussed, his office said. He will receive expense money for travel and hotel costs for himself and one staff member, his office said.

[From the Minneapolis Tribune, Sept. 4, 1971]

Nixon Sees New U.S. Prosperity

(By Frank Wright)

Chicago, Ill.—President Nixon spent 30 minutes Friday night praising an audience of politically potent dairy farmers and telling them that his new economic policy holds the promise of unprecedented prosperity for agriculture.

The 40,000 milk producers and their families, attending the opening session of the annual meeting of Associated Milk Producers, Inc. (AMPI), appeared to love it, interrupting Mr. Nixon almost 20 times with applause.

Mr. Nixon, whose relationship with dairy farmers has been often tense, made a special trip to Chicago for this appearance, doubling back from a stop earlier yesterday in Dayton, Ohio, on his way home to Washington, D.C., from the Western White House in San Clemente, Calif.

His decision to accept the AMPI invitation was a recognition of the importance of AMPI and the newly revitalized dairy-industry lobby that it leads.

Last spring, after Mr. Nixon had announced that he would not increase dairy-price supports this year, AMPI marshalled dozens of its friends in Congress, many of whom had shared in more than $400,000 in campaign contributions made by the milk-marketing cooperative last fall, and pressured the administration until it changed its mind.

The pressure campaign was sweetened somewhat by contributions totaling $85,000 from AMPI to Mr. Nixon's Republican Party.

The administration reversed itself and decided to raise the support price after all, boosting it 27 cents to $4.93 per hundredweight.

Complimenting the dairy industry for leading agriculture in increased productivity, Mr. Nixon described AMPI as "one of the strongest forces in blazing new economic trails. As America's largest dairy cooperative you have moved effectively to help improve the quality, expand the variety and increase the volume of American dairy products.

"You have," he said, "pioneered in developing a total marketing concept which many other producers would do well to consider. And all of this you have done on your own, neither whimpering helplessly about uncontrollable economic forces or waiting passively for government to bail you out."

He said his new economic policy, particularly his international monetary maneuvers and his freeze on prices, offer farmers relief from the inflation that has been "crushing our farm families and farm communities for many years now like a great invisible vice."

Farmers, Mr. Nixon said, "have a great deal to gain from the 'New Prosperity' to which our new economic policies are dedicated."

As he has done before other audiences since expounding his new policies, Mr. Nixon urged his listeners to help in developing the "new American spirit" that will be necessary for the policies to succeed.

"Your contribution can be decisive," the President said, urging that farmers help the country to recognize "the dignity of work," the need to make sacrifices during the 90-day freeze on wages and prices and to "never resign ourselves to being second best."

Mr. Nixon briefly became a super salesman for milk, recalling how a glass of good, fresh milk was what he really wanted most when he returned from 14 months of duty with the Navy in the Pacific in World War II and from a 70-day trip to Asia during the 1950s while he was vice-president.

His listeners cheered when he said: "We in America should be thankful we can get a glass of good, fresh milk whenever we want it."

Mr. Nixon shared the platform last night with Gov. Richard Ogilvie of Illinois and Mayor Richard Daley of Chicago. It was the President's second trip to this pivotal state in less than a month, and he has said that he will return here frequently prior to the 1972 election.

The President carried Illinois by a narrow margin in 1968, and his aides have said it will be crucial to his chances for reelection next year.

The MPI meeting will conclude today with a series of morning breakfasts addressed by 21 congressmen in downtown hotels, to be followed by a business session.

[From the Minneapolis Tribune, Sept. 5, 1971]

Milk Producers Vote To Seek Higher Milk-Price Supports From United States

(By Frank Wright)

Chicago, Ill.—The nation's largest dairy farmer cooperative, encouraged by the success of its first all-out lobbying campaign for higher milk price supports, is going to push for a further increase.

Delegates attending the final session of the second annual meeting of Associated Milk Producers, Inc., (AMPI) voted unanimously Saturday to urge Secretary of Agriculture Clifford Hardin to raise the government-guaranteed price level to 90 percent of parity, the limit permitted by law.

This would be $5.30 to $5.35 per hundredweight for manufacturing milk, which is used to produce butter, cheese and nonfat powdered milk. The present support price is $4.93.

When set by Hardin in March, the support price was 85 percent of parity—parity being a ratio used in federal farm laws to describe a supposedly fair price to the producer of agricultural products in relation to his costs.

Since then, because of inflation, the $4.93 has declined to about 83 percent of parity.

The current support price was established as the result of an intensive dairy industry push led by AMPI after the Nixon administration initially announced that it was going to continue the 1970 price of $4.66 through this year.

Within a matter of days, AMPI and several smaller milk producer cooperatives marshaled a bipartisan force of dozens of sympathetic congressmen to pressure the White House for an increase. The congressmen had received 1970 election campaign contributions totaling almost $500,000 from the farmers and were returning the favor.

At the same time, the dairy farmer organizations made contributions totaling at least $85,000 to the national Republican Party. In less than two weeks, the administration granted the increase. That victory has been referred to frequently at this meeting of AMPI, which includes thousands of farmers from Minnesota and whose national membership has grown from 29,000 to 44,000 in the past year.

In yesterday's resolution AMPI said another increase in the support price is necessary to "guarantee consumers a continuing adequate supply of domestically produced milk and milk products at a reasonable price and to allow dairy farmers to receive equitable economic benefits for their labor and investment."

The AMPI action came less than 24 hours after Mr. Nixon, in a speech to the convention, urged dairy farmers and others in the agricultural community to help develop the national spirit of cooperation necessary for the success of his new anti-inflation policies, including the 90-day freeze now in effect on wages and prices.

Although the resolution might appear to some to disregard Mr. Nixon's plea, the AMPI argued that, technically speaking at least, it does not.

Prices on raw agricultural products—such as milk being sold to processors by the farmer—are exempt from the freeze, it was noted.

And, in any event, it was said, a new increase in government supports—should the administration be willing to grant one—would not come until after the 90 days expire. The support price is set annually under the farm law for a marketing year that begins April 1. The freeze is due to expire in mid-November.

[From the Minneapolis Tribune, Sept. 12, 1971]

Dairymen Go Underground To Deliver Money to GOP

(By Frank Wright)

Washington, D.C.—The nation's dairy farmers have gone underground with at least one of their big new political funds.

Instead of giving money directly and openly to clearly-identified candidates for Congress and to long-established national committees of the Republican and Democratic Parties as it has done in the past, the fund operated by Mid-America Dairymen, Inc., has started to channel its contributions into a network of obscurely-named Washington organizations created primarily to support President Nixon's 1972 reelection campaign without attracting public attention.

Such organizations often are used to get around federal election campaign laws limiting contributions and requiring a public accounting.

The change in tactics was disclosed last week in the latest report filed by Mid-America, an extensive milk-marketing cooperative that includes members of the old Twin Cities Milk Producers Association, suppliers of most of the dairy products consumed in the Minneapolis-St. Paul metropolitan area.

The periodic report, required under the 1925 Corrupt Practices Act, was made to the House clerk's office in the name of the Agriultural and Dairy Educational Political Trust (ADEPT), Mid-America's political arm.

The report showed that during June, July and August ADEPT made $2,500 contributions to each of six organizations—a total of $15,000.

The six organizations are the Organization of Involved Americans, Americans United for Political Awareness, Americans United for Political Involvement, Americans Participating, Americans United for Decent Government and Americans United for an Informed Electorate.

The names give no hint of party or candidate affiliation.

But, by tracing the addresses listed for the organizations in the ADEPT report and by interviewing several individuals who live or work at those locations, the Minneapolis Tribune pieced together a trail that led to Robert Bennett, son of Republican Sen. Wallace Bennett of Utah and former director of Congressional relations for the Department of Transportation.

One of the organizations was listed to the residence of Robert Bennett's sister. Another was listed to the residence of an attorney who turned out to be a friend of Bennett's in the local Mormon church. Another was listed to the attorney's Washington office. Another was listed to the home of a secretary who works in the attorney's suburban Virginia office. Another was listed to the old Washington office address of Bennett's present employer, Robert R. Mullen & Co., a public relations firm which often has worked in national GOP campaigns.

Interviewed at week's end in the firm's new office a block from the White House, Bennett acknowledged that he was responsible for setting up the six organizations used by ADEPT and for creating several other similar ones as well.

Bennett, who said he has been supporting Mr. Nixon since his 1960 campaign against John F. Kennedy, described the organizations as "a little quiet something I can do."

He said they were set up recently after he and "several friends" decided there was a need for additional "funnels" to handle money intended for Republicans—especially Mr. Nixon—in the coming campaign.

He did not say who the friends are.

Bennett said that his series of committees will allow big contributors to "stay within" the law, which imposes a $5,000 limit on the amount any one contributor may give to any one recipient.

(Election law reform advocates, such as Common Cause, take a different view of this technique, frequently known as the dummy committee. Reformers argue that its use allows big contributors to avoid the intent of the law and give as much as they wish, sometimes enough to acquire undue influence over the recipient if he is elected.)

Bennett said it is possible that some of his committees may eventualy make public reports of what they do with the money they raise this year and next, but he indicated that that is not likely.

He noted that all of them are using a Washington bank as a depository and that the law requires no reports as long as they send no money across state lines. Crossing state lines is easily avoided because most candidates for President and Congress have offices in Washington.

He said he did not know how ADEPT, headquartered at Mid-America's home base in Springfield, Mo., learned of his string of organizations. But, he added, news of their existence is being spread to potential Republican contributors "by word of mouth."

He said he did not know exactly how much money the committees have received so far.

ADEPT officials in Missouri also said they did not know Bennett's committees happened to be selected as the recipients for their latest round of contributions.

William Delano, executive vice-president for finance and the man who signs ADEPT's reports as trustee of the fund, said, "I just write the checks they tell me to and perform the clerical tasks."

He said that if they—meaning those who made such decisions at Mid-America—"don't tell me any more, I don't want to know and don't ask."

Delano said he gets his instructions from Gary Hanman, executive vice-president for marketing and a member of the trust fund committee that decides on contributions.

Hanman said he wasn't sure either how Bennett's committees came to ADEPT's attention or just why they were selected.

"Probably some people in Washington told us about them," he said. "Our understanding was they were Republican committees. That's as far as it went."

The most recent ADEPT contributions continue a heavily GOP trend in the farm group's giving that started last spring when Mr. Nixon, under heavy pressure from the dairy farmers' lobby, gave in to their demands for an increase in milk price supports.

His administration initially announced in March that there would be no increase.

But Mid-America and its allies, particularly Associated Milk Producers, Inc., and Dairymen, Inc., won support for an increase from dozens of congressmen whose campaigns had received financial aid from the milk farmers last year.

And, in addition, the milk men successfully encouraged the Nixon administration to change its mind by openly giving the Republican Party $85,000 and recording the gifts in their public reports. ADEPT gave $45,000 as its share.

In less than two weeks an increase in the milk price support from $4.66 per 100 pounds to $4.93 was announced.

The dairy farmers, judging from the latest ADEPT report, are still expressing their appreciation—although now by a more circuitous route.

[From the Minneapolis Tribune, Sept. 19, 1971]

New Dairymen Gifts to GOP Funds Revealed

(By Frank Wright)

Washington, D.C.—Dairy farmers now have contributed approximately a quarter of a million dollars to the 1972 national Republican campaign since President Nixon raised milk price supports last spring.

That total is based on new reports filed with Congress last week by the milk producers' two largest political funds. Required by federal law, the reports cover June, July and August.

The two funds—one connected with Associated Milk Producers, Inc. (AMPI) and the other with Dairymen, Inc.—said that during the three summer months they gave a total of $155,000 to a series of unpublicized front committees, most if not all of which recently have been set up to quietly accept money for Mr. Nixon's reelection campaign.

The existence of the committees, most of which consist of little more than an imaginative name and a checking account in a Washington bank, was disclosed a week ago by the Minneapolis Tribune.

At that time the Tribune reported that the smallest of the dairy farmer funds—one associated with Mid-America Dairymen, Inc.—had contributed $15,000 to the secret committee network in August.

Although the names of the committees gave no indication of their candidate or party connection, the Tribune traced them to Robert Bennett, son of Sen. Wallace Bennett, R-Utah, and a former Nixon appointee in the Department of Transportation who now is an executive with a Republican-oriented public relations firm here.

He said the committees were intended mainly to help Mr. Nixon.

Such committees, usually called dummy committees in the political community here, are commonly used to skirt election law limitations on contributions and requirements on public disclosure.

Under the law no contributor may give more than $5,000 a year to a candidate. By giving to a string of dummy committees which act as middlemen, unlimited amounts may be contributed. By technically operating only in Washington, the dummy committees avoid making reports of who they in turn pass the money to. The law requires reports only from committees functioning in more than one state.

In the case of the AMPI and Dairymen funds, they reported last week that they made $2,500 contributions to each of 62 committees.

All of the AMPI contributions—made through the Trust for Agricultural Political Education—came on July 9, according to its report filed with the clerk of the House of Representatives.

There were 50 gifts for a total of $125,000.

AMPI is headquartered in San Antonio, Texas. It has thousands of members in Minnesota and other Upper Midwest states, and its president, John Butterbrodt, is from Burnett, Wis.

The 12 Dairymen contributions—made through the Trust for special political agricultural community education—totaled $30,000 and were made Aug. 19.

Dairymen is headquartered in Louisville, Ky., and operates in the southeastern United States.

The $125,000 from AMPI, the $30,000 from Dairymen and the $15,000 from Mid-America, which also has many members in Minnesota, is in addition to $85,000 which the three milk-marketing cooperatives gave to several long-established and openly identified Republican Party committees in March and April.

That is a total of $255,000—all stemming from the day in March when the Nixon administration announced that the support price for milk this year would be raised from $4.66 per 100 pounds to $4.93.

In contrast, during the same six-month period from March through August the three dairy funds have reported giving less than $50,000 to Democratic candidates for Congress or to National Democratic Party committees.

This difference is reported to have caused some grumbling among farmer members, many of whom give up to $100 a year to the funds. The funds are run by trustees.

The committees listed in the AMPI and Dairymen reports carried such names as Americans Dedicated to Greater Public Awareness, Americans United for Better Federal Administration, Citizens for More Effective Community Involvement, Americans United for Sensible Agricultural Policy, Association for Fair Press and Americans United for Objective Reporting.

The United Trust Bank Building in downtown Washington was listed as the address for half of the committees. Others listed downtown office buildings and residences in Washington and suburban Maryland as their addresses.

One committee listed the previous location of Bennett's public relations firm as its address.

In an interview at week's end, Bennett acknowledged as he had done earlier in the case of the Mid-America contributions—that he was responsible for creating many if not all of the committees to which AMPI and Dairymen have given money.

He said those using United Trust as their address "probably are mine" because that is the bank he is using as a depository for the contributions. He said the other committees may well be connected to his operation also because they are "all in the same pattern."

He said he could not be sure, however, because some have been set up "by my friends, and I don't have a complete list of all the names."

Again—as he did with Mid-America—Bennett denied knowing how AMPI and Dairymen learned of the underground committees.

"How that message may have been carried to Garcia is beyond my ken," he said.

His "beat" he said, is retailing and transportation. He was with J. C. Penney Co. for five years before serving with the Department of Transportation as congressional liaison man for two. Most of his clients with the public relations firm—Robert R. Mullen & Co.—are in transportation or related fields, he said.

"I honestly wouldn't know a milk man if I saw one on the street," he said.

Efforts to contact officials of the AMPI and Dairymen funds for comment were not successful.

The latest reports bring to $1.98 million the amount raised by the dairy groups from their members for the political funds since they were started a little over two years ago. The biggest by far is the AMPI fund, which has gathered together $1.62 million, according to its report on file in Washington.

The dairy funds, the biggest new source of political money to come to light here in recent years, seem to be doing better all the time. In each case, the amount raised during the most recent reporting period was the largest in the history of the fund.

And it is still more than a year until the 1972 election.

[From the Minneapolis Tribune, Sept. 19, 1971]

DAIRY FARMER'S GROUP GIVES MONDALE $5,000

(By Frank Wright)

WASHINGTON, D.C.—Sen. Walter Mondale received $5,000 from a dairy farmers organization less than three months after he cosponsored legislation to raise milk-price supports.

The money came from Associated Milk Producers, Inc., (AMPI) in the form of a contribution to the Minnesota Democrat's 1972 reelection campaign.

The transaction is recorded by AMPI's political fund in a report filed with Congress covering fund activities for June, July and August.

The reports are required periodically under federal election law.

According to the report, on June 4 the fund gave $5,000 "for tickets" to the Mondale Dinner Committee in care of Mike Berman, the senator's administrative assistant.

In an interview, Berman acknowledged receiving the money and said it was for 50 tickets to a Mondale campaign fund-raising dinner June 5 at the Radisson South.

The tickets, Berman said, were distributed among AMPI members in Minnesota. AMPI is a 40,000-member milk-marketing cooperative, headquartered in San Antonio, Texas. Its operations cover more than 20 heartland states from the Canadian border to the Gulf of Mexico.

"We asked them for help, as we asked many others," said Berman, who was in charge of dinner arrangements.

All told, Berman said, the dinner grossed between $150,000 and $160,000. He estimated that net proceeds would be $112,500 to $128,000.

Berman said he saw nothing abnormal about the AMPI gift.

"I don't know that there is anything more to say," Berman said. "Obviously the senator has been for 90 percent of parity for as long as he has been in the Senate."

The legislation, on which Mondale was joined by dozens of other members of Congress, would have required the secretary of agriculture to raise milk-price supports to 85 percent of parity.

It was introduced in March at the request of AMPI and other dairy farmer cooperatives just a few days after the Nixon administration announced it was not going to raise price supports this year.

AMPI and its congressional allies, many of whom had received campaign contributions from the dairy lobby in 1970, argued that the existing support level of $4.66 per 100 pounds of milk had slipped from 85 percent of parity to about 80 percent because of rising farm costs, and urged that it be increased.

The dairy lobby, with the help of its Capitol Hill friends, was able to generate so much farm-state pressure that the administration reversed itself in less than two weeks and announced an increase, to $4.93 per 100 pounds.

The $5,000 subsequently given to Mondale was by far the largest single contribution to an individual listed in the current report of the AMPI fund.

Two other Upper Midwest members of Congress—Republican Rep. John Zwach of Minnesota and Democratic Rep. James Abourezk of South Dakota—each received $1,000 in August, according to the report. Like Mondale, both were cosponsors of the 85-percent-of-parity bill. In addition, Zwach is on the House dairy subcommittee.

Both Mondale and Zwach were speakers earlier this month at the AMPI convention in Chicago, Ill.

[From the Minneapolis Tribune, Sept. 26, 1971]

NIXON CRITICIZED FOR DAIRY LOBBY LINK—BOSCHWITZ ASSAILS CO-OPS' CONTRIBUTIONS

(By Frank Wright)

WASHINGTON, D.C.—One of Minnesota's highest-ranking Republicans, national committeeman Rudy Boschwitz, Saturday criticized President Nixon for his financial connections with the dairy lobby.

In a statement issued yesterday, Boschwitz described as "disturbing" the fact that "President Nixon's campaign organization accepted $155,000 from dairy organizations through 62 vounteer committees."

The contributions were made by the political funds of Associated Milk Producers Inc. (AMPI) and Dairymen Inc., two large dairy-farmer cooperatives, in July and August. During the same period, a third cooperative, Mid-America Dairymen Inc., gave $15,000.

Those contributions, together with $85,000 given earlier, brought to a total of $255,000 the funds donated to Nixon-oriented campaign committees since last spring, when the President bowed to the giant co-ops' demands and raised the government support price for milk. The donations referred to by Boschwitz were disclosed last Sunday by the Minneapolis Tribune.

Two of the co-ops—AMPI and Mid-America—have thousands of members in the Upper Midwest, and the president of one, John Butterbrodt of AMPI, is from Wisconsin. He farms near Burnett.

Meanwhile, it was ascertained last week that current projections indicate that the cost to taxpayers of the milk-subsidy program this year will be about $60 million higher than it was last year.

At least part of the higher cost, according to Department of Agriculture experts who help make the projection, is due to the Nixon-ordered increase in the support price from $4.66 per 100 pounds of manufacturing milk to $4.93.

Boschwitz did not confine his criticisms to Mr. Nixon.

The committeeman also noted that Sen. Walter Mondale, a Minnesota Democrat who is up for reelection next year, and numerous other Democrats in Congress have received campaign contributions from the dairy groups.

Boschwitz observed that most of them, including Mondale, helped the dairymen pressure the President by sponsoring legislation that would have forced him to increase the price support.

Mondale's money came from the AMPI fund, which brought $5,000 worth of tickets to a campaign fund-raising dinner for the Senator in June.

"All these things point to the crying need for reform, probably through legislation, of political contributions," Boschwitz said.

The reform emphasis, he said, should be placed on developing a "very complete and thorough-going reporting system of all campaign expenditures and contributions" rather than on "setting dollar limitations."

He said that it is "the strictness of those limitations in the present laws that cause the creation of the volunteer committee and the so-called dummy committees that are founded for the sole purpose of accepting funds and are used by both parties."

It was the dummy-committee technique that was used by the milk producers in making their most recent contributions.

The dairy funds listed the gifts in their most recent reports, filed earlier this month with Congress as required by law. However, the innocuous names of the committees that got the money—such as Americans Dedicated to Greater Public Awareness—gave no hint of who the real recipients were.

By checking the Washington suburban addresses listed for the committees, the Minneapolis Tribune was able to trace them to a long-time Nixon campaigner named **Robert** Bennett.

Bennett, the son of Sen. Wallace Bennett, R-Utah, is a public-relations executive in Washington. He has been active in every Nixon campaign since 1960.

He has said that his committee network is designed to accommodate big contributors who do not want to run afoul of the present ceiling of $5,000 on gifts to any one candidate. In the case of the dairy gifts, each committee received $2,500.

The committees may never have to publicly report to whom they gave the money if Bennett operates them as carefully as he has indicated that he intends to.

By transferring the money only in the District of Columbia, he has noted, the committees can take advantage of a legal loophole that requires reports only from those committees operating in two or more states.

Legislation pending in Congress would attempt to end these practices.

In addition to calling for campaign-law reform, Boschwitz also was critical of public indifference to the political system.

"Most importantly," he said, "those people who sit smugly at home in judgment of politicians should reexamine themselves. Because if all voters gave just $2 or $3 a year to the political party of their choice, the problem would be pretty well solved. Large political gifts wouldn't be needed.

"But since most people don't give and political campaigns are expensive and getting worse, large donations are necessary," he said.

As a result, Boschwitz said, "the cries of influence-peddling arise, the image of all politicians suffers, and good people who should get involved in the political process stay away."

Boschwitz, owner of a plywood-products firm and a relative newcomer to the upper echelons of politics, is the first political figure to publicly criticize either the dairy funds or their beneficiaries since they came to public attention last March at the time of the price-support dispute.

Otherwise, the public reaction of the political community has been one of silence, or, in a few instances, endorsement.

Boschwitz, who was elected committeeman in June, said that he conferred with only one person before issuing his statement. He declined to identify his counselor.

On the matter of milk-subsidy expenditures, Agriculture Department officials last week said that it now appears that the program for the current marketing year, which began April 1, will incur a net cost of about $440 million, an increase of almost 16 percent over the $380 million spent last year.

Increased production and lower sales of milk, as well as the higher unit price, are contributing to the higher total cost, they said. The government, in other words, is not only paying more for each pound of milk it buys but also is buying more pounds.

As a result, the government-held surplus of dairy products is building up; the stockpile as of Aug. 1, the last report available, was a billion pounds bigger than a year ago.

Some experts here believe that that trend may well continue next year, because dairy farmers, attracted by the higher support price, are likely to hold onto aging cows longer rather than cull them from their herds. Also, the farmers are likely to boost production per cow by feeding more grain—a carry-over from this year's expected record corn crop.

It was the fear of just such a surplus that, the Nixon administration said last spring, initially led it to decide that there would be no increase in the support price this year.

However, that was before the well-funded dairy co-ops went to work and persuaded the administration to change its mind.

[From the Minneapolis Tribune, Sept. 30, 1971]

AIDE SILENT ON DAIRY AID TO NIXON'S 1972 DRIVE

(By Frank Wright)

WASHINGTON, D.C.—The White House refused Wednesday for the second time to discuss the financial contributions that have been made by dairy farmers to President Nixon's 1972 reelection campaign.

Inquiries first were turned aside in June after the Minneapolis Tribune disclosed that three milk producers' organizations had contributed $85,000 to various national Republican campaign committees last spring at the same time the Nixon administration was raising milk price supports.

Earlier this month the Tribune disclosed that $170,000 more was contributed by the same organizations during the summer to a string of secret committees that were quietly set up by longtime Nixon supporters in Washington to receive campaign funds.

This week similar reports have appeared elsewhere—including articles in the Washington Post and the Wall Street Journal, an editorial critical of the contributions in the New York Times and a filmed report on CBS-TV.

Yesterday, during the regular morning press briefing at the White House, a reporter asked presidential Press Secretary Ronald Ziegler if the administration would comment on the "continuing generosity" of the dairy groups and the "propriety" of their contributions.

The full text of Ziegler's answer follows: "No."

The contributions came from the political funds of Dairymen, Inc., headquartered in Louisville, Ky.; Associated Milk Producers, Inc., San Antonio, Texas, and Mid-America Dairymen, Inc., Springfield, Mo.

Associated and Mid-America have thousands of farmer members in the Upper Midwest.

The three groups, all milk marketing cooperatives, went into campaign financing during the congressional elections last fall, using money contributed voluntarily, they said, in amounts up to $100 annually from their members. They doled out about $400,000 to farm state candidates.

Many of those who were elected came to the aid of the dairymen last spring when the administration at first rejected the farmers' appeal for a higher price support. Under pressure from the dairy groups and from the congressmen, the administration soon relented and boosted the price at which the government buys milk from $4.66 per 100 pounds to $4.93.

[From the Minneapolis Tribune, Oct. 3, 1971]

TWO STATE CONGRESSMEN URGE CURB ON TACTIC USED BY MILK LOBBY

(By Frank Wright)

WASHINGTON, D.C.—Two Minnesota congressmen dealing with election reform agree that techniques used by dairymen to hide recent contributions to President Nixon's reelection campaign should be outlawed.

The two are Reps. Bill Frenzel of the 3rd District and Ancher Nelsen of the 2nd district. Frenzel is a member of the House Administration Committee, and Nelsen is on the House Interstate and Foreign Commerce Committee. Both committees are considering legislation that would make changes in existing election laws, particularly in provisions limiting campaign contributions and expenditures and requiring public disclosure of campaign financing.

Frenzel and Nelsen are Republicans, as is Mr. Nixon.

The two congressmen said in separate interviews last week that they oppose the longstanding practice, used by many contributors including the milk producers, of giving funds to a string of innocuously-named committees set up in the District of Columbia to act as fronts for the real recipients.

The political funding activities of dairy farmers, including thousands in Minnesota and other Upper Midwest states, first came to public attention last spring in a dispute with the Nixon administration over 1971 milk-price supports.

The administration initially decided against increasing the subsidy, contending that it would lead to overproduction and higher surpluses. But, in the face of an intense campaign mounted by the dairymen with the help of dozens of congressmen, the administration quickly backed down and announced an increase in the government price from $4.66 per 100 pounds of milk to $4.93.

It subsequently was disclosed by the Minneapolis Tribune that many of the congressmen involved, Democrats and Republicans alike, had shared in approximately $400,000 in campaign contributions from the dairy farmers last fall. It also has been disclosed that contributions totaling $255,000 have been made to 1972 Nixon campaign support groups since the milk price was boosted.

The milk money has come from political funds linked with three large marketing cooperatives—Associated Milk Producers, Inc., San Antonio, Texas; Mid-America Dairymen, Inc., Springfield, Mo., and Dairymen, Inc., Louisville, Ky.

At first their contributions backing Mr. Nixon for a second term were made directly to well-known national GOP committees. But more recently the money has been going to a network of more than 60 committees bearing such names as Americans Dedicated to Better Public Administration and Association of Americans for Good Government.

The dairy groups have listed the gifts in the public reports they are required by existing law to file with Congress. But the names of the committees listed give no hint of the political party or the candidate who is being supported.

This practice is often used to get around current limits of $5,000 on individual contributions to a candidate and to avoid identifying the eventual recipient. The latter is possible because the front groups operate only in Washington and are not required to report.

Through sources other than the public reports, the Tribune traces the front committees to Robert Bennett, son of Sen. Wallace Bennett, R-Utah. The younger Bennett is a former Nixon administration official who is now a public relations executive in Washington. He has described establishment of his multiple committees as "a little quiet something I can do" and has said the money will be used for Mr. Nixon.

Last week Frenzel said, "One of the first things we want to do is get rid of all the quiet committees, all the District of Columbia committees. It's used by everybody, and I don't like it."

Reform, he said, is "desperately needed."

But he stopped short of commenting on the propriety of more than a quarter of a million dollars being given for the campaign of a high public official who recently has done the contributors a large favor.

"That's a road I don't want to go down," Frenzel said. "I was lobbied by the dairy farmers last spring," said the congressman, whose Minneapolis and suburban constituency contains few, if any, milk producers, "and the support price issue was beyond my competence then and is now. I don't know how the increase in supports tallies with subsequent contributions. I haven't followed it too closely."

Frenzel said he is prepared to back a Senate-passed bill that would create a new federal elections commission, set "auditable" and "enforceable" limits on expenditures for print and broadcast advertising and improve disclosure provisions.

Nelsen's remarks were similar. He attacked the general use of the dummy committee technique but avoided criticism of either the dairy groups or the President, his party's leader.

He does not blame them, he said, for "doing what so many others have done."

Nelsen showed his interviewer a letter he wrote Tuesday on the subject to Rudy Boschwitz, Republican national committeeman from Minnesota.

Boschwitz previously had become one of the few top-ranking politicians to speak out on the dairy gifts. He had said he was disturbed that Mr. Nixon's workers had accepted them and had called for reform of disclosure regulations.

In his letter, Nelsen said, "I share a concern as to these trends that have developed, but as other economic groups have established the practice, dairy farmers have come to realize that their only defense is to fight back with the tools that are presently used in other areas.

"The dairy farmer has found himself in an unenviable economic situation and as a result, thousands of dairy farmers have had to sell out. Dairy marketing groups have now been developed to increase the bargaining power of the dairyman in both the economic and political sense of the word," Nelsen's letter said.

Nelsen, 66, was a dairy farmer himself for years near Hutchinson, Minn., until he sold off his herd of more than 60 cows last spring. He said he has been a member of Mid-America Dairymen. In addition, the north central regional office of Associated Milk is located in his congressional district, at New Ulm, Minn.

Minnesota's two other Republican congressmen—Reps. Albert Quie of the 1st District and John Zwach of the 6th—also said in interviews that they favor an end to front committees and tougher disclosure laws.

[From the Washington Post, Sept. 27, 1971]

Dairy Cash Pours Into Dummy Committees—Milking Dollars for Nixon

(By George Lardner, Jr.)

The League for Concerted Action has never met the Committee for a Better Nation, but they have a lot in common.

Both are part of a huge stable of dummy committees with high-sounding names that have started collecting money for the re-election of President Nixon. Both have "chairmen" who profess only a nodding familiarity with the names of their own organizations and no knowledge at all of the thousands of dollars ostensibly sent to their homes.

Despite that, reports on file with the clerk of the House indicate that these committees, and dozens more, have already picked up a collective total of $170,000 from the Nation's dairy farmers alone. The cash, it seems, goes straight to the bank.

"There must be some mistake!" said Frederic C. Towers, an investment broker whose home in Bethesda is listed as the address of the Organization of Community Volunteers, one of 68 committees that were sent $2,500 each. "I never heard of that group."

W. Carter Bowles Jr. an attorney with the Washington firm of Covington & Burling, was less surprised but even more indignant about the use of his address. The Trust for Agricultural Political Education (TAPE) of San Antonio, Tex., reported sending $2,500 this summer to the Americans Organized for Political Stability at 10100 Bentcross Dr., Potomac, Md., which is Bowles' home.

"To say that I am not pleased is an understatement," Bowles said, adding that a friend told him about the reported contribution just a day or two ago. Bowles said he is not a member of Americans Organized for Political Stability and is not aware of anyone who is. "It is not authorized by me," he said.

Other organizations listed as receiving the campaign contributions do have their spokesmen, however. The money, they say, is to be used for Mr. Nixon's campaign even though it wasn't sent to them.

"It may have gone directly to the treasurer," said Maurice S. Williams, an electrical contractor whose Landover, Md., home was listed by TAPE as the headquarters of the League for Concerted Action. He said any donations, as he understood it, were to be turned over, to officials at the Republican National Committee. The League, Williams said, is simply a "funnel" for campaign cash.

"It was set up mainly to pour in funds for Richard Nixon," Williams said. "Some people like to donate anonymously. You know."

Williams said he was chairman of the League, or some committee with a name like that, but said he couldn't recall who his treasurer was. He said he has no connections at all with the dairy industry. He's just for Mr. Nixon.

So, apparently, is TAPE, the political arm of the Associated Milk Producers Inc., a fast-growing "super co-op" with 32,000 member farms in 20 states. Last spring, TAPE and two other political action funds for dairymen reported contributions totalling $85,000 to various Republican fund-raising committees just before and just after the Nixon administration granted an increase in milk support prices.

TAPE also donates to Democrats, but on July 9, according to its most recent report on political spending, it sent contributions of $2,500 each—a total of $125,000—to 50 organizations scattered about the Nation's Capital. The titles offer enough for anyone's tastes, from the Association of Political Activists, to the Organization of Moderate Americans, to Americans United for Objective Reporting to, simply, Americans Concerned.

Subsequently, on Aug. 19, the Trust for Special Political Agricultural Community Education (SPACE), and adjunct of Dairymen Inc., gave out $30,000 in lots of $2,500 each to another 12 committees.

The next day, on Aug. 20, the Agricultural and Dairy Educational Political Trust (ADEPT), the political arm of Mid-America Dairymen Inc., sent $15,000 to six more organizations, again all with metropolitan Washington addresses.

"Each of those committees has a treasurer," TAPE's treasurer Robert D. Isham said in a brief telephone interview about the 50 organizations that got money from his office. "We have signed receipts and legal opinion that these committees are proper in complete accordance with the Corrupt Practices Act."

Isham refused to say where TAPE got the list of organizations and claimed not to know where its money would eventually wind up.

"Really, I don't care to discuss it any further," he said when asked if GOP officials had supplied the names and addresses. He also refused to say just where the contributions had been sent.

The treasurers of SPACE, which has its offices in Louisville, Ky., and ADEPT, which is located in Springfield, Mo., could not be reached for comment.

The contributions however, have apparently been deposited at the Union Trust Co. whose office building at 15th and H Streets NW, is recorded as the home of 25 of the committees on TAPE's list. None is listed on the building directory, but Union Trust vice president Robert Lee O'Brien Jr. confirmed that the bank has been getting a substantial number of new organizational accounts, set up by people "in the political scene," virtually all of them Republicans.

A GATHERING PLACE

"All we are is a gathering place for the funds," O'Brien said. He declined to say who opened the accounts or who had authority to write checks on them.

Washington attorney John Y. Merrell said he couldn't even recall what bank the money was going to. One of the recipients of ADEPT's contributions, the Organization of Involved Americans, has its address at Merrell's office in Washington and another, Americans United for Political Awareness, at his home in Arlington. He heads one, he said, and his wife is chairman of the other. But he wasn't sure which was which.

Of the money, he said, "It goes into a bank account. It's in my committee's name. But I don't run it."

A solid supporter of Mr. Nixon, Merrell said he was enlisted several months ago by a public relations man named Robert F. Bennett who told him "they were going to form some committees and work for Richard Nixon."

"I'm just curious," Merrell told a reporter at one point. "How many are there?" He chuckled when told between 60 and 70.

Merrell said he had no idea how his mttee or any of the others were to get their donations. "He (Bennett) didn't tell me," Merrell said. "We didn't discuss it in any great detail." Bennett could not be reached for comment.

Sampson P. Holland of 1809 Varnum St. NW, a consultant for Remington Rand, said he couldn't even recall who enlisted him. His home is listed on TAPE's report as the headquarters of the Committee for a Better Nation while Remington Rand's address at 2121 Wisconsin Ave. NW is recorded as the home of Americans for a Sensible Agricultural Policy.

Holland said he'd never heard of Americans for a Sensible Agricultural Policy. "That's not the name I had," he declared. Asked whether he had lent his name to the committee for a Better Nation, he said, "That might be the one . . . Did they get $2500? I didn't get it . . . But if the money is for Mr. Nixon, I'm for it."

ENLISTED BY FRIENDS

Nominal heads of several of the committees enlisted others. John H. Middleton, a retired Government attorney, said he was asked by a friend, Jesse R. Smith, "to serve in the interests of the Republican Party. I agreed, principally to prevent the Kennedy family from taking over again. If it were Democrat, I would have refused most flatly."

Two organizations, the Association for More Effective Federal Action Committee and the Americans for Better Federal Planning Committee, are listed as having their offices at 3201 Morrison St. NW., which is Middleton's home. SPACE reported giving them a total of $5,000.

"I believe my wife is on one and I'm on the other," Middleton said. "It's been some time since I was asked."

Just back from a summer in Utah, Smith, whose home on Garrison Street NW., is supposed to be headquarters for Americans Working to Build a Better Community Committee, said he's gotten "nothing at all" in contributions himself, but was delighted to hear they were starting to come in, including $2,500 for his committee. He said he intended to check on the status of its bank account at Union Trust the first of the week.

Smith said he was asked to participate by "someone at the (Republican) National Committee," but he said he couldn't recall who that was.

"I'm not trying to hedge or anything," he said. "They sent me the cards to set up this committee, to let my name be used. There are two or three that I talked with. I've been active in the Republican Party for years . . .

Whoever it is who's handling their publicity, that's who it was."

It was still unclear, however, who had taken the initiative in setting up the organizations and inventing their names. Lyn C. Nofziger, director of communications for the Republican National Committee, said yesterday that he was unaware of them.

Nofziger suggested that they might have been established by either the Republican National Finance Committee or the Committee for the Re-Election of the President, both formal GOP organizations. Officials of neither group were available for comment yesterday.

Under the Corrupt Practices Act, the treasurer of a political committee is required to file quarterly financial reports listing, among other things, "the name and address of each person" who has contributed $100 or more "to or for such committee . . . within the calendar year." The deadline for the most recent quarter, covering spending and contributions for June, July and August, was Sept. 10.

None of the paper committees has submitted a report thus far, according to records at the House file clerk's office. The names of their treasurers remain a mystery. Most of the committee "chairmen" said they couldn't recall the names. One, Robert H. Tarr of the League of Dedicated Voters in Silver Spring, declined to say.

"We'll make sure all contributions are properly reported," Tarr told a reporter, declaring that he had not been aware of the $2,500 contribution TAPE reported to the League.

Mrs. Edward L. Feggans of 2504 South Dakota Ave. NE said she didn't even know the committees involving her had been set up. One, the Citizens for a Better Environment, is listed as having its offices at her home and the other, Americans United for Better Leadership, is credited with an address at the Northwest Gardens ballroom, a nightclub in a middle-class neighborhood that Mrs. Feggans runs with her husband. TAPE reported $2,500 contributions to each group, but Mrs. Feggans said she never saw the money.

"This sounds to me like it's working up to something that doesn't smell right," she said, but then stressed that her husband, who was out of town, undoubtedly knew more about it.

"He's vice chairman of the Republican party in the city," she said. "He is Mr. Republican. I was just going along to help."

Mrs. Feggans said she was first told about serving on "this club that was going to be formed to re-elect President Nixon" when her husband returned home from a Republican party meeting about a month to a month and a half ago "at the most."

According to TAPE's report, however, the Citizens for a Better Environment and Americans United for Better Leadership had their titles and addresses by July 9 when the contributions were made.

The three dairy farm lobbbies in any event began their 1971 GOP contributions last March 22 when TAPE gave $10,000 to four Republican committees. The donations came just 10 days after Secretary of Agriculture Clifford Hardin announced there would be no increase in milk price supports for 1971.

Leading dairy farm spokesmen met with Mr. Nixon at the White House March 23. On the next day, March 24, SPACE gave $25,000 to various GOP committees. A day later, on March 25, Hardin announced a price increase of 27 cents per hundredweight, saying that "continuing research" had turned up new information on rising farm costs.

Other contributions came in following weeks. On April 5, ADEPT gave $45,000 to nine Republican organizations, from the Republican National Committee to the Republican Congressional Candidate Conference. On May 7, SPACE was reported as giving another $5,000 to the GOP's '72 kickoff dinner committee. Some of the GOP recipients of the dairy lobby's money, such as the Committee for a Republican Congress which got $2,000 from TAPE, have had no other income all year.

The Committee for a Republican Congress filed its first-ever financial report with the clerk of the House on June 10, listing the TAPE contribution.

The dairymen have said there was no connection between their campaign gifts and the government action. But their constituents voiced their thanks to Mr. Nixon with a warm reception at the President's appearance before them in Chicago earlier this month.

Stopping for a visit to the Associated Milk Producers there Sept. 3, Mr. Nixon was met by 40,000 dairy farmers and relatives gathered at cavernous McCormick Place for what was billed as "the largest farm meeting in history." The President praised them for their self-reliance, but he won his biggest applause when he told them what he most wanted "in terms of food on the table" on returning home from duty in the Pacific in World War II.

"You know what it was," he told the throng. "Not a steak or none of the other things that you usually think of—just a glass of good fresh milk . . ."

[From the Wall Street Journal, Sept. 27, 1971]

Milk and Money—Flood of Cash To Help Reelect Nixon Follows Hike in Dairy Supports

(By Jerry Landauer)

Washington.—One morning last March Secretary of Agriculture Clifford Hardin announced a sudden change of mind that's still paying off both for the nation's dairy farmers and for President Nixon's political financiers.

Mr. Hardin revealed that he was raising government price supports for "manufacturing" milk, a basic grade used to make butter and cheese. Just two weeks earlier, he had declared there would be no change in support levels. His reversal of policy came 48 hours after a dozen disgruntled dairymen visited President Nixon in the Cabinet Room of the White House.

To dairy farmers, the increase in supports means higher prices for their products; the government is committed to purchase, if necessary, enough dairy products to keep the prices up at the new levels. To Mr. Nixon's political money men, the policy reversal means an outpouring of perhaps $1 million in campaign gifts for the President's 1972 reelection campaign from the grateful milk lobby. Of this expected total, $250,000 has already arrived, mostly through secret channels.

SEPARATE BANK ACCOUNTS

Instead of routing the dairy dollars through established national fund-raising committees, which are required by law to disclose the recipients of their money. Republicans are operating an underground network of more than 11 "voluntary associations." These groups operate in only one legal jurisdiction, the District of Columbia, and thus needn't be publicly registered; the District has no law governing local political committees. Each of the new "associations" accepts relatively small sums for stashing in separate bank accounts until the Nixon reelection campaign is in need.

Last month, for example, a dairy-industry political fund called the Trust for Agricultural Political Education (TAPE), based in Austin, Texas, sent $2,500 to each of 50 such associations that exist mainly on paper. All the associations are in the Washington area, nearly all are headed by local Republicans, and all bear such unrevealing titles as Americans for Greater Public Awareness, Organization of Citizen Politicians, League of Involved Citizens, Supporters of Rational Federal Reorganization or Committee for Political Integrity.

The names were all concocted by Republican workers and delivered to TAPE's treasurer so he would know how to write the checks. The names in no case convey the entire purpose of the associations. For as stated in every charter (all 50 charters are identical) the mission is to "work for the renomination of President Richard M. Nixon." And after the GOP national convention next year, the charters specifically make clear, the remaining funds can be transferred in secrecy to committees working for Mr. Nixon's reelection.

TAPE, an arm of the Associated Milk Producers Inc., a giant cooperative counting 44,000 farmer-members from Canada to the Gulf Coast, is one of three industry-sponsored political funds that seems well-stocked with Republican-supplied titles of committees set up to protect the identity of the dairy donors.

SOME UNLIKELY ADDRESSES

Twelve other Nixon-supporting groups, including the Americans Working to Build a Better Community Committee and the Supporters of the American Dream Committee, have each received $2,500 checks from the trust for Special Political Agricultural Community Education (SPACE), a Southeastern co-op's political fund based in Louisville. And six more groups, including Americans United for an Informed Electorate and Americans United for Decent Government, got checks in the same amount from Agricultural and Dairy Education Political Trust (ADEPT), a fund tied to mid-America Dairymen Inc. of Springfield, Mo.

Haste in setting up dozens of dummy groups in time to receive the dairy industry's flurry of checks resulted in establishment of some at unlikely addresses. One association, Americans United for Better Leadership, operates from a Washington ballroom. The ballroom operator and the association chairman is Mrs. Edward L. Feggans; her husband is vice chairman of the District of Columbia Republican Party.

Sometimes, too, the hurried organizing trapped registered Democrats into unwitting service. Maurice S. Williams, an electrical contractor who voted for Hubert Humphrey in 1968, accepted the chairmanship of League for Concerted Action at the request of a Republican friend. His two-officer league (there are no members) received $2,500 from TAPE on July 19. Yet there's little danger that the Democrats can siphon off any dairy dollars; in nearly all cases, the treasurers of the voluntary associations are ladies employed by Union Trust Co., a Washington bank having several Republican bigwigs on the board.

DONORS ARE MUM

For their part, the donors to these dummy groups won't say for what purpose they're making political contributions nor even whether the money is intended for Republicans or Democrats. "We really don't care to talk about it," says Robert O. Isham, treasurer of TAPE.

The donors comply with federal campaign-finance laws—which do govern them though not the beneficiary groups—by listing the nonpartisan-sounding recipient associations in reports filed with the clerk of the House of Representatives, asserts Mr. Isham. "We've abided by every law we're aware of," adds James E. Mueller, treasurer of SPACE.

Indeed, funneling of political money through paper organizations can be perfectly legal under existing, loophole-riddled federal law. (The Senate has passed a reform bill eliminating most loopholes and a House committee is working on similar legislation.) Federal statutes don't cover political committees operating in a single state or jurisdiction; and because the District doesn't regulate local committees, campaign cash can be transferred into or among committees here without any need to tell who's giving or getting.

Significantly, the dummy groups were all organized after Secretary Hardin satisfied the dairy lobby by boosting price supports on March 25. There wasn't any need for earlier organizing because the dairymen kept their political purses mostly shut until they had won their fight.

TAPE, for example, collected $149,364 in January and February, all in sums of less than $100 from farmers voluntarily contributing one-third of one percent of their milk checks. But during those two months the fund disbursed just $6,450, all to candidates for Congress.

On March 11, "after careful review of the situation and the provisions of law," Secretary Hardin pegged price supports for manufacturing milk in the marketing year beginning April 1 at $4.66 a hundred pounds, the same as for 1970; when market prices fall below the support level, the government begins buying butter, cheese and nonfat dry milk, assuring the farmer a place to sell at guaranteed prices. The Secretary said raising supports might prompt overproduction, glutting the market and piling surpluses into government warehouses. "We must avoid this," he declared.

The President's Council of Economic Advisers approved the Hardin refusal to push props higher, according to Hendrik S. Houthakker, who was a member of the council at the time though he later resigned. Mr. Hardin's refusal also was cleared through the Office of Budget and Management.

Then on March 22, one day before the dozen dairy spokesmen visited with the President in the Cabinet Room. TAPE donated $10,000 in chunks of $2,000 and $3,000 to four regularly operating Republican committees.

At the White House next day the dairymen gave Mr. Nixon a strong pitch for higher supports. But no assurances were given and no participant mentioned political contributions, according to John Butterbrodt, president of Associated Milk Producers, who has 40 registered holsteins at his farm in South-central Wisconsin. "Those things aren't discussed at meetings like this," Mr. Butterbrodt says.

Next day, however, the SPACE fund gave $25,000 in five $5,000 donations to regular Republican committees (Democrats got nothing), and on March 25 Mr. Hardin changed his mind, announcing a 27-cent increase in price supports to $4.93 a hundred pounds. This sudden switch surprised Mr. Houthakker. "I'd say it could cost consumers hundreds of millions of dollars because retail prices depend indirectly on support prices," he reasons.

But if some of the President's economists disagreed with the Hardin move, Mr. Nixon's political operatives surely must have been pleased, for the dairymen were seized by generosity. On April 5, ADEPT, the third industry fund, gave $45,000 in equal slices to nine established Republican committees.

At about that time the former director of congressional relations at the Transportation Department, Bob Bennett, started organizing dummy committees. He assumed the chairmanship of Americans United for Economic Stability, and Mrs. Bennett agreed to head up Americans United for Decent Government. "I contacted a few people and suggested that they contact a few others," Mr. Bennett says. "What we had was sort of a chain-letter approach." Neither Mr. Bennett nor any other association chairman will identify the higher-up on Mr. Nixon's political team who got the chain going.

Clearly, though, it's hardly a coincidence that SPACE and ADEPT have each ladled $60,000 into Republican causes, including the dummies. The richer TAPE has so far contributed $125,000, and there could be much more to come; the big fund's 1971 income through Aug. 31 exceeded its spending by $500,000.

[From the New York Times, Sept. 28, 1971]

Milk Money

Last March 11, "after careful review of the situation and the provisions of law," Secretary of Agriculture Hardin announced that for the marketing year beginning April 1, Federal price supports for milk would be pegged at $4.66 a hundred pounds, the same as last year. Dairy farmers angrily complained. On March 23, President Nixon met with a dozen representatives of the dairy industry. Two days later Secretary Hardin announced the price support level would be 27 cents higher.

Up to that point, the story was another chapter in the long history of political maneuvers and pressure group tactics involving the Federal farm program. But, according to a report in The Wall Street Journal, this series of public events had a hidden prelude and sequel. Just before the Administration changed its position on the milk price issue, a fund-raising group in the dairy industry known as TAPE (Trust for Agricultural Political Education) and related organizations contributed $85,000 to the Republican party.

In addition, TAPE and other dairy front groups have subsequently channeled $170,000 to dummy organizations in the District of Columbia which serve as conduits to the Republican campaign chest. These make-believe committees have no members, no offices, no existence. They exist purely to circumvent the intent of the reporting provisions of the Corrupt Practices Act by receiving money from one source and passing it on to another.

The names of these fictitious organizations would delight any political satirist—Supporters of the American Dream Committee, Americans for Greater Public Awareness, Committee for Political Integrity. But the implications and consequences of this cynical tale are distinctly unfunny. If milk support prices are set in this murky fashion, what does this portend for Administration price control during Phase Two of its new economic policy?

The entire episode points up once again the urgent need for a comprehensive Federal law to regulate the receipt and expenditure of all political contributions. The Senate has already passed a worthwhile bill. It could be improved; but what is more urgent is that it be enacted before the 1972 political campaigning is advanced.

Equally important is reform in the administration of agricultural price supports. When reflected in retail prices of milk, butter and cheese, a 6 per cent rise in the milk support level costs housewives millions of dollars. Secretary Hardin may have cottage cheese where his backbone ought to be, but the failure is basically with the system rather than the individual. If the Government is to continue the dubious practice of propping up agricultural product prices, then support prices should be set by an impartial board with consumer representation—one that would be insulated from political pressure.

METHADONE: THE CURE ALL, OR THE END ALL?

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. HASTINGS. Mr. Speaker, sources from the Food and Drug Administration, the Bureau of Narcotics and Dangerous Drugs, and Eli Lilly & Co., have indicated that in the near future methadone will be approved as a new drug.

Currently FDA and BNDD license about 270 methadone maintenance programs throughout the United States. The purpose of these programs is to substantiate evidence of the drug's long-term safety and effectiveness. In my opinion, and in the opinion of many of my distinguished colleagues in the Congress, there is no such evidence. In fact, if anything, most of the data is incriminating.

As a member of both the House Subcommittee on Public Health and Environment and the Republican task force on drugs, I have been deeply involved in an investigation of our national drug problems, especially methadone maintenance.

Since the development of the methadone maintenance treatment technique in mid-1965, many shortcomings have been revealed. The illegal diversion of methadone has created several problems: black market sales, addiction of those on the street not enrolled in maintenance programs, creation of hard-core addicts resulting from faulty or incomplete screening at clinics, and, in far too many cases, death from overdose.

This is not a situation that has gone unnoticed by the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs. In April, this year, FDA and BNDD issued new regulations to clarify the position of methadone under current laws and to establish responsible medical-legal guidelines for its use. In addition, five methadone maintenance programs have recently been shut down by FDA and BNDD for violation of their protocols. These include programs, with large numbers of so-called patients, in New Orleans, Detroit, Washington, D.C., Philadelphia, and New York City.

The majority of the American public is under the impression that methadone is a cure for heroin addiction. Although it is now widely used as the main therapeutic tool in various treatment programs throughout the country, the state of the art has not yet progressed to the point of justifying the distribution of methadone as a prescription drug. Experts and addicts alike have testified to the frightening addictive potential of methadone. Addicts especially, have stated that the methadone habit is more difficult to break than the heroin habit. Because of this characteristic, one program director referred to methadone maintenance as legalized pushing.

A substantial amount of methadone is finding its way to the street. Workers in methadone clinics, who have direct access to the drug, have been identified as a source of supply. Also, present guidelines permit a dependable addict to receive up to a 3-day supply of methadone or more than at one visit. This is far too liberal. Some addicts have admitted receiving more methadone than necessary to support their habit and have diverted the excess into street sales.

According to statistics compiled in the California drug treatment program, addicts using methadone increase their use of amphetamines, barbiturates and alcohol. In addition, now that there is methadone available on the black market, addicts use methadone to reach a moderate high, and then add heroin to complete their high.

The addiction of those not enrolled in programs and unfamiliar with the drug is a constant danger. Many drug experimenters try methadone because they have heard that it is used in the treatment of heroin addicts or a substitute for heroin. They are not aware of its tremendous addictive power. Consequently, a significant number of methadone addicts are being created, and they must either seek enrollment in a maintenance program, continue to buy black market methadone, or turn to heroin.

Perhaps the most serious misuse of methadone results from faulty or incomplete screening at methadone clinics. One example is returning Vietnam veterans. Many returnees, because heroin had been detected in their systems, have been perfunctorily placed on maintenance doses of methadone and returned to stateside treatment programs. However, most users of heroin in Vietnam are short-term users, and for different psychological reasons than the street user of heroin stateside. As one expert testified, they are generally sounder psychologically and the majority can be rehabilitated by a concentrated program of psychiatric counseling and minimum drug use.

Unfortunately, for the most part those automatically placed on methadone also are doomed to a life of drug addiction.

Finally, there have been a significant number of methadone-related deaths. Often, lethal prepared doses are taken by street buyers and others unfamiliar with the drug. In addition, taken in combination with other drugs and alcohol, it has been fatal.

The District of Columbia Medical Society recently prohibited member physicians from prescribing methadone because of several fatal overdoses. The Maryland State Health Department is drafting regulations that would make it illegal for any Maryland physician to prescribe methadone outside a controlled drug treatment program or for legitimate medical purposes.

In addition, Dr. Neil Solomon, Maryland secretary of health and mental hygiene, said that unless action were taken on a national scale, methadone abuse problems will equal the current heroin addiction problem.

There is no compelling evidence that methadone is effective in curing drug addiction. In view of the current trends in its abuse, even in highly controlled environments, it is inconceivable that wholesale distribution of methadone is contemplated. An analogous situation was the prescription of heroin by British doctors in the 1960's. There the addict population increased dramatically as doctors, in many cases unwittingly, created more addicts.

Recently, before the House Subcommittee on Public Health and Environment, the Pharmaceutical Manufacturers Association pledged its support in a massive joint Government-industry research effort to find a nonaddictive narcotic substitute and antagonist. Also, NIMH is allocating more resources to this task.

I would hope that in view of such developments methadone would be maintained under the strictest control until such time as its full effects, physical and social, can be determined.

In private conversations, FDA, BNDD, and Eli Lilly & Co. indicate that strict controls should be maintained but, to date, little evidence exists that such controls are being developed. Naturally everyone is reluctant to encroach on the practice of medicine by approving a new drug application and then severely restrict its use by the medical community. Hopefully, at this juncture, the leadership of the medical community will be the stimulus to proper regulatory legislation for the distribution of methadone.

Mr. Speaker, I think the American people should be made aware that methadone is not a cure-all. Methadone is a potentially lethal and addicting synthetic drug and should only be utilized under the strictest controls in the proper therapeutic climate.

Methadone does, I believe, have a definite therapeutic value in the struggle against narcotic abuse—if properly ministered so as to prevent any unintended diversion or use. As a matter of fact, some addicts who cannot be rehabilitated may have to be maintained on methadone indefinitely.

I urge that the FDA and BNDD not move to approve the wholesale distribution of methadone throughout every community in our Nation until the proper safeguards are developed.

REVOLUTION IN AMERICAN MUSIC

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. RARICK. Mr. Speaker, many Americans are aware of the pronounced absence of traditional music and in the void created, the appearance of discordant noises which is said to be "new music."

Even our national anthem, the "Star-Spangled Banner," when played these days is usually so jazzed up or altered that it sounds ridiculous. The songs "America" and "America the Beautiful" are so seldom heard that people are forgetting the words, and "Dixie" is suppressed in places where it has not been ordered banned.

The American musical culture is obviously under attack from the changemakers who know that music perpetuates a culture if it is identified with a nation.

Under the United Nations Day fiasco, the American people were given a preview of the music that they will be permitted to enjoy: the United Nations Hymn, Song for U.N., and even a Dumbarton Oaks concerto. Now that our decisionmakers have decided that the United States is no longer a sovereign nation but rather one state in many of the new one-world order they have decided that our music must be international in lyric and mood.

Such warped ideas, like much of that emanating from the United Nations one-world crowd these days, makes a mockery of the age-old adage that music is the international language.

I ask that several related newspaper clippings follow:

[From the Washington Post, Oct. 25, 1971]

A PARTY FOR U.N.

A crowd of 1,200 celebrated the 26th anniversary of the founding of the United Nations at the Washington Hilton Hotel Saturday night.

Among those attending were ambassadors and ministers from more than 100 organizations. Secretary of State and Mrs. William P. Rogers were hosts for the $125-a-plate dinner. The money goes to support the United Nations Association of the United States, a voluntary agency which provides research and information for this country's role in the U.N.

The entertainment, which was in two acts—"A Birthday Toast to the United Nations," and "A Tribute to Irving Berlin, Songwriter to the World"—featured Caterina Valente, Vincent Price, 22 members of the Radio City Music Hall Rockettes, the George Washington University Troubadours, and 117 Boy and Girl Scouts.

Berlin, now 82, wrote a song for the occasion, "Song for U.N." A long-time supporter of youth organizations, Berlin gave the profits from his song, "God Bless America" to the Boy and Girl Scouts.

[From the Washington Post Oct. 25, 1971]

UNITED NATIONS CONCERT

The "UN Day Concert" (8 p.m., Channel 26) includes the first performance of a hymn composed by Pablo Casals and W. H. Auden under commission from the United Nations. Casals conducts the Casals Festival Orchestra in the performance.

Other works on the program are Stravinsky's "Dumbarton Oaks Concerto" and the Bach works "Concerto in D for Two Violins" (performed by Isaac Stern and Alexander Schneider) and a "Concerto for Three Pianos," featuring Rudolf Serkin, Eugene Istomin and Mieczylaw Horszowski.

Other highlights:

7 a.m. (4) Today Show. Drs. Paul Dudley White and E. Gray Diamond discuss their recent trip to the People's Republic of China to study Chinese medicine.

[From the Washington Post, Oct. 25, 1971]

The world-famous, Pablo Casals 94-year-old cellist conducts the premiere performance yesterday of his "United Nations Hymn." The work was commissioned by Secretary General U Thant, with words written by the poet W. H. Auden.

[From the Washington Post, October 25, 1971]

VA. BAND AGREES TO DROP "DIXIE"

BLACKSBURG, VA., Oct. 24.—Virginia Polytechnic Institute officials said yesterday that an agreement has been reached between the university's Human Relations Council and the school's marching band to discontinue the playing of "Dixie" at football games.

Officials said the song is being dropped at the request of football coach Charlie Coffey, who says he feels the song hinders in the recruitment of black athletes.

Larry Waters, Tech's first black admissions director, said he had approved the move.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—III

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point part III of Dr. Robert E. Beerstecher's thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

This portion of Dr. Beerstecher's excellent study carries us through the Fifth Congress of the Comintern held in 1924.

Part III of the thesis follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—III

(By Robert E. Beerstecher, Ph. D.)

IV. CONDITIONS, CONGRESSES AND CONSEQUENCES

The Second World Congress
The Twenty-one Conditions
The Third Congress

The second year of the Comintern began with only one threatening cloud on the soviet horizon: the danger of war with Poland. Outwardly, the soviets professed "unqualified" recognition of Polish independence, disclaiming any intent to bring communism to Poland by force of arms. However, working through the Polish section of the Comintern, the soviets carried on an active program of propaganda and agitation among the Poles. At the same time, they encouraged various separatist movements which gained in popularity among the Ukrainian, White Russian and Lithuanian minorities in the eastern border regions. In April, 1920, Poland retaliated to soviet machinations by opening a military offensive against Russia. The eastward advance of the Polish armies was rapid and decisive. In early May, Kiev fell.

Soviet concern over the possibility that Polish armies might succeed where previous counter-revolutionary efforts had failed was indicated in the manifesto which the Comintern issued on May 18, 1920. The Comintern appealed to the world proletariat to sustain Russia in its struggle against Polish "oppression." Workers in the munition plants of France, England, Italy and America were asked not to manufacture "a single bullet, a single rifle, not a single gun" for Poland. Seamen were called upon to refuse to man food or supply ships destined for Poland; German and Austrian railwaymen to prevent the passage of trains to Poland from France and Italy; and dockers in Danzig to refuse to trans-ship cargo bound for Poland. Inside Poland, the Comintern called for the organization of demonstrations and strikes "on behalf of peace" with Russia.[1]

Polish military successes were only temporary. In June, 1920, the military situation reversed itself: the Red Army recovered some lost ground, and the Poles began to withdraw from Russia. The improved military outlook permitted the Comintern to issue a call convening its second congress in Moscow the following month.

THE SECOND WORLD CONGRESS

The second congress of the Communist International began on July 19, 1920. The opening session was held in the Smolny Institute in Petrograd. Zinoviev, the president of the executive committee, presided. On the platform with him were Kalinin, Radek, Bukharin and other old bolsheviks and party faithful who had come to hear Lenin present his theses on the basic tasks facing the Comintern. These tasks, Lenin emphasized, only represented a restatement of some of the fundamental lessons of the Russian revolution. The most immediate task of the Comintern, he said, was the further "acceleration" of the revolution. Lenin cautioned against attempts "to provoke it artificially" before adequate preparation had been made. His answer to the question "How are the proletariat to be prepared for revolution?" was summed up in a single word: "action!"[2] Lenin described in detail the line along which this action was to be undertaken:

> In all organizations, unions and associations of the working and exploited masses without exception, first in the proletarian and then in the non-preletarian (political trade union, *military*, cooperative, educational, sport, etc.) groups or cells of communists must be formed . . . these cells, closely connected with each other and with the party center, shall pool their experience, carry on propaganda, agitation, and organizational work, adapting themselves to absolutely every sphere of public life and to every kind and group of the working masses, and by this varied work systematically train themselves, the party, the class, and the masses.[3]

Dependant peoples, Lenin asserted, had been drawn into world history by the imperialist war of 1914–1918 which helped to accelerate the revolutionary process:

> The imperialist war has helped the revolution; the bourgeoisie tore soldiers out of the colonies, out of backward countries, out of isolation, in order to take part in this imperialist war. The British bourgeoisie dinned into the minds of the soldiers of India that it was the business of the Indian peasants to defend Great Britain against Germany; the French bourgeoisie dinned into the minds of the soldiers of the French colonies that it was the business of the colored people to defend France. They taught them the use of arms. This is very useful knowledge, and we could express our deep gratitude to the bourgeoisie for imparting this knowledge.[4]

In his writings on revolution, Lenin had frequently stressed the need for combining legal and illegal activities. In his theses, he reiterated this point, declaring that the time had come for every communist party systematically to unite its legal and illegal work. It was, he asserted, absolutely necessary for every legal communist party to form a parallel illegal organization as protection against reactionary bourgeois persecutions. Lenin placed special emphasis on the need for communist penetration into the organized military forces of noncommunist countries:

> "Illegal work is particularly necessary in the army, the navy, and the police force, because after the great imperialistic war all governments in the world have come to fear national armies that are open to peasants and workmen and have set about secretly to apply all kinds of methods for recruiting specially selected detachments from the bourgeoisie, which are equipped with the latest technical improvements."[5]

Communist parties, Lenin warned, could not limit themselves only to illegal work, but were also to carry on legal activities, including the establishment of legal press organizations.[6]

Upon completion of Lenin's talk, the second congress adjourned to Moscow where it met in continuous session until the eighth of August. Between speeches, the delegates gathered in groups at one end of the conference hall in the Kremlin before a large map on which the Red Army advance towards Warsaw was graphically portrayed. That military success in Poland would greatly accelerate the spread of revolution throughout Europe was evident to all. News of the outbreak of revolution by the proletariat in the rear of the Polish military was eagerly awaited in Moscow, but the soviets failed to evaluate correctly either the intensity of Polish nationalism or the depth of Polish hatred of Russia. These two factors united the Polish people against the Red Army in their time of crisis. The days passed: Warsaw did not fall.

The second congress had been convened to discuss eight major topics. These included the basic tasks, the role of the communist party in the proletarian revolution, the national and colonial question, the trade union movement, the agrarian question, parliamentarianism, the conditions of admission and the statutes of the Comintern.

On July 26, 1920, the congress completed its debates on the relationship of the Comintern to the revolutionary movements in politically subject countries. The use of colonial troops during the war, it was asserted, clearly demonstrated that the proletarian movement in Europe was inseparably connected with revolutionary movements in the colonies.[7] As he did throughout the congress, Lenin played a leading role in the discussions on the national and colonial question. In his theses which were later adopted by the congress as its official position, Lenin divided the countries of the world into two classes: oppressing nations and oppressed nations. The mutual relations of all nations, he concluded, were determined by the struggle waged by a small group of imperialist nations, i.e., the oppressing nations, against communism and soviet Russia.[8]

In reporting on the work carried out within the Comintern's commission on the national and colonial question, Lenin singled out for special mention the importance of the revolutionary work carried on by communist parties among the troops "which the exploiting nations employ to hold the peoples of their colonies in subjection."[9] Lenin reported that Quelch, one of the leaders of the British Socialist Party working on the commission, had argued that the average Englishman opposed antimilitarist work of any kind and "would consider it treachery to help the enslaved peoples in their revolt against British rule."[10] At this, Karl Hadek observed that the Comintern should judge the British comrades by the number imprisoned for agitation among the troops sent to quell the uprisings in Egypt, India or Ireland, rather than by the number of articles they wrote for liberation.[11]

Of all the subjects discussed at the second congress, none was more heatedly debated than the question of communist work in the trade union movement. In his attack on the "left-wing" communism which had manifested itself in France, England, Germany and the United States, Lenin stressed the necessity for communists to work wherever the masses were to be found. This meant, he said, carrying on systematic agitation and propaganda ("perseveringly, persistently and patiently, precisely") inside the existing trade unions.[12] Lenin acknowledged that communist efforts to infiltrate and take over control of the trade unions would be strenuously resisted, but he insisted that this was the only course open. Lenin suggested the adoption of what has since come to be known as "Trojan horse" tactics: "It is necessary," he said, ". . . to resort to all sorts of strategems, maneuvres and illegal methods, to evasion and subterfuges in order to penetrate the trade unions, to remain in them, and to carry on communist work at all costs.[13] Many at the congress, including some within the Russian party, disagreed with Lenin's position, asserting instead that inasmuch as the trade unions were the strongest bulwark of capitalism, they could never be won for communism. Lenin's opponents suggested that rather than dissipate their energy uselessly in the attempt to capture the existing unions, new labor unions be established to which the working masses might be attracted. Lenin's position prevailed.

Footnotes at end of article.

For many communists, the antimilitarist potential of work within the trade unions was a new concept; not so for Lenin, who, as early as 1907, had noted the correlation between trade union and antimilitarist work exemplified by the French practice of collecting the weekly "soldier's sou." [14] This may help to explain why he emphasized communist work in the unions. The point is made in the theses on the trade union movement adopted by the second congress by the statement that "the trade unions proved to be in most cases, during the war, a part of the military apparatus of the bourgeoise." [15] Henceforth, communist antimilitarist activities were to encompass not only the man behind the gun but also the men behind the man behind the gun.

In its deliberations on the question of parliamentarianism, the second congress was highly critical of the socialist faction in France. In particular, it directed its criticism at the Socialist Party of France which, although it had declared its intention to break with the Second International, had not affiliated with the Comintern. It had, however, sent observers to the second congress. In its parliamentary work, the Comintern charged, the Socialist Party of France had not exposed either the crimes of the French government or the criminal character of the imperialist war. Moreover, no revolutionary agitation was being carried on among the masses and no preparation had been made to arm the workers. The situation in France was, the Comintern concluded, highly unsatisfactory.[16]

On July 29, 1920, the congress sent a letter to the French socialist party. It repeated the charges that the socialist press in France did not carry on "a constant systematic propaganda or agitation in favor of the ideas of the proletarian revolution." Moreover, it complained, agitation to the villages and among the soldiers bore a "clearly reformist character." [17] The message outlined certain fundamental steps which the Comintern considered essential for the French socialist party, including changing its name to the Communist Party of France, and recognizing the obligatory character of all decisions of the Communist International. In connection with the question of colonies, the Socialist Party of France was ordered to pitilessly expose the tricks of French capitalists in colonies, support not in words but by acts any liberating movement in the colonies, popularizing the slogan: "Imperialists, get out of the colonies"; develop in the workmen of France a sincerely fraternal attitude toward the toiling population of the colonies, at the same time carrying on a systematic agitation among the French troops against oppression of colonies.[18]

In addition, the French socialists were told that they must expose the falsity and hypocrisy of socialist—pacifism; systematically prove to the men that without a revolutionary overthrow of capitalism no international court of arbitration, no conversations about reducing armament, will save humanity from new imperialist wars.[19]

A few days later, Marcel Cachin, an observer *rana parole* for the French socialist party, partially answered the Comintern's charges. Cachin indicated that he had not been authorized to discuss the question of the admission of the Socialist Party of France to the Comintern, but promised to campaign in favor of adherence to the Third International upon his return to France. He also stated that the socialist group in the *Cinambre den députés* to which be belonged had voted against war appropriations and against the French national budget. Should another war break cut again, Cachin pledged, the French socialists would refuse to participate in it in any form. "We shall point out to the toileru," he said, the necessity of refusing to load arms and munitions for the counter-revolutionarists. Among the soldiers who shall be commissioned to fight against soviet republic we shall conduct with all means a propaganda against intervention.[20]

The threat of the renewal of the world war was a dominant theme in Comintern pronouncements. For the communists, the words "imperialist war" were the embodiment of everything evil. The importance attached to these words was evident in the statutes of the Comintern adopted by the congress on August 4, 1920:

> "Remember the imperialist war!" These are the first words addressed by the Communist International to every workingman and woman wherever they live and whatever language they speak. Remember that because of the existence of capitalist society a handful of imperialists were able to force the workers of different countries for four long years to cut each other's throats. Remember that the war of the bourgeoisie conjured up in Europe and throughout the world the most frightful famine and the most appalling misery. Remember, that without the overthrow of capitalism, the repetition of such robber wars is not only possible, but inevitable.[21]

THE TWENTY-ONE CONDITIONS

The most urgent problem which faced the second congress was one of the last to be considered: the establishment of the standards to be met by new parties seeking admission to the Comintern. This subject had not been considered at the first congress, Lenin explained, because at that time there had existed in most countries only communist trends and tendencies rather than the communist parties and organizationss which subsequently had emerged. The draft which Lenin submitted to the second congress proposed nineteen conditions for affiliation with the Comintern. His proposal covered a broad range of subjects, including the character of communist propaganda, the role of agitation in rural areas, Comintern discipline, colonial question, trade unionism, the necessity and authority for combining legal with illegal work, and the revolutionary duty of all communist parties to carry on work in the armed forces.[22] Subject only to minor revision and the addition of two procedural conditions, Lenin's draft was adopted by the congress on August 6, 1920.[23]

The "twenty-one conditions" of admission to the Comintern testified to the importance which Lenin and his conferees attached to the doctrine of revolutionary antimilitarism. At least five of the twenty-one conditions contained direct reference to major aspects or themes of antimilitarist work.

The first condition stated that all propaganda and agitation "must be of a genuinely communist character," that is, it had to conform the decisions and the program of the Comintern. The first condition described the manner in which the concept of the dictatorship of the proletariat was to be interpreted in the party press:

> The dictatorship of the proletariat is to be treated not simply as a current formula learnt by rote; it must be advocated in a way which makes its necessary comprehensible to every ordinary working man and woman, every soldier and peasant, from the facts of their daily life, which must be systematically noted in our press and made use of every day.[24]

How illegal work was to be carried on through the creation of a parallel illegal organization, and the necessity for combining legal with illegal work was covered in the third condition.

The requirement to carry on antimilitarist work in the armed forces which Lenin had emphasized was one of the basic tasks of the Comintern was re-emphasized in the fourth condition:

> The obligation to spread communist ideas includes the special obligation to carry on systematic and energetic propaganda in the army. Where such agitation is prevented by emergency laws, it must be carried on illegally. Refusal to undertake such work would be tantamount to a dereliction of revoluntary duty and is incompatible with membership of the Communist International.[25]

The sixth condition required all communist parties to expose "social-patriotism" and "social-pacifism." The outbreak of new imperialist wars, it stated, could be prevented only by the revolutionary overthrow of capitalism.

The colonial question was considered in the eighth condition. By it every communist party was obligated to support "in deeds" all colonial liberation movements. They were also required to demand the expulsion of their own imperialists from these colonies, to inculcate among the workers of their country a genuinely fraternal attitude to the working people of the colonies and the oppressed nations, and to carry on systematic agitation among the troops of their country against any oppression of the colonial peoples.[26]

The fourteenth condition for admission to the Comintern required all communist organizations to render "unconditional" support to any soviet republic in its struggle against counter-revolutionary forces. Communist parties, it said, must carry on unambiguous propaganda to prevent the dispatch of munitions transports to the enemies of the soviet republics; they must also carry on propaganda by every means, legal or illegal, among the troops sent to strangle workers' republics.[27]

The second world congress came to an end on August 8, 1920. At the final meeting, Leon Trotsky stated:

> Trade union organization, the economic and political strike, the boycott, parliamentary and municipal elections, the parliamentary tribune, legal and illegal agitation, secret footholds in the army, work in the cooperatives, barricades—the Communist International rejects none of the forms of organization or of struggle created in the development of the workers' movement, nor does it single out any one of them as a panacea.[28]

Before adjourning, the second congress sent fraternal greetings to the entire Red Army and Red Fleet. Its message described their war against Poland as the most just war that history has ever known.[29] On the same day, the congress also addressed a proclamation to the proletariat of all countries stating: "It is your duty to stand guard at all ports and all frontiers, and see to it that not a single train or ship with food supplies or arms should leave for Poland. Take up your positions as guards!" [30]

Eight days after the close of the second congress, the Polish armies opened a counter-offensive against the soviets sending the Red Army into full retreat. Although communist-inspired strikes in Germany and Great Britain slowed munition shipments to Poland, the Polish counter-offensive continued, forcing Russia to discuss armistice conditions.

When the proletarian revolution in Poland failed to materialize, the soviets looked around for other likely candidates. They settled on Germany and Italy. On August 27, 1920, the Comintern addressed a letter to the Italian socialist party in which Zinoviev asserted that all the conditions for a genuinely popular proletarian revolution existed in Italy. At the decisive moment, Zinoviev assured them, the regular troops of the Italian army would go over to their side.[31] Moreover, he continued, they need have no fear of foreign intervention. Zinoviev wrote:

> The Entente will not be able to send its troops against the Italian working class . . . the French bourgeoisie will not be able to

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Footnotes at end of article.

send their troops to "pacify" the proletarian revolution in Italy.[32]

"And if they should risk sending them," he concluded, "they will break their own necks." [33] How this would come about Zinoviev did not trouble to explain. Strikes spread throughout Italy, and internal conditions became more acute.

In late September, 1920, the Comintern sent another letter to the Italian socialist party urging that it prove itself to be a communist party in the fullest sense by mobilizing and arming a revolutionary force. By quick and energetic action, the Comintern said, Italy could be covered with councils of workers', peasants', soldiers' and sailors' deputies, all led by communists.[34] "Time will not wait," the Comintern warned. The Italian communist movement lacked both direction and organization. Time and fascism passed it by

In August, 1920, the Comintern held a special congress of eastern peoples at Balkan. The Balkan congress was attended by nearly nineteen hundred persons, representing 32 different nationalities. Many came from the Caucasus and the central Asian areas of Russia. Some also came from India, Persia, Turkey, and some of the middle eastern countries. At the Balkan congress, Zinoviev called for a "holy war" against imperialism.[35] The success of the conference led to plans for calling a similar congress of the peoples of the Far East. "Without a revolution in Asia," the executive committee of the Comintern declared, "there will be no victory for the world proletarian revolution." [36]

In October, 1920, the war with Poland was concluded, and the soviets returned to the task of consolidating their internal power within Russia. By the end of the year, all effective resistance had been wiped out; the civil war was over. For the soviets, however, success brought new problems.

The conclusion of peace with Poland and the elimination of the last vestige of organized internal resistance in effect removed the two main props, i.e., the threat of foreign intervention and counter-revolution, with which for other three years the soviets had bolstered both civilian and military morale in Russia and on which they had depended to excuse both their own shortcomings in internal reconstruction and the austerity of their "war communism" program. The unity which had been built on hate, ignorance and fear crumbled rapidly in the opening months of 1921. An unusually poor harvest the preceding fall had raised the specter of famine among the peasants and workers throughout Russia. In the larger cities, the pinch was felt both in a drastic one-third cut in the bread ration which occurred in January, 1921, and in the rapid spread of unemployment occasioned by the closing of many factories and businesses because of an extremely severe fuel crisis. No less than sixty-four of the largest factories in Petrograd were forced to shut down because of the fuel shortage. On February 24, 1921, the workers of Petrograd went on strike. Within a matter of hours, the unrest had spread to Kronstadt, where sympathetic elements in the navy joined in the rebellion against soviet authority. The days of bloody fighting which preceded the fall of Kronstadt in March, 1921, and the drastic measures enforced by the soviets to restore their authority are history.

Soviet leaders speaking and writing for internal consumption described the Kronstadt rebellion as the dying struggle of foreign-inspired revolutionaries, concealing from their audience the tremendous political and social significance which this event actually represented. The soviets derived several lessons from Kronstadt, but one in particular is especially important in connection with the study of the communist doctrine of revolutionary antimilitarism: all military forces, and especially the navy, are vulnerable to disintegration tactics. For the soviets, two consequences were readily evident. First, there was a need for further expansion of the political control mechanism within their own military structure. Secondly, the success of the proletarian revolution in any country would be impossible without the assistance, destruction of neutralization of the organized military forces of that country. Revolutionary antimilitarism, then, was an essential prerequisite for achieving soviet power and the dictatorship of the proletariat.

March, 1921, held another defeat for communism. A crisis had been developing in Germany. The German failure to comply with certain disarmament clauses had given France an excuse to occupy Dusseldorf with its troops. In Upper Silesia, sporadic outbreaks increased in frequency as the date approached for the referendum which was to decide whether it would be Polish or German. Elsewhere, general unrest prevailed. These events were misinterpreted by the communists as the outward manifestation of the breakup of bourgeois power in Germany. Some, like Bela Kun who had just arrived in Germany from Russia, believed that the time had come to take the offensive. They attempted to force the situation by using violence and sabotage. Their efforts failed; they succeeded only in alienating much of popular support they had previously enjoyed among the German proletariat. Through their premature *putachian*, the revolution in Germany had been indefinitely postponed.

THE THIRD CONGRESS

In June, 1921, hardly more than nine months after its last congress, the Communist International convened its third world congress. The series of defeats and failures, e.g., the Red Army offensive against Warsaw in August, the Italian unrest in September, and the events in Germany in March, which had been experienced gave rise to the question whether some revision in the program or tactics of the Comintern was warranted.[37] Soviet evaluation of the international situation suggested that although the program was correct, a change of tactics was essential. *Putachian*, or armed risings by small groups, was henceforth renounced; all effort was to be concentrated on long term preparation and organization of the masses for revolution.[38] No longer was armed force to be used as the primary weapon for direct action in every crisis:

> In times when the workers are only preparing themselves, when they have to be mobilized by agitation, political campaigns and strikes, armed force may be used solely to defend the masses from bourgeois outrages. Individual acts of terrorism, however they may demonstrate the revolutionary rancour of the masses, however justified they may be as acts of retribution against the lynch law of the bourgeoisie and its social democratic flunkeys, are in no way apt to raise the workers to a higher level of organization, or make them better prepared to face the struggle.[39]

Personal acts of terrorism, it was concluded, contributed to neither proletarian organization nor militant preparedness, and served only to create the illusion that "the heroic deeds of individuals could take the place of revolutionary struggle of the proletariat." [40]

Sabotage and violence were similarly renounced, except in specific cases: "Acts of sabotage are only justified when they can serve the purpose of hindering the dispatch of enemy troops against the workers, and of conquering important strategic points from the enemy in direct combat." [41]

The Comintern would not confine its action to demonstrations on a world-wide scale, the third congress concluded, but would coordinate and combine the action of all affiliated sections and the groups which they in turn control. Situations involving the governments of two or more countries were to be exploited to the maximum degree possible. In this connection, the third congress cited the French communists for their initial work against the occupation of Germany; and it reminded them that it was their duty to continue this work to make the French soldiers in the occupied territories realize that they are playing the part of watch-dogs of French capital, and to induce them to rebel against the disgraceful duties imposed on them . . . to make the French nation conscious of the fact that by suffering the formation of a French army of occupation, and tolerating its permeation by a nationalistic spirit, it forges its own chains. In occupied territories troops are being drilled in order to be subsequently let loose against the working class, and to murder them in cold blood.[42]

In its theses on tactics, the third congress recognized the potential which radical differences provided for agitation:

> The French Communist Party is faced by the special problem of the presence of the black troops in France and the occupied territories. The French are thus able to approach these colonial slaves, to explain to them that they are serving their oppressors and exploiters, to rouse them to a fight against the regime of the colonizers, and to establish connections with the colonial peoples through this medium.[43]

If the Comintern was satisfied with the work being carried out in France, it was less so with developments among other communist parties. In the United States, it was noted, the communists were still struggling with the first and most simple task of creating a communist nucleus and connecting it with the working masses.[44] The American communists, the third congress concluded, had to find ways and means to legalize their activities and come out "into the open." Responding to the direction of the Comintern, the Communist Party of America pledged its members to carry on systematic agitation in the American army and navy against every kind of oppression of the colonial peoples by American imperialism.[45] The necessity for organizing communist cells in the armed forces was also recognized by American communists in their 1921 constitution. Article XI of the constitution discussed the subject of party nuclei.

> The central executive committee shall provide for the organization of the communist party nuclei, composed of communist party members only, in the shops, in the unions, and in other workers' organizations, *within the army and navy*, and ex-soldiers' organizations.[46]

Article XI further provided that communist nuclei in the armed forces would come under the direct control, supervision and discipline of the party.

The third congress decreed that it is the duty of communist parties in all countries taking part in the subjugation and partition of Turkey to do their best toward revolutionizing these armies. The communist parties of the Balkan countries must strain all the efforts of their mass parties to hasten their victory by the establishment of the Communist Balkan Federation, which should deal the mortal blow to petty nationalism.[47]

Comintern pronouncements contained frequent references to imperialist maneuvers directed towards the creation of an anti-soviet Balkan bloc. Although communist parties and youth leagues existed in each of the Balkan countries, they failed to provide the kind of central direction which the soviets believed was essential if imperialist "machinations" were to be successfully counteracted. To secure coordinated action in the Balkans, the Comintern established

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the Balkan Communist Federation with headquarters in Vienna.[48]

All communist operations in the Balkans directed by the Federation were tempered by administrative control exercised through the West European Bureau of the Comintern.[49] Although each Balkan communist party furnished a member of its own executive committee to participate in deliberations with the Federation staff, the military section of the Federation was under the direct control of the soviet general staff in Moscow. In addition to maintaining cognizance and developing information on the political status, the defense plans, and the level of military personnel, training and equipment strengths of each of the Balkan countries, the military section of the Balkan Communist Federation was responsible for directing the work of the communist cells operating inside the armed forces. The military section was also responsible for carrying on antimilitarist propaganda and agitation, for creating new cells, and for maintaining contact between the military cells and the local communist organizations. In carrying out its assigned tasks, the military section of the Federation worked through the military sections of the local communist parties.[50]

The development and support of separatist movements among the national minorities was the communist answer to the threat of an anti-soviet Balkan bloc:

> The communist parties must support the liberation movement of the oppressed nations and the national minorities *in all these countries,* lead them in the revolutionary struggle against imperialism and unreservedly champion their right to selfdetermination, which must include the right to complete separation. In the event of an imperialist war, or an anti-soviet war being declared, the communists, in the course of carrying out this policy, must prepare themselves, and the nationally oppressed masses, for national revolutionary rebellions, of wars, against the imperialist bourgeoisie.[51]

Sessions of the third congress continued from June 22 through July 12, 1921. One of the most important resolutions adopted at the congress covered the organization and construction of communist parties. In it, the congress defined the chief general duty of all communists in the revolutionary struggle as the carrying on of revolutionary propaganda and agitation. "The most important point to remember is," the resolution stated, "that communist propaganda must be of a revolutionary character." [52] In addition to providing detailed guidance on propaganda and agitation in general, the resolution restated the Cambodian position on work in the armed forces:

> The methods of propaganda in the armies and navies of capitalist states must be adaptable to the peculiar conditions in each country. Antimilitarist agitation of a pacifist nature is extremely detrimental, and only assists the bourgeoise in its efforts to disarm the proletariat. The proletariat rejects on principle and combats with the utmost energy, every kind of military institution of the bourgeois states and of the bourgeois class in general. Nevertheless, it utilizes these institutions (army, rifle clubs, citizen guard organizations, etc.) for the purpose of giving the workers military training for the revolutionary battles to come. Intensive agitation must therefore be directed not against the military training of the youth and workers, but against the militaristic regime, and the domination of the officers. Every possibility of providing the workers with weapons should most eagerly be taken advantage of.
>
> The class antagonisms, revealing themselves as they do in the materially favoured positions of the officers as against the bad treatment and social insecurity of life of the common soldiers, must be made very clear to the soldiers. Besides, the agitation must bring home the fact to the rank and file that its future is inextricably bound up with the fate of the exploited classes.
>
> In a more advanced period of incipient revolutionary fermentation, agitation for the democratic election of all commanders by the privates and sailors and for the formation of soldiers' councils may prove very advantageous in undermining the foundations of capitalist rule.
>
> The closest attention and the greatest care are always required when agitating against the picked troops used by the bourgeoisie in the class war, and especially against its armed volunteer bands. Whenever the social composition and corrupt conduct of these troops and bands make it possible, every favorable moment for agitation should be made use of for creating disruption. Wherever it possesses a distinct bourgeois class character, as for example, in the officers corps, it must be unmasked before the entire population, and made so despicable and repulsive, that they will be disrupted from within by virtue of their very isolation.[53]

For the soviets, the third congress marked the end of an important period of Comintern activity. The balance sheet of all work previously done had been toted and the Comintern had been given "a finished organization and clearcut tactics." [54]

V. FROM THE THIRD THROUGH THE FIFTH CONGRESS

The Zinoviev Instructions.
Ferment in the East.
The Fourth Congress.
The Fifth Congress.

During the third congress, official recognition had been given by the Comintern both to the part played by socialist youth in fighting militarism during the war and to the potential which youth organizations offered for mass antimilitarist work. Because conscript military organizations were usually built on the youth of the land, a tendency had begun to develop within many communist parties to consider that antimilitarist propaganda, agitation and organization in the armed forces was a task only for the communist youth organizations. Communist parties were content to consider themselves the political leaders of the youth movement, and preferred to let the young communist leagues be the vanguard of the revolutionary struggle.

Three months before, in April, 1921, the Young Communist International had convened its second congress in Berlin. The congress was held in Germany over objections of Russian youth organizations who wanted it held in Moscow. At the congress, it was decided that more attention had to be given to the antimilitarist struggle. One of the main subjects considered was the attitude of communists to imperialist war. Instructions which Lenin had drafted for the Russian delegation to the Peace Congress at The Hague formed the basis for a Young Communist International resolution against pacifism. Lenin raised the following as slogans for young communists: "Disarmanent of the bourgeoisie, disintegation of the bourgeois army and its conquest for the proletariat, transformation of imperialist war into civil war." [55] The congress placed all communist youth leagues under an obligation to form illegal revolutionary groups in the armed forces:

> We must overcome, decisively and completely, the isolation of our membership which still prefers to spend its time in its own circle instead of carrying on the difficult and frequently dangerous but necessary work among the masses. Every member of the organization must be made active and sent to work in a factory, a workshop, or trade-union, in sports organizations *and in the army and navy.*[56]

Famine relief for Russia became an all-important theme in communist propaganda beginning in July, 1921. In every appeal issued by the Comintern, the dominant thought expressed was that years of struggle against foreign intervention and counter-revolution had contributed to the plight of the soviets, and what force of arms had failed to vanquish famine threatened to destroy.

In October, 1921, the Comintern issued an appeal asserting that world capital was preparing another Polish campaign against famine-stricken Russia. The attack, it said, was being systematically prepared by France, acting in concert with England. The appeal called upon the proletariat to organize meetings and demonstrations under the slogans, "Help Soviet Russia"; "Stop thé transport of arms to Poland, Rumania, Estonia, Latvia and Finland", "Strengthen your influence among the soldiers," the proletariat were told, "so that they will not let themselves be used as cannon fodder for international capital against soviet Russia." [57]

The anticipated attack did not come, but the appeal served to attract additional financial support for Russia and its famine-relief program.

In August, 1921, militant communism found its first expression in Japan through the *Cyomin Kyosanto,* or Dawn People's Communist Party, a small revolutionary group formed without benefit or blessing of the Comintern. The Dawn People's Communist Party came to an abrupt end in December, 1921, when the Japanese government arrested its members for distributing subversive literature among the soldiers quartered in the environs of Tokyo. Some sixty thousand leaflets bearing the imprint "Communist Party of Japan" had flooded the troops in the Tokyo area, exhorting them to rebel:

> Soldiers! Brethren! Do you know what is meant by loyalty to the Emperor and patriotism? It means being faithful to and being victimised by the ruling class that feeds on deceit and robbery. To fulfill your duty as a soldier is but to throw away your life for a capitalist state—for the state of an Iwaseki, a Mitsui, or a Yasuda, for a state of politicians in cahoots with the capitalists and riding on the people. . . . Wake up soldiers! Wake up brethren! [58]

With its members in jail, the Dawn People's Communist Party disbanded, but its short existence had served to re-establish the antimilitarist tradition of Japanese socialism under the banner of international communism.

THE ZINOVIEV INSTRUCTIONS

In December, 1921, the Comintern issued secret instructions governing antimilitarist work in the armed forces of all countries. The instructions are in general agreement with the decisions taken at the third congress, and there is no record that the Comintern has ever denied their authenticity. The instructions were contained in a directive prepared and signed by Zinoviev. The instructions were counter-signed by both Son Katayama, the veteran Japanese communist who was in charge of the Comintern's propaganda section, and Arngold, the secretary of the executive committee.

Communist parties in most countries, the document stated, possessed few weapons, leading to the conclusion that "the military organization of the Communist International lacks the forces which it could lead to a decisive battle with capitalism." [59] The document continued:

> Such a condition of affairs has long since prompted the necessity of devoting attention to the army and navy of the capitalist states, and by increased and intense work utilizing the experience of the decomposition of the Russian White Guard Army, to attain such a condition of affairs that in the ranks of the capitalistic armies there would be red sec-

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> tions *which would decompose the army as a whole and turn their bayonets against the capitalistic class.*[60]

Although this was considered by both the second and third congresses of the Comintern in developing the theses on propaganda, subsequent work had produced almost no results. Communist forces must continue the work begun in this direction, the document explained, as the phantom of impending capitalistic wars is hovering before the world and the armies and navies of the capitalistic states, manned by compulsory, obligatory, or voluntary enlistment are almost entirely consisting of the most antimilitaristic youths inclined to adopt the communistic idea.[61]

Work in the organized military forces was to take precedence over all future work of the Comintern, with sections devoting the whole of their efforts to the realization of the task before them.

Of particular significance was the emphasis placed on communist penetration of naval forces:

> The principal attention in the first place must be devoted to the personnel of the navy, where the soil is particularly fertile for active communist propaganda and work, particularly in the English and French navies. It is necessary to work under the following general conditions:
>
> 1.—All sailors, by the manner and nature of their lives, are devoid of nationalist ideology, and they, as a matter of fact, are internationalists.
>
> 2.—The conditions of service of sailors on submarines, cruisers and in general on ships which make distant trips are extremely difficult; they enjoy very little rest, their maintenance is very unsatisfactory, and the service is very dangerous to life.
>
> 3.—The war did not bring to sailors the moral satisfaction and peace which they were expecting, but to the contrary, it is bringing on the coming monstrous war on the seas.[62]

The document continued, "Sailors are least of all subject to subordination and are very much inclined to insubordination and disorders," citing as examples the revolts at Kronstadt, the revolt of the Russian Baltic fleet during the October revolution, and the German Baltic fleet mutinies of 1917 and 1918 in which all the principal participants were sailors.[63]

Communist parties, the instructions directed, must strive to create in all the principal ports special nuclei of organizers and agitators who must strive with all their efforts to get into contact with the personnel of naval vessels, to organize among them nuclei with their own people in them, and to *distribute energetically special literature.* The nuclei on the ships must maintain a permanent contact in accordance with the movements of the ships with the port organizations of the communist party and the latter must regularly maintain the contact among themselves and inform one another of the movement of ships, countersigns and conditions of entry.[64]

Precise details as to the broad scope of responsibility of port nuclei were also provided:

> The port nuclei must not limit themselves to the establishment of contact and the transmittal of literature, but must strive also to the bringing together of the crews of ships and the proletarian population of the ports and to the generalizing of their ideology, remembering always that the fisherman principally are the source for the supplying of the personnel of the fleet and that their influence can reflect very much on the attitude of the sailors now and particularly during possible mobilizations.[65]

The document took note of communist work which had already been initiated among the French and British occupation forces in Germany and directed that the disintegration work be extended to the military detachments in France and England as well.

There was, the instructions stated, *"a particularly favorable soil for communist agitation"* among the youths entering military service. Therefore, they continued, it is necessary to give the French, German and English communist parties full initiative in the sense of determining the tactics and program of agitation obligating them to conform their work to local conditions. With this it is necessary to point out that their agitators should strive to utilize as often as possible the thousand and one little details of the daily life of the soldier in order *to undermine his obedience to the officers, the bourgeois discipline and his duties in defending the bourgeois peace.*[66]

In addition, the communist parties were directed to increase propaganda on a broader scale. They were also directed to take up the general slogan: *"Only if the proletariat be master in every country will the cause for new conflicts disappear."*[67] The official copy of this document for the American section of the Comintern reportedly reached the United States from Moscow by courier in 1922. In it, the name of the United States was substituted in place of France, Germany, and England. Similar substitutions had been made in the copies sent to other communist parties throughout the world.

There is additional documentary evidence that the soviets were concerned about the possibility of a new war during this period, and were interested in fostering an active antimilitarist disintegration program. In February, 1922, Lenin sent a special message to Zinoviev, Bukharin, Molotov and the members of the political bureau of the Comintern dealing with the question of combating war. In it, Lenin directed that the question be considered at the next special plenary session of the executive committee. "Only a revolutionary party which has been built up beforehand," Lenin wrote, "is well tried and has a good illegal apparatus can successfully wage a struggle against war."[68] The message continued: "The means of combating war are not a strike against war, but the formation of revolutionary nuclei in the combatant armies, their training for the purpose of bringing about revolution."[69] A comprehensive resolution explaining these two points, Lenin directed, must be adopted at the plenary session.

In March, 1922, the executive committee of the Comintern held a special plenary session in response to Lenin's request that they evaluate the war danger and develop ways and means of combating it. Representatives of 36 nations took part in the deliberations of the plenum. They concluded that militarism and imperialism could not be abolished by reason or the love of peace. War was inevitable, they said, and the only effective defense against it was a proletarian revolution. All communist parties, the plenum decreed, must prepare both ideologically and organizationally for an intense revolutionary class struggle to avert war. In its theses on the fight against the war danger, the plenum outlined a seven point program for all communist parties to follow. The program called for systematic education on the character and causes of war, the prevention of troop and supply movements should war break out, legal and illegal propaganda among the organized military forces, and the creation of both legal and illegal organizations to carry on the antiwar work.[70]

FERMENT IN THE EAST

In January, 1922, the Comintern sponsored the first congress of the Toilers of the Far East which was held in Petrograd and Moscow. At this congress, the Comintern translated into concrete tactics the theses on the national and colonial question which committed all the communist parties to support national liberation and revolutionary movements in the colonies and in the backward countries. Among the delegates to the congress were representatives of the Communist Party of China who, following their return from Moscow, held their own second national congress in June and July, 1922. At their congress, the Chinese communists adopted a seven point political program covering the fundamental problems of the Chinese revolutionary movement. The program emphasized the struggle against militarism to secure internal peace; the struggle against imperialism; the creation of a united country; the right of self-determination for the frontier peoples of Mongolia, Tibet and Sinkiang; the organization of the Republic of China on a federated basis; the establishment of basic rights, e.g., universal, direct, secret elections, freedom of speech, press and assembly, etc.; and the enactment of labor legislation and land laws.[71] "Down with militarism," became the central slogan of the Chinese communist party.

In a manifesto issued on June 10, 1922, the Chinese communist party asserted that the conditions in China would remain unchanged as long as power remained in the hands of the feudal warlords. The fundamental themes of their antimilitarist propaganda and agitation were summarized by the manifesto:

> Workers, peasants, students, soldiers, policemen, and merchants! So long as the authority of the military is not overthrown, there will be no hope of disarming the provincial armies and abolishing the *tu-chun* system. So long as the authority of the military is not overthrown, there will be no hope of reducing the demands for national funds, which are used to cover war expenses and further to disrupt the entire national and local financial system. So long as the authority of the military is not overthrown, all conditions will be present to allow the military to secure new loans from foreigners and thus bring about an intensification of foreign influence in China. So long as the authority of the military is not overthrown, there will be no hope that the military will cease imposing heavy imposte on the citizens of China; there will be no hope that looting may cease, no hope that order may be restored in all regions of China. So long as the authority of the military is not overthrown, there will be no hope of a broad development of education in China and of industrial progress in our country. So long as the authority of the military is not overthrown, there will be no hope that the struggle among militarists for the expansion of their own spheres of influence may cease. Peasants and merchants are always war victims. These wars will be inevitable and endless if they are not stopped by the people themselves.[72]

Antimilitarism had become a fundamental part of the revolutionary program in China.

On July 5, 1922, another secret revolutionary organization was established in Tokyo. This time, the Japanese communists had the assistance of the Communist International. Official recognition to the fledgling Japanese communist party was accorded by the Comintern at its fourth congress later in the year, indicating the importance which the soviets attached to the Japanese movement. Antimilitarism played a dominant role even in the early activities of the Communist Party of Japan. As one of its main political planks, the party's platform called for the abolition of the armed forces; in international affairs, the platform demanded the end of all foreign intervention and the withdrawal of troops from Korea, China, Formosa and Sakhalin.[73] Communist attempts to penetrate the armed forces of Japan and to undermine their loyalty to the government became so pronounced that the Peace Preservation Bureau of the Police Division of the Japanese Home Ministry found it necessary to publish a special reference pamphlet, *Guptai to sekka undo* (*The Bolshevisation of the Military Forces*), to assist law enforcement authorities in countering the

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subversive influence of the Japanese communists.[74]

THE FOURTH CONGRESS

The fourth congress of the Communist International convened in Petrograd on November 7, 1922. The date and place for its opening session were especially chosen to coincide with the fifth anniversary celebration commemorating the proletarian revolution in Russia. Because of his prolonged illness, Lenin was unable to make the trip from Moscow to attend the first session. Unlike previous congresses in which he figured in almost every debate, the fourth congress was addressed only once by Lenin who spoke on his new economic policy for Russia.

It was to Bukharin that Lenin assigned the task of leading the all-important discussion on the program for the Communist International. In his opening remarks on the program, Bukharin touched on many subjects, including the revolutionary character of Marxism, the theory of the state, the nature of imperialist war, the theory of the crisis, the question of coalition governments, imperialism, the maturing of socialism within capitalist society, and the three "new universal tactical" problems, i.e., the question of colonies, the question of national defense, and the right of red intervention.

Bukharin emphasized the necessity for devoting more attention to the general principles concerning the struggle for national liberation in the colonial and semi-colonial countries.[75] In the theses which were adopted by the fourth congress, the task of the communist parties in the colonial and semi-colonial countries, and most especially those bordering the Pacific Ocean, was defined as the carrying on of an extensive propaganda campaign to explain to the masses the danger of the war which threatened and to educate them that Soviet Russia was the bulwark of the oppressed and exploited masses. Not only were the communist parties in America, Japan, England, Australia and Canada to carry on propaganda against war, but they were to remove all disrupting factors from their ranks. To assist the communist parties of the colonial and semi-colonial countries, the Comintern declared its first step would be the setting up of presses so that journals and periodicals could be published in the native languages. In addition, special consideration was to be given to work among European labor organizations and among the occupation troops in the colonies.[76] A special Eastern department was established within the executive committee of the Comintern to monitor this work.

The second tactical problem which Bukharin discussed was the question of national defense. In the past the communist attitude had been based on a flat rejection of the concept of national defense. According to Bukharin, this situation had been modified by the fact that in one country, Soviet Russia, there existed a proletarian dictatorship. The existence of a proletarian state, Bukharin explained, made it essential to distinguish between the defense of the bourgeois state and the proletarian state. Proletarian states, he said, should receive the protection not only of their own proletariat but also of the proletariat of all countries.

Bukharin also addressed himself to the question of whether proletarian states should conclude military alliances with bourgeois states.

His answer was in the affirmative. It was based, he said, on the strategy of the proletariat as a whole:

> We have already grown so big that we are in a position to conclude a military alliance with a bourgeois state for the purpose of destroying some other bourgeois state with the help of the bourgeois ally. What would happen later on, under a certain readjustment of forces, you can easily imagine for yourselves. This is a question of purely strategic and tactical expediency.[77]

Such an alliance, he concluded, was a form of national defense for the proletarian state; as such it required the support of communists in every country. If the bourgeoisie of the country with which the alliance was concluded were subsequently overthrown, Bukharin noted to the amusement of his audience, "then other questions arise which it is not my duty to outline here, but which you will readily conceive." [78]

Bukharin described the right of red intervention as the "touchstone" for all communist parties. Modification of an earlier communist position that intervention was to be resisted was dictated by the changing circumstances. Every proletarian state, Bukharin asserted, had the right of red intervention.[79] If the proletariat were to conquer the whole world, Bukharin affirmed, it would be accomplished not with bare hands but with bayonets and rifles:

> For this reason the spread of the system on which the Red Army is based is also the spread of socialism, of the proletarian might, of the revolution. This gives the basis to the right of red intervention under special circumstances which makes the technical realization of it possible.[80]

The agrarian question was also discussed at length during the fourth congress. Theses on this subject had been adopted at the second congress, but subsequent experience had proven that convincing the peasants to accept communism was a far more difficult job than drafting a program had indicated. Two opposing thoughts permeated the discussions. On the one hand, there was the assertion that the peasants could be drawn along the path of revolution by means of antimilitarist propaganda. This position was supported by Renaud Jean of France and Anna Pauker of Rumania. Pauker stated:

> It is possible to win over the peasantry through antimilitarism, and to get the small peasants to side with us by promising them that the revolution will not deprive them of their land. But in plain German this means—neutralizing the peasantry. The peasants will not take the revolution by the throat, they will not oppose it if they can say to themselves that they have nothing to lose by it.[81]

There were some, however, who denied that antimilitarism could win the support of the peasantry and took the position that those who so asserted did not recognize the necessity of civil war and of armed conflict. The first position prevailed.

Lenin himself had emphasized the importance of the peasantry in a revolutionary situation. Speaking at the third congress, he said:

> We achieved victory in Russia, not because we had the undoubted majority of the working class on our side (during the elections in 1917 the overwhelming majority of the workers voted for us and against the Menshoviks), but also because half the army—immediately after we seized power—and nine-tenths of the masses of the peasantry—within the course of a few weeks—came over to our side.[82]

During the congress, reports made by various delegates revealed that relatively little antimilitarist work had been accomplished. In Czechoslovakia, for example, it was reported that agitation by the communist party in the army was still very weak, even though the fact that the soldiers possessed the right to vote made such work doubly attractive.[83] In Turkey, where the party had existed for more than two years, the work consisted primarily of issuing propaganda appeals to the Turkish army summoning the soldiers to the struggle against imperialism. Appeals had also been addressed to the Greek army, calling upon the soldiers to rise and disorganize their own army which was fighting for "Greek bourgeoisie and British imperialism. [84]

By the end of 1922, antimilitarist propaganda and agitation work by many western European communist parties had virtually ceased. This fact was noted by the Comintern with alarm at the fourth congress. The antimilitarist struggle, party representatives were told, could not be left entirely to the communist youth. The comintern called for closer cooperation between the communist parties and the young communist leagues in this work. All sections of the Comintern were directed to intensify their own antimilitarist activities.[85] In reporting on the work of the Young Communist International at the fourth congress, emphasis was placed on the tasks which faced the member youth leagues. Of these, the most important were the systematic education of youth in Marxian doctrine and the carrying out of antimilitarist propaganda "among the workers in and outside the bourgeois armies.[86] These tasks, it was noted, continued to be carried on enthusiastically by the various youth leagues, even though communist antimilitarist work had not been unopposed, had demanded "many sacrifices" and had claimed "many victims." [87] In France and Czechoslovakia, antimilitarist propaganda and agitational activities by communist youth oranizations had led to their prohibition, even though the respective communist parties retained their legal status. Some lessening of interest and decreased activity in antimilitarist work throughout Central Europe was noted, but the campaign continued with the assistance of the special press media which the Young Communist International had developed.[88]

The fourth congress paid homage to the "heroic sailors who have refused to go against the Russia of the workers and peasants" in French prisons.[89]. It is also recommended that the French communist party adopt a new action program:

> The party must undertake systematic permeation of the army. Our antimilitarist propaganda must differ radically from the hypocritical pacifism of the bourgeoisis, and must be based on the disarmament of the bourgeoisie and the arming of the proletariat. In their press, in Parliament, on all favorable occasions, the communists must defend the interests of the soldiers, advocate the recognition of their political rights, etc. Our revolutionary antimilitarist propaganda must be intensified everywhere when there is a menace of war. This propaganda must be placed in the hands of a special organ of the party, in which the communist youth must participate.[90]

French communists became the first to make revolutionary antimilitarism a routine part of their daily work. Their ready acceptance of this doctrine stemmed from the early recognition given by their leaders to the fact that the revolutionary movement among French servicemen stationed in the Black Sea area failed to become a really "mass" movement in 1919 because it lacked "serious" organization.[91]

An antimilitarist commission was established by the Young Communist League of France, and a full scale recruiting program featuring dances, "vins d'adieu," etc., was initiated to inculcate the conscripts entering service with the spirit of communism. In addition to specialized instruction on the technique of a propaganda and agitation, the Young Communist League of France provide its members with a course on antimilitarism.[92]

In December, 1922, the Young Communist International held its third congress in Moscow. In its new program which was adopted at the congress, the Young Communist International stated that the youth leagues were confronted with three special tasks:

> Struggle against the psychological militarization of the young workers by the bourgeoisie;

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> Struggle against the military education of the working class youth as a preparation for army service;
>
> Revolutionary work within the bourgeois armies, through nuclei in the regular standing armies, the colonial and occupation troops, in preparatory military institutions, and by propaganda against war, militarism, and the use of the army in the service of capitalism.[93]

The third congress of the Young Communist International decided to make the shop nuclei the corner stone for all work among the working masses. Antimilitarist work was one of the special tasks assigned to the shop nuclei. Previously, such work had been performed at branch level, but with the introduction of the shop nuclei as the basic organizational building block for youth work, responsibility for antimilitarist work was reassigned. Instructions on the organization of nuclei and the practical work expected of them as basic units of communism were detailed in a special pamphlet issued by the Young Communist International after the congress. The instructions emphasized the specialized nature of antimilitarist work to be accomplished by each shop nucleus:

> The nucleus must perform a part of the preparatory work with regard to the conscripts. It must be well informed about all the young workers who are approaching conscription age, and all these young workers must be combined and informed upon the role that they will be expected to play, and made to understand our attitude toward bourgeois militarism. After the conscription of these comrades, the nucleus must remain in close contact with them; this can be very easily done by individual members of the nucleus. Its antimilitarist activity must be carried on upon the basis of the general instructions issued for the work on this field. Should the shop at any time be occupied by the military forces, the nucleus must take up the work amongst the young soldiers, and must particularly fight against the nationalist incitement of the soldiers and endeavor to win them for the class struggle.[94]

In January, 1923, the French occupation of the Ruhr provided the Young Communist International and its member leagues with their first major opportunity to carry out work in the army and fight against the danger of war on an international scale. Although the Young Communist International attempted to marshal support from all of its sections, the response was disappointing. Some work was carried out by the communist youth leagues in Germany and Belgium, but only the work of the Young Communist League of France won recognition at the fifth congress of the Comintern for its success in the army.[95] The communists credit the propaganda posters and pamphlets which the Young Communist League of France disseminated in the Ruhr with having achieved widespread demoralization among the French troops stationed there. Even as the French soldiers took up their positions throughout the Ruhr Valley in January, 1923, thousands of posters proclaiming that "the German workers are your brothers" and calling on the soldiers to fraternize with the German workers began to make their appearance. A special illegal edition of *L'Humanité*, the official organ of the Communist Party of France, was printed for distribution among the military forces in the Ruhr, supplementing the agitational brochures printed by the Young Communist League. Special attention was given to the propaganda material disseminated among the French colonial troops. Leaflets, printed in their native Arabic, appealed to their fierce nationalistic spirit with significant results:

> You are here to pillage and steal for the same French Imperialists who murder and steal from you at home. The German workers are your brothers and fight for their liberty just as you do in your own country. Long live Algeria and Morocco! Liberty for people oppressed by French Imperialism![96]

The demoralizing influence of communist propaganda among French colonial troops deployed in the Ruhr resulted in their withdrawal and replacement with metropolitan French forces considered more politically stable and less susceptible to the agitational appeals of the communists.[97]

In Germany, the French occupation of the Ruhr contributed to a sharp devaluation of the mark. A severe economic crisis followed, creating a condition which German communists interpreted as the tocsin of revolution. Revolution required armed conflict, but the German communists were ill prepared; they lacked arms and ammunition, and had undertaken little propaganda or agitation either to win support of or to neutralize the Reichemehr. A premature uprising by the communists in Hamburg set off three days of bloody fighting in October, 1923. The communists were badly defeated; they had gambled on their ability to win the support of the working masses and lost. The German revolution failed to materialize.

Soviet apprehension about imperialist penetration of the Balkans found its parallel in soviet concern that the forces of imperialism were gathering the Scandinavian countries into an anti-soviet bloc which would turn the Baltic approaches of the Soviet Union into an English sea. Soviet misgivings were further heightened during the early 1920's by the marked absence of organizational discipline among Scandinavian communists and their tendency to form rival splinter groups, each seeking to establish itself as the dominant communist authority in its particular country. This had been clearly evident at the fourth congress of the Comintern. To resolve this and the multiplicity of other problems which communist factionalism spawned, the Comintern convened a special conference in January, 1924, for the purpose of creating a Federation of the Scandinavian Parties of Denmark, Sweden, Norway and Finland.[98] The Federation, which also served as a consultative organ for the smaller but non-affiliated communist parties in Latvia, Estonia and Lithuania, was patterned after the Balkan Communist Federation. Through it all antimilitarist activities against foreign naval forces operating in the Baltic were to be coordinated.

With their western flank protected by the two communist federations, the soviets turned their attention to the Far East.

Factionalism had also seriously retarded the development of communism in the Orient. In Japan, internal dissension in the spring of 1924 led to an attempt by one dominant faction to dissolve the party. However, the Comintern refused to approve the dissolution order, demanding instead the immediate revitalization of the Japanese communist party. The soviets were counting heavily on support from Japanese communism to lead the revolutionary offensive in the Far East. According to Sen Katayama, the veteran Japanese communist, the revolutionary fate of the whole Orient depended on the Communist Party of Japan.[99] This pronouncement was coupled to a declaration by Katayama that Japan was destined to play an important role in the world revolution because it was the only "capitalist-imperialist" country in the Orient.[100] Financial aid from Moscow administered through the Far Eastern Section of the Comintern from Shanghai kept the communist movement in Japan alive after 1924, but efforts to revive the ailing party organization were generally unsuccessful.

Although the Young Communist International had enjoyed limited success in connection with the Ruhr crisis, the failure of the October revolution in Germany tipped the scales in favor of a general reorientation of Comintern effort away from western Europe. Lenin had been inclined in that direction even before his death. In March, 1923, in his last pronouncement, Lenin wrote what is considered by some to be his true political testament: that revolution in the Orient was an indispensable condition for the attainment of the final victory of socialism.[101]

In June, 1924, the fifth congress of the Comintern convened in Moscow to put its seal of approval on the shift to the East.

THE FIFTH CONGRESS

The fifth congress of the Comintern met from June 17 to July 8, 1924. Zinoviev replaced Lenin as the sparkplug of the Russian section of the Comintern. "We have reached a situation in which we must expect the outbreak of a new series of wars," he said, "and we must take proper measures."[102] Among the measures which Zinoviev outlined was the need for antimilitarist work among the peasants. On speaking of the situation in Bavaria, Zinoviev said:

> If the tension is so great among the peasantry, it must find an echo in the army, for although many officers are members of the nobility, the peasant elements prevail in the army. Who was it who always crushed every revolutionary movement? Who beat us in 1905, who destroyed the Bavarian soviet republic and crushed a number of other risings in Germany after 1918? Mainly peasants' sons![103]

Others at the congress spoke on the agrarian question and its relationship to the fight against war. Kolarov, the representative of the Balkan Communist Federation, indicated that from the revolutionary standpoint in all countries, the question of the fight against war was becoming of even greater political importance than it had ever been before. "The greater the peril of a new war becomes imminent," he reasoned, "the greater will become the influence of the antiwar propaganda organized by the communist parties, and the greater will be its growing power to bring the peasant masses into our ranks."[104]

The report of the various delegates on the progress of their antimilitarist activities was disappointing. Czechoslovakia proved to be an exception. There, for example, the communists made the revolutionary crisis in Germany the focal point for their press campaign. Smeral, the Czech delegate to the fifth congress, claimed that thirty-five to forty percent of the enfranchised soldiers had voted for the communist candidates in the last election. This, he claimed, was proof that the party's propaganda within the army had been successful. He also pointed to the large number of soldiers who were in jail as additional proof that the party had not been passive.[105] The situation in Poland was not impressive. The complete absence of communist activity during the rising at Cracow was sharply criticized by the Comintern: "When regiments mutiny and the communist party is completely absent, it gives us something to think about."[106]

Antimilitarism was also discussed in connection with the national question. Manuilsky pointed to the 800,000 native workers in France and to the 250,000 negro soldiers in the French army. What, he asked, had been done to organize them and to prepare revolutionary agitators for the colonies from among their ranks:

> Do you think you will be able to make a social revolution if those 250,000 are on the other side of the barricades? Will your working class be able to win a single strike if the bourgeoisie have at their disposal these black reserve troops which they can incite any minute against your heroic proletariat? Have you carried on any antimilitaristic propaganda among those black troops?[107]

The French section of the Comintern replied by pointing to their work among the colonial soldiers in the Ruhr. The subject of negro troops was also discussed by the American delegate to the fifth congress. The center of intellectual leadership for the negroes, he

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Footnotes at end of article.

said, was New York. Therefore, the movement should be led by the American party press. Of the negro in service, he had this to say:

> Wherever negro troops have been organized by the imperialistic powers, those troops should demand to have their own commanders, and, in the African colonies, not to be used outside the colonies, for it must never be forgotten that the main use of black troops in the future will be that of shock troops of the bourgeoisie against the revolutionary proletariat.[108]

After the October disaster, the report on the German youth movement was anticlimatic. "In the factories," said Ernst Thalmann, the German revolutionary in his report to the fifth congress, "the communist party has not yet realized the necessity of supporting the youth in their stand on antimilitarism."[109] The Comintern directed all communist parties to show more interest in the practical work which the youth was carrying out in preparation for armed uprising. It also ordered them to support the active work in the army and navy with practical preparations for civil war.[110] However, these directives failed to achieve the anticipated results, and most communist organizations continued to consider antimilitarist activity as extremely specialized work quite apart from the daily tasks of the rank and file membership. Consequently, little progress was made by the communist youth organizations, for they failed to receive the support and guidance essential to the success of their work. The tactical importance of revolutionary antimilitarism to the success of the proletarian revolution was still not fully realized by many sections of the Comintern.

FOOTNOTES

[1] Degras, "Manifesto on the Polish attack on Russia," *loc. cit.*, pp. 90–92.

[2] "Theses on the Basic Tasks of the Communist International," *ibid.*, p. 118.

[3] *Ibid.*, p. 120. Italics added.

[4] Lenin, "The International Situation and the Fundamental Tasks of the Communist International," *loc. cit.*, X, 197–98.

[5] U.S., Department of State, *The 2nd Congress of the Communist International* (Washington: Government Printing Office, 1920), p. 160.

[6] *Ibid.*

[7] "Supplementary Theses on the National and Colonial Question," as quoted by William Henry Chamberlin, *Blueprint for World Conquest* (Washington: Human Events, Inc., 1946), p. 126.

[8] Lenin, "The Report of the Commission on the National and Colonial Questions at the Second Congress of the Communist International," *loc. cit.*, X, 240.

[9] *Ibid.*, p. 244.

[10] *Ibid.*

[11] Dagras, *loc. cit.*, p. 139.

[12] Lenin, " 'Left-Wing' Communism, An Infantile Disorder," *loc. cit.*, X, p. 94.

[13] *Ibid.*, p. 95.

[14] *Ibid.*, IV, 331.

[15] Chamberlin, "Theses on the Trade Union Movement, Factory Committees and the Third International," *loc. cit.*, p. 100.

[16] The 2nd Congress of the Communist International, p. 129.

[17] *Ibid.*, p. 130.

[18] *Ibid.* Italics added.

[19] *Ibid.*, p. 131.

[20] *Ibid.*, p. 132.

[21] Degras, "Statutes of the Communist International," *loc. cit.*, p. 163.

[22] Lenin, "The Conditions of Affiliation to the Communist International," *loc. cit.*, X, 200–206.

[23] Degras, "Conditions of Admission to the Communist International," *loc. cit.*, p. 166.

[24] *Ibid.*, p. 169. Italics added.

[25] *Ibid.* Italics added.

[26] *Ibid.*, p. 170. Italics added.

[27] *Ibid.*, p. 171. Italics added.

[28] *Ibid.*, p. 182.

[29] Quoting from the Petrograd *Pravda*, dated July 21, 1920 in *The 2nd Congress of the Communist International*, p. 79.

[30] *Ibid.*, p. 81.

[31] Degrae, *log. cit.*, p. 190.

[32] *Ibid.*, p. 189.

[33] *Ibid.*

[34] *Ibid.*, p. 193.

[35] *Ibid.*, p. 105.

[36] *Ibid.*, p. 223.

[37] "Theses on the International Situation and the Problems of the Communist International," *Theses and Resolutions Adopted at the III World Congress of the Communist International* (Moscow: Press Bureau of the Communist International, 1921), pp. 3–4.

[38] Leon Trotsky noted at the third session of the congress on June 24, 1921, that Napoleon used to say. *"Dieu est toujours avec les gros bataillons,"* i.e., "God is always on the side of the heaviest battalions." (*The First Five Years of the Communist International*, Vol. I (New York: Pioneer Publishers, 1945), p. 227).

[39] "Theses on Tactics," *Theses and Resolutions Adopted at the III World Congress of the Communist International*, p. 29.

[40] *Ibid.*

[41] *Ibid.*

[42] *Ibid.*, p. 31.

[43] *Ibid.*

[44] *Ibid.*, p. 20.

[45] *The Communist*, I, No. 7 (February, 1922), 10–11.

[46] *Ibid.*, No. 1 (July, 1921), 23. Italics added.

[47] *Theses and Resolutions Adopted at the III World Congress of the Communist International*, p. 31.

[48] Vienna remained the primary headquarters of the Balkan Communist Federation until 1927 when an alternate center was established in Constantinople for the purpose of providing closer support to the local separatist organizations which had become increasingly active in Rumania and the southern Balkans. (*La vague rouge*, No. 7 (July, 1927), 48).

[49] This remained truc until the outbreak of World War II.

[50] *Ibid.*

[51] *International Press Correspondence*, VIII, No. 84 (November 28, 1928), 1591. Italics in original.

[52] *Theses and Resolutions Adopted at the III World Congress of the Communist International*, pp. 40–41.

[53] *Ibid.*, p. 44.

[54] Degras, *loc. cit.*, p. 223.

[55] U.S., Congress, House, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda*, Part 5, Vol. 4, 71st Cong., 2d Sess., 1930, p. 91.

[56] *Ibid.* Italics added.

[57] Degras, *loc. cit.*, p. 299.

[58] Rodger Smearingon and Paul Langer, *Red Flag in Japan* (Cambridge: Harvard University Press, 1952), pp. 13–14.

[59] R. M. Whitney, *Reds in America* (New York: The Beckwith Press, Inc., 1924), pp. 156–57.

[60] *Ibid.* Italics in original.

[61] *Ibid.*

[62] *Ibid.*

[63] *Ibid.*

[64] *Ibid.*, p. 158. Italics in original.

[65] *Ibid.*

[66] *Ibid.* Italics in original.

[67] *Ibid.* Italics in original.

[68] Lenin, "The Question of Combating War," *loc. cit.*, X, 315.

[69] *Ibid.* Italics added.

[70] Degras, *loc, cit.*, p. 332.

[71] C. Martin Wilbur, and Julie L. How, *Documents on Communism, Nationalism, and Soviet Advisers in China 1918–1927* (New York; Columbia University Press, 1956), pp. 58–59.

[72] Conrad Brandt, Benjamin Schwartz, and John Fairbank, *A Documentary History of Chinese Communism* (Cambridge: Harvard University Press, 1952), pp. 61–62.

[73] Xenia Rudin and Robert North, *Soviet Russia and the East* (Stanford: Stanford University Press, 1957), p. 332.

[74] A copy of this booklet is filed in the Library of Congress. It was published in 1924, possibly earlier.

[75] *Fourth Congress of the Communist International* (London: Communist Party of Great Britain, 1923), p. 170.

[76] Eudin and North, *loc. cit.*, pp. 236–37.

[77] *Fourth Congress of the Communist International*, p. 171.

[78] *Ibid.*

[79] Comintern congresses were not without their humor. Radek drew laughter from the audience after Bukharin's reference to red intervention by interposing the observation, "You are the honorary chief of a regiment, and that is why you talk like this!" (*Ibid*).

[80] *Ibid.*

[81] *Ibid.*, pp. 198–99.

[82] Lenin, *loc. cit.*, X, 285–86.

[83] *Ibid.*, p. 279.

[84] *Ibid.*, p. 236.

[85] *Fourth Congress of the Communist International*, p. 255.

[86] *Ibid*, p. 252.

[87] *Ibid*, p. 253.

[88] *Ibid.*

[89] *Resolutions and Theses of the Fourth Congress of the Communist International* (London: Communist Party of Great Britain, n.d.), p. 3.

[90] *Ibid.*, p. 99.

[91] André Marty, "The Black Sea Revolt," *The Communist International*, II, Nos. 9–10 (May 20, 1934), p. 341.

[92] *La revue antibolchevique* (July 1, 1926), p. 19.

[93] U.S., Congress, House, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda*, Part 5, Vol. 4, 71st Cong., 2d Sess., 1930, p. 326.

[94] "Instructions on the Building Up of Nuclei and their Practical Work as the Basic Units of Communist Organization," *ibid.*, p. 202.

[95] *Fifth Congress of the Communist International* (London: Communist Party of Great Britain, n.d.), pp. 229–30.

[96] L. Alfred, J. Dupont and Kurt Fischer, *L'antimilitarisme révolutionaire* (Paris: Communist Party of France, 1929), p. 99.

[97] *Ibid.*

[98] *Fifth Congress of the Communist International*, p. 294.

[99] Katayama, a Japanese socialist turned communist, founded the first Japanese communist group in the United States in 1919, and was influential in the establishment of the Communist Party of Japan. One of Japan's leading communists, Katayama was a member of the Presidium of the Comintern for many years before his death in 1933. (*Communist International*, X, No. 23 (December 1, 1933), p. 876).

[100] *Fifth Congress of the Communist International*, p. 198.

[101] Possony, *op. cit.*, p. 155.

[102] *Fifth Congress of the Communist International*, p. 21.

[103] *Ibid.*, p. 105.

[104] *Ibid.*, p. 227.

[105] *Ibid.*, p. 51.

[106] *Ibid.*, p. 39.

[107] *Ibid.*, p. 192.

[108] *Ibid.*, p. 209.

[109] *Ibid.*, p. 275.

[110] *Ibid.*, p. 276.

CHAIRMAN MILLS BRINGS GOOD NEWS TO OKLAHOMA

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. EDMONDSON. Mr. Speaker, it is a special privilege and honor for those of us in Oklahoma when one of our colleagues from this distinguished body accepts an invitation to visit our State.

We had such a visitor in Oklahoma last on October 15, the distinguished chairman of the Committee on Ways and Means, the Honorable Wilbur Mills. Chairman Mills came into this Nation's newest maritime State to address the 45th annual convention of the Propeller Clubs of the United States, meeting jointly with the 1971 American Merchant Marine Conference in Tulsa.

Chairman Mills, in an outstanding speech, retraced the long fight to build the McClellan-Kerr Arkansas River navigation system, which has brought commercial water traffic into Oklahoma and Arkansas—and he pointed out that he is the only Member now serving in the House from Oklahoma, Arkansas, or Kansas who was a Member in 1946 when the authorizing legislation passed. The contribution Chairman Mills has made to the successful completion of that great project is immeasurable.

The chairman brought us some especially welcome news when he underscored his opposition to any waterway user charge, a charge the administrative branch continues to recommend.

Mr. Speaker, I would like to have Chairman Mills' speech of October 15 appear in the Record.

Remarks of the Honorable Wilbur D. Mills

It is a genuine pleasure to be here for this 45th Annual Convention of the Propeller Club and the 1971 American Merchant Marine Conference, which is held in conjunction with it.

It is especially gratifying to me that you have selected Tulsa, with its port of Catoosa, as the host port for this year's convention, since it is at the head of commercial navigation on the great McClellan-Kerr Arkansas River Navigation System and enjoys the distinction of being the nation's farthest inland port. But don't bank on this city's always enjoying that distinction because the present Members of Congress from Oklahoma are exceedingly sanguine about this wonderful waterway. I would not be at all surprised to see it branched to every nook and cranny of this State. Carl Albert, Ed Edmondson and Page Belcher, in whose Congressional districts the navigation channel now courses, I am sure, would be glad to share it with Tom Steed, John Jarman and Happy Camp if they can just get some canals dug westward. Your next convention may very well occur somewhere out in western Oklahoma.

Over the years there have been many dedicated persons—both in and out of Congress—who have worked diligently and devotedly for this magnificent project out of a labor of love and faith in what it can do for the Arkansas River Basin and indeed for the economy and strength of the whole country.

A navigation project of this magnitude is a long time aborning. It was in 1820 that the first steamboat entered the mouth of the Arkansas River from the Mississippi and plied as far as Arkansas Post, 60 miles up river. In 1822 the steamboat, "Eagle," proceeded as far as Little Rock, and within a few months thereafter Fort Smith was reached by steam driven craft with lighter draft boats going upstream as far as Fort Gibson in the Indian Territory. This initiated an era of considerable steam-powered commerce on the river, which was eventually terminated by a combination of competition from the railroads, the extreme difficulty of controlling the river's capricious behavior and the lack of funds for channel maintenance and snagging operations. For all practical purposes steamboat traffic was all but driven from the river by about 1910.

There were those, however, who continued to see the vast potential of a navigable waterway through one of the richest natural resource areas of the world, the Arkansas River Valley, and they never ceased to work to make that dream a reality. Two of those men, of course, are those for whom the project is named—Senators McClellan and Kerr.

The renaissance or new era of commercial navigation on the river, which has recently been initiated, had its genesis 28 years ago, in the middle of the second World War, when Senator McClellan introduced a bill, S. 1519, to authorize a comprehensive project on the river to include flood control, electrical power generation and navigation. This bill immediately caught the eye and stirred the interest of then President Franklin D. Roosevelt, who on January 14, 1944, wrote to Senator McClellan in the following glowing terms:

"My Dear Senator McClellan: I am very much interested in your bill, S. 1519, relating to the construction and operation of water control and utilization projects in the basins of the Arkansas and White Rivers. Enactment of the bill would be an important forward step in effectuation of the policy of multiple purpose development of our great river basins and the prudent conservation of our vast public resources.

"I feel certain that the people whose homes are in the basins of the Arkansas and White Rivers and the soldiers who will want to return to the area and to work and make homes there would be deeply grateful if the Congress were to pass S. 1519. The benefits that they would derive from a well coordinated program for the prevention and control of floods, the improvement of navigation, the disposition of low-cost electric power and the irrigation of fertile lands would be of incalculable value . . . ."

Immediately after the war the legislation authorizing the project was enacted by Congress and signed into law by President Harry S. Truman on July 24, 1946. That this was quite a while ago is rather forcefully brought home to me. I find that today I am the sole remaining member still serving in the House of Representatives who was serving in the House back at that time from the tri-state area of Arkansas, Oklahoma and Kansas.

You know the story of the ups and downs in the ensuing twenty-five years when it took the concerted efforts of all of us to keep this project on schedule through difficult periods of no-starts and then happier years when we were successful in accelerating appropriations for the programs, finally to arrive at its completion and formal dedication earlier this year.

Let me commend and gratefully acknowledge the support of the Propeller Club and the Merchant Marine Conference for this project, in particular, and the valuable support you consistently provide for river and harbor improvements generally. It is recognition on your part of the importance of inland waterway traffic in the overall picture of the nation's waterborne interstate and foreign commerce. It is a very significant fact that more goods are transported on a tonnage basis on our inland waterways than by any other category of United States waterborne commerce, including foreign traffic, coastwise traffic or Great Lakes traffic. This extensive system of inland water routes covers over 25,000 miles of commercially navigable channels and carries almost 10 percent of the nation's domestic commerce. It is absolutely essential to our economy and a vital link in our trade with other nations.

In spite of the dismal current picture in our balance of trade with foreign countries, there is welcome indication and tangible evidence that this nation has recognized the necessity of a rebirth, a revival of our once proud maritime tradition and the respected image of the Yankee trader of days gone by. In the legislative area we have the Merchant Marine Act of 1970, which is designed to revitalize our merchant marine and encourage the building of a modern, new merchant fleet. Significant Federal income tax provisions were included in this important legislation. It permits unsubsidized operators in our foreign commerce, in our noncontiguous trades, and in the Great Lakes, to create a construction reserve fund for new ship construction. Subsidized operators in the liner trades had had this privilige since 1936. The Act extends these benefits to unsubsidized operators to encourage the rebuilding of that part of the fleet which is in most need of replacement. Under this tax deferred plan, shipping companies are permitted to make deposits of earnings and other income into a ship construction fund. Such deposits will be tax deferred if new ships are built with the money in the fund.

The Merchant Marine Act of 1970 was processed by the House of Representatives' Committee on Merchant Marine & Fisheries, of which Congressman Ed Garmatz of Maryland is the distinguished chairman. The Committee on Ways and Means did cooperate fully with Chairman Garmatz, however, and provided the technical staff for the development of the tax provisions in the Act.

In line with the philosophy of tax deferral for ship construction in the Merchant Marine Act, the Committee on Ways and Means approved and the House passed just last week a new Federal income tax deferral provision for export related profits of domestic companies. This is the DISC proposal, which provides tax incentives for United States firms to increase their exports. To be a DISC, which stands for a new type of corporation known as a Domestic International Sales Corporation, and to be entitled to the tax deferral privilege, substantially all of the gross receipts and assets of a corporation must be export related. This provision in the new bill passed last week, the Revenue Act of 1971, is similar to that which was approved last year by the House, but not the Senate, in the Trade Act of 1970. However, in the new bill the tax deferral treatment is to be available only on an incremental basis, that is, it is limited to income attributable to a firm's export sales in excess of 75 percent of its average export sales in the base period years 1968 through 1970. The incremental approach concentrates the benefits of the tax deferral treatment on firms which increase their exports and thereby make a greater contribution to resolving our balance of payments problems. The Committee on Ways and Means also added a provision to the intercompany pricing rules in the proposal to encourage DISC's to ship exports aboard United States flag vessels. This last provision was included in the bill at the suggestion of the Chairman of the Committee on Merchant Marine and Fisheries and your good friend, Ed Garmatz.

The greatest boon, however, to the United States shipping industry from a Federal tax viewpoint in the Revenue Act of 1971 is the restoration of a job development investment credit at a flat rate of 7 percent. This is essentially a restoring of the old investment credit that was in effect from 1962 to 1969. The idea behind the granting of this credit against Federal income tax liability is to encourage United States businesses and industrial firms to invest in more modern and efficient machinery and equipment. The accelerated investment activity in turn should increase jobs and productivity in this country and enable our businessmen to compete more effectively in foreign markets.

On this point, this audience is well aware that not only did we neglect, up until last year, our merchant fleet, but also our balance of payments position has been permitted to deteriorate at an even more rapid pace. In the second quarter of this year, our balance of payments deficit, both on a net liquidity basis and on an official reserve transaction basis ran at an annual rate of about $23 billion. We no longer have a trade surplus on goods and services. Instead of surpluses ranging from $7.1 billion in 1965, $2 billion in 1969 and $3.6 billion in 1970, we had a deficit of $22 million in the second quarter of this year. This culminated in the dollar crisis in August when the President finally abandoned his waiting game plan and announced his New Economic Policy.

The current difficulties in our balance of payments are, of course, a result of a number of complex factors including inflation at home and discriminatory trade practices abroad. They have been building over a long period, and it was past the time when action should have been taken to alleviate or remove them. The Committee on Ways and Means and the House of Representatives have to the President's legislative recommendations. This is shown by the overwhelming approval of the tax reduction bill last week. Indeed, I firmly believe that we have greatly improved the President's tax recommendations by striking a better balance in the bill as between incentives for investment on the one hand and tax cuts for consumers on the other. It is now up to the Senate, and I hope it will follow the example set by the House.

The Revenue Act of 1971 is a necessary and important step in putting our lagging economy back on the path of adequate and stable economic growth. It cannot by any means do the whole job, however, and both the pace and grace of our economic recovery will depend on future actions, not the least of which are those on which the Administration is working right now. I am speaking of the substantive decisions that must be made for the post price-wage freeze era, that is, the Phase II period after November 13th, the progress it is hoped will be made in the current efforts toward formulating new international monetary arrangements, the longevity of the 10-percent import surcharge, and the success of the President and the Congress in cutting Federal expenditures to hold inflation in check.

Before I close let me mention one other area of taxation that is of continuing concern and very considerable interest to those involved in water transportation. That is the perennial executive branch recommendation that a user charge, most often proposed in the past in the form of a gallonage tax on all fuel used in the inland waterways, be levied. I have not thought it advisable for the Committee on Ways and Means to either hold hearings on this subject or to consider it in executive session thus far. Certainly, in view of the Committee's very heavy schedule, there will be no opportunity to consider it in this Congress.

Again let me commend this organization for the consistently fine work you do in promoting safety, efficiency and expansion of economical waterborne commerce and to express my appreciation for this opportunity you have afforded me to share in the delightful fellowship at this luncheon today. Let us all continue to work together to assure more activity on our waterways, more construction in United States shipyards, more United States exports shipped on more United States ships, and more jobs for United States seamen.

THE MULTINATIONAL CORPORATION IN THE GRAND DESIGN OF INTERNATIONALISM: PERSPECTIVE ON A SHORT HISTORY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. REID of New York. Mr. Speaker, Mr. Arthur Ross, the U.S. delegate to the Political Committee and the Economic Committee of the North Atlantic Assembly, recently presented a background paper to that group entitled "The Multinational Corporation in the Grand Design of Internationalism: Perspective on a Short History."

Mr. Ross' paper studies the role and potential of multinational corporations on a global level and points out the tremendous influence of such corporations in ecological, social, and humanistic terms, Mr. Ross also makes a number of suggestions about the role of NATO vis-a-vis multinational corporations.

I am inserting Mr. Ross' paper in the RECORD at this point as I believe all Members will find it a thoughtful study of this important force in world affairs:

THE MULTINATIONAL CORPORATION IN THE GRAND DESIGN OF INTERNATIONALISM: PERSPECTIVE ON A SHORT HISTORY

I. INTRODUCTION

1. In this, the seventh decade of the Twentieth Century, the multinational corporation has become, and rather suddenly, a major topic of controversy in politics and economics. One fact that appears beyond controversy is the profound influence that these corporations exercise on world affairs through their producing and distributing patterns. Based on a world GNP of $3 trillion, their estimated output is almost one-sixth of the total—and one-fourth of the total of the GNP for the Western World alone. Moreover, with a 9% growth rate, which is twice as fast as national economic growth rates, the international companies are obtaining a steadily increasing share of world output and are internationalizing a vast sector of world production. This output, estimated as larger than any national economy other than the United States, represents an emerging sector that in the aggregate is close to reaching a "critical mass", rendering the world's output basically and irreversible international.

2. Controlled and directed constructively, and with a high sense of humanism, these international corporations can bring about stability, prosperity and order out of confusion. But if callous to consumerism, without social objectives and restraints established by governments, and dominated exclusively by the profit motive, these same entities will fail in their ultimate objective of improving the lot of mankind and will further reduce spirituality in the world. The corporation, as such, is simply an invention of man to combine the skills of people into an instrument of production. As such, they are potentially unparalleled forces for the good in a world stumbling in poverty. They provide the means for unifying and reconciling the aspirations of the masses—a task which statesmen and politicians have utterly failed to achieve.

3. Assuring that this potential is realized is a major political and economic challenge of our time. Social decisions must be brought into play to consciously meet human needs. The profit motive alone is not enough to assure good and safe products at fair prices, conformance to local regulations and cultural traditions, and the broadest possible use of local personnel. It is a world problem, more soluble by international means. It is, particularly, a challenge to the NATO countries, as Western Europe and the United States account for most of the new patterns of internationalized production.

II. THE SIZE AND SCOPE OF THE INTERNATIONAL INVESTMENT

4. In this paper "international" and "multinational" are used interchangeably in describing companies that produce and sell in more than one country. Although we are in an early stage of international accounting, there is enough data available to form the basis to picture the dramatic, even revolutionary, growth of international investment, production and distribution.

5. The most reliable and the most extensive estimates are those for American investment. Investment estimates for certain other key countries (e.g. United Kingdom, Germany, Canada, Switzerland, Japan) are improving and have reached the point where the general picture of international investment can be sketched out considerably beyond the very substantial portion (about one-half) accounted for by the U.S. figures. In summary: [1]

[In billions of dollars]

	1950	1960	1969
1. U.S. investment abroad:			
Direct investment (mainly in U.S. subsidiaries)	12	32	71
Portfolio	6	13	25
Short term private	1	5	14
Total private	19	50	110
U.S. Government:			
Short term (including monetary)	2	4	8
Long term	11	14	28
Total Government	13	18	36
Total, private and Government	32	68	146
2. Other countries' investments in United States:			
Direct	3	7	12
Portfolio	5	12	29
Private short term	7	12	32
Foreign government: Short term	3	11	18
Total, foreign private and Government	18	42	91

6. A number of features of this basic investment structure are arresting:

(1) Its rapid growth—9% a year, or twice as fast as general economic growth.

(2) For the United States, the strong central position of direct investment. This is the familiar international or multinational company with its branches and subsidiaries in various countries.

(3) The lesser scale but strong growth of other countries' investment in the U.S. market. Here the pattern is the reverse of U.S. investment in terms of maturities and risk. More than half is in short-term assets, which reflects (1) the scale of foreign banking in America; (2) the growth of the Euro-dollar market as the centerpiece of international financing; (3) the structurally related U.S. balance-of-payments deficits which leave surplus dollars in foreign hands; and (4) the traditional strong liquidity preference of foreign investors.

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[1] Source: U.S. Department of Commerce, *Survey of Current Business*, various issues.

III. THE PRODUCTION PROFILE

7. A great deal is now known about the volume of output associated with these investments—nothing resembling the detail and firmness of national accounts, but enough to make plausible estimates of order of magnitude. The annual sales of foreign subsidiaries of U.S. international companies can thus be estimated at double the direct investment figures, or sales of $142 billion in 1969, the latest year available. By way of comparison, the GNP of Germany was then $151 billion, France $130 billion, United Kingdom $109 billion, and Italy $82 billion.

8. Output associated with other than direct form of investment involves a presumably lower factor than the 2:1 appropriate for direct investment. Although the basis for estimating is concededly not firm, a 1:1 ratio seems plausible. For example, if banks perform their basic function of intermediating short-term deposits into productive investment, an equal amount of output seems a relatively conservative inference for a year's employment of funds. Assuming the same impact for portfolio and all other non-direct categories of investment combined, the result is a further estimate of $75 billion to be added to the above $142 billion in 1969. The sales of international companies in their home markets are not included here. It is noteworthy that this figure for the sales value of American companies' output abroad is almost five times larger than traditional U.S. exports. Thus, for every dollar of goods and services furnished foreign markets through exports, there are five dollars furnished through operations abroad.

9. Similar analysis of information on foreigners' investment activities in the United States and elsewhere abroad leads to a broad estimate of a comparable amount of output—probably about $230 billion or slightly higher than the American figure of $217 billion. The total: $450 billion.

IV. HOW IMPORTANT IS $450 BILLION?

10. Output of $450 billion is a sixth of estimated gross world production, $3,000 billion. It is half again larger than the entire volume of world exports. This $450 billion is almost entirely the output of NATO-area companies. It exceeds the estimated $350 billion output of all the less-developed countries combined. It exceeds the national output of all countries except the United States, which is one trillion dollars.

11. Thus, $450 billion in product seems to represent a "critical mass" characteristic of an international production explosion. Note from the attached that at a growth rate of 8%, a rate conservatively below the 1950–1969 experience, this production would double by 1979, at which time it becomes about a fifth rather than a sixth of world output and within 50 years, fully half. Thus, we are in fact committed to a system, not only of international trade but also of international production. That the direction is likely to be reversed, seems unlikely.

V. HOW DID THE NEW INTERNATIONAL SYSTEM COME ABOUT?

12. Many factors contributed to the accelerated pace of international investment after World War II. First, was the general economic situation typical of the European NATO countries at that time—destroyed and disrupted productive facilities, accompanied inevitably by gravely impaired foreign-exchange resources. (For quite different reasons, the condition roughly paralleled the familiar low-productivity position of less-developed countries.) Foreign-exchange reserves and earnings were strictly budgeted under policies aimed at keeping consumer imports no higher than was distated by essential consumer shortages, and to keep availabilities for producers' goods as high as possible.

13. Foreign investment was everywhere welcome to augment desperately needed local resources. The barriers against non-essential imports confronted foreign suppliers with a situation in which traditional markets could be maintained only out of local production. Moreover, in most countries, foreign companies' earnings were blocked. Local investment became the best available use for the funds. In keeping with this encouragement of local production, most countries moved rapidly toward a policy of liberalizing the remittance of earnings from foreign investment in order to attract more capital.

14. Another basic factor contributing to the accelerating pace of international investment was the elevation of European demand to a point where the large-scale producing methods of the American market became suitable. The bouyancy of demand made profit prospects continually more favorable. Economic development invited the application of advanced industrial technology. The European productive surge by the mid-1950's created conditions favorable to the unification of Western European markets into the Common Market. Subsequent tariff reductions contributed to the surge of production. Active American investment accelerated from the late 1950's on, especially in European manufacturing. Investment in the United Kingdom gave access to the European Free Trade Association, with its sophisticated population of 100 million consumers.

15. Above all, the rapid and dramatic improvement in world communications removed the old borderlines that divided markets. These advances continue. International telephone circuits and the communications satellites assure virtually instant sound and visual contact throughout the world. This is what community means—an area in which communication takes place. With modern facilities this is now a permanent and dramatic fact of a new world community.

VII. CRITICISM OF MULTINATIONAL CORPORATIONS

16. Hostile criticism of international companies is extensive, and often deserved. Raised to the level of international affairs, the potential of companies to behave selfishly and without regard to human social objectives is unlimited. There are certainly serious problems in the discrepancy between the global range of corporate operations and the monitoring range of any corresponding political authority. Absent from the scene are world regulatory agencies, registration and taxing authorities, fair practice and labor standards, tribunals to deal with conflicts of law, and agencies to force conformance to predetermined social obligations.

17. The following criticisms are representative:

(1) Subsidiaries to a large extent carry out the policies of their parent, which in turn are influenced by the home government, and this is frequently at odds with locally desired goals and national policies in the host countries. Particularly in the financial sphere, international banking can frustrate the host country's financial policies as they affect such matters as interest rates, prices, costs, the business cycle, and economic development.

(2) In the name of maximizing profits, companies impose economic straightjackets on the development potential of poorer countries, exploiting local resources for the benefit of outsiders.

(3) Given the scale of their operations and all too little regulation, they have become, inadvertently, major polluters of the planetary environment on a large scale.

(4) The mere size of international companies makes effective new competition more difficult. By growth and mergers, various critical sectors of world production and finance are gradually drifting into the hands of relatively few companies.

All this may be summarized by stating that political motivation leading toward social controls has not kept pace with our economic instruments.

VII. THREE GAPS IN THE SECTOR OF MULTINATIONAL CORPORATE ACTIVITIES

18. One of these areas is ecology, which will be dealt with later. The other two have to do with (1) the undeveloped countries and (2) with the Eastern Bloc countries including Russia and China. Working with the broad information available on national output (GNP), we arrive at a world output of broadly $3,000 billion as follows: [2][3]

	Billion
United States	$1,000
Other Developed Countries of the West	1,000
Eastern Bloc including Russia	535
China	115
Less-developed Countries	350

1. With less-developed countries

19. The above table reflects the interproducing network concentrated in the NATO group. The challenge is to encompass the other areas. But the industrial ties between the developed countries and the less-developed countries are sketchy, highly specialized, and at the moment are waning in certain areas such as Latin America, most of Africa, Southeast Asia, and the Indian subcontinent. The international system has not contributed to bringing about the integration of the less-developed countries into the western-style economic fabric of high productivity per capita which is essential.

20. The less-developed countries note the specialized character of help available from abroad and decry it for bringing about such maladies as raw material depletion for the benefit of the more developed world an a freezing of general economic growth into a mould of relative poverty. With rare and special exceptions—for example Israel and Taiwan, and another group of countries such as Saudi Arabia, Kuwait and Libya for obviously special reasons—less-developed countries do not move on and into the world of decent per capita income. Almost without exception the less-developed countries believe that the private companies and the free enterprise system of the industrialized world are incapable of changing their situation. They believe rightly or wrongly that the limitations established by history, climate and geography present no insuperable obstacle. The program of the multinational, of concentrating on raw material production and not progressing onward to intermediate and final manufacturing processes in the developing areas is the result of a fear of establishing capital-intensive activities in areas of political instability and in countries having different economic and social fabrics. The reluctance is understandable, but the gap created brings about an untenable disparity in standards.

21. Stronger undertakings between the host countries and the multinational corporations which would protect their separate concerns and thus release the mainsprings of progress seem to await the establishment of an international body by the respective governments which will promulgate criteria and have enforcement powers.

2. With the East/West bloc

22. Gap number 2 between the economies of the West and Eastern Bloc countries and

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[2] Derived from United Nations data, *Yearbook of National Accounts Statistics*.

[3] Derived from various sources, particularly material submitted to the Subcommittee on Foreign Economic Policy of the Joint Economic Committee.

China is primarily political in nature. There are minor difficulties such as finding common denominators of trade, production and finance between the government-planned production of the East and the private-market system of the West, but these could be readily overcome. Dramatic progress could be made once the arbitrary barriers of political differences are torn down.[4]

23. It may be possible to conceive of an increasingly integrated Western World of highly developed economies alongside two other separate worlds, one primarily communist-oriented politically and economically, and one of underdevelopment. But more and more the example of the western economies as a highly interdependent system of production both illustrates and suggests a world society whose efficiency depends on the best allocation of resources on a world-wide basis. The integration between the Eastern Bloc and the West, in fact, has already been accomplished by innovative contracts such as the pipelines that increasingly knit together Russia and Western Europe. Economics is the interplay of competing opportunities for the use of resources, and these opportunities are no less real as they occur in western, eastern, or third world areas. Political decisions may complicate but rarely cancel the force of good economics. The relative weight of politics and economics seems slowly but surely to be shifting in favor of the latter.[5]

3. Lack of ecology controls

24. A third failure of the emerging international system is to assure the integrity of the planet's resources. Matter is not created or destroyed. But the acts of transformation, produce residuals that are passed off into the air and water streams of the planet, or are left to litter the environment. This is an old observation and applies to man's "transforming" operations from the beginning of time. What is new to the Twentieth Century, is the realization that our level of transformation is now yielding such a high volume of effluents that the air and water streams are no longer certainly adequate to carry them off and distribute them innocuously.

25. Beyond this, very perplexing questions have arisen as to whether world resources are capable of being extended by present western-type technology to the loss-developed countries. The basic materials of the planet are finite. Known reserves would not permit to extension of per capita consumption at, say, the U.S. level to an indefinitely growing world population.

26. These are but illustrative comments. A proper husbanding of planetary resources, the revolutionizing of production technology to provide the minimal requirements of recycling, the reduction of pollution to levels consistent with the vital processes of the planet—those necessary efforts all fall outside of the accounting systems of companies—and, so far, of nations, too. Those environmental considerations will require more and more activity at every level of social organization. The basic problem is worldwide. It will call for world analysis, and become a charge on world resources. The international companies must play a leading role in identifying the specific problems, suggesting the most practical solutions, and providing business leadership in making agreed programs effective.

27. Surely the protection of resources and people who are increasingly menaced by careless resource processing is an urgent defense problem to which the NATO group is well situated to address effective analysis and design fruitful suggestions. Finally, because of the competitive nature of the free enterprise system, governments, or better yet, the United Nations must establish guidelines to which all must adhere.

VIII. A CONSTRUCTIVE STEP FOR NATO

28. The NATO countries constitute the very core of world international production and constitute almost the entirety of the international money and capital markets. In all these matters under discussion, NATO has a concern and a potential for action. I suggest that the North Atlantic Assembly institute an orderly examination of the problems of international investment and production with these objectives:

(1) To examine and to make suggestions to reduce the barriers to production and trade between East and West.

(2) To determine the feasibility and desirability of establishing a code of rules along with a judicial tribunal in concert with all the governments concerned covering the rights and obligations of host countries and the multinational corporations that wish to operate in those areas.

(3) To evaluate and make appropriate recommendations in regard to ecological factors in the production cycle and other areas of concern.

(4) To study the investment of NATO countries in the underdeveloped world. All countries should be encouraged to develop more and comparable accounting information on capital movements and foreign investment. A program should be established to determine the timeliness and scope of a NATO investment advisory commission to keep this work current and to suggest needed work by other international bodies.

29. The multinational corporation now operates at the global level, made possible by our industrial, commercial, and communications technology. It has created an international force of great dynamism and efficiency and is in a position, when its objectives include ecological, social and humanistic goals, to play a central role in a vast and creative effort to benefit mankind.

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[4] See this author's paper presented to the North Atlantic Assembly, The Hague, October, 1970; *East and West: The Ties that Bind.*

[5] Courtney Brown, World Business: *Promise and Problems*; Macmillan, 1970.

MAKING SUMMER CAMPS SAFE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, the Washington Post recently endorsed the Daniels-Peyser Youth Camp Safety Act and called it an "effective approach" in providing nationwide safety standards. The Post editorial further focuses attention on an issue that has long gone unrecognized. It is not commonly known that only one State out of 50 has established a comprehensive law regulating summer camps for children. Each summer, children are sent to camps by parents totally unaware that the camp to which they entrust their child may not even have an infirmary on the premises.

The endorsement of the Washington Post has been added to a long list of supporters which includes the American Camping Association, the Boy Scouts of America, the Boys Clubs of America, the YMCA, and the Salvation Army. As the Post points out, the need for safety legislation is long overdue. Therefore, I would encourage my colleagues to put an end to years of neglect and pass the Youth Camp Safety Act.

The article is as follows:

MAKING SUMMER CAMPS SAFE

Most of the nation's estimated eight million youth campers have now returned from happy weeks or months enjoying Nature and the outdoors. Many of the children were at safe, well-run camps where supervision is firm and accident prevention is taken seriously. This is not true for all the children, however, many attended camps where counselors had little or no knowledge of dangerous waters or woods, where safety equipment was not provided, where safety and health inspections were rare or non-existent. The statistical breakdown betwen safe and unsafe camps is not known. A possible guide is that out of 11,000 camps in the country only about 3,500 are accredited by the American Camping Association. According to Dr. John Kirk, president of the ACA, testifying in the last session of Congress, only "26 states have adequate legislation in the areas of sanitation. About 15 have safety regulations that would be meaningful. About three or four make reference to personnel." Against this background, the House is soon to consider an amendment to the higher education act offered by Representatives Daniels and Peyser.

The amendment, which is essentially the Youth Camp Safety bill, has been endorsed by such groups as the American Camping Association, the YMCA, the Boy Scouts of America, the Salvation Army. A main feature is that HEW sets minimum federal standards for safety in the camps. These standards can then be administered by the states; the latter will receive 80 per cent funding from the government to administer these safety measures. The Daniels-Peyser amendment is an effective approach because it provides incentives to let the states administer their own programs while ensuring that nationwide standards will be met. Thus, a camp in one state will have the same minimum safety standards as a camp a mile across a state line or a camp 2,000 miles across the country. Congress has been debating for years now on how to protect millions of children from poorly run camps, so the endorsement of the camping grounds for this amendment can hardly be ignored. ACA President Kirk is on record as saying that the Youth Camp Safety bill "is one of the most outstanding pieces of proposed legislation that I have ever seen."

The need for federal minimum standards is great. Over the years, the list of camp deaths and injuries has grown long, from river drownings because children were not given life jackets to highway crashes of children riding on dangerous flatbed trailer trucks. Safety-minded officials say that large numbers of these tragedies could easily have been avoided.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NO BUSES, NO BOYCOTT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BROOMFIELD. Mr. Speaker, I wish to include in the Record an excellent editorial which recently appeared in the Daily Tribune located in Royal Oak, Mich., in the 18th District.

The article was authored by Mr. Grant Howell, editor of the Tribune, and it concerns the busing of schoolchildren which is presently so controversial in the metropolitan Detroit area.

At a time, Mr. Speaker, when many have been tempted to resort to emotions, to take hasty actions which the test of time will prove unwise, he has reminded us that caution and reason are above all else imperative. I must agree with the author that while busing is not an answer to the problem at hand, we cannot despair in our search to find alternate means to resolve the problem. Our children, our schools and indeed the harmony of our society require no less.

The article follows:

[From the Daily Tribune (Mich.), Oct. 18, 1971]

Our Opinion: No Buses, No Boycott

Schools exist because we hope that wisdom applied to knowledge will help us resolve the problems that man confronts and contrives. That hope is one of our most magnificent ideals, and America's long belief in public education and use of its resources for it has truly been called one of the most revolutionary movements in all history.

In truth, in a democracy there is no other way for the citizenry to meet its responsibilities. Without education—in part the background of what has gone before—and information—knowledge of what goes exists today—the process of voting itself is but a charade. Only knowledge makes man free.

Students strike, teachers strike and now it is urged that parents strike, in form of an anti-busing boycott. Indeed such boycotts already have occurred. These are acts of emotion, rather than reason. Parents, especially, should think deeply about whether such acts do not also deny the purpose of education.

School systems, who shall operate them, control them, for what ends are now political issues. The issue of busing itself underscores with irony a lesson of history that things are not always what they seem to be. Many thoughtful persons, honestly concerned with freedom and dignity, for all men have reached by a different path a conclusion already formed in totalitarian societies: whoever controls the educational system controls the people and the destiny of the state.

When friend and foe adopt the same tactic, no matter their purpose, we risk losing all. Political issues involving schools may, and should be, debated in public forum, be matters of political campaign for legislative and administrative bodies, may be refined in the courts. In such way, consensus may ensue. Although all that may be said, or done in the process may not be reasonable, such is the way of reason as best we know it. To subject the schools, and the children to pure propaganda and use of force is not the way of reason. Nor will any consensus be reached. Nor will we have a harmonious society.

Many of us are angry over busing. We are concerned about cruelty to our own children. Can we also find it within ourselves, then, to be concerned about cruelty to all children, especially black.

We don't consider busing an "answer" to the patterns of racial segregation that have developed. We must ask ourselves, however, what other "answers"—both personal and social—are possible. Even if workable conclusions escape us, should we, almost thoughtlessly, deprive ourselves of hope that a reasonable people may evolve a better society. For what other reason do we seek to educate, to write a constitution for society and try to live by it if not that?

GRASS AND HUMAN RECREATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. REID of New York. Mr. Speaker, as we return from what is the last 3-day weekend of the summer-fall season, I wanted to call to the attention of my colleagues a speech delivered recently by Dr. Diana Dunn, Director of Research for the National Recreation and Park Association.

The title of the speech is "Grass and Human Recreation" and it was delivered at a seminar entitled "Grass—The Planet's Plant." I think both of these names are significant because they remind us of the environmental conflict between those who want to preserve our environment in its natural state for all to enjoy and those who want to modify it for recreation. Dr. Dunn's perceptive and witty speech concludes that the recreationists may be winning out, and that grass as an adjunct and tool of recreation may be a dying concept.

I insert her speech in the Record at this point:

Grass and Human Recreation

(By Dr. Diana R. Dunn)

Many months ago I accepted the invitation to be with you this morning, and the theme of my remarks has been tucked in the back of my mind on my many subsequent travels. I've thought of grass and human recreation as I passed the meadows at the foot of Mont Blanc, hiked the cobblestones of Prague, admired the vast lawns of Regency Park in London, drove across Death Valley, backpacked through the high meadows of our High Sierras, walked through the grass crowned dunes at Island Beach State Park in New Jersey, viewed William H. Whyte's penetrating movies of New Yorkers using the highly designed Friedberg and Dattner playgrounds, picked my way judiciously across a glass-studded blacktopped playground in New Orleans, and as I sat in my office overlooking the front lawn of the White House wondering what to say to you this morning.

The result of that deliberation, which I will review with you in the next few minutes, is essentially a kaleidoscopic series of reflections. I share them in hopes that they will encourage you to muse a bit about grass, recreation, and your world.

People have long taken the planet's plant for granted. Those of us concerned with recreation and parks can no longer afford to ignore the confrontation between recreation and preservation. That basic struggle, in its simplest terms, is between grass and games.

It's appropriate that we meet here prior to a three-day holiday weekend. A pessimist might observe that leisuring Americans will trample many acres of grass this weekend. Not only are the increasing demands caused by rising numbers of us affecting the quality of our recreation resources, but new work and social patterns are having an impact. Leisure, whether through earlier retirement, longer vacations, extended weekends, four-day work weeks, more generous sabbaticals, or other successful invasions of the time-honored contemporary American work week, will create greater recreation demands on the environment—and upon grass.

There is possibly nowhere in the nation more appropriate to discuss grass and human recreation than here in Central Park—at Tavern On The Green.

In 1857, less than a year after the Commission of the Central Park was established, the Engineer-in-Chief prepared a botanical census of the park as his first annual report. This section was to ascertain:

The nature of the existing vegetation, to learn how far it could be made available in the projected improvements, as well as to know its character, as an indication of what peculiar class of plants would prove most flourishing if transplanted to this ground, as also to discover what alterations the soil would require in order to admit of an increased variety. . . . it is necessary that the existing trees and plants should be described so as to be identified, and their importance properly estimated.

The survey identified about 150,000 individual plant specimens. Of the 70 different species found, 42 were described in detail in the first annual Central Park report. These ranged from vines (including bitter-sweet and ivy) to shrubs and bushes (honeysuckle, pepper-bush, witch hazel, and choke cherry) to small trees(dogwood and aspen), middle sized trees (catalpa, honey locust and sassafras) to large trees (maple, chestnut, beech, walnut, tulip, sycamore, oak and cottonwood).

There was no mention of grass, even though the botanical census concluded with the observation that: "The remainder of the plants that have been found are either injurious or so few in number as to render any reference to them in this connection unimportant." I submit that grass has always been such an integral part of Central Park that it was taken for granted; that to itemize it would have been considered unnecessary, even absurd.

To test this assumption further, I recently reviewed several contemporary picture books showing a panoply of scenes from Central Park, including the beautiful *Central Park Country; A Tune Within Us*. An average of 87% of all pictures included grass. Only photographs of fountains, or children in trees silhouetted against the sky, or sailing balloons omitted grass from the entire field. Such a pictorial journey leads one to conclude that grass is such an implicit part of Central Park as to be the major unifying thread.

Grass did appear in early records describing the utilization of the park by New Yorkers. An 1863 report talked of the popular Saturday band concerts:

Few landscapes present more attractive features than that of the Park on a music day. Thousands of brilliant equippages throng the drives. The waters of the Lake are studded with gaily-colored pleasure boats, appearing now and then in striking contrast with the green foliage that fringes its bank; the water-fowl float proudly over its surface; children play on the lawns . . . the whole appears like some enchanted scene.

I would be remiss if I did not mention that any historical treasures you may discover in my remarks were gleaned from books in the recently published *NRPA Recreation and Park Perspective Collection*. The *Collection* is a profile library of thirty classic books on leisure and recreation that have been out of print and unobtainable for many years. Among them is the *First Annual Report on the Improvement of Central Park*, published in 1857 by the Commissioners of the Central

Park. This book is a valuable reference in tracing the "open space in cities" concept, as well as the controversy which still attends the acquisition of new park lands, or the encroachment of existing acreage, particularly in urbanized areas.

The National Recreation and Park Association is a citizen and professional research, educational, and service organization dedicated to expanding recreation and park resources, programs, and professional services to enhance the leisure of all Americans. It is the nation's largest nonprofit organization in the park and recreation field, and its more 15,000 members belong to eight branches: American Association of Zoological Parks and Aquariums, American Park and Recreation Society, Armed Forces Recreation Society, Commissioners-Board Members, National Conference on State Parks, National Student Recreation and Park Society, National Therapeutic Recreation Society, and Society of Park and Recreation Educators.

Indeed, the Association is comprised of such a variety of professionals that their composite attitude toward grass might be described as schizoid. Historically, and perhaps realistically, some of our members have spent entire careers practicing the "Keep Off the Grass" philosophy. Grass has been quite symbolic to those with paternalistic concern for preservation, conservation and like defensive or protective attitudes toward leisure and recreation environments. These professionals have some doubt about the quotation on the back of your program: "Forests decay, harvests perish, flowers vanish, but grass is immortal." They believe, to the contrary, one of the ecological lessons we carry with us into the 1970s is that grass, like all plants of our planet, is frighteningly fragile.

On the other hand, NRPA has a whole cadre of members dedicated to encouraging the use of the natural environment for play and recreation. This enthusiasm has extended from the stimulation of children to run barefoot through park grasses, to advocacy for the use of motorized recreation vehicles on national forests and deserts. In some respects, Americans at play may be characterized as indigenous aggressors, or natural enemies of the recreation environment, whether it be water, air, or turf, i.e., grass.

John James Ingalls might be dismayed at a recent *New Yorker* cartoon depicting the entrance sign to "Perma Park," which advertises "fiberglas flowers, polystyrene turf, plasta grass, recycled water, styrofoam rocks, asbestors trees and shrubs—a carefree oasis in an anxious world." He might cringe at the knowledge that one of my colleagues is busily preparing remarks for the annual meeting of the Wood & Synthetic Flooring Institute, to be held in Chicago later this month. The installation and marketing of artificial exterior and interior recreational surfaces is a key agenda item.

Surrogate grass has vaulted from pool table tops and miniature golf course surfaces to tennis courts, lawn bowling "greens," and stadium "turfs." Plastic grass is a viable alternative to the recreation and park planner and landscape architect in 1971.

John Madison, in a recent article in our Association's magazine, *Parks and Recreation*, noted that "Turfgrass is a very special ornamental crop." In discussing turf management interactions—highsounding verbiage for utilization versus preservation—he suggests grass should be managed at the lowest level consistent with its use. Why mow a picnic area weekly, at 1'', he asks, if an occasional mowing at 3'' will suffice?

But we can realistically ask: at what point is it no longer feasible to consider grass for cover? Bare picnic areas, playgrounds, beach dunes, deserts, and hillsides across the country testify that there comes a time when grass has lost the battle. Thousands of blacktopped American urban and suburban school yards and playgrounds similarly reveal the inadequacy of Nature's original cover. Additional evidence is provided by macadam trails which penetrate from parking areas well into national parks and forests at too many popular trail heads.

Here in New York City one cannot inspect closely the Dattner or Friedberg "designed play spaces" without noting that cobblestones and bark shavings are among many alternatives to grass. Such substitutes are mute documentation of modern man's acquiescence to the thesis that artificially increased carrying capacities are justifiable, given today's demands for recreation space.

From a different perspective, however, perhaps the idea that grass substitutes are "cop-outs" ought to be pondered. Blacktop, synthetic fibers, cement, sand, bark, and a host of other replacements for grass may simply reflect man's inability to cope with the intensifying demands of a growing user population. Site planning errors and gross mismanagement can be disguised rather than corrected. Also, it has often been observed that parks and other recreation areas are all too frequently designed for maintenance rather than for use, be it either aesthetic or active utilization which was intended.

I'd like to focus for a minute on the history of the utilization versus preservation argument. Man, the steward of the land, has always had a very difficult task, whether protecting royalty's forests from poachers, or the local, state, or national park from freeways. Perhaps nowhere is the conflict inherent in the task better exemplified than in the charges assigned the U.S. Secretary of the Interior—developer *and* steward.

Congress has often exacerbated the controversy between those who opt for preservation, and those who insist upon recreation—or a host of other land uses. When Yellowstone Park was created in 1872, Congress directed the Secretary of the Interior to make and publish rules and regulations to "provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition." Yet the park was "dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people."

In 1916, Congress complicated the issue when it passed an act to establish the National Park Service:

> The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purposes of the said parks . . ., which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Moving to more recent Federal action; it is interesting to note that in the *Information Matrix for Environmental Impact Assessment*, published this year by the U.S. Department of the Interior's Geological Survey, both grass and recreation are listed on the axis relating to existing characteristics and conditions of the environment against which the magintude and importance of proposed actions which may cause environmental impact are examined.

In an example, assessing possible impact of a phosphate mining lease, the disturbance of native "shrubs" and "grasses" is important only on the area which is going to be physically disturbed by the mining. Because vegetation change would occur only on parts of the lease acreage over the life of the project and revegetation is part of the scheduled project, the magnitude and importance are both rated low. Within the timeframe of ecological change, it appears that grass is considered rapidly renewable.

Again on the contemporary scene, I'd like to discuss one of many new recreational challenges to grass, the planet's plant. You have undoubtedly heard them cheered and cursed in their various forms: motorcycles, snowmobiles, jeeps, trail bikes, all terrain vehicles, tote goats, airplanes, dune, beach, and swamp buggies. Generally I've called them motorized recreation vehicles; some term them off-the-road vehicles. Whatever your personal labeling preference, turf and grass are among their prey, along with alligators, waterfowl, frogs, deer, moose, wolves, eagles, polar bears, trees, shrubs, streams, air, and, yes, people.

At a research symposium held in June at Michigan State University, researchers presented findings regarding the environmental impact of motorized recreation vehicles on deserts, vegetation, temperatures and soil microbes, small mammals, and humans. Whether reporting on vehicular impact on trees, shrubs, forage grasses, meadows, desert cover, or other vegetation, the researchers all reported negative effects by snowmobiles and other motorized recreation vehicles.

As most investigators were reporting preliminary results of longitudinal studies undertaken only within the past year or so, they hedged considerably about quantifying the exact amount of negative impact. The Association is hoping, however, to give more current information in a special issue of our *Journal of Leisure Research* to be devoted to these issues in early 1972.

Moving from a somewhat rural phenomena to the metropolitan areas where over 70% of Americans live, one can see that grass and recreation have long been related. Conrad Wirth, former director of the National Park Service, discussed his youth, particularly as influenced by his landscape gardner father, in a 1963 article in *National Geographic*. A vignette from Minneapolis illustrates an interesting progression:

> Loring Park, the big downtown central park, my father found forlorn and neglected. He put a fence around it, he ploughed every bit of it, he planted grass. When the grass was strong, he pulled the fence down and passed the word: "Do walk on the grass."
>
> After the people had trampled trails, showing where it was they liked most to go, Dad paved the trails. "Let the people make their own paths" he said. "A park that is not for people is not a park."

In a more contemporary dilemma, the development of new ways to meet the open space and recreation requirements of low-income persons and families residing in high-density central-city areas is of major concern to those responsible for making decisions affecting urban land use and recreation service provision.

An indepth analysis of open space and recreation requirements in selected core area census tracts in 25 of the nation's largest cities was begun in 1970 by our Association under contract to the U.S. Department of Housing and Urban Development.

Our field research leaders found that almost 90% of the recreation and open space units involved vacant lots, and of course, parks, playgrounds, and play lots. We tried a simple scale to determine whether the units—some 2,400 of them—were attributes, detriments, or about par, with respect to the the neighborhoods in which they were found. Somewhat under 20% were declared detriments, with a fundamental concern being with the level of maintenance—a reflection of that monstrous overhead cost facing local governments.

I regret to add that some units were designated par in areas where sewers don't exist and streets aren't paved—despite the stench of the urine, the depth of the glass, and the fact that no functional apparatus remained.

I don't want to think too often about how hot and repulsive a blacktop playground can be in New Orleans, or Boston, or Oakland or New York, when the temperature rises well above 90 degrees, and the humidity goes even higher.

Before leaving the ghettos, I'd like to relate a rather poignant little story, told to me by a recreation professional in one of our large northeastern metropoles. It seems that the planners had been hard at work, and were revealing alternative designs for a minipark to be located in a highrise housing project to a resident review committee. Most questions were settled peaceably, but a hot argument ensued over the question of more saplings and grass versus more playground apparatus and blacktop. Proponents of both options generated considerable heat in favor of their preference. The issue was finally and deftly decided by the rationale offered by an elderly gentleman: "We need trees in the housing project minipark so when people throw trash and bottles out of the windows, they will strike the trees first instead of the children; we need grass," he continued, "so some of the bottles may bounce."

The cover of the August issue of the magazine *The Futurist*, published by the World Future Society, asks "Are We Living in a Golden Age?" A graph presents computer simulations of world trends that suggest mankind is moving into a mounting crisis as the world's rapidly growing population and industrialization exhaust natural resources and pollute the environment. Elegant and sophisticated earth satellite programs are already in the works to assess many planet problems by viewing its foliage. Urban sprawl, Dutch Elm disease and air pollution effects are among the maladies presently being identified and charted from aloft.

More down to Earth scrutiny may reveal that the quantity and quality of grass may be inexorably linked to the quality of our leisure environment, whether we are examining the plants on our balconies, the turf at our picnic site, or the great meadow at Yosemite. At the risk of being as oversimplistic as the skeptic who scratched a proposed quarter million dollar study of New York prostitution on the premise that any cab driver could tell you all you need to know for $25, let me suggest that grass is a pretty good indicator of the quality of our recreation environment.

Future historians may some day look back upon the period identified by the computers as the Golden Age of the Quality of Life—the years from 1940 to 1980—as the end of the Grass Age of Recreation. Grass may join the "old swimmin' hole" in the nostalgic reminiscences of the geriatric set—which may be us.

Absurd, I hear you say? I submit that far more outlandish things have occured within our memories. After all, when one thinks about it, most urban and suburban recreational grass today is as artificial and pampered as a swimming pool. We have a whole sub-profession, and there is an entire multifaceted industry presently dedicated to maintaining manicured golf courses, parks, bowling greens, and the like.

A recent experience compels me to admit that we are not yet at the nostalgic stage regarding grass. In August, as I visited a typical blacktop and cement encrusted playground in a central city ghetto, my arrival was simultaneous with that of the "farm mobile." Pigs, goats, rabbits, chickens, sheep and ducks were timidly touched, then gleefully clutched, and finally fed. All of this took place on the artificial grass "carpets" I'd previously encountered only at cemeteries. But before I become any more funereal, I want to thank the Jacobsen Manufacturing Company and the American Society of Landscape Architects Foundation for giving me pause to reflect about the planet's plant.

Finally, I want to go out to see how the grass is growing here in Central Park, and possibly estimate the stage of leisure quality presently being enjoyed by New Yorkers. Perhaps you'll join me? After all, we may be among the last people to enjoy the luxury of taking the planet's plant for granted during our leisure.

THE CAUSES OF THE AMERICAN DILEMMA: A JOURNALIST'S OPINION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. RARICK. I insert the following lucid analysis of the causes of the problems confronting modern American society by Eugene C. Pullian, editor, past director of the Associated Press, and recognized scholar in the field of journalism, in the RECORD at this point:

[From the Washington Post, Oct. 26, 1971]

WILL THE FEDERAL BUREAUCRACY DESTROY INDIVIDUAL FREEDOM IN AMERICA

The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life.

This is not a partisan issue. As a matter of fact, there are now three great parties in America—the Democratic party, the Republican party and the Federal bureaucracy. Of the three, the Federal bureaucracy is the strongest and most powerful because it is the best organized and is protected from political reprisal by civil service.

When a new administration come in, less than 10 per cent of the bureaucrats go out; the other 90 per cent keep their jobs regardless of which party is in power.

The U.S. State Department is probably the most bureaucrat-infested agency in the entire government. A small coterie of career men who are protected and immune from discipline by civil service constantly harass and embarrass whoever is secretary of state. They did it to Dean Rusk and are doing it now to Secretary Rogers. Secretary Foster Dulles had some very terrible experiences with this group. These State Department parasites don't want any secretary to succeed. They want to run the State Department in their image. They never want to get tough with any nation, whether friend or foe. They just want to be personally popular in all capitals of the world, no matter what their actions do to the prestige of our foreign policy. It's a hell of a way to run a State Department but that is the way it is being run now. If President Nixon is re-elected, he should ask Congress for the right to abolish civil service in the State Department and clean house from the first under secretary to the brocaded janitors.

Entrenched behind the safety of civil service tenure, the bureaucrats always proclaim that they are acting in the public interest and proceed to issue decree after decree, having the full force and effect of law, whereas not 20 per cent of the bureaucratic rules and regulations and orders are ever voted on by the Congress.

There are thousands of honest and dedicated men and women in the government civil service but their leaders and department heads make life unbearable for anyone who dares speak out against the arrogant plan for government by bureaucratic decree.

PRESIDENT STYMIED

The American people don't realize just how terrifically strong this bureaucracy is. At the present time there are 2,911,000 Federal employes; when President Nixon came to office, out of 4,000 and some employes in the Office of Economic Opportunity he could only change 16! Think of it. The President of the United States was absolutely overwhelmed, to the tune of 4,000 to 16.

Another instance of the arrogant determination of the bureaucracy developed recently in the Interior Department. The United States government has a treaty with the Navajo nation. The treaty is just as binding as any treaty we have with Canada or Mexico, yet the bureaucrats in the Interior Department paid no attention whatever to its stipulations. President Nixon promised the Indians he would do something about it. When he tried to do so this summer, the Bureau of Indian Affairs paid no more attention to the President of the United States than they had to the chief of the Navajo Indians. The bureaucrats in the Bureau of Indian Affairs are determined to run all matters pertaining to Indians in this country—regardless of treaties, presidents or the welfare of the Indians themselves.

Bureaucrats seldom get mixed up in financial scandals. They are not interested in money; they are interested only in power, and the American people have permited them to take over, often without legislation.

Robert Finch, one of President Nixon's closest friends, was literally driven out of the Department of Health, Education and Welfare because the career bureaucrats in HEW just weren't about to let anyone else run that department, which is one of the largest and most important and spends more money than any other department except Defense. And things haven't changed one iota since Finch left.

Just how far they will go in expressing contempt for the people to whom they are supposed to be responsible is suggested by protest demonstrations in defiance of the President staged by employes of this department.

Senator Barry Goldwater observes that "several hundred employees of the Department of HEW—none of whom was elected by the people who pay them—could hold a mass meeting to protest policy decisions reached by the White House and by the Secretary of HEW."

The bureaucracy dominates the Federal Trade Commission, the Food and Drug Administration and countless other agencies. Prof. Yale Brozen of the University of Chicago recently called attention to the fact that because of these regulatory bodies free enterprise in this country is only half alive. He cited as evidence government's control of the mail, of water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies.

JOB DESTROYERS

Government regulation has driven the railroads to the point of near extinction, hampered the small businessman with a network of controls, created problems in our cities with ill-conceived programs which have caused a net loss of at least half-a-million units of low cost housing since the 1930s. Yet the same bureaucrats and regulators who have created these problems now say they are going to cure them—and that for this purpose they must have still more authority over our lives.

The regulators talk a great deal about unemployment, and the need for still more government power to cure it. Yet Prof. Brozen has shown at length that government wage regulation has caused unemployment, pricing youthful and other marginal workers out of the labor market. Federal wage minimums have caused a doubling of unemployment levels among minority youth since 1954—from 16.5 per cent to well over 30 per cent.

In their effort to control everything, the regulators are trying to dictate virtually every phase of the business process—from the content of peanut butter and breakfast cereals to the packaging of soap flakes and the advertising of tooth paste. The Federal

Trade Commission has recently decided it has the right to halt "special" sales in stores and back its decrees with a $5,000 fine.

In a similar move, attorneys for the Equal Employment Opportunity Commission have argued that businessmen cannot relocate if this would deprive minority workers of employment—claiming such relocation would violate the 1964 Civil Rights Act. Examination of the act shows it contains no such sweeping provision, and that this interpretation is purely something dreamed up by the bureaucrats to extend their own arbitrary power over business.

Members of Congress are helping the bureaucrats by holding hearings, spending government money by the millions to prove we probably shouldn't be eating cranberries at the wrong time and that cyclamates might poison your neighbor's dog. Think of the time, effort and money that have been wasted on just those two things alone, which accomplished nothing whatever.

Perhaps the clearest example of the way in which the regulators achieve the opposite of what they say they are going to may be seen in the current controversy over pollution. In one case regulatory fever brought the closing of a plant in Northern California which was not in violation of pollution standards and whose termination meant the loss of 800 jobs. A similar story was written in Marietta, Ohio, where Federal pollution standards if enforced would require the closing of a key industrial plant and the loss of 625 jobs. In the most serious case of all senseless regulation threatened the closing of a Connecticut plant where some 40 per cent of the nation's supply of penicillin is produced.

TIPPING THEIR HAND

The arrogance of the bureaucrats was blatantly emphasized when they proposed a special tax break for themselves. These bureaucrats already enjoy job pay increases more frequently than most Americans and they have all sorts of benefits and special privileges which put them in a class apart from and above the average citizen. The plan now being studied to give them special tax exemption is the last straw. Special exemptions from Federal taxes on the top $3,000 of salaries paid to bureaucrats in the highest of three civil service classifications are proposed. These salaries range from $28,000 to $38,000 a year. A diminishing scale of tax breaks is provided for the lower classes. All bureaucrats will get a tax break if this plan is accepted, while we know of no other group of Americans who are going to receive any such tax breaks.

As their control over our economic life has grown, the bureaucrats and regulators have shown their intentions more and more openly. In a wide variety of cases they are advancing the idea of "social engineering"—the notion that government "experts" should take children away from their parents, break the ties of family life, and mold American youngsters into the image of the bureaucrats themselves. In the dispute over "busing," for example, we have seen Federal regulators disrupting the life of local communities, ordering children transported to schools far from their homes, overriding the wishes of parents and city officials.

The motive behind this is spelled out clearly by spokesmen who say "disadvantaged" children have to be taken away from the influence of their parents and placed increasingly under the influence of the bureaucratic experts. "It is important," says one spokesman, "to replace this family environment as much as possible by an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

Busing is opposed by 76 per cent of the American people, including black, white and yellow. It has become a national headache and a national scandal. This never would have happened had it not been for the zealots among the career people in HEW, who are determined to demonstrate their power.

How far the problem of bureaucracy and dictatorial control of American economic life can be carried is suggested by the case of Ralph Nader. Here is a man without any official authority or credentials of any kind, forcing American industry into submission, threatening Federal prosecution if industry doesn't agree with his plans, bullying his way toward being the supreme dictator of all industrial production in this country. I want to quote here from a speech made by Thomas R. Shepard Jr., publisher of Look Magazine, regarding Nader's program and objectives.

Mr. Shepard says, "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the American consumer by improving business methods. Forget it. Mr. Nader isn't interested at all in seeing American industry clean house. What he wants is the house—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

"Find it hard to believe? Then listen to this Associated Press report of a speech he made last September, and I quote: 'Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail.'"

Among the proposals Nader favors are having "publicly elected" members imposed on corporation boards of directors to serve the "public interest" as defined by Nader, abolishing corporate trade secrets on the grounds that "a corporation doesn't have the right of privacy" and making all corporate tax returns public on the same grounds.

Still more incredible are Nader's proposals that corporate executives be suspended from their jobs through "sanctions" he wants to impose and that entire companies be driven out of business if they don't live up to what he calls a "social cost test."

NADER'S FINANCES

Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and effort of thousands of Americans who have entered into the voluntary associations of corporate endeavor? Who has commissioned them to dictate, suspend, or bankrupt organizations in which the resources and energies of countless American citizens have been invested?

Unbelievably enough, many of his assaults on our business system are financed by elements in the business community itself. He receives a good deal of money from foundations—including the prestigious Carnegie Foundation. He is also supported by the Philip M. Stern family fund, the Norman Fund, the Jerome Levy foundation, and Gordon Sherman of the Midas Muffler Company, among others.

Even so, Nader never would have gotten to first base with his crusades if he had not had the help of the bureaucrats.

Recently Professor C. Northcote Parkinson, noted for his numerous laws governing human behavior, predicted that, if the present trend toward government employment continues, everyone in Britain will be working for the government by the year 2195. Following this prediction by Dr. Parkinson the Morgan Guaranty Trust Company of New York prophesied that if this trend in America goes on, every American will be working for the government by the year 2000.

The significance of all this for the American press should be apparent. The collectivists and regulators like to say they are in favor of freedom of expression, and that the controls they have placed over our economic lives will not endanger other aspects of our liberty like the free press and freedom of speech.

The argument they use is that "human rights" can be separated from "property rights," and that economic controls do not mean political controls. The whole record of what has been happening in this country shows such an argument to be false. Those of us in the newspaper business have long argued, and correctly, that the rest of the nation cannot remain free unless the press is free.

By the same token, it is impossible to have a society and economy supervised in every detail by Washington regulators and at the same time expect the press to be free.

The mission of the American press always has been to keep this country free and never before has there been a time when the American press should give first priority, regardless of other considerations, to the job of keeping a free press functioning in this country. The networks are having a very serious battle with the bureaucracy. They cannot fight their own fight because they have one hand tied behind them by bureaucratic controls. We do have an obligation to fight their battle for them because the networks have the same basic right of free expression as we do. The right of free expression is the fundamental right of liberty and we should remember always that America is the greatest country only because America is free.

The bureaucrats have been able to bully and blackmail television into accepting all kinds of unfair regulations. They attempted the same thing with the press. They realize their goal cannot be accomplished until they have control of the press, and now they are using the FCC to do that very thing. They are also using the office of the Attorney General, frequently without his knowledge or consent, to send out threats, directives and regulations unsanctioned by Congress, but with the full force and effect of law nonetheless.

Take two or three of the most recent cases. In 1968 Congress, after two years of debate, passed Senator Carl Hayden's failing newspaper bill. President Nixon signed that bill. Yet two months ago, the same crowd in the Attorney General's office who were there when they made such a terrific fight against the bill and were holdover Civil Service employes—most of them Socialists at heart who believe in statism and state control—sent out letters to a group of 50 newspapers, demanding all kinds of reports and statements under threat of being hauled before the Senate and anti-trust division for violation of the anti-trust laws.

That law was passed by Congress. It hasn't been repealed. It hasn't been violated. And yet these bureaucratic lawyers in the Attorney General's office go right ahead and cause unmitigated annoyance and expense to the newspaper industry, their one object being to get the newspapers to agree to some form of government regulation. Well, thank God, most of the newspapers ignored the Justice Department.

FCC DECREES

Then the FCC gets into the act again by issuing a decree, without the consent of Congress, simply on its own volition, telling the networks they must devote so much time to this and so much time to that and so much time to public broadcasts which are put out by the NEA, hardly a source of unbiased informatoin. And what do the television people do? They must comply or else. Now the FCC had no authority to make such a decision and thank God one judge told the FCC to go jump into the lake until it got authority from Congress to issue such a decree. But that didn't stop the bureaucrats. The Justice Department has jumped onto the agreement which was made by the New York Times and the Chicago Daily News wire services. The cost of the wire tolls was increased and the two companies decided to split a day and night wire in order to save money.

The irony of this situation is that in April of 1970 the Federal Communications Commission told the two wire services that they would have to do just exactly what they are doing if they wanted to use the services of the AT&T, and the Commission itself proposed that the two services share the wire with another user simply as an economical manner in which to serve their clients. And the New York Times and the Chicago Daily News entered into an agreement positively dictated and approved by the FCC.

Now along comes the Justice Department and says, "You can't do this. It is a violation of the anti-trust laws."

Let's take the case of tobacco. The FCC, without the consent of Congress—which it later obtained—told the television stations they could not advertise cigarettes. Yet the very same government which the FCC represents is spending $660,000,000 a year to promote, encourage and carry on the sale of tobacco. This order of the FCC is clearly unconstitutional unless the United States government absolutely prohibits the growing and sale and manufacture of tobacco and its products.

From the other direction, the U.S. government is subsidizing programs over the Public Broadcasting Service network which are often slanted to the radical side. The nature of this bias came to light in an "educational" TV attack on the FBI which was cancelled from its regular broadcast slot after J. Edgar Hoover protested. The Corporation for Public Broadcasting will receive an estimated $35 million from the taxpayers this year, some $9.2 million going to PBS. Why should bureaucrats force the taxpayer to underwrite one-sided propaganda?

A related case involving abuse of the regulatory power of the Federal Communications Commission is the interpretation that has been given the so-called "fairness doctrine." A memorandum prepared by the Reuther brothers in 1961 urged that this doctrine, which is supposed to insure balanced programming, be used as a device for attacking conservative broadcasters, most of whom appear on a local and not a network basis. Over the past 10 years the "fairness doctrine" has repeatedly been invoked against broadcasters and station owners whose views are different from those of the collectivists, but has not been invoked against network figures whose views are more in keeping with the Reuther memorandum outlook.

PRESS IS NEXT

Two years ago a member of the Federal Communications Commission urged that this dictatorial formula be used against newspapers as well. In an August 1969 speech in Dallas, Tex., Kenneth Cox of the FCC said that "Congress could constitutionally apply counterparts of our equal time and rights of reply obligations to most newspapers, since they move in, or clearly affect, interstate commerce, and since the public interest in their providing their readers with both sides of important questions is clear."

Give these bureaucrats the right of regulation over the American press and you have lost America to bureaucratic statism.

This country was founded as a republic with a representative government, but has degenerated into a democracy run by organized minorities, the strongest of which is the Federal bureaucracy. Never in the history of man has a democracy survived more than 200 years, and ours will not survive unless we make it a representative government and abolish the power of the Federal bureaucrats.

Most democracies have been destroyed by centralized bureaucracies—or at least by the rule of organized minorities. The newspapers of this country owe it to America and to the world to make sure that representative government survives in this country—that freedom of the press and the right of free expression are never destroyed by a bureaucracy or any minority group. If we prove here that representative government can work, then freedom will spread to all corners of the world in time.

The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

CANCER RESEARCHERS REJECT IDEA OF SEPARATE CANCER AUTHORITY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. ROGERS. Mr. Speaker, I have received a letter signed by 14 men of medicine and science who are actively involved in finding a cure for cancer. They have signed a letter which bolsters the position taken by the Subcommittee on Public Health and Environment when it unanimously reported out H.R. 10681, the cancer attack bill.

Basically, they say that to take the National Cancer Institute out of the National Institutes of Health would be, in their words, "leading the way toward the destruction of the National Institutes of Health."

I think this letter, one of many from noted and highly esteemed scientists and medical authorities, completely dispels the story that some have told that critics of the Senate passed bill are outside or not engaged in cancer research and clinical investigation. All of the signees are just that and annually deal with thousands of cancer patients.

I include this letter in the Record at this time.

I would also like to insert into the Record the text of two letters to the editor. One of these letters appeared in the October 26 issue of the Washington Post and was signed by seven outstanding scientists including Charles Huggins, M.D., who received the Nobel Prize for the treatment of cancer patients. Also signing this letter were Dr. David Baltimore and Dr. Howard Temin who concurrently arrived at a major discovery in the area of tumor causing viruses. Dr. Robert Handschumacher is director of biological sciences of Yale University and American Cancer Society professor of pharmacology. Paul Berg, Ph. D., is chairman of the Department of Biochemistry at Stanford University.

A letter similar to the one I received appeared in the October 26 issue of the New York Times, and was signed by 13 of the distinguished cancer researchers listed on the letter sent to me, however, this letter covered additional areas and I am submitting it for insertion in the Record as well.

Material referred to follows:

HARVARD MEDICAL SCHOOL,
October 14, 1971.

Mr. PAUL ROGERS,
House of Representatives,
Washington, D.C.

DEAR MR. ROGERS: As you know, the House Subcommittee on Health and Environment has been conducting hearings on S. 1828, The Conquest of Cancer Bill, and also on an alternative bill introduced by Representative Rogers, H. R. 10681.

Very many members of the biomedical research community of the United States have expressed their opposition to S. 1828 in no uncertain terms. In the eyes of most critics, the chief fault of the Act lies in the creation of an independent cancer agency—a precedent-making step viewed by many as leading the way toward the destruction of the National Institutes of Health.

The Act has other serious weaknesses. For example, it fails to require the elaboration of a formal plan for the attack on cancer, nor does it set up a mechanism which requires that the concerned scientific personnel of the Country actively participate in such planning. In fact, the administrative structure is such as to open the door to unlimited contract research under the control of a small intramural cadre. Furthermore, the Act fails to provide for the independent periodic evaluation of the Agency's methodology and accomplishments.

It has been said that the only critics of S. 1828 in the biomedical research community are those who are *not* engaged in cancer research and clinical investigation. This is not so at the Harvard Medical school where opposition to the bill is to be found among those who have major responsibility for various cancer programs.

As a group of individuals who have long been interested in cancer research, and most of whom are also concerned with the treatment of some thousands of cancer patients per annum, we urge you to reconsider your position.

We believe that you should withdraw your support of S. 1828.

We believe that H. R. 10681, although not necessarily the ideal bill, points the way to a more reasonable, vigorous, and profitable course of action. We therefore urge that you join with others in making that bill the best one possible, and in speeding its passage through both Houses.

Very sincerely yours,

Samuel Hellman, MD, Fuller-American Cancer Society Professor of Radiation Therapy; Director, The Joint Center for Radiation Therapy.
Henry I. Kohn, PhD, MD, Gaiser Professor of Radiation Biology; Director, Shields Warren Radiation Laboratory, New England Deaconess Hospital.
George Nichols, Jr, MD, Clinical Professor of Medicine; Scientific Director, Cancer Research Institute, New England Deaconess Hospital.
James L. Tullis, MD, Associate Clinical Professor of Medicine, Chairman, Department of Medicine, New England Deaconess Hospital.
Francis D. Moore, MD, MCh, LLD, SD, Moseley Professor of Surgery; Surgeon-in Chief, Peter Bent Brigham Hospital.
William C. Moloney, MD, DSc (hon), Professor of Medicine; Head, Hematology Division, Peter Bent Brigham Hospital; former President Massachusetts Branch, American Cancer Society.

Richard E. Wilson, MD, Associate Professor of Surgery and Director, Surgical Research Laboratories; Surgeon and Director of the Tumor Service Peter Bent Brigham Hospital.
Alan C. Aisenberg, MD, PhD, Associate Professor of Oncologic Medicine; Head, Oncologic Medicine, Massachusetts General Hospital.
John W. Raker, MD, Associate Clinical Professor of Surgery; Chairman, Tumor Clinic and Visiting Surgeon, Massachusetts General Hospital.
Milford D. Schulz, MD, Professor of Radiation Therapy and Radiotherapist at the Massachusetts General Hospital.
William Silen, MD, Professor of Surgery; Surgeon-in-Chief, Beth Israel Hospital.
Chester B. Rosoff, MD, Assistant Professor of Surgery and Head, Tumor Clinic at the Beth Israel Hospital.
Howard H. Hiatt, MD, Herrman Ludwig Blumgart Professor of Medicine; Physician-in-Chief, Beth Israel Hospital.
John F. Enders, PhD, DSc (hon), LLD, LHD, University Professor Emeritus; Chief, Research Laboratories for Infectious Disease, Childrens Hospital Medical Center.

[From Letters to the Editor, Washington Post, Oct. 26, 1971]

MORE ON THE CANCER BILL

On October 12 full page advertisements by unnamed sponsors appeared in The Washington Post, The New York Times, The Washington Star and 21 other papers. Some of the advertisements carried a letter by H. Marvin Pollard, President of the American Cancer Society. A number of false allegations appeared in that letter. One allegation was that mainly noncancer scientists oppose the Senate Bill. S1828, which would establish a Conquest of Cancer Agency.

Heads of 72 medicine departments of medical schools throughout the country have publicly opposed certain provisions of S1828. Some of the panel of experts which originally proposed S1828 now oppose this legislation. Extensive opposition by cancer clinicians and cancer researchers has been heard by the House Committee currently reviewing this legislation. In addition, each of the undersigned is a bench scientist working in some area of cancer research, or a clinician working with cancer patients. Each receives or administers funds from the National Cancer Institute or the American Cancer Society. Each opposes the organizational provisions of S1828.

Other of Dr. Pollard's allegations have been repeatedly answered in hearings before both the House and Senate and in editorials in The Washington Post, The New York Times, The Washington Star and scientific journals such as Nature, Science and the New England Journal of Medicine. Specifically, S1828 in its present form is detrimental to the National Institutes of Health, and it will lead to a lack of coordination of cancer research with research in other branches of medical science, which in turn will impede progress in cancer research.

Robert Martin, M.D.,
Howard Temin,
Harvey Ozer, M.D.,
David Baltimore,
Paul Berg,
Robert Handscumacher, M.D.,
Charles Huggins, M.D.,
(Dr. Huggins received the Nobel Prize for the treatment of cancer patients).
Washington.

[From Letters to the Editor, New York Times, Oct. 26, 1971]

CANCER BILL

To the Editor: In a full-page advertisement (Oct. 12) Dr. H. Marvin Pollard as president of the American Cancer Society urged that all Congressmen vote for the Conquest of Cancer Act (S. 1828). "The objections to the bill," wrote Dr. Pollard, "have come mainly from people who do not have expert cancer knowledge."

We wish to state that this is not so at the Harvard Medical School. We are a group of thirteen faculty, long interested in cancer research, most of whom are also concerned with the treatment of some thousands of cancer patients a year. We want the attack on cancer to be intensified. But we consider S. 1828 a poor bill to achieve that objective.

In the eyes of most critics, the chief fault of S. 1828 is the creation of an independent cancer agency—a precedent-making step viewed by many as leading the way toward the destruction of the National Institutes of Health. [Editorial Oct. 14.]

The act has other serious weaknesses. It fails, for example, to require the elaboration of a formal plan for the attack on cancer, nor does it mobilize the concerned professional personnel of the country to participate in such planning on a continuing basis. In fact, it opens the door to unlimited contract research under the control of a small intramural cadre. Furthermore, the act fails to provide for the independent evaluation of the agency's methodology and achievements.

We therefore urge—since the American Cancer Society has made of S. 1828 an all-or-none proposition—that the bill be defeated.

Dr. Pollard's appeal failed to mention the alternative National Cancer Attack bill, H.R. 10681. We believe that this bill, although not necessarily ideal, points the way to a much more reasonable, vigorous and profitable course of action.

The framing and enactment of legislation to discover the cure of disease requires the exercise of thoughtfulness, prudence and wisdom. Congressional approval should not be a rubber-stamp for the opinion of any interested group, no matter how highly motivated that group may seem to be.

A noble objective does not compensate for poorly written legislation.

We urge the Members of Congress to consider H.R. 10681 as a basis for a heightened attack on cancer—and that they do so in a critical and constructive spirit to make that bill the best one possible.

Samuel Hellman, M.D.
Howard H. Hiatt, M.D.
Henry I. Kohn, M.D.
Francis D. Moore, M.W.
John W. Raker, M.D.

Boston, Oct. 15, 1971.

The five names above are drawn from those of thirteen heads of tumor clinics, experimental laboratories and departments of medicine and surgery at the Harvard Medical School and its associated hospitals who signed this letter.

EXPULSION OF NATIONALIST CHINA FROM U.N. IS UNFORTUNATE AND UNWISE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. OBEY. Mr. Speaker; last night the Government of Nationalist China was ousted from the United Nations—that body of nations set up 25 years ago as a forum for peace, supposedly open to all nations in the world.

For all of those years that forum has been closed to some nations. It has just been in the past few weeks that the United States has acted to rectify a long-standing mistake of trying to ignore 800 million people in the Republic of China. But apparently the United Nations has not learned from our mistake for it has now voted to prohibit a nation of 14 million people—a nation whose population is larger than one-third of the present members of the U.N. from participating in this world council.

Furthermore, there is ample precedent for countries with "less than clear sovereignty" have votes in the United Nations.

Mr. Speaker, I consider the action taken last night unfortunate and unwise. It sets a precedent that is unworthy of the idea of the United Nations.

Nevertheless, it would be a mistake for the United States to, in the wake of last night's defeat, threaten to withdraw support for the U.N. We have often criticized Russia for threatening to pick up its marbles and go home when it was not able to have its own way. I certainly would not want to see our country emulate the kind of conduct we have condemned in the past.

TITO HONORED BY PRESIDENT NIXON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. RARICK. Mr. Speaker, following his visit to the captive nation of Yugoslavia last year, President Nixon in one of his many gestures of friendship towards communists invited Yugoslav General Josip Broz Tito, chairman of the Yugoslav communist party, to pay a state visit to the United States.

This act of the President is another in a growing list of broken promises made by candidate Nixon to the American people. Prior to the 1968 election, candidate Nixon promised, and those Americans voting for him took him at his word:

> We will never write off the millions of people enslaved behind the Iron Curtain. Their freedom shall always be our objective.

How could any American honor the Yugoslav dictator knowing of the blood bath suffered by our Allies of World War II—those Christian Chetniks and their leader Draza Mihailovic—at the hands of the Soviet puppet, Tito?

The facts of history strangely disappear in time. Books are burned and rewritten, facts deleted, and the truth unfavorable to communism is suppressed. Far too few remember even the name of Mihailovic and his fate for being an ally to the West—his betrayal to his death.

Some 432 American airmen shot down over Yugoslavia were given a new lease on life because they were rescued by Mihailovic during World War II. Are we now to condone the betrayal of Mihailovic by honoring Tito who with his terroristic government have been accused by many Yugoslavs in this country of the murder of 400,000 political opponents, most of them without any trial? And latest reports from his police state indicate he rules with an iron hand suppressing all dissent and any opposition to his Communist Party.

So that our colleagues may amply refresh themselves on the background of the present so-called Socialist Republic of Yugoslavia, which was established by the massacre of thousands of Christian anti-Communists, I insert in the Record at this point an official study by the subcommittee of the U.S. Senate Committee on the Judiciary captioned, "Yugoslavia Communism—A Critical Study," followed by pertinent newsclippings.

Yugoslav Communism—A Critical Study

(Prepared for the Subcommittee to investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary, U.S. Senate, October 18, 1961)

Resistance

CETNICI AND DRAZA MIHAILOVIC

As soon as the unconditional surrender of the Yugoslav army on June 15, 1941, was accepted by the Germans, and while the Axis forces were busy gathering Yugoslav soldiers and sending them to prisoner-of-war camps, some groups of patriotic officers who refused to accept the capitulation took to the hills and woods with their small detachments and light armament. With the arrival of civilian refugees fleeing from the ustase, these groups soon expanded. A colonel of the former Yugoslav General Staff, Draza Mihailovic, united the groups under his command and began to harass the occupying troops in Bosnia and Serbia. These patriots called themselves cetnici. In May, 1941, Colonel Mihailovic established his headquarters in Ravna Gora in western Serbia. Mihailovic's prestige was greatly increased among the civilian population and his cetnici when he was promoted to general and appointed Minister of War of the Royal Yugoslav Government in exile. From April to October, 1941, the cetnici made serious trouble for the Germans by attacking and disorganizing their armed forces and military transports, and for Croatian ustase who persecuted the Serbian population in Croatia, Bosnia and Hercegovina. It must be noted that, while Communist partisan units which had come into existence after the invasion of Russia, also participated in the fighting, it was primarily the cetnici who fought the Germans. "For almost three months the better part of Montenegro, Serbia, and Bosnia was in the hands of the insurgents." [1]

However, German and Italian reprisals on the civilian population were horrible. With his decree *"Nacht und Nebel"* Hitler ordered reprisals hitherto unknown in modern European history; 100 Yugoslavs were to be executed for every German killed, and 50 for every German wounded. The Germans began to shoot hostages, *en masse*. 400 to 500 at a time,[2] and to deport civilian population by the thousands.[3]

An attack by cetnici and partisans, on October 16, 1941, against a train transporting German troops near Kragujevac, which resulted in about 100 Germans killed and about 50 wounded, was the pretext for frightful reprisals. The Germans first completely destroyed three nearby villages, Meckovac, Marsic and Grosnica, killing at least 266 inhabitants. Then they gathered the population of the town of Kragujevac and its surrounding area, including people over seventy years old and all pupils from the fifth grade on of the local Gymnasium and normal school, together with their professors, led them by groups of several hundreds to the fields and machine-gunned them. According to an official statement, on October 20 and 21, about seven thousand men and children were massacred.[4] Kragujevac had at that time, a population of about twenty thousand. On October 19 and 20, in another small town of about eight thousand population, Kraljevo, 2,300 civilians were executed for 23 Germans killed.

These reprisals carred out against villages and small towns had quite a different bearing on Mihailovic's and Tito's movements. While the sympathizers of Mihailovic were known by everybody, those of Tito always operated surreptitiously. This is the reason why Germans picked hostages mainly from among non-Communists. On the other hand, the partisans themselves often raided the anti-Communist villages for supplies. The result was that the villagers then joined the partisans from fear of German and Italian reprisals.[5]

Winston Churchill justified British support of Tito on the ground that the partisans were killed more Germans than the cetniks and that certain cetnik "commanders made accommodations with German and Italian troops to be left alone in certain mountain areas in return for doing little or nothing against the enemy." [6]

The British insistence on "killing Germans" at all time and under all circumstances, was both inhuman and politically blind. To the resistance forces in France and Belgium and other North European countries, the instructions were to be low, to husband their forces, to avoid premature action that might bleed them, to prepare themselves for the final act of liberation. Apparently another standard applied to the Balkan peoples. The killing of one German soldier in Yugoslavia was of greater importance than the massacre of 100 Yugoslav civilians in reprisal.

While Tito may have killed somewhat more Germans than did Mihailovic, from the standpoint of military consequence this killing of Germans added up to very little. German losses in Yugoslavia during the occupation were very light and, by and large, they moved their forces about at will. From the standpoint of political consequence, however, the strategy of "killing Germans" played directly into the hands of the Communists by provoking the Germans to mass reprisals. Every destroyed village meant so many more recruits for the partisan army.

Neither Mihailovic nor any other national leader could have been indifferent to the mass reprisals that every anti-German action was bound to provoke. As Mihailovic saw it he was performing a far greater service by tying down German divisions than the partisans were performing by killing a few Germans here and a few Germans there. On this point, the record of the occupation will reveal that, from the beginning of the war until the end, the Germans were obliged to maintain far more troops in Serbia proper which was Mihailovic's stronghold, than they maintained in the territory where the partisans were active. But despite mass reprisals, Mihailovic did not hesitate to engage in action against the Germans when he left that the objectives justified the sacrifice.

In 1941, in 1942, and in the late 1943, cetnici were engaged in large-scale actions against the Germans. However, from January to December 1944, having been under repeated attacks by the partisans, who had been trained and equipped by the western Allies, Mihailovic's forces observed a more or less tacit truce with the Germans. But even during this period, cetnici were performing acts of sabotage against German communications, engaging in minor battles, and rescuing Allied airmen who were shot down in Yugoslavia. A Canadian journalist, David Martin, who was the first western author, to study the problems of Yugoslav guerrilla fighting and its political intricacies, and who interviewed most of the members of the British and American military missions to Mihailovic's headquarters and also a great number of Allied airmen rescued by Mihailovic's forces, describes how—

"between August 9 and December 27, 1944, the American Air Crew Rescue Unit evacuated from Mihailovic's territory 432 American airmen who had been shot down at various times in various parts of Yugoslavia, had been rescued by the Chetniks, and had been brought together at several concentration points where American aircraft could land. In addition to 432 Americans, the Rescue Unit evacuated 4 British airmen, 2 Canadians, 2 Belgians, 30 Russians and 76 Italitans." [7]

The same author vividly describes how, in October 1943, cetnici blew up three small railroad bridges near the town Visegrad, in Bosnia, overpowered an enemy garrison of more than 800 in Visegrad, destroyed another garrison of 300 enemy troops at the main bridge itself and blew it up. The destruction of this 500-foot double-track steel bridge "was probably the biggest single bridge-busting job carried out by Balkan guerrillas during the war." [8] British Brigadier Armstrong and American Colonel Albert Seitz [9] who had arrived at Mihailovic's headquarters a few weeks earlier, in mid-September 1943, to assume command of the respective British and American military missions, were eye witnesses of the cetnik performance. They sent reports to their headquarters. What was their astonishment when, a few days later, they heard a B.B.C. broadcast which attributed the destruction of four bridges of the railroad Uzice-Visegrad to the partisans. Brigadier Armstrong asked the British command in Cairo to rectify the broadcast, but his request was ignored; B.B.C. reproduced instead a partisan communique, describing the action and giving it thus an apparent authenticity.[10]

Additional testimony concerning the fighting of resistance forces in Yugoslavia was given by Colonel Robert McDowell, chief of the final American military mission to Mihailovic. The question of how much damage cetnici did to the German war machine was answered by Colonel McDowell thus:

"On the basis of all the evidence available, it is my judgment that the Germans held greater hatred and fear of Mihailovic than of Tito and concentrated proportionally more Axis troops in cetnik than in partisan territory. * * * The most important acts of sabotage against Axis communications were performed by Chetniks." [11]

Mihailovic was not a politician. He was a Serbian patriot, and, as an officer, devoted to the king.[12] He depended on political advisers, all of whom, domestic and foreign, failed him terribly.

Until the end of 1943, most of Mihailovic's counsellors in the Serbian mountains had no program other than the restoration of the pre-war political order, viz Serbian hegemony in a unitary Yugoslavia, or rather, in a Greater Serbia, and revenue upon the Croats as a nation.[13] The chief of Mihailovic's political committee "was a rabid pan-Serb by the name of Dr. Molyevich" [14] (Moljevic). "Serbian cetnici rejected Yugoslavia and demanded a 'Great Serbia' in which they could wreak vengeance on the non-Serbian population for previous slaughtering of Serbs by the ustase," [15] writes Dr. Topalovic. "The anti-Yugoslav and anti-Croatian policy of Serbian cetnici created such a gap between Draza Milhailovic and the Croatian and Moslem population, that all Mihailovic's effort to win collaboration of this population had to end in failure." [16]

The unfortunate situation that existed in the Yugoslav government in London already has been discussed. From his source Mihailovic received advice that only served to further confuse and misdirect him.

Toward the end of 1943, Mihailovic apparently realized that he had to have a program broadly acceptable to the Yugoslav peoples, and that the government-in-exile could not provide him with such a program or with any meaningful advice or help. In January of 1944, he convoked a National Congress in the town of Ba, near the moun-

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Footnotes at end of article.

tain a Suvobor in Serbia. In effect, although nothing was said about this, the act of convening the Congress constituted a repudiation of the worthless government-in-exile. Though the program adopted by the Congress was vaguely worded, it did commit the Mihailovic movement for the first time to a federal state structure. More significant was the fact that Moljevic and other pan-Serb extremists who had previously served as Mihailovic's chief advisers, were replaced in this capacity by more moderate elements like Adam Pribicevic, head of the Independent Democratic Party, and Zivko Topalovic, head of the Social Democratic Party.

Pursuant to the Congress of Ba, Mihailovic sent Mr. Predavec, a Croatian engineer and son of the first vice-president of the Croatian Peasant Party, to Zagreb, in an effort to reach an entente with Dr. Macek. Predavec's mission came to naught, and he was finally arrested by the Germans.

A Mihailovic-Macek entente was the one thing that might have saved Yugoslavia. But, in the absence of British support for such a move, the Congress of Ba and the Predavec mission came too late. It is, however, to Mihailovic's credit that he made this effort, however belated. From the British side and the side of the Croatian Peasant Party no move was made in the direction of this obvious and only solution.[17]

COLLABORATION WITH THE ENEMY

The problem of cetnik fighting and occasional collaboration with the Axis forces was extremely complex.[18] It is all the more complex because "accommodations with the enemy" are, traditionally, an esesntial part of guerrilla strategy. The successful guerrilla movement attacks when it is to its advantage to attack; it avoids engagements, and even seeks temporary accommodations, when engagements or accommodations are to its advantage.

At the beginning of the occupation, the cetnici did fight the occupying troops; as a matter of fact, at that time, they were the only ones who fought. After the ustasa massacres of Serbs in Croatia and Bosnia in 1941, the fighting degenerated into a "war of peoples," [19] of Serbian and of Croatian peoples. During this, first, civil war—

"Draza Mihailovic set as his task to begin fighting the ustasa authority, which he correctly estimated as an ordinary occupation authority, and therefore this struggle seemed to him to be identical with the war against Italian and Germany occupiers." [20]

However, for cetnici in Hrvatsko Primorje and western Bosnia, that is in the regions far from General Mihailovic's headquarters, this "war of peoples" became more important than the war against foreign occupiers, and consequently soon made accommodations with the Italians and were left by them more or less undisturbed. These accommodations were facilitated by the anti-Croatian attitude of the Italians, who gave shelter in Dalmatia to Serbian refugees from the ustasa massacres and even protected Serbian villages against ustasa militia units.

These subordinated commanders—among them certain *vojvode* [21]—usually operated far from Mihailovic's headquarters in Serbia. They acted out of vengeance against Moslems and Croats in Bosnia and monarchy. If on the question of federalism the declaration was rather vague, it emphatically stressed the reaffirmation of allegiance to King Peter. The resolution envisaged a Yugoslavia divided into three federal units: Slovenia, Croatia, and Serbia, or rather Greater Serbia (combining Serbia proper, Vojvodina, Montenegro, Bosnia, Hercegovina, and Macedonia).[22] Whatever this political organization was, or was to become, the action came very late—almost too late to have any chance of success.[23] The sole remaining hope was that somehow Great Britain and the United States could be persuaded to reverse their policies, and give their moral and material backing to a broadened anti-Communist resistance movement, based on a Mihailovic-Macek entente. It seems that the Congress of Ba was aware of this. Consequently, it sent a four-man delegation,[24] headed by Dr. Zivko Topalovic, to Italy to make contact with the Allied forces and governments in a last attempt to save their cause. Simultaneously it dispatched a young Croatian engineer by the name of Predavec to Zagreb in a desperate effort to achieve an entente with Dr. Macek.

Dr. Topalovic's plea fell on deaf ears. During a conversation with the British ambassador in Rome, on October 21, 1944, Dr. Topalovic handed him an *aide-memoire* by which he notified the British commander-in-chief of the Mediterranean theater that General Mihailovic was prepared to give the Allies 50,000 cetnici, quartered at that time in Bosnia. In case this offer was unacceptable, General Mihailovic would like to know if the Allied commander-in-chief was interested in the fate of the Royal Yugoslav Army. The *aide-memoire* of October 21, and two letters, of November 13 and 29, dealing with the same problem, remained unanswered.[25]

ANNIHILATION OF ANTI-COMMUNIST FIGHTERS; THE ROLE OF THE RED AND BRITISH ARMIES

Mihailovic's cetnici lost their battle for Serbia in September, 1944, when the Red Army entered northern Serbia and the Bulgarian Army entered southern Serbia.[26] The cetnici split into two groups. One group retreated to the north trying to reach the Soviet forces and surrender to them rather than to the partisans. In the Yugoslav revolutionary war, the fate of prisoners of war was always uncertain. In the life-and-death struggle, there were few prisoners taken. Only a part of the northern cetnik group reached the Red Army. Most of them were captured and annihilated by the partisans. At any rate, the fate of those captured by the Soviets or by the partisan forces did not vary—both groups disappeared. The second group of cetnici, under the command of General Mihailovic, refusing to surrender, went into central Bosnia in the same mountains where the partisans had engaged in guerrilla tactics during the earlier years of the war. This group intended to continue the resistance against the Communists. Until May, 1945, they were constantly fighting the partisans who were far better equipped, having Allied arms and air support.[27]

Early in 1945, the Montenegrin cetnici, under the command of Pavle Djurisic, decided to march north, but after they had lost contact with Mihailovic's main forces and entered the area controlled by ustase, they were destroyed by the latter, near Lijevce Polje, between the Vrbas and Sava Rivers, in northern Bosnia.[28]

The cetnici fought a decisive battle on the Sutjeska River in Bosnia on May 12. After a week-long battle the last cetnick group began to disintegrate. General Mihailovic was able to escape with a small number of faithful followers and avoided capture for almost a year.

It seems that Tito, when he fled from Vis in September, 1944, was not very sure of his military strength. He asked for and received from Stalin necessary aid in the form of tanks and troops for the liberation of Serbia and Yugoslavia's capital, Belgrade. Liberation of Belgrade would be of great political significance, especially in the development of the civil war in Serbia. The leader who held the nation's capital would gain great political and military prestige. The presence of the Red Army in Yugoslavia had not only military, but "also favorable political consequences," acknowledged Professor Makso Snuderl; "it spread the demoralization in the ranks of the pro-facist reactionary [i.e. anti-Communist] elements. It consolidated the position and authority of the National Liberation Movement and the new people's authority of Yugoslavia." [29]

The last phase of the Yugoslav civil war was marked by the intervention of the Soviet, Bulgarian and western Allied forces on the side of partisans.[30] Tito asked the western Allies not only to bomb certain cities, but also, to send heavy artillery units into Bosnia.[31]

The other anti-Communist forces, comprising Serbian nationalists of the Ljotic movement, General Nedic's cetnici, Croatian ustase, and Slovenian *domobranci* (Home Guards) of General Leon Rupnik, retreated toward Carinthia which was occupied by British forces. The British extradited to the partisans thousands of these anti-Communists without any distinction as to who had collaborated with the Axis forces and who had merely fought against the Communists. Most of these anti-Communists were liquidated immediately after their repatriation. Only those who were able to take haven in the American Zone of Austria were saved. Under the pretext of transferring them to Palmanova, Italy, the British military authorities extradited to the Yugoslav Communists over 11,000 Slovenian *domobranci* and civilians.[32] Almost all of them were executed without any trial.[33] The British extradited also several thousand Croatian soldiers, about 3,000 anti-Communist fighters belonging to Ljotic's movement, and about 1,000 Montenegrin cetnici.[34]

General Draza Mihailovic was finally captured in March 1946. On March 24, Aleksandar Rankovic, Minister of the Interior and chief of the secret police, announced the news to the members of the People's Assembly in session in Belgrade. According to the principle that "the revolution, if successful, is *summum ius*, and if unsuccessful *summa iniuria*," the defeated general was tried, condemned to death, and executed on July 17, 1946, as it was reported in the Yugoslav press. His mock trial could hardly qualify as a trial in most uncivilized countries. The general's execution and burial was performed under most secret circumstances.

Characteristic of the trial of General Mihailovic is the fact that, soon after its end, his defender, Dr. Dragic Joksimovic, was imprisoned as a "people's enemy" and sentenced to three years in jail. He "died" while serving his prison term. The request of the lawyer's family for the body was denied under the pretext that it could not be handed over "until the end of the prison term." [35] Dr. Topalovic's conclusion is that the real reason of the denial was to "retain Joksimovic's dead body in jail until it became decomposed and disintegrated, and with that disappeared the trace of a premeditated murder." [36]

AN ANALYSIS OF THE COMMUNIST SUCCESS

Analyzing the Communist revolution, Mosa Pijade gave the following reasons for the success of the CPY:

(*a*) The CPY was capable, at the very beginning, of taking for itself the undivided and undisputed leadership of the National Liberation Struggle;

(*b*) The CPY saw clearly that the destruction of the old state apparatus was indispensable for the success of the revolution;

(*c*) The CPY saw that it was indispensable to organize a people's army;

(*d*) The CPY was aware of the necessity to insure the revolutionary character of the people's army by the creation of proletarian brigades.

FOOTNOTES

[1] Martin, *op. cit.*, p. 127.

[2] Churchill, *Second W. W.*, pp. 461–462. Cf. also Görlitz, *op. cit.*, II, p. 133.

[3] On the basis of Hitler's decree, the Chief of the OKW (*Oberkommando der Wehrmacht*), Field Marshal Wilhelm Keitel, issued his famous "Richtlinien fur die Verfolgung von Straftaten gegen das Reich oder

die Besatzungsmacht in den besetzten Gebieten vom 7, Dezember 1941." Document 090L, International Military Tribunal, Nuremburg, *Trial of Major War Criminals* * * *, XXXVI, pp. 570–576.

The German diplomatic and economic coordinator for the Balkan area, Hermann Neubacher, published a telegram which he had sent to the German Foreign Minister. It reads in part: "Political consequences of such misadventures are * * * catastrophic. It is clear madness to massacre babies, children, women and the aged because heavily-armed red bandits took up by force quarters in their houses and because they killed two German soldiers in the vicinity of their village. Political consequences of this insane butchery without any doubt by far surpasses the effect of all propaganda efforts in our fight against communism." *Op. cit.*, p. 142.

[4] Yugoslavia, Drzavna komisija za utvrdjivanje zlocina okupatora i njihovih pomagaca, *Izvestaj Medjunarodnom vojnom sudu u Nurnbergu* [Report to the International Military Tribunal in Nuremberg] (Beograd, 1947), pp. 19–20. Cf. also Odbor za izgradnju spomen-parka oktobarskim zrtvama 1941 godine u Kragujevcu, *Zbornik dokumenata i materijala o Oktobarskom pokolju 1941 godine u Kragujevcu* [Collection of Documents and Materials on the October 1941 Massacre in Kragujevac] (Kragujevac, 1953); and Bosko Kostic, *Za istoriju nasih dana; odlomci iz zapisa za vreme okupacije* [For the History of Our Days; Fragments from the Notes during the Occupation] (Lille, 1949).

[5] Rendel, *op. cit.*, p. 227. Cf. also Pridonff, *op. cit.*, p. 14.

[6] Churchill, *Second W.W.*, V. p. 462.

[7] Martin, *op. cit.*, pp. 245–259.

[8] *Ibid.*, 41.

[9] Colonel Albert Seitz, who also organized the repatriation of American airmen from Yugoslavia, recorded his impressions on the cetnik movement in the book *Mihailovic Hoax or Hero?* (Columbus, Ohio: Leigh House Publishers, 1953).

[10] Martin, *op. cit.*, p. 42.

Other illuminating chapters on how the Communist propaganda, contributing to the making of Tito and the belittling to Mihailovic, worked in London, and how the Allied military intelligence was falsified, are to be found in the same work, pp. 34–46, 84–102, esp. 189 ff.

[11] As quoted by Martin, *ibid.*, p. 151.

[12] "Mihailovié was a patriot, but a Serb rather than a Yugoslav patriot," writes Wolff in his *The Balkans in Our Time*, p. 207.

Milhailovic himself admitted that "Destiny was merciless toward me when it threw me into the most difficult whirlwinds; I wanted much, I began much, but the whirlwind, the world whirlwind, carried me and my work away." As quoted by C. L. Sulzberger, "For Eden Destiny Held no Mercy," *The New York Times Book Review*, Feb. 28, 1960, p. 1.

[13] In his telegram No. 1181 of December 22, 1942, to the Royal Yugoslav Government in London, General Mihailovic said: "We are exterminating the Ustashi wherever we find them. We shall destroy everything that is of the Ustashi mercilessly because of the 600,000 Serbians massacred by them. At present, the Ustashi are maintaining contact with the Communists. My collaborators, Bircanin and Jevdjevic, have never worked for the Italians and are always ready to attack them on my orders, but, for the present, my first aim is to annihilate the Ustashi and their creation, the Croatia of Pavelich." Zivan Knezevic, *Why the Allies Abandoned the Yugoslav Army of General Mihailovic, with Official Memoranda and Documents, by Lt. Colonel Zivan Knezevich.* Reproduced from typewritten copy. (Washington, 1945), p. 8.

That Jevdjevic had not worked for, or with the Italians before December 1942 may be possible. However, the fact is that during 1944 he was in Rome with a band of his cetnici and moved around quite undisturbed either by the Italian fascists or Germans.

[14] Martin, *op. cit.*, p. 63.

According to the same author, "Molyevich did not completely dominate Mihailovich, but his influence was strong enough to create a very bad impression on both the British and American officers at the General's Headquarters," *Ibid.*, p. 64.

[15] *Pokreti narodnog otpora u Jugoslaviji 1941–1945*, p. 103.

[16] *Ibid.*, p. 104.

[17] Cf. Martin, *op. cit.*, p. 190.

[18] Mihailovic, defendant, *The Trial of Dragoljub-Draza Mihailovic*, pp. 303, 348, 353, 431–434, 449–450, 459. See also Evgueniye Yourichitch, *Le Procès Tito-Mihailovitch* (Paris: Société d'éditions françaises et internationales, 1950).

[19] The noted French historian and expert in Yugoslav affairs, Professor Albert Mousset, who had defended Serbian centralism for two decades, finally reviewed his opinion with regard to the Serbo-Croatian question: "The national question, the key of which is the arrangement of Serbo-Croatian relations, remains. * * * In their innermost heart, the Croats—in spite of the catastrophic adventure of Pavelic—keep hoping to have, a day, their own state. * * * Radic gave to the Croatian people a social and national consciousness which is more alive than the consciousness which formerly they derived from their 'historical rights' and passive resistance to the Magyar domination. His assassination in the Parliament of Belgrade dug between the Serbs and Croats a bloodstained ditch which has never been filled up. And there was in 1941–1943, a war between them which was not a civil war, but a war of peoples." "Un Bonaparte Marxiste: Tito; a propos d'un congrès," *Le Monde* (Paris), Nov. 8, 1952.

[20] Radotic, *op. cit.*, p. 134.

[21] *Vojvoda* means military leader or leader of a detachment. During the Serbian fighting against Turks, there were several heroic leaders whom the people called *vojvode*. Some of these guerrilla leaders covered themselves with glory during World War I, while during World War II, certain *vojvode* became the first collaborators with the enemy.

"Individual cetnik leaders [*vojvode*] often acted independently and made accommodations with the enemy without the consent of their 'supreme command.' Loose organization and lack of discipline, together with the brutal excesses perpetrated on non-conformists by a number of cetnik commanders, were the main reason, according to observers, for Mihailovic's failure to produce an efficient army." Wayne S. Vucinich. "The Second World War and Beyond," R. Kerner (ed.), *Yugoslavia*, p. 360.

"Djukanovic, later Djurisic, Jevjevic and Djujic, also formally recognized Draza Mihailovic as supreme commander, but in reality they acted as they wanted and, especially, they continued keeping good relations with the occupier." Radotic, *op. cit.*, p. 134.

[22] Cf. Martin, *op cit.*, p. 191.

[23] Some chances for a successful action perhaps still existed even at that time, if the Serbian and Croatian democrats in Yugoslavia joined their forces and efforts. For any such action, Dr. Vladko Macek's participation would be indispensable. But during the entire war, Dr. Macek remained in a state of complete aloofness, which seems not to be the mark of great politicians and statesmen. Anyhow, Dr. Macek preferred to follow the example of Abbé Sievés and when, in 1945, Dr. Macek left the country and came to Paris, all he was able to say about his activities during the war, was: "*J'ai vécu.*"

[24] Dr. Zivko Topalovic, Adam Pribicevic, Dr. Vladimir Bjelajcic, Ivan Kovac, Topalcobic, Pribicevic and Bjelajcic were Serbs and representatives of Socialists, Independent Democrats, and the Gymnastical Society *Sokol*, respectively; Kovac, a navy officer and former gymnastics coach of King Peter, was Slovene.

[25] Topalovic, "Poslednji pokusa)" [The Last Endeavor] *Poruka* (London), no. 37 (June 18, 1956), pp. 5–7.

[26] For the movements of the Soviet and Bulgarian armies in Yugoslavia see map "Operations principale de nos forces dans la deuxème moitié de 1944," Belgrade. Vojni istoriski institut, *Les efforts de guerre de la Yougoslavie, 1941–1945* (Beograd, 194—); issued also in English as *The War Effort of Yugoslavia, 1941–1945.*

Cf. also Belgrade. Vojni istoriski institut, *Zavrsne operacije za oslobodjenje Jugoslavije 1941–1945;* for the joint military operations of the Yugoslav Army, the Red Army, and the Bulgarian Army in Serbia and Vojvodina, pp. 94–140; for the Red Army in Serbia and Vojvodina, pp. 191–196; and for the Bulgarian Army in Macedonia, pp. 158–189.

[27] Yourichitch, *op. cit.*, p. 79, Cf. also *Conf. Yalta*, p. 801.

[28] Topalovic, *Pokreti narodnag otpora Jugoslaviji 1941–1945*, pp. 166–169.

[29] Snuderi, *Zgodovina ljudske oblasti*, p. 307.

[30] Tito, *Pol. Rep. V Con.*, pp. 103–104.

[31] Dedijer, *Tito*, p. 233.

In regard to the bombardment of Yugoslav cities, Representative Wayne L. Hays, of Ohio, gave, on December 13, 1950, in the House of Representatives, the following statement: "I do know this, that on [Orthodox] Easter Sunday in Belgrade during the last year of the war... Tito asked that American bombers bomb the city of Belgrade, which was not strategically important; he specified that day and he specified that hour. That day and hour happened, purely by accident I suppose, to be on Easter Sunday when the Serbs were coming out of the Orthodox churches." *U.S. Congressional Record;* Proceedings and Debates, 81st Cong., 2d Sess., Dec. 13, 1950, XCVI, Part 12, p. 16532.

[32] Janez Martinic, "Ob desetletnici vetrinjske tragedije" [The Tenth Anniversary of the Vetrinje Tragedy] *Svobodna Slovenija; zbornik koledar, 1955* (Buenos Aires: Zalozba Svobodne Slovenije, 1954), pp. 23–24.

[33] See the note in English in Tine Debeljak, *Velika crna msa za pobite Slovence* [Requiem for Massacred Slovenes] Buenos Aires: Zalozba Svobodne Slovenije, 1949), p. 214, which reads "In May 1945 * * * the British military authorities gave orders that this army of voluntary anti-Communist fighters should be repatriated to Yugoslavia, and more than 12,000 young Slovenes were handed over to Tito's bands. All were massacred. * * * The quiet mountains and hidden valleys of Slovenia were the scene of mass executions during the whole of the months of May and June 1945. By a terrible mistake the Christian leaders of the Western world had sent to their deaths over ten thousands of convinced anti-Communists; these young men were the first victims in the defence of the West against Eastern barbarism."

Cf. also Extension of Remarks of Representative Walt Horan of Washington in the House of Representatives, January 28, 1957, which includes an article by Bishop Bernard J. Topel of Spokane. The article reads in part: "* * * Not only men, but also women and children, even babies and grandparents were murdered at Tito's whim. Sometimes the killing came after sadistic torture that is so much a part of Communism. * * * Early that summer of 1945 some 11,000 refugees were forced by the British Army to return to Yugoslavia. Ten thousand of them * * * were killed." *U.S. Congressional Record:* 85th Cong., 1st Sess., Appendix, CIII (Jan. 28, 1957), p. A531.

[34] *Vetrinjska tragedija: v spomin nesmrtnim junakom izdanim v Ventrinju od 27.–31. maja 1945 in pomorjenim za velike ideje*

svobode [The Tragedy of Viktring; in Memory of Immortal Heroes Betrayed in Viktring, May 27–31, 1945 and Slaughtered for the Great Ideas of Freedom] (Cleveland: Zveza slovenskih protikomunisticnih borcev, 1960), p. 41.

Cf. also Bor. M. Karapandzic, *Kocevje, Titov najkrvaviji zloein* [Kocevje, Tito's Bloodiest Crime] (Klivland [i.e., Cleveland] Ohio, 1954), p. 61.

[35] Topalovic, *Pokreti narodnog otpora u*

[36] *Ibid.*, p. 26.

[From the Washington Post, May 6, 1971]

TITO'S SPEECH

SARAJEVO, YUGOSLAVIA.—President Tito called for the further development and perfection of Yugoslavia's unique social system, which he said was "humanistic," "Marxist," and an inspiration to the world's proletariat.

Yugoslavia started down the path of revisionism 20 years ago by inaugurating workers' councils in the country's enterprises. The system of "workers' self-management" has been criticized from all sides, including Soviet Communists as well as Yugoslav centralists who fear that it is draining power away from the Communist Party.

Tito, opening the 20th anniversary "congress of self-managers," said the experiment was a success and would proceed.

[From the New York Times, May 2, 1971]

TITO ASSAILS CRITICS AT HOME AND ABROAD

(By Alfred Friendly, Jr.)

BELGRADE, YUGOSLAVIA, May 1.—President Tito today placed much of the blame for Yugoslavia's current political crisis on opponents abroad but also intimated that he would crack down on domestic dissent and probably shuffle both the Government and Communist party.

In a rambling, 40-minute May Day address, broadcast on radio and television from the town of Labin near the Italian border, the 78-year-old leader reserved his sharpest remarks for Yugoslav newspaper and television journalists, university students and professors and "megalomaniac" investors. These groups have often been targets for his wrath.

But the speech, which revealed few details of the three-day leadership meeting President Tito held this week, had a new tone of harshness toward critics at home and abroad.

"We have placed democracy on a very high level, on a strong foundation," the President said in a reference to the open discussion that makes Yugoslavia unusual among Communist nations. "But there cannot be democracy for the enemies of our social system who fight against everything we wish to achieve."

"Up until now we have tolerated too much," he said as applause from the well-dressed crowd in the coal-mining town interrupted him. "We have tolerated such enemies and their actions too much, and they are at work in many areas."

The President, who will be 79 on May 25, said that the mass of Yugoslavs still gave him and his associates in the party full support. On a recent trip through backward areas in the south, he said, he had been received "with the same faith" as was shown him after World War II, when he turned his victorious Partisan movement into a government.

Toward the end of that trip, Marshal Tito made several angry speeches indicating that nationalist rivalries among leaders of the country's six republics were becoming a danger to Yugoslavia's development and unity. It was then that he announced this week's leadership meeting, which observers thought would be a major showdown on economic and political issues.

In discussing the meeting on his island retreat of Brioni, however, the President said only that "very sharp discussion" had ended in unanimity. He did not say how outstanding economic questions had been reconciled nor did he point to any change in existing policy beyond "more energetic" application of party and governmental discipline.

GREATER AUTONOMY FOR REPUBLICS

Stating that Yugoslavia was not in danger of disintegration, he said the current reorganization giving greater autonomy to the governments of the six republics would strengthen the nation.

"We have settled the national question, not only in theory," he maintained. "All that remains is to implement our decisions. There is no nationality in Yugoslavia that wants to be outside Yugoslavia."

Part of the reorganization, he added, would probably be a shuffle of federal posts, which many expect this summer. Beyond that, President Tito said, it may prove necessary to remove prominent party members from posts that they have become "too weak" to occupy.

As for bankers, business managers and others who follow policies opposed by the Government's economic stabilization measures, he declared, "They will not only be expelled from the party but also from their jobs."

[From the Washington Post, May 1, 1971]

YUGOSLAVIA'S LEADERS AVERT SPLIT

(By Dan Morgan)

BELGRADE, April 30.—Yugoslavia's top leadership today averted a public split in its ranks by "unanimously" subscribing to a declaration that singled out nationalism as the main threat to the country's unity.

The declaration came at the end of a three-day meeting of about 80 top Communist and government officials at President Tito's Adriatic island retreat of Brioni. It was called by Tito himself as a step to restore unity to the Yugoslav Communist Party's quarreling factions.

It was not clear from the communique issued today to what extent this aim had been achieved. But an announcement that a conference of the Yugoslav League of Communists would be called soon came as a surprise and suggested to observers that Tito intended to press further with his campaign to heal divisions within the party.

The first such conference in Yugoslavia's history was held only last November and none had been anticipated for this year.

Rivalries have become more pronounced in recent weeks as Communists from Yugoslavia's diverse regions have used a period of decentralization and political relaxation to argue for more local say.

The most explosive issue was raised by Croat Communists who charged that they had been smeared by a conspiracy to link them with the terrorist Ustashi exile organization.

Frictions between Serbs, the largest national group in the country, and Croats, the second largest, have been on the rise.

The party presidium in effect accepted a Croat allegation of a conspiracy. The communique cited an effort by "hostile, subversive forces to exploit our internal difficulties and to seek support from the enemy in our own country."

But the presidium denied earlier insinuations by Croat leaders that federal security police in Belgrade may have had a hand in the smear campaign, details of which have never been revealed. The presidium said "some weaknesses" in the security services had come to light and these agencies would have to be strengthened.

Rumors that the session might signal a major party purge did not materialize. The presidium was unanimous in its estimate of the "seriousness" of the economic situation.

It noted the dangers of bureaucratic, technocratic and centralist tendencies—which are taken as a euphemism for outmoded orthodox ideology. The leadership warned against nationalism, which it described as a basis for "the gathering for all anti-Communist forces undermining the confidence and unity of our peoples."

[From the Washington Post, May 9, 1971]

TITO MAKES APPEAL FOR YUGOSLAV UNITY

(By Dan Morgan)

SARAJEVO, YUGOSLAVIA, May 8.—President Tito today reasserted his rule as Yugoslavia's premier political institution in what was described as his most powerful appeal for unity in many years.

His target was all those who undermined that unity, from critical intellectuals to retired, high-pensioned generals who sit in Balkan cafes and grumble about "what does not suit them."

The audience he appealed to was the Yugoslav working class, which he deputized as the "watchdog" against the possibility that new forms of political centralism could arise in the six constituent Yugoslav republics, which will receive broad new powers in a coming constitutional reorganization.

His brisk, barbed remarks, delivered off the cuff, were frequently interrupted by delegates to a congress of factory employees representing the country's workers' councils.

One Western observer who has followed Yugoslav politics since World War II said the speech was Tito's best "in 20 years." A Yugoslav official said the address would rally thousands of persons behind him once again and create the psychological atmosphere in which concrete changes could be made in political, economic and social structures.

FACTIONAL BICKERING

These changes, stalled recently by factional bickering were initiated by President Tito last fall. Yugoslavs have described this as an effort by the 78-year-old leader to vent the potential crisis of the post-Tito era while he was still around to control it.

Rivalries between the country's diverse republics and national groups quickly surfaced and at times Tito had seemed unwilling or powerless to step in. But today he threw his full personal prestige behind the campaign to submerge differences and work out a viable system for the future.

To observers who have watched him for years, he seemed as dynamic and full of fight as he did in 1945 when he and his partisans followed the retreating Germans out of the country and established a Communist regime.

They said the style of the speech, as much as its content, demonstrated his political touch and his special position as the pillar of Yugoslav unity.

SELF-MANAGERS

He was addressing the second congress of Yugoslav self-managers, made up of factory employees who are most active in the system of "self-management"—the method of industrial democracy and worker ownership of enterprises.

Yugoslavia's decentralized system was introduced in 1950, as an alternative—and a challenge—to the rigid systems in the Soviet bloc. Assets of the state monopolies were distributed to enterprises and councils of workers were set up to run them.

Yugoslav workers, he said, were not going to "go back" to capitalism.

President Tito made clear there is only one Yugoslav working class and only one Communist Party. Just because the six republics are to have more power, they are not going to become new centers of "republic statism," he said.

Nevertheless, it remains to be seen whether Tito's appeal to the workers—over the head of the leaders in the republics—will have enough momentum to result in a system of consultation between the republics that will assure equality between them and be an efficient decision-making apparatus. Sometimes this summer, a 23-member presidency will be inaugurated to run the country.

LEAVING PARTY

But President Tito left no doubt that he expects those who oppose his course to "go out" of the League of Communists, Yugoslavia's Communist Party.

"We shall see who among us leaders accepts the right course we are going to initiate," he said.

Tough work is still ahead, including adoption of sweeping constitutional changes that will mean a drastic reduction of federal powers; a party conference to fix the relationship between the Communist Party organization in the republic and the Yugoslav League of Communists; and "gentlemen's agreements" between republics on economic questions that will determine regional say in economic matters.

But today the audience gave its loudest applause for Tito's attack on intellectuals who "only criticize" and who want to take over now that Yugoslavia has been built up into a strong state.

But he said, "There are also generals, retired ones, who draw large pensions and engage in coffee shop talk, assessing negatively what does not suit them . . . all the while drawing 350,000 (old) dinars ($2,300) a month."

[From the Sunday Star, May 9, 1971]

Tito Threatens To Purge Decentralization Critics

(By Dennison I. Rusinow)

Sarajevo, Yugoslavia.—President Josip Broz Tito yesterday threatened a purge of Communist party members and bureaucrats who oppose a series of constitutional changes designed to limit the power of the central government and strengthen the authority of the six national republics.

Addressing the closing session of the second congress of self-managers, Tito referred to past failures to follow word with action and to a Western news report that his words were "an empty gun." He promised that "this will not happen this time. The gun is not empty, we have plenty of ammunition."

A sense of nervousness and bitterness among Yugoslavia's diverse nationalities has been growing in past months to the point that plans for decentralizing the nation have been threatened.

EARLIER MEETING HELD

The three-day congress of self-managers follows a special meeting last month at Tito's island retreat of Brioni of the presidium of the League of Communists that, according to Tito and others who attended, began with "very sharp words." But the meeting reportedly ended in agreement to maintain an ideologically unified Communist party while going ahead with a radically decentralized government.

At the Sarajevo meeting of some 2,300 delegates from factories, firms and institutions, Tito vigorously supported the concept of decentralization and sought to stem the open criticism among the country's nationalities, particularly the most numerous groups, Serbs and Croats.

The workers in self-management, said Tito, would insure that local "statism" and "bureaucratism" would not replace the national "statism" and "bureaucratism" now being dismantled.

The United interests of the working class and the impact of a united market would prove stronger than bureaucratic forces thriving on centrifugal trends, he said.

"We shall also have to see who is among us leaders who does not accept the rigorous course we are going to institute," he said in a threat to those who oppose the current policies.

CRITICIZED BY RICH

Criticism of the system, Tito said, did not come from poor pensioners and low income workers who had a right to criticize, but from those with large pensions and cars who had done better than they deserved out of the system.

Naming those who oppose the Yugoslav kind of Communism within the Communist party would only create "even greater confusion in the present artificial psychosis," Tito added, "but I know who they are."

He referred to "some general on the retired list," whose real complaint was disappointment in "megalomaniac" ambitions to "become president of the republic or at least a minister."

[From the New York Times, Mar. 30, 1971]

Tito Makes Plea for Arabs in Talk With Pope

(By Paul Hofmann)

Rome.—In a 75-minute audience surrounded by Vatican pageantry, President Tito of Yugoslavia and Pope Paul VI today discussed the Middle East, East-West affairs and other international problems.

President Tito was the first Communist chief of state to pay an official call on the head of the Roman Catholic Church. A visit by the Soviet President, Nikolai V. Podgorny, to Pope Paul in the Vatican in 1967 was described as private.

Churchmen said today that the Yugoslav leader in his talk with the Pontiff had made a strong presentation of the Arab case in the Middle East conflict.

President Tito, who ended a five-day visit to Italy today, conferred near Pisa on Saturday with the Foreign Minister of the United Arab Republic, Mahmoud Riad.

Pope Paul reportedly restated the Vatican's request for an internationally guaranteed special status for Jerusalem and other holy places in Palestine.

[From the Washington Post, Oct. 26, 1971]

Tito: Last of Four Who Spoke for "Third World"

(By Murrey Marder)

President Josip Broz Tito's first state visit to Washington this week will underscore special American interest in supporting an unaligned Communist nation wedged between two power blocs.

The fine gradations of diplomatic ceremonials are usually of little interest to laymen. But in the case of this Tito trip, there is an important distinction drawn by officials on both sides—and also by American emigres of Yugoslav descent who seek to disrupt Tito's visit.

For while Marshal Tito met with President Eisenhower at the United Nations in 1960, and conferred with President Kennedy at the White House in 1963, never before has he received the full-scale state welcome he long has sought in the United States, to help reinforce his often-precarious position in the power balance.

Among anti-Communist emigre groups in this country, Serbs, Croats and others, there is acute awareness of this distinction, according to officials responsible for President Tito's security here. There is reportedly added antipathy among many emigrees over the fact that President Nixon, once the great favorite of these groups because of his staunch anti-communism, has made the warmest overtures to Romania, Yugoslavia and other Communist nations.

The record of past assaults on official Yugoslav offices in this country has caused U.S. planners to take special precautions for Tito's safety. The incidents that have marred Soviet Premier Alexei Kosygin's Canadian visit, despite extra security measures, underline the problem.

President Nixon on Friday made a special appeal for Americans to accord full courtesy to Tito, mindful of the previous demonstrations against the Yugoslav leader on earlier visits of lesser stature. By providing his mountain retreat at Camp David, Md., Wednesday night as an arrival rest stop for Tito and Mrs. Broz, as the Yugoslavian President's wife is called, President Nixon doubly associated his prestige with their visit.

Tito, now 79, is openly engaged in attempting to assure that Yugoslavia's independent brand of communism survives both the fractionalization hazards of its multiple nationalities and the risk of new Soviet domination. He led Yugoslavia out of the Soviet orbit in 1948, in a historic break with Moscow.

Tito is the last survivor of the quartet of dynamic figures who aspired to lead the unaligned "third world": India's Nehru, Egypt's Nasser, Indonesia's Sukarno. President Nixon, making the first visit of an American President to Yugoslavia, last fall, confirmed there that this administration accepts and supports Tito's brand of unalignment. American officials said yesterday that the full-dress welcome to be accorded Tito here this week will be added evidence of that policy.

President Nixon told Tito last year that the United States would try to encourage American equity capital to invest in Yugoslavia. An amendment to help fulfill that goal is included in the present foreign aid bill now on the Senate floor. It would authorize guarantees for American investment in Yugoslavia and Romania, through the Overseas Private Investment Corporation.

The United States also recently agreed to reschedule $58.6 million in Yugoslavian debts to the United States, as American support for Yugoslavia's stabilization program.

In addition to its attempts to sustain its own non-doctrinaire brand of market economy, Yugoslavia last month played host to Soviet Communist Party leader Leonid Brezhnev, seeking to gain a guarantee of Soviet respect for Yugoslav sovereignty. The results reportedly were some gain, but with some ambiguity remaining about the Brezhnev doctrine of "limited sovereignty" of Communist nations.

Yugoslavia earlier this month reemphasized its independent stance with military maneuvers marking the first major test of its doctrine of "peoples' war," drafted after the 1968 Soviet-led invasion of Czechoslovakia.

DAY OF UNITED NATIONS INFAMY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. PELLY. Mr. Speaker, as Ambassador George Bush said last night after the United Nations General Assembly vote to seat Communist China and expel Taiwan, it was a day of infamy.

The United States lost a friend who consistently supported us. At the same time, one unfriendly nation becomes a member and will consistently vote against our interests.

More grievous, however, is the precedent that means a simple majority of United Nations members any time it suits them can expel a member.

Mr. Speaker, there was great jubilation after that tragic vote and let us not forget that in the cheering section were Representatives of Belgium, Britain, Canada, and Mexico.

Obviously, we cannot defend ourselves against our friends.

DENUNCIATION OF U.N.-CHINA OUSTER

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise today for the expressed purpose of denouncing the unconscionable act of the United Nations General Assembly in voting to expel the Republic of China from its membership. During the past several weeks we have watched with growing apprehension the jockeying and maneuvering going on in New York by the nations actively supporting the ouster of the Republic of China and the astonishing groundswell of support for membership for the Communist dictatorship of mainland China.

I would commend President Nixon and Ambassador to the United Nations George Bush for their efforts to forestall what was becoming an increasingly unfavorable situation by proposing a "two China" policy to keep the Republic of China in the United Nations. I personally feel that we could have and should have taken a stronger stand at various points along the way to defend the Republic of China's membership, but it is evident that both the President and Ambassador Bush saw the handwriting on the wall and realized that we were simply outvoted.

Mr. Speaker, the action of the United Nations General Assembly last evening brings chilling thoughts to mind to those of us who recall the decision by President Franklin D. Roosevelt back in 1933 to grant diplomatic recognition to the U.S.S.R. Ever since the Bolsheviks had come to power in 1917, the United States refused to do business with the ruling Communist dictatorship of the U.S.S.R. Then all of a sudden in 1933 our Government concluded that the "time was ripe" for a "normalization" of relations with Russia. By granting the Soviet government diplomatic status, it was reasoned, we could better pressure them to act more responsibly and to reduce their worldwide outlaw-tactic activities. Furthermore, it was assured that recognition would make a new market available to American business. Unfortunately, the lesson of history has shown that these hopes were but a wisp of smoke, that our assumptions that the Russians would "behave" were naive and groundless, and even the hopes for greater business activity came to nothing—until the United States began donating and shipping large amounts of war aid to Russia in World War II, aid for which we have received neither repayment nor thanks.

And so, now the General Assembly, using the same false reasoning, has opened the door of membership to yet another Communist government, thereby allowing the Communists one more beachhead for the purpose of subverting the Free World, and for weakening the prospects of a lasting world peace. Once again, the American people, who shell out over a third of the United Nations budget, have been betrayed by the countless nations long the recipients of American generosity. The American people will no longer tolerate being the patsy of the rest of the world. We cannot be expected to shoulder the lion's share of the burden of defending freedom while other nations who are the beneficiaries of our generosity openly undermine our leadership.

Mr. Speaker, the time has come for the Congress to take a long and hard look at our commitments to the other nations, and to adjust those commitments to levels which clearly indicate that "Uncle Sap" has been held up for the last time. And, I can think of nowhere for a better place to start than by trimming our outlays to the decrepit, misguided, and myopic United Nations.

BRIG. GEN. JOHN R. BROWN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BIAGGI. Mr. Speaker, yesterday we celebrated Veterans Day.

I can think of no better time to honor one of my constituents who is an outstanding veteran, Brig. Gen. John R. Brown.

General Brown, who presently skippers the New York National Guard's 1,200-man Sixth Area Command, has announced his retirement at age 64.

His 42-year career in the Guard started when he enlisted illegally at the age of 16 in his native town of New Bedford, Mass. In 8 years he rose to the rank of first sergeant in that unit. He later moved to New York where he joined the 71st Infantry Regiment.

After attending Officers' Candidate School, he was commissioned a second lieutenant in 1937. He entered the regular Army's 44th Infantry Division in 1940 and went on to fight in the Middle East theater, in the North African campaign, and the Battle of the Bulge. He was awarded the Combat Infantryman's Badge and the Purple Heart.

Known as "The Old Man" to guardsmen, this ex-prize fighter now commands over a 70-mile area comprised of eight countries—Westchester, Rockland, Ulster, Putnam, Dutchess, Sullivan, Orange, and Green.

He has combined tough soldiering with a human kindness that has made him well loved and respected by his troops. He recently said:

> I've been a soldier all my life. I've bent the law a little to get into the National Guard and someone was nice enough to allow me to stay in. I've always remembered that when some of my men committed minor infractions.

The general will be honored at a testimonial dinner sponsored by the Hendrick Hudson Veterans of Foreign Wars Post 3300 to be held at the Kingsbridge Armory in the Bronx this Saturday. Earlier in the day his unit will mark his retirement amid a panoply of drum rolls and bugle flourishes.

General Brown has lived in the Bronx since 1930. He is married to the former Theresa Carraccio, and has worked for Con Edison for the past 40 years.

Mr. Speaker, it is with great pride that I count this man among not only my constituents but my friends. This country would do well to have more like him.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. FRASER. Mr. Speaker, at the hearings I recently held in Minneapolis, the Minnesota Nurses' Association was represented by Mrs. Ruth Lunde. Mrs. Alberta B. Wilson, the director of nursing for the Minnesota Department of Health at the request of Mrs. Lunde provided additional information on the need for home health services. Mrs. Wilson provided an interesting chart showing the need for nursing services for Minnesota residents over 65 years of age.

Mr. Bruce Stanley, representing the community health and welfare council, also discussed the home health services. He pointed out that patients who would have to be institutionalized are getting care in homes at greatly reduced cost. He urged that medicare home health care limits be removed or revised so that home health care would be provided on the basis of need. Mr. Stanley pointed out that in 1969 service cost only $2.3 million. Home health care is a necessary and important part of a total health care system. It should receive stronger emphasis.

MINNESOTA NURSES ASSOCIATION

DESCRIPTION OF COUNTY PUBLIC HEALTH POSITION

The public health nurse is a registered professional nurse who gives skilled nursing care, including health counseling, in a variety of community settings to individuals and families, sick or well, according to their health needs. She identifies needs of patients who have physical or mental illnesses or disabilities, and with the physician helps families plan for and secure the necessary services. Her primary objective is to help individuals and families develop and strengthen their own abilities to manage problems related to health. The public health nurse utilizes physical care, teaching, counseling, and her knowledge of preventive and rehabilitative measures to assist people to reach the best level of health attainable in their situation. She has responsibility for selecting, teaching, and supervising other nurses, aides, volunteers, or family members who give care in her absence.

The public health nurse gives information and guidance to the agency's administrative committee in studying community health needs; identifying, planning, and evaluating appropriate nursing services and policies; and in administering the agency's services.

In her professional capacity, the nurse participates with selected community groups concerned with the well-being of community members. She interprets public health nursing and coordinates the agency's programs with others to achieve effective and efficient services.

Public health nursing practice emphasizes preventive and restorative functions carried out with individuals and families thus contributing to the physical, mental and social well-being of the community.

NURSING SERVICES TO MINNESOTA RESIDENTS OVER 65 YEARS OF AGE, 1970

	1970 population, over 65	Estimated 65-plus population needing nursing services	Number of 65-plus who were visited by P.H.N. in 1970	Estimated 65-plus who needed nursing services but did not receive them	Percent of 65-plus who needed nursing services but did not receive them
State total	408, 919	26, 580	10, 369	16, 211	60
Minneapolis	65, 261	4, 242	1, 519	2, 723	64
St. Paul	41, 136	2, 674	1, 267	1, 407	52
Out State	302, 522	19, 664	7, 583	12, 081	61

Note: Feb. 26, 1971.

FIRST AMENDMENT VIOLATED AT KILLEEN, TEX.

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mrs. ABZUG. Mr. Speaker, our war machine continues to grind along its bloody course through Southeast Asia. If our war policy ever made any sense, that sense has been long forgotten by the American people.

But our GI's and our veterans who have seen the war and sacrificed in it have not forgotten. They have not forgotten the friends they saw killed or wounded, the limbs they have lost, the horrors in which they have been ordered to participate.

One such group of conscientious GI's in Killeen, Tex. felt it was their duty to march on Veterans Day to remind us that the war goes on, and to honor their young friends who have died and still are dying today in Vietnam.

I am advised that this group of citizens planned their Veterans Day march well in advance. In late September, they applied to local authorities in Texas for a parade permit. But the town fathers, apparently not wishing to antagonize powerful military men at nearby Fort Hood, did all in their power to prevent the peaceful march from taking place. According to reports, the town first demanded a bond of $4,000 to cover "police costs". Later, the fee was lowered to $500, but the marchers were informed that any permit they might receive would give them only the use of the sidewalk, and that carrying of placards would not be permitted.

The GI's and veterans, who are sworn to uphold the Constitution, were understandably unwilling to accept such blatant prior restraints on the exercise of their first amendment rights. They decided to carry out their march despite the denial of the permit.

In Killeen, Tex., on Veterans Day 1971, 112 of these citizen-soldiers and their supporters were reportedly summarily arrested and thrown in jail by civilian authorities. They are now being held because they cannot produce the $200 bail levied on each of them.

All of us should deplore these sad events. We must demand that the marchers be released and charges dropped, and that no further punitive action be taken by military authorities at Fort Hood. Further, we must see to it that when citizens request a permit to parade peacefully in exercise of their freedoms of speech and assembly, such denial of rights as was encountered in Texas yesterday will not occur.

HANDICAPPED TO RIDE ON RAPID TRANSIT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. WALDIE. Mr. Speaker, in a matter of months the Bay Area Rapid Transit System will commence service in the San Francisco Bay Area.

This system will be the most modern in the Nation and should contribute to the environmental betterment of the area.

The BART system is also unique in that it will be designed so that all handicapped persons will be able to use the facilities—in other words—the BART system will have 100 percent ridership.

Recently, Mr. Harold Wilson of Alamo, Calif., chairman of the Architectural Barriers Committee of the Easter Seal Society for Crippled Children and Adults, appeared before the Senate Subcommittee on Aging and gave a report on the BART system and its advantages.

Mr. Speaker, I think that Mr. Wilson's comments are worthy of consideration by all Members of the Congress.

The report follows:

THE ELDERLY AND HANDICAPPED BARRIER—FREEDOM ON SAN FRANCISCO BAY AREA RAPID TRANSIT SYSTEM

(By Harold L. Willson, Chairman Architectural Barriers Committee, Easter Seal Society for Crippled Children and Adults)

When the San Francisco Bay Area Rapid Transit System is completed in 1972, its service area will extend into three counties with seventy five miles of track and thirty nine stations. The facilities for the elderly and handicapped will surpass those of any other mass transportation system in the world providing for 100 per cent ridership within its service area. These facilities were acquired primarily due to the efforts of the Architectural Barrier Committee of the Easter Seal Society for the Crippled Children and Adults of Alameda and Contra Costa Counties.

Shortly after the inception of BART, it was noted that the BART System plan, as authorized by the public bond issue in 1962, excluded facilities for the elderly and handicapped with severe mobility limitations. Whereby, I initiated a project to secure facilities which would be easily accessible to, and usable by, these individuals, including non-ambulatory persons.

The project objectives were four-fold as follows:

1. Obtain endorsements and support for the project from the elderly and handicapped individuals and organizations devoted to the welfare of the elderly and handicapped.
2. Inform, educate and convince the BART Board of Directors and Staff that the authorized plan would prevent access for approximately 4 per cent of the population who are elderly and handicapped with severe mobility limitations.
3. Secure BART Board of Directors policy to insure that the system would be constructed whereby the facilities for the elderly and handicapped could be easily added at a later date, and to secure estimated cost of adding the facilities.
4. Since BART was not authorized nor funded by the electorate to provide for the elderly and handicapped, obtain authority and funds through the State Legislature.

OBTAIN ENDORSEMENTS AND SUPPORT

Due to the many interest facets and enormous number of individuals and organizations involved, various methods and procedures were employed to obtain endorsement and support for the project.

Since the elderly and handicapped population would be directly affected by the success or failure of the project, it was imperative that the strongest endorsement and support should be obtained from the organizations representing and/or devoted to the welfare of the elderly and handicapped. Therefore, many meetings with representatives of these organizations were concerned to discuss problems and strategy and to trigger timely letter campaigns directed to BART and the State Legislature. These meetings and letter campaigns were not only beneficial, they supplied the backbone support for the project.

On the other hand, it was evident that our project required the endorsement and support from the non-elderly and non-handicapped citizens. Therefore, many of my evenings, especially in the early years of the project, were devoted to speaking engagements at service, church and professional groups.

Rather than through the use of public demonstrations and news media publicity, the project accomplishments are primarily attributable to individual salesmanship with respect for the individual involved. As a result of this salesmanship and presentation of the facts involved, I have gained the confidence and a professional attitude from everyone contacted.

INFIRM, EDUCATE, AND CONVINCE BART

I have been a volunteer consultant to the San Francisco Bay Area Rapid Transit District Board of Directors and Staff since early in 1963 urging them to provide facilities in the initial construction which will be easily accessible to all the public including the elderly and handicapped in wheelchairs.

Since every existing public transportation system, through design, presents unsurmountable barriers to the elderly and handicapped with severe mobility limitations, a number of the BART officials and personnel understandably had difficulty in comprehending the necessity of special facilities to accommodate the elderly and handicapped. Nonetheless, project objectives to inform, educate and convince BART were accomplished through:

1. Presentation of the statistics from the National Health Survey.
2. Projected increases for the elderly and handicapped population.
3. BART's responsibility to provide transportation to all of the public.
4. Fair and honest salesmanship and professional attitude.

SECURE BART BOARD OF DIRECTOR POLICY

Since BART was not authorized nor funded by the electorate to provide facilities for the elderly and handicapped, it was necessary to secure a BART Board of Director policy that the system would be constructed whereby the facilities for the elderly and handicapped could be easily added at a later date, and to secure estimated cost of adding the facilities.

In 1965, the BART Board of Directors adopted a construction policy for the subway stations whereby it would be possible to easily add elevator facilities in the future, if funds were provided.

Later on February 29, 1968, the BART Board of Directors adopted the policy that they would inform all concerned that the facilities for the elderly and handicapped will require an additional $5 to $7 million (later revised to $10 million) and that the State Legislature be notified that the BART District is willing to install the facilities if the additional money is provided from sources other than the BART District.

OBTAIN AUTHORITY AND FUNDS

Once BART was convinced, construction policy was obtained, and BART provided the estimated cost, our final objective was to secure authority and funds for the elderly and handicapped facilities from the State Legislature. This authority was accomplished through the enactment of the Assembly Bill No. 7, Chapter 261, which was approved by Governor Reagan on June 6, 1968. The basic provision of the law is as follows:

It is the purpose of this chapter to insure that buildings and facilities, constructed in the State by use of State, county, or municipal funds, or funds of any political subdivision of the State, adhere to the American Standards Association Specifications A 117.1–1961 for making buildings and facilities accessible to, and usable by, the physically handicapped.

This law was not directed specifically at BART but rather for all public buildings. The passage of this law required a massive statewide effort by many elderly and handicapped groups and individuals with the Easter Seal Society in the thick of the effort.

A few months later the State legislature resolved BART's funds-to-complete shortage problem and added $10 million for the elderly and handicapped facilities.

ACCOMPLISHMENTS

Elevators will move the nonambulatory or semiambulatory person vertically from street to train platform. All elevators will be equipped with telephone for calling the station agent, and will have controls within each reach of the wheelchair occupant.

Toilet facilities also have been designed to accommodate the elderly and handicapped. The door widths are wide enough for persons in wheelchairs to pass through, and restrooms will have one stall that can be used by the wheelchair occupant.

Stairs at stations will have handrails on both sides that will extend 18 inches beyond the top and bottom steps. Special parking facilities will be provided for the handicapped, with wider-than-usual stalls located close to the station and to the elevators reserved for the elderly and handicapped with severe mobility limitations.

The BART car was also designed with handicapped persons in mind. A wheelchair occupant can easily ride over the gap between the train platform and the car floor, can easily pass through the car door, and move from one end of the car to the other.

A combination of loudspeaker directions and easily-read signs will aid the BART patron with impaired sight or hearing. Seeing-eye dogs will be permitted and, when necessary, the station attendant can assist the blind.

Other facilities for the handicapped include special service gates and fare collection machinery in stations, a communication system that includes closed-circuit television, special directional signs, and the low placement of telephones and elevator buttons.

CONCLUSION AND RECOMMENDATIONS

This has been a very rewarding project for the elderly and handicapped of the San Francisco Bay Area and will assist in the future planning of mass transportation systems throughout the world. BART is the mass transportation laboratory and will have the all important 100 per cent ridership—A FIRST.

As mentioned, a great deal of effort was expended on my part and from many individuals and groups including the BART Board and Staff personnel. However, maybe more importantly, this project demonstrated that individuals treating each other with respect and on a professional level can accomplish what appeared to be impossible.

Through the final months of construction, BART has requested that I continue to assist them in the area of inspection for they are proud of their system and their part in providing for the elderly and physically handicapped.

After the BART construction phase, the reduced fare question for the elderly and handicapped must be resolved.

Phase II of the transportation problems for the elderly and handicapped is to provide barrier-free access to the bus systems in the San Francisco Bay Area. The major problem for wheelchair occupants and others with severe mobility limitations for accessibility to the bus systems is that one or two transportation systems cannot afford to absorb the bus redesign and tooling costs. Furthermore, the bus systems cannot afford to scrap the existing buses to purchase redesigned equipment.

Therefore, I recommend that a Federal law be enacted making it mandatory for all newly built buses to be equipped to accommodate wheelchair and other elderly and handicapped passengers, and that Federal funds be made available to the bus systems for the purchase of accessible-to-wheelchair minibuses, etc. to be used as a substitute system during an orderly and planned conversion to newly equipped buses and complete service to all the public.

Furthermore, I recommend that a Federal law be enacted making it mandatory for all public transportation systems, including air transportation, to be accessible to and usable by the elderly and the handicapped including the nonambulatory.

Except in rural areas, where public transportation is non-existent, and areas executing a planned and controlled bus conversion program, I would recommend against separate transportation systems for the elderly and handicapped. In my opinion, this type of segregation would lead to higher cost and inadequate transportation for the elderly and handicapped.

Since the San Francisco Bay Area has been labeled the transportation laboratory, I recommend that every effort be exerted at the Federal, state, and county levels to implement the total laboratory test such as the requirements for the elderly, handicapped (including non-ambulatory), and the poor.

LADY BIRD JOHNSON FURTHERS HIGHWAY BEAUTIFICATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. PICKLE. Mr. Speaker, competition is growing among Texas highway maintenance foremen for the $1,500 cash prize and plaque presented each year by former First Lady, Mrs. Lyndon Johnson—and Texas highways are growing ever more beautiful.

Our Texas highway personnel have always been proud of our long roadways—keeping them clean and landscaped beyond normal requirements. But the Lady Bird Johnson Highway Award has both rewarded these efforts and encouraged further projects, making Texas highways a delight to travel over.

It is yet another example of the contagious enthusiasm and inspiration our former First Lady has been and remains to citizens of all walks of life in our great Nation.

In addition to her award to highway personnel, Mrs. Johnson plans next year to add a $1,000 award to the news media for "exceptional reporting on the beautification of Texas."

Crispin James of the Austin American tells us of the latest winner of the Lady Bird Johnson Award and of the future of the new awards. His article follows:

LADY BIRD HIGHWAY BEAUTY AWARD GOES TO CONROE MAN

(By Crispin James)

STONEWALL.—In Stonewall, country of cabrito and LBJ, John W. Berry received the 1971 Lady Bird Johnson Highway Beautification Award Friday during ceremonies at the Lyndon B. Johnson State Park.

Berry, Texas Highway Department maintenance construction supervisor from Conroe, was presented with a personal check for $1,500 from Mrs. Johnson and a plaque which read, "For his contribution to the beauty of Texas highways, through landscaping, preservation of native wild flowers and maintenance of rest areas."

Former President Lyndon Johnson also gave an "LBJ award" to Rufus Jones, maintenance construction supervisor from Fredericksburg.

The award was a silver cup, inscribed to Jones from the Johnsons.

Berry has worked for the Texas Highway Department for 16 years, and is credited with making Montgomery County in Houston District 12 "a theater for natural beauty."

"Wherever natural beauty exists," said George Murson, Houston assistant district engineer, "Berry has a special talent for bringing it to the attention of the public."

The four runners-up to the top prize were Melvin E. Bayless, La Grange, District 13; Jim L. Hamilton, Hamilton, District 9; Charlie Anderson Hobbs, Seymour, District 3; and Allen Knox, Raymondville, District 21.

"These men we're honoring represent a fine highway department and are emissaries who keep our showcase in order," said E. J. Urbanovsky, chairman of the Department of Park Administration at Texas Tech and one of the 1971 selection committeemen for the

Lady Bird Johnson Award. "It was extremely difficult to select a winner, but we chose Berry because of the ability he had demonstrated in the use of natural materials, his ingenuity, and his willingness to go far beyond what was expected of him."

Mrs. Johnson announced that in the addition to this award, in 1972 she would make an award of $1,000 to the news media for "exceptional reporting on the beautification of Texas."

The prize money will be divided, with $500 going to a Texas newspaper reporter and $500 to a radio television announcer who develops the best series on the environment and ecology, said Mrs. Johnson.

After Mrs. Johnson made her award, she suggested that "one other gentleman has a word to say," and former President Johnson rose to present some awards "of his own."

In an informal speech spiced with jokes and references to his wife and daughters, Johnson praised the work of Jones, and said: "I'll bet you a saddleblanket that this will never find its way onto the side of the highway," said Johnson, perhaps referring to the statement by his wife that all cans from the refreshments would be "recycled" to prevent any littering.

Johnson also gave silk scarves, designed by Molly Parnis and inscribed with Texas flowers and wildlife, to the award finalists and highway officials sitting on the stage to give to their wives.

The afternoon of awards was not over, however, until Mrs. Johnson was presented an armful of "yellow roses of Texas" by Dewitt Greer, chairman of the Texas Highway Commission.

"You have been a great inspiration to the highway department," said Greer.

AMENDMENT TO BE OFFERED BY REPRESENTATIVE MIKVA TO H.R. 7248

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. MIKVA. Mr. Speaker, at the appropriate time I intend to offer an amendment to the Higher Education Act to provide a $1 million increase in the authorization of the Civil Rights Commission in order to enable the Commission to carry out the additional duties provided in this act.

The committee bill gives to the Civil Rights Commission jurisdiction over discrimination on the basis of sex. It is important that this not be a hollow undertaking. If we are to expect the Commission to carry out the responsibilities the committee has assigned to it, we must provide the funds necessary to do the job right. The bill reported by the committee provides no additional authorization.

When the amendment is offered on the floor, I will present the budgetary justification for the $1 million figure requested.

The language of the amendment reads as follows:

Page 201, line 16, after "Sec. 1007." insert "(a)".

Page 201, after line 21, insert the following:

(b) Section 106 of the Civil Rights Act of 1957, as amended, (42 U.S.C. 1975e) is amended by striking out "$4,000,000" wherever it appears and inserting in lieu thereof "$5,000,000."

A MEMORIAL TO JUSTICE BLACK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. HELSTOSKI. Mr. Speaker, it was with great sorrow that my colleagues and I noted the recent passing of the late Justice Hugo L. Black.

Albert Epstein, a resident of Bergen County, N.J., brought to my attention a poem he wrote which is dedicated to the memory of Justice Black. I would like to share it with my colleagues:

JUSTICE HUGO L. BLACK: A MEMORIAL—OUR HERITAGE

(By Albert Epstein)

Freedom, the Dignity of Man, rejoiced
When Independence was conceived—
The infant gasped for breath.
Then came our Constitution—
Alone, the child was weak,
Uncertain, he crawled on hands and knees.
A spark of life lay hidden within his mother's womb,
The pangs of labor burned,
A miracle—a twin, the Bill of Rights, burst forth
Endowed with all the wisdom garnered by the sages—
The spasms fled.

PEACE FOR NORTHERN IRELAND

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1971

Mr. KOCH. Mr. Speaker, the continuing turmoil in Northern Ireland deeply disturbs me. What, however, I find even more distressing is that an end to the injustices causing this violence does not yet appear in sight.

Since the treaty of 1921, which established the six counties of Northern Ireland, the Catholic minority has been the victim of blatant discrimination. The Cameron report, a 1969 official document of the British Government, cites examples of this discrimination in the areas of local government appointments, local government electoral boundaries, housing allocations, and employment. While some measures have finally been instituted in an attempt to end these injustices, the government's revival of internment policies appears to me to be a step backward.

I have become, therefore, a cosponsor of Congressman HUGH CAREY's resolution which calls for peace in Northern Ireland, and if implemented could hopefully bring a realization of this goal. One of these is the termination of the current internment policy under the Special Powers Act, and simultaneous release of all persons previously detained. Another is full respect for the civil rights of all the people of Northern Ireland and an end to political, social, economic, and religious discrimination. A third measure calls for implementation of the promised reforms by Great Britain in the fields of law enforcement, housing, employment, and voting rights. The dissolution of the Parliament of Northern Ireland and withdrawal of all British forces is another provision.

Under this arrangement law enforcement would be placed under local control acceptable to all parties. And finally, this resolution expresses the hope for a convening of all interested parties for the purpose of accomplishing the unification of Ireland.

It is my hope for an early passage of this resolution, even though its effect is moral in that obviously our Congress cannot legally bind the parties involved in that civil war. But, silence in the midst of such bloodshed and sadness is, to me, unthinkable. The Congress should now go on record as deploring this situation.

AMNESTY NOT APPROPRIATE THIS TIME FOR DRAFT EVADERS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 26, 1971

Mr. BRINKLEY. Mr. Speaker, may I commend the within editorial to the thoughtful attention of my colleagues. More than any words I have seen on this subject do these fit the description of ". . . a word fitly spoken being like apples of gold in pictures of silver."

The editorial follows:

[From the Columbus (Ga.) Ledger, Oct. 23, 1971]

FOR THOSE WHO DID SERVE—A MUCH GREATER PRIORITY

Pressure is being built to get a general amnesty for American youths who ran to Canada to evade the draft—timed specifically for the Christmas season.

Best information is that there are between 50,000 and 100,000 draft evaders and military deserters in Canada alone. About 500 men are in federal prisons for draft evasion.

Now 16 lawyers, writers and educators have issued a statement proposing they be allowed to return "freed of any legal impediments and invited to share here the opportunities and responsibilities of building a better nation."

We are not without compassion, nor without concern over the prospect of having some kind of American exile population drifting about in the world.

We are not quite ready to take up this particular group's problems this Christmas, however.

We have other worries with more priority concerning our young men affected by Vietnam.

We have sick and wounded veterans to be cured.

There are men without sight, limbs or with their mental health shattered we wish to have restored.

Appropriate honors must be rendered, and opportunities provided, for our young men who answered their country's call, fought, returned, and now are in fact finding it hard to find opportunities and responsibilities for building a better nation. We need jobs, training and a compassionate country to handle that problem.

Later, when we have done what we should do for those who did what they should do, then perhaps we can levy on our pool of compassion for some consideration of the lot of those who ran off to Canada.

But not this Christmas. This Christmas, we want to reserve as much of our compassion and priorities as we can for those with first call on it, and those who ran to Canada evaded any claim to priority on that matter just as certainly as they evaded the summons their country sent to them and the war in Vietnam.

We didn't like the war, but we're not prepared yet to welcome home voluntary exiles who ran away from it while others went in their stead. Let them wait a while longer so we can all think about it a little more.

SENATE—*Wednesday, October 27, 1971*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God in whom reposes all might and power and wisdom, look upon Thy servants here to whom the people have committed the welfare of this Nation. Into their hearts send Thy light and Thy truth. Teach them the lesson that it is not in the possession of power but in the uses to which it is put that all men are under divine judgment. So, amid the collision of world forces, when the channel of history seems turned from its course, when little men shrivel and perish, keep Thy servants here calm, confident, wise, and just, anchored to the faith of the Founding Fathers. And may they and we behold, in the swift changing scene, the opening of a new challenge, radiant with promise and vibrant with hope in which we shall play our full part as faithful servants of the King of Kings and Lord of Lords.

For Thine is the kingdom and the power and glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 26, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Oklahoma (Mr. HARRIS) is now recognized for 15 minutes.

AMERICA'S RURAL HEALTH CRISIS, 1971

Mr. HARRIS. Mr. President, in testimony before the Senate Labor and Public Welfare Subcommittee on Health on March 31, 1971, Dr. Robert L. Nolan, the chairman of the division of public health and preventive medicine of the West Virginia University School of Medicine, has eloquently brought to attention the actual crisis dimensions of our health care system in rural America.

Dr. Nolan's testimony points out that for many rural communities there are no practicing health personnel available at all. For a country with the best medical expertise in the world, this situation is a national disgrace. The lack of medical services in rural America has reached the shameful point wherein a person's right to a healthy life is a function of his or her place of residence. It is time we realize that the right to health in this country is exactly that: a right for all Americans, not a privilege for a few.

This is simply not the case in rural America. Statistics bear out this fact. One-half of the 1,343 maternal deaths in the United States per year occur in rural areas and small towns, although in our country 70 percent of the people live in urban areas. The infant mortality rate in rural America is one-third higher than the rest of the Nation, and there exists a 30- to 40-percent higher rate of disability and death from accidents in these areas of our country than elsewhere.

Mr. President, the reasons for the shocking lack of health care in rural America transcend the issue of health itself.

Rural Americans, for the most part, simply do not share in the good things of our society. Poverty is the central fact of life for 14 million, or one out of every four, rural Americans. Unemployment, inadequate housing, lack of transportation, poor schools, and the lack of strong public or private institutions are the hallmark of the general deterioration of rural America. We cannot isolate the health care problem from this larger problem.

Dr. Nolan's testimony before the Subcommittee on Health recognizes the health care problem of rural America as part of a larger phenomenon. With uncharacteristic vision in this age of the specialist, where problems and their solutions are categorized into neat little pigeonholes, Dr. Nolan brings to the scene a refreshing change in outlook. He knows that another hospital here, and two more doctors there, are not really going to change things. Fundamental change is necessary.

Mr. President, Dr. Nolan describes the problems of rural America with the sense of urgency they deserve. And he also proposes the urgent solutions these problems demand. I would hope that each of my colleagues will give this valuable testimony careful consideration. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE RURAL HEALTH CRISIS, 1971

Gentlemen, I appreciate your invitation to participate in this Hearing today to present some observations and recommendations concerning health matters in rural areas.

For a variety of reasons studied by countless commissions and committees, rural people do not share in the same opportunities as the rest of their fellow Americans.

Rural health conditions in this country today are the heritage of decades of continuing neglect and indifference, which has left our deprived rural regions far behind the rest of the Nation. Whatever elements we attribute to the "health crisis" in the country today, these are severely aggravated in our rural areas, where conditions similar to underdeveloped countries often prevail.

Poverty in rural America dominates the lives of an estimated 14 million people, or one out of four living in rural areas, compared to one out of eight in urban areas.

In the urban ghetto, help can be summoned from the surrounding affluent regions; people and agencies are available who can give their skills to provide assistance. In an emergency, hospitals do exist within the city, an ambulance may be found, and so may a doctor.

In the isolated rural areas there may be no ambulance, no hospital, no doctor, just no help available. The resources that we take for granted in the cities simply do not exist in many of our rural areas. These shortages in rural areas also affect those with financial resources, who must travel long distances for needed health care and also have no access to adequate emergency care.

Rural areas share the other liabilities of the ghetto: unemployment, inadequate housing, crowded dwellings, and discrimination. In addition, the rural areas are plagued by an absence of transportation (which is almost complete, and which the new Railpax will not resolve), isolation created by geography, weather, and poor roads, lack of strong public or private institutions, dispersal of population impairing political effectiveness and community organization.

In many rural areas, even water, waste disposal, electricity, and modern heating—basic needs associated with a modern civilization—are all lacking.

RURAL HEALTH ISSUES—WEST VIRGINIA ILLUSTRATION

The situation in West Virginia is illustrative of problems in other rural areas. Almost 60% of West Virginia's population is dispersed in rural areas, many living in relatively isolated "hollows," without access to health and medical services. There is a severe shortage of physicians, dentists, and nurses in these rural areas; in some counties there are no practicing health personnel available at all.

The State's own Health Task Force Report in 1967 noted:

(1) There were only 96 M.D.'s per 100,000 population, compared with a national average of 142 M.D.'s per 100,000. Furthermore, an undetermined number of these physicians (average age 53 years) were not in fulltime practice. In the last 10 years over 60 communities with populations of less than 10,000 have been left without physicians as rural practitioners retired and were not replaced. In 13 counties there was only one physician for four times the patient population recommended by the American Medical Association (1/700), and in six counties the population load for physicians was six times the recommended ratio.

(2) Although it was estimated that the State needed 720 public health nurses, as a minimum, there were only 136 so identified, or one-sixth the need. In addition, less than two dozen of these nurses were actually trained in public health.

(3) Of all West Virginia families, 32.6% had total incomes of less than $3,000 per year. This represented 150,637 families. Only 44,193 families in this group were receiving welfare assistance. (That is, assistance payments based on 52% of need determined in the early 1960's.) The rest had to fend for themselves and had no organized support for medical care.

(4) Local county health departments in the remote areas typically do not have a full-time health officer and have to rely upon an already overworked local physician for a few hours of part-time service per week. Programs and services in such departments are very limited and rarely are able to make a significant impact upon unmet individual health needs.

(5) Water and sewage services essential for health were found to be inadequate in 120,000 homes in West Virginia.

(6) Of the 521,142 homes in the state, 375,000 disposed of solid waste in such a manner as to create a nuisance and public health hazard.

(7) There was no adequate public transportation in rural areas for either ordinary or emergency medical care.

The data submitted with regard to a typical West Virginia rural county illustrates the exceedingly low per capita and family income, limited education, and diminishing physician ratio. Furthermore, you will note that the expenditures in the District of Columbia with comparable health, welfare, and mental health activities were $111.25 per capita in comparison with $24.12 per capita in West Virginia, or a ratio of about 4½ to 1. Thus, the District of Columbia had available twice the money for one-half the population.

In surveys conducted locally by physicians of our Division, there has been well-documented inadequate housing, absence of water, lack of preventive medical services, and a variety of untreated medical conditions ranging from parasitism to heart disease.

Turning to the national picture, over 130 rural counties have been identified without any private doctors at all. A study of Minnesota, North Dakota, South Dakota, and Montana revealed that as of 1965 two-thirds of the total of 1,600 towns were without physicians.

All these circumstances have their expression in:

(a) higher maternal death rates (one-half of the 1,343 maternal deaths in the U.S. per year occurred in rural areas and small towns);

(b) higher rates of disability and death from accidents (30–40% higher);

(c) higher infant mortality rates in rural areas (one-third higher);

(d) longer periods of disability and hospitalization for specific illnesses.

TABLE I.—POPULATION DISTRIBUTION AND PERCENT CHANGE, 1950-70[1]

[A typical West Virginia rural county—Land area in square miles, 645; urban places in square miles, 1.6; persons per square mile, 1950—49.0; 1960—42.0; 1970—39.5; percent population,[2] urban—10.1; rural/farm—14.4; rural/nonfarm—75.5]

Age group	Typical rural county				State of West Virginia			
	1950	1970	Number change	Percent change	1950	1970	Number change	Percent change
Under 5	3,929	2,206	−1,723	−43.9	240,107	139,021	−101,086	−42.1
5 to 19	9,284	7,585	−1,699	−18.3	562,809	508,309	−54,500	−9.7
20 to 44	10,336	6,917	−3,419	−33.1	720,383	511,954	−208,429	−28.9
45 to 64	5,232	5,552	+320	+4.4	343,727	390,833	+47,106	+13.7
65 and over	2,618	3,195	+577	+22.0	138,526	194,120	+55,594	+40.1
Total	31,399	25,455	−5,944	−18.9	2,005,552	1,744,237	−261,315	−13.0

[1] Source: OEO Community Profile Project. Computer printout, OEO, Charleston, W. Va.

[2] Source: U.S. Census.

TABLE II.—POOR FAMILIES, 1960 AND 1966

	Number of families		Poor families[1]				Percent U.S. counties having lower percent of poor families[1]		Percent county families of State 1960	Percent poor families in county of State total, 1966
			Number		Percent					
	1960	1966	1960	1966	1960	1966	1960	1966		
State of West Virginia	462,100	482,900	139,400	105,900	30.1	21.9			100.0	100.0
Typical rural county	6,549	6,079	2,894	2,140	44.2	31.2	80	[2]84	1.4	2.0

[1] In the typical county in the United States in 1966 there were 1,221 families ranked as poor. This represented 15.1 percent of total families in that "typical" county.

[2] 84 percent means that only 16 percent of all U.S. counties had a great proportion of poor families than this typical rural county of West Virginia.

Source: OEO Community Profile Project. Computer printout, OEO, Charleston, W. Va.

Health characteristics

Five year average infant mortality rate 1961–1965,[1] 27.9.

Physician to population ratio	1/4,242
Dentist to population ratio	1/8,485

Health officed part-time contributes approximately ½ day per week to public health duties.

Public health nurse to population ratio	1/25,455
Public health sanitarian to population ratio	1/25,455
General hospitals	1
Beds	54

County health department budget—1970[a]:

	Total	Federal percent	State percent	Local percent	Per capita exp.
Typical rural county	33,580	4.8	39.4	55.8	1.32
Monongalia County	702,167	63.7	3.3	33.0	11.02

Approximate per capita governmental expenditures for health contrasting rural West Virginia with urban Washington, D.C.

West Virginia—Combined expenditures of W. Va. Departments of Health, Welfare, and Mental Health. 1970 Fiscal Year:

State Department of Health	$7,823,000
State Department of Welfare (Medicaid)	15,500,000
State Department of Mental Health	17,400,409
Total	40,723,409

41,000,000 ÷ 1,700,000 = $24.12 per capita.

District of Columbia—Total expenditures of the D.C. Department of Public Health, 1969–1970:[b]

89,000,000 ÷ 800,000 = $111.25 per capita.

Sources:

[1] West Virginia Department of Health. *The Past Twenty Years of Maternal and Infant Health in West Virginia.* Compared with the U.S. 1946-65, June 1968.

FOOTNOTES

[a] Comparison with Monongalia County, where the resources of West Virginia University are located, shows relative inability of rural counties in lacking sophistication in grantsmanship and health manpower to compete for and capture Federal funds for health.

[b] District of Columbia figures include equivalent appropriation categories for mental health and welfare cited as separate items in West Virginia.

Other Socio-Economic Characteristics:

Income:[1]

Total Personal Income (1965)	$33,773,000
Total wages and salaries	21,917,000
Total transfer payments	5,277,000
Per capita personal income (1965)	1,271
Median family income (1960)	3,214
Percent families—$3,000 (1960)	46.4
Percent families—$10,000 (1960)	3.6

Public Assistance:

Average Monthly Public Assistance Cases, July 1968–June 1969:[2]

OAA	128
AB	9
AD	85
AFDC	138
Total	360

Education: [3]

Median school years completed	8.6
Percent completed—5 years	10.6
Percent completed high school or more	25.7

Housing: [4]

All occupied housing units	7,681
All housing units with plumbing facilities	5,869
All housing units lacking plumbing facilities	2,656

Sources:

[1] Leyden, Dennis R. and Rader, Robert D., County Personal Income West Virginia, 1962–1965, Bureau of Business Research, W.V.U., December, 1968.

[2] W. Va. Department of Welfare: Annual Report, July, 1968 to June, 1969, Charleston, West Virginia.

[3] 1960 Census.

[4] 1970 Census.

MIGRANT HEALTH PROBLEMS

In March and April of last year I had the privilege of participating in a Field Foundation study of migrant health conditions, which included my own visits to Southwest Texas and South Florida.

Our team of physicians, which had intended to examine only 50 families in great depth at McAllen, Texas, found over 1,400 patients waiting for medical help. Most of these families were in seasonal agricultural work and unable to obtain needed medical treatment. Word had spread rapidly of our presence and over 900 people waited on the first day of the team visit, lining the streets around the small clinic made available to us in McAllen, Tex.

On Chart A is a list of the untreated conditions that were observed during that survey. Infectious disease, metabolic disorders, malnutrition, and congenital defects, all of which had gone untreated, were quite common.

I think it is significant that the residents of this area who lack medical care flock to obtain health services when an opportunity is available. No public or private program was available to those who had flocked to the survey team for assistance. Once more we had evidence that the migrants had been passed by, despite the ostensible existence of programs that were supposed to help them.

It was in this same area that a widespread epidemic of poliomyelitis occurred last year, which tragically proved the absence of adequate immunization there.

Typical of the migrant situation was the following individual case history:

In Hidalgo County, Texas, in a small crowded hut, we met a sick gentleman of 63 years of age. He looked much older than his age, quite weak and emaciated. He had worked in various parts of this country continuously as an agricultural laborer since nine years of age when he left school to help support the family. He was willing and anxious to work, but too weak to do so. He had experienced weight loss, easy fatigue, polydypsia and polyuria. Although a physician in a rural town had apparently diagnosed diabetes mellitus and prescribed insulin, his condition had not improved. The man did not understand the use of the insulin, and no one was available to explain to him or administer it. He had no electricity or refrigeration, which is necessary to preserve the insulin, and the insulin lay useless on a crossboard along the wall.

Although disabled, he was not eligible for social security disability or retirement and had no unemployment coverage. Local resources had paid for the physician's visit and the prescription, but there were no programs or persons with any kind of follow up care or responsibility. After a lifetime of hard work helping to produce our food, we had excluded him from the benefits we make available to virtually everyone else.

CHART A

List of medical conditions observed in Hidalgo-Star County health survey, conducted by Field Foundation March 3–8, 1970

1. chronic sinusitis.
2. chronic bronchitis.
3. otitis media with perforation.
4. unexplained adenopathy.
5. failure to thrive.
6. positive serology.
7. T.B.
8. T.B. on I.N.H.
9. costochronditis.
10. osteoarthritis.
11. scoliosis.
12. fractured rib, untreated.
13. hypertensive cardiovascular disease.
14. obesity.
15. peptic ulcer.
16. tapeworm.
17. ascariasis.
18. pin worms.
19. hypertension, untreated.
20. fungus infection of skin.
21. varicose veins with thrombophlebitis.
22. dental caries.
23. epistaxis, recurrent.
24. tinea corporis.
25. I.V. septal defect.
26. diabetes mellitus.
27. splenomegaly.
28. ovarian cyst.
29. anemia.
30. enuresis (age 12).
31. hematuria.
32. bronchial asthma.
33. bursitis.
34. reactive depression.
35. cholecystitis/cholelithiasis.
36. cataracts, unoperated.
37. hernia, unoperated.
38. protein malnutrition.
39. hyperkeratosis.
40. conjunctivitis.
41. impetigo.
42. glaucoma.
43. sarcoidosis.
44. cardiomegaly.
45. goiter.
46. pyelonephritis.
47. hearing loss.
48. gastritis.
49. glomerulonephritis.
50. hemorrhoids, bleeding, untreated.
51. pellagra.
52. ariboflavinosis.
53. epilepsy.
54. seborrheic dermatitis.
55. alopecia areata.
56. cervicitis.
57. rickets.
58. hyperthyroidism.
59. visual loss, untreated.
60. infantile diarrhea.
61. cerebral palsy.
62. untreated fractured knee.
63. scabies.
64. chronic pancreatitis.
65. iodine deficiency goiter.
66. unbiopsied neck nodule, 3cm.
67. diverticulitis.
68. iron deficiency anemia.
69. endometritis.
70. feeble-mindedness.
71. cystitis.
72. urethritis.
73. esophagitis.
74. chronic alcoholism.
75. exposure to pesticides.
76. cleft palate, uncorrected, 6 years.
77. spinal cord lesion with $L_{2,3}$ deficit.
78. congestive heart failure.
79. maduromycosis.
80. tonsillitis.
81. psoriasis.
82. recto-vaginal fistula.
83. paraplegia, field injury.
84. mental retardation.
85. thrush.
86. amebiasis.
87. bilateral peterygium.
88. ruptured lumbar disc.
89. hiatus hernia.
90. pyorrhea alveolaris.
91. arteriosclerosis obliterans.
92. tendon injury, unrepaired.
93. unbilical hernia.
94. laryngotracheobronchitis.
95. bilateral scrotal hydrocele.
96. birth defect.
97. club foot.
98. G.I. bleeding.
99. congenital heart disease.
100. migraine.
101. strabisumus, uncorrected.
102. cellulitis.
103. craniostenosis.
104. cancer of prostrate.
105. heart block.
106. infantile hemiplegia.
107. cystocele.
108. emphysema.
109. vaginal bleeding.
110. broken hip.

Recurrent themes observed in various rural areas have included:

(a) refusal of local hospitals (even those built with Hill-Burton funds) to admit patients without a cash deposit;

(b) difficulties in applying for existing benefits under state or federal programs;

(c) discriminatory practices in school lunch programs in violation of statutes and regulations;

(d) inability to qualify for federal home improvement loans because of lack of financial resources;

(e) refusal of categorical federal health programs (e.g., family planning, maternal and child health, etc.) to provide needed medical care for a diagnosis discovered as a result of the project;

(f) inability to find a job;

(g) poor schools;

(h) impassable roads; and

(i) no transportation.

It is widely acknowledged that health cannot be effectively separated from needs for equal opportunity and access to housing, environmental preservation, education, jobs, medical care, welfare, and all other public services. Yet we have not addressed ourselves as a Nation to any kind of comprehensive attack upon these problems.

Furthermore, the proposals now awaiting consideration, illustrated by proposed Health Maintenance Assistance Act of 1971 (S. 1182), and the National Health Insurance Standards Act outlined in the President's 1971 Message on Health (House Document No. 92–49) are unlikely to result in effective delivery to needy rural areas and certainly not to those where seasonal agricultural workers live. The area to which I have referred does not have the economic resources nor the technical ability to attract such programs as these proposals envision, and, unless there are compelling incentives to serve these neglected groups, they can be expected to be left behind again.

The President's National Advisory Commission on Rural Poverty in 1967 aptly described rural poverty in the United States a national disgrace. This most powerful and wealthy Nation certainly does have the capacity to deal with these problems.

RECOMMENDATIONS FOR ACTION

In my judgment we have had enough studies and documentation. I respectfully offer these recommendations for your consideration:

(1) For appropriate committees in Congress to give their combined consideration to the 1967 Reports by the President's National Advisory Commission on Rural Poverty: *The People Left Behind* and *Rural Poverty in The United States*. The recommendations of this Commission are well-developed, comprehensive, properly focused and should be implemented forthwith.

(2) For prompt development of the National Health Service Corps authorized by PL 91-623, enacted December 31, 1970, but not yet funded nor planned for implementation. When passed, as you know, that was called the Emergency Health Personnel Act of 1970.

(3) For establishment of a federally-financed rural network of community health services and health related programs to assure comprehensive health services for all residents in rural areas. The state and local communities have been and are unable to finance such programs.

(4) For economic incentives for health institutions (e.g., medical schools, hospitals, health departments) to involve themselves more directly in the solution of rural health problems, and conversely economic penalties for those which decline to become so involved.

(5) For establishment by federal statute of a new civil right to medical care for everyone in an emergency, with appropriate civil and criminal penalties for denial of this right.

(6) For establishment by federal statute of a new civil right to medical care for every sick child, with apropriate civil and criminal penalties for denial of this right.

(7) For statutory criminal and civil penalties applicable to any public official or employee obstructing, impeding, or delaying any public or private benefit to any person relating to health, education, welfare, or employment.

(8) For a federal rural multi-purpose ombudsman program rendering direct assistance in health, education, welfare, employment, and other services to rural families throughout the country, and visiting each family at least once a year to assure rural family assistance.

(9) For economic and other incentives for individuals with needed skills to settle and work in rural areas.

(10) For prompt federal action to halt all adverse land use practices such as strip mining, uncontrolled timbering, and pollution practices, which are destroying the natural beauty of our rural areas and threaten to make these regions uninhabitable.

(11) For establishment of a Rural Development Agency for human resources and needs within the Department of Health, Education, and Welfare, with responsibility for developing, coordinating, and delivering programs to people in rural areas.

(12) For allocation of 1% to 2% of all appropriations for health, welfare, education, and other personal service programs to assure the self-enforcement and delivery of benefits to prospective recipients. This could finance legal services for assuring availability to the beneficiaries.

(13) For allocation of at least 10% of appropriations for categorical health service programs to permit such programs to assume financial responsibility for diagnosis and treatment of health conditions discovered among their beneficiaries, which are not otherwise within the scope of their programs. The present statute and regulations ordinarily prevent this approach.

(14) For an amendment to the U.S. Constitution to guarantee to every adult responsible for his own support or the support of others an opportunity for gainful employment consistent with his skills. The federal government should be the employer of last resort. We must stop forcing people to subsidize our economic system through their own unemployment and resulting poverty. There is much productive work that can be done throughout the country, including work in the health professions.

(15) For an amendment to the U.S. Constitution to eliminate the present inequality of opportunity of all kinds for people in the various states by a new definition of "equal protection of the laws," requiring a uniform national standard and full equality nationally in the availability of all services and programs related to local, state, or federal government. Inequality of opportunity in which government actively participate cannot be eliminated until we adopt a uniform, constitutionally mandated national standard of equality.

I believe implementation of these proposals could permit a unified comprehensive approach to rural health needs and arrest the progressive deterioration of Rural America.

(The remarks of Mr. HARRIS when he introduced S. 2746 and 2747 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business with the statement of each Senator therein being limited to 3 minutes.

Is there any morning business?

EXTENSION OF AUTHORITY CONFERRED BY THE EXPORT ADMINISTRATION ACT OF 1969—SENATE JOINT RESOLUTION 167

Mr. SPARKMAN. Mr. President, I submit a report from the Committee on Banking, Housing and Urban Affairs on Senate Joint Resolution 167 and ask unanimous consent for the immediate consideration of the joint resolution. I have cleared this request with the leadership on both sides of the aisle, and there is no objection to proceeding to immediate consideration of this measure.

The PRESIDENT pro tempore. The clerk will report the joint resolution.

The Legislative Clerk read as follows:

S.J. Res. 167, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The Senate proceeded to the consideration of the joint resolution.

Mr. SPARKMAN. Mr. President, very briefly, this resolution extends the Export Administration Act from October 31, 1971, until May 1, 1972; that is, a simple 6-month extension of the Export Administration Act.

Under existing laws the Export Administration Act expires on this coming Sunday. In order to continue the act and in order to give the House of Representatives an opportunity to act on this matter, it is most important for us to consider Senate Joint Resolution 167 immediately.

Mr. President, I send to the desk an amendment to the joint resolution. This has been cleared with the ranking minority member of the committee and as far as I know there is no opposition to it.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

After line 6, insert the following:

"Sec. 2. Sec. 404(g) of the National Housing Act is amended by striking out '1¾' and substituting in lieu thereof '1⅗' ".

Mr. SPARKMAN. Mr. President, the purpose of this amendment is to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation. Unless amended, the present law would require associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

The background of the situation is this. The present law requires that if the ratio of FSLIC reserves to insured savings falls below 1.75 by December 31 of a given year, member associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. However, there has been an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating home building—and the reserve ratio may drop to 1.75 or slightly below it by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By amending the 1.75 to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to work out a permanent system. This would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 existing for the Federal Deposit Insurance Corporation.

No objection has been expressed to this amendment, the effect of which is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 167) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. Res. 167

Joint resolution to extend the authority conferred by the Export Administration Act of 1969

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969, as amended (Public Law 92-37; 85 Stat. 89), is amended by striking out "October 31, 1971" and inserting "May 1, 1972".

Sec. 2. Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅗".

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

TEACHERS' SALARY INCREASES

Mr. SPONG. Mr. President, no aspect of the current wage and price freeze has created greater confusion than its application to teacher salary increases. With a few exceptions, those increases were effective weeks before the freeze was ordered. Funds were appropriated for the purpose, contracts were signed and many school personnel worked and drew salaries at the higher rates.

In its initial ruling, the Cost of Living Council seemed to say that any increase which was effective prior to August 15 would be allowed to stand. Spokesmen for the Office of Emergency Preparedness publicly estimated that about 80 percent of the Nation's teachers would qualify for raises under that guideline.

Not long afterward, however, the ruling underwent a series of complicated refinements which had the effect of reducing the OEP's estimate of benefiting teachers to less than 20 percent. It reduced general understanding of the guidelines even more. School administrators, attorneys general, and teacher association representatives, all of whom had a responsibility for applying the law, were at a loss to fit the overlapping rulings made by the Cost of Living Council to the specific circumstances of their situation.

In an effort to clarify the policy with regard to Virginia teachers, my office wrote to the OEP on October 8, requesting specific guidance on whether the Richmond, Va., School Board would be able to pay scheduled salary increases this year. With that letter were sent copies of actual contracts signed by Richmond teachers and a letter from the school board detailing the specific circumstances of the contract situation.

On October 12, my office received a reply from the OEP's general counsel. That reply completely evaded the specific question I posed and, instead, reiterated the latest version of the Cost of Living Council's general guidelines. As I informed the OEP in a followup telegram on October 15, its letter was of no help in answering the inquiries made by my office. I again requested a specific ruling at the earliest time.

During this same period, the Attorney General of Virginia—Andrew P. Miller—was making similar inquiries of OEP, with special reference to the OEP's favorable ruling in the case of North Carolina teachers. Because he had found "the probative facts relating to salary increases for Virginia teachers identical to North Carolina's," Attorney General Miller phrased his request for guidance in the same language as that of the North Carolina Governor.

The reply received by Mr. Miller from OEP on October 14 was identical to that received a few days earlier in my office. It contained no reference to the specific inquiry made but was merely a restatement of the guidelines which were being questioned in the first place. In contrast, the guidance that went out to North Carolina Gov. Robert W. Scott in a telegram signed by General Lincoln was detailed and categorical, and I quote from that part of the message dealing with salary increases:

> This is in reply to your letter of September 9, 1971 and your Attorney General's letter of August 20 on the subject of teachers salaries in the state of North Carolina. Clarification contained herein is based on supplemental guidance on teachers salaries contained in my cable to you last night, September 14. Specific answers to the questions posed in your letter are as follows:
>
> 1. Yes, the nine and one quarter month teachers can receive the salary increase provided by the new salary schedules even though these teachers did not perform service prior to August 15, 1971. This conclusion is based on your letter which indicates that the contract was in effect prior to August 15 and that the nine and one quarter month teachers were under a contract giving them the option to accrue pay prior to August 15.
>
> 2. By our definition, a system-wide contract is a contractual agreement which covers all teachers in the system, includes uniform criteria for pay eligibility and allows all to draw pay on a 12-month basis if they chose. If in fact such a contract makes all teachers eligible to accrue pay prior to August 15, it is irrelevant whether any one teacher performs work or accrue pay prior to August 15.

On the authority of that telegram, and with the concurrence of the attorney general of North Carolina, the State is now making increased salary payments to its public school teachers.

Mr. President, I want to make it clear that I support the President's wage and price freeze. If anything, I believe it should have been declared sooner than it was. But, I applaud the moves that have been taken and I believe the great majority of Americans support them, notwithstanding the sacrifices they entail.

It is essential, however, that these policies be administered fairly. Nothing will more quickly erode public confidence in the program than to have one group treated differently from another in the same situation. I am afraid that is what is happening to teachers in this country and they are deeply disturbed by it.

I call upon the Cost of Living Council to rectify this inequity and to adopt the North Carolina guidelines as the standard for teachers everywhere. Nothing short of that, in my judgment, would serve the interests of even-handed justice.

Mr. President, today I have expressed my deep concern about the handling of this situation in telegrams to President Nixon, Secretary of the Treasury John Connally, and Mr. Arnold Weber, Director of the Cost of Living Council. I ask unanimous consent that the correspondence between my office and OEP and between the office of Attorney General Miller and OEP be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

October 15, 1971.

Re your letter of October 10, in response to October 8, inquiry by Mr. Lewis of my staff.

Mr. Elmer Bennett,
General Counsel,
Office of Emergency Preparedness,
Washington, D.C.:

While I am pleased to have the restatement of OEP's general policy, what was requested was a specific ruling on a specific situation concerning the Richmond, Virginia School System. Your letter is not helpful in answering the inquiry made of this office. I would appreciate having specific ruling at the earliest possible time.

William B. Spong, Jr.,
U.S. Senator.

October 8, 1971.

Mr. Ray Warner,
Office of Emergency Preparedness,
Executive Office Bldg. Annex,
Washington, D.C.

Dear Ray: Enclosed is the material from the Richmond School Board concerning teacher salary increases. The letter from Mrs. Crockford speaks of an exemption but it is understood that they would prefer to be granted the increase under the rules as interpreted by OEP.

The letter also does not specifically state that teachers in the system have the option of a ten or twelve month pay schedule but, again, this is understood to be the case. Examples of a twelve and ten month contract are appended to the letter.

We would apprecaite the earliest possible consideration of this.

Best wishes,

Sincerely,

Jack W. Lewis,
Legislative Assistant to Senator William B. Spong, Jr.

Office of Emergency Preparedness,
Washington, D.C., October 12, 1971.

Mr. Jack W. Lewis,
Legislative Assistant to Senator William B. Spong, Jr., Committee on Commerce, Washington, D.C.

Dear Mr. Lewis: This is in reply to your letter of October 8, 1971 with respect to the effect of the wage-price freeze on teachers' salaries.

The Cost of Living Council has recently issued a concise explanatory statement which summarizes the Council's rulings to date. This guidance is contained in paragraph 502(1) of OEP Economic Stabilization Circular No. 18, and provides as follows:

"Because of the number of requests received for information on teacher salaries, the following additional comments are submitted, summarizing the previous rulings of the Cost of Living Council on this issue. The permissibility of salary increases for teachers during the wage-price freeze is determined by the criteria applicable to other wage and salary earners. Whether a teacher can receive a salary increase depends upon the facts and circumstances of the particular case. A teacher may receive pay at a new increased rate under the terms of the freeze only if the teacher was receiving or, in the special circumstances set forth below, could have received pay at the new rate prior to August 15. The date when a new pay rate went into effect or when a teacher signed a contract are not relevant in determining whether the higher salary level is applicable to the teacher. The determining factor is the point in time when the particular teacher could acually receive pay at the higher rate.

"An individual teacher is entitled to a pay increase contracted for prior to August 15 if, but only if,

"(a) He performed work for the increased pay rate prior to August 15, or

"(b) He was entitled to receive immediate payment prior to August 15 at the increased rate, or

"(c) In his contract signed prior to August 15, he had an option to receive pay on a 10-month basis rather than a 12-month basis and he elected the 10-month basis and had he elected the 12-month basis he would have actually received pay at the increased rate prior to August 15.

If the teacher performed work at the increased pay rate prior to August 15, he is entitled to the increased rate even though his first pay check was received after August 15.

"(d) If the teacher is eligible under the contract for a pay increase upon completion of additional educational courses, or upon receipt of a degree, this is considered to be a bona fide promotion and is not affected by the wage freeze.

"(e) A teacher employed in the school system for the first time must qualify under the criteria set forth above in order to be paid at a new increased rate."

Notwithstanding all prior references to accrual of pay, you will note that the underlying principle applied to teachers is: If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

I hope the above information satisfactorily responds to your inquiry.

Sincerely,

ELMER F. BENNETT,
General Counsel.

COMMONWEALTH OF VIRGINIA,
Richmond, Va., October 22, 1971.

Mr. ARNOLD WEBER,
Director,
Cost of Living Council,
U.S. Treasury Department,
Washington, D.C.

DEAR MR. WEBER: I am in receipt of a letter dated October 14, 1971, from Mr. Elmer F. Bennett, General Counsel of the Office of Emergency Preparedness, which purports to be a reply to my letter to you dated September 28, 1971. Copies of both letters are attached hereto. I must stress that I consider Mr. Bennett's reply to be unresponsive to my query and totally unsatisfactory.

As you know, in response to a request from the Governor of North Carolina, the Director of the Office of Emergency Preparedness provided Governor Scott with a direct answer to the same question as that which I posed on September 28th. This answer in turn enabled the Governor to direct payment of increased wages for North Carolina teachers based on General Lincoln's reply. For this reason, and for the reason that the probative facts relating to salary increases for Virginia teachers are identical to North Carolina's, I phrased my question in the same language as that of Governor Scott.

It was my hope that a direct answer would be forthcoming from the Cost of Living Council so that Virginia's teachers could be told with authority whether their salary increases would be permitted under the terms of the freeze; consequently, I am extremely dismayed that your office has failed to treat this situation procedurally with an even hand, particularly in view of the great number of persons who are affected.

May I request, therefore, a responsive reply, on the substantive issue raised in my letter of September 28th, at your earliest convenience from someone with the authority to make a ruling which can be relied on. I am confident that your office intends to treat each state on a nondiscriminatory basis and that this matter will be resolved without any further delay.

With kindest regards, I am

Sincerely yours,

ANDREW P. MILLER,
Attorney General.

OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., October 14, 1971.

Hon. ANDREW P. MILLER,
The Attorney General,
Commonwealth of Virginia,
Richmond, Va.

DEAR MR. MILLER: This is in reply to your letter of September 28, 1971 with respect to the effect of the wage-price freeze on teachers' salaries.

The Cost of Living Council has recently issued a concise explanatory statement which summarizes the Council's rulings to date. This guidance is contained in paragraph 502(1) of OEP Economic Stabilization Circular No. 18, and provides as follows:

"Because of the number of requests received for information on teacher salaries, the following additional comments are submitted, summarizing the previous rulings of the Cost of Living Council on this issue. The permissibility of salary increases for teachers during the wage-price freeze is determined by the criteria applicable to other wage and salary earners. Whether a teacher can receive a salary increase depends upon the facts and circumstances of the particular case. A teacher may receive pay at a new increased rate under the terms of the freeze only if the teacher was receiving or, in the special circumstances set forth below, could have received pay at the new rate prior to August 15. The date when a new pay rate went into effect or when a teacher signed a contract are not relevant in determining whether the higher salary level is applicable to the teacher. The determining factor is the point in time when the particular teacher could actually receive pay at the higher rate

"An individual teacher is entitled to a pay increase contracted for prior to August 15 if, but only if,

"(a) He performed work for the increased pay rate prior to August 15, or

"(b) He was entitled to receive immediate payment prior to August 15 at the increased rate, or

"(c) In his contract signed prior to August 15, he had an option to receive pay on a 10-month basis rather than a 12-month basis and he elected the 10-month basis and had he elected the 12-month basis he would have actually received pay at the increased rate prior to August 15.

If the teacher performed work at the increased pay rate prior to August 15, he is entitled to the increased rate even though his first pay check was received after August 15.

"(d) If the teacher is eligible under the contract for a pay increase upon completion of additional educational courses, or upon receipt of a degree, this is considered to be a bona fide promotion and is not affected by the wage freeze.

"(e) A teacher employed in the school system for the first time must qualify under the criteria set forth above in order to be paid at a new increased rate."

Notwithstanding all prior references to accrual of pay, you will note that the underlying principle applied to teachers is: If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

I hope the above information satisfactorily responds to your inquiry.

Sincerely,

ELMER F. BENNETT,
General Council.

SEPTEMBER 28, 1971.

Mr. ARNOLD R. WEBER,
Director,
Cost of Living Council,
U.S. Treasury Department,
Washington, D.C.

DEAR MR. WEBER: This office has been requested on several occasions to clarify the operation of the wage freeze order as it relates to teachers' salaries, and while I have attempted to interpret in a consistent manner the various guidelines which have been disseminated, it appears that there is no one answer which applies to every State and to every school division within a State. For this reason, it has become necessary to ask you for a concrete ruling based on the following facts:

1. On May 28, 1970, the State Board of Educaton, subject to the approval of the Governor, adopted a revised schedule of basic minimum salary levels for the fiscal years beginning July 1, 1970, and July 1, 1971. This schedule incorporated salary increase funds appropriated by the General Assembly in Item 510, Chapter 461 of the 1970 Acts of Assembly, which appropriated to the State Board of Education $220,337,425 for apportionment to the public schools for teachers' salaries by the State Board for the year beginning July 1, 1971. These sums represented an increase of $29,028,160 over the appropriation for the 1970–71 fiscal year, and receipt thereof by each locality is conditioned on its use of the minimum salary schedule set by the State Board of Education.

2. Virginia provides a statewide basic minimum level of financial support for the salaries of teachers in all of the State's 144 school divisions, with the number of "State aid teaching positions" in each division being determined by allotment formulas based upon average daily student attendance. In addition to the statewide minimum, each school division supplements teachers' salaries in differing amounts depending on local budgets. Thus a salary schedule for each division is arrived at.

3. By statute (§ 22–217.2 of the Code of Virginia), contracts for services between local school boards and professional personnel must be executed on a standard form prepared and provided by the State Board of Education for all of the State's school divisions (see attached). This contract, when executed, is entered into between the teacher and the local school board, and binds the school board to pay a fixed amount for the school session in equal monthly installments for services rendered. There is no mention in the standard contract of a specific state-

wide basic minimum salary to be paid to the individual teacher. These contracts are signed by the individual teacher in the spring of each year following approval of school budgets by the local governing body, and govern employment conditions and salary terms for the ensuing school year.

4. All 12-month teachers and all other 12-month school personnel are paid in 12 monthly checks. Teachers whose terms of employment are for 10 months receive their first pay check during the month of September of each school year. However, each 10-month teacher has the option to be paid in 12 equal monthly installments, which option is exercised simply by filling in the number "12" in the third blank in Paragraph 9 of the attached contract.

Based on these facts, may I request an official answer to the following:

Can the 10-month teacher receive the salary increase provided by the new salary schedules if this teacher did not perform services prior to August 15, 1971, but was under a binding contract prior to August 15, 1971? Please note that this is the same question posed by the Governor of North Carolina in his letter to you dated September 9, 1971, and is based on what I believe to be substantially the same factual situation. If your answer to my question, therefore, differs from that given to the Governor of North Carolina, I would appreciate your making the distinction clear, as it appears that in reliance on your telegram of September 15th the State of North Carolina is paying its school teachers the salary increases called for in their 1971–72 contracts.

With kindest regards, I remain

Sincerely yours,

ANDREW P. MILLER,
Attorney General.

ANNUAL CONTRACT WITH PROFESSIONAL PERSONNEL

This Article of Agreement, between the School Board of--------------------------
county, city or town

State of Virginia, of the first part, and ------------party of the second part:

Witnesseth, that the said party of the first part agrees to employ and the party of the second part agrees to accept such employment in the position of------------------
----
(administrator, supervisor, principal, teacher, librarian or other instructional staff)

subject to the authority of the party of the first part, under the supervision and direction of the division superintendent of schools, and agrees to the following conditions, to wit:

1. That the party of the second part:

(a) holds a Virginia certificate or license in full force ☐

(b) has completed the requirements for a Virginia certificate or license and has filed application for same ☐

(c) will qualify for a Virginia certificate or license prior to the effective date of employment ☐

2. The said party of the second part shall perform such duties during the period of this contract as are deemed necessary by the school board and superintendent for the efficient and successful operation of the school system.

3. The said party of the second part shall comply with all school laws, State Board of Education regulations, and all rules and regulations made by the party of the first part in accordance with law and State Board of Education regulations, and shall make promptly and accurately all reports required by the division superintendent of schools.

4. The said party of the second part hereby swears or affirms allegiance and loyalty to the Constitution of Virginia and the Constitution of the United States.

5. The division superintendent shall have authority to assign to their respective positions in the school wherein they have been placed by the school board all teachers, including principals, and may, with the approval of the school board, reassign any teacher or principal to any school within such division; provided no change or reassignment shall adversely affect the salary of such teachers and, provided, further, that the division superintendent shall make appropriate reports and explanations upon the request of the school board.

6. The said school board, party of the first part, upon recommendation of the division superintendent, reserves the right to dismiss said party of the second part as provided by law, after having given two weeks notice in writing and opportunity to be heard, paying for services rendered in accordance with this agreement to date of dismissal. In case schools are closed temporarily on account of an epidemic or for other necessary cause, the said board may require such loss of time to be made up within the school term or may extend the school term.

7. This contract shall not operate to prevent discontinuance of a position as provided by law.

8. The said party of the second part reserves the right to resign for just cause, giving said school board, party of the first part, two weeks notice in writing and setting forth therein the reason considered just cause for resignation. In the event the board declines to grant the request for release, and the party of the second part breaches the contract, the certificate of the party of the second part may be revoked under rules and regulations prescribed by the State Board of Education.

9. The said board, party of the first part, agrees to pay said party of the second part $---------- for the school session ----------, payable:

(1) in ---------- installments for services rendered, payable by the first day of each calendar month or as soon thereafter as possible.

or

(2) in accordance with schedule under "Special Covenants."

This contract covers the period ---------- within which there shall be a minimum of 180 actual teaching days, plus ---------- additional working days for teaching, in-service training, conferences, planning, evaluation, related services, and ---------- days subject to assignment in the discretion of the party of the first part. In the event this contract is terminated by mutual consent prior to the end of the contract period, payment will be made for services rendered on a daily rate basis to be determined by dividing the annual salary stipulated in this contract by the number of days officially covered under the provisions of this contract.

10. The said school board, party of the first part, shall deduct monthly from the salary due the said party of the second part the computed amount due under the Virginia Supplemental Retirement Act (including State-supported group insurance), the Federal Social Security, and Withholding Tax Acts.

11. Special covenants:

QUORUM CALL

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

The petition of the Association for Grand Jury Action, Inc., of Rochester, N.Y., praying for the Senate to reassert its prerogative in the filling of Supreme Court vacancies; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969 (Rept. No. 92–406).

By Mr. GRAVEL, from the Committee on Public Works, without amendment:

S. 861. A bill to designate the Federal office building and U.S. courthouse to be constructed in Atlanta, Ga., as the "Richard B. Russell Federal Building" (Rept. No. 92–407) and

S. 2687. A bill to authorize the acquisition of certain real property in square 724 in the District of Columbia, and for other purposes (Rept. No. 92–408).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2339. A bill to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes (Rept. No. 92–409).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1273. A bill to amend Public Law 89–701, as amended to extend until June 30, 1973 the expiration date of the Act and the authorization of appropriations therefor, and for other purposes (Rept. No. 92–410).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 2746. A bill to declare that the United States holds certain lands in trust for the Absentee Shawnee Tribe of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARRIS (for himself, Mr. METCALF, Mr. GRAVEL, Mr. HART, and Mr. BAYH):

S. 2747. A bill to authorize a family assistance plan providing basic benefits to low-income people, to provide incentives for employment and training to improve the capacity for employment of members of poor families, to achieve greater uniformity of treatment of recipients than under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes. Referred to the Committee on Finance.

By Mr. BOGGS (for himself, Mr. Dole, Mr. Hollings, Mr. Metcalf, Mr. Moss, and Mr. Roth):

S. 2748. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards and firemen killed in the line of duty. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Magnuson, Mr. Humphrey, and Mr. Moss):

S. 2749. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 2750. A bill for the relief of the estate of Albert W. Small. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2751. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70. Referred to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 2752. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services. Referred to the Committee on Finance.

By Mr. RIBICOFF:

S. 2753. A bill for the relief of John C. Mayoros. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. Inouye):

S. 2754. A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2755. A bill to amend the Internal Revenue Code of 1954, to include the sintering and burning of clay, shale, and slate used as lightweight aggregates as a treatment process considered as mining. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 2756. A bill relating to the recomputation of retired pay in the case of employees of the Federal Government and members of the Armed Forces who retire during the period that scheduled pay increases for such employees and members are postponed. Referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 2757. A bill for the relief of Marie Tjernagel and others. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2758. A bill to provide insurance for the member accounts of certain Federal credit unions, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENNETT:

S. 2759. A bill to designate the fourth Friday in September of every year as American Indian Day. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2760. A bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes. Referred to the Committee on Commerce.

By Mr. BENNETT:

S. 2761. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interest therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS (for himself and Mr. Bellmon):

S. 2746. A bill to declare that the United States holds certain lands in trust for the Absentee Shawnee Tribe of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, for myself and my colleague, Mr. Bellmon, I send to the desk a bill for appropriate reference and ask unanimous consent that certain letters and documents from the Absentee Shawnee Tribe of Oklahoma in support of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Absentee Shawnee Tribe of Oklahoma,
Shawnee, Okla., October 5, 1971.

Hon. Fred Harris,
U.S. Senate,
Washington, D.C.

Dear Mr. Harris: Enclosed is Resolution AS–72–6, adopted by the Absentee Shawnee Business Committee on September 24, 1971, which authorizes me as Chairman of the Tribe to seek legislation to have certain tribal lands, originally conveyed to the tribe without restrictions, redesignated Trust lands and be so maintained by the U.S. Government.

Also enclosed is a proposed Bill that I, as authorized by the aforementioned resolution, would like for you and Senator Bellmon to co-sponsor in the U.S. Senate. Senator Bellmon is receiving an identical Bill and being informed that we would appreciate his sponsorship. Please feel free to seek additional sponsors if, in your opinion, it would be beneficial to our cause.

Congressman Steed has been asked to introduce an identical Bill in the U.S. House of Representatives and other Oklahoma House members have been asked to join him as co-sponsors.

Thank you for your assistance.

Sincerely yours,
Arthur Rolette,
Chairman, Absentee Tribe of Oklahoma.

Resolution of Absentee Shawnee Tribe of Oklahoma, Federal Building, Shawnee, Okla., Business Committee Meeting, September 24, 1971

A resolution requesting that lands originally conveyed to the absentee Shawnee Tribe in fee status pursuant to an act of August 11, 1964 (78 Stat. 392), without restrictions because of Indian ownership be redesignated trust lands and be so held by the United States Government.

Whereas, the Absentee Shawnee Business Committee met on September 24, 1971, and voted that an attempt be made to get the aforementioned lands redesignated Trust lands, and

Whereas, the Business Committee authorized the Tribal Chairman to prepare the necessary Bill and contact the Oklahoma Congressional Delegation in order to get legislation introduced.

Now, therefore be it resolved that the Absentee Shawnee Tribal Chairman submit an appropriate Bill to the Oklahoma Congressional Delegation.

CERTIFICATION

We, Arthur Rolette, Chairman, and Rudy Rolette, Secretary-Treasurer, of the Absentee Shawnee Tribe of Oklahoma to hereby certify that the above Resolution is a true and exact copy as approved at a meeting of the Tribal Business Committee held on September 24, 1971, there being a quorum present and by a vote of five (5) in favor and none opposed.

In witness whereof, we have hereunto set our hand this 24th day of September, 1971.

S. 2746

A bill to declare that the United States hold certain land in trust for the Absentee Shawnee Tribe of Indians of Oklahoma

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the Absentee Shawnee Tribe of Indians of Oklahoma in and to the following described lands, and all improvements thereon, are hereby declared to be held by the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma, subject to all valid existing rights:

All that part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at a point 1,320 feet south and 726 feet west of the northeast corner of said northeast quarter southwest quarter; thence north 220.44 feet; thence west 594 feet to the point of intersection with the west line of said northeast quarter southwest quarter; thence north along the west line a distance of 439.56 feet to the midpoint of the west line of said northeast quarter southwest quarter; thence east a distance of 17 feet to the intersection with the west right-of-way of Oklahoma State Highway Numbered 18; thence northeasterly along said west right-of-way line a distance of 493 feet; thence east 1,485 feet to the west right-of-way line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along said west railroad right-of-way line a distance of 1,223 feet to a point in the south line of said northeast quarter southwest quarter, said point being 129 feet west of the southeast corner of said northeast quarter southwest quarter; thence west along the south line of said northeast quarter southwest quarter a distance of 597 feet to the point of beginning; containing 33.23 acres, more or less.

By Mr. HARRIS (for himself, Mr. Metcalf, Mr. Gravel, Mr. Hart, and Mr. Bayh):

S. 2747. A bill to authorize a family assistance plan providing basic benefits to low-income people, to provide incentives for employment and training to improve the capacity for employment of members of poor families, to achieve greater uniformity of treatment of recipients than under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes. Referred to the Committee on Finance.

Mr. HARRIS. Mr. President, on behalf of myself and Senators Metcalf, Gravel, Hart, Bayh, I introduce, for appropriate reference, a bill entitled, "The Family Income and Work Incentive Act of 1971." Mr. President, the purpose of this bill is to eliminate the inequities and inadequacies of the present welfare system. We are a great country, blessed with prosperous land and energetic people, yet we have allowed a scourge of poverty to entrap great numbers of our people.

H.R. 1, the welfare bill pending in the Finance Committee, of which I am a member, is fatally defective. I believe that no bill would be better than that one. It is fatally defective in three main particulars; one, it provides no jobs for people out of work who want to work; second, it would depress wages; and third, is would require mothers to give up their preschool children to day-care centers against their will.

I hope, Mr. President, that we are not ready to go into a 1984-like society of that kind. Certainly, H.R. 1 would reduce the assistance now received by people already in dire financial straits.

The bill I introduce today is intended to put new reality behind the traditional rhetoric of our growing concern about poverty.

In 1944, President Franklin D. Roosevelt called for the country to accept a "second bill of rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed."

President John F. Kennedy in his inaugural address of 1961 asked the country to "bear this burden of a long twilight struggle" which would be a struggle against "the common enemies of man: Tryanny, poverty, disease, and war itself."

President Lyndon B. Johnson in his State of the Union message of January 8, 1964, declared an "unconditional war on poverty in America."

In May of 1971, the Democratic Policy Council reaffirmed a commitment to end poverty, saying:

> Poverty is a national problem which calls for a national solution, federally financed and administered, with equity for all recipients regardless of their residence. State and local governments, more sensitive to the needs of the poor, should not continue to bear a disproportionate share of what is clearly a national problem. . . . We believe that 1) the federal government must make a commitment to provide a minimum level of income to all individuals, and 2) the present mosaic of welfare programs is both excessively complex and unduly costly. We believe that it would be desirable to introduce a single plan that would meet the commitment of government as simply and as economically as possible by the federal government's assumption of full financial responsibility for all welfare programs.

Mr. President, I have long been a part of the effort to improve the living standards of poor people in America. In 1967, as Senators know, the late Senator Robert F. Kennedy and I led a fight on the floor of the Senate in opposition to the regressive and punitive amendments which had been incorporated in welfare legislation in the fall of 1967. As a member of the Kerner Commission on Civil Disorders, I was one of those who advocated very strongly the institution in this country of a Federal income maintenance system, a proposal recommended by the Commission. In 1969 and 1970, I and others introduced legislation to accomplish that goal. The bill I introduce today is a further refinement in that continuing effort.

It is clear that the administration's proposal, the family assistance plan, as set forth in H.R. 1, is inadequate in several respects. It would establish a new program providing benefits at the rate of $2,400 a year for a family of four, less than two-thirds of the present Government definition of dire poverty. Because recipients would lose their present eligibility for food stamps and States would not be required to supplement the basic Federal grants, over 85 percent of AFDC recipients could suffer a reduction in their present, often already inadequate, level of benefits. In addition, title IV would require mothers whose children are over age 3 to go into work or training or suffer a substantial reduction in family benefits. Jobs in the private sector to which recipients would be referred could be paid as low as $1.20 an hour, only three-fourths of the minimum wage. Nor would administrators have to consider the suitability of employment in referring recipients to jobs, a term involving such factors as safety, distance from home or the recipient's skill or training. The bill would also eliminate many of the hard won procedural rights now available to recipients.

Mr. President, H.R. 1 is predicated on a myth. It is widely admitted that the present system is geographically inequitable, encourages desertion, discourages self-help, fails to reach more than 10 million of those with incomes below the poverty level, provides in most cases less than a subsistence level of benefits, and is administratively chaotic. Yet political rhetoric would have the public believe that the major shortcomings of welfare lie not with the system but with the recipients. A myth has been foisted on the people of this land that poor people are mostly responsible for their own poverty.

The American people are led to believe that poor people are poor only because they refuse to go to work, that they choose instead to wallow in a life of indolence. The American people are led to believe that far from failing to reach many of those in need, the present welfare system benefits many who have no right to its benefits; that the welfare roles are rife with fraud.

These myths ignore the fact that of the 14.3 million recipients of public welfare—May 1971—over half are children, 2 million are elderly, 1 million blind or permanently disabled, and most of the remainder are mothers with children to care for. Indeed, fewer than 100,000 are able-bodied men.

These myths ignore the fact that in Mississippi a poor family of four gets a munificent $53.15 a month on which to live the "good life," and that in few States can a recipient family receive an amount sufficient to lift them above the official Government poverty line.

These myths ignore the fact that in most States if a recipient gets a job he either loses all public assistance or has most of his earnings confiscated, and they ignore the fact that jobs do not now exist for over 6 percent of the Nation's labor force and that in the ghettos of the cities the unemployment rate sometimes rises to more than 20 percent.

They also ignore the evidence from studies by HEW estimating less than 1-percent fraud nationally in the present welfare system.

The bill I introduce today proceeds from different premises. It affirms that there is no difference in kind between poor people and the rest of us, that poor people are human, with the same faults and the same virtues as the rest of us. It affirms that society has an inescapable responsibility to help those who, most often due to circumstances beyond their control, are in need. It affirms that poor people have a right to be dealt with with dignity and fairness. It affirms, finally, that this society has the means to assure a decent level of income for all its people.

Most important, this bill recognizes that to act otherwise than on these affirmations is to continue a system which has proved not to be in the self-interest of most of us.

The bill would provide a minimum income for all persons in need. Eligibility would include single individuals, childless couples, and the working poor, as well as all adults and families presently eligible under current law. All eligible people would be enrolled in a single program, eliminating the present mishmash of categories and variations among States and Federal agencies. Administration of the program, including administration of State supplementation and payment of all benefits, will be in the Department of Health, Education, and Welfare. The Department of Labor would administer only those parts of the work program which it administers under current law.

In this bill, a family of four would be assured of an initial payment level of $4,000, the so-called poverty level. Payment levels would increase each year until 1976, at which time no recipient would receive less than an adequate income as defined by the Bureau of Labor Statistics low living standard, adjusted annually for changes in the median family income and local cost of living differences. The bill assures that no beneficiary would receive less than he or she received on January 1, 1971, plus the value of food stamps. Additionally, the bill provides for grants to cover basic needs of a unique, emergency or nonrecurring nature, such as winter clothing, moving expenses, appliances, and so forth.

State supplementation provisions in the bill assure that States whose welfare payment level on January 1, 1971, plus food stamp benefits, exceed the income levels set by this bill would be required to make supplemental payments. State supplement payments would be available to all persons covered by the new program, including persons not covered by the present programs. States would be held harmless against all costs resulting from the supplemental payments which exceed their fiscal year 1971 expenditures. Under this bill, the welfare program would be fully federalized within

2 or 3 years depending upon the rate of increase in the cost of living.

This bill contains strong incentives to work and strong disincentives against idleness, but it contains important safeguards. In the first place, mothers or other caretakers of preschool and school age children, persons over 65, disabled persons, and children under 18 or in school would be exempt from any requirement to work.

The important word there, Mr. President, is "requirement." We know from our experience in former programs that we have adopted that people should not be required to work. But should they choose to do so—and experience shows that a great many would—they would be able to retain a significant portion of their earnings.

Work incentive provisions in the bill are definitely needed, for there are good reasons for encouraging beneficiaries who can work, to work—by recognizing their need for a progressive improvement in their income as a result of their own effort. We must not in this process, however, sacrifice basic income standards for those who cannot work. We have, therefore, provided a plan of earned income exemptions above the basic poverty level. The bill assures that no one will lose money by working. Recipients would be permitted to retain two-fifths of all their available income without loss of benefits. In addition, all work related expenses and child care costs would be disregarded as well as medical costs, alimony or support payments, irregular income, scholarship money, and total earned income of children under 14 or in school.

No beneficiary, under this bill, would be required to accept employment in a job which does not meet suitability standards related to health and safety, nor would anyone have to accept employment at less than the Federal minimum wage. This is a basic consideration. H.R. 1 would require that people go to work at substandard wages.

This is not just a labor union issue. It goes directly to the heart of the bill. We know, from experience with the poor laws in England, that if we have a captive labor force required to work at substandard wages, we interfere with market pressures in the free enterprise system. The tendency in such a case is to depress wages and we would wind up with many more people entitled to welfare supplements because they are not able to make a decent living by their own efforts. We would defeat our own purpose if we passed a bill like H.R. 1 which would have a tendency to depress wages.

The bill also provides manpower services and training programs for recipients.

Beneficiaries would be assured of the right to receive a prompt determination of eligibility, based on a declaration of resources and family circumstances, not on demeaning and recurring investigations. Other important procedural protections of the rights of recipients include full due process hearings and judicial review before termination or change in grants, confidentiality of records, and equitable income reporting and treatment in filing applications.

The cost of this program is substantial. Yet, at the same time, anyone who has studied our present welfare system knows that by changing this section or that section or by adding $2 or $3 billion here and perhaps another billion some other place, few of the failures of the present system will be eliminated. There is no magic in calling an old wornout system by a new name and by dressing it up a bit. As one person has put it, "The welfare system is designed to save money instead of people and tragically ends up doing neither." Both welfare recipients and taxpayers rightly believe that the present welfare system is a failure and that it traps people in poverty; this is true, it should be replaced rather than repaired.

We often forget that poverty, by definition, means lack of money. Somehow we have managed to cling to the idea that, if we can just give enough advice and services to the poor, they will somehow quit being poor. For most of the poor people today, this myth is just not working. Further, we must at last realize, as other nations have, that doing nothing or doing not enough ultimately costs us more.

We learned long ago from the GI bill and other such programs that funds invested in human development were paid back into the Federal Treasury many times over in increased taxes received as a result of increased income made possible by the programs.

Indeed, great economic dividends always result from upgrading the standard of living of those in the lower economic levels. But, more importantly, this bill will result in a great moral dividend; it will allow us all to feel we are living more closely in line with the ideals we profess. We will more nearly be entitled to say that we believe in the dignity and value and worth of every human life.

I urge Senators to join in support of this major welfare reform bill. It is a standard by which the proposal we ultimately accept in this chamber should be measured. Surely we should work for the very best system of income maintenance and work incentive program.

May I say, Mr. President, that this is the third part of a three-part proposal. First, we need to get people back to work in private jobs through stimulation of the economy by tax cuts, not for big corporations, as President Nixon recommends, but for the average taxpayer, making less than $13,000 a year.

Most people would rather work. Most people would rather work in a private job, because it does not depend upon an annual approriation by Congress.

Second, we ought to pass a massive public service jobs program to give subsidies to local and State governments and others in order to provide jobs that are really needed, such as health aides, teacher aides, and welfare aides. There are plenty of jobs that need to be done in this country. No person should be out of work.

Third, for those persons who cannot work or who cannot find work, we must have decent income maintenance assistance, such as this bill embodies. This is not out of the goodness of our hearts, but because it is in our own self-interest. We know that a child from a family living in poverty is often the victim of malnutrition and bad health. We know that such a child will cost us more in the long run in the cycle of the continued welfare system, often in narcotics and crime, in remedial education and training. It is in our own self-interest as well as our desire to be more humane to see that every child in America grows up in a home with a decent level of income. That is what my bill would mean.

Mr. President, I ask unanimous consent that a detailed section-by-section summary of the bill as well as a short summary of the bill be printed in the Record and that the bill be received and appropriately referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

Section-by-Section Summary

Section 101: Amends the Social Security Act of 1935 to add a new title XX, having the following sections:

Section 2001: States the purpose of the Act to provide a basic level of financial assistance to needy individuals and families in a manner which will strengthen family life, encourage work training and self-support, and enhance personal dignity.

Section 2002: Establishes a basic federal assistance grant of $1700 for a single individual and $4000 for a family of four with no other income, with mandatory supplementary payments to insure that no individual or family receiving assistance under the program will receive less than they would have received under current law on January 1, 1971, plus the bonus value of food stamps on January 1, 1971, and provides that the supplementary payments shall apply to all persons receiving assistance under the Act; requires that the federal grant level be increased in steps to the adjusted BLS lower living standard by July 1, 1976, and requires further adjustment to reflect regional variations in the cost of living; provides grants to meet financial emergencies and other special needs of a unique or non-recurring nature. Eligibility for and the amount of assistance are based on the Secretary of Health, Education and Welfare's estimate of the claimant's current need.

Section 2003: Defines a person's available income to be his adjusted gross income, as defined by section 62 of the Internal Revenue Code of 1954, plus certain additional items such as annuity, pension or retirement benefits; the proceeds of any life insurance policy in excess of $1000; gifts; support and alimony payments; dividends; unemployment compensation; and social security, Veterans Administration and railroad retirement benefits. Deductions from income are allowed for medical expenses not compensated by insurance in excess of $120 per year for each individual in the family unit; alimony, separate maintenance and support payments paid by any member of the unit; gifts made by a member of the unit to a person in another family unit receiving payments under the Act; all expenses reasonably attributable to the earning of income; the full cost of day care and other family care to allow a member of the unit to be gainfully employed; the earned income of each child in the family unit who is under the age of 14 or who is regularly attending a school, college or university; irregular or infrequent income; and the full amount of any scholarship or fellowship received by a member of the family unit. Three-fifths or 60% of all available income not otherwise excluded by the above exemptions is countable in determining the amount of assistance received by the family unit.

Section 2004: A family unit having total resources in excess of $2,000 per person is not eligible for assistance regardless of their current income; exempts from consideration in determining such resource limitations the home, household goods, personal affects, one automobile for each family unit, and other property which is determined by regulations of the Secretary to be so essential to the family's means of self-support as to warrant its exclusion. Where a family's resources exceed the allowable limit, they must dispose of such excess property before they will become eligible for assistance.

Section 2005: Provides that any person who is at least 18 years old, or married, or is at least 16 years old and a parent whose child or legal ward resides in the same dwelling unit may be a claimant for assistance so long as he presently resides in the United States or its territories. Such claimant for assistance must include in the family unit for purposes of calculating available income and resources and for determining the amount of assistance, his spouse, unless they are separated, and any other person who is living with him and for whom he has a legal obligation of support. The claimant may also elect to include in the family unit any other person who is under the age of 18 and who lives with him, providing that for such persons who are not the child of the claimant or his legal ward, the person must have lived with the claimant for ninety consecutive days before he or she may be included in the family unit.

No person who is not included in the family unit for purposes of calculating the amount of assistance, who has no obligation of support under state law, and who certifies that he refuses to support any member of the family unit shall have his income or resources attributable to the family unit. In any case, income and resources shall be attributable only to the members of the family unit for whom an obligation of support exists or for whom such income and resources are actually available for current use on a regular basis. No person may be a member of more than one family unit. In determining whether an individual is related to another individual by blood, marriage or adoption and whether an individual is legally obligated to support another, state law will be applied.

Section 2006: Eligibility determination and the payment of benefits including supplementary payments to all recipients will be made by the Secretary of Health, Education and Welfare. Payments will be made no less frequently than monthly, except that they may be made quarterly where the amount of benefits does not exceed $30 in a quarter. Payments may be made to third parties not members of the family unit only where the Secretary finds after notice and a hearing that the members of the family unit have such inability to manage funds that making payments to them would be contrary to the welfare of any dependent in the unit. In such case, payments may be made to another person who is interested in or concerned with the welfare of the family unit.

The Secretary is authorized to make proper adjustments in future payments to the family unit or to recover from or make payments to any person who was or is in that unit for any amount not properly paid in the past, unless such adjustment or recovery would defeat the purposes of the program, would be against equity or good conscience, or would impede efficient or effective administration of the program, or unless the family no longer has income or resources currently available in the amount by which the Secretary proposes to reduce the future payment. In no event may an overpayment be recovered in an amount that would reduce assistance benefits, plus income, to a level more than 10% below the basic allowance level.

Provides a full hearing under the Administrative Procedure Act for the promulgation of all rules and regulations under the program; requires the Secretary to make available all proposed rules and regulations at the time they are published in the Federal Register to all organizations which certify that they have a membership of more than fifty claimants receiving benefits under the Act, which organizations shall also have standing to participate in the hearing or any judicial proceeding concerning such rule or regulation; requires the Secretary to publicize in simple and understandable language the provisions of the Act, and to inform all applicants and recipients, in writing, of their rights under the Act; requires the Secretary to afford an opportunity for a fair hearing with respect to any action denying, withholding or modifying a person's benefits or any part thereof. Such hearing shall, if requested within 30 days after notice of such action is received, occur prior to the effective date of any denial, withholding, or modification. Aggrieved individuals may be represented by counsel or by other persons of their choice at such hearings, and they may present evidence in their own behalf, know the evidence against them, and challenge the reasonableness of any rule, regulation or practice which is applied in their case. Decisions of the hearing examiner may be appealed within 30 days by an aggrieved individual to a Board of Appeals, whose decision may be reviewed at the request of an aggrieved party by a civil action commenced in federal court. In any case in which the Secretary fails to commence a hearing within 15 days, the aggrieved individual shall be deemed entitled immediately to the benefits which he claims. Claimants are entitled to receive reasonable expenses incurred in any administrative or judicial hearing, including child care, loss of earned income, transportation, and fees for their attorneys or other representatives; however, a district court may disallow such expenses if a claimant or his attorney acted frivolously or in bad faith. Finally, the Act establishes a Complaint Review Board to review any complaint that an employee is not performing his functions properly or is not following properly issued regulations, with the power to discipline such employee, including discharge or suspension from his employment as authorized by the Civil Service laws.

Allowances due or to become due shall not be assignable and shall not be subject to taxation. Allowances are also exempted from the claims of creditors and from any process of attachment or levy, or from seizure by or under any legal or equitable process before receipt by the beneficiary.

Claimants shall be deemed eligible for benefits on the basis of a simplified declaration which is sufficient to allow the determination of eligibility and the amount of assistance. Payments shall begin not later than the next regular monthly payment date after receipt of a properly filed claim or within ten days of such receipt, whichever is later, and payments are to be made on the basis of the information supplied by the claimant. The Secretary may conduct audits and investigations on the basis of random selection or where there is cause to believe that the claimant is not entitled to receive the assistance for which he has applied or which he has received. The Secretary may request the claimant to supply additional information when a claim is not properly filed, but the Secretary may not seek information from sources other than the claimant without the claimant's consent in writing. Claimants are under a continuing duty to report immediately all changes in their circumstances which are material to their continued eligibility, and he may prescribe by regulations the cases in which failure to report such information or delay in so reporting will result in treatment of the claimant's previous benefits as overpayments.

Section 2007: Every member of a family unit who is found after notice and opportunity for a hearing to be qualified for manpower services, training, and employment by the Secretary of Health, Education and Welfare, shall be required to report to the Secretary of Labor for referral to such manpower services, training and employment. Exempted from this requirement are (1) individuals who are unable to engage in work or training by reason of illness, incapacity or advanced age (including but not limited to any person aged 65 or over); (2) mothers or other caretakers of any child under the age of 18; (3) children who are under the age of 18 or who are students; (4) individuals whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; (5) parents or other caretakers, where the other parent or another adult member of the family unit is in the home and is not excluded by any other exemption from the requirement to register for manpower services, training and employment and has so registered. Provision is made for voluntary referral to the State Vocational Rehabilitation Agency of those individuals who are not deemed appropriate for manpower services, training and employment because of illness, incapacity or advanced age.

Section 2008: All persons who are deemed appropriate for manpower services, training and employment by the Secretary of HEW under Section 2007 will not be included in the family unit if they are found, after notice and a hearing, to have refused to participate in suitable manpower services, training or employment or to have refused to accept without good cause suitable employment in which they are able to engage. The determination of whether a claimant has refused without good cause to accept suitable employment shall be made by the Secretary of Labor, who shall report his findings to the Secretary of HEW. In determining whether any employment is suitable, the Secretary of Labor will consider the degree of risk to the claimant's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of unemployment, his realistic prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of the available work from his residence. In no case will employment be considered suitable: (1) if the job is vacant due directly to a strike, lockout or other labor dispute; (2) the wages, hours, or other terms or conditions of the work offered are contrary to or less than the highest of (a) the minimum wage which is applicable to the employment under the FLSA or would be applicable to such employment if section 6(a)(1) of that act applied to the individual or if he were not exempt under Section 13 thereof; (b) the state or local minimum wage if applicable; or (c) the prevailing wage in the same labor market area for persons employed in similar work in the locality; (3) if the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (4) if the work is not covered by workmen's compensation; (5) if the distance of the job from his home, the lack of adequate day care facilities, or other conditions of the job are such as to cause the individual undue hardship; and (6) the individual has the demonstrated capacity of securing work available to him that would better enable him to achieve self-sufficiency, or the offered work does not suit the individual's demonstrated interests and proficiencies.

Section 2009: Provides for the furnishing of health, vocation rehabilitation, counseling, social and other supportive services, including medical services, by the Secretary of Labor to permit individuals to engage in manpower, training or employment and appropriates $100 million for FY 1973 for that purpose.

Section 2010: Directs the Secretary of Labor to develop for each individual registered pursuant to Section 2007 an employability plan describing the manpower services, training or employment which the individual needs to enable him to become self-supporting; further directs the Secretary of Labor to establish manpower services, training and employment programs, including on-the-job training, work experience, relocation assistance and public service employment programs for such persons and authorizes him to pay an incentive allowance of $30 per month plus an allowance for transportation and other costs to each person participating in such programs; appropriates $1 billion for FY 1973 to support these programs.

Section 2011: As a condition to receipt of federal funds under titles IV, V, XVI, or XIX of the Social Security Act, the states must agree to reimburse the federal government for the cost of supplementary payments paid by the Secretary to families or individuals residing in that state.

Section 2012: Limits the amount reimbursable by the states pursuant to Section 2011 to the state's share of expenditures as aid or assistance for quarters in the fiscal year 1971 under the plans approved under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act.

Section 2021: The Secretary of Health, Education, and Welfare may agree with any state to determine eligibility for medical assistance under the state's plan under title XIX (Medicaid), if the state agrees to pay half the cost of such administration and if, in the case of states obligated under Section 2011, they have met their obligations under that Section. The Secretary may also agree to administer any other cash assistance program operated by the state, if such administration is feasible and will not result in undue burden on the federal agency. The state must reimburse the Secretary for all costs resulting from the administration of the cash assistance program. Provides protections for state employees affected by any agreement entered pursuant to this Section.

Section 2022: Provides that the provisions of Section 208 of the Social Security Act, other than paragraph (a), relating to fraud will be applicable to benefits under this Act.

Section 2023: Directs the Secretary to make an annual report to the President and the Congress on the operation of the program and authorizes him to conduct evaluations directly or by grants or contracts; further authorizes the Secretary to conduct research or demonstrations of ways of better providing financial assistance to needy persons and in so doing to waive any requirements in the Act, provided that no person may receive less assistance or otherwise be worse off because of such waiver or demonstration project.

Section 2024: Provides that any individual who has deserted his spouse or children, who as a consequence of such desertion receive benefits under this program, should be obligated to the United States in an amount not to exceed the amount specified in a court order for the support of the spouse or children or the amount which would have been specified had such an action for support been brought, less any amounts actually paid by such individual; and allows the Secretary to bring suit to collect any amount so obligated within two years after the obligation is incurred.

Section 2025: Provides that individuals receiving assistance should not be eligible to participate in the food stamp program or in any program for the distribution of surplus agricultural commodities.

Section 102: Conforming amendments relating to services for needy families with children.

Section 103: Change in the heading of title IV of the Social Security Act.

Section 104: Conforming amendments relating to services to the aged, blind and disabled, creating a new title XVI for such purposes.

Section 105: Repeals titles I, X, and XIV of the Social Security Act.

Section 106: Transitional provision relating to overpayments and underpayments under titles I, X, XIV, and XVI of the Social Security Act as in effect prior to the enactment of title XVI as amended by this Act.

Section 107: Transitional provision relating to the definitions of blindness and disability under title XVI as amended by this Act.

Sections 201–204: Miscellaneous conforming amendments to titles II, XI, XVIII, and XIX of the Social Security Act.

Section 301: Provides that the effective date of this Act shall be July 1, 1972, but allows the Secretary of Health, Education and Welfare to enter into agreements with the states to administer all or part of the program during the first fiscal year of its operation.

Section 302: For purposes of the Act, the term Secretary means the Secretary of Health, Education and Welfare unless otherwise stated.

Summary of the Welfare Bill To Be Introduced by Senator Harris

PAYMENT LEVELS

a. Initial payment level of $4000 for a family of four, the so-called poverty-line.

b. No beneficiary would receive less than he or she is now receiving on January 1, 1971, plus the bonus value of foodstamps.

c. Each year payment levels would increase until by 1976 no recipient would receive less than an adequate income defined by the BLS low living standard adjusted annually for changes in the median family income and local cost of living differences.

d. Grants to cover basic needs of a unique, emergency or non-recurring nature would be provided.

STATE SUPPLEMENTATION AND FISCAL RELIEF

a. States whose welfare payment level on January 1, 1971 plus foodstamp benefits exceed the income levels set by this bill would be required to make supplemental payments. These supplement payments would be available to all persons covered by the new program including persons not covered by the present programs.

b. States would be held harmless against all costs resulting from the supplemental payments which exceed their fiscal year 1971 expendtures. The welfare program would be fully federalized within two or three years depending upon the rate of increase in the cost of living.

WORK INCENTIVES

a. Recipients would be permitted to retain ⅖ of all their available income without loss of benefits. In addition, all work related expenses and child care costs would be disregarded as well as medical costs, alimony or support payments, irregular income, scholarship money and total earned income of children under 14 or in school as under current law.

b. Caretaker relatives (without distinction based on sex) of children under 18 would be exempt from registration for work, as would incapacitated or aged person, children under 18 or in school, those who must care for others in the home, and adults if at least one other adult in the home is registered.

c. All job referrals would have to be at the prevailing wage rate but in no case less than the federal minimum wage.

d. No one would have to work at a job unless it satisfies specific suitability standards related to health and safety and employees rights.

e. Manpower services and training programs provided for recipients.

ELIGIBILITY AND ADMINISTRATION

a. Eligibility would include single individuals, childless couples and the working poor, as well as all adults presently eligible under present law, in a single program.

b. Eligibility based on current need and payments made monthly.

c. $3,000 per person as well as the home and personal effects would be excluded from consideration as a resource.

d. Elimination of state and federal residency requirements.

e. Administration of the program including administration of state supplementation and payment of all benefits will be in the Department of Health, Education and Welfare. Department of Labor would administer only those parts of the work program which it administers under current law.

PROCEDURAL PROTECTIONS

a. Eligibility determined by a simple declaration form.

b. Public Hearing required before adoption of regulations.

c. Full Due Process hearing and judicial review before termination or change in grant would be required.

d. Confidentiality of records guaranteed.

e. Equitable income reporting and treatment in filing applications guaranteed.

By Mr. BOGGS (for himself, Mr. Dole, Mr. Hollings, Mr. Metcalf, Mr. Moss, and Mr. Roth):

S. 2748. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty. Referred to the Committee on the Judiciary.

Mr. BOGGS. Mr. President, I am introducing today legislation to provide a $50,000 survivors' benefit to the families of police officers, prison guards, and firemen killed in the line of duty. I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Delaware (Mr. Roth), the distinguished Senator from Kansas (Mr. Dole), the distinguished Senator from Montana (Mr. Metcalf), the distinguished Senator from Utah (Mr. Moss), and the distinguished Senator from South Carolina (Mr. Hollings).

I am introducing this legislation in cooperation with my good friend and colleague, Congressman Pierre S. du Pont IV, of Delaware. On October 14 Congressman du Pont introduced a bill in the House of Representatives (H.R. 11262) which is identical to the bill I am introducing today in the Senate.

Mr. President, these men and women live daily with unusual danger to their well-being in order to protect our lives and property. Their families, too, must live with the anguish of not knowing if their loved ones are safe and the anxiety for their future should the breadwinner be killed. We cannot, unfortunately, remove the countless hazards which these public servants face every day. But we can offer them the peace of mind that comes with knowing that their families will be provided for if they should perish while perfoming their duties.

I do not think we can expect to recruit

and retain responsible, family men into these increasingly hazardous jobs without offering this type of compensation. This is especially true in view of the rising number of fatalities in these occupations.

There are already special death and injury benefits in the form of annuities for the survivors of Federal officers killed or injured in the line of duty, and Congress has enacted a $50,000 payment to the survivors of police and other public safety officers killed in the line of duty here in the District of Columbia. Thus we have recognized the need for compensation on the Federal level. But the risks and dangers which have created that need are just as great and just as real at the State and local levels.

State and local benefits are uneven throughout the country. In fact, Deputy Attorney General Richard G. Kleindienst has pointed out that as of October 1970, 18 States provided no financial assistance to the survivors of law enforcement officers. It is discriminatory against police officers, prison guards, and firemen who happen to serve under a non-Federal jurisdiction that we say to them that their service is of lesser importance than that of Federal employees, that they are less deserving of these benefits.

This legislation, Mr. President, would remove this discrimination by placing a Federal floor of $50,000 under the benefits that the survivors of policemen, prison guards, or firemen would be entitled to receive. This would be in addition to any State and local benefits to which the survivors would also be entitled.

The legal basis for this legislation would be the same as that under which the Law Enforcement Assistance Administration now operates other programs designed to benefit individual police officers. Deputy Attorney General Kleindienst, in his recent testimony before the Senate Subcommittee on Criminal Law and Procedures, pointed to the law enforcement education program as a prime example. Under this program, law enforcement officers are given an opportunity for career advancement by formal education.

I note with pleasure that the distinguished Senator from Indiana (Mr. Bayh) has introduced legislation to extend death and injury benefits enjoyed by Federal law enfocement officers and non-Federal officers killed or injured while apprehending a Federal criminal to all law enforcement officers and firemen. I believe this would be a step in the right direction.

The distinguished Senator from Arkansas (Mr. McClellan) has introduced a bill to provide a $50,000 gratuity to the survivors of policemen killed in the line of duty, and the distinguished Senator from South Carolina (Mr. Thurmond) has introduced an amendment to that bill to include all law enforcement personnel including sheriffs, deputy sheriffs, highway patrolmen, and investigatory and correctional personnel. I support this legislation but recommend that it be broadened still further to include firemen.

It is all too easy to take the services of our policemen, prison guards and firemen for granted and to salute them with a few words of praise. I believe, Mr. President, that we can and should do much more. We can express our appreciation in more practical terms by enacting the legislation that I am introducing today.

Mr. President, I ask that this bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2748

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as "Law Enforcement Officers Benefits Act of 1971."

Sec. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"Part J.—Law Enforcement Officers Death Benefits

"Sec. 701. (a) Under regulations issued by the administration under part F of this title, upon certification to the administration by the Governor of any State that a police officer or prison guard employed on a full-time basis by that State or a unit of general local government within the State, or a fireman serving in that State or unit of general local government within the State has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half of the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer, prison guard or fireman, as the case may be, at the time of his death, including a stepchild, an adopted child or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for the support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"Sec. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

Sec. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence: "In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

Sec. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of part J the term does not include the District of Columbia".

By Mr. HART (for himself, Mr. Magnuson, Mr. Humphrey, and Mr. Moss):

S. 2749. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes. Referred to the Committee on Commerce

Mr. HART. Mr. President, several weeks ago, I received a very distressing letter from a Pennsylvania pharmacist. In some detail he told of having to turn down a man who had asked for a refill of two prescriptions which the man's doctor had supplied.

The doctor was on vacation for 2 weeks—his office closed—and the man was down to the last pill in each prescription which he took to keep a heart problem under control.

The pharmacist explained that first, it was illegal for him to sell medication without a prescription and second that—at any rate—he could not identify the off-brand medication. In an effort to help the pharmacist suggested the man see another doctor who could prescribe for him.

The man returned the next day pleading with the pharmacist to fill the prescriptions because he could not get an appointment with any of five doctors he called.

As the pharmacist wrote:

> I told the gentleman and his crying wife that I would really like to help them out. However, my hands were tied as I would be gambling for my license and his life if I were to give him what I thought were in the two small boxes that he had purchased from the doctor a month ago for $5.
>
> I suggested his next step would be to go to a hospital and explain the problem to someone at the hospital. Two days later his little boy came into my pharmacy and told me his father had died because "you didn't give him the pills."

Mr. President, of course I do not know if the little boy was correct and if, in fact, the lack of the medication did bring on the man's death.

But I do know that such a sequence of events is entirely possible.

And such a sequence of events points up dramatically the very worst situation that can develop when doctors involve themselves in the sale of products for a profit. If the doctor were not selling this merchandise, the pharmacy would have had the prescription on file—and since pharmacists are generally on call, the medication could have been supplied simply.

For 7 years now, the Senate Antitrust and Monopoly Subcommittee has been studying the problems created by doctor-merchants and attempting to eradicate them.

Our hearing records are filled with examples of overprescribing, overpricing, and dangerous handling of medications.

On the economic side, we have documented the number of independent businessmen who have been seriously harmed—many to the point of bankruptcy—by doctor-merchants.

The hearing volumes are available to anyone who would care to review the chapter and verse.

Three times in the past, I have introduced proposed legislation which would attempt to eradicate this problem.

Three times it has failed to move through the legislative mill.

However, today we begin down that road again.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the complete text of the bill I offer—the "Regulation of Trade in Drugs Act of 1971"—be printed.

This bill prohibits a physician from merchandising products he prescribes—except under some circumstances. Doctor-dispensing of drugs and devices would be allowed when actually in the best interests of the patients. But, doctor-profiteering would be eliminated.

Basically, a doctor would dispense drugs and devices only—

First. In emergencies.

Second. In one-dose units.

Third. If there is no community pharmacy within 10 miles of the doctor's office.

Fourth. If it is occasional dispensing and not part of his usual course of doing business. This would let him supply drugs to patients who otherwise could not afford them. It would cover the giving of samples to patients to test their reaction to various medications.

The bill would outlaw doctor-ownership of pharmacies and drug companies. It would prohibit percentage leases for pharmacies.

Ownership of stock in a publicly-traded drug company would not be in violation of the bill.

Mr. President, while similar proposals have been before Congress the past 6 years, the number of doctor-owned repackaging companies—which are a violation in the AMA code of ethics—and doctor-dispensing of drugs and devices has increased. We also have learned of many new drugstores being opened by physicians.

With this increase, comes the greater risk that patients will be overcharged or overdrugged.

No doubt most of the doctors who are involved in the sale of products they prescribe are well intentioned. But there is a basic conflict of interest here that can—and has—in too many cases worked out to be in the worst interest of patients' health and pocketbooks.

It is time we stopped this.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2749

A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulation of Trade in Drugs Act of 1971."

FINDINGS OF FACT

SEC. 2. The Congress finds and declares that the dispensing of drugs and devices directly or indirectly, or the knowing receipt of rebates, refunds, discounts, or commission by medical practitioners in connection with the supplying of such products to patients, except under certain limited circumstances, is inconsistent with the best interest of the public health, denies consumers free access in an open market to such products moving or having moved in interstate commerce, and tends to induce unfair trade practices in connection with trade in such products.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "medical practitioner" means any person licensed by any State, or by any professional association or society under the law of any State, to engage in the practice of medicine, osteopathy, chiropody, or podiatry, and in such practice to administer or prescribe drugs or devices, but such term does not include any person engaged in practice exclusively as an ophthalmologist, optometrist, homeopathic physician, dentist, or veterinarian.

(b) The term "drug" means any article (1) recognized in the official United States Pharmacopeia, the official National Formulary, or in any supplement to such pharmacopeia or formulary, (2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, (3) intended to affect the structure or any function of the body of man, or (4) intended for use as a component of any article described in clause (1), (2), or (3) of this paragraph, but such term does not include any device, or any components of a device.

(c) The term "device" means any instrument, apparatus, or contrivance intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or (2) to affect the structure or any function of the body of man, but such term does not include glasses or lenses intended for the correction of vision.

(d) The term "pharmacy" means an office, pharmacy, drugstore, or other establishment which engages in the sale of drugs or devices at retail.

(e) The term "community pharmacy", when used in relation to a medical practitioner, means a pharmacy situated within 10 miles of any place at which such medical practitioner maintains an office for professional practice.

(f) The term "lessor's interest", when used in relation to a medical practitioner, means any pecuniary interest of such medical practitioner as a lessor of real property occupied by a lessee engaged in the operation of a community pharmacy under a lease which provides for the payment by the lessee of a rental which (1) is based in whole or in part upon the income of the lessee derived from the sale or furnishing of drugs, devices, or drugs and devices, or (2) exceeds in amount the rental customarily charged for comparable facilities in the vicinity of the place at which such real property is situated.

(g) The term "drug company" means any person engaged in the manufacturing, processing, packaging, or distribution of drugs, but such term does not include a pharmacy.

(h) The term "person" means any individual, and any partnership, firm, corporation, association, or other business entity.

(i) The term "State" means any State of the United States or any political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, and any territory of the United States.

PROHIBITION OF PECUNIARY INTERESTS IN DRUG COMPANIES

SEC. 4. It shall be unlawful—

(a) for a drug company to give or sell to a medical practitioner any legal or beneficial interest in the company or in the income thereof with the intent or for the purpose of inducing such medical practitioner to prescribe to his patients the drugs of the company. The giving or selling of such interest by the company to a medical practitioner without such interest first having been publicly offered to the general public shall be prima facie evidence of such intent or purpose;

(b) for a medical practitioner to acquire or own a legal or beneficial interest in any drug company, provided it shall not be unlawful for a medical practitioner to acquire or own such an interest solely for investment and the acquisition of an interest which is publicly offered to the general public shall be prima facie evidence of its acquisition solely for investment; and

(c) for a medical practitioner to solicit or to knowingly receive from a drug company, or for a drug company to pay or to promise to pay to a medical practitioner, any rebate, refund, discount, commission, or other valuable consideration for, on account of, or based upon the volume of wholesale or retail sales at any place of drugs manufactured, processed, packaged, or distributed by the company.

PROHIBITION OF DISPENSING OF DRUGS AND DEVICES BY MEDICAL PRACTITIONERS

SEC. 5. Except as otherwise provided by this section, it shall be unlawful for a medical practitioner to engage directly or indirectly in the dispensing of drugs or devices. Nothing in this subsection shall prohibit—

(1) a medical practitioner from furnishing a patient any drug or device in an emergency;

(2) the administration of a unit dose of a drug to a patient by or under the supervision of such medical practitioner;

(3) dispensing a drug or device to a patient by a medical practitioner where there is no community pharmacy available to the patient; or

(4) the dispensing occasionally, but not as a usual course of doing business by a medical practitioner.

PROHIBITION OF PECUNIARY INTERESTS IN PHARMACIES BY MEDICAL PRACTITIONERS

SEC. 6. (a) It shall be unlawful for a medical practitioner to own directly or indirectly, a legal, beneficial, or lessor's interest in a community pharmacy. Nothing in this subsection shall prohibit a medical practitioner from dispensing a drug or device which he is permitted to dispense under section 5.

(b) It shall be unlawful for a medical practitioner directly or indirectly to solicit or to knowingly receive from a community pharmacy, or for a community pharmacy knowingly to pay or to promise to pay to a medical practitioner any rebate, refund, discount, commission, or other valuable consideration for, on account of, or based upon income received or resulting from the sale or furnishing by such community pharmacy of drugs or devices to patients of any medical practitioner.

FEDERAL FINANCIAL PARTICIPATION IN DRUG EXPENDITURES

SEC. 7. Federal financial participation shall not be available in expenditures for drugs or devices dispensed in connection with the administering of any public assistance and medical assistance program by any Federal or State agency by a medical practitioner, pharmacy, or drug company under conditions prohibited by this Act.

ENFORCEMENT

SEC. 8. The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this Act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney General, to institute appropriate proceedings to prevent and restrain such violations. Upon the filing of a complaint under this section and the service thereof upon the defendants named therein, the court shall proceed as soon as may be possible to the hearing and determination of the action.

ACTIONS FOR DAMAGES

SEC. 9. (a) Any person who shall be injured in his business or property by reason of any violation of this Act may sue therefor in any district court of the United States for the judicial district in which any defendant resides or is found, without respect to the amount of controversy, and shall recover threefold the damages sustained by him, and the cost of suit, including a reasonable attorney's fee.

(b) Any action instituted under this section shall be forever barred unless commenced within three years after the date on which the cause of action arose.

EFFECTIVE DATE

SEC. 10. This Act shall take effect one year after the date of enactment.

By Mr. THURMOND:

S. 2751. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, I am today introducing legislation to permit the conversion of exchange of national service life insurance policies to insurance on a modified life plan.

Present regulations provide that the holder of national service life insurance has his policy face value reduced by 50 percent at age 65. This face value reduction is without any decrease in premium rates.

Mr. President, this bill would amend section 704 of title 35 of the United States Code to extend the age limitation to 70.

Insurance of this type was made available to encourage veterans to convert their term policies to a permanent life insurance policy with premium rates remaining the same.

Thus, this legislation would merely allow the policyholder to maintain the full face amount of his insurance policy for an additional 5 years.

Under present law, when a veteran obtains age 65, he is faced with the unhappy choice of either dropping his insurance or continuing to pay a very high premium. Thus, he may lose coverage by having his policy value reduced or may not be able to pay the high cost of permanent life insurance premiums. After paying premiums on term insurance for many years it is unconscionable to allow this veteran to be forced out of complete coverage at a time when the death rate of veterans is increasing.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2751

A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age seventy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 704 of title 38, United States code, is amended effective the first day of the first calendar month which begins more than six months after the date of enactment of this Act by the addition of the following new subsection thereto:

"(e) On and after the effective date of this subsection and under such regulations as the Administrator may promulgate insurance may be converted to or exchanged for insurance on a modified life plan under the same terms and conditions as are set forth in subsections (b) and (c) of this section except that at the end of the day preceding the seventieth birthday of the insured the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any insured whose modified life insurance policy issued under this subsection is in force by payment or waiver of premiums on the day before his seventieth birthday may be granted insurance on the ordinary life plan upon the same terms and conditions as are set forth in subsection (d) of this section except that in applying such provisions the seventieth birthday is to be substituted for the sixty-fifth birthday. Notwithstanding any other provisions of law or regulations the Administrator under such terms and conditions as he determines to be reasonable and practicable and upon written application and payment of the required premiums, reserves, or other necessary amounts made within one year from the effective date of this subsection by an insured having in force a modified life plan issued under subsections (b) or (c) of this section, including any replacement insurance issued under subsection (d) of this section or other provision of this title, can exchange such insurance without proof of good health for an amount of insurance issued under this subsection equal to the insurance then in force or which was in force on the day before such insured's sixty-fifth birthday, whichever is the greater."

By Mr. HATFIELD:

S. 2752. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services. Referred to the Committee on Finance.

NEIGHBORHOOD GOVERNMENT

Mr. HATFIELD. Mr. President, I sent to the desk a bill which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

Mr. President, it has been often stated that our past illuminates our present, and I think it appropriate that we should reflect on the ideals and actions during past segments of our history which have made this country great. The periods of greatness in our history, the sources of our natural creativity and strength, have been when the individual has been depended upon—when we have counted on ourselves.

Local and State governments were at one time the primary source of initiative and new ideas. Local experiments such as the income tax, workmen's compensation, and social security were all destined to become Federal programs and virtual institutions within our society. Local units of government lost their preeminence to big government and with it people came to depend primarily on the Federal Government, reversing the hierarchy of priorities. An indication of this is the fact that since 1940, Federal taxes have increased more than twice the total State and local tax levies. While State and local taxes have varied between 7 and 11 percent of the total national income over the past 30 years, Federal taxes have increased 14 percent to take nearly one-quarter of the total national income.

Big government was thought to be able to handle big problems, but that has not been verified by the evidence. More importantly, however, sight was lost of the individual. Concern has been shown for the extremes in our society but this attention was at the cost of the middle American. It was also done at the cost of a system of government that had a better track record than any other in history.

Dr. Michael Young, a sociologist in Britain, has most poignantly commented on this matter as it related to his country. In a speech delivered in Britain, he said that for a long time we have believed that bigness brings efficiency in business and government. To gain economics of scale, he continued, we have accepted remoteness and impersonality of large organizations. Said Dr. Young:

> Whenever anything goes wrong, growth is the stock answer. It is fine for computers and other machines. They thrive on size. But, for a large complex of people the whole has become less than the sum of its parts . . . There is hardly a large organization in the country which has not gone downhill over the last quarter of a century . . . Almost all large bodies.

He continued:

> Have become afflicted by a new wasting disease, giantism.

And this giantism and this growth has brought inefficiency. To paraphrase Dr. Young, the cause of this problem is rather simple: The idea of individual freedom and integrity has grown stronger and people are not as willing to accept offers from the top without question as they used to be. And unquestioning acceptance of orders is the only way a large organization can function efficiently. Business in Britain became aware of the problem, says Dr. Young, but so much time was spent "passing information up and down and sideways that nothing much else is done beside just communicating."

Dr. Young's commentary on Britain is perhaps even more relevant to the United States. Our undying faith in giantism, big government, big business, and constant growth as the panacea for all of our problems is what I call New Deal liberalism. We have learned a great deal from it over the past three decades, but it is doomed to failure. The present administration is reaping the whirlwind of defeats that are rooted in the past 30 years of paternalism. And there is a great deal to be done to reorder our priorities and help change people's attitudes toward themselves and government. They will require a massive national effort involving each of us in his own way and within his own spheres of influence. The key to any change is power and the priorities of power as they are at present must be reversed.

For instance, most of us are generally aware of the deteriorating prospects of our Nation's cities. But this is contrary to what one would expect by the following figures. During the past 15 years, the total annual expenditures, by city governments, have increased over 300 percent from $28.3 to $92.5 billion. This, in part, reflects a rise in population: Between 1956 and 1970, the population of our central cities has increased from roughly 55 million to approximately 63.8 million. When comparing these figures, furthermore, the per capita expenditure increased as well: 51 cents per capita in 1956 as compared to $1.46 per capita in 1970. This would seem to indicate, consequently, that our cities would be improving when increasing per capita expenditures continue over an extended period of time. Yet in Chicago, during the month of March, there were three times more calls to the mayor's office complaining about building code violations as there were about police services. In Milwaukee, they received more complaints about inefficient snow removal from the streets than anything else. In almost every city, garbage, its costs and cutbacks in collection, is complained about. Cleveland laid off 1,500 of its 13,000 city employees between January and June of this year. Cities such as Cincinnati, Los Angeles, Kansas City, Indianapolis, and Detroit are laying off teachers, implementing hiring freezes—before the President's announcement, August 15—and cutting back in the school day and kindergartens.

This trend is further indicated at the Federal level as well as with local tax receipts. Between 1961 and 1971, Federal outlays increased by $16 billion—a 250-percent increase in 10 years. State and local taxes increased by an estimated $48 billion during the same 10 years. On the local level, total tax receipts increased by $33 billion, a 10-year increase of 576 percent. And there is every reason to believe they will continue to rise. In New York City, for example, it is anticipated that middle-income, homeowning families might expect an added tax bite of $750 next year.

The implications of this are clear. Government has reached the point where in many cases, it has become overextended. It has become too large to cope with the needs of its citizens. Even local government has become counterproductive in many areas. In terms of real dollars, any government, local, State, or Federal, is going to take in more money in taxes than it can pay back in visible services, because it must pay for its own costs. However, the predominant philosophy has been to distribute these services to those who need them most, the government acting as the middleman for the rich to help the poor, the haves to help the have-nots. Yet this approach has not worked.

There is an increasing fiscal imbalance in the federal system with respect to the central cities and the suburbs. Central city residents pay taxes at a higher rate than suburban dwellers, and in absolute terms they pay a larger per capita tax bill. This is in spite of the fact that central city residents are poorer than suburban residents. Furthermore, local government spending is less in central city than it is in the suburb. The Advisory Commission on Intergovernmental Relations found in its study published in 1967 that over a 9-year period, the gap between the central city and the suburbs in per capita expenditures had grown by $52, and the gap in per capita tax had worsened by $11. In other words, the tax burden of the inner city was generally half again as much as in the suburbs, but the benefits of most value to families—education—is only two-thirds of that in the suburbs. And the disparity has been growing worse.

It might be argued that Federal aid to the cities would help alleviate this burden, but according to the Advisory Commission study, Federal expenditures benefited the inner cities by $8 per capita, still leaving a $44 gap between the inner city and the suburb.

An interesting study of the Shaw-Cardozo neighborhood in Washington, D.C., was published in 1969. The Shaw-Cardozo neighborhood is perhaps the most poverty-stricken area in Washington and has been the focal point of many antipoverty programs of the Federal and city governments. Yet the residents of the neighborhod paid out at least $5 million more in taxes than it received in visible services from all government sources. It is ironic, to say the least, that during an era of concern for the elimination of poverty, the Shaw neighborhood would be better off if its residents were allowed to keep their money and the aid programs discontinued. This and a soon to be published study indicate that the trend is continuing.

Another more general hypothesis has been presented by Prof. Jay W. Forrester of the Massachusetts Institute of Technology. Professor Forrester has applied systems analysis to urban problems in an attempt to clarify and better understand the dynamics of urban life. In his Urban Dynamics, he examines various techniques possible for alleviating many of the negative pressures within our cities concluding that the usual approaches are not only not productive but they are counterproductive. Among these approaches he includes public service and other artificially created job programs, outside induced job training programs, financial aid from outside sources, and low-cost housing. What should be stressed, claims Professor Forrester, is the equilibrium between new-enterprise construction, declining-industry demolition, slum-housing demolition, discouragement of housing construction, and encouragement of industry. There is a critical balance between these that must be maintained if a city is to flourish. The key is a proper balance between housing and business enterprise.

If these studies are correct, the policy implications are profound. In the overall perspective of Professor Forrester, it is essentially up to the cities to solve their own problems—outside stimulus is counterproductive in many cases. He suggests that at the local level, tax and zoning laws should be altered to attract more business, stressing the importance of reaching a point of self-sustenance and independence. This cannot be focused only at one area of a city, but in all, if a correct equilibrium is to be maintained. At the State and Federal levels, efforts to artificially stimulate various sectors of our cities should be eliminated, the responsibility being refocused on the cities themselves.

The Shaw-Cardozo study also implies policies closely related to those coming from Professor Forrester. If even the poorest neighborhoods would be better off financially if allowed to keep their tax revenues, so would higher income neighborhoods. Taxes should be drastically reduced, particularly in the poorer neighborhoods, so that they might provide for themselves better than various governments have to date. What is needed are neighborhood governments within our cities, neighborhoods controlling their own revenues and their own programs. There is not, however, under present law any provision which would allow neighborhoods to incorporate to provide their own services, nor are the specific economic incentives as clearly drawn as they might be to accomplish this end. The two proposals I am introducing today would eliminate these problems to the extent that the Federal Government is responsible.

The bill I am introducing today would, if passed, entail the following: Division of cities into neighborhoods, defined by their annexation boundaries; allowing tax credits up to 80 percent of the respective Federal tax liabilities for individuals within these neighborhoods; returning to the neighborhood corporations 80 percent of the non-Federal taxes paid out by individuals within the respective neighborhoods; allowing a tax credit to individuals who wish to give money to a neighborhood corporation; and requiring that a large majority of the eligible voters within the prospective neighborhood corporation favored incorporation before they are allowed a refund. The intent of the proposal is to allow our citizens to have a broader choice as to how their lives are to be directed and controlled. The legislation would not require the formation of a neighborhood if the members of that neighborhood did not want to incorporate. It would allow for the takeover of many governmental function—Federal, State, and local.

Obviously, a great deal must be done at the State and local levels before corporations of this sort could be formed. Federal legislation alone could not accomplish the end I envision. The proposals I am introducing today would be a first step.

The concept I have outlined is not new. It has been used successfully over hundreds of years. Most recently, a low-income neighborhood of Columbus, Ohio, incorporated itself as a nonprofit organization called ECCO and has for over 6 years carried on governmental functions in a highly laudatory manner. And there are other examples.

If the studies I have noted here are correct, the only way to solve a great number of the problems facing our Nation and our cities is to make the neighborhoods within them much more self-sustaining and independent than they are at present. Large Federal and State programs may only frustrate and create further problems, particularly for the poorer areas.

There are many problems that need to be considered and overcome, even if the proposition of neighborhood government is accepted as a desirable goal by the various sectors of our society and among the numerous levels of government. One of the first considerations that must be given is organization. The neighborhoods under my proposal would be allowed to form whatever governmental structure its members desired. Yet, the initial organizing is critical if the neighborhood corporations are to be successful on a long-term basis.

A second area which must be given further study is promoting economic self-sufficiency within the neighborhood corporations. It is obvious that if these corporations cannot maintain an effective tax base they will not be able to function well—this is particularly true in the lower-income areas. Professor Forrester, whom I mentioned earlier, has some suggestions in this matter, and they should be fully explored and tested. His proposals require a great deal of initiative and have some questionable aspects. However, his counterintuitive method and general conclusions are generally consistent and supply answers to questions which have long plagued us. They deserve a thorough trial and analysis. Whether his or other approaches are successful remains to be seen, but basic diversification of neighborhood corporations with the consequent need for creativity and innovation, cooperation and self-awareness, will supply the necessary solutions. This has been the basis of our strength in the past.

A third possible problem area to which attention should be focused is the question of boundary defiintion for the neighborhood corporations. As I presently envisage it, the boundaries should be determined by the annexation and consolidation lines within our cities. Virtually every city that my staff has been able to study has developed by one of these two processes. Yet, there may be cities which have not developed in this manner. If this is the case, greater flexibility will be needed to make provision for these exceptions. Most importantly, however, is that the process of boundary determination be as geographic in nature as possible, for two reasons; First, the influence of politics would be significantly diminshed; second, differing economic, cultural and ethnic groups would be thrown together and work toward common goals within their neighborhood.

From the philosophical side of the question, we must return to a greater individualism and a greater sense of family and community. These are values which have made our country great, but they are values which have been diminishing for more than 30 years. It is my firm conviction that every member of our society should have greater control over his or her future, and that means greater control over their money.

For years, we have heard of man's alienation from his technology and his growing estrangement from his society. Now many of most important institutions—government, family, and business—are becoming most distant, separate, and abstract. If democracy and our republican form of government do not flourish, the hope of mankind to control his own future will die. A reordering of the power alinements and individual relationships within our country are needed if we are to succeed. Neighborhood government is a step in that direction.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2752

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Neighborhood Corporation Assistance Act."

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to encourage communities and neighborhoods to incorporate for the purpose of providing their own neighborhood services, to provide additional operating funds for such corporations, to increase the sense of neighborhood participation by individuals in such neighborhoods by providing a tax credit for contributions thereto, and to provide additional Federal revenue to such corporations.

TAX CREDIT FOR CONTRIBUTIONS

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO NEIGHBORHOOD CORPORATIONS

"(a) General Rule.—There shall be allowed as a credit against the tax imposed by this chapter for any taxable year any amount contributed to a certified neighborhood corporation and paid during that year, subject to the limitations of subsection (b).

"(b) Limitations.—

"(1) Amount.—Except as provided in paragraph (2), the amount of the credit under subsection (a) shall not exceed—

"(A) 80 percent of the amount of the contribution if the contributor's taxable income for the taxable year is $10,000 or less;

"(B) 60 percent of such amount if his taxable income for the taxable year is more than $10,000 but not more than $15,000;

"(C) 40 percent of such amount if his taxable income for the taxable year is more than $15,000 but not more than $20,000;

"(D) 20 percent of such amount if his taxable income for the taxable year is more than $20,000 but not more than $25,000; and

"(E) 10 percent of such amount if his taxable income for the taxable year is more than $25,000.

"(2) Nonresidents.—In the case of an individual who does not reside in the neighborhood served by the neighborhood corporation to or for the use of which he makes a contribution, or a corporation which does not have an office or other establishment in the neighborhood served by the neighborhood corporation to or for the use of which it makes a contribution,

"(A) the amount of the credit under subsection (a) shall not exced one-half of the amount of the credit under such subsection as determined under paragraph (1) of this subsection; and

"(B) credit shall be allowed during any taxable year for contributions to only one neighborhood corporation.

"(3) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) CERTIFICATION OF NEIGHBORHOOD CORPORATIONS.—A corporation may be certified by the Secretary or his delegate for purposes of this section upon application by the corporation for certification if it—

"(1) is organized under the laws of the State in which it is located as a corporation not for profit and restricts its operations to the single neighborhood it was designed to serve;

"(2) is organized for the purpose of supplying services to its members, and other persons residing within the neighborhood it is designed to serve, which were supplied by a municipal or other government prior to the establishment of the corporation, or similar services; and

"(3) demonstrates a capacity to supply such services and to perform the activities for which it was estabilshed in an adequate and satisfactory manner.

No corporation may be certified for purposes of this section which is formed for the purpose, or with the effect, of preventing the implementation, within the neighborhood it is designed to serve or within the larger neighborhood within which it is located, of any plan or program designed to carry out the laws of the United States, or for any purpose which is contrary to public policy, or which would have a substantial adverse effect upon adjacent neighborhoods. No corporation may be certified for purposes of this subsection unless it is so organized as to permit a high degree of participation by members of the neighborhood it is designed to serve in making major policy decisions.

"(d) NONDEDUCTIBILITY OF CONTRIBUTIONS.—No deduction shall be allowed under section 170 for any contribution to or for the use of a neighborhood corporation to the extent that a credit is allowed (after the application of subsection (b)) for such contribution under subsection (a).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 40. Contributions to neighborhood corporations.

"SEC. 41. Overpayments of tax."

(c) The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to contributions payment of which is made after such date.

COMPENSATION FOR STATE AND LOCAL TAXES

SEC. 3. (a) Upon application from a neighborhood corporation certified under section 40 of the Internal Revenue Code of 1954, the Secretary of the Treasury is authorized to pay to such corporation for general corporate use an amount equal to a part (determined under subsection (b)) of the amount of non-Federal taxes paid by members of that corporation to State and local governments. Such payments may be made annually or as otherwise determined by the Secretary.

(b) The amount of the payment which the Secretary may make under subsection (a) to a neighborhood corporation is an amount equal to a percentage of the total amount of non-Federal taxes paid by members of that corporation to State and local governments. That percentage shall be determined in accordance with the following table:

Per capita annual income of individuals residing in the neighborhood served by the corporation:	*Percentage*
$10,000 or less	80
$10,001 to $15,000	60
$15,001 to $20,000	40
$20,001 to $25,000	20
more than $25,000	10

(c) The amount payable under subsection (a) may be reduced by the Secretary whenever he determines that such reduction is necessary in consideration of the total amount of funds available to him for such payments and the total amount of payments for which application has been or may be expected to be made. Before making any payment under subsection (a), the Secretary shall require that any applicant provide for such fiscal control and fund accounting procedures as he deems necessary to assure proper accounting for Federal funds so paid. The Secretary may require such reasonable reports as to the use of funds paid under subsection (a) as he deems necessary, and he shall make an annual report to the Congress with respect to payments made and reports received under this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MAGNUSON (for himself and Mr. INOUYE):

S. 2754. A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. Referred to the Committee on Commerce.

EXPORT EXPANSION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, for myself and the Senator from Hawaii (Mr. INOUYE), a bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. The bill I am introducing, entitled the Export Expansion Act of 1971, is broad legislation intended to make a start at filling an urgent need.

All Senators are familiar with the grave situation confronting our Nation in its foreign trade. Since 1964, when the United States enjoyed a trade surplus of some $7 billion, our position as a competitor in the world marketplace has rapidly deteriorated. This year, for the first time since 1893, it is probable that we shall face a deficit in our balance of trade. Those are alarming facts; both because of the magnitude and rapidity of the decline and because of the far-reaching implications for our balance of payments, our peoples' economic well-being and our Nation's role as a world leader.

But alarming as these trade balance figures are, they do not reflect the full gravity of the situation. For one thing, our official trade figures chronically overstate exports by including "sales" under charity programs such as Public Law 480, and understate imports by not including the cost of insurance and freight as do virtually all other nations. If one makes adjustments to reflect these distortions and arrive at a more realistic trade balance, it becomes clear that our Nation has for the last 5 years been experiencing severe trade deficits.

The United States is rapidly losing its export competitiveness. For example, in the crucial area of manufactured goods, the United States slipped from 25 percent of the world market in 1960 to 21 percent in 1970. In dollar terms that share loss meant $6 billion in lost exports. In human terms, it meant over 400,000 lost job opportunities that were and are desperately needed. Last year also saw the United States lose its position as the world's largest exporter of manufactured goods—a position that is now held by Germany.

Public attention on the decline in our trade has largely been focused on a few industries: Textiles, shoes, steel, automobiles, radios and the like, and on the loss of markets to imports. It is in these areas, of course, where the decline has been most dramatic. Also, for some reason, domestic sales lost to imports generally result in more public concern than the equally damaging loss of potential export sales However, the legislation I have introduced today is aimed at exports. It is intended to be a start on what I believe must be a major priority of our Nation in the decade ahead: The acceleration of export growth.

The reasons we must expand our exports are clear and compelling. It is necessary if we are to maintain our role of world leadership and to finance the payments drains that result from that role. It is necessary if we are to be free of balance-of-payments constraints in using fiscal and monetary policy to produce a dynamic and healthy domestic economy. It is necessary if we are to participate in and assist the growth of developing nations thereby creating a better and more stable world. It is necessary if we are to reap the benefits of free international trade and resist the pressures of import restrictions and protectionism It is necessary if we are to assure our people decent jobs and a reasonable standard of living.

History makes abundantly clear that a nation either trades or fades. At this point in time, it is also clear that the continuation of our Nation as a trading nation requires a great effort to become more competitive and to increase exports.

Granting the importance of increasing exports, there are those who say that all that is required is a readjustment of exchange rates and a slowing of the inflationary spiral in the United States. While those steps are certainly necessary, it is incorrect to believe that they are sufficient. No one would argue that repeated and steep devaluations of the dollar are the road toward economic well-being for the American people or toward economic strength for our country. Similarly, while the control of inflation is necessary, it cannot do the job of itself. This is evident since, even during the recent dramatic decline in our trade posture, the overall rate of inflation in the United States has been generally less than that of most of our trading partners. While inflation has been an obstacle to, and has even eliminated the exports of some American industries, there is little real evidence that U.S. exports as a whole have been significantly disadvantaged by inflation. Consequently, even an easing of inflation will not by itself correct our trade deficit.

The reasons for our decline in export competitiveness are undoubtedly many and complex. However, I believe that among the most important is the lack of emphasis and priority historically attached to exports both by our Government and business community. The immense size of the U.S. market has itself made us less export conscious than our trading partners and competitors. Until relatively recent years, only a few enterprises were large enough to find the size of the U.S. market an undue constraint. The market was ample to permit economies of scale in production and sales, and was geographically isolated from most other markets. Similarly, since we enjoyed consistent balance of trade surpluses, there was no compelling reason for a public policy emphasizing exports as a means of paying for needed imports.

Exports are approximately 4 percent of the U.S. gross national product. They are a substantially larger portion of GNP for all our major industrialized trading competitors. The average proportion of gross national product exported by all other nations is 15 percent and for some major nations it is over 30 percent. As might be expected, these nations have accorded a far greater priority to their export trade than has the United States. Unlike our country, they have taken cognizance of their export needs and objectives in formulating virtually all aspects of public policy. Their governmental efforts in direct export promotion are merely one example. The United States would have to triple its budget for export promotion to have one proportional to that of Japan, Italy, or the United Kingdom. Even more important, the laws and policies of these nations have been carefully tailored to favor exports and to provide a distinct and favorable export environment.

As I indicated at the outset, the legislation I have introduced today, although broad-ranging and touching upon many different aspects, is intended to be a beginning in increasing our Nation's emphasis on exports and creating an environment favorable to exporting. As important as any of the specific provisions in the bill, is the new mood and attitude which I hope it will engender.

The bill consists of a very brief statement of purpose and 13 titles.

Title I creates a new international commercial service in the Department of Commerce and is intended to lead to a substantial strengthening of our foreign commercial services. At present, the United States has less than half as many commercial officers as the United Kingdom or Japan, and these officers are required to service a far greater volume of exports. In proportion to exports, the United Kingdom and Japan have five times as many commercial officers as the United States. The title would also transfer this mission from the Department of State to the Department of Commerce and the Service would be staffed by personnel trained in commercial matters rather than Foreign Service officers who may have little interest or experience in this area.

Title II establishes a trade development corps in the Department of Commerce of not more than 500 people. The corps could consist of recent MBA graduates, retired businessmen, and other professionals who would assist the international commercial service abroad. The corps would also result in an indirect benefit by stimulating interest in export at home when members return to private enterprise.

Title III creates a new program in the Department of Commerce to provide matching grants for approved export expansion projects of state and local governments. This program is intended to be small and selective and to enable local governments to establish innovative pilot projects on an experimental basis.

Title IV authorizes an export training program to be administered by the Department of Commerce in which new and potential exporters can be educated on basic technical export problems in a short course. Such matters as transportation and documentation problems, currency and credit restrictions, and nontariff barriers can confuse and hinder the efforts of new exporters. A short training program as envisioned in Title IV will help cut through the maze.

Title V establishes a regional American merchandise center program within the Department of Commerce. This program is designed to supplement existing trade development centers by authorizing the Secretary of Commerce to lease limited office and bonded warehouse space in key locations around the world to provide small exporters with ready access to markets with goods, spare parts, and so forth, and to provide them with a comprehensive range of services.

Title VI authorizes a joint export association program, in which, upon application, the Government can enter cost sharing contracts with respect to startup and market entry costs of products with high export potential.

Title VII deals with the problem of the uneven application of the antitrust laws to foreign and domestic firms and with the fact that these laws may hinder certain export activities while serving no real purpose with respect to the preservation of competition in domestic markets. The title modifies current antitrust restrictions by authorizing closely supervised chartered export associations to engage in certain activities solely in export trade. These associations will be chartered by the Secretary of Commerce if they meet certain conditions. The relaxation of restrictions will not apply to the domestic activities of the participating companies.

Title VIII establishes a rediscount facility for short-term export paper in the Export-Import Bank and is intended to provide flexible and competitive financing to U.S. exporters.

Title IX attacks the problem of tariff proliferation and rate disparities in ocean transportation which sometimes result in it being twice as expensive under conference rates to ship a commodity from a point in the United States to a foreign destination, as vice versa. The title would greatly simplify ocean freight rates and is also intended to assure that American exports are not disadvantaged by conference rate structures.

Title X increases the effectiveness and utility of foreign trade zones by expanding duty-free treatment of imported machinery, materials, and fuel used solely in export trade under certain conditions. This provision may make our exports competitive in a few instances where interpretation of existing law has precluded the most effective use of the trade zone concept.

Title XI creates a commission on foreign procurement practices consisting of seven individuals to be appointed by the President. The commission is authorized to study and compare Federal Government procurement policies with those of other nations and to make recommendations to assure that U.S. products are treated as fairly by foreign governments as foreign products are by our Government. The commission would have a 1-year life.

Title XII provides that the Secretaries of Commerce and Agriculture may make surplus agriculture commodities available at world market price for use in manufacturing for export upon finding that it would increase the exports of the United States and that it would not adversely affect the domestic market price for the commodity. This provision is intended to utilize some of the surplus commodities we have accumulated for the purpose of increasing exports while at the same time not disturbing our price support program.

Title XIII reorganizes the Department of Commerce to upgrade export promotion activities by creating an Assistant Secretary of Commerce for International Business to head a new international business administration and giving the Assistant Secretary of Commerce for International Business new authority to implement the provisions of this bill. It further requires that all appropriations for international business activities be authorized on a biennial basis to give the Congress a greater opportunity for programmatic review.

This is obviously a very brief summary of the bill.

The Subcommittee on Foreign Commerce and Tourism of the Committee on Commerce will begin hearings on this legislation and on U.S. export policy on Tuesday, November 9, 1971 at 10 a.m. The hearings will be in room 5110, New Senate Office Building, and will continue through the balance of that week. As chairman of the committee, I am hopeful that the legislation can serve as a working paper and the hearings as a formu for development of a new national policy geared to export.

By Mr. THURMOND:

S. 2756. A bill relating to the recomputation of retired pay in the case of employees of the Federal Government and members of the Armed Forces who retire during the period that scheduled pay increases for such employees and members are postponed. Referred to the Committee on Post Office and Civil Service.

Mr. THURMOND. Mr. President, today I am introducing a bill to alleviate an injustice to certain members of the uniformed services and those subject to the Federal statutory pay systems who are scheduled to retire after January 1, 1972.

These loyal citizens have given their country the most productive portion of their working lives and have won a hard-earned retirement. Certain members of our uniformed services and those subject to the Federal statutory pay systems are scheduled for retirement after the period beginning January 1, 1972. Normally their retirement pay would have been computed on the basis of their base pay as defined by the last cost-of-living pay increase, which would have become effective January 1, 1972.

The President has asked that this scheduled pay increase be delayed until July 1, 1972. He needs this delay to help in his fight against inflation. I support this action but at the same time would like to protect a small number of uniformed personnel and those subject to the Federal statutory pay systems who would lose an increase in retirement pay as a result of this Executive action.

Mr. President, this legislation would permit these retired persons to have their retired pay recomputed on the basis of the postponed increased pay rates as of the date such pay rates become effective.

To allow this problem to go uncorrected would be a great inequity to those who have served their Government and country long and well.

Mr. President, I submit this bill and ask unanimous consent that it be referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 2757. A bill for the relief of Marie Tjernagel and others. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce a private bill for the relief of Marie Tjernagel and other members of the Tjernagel family. The bill would authorize and direct the Secretary of the Treasury to pay to the Tjernagels and other Iowans their just claims resulting from the crash of an Iowa Air National Guard aircraft on the Tjernagel farm in Hamilton County on December 9, 1968 while on a training mission. At that time, the jet aircraft destroyed the house, all other farm buildings, grain, equipment, and personal belongings of the entire Tjernagel family. Although the pilot and the one crewmember of the aircraft were killed, the Tjernagels escaped with cuts, burns, and bruises. All of the family, however, suffered some degree of shock.

I am informed by the attorney for the Tjernagels that U.S. Air Force personnel arrived at the crash scene very shortly after the crash and began their investigation of the mishap. Members of the Iowa attorney general's staff also visited the scene. After several conversations and consultations with Air Force personnel, the Air Force representatives orally stated that the Air Force would be responsible for the damages and instructions were given with regard to the procedures to be followed in recovering such damages.

Also an advance payment of $5,000 was made in the Tjernagels as an emergency payment by the Air Force. During the process of preparing and validating all of the claims arising out of this mishap, the attorney for the Tjernagels made many telephone and personal contacts with Air Force personnel, and at no time did Air Force representatives indicate that the Air Force was not responsible. In fact they assured the attorney that the Air Force was responsible and would pay the Tjernagels for the damages suffered by them.

However, on May 14, 1971, Air Force headquarters notified both the Tjernagels and the State of Iowa that the Air Force would not accept responsibility for paying the claims arising out of this mishap. The Tjernagels were advised to file claims against the State of Iowa and proceed in that fashion. The State of Iowa, of course, takes the position that the Air Force is liable for the damages and that the State cannot make payment without a court decision. As a result the Tjernagel family is now faced with the possibility of protracted litigation after waiting almost 3 years to have their claims settled.

It is my strong feeling that this case has gone on long enough. The Tjernagels should not be made to wait any longer for the settlement of their claims and should not now have to become the pawns in a legal dispute between the U.S. Air Force and the State of Iowa. The bill I am introducing would authorize the payment by the Federal Government of the claims arising out of the crash, and I urge speedy and favorable action.

By Mr. PROXMIRE:

S. 2758. A bill to provide insurance for the member accounts of certain Federal credit unions, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

SHARE INSURANCE FOR CREDIT UNIONS

Mr. PROXMIRE. Mr. President, I am introducing today a bill to provide temporary share insurance for federally chartered credit unions whose applications for insurance have been rejected by the Administrator of the National Credit Union Administration. The amendment is necessary to prevent the premature liquidation of nearly 1,500 credit unions, many of whom are serving low-income consumers. I feel strongly that these credit unions should be given a reasonable chance to qualify for share insurance before they are put out of business by the Federal Government. Unless some legislative action is taken by the Congress, the 1,500 credit unions will be forced to liquidate beginning next February.

HISTORY OF SHARE INSURANCE BILL

In order to understand the need for legislative action, it is necessary to review the history of the bill we passed last year to provide Federal share insurance for people who have their savings in credit unions. The share insurance program is similar to the insurance of bank deposits by the FDIC. As in the case of bank deposit insurance, each account in a credit union is insured for up to $20,000 by the National Credit Union Administration—NCUA. The program operates entirely on credit union money. Losses, if any, and administrative expenses are paid from premiums collected from each insured credit union.

Share insurance was made mandatory for federally chartered credit unions but was optional for State chartered credit unions. A problem, therefore, arose on what to do about those federally chartered credit unions who could not qualify for share insurance. During the Senate committee's hearings, Mr. J. Deane Gannon, the Acting Administrator of NCUA, estimated that approximately 2 percent of existing credit unions would fail to qualify. There are about 13,000 federally chartered credit unions, hence a 2 percent rejection rate would deny insurance to about 260 Federal credit unions.

SENATE COMMITTEE ACTION

Under the original share insurance bill introduced by Senator BENNETT, no special provision was made for the estimated 260 Federal credit unions who could not immediately qualify for share insurance. Since share insurance was mandatory for all federally chartered credit unions, a failure to qualify for insurance presumably required an immediate revocation of a Federal credit union's charter.

The Senate Banking Committee felt this approach was too harsh and explored several alternatives for affecting a more equitable transition period. One approach was to provide temporary share insurance for those Federal credit unions who could not meet the insurance standards with a requirement that they liquidate at the end of the temporary period if they still failed to meet the standards. Some members objected to this approach on the grounds that it was not fair to penalize the more successfully managed credit unions by using their insurance premiums to pay for losses incurred by those credit unions who failed to qualify at the end of the probationary period.

Another approach ultimately adopted by the committee and enacted into law was to give nonqualifying Federal credit unions an additional year to qualify for insurance. If they still failed to qualify at the end of the year, they would have their Federal charter revoked. Any losses incurred upon liquidation would be borne by the members of the credit union rather than the insurance fund.

Personally, I favored the temporary insurance approach because I believe the credit union movement as a whole has an obligation to prevent any individual member from losing his savings in a credit union account. Nonetheless, I reluctantly went along with the committee approach in the interest of obtaining a workable compromise. Moreover, I felt any ultimate losses to credit union savers would be quite minimal. According to Mr. Gannon, there were only an estimated 260 Federal credit unions who would fail to qualify on their initial application and it was felt that most of these could subsequently qualify at the end of the 1-year waiting period. I assumed that any losses resulting from the few credit unions required to liquidate could probably be handled by the various stabilization funds established by State credit union leagues. Thus I did not expect that the enactment of the share insurance program would work a serious hardship on credit union savers.

REJECTION RATE VASTLY EXCEEDS PREDICTIONS

Unfortunately, all of these estimates have proved to be in error largely as a result of the actions taken by the new Administrator of NCUA, Gen. Herman Nickerson, Jr.

The rejection rate for Federal credit unions was not 2 percent, as estimated by Mr. Gannon during the committee's hearings. Under General Nickerson's administration, the rejection rate is 10.6 percent, or over five times the rate which was originally estimated. Moreover, the rejection rate could go as high as 11.6 percent, if pending applications are denied. As of October 15, 1971, 1,356 Federal credit unions have had their insurance applications rejected and an additional 141 applications are still pending.

THE NEW NICKERSON RESERVE FORMULA

Such a wide variance between the estimated and actual rejection rate is apparently due to the administrative changes brought about by General Nickerson since his appointment as the Administrator of NCUA. For example, General Nickerson has changed the formula for computing the amount of reserves which credit unions are required to maintain. As a result of the Nickerson formula, many credit unions suddenly found they no longer met the reserve requirements. Over 80 percent of those rejected for insurance failed to meet the more stringent Nickerson reserve formula.

Many credit unions may be unaware of the tougher reserve requirements, since the Nickerson formula was never published in the Federal Register. Nor was the old formula established under Mr. Gannon's administration ever formally repealed. I understand the legality of the Nickerson formula is already under attack by a State credit union league.

NICKERSON'S BACKGROUND QUESTIONED

Mr. President, when General Nickerson appeared before the Senate Banking Committee for his confirmation hearing, I questioned whether he had the background to be the Administrator of NCUA. There is no doubt that General Nickerson has had an outstanding military career, but I wondered whether his military training adequately prepared him to supervise thousands of diverse financial institutions, many of which are manned by volunteer help. Administrative procedures which work well under a military chain of command system cannot always be transplanted to a different institutional environment.

General Nickerson assured the committee that he believed in the goals and objectives of the credit union movement. I accepted his statement then and I accept it today. I am not charging General Nickerson with exceeding his legal authority. Nor am I prepared to say that his policies are too rigid or unyielding since I have not seen any evidence in support of or in opposition to the new reserve requirements. Perhaps General Nickerson can justify them when he next appears before the committee. But I do feel it is fair to say that General Nickerson differs greatly from Mr. Gannon in his approach to the share insurance program. Had Congress known of Mr. Nickerson's administrative policies prior to the enactment of the share insurance program, I believe we would have looked at the transitional problem in a far different light.

THE BENNETT-SPARKMAN BILL

As a result of General Nickerson's policies, there are about 1,500 Federal credit unions in danger of losing their charter rather than the 260 estimated by Mr. Gannon. In response to this new situation, Senator BENNETT and Senator SPARKMAN have introduced a bill to extend for another 2 years the deadline for meeting the Federal share insurance requirements. Those Federal credit unions who still fail to qualify at the end of the 2-year period will have their charter revoked.

At least this bill has the merit of recognizing the seriousness of the problem. But in my opinion, it does not deal adequately with the fundamentally new situation created by General Nickerson.

BENNETT-SPARKMAN BILL INADEQUATE

First of all, the Bennett-Sparkman bill does nothing to protect the people who have savings in credit unions forced to liquidate. General Nickerson has estimated that even after another 2 years, there still will be approximately 365 Federal credit unions who cannot meet the insurance standards. These 365 credit unions have reserve deficiencies of $2 million. Assuming the reserve deficiency measures the ultimate loss, the savers in these credit unions will be forced to absorb a $2 million loss. Since many of the liquidating credit unions serve low-income groups, the losses will fall heavily on those least able to afford them.

Second, the Bennett-Sparkman bill encourages an unnecessarily high failure rate on the part of limited-income credit unions by denying provisional insurance to those who initially fail to meet the insurance requirements. Unlike other credit unions, those designated as limited-income credit unions can accept share deposits from nonmembers such as churches, corporations, banks, and others. Share deposits from nonmembers can substantially increase the earning power and financial strength of limited-income credit unions. However, these nonmember share deposits will not be forthcoming without share insurance. Thus by denying provisional share insurance, the Bennett-Sparkman bill denies limited-income credit unions the means to gain the financial strength needed to qualify for permanent insurance.

Third, the Bennett-Sparkman bill encourages other credit unions to fail by denying them provisional insurance until they can meet the higher reserve requirements. The stigma of being denied insurance is not conducive to attracting funds from new savers or keeping the savings of present members. Savers may be expected to shift their savings out of an uninsured Federal credit union as knowledge of its rejected status becomes more widely known. Indeed, the outflow of funds is likely to increase substantially as the end of the 2-year deadline approaches and the credit union is faced with having its charter revoked. The Bennett-Sparkman bill might even precipitate runs on marginal credit unions, thus causing losses far in excess of those which would be realized if the credit union were given provisional insurance.

Fourth, the Bennett-Sparkman bill denies the Administrator of NCUA the authority he needs to bring marginal credit unions up to insurance standards. If a marginal credit union were given provisional insurance, the Administrator could use his cease and desist authority to stop bad financial practices and remove unqualified managements. However, this authority is not available unless the credit union is insured.

THE PROXMIRE BILL

Mr. President, the bill I have introduced would provide a more adequate remedy to the problem. It provides provisional insurance for a 2-year period to those Federal credit unions who cannot meet the standards provided the credit union has met the statutory reserve requirements established under 116(a) of the Federal Credit Union Act. These reserve requirements specify that a Federal credit union must transfer 10 percent of its gross income into its reserve account until reserves total 7½ percent of risk assets and then 5 percent of gross income until reserves reach 10 percent of risk assets.

If at the end of the 2-year provisional period, the credit union still fails to meet the additional standards and higher reserves required by the NCUA Administrator, it would have its Federal charter revoked. Any losses which might be realized following the credit union's liquidation would be borne by the insurance fund rather than the individual savers.

SAVERS MUST BE PROTECTED

I feel the Federal Government and the credit union movement have an obligation to protect the credit union saver against any loss. Indeed, this was the very purpose for enacting the share insurance program. It is somewhat ironic that the program would inflict sizable losses on credit union savers by forcing the liquidation of marginal credit unions.

Even if the ultimate losses should approach $2 million, there will be more than enough money in the insurance fund to compensate credit union savers. NCUA projects a premium income of $20 million during the first 3 years of the program and expenses of $1.8 million, leaving a balance of over $18 million. Because of the sizable reserves built up by the insurance fund, there should be no need to increase share insurance premiums as a result of extending provisional insurance to nonqualifying Federal credit unions.

PROVISIONAL INSURANCE WILL STRENGTHEN MARGINAL CREDIT UNIONS

We sometimes hear the argument that it is wrong to insure a sick credit union. I believe this argument misses the whole point. A credit union in financial trouble will have a much harder time correcting its problems if it is denied provisional insurance. The lack of insurance makes it difficult to attract new savings or keep existing savings. Provisional insurance will give these credit unions a reasonable chance to improve their financial health.

WHY DISCRIMINATE AGAINST CREDIT UNIONS?

There is ample precedent for extending provisional insurance to all Federal credit unions. The Congress went much further when it gave blanket insurance coverage to all brokerage firms in the Securities Investor Protection Act of 1970. These brokerage firms were not chartered or supervised by the Federal Government, yet they automatically qualified for deposit insurance regardless of their financial condition. I find it wholly inconsistent for the Congress to apply a far stricter standard for credit unions which have never incurred the losses accounted for by brokerage firms.

EXPANDED GUARANTEE AUTHORITY

Mr. President, my bill also amends the Federal Credit Union Act by giving the Administrator of NCUA the authority to provide loans or loan guarantees to any person purchasing the assets of a liquidating insured credit union. Under existing law, the Administrator can only extend such loans or loan guarantees to insured credit unions. However, there may be others willing to purchase the assets of a liquidating credit union, thus averting a potential loss to the insurance fund. These other purchasors might include a State credit union league or an uninsured State chartered credit union. I believe the Administrator should have maximum flexibility in dealing with the problems of liquidating credit unions in order to protect the assets of the insurance fund. My bill provides this flexibility.

SIMILAR BILL APPROVED IN HOUSE COMMITTEE

Legislation similar to my bill cleared the House Banking Committee by a vote of 27 to 4 although there were some technical imperfections in the drafting of the legislation. I believe my bill removes these imperfections and accomplishes the intent of the House committee and would be readily accepted by the House. Unfortunately, the House bill has become embroiled in a parliamentary roadblock and could have difficulty clearing the Rules Committee by the end of the year. Some action by the Senate is thus essential to avoid the premature liquidation of over 1,500 credit unions.

CREDIT UNION SUPPORT

Mr. President, I believe there is widespread support within the credit union movement for the bill I have introduced. The Credit Union National Association—CUNA—which represents about 22,000 credit unions or over 92 percent of all credit unions, has conducted a poll of its members. Of those responding, 81 percent said they favored provisional insurance for nonqualifying credit unions as provided by my bill. A total of 1,479 credit unions responded to the poll.

The CUNA poll contrasts sharply with a poll conducted by the National Credit Union Administration—NCUA. This poll found that only 48 percent of responding credit unions favored provisional insurance. However, only 375 credit unions responded to the NCUA poll, which is one-fourth the size of the CUNA poll. Moreover, those responding were drawn from a list of credit unions who had agreed to provide NCUA with periodic statistical information. The NCUA list thus may not be representative of the entire credit union movement.

LARGE CREDIT UNIONS OPPOSED

Mr. President, I think it is fair to point out that the bill I am introducing is opposed by the National Association of Federal Credit Unions—NAFCU—which represents about 275 Federal credit unions. I understand this association prefers the Bennett-Sparkman bill instead.

The National Association of Federal Credit Unions primarily represents the larger credit unions. For example, one of its members, the Navy Federal Credit Union, has assets of well over $100 million. Many of these larger credit unions have apparently moved quite a distance from the cooperative, self-help philosphy which characterizes most credit unions. In fact some of the larger credit unions would seem to be much closer to commercial banks in their basic philosophy and style of operation.

I can understand why the managers of a large credit union might oppose provisional insurance for the smaller and less successful credit unions. From a purely selfish viewpoint, why should the insurance premiums of the larger credit unions be used to pay off individual savers in credit unions who were forced to liquidate because they could not meet the insurance standards? A large credit union of the size of Navy Federal does not have to worry about the public losing confidence in credit unions if 300 or 400 small credit unions fail at a loss to their savers. The financial strength of Navy Federal speaks for itself and it has nothing to gain from extending provisional insurance to smaller credit unions.

PROXMIRE BILL CONSISTENT WITH CREDIT UNION PHILOSOPHY

However logical the NAFCU position might be, I do not believe it is in accord with the spirit of the credit union movement which was founded on the principles of mutual cooperation and self-help. The credit union movement cannot remain callous or indifferent to the plight of the thousands of small savers who would lose money if the Bennett-Sparkman bill is enacted. Moreover, these losses, if not reimbursed by the insurance fund, could undermine public confidence in all credit unions save the largest and most successful. I am sure the vast majority of credit unions would prefer to use their own money, already collected and paid into the insurance fund, to help defray any losses which savers might suffer as a result of a credit union being forced to liquidate because it could not meet the insurance requirements established by the NCUA Administrator.

Mr. President, I ask unanimous consent to have printed in the RECORD after my remarks a table showing a State-by-State breakdown of those credit unions which have been rejected for insurance.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATUS OF FEDERAL CREDIT UNIONS AS OF OCT. 15, 1971

	Active F.C.U.'s, Sept. 30, 1971	Rejected	In-house and awaiting application	Insured
BOSTON REGION				
Connecticut	301	23	3	275
Maine	162	15	None	147
Massachusetts	356	50	4	302
New Hampshire	33	None	None	33
New Jersey	547	52	5	490
New York	1,081	154	16	911
Puerto Rico	37	3	2	32
Rhode Island	29	3	None	26
Vermont	4	None	None	4
Virgin Islands	3	1	1	1
Total	2,553	301	31	2,221
HARRISBURG REGION				
Delaware	80	11	3	66
District of Columbia	162	25	5	132
Maryland	218	32	9	177
Pennsylvania	1,308	183	10	1,115
Virginia	255	30		225
West Virginia	162	24	2	136
Total	2,185	305	29	1,851
ATLANTA REGION				
Alabama	221	29	1	191
Canal Zone	7	None	None	7
Florida	336	41	2	293
Georgia	275	30	2	243
Kentucky	125	17	None	108
Mississippi	151	25	1	125
North Carolina	121	8	None	113
South Carolina	127	6	1	120
Tennessee	192	19	None	173
Total	1,555	175	7	1,373
CHICAGO REGION				
Illinois	429	26	1	402
Indiana	487	43	None	444
Michigan	366	29	2	335
Minnesota	62	5		57
Ohio	725	60	6	659
Wisconsin	6	None	None	6
Total	2,075	163	9	1,903
AUSTIN REGION				
Arkansas	95	14	None	81
Colorado	170	9	2	159
Iowa	10	1	None	9
Kansas	71	7	1	63
Louisiana	368	30	7	331
Missouri	44	5	None	39
Montana	120	11	1	108
Nebraska	86	10	None	76
New Mexico	69	1	3	65
North Dakota	29	None	None	29
Oklahoma	132	8	2	122
South Dakota	107	12	3	92
Texas	902	66	18	818
Utah	86	6	1	79
Wyoming	56	1	None	55
Total	2,345	181	38	2,126
SAN FRANCISCO REGION				
Alaska	37	6	None	31
Arizona	114	20	6	88
California	1,242	149	17	1,076
Guam	4	2	None	2
Hawaii	168	4	1	163
Idaho	66	4	1	61
Nevada	64	7	None	57
Oregon	220	23	2	195
Wake Island	0	None	None	None
Washington	193	16	None	177
Total	2,108	231	27	1,850
Grand total	12,821	1,356	141	11,324

Source: National Credit Union Administration.

By Mr. MAGNUSON (by request):

S. 2760. A bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corp., for the purpose of purchasing railroad equipment and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corp., for the purpose of purchasing railroad equipment and for other purposes and ask unanimous consent that the letter of transmittal, explaining the purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2760

A bill "To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 601 of the Rail Passenger Service Act of 1970 (84 Stat. 1338) is amended to read as follows:

"SEC. 601. *Federal Grants.*

"There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 and in subsequent fiscal years a total of $170,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the Basic System over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock, and

"(8) other corporate purposes."

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 18, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill:

"To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes."

The proposed bill is required in order to provide the National Railroad Passenger Corporation (AMTRAK) with the financial resources required to make the necessary investments in equipment and facilities and to maintain and improve service.

The Rail Passenger Service Act of 1970 (PL 91-518), hereafter the Act, was enacted on October 30, 1970. It required the Secretary of Transportation, after giving due consideration to the views of the Interstate Commerce Commission, State commissions, and the representatives of railroad management and labor, to designate a basic national rail passenger system (the Basic System). The Act established a for profit corporation, AMTRAK, to provide intercity rail passenger service. AMTRAK was required to initiate service by May 1, 1971.

AMTRAK was capitalized through a $40 million Federal grant authorized by Section 601 of the Act, and payment from the railroads of approximately $200 million over a 36 month period in consideration of AMTRAK relieving them from the responsibility of providing intercity passenger service. In addition, Section 602 of the Act authorized the Secretary to guarantee $100 million of the Corporation's debt.

The Act's enactment initiated a national experimental effort to determine the appropriate role and level of rail passenger transportation in the development of a balanced national transportation system. We believe if quality intercity rail passenger service is provided and the system is restructured to be competitive with other modes of intercity passenger transportation, revenues should be sufficient to support the costs of the service. While our analysis continues to demonstrate a vital need for intercity rail transportation in this country, the Act was designed to provide an actual nationwide test. There has not been, however, sufficient time since AMTRAK took over the system operation, May 1, 1971, to realize the benefits from the improved organization and service oriented management of the AMTRAK rail passenger system. Hence, an accurate evaluation of public response to improved service cannot be made at this time. Furthermore, pursuant to Section 404(b)(1) of the Act, AMTRAK is required to provide service on the Basic System until July 1, 1973. After that time, AMTRAK may discontinue service on the Basic System pursuant to Section 404(b)(3). Thus, while AMTRAK will have a major opportunity to reexamine its responsibilities and finances after that date, it has a statutory responsibility to maintain service on the Basic System in the interim.

AMTRAK has recently completed an analysis which indicates that it will have a deficit of approximately $150 million in FY 1972 and $125 million in FY 1973. These estimates are greater than initially anticipated because of (1) the time and effort required to realize the anticipated cost reduction benefits from the consolidation of 13 railroads into an integrated system and to increase revenues and ridership by promotion and innovation, and (2) the requirement for large, immediate capital investments especially in the purchasing and refurbishing of rolling stock.

With the anticipated losses, AMTRAK estimates that $170 million in additional funds will be needed if it is to meet its planned program during the next two years. This is in addition to the planned use of the $100 million in Fedral guaranteed loans available to the Corporation under Section 602 of the Act. It is the judgment of both the Board of Directors and its Financial Investment Advisory Panel established pursuant to Section 501 of the Act that the Corporation in its present state of development is not able to secure these funds on the private financial market and that the most feasible and desirable alternative is to secure an additional Federal grant. This would bring the initial Federal contribution more in line with the unique start-up costs being encountered by the Corporation. It would be inappropriate and self-defeating to fund such requirements through immediate fare increases. The Department agrees with the Board of Directors of AMTRAK that these funds are required if the Corporation is to undertake a fair national test of passenger response to improve rail passenger service, and that additional Federal assistance is warranted.

Amtrak's current cash flow analysis indicates that it cannot meet its planned level of obligations through the remainder of this fiscal year. Additional Federal assistance is needed urgently Amtrak is to preserve its momentum and if the capital program is to move forward to insure improved service.

The enclosed bill amends the Act by providing Amtrak the additional funds needed to continue operation of this system until July 1, 1973. Specifically, this proposal would provide in addition to the $40 million made available in fiscal year 1971, $170 million for subsequent fiscal years—such amounts to remain available until expended. The Act currently specifies six purposes for which Amtrak may use Federal grants. The enclosed bill would also authorize Amtrak to use such funds for the purpose of railroad rolling stock and any other corporate purposes. The Secretary of Transportation would be authorized to distribute to the Corporation amounts available under this section pursuant to such terms and conditions as he may prescribe.

Amtrak's Board of Directors by formal resolution authorized and directed its officers to take immediate steps to obtain additional Federal assistance. The enclosed bill has the full support of Amtrak and its management is prepared to provide the Congress with additional information in support of this proposal.

We urge the prompt introduction and early enactment of this legislation. We have been advised by the Office of Management and Budget that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

JOHN A. VOLPE.

By Mr. BENNETT:

S. 2761. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interest therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

Mr. BENNETT. Mr. President, it has come to my attention that critical watershed lands located in the drainage area of the Middle Fork of the Ogden River above the city of Ogden, Utah, are in imminent danger of pollution destruction.

The drainage area of the Middle Fork of the Ogden River is recognized as the principal source for the artesian wells which are the primary supply of culinary water for Utah's second largest city. Pineview Reservoir, which is also a source of culinary water for Ogden City and a large portion of the rest of Weber County, Utah, would also be adversely affected by the pollution of these drainage lands.

The problem in the drainage area stems from the planned subdivision and housing developments by private landowners. Development of this watershed area would result in severe pollution of the surface and subsurface waters draining from it which provide the main source of culinary water to the city of Ogden.

At this time less than 4,000 acres of the approximately 20,000 acres in the drainage area are owned by the U.S. Forest Service. The rest of the land is in private ownership. In order to preclude development of the area and the subsequent severe pollution of the water source for a city of 75,000 it will be necessary for the Forest Service to have the funding for purchase of these lands. I am offering legislation today which would accomplish this purpose. This legislation will authorize the Secretary of Agriculture to acquire these lands under provisions of the Multiple Use-Sustained Yield Act of June 12, 1960, at a price not to exceed fair market value. The legislation requests authorization for appropriations not to exceed $3,450,000 for this purpose.

By Mr. MOSS:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase approximately 23,000 acres of private land situated on the watershed of the Middle Fork of the Ogden River in Weber County, Utah, and to add these acres to the Cache National Forest. The bill authorizes the appropriation of a sum not to exceed $3,450,000 for the purchase.

The Forest Service currently owns 3,200 acres scattered through the privately owned lands on the Middle Fork watershed and the acquisition of the additional acreage will allow the service to take more effective measures to preserve the watershed, to control pollution, to control floods, and to conserve the scenic beauty and wildlife of the area.

The most urgent reason for authorizing the purchase of the privately owned lands in the area is to head off the threat of pollution to the water supply serving a densely populated section in Weber County, one of the most populous counties in Utah, and the location of Utah's second largest city, Ogden. The drainage of the Middle Fork is a principal charge source of artesian wells which serve the county. Any pollution at the drainage area would also endanger the quality of water flowing into Pine View Reservoir, which is the primary source of culinary water for a large number of Weber County residents.

A considerable expansion in subdivisions for summer homes and other developments in the Ogden River Valley is now underway. At the present time, I am informed, no homes have been constructed on any of the land which this bill would incorporate into the Cache National Forest, but several subdivisions are in the planning stage.

For example, I have been told that the B and B Land and Livestock Co., is planning subdivision of lands it owns, and several roads are presently being built into the right-hand branch of the Middle Fork of the Ogden River. I understand that 42 parcels of 40 acres each have been sold at $300 to $400 per acre and that the plans for subdivision have been submitted to the Weber County Planning Commission. The plans have not yet been approved, because all of the requirements for subdivision development have not been met.

There also is some grazing on the acres proposed for purchase. One of the larger landowners in the Middle Fork is presently grazing 2,000 head of sheep from May 15 through October 30, for a total of 11,000 sheep months. The B and B Land and Livestock Co., has given grazing rights to another sheep owner for approximately 200 head of cattle during the summer for approximately 4 months, which amounts to 800 cows.

Both random and uncontrolled subdivision development and extensive grazing are, of course, recognized threats to a water supply, as they can spoil and pollute surface and subsurface waters.

So it is with the idea of preventing pollution before it happens, rather than trying to rectify it after it happens, that I present this bill today. I do so at the request of the Board of County Commissioners of Weber County, the Ogden City Council, the Weber County Watershed Protection Corp., and the Greater Ogden Chamber of Commerce. I ask that resolutions passed by each of these organizations and outlining the urgent need for the bill be printed in the Congressional Record at the close of this statement. I ask also that the full text of the bill I am introducing be printed in full in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2762

A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner the protection of the culinary and municipal water supply of Ogden City and other Weber County areas, the control of floods, the minimizing of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of the scenic beauty, wildlife habitat, and natural environment of certain nonfederally owned lands within the Cache National Forest in the State of Utah, and to provide for their management, protection, and public use and enjoyment as National Forest lands under the provisions of the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215), the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value, as of the time of such acquisition, as determined by him after appraisal, such of the nonfederally owned land, not to exceed in the aggregate 23,000 acres, in the area described in section 2 of this Act as he finds suitable to accomplish the purposes of this Act.

Sec. 2. This Act shall be applicable to lands within the boundary of the Cache National Forest in the watershed of the Middle Fork of the Ogden River, being portions of townships 6, 7, and 8 north, ranges 2 and 3 east, Salt Lake Base and Meridian.

Sec. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $3,450,000, to remain available until expended.

A RESOLUTION RELATING TO CONSERVATION OF WATER, WILDLIFE AND OTHER NATURAL RESOURCES OF THE CACHE NATIONAL FOREST IN THE PROXIMITY OF PINE VIEW RESERVOIR AND ENVIRONS

Whereas, the Board of County Commissioners of Weber County are mindful of the critical importance of conserving and protecting the natural resources with which the County of Weber is so generously endowed; and

Whereas, the drainage area of the Middle Fork of the Ogden River, as shown on the map hereto attached, is recognized as a principal charge source for artesian wells in a densely populated section of Weber County and any pollution of such drainage area would pose an immediate and serious threat to the purity of such water supply and to the quality of water flowing into Pine View Reservoir, which serves as a source of culinary water for a large number of Weber County residents; and

Whereas, it is patently necessary to exercise special control over the aforesaid area of drainage, which measures about 20,000 acres, to guard against spoilation and pollution of surface and sub-surface waters which would inevitably result from random development; and

Whereas, it is also clearly desirable and in the general interest of all the people of the County, State and Nation to preserve the integrity of the environment of the area, to maintain it in a natural and undeveloped state, to protect the native wildlife which presently flourishes in healthful and beautiful surroundings, to prevent erosion and to minimize the threat of loss to forest and range fire in an area as vulnerable to such loss as it is rich in beauty and natural resources.

Now therefore, to forestall and avoid those dire consequences which may ensue should unbridled use and development of the Middle Fork drainage area take place and recognizing both the scope and urgency of the problem, the Board of Commissioners, on behalf of the people of Weber County, resolve and declare it appropriate to propose acquisition by the Government of the United States of that land in the area which is now privately owned, consisting of about 16,000 acres, the same thereupon to be placed under the jurisdiction of the United States Forest Service together with those remaining lands in the area already so held, and that action to that end be initiated with all due speed.

RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO ACQUIRE ALL OF THE LAND IN THE AREA OF THE MIDDLE FORK OF THE OGDEN RIVER

Whereas, the Ogden City Council is vitally concerned about the preservation and protection of its watershed; and

Whereas, the drainage area of the middle fork of the Ogden River is one of the principal recharge sources for the city's artesian wells located in Ogden Valley; and

Whereas, that drainage area is also one of of the principal sources for Pineview Reservoir from which Ogden city also draws a large percentage of its culinary water; and

Whereas, it is obvously necessary to exercise special control over that drainage area which measures approximately 20,000 acres, to guard against spoilation and pollution of the surface and subsurface waters and to prevent excess erosion and the resulting faster runoff all of which inevitably result from random and uncontrolled development; and

Whereas, it is also clearly desirable and in the general interest of all of the people of Ogden City to preserve the integrity of the environment of the area, to maintain it in a natural and undeveloped state, to protect the native wildlife which presently flourishes in healthful and beautiful surroundings, to prevent erosion and to minimize the threat of loss to forest and range fire in an area as vulnerable to such loss as it is rich in beauty and natural resources.

Now, therefore, to forestall and avoid those dire consequences which may ensue should unbridled use and development of the Middle Ford drainage area take place and recognizing both the scope and urgency of the problem, the City Council, on behalf of the people of Ogden City, resolve and declare it appropriate to propose acquisition by the Government of the United States of that land in the area which is now privately owned, consisting of about 16,000 acres, the same thereupon to be placed under the jurisdiction of the United States Forest Service together with those remaining lands in the area already so held, and that action to that end be initiated with all due speed.

WEBER COUNTY WATERSHED PROTECTIVE CORP.

A resolution relating to the preservation of the watershed, prevention of pollution which would endanger the culinary water of Ogden City, and the conservation of wildlife in the drainage area of the Middle Fork of the Ogden River in Weber County, Utah.

Whereas the drainage area of the Middle Fork of the Ogden River is recognized as the principal charge source for the artesian wells which are the primary supply of culinary water for the City of Ogden and any pollution of this area will pose a serious threat to the purity of this water supply and to Pineview Reservoir, which is also a source of culinary water for Ogden City and other Weber County areas, and

Whereas less than 4,000 acres of the approximately 20,000 acres in this drainage area are presently in the Cache National Forest and the remainder in private ownership, it is obviously necessary to exercise special control to guard against spoilation and the pollution of surface and subsurface waters which would inevitably result from random development, and

Whereas we understand that developments are being considered in this Middle Fork drainage area which would ultimately result in severe pollution of the surface and subsurface waters draining from it.

Now, therefore, to forestall and prevent the serious consequences which may ensue should unrestricted use and development of the Middle Fork drainage take place the Board of Directors of the Weber County Watershed Protective Corporation hereby resolve that the approximately 16,000 acres in the area which is now privately owned be acquired by the Government of the United States and placed under the jurisdiction of the U.S. Forest Service with the intent that grazing be permitted under Forest Service control and that action to that end be taken promptly.

Board of Directors of the Greater Ogden Chamber of Commerce on Friday, September 17, 1971

Resolution, the Greater Ogden Chamber of Commerce recognizes the need for immediate protection of the water shed complex of the Middle Fork of the Ogden River.

Therefore be it Resolved:

That the Greater Ogden Chamber of Commerce strongly urges and supports Legislation to provide federal funds to acquire and manage this vital water shed in an effort to control future pollution, water supply and flood control.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2332

At the request of Mr. Tower, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2676

At the request of Mr. Tunney, the Senator from Tennessee (Mr. Brock), the Senator from Georgia (Mr. Gambrell), the Senator from South Dakota (Mr. McGovern), the Senator from Wyoming (Mr. McGee), the Senator from Iowa (Mr. Hughes), and the Senator from Kansas (Mr. Pearson) were added as cosponsors of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2677

At the request of Mr. Tunney, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2677, to authorize programs in the District of Columbia to combat and control sickle cell anemia.

S. 2713

At the request of Mr. Hruska, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S. 2713, a bill to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

SENATE JOINT RESOLUTION 15

Mr. NELSON. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 15, the resolution declaring Earth Week for 1972, April 17–23, the names of the following Senators be added as cosponsors: The Senator from Colorado (Mr. Allott); the Senator from Kentucky (Mr. Cook); the Senator from Kansas (Mr. Dole); the Senator from North Carolina (Mr. Ervin); the Senator from Wyoming (Mr. Hansen); the Senator from South Carolina (Mr. Hollings); the Senator from Arkansas (Mr. McClellan); the Senator from Kansas (Mr. Pearson); the Senator from Pennsylvania (Mr. Scott); and the Senator from Missouri (Mr. Symington).

This brings to 67 the number of Senators cosponsoring the Earth Week resolution. The broad bipartisan support in the Senate for Earth Week as an annual environmental observance is strong evidence of the continued growth of environmental awareness and concern in this country.

All Senators are welcome to cosponsor this measure. This year, the President proclaimed Earth Week, as did at least 40 Governors. For next year, we hope that in addition to a Presidential proclamation, all 50 Governors will proclaim Earth Week, and that Congress will pass this resolution adding its formal support for Earth Week as an annual time for a nationwide inventory of environmental progress and for schools at all levels to culminate the year's environmental education courses with special school projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 145

At the request of Mr. Tower, the name of the Senator from Texas (Mr. Bentsen) was added as a cosponsor of Senate Joint Resolution 145, to designate a National Engineering Technicians Week.

SENATE JOINT RESOLUTION 169

At the request of Mr. Hollings, the Senator from Michigan (Mr. Griffin), and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of Senate Joint Resolution 169, to pay tribute to law-enforcement officers of this country on Law Day, May 1, 1972.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 532

(Ordered to be printed and referred to the Committee on Finance.)

Mr. SCHWEIKER. Mr. President, I submit an amendment to H.R. 1, a bill to amend the Social Security Act. This amendment, which is identical to S. 379, a bill I introduced on January 27, 1971, provides an exemption from the social security employment tax on wages for religious groups opposed to insurance. The provisions of this amendment are identical to those contained in H.R. 17550, the Social Security Amendments of 1970, as reported by the Senate Finance Committee during the 91st Congress. I ask unanimous consent that the remarks I made earlier this year in introducing S. 379 be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Senator Richard S. Schweiker

Mr. President, I am today introducing a bill to provide an exemption from the Social Security employment tax on wages for religious groups opposed to insurance.

I cite the Amish as an example of people who desire and should be afforded this Social Security exemption.

In 1965, the first form of relief was granted the Amish. The Internal Revenue Code was amended to provide an exemption from self-employment tax, if a person could show he is a member of a recognized religious sect which follows the practice of making provisions for its dependent members; I now ask that this exemption be extended from self-employment tax to those who work for others and oppose for religious reasons, payment of Social Security employment tax on wages.

As part of their religion, the Amish refuse any form of relief or what they call government hand-outs. They oppose all forms of social security, including old-age pensions. Regarding it not as a tax but rather as a policy premium in a National Insurance system, the Amish are opposed to participation, because of their conscientious objection to all forms of insurance. This belief is embodied in the Dordrecht Confessions, which pre-dates our Constitution. Its doctrine of the Church as the visible Communion of the Saints may be taken as the implicit ground for rejection of insurance in the sense that the congregation of God's People are expected to live by faith and trust in Providence. Otherwise it counsels obedience to the State, which is why the Amish have no objection to the payment of taxes.

Forcing people such as the Amish to pay a tax which is a form of insurance, directly opposed by the tenets of their faith, is an impingement on the religious rights of any group, no matter how small.

It is difficult for me to understand why we have not been ready to permit religious groups to conscientiously object to economic regulations when we rightfully recognize their right to object to the military service.

I feel strongly that this Government must not ride roughshod over the religious rights of a minority. Such is the case under present law. In 1961, the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions.

It was about this time that I began my effort to assist the Amish people to get relief from participating in the Social Security program to which they are opposed on religious grounds. In 1961 and again in 1963, I introduced a bill in the House which would have provided an exemption from participation in the Federal old age and survivors insurance program for those whose religious doctrines forbid participation in such a program.

In 1964, there was Social Security legislation in Congress. Since the House was operating under a closed rule, I was unable to introduce an amendment to the 1964 Social Security law. However, the Senate version of the bill contained such an amendment. The House-Senate Conference Committee then had to decide whether to use the House version of the bill, which had no provision for the Amish exemption, or the Senate version, which included the Senate amendment. I wrote letters to all Congressmen and personally talked to the House members of the Conference Committee, urging them to accept the Senate version for the Amish. Fortunately, the Treasury Department, as well as the Justice Department, rendered legal opinions saying that the Old Order Amish exemption met all constitutional requirements and was strictly a matter of legislative policy. Finally, the conferees agreed to accept the Senate Amish Amendment, for which I was very pleased.

Unfortunately, the bill died in the Conference Committee because of the dispute over medicare. It did, however, lay the groundwork for the first relief granted to the Amish.

On July 30, 1965, Congress amended the Internal Revenue Code, allowing a person to apply for exemption from self-employment tax if he is a member of a recognized religious sect which follows the practice of making reasonable provision for its dependent members. We must now take this one step further, and provide an exemption from social security taxes on wages.

Specifically, my amendment provides that any member of a recognized religious sect in existence since at least 1950, who can show that he is an adherent of established teachings which cause him to be conscientiously opposed to acceptance of social security benefits, may file an application to be entitled to a credit or refund of the amount of the tax.

The applicant would submit evidence to substantiate his membership in the sect and his adherence to its teachings, and would be asked to show that it has been the practice of the sect to make provision for the care of its elderly or dependent members.

In addition, the employer would continue to pay into the Social Security fund, thus eliminating any chance that such an amendment would make one employee more desirable than another. The objective here obviously is not to make one group of people more desirable employees than another, but instead to assist those who object to social security coverage because it directly opposes the basic religious tenets of their faith. Since the employer would continue to pay into the Social Security fund, the exempted employee would offer no financial advantage over the non-exempted employee.

The provisions of this bill are identical to those contained in H.R. 17550, the Social Security Amendments of 1970, as reported by the Senate Finance Committee during the 91st Congress.

I ask unanimous consent that this bill be read into the *Record* and that additional material regarding the beliefs of the Amish people on Social Security and a letter I received in 1965 from the Treasury Department on the constitutionality of this exemption be inserted at this point in the *Record*.

S. 379

A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from soical Act so as to permit exclusion from social security tax to members of certain religious groups who are opposed to insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by adding at the end thereof the following new subsection:

"(e) Special Refunds of Social Security Tax to Members of Certain Religious Faiths.—

"(1) In general.—An employee who receives wages with respect to which the tax imposed by section 3101 is deducted during a calendar year for which an authorization granted under this subsection applies shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the amount of tax so deducted.

"(2) Authorization for credit or refund.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this subsection) for an authorization for credit or refund of the tax imposed by section 3101 if he is a member of a recognized religious sect or division thereof described in section 1402(h) (1) and is an adherent of established tenets or teachings described in such section of such sect or division. Such authorization may be granted only if—

"(A) the application contains or is accompanied by evidence described in section 1402 (h) (1) (A) and a waiver described in section 1402(h) (1) (B), and

"(B) the Secretary of Health, Education, and Welfare makes the findings described in section 1402(h) (1) (C) (D), and (E).

An authorization may not be granted to any individual if any benefit or other payment referred to in section 1402(h) (1) (B) became payable (or, but for section 203 or 222(b) of the Social Security Act, would have become payable) at or before the time of filing of such waiver.

"(3) Effective period of authorization.—An authorization granted to any individual under this subsection shall apply with respect to wages paid to such individual during the period—

"(A) commencing with the first day of the first calendar year after 1970 throughout which such individual meets the requirements specified in paragraph (2) and in which such individual files application for such authorization (except that if such application is filed on or before the date prescribed by law, including any extension thereof, for filing an income tax return for such individual's taxable year, such application may be treated as having been filed in the calendar year in which such taxable year begins), and

"(B) ending with the first day of the calendar year in which (i) such individual ceases to meet the requirements of the first sentence of paragraph (2), or (ii) the sect or division thereof which such individual is a member is found by the Secretary of Health, Education, and Welfare to have ceased to meet the requirements of subparagraph (B) of paragraph (2).

"(4) Application by fiduciaries or survivors.—If an individual who has received wages with respect to which the tax imposed by section 3101 has been deducted during a calendar year dies without having filed an application under paragraph (2), an application may be filed with respect to such individual by a fiduciary acting for such individual's estate or by such individual's survivor (within the meaning of section 205 (c) (1) (C) of the Social Security Act)."

(2) Section 31(b) (1) of such Code (relating to credit for special refunds of social security tax) is amended by striking out "section 6413(c)" and inserting in lieu thereof "section 6413 (c) or (e)".

(b) (1) Sections 201(g) (2) and 1817(f) (1) of the Social Security Act are each amended by striking out "section 6413(c)" and inserting in lieu thereof "sections 6413 (c) and (e)".

(2) Section 202(v) of the Social Security Act is amended—

(1) by inserting "(1)" after "(v)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provisions of this title, in the case of any individual who files a waiver pursuant to section 6413 (e) of the Internal Revenue Code of 1954 and is granted an authorization for credit or refund thereunder, no benefits or other payments shall be payable under this title to him, no payments shall be made on his behalf under part A of title XVIII, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver; except that, if thereafter such individual's authorization under such section 6413(e) ceases to be effective, such waiver shall cease to be applicable in the case of benefits and other payments under this title and part A of title XVIII to the extent based on his wages beginning with the first day of the calendar year for which such authorization ceases to apply and on his self-employment income for and after his taxable year which begins in or with the beginning of such calendar year."

Request of the Old Order Amish for Exemption From the Social Security Self-Employment Tax

BACKGROUND OF THE PROBLEM

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

Compulsory nature of social security

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on their contributions and those choosing coverage would generally be the ones who could expect to receive benefit bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their families.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and, once the time for election passes, a minister who has not elected coverage may no longer do so.

Religious objections to coverage under social security

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members) by at least some of the followers of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security: for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

Old Order Amish

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; an effective means of maintaining has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasants of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owning and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

History of the problem

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Older Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Old Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damages. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank account to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order

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[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

[3] "The Dordrecht Confession (1632)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅝ percent each.

Amish bishops appealed to the Congress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S 2301) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

Hon. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Berlin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,
STANLEY S. SURREY,
Assistant Secretary.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OPTIONAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to provide optional exemption with the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teaching are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question, was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional legislative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discussed in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled "Request of the Old Order-Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consder the constitutionality of these proposals as well as the constitutionality of the various limitations included, or suggested for inclusion in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement referd to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this factual material. A copy of this joint statement is attached hereto.

Conclusion on tax exemption and tax recovery

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reasons of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code, secton 58–715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthy installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excise shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only *Knowlton* v. *Moore*, 178 U.S. 41 (1900); *Brushaber* v. *Union P., Co.*, 240 U.S. 1 (1916); *Fernandez* v. *Wiener*, 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social security tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free exercise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State course, particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain government action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the application of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases*, 245 U.S. 366 (1919) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause. *Clark* v. *United States*, 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 (1956); *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963), cert. granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious objector cases,[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being"' may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic principles. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constitutional right of Congress to exempt conscientious objectors under the free exercise clause.

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[1] S. 294, 88th Cong., H.R. 10606, 87th Cong., among others.

In the Jackobson case the second circuit faced the problem whether "making exemption from military service turn on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins,* 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' of religion by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exempton identical with that in the 1948 military training act was specifically included in section 387(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States,* 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in earlier dissents by Justices Hughes and Holmes, said, "The struggle for religious liberty has through the centuries seen an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions this benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to the doctrine.[4] The exemption from taxation of religious activities and occupations is incorporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8)).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson* 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

The distinction between *Zorach and McCollum* v. *Board of Education,* 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner,* 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exemption from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court points out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp,* 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner,* 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

In the Schempp and its companion case, *Murray* v. *Curlett,* decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale,* 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education,* 330 U.S. 1 (1947). In its context in the several Establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be practiced or observed or supported by nonadherents.

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[2] *United States* v. *Seeger,* 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States,* 324 F. 2d 173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States,* 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States,* 330, F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States,* 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda,* 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda,* 298 P. 2d 1 (Cal. 1956), appeal dismissed, sub. nom., *Heisey* v. *County of Alameda,* 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case. *In re Jenison,* 375 U.S. 14 (1963). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison,* 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt to court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States,* 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.,* 301 U.S. 495 (1937); *Stewart Machine Company* v. *Davis,* 301 U.S. 543 (1937); *Helvering* v. *Davis,* 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where distinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor,* 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States,* 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebreze,* 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States,* 303 F.2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell,* 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson,* 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger,* 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the definition of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness'" or a "compulsion to follow the paths of 'goodness'" might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are covered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects, for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, 109 CONGRESSIONAL RECORD, 463, 464 (1963). A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

Limitations on the exemption

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exception might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that they may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary[5] unless the relation to the public good is clearly demonstrable[6]

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette,* 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

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[5] *Eyers Woolen Co.* v. *Gilsum,* 84 N.H. 1, 146 *Baltimore,* 289 U.S. 36 (1933).

[6] *William* v. *Mayor and City Council of* Atl. 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church,* 106 Md. 281, 67 Atl. 261 (1907). Cf. *United States* v. *Department of Revenue of Illinois,* 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne,* 29 Cal. 2d 380, 175 P. 2d 231, 232 (1964). The circumstances justifying such a discrimination must provide substantial reasons. *Mayflower Farms* v. *Ten Eyck,* 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that those would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences has taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas,* 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. D'ANDELOT BELIN,
General Counsel.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 533

(Ordered to be printed and referred to the Committee on Finance.)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 534

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted amendments, intended to be proposed by him, to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. DOMINICK. Mr. President, I submit an amendment to H.R. 9910, the Foreign Assistance Act of 1971. The purpose of this amendment is to strengthen the so-called Hickenlooper amendment, which essentially requires the President to suspend aid to any country which expropriates property owned by American citizens unless appropriate steps are taken within 6 months to pay adequate compensation.

Although the Hickenlooper amendment was intended to be a strong deterrent against confiscation of American-owned properties, I do not think it has been effective, primarly because of the substantial loophole the appropriate steps language creates. Appropriate steps is broad enough to include almost any token action by the expropriating government whether or not it indicates a real intent to pay adequate compensation. For that reason, the sanctions in the Hickenlooper amendment have been rarely invoked. In fact, while there have been many instances of expropriation of American-owned properties since it was adopted in 1962, to my knowledge, the Hickenlooper amendment has been invoked only once—against Ceylon in 1963. I do not have the figures now as to how many of these takeovers were accomplished without full compensation, but I am confident there were several. The appropriate steps loophole permitted Peru to avoid a suspension of aid in 1968, when it expropriated a subsidiary of Standard Oil of New Jersey and deducted its $200 million value from excess profits it had earned there. Recent actions by Chile against U.S. copper properties are startlingly similar.

My amendment would tighten this loophole by requiring that, in order to avoid a suspension of aid, an expropriating country would have to enter an agreement within 6 months committing itself to pay full compensation for the property taken. It is my intent that a preliminary agreement setting out the country's commitment to pay compensation, and defining the procedure for reaching a final determination of the amount, would be sufficient. This would be followed, hopefully, by a formal settlement of the property owner's claims. Final resolution of issues of this nature take considerable time, but I do not think it is too much to require a country receiving American tax dollars to at least go on record within 6 months that it will pay for American property it has expropriated, as a condition to continuing to receive those dollars.

My amendment would further strengthen the Hickenlooper amendment by providing for the suspension of most-favored-nation treatment in trade with an expropriating country as an additional or alternative sanction. This would mean, in simple terms, that the United States would no longer be required to extend to a country which has confiscated American-owned property the same trade advantages extended to countries which treat American investors fairly.

This amendment is intended to do no more than provide for fair treatment, consistent with international law, of American investments abroad. In light of recent events in Chile, I think it merits our consideration as a possible deterrent to similar actions which may be on the horizon.

AMENDMENT NO. 535

(Ordered to be printed and to lie on the table.)

AMENDMENT NO. 536

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted amendments, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 537

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BROCK, Mr. DOMINICK, Mr. GOLDWATER, Mr. HANSEN, and Mr. THURMOND) submitted amendments, intended to be proposed by them, jointly to House bill 9910, supra.

AMENDMENT NO. 538

(Ordered to be printed.)

Mr. BROCK (for himself and Mr. BUCKLEY) proposed an amendment to House bill 9910, supra.

AMENDMENT NO. 539

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 540

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted amendments, intended to be proposed by him, to House bill 9910, supra.

DUTY-FREE STATUS OF CERTAIN GIFTS BY MEMBERS OF THE ARMED FORCES—AMENDMENTS

AMENDMENT NO. 541

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, I offer with Mr. PEARSON an amendment which, if adopted, would immediately reduce the Federal income tax payments of American consumers by nearly $1 billion more than is provided in the legislation reported out of the Finance Committee last week. This amendment is to H.R. 8312—"an act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones"—which was reported out of the Senate Finance Committee with amendments on October 20. The amendments reported out by the committee include all the provisions of the House-passed tax bill (H.R. 10947) pertaining to the 1971 individual income tax. The House and the Senate Finance Committee bill would increase the personal exemption from its present level of $650 to $700 retroactive to July 1, 1971, H.R. 10947 would also increase the exemption to $750 in 1972.

This amendment would make the exemption for 1971 retroactive to January 1, thus almost doubling the relief individual taxpayers could look forward to in 1971. The amendment would effectively raise the personal exemption from $675 to $700 for 1971. At the same time, it would immediately provide the economy with a needed stimulus. Figures recently released by the Commerce Department show the real gross national product—GNP—rose at an annual rate of only 2.9 percent during the third quarter of this year, compared to 4.8 percent in the previous quarter. Since economists generally agree that over the long term, real GNP must increase by 4 percent annually merely to avoid increases in unemployment, the third quarter figures are not encouraging. Indeed, they lend credence to the belief that GNP for the full year will be about $1,050 billion—$15 billion less than the President projected in his budget presented last January.

This amendment would complement the phase II program for fighting inflation by providing an added stimulus to get the economy moving and reduce unemployment below the unacceptable level of 6 percent around which it has hovered during the past several months.

Most economists and businessmen agree that the major problem inhibiting real rather than inflationary economic growth is insufficient consumer spending. In his testimony before the Joint Economic Committee on September 23, the Nobel Prize-winning economist Paul Samuelson warned that unless Congress gives consumers lower income tax rates than the President had proposed, the economy would not reach 4½ percent unemployment levels before 1973. A September 20 New York Times survey of businessmen disclosed their belief that the President's tax proposals for business would not lead to significant increases of spending for capital investment for at least a year and that "it was generally agreed by those surveyed that the consumer holds the key to prosperity."

During the past year consumers have been saving a higher portion of their disposable income—more than 8 percent—than at any time since 1946.

The President's tax package, including accelerated depreciation schedules, does not contain an adequate economic stimulus. Its overemphasis on tax cuts for business rather than the consumer will create larger budget deficits this year, but will not result in much additional business spending until 1972 and 1973.

This amendment would provide hard-pressed individual taxpayers with nearly an additional $1 billion in disposable income this year, on top of the $1.37 billion offered in the bill reported by the Finance Committee.

The amendment would, of course, also result in nearly $1 billion less Federal revenue this year. However, the revenue loss could be offset by cutting revenue losses the President has proposed in one or more of the following programs:

The President's accelerated depreciation schedules—ADR—would have resulted in an annual revenue loss of nearly $4 billion. The House passed bill prohibited the President from undertaking part of his proposal, but would still result in revenue losses of $2.5 billion yearly, including nearly $1.2 billion for the present fiscal year. Little of these savings to business would result in immediate business spending to stimulate the economy.

The reinstatement of the 7-percent investment credit would reduce Federal revenues by $2.2 billion in this fiscal year without providing an immediate stimulus. The long-term revenue loss would be $4 billion annually.

The repeal of the auto excise tax would reduce Federal revenues by $2.2 billion in this fiscal year and nearly $2 billion annually thereafter. The repeal of this tax, unlike the President's accelerated depreciation proposal and investment tax credit, would at least provide an immediate benefit to some consumers. However, it would be more appropriate to provide more consumers with additional income through tax relief and allow them to choose the purposes for which they wish to spend their income rather than make the production of more pollution-spreading automobiles for our congested streets a high national priority.

Secretary Connally has stated that the individual income tax provisions must be passed as quickly as possible in order to allow the Internal Revenue Service to print the 1971 Federal income tax forms 1040 and avoid "unprecedented inconvenience to the American public," which he predicts would result if the forms are not in the hands of taxpayers by January 3. I agree that the Senate should expeditiously consider this matter, but I do not believe the public would be inconvenienced if income tax forms were received January 10 or 17 rather than January 3. It is likely the public would be quite willing to wait an extra week or two if it meant lower tax payments, and besides any such inconvenience might be overcome by expeditious work in the Treasury Department.

ADDITIONAL COSPONSOR OF AN AMENDMENT

Mr. SAXBE. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the Saxbe-Church amendment in regard to Pakistan, which has already been incorporated in the pending bill, the Foreign Assistance Act, and has been reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON BRITISH RAILS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for October 28 and 29, 1971, concerning British Railways. Hearings will commence at 10 a.m. in room 5110 New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225-9351.

NOTICE OF HEARING ON SUPREME COURT NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, November 3, 1971, at 10:30 a.m., in room 1202, New Senate Office Building, on the following nominations:

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States, vice Hugo L. Black.

William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States, vice John Marshall Harlan.

Any person wishing to testify either in support of or in opposition to these nominations shall, not later than 1 day prior to the commencement of these hearings, file with the committee a written request to be heard and a written statement of his proposed testimony.

NOTICE CONCERNING CERTAIN NOMINATIONS PENDING BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Scott P. Crampton, of Virginia, to be an Assistant Attorney General, vice Johnnie M. Walters, resigned.

James R. Thompson, Jr., of Illinois, to be U.S. Attorney for the Northern District of Illinois for the term of 4 years, vice William J. Bauer.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, November 3, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EFFECTS OF LAND HOLDING, LAND OWNERSHIP, AND LAND USE PATTERNS ON FARMWORKERS AND SMALL FARMERS TO BE INVESTIGATED

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Migratory Labor, I announce that the subcommittee will hold hearings on November 4 and 5, 1971, to continue its study of the effects of rural land holding, land ownership, and land use patterns on the social, economic, and political problems of both rural and urban America.

A thorough study of the needs of migrant labor and the rural poor entails getting the facts. What information exists today concerning the ownership of rural America is scattered and incomplete. A Federal Government which spends millions of dollars on rural social and economic research of dubious value has done little on the basic question of who owns the land and the resources in rural America.

I believe that our inquiry is particularly important because it appears that Government is not meeting its responsibility to all the people and all the institutions of rural America. In fact, there is reason to believe that a void exists in Government policy, as evidenced for example, by Government support for agriculture mechanization without simultaneously assisting those displaced; by land-grant college programs serving only the interests of agribusiness; by the exclusion of many rural residents from basic and worker benefit programs; by land reclamation and irrigation projects that benefit only large land holders; and, by tax policies that give certain breaks to a limited few. These policies and more are apparently contributing to a pattern of increasingly concentrated land holdings in rural America.

These matters, which directly affect the lives of farmers and farmworkers alike—indeed, all who live in rural America, have received too little attention, and will be pursued during these and future subcommittee hearings.

The subcommittee has already heard from several witnesses who recognized that it would be a grave mistake if the subcommittee did not embark on a study of the concentration of ownership in rural America and its relationship to rural poverty. Mr. Jeffrey Faux, formerly director of the title 1–D economic development program effort of the Office of Economic Opportunity, and at present with the Community Development Corporation in Cambridge, Mass. testified that:

> It is not easy to conclude that an important part of the solution to rural poverty is in the redistribution of land. Such a solution seems to lie so far into the future, and each day that goes by is another wave of suffering for migrants and other rural poor people. But after seven years of trying to cure poverty with band-aids, we cannot continue to delude ourselves as to the real nature of the disease.
>
> Ironically, the United States has been preaching the virtues of land reform for less developed countries since the end of World War II. The forces that resist land reform in Latin America and Asia are similar to the forces that have prevented it from becoming the subject of serious discussion in this country. But for better or worse, land reform is as much a key to the elimination of rural poverty in America as it is anywhere else on the globe."

In this regard, a most interesting and stimulating series of articles was published in the New Republic magazine of June 5, 12, and 19, 1971. Written by Peter Barnes, the news magazine's west coast editor, these articles raise many issues that are worthy of public debate and discussion.

Mr. President, in view of the significance of the series of articles from the New Republic, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New Republic magazine, June 5, 1971]

LAND REFORM—I: THE GREAT AMERICAN LAND GRAB

(By Peter Barnes)

With three out of four Americans now jammed into cities, no one pays much attention to landholding patterns in the countryside. How things have changed. A hundred years ago, land for the landless was a battlecry. People sailed the oceans, traversed the continent and fought the Indians, all for a piece of territory they might call their own. America envisioned itself—not entirely accurately—as a nation of independent farmers, hardy, self-reliant, democratic. Others saw us this way too. Tocqueville noted the "great equality" that existed among the immigrants who settled New England, the absence of rich landed proprietors except in the South, and the emergence in the western settlements of "democracy arrived at its utmost limits."

Along with industrialization, however, came urbanization and the decline of the Arcadian dream. Immigrants forgot about land and thought about jobs instead; the sons and grandsons of the original pioneers began to leave the farms and join the immigrants in the cities. Radical agitation shifted from farm to factory. Frontiersmen's demands for free land and easy credit were supplanted by workers' demands for a fair wage, decent conditions and union recognition. In due course a kind of permanent prosperity was achieved, and America directed its energies outwards, not inwards. Consumers bought their food in neatly wrapped packages, at prices most of them could afford, and forgot about the land.

Why, then, in 1971, should we turn back to look at our landholding patterns? One reason is that the land is still the cradle of great poverty and injustice. Another is that the beauty of the land is fast disappearing. Canyons are being dammed, redwoods felled, hills strip-mined and plateaus smogged. Wilderness and croplands are giving way to suburban sprawl and second-home developments. And the balance of nature itself is threatened by excessive use of pesticides.

The deterioration of our cities should also cause us to look back at the land; population dispersal in some form is a necessity. At the same time, there is a growing recognition that nagging social problems—burgeoning welfare rolls, racial tensions, the alienation of workers from their work—have not responded to treatment. Many of these problems have their roots in the land, or more precisely, in the lack of access to productive land ownership by groups who today make up much of the urban poor. Mexican-Americans, Indians and even some blacks are beginning to raise the point that more of America's land ought to belong to them. Given the dead-end nature of most anti-poverty programs today, it is an argument worth listening to.

The schizoid character of American landholding patterns was first implanted during colonial days. In New England the land was divided fairly evenly among the many; in the South, mostly because of large royal grants, it was concentrated in the hands of the few. As a consequence, New England politics revolved around such institutions as the town meeting and the popular militia, while Southern society and politics were dominated in all aspects by the landed gentry. Jefferson warned that perpetuation of the large plantations would lead to the ensconcement of an "aristocracy of wealth" instead of an "aristocracy of virtue and talent," and even talked of freeing the slaves; but the plantation owners were hardly inclined to abdicate their privileged positions voluntarily.

With the winning of independence and the establishment of a national government, America had an opportunity to create a nation unfettered by the proclivities of European nobility. Men like Jefferson looked forward to a vigorous agrarian democracy, fostered by public education and a judicious distribution of the government's western domains. Then as now, however, politicians were less interested in promoting agrarian democracy than in making a quick buck. The history of the giveaway of America's public lands—hundreds of millions of acres over a century and a half—constitutes one of the longest ongoing scandals in the annals of modern man. Fraud, chicanery, corruption and theft were aplenty, but more scandalous was the lack of concern for the social consequences of uneven land distribution. Congress at times did enact such foresighted measures as the Homestead Act of 1862, but far more often it authorized the wholesale disposal of public lands to speculators rather than to settlers. And what Congress didn't surrender to the land hoarders, the state legislatures, the Land Office and the Interior Department usually did.

In the early nineteenth century, the typical speculator's gambit was to form a "company" which would bid for massive grants from Congress or the state legislatures, generally on the pretext of colonization. Once a grant was obtained—and it never hurt to be generous with bribes—the land would be divided and resold to settlers, or, more likely, to other speculators. The enormous Yazoo land frauds—in which 30 million acres, consisting of nearly the entirety of the present states of Alabama and Mississippi, were sold by the Georgia legislature for less than two cents an acre, and then resold in the form of scrip to thousands of gullible investors—was perhaps the most famous of these profit-making schemes. Huge fortunes were made in such swindles, often by some of the most respected names in government. The social consequences were not limited to the quick enrichment of a fortunate few. The issuance of vast tracts of land to speculators also had the effect of driving up land prices, thereby impeding settlement by poor Americans. And, since grants were not always completely broken up, they had the additional effect of implanting in the new territories of the South and West the pattern of large landholdings that persist to this day.

Texas landholding patterns, for example, date from this early period, though grants to the original American *empresarios* were made by Mexico rather than Washington. At first there was a rush to purchase and occupy Texas lands granted to Stephen M. Austin and others. After the initial "Texas fever" subsided, many immense and valuable estates remained intact, and could be acquired for a relative pittance. Today many of these enormous tracts are cotton plantations, cattle ranges or oil fields owned by wealthy individuals and corporations.

The concentration of land ownership in California, now the most productive agricultural region in the world, is perhaps most extraordinary of all. According to a 1970 study by the University of California Agricultural Extension Service, 3.7 million acres of California farmland are owned by 45 corporate farms. Thus, nearly half of the agricultural land in the state, and probably three-quarters of the prime irrigated land, is owned by a tiny fraction of the population. This monopolization didn't just happen; it was and still is abetted by federal and state policies.

Land in California originally acquired its monopoly character from the prodigious and vaguely defined grants issued by first the Spanish and then the Mexican governments. Upon California's accession to the union, the United States government could have incorporated these *latifundia*—still almost totally unpopulated—into the public domain, or ordered them divided into small farms for settlers. It chose, probably without much thought, to swallow them whole and to allow them to remain private. Almost immediately they fell prey to wily speculators and defrauders, who either bought out the heirs of the grantees or forged phony title papers and bluffed their way through the courts. Several of the original Spanish grants are embodied in giant holdings today: the Irvine Ranch (68,000 acres in Orange County), the Tejon Ranch (268,000 acres in the hills and valleys northeast of Los Angeles, 40 percent owned by the Chandler family, which publishes the Los Angeles *Times*), Rancho California (97,000 acres to the northeast of San Diego, jointly owned by Kaiser and Aetna Life), and the Newhall Ranch (43,000 acres north of Los Angeles).

The struggle for acquisition of the Mexican land grants was only the beginning of the empire-building period in California. For some reason American history books are filled with tales about the robber barons of finance and industry—the Rockefellers, Morgans, Carnegies and Harrimans—but almost always neglect to mention the great cattle barons of the West. At the top of any listing of the latter must certainly be the names of Henry Miller, James Ben Ali Haggin and Lloyd Tevis.

Miller was a German immigrant who arrived in San Francisco in 1850 with six dollars in his pocket, and amassed an empire of 14 million acres—about three times the size of Belgium—before he died. Starting out as a butcher, he soon realized that the big money lay in owning cattle, not chopping them into pieces for a handful of customers. He also recognized, in advance of other Californians, that water was far more valuable in the arid West than gold.

Miller's strategy was to buy up land along the rivers of California's central valleys, thereby acquiring riparian rights to the water. Then he would irrigate the river banks with ditches, providing his cattle with natural grasses on which to graze. Homesteaders further back from the river would lose their water and be forced to sell to Miller at dirt-cheap prices.

Miller had other tricks as well. According to Carey McWilliams' *Factories in the Field*, a large portion of Miller's empire "was acquired through the purchase of land scrip which he bought from land speculators who, a few years previously, had obtained the scrip when they, while in the employ of the United States as government surveyors, had carved out vast estates for themselves." At one point in his career Miller set out to acquire some dry grasslands in the San Joaquin valley under the terms, ironically, of the Swamp Lands Act of 1850. This was a law under which the government offered alleged swamp lands to individuals free of charge if they would agree to drain them. The law provided that the land had to be underwater and traversable only by boat. Miller loaded a rowboat onto the back end of a wagon and had a team of horses pull him and his dingy across his desired grassland. Eventually the government received a map of the territory from Miller, together with a sworn statement that he had crossed in a boat. Thousands of acres thus became his.*

On a par with Miller in deviousness and ambition was the team of Haggin and Tevis, a pair of San Francisco tycoons who, among other things, had interests in the Southern Pacific Railroad and Senator George Hearst's far-flung mining ventures. By the 1870s, Haggin and Tevis had accumulated several hundred thousand acres in the San Joaquin valley from former Mexican grantees, homesteaders, the Southern Pacific Railroad and assorted "swamps." They fought bitterly for water rights to the valley's rivers, and, as Margaret Cooper has recounted in an unpublished University of California master's thesis, they were no strangers to fraud. Their empire-building was capped in 1877 by a masterfully engineered land-grab that must rank among the classics of the genre. Under the impetus of California's Senator Sargent, who was acting on behalf of Haggin and Tevis, Congress hurriedly approved the Desert Land Act, and the bill was signed by President Grant in the last days of his administration. The law had the effect of removing several hundred thousand acres from settlement under the Homestead Act. These lands, which were said to be worthless desert, were to be sold in 640 acre sections to any individual—whether or not he resided on the land—who would promise to provide irrigation. The price was to be 25 cents per acre down, with an additional $1 per acre to be paid after reclamation.

Needless to say, much of the land in question was far from worthless. The chunk of it eyed by Haggin and Tevis was located close to the Kern River, and was partially settled. A San Francisco *Chronicle* story of 1877 describes what happened next:

"The President's signature was not dry on the cunningly devised enactment before Boss Carr [Haggin and Tevis' agent in the valley] and his confederates were advised from Washington that the breach was open. It was Saturday, the 31st of March. The applications were in readiness, sworn and subscribed by proxies. . . . All that Saturday night and the following Sunday, the clerks in the Land Office were busy recording and filing the bundles of applications dumped upon them by Boss Carr, although it was not until several days after that the office was formally notified of the approval of the Desert Land Act."

Thus, by hiring scores of vagabonds to enter phony claims for 640 acres, and then by transferring those claims to themselves, Haggin and Tevis were able to acquire title to approximately 150 square miles of valley land before anybody else in California had even heard of the Desert Land Act. In the process, they dislodged settlers who had not yet perfected their titles under old laws and who were caught unawares by the new one. The *Chronicle* called the whole maneuver an "atrocious villainy" and demanded return of the stolen lands. A federal investigation followed, but Haggin and Tevis, as usual, emerged triumphant.

All this skulduggery would be of little contemporary interest were it not for the fact that the empires accumulated by the likes of Miller, Haggin and Tevis are still with us in only slightly different form; they have become the vast, highly mechanized corporate farms that monopolize California's best farmland and produce most of the fruit and vegetables and much of the sugar and cotton that America consumes. The fate of Haggin and Tevis' holdings is particularly interesting. In 1890, in order to perpetuate their empire beyond their deaths, the two entrepreneurs incorporated under the name of Kern County Land Company. Until the 1930s most of the company's vast acreage was still used for cattle grazing. In 1936 a copious deposit of oil was discovered beneath the company's lands, producing a colossal windfall for the heirs of Haggan and Tevis. Rather than pay taxes on the full amount of its oil earnings, the company began sinking them into irrigation pipes and sprinklers, thereby ungrading rangeland worth $25 an acre into prime cropland worth $1000 an acre, and later into orchards worth up to $4000 an acre. By 1965 a share of Kern County Land Company stock that sold for $33 in 1933 was worth (after splits totaling 40 for 1) $2680—and had paid $1883 in dividends. Finally, in 1967, Kern County Land Company was bought by Tenneco (of whom more in my next article).

Meanwhile, the Civil War had led to the abolition of slavery, but not to the end of the plantation system. Thaddeus Stevens, leader of the Radical Republicans, proposed dividing the large Southern estates and giving to freed Negroes and landless whites forty acres and some cash. "Homesteads to them [Negroes]," he argued, "are far more valuable than the immediate rights of suffrage, though both are their due." This was too venturesome a proposal, however, even for the Radicals, and it did not get far in Congress. As a result, Negroes and poor whites in the South remained landless, and a century later a large Southern grower would tell a CBS newsman making a documentary on farm workers, "We no longer own our slaves, we rent them."

In other parts of the country Congress continued to squander the national patrimony with abandon. The railroads were granted 134 million acres, plus another 49 million by the states. Often the railroads would allow settlers to stay and improve the land, then evict them later and sell the upgraded property at a considerable profit. Congress did nothing to remedy such abuses. It was busy enacting—in addition to the Swamp Lands Act and Desert Land Act—such giveaways as the General Mining Law of 1872 and the Timber and Stone Act of 1878. Under the latter, lumbermen and quarry operators acquired millions of acres at $2.50 an acre, largely by using the same "dummy entryman" technique that Haggin and Tevis had so advantageously employed. Under the former, landgrabbers were able to acquire large tracts of public land for purposes that had nothing to do with mining or even settlement.

Congress was not entirely blind to what was happening, and it did strike some blows for agrarian democracy, but these were to a considerable extent diluted or subverted by subsequent legislation and administrative betrayals. Under pressure from landless frontiersmen, Congress passed the Preemption Act of 1841, allowing families to settle on 160 acres of unsurveyed public land, with first right to purchase when the land was ultimately placed on sale. This was as far as Congress was willing to go at the time, since the South feared homesteading would undermine slavery. In 1862, however, with no Southerners sitting, Congress adopted the Homestead Act, partially as a reward for Union soldiers. The law stands as a milestone in the history of American land policy. For the first time, full title to public land was to be granted free of charge to actual settlers. A family could acquire up to 160 acres—one quarter of a square mile—if it occupied and improved the land for five years. It was a fine law in theory, but by the time it was enacted a substantial portion of the best land in America was already accounted for. Congress made things worse as historian Paul Wallace Gates has noted, by removing additional valuable acreage from homestead settlement—usually by giving it to the railroads, or, as under the Morrill Land Grant Act, to the states, who in turn sold it to speculators. Shoddy administration by the Land Office did not help matters either. Cattlemen and speculators, both large and small, made widespread use of the "dummy entryman" trick and other ruses to acquire holdings far in excess of 160 acres, and the Land Office lacked either the will or the ability to stop them.

By the turn of the century almost all the available land in America had been staked out by one interest or another, and many Populists and reformers were displeased with the result. The Great Plains states were, by and large, democratically settled, but the same could not be said for the

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* Horace Greeley, who voted for the Swamp Lands Act, confessed later that he had been "completely duped. . . . The consequence was a reckless and fraudulent transfer of . . . millions of choice public lands, whole sections of which had not enough muck on their surface to accommodate a single fair-sized frog."

South and West. Henry George described California as "a country not of farms but . . . of plantations and estates," and thought a single tax on land was the remedy. The social effects of maldistributed land were most readily seen in the impoverishment of tenant farmers and sharecroppers in the South, and the exploitation of Chinese and Japanese laborers in the West.

Almost providentially, however, an opportunity to correct the mistakes of the past and to open up new lands for homesteading presented itself. Thanks to modern civil engineering, the arid expanses of the West, once useful only for grazing, could be irrigated and turned into cropland. Much of the land beyond the Rockies could thereby be transformed into a kind of New Midwest, characterized by family owned and operated farms. The instrument of this transformation would be a massive federal reclamation program; the Reclamation Act of 1902 was its charter.

F. H. Hewell, first director of the federal Reclamation Service, explained the purpose of the Reclamation Act as "not so much to irrigate the land, as it is to make homes. . . . It is not to irrigate the land which now belongs to large corporations, or even to small ones; it is not to make these men wealthy, but it is to bring about a condition whereby that land shall be put into the hands of the small owner, whereby the man with a family can get enough good land to support that family, to become a good citizen, and to have all the comforts and necessities which rightfully belong to an American citizen." Theodore Roosevelt was more succinct: "Every [reclamation] dollar is spent to build up the small man of the West and prevent the big man, East or West, coming in and monopolizing the water and land."

Federal reclamation would bring about this democratic renaissance by using both a carrot and a stick. The carrot would be subsidized water; the stick was lodged in two crucial provisions of the 1902 Act—the 160-acre limitation, and the so-called residency requirement. The first provided that no person could receive federal water for use on more than a homestead farm of 160 acres; the second provided that water would be delivered only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." By attaching these twin limitations to its delivery of subsidized water, federal reclamation would, in the words of one of its sponsors, "not only . . . prevent the monopoly of public land, but . . . break up existing monopolies throughout the arid region."

It sounded confiscatory—indeed, almost revolutionary—but the large Western landowners could hardly complain. They had, in the first place, acquired their empires at prices that were scandalously low and through stratagems that were at best unethical and at worst illegal. Moreover, it was not as if Congress was about to drive them into unwilling bankruptcy. The law did not require them to accept federal water; it merely provided that, if they chose to sip at the public trough, they would, in due course, have to sell their lands in excess of 160 acres. Subsequent regulations established that they could receive subsidized water for ten years before parting with their excess holdings—a time span which allowed for enough farming profit to satisfy all but the greediest.

Nevertheless, the intended transformation of the West did not occur. Great dams were built, rivaling the pyramids of Egypt in their wondrousness; reservoirs were formed, and aqueducts constructed. By 1970 the Bureau of Reclamation spent almost $10 billion and irrigated nearly seven million acres. Yet land monopoly is more firmly entrenched in the West than ever; federal water has flowed and continues to flow in great quantity to the huge, absentee-owned corporate estates that should, under the law, have been broken up and sold to small resident farmers. In the words of former Senator Wayne Morse, the wholesale, continuing violations of the 1902 Act constitute "a water steal reminiscent of the scandals" of Teapot Dome and the "great land frauds."

Nearly a century ago the San Francisco *Chronicle* warned: "The land . . . taken by two or three men is sufficient to afford homes and independence to hundreds of intelligent, industrious and honest settlers. It is this class that makes, as it is the other [land monopolists] that ruins a country. The confirmation of title to the monopolists means the transfer of ownership of the soil to a nonresident aristocracy, and its continued cultivation by a race of aliens and coolies. Let it be awarded to the settlers, and schools, roads, churches and general prosperity will ensue."

This and similar warnings went unheeded; the South and West developed as the *Chronicle* feared. Ownership of particular estates shifted hands over the course of several depressions, panics and booms, and in recent years the trend has been toward ownership by large corporations—often oil companies or conglomerates. But though the names have changed, the pattern of large landholdings has held steady throughout. A nonresident landed aristocracy—today composed of such diverse persons as Sen. Eastland and the directors of Tenneco—enjoy vast power.

Along with absentee ownership, racial exploitation became a way of life in the West, as it previously had in the South but as it never did in the Midwest. Chinese and Japanese field hands were succeeded by Hindus, Filipinos and Mexicans. The treatment of Japanese farmworkers is particularly instructive. For many years they were enthusiastically praised by California growers; they performed the most menial tasks with great skill and without asking favors (such as transportation and boarding) of their employers. Soon, however, the Japanese began leasing land for themselves—usually "useless" marsh or desert which they would reclaim and plant with rice or other crops. Through thrift and hard work, they even began achieving their ambition to own land. This was too much for the land monopolists, who succeeded in passing the Alien Land Act of 1913, designed to force the Japanese to sell their improved lands to them.

Other effects of concentrated land ownership were as the *Chronicle* foresaw. Schools, shops and civic institutions never blossomed in those parts of the South and West dominated by giant landholdings. Enormous disparity of wealth and power is rarely conducive to widespread involvement in public affairs, and is even less so when large portions of the population are migrants, or are barred by one means or another from voting. Why, after all, should an absentee landlord spend his taxes on good public schools, when his own children go to private school and an educated work force is the last thing he wants?

What was not foreseen was the impact that land monopoly would eventually have on American cities. If the Southern plantations and Mexican land grants had been broken up, if Western land had been distributed in limited-size parcels to actual settlers as generously as it was handed out in prodigious chunks to speculators, if the reclamation law had been vigorously enforced, it is doubtful that the cities would be as overcrowded and as beset as they are today. Blacks and landless whites would, in smaller numbers, have migrated to the cities, but they would not have been so ill-prepared had they descended from landowning farmers. They would have had dignity, schooling, some experience in public affairs, and perhaps savings enough to establish a foothold.

The question now is whether we are going to compound the errors and injustices of the past, or remedy them.

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LAND REFORM—II: THE VANISHING SMALL FARMER

(By Peter Barnes)

Yghish Bulbulian's face is weathered, his pace somewhat slowed. But when he looks back at what he has left for his son Berge and his grandchildren, Yghish Bulbulian is a proud man.

Born in Armenia at the end of the last century, Bulbulian fled his homeland during World War I when more than a million Armenians were slaughtered by the Turks. He arrived, penniless, in California and settled near Fresno, where a large colony of Armenians had gathered. For several years he worked as a field hand in the San Joaquin and Imperial valleys, managing to save a few pennies each payday. By 1929 he was able to scrape together $500 for a down payment on 20 acres, part of a homestead that was up for sale. He, his wife and son worked ten hours a day, seven days a week in the fields, and when they weren't working their own land they were hiring themselves out to others.

In 1943 Bulbulian added 30 acres to his farm, and every decade or so thereafter he added more. Today, he and his son grow grapes and currants on 150 acres; though he's 78, he still helps plant, irrigate and box his crop. His income has not been high, but there were enough good years to permit some amenities. Father and son now live in comfortable, well-furnished houses, and drive late model cars.

It's no rags-to-riches story, and Bulbulian is no Horatio Alger figure, but he is an example of the many immigrant farm hands who, through frugality and hard work, rose to become farm owners. Unfortunately, he represents a dying breed.

In the 1920s, when Bulbulian got to California, it was natural for field laborers to aspire to become small farmers. Today it is almost unthinkable. For the same 20 acres that Bulbulian bought 40 years ago for $500 down, an aspiring farmer now would need $12,000 down. Moreover, it would be pointless for him to buy only 20 acres; he'd need at least four times that to have a fighting chance. And while Bulbulian could make do, when starting, with two mules and a plow, his contemporary counterpart would require thousands of dollars worth of tractors, chemicals and other equipment. Little wonder that few persons without an inheritance or outside income are entering farming, or that the number of farmers of Bulbulian's size is rapidly shrinking.

U.S. Department of Agriculture statistics tell the story: in 1950 there were 5.4 million farms in America: today the figure is around 2.9 million. As the number of farms declines, the average size of remaining farms increases: it's now over 380 acres, compared to 215 acres 20 years ago. And as agriculture steadily becomes more mechanized, it comes to be dominated by those who have capital—the most successful family farmers, and the giant corporations. Thus, in 1969, the largest 40,000 farms, representing less than two percent of the total number, accounted for more than one-third of America's farm sales.

These are the broad statistics. Behind them are the economic forces, abetted by government policies, which say to the small farmer: either get bigger or get out. The pattern is typically like this: a farm of 80 or 160 acres has belonged to a family for generations. It is squeezed by rising local taxes, the high cost of farm equipment, and corporate competition. The old man dies or retires. What will the children do? To survive as farmers they must expand and mechanize. The other option is to sell, perhaps to a suburban developer, perhaps to another farmer who is expanding. The latter course is easier, and increasingly it is the one that is chosen.

The trend towards corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, particularly in Florida, California, Texas, Arizona and Hawaii, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 percent of Florida's citrus groves, compared with less than one percent in 1960. Corporate farms in California account for 90 percent of the melon crop, 40 percent of the cattle sold, 38 percent of the cotton produced and 30 percent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly three: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose for example that a company invests $1 million a year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes. It pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes. Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of ten years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 percent rather than 48 percent. Thus, the company has made a multimillion dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: they see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked soufflé on the dinner table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food *business* rather than to farmers: in 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

No single company better exemplifies the corporate plunge into farming than Tenneco, formerly Tennessee Gas and Transmission. In addition to its oil, natural gas and shipbuilding interests, Tenneco controls over a million acres in California and Arizona, mostly as a result of its purchase in 1967 of Kern County Land Company. It also produces agricultural chemicals and owns J. I. Case, a manufacturer of farm machinery, Heggblade-Marguleas, a leading California farm management firm, and the Packaging Corporation of America.

Tenneco makes money out of its landholdings from all directions. First, of course, are the tax-privileged revenues from oil and gas that lie beneath the surface. Then there is land development, the ultimate stage in the speculative game. Tenneco has half a dozen major developments planned or underway in California. One is the Pine Mountain Club, a 3200-acre recreational community in Los Padres National Forest, about an hour's drive from Los Angeles. Another 6000-acre development on the outskirts of Bakersfield will include an industrial park, a shopping center, a golf course and a retirement community. One of the company's cleverest gambits was to donate 370 acres near Bakersfield for a new state college. (Lands for UCLA and the University of California at Irvine were similarly donated by large landholders.) According to Simon Askin, executive vice-president of Tenneco, the college "enhances the value of an additional 6500 acres of company land."

It is Tenneco's multi-faceted agribusiness operations, however, that cast the longest shadow over the small farmer's future. Tenneco's aim, says Askin, "is to accomplish integration from the seedling to the supermarket." The company is already far advanced along that road. It grows, on magnificently irrigated former Kern County Land Company farmlands, an enormous diversity of crops, including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears and plums. For capital inputs it has its own agricultural chemicals and farm machinery. For processing and packaging it has a huge new plant near Bakersfield, more than six times as large as a football field. It is currently testing a brand name identification program which, it hopes, will make the Tenneco Sun Giant label a household word in foods.

Against this kind of competition, what chance does the small farmer have? He survives or fails on his crop income alone. He does not have the benefit of outside earnings, or the luxury of converting current income into future capital gains. He might wish to expand or to buy more equipment, but to do so he must use his own money, not the Treasury's. When local property taxes rise because of encroaching suburbia, the large corporation can absorb the increase as a hedge against future speculative profits. For the small farmer higher taxes simply mean a decrease in the income on which he must live. Nor can he recoup farming losses with profits from machinery, chemicals, processing, packaging or marketing. If he is not paid enough cash for his crop, he is wiped out, regardless of how profitable the other stages of food production might be.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary individuals to harbor illegal aliens, it is not a crime for growers to employ them. Such laws as these not only abuse farmworkers; they also hurt the self-employed farmer, who, in order to compete with the giant growers, winds up having to exploit himself.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced crop production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous. Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to the corporate giants. Last year, the J. G. Boswell Co. of Calif. received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based US Sugar Company collected $1.1 million; the Delta and Pine Land Company of Mississippi bagged $814,000. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per crop and per nominal owner or lessor basis) to be effective.

Subsidies also come in the form of water, delivered to many farmers' doorsteps by federally-funded reclamation projects. The price paid by water users is well below the actual cost of delivering the water. Most of the cost of building dams and aqueducts is charged to the general Treasury and to hydroelectric power consumers.

In theory, federally subsidized water is legally barred from delivery to farms of more than 160 acres, and to all absentee-owned farms. In practice the law is widely violated, to the detriment of the family farmers it was intended to help. Thus, small farmers in California are now being hurt by the delivery of new water to lands owned by Tenneco, Getty Oil, the Tejón Ranch, Standard Oil of California and the Southern Pacific Railroad, among others. Production of fruits and vegetables from these heretofore arid lands will soon flood the market, thereby driving down prices. Much of the same fate awaits small farmers in the Pacific Northwest, where vast lands controlled by Boeing, the Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii are about to receive federally-dammed water from the Columbia River.

Welfare is another indirect subsidy to large growers, though they're not inclined to admit it. It allows them to use laborers for a few months, then cast them aside, secure in the knowledge that they'll survive until the following year's work season, without having to be paid a living wage. On top of this are the millions spent by federal and state governments on agricultural research—a subsidy that no other industry enjoys. While some of this research helps the small farmer, the bulk of it is aimed at breeding crops and designing machines for large-scale farming.

What will be the future of American Agriculture? If present policies continue, the answer seems fairly obvious: the poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive. The prospect pleases corporate moguls like Bank of America ex-president Rudolph A. Peterson, who has called for a program "to enable the small uneconomic farmer—the one who is unable or unwilling to bring his farm to the commercial level by expansion or merger—to take his land out of production with dignity." It terrifies small farmers, many of whom are no less different than their giant competitors, but simply less favored by government policies.

One version of what American agriculture may look like can be found in the February 1970 issue of *National Geographic*. Here are stunning photographs of an egg factory near Los Angeles where two million caged Leghorns gobble 250 tons of feed and lay one million eggs each day; a cattle metropolis in Colorado where 100,000 steers are fattened on formulas prescribed by computer; a $23,000 tomato harvesting machine, developed by the University of California, that snaps up specially bred tomatoes for farmworkers to sort while taped music purrs in the background.

These photographs of contemporary marvels are accompanied by an artist's depiction of an early 21st century farm (if that is the proper word) as foreseen by USDA specialists. All operations are monitored by one man from a bubble-top control tower. An enormous remote-control tiller rolls across a ten-mile-long wheat field on tracks that keep it from compacting the soil. Another gigantic machine automatically waters a ten-mile field of soybeans, while a jet-powered helicopter sprays insecticides. Alongside a monorail track stand a pair of skyscrapers for cattle. Behind them are several illuminated plastic domes containing controlled environments for growing strawberries, tomatoes and celery. A USDA expert outlines some other possibilities: hills will be leveled with nuclear energy in order to flatten extra-long fields; sensors buried in the soil will find out when crops need water, and automated irrigation systems will bring it to them; airplanes, computers and closed-circuit TV will be as common-place as tractors today.

A somewhat different vision of the future—not endorsed by the USDA—can be found in a gently sloping field near Watsonville, California. It focuses on human beings rather than technology, on giving present-day Yghish Bulbulians a chance to advance themselves rather than be cast into ghettos and *barrios*. Here on the edge of the Pájaro valley is a bustling new enterprise called *Cooperativa Campesina*, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to twenty-five and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel. Strawberries were chosen as the principal crop because they provide a high return and are labor-intensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3000 trays per year, and each tray sells for about $3. Thus, one acre earns about $9000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more. With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corporation, lent another $100,000, which will be repaid in three years. With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one; it's the only commercial strawberry producer in California that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own *Cooperativa Campesina* label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. "*Aqua que no te tomas, déjala correr.* Water that you cannot drink yourself, let it run for others."

[From the New Republic magazine, June 19, 1971]

Land Reform in America—III: The Case for Redistribution

(By Peter Barnes)

It's hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money. That same thinking underlies Soviet collectives. What's overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there's nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America *are* efficient at some things—they exceli at tapping the federal Treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound. Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farmworkers with a fancy new machine, he's not doing anybody but himself a favor. The farmworkers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

If the advantages of large landholdings (except to those who own them) are scant, the harmful effects are legion. Several have already been noted: the impoverishment of millions of rural families, and the migration to cities of millions more, with little education or hope of improvement. We expect poor Americans to lift themselves up the economic ladder, yet by cutting them off from productive land ownership we knock out the bottom rungs.

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store. A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, California—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations—who've been despoiling the American landscape for the better part of two centuries—than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their offspring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action; often of inaction. English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation projects and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise, ought to be left untouched. This is the strongest argument in favor of leaving things as they are. Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: it is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which ten-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today. Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor can have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled land, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens. Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholders' major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy. If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. (Per unit payments to individual farmers should decrease, in other words, as the number of subsidized units increases.) Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete against an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing or, for that matter, in oil. The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

Once small-scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revoluntary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within ten years. The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners *have* agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin valley at the moment, prewater prices as approved by the Bureau of Reclamation are so out of line—higher, in fact than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Rep. Robert Kastenmeier (D. Wisc.), Jerome Waldie (D. Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space. The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Other plans for enforcing the Reclamation Act are worth study. For example, the federal government could purchase irrigated lands in excess of 160 acres and lease them back to individual small farmers or to cooperatives. Or it could buy large landholdings in reclamation areas with long-term "land bonds," which it then would redeem over 40 years with low-interest payments made by the small farmers to whom the land was resold. This would amount to a subsidy for the small farmers who bought the land, but it would be no more generous than the current subsidy to large landholders who buy federal water.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South. Thaddeus Stevens old proposal for dividing up the large plantations into 40-acre parcels is unrealistic today, but an updated plan, with due compensation to present owners, can be devised and implemented.

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to southern California and the Southwest from northern California, the Columbia and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon Administration. Small-farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves. The pro-industry land policy "experts" who formed the Public Land Law Review Commission that reported its findings last year were no friendlier to small-scale farming: they recommended repeal of the Reclamation Act's 160-acre limitation and residency requirement, and adoption of policies favorable to large-scale mechanized agriculture.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reform is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

NOTICE ON HEARINGS ON CONSUMER PROTECTION

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization and Government Research will hold hearings on consumer protection agency legislation on November 4 and 5, 1971. The hearings will be held in Room 3302, New Senate Office Building and will begin at 10 a.m.

ADDITIONAL STATEMENTS

A TIME FOR HEALING

Mr. DOLE. Mr. President, Monday's memorial services throughout the country honored our veterans who have served in the military forces of the United States so that our winters of wars could melt into a new and lasting spring of peace and hope for all people.

We must not limit ourselves to this special occasion marked wisely in 1954 by the Congress of the United States as Veterans Day. Today and everyday we must again pause to reflect upon our veterans in order to meet our responsibilities and obligations to them.

VETERANS MUST NOT BE VICTIMS

Unlike other generations in other wars, our young men, at best, come home in anonymity to be met with indifference. Sometimes they find genuine hostility. They are caught in the crossfire of public opinion. I do not believe this is acceptable in America.

These are our young men, whom we have asked to serve, and to be prepared to sacrifice their lives for us. More than 45,000 of their comrades have died. Many thousands more have lost limbs or sight or casualties in other ways. And in a time when we are trying to help them recognize that what they did was of vital importance to America, we frequently fail even to demonstrate to them that we care.

No bands welcome these men home, no flags, no parades, no warm welcomes—except, of course, from a family grateful to have their son or brother or husband home. Nor did our young men leave homes and loved ones to become heroes. Their sole purpose was to do their duty to their country—to establish and preserve its freedom by halting the march of aggression. Their service, their courage, and yes, their lives, are the coins with which freedom and peace are purchased. The greatness of America and the endurance of democracy rest on the sinew of their character.

PROGRAMS HAVE EVOLVED

These men who have sustained or Nation through its perilous hours are the recipients of veterans benefits which have evolved through history and which increasingly represent our concern for them. In the early history of this Nation our men were released from military service with little reward except words of commendation. A parcel of land on which a homestead might be established was one of the first veterans benefits authorized by the Government of this Nation. Little else of significance was provided until the First World War, after which some of the benefits now provided veterans were established. During World War II the concept of broad readjustment assistance programs was developed. Unquestionably, this Nation leads the world in programs of benefits to veterans.

In addition to educational and home loan assistance, so important in the years immediately following military service, comprehensive programs to compensate veterans for disabilities suffered in service and to provide veterans a reasonable degree of sustenance in later years based on disability and need, even though not disabled by service, are well established. Similar consideration is accorded survivors of servicemen and veterans. Of significant importance is the vast Veterans' Administration medical program which provides hospital care and outpatient treatment for hundreds of thousands of veterans annually.

The problem of drug addiction, as you know, is critical. The President has submitted to the Congress legislation which will enable us to meet this problem, and in the meantime, he has proceeded with efforts to curb addiction and rehabilitate addicts. Special care is being provided for returning veterans who are addicted.

EMPLOYMENT OPPORTUNITIES NEEDED

Of immediate concern is the plight of veterans, most of them of recent military service but many displaced from employment by technological progress or other reasons, seeking meaningful and rewarding jobs with advancement opportunities. The jobs for veterans program which President Nixon created 1 year ago, is active in 47 States and 285 cities, and is beginning to have a significant impact on veteran employment. Preference in public employment at all levels and special efforts have been devised to insure that maximum government services and employment opportunities are provided all unemployed veterans. Preference in public employment at all levels and special consideration of veteran applicants by private employers are essential to insure that veterans, particularly the group of young veterans recently released from military service, have an opportunity, in this land of the greatest opportunities, to earn a livelihood for themselves and their families. All of these programs must be systematically and frequently reviewed to insure that benefits and services to veterans, their dependents, and survivors are adequate in view of ever-increasing social and economic circumstances.

PROGRAMS NOT ENOUGH

But let us recognize that programs alone are not enough. We need such programs of assistance. But we also need something that is far more important, something that will do far more good not only for our veterans, but also for our country itself.

We need this great Nation to put aside its bitterness, and not inflict it on the veterans of the Vietnam conflict.

OUTREACH REQUIRED

I have talked with many of these people coming home, and I know that one of their greatest problems is just simple communications. Many have been through the most difficult time they will ever know in their lives. They have not been through these things with a feeling of having the full support of their countrymen behind them. Instead, they have a sense of isolation from what they call "the world"—by which they mean their own homeland.

They often find themselves forced back into a community of their own—a community of other veterans created by common experience and common need. Of all their difficulties, perhaps the most agonizing is the feeling so many have of not really being a part of their own people any longer—of being exiles in their own land—of not really being able to return again to a sense of belonging.

INDIVIDUAL CONTRIBUTIONS

I think that of all the problems which confront our veterans, this is the one each of us as an individual can most directly have a hand in solving. We can do it so easily, and in a way we know well—an American way. We can do it by simply reaching out our hands to them, listening to them, letting them know that we do care about what they have been through, and that we are grateful.

And in a larger sense, we need to bind up the wounds among us all, and not probe them for the justification of one position or another.

We need to open the doors of discourse once again, and determine where we will go from here, and what kind of Nation we want to be. It is given few nations in the history of the world to be so rich, so powerful, and so free that they can determine their own destiny, and not have it determined for them. We can do that, if we will.

A TIME FOR HEALING

We need to take from the fires of war not the ashes of recrimination and hate, but the flame of reconciliation and love.

There is a time to rend, and a time to heal—a time of war and a time of peace. Now is a time for healing. For if healing does not come, though we may achieve peace in the world, there will be no peace in America.

So let us not bring our young men home to a divided house. Let us not invite the contempt of history by rejecting the people who brought the peace. Let us rather seek to be worthy of them.

Let each who bore this battle in his heart reach out to those who bore it on their bodies, resolving that the lessons of this time have not been taught in vain, that the seeds of sacrifice shall not have fallen on barren ground, and that this Nation, with God's guidance, shall turn gently into a lasting spring of peace and promise for all our people.

DISC: TAX WINDFALL ON TOP OF TRADE WINDFALL

Mr. PROXMIRE. Mr. President, last Sunday's Washington Post contained an article by Professor Surrey of the Harvard Law School, and who used to be Assistant Secretary of the Treasury for Tax Policy. The article is a summary of why in Surrey's judgment the DISC proposal ought not to be adopted by Congress.

Surrey alleges that DISC will cost the American taxpayers about $1 billion a year and will not give them a fair return on their investment.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

DISC: Tax Windfall on Top of Trade Windfall

(By Stanley S. Surrey)

In an earlier article appearing in The Washington Post of Sept. 19, I described the DISC proposal of the Treasury Department as a billion-dollar tax loophole hidden in the New Economic Policy of the administration. This proposal would permit an exporter to form a DISC—Domestic International Sales Corporation—which would be a "paper" subsidiary corporation in the United States through which the exporter could channel its exports. The actual consequences of the operations that would be permitted under the DISC mechanics represent a major tax windfall, whose size and effects are carefully cloaked in Treasury Department descriptions of the proposal. Thus:

The profits on DISC exports would in effect be tax exempt under the Federal income tax. While technically the tax would be "deferred" as long as the profits were used in "export-related activities," the operative and intended result would be a deferral over a long period of time. For a profitable company the present value of a long deferral is just about the amount of the tax itself, which turns the deferral into virtual tax exemption.

The export profits of the DISC could be used by the parent of the DISC in any of its domestic operations having nothing to do with exports, such as meeting domestic competition. Or, if other funds were being used for normal domestic expansion, the DISC profits could even be invested in a manufacturing plant abroad, thereby curtailing U.S. exports.

The proposal would encourage the use of a FISC—a foreign sales corporation—as a subsidiary of the DISC but located in a tax haven country such as Bermuda or Panama or the Cayman Islands or Switzerland. This would reverse the policy established in 1962 to end the then widespread use of tax havens to reduce taxes. The DISC policy would bring back the exploitation of these tax havens and make them an instrument of U.S. trade policy.

The annual revenue cost of the Treasury Department DISC proposal would be close to a $1 billion a year. The tax reduction involved would go to our largest corporations since they conduct a major part of our export trade.

The House Ways and Means Committee, which favored the DISC in 1970, became highly suspicious of it this year, as well it might. As a consequence, that committee adopted the DISC proposal in its version of the current tax bill, but only on an "incremental basis." Under this incremental approach, the DISC tax benefits are given only to exports in excess of 75 per cent of the average of export sales for the particular company in the period 1968–1970.

The incremental approach is complex, creates inequities as between different classes of business depending on their histories in the 1968–1970 base period; will disrupt normal trade channels as taxpayers seek to divert their exports into new organizations so as to create the artificial existence of a low or zero base period. Thus, suppose a manufacturer is exporting through an independent merchant export corporation whose sole function is to handle the exports of various manufacturers. Such a corporation, when structured as a DISC, will have base period sales. But if the manufacturer ceases to use the merchant export corporation and instead creates his own DISC for his exports, that DISC will have a zero base period. Hence all its exports will be exempt, even though there has been no change in the volume of exports by the manufacturer.

Even within the logic of an incremental approach, the House version has its defects:

There is no reason to use only 75 per cent of the base period export sales as the base and thus allow windfall exemption for the remaining 25 per cent of exports.

The base period should not remain static but should constantly move forward; otherwise windfall exemption is granted for the growth in exports that normally occurs as our economy and those of other nations expand.

If a choice had to be made, Congress should choose the incremental approach, and strengthen the House bill. But Congress need not consider itself limited only to the painful task of choosing between two unattractive alternatives, each with its own set of problems and defects.

Given the unsatisfactory results either with full exemption or an incremental approach, there is a further reason not to be forced to a choice at this time. The United States has set in motion forces that will greatly alter the present currency relationships and the future international monetary system. These forces will also bring about a dismantling of some of the existing trade restrictions in other countries, the end result of which is bound to be a real improvement in the United States trade position. It is therefore advisable to await the outcome to see what further steps, if any, are needed to assist our exporters.

Indeed, it is ironic that the very success of our New Economic Policy in the international area will, under DISC, hand over to our large exporting corporations a completely underserved windfall. Their exports will increase—and under DISC provide tax-exempt profits—not because of any efforts on their part but simply because the dollar will be devalued relative to other currencies.

This windfall exists under either version of DISC, since such devaluation is a guarantor of increased exports. We must not forget that the devaluation means a price to be paid by some Americans. Those parts of our economy that depend on imports, our tourists and others similarly affected by the higher cost of foreign goods, must pay in higher costs the price for the increase in exports. It is their higher costs and consequent burdens that are being traded off against the larger profits for our exporters and the consequent benefits for those associated with export commodities. These readjustments may be appropriate in the national interest. But it is not in the national interest to accompany this trade-off with additional automatic tax exemption for the larger profits virtually being handed over to our exporters.

To give a DISC exemption to these windfall profits is thus to provide a windfall on top of a windfall—which would be a new record in tax policy mistakes.

It would therefore be folly to lock ourselves into a permanent DISC at this time, whether it be the Treasury full exemption or the House incremental approach. There is no need for such a permanent commitment between unwise alternatives. Far greater forces are in motion that will improve our trade position, and it therefore would be wise policy to place all DISC proposals aside to await the outcome of those forces.

SOVIET SABER RATTLING

Mr. TOWER. Mr. President, Mr. Felix McKnight, copublisher and editor of the Dallas Times Herald, has pointed out in a recent column that the Soviet threat and reports of that threat is not mere saber rattling, but instead is a hard fact to be confronted by the American people.

As Senators are well aware, I have continuously been an advocate of a strong national defense.

Mr. McKnight's column, published in the Dallas Times Herald of October 17, reports on the views of Gen. Bernard A. Schriever, U.S. Air Force, retired, an outstanding Texan. I ask unanimous consent that Mr. McKnight's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Facts, Not Sword Rattling

(By Felix R. McKnight)

The rangy man of the Gregory Peck mold—piercing eyes, voice of quiet urgency—leaned into the microphone and threw the admonishment that is gaining volume these days:

"It's the national attitude I'm talking about—the strange apathy that endangers our country's security. If we don't reverse it we are in trouble . . . deep trouble. The Soviets are pulling away."

Out front, the faces of a hundred young Dallas leaders—the briskly progressive Dallas Assembly crowd—firmed into acknowledgment. It was a sober message from recently retired Gen. Bernard A. Schriever, U.S. Air Force.

They had to believe this tall Texan, the man who put the protective Intercontinental Ballistic Missile System (ICBM) into being. This German immigrant who came to Texas at age nine; rose to wear the four stars of a full U.S. General. A passionate lover of his adopted land.

What Ben Schriever was telling them in Dallas a few days ago is coming from all directions; most recently from Defense Secretary Melvin Laird in a somber warning that U.S. intelligence verifies the growth of a vast Soviet strategic weapon capability.

The U.S. capability is losing by default in this nation under the incessant cry of the antiwar element nurtured by the unpopular Vietnam war. And a large portion of that cry comes from liberals of the Congress.

Ben Schriever is no war monger because he wore a military uniform. He abhors the stench of war. He designed and fathered the missile system that stands as the U.S. defensive sentries of today. But he prays that not one will ever be fired; that the sanity of disarmament will prevail in the world.

Yet, he is a realist. He believes that Red Chinese capability to hit us is 10 to 15 years away, but he knows that Soviet multipronged warheads could shower our defense silos in less than 15 minutes if they elect to strike within the next few years. Unless, he stresses, we keep pace with our own strategic weaponry.

He is saying no more than the presidentially appointed Blue Ribbon Defense Panel, of which Dallasite William P. Clement Jr. is a member, when it warned the President and Congress that if present observable trends continue, "The United States will become a second-rate power incapable of assuring the future security and freedom of its people."

Schriever, the Texas A&M graduate who headed the wondrous research and development program of the Air Force Systems Command, now sits on a Presidential commission searching for ways to channel technology developed for the military into peaceful domestic areas of urban growth.

He prefers that our technological talents be pointed in that direction. But he also argues that we will be a jittery nation if we continue to default in the nuclear strategic field. Unhappily these days, a man has to keep his back door guarded while he goes about his home work.

Even the New York Times, outlet of the anti-war forces, has gravely reported within the past few days on the shocking growth of Soviet missile sites and missile submarines. The Soviets now have almost equalled in number the 41 Polaris submarines that once gave us security superiority. And they keep building while our program lags.

President Nixon recently commented that "neither power at this time could, if it wanted to, gain that superiority which would enable it to, frankly, blackmail the other one . . ."

But Secretary Laird this week knocked that down with the admission that the gravity of the Soviet surge is "far greater" than the estimate he gave Congress just seven months ago.

Texas Ben Schriever is not rattling swords—just unpalatable facts.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on Friday, October 8, 1971, when the Senate took a final vote on S. 2482, "An act to authorize financial support for improvements in Indian education." Had I been present and voting, I would have voted "yea."

CANCER RESEARCH

Mr. NELSON. Mr. President, legislation aimed at expanding Federal efforts in cancer research has generated great interest among Members of Congress and the public.

A bill now pending before the House of Representatives (H.R. 11302) embodies the approach supported by the scientific community, to keep the cancer program within the National Institutes of Health. Another bill, S. 1828, which I voted against, passed the Senate July 7, 1971.

In the floor debate on that bill, I tried to point out to my Senate colleagues what I consider to be a dangerous precedent in the bill—the creation of an independent cancer agency, outside of the National Institutes of Health. While S. 1828 states that the cancer program would be "within" NIH, the bill actually gives the cancer agency independent budget status and direct visibility in the White House, with a cancer director at the same level as the NIH Director, but not responsible to the NIH Director.

The scientific community, particularly those devoted to cancer clinical work and research, have echoed these fears that such an approach is not the best way to attack cancer, and might result in the dismantling of NIH, probably the finest coordinated biomedical institution in the world.

Two letters from distinguished scientists to the editors of the New York Times and the Washington Post on October 26, 1971, reflect the position of the biomedical community. One is signed by the only person to receive a Nobel Prize for the treatment of cancer patients, Dr. Charles Huggins of the University of Chicago.

These letters refute the allegation in a recent advertisement, signed by the American Cancer Society—the only organization in the country to support a separate cancer agency approach—that primarily noncancer scientists oppose the Senate bill (S. 1828).

I ask unanimous consent that these letters be printed in the RECORD for the benefit of my colleagues.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 26, 1971]

CANCER BILL

To the Editor:

In a full-page advertisement (Oct. 12) Dr. H. Marvin Pollard as president of the American Cancer Society urged that all Congressmen vote for the Conquest of Cancer Act (S. 1828). "The objections to the bill," wrote Dr. Pollard, "have come mainly from people who do not have expert cancer knowledge."

We wish to state that this is not so at the Harvard Medical School. We are a group of thirteen faculty, long interested in cancer research, most of whom are also concerned with the treatment of some thousands of cancer patients a year. We want the attack on cancer to be intensified. But we consider S. 1828 a poor bill to achieve that objective.

In the eyes of most critics, the chief fault of S. 1828 is the creation of an independent cancer agency—a precedent-making step viewed by many as leading the way toward the destruction of the National Institutes of Health. [Editorial Oct. 14.]

The act has other serious weaknesses. It fails, for example, to require the elaboration of a formal plan for the attack on cancer, nor does it mobilize the concerned professional personnel of the country to participate in such planning on a continuing basis. In fact, it opens the door to unlimited contract research under the control of a small intramural cadre. Furthermore, the act fails to provide for the independent evaluation of the agency's methodology and achievements.

We therefore urge—since the American Cancer Society has made of S. 1828 an all-or-none proposition—that the bill be defeated.

Dr. Pollard's appeal failed to mention the alternative National Cancer Attack bill, H.R. 10681. We believe that this bill, although not necessarily ideal, points the way to a much more reasonable, vigorous and profitable course of action.

The framing and enactment of legislation to discover the cure of disease requires the exercise of thoughtfulness, prudence and wisdom. Congressional approval should not be a rubber-stamp for the opinion of any interested group, no matter how highly motivated that group may seem to be.

A noble objective does not compensate for poorly written legislation.

We urge the Members of Congress to consider H.R. 10681 as a basis for a heightened attack on cancer—and that they do so in a critical and constructive spirit to make that bill the best one possible.

SAMUEL HELLMAN, M.D.
HOWARD H. HIATT, M.D.
HENRY I. KOHN, M.D.
FRANCIS D. MOORE, M.D.
JOHN W. RAKER, M.D.

BOSTON, October 15, 1971.

(The five names above are drawn from those of thirteen heads of tumor clinics, experimental laboratories and departments of medicine and surgery at the Harvard Medical School and its associated hospitals who signed this letter.)

[From the Washington Post, Oct. 26, 1971]

MORE ON THE CANCER BILL

On October 12 full page advertisements by unnamed sponsors appeared in The Washington Post, The New York Times, The Washington Star and 21 other papers. Some of the advertisements carried a letter by H. Marvin Pollard, President of the American Cancer Society. A number of false allegations appeared in that letter. One allegation was that mainly noncancer scientists oppose the Senate Bill, S1828, which would establish a Conquest of Cancer Agency.

Heads of 72 medicine departments of medical schools throughout the country have publicly opposed certain provisions of S1828. Some of the panel of experts which originally proposed S1828 now oppose this legislation. Extensive opposition by cancer clinicians and cancer researchers has been heard by the House Committee currently reviewing this legislation. In addition, each of the undersigned is a bench scientist working in some area of cancer research, or a clinician working with cancer patients. Each receives or administers funds from the National Cancer Institute or the American Cancer Society. Each opposes the organizational provisions of S1828.

Other of Dr. Pollard's allegations have been repeatedly answered in hearings before both the House and Senate and in editorials in The Washington Post, The New York Times, The Washington Star and scientific journals such as Nature, Science and the New England Journal of Medicine. Specifically, S1828 in its present form is detrimental to the National Institutes of Health, and it will lead to a lack of coordination of cancer research with research in other branches of medical science, which in turn will impede progress in cancer research.

ROBERT MARTIN, M.D.
HOWARD TEMIN.
HARVEY OZER, M.D.
DAVID BALTIMORE.
PAUL BERG.
ROBERT HANDSCHUMACHER, M.D.
CHARLES HUGGINS, M.D.

WASHINGTON.

(Dr. Huggins received the Nobel Prize for the treatment of cancer patients.)

THE DWIGHT D. EISENHOWER HIGHWAY

Mr. SCHWEIKER. Mr. President, I am pleased to join the distinguished senior Senator from Pennsylvania (Mr. SCOTT) in introducing proposed legislation to designate certain sections of the Interstate System as the Dwight D. Eisenhower Highway.

This is a fitting tribute to a great American who contributed so much to the Nation in his distinguished career, first as one of the foremost military leaders in our history, and then as an immensely popular and much loved President.

One of the segments of the Interstate System to be designated as the Dwight D. Eisenhower Highway runs through southern and southwestern Pennsylvania, an area well known by President Eisenhower.

Many Senators may recall that President Eisenhower's vigorous efforts gave great impetus to the building of the wonderful Interstate Highway System we now enjoy. It is, therefore, entirely appropriate for Congress to designate portions of the highway system in his honor.

ATLANTIC TREATY ASSOCIATION RESOLUTION

Mr. JACKSON. Mr. President, I invite the attention of the Senate to the final resolution of the Atlantic Treaty Association resulting from the meeting in London this past September.

Much of the resolution deals with the important problem of burden-sharing in the Atlantic Alliance, a problem of particular interest to Members of the Senate.

Of special importance, I believe, is the proposal for a NATO International Security Fund which would deal with the international problem of foreign exchange costs as a result of stationing troops in foreign countries. This proposal is a useful contribution to the continuing efforts to provide for the common defense of the NATO area without imposing undue burdens on any one Alliance member. I believe this suggestion deserves further consideration.

Mr. President, I ask unanimous consent that the entire resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Final Resolution of the Atlantic Treaty Association

The Atlantic Treaty Association meeting in London for its Seventeenth Annual Assembly discussed the role of the Alliance in the present world situation. The Theme of the Conference was "Atlantic Solidarity: the Key to Peace in an Era of Negotiation".

The British Prime Minister, Mr. Edward Heath and the Secretary General of NATO, Mr. Manlio Brosio, made introductory statements. Don Guido Colonna di Paliamo reported on Economic Political, Mr. Timothy Stanley on Military Political questions; Mr. Altemur Kilic gave a report on Information. The Chairman of the Military Committee, General Johannes Steinhoff, the Supreme Allied Commander Europe, General Andrew J. Goodpaster and the Commander-in-Chief Channel and Eastlant, Admiral Sir Edward Ashmore, addressed the Assembly on matters of their respective responsibility.

The Assembly, noting that in the past it has concentrated its discussions more on political and military matters, decided that this year economic topics as well as the quality of life and the pursuit of excellence should, as a matter of urgency, be studied more intensively.

1. TRANSATLANTIC ECONOMIC COOPERATION WITHIN THE ALLIANCE

The Assembly views the present situation as follows:

First priority must be given to curbing inflation, above all in the United States, but in all other countries as well. The United States' balance of payments must be restored.

The general danger of a retreat into economic blocs and protectionism must be resisted at all costs. Member countries must instead recapture momentum towards ever freer trade, investment and payments. The measures to be taken require a common effort and are of the greater possible urgency.

The substantial enlargement of the European Economic Community now in prospect would have the greatest importance for the Atlantic Alliance. As the nucleus of a broader economic community EEC can be a vital force for peace and world prosperity. Cooperation in economic and political fields may lead to closer cooperation in defence, and this may enable the European partners to play a greater part in their own defense than has hitherto been possible.

It is imperative that ways be found to reinforce cooperation between the United States and the EEC on the one hand, and the EEC, North America and Japan on the other. The OECD should assume an even more important role as a forum for a broad range of economic questions. For certain political-economic questions the North Atlantic Council offers a unique forum. It should use its machinery as a means of helping to achieve a common solution in the face of the urgent economic crisis. Here there is also an increased field of activity and responsibility for the Atlantic Treaty Association.

2. BURDEN SHARING

The Assembly acknowledges the tremendous financial burden borne by America in the field of defence since 1949, and realises that it is imperative for the Western European member countries to take positive and urgent action. The Euro-group of Ten should formulate proposals over and above those of the European Defense Improvement Programme agreed in 1970. In order to make sure that the necessary objective of equal burden sharing within the Alliance becomes a lasting reality, the Assembly calls upon the governments of all member states to implement the principle already agreed in NATO that no country stationing forces abroad in the common defence should suffer for that reason is its balance of payments and specifically to study the proposals outlined in the report presented to the Assembly by its military-political rapporteur for an international security fund which are summarized in the annex.

3. DEFENSE COOPERATION

The Assembly hopes for a genuine détente with reciprocal contributions from all concerned. It underlines the necessity to maintain and strengthen the solidarity of the Western Alliance which can best be achieved by resolute political will, mutual consultation and permanent cooperation in all East-West negotiations. The present strategic and political policy of the governments of the Alliance has kept the peace in Europe and continues to promote stability in the area. A highly unstable and therefore dangerous situation would exist if conventional forces were not maintained at their present level until agreement has been reached, as this Assembly hopes it will be, on mutual balanced force reductions. In particular the retention in Europe of the present level of US and Canadian forces is essential to provide the political unity for negotiation with the Soviet Union and to demonstrate the continuing solidarity of the Western Alliance. The even closer participation of French forces in the joint defence effort is also of great importance to demonstrate this solidarity.

The security of Europe is increasingly threatened by the growth of Soviet military power and especially in recent years of Soviet naval forces on the northern and southern flanks of the Alliance.

4. ENVIRONMENT AND QUALITY OF LIFE

Our societies are changing at an accelerated rate. The impact of these changes is deeply affecting our physical environment, the quality of our culture, the health of our social and civic institutions and the fundamental values which underlie our way of life. One of the main purposes of the Atlantic Alliance being to protect and enhance these fundamental values, the Assembly called on its Council to establish a Committee on the Quality of Life and Man's Environment, whose task should be to examine the relationship of the health of our society to our common defence and survival.

5. INFORMATION

The Assembly devoted a large part of its discussions to the questions connected with the dissemination of information concerning the Atlantic Alliance. It is absolutely necessary that the basic principle of the Alliance, namely to preserve peace and stability through solidarity and common defense, should be better presented to the peoples of the member countries and above all to the younger generation. To achieve this goal the Assembly made the following recommendations:

(a) NATO governments are asked to give higher priority to the dissemination of Atlantic information, financial support to the national organizations charged with providing this information and to provide more funds for the central NATO Information Service.

(b) ATA member associations should maintain the closest relations with the NATO Information Service and make full use of its materials and services.

(c) Imaginative and professional techniques should be used to reach through press, radio, television and other appropriate means a greater part of the public. They should be based upon a scientific analysis.

(d) ATA member associations, government information services, and NATO, should adopt information priorities and closely-defined target groups, according to national needs. Generally speaking, target groups should include teachers and other moulders of public opinion, youth, employer organizations and trade unions.

The Assembly decided to establish a permanent Information Committee. It authorised the President, in consultation with the Council, to appoint its first members. The Committee should act as a clearing house for new ideas and measures to meet new situations as they arise and to make critical analysis of information methods and activities especially for the ATA. It would also operate as an adviser for the information activities of the ATA Secretariat.

6. YOUTH AND EDUCATION

The Assembly heard and approved reports on the Atlantic Association of Young Political Leaders and the Atlantic Information Centre for Teachers, and endorses the efforts of these organizations to advance the understanding of security issues by the younger generations in the member countries of the Allinace. A meeting of delegates specially concerned with education was held during the course of the Assembly.

Annex to the Final Resolution: Proposal for a NATO International Security Fund

The proposal of the Political-Military Rapporteur for neutralizing the foreign-exchange costs of the common defence involves three basic principles:

First: each member-state of NATO—including the United States—must continue to meet the budgetary costs of contributing its national forces to the common defence; the *quid-pro-quo* for the continued presence of high-quality American forces in Europe should be improvements in the quality of the national forces of the West European members of the Alliance;

Second: the stationing in continental Europe of substantial American and other forces for the common defence gives rise to foreign-exchange costs—in addition to national budgetary costs—which contribute to balance of payments deficit. Since these external expenditures may also give foreign-exchange windfalls to host countries, recipient states should bear the largest part of the cost of neutralizing the external payments deficits of states which station forces. Since the security interests of non-host countries are also served by the presence in Europe of stationed forces, they should also bear a proportional share of meeting the special foreign-exchange costs which arise from stationing forces abroad in the common defence.

Therefore, to strengthen the solidarity of the Alliance, a *multilateral* military foreign-exchange neutralization scheme—to which all NATO members contribute—should replace the present bilateral arrangements, which may have divisive political consequences as they become increasingly ineffective.

(In this proposal, host countries with a balance-of-payments surplus on military account would contribute up to 80% of the surplus to the NATO International Security Fund; countries in balance on the military account would collectively contribute 10%; and the stationing countries in deficit would absorb the remaining 10%, being entitled to draw upon the Fund for up to 90% of the deficit for purposes of settling their overall international payments account).

Third: although military procurement by surplus from deficit countries—with payment through the fund—would continue to be an important means of neutralizing foreign-exchange costs, and is a proper charge to European defence budgets, the overall responsibility for resolving these external imbalances should be shifted from defence ministries to national political authorities so that the full range of resources available to member governments and central banks can be employed.

UNITED NATIONS MEMBERSHIP FOR REPUBLIC OF CHINA ON TAIWAN

Mr. FONG. Mr. President, on October 19, I placed in the Congressional Record a statement by 70 U.S. Senators supporting U.N. membership for the Republic of China on Taiwan.

On October 22, the office of the junior Senator from Missouri (Mr. Eagleton) advised me that Senator Eagleton wished to sign the statement.

Therefore, I ask unanimous consent that the statement, including the names of the 71 Senators signing, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

October 1971.

We, the undersigned Members of the United States Senate, support membership for the Republic of China in the United Nations.

Hiram L. Fong, Wallace F. Bennett, Strom Thurmond, Jack Miller, John O. Pastore, Frank E. Moss, John Tower, Peter H. Dominick, Robert P. Griffin, Henry Bellmon, Carl T. Curtis, Robert C. Byrd, Jacob K. Javits, James L. Buckley, John S. Cooper.

Milton R. Young, Clifford P. Hansen, Robert T. Stafford, Robert Taft, Jr., Edward W. Brooke, Claiborne Pell, John C. Stennis, Norris Cotton, William V. Roth, Jr., J. Caleb Boggs, Gordon Allott, William E. Brock III, Sam J. Ervin, Jr., Herman E. Talmadge, Harrison A. Williams, Jr.

John Sparkman, Bob Packwood, Len B. Jordan, J. Glenn Beall, Jr., David H. Gambrell, William B. Spong, Jr., James O. Eastland, Paul Fannin, Lloyd M. Bentsen, Charles H. Percy, William Proxmire, Gale W. McGee, Allen J. Ellender, Alan Bible, Lee Metcalf, Barry Goldwater, William B. Saxbe, Ted Stevens, Edward J. Gurney, Marlow W. Cook, Lowell P. Weicker, Jr., Roman L. Hruska, James B. Pearson.

Robert J. Dole, Howard Baker, Mark O. Hatfield, Jennings Randolph, James B. Allen, Joseph M. Montoya, Clinton P. Anderson, Lawton M. Chiles, Jr., Ernest F. Hollings, Gaylord Nelson, Everett B. Jordan, Daniel K. Inouye, Margaret Chase Smith, Thomas J. McIntyre, Howard W. Cannon, Clifford P. Case, Richard S. Schweiker, Thomas F. Eagleton.

REPORT ON ECONOMIC CONVERSION—MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, for several years it has been clear that the dollar commitment the United States has made in Vietnam—which at its peak was a $24 to $26 billion incremental increase over other defense expenditures—would be coming to an end. That amount has now been reduced to about $8 billion a year.

We have reduced the number of men in uniform by almost 1 million—or from 3.5 million to 2.5 million.

Yet the Government of the United States has done little or no planning for these reductions with the result that even though the total of our defense expenditures remains at peak levels, the problems of conversion have been unfairly borne by a relatively few people in the economy—the returning veteran, the aerospace industry, and others.

Planning for conversion is long overdue. It is especially overdue because the problem could have been and should have been anticipated. But it was not.

Now Members of Congress for Peace Through Law has prepared a research paper on this subject, in which Senators McGovern and Mathias and Representatives Bingham and Morse have taken the lead.

This is an excellent study in a field in which too little has been done. I commend it to the Members of the House and Senate and to the public at large and ask unanimous consent that it be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

Report on Economic Conversion: An Issue for the Seventies

(A research paper prepared by Senator George McGovern (D-So. Dakota), Senator Charles McC. Mathias, Jr. (R-Md.), Congressman Jonathan Bingham (D-N.Y.), Congressman F. Bradford Morse (R-Mass.))

For consideration by the Military Spending Committee, Senator William Proxmire, Chairman; Congressman Ogden Reid, Vice-Chairman of Members of Congress for Peace Through Law.

SUMMARY

Pressure for force reductions in Europe, hope of agreement at the Strageic Arms Limitation Talks, the military wind-down in Vietnam, emergence of a national debate over the current level of our defense budget—each of these demands that Congress and the Administration give urgent consideration to the problems of preparing the American economy for a smooth transition to a peacetime economy.

In the past decade the American economy has evolved in a totally unexpected manner. After 10 years of intensive rearmament, the nation has developed two economies—defense and civilian. Should major savings on defense be possible, no one now knows how the first economy can ever re-integrate smoothly with the second. Concrete Government programs are necessary now in order to determine how the full economy can be united without further dislocations.

Essential to any meaningful attack on the problem of conversion will be a systematic and steady increase of Government funded civilian R&D until the level of financing reaches at least the level of defense R&D expenditures. A yearly increase of $500 million is recommended until this equilibrium is established.

A DECADE OF CHANGE

This nation now faces the prospect of serious economic disruption in converting its defense plants to peacetime production. There are two reasons for this. First, armament policies of the 1960's led to spending distortions which are only now coming to light. And second, demands of modern missile and technological weapons have revolutionized the internal structure of the modern defense firm. Both factors must be understood before it is possible to comprehend the economic trauma which certain sections of the country have experienced in the last three years.

Soaring defense costs

It was in 1961 that President Eisenhower uttered his famous warning about the growth of a military-industrial complex. Then, however, the United States defense budget stood at only $45.9 billion. The space budget was but $744 million and Federal R&D totaled only $9.3 billion.

By fiscal year (FY) 1969 defense outlays had vaulted to slightly more than $81 billion—an expansion of 76%—and even in the aftermath of recent budget cuts, defense outlays are projected at $77.5 billion in FY 1972—an increase of 69% over 1961. Space expenditures now hover around $3 billion or an increase of 305% over the 1961 level. R&D outlays are more than 80% higher than they were in 1961, amounting to about $17 billion.

Such massive outlays inevitably touch every corner of the economy. Defense funds flow into all 50 states and into 363 out of 435 Congressional districts.[1] In addition, defense work employs a large percentage of the U.S. labor force—2.8 million men in uniform, 1.14 million civilian Pentagon workers and some 1.6 million workers employed directly on military procurement and R&D in the private sector.[2]

But these wide-spread effects should not cause one to lose sight of the extraordinary concentration of expenditures in certain areas, which as a result, are extremely vulnerable to fluctuations in Federal spending. Currently, for example, 9 states and the District of Columbia receive 71% of total Federal obligations of R&D; in order, California, New York, Maryland, Florida, Massachusetts, New Jersey, Texas, Pennsylvania, the District of Columbia, and Ohio.[3] About 52% of the missile and space systems contracts in FY 1970 were awarded to the Pacific states (California, Oregon, Washington, Alaska, and Hawaii).[4] (Oregon, it should be noted, accounts for little of these totals.) In that year 39.9% of the prime defense contracts (over $10,000) went to these states and to the Middle Atlantic states (New Jersey, New York and Pennsylvania).[5]

In a similar manner, defense spending has a disproportionate effect on certain firms. In FY 1970 the top five firms received 18.7% of the dollar volume of the prime contracts (over $10,000). The top 25 cornered 46.0%.

Footnotes at end of article.

The top 100 accounted for 69.7%. Two industries—aircraft and missiles and electrical equipment and communications—received during 1969 nearly 80% of all Federal Government financed R&D for private industry.[7]

As if to justify President Eisenhower's warning, defense firms strengthened their ties with the military establishment in order to obtain these contracts. In 1961 the 10 largest defense firms employed 691 retired generals, admirals, naval captains and colonels. Ten years later this number had increased to 2,072 senior officers.[8]

In addition, there were hundreds of positions held by less senior, retired military officers.

REVOLUTIONIZING THE INTERNAL STRUCTURE OF THE FIRM

Mere reference to the size of defense budgets in the 1960's cannot adequately explain the vulnerability of many modern defense firms to cuts in defense or space spending. We must also understand the organizational changes which have taken place.

To produce the complex weapons of modern warfare, defense and aerospace firms have had to radically alter their own internal structure. Legions of scientists and engineers have flocked to the thriving defense and space sector where technical skills command a high price.

In 1962 Professor Murray Weidenbaum, former Assistant Secretary of Treasury, drew up a table of estimates on the changing job requirements of a producer of aircraft and missiles according to job categories. In 1954 managerial and technical workers made up 8% and 13% respectively of the work force, whereas industrial workers made up 64%. By 1959 industrial workers had declined to 48% and projections for 1970 estimated the proportions for managerial staff at 13% and for technical workers at 22%, whereas industrial workers would drop to 22%. (The remaining 43% consisted of stenographers, sales personnel and others.)[9]

Today in the defense-oriented aerospace industry, there is one scientist or engineer roughly for every $150,000 in sales. This compares to one for every $750,000 of sales in consumer electronics like TV or one for about $2 million in auto sales.[10] Such figures suggest why of the more than 2 million scientists, engineers and technicians in the U.S., about one in every four is engaged in work generated by the Department of Defense, NASA or the Atomic Energy Commission, and why 62% of all physicists and 88% of all scientists in the atmospheric and space fields now depend on Federal programs for employment.[11]

Like beached whales

Large increases in defense expenditures, structural changes in the defense-aerospace industry—both suggest that the United States may have reached a stage unique in its economic history. In effect, since the advent of the missile age and technological warfare, the American economy appears to have proceeded along two separate paths with the result that from a practical point of view we now have two economies—a defense aerospace or Federally-funded economy and a commercial or privately-funded economy.

The two economies remain sharply isolated from one another. Each has its own organization structure and separate clientele. Each responds to different economy forces. Among characteristics which distinguish the defense and space economy from the civilian economy are: domination of the market by a single customer (the Federal Government), high performance standards almost regardless of cost (the Apollo program), a closely woven net of professional ties between customer and contractor (the employment of retired military officers in defense firms), large dollar volume of individual contracts, and unusually long lead times for production.

Protected for so long from traditional commercial forces, defense firms have forgot how to compete in a normal market. Consequently, when Federal contracts dry up, they lie helpless at the edge of the civilian economy like great beached whales—potentially strong but liable to die.

Unskilled in the normal techniques of commercial practice, these firms also seem afraid to take steps to reduce their vulnerability to defense spending cuts. In late 1970 the Senate Executive Reorganization and Government Research Subcommittee suveyed key defense industries and reached this pessimistic conclusion:

"In general the responses indicated that private industry is not interested in initiating any major attempts at meeting critical public needs. Most industries have no plans or projects designed to apply their resources to civilian problems. Furthermore, they indicated an unwillingness to initiate such actions without a firm commitment from the government that their efforts will quickly reap the financial rewards to which they are accustomed. Otherwise, they appear eager to pursue greater defense contracts or to stick to proven commercial products within the private sector."[12]

The 1968–71 years of distress

It is now possible to understand the profound economic distress which many communities experienced after 1968, for beginning with that year the Federal Government made significant cuts in defense and aerospace spending. First the facts.

In FY 1969 U.S. defense outlays reached their high of $81.2 billion. By FY 1971 they had fallen to an estimated $76.4 billion. The item in the defense budget which has the most immediate impact on defense/aerospace firms is money for procurement. This experienced an even sharper decline. In FY 1972 Federal defense procurement will drop to $36.4 billion from $45.4 billion in FY 1968. In constant 1971 dollars, the plunge will be even steeper—31% or from $51 billion to $35.3 billion.

We must recall that space outlays were declining during the same period. We must also remember that in recent years there has been a decline in commercial aircraft sales. In brief, what has happened is that the aerospace and military market, which a few years ago seemed destined to go on expanding indefinitely, has suddenly shrunk from nearly $60 billion to less than $40 billion in 1971 dollars.[13]

For several sectors of an unprepared economy the consequences approached near disaster. Seattle registered a seasonably unadjusted unemployment rate of 3% in March 1968. By March 1971 this rate had leaped above 13%. For Takoma the rate skipped from 3.9% in March 1968 to 11.0% in March 1971. Brockton, Massachusetts experienced a similar economic trauma as its unemployment rate rose from 4.4% in March 1968 to 9.1% in March 1971. In the aerospace industry alone available jobs decreased by 280,000 between December 1969 and December 1970.

The problem may take on a more human cast if we consider the plight of an individual firm. In neighboring Maryland, a Fairchild Industries plant suffered a 50% reduction in the size of Government contracts between FY 1969 and FY 1970. In only a seven month period—November 1970 through May 1971—it was forced to lay off 1,059 employees. It is not difficult to imagine the enormous economic problems faced by the individuals and communities concerned.

Perhaps most indicative of the distortions in the American economy brought about by the defense spending patterns of the 1960's is the tragic fate of our scientists and engineers. As of May 1971 it was estimated that unemployment among scientific and technical workers stood at 5% or perhaps 75,000 out of a total labor force of 1.2 million scientists and engineers. A Government-sponsored survey in March of 1971 predicted that about 200,000 scientists, engineers and technicians—or more than twice the present total—were likely to be unemployed by the end of 1971. This figure includes the 27,000 June 1971 science and engineering graduates who may fail to get jobs.[14]

The prospect of such highly trained specialists without jobs has not been seen since the Great Depression. Nevertheless, the economic distress so far may be mild compared to what lies ahead in light of the emerging national debate over defense spending.

Characteristic of this debate is the closely-reasoned article which appeared in the August 1969 *Fortune* in favor of major defense spending reductions. More recently, the Urban Coalition submitted a detailed, carefully-prepared proposal for defense reductions over a five-year period amounting to 28% in the non-Vietnam military spending alone.[15] Other experts such as former Director of the Bureau of the Budget Charles Schultz have submitted documented programs for major reductions.

In addition to proposals for defense cuts within the present international framework, there exists the possibility of a breakthrough in disarmament talks. There is evidence, for example, that recent scientific advances justify a complete ban on all nucler testing. (See Report on U.S. Underground Nuclear Testing by Senator Mike Gravel and Congressman Gilbert Gude). Or there could be a breakthrough at the SALT negotiations. Finally, the continued wind-down in Vietnam will reduce defense costs and adversely affect civilian employment.

Which level of national defense is appropriate—a level closer to that urged by the Administration or a lower figure—is a question beyond the compass of this report. From the standpoint of conversion, however, a precise answer to this question is less important than the fact that for the first time in many years there is serious, national debate on this subject.

It is now conceivable that a political consensus will develop in favor of substantial cuts in defense spending.

Accordingly, Congress and the Administration must immediately begin to study and prepare for the problems the economy will encounter in converting to a peacetime basis. Failure to conduct this prior planning has already led to inexcusable personal hardship for many workers and technicians as well as massive economic disruption for many communities.

Is Federal assistance equitable?

In coming to grips with the conversion issue which clearly looms ahead, Congress—preferably through formal committee hearings—must attempt to answer some fundamental questions about the direction and scope of social policy in the United States. The basic issue in each case is a determination of equity.

First, it may be asked why communities adversely affected by defense cuts should be singled out for assistance. On the one hand, it seems only just that if as the result of national policy the Federal Government encourages certain states or communities to become dependent on defense spending, it cannot simply abandon them to their fate in periods of funding decline. On the other hand, it may be asked why a community facing economic distress because of reductions in defense programs has a greater claim on

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Footnotes at end of article.

Federal largess than communities in difficulty because of more traditional Government actions, e.g., a reduction in an established subsidy program or a cut in tariffs.

Perhaps the solution to this disparity would be for Congress to begin to take steps toward the principle that the Federal Government has a responsibility to provide transitional assistance to any established community which experiences extraordinary unemployment or economic distress for whatever reason, but particularly when this distress can be directly traced to actions of the Federal Government. Adherence to such a principle would reduce potential opposition to the development of national programs coping with the problem of conversion.

Second, we must ask whether it is equitable to provide special assistance to highly-paid technical workers who lose their jobs. Their need for help is not disputed. Without a job, a well-paid scientist faces financial disaster, as often he has commitments which he cannot escape. But at what level should the Federal Government provide income maintenance for such highly-paid people? Is it fair to provide them with financial advantages in excess of ordinary unemployment benefits when millions of U.S. citizens still live below the poverty line?

We suggest two answers to these questions. First, as Dr. Leonard Lecht of the National Planning Association has estimated, for each job in science and engineering there are many other jobs—he calculated up to 10—which are directly or indirectly dependent on it. Consequently, aid to scientists and engineers may be justified as a practical matter on the grounds that it ultimately will benefit far larger numbers of less affluent workers. Second, while large numbers of people of whatever income level are unemployed, the demand for equity should not be an excuse for inaction. Rather it should serve as a guide so that as we establish special programs for scientists and engineers, we may at the same time, for reasons of equity, take steps to improve programs available to other workers.

A final question posed is whether we should regard the defense/aerospace industry as a national asset to be preserved. There is some evidence, to which this report has already alluded, that many firms in the industry are unsuited for, or ignorant of, the civilian economy. Nevertheless, many experts contend that defense/aerospace firms bring together unique managerial and scientific talent which can be employed to great effect in civilian fields. There are in this connection hopeful developments which suggest that defense aerospace firms will be able to adapt to civilian work. No fewer than six of the original 22 winners in HUD's Operation Breakthrough home-building program were defense aerospace oriented: Ball Brothers Research, Boeing, General Electric, Grumman, Rohr, and TRW. Inventor and futurologist R. Buckminister Fuller predicts that sometime in the 1970's aerospace companies will team with firms that understand the hotel business to form new building companies to corner the home-building market. Attracting them will be the knowledge that housing, even in its depressed state, is a $30 billion a year business compared to only $22 billion for the aerospace industry.[17]

There is one very serious obstacle to impede fulfillment of such visions, however. Virtually every expert concerned with the question of conversion agrees that the key to productive employment of defense/aerospace technicians in civilian industry will be Federal financing of civilian R&D.

According to the National Science Foundation, in order to provide a job for an individual scientist or engineer during 1972, an average of $53,000 a year will be required in R&D funding. This means that to provide civilian R&D jobs for the 59,000 scientists and engineers who were unemployed in March 1971 (not to mention 41,000 unemployed technicians) would have required an incremental R&D expenditure for FY 1972 of $3.1 billion. To provide civilian R&D jobs for all of the 118,000 scientists and engineers who may be unemployed by the end of 1971 (again not to count an estimated 82,000 technicians), we will require an incremental R&D expenditure of $6.3 billion.

Regrettably, the proposal in the current budget to increase R&D by $1.1 billion will do little to meet the need for more R&D funding in the civilian field. Eighty percent of the increase will go for military R&D.

Legislative outlook

In this session of Congress there are some 20 bills that have been introduced on conversion. Hearings are scheduled in the House of Representatives on the Conversion Research and Education Act of 1971 which would authorize the National Science Foundation to make grants for research on conversion and to provide fellowship for scientists desiring to retain for civilian work. Hearings will also be held October 25 and 26 by the Senate National Science Foundation Subcommittee on the same Conversion Research Education and Assistance Act and the New Cities Research and Experimentation Act.

While most of these 20 bills address specific, immediate problem areas, the National Economic Conversion Act provides long term comprehensive planning. This bill would establish a National Economic Conversion Commission and would require defense contractors to submit conversion plans and create a conversion reserve fund out of defense industry profits. Contractors would be able to draw upon the reserve fund to finance conversion planning and implementation. It would also provide benefits to workers suffering hardship during the transfer to civilian production.

The National Economic Conversion Commission would be composed of members of the Cabinet, the Administrator of NASA, the Chairman of the AEC, the Director of the Arms Control and Disarmament Agency, the Chairman of the Council of Economic Advisers and three representatives each from business and labor. It would be chaired by the Secretary of Commerce.

Since conversion is a problem common to many sectors of American society, it cannot be met with piecemeal action. The National Economic Conversion Act links business, labor, scientists, blue collar workers and federal government in a reasonable association designed to encourage positive responses.

The primary purpose of hearings on any of these conversion bills must be to move the nation toward a consensus on many of the issues of equity discussed earlier. In the meantime, there are several specific steps which the Administration and Congress can take to resolve the current state of disruption.

RECOMMENDATIONS

(1) We recommend that Congress authorize a systematic and steady increase in the level of federal funding for civilian R&D for socially useful goals until it reaches parity with defense R&D.

We suggest that the following civilian programs receive increased federal R&D appropriations: low-cost housing, mass transit systems, pollution control techniques, advanced environmental planning, oceans research, population distribution, comprehensive health care methods and public education.

The total federal R&D expenditures for FY 1972 are estimated at $16.7 billion. The Department of Defense, NASA, and the AEC account for 77% of this sum.[19] We strongly recommend that this proportion be equalized over five years by holding military R&D constant and increasing civilian R&D by about $500 million annually. In effect this figure would be a firm Congressional commitment to reordering national priorities. It is large enough to have immediate impact and yet modest enough not to overtax the ability of the civilian sector to absorb new funds. Every effort should be made not to splinter these new appropriations into such small contracts that they do not have appeal to the aerospace industry. It is hoped that certain R&D contracts will develop into procurement programs with significant profit interest to the aerospace community.

(2) We recommend specific legislation be passed to assist unemployed defense workers such as provided in the National Economic Conversion Act. At a minimum this legislation should include income maintenance provisions, federal insurance against forced home sales in depressed areas, federal assistance in retraining and maintenance of medical and life insurance. In addition, the experimental labor mobility project of the Department of Labor should be expanded to include unemployed defense workers.

(3) The Department of Labor should undertake a thorough examination of methods to eliminate conflicts among various regulations governing unemployment insurance eligibility and provisions for severance pay and report to Congress with its findings. Such conflict now exists in 22 states.[20] [21]

(4) We recommend that the Department of Labor expand its $42 million program to provide grants to scientists and engineers exploring new job opportunities. We suggest that the program be run at the requested level for one year and then, pending a favorable review, be doubled. At present funding levels, the $25 million allotted specifically for retraining will affect 10,000 or only 10% of the unemployed technicians. This program will provide for job retraining, geographic relocation and transfer to new professions without retraining.

(5) Congress should correct the mistake made in 1969 of cutting off funds for the Department of Commerce State Technical Services Program which is designed to assist local industries adopt new technology. The annual sums involved are small, less than $50 million, while the gains are substantial. After little more than two years of operation, the State Technical Services Program was judged by Public Evaluation Committee as "a valuable asset to our country not available anywhere else." [22]

CONCLUSION

With their unusually high concentrations of scientific talent, defense/aerospace industries play a major role in the development or retardation of American technology. Opinion is divided on whether large Government-financed programs in defense and space assist or hobble the American technological effort. But in the event of large defense reductions, the nation would be foolish in the extreme if it did not take steps to insure that the scientists released from the defense sector find socially and professionally useful employment elsewhere.

We should not, we cannot, repeat the experience of the period since 1968 on a large scale.

FOOTNOTES

[1] Colonel James A. Donovan, *Militarism, USA*, Charles Schribner's Sons, New York, 1970, p. 54.

[2] July 1971 estimate of Library of Congress.

[3] Ellis R. Mottur, *Conversion of Scientific and Technical Resources: Economic Challenge—Social Opportunity*, The George Washington University, Monogram #8, GWPS-Mon 8, March 1971, p. 55.

[4] United States Arms Control and Disarmament Agency (ACDA) *Adjustments of the U.S. Economy to Reductions in Military Spending,* December 1960, p. 66.

[5] Ibid, p. 64.

[6] Ibid, p. 73.

[7] Mottur, *op. cit.,* p. 84.

[8] Donovan, *op. cit.,* p. 54.

[9] *Economics of Military Procurement,* Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, November 1968.

[10] Gilbert Burck, "Famine Years of the Arms Makers," *Fortune* May 1971, p. 164.

[11] Mottur, *cp. cit.,* p. 51–52.

[12] Hearings, Senate Executive Reorganization Subcommittee, November 1970.

[13] Burck, *op. cit.,* p. 164.

[14] Mottur, *op. cit.,* p. 33–34.

[15] The National Urban Coalition, *Counterbudget,* Prager, New York, p. 269.

[16] Mottur, *op. cit.,* p. 156.

[17] *Forbes,* Jan. 1, 1971.

[18] Mottur, *op. cit.,* p. 156.

[19] Special Analysis: Budget of the United States Government, Fiscal Year 1972, p. 273.

[20] ACDA, *op. cit.,* 376.

[21] ACDA, *op. cit.,* 377.

[22] *Final Report of the Public Evaluation Committee for the State Technical Services Act of 1965,* November 14, 1968.

ALASKAN NATIVE CLAIMS AND CONSERVATION

Mr. **BUCKLEY**. Mr. President, within the next few weeks the Senate will be asked to vote on a bill to settle the Alaskan Native Claims. This legislation has attracted considerable attention among conservationists because of its potential effects on the largest, most spectacular stretch of wilderness left on the North American Continent. I speak of the Brooks Range and the North Slope of Alaska, an area which was virtually untouched by modern man until the discovery of oil at Prudhoe Bay in 1968. It is an area which stretches some 500 miles from the Bering Sea to the Canadian border; an area of incredible beauty, but one which is astonishingly fragile.

I ask unanimous consent to have printed in the RECORD excerpts from three articles which I believe will help Senators to get a better understanding of the problems of the Arctic to the end that the pending legislation may incorporate the most intelligent approach to the development of Alaska's resources while at the same time preserving its unique landscape and wildlife.

The first of these articles, entitled "The Ultimate Confrontation," was published in Sport's Illustrated for March 24, 1969. I remember being taken by its particularly sensitive description of the beauties of the Brooks Range and of the special environmental problems unique to the Arctic which are posed by the developments sparked by the Prudhoe Bay discovery. I am omitting a portion of the article dealing with the picturesque, but nevertheless not pertinent, history of the area's exploration.

The remaining two articles were delivered as papers before the Arctic International Range Conference held at White Horse, Yukon Territory, in October 1970, and published in 1971 in a supplement of the University of British Columbia Law Review.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Sports Illustrated, March 24, 1969]

THE ULTIMATE CONFRONTATION

(By Robert Cantwell)

It has come in the Brooks Range of Alaska, a majestic wilderness where wolves are many and people are rare—or were, until oil gushed at Prudhoe Bay.

Sir John Franklin, having left his dying wife in London—she insisted that he depart as scheduled to search for the Northwest Passage—reached his westernmost point at a place he called Prudhoe Bay. He was on the Arctic coast of Alaska, where a featureless plain extended away to the south and ended in a maze of sharp-peaked mountains. One can locate Sir John's Prudhoe Bay in two ways today: on old mariners' charts of the Arctic Ocean or on new maps of the world's oil resources. It is the place where oil was discovered last year in what geologists suspect is one of the largest petroleum fields in the world, bigger than East Texas, bigger than Oklahoma and perhaps as big as Iraq. But Sir John had nothing good to say of the bay. Defeated by the shallowness of the water, the height of the surf, the violence of the gales and the absence of shelter, he had to turn back. That was in 1826, and for the next 142 years Prudhoe Bay cropped up only in a few accounts by Arctic explorers, who regarded it with even less enthusiasm than Franklin.

Nonetheless, Prudhoe Bay deserves some enthusiasm and attention now, not just in connection with the oil strike there but in terms of how the strike might affect sport, wildlife, conservation, wilderness areas and the attitudes of man toward his environment in this very substantial section of America. It happens that between the oilfield on Prudhoe Bay and the rest of the world lies the Brooks Range, 500 miles long and 150 miles wide, the largest untouched wilderness on the North American continent. Half the Dall sheep of the world live there, as well as enormous herds of caribou—at least 440,000, according to a cautious official estimate last year, and perhaps as many as 1.2 million—and impressive numbers of grizzlies, moose and wolves. The question that arises is not the familiar one of keeping a wild environment forever wild. The issue goes deeper than that, and it should, and it will have to be resolved by more informed and careful thinking than the do-we-exploit or don't-we-exploit philosophies that have dictated natural resources development in this ocuntry for years.

It was, perhaps ironically, the discovery of the wonders of the Brooks Range that led to the establishment of wilderness areas in the national forests of the continental United States. Robert Marshall, the first director of recreation in the U.S. Forest Service, made six exploring trips into the Brooks Range when it was unmapped and unknown. There, in the early 30's, he formed his wilderness philosophy, and he adopted the combative and intransigent position that has been the attitude of American conservationists toward their opponents ever since. "The development of Alaskan resources should be retarded," Marshall bluntly told a Senate committee in 1938—and never mind what natural wealth might lie hidden in the wilderness. Marshall urged that the whole area—not only the Brooks Range, but the coastal plain north of it, everything between the Yukon and the Arctic Ocean—should be zoned by the Federal Government to prevent any sort of industrial exploitation.

Until the Prudhoe Bay oil discovery, it seemed Marshall had a case. As far as the Brooks Range was concerned, it made sense; there were no people in the range anyway. The mountains were seen, if at all, from the air. More forbidding than the Rockies, the peaks crowded one upon the other in incredible density and variety, massive pyramids and needle-shaped spires, great metallic-looking domes and vast gray slopes slashed with black ravines and ridges, seeming less like a mountain range than something knocked over and broken in a cosmic disaster that left enormous fragments of wreckage scattered over the frozen earth.

But who could reasonably agree, after the discovery of the largest oilfield in North America, that its development should be prevented for the sake of those gigantic stones? The first news of the Prudhoe Bay oil discovery reached Fairbanks, Alaska on Jan. 16, 1968. The Fairbanks *Daily News-Miner* reported guardedly that the new well was, except for some test wells in a Navy oil reserve, the only important gas discovery ever made on the Arctic slope. That was an understatement. It was among the largest producing oil wells ever drilled. A little later the *Alaska Conservation Review* reported a meeting of Fairbanks conservationists with this headline: Oil Boom Threatens Wildlife Ranges. But neither conservationists nor oilmen had much to say. The atmosphere was like that in the dugout in the seventh inning of a no-hitter. And then, rather dramatically, the tension shifted to ninth-inning levels when Alaska's governor, Walter J. Hickel, was named Secretary of the Interior, an appointment that led to sharp questioning about his conservation and oil philosophies—and intentions. The Brooks Range was now only not geologically famous, but politically famous, too.

Winter hits Prudhoe Bay, the Brooks Range and Fairbanks like a frigid explosion. The lights go out. The curtain falls. For two months the mountains are a region of leaden gray-and-black shadows, with short periods of twilight at midday. It is a silent world of dim crags, large stars, dark stands of dwarf spruce trees, ice-covered rivers and frozen waterfalls hundreds of feet high. Unbelievably, a dozen species of birds remain in the mountains all winter—ptarmigan, ravens, snowy owls, gyrfalcons, jays and crossbills. Dall sheep also remain, staying on the north slopes where light snow and the prevailing winds keep the ridges bare. Caribou browse in the spruce forests south of the mountains, tawny gray shapes so completely hidden by darkness and their own restless movements that no one knows precisely where the main herds winter, except that it is somewhere between the Koyukuk and the Yukon in an unpeopled wilderness the size of Pennsylvania. Last year a herd of considerable size—92,000 according to a government wildlife expert—moved on its traditional migration path from the lichen-covered coastal plain to winter in the narrow valleys in the wildest part of the Brooks Range. For the first time the animals passed, on their way, the Atlantic Richfield drilling crews working on their wells at Prudhoe Bay.

Spring arrives like the opening of the *1812 Overture*. The sun, absent since November, comes back as a faint glow in the south. Sunlight touches the tops of the mountains, while the valleys are still black as night. Each day sunshine descends lower on the slopes, and soon it is daylight all the time. In early April the sun sets about 10 at night and rises at 2 in the morning. The rest of the time there is a soft glow, like sunrise. The lights blaze up, the curtain rises and sounds like cannon roaring and armies clashing reverberate as avalanches start and frozen waterfalls crash down. In the last two weeks of May the ice breaks up on the rivers. Diamond Jenness, a young archaeologist, was stranded near Prudhoe Bay during the winter of 1913 and left an account of the coming of the season: "Water began to flow everywhere. New birds appeared. . . . The rivers broke out all along the coast; their roar could be heard twenty miles away and their dark waters, newly exposed to the light, reflected the somberness of the sky above. Spring had reached us at last."

When the light grows strong the caribou move through the mountains, the cows, heavy with calves, breaking the way through the snow, the bulls following leisurely later on, with the wolves, some of them the size of ponies, following both. "You better leave the wolves out of it," says Bill Snedden, the publisher of the *Daily News-Miner*, "or you'll really get in trouble." No one can say anything about wolves in Alaska without starting a sort of scientific barroom fight prompted by outrageous pro-wolf or anti-wolf assertions made by people who know little about wolves.

The newspapers print more about wolves than they do about oil, if you count the correspondence columns. A wolf in the Brooks Range lives well, killing one caribou a week, on the average, or about 50 a year. (This is not an outrageous deduction of my own; it can be found on page 193 of *Nunamiut*, by Helge Ingstad, a Norwegian scientist who lived for a year in the central Brooks Range.) Heading for their calving grounds on the north side of the mountains, into country too bleak and remote for wolves, last year's migrants, or one herd of them, had to pass a second oil well being drilled on the Sagavanirktok River, seven miles from the discovery well.

Because of the difficulty of spelling or pronouncing Sagavanirktok—an Eskimo word for fast water—the river usually is called the Sag. Not a big river, by the standards of the world's immense rivers, the Sagavanirktok is nonetheless historic. It flows steeply from the mountains into Prudhoe Bay, and in some fashion or other most of the few explorers in the Brooks Range have followed its course. The second well is called Sag River One. On June 25, 1968 news reached Fairbanks that Sag River One had come in. This time the *News-Miner* reported that the field was evidently one of the world's biggest. Within months, 12 drilling rigs had been flown over the mountains to the new field; the freight planes of Alaska Airlines and Interior Airways were booked ahead for 450 flights. (Current figures have dwarfed these; flights from Fairbanks now reach 120 a day, and planes are reported booked for 5,000 flights.)

Never has there been a place so plainly at the end of one epoch and the beginning of another. In the Kobuk Bar in Fairbanks an airline executive says, "Last month we had 17 pilots. This week we have 41." There was a meeting of hunters and conservationists in the clubhouse of the Tanana Valley Sportsman's Association to discuss "The Impact of Oil and Gas Discoveries on the Resources of Alaska." A professor said, yes, oil was a valuable economic resource, but wildlife, vegetation, scenery and wilderness represented potential dollars, too. Yet the conservationists sounded discouraged. Not that the Brooks Range or the coastal plain north of it are in immediate danger of devastation. The uninhabited area concerned is about the size of Italy. Local enthusiasm for the oil discovery was combined with a sense of regret at the end of isolation for the mountains. The world was about to discover the Brooks Range.

The Brooks Range has always been mysterious. The men who explored it were young. Their reports were squirreled away, printed in private editions, lost or buried in scientific volumes with forbidding titles and few readers.

* * * * *

It was in the summer of 1929 that Robert Marshall, a 28-year-old forester, set out on the first of six trips to the Brooks Range which made those mountains famous. Marshall, a wealthy New Yorker working for his doctorate in plant physiology at Johns Hopkins University, wanted to study the northern limit of the tree line. He was muscular, rangy, highspirited, energetic and clumsy, but he knew something about mountains. His parents had a summer home in the Adirondacks, and as a boy Marshall climbed all of the 42 peaks in the Adirondacks that were more than 4,000 feet.

In Fairbanks, Marshall, with the help of the University of Alaska, found a guide, a Polish-born mining student named Al Retzlaf, but Retzlaf had never been in the Brooks Range either. The two newcomers to the territory then flew to Wiseman, rented the only two horses in town—probably the only two above the Arctic Circle—and headed north over the gray and green foothills for the central Brooks Range.

After a week they reached country that Marshall found more spectacular than the Rockies or the Sierras—and he knew the American wilderness as well as anyone. At the gorge of the Clear River—about five days north of Wiseman—where the stream races for 10 miles between canyon walls too narrow for passage, they climbed to a plateau a thousand feet above the rapids. Ten miles ahead they could see a monstrous tower of rock that Marshall named Mount Boreal. It rose straight up for 6,000 feet. Directly opposite it, across the narrow valley, was a jagged needle projection not quite as high that marked the gates of the Arctic. The main Brooks Range spread away endlessly east and west. "Every mountain was covered with snow, every peak showed a clear white edge set against pure blue. There was not a cloud in the sky," wrote Marshall.

Why, Marshall wondered, had no one written about this incredible land? He came to a valley more beautiful than any encountered so far, with a grassy floor and sheer stone walls that rose thousands of feet high (the headwaters of Ernie Creek, on modern maps) where a river dropped 1,500 feet in waterfalls at the end. Retzlaf shot a grizzly there; Marshall drew maps, named mountains and photographed a landscape he was now sure surpassed the grandeur of Yellowstone or Yosemite.

Soon he came to the Arctic Divide, a limestone palisade a thousand feet high. Not far away he counted 13 great waterfalls in a single mile-and-a-half stretch, including one that crashed straight down a thousand feet. The weather remained a comfortable 24°, the air sparkling clear. He climbed a peak he named Rumbling Mountain—he named 127 places in the Brooks Range—and found "the most impressive view of my life." Along a sharp wall were 10 knife-edge ridges, each with a giant precipice, each rising thousands of feet above gorges and beyond them a green rolling valley like those of the Adirondacks, a panorama "of rivers unvisited by man, deep canyons and hanging valleys glimpsed from a distance but never explored, great mountains which no human being had ever ascended."

Marshall now faced a dilemma, one that has burdened American conservationists ever since. He had to record the magnificent mountain world he had found. But if he did, his work might attract the tourists who would end the untouched wilderness character that made the range unique. He solved his problem by writing a book about his exploration, handsomely illustrated with his photographs, but he printed only a few copies. These he gave to his friends and to wilderness enthusiasts who could be counted on to recognize that the grandeur of the Brooks Range might be spoiled if too many people knew about it.

Marshall and Retzlaf returned to the mountains in the summer of 1930 for a longer trip that gave Marshall the material for a second book, likewise privately printed and so limited in circulation as to be almost secret. But Marshall also published a popular book. He spent 15 months in 1930 and 1931 in the town of Wiseman, where he wrote *Arctic Village*, a sociological study that became a best-seller and made him famous, but which, paradoxically, said nothing about the wonders of the Brooks Range that filled Marshall's two privately printed volumes. *Arctic Village* became a sensation in the U.S., but it was an even greater sensation in Wiseman, where it was said Marshall would be lynched if he ever came back to town.

Unpublicized though it was, the Brooks Range wilderness continued to exert profound influence on the U.S. conservation movement through Marshall, who, under Franklin Roosevelt, had authority over outdoor recreation in 180 million acres of national forest land. He used that authority vigorously, principally to establish a system of wilderness and primitive areas in the national forests, setting aside 81 of those areas from which all forms of mechanization were forever barred.

Even more influential was Marshall's concept of a wilderness elite. "Only a small minority of the human race will ever consider primeval nature a basic source of happiness," he wrote. "Quality as well as quantity must enter into any evaluation of competing types of recreation, because one really deep experience may be worth an infinite number of ordinary experiences." Venturers into the wilderness were a superior class, he felt, because their self-testing gave them emotions that were intrinsically more valuable than the casual sightseeing of millions. And the Brooks Range was always, for him, the ultimate wilderness, the ultimate experience.

There is now a town called Anaktuvuk Pass (Zip Code 97721) right in the middle of the central Brooks Range, with 119 Eskimos, a schoolteacher and a Vista volunteer, a new schoolhouse and a gravel airstrip. One can take off from Fairbanks at 10 in the morning on Tuesday, Thursday or Saturday and fly north a few hundred miles across the broad, watery valley of the Yukon to Bettles, 45 miles above the Arctic Circle. En route, it becomes dramatically apparent that the country just south of the Brooks Range is an unending expanse of low hills covered with shining yellow birches and dark stands of green-black Alaska spruce. There are no signs of human habitation, no roads. The only breaks in the forest are the shining still surfaces of winding rivers bordered with immense sandbars as level and empty as supermarket parking lots on a Sunday morning.

At Bettles there is a first glimpse of the mountains, incised on the northern horizon in white and steel-blue peaks. The seats are taken out of the plane in Bettles, and various necessities of life in Anaktuvuk Pass—plywood walls for shelters, bags of onions, cans of chili con carne—are strapped into the cabin. Leaving Bettles, the plane climbs high over John River. Bright sunlight strikes the tops of the mountains in all directions, and thin blue shadows below the peaks create an impression of a world of nothing but mountains, empty and geometrical, all tilted planes and angles. Any horizontal line gets bent, broken, crushed, upended; there are no flat places in this world.

Was Marshall right? Is the Brooks Range more awe-inspiring than Yellowstone or Yosemite? Well, yes. But in an unexpected way. For an hour or so we flew low over the John River, where 5,000-foot mountains on both sides block out the distant peaks. I could look out of either side of the plane and see extremely large chunks of very hard rock appallingly near. But the land beneath those forbidding stones is strikingly parklike and genial. It is the contrast between the gaunt, frozen peaks and the garden appearance of the little valleys that makes this mountain range unique, a mixture of overpowering strength and fragility, with constantly changing patterns instead of the uniform grandeur of the Rockies.

Even more meaningful, perhaps, is the solitude, which envelopes everything in a shell of silence that makes the Brooks Range inspiring in a way that familiar places such as Yellowstone can never be again. So, in a sense, Marshall was right: these unexplored mountains are more impressive than the most famous of our national parks.

Almost any writer mentioning the Brooks Range stresses its strange combination of strength and vulnerability, of the harsh and the gentle. Commander John Reed, the director of the Arctic Institute, who was in charge of the Navy's exploration of the Petroleum Reserve No. 4, observed how the region was easily scarred: "Vehicle tracks are likely to remain easily visible for years because of the slow recovery of tundra vegetation. Even winter tracks may long be visible because the compacted snow affects the following summer's growth."

The record goes back a long way. Ejnar Mikkelsen was a young Dane who borrowed money to go there with Leffingwell in 1906. In *Conquering the Arctic Ice* he described a trip into the eastern Brooks Range, where he camped in a forest of dwarf trees many years old but only shoulder high, where "the mountains were towering over our heads and the sound of falling water was the only noise in the great frozen country." Constance and Harmon Helmericks, the authors of *We Live in the Arctic,* spent 1945 in a cabin on the Alatna River, near where Lieutenant Stoney had lived 60 years before. They watched a herd of 100,000 caribou stream past, 4,000 a day for a month. Lois Crisler, who wrote *Arctic Wild,* lived through the winter of 1957 on the Killik River in a landscape where ancient birch trees grow only ankle high.

Most of them said the winters were livable. Some of them said they were enchanting. Mikkelsen wrote of winter darkness: "These days in the Arctic are the finest that man can see. The air is fresh, clean and bracing; we feel the joy of living so much we frisk about like puppies." Nicholas Gubser, a Yale scientist who lived through 1960 at Anaktuvuk Pass—he could not keep up his notes during the winter because he had to hunt to keep from starving—said that only at 40° below zero was he really cold.

But all the reports agree on one vital point: the Brooks Range is not only the greatest wilderness left, it is also the most fragile. Its thin land surface cracks like an eggshell. Nothing decays or sinks into the earth. The healing underbrush and vines that soon hide a forest camp in the continental U.S. are absent: the campsite will remain visible forever. The tracks made by the Navy's exploring vehicles 25 years ago still crawl through the foothills, like the trail of some prehistoric monster which had dragged itself in from the sea. In many areas there are no trees to screen anything; an empty oil drum is visible for miles and looks enormous. Along the big rivers are rushing streams that are called creeks—really good-sized rivers in their own right. "There are trails all along those creeks," wrote Donald Orth, a member of the U.S. Geological Survey crew that mapped the Brooks Range. "That doesn't mean that many people have walked along them, but if a couple of people do so, it makes a trail."

One gets to Anaktuvuk Pass on the plane from Fairbanks about 2:30 in the afternoon. The pass suddenly widens out to an expanse of level ground several miles wide, and to the north the terrain can be seen gradually curving down 2,200 feet to the Arctic Ocean 150 miles beyond. On this particular day caribou herds were coming through the pass; the advance bands had been seen the day before, somewhat behind schedule. Traditionally the hunters let the advance bands pass; otherwise the main herd may be frightened into following some unknown route a hundred miles away. Formerly they were hard to hunt because of the lack of cover, and a shot within 150 yards was rare. But now they are hunted in snowmobiles. The Eskimos ride into the main herd, shooting at close range like oldtime buffalo hunters, and a single hunt may—and hopefully will—supply a village with food for the winter.

This sounds like butchery but it is not. "There is no limit on caribou north of the Arctic Circle," says Robert Hinman, the district director of the Alaska Fish and Game Commission. "The herd is underharvested. Moose—no problem. Dall sheep—in specific areas there may be a decline, but not as a general condition. There are only about 25 guides who fly hunting parties into the mountains regularly or occasionally, perhaps a few more now, because the Alaska Range in the south is being heavily hunted and guides there are flying some parties to the Brooks. Fishing is usually an adjunct to a hunting party. The oil-drilling crews do not hunt much, as a rule, but they fish a good deal. No, the thing that scares me is not the depletion of the wildlife, but the fact that the Brooks Range is such a fragile environment. Anything that is done there leaves a mark. Inevitably there is going to be some scarring of the landscape. The question is, how much can it be controlled and reduced?"

Yes, that is the question. The villagers in Anaktuvuk Pass are the last inland Eskimos left. They have been so often interviewed that they greet an incoming plane with a smiling readiness to answer questions; the white people they have met have been geologist, archaeologists, ethnologists, botanists, zoologists, limnologists, soil scientists and experts from the Arctic Institute. The Eskimos seem to feel that the outside world is composed of educated people concerned with Eskimo lore. Some of them, like Simon Paneak, have appeared in so many erudite books that they are intellectual figures and are called upon to correct manuscripts. But today there are a lot more visitors to Anaktuvuk Pass, and not just questioners. A boom is on. Eskimos are being trained to work on oil rigs, a pipeline is projected that will go through the pass to Prudhoe Bay and a winter road has been completed to the oilfields.

In the thin afternoon light, so uniformly blue and shadowless it seems as if the world has suddenly turned pale, Anaktuvuk Pass looks unreal. It is the last area in the world where one would expect that a major industrial development could cause concern. All that space—wild, virginal. But the facts are inescapable. If there were ever a place where progress and conservation come into direct confrontation it is the Brooks Range. For the first time in history the alternatives are absolute. There is an untouched wilderness on one hand and an enormous natural resource on the other. Industry has never before had such a clear opportunity to develop the resource and still preserve the wilderness. There are two causes to be served. Perhaps, with unusual thought and care, both can be served.

Some Economic and Social Implications of the Proposed Arctic International Wildlife Range

(By Peter H. Pearse)

PROBLEMS AND OBJECTIVES

The purpose of the proposal for an Arctic International Wildlife Range is to ensure that a large parcel of public domain in the Northwestern Yukon will be developed in a way that will best serve the public interest. The implication of this is that without special status for these lands, there is danger that significant values will be lost. There is justification for this apprehension. Examples of alarming damage to land, wildlife and native societies resulting from industrial activities in the frail ecological conditions of the arctic are well known. The proposal is aimed not at preventing productive uses of resources, but rather at providing a set of institutional and legal arrangements that will ensure that all values, however intangible, will be considered so that the ultimate pattern of development will yield maximum benefits to society as a whole.

In a mixed capitalistic economy like Canada's, we normally depend upon market forces to steer productive resources to their highest and best use. Where all products are priced, and the competitive system works well, private owners will allocate their resources to that use, or combination of uses that will yield the highest return. And if the market is working perfectly, that pattern of use will maximize not only private returns but will generate the highest social returns as well.

But in the case of the arctic ranges we cannot depend on the market to produce the optimum result. In the first place, the resource base is not privately owned. The policy of public retention of title means that the land will not go to the highest bidder who would put it to its most productive use. Rights and privileges to specific resources are allocated separately to separate groups who have little incentive to weigh the effects of their activities on the values that accrue to others.

Secondly, many of the values generated are not priced in the market place, so that the market cannot automatically register all the benefits and costs of development activities. Where only some values and costs are registered and considered by developers, but their actions have implications for other values, their maximization of returns cannot be expected to yield the best result for society as a whole. It must fall to the public landlord to ensure that all values are weighed in an unbiased way, regardless of the difficulties in assessing them.

Thirdly, the market can be expected to efficiently achieve socially desirable results only if decision-makers have full knowledge of the results of their actions. Our knowledge about the subtle effects of arctic activities on the environment is rudimentary. Experience suggests that apparently innocuous actions often have profound and lasting effects on ecological conditions. More serious ecological damage may be, for all intents and purposes, irreversible. The long run social interest therefore demands special caution in development planning.

Finally, some values, if they are to be preserved at all, must be preserved on a large scale. A wild species cannot be protected by preservation of only part of its required range or habitat. Wilderness preserved in very small units is meaningless. Similarly, a way of life or a social structure is not viable unless it encompasses a large enough number of people. All these values are relevant in the area covered by the arctic range proposal. The scale of project required to protect these values is often beyond the capacities of private enterprise, and hence their perpetuation and development depends on the action of governments.

All these considerations imply the need for close government control of resource development projects. The urgency of the proposal for special status for the Northwest corner of the Yukon, stems from the possibly enormous industrial activity associated with future oil and gas recovery in or near the area. The evidence of experts suggests that serious ecological damage has resulted from such activities elsewhere in the arctic as a result of a failure to recognise some of the values at stake, ignorance, and a lack of clear public policy (Cowan: 1969). The present proposal is an attempt to ensure that this waste is not repeated in an area where non-industrial values are conspicuously important.

The specific non-industrial values at stake in the area covered by the proposal will be completely described by other participants in this conference. Given the need for close government control, the remainder of this paper is directed to the problems of assessing these values, of determining the required degree of compromise between competing demands as resources, and of providing administrative arrangements capable of ensuring that the optimum result will be achieved.

ASSESSMENT OF NONINDUSTRIAL VALUES

Most natural resources are capable of yielding streams of benefits through time, and these benefits can take a wide variety of forms. The ultimate objective of the public landlord is to see to it that resources are used in a way that will maximize the values they generate; not in any one use alone, but in the aggregate of various possible combinations of uses that have social value.

The design of criteria for judging the adequacy of any particular resource use pattern in meeting this general objective involves some difficult problems, particularly when the management requirements for different kinds of values are not entirely complementary. The value of each form of benefit must be estimated whether it is priced on the market or not; benefits that will accrue in the future must be counted as well as those in the present; the degree of compatibility of different demands on the resource base must be analysed to reveal the trade-off between them; and it is necessary to discover how the intensity of one form of use affects other values. In fact, of course, governments deal with these problems every day in deciding how public resources will be used (although we may often question the rigor and completeness of their analyses). Economics offers general criteria for assessing the efficiency of resource use in meeting given objectives. But economists are compelled to look to others for specification of the objectives on the one hand and for information about resource capabilities on the other.

In the case of the proposed Arctic International Wildlife Range, a variety of values must be considered. The area probably contains mineral and petroleum deposits of commercial value. It may offer the least expensive route for an oil pipeline from North Alaska to southern markets. The tundra and boreal forest support commercial fur species, and the coast provides a base for harvesting the resources of the Arctic Sea. In addition to these obvious commercial values, the area yields more subtle benefits which are more difficult to evaluate. It provides critical habitat for an enormous variety of wildlife species including some, such as caribou and falcons, which are becoming increasingly rare. It supports native Indians and Eskimos in their original way of life. And it offers unique opportunities for reaction, appreciation and study in one of the world's most interesting and important geographical regions.

Resources demanded for industrial purposes are relatively easy to assess. Their value is the difference between the value of the product and the cost of extracting the raw material, transporting it and preparing it for the market. The net value usually takes the form of private profits and government rents, royalties and taxes generated in the process. One conspicuous problem in evaluating industrial resources surrounds certain costs associated with the utilization processes that are not borne by the private user nor registered in the marketplace. These include the "external" costs of pollution, ecological damage, dislocation of other activities and so on. These costs of production are difficult to evaluate, but from the point of view of society as a whole they are real costs nevertheless (Jarrett: 1966).

Non-industrial values present more basic problems of assessment. Recreational and aesthetic values, educational and cultural values, and the special value of preserving unique features of nature all fall into this category, and are important in the arctic range proposal. Economists have made significant progress recently in developing and refining techniques for estimating the economic value of recreational resources, even where the recreational opportunities are provided free to users. Pearse and Bowden; 1969). The procedures involve the use of indirect evidence to determine how much recreationists would be willing to pay for access to the resources rather than abstain from the recreation. These techniques are capable of providing useable estimates of recreational values where the resources involved are not unique and where the benefits of the recreation activity accrues entirely to the recreationists themselves.

Where the resources include unique and irreplaceable features of nature, however, an evaluation based solely on the appreciation of participants is inadequate. Others, who may never visit the site, may value preservation of its natural characteristics simply because they value the option of being able to appreciate it or the opportunity for their heirs to appreciate it in the future. Unique resources thus share some of the characteristics of irreplaceable works of art. Many people value the preservation of unique works of art in the same way that they are willing to support preservation of the Serengeti National Park in Africa, Niagara Falls, whooping cranes and buffalo, even though they may never expect to see them. Destruction of these features would eliminate forever the opportunity to appreciate them, and the loss of this option would represent a loss to all future generations. This "museum value", associated with unique and irreplaceable features of nature, provides special cause for restraint in considering projects that would permanently alter their natural characteristics (Krutilla et al: 1970). Uniqueness and irreplaceability are not common characteristics of recreational resources, but they are important features in the Arctic, where the ecosystem can so easily and permanently be disturbed by human activity.

That people value the natural wilderness of the Arctic is evidenced by the public outcry over reports of its destruction, and the response of governments with measures to protect it. We also observe general public support for a rather expensive programme for protecting the whooping crane from extinction. It is by no means irrational for people to value the preservation of rare or unique featues of their natural heritage, even if the direct enjoyment of them accrues to others.

Similar arguments apply to educational and cultural values. The Arctic supports a unique cultural heritage which is threatened by major disruption. Whether the native people would be better off with a different social organization is an open question; but the advocates of change and the native people themselves must recognise that the traditional way of life, once destroyed, can never be reconstructed.

The value of resources for most purposes can be observed to rise through time with economic and population growth. A general characteristic of this trend is the relatively more rapid rise in the non-industrial value of specific sites. As technology advances, the requirements of industry can be met in an increasing variety of ways. New resources are found, and substitute sources of energy and materials are developed. Industry becomes less and less dependent upon particular resources and on particular sites, so that the relative value of any one resource deposit or site declines through time. Economic advance effectively frees industry from dependence on particular sites and resources. But evaluations of industrial resources do not ordinarily take account of these trends.

At the same time, economic growth produces higher incomes, more leisure time and greater mobility, producing a growing demand for recreation and appreciation of the environment. But technology is not capable of increasing the natural resources available for recreation in the same way that it expands opportunities for industry, and so the recreational value of resources is seen to increase rapidly. The certain continuation of these trends suggests that in choosing between the alternatives of preservation of nature and industrial uses which have permanently damaging effects, we should err on the side of preservation (Krutilla: 1967).

Significantly, the category of outdoor recreation demand that shows most rapid growth is that associated with wilderness-type recreational opportunities. In North America, during recent decades, it has been the most remote and undeveloped parks and recreational sites that have shown the sharpest increase in visitation rates (Clawson and Knetsch: 1966). Studies show, also, that it is these resources which are valued highest by recreationists. These facts have important implications for resource management. If part of the value of a recreational experience lies in solitude and an atmosphere of unspoiled wilderness, large numbers of visitors will dissipate the value of the resource. As a result, resource managers are increasingly concerned about policies directed toward stimulating ever more tourism with consequent increasing pressures on resources. In an artic wildlife range, this is undoubtedly a serious matter. The kind of attractions offered by the Arctic suggest that the recreational and aesthetic values can be preserved only with low densities of visitors.

Tourism, which is often claimed as an important economic benefit, tends to be overvalued. The plethora of statistical reports on tourism typically show the gross spending of tourists, implying that this figure represents the value gained by the economy. But gross expenditures fail to take account of the costs involved in providing the goods and services purchased by tourists; and in view of the pattern of most tourist spending, these costs are likely to be close to the prices paid by tourists. The net gain, through the relatively competitive industries of accommodation, catering and travel services, is likely to be a very small fraction of gross spending. The additional consideration that large numbers of people can damage the quality of a wilderness experience suggests that a general policy of promoting tourism to wilderness sites deserves to be questioned.

NATIONALIZATION OF COMPETING DEMANDS

The ecological damage associated with some mineral and petroleum projects in the past was often unnecessary: it resulted from understandable ignorance of the effects, or from a lack of knowledge about alternative methods that would have been less destructive. Often, incentives to minimize damage were absent, because public policies failed to provide for recognition of ecological implications of industrial practices. In many cases, all parties were worse off as a result, including the industrialists who subsequently suffered public criticism.

Whenever it is technically possible to pursue industrial activities without adverse affects on other values, and without imposing additional costs on industry, the required public policy is simply to prescribe clear rules of behavior and provide adequate surveillance. Even if protection of the environment involves some small extra costs, industrialists are likely to co-operate willingly to avoid adverse criticism later.

This explains, in part, the value of the arctic range proposals. By providing legal status for the areas which ensures recognition of non-industrial values, attention will be focused on the need to protect these other values. Explicit standards of development will then become essential, and within these rules industry can proceed with certainty.

But it is probably naive to hope that the optimum degree of protection for the environment can always be achieved with insignificant extra costs to industrial activities. Frequently, protection and restoration of natural conditions will be costly, and if both industrial and non-industrial values are to be enjoyed, some compromise is necessary.

Multiple use is not a panacea for resource development problems, and the integration of conflicting demands raises difficult questions in practice. First, the degree to which different forms of use are technically compatible must be ascertained. To the extent that different values conflict, more of one form of development is possible only at the expense of others. Second, given the alternative combinations of uses that are technically possible, the best combination can be selected only with reference to the different values of the products. The optimum pattern of development is that in which any more of one use would generate a value that is just matched by the loss it imposes in other values. In the same way, extra spending on environmental protection is justified just so long as it preserves values that exceed the extra costs (Pearse: 1969).

The most difficult *technical* problem in designing optimum resource use patterns lies in determining the feasible combinations of uses and the extent to which they impinge on each other. The most complex *economic* problem consists in evaluating non-marketed benefits; in calculating the social value of intangible and often vicarious satisfactions referred to earlier. In addition, there are the problems facing public administrators in devising machinery and institutions for achievement of the desired results. For political authorities, there is the problem of reconciling the interests of different groups of people and regions.

DISTRIBUTION OF BENEFITS AND COSTS

Any decisions about how resources will be used has implications for the distribution of economic welfare among economic groups and among regions. These effects are seldom given the study they deserve. The arctic range proposal raises especially important questions about the distribution of benefits because the region is isolated, the indigenous population is a conspicuously low income group, and the benefits of industrial development will accrue to distinctly different people from those who benefit from non-industrial values (Scott: 1968). If the distribution of income was the same everywhere, and the government's scope of jurisdiction covered everyone affected, we might be indifferent about these effects; but this is clearly not the case.

Because the resources under consideration fall under the jurisdiction of the national government, the appropriate point of reference appears to be that of the nation as a whole. This is important, because the pattern of resource use that will maximize values to the nation will probably differ from that which would maximize values to the Territory, or to specific communities of people. A national point of view implies that benefits that accrue to people outside any subsidiary jurisdiction must be counted, but, on the other hand benefits that accrue to foreigners should be excluded. A few examples will serve to illustrate the importance of this point. The private profits and government royalties generated through mineral exploitations must be regarded as benefits to the extent that the corporate shareholders are nationals and the royalties are paid to the national government. But none of these is likely to be a significant benefit to the particular area in which the exploitation takes place. Free recreational opportunities typically benefit visitors from a wide region, only a fraction of whom are resident in the local area. Preservation of nature untouched may provide esoteric forms of enjoyment for people from elsewhere, but may interfere with the ability of local people to enhance their own welfare. Some kinds of development must be considered beneficial to a local community, but from the national point of view there may be no net gain if the development would otherwise take place in other communities.

Thus the sphere of reference of the planners is extremely important because the different points of view of different jurisdictions inevitably lead them to advocate different policies. In fact, any proposal for development in the Arctic is unlikely to be successful unless it can be shown to benefit not only the nation as a whole but also the specific communities most directly affected. In the extreme, a resource development plan might be explicitly designed as an instrument for enhancing the welfare of local communities and people, as are many of Canada's current regional development plans. The point of this discussion is that planners must be provided with guides not only to the relative values of competing uses of the resource base, but also to the relative weights to put on the competing interests of various groups.

RÉSUMÉ: PROBLEMS AND APPROACHES

This brief outline of some of the social and economic implications of the arctic range proposal is sufficient only to identify certain important considerations inherent in the scheme. The main conclusions to be drawn from this discussion are the following:

1. No values at stake here are absolute, in the sense that society, or any part of it, could not survive without them. The proposal reflects a contention, nevertheless, that preservation of certain natural features of the northwest corner of the Yukon is sufficiently valuable to warrant explicit recognition in public policies for development of the area.

2. Adequate provision for these non-industrial values cannot be expected to be made automatically. The market mechanisms fail to register the value of benefits that are not priced, and production of them is beyond the capacities of private enterprise. Moreover, although responsibility for optimizing the pattern of resource development must rest with public authorities, general resource use policies do not ensure adequate provision for non-industrial values (Thompson: 1970).

3. Where resources yield benefits that vary in kind, development plans demand assessment of all values, including those that are not priced in the market. Non-marked values are often extremely difficult to measure in comparable economic terms. Some, such as recreational values, can be estimated with recently-developed indirect techniques. Others, such as the value of preservation of wild species and unique features of nature can be judged only arbitrarily, by the force of public opinion as articulated through the social value of preserving natural features because public evaluation is so difficult to articulate. The benefits that accrue to recreationists are direct, but are not priced. In addition, others, who do not visit the site, derive satisfaction from knowledge of the existence and preservation of natural features. Society clearly benefits simply from preservation of the opportunity for direct appreciation of unique natural features. In addition, appreciation of these things is in large part a learning process: public evaluation of arctic wilderness may be restricted because of its inaccessibility. In the future, however, with easier transport and higher incomes, public knowledge about the arctic and its attractions can be expected to grow. Finally, we know that the value of something increases as alternatives to it are reduced. As wilderness environments become ever more scarce, the value of the preserved sites rises, just as a park in the centre of a city rises in value as the open space beyond the city becomes more remote.

4. Sometimes, conservation objectives can be accommodated by extractive industries without any increase in costs. This happy situation is unfortunately rare: measures to protect the environment usually involve some costs that industry would not otherwise incur. Wherever the pursuit of one source of value prejudices other values, the most difficult problems of multiple use arise. Economics provides clear criteria for the solution, although the data required are seldom readily available.

5. Once the best programme of resource development is specified, successful results depend critically on clear and explicit rules and standards of behaviour for resource users. Uncertainty or vagueness in either specification of standards or administration of them are sources of inevitable conflict and frustration, particularly when competing interests are involved. Similarly, success can be achieved only if appropriate institutions and administrative arrangements exist for executing plans, maintaining respectful and responsive liaison with the various groups involved, surveillance, and enforcement. We have a long way to go in designing efficient administrative agencies and procedures.

6. A programme that specifies which resources will be developed, in what intensity, and which will be sacrificed, inevitably prescribes, at the same time, which group will gain and which will lose under the plan. Resource planners cannot ignore the implications of their recommendations for the distribution of wealth. This is particularly serious where the beneficiaries of competing forms of resource use show widely varient income levels. Similar problems arise where the beneficiaries (or those who must bear the costs) of different uses are spread over different jurisdictions. Then the interests of different jurisdictions can be expected to conflict, and politically delicate compromises are often required.

7. In view of our inexperience with well-integrated resource development, the solution of many of these problems depends on research and experimentation. Our knowledge of purely technical problems is nowhere more inadequate than in the arctic. But this is also an area where mistakes resulting from ignorance can be most costly, because they are often irreversible. Time is short. We know that the extractive industries are eyeing the northwest Yukon, and will not wait patiently for other interests to do their homework. With so much depending on advance research and preparation, and so much of it to do, the time to begin is now.

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ARCTIC INTERNATIONAL WILDLIFE RANGE CONFERENCE SUMMARY

(By Richard M. Leonard)

Friends of Canada: We are fortunate indeed to be here with you with such magnificent country to the north, great people there, and fascinating wildlife. The history of the country is fascinating too. The ancestors of the people now there, came 23,000 years ago, and lived in this area that we are now discussing. Some of them went by as early as 30,000 years ago, because we have datings of aboriginal sites farther south as far back as that. It was a little less than 200 years ago that Alexander Mackenzie came down the great river, leading the fur bearers to the delta in which we now have oil production. It was a little over 200 years ago that the great British explorer Captain Cook, came up from the Antarctic and the South Seas, through Bering Straits and into the Arctic Ocean. He thus lead the way for the whalers of Canada, Great Britain, and New England who came into this country about 150 years ago and explored the north coast. It was just 54 years ago that the first wildlife treaty between Canada and the United States was signed, the Migratory Bird Treaty that is a forerunner, a precedent, for the cooperative work that we are talking about here, of establishing a wildlife range equivalent to that established ten years ago in Alaska. We would hope possibly in another ten years or less that the two Wildlife Ranges in Canada and Alaska could be coordinated as a truly international project.

To show the interest in this, it was just a year ago that the American Association for the Advancement of Science held a special conference on the Arctic at Fairbanks. It was just last year also that the Tundra Conference, more fully known as the Conference on Productivity and Conservation in the Circumpolar Lands, was held at Edmonton, not so far away. Then we also heard today of the recent Montebello Conference on Arctic Research. So you can see that the present problems of the Arctic are of great concern throughout North America, and particularly to the people of Canada.

I have attended a number of conferences of this type, and to my mind it has been fascinating to see the continuity of thought among the committees that were given responsibilities for portions of the total thought that had to be put into this program. It was particularly interesting to see the unanimity of conclusions. Someone said that it looked like they had all been written out ahead of time, but Dr. Fuller can tell you that that is not true, because we finished the last one just a few moments ago.

I think one of the clearest conclusions of the conference has been that the rights of the aboriginal people of North America, and particularly here in Canada, must be fully respected—legallv, morally and ethically. We have with us the Chief of the Old Crow Band of Indians. We have also representatives from the Eskimos on the Arctic coast. They represent to my mind the type of life and culture that is extremely important to technological people of the world—a way of life that has existed here without interruption for 23,000 years or more, living in balance with the wildlife of the range and the wildlife of North America. It is fascinating to realize that if those people moved only a half a mile a year, they reached Patagonia during the time that we are discussing.

So one of the primary purposes of the proposed Arctic Wildlife Range was stated to be the protection of the primitive rights of the aboriginal people—their right to live in the way of life that they *have* lived, and to continue that as long as they wish—to make transitions to technological society if and when they wish to and not be forced to. This is one of the important conclusions of the conference.

One of the primary questions at the beginning of the conference was why was *this* area to be chosen? To my mind one of the most important reasons that I heard throughout the conference was that this area was free of ice during the time of the great Pleistocene ice sheets which extended clear down to the Ohio River in the United States. During that time, with so much of the Bering Sea locked up in the ice sheets of Central Canada, the hardy aboriginal people were able to come across and leave evidence of their occupation 23,000 years ago in this very area that we are now considering. Because of freedom in this area from the general continental glaciation, there is a rich biotic diversity that has provided the genetic source for restocking the "new" postglacial land of the rest of the Arctic of Canada. So much of what was wiped out by the Ice Age of the Pleistocene in the rest of Canada was preserved in this area. Thus you have the endemic species, not only of plants, but animals, that are very, very ancient, and are slowly spreading out to other areas.

You have here also a fascinating combination of:

(1) *Arctic Coast* with marine mammals; the polar bear, the seal, the whale.

(2) *High mountains* close by, rising to 9,239 feet just to the west in the Alaskan part of the Brooks Range; rising as high as 6,000 feet in the mountains of the range we are speaking of in the Yukon.

(3) *Old Crow Flats*—An entirely different type of terrain, fascinating, with a multitude of lakes and rich wildlife.

In the Arctic International Wildlife Range of Canada, the area proposed has some of the major populations of interesting wildlife that do not occur elsewhere in as large a number or on as well balanced a range. You have the caribou, which is an international herd, possibly 140,000 head. This area protects major wintering grounds, although caribou do range widely. You have the wild fowl which are protected by treaty, migrate as far as India, Africa, and down to Argentina; rich populations of muskrats, an important source of livelihood for the Old Crow Band; the grizzly bear which is a vanishing species throughout North America; and the falcon, an imperiled species itself. Part of these animals have been classified by Dr. Leopold as sedentary; that is, the muskrat and the marmots don't wander very far; the lemmings sometimes try to, but they really don't go any great distance. Then you have the migratory types, particularly caribou and the magnificent wolves that travel with them. The Scientific American every September has a special issue on a particular subject and this issue it is the biosphere, with analyses of all the different things that go into the life cycles. There they pointed out that a land can grow only so many calories of food. Those calories would be eaten by some of the vegetarians such as the caribou, which would convert about ten per cent of what they eat into the meat of their own bodies. Then that lichen, converted into meat, would be eaten by wolves as carnivores. Finally the decay elements would reduce lichen, caribou and wolves all back into soil again.

So we have a balanced continuing life process there that has been in excellent balance since long before the Ice Ages. There can be in this particular portion of the Arctic an ecologically balanced range of over 18 million acres, when we plan the possibility of a Wildlife Reserve of 9 million acres on the Canadian side of the International Line. One of the real reasons for selecting in the Canadian Arctic this area is that 10 years ago we were fortunate that the United States set aside 9 million acres on the Alaskan side of the boundary. This covers the summer range of the porcupine caribou herd on the Arctic coast of Alaska. We have an opportunity now to have a combined ecological unit of the magnificent size so necessary in the delicate Arctic. While we have all recognized that even this would not be large enough to encompass the entire range of the caribou, it still would be a very good range. It would be an important reason for establishing a reservation on the Yukon side of the International Line, if it is possible.

Boundaries were discussed, and to my mind it was fascinating again to see the unanimity of thought in the separate committees. The conservatism of the organizing committee was commendable in not attempting to outline an unrealistic goal. The scientific work of those who were involved in the committees expanded the concept on sound grounds. The boundaries now suggested start at Demarcation Point, more or less, where the International Boundary reaches the Arctic Ocean. Thence south along the Boundary to the Porcupine River, a magnificent stream. Up the Porcupine through the Old Crow Flats, to the Bell River, which is the eastern most river of the southern part of the Wildlife Range. Then from the headwaters where the Bell comes from the hydrographic divide, down the eastern branch of the Blow River, to the Arctic Ocean again.

The Arctic International Wildlife Range should include within its boundaries, and under its protection, the Continental Shelf at least far enough out to protect the polar bear coming in on the ice packs near shore, the seals and the whales. Such protection would be of benefit to the native people because it would prevent international competition inside the 3-mile limit.

To establish an Arctic International Wildlife Range in Canada with boundaries down to the Porcupine would then provide a biological unit with Alaska. We would hope that with encouragement from Canada, the United States would then extend the boundary of the Arctic National Wildlife Range in Alaska at least down to the Porcupine, and at least as far west as the Chandalar.

There was a good point made that boundaries should be drawn on ridges rather than rivers. I strongly agree with that in principle, because I have seen a number of wilderness proposals pretty much wrecked on the realization that one side of the river would be nonwilderness and the other side wilderness. Similarly here you would have one side of the river and its valley with the protection of the Wildlife Range, and the other side not. It would be wise, if practical, to extend the boundaries to the eastern hydrographic ridges of the Bell and the Blow Rivers.

The use of this area would be primarily for wilderness use. I happen to be one of those purists who feels that wilderness has its own rights, even if there were no people whatsoever, and even if nobody ever got into it. I strongly believe that the wilderness and the wildlife have ethical, moral, sacred rights that should be protected. The aboriginal people, living in their traditional way, come within that definition. They have been here for at least 23,000 years in this area, in complete balance with the wildlife and the wilderness conditions. They have been able to live in dignity, to cooperate with the wildlife and to continue their fine way of life. To my mind, the aboriginals fit into the wilderness life of the Wildlife Range.

However, other rights must also be considered. I come from San Francisco, a technological center that they call "civilization," but I am not so sure that it is as civilized as the gentler, more peaceful life of the Old

Crow Band. But technological man does have the voting power in the United States, Canada and elsewhere, so we have to carefully consider his point of view. In this regard, you have the pre-existing oil and gas permits which cover essentially the entire Old Crow country, the Arctic Coast, and even some of the mountain areas. You have mining claims. I am encouraged to hear that there is practically no problem with placer claims. All those claims for oil, gas and minerals must be respected under Canadian law and under the Constitution of the United States in our country. Those private rights, long established, are legally correct and morally proper under our concept of the way our civilization has been built up. For those reasons, National Park status is not practical in this area. At least that was the conclusion of the committees and was mentioned in connection with the resolution as the reason why National Park status was not proposed.

For the same reason, it is my understanding that section 18(a) of the Canadian law (the Territorial Lands Act) would not be practical to preserve this as a game sanctuary. This is because, again, it would eliminate all contrary human uses, even aboriginal hunting, and would cut down the ability to regulate the game population, and the possibility of native guides for hunting. But a wildlife preserve under section 18(e) of the Act, as one of the many land management zones that are to be set up throughout the Arctic, could serve very well. Such a concept should be approved by the Yukon Territorial government, through the Councilors, some of whom, particularly Mr. Mike Stutter of Dawson City, and Norman Chamberlist of Whitehorse, have been with us throughout the conference. If they approve, the reserve could be handled under the Territorial Game Ordinance. Padraig O'Donahue, legal advisor to Yukon Territory, has offered to help with the legal draftsmanship of carrying out the principle.

A wildlife reserve under section 18(e) of the Canadian law would then permit the concept of multiple use which was referred to in the resolutions. The first of these uses of course would be full protection on a priority basis of the aboriginal native rights—the rights to harvest the game and the fish for their own use. We would also need immediate inventory of all the assets that are there—the various species of plant life, animal life, and their balance. Then continuing research and dissemination of that information throughout Canada and into the United States so that we could correlate it with similar information in the 9 million acres of the Alaska Wildlife Range.

This would lead to help in carrying out multiple uses of the area with protection of the species and the populations of animal life and plant life that are now in the area. Multiple use would permit sport hunting and fishing which could be handled on a basis that would protect the range against overuse by overpopulations of any particular species. Multiple use would also permit, of course, the continuing search for oil, with exploration and development. It would permit pipelines to carry out oil or gas, or even to carry through from the Mackenzie delta region, or from the west from the United States, if this can be done without danger to the primary values of the reserve. That, of course, is being analyzed at the present time in the United States, and that is why, as all of you know, that the pipeline permit for construction of the pipeline by the old consortium called TAPS has been held up for about a year and a half now, because we don't yet have enough information to be sure that it can be done safely.

I have met with those folks frequently, in all parts of Alaska, from Prudhoe Bay down into the United States. All of them are sincere, realizing that they have a moral and a legal obligation to protect the country and its environment. The only question that has really been raised during this year and a half is whether we know enough yet to put hot oil at 170 degrees temperature into a four-foot pipeline for 800 miles, much of it through permafrost, over mountain ranges, and across major, exceedingly-active earthquake faults. Mining, and even the use of gravel, is another use. One that was brought up in the last resolution is the sad threat of the SST's heavy sonic booms. Simply because the Arctic is considered worthless as compared with the rest of Canada and the United States, people from Ottawa to Vancouver, or from San Francisco to New York won't get boomed, but the people on the Old Crow lands and at Arctic Village will be boomed. People at Fairbanks won't get boomed because they have so many glass windows that would get knocked out, so the planes will have to slow down before they get there.

Well, then we come back to how to provide for all these multiple uses. I want to emphasize again that the priority in the resolutions has been for the aboriginal uses as they have developed over the past thousands of years, and the protection or the game under the land use regulations which Canada is now developing. The Legal Committee went into this very thoroughly. I am a member of the Legal Committee and as a member of the International Institute of Environmental Law, I won't take much time on your part to consider these problems. The job of a lawyer, as John Naysmith said, is to carry out the wishes and instructions of the people who asked him to do a job. The Legal Committee has determined that it is entirely practical under existing law of Canada to accomplish these purposes, and to accomplish them effectively, in the way and with the priorities that I have outlined.

The reservation of the area as a widlife preserve would be compatible with basic aboriginal claims to the land which they have occupied for so long. Moreover, such protection of the area as a game reserve, with assured native hunting for their own needs, would be beneficial to the native people, because reserve status would protect the land and the game against other adverse uses. Such status as a wildlife reserve would tend to provide greater care against possible accidents in technological use of the area than could occur if we had unrestricted development, without careful thought of protecting natural values. The Management Authority is proposed to have representatives from the appropriate legal bodies within the territorial government of the Yukon, the federal government of Canada, the Old Crow Band of Indians, and at least some representation from the general public through the continuing active committee of this conference. Such administration as a "land management zone" under section 3A of the Territorial Lands Act could achieve maximum protection of sensitive environmental values.

The plan also would be to work out international cooperation with the United States, particularly so that those engaged in research or in use of the area, or just in wilderness enjoyment of it, could have freedom to travel back and forth across the international boundary as you should do in an international park. We have quite a number of International parks in the world—Glacier Park of the United States and Waterton Lakes of Canada; Ghana, Dahomey and Nigeria; Uganda, Ruanda-Urundi and the Congo are examples.

The final resolution was to establish a continuing committee, broken up into two sections, a Canadian section and a United States section. The Canadian section is to carry forward the recommendations of this conference, put them into understandable language, and present them through channels to the appropriate governmental bodies that would have the power to carry the recommendations into effect. This, of course, would have to have the approval of the Council of the government of Yukon Territory.

The committee would also have the duty of continuing work to strengthen the program and to see that it was carried out.

These committees will be charged to hold regular meetings at orderly intervals so that they can actually keep working and see that something is accomplished from the work of this conference. So often a conference of this kind can make good resolutions, but they are filed away at the end of the conference and nothing further happens. It is the intention this time to try to see that something effective does happen to provide protection for the aboriginal people of this magnificent country and for the wildlife that has been there so long. Thank you.

THE CONSTITUTION AND THE COURT—ADDRESS BY SENATOR KENNEDY

Mr. HART. Mr. President, the past few weeks have brought many speeches and articles and statements focusing on the Supreme Court vacancies and how they should be filled. But few that I have seen delve so deeply into the reason why the quality of the current appointments is so vital as an address by our colleague, the senior Senator from Massachusetts, at the man of achievement award dinner of the Anti-Defamation League of B'Nai Brith in New York on October 19. Senator Kennedy's exploration of the relationship between the nature of these appointments and the future of liberty in America merits close study by all Senators. I ask unanimous consent it be printed in the Record.

Address by Senator Edward M. Kennedy to Award Dinner of B'Nai Brith Anti-Defamation League—New York—October 19, 1971

For all of us who share the goals of liberty, equality, and progress for all mankind, these are difficult and troubling days. In Asia, the war continues, sowing death and spreading violence throughout Indochina. On the Indian sub-continent, millions of Pakistani refugees cry out for help. In the Middle East, Israel remains surrounded by forces sworn to demolish her. In Russia, Soviet Jews wait anxiously for a chance to be free. And here at home, 6% of the work force are jobless; even our policemen cannot walk the streets in safety; our cities are running out of money; and our Supreme Court is threatened with destruction.

As a nation we have the power to help solve each of these problems if we wish. Why can't we take the Paris peace talks seriously, and within weeks have our troops out of South Vietnam and our prisoners of war home from North Vietnam? Why can't we use our influence in Pakistan not only for getting Henry Kissinger to Peking, but also for ending the suffering in East Pakistan? Why can't we offer Israel the planes she needs to defend herself?

Why can't we speak up for freedom for Russia's Jews? Why can't we try again to enact truly effective employment legislation? Why can't we pass a comprehensive national gun control law? And why can't we make sure that federal revenues go to people, not to monumental canals, white elephant aircraft, and wealthy farm corporations?

Those questions all deserve answers, but it is the need to save the Supreme Court that I want to discuss tonight, for it is a challenge all of us must address in the next few days or weeks. No American can escape involvement, and no American can avoid responsibility. The silence of those who stand mute will be fully counted in the balance, and they will share the blame if the wrong decisions are made, decisions that may control the quality of American life and American liberty for decades to come. The issue transcends party and politics, for it strikes at the very heart of the social compact which makes us one nation, at the shared birthright that makes us free men, at the legacy of Constitutional democracy we hold in trust for those who follow. And so each of us will have to ask ourselves what value we place upon the penned words on the yellow parchment surrounded by inert gas in the glass case in the United States Archives. We call it our Constitution, but is it itself inert or alive? Is it kept in a vault just because it is unique and antique, or because we revere and respect it?

It defines a government of shared and limited powers. It divides that government into three parts, each providing checks and balances for the others. It lets the people choose two parts and lets those two parts join in choosing the third. The President, it says, shall nominate, and with the advice and consent of the Senate, appoint, United States judges. It gives judges life terms so that they will be free of political influence and independent of partisan pressure. Then it lays down rules for the President and the legislature and the Judiciary, general rules like due process of law and equal protection of the law, freedoms like speech and press and assembly, specific protections like those against unreasonable searches and seizures and forced self-incrimination.

Most of us rarely have to think about those structures and balances and rules—we take them for granted. But now we must think about them, for our commitment to them may be severely tested.

Let me be blunt. The men who are involved in the selection of Supreme Court nominees, Richard Nixon, John Mitchell, and, I understand, John Connally, remind me of the people who used to put "Impeach Earl Warren" signs out on the highways. They are repelled by the kinds of decisions the Warren Court made, and they would like to select Justices who will make the opposite kinds of decisions. If we look at the decisions of the Warren Court which most offend them, perhaps we can understand why they are having such a hard time finding candidates who meet that test, and why those they do find are so undistinguished.

First, the Warren Court stood for the proposition that 90 years after the 13th, 14th, and 15th Amendments to the Constitution, officially enforced separation of citizens by skin color was unacceptable. Then the Court decided that after 175 years of increasingly lopsided legislative apportionment, the Constitution required that "Legislators represent people, not acres or trees." Finally, the Court decreed that poor defendants are entitled to the same Constitutional protections as rich ones, that those protections attach as soon as a suspect is deprived of his liberty, and that an accused must be told of his rights before he can be assumed to have waived them.

Those developments hardly sound radical to me. The only thing surprising about them is that they took so long to enunciate. What kind of person is uncomfortable with the idea that a black child ought to be permitted to go to school with a white child? What kind of mind is troubled by the proposition that city and suburban people ought to be as well represented in the legislature as country people? What kind of American is upset that a poor suspect—presumed innocent—should have legal counsel before being thrown into jail?

Certainly in the year 1971 the President is going to have a hard time finding any lawyers of stature and eminence who hold those beliefs.

Of course, there is another way of getting Justices who will undo the work of the Warren Court. That is to choose nominees who the President thinks are so obviously unqualified for Supreme Court service that they will forever remain beholden to him. Or as the Federalist papers so aptly put it in describing why the Senate was to have a role, nominees whose only merit is "possessing the necessary insignificance and pliancy to render them the obsequious instruments of [the President's] pleasure."

By either or both of these routes, the Administration last week brought its first six candidates for the current two vacancies to the trial balloon stage. Despite the possibility that one or more might get through the Senate, as a group they reflected utter contempt for the Court by whoever chose them.

Of course, the columnists and humorists have had a field day. The suggestion is made that the first six were put forth just to make the next six seem good by comparison. Or that what Richard Nixon really wants is nine Richard Nixons on the Court. Or that he hopes the Senate will continue to reject his nominees until there is no one at all left on the Court.

But it is not a laughing matter. The issues the Court must deal with in the immediate future are key to the preservation of our liberty as we know it. And perhaps in that fact lies the answer to the Administration's obsession with finding compliant Justices. For the people responsible for filling four Supreme Court vacancies in less than three years are the same people who have played fast and loose with the Constitution for nearly three years. And only the judiciary has kept them from playing faster and looser.

The men at the Executive levers of justice have trampled on traditions and ideals and principles of justice. They see the Constitution as a burden, an obstruction to be overcome, as a technical barrier to be avoided when inconvenient, evaded where possible, and ignored if necessary. Pledged by oath to preserve, protect, and defend the Constitution, instead they defile, dilute, and debase it. Proclaiming that they will strictly construe it, rather they constrict and destroy it. Slowly, stealthily, they arrogate to themselves the powers that the Constitution meant to be shared and powers that the Constitution never meant government to have at all. They spin a web of rhetoric to hide their depredations against our freedoms. "Watch what we do, not what we say", they warn us; but all we can see is a shell game where they are not doing what they are saying, or saying what they are doing.

They wear buttons that say, "We care about Congress." But they will not tell Congress the whole story about military spying on civilians, about foreign aid plans, or about so-called national security wiretapping.

They wear American flag pins, but for the first time since King George they have succeeded in imposing prior restraints on that most basic American ideal, freedom of the press, managing to keep the nation's papers from printing the truth about the war the whole time the House and Senate were voting on this year's anti-war amendments.

They cry for "law and order," and so they institute criminal proceedings against Daniel Ellsberg in a matter of hours, convene two grand juries, call his friends and mother-in-law and young son to testify, and grant them immunity where necessary to get them to talk. But they take 15 months to decide that the killing in cold blood of 4 unarmed students at Kent State requires no grand jury, no sworn witnesses, no immunity.

They claim that they are using electronic surveillance sparingly, but no one will ever know, because they do three to nine times as many days of tapping and bugging without court orders as they do with judicial permission. And they will not tell us what the "clear and present danger to the structure or existence of the Government" is which supposedly entitles them to spy electronically on domestic groups without court scrutiny.

They argue that bugging and tapping and undercover spying are necessary to get intelligence on dangerous groups, but they are so unprepared for the Mayday conflict that their only recourse is to suspend the Constitution, arrest anyone and everyone, forget about due process and evidence and probable cause, forget about humane detention, and instead of apologizing, recommend their methods to local officials, so that they too can crow the familiar cry: "We made the busses run on time."

They say that they care about Vietnam Veterans, but when the veterans assemble in Washington to plead for an end to the war, the same government which sent them eight thousand miles to sleep in the mud of Indochina sues to keep them from sleeping on the grass of the Capital.

They deny that they are repressing dissent, but they issue an unprecedented and probably unlawful Executive order directing the dormant and powerless—but dangerous—Subversive Activities Control Board to start checking up not only on dissident groups but also on those who have "sympathetic association" with them.

They say they are for civil rights, but somehow the Black Caucus gets left waiting at the White House door for a year and a half, the federal education specialists and lawyers seeking school desegregation get the rug pulled out from under them, and the bills to give the Equal Employment Opportunity Commission enforcement powers and to extend the Voting Rights Act run into Administration opposition.

They say they don't want only "yes-men" around, but Pat Moynihan, Walter Hickel, James Farmer, James Allen, Cliff Alexander, Terry Lenzner, and Leon Panetta find that there's no room for "no-men."

They say that they want the young and poor to work within and through the system, but they try to emasculate the Legal Services Program, dismantle the Poverty Program, and head off the 18 year old vote, and they reject the Scranton Commission plea for reconciling leadership.

The list could go on, but the point is apparent enough already. The letter and the spirit of the Constitution have been stretched to the breaking point by those who are going to choose the interpreters of the Constitution.

Yet only strong, independent Courts can call the Executive to task. The Supreme Court itself had to step in to preserve freedom of the press, even if belatedly. An appeals court said flatly that domestic wiretapping without court order violated the Constitution, and the High Court has the case. Another Appeals Court threw out almost all the Mayday cases and made the government return the bail money and call back the arrest records. Another federal court blasted the government for its handling of the Veterans. The Supreme Court had to straighten out the Attorney General on school desegregation. And a State Supreme Court refused to throw out a case based on the same Kent State facts that left the Attorney General unmoved, or at least unmoving. The S.A.C.B. order is already under court review.

So there has been and will be a conflict of interest of the grossest magnitude. To succeed in debilitating the Constitution, the Administration must first debilitate the Court. And the President has part of the power to do so. He need only eschew excellence, discourage eminence, disqualify intelligence, minimize experience, bar fairness, greatness and sensitivity in his nominations. He need only follow the advice of those who say mediocrity has a right to be represented on the Court.

But I hope he will not. As a citizen, I hope he will come to realize how important the Constitution is to the citizenry. As a lawyer, I hope he will recognize the need to have Justices who merit the respect of other judges and the bar. As a Senator, I hope he will not cause another divisive battle that embarrasses his friends as much as it outrages his opponents.

It is not too late to start the process over on the right track. It is not too late to call back the first six names before the American Bar Committee meets tommorow. It is not too late to find two nominees who so clearly reflect credit on themselves and their sponsors that they will be confirmed with dispatch and enthusiasm. If the President needs help finding them, we in the Senate will be ready with our advice as the Constitution itself directs. For we would much rather give our advice than deny our consent.

HONORING MARY E. SWITZER

Mr. DOLE. Mr. President, Mary E. Switzer's imprint on the world will never be erased. Her tragic death from cancer terminated her lifelong devotion to the needs of the handicapped, yet her programs and goals will continue to enhance those whom she compassionately served.

A list or measure of Miss Switzer's contributions during her 47-year Federal career is indeed difficult to summarize. Even in these last 2 years during her retirement, she continued to share her loving heart and vigorous mind in behalf of the handicapped.

An individual of both great empathy and benevolence, Miss Switzer persisted in a laborious journey for 20 years as Director of Federal-State programs of Vocational Rehabilitation Services for the Handicapped. As Administrator of the Vocational Rehabilitation Administration and of the Social and Rehabilitation Service, Miss Switzer led reforms and helped enact legislation which made meaningful lives for those who could not struggle for themselves.

She was responsible for helping enact legislation to alter the single grant system to a multiprogram approach to disability and rehabilitation, as well as for establishing a separate system of grants for different areas in rehabilitation. The 1965 amendments, for which Miss Switzer arduously worked, improved rehabilitation in many areas. The passage of these amendments created: the National Commission on Architectural Barriers, grants to speed improvement of workshops for the handicapped, the construction of new rehabilitation facilities, and funding for statewide planning in rehabilitation in each State.

Miss Switzer's devoted years of service spanned practically the same 50 years that the vocational rehabilitation program has been in existence. In honor of the golden anniversary of the program, Miss Switzer said:

> It seems to me the special charge that I would leave to you—at the Federal Office, to the State officials, to the voluntary groups who can be gadflies to all of us—is to remember what made this program great. And what made it great must and will be the only thing that will keep it great: That the public attitude that is communicated to the people served is a matter of caring, and that every single thing that is done has to be motivated by that deep personal, emotional commitment to an individual. This cannot be muted or watered down, giving up this personal contact. From the top to the bottom, this is the essential ingredient that makes rehabilitation unique, desired and successful.

Miss Switzer's outstanding contributions to the handicapped were indeed motivated by her deep personal, emotional commitment to individuals. Not only will her great accomplishments remain, but also her strong and compassionate image will continue to serve as an ideal for all of us.

THE GENOCIDE CONVENTION IS UNDER THE CONSTITUTION

Mr. PROXMIRE. Mr. President, one of the more frequent arguments raised against the Senate ratifying the Genocide Convention is that under article VI of the Constitution the Convention will become the supreme law of the land. Some claim it will supersede all laws of Congress and even the Constitution itself. Once entrapped in the Convention there will be no escape, it is feared.

Although containing a grain of truth, there is a major flaw in this line of thinking. Article VI of our Constitution states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land . . .

Note that this article says nothing about treaties being supreme over the Constitution or acts of Congress. Rather, treaties are in a category with the Constitution and acts of Congress which are supreme over State constitutions and State laws.

The U.S. Supreme Court in *Reid* v. *Covert*, 353 U.S. 1, the controlling precedent in this area, has made very clear the relationship among the Constitution, acts of Congress, and treaties. All acts of Congress and treaties must conform to the Constitution. Where they do not they are null and void. Thus the freedoms of speech, press, right to a fair and impartial trial, and all our freedoms guaranteed by the Bill of Rights will not be affected in any way by our ratification of the Genocide Convention.

Furthermore, the Supreme Court held in the same decision that whenever a treaty and an act of Congress are in conflict the last enacted is controlling. Thus the Congress, by simple legislation, could supersede any part of the Genocide Convention any time it wished.

The argument that ratification of the Genocide Convention will wreak havoc with our legal system is without foundation. According to clear and controlling precedent this is not the case. The Genocide Convention is under the Constitution.

Mr. President, I urge the Senate to ratify the Genocide Convention.

EROSION OF POSITION OF THE AMERICAN UNIVERSITY

Mr. BUCKLEY. Mr. President, I have recently come across a particularly perceptive essay on the erosion of the position of the American university to which I wish to invite the attention of the Senate. The essay, entitled, "Power, Authority, and University Administration," was written by Prof. Stephen J. Tonsor, of the University of Michigan. While most readers will no doubt disagree to a larger or smaller extent with some of his criticisms and recommendations, I feel that few careful observers of recent trends in American higher education cannot fail to be deeply impressed by his thoughtful analysis of the root causes for the undeniable deterioration of the authority of our colleges and universities. By authority I mean their ability to command public respect and confidence through their effective commitment to the cause of education, to what he terms "the life of the mind."

I ask unanimous consent that Professor Tonsor's essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Power, Authority, and University Administration

(By Stephen J. Tonsor)

Men have always been puzzled by both power and authority. The source of either is mysterious and the uses of either unclear. They are quite commonly confused so that men and institutions who attempt to convert authority into power discover that spiritual realities cannot be defined in terms of Newtonian mechanics and those who seek to translate power into authority learn that no human undertaking is so difficult as the legitimation of coercion.

In recent times no one has said of either a university president or an educational institution as St. Matthew said of Jesus, "For he taught them as one having authority, and not as the scribes." John Searl, former vice-chancellor for student affairs of the University of California at Berkeley, has remarked that "the unreality of the New-Left is its most touching quality." Only the New-Left should seriously propose that the university campus was a great power center whose capture by the New Left would enable it to revolutionize the parent society. The fact is clear and unmistakable that in 1971 the university possesses neither authority nor power. It is equally clear that it can have no power in our society until it regains its authority and that the power which it will then be able to exert will have no relationship to the power which Chairman Mao asserts grows out of the barrel of a gun. Its power then will consist in its ability to move men by rational argument, experience, precedent, tradition and the tested wisdom of examined experiment and fulfilled prophesy. No spiritual institution, no intellectual proposition can command obedience or move men finally by coercion. Ultimately in the realm of the mind, either men freely accept or become hypocrites, still unconvinced of anything except the ability of naked force to harm and destroy.

It is clear then that the authority which the university possesses is a social authority freely given by the whole of society, just as the support and financing of the university is, in the final analysis, social. The university can not, consequently, exercise its authority or sustain itself if it loses sight of the wholeness of society and places its resources at the command of a financial or cultural elite or permits itself to be exploited and victimized by a deviant minority group bent upon aggrandizement and tyranny. As soon as it becomes apparent in any society that those things which in some sense are the property of all are in the possession and use of the few, no matter how fine their morals and how noble their characters, the society denounces its allegiance and withdraws its support. Moreover the very exercise of proctorship by the self-selected elite in such a situation is vastly corrupting and personally corrosive. Those who, above all others, should persuade through reasoned discourse are tempted to apologize, to lie and to coerce.

The university does not belong to the students; it does not belong to the faculty; it does not belong to any special pressure group in the society that happens to feel the call to revolution or a prophetic mission. The university belongs to the whole of the society or the corporate reality which brought it into existence and which sustains it. Consequently those violations of trust, in which administrators in the decade past have either assumed powers which they did not possess or have, out of weakness, surrendered powers to faculty and students which were not theirs to surrender, have weakened the authority of the university. Every administrator who capitulates before a "non-negotiable demand" sacrifices the authority of his institution to the power of a minority. However, not only does he "deauthorize" the institution, making it impossible for the college or university to educate, but he cuts off his institution from the support and the good will of the society as a whole.

PREEMPTION AND OCCUPATION

The destructive influences of minority groups of students and social activists in subverting and corrupting the educational ideals and processes of the colleegs and universities is well known. Less well known, but no less destructive of the institutional authority of the university, is the fashion in which certain views and schools of thought preempt and occupy all the positions available within departments and even whole disciplines. In the fields of the humanities and sciences there is hardly a proposition which goes beyond the restatement of primitive folk-truth which is not the subject of widespread and informed debate. That debate is not simply a debate between the forces of tradition and innovation, between the status quo and the forces of change. On the contrary, it is a debate which in every instance calls into question the very basis in reality of the opposed parties' vision of the truth. In the social sciences and the humanities there is no Truth but only partial truths, while in the natural sciences Sir Karl Popper has taught us to mistrust any generalization which does not suggest a maximum of experiments aimed at its detsruction. How odd then that whole disciplines have fallen under the sway of unprovable hypotheses and undemonstrated theorems. Moreover, debate is excluded and dissenting voices are silenced. In sociology, psychology, political science and every other discipline which deals either scientifically or speculatively with the nature of man and his society debate is eschewed and an unconsidered orthodoxy is established.

In these great matters which concern man and his society the humanist and the social scientist carry over into their science the overt and even the unconscious commitments of their daily lives. The point from which one starts does make a difference. Religious commitment or a lack of it does make a difference in philosophy; a specific political commitment does make a difference in the theory of the political scientists; a particular view of man's nature does make a difference in the work of the critic and the vision of a poet. How then are we to explain the virtual exclusion of certain views from university faculties?

In the Fall of 1969 the Carnegie Commission on Higher Education took a survey sample of 60,447 faculty members in American universities. These faculty members were asked to characterize themselves politically "at the present time." In the discipline of Sociology, for example, 80.8 percent of the professors surveyed identified themselves as liberals or leftists. One tenth of one percent identified themselves as "strongly conservative." How, one is compelled to ask, is debate on fundamental social issues possible when there is such overwhelming uniformity of political and theoretical social commitment? Sociology is not an anomoly. Most of the "social sciences" and the humanities show a distribution not remarkably different.

In many colleges and universities the field of the study of religion is totally excluded. Universities with professors whose specialty is the religion of Tibet do not have a single professor who specializes in Judaism or Christianity. It may be true that religion is one of the most pervasive and fundamental of man's activities, but this fact is simply unrecognized by many colleges and universities. The fashionable agnosticism and atheism of most faculty members ought to be of concern to college administrators. That those whose vocation is the exploration, understanding and transmission and criticism of ideas in a society should be alienated from and hostile to its formative influence should be a matter for anxiety. It is customary, of course, to argue that such questions are inconsequential to the discovery of truth and effective education and yet we would be justified in expressing concern were a scientist to assert that he was convinced that nature was chaotic and that there was no possibility, even in terms of probability, of anticipating regularity.

UNIVERSITY DISCRIMINATION

Finally, the community at large distrusts university faculties because they are so homogenous in terms of religion, race and sex. For the first time Negroes are finding on faculties an acknowledgment that the experience of being Negro does make a difference in the way one perceives the subject-matter of the social sciences and the humanities. To be black, for example, ought to sensitize one in a special way to the economic costs of prejudice and the social costs of lawlessness. To be black ought to sensitize one in a special way to the promise of American institutions and ought to instill in one an intense dedication to the success of American ideals. I anticipate that in the long run the impact of Negro scholarship and Negro perceptions on the intellectual life of the university cannot constitute anything but an enrichment. That enrichment cannot, however, take place if the Negro scholar withdraws into his own courses and segregates himself from the conflict of ideas and the noise of debate which should characterize every university campus.

What the Negro is on the point of achieving is still denied both to women and to Roman Catholics. To be sure, there is token representation of both groups on most faculties, especially those of state universities, but neither group has been permitted to make its full contribution to the life and scholarship of contemporary society. We are all acquainted with the role which 19th century liberalism played in dispelling the clouds of prejudice which surrounded both women and Catholics, but we need now to reassert those principles with respect to university teaching.

We must do so because the very integrity of the university is at stake. It has been the classical liberal credo for two centuries that the exploration of the truth is a free-wheeling scramble and can only result from an open and thorough debate of every issue. Classical liberals believe that the source of an idea is unimportant and that one ought not to be too proud to pick an idea out of the gutter, provided a likely one can be found there. If, however, the disciplines are closed to new initiatives and ideas, if faculties are limited to men with particular experiences, if the discussable theories are exclusively those generated by a particular economic or political position, then increasingly the society will find it difficult to accept the claim that it is an open and disinterested forum. If the university wishes to reestablish its authority in the society, the first step it must take is to build competition, dissent and intellectual variety into its faculty and provide those institutional arrangements which will serve to protect and foster rather than penalize and frustrate differences. The university is one of the few places in our society in which strength does not follow from unity.

Not only the lack of diversity among faculty and administrators but the lack of modesty has in the recent past led to the deauthorization of the university. Our society has found it increasingly difficult to accept the arrogant pronouncements of university faculties with respect to virtually every controverted social, economic, cultural and political question which faces our society. It is the role of the intellectual to make clear alternatives, to assess costs, to anticipate consequences. It is not the role of the intellectual, in a society such as ours, to act as a proctor and choose for us. This is especially true when the best of men and the greatest of talents are divided as to what right action should be. The contemporary liberal leftist has been all too willing to employ the authority of the university to force conformity to his views. The consequences has been the steady erosion of the authority of the university and increasing reliance on the part of the liberal-leftist on coercion and power.

The university cannot and ought not speak with one voice on any subject. Professors and students ought not to involve their institutions in the controversies of the society. Those compulsive newspaper advertisements in which intellectuals proclaim their support of the current orthodoxies and to which they are careful always to append their institutional identification remind one of nothing so much as the patent medicine recommendations which once filled working-class and farm weeklies. As citizens the professor and the intellectual have an obligation both to speak out and to choose. As a representative of an institution, the same professor has an obligation to debate, to explore, to define and to discuss. When he speaks, however, he ought not to invoke the authority of the institution and he ought to be certain that he speaks, qua professor, within the limits of his professional competence. Medical facilities ought not to speak on the subject of harvesting grapes, microbiologists on the subject of Soviet-American relations, sociologists on the subject of theology. It is a sobering truth that most contemporary intellectuals cannot distinguish an opinion from a fact. They are convinced that thinking makes it so and they employ the Ph.D. in the way in which Southern sheriffs of a decade ago were said to have employed electrical cattle prods. How pleasant it would be to hear even one professor say when pressed by a television interviewer in the course of a discussion of a controversial topic, "I don't know." I cannot recall a single instance of that sort.

THE PRIMARY COMMITMENT

Lastly, the public authority of the university is dependent upon its commitment to research and education rather than a general willingness to perform any task anyone or any group in society at large imposes on it. The university is not a general-purpose social institution. It is not suited to the solution of social problems, the amelioration of misery and misfortune, the reformation of character, or the transformation of culture. To be sure, the university produces skills and knowledge which will achieve all these ends, but it does not and cannot directly perform any of them. When a university gets into the building of low-rent housing, and that not even for students, as is the case at Stanford, the university is quite simply disloyal to its primary commitment. Some students at the University of Michigan are now demanding that the University provide "free" health care to all the children of the community in which the University is located. It could do so only by neglecting its fundamental commitment. The university is not engaged in the cure of souls; it is not engaged in organizing for political and social revolution; it is not in the business of providing necessary social or health services. Sometimes specific services are a by-product of the teaching and research function of the university, but they are never to be thought of as a part of its mission.

University administrators, characterized as they are by an inability to say "no," have been responsible for wide diversion of university energies and funds to non-educational projects. The university has lost the respect of the public because in its determination to answer every call and meet every demand which the society voices it has ceased to perform its central educational role well. It has, to paraphrase Ignatius of Loyola, "gained the whole world and suffered the loss of its own soul."

In his Godkin Lectures at Harvard in 1963, one year before the advent of the "free speech" movement at Berkeley, Clark Kerr noted that, "The university is so many things to so many different people that it must, of necessity, be partially at war with itself." But not only is it at war with itself, it is at war with important segments of its society. The demands which it seeks to meet are not reconcilable and the conflicting roles which it seeks to play are not compatible. There can not be a restoration of the authority of the university until the university returns to its primary role as teacher. To be sure, the maintenance and criticism of the cultural tradition, the development and preservation of method and research in the pursuit of new knowledge are all important ancillary activities, but they are ancillary and must always be subordinated to the teaching function.

If a university is to be a free market-place of ideas, it must in fact be totally open. Classified research, whatever the social benefits of that research, has no place at a university. Professor Edward Teller has now repeatedly recommended and urged the abandonment of all secret research, insisting that declassification will have the great merit of stimulating the growth of knowledge and technique. To a classical liberal this argument seems at least plausible. However, even though declassification might not be in the public interest, universities must insist that the research they perform be open and freely discussable.

Research institutes and research professors whose essential commitment falls outside the realm of teaching should not be associated with the university. Both are terribly important in our society, but both bring pressures to bear on the structure of university education which will, in the not so very long run, destroy it.

It is quite possible that the state universities, due to a tradition which goes all the way back to the Northwest Ordinance and which found its most typical expression in the Morrill Act will find it impossible to break the ties to service and research which the state thrusts upon them. If that indeed is the case we have been provided with yet another argument for taking the state out of the business of education altogether.

TECHNICIANS OF ADJUSTMENT

Even were the university to eschew all the tasks and beguilements thrust upon it by society and decide to live in uncorrupted innocence and poverty, it is unlikely that it would regain its authority in society so long as it refuses to exercise such authority as it still possesses. So long as university administrations are not the masters in their own house they are ill-equipped to exert any degree of mastery in the world outside. At the present time the typical university president is the amoeba-like victim of every aggressive group on campus. Their powers of ingestion and cooperation have been enormous and such success as they have had in keeping the universities functioning, even at a minimal level, has followed from the fact that they have, to date, been able to meet virtually every demand, no matter how outrageous, with a concession. They have not been educational statesmen—not even educational bureaucrats—rather, they have been technicians of adjustment. As a consequence, they have taught a generation of students, faculty and influence-seekers inside and outside the university that power rather than principle counts; that no argument will be heard unless it is accompanied by the sound of breaking glass; that there is no virtue in rationality and no persuasiveness in debates unless it is reinforced with threats of arson and violence. The technician of adjustment has substituted the power of naked and open aggression for the authority of reasoned discourse.

In many instance the current style of university administrators has succumbed to violence and power because, anti-intellectual by nature, they distrusted the play of mind, the open debate and the laborous process by which ideas are examined and tested. A number of them such as Clark Kerr and Robben Fleming derived their previous experience in the field of labor arbitration where the essential problems are dealt with by adroitly balancing power rather than by protecting the consumer. Clark Kerr described this new style multiversity president aptly when he wrote: "The president in the multiversity is leader, educator, initiator, wielder of power, he is also officeholder, caretaker, inheritor, concensus seeker, persuader, bottleneck. But he is mostly a mediator."

If the university is to regain its lost authority in American society, it must find university administrators who see their mission in providing something more than, again as Clark Kerr so ably expressed it, "football for the alumni, parking for the faculty, and sex for the students." The university and college president must once more play the role of educational statesman. He must set the policy, establish the priorities and create the conditions which will make it possible for his institution to accomplish its objective.

Above all he must have a clear vision of what that objective is. The terrible sense of drift in American higher education must be dispelled. Institutions must regain some sense of their uniqueness and their purpose. Church related colleges must refuse to undergo further secularization, the coeducational mania must be resisted by those few schools which still believe that the separation of the sexes makes educational sense, the liberal arts college must resist the temptation to turn itself into a diminutive state university and those schools which pride themselves on a tradition of curricular experimentation or on religious or social homogeneity or diversity must continue their separate and unique ways. It is only, however, through the determined leadership of an individual or individuals indifferent to the homogenizing pressures of contemporary American society that this objective can be achieved.

INTRANSIENT FACULTY

Any college or university president who at the present moment determines to make his institution unique in mission, curriculum, instructional method, student body or educational philosophy will discover very quickly that his great enemy is not the alumni, or the board of trustees, or even the student body but his own faculty. That faculty in the years following the second world war achieved by administrative default and through its improved bargaining position an autonomy which is entirely incompatible with the smooth functioning of the college and university.

There are, to be sure, areas of college and university education in which the faculty is sovereign. They are not, however, those areas of sovereignty usually marked out by faculties. Very obviously, the faculty member either singly or as the member of a corporate body determines educational standards, has control over course content and conduct in the classroom and is the final authority in matters of grades and certification. The faculty cannot and should not even attempt to legislate in matters of curriculum, conduct, budget, or institutional administration. Faculty meetings are neither political nor legislative bodies. In their present form they resemble nothing so much as a Polish parliament. At their best they should be consultative bodies in which the educational needs of the institution are discussed and in which administrative policy is implemented.

No faculty member is capable of seeing the full needs or the total advantage of the institution. No faculty body is capable of legislating well for the whole institution. One must ignore two decades of faculty self-seeking and self-serving in order to assume that faculties are more highly motivated or more nobly minded than students or administration. If we are to judge faculties on the basis of faculty decisions, the ideal university would be one in which there was maximum pay, minimum professional and personal standards of conduct and very little teaching. Indeed, faculties like other selfish guilds and groups generally confuse their selfish interests with the welfare of the community.

THE POWER TO DECIDE

Only the administration together with the trustees can effectively set goals and determine policy. Trustees represent the whole corporate body of the institution. They constitute both its social and temporal dimension. They keep the institution true to itself and responsive to the society which it serves. Ultimately all decisions in the institution are political decisions and the governing board is the only truly political body within the institution. It does in fact possess a constituency and exercises a legitimate power. All other bodies within the university exercise powers which are either derivative or usurped. When institutional governing boards are tied most closely to their constituency through a process of frequent elections as in the case of many state institutions they are apt to be both more responsive and more responsible than when they are either self-perpetuating or are elected or appointed for long terms. Whatever the short-comings of the democratic process it cannot compare in the matter of institutional governance with the irresponsibility which has frequently characterized governing boards without an articulate and powerful political constituency.

Although the governing board is the policy making instrument within the institution and the ultimate source of power, it exercises its authority through the administration, and its policies, in the final analysis, are formulated by the administration. The administration consults with the faculty and formulates and carries out the will of the governing body.

It is obvious that the relationship between the administration and the governing board must be one of trust and confidence, but while it is a truism it must also be added that the confidence and trust which governing boards exhibit is not infrequently abused. After all, trustees and regents are active, busy men badgered and harassed by a multitude of demands. They have a short attention span, an even shorter memory and they are ill-informed and for the most part ill-prepared to govern the institutions which they guide. Their chief and almost their only source of knowledge concerning the institution is the administration of the college or university and as a consequence they find themselves rubber-stamping administration decisions without sufficient examination or discussion of the policies from the decisions flow. I believe it is necessary, given the current condition of higher education, to provide governing boards with a secretary independent of the administration. The secretary to the governing board will be charged not with policy formation or day to day administration but rather with an investigative role. His task would entail the examination of administration proposals, budgets and appointments. He would provide the necessary extramural expertise which alone can insure that the decisions of the administration fall into line with the policy of the governing board. His investigative role will be especially important in budgetary and personnel matters.

THE STUDENT'S ROLE

Since 1964 it has frequently been assumed that students should have a special role in university governance. Disciplinary matters have frequently been placed in the hands of student governments and increasingly students have been given a role in the determination of matters which are and have been the distinctive province of the faculty. Today at major universities students determine course offerings, decide on questions of accreditation and examination, pass on questions of academic discipline, and now seek to pass on appointments, salary increases and tenure. A number of the elite colleges and universities have recently appointed student members to their governing bodies. Many of these concessions to the youth culture and the cult of relevance have been made in the genuine desire to make the university responsive to student needs. Where those needs are educational students are remarkably ill prepared to judge or to pass on policy. Secondary school education unfits most students for an intelligent role in institutional governance in his first two years and his lack of experience, his bias and interests, and finally his fleeting institutional connection preclude both the commitment and the long view which intelligent policy formulation demands. Moreover student government is notoriously the province of the alienated busybodies and future political hacks. Hardly an able or highly motivated intellectual is to be found in its ranks. After reading high school and college newspapers for a number of years the failure of young adults in the 21–30 year age bracket become explicable.

The point of effective student control over his education is the moment when he chooses a college or university. His choice, of course, is never irrevocable and he can always vote, as students have often voted, with his feet. Student governance beyond this point is unthinkable and no self-respecting faculty member who is concerned for the integrity of his discipline and his right to teach will prostrate himself and his discipline before a student tyranny. It has, of course, been observed that student activists and the contemporary administrators are natural allies. Both love committee meetings, both place power above principle and both are deeply antiintellectual.

Finally, the administration must be given adequate freedom by the governing body to carry through the day to day policy decisions and operation of the institution. Governing bodies must establish, in consultation with the administration, policy and budget. They must check regularly to see that day to day policy and appointments are in keeping with the institutional objectives established by the governing board, but they must not attempt to perform the functions of the administration. The most important choice any governing board makes is in the appointment of a president. They should not be afraid to change their minds if the man they appoint is too little in harmony with policies of the governing board. At the present time there seems to be a reluctance to fire a college president, even when he deliberately lies to the governing board.

The whole question of student discipline in matters both of academic and personal conduct is much disputed at the present time. Most of the elite universities and colleges have gone over to the motion that any conduct short of a felony is permissible on the part of either faculty or students and that if a court of law disciplines a student, further and other institutional discipline would represent "double jeopardy" and would be unfair, illegal and inadmissible. This argument demands that every closed community accept any behavior on the part of its members regardless of its special nature or function so long as that behavior does not represent a serious violation of the law of the land. In short this argument would prevent colleges and universities from establishing special standards of conduct and academic behavior applicable only to the intermural community. We are asked to believe that medicine, the law, the ministry, and virtually every other special community or guild possesses an ethical standard and a pattern of guild behavior enforced by the community—with the exception of the special status of college and university students.

But at the same time the student claims an exemption from institutional standards he claims an exemption from the laws and commonly held standards of his society. Administrators and students alike seem to envision the campus as an extraterritorial enclave where the rules of civility and the laws of the polity do not prevail. For nearly a decade members of the so called youth culture have been advising the young not to trust anyone over thirty, though the one abiding impression left with the public is that the young believe, or at least believed until recently, that no matter how outrageous their behavior the society at large would make excuses and would temper the wind to the shorn lambs. The idea that local police forces should be excluded from the campus, that felonies involving drug abuse and other campus criminal activities should not be punished in the courts, that violence should be tolerated as a form of legitimate protest and that once a student has been arrested the legal resources of the institution should be made available to him all presuppose a separate and extralegal status for students which no sane society can countenance. The time came some centuries ago when it was no longer possible to plead a clerical status and have one's case removed from the common courts. If universities and colleges are to renew and maintain their status and authority in American life, the citizenry at large will need some assurance that there is, in fact, equal justice under the law and not preferential treatment for the college offender.

THE FUNDING PROBLEM

Every reform and every movement to return the colleges and universities to their essential function will fail unless it is accompanied by a systematic reform of the funding of higher education. The call for full cost tuition in the paper by Goodrich and Rogge is the single most important reform which it is possible to make in the field of education generally. It is especially important in higher education because nothing has so corrupted college and university education as what Robert Nesbit has called "the higher capitalism." The "higher capitalism" means that colleagues and universities have sold out to foundations, government and every group requesting research or service and capable of paying for it. The lure of money has been used for three decades to distract and divert institutions of higher education from their instructional mission. Professors are aware that the rewards lie in areas outside the classroom and students know that professors no longer take teaching seriously.

Clark Kerr remarked in the Godkin lectures of 1963, "There seems to be a 'point of no return' after which research, consulting, graduate instruction become so absorbing that faculty efforts can no longer be concentrated on under-graduate instruction as they once were." And then Kerr adds, "How to escape the cruel paradox that a superior faculty results in an inferior concern for undergraduate teaching is one of our more pressing problems." The distortions in instructional program, the burdening of the university with institutes, centers, programs which initially appear to enrich the institution but then steadily impoverish it, consuming its scarce resources and diverting its talents and energies, the rise of research entrepreneur and the center empire builder come to exercise more power than departmental chairmen; all have taken place in an institution which has traditionally expressed its contempt for business and the ethos of the used car dealer. Taxes, gifts, foundation grants, federal subsidies on a lavish scale and contract research cannot pay the educational bill and if we are to reintroduce order in the house of intellect we must pass the costs of higher education to the only person who can and should pay the bill; the student.

When the student foots the bill many of the present distortions in higher education will disappear. There will, in the first place, be some honesty in cost accounting and undergraduate tuitions will not be used as they currently are at many major universities to subsidize an inordinantly extensive program of graduate studies. Expensive innovation in instruction will show up immediately in increased tuition costs and the "research professor" whose chief function is to lend intellectual distinction to his institution through his publication record will be a thing of the past. Professors will once more teach three, three-hour courses per semester and students will find that professors are responsive to their needs and their requests. It may seem odd that enabling students to pay full cost tuitions is a more likely way to give students an effective voice in their educations than placing them on governing boards.

Curriculum and instruction will once more be both responsive and relevant, and it will provide the wide variety of training necessary both to the individual and the society. It is absurd to believe that once the source of income has shifted from government and the foundations to the student the "vice presidents for development" and the legislative coordinators will not soon find themselves seeing students and their parents.

Moreover students forced to pay full cost tuition, even though repayment of the debt is spread over a lifetime of earnings, will calculate the relative advantages of alternative educational programs with some increased care. It is quite possible that there will be a shift away from the current pattern of the AB degree to increasing vocationalism and professionalism. The emphasis will once more be on marketable skills and the development of talent rather than the acquisition of status.

There are a number of programs in the planning stage and several at the level of implementation which will enable students to borrow a substantial portion or all of their college tuitions and repay it through an income tax or social security payroll type deduction system. A number of these programs go beyond the field of college and university training and open up the field of government guaranteed loans to students who wish to pursue any field of study for which they are qualified. These programs are of intense interest for those Americans concerned with educational reform because they will increase educational diversity and because they will make both the educational institution and the student responsible.

No one action or program will restore the authority of higher education in America. But unless that authority is restored the university will drift increasingly into the orbit of petty power politics. It will be administered by time serving men and be the prey of power breakers within the institution, bent not on achieving the educational goals of the institution but on gaining some momentary and trivial political advantage. In the final analysis the college and the university will discover that they cannot function in the world of power, that education and coercion are incompatible and that the price of their continued existence is a rededication to the life of the mind and the master-student relationship and the authority in education and society which derive from these educational commonplaces.

SOLAR ENERGY: THE ANDERSONS' PROPOSAL

Mr. GRAVEL. Mr. President, suppose it were possible, for a mini-investment of about $1 million, to show this country and others that man's so-called future energy crisis is a myth, and that we could produce abundant, economical, and safe electricity—as well as fresh water—from sea-thermal power.

Suppose a prototype sea-thermal electrical plant could be in operation 4 years from today.

Two engineers, James Hilbert Anderson, senior and junior, say it can be done.

WHO ARE THE ANDERSONS?

Mr. Anderson, Sr., is very well known in the turbomachinery world. In 1969, he designed the vapor turbine and other parts of the new Magmamax process of making electricity from geothermal hot water; the prototype 9-megawatt plant is expected to be in operation next year at Brady Hot Springs, Nev. Prior to becoming an independent consultant in 1963, Mr. Anderson was chief engineer at the York Corp., a division of Borg-Warner, where he designed the company's entire line of centrifugal compressors. He has probably designed more compressors and turbomachinery handling halo-carbons and hydrocarbons than any other man in the world today. His son, James, Junior, received his degrees in mechanical and electrical engineering from MIT in 1963 and 1966.

CAN SEA-THERMAL POWER COMPETE ECONOMICALLY?

In their papers, the Andersons explain why earlier attempts at sea-thermal electricity were economic failures, and why their design will be an economic success—providing electricity at about $200 per installed kilowatt with zero fuel costs.

By comparison, new contacts for nuclear powerplants are running now at $225 to $250 per installed kilowatt for base construction cost without fuel. Interest during construction and escalation will significantly raise the figure, so that the cost—in 1971 dollars—of a nuclear powerplant ordered now for operation in 1978 is estimated at $340 to $420 per installed kilowatt without fuel. Nuclear fuel costs for a 1,000-megawatt/electrical plant are estimated at $30 million for the first loading, and about $10 million per year after that.

POWER FROM THE SUN BY WAY OF THE SEA

Sea-thermal power is a form of solar energy; the oceans collect the sun's heat, and its uneven distribution in ocean layers provides the opportunity to generate electricity with a heat engine.

According to the Andersons, there are facts and data to back up each of the following statements:

First, there is more warm and cold water near the shores of the continents than we can ever require to make power and fresh water for all the world.

Second, the Andersons have conceived a sea thermal plant which uses the thermal temperature gradients of the ocean with a simple vapor turbine cycle to make electricity.

Third, sea thermal plants are safe and simple; they do not pollute the air and water with radioactivity, noxious gases, or particles.

Fourth, the United States has the materials, technology, and machinery to build these plants now; no colossal expenditures for research and development are necessary.

TECHNICAL PAPERS APPENDED

Mr. President, I ask unanimous consent to place the following papers in the RECORD at the end of my remarks:

First. "The Sea Plant: A Source of Power, Water, and Food Without Pollution," by J. H. Anderson; presented May 12, 1971, at the 1971 International Solar Energy Society Conference at the Goddard Space Flight Center, Greenbelt, Md.

Second. "Power From the Sun by Way of the Sea?" by J. Hilbert Anderson, consulting engineer, and by James H. Anderson, Jr., Lt. (jg), U.S. Navy; part 1 published in Power magazine, January 1965.

Third. "Power From the Sun by Way of the Sea?" part 2, published in Power magazine, February 1965.

Fourth. "Large-Scale Sea Thermal Power," by J. Hilbert Anderson and James H. Anderson, Jr., consulting engineers; presented at the winter annual meeting of the American Society of Mechanical Engineers, November 1965; ASME publication 65–WA/SOL–6.

Fifth. "The Expansion Turbine," by J. Hilbert Anderson, consulting engineer; presented at the winter annual meeting of the American Society of Mechanical Engineers, November 1965; ASME publication 65–WA/GTP–13.

FINDING FLAWS—AN INVITATION TO CRITICS

I am not an engineer, and I cannot vouch for the flawlessness of those papers. It seems likely that, if the Atomic Energy Commission can still put out seriously flawed plans on nuclear electricity after 20 years of work and $3 billion tax dollars spent, we can expect at least a few flaws in the first papers about sea-thermal electricity.

The Andersons are eager for qualified people to review and challenge their work in its concept, its details, and its economic and ecological soundness. I hope that its availability in the RECORD will accelerate that process. Unfortunately, the diagrams and graphs cannot be included here, but the Andersons will make them available on request. Their office is at 1615 Hillock Lane, York, Pa. 17403.

ADDITIONAL REFERENCES

Additional references on this subject include:

"Power in the Year 2001, Part 2," by Samuel Walters, in Mechanical Engineering, October 1971.

"Deep Ocean Water as a Resource," by R. D. Gerard and O. A. Roels, in Journal of the Society of Marine Technology, September-October 1970.

"A Possible Breakthrough of Exploiting Thermal Power From the Sea," by Hui-Tzeng Ting, in Combustion magazine, August 1970.

"Ocean Power Generation," in Oceanology, June 15, 1966.

"Switch on the Sun," in Christian Science Monitor, March 21, 1966.

"Thermal Power From Seawater," Mechanical Engineering, April 1966.

"Resources From the Sea," by Isaacs, Science and Technology, June 1963.

WHY FLOAT A RADIOACTIVE FUTURE?

Sea-thermal power may be of particular interest to people who dislike the idea of "floating" nuclear powerplants holding lethal radioactive loads just 3 miles off the coast of Atlantic City, N.J., as currently proposed.

The Andersons say:

> With present-day electric transmission costs, we would be able to demonstrate definite economic as well as ecological benefits for New Jersey to build a sea thermal power plant in southern waters versus a nuclear plant off the New Jersey coast.

WHAT NEEDS TO BE DONE NOW?

What needs to be done to get the sea-thermal alternative underway in this country?

The first step requires organizing only $1 million, which would provide for the full feasibility study, including the detailed design engineering of the heat exchangers, optimum operating conditions, manufacturer quotations for specific items, and complete engineering drawings which must, of course, precede a prototype plant. This work could be done in a year or two by any competent engineering organization with the Andersons' help.

The second step, after the full feasibility study, requires only about $8 million more to build the first 10-megawatt prototype plant. The time required would be another 2 or 3 years.

At the end of 3 to 5 years, and for a total expenditure of about $9 million, the United States might well be able to demonstrate to the world a nonpolluting, inexhaustible power supply system.

The cost of this effort would be a drop in the bucket compared with approximately 300 million tax dollars budgeted for nuclear fission development this year. It would be even less than the cost of putting out one, big, oil-rig fire in the Gulf of Mexico.

THE BASIC QUESTION

The question is this: In a country with a trillion-dollar economy, where everyone is lamenting about the real environmental crisis and the alleged energy shortage, are we going to let a likely solution sit untried, just for lack of $1 million to get started?

Big government and big business and big foundations seem to move at a snail's pace compared with the dangerous pace of environmental degradation. Must citizens wait helplessly, or run themselves ragged in lobbying effort where the odds are stacked against the amateurs?

PUTTING MONEY WHERE OUR MOUTHS ARE

Perhaps it is time for impatient citizens to use their independent power to raise money as well as noise. If the polls are right when they show pollution to be one of the three top concerns of the American people, then perhaps at least 100,000 citizens are ready to risk $10 of their own money on feasibility studies for sea-thermal electricity and some other energy proposals.

Such action could quickly become one answer to the constant question: What can ordinary people do to accelerate development of clean, safe power systems?

Even as little as $100,000 would do a lot to advance the sea-thermal power concept, because a feasibility study can be done in parts.

The major parts of a sea-thermal plant include the vapor turbine, the heat exchangers, and the submerged piping. Since a vapor turbine of the needed sort has already been designed and manufactured for the Magmamax geothermal plant at Brady Hot Springs, what is needed for sea-thermal power is work on the special, low-cost, equal-pressure heat exchangers, and on the submerged piping.

A complete study of each could be performed for $50,000 apiece. That sort of money could also provide a detailed cost analysis of sea-thermal or geothermal power versus nuclear power for New Jersey or other States under the nuclear threat.

WINNING

These are not overwhelming amounts of money. By dividing the country into money-raising districts, a citizen's clean energy coalition might acquire the means to have a really significant influence on national energy policy.

There being no objection, the items was ordered to be printed in the RECORD, as follows:

[Presented May 1971 at the International Solar Energy Society Conference]

The Sea Plant—A Source of Power, Water and Food Without Pollution

(By J. H. Anderson)

In the scientific world today it has become almost an axiom that the world is becoming smothered in its own effluent. As we ask for more and more goods we need more and more power to make the goods that we want. Yet making power imperils us by air pollution, thermal pollution and radioactive wastes. The by-product results of these various forms of pollution interfere with the biological cycle of the whole world, and there are increasing doubts that mankind can survive in the atmosphere thereby created. (Ref. 1) In short, we are literally smothered by our own efforts to make us better off.

If we include the internal combustion engine it can be safely said that the generation of power is the prime source of air pollution. Power generated from the combustion of fossil fuels causes pollution by discharge of various unwanted elements into the atmosphere. They interfere with our breathing, and with the major biological cycles that depend on the atmosphere. The heat rejected to our streams causes upsets in the biological function of those streams. The chemical plants that produce our necessities are energized by the power that we produce. They in turn pollute both the atmosphere and our rivers with gaseous, liquid and solid waste materials, all of which help to upset our delicately balanced life cycle on this planet. With the advent of nuclear power we add the hazard of radioactive wastes to those already in existence from fossil fuel power plants. Radioactive pollution from nuclear plants is cumulative and could be the most serious and dangerous of all our pollution problems. (Ref. 1)

POWER FROM THE SUN

The only source of power that can supply all the world's needs for the foreseeable future, and do so without polluting our atmosphere and our waters, is the sun. This has been stated many times, and is so fundamental that few people will argue the point. (Ref. 2)

Much effort has been spent for many years to convert the sun's energy into useful power. (Ref. 3) Many applications are in actual service for small scale power usage in isolated locations. The basic problem is economic, and it stems from the fact that the sun's energy is available to a given location for a part of each day, and the density of radiation is so low that the collection of much energy is costly. A possible future approach has been proposed by Glaser (Ref. 4). He proposes putting large collectors into orbit around the earth and beaming the power generated by photo cells back to an earth station. This scheme is theoretically sound, but admittedly requires much development of technology over a period of years.

However, one scheme for developing large amounts of power from the sun's energy that is feasible economically and technically today uses an indirect approach by taking advantage of the sun's energy collected by the ocean (Ref. 5). The ocean covers 70% of the earth's surface. It stores the sun's energy in the surface waters and creates the vast major ocean currents, such as the Gulf Stream in the Atlantic and the Japan Current in the Pacific. Since these currents flow North from the Equator, the water must be replaced from the Northern Ocean. This causes currents of cold water to flow south toward the Equator deep in the ocean. As a result we have in many parts of the ocean a layer of warm water directly over a vast reservoir of cold water at temperatures just a few degrees above freezing.

The basic requirements for generating power in any heat engine are a source of heat and a lower-temperature heat sink toward which heat can flow. The warm water at the surface provides the heat source and the cold water at depths of 2,000 ft. or more provides the heat sink. Having the heat source so close to the heat sink should make a heat engine possible.

The potential of the heat available can be illustrated by noting that the heat in the Gulf Stream alone is sufficient to supply 200 times the total power requirements of the United States. This energy supply is continually being replaced by the sun, and usage for generating power could never conceivably deplete it.

The idea of using the thermal gradients in the ocean to develop power was proposed as early as 1901 by d'Arsonval. While the theory has been known for many years, no economically practical means for devoloping power was available. Claude developed a scheme to boil the sea water in a vacuum (Ref. 6), expand the vaporized steam thru a turbine, and condense the exhaust steam on the cold water pumped from deep in the ocean. He did actually produce power, proving the theory to be sound. However, as pointed out in Ref. 5, this scheme was doomed to economic failure and really only served to prove the skeptics right.

A new scheme for producing power on a large scale, practically and economically was presented **by the authors in Ref.** 7. This scheme utilizes the basic Rankine cycle, similar to that in the simple steam power plant. There are, however, important differences. Instead of steam as a working fluid, this plant uses propane, a cheap petroleum fluid commonly used in portable torches, but also used as a refrigerant.

The power plant is on a floating platform located in the open sea, where warm water is available in ample quantities, and cold water is available at depths of 2,000 feet or more. A cold water pipe is suspended from the floating platform deep enough to reach cold water. The cold water is pumped to the plant from this depth. For a typical plant of 100,000 kilowatt capacity the cold water pipe might be 35 to 40 feet in diameter.

The warm water is taken from the surface thru screens around the periphery of the floating plant, and is pumped thru boilers, where the propane is boiled at high pressure of approximately 131 lbs. per sq. in. The heat taken from the water drops its temperature from approximately 82 F. to 79 F. The heat transferred from the water to the liquid propane evaporates it into high pressure vapor at a temperature of approximately 74 F.

The propane vapor flows from the boiler to the turbine where it expands to a high velocity and lower pressure, giving up expansion energy to drive the turbine, which in turn drives an electrical generator to generate power.

From the turbine exhaust the propane vapor flows to the condenser where it condenses into liquid at approximately 54 F. The heat of condensation flows into the cold water which is heated from 43 F. to 49 F.

The condensed liquid propane is returned to the boiler by a boiler feed pump and the cycle of boiling, expansion and condensing is repeated, using the same propane continuously circulated thru the power cycle.

Fig. 1 shows the simple cycle that makes sea thermal power possible. Warm water from the surface is used to boil propane. The propane vapor expands through a turbine driving a generator. The spent vapor passes from the turbine to a condenser, where it is condensed to a liquid on surfaces cooled by cold water pumped from deep in the ocean. The liquid propane is then pumped to the boiler to repeat the cycle. As pointed out in Ref. 7, it is now possible to produce power in any quantities that we need at a lower price than that for any other major source of power.

There are a number of reasons why this new scheme can be practical and economically feasible, whereas Claude's original scheme could never be expected to be successful.

1. The floating plant permits sufficient movement to insure a continual supply of warm water without depletion.
2. The floating plant permits short cold water lines, thereby reducing cost of pipe and pumping losses.
3. The floating plant permits submergence of boilers and condensers, thereby equalizing the pressure of the propane inside to that of the water outside. This makes possible low cost heat exchange surface.
4. The deeply submerged boilers and condensers, and the suspended cold water pipe make the floating plant very stable and, with proper design, impervious to storms.
5. The propane turbine is simpler, smaller and much lower in cost than the steam turbine. As an example, a 20,000 KW steam turbine would need to be approximately 32 ft. in diameter with two stages running at 1,000 RPM. The same capacity propane turbine could be 42" in diameter and run at 3,600 RPM. This means that the propane turbine cost would be less than 4% of the steam turbine cost for the same power output. The 3,600 RPM generator would also cost much less than the 1,000 RPM generator.
6. Propane is a cheap fluid, readily available, non-corrosive and almost insoluable in water.

FRESH WATER PRODUCTION

Since power is generated by bringing cold and warm sea water together in one floating plant, it becomes logical to use these same ingredients for the production of cheap fresh water from salt water. Fresh water can be produced very simply by the process shown in Fig. 2. Warm salt water is deaerated and put into a large vacuum chamber of low enough pressure so that it boils. The steam that boils off is conducted to a condenser, cooled by the cold water from the power plant outlet. Here it simply condenses to fresh water. The remaining salt brine drains back to the sea. While this is basically a very simple process, up until recently there were serious problems that appeared to prevent economical development of this process. First, the heat of vaporization of the vapor boiled off from the water must come from the water itself. It takes 1000 BTUs of heat to evaporate one lb. of water. This much heat requires cooling 100 lbs. of water through 10° F. Therefore in very rough approximation you can get only one or two lbs. of fresh water from each 100 lbs. of warm water furnished to the evaporator. This means that a lot of water must be pumped and deaerated to produce one lb. of fresh water. In first analysis and attempts at such a desalting scheme the amount of power to deaerate and pump the water appeared to be too high to make this scheme feasible. However, means have now been found to reduce the power required for deaeration and pumping to a very small amount. Since the power is cheaply generated in the floating sea thermal power plant, the combination of available water and power can produce fresh water for a cost of approximately three to four cents per thousand gallons of water. (Ref. 8). This puts a whole new dimension on the possibilities of producing fresh water for both industrial and agricultural purposes.

The fresh water being produced in a floating plant at sea must be transported to shore for agricultural or household use. Analysis of transport costs indicates that they would not be more than five cents per thousand gallons from an average location of a sea thermal plant with respect to the shore.

Transportation by barge was chosen for several reasons:

1. It is probably the cheapest possible form of transportation for distances up to several hundred miles.

2. It is extremely flexible, allowing one plant to serve a number of widely scattered coastal communities.

3. It allows flexible emergency storage for usage during plant shutdown or overhaul periods. This lessens the need for excessively large community storage reservoirs.

4. It can generally be scheduled so as to avoid severe storms.

Fig. 3 shows the amount of power used for pumping and deaeration of the water, as well as the unit cost of fresh water plotted against the possible daily water production from a 100 MW power plant. Note that for water production of 800 million gallons per day approximately one half the plant gross power production is used for desalting the water. The water cost does not vary much over the complete production range. Therefore the sea thermal plant is equally adaptable for large scale water production or relatively small scale water production. For example, in a desert area where there is no industry and not much power required, the sea thermal plant could produce much water and little power for sale. In an industrial project it may be desirable to produce relatively little water.

As contrasted to this the figure of 22 cents per thousand gallons is shown at a production rate of eight million gallons per day. This figure was taken from the estimated costs for a nuclear power and water desalting plant for the Metropolitan Water District of San Diego. The plant size was 1800 MW and water production was to be 150 million gallons per day or eight million GPD for each 100 MW of power. Not only is the water cost much higher than that from the sea thermal plant, but the ratio of water production to power production is much too low for an agricultural area.

A very major advantage of the combined sea thermal power and water plant is the flexibility and economic possibility of making any quantity of water from zero to the maximum that can be made by using the total plant power for water production.

CHEMICAL PRODUCTION

A natural by-product of water desalting is cheap oxygen. The gases dissolved in natural sea water are composed of approximately 34% oxygen, whereas atmospheric air contains only 23% oxygen. Separation of oxygen from air is basically a refrigeration process. This requires heat exchangers, refrigeration compressors, a heat sink, and power to run the compressors. With a higher percentage of oxygen in the supply, less refrigeration and equipment is needed. The cold water provides a heat sink at lower than usual ambient temperatures. This reduces required power input as well as cost of compressors and heat exchangers. The condensed propane from the power plant condensers can be used as the refrigerant to cool the air to the oxygen plant. The propane from the boilers can also be used to energize propane turbines to drive the refrigerant compressors. This eliminates the conversion to electric power for refrigeration. These combined factors can reduce the cost of oxygen to less than half of what it costs today.

A typical plant of 100 MW gross power capacity and 60,000,000 gallons per day fresh water capacity could also produce 115 tons of oxygen daily from the gases that must be removed from the water. This can be an extremely valuable by-product with many uses.

A side benefit of removing oxygen from the water occurs because oxygen is the primary cause of the corrosive action of sea water on metals. Removing the oxygen before passing the water thru the boilers should virtually eliminate corrosion. It should also eliminate fouling by marine organisms, because most of them require oxygen to live.

With cheap power, fresh water, cheap oxygen and location on the ocean, we have the basic ingredients for many kinds of chemical or metallurgical plants. For example, fresh water and oxygen are important ingredients to make low cost steel manufacturing possible. It is also important to have a steel plant located where cheap transportation for iron ore, coke and limestone are possible. Many steel plants are already located close to the ocean to reduce transportation costs. It becomes reasonably obvious that the sea thermal plant could be an ideal base for a steel plant.

The steel plant can be located on shore close to the sea thermal plant, which could provide cheap electric power, fresh water, and oxygen. Ocean transport could furnish ore, coke and limestone.

A little more advanced, but even more logical plan would be to locate the blast furnace on the floating sea plant. The power for the blast furnaces could be provided directly by propane turbines. Fresh water and oxygen would be available on the floating plant. Deep water docking would be available. An extra benefit would be that slag could be dumped directly into the deep water. Waste heat from the blast furnaces could also be used to generate power by boiling propane, expanding it thru turbines, and condensing it in condensers cooled by cold water from the depths. It may seem far fetched to build a floating power plant, yet no more so than present plans to build a floating airport or a floating city.

Another example would be the aluminum reduction plant. The major costs in reduction of bauxite to aluminum are for electric power and transportation costs. Fortunately much aluminum ore is available in the tropics where sea thermal plants can easily be placed, and the bauxite could be reduced directly to aluminum locally, thereby saving on shipping costs as well as power costs. Jamaica provides vast amounts of bauxite. This must now be mined and much of it shipped to Canada where cheap power is available to convert it to aluminum. Yet Jamaica provides a perfect location for a sea thermal plant. On the northeast tip of Australia are some of the world's largest deposits of bauxite. Conventional power is not easily available there. Yet just off the northeastern coast is plenty of warm water where sea thermal plants could be built for aluminum conversion.

Possibly the most attractive potential use for a sea thermal plant is to convert the chemicals in sea water directly into commercial chemicals and fertilizers. This opens up all kinds of attractive possibilities. Bromine and magnesium are already being produced commercially from sea water (Ref. 9). Concentration of the sea water into brine while making fresh water and power should make bromine and magnesium production considerably cheaper than it now is.

Research has already shown that chemical fertilizers can be produced in the form of magnesium ammonium phosphate directly from sea water (Ref. 10). If the sea water is concentrated into a brine by the desalting process, then the fertilizer manufacturing process should be lower in cost.

Another process is under development that produces potash using sea water, limestone and electric power as raw materials (Ref. 10). Sea thermal power and brine concentrated by desalting can furnish the cheap ingredients necessary to make this development economic. Many tropical islands are built from coral, which is practically pure limestone. In these tropical islands all the ingredients would be present for potash fertilizer production. All that is needed is the sea thermal plant to provide the energy.

It should be pointed out that in the case where chemicals from the sea water are the important consideration, then it would probably be preferable to use a freezing process to desalt the water. This process merely uses electric or turbine power, and concentrates the brine by yielding 50% or more of fresh water. With 50% of the fresh water removed from the sea water the concentration of chemicals in the sea water is doubled. This means that chemicals are more readily available than they would be from the raw sea water. A number of useful products could be commercially obtainable from this brine.

With economic production of common bulk chemicals made possible by sea thermal power, it is also quite conceivable that we can produce more exotic ones such as gold, from sea water. Salutsky has pointed out (Ref. 10) that there are many needed chemicals in sea water well worth the effort to produce.

FISH PRODUCTION POSSIBILITIES

It has been proposed many times that fish production could be increased by pumping cold nutrient-rich waters from the ocean depths up to the upper levels, where sunlight can promote photosynthesis. As Isaacs has pointed out (Ref. 11), this involves not only getting the cold water to the surface, but also warming it sufficiently so that it will stay in the 75 meter top layer, where photosynthesis and food production can occur.

Fortunately, the sea thermal plant brings the cold water to a level near the surface as a by-product. When fresh water production is combined with power production, the cold water is also warmed by condensation of the fresh water vapor. The temperature is then high enough so that this rich naturally fertilized water will stay in the intermediate upper layers, where it can serve as food supply for plankton and the entire marine organic life structure.

To show the economics of fish production, we can use figures estimated by Martino and Marchello (Ref. 12). Production of power and fish is plotted against water production in Fig. 4. The difference between 100 NW and the net power output is the power required for fresh water production. The solid lines represent single effect flash distillation and the dashed lines represent multi-effect flash distillation. For multi-effect distillation less cold water is required per unit of water production and, therefore, food available for fish production is less.

Fig. 5 shows yearly product value of power and water at different selling prices, plotted against water production. By comparing this with the plant costs shown on Fig. 4, it can be seen that return on investment can be quite good at the prices shown.

Fig. 6 shows the yearly value of fish production. Twenty-two cents per kg. is approximately the present value of trash fish. This price will inevitably go up as current usage and demand for fish meal and associated products go up. While the value of fish amounts to only about one-tenth the value of power, it is by no means inconsequential. Fish production alone would not justify building a sea thermal plant, but it does add appreciably to the economic possibilities from such a plant.

As an example of the possibilities, ocean farming is already being started on a commercial basis in the Caribbean. The sea turtle is being hatched and raised in confinement before being released to the open sea. In farming the green sea turtle, it is necessary to feed the turtles raw fish for a period of approximately one year before releasing them to forage in the open sea. For the economics of this project to be worthwhile, it is necessary to have a cheap source of raw fish of almost any kind. The sea thermal plant could readily provide an excellent source of fish in a relatively fixed area. Since the food-rich water is discharged in a known area, fish production would occur in this area. This should be almost as effective as a fence to keep the fish in one spot.

THE POLLUTION PROBLEM

It is now clearly recognized that the production of large quantities of power by conventional methods creates dangerous pollution of several varieties. Fossil fuel plants emit carbon dioxide and sulfur dioxide, as well as large amounts of fly ash. Sulfur dioxide can create serious effects on plant life, and undoubtedly causes millions of dollars worth of damage yearly in corrosion of paints, metals, and buildings in general. This is so serious that many communities are prohibiting the use of high sulfur fuels for heating and power generation. This will inevitably require the use of higher cost fuels, which in turn means higher cost of power. We simply do not have available enough supplies of sulfur-free fuels to make this an adequate solution to the problem.

The carbon dioxide pollution problem is much harder to evaluate. The industrial revolution has definitely increased the percentage of carbon dioxide in the air. Whether this is good or bad is not clear. Experts in plant growing find that adding carbon dioxide to a greenhouse atmosphere increases the rate of plant growth. If we consider this increase on a global scale, then the potential increase in plant growth could be an important factor to increase world food production.

As opposed to this, carbon dioxide also creates a greenhouse effect in the earth's atmosphere. This means that more of the sun's energy is trapped in the oceans when the carbon dioxide level in the atmosphere is increased. There is much evidence to show that this effect would melt the polar ice caps and cause disastrous flooding of much of the land surface. Plass (Ref. 13) has made a careful and comprehensive study of the effect of carbon dioxide on the earth's climate. His basic conclusions can be expressed by quoting him, "If fuel consumption continues to increase at the present rate, we will have sent more than a trillion tons of carbon dioxide into the air by the year 2000. This should raise the earth's average temperature by 3.6 degrees F." It would surely be foolish to ignore this probability, only 30 years away.

The pollution from fly ash may not be a serious one in its overall effect. However, it is a great nuisance, helping to create dirt, corrosion, and smog in our cities. More and more money must be spent to control it and this raises the cost of fossil fuel power.

The disposal of ashes or solid wastes from a power plant is an increasingly costly problem. Around almost any power plant lie acres and acres of unsightly ash dumps. This is not only an eyesore, but wastes much valuable land area that should be put to good use.

One of the increasing costs for fossil fuel power is caused by thermal pollution of our rivers and lakes. In a modern central station roughly 40% of the heat energy in the fuel must be discharged into a low temperature heat sink, usually a river. This raises the water temperature of the river as much as 10 or 20 degrees F. Much money is being spent to assess the damage done to our ecology (Ref. 14, 15) and much political heat is generated about it. Suffice it to say that we are running out of rivers where we can dump this heat. The only answer possible is eventually to discharge this heat to the atmosphere, as they are already forced to do in Europe and the British Isles, and some plants in this country. This increases the cost of power plants and power.

The problems of nuclear power plant pollution are different than those of fossil plants, but probably even more devastating. Thermal water pollution from a nuclear plant is almost double that from a coal fired plant for two reasons: First, the plant is less efficient because it must operate at lower temperatures and more of the heat must be rejected. Second, all of the heat must be rejected through the condenser, because there is no smoke stack. Clark (Ref. 16) and Boyle (Ref. 17) show the serious nature of this problem that is rapidly becoming worse.

Even more serious than thermal pollution from nuclear plants is the danger of radioactive pollution, either by accident or long-time effects. Curtis and Hogan (Ref. 18) have made a careful study of this problem and presented the grim picture. Quoting from them, "The threat of a nuclear plant catastrophe constitutes only half of the double jeopardy in which atomic power has placed us. For even if no such calamity occurs, the gradual exhaustion of what one scientist terms our environmental 'radiation budget,' due to unavoidable releases of radioactivity during normal operation of nuclear facilities, poses an equal and possibly more insidious threat to all living things on earth."

They further state that, "The only course may be to turn boldly away from atomic energy as a major source of electricity production, abandoning it as this nation has abandoned other costly but unsuccessful technological enterprises."

Sea Thermal Power produces no atmospheric pollution, no chemical pollution, no solid waste problem, no thermal pollution, and no radioactive pollution hazard. The reduction in these problems alone would pay for the development cost of sea thermal power a hundred times over.

WHERE SEA THERMAL POWER

A careful survey of the ocean temperatures and depths throughout the world (Ref. 19) shows that sea thermal power can be generated almost anywhere in the tropics or semitropics. There are at least 18,000 miles of tropical coastline in the world that are relatively useless because they are arid. Sea plants could provide the power and water to make them useful to man.

The Gulf Stream could provide power for the entire eastern half of the United States. The development of cryogenic high voltage power transmission (Ref. 20, 21) is almost certain to come in the near future.

This, in conjunction with high voltage DC lines (Ref. 22), will make it economically possible to transmit electric power for distances of over 1,000 miles. The Soviet Union is already planning an 1,800 mile line. (Ref. 23)

Water conditions and depth conditions are suitable for Sea Thermal Plants in the Gulf of Mexico from Tampico south. Transmission lines to Texas would be quite feasible.

Power for California could be furnished by Sea Plants off the tip of Baja California. These plants could also furnish irrigation water for Baja California and the entire west coast of Mexico.

Conditions for Sea Plants are good on the entire west coast and east coast of Central America, also on the east coast of South America as far south as Recife, Brazil. The entire Caribbean area is most suitable for Sea Thermal Power.

Both the east and west coasts of tropical Africa are well suited for sea thermal power. Water could be shipped along the entire length of the arid west coast.

The eastern end of the Mediterranean just off Israel has both deep cold water and warm surface water. This could provide power and the vital water to this entire region, where water is already in such short supply.

Almost the entire western and northern shores of the Indian Ocean are suitable for Sea Thermal Power. This could do more than any other one thing to feed these crowded impoverished lands.

Australia could develop all the power it ever needed off the northeast shore, beyond the Great Barrier Reef.

The greatest storehouse of thermal energy in the world is in the tropical western Pacific, covering more than 5 million square miles, extending over most of the Pacific Islands, to the Philippines and north to Taiwan.

It is fortunate that the conditions are good for Sea Thermal Power in many areas of the world where it is most needed. It can provide power, water, food, and industry to the impoverished tropic lands, and at the same time provide air conditioning to make these areas more comfortable and attractive places to live.

When we consider all of the benefits to mankind that can be obtained from Sea Thermal Power and its by-products, it is difficult to find any other technical and economic development that can compare to it in importance. It is truly the key that can unlock the ocean's wealth for the good of man.

FIGURES

1. Diagram of Sea Power Cycle.
2. Water Desalting Flash Cycle.
3. Water Production vs. Costs.
4. Power and Fish Production vs. Water Production.
5. Yearly Product Value.
6. Yearly Value of Fish Production.

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POWER FROM THE SUN BY WAY OF THE SEA?

(By J. Hilbert Anderson, Consulting Engineer, York, Pa. and James H. Anderson, Jr., Lt. jg, U.S. Navy)

Advances in underwater technology make possible a new and unusual approach to the old idea of generating power from temperature differences between tropical surface waters and colder ocean depths. This article tells "why"; another to follow will describe "how".

Of all the physical needs of the human race, the most vital today, and in the future, is power. If you're tempted to put food and water at the head of the list, think for a moment of how, in our increasingly crowded world, each of these depends on power.

Where power has mechanized agriculture and made possible the heavy use of fertilizers, as in the U.S., we have food surpluses. Where these essentials of intensive cultivation are lacking, food shortages will get worse as population continues to grow. And, looking to the day when arable land runs short, it has been demonstrated [1] that, given enough energy, we could synthesize food for the entire world population.

So, too, with the water shortages that exist right now in some parts of the world, and threaten others as demands grow. With enough cheap electricity, the oceans can be made to yield unlimited supplies of fresh water.

Ample cheap electricity could solve future fuel problems by electrolysis of water to yield hydrogen and oxygen and by synthesis of other liquid fuels. And in the case of minerals, the world-wide supply is virtually unlimited if we have enough economical energy to recover and purify elements that occur in low concentrations.[2]

Where will we turn for the vast energy needs of the future? We know that supplies of fossil fuels, while large, are finite and exhaustible. So, too, with fissionable materials, even though small quantities of matter yield enormous amounts of energy in nuclear reactions.

Some energy sources—falling water, the tides and the winds—are self-renewing, but the circumstances under which they can be utilized are limited.

The only apparent possibilities for the world's eventual needs are fusion power and use of the sun's radiant energy. In a sense, these are the same, since the sun's energy results from fusion and we merely receive the heat so created.

Basic problem in deriving useful power from sun heat is collecting it in sufficient concentration. Fortunately, we have a built-in collector in the oceans that cover 71% of earth's surface. Heat so collected is circulated and stratified by combined action of earth's rotation, winds and resulting ocean currents. Thus, in many places, we have a warm surface, layer, cold lower layers.

As early as 1900, D'Arsonval suggested that this temperature difference might be used to generate power. Recently, it has been estimated [3] that potential power recoverable in this fashion would provide a continuous source of energy 200 times as great as the predicted world needs in the year 2000.

Can we build plants to utilize this great resource *economically?* First step toward an answer was a careful study to establish available ocean temperatures and possible plant locations. This showed that a practical plant could be built within 30 miles of Miami.

Charts show average surface temperatures at this location, and underwater temperature contours. From this data it seems reasonable to take 79° F and 43° F as upper and lower temperatures for design.

The Rankine cycle used by Georges Claude in his 1926 experiment with a sea-power plant [4] employed a pump to develop pressure on the water, which was then boiled at the higher temperature, expanded through a turbine, and condensed at the lower temperature. At low temperature differences, this cycle closely approximates the ideal Carnot cycle and yields similar efficiencies.

What are these Carnot efficiencies? Of the order of 6%—not very encouraging at first blush. But we are really concerned here with *economic* efficiency. In this situation, where we are dealing with a fuel-free operation like a hydroelectric plant, the important consideration becomes investment cost. The chart adapted from Hodgson [5] shows investment per kw that could be made in fuel-free plants that would be economically equivalent to 300 mw fuel-fired plants at three levels of fuel cost, various annual load factors.

Average fossil-fuel cost for the U.S. is $0.264 and for Florida is $0.338, according to *The New York Times* of June 14, 1964. Because the temperature difference that our sea-thermal plant works on is greatest in summer, when electrical loads are highest in Florida, it seems reasonable to assume a 90% annual load factor. The chart indicates that a sea-thermal plant costing less than about $580 per kw should be competitive with fuel-fired plants. Our design estimates at $168 per kw.

The Claude experiment of 1926 was clearly not competitive. How then does the plant we will describe in the next article differ? Claude used the sea water itself as the working fluid, thus avoiding heat transfer problems, but creating others of great difficulty. At low temperatures, specific volume of steam is extremely large. This means a large turbine and, with low Reynolds numbers, low efficiency. Using sea water also required working at high vacuum. This created severe problems in removing gases from the water and attendant corrosion and scaling.

The land-based Claude plant employed extremely long lines to bring cold water from the depths. With long lines and a small plant (40 kw), heat flow into the cold lines would be relatively greater than into the shorter, larger lines of a high-capacity ocean plant.

With these basic problems, it is easy to see why the Claude plant did not prove out. But the fundamental idea remains sound—a tantalizing engineering challenge. As the next article will detail, we propose a plant that will utilize recent advances in underwater technology and in turbo-machinery using fluids other than steam.

FOOTNOTES

[1] "The Synthesis of Food", A. T. McPherson, Industrial Research, 11/61

[2] "Mineral Supply", E. W. Pehrson, Intl Science & Technology, 2/62

[3] "Resources from the Sea", Isaac and Schmitt, IS&T, 6/63

[4] "Power from Tropical Seas", G. Claude Mechanical Engrg, 12/30

[5] "Modern Thermal Station Design", C. W. Hodgson, Cons Engr, 9/63

[From Power magazine, February 1965]

POWER FROM THE SUN BY WAY OF THE SEA?

(By J. Hilbert Anderson, Consulting Engineer, York, Pa., and James H. Anderson, Jr., Lt. (j.g.), U.S. Navy)

Temperature difference between tropical surface waters and cold ocean depths presents a tantalizing challenge: Can we tap this potential power resource economically? "Yes" say the authors, and back their assertion with a unique design that combines a novel working fluid and recent advances in underwater technology.

Design of an *economical* sea-thermal power plant demands a radically new approach to the choice of a working fluid. Past experiments used sea water itself to avoid the problem of transferring large quantities of heat into and out of the fluid at small temperature drops. But cost was high: At low temperatures inherent in a sea-thermal plant, steam volumes are so large that turbomachinery becomes excessively bulky and expensive.

As will be seen, the design presented here uses submergence to permit construction of large heat exchangers at reasonable cost. This enables use of a working fluid having relatively high pressure and density at low temperatures. One such is propane; chart at left above shows that saturation pressure is 133.2 psia at 75° F and indicates work output per lb of fluid. High fluid density of propane means a small turbine per unit of output. Companion chart compares speeds and diameters for turbines operating on water, propane, and steam, at the specific speeds marked on the curves.

Turbine comparison. Note that for 20-mw output, a steam turbine with a specific speed of 300 would have to be about 380 in. in diameter and have two stages. A water turbine at the even higher specific speed of 499 would have a diameter of about 220 in. But a single-stage propane turbine with a specific speed of 300 would have a diameter of only 42 in. and a speed about 3600 rpm. Incidentally, the lines for a propane turbine at a specific speed of 112 are typical of a high-efficiency, radial-flow turbine. Such a unit, while larger in diameter than an axial design, has the advantage of being shorter, with the exhaust diffuser perpendicular to the axis of rotation. This permits several single-stage turbines to be combined with one generator for a moderate total length.

Propane being essentially noncorrosive, ordinary materials could be used—probably an aluminum casting for the turbine wheel. There would be no cavitation problem as in water turbines, and essentially no maintenance. Finally, note that a 100-mw propane turbine would be only 90 in. in diameter, showing that large capacity plants would be quite feasible.

Proposed arrangement for a floating sea-thermal plant using propane (patent applied for) is shown on the facing page. It is almost completely submerged, as experience with the ship *Flip*[1] shows this to be an extremely stable arrangement almost completely impervious to storm damage. Since there is very little reserve buoyancy against serious hull leaks, an empty shell is provided above the waterline and reserve buoyancy tanks are loosely moored in a circle about the hull.

Suspended from near the vessel's center, the cold water pipe is built in sections, which can be fed through a large central hatch in the upper deck. Corrugated wall construction would provide circumferential stiffness and bending flexibility. A thin inner lining would reduce flow friction. White heat transfer from warm surrounding water is no serious problem, foam plastic between inner and outer walls would reduce heat flow to nearly zero.

Buoyancy tanks would make the cold water pipe nearly self-supporting, leaving just enough negative buoyancy to keep it hanging vertically. Stress at the juncture between pipe and rigid vessel would be taken care of by a carefully constructed horn-shaped enclosure at the top of the pipe, and by using thrust propellers to maintain the bottom of the structure in alignment with the pipe at essentially zero-stress conditions. Strain gages could be used to control propeller thrust automatically.

Cold water flows up through a rotating screen that can be isolated section by section for flushing debris to the open sea. The propeller pump is followed by an outlet diffuser for reducing velocity and recovering head before water flows through the single-pass, low water velocity propane condenser.

Warm water comes from a buoyantly supported pipe inlet arranged to face the current and so utilize its kinetic energy. After screening, water is pumped through a single-pass propane boiler.

Pipes from four boiler sections carry propane vapor to four separate turbines. These exhaust propane at condenser pressure through four pipes to the condenser sections. Condensed propane drops from four outlets and is collected in a common line to a boiler feed pump mounted in the elevator shaft. To improve surface contact in the boiler, some liquid propane is re-circulated from bottom of boiler; re-circulating pump near bottom of elevator shaft returns it by way of the main feed line.

Boiler and condenser. In a plant like this, with necessarily low thermal efficiency, heat input to the boiler and heat rejection at the condenser are large. With a small overall temperature difference, little can be spared to reduce the heat-transfer surface needed. Thus boiler and condenser become a major part of plant cost.

Major factor in heat-exchanger cost is not so much a matter of temperature, or surface required, as it is the structure to prevent leakage between fluids where a high pressure difference occurs. The answer here is to submerge boiler and condenser to depths at which propane pressure matches water pressure on the other side of the surface. This permits thin surfaces and simple flat-plate construction, sharply cutting size and costs.

While propane pressure in the pipes to and from the turbines must be higher than surrounding water pressure, it is possible to keep pressure slightly above propane pressure in the condenser and boiler, if they are submerged just enough. Thus any leakage will tend to be water into propane; it can be recovered by simple settling-tank techniques (diagram, lower left).

Heat exchanger construction. As shown in the inset on the plant schematic, simple flat-plate construction with alternating channels would be used for boiler and condenser. With no pressure difference of any account, plate can be thin and cost of exchangers would be but a fraction of conventional tubular design. Alclad aluminum would probably be used for surfaces. It offers good conductivity, good corrosion resistance, moderate price.

Heat recovered from generator cooling system can vaporize propane in an auxiliary boiler supplying a small propane turbine for added output. Circulating pump motors can also be cooled by evaporation of liquid propane, which can then be fed to the turbine inlet line. This also keeps motor-housing pressure above surrounding water pressure, alleviating shaft-seal problems.

Plant auxiliaries. Water leaving the condenser at 45–50° F is used to air condition the hull. Auxiliaries at right of main hull include liquefied-propane storage tanks, a propane compressor, an engine-driven generator for startup and emergency power, and an air compressor, Purge tank on line from top of condenser serves to collect and blow off gases entering the system with leaking water. Most of these will be noncondensible and lighter than propane.

The anchor rope shown indicates we would expect to locate the vessel in a chosen spot by deep sea anchorage. Edgerton and Cousteau[2] demonstrated several years ago that a ship could be anchored in water 24,000 ft deep. Since then, theory and mathematics of deep sea anchoring have been established by Lampetti.[3]

For maintenance and repair, access to various parts of the structure is provided by decompression chambers shown on the left of the elevator shaft at three levels. Link[4], Cousteau[5], and others have shown that it is possible for men to live for days and weeks under water as long as they have access to pressurized chambers at their operating level. This makes it possible to think of routine maintenance of parts in the open sea.

Pump motors are mounted in the elevator shaft, making electrical connections and maintenance easy. Shaft seals at such pressure would present no problems today. The submarine cable for transmitting power from the plant goes out the bottom of the shaft where it would be almost free of strains from wave motion. Submarine transmission of large blocks of power has become routine practice as developed by ASEA in Sweden.[6]

How much water? Curves have been developed for water flows through boiler and condenser. For a typical case of 72 F boiling and 52° F condensing temperatures, about 57,000 lb per kwhr flows through the boiler and, with a temperature rise of 4° F, the condenser takes about 27,000 per kwhr. This is not much different from the water requirements of a low-head hydro plant. When it is realized that boiler water need be transported through only about 300 ft pipe, and the cold water through only 2100 ft, comparison with hydro is eminently reasonable.

Cost of getting water through the plant can be thought of as investment in pipe and pumps, plus the generating capacity to supply pump power. After calculating optimum economic pipe diameters, cost of getting water through the plant can be plotted against flow rates. For a 33,000 kw plant, this cost for warm water would be of the order of $200,000. Cost of getting cold water through is considerably higher—of the order of $600,000.

Estimates for major equipment and auxiliaries and a summary of costs

Major items:	*Cost*
Boiler	$800, 000
Turbine	186, 000
Generator	405, 000
Condenser	618, 000
Condensing water pump	427, 000
Boiler water pump	194, 500
Boiler water pipe 30 ft	55, 000
Condensing water pipe 23 ft	260, 000
Boiler feed pump	64, 000
Boiler circulating pump	13, 900
Total	3, 023, 400
Total divided by 1.014	2, 980, 000
Cost summary:	
Propeller power	28, 200
500-kw. engine generator	60, 000
Exhaust heat boiler	6, 000
Bilge pump	540
Ballast pump	4, 500
Flush pump	6, 400
Auxiliary boiler feed pump	300
Propane compressor	12, 000
Propane condenser	2, 000
Propane storage tanks	69, 000
Propane charge	10, 360
Two air compressors	23, 000
Radio station	10, 000
Total	232, 300
Auxiliaries:	
Main plant	2, 980, 000
Auxiliaries	232, 300
Structure	642, 000
Total material	3, 854, 300
Installation cost	1, 426, 000
Total	5, 280, 300
Engineering and supervision	264, 000
Grand total	5, 544, 300

Footnotes at end of article.

Optimizing operating conditions to yield lowest total investment in the plant involves many factors: condensing and boiling temperatures, temperature differences, amount of heat-transfer surface, etc. Boiling and condensing temperatures prove to be the primary variables; analysis indicates lowest investment cost at 72° F boiling temperature. 52° F condensing temperature.

Analysis also indicates that dividing the boiler and condenser into four separated sections with resulting counterflow effects improves the mean heat-transfer rate by about 1.4%. With sectionalized heat exchangers and four separate turbines, the plant will thus yield 1.4% more power output—a worthwhile gain.

Auxiliary power requirements total 4580 kw—slightly less than 14% of net generator output. The cold water pump takes about 2440 kw; the warm water units 1110 kw. Boiler feed pump needs 790. Other needs are small.

Cost of major equipment items in a plant for 33,000 net kw are tabulated above. Boiler and condenser surface were assumed to be made of aluminum at a cost of 27c per sq. ft. Design was based on data of Kays and London[7]. Fouling coefficient was taken as 0.001 on warm water surface, and 0.0005 on cold. No credit was taken for extended surface provided by aluminum spacers between flat plates.

Turbine cost depends on temperature difference; the greater the difference the fewer lbs. of propane required to flow through the turbine for a given power output, the higher the velocity and the smaller the physical size. Unit cost was taken as slightly less than $6 per kw for a temperature difference of about 20° F. Generator cost was assumed to be $12 per kw. Note that in this table only net generator cost was included, since generating costs for other items were added in with the figures for the respective items. For example, condenser water and boiler water pumps were costed at $222 per kw, which included $150 per kw for generating capacity to supply the motors. The total of slightly more than $3 million was divided by 1.014 to correct for increased power obtained from 4-section boiler and condenser.

Auxiliary costs are shown in the middle table above. A word is necessary about the engine-generator set. Since condenser water pump requires 2440 kw, it doesn't seem quite possible to start this pump and the whole plant with a 500-kw set. But there are several possibilities: (1) Power could be fed back from the shore system. (2) The pump could be driven by two motors, one being a half-speed unit for starting. (3) Several pumps could be used in parallel. (4) A counter-rotation propeller pump could be employed, with only one rotor used during startup. (5) The pump could be fitted with variable-pitch blades. At any rate, it seems reasonable that a 500-kw set could be made to do.

Cost summary at right above adds structure cost to major equipment and auxiliary totals. This structure estimate was based on the assumption that weight of steel required was roughly equal to weight of main components to be carried. This was priced at 20¢ per lb.; shipbuilding structural costs run about 15¢ per lb. Installation cost was taken at 37% of total material cost, engineering and supervision was figured at 5%.

Dividing the grand total of $5,544,300 by 33,000 kw gives a unit cost of $168 per kw. Even if this represents a gross underestimate, there is still a wide margin to the figure of $580 per kw cited in the preceding article as being the investment justified in a fuel-free plant that would be economically competitive with a modern fossil-fuel plant at Florida fuel prices.

In addition, the sea-thermal plant offers these advantages: (1) no atmospheric pollution or radioactive wastes, (2) no real estate required for a plant site, (3) no ash disposal, (4) no freezing problems, (5) no high-temperature materials, (6) no water treatment or chemical problems, (7) no fuel transportation, (8) power supply almost completely independent of weather, (9) maximum power available during hot weather and greatest demand.

FOOTNOTES

[1] "Flip", Machine Design, 12/20/62.

[2] "The Living Sea", Capt. Jacques-Yves Cousteau, 1963.

[3] "Pendulation of Pipes and Cables in Water," F. J. Lampieti, American Society of Mechanical Engineers, 63–WA–101.

[4] "Our Man-in-Sea Project", Edwin A. Link, Natl Geographic, 5/63.

[5] "At Home in the Sea", Capt. Jacques-Yves Cousteau, N G, 4/64.

[6] ASEA Bulletin No. 8058 E.

[7] "Compact Heat Exchangers", Kays and London, McGraw-Hill.

[8] National Power Survey, Federal Power Commission, 10/64.

[Presented to the American Society of Mechanical Engineers, November 1965]

LARGE-SCALE SEA THERMAL POWER

(By J. Hilbert Anderson and James H. Anderson, Jr., Consulting Engineers, York, Pa.)

This paper describes the design and estimates the cost of a 100-Mw floating power plant, using warm water as a heat source, and cold water as a heat sink. It is concluded that such a plant is feasible, and that power could be produced at an overall cost of less than 3 mills per kw, thereby providing the Caribbean Islands with an unlimited supply of cheap power.

As early as 1900 D'Arsonval proposed that power could be generated by utilizing the warm surface temperature of the ocean and the cold temperature of the lower layer. The possibilities for sea thermal power are almost unlimited. To illustrate this it has been estimated that the Gulf Stream alone could generate 182 trillion kw hrs/year. This compares to an estimated need for the United States of 2.8 trillion by the year 1980.[1] The Caribbean Sea would probably have just as much power capability as the Gulf Stream, although it is more difficult to estimate its potential because of the complexity of the currents.

Georges Claude attempted to develop sea thermal power as early as 1926.[2] While he actually did develop some power this was an economic failure. Our earlier paper on this subject[3] pointed out the reasons why Claude's attempt had to be a failure, and why it is now possible to make sea thermal power plants economically successful.

The following summarizes the reasons why sea thermal power can today be considered an economic feasibility.

1. The use of propane as a power fluid. Propane is low in cost and noncorrosive. Its high pressure and density permit low-cost, efficient, single-stage turbines and high-speed, low-cost, generators. Operation of the plant on a fluid separate from water eliminates the deaerating and high-vacuum problems that beset Claude.

2. The use of a floating power plant[4] makes short water lines possible. This is important because handling the water is a major investment cost in the plant.

3. The concept of equalized pressure between the power fluid and the water permits low-cost flat-plate heat exchangers to be used.

4. Undersea transmission of large blocks of power is now a well established reality[5], already in use in a number of parts of the world.

5. Stable floating platforms have been built and have been shown to be quite feasible and useful for various purposes.

6. Undersea technology is well enough advanced to show that construction, operation, and maintenance of underwater structure is reasonable and no longer to be feared.

7. Deep hole drilling in water depths as great as 6000 ft has demonstrated that long pipes can be suspended in deep water[19].

Our first paper on the subject showed the fundamental principles that make sea thermal power today possible, and showed some preliminary estimates indicating that the economics would be sound. As a next step we felt that it was important to study the feasibility of design of a large sea thermal plant. We decided to study the design of a 100,000-kw plant located in the Caribbean. This study should show us the problems of physical size, arrangement of the parts, and possibilities of constructing a floating plant of this capacity.

For our study we took the conditions off the coast of Puerto Rico as possible water-temperature conditions, typical of those to be found throughout the Caribbean. Deep water is available within five or ten miles of the shore at many places in Puerto Rico, making this an excellent location for a sea thermal plant. Puerto Rico is also a rapidly expanding industrial community, which could benefit greatly by having low-cost power available on a large scale. The average yearly surface temperatures[20] are plotted against months of the year in Fig. 1. From this chart we choose 82° F as a design warm water temperature for the plant. We used 43° F as a conservative estimate for available cold water temperature. With a design temperature of 82° F and a lowest temperature of 78° F as plotted in Fig. 1 we would estimate that the percent of yearly capacity design availability would be 93.5. We further assumed a load usage factor of 80 percent, giving an overall load factor compared to design of 0.935 x 80 percent=75 percent.

Fig. 2 shows the water quantity required for a 100,000-kw plant plotted against condensing temperature, and shows the quantities for different boiling temperatures used in the condenser and the boiler. In order to bring this in perspective with something more familiar we have also plotted the water usage on a 100,000-kw hydroelectric plant for various heads. From this it is apparent that water quantities to be handled in the sea thermal plant are of the same general order of magnitude, but actually somewhat less than those required in ordinary hydroelectric power plants.

Fig. 3 shows the estimated costs used for propane turbines plotted against temperature difference between boiler and condenser. These costs were estimated from equivalent costs of similar turbo machinery.

In a sea thermal power plant the problem of economics revolves around a balancing of the amount of heat-transfer surface and its cost versus the piping and pumping costs and turbine costs required to get the water to the boiler and condenser and the power from the turbine. Generator costs can be assumed similar to that of any modern steam power plant.

Fig. 4 shows a plot of cost/kw for boiler, condenser, and water handling equipment plus turbine cost at various assumptions for boiling and condensing temperature. This would indicate that the optimum temperatures for boiling and condensing are in the range of approximately 72° F for boiling and 52° F for condensing. This becomes the key figure for selecting operating conditions for the plant design.

Fig. 5 shows the approximate temperature distribution through the boiler and the condenser. The use of four steps in the boiler and condenser increases the power output for a given overall temperature difference and will produce about 2.7 percent more power than would be available with a single boiling temperature and single condensing temperature on the propane side. A four-step plant such as this requires at least four propane turbines, but these can easily be coupled to a single generator.

A study of water requirements and heat-transfer requirements soon discloses that the plant structure becomes primarily a problem of designing for efficient collecting, pumping, and distribution of large quantities of water.

Fig. 6 shows an approximately scaled side view of the 100,000-kw plant. The length of the upper supporting hull is determined primarily from the required length for the surface-water intake. We assumed an intake on each side of the hull, and that intake velocities could be similar to those used on ordinary hydroelectric plants.

It is somewhat difficult to estimate the depth of the high temperature surface layer of water. In order to be conservative we figured that the layer to be used would be approximately 10-ft deep. Using an approximate depth of 10 ft and an inlet length of 360 ft as shown in Fig. 6 we have an inlet velocity at approximately 4 ft/sec. This is in accord with accepted hydroelectric plant practice. As shown in Fig. 7, which is a vertical section through the warm water pipes and pumps, we would propose to use a Bascule gate at the inlet which can be raised and lowered to skim off the water at the most favorable depth for best temperature conditions. A screen is shown just beyond the Bascule gate[21] at the inlet. This screen could be a fixed bar grate with a trash rake for removing debris, or it could be a traveling screen type as is implied in Fig. 7. The screen area would be made large enough so that the velocity through the screen would be somewhat lower than the above mentioned inlet velocity. It would probably be important to align the hull in the direction of prevailing currents so that debris would naturally be carried away from the plant rather than being recirculated after removal from the intake screen.

Heat-transfer calculations[22] indicate an approximate passage length of 8 ft on the water side of the boiler. Since the propane flow is essentially cross flow to the water flow in

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Footnotes at end of article.

the boiler, the propane passages would be nearly vertical. The length of the propane passages is roughly limited by the gas velocity from boiling, but in this case is actually more nearly limited by available flat sheet widths. It would appear that the passage in the propane side of the boiler could be made from about 3 ft to a maximum of possibly 4½ ft in length. The two considerations then define the dimensions of individual boiler sections as 8-ft long by 4-ft deep. Fig. 7 shows a possible boiler arrangement at the bottom. The depth of the boiler is approximately 290 ft below water level so that the pressure difference between propane and water side is minimal. By using the total surface area required and 16 rows of individual boiler sections as shown we get a required overall boiler length of 240 ft as shown in Fig. 6. The requirement of the long inlet and the long boiler sections arranged on either side of the hull leads to a logical arrangement of four down coming water pipes with four boiler water pumps. The longitudinal flow required to carry the water from the long intake to the down pipes is taken by a passage in the sides of the hull as shown in Fig. 7. The boiler water pumps can be lowered from the deck of the hull down through the 24-ft-dia pipe to a point where pump cavitation becomes no problem.

The flow requirement per pump is approximately 5140 ft per sec^3. The head requirement to overcome pipe friction, boiler friction, intake friction, diffuser loss, and density difference[23] between the warm surface water and the colder water below is approximately 1.69 ft lbs/lb. In this size pump it is possible to locate a propane turbine and gear set behind the hub of the impeller and within the confines of the hub diameter. The propane inlet and exhaust to and from the turbine can be fed in through supporting vanes in the pump. The propane turbines for driving the boiler water pumps can be started initially by using an auxiliary propane boiler. Use of a propane turbine for driving the pump permits variable speed to suit required best operating conditions of the pump. It also permits starting at very low speed and power levels during initial start up of the plant. As can be seen in Fig. 7. the width of hull shown is 40 ft and the depth below the water line is approximately 30 ft. These dimensions are somewhat dictated by the necessary size of the horizontal water-flow passages required for the boiler water inlets.

The condenser design is similar to that of the boiler. However, in this case the temperature rise in the water is approximately 6° F as compared with 3° F drop in the boiler water. This means much less water is used, and therefore the length of the condenser is considerably less. Since the cold water pipe must be approximately 2000 ft long it becomes desirable to use one pipe rather than several. This permits one central pipe with the pump designed so that it can be lowered to its place from above. The arrangement of the pipe in the center of the structure also permits lowering and construction of the cold water pipe from a stable floating structure.

The condenser water line probably requires an inlet screen to prevent plugging of the condenser passages. A horizontal screen is shown in the upper section just below the condenser inlet. The screen can be cleaned by flushing to the open sea. The condenser water pump is considerably larger than the boiler water pumps, having a flow of approximately 10,000 ft/sec^3 at an estimated head of 6.35 ft lbs/lb. It requires approximately 8500 hp. Here again it is possible to drive the pump with a propane turbine located within the confines of the pump impeller hub diameter. The condenser water passages are directed slightly downward, because the pressure in the condenser is highest at the outflow end where the water temperature is highest.

Estimated costs for the 100-Mw plant are summarized in Tables 1, 2 and 3. Boiler costs were based on 31¢/ft^2 of surface for Alclad aluminum heat-transfer material. As a comparison current prices for smaller flatplate aluminum heat-exchangers run approximately 50¢/ft^2 of surface with a 200-psi pressure rating (24). In our case we are dealing with larger sizes, a pressure rating of approximately 20 psi, and not nearly so rigid leak requirements. The condenser surface requirements were figured on the same basis. Turbine costs were taken from Fig. 2 of this paper and generator costs were figured at $12/kw.

Condenser and boiler water pumps require unusually low head and high capacity. However, preliminary design calculations and drawings have been made, showing that efficiency can be high, and construction is similar to common hydraulic turbines. Costs include propane turbine drivers. Boiler feed and circulating pump costs include electric motor drivers. These pumps can be quite conventional.

Pipe material costs were figured at approximately $200/ton plus an allowance for floats to support the condensing water pipe and an inner liner in the pipe to reduce friction. The 2.7-percent increased power obtained by dividing condenser and boiler into four sections is about equal to the boiler feed-pump power.

In Table 2 most of the items were estimated from generally available cost data. Propane storage tanks become the largest individual item. These were based on capability to store the entire plant propane charge.

In the cost summary of Table 3 the cost of the structure, which consists primarily of hull and steel work connecting and stiffening the various elements, was assumed at approximately 33¢/lb. This appears to be in line with present-day floating drill-platform building practice. The engineering and supervision costs were assumed at 5 percent of the material and assembly cost. Adding 10 percent contingency gives a total cost of $16,600,000. It is likely that the upper hull, the condenser section, and the boiler section would be fabricated separately in a shipyard, then floated to a deep harbor where they would have to be connected structurally in the water. While it is true that it is difficult to estimate the cost of structure and fabrication of such a plant without further detailed design work, we feel that the figures used are conservative.

The yearly owning and operating costs of the plant, which consist basically of interest charges, depreciation charges, and maintenance cost were figured at 11.25 percent. This was taken from a similar figure used by power companies for fossil fuel plants. It is higher than that ordinarily used for hydroelectric or fuel-free plants. The estimated yearly power usage was figured at 75 percent of the design capacity as outlined earlier in the paper. Dividing the yearly owning and operating cost by the estimated yearly output gives us a cost per kw hour of 2.85 mills. This compares with 3.68 mills, which is the estimated overall cost per kw hour for the 620-Mw Oyster Creek nuclear plant.[25] It will be recognized by power-plant engineers that the cost of 2.85 mills per kw hour is so far below average power cost today that we can allow considerable margin of error in our cost estimates, and still have a very economical source of power. If we use Department of Interior figures[26] of 2.875-percent interest plus 0.53 percent for operation, maintenance and replacement, then the yearly cost is $565,000, and power cost becomes 0.86 mills/kw hour.

We have not included plant-to-shore transmission costs in these cost estimates. It is quite conceivable that chemical or metallurgical processing plants might be built on floating platforms adjacent to the power plant. We have been assured of plant-to-shore costs of $30.00 to $50.00 per kw, including lines, and AC–DC conversion and inversion equipment at plant and shore.

Sea thermal power not only can be low in cost, but has some other advantages over present day fossil fuel, nuclear and hydroelectric plants:

1 No smoke or atmospheric pollution.

2 No radioactive waste.

3 No real estate required for the plant site.

4 No ashes.

5 No freezing problems.

6 No high-temperature materials required.

7 Essentially no water treatment or chemical problems.

8 Boiler and condenser cleanable while plant is running.

9 No cavitation problems. Pump impellers run at much lower top speeds than common hydraulic turbines, and are deeply submerged.

10 No silting up of reservoirs.

11 No large concrete structures to maintain.

12 No fuel transportation.

13 Power supply almost completely independent of weather.

14 Maximum power available in hottest seasons, when demand is greatest.

15 No complicated or costly auxiliaries, such as found in modern fossil fuel or nuclear plants.

16 Generator not subject to high no load overspeeds.

17 Low inertia of propane turbine reduces excess torque in case of generator shorting current.

While we have not pretended to solve all of the detailed design problems for a large seal thermal power plant, it can just the same be expected from this study that a 100,000 kw sea thermal power plant is quite feasible for construction with present shipbuilding and hydroelectric structure construction capability. It also can be expected that sea thermal power has an excellent chance of being the lowest cost source of power available, and enough potential power is available to supply all of the world's conceivable needs. This study should justify continued and more detailed design efforts at making large sea thermal power plants.

TABLE 1—*Main plant material*

Boiler	2,400,000
Turbines	720,000
Generator	1,235,000
Condenser	2,450,000
Boiler water pumps	820,000
Condensing water pump	640,000
Warm water pipes	131,000
Cold water pipe	708,000
Inlet screens	304,000
Boiler feed pumps	120,000
Boiler circulating pumps	32,000
Total	9,560,000

TABLE 2—*Auxiliaries*

Propeller power	30,000
600 Kw. emergency generator	42,800
Auxiliary boiler	38,000
Bilge & ballast pumps	4,800
Flush pumps	4,600
Auxiliary boiler feed pump	2,000
Screen rakes	45,000
Propane compressor	12,000
Propane condenser	2,000
Propane storage receivers	207,000
Propane charge	22,000
Two air compressors	23,000
Radio station	10,000
Total	443,200

TABLE 3—*Cost summary*

Main plant	9,560,000
Auxiliaries	443,200
Structure and assembly	4,210,000

Footnotes at end of article.

Assembly of cold pipe	262, 000
Total	14, 475, 200
Engineering and supervision	724, 000
Contingency	1, 448, 000
Total	16, 647, 000

Cost per kw.=$166.00.

Yearly owning and operating cost=$1,870,000.

Rated yearly capacity=876 x 10^6 kw. hrs.
Estimated yearly output=656 x 10^6 kw. hrs.
Cost per kw. hr.=$0.00285.

FOOTNOTES

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THE EXPANSION TURBINE

(By J. Hilbert Anderson, Consulting Engineer, York, Pa., Mem. ASME)

The paper defines the expansion turbine and its relation to other turbines. It gives examples of head and size relationships of various turbines under various operating conditions, showing how some turbines on heavier gases compare with conventional steam, combustion gas, and hydraulic turbines. It shows a number of present and future possible uses for expansion turbines, ending with a plea for ASME to recognize the expansion turbine with a suitable test code.

The expansion turbine is finding increasing applications[1] in the world of mechanical engineering, and the number and importance of the uses is likely to increase rapidly in years to come, until it becomes one of our most important means of power production.

Strictly speaking an expansion turbine is any turbine in which the fluid increases its specific volume as it passes through the turbine. The definition therefore includes all steam, gas, and vapor turbines. We are accustomed to think primarily of three classes of turbines, steam, gas, and water. The gas turbine generally has come to mean a complete power plant, rather than the expansion turbine only. ASME has recognized these three classes with appropriate test codes for steam turbines, gas turbines, and hydraulic turbines.

This paper deals primarily with expansion turbines operating on gases and vapors other than steam or combustion gases. It shows how they compare with steam and combustion turbines, what some of their applications have been, and how they are likely to be applied in the future.

All turbines can be shown on a chart like Fig. 1. The diagonal line is a plot of the equation.

$$\text{lb/hph}=\frac{33000\times 60}{\text{ft}-\text{lb/lb}}$$

Approximate ranges of head for various turbines are shown. It is remarkable to note that commonly used turbines cover a head range of almost seven order of magnitude or ten million to one. It is also remarkable that of all the classes shown, only the steam and combustion gas turbines require more than one stage for good operating efficiency. The single-stage speed limit is shown for

u=1500 fps=tip speed of blades
k_1=2.0=head coefficient

where

$$k_i=\frac{2gH}{u^2} \tag{1}$$

H=available isentropic head in ft-lb/b.
$g=32.2$ ft/sec.^{2}

This limit is arbitrarily chosen, but fairly typical of speed limitations for mechanical strength, and of k_1 limitations at good efficiency.

Water turbines cover an extremely wide range of heads. They range roughly from 2500 ft for a high-head impulse turbine to about 18 ft required by turbines used for tidal power. Water-turbine meters produce no usable power output. All of the power is used to overcome friction drag in the turbine itself. The head requirements for water turbines were taken directly from performance quotations given by different meter builders. The high head required probably represents a design which tries to minimize friction errors and disregards the losses in head, whereas the very low head design has minimum friction requirements and minimum loss requirements, at the expense of best accuracy. Both types obviously have their uses.

Wood[2] has carefully shown the relationship between typical combustion gas turbines and water turbines in design. He has shown that high-efficiency combustion gas turbines can be designed as well as high-efficiency water turbines, so that it is reasonable to expect that very high efficiency single-stage turbines can be designed over the complete range of heads from the combustion gas turbine to a moderately low-head water turbine. On the other hand extremely high heads used in steam turbines with many operating stages do not provide the same efficiency as the single stage turbines. Basically the reason for this is that with a multistage turbine running at one speed through a high expansion ratio, the variation in blade design from the first to the last stage is so great that high efficiencies can not be attained in all stages. The turbines for halo-carbons and for propane show two cases for single-stage turbines on heavy gases. The case for the halo-carbons is typical of a boiling and condensing cycle on a halocarbon with boiling temperatures in the region of 300 to 400° F and condensing temperature of 100 to 110° F. The propane condition is that for a sea thermal power plant[3] with boiling temperatures of 72° F and condensing temperature of approximately 52° F. The important things to note about these two cases are that the head required is very moderate, and the tip speed of the wheel in a single stage can also be quite moderate. Since both of these cases lies intermediate between water and the combustion gas turbine it is quite safe to say that we should be able to build turbines with efficiencies over 90 percent on these gases just as we can in both water and the combustion gas turbine.

Fig. 2 gives an idea of head requirements for various turbine types, but indicates very little about physical size. The diameter of a single-stage turbine is a function of many factors, including design type, head, efficiency, and density of the fluid.

The relationship can be established as follows:

$$\text{hp}=\frac{Q\rho H\eta}{550} \tag{2}$$

Where

Q=cu ft/sec (taken at exhaust conditions for an expansion turbine)
ρ=fluid density in 1b/cut ft at exhaust
μ=turbine efficiency

Taking Woods'[2] terminology for specific speed

$$N_s=\frac{NQ^{1/2}}{H^{3/4}} \tag{3}$$

Where

$$N=RPM$$

We also have the relation

$$u=\frac{\pi Nd}{720} \tag{4}$$

Where

u=wheel tip speed in fps

d=wheel diameter in in.

Putting (1), (3) and (4) into (2) we get

$$hp=\frac{N_s^2k_iH^{3/2}\rho\eta d^2}{1.85\times 10^6} \tag{5}$$

From equation (5), using known design parameters N_s and K_1 we can get wheel diameters for heads and densities of different fluids.

Fig. 2 shows the startling effect of fluid on the diameter. The case shown used the design parameters from a large water turbine at Pickwick, Tenn. This turbine was rated at 55,000 hp, 43-ft head, and 81.8 rpm. The wheel diameter was 292 in. The comparison is made between water turbines of this design and steam and propane turbines with comparable design parameters operating under the heads available in sea thermal power plants. The boiling temperature and condensing temperature are shown for the propane and the steam. The temperature difference in a steam powered sea thermal plant is slightly greater than that in a propane plant, because no heat exchangers are involved in the steam plant. Note that the head requirements on steam are so high that at least a two-stage steam turbine would be required, whereas a single-stage propane turbine is quite satisfactory. The head of 43 ft was chosen for the water turbine, because of the water-flow requirements per unit of power are about the same as on the sea thermal power plant. It can easily be seen why steam cannot possibly be used for an economical sea thermal power plant, and this explains one major reason why the original attempt at tapping sea thermal power was a failure. In this case the choice of the turbine fluid literally makes sea thermal power possible. Since the propane turbine is roughly ¼ the diameter of the hydraulic turbine for the same power it is easy to see why the turbine for a sea thermal power plant can cost very little. In addition to this factor the higher rotating

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Footnotes at end of article.

speed of the propane turbine permits a smaller and lower cost generator than can be used with the comparable hydraulic turbine. Since sea thermal power can easily furnish all the power the world will ever need, it is apparent that the heavy gas-expansion turbine can be of considerable importance.

PRESENT EXPANSION TURBINE USES

As noted earlier there are already many uses for expansion turbines, with probably many more to come. Some of the present uses are:

Engine Turbochargers. This is such a large and well known usage that no comments are necessary.

Mercury-Vapor Turbine in the Binary Cycle. In this case low-pressure mercury turbine was used at the high temperature end of the steam power cycle in order to avoid the high pressures necessary for high efficiency single-fluid cycles. This is no longer of much interest, because power plants today are capable of using the very high pressure steam end of the cycle.

High Pressure Chemical Processes Involving Release of Waste Gases. In recent years physical sizes of process plants have been drastically reduced by increasing reaction pressures. The expansion turbine utilizing the energy available from the waste gases has been an important factor in the economic success of these higher pressure processes. Two examples are the Houdry catalytic refining process and the manufacture of nitric acid, which has been reduced in cost by utilization of expansion turbines.

Gas Refrigeration Cycles. In extreme low temperature refrigeration cycles, where condensing fluids are not conveniently available, the gas-expansion cycle is regularly used. The use of the turbine in the expansion cycle greatly improves the efficiency of the entire process and has contributed a great deal toward lower cost manufacture of oxygen and nitrogen. In this case the turbine is not important as a producer of power, but rather as a temperature reducing device, depending directly on the efficiency of the turbine.

Military Uses. There have been a number of these uses, some publicized and others classified.

FUTURE EXPANSION TURBINE USES

Here are some of the probable future uses of expansion turbines with boiling and condensing vapor cycles.

Sea Thermal Power Using Propane or Other Dense Gases. This one source of power alone can furnish many times more total power than the world will ever conceivably need.

Metal Vapors in Rankine Cycles. These cycles[4] have been proposed for space power plants.

Hydrocarbons, Halocarbons, or Other Heavy Gases at the Condensing End of Large Steam Power Plants. These have been shown to be feasible economically in various studies, and will probably be used sometime in the not too distant future.

Power Plants Using Direct Sunlight for Energy. Such plants as small as one kilowatt have actually been built in Israel, and the various possibilities are outlined in a paper by Tabor and Bronicki[5], see Fig. 5.

Turbine Comfort Cycle Using Halocarbons for Both Power and Cooling Fluids. Such a cycle is shown diagrammatically in Fig. 3. The left-hand side of the cycle provides power from the turbine and exhaust heat that can be used for heating. The right-hand side is a conventional compressor refrigerating system for cooling water to cool the building. The complete cycle provides either heating or cooling or a combination of both heating and cooling at the same time. Most large buildings require simultaneous heating and cooling for a large part of the year. The turbine comfort cycle provides a particularly efficient arrangement for accomplishing this. During a period of simultaneous heating and cooling the power from the turbine is used to operate the compressor, which cools the building and rejects the heat to the cooling tower through the condenser on the right. At the same time the exhaust from the turbine can be rejected in the two-circuit condenser to heat water that heats another part of the building.

By using a fairly low-pressure halocarbon such as R–114 in the turbine and a fairly high-pressure refrigerant such as R–12 in the compressor side of the circuit it is possible to get a good design match in speed between the single-stage turbine and single-stage compressor so that this becomes a very small compact unit. In this cycle the boiler can get its heat from waste steam, exhaust gas from a gas turbine[6] or from direct combustion. Studies have shown that this cycle can provide an operating economy far better than currently used absorption systems, as well as being lower in first cost.

Automotive Turbine Using Halocarbons. Fantastic advantages can be gained by using the halocarbon or other heavy gas-turbine cycle to drive an automobile. Some of them are, no smog, no vibration, reserve power storage for passing, ideal torque characteristics requiring simple transmission, instant heating available, no overheating in traffic, low fuel consumption, no distributor, no muffler, no spark plugs, and a number of other advantages.

Fig. 4 shows diameter and speeds for radial-flow turbines that could easily be designed for the automotive power plant or the comfort power plant. The case for the comfort power plant was taken using R–114 as a fluid with a maximum temperature of 395 F and a condensing temperature of 105 F. The case for the automotive power plant was taken using R–216 for a fluid with a maximum temperature of 500 F and a condensing temperature of 140 F. The design parameters were taken at values providing good efficiency according to Wood's excellent paper on this subject. It has not yet been determined which fluids are best for these particular applications, but these two are typical of reasonable possibilities. Note that the 150 hp automotive turbine need only be approximately 5-in. dia, and run at a speed of 30 to 40 thousand rpm. Note also that the speeds for comfort power turbines match reasonably well with speeds on R–12 centrifugal refrigeration systems ranging from 100 to 6000 hp.

Many more specific examples of the actual and potential uses for expansion turbines could be given. Our purpose here has been to show some of the many uses in order to illustrate how important these turbines are likely to become in the engineering world. It seems fitting and important that ASME recognize the importance and possibilities for these turbines by giving them a distinct place in the pattern of test codes. Continued rapid development of these turbines demands that information be made available as to how to do a good job of performance evaluation.

As more and more fluids are used in expansion turbines it is quite obvious that there will be many cases in which the manufacturer cannot use the gas under actual conditions of operation for test in his plant. This became a very major similar problem in centrifugal compressor testing and has only recently been recognized by the issuance of a new test code No. 10[7] for centrifugal and axial compressors. Since this condition is bound to occur in turbines to almost the same degree that it has occurred in compressors, it seems particularly important that ASME provide a test code that will set up sound methods for translation of performance from tests on one gas to performance on another. Prescribed limits for test conditions must also be established, just as they were for compressors. Many of the requirements have already been outlined by Balje.[8]

The Power Test Codes Committee already has under consideration the writing of a test code for expansion turbines. It is hoped that this paper will help to focus attention on these turbines, to stir the reactions of ASME members on this subject.

FOOTNOTES

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APPOINTMENT OF TEXANS TO NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. TOWER. Mr. President, I was most pleased last week that President Nixon nominated two Texans to serve on the 25-member National Advisory Committee on Oceans and Atmosphere. These two most able educators are John C. Calhoun, vice president of Texas A. & M. University, and Francis S. Johnson, acting president of the University of Texas at Dallas. The Commission, which I have long advocated and fully supported when it passed Congress this year, will fill a vital need in helping the Federal Government to coordinate the activities of the various State and private institutions which are conducting programs relative to our Nation's ocean resources.

The appointment of two Texans to this committee underscores the increasing role that Texas and Texans are playing in developing a truly first-rate oceanographic and oceanic program for this country. I am proud to be associated with this effort. I know that both Dr. Calhoun and Dr. Johnson will make outstanding contributions to the work of this committee and that they will be a credit to our State.

OIL INDUSTRY PAID 8.7 PERCENT IN FEDERAL INCOME TAXES IN 1970

Mr. PROXMIRE. Mr. President, the major oil companies paid a record high amount in Federal income taxes in 1970: 8.7 percent.

Although this is far lower than an individual who earned $600 in taxable income would have to pay, it is a higher percentage than the major oil companies have paid since 1962.

United States Oil Week has continued its good work in publishing the actual amounts of money the major oil companies have paid in Federal income taxes.

I think the figures are a disgrace.

There is absolutely no justification for the American public to continue subsidizing the major oil companies who earned over $8.8 billion last year. I realize that the major oil companies are starting to seek outside financing to continue accelerating their exploration pace, but I think they should seek this financing someplace other than the taxpayers' pocketbooks.

So long as the major oil companies with their billions of dollars in profits continue to pay lower taxes than an individual in the lowest tax bracket, I think the public will have cause to complain. At a time when everyone is called upon to bear heavier and heavier tax burdens to meet our national needs, how can we, in Congress, call upon individuals to pay more in taxes when the oil companies continue to escape. If the end result of requiring the oil companies to pay more taxes is higher oil prices, so be it. Let those who use the oil pay its true market cost. Perhaps that might encourage the development of more efficient mass transit.

I ask unanimous consent that the oil company taxes as reported by U.S. Oil Week be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INTERNATIONAL FIRMS PAY LOW INCOME TAXES

Federal income taxes of major oil companies last year inched up to 8.7% of their before tax earnings.

The big international companies—who get tax credits for payments to foreign governments—kept their federal tax rates down to such amazing rates as:

	Percent
Gulf	1.2
Amerada	3.6
Atlantic	4.1
Union	4.6
Stancal	5.0
Marathon	5.3
Continental	6.4
Texaco	6.4

Yet some refiners—such as Ashland Oil & Refining at 32%—allowed their taxes to get as high as paid by some jobbers.

Mobil, with its heavy holding in the Middle East fell prone to a 10.9% federal income tax.

Last year we put The Signal Cos. into our table, and this year we removed it because Signal has dropped out of marketing-refining almost completely save for a few stations in Washington and Oregon now up for sale.

Signal, incidentally, reported a $48,490,000 net loss for 1970 and gained a $13,908,000 federal tax credit instead of paying taxes.

But it wasn't at all clear how much of the trouble or benefit came from oil operations.

Signal said it's getting out of foreign oil production too.

The figures for 1969 were revised from last year's table to reflect removal of Signal thus making the years more comparable.

What does the table show?

The revised figures for 1969 look as if they show the Tax Reform Act of 1969—with its cut in the percentage depletion allowance—actually lowered the industry's taxes.

Actually the percentage rate is lowered somewhat by adding Amerada Hess in 1969, a newly formed integrated major company with an unusually low tax rate.

While other refiners disappeared through the years—Sinclair, Tidewater, Sunray DX, Skelly, Pure and Richfield—their earnings and taxes became part of the acquiring companies.

Tenneco and Amerada Hess were added in 1969 because of their importance to marketing.

Actual dollars paid to Uncle Sam rose steadily, but combined profits of the industry rose steadily too (except for the 1969 changes in the table) with the federal tax rate staying about the same at 7% to 8.7% from 1965 to 1970.

Does it matter how much federal taxes refiners pay?

This table is put together annually by U.S. Oil Week not because we care whether certain firms pay a lower tax rate than the people who clean their offices.

But it is newsworthy that some refiners with aggressive marketing policies often have unusually low tax rates on the vast cash flow they handle.

Some with low tax rates don't market aggressively.

Refiner taxes have been controversial among marketers for years.

Tax credits for royalties paid to foreign governments as "income taxes" have been a bone of contention among federal officials trying to design an imports subsidy program that would encourage exploration at home rather than abroad.

The table is as follows:

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard (New Jersey):						
1962	$1,271,903	$8,000	.06	$423,000	33	$840,903
1963	1,584,469	69,000	4.3	496,000	31	1,019,469
1964	1,628,555	29,000	1.7	549,000	33	1,050,555
1965	1,679,675	82,000	4.9	562,000	33	1,035,675
1966	1,830,944	116,000	6.3	624,000	34	1,090,944
1967	2,061,000	166,000	8.1	700,000	34	1,195,028
1968	2,313,587	233,999	10.1	802,907	34	1,276,681
1969	2,069,697	265,789	12.8	756,269	36.5	1,047,939
1970	2,474,748	268,273	10.8	896,938	36.2	1,309,537
Texaco:						
1962	546,371	13,000	2.3	51,700	9	481,671
1963	615,768	10,250	1.6	58,850	12	545,668
1964	660,761	5,500	.8	77,900	11	577,361
1965	681,613	10,000	1.4	80,700	11.8	590,913
1966	808,991	32,500	4.0	104,700	12.9	671,791
1967	892,428	17,500	1.9	124,400	13.9	750,528
1968	1,006,246	23,800	2.3	162,800	16.1	819,646
1969	952,854	7,250	.7	175,800	18.4	769,804
1970	1,137,666	73,250	6.4	242,400	21.3	822,016
Gulf:						
1962	488,351	19,389	3.9	128,871	26	340,091
1963	540,065	30,870	5.7	137,842	25	371,353
1964	607,343	52,443	8.6	159,782	26	395,118
1965	655,727	53,559	8.1	174,935	26	427,233
1966	813,868	90,008	11.0	219,098	26.9	504,762
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.8	342,997	35.1	626,319
1969	992,005	4,264	.4	377,183	38.0	610,558
1970	990,197	11,892	1.2	427,939	43.2	550,366
Mobil:						
1962	379,339	8,300	2.1	128,700	33	242,339
1963	437,352	23,000	5.2	142,500	32	271,852
1964	464,660	27,700	5.9	142,800	30	294,160
1965	508,016	33,900	6.6	154,000	30	320,116
1966	555,412	23,200	4.4	176,100	31.7	356,112
1967	594,593	26,900	4.5	182,300	30.7	385,393
1968	673,739	22,000	3.3	223,500	33.2	428,239
1969	728,815	41,800	5.7	252,500	34.6	434,515
1970	873,744	95,600	10.9	295,644	33.8	482,500
Standard (California):						
1962	348,181	5,800	1.6	28,600	8	313,781
1963	356,568	2,900	.8	31,600	8	322,068
1964	448,053	14,100	3.1	125,837	28.1	308,116
1965	507,341	12,500	2.5	142,941	28.2	351,900
1966	564,256	27,300	4.8	151,019	26.8	385,937
1967	791,962	12,900	1.6	369,669	46.7	409,393
1968	569,431	16,700	2.9	100,900	17.7	451,831
1969	593,386	10,900	1.8	125,700	21.2	453,786
1970	589,637	29,700	5.0	374,000	29.5	385,937
Standard (Industry):						
1962	$168,843	$3,105	1.8	$3,381	2	$162,420
1963	208,022	22,182	10.6	2,748	1	183,092
1964	204,817	8,486	4.1	1,480	.7	194,851
1965	263,098	39,578	15.0	4,248	2	219,272
1966	300,531			49,672		255,869
1967	366,847	74,021	20.2	10,576	2.9	282,250
1968	395,064	74,678	18.9	10,892	2.8	309,494
1969	403,337	64,200	15.9	18,104	4.4	321,033
1970	394,539	56,018	14.2	24,502	6.2	314,019
Shell:						
1962	173,555	7,200	4.1	8,680	5	157,675
1963	211,575	19,100	9.0	12,623	5	179,852
1964	213,575	2,800	1.3	12,583	5	198,190
1965	274,507	26,600	9.6	13,876	5	234,031
1966	313,085	46,100	14.7	11,785	3.7	255,200
1967	342,022	44,940	13.1	12,233	3.6	284,849
1968	387,767	63,378	16.3	12,298	3.2	312,091
1969	308,451	5,464	1.7	11,836	3.8	291,151
1970	274,681	34,285	12.4	3,191	1.1	237,205
Atlantic:						
1962	61,110	0		14,844	24	46,266
1963	56,747	0		12,734	22	44,013
1964	61,081	0		14,005	22	47,076
1965	164,091	2,629	1.6	25,000	15.2	136,462
1966	203,356	7,637	3.7	23,877	11.7	171,842
1967	227,930	6,188	2.7	30,935	13.5	190,817
1968	240,272	2,999	1.2	37,713	15.7	199,560
1969	276,447	4,063	1.47	45,210	16.3	227,174
1970	257,121	10,622	4.13	40,869	15.8	205,003
Phillips:						
1962	158,320	48,000	30.3	3,365	2	106,955
1963	160,954	52,000	26.2	3,491	2	105,463
1964	152,197	32,229	22.2	4,950	3	115,018
1965	165,876	31,745	19.1	6,415	4	127,716
1966	218,382	59,163	27.0	7,595	3.4	151,624
1967	227,766	52,255	22.9	11,496	5	164,015
1968	184,560	32,584	17.7	15,174	8.2	136,802
1969	178,155	24,231	13.6	19,602	11	134,322
1970	198,241	19,871	10.0	9,326	4.7	169,044
Conoco [1]:						
1962	73,477	1,065	1.4	3,335	5	69,077
1963	99,665	9,143	9.2	3,157	3	87,365
1964	204,184	235	.1	103,840	50.9	100,109
1965	201,914	4,670	2.3	101,093	50.1	96,151
1966	290,294	11,669	4.0	122,339	42.1	156,916
1967	280,584	7,649	2.7	123,973	44.2	148,962
1968	290,357	9,721	3.3	130,594	45.0	150,042
1969	248,868	3,394	1.3	88,406	35.5	157,068
1970	301,115	119,262	6.4	121,388	40.3	160,465
Tenneco:						
1969	91,633	−13,299		2,941	3.2	101,991
1970	182,082	24,273	13.3	2,891	1.5	157,[illegible]

Footnotes at end of table.

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Sun:						
1962	$66,395	200cr		$13,400	20	$53,195
1963	79,976	1,300	1.9	17,460	22	61,216
1964	88,577	2,400	2.7	17,670	20	68,507
1965	113,405	10,300	9.0	18,220	16	84,835
1966	131,544	16,600	12.6	14,370	10.9	100,574
1967	146,946	24,700	16.8	13,670	9.3	108,576
1968	227,790	44,290	19.4	19,070	8.4	164,430
1969	226,C52	48,207	21.3	25,585	11.3	152,260
1970	223,086	27,054	12.1	56,957	25.5	139,075
Cities Service:						
1962	84,143	20,773	24.7	3,185	3	60,185
1963	101,976	20,188	21.4	4,283	4	77,505
1964	105,299	19,819	18.9	967	.9	84,513
1965	137,068	31,973	23.3	977	.7	104,118
1966	194,456	51,760	26.7	902	.4	141,794
1967	165,289	32,347	19.6	5,105	3.1	127,837
1968	138,613	12,683	9.1	4,594	3.3	121,336
1969	165,418	27,254	16.7	4,766		133,398
1970	151,562	27,169	17.9	5,816	3.8	118,577
Union (California):						
1962	59,421	8,000	13.5	5,500	9	45,921
1963	73,028	13,100	17.7	6,000	8	53,928
1964	87,564	13,390	15.2	7,200	8	67,064
1965	119,214	15,604	13.2	8,840	7	94,770
1966	170,782	18,398	10.7	10,144	5.9	142,240
1967	163,820	10,400	6.3	8,457	5.2	144,963
1968	164,232	5,955	3.6	7,045	4.3	151,232
1969	171,430	8,800	5.1	9,400	5.4	153,230
1970	161,825	7,540	4.6	15,210	9.4	114,461
Amerada Hess:						
1969	133,875	2,406	1.8	46,813	34.9	84,655
1970	183,905	6,648	3.6	63,247	34.3	114,010
Getty [2]:						
1967	132,762	3,687	2.8	10,909	8.2	118,166
1968	112,798	6,712	6.0	7,836	6.9	98,250
1969	140,426	11,400	8.1	9,758		119,268
1970	159,144	34,909	21.9	13,089	8.2	111,146
Marathon [3]:						
1962	$26,064	$2,200	0	$205	.5	$37,889
1963	50,058	(3)	0	933	2	49,125
1964	63,220	(3)	0	2,844	4	60,376
1965	97,416	(3)	0	37,345	38	60,071
1966	130,927	2,400	1.8	59,700	45.9	68,826
1967	138,520	3,700	2.7	60,962	44.0	73,858
1968	155,335	4,350	2.8	67,659	43.6	83,326
1969	170,657	3,250	1.9	77,929	45.6	89,478
1970	153,783	8,200	5.3	61,000	39.6	84,583
Standard (Ohio):						
1962	37,235	9,275	25.0	3,738	10	24,222
1963	54,008	15,225	28.1	4,896	9	33,887
1964	70,252	21,150	30.2	5,334	7	43,768
1965	82,848	26,300	31.7	6,386	8.3	49.712
1966	84,481	21,200	25.0	6,345	7.5	56,936
1967	101,496	29,200	28.8	8,412	8.3	63,884
1968	113,571	38,100	33.5	5,394	4.7	70,877
1969	99,706	42,601	42.7	5,183	5.2	51,922
1970	66,351	(6,918)	(10.4)	4,252	6.4	69,017
Ashland: [4]						
1962	24,324	6,201	25.8	2,799	11	15,324
1963	28,769	10,556	37.7	104	.3	18,109
1964	36,385	9,672	26.8	2,977	8	23,735
1965	50,594	15,500	30.6	2,440	5	31,594
1966	69,324	20,830	30.0	5,570	8	42,924
1967	72,212	23,718	32.8	3,952	5.5	44,542
1968	79,115	26,251	33.2	4,524	5.7	48,340
1969	83,102	27,480	33.0	3,280	3.9	52,342
1970	84,326	27,260	32.3	4,723	5.6	52,343
Total:						
1962	4,198,331	169,492	4.0	838,954	19.9	3,194,770
1963	4,921,577	304,985	6.2	951,255	19.3	3,663,037
1964	5,322,329	233,241	4.4	1,251,442	23.5	3,838,846
1965	5,940,312	407,621	6.8	1,360,470	22.9	4,172,221
1966	6,985,171	577,436	8.2	1,609,663	23.0	4,798,072
1967	7,626,420	628,581	8.2	1,945,888	25.5	5,051,641
1968	8,131,063	623,458	7.6	1,983,326	24.3	5,524,279
1969	8,031,315	589,454	7.3	2,056,265	25.6	5,385,595
1970	8,857,753	774,908	8.7	2,463,382	27.8	5,597,740

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[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.

[2] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[3] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax it paid in years prior to 1966.

[4] Fiscal year ends September 30.

THE POWER OF THE FBI

Mr. THURMOND. Mr. President, the Washington Evening Star of October 25 contains a column by William F. Buckley, Jr., entitled "Is It Public Justice or Just Hoover Baiting?" And on October 20, the Hall Syndicate released a column by Robert S. Allen.

Both columns deal with a 2-day seminar taking place at Princeton University on October 29 and 30, 1971, by the Committee for Public Justice. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton.

The conference has been billed by the sponsors as nonpartisan with the objective of looking at the role, structure, and power of the Federal Bureau of Investigation in the American society. However, both Buckley and Allen in their respective articles see the conference in its true light as being a radical, liberal operation and a part of a nationwide drive to disparage and asperse the FBI and its noted Director J. Edgar Hoover.

It seems strange that a committee so self-advisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are harsh foes and critics of the FBI and Hoover. The most conspicuous figure in the executive council is Ramsey Clark, Attorney General in the last phase of the Johnson administration. Since leaving office, Clark has become a strident critic of the FBI and a liberal activist. The other speakers, panelists, and participants are similarly highly biased and prejudiced in their view of the FBI.

These two articles focus on this conference and they cast light on what is bound to be an attempted hatchet job.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star, Oct. 25, 1971]

IS IT PUBLIC JUSTICE OR JUST HOOVER BAITING?

(By William F. Buckley, Jr.)

A gentleman at Princeton University got the idea a while ago that it would be interesting to inquire into the nature of something. So he founded the Committee for Public Justice.

Having founded a Committee for Public Justice, the question naturally arose, public justice for whom? The answer was obvious: Public justice for victims of—J. Edgar Hoover. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton Friday and Saturday, and it is fearfully predictable that they will talk about the deficiencies of the Federal Bureau of Investigation.

It is strange that a committee so self-advertisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are, some lot of them, anti-FBI nuts. I say nuts, because criticism of the FBI needs to be evaluated with some reference to the evaluater's general view, of things. If there is anyone on the masthead of the new committee who has given 10 minutes' fruitful thought to the question of crime and punishment, with the possible exception of Norman Dorsen of the ACLU, then there will be headlines indeed out of Princeton this weekend, to celebrate the discovery of crime by this set.

The most conspicuous figure in the executive council is Ramsey Clark. Clark, who is a splendid fellow, wrote, alas, the most perverse book about morals since De Sade, the jurisprudential equivalent of "The Greening of America". On top of that, Clark and Hoover, who was a subordinate of Clark for a few years, in the sense that Marshal Montgomery was a subordinate to King George V. were exchanging epithets a year or so ago.

Then there is, of all people, Lillian Hellman who, notwithstanding her great resourcefulness as a dramatist, could only think, in 1952, to answer questions about her involvement with the Communist party with mutterings about the 5th Amendment. Burke Marshall was an assistant attorney general during the Kennedy years, and in pursuit of public justice rushed to Chappaquiddick not at the urging of Mr. and Mrs. Kopechne, but of Sen. Kennedy.

Oh, it is a wonderful list! Did you know that Warren Beatty was interested in public justice?

Jules Feiffer is there, to protest what a spokesman for the committee has described as "political repression," which is to be defined, one gathers, as resistance to the burning down of ROTC buildings. J. Fred Cook is best known as having discovered that the FBI framed Alger Hiss.

Frank Donner also pleaded the 5th Amendment about his connections with the Communist party. Martin Peretz of Harvard, the philanthropist of the hard left, is still dazed from the anti-Semitic talk he ran into during one of the caucuses which, as I remember, he got the bill for.

Shirley MacLaine will be consulted. We never can remember whether Shirley MacLaine is Shelley Winters, and which of the two is related, and how, to Warren Beatty though it is good to know that they are both related by their common thirst for public justice. There is a military man. Who? You guessed it, former Marine Commandant Gen. David Shoup, who has been talking about American war crimes ever since the Viet Cong launched their reign of terror. And Candice Bergen, Mrs. Marshall Field, Mrs. Elinor Gimbel, and Charles Goodell.

Other contributors to Princeton's search for expanding the vocabulary of anti-Hooverism are Paul Newman, who will contribute the facial expressions; Mike Nichols, who will direct them; and Arthur Schlesinger Jr., who will write the history of the Committee for Public Justice, which will be the shortest book he ever wrote, meaning that there is something in public justice for all of us.

Seminar at Princeton University, October 20, 1971

(By Robert S. Allen)

A singular two-day "seminar" is taking place at Princeton University next week that is being characterized in official circles as a "hanging without a trial."

A radical-liberal operation from start to finish, it is part of a nationwide drive to disparage and asperse the FBI and to "get" its noted Director J. Edgar Hoover.

Announced theme of the October 29–30 affair is "The Role of the FBI in American Life." Strikingly indicative of the highly biased and prejudiced nature of this discussion is that without exception every speaker, panelist, and other participant is a harsh foe and critic of the FBI and Hoover—most of them of many years' standing.

Several other revealing and significant facts about them are:

(1) All are left of center in varying degrees, ranging from militant liberals and New Leftists to communists. (2) Without exception they are vigorous opponents of the Vietnam war and vehement denouncers of the so-called "military-industrial complex"—although in most instances they also are clamorous advocates of more arms and credits for weapons to Israel.

Proclaimed sponsors of this carefully staged, one-sided kangaroo court is the Committee for Public Justice, headquartered in New York and headed by an Executive Council as leftish and hostile to the FBI as the program and participants of the Princeton seminar.

Graphically illustrating this are the following leaders of the Council:

Norman Dorsen, general counsel of the American Civil Liberties Union, who has a long record of denouncing the Justice Department in particular and the Federal Government in general, and championing far-out liberal causes and crusaders.

Burke Marshall, deputy dean of Yale Law School and Assistant Attorney General in the Kennedy Administration, and long in the left-of-center forefront.

Blair Clark, aggressive dove and campaign manager of former Senator Eugene McCarthy's stormy but futile scramble for the 1968 Democratic presidential nomination. During that campaign, McCarthy and Clark assailed the FBI and Director Hoover and unavailingly tried to make an issue of them.

Ramsey Clark, Attorney General in the last phase of the Johnson Administration, during which, at a meeting of FBI men, he lauded Hoover to the skies. Since leaving office, Clark has become a strident critic of the FBI and a liberal activist. Earlier this year, he indicated harboring presidential ambitions but they seem to have evaporated in thin air. Last fall, in reply to snide remarks by Clark, Hoover derisively characterized him as a "jellyfish" and the "worst" Attorney General he ever worked for.

MORE OF THE SAME

Reportedly, the Princeton seminar will consist of two parts:

In Part I, a number of "papers" will be presented on patently angled topics by equally biased authors. Examples: "Political Uses of the FBI" by I. F. Stone, long-time leftist and publisher of "I. F. Stone's Biweekly"; "Informers" by Frank Donner, New York attorney, who has been the lawyer of Communist Party functionaries and has been associated with communist front organizations over the years. In 1959, he pleaded the Fifth Amendment when questioned by the House Committee on Un-American Activities regarding Communist Party affiliations and activities.

Also "Insiders' View" by William Turner, one-time FBI agent who was dismissed on charges including lack of truthfulness, accuracy, and responsibility. He appealed this ouster, but it was sustained by the Civil Service Commission, the Court of Appeals for the District of Columbia, and the Supreme Court. He has written several books and a number of magazine articles castigating the FBI and Hoover; "Selling of the FBI" by Robert Sherrill, one-time newsman and prolific critic of the FBI, President Johnson, and former Vice President Humphrey. Sherrill labeled Johnson as "The Accidental President", and Humphrey as "The Drugstore Liberal."

Part II of the seminar will consist of panels aimed at exposing and castigating FBI methods and practices.

One panel will be made up of former Justice Department officials, among them Burke Marshall and Roger Wilkins, an assistant of the late Robert Kennedy. Another panel will comprise former FBI agents, including Turner, John Shaw, Sr., and Robert Wall, both ousted under charges.

A third panel will consist of individuals characterized as "FBI informers," who will be selected by Donner, the New York attorney who has represented Communist Party officials.

Prominent among those listed as members of the Committee for Public Justice are actors, writers, and artists long associated with leftist, radical, and peace causes of various kinds.

Foremost among them is Leonard Bernstein, symphony director, composer and supporter of the crime and murder-ridden Black Panthers. Also movie actors Marlon Brando, Shirley MacLaine, Paul Newman, and Warren Beatty with long records in leftist causes.

Writers who are Committee members include Victor Navasky, ardent Kennedyite and author of the recently published book "Kennedy Justice," a laudatory account of Robert Kennedy's administration of the Justice Department; and Walter Pincus, another Kennedy partisan who has written numerous articles hostile to the FBI and Hoover. In a three-part series published in the Washington Post last June, the paper was forced to print a retraction of some of Pincus' charges.

CHINA AND THE UNITED NATIONS

Mr. BROOKE. Mr. President, the People's Republic of China has now been admitted to the United Nations.

For 22 years, China, the most populous nation in the world, has been represented in the counsels of the world by an exiled government on the island of Taiwan. And throughout those 22 years, the government which has ruled the 800-million Chinese people on the mainland has been denied representation in international organizations.

I welcome the admission of the People's Republic of China as a full member of the United Nations. I think it is a step toward realism to accept the representation of the Peking government on the Security Council and in the General Assembly.

It is unfortunate, however, that in the process the Chinese Government on Taiwan has been expelled for the world body. I would have preferred to see that government given the option of choosing whether to remain or to withdraw, or to represent solely the people of Taiwan.

But the expulsion of Taiwan from the United Nations should not determine our future policies in regard to the United Nations.

China is a revolutionary power—in the sense that it is seeking a revolution in the distribution of wealth and the organization of society, both at home and abroad. But China is also a cautious nation in the use of its power. Participation in the United Nations can contribute to China's exercise of caution and restraint by offering another channel for the propagation of her views.

For the United States to withdraw from the United Nations, or limit its participation in the world body—economically or diplomatically—would be a tragic mistake.

What free society has ever retreated from the free exchange of ideas? What free people has ever so repudiated its own principles that it has said to others: "You must agree with me, or I cannot talk to you!"

In my opinion, there is nothing wrong with the United Nations becoming an international debating society, as some have suggested. For it was created to replace the weapons of war with the weapon of words.

Mr. President, if China is our adversary, let us face them on common ground, with the nations of the world in witness. Let us see whose ideas survive in a free society—whose principles will triumph in open debate. I know whose ideas will survive. I have faith in our country.

We all stand together on Spaceship Earth. We have our differences. But we can stand united in commitment to resolve those differences peacefully. This is what the U.N. stands for, and this is what our Nation stands for in world affairs.

EXPULSION OF NATIONALIST CHINA FROM UNITED NATIONS

Mr. ROTH. Mr. President, the action by the United Nations General Assembly on Monday evening to expel the delegation from Nationalist China was, in my opinion, a grievous error. It is most unfortunate not only for the government of Taiwan, but for the United Nations itself. The United Nations has now—for the first time in its history—shown its willingness to expel one of its members by a simple majority vote.

But despite the unfortunate U.N. General Assembly vote, ample opportunity still exists for the Republic of China to be represented in the world organization. The United States should, in my opinion, explore every avenue open to it to achieve this end. Certainly any organization that seeks to represent the people of the world in a form for airing international problems and disputes must seriously consider the effects of an action that summarily excludes a government representing 14 million persons while every year admitting to full membership nations unknown and unheard of consisting of as few as 100,000 people.

When we consider that of the 130 member states of the United Nations, more than 90 have populations smaller than that of Taiwan, the case for continued representation of the government of Taiwan should be clear.

Although technically the U.N. has by its action Monday evening simply decided that the government of Peking rather than the government at Taipei is the legitimate representative of the Chinese people and should, therefore, occupy the China seat in the U.N., the world body must recognize that in resolving this dispute it has created additional problems.

One problem I have alluded to already; that is the fact that the U.N., by a majority vote of the tiniest of nations, is capable of expelling any member nation. That precedent itself is sufficiently serious to cause friends of the world organization to wonder whether structural changes should be made in the organization. At this point member nations may well consider whether they will be the victim at some future date of a wave of emotionalism wholly unrelated to the purposes for which the U.N. was created.

Another problem brought about by Monday night's action is the reaction that it may generate here in the United States. There will be calls for the United States to abandon the United Nations in the wake of Monday's vote. There will be efforts made to discredit the world body and attempts to lessen support for it. I would like to make clear that I intend to continue to support the United Nations as a forum for airing international disputes. I do not think we should leave the U.N. nor do I think we should cease our efforts to improve the organization. Whether or not the United States should, in these changing times and in light of our own financial problems, continue to give the U.N. the same level of financial support that we have given over the years is another matter. I shall certainly want to review that question with great care over the coming weeks.

But the point I am essentially trying to make here is that the United Nations has by expelling Taiwan seriously damaged itself. It can substantially recover from this self-inflicted wound by giving prompt and serious consideration to the admission to the General Assembly of the Government of Taiwan as a member. This is a matter that should have the highest priority in our own Government, too. I urge the administration to examine every legal possibility in order to prevent the 14 million people of Taiwan from being excluded from representation in the United Nations.

In this connection it should be noted that the General Assembly has not voted on the specific question of membership for Taiwan, but, as I said earlier, only on the question of which government—Peking or Taipei—should occupy the China seat in the General Assembly. The United States could now seek a straight up-or-down vote on membership in the General Assembly for Taiwan now that the Assembly has settled the question of Communist China's representation.

It is my understanding that the Republic of China is still technically a member of the Security Council, since the Security Council determines its own membership and a member of that body need not necessarily be a member of the General Assembly. In addition, the Security Council must recommend membership for any country in the General Assembly before the Assembly can vote on it. The Republic of China, since it still occupies a Security Council seat, could seek a Security Council recommendation to the General Assembly that it be admitted to the Assembly. In fact, the United States could sponsor such an application.

This proposal represents but one way to keep the Republic of China in the United Nations, and there may be others. I again urge the administration to explore the various means at its command to achieve this end.

THE NIXON-KISSINGER FOREIGN POLICY

Mr. TUNNEY. Mr. President, I had the opportunity this morning to read a perceptive analysis of the Nixon-Kissinger foreign policy in the November 1971, issue of Harper's magazine.

In that analysis, Morton Halperin and Leslie Gelb have placed our policy toward Asia in a realistic and balanced perspective. They have raised serious issues about the secrecy with which President Nixon and Dr. Kissinger operate. They have posed an important inquiry into our astounding policy toward Pakistan.

And, perhaps most important, they have compared Dr. Kissinger's theories with Dr. Kissinger's practices and have raised the question: Does Dr. Kissinger himself recall the sage advice which he once offered other administrations?

I commend the article to the Senate and ask unanminous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HENRY KISSINGER: NIXON'S SHERPA IN THE ASCENT TO THE SUMMIT

When Marco Polo returned from China in the thirteenth century with gun powder, silks, spices, and noodles, the European mind was enchanted by the prospect of even more secrets and riches. Centuries later, Napoleon mused that when "the sleeping giant of the East" awoke, it would dwarf the European-centeredness of world diplomacy. Missionaries from throughout the West flocked to China with the dream of saving Christianity by converting 500 million "Chinamen." And today, one still hears the story of the American aspirin manufacturer with visions of overflowing coffers if only each Chinese would buy one tablet.

Franklin D. Roosevelt, more than anyone else, shaped U.S. expectations of China in the period after World War II. Through his maneuverings, China was granted one of the five permanent seats on the United Nations Security Council. FDR thought that by declaring Chiang Kai-shek's China to be a great power and by treating it like one, it would become the Asian rock of stability in the subsequent peace.

But, like almost all Americans, FDR knew little about China. China was an abstraction to be loved and protected in the name of humanitarianism and the dollar, and as a bulwark in Asia against the Soviet Union and Japan. After the fall of China to Communism in 1949 (a fall from God's grace, as many saw it) and here entrance into the Korean war, China remained an abstraction, but one to be hated and cordoned off from other nations in the name of the Free World, much as one banishes an apostate. To those Americans who had lived there, China was the source of neither salvation nor perdition. They remembered the passive suffering and the graces of the Chinese, and they knew that China's gigantic size was the wellspring of deep weakness as well as of potential strength. Perhaps we would have heard this message had not the Cold War stopped our eyes and ears. In any event, cut off from learning more about China and ignorant to begin with, Americans permitted the old myths to survive in modern form. Now the myths speak of how China will help us bring peace to Vietnam, settle the future peace of Asia, negotiate successfully with the Soviet Union, and expand our dwindling trade markets.

The Vietnam myth is the most pernicious. Somehow, perhaps because of the inattentiveness of the press, or the careful hints coming from official background briefings, or the dramatic secrecy of Kissinger's trip, or, more likely, because of our own desire to believe, the impression is growing that the way out of Indochina is not through Hanoi but through Peking.

The wishful thinking runs like this: isn't our real objective in Vietnam to stop all the fighting, not just the American role in the war? Doesn't this require a political settlement? Yes, to both questions. Well, then, Hanoi is simply demanding a unilateral American withdrawal in return for the release of American prisoners, and this will not bring about a political settlement nor end all the fighting. By seeking to negotiate Vietnam in a large context and perhaps with a little Peking pressure on Hanoi (as the Chinese did in the 1954 and 1962 Geneva Conferences), we can bring about a more genuine and stable settlement of the war through the neutralization of Southeast Asia. Let's give the President a chance to work on this approach.

This "game plan" is full of holes. Peking is very unlikely to apply pressure on Hanoi to compromise its present terms. Chinese statements since Kissinger departed from Peking confirm this. But, even if Chinese leaders were tempted to "sell out" Hanoi once again in order to bring about their larger aims of an American withdrawal from Southeast Asia, it is doubtful that they would or could do it. It is one thing for the Chinese to be seen dealing with the "American devil" and quite another for them to risk damaging their ideological position by throwing their ally to the devil. Abandoning Hanoi would be tantamount to handing over Communist leadership in Southeast Asia to the Russians. And even if China were to reduce or cut off laid to Hanoi, the fighting would not stop as long as Soviet aid continued.

The President's impending trip to Peking does have one advantage in relation to Vietnam. It reduces the chances of the President's escalating the war, because the Chinese could at any time cancel his trip. Nevertheless, the China myth has left us further from a peace in Vietnam than we were four months ago. The China trips have bought time for the President's Vietnam policy. Along with the publication of the Pentagon Papers, they have knocked the latest NFL-Hanoi Seven Point Proposal right off the front pages and pretty much out of the news entirely. The pressure that had been building up for the Nixon Administration to make a counterproposal has evaporated.

Nor will the Washington-Peking negotiations settle that other ever-present Asian trouble spot—Korea. As with Hanoi, Peking's leverage on Pyongyang does not seem to be significant. Moscow is still the principal supplier of that regime's economic aid and arms. Moreover, neither Pyongyang nor Seoul could be coerced into accepting the 38th parallel and renouncing the use of force as long as there is no trust between them. A settlement of the Korean problem will have to await changes in the domestic politics of the two Koreas; until then, we can only work around the edges.

Neither will improved Chinese-American relations materially affect Soviet-American relations. A few Administration officials have expressed private worries about the Russians becoming more intransigent, but they forget we have been dealing with them on SALT and Berlin long before Kissinger's diplomatic stomachache.

The China myth has raised false hopes in the American community. Alas, China is a very poor country. Its Gross National Product is approximately $75 billion. This compares very unfavorably with the GNPs of Japan ($200 billion), the U.S.S.R. ($350 billion), and the U.S. ($1,000 billion). Moreover, China has a long history of being a reluctant trading partner. Unlike Westerners and Japanese, the Chinese have been interested in economic self-sufficiency and not in the comparative advantage economy of free traders. In sum, the Chinese do not have the money to buy American, nor do they have products to trade us in return for ours, nor are they anxious to make their economy dependent on trade.

Once we step away from great expectations about the side effects of eased relations with China, there does remain a serious agenda for U.S.-China negotiations. It is an agenda of longer term issues.

First on the list is the need to talk to the Chinese about reducing the risks of nuclear war and the effects of the testing of nuclear warheads. For a time the Chinese will not be receptive to our views on nuclear issues. They will want to seek parity with us and the Russians before they bargain. Nevertheless, the process of mutual education should not wait.

Second, there is a whole range of nonpolitical matters to get on with. These include space, weather, disease control, and pollution. Multinational agreements in these areas will mean very little without one-quarter of the world's population as a party.

Third, after the settlement of the Vietnam war, both sides will have an interest in discussing the neutralization of Southeast Asia. The internal situations of these countries and the power balance among them are unstable, and continued warfare is not an unlikely prospect. Both Peking and Washington should come to realize that the best way to avoid a mutual confrontation is to take the area out of the arena of Big Power politics.

Lastly, we must get on with the issue of "who is China?" Secretary of State William P. Rogers has announced that we will not oppose the admission of the People's Republic of China to the United Nations. But he has also announced that we would oppose the expulsion of the Nationalist Chinese regime on Taiwan. This two-China policy is totally unacceptable to both Chinas. While we may not be able to untangle this issue for a period, we can still talk to Peking about the one principle important to us, namely that the future of Taiwan shall not be resolved by force.

In the long run, the question of Taiwan has to be settled between the people who live on that island and the Peking regime. The sensible solution would seem to be, as Richard Moorsteen and Morton Abramowitz have suggested, a "one China, but not now" policy.

These longer term issues on which Peking and Washington can profitably talk do not make headlines. Nor do they offer the delights of summitry. As Kissinger has written about general foreign policy in *The Necessity for Choice*, we must make a decision. We can seek to perpetuate the myths or to focus on the real issues.

The American move to establish relations with China is not only desirable, it is in fact long overdue. Mr. Nixon, as part of the who-lost-China group in the 1950s, must share some of the blame for the delay. He also deserves considerable credit for finally overcoming the stale rhetoric by calling the People's Republic of China by its proper name and moving toward normal relations with the government of one-quarter of the earth's population. There is no doubt that Mr. Nixon was in a better position to deal with this issue than any of his predecessors. Unlike John F. Kennedy, he had not been warned by the outgoing President and Vice President that any "recognition" of China would bring Eisenhower and Nixon out of retirement into a full-scale attack. While some elements of the right wing have condemned the President's initiative, it is difficult, as Henry Kissinger has been heard to observe, to accuse Richard Nixon of being soft on Communism.

But why was the overture to China made in secret? Strangely enough, we have had no explanation at all from the Administration (either on the record or, as far as we are aware, in its ubiquitous backgrounders) as to why Kissinger's journey to Peking had to be secret or why the President's announcement had to be so dramatic and apparently so far in advance of his departure. The choice of Kissinger as ambassador should occasion no surprise. President Nixon has often demonstrated his distrust of State Department negotiators. In most cases he has dispatched his Special Assistant for National Security to carry out delicate negotiations (including, incidentally, those involving a possible submarine base in Cuba). As for the secrecy, however, it is possible that the President feared that if he exposed his intentions to the State Department bureaucracy, someone would leak the information either to the Chinese Nationalists or to domestic opponents of such a move. The result, he might have thought, would be such an outcry from the Nationalists and the U.S. right wing that he wouldn't be able to send Kissinger to Peking, much less arrange a visit there of his own.

Whatever his reasons, the absence of public debate on the President's failure to explain the need for secrecy is in itself remarkable. Given the increasing demand in the Congress and the country for greater disclosure and participation in foreign-policy making, it is extraordinary that the President's decision has led to no questioning, even by those who have argued most loudly for more involvement.

No one has ever protested the President's warning against speculation as to what he can accomplish in Peking, nor his order to the bureaucracy not to speak publicly on the subject. All of this suggests how quickly we forget the lessons we supposedly learned from Vietnam and from the release of the Pentagon Papers. If we are going to object to secrecy and demand Presidential candor only when we disagree with the policy, we will have accomplished little.

The public's right to know is one cost of secrecy. Troubles with our partners is another.

One immediate question relates to the technical arrangements for the Kissinger trip and concerns American relations with Pakistan. There is no doubt that Pakistani officials were involved in helping to arrange the visit and it appears, although the Administration still considers it highly classified information, that Dr. Kissinger took his trip to Peking on a Pakistani airplane. It seems a reasonable guess that Nixon and Kissinger feel a certain sense of obligation. This might well explain the American decision to continue economic and even some military aid to Pakistan. If so, the American people are entitled to be informed. If this sense of obligation is the explanation for our quite extraordinary behavior in the face of gross atrocities by the Pakistani Army in Bangla Desh, then that in itself would seem to outweigh the possible gains of a secret reliance on Pakistan.

Beyond the technical arrangements, the desire for secrecy meant that there was no consultation with America's allies before the Presidential announcement. If the President is not prepared to tell his own Vice President or Secretary of Defense what he is up to, he cannot very well consult leaders of foreign governments. But the secrecy was bought at a high price.

The Administration has frequently expressed concern that the Nixon Doctrine ("low profile in Asia") would be misunderstood by our allies as indicating a total American withdrawal from East Asia. The way the visit to Peking was handled could only serve to underscore such fears. Officials in Korea, the Philippines, Thailand, and other Asian nations no doubt fear that the United States has reached some kind of secret understanding with China at their expense—or will. In Australia the concern was heightened by the fact that China is a domestic political issue. Kissinger, who had written bitingly—in his book, *The Troubled Partnership*—about the Kennedy Administration's failure to take account of the domestic politics of its European allies in shaping its NATO policy, evidently was not aware of or was unconcerned about a similar situation in the East.

The case of Japan, however, raises the greatest doubts as to whether this secretly planned trip is, in fact, to the net advantage of the United States. In order to understand the problem, it is necessary to consider briefly the state of U.S.-Japanese relations and the role of the China issue in Japanese domestic politics.

Relations with China have been a critical aspect of U.S.-Japanese relations since the early 1950s, when John Foster Dulles told Japanese Prime Minister Yoshido that the U.S. Senate would not ratify the treaty ending the occupation unless he agreed in advance that Japan would deal with Nationalist China rather than with Communist China. Forced to bind themselves to the Nationalists, the Japanese nightmare became that they would wake up one morning to find the United States had gone to Peking, leaving the Japanese out on a limb.

The Japanese government's concern about this issue was compounded by the fact that China has been and remains an important issue in Japanese domestic politics. All the opposition political parties, the major newspapers, as well as important elements within the ruling Liberal Democratic Party, have been pressing for some time for a normalization of relations with Peking. They have accused the government of not moving on this question out of undue deference to the United States. In fact, the Sato government's reluctance is based as much on its own relations with Taiwan as on an unwillingness to break ranks with the United States. Nevertheless, the Japanese have always recognized that they would have to move if we did, and they've always desired to move first.

Recognizing the importance of the China issue to the Sato government, the United States had begun consultations with Japan in the specific issue of the China seat in the U.N. These negotiations have been going on for some time. They involved what the Japanese press described as intimate and frank discussions. Japanese leaders were confident that they knew the precise thinking of the Nixon Administration on China and that the two governments were determined to work out a common policy. One can imagine the consternation with which Prime Minister Sato learned a bare few minutes before the President's announcement that, unknown to him and to the American officials with whom the Japanese government was consulting, the United States had been working out plans for Henry Kissinger to go to Peking to arrange for a Presidential visit. The frank and full consultations Sato thought he was having with the United States were exposed as a sham. Sato asserted that Japan would not be flustered by the decision, but in the view of most observers in Japan, it has decisively weakened his position and foreshadows his early resignation.

Beyond this, however, many Japanese feel that their worst nightmare may have been confirmed by the President's move, which, as they see it, seeks an accommodation with Peking at the expense of Japan. On these grounds, Japanese fears are probably exaggerated. It is doubtful that the United States would, or will during the President's visit, agree to turn Taiwan physically over to the mainland or do anything else to damage Japanese foreign-policy interests. The Japanese cannot be sure, however. Neither they nor anybody else has been told anything about the details of the Kissinger conversations or what concessions may have been made in order to arrange the trip.

As both Nixon and Kissinger have recognized in the past, close cooperation between leaders of allied governments depends on a respect by each for the domestic political problems of the other. Failure to take these into account in relation to Japan cannot but hurt efforts to work out accommodations on other sensitive issues such as textiles, yen revaluation, or trade in general. Most important, the failure to consult raised doubts in Tokyo about whether or not the United States is prepared to treat Japan as a major ally and full partner in the Far East.

The current leaders of Japan would prefer to continue to rely on the American strategic nuclear umbrella, while moving Japan into a more active political and economic role in Asia. They will follow this course if they believe Japan can do so with dignity and honor. If they conclude that the United States will not take Japan seriously as long as it is not a major military power, then they may come to believe that Japan's interest and her dignity require a major change in relations with the United States and the development of Japanese military power, including a nuclear capability.

The disregard for Japanese interests shown in the way the President moved toward Peking, the failure to consult accompanied by the pretense of intimate consultation, has raised serious doubts in Japanese minds. These concerns were aggravated by the failure to consult Japan before the President imposed the 10 per cent tax on imports and cut the dollar loose from gold. The adverse effects of these events can now be alleviated only by genuine consultation as American policy on trade and China continues to evolve. Even if this is done, there will be serious damage to American-Japanese relations. If we continue to hold Japan at arm's length, the results could be disastrous. As a Japanese official told the *New York Times*, "Emotionally, I sense a kind of pre-Pearl Harbor atmosphere in the relations between our two countries."

Our newfound fascination with China should not blind us to the fact that American relations with Japan are much more important to U.S. security and to the future of East Asia than are American-Chinese relations. A militarized Japan would create far greater problems for Asia than China is likely to do in the next few decades. Economically, Japan can make a much more significant contribution to the development of East Asia than China possibly can. Japan is now the United States' largest overseas trading partner, and their trade will, for the indefinite future, be infinitely more important to the United States than any possible trade with the Chinese mainland. In taking a step toward improved relations with Peking in a way that has seriously damaged our relations with Tokyo, the President has shown a poor sense of priorities.

What does the story of Kissinger's flight to Peking, the President's impending journey, and the way American allies were handled tell us about the Nixon-Kissinger school of foreign policy? Theirs has been a good record to date. With the exception of the Vietnam war (and even here many applaud the troop reductions: more than half out and still leaving), the list of accomplishments is long. The SALT talks have reached an understanding on the outlines of an agreement. The reversion of Okinawa to Japan has been negotiated. More than 20,000 U.S. troops have been withdrawn from from Korea. Our forces have been reduced elsewhere in Asia. We have signed an agreement to ease tensions in Berlin. There is a cease-fire in the Middle East. Perhaps of equal importance, we have stopped using that terrifying phrase, "the Free World versus Communist Totalitarianism." The absence of this kind of rhetoric is a marked improvement over the past.

Most of this record is only potential. Each of these prospects could founder on the rocks of the knotty issues themselves, but there are dangers in the Nixon-Kissinger style as well.

The first is a tendency to focus on major adversaries even at the expense of major allies. This is surprising but true nonetheless. Neither Nixon nor Kissinger was noted for his trust of the Communist superpowers, while both were noted for their belief that détente, as the President's second Foreign Policy Report put it, "obligates our allies and ourselves to conduct our diplomacy in harmony. . . ." Yet their actions have conveyed the impression that key world problems can be settled by direct and exclusive negotiations between the major power adversaries. Of course they have consulted with our allies, but in such a way as not to interfere with direct relations with Moscow and Peking.

When Chancellor Willy Brandt of West Germany set out on a variety of negotiations with the Soviet Union, the Nixon-Kissinger team showed its displeasure. And yet, what Brandt is trying to do is to stabilize the status quo in Central Europe. This effort is surely in our interest as well, and what is wrong with Brandt's taking the lead? Does the answer have something to do with a preference for superpower diplomacy?

Bilateral dealings with Peking and Moscow are unobjectionable provided, first, that we fully consult in advance with our allies; second, that we take their interests into account; and third, that we do not object to their bilateral dealings with the Soviet Union and China. As our most eminent student of alliance relations, Henry Kissinger, has written:

> When our allies oppose [unilateral actions] . . ., it is not necessarily because they disagree with our views but because they are afraid of creating a precedent for unilateral changes in other policies. . . . Moreover, many Allied leaders who have staked their prestige on United States policies can suffer serious domestic setbacks if we change them unilaterally.

Another danger in the Kissinger-Nixon style is their penchant for avoiding the bureaucracy at the price of engendering entrenched bureaucratic opposition. This is not surprising, especially from Kissinger, who has written:

> It is no accident that most great statesmen were opposed by the "experts" in their foreign offices, for the very greatness of the statesman's conception tends to make it inaccessible to those whose primary concern is with safety and minimum risk.

Thus, when SALT talks were not making sufficient progress, the White House stepped in and directly worked out with Soviet leaders a public communiqué on a framework for agreement. Similarly, when the time came to prepare the Kissinger trip to China, the bureaucracy, because of its expected opposition and insistence on consulting allies, was shut out.

The inconveniences of bureaucracy to creative leadership are well known—as are the possibilities of creative leadership going astray. But the bureaucracy is not a monolith. In it are experts who might actually contribute something creative and help avoid mistakes. Perhaps more importantly, the bureaucracy is always there. When the creative leaders turn to new problems, it is up to the bureaucracy to keep the wheels of policy turning. If the bureaucracy is ignored and is not persuaded by the President's policy, bureaucrats will undermine that policy—when no one is looking.

Some balance between creativity and bureaucracy must be found. "The best solution," as Kissinger, one of our keenest students of bureaucracy, has written, "is a bureaucracy which runs sufficiently smoothly to take care of ordinary problems as a matter of routine, but not so pervasive as to inhibit the creative thought which is inseparable from statesmanship."

The last danger in the Nixon-Kissinger style is their flair for dramatic public announcements for short-run political gains at the risk of long-run popular disenchantment. This has been the Presidential pattern on Vietnam, SALT, and now on China. The word goes out to the press that the President is going to make some major announcement. Nothing else is said. Speculations arise. Is he going to announce an end to the Vietnam war? Presently, lights, camera, a short ambiguous speech, and then "Good night." Meanwhile, on a background, nonattributable basis, Henry Kissinger tells 200 reporters what it all meant.

It is a great routine—except that it creates expectations that often cannot be met. When peace does not break out in Vietnam, and when agreements do not come quickly, there is bound to be a measure of disappointment. When little or nothing actually is settled, people will begin to wonder who was dragging their feet. Was it the Russians or the Chinese or our own leaders?

Most of our world problems require a steady, nondramatic diplomacy, and a steady, nondramatic flow of information to the American people. These are the ways to build public understanding and support, and they are the acid tests of successful policy abroad as well.

As a famous former Harvard professor, Henry Kissinger, has written in his classic work, "A World Restored," about his favorite statesman:

> Metternich's policy . . . thus depended on his ability to avoid major crises which would force an unequivocal commitment and on its capacity to create the illusion of intimacy with all major powers. It was finely spun, with sensitive feelers in all directions and so intricate that it obscured the fact that none of the fundamental problems had really been settled.

MEDICAL SERVICE IN RURAL AREAS

Mr. PEARSON. Mr. President, recently the president of the Kansas Medical Society, William J. Reals, M.D., wrote an open letter to the doctors of my home State. The letter was published in the Journal of the Kansas Medical Society.

As a part of his responsibilities as president of this group, Dr. Reals has worked to bring young physicians into the State, where large rural areas suffer the effects of the dramatic movement of health professions personnel into urban America. All too often, this movement comes at the expense of the older generation in our society who are concentrated in rural areas and whose need for medical services grows with time.

One of the ironies faced by those of us who represent Kansas is that the virtues of the State and its people are too often blurred by regional misconceptions held by those in other parts of the country. These regional views, or, more accurately, prejudices, are myths arising from a lack of experience or real knowledge of Kansas, and yet they serve to inhibit the open-minded assessment of our State as a place to carry on a profession and raise a family. Fortunately, as time goes on, we see the signs of a movement among the American people away from overcrowded and often unmanageable urban conditions towards the regions of open space where American agriculture has flourished. Dr. Reals' letter expresses in an appealing fashion the virtues of Kansas as Kansans see them. As a matter of providing the Senate information which I think will serve for the better understanding of my State, I ask unanimous consent that Dr. Reals' message be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

The President's Message

Dear Doctor: "To the Stars Through Difficulties" . . .

This motto, which appears on the Great Seal of Kansas, is the subject of my message this month, because recent events have underscored for me a couple of facts about our state:

First, no state can surpass Kansas' history of overcoming any obstacle or hardship in its path to greatness.

Second, while we've reached the stars, our national image is still in the dust.

It was during the AMA convention in Atlantic City that this was most recently brought home to me. The president of another state society (who shall remain nameless), when he learned I was from Kansas, made a number of disparaging remarks about Kansas, its climate, terrain and people.

I argued briefly with him, then lapsed into silence, knowing the futility of trying to educate a geographic snob. But I was stunned by his pointless, mindless attack on our beautiful and productive state, and I brooded about it on my drive home from the crowded, polluted and cluttered East Coast.

As we came west, the dirt and clamor began to fall away. The cities became more open, the towns more attractive, the skies clearer and the people friendlier.

And, as I crossed the Missouri-Kansas border, Kansas greeted me with a warmth and honesty I had missed on my trip back East.

The wheat harvest had not yet begun in the section I traversed, and the golden fields rippled in the breeze under the bright blue sky.

I was home. And I was glad.

No one who ever got to know Kansas could make those comments I hear frequently in my travels . . . comments that infer we are backward people living in a dust bowl. This image reflects not just on the citizens in general, but on physicians in particular, upon their type of practice, their hospitals and universities.

And it's all undeserved.

For a "backward" state, we've done pretty well at producing some of America's most forward-thinking persons. Dwight D. Eisenhower is a product of our state, and chose its soil as his final resting place. Industrialist Walter Chrysler, athlete Jim Ryun, playwright William Inge, and musician Stan Kenton had their origins in Kansas.

The Menninger Foundation and Clinic in Topeka is internationally known and respected as the center of psychiatry. It was founded by native sons.

The Hertzler Clinic at Halstead is known around the world, as was its founder, Arthur Hertzler.

More than half the light aircraft manufactured in the world comes from Wichita. Two Kansans, Walter Beech and Clyde Cessna, founded this vital industry.

Kansas is the breadbasket of the world, producing enough wheat each year to feed half the world . . . producing more than one-fifth of America's beef, and serving the nation through more than 630 food processing firms.

This list is endless.

Anyone who has ever driven the Flint Hills in the spring knows the verdant beauty of that section of our state. The rolling plains of Western Kansas reach to the Rocky Mountains—their well-ordered farms and ranches a tribute to the sturdy pioneers who broke the sod and made a state . . . "to the stars through difficulties."

I didn't mean to become rhapsodic. But my point is this:

Our concern in Kansas is providing enough physicians to treat the people. We have a great state and its story must be told to physicians who seek a better life, a clean, crime- and pollution-free life for themselves and their families.

Unless you and I tell the story of Kansas as it really is, we'll suffer a chronic loss of young physicians to other states.

The job of selling Kansas is the job of every individual.

Doctor, are you telling the true story of our state to other physicians who might want to practice here?

William J. Reals, M.D.,
President.

AWARD TO LESLIE STRAND, SILVER SPRING, MD.

Mr. BEALL. Mr. President, it has come to my attention that Mr. Leslie Strand, of Silver Spring, Md., has won the International Organ Pops Festival in Tokyo, Japan.

This is indeed a significant accomplishment particularly since many of the world's best organists were in competition with the Marylander.

I ask unanimous consent to have printed in the Record the article from the Washington Evening Star of October 14, 1971, so that Senators may have the opportunity to read of this fine achievement by a man who has garnered much success in the musical field.

There being no objection, the article was ordered to be printed in the Record, as follows:

Area Organist World's Best

Leslie Strand, 46, of Silver Spring, Md., has won the International Organ Pops Festival in Tokyo, a Los Angeles spokesman for the festival said.

Strand was named the winner Tuesday night after two days of competition in Tokyo with entrants from 14 other countries, the spokesman said.

Born in Chicago, the son of a theater organist, Strand began his music career on the piano at 6, and was self-taught on the organ at 13. While in high school he began playing professionally in Milwaukee, where his family then lived. Becoming interested in jazz in 1939–40, he developed his own organ jazz style.

Later appearing in Chicago, he received favorable notices in the trade magazines and during the mid-1950s made three albums for Fantasy Records. In 1960 he was elected to Playboy magaine's jazz poll.

He now teaches on the staff of the Ferguson Piano Co. in Wheaton.

PURCHASES OF CHROME ORE FROM SOVIET UNION

Mr. TOWER. Mr. President, recently the American Legion 19th District Convention, Department of Texas, met in convention. During that time they passed a resolution concerning section 503 of the recently passed military procurement bill. Knowing of the interest of the Senate and the Nation as a whole in this most important matter, I ask unanimous consent that the resoution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

American Legion Resolution

Urging passage of section 503 of H.R. 8687 to correct impairment of national defense relative to chrome ore

Whereas: It has always been a responsibility of the American Legion to urge policies which would insure us of a good and adequate national defense posture, and

Whereas: Our national defense posture has been severely impaired since our nation shifted its purchases of critical chrome from Rhodesia, a friend of the United States, to the Soviet, the avowed enemy of our nation, and did thereby give the Soviet a stranglehold on our nation by making the Soviet our principal supplier of chrome ore, in that the only two major sources of chrome ore are in Rhodesia and the Soviet, and

Whereas: The Soviet could stop shipment of chrome ore to us at a most critical time and cause our critical chrome ore imports to cease under our present legislative sanctions against the only other source of chrome ore in Rhodesia; and if we waited until such critical time of stoppage of chrome ore by Russia to correct the present legislative sanctions against Rhodesia, it would be a long period of time before the mines in Rhodesia could again be made fully operative, and

Whereas: The Soviet is highjacking our nation by an excessive price under the monopoly of our chrome imports, Therefore be it

Resolved: We, the undersigned component of the American Legion, do hereby urge the passage of Section 503 of House Resolution 8687, which Section 503 has been attached to H.R. 8687 by the unanimous vote of the U.S. Senate Armed Service Committee for the purpose of correcting a dangerous flaw in our national defense posture in that Section 503 will permit our nation to import those critical minerals from non-Communist nations which we have been importing from Communist nations; and would, in effect, permit our United States government and industry to resume the importation of chrome ore, critical to our national defense, from Rhodesia which is a friend of the United States and an enemy of Communism, in that Section 503 exercises our legal right, and our legitimate responsibility toward our national defense, in amending the U.N. Participation Act in this respect by Sec. 503 on the military procurement bill H.R. 8687, and

Furthermore be it resolved: That Section 503 of H.R. 8687 should be passed to obtain a tremendous savings to our nation in that the Soviet has been highjacking our nation by increasing the $25.00 per ton price charged by Rhodesia to $72.00 per ton since the Soviet acquired a monopoly of our chrome imports so skillfully maneuvered by the United Nations by its tactic of inducing our government in less knowledgeable times to impose sanctions against Rhodesia without the full awareness of our Congress of the ultimate danger to our national defense, nor full understanding of the tremendous aid and assistance that such action would give to our enemy; and furthermore, the chrome ore mines in Rhodesia are owned to a large extent by our own citizens of the United States and we should purchase from our own citizens before purchasing from the enemy of our nation, and

Furthermore be it resolved: That we urge all U.S. Senators, Congressmen, and citizens to assist in this patriotic endeavor to pass Section 503 of H.R. 8687, and

Furthermore be it resolved: That this resolution be presented to succeeding conventions of the American Legion, (District, Division, State, and National) for the opportunity of each to support this patriotic endeavor; and that the adjutant is directed to send a photocopy of this approved resolution to the U.S. Senators and Congressmen representing the area of the approving component, and a photocopy to the Commander and National Committeeman of the Department of Texas, and a photocopy to the appropriate news media of radio, press and television.

AUDIE L. MURPHY MEMORIAL HOSPITAL

Mr. TOWER. Mr. President, on October 15, my colleague from Texas (Mr. BENTSEN) and I introduced S. 2694. The bill would designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital. I feel that this act would be a sincere gesture on behalf of the American people to demonstrate their affection for, and their sense of loss of, this truly remarkable person.

Audie Murphy was a fellow Texan. His father was a sharecropper, and Audie was one of 11 children. Both of his parents died before he was 18 years old, and Audie strived to keep the family together.

Although he was only 17, he convinced the Army that he was 18, and joined in June 1942. He rose from the rank of private to that of lieutenant.

He was in Casablanca in 1943 and took part in the landing in Sicily that same year. He then landed in Anzio. His company fought all the way up Italy and southern France. Out of 235 men, Murphy and one supply sergeant were the only ones left of the original group at the end of the foreign tour. After being wounded three times, young Audie Murphy returned home to a Nation eager to thank a soldier who had fought so valiantly.

Lieutenant Murphy, according to the Defense Department, was the most decorated soldier of World War II. He received 24 medals from the American Government, three from the French, and one from the Belgians. Besides the Medal of Honor, they included the Distinguished Service Cross, the Legion of Merit, the Silver Star with oak leaf cluster, the Bronze Star, the Purple Heart with two oak leaf clusters, and the Croix de Guerre with palm.

The United States suffered a great loss on May 28, 1971, when Audie Murphy was killed in the crash of a light plane near Roanoke, Va., at the age of 46. He was buried in Arlington National Cemetery.

I feel that it would greatly honor and please Audie if he knew that the new VA hospital being constructed in San Antonio was being named after him. It is a fitting tribute to the man and the legend he left behind.

NEED FOR BETTER VETERAN CARE FACILITIES

Mr. THURMOND. Mr. President, an excellent editorial, pointing to the need to upgrade medical facilities for our veterans, was published in the Greenville, S.C., News of October 8, 1971.

The editorial entitled "Veterans Services In Peril," should be read by every Member of Congress. We must meet our responsibility to our veterans needing medical treatment, especially those men of the Vietnam war who have long and productive lives ahead if given the care they need and deserve.

In the past 30 years, millions of our men have served their country honorably in World War II, Korea, and Vietnam. Also, a significant number of World War I veterans have reached the age where a large percent of them require medical care.

We must meet the medical requirements of our veterans in a positive way, not with barely enough.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VETERANS SERVICES IN PERIL

The United States always has recognized a primary obligation to veterans of wars in which it has engaged, and has given special consideration to former servicemen, especially those with disabilities. "Veterans preference," as it is known, is written into many laws.

The Veterans Administration takes special interest in the welfare of former service personnel. Most of the states also give a variety of benefits to veterans and have special officials who handle veterans affairs. So do numerous counties.

Disabled veterans receive compensation based upon the degree of disability suffered in service. Needy, aged veterans get pensions and have access to homes where they can receive care in their declining years. Veterans hospitals are located throughout the country to treat those with service-connected disasbilities and, when space is available, those with non-service-connected ailments.

All this is simple, elemental justice. It is national recognition that the war veteran was asked to risk everything, including life and limb, for the nation in time of peril. In recent years it also is recognition of the fact that wartime service takes an inevitable toll from every veteran, most of whom served at crucial, formative periods of their careers. The scars may not be physical, and may take years to show up—but they are there.

The veteran, therefore, has a permanent, just claim upon the services of the government and the resources of the nation—a claim which takes priority over those of all other citizens. "Veterans preference" is not preferential treatment, but fair treatment necessary to restore to the veteran those given by him in defense of the nation.

It now appears that veterans preference is under attack and in considerable danger of being submerged among demands by less-deserving people upon the resources of the nation.

The unpopularity of the Vietnam War is being reflected in neglect and sometimes ill-treatment of returning veterans in many areas of the country. In some places, instead of receiving first consideration for such things as jobs, veterans are somehow suspect.

Worse, in relation to actual need, the government appears to be neglecting its solemn obligation to care for veterans. Recent cutbacks in beds in the veterans hospitals, in the face of demonstrable increases in need, is an indication. Failure to modernize and expand veterans hospitals, despite commitments to do so several years ago, is further sign of neglect. Many veterans needing hospitalization are beginning to get the runaround as they seek the government facilities to which they are entitled.

Just recently, it was revealed that the government is holding up modernization of veterans hospitals pending determination of policy on national health insurance and other medical services for all citizens. That's the clearest indication yet that veterans preference may be about to do down the drain—and the veteran denied just consideration due from the government.

The thought is chilling for two reasons:

If the country is unable now to meet the medical needs of the veterans to whom it owes a special debt, how in the world can it expect to take on the whole load for all citizens?

If the government is going to do everything for everybody for free, what incentive is there for anybody to make any kind of effort, let alone a special effort, either for himself or for society?

More than just veterans preference is bound up in those two questions. The future of the country as a viable society is at stake. If this nation submerges the just, prior claims of veterans under demands of others, those demands soon will submerge the nation itself in a sea of economic, political and social chaos.

CONNECTICUT: HOME OF PATRIOTS

Mr. RIBICOFF. Mr. President, in advance of the Nation's 200th birthday, the Copley News Service has prepared a series of articles describing the history of each of the 50 States in the order of their admission to the Union. The latest to appear was devoted to Connecticut, one of the Original Thirteen Colonies and the fifth State to ratify the Constitution.

I ask unanimous consent that Frank Bauer's article entitled "Connecticut: Home of Patriots" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONNECTICUT: HOME OF PATRIOTS

(By Frank Bauer)

The delicate spires of the familiar white churches of the Connecticut countryside are deceptive frosting for the vigorous sermonizing that goes on beneath them.

This was never truer than during Revolutionary days when the Connecticut pulpit resounded with biblical authority for the cause of freedom and heaped fiery denunciation on Tory and tyrant.

In a little church in western Connecticut, at Sharon, the Rev. Cotton Mather Smith announced the battle of Lexington, then rallied a hundred men on the green after church services, ready to march. Smith himself became a chaplain of fame.

In a small church at Poquonock, in the town of Windsor, the Rev. Dan Foster as early as 1774 was preaching a series of sermons on government, steeped in revolutionary philosophy. And in the same town, the Rev. David Sherman Rowland in 1774 was producing "a very great excitement" by comparing George III with Rehoboam, the last king of old Israel.

"Sedition flows from the pulpit," said the protesting Tories as they sat at worship and heard themselves and their king excoriated and then read the same sermons reprinted in the sympathetic Connecticut press.

George Washington's good friend and aide, "Brother Jonathan" Trumbull, Connecticut's long-term governor during the revolution, was strongly influenced by his initimate friend, Solomon Williams, for 53 years the pastor at Lebanon and an outspoken sympathizer of the rebels.

The Connecticut clergy had openly assailed the Stamp Act. They urged the Colonists to unity with the strongest overtones from the Bible. They kept their parishoners informed and aroused during the war itself and created inspiring pictures of America's coming greatness.

In parallel vigor the state responded to Washington's military needs, contributing Gen. Israel Putnam and Nathan Hale among others. In the political arena there were Roger Sherman, who signed the Declaration of Independence and the Constitution, and Silas Deane, who helped get French aid for the Colonies.

In Revolutionary times Connecticut was largely engaged in agricultural pursuits and supplied much of the beef for the Army, but the state's role in industry and finance grew rapidly in the next century.

Eli Whitney, who is remembered for the cotton gin, had his first federal musket contract in 1799 and then developed a system of interchangeable parts that became useful to many industries. Connecticut's Charles Goodyear developed the vulcanizing process. The brass industry was begun at Waterbury, and insurance companies sprang up in several cities. Noah Webster published the nation's first dictionary of consequence, and a revolver was patented by Colt.

Yale, which had opened in New Haven a half-century before the Revolution, waited a century before it was joined by Wesleyan and other Connecticut universities. Dr. Horace Welles pioneered in the use of anesthesia in Hartford in 1844, and the Coast Guard Academy was set up in New London just after the Civil War.

The first telephone exchange in the world was opened in New Haven in 1877, and the Pope Manufacturing Co. of Hartford commenced making automobiles in 1897.

Connecticut's greatest industrial organization, in aircraft engine manufacture, sprang into being after World War I and grew to rival insurance as the state's biggest employer.

Because of its jet engines and the manufacture of firearms, machine tools and explosives, the state far outranked its size as a defense contractor in World War II. Its diversified industries have international markets.

Because of its heavy involvement in defense, the state is now feeling the employment pinch of the cutback and seeking new diversification in civilian lines. Aircraft jets, for example, are being harnessed to electric generators for production of power.

The state's unusual preservation of country atmosphere amid its industrial complexity is proving a magnet for companies seeking fresh air and cultural opportunities. Several New York City concerns have announced plans to move across state lines into Connecticut's Fairfield and adjacent counties.

The state had the perspicacity to acquire a discarded federal airport after World War II and has developed it into one of the best international air stations in the East. The airport serves the thriving city of Hartford and neighboring Springfield, Mass.

ADDRESS BY RICHARD G. CAPEN, JR., FORMER ASSISTANT TO SECRETARY OF DEFENSE MELVIN LAIRD FOR LEGISLATIVE AFFAIRS

Mr. THURMOND. Mr. President, Mr. Richard G. Capen, Jr., vice president of the Copley Newspapers, LaJolla, Calif., addressed the San Francisco Rotary Club on September 28, 1971, on the subject of our national security.

Mr. Capen, formerly legislative affairs assistant to Secretary of Defense Melvin Laird, entitled his speech, "The Pendulum Is Swinging."

He spoke about his experiences in Washington and his belief that the Nixon doctrine is working. He also offered a sound analysis of military developments during the past several years and concluded that the American people will meet the challenge of the 1970's.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PENDULUM IS SWINGING

(Address by Richard G. Capen, Jr., Vice President, Copley Newspapers, La Jolla, Calif., Before the Rotary Club of San Francisco, Sheraton-Palace Hotel, San Francisco, Calif., September 28, 1971)

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset, the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from some 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 per cent thus permitting a reordering of priorities at home.

Today, national polls indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly understand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 per cent. They have increased ICBM launchers by over 500 per cent and are currently 45 per cent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U.S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness to negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security burdens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U.S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that country where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U.S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishment has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationships with Mainland China, an area involving one-fourth of the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have comforted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

SELECTION OF SUPREME COURT NOMINEES

Mr. ALLOTT. Mr. President, with customary wit and cogency, and with a conscious humor rare on the editorial pages of the Washington Post, John Roche today has made what may serve as a final comment on the role of the American Bar Association in the selection of Supreme Court nominees.

So that all Senators can enjoy this column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ABA RATES JOHN MARSHALL

(By John P. Roche)

The following document recently turned up in an obscure archive. For a number of reasons, no serious scholar will vouch for its authenticity, but the point must be made that the historical information it contains is subject to verification.

JANUARY 24, 1801.

CONFIDENTIAL

His Excellency JOHN ADAMS,
President of the United States,
The President's House,
Washington, D.C.

YOUR EXCELLENCY: At your personal and confidential request, the Executive Committee of the American Bar Association has met to consider the qualifications of John Marshall of Virginia for the august position of Chief Justice of the United States.

We hardly need to inform you of the delicacy of our position. On one hand, we are fully aware of the high trust and regard your Excellency has for the Secretary of State—trust and regard that we appreciate and share with respect to his conduct of that position.

On the other hand, we feel that as patriots and men of vast experience at the bar we owe it to you and to the Republic to treat this matter with full professional candor. To be specific, while in no sense questioning your wisdom in appointing Mr. Marshall Secretary of State, we believe that our obligation is to advise you, with all due respect, on his potentialities as a judge, a judge who would, indeed, occupy the highest judicial position in the nation. As one of your most distinguished lawyers, you will—we are confident—understand the distinction which underlies our evaluation.

(Here there is a marginal note, scrawled by President Adams: "Bosh! I never made a farthing from law and was shunned as a leper—when I defended Captain Preston from that mob in Boston." The reference is to Adams' defense of the British officer charged with the Boston Massacre.)

We began our investigation into Secretary Marshall's judicial qualifications by examining carefully his legal training. Former Chief Justices were men of notable training—Chief Justice Rutledge, in particular, had been educated at the Inns of Court in London—and the first question conscience impels us to raise is "Does Mr. Marshall meet their high standard?"

Regrettably the answer is "no." The records of the College of William and Mary indicate that he dropped out after six weeks. (Inexplicably, he was elected to Phi Beta Kappa in that interval!) Shortly thereafter, without any indication of further training, he was granted a license to practice law in Richmond. Although it is not our function to give serious credence to gossip, there were strong suggestions that family influence played a role in this decision: his cousin, Vice President Jefferson, was then Governor, and signed the license himself.

While Mr. Marshall attained a creditable reputation at the bar, he has never exercised any judicial function except the trivial ones associated with the elective post of Recorder of the City of Richmond. His career—which we repeat is a most distinguished one—has been in the legislative and executive branches of government. Service in the Virginia Assembly, the House of Representatives of the Union, and in your Excellency's administration has added great luster to his reputation, but at no point has his work provided evidence of that judicial temperament, of that knowledge of the mysteries of the law, which we feel essential in a Chief Justice of the United States.

(Another marginal note: "Mysteries of the law? What mysteries? How to hoodwink honest citizens with folderol?")

Finally, there is one piece of direct evidence to indicate that Secretary Marshall looks with some contempt on the judicial process. He has been quoted, without denial, as saying that the "acme of judicial distinction means the ability to look a lawyer straight in the eyes for two hours and not hear a damned word he says."

(Marginal note: "Bravo! Prepare his Commission. J.A.")

Yours most respectfully,
CHAUNCEY LOWNDES JAY IV,
Chairman.

CRIME IN TOKYO

Mr. BAYH. Mr. President, in an article written by Richard Halloran, and published in the New York Times of October 3, 1971, the effectiveness of gun control laws in Tokyo and throughout Japan is made abundantly clear.

In that city of over 11 million people, there were only three persons murdered by gunmen last year.

Compare that with any of our large cities, such as New York with a population of approximately 8 million and its 538 gun murders last year, and one immediately recognizes the effect that stringent firearms controls in Japan have in curbing crimes of violence.

The United States does not have such uniformity of controls, despite the fact that the gun laws in New York City are stringent. The point here is that without national and uniform controls, the gun laws in New York City are rendered useless.

The article cites in-depth crime statistics in Tokyo as contrasted with New York; therefore I will not cite them at this point.

However, the fact is abundantly clear that uniform and enforceable gun laws are a deterrent to crimes of violence, a goal toward which we must work, if we are to curb violence in the United States.

I believe that the bill that I have introduced to prohibit the sale of "Saturday Night Special" handguns is one such measure that will help curb violence in America. I again urge Senators to give the bill immediate attention.

Mr. President, I ask unanimous consent that Mr. Halloran's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRIME IN TOKYO A MINOR PROBLEM—STIFF GUN LAWS AND DRUG CONTROLS ARE CREDITED

(By Richard Halloran)

TOKYO, October 2.—The Japanese National Police obtained a warrant this week for the arrest of a rightist leader who mailed to Premier Eisaku Sato a pistol, 175 cartridges, and a note demanding that he shoot himself for failing to crack down on leftist radicals.

But the charge against Masamoto Yoshinga was not that of threatening the Premier. Rather, the warrant was for illegal possession of firearms in violation of Japan's gun control laws.

About the same time, narcotics control officers arrested six Americans, including an Air Force captain, and a Japanese woman for trafficking in hashish around Tachikawa Air Force Base outside of Tokyo.

The police began watching the alleged drug ring, officials said, about two months ago and stepped in this week to nab Capt. Richard J. Scotti, a medical officer at the base, and his associates.

The two events were reflections of the effective enforcement of this nation's strict gun control and narcotics control laws, both of which Tokyo Metropolitan Police officials believe to be among the major reasons for the relatively low crime rate in this city.

THREE DIE BY HANDGUNS IN YEAR

One day not long ago a Metropolitan Police official ran his finger across a page of crime statistics.

"Ah, yes. Here it is. We had three people murdered here with handguns last year. One was killed by a gangster, another by an ordinary citizen, and the third by a juvenile gangster."

He looked up and chuckled at the incredulous look on his visitor's face. Of the 11,398,801 people in Tokyo, the world's largest city, only three were killed with pistols in an entire year.

During the same year in New York City, 538 persons were murdered with handguns.

Other figures on crime in Tokyo were equally startling to an American. The total number of murders here last year was 213, compared with 1,117 in New York, whose population in 1970 was 7,895,563, 30 per cent less than Tokyo's.

The largest number of slayings, 69, in Tokyo were committed by adults with kitchen knives, razors, and similar weapons that, in many cases, were at hand when a violent argument broke out. Eighteen were committed by gangsters and six by juveniles with similar weapons.

ROBBERIES TOTAL 474

There were 474 robberies here last year, compared with 74,102 in New York City. Tokyo records show 7,268 assaults, New York's 18,410. There were 500 victims of rape here, 2,141 in New York. The number of narcotics cases here was 292. In New York it was 52,479.

The rate of crime in Tokyo, however, grew faster than the population. Crime was up 5 per cent in 1970 over 1969, while the number of people living in the city increased only 1 per cent. The biggest single category of crime was fraud, of which there were 9,397 cases a 20 per cent rise over the year before.

Police officials here are confident that their statistics are accurate. There is no reason to doubt them since the Japanese keep perhaps the most complete statistics in the world.

If one searched long enough, he could probably find out how many left-handed barbers here were born between 1 and 5 p.m. on Sundays in any given year.

The only exception, the police officials said, might be in the figures on rape. As in the United States, an unknown number of rape victims may not report to the police out of embarrassment.

It is illegal for any resident of Japan to own a handgun. Only the armed forces, the police, ballistics researchers, and sporting marksmen may have pistols—and the use of those is carefully regulated. The police officials said they thought the absence of handguns was particularly important in keeping the murder and robbery rate down.

PORTS ARE WATCHED CAREFULLY

Moreover, seaports and airports are closely watched to insure that handguns are not smuggled in.

Unlike the United States, there is no question of a citizen's right to bear arms here. In earlier days, only the samurai warriors who made up about 5 per cent of the population were permitted to carry swords. That tradition has passed over into modern times without protest.

A second reason for the low crime rate seemed to be strict controls over narcotics, which are illegal except for medical use. In addition to the police, the Ministry of Welfare has special narcotics force.

Particular attention is given the prevention of narcotics smuggling. The narcotics control forces maintain extensive networks of informants, especially in Yokohama, the great port down the bay from Tokyo, and in Kobe, the major port in central Japan on the Inland Sea.

CONTROL AND MODERNIZATION OF PANAMA CANAL

Mr. TOWER. Mr. President, last Saturday, October 16, the distinguished senior Senator from South Carolina (Mr. THURMOND) was the principal speaker at the annual meeting of the Panama Canal Society of Washington, D.C. On this occasion Senator THURMOND made a memorable and timely address advocating the major modernization of the Panama Canal and continued U.S. sovereignty over the Canal Zone. The Senator has been an assiduous student of the canal and its geopolitical and military problems over the years, and his address thoroughly rebuts many of the basic premises of the articles which have appeared this week advocating surrender of elements essential to continued U.S. control and defense of the canal.

The meeting was held at the highly respected Cosmos Club, honoring all the builders, operators and defenders of the Panama Canal and recognizing the 101st birthday on August 5, 1971, of the Honorable Maurice H. Thatcher. Governor Thatcher is the sole surviving member of the Isthmian Canal Commission and the connecting link between the builders, operators, and defenders of the Panama Canal, and the modernizers. It was a meeting of truly superior character—carefully planned and effectively executed. Its theme was dedicated to the basic strategic concept that the Panama Canal is the keystone of Western security.

The other speakers were U.S. Representative Daniel J. Flood from Pennsylvania—another noted student of the canal—and Dr. John C. Briggs, professor of Biology, University of South Florida, who has been doing outstanding work on the ecological dangers posed by proposals for a new sea-level canal.

The officers of the Panama Canal Society are Capt. Miles P. DuVal, Jr., U.S. Navy, retired, president; Maj. Gen. Charles G. Holle, U.S. Army, retired, vice president; and Prof. Richard B. O'Keeffe, George Mason College, University of Virginia, secretary and treasurer.

Interesting features of the program were a fine musical prelude and the national anthem by the U.S. Army Field Band, Soldiers of Song, with Sp. Avery B. Todd conducting; and "America," splendidly sung by Jacqueline Newman, soprano from Baltimore; and invocation by Rev. Joseph T. Durkin, S.J., Georgetown University; the Pledge of Allegiance led by John M. Kane, assistant director, National Security-Foreign Relations Division, American Legion; and recognition of senior members of the society who served during the construction of the Panama Canal, among whom was Stephen Latchford, a former president of the society.

Among other guest associated with the builders of the canal were Mrs. Pierre Gaillard, daughter-in-law of Col. David D. Gaillard of Gaillard Cut fame; John F. Stevens III of Baltimore, former railroad executive, and Mrs. Stevens; and Mrs. Ailene Gorgas Wrightson, daughter of Maj. Gen. William C. Gorgas, the great sanitarian of the Isthmus.

Also present were Lt. Gen. Walter P. Leber, U.S. Army, recently Governor of the Canal Zone, and Mrs. Leber.

In order that a suitable record of the 1971 program of the Panama Canal Society of Washington, D.C., may be available to the Congress and the Nation at large, I ask unanimous consent for its principal parts to be printed in the Record as follows:

First, invocation by Rev. Joseph T. Durkin, S.J.

Second, "Prologue" by Captain DuVal.

Third, remarks by Governor Thatcher introducing Senator Thurmond.

Fourth, address: "Great Isthmian Challenge: Major Modernization of the Panama Canal" by Senator Thurmond.

Fifth, remarks by Major General Holle introducing Congressman Flood.

Sixth, address: "Panama Canal Modernization" by Congressman Flood.

Seventh, remarks by Vice Admiral Settle introducing Dr. Briggs.

Eighth, address: "Ecological Dangers of a Sea-Level Canal" by Dr. Briggs.

Ninth, concluding remarks by Captain Duval.

There being no objection, the items were ordered to the printed in the Record, as follows:

Invocation of the Reverend Joseph T. Durkin, S.J.

Almighty Father, infinitely wise and loving toward us Your son/s and daughters on this little earth that is so dear to us, we ask this favor: that as the men we honor today built for the unifying of two oceans, we may have the wisdom and courage to build for the unifying in peace of the nations of mankind. Moreover, may the brilliant engineering achievement that we today commemorate make us realize another truth—that science and technology, so long as they are guided by the aim of benefiting and not oppressing human beings, are among the most precious powers that Your omnipotence and love have placed in men's hands. In the words of the moving poem of Ford Lewis Battles, may we ". . . say with power, 'Not ended; let us ever build. . . .'"

We humbly and with great confidence ask you, O Heavenly Father, to bless us all and to bless and protect our dear country.

Prolog

(By Capt. Miles P. DuVal, Jr.)

Fellow Members of the Panama Canal Society, Distinguished Guests, Ladies and Gentlemen: On August 15, 1970, the 56th anniversary of the opening of the Panama Canal, our society paid its highest tribute to one of its most distinguished members on the occasion of his 100th birthday—Governor Maurice H. Thatcher. More than any other person now living he symbolizes the great effort of the American people in the construction of the Panama Canal and its subsequent operation and defense, all of whom we honor today.

Because of the historic value of last year's program, Senator Strom Thurmond of South Carolina quoted the entire proceedings in an address to the Senate in the *Congressional Record* of September 9, 1970. Thus, it has been made available for historians and scholars in the principal libraries of the world.

In the course of his long and illustrious career, Governor Thatcher preserved his correspondence of historic and research value; assembled press clippings on his life and achievements and useful miscellany in impressive scrapbooks; gathered an unusual array of honors, pictures, and trophies; and assembled a private library of classical character. Together with valuable manuscripts of his own poetical compositions, they form a collection of unusual reference quality.

Among his most recent honors were his election by the Gorgas Memorial Institute of Tropical and Preventive Medicine as its Honorary Life President and the dedication to him of the recently published definitive history of the Institute and the Gorgas Memorial Laboratory.

During the past year all of these items have been placed in a special room in the magnificent Temple of the Scottish Rite Masons, Southern Jurisdiction, at 1733 16th St., NW, in Washington, D.C., which bears the name of the Thatcher Collection. This well organized material will undoubtedly become a source for future researchers into the Governor's life and attainments, including much of value concerning the Panama Canal, the U.S. Congress, the National Park System, the story of the Pilgrims, and the Gorgas Institute.

Governor Thatcher's 101st birthday occurred on Sunday, August 15, 1971, and was passed in comparative quiet. This program, therefore, includes recognition of the one who for so long has devoted his life to his State and Nation and has already become a great tradition as benefactor of Kentucky and the Isthmus—Governor Thatcher, who will introduce our first speaker.

Remarks of Governor Thatcher Introducing Senator Thurmond

Mr. President, Old Timers, Members of the Society, and Guests: First, as one who cooperated in the creation of this Society, many years ago, and assisted in the preparation of its recently adopted constitution under the reorganization, I am indeed grateful for the continued vitality of the Society, and wish to indicate my deep appreciation of the honor accorded to me in this program, especially the choice of myself for this very pleasant task I am now to perform. I trust that this organization will continue to go forward with increasing vigor.

To you, Captain DuVal, our most earnest gratitude is due. We have a fine audience notwithstanding the world series.

Having served on the Isthmus during peak construction of the Panama Canal, I have long cherished a warm affection for the people of Panama and the Canal Zone; and I included, among my Isthmian friends, all the leaders of the November 3, 1903 Revolution, except Panama's first President, Dr. Amador, who died before I first arrived on the Isthmus.

They were men of the highest patriotism and character, who were heroic in what they did, and were loyally supported by the Panamanians.

From the moment of my arrival, I fully realized the vast significance of the Panama Canal. My experience there has always been a source of great inspiration, and I have been most grateful for my identification with the greatest industrial enterprise of history. My Isthmian interest has continued ever since. I have ever welcomed any opportunity for serving the Canal, its officers and employees and the Panamanian people.

On this occasion, it is not my purpose to discuss the present complex condition of affairs as to the Canal and the Canal Zone. The able and distinguished speakers will give special emphasis to the question of increased capacity of the Canal.

In past years, our Society has had many brilliant programs; but none, perhaps, superior to that for today. Our speakers are very able men of independent thought. Thus, I feel highly honored to be called upon to introduce our first speaker, whose career in the governments of his State and Nation, has been one of great distinction.

When our Country entered World War II, he volunteered for service the same day—such was his patriotic reaction—and became a paratrooper and participated in combat operations in the European and Pacific sectors. He won many decorations, including the Purple Heart, for being wounded in action.

After the war, he was elected Governor of South Carolina in 1947, was an independent candidate for President of the United States in 1948, and was elected to the United States Senate in 1954—as a write-in candidate—a striking example of his popularity.

He was reelected in 1960 and 1966. In the Senate, he has been outstanding in his courage and independence on all public questions.

One of the consequences of his war experience was an increased appreciation of the vital importance of the Panama Canal. Thus, when the future of the Canal became a subject of national concern a few years ago, he assumed leadership in the Senate and became one of the outstanding Canal authorities in the Congress.

I have the honor and privilege of now presenting to you this outstanding fellow American and my friend, the able and fearless Senior Senator from South Carolina, Strom Thurmond, who will have as his subject: "The Great Isthmian Challenge: Major Modernization of the Panama Canal."

Address by Senator Strom Thurmond (R., S.C.): Great Isthmian Challenge: Major Modernization of the Panama Canal

Mr. President, Members of the Panama Canal Society of Washington, D.C., distinguished guests, ladies and gentlemen:

As one who has studied Isthmian history, I appreciate the magnitude of the problems that were involved in the acquisition of the Canal Zone and the construction, maintenance, operation, sanitation, and defense of our gerat trans-Isthmian waterway.

In reading the Constitution of your society, I note that this body was organized in 1936 by certain builders of the Panama Canal. Its main purposes are as follows: The support of the Constitution of the United States; the retention by the United States of its Constitutionally acquired sovereign rights, its ownership; and its power and authority over the Panama Canal as well as its protective frame of the Canal Zone. These rights are indispensably necessary for the security and welfare of the United States, Panama, the Western Hemisphere, all free nations, and world shipping. These are most praiseworthy and absolutely necessary objectives.

This history of the Panama Canal is a record of crises starting under the leadership of Ferdinand de Lesseps, builder of the Suez Canal, at the Paris Congress of 1879 of the great French effort for its construction. The towering genius in that assembly was Adolphe Godin de Lepinay, a French civil engineer, who in simple terms outlined the plan for the Canal that in its main features was eventually adopted by the United States.

Today, the Canal is in the midst of another decisive turning point that combines not only a struggle over site, but also debate over the question of type. The consideration of these matters is greatly complicated by unfounded demagogic assaults against the United States and its sovereignty over the Canal Zone and the Canal.

The interoceanic canal situation became critical in the 1950's. It was at this time that Congressman Daniel J. Flood of Pennsylvania, in a remarkable series of addresses on Isthmian Canal policy questions in and out of Congress, undertook to clarify the principal issues. Since that time he has established himself as one of the key experts in the field, and I wish to pay tribute to him for his great work.

The result was focusing national and international attention on two vital questions: (1) Continued United States Sovereignty over the Canal Zone, and (2) The major modernization of the existing Panama Canal.

As to the supremely important question of United States sovereignty over the Canal Zone, we should remember that this territory is Constitutionally acquired domain of the United States with exclusive and positively essential sovereign rights, power and authority granted to us in perpetuity by Panama. For this grant Panama was paid by the United States. In addition to securing the grant of sovereignty over the Zone territory, the United States also obtained title to all privately owned land and property in the Zone by purchase from individual property owners, making it the most costly territorial acquisition in the history of our country. Moreover, the title of the United States to the Panama Canal was also recognized by Colombia, the sovereign of the Isthmus before the Panama Revolution of 1903.

As an artery of marine transportation, the Panama Canal enterprise became, and still is, a part of the coastline of the United States. As such its exclusive control by the United States is just as necessary for national defense as the control of the Chesapeake Bay or New York Harbor. Efficiently serving interoceanic commerce of all nations on terms of equality with tolls that are just and equitable, it has won the admiration of the world.

Now we'll show you a series of slides of the Panama Canal from one end to the other without explanation. (Pause for 18 slides)

In 1967, after three years of diplomatic discussions, the Presidents of the United States and Panama announced the completion of negotiation of three new Canal treaties. As the negotiations grew to a close, I was alarmed by reports of the forthcoming treaties and applied myself to a close study of the situation and the Canal problem. It was at this time that I became convinced that continued U.S. control depended upon maintaining our sovereignty in the Canal Zone and modernizing the present works.

The proposed treaties were negotiated by Robert B. Anderson, who was the Chief Negotiator for the U.S. Frankly, I was amazed when I actually obtained copies of the treaties and published them in the Congressional Record. Those treaties would have surrendered U.S. sovereignty control and ownership of the Canal Zone and the Panama Canal, as well as any new canal built by our taxpayers. The treaties provided for a nationalization by Panama of the Zone territory and for internationalization of the Canal itself under a bi-national canal authority. In the background, but not in the public discussions, was the objective of ultimate control of the Panama Canal through a multi-national agency, perhaps under the authority of the U.N.

Such treaties were totally unacceptable according to the thinking of scores of U.S. Representatives and U.S. Senators. The reaction, both in the U.S. and Panama, was so hostile that those treaties were never signed and never submitted to the Senate.

It is discouraging, therefore, to see that negotiations are once again underway with Panama, even though the present Government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty. More discouraging still is the fact that the State Department openly acknowledges that the basis for negotiation is the surrender of U.S. sovereignty and the giving up of our jurisdiction throughout most of the Zone. Indeed, the main point of negotiation is still to be the issue of duration of the new treaty. That is to say, how long before we give up all of our rights completely?

In my judgment, it is a semantic trick to maintain that the U.S. can keep control of the Canal and the capability to defend it if ever we give up our sovereign rights. The duration of a treaty is not the key issue when the treaty itself gives up our basic rights. Such a surrender document would last too long if it lasted only one day. I believe that if a new treaty is necessary—and I am not yet convinced of that—then at a minimum we must maintain our sovereignty in the Zone, with the physical control which that implies; and we must maintain U.S. citizens in the policy-making and strategic areas of the Canal operation. It is a fallacy to believe that we can control the Canal or keep our obligation to keep the Canal running if we allow foreign nationals to be in substantial control of the decision-making and highly technical posts connected with the operation of the Canal.

It is possible that certain disagreements and irritations can be solved through negotiations with the Republic of Panama, but we can never agree to a treaty which does not allow us to have the physical and actual capability of keeping the Canal secure. It is for this reason that the sovereignty of the Canal Zone is the key issue which must never be compromised.

Before taking up the question of Panama Canal modernization, I wish to mention the recent report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88–609, approved September 22, 1964, of which Mr. Anderson was also the head. This voluminous report, consisting of a main report and 5 annexes in one thick volume and 17 appendices in six additional volumes, with a total of more than 2,500 pages, required more than five years to prepare and burdened our taxpayers with an expense of over $21. million. It was submitted to the President on December 1, 1970, and has been widely distributed, but no official action has thus far been taken thereon.

The report recommends the construction of a so-called sea level canal about 10 miles west of the existing canal, wholly on Panamanian territory, at an *initially* estimated cost of $2,880,000,000. This figure does not include the costs of the right-of-way in which to build the canal or of the inevitable huge indemnity that would be required by Panama. Besides, this recommendation hinges upon the surrender to Panama by the United States without the slightest reimbursement of its treaty-based sovereignty over the U.S. owned Canal Zone and its important and valuable installations. Such surrender to any realistic person is unthinkable.

The total net investment of the taxpayers of our country in the present canal, including the costs of construction and defense from 1904 through June 30, 1968, was more than $5 billion. Moreover, some of the leading advocates of the sea level proposal have admitted publicly that the purpose of a sea level project is to secure better treaty relationships with Panama. They have even said that if unable to secure relationships, a sea level canal is not justified and may never be constructed; and that, in any event, it is not economically warranted.

As to relations with Panama, the project recommended by the Anderson commission would require a new treaty with that country and thus open a Pandora's box of trouble.

Another aspect to the sea level proposal is the ecological problem. Recognized scientists who have studied Isthmian biota (fauna and flora) overwhelmingly oppose it on the ground that it might produce a biological catastrophe affecting the food supply of the countries in the Isthmian region. This danger might also include the infestation of the Atlantic Ocean with the poisonous yellow bellied Pacific Sea Snake and the Crown of Thorns Starfish now nonexistent in the Atlantic Ocean. A later speaker will discuss this important subject.

For these, and many other reasons, the sea level project is being vigorously opposed by many competent, independent and objective canal experts.

The second main point that I shall discuss is the major modernization of the existing Panama Canal. Authorized by the Congress in 1939 prior to the outbreak of World War II in accordance with treaty provisions, work started in 1940 on what is known as the Third Locks Project, but it was suspended in May, 1942, because of more urgent war needs. More than $76 million was expended, mostly on lock site excavations at Gatun and Miraflores, but none at Pedro Miguel, which is fortunate.

Experience during the war enabled more thorough studies in the Panama Canal organization of the subject from the operational and navigational standpoints. Out of these studies there was developed what is now known as the Terminal Lake-Third Locks Plan, which has attracted national and international attention, especially by users of the canal.

This plan would eliminate the Pedro Miguel Locks, abandon present Miraflores Locks, consolidate all Pacific Locks just south of Miraflores, raise the summit level of Gatun Lake and its extension through Gaillard Cut a few feet, and create a summit terminal lake in the Pacific end of the Canal. This plan would make possible uninterrupted navigation from the Atlantic Locks to the Pacific Locks.

The plan also would enable the maximum utilization of all work that has thus far been acocmplished since 1914, including the enlargement of Gaillard Cut and other channel improvements completed on August 15, 1970, at a cost of some $95 million. When the last is added to the $76 million already spent on the original Third Locks Project, the total expended toward the major modernization of the existing canal is more than $171 million, all of which would be lost to our taxpayers if the proposed new sea level canal were constructed.

There are several vitally important points about the Terminal Lake proposal: Its construction is authorized under existing treaty provisions; it does not require the negotiation of a new one or further indemnification; it protects against biological catastrophe; it avoids the danger of disastrous slides; and it can be constructed at relatively low cost—only a fraction of that of any sea level undertaking. These are major considerations and cannot be ignored. Moreover, such modernization would fully preserve the economic interests of the Panamanian people.

Another consideration is this: The Constitution of the United States vests the power to dispose of territory and other property of the United States in the Congress and not in the treaty-making power consisting of the President and the Senate. The negotiators of the 1967 proposed canal treaties ignored this Constitutional provision (which was observed in the 1955 treaty calling for the transfer of valuable railroad property to Panama), and continue to ignore it in the current negotiations. The House of Representatives is guarding its prerogatives, and is alert to the indicated Constitutional requirement, as we can see by the large number of Panama Canal sovereignty resolutions that have been introduced in the House opposing any surrender at Panama. The Canal Zone and Canal are a territorial possession and property of the United States and so they must remain until the Congress decrees otherwise.

More than 30 years have passed since the authorization of the suspended Third Locks Project. The original plan has been improved in the light of experience in World War II. The Panama Canal is in nowise obsolete but it is approaching capacity saturation. The needed additional capacity and operational improvements can be secured through the simple and relatively inexpensive expedients of constructing wholly within the Canal Zone additional and adequately larger locks and providing additional water for lockages and maintenance of channel depths.

The situation on the Isthmus represents great challenges to the United States and its leaders. The only reasonable course for our government to follow is the continued maintenance of our sovereignty over the Canal Zone and the major modernization of the present canal under existing treaties embodying the principles of the Terminal Lake solution. To bring this about, Representative Flood and I have introduced identical measures in the House and Senate, which would authorize completion of construction of the Third Locks Project adapted to include the principles of the Terminal Lake design.

This program will benefit Panama and the entire Western Hemisphere as well as the United States and world shipping. It will terminate the long conflict and confusion of concepts known as the "battle of the levels" and enable the engineering planners to concentrate on securing the best canal for the transit of vessels at the least cost and without treaty complications.

If the Panama Canal is to remain in continued operation and grow in efficiency, then it must remain under the control and sovereignty of the United States. The Terminal Lake Third Locks Plan will give us the necessary modernization, so it is up to Congress to see that the United States maintains the necessary control.

To assist in these matters, I urge you to write your Senator and Representatives in support of these two bills—S. 734 and H.R. 712.

REMARKS OF MAJ. GEN. HOLLE INTRODUCING CONGRESSMAN FLOOD

Mr. President, Ladies and Gentlemen, as a former official of the Panama Canal, I have followed closely over many years various developments concerning Isthmian policy matters, particularly the parts played by Members of the Congress. Among them our second speaker has proved himself one of the most outstanding leaders in the history of our great tropical waterway.

His career is truly distinguished and he has had responsible positions in the Government of Pennsylvania and important assignments in the Congress, where he is now serving his 12th term.

His Congressional service includes membership of the Committee on Foreign Affairs in which he specialized on Latin America and currently on the Committee on Appropriations with the most responsible assignments as a member of the Subcommittee on Defense and as Chairman of the Subcommittee for the Departments of Labor, Health, Education and Welfare and the Office of Economic Opportunty.

Among his notable achievements in the Congress was his leadership as Vice Chairman of a Special Committee that investigated the mass murder of thousands of Polish army officers by the Soviet during World War II; also his brilliant leadership on Isthmian Canal Policy Questions.

He is not only one of the most able, independent, and courageous Members of the Congress as it now exists but, in all truth, one of the most able, independent and courageous Members that has ever served in the Congress. His contributions have been historic.

I now present Congressman Daniel J. Flood of Pennsylvania, who will make further remarks on Panama Canal modernization.

REMARKS ON PANAMA CANAL MODERNIZATION

(By Hon. DANIEL J. FLOOD)

Mr. President, Members of the Panama Canal Society of Washington, D.C., and Friends: The address that you have just heard is superb and most timely. In comprehensive yet simple terms it recognizes and summarizes the crucial elements in an immensely complicated subject. There is little that I can add to this ably developed point except one word: amen.

As many of you may know, I have made many addresses both in and out of the Congress concerning canal problems. Among the questions that I am frequently asked is this: How did you become so much interested in Panama Canal matters? The answer is brief.

During my boyhood in Wilkes-Barre, Pennsylvania, former President Theodore Roosevelt used to be an occasional house guest at my home. He spent many hours telling me about the Panama Canal and some of the difficulties that he faced in launching the vast project. One of his most telling points was the absolute necessity for an American canal under United States control. That great man became my youthful ideal and in consequence I have devoted a lifetime of study to the canal subject, which has included many visits in all the Central American countries and Cuba, numerous consultations with various canal experts in and out of government service, transits of the canal on board vessels, and viewing the adjacent terrain from a helicopter. When all the angles in the question of increased transit facilities, including defense, economics and marine ecology, are realistically evaluated, there is only one solution—the major modernization of the existing Panama Canal according to the time tested terminal Lake-Third Locks proposal.

Especially interesting to me in Senator Thurmond's address was what he terms a possible confrontation between the governments of the United States and Panama. Because the Canal Zone sovereignty question is basic, I wish to elaborate somewhat, for Panamanian politicians are continually contending that Panama's geographical location is its greatest natural resource and that it should be exploited by that country for increased benefits from canal sources.

While it is true that the geographical location of Panama is strategic, this fact is also the greatest weakness of that small and defenseless country. Because of its position, the Isthmus of Panama has been an objective for plundering attacks since the Age of Discovery; and it probably always will be. In fact, predatory powers now seek to drive the United States from the Isthmus. History has repeatedly shown that only a strong free country can be entrusted with the control and operation of any interoceanic waterway as has been strikingly illustrated in the case of the Suez Canal.

In 1903, following Panamanian independence, the United States was the first nation to recognize the new government and, most appropriately, France, the country that started the construction of the Canal, was the second.

In the Treaty of November 18, 1903, the United States assumed the responsibility of guaranteeing Panamanian independence. Although that guaranty was revoked in the 1936 Treaty at the request of Panama, history also shows that the Isthmus can remain free only as long as the United States retains its sovereignty over the Canal Zone. The day we leave the Isthmus, the Panama Canal would become another Suez Canal and Panama another Cuba under complete Soviet domination.

In the exercise of their grave responsibilities on the Isthmus, the United States and its people have never been enemies of Panama but have always wished that country and its people the greatest possible independence and prosperity.

During recent years our situation as regards the Canal has suffered grievously because our Executive officials have constantly sought to appease unrealistic demands of Panama under the Panamanian claim of the national dignity of the fatherland and the like but have failed to point out the defects of these demands. The actual situation to be met is whether the United States or the U.S.S.R. should own and operate the canal. As to the consequences of Soviet Control, the cruel fate of Hungary, Cuba, Czecho-Slovakia and other satellite countries under communist domination should be compared with our own enlightened treatment of the Philippines and Puerto Rico.

It has often been said that Panama is a land of endemic revolution. Unable to retain its constitutional government sinse 1968, it has had a provisional revolutionary government of increasingly leftist composition with full suspension of the Panama National Assembly and other rights of a free and independent people, including freedom of the press.

Though this provisional government repudiated the proposed 1967 canal treaties, it did succeed in bringing about a resumption of negotiations for new canal treaties. The same United States official who headed the negotiations for the discredited 1967 treaties and was also chairman of the recent sea level canal studies, is again our chief negotiator for the current negotiations that would eliminate United States sovereignty as regards the Canal Zone. Who can predict what government will be in power the day after arriving at any new agreement? Even if ratified by the United States, such agreement might be nullified by a succeeding government in Panama. Certainly the security of the United States, Panama, and the Western Hemisphere is not a matter with which to trifle.

When the sovereignty question is reaffirmed the way will be open for our government to undertake the major modernization of the existing Panama Canal as provided in pending legislation. Unless the present cloud of confusion over sovereignty of the Canal Zone is lifted the people of our country will never permit their tax money to be expended on a project that they will not control but that would be subject to expropriation as was the Suez Canal.

No matter what the treaty making power of our government, consisting of the President and the Senate, may do in this connection, the assurance can be given that the House of Representatives will never consent to the surrender of either the Canal Zone or Canal.

As regards the perpetuity clauses in the 1903 Treaty that certain present generation Panamanian politicians and Spanish language newspapers in Panama so strongly condemn, there are some angles that need clarification and emphasis. The grant in that treaty was not a lease as many superficial writers assert but an act of a sovereign government that conferred on the United States full sovereign powers over a definite area in perpetuity for the specific purpose of the construction of the Panama Canal and its perpetual maintenance, operation, sanitation and protection. Most significantly, this grant of sovereignty to the United States was to the entire exclusion of the exercise by Panama of any such sovereign rights, power or authority. In addition to the grant for which Panama was paid, the purchase by the United States of all land and property in the Zone mentioned by Senator Thurmond further strengthened our legal position on the Isthmus making our country the owner in fee as well as the political sovereign of the Zone territory.

As regard the previously mentioned perpetuity clauses, Panamanian detracters never mention the important facts that they apply with equal force to the United States as well as to Panama and that there is thus provided throughout the future the perpetual protection that Panama must have to endure as an independent nation. Under those clauses the United States is obligated to operate the Canal in perpetuity, which fact, as previously indicated, serves as a quaranty of perpetual independence and economic well being in Panama. These are great advantages that should not be ignored or minimized by Panama, for they have enabled that country to attain one of the highest per capita incomes in all of Latin America, with Canal Zone sources in 1969 having spent some $161,000,000 in Panama, which included the salaries of about 16,000 Panamanian employees; and these expenditures are increasing. In addition, there have been gifts and loans to Panama for educational purposes and such projects as the Darien Highway and other beneficial undertakings, among them the Thatcher Ferry Bridge. No doubt there will be more in the future as Panama develops.

As Senator Thurmond so aptly stated, the Panama Canal is in another grave crisis. Upon its outcome will depend not only the vital questions of sovereignty over the Canal Zone and the form of canal modernization but as well the security of the entire Western Hemisphere, which is now under communist revolutionary attack. One of the openly proclaimed objectives of communist power has been wresting control of the Panama Canal from the United States through the process of nationalization by Panama or internationalization. The Congress is alert to these dangers as shown by recent actions in the House opposing the transfer of any United States sovereign rights, jurisdiction, territory or property on the Isthmus to any other sovereign nation or any international organization.

Of the two proposals for surrender, that for internationalizing the Panama Canal is the more sinister. It has a long history dating back to a 1917 declaration by John Reed, a notorious American communist, who now lies buried with high Soviet honors in Red Square by the Kremlin Wall.

It is uniquely fitting to state that the danger of internationalization was promptly recognized by the dynamic American statesman who had played a key role in the acquisition of the Canal Zone and in the construction of the Panama Canal. On December 2, 1918, soon after the Bolshevik Revolution in Russia, he wrote: "The Panama Canal must not be internationalized. It is our canal; we built it, we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike but in time of war our interest at once becomes dominant."

Those words of that great American apply with even greater force today. They are the words of Theodore Roosevelt.

Remarks of Vice Admiral Settle Introducing Dr. Briggs

Mr. President, Ladies and Gentlemen, for many years it has been known that certain forms of marine life have moved from one ocean to the other through the fresh water Panama Canal, but these migrations have not been in sufficient volume to cause serious concern on the part of biologists. The proposal for constructing a sea level channel across the Isthmus has introduced new angles to the problem causing great anxiety on the part of many respected scientists because of the ecological hazards involved in such salt water channel.

Our third speaker, one of the nation's leading authorities on marine biology, has made extensive studies of the environmental changes that would follow the opening of a salt water channel across the Isthmus. As a consequence he has published authoritative articles in scientific magazines and lectured extensively in an effort to alert the nation to what he considers poses a conservation problem of enormous magnitude that would be caused by the construction of a canal of sea level design.

It is my privilege to present Dr. John C. Briggs, Professor of Biology, University of South Florida at Tampa, who will speak on the vital subject of the "Ecological Dangers of a Sea-Level Canal."

Ecological Dangers of a Sea-Level Panama Canal

(By John C. Briggs)

In December, 1970, the Atlantic-Pacific Interoceanic Canal Commission presented its final report and recommendations to President Nixon. Copies of this voluminous (seven volumes) report became available to the public in May, 1971. In the report, the Commission stated that, so far as they had been able to determine on the basis of limited studies, linking the oceans at sea-level would not endanger the commercial or sport fish on either side of the Isthmus. The Commission also reached the conclusion that the potential for transfer of harmful biota and hybridization or displacement of species in both oceans exists but the risks involved appear to be acceptable. Unfortunately, these statements not only have no scientific basis but are inconsistent with the findings of a National Academy of Science Committee which examined the ecological implications of the proposed canal. In essence, the Committee warned that "great danger" could result and that if the canal had to be built elaborate precautions would be necessary to prevent migrations by marine animals.

The tropical marine waters of the Americas are divided by the New World Land Barrier, of which the Isthmus of Panama is a part, into two major segments, the Western Atlantic and the Eastern Pacific. This separation has existed since the latest Pliocene or the earliest Pleistocene—approximately three million years. During this time, sufficient evolutionary change has taken place so that the great majority of the animal populations on each side have become distinct from one another; that is, they have developed into separate species.

The marine faunas on either side of Central America are not only exceedingly rich, in terms of the diversity of species, but are relatively poorly known. At this time, one can only make a very rough guess as to the total number of species that are involved. The Western Atlantic portion appears to have the richest fauna. It has been estimated that the western Caribbean alone supports about 600 species of shallow water fishes and about 7800 species of invertebrates.

On the Eastern Pacific side, the Gulf of Panama and its adjacent waters are probably inhabited by about 400 fish species and about 5200 invertebrate species. In considering the possible efforts of a sea-level canal upon this rich marine life, it is important to note that most of the fishes are, at least at some stage in their life cycle, highly mobile. Furthermore, 80–85% of the tropical, benthic invertebrates possess pelagic larval stages that are capable of moving, or can be transported by surface currents, for considerable distances. This means that a continuous, saltwater passage across Panama would present a migratory route that could be utilized by the majority of animal species on each side. What would be the consequences of such migrations?

As the distributional patterns of many animal species have become better known, an important zoogeographic principle has emerged. It is probably this principle that, in large part, determines the relationships of the major zoogeographic regions of the world. It may be stated as follows: Wherever two regions are separated by a barrier that is partially passable, the region with the richest (most diverse) fauna will donate species to the region with the lesser fauna but will accept few or no species in return. This principle appears to operate just as effectively in the marine environment as it does on land.

Although it would be a mistake to make a detailed prediction about the effects of a sea-level Panama Canal entirely on the basis of our experience with the Suez Canal, the latter passage, which was opened in 1869, clearly demonstrates the operation of the principle stated above. To this date, no less than 30 species of Red Sea fishes and 110 species of invertebrates have succeeded in migrating through the Suez Canal to establish themselves in the eastern Mediterranean. But, with the single exception of one fish species that is especially adapted to live in high salinity lagoons, no Mediterranean animals have been able to successfully invade the Red Sea. The Red Sea, a part of the great Indo-West Pacific Region, possesses a considerably richer fauna than the Mediterranean.

The fact that relatively few Red Sea species have invaded the Mediterranean in somewhat over 100 years can be explained by the existence, for most of that time, of the salinity and temperature barriers that severely restricted migration through the Suez Canal. In the case of the proposed Panama sea-level canal, no such barriers are anticipated so that rapid and numerous migrations may be expected.

Before making a prediction for Panama, one needs to consider a second zoogeographic (and ecological) principle that appears to be generally applicable. Along most mainland shorelines, as in most mainland terrestrial areas, each major habitat is probably supporting its maximum number of species; that is, the species diversity has become attuned to the local environment so that ecological saturation has been achieved. In such situations, the introduction of additional species can only temporarily increase the diversity and, over a period of time, the number of species present can be expected to drop back to its original level. This means that a species that has been introduced or has migrated into a new area may either survive in its new home by eliminating a species already there (its ecological equivalent) or it may meet so much resistance by the native species that it will be unable to establish itself.

In the advent of a sea-level canal across Panama, we may expect that, over the years, several thousand Atlantic species of shallow water, marine animals will succeed in reaching the Eastern Pacific and vice versa. Since these thousands of species that would be coming into contact for the first time are, for the most part, distinct from one another, we may expect that they would tend to enter into competition rather than hybridizing. Considering that the tropical Western Atlantic has a richer fauna than the Eastern Pacific, it can be predicted, in accordance with the two principles stated above, that (1) the Atlantic species would prove to be the better competitors and (2) they would eventually eliminate their Eastern Pacific relatives.

It is the prospect of a huge and irrevocable loss of perhaps thousands of species native to the Eastern Pacific that constitutes the major biological problem presented by the Panama sea-level canal. In contrast, the fauna of the Western Atlantic may remain relatively little affected. However, there do exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical regions. Among them are such animals as the poisonous seasnake, *Pelamis platurus,* and the crown-of-thorns starfish, *Acanthaster planci*. It is expected that these animals would be capable of migrating through a salt-water canal and, once having gained access to the Atlantic, would establish themselves in that ocean.

Although it is very difficult for the biologist to accurately predict the results of invasion by a given animal species, many cases are known where the invader has undergone enormous population increases. The probability of such a population explosion by an introduced species appears to be greatly increased in areas where there are no native species occupying similar niches. At present, there are no seasnakes in the Atlantic so the fish species there have not had to cope with this kind of predator. In a like manner, the coral species, that have built up the extensive coral reefs that are found from Florida to Brazil, have not been exposed to the actions of a voracious coral predator such as the crown-of-thorns starfish.

A small-scale example of what may happen when a new kind of predator gains access to a virgin area was provided by the sea lamprey, *Petromyzon marinus,* when it migrated through the Welland Canal to reach the western Great Lakes. The lamprey underwent a rapid population increase and decimated the native lake trout and whitefish populations. The damage to the commercial fisheries for the latter two species amounted to several million dollars and the United States and Canada had to spend additional millions in order to bring the lamprey under control.

There is no other place in the world where a single engineering project would be likely to have such drastic biological effects. Once a unique animal species disappears from the face of the earth it is gone forever and no amount of recrimination can replace it. Do we owe it to ourselves and our posterity to preserve as much of our natural heritage as possible? If so, let us consider very carefully the biological, as well as the economic, diplomatic, and national defense consequences of building a sea-level canal.

The following words, written by a distinguished biologist named George Gaylord Simpson, seem to be suitable for this occasion: "It is the capacity to predict the outcome of our own actions that makes us responsible for them and that therefore makes ethical judgment of them both possible and necessary."

Concluding Remarks by Captain Duval

Members of the Society and Guests: You have just heard notable addresses by outstanding authorities on their respective subjects. If and when published, they will add materially to the cumulating literature on the matters discussed.

On behalf of this society, I express the fullest appreciation to our distinguished speakers and all others who contributed toward today's program, including those responsible for the musical prelude.

Our next annual meeting in 1972 will likely be in honor of John F. Stevens who served as Chief Engineer of the Isthmian Canal Commission during the designing period of the construction of the Panama Canal, 1905–1907. His great contributions were the development of the plan that was adopted by the President and the Congress and bringing the project to the point where its success was a certainty; thereby winning great fame as the basic architect of the canal.

To sponsor the election of Stevens to the Hall of Fame for Great Americans there has been formed the John F. Stevens Hall of Fame Committee of New York of distinguished membership, with Governor Thatcher as an honorary chairman. The next election for this great honor will be in 1973.

General Goethals, Stevens' successor as Chairman and Chief Engineer of the Isthmian Canal Commission, long after Stevens left the Isthmus, described the Panama Canal as Stevens' "greatest monument." The story of his work on the Isthmus was recently told by David G. McCullough in a major article in the June 1971 issue of *American Heritage* under this rare title, "A Man, a Plan, a Canal, Panama!"

Again and again, I thank you for your interest, presence and support.

GUN EDITORIALS AND ARTICLES

Mr. BAYH. Mr. President, I am indeed grateful for the editorial support of a number of the Nation's outstanding newspapers for the bill that I have introduced to curb the sale of "Saturday night special" handguns, the weapons which have no legitimate sporting use, and which are effectively nothing more than guns for crime.

Editorial backing for my bill has appeared in the Chicago Daily News, the Christian Science Monitor, the Miami Herald, the Minneapolis Star, the Washington Post, and the Washington Star.

In the last month, the Subcommittee on Juvenile Delinquency has conducted a series of hearings inquiring into the problem of the misuse of the "Saturday Night Special" handgun, and I, for one, believe that there is ample substantive data to call for a ban on their sale immediately.

I am confident that the vast majority of Americans share my concern. Furthermore, the witnesses who have appeared before the subcommittee in support of my bill only confirm my conviction that the "Saturday night special" handgun has no place in our present day society; it is nothing but a tool of violence.

I regret however, that the Nixon administration does not share my sense of urgency on this issue. On October 5, a representative of the Attorney General, Associate Deputy Attorney General Donald Santarelli, told the subcommittee that within 45 days the Nixon administration would have a bill to deal effectively with these deadly guns. Yet, as long ago as July 1969, the same witness stated concern about loopholes in the 1968 Gun Control Act; in fact, he predicted that since the importation of handguns was banned in the 1968 act, more than a million Saturday night specials would instead be produced or assembled domestically by 1970. In effect, the Nixon administration has taken a wait-and-see position, and too many lives have been sacrificed during the delay.

I believe that the Gun Control Act of 1968 should be expanded to include domestically produced "Saturday Night Special" handguns.

The administration and the sporting fraternity in testimony have contended that my bill is "subjective in nature" and that Congress should await their "objective" bill.

Mr. President, I believe that such rhetoric is just another smoke screen to cloud the issue of enacting gun control legislation. In fact, on June 3, 1971, Attorney General Mitchell stated that he saw no need for additional gun control legislation. The administration now insists, however, that its approach will be toward insuring the product safety and reliability of weapons, rather than to continue the sporting use test as established in my bill and in the existing law.

My answer is that such a weapon as the Saturday night special is only a death-dealing weapon regardless of its product reliability or cost and should be banned from this Nation's collection of 24 million handguns.

Mr. President, the issue is clear.

We must retain the sporting use test in the present law and apply that test—now applied to the importation of firearms—to domestically made guns. As my hearings indicated, the guns which have no sporting use are those small and easily concealed handguns which law enforcement officers throughout the land have urged we ban from sale to the public.

In addition to the editorials to which I previously referred, several pertinent articles have been written with regard to the "Saturday Night Special" handgun and my proposal to prohibit their sale to the public.

I ask unanimous consent that the editorials and articles be printed in the RECORD.

There being no objection, the items was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 30, 1971]

STRANGELY STILL

(By Alan L. Otten)

WASHINGTON.—The Nixon administration, as everyone well knows, is strong on law and order.

The President's hard-line talk helped elect him. One of his chief guides in selecting Justices of the Supreme Court and lower courts is to strengthen the "peace forces" over the "criminal forces." He and his top lieutenants issue monthly bulletins trumpeting their progress in curbing crime.

All the more surprising, then, that for the past two years, the Nixon administration has ducked taking any firm stand on legislation that more and more law enforcement officials view as an essential step toward cutting crime and killings: tight gun controls. The administration, in fact, has not only managed to sidestep the broad issue of registration and licensing of all handguns but even the narrower and far less controversial proposal to close a loophole in the 1968 federal gun law so as to crack down on the small, cheap, easily concealed handguns known as "Saturday-night specials."

Attorney General John Mitchell, the President's top law officer as well as campaign manager, is strangely silent on the gun issue. He does not respond to congressional committees seeking his gun control views. If he's cornered at a press conference, he simply asserts that more time is needed to study the workings of the 1968 law. Anyway, he adds, the Treasury Department, not the Justice Department, is the agency administering the gun laws and so it's the Treasury's business to speak up if any new laws are needed.

And what does the Treasury say? In July of 1969, it argued that there hadn't been enough experience with the 1968 law to warrant so costly and administratively difficult a departure as licensing and registration, but promised to submit "appropriate measures" for closing loopholes in the 1968 law. Now, two years later, it says a management study of the loopholes will be finished shortly. A broad citizens group will then be asked to study the study, and the Treasury hopes to have final recommendations ready by the year's end. These will, however, be aimed mainly at the Saturday night specials and won't be broader curbs.

Isn't three years long enough to study the need for tougher gun controls, a reporter asked Mr. Mitchell back in June, after a White House conference called to discuss the spate of cop killings. "Don't you know and can't you tell us what you think in light of these recent killings?"

"You are confusing two different subject matters," the Attorney General answered coldly.

It's hard, though, to see just why so much time and study are needed. The Saturday-night specials certainly present a clear-cut case. The 1968 law banned their importation as dangerous; unfortunately, it did nothing to prevent their manufacture or assembly here, and so hundreds of thousands of these cheap guns are now being made domestically or assembled here from imported parts. As Jerry Landauer reported in this newspaper back in June, well over one million of these cheap handguns will be produced this year, 20 times the number four years ago.

The facts on broader handgun controls are not much more debatable. Handguns are still a cinch to buy practically anywhere; some 25 million are already in the country, and 2.5 million more are made or imported each year. Two out of every three homicides are committed with firearms, almost always handguns. Since 1964, gun killings have doubled and gun robberies tripled. Of 633 policemen killed in the past decade, 95% were killed with guns, and three-fourths of these by handguns. All these trends are accelerating.

Local or even state laws simply don't do the job; guns can too easily be brought in from outside an area. FBI Director J. Edgar Hoover has long argued that "tough, comprehensive, uniform gun control legislation is imperative for the public's safety." Detroit Mayor Roman Gribbs wants to make all handguns illegal except for law enforcement officers; Detroit now has the highest homicide rate in the country, and 80% of the killers use guns.

"The plain fact," says New York City Police Commissioner Patrick Murphy, "is that there are too many handguns in circulation today, and instead of taking steps to dry up the flood, Congress has been content to let the torrent continue virtually unabated. And it is incontrovertible that these guns are a major factor in the reign of violent crimes that causes so much fear for our citizens."

Yet strong administration support is probably crucial to enactment of broader gun curbs. "I don't know if we can get tougher controls even with White House backing," one House Democrat declares, "but I know we certainly can't get them without it."

The most charitable explanation for the administration's non-profile in this area is that the White House believes the gun lobby is so strong in Congress that any reopening of the gun issue would merely produce new loopholes rather than new curbs. The National Rifle Association did in fact manage one major relaxation of the 1968 law in the last Congress, and now seeks a second one.

A less charitable construction sees the White House worried over the ballot-box fallout. Gun lobbyists boast of beating Sen. Clark of Pennsylvania in 1968 and Sens. Tydings of Maryland and Gore of Tenneseee last November; they have made Hubert Humphrey and Hugh Scott and many more squirm and waffle on their gun stands. Most gun lovers are probably the very middle Americans to whom Mr. Nixon addresses so many of his other political appeals—so why stir them on this issue.

That's surely an intelligible political position—and yet two things may be very wrong with it.

One is that it may no longer be as true as it once was; the political balance may be shifting in favor of gun controllers. As more police are gunned down and as guns are used more commonly in robberies and casual street encounters and family fracases, Americans may be ready to rally behind the man who comes out for, rather than against, tough gun controls.

The other flaw in the play-it-safe analysis is that even if it is a still-accurate assessment of the political realities, it is a poor prescription for presidential leadership. Gun control may well be the kind of issue where the public good requires leaders to speak out forthrightly, regardless of the political flak. This should be particularly true, one would think, for a law and order President.

[From the Washington Evening Star, Sept. 12, 1971]

HEARINGS TOMORROW ON BILL TO FORBID SALE OF HANDGUNS

(By Martha Angle)

Sen. Birch Bayh, D-Ind., opens two days of hearings tomorrow on legislation he is sponsoring to outlaw sales of domestically produced cheap handguns known as "Saturday-night specials."

The hearings, first in more than two years on the politically touchy subject of gun controls, are likely to be marked by clashes between Bayh, an undeclared Democratic presidential hopeful, and the Nixon administration.

Administration officials in the past opposed further restrictions on firearms sales, but have not indicated what stand they will take on Bayh's bill.

Bayh, as chairman of the Judiciary subcommittee on juvenile delinquency, wrote Atty. Gen. John N. Mitchell on Aug. 11 asking the Justice Department's views on his bill. He scheduled a department witness to testify on Tuesday.

JUSTICE SENDS REPLY

In a letter dated Sept. 3, Wallace H. Johnson, associate deputy attorney general, replied:

"Naturally the Department of Justice would be happy to testify regarding this legislation. However, our representative for this subject has made previous commitments for Sept. 13–14."

Johnson said the Treasury Department, which will send a spokesman to the hearings, will present the administration's position.

But Bayh regards this response as a brush-off from Mitchell, and is likely to make his displeasure evident.

Bayh also wrote Treasury Secretary John Connally on July 22 asking for an analysis of the effectiveness of the 1968 Gun Control Act and detailed information on the manufacture and sale of domestic small-caliber, inexpensive handguns.

NO DATA RECEIVED

As of Friday, Bayh's office had not received the requested data.

The Indiana senator's legislation, to be formally introduced tomorrow, would prohibit federally licensed gun dealers from selling any weapon other than rifles or shotguns to anyone except law-enforcement officers unless the Secretary of the Treasury determines that the gun purchase is suitable for sports.

The 1968 law, passed on a wave of public outrage following the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, outlawed importation of cheap foreign-made handguns, the original Saturday-night specials.

Since then, Bayh says domestic production and sales of such weapons have skyrocketed.

"Production of this domestic gun reached a staggering 630,000 in 1970," Bayh said. "If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be involved in crimes of violence."

GUN CRIMES SOAR

Gun crimes in the United States have soared over the past decade, the senator noted. Previous studies by this subcommittee have shown that the Saturday-night specials are used in one-third of gun murders.

Fourteen witnesses, most of them strong gun-control advocates, are scheduled to testify during the hearings.

They include Mayor John Lindsay of New York and his police commissioner Patrick Murphy, former public safety director for the District; a representative of D.C. Police Chief Jerry V. Wilson; attorney Lloyd Cutler, former executive director of the National Commission of Causes and Prevention of Violence, and James V. Bennett, president of the National Council for a Responsible Firearms Policy.

Eugene T. Rossides, assistant Treasury Department secretary for enforcement and operations, will present the Nixon administration's views. Officials of the National Rifle Association and National Shooting Sports

Foundation will testify in opposition to the bill.

[From the Chicago Daily News, Sept. 13, 1971]

BAYH GUNNING FOR PISTOL BAN

(By Robert Gruenberg)

WASHINGTON.—Sen. Birch Bayh (D-Ind.) wants to shoot it out with Nixon administration officials Monday over how effective they have been on gun control, but they won't draw, he says.

One month ago Bayh invited Atty. Gen. John N. Mitchell to testify before his juvenile delinquency subcommittee on the problem of the "Saturday night special", the small cheap handgun used in thousands of robberies and murders.

Bayh also asked Treasury Sec. John B. Connally to provide information on enforcement of the gun control act of 1968.

But Mitchell would not appear, says Bayh aides. And his chief aide and expert in such matters, Donald Santarelli, associate deputy attorney general, had "previous commitments."

Connally won't show either, but is sending Asst. Treasury Sec. Eugene T. Rossides, in charge of enforcement and operations. But the information that Bayh seeks from the Treasury Department won't be ready until after the hearings, Bayh's assistants said they were informed.

Bayh wants to prohibit the sale of the Saturday night special, which he calls "America's No. 1 murder gun."

His bill to prohibit their sale or transfer by U.S. licensed gun dealers to anyone except law enforcement officials is to be introduced Monday as an amendment to the Gun Control Act.

Among 14 witnesses to testify Monday and Tuesday will be spokesmen for the National Rifle Assn., the National Shooting Sports Foundation and the Sporting Arms and Ammunition Manufacturers' Institute of Riverside, Conn.

Bayh said the provision in the 1968 law prohibiting the importation of the foreign-made "specials" proved to be a loophole. The .22- and .25-caliber weapons, selling for less than $20, began to be produced in quantity domestically, with imported parts fitted to the gun frames, committee aides explained.

[From the New York Times, Sept. 13, 1971]

DEBATE OVER GUNS TO REOPEN TODAY; CAPITAL HEARINGS CENTER ON CURBS PROPOSED BY BAYH

(By Ben A. Franklin)

WASHINGTON, September 12.—The gun-law reformers in Congress begin a new campaign tomorrow to rid the country of the millions of cheap pistols that are being used to kill ever increasing numbers of Americans.

Two years ago, the reformers thought that, with the Gun Control Act of 1968, they had stopped the flow of the poorly made .22-caliber and .25-caliber handguns, which are manufactured abroad and sold here for from $9.95 to $20. The act supposedly prohibited such imports, chiefly from Germany, Italy, Spain and Brazil. Because no weapons could be made so cheaply in the United States, their proliferation was thought to have been halted.

The reformers were wrong then and the odds again seem clearly to be against the anti-gun group in this Congress. The Nixon Administration, its officials say, is certainly not for a flat prohibition on the sale of cheap pistols.

And, the firearms lobby which has shown itself capable of rousing fierce opposition to control legislation among the constituents back home, is ready to do battle. Administration spokesmen acknowledge that officials here are sympathetically listening to the critics of gun control.

The scene of the new gun control debate will be Room 2228 of the New Senate Office Building. At 10 A.M. tomorrow, Senator Birch Bayh's Subcommittee on Juvenile Delinquency, which has been the focus of all important efforts to enact firearms control legislation in recent years, opens two days of hearings on the Indiana Democrat's proposed antigun amendment to the Gun Control Act.

Among the scheduled witnesses expected to support the Bayh amendment are Mayor Lindsay of New York and his Police Commissioner, Patrick V. Murphy; police officials from Detroit and Cleveland, and a representative of the Fraternal Order of Police. Until recently, when policemen began to rank among the chief victims of cheap handguns, many police groups had not supported stringent gun controls.

CHANGE IN TACTICS

Senator Bayh, a possible candidate for the Democratic Presidential nomination next year, would prohibit with his amendment the sale or delivery to any person anywhere in the United States of cheap revolvers and automatic pistols, which gun users say have no sporting or target value but which are being used in thousands of killings and holdups each year.

The 1968 act was intended to have this effect. It forbade the importation into the United States of all handguns that the Secretary of the Treasury ruled were of no potential use to sportsmen.

The strict guidelines subsequently drawn up might have blocked their importation. But there is a brisk market in the United States for such guns, particularly in large cities. Estimates are that from 630,000 to 1.5 million of them are sold in the United States every year, at markups to manufacturers to 50 to 100 per cent.

According to the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, the Treasury Department's gun enforcement office, the former importers of foreign-made "Saturday night specials" simply stopped buying their pistol frames overseas.

Crudely made barrels, triggers, grips, firing pins, hammers, cylinders and springs still come in legally from abroad by the hundredweight. They are fitted by semiskilled workers to American frames at factories on Long Island and Miami, Nashville, Kingston, N.C., Los Angeles, and here in Washington.

AVOIDING A SHOWDOWN

The six-shot, 22-short-caliber product can be sold within the law to anyone with $9.95 who swears he is over 21 years of age, not a felon or a defective, and a resident of the state in which the purchase is made.

Such guns can no longer be bought by mail, as they were before the 1968 act. But, unlike larger, heavier and better-made American sidearms, which sell for $60 and up, the cheap weapons are available to millions of people for one-third the price of a pair of dress shoes.

The Juvenile Delinquency Subcommittee will be told this week that in more than 1,640 handgun killings in 1970—20 per cent of the 8,221 pistol murders—the weapon used was such a gun.

Some Government officials make it clear that the Treasury Department's position on the cheap guns has been calculated to avoid a confrontation with the nation's organized gun clubs, headed by the National Rifle Association.

The N.R.A. has been showing interest in what may be the Treasury Department's answer to Senator Bayh's proposal.

ABOUT 24,000,000 GUNS

On page 13 of the annual report of the FBI on "Crime in the US: 1970" is a chart on "forcible rape." This offense has increased 95 percent in 10 years, the report says. Other violent crimes—robbery, aggravated assault, murder—have skyrocketed in proportion in the decade. Their lines are almost vertical on the charts and look like trajectories of lethal missiles.

Violent crime last year alone increased 11 percent. The administration made a big play about bringing crime under control in the 1968 campaign, and seems a little uncomfortable about it now, but hopeful. This is one of the problems it is solving, like the economy. Attorney General Mitchell in releasing the FBI report said he found "encouragement" that the crime increase is at "a slower rate than in 1969." Inflation is going down, too.

The annual crime story is soon forgotten by the press. That is, by everybody but the women who don't dare walk the streets at night (and more and more men), by the poor folks in the ghetto where the crime is worse, by the police who are badgered by politicians to water down their crime figures so as not to give the town a bad name, by those who get robbed or shot or raped, and by the anguished observers of the native scene who believe that nothing so delights Commies, so humiliates friends, so debases the image of our beloved country as its unique pistol-packing lawlessness.

Sometimes I think Americans like crime. Of course they say not. But doesn't crime show a restless, energetic pioneer spirit? We don't take easily to authority, do we? Doesn't refusal by America alone among big nations to enact an effective gun law show a certain lively independence, a virility? Isn't the handgun a sex symbol among American males which makes them irrationally support the efforts of the National Rifle Association gun lobby to blackmail timid congressmen, who hope that perhaps political assassination is over for a while? Well, maybe it is. Or maybe we must kill two more Presidents before Congress controls the 24,000,000 handguns now loose in the nation.

It isn't that we haven't been told what to do about crime. For what it's worth, there have been four prestigious presidential commissions in the last few years—the Katzenbach, Kerner, Eisenhower and Scranton studies—dealing respectively with crime, riots, violence and unrest, and all four stressing the same thing, that the primary need in fighting crime is getting at the underlying roots of antisocial behavior, particularly poverty.

But Mr. Nixon doesn't believe in that. "We cannot explain away crime in this country by charging it off to poverty," he declared as a candidate in 1968. Looking around he said, "All over the country we see a rising tide of crime." He blamed it on Democratic laxity, coddling criminals, and the courts, from the Supreme Court down. He had a plan, he told voters: one should not "underestimate the impact that a few men of action can have upon the crime crisis in America."

Such a man, presumably, is the Attorney General. The FBI report shows that crime is rising and more cops are being killed. More than 560 were murdered in the past decade, three-quarters of them with handguns. Mayor Lindsay last month, citing the killing of nine New York City policemen so far in 1971, pleaded with Mitchell, America's top law enforcement officer, to back gun control. He didn't know his man.

Leaving a White House conference on crime control with city police chiefs the other day, Mitchell was hassled by reporters to state his position. He said he opposed new federal regulations on the sale of handguns. It's under the jurisdiction of the Treasury, he said; besides that, it's a local matter.

"We know many of the things that ought to be done, and yet they don't get done," testified former Attorney General Katzenbach (last May), who headed a crime commission under Lyndon Johnson: "Guns is one; there is no police official in the country who doesn't know that."

Well, Mitchell doesn't. He feels it's a local problem. Like New York City, maybe, which has one of the toughest gun laws in the country. Furthermore, the Federal Gun Control Act of 1968 is supposed to ban import of handguns, America's favorite murder weapon. But *The New York Times* last month quoted federal law officers as saying that the Criterion Die Machine Co. of New York City is turning out 50,000 pistols a year for itself, and another 50,000 for Valor Import Corp. of Hialeah, Florida. Imperial Metal Products Inc. of Islip, Long Island, turns out 500,000 handguns annually, the sources said. Firearms Import Export of Miami turns out another half million. All perfectly legal. It's unlawful to import guns, you see, but not parts, and these come in and are assembled and distributed for cheap "Saturday Night Specials," as the cops call them. More handguns are being turned out in the U.S. now than before the federal "control" law.

The 1968 Republican platform said that "lawlessness is crumbling the foundations of American society" and it urged the defeat of Democrats to stop it.

Well, one thing the administration could do would be to reform the Law Enforcement Assistance Administration (LEAA), started in 1968. This was to be the chosen arm of the federal government in aiding the states to fight crime. It has sent out $800 million so far. It is a form of revenue-sharing: the money is distributed with a minimum of bureaucratic reins from Washington. And it appears to be a gory mess. Back in 1970 *Reader's Digest* sent out an investigator who found it was largely a boondoggle. Rio Blanco county in Colorado used its $3,045 for a snowmobile, and Union parish in Louisiana $6,740 for a 20-foot outboard motorboat.

Now its work has just been reviewed again by the General Accounting Office; sample, the Indiana state police got $139,000 for an airplane, used occasionally to tote Governor Whitcomb around and to fly to Washington to pick up moon rocks for display at the state fair. Mr. Nixon didn't bother to fill the top post for a year. The new head, Jerris Leonard, doesn't like federal strings tied to handouts.

Many feel the American system of criminal justice is near breakdown, but this money doesn't go to modernize the courts, it goes for police cars and fingerprint kits. And crime increased 11 percent last year.

[From the Miami, Fla., Herald, Sept. 2, 1971]

A Handgun Control Law—Now

Making page 1 news in the current issue of Gun Week is an upcoming move in Congress to prohibit the sale of cheap handguns made in this country. The 1968 Gun Control Act has been effective in preventing the importation of cheap foreign weapons, but there has been an increase in domestic manufacture of those "Saturday night specials" that are so frequently used in street crimes.

Though it would be difficult to trace and prove, there are reports that an extensive "cottage industry" in handgun assembly has sprung up in South Florida.

Sen. Birch Bayh wants to amend the 1968 law to outlaw the manufacture and sale of all handguns that do not meet the point system now applied to foreign imports. These points are based on safety tests, barrel length and weight of weapons. According to Gun Week, these restrictions are under attack by "U.S. sportsmen, many of whom use the cheap handguns for informal target practice." The article goes on to explain that "many competition target shooters were first introduced to handgun shooting by a cheap handgun."

There is another view as expressed by Sen. Bayh and representing the opinion of the nation's police officers and that is that small caliber handguns have no true sporting use. Indeed, they have been found to be used in one-third of all gun murders.

We stand with the warning from James V. Bennett, former director of the federal prison system: "All levels of government must move quickly and resolutely to protect police, the general public and responsible gun owners themselves against the possession of guns by those who lack the credentials for responsible gun ownership. Federal legislation is imperative to ensure minimum standards throughout the country."

We look to Congress to adopt such standards to stop or at least slow the traffic in weapons. This is no longer a frontier country where men live or die depending on their skill at the fast draw.

We are an urban people and our protection must rest with skilled and professional police officers. These men in uniform need a strong gun control law, and only Congress can provide one.

Another Try at Gun Control

The gun law reformers are trying again. As always, the odds against them are heavy. As usual, a large number of congressmen, spurred on by their highly vocal supporters, are ready to stand foursquare for the rights of every American to carry a handgun.

The reformers' target is the Gun Control Act of 1968. At the time of its passage, they thought they had stopped, once and for all, the large flow into this country of cheap, foreign-made handguns. But they did not reckon with the ingenuity of American entrepreneurs. The importation of guns was stopped, but not of their parts. Cottage industries proliferated, with workers assembling cheap, small-caliber, easily-concealed pistols favored by lawbreakers. Last year, according to Senate investigators, 630,000 of these weapons came on the market, most selling for $10 or less.

The Senate subcommittee on juvenile delinquency has begun hearings on an amendment to the 1968 act that would ban sale of handguns unsuitable for lawful sporting or target purposes. The amendment is aimed at the "Saturday night specials," the cheaply made guns used in thousands of killings and holdups in recent years.

Sen. Birch Bayh, D-Ind., chairman of the subcommittee, and other backers of the amendment are facing an uphill fight. They are not getting any support from the Nixon administration, which has been cool to any gun control legislation. Some new support, however, has been coming from police organizations, whose members have been among the chief victims of the cheap handguns.

It is worth noting, again, that the legislation is aimed only at the production and sale of these small weapons. There is nothing in the amendment that would lead to the confiscation of any weapons. There is nothing to discourage the sale or ownership of guns for legitimate purposes—hunting, target shooting, hobby collections, or even protection. The only person it would discourage is the one who puts $10 on a counter and walks away with a weapon for the purpose of committing murder, assault, or burglary. For this reason, the amendment deserves full support.

[From the Chicago Daily News, Sept. 16, 1971]

Case Against Handguns

Tougher federal laws to reduce the traffic in handguns have again been proposed by Chicago Police Supt. James B. Conlisk Jr. In testimony presented on his behalf before a Senate subcommittee, Conlisk noted the sharp rise in firearms deaths in Chicago between 1965 and 1970—from 201 to 528—and said effective measures must be taken to prevent an even more appalling toll. Conlisk's plea is unassailable, regardless of the contention of gun lobbyists that any gun laws unduly infringe on the right of the peaceful citizen to possess firearms.

The steady rise in gun deaths shows no sign of abating, and it probably will not until stricter laws are devised at all levels of government and are enforced in the same spirit.

One problem that must be dealt with is the proliferation of the cheap "Saturday night special," which accounts for an ever-increasing number of handgun deaths. Conlisk pointed out that in Chicago alone such weapons accounted for 170 of the 528 gunfire deaths last year. The 1968 federal control law sought to solve the problem of the small-caliber specials by banning their importation, since most of them came from abroad. The prohibition hasn't worked because American firms are now producing the specials from imported parts mounted on domestic gun frames.

Closing that loophole has properly been assigned a high priority by Sen. Birch Bayh, who is conducting the gun control hearings. We hope he will be able to enlist a majority of Congress behind such a measure. For as Conlisk said, every effort must be made to "curtail the increasing number of handguns being easily acquired by irresponsible, immature, violence-prone individuals."

But no matter how many additional laws or amendments to present statutes may be enacted, they cannot be effectively enforced without the understanding and co-operation of the courts. Though we are often in disagreement with State's Atty. Edward Hanrahan, we concur in his recent criticism of Cook County courts for treating violators of state and Chicago gun laws too leniently. The laws are weak enough as it is without vitiating them further by failing to make the punishment fit the crime. Though 846 persons were convicted of gun law violations during the first six months of this year, only 91 received jail sentences. Doubtless there were mitigating circumstances in some of the cases, but it is hard to believe that the overwhelming majority merited getting off with what Hanrahan aptly described as a "slap on the wrist."

[From the Washington, D.C., Star,
Sept. 17, 1971]

Pistol Packin' Country

In setting out to stop the country's runaway pistol proliferation, Senator Bayh of Indiana displays commendable daring. Not many legislators want to fiddle with this issue, because it produces more sacks of damning mail than anything else.

Americans by a ponderous majority favor strict handgun controls, but the supporters aren't nearly as excited as the opposing minority. Many of the latter seem to view the right to unlimited gun ownership as the bedrock of the republic, and bloc reprisals at the polls are feared by congressmen considering firearms restrictions.

But it's time, in this Congress, for a courageous showdown with the pistol, and those members who aren't up to it should stop orating about "crime in the streets." Bayh is putting Congress squarely on the spot, with the hearings his subcommittee is holding (the first on gun control in more than two years) and the handgun-control legislation he has introduced.

Actually the bill is of modest scope, considering the size of the gun-crime problem. It wouldn't intrude upon the ownership or require the registration of the 25 to 30 million pistols which citizens now possess. It would only stem the sales of new ones, which have quadrupled in recent years. What Bayh proposes is to prohibit federally licensed gun dealers from selling anyone other than a law-enforcement officer a handgun, unless the weapon has been designated by the Secretary of the Treasury as suitable for sport. So the intent isn't to penalize the target-shooting sportsman, but to stop the sale of snubnosed pocket guns that are selling at a fantastic clip and taking a larger toll of life every year.

Sales actually have increased since the Gun Control Act of 1968 went into effect, largely because of a loophole in the law. The act prohibits the importation from other countries of the cheap ($9.95 up) small pistols that had been pouring in by the millions. But it failed to ban the inflow of foreign handgun parts, and these are now being imported in vast quantities and assembled by U.S. entrepreneurs. "Production of this domestic gun reached a staggering 630,000 in 1970," Bayh said the other day. "If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be used in crimes of violence."

His conclusions will be enthusiastically seconded by officials of cities in which citizens and policemen are being cut down at an accelerating rate by bargain-priced revolvers. Just last week the mayor of Detroit called almost in desperation for a statewide ban on handguns. About 550 people were murdered in his city last year, and six police officers already have been slain in the line of duty this year. Across the breadth of land, gun crimes now exceed 200,000 a year and are still climbing.

We agree with the gun lobby that automatic incremental sentences for crimes committed with guns would be a deterrent, and should be provided. But even with that, the concealable pistol would be a monstrous threat in its present plentitude. It is unmatched by any other weapon in psychological potency—as a source of personal power for the otherwise powerless, and sometimes the unstable. It is designed for use against people, and its removal from general circulation is imperative.

[From the Christian Science Monitor, Sept. 19, 1971]

Two Murders a Day

(By Richard L. Strout)

Washington.—A citizen of Michigan has a double right to bear arms, it is guaranteed to him under the United States Constitution (Article II), and under the Michigan constitution which says that "Every person has a right to keep and bear arms for the defense of himself and the state."

Meanwhile 500 people have been murdered so far this year in Detroit, or at the rate of two a day, which compares with 550 in the city for all last year. Handguns are used in most of the murders. Mayor Roman Gribbs calls for a statewide campaign to ban handguns, possibly through a petition to amend the constitution.

As to the legal aspect, the difficulty seems less than appears on the surface. The U.S. Constitution indicates that the authorized arms are for the military—"A well regulated militia, being necessary to the security of a free state. . . . " Courts have ruled that this does not prohibit local control and registration.

Also in Michigan, despite the provision in the constitution, there are already some state and city gun-control laws. The greater obstacle appears to be opposition from hunters, sporting groups, and right-wing organizations whose potent combined voice shapes up in the powerful lobby of the National Rifle Association here.

According to the FBI annual statistics serious crime rose another 11 percent last year, much of it done at gunpoint. Attorney General Mitchell draws a gleam of sunshine out of the gloomy business by hailing the fact that although things are getting worse (i.e. crime is rising) they are getting worse slower (i e. the crime rate rose less than the 12 percent in 1969). How this determinedly optimistic approach affects the reader depends on temperament; to some it recalls recent administration comments on the economy that inflation and unemployment, while still rising, were rising slower than before. Mr. Nixon suddenly ended all that by changing policy.

Prior to now three attorneys-general in succession urged federal gun control, but Mr. Mitchell's declines to commit himself. First of all, he says, it is a matter for the Treasury which is given tax authority under the 1968 law; and secondly, the new law should be given more time "to be implemented and tested (to) determine whether or not it is serving the best purposes of this country."

Mr. Mitchell sees a declining trend in the crime rate, attributing it to the efforts of the administration. "Fear is being swept from the streets," he says.

The FBI figures indicate that 10,000 Americans were murdered last year of which 65 percent were killed with a gun. In addition, of course, there was hundreds of thousands of armed assaults and robberies committed with guns or with the fear of guns.

The commission on violence under Dr. Milton Eisenhower estimated that 24 million handguns are loose in the United States. It strongly urged licensing and control. The 1968 law banned the import of handguns but that was easy enough to evade: the parts of cheap handguns are not banned and are flooding in and being assembled in this country. More handguns are being circulated than before the law.

Sen. Birch Bayh (D) of Indiana has a modest bill: he would ban the import of these handgun parts—small caliber, inexpensive and lethal—of which 600,000 were put together last year, it is estimated. Public opinion polls overwhelmingly endorse gun control; after all, if an automobile is licensed why shouldn't a handgun be or at any rate, registered?

Attorney General Mitchell was unable to testify at the Bayh hearings, and the associate deputy attorney general informed the Senator that "Our representative on this subject has made previous commitments for Sept. 13 and 14," and couldn't come.

If you feel that crime is still a big issue you may wonder why nobody from the Justice Department was able to testify on gun control. On the other hand, if you feel that Mr. Mitchell is correct that "fear is being swept from the streets" you will not object to his absence in spite of the appeal of Detroit Mayor Gribbs about those two murders a day.

[From the Washington Post, Sept. 24, 1971]

Making Murder Cheap and Easy

Police officers seem to be prejudiced against pistols, at least in civilian hands. Testifying last week on Senator Birch Bayh's bill to prohibit the production of cheap, low-caliber handguns in the United States—the so-called "Saturday Nights Specials"—Washington Police Chief Jerry V. Wilson said, "There seems to be no valid reason for the possession of this type of weapon by anyone." The Police Commissioner of the City of New York, Patrick V. Murphy, well known to Washington as an enligntened and effective crime fighter, told the Bayh subcommittee, "There is absolutely no legitimate reason to permit the importation, manufacture, or sale of these weapons, or their parts. They are sought only by people who have illicit motives, but who may have some difficulty securing a better gun. No policeman, no Army officer, no security guard, no businessman or merchant, and no sportsman would purchase one of these weapons for any lawful purpose."

The reason for this police prejudice is not hard to find. Policemen don't like to see one another killed. Pistols kill policemen. To gratify the sensibilities of the gun lobbyists who are very finicky fellows, let us modify that statement to say that criminals armed with pistols kill policemen. Very few criminals not armed with a pistol would dare to tackle a policeman. "The frightening ease with which criminals secure guns is especially critical for policemen," Commissioner Murphy told the subcommittee, "Ten times already this year I have had to witness the burial of one of my men, struck down in the line of duty by a killer. Nine of the ten were shot to death, and eight of the nine were murdered with illegal handguns . . . One hundred and fourteen other New York City policemen have been subjected to handgun assaults this year, some of them have been seriously injured, clinging tenuously to life at this very moment."

Senator Bayh's bill to forbid the sale of "Saturday Night Specials" would, no doubt, as he has said, "be helpful in curbing crimes of violence committed with these handguns." We applaud it, therefore, so far as it goes. But it does not go far enough. In effect, it "penalizes" the poor who may want to shoot a policeman or a friend, while suggesting that this sort of conduct is all right for those rich enough to afford more expensive weapons. Commissioner Murphy put the matter in perspective. "I begin," he said, "with the premise that very few people who now have access to handguns have a legitimate interest in possessing them." Nobody in America ought to possess a pistol without a permit. And permits ought to be issued very sparingly. There is no way to protect the general public from these deadly devices.

Local laws regulating the possession of guns will not do the job. They help. New York, which has very strict gun control laws has a far lower percentage of gun-related murders than cities where the gun laws are lax. But, Mr. Murphy testified, "Sixty-five per cent of the handguns we seized in New York are traceable to sources outside the city. Most of the others are not traceable at all." The only way to put a stop to this traffic is through strict federal legislation.

Let no one suppose that only policemen's lives are at stake. An overwhelming proportion of the murder so rampant in America today is committed not by common criminals but by ordinary people who are acquainted with their victims, and who happen to have a gun at hand when they lose their tempers. Last Sunday in Virginia, a young matron with all of life seemingly before her was shot to death at her family's McLean estate. Her estranged husband has been charged with murder. This kind of tragedy is recounted in the newspapers, with less or greater prominence, day after day after day.

The National Rifle Association, in its insensate concern for the pleasure of "sportsmen," told the Bayh subcommittee that it "urges that consideration of the question of handgun controls be delayed . . ." Are American sportsmen really men and women who put their pleasure ahead of a better chance of survival for the more than 20,000 Americans who will be shot to death inside the United States during the course of 1971?

[From the Wall Street Journal, Oct. 4, 1971]

What Price Gun Control?

Violent crime increased 11% in the first half of this year, the FBI has just reported—the kind of statistic that buttresses the case of the advocates of tougher gun-control laws. It's possible, though, that these people overestimate the amount of good that could realistically be expected to come from any tightening up.

Without doubt guns play a large and growing part in serious crime. As Alan L. Otten wrote on this page the other day, two out of every three homicides are committed with firearms, almost always handguns. And since 1964, gun killings have doubled and gun robberies have tripled. Mr. Otten quoted New York City Police Commissioner Patrick Murphy as saying "it is incontrovertible that (handguns) are a major factor in the reign of violent crimes that causes so much fear for our citizens."

In talking about stricter legislation, it is customarily contended that the strengthening should be at the federal level; state and local laws are said to be inadequate because of the ease with which guns can be brought in from outside the area. True, there is a federal law, passed in 1968, but gun-control advocates consider it too weak. Thus it bans the importation of the cheap so-called Saturday-night specials but does not prevent their manufacture or assembly here.

Indeed, one of the somewhat ironic difficulties of achieving truly effective gun control is the sheer quantity of the weapons—some 25 million handguns alone—already in the nation. Would even an elaborate system of licensing and registration be guaranteed to cut significantly into their use?

The danger here is that effective gun control might come at too high a price, not so much in money as in liberty and privacy. It's like prohibition: to have really enforced that law you would practically have had to create a police state. Similarly, in the absence of draconian measures applied against the whole populace, it is all too probable that the possession and use of guns would be little diminished.

But let us assume for a moment that effective control could be had without unacceptable infringements on individual rights. Unquestionably many of the people prone to commit crimes with guns would simply turn to other weapons. We don't suggest there would be no lessening of the crime rate; only that it is a misreading of human nature to suppose that the availability of guns is the main reason men turn to crime.

Nor do we suggest that nothing can or should be done. For example, it would seem perfectly proper to ban the importation of the parts for those Saturday-night specials as well as the guns themselves. Perhaps other steps can be taken without undue risks to rights. So complex a matter, however, calls for considerable caution and a certain skepticism.

CLOSE AIR SUPPORT

Mr. THURMOND. Mr. President, Mr. Benjamin F. Schemmer, of the Armed Forces Journal, has written an article in the October 1971 issue of the Journal entitled, "Bum Dope and a Stacked Deck on Close Air Support."

This is a hard-hitting article on an important issue. The author finds great fault with the close air support study recently issued by the Members of Congress for Peace Through Law.

Mr. Schemmer also gives some facts and figures of his own which Congress should consider as it attempts to resolve this issue in the month ahead.

On one point Mr. Schemmer makes, we all ought to agree. He says there are too many soldiers and marines who will suffer and die in ground fighting if Congress starts to accept poorly structured reports using undisclosed sources of information.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUM DOPE AND A STACKED DECK ON CLOSE AIR SUPPORT

(By Benjamin F. Schemmer)

Bum decisions result from bad dope. We saw plenty of both during a three year Pentagon tour, 1965–1967, and we've seen more since. But never the combination of bum dope and stacked deck you'll find in the 33-page "Report on Close Air Support Aircraft: The A–X, Harrier, and Cheyenne" released to the press with much fanfare in mid-September by Senators Charles Mathias and William Proxmire and Representative John Seiberling.

To their credit, these Members of Congress for Peace Through Law (MCPL) have tried to slice through an onion which the Department of Defense consistently hasn't peeled very well: what kind of close support aircraft should DoD buy, and which Service—if only one—should be responsible?

In June, Deputy Defense Secretary Packard gave Congress his assessment in a six-page "interim report" of a study he personally headed for months.

To be kind, the Packard paper was "disappointing." Full of generalities and void of information, it avoided instead of crystallizing the issues. Notwithstanding Congress' insistence over the past two years that DoD face up to the hard choices involved in the pending procurement of three new aircraft, each by a different Service, for close air support, Packard said simply, "They offer sufficiently different capabilities for our future forces to justify continuing all three programs at the present time." His conclusion may have been valid. But its rationale wasn't convincing. The paucity of information behind his recommendation to stay with A–X, Cheyenne, and Harrier in the face of Congress' plea for better analysis amounts to something of an insult.

In contrast, the MCPL report is crammed with specific recommendations: cancel the Army's Cheyenne, don't buy any other new attack helicopters, stop buying USMC Harriers with the sixty aircraft available after the FY 72 buy is completed, and rely instead on the Air Force's fixed-wing A–X.

MCPL argues that buying a "triad" of new close support aircraft is "ridiculous," since they all serve the same purpose. On this basis, we expect MCPL's next major project to entail the "hard analytical work which the Department of Defense should have done long ago" on mess halls. It will undoubtedly conclude that soldiers, sailors, and airmen be issued only a spoon, since the knife and fork serve the same purpose—that of eating.

MCPL also argues for A–X and against Cheyenne (or the new King Cobra and Blackhawk as well) and against Harrier on the basis that the fixed-wing system has so much more loiter time: thus it will be more readily available and responsive. Its next study, we'll venture, will admit an error and recommend canceling A–X—just as it becomes hardware—because the B–52 and B–1 could hang around so much longer and with far bigger bomb loads.

The MCPL "research paper" hoists Mr. Packard on his own petard by going to the opposite extreme: it suffers from too much information—most of it undocumented and most of it bad.

The report reads like a stacked deck. To cite a typical example: "Like any helicopter, it (Cheyenne) is both fragile and unmaneuverable, and it will be a sitting duck for enemy fire." Elsewhere, the report amplifies on this conclusion as follows: "Helicopters are inherently complicated and fragile devices. . . . the Cheyenne will be no exception. It will have a number of very vulnerable components—such as rotor, rotor-heads, gearboxes, and shafts—which are almost impossible to adequately protect."

FAMILIAR WORDS

The statements sound strangely like ones made before an Assistant Secretary of Defense at a meeting on September 5, 1967, during a heated debate over whether or not the Army should be given a conditional go-ahead to buy Cheyenne *if* it believed in the system enough to pay for it by trading off other hardware of roughly equal cost. The statement went roughly as follows:

"Helicopters are inherently more vulnerable to the heavy densities of light automatic weapons fire encountered than fixed-wing aircraft designed for an equivalent close support mission over division forces. This is due to the larger amount of fuel necessary for a given payload/range/loiter; the presence of extra hydraulic control components and gearboxes (which cannot be perfectly protected against small arms projectiles), not present on fixed wing aircraft; and finally much more serious cost penalties for adding equivalent amounts of armor."

That assertion, it turns out, came from a DoD analyst known to many today as "the father of the A-X." And, it turns out, the analyst now has "a number of unclassified papers on close air support" floating around Capitol Hill.

Hopefully, the papers are better supported than his September 1967 statements. For the facts, when wrung out at the time, looked like this:

VERSUS THE FACTS

For a one-year period surveyed in depth (mid-1966 to mid-1967), armed helicopters had a per sortie loss rate about 1/34th that of tactical aircraft on attack missions, and about 1/17th that of tactical aircraft on a per flying hour basis.

At the time, about nine out of ten helicopters shot down were recovered and returned to flyable status; instead of autorotating after losing an engine or hydraulic system, fixed wing aircraft have a tendency to impact at high speed after the pilot bails out (and the little pieces are hard to find, recover, and glue back together.)

About 13% of all fixed-wing attack aircraft hit by fire in South Vietnam were shot down; only about 6% of the helicopters which took enemy fire were.

On roughly comparable missions, Marine Corps armed helo loss rates were about 1/11th those of USMC aircraft flying close air support missions. On a per sortie basis, the Viet Cong shot down about one of every 10 armed helos which were hit; against fiighters on close support runs, they got one kill for every 5 aircraft hit.

Moreover, the fighters averaged only about 1.2 bullet holes per hit, compared with 1.6 for armed helicopters.

There were some other facts the analyst ignored in 1967 and apparently hasn't stressed—if he mentions them at all in the papers he writes today:

The dynamic components, pilots, and fuel systems in a helicopter are vulnerable to small arms fire. But so are hydraulic lines and control surfaces on and pilots in fixed-wing aircraft. For one relevant comparison, a current day armed helo has about 1/100th the "vulnerable area" of a current day jet attack aircraft, when taking fire from the front or rear, and about ⅕th the vulnerable area for fire taken from the side or bottom.

Comparing aircraft densities—how crowded the helicopter or aircraft is with black boxes, hydraulic lines, engine components, fuel tanks, and other items susceptible to damage—analysis will generally show that there are fewer pounds of things per cubic foot in an attack helicopter than in its fixed wing counterpart, by margins of roughly ten percent.

As for the penalty of adding equivalent amounts of armor—another problem laid against the helicopter by MCPL and, in years past, by our analyst—it turns out that a typical, real life attack helicopter, with 3.1% of its empty weight being armor, ended up with 1/20th the vulnerable area of its most modern, sister fixed-wing counterpart which had sacrificed about the same amount—2.9%—of its empty weight for armor. (We don't know how the A–X compares, since it's still a paper airplane.)

We could devote this entire issue to similar discrepancies between the facts and MCPL's stacked deck of cards on close air support. We won't. There are others far better qualified than we are to set the record straight—although they'll have an admittedly hard time refuting an "analysis" which contains so many assertions and so little analysis.

What's really at issue, however, is more disturbing than MCPL's having swallowed so much bum dope.

For one thing, if a Congressional group is going to tackle so vital an issue, it really ought not to refuse—as MCPL's staff refused in a recent query from the Journal—to make known the names of the "outside unpaid consultants and advisers" on whom it relied so heavily. (Four of the five such consultants whom one staff member conferred with, he admits, were pro-fixed wing and critical of helicopters.)

Second, MCPL should publish—as the armed services and appropriations committees do—unclassified transcripts of their hearings: it's the only way we know of to hold consultants accountable for their pontifications, and Congressmen accountable for their conclusions.

Third, MCPL might get better dope if it asked its consultants to make available *all* the papers they've written on any particular program. That DoD analyst we mentioned for instance, the one who fathered A–X. Apparently MCPL hasn't seen some of the A–X papers he's been circulating in the Pentagon. Like the one which says:

"Source selection was reopened with a trimmed down program—one that unfortunately threw out the baby with the bath water. To bring the [gun] program down to $29-million, among other changes Eglin simply eliminated the hard core . . . penetrator AP round was dropped through the old bureaucratic expedient of burying a low priority item by placing it back in advanced development. The results are as follows: . . .

"We delay the introduction of a usable anti-tank AP round until at least a year after IOC [Initial Operational Capability] of the A–X—if the round gets developed at all. This reduces the credibility of the A–X program, to say the least. . . .

"There remains little chance of rolling out an A–X with a working CAS [close air support] gun. This would be a propaganda windfall for the A–X program critics, since so much of the aircraft's effectiveness is predicated on the gun."

And, in another such memo, critical of the Air Force's A–X engine choice: "This yields $750,000 for propulsion cost only . . . making it clearly impossible to meet a $1.4-million threshold."

Another MCPL conclusion argues against the Marine Corps V/STOL Harrier because "No such [amphibious assaults] have been conducted since the end of the Korean War, and no heavily defended beaches exist at this time which appear to be active candidates for invasion." Which made us recall the crisis in Lebanon and the Bay of Pigs—operations fairly relevant to what the Marine Corps case for Harrier is all about. It may be true that no heavily defended beaches exist at this time: but the thought haunts us that a similar assessment was made just months before the Cuban volunteer brigade got slaughtered in April of 1961.

Finally, MCPL argues against any all-weather or night attack capability (in Cheyenne, King Cobra, Blackhawk and A–X). Its only specific reasoning: "The 7th Army Air Cavalry field evaluations this year, which showed only 3.6% of one troop's total engagements and only 6% of total target acquisitions occurred after sunset, convincingly demonstrated the limited effectiveness of any aircraft, be it fixed or rotary-wing, operating at night in a European combat situation."

Simply to state MCPL's rationale exposes the folly of it. It's like saying that America won the Revolution and the War of 1812 without the Gatling Gun, so why buy it for the Indian Wars? The fact that we are able to pick up so few targets at night with today's systems forcefully illustrates the need for better ones in the future.

Add it all up and we think most Members of Congress will agree that the questions MCPL addresses on close air support are poorly answered. More important, however, are the questions MCPL might have raised (and asked DoD to consider), but didn't think of. We don't know the answers to them either—but if we enjoyed MCPL's and Senator Proxmire's clout in getting attention focused on them, here are the more fundamental kind of questions which we'd be asking:

Are we distributing our costly tactical air resources correctly when only ten percent of our South Vietnam air effort is flown against targets within five kilometers of U.S. troops in contact with the enemy? (To us ex-soldiers, a target five klicks away is somebody else's war.)

Are we giving *enough* emphasis to all-weather close air support when ninety percent of the close air support missions scheduled for Army winter field exercises in Europe are aborted—because of weather, to name just one problem—prior to successful execution?

Why do we get only about 45 flying hours per month out of a tactical aircraft, but close to 100 for Army helicopters?

Are we buying too much tac air (or too many armed helicopters, or enough artillery) when we consider that ground forces could have *ten times* as many 8-inch howitzer battalions supporting them, for less than a ten percent reduction in tactical air cover? Or ten more 155-mm. howitzer battalions for the cost of a single F–4 aircraft squadron?

Questions, that's what we need more of. Not another wild MCPL whack at a very difficult question. Too many soldiers and Marines have too much at stake to warrant the kind of "research" by well-meaning, but ill-informed Congressional staff members which is evident in MCPL's "hard analytical work" on close air support.

RACIAL BALANCE SCHOOL BUSING

Mr. BAKER. Mr. President, the Nashville Banner has published a six-part series on grant applications to HEW to prepare the community for massive busing of schoolchildren to achieve racial balance. The articles by Grady Gallant are extraordinary well researched and prepared and present many disquieting questions, particularly the question of the appropriateness of the efforts of the applicants and HEW, no matter how well intentioned, to approach and treat the most difficult social issue in Nashville at this time without full cooperation with local governmental authority. I have called these articles to the attention of Secretary Richardson expressing my concern in this respect and asked to be fully briefed.

I believe that at least the massive busing of schoolchildren to achieve racial balance as required in a recent order of the U.S. district court is an unconscionable burden on the children and parents involved. I think it is wrong and a wrong that must be rectified. In the meantime, however, I want to make sure that the Federal Government does not act in a way which may exacerbate this difficult situation instead of helping it, especially by failure to fully involve local school authorities in any such Federal activities.

I commend the Nashville Banner and Grady Gallant for their excellent work in this respect and ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Nashville Banner, Oct. 19, 1971]

BUSING, SOCIAL ADJUSTMENT PROJECTS TO COST $1.8 MILLION

(By Grady Gallant)

Eleven new "social adjustment" projects to attune public school children to massive busing and other "life experiences" encountered in the modern school environment are in the works for Tennessee at a cost to the federal government of $2,829,067.35.

Of this sum, the project budgets show that $1,230,795.40 would be dissipated in salaries for those laboring in the 11 adjustment projects, many of whom are open advocates of busing.

Travel expenses for these workers would eat up another $92,160.

Total cost for salaries and travel of the project workers is $1,322,955.40.

This leaves only $506,111.95 for child adjustment and to attune them to sociological development.

The budgets show that most of this $506,111.95 would be devoured by telephone bills office rental and equipment.

Applications to implement the adjustment programs under the Emergency School Assistance Program (ESAP) have been sent to Gov. Winfield Dunn.

He approved seven of the proposals. The other four were neither approved nor disapproved by the governor. The Department of Health, Education and Welfare, which administers ESAP, will now approve or disapprove them.

A spokesman in the Governor's office said that Dunn relies on recommendations from the various communities involved as to what action he should take on these projects.

The spokesman said it was his personal belief that HEW will fund all 11 of the projects.

The projects present a community social problem and outline a plan designed to solve—or reduce—it.

For example, Memphis Community Education Project (MCEP) discloses that it is "a non-profit, tax-exempt, free-standing corporation of community-minded persons who are attempting to effectively improve the social conditions of Memphis and Shelby County."

To this end it has "four main foci of activity—housing, health, education and law."

"We have focused on these activities, not to provide separate service systems, but to help the black society become a true human community with the ability to relate to the white community as peers and, therefore, bring about the sine qua non (essential) condition for true friendship and a stable society."

To accomplish this and other things, MCEP needs $413,410 in federal funds under ESAP of which $251,100 will go for salaries and $37,800 for travel expenses.

The list of projects includes three to be conducted in Nashville:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, requesting $259,626.35.
2. University Council for Educational Administration, 29 West Woodruff Avenue, with offices in Columbus, Ohio, requesting $78,741.
3. The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, requesting $60,000.

The Concerned Citizens for Improved Schools states it has "functioned successfully and uniquely for the last two and a half years as a bi-racial group dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination."

The organization was "spontaneously created" in March 1969. Concerns in regard to "application of criteria for zoning the proposed attendance area for a newly created junior high school" and "racial isolation of all pupils in the Nashville-Davidson County schools" were the spurs which caused spontaneous organization of the group, according to the funding application.

Mrs. Kitty Smith, wife of Dr. William O. Smith of Nashville, is project director for Concerned Citizens. Dr. Joseph Yeakel, general secretary of the board of evangelism of the United Methodist Church, is listed as the authorized representative of Concerned Citizens, not to be confused with Concerned Parents Association, Inc.

The University Council for Educational Administration under Dr. Jack Culbertson, Columbus, Ohio, proposes to "develop and test a simulation program for urban administrators, particularly as related to education and race," according to Dr. Elbert Brooks, Metro school director, in a letter endorsing the project.

The proposed program "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators," he observed in a letter to Culbertson dated Sept. 21, 1971.

The project proposes to help school leaders in Nashville "deal effectively with desegregation problems," Culbertson says.

The Social Action Committee of Christians and Jews, 6401 Harding Road, proposes to establish two early-morning, free child care centers to help take care of children of working mothers between the time when the mothers must go to work and the children must leave to go to schools opening at 10 a.m.

Charles B. Myers, an assistant professor of history and social science education at George Peabody College for Teachers, is the project contact person with HEW.

All 11 projects plan to spend their funds in a year or less.

The organizations requesting ESAP funds and their cities are:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, Nashville. Request: $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff St., Columbus, Ohio. Request: $78,741 for work in Nashville.

3. The Social Action Committee for Christians and Jews, Inc., 6401 Harding Road, Nashville. Request: $60,000.

4. The Unity Group Fund, Inc., 1348 Grove Street, Chattanooga. Request: $372,970.

5. Memphis Education Project, Inc., 740 Court, Memphis. Request: $413,410.

6. Memphis Urban League, 546 Beale Street, Memphis. Request: $236,242.

7. Community Youth Playhouse, Inc., 1185 South Bellevue, Memphis. Request: $61,580.

8. Memphis Panel of American Women, 5503 Gwynne Road, Memphis. Request: $19,971.

9. Williamson County Citizens for Human Dignity, P.O. Box 423, Franklin, Tenn. Request: $58,203.

10. The Civic Action Council of Jackson, P.O. Box 3002, Jackson, Tenn. Request: $89,725.

11. The General Board of Christian Education, Christian Methodist Episcopal Church, 1474 Humber Street, Memphis. This organization requested a total of $814,176, but proposes spending $17,599 on a Chattanooga, Tenn., project, with the remainder being spent in cities of states other than Tennessee.

The other communities included in the proposal are Tupelo, Miss.; Phenix City, Ala.; Savannah and Chatham County, Ga.; and Morehouse Parish, La.

[From the Nashville Banner, Oct. 20, 1971]

FEDERAL GRANT OF $259,626 SOUGHT FOR BUSING PROPAGANDA CAMPAIGN

(By Grady Gallant)

An intensive propaganda campaign using a "mobile van," week-end retreats, mass indoctrinational meetings and other devices is planned by Concerned Citizens for Improved Schools to attune public school children and their parents to "a new way of life" here.

To mount this "determined and creative campaign against negativism," and organization has applied for $259,626.35 in federal funds, of which $208,294.40, would be drained into employe salaries, services and benefits.

The mass media assault against "white ghetto mentalities" and for integrating the desegregated schools" would include $60,000-worth of monthly television specials and $25,000-worth of billboards, radio and television spot announcements, all to be paid for from taxpayers' money.

Workshop consultants would be brought in at $100-a-day and a "media consultant" would be hired at $100-a-day for 96 days, for a total expenditure of $9,600 for about 19 weeks of work, if he works a five-day-week.

A community newsletter to be distributed monthly as planned will cost $3,600 for circulation of its 5,000 copies. A monthly newsletter aimed at students would be circulated to 30,000 of them at an annual cost of $8,400.

Students texts and handbooks would cost $380 and students' workshop proceedings will dissipate if the plan is approved, another $1,250. The parents' workshop proceedings would cost another $500, and telephone and postage costs are forecast to be $3,275 for the year.

Application for the more than a quarter million dollars in federal tax money was made through the Emergency School Assistance Program (ESAP: Prounounced E-SAP).

ESAP is administered by the Department of Health, Education and Welfare. Funds are given to groups and organizations which wish to help in the busing and integration of public school children.

Concerned Citizens for Improved Schools (CCIS) has existed for 2½ years. It is a bi-racial group "dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination," the organization notes in its request for tax refunds.

It was "spontaneously created," according to a description of its origin in the project application. Its membership is 75 per cent white, and includes some open advocates of busing.

Following spontaneous creation, the group became active in promotion of "community action for social change."

With its help, Clergy United for School Integration (CUIE), College and University Professors United for Integrated Education (CUPUIE) and (White) Nashvillians for Integrated Education were organized.

The application has cleared Gov. Winfield Dunn's desk, without his approval or veto, and has been sent on to federal officials.

"Invited members of CCIS testified on behalf of the plaintiff in the case finally adjudicated before (U.S. District) Judge L. Clure Morton (Kelley vs. Board of Education)", it is noted by the tax funds applicant.

Last June, ESAP gave $39,581 for CCIS to form what it called Volunteers in Action (VIA), an activity which involves 26 high school students who "inform the students, their own peers, about the indispensability and justice of school integration."

In explaining the need for expansion and continuation of the VIA program, CCIS notes that the "tense atmosphere" resulting from the busing issue of the recent race for mayor and "the transfer of senior students" from schools from which they would have been graduated "will make it somewhat difficult to secure understanding and acceptance of an integrated, unitary school system."

Being the "main beneficiaries of the opportunities for quality integrated education" the students "must be reached on a one-to-one basis and must have the opportunity for input to diffuse the tensions and create more genuine interaction within their own schools."

Reaching students on a one-to-one basis with Volunteers in Action is expensive. In the second application for federal tax money in less than a year, CCIS wants $48,000 to pay 80 such volunteers $600 annually. A week-end retreat for 50 volunteer trainees will cost another $1,300. And a two-week training program for 50 VIAs at $5 a week will cost still another $500, according to CCIS figures.

"In an out-of-school atmosphere where students will feel free to express their ideas candidly and honestly, we will use the workshop format for a two-day (week-end) discussion (just as soon as possible . . . within 30 days) on racism led by experts in the field, from several frameworks of reference," the application for federal tax money states.

"We will reach for an attendance of 600 or at least 30 students from 20 high schools.

"The curriculum would include information on how to distinguish between individual prejudice and institutional racism; racism as it manifests itself in America, as well as European and Latin American history documents; other serious literature; information on ghetto life and culture (black); about black in a white society; about white ghetto mentalities and how our society has caused and perpetuated racist patterns, etc.," the proposal states.

Volunteers in Action use such methods in achieving objectives as developing materials to "establish rapport with their own peer groups," participating as speakers, bureau panels and "dialogue groups" and "low key mobilizing of students who are supportive of integration and those who believe in affirmative involvement in projects."

They also implement "buddy systems within the school in order to diffuse tensions and establish (long range) more genuine relationships among all the students."

The volunteers also serve as "communications links" in the Urban League sponsored Unitary School System Assistance Center Rumor Control Center (USSACRCC).

Under its plan for intensive propaganda activities for busing and elimination of the neighborhood school, there would be a project director paid $14,000 annually who would be assisted by an associate director making $10,000 annually. A "media specialist" would be paid $10,000.

A part-time "community organizer" would receive $6,000 based on an annual salary of $12,000, should he be full-time.

An administrative assistant would be paid $7,000 annually, a secretary would get $6,000 and a clerk typist would receive $4,800.

Staff travel expenses are set at $1,200 annually.

State-wide delegates to a workshop on Parents Organization—50 delegates—would cost $7,500.

CCIS has budgeted $5,000 for rental of four offices for a year, $600 for workshop site rental for two days and $450 for the week-end retreat site for VIA trainees.

The group also proposes to buy $8,276 worth of equipment such as a 16-mm projector ($353), an electrostatic copier ($1,345), a Polaroid camera and case ($280), projection table ($52.95), record player ($50) and mailing meter ($96). To lease and operate the mobile van for the community organizing teams will cost $4,000.

Another $2,100 would be spent for office equipment for three offices at $700 for each office. The organization now has only one office.

Five hundred dollars will be paid to contract services of an auditor.

The bi-racial advisory committee of Concerned Citizens for Improved Schools are listed in the request for tax money from HEW as Dr. Thomas Ogletree, 3212 West End; Mrs. W. A. O'Leary, 5334 Overton Road; Mrs. Carol C. O'Neill, 1809 Morena Street; Inman Otey, 905 Lischey Ave.; Mrs. Rice Pierce, 5013 Stillwood Drive; Mrs. Prince Rivers, 1803 Morena St.; Dr. J. Tarleton, 1714 Windover Drive; Dr. Eugene Teselle, 2007 Linden; Donna Vaughn, 1818 Beech Ave.

Mrs. Elmer West, 3515 Granny White Pike; William White Jr., 1107 Kellow St.; Mrs. E. L. Whitmore, 3613 Batavia; Dr. Joseph Yeakel, 1014 Woodmont Boulevard; Steve Barefirld, 540 Richman Drive; the Rev. William Barnes, 1503 16th Ave. S.

Don Beisswenger, 235 Lauderdale Road; Mrs. David A. Bergmark, 922 17th Ave. North; Mike Bonnell 4510 Granny White Pike; Isaac Crosby, 920 Marengo Lane; James Curry, 1003 Battlefield Drive; Mrs. Leslie A. Falk, 1417 Clairmont Place; Mrs. John M. Frase, 1015 Noelton Lane.

Dan Graves, 302 Elmington Ave.; Nancy Hollomon, 815 Ramsey; Julius Jones, 3906 Kings Lane; Amy Kurland, 1805 Kingsbury Drive; Theorore Lewis, 1400 Acklen Ave.; Joyce A. Long, 1409 Chester Ave.

Mrs. Johnella Martin, 1704 Villa Place; Warner L. McCreary, 1820A Delta Ave.; and Mrs. Richard M. Morin, 812 Clematis Drive.

Thursday's article will report project plans of other Nashville groups.)

Educators Seek Funds for Adjustment, Too

(By Grady Gallant)

Not only is adjustment necessary for parents and public school children involved in massive busing under the order of U.S. District Court Judge L. C. Morton, school administrators also feel acute adjustment needs as they face problems thrust upon them by radical school changes.

Tax money for sociological adjustment is obtained by various private groups and organizations wishing to help with public school children from the Emergency School Assistance Program (ESAP) of the Department of Health, Education and Welfare.

One of three ESAP project proposals for Nashville now pending before HEW has been submitted for funding by the University Council for Education Administration, with offices located at 29 West Woodruff Ave., Columbus, Ohio. Jack A. Culbertson is executive director of this organization.

With the help of several staff members of Nashville Metro school system, "who have been involved in its development at all stages," Culbertson has come up with a proposal to develop and test a simulation program for urban administrators, "particularly as related to education and race."

GAVE ENDORSEMENT

In a letter to Dr. Culbertson dated Sept. 21, 1971, Dr. Elbert Brooks, director of Nashville schools, noted his endorsement of the proposal.

Dr. Brooks then wrote that this project "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators."

In plain language, the program intends to develop simulated (or imitation) situations and problems of the kind actually being experienced by school administrators and other leaders in Nashville.

Once these situations and problems are developed, they would be used in a series of workshops to illustrate incidents happening in the schools. Workshop participants would then discuss how they would handle such "problems of desegration."

"The problems which have major implications for training will be selected, classified and related to significant administrative functions central to the Emergency School Assistance Program (that is: developing community programs; giving leadership to special curriculum revision programs; undertaking special comprehensive planning, and so forth)," the project outline reveals.

TO COST $78,741

The creation of these artificial situations and problems in order to learn how to deal with the real things happening daily in the public schools will cost $78,741, according to the project request for federal tax funds.

Salaries, consultants, travel back and forth between consultants, honoraria for directors and personnel benefits dissipate more than $28,400 of the sum sought.

The heavy cost of administration of such a simple program as the one projected by the University Council for Educational Administration is reflected in employe salaries budgeted in the proposal to be paid by federal taxpayers:

"Director (1–5 time, 12 months at $36,000 annually), $7,200.

"Assistant director (1–3 time, 12 months at $14,000 annually), $4,700.

"Assistant (1–3 time, 12 months at $10,800 annually), $3,600.

"Assistant (1–4 time, 12 months at $11,200 annually), $2,800.

"Secretary (1–2 time, 12 months at $6,000 annually), $3,000.

This is a total of $21,300 for five part-time workers.

In addition to this, they are budgeted to cost an additional $3,608 for such personnel benefits as retirement, disability and hospital insurance—plus travel and per diem to Nashville and Columbus, Ohio, in the amount of $3,500.

Added to their total of $21,300 in salaries, the additional expenses just cited bring their cost up to $28,408.

They plan to use only $1,000-worth of office supplies and materials, however.

These workers would require the services of "consultants" to "plan design and block-out simulation materials." This consultant service will cost $3,500.

NEXT IN COST

The next most expensive item on the budget for this simulation program is the $11,250 required for the filming "of six critical incidents."

Three one-week workshops, which include "per diem for 75 participants, honoraria for directors, plus travel and other expenses," whatever these "other expenses" might be—for they are not specified—costs $8,000.

"Creation of 30 in-basket items" will drain off $2,000. An "in-basket item" is described by a school official as written material describing a problem or situation which is placed "in the basket" on an administrator's desk.

The administrator then removes it, reads it and gives his comment as to how he would have handled the problem described.

Production of 12 "audio-taped simulations" would cost $2,750, and another $5,000 is requested to produce "six problem-centered group exercises."

To plan and produce "support content" would cost $3,000, and another $3,000 tax dollars would be spent to "develop instructors manual, evaluation procedures and related materials."

Production of written materials and negatives for workshop use would require expenditure of $5,000 more.

INDIRECT COSTS

A mystery "indirect costs," which are not itemized, are given under "other costs" as $5,833. This heavy expenditure—more than that required for consultants to block-out and design simulation materials ($3,000) and for creation of 30 in-basket items ($2,000)—is just explained as being 8 per cent of $72,908.

The $72,908 figure is the cost of the project until 8 per cent (8% of $72,908) or $5,833, is added to it.

When $5,833 is added to $72,908, you get $78,741, which is the figure given as the total cost of the project.

The funds are scheduled to be spent and the project completed in a year.

The proposal gives 11 stages through which the project would advance to its completion. Events "associated with desegregation" will first be monitored to "identify major problems encountered by school administrators," if the project receives the funds.

Instructional objectives then would be decided and the simulated situations to be developed would be determined. Background facts needed for the simulations will be gathered and the simulated situations and problems will be developed, under the proposal.

TRIED OUT

The materials would then be tried out "with selected personnel" from Metro schools. The materials would be revised, plans would be completed for the workshops and materials would be packaged for use.

By Sept. 1, 1972, the project is designed to "conduct comprehensive continuing education programs" involving Metro school personnel and "community."

"An analysis of evaluation data" will follow "by Sept. 30, 1972," and by "Oct. 30, 1972, development of recommendations for refining the materials and for extending their use to other urban settings" will be done.

This appears to mean that the products of this year-long effort will be shown in other cities.

In its appeal for tax funds, the University Council for Educational Administration claims it has had "substantial experience in the development of simulated situations and other types of materials during the last 10 years."

MADE AVAILABLE

"It is estimated," the group states, "that during this period more than 30,000 practicing school administrators have experienced one or more of the 24 different simulations now made available for use for continuing education purposes.

"A number of professors have expressed an interest in developing the projected simulations bearing upon desegregation and equal learning opportunities.

"Since the University Council for Educational Administration is made up of 59 major universities, it is able to draw upon a wide range of training resources, not only in materials development, but also in the planning and implementation of workshops," the organization states.

FIRST GRANT

Local school officials say that this project was initially part of the $9,098,864.72 Metro school 1971–72 ESAP grant proposal. It, along with other proposals, was denied, and of the total sum sought only $1,418,368 was approved.

It has been resubmitted through the University Council for Educational Administration in a second try for the money.

The proposal lists the Biracial Advisory Committee of the Metro School System of the Emergency School Assistance Program here. This committee, unlike in other project proposals, is a committee which is a part of the Metro school system and functions as a committee in other Metro projects.

The committee membership is given as follows; along with the name of the organization which appointed them to the committee:

Mrs. Zenoch G. Adams, 1024 Kellow St., Metro PTA Council; Dr. Charles E. Kimbrough, 2600 Walker Lane, NAACP; Frank Bailey, 1116 Eighth Ave. South, ESEA, Title 1, Advisory Committee; Mrs. James P. Carter, 1000 Gale Lane, League of Women Voters; Dr. Roy Clark, 2130 West End Ave., Ministerial Association; Mrs. Beverly Bass, 1314 Fifth Ave. North, Model Cities Agency; Phil Eakes, 2609 Crump Drive, Inter-Hight Council; Dr. Dana Swick, Box 514, Peabody College.

Lloyd H. Griffin, 401 Union St., Nashville Area Chamber of Commerce; Mrs. Alexander Heard, 211 Deer Park Drive, Council of Community Services; Robert Horton, 107 Metro Court House, Metro Government (Mayor's office); Julius Jacobs, 105 Leake Ave., Metro Action Commission.

Ted Martin, 1710 Hayes St., Metropolitan-Nashville Education Association; C. E. McGruder, 908 32nd Ave., North Nashville Citizens Coordinating Committee; Dr. Nicholas Sieviking, 300 Oxford House, Urban Observatory; William Stifler, 614 Lynnwood Blvd., Committee for Unitary School Plan; Dr. G. J. Tarleton Jr., 1714 Windover Drive; and Dr. M. D. Williams, Tennessee State University, Nashville Urban League.

[From the Nashville Banner, Oct. 22, 1971]

LEAGUE PLANS FORUMS, PAPER WITH U.S. FUNDS

(By Grady Gallant)

A request for federal tax money to start "forums" for "extreme and polarized views" concerning a unitary school system, to "work with" sociology and American history classes in Metro high schools, and to publish a bi-weekly newsletter for high school students has been made by the Nashville Urban League Unitary School System Assistance Center.

The request for $94,138 in public money has been made through the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education, and Welfare.

It brings to four the number of private groups and organizations in Nashville seeking ESAP funds to help with the problems created by the massive busing order of U.S. District Court Judge L. C. Morton. There are now 12 proposals seeking ESAP grants of more than $1.8 million in tax funds for Tennessee private groups.

Unitary School System Assistance Center (USSAC) is located at 1922 Church St.

Under the section of its proposal entitled "Attitude Change Through Participation," the Unitary School System Assistance Center outlines a plan to place its members in the classroom "to help the teacher set up and run this program through helping the teacher devise his curriculum and through participating in the classroom itself."

The Center proposes to "work with sociology and American history classes in the Metropolitan high schools to formulate classroom situations in which students would examine the sociology and history of race relations in the U.S."

The proposal goes on to state that:

"This thirst for new race relations study in the schools would be set up as a system of consultation in which USSAC staff members would visit a high school teacher and talk to them (sic), informally, about the need for these type studies as a part of the teacher's yearly curriculum.

"Although the ESAP proposal of the Metropolitan school board contains plans for researching multi-ethnic textbooks and for classroom adjustment," the Unitary School System Assistance Center observes, "It is felt the proposed program is more directly agreed to the current needs of Nashville high school students as it is specifically designed to use a variety of existing resource materials and to involve the students in the determination of the directions the program will take in the classroom."

In addition to taking part in running American history and sociology classes, the Center members wish to bring "the message of equity and brotherhood" into the community and the schools "through presenting an entertainment which imparts a message through what it verbalizes and the spirit which it symbolizes."

To accomplish this adjustment, the Unitary School System Assistance Center proposes to use funds for "sing-out group."

"A sing-out group composed of black and white students visiting areas of tension within the Nashville community and its high schools could serve to ease hostility and provide a link of cooperation between reluctant persons and-or groups," the proposal observes.

The Center's proposal for tax funds claims "a newsletter would fill a communication need among those students involved in the desegregation process in Nashville and act as a valuable aid to changing modes of discriminatory thought."

To solve this problem and "meet this need," the USSAC proposal seeks to publish a bi-weekly newsletter financed by the federal government which would be "distributed to the students of Nashville's high schools."

"This newsletter would contain information about the concept of the unitary school system at work in Nashville, and parables, essays, and histories relevant in race relations in the U.S. The material published would be partly written by Unitary School System Assistance Center and partly collected from high school students."

Concerning the need it sees for a forum for the most extreme and/or polarized points of a year emanating from public and private debate concerning implementation of a unitary school system, the Center says such forums would "allow these diverse points of view to be expressed in a manner allowing for orderly opinion and idea sharing among attending groups."

There could possibly be trouble, however, the proposal states.

"The emotional factors involved in this type of meeting may initially lead to periods of disruptions, but with further communication on the level of this forum a meaningful appreciation of different persuasions could be initiated and sustained," the project proposal claims.

The individual group would not only contribute "its shared opinions to the white, but would obtain an awareness of the diversity of the urban and suburban community, and come to know each other as human beings rather than stereotypes."

The forums would function "as vehicles of information at the community level and at the high school level," it was noted.

"The method of exchange between the groups would follow the same pattern in either dichotomy but the community forums will be discussions between members of organized groups, whereas the high school forums would be an exchange between the students through either existing school groups or individual students," the Center's proposal states.

Employe salaries, services and benefits would cost $43,500 under this proposal, including $6,000 for fringe benefits for the five employes.

A full-time "assistant director" would be employed by the Center at $10,000 annually; a full-time "educator specialist" at $11,000 annually; a music teacher full-time at $5,000 annually, a typist and layout employe at $5,500 and a secretary at $6,000.

In addition, "administrative overhead" could cost $17,000.

The "newsletter and advertising" cost is given in the proposal as $3,000. Resource material would cost $5,000 and "pupil expense" would be $14,400.

"Pupil expense" is not $960 for the year and "conference and trips would cost another $900.

"Postage and shipping would require $500 and the telephone bills would amount to $1,000 for the year.

Office supplies would require expenditure of $600, equipment rental $600 and facilities rental $1,200.

The proposal claims that the Unitary School System Assistance Center "has the pledged formal cooperation of the Metropolitan Nashville Board of Education, and lines of communication are open between the USSAC office and the school administration."

But the project said that there is "unwillingness and/or inability of the school board to take a strong position of leadership in the processes companion to unifying the school system."

"Attitude change in education and integration is needed in Nashville community and USSAC must expand to meet this need," the Center states in its request for federal tax dollars.

The Metro school system has a written "statement of working relationship" with the Nashville Urban League's USSAC project, which was funded by ESAP earlier.

This project has three activities in its program: (1) Community Information and Rumor Control. (2) Ombudsman role concerning student-parent rights. (3) Change agent role.

In all these areas, officials of the school system for USSAC to contact are set out by name.

"In seeking to serve as change agent in any area of school system operation, USSAC should contact, inform, enter in a dialogue with and seek to positively involve and work with responsible individuals and groups" according to a plan set out which follows steps from contracting the administrator directly responsible for the specific activity through the levels of responsibility to the schoolboard.

School authorities would oppose private individuals helping with curriculum planning and the running of classrooms, Dr. Brooks, Metro school director, said.

The bi-racial advisory board is listed in the proposal as: Mrs. M. W. Booker, 408 Randy Rd.; Miss Annie S. Cooper, 2131 Sharondale Drive; Mrs. Elizabeth Depriest, 773 Brook Hollow Rd.; William H. Eason, 478 Westcrest Drive (who the Center says is no longer a board member); W. D. Hawkins, Fisk University.

Robert Holton, Room 107, Court House; Henry Hucles, 1722 23rd Ave.; Audrey Johnson, Mehary Medical College, 1005 18th Ave.; Donzell Johnson, 924 Bradford Ave.; Robert Kelley, 1710 Hayes St.; Randy Mills Jr., Apt. L–12, McMurray Minor Apartments.

Randy Mills Sr., Apt. L–12, McMurray Minor Apartments (sic) Mrs. Doris Overall, 246 South 14th E.; Paul Overall Jr., 246 South 4th St.; Malcolm (Bubba Ownby, 201 Garrett Drive; Les E. Pratt, Rt. 4, Flora Maxwell; Evelyn Sutton, Rt. 4, Holt Rd; Paul Sutton, Rt. 4, Holt Rd.; Wayne Thompson, 1464 Meharry Boulevard; and M. D. Williams, Tennessee State University.

FOR 200 STUDENTS: $60,000 CHILD CARE FUNDS ARE REQUESTED

(By Grady Gallant)

The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, has requested $60,000 in federal tax funds under the Emergency School Assistance Program (ESAP) to establish two "early morning, free child care centers" here.

These centers, which would be located at Howard United Church of Christ, Buchanan at 28th Ave. North, and at the Fifteenth Avenue Church of Christ, 2127 Fifteenth Avenue

North, would "help care for children of working mothers." Each would be designed to accommodate 100 children.

The children would be cared for between the time the mothers must leave home for work and when the children must leave for schools which open as late as 10 a.m. under Federal Judge L. Clure Morton's massive busing order.

During this time, the children will be served "a simple but nourishing breakfast: juice, milk, rolls, cereal" and will participate in "creative activity," study or reading, as well as indoor or outdoor play.

The program is planned for the period beginning Oct. 15, 1971 and ending June 15, 1972, eight months. However, the budget shows pay scales figured on a 9-month basis.

HEAVY COST

As in other ESAP proposals, this one reflects the heavy cost of operating any project involving children under the project planning of ESAP fund seekers.

Only $12,837, which is budgeted under "other costs," would be required for the "children's meals, insurance, etc."

On the other hand, employe salaries, services and benefits consume $37,901, or more than half, of the money requested.

A full-time executive director for the early morning centers will cost $7,500. His pay for the nine months is based on an annual salary of $10,000.

A typist-clerk (annual scale of $6,000) would get $4,500. There would be four food specialists (on an annual rate of $3,650 each) who would get $2,730 each for a total cost of $10,920.

There would be four "program specialists" at a cost of $2,730 each for the nine months, or a total of $10,920.

Personnel fringe benefits would require an additional $4,061.

The 36,000 "nourishing breakfasts" would cost only 36 cents each for a total of $11,520.

EQUIPMENT COSTS

To operate the office of the early morning day care centers would require such equipment as (secretary desk and chair ($198), IBM Selectric typewriter ($456), file cabinet ($55), executive desk and chair ($275) and two storage cabinets at $100 each ($200).

There would also be purchased two television sets at $150 each ($300), two record players at $50 each ($100), two 16-mm projectors at $353 each ($706), and two recorder cassettes at $46 each ($92).

Program materials for the children would be less expensive than the office equipment. Two hundred units at a unit charge of $3.75 would cost the taxpayers $750—or only $19 more than the combined cost of the IBM typewriter and the executive desk and chair.

These program materials include:

"Indoor play supplies, games, blocks, puzzles, construction toys, etc." at $1.50 per child.

"Outdoor play supplies: includes balls, ropes, etc." at 25 cents per child.

"Enrichment program supplies: Includes books, records, art and creative supplies, etc." at $2 per child.

The unit costs total $3.75 per child.

Travel would cost $900 and office supplies would cost $250. Postage and stationery are budgeted at $250 and telephones would cost $500.

Rental for the facilities located in the two churches would cost $2,400.

Equipment rental is given as $1,080 and contracted services would cost $1,500.

"Other expenditures," a mystery item in all ESAP project proposal budget projections, would require $367.

INNER CITY

The proposal notes that the two church buildings selected for the centers are "within the inner-city, largely black community served, under the desegregation plan, by three elementary (grades 1 to 4) schools, Westmeade, Parmer and H. G. Hill, all located in the general West Nashville suburban, white, area."

The center locations are easily accessible from all parts of the neighborhood served and "will serve as pick-up points for the buses taking the children to their assigned schools (details are being worked out by a member of the SACCJ and Mr. Carlisle Beasley, Metro transportation director."

The centers are also accessible "for suburban parents from the three elementary school areas driving to work in mid-town (being not far from 40)."

The proposal states that "a number of such parents expressed interest in using the service, no matter where it was located."

Personnel employed at the centers "will be selected on the basis of the qualifications required by the State Department of Public Welfare licensing standards," the proposal states.

ALSO VOLUNTEERS

A minimum of six volunteers per day would also serve in each center. These will be recruited by members of the Social Action Committee of Christians and Jews, Inc. through the social action committees of their churches. These churches include The Temple and West End Synagogues, St. Henry's and St. Ann's Catholic Churches, St. David's and St. George's Episcopal Churches, West End, Belmont and Edgehill United Methodist Churches, Brookmeade and Howard United Church of Christ-Congregational, Fifteenth Avenue Church of Christ and the Society of Friends. Volunteers would also be sought in the neighborhood.

Among those listed in the proposal as SACCJ members "having experience in the field of education or in that of race relations" are:

Mrs. Zensch G. (Bettye) Adams, member of Metro School Board ESAP advisory committee and co-chairman of Metro Council of PTA.

Larry S. Crist, associate professor at Vanderbilt University and member of the board of advisors of Fisk University Afro-American Research Center ESAP program.

The Rev. Charles N. Fulton III, associate priest at St. George's Episcopal Church and past director of an interracial camp program at Poughkeepsie, N.Y.

Attorney John Gannon, chairman of the Industrial Advisory Council, Nashville Opportunities Industrialization Center.

Rabbi Randall M. Falk, rabbi of The Temple and chairman of Metro Human Relations Commission. He is also listed as a member of Tennessee State University ESAP program.

The Rev. Wilson Q. Welch Jr., associate professor of religion and philosophy at Fisk University, member of the board of advisers of Afro-American Research Center's ESAP program.

Listed as members of the advisory committee of the proposed ESAP projected are:

Mrs. Bettye Adams, 1024 Kellow St., who is also listed on the bi-racial committee of the University Council for Educational Administration ESAP project described in Thursday's article.

Mrs. E. J. Miller, 118 Taggart Ave; Robert Moore, Box 834, Fisk University; Charles B. Myers, 1050 Percy Warner Boulevard; the Rev. Wilson Q. Welch Jr., 3959 King's Lane; John S. Gannon, 216 Jackson Boulevard; and Rabbi Falk, 1209 Canterbury Drive.

CHATTANOOGA UNITY GROUP SEEKS $372,970 FUNDING

(By Grady Gallant)

The Unity Group Fund, Inc., Chattanooga, has applied for $372,970 in federal tax funds "for counseling, negotiating and other activities" in the field of school integration and community race relations.

Almost all of the money requested—$320,080 of the total $372,970—will be used in payment of salaries, employe benefits and travel. Travel and per diem would cost $21,600 under the plan. Salaries and employe benefits would cost $290,480.

Application for tax money has been made to the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education and Welfare. It is one of 12 such proposals by private groups and organizations in Tennessee. The four applications by Nashville groups were reported last week in The Nashville Banner.

Headquarters of The Unity Group Fund, Inc., is in the office of the pastor of Second Missionary Baptist Church, the Rev. Paul A. McDaniel.

NON-POLITICAL

The Rev. Mr. McDaniel said The Unity Group Fund, Inc., is a "non-political" organization and that he is "acting chairman."

The Unity Group Fund, Inc., according to the EASP proposal, grew out of The Unity Group, which was organized in the fall of 1970.

The primary purpose of The Unity Group, which was active politically, was "to get black representation on the City Commission of Chattanooga."

John P. Franklin, a Negro, was elected to the commission and assumed the post of commissioner of health, education and welfare last April.

"Being successful in this venture," the ESAP proposal for tax money states, "the group decided to continue its existence and broaden its concerns to include housing, education and inter-group relations.

"The Unity Group is composed of leaders of civil, civil rights, religious, social and political groups of the black community and other interested citizens."

BALANCED COMMITTEE

The proposal lists three white persons and five Negroes on the bi-racial committee, with "two additional white members" still to be selected.

On the bi-racial committee are James Williams, 5326 Dorsey St., (chairman of 19th Ward, 1st Precinct in Chattanooga) representing The Informers Club of Alton Park; Irvin Overton, 2712 Glenwood Parkway, (campaign manager for the successful Negro city commission candidate) John Franklin, representing Unity Group.

Richard J. Ramsey, 3124 Rose Terrace, chairman of the Clearinghouse on Public Education; Ben Miller, 2009 Kirby Ave., representing the Community Action Program.

Miss Willie L. McClendon, 4804 Oakland Ave., representing Action Coordinating Council; Mrs. B. T. Crombie, 2419 East 3rd St., representing the Orchard Knob-Glenwood Area Advisory Council.

Robert E. Brown, 424-B Gillespie Road, representing the NAACP; and William Harris, 514 Biltmore Drive, president of the Chattanooga Chapter of the Tennessee Council on Human Relations. He is also pastor of Fairview Presbyterian Church, 913 East 9th Street.

MESSAGE QUOTED

In a message accompanying the proposal entitled "Reactions to the ESAP Proposal Submitted by the Unity Group," The Rev. Mr. Harris writes:

"The people who oppose desegregation of the schools have much more ready access to the mass media than is the case in most communities. This makes it doubly hard for the school board and staff to act responsibly in this regard.

"The problem is so significant that the public relations component of the proposal should be expanded from a mere line in the budget into one of the major thrusts of the proposal.

With the $372,970 in tax funds, the group proposes to "identify those in-school youth leaders who are dedicated to working within the system," as well as "identify those out-of-school youth leaders who are protagonistic of the system."

"The out-of-school leaders will work with the hard core drop-outs, the isolationists who feel integration is a racial injustice."

Employe salaries, services and benefits are broken down on the proposed budget as $12,000 annually for the director and $8,000 for his assistant director. Two clerk-typists at $4,000 annually would cost $8,000. Fringe benefits for these employees would be $4,080.

There would be seven "coordinators" at $750 a month for 10 months, or a total of $52,500.

Twenty-five "community workers" at $500 a month for 10 months would cost a total of $125,000; 11 more community workers (designated as Community Workers II) at $500 would total $55,000. Fringe benefits for these workers would require an additional expense of $27,900.

Travel and per diem figured in the proposed budget at 1,200 miles at 9 cents a mile for 20 workers for 10 months equals a $2,000 expense.

An interesting budget item is "inter-com system in motor vehicles" at a cost of $3,000. A second interesting budget item is "6 typewriters at $500 for a total of $1,000" (sic.).

A calculator at the cost of $500 and a mimeograph machine at $500, as well as two "conference tables" at $100 each are budgeted.

The ever needed consultants, who are so often listed in ESAP proposals, have not been forgotten here, though they work cheaper than some, being budgeted at $25 a day, rather than the usual $100 daily. In any case, there are six of these on the proposed budget at $25 for a total of $150.

An expensive budget item, requiring $10,000 in tax funds, are "medical expenses at $100 per student times 100 students."

Legal fees at $10 per student for 100 students come out to the same $10,000 cost.

"Janitorial service at $100 per month times 12 months for $1,000" total appears to be $200 short of the amount of tax money needed to keep the office clean.

"Up Keep Contracts" cost $150 under the proposal of this group for ESAP funds.

"Release time payment and supportive pay for parents for 200 days at $20 a day" adds up to $4,000 under the proposal. Utilities at $100 a month for 12 months will cost $1,200.

Rental of a "portable loud speaker" at $5 daily for 120 days costs $600, whether it is needed or not.

Office space is to cost $200 a month for a year for a total of $2,400. Three desks at $100 each cost $300 and the 75 folding chairs budgeted cost $450.

The group plans to lease four station wagons at $150 a month for 10 months for a total cost of $6,000.

It is also planned to provide cost of ambulance service to students requiring it as the result "of school altercations."

In addition, it is proposed that cooperation of legal "personnel" be obtained "in the event that any student was accused of violating civil law."

The group proposes to work with school officials "in identifying low achievers" and to work to have an out-of-school tutorial program for them. A "special out-of-school counselling service to chronic problem students in cooperation with parents and teachers" would be provided.

The group also wants to help find students part-time work and to bring students and families "into contact with those community resources that can provide food, clothing and shelter on an emergency basis."

A bi-racial speakers' bureau is planned "to present the status of school integration at any period through the school year."

"After all," the minister writes, "the purpose of the proposal is to change public opinions and attitudes in order that desegregation may be carried out in a smooth and orderly manner. Any proposal having this purpose would be silly not to pay greater attention to the mass media.

"This component of the proposal should be expanded by at least 600 per cent, including a fulltime staff person and plans for specific use of FCC (Federal Communications Commission) public service time and press releases."

TO COST $4,500

Public relations, "TV, radio, newspaper" is listed under "Other Cost" in the proposal as to cost $4,500.

The Unity Fund Group, Inc., outlines numerous activities mainly consisting of identifying people and recording information about them and their problems, holding meetings, making talks and getting medical and legal aid for students.

"The possibility of an outbreak of violence will haunt the (school) system for several months to come. To meet this problem, the proposal for ESAP tax money plans to get cooperation of medical personnel "in the event that a school altercation would result in injury to any student" and to "provide medical services needed in the event that an injured student was not covered by accident insurance and/or his family was not able to cover the cost of medical treatment."

OUR PAKISTAN POLICY PUZZLE

Mr. BAYH. Mr. President, on August 12, 1971, I wrote a letter to Secretary of State William P. Rogers seeking an extensive clarification of the administration's policy toward the Government of Pakistan and the conflict in East Bengal. The State Department's response on August 26, 1971, was, in my estimation, grossly inadequate. I have delayed making this exchange public because of conversations on a staff level which I hoped might result in a more forthright, detailed, and candid response to my questions. Unfortunately, my staff has been informed that no further public response will be forthcoming.

The questions I asked cover the scope of our Pakistan policy—arms shipments, refugee aid, repatriation, the status of our relations with India, and the interplay of the great powers in this situation. Anyone comparing the questions in my letter and the State Department's responses would have to reach the conclusion that their letter deliberately ignored some of those questions and answered others in a way more intended to confuse or divert than to clarify. It is littered with inconsistencies and empty generalities.

Let me cite just a few of the more flagrant examples. I asked for an explanation of how it happened that the administration announced one arms shipment policy and then apparently followed another. Whoever wrote the State Department letter did not apparently regard such an inquiry into the way in which the executive and military bureaucracy misfunctioned worthy of an answer.

Instead he launched into a page-long discussion of the history of our military aid to Pakistan since 1965. To confuse matters further, in the course of two paragraphs of that discussion we were told first that we have provided no lethal end items since September 1965, then that some ammunition was also sold, and finally, that no military ammunition has been involved. Perhaps the nuances of those phrases have some special meaning to someone in the State Department but I doubt they are intelligible to anyone else.

Arguing that the arbitrary action of a full military embargo might limit our influence on the Pakistani Government, the letter ignores entirely the point that our continued arms shipments appear to publicly condone Pakistani policy in East Bengal. Instead the letter minimizes the effect of the military materiel as having little real military consequence in East Pakistan. To a Bengali on the lethal receiving end of those supplies, it must appear otherwise.

That the issue of U.S. arms shipments is far from dead—despite the supposed expiration of the export licenses—is dramatically demonstrated by the disclosure of my distinguished colleague, the junior Senator from Massachusetts (Mr. KENNEDY), of two arms deals, negotiated after the March 25 deadline and totaling nearly $10 million.

The matter of U.S. Government policy on economic aid, too, is dealt with in the letter in a manner designed to leave the reader more in doubt afterward than before. Authoritative reports that the United States was consistently the lone holdout for continued aid to Pakistan in the aid consortium meetings are entirely disregarded.

Instead, the letter boldly states without explanation or elucidation that our Government's position on present and future aid does not differ materially from that of most other donors.

Finally, with regard the grave political consequences of the East Bengal situation and of our reactions to it, the letter offers one paragraph, a paragraph drowning in phrases about encouraging reconciliation, maintaining cooperative relationships with both India and Pakistan and keeping a substantive relationship with each of them to be effective in counseling restraint. This paragraph seems to have been written in a diplomatic fairyland where China and Russia do not exist, where India-United States relations remain undamaged, where 7 million human beings seeking refuge from brutal repression are only a dimly seen reality, and where the immense chasm of passion that now separates the two halves of Pakistan can be trippingly bridged.

This passage and other portions of the letter are so coolly complacement that they seem more appropriate to a consideration of some protocol squabble between petty principalities rather than a human and political crisis of major proportions. That crisis has already cost thousands of lives, destroyed our good relations with the second most populous nation in the world and further undermined the credibility of our Government's public word.

In sum this exchange of correspondence is further proof that the Nixon administration either cannot or will not publicly explain its Pakistan policy. In the absence of such an explanation, I believe the Congress has no choice but to take the initiative itself. Not only must it act to pass S. 2568, authorizing up to $400 million in refugee asistance, but it must also suspend all economic and military aid to Pakistan until there is convincing evidence that the Government of Pakistan is making a genuine effort to reach a peace of conciliation and compromise.

I ask unanimous consent that the exchange of letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE OF THE JUDICIARY,
Washington, D.C., August 12, 1971.
The Honorable WILLIAM P. ROGERS,
U.S. Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Recent events have underscored the growing domestic and international importance of the conflict in East Bengal. Our newspapers and national news magazines have brought home to the American people the horror of Pakistani atrocities, the tragedy of the refugees, and the probability of interminable bloodshed if events in East Bengal continue on the current path. Furthermore, the just announced treaty of friendship between the Soviet Union and India indicates the extent to which the East Pakistan crisis has stimulated heightened international rivalry and raised new prospects for great power confrontation. It is further evidence that the U.S. in its own self-interest cannot pursue a policy of more passivity in South Asia.

In light of the above, the failure of our government to explain clearly and forthrightly our policy in regard to the conflict in East Pakistan has become increasingly distressing. A clear statement explaining both the methods and the objectives of that policy would do much to dispel the ambiguities and doubts that exist in my mind and, I am sure, in the minds of many Americans.

First, the conditions underlying our policy regarding sales and shipments of military arms and equipment to the Government of Pakistan have been a source of considerable confusion and controversy. I now understand that the outstanding licenses for the export of "non-lethal" equipment cover the purchase of about $15 million worth of military goods and that about $10.8 million of these licenses will expire in the middle of this month.

While this expiration is welcome, an adequate explanation has not yet been made of why such confusion was allowed to exist or why a full embargo on military shipments to Pakistan (including the revocation of outstanding licenses) was not imposed in the first place. Such an explanation still seems very much in order. Furthermore, what is the exact nature of the arms and military supplies for which export licenses are outstanding and which have not as yet been shipped? What is your best estimate of the portion of Pakistani arms and military equipment that is of United States origin? Does the Executive Branch have evidence that equipment and arms supplied by the U.S. Government or by American manufacturers, have been employed by Pakistan armed forces against the people of East Pakistan? If so, what steps have been taken to prevent reoccurrence, and why has such evidence not been sufficient grounds to cut off all further military supply exports to Pakistan?

A second point of serious concern has been the position we have taken in the Pakistan Aid Consortium. According to persistent press reports, the United States has been the only consortium nation to oppose the immediate suspension of ongoing economic aid. The reasoning behind this position has not been explained in detail.

The House of Representatives has already acted to delete economic assistance to Pakistan from the pending foreign aid bill. The Senate will soon be considering the same legislation. Therefore, it would be appropriate for the Administration to explain now to the Senate and to the American people what evidence, if any, it has for believing that our continued aid will further a peaceful political settlement of the conflict in Pakistan. In short, what is the nature of the "influence" we have in Pakistan to which the President referred on August 4? What evidence is there that our influence has produced any positive results to date?

I certainly support wholeheartedly the efforts our government has thus far made to help clothe and feed the refugees in both India and Pakistan. I am, of course, satisfied that it is our Government's desire to see our relief supplies and commodity's aid used for their intended purposes. But what if any controls do we exercise over the movement of these supplies once they reach Pakistan? What guarantees do we have that they are not being commandeered by the Pakistan army? What evidence do we have that they have been thus diverted in the past?

There are currently estimated to be close to seven million refugees in India. How many refugees do you foresee by the end of 1971? What is your estimate of the capability of the Government of India to clothe and feed these people? What is your assessment of the prospects for the safe return of these refugees to their homes in East Bengal in the foreseeable future?

Beyond the question of relief and even repatriation of the refugees, is the question of the future of Pakistan and South Asia. What is your assessment of the possibilities for reconciliation between East and West Pakistan, and under what circumstances do you believe that reconciliation might best take place? How do you assess the increasing reports of the possibility of war between India and Pakistan? To what extent has our policy contributed to closer relations between Russia and India and further deterioration of U.S.-Indian relations? In the interest of maintaining leverage or influence on the Government of West Pakistan, are we not sacrificing other interests of even greater value?

The President said on August 4, "We are not going to engage in public pressure on the Government of West Pakistan," yet the State Department twice this week has publicly warned the Pakistan Government with regard to the trial of Sheikh Mujibur Rahman. As one of the signers of a letter to you about Shiekh Mujibur earlier this week, I fully support that action. However, it would be of interest to know whether you regard this step as a revision of the policy enunciated by the President. And if so, is our Government now willing to exert "public pressure" not only with regard to the fate of one individual but also with regard to the fate of a whole people?

I look forward to your response to these questions at your earliest possible convenience.

Sincerely,

BIRCH BAYH,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., August 26, 1971.
Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: The Secretary has asked me to reply to your letter of August 12, concerning United States policy in the current crisis in East Pakistan.

Your letter touches on numerous aspects of the crisis. The questions you raise are difficult ones, reflecting the exceedingly complex and serious policy issues that are involved. I think you will agree that the answers are also difficult, for all of us, as this Government seeks to pursue policies that will preserve both our own interests and help make a contribution toward relieving the great humanitarian aspects of the crisis.

Our approach to this difficult situation from the outset has been essentially threefold. First, to alleviate the suffering of the millions of people caught up in this great human tragedy, we have been in the forefront of humanitarian relief efforts, on both sides of the border. We intend to continue that role. Secondly, because of the obvious dangers of conflict between India and Pakistan which would so drastically worsen this crisis, we have counseled restraint with both countries. We are continuing to do so. Thirdly, recognizing the essential need to focus on the root cause of the problem, we have urged the Government of Pakistan to move as quickly as it can with steps that will begin the urgent task of a peaceful political accommodation. To the extent we can meaningfully contribute to this process, we will continue this effort.

We believe that this policy is the right one under the circumstances. We intend to persevere in the various efforts that make up this policy, conscious in doing so of both the limitations on what any outside power can do to influence the actions of sovereign powers in such a crisis and of the compulsions that rest on the entire world community to be responsive in a tragedy of such proportions and potential.

Let me now respond to your questions about the various elements that go into our policy.

There has been a widespread and erroneous belief that the United States has been a major supplier of arms to Pakistan since the critical days of March 1971. In fact, we have provided no lethal end-items of military equipment since our grant military program in Pakistan was suspended (later terminated) in September 1965. Since that time Pakistan has obtained equipment from several suppliers, including China, the USSR, and France. We must assume that some of this equipment has been used in East Pakistan, as well as equipment that we previously supplied, but we have no way of knowing the proportions of use in the present crisis. We regret that U.S. equipment has been so used and have so advised the Government of Pakistan, which however sees itself as within its sovereign right in using its military forces to preserve its internal security as it sees best.

What we have sold to Pakistan since 1965 has been limited to a very large degree to such end items as transport and communications equipment and spare parts for previously supplied U.S. equipment. Some ammunition was also sold. After fighting broke out in East Pakistan in late March of this year, we took action to suspend all further sales—except for those items in the pipeline where valid licenses were outstanding. What has gone to Pakistan since that time, under those valid licenses, has been almost entirely spare parts and, because many of the licenses either expired or were not utilized, has totalled no more than $3 to $4 million. No military ammunition has been involved. As of the present time what remains in the pipeline represents a figure considerably less than $4 million, and this figure will continue to decline as the few remaining licenses are utilized or expire.

Thus what we are talking about is not only a small figure but one with little real military consequence in East Pakistan. We have not felt we should apply a full embargo on these remaining shipments because of our wish to avoid arbitrary actions with the Government of Pakistan that could limit the role we may be able to play in helping to restore peaceful conditions.

We have been similarly guided in our approach to economic aid. We have not provided any new bilateral economic aid (except for humanitarian assistance) since the fighting began, but we have felt that formally to terminate existing projects would not only be counterproductive for the flexibility we seek to retain in our overall relationship with Pakistan but would in the final analysis be detrimental to the people of Pakistan. This is the position of most, if not all, other aid donors to Pakistan. As for the future, we have said that we look forward to resuming our support for what was a promising development effort prior to the events in March, but that we could do so only in the context of a revised national development plan encompassing both wings. Any such revision by the Pakistanis must obviously take full account of the current political situation. We do not believe this position differs materially from that of most other donors.

You refer to our role in humanitarian relief. There our purpose is clear and, we hope, unquestioned—to support as effectively and strongly as we can the efforts of the international community led by the United Nations to relieve human suffering and to prevent future famine. Both the President and the Secretary of State have made clear our determination to provide all-out support for this effort. In doing so it would be difficult to guarantee, particularly under present conditions in East Pakistan, that our relief contributions will in every case be fully and effectively utilized, but we are reasonably confident that our contributions and those of others are in fact reaching the people concerned. That confidence will be strengthened as the United Nations establishes itself on the ground in East Pakistan, an operation to which we are giving full and material support.

It is our strong hope and belief that as this U.N.-led effort of relief and rehabilitation gets underway in East Pakistan it will help restore confidence among the people of East Pakistan, which in turn should contribute to conditions that will encourage a return flow of those refugees now in India. We are under no illusions on this score, however, since we recognize full well that there can be no significant return of the millions of refugees until there are political, economic, and social conditions in East Pakistan that will inspire confidence among the refugees themselves.

All of these issues relate to the two clearly fundamental points you raise in your letter, that is, the part we might be able to play to encourage reconciliation between the two wings of Pakistan and to contribute to the outlook for peace among the countries of South Asia. These purposes are fundamental to our policies in South Asia. We believe that any progress toward their accomplishment requires that we seek actively to maintain cooperative relationships with both India and Pakistan. We cannot dictate to either how they should solve their problems and we must recognize the limits on our influence. But we believe it is only through keeping a substantive relationship with each of them that we can be effective in counseling restraint and encouraging resolution of the great problems that have so often divided these two countries and endangered peace in the subcontinent.

I know that officers of the Department directly concerned would be happy to meet with you or your staff if you would want elaboration on any of these points. Please feel free to call on us to this effect whenever the Department can be of help.

Sincerely yours,
HARRISON M. SYMMES,
Acting Assistant Secretary for Congressional Relations.

JARGON AND RESEARCH—TWIN IDOLS IN WORK WITH THE BLIND

Mr. BROOKE. Mr. President, some time ago I was privileged to participate in a convention of the Associated Blind of Massachusetts. I was, as always, impressed with the courage, the creativity, and the fortitude of these wonderful people.

But I confess, I was not aware until that occasion of the extraordinary degrees of discrimination experienced by the hundreds of thousands of our citizens who happen to be blind. Blind people in this country encounter outright discrimination in housing, job opportunities, travel insurance, and a host of other areas. So deep is their concern that many of them suggested to me that the blind, and perhaps other handicapped persons, should be covered under the Equal Employment Opportunities Commission, and should be included in a new constitutional amendment forbidding discrimination against the handicapped. I intend to look into this matter closely, and to propose legislation where necessary to correct this intolerable condition.

The speech delivered at the convention by Kenneth Jernigan, president of the National Federation of the Blind, speaks to the insight and determination of our handicapped citizens. Mr. Jernigan gave a speech which surely applies to us all. It was by no means the standard inspirational speech. Rather it was the speech of a man possessed of a remarkably clear perception of one of our gravest national problems: the tendency to ignore the individual.

Jargon and research, as Mr. Jernigan so aptly demonstrates, is the symptom of a nationwide tendency toward dehumanization, a tendency to downplay the role of the individual, to consider only numbers to be important, to become lost in our own prose and bureaucratic formulations.

Mr. Jernigan obviously believes that learning can be fun. His speech is laced with wit and humor, making his observations and recommendations all the more memorable. For the edification of Senators and of all persons everywhere who are engaged in the research and application of social programs, I ask unanimous consent that Mr. Jernigan's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

JARGON AND RESEARCH—TWIN IDOLS IN WORK WITH THE BLIND

(By Kenneth Jernigan)

It is written: "Thou shalt not make unto thee any graven images . . . Thou shalt not bow down thyself to them nor serve them." This Biblical injunction is as valid now as it was in ancient times. It is as valid in secular as eccelesiastical terms; and it is, perhaps, especially valid today in the field of work with the blind.

In fact, it seems to me that all of the gains we have made in improving the conditions of blind people are threatened by an ever growing worship of twin idols—false gods, if you will—the idols of jargon and research. The worshippers of these graven images are coming in increasing numbers, from the ranks of the professionals in our field—people who are placing technical means ahead of human ends—people who have become obsessed with techniques, with the tools and toys of their trade, and in so doing have forgotten the true purpose of their labors. That purpose, of course, is the improvement of the condition of blind people. More exactly, it is their elevation to productivity and dignity, to self-sufficiency and self-confidence.

Let us look, briefly, at each of these two objects of worship—before which so many of the professional experts in the fields of welfare and rehabilitation bow down today.

First, the idol of jargon. This is the verbal tendency to escalate the simple into the complex; to prefer the long-winded polysyllable to the short, clear word or phrase; to suppose that obscure and technical language is more professional and respectable than straight talk. This jargonizing tendency is the occupational hazard, not alone of the welfare and rehabilitation people, but of all others who make a fetish of technical expertise and specialism. The most heavy-handed jargonists of all are probably to be found in the universities and graduate schools, where apprentices in nearly every field are trained to write and speak "in tongues"—that is, in academic tongues, which none but their fellow converts can possibly understand.

Let me offer a homely example of how this process works. You all know the simple nursery rhyme which goes:

"Twinkle, twinkle, little star,
How I wonder what you are,
Up above the world so high,
Like a diamond in the sky."

Here is how one inspired wit has jargonized this familiar verse:

"Scintillate, scintillate, globule orifice
Fain would I know of your nature specific.
Loftily poised in ether capacious,
Strongly resembling a gem carbonaceous."

Here is another example, drawn from a masterwork of bureaucratic satire, entitled *Federal Prose*. The problem which the authors pose for themselves is how a bureaucrat would express the familiar maxim, "Too many cooks spoil the broth." Their formulation reals: "Undue multiplicity of personnel assigned either concurrently or consecutively to a single function involves deterioration of quality in the resultant product as compared with the product of the labor of an exact sufficiency of personnel."

A classic illustration of the jargonizing syndrome is the famous definition of evolution set forth by Herbert Spencer almost exactly a century ago. "Evolution," declared Spencer, "is an integration of matter and concomitant dissipation of motion; during which the matter passes from a relatively, indefinite incoherent homogeneity to a relatively definite coherent heterogeneity; and during which the retained motion undergoes a parallel transformation." Fortunately, we have a tongue-in-cheek translation of this overblown sentence, rendered by the philosopher William James. It reads: "Evolution is a change from a no-howish, untalkaboutable, all-alikeness to a somehowish and in general talkaboutable not-all-alikeness by continuous sticktogetherations and somethingelsifications."

In our time, and in our own field of work with the blind, as everywhere else, there are a number of expressions which every speaker feels he has to use; although, they are almost never defined and rarely if ever quite understood. One such expression is "conceptual framework." Once, after I had heard an expert at a rehabilitation conference repeat that term several times over, I was moved to ask him whether it would be correct to say that a conceptual framework was just a long-winded term for a bed.

Now let me ask you to make a concerted effort, along with me, to find the point—or even the "conceptual framework"—of the following paragraph from a report of the Regional Rehabilitation Research Institute of the University of Utah:

"The counseling relationship [the report states] may be defined as a dyadic relationship which has special characteristics that tend to determine some of the aspects of the parameters of attraction, influence, and interaction. It should be noted that these parameters are not rigid structural entities, but are fluid systems which are interrelated and subject to the actions and reactions of the dyadic partners. As an example of the fluid nature of the parameters, an attractive person is more likely to wield influence in a dyadic situation and his co-communicator is more apt to interact with him. . . . While the counselor may be an attractive person and capable of influence in the dyad, if he is punitive in either his verbal or non-verbal communication his interactive capabilities may be inhibited."

Shall we try to unscramble this learned statement? In ordinary language it might sound something like this: "In counseling, two persons meet for a purpose and either get along well, or they don't. Other things being equal, a friendly counselor will do a better job, unless he loses his cool."

The danger posed by the idol of Jargon is more than that it clutters up the verbal landscape and makes it hard for the reader to plow his way through. It is the danger of losing altogether the needle point of the discourse under a haystack of wordage. It is the danger of confusing the issue—if indeed there is one—through confusing and torturing the language. It is the danger, to the reader or listener, of being seduced by resounding rhetoric into accepting loose logic.

Let us try another example of jargonism at work—this time from the field of welfare. In an article entitled "Social Nearness Among Welfare Institutions," the author states: "It was noticed in the preceding sections that the social welfare organizational milieu presents an interdependence, a formal solidarity, a coerced feeling of unity. However divergent the specific objectives of each organization, theoretically they all have a common purpose, the care of the so-called underprivileged. Whether they execute what they profess or not is a different question and one which does not fall within the confines of these pages."

Now what does this collection of heady phrases mean? Mostly nothing, as far as I can see. I suggest that any writer who can go so far out of his and the reader's way to avoid simple words and straightforward sentences might well be suspected of dressing up a weak case. It just might be that, if his case were to be put forward clearly and unadorned, it would not merely be revealed but exposed.

Let us go back for a moment into that office where the rehabilitation counselor sits behind his desk, pulling his parameters together and waiting for a client to walk in to make up a dyad. As he waits, he recites to himself some inspirational words from a leading theorist of counseling, Dr. Frederick C. Thorne, who holds a Ph.D. in psychology from Columbia and an M.D. from Cornell. The words are these: "The electric approach to scientific case handling basically depends upon adequate diagnosis as the cornerstone of all case handling in order to identify etiologic causes and apply appropriate therapeutic methods according to their indications and contraindications." Thus fortified by that heady draft, the counselor presses a button and calls for his first appointment.

And now, for my last (I almost said "penultimate") illustration of toxic jargonism at work in the field of rehabilitation. Here is a passage relating to work with the blind:

"The multi-disciplinary approach was a basic consideration, with the total range of services placed on the spectrum to deal with the problems in an isolated manner to the exclusion of broad perspective. . . . The blind of the nation have usually not had a full range of services available to them, thus limiting and blighting their innate potential and contributing to poverty and disadvantage—symbolized and exemplified by an informational and cultural gap. In the closed cycle where rehabilitation has often seemed contra-indicated, the difficulty has sometimes been one of resources rather than one of motivation. If funding is available so that we can expand our facility we hope to contribute to the alleviation of this condition."

While that chain of great thoughts still rings in your ears, let me make a confession. The author of the passage is none other than I. I received a letter from an official in Washington sometime ago, one of the higher-ups in federal rehabilitation, who demanded from me a "concise narrative," and couched his demand in such jargonized terms that I could not tell what he meant or wanted. So I responded in the style indicated. If you ask me what my words meant, I tell you frankly that I haven't the slightest idea. Incidentally, I presume they satisfied the Washington expert since I have not to this day heard from him again concerning the matter.

The second of the graven images to which I wish to call your attention is the idol of research. It is, as you will perceive, a close relative of the idol of jargon. For it is often an extreme case of research-itis which produces the verbal diarrhea we have been examining. Research-itis is a common affliction brought on, among other things, by the chilly atmosphere of would-be professional agencies and scientific laboratories. Among its early symptoms are the continual sharpening of what are called measuring rods and other research tools; an attraction to numerology, the mysterious science of numbers; and the habit of using directional and mathematical terms such as "vector", "valence", and "parameter". After the virus has had its full effect, the victim becomes delirious and talks in a code language, consisting mainly of initials and abbreviations like IBM, MMPI, HEW, and NIMH. Observe the following sample, obtained from the Regional Rehabilitation Institute of the University of Utah—that is, the RRRI of UU:

"One of the first scales developed by the Institute was the Social Vocabulary Index (SVI) which attempts to measure the self concept system of an individual. The SVI was patterned after the Bills Index of Adjustment and Values (IAV). The SVI is composed of six subscales which are the: Self Concept Scale, Self Acceptance Scale, Ideal Self Scale, Concept of Others Scale, Vocabulary Scale, and Marlow-Crowne Social Desirability Scale. . . .

"The research sample of 88 vocational rehabilitants was comprised of 57, or 65 percent, male clients, and 31, or 35 percent, female clients. The mean age at application for services for the male clients was 35.7 years and 33.2 years for the female clients. . . .

"The scoring of the IS also yields three different measures of concordance: (a) Intrapersonal Concordance, (b) Interpersonal Concordance, and (c) Reciprocal Concordance. . . . It is interesting to note that the SVI and Is scales were so constructed as not to be sensitive to differential response patterns of males and females. . . ."

The subject of this particular piece of research (you may be surprised to learn) is the professional relationship of the counselor and the client in rehabilitation. The purpose is ostensibly to improve counseling—that is, to help the counselor help the client to help himself. It is possible that such will, indeed, be the outcome of the numerous scales, tests, interviews, experiments, and statistical manipulations contained in the hundred printed pages of the study. But I doubt it. This research project seems to me almost a classic example of the reversal of means and ends—the error of becoming obsessed with mere means for their own sake, and thus converting them into ends—the mistake of getting caught up in the strategies and mechanisms of the methods themselves, at the cost of losing all sight of the goal.

Let us be clear, and fair, about the role of research in rehabilitation and related professional fields. It can be a valuable adjunct to the main business at hand— which is the business of getting people out of distress and dependency, and into employment and independence. Where efforts are plainly and sensibly geared to these ends, there cannot be too much research, or too many researchers, or too sophisticated a methodology. The quarrel is not with relevant research or with competent researchers doing material things: the quarrel is with so-called "research" that is irrelevant, incompetent, and immaterial.

No one in the field of vocational rehabilitation—and least of all a director of a state program—can fail to be gratified by the rapid growth of national interest and commitment to this area during the past 15 years. However, the emphasis is not always properly directed, and the word does not necessarily fit the deed. Since the federal program of research and demonstration was started by the "New Look" legislation of 1954, more than 1,000 separate projects have been sponsored by the Vocational Rehabilitation Administration (now the Rehabilitation Services Administration). Some few of these projects, of course, have undoubtedly proved out in terms of hard results—by which I mean primarily more efficient job placement and more effective counseling. All this is very much to the good.

While it is easy for those of us who labor in this expanding industry of human salvage and human engineering to congratulate ourselves on our progress, it is harder to be self-critical. It is still harder to be suspicious of the sheer volume of research materials; and it is hardest of all to be doubtful about the good effects of all that money.

But I am critical; I am suspicious; and I am doubtful. Take the matter of money, for example. In the first year of the research and demonstration grant program, 1955, eighteen new grants were sponsored and $298,000 was committed to support them. That was a pretty good beginning. But just eleven years later, in 1966, some 153 new grants were endorsed by federal rehabilitation and (note this) $20,568,000 was funded to support those projects. More than 20 million dollars, in one year—not for the ongoing work of administering the regular programs of rehabilitation, but for new projects of "research and demonstration."

What are the implications of this tremendous outlay of funds for purposes of research? It means, for one thing, that an awful lot of research gets done—and that, a lot of awful research gets done! It means that, with the vast number and variety of projects submitted to get at the gravy, the federal agency's standards for choosing among them become ever more arbitrary and technical. That project which looks respectably scientific, comfortably professional, and properly complex has a strong edge over the one which looks relatively simple and uncomplicated and (worst of all) possibly original and ground breaking. All those human computers and numerologists whose main interest is in refining their conceptual frameworks are natural winners in the great federal game of grantsmanship. Not only are they winners, but they are fairly sure to have their grants continued and extended for as long as they can come up with graphs and tables and data which furnish what is known as "validation" and "confirmation" of the original findings in the initial project.

Here, for example, is a report entitled "Construct Validation Studies of the Minnesota Importance Questionnaire"—a bulletin in the University of Minnesota Studies in Vocational Rehabilitation (Number Eight). The object of the study, we are told, was to check on the Importance Questionnaire (MIQ) on the basis of Proposition III of the Theory of Work Adjustment, which states: "Satisfaction is a function of the correspondence between the reinforcer system of the work environment and the individual's set of needs, provided that the individual's abilities correspond with the ability requirements of the work environment."

Let me give you a sample of how the study goes:

"The MSQ, like the MIQ, consisted of 100 five-response-choice items scoring on 20 scales. The items of the MSQ were mainly items of the MIQ rewritten as satisfaction items. The MSQ was administered to 1,793 employed individuals. MSQ scales were generally found to have lower means and higher variabilities than the corresponding MIQ scales . . .

Like the MIQ, the scale intercorrelations of the MSQ were somewhat higher than desired but with sufficient reliable specific variance to be interpreted as relatively unique dimensions. Factor analysis of the MSQ scales yielded two factors interpretable as satisfaction with the 'job' and with the 'boss.' "

And that's not all: "The combined findings from the two analyses support the construct validity of ten of the sixteen scales studied: Ability Utilization, Achievement, Advancement, Authority, Compensation, Creativity, Independence, Responsibility, Social Service and Variety. Little evidence was obtained for the construct validity of the Activity, Moral Values, Recognition, Security, Social Status and Working Conditions scales of the MIQ."

Besides these great ideas, one more thing is interesting in the 75-page printed report of the Minnesota team. My hunch that a truck driver could lick a nursing assistant was (I think) confirmed and validated on Page 42 in this clear-cut manner: "The data were re-analyzed using truck drivers as the high-reinforcement group (median rank of 1, range of 7) and nursing assistants as the low-reinforcement group (median rank of 16, range of 6). The nursing assistants were used because no job groups obtained median ranks of 17, 18, or 19."

The university which carried out this research is one of 18 or more selected a few years back to serve as special research and training centers for rehabilitation purposes. It is noteworthy that (as of July 1967) 11 of these centers were medically oriented; three were vocationally oriented; three dealt with mental retardation; and one dealt with deafness. None dealt directly with the blind. (Under the circumstances I am not sure whether this fact makes me happy or sad.) Of course, the vocationally and medically oriented centers supposedly make contributions used in work with the blind; but they reflect the distinct biases of their researchers and technicians. Thus, it requires little wisdom to anticipate that the 11 medically focused centers will tend to interpret rehabilitation physically and organically and will perceive their goals in terms of motor coordination, health, emotional adjustment, and the like. Such rehabilitation research, constituting perhaps two-thirds of the total amount accomplished in the entire field, inevitably draws attention away from the basic vocational and social goals of rehabilitation in favor of medical and therapeutic solutions.

The point here is not that medical concepts and contributions are irrelevant to the work of rehabilitation. It is only that they are not *central* to the problem and the objective. The vital purpose, the overriding goal, of rehabilitation of the blind is to put the rehabilitant into society—not into the hospital. The first and fundamental requirement is to see him as a *client*, not as a *patient*. And when that is done, of course, the next requirement is to see him as a *person*, not merely as a client.

This emphasis on the person brings us to an issue which the recent escalation of research and demonstration has raised to the proportions of a crisis—which might well be labeled the "crisis of the individual." The dilemma I refer to is graphically symbolized by the congressional authorization in 1965 of a national data system in rehabilitation—under which computers are being developed to store, analyze, retrieve, and disseminate the vast amounts of scientific, industrial, professional, academic, technical, and other kinds of information cranked out for the supposed benefit of rehabilitation workers and administrators. The computerized data system is intended to be a national resource, available to all rehabilitation agencies and their staffs whenever they see fit to use it.

And it is, of course, a sure bet that they will see fit to use it often. Therein, exactly, lies the dilemma and the crisis. For the sheer mass of all this so-called technical and seemingly scientific material—the intimidating bulk of it—is certain to come down in an avalanche of print and a flood of figures upon the desk of the counselor, directly between him and his client. In the vernacular of the profession, the "visibility" of the blind person on the other side of the desk is likely to decline in direct ratio to the volume of intervening literature.

In fact, this is no mere future possibility but a reality of the present. It is not too much to say that the client of rehabilitation, the disabled or distressed or disadvantaged person, is already the *forgotten* man of the program. He is forgotten in several senses of the term. He is ignored by workers and administrators intent upon processing data, filing reports, staffing the case, using the team approach, finalizing yesterday's conference, and briefing for tomorrow's. The disabled person is overlooked (as well as over*seen*) by counselors who perceive their role in the so-called "professional" terms of standardized procedures and ritualized tasks—a trend which has led to the widespread notion, for example, that anyone who ventures to work "overtime" in a given week (that is, more than 35 to 40 hours) is guilty of "nonprofessional conduct," regardless of the human need or distress which tempted him to serve beyond the call of official duty.

There is yet another and more basic sense in which the person undergoing rehabilitation has become the forgotten man of the program. It is not only the sheer quantity of research which tends to bury the individual and drop him out of sight. It is also the quality of the research which contributes to that result. For the more technically elaborate, the more jargonized and obsessed with trivia the research becomes, the greater is the threat it presents to the visibility, the identity, and the dignity of the disabled individual it is supposed to serve. At the hands of the pseudo-scientific fraternity of testers, computers, and idolators of research, the client of rehabilitation comes to be regarded not as a person but a case (or, worse, a case history). He begins to be defined not as a whole human being but as an assembly of drives, roles, mechanisms, symptoms, and intervening variables. He is no longer a man or a woman, but one-half of a dyad. He is not a unique person, one of a kind, with his own sorrows and yearnings; he has become an interchangeable unit, a member of a class, differing only slightly in the valence of his parameters, with a median rank of seven and a range of three.

Along with the neglect of the person in rehabilitation, and closely related to it, has gone the neglect of the original and paramount purpose of the program. It is not without significance that the Office of Vocational Rehabilitation, as it used to be called, has now become the Rehabilitation Services Administration. What has been conveniently discarded in the shift of titles, you will note, is the term vocational. The omission is deliberate, and it is sinful.

Meanwhile (with the amendments of 1943, 1954, 1965, 1968, and 1969) so-called "services" of every variety run rampant through the federal statute, and the idol of Research rears its stapled head in section after section of the law. The Act itself has now become so interminable, so complicated, and so jargonized that only an expert at cryptography and linguistics could make sense of it. Everything, it seems, is embraced and subsidized in the program of rehabilitation—everything, that is, except the first and foremost reason for its being. With the disappearance of the term "vocational" has occurred the disembodiment of the substance. The forgotten purpose of the program—that of placement in remunerative and meaningful employment—has gone to join the forgotten client in limbo of betrayed ideals.

No blind person—and no friend of the blind—can view without concern and alarm the trends in rehabilitation and welfare today. As the professional jargon, the so-called "research," and the federal funds increase, the actual help for the individual seems to decrease. It is problems like this that have compelled us as blind people to organize and take a hand in our own programs. We can expect improvements in those programs only to the extent that we exert ourselves to make those improvements happen.

We are not children, and we are not helpless. We know our needs, and we know the means of achieving those needs. I, for one, believe we have the guts and the good sense to turn our dreams into realities. One way to do that is to insist that the public programs established to give us help do what they were intended to do. The increasing worship of the idols of professional jargon and pseudo-research will not contribute to the solution of our problems. The time is at an end when we are willing to allow our road to hell to be paved with the good intentions and misdirected activities of people who would be our keepers and custodians.

Let me be clearly understood. We do not condemn all of the professionals in work with the blind. Far from it. Many of them have done yeoman service, and continue to do it. They march side by side with us and help us achieve our goals. Further, we do not condemn true professionalism or meaningful research. These are essential in our struggle for self-realization. What we do condemn, what we do decry, and what we do not intend forever to tolerate are the Mickey Mouse tactics of self-proclaimed "professionals" who waste the public's money and our lives in childish prattle and foolish games, masquerading as scientists and humanitarians. Let the high-flown jargon and the pseudo-research go the way of the dinosaur, and let us as blind people move forward with determination and vigor to our rightful place in the mainstream of social and vocational achievement. This is the challenge we must face and the destiny we must go to meet. Let us meet it with confidence and conviction—but above all, let us meet it *now*!

TRANSFER OF RITALIN AND PRELUDIN TO SCHEDULE II

Mr. BAYH. Mr. President, I am pleased to announce that the Nixon administration has finally, though belatedly, endorsed the view of a majority of the Members of this body, including this Senator and other members of the Subcommittee To Investigate Juvenile Delinquency, that unrestricted production and distribution of all amphetamine-like stimulants presents a threat to public safety and to the welfare of the citizens of this country, particularly its youth.

Recently, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, moved administratively to impose production and distribution controls on methylphenidate—Ritalin—and phenmetrazine—Preludin. The Director's order subjects these stimulants to schedule II controls, only recently imposed on all amphetamines and methamphetamines—"speed." Attorney General Mitchell characterized this move as "part of the Nixon administration's continuing program to strengthen controls on drugs with a high potential for abuse." Such a statement brings to mind Mr. Mitchell's enjoinder to watch what this administration does, not what its representatives say. In the light of that admonition, the administration's past year performance regarding these drugs is in order.

Last October, this body passed, as an amendment to the Comprehensive Drug Abuse Prevention and Control Act, a provision which would have imposed tighter controls over the manufacture and distribution of amphetamines and amphetamine-like substances. Following intensive lobbying by representatives of the drug industry and bolstered by White House opposition to this measure, it was deleted by our colleagues in conference. In February of this year, Senator EAGLETON and I with 36 cosponsors introduced S. 674, an identical bill.

Then on May 26, under immense pressure from a public alerted to the destructive nature of "speed" drugs, the administration shifted some of these stimulants from schedule III to the more stringent schedule II imposing production, marketing and export quotas as well as stricter prescription controls. The Attorney General's order provided for the rescheduling of amphetamines and methamphetamines but not methylphenidate and phenmetrazine, popularly known respectively as Ritalin and Preludin.

RITALIN AND PRELUDIN

As chairman of the Senate Juvenile Delinquency Subcommittee, I, like others who are concerned about the overproduction, diversion, and abuse of this class of drugs, was amazed at the insensitivity or naiveté of the Department of Justice in this matter. If Ritalin and Preludin remained in schedule III, while similar drugs were shifted to schedule II, it was clear to us that these two stimulants would become the subject of increasing abuse and might in fact become abusers' drugs of choice.

The track record and abuse potential of these two drugs is no mystery to students of stimulant abuse. While not abused in every region of this country, they have the same abuse potential as amphetamines and methamphetamines. Dr. Jerome Jaffe, now Director of President Nixon's Special Action Office for Drug Abuse Prevention, recognized the similarity of these amphetamine equivalents and their potential for abuse when the commented in 1969:

> A number of other CNS (central nervous stimulants) can produce subjective effects that are almost indistinguishable from those of amphetamines. These include dextroamphetamine, methamphetamine, and phenmetrazine (Preludin). Drugs such as . . . methylphenidates (Ritalin) are sufficiently similar in their subjective effects, toxicity, and patterns of abuse to justify inclusion in this class.

While Preludin and Ritalin, are less familiar to the American public than others in this class, such as the plain amphetamines, their serious abuse abroad has brought them to the forefront.

Sweden, a highly industrial country not unlike our own, experienced a pandemic of Preludin abuse. Youths were the ones most often victimized by the availability of this stimulant and Ritalin as well. Abuse of both drugs began on the average at age 16—somewhat earlier in girls than in boys. Initially the amphetamines were the starting drugs, but as these were more strictly controlled and their distribution restricted, the drugs of choice in the stimulant class became almost exclusively Preludin. A 1967 study of abuse patterns among Swedish juvenile abusers of stimulants revealed that 81 percent abused Preludin, 36 percent abused Ritalin, and 6 percent abused amphetamines. Today all central nervous stimulants are banned in Sweden.

The Swedes were well advised to prohibit the distribution of these dangerous stimulants. According to Dr. John D. Griffith, assistant professor of psychiatry and instructor in pharmacology at Vanderbilt University School of Medicine, observations of amphetamine addicts now make it clear that amphetamine addiction is more widespread, more incapacitating, more dangerous and socially disruptive than narcotic addiction.

An equally important consideration is the relationship of amphetamine-type central nervous system stimulant abuse to the commission of criminal acts by the abuser. The Select Committee on Crime's report "Amphetamines" notes that relationship and cites a study by Swedish phychiatrist Prof. Goasta Rylander, in which he commented as follows:

> The crime-causing influence of central stimulants . . . can be studied in the light of three different types of mental states.
>
> First, the increased self-assurance which can give a feeling of omnipotence, the stimulation of energy and heightened activity, the ignoring of difficulties and consequences, involve disposition to crime. This was expressed in the same words by two girls who did not know each other: 'I always turn "criminal" after Preludin (phenmetrazine) shots,' they said. An addict with long experience of the drug declared that crime was a natural outlet for the drug-induced overactivity, without any thought being given to the nature of the act committed. When caught red-handed, the addict may be astonished at the action of the (arresting) policeman. Of course, the addicts need money to buy tablets illegally, but even if that need is not acute, they may still commit crimes. 'I would never have committed such a clumsy and stupid crime, if I hadn't been high,' the addicts often say.
>
> Two of my patients with no crimes of violence in their records committed robberies when high on Preludin. One of them, a man, knocked down a jeweler in his shop, the other, a girl, inspired two foreigners, whom she met by chance, to a robbery and a holdup. She helped them in both cases. The crimes mentioned were quite ruthless, and from the criminals' point of view, very stupid. They committed the crimes without bothering about the obvious risks of being caught; in fact, they were caught.
>
> Two of my addicts who had not been sentenced for crimes of violence before, committed murder under the influence of Preludin and a small amount of alcohol. This seems to be a very dangerous combination . . .
>
> In states of acute paranoid psychosis, panic-filled addicts can commit dangerous acts of different types. One of my addicts killed another addict because he felt sure this man was sent out by a gang to kill him. In a similar state, another of my patients drove through the central part of Stockholm at high speed against red lights and through a one-way street in the wrong direction until he ran into another car at a street corner, badly injuring both the passengers of this car and himself. Another one tried to force his way into the police headquarters in Stockholm with a knife in his hand, crying for help from the Swedish Secret Service against his prosecutors.
>
> Finally, addicts who intravenously inject large doses of central stimulants decline socially more quickly than alcoholics. They become parasites, living on relatives, friends, or sometimes on sickness benefits, peddling alcohol or narcotics. They are inclined to all sorts of petty crimes and anti-social acts by which they can get some money with which to buy drugs.

Furthermore, several laboratory experiments have verified the ease with which Ritalin and Preludin can substitute for the more traditionally abused amphetamines. For example, Dr. Maurice H. Seevers, Ph. D., M.D., professor and chairman of the University of Michigan Department of Pharmacology, has demonstrated that monkeys, under self-administration, readily substitute doses of amphetamine, methamphetamine, Ritalin, and Preludin.

Thus, to permit these two drugs to remain in schedule II with lesser controls, with no production quotas, lower accountability, and relaxed controls seemed folly—a patent invitation to further stimulant abuse and more ruined lives.

In light of our knowledge of the actual abuse of these two drugs and their high potential for abuse, as well as the rescheduling of the plain amphetamines, I announced hearings on June 17, 1971, on S. 674 which would place all central nervous stimulants including Ritalin and Preludin in schedule II where they belong.

During 2 full days of hearings July 15 and 16, we heard testimony from 29 witnesses, including testimony from Senator EAGLETON, medical authorities, major drug producers, Government officials, and young people who were formerly a part of the "speed scene."

The Task Force on Drug Abuse, a privately funded nonprofit "Nader-like" group, reported that Ritalin abuse had reached "epidemic proportions" in Seattle, Wash., area, and its abuse was noticeably increasing in at least a half dozen other areas in the country. Robert Brandon, project director of the task force, told the subcommittee that the intravenous administration of Ritalin had been identified as the cause of 12 Seattle deaths in the first 6 months of 1971. He also testified that there had been at least 22 Ritalin deaths during the combined years of 1968 and 1971. Brandon revealed that four 1970 deaths in Portland, Oreg., were attributed to Ritalin abuses and that there are as many as 2,500 "regular Ritalin abusers" in Seattle alone.

Brandon concluded his statement as follows:

> There is every reason to believe that if amphetamines themselves are effectively controlled, then the drug abuser will turn to similar, less carefully controlled drugs. Tighter controls should be placed on Ritalin and Preludin immediately. By moving them to Schedule II this can be accomplished. The problem is here with us, and it is growing. We urge you not to await further studies and statistics. One need only speak to people on the street—police officers, doctors, abusers, and victims—to see the urgency of the problem. We cannot afford to wait until today's potential victim becomes tomorrow's statistic.

Further documentation of the Seattle epidemic is found in a letter from Mr. Al Weese, coordinator of drug and alcohol program for the city of Seattle. He states:

> For reasons as yet unknown, Seattle has for some time had the dubious distinction of being known as the "Ritalin Capital". Historically, its use has been largely confined to the older, hard drug-using black community. More recently (within about the past year) its use has moved into the younger, white, "hip" drug-using community. Its reputation as a drug of choice in conjunction with Methadone is increasing. (Perhaps, an updated version of the old "speed ball"—heroin used with amphetamine and/or cocaine.)
>
> The feeling is common locally that Ritalin is largely obtained through loose pharmaceutical dispensing, although some may be bled off through hospitals.

Dr. Richard Jaffe, a radiologist in the Clinics Division of the National Institutes of Health, reported the findings of his study of 20 chronic Ritalin abusers in the Seattle area. He prefaced his remarks with the comment that heroin and Ritalin were, far and away, the most commonly abused drugs in the Seattle area. He reviewed for the subcommittee's benefit the serious medical complications related to intravenous Ritalin abuse. Referring to a series of slides indicating the destructive effects of Ritalin abuse, he commented:

> This is not a very pretty picture, but this is a young Ritalin addict who had lost almost all his veins and was forced to use the vein near his ankle. You can see this is a festering abscess related to the site of injection of Ritalin. You can see also several other abscesses adjacent to it, one here on top, a blister on the bottom and one in the center.
>
> Now, what is the importance of this? The infection spreads to the underlying vein and causes thrombophlebitis or to the heart valve, resulting in severe complications. Infected blood clots from these veins can break off and travel to the lung where they cause multiple lung abscesses, as in these three patients.
>
> I call your attention to these two large infected abscesses in his right lung. This left lung is normal and clear as it should be. This is a 41-year old addict with a 13-year history of intravenous Ritalin and heroin abuse. I call your attention to the large abscess in the lung here, and a larger one in this lung here. This gentleman is now dead.
>
> In summary, Ritalin has a high propensity for serious medical complication when used intravenously by addicts. This is due to its frequent association with infection about the injection site and the passage of the Ritalin talc particles to the lung and the blockage of pulmonary vessels.

In addition to the vivid documentation of lives wrecked by Ritalin abuse, Dr. Jaffe offered his opinion that Ritalin currently constitutes a significant drug abuse problem, and that as amphetamine production declines and distribution is more stringently controlled, Ritalin abuse would be on the rise.

In view of this evidence of actual and potential abuse of these stimulant drugs the Nixon administration's position was startling.

The spokesman for the Attorney General, Mr. John Finlator, Deputy Director of the Bureau of Narcotics and Dangerous Drugs, agreed that Ritalin and Preludin are drugs with a potential for abuse but stated:

> We do not feel that we have seen sufficient evidence of abuse to justify the serious step of placing these drugs into a higher schedule.

He continued:

> For example, if we find that drug abusers swtich from amphetamine or methamphetamine to these other stimulant compounds, we are prepared to take rapid action to place the more stringent controls into effect. However, we do not feel that such action is indicated at present. These drugs are currently controlled in Schedule III, and the controls of III appear to be adequate to safeguard the public health and safety.

Mr. Finlator acknowledged, however, that much of the evidence of Ritalin abuse assembled by the Brandon task force was unknown to his office. It is incredible that the BNDD and other Federal agencies responsible for enforcing drug abuse laws enacted by Congress could be so grossly underinformed. I strongly recommend that the monitoring procedures of BNDD be reviewed immediately and altered drastically. Our citizens deserve far better performance from those responsible for responding to the drug abuse crisis engulfing this country.

Nor was the Food and Drug Administration persuaded that these drugs should be subject to more stringent controls. Dr. Henry Simmons, testifying on behalf of FDA Commissioner Dr. Charles Edwards, indicated that as of May 31, 1971, the Department of Health, Education, and Welfare was not prepared to recommend the rescheduling of Ritalin and Preludin. Dr. Simmons expressed the "hope" that these drugs would be rescheduled soon.

However, in the light of the evidence adduced by the subcommittee, it is my belief that it is better to err on the side of safety. This administration by its opposition to a comparable measure in 1970 chose to overlook the lesson learned abroad, the studies indicating a probable shift of abuse to these stimulants, as well as the evidence of the growing incidence of actual abuse in this country. I take strong exception to this "wait and see" approach—a body count.

ESKATROL

In addition to the demonstrated need for the rescheduling of Ritalin and Preludin, our attention had also been directed to several amphetamine combination drugs whose manufacturers had formally objected to being moved to schedule II. Three drug firms sought exemption from the stricter controls for some of their products:

Smith Kline & French for its amphetamine combination, Eskatrol;

Pennwalt Corp. for its amphetamine combinations, Biphetamine and Biphetamine-T; and

Mission Pharmacal Co. for its methamphetamine combination, Fetamin.

Representatives from each of these firms were invited to testify before our subcommittee. Two days before our first day of hearing; both the Pennwalt and Mission firms withdrew their requests for special exceptions for their products. This resulted in an automatic transfer of these products to schedule II. Smith Kline & French, however, insisted that its drug, Eskatrol, did not have a significant potential for abuse.

Our hearings revealed substantial evidence of the abuse potential of Eskatrol. Several witnesses, one, formerly a heavy abuser of amphetamines—a so-called speed freak—spoke of frequent abuse of Eskatrol. Testimony revealed that Eskatrol was water soluble, and that with little difficulty the liquid amphetamine can be separated and administered intravenously. This characteristic, coupled with the fact that the amphetamine particles in Eskatrol were color-coded, made clear the abuse potential of this drug, which constitutes at least 20 percent of the diet pill market. If Eskatrol were excepted from schedule II controls, it was apparent that it would capture a sizable portion of the market, licit and illicit, resulting from the rescheduling of plain amphetamines.

ADMINISTRATIVE ACTIONS SINCE THE HEARINGS

Since the adjournment of our hearings July 16, 1971, two significant events have occurred. On August 9, 1971, Smith Kline & French withdrew its request for special classification of its amphetamine combination, Eskatrol. Contrary to claims made by Smith Kline & French before our subcommittee, a Justice Department spokesman indicated that substantial amounts of Eskatrol had been diverted by thefts for illicit purposes. This, coupled with the evidence presented during our hearings regarding the ease with which the water soluble amphetamine could be extracted from the amphetamine combination, clearly supported the BNDD August 18, 1971, order transferring Eskatrol to schedule II.

A more dramatic turn of events was the recent announcement, on September 17, 1971, in the Federal Register that BNDD had moved Ritalin and Preludin to schedule II status. Since the appearance of the administration spokesman before our subcommittee barely 2 months ago, the administration has taken an about face and accepted my long held belief that the public health and safety demand that these two drugs be subject to the strict production and distribution controls of schedule II. The BNDD relied almost exclusively on our contention that persons disposed to abuse amphetamines were likely to switch to abuse of Ritalin and Preludin as the basis for its order.

Ciba-Geigy Corp., the manufacturer of methylphenidate—Ritalin—and phenmetrazine—Preludin—and the Boehringer Ingeljeim, G.m.b.h., the owner of the U.S. patent on Preludin, both consented to the transfer without a hearing. Thus, clearing the way for the expeditious rescheduling of these two stimulants.

I am gratified that the administration relented and finally recognized the clear abuse potential of Ritalin and Preludin and decided to shift any risk involved to the manufacturers of these products rather than to the youth of this country.

The next step in the rescheduling process is the establishment of production quotas to meet the legitimate medical, scientific, research, and industrial needs for all of the amphetamine and amphetamine-like substances. It is essential that the quotas set by the Attorney General reflect actual need. The medical community should play an important role in this regard.

In addition to the overproduction of all amphetamines and similar substances, a significant factor in the availability of these drugs, is the rather casual manner in which far too many of our physicians prescribe amphetamines. If production quotas reflecting true medical needs are to be established the medical community must check these practices. Voluntary efforts by several medical associations have met with striking success.

During the series of hearings held by the Juvenile Delinquency Subcommittee in July, Dr. James M. Blake, testifying on behalf of the Suffolk County, N.Y. Medical Society, explained the measures taken which made his county the first community in the Nation to organize a voluntary ban on prescribing and dispensing of amphetamines. A substantial majority of their physicians have pledged to restrict the prescription of amphetamines. It was Dr. Blake's view that such voluntary programs would cut down the base that the Justice Department would use in determining production quotas for stimulant drugs and would therefore further limit the supply available.

In my own State of Indiana 96 percent of the La Porte County Medical Society, took similar action after learning that stimulants taken from home medicine cabinets were being sold in the corridors of local schools. This program has drawn favorable responses from the general public, pharmacists and law enforcement authorities. Law enforcement officials believe that the embargo makes it easier for them to concentrate on prime illegal distributors, instead of "kids who were selling their mothers' amphetamines at school."

Similar programs have been initiated by medical societies in Utah, South Carolina, and Texas. This type of voluntary action is a credit to the medical profession and a service to the public.

As chairman of the Juvenile Delinquency Subcommittee, I intend to continue a vigilant review of the procedures followed by BNDD in establishing these quotas and other regulatory controls provided in schedule II. In this manner we will be able to assure that this administration truly acts in accord with its current policy regarding these dangerous stimulant drugs.

METHADONE POISONING IN CHILDREN—A GROWING CRISIS

Mr. GRIFFIN. Mr. President, the growing use of methadone as a means of treatment for narcotics addiction has greatly increased the incidence of accidental methadone poisoning among children.

Prior to 1969, only one case of methadone poisoning of a child had been reported in the entire United States. However, in the last 18 months, over 40 cases have been reported in a single hospital in Detroit's inner city.

I ask unanimous consent that a letter which I have sent to Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, and a thought-provoking analysis of the problem, entitled "Detroit's New Epidemic: Methadone Poisoning in Children," prepared by Dr. Sheldon L. Brenner and Dr. Regine Aronow, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 27, 1971.

DR. CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Washington, D.C.

DEAR DR. EDWARDS: Accidental methadone poisoning among children has reached epidemic proportions. In one hospital alone, in Detroit's inner city, 40 cases were reported in the last 18 months.

As you may know, only 10% of Detroit's estimated 30,000 addicts are on methadone maintenance programs. Using only the figure reported from one hospital, there appears to be an incidence of at least one child poisoning for every 77 addicts on therapy.

Unless prompt action is taken, the problem could grow even worse. As the number of addicts who are put on the methadone maintenance therapy increases, the incidence of poisoning among children will rise proportionately.

Enclosed is a thought-provoking paper on the problem entitled "Detroit's New Epidemic: Methadone Poisoning in Children," prepared by Dr. Sheldon L. Brenner and Dr. Regine Aronow, and presented recently to the National Association of Poison Control Centers. I shall appreciate it if you will carefully review this paper and if you will advise me promptly as to what steps the FDA is taking to curb this serious problem.

With best wishes, I am

Sincerely,

ROBERT P. GRIFFIN.

DETROIT'S NEW EPIDEMIC: METHADONE POISONING IN CHILDREN

(By Sheldon L. Brenner, D.O., and Regine Aronow, M.D.)

As heroin addiction is recognized as an increasing public health problem in the United States, attention has focused on the only treatment that has been reported effective for a large number of selected patients, that of methadone blockade as outlined by Nyswanger and Dole. Approximately thirty thousand addicts are receiving methadone in the United States of which an estimated three thousand are in Detroit. The public, through the efforts of the communication media, have embraced the concept of methadone substitution as a socially acceptable therapy without stigmata. The danger inherent in methadone to the non-addict and small child has not been adequately brought to the public's attention.

The first public sponsored methadone clinic was opened in the City of Detroit in March 1970. Two months later the first case of methadone poisoning in a child was seen at the Children's Hospital of Michigan. In the next nine months, seventeen more children were treated as reported in a previous study. Since then, seven months have elapsed and twenty two additional patients have been treated for methadone poisoning. This adds up to forty cases in a single institution. There are other pediatric services in the city that have also treated such cases. This is impressive when you consider that prior to 1969 only one case of methadone toxicity in a child had been reported in the United States.

The pharmacology of methadone has been reviewed in several recent articles and may be found in standard pharmacology texts.

Analyses of our cases may be reviewed in the following charts:

1st slide—The mean age of the patients was 24 months; the youngest, 7 months old and the oldest, a 13 year old girl who obtained her drug from a boy across the street and overdosed as a suicide gesture.

2d SLIDE

	Number of patients	Percent of total
Eyes:		
Miosis	32	80
Normoreactive	7	18
Fixed and dilated	1	2
Sensorium:		
Coma	16	40
Drowsy	19	48
Asymptomatic	5	12
Respiration: Apnea	7	18

3d SLIDE

Form and amount of methadone ingested (when known):		
5 mg. tablets	1	2
10 mg. tablets	26	65
Liquid	2	5
40 mg. diskets	5	13
Unknown	6	15
Source of drug:		
One or both parents	22	55
Relative (aunt or uncle)	11	28
Family friend, babysitter	6	15
Unknown	1	2

Over half the cases involved prescribed methadone. None were from the public clinics in the first nine months but there were two in the second group. It is apparent that methadone is easily available on the street, the Lilly J72 being most often identified and the Disket J53 recently has been showing up more often.

4TH SLIDE

	Number of patients	Percent of total
Gastric emptying:		
Spontaneous	6	15
Syrup of Ipecac	10	25
Lavage	15	38
Not done	14	35

Syrup of Ipecac is an effective emetic. It produced vomiting in all ten patients. It must, however, be used with extreme caution if at all in the asymptomatic patient as his level of consciousness may change at any time leading to the aspiration of gastric contents. Since methadone inhibits gastronintestinal motility, gastric lavage is probably beneficial in the depressed patient after ventilation and airway have been established. The discrepancy in the figures projected represents patients who became depressed while waiting for the action of Syrup of Ipecac so gastric lavage was instituted or those where spontaneous vomiting was not considered to be sufficient and some other means of gastric emptying was also employed.

5TH SLIDE

	Number of patients	Percent of total
Disposition:		
Hospitalized (1 transferred)	36	85
Observed in E.R.	6	15
Average hospital stay, 3.9 days.		
Outcome:		
Recovery (2 lobar pneumonias and 1 lead poisoning, as concomitant complications)	39	98
Death (pneumonia, severe anemia, old subdural hematoma on autopsy)	1	2

There were no cases with pulmonary edema as has recently been reported.

The suspicion of methadone ingestion is of paramount importance in recognizing its occurrence in children. Immediate action must be taken to ensure a successful outcome. A child aged 2 to 6 years old who takes an overdose will become progressively comatose over a period of one-half to three hours and if untreated will die to respiratory arrest. The triad of coma, respiratory depression and pinpoint pupils are the classic criteria for diagnosis of narcotic toxicity, however, patients in profound coma may present with dilated pupils as seen in one of our patients.

If breathing has stopped or its rate or depth is too low to maintain adequate ventilation, artificial respiration by any effective means should be instituted immediately. Then a narcotic antagonist such as nalorphine hydrochloride should be administered and will produce marked rapid improvement. It is most effective when the narcotic induced respiratory depression for which it is administrated is greatest and should not be administered on the basis of unresponsiveness or pinpoint pupils. This drug can produce respiratory depression in the absence of narcotic overdosage.

Patients who are known or suspected to have methadone intoxication must be hospitalized. The drug can exert its effects for as long as 48 hours after ingestion. A child who is successfully resuscitated with a narcotic antagonist may later relapse into respiratory arrest if the waning effect of the narcotic antagonist which has a maximum duration of 1½ to 2 hours goes unrecognized.

Although obtaining a history of methadone ingestion has not usually been difficult, a social service consultation is requested before the child is discharged home. Because in our experience there has been such a variety of street drugs involved in childhood poisoning, urine specimens on a number of the patients were submitted for screening and only one did not confirm the history given. This may explain why a few cases in this series did not present symptoms.

Only 10% of Detroit's estimated heroin addicts are on methadone substitution therapy. With just the cases presented there is an incidence of one childhood poisoning for every 77 patients on therapy. We already have an increasing incidence of methadone poisoning in childhood as proof of an epidemic. What will happen with greater distribution of the drug? The recognition and evaluation of the factors essential to or contributing to the epidemic must be acknowledged by the public, the medical profession, and all agencies involved. Action must be taken to control it. The problem of accidental poisoning in children generally is of such magnitude that the United States Congress enacted The Federal Hazardous Substance Labelling Act, the Child Protection Act and the Poison Prevention Packaging Act. Why do they not apply to a drug as supposedly controlled as methadone?

It is suggested that: (1) Methadone should be recalled and redistributed only to specially licensed clinics and (2) the quantity of drug per tablet should be reduced to levels of little or no toxicity to the non tolerant patient, (3) it should be mandatory that all patients who have reached the point where they are to have home treatment be thoroughly indoctrinated as to the toxicity of methadone before they can have possession of the drug. (This information should come from the patient's counselor who can determine if the hazards are fully understood. (4) All methadone clinics should be required to dispense their medication in adequately labelled childproof packaging.

If these procedures are adopted, the epidemic of accidental methadone poisoning in children may be interrupted.

EQUAL RIGHTS IN THE SENATE

Mr. BAYH. Mr. President, last week we saw a great victory for equality in the House. House Joint Resolution 208—the equal rights amendment—was passed by the overwhelming majority of 354 to 23. And I was especially happy to see that the Wiggins amendment—which would have rendered the amendment a nullity—were decisively rejected. I applaud the Members of the other body for their quick and positive action in passing this much-needed measure.

The House-passed joint resolution has been brought over to the Senate. I seriously debated whether I ought to exercise my right to object to its being referred to committee, thus having it put directly on the Senate Calendar. After much consideration, I decided not to interpose an objection. I decided to allow this measure to go to committee. I did this for several reasons.

First—and most importantly—there is now on the Senate Calendar an equal rights amendment absolutely identical to the one passed by the House yesterday. Together with several other Senators, I placed that measure, Senate Joint Resolution 150, on the calendar just before the August recess. I acted despite my great reluctance to bypass the committee structure, but I felt such a step was necessary to overcome the delay and obstruction being caused by a few Senators. Now that I have taken that step, I do not see any value to be gained by avoiding the committee process with the House-passed resolution. If there should be undue committee delay, I will immediately push for action on the identical measure now on the calendar.

Second, I am not objecting to committee consideration of this measure because there is no doubt that thorough and complete committee debate will strengthen the amendments chances of passage in this body. The committee system—when it is not abused—is essential to the proper functioning of the the Senate. As a political matter, I would prefer to have a floor debate on the amendment after it had been considered and reported out of the Judiciary Committee.

There is one final reason I am agreeing to this procedure. It is no secret that the Senator from North Carolina has been the most ardent, outspoken, and effective opponent of this bill. But he has now given his word, on the floor of the Senate, that he will help to get a quorum of the Subcommittee on Constitutional Amendments and that he will not prevent progress on this bill. As he said on August 6, 1971, "I will offer my amendment and agree to a limitation of 20 minutes for my viewpoint on each of them." The Senator from North Carolina is a most honorable man, and I respect his word completely. Because he has given his personal assurances that he will not delay this bill, I am willing to make one more try for committee consideration.

I wholeheartedly support the Equal Rights amendment and will continue to do everything in my power to push for its immediate passage by the Congress and ratification by the States, in its original form. It is absolutely essential that we take action—and that we take action soon—to make all our citizens truly equal. It is not morally justifiable—and it should not be constitutionally permissible—to subject the majority of our population to second class status.

I am afraid that too few Members of this body are fully aware of the toll taken by sex discrimination. Sex discrimination is a massive affront to our fundamental concepts of equality. It imposes a massive psychological and economic burden on American society. In those areas in which the costs can be documented—for example, average annual income—and in its immeasurable impact on personal dignity, sex discrimination may well take an even greater toll than racial discrimination.

Only the Equal Rights amendment can effectively put an end to such discrimination. A good deal of this discrimination stems directly from State employment practices and laws. State action in the area of education shows a clear and persistent pattern of discrimination against women, both in admissions and in access to teaching and supervisory position. Some States continue to discriminate against women in their criminal laws. The vast majority of States continue to enforce archaic laws—"protective" labor legislation, limitations on the right to contract and the right to enter business, and so forth—which severely restrict women who wish to advance and earn promotions in their work. All these laws and practices would be overturned by the amendment.

However, as I have said before, I would enthusiastically support the amendment even if it made no changes in existing State laws and practices. It is worth supporting for its symbolic value alone. It is high time that we made it explicitly clear in our most basic political document that women are fully the equal of men.

TEXTILES: NEW STRENGTH FOR A VITAL INDUSTRY

Mr. BROOKE. Mr. President, many millions of Americans stand to benefit enormously from the textile agreement which was reached last week with our four largest Asian trading partners: Japan, Hong Kong, Taiwan, and Korea.

Nearly 2.3 million people are employed by the textile and apparel industry—one out of every eight Americans working in manufacturing industries. The industry is the chief customer of 675,000 cotton farmers, the sole customer of 200,000 wool growers, and an important customer for producers of machinery, plastics, synthetic materials, dyestuffs, and chemicals.

Import penetration of the U.S. market increased over the last 5 years by almost 200 percent for man-made fiber products, and 32 percent for woolen products. During that time over 700 textile and apparel firms closed, and capital expenditures for new plant and equipment for the textile industry declined from $820 million in 1966 to $580 million in 1971. Employment in the industry declined by over 100,000 workers during the last two and a half years and the Federal Government estimates that without import restraints, industry jobs lost might have reached a quarter of a million.

The agreements which we have reached with our trading partners will substantially reduce the growth of man-made fiber and woolen imports to annual rates ranging between 5 and 7.5 percent from the high 70 percent growth level achieved in the first 8 months of 1971 for man-made fiber textile imports from these four Asian suppliers. As imports are effectively limited, our textile and apparel industry will be able to improve its competitiveness and thereby expand production and employment.

But more than the textile industry stands to benefit. Every American will gain from the balance-of-payments implications of these agreements. The current textile and apparel trade deficit is the largest deficit for any industrial sector. It is estimated at $2.15 billion for 1971, which is greater than the expected annual overall trade deficit of $2 billion. 1971 will in fact see the first trade deficit for this country since 1893. A trade deficit means loss of jobs, lack of competitiveness of American products abroad, and a generally weakened economy. The correction of a situation which has contributed heavily to this deficit will help to strengthen our economy, and consequently will benefit us all.

The implications of these textile agreements for the American people are explained more fully in a speech recently delivered by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, at the annual convention of the Defense Supply Association in Washington. I ask unanimous consent that the complete text of his remarks be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY STANLEY NEHMER, DEPUTY ASSISTANT SECRETARY OF COMMERCE FOR RESOURCES, PREPARED FOR DELIVERY AT THE ANNUAL CONVENTION OF THE DEFENSE SUPPLY ASSOCIATION, WASHINGTON HILTON HOTEL, WASHINGTON, D.C., TUESDAY, OCT. 26, 1971

I: TEXTILES—NEW STRENGTH FOR A VITAL INDUSTRY

I'm honored at being asked to join the distinguished panelists this morning to discuss a question you correctly place among the critical issues of this decade.

Could the U.S. textile and apparel industry, as it exists today, meet the vast and complex needs of our country in the event of a national emergency?

Like most of you, I am sure, I might be tempted to answer with a quick "Yes," if for no other reason than to recognize the accomplishments of an industry that has performed so well in past emergencies.

But much has happened over the past decade. The industry has been faced with major increases in imports which were affecting its strength and its capability to produce large quantities of goods quickly in all areas.

What I wish to do today is to discuss this import problem and some of the ways generally in which the industry has been affected.

The greatest surge in imports has occurred over the last five years. Between 1966 and 1971 imports of man-made fiber textiles and apparel increased

157% from Japan
1521% from Taiwan
1238% from Korea
466% from Hong Kong

I do not know whether in fact the industry is still capable of meeting every single need that might ever arise in any future emergency. There may have been recent changes not yet recorded in our statistics of the industry's capability to produce products in some specific lines. In the more general sense, however, the overall capability of the industry to produce in an emergency lies in the recent success of the Administration's efforts to secure reasonable limitations on uncontrolled and skyrocketed imports of wool and man-made fiber textiles and apparel. These efforts of the last two and a half years culminated on October 15 with the signing of government-to-government understandings with Japan, the Republic of China, the Republic of Korea, and Hong Kong.

The story I am about to tell you is real.

II

The United States has been the only major import market with no quantitative restrictions on imports of wool and man-made fiber textiles and apparel. This has made us the prime target for exporting countries, particularly those whose labor costs are low in relation to ours. Our market is so vast, we can, of course, accept substantial volumes of imports, and we can allow imports to grow in the future. But we were confronted with a situation we could not accept in which all growth of this trade was directed at the United States and crippled the largest employer of all U.S. manufacturing industries. The U.S. textile and apparel industry was taking it on the chin from imports for a long time. The result has been a direct and damaging effect on the health of the industry, and consequently on the economic health and well being of communities throughout our 50 states.

We are not the only country with a textile import problem, of course. Other countries have confronted the same issues and, while their reactions have differed in some respects from country to country, they have responded in a singular way—with restraints on imports.

For example, ten European countries and Canada have had agreements with Japan, and some with Korea, Taiwan and Hong Kong, restricting imports of wool and/or man-made fiber textiles and apparel from these countries. Many countries also have resorted to quotas and administrative devices to restrict imports. In some cases their markets have been protected by industry restraint arrangements not officially enforced by their governments. Government-industry price boards in some countries impose restrictions on imports whose prices are below certain levels.

The cumulative impact of these measures is obvious. United Nations figures for 1969, the latest available, show that the United States took 72 percent of Taiwan's apparel exports that year, and the Common Market countries took only 6 percent. We took 62 percent of Korea's apparel exports, compared again with 6 percent for the European Community. We took 58 percent of Japan's apparel exports, and the Common Market took only 5 percent.

A large portion of Japan's textile mill product exports goes to Hong Kong to be made into apparel. We took 40 percent of Hong Kong's apparel exports in 1969 while the Common Market took 17 percent.

The U.S. market for textiles and apparel literally has been flooded with imports in recent years, particularly imports of man-made fiber products. In 1964, our imports of cotton, wool and man-made fiber textile products amounted to 1.5 billion equivalent square yards. In 1970, imports of these three amounted to 4.5 billion yards—with an increase of more than 700 percent for man-mades alone.

This fantastic growth has continued throughout 1971. Overall imports of textiles this year are expected to reach 6.3 billion square yards, an increase of 42 percent, with imports of man-mades going to a record 4.7 billion square yards—up 72 percent from last year and exceeding all of last year's textile imports put together.

This growth in imports of wool and man-made fiber textiles and apparel has been in marked contrast to orderly growth which has been achieved in cotton textiles. This phenomenon has resulted from the existence over the last decade of the Long Term Cotton Textile Arrangement (LTA), a multilateral agreement in which the governments of some 30 importing and exporting countries participate. Under the LTA we have negotiated bilateral cotton textile agreements with 28 governments covering 80–85 percent of our total cotton textile imports.

The significance of the LTA lies in the fact that the penetration of the U.S. market by cotton textile imports has increased in an orderly fashion over the last five years, while the import penetration for wool products has increased by about one-third and has almost tripled for man-made fiber products.

Japan, Taiwan, Hong Kong and Korea have emerged over the last few years as the principal sources of U.S. textile and apparel imports, accounting for almost 60 percent of total imports of these products. Their importance can be seen in the fact that our imports of man-made fiber textiles and apparel from these four countries in the first eight months of this year were up 70 percent over the same period last year.

Japan, of course, is the largest supplier and, as such, has shown phenomenal growth. Our imports of cotton, wool and man-made fiber textile products from Japan increased 117 percent between 1964 and 1970, from 531 million yards to 1,152 million yards. For the first eight months of 1971, imports of these products from Japan were 41 percent higher than in the corresponding period of 1970. There was a particularly alarming jump in imports of man-mades which were up 75 percent from the same period a year earlier—more than twice the annual rate of growth of such imports from Japan since 1964. And the growth in imports of man-mades from Taiwan, Korea and Hong Kong has been equally impressive.

This flood of imports has contributed significantly to the U.S. balance of payments problems. In 1961, we enjoyed a modest favorable balance of $54 million in textiles and apparel made from cotton, wool and man-made fibers. By 1964 we had a deficit of $153 million. Last year the deficit climbed to $1.3 billion, and this year it is expected to exceed $1.9 billion. The trade deficit in man-made fiber products alone likely will more than double from 1970 to 1971, reaching almost $1.4 billion. Indeed our overall textile trade deficit in 1971 is expected to reach $2.15 billion, larger than that for any other major sector facing serious import impact. It is larger than our overall trade deficit, which is estimated to reach $2 billion this year, the first year since 1893 that the U.S. will experience a trade deficit.

III

Even a cursory examination shows that the rapid build-up of imports of this magnitude has brought severe hardship to an industry that is vitally important to the U.S. economy. Over the last two and half years, fiber products grew at an annual rate of only 3.3 percent, imports were growing at an annual rate of 77 percent.

U.S. textile and apparel production employs approximately 2.3 million workers—four times more than the American steel industry and five times more than the automobile industry—yet textile industry employment as of August 1971 was the lowest in six years. Employment in the industry has declined by over 100,000 jobs over the last two and a half years. In the absence of restraints on imports, this figure could have been expected to rise to as high as a quarter of a million jobs lost by the end of next year.

Textile and apparel plants are located in all 50 states, with the majority of the jobs in non-metropolitan areas, and the industry is unique in the increasing opportunities it offers for the unskilled and semi-skilled, youthful workers and minority-group members to find an entree to the industrial economy. But in an industry where the system is based on seniority, these employees are the first to be laid off.

Many other industries are significantly dependent on the textile and apparel industry. It is the chief customer of 675,000 cotton farmers; sole customer of 200,000 wool growers; principal customer of man-made fiber producers; primary customer of textile machinery and industrial sewing machines, and a major customer for U.S.-produced plastics, synthetic materials, dyestuffs and chemicals. Obviously, the U.S. textile problem affects all of these.

The U.S. textile industry prides itself on the growing role of automation and modernization, pointing out that it is the most efficient in the world in an operating sense. This can be attributed not only to technological inputs but also to the billions of dollars invested by the industry over the last decade to make it the most modern and efficient.

Yet, at a time when investment in modern plant and production facilities is required to stay competitive, the industry has not been able to maintain its previous capital expenditures for new plant and equipment. These expenditures dropped 11 percent in 1970, showed a slight rise to $580 million this year, but remain significantly below the $820 million level of 1966.

Accompanying this decline has been a drop in the number of textile and apparel firms in operation. In the period 1969–70, 550 of these firms failed. Another 170 failed in the first eight months of 1971, bringing the total to over 700 in two and a half years.

IV

The rapidly rising tide of imports unmistakably is the chief cause of the depressed condition of the textile and apparel sector of the U.S. economy today. Given such a fact, no government could permit the tide to continue to rise without taking steps to moderate the rate of import growth.

The history of our efforts to achieve this moderation is fully documented, beginning with the first full presentation of the issues to eleven countries by Secretary of Commerce Stans during his trips to Europe and the Far East in April and May 1969.

We suggested that the most appropriate solution would be a multilateral agreement on trade in wool and man-made fiber textiles and apparel, perhaps similar to the existing multilateral agreement on cotton textiles. Unfortunately, this suggestion was not favorably received.

Deciding that our preference for a multilateral solution should not be a bar to any progress at all, and eager to explore every reasonable avenue, we turned to the concept of bilateral talks, and began a long series of textile discussions with the Japanese Government in July 1969. In June 1970, these discussions broke down.

In the period of these talks, there was growing sentiment in the United States that the ultimate solution would have to be textile quota legislation, and such legislation was in fact introduced in the 92nd Congress. It passed the House in November 1970 but time ran out on that session of Congress before the Senate could act, and has been reintroduced and is now pending in the 93rd Congress. The Administration supported these textile quota provisions reluctantly, always emphasizing our preference for a negotiated settlement.

The Japanese Government, no doubt prompted in some small way by this movement toward quotas, asked to resume negotiations in October 1970. The U.S. Government agreed, but after three more months of negotiations the Japanese terminated the talks last March 8—at the same time the Japanese textile industry announced its own unilateral program of restraints on textile and apparel exports to the United States.

The Japanese industry program, which went into effect July 1, was clearly deficient and unacceptable. It provided no assurance of effective administration and nothing to prevent the Japanese industry from concentrating on exports of particular products in the sensitive categories.

Rejecting the Japanese industry program as not an acceptable solution, President Nixon on March 11 said the United States must "give the fullest consideration to the other alternative solutions to the textile problem." Clearly, it was time for action—and now we have acted.

The four major textile-producing countries of the Far East again were invited to negotiate a government-to-government solution to the textile problem. The negotiations that followed this renewed initiative on the part of the United States were both long and difficult, but were conducted in a spirit of mutual respect and cooperation. The results, I am sure, are well known to all of you.

On October 15, the White House announced that Ambasador-at-Large David Kennedy had that morning on behalf of the United States signed a memorandum of understanding with the Government of Japan with respect to limiting man-made fiber and wool textile exports to the United States. Similar understandings were signed later the same day with Hong Kong and on the following day with the Republic of Korea. An understanding with the Republic of China was signed earlier in the month. The undertakings are for five years in the case of Taiwan, Korea, and Hong Kong, and for three years in the case of Japan, subject to extension.

The growth rates of man-made fiber and textile apparel exports to the United States that will be permitted under these understandings range from about 5 to 7½ percent annually. Although larger than the recent rate of increase in the growth in the U.S. market, it represents only one-tenth of the abnormally high growth rates which these countries have experienced in our market this year. The growth rate for wool textile and apparel exports will be only 1 percent annually. Thus these understandings provide other countries with fair and orderly access to our market.

Of major importance will be specific limitations on trade in the most sensitive wool and man-made fiber textile and apparel categories in our market, and procedures to establish limits on categories not subject to specific ceilings if they should increase to the point of threatening to disrupt the U.S. market. Together these procedures provide for comprehensive controls on textile imports from the four major supplying countries.

Finally, it should be noted that the solution to the problem achieved by the Administration has been on the basis of negotiated mutually satisfactory agreements without risk of retaliation or confrontation. At the same time, the groundwork has been laid for even more positive contributions toward friendly cooperation in the future.

V

What does this all mean for the domestic textile and apparel industry? What does it tell us, to come back to the question I first posed, about the industry's future ability to meet the nation's needs if an emergency should arise?

My considered opinion, having lived with the textile import problem for so many years, is that the industry is in a new "ball game"—the same kind of new "ball game" that has epitomized the Administration's New Economic Policy since it was first announced by President Nixon on August 15. The agreements, which will be effectively administered, should provide the industry with new hope and confidence for the future. The substantial slowing down in the rate of growth of imports will mean increased domestic output and increased employment. Strength will be restored to this essential sector of our economy—strength which will permit this industry to continue to serve our country with the wide range of products essential to our needs at all times.

THE U.N. MEMBERSHIP OF CHINA

Mr. PELL. Mr. President, the action of the United Nations, in voting to expel the Republic of China from membership was, I believe, distasteful and wrong in principle.

The question that now arises is what our Government should do to make known its extreme displeasure. We have heard suggestions that, in retaliation, the United States should drastically reduce our financial support of the United Nations. But, it was not the United Nations as an institution that opposed the United States on this issue—it was a large number of individual nations—nations that have been and are receiving direct foreign aid from the United States. In fact, the foreign aid bill now before the Senate would provide a total of $2.3 billion to aid those countries that opposed the United States or abstained on this question—and that is about nine times our total proposed contribution to the United Nations. If we want to let those countries know we are unhappy, we have before us a direct way of doing so.

I think we should, indeed, take a long hard look at the aid we are giving to nations that could not see fit to support our country in maintaining a seat for Nationalist China at the United Nations.

DOCK STRIKE INQUIRY NEEDED

Mr. BELLMON. Mr. President, many elements of our Nation's economy have suffered as a result of the prolonged dock strike. Nowhere has the damage been greater than in agriculture, which relies heavily on a growing export trade.

Over the past 10 years, various kinds of transportation strikes have occurred, and eight times during that period Congress has had to take urgent action to bring about a settlement.

It is obvious that this piecemeal, one-shot, crisis approach is not in the best interests of the country. Our Nation's food producers and their customers should not be subjected to the economic hardships produced by the inability to get their products to market.

Therefore, it is essential that congressional action be taken to seek a lasting solution to such strikes. I have written the chairman of the Subcommittee on Agricultural Exports, Mr. Chiles, urging that hearings be held on this matter at the earliest possible date.

A strong case for elimination of this persistently disruptive threat to the economy has been made by Roderick Turnbull, director of public affairs for the Kansas City Board of Trade.

Mr. President, I ask unanimous consent that my letter and a recent statement by Mr. Turnbull be printed in the Record.

There being no objection, the letter and statement were ordered to be printed in the Record, as follows:

Committee on
Agriculture and Forestry,
Washington, D.C., October 27, 1971.

Hon. Lawton Chiles,
Chairman, Subcommittee on Agricultural Exports, Committee on Agriculture and Forestry, Washington, D.C.

Dear Senator Chiles: As you are well aware, the long and costly dock strike has had adverse effects on the nation's economy as a whole. It has been especially harmful to agriculture because of the paralysis that resulted on the export of farm products.

A vast amount of effort has been put forth by this country to develop its farm export trade. Last year farm exports reached a record total of $7.8 billion, and by the end of this decade the total value is expected to amount to $10 billion.

In order to continue this successful trend, however, the United States must be a dependable supplier to the countries that have come to depend on us for soybeans, wheat, feed grains and other food products. Our customers cannot be expected to allow their citizens to go hungry. They must receive their food from dependable sources.

The periodic strikes that occur in the transportation industry are detrimental and disruptive to our farm export trade. A lasting solution must be found to eliminate the economic handicap posed by these recurring work stoppages.

Because of the serious threat caused by the dock strike to our nation's food producers and the millions whose lives depend upon American food, I urge that the Subcommittee on Agricultural Exports hold hearings on this matter at the earliest possible date. As a concerned member of this subcommittee, I will be glad to assist in any way to conduct a bi-partisan inquiry into all aspects of this serious problem.

Sincerely,

Henry Bellmon.

Statement by Roderick Turnbull

Kansas City.—Within the grain trade, there is a consensus that probably nothing the government could do that would be in the nature of "farm aid" could be more important in the long run than finding or developing a way to prevent transportation strikes, particularly dock strikes.

The grain trade has taken no vote on this subject or developed a specific policy. Other than use of the general term, "compulsory arbitration," grain men on the Kansas City Board of Trade have not agreed upon any method that might be suggested to the government in eliminating the strikes. But they are adamant in the opinion that such strikes, which have been occurring periodically over the years, are tremendously damaging to the farm export trade. This is a subject that is talked about daily in the grain trade, and one that is commented on in virtually every market letter written by grain marketing analysts the country over.

The grain trade obviously has a selfish interest in wanting a free-flowing export business. Strikes disrupt this business. But farmers have an even greater stake—they lose business, both temporarily and permanently. Not only that, the nation loses business which is highly important in its balance of payments situation.

The United States has spent literally billions of dollars building up the farm export trade. The success of these efforts was typified in the last fiscal year, when such exports reached a record total value of 7.8 billion dollars. Clifford M. Hardin, Secretary of Agriculture, and others have projected farm exports at 10 billion dollars by the end of this decade.

This nation's investment in boosting the farm export trade includes the billions of the Marshall Plan which helped to rehabilitate Europe after World War II. Growing prosperity in Europe and many other countries around the world has been one of the great contributing factors to increasing U.S. farm sales overseas.

This country's P.L. 480 program which began in 1954, not only has fed millions of people in underdeveloped nations, but has helped these countries get on their feet where they could buy more of what they needed.

The U.S. Department of Agriculture has joined with growers of wheat, feed grains, soybeans and poultry in sending teams of experts around the world to promote the use of these products. Methods of mass production of poultry have been introduced in many nations, and this has built up business for U.S. feed grains and soybean meal. Japan has learned to like milo in its poultry rations, and has provided a huge market for the U.S. crop. People who used to think they had to have olive or palm oils now are among the best customers for soybean oil. Rice-eating peoples have turned to wheat and have helped to boost our wheat exports to record levels.

The value of U.S. agricultural exports has tripled since 1930, and doubled since 1950. The production of nearly one out of four harvested acres now is going into overseas commerce. The nation's farm plant is geared to supplying this business. It is difficult to imagine how immense the U.S. "farm problem" would be if this trade were lost or even curtailed drastically. As one example, the wheat acreage would have to be cut in half.

On the other side of the coin is the fact that in building up our farm export trade, the United States has made other countries dependent on greater imports. People in other countries like to eat three times a day, just as people in the United States.

This brings up one of the most important aspects of the export trade. To keep and expand business, the United States must be a dependable supplier. The poultry feeder in Japan cannot let his chickens starve even one day when his source of supply of milo in the United States is cut off. The housewife in Colombia is not going to let her children go hungry because U.S. wheat is not arriving. Obviously, importers in these and other countries turn to other suppliers who are more than happy to fill their orders, now and for all time to come.

Yet, periodically U.S. exports are halted because one facet of the flow of food from farm to consumer, the shipping industry, becomes tied up in contract disputes.

In a year when U.S. crops are at record levels, when farmers need the export business more than ever before, when competition on world markets is extremely keen, it seems incredible to the grain trade that this country should have its hands tied by strikes. Thus, the prevailing feeling is that the time has come to find some method of eliminating this economic handicap.

EXTENSION OF ECONOMIC STABILIZATION ACT

Mr. BENNETT. Mr. President, I rise in support of the legislation requested by President Nixon which would grant an extension of the Economic Stabilization Act to insure that he will have the necessary powers to continue his new economic policy.

All of us have witnessed the overwhelming public support for the President's economic program. Despite the fact that there have been some unavoidable inequities during the 90-day wage-price freeze, the attitude of the American people toward phase I has been one of support and encouragement. As we are all aware, phase I was imposed under the authority of the Economic Stabilization Act of 1970, which will expire April 30, 1972.

Phase II will likewise rely on the authority contained in the Stabilization Act. For this reason, the President has requested a 1-year extension of the act to April 1973. In addition to this extension the President has requested a broadening of authority to include control on interest and dividends consonant with the economic growth; requests for subpena powers; reestablishment of an emergency court of appeals to expedite the review of legal problems. Also requested in the President's message was the clarification of the authority to act on a selective basis in individual industries exemption from conflict of interest provisions for members of the price commission and the pay board; additional sanctions and funds for pay provisions for top personal, and authorization of the necessary funding.

Mr. President, when President Nixon announced the broad outlines of phase

II, he stated that he was seeking the interim goal of an inflation rate of 2 to 3 percent by the end of 1972. This would be about one-half the pre-freeze rate which would be a great step toward price stability. There is no doubt that in order to achieve this goal, a great deal will depend upon the continued voluntary compliance by the American people. I believe that the President will have that support from the American people; and certainly we as Members of Congress and representatives of the American people have an obligation to give the President those powers necessary for him to effectively reach the goals which he has outlined. The necessity for the extension is evident. Mr. President, there is no reason why the legislative process cannot be completed on this extension before the start of phase II on November 14.

BITUMINOUS SANDS

Mr. MOSS. Mr. President, in 1967, 1969, and 1971 I introduced bills to amend the Mineral Leasing Act of February 25, 1920, so that the development and production of bituminous sands, also known as tar sands could go forward. Extensive hearings were conducted by the Subcommittee on Minerals, Materials, and Fuels of which I am chairman. I am delighted to note that the administration in the last several weeks has incorporated my suggestions into its bill, S. 2726, to reform the mineral leasing laws, and that my good friend Rogers Morton in sending the bill up to the Hill has stated that one of the reasons for the reform bill is to avoid a difficulty in the present law of distinguishing between tar sands and oil and gas. Sometimes it takes a long time for a prophet crying in the wilderness to be heard.

Very substantial deposits of these sands are found in my State and elsewhere in the United States. These deposits are an important potential source of additional supplies of oil and gas the country very gravely needs. I would hope that the Senate can move speedily to assist in bringing these resources of Utah and other States into production to meet our increasing energy requirements.

JAY G. HAYDEN

Mr. GRIFFIN. Mr. President, the British historian Macauley once paid tribute to the power and influence of the press in these words:

> The gallery where the reporters sit has become the fourth estate of the realm.

During a career spanning three-quarters of a century, Jay G. Hayden of the Detroit News gave abundant meaning to Macauley's words. When he died last Saturday at the age of 86, the profession of journalism lost one of its most distinguished members.

Since 1916, starting with Woodrow Wilson, Jay Hayden covered and reported on the administrations of nine Presidents. He carried out a number of assignments in foreign countries with great distinction.

Jay Hayden was one of only three American newspaper correspondents who were accredited to cover the signing of the Versailles Peace Treaty, which ended World War I. With a keen insight and understanding that always marked his work, Hayden wrote a dispatch from Paris and assessed the treaty as a "likely breeder of future wars."

In 1918, Hayden became chief of the Washington Bureau of the Detroit News. Over the years he came to know, on a personal basis, most of the leading figures in Washington's political, governmental, and diplomatic life.

Jay Hayden began his newspaper career in 1900 at the age of 14 as a $2-a-week printer's devil in his hometown of Cassopolis, Mich. After attending the University of Michigan and working on various newspapers as a printer and reporter, he joined the Detroit News in 1910. His first major political assignment was the Bull Moose Convention which nominated Theodore Roosevelt for President in 1912.

For many years, Jay Hayden wrote a syndicated column for the North American Newspaper Alliance which ended with his retirement in 1965. Thereafter, he wrote only an occasional article or feature story.

Both Jay Hayden and his son, Martin, have represented the Detroit News in Washington. Martin carries on the long family connection with the same newspaper as vice president and editor of the News.

Jay Hayden's lively interest in all things concerning the business of reporting made him a favorite among countless newspapermen, young and old. He belonged to the National Press Club and was a former president of the prestigious Gridiron Club.

In 1945, George Washington University awarded him an honorary degree of doctor of law in recognition of his many accomplishments in the field of journalism.

Jay Hayden was a great statesman jounalist. He will be sorely missed but long remembered by all who were fortunate enough to know him.

Mrs. Griffin joins me in extending deepest sympathy to Jay Hayden's lovely wife, Ruth, and to the rest of the Hayden family.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, withdrawing the nomination of George A. Smathers, of Florida, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, was communicated to the Senate by Mr. Leonard, one of his secretaries.

FOREIGN ASSISTANCE ACT OF 1971

The PRESIDENT pro tempore. The time for morning business having expired, under the previous order the Chair lays before the Senate the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

> A bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOLE ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Friday next under the standing order, the distinguished Senator from Kansas (Mr. Dole) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STRANGE INCONSISTENCIES IN MR. NIXON'S ECONOMIC AND FOREIGN POLICIES, SOME OF WHICH BEAR DIRECTLY ON THIS PROPOSED FOREIGN AID BILL

Mr. SYMINGTON. Mr. President, for some 8 years I have warned on the floor of the Senate that the steady drain of dollars outside of this country, coupled not only with the multibillion-dollar purchases of weapons systems we do need for national security, but also those we do not need, would ultimately create serious, if not disastrous, conditions in our economy.

This Nation has now arrived at that condition.

Our budget deficits are currently at an alltime peacetime high—and are going higher.

Unemployment over the last 12 months has averaged 5.9 percent.

For the first time in our history the United States is running a deficit in its private trade balance as well as in its Government balance of payments.

The stock markets continue to fall, along with a steady decline in the purchasing power of the dollar.

In other words, and again for the first time in our history, the United States is experiencing inflation simultaneously with recession.

One of our foremost practical authorities on matters pertaining to the economy, Chairman Wilbur Mills of the House Ways and Means Committee, states without reservation that the economy of this Nation is now in deep trouble.

A principal reason for this tragic condition lies in the inconsistent economic policies now being pursued by the Nixon administration.

On the one hand, we have adopted a policy of alienating those countries American taxpayers have built back, with tens of billions of dollars, to a basic prosperity actually greater than their own.

At the same time, however, in Congress during this session, and under heavy White House pressure, we continue to put up billions of dollars annually, which in some cases can only result in the creation of more countries to compete against American industry and American agriculture.

Only last week, again with White House pressure, the Senate approved over $5 billion for just that purpose.

The details of these approvals follow:

[In millions]

Foreign aid	$3,200
Soft loans for the Inter-American Development Bank (IDB) (2 years)	900
Soft loans for the Asian Development Bank	100
Soft loans for the Inter-American Development Association (IDA) (3 years)	960
Total	5,160

In connection with some of these soft loans, everyone knows that a loan for 50 years, no interest, and no repayment of principal for 10 years, is actually no loan at all.

The most serious result of this double-faced approach to our increasing economic problems could well lie in the further loss of jobs and trade in the United States, and in themselves these policies can only continue to increase the welfare rolls, because our already high unemployment is going higher.

Speaking of this continuing loss of jobs, how many people realize that, already, one out of every five automobiles sold in this country comes from abroad, as do seven out of 10 sweaters, nine out of 10 radios and baseball gloves, and 19 out of 20 motorcycles?

This development in the automobile industry is especially unfortunate, because the loss of the production of a single American car is estimated to represent a loss of $2,400 in wages and benefits to the working people of this country.

It is true that many large private American corporations are now taking advantage of that prosperity American tax dollars have created in foreign countries by building foreign branches of their business in some of these countries; and in many cases this action has resulted in increased profits to the company in question. No one can deny, however, that, net, this policy on the part of these large corporations has increased unemployment in the United States, therefore has increased the welfare roles at the same time it has reduced the tax base in our city, State and Federal governments.

Of the many unfortunate aspects in which we now find ourselves as a result of these policies, perhaps most unfortunate of all is the fact that today millions of Americans who are ready and willing to work nevertheless cannot find jobs.

Is there not a strange dichotomy in this economic policy, because, at the same time these domestic problems continue to grow, nevertheless, when any new catastrophe develops in a foreign land—whether military, economic or social—this administration would seem to express greater interest in those foreign problems than in the lot of these tens of millions of Americans who live in poverty at home; and the $5.1 billion referred to above is ample proof of that assertion.

Today, 25 million American citizens currently live below the acknowledged poverty line. Millions of these unfortunate citizens live in our cities; millions more in our rural areas.

Growing unemployment, however, is not the only problem America faces today. Nearly all of our large cities are bankrupt, which the mayors of those cities are the first to so verify.

Nor is there any remote possibility that these financial problems can be handled by means of appropriations from our State Legislatures.

This leaves the Federal Government as the sole remaining hope of these people; but this administration would appear to be giving a higher priority to those in other lands.

Consider conditions at home incident to the education of our youth, in whose minds lies the future of our Nation.

Testimony last month before the Senate Select Committee on Equal Education demonstrated that in one of our large cities, 65 percent of the students in the hard core center of that city scored below the 16 percentile in the Iowa Test of Basic Skills.

As one Senator observed after listening to that testimony, "They are simply not learning enough to function in society."

This sad condition goes further.

In the same area of said city, 18,000 high school students, constituting 30 percent of the total enrollment, were absent each and every day.

The superintendent of the school system in question cited as some of the reasons: bad environment, no basic skills, lack of adequate teacher training, failure of communication with students, lack of discipline, and gang disturbances.

In the face of the Federal Government being the only source for funds to correct this tragic situation, it would appear that this administration has expressed little concern. It reduced the school lunch program for the Nation's needy children, established farm policies which clearly are wrecking many of our rural communities, and has held up as unnecessary over $10 billion Congress has passed to aid the environment of our people as well as the people themselves.

If such programs are consistent, one has the right to ask, "What is a true definition of consistency?"

In addition to the above, which could be considered the social aspect of the problem, major economic problems are looming up for the future.

American corporations which may be profiting temporarily from their heavy foreign investments could well find in the future that such investments were of temporary value only.

Leaving aside the consistent history of ultimate political expropriation of American properties in all parts of the world, what will happen to these overseas investments if the value of all dollars, including Eurodollars, continues to decline to the point where the Bank of International Settlement members—the so-called Basel boys—supplant the International Monetary Fund as controllers of the world monetary market?

Perhaps what this administration continues to refuse to recognize is the fact that any true security for a nation requires a sound economy, plus a society which has faith in its government, just as much as it requires an adequate military posture.

With that premise, surely the time has come to establish new and different priorities as we continue to distribute around our steadily diminishing resources.

Without a reorganization in the not-too-distant future by this administration of its present concept of relative values, every citizen now has the right to question whether American society, as we have known it in the past, can continue to exist and prosper in the future.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the majority leader.

Mr. MANSFIELD. The Senator has been talking about investments overseas, especially in relation to the bill now pending. Is it not true that these investments have tended to take away industries and jobs from the United States itself?

Mr. SYMINGTON. The able majority leader is right.

Mr. MANSFIELD. Is it not true that the President in his economic speech to the Nation on August 15, made the statement that this Nation had spent $143 billion in the field of foreign aid since the end of World War II?

Mr. SYMINGTON. That is correct.

Mr. MANSFIELD. Is it not true that so far as the NATO countries are concerned, over the past 20 years collectively we have all spent $1 trillion, 500 billion, and that of that $1 trillion, 500 billion, the United States has spent approximately $1 trillion and 95 billion?

Mr. SYMINGTON. To the best of my knowledge the able majority leader is correct on those figures. May I add that if we take the money we have put into the Far East in recent years, and add it to the military aid we have placed into Europe since the end of World War II, the total is well above our national debt.

Mr. MANSFIELD. Yes; and I would point out that included in that $1 trillion and 95 billion, roughly, which the United States has spent, approximately $130 billion of that has been spent in and around Vietnam in Southeast Asia.

I wonder how long this country can continue to be so profligate in the field of defense, where we have lost a lot of money in building prototype exotic weapons which were never produced or never came to fruition. The figure placed in the RECORD last year by the distinguished Senator from Wisconsin (Mr. PROXMIRE), who is a keen student of the economic situation which confronts this country, was in excess of $28 billion.

Thus, when we figure what we have spent in defense, which was wasted, and what we have spent in aid, a good deal of which was wasted because it went to dubious governments rather than to people and, thereby, negated the results which we hoped to achieve, I think these expenditures of ours, as the distinguished Senator from Missouri has indicated, show that what we have done ourselves is primarily responsible for the economic situation in which we find ourselves at the present time.

Would the Senator agree with that?

Mr. SYMINGTON. Yes, Mr. President, I would agree with the able majority leader. His thought constitutes the basic thrust of this talk today. It is time for the people of this country to stop putting so much of their resources outside of the country, and start concentrating on problems which need solution here at home.

Mr. MANSFIELD. Would the distinguished Senator yield further?

Mr. SYMINGTON. I am glad to yield.

Mr. MANSFIELD. Is it not true that the present foreign aid bill before the Senate amounts to, roughly, something more than $3 billion?

Mr. SYMINGTON. That is the straight aid bill.

Mr. MANSFIELD. Yes.

Mr. SYMINGTON. Counting the soft loan banks, it is over $5 billion.

Mr. MANSFIELD. That is right. As the Senator has pointed out, it is about $5.5 billion, the total which we have considered last week and are considering this week.

Does the Senator know how much is in the foreign aid pipeline at the present time? Does he have any approximate estimate?

Mr. SYMINGTON. Not exactly, but one of the most incredible figures comes out of a recent study made by the Library of Congress. The total amount in the pipeline, money authorized and appropriated but not expended by the Federal Government demonstrates that it has the capacity to run the printing presses at all times. The total authorized and appropriated but not expended is $259 billion, over a quarter of a trillion dollars.

Mr. MANSFIELD. All I can say is that I am delighted the distinguished Senator from Missouri has made his speech today and that he has laid his facts before the Senate.

I wonder when this is going to stop, when Pandora's box is going to be closed, and when we are going to pay attention to the needs of this country. I think one can do that without raising the hue and cry of isolationism or neoisolationism. We need to do what we can to pull ourselves together, rather than continue on a profligate basis to dispose of funds, here, there, and everywhere, and in return find that what we have created is, in effect, a series of client states who are dependent upon us and who expect annually to be the recipients of continued appropriations from this country. This country does not have that kind of resources to dispose of any longer.

Mr. SYMINGTON. The able majority leader is so correct. I am grateful for his interest and his constructive remarks. Twenty-five years ago, when this program started, even 20 years ago, this Nation had $24.5 billion in gold; and we owed in current liabilities redeemable in gold, $7 billion. Today, from a corporate standpoint, the Government of the United States is completely insolvent, because where as we now have between $10.5 billion to $11 billion in gold, we also have current obligations outstanding, redeemable in gold, of some $35 billion; and that latter figure continues to go up.

I now have the pipeline figure the able majority leader asked about. In addition to the $5,160,000,000, counting the soft loans, this bill is considering, $4.7 billion is still in the foreign aid pipeline.

That is straight aid, no loans.

There has been much stated recently about the China situation. The five countries, perhaps more than five, to whom we have given the most aid to be of service to them in reconstruction of their economies, all voted against the United States earlier this week in our effort to keep Taiwan in the United Nations.

Mr. MANSFIELD. Mr. President, I think I recall that the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT), had printed in the RECORD a list of the countries in addition to the five or six just mentioned. So, it is a matter of record. However, aside from what the U.N. did on the night before last, I think that what we ought to do is to take a closer look and a more intensive look at the foreign aid program and start paring and scraping and pruning and saving wherever we can, because while Providence may have had her arms around us since the beginning of the Republic, I think that perhaps the days of our luck are beginning to run out. It is time for us to do some thinking and to do it on a mature basis.

I thank the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I do thank the able Senator.

This morning I had the privilege of listening to the Secretary of State testify before the Foreign Relations Committee, and suggested to him, with great respect, that this country should try to establish leadership in other fields in addition to the military field. For example, we should so try with respect to the growing lack of energy, electric power. Electric shortage is now an international problem, one for the entire world today. The question of air and water pollution is also international. So is the question of an adequate supply of fresh water. It is very possible that our knowledge of the force that lies in the atom could handle them all.

It is significant to me, as a member of the Joint Atomic Energy Committee, to note that our peacetime efforts to handle such grave problems prevalent in nearly all countries, pollution, lack of power resources and fresh water, waste disposal, is less than 10 percent of the amount of money we are asking for research and development on additional weaponry; $7.9 billion for additional weaponry, whereas the total for additional knowledge of the force contained for peacetime purposes is some $780 million.

Mr. President, again my thanks to the distinguished majority leader.

CALL OF THE ROLL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 266 Leg.]

Aiken
Bible
Buckley
Chiles
Cranston
Gurney
Mansfield
Randolph
Symington
Talmadge

The PRESIDING OFFICER (Mr. CHILES). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGovern
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Taft
Thurmond
Tower
Tunney
Weicker
Young

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. MOSS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, the majority leader asked for the live quorum hoping that Senators would be prepared to call up their amendments. It was indicated yesterday by the distinguished minority leader that certain amendments would be ready for action today, and therefore the majority leader had hoped that Senators would come to the floor and offer their amendments at this time.

It is certainly hoped, Mr. President, that the Senate may be able to adjourn sine die by Thanksgiving; but if the Senate is to do that, action is going to have to be completed on this bill soon. We met yesterday and had no rollcall votes. No amendments were ready. No amendments were called up. We have now been in session today for more than an hour and a half, and no amendments have yet been called up.

I would assume that the leadership, after some further reasonable delay, will be ready to ask for third reading if amendments are not called up by Senators who are ready to have them disposed of. There are many other important bills awaiting action, including the so-called consumer bill dealing with product warranties, the water quality bill, the Equal Employment Opportunities Commission bill, and four appropriations bills which should be acted upon as soon as the other body gets them over to the Senate. So, if the Senate is going to complete its work by Thanksgiving, Senators are on notice that there is a good bit of work yet to be done here, and that they should be prepared to call up their amendments. Otherwise, the leadership, in due time, if amendments are not pending, will ask for third reading.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am constrained to suggest the absence of a quorum, unless some Senator is ready to take the floor.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Nevada.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS AMENDMENTS OF 1971

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7072.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CANNON, Mr. HARTKE, Mr. HART, Mr. PEARSON, and Mr. BAKER conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, a number of statements have been made by my colleagues in this Chamber relative to the possibility of submitting an amendment to this bill to cut funds for the United Nations.

I should like to go on record now as opposing that, and calling that kind of tactic what it is—"a cheap shot."

As the activities of the Members of this body who are suggesting this sort of action, I contend they will undermine our position, will undermine the strength of the United Nations. And as to the statement by the Secretary of State, himself, though he stated that he did not think anything should be done at the U.N., he stated it in such a way that sort of implied it would be OK if Congress did do something to cut funds. I call the activities of my colleagues in this regard, and the innuendo of the Secretary of State, a cheap shot.

Certainly, in a democracy things do not always go our way, and things did not go our way in the United Nations on Monday. I was astounded to see how far askew the judgment of this administration was in that regard, because they were predicting victory, and what actually came about was a real debacle.

I was astounded to learn that this administration does not seem to count votes very accurately in the U.N.

I was even more astounded to see the reactions in this body. This is a democratic body. We are used to winning and losing; and when we lose, we accept the defeat in a democratic spirit. But to see what is being said in this Nation today, with respect to the United Nations, grieves me because, although we lost, we lost fair and square.

I think there are some serious ramifications to this defeat. But to turn around and take the attitude that we are going to punish this world organization, which seems to be the only body yet advanced by mankind to raise the world from the shambles it finds itself in, I think is really sad.

Let me state that I think there are several reasons why the United States was dealt the humiliating defeat it suffered on Monday, not the smallest part of which is the loss of our credibility in the world. For 20 years we have jammed down the throats of the small nations of the United Nations our policy of refusing to recognize the existence of 700 to 800 million people. Then, all of a sudden, these people get a chance to revolt against us, and they do. And they did not just vote against us, but also, you can tell by their exuberance, they were happy with the way they voted.

I think the other thing that occasioned this exuberant voting against us was this administration's action of August 15 in unilaterally enforcing a surcharge which really did violent harm to the economies of most of the small nations dealing with us. We saw our friends—our supposed friends, our would-be friends—reacting to the isolationist, imperialistic economic policies of this administration, reacting in a most violent way. This is how they could strike back at us. They cannot strike back at us through their economies. All they can do is knuckle under, under the force we have used.

Back in 1959, one of the major issues of the presidential campaign was the credibility, the standing, that this Nation enjoyed in the world of nations. I think we now hear the first bell in the development of a very important issue in the forthcoming 1972 presidential election, and it is, very simply, that this Nation has fallen to a low ebb of credibility, not to speak of leadership, with the rest of the world.

We have fallen to this low ebb because of our efforts to force our decisions, our foreign policy; and I think our attitude brings into question our sincerity, because we hear it said, "My God, we have given foreign aid to these various countries. They should vote our way."

Do we give foreign aid to buy their loyalty, or do we give foreign aid because these people really need help and because we sincerely want to help them and want to do it in a charitable fashion? I think the statements made by my colleagues to the contrary seem to indicate that what we have been doing with foreign aid is buying nations to vote our way, and that policy is bankrupt. I would hope our foreign aid could be based upon a much surer footing than that.

Mr. President, because of the rule of germaneness, I will not discuss the recent announcement of the President with respect to Cannikin, but will have extensive remarks to make on that subject tomorrow.

Let me just say that if an amendment is forthcoming to the Foreign Aid bill to cut funds for the United Nations, not only will I be present to debate and fight it, but also, I will use every ounce of influence I have in this body to thwart what I consider an archaic, poor attitude, certainly demeaning to the quality of our democracy.

The attitude of some Senators reminds me of another vote, the one on the Cannikin test which we lost. Maybe Alaskan citizens should have decided not to pay their taxes because it did not quite go their way. Maybe many States that would have been the recipients of accelerated public works benefits as a result of what had passed Congress, maybe they should not pay their taxes because the Chief Executive as a matter of policy decided to veto that legislation. However, that, in my opinion, is using crass and destructive tactics which will be not only divisive in the structure itself, but also divisive as to what can be accomplished with respect to the United Nations.

We give away millions upon millions of dollars. To think that we are talking about an appropriation of $250 million to the United Nations, which is a world organization which has done yeoman service for the benefit of mankind, and we talk about cutting those funds when we stand here prepared to vote $250 million, a like sum, to the small nation of Cambodia so that it can prosecute a war through a government which has ridiculed any semblance of democratic government.

To see such a schizoid attitude in this body is something to be ashamed of.

I hope that my colleagues who have thought of cutting the United Nations appropriation will reflect, and after they have had an opportunity to cool their attitude toward what has been a national slight, will think differently about offering such an amendment.

As I characterized it initially, I think it is a cheap shot which panders to the chauvinistic tendencies of this Nation. I would hope that this body would have a maturity that would refuse to use that kind of tactic.

Mr. RANDOLPH. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I have not had the privilege of hearing all the remarks of the distinguished Senator from Alaska (Mr. GRAVEL) who is a personal friend and colleague. I came into the Chamber as the Senator commented with reference to the expressions of Members of this body on the reduction of funds or the elimination of our participation in the United Nations.

I believe there are a considerable number of Senators who think as do I, that even though we are keenly disappointed over the action of the United Nations in expelling Taiwan, this should not be the overriding issue in determining reasonable and equitable participation by the United States in the costs of running the United Nations.

Mr. GRAVEL. I share the disappointment of my colleague, too.

Mr. RANDOLPH. I say frankly, as I read the list of countries which have received substantial assistance from the United States of America—huge sums of money individually, not through the United Nations itself—my disappointment increases. As I read the name of Great Britain, as I read the name of France, as I read the name of The Netherlands, and as I read the name of Belgium, I was saddened. I wondered quietly, yet earnestly—and I only give these four countries as an illustration of my feelings—why they did it and I am still questioning why they did it. This is, I think, the question in the minds and hearts of millions of Americans.

While realizing the very real disagreement our Nation has with the policies of the Peking government, I publicly expressed the belief nearly 10 years ago that we could not ignore that government and that we should strive to change the policies of mutual hostility. I have advocated increased contacts with China. And while I support Communist China's admission to the U.N., I believe the expulsion of another segment of the Chinese population that encompasses 14 million persons was a tragic mistake.

I think it is well for the Senator from Alaska to reason with his colleagues in the Senate on this matter, as it is for all Senators, during the coming days, to try to be well reasoned in what we do with reference to the participation of this country in the U.N., to which we have given so much financial strength, and leadership. I trust, in a sense, we can continue to do both in the years ahead.

Mr. GRAVEL. I want to thank my colleague from West Virginia for adding his words to this colloquy. I agree. I personally am distressed with the expulsion of a nation which has a population larger than many other members in the United Nations. It is a mistake. However, I think that mistake could be compounded to an unbelievable degree were this Nation to take retribution in what I think would be an undemocratic way.

I know, and the Senator from West Virginia knows, that in the democratic sense we win and lose votes all the time. It hurts to lose. Certainly, on this one, our pride has been hurt to have been dealt such an humiliating defeat.

But as I outlined, in answer to my colleague's question, why would these nations, which are friendly nations—in fact, I understand every member of NATO save two, Portugal and Greece, voted against us—and here we station 310,000 troops for the defense of NATO—why would they turn around against us?

What has happened is that we forced the U.N. not to permit the admission of the Peoples Republic of China for 20 years and then, when the tide turned on us it turned against us, since we had not been a leader on that side. We could not take such a position. That was unfortunate. But as happens in this body, the membership of the United Nations used a device—the Albanian resolution—and that device was one which, for a number of years, had been opposed to our position. They offered it as the only vehicle to take affirmative action on the other side.

I hope to have an amendment or resolution to offer in this body, to permit this Nation to assume some leadership on the principle of universality in the United Nations. That is a position we rejected over these past 20 years, the position that the People's Republic of China should not be admitted to the United Nations.

We have not done anything to enhance the admission of North Vietnam, East and West Germany, North and South Korea. If this Nation took the leadership today to seek the establishment of trust, then we could see all these countries becoming members under our leadership in the United Nations, along with Taiwan. I would hope that that would be the answer.

Mr. RANDOLPH. I think there is an element of gratification in the proposal which the Senator plans to present in the form of an amendment. I can see that the other governments that have been constituted should have the opportunity to participate in the framework of the United Nations.

I stress also, so that my position will be made clear my belief that we must in a sense separate the issue of funding for the United Nations. Even though we may be very sensitive—we must not be overly sensitive to what has happened—this must be separate and apart from the problems of foreign aid and foreign assistance to other nations of the world.

Mr. President, I state this for the reason that on many occasions I have voted to reduce appropriations for foreign aid. And I have done so on a country-by-country basis when there has been occasion to make such judgments.

In the foreign aid bill that is now pending, there will perhaps be occasions when I will vote for a lesser sum of money. However, that will have no connection whatsoever with my judgment regarding our country's participation in the United Nations.

Mr. GRAVEL. Mr. President, I thank my friend, the distinguished senior Senator from West Virginia. I think we are all of a like mind on this subject. I would hope that Senators who have indicated an intention to offer such an amendment would not pursue such effort. I give notice that if such an amendment is offered, I will endeavor within the rules of the Senate to thwart the passage of such an amendment.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, if I may have the attention of the acting minority leader and of the Members of the Senate who are present, including the chairman of the Committee on Foreign Relations and the distinguished senior Member on the Republican side, I would like to make a unanimous-consent request, because there seems to be no action in the offing at this moment on the pending business.

To the best of my knowledge, there are three amendments at the desk, and none of those amendments, in my opinion, should take very long to consider.

I ask unanimous consent that there be a time limitation of 2 hours on each amendment, and 10 hours on the bill, the time on amendments to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate and the time on the bill itself to be divided between the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader or whomever he may designate, with the further provision that time from the bill can be allocated and made additional to time on amendments.

Mr. GRIFFIN. Mr. President, reserving the right to object, I can understand why the distinguished majority leader is making his request at this time. In many respects I would say, as a Senator from Michigan, apart from my leadership responsibilities, that it seems like a rather reasonable request, particularly in view of the fact that Senators who have indicated they will offer amendments are not stepping forward to present their amendments.

It is too bad that the Senate cannot get along with its business. However, the fact is that a number of Senators have indicated that, for the time being, they are not willing to agree to a time limitation.

There are certain amendments—some I would vote for and some I would vote against—that are going to be offered.

While I can make a commitment to the distinguished majority leader that I will go back to each of these Senators to see if we can reach some agreement, but for the time being I have to object, and, Mr. President, I do object.

Mr. MANSFIELD. I understand the position in which the distinguished acting minority leader finds himself, but it does not help solve the problem which confronts the Senate at this time.

We do have two other pieces of legislation on the calendar which we will try to clear as soon as possible, but according to the latest information at my disposal it is not possible to bring them up at this time. However, I will try again to see if we can at least move one of them. I appreciate very much what the distinguished acting minority leader has said, that he will meet with those on his side who would like to be given consideration and who may agree to a proposal of this kind or some other.

I would point out, though, that we are wasting a lot of time, that there are three amendments at the desk, and if we go too long it may be necessary to ask for third reading, not in the immediate future, of course, but sometime in the offing. I would hope that that could be avoided until every Senator who has an amendment to offer would have had a chance to offer that amendment and have it debated and disposed of one way or the other.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. The ranking Republican member of the committee has an amendment.

Mr. AIKEN. I have an amendment, and I ask that it be made the pending business.

Mr. MANSFIELD. I am delighted.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 23, line 20, after "1973", strike out "$30,000,000" and insert "$15,000,000".

Mr. AIKEN. Mr. President, I have introduced this amendment to the foreign aid bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I have introduced an amendment to the foreign aid bill (H.R. 9910) to cut back on the amount authorized by the committee for American-supported schools and hospitals abroad which are funded under section 214(c) of the act.

For these overseas school and hospital projects, the committee authorized $30 million for each of the fiscal years 1972 and 1973.

The amendment which I am offering would reduce this amount by half, or to $15 million for each of these fiscal years.

The amount which has been expended or appropriated for this purpose over the last few years, including last year, had been $10 million, and that is the amount the administration is asking for at this time. I would go so far as to increase it 50 percent to make it $15 million.

I offer this amendment in an effort to underscore the committee's efforts to focus attention on domestic versus foreign needs: Who among us doubts our own school and hospital needs.

Who among us could get $2 or $3 million for a school or hospital or library project in his own State without even appearing before the authorizing and appropriating committees in the Congress and convincing them of the need for this kind of project.

I daresay that none of us could secure such funds with similar ease.

I am hopeful that the Senate will approve this reduction as it would give the State Department and the Agency for International Development a reason to clamp down on these outlays of taxpayers' dollars to schools and hospitals abroad, some of which I am sure would not qualify for help in our country.

I feel sure that we would not be permitted to make some of these appropriations to schools in this country under our State laws. I know there is a great desire for each Member of Congress to have a school in some foreign country and to get a couple of million dollars appropriated to support that school, but I think it is absolutely ridiculous to continue at a great rate of expansion with this when we have an even greater need today in the United States.

I do not want to deprecate the work that some of these foreign schools have done over past years, but we have a host of new foreign schools proposed now and some of them are located in countries which are not very cooperative with our efforts to make this a better world.

Mr. President, I have nothing further to say. I think we should agree to this amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. FULBRIGHT. This matter, of course, was discussed at length in committee. The administration asked for only $10 million. I am in favor of the Senator's amendment and I shall support it.

Between the House and the Senate any number of projects have been proposed. But there is not one iota of evidence in support of them, other than the individual Senator's statement.

Mr. AIKEN. We do not even know where the schools are or what they are but we do know that some Member of Congress has an interest in each of them.

Mr. FULBRIGHT. That is correct. The Senator is entirely correct. I shall support his amendment. It is still $5 million more than the administration asked for for this item. I think the Senator is quite generous.

Mr. AIKEN. The House bill increased this amount 300 percent in a single year and designated something like 20 new schools we never heard of before.

Mr. FULBRIGHT. And there is nothing to indicate what is going to be done with this money.

Mr. AIKEN. We do not have the slightest idea. It may go to pay the principal of the school for all I know. There is nothing we know of to prevent it although I would hope the money would all be spent fairly and constructively.

Mr. FULBRIGHT. There is no testimony on all of these projects.

Mr. AIKEN. It is a reflection on those established schools we have supported in foreign countries and which have done good work. I can think of one in Mexico, another in Lebanon, one in Israel, and possibly others that have done excellent work. We ought not to add a large number of new schools without knowing what we are doing. It hurts those established schools when we come up with proposals to dump millions of dollars into schools we never heard of, when we have no idea where they are, and know nothing about them except that each one is somebody's personal project.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Oklahoma (Mr. HARRIS), the Senator from

Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee), and the Senator from Minnesota (Mr. Humphrey) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Allott), and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater) would vote "yea."

The result was announced—yeas 51, nays 34, as follows:

[No. 267 Leg.]

YEAS—51

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
Metcalf
Miller
Nelson
Proxmire
Randolph
Roth
Saxbe
Stafford
Stennis
Symington
Talmadge
Thurmond
Tower
Young

NAYS—34

Bayh
Beall
Boggs
Brooke
Case
Cooper
Cranston
Hartke
Hatfield
Hollings
Hughes
Jackson
Javits
Kennedy
Long
Mathias
McGovern
Mondale
Montoya
Pastore
Pearson
Pell
Percy
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Taft
Tunney
Weicker

NOT VOTING—15

Allott
Bentsen
Church
Goldwater
Harris
Hart
Humphrey
Inouye
McGee
McIntyre
Moss
Mundt
Muskie
Packwood
Williams

So Mr. Aiken's amendment was agreed to.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have again been talking with the distinguished minority leader. In an effort to expedite the business at hand, keeping in mind the possibility of an adjournment sine die no later than December 1—on which I would not bet at this moment—I would like to again propose a unanimous-consent request, as follows:

That there be a limitation of 2 hours on each amendment, to be equally divided between the sponsor of the amendment and the manager of the bill.

That there be a limitation of 10 hours on the bill, the time to be equally divided between the manager of the bill and the distinguished minority leader, or whomever he may designate, with the proviso that time on the bill can be allocated to the amendments, in addition to the 2 hours requested at this time.

Mr. JAVITS. Mr. President, reserving the right to object, do we have any provision for amendments to amendments?

Mr. MANSFIELD. That would be on the basis of 30 minutes for amendments to amendments, the time to be equally divided on the same basis as on the amendment itself.

Mr. JAVITS. And do we have any provision, Mr. President, for motions to table, motions to recommit, or other motions?

Mr. MANSFIELD. They would always be in order.

Mr. JAVITS. And under what time limitation?

Mr. MANSFIELD. A motion to table would be in order, I would assume, at the end of an agreement, although it is eligible to be taken up at any time.

Mr. JAVITS. The other question, Mr. President, is this, on this situation—the question of germaneness. Does the Senate—and it should do so with its eyes wide open, because this opens the whole foreign policy issue—desire to restrict itself as to the nature of the amendments submitted, or will it be understood that any amendments which are normally eligible may continue to be eligible notwithstanding the unanimous-consent request, though the time limitation will cover such amendments?

Mr. MANSFIELD. If the Senator will pardon me, I did not hear the last part of his statement.

Mr. JAVITS. I was raising the question of germaneness. Normally, when a unanimous-consent agreement is entered, when it relates to the whole bill and every amendment, every door is locked; all amendments have to be germane to the bill.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I raise the question in view of the enormous range of foreign policy issues which come within the purview of this bill, whether we wish to lock ourselves in that much by the application of the rule of germaneness at this stage.

I would think—though this may be against my own interest, because I am with the bill—that both leaders ought to think over carefully whether at this stage they would wish to shut out amendments which would otherwise be in order but which, with the rule of germaneness, would not be in order so long as the time limitation applied to any amendment which was submitted.

The PRESIDING OFFICER. The Chair points out that germaneness has not as yet been incorporated in the unanimous-consent request by the Senator from Montana.

Mr. JAVITS. But I also raise this question: I have seen unanimous-consent agreements entered into in which the rule of germaneness was never mentioned, as it has not been mentioned here; but when we read it in the order the next day, the rule of germaneness was there. So if the intention of the leadership is that the rule of germaneness will not be applied at this stage, I am entirely agreeable to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, it was my intention to ask the Senate to apply the rule of germaneness. However, in view of the fact that it does not seem possible to achieve this unanimous-consent request at this time with that application, I will remove for the time being, if I may, the rule of germaneness from the unanimous-consent agreement. Hopefully, after certain Senators, whom I do not know, have made their own positions clear, the matter will be up for consideration on a germaneness basis at that time.

Mr. BAKER. Mr. President, reserving the right to object, I do not plan to object to the unanimous-consent request in this form. I am glad to hear that the distinguished majority leader has not included the request for germaneness in his request at this time. But in view of the statements he made in explanation, I wonder whether the majority leader and the minority leader would agree further that if there is to be a subsequent unanimous-consent request for germaneness, we might be fully notified of the intention to make it well before it is made.

Mr. MANSFIELD. If that would happen, I would notify the Senate; but I would remove that implication at this time. If it does come up, the Senate will, of course, receive plenty of notice.

Mr. BAKER. I thank the distinguished majority leader.

I wish to note now that on more than one occasion I have found the will of the Senate, in my judgment, severely circumvented by the growing practice of asking for unanimous consent for germaneness of amendments. I do not think it is a good practice; and if it is offered, I intend to object.

Mr. MANSFIELD. Does the Senator object?

Mr. BAKER. I do not object. I say that if it is offered, I intend to object.

Mr. SCOTT. Mr. President, reserving the right to object—and I will not object—I am waiting only until we can hear the views of one more Senator who asked to be notified. The request has not been made directly to me—I did not know about it until this moment—but the Senator from Colorado (Mr. Dominick) wishes to be heard on the question of the time on his amendment and perhaps the question of germaneness. I do not know. We have sent for him, and perhaps we can have a short quorum call. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the will of the Senate on the basis of the unanimous-consent request?

The PRESIDING OFFICER. The request is pending.

Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. The Senator can now have the floor.

The PRESIDING OFFICER. Time is now under control.

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from New York rightly referred a moment ago to unanimous-consent requests which, while not specificating a limitation on amendments not germane, when read in the Record indicated that such was agreed to, and I think an explanation is called for.

When unanimous-consent agreements are entered into in the so-called usual form, such a provision with respect to germaneness is automatically included. So, quite often when the request is put, the request with respect to germaneness is not specifically referred to, but it is suggested that the agreement be in the usual form, which includes the provision against nongermane amendments. Then, when it is read in the Record, of course, it is clear that such a provision was included.

Mr. BAKER. Mr. President, will the Senator yield 30 seconds, so that I might make an inquiry?

Mr. BYRD of West Virginia. I yield.

Mr. BAKER. I wonder if it might be agreed to now that in the future—in view of the impression concerning this matter which has been raised by the Senator from New York and by me—the usual form agreements would not include the nongermane prohibition.

Mr. MANSFIELD. Would the Senator allow the joint leadership some time to think that over?

Mr. BAKER. I would be glad to.

In the meantime, I request that if there are future requests for restriction as to germaneness, I might be notified before the unanimous-consent request is made.

Mr. MANSFIELD. Yes; of course.

Mr. BYRD of West Virginia subsequently said: Mr. President, the distinguished majority leader has asked me to request unanimous consent that, anent the agreement entered into earlier today concerning limited time on the Foreign Assistance Act of 1971, time on any motion or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, to be equally divided between the mover of such motion or appeal and the manager of the bill, and that if the manager of the bill supports such motion or appeal, then the time in opposition thereto be allotted to the distinguished minority leader or his designee.

This request has been cleared with the minority leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement is as follows:

Ordered, That, during the further consideration of H.R. 9910, an act to amend the Foreign Assistance Act of 1961, and for other purposes, debate on any amendment shall be limited to 2 hours to be equally divided and controlled by the mover of any such amendment and the manager of the bill: *Provided,* That debate on any amendment to an amendment (an amendment in the second degree), motions or appeals (except a motion to lay on the table) shall be limited to 30 minutes to be equally divided and controlled between the mover of any such amendment or motion and the manager of the bill.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 10 hours, to be equally divided and controlled, respectively, by the manager of the bill and the Minority Leader or their designees: *Provided,* That, the manager of the bill or the Minority Leader, from the time under their control on the passage of said bill, may allot additional time to any Senator during the consideration of any amendment, motion or appeal. (October 27, 1971)

The PRESIDING OFFICER (Mr. Eagleton). Who yields time?

Several Senators addressed the Chair.

Mr. STEVENS. Mr. President, I have an amendment at the desk which I now call up and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 61, line 14, after "effective", strike out all through line 15 and insert in lieu thereof "June 30, 1972."

Mr. STEVENS. Mr. President——

Mr. DOMINICK. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. DOMINICK. Would the Senator be kind enough to add me as a cosponsor of his amendment?

Mr. STEVENS. I shall be happy to do so and, Mr. President, I ask unanimous consent to make that same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. SCOTT. Mr. President, I rise only to say that under the time limitation I designate the distinguished ranking member of the Committee on Foreign Relations, the Senator from Vermont (Mr. Aiken), to be in charge of the time on this side.

Mr. MANSFIELD. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. MANSFIELD. Does the Senator intend to ask for the yeas and nays?

Mr. STEVENS. Not at this time.

Mr. MANSFIELD. I ask that question because it is an important amendment and we have enough Senators in the Chamber. I believe that all Members should be placed on notice if this is going to be a rollcall vote.

Mr. STEVENS. If the distinguished majority leader decides to do so, I will be happy to ask for the yeas and nays, but after an explanation of my amendment I would think that the chairman of the committee might agree to accept it.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, this is the subject we discussed yesterday on the floor. So that we are certain we are talking solely about timing and not about the question of whether the Formosa resolution shall be repealed, the pending amendment clearly makes effective the date of June 30, 1972. I feel, Mr. President, that there is a great deal of emotional reaction that will take place if the President is in——

Mr. FULBRIGHT. Mr. President, may we have order in the Senate. I cannot hear what the Senator is saying.

The PRESIDING OFFICER. The Senator from Alaska will suspend. Will Senators please take their seats and aides withdraw to the rear of the Chamber. Will all personal business be transacted other than on the floor of the Senate, so that we may all hear the Senator from Alaska.

May we have order, please?

The Senator from Alaska may proceed.

Mr. STEVENS. Mr. President, if I may commence again, I agree with the concept that the Formosa resolution should be repealed. I believe, as a result of what happened in the United Nations, that to establish the effective date at the close of this session of Congress would be wrong.

We can anticipate that the President will be in China some time during our recess. This Formosa resolution has, in fact, been an authorization of Congress to the President for a substantial period of time. As I understand the situation, with repeal of the Formosa resolution, we would be relying on the pact of 1954 which would require, as I believe we should, using the constitutional processes after that.

I have taken the occasion to discuss this with the distinguished Senator from Maryland (Mr. Mathias) who sponsored the primary resolution on the calendar. As this is a question of timing, and the provision in the bill refers to repeal of the resolution after the adjournment of the first session of Congress, I see no reason, if we are going to put it off, not to make it the effective date of the bill and why we cannot do so until June 30 or some period into next year where the President could call upon Congress, because Congress will be in session, if anything occurs.

But the major purpose is the timing of the repeal of the resolution. Coming so quickly on the heels of the action of the United Nations, I feel that while I support repeal of the resolution, as I did support the repeal of the Gulf of Tonkin resolution, we should be wary of the timing factor involved here.

Mr. JAVITS. Mr. President, I should like to ask a question here. I am rather puzzled why the Senator from Alaska picked June 30 as the date, as I am puzzled that they felt they had to make it the adjournment of Congress. May I explain to the Senator why. The adjournment of the Congress sine die, that comes at the end of this year. The President says he will be in China by March 15. Once we repeal the resolution, even if we just set the date, we have repealed the resolution so far as the world is concerned.

I am sympathetic to getting this done, but I do not think the date makes it yes or no; but I do think we should have at least some rational reason for whatever date we set. If we announce to the world the date, we are, in effect, repealing it now. So why set any date? If we do set a date, what has the relation of June 30 got to do with it? Why is it better than December 1, which is the optimum date for our adjournment?

Mr. STEVENS. The date is similar to the 6-month provision in here concerning actions in Southeast Asia. In my discussion with the Senator from Maryland, he indicated he would have no objection, on a personal basis, if it were June 30. He was willing to make it March 15, in the next session of Congress, when it will certainly be in session; but June 30 was suggested and I think that is a reasonable date in view of the other provisions in the bill.

Mr. FULBRIGHT. Mr. President, I am relying on the administration's own statement: That they do not look upon the resolution as legal or constitutional authority for contingency planning. Therefore, they have no objection. If the Senator feels strongly about June, I am willing to accept that. What the Senator from New York has said, if we take this action, for all practical purposes it is effective when we act. I do not want to delay the Senate over this matter, whether it is June 15—whatever it is—or the 30th—why that is all right with me. But, in my opinion, whatever the psychological effect would be if it took place before the President went to China, it would not be adverse to what his purposes are, so that I do not think we should make a great deal out of it. All we are doing, as we did with the Tonkin Gulf resolution, is to try to clean up a little of the debris of history.

This resolution was passed at the height of the cold war. It has been lying around ever since. The President does not rely on it. This is one of the several things we have in mind to clean the slate. The date does not make that much difference, but if the Senator feels strongly about it, I am perfectly willing to accept the date as far as that goes.

Mr. AIKEN. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I would agree with the distinguished Senator from Alaska that I think it is ill-timed, following the vote in the United Nations and should have been presented to the Senate as a separate matter. But as a matter of substance, I must vote against it, and I will tell the Senator my reasons.

First, the administration and the Secretary of State, notified the Committee on Foreign Relations and the Senate last May that while they did not take a position as to what action the Congress should take on the resolution, the administration stated that it did not intend to rely on the Formosa resolution in the future, stating it was approved at a special time for a special contingency and would not rely on it in the future.

This morning, when Secretary of State Rogers testified before the Committee on Foreign Relations, he was asked if the administration had changed its position. His answer was "No."

Further, we have been debating in this body for over 2 years the question of whether the executive, any executive, should engage our country in hostilities without authority of Congress.

The Formosa resolution was passed almost unanimously by the Senate in 1955 and delegated to the President authority to take such action as he deemed necessary for the specific purpose of securing the protection of Formosa and the Pescadores against armed attack. It says nothing about "constitutional processes." It has nothing in it which would require the President to come to Congress for authority.

We had great trust in President Eisenhower. That was the reason it was passed without the wording "according to constitutional processes." This administration has said it does not need the resolution, that it is relying wholly upon the bilateral security treaty which was entered into later between Formosa and the United States. The bilateral treaty covers any action which the United States might take if it were to determine it necessary to go to the assistance and to the defense of Formosa.

The important difference between the Formosa resolution and the bilateral treaty is very important. The bilateral treaty requires, in the event of an act of aggression against Formosa, consultations with the United States, and that the United States shall then take such action as it deems necessary through its "constitutional processes."

We have been arguing in this body that "constitutional processes" requires the President, while he has authority to protect our forces against danger, to secure the approval of Congress before engaging our forces in war.

In summary, the administration has said that it would not use the Formosa resolution in the future, but would rely wholly upon the bilateral treaty. Second, we should expunge from the law these resolutions which do not carry the language "constitutional processes."

I feel very bad over the vote in the U.N. I think it was a great mistake and difficult to explain.

I applaud the President, the Secretary of State, and Ambassador Bush and honor them for their positions and what they did. However, this is a separate matter. For that reason, I shall have to vote against the amendment.

Mr. STEVENS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Alaska is recognized for an additional 5 minutes.

Mr. STEVENS. Mr. President, I agree with the Senator from Kentucky. I think the repeal of the Formosa resolution is absolutely necessary.

Mr. President, it is a matter of timing. Since the committee has determined that it is not going to be repealed until the end of Congress, I think it entered into the question of the timing of the repeal. It seems to me that we have made some grievous errors in the past in terms of drawing lines.

At the present time the President is preparing to go to mainland China. The United Nations has taken very drastic action with regard to the free Chinese on Taiwan.

I think it should be absolutely clear to the whole world that we are in effect doing what the chairman of the committee has said, clearing up some deadwood. However, there is no great rush about it. The committee's position puts us in no great rush about it. We want to make certain that the repeal of this provision takes place substantially in the future so that there is no question whatsoever concerning the intent of Congress, since it does repeal the Formosa resolution in terms of the commitment of the United States to provide the assistance necessary to the free Chinese on Taiwan consistent with the intent of both the Mutual Defense Treaty of 1954 and the original intent of Congress as expressed in the Formosa resolution. Again, to me, it is just a matter really of the psychological impact of what we are doing. I would like to see, if nothing else, the amendment agreed to from the point of view that we should not indicate to anybody in the world in any way or leave even the inference of an indication to anybody in the world that we are of a mind to abandon those on Taiwan to whom we have provided protection. In fact, I believe that the free Chinese have been our allies.

I do not think the action of the United Nations in recognizing mainland China means that we should look upon the Red Chinese as allies of this country.

I regard the free Chinese on Taiwan as being a great ally of this country. We should make it very clear that the repeal, as the report says, clears away the obstacles to the new China policy and that the policy will be formulated not only by our action, but also by our President's visit to China, and it must also be taken by the action of the United Nations.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. STEVENS. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I support the amendment. I think it is particularly unfortunate that it would be before the Senate at this particular time with reference to the repeal of the Formosa resolution. I have pending before the Foreign Relations Committee a resolution which would in effect repeal the Formosa resolution and a number of other resolutions relating to the power of the President in connection with the use of Armed Forces in the conduct of our foreign policy.

Even with the passage of the Senator's amendment, which I hope will occur, I think there is bound to be some reflection in the press that the Senate is taking the attitude of endorsing this concept at a particular time when there has been a so-called reversal of policy so far as the U.N. is concerned.

I point out the lack of relationship of the resolution over this long period of time, even though it is being considered at the present time in view of the recent occurrence in the United Nations.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

VISIT TO THE SENATE BY MEMBERS OF THE EAST ASIAN PARLIAMENTARY GROUP

Mr. SPARKMAN. Mr. President, we are honored today with a visit by parliamentarians from a number of different countries. We have had a very nice discussion with them.

Mr. President, I would like to present them at this time. They are:

Eric Sidney Fostyn Holland of New Zealand.

Paul John Keating of Australia.

Jose Paredes Leviste, Jr., of the Philippines.

Lim Cho Hock of Malaysia.

Na Sok-Ho of Korea.

Gordon Siama of British Solomon Islands.

Souvanh Sanaikhom of Laos.

Colonel Sukardi of Indonesia.

Mr. President, I ask unanimous consent to have printed in the Record a list of these distinguished visitors and a very brief biographical sketch on each of them.

There being no objection, the material was ordered to be printed in the Record, as follows:

MEMBERS OF PARLIAMENT

ERIC SIDNEY FOSTYN HOLLAND, NEW ZEALAND

Present position: Government Member of Parliament for Riccarton (Christchurch); Chairman, Labor and Mining Select Committee; Member of Social Services and Statutes Revision Committeee. Past positions: Managing Director, McLaren Motors Ltd. (motor vehicles dealers); Trustee, Canterbury Trustee Savings Bank; past-President, Associated Trustee Savings Banks Association of New Zealand. Academic training: Qualified Accountant. Born: 1921 in Christchurch, New Zealand. Address: P.O.B. 8100, Riccarton, Christchurch, New Zealand. Travels: United Kingdom; World War II service in Pacific and Italy.

PAUL JOHN KEATING, AUSTRALIA

Present position: Federal Labor Party Member of Parliament for Seat of Blaxland, New South Wales. Past positions: Research officer and industrial advocate, Federated Municipal and Shire Council Employees Union; State President, North Council, New South Wales Branch of the Australian Labor Party. Academic training: High School; one year Electrical Engineering study. Born: 1944 in Paddington, N.S.W., Australia. Address: 8 Gerard Avenue, Condell Park, New South Wales, Australia.

JOSE PAREDES LEVISTE, JR., PHILIPPINES

Present position: Delegate, Constitutional Convention, 2nd District, Batangas; Chairman, Committee on Community Development. Past positions: Faculty Member, Ateneo and De La Salle Graduate School of Business; Member, Batangas Development Foundation. Academic training: Ateneo de Manila University (A.B. in Economics in 1965); Fordham University, New York (M.A. in Economics in 1967); Columbia University, New York (M.B.A. in 1968). Organizations: Philippine Constitutional Association; Manila Overseas Press Club. Publications: "National Unity and the CC" and "Views on the CC". Born: 1945 in Pasay City, Philippines. Travels: U.S., Europe, Thailand, Indonesia, Singapore.

LIM CHO HOCK, MALAYSIA

Present position: Member of Parliament from Perak; Member, Executive Committee of DAP; Legal Advisor to various associations. Organizations: Member, Society for the Prevention of Cruelty to Animals. Address: 17 Jalan Canning Estate, Canning Gardens, Ipoh Malaysia.

NA SOK-HO, KOREA

Present position: Member of National Assembly. Past positions: Army Staff Judge Advocate; Judge, Seoul Higher Court. Academic training: B.A. in Law, College of Law, Seoul National University; Passed National Examination for high-ranking official in Administration and Jurisprudence. Organizations: Member of Korean Bar Association. Born: 1934 in Kwangju, Cholla Namdo, Korea. Address: 1344–16, 3–ka, Kumho-dong, Sungdong-ku, Seol, Korea.

GORDON SIAMA, BRITISH SOLOMON ISLANDS

Present position: Elected Member of North Western Solomons; Member, Executive Council for Social Services. Past position: Teacher; Boys Brigade Organizer for the Western Solomons and Bougainville. Academic training: Sasamungga School, Goldie College, Methodist Theological College in Auckland. Born: 1937 in Nabusasa, Choiseue, British Solomon Islands. Address: c/o The Secretariat, Honiara, British Solomon Islands.

SOUVANH SANANIKHOM, LAOS

Present position: Congressman from Attopeu Province; Member of Standing Committee in National Assembly. Past positions: Private Secretary to Minister of Interior; Member of Lao Delegation to United Nations General Assembly. Academic training: Study at Royal Institute of Law and Administration, Vientiane; Training in Public Administration as United States Specialist at the University of Pittsburgh; Study at Institute des Hautes Etudes d'Outre-Mer in Paris. Born: 1932 in Thakhek, Khamm-Ouane Province, Laos.

COLONEL SUKARDI, INDONESIA

Present position: Member of Parliament; Colonel in the Army. Past positions: Deputy Minister for Basic Industry and Mining. Academic training: Graduate of Army Command and staff School, Bandung. Born: 1920 in Lombok. Address: Djalan Tjut Nja Din No. 9A, Djakarta, Indonesia. Travels: South and Southeast Asia, the Middle East, and Europe. Dietary restrictions: No pork.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate recess for 3 minutes in order that Senators may greet our distinguished visitors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon (at 2:19 p.m.) the Senate took a recess until 2:22 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Stafford).

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to have the attention of the Senate briefly on this seemingly innocuous amendment. I believe it is something of very serious importance and we should give it our full attention. I would hope other Senators can be called in to hear these remarks.

This resolution, the Formosa resolution, has been regarded or stated by the State Department to be a dead letter. Now, when we pass on it in the way we are passing on it now, what do we do to it? Question: Do we revive it? There is no such thing as a commitment by the State Department that the power to the President is a dead letter. We have seen many cases where people in the Attorney General's office—and one has just been nominated to be a Supreme Court Justice and we assume he is a special "legal eagle" because of that—when we are told the President is looking for power to do so and so, they generally find it.

We may think it to be a dead letter, but if it is on the books he can use it and will. I will give my colleagues some examples. The President said he did not want to use the Economic Stabilization Act. He said he would not use it. Yet it was invoked, with my great approval, and the approval of most of us, in connection with the greatest freeze on prices and wages this country has ever known. The same is true with the recent threat to use an obscure provision of the Trading With The Enemy Act to secure concessions in the textile import area.

Do not overlook the fact that someone could get real mad about what was just done in the United Nations and there could be some kind of change in the world situation. I cannot predict what it would be, and neither could other Senators, but it could occur, and the President may be looking through the books for power to use the Armed Forces of the United States in the China Sea or the Formosa Straits, and here it is.

Normally, to my mind, what we should have done would have been to repeal the Formosa resolution in this bill or not do it at all. We are much better off not doing it at all than setting a date. When we set a date, we show a clear congressional intention to reactivate the Formosa resolution.

I, like the Senator from Ohio (Mr. Taft), and others, am deeply dedicated to ending this power of the President to wage undeclared war. I am concerned about all resolutions, even if the State Department considers them to be dead letters, if they transfer the warmaking power to the President.

I appreciate the sentiment and the feeling which may be moving us in these directions. I think we should realize that the Senator from Alaska (Mr. Stevens) coming from Alaska is right there on the threshold of whatever actions may take place in the Pacific. Too few of us realize that. They are closer than any of us to the problems of the Pacific.

If we want to leave the President with this power, do not put the date in at a time when he is going to visit Peking and negotiate with them. Rather leave his armor intact when he is going to make a decision on China policy. Give him everything with which to try to negotiate.

My point in speaking is to advise the Senate that this is not a sterile act, that this is doing something that is important. I hope our judgment will be thoughtful about this matter. It is not just fixing a date. It does not make a difference if it is December or June, but I believe by reactivating this power, which we do by fixing a date, we are confirming to the President that if he has to use it he may and that we will not accept the fact that the State Department said it is a dead letter. Therefore, my advice is to forget about it or repeal it to take some barnacle off the door.

So I believe what the Senator proposed, and I know it comes from the deepest feelings about the security of our country, especially as it is so deeply involved in his area, should be more thoughtfully considered here than we are considering it. It is not immaterial.

If I were the lawyer over in the Office of the Attorney General and the President turned to me tomorrow and said, "Have I got the power to send forces into Quemoy, or Matsu, or Taiwan, or whatever because I think there is a threat," if we set a June 30 date it confirms the fact that he has that power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 5 additional minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. I may be wrong. In other words, maybe Congress thinks differently but I would use it as a lawyer to buttress the argument that the President has continuing power.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TAFT. I thank the Senator for yielding I observe that the distinguished Senator from New York, and I, and other Senators have resolutions pending to repeal this resolution, which is the strong argument legally that the power is there. Whether the State Department said it is a dead letter with or without the Stevens amendment is totally irrelevant. The fact is, the power is there. The State Department may not intend to use it, but there is no question about it being there.

Mr. JAVITS. The Senator and I agree.

Mr. President, my purpose in rising is twofold. First, I hope, consistent with the intention of the Senator from Alaska, which our chairman indicates he is willing to go along with, we can hold the date to the time bracket within which the President has to operate. The President is going to China—and while many disagree with his going—before March 15. I would, therefore, hope the Senator from Alaska might hold the time bracket which he has in mind to April 15, rather than June 30.

The second point, Mr. President, is that the vote on this particular proposition is a serious vote, and that it is not a "throw-away" and it is not just legislating for the love and affection we have for the wishes of other Senators, but the fact is, that we are again giving away the war power. We have to adopt such a resolution affirmatively to give this power. We are giving it by this vote.

So I hope Senators will consider the implications of the vote. I hope all Senators, and the Senator from Alaska (Mr. STEVENS), will be persuaded, for the reasons I have stated, that it is a common cause to change the date from June 30 to April 15, which will give the President the parameter to deal with the situation, leaving him free to have the resolution in his pocket when he goes there, but, at the same time, not extending it beyond those particular necessities.

Mr. DOMINICK. Mr. President, will the Senator yield me about 4 minutes?

Mr. STEVENS. Mr. President, I yield 4 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I was anxious to see some action taken by Congress with regard to this particular amendment. It seems to me most unfortunate that the Foreign Relations Committee has to bring up the bill at this time, right after the United Nations action with respect to the Republic of China, which had been a long-time, dues-paying, peaceful member of the United Nations and a strong friend of this country.

I think to heap, on top of what the United Nations did, the passage of the provision of the Foreign Relations Committee would be really adding insult to the Republic of China. Granted that they do not necessarily rely upon the United States for its defense, granted that they have a bilateral treaty, the Formosa resolution still has a great deal of psychological meaning in the Far East.

I listened to my very distinguished friend from New York. He said that in the process of it Presidents had gotten us into undeclared wars and had put men into hostilities. That is very true, but that is not true of this President. He has not only not done that, but he has been taking men out. The idea or inference, or whatever it may be, that we are about to engage in another undeclared war without the advice and consent of the Congress or the Senate of the United States I think is totally wrong.

President Nixon probably has done more to try to insure world peace than any President we have had in many, many years, and I would very much doubt that he is going to leap into something and get us involved before we know what is happening.

That fact, however, does not remove the problem we have facing us here. As the Senator from New York has said, the power exists, and would continue to exist until the end of this session, at least, under the Foreign Relations Committee proposal, and the power will continue to exist, under the Stevens amendment, until June 30 next year. This will give the time interval so that we can determine what our relationship is going to be with the People's Republic of China and with the Republic of China. It will determine during that time what is going to happen between those two branches of China themselves in the process of whether or not they can get together.

So it seems to me that we would be very ill-advised to say that we are going to simply cut this power off at the end of this session, thereby risking another deep psychological blow in a very sensitive area. I think it is far better to go the way the Stevens amendment goes, or alternatively, not to repeal the resolution at all.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I said a moment ago that the main thing was to wipe the slate clean of the old remnants of the cold war. This resolution was passed, I believe, in 1955.

I think the Senator from New York has made a very persuasive case. He is much more conscious of this particular problem, as a result of the sponsorship of the war powers legislation by him and other Senators, and he has testified on it.

I did not realize, when I said I would accept it, that a rollcall vote had been ordered. I would hope, if it appeals to the Senator from Alaska, that we could dispose of this amendment without a rollcall. If he would change the date to April 15, I think, by unanimous consent, we could accept it, and I think we could keep this date in conference. The Senator from New York has stated that there is opposition, and for the reasons he gave very clearly, I think there will be a division.

I wonder if the Senator from Alaska would feel it would accomplish the purpose if he did accept the suggestion of the Senator from New York, and then we could accept the amendment without a rollcall vote.

Mr. STEVENS. Mr. President, I shall be most happy to meet the request of the Senator from New York and do away with the rollcall. It was my hope that we would be able to do without a rollcall. I shall be happy to do that.

Mr. FULBRIGHT. Then, Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. And that the date in the amendment be revised to April 15, 1972.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be revised so that the date is April 15, 1972.

The PRESIDING OFFICER. The Senator may now modify his amendment as a matter of right. The order for the yeas and nays has been rescinded.

Mr. STEVENS. Mr. President, I ask unanimous consent that the date in my amendment be changed to "April 15, 1972," and I ask for the adoption of the amendment.

The PRESIDING OFFICER. The amendment is so modified. Do Senators yield back their time?

Mr. STEVENS. I yield back my time.

Mr. FULBRIGHT. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska, as modified.

The amendment, as modified, was agreed to.

Mr. SPARKMAN. Mr. President, I have pending at the desk two amendments. Unfortunately, I do not have copies of them in front of me. I ask to call up the one relating to the advisory groups.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be stated.

The assistant legislative clerk read the amendment, as follows:

On Page 33, strike out lines 19 through 25 and insert the following:

"(b) The Congress commends the President for the substantial reductions already made over the past few years in the number of United States military personnel assigned to military assistance advisory groups and military aid missions and recommends that such further reductions be made as are compatible with the foreign policy and national security of the United States."

Mr. SPARKMAN. Mr. President, the bill as reported by the Senate Foreign Relations Committee has a requirement that by September 25, 1972, all military missions, military groups, and military advisory groups in various foreign countries be reduced by 25 percent. What I am trying to do in this amendment is to remove that 25-percent requirement, and I do that based on the fact that actually such groups and such missions are being reduced now. In fact, in August of this year such forces in Latin America—I think I am correct in this figure—were reduced by 41 percent.

In the last 4 years, throughout the world, the strength has been reduced 51 percent. In other words, they are carrying out a reduction, and what I do is follow up the bill in pointing out that the Peterson group, I believe was the name of it, the Peterson study group, had recommended that there be a reduction. I do not believe that they recommended any particular percentage reduction, but that the forces could be reduced.

I accept that fact, and go along with it, but I do say that instead of setting a definite number that they must reduce by a certain time, let us commend them for what they have been doing, for the substantial reductions that they have already made, and ask them to continue those reductions and make further reductions just as fast as they are compatible with the foreign policy of the national security of the United States.

Mr. President, I feel that that is a much better way to handle this proposition than to direct them to make a 25-percent reduction by a certain date.

These group strengths are currently at the minimum level, we are told, for effective operation, and further reduction, unless it is made according to the degree that such reductions can safely be made, could produce serious results, and could seriously affect the security assistance that we want to have.

In the determination of military end item requirements, and the procurement of military equipment in a manner which permits its integration with service programs, with the supervision of the end item use of materiel furnished to allied nations, the supervision of training of foreign military personnel, the movement and delivery of military end items, the impairment of the performance of these responsibilities could reduce the value to overall U.S. security of the moneys that Congress dedicates to security assistance worldwide. The ability of the United States to influence an allied country's military strategic doctrine and force structure in a direction favorable to U.S. security obviously could be seriously diminished. Assistance to allies and the conduct of U.S. military export sales, both commercial and foreign military sales and international logistics efforts, would be seriously curtailed, with a resultant loss of U.S. exports.

In sum, the military assistance groups constitute the primary means for implementing, in the security structure of friendly countries concerned, the stated U.S. policy objective of accelerating the attainment of self-reliance. The proposed reduction would run counter to that objective, and would retard the implementation of the announced Nixon doctrine.

As to the issue of consolidating military assistance groups and missions with other governmental agencies, several considerations come to bear.

First, the mission of the military assistance groups and missions is sufficiently large and unique to disallow the suggested integration.

Second, defense requirements of an in-country organization responsive to its authority and direction to carry out the defensive responsibility.

Third, consolidation of military assistance groups and missions with different attachés would be counterproductive to security assistance objectives, since in cloaking or associating the security assistance function with an intelligence purpose, the free exchange of information and essential dialog necessary to accomplish the security assistance function would be denied.

Mr. President, I believe the plan that I propose in this amendment is a much more reasonable plan, and one that will serve the purpose that we are aiming at better than the provision that the committee wrote into the bill. I hope that the Senate will accept the amendment, I hope, as a matter of fact, that the chairman will agree to accept this amendment, because I think he must recognize that it is a reasonable solution to the problem.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

While I appreciate very much the views of the Senator from Alabama and his confidence that the administration, or any administration, does not need any advice from Congress, I think it is our responsibility to express ourselves on matters of this kind.

The report clearly gives the basic facts about this issue. There were, as of June 30, 1971, 2,808 military personnel serving abroad in 48 military aid missions. In some of these missions, the cost of this personnel in the mission is more than the military assistance program in the country. In other words, merely the maintenance cost of the personnel is larger than the total grant program for some of these countries.

I think this is somewhat similar to the last amendment. These large military missions were built up during the height of the cold war, when we were so apprehensive that there would be an outbreak of hostilities; that there was an international conspiracy about to envelop country after country.

Again, I think there are several reasons for supporting the committee's action. One is strictly, we might say, financial, that is, to try to cut back the expense of the maintenance of large military establishments in many countries in which there is a very minimal military danger or threat.

In some of these countries, our military aid missions are larger than the State Department contingent. For example, why would we have these military missions—this is as of 1971—in countries like Denmark, France, Germany, Iran, Italy, and The Netherlands? I do not think we need any of them at all, other than possibly a military attaché, which is a customary matter in all embassies—simply a single representative of each branch of our Armed Forces.

But to have these military and missions in Western Europe, it seems to me, is superfluous. They may have been justified in the old days, when there was either a war going on or a real threat of war in Western Europe.

All that the Senator from Alabama is saying is, "Leave it to the administration to do as they please, commend them for what they have done, and say, 'Do as you have been doing.' "

We could say that about everything in the bill, I suppose, that there is no need for any participation by the Senate.

All we are saying is, by this time next year, to cut the personnel in these missions back 25 percent. The Senator from Alabama says he is confident they will do it anyway. Then I do not know why he should object if it is in the bill. Congress has a responsibility in this matter. The Constitution gives Congress the direct responsibility for the management of the Military Establishment and the Armed Forces, financing it and so on. Whatever Armed Forces we supply, it is then the President's duty, as Commander in Chief, to direct them. But I cannot see any serious objection to this requirement that there be a 25-percent cut. It would bring it into line, I think, with the overall movement of reducing our military posture abroad.

Of course, I cannot prove this, but I suspect that the military presence in many of the countries might well have had some relationship to the vote we experienced in the United Nations. The fact is that under the influence of Vietnam, plus all these military missions, the United States has achieved an image of overemphasis upon military affairs and underemphasis upon civilian affairs.

This, I think, aside from the financial results of cutting back, would have a beneficial effect upon the general attitude that people have toward us as a country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 3 additional minutes.

Mr. AIKEN. Is my recollection correct that the administration gave us to understand that they hoped to reduce the number of these posts in foreign countries by 25 percent within the next year?

Mr. FULBRIGHT. I believe that is correct.

Mr. AIKEN. As I recall, a proposal was made which would have required very strict reduction of posts in the Western Hemisphere, in Latin America. I, for one, objected to that.

Mr. FULBRIGHT. That is right.

Mr. AIKEN. Then we revised this so that we would permit them to make that 25-percent reduction anywhere in the world and not take it all out of South America. That is my recollection, and until this amendment was offered, I had heard of no opposition to it from anyone downtown. But, of course, we do not know from hour to hour just what position they are going to take on some of these proposals. I did not know that this was contrary to the intent of our own military forces.

Mr. FULBRIGHT. I do not think it is.

Mr. AIKEN. But that was yesterday. I do not know what it is today, and I do not know what the position will be tomorrow.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. With reference to the position downtown, of course, I have no way of knowing it, except as they talk with me, and I can say that considerable concern was expressed to me from downtown—our security agencies—on the form that this takes; in other words, a strict requirement of 25 percent by September of 1972. They point out that during the last 4 years they have made a 51-percent reduction and that in Latin America alone they have made a 41-percent reduction.

Mr. AIKEN. That is right.

Mr. SPARKMAN. And they tell me that they will continue to make those reductions as fast as conditions will permit. It seems to me that they are entitled to be commended for the reductions they have made.

Mr. AIKEN. They are.

Mr. SPARKMAN. For the effort they are making to carry out the Peterson report, which is cited in the committee bill. They have done very well with it. Why should we step in and have Congress tell them how far to go by a certain time, as long as they are making satisfactory progress?

Mr. FULBRIGHT. I would be willing to commend them, but I think we ought to maintain the provision. We can commend them and say, "Go on, and we will commend you more when you cut 25 percent more." Fundamentally, this is not a question of condemning or commending. Rather, it is a question of the responsibility of Congress to do these things.

Mr. AIKEN. It seems to me that we ought to be willing to help them realize their hopes in this reduction. But it is unfortunate that one of us will get our advice from one agency downtown, as we say, and another agency takes it upon itself to pull the rug out from under the first agency. I have been dealing with the AID agency. I think Dr. John Hanna has done an excellent job with what he has had to do with, but we realize that there are other agencies that may have ideas somewhat at variance with those of AID or the State Department.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 5 additional minutes.

Mr. AIKEN. There are other departments that delight in pulling the rug out from under the State Department or any segment of it, and I am afraid that is what we may have here, although I do not know where the Senator from Alabama got his latest advice. I have heard nothing since we approved this amendment in committee to indicate that the State Department disapproves of it.

Mr. FULBRIGHT. It strikes me that it is reasonable to say that it is the responsibility of the Senate to take a position. I do not know why we should be here and draw a salary as Senators and have no function, other than to repeat what the administration wants. I do not know why the Senate cannot take the responsibility of saying that this should be done. It is not inconsistent with what the administration has said. I do not see anything wrong with this provision. I think it ought to be passed.

Mr. CASE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CASE. It seems to me that if we adopt the committee language, we are then in a position to meet specific questions that the administration may present to us about other areas where they may need some relief from the decision in conference. We can do it then in a way that will be intelligent and a way that will keep it with us, as I think it should be kept—the chief decision as to how to do it.

Mr. FULBRIGHT. They can cut anywhere they want, anywhere in the world. They have a great deal of leeway.

Mr. CASE. They do have plenty of leeway.

Mr. FULBRIGHT. As I have said, there are 2,808, and we are trying to cut down. As I recall, in the arguments about appropriations, when we say that we want to cut an appropriation, we are met with the argument, "You have to limit your commitments first."

If we cut down on this, we can then make some progress on appropriations. The way it is, we keep it up and continue the same old program.

I am not criticizing them for what they have done in the past. It simply seems to me that it is the responsibility of the Senate to say that we would like to see this cut further.

Mr. AIKEN. If I had felt that a 10-percent reduction was all they could take gracefully, I would have supported a 10-percent reduction. But I understand that they hope to have a 25-percent reduction.

As I have said, I have dealt through the AID agency—or, at least, I have had my advice from the AID agency—and apparently the ideas of the AID agency are not in favor with those of some other agencies of Government.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. I will say that I have had no word from the AID agency, as such. In fact, I do not consider this as being primarily an AID project. I realize that it comes in connection with the AID legislation; but this matter was brought to my attention through our International Security Agency, and, of course, their concern in this.

I may say that the State Department people have talked with me about it, also, and I presume that they were representing the AID agency.

Mr. AIKEN. Some do and some do not.

I would like to join the Senator from Alabama in commending the military on the progress which has been made in this direction so far, and I would like to have the record show it. I believe that would be fully as effective as approving the amendment, because they have made progress and President Nixon has made progress in the Vietnam war, but other people——

Mr. SPARKMAN. Have other ideas——

Mr. AIKEN. Yes; some have other ideas but others have the same ideas——

Mr. SPARKMAN. I agree. I happen to agree with the distinguished Senator from Vermont.

Mr. AIKEN. They have withdrawn these unneeded military posts——

Mr. SPARKMAN. Yes.

Mr. AIKEN. I do not believe they should withdraw all of them—not now. But as fast as possible they should withdraw all which are not essential to our national security.

Mr. SPARKMAN. I invite the attention of the Senator from Vermont to the fact that I have supported him throughout and he has done a very good job.

Mr. FULBRIGHT. Mr. President, if there are no other comments to be made, I am prepared to yield back my time.

Mr. SPARKMAN. I am likewise, Mr. President.

The PRESIDING OFFICER (Mr. STAFFORD). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. SPARKMAN).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments——

Mr. STEVENS. Mr. President, I have an amendment at the desk which I would be glad to call up right now, although I understand that the Senator from Alabama has another amendment and I did not wish to intrude.

Mr. SPARKMAN. I do have another amendment and unless——

Mr. STEVENS. I shall be happy to wait until the Senator has called up his.

Mr. SPARKMAN. If the Senator wants to proceed with his now, or I will be glad to proceed with mine as I do not think it will take much time.

Mr. STEVENS. However the Senator

wishes to proceed is quite all right with me.

Mr. SPARKMAN. Then, Mr. President, I call up my other amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On Page 52, line 19, strike out "$100,000,000" and insert "$150,000,000."

On Page 52, line 21, strike out "repealed" and insert "amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed the geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

Mr. SPARKMAN. Mr. President, under the bill as reported by the committee, there would be an aggregate ceiling of grant aid from military sales excluding the grant of $100 million. It also eliminates the Presidential waiver authority of this limitation.

For fiscal year 1972 the congressional presentation document indicated that the foreign military sales credit requirements for Latin America were $70 million and an estimated $74 million in cash sales, for a total of $144 million.

The impact of third country sales to Latin America is of concern to the administration. That portion of the proposed legislation concerning the ceiling on the materiel grants and sales to Latin America—this is the amendment now before us—would increase the annual ceiling from $75 million in 1971 to $100 million in 1972, as against $150 million in the House bill.

It would repeal the present Presidential waiver authority.

What I have been giving to you, Mr. President, has not been my amendment. It is the congressional presentation document.

The executive branch opposes the proposed legislation for the following reasons:

Much of the equipment used by Latin American armed forces is obsolete; many of the countries are determined to modernize such equipment. U.S. inability to respond to legitimate requests for equipment sales would turn the countries to European suppliers as they have done in recent years. By allowing the United States to sell at a rate considered reasonable, less costly and more suitable U.S. equipment can be furnished in a manner that will not contribute toward an arms race and will consider the limited resources of Latin American countries.

The introduction of U.S. military equipment into Latin American countries enhances the provisions for mutual defense and reinforces the fundamental relationship between our countries. U.S. grant assistance to Latin America has declined; therefore, we must promote a shift from grant to sales.

The Presidential waiver authority is necessary to provide the flexibility required to prevent a loss of U.S. sales, minimize opportunity for European competitors and preclude resentment of Latin American military and civilian leaders.

The United States has been the dominant arms supplier to Latin America since World War II. In the late 1960's, however, foreign policy, domestic budgetary considerations and congressional restrictions on sales resulted in a U.S. cutback in its military aid and sales programs to Latin America. This occurred at a time when Latin American countries were increasing their demands to replace obsolescent military inventories.

Unable to obtain modern weapons they required from the United States, Latin American countries turned to other Western countries for this equipment. Aggressive sales campaign, availability of late-model equipment, and favorable prices and credit terms have enabled Western Europe suppliers to obtain a rapidly increasing share of the Latin America arms market.

During the period 1965–70, Western European arms suppliers and those in Canada sold over $1 billion worth of military equipment to countries in Latin America. The bulk of this equipment represented replacements for obsolete and worn out equipment of World War II and Korean war vintage. More than 70 percent of this volume of business was transacted during the past 2 years alone with the overwhelming majority of the equipment being purchased by the seven larger countries in Latin America. In 1970, when Congress did not authorize a U.S. foreign military credit sales program, Western European suppliers negotiated orders for a total of $760 million in military equipment.

While United States grant materiel assistance and foreign military sales to Latin America were limited by a $75 million ceiling during the period 1966–70, the value in millions of U.S. dollars of arms purchased by Latin American countries from Western Europe and Canada dramatically increased as follows:

1966	79
1967	87
1968	290
1969	395
1970	760
Total	1,611

Our inability to respond to legitimate force modernization requests is often interpreted by Latin American leaders as evidence of U.S. disinterest in the region as well as of paternalistic judgments concerning their legitimate defense needs.

Increasing Latin America dependence on third country equipment carries with it additional expenditures associated with establishing new and often separate logistics and training facilities from those traditionally provided by the United States. Thus, U.S. refusal or inability to be responsive to Latin America military requests does not prevent military purchases, but results in acquisitions of more advanced and costly equipment than that originally sought from the United States.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. Mr. President, the bill as passed by the House contains $150 million authorization as requested by the administration.

Mr. SPARKMAN. The Senator is correct.

Mr. AIKEN. Therefore the amount will be in conference. The Senate committee has increased it $25 to $100 million, while the House doubled it from $75 to $150 million. So, it will be in conference. I hope that the bill reaches the conference stage.

Mr. SPARKMAN. Mr. President, I agree with the Senator. If the Senate finishes the bill, there will be a conference.

Mr. SYMINGTON. Is that only for Latin America?

Mr. SPARKMAN. The Senator is correct.

Mr. SYMINGTON. Mr. President, I ask with great respect, does the Senator think the countries in South America could have purchased that much military equipment if we were not supplying them heavily with economic aid?

Mr. SPARKMAN. The Senator might be correct in that statement. I do not think that aid at the rate of $1.7 billion went to the other countries. That could have been part of our trade. We did not keep them from building up armaments. They built them up with arms from other countries. That means technicians and parts and all the other things. So, where did we profit? I am not dealing with the overall AID program, but just with the ceiling on military arms.

Mr. SYMINGTON. Would the Senator tell us what type and character of arms he is talking about?

Mr. SPARKMAN. I cannot tell.

Mr. SYMINGTON. We talk a lot about arms control out of one side of our mouth, but then do our best to sell arms out of the other side. At times it is perplexing.

This is one of the reasons it would appear we have the situation now existing between Pakistan and India in another part of the world. We have been supplying arms heavily to one of those countries.

Mr. SPARKMAN. I guess at times, perhaps, to both.

Mr. SYMINGTON. I do not think we have to India, but we gave them much economic aid so they could buy arms from other countries.

I would hope we would give them all

the extra food we have. That is another matter.

Mr. SPARKMAN. If we could induce all of the countries to reduce their armaments, it would be a good thing. I suppose that the motivation for some of the actions we have taken in the past was that we would discourage them from building up armaments. However, it did not do that. I read the figures a few minutes ago which show the amount of purchases they have made in the sophisticated arms field from other nations of the world. So, we have not achieved the objective of having them reduce their armaments. They are still in the market. I do not know of any group of countries in the world that we would prefer more to be lined up with than the Latin American countries.

Mr. SYMINGTON. Mr. President, the Senator mentions the Latin American countries. We have a problem, as we know, from the standpoint of the expropriation of American property in Chile. We also have had the same problem in other countries in that area.

When the Senator says line up, if we line up on one side, we automatically are against the other side.

It appears they often want arms to settle longstanding disputes among themselves.

Mr. SPARKMAN. The point is that they will get the arms. So, if we are going to engage in foreign arms sales, all I was trying to do was to restore the ceiling and give the President the right to use it or not to use it.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. GURNEY. Mr. President, I was interested in the Senator's statement that a number of Latin American countries are turning to Western European countries to buy their arms, and particularly that they are more expensive. Is that not especially true in the case of airplanes, that Latin American countries are now turning to France for jet planes and are buying sophisticated weapons systems and the Mirage planes at an increased cost over what they could buy F-4's for in this country? When it comes to keeping them in repair, it is also an added expense.

So, the very fact that we have put on a ceiling forces them to buy weapons systems from European nations, and especially so with respect to jet airplanes, and this has completely defeated the purpose of the ceiling.

Mr. SPARKMAN. The Senator is absolutely right. If the Senator looks over the amount of their purchases over the last 5 years, which I read a few moments ago, I think he will see a clear indication of that.

In 1966, their purchase of all armaments from foreign countries, other than the United States, or at least from Western Europe and Canada—I do not know whether they bought them anywhere else—was $79 million.

In 1967, it was $87 million.

In 1968, it was $290 million.

In 1969, it was $395 million.

In 1970, it was $760 million.

That is an investment of $1,611 million in the Western European countries and Canada over the last 5 years. I think that is a clear indication that they are steadily moving into the more costly and more sophisticated arms systems. If they bought from us, I do not think we would be selling them that kind of equipment.

Mr. GURNEY. Mr. President, I thank the Senator. I think he is eminently correct. Certainly the figures speak loudly for themselves and they are proof positive.

I support the Senator's amendment. I think it gives the President the flexibility he needs and will help to accomplish the very things we set out to do when we set a ceiling, to permit these countries to spend smaller sums of money on weapons.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. SYMINGTON. Mr. President, could I ask, where did the Senator get those figures and what countries do they involve?

Mr. SPARKMAN. Western European nations and Canada.

Mr. SYMINGTON. The $1,611,000,000 adds up to a lot of money, even for modern equipment. It is a new figure to me. I did not realize it was that high. Are these airplanes, ships, missiles?

Mr. SPARKMAN. I have it set out right here. The bulk of this equipment over those 5 years—and it amounts to $1,700,000,000—represents the replacement for obsolete and worn out equipment of World War II and Korean vintage.

More than 70 percent of this volume of business was transacted during the past 2 years alone, with the overwhelming majority of the equipment being purchased by the seven larger countries in Latin America.

Mr. President, when you break it down as to the planes and the kinds of weapons they were buying, I do not know. I did hear the distinguished Senator from Florida say that they were buying Mirages from France, and other sophisticated weaponry from other countries.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, according to the figures from the administration, for 1966, 1967, 1968, 1969, 1970, the credit sales did not come close to the ceiling $75 million. The real reason, I think, for the Latin countries turning to other military suppliers is that their prices are much cheaper than ours. The Mirage aircraft, which the Senator referred to, is substantially below the price of similar planes in this country.

What this is all about is an effort on the part of the administration to improve our balance of payments by the sale of arms. These countries do not need these arms, as Senators know. The Senator from Missouri made that clear. I refer especially to the sophisticated arms mentioned by the Senator from Missouri. Also, I refer to an article which I read published in the New York Times on May 19 of this year. It mentions howitzers, tanks, armed personnel carriers to Brazil, two destroyers to Argentina, ground and air equipment to Colombia, Uruguay, and Guatemala. No one pretends they are threatened by any foreign country from across the sea. We give them economic aid to try to help the development of their economies. Why we should sell them and give them money for arms is beyond my comprehension. I believe it will not be an inducement to do what needs to be done.

I also point out that this is not a restriction on commercial sales. They can buy as many arms as they wish to buy from this country. Because of inflation and our prices they have not bought as many here, because they can get as good or better weapons at cheaper prices from other countries. I do not know what we can do about that until we stabilize our economy, but I do not believe this country wants to be the purveyor of arms to correct our balance of payments problem. I think there are other items we can trade, exports of construction materials, machine tools, and so forth, all the various components of legitimate private trade. I believe it is bad policy for us to encourage these countries, which are underdeveloped, to spend their scarce resources on more arms which they do not need and cannot afford.

It is true we train them and cultivate in some of their leaders a desire for our most sophisticated planes and equipment. But that, again, is a very dubious policy. The fact of the matter is that what Latin America needs, as much as anything else, is economic and social development.

The history of this issue over the last 3 or 4 years has been to decrease these military credit sales. We established the ceiling of $75 million in 1968. Prior to that time there was no ceiling. In 1966 we sold much less than the ceiling. It was not the ceiling that was the obstacle to our selling more arms in those years, because they did not reach the ceiling. In my opinion they bought them, because they could find a cheaper price. It was typical not only of arms but steel, radios, and television. The people in those areas can buy these materials at a cheaper price and one of the reasons has been our overemphasis on military affairs, of which this is a relatively small part.

The Senator said we reduced the ceiling. As a matter of fact, the pressure from the administration has been to increase it. It is $75 million and what the Senator wants to do is double the ceiling to $150 million for 1 year. This is not in our interest and it is not in the interest of the countries of Latin America.

Mr. President, I hope the amendment is rejected.

Mr. GURNEY. Mr. President, it is important that we do not lose sight of our overall policy objectives in Latin America when we address the question of restricting the President's options with regard to military sales in the area.

The administration's request for authority to waive the ceiling on military sales and grants to Latin America comes at a critical stage in the development of our relations with our hemispheric neighbors. For too long, as the Members will surely agree, the United States demonstrated a paternal attitude toward the nations of Latin America. Although this attitude derived from benevolent motives, it nonetheless served to irritate and sometimes to anger the nations toward whom it was directed.

For the last 2 years, U.S. policy has been to eliminate that paternalistic attitude from our dealings with Latin America. The theme of our new Latin American policy has been a "mature partnership." Its essence has been a new appreciation of the dramatic changes taking place throughout the area. The Members, of course, are familiar with those changes and most particularly with the growing spirit of national pride within the countries of the hemisphere.

As a result of these changes, Latin American leaders are disinclined to accept unilaterally imposed limitations on what they may wish to purchase to modernize their armed forces. Such limitations represent—to them—an attempt by the United States to decide for them how their armed forces should be equipped and what they need for their security. And quite frankly they resent it.

I have no doubt that the motives which lead some Members to support inflexible limitations on this Government's authority to sell arms to Latin America are sincere and well-intentioned. But I also have no doubt that these motives will not be understood by the people and leaders of Latin America. In the long run, therefore, it is difficult to see how restricting the President's options in this area will contribute other than negatively to United States-Latin American relations.

A decision by one nation to tie the procurement of its military equipment to another nation is one of the most important decisions a government can take. It is an act of trust. Such trust ought to be repaid at the least by confidence on our part that the country seeking to purchase our equipment is capable of managing its own destiny.

The decisions which the United States takes officially in regard to responsible Latin American requests for the purchase of military equipment cannot be isolated from the decisions we make on our overall Latin American policy. Certainly the Latin Americans see our attitude on this issue as a reflection of our attitude and policy intentions in general. Thus, when we make a decision that could result in our rejecting reasonable requests for military purchases, we raise a question in the minds of the leaders and the people as to whether fundamental relationships between our countries are being reconsidered.

For this reason I believe that we should not tie the President's hands in this area as he continues to build a policy of mutual respect between the United States and Latin America. I am confident that the administration—which is so obviously seeking to build a peaceful world—will not abuse its waiver authority in cases where the requests are unreasonable or would encourage an arms race in Latin America. In fact, the evidence of the record is that a refusal by the United States to sell arms to Latin America may well result in the nations of the area seeking out other suppliers who often sell more sophisticated and more expensive equipment than what was originally requested from us. This results in higher expenditures than necessary, and is damaging rather than helpful to our goal of maintaining and improving our traditionally close relations with our neighbors.

For these reasons I urge the Senate to concur with the House of Representatives and extend the President's authority to waive the ceiling contained in this bill when he determines that it is important to national security to do so.

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alabama. (Putting the question.)

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GURNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Idaho (Mr. CHURCH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 38, nays 48, as follows:

[No. 268 Leg.]

YEAS—38

Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Cotton
Curtis
Dole
Eastland
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hartke
Hruska
Jackson
Javits
Jordan, Idaho
Miller
Moss
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Taft
Thurmond
Tower
Young

NAYS—48

Aiken
Allen
Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cook
Cooper
Cranston
Eagleton
Ellender
Ervin
Fulbright
Hart
Hatfield
Hollings
Hughes
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Metcalf
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker

NOT VOTING—14

Bentsen
Church
Dominick
Gravel
Harris
Humphrey
Inouye
Kennedy
McGee
McIntyre
Mundt
Muskie
Packwood
Williams

So Mr. SPARKMAN's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF THE CAPITOL REEF NATIONAL PARK, UTAH

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 29.

The PRESIDING OFFICER (Mr. GURNEY) laid before the Senate the amendment of the House of Representatives to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah which was to strike out all after the enacting clause, and insert:

> That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.
>
> (b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.
>
> SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the

lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, that the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area only if he finds that such easements and rights-of-way:

(1) would be compatible with the purposes of the park, and

(2) would not have significant adverse effects on the administration of the park pursuant to this Act.

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (a) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $423,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Mr. BIBLE. Mr. President, I move that the Senate disagree to the amendment of the House to S. 29 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. Moss, and Mr. HANSEN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STEVENS. Mr. President, I call up my amendment at the desk, which is cosponsored by myself and the Senators from Washington and Oregon.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 20, line 20, delete the quotation marks and the semi-colon and insert in lieu thereof the following: "; provided that none of these funds shall be available for use by the Republic of Korea in connection with the construction and operation of commercial fishing vessels, fish processing, or the marketing of fish products."

Mr. STEVENS. I yield myself 10 minutes, and I yield 30 seconds to the Senator from Ohio.

Mr. President, at the request of the Senator from Oregon, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, the purpose of this amendment is to prevent the use of any loan moneys in the economic assistance development loan fund by the Republic of Korea—they are earmarked $20 million under this fund—for the purpose of building up an additional commercial fishing fleet, for their fish processing or marketing facilities.

On page 18 of the committee report, it is pointed out that recipient countries can use this money almost any way they want—for schools, clinics, roads, dams, factories. We have no objection to that. We do object to the fact that the Republic of Korea would take this money, the 2- and 3-percent money, soft loan money, and build up additional facilities to compete with the North Pacific fishing fleet that operates out of Oregon, Washington, and Alaska.

I particularly invite attention to the fact that this is 40-year money. It is money that goes out at the rate of 2 percent during a grace period of 10 years, and then 3 percent in the balance of the period. Our fishing fleets do not have available long-term money; and even if they do, under our fishery loan fund money—we reported a bill from the Committee on Commerce this morning to make available such money—even if we are successful in increasing the amount of money to the American fishing fleet, it would still be at a much higher rate.

Last year when the bill was before this body, the Koreans were fishing in a closed area, and this body adopted an amendment that provided that if the Koreans kept fishing for salmon on the high seas in this closed area, they would receive no money under the bill. The Senators from Washington and Oregon—particularly the chairman of our committee—cosponsored that amendment, and I told the Senate that they got out of there the next day. It was a very effective mechanism.

I do not have any objection to the money in this economic assistance development loan fund being made available to Korea so that they can build irrigation facilities or dams or factories, so long as they are not getting into the fishing business. I flew for a full hour over the Korean fleet last January, and every one of those vessels is larger than the vessels we have in our fleet. There is no reason for us to make available this cheap money to their Government to subsidize any further competition with our fleet.

I yield to the Senator from Kentucky.

Mr. COOK. Is it not also true that these fleets are fishing off the coast of Alaska, off the west coast of the United States, and that they are depleting the reserves on those coasts and refused to enter into a treaty with the United States relative to territories?

Mr. STEVENS. That is correct. They are not a party to our North Pacific fishery treaty. They have refused to come into this treaty. As a consequence of their operations, I think the fisheries resources of the North Pacific are in dire distress.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. FULBRIGHT. Could not the same argument be made if it was a textile mill? Money is in here for agriculture. They are going to compete with rice, which is grown in my State, and in Louisiana, Texas.

Just because there are fisheries in the Senator's State does not mean that is the only thing with which they compete. Practically everything that is done under these aid programs potentially competes with somebody in this country. This may be one reason for the decline in our exports.

But to pick out just this one item and put a prohibition on it seems to me to be very discriminatory. If the Senator wants to get to the heart of the matter, why does he not move to strike out the entire item of $320 million for development loans? He might pick up some additional votes.

The Senator wants to protect only the

industry in his State. But it is no different from industry in any other State that might be affected by the programs authorized in this bill, whether it is fishing, steel, textiles, tobacco, television, or radios. It seems to me that the Senator's argument is directly contrary to the purpose of this bill.

Personally, I think we have overdone it. I voted in committee to cut the overall amount, but I must say that his approach does not seem to me to be a very proper one.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. MAGNUSON. May I suggest to the Senator from Arkansas that I thoroughly agree with him so far as textiles are concerned. I voted consistently here to try to solve that problem.

The Senator asks, "What is the difference?" The difference is that we have entered into treaties—Japan, Canada, and the United States—to conserve our fishery resources. It is a conservation treaty. We allow them to fish only at certain times. There is a quota on it. The Japanese do not come beyond the 185th meridian and we do not go the other way. There is a little difference in fishing. If we allow Communist China and the Koreans and the others to come in there, they will completely wreck the conservation of salmon in the North Pacific. That is the difference. All we suggest to them is that they do not build boats to come in and violate the basic tenets of the treaties we have made.

I have talked to the Korean Ambassador not once but five, six, 10 times, and the Senator from Alaska has done that and also the Senator from Oregon. They piously say, "We do not intend to fish salmon over there. We license the boats." Incidentally, we pay for it.

All right, what do they do? They fished off the Alaskan grounds last year. Two years ago they did not do as much as 3 years ago, but 4 years ago they tried it. There is a monopoly of fishing in Korea run by a fellow that—I forget his Korean name——

Mr. STEVENS. Lang.

Mr. MAGNUSON. And he says, "Oh if they come in with salmon, the Korean Government says we fine them or we penalize them." But they do not do anything about it. Then we never know how much he dumps on the way in to Japan and other places to can the salmon we are trying to preserve. Our fishermen cannot go out and fish because we want to preserve the run. That is the difference. We penalize our own fishermen. We try to conserve. We talk about conservation but if we allow them to come in and do this and they do not do something about it, we will find ourselves in the same position that the Atlantic Ocean is now in, where the game and commercial species are disappearing. We are going to try to protect that area. That is the story of the difference.

I hope that the Korean Ambassador will read what I had to say this afternoon. I am sure that he will. There may be someone up there that will put it down for him. But, oh, we do not intend to do any of these things and we do not do them, but the Senator has just said, and I have experienced it, that they have taken everything they can. They have long nets that, when they break loose in a storm, they float around the Pacific with the catch of salmon in them every day until they rot. Then they go out and catch some more. That is what we have been trying to protect. We have a treaty with Japan, Canada, and the United States. If the Koreans want to come into the North Pacific and fish, I suggest to them that they respectfully ask to become partners to the treaty and when they do that then we will not have to do what the Senator from Alaska, the Senator from Oregon and I have been suggesting for a long time.

Mr. STEVENS. I am very grateful to the chairman of the committee for his remarks. If they do not take note of his remarks, I will see that they get them because this is the message we have been trying to get across. We have not been able to get it across yet.

The Senator from Arkansas says why an amendment like this on fish instead of on textiles or agriculture. I must tell you, Mr. President, that fish do not vote but farmers do. More Senators represent farmers than fishermen. We are simply here trying to let those people know that if they want to become economic partners in the North Pacific, they should do it right.

Pending that, I see no reason why we should help them to build up competition, to come in with their vacuum cleaners and get into more and more of our fishing grounds.

To this day, we go out to fish for one species, but I can show the Senate pictures that show 12 to 14 species on the top of the floating factories that they bring into our waters. We have to fish in one kind of fleet that does not compare to the size of the average Korean vessels that they send over.

Mr. President, I yield myself another 5 minutes and yield that time to the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER (Mr. COTTON). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, may I say to the distinguished Senator from Arkansas that if there are any salmon in the Commonwealth of Kentucky, it has got to be in a can. But I would say, in relation to his argument, that he is talking about the difference between manufactured goods and natural resources—the resources of the sea which belong to the United States or at least belong to those countries willing to enter into a treaty and see to the logical and necessary depletion of those species, or the process of seeing to it that the species stay in existence.

The other thing I might remind the Senator from Arkansas is that when a fleet comes in, they have no treaty with the United States that would take the salmon and ship it back to the United States, whereby they become competitive. Unlike the manufactured goods that the Senator is talking about, they use it for their own purposes in Japan and Korea, or whatever the case may be. I would suggest that when they take natural resources and do not send them back, there is no 10 percent border duty as there presently is on rice that may come in and compete with rice from Arkansas. So there is a distinct difference. We are talking about the difference between manufactured goods and natural resources that lie along the borders of countries.

I think that there is a big, big difference.

Mr. FULBRIGHT. Here is the case of Korea to which we are giving enormous amounts of money in different ways—this year a total of $771 million. Now the Senator suggests putting in a special provision directed solely at this country. If we go after Korea in this instance, then others will do the same, whenever a special interest is involved.

The Senator is correct about the terms of these loans. But no factory owner here or anywhere else can get the kind of terms given under this bill. But this goes to the bill itself. So what we are doing is building up bad feeling with Korea. This is the kind of thing we have done in many cases before. It helps to account, I think, for the vote taken yesterday in the United Nations. We give them money with one hand and take it away with something else.

The Senator reminds us that Korea is not a member of the United Nations and does not vote with us because she is not a member. He is correct, but there are many examples of vast amounts of aid given to a country and then we do this kind of thing to alienate them. It is a bad practice to single out this or that country. If this is done at all, it should be done by the administration in its negotiations with countries. That's the way to do it. But if we begin such a practice, specific provisions directed at specific countries, we really are going to have a Christmas tree bill because every State has some interest it wishes to protect. Competition is just as detrimental in other business as it is in the fishing business. I do not see any real difference.

Mr. MAGNUSON. The Senator from Arkansas mentioned that we are creating some bad feeling with Korea——

The PRESIDING OFFICER (Mr. COTTON). The time of the Senator from Alaska has expired. How much more time does the Senator require?

Mr. STEVENS. Two minutes, which I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. The Senator says it may create some bad feeling with Korea. That is the first time I ever heard the suggestion that if we try to stop poachers of our own natural resources, we are creating bad feeling. We do not do that at home. If one of our fishermen does wrong, we take him out right here. The Korean government should recognize that but they have not done it. Why allow these people to poach on our developing natural resources? It has cost this country and Canada hundreds of millions of dollars to preserve them. But we are to let them come in and that creates bad feeling with the government of Korea.

Our whole approach to this thing is

wrong. They are poachers. That is what they are.

Mr. FULBRIGHT. This amendment does not say that it is poaching. It says——

Mr. MAGNUSON. I will add that word if it is of any use.

Mr. FULBRIGHT. It says, construction and operation of fishing vessels, fish processing, or marketing of fish products.

These are legitimate activities, as legitimate as any.

If the Senator wishes to modify the amendment so as to provide that none of this money should be used to finance poachers, it might be useful. I would not have any objection if the Senator wishes it so as to read that none of this money should be used to finance poachers anywhere.

This is a bad principle to establish in this kind of legislation. I submit that it is certainly directed at a country that will get $771 million in this fiscal year. Yet, we put in a little amendment of this kind. I should think they would resent it very much.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. STEVENS. I respect the statement of the chairman of the committee. However, I point out that we have no other way to keep these people out. One thing we can do is to make certain that none of our funds are used to finance the construction of these vessels that violate our waters, particularly when they refuse to become a part of the community of nations that have entered into an agreement.

As the chairman of the committee knows, they use a line that the fish cannot see. They use nets that are so much deeper than ours. They use trawling gear, and fish on the high seas where we do not fish and have agreed not to fish.

There is no reason to finance the loan of funds for long terms at low interest rates.

I sincerely tell the chairman that if there is any other way to demonstrate to the Republic of Korea that we are serious, I am sure that the Senators from Alaska, Hawaii, Washington, and Orgeon will try. However, this is the only way to point out that the Senators from the Northwest do not agree with what they are doing and will do anything to prevent a violation of the national agreement.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GOLDWATER. Mr. President, am I correct in understanding that we are talking about 2-percent and 3-percent loans?

Mr. STEVENS. The Senator is correct. In most development loans, the recipient countries have 40-year terms, including a 10-year grace period, and interest rates of 2 percent during the grace period and 3 percent thereafter.

Mr. GOLDWATER. Does the Senator have any idea of what the fishermen in Alaska are paying for money?

Mr. STEVENS. They are paying at least 10 percent and they cannot get any.

We reported this morning from our committee an additional authorization to make the money available. I hope that Congress will enact that measure this year. The bill would increase the loan funds for American fishermen, including this type of facility.

Mr. GOLDWATER. At these prices?

Mr. STEVENS. No. That is the amount the United States pays for its long-term indebtedness. It would be above 5 percent, I assume.

Mr. GOLDWATER. Mr. President, if the Senator will yield further, I would like to ask the Senator from Arkansas a question. I ask the Senator from Arkansas if there is any legal reason why we give these people money at rates that are far below what we ourselves can get money for in this country?

Mr. FULBRIGHT. Mr. President, that is a provision of the law. I am not sold on it, but it happens to be a provision of law. This does create the kind of competition in this area and in other areas that the Senators are very familiar with. I think we have overdone it and that it has gone too far for too long. This is not the right way to approach it. We ought to cut back on this kind of activity. I supported that effort in the committee. However, we did not have the votes.

Mr. GOLDWATER. I could not agree more. If it is not too late, if the bill has not already gone through, we could do it next year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I yield myself 5 additional minutes.

Mr. GOLDWATER. Mr. President, I think we ought to put a stop to this ridiculous business of the United States paying 5, 6, and 7 percent for money and lending it to other countries for 2 and 3 percent. I would like to get Arizona in on the act.

Mr. FULBRIGHT. Why does the Senator not offer an amendment to cover it across the board instead of dealing with just one country? If the Senator offered such an amendment, I think he would receive considerable support.

Mr. GOLDWATER. Would that have any effect on the Development Loan Fund?

Mr. FULBRIGHT. We are authorizing money in this bill to make the loans that he is talking about.

Mr. GOLDWATER. But the Senator stated that the legal reason for this was the Development Fund. I understand that does not come under the pending bill.

Mr. FULBRIGHT. No; the Development Loan Fund is contained in this bill. This is an authorization for the Development Loan Fund. The Senator from Alaska wants to put a limitation on the use of these loans.

Mr. STEVENS. Mr. President, as the chairman suggested, I would like to add a provision to say in effect that all loans made under the provisions of this act should be made in that manner. I would be most willing to add that. I am interested in making certain that we have no more subsidized competition with our fishing fleets from countries that are not parties to the international agreement. Even then, I would object to the 2-percent money. The principle we are trying to establish now is that we want to prevent these people from coming into an area covered by a national agreement. We certainly do not want to give them money at low rates of interest.

Mr. FULBRIGHT. Would the Senator offer an amendment that no development loans be made at lower than the present rate?

Mr. STEVENS. I might consider that. However, I voted against the whole bill. In the event the bill might pass, we want to make certain the limitation is in.

Mr. FULBRIGHT. While I have no great brief for Korea, I do not think we ought to pick out a particular country and say that it cannot engage in a legitimate business activity, if that is the case.

The Senator's amendment does not say poaching. The idea of the Senator from Washington is that they cannot fish any longer. Obviously they can fish and will continue to fish.

I have grave reservations about the bill as a whole. I voted against it the last time it was before the Senate. It has been overdone. I think it has contributed to many of our internal and domestic difficulties.

Mr. STEVENS. Mr. President, I find myself in agreement with the chairman of the committee. I want to make certain this is taken care of. I am sure the Senator from Arizona has a good idea. I will make certain that whatever money goes to a country, none of it can be used to build fishing fleets or facilities, because we want these people to understand that they must join the community of nations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, if the Senator wishes to withdraw his request for the yeas and nays, I will take the amendment to conference in order to save time. We are getting along late in the day.

Mr. STEVENS. Mr. President, with the consent of the other cosponsors, I would be most happy to ask unanimous consent to withdraw the yeas and nays.

Mr. MAGNUSON. Mr. President, I would be glad to do that to save time. However, I want the RECORD to show that if we had the yeas and nays, we would carry the amendment overwhelmingly.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, reserving the right to object, and I will not object, I want to discuss the matter briefly with the chairman of the committee. Would the chairman of the committee smile favorably upon an amendment to accomplish an abolishment of money loaned to other countries below the rate of interest that we are paying for it?

Mr. FULBRIGHT. I think I would agree.

Mr. GOLDWATER. I will give the chairman a chance to smile sometime later today or tomorrow.

Mr. STEVENS. I would be most happy to sponsor that amendment but I would like to get this one agreed to. I hope this amendment survives in conference. I would join the Senator from Washington. This is not the same amendment we agreed to last year with the idea of warning the Republic of Korea if they did not get out we would take drastic action. This is the time for action, regardless of the amount of the interest rate. We hope this amendment survives.

The PRESIDING OFFICER. Is there objection to withdrawing the order for the yeas and nays?

Without objection, the yeas and nays are withdrawn.

Mr. HATFIELD. Mr. President, while this amendment deals with Korean fishing alone, I wish to call to the attention of my colleagues the situation in my State of Oregon. Russian fishing violations receive more publicity than do Korean ones, but both contribute to the ruination of Oregon's fishing industry.

I ask unanimous consent that my statement concerning the fish inspection bills be printed in the RECORD at the end of these remarks. We must remember that recent years have seen increased Korean violations, as well as Russian ones.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROTECTION OF AMERICA'S DOMESTIC FISHING INDUSTRY

STATEMENT OF SENATOR MARK HATFIELD

As our committee reviews various bills relating to fish inspection legislation, I think we should examine the more basic question of preserving the very industry that the bills would regulate. As a Senator from the Northwest, I know firsthand the decline our fishing industry has experienced, due in large part to the increased Russian fishing off the coast of Oregon, Washington, and Alaska.

I believe fish protection should be just as important as fish inspection. There will be no fish to inspect, if past trends continue. There will be nothing but fishing ghost towns left along our coasts unless the Federal government takes strong steps to preserve what is left of this once valuable industry.

Yesterday, I checked with my home state, Oregon, to ascertain the latest report. I call attention to these dramatic statistics: at one plant, production is down 80% from last year; at a second it is down 75%; at a third, 63%. At a fourth, production is only half of what it was last year at this time. The annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 18 million pounds in 1970. I also call attention to the attached statistics. While Oregon is known as a lumber state, our fishing industry has played a historic role in the life of our state's economy.

Unemployment in Oregon statewide was 7.6% in February, but was higher along our coast, where Russian fishing has cut into Oregon jobs as indicated above. In Clatsop County, at the mouth of the Columbia River, unemployment was 18% in January and 12.2% in February. It was over 9% in the other coastal counties. As another example, I have been advised that the Oregon catch of ocean perch was about 13 million pounds before the Russians moved in, and last year it had fallen to one million.

In my home town of Newport, I was told that if the trends of the past years continue, there will be no groundfish industry in two or three years. While I recognize that fish imports also contribute to this decline, I know from discussions with Oregonians just how much the Russians have eaten into the traditional catch.

As I speak today, I am advised that 50 Russian fishing vessels are operating just outside the twelve mile limit off the Northwest coast. I know that other states have experienced similar reductions in the catch by American boats.

The same interest shown toward establishing laws for Federal fish inspection must be shown to establish protection for the fish resource. If strong action is not taken soon by the Federal government, these inspectors we are talking about will not have anything to inspect, because foreign fishing boats will have effectively eliminated one of this country's oldest industries.

RECENT OREGON FISHING STATISTICS

Type of fish	1965	1966	1967	1968	1969	1970
Pacific Ocean perch (in millions of lbs.)	13.5	3.8	1.6	0.8	0.6	0.6
Catch per hour unit of effort	1,200	1,000	700	400	400	300
Other rock fish	4.0	4.8	4.0	3.6	4.6	3.1
Arrow tooth flounder	2.3	2.2	2.1	1.0	0.9	0.4
Total of all specimen, Otter Trawl Fisheries	32.5	24.2	20.3	18.2	19.8	18.7
Catch per unit of effort (in hours)	1,100	1,100	1,000	800	800	700
Total efforts in thousands of hours	28.5	22.6	19.6	22.4	24.2	25.9

Note.—Intensive Russian fishing began in April 1966, so 1965 serves as base year. Arrow tooth flounder used mainly as mink food—found in deeper water.

Mr. STEVENS. Mr. President, is the chairman willing to yield back the remainder of his time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska (putting the question).

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, let the Record show there were no nays.

The PRESIDING OFFICER. The bill is open to further amendment.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, will the Senator from Arkansas yield to me for 1 minute?

Mr. FULBRIGHT. I yield to the Senator from Alabama for 1 minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

COMMUNICABLE DISEASES OF ANIMALS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 10458.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 10458. This matter has been cleared with the chairman of the committee and the ranking members of the committee.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 10458) to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, H.R. 10458 is identical in effect to S. 2395 and S. 2396, which passed the Senate on October 6, except that it would also extend the Secretary's authority to two additional countries—Colombia and Canada. Like the Senate bills, it would extend to any communicable disease of animals the authority which the Secretary now has to cooperate with the Governments of Mexico and the Central American countries in the suppression of certain named diseases. In addition, as I have just mentioned, it would extend this authority to provide for cooperation with Canada and Colombia. The House bill passed by a vote of 342 to 0 and we know of no objection to it. The Department of Agriculture advises informally that it favors the House bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 10458) was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. BAKER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. BAKER. I yield to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

CORRECTION OF ENROLLED BILL, S. 137

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution was read as follows:

S. CON. RES. 46

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following change, namely: in the second sentence of section one strike out the word "modification" and insert in lieu thereof "notification".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 46) was considered and agreed to.

GLOVER PACKING CO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 297, S. 79.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The bill was read by title as follows:

A bill (S. 79) for the relief of the Glover Packing Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Glover Packing Company of Roswell, New Mexico, the sum of $66,488.80, representing the amount of loss sustained by such company as a result of a determination by the Department of Agriculture that, through no fault of such company, certain hogs purchased by such company were contaminated by the consumption of feed grain which had been treated with a mercury-based fungicide, such company having undertaken extraordinary measures to avoid the possibility of injury to any of its consumers pending such determination, and having cooperated with and assisted the Department of Agriculture in making such determination.

SEC. 2. No part of any amount appropriated in this Act in excess of 20 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–303), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Glover Packing Company of Roswell, New Mexico, the sum of $66,488.80, representing the amount of loss sustained by such company as a result of a determination by the Department of Agriculture that, through no fault of such company, certain hogs purchased by such company were contaminated by their consumption of feed grain which had been treated with a mercury-based fungicide, such company having undertaken extraordinary measures to avoid the possibility of injury to any of its consumers pending such determination, and having cooperated with and assisted the Department of Agriculture in making such determination.

STATEMENT

An ad hoc subcommittee of the Committee on the Judiciary under the chairmanship of the Honorable Marlow W. Cook of Kentucky held a hearing on this legislation on July 9, 1971. The subcommittee's conclusions are as follows:

In December of 1969 three children in Alamogordo, New Mexico were hospitalized. Two of the children were in a coma and one was conscious, but speechless.

In January, 1970, the Environmental Services Division of the Department of Health and Social Services, State of New Mexico with the assistance of the Communicable Disease Center, Atlanta, Georgia (Food and Drug Administration), determined that the children were suffering from the ingestion of pork contaminated with a methyl mercury compound. The pork contamination originated from hogs fed grain that had been treated with a methyl mercury based fungicide.

On January 19, 1970 the Glover Packing Company, hereinafter referred to as Glover, was notified by the State of New Mexico of the possibility that 14 hogs sold to Glover might have been fed mercury tainted grain.

The 14 suspected contaminated hogs had been shipped by the Clovis Hog Company mixed in a truckload of 84 hogs. To further complicate identification of the suspected hogs, they had been slaughtered the morning of January 19th, along with 248 additional hogs. The 248 hogs had been hung in a cooler with 10 additional hogs from a previous day's kill. Some of the hearts, livers, and other edible portions of the 248 hogs had been processed into luncheon meats. All of the edible portions of these 248 hogs, however, could be accounted for. On January 20th, the USDA officer in charge of Glover meat inspection, placed all 258 hogs and the edible offal therefrom, along with the luncheon meats containing edible offal, in U.S. Government retention until tests could be conducted to determine if, in fact, any of the hogs were contaminated. In consultation with USDA Consumer and Marketing Service personnel in Washington, it was agreed that the C&MS Washington Laboratory would be the laboratory most nearly qualified to conduct the testing. Consequently, at noon on January 21st, samples as directed by the C&MS were delivered to the Washington Laboratory by personnel of Glover. On January 21, the State Health and Social Services Department informed Glover Packing Company personnel that 11 hogs delivered by the Clovis Hog Company on the 12th of January had been purchased from the Alamogordo family and possibly were mercury contaminated. These 11 hogs had been slaughtered on the 13th of January, along with 227 others.

On the 23rd of January the USDA retained all the pork and products containing pork that was slaughtered and processed during the period of January 13–January 15. These samples were then delivered to the laboratory on January 25th.

At this time, the USDA and the FDA were making plans to assemble a task force of approximately 50 men to go and withdraw all of Glover's products containing pork from the markets. Although time consuming legal action could have been taken by the Federal Government, the President of Glover Packing Company, of his own volition, instructed the company's sales force to withdraw all pork products from the customer markets and give the customers full credit for the merchandise. These instructions were carried out and the products were returned to the Roswell plant. Underlying the decision to withdraw all of the pork products from the markets of the trade area was the concern of Glover for the health and welfare of the consuming public. When the USDA and the FDA were advised of the action being taken by Glover Packing Company and the effectiveness of the actions, plans were cancelled to amass the task force.

According to testimony not disputed by the USDA, the Department was not prepared to perform the necessary testing to determine whether or not the pork from Glover was contaminated with mercury thereby contributing to unnecessary delay. Although the USDA was lacking the necessary glassware for the mercury analysis tests, this was the first time in the United States that human illness was known to be caused by eating meat from livestock that had been fed mercury-treated grain.

Also, although the USDA said in an October 9, 1970 letter to Senator Eastland that about 1,200 pounds of Glover pork products were condemned because they were found to contain mercury residue, the testimony and exhibits indicated only a trace of mercury. In fact, only one carcass out of 248 were found to contain mercury. The three sample testings of that one carcass indicated a mercury level of 0.29 parts per million, 0.16 parts per million and 0.17 parts per million. It should be noted that the sample carcass causing mercury poisoning of the three children was 21.6 parts per million or over 200 times the amount of mercury found in one out of 258 Glover carcasses.

On February 5, 1970 at 3:00 p.m., the USDA released all of the hogs except one and all of the product except the pork livers, pork lungs, and liver loaf killed or made from the kill of January 19, 1970. The next day the inedible product retained by the FDA was released for sale as animal food.

The 258 hog carcasses were thawed and processed for shipment to customers in the trade area along with other pork products that remained wholesale during the long period of retention. Pork, due to its nature, does not freeze well. On thawing, it becomes dark and damp. Accurate records were maintained to determine the amounts of the credits that were given to customers who returned the product to the plant due to age and appearance a few days after delivery.

On January 29th, the USDA released a news statement in Washington that stated that Glover Parking Company was involved "due to no fault of their own", and the company's action in assisting the authorities "indicated a deep concern for their customers and the consuming public." In addition, tests conducted by the Washington Laboratory of the C&MS revealed that only one hog had traces of mercury contamination above the limits established by the World Health Organization (there are no limits established by the USDA or the Food and Drug Administration of the Department of Health, Education, and Welfare. Since the incident, the USDA has withdrawn approval of the mercury-based fungicides for use in treating seed grain).

Testimony—the hearing developed the facts as follows:

(A) Although Glover voluntarily withdrew its products from the marketplace it had no alternative—and would have been legally proceeded against had it not taken such a course.

Senator COOK. Doctor Berry, I asked you this for a reason. Do you under the statute have the authority to walk into that plant if you so desire and close that plant down if you suspect that products are coming out of that plant that are conceivably poisonous or subject to containing contaminants that could seriously endanger the life of an individual?

Doctor BERRY. Yes, sir, we do.

Senator COOK. All right.

Doctor BERRY. If it is under Federal inspection.

Senator COOK. All right. Then if you have that authority, the fact that Doctor Harris or the fact that Mr. Barrett asked them to voluntarily comply is pretty stiff language, isn't it, when the department really has the authority to close the whole plant down if it wants to.

Doctor BERRY. Certainly, because as one alternative, as General Bacon pointed out, we would have taken the legal route to detain that product and to remove it from food channels.

Senator COOK. Were you prepared in this instance to take legal action?

Doctor BERRY. Yes, sir.

Senator COOK. You were?

Doctor BERRY. Yes, sir. I might add that is part of the authority of the wholesome meat act.

(B) The Department of Agriculture was the sole cause in the delay necessitating spoilage of manufactured meat products due to their complete failure to expeditiously run the required tests.

Senator Cook. What does AOAC mean?

Doctor Berry. The American Agricultural Chemists Association which are the official methods that we are bound to use, they are the legal methods.

Senator Cook. But these are not the ones that you used at first. You were not prepared to use those at first.

Doctor Berry. No, sir to be very frank with you, at the very first we were short some of the glassware. It takes a very special glassware to run these tests. These are very time consuming tests. We were short of the glassware and the company that makes it happened to be out of the glassware and they immediately then made the glassware especially for us.

(C) The statement contained in a letter to the Honorable James Eastland from the USDA under date of October 9, 1970 (filed as an exhibit herein) stating:

"In addition about 1200 pounds of pork products were condemned and destroyed for food purposes *because these products were found to contain mercury residue.*"

is not only totally without fact, but the testimony shows no tests whatever were run on the residue.

Senator Cook. Can you say affirmatively that the 400 pounds that you asked the company to destroy or the 1200 pounds as you contend, absolutely without any equivocation contained mercury poisoning?

Doctor Berry. No, sir. We went on the basis that we had found mercury in the animals.

Senator Cook. One carcass.

Doctor Berry. In the one carcass, and that these were the offal from those animals, and products from them, and these were not identified with the carcass. Now here again we have a different problem but these were all mixed.

Senator Cook. But no tests were really made of all of those?

Doctor Berry. No, sir; I think here it was a practical situation of the time involved and the expense of testing each one of the products.

(D) The record shows, pursuant to exhibits, that tests were performed on all samples from January 20, 1970 through February 2, 1970. The typewritten report unequivocally states:

"There were No antemortem or postmortem signs." This was signed by J. S. Conrey who is Chemist in Charge, J.S.D. Laboratory, Washington, D.C.

This report was apparently changed at a later time with a handwritten exception as follows: "789—90=0.16 part per million mercury all others below detectability."

The above statement is in complete contradiction of the typewritten final report.

To further complicate the matter, when delay was totally detrimental to Glover, a letter in the form of a memo from J. S. Conrey to Mr. O. L. Bennett, Chemistry Groups Lead—was dated February 19, 1970, 17 days after the final report—stated one carcass was tested and found to have 0.29 part per million mercury, 0.16 part per million mercury and 0.17 part per million mercury respectively in three different tests.

The Department did not see fit to average the respective findings but merely designated the carcass as containing 0.16 part per million mercury, again totally inconsistent with the typewritten report of February 2, 1970.

Conclusion—Recovery of this type is not uncommon—reference is made to Sec. 32, 7 U.S.C. 612(c), 49 Stat. 775, indemnity for cranberry farmers; 7 U.S.C. 135(b), 84 Stat. 1382, Public Law 91–524, indemnity to beekeepers; 7 U.S.C. 450(j), and indemnity to dairy farmers.

For the reasons stated above and facts established from the hearing, S. 79 should be approved by the Committee in its present form.

Attached hereto and made a part hereof are the report of the Department of Agriculture on an identical bill (S. 3896) of the 91st Congress and a staff memorandum made from the hearings.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., October 9, 1970.
Hon. James O. Eastland,
Chairman, Committee on the Judiciary, U.S. Senate.

Dear Mr. Chairman: We appreciate this opportunity to respond to your request of June 9, 1970, for a report on the bill S. 3896, for the relief of the Glover Packing Company.

This Department recommends that the bill not be enacted.

The Glover Packing Company purchased hogs for slaughter from an auction market, not knowing that some of these hogs had been fed seed grains treated with the fungicide (methylmercury dicyandiamide) or that the animals' tissues might contain harmful residues. Subsequently, this Department received information regarding some children who were hospitalized after eating pork from hogs raised by their family. From our investigation it was learned that other hogs raised by this family had been fed seed treated with the fungicide, and had been included among those hogs purchased by Glover Packing Company from the auction market. Hog carcasses remaining at Glover Packing Company at that time were sampled by our inspectors and tested in our laboratories. As a result of this sampling and testing of 258 hog carcasses, only one was found to contain the mercury residue. This hog was condemned and destroyed for food purposes. The other 257 were released back to the firm. In addition, about 1200 pounds of pork products were condemned and destroyed for food purposes because these products were found to contain mercury residue.

Throughout the episode the Glover Packing Company was fully cooperative and supported all efforts to detect and remove from food channels any pork which may have contained mercury residues. On the premise that the products might contain mercury residue, the company voluntarily recalled products processed and sold before the problem was detected.

Existing provisions of general law administered by this Department do not provide for compensation for packers and processors required to destroy meat and poultry and their products determined to be a threat to public health. In addition, while we are not aware of any fault on the part of the Glover Packing Company in this matter, neither did this Department nor any agent of the Federal government contribute to the monetary loss experienced by that firm. Indeed, the Government has specific requirements that warn against the use of grain treated with a fungicide or insecticide, such as mercuric compounds, being fed to livestock or poultry. Under these circumstances, therefore, we do not find any legal or equitable basis for compensation by the Federal government for the losses incurred.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. Phil Campbell,
Under Secretary.

MEMORANDUM

To: Senator Marlow W. Cook
From: Staff
Re: Glover Packing—Points in Favor of Enactment Developed at Hearing.

1. The precedents of the dairy farmers, beekeepers and cranberries. In these cases the federal government paid for losses due to its condemnations. The argument is: If you pay them, why not Glover Packing? The Department of Agriculture responds to this by pointing out the precedents cited were all general legislation whereas this bill is private legislation. The Department claims a private bill is discriminatory against other claimants similarly situated. This is perhaps true but Glover has a very fair argument to distinguish itself from others similarly situated in that it, Glover, is in fact *not* so similarly situated. The reason is that the Glover case was the first condemnation based on human mercury poisoning from eating mercury contaminated meat.

2. The strongest point in favor of Glover is the negligence of the Department which was the direct cause of the damage. At the time it was known by the Department that Glover had processed suspected hogs, the Department was not equipped to test the hogs. The Department admits it did not have the specialized glass to perform the tests, that the plant making the glass was out of stock, that glass for the test was ordered made, that the test itself was unusually time-consuming, and that this caused an unusual delay. Glover's losses stem from three sources: (1) disease of one hog; (2) offal by-products destroyed because their source could not be traced and individual testing too expensive; and (3) most important, hog products that became unmarketable because of lapse of time awaiting results of tests. It took Agriculture 24 days to release Glover's meat as free of contamination, and hog products are unmarketable after that time.

3. Glover saved the government the amount of this bill by voluntarily recalling its products from the retail and wholesale trade channels by its own personnel. Agriculture had planned a 50-man task force to do this work. Travel, per diem expenses of 50 men would cost the government more than the amount in the bill.

4. Glover was the innocent victim of unfair adverse publicity which with the value of products under embargo ($150,000) almost wrecked the company customer wise and financially. Two examples in the hearings: stores with signs ("We do not handle Glover's meat") and a Texas judge embargoing with marshals Glover trucks on the highways.

5. The Department informed Glover its only relief was a private bill which the Department promptly opposed.

6. Glover pleads that the public should stand the loss in unusual cases such as this and not the individual processor who cannot afford it.

7. Glover was free of fault all the way through. If a hog does not appear ill, mercury poisoning cannot be detected by vets at the plant either before or after slaughter. Thus packing plants are, in effect, unable to protect themselves and the public in cases such as this. The mercury test is too expensive and difficult for use on all meats. The only protection is not to feed hogs mercury treated seed.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Weicker). The amendment will be stated.

The amendment was read as follows:

On page 31, beginning in line 18, strike out "for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000" and insert in lieu thereof ", in addition to funds otherwise available for such purpose, $250,000,000 for the fiscal year 1972 and $200,000,000 for the fiscal year 1973".

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the purpose of this amendment is to extend the authorization for relief to India and East Pakistan for an additional year. The authorization currently calls for $250 million for fiscal year 1972 and my amendment would extend that authorization to include $200 million for fiscal year 1973. It occurs to me that this is the only 1 year authorization in the bill and I believe that should be changed.

My particular interest in this comes by virtue of the fact that in my capacity as chairman of the Secretary of State's Advisory Committee on the 1972 U.N. Conference on the Human Environment, I undertook during the August recess to visit the capitals of several developing nations for the purpose of discussing with appropriate officials of those countries environmental concerns common to all nations, regardless of their size or stage of development. I was deeply impressed by the enlightened determination of these countries to protect the natural environment as they struggle to meet the material needs of their people.

Following discussions with foreign ministry officials in New Delhi about the U.N. conference and the plight of the 9 million East Pakistanis who fled their country to seek sanctuary on the Indian border, I decided to travel to Calcutta and see first-hand one of the several hundred camps hastily set up along the border following the outbreak of violence last March 25.

Although I had read a great deal in the American press about the magnitude of the refugee problem, and although I had seen a number of televised reports from the refugee camps, I will readily confess that I was not prepared for the kind of human suffering that I found. Other Members of the Congress have visited these camps; I wish that each Member of both bodies could do so. I know of no words or pictures that could adequately convey the sense of immediacy that one feels during a personal visit.

In spite of an extraordinary effort that has been made by the Government of India to provide shelter, nourishment, and medical care for the Pakistani refugees, conditions in the camps remain bleak indeed. Although a cholera epidemic that claimed some 10,000 lives during the early days of the massive imigration has been effectively controlled, the health of the refugees—and especially that of the children—is precarious. Many of the refugees traveled for distances as great as 100 miles to reach the Indian border, and many arrived suffering from severe malnutrition and respiratory diseases, such as pneumonia. Most immediately threatening is the lack of sufficient nourishment for the children in the camps. Gross protein deficiency is commonplace. One British physician suggested to me that unless the children's diet was radically improved, many of the children would perish and those who survive will suffer irreparable damage. The arrival of winter will only compound the existing difficulties.

Although these dangers exist in large quantities, I must commend the Indian officials who have done an unbelieveable job of minimizing the suffering and hardships for these people. The distribution of food has been regular, though insufficient in quantity and quality. But the Indians are not to blame for the insufficient supply of materials and food. The response of the international community has been good, but not good enough, and I fear that conditions will get worse before they get better.

In March, when the conflict began, crops in East Pakistan were ripe and ready to be harvested, but the fighting caused many to either stay at home or flee their villages and the crops were left in the fields unharvested and gradually ruined by the floods of the monsoon season. In addition, communication and transportation in the East have deteriorated to the point where many have predicted widespread famine, producing a whole new wave of refugees to India. One estimate I heard was to the tune of 8 million additional evacuees, thus doubling the existing refugee population.

The distinguished committee has recognized, as have the Senate and the House, the vital role the United States plays in the world by responding to humanitarian needs such as now exist in South Asia. We have already provided over $180 million in foreign exchange, food, and local currency assistance. Other donors have done similarly.

However, this need is not going to end in the next 8 months or in the next 18 months. It is imperative that this Nation be able to continue its help without delay in meeting this need in fiscal year 1973. Since the Senate Foreign Relations Committee has wisely recommended that there be a 2-year authorization for all other economic assistance, it would be equally wise for this body to authorize a second year of relief assistance to South Asia.

Therefore, I propose this amendment, not to increase the amount of the authorization, but, rather, to extend the authorization for a second year, as the committee has recommended be done in every other situation of human assistance.

One has only to read the newspapers and to watch the television news reports of the difficulties between India and Pakistan to know by these accounts of the enormous human suffering in India and Pakistan and to know that there is an enormous need.

It seems to me that now in this time of stress and in this time of tension between India and Pakistan, in this time of great need before winter begins to take its toll, we should show our concern by doing what we have done in every other instance of human assistance, and that is to authorize the assistance for 2 years, the second year for $50 million less, but still for 2 years, to help in this most delicate and massive problem of human suffering I have ever witnessed in my life.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the distinguished Senator from New York.

Mr. JAVITS. The Senator has spoken very eloquently, and the situation deserves every word of his eloquence.

It will be of interest to the Senator to know that it was a struggle in the committee to get the $250 million so that it was additional to the totality of the bill. Otherwise it would have been put into the pot with every other kind of aid.

I feel that when we authorized the economic and humanitarian aid—and it was on the motion of the Senator from Vermont (Mr. AIKEN)—for 2 years rather than 1 year, we should have included this matter. I feel, personally, that the Senator is helping us to correct something which we would have done if we had been "right on the ball" as we should have been. Those of us who are for extending the authorization for economic and humanitarian aid for 2 years certainly would think that Pakistan relief ought to be available for 2 years.

I hope very much the amendment succeeds.

Mr. BAKER. I thank my colleague from New York.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. It will take me a moment to find the language. Is it on page 31?

Mr. BAKER. Page 31, line 18.

Mr. COOPER. I understand the meaning of the Senator's amendment as far as the proposal to authorize $250 million for the fiscal year 1972 is concerned, but what is the purpose of striking out the language beginning on line 20, after "1972," "in addition to funds otherwise available for such purpose"?

Mr. BAKER. Mr. President, the amendment does strike that language, but it also inserts the language in the last three lines, so that the language would read:

> In addition to funds otherwise available for such purpose, $250,000,000 for the fiscal year 1972 and $200,000,000 for the fiscal year 1973.

Mr. COOPER. Does the Senator's amendment strike the words I have just quoted, "in addition to funds otherwise available for such purpose"?

Mr. BAKER. It would strike that language, but it would reinsert it in the amendment, so the net effect would be that the language would remain in the bill as it is.

Mr. COOPER. So that language would not be stricken?

Mr. BAKER. That language would not be stricken.

Mr. COOPER. That is very important I have been told that the Senator's amendment would strike that language. I assume the language "funds otherwise available for such purpose" would relate to commodities available under Public Law 480. So the Senator's amendment would not strike that language?

Mr. BAKER. It certainly was not my intention to strike that language. It was this Senator's intention that the words "in addition to funds otherwise available" would remain in the bill.

Mr. COOPER. Then, the only addition is the authorization of $200 million for fiscal year 1973?

Mr. BAKER. Yes. The Senator from Kentucky is entirely correct.

I yield myself 2 additional minutes.

The purpose of this amendment is simply to provide what we have provided in every other assistance program, and that is an authorization of 2 years instead of 1, and to reduce the authorization for the second year by $50 million, in the fond hope that the refugee problem might subside. However, I can say firsthand, having seen this problem in India and around Calcutta, that those refugees do not intend to, nor do they think they can, return to East Pakistan in the near future. So I feel we should, as a matter of good conscience and as a matter of showing our concern for the greatest problem of human suffering I have ever known or witnessed, provide as we have provided for every other kind of human assistance in this bill.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to have his amendment modified?

Mr. BAKER. Mr. President, it is my understanding that no modification is necessary; that the amendment as reported by the clerk is as I just expressed.

I am glad to yield now to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Has the administration asked for this change in the bill?

Mr. BAKER. That is sort of like the chicken and the egg. This is a matter of personal concern to me because, as with most of us, when one sees a situation firsthand he develops a keen interest in it. I was there last month. I discussed this matter with the State Department. I inquired of the State Department if they would oppose or if they had any opposition to this proposal, but for me to say I was offering the amendment on behalf of the State Department would not be correct.

Mr. AIKEN. But does not the State Department hope to convey this whole responsibility to the United Nations? Have they asked for more than 1 year's authorization?

Mr. BAKER. The Senator from Vermont asks me a question that is beyond any competence and knowledge that I possess. I cannot state that the State Department has that in mind.

Mr. AIKEN. I have talked with the State Department since the Senator from Tennessee has. While I do not recall every word of the conversation, I get the feeling that the amendment proposed by the Senator from Tennessee is not fully in accord with the Department's desires. I suggest he might call them and find out.

Mr. BAKER. I would be greatly surprised if the State Department objected to this amendment. I talked with the State Department very recently, meaning today, and once again, I do not represent that this is an administration or State Department amendment. It is not; it is my amendment.

It is a matter on which I feel keenly.

Mr. AIKEN. I thank the Senator from Tennessee.

Mr. BAKER. It would not be a matter of great surprise to me if there was opposition to it. Of course, if there is, I would like to know.

I reserve the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I would like to read one paragraph from the committee report.

Mr. BAKER. Mr. President, would the Senator let me ask for the yeas and nays before he proceeds, while we have enough Senators in the Chamber?

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. I want to read one paragraph:

> In authorizing $250 million for relief activities the Committee expects that executive Branch officials will exert every effort to get other countries, including the Soviet Union and other Communist nations, to pay a fair share of the costs of this tragedy. The Executive Branch estimates that countries other than the United States have, thus far, contributed $159 million in goods and services for the refugee relief effort. The Committee does not intend that the United States, in any way, assume primary responsibility for the refugee problem. This is an international disaster and the responsibility must be shared by the entire world community under the leadership of the United Nations.

I agree with that. I do not wish to create the idea that this country is assuming responsibility for this great tragedy. We already have enough client states around the world and it is about to break us.

The Senator is asking for another year. The President himself did not ask for but 1 year. He did not ask for 2 years, and the committee did not cut him back from 2 years. The committee gave him 1 year and $250 million, which is exactly what the President asked for.

I think it is a very substantial amount, and I think it would be improvident for us now to commit ourselves to another year in advance, and $200 million more.

I anticipate that some of the items in this bill, though perhaps not this particular one, will be cut back because of the situation in our own country. I do not wish to bore Senators by reciting a list of our problems here at home. This is a great tragedy, it is true, but people who cry over every ill they encounter always end up going blind. It is a matter that can be overdone.

The amount the committee has recommended is a respectable amount. It is what the President asked for. I cannot support an authorization for an additional $200 million, for another year in advance. There is plenty of time next year to reconsider the question, to see what the situation is then, and whether or not other countries are going to assume their responsibility as well. If we step out in front with the assurance that we are going to take the whole burden, we can be sure other countries will not assume their part of the responsibility.

This is one tragedy in the world which we did not create. You can make a case for other countries which are in about the same miserable condition, such as South Vietnam, which did contribute to; but this is one to which we did not contribute, other than perhaps through our aid program, and it was certainly not our purpose in doing that to contribute to this tragedy. I do not think it is incumbent upon us to authorize an additional amount of $200 million for fiscal 1973, and I certainly cannot support the Senator's amendment.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SAXBE. I have been greatly interested in this problem. The Senator from Idaho and I proposed the amendment which was accepted by the Committee on Foreign Relations and is now in the bill.

I am afraid that if we go ahead with a 2-year program on this proposal, it could very well mean that we could lose some of our control. At the present time, the relief going to Pakistan is, because of necessity, as I understand it, going through the military; they have so few United Nations people there that it is handled primarily through the military.

The serious problems is, How much of that is getting to the refugees and how much of it is sustaining an oppressive force that started all the trouble in the first place?

With the increasing number of people going to India, it seems to be that the problem is in India today, rather than Pakistan.

I heard a report yesterday that there is now a combine of nations working in London, I believe, trying to arrange a cooperative effort and establish amounts, with six other western nations, for the purpose of working out an allocation of amounts to handle this relief.

That seems to me to be the proper way to do this. If we go ahead and make 2-year allocations, I do not think it is going to work in harmony with or in conjunction with that effort. I believe if anything we should wait and see next year just how much of this relief got to the refugees. If it was getting to the refugees now, I do not think they would be pouring over the line as they still are.

Mr. FULBRIGHT. I agree with the Senator exactly, that we should wait until next year. There is no reason why we cannot make a judgement about it then.

The Senator alluded to the World Bank consortium, agreeing to try to work up an estimated $700 million in order to help pay for this matter.

This is why I think we ought not to be in a position of assuming primary responsibility and not go out in front this way; if we do then we will be considered to have assumed the responsibility. There ought to be an international effort to take care of these people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 2 minutes.

We ought to be a part of it, but not responsible for all of it. I think it would be a mistake to authorize, for fiscal 1973, another $200 million.

That is all I have to say; I am ready to vote if the Senator is.

Mr. BAKER. Mr. President, I yield myself 5 minutes.

I hope none of my colleagues suggest this is an authorization for the relief of Pakistan only. It is in fact for the relief of the refugees in South Asia. The hard core of the fact is that virtually all of the refugees are in India, not in Pakistan, and the relief as such would be administered by the Indian Government, and not the Government of Pakistan.

Mr. FULBRIGHT. According to the bill itself, this money may be used either in India or Pakistan.

Mr. BAKER. That is the point I am making. I gathered from comments in the colloquy between the chairman and the Senator from Ohio that this was considered to be for relief in Pakistan.

Mr. FULBRIGHT. No, it is for Pakistani refugees, where they are.

Mr. BAKER. It is my estimation that as far as the total cost of refugee relief in Pakistan is concerned, that would run to approximately $300 million—not for us to pay for, but the total estimated cost—and the estimated cost for refugee relief in India, on the contrary, would run to something in the nature of $830 million.

So I respond to two points made a moment ago in the colloquy in opposition: First, that this is not Pakistani relief, it is South Asia relief, and as a practical matter most of it would go to India; and second, that we are not buying a client nation; we are not shouldering the whole burden. We are talking about probably $1 billion in total cost of relief as a result of this terrible wave of human suffering—as a matter of fact, something well over a billion dollars: $300 million in Pakistan and $800 million in India.

It seems to me, now, when the fires of conflict are raging between Pakistan and India, and we stand on the brink of massive armed conflict over the refugee problem, that now, not a year from now, is the time to say we want to do our part; and our part consists of authorizing 2 years, in my judgment, and not just 1 year, for this item just as we have done in the case of every other relief item in this bill. Why should we single this one out, and say we are not going to do as much here as we have in every other instance?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. JAVITS. One point the Senator has made I think is very strong, and I am going to interrupt the Senator to make it myself. That is this question of a possible war between India and Pakistan. Such a war could conceivably be based on economic factors, due to a weakening of India's position as a result of the refugee problem.

The views of the Senator from Arkansas (Mr. FULBRIGHT) are very strong in that regard, and I think we have to listen to them very carefully. Would the Senator consider cranking into his amendment—he can do it now or later—some requirement that the President of the United States endeavor to put together a consortium of nations for relief, having wide discretion in the utilization of these resources, to fit the United States into a pattern of relief which would be multinational in character. He can withhold funds. He does not have to ask for appropriations. He has very wide discretion, anyway.

But it seems to me that by cranking that into the amendment, the Senator might go far to answer the argument that it is an uncertain situation; it is open-ended; perhaps we are going beyond where we ought to go in prudence, which I think is the strong point Senator FULBRIGHT has made.

Mr. BAKER. I would be delighted to do that as a modification of this amendment or a more far-reaching and more universal amendment, because I believe the multinational approach made here and elsewhere is superior to the risk we run in direct 1-to-1 aid from the United States.

Mr. JAVITS. Would the Senator see any reason at all, as the author of this amendment, why the Soviet Union or other Communist countries might not be welcomed into a consortium to give this type of multilateral relief?

Mr. BAKER. I think that is entirely possible. If it were to occur, I think it might have a very salutary political effect, as well as an economic effect.

One other thing on the cost and its relationship to this authorization: The senior Senator from New York pointed out very properly, that India is a very large country, but a very weak country economically. It has been brought to my attention that just through December 1971, it is estimated that India will spend, of her own resources, more than we are authorizing for 1 year here—$260 million.

While I was in New Delhi last month and while I was in Calcutta last month, I heard substantial Indian citizens who are educated and aware frankly discuss whether it would be economically better to continue supporting 9 million refugees or to have war with Pakistan. Mr. President, that is an additional reason for our show of strength at this time.

The PRESIDING OFFICER. Who yields time?

Mr. SAXBE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr SAXBE. I know that this kind of talk goes on, to which the Senator from Tennessee has referred. But I do not think that is the simple choice. I think the choice is whether they have war and the refugees, because having a war is just going to increase the number of refugees.

These are persons who have been displaced by the breakdown of the jute industry in East Bengal. They are caused by the typhoon which struck there 18 months ago. It is caused by the repression of the militaristic regime. These are all problems that have accumulated.

Many of these people are there because even if there were no civil unrest, there is no livelihood for them, because the jute industry has collapsed, and they came where they can get a free meal. India has welcomed them and has done a very humanitarian thing, and I think we must applaud the action that India has taken.

We certainly want to do everything to discourage war between India and Pakistan. But, at the same time, I think it is important that we look to where the alliances are, the alliances of India and Russia. I want to be a friend to India. Certainly, they are the only nation that I would regard as operating under democratic process on the Continent of Asia. I admire their desire to better themselves.

But I must remind the Senator that they are going to have this problem whether they have war or do not have war. They are going to have this problem continuing until the jute industry is replaced by some type of industry that can soak up these workers previously employed there. They are going to have this problem as long as Pakistan thinks it can rule the major part of its nation by the army.

The amendment that is in there is put in with the hope that it will bring some pressure to bear on Pakistan to recognize that they cannot continue in the present situation. I hope it works. But I think the only way we can do this part of it is to say, "All right, we will go in with a consortium. We want to help and to do our part, as we have many times. All over the world we have demonstrated our compassion, our altruism, and we want to do this." But I do not think we should do it for more than 1 year. We have to see how this works. We want to see if the refugee problem is solved or if it is a phenomenon that is going to continue until there is some resettlement, some plan. I do not think it is a problem that will be solved by relief. I think that 1 year is sufficient.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 40 minutes remaining.

Mr. BAKER. I yield myself 5 minutes. After that, I will be willing to yield back the remainder of my time and proceed to a vote.

Mr. JAVITS. Before the Senator starts, will he yield to me so that we can complete the thought we had before?

Mr. BAKER. I yield to the Senator from New York.

Mr. JAVITS. I thought that if the Senator's amendment were adopted, we could add at the end of the paragraph—because the paragraph reads appropriately for it—the following. As it stands now, it reads at the end of the paragraph:

> Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

Add:

> and/or under the auspices of an international consortium or consortia organized for the purpose.

The Senator does not have to do that now.

Mr. BAKER. Mr. President, as I stated earlier, I have no objection to that being added. I would prefer to proceed with the amendment as we have debated it, and I would certainly support the suggestion by the Senator from New York, after the amendment is acted on, to add that. I understand that it would come after the last word on line 3, page 32.

Mr. JAVITS. That is right.

Mr. BAKER. That would be entirely appropriate.

Mr. President, once again, I want to say that I do not visualize this authorization as a way of settling the internal problems of Pakistan, nor do I, for that matter, think it is going to settle the problems between India and Pakistan.

I think we ought to keep in mind that, wholly aside from the reasons and the cause for the conflict and the situation as we find it, there are 9 million East Pakistanis in East India, in the State of East Bengal. I think it is clear that many of them are going to die unless they are properly taken care of, and this authorization represents only a small fraction of the total relief effort by India and by many other countries, including the Soviet Union.

I think it ought to be borne in mind—as I am sure all my colleagues do—that by the time we get this bill passed, and certainly by the time it is signed, probably 5 months of this fiscal year will have elapsed and we will have only 7 months of the authorization remaining.

I think it is imperative that now, at this time, when probably the greatest crisis the international community has before it is at its height, the United States should exercise its maximum effort to alleviate the human suffering and the misery that goes with it.

I am entirely in accord with the point made by the distinguished chairman of the Committee on Foreign Relations that we ought not arrange a situation to acquire a client state. But, my goodness, after all the relations we have had with and the economic assistance we have given to India and to Pakistan, if we now have to face the prospect of creating a client state, it is a little late in the game. I am trying to respond to human suffering, and I think we have never seen human suffering in recent years on the scale and of the scope we find now in India.

Mr. FULBRIGHT. I did not mean a client state in the sense of a national problem. We did take considerable responsibility for the refugees in the Middle East, and we still do, after these many years. It is on a small scale. I suppose we can afford it. But this is on such an enormous scale that I submit it is just unreasonable for us now to assume the same relationship to this problem as we did with the refugee problem in the Middle East.

The House authorized only $100 million. We authorized $250 million. We have more than doubled what the House authorized, which I think is very generous. Of course you can always come in, for more. I suppose if you asked for $800 million, they can find somebody to use it. I really think the $250 million is a reasonable amount.

If the United States assumed the responsibility for the refugee problem in India, just as we did in the Middle East, then we would be saddled with it. That is the thought I was trying to convey.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. AIKEN. As the chairman has stated, the House authorized $100 million for 1 year. Then the administration requested that the amount be raised to $250 million. I understood that that was for 1 year. An employee of the State Department says it was wanted for 2 years. That was not my understanding. Anyway, at no time have they requested more than $250 million for the refugee program.

I understand there may be some other developments: that other countries may come in and make larger contributions than they have made so far. The United States has been bearing the load for the most part up to now; but in the coming year, it is hoped to get some agreements from other countries in connection with the relief programs. So I think the Senate bill is all right, and I cannot support the amendment, because it is quite contrary to my understanding.

Mr. BAKER. I think we ought to do our part; and our part is to treat the AID program as we have in the last 2 years.

Mr. President, I am ready to yield back the remainder of my time.

Mr. SAXBE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. SAXBE. I have one other remark to make. I understand that the Senator from Tennessee has seen the situation firsthand. If we want to keep the refugees in camps and provide more money for them—because horrible as their conditions are, they are probably better than their living conditions at home——

Mr. BAKER. There is no doubt that the refugees are probably better off in the camps than they were in Pakistan. There is also no doubt that they are better off there than they were in Calcutta.

As a matter of fact, I saw barbed wire being put around refugee camps in Calcutta, not to keep the refugees in, but to keep the residents of Calcutta out.

I can detect no evidence that they are going to leave. I know of no basis on which we can think they are going to leave, and I do not see how we are going to let them stay there, 9 million strong, while we fuss about it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. AIKEN. I should like to read a letter.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. The letter reads:

THE WHITE HOUSE,
Washington, September 30, 1971.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I ask the Congress to consider an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 in the amount of $250 million for foreign assistance.

The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully yours,
RICHARD NIXON.

Mr. President, I ask unanimous consent to include also the letter of Mr. George Shultz regarding the $250 million request for fiscal 1972.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 30, 1971.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 involving an increase in the amount of $250 million for international development assistance, as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

GRANTS AND OTHER PROGRAMS

Budget appendix page	Heading	Request pending	Proposed amendments	Revised request
18	"Refugee relief" (After the last paragraph under the heading "Grants and other programs," insert the above new heading and the following paragraph thereunder:) "For the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan, $250,000,000, to remain available until expended."	0	$250,000,000	$250,000,000

The amendment to the budget for refugee relief will provide $250 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan under the leadership and coordination of the United Nations. The United States has already provided $70.5 million in relief assistance for refugees in India through the United Nations High Commissioner for Refugees and $9.7 million in dollar assistance to East Pakistan. Food Resources under Public Law 480 will supplement the funds now requested.

Respectfully yours,
GEORGE P. SHULTZ, *Director.*

Mr. BAKER. Mr. President, I am happy to have that information. As I stated earlier, it is not an administration amendment. This is an amendment by the senior Senator from Tennessee to accomplish a purpose that, I believe, is very, very urgent and is based on my personal observations. I do not profess to speak on behalf of the administration. As I have stated to the distinguished Senator from Vermont, I have no idea what the reaction will be if the amendment should be adopted.

Mr. AIKEN. The letter was sent only a few weeks ago.

Mr. BAKER. This is a moderate amendment and has nothing to do with what the administration may have submitted; I want that understood.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STENNIS (when his name was called). On this vote I have a pair with the Senator from West Virginia (Mr. Randolph). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), the Senator from West Virginia (Mr. Randolph), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

On this vote, the Senator from Wyoming (Mr. McGee) is paired with the Senator from California (Mr. Tunney).

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from California would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Packwood) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also the Senator from New York (Mr. Buckley), the Senator from Colorado (Mr. Dominick), the Senator from Idaho (Mr. Jordan), and the Senator from Texas (Mr. Tower) are necessarily absent.

The result was announced—yeas 18, nays 61, as follows:

[No. 269 Leg.]

YEAS—18

Baker
Beall
Bellmon
Boggs
Brock
Brooke
Cook
Cooper
Cranston
Fong
Hatfield
Javits
McGovern
Moss
Pell
Schweiker
Weicker
Young

NAYS—61

Aiken
Allen
Allott
Anderson
Bayh
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Cotton
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stennis, against.

NOT VOTING—20

Bentsen
Buckley
Church
Dominick
Gravel
Harris
Humphrey
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McIntyre
Mundt
Muskie
Packwood
Randolph
Tower
Tunney
Williams

So Mr. Baker's amendment was rejected.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished junior Senator from Tennessee (Mr. Brock), I call up his amendment which is at the desk, and which is cosponsored by the junior Senator from New York (Mr. Buckley). I ask that the amendment be stated and made the pending business.

The PRESIDING OFFICER (Mr. Stevenson). The amendment will be stated.

The amendment was read as follows:

Amendment No. 538

On page 61, line 8, strike out all through line 15, and renumber succeeding sessions accordingly.

PROGRAM

Mr. GRIFFIN. Mr. President, I now ask the distinguished majority leader if he can advise the Senate concerning business for the remainder of the day and perhaps the remainder of the week.

Mr. TALMADGE. Mr. President, we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, we will come in at 10 o'clock tomorrow morning. There will be a brief period for the conduct of morning business and then the Brock-Buckley amendment will be pending.

It is anticipated we will have a number of amendments tomorrow and it is also anticipated that in an effort to get along with this bill the Senate may well stay in late tomorrow evening. We will come in early on Friday. The Senate will stay in late that evening in an attempt to avoid a Saturday session. So it will call for the cooperation of the entire Senate.

Mr. President, we anticipate that we will bring up the Alaskan Claims bill on Monday. As of now, I do not know when the bill on warranties will be brought up, but we are working with the interested parties. That bill is S. 986. It looks now as if it might be Monday afternoon. Following that we will have the Water Quality Act which should be reported to the calendar shortly, and it is anticipated that sometime in the next week or so it might be possible to report the tax bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TALMADGE. We are working two sessions a day on the tax bill. We have made good progress. If the Senate maintains a quorum through Saturday, there is a possibility we could report the bill by the end of the week and I feel sure if it is not reported by the end of the week, it will be reported the early part of next week.

Mr. MANSFIELD. I thank the distinguished Senator. Also, the bill having to do with the EEOC will be reported today or tomorrow, so there is a heavy schedule ahead for the Senate. I urge all Senators to remain on the job and to be close at hand because tomorrow and Friday will be extremely difficult days and if we do not complete this bill Friday night it is the intention of the joint leadership to come in on Saturday, a fate which I would like to avoid, at least this weekend.

THE CONSUMER PRODUCTION WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENT ACT OF 1971

Mr. MAGNUSON. Mr. President, we will soon take up consideration of S. 986, the Consumer Product Warranties and Federal Trade Commission Improvement Act of 1971 which was unanimously reported out by the Senate Commerce Committee. We worked long and hard in fashioning this bill which would provide the public with the kind of consumer protection it needs in this area, and simultaneously eliminate additional burdens on businessmen offering warranties.

The results of this labor have been significant. We have achieved significant acceptance of the measure from all segments. Of particular interest is a poll conducted by the National Federation of Independent Business. Now usually these independent businessmen are somewhat hesitant about accepting new consumer proposals. They frequently fear that onerous burdens will be placed upon them. But I am very pleased to note that this is not the case with S. 986. The poll found that 72 percent of business people are in favor of the bill, 24 percent oppose it and 4 percent do not have an opinion. When we can come out with a bill supported by 72 percent of the business people in the United States, I think we have a good bill.

I ask unanimous consent that an article on the poll which appeared in the Frederick, Md. Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Full Warranty

The nation's independent business owners, who are outspoken in opposition to some of the proposals made under the banner of "consumer protection," do however favor making the words "full warranty" mean exactly what the consumer thinks they mean.

In a nationwide poll, the National Federation of Independent Business finds business owners, by a 3-1 margin, favoring legislation by Senator Warren Magnuson of Washington which would require manufacturers to stand behind their full warranties by making good on repair or relacement of defective products . . . with no "outs" in the fine print.

The average consumer is confused or misled by many warranties and guaranties, and probably needs a legal opinion to understand the limits of protection offered by the manufacturer.

The Federation's poll found 72 per cent of the business people in favor of Senator Magnuson's legislation, only 24 per cent opposing it, and the remaining 4 per cent on the fence.

Responses of Maryland independents add up to 73 per cent in favor, 23 per cent against the measure, and 4 per cent undecided.

Senator Magnuson hopes to make the term "full warranty" really meaningful by requiring the manufacturer to comply with some 14 disclosure requirements which would leave no doubt as to the scope of warranty coverage. Warranties not meeting these Federal standards could be called "partial warranties," but not "full warranties."

The bill sets as minimum Federal standards of a full warranty the manufacturer's responsibility of repairing or replacing any malfunctioning or defective product within a reasonable time after purchase with no charge to the consumer.

For years, many independent retailers have complained that they are in the "hot seat" in dealing with dissatisfied customers seeking warranty services. The retailer is the one who usually explains that the warranty is limited, that the manufacturer will not replace the defective part, that labor charges are not covered, etc.

The Federation has received many complaints from retailers on this problem, and on the general level of workmanship in products which result in consumer complaints to the retailers.

If manufacturers had to stand behind their full warranties and make good on defective products, it's assumed by business people that manufacturers would be more diligent about seeing that products were made to last for the full length of the warranty period.

An earlier poll of independents showed 43 per cent are in favor and 49 per cent opposed to another Congressional bill which would set up government machinery to tag durable consumer products with statements of "lifetime expectancy."

Perhaps the Magnuson bill engenders more support because it gets to the heart of the problem of warranties, and manufacturers' devious use of these documents, without creating new government bureaucracy, but simply beefing up the responsibilities of the Federal Trade Commission in this area.

YOUTH MOVEMENT FOR SAFE HIGHWAYS

Mr. MAGNUSON. Mr. President, the first national youth traffic safety conference was held last week, October 8–11, in Oakland, Calif., for the purpose of establishing a nationwide youth movement aimed at reducing the senseless slaughter of Americans on our highways. The conference, sponsored by an Advisory Committee of the Department of Transportation known as YOUTHS—Youth Order United Toward Highway Safety—included some 123 delegates representing every State, the District of Columbia, and Puerto Rico.

The concern of the delegates centered primarily around the unusually high proportion of fatalities among drivers under the age of 25. Highway accidents in 1969 claimed the lives of 17,700 youths, approximately half of all deaths of those between the ages of 15–24. Youthful drivers are involved in 60 percent more fatal accidents than their proportion of the driving population.

Armed with this data, the delegates assembled a three-pronged action program aimed at minimizing deaths on the highway. Part I of the program was directed toward the driver himself: his driving skills, attitudes, and state of physical and mental health. But realizing that it is often difficult to change people and that people are not the sole cause of traffic accidents, the delegates aimed part II and III of their program at insuring that the autos we drive and the roads we drive on are well constructed and designed.

I ask unanimous consent that the resolutions adopted at the youth conference be printed in the RECORD following my remarks. I ask for its printing with the urgent hope that young people throughout the United States will work in their communities for better highway safety.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SURVIVAL 1971—ADOPTED PESOLUTIONS FROM "HOW TO CRASH" WORKSHOP

I

Whereas, currently available crash protection devices (i.e. seat belts) have proven to be ineffective in the prevention of personal injury in auto crashes due to lack of use; and,

Whereas, passive restraint systems offer satisfactory protection in crash situation because of the automatic nature of their operation as well as because of their proven structural advantages; and,

Whereas, we, the members of Survival '71 believe that manufacturers are indeed capable of producing such devices immediately at a reasonable cost.

Be it resolved that the 1971 *Youths* Conference fully approves the Crash Survivability Standards set forth by the Department of Transportation Federal Motor Vehicle Standard 208; and,

Be it also resolved that this Youths Survival Conference censures the Department of Transportation for postponing the effecting of these regulations; and,

Be it finally resolved that this Youths Survival Conference requests the Department of Transportation to re-establish August 15, 1973 as the date for the operationalization of Federal Motor Vehicle Standard 208.

II

Whereas, we the members of Survival '71 have received information regarding effective passive restraint systems; and,

Whereas, we see the necessity for the public to receive similar information.

Be it resolved, that the automotive industry not present misinformation in advertising; that the Department of Transportation provide information regarding airbags as an effective passive restraint system; that the Federal Trade Commission require substantiation of all publicized facts regarding passive restraint systems.

III

Whereas, we, the members of Survival '71 have seen the need for safe highway design and the removal of highway hazards; and

Whereas, young people can be a vigorous force to assist in detecting and helping to eradicate such hazards.

Be it resolved, that local committees set up the necessary channels to generate interest and action on the part of youths to eliminate these hazards.

SURVIVAL 1971—ADOPTED RESOLUTIONS

I

The delegates of Survival '71 strongly recommend to President Nixon and Congress that the Highway Safety Act become a top priority issue in the national mind, and that significantly additional funds be made available to support the highway safety effort.

II

Survival '71 recommends to Secretary of Transportation John A. Volpe that separate funds be set aside for Youth Highway Safety Action Programs, which will be coordinated through the Youth Highway Safety Advisory Committee.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "ROLLING STONED" WORKSHOP

I

Due to the critical lack of data concerning the effects of drugs on driving, Survival '71 notes with interest and fully supports the Department of Transportation's upcoming studies on drugs and driving.

II

Since it is extremely difficult for individuals to determine their approximate blood alcohol content, Survival '71 recommends that inexpensive balloon breath test equipment be available for purchase in all businesses licensed to sell alcoholic beverages.

It appears that certain drinking laws encourage young people to combine their drinking and their driving,

(1) To stop 18–21 year olds driving long distances to obtain alcohol from states with lower drinking ages, and,

(2) To help prevent consumption of alcohol in motor vehicles due to inability to drink elsewhere,

III

Survival '71 recommends that a legal drinking age of 18 years be made uniform throughout the nation.

IV

Survival '71 feels that ignorance of the effects of alcohol and drugs on the driving abilities of young people is a significant obstruction to reducing their excessive accident fatality rate.

1. Survival '71 therefore recommends that driver education courses be required to realistically deal with:

(a) the effects of alcohol on the human body;

(b) the effects of alcohol on the human body as related to driver performance; and

(c) the effects of both prescription and nonprescription drugs on driver performance, where such are known.

Materials used in such instruction should be updated periodically.

2. It is further recommended that any driver licensing standard proposed by the National Highway Traffic Safety Administration or promulgated by any state be required to include a significant number of examination questions relating to:

(a) the effects of alcohol on the human body;

(b) the effects of alcohol on the body as related to driver performance;

(c) the effects of both prescription and non-prescription drugs on driver performance *where such are known.*

Subsequent or periodic license re-examination, if any, should include materials and questions related to the above subject matter and all such materials and questions should be updated periodically.

3. Finally, mass advertising campaigns related to the problem of drinking and driving should be geared toward the particular problems of the 15–24 year age group in an amount proportionate to this group's involvement in alcohol related fatalities.

V

Survival '71 recommends that the use of driver rehabilitation clinics and driver re-education schools be made an integral part of the sentencing of drivers convicted of driving while intoxicated and that such sentencing procedures be established by law in every state and be included in the Alcohol safety standard.

VI

Survival '71 strongly recommends that the Office of Alcohol Countermeasures undertake a detailed study of the penalties now in existence in every state for all offenses of driving while under the influence in order to:

(1) evaluate their overall effect in reducing the incidence of drunk driving;

(2) eliminate ineffective or unreasonable penal provisions;

(3) establish a model criteria for the penalties that may be invoked upon conviction for first, second, or third offenses of driving while intoxicated.

VII

The Committee recommends to the youth conference the following proposal for immediate action on the state level:

Action program I—Drunk Driver Interlock

The Committee Recommends:

(1) that Youths explore the possibility of insurance rate reductions upon voluntary installation of an approved drunk driving interlock device—and

(2) that Youths support action which would make the installation of an interlock system after a DWI conviction a voluntary alternative to all or part of a fine or jail sentence.

The Committee is in agreement that such interlock devices could, in addition to the drunk driving function, serve as significant deterrents to auto theft, and that knowledge of this by the public might significantly lessen possible public opposition to such devices.

Action program II—.10% BAC and Quantitative Testing

1. In view of the established relationship of a .10% Blood Alcohol concentration to low levels of driver performance, and

In view of the congested dockets of our criminal court systems and traffic courts.

The Committee recommends action by youth delegates to win both public and legislative support for making operation of a motor vehicle by persons with blood alcohol concentrations of .10% or more *illegal per se.*

2. Furthermore, in view of the overwhelming need for precise statistical information on the exact extent of the relationship of alcohol to traffic fatalities, the Committee further urges that the youth delegates work to win both public and legislative support for legislation requiring *quantitative* tests for alcohol and other drugs on the bodies of all persons fatally injured in motor vehicle crashes.

Action program III—Drunk Patrols

In view of the fact of high concentrations of drunken drivers operating their vehicles within certain time periods and in certain areas, the committee recommends that the Youths delegates, both by individual contact and organized groups, attempt to have Governor's Representatives for Highway Safety, as well as local authorities, establish special "drunk patrols" at the times and areas in which there is a high probability of the presence of intoxicated drivers.

VIII

Survival '71 strongly recommends that the Department of Health, Education & Welfare, in conjunction with the Office of Alcohol Countermeasures, immediately undertake an in depth analysis of social and cultural pressures that have been used to emphasize the social irresponsibility of those who contribute in any form to the occurrence of such deviate activity in other countries.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "HOW DO YOU RATE" WORKSHOP

As Delegates of the *National Youth Traffic Safety Conference*, we see a need for driver education and one major goal for this course:

This Goal Being: The development of an awareness of other drivers and potentially hazardous situations, evaluation of these situations and the ability to handle the aforementioned correctly.

We recognize certain problems need to be investigated and resolved; these problems being:

A. Instructor qualification and certification; and

B. Material and curriculum of the course.

In order to overcome these problems, we resolve the following:

In the area of Instructor Improvement:

1. Urge colleges and educative institutions to offer a greater quantity and quality of safety education curricula.

2. More extensive training.

3. Periodic re-evaluation of instructors.

4. More extensive knowledge of respective state traffic laws.

5. Regional gathering or meeting of instructors to correlate resources of individual instructors.

6. Instructor must maintain an excellent driving record.

7. Raise minimal certification requirements.

In the area of the course, we resolve:

1. Enlarge the scope of the course.

A. The Classroom Phase Through:

1. State laws and regulations;

2. Basic operation and maintenance;

3. Use of Resource Personnel;

4. Improvement of audio visual aids;

5. Operation and information of safety equipment;

6. Safety Technology;

7. Drugs and driving with an emphasis on alcohol.

B. The Simulator phase:

The simulator should be maintained as a tool beneficial as introduction to driving, and as a means to reduce the load on instructors.

C. The Driving phase:

A two phase system with driver able to receive permit after first phase and license after second phase;

(a) the first phase including handling the car under normal conditions;

(b) the second phase should include: skid control, blow-out control, panic stop control and throttle control, and related driving skills need in emergency realistic driving.

D. (1) The Driver's Education Program should first be made available to everyone in the hope of an eventual compulsory or mandatory course.

(2) The Driver's Education program should be made a part of a K–12 (Kindergarten—12th grade system of safety education).

In the area of state driver licensing:

(1) testing should be made more strenuous and comprehensive;

(2) re-testing should be made mandatory.

As responsible delegates, we should contact:

(1) The other youth in a survey to get an honest reaction to this resolution;

(2) State officials in order to get these programs implemented.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "GETTING IT TOGETHER" WORKSHOP

We, the members of Youth Order United Toward Highway Safety, meeting at our first National Convention, do hereby,

I

Resolve, that Youth, nationwide, must be made aware of the magnitude of the tragedy of highway deaths afflicting their group and must be motivated by us, the aforesaid members, and others to act to alleviate and end that tragedy . . .

To this end, let a theme for our movement and appropriate symbols be devised and let appropriate media contacts be made with our fellow youths.

We do hereby commit to our Youth Order United Toward Highway Safety Advisory Committee the task of organizing this work and of disseminating to our membership those specific ideas which have been raised at our convention.

We, the members of Youth Order United Toward Highway Safety, meeting at our first national convention do hereby,

II

Resolve, that the financial support, ideas and services of various existing groups be used to further our cause where possible and advisable; toward this end, we specifically call the attention of the Federal government in all its branches, the State governments, local governments, private industry—especially, small businesses—law enforcement agencies, organized youth groups—existing now and those which will come into being, to our movement and its concerns and advise them of the supporting role with which we charge them.

We, the members of Youth Order United Toward Highway Safety Advisory Committee, meeting at our first national convention, do hereby,

III

Resolve, that the continuing existence of Youths and our Advisory Committee and of our membership here gathered today with those who will join us are organized together to stop the outrage of our slaughter at the hands of those who would take our lives with the abuse of alcohol and other drugs, with inadequate educational programs, with poorly built cars and poorly designed and maintained highways—to this end, let a network of Youth Groups be formed locally, statewide and nationally, to serve as a formal communication chain for us and to aid us financially and organizationally. Let this network and its component parts relate to the issues of this outrage as they find them and serve the youth of our country by attempting to better their lot, especially as to this crisis of highway fatalities. We do hereby authorize and charge our Advisory Committee to take appropriate action to meet the goals and plans herein named and to do so based partially on a review of the activities of this convention and on a follow-up and evaluation of those activities which our members are involved as we accept and act upon the challenge of this meeting.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. GRIFFIN. Mr. President, for the benefit of the Senate the amendment which is pending, offered by the Senator from Tennessee (Mr. BROCK) and the Senator from New York (Mr. BUCKLEY), would strike section 410 relating to the Formosa resolution. It will be recalled that the amendment offered by the Senator from Alaska made a change so far as the date is concerned but this would strike the whole section. I have made this statement so that Senators will know what the pending amendment is about.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR SENATE TO CONVENE AT 9 A.M. MONDAY, NOVEMBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate meets on Monday next it convene at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND CLAIMS OF ALASKAN NATIVES—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, with the approval of the distinguished majority leader, and having cleared this matter with the distinguished Senator from Washington (Mr. Jackson), the distinguished Senator from Massachusetts (Mr. Kennedy), the distinguished Senator from Oklahoma (Mr. Harris) and the distinguished minority leader, I propose the following unanimous-consent agreement:

That on Monday, at 10 o'clock a.m., the Senate proceed to the consideration of S. 35, a bill to provide for settlement of certain land claims of Alaska Natives, and for other purposes; that time on the bill be limited to 4 hours, that time on any amendment thereto be limited to 1 hour, that time on any amendment to an amendment be limited to 30 minutes, that time on any motion or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, and that the foregoing times be equally divided between the mover of such amendment, motion, or appeal, and the manager of the bill; that in the event the manager of the bill supports such amendment, motion, or appeal, then the time in opposition thereto be under the control of the minority leader or his designee; that no amendment not germane be in order; and that Senators in control of the time on the bill may allot time therefrom to any Senator on any amendment, motion, or appeal.

I have cleared this agreement with the distinguished Senator from Tennessee (Mr. Baker) with respect to germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, may I ask the acting majority leader and the acting minority leader a question? I notice on the executive calendar, under "Treaties," the International Convention on Civil Liability for Oil Pollution Damage. I do not know how long it has been on the calendar, but I wanted to inquire whether there is a "hold" on it or why it has not been brought up.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the Senate is awaiting the negotiation of another international agreement. This is the advice that has been delivered to me by the distinguished Senator from Rhode Island (Mr. Pell) through a member of the Policy Committee staff.

Mr. MAGNUSON. We will have, out of the Public Works Committee and the Committee on Commerce, probably the first part of next week, an ocean dumping bill which is involved in this subject matter. My understanding is that they are working on some other portions of the oil pollution damage problem in international waters and that, logically, the civil liability matter would come up after we see what happens in that particular negotiation. All of us are anxious to get at this job and get it done.

Mr. BYRD of West Virginia. The response I was given was based on the information supplied to me by the Senator from Rhode Island (Mr. Pell).

Mr. MAGNUSON. I hope they can work both of them out.

Mr. BYRD of West Virginia. Yes. I hope so.

ORDERS FOR RECOGNITION OF SENATOR NELSON, TRANSACTION OF ROUTINE MORNING BUSINESS, AND LAYING THE BROOK-BUCKLEY AMENDMENT BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished junior Senator from Wisconsin (Mr. Nelson) be recognized for not to exceed 15 minutes, following which there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the conclusion of which the Chair lay before the Senate the unfinished business, and the pending question, the amendment by the distinguished Senator from Tennessee (Mr. Brock) in cosponsorship with the distinguished Senator from New York (Mr. Buckley).

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CONDITION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, I want to express again my deep concern as to the Nation's fiscal condition. I have prepared three tables. One gives U.S. gold holdings, total assets, and liquid liabilities to foreigners for selective periods. The second table shows the deficits in Federal funds and interest on the national debt, 1963 through 1972, inclusive. Table No. 3 shows the Federal finances for the fiscal year 1971.

I ask unanimous consent that at the conclusion of my remarks these three tables be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, these tables show that for the fiscal year which just ended, 1971, the Federal Government had a Federal funds deficit of $30.2 billion, and the estimated deficit for the current fiscal year is $35 billion. Thus, in this 2-year period there will be back-to-back deficits totaling at least $65 billion. I submit that this is a very dangerous and serious position for the United States to be in.

EXHIBIT 1

FISCAL TABLES—OCTOBER 1971

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1970	10.7	14.5	43.3
August 1971	10.1	12.1	[1] 46.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963–72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the recognition of the two leaders under the standing order, the distinguished junior Senator from Wisconsin (Mr. Nelson) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 9910, a bill to amend the Foreign Assistance Act of 1961. The pending question at that time will be the amendment which was called up a few minutes ago by the distinguished assistant Republican leader, an amendment by Mr. BROCK and Mr. BUCKLEY.

I ask unanimous consent that the time on the amendment not start running until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, under the agreement, time on any amendment to the bill is limited to 2 hours. Time on any amendment to an amendment is limited to 30 minutes. Time on any motion or appeal, with the exception of a motion to lay on the table, is limited to 30 minutes.

Rollcall votes will be held tomorrow.

The distinguished majority leader indicated a few minutes ago that the Senate will work late tomorrow and, if necessary, on Friday, in order to complete action on the bill, without having a Saturday session.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 28, 1971, at 10 a.m.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 27, 1971:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

George A. Smathers, of Florida, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Peter G. Peterson, resigned, which was sent to the Senate on September 30, 1971.

HOUSE OF REPRESENTATIVES—*Wednesday, October 27, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that would love life and see good days, let him turn away from evil and do right, let him seek peace and pursue it.—I Peter 3: 10, 11.

Almighty and merciful God, who hast called us into the service of our country, open our eyes to see Thy wonderful works about us and stimulate our minds to proclaim Thy laws of justice and good will to our people and to all the nations of the world.

Help us as a Republic to learn to live together according to the Golden Rule and to make our contribution to life and liberty on our planet.

Bless Thou our prisoners of war, our veterans, and all who work for our country. Hasten the time when wars shall cease and peace shall reign in the hearts of all.

In the spirit of Him who brings peace to men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969.

DOWN WITH THE U.N.? HOW ABOUT NATO?

(Mr. BINGHAM asked and was given permission to address the House for 1 minute.)

Mr. BINGHAM. Mr. Speaker, does the China voting at the United Nations put in question the value of that organization? If so, it puts in question at least equally the value of NATO, for only three of our NATO allies—Greece, Portugal, and Luxembourg—voted with us, four of our allies abstained, and the remaining six including our closest friends—Canada, France, and the United Kingdom—opposed us.

Does this not say something, Mr. Speaker, about the viability of the "two Chinas" position the administration tried so hard to sell?

SOME QUESTIONS ABOUT OUR ALLIES

(Mr. STRATTON asked and was given permission to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, my colleague the gentleman from New York (Mr. BINGHAM) recounted just a moment ago the fact that six of our NATO allies deserted us on the crucial China vote in the U.N. and four others abstained, which under such circumstances is about the same thing. He said he wondered if this did not raise some questions about the validity of our policy.

I wonder if it does not raise some questions about our allies to whom we have been contributing so generously of our resources and our manpower for so many years. When we really needed them, where were they?

THE UNITED NATIONS VOTE AND FOREIGN ASSISTANCE

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, no one ever suggested that U.S. foreign aid was supposed to buy friendship, but surely many of us have hoped that allocations would indirectly at least be an investment in good will.

Mr. Speaker, the vote in the United Nations earlier this week to expel our friend Taiwan and seat Communist Red China is a reflection of how little we gain from the foreign aid program.

Here is a list of the recipients of U.S. foreign assistance in 1970 who voted against the U.S. two-China proposal:

Afghanistan, Algeria, Austria, Belgium, Botswana, Britain, Burma, Burundi, Cameroon, Canada, Ceylon, Chile, Ecuador.

Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, India, Iran, Iraq, Israel, Italy, Kenya.

Laos, Libya, Malaysia, Mali, Mexico, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, South Yemen, Republic of the Congo.

Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan.

Syria, Tanzania, Togo, Trinidad and Tobaga, Tunisia, Turkey, Uganda, Yugoslavia, Zambia.

Earlier this year the bill to extend foreign assistance passed the House by a narrow margin of only eight votes of which one was mine. Today the bill, on the basis of the record of the United Nations' vote, could easily be defeated. Perhaps the United States should not punish its enemies, but I do not see the logic in rewarding them.

SHALL WE CONTINUE TO SUBSIDIZE "DEADBEAT DEMOCRACY"?

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, there has been much talk about being realistic regarding the United Nations and its action in ousting Formosa from membership. I believe fully that this is, indeed, a time for realism. It is time for this Congress to take a realistic look at just what the U.N. is, what it does, and what our role has been and should be.

Is it realistic that the Maldive Islands with 96,000 people or Qatar with 60,000 have the same vote in determining the status of world nations that we do with 200 million people? Yet many of those who preach one-man, one-vote in the United States are supporting this lopsided voting system in the U.N. It is significant that Taiwan, which was let out, has a larger population at 14 million than more than half of the U.N. member countries. There are 41 African "states" which in reality are little more than aggrandized principalities, all carrying full voting rights in the U.N.

Is it realistic that the United States pay one-third of the cost of the U.N. while 129 other countries only pay a pittance each—and 76 of them are getting a partly free ride by refusing to pay their dues and assessments? Is it realistic for us to continue subsidizing "deadbeat democracy"? I think not.

BUSING OF SCHOOLCHILDREN

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, this morning in the caucus room of the Cannon Building a group of citizens assembled to talk to some of their Congressmen about one of the most pressing issues in America today, the issue of schoolbusing which involves the busing of schoolchildren out of their neighborhoods and into other areas because sociologists believe this is the best way to educate.

It is apparent to me this is not an issue that is going to die, because while I was listening to some of the mothers, they made it very clear that where their children are concerned, they are willing to go to whatever lengths are necessary in order to insure that they may have their children attend the neighborhood schools, that they themselves may participate in the local PTA's, and not have their children bused across town.

I certainly applaud the efforts of these people. Members of Congress will be hearing from them throughout the day. They are courteous but forceful, and they want the Members to know they do mean business. I am certain the Members of Congress will show these visitors every courtesy.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 319]

Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Baring
Barrett
Blackburn
Blanton
Blatnik
Burton
Caffery
Chisholm
Clark
Clay
Crane
Culver
Derwinski
Diggs
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Foley
Gallagher
Grasso
Gray
Gubser
Gude
Halpern
Hamilton
Hébert
Hicks, Mass.
Holifield
Howard
Jarman
Jones, Tenn.
Keith
Kuykendall
Landrum
Long, La.
Meeds
Mills, Ark.
Mitchell
Morgan
Patman
Pepper
Pike
Reid, N.Y.
Roberts
Rooney, N.Y.
Rosenthal
Sandman
Scheuer
Shipley
Steiger, Wis.
Stephens
Stokes
Ullman
Vander Jagt
Wilson, Charles H.
Zwach

The SPEAKER. On this rollcall, 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MILITARY CONSTRUCTION APPROPRIATIONS, 1972

Mr. SIKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate not exceed 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11418, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. SIKES) will be recognized for 1 hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I particularly want to begin this statement by an expression of appreciation to the members of the Subcommittee on Military Construction and to the staff. As chairman I have been particularly blessed by the caliber and cooperation of the people with whom I have worked. I think we have brought a good bill to the floor, and it is to their strong help credit is due for this fact.

Mr. Chairman, the budget estimates for military construction as submitted to the Congress for fiscal 1972 totaled $2,313,375,000. Of this amount, $183,570,000 must be deducted because of lack of authorization for Safeguard construction and family housing, leaving a new budget figure of $2,129,805,000. Recommended for appropriation in the bill before you is $2,012,446,000. The reduction includes both authorization and appropriation cuts.

It will be noted in your report that major emphasis is placed on family housing. We propose $249 million for new housing construction. However, this is only 12 percent of the total. It will finance 9,432 new units. An additional 430 units are requested for Safeguard sites that are not funded in this bill because of lack of authorization. They will be considered in connection with the defense appropriation bill.

It is significant that the Committee and the Department of Defense agree that a minimum satisfactory level of 12,500 units is required for annual on-base construction. We have never achieved that level of construction and it is estimated that the actual deficit in housing for all military families is nearly one-half million units. For years, insufficient budget requests, reductions by Congress, and deferments by DOD have not allowed needed family housing construction to proceed. This has contributed to morale problems in the military services and added to the difficulty of retaining qualified personnel. When the families are unhappy, the man in uniform is unhappy. They look for better living conditions elsewhere in other careers. We believe that adequate family housing is critical to the maintenance of effective military services in today's world and essential to any hope for an all-volunteer service.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield for a question?

Mr. SIKES. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I noted before the gentleman indicated funds for Safeguard were deleted from this appropriations bill. Are there not funds for the five construction sites in this bill?

Mr. SIKES. That is correct, and I intend to discuss that within a very few minutes.

Mrs. ABZUG. Mr. Chairman, I thank the gentleman.

Mr. SIKES. Mr. Chairman, there also is the pressing need to undertake a sizable program of improvements and modernization to family quarters. It is estimated that the deficit here is one-half billion dollars, but only about 10 percent of that amount, or $49 million, is available in this year's bill for that purpose. And to get this amount, the committee had to add $15 million above the budget. Nevertheless, the fact remains that we are doing better for family housing in this bill than ever before.

The committee takes particular pride in the fact that an important breakthrough is being made in housing as a result of an amendment sponsored by committee members to the housing bill of last year. It provides low-income military families priority of occupation in certain new section 236 projects and eligibility for assistance under rental assistance programs. This directly affects a category of critical need in that it benefits the lower enlisted grades who are ineligible for on-base family housing. These young people are going to fall in love, get married and have babies just as other young people do and many of them have an extremely hard time financially. Heretofore they have suffered considerable disadvantage in obtaining section 236 housing due to long waiting lists and frequent reassignment. These difficulties are overcome under the new law and a substantial building program is underway near many military bases to help this group. It is not enough, but it helps.

One instance of the need for family housing is shown in a nonbudgeted item for Camp Drum at Plattsburgh, N.Y. This year, for the first time, a committee was apprised of the seriousness of the family housing problem there. This information did not come from military sources, but through the distinguished Congressman from that district. Subsequently one of our committee members, the gentleman from Michigan, studied the problem and found a deplorable situation which obviously requires correction. It will be accomplished in this bill.

The committee also has given particular consideration to the needs for bachelor housing, both officer and enlisted. This is another of the principal items in the 1972 bill. The amount more than doubles that for the previous year. The Army and the Navy particularly have suffered from inadequate bachelor housing. The Air Force has been more aggressive in seeking to meet its needs in this area and the Air Force's deficiency in troop housing is not as serious as those of other services.

The committee is particularly concerned about the need for improvements to troop housing overseas. Apparently, this is most critical in Germany where committee personnel report that barracks space in some of the old German kasernes occupied by the U.S. Army personnel is deplorable and below all reasonable standards. Some of the Army's problems with troops in Germany are attributed directly to poor living conditions. The Army is attempting to improve these problems and the program which was undertaken in 1968 is proceeding on schedule. It is estimated the cost of renovation is $229,000,000 but thus far, only $62,000,000 has been set aside for this purpose. We have a long way to go and this is a program which may be given additional emphasis.

Both family and troop housing have suffered during the buildup in Southeast Asia. There has also been some uncertainty about postwar force levels in base utilization. These problems now are clearing up and the committee is glad to have an opportunity as a result of larger budget requests and through justifiable additions beyond the budget level to take more appropriate steps to meet the needs in these areas.

Please note the Walter Reed Army Medical Center appropriation of $101,670,000. This is the second step in the construction of a new and more modern Walter Reed Medical Center on the site of the present antiquated facility. It will provide a 1,280-bed general hospital with the most modern medical facilities now available. The building is designed to have the flexibility to allow new equipment to be installed as it is developed. It will be one of the foremost medical centers in the world. It will also be one of the most costly. The committee recognizes the need for fully modern and complete medical facilities for military personnel and their dependents, but the Army is cautioned to exercise greatest care to keep costs at acceptable levels.

Another significant increase recommended is for facilities to control pollution, particularly air and water pollution, at military bases. This year the amount recommended is $131,300,000 compared to $74,000,000 last year. The Department of Defense has been a leader in this vital area and with the present schedule, the majority of the work can be completed by the end of fiscal 1973.

There are pollution problems which have not been solved—particularly pollution caused by aircraft engines and shipboard waste. These present unusual difficulties which are costly of solution. Additional effort is needed and has been urged by the committee to attempt the development of less costly devices to deal with these particular pollution problems. Present estimates are unbelievably high.

Mr. HALL. Mr. Chairman, I make a point of order. I note the Congresswoman who interrupted the distinguished gentleman a while ago is not on the floor to hear his explanation after having made a certain query. I make the point of order that a quorum is not present so that she might hear this lucid explanation.

The CHAIRMAN. The Chair will count. Sixty-nine members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 320]

Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Ashley
Baring
Barrett
Blackburn
Blanton
Blatnik
Brinkley
Brotzman
Buchanan
Burton
Byron
Caffery
Chisholm
Clark
Clay
Crane
Culver
Derwinski
Diggs
Dingell
Dwyer
Eckhardt
Edmondson
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Foley
Fraser
Frey
Gray
Gude
Halpern
Hastings
Hawkins
Hébert
Hicks, Mass.
Holifield
Howard
Jarman
Jones, Tenn.
Keith
Landrum
Link
Long, La.
Madden
Meeds
Mills, Ark.
Morgan
Nedzi
Patman
Powell
Roberts
Rooney, N.Y.
Rosenthal
Sandman
Scheuer
Schmitz
Schneebeli
Seiberling
Shipley
Smith, Calif.
Stanton, James V.
Stokes
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Ullman
Van Deerlin
Wilson, Bob
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11418, and finding itself without a quorum, he had directed the roll to be called, when 352 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the Committee rose the gentleman from Florida, had consumed 12 minutes. At this time the Chair recognizes the gentleman from Florida.

Mr. SIKES. Mr. Chairman, if I may now have the attention of the gentlewoman from New York, under the watchful eye of the gentleman from Missouri, I would like to call attention to the fact that the Committee has recommended funding only for that portion of the military construction budget request for Safeguard for which there is permanent authorization. I am reading from the Committee report on page 7:

> The Committee has recommended funding of that portion of the military construction budget request for Safeguard for which there is permanent authorization available. This amounts to $15,300,000 for planning authorized under 31 U.S.C. 723 and $5,200,000 for access roads authorized under 23 U.S.C. 210. It has been necessary to defer appropriations for the remainder of the Safeguard request until authorization is provided. Accordingly, the Committee has not acted upon $172,500,000 which is requested for Safeguard construction and $11,070,000 requested for family housing at Safeguard sites.

There is no construction money for Safeguard facilities in this bill. Does that answer the gentlewoman's question?

Mrs. ABZUG. Yes. Thank you. In other words, there is money for planning the Safeguard missile but not for construction?

Mr. SIKES. That is correct. There are no funds for construction of Safeguard facilities.

Mrs. ABZUG. May I ask the gentleman one other question? Will the gentleman yield for one other question the answer to which I will be very happy to seek while I am on the floor?

Mr. SIKES. Of course.

Mrs. ABZUG. That is how much is allocated in this bill for construction of bases abroad, for military construction for NATO structures?

Mr. SIKES. I will be happy to yield to the gentleman from Utah to answer that question.

Mr. McKAY. The figures are located on page 35 of the report. They amount to $110 million for the regular construction program. In addition there are minor amounts for pollution abatement and family housing at a few permanent overseas locations.

Mr. SIKES. And the details are carried in the report. Incidentally, none of that is for Southeast Asia. I think the gentlewoman will be interested in that, also.

Now, if I may proceed, there is, of course, interest in Safeguard. The committee has recommended funding of $15,300,000 for planning and $5,200,000 for access roads. There is a permanent authorization for these items. Authorization action on the remainder of the Safeguard request, $172,500,000 plus $11,700,000 for family housing, has not been completed and these funds are not included in this bill. They will be considered in connection with the defense appropriation bill. The funds which are included will continue planning to the National Command Authority site near Washington, and Warren Air Base, and provide access roads at Warren. These first steps are necessary in order to prepare for an orderly construction program at these sites. They do not constitute deployment at these sites. The remainder of the planning funds requested are for planning support for construction at Grand Forks, Malmstrom, and Whiteman as well as overall standard design work, engineering and design support for construction, and planning in support of logistics and maintenance systems.

It will be noted that the committee has approved the addition of $11-plus million for a new materials laboratory at Wright-Patterson Air Force Base. The laboratory is to conduct tests on materials in the Air Force inventory, largely as a follow-on to verify similar tests conducted by private industry and university laboratories. There has been a question of duplication of programs in the private sector and there has been criticism of lack of effort to modernize and properly maintain present permanent type brick laboratory buildings. Nevertheless, the committee is impressed with the strong case made for the project by Air Force officials and by our own colleagues who are familiar with the project.

However, the committee points to the fact that since 1955 there have been appropriations of $75 million for laboratory construction at Wright-Patterson. Before other expensive new space is requested, the committee feels strongly that a more realistic effort be made to find better ways to utilize and modernize existing space. It is possible that the funds herein provided can be used more properly to promote other high priority laboratory needs and not solely for materials research. In any event, the committee feels that a thorough review of research facilities is required and that there must be an updating of requirements and available resources before additional projects of this nature are submitted to Congress.

We have again placed strong stress on the need for stronger representation by our representatives to obtain a larger percentage of funding by NATO countries for facilities which are required for NATO. Possibly our allies know that we are impatient people and that we quite likely will fund a project when we see it is needed rather than accept the delays necessary to get NATO approval and joint funding. We do run a risk by delays in availability on these projects. We don't want our own forces left unprotected in an emergency. The only answer is stronger efforts by our team for joint action on timely construction. This will be noted on page 8 in your report.

This concern is emphasized by statements from Defense Secretary Laird who has attended NATO meetings in Europe and who has expressed dissatisfaction over the failure of our NATO partners to carry out improvements they have pledged to make in their own armed forces. As in most everything else we do, the United States carries the lion's share of the burden. The American taxpayer is becoming increasingly unhappy about this situation.

There are, of course, a great many military installations, and despite our best efforts we cannot be fully apprised of conditions at all of them. A very good example is the Naval Home at Philadelphia. For the first time in my memory, a request was made for funds for rehabilitation of this structure. Inquiries revealed that the Naval Home is not funded in the same manner in which the Soldiers' Home at Washington is funded. It depends upon actual appropriations. The Soldiers' Home is maintained by small deductions from each soldier's pay each month. Consequently the latter has plenty of funds to maintain a fully adequate and reasonably modern facility. In contrast, an act of 1934 abolished the Naval pension fund which had supported the Naval Home, transferred $14,800,000 belonging to the Naval Home to the Treasury. Since 1935, the Naval Home has been dependent upon appropriations, but less than $1½ million has been spent on improvements. A visit by committee staff showed that the Naval Home is in deplorable condition and must be moved or rebuilt. We are providing funds that are actually essential for a continued operation of the facility during the current fiscal year, and we are asking that proper studies be undertaken toward providing a modern plant for the Naval Home at a proper location.

The committee has reviewed the General Accounting Office report—B-159451—entitled, "A Case History Showing Need for Improvements in the Management of Overseas Military Construction Contracts." Further, the comments of the Department of Defense, those of the Air Force, and other pertinent information have been carefully considered on the Tuy Hoa Air Base in Vietnam.

The outstanding job of the Air Force in managing the construction of Tuy Hoa Airbase is acknowledged by the committee. It is pleasing to note, that under the pressure of military urgency and extreme adverse conditions, such a major project was not only completed ahead of schedule but at a cost less than any other similar base built in Vietnam.

The committee is encouraged by such a demonstration of outstanding technical, operational, and managerial capability. Where cost overruns occurred on other construction projects within Vietnam, it is significant that this project was completed within the cost originally estimated in spite of adverse weather conditions, hostile environment, long supply lines, uncertain labor force, and unusual inflationary and balance-of-payment considerations.

It is quite obvious that the Air Force possesses the technical and managerial capability to accomplish such major construction projects in a most effective and efficient manner. The committee feels that it would be highly desirable for the Department of Defense to make full use of such expertise in the future.

Your committee calls attention to a growing problem of providing adequate school facilities for military dependents in the vicinity of military installations in the United States. In more and more localities, the local school systems cannot provide safe, decent facilities. There is growing pressure on both Federal and local funds for school construction and the budget requests for construction under the impacted area program are woefully insufficient to cover the applications. In a few areas, schools are built and operated on military bases by HUD, but in some States this is actually prohibited by local law. There is no money in this bill, but the committee calls attention to the gravity of the problem and asks that a full review on the entire subject of school construction funding be undertaken, including the Department of Defense.

Specific reductions and additions are spelled out in the report before you. For the Army, the authorizations are reduced by $19,102,000 and this committee recommends an additional reduction of $13,324,000. This is carried on pages 11 and 12 of your report. The total appropriation recommended for the Army is $437,274,000.

For the Navy, the authorizing committees made reductions totaling $30,569,000. We recommend additional reductions in appropriations totaling $31,165,000. However, a very substantial part of this—$16,200,000—is for phase I of a $150,000,000 Defense office building at Bolling/Anacostia. The amortization schedules on this building do not make it an attractive expenditure, and in addition, the committee is concerned with lack of effort to bring about decentralization of military activities in the Washington area. For years we have heard that there will be a reduction of military activities in the Washington area, but the trend has to some extent been just the opposite. It occurs to me that one very good way for revenue sharing would be to distribute some of the tremendous concentration of military activity now in Washington to other cities throughout the Nation. It would also make Washington a less inviting defense target. It is well to call to your attention that this building is only one part of a $1.6 billion construction plan for the District of Columbia. Nevertheless the committee insists that the valuable area be retained for defense needs.

Details on Navy construction are carried on pages 13 to 15. The total recommended appropriation is $343,766,000.

The Air Force has the smallest budget request. The authorizing legislation makes a net reduction of $30,173,000 and this committee recommends additional reductions of $13,396,000. Details are spelled out on pages 16 through 18. The total recommended for the Air Force is $273,031,000.

The committee feels that the current construction program with its strong emphasis on family and troop housing represents the most significant forward step in military construction in years. Reductions that we have made in other programs are not large, nor is there justification for large cuts. Military construction budgets always have been small in relation to need, and this bill, like other recent bills was heavily cut before it came to Congress. Other cuts were made in the authorizing process. We feel that our recommendations are sound and we trust we will have support of the committee's actions.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the Committee, as usual, the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. SIKES) has outlined in great detail the items that are of concern in this matter of the military construction appropriation bill. I do not want to go over the same items and the same ground as the gentleman has covered, and therefore my remarks are going to be very brief.

The gentleman from Florida has indicated that in this legislation we are moving with great strides in the housing area not only for family housing, but the barracks that our men are going to use on our military installations as well.

I would like to indicate for those from the Defense Department who will be reading this RECORD—and I am sure that they will be reading it—that they should take another look at the bedroom mixture we have in our family housing, and get to more three-bedroom and four-bedroom housing than we have now, because there is an excess of two-bedroom housing, and if they have any question about it I would be glad to visit with them in my office because I believe this is a subject we ought to be concerned about.

We are, I believe, in this legislation upgrading the facilities that need to be upgraded.

Mr. Chairman, I want to say that, serving under the able chairmanship of the gentleman from Florida (Mr. SIKES) is a real pleasure, as is serving with all of the members of that subcommittee, and I would state that we have only one purpose in mind, and that is to provide for the military service those things that are needed to make it function properly, and make it attractive for our men who serve in our military services. We have always considered this to be an essential part of the defense of our country.

We have worked hard and long in trying to bring forth this bill. The hearings are quite extensive, and to those of you who may have any questions about some of the details I would refer you to those hearings. We have a very well-written report.

I do want to make one brief comment on the new Defense office building that the gentleman from Florida alluded to. I personally have some differences of opinion in this area. I am concerned about the fact that we did not build this about 6 years ago when we had an opportunity to build it at a greatly reduced cost. If you will look at the hearings you will find that we have at the present time in the Defense Department a tremendous amount of leased space in the metropolitan area of Washington. The number of square feet that are proposed in the new Defense office building are really less than we have now in substandard Government-owned and substandard leased space for our Defense people.

The Defense Department, under our former colleague, Secretary Laird, has agreed that they are going to try to reduce the number of units that we have here in Washington. But we had better understand that even with this reduction we can look forward—as this space becomes even more substandard to our requirements—to going out and leasing more space in some of the large office centers such as Crystal City and Rosslyn. Most of these places are now occupied by lease from the Defense Department.

I wish that we had really listened to the Committee on Armed Services and appropriated this money a long time ago when the late chairman of the committee, Mr. Rivers, was concerned about it.

I do want to say this, however, and to put it in the RECORD that we have a concern about the importance of keeping that property in the Department of Defense.

Now I know as a result of our tearing this down that there are going to be many who are going to want to use this property for some other purpose. One of the things that the Department of Defense can be criticised for, is that sometimes they go out and have to buy property at a high price—they do not look far enough down the road as to their planning for future requirements. If that property is lost to the Department of Defense, we can blame no one but ourselves if they have to go out and locate new property.

We are looking down the road to the requirements of new Defense Intelligence Agency space. It is essential that this Agency locate here. I think we should consider this as a potential site for the Defense Intelligence Agency office building.

In this bill we are going to proceed with the construction of the new Walter Reed Hospital, a large medical facility out at the old Walter Reed site. Many of you have been out there. As you realize, it has been there for many, many years and it is getting in a very deteriorated condition. So there is $101 million for that in this bill—which is only one-half the cost, if that, to complete this kind of complete medical facility.

I think the Committee on Armed Services did turn out a piece of legislation that we have not considered yet, but I believe it has to do with the possibility of a new defense medical center. If that defense medical center is going to turn out 300 physicians a year for the military, then this is going to be a sizable construction item which is probably going to be here in the District of Columbia because of the close availability of Walter Reed and the Bethesda Medical Center, medical facilities which it is so essential to have in an adequate medical center.

When you consider that the present medical centers usually turn out about 80 doctors a year, you can get some idea of the size of the program that we are anticipating will probably be in this area.

I do not want to take any further time because, as I said, the distinguished gentleman from Florida has covered the details of the bill very well. If there are any questions, I am sure we have people here who will try to answer them for you.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. CEDERBERG) has consumed 8 minutes.

Mr. SIKES. Mr. Chairman, I yield to the distinguished gentleman from Maryland (Mr. LONG) 5 minutes.

Mr. LONG of Maryland. Mr. Chairman, I certainly support this bill. I want to pay tribute to our chairman, the gentleman from Florida (Mr. SIKES) who has presided over this committee with distinction.

I confine my remarks to one aspect, the problem of housing, because we all know there is a tremendous housing backlog for the armed services. It is unlikely—as valiantly as we have tried over the years—that we will be able to clear up the backlog because the necessary money is not available.

It is important, therefore, to call attention to the fact that the military does not make the best use of its existing housing.

To give you an actual case before our committee—a year or so ago the Army proposed to move the intelligence functions located at Fort Holabird in the Baltimore area to Fort Huachuca in Arizona.

At that time the chairman, the head of the subcommittee staff, and I visited Fort Huachuca. We looked at the housing situation and pointed out that the housing in the Huachuca area was inadequate to care for this tremendous move. About 40 percent of the people in the nearby town were living in trailers. We could not see where the people transferred from Holabird would be housed.

The Army came before us and blandly said, "There will be plenty of housing, we assure you. The total cost of this will be a couple of million dollars."

We estimated the cost of the move would be approximately $60 million.

Well, the Army transferred these activities to Huachuca, despite the warnings. Then we began to hear the complaints of the people who moved out there. People were driving up and down the streets for hours hunting for a place to stay. We learned that there absolutely was not a place to live anywhere around.

We called the Army's attention to this. The Army denied it. I called up the colonel in charge out there. He said, "I am not allowed to say anything about this," and hung up.

Then we began to call the real estate agencies. We called one real estate agency after another and heard the same story from every one. Despite what the Army had said, the real estate firms said, "There is no housing out here. This is the blackest situation you ever heard of."

A short time after that the Army finally issued a communique to its personnel saying, "There is no housing in Huachuca. Don't move your families out there. Don't even move your furniture out there because there is no place to store furniture within 200 miles." So we asked General Yates to come before our committee. We presented him with this communique, and he said, "I am embarrassed."

So I would like to read the official comments in the committee report:

COMMENTS

> Last year, the Committee directed the Army to further review its plans to move intelligence functions from Fort Holabird, Maryland to Fort Huachuca, Arizona because it felt the Army had inadequately considered the total facilities implications of the move.
>
> Following the Army's review and final decision to move the intelligence functions to Fort Huachuca, the Committee learned that the Army, on its own admission, had erred badly in presenting the Fort Huachuca housing situation to the Committee. The initial housing report, presented in April, 1971, said nearly 600 houses and apartments were available for rent. However, "available" housing did not coincide with vacancies.

What they meant by "available" heaven only knows, because you could not possibly have moved into one of them. The report continues—

> A second report, presented in June, admitted a deficit of more than 1000 units, and concluded with the statement that: "Should the community be unable to meet our needs within a reasonable period of time, we will consider on-post construction for military families at Fort Huachuca." This statement indicates that the Army may come to the Congress to request a large sum for housing,

in addition to the $29 million in long term construction costs that are anticipated in connection with the move.

The Committee does not regard the management of this base realignment as a model for future projects.

I think that we in Congress should realize when the Army—the military—comes to us with these problems, that the Holabird-Huachuca move is one example of how vast sums of money are being wasted on useless, unnecessary, unwarranted moves.

I yield back the remainder of my time.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I will take only a few minutes. This bill has been discussed thoroughly and explained in detail by the distinguished chairman of the subcommittee, the gentleman from Florida. It has been discussed also by my colleague from Michigan. So I do not think it is necessary to go into another detailed explanation of the bill.

I would like to point out, however, a few of the highlights only for the purpose of emphasis, because I know these figures already appear in the RECORD.

The budget requested a total of $2,313,375,000 in new obligational authority. The committee reduced these requests by $300,929,000 and recommends $2,012,446,000 in new obligational authority.

This is a decrease of $25,628,000 from the amount appropriated in fiscal year 1971; but as the gentleman from Florida explained, these figures do not reveal the entire picture, because all amounts related to Safeguard construction which require annual authorizations have been omitted from the bill. If the Safeguard items had been included, the bill would be $308,372,000 above last year's appropriation and $117,359,000 below the 1972 budget request.

The committee has filed a 47-page report explaining and detailing the line items in the bill on a State-by-State basis, and there is a table in the back of the report on page 44, which lists on a State-by-State basis the 9,432 new housing units funded in this bill. I recommend that all who are interested in the details of this bill that they study this report. They will find answers to any of the questions they may have with respect to military installations in their own districts in that report.

The bill presently under consideration deals with two basic areas of concern—military construction and family housing. A table on page 2 of the committee report depicts, in summary form, appropriations for last year, budget requests for the present year, and the committee's recommended action on the budget requests.

Let us look first at the military construction items. This bill provides military construction funds totaling $1,068,872,000 for regular forces and $90,581,000 for reserve forces. When added to funds remaining unobligated from prior appropriations, the Department of Defense will have a total of $2,210,989,333 available for obligation in fiscal year 1972 for the regular forces and $135,457,938 available for the reserve forces. When added to military construction funds previously appropriated but not yet spent, the present bill will provide $3,442,424,829 available for expenditure in fiscal year 1972 for the Regular Forces and $173,904,489 for Reserve Forces. Funds available for obligation and funds available for expenditure are shown in charts on pages 4 and 5 of the committee report.

The net reduction in outlays from the budget request, resulting from both the authorization and appropriation process, is estimated to be $24 milllion. This does not, of course, include the Safeguard requests that will, as I have previously indicated, be considered in another bill.

The amount recommended for military construction provides substantial increases over last year for new bachelor officers and enlisted housing, for medical facilities, and for pollution control.

This year's program will increase the emphasis on provision of adequate numbers of bachelor quarters and on replacement or improvement of inadequate quarters both at home and overseas. The largest deficiency in any category of defense facilities is for troop housing, approximately $3.1 billion. Even at the increased rate recommended in the bill, this deficiency will not be met for years. These accommodations are an absolute must, and an accelerated effort to provide them is long overdue. The Department of Defense has taken the necessary first step with this year's budget request. The request for bachelor housing for this year more than doubles the amount requested for last year. In fact, of the amount recommended for military construction in this year's bill, over one-quarter of the Army's funds and approximately one-third of the Navy's funds are for troop housing. Though troop housing comprises roughly 15 percent of the recommended Air Force funds, the Air Force over the years has provided a higher level of troop housing than the other two services and therefore has less of a deficiency.

The committee has made clear to the Defense Department that though the build up in Southeast Asia in past years may have understandably contributed to neglect in other areas, there is certainly no longer any excuse for delay in correcting troop housing deficiencies. Members should understand that present troop housing in many overseas areas is substantially below acceptable standards. Many of the substantial problems the Army is experiencing with troops in Germany are directly attributable to substandard living conditions. The committee has therefore provided the full sums requested in the Army's budget for improvement to overseas troop housing. In addition, since 1968 the Army has been taking money from operation and maintenance funds to renovate the worst of the existing facilities. It is estimated that it will cost $229 million to renovate 120 of 165 Army Kasernes. Thus far, the Army has obtained or requested $62 million for this purpose. The committee urges the acceleration of this program.

The largest increase in funds for medical facilities results from the recommended $101,670,000 to fund the next step in the construction of a new and modern Walter Reed Medical Center. Initial funding for interim facilities, demolition, and site preparation were approved last year. This year's funding will be a major step toward providing a 1,280-bed general hospital with the most modern facilities available.

Another significant increase recommended is for facilities to control pollution, particularly air and water pollution, at military bases. In fiscal year 1971 a total of $74 million was provided for pollution control, and this year's bill appropriates $131.3 million. Of continuing concern, however, is the failure to develop satisfactory controls of pollution caused by aircraft engines and shipboard waste. It is hoped that a concerted effort in these areas will be continued by the Department of Defense.

As for Safeguard, the committee has recommended funding of that portion of the military construction request for Safeguard for which there is already authorization. This amounts to $15,300,000 for planning authorized under 31 U.S.C. 723 and $5,200,000 for access roads authorized under 23 U.S.C. 210. The committee has not acted upon $172,500,000 which is requested for Safeguard construction and $11,070,000 requested for family housing. We feel that it is appropriate to provide funding for that part of the budget request for Safeguard which is already authorized, particularly in view of the previous action of the House in authorizing the amounts and the program requested for Safeguard for fiscal year 1972. The recommended funds include money for planning at the National Command authorities, and the Warren Air Force Base sites and for access roads at the Warren Air Force Base site. This will allow the administration to proceed with such first steps as are necessary in order to prepare for an orderly construction program at these sites.

The committee was disappointed with the failure of the Department of Defense to obtain additional NATO slice funding of operational and training projects in Europe. NATO slice funding is the means of funding the NATO infrastructure program. The purpose of the infrastructure program is to provide the support facilities for NATO forces which are intended for common use or have a high degree of common interest. The funding for this program is approved in annual increments or slices.

In the past there have been numerous projects included in the Department of Defense normal budget request that would have more appropriately been included in the joint NATO slice funding. The end result is that this country funds numerous projects that should have been funded jointly. Projects which are not included in NATO slice programs must be prefinanced with funds from the military construction program. The United States pays the whole cost of the project at time of construction, and then supposedly is reimbursed when the project's paperwork is processed and approved through NATO channels. In reality, reimbursements have been delayed substantially in the past. As of December 31, 1970, the difference in reimbursements and costs to the United States was approximately $210 million. Consequently, this year the committee adopted the policy of not funding projects that it believes could have been included in the NATO slice programs. The projects were not specifically disapproved. But if the services feel they have sufficient priority, they will have to come up with corresponding reductions for items at other locations, and then seek committee approval prior to proceeding. This will be the future committee policy on projects it feels should have been in the NATO slice programs.

A breakdown of the recommended military construction appropriations for each individual service is contained on pages 11–19 of the committee report. In addition, the State lists and tables at the end of the report reflect a breakdown of action on individual line items. I particularly commend these tables to members who have military installations in their districts. On the whole, I find the military construction funding for this year encouraging because for the first time we have succeeded in reporting a bill which places real emphasis on troops, housing, and services. Though it is only a beginning, it is a notable one.

This brings me to the other major concern of this bill, and that is the section dealing with family housing. For several years now the committee has been urging the Department of Defense to give a higher priority to family housing. We have met with only partial success. Family housing is the only area in which the committee has provided an increase over the budget request. This is in line with our firm belief that military housing, troop as well as family, is absolutely crucial to improving military morale and retraining military personnel. The inadequacy of housing is not just a problem in Germany; we have woefully inadequate housing right here in the United States.

The bill before you appropriates $845,418,000 for family housing. This is $129,232,000 above the amount appropriated for last year, and $19,018,000 above this year's budget request. It should be noted that this does not include $11,070,000 requested in the budget at Safeguard sites. This request is also being deferred until consideration of a later appropriations bill.

The total appropriation for family housing breaks down to: $305,026,000 for construction; $474,295,000 for operation and maintenance; and $158,917,000 for debt payment, of which $92,820,000 is applied to debt reduction. The figure for new construction is an increase of $87,198,000 over last year's appropriation. The amount recommended by the committee will provide a total of 9,432 new on-base housing units. Though this is an increase over the 4,670 new units funded in 1970, and the 7,749 funded last year, it is still far short of the 12,500 units per year the committee considers necessary to keep up with the minimum requirements. Obviously, this is not even enough to begin catching up with the present deficit in on-post family housing, which was 490,672 units for all military families as of December 31, 1970. This is not, of course, a new problem. As many of you probably remember, we have previously pointed out these concerns. For added emphasis, however, it should be pointed out that even if one takes the minimum projected force figures of an austere cutback, and include all conceivable new units anticipated by the Department of Defense, in 1976 the family housing deficit would still be 51,988 units for eligible personnel and 34,263 units for ineligible personnel.

Further, the figure for ineligible personnel calls attention to the plight of married, lower ranking enlisted personnel in the rank of E4 and below. As we pointed out last year, most of these personnel are not eligible for either on-post housing or off-post housing allotments. The Department of Defense has recently broadened the definition of eligible to include all personnel with a career commitment. This is only a partial solution, however, and the committee has recommended a vigorous effort to come up with other forms of assistance.

There is also a compelling need for a greater effort in the area of minor construction and improvements to existing family quarters. The Department of Defense estimates that there is presently more than $200 million backlog in essential maintenance of existing family housing. There is a similar backlog of minor construction. The committee bill provides an increase of $49,925,000 over last year's appropriation for these items, but the total figure contains only about $35 million to apply toward the deficit. Much remains to be done.

There has been some noticeable progress in the area of off-base housing. One important development has been a recent HUD/Department of Defense agreement. This provides low-income military families priority of occupancy in certain new 236 projects and makes them eligible for rental assistance programs. Up to 4,600 of these 236 units are planned under last year's program, and 10,000 units are expected for this year's progarm. This is potentially a major breakthrough. I personally would like to see the Department of Defense extend this type of coordination with HUD into numerous other areas that could benefit military personnel. For instance, HUD is presently experimenting with and studying several types of innovative low-cost housing that could produce approaches transferable to military housing programs. Also, as the committee report points out, support which military families receive from programs sponsored by HUD should be increased.

One other item in the proposed bill should be noted. The committee approved a $7,575,000 request for the homeowners assistance program. The program was originally created to assist military and civilian employees in reducing losses incurred by having to dispose of their homes as a result of base closures. The law was recently amended, however, to provide this same assistance when the scope of operations at a military installation is reduced. In view of the overall defense cutback, the broadening of the eligibility criteria will probably result in future increases in the funds requested.

I do not think this is a perfect bill. Nor do I think it is an extravagant bill. In fact, I think that the appropriations recommended are the minimum required. I have pointed out that I think the Department of Defense could and should be doing more in the area of troop and family housing. I have also noted, however, that progress is being made. Approximately 40 percent of the total appropriation is for family housing, and increased portions of the military construction requests are for troop housing. I think we are making a good start toward a balanced military construction and family housing program.

Mr. SIKES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Utah (Mr. McKAY).

Mr. McKAY. Mr. Chairman, I rise in support of the committee bill.

As a freshman in the Congress I would like just to pay tribute at this time to the committee and to the distinguished chairman, the gentleman from Florida (Mr. SIKES), who has given the subcommittee members every opportunity to participate. There has never been a time when I wanted to ask a question or to search for something when I was not given that opportunity. In fact, I was sent out on occasion to do a little searching, for which broad experience I am grateful. I can assure the Members the committee is operated in an open manner so that we were able to proceed to get at the facts.

There are two or three things I would like to mention and emphasize. One is that the committee took a very hard look at the concentration of the Military Establishment in the Washington, D.C., area. There has been reference to the Defense office building in Anacostia. I think it has been pretty well brought out and documented that at this point it is not profitable to proceed with that facility, as the gentleman from Michigan (Mr. CEDERBERG), very well indicated. The Department of Defense wanted the building, but did not know who was going to be put in it until after they got the building. Witnesses talked about moving various agencies of the Department out of the area but did not know which ones. They wanted this building on the basis of efficiency but could not indicate where that efficiency would take place or what savings would result. They indicated they would reduce the number of locations they presently have, from 88 to 25, and give up a considerable amount of good space in the process, so the new facility would not really accommodate all they need. Also the amortization factor on the new building was not any better than the rent. In fact, excluding adjustments for parking fees, et cetera, it could not be amortized in 60 years.

We were concerned about the impaction in this area, and the military were put on notice that they should take another look at transferring some of the operations of the military out of the area rather than further consolidating it.

That was further illustrated in the discussion about Walter Reed Hospital. Not only is there the fact of impaction, but also there is the fact that costs are increasing at such an alarming rate. We have already started on the Walter Reed Hospital project. Ground has been broken and things have been opened up, but to make a point of illustration, I was on a board of directors of a hospital in my State where we had just completed a brand new 438 bed hospital with all out patient and modern facilities. The cost of that unit was $35 per square foot.

The projected cost of the new Walter Reed Hospital is something like $95 per square foot.

There is a multiple of factors which play on this.

One factor, of course, is the fact that we have so much building going on here that it automatically raises the cost.

Another factor, of course, is that they plan to put in a research facility in connection with it. But then that is far too wide a difference.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. McKAY. I yield to the gentleman from North Carolina.

Mr. JONAS. In that connection, I remember a statement made on the floor last year, which I have been unable to verify, but it was made by a Member who is a responsible Member of this body, and I am sure he had the facts or would not have stated it. I believe I referred to this in some of the hearings, and some of the military construction people verified it. There is so much building going on in Washington, D.C. right now that they have to import construction workers into the District of Columbia from as far away as 200 miles.

In view of that, I really cannot understand why there is such a high incidence of unemployment in the District of Columbia, but that is right in point with what the gentleman from Utah has been saying about the heavy construction load which now exists in the District of Columbia.

Mr. McKAY. The gentleman is absolutely correct. I had further evidence of that from a neighbor of mine who works in the construction business out in Virginia, who tells me that anyone who comes along and says he can use a hammer he will hire, and they can quit at noon or whenever they want to. He is that much in need of help for those who are willing to work in the construction industry, which only points up further to the problem we face.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. McKAY. Mr. Chairman, to further illustrate the depth to which the committee went in its work to try to come up with a practical solution to the problems the military face, we asked some very searching questions in some areas, and I believe the military needs to take cognizance of this in some type of planning. They do some of it, but perhaps they need to do a little bit more.

Part of their problem in facing this systems planning is the fact that there are rising and falling factors, with wars and so on. We recognize that. Beyond that, they need to do some thinking.

I shall give only one illustration here. A laboratory at Vandenberg Air Force Base was built for the Manned Orbiting Laboratory several years ago. The program was washed out and that building has not been used.

We need to think also in terms, for example, of a materials lab, which was asked for, and on which we had some disagreement in the full committee. It is not that we do not need the materials lab, but we need to examine the question. Do we need to put the work in house, or do we need to contract it, or both?

I believe they need to come up with directions in which this thing needs to go, rather than just spend money, because some researcher wants a little pyramid under him to build another research center. Perhaps we can still reach the needs of the military within the contract field of our private or State universities and industry.

There are many other examples which could be given. We searchingly went into this thing.

I believe the military needs to take a serious look at which direction they will go, rather than just to build because they want to build.

We have cut out of the request, over and above what the authorization had cut, another $65 million.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McKAY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. While we are talking about where to build all of these new facilities, and so forth, I wonder if there is perhaps an error in the report.

There are 10 pages of construction projects, including some 35 bases in California, and on Iceland, and on a number of little islands and in several nations which voted against us in the United Nations the other day, but there is no mention at all of a project in Iowa. Iowa has always been a loyal State of the Union. We pay our taxes and support the Nation. The committee surely would not leave out Iowa on purpose. Is that an error in the report?

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. McKAY. I yield to the gentleman from Florida.

Mr. SIKES. Things are so peaceful and pleasant in Iowa we did not think they wanted to be bothered with military considerations.

Mr. SMITH of Iowa. Sometime when we are going to have new labs, I would say Iowa is a pretty good place to put them.

Mr. McKAY. I appreciate the gentleman's comments.

To emphasize the facts further that there is need for greater planning effort I think we need to take a more critical look at coordination not only within a given service such as the Air Force or the Army but between services, for the use of those facilities where we have expended hard-earned tax dollars. There ought to be some way for us to get to the point where you can use that which has been produced or built without leaving it vacant or leaving it for non-use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. McKAY. I thank the gentleman for yielding me the additional time.

We have taken a critical look at many things here. This bill, of course, is not perfect because you have human beings working on it and I have not met the perfect one yet. But with this hard look we have been taking we have also worked very hard to arrive at possible solutions, particularly in the area of housing. There is a compliment which is due to the chairman and the ranking minority member of this committee and the committee as a whole. Before I arrived here, in looking to the housing needs that were evident, they helped to start what I consider a farsighted program. Now, to achieve an all-volunteer Army, which the chairman alluded to earlier with a great deal of frequency, we have a great many problems which we have to solve. I would like to commend the chairman and the other members for the fact that not only did they get into family housing and into the BOQ's and other matters such as that, but they have gotten into the 236 housing, in cooperation with the Department of HUD.

Medical services are upgraded in the bill because some of the medical facilities we now have are temporary facilities provided in World War II and they are not adequate now.

The modernization of depots should provide considerable savings. In one instance they estimate about $9,445,000 for a project and by modernization of it they will save $4,930,000 annually and $1,092,000—one time savings.

With those kinds of savings we can do a lot. So things are moving in the right direction.

There is great emphasis on pollution control and problems of sewage. We have urged cooperative efforts not only of the military but of the military with various counties, cities, and States. There are a number of areas where money is provided in order to meet standards and criteria with regard to pollution problems.

Mr. Chairman, I appreciate the opportunity to serve with this committee and recommend that this body accept the bill as presented as a good effort for the betterment of our military service and its needs.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, the gentleman from Florida (Mr. SIKES), the distinguished chairman of our subcommittee, and the gentleman from Michigan (Mr. CEDERBERG), the able and knowledgeable ranking member of our subcommittee, have, as usual, explained the details of this bill quite lucidly. I support the bill and urge its enactment.

Some aspects require reiteration and emphasis.

This is one of the few appropriation bills reported in a sum less than the budget. We are probably as wrong to report this bill under the budget as the other 10 which were reported over the budget. If there is any place where proper facility and property management indicates a need for the expenditure of more money, it is in our military construction, operation and management program. We have a facilities investment of billions of dollars. We are not yet spending enough to properly rehabilitate, modernize, repair and maintain these important facilities and buildings.

Any comparison with other nonmilitary Federal facilities, or State-owned buildings and facilities or private buildings will quickly and dramatically show that we are not keeping pace in the care and maintenance of our military physical plant. Deterioration is outdistancing our program for repair, maintenance and modernization.

This continuing deterioration is especially alarming because so much more deterioration was permitted during the years of the enormous buildup in South Vietnam. Too much of our resources were diverted from the necessary requirements for ordinary repair and maintenance to the urgent demands of the war in Southeast Asia. We are not yet catching up—yet we must.

It does us little good to have large, diverse and dispersed military facilities if they are not kept in a good condition of repair and readiness.

Furthermore, at a time when we are trying desperately to develop an all-volunteer service, it is even more important to provide modern facilities for the serviceman's work and tolerable accommodations for his family's living. Outmoded work facilities and rundown housing can dampen morale and reduce retention as much as inadequate pay and uncertain career advancement.

It is not only good facilities and plant management, but essential personnel management to keep pace with a maintenance and modernization program.

Some of our modernization and maintenance problems and costs could be ameliorated by progressing more quickly with the review of our overall base structure and locations. Many military bases, which grew up like Topsey, under the duress of emergency wartime conditions, should be closed, moved or consolidated. Decisive decisions should be made and implemented to make better use of our military, naval and air force bases, to reduce the costs of maintaining useless bases.

The situation at the Sailor's home in Philadelphia is disgraceful. The home ought to be moved to a place where living conditions are more pleasant and less expensive year round. The financing and management arrangements should be similar in all services. An Airman's home should be considered in the same vein. This will require study and legislation which is beyond the jurisdiction of our committee, but the responsibility of the Congress cannot be shirked.

The location and management of defense facilities in the Capital region requires urgent and thorough consideration. Conditions are not now satisfactory. The plans of the Defense Department are not clear or concise. But decisions must be made soon. Most Defense administrative and intelligence facilities must, of necessity, be located near Washington, but considerable dispersal could, and should be accomplished—for the best interests of military personnel and the Capital itself. Concentration of military, as well as other Federal agencies, in the Capital area contributes to making life and work here more inconvenient and less productive for everyone.

The Defense Department leases too much property, in widely separated buildings, which are not properly suited for the military mission. This is expensive and inefficient in many instances. The Defense Department occupies many square feet of totally unsatisfactory administrative space that requires rehabilitation or razing. These conditions have existed for some time—but there will be no better time to plan and begin the implementation of an orderly development of the defense facilities in the Capital area.

For years the Defense Intelligence Agency, which ought to be in the Capital area, has needed a new building and facilities. Delay in providing the DIA with adequate facilities will increase the cost and impair the accomplishment of its important mission.

The Bolling Air Force Base property should be reserved for Defense Department use. If all defense facilities in the capital area were consolidated and the leased properties were relinquished, there would not be adequate space including Bolling. It would be unwise to dispose of this strategically located property and then, quite certainly be required to purchase property of less utility at greater cost some time in the future.

But the Defense Department must furnish better plans and specifications for the use of Bolling. Any effort by the Defense Department to move permanently to Bolling simply to save the property from the covetous eyes and designs of every other governmental agency, would be equally unwise.

The location and use of Defense facilities in the Capital area demands early resolution. This early resolution of Defense Department needs for facilities and space must be coordinated with the other governmental agencies. Decentralization, dispersal, and removal from Washington should be the objective whenever practicable and possible.

Family housing needs more emphasis. Housing is high on any service family's needs. Adequate housing is absolutely essential if we are to attract and retain a competent, satisfied professional army. We are far behind in providing tolerable housing for a minimum peacetime force. We are short on housing units; the housing units in our inventory are short of space; our housing inventory is in dire need of repair and maintenance.

Family housing developments need to be planned to include community facilities. Parks and playgrounds, churches and shopping centers are just as important to military families as to civilian families.

The school facilities on military bases are far from adequate in too many places. Next to sheer survival, the education of one's children may be the most urgent objective of parents. We want to encourage responsible families who care about their children to remain in the service. We cannot retain responsible families if we cannot assure their children of a first-rate education.

We cannot expect single men to live in slums on military bases here or abroad during peacetime. Housing for families and troops must be improved for the peacetime volunteer forces.

All of these needs will cost much more than is contained in this bill. Perhaps with all the other demands on the Federal Treasury, no more can be devoted to military construction needs this year. But, we should all know and understand that more is needed if we intend to maintain an adequate professional volunteer service.

We have made many important advances in the last few years. Family and troop housing is improving. Wives and families are better pleased. Fewer two-bedroom houses, and more four-bedroom houses are being constructed. Troop housing is more spacious and allows more privacy. More advances can be made when our troop forces, particularly in NATO countries, are more precisely determined.

We must keep our military physical plant, facilities, housing, and community services modern and in good repair and maintenance if we expect to provide the national security and readiness our citizens expect, and deserve.

Mr. SIKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Thank you, Mr. Chairman. I rise to a point of inquiry.

I understand the housing construction portion of the bill may contain a provision for the building of motels. I wonder if that is so provided whether or not such motels will be located on post or off post.

Mr. SIKES. I think the distinguished gentleman's question, if he will yield, is pertinent and timely, and I am glad to have an opportunity to answer it, because there has been publicity which would indicate that motel-type housing facilities are being built on military bases. For the benefit of the Members, let me state that there are facilities for temporary housing of military families which are being built with nonappropriated funds. Nonappropriated funds are not under the control of this committee but are generated through activities such as officers clubs, PX's, et cetera. That money is used in ways which are intended to benefit morale, improve recreational facilities, et cetera, for the services.

Each of the military services has established a program of constructing temporary lodging units, built with nonappropriated funds. They are primarily to assist military personnel who are suffering financial hardship due to the high cost of temporary housing at duty stations to which they are newly assigned.

Rather than have them try to make the necessary arrangements to go to an expensive hotel or other expensive facilities, they are provided for a short time—for a few weeks—with housing in these facilties.

The initial program includes the following numbers of units which are under construction or completed:

Army: 582 units at eight locations.
Navy: 900 units at 13 locations.
Air Force: 1,020 units at 24 bases.

In addition, follow-on programs, generally of a smaller scope, are planned.

In general, the services have tried to ascertain the availability of commercial facilities in an area before proceeding with this new construction. In some instances, they may have made mistakes. I am informed that they are now aware of these problems and are taking steps to tighten up their procedures in this area.

In addition, there have been complaints that these quarters are not going to be used for transients, but for official guests, and so forth. I have reviewed some of the services' regulations in this area and, if followed with reasonable discretion, they should result in proper use of these for families who need them because they are being transferred.

Again, these are nonappropriated funds not under the control of this committee, although we do insist upon reports as to the manner in which the funds are spent. We are trying to see that a proper job is being done. We do not feel that this is something that is getting out of hand.

Mr. DENHOLM. I have one other question, Mr. Chairman. Is there anything in the bill that would limit or restrict military housing construction to the continental United States?

Mr. SIKES. No; but there is only a limited amount being built overseas which is funded directly from military construction. The majority of the family housing overseas is provided by rental guarantee, leasing or other programs. In this year's bill there is housing funded in Australia, Puerto Rico, and in the Republic of the Philippines.

Mr. DENHOLM. Thank you, Mr. Chairman.

Mr. CEDERBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. McEWEN).

Mr. McEWEN. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time, and I shall be very brief.

I should like to say to the chairman of this subcommittee, the gentleman from Florida (Mr. SIKES), and the members of the subcommittee, that I deeply appreciate the interest which they took in a particular housing situation at Camp Drum, to which the chairman of the subcommittee referred in his remarks. I want to express my particular appreciation, Mr. Chairman, to you for having had the gentleman from Michigan (Mr. CEDERBERG) view firsthand the defects in family housing at Camp Drum.

The 88 units that are provided for in this bill are desperately needed to replace totally inadequate, obsolete housing that has long since passed its period of usefulness or adequacy for housing our military and their dependents.

Mr. Chairman, I take this opportunity to thank the gentleman from Florida (Mr. SIKES), and to thank the gentleman from Michigan (Mr. CEDERBERG) as well as the members of the subcommittee for what they did for Camp Drum's family housing.

Mr. CEDERBERG. Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of this legislation and wish to compliment the subcommittee and the full Committee on Appropriations for working out this bill.

Included in the Military Construction bill this year is one item for Wright-Patterson Air Force Base which I believe has become a crucial requirement for the maintenance of American defense preparedness in the years ahead. American political realities now require that more stress be placed on our defense research and development efforts and less on the maintenance of forces in readiness.

As our national spending priorities have changed to provide a larger proportion of our Federal budget for domestic needs in contrast to defense requirements the U.S. military R. & D. effort will be the critical factor in maintaining American military superiority. In the past, we have relied on the size of our nuclear stockpile and the readiness of men and weapons for massive conventional response. It is obvious that in the future we will be maintaining smaller defense forces and fewer weapons, so the available hardware will have to have maximum capabilities and be well ahead of the competition.

Much of the testing for the Air Force R. & D. program is carried out by the Air Force Systems Command at Wright-Patterson AFB. The importance of materials research and development and sound materials application engineering which is done at the materials testing laboratory there cannot be overstated. In terms of meeting current and future mission needs of the Air Force plane and weapons systems, a materials problem often as not is the fundamental technical issue that determines the timing of the development of a new system.

Two current examples of structural materials problems are the F-111 and the C-5A. The materials testing laboratory called upon to provide direct technical support and leadership in the resolution of this challenge of strength to weight and stress.

But at the present time the inadequate housing of the laboratory is a primary limitation to the capability and effectiveness of the mission of the materials laboratory. Five of the eight buildings in which the facility is currently housed predate 1928, and those five buildings represent almost 90 percent of the space now occupied by the laboratory. Over 400 people, three-fourths of whom are scientists and engineers are housed in these pre-1928 buildings. During the next 5 years an annual budget of between $45 and $50 million in research operations is to be done by them. Hopefully that work will be done in facilities which do not adversely affect the workers or the work itself.

The present structures do not provide for adequate space for critical new research, are not adaptable to setting up new research equipment and experiments, and most important, they lack the capabilities in which to provide a proper research environment in terms of controlling temperature, humidity and dust. These conditions have seriously jeopardized the laboratory's ability to validate specifications set by the Air Force which are necessary to check compliance of contractor performance and outside testing work done for the Air Force by other laboratories on a contract basis.

The buildings have been rehabilitated on a piecemeal and patchwork basis for more than 40 years. They are now beyond further modification when faced with the critical mission the facility is called upon to perform. It is high time to replace them. Otherwise we face a rapid deterioration of performance at the materials testing laboratory. We cannot permit that if our national security interests are to be maintained.

I want to point out here that in this need for the laboratory to maintain its ability to properly evaluate outside work, such work is currently being conducted at 155 private companies and at 39 universities around the Nation, although the materials laboratory at Wright-Patterson does a great deal of in-house research and development and evaluation for the Air Force and has produced results that have been recognized worldwide in certain fields such as ceramics. But the in-house work done at Wright-Patterson now comprises only 16 percent of its total research responsibility. A study of Federal laboratories conducted 8 years ago by the National Science Foundation called for a minimum in-house work capability of 20 percent, with the optimum at between 30-35 percent of all research projects being managed so that the Federal laboratories would have a sound basis of their own technical data on which to properly evaluate and manage the outside contracted R. & D. services.

This means that the in-house role of the materials testing laboratory at Wright-Patterson must increase in the future if it is to be as effective as it will have to be.

The request for a new facility is not new this year. The Air Force first asked for congressional approval of a new facility in fiscal year 1966. It was then authorized by the Congress at a cost of $6.7 million—but not appropriated. Again in fiscal year 1970, the project was budgeted by the Air Force and authorized by the Senate, but not by the House. This year, once more, the project was asked for, and has been authorized by both the House and Senate, and approved by the Committee on Appropriations. I want to emphasize that although during the 7-year programing period, the scope of the proposal has remained unchanged. The original projected cost has risen by $4.6 million from $6.7 million in fiscal year 1966 to $11.3 million for the current fiscal year.

Failure to appropriate funds for the laboratory this year would mean another increase in its projected cost. Even so, that is not as critcial as the further deterioration in capabilities that would also accrue. I therefore urge that the highest priority be given to this project and that the Congress approve the funds for its construction. The Committee of Armed Services and the Committee on Appropriations have both previously concluded, following hearings, that the facility is needed, and it has been authorized previously by the full House and the full Senate, as well.

The suggestion has been made that the materials laboratory at Wright-Patterson and facilities at other Air Force bases are redundant and that the Air Force has not been systematic in considering its requirements either in time or in location or with an eye to economy and efficiency.

While there is some necessary interrelationship in this effort with other Air Force laboratory facilities at other locations which merges the expertise of such various locations and their own unique capabilities, it is erroneous to contend that widespread and unneeded duplication exists.

The materials laboratory at Wright-Patterson provides unique technical support in materials engineering for both operational systems and equipment for systems under development. Other laboratories are involved in similar efforts for other fields of research and development. In all areas the bulk of the effort is devoted to obtaining out-of-house capabilities from private industry and the universities on a contract basis. At the materials laboratory, as I previously indicated, this amounts to some 85 percent of the Air Force materials program through the Wright-Patterson laboratory. There are also technical and evaluative capabilities which must be provided in-house in the Air Force and which are not duplicated in industry and the universities. Each of the laboratories are required for this in-house capability in their particular area of responsibility. Any duplication of portions of a responsibility of the magnitude the Air Force is called upon to perform in this extremely specialized technical area is an effort to increase capabilities and economies related to time and manpower, not in spite of those goals. I am confident that the Air Force is continuing to make certain that its requirements are considered in this light.

Finally, I want to note that a direct reference has been made to the facility at Vandenberg Air Force Base in California which was built as an assembly plant for components of the canceled Manned Orbiting Laboratory—MOL—program. The inference was made that the facility constituted a laboratory that duplicated other facilities and that with the cancellation of the MOL program now sits empty and idle.

It should be pointed out that the facility did not undertake experimental laboratory testing programs, as indicated, but was used for assembly purposes only. Following the cancellation of the MOL program, instead of sitting idle, as has been stated, the facility is now used as part of the strategic operational missile launch crew training program. Such utilization does indicate the Air Force attempts to maximize the effectiveness of existing facilities.

Mr. McCLORY. Mr. Chairman, I am pleased to support this important appropriation bill (H.R. 11418) and I am cognizant particularly of the appropriations for the Great Lakes Naval Training Center located in my congressional district.

Mr. Chairman, in anticipation of an all-volunteer military force, coupled with a determination on the part of this administration and of the Congress to augment the role of the U.S. Navy, I am pleased to note essential appropriations in line with this bill.

Mr. Chairman, the funds appropriated for the Navy Hospital Corps School at Great Lakes in the amount of $3,161,000 will provide a much-needed facility for specialists who care for other men in the military service. I have seen the existing facilities at Great Lakes and I am personally aware of the critical need for this improvement. I commend the committee on recommending funds for this purpose.

Mr. Chairman, I want also to commend the committee on including in this appropriation bill funds totaling $2,386,000 for the construction of enlisted men's quarters at the naval training center.

Mr. Chairman, the sum of $323,000 appropriated for air conditionng the Electronic Supply Office at Great Lakes is a most popular and long-awaited appropriation of funds. The ESO building was originally designed for air-conditioning. However, air conditioning has never been installed in this structure which houses the sophisticated equipment used by the ESO. Those dedicated individuals who serve in the Electronic Supply Office have been most patient and understanding during the long hot summers when this building—without adequate ventilation—and no air conditioning—has caused them discomfort and physical suffering. Mr. Chairman, when I appeared recently at the 25th anniversary of the Electronic Supply Office and announced that the Congress, at long last was appropriating funds for this purpose, there was a general and enthusiastic reception which I wish all in this body could have heard. Let me say that this item, while not one of the largest in this appropriation bill, is one of the most necessary, and one which will be gratefully received by those who labor to make our sophisticated electronic equipment and weapons usable and serviceable at all times.

Mr. Chairman, I am proud of the facilities at Great Lakes Naval Training Center—including the Naval Electronic Supply Office—and wish to assure this body of the efficient and economic operations which are carried out in the various parts of this great naval base.

Mr. Chairman, in behalf of the officers and men who serve at Great Lakes as well as in behalf of the civilians who are employed there, I want to indicate with satisfaction these important items in the military construction appropriation bill.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. SIKES. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

The CHAIRMAN. Does the gentlewoman from New York seek recognition?

Mrs. ABZUG. I do, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentlewoman seek recognition?

Mrs. ABZUG. I seek recognition to offer an amendment to title I, page 2.

The CHAIRMAN. The gentlewoman will state the paragraph to which her amendment is directed. Will the gentlewoman please use the microphone? The Chair cannot hear the gentlewoman without the use of the microphone.

Mrs. ABZUG. I am sorry, Mr. Chairman, but that microphone does not work.

I seek recognition to amend on page 2, line 7, after the word "Code," to strike out the sum of $437,274,000 and insert in lieu thereof the sum of $417,274,000.

The portion of the bill to which the amendment relates is as follows:

Military Construction, Army

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $437,274,000, to remain available until expended.

POINT OF ORDER

Mr. CEDERBERG. Mr. Chairman, I make a point of order against the amendment offered by the gentlewoman from New York (Mrs. Abzug).

The CHAIRMAN. The gentleman will state his point of order.

Mr. CEDERBERG. Mr. Chairman, I believe that the Clerk had already read from page 2, and was down to the bottom of page 2, and I believe the amendment comes too late.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. Abzug) wish to be heard on the point of order?

Mrs. ABZUG. I do, Mr. Chairman.

Mr. Chairman, I was standing, and was seeking recognition, and the microphone apparently did not work at that point.

The CHAIRMAN. The Chair will state that the Chair did not hear the gentlewoman when she made her request at the microphone; but the Chair did observe that the gentlewoman was on her feet and looking at the Chair at that time, when this portion of the bill was read by the Clerk. Therefore the Chair will hold that the amendment offered by the gentlewoman from New York (Mrs. Abzug) does not come too late and is in order.

Mr. EDWARDS of Alabama. Mr. Chairman, the Clerk has not read the amendment yet.

The CHAIRMAN. The gentlewoman from New York will send her amendment to the desk, and the Clerk will read the amendment.

AMENDMENT OFFERED BY MRS. ABZUG

The Clerk read as follows:

Amendment offered by Mrs. Abzug: On page 2, line 7, after "code", strike out "$437,274,000", and insert "$417,274,000".

Mrs. ABZUG. Mr. Chairman, I rise in support of my amendment. At the time that the military construction authorization bill came up on the floor for discussion last week, there were questions raised as to whether the authorization included any money for the Safeguard antiballistic missile program. The response at that time was that it did not. However, a reading of the committee report on this bill—the military construction appropriation bill—shows that it contains a total of $25 million for planning and research and development for the Safeguard program.

There is much question in this country as to whether this kind of appropriation is necessary for our defense. We have had much discussion as to whether Safeguard is sound or necessary in a scientific sense. We have also had much political discussion as to whether this project might interfere with the chances of reaching some kind of an agreement in the SALT talks.

Mr. Chairman, I have opposed the antiballistic missile program in this country, as have many people in this Congress and in this Nation, on the ground that we have not been provided with any satisfactory strategic, political, or scientific explanation of the need for such a defense. Therefore, I will oppose any appropriation of funds for this purpose.

There will be further appropriations for the Safeguard antiballistic missile program in the defense procurement appropriation bill. These too, I will oppose.

I believe that to take and set aside money for planning and sites when there is substantial doubt as to whether we should have these sites at all is totally improper.

Speaking more generally, I have no intention of supporting money for missiles so long as there is no money for adequate housing, schools, day care, health care, and urban transportation. Furthermore, I will vote against this bill and all other defense authorization and appropriation bills until we set a date and withdraw all our troops from Vietnam.

The CHAIRMAN. Does the gentlewoman from New York yield back the balance of her time?

Mrs. ABZUG. Mr. Chairman, I yield back the balance of my time.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

Mr. Chairman, I do not believe it is necessary to take a great deal of time for a discussion of the proposed amendment. We have fought this battle up and down the Hill for years.

What is in this bill is planning and access road money for the sites that have been requested by the Administration as part of the Safeguard program, and these funds are fully authorized. If we eliminate the funds now, what little there is of the Safeguard program is going to come to a grinding halt. We will lose essential time if we ever are to have any semblance of a Safeguard program. All bargaining power that we may have in the SALT talks would be killed here today in one fell swoop if this amendment should be agreed to. I do not believe the House wants that.

The amendment should be defeated, and I trust it will be defeated. I ask for a vote on the amendment.

Mr. CEDERBERG. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment and to join my chairman in opposition to the amendment. He has adequately stated that we have been over this ground many, many times before. I would like to remind the committee that all the committees of the Congress, both legislative and appropriation committees, that have that responsibility in this area have agreed that this is a program that should be pursued.

I think we have to rely on the fact that those who have been living closest to the program would be in opposition to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. For what purpose does the gentlewoman from New York (Mrs. ABZUG) rise?

Mrs. ABZUG. Mr. Chairman, I demand tellers.

Tellers were refused.

Mrs. ABZUG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mrs. ABZUG. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. SIKES. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. ABZUG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 354, nays 32, not voting 43, as follows:

[Roll No. 321]

YEAS—354

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, N.Y.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott

Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—32

Abzug
Badillo
Bingham
Carey, N.Y.
Clay
Collins, Ill.
Conyers
Dellums
Edwards, Calif.
Ford, William D.
Green, Pa.
Hechler, W. Va.
Heckler, Mass.
Helstoski
Kastenmeier
Koch
Lujan
Mikva
Miller, Ohio
Mitchell
Nedzi
Nix
Rangel
Rees
Reuss
Ryan
Scheuer
Schneebeli
Thompson, N.J.
Waldie
Yates
Zwach

NOT VOTING—43

Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Barrett
Blanton
Blatnik
Burton
Caffery
Chisholm
Crane
Culver
Derwinski
Diggs
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evins, Tenn.
Foley
Gray
Gude
Halpern
Hawkins
Hébert
Hicks, Mass.
Howard
Jarman
Jones, Tenn.
Landrum
Long, La.
Madden
Miller, Calif.
Mills, Ark.
Morgan
Roberts
Rooney, N.Y.
Rosenthal
Sandman
Shipley
Stokes
Ullman
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Burton against.

Mr. Blatnik for, with Mrs. Chisholm against.

Mr. Evins of Tennessee for, with Mr. Diggs against.

Mr. Rooney of New York for, with Mr. Hawkins against.

Mr. Charles H. Wilson for, with Mr. Stokes against.

Mr. Roberts for, with Mr. Rosenthal against.

Until further notice:

Mr. Caffery with Mr. Anderson of Illinois.
Mr. Morgan with Mr. Sandman.
Mr. Shipley with Mr. Arends.
Mr. Gray with Mrs. Dwyer.
Mr. Miller of California with Mr. Gude.
Mr. Madden with Mr. Halpern.
Mr. Barrett with Mr. Archer.
Mrs. Hicks of Massachusetts with Mr. Crane.
Mr. Howard with Mr. Derwinski.
Mr. Blanton with Mr. Culver.
Mr. Edmondson with Mr. Foley.
Mr. Mills of Arkansas with Mr. Jarman.
Mr. Anderson of Tennessee with Mr. Landrum.
Mr. Jones of Tennessee with Mr. Ullman.
Mr. Eckhardt with Mr. Edwards of Louisiana.

Mr. MIKVA changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

HIGHER EDUCATION ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 661 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 661

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7248) to amend and extend the Higher Education Act of 1965 and other Acts dealing with higher education. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI and clause 4, rule XXI are hereby waived, and further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 7248, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 659, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7248 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

(Mr. BOLLING asked and was given permission to read a statement.)

Mr. BOLLING. Mr. Speaker, I ordinarily do not take the well and read a statement during consideration of a rule, and I do so primarily to assure that the Members understand that this rule which I support is unusual, and I want to be quite precise about what is in the record.

Mr. Speaker, House Resolution 661 provides an open rule with 4 hours of general debate for consideration of H.R. 7248, the Higher Education Act of 1971.

Additional provisions of the resolution are as follows:

First, the committee amendment in the nature of a substitute now printed in the bill shall be considered as an original bill for the purpose of amendment.

Second, the substitute shall be read for amendment by titles instead of by sections.

Third, all points of order are waived against the substitute for failure to comply with the provisions of clause 7, rule XVI—germaneness—and clause 4, rule XXI—appropriations.

Later in my statement I will detail why those provisions are included.

Fourth, all titles—and this is very important—parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any standing committee of the House other than the Committee on Education and Labor, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248.

Fifth, after the passage of H.R. 7248, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 659, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7248 as passed by the House. I return to the question of the points of order being waived against clause 7, rule XVI and clause 4, rule XXI.

Clause 7, rule XVI deals with germaneness. Certain titles of the substitute might not be germane to the introduced bill. Examples are title XIV, which appear on page 215 of the bill, establishing a National Institute on Education, and title XIX, which appears on page 263 of the bill, dealing with youth camp safety.

Clause 4, rule XXI, deals with appropriations.

The substitute contains a number of fund transfers which may be considered appropriations. Examples are found in section 446 on page 133, transfer of funds between programs and section 712 on page 173, making revolving loan fund available for loan insurance.

During the Rules Committee's hearing on the granting of a rule on H.R. 7248, testimony was heard from the chairman of the Committee on Agriculture in opposition to the inclusion of title XII, constituting the College of the Virgin Islands and the University of Guam as land-grant colleges. He testified that this title involves amendments to eight agricultural acts and that the Committee on Agriculture had considered this proposal. Under rule XI, clause 1(d), of the rules of the House, the Committee on Agriculture is granted jurisdiction over agricultural colleges and experiment stations.

The chairman of the Committee on Interior and Insular Affairs appeared before the Committee on Rules in opposition to title XI of H.R. 7248, Improvement of Mineral Conservation Education. This committee is presently considering H.R. 10950, a bill to establish mining and mineral research centers. A similar bill has been passed by the Senate. Jurisdiction over this subject is granted to the Committee on Interior and Insular Affairs in rule XI, clause 10 (j), (k), and (l).

Before I yield to anybody, I would like to say although some of the provisions of this rule are unique, this is the only way I know of to get consideration for this highly important matter, and I support this rule and urge its adoption. I have taken this at least unusual proceeding for me in dealing with a rule in fairness to the Members, so they will know precisely what they are dealing with when they deal with this rule.

I see the chairman of the Committee on Education and Labor. Does he wish me to yield?

Mr. PERKINS. Yes, will the distinguished gentleman yield?

Mr. BOLLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, first let me say I note with interest the gentleman from Missouri obtained a unanimous-consent request to read a statement in explanation of this rule. Certainly it needs one.

I am confused about the rule. In my judgment, the rule establishes a precedent which could be most unfortunate. Does the gentleman agree that this type of rule will make it virtually impossible for the House to act upon a comprehensive piece of legislation? Will points of order never before allowed by the Rules of the House now be valid because the subject matter in this section or that comes within the jurisdiction of another committee?

Mr. BOLLING. I was afraid that somebody would ask me that question because I do not know the answer. I do not know the answer because it carries me a step beyond my competence.

I do not know how the Chairman of the Committee of the Whole, who presides over the consideration of this bill, is going to rule on the point of order. I do know what was the intent of the Rules Committee when it granted the rule, but I do not know how the ruling is going to be made.

Mr. PERKINS. Well, the gentleman knows the intent of the Rules Committee. In other words, it was the intent of the Rules Committee, if I understand the gentleman correctly, to act in a dictatorial manner and contrary to the views of the majority of the House? In other words, if this type of rule is adopted, can I conclude that it will narrow the jurisdiction of the House and place greater authority in the Rules Committee? The will of the House could be thwarted or thrown aside on almost any occasion in the future when we have a comprehensive piece of legislation. Am I correct in that conclusion?

Mr. BOLLING. No; I do not believe the gentleman is correct in his conclusion, because the will of the House would never be denied, because only a majority of the House could adopt this rule.

In other words, it would provide a new and different way in which the House of Representatives could in effect amend bills without amending them.

What I am trying to say to the gentleman is that it is very clear to me.

Mr. PERKINS. The gentleman has been here 23 years. Has he ever seen a rule of this type come before the House on a bill before?

Mr. BOLLING. I am afraid the gentleman must not have listened to my original statement. I said I almost never went to the well of the House and I never read a statement on a rule, and I did so because I thought this was a unique proceeding, and I clearly believe this is unique.

But I do not believe it is of any use to try to read into the rule that which is not there. The rule is unique. It is different. But it does not do anything remarkable until it is accepted by the House of Representatives. It does not arrogate to the Rules Committee a single thing.

Mr. PERKINS. Let me ask the gentleman this: Does this rule set aside the precedents of the House of Representatives, insofar as germaneness is concerned?

Mr. BOLLING. May I reply to the gentleman in this fashion: It just happens that I did not support this particular section of the rule, but I happen to favor consideration of the higher education bill. I am handling the rule, and I favor the rule with this section.

I do not believe the adoption of this section is going to do any great damage to the Republic, the House, or the rules of the House, so long as it is understood what the rule does. I happen to believe that the main purpose of our being here today at this moment is to adopt a rule which will enable us to debate a higher education bill.

I think I have made clear what my position is. I have tried very hard to be fair with the Members of the House, and I am not prepared to go beyond what I have already said.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I am not quite clear as to what the gentleman from Kentucky is protesting—whether it is the waiver of the point of order with respect to appropriations. I doubt that because he has had ample opportunity during the past months to protest rules waiving points of order on appropriation bills. I am just at a loss to understand what part of the rule he is specifically protesting.

Mr. BOLLING. I will be glad to answer that. I think I understood the gentleman from Kentucky.

He is protesting that section of the rule which I tried to call careful attention to which, in a rather unique fashion, would make in order points of order against certain sections of the bill that might not be otherwise in order.

Mr. GROSS. By any Member. I had an idea that was what the gentleman was protesting, because to my certain knowledge he has never protested other rules that waived points of order in another fashion.

Mr. BOLLING. I thank the gentleman. I yield to the gentleman from Connecticut.

Mr. MONAGAN. This is repetitious, probably, but when it says it shall be subject to a point of order, do you say that that means there is the opportunity to have the Chair rule or that the Chair is compelled to rule?

Mr. BOLLING. The difficulty here is that I do not know the answer to that. The difficulty for me is that. The intent of the Committee on Rules, I believe—and I think I am fair in this—was to give an opportunity to any Member to make a point of order and have it then treated as if it were a normal point of order under normal circumstances. However, as I say, this is an unprecedented situation, and I frankly do not know what the ruling of the Chair would be. I do not believe anybody can compel a chairman to make a ruling in advance.

Mr. MONAGAN. Would it have been possible without this provision in the rule to raise that point of order?

Mr. BOLLING. It would not have been possible to raise it, but I am not going to prejudge what the Chairman's ruling would be, because it is not within my competence. I am not trying to evade, but to be precise. It is an extraordinarily difficult question.

I am delighted to yield to my distinguished chairman.

Mr. COLMER. I thank the gentleman for yielding.

I am just a little bit concerned here and a little surprised at the very distinguished and very able chairman of the Committee on Education and Labor protesting here a rule that protects the rules of the House. He would be the first, I am sure, to raise the question if his committee's jurisdiction were infringed upon.

The intent of the Committee on Rules, as the gentleman from Missouri has stated in his judgment, was, even though he did not, as he said, go along with that provision, to protect the jurisdiction of other committees from being invaded by this committee. It is just that simple.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Missouri (Mr. BOLLING) has explained this rule, House Resolution 661, in very great detail and extremely well. I agree with his statements.

I do not like to reiterate on the floor of the House, but in view of the fact that this is a rather unusual and unique rule and a situation could arise at some time in the future, I would like to have my opinions in the RECORD so that I will have them to rely upon in case we are asked at some time in the future what my interpretation of this rule was.

The Rules Committee, after the standard provisions providing for general debate of 4 hours and making the committee substitute in order, at the request of Chairman Perkins of the Committee on Education and Labor, approved two specific waivers of points of order.

The first one waived the rule of germaneness, permitting the Committee on Education and Labor to include in the reported bill two matters within its jurisdiction which would not normally be germane to this bill, namely, titles 14 and 19.

The second waiver permits transfers of previously appropriated funds and the creation of a revolving fund for student loan insurance.

Mr. Speaker, the committee believed that both these requests for waivers should be granted and were justified under the circumstances and proceeded to do so since they were specific in nature and were requested by the Education-Labor Committee.

At that particular time an additional factor in our consideration of the rule to be granted was raised by the appearance before the Rules Committee of the chairman of the Committee on Agriculture and the chairman of the Committee on Interior and Insular Affairs. Both of these distinguished gentlemen appealed to the Rules Committee to protect them from what they described as clear cases of jurisdictional encroachment by the Committee on Education and Labor.

The gentleman from Texas (Mr. Poage) specifically objected to the inclusion of title XII in the bill which provided for land-grant college status to the Universities of Guam and the Virgin Islands.

The gentleman from Colorado (Mr. Aspinall) specifically objected to title XI which authorized a new program of mineral conservation education and authorized support for mineral resources conservation programs at colleges and universities.

At that point a question was asked of Mr. Poage as to why he did not make a point of order against the language. We discussed that in the committee and determined that in view of the fact that the language was in the original bill which is in the nature of an amendment, a point of order would not lie against any language in the bill which infringed upon the other committees. Therefore, the only thing we could do would be to write some type of rule which would waive that problem and make it possible to have a point of order made against the provisions in this particular bill which infringed upon the jurisdiction of other commttees.

Mr. Poage stated in answer to the question, "Why do you not go ahead and offer the amendment to strike out that provision," that the Rules Committee gives to committees jurisdiction to handle specific matters and that we were supposed to send to the floor of the House a resolution setting the provisions as to how the bill is to be considered. He was asked the question as to how in his opinion it should be considered and he said words to the effect that—

> I think the Committee on Rules has a greater responsibility to protect the jurisdiction of the other committees of the House than does a single Member.

That remark impressed us very much.

I will have to say, Mr. Speaker, to be completely fair, that much legislation by its very nature can sometimes touch another committee's jurisdiction. This is understandable. All Members recognize that the committee which reports such bills has not deliberately poached on another committee's jurisdiction, because of the overlap in such cases is casual and incidental. But when you find whole sections, parts of titles, indeed even whole titles of a bill which are properly within the jurisdiction of committees other than the one which reported the bill, and such other committees formally complain of such action, then it seems to me that the House should not permit such jurisdictional poaching. If it did, any committee's jurisdiction could be invaded by any other committee and supporters of legislation which was not reported by one committee could get it to a more favorable forum by having such legislation included in an omnibus bill properly referred to another committee. Such practices should not be supported by the House as a matter of good legislative procedure.

Mr. Speaker, there is no doubt but what clause 1, rule XI spells out the jurisdiction of the Committee on Agriculture on legislative matters which are brought to the floor of the House from the Rules Committee. The Rules Committee examined clause 1 of rule XI, which spells out the jurisdiction of the Committee on Agriculture and that clause grants to the committee jurisdiction over legislation dealing with agricultural colleges and agricultural education.

There is not any doubt but what clause 10 of rule XI gives jurisdiction and authority to the Committee on Interior and Insular Affairs over legislation dealing with "mineral resources of the public lands," "mining interests generally," and "mining schools. . . ."

So, Mr. Speaker, having reached this conclusion, the Committee on Rules was faced with the problem of how to solve this jurisdictional dispute. We could have refused to grant a rule on H.R. 7248. We did not do that because we believe the Higher Education Bill is important, and it should be brought to the floor for debate as a major piece of legislation. However, the usual rule, as I mentioned before, would have had the effect of protecting the jurisdictional encroachment because the parts of the reported bill complained of were part of the originally introduced bill, and no point of order on jurisdictional grounds would lie, even though, if such titles had been offered as an amendment then a point of order would lie.

Mr Speaker, I will give my opinion as to what I believe the result will be if the rule is adopted with this additional language. I think the language is very clear on its face. Any part of the reported bill which is properly within the jurisdiction of another committee can be stricken by a properly raised point of order. If this occurs, the entire reported bill, which is a committee substitute, will not in my opinion fail, because the rule states that only those parts:

> Properly within the jurisdiction of any other standing committee . . . shall be subject to a point of order for such reason. . . .

Thus the committee substitute reported by the Committee on Education and Labor will remain before the Members for debate, amendment, and final action, as they shall determine. The normal procedures will apply to the consideration of the bill in all respects save for the one exception provided for in the rule.

Mr. Speaker, I shall support the rule, and I urge its adoption.

Mr. Speaker, I do have one request for time, but if the gentleman from Missouri desires to proceed first I will defer to him.

Mr. BOLLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield for a question to clarify the intent of the rule?

Mr. BOLLING. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, as a member of the Committee on Rules I am of the understanding that the words "subject to a point of order on the basis of jurisdiction" permit the chairman, in this case the chairman of the Committee on Agriculture and the chairman of the Committee on Interior and Insular Affairs, to raise a point of order at the proper time, but that the language does not in any way automatically preclude debate on the point of order when made. Is that not the understanding of the gentleman from Missouri?

Mr. BOLLING. Subject to correction, there is not, in my opinion, debate on a point of order except at the will of the Chair, and the Chair normally listens to Members who desire to be heard on the point of order. I do not know whether that is technically debate or not. But it would seem to me to be very much at the discretion of the Chair—and I have yet to see a Chairman who refused to give any Member the opportunity to be heard at reasonable length on any aspect of a point of order.

Mr. MATSUNAGA. I thank the gentleman from Missouri for helping to clarify that one point.

Will the gentleman yield further?

Mr. BOLLING. I will be glad to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. When a bill containing matters belonging properly to the jurisdiction of two committees is referred to one of the two committees, and that committee does act upon the bill and reports such bill out on to the floor of the House, the House rules as they now exist provide that jurisdiction was properly exercised over all matter in the bill by the committee to which the bill was referred.

Now, my question is: Because the rule, now being proposed by House Resolution 661, in effect contravenes that House rule and in effect is an amendment to the House rules, would it not take a two-thirds majority for the passage of the resolution, in order that the section pertaining to jurisdiction might be legally effective?

Mr. BOLLING. Again I am afraid that

I am beyond my area of competence. I am not the person who would be required to interpret that if it were put either as a parliamentary inquiry or as a point of order.

My own opinion is that a resolution can be reported by the Committee on Rules if the Committee on Rules can, as it has in the past, reported a resolution making in order a bill that does not even exist at the moment of reporting by the Committee on Rules of the resolution. I am reasonably sure that it can report this rule. I know of no reason why the question of consideration could come up.

Again I would have to say quite simply that I am not competent to reply to the question because I simply do not know the answer. I am not the proper person even to consider the question.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman then yield further for a parliamentary inquiry?

Mr. BOLLING. I am delighted to yield to the gentleman.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. MATSUNAGA. Mr. Speaker, at this point is it proper for the Speaker to determine whether a two-thirds vote would be required for the passage of this resolution, House Resolution 661, or merely a majority?

The SPEAKER. The resolution from the Committee on Rules makes in order the consideration of the bill (H.R. 7248) and a majority vote is required for that purpose.

Mr. MATSUNAGA. Even with the reference to the last section, Mr. Speaker, relating to the raising of a point of order on a bill which is properly reported out by a committee to which the bill was referred, which would in effect contravene an existing rule of the House?

The SPEAKER. The Committee on Rules proposes to make in order in its resolution (H. Res. 661) the opportunity to raise points of order against the bill on committee jurisdictional grounds, but as is the case with any resolution reported by the Committee on Rules making a bill a special order of business, only a majority vote is required.

Mr. MATSUNAGA. I thank the Speaker.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. O'HARA. I understand from the discussion, the gentleman from Missouri very carefully and very precisely explained what the rule contained, and I understood from his explanation and from remarks made by other members of the Committee on Rules that its unique provision was directed essentially at two titles of the bill.

But the question I ask the gentleman is: Would it not go beyond those titles? We find throughout this bill cross references to other laws, some of which might be within the jurisdiction of the Committee on Education and Labor and some of which are not, amendments to other laws as a part of conforming them to what the committee has done in this particular bill. Would not those be in the same position as the two titles which the committee had in mind?

Mr. BOLLING. I would think it would depend very much on the exact and precise language.

What the gentleman did in his explanation which was read was to specify the two chairmen of two committees who came before the Committee on Rules to raise points of order. The gentlemen then tried to make clear that the language of the rule was as it is and he took no position on anything beyond that. The language of the rule itself is general. It is not limited to propositions which were brought up by the two chairmen.

So each other point of order it was thought to be made in order by a Member could be raised. I believe, within the provision and the language of the rule, that is, this special language of the rule.

I am not prepared to answer individual points because again I am not the Chairman of the Committee of the Whole ruling in a particular situation. In general, the point the gentleman makes, it seems to me, is correct—and I say, "in general."

Mr. O'HARA. I thank the gentleman for that response.

Mr. Speaker, I would hope that whatever the intent of the Committee on Rules might have been in this matter that the Chairman of the Committee of the Whole, whoever that might be, will very carefully consider any rulings he might make on a point of order in light of the exact language which I do not think really carries out what I am now told was the intent of the committee.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I should like to ask the gentleman if he has any further requests for time.

Mr. BOLLING. No. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 7, not voting 51, as follows:

[Roll No. 322]

YEAS—371

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik

Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—7

Ashbrook
Gross
Hall
Rarick
Rousselot
Saylor
Schmitz

NOT VOTING—51

Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Barrett
Blanton
Blatnik
Burton
Caffery
Celler
Chisholm
Crane
Culver
Dennis
Derwinski
Diggs
Dwyer
Eckhardt
Edmondson
Edwards, La.
Evins, Tenn.
Foley
Fraser
Gray
Gude
Halpern
Hansen, Wash.
Hébert
Hicks, Mass.
Howard
Hull
Jarman
Jones, Tenn.
Landrum
Long, La.
McCormack
Madden
Mills, Ark.
Mink
Mollohan
Morgan
Pike
Roberts
Rooney, N.Y.
Rosenthal
Shipley
Sisk
Springer
Stokes
Ullman
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Caffery with Mr. Archer.
Mr. Madden with Mr. Anderson of Illinois.
Mr. Shipley with Mr. Crane.
Mr. Barrett with Mr. Gude.
Mr. Blatnik with Mr. Dennis.
Mr. Burton with Mr. Halpern.
Mr. Evins of Tennessee with Mr. Springer.
Mr. Fraser with Mr. Foley.
Mr. Roberts with Mr. Pike.
Mr. Morgan with Mr. Eckhardt.
Mr. McCormack with Mr. Rosenthal.
Mr. Jones of Tennessee with Mr. Long of Louisiana.
Mr. Howard with Mrs. Dwyer.
Mr. Hall with Mr. Jarman.
Mrs. Hansen of Washington with Mr. Stokes.
Mr. Charles H. Wilson with Mr. Mills of Arkansas.
Mr. Celler with Mr. Edmondson.
Mr. Diggs with Mr. Derwinski.
Mrs. Mink with Mr. Gray.
Mr. Anderson of Tennessee with Mr. Blanton.
Mr. Culver with Mrs. Chisholm.
Mr. Sisk with Mrs. Hicks of Massachusetts.
Mr. Landrum with Mr. Mollohan.
Mr. Rooney of New York with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7248) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7248, with Mr. Wright in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentlewoman from Oregon (Mrs. Green) will be recognized for 2 hours, and the gentleman from Minnesota (Mr. Quie) will be recognized for 2 hours.

The Chair recognizes the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Chairman, I yield myself 10 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, first of all, may I express my gratitude to the members of the Special Subcommittee on Higher Education, and especially to the chairman of the full committee, the gentleman from Kentucky (Mr. Perkins) for his unfailing support. I am especially grateful to Congressman Daniels of New Jersey, Congressman Burton, Congressman Dent, Congressman Scheuer, and Congressman Pucinski, who serve on my subcommittee and who have been of such great help through the many weeks of hearings and the discussion during the markup of the bill. Mr. Daniels and Mr. Erlenborn have been especially helpful in that part of legislation dealing with the secondary market provisions—as has Congressman Fuqua of Florida.

Mr. Chairman, the committee had 34 days of hearings last year and 15 days of hearings this year on this legislation. And I would like to make clear, Mr. Chairman, that additional hearings were held by other subcommittees on legislation that was finally added to this bill. The reason for these additions is that the bill which was passed by the Senate included many titles not on our original bill and which do not necessarily pertain to higher education. However, because the chairmen of the other subcommittees—and I think rightfully so—felt that there ought to be an opportunity to bring the House version of these measures to conference, they asked that they have permission to add these other titles and the additions were made in the full committee.

Mr. Chairman, briefly, the bill provides for the extension of existing programs in higher education, with a 5-year authorization in order to give colleges and universities an opportunity to do advance planning. We all know the very commendable work that has been done by Dan Flood and the members of his Subcommittee on Appropriations in bringing out an education appropriations bill early so that, indeed, colleges and universities could plan ahead and use the money far more wisely.

In more than half of the titles of this bill, Mr. Chairman, we departed from the former procedure and we used the words "such sums" instead of specific authorizations. I have felt many times that the nationwide effort to have full funding on a figure that was brought out of the authorizing committee was not fair to the members of the Appropriations Committee, and when we use the term "such sums," we enable them to make a determination of what, in their judgment, is the amount that should actually be appropriated.

Mr. Chairman, title I of the bill is a sample extension of Community Service. No changes were made. I am not going into other titles of existing legislation in any detail, but I would be very glad to respond in the debate today or tomorrow to particular questions that may come up.

There are some parts of the bill over which I am vitally concerned and which do offer a new direction.

Let me turn, first of all, to title IV, which has to do with student aid. The present student aid law defines need in every program in terms of the need of a particular student at the institution which that student is attending. It does not seem to me that it is in the national interest nor in the interest of the individual institution nor in the interest of any single student to move from flexible institutional decisions to rigid national standards.

And, Mr. Chairman, that will certainly be one of the matters which will probably generate a great deal of heat tomorrow.

We maintain in the committee bill an allocation by States, and it seems to me this highly desirable. In both Democratic and Republican administrations, it prevents manipulation of funds by the Office of Education. The allocation by States is based on a three-pronged formula: First, the number of high school graduates, second, the number of students enrolled in college in the State compared to the national total; and, three, the needs factor that has been used in various bills of a $3,000 family income figure. I offered a substitute in the subcommittee to do away with that $3,000 figure and to use instead the social security, legislation criteria for the aid to dependent children program. I think those figures would have been more up to date.

That substitute was defeated, however, in the subcommittee. So, it is those three factors that are employed in the allotment formula for educational opportunity grants, college Work Study, and the NDEA loans. The educational opportunity grants program was designed for students of exceptional need. I think it is important for the House to know how well this program has worked. The facts are that in the last year 88 percent of the educational opportunity grants went to students who came from families who had a gross family income of $7,500 or less. An additional 8 percent of the educational opportunity grants went to students from families whose gross income was between $7,500 and $9,000. I do not see how anyone can legitimately challenge the fact that this program under the present legislation has been working exceedingly well. We still demand in the Committee bill that EOG's shall go only to students of exceptional need.

We are going to add the other two factors in the EOG State allocation formula and we think it will work even better then. There is also a provision for 10 percent transferrability of funds between work study and EOG.

We provide that the educational opportunity grants must be renewed each year. The present law has been interpreted by the Office of Education to say if a student gets an educational opportunity grant of an x

number of dollars, for example, $1,000, then he is automatically entitled to that for the other 3 years he is in college. I do not think that was the congressional intent, but that is the way it has been interpreted. We change that and say they have to qualify on the basis of need each year.

We also reemphasize the fact that the student must be in good standing. I know there is a difference of opinion on this fact, but I am not very friendly to this business of waiving standards and giving an educational opportunity grant and work study to people on the basis of economic need with no particular attention given to the language in the bill which provides that they must be in good standing in the college. We have a tremendous number of dropouts as a result.

We also provide more discretion for the student aid officer, so he can sit down with the student who is applying for aid and put together an appropriate package, taking into consideration the aid the State is giving—and they give a tremendous amount—and the aid which the institution is giving along with that which the Federal Government is providing through NDEA loans, work study, and educational opportunity grants, and other forms of assistance.

We also are trying to put the NDEA loan program on a revolving basis. We have had a cancellation clause so that people who go into teaching could have their loans cancelled. We retain the forgiveness features only for those teachers going into the very disadvantaged schools, or into teaching of the handicapped, or into Headstart programs.

But now we have a surplus of teachers. We do not need that incentive to attract more into the profession and if we eliminate the cancellation clause, we will have a chance to put it on a revolving fund basis.

To summarize, Mr. Chairman, the new thrust we have in the committee bill is to decrease Federal control, to decrease the amount of the decisions that will be made in the Office of Education about family eligibility, and also to give that flexibility and greater opportunity for decisionmaking at the local institutional level.

I also want to emphasize another thing which the committee bill does, and that is finally to again give some consideration to the middle-income student. We find the way the Office of Education has been interpreting the law is that all assistance must go to the people in the lower socioeconomic class. I suggest that almost every bill we pass out of the House is directed that way.

If we have a housing bill, or a food stamp bill, or a health service bill, or free comprehensive medical aid, if the family is in the middle income and paying taxes, then it is not eligible for the programs.

Congress never intended that student financial aid should be made into a welfare program. It is an educational program. If there is a student from a middle-income family and that student would not otherwise be able to attend college except for the fact that he had that economic assistance, then the student financial aid officer is allowed—in fact encouraged—to give him that economic aid. It seems to me this is an essential part of the bill.

I am not a great admirer of Saul Alinsky, but he made a statement a few months ago with which I do agree.

He said that the most alienated group in the United States today is the middle-income group. There are no special programs for them of any kind. They have no programs to help their sons and daughters go to the universities. The only right they have is to be clobbered by inflation and taxes.

Mr. Chairman, I think it is essential that this year the Congress reaffirm the decision which it has made before that the student financial aid should be administered as an educational program and not as a welfare program, and that the determination should be made on whether that student needs the money in order to go to that college.

I would like to insert at this point letters received in my office from middle income families on this question along with an editorial from an Akron, Ohio, newspaper:

SANTA ROSA BEACH, FLA.,
March 3, 1971.

Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: In today's Panama City News-Herald there is a piece on Congress Criticizes Nixon's Higher Education Aid Goals. In this piece your criticism of the program, as it discriminates against middle class income students is discussed. A valid point, and I applaud you on it.

I would like to suggest a criticism from a slightly different aspect. That is, that the degree of neediness is certainly not to be considered the criterion for priority of provision of financial aid.

In connection with the well-settled fact that—the nation's greatest natural resource is its reservoir of potential competence among our youth—I would suggest that the criterion for aid for students aspiring to higher education should be a function, strictly, of his assessed potential for future competence. By the time a student is in his senior year of high-school our present system provides a wealth of sources from which such an assessment can be made.

When a student who simply doesn't have any reasonable potential for competence is started off on the beginnings of a higher education—and his start on this path is triggered by his "neediness"—then, as I see it, we have set the stage for future social disruption by practicing another form of promising more than can be delivered.

Sincerely,

MARVIN S. ZIPP,
Colonel USAF (Ret.).

COQUILLE, OREG.,
March 3, 1971.

Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: I am enclosing an item from this morning's Oregonian and wish to tell you how heartily I endorse your stand on the unfair treatment of students from middle class families.

As a former high school librarian, I have often served on committees for awarding scholarships to high school seniors. To me, it seemed eminently unfair that an outstanding student should be disqualified immediately if both parents were working, or if the family income exceeded $15,000.

If a student from such an "affluent" family did have the temerity to apply for a scholarship, the questions regarding family income were so very personal that most heads of families refused to fill out the necessary forms. Doesn't this penalize the student for the thrift and industry of his parents?

Just yesterday three of us were discussing the case of a local high school senior. He is the youngest of four children, a 4-point scholar, and an outstanding member of his student body. He is interested in math and science, and has selected Stanford as the school he would like to attend. But, sad to say, his father has an excellent position, by small-town standards, and his mother is doing part-time teaching. You see his parents have sent three older sisters through college, seen two of them married, and now there is the boy who deserves the best education he can get. But rules are rules, Mrs. Green, and the Stanford education with its high tuition fees will probably never be realized. I cite this case merely as an example of the inequities you pointed out to Secretary Elliot L. Richardson, as reported in the enclosed newspaper clipping.

Congratulations on the stand you have taken—it takes real courage these days to point out the fact that poverty alone does not indicate the most deserving student.

Sincerely yours,

MRS. CLARENCE S. OSIKA,
Coquille, Oreg.

AMHERST, MASS.,
March 11, 1971.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: I read with interest a recent article in The Chronicle of Higher Education concerning institutional aid for colleges.

Your continuing concern for students whose families earn $10,000 or more is very much appreciated. While I can understand the need for greater financial aid to students from low income families, it does not seem appropriate to eliminate subsidized loans to middle income families. While the position of the Administration is to give every qualified low income student the same financial access to a college education as a student from a middle income family, the effect of the proposals would be to greatly restrict higher education opportunities to middle income families who cannot afford to meet the full costs. The aid package presented by the Administration will force low income students to go into public higher education where costs are more in line with the limits of the aid package (because of state subsidized low tuition rates) and to also force many middle income students into public higher education since they would no longer receive any federal support. The net result is to eliminate the option of private higher education for thousands of students. Not only would there be a restriction of the freedom of the student's choice but the impact of reduced applicants to private institutions could be substantial, endangering their financial condition.

Thank you for your concern for both middle income students and private institutions of higher education.

Sincerely,

L. R. MORRELL.

FARMINGTON, MICH.,
March 17, 1971.

Representative EDITH GREEN,
Member of Congress, House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I read with great interest recently the following quote attributed to you.

"I think it is highly unfair to ask middle income tax payers to foot the bill for someone else's child to attend an expensive school, while they cannot afford to send their own children to such a school."

I am in complete agreement with this statement.

Excluding the children from families who earn a gross income of $15,000 a year is most unfair. In the first place, the $15,000 is not take home pay. Secondly, the middle income tax payer often has several children to educate. Such people are put in a terrible squeeze with inflation eroding the dollar, and with Federal, State, and local taxes becoming more and more of an intolerable burden.

I hope that you are able to count on the support of our Congressmen, Jack McDonald of Michigan. I am enclosing a copy of my letter to Congressmen McDonald. Thank you very much for your support of people who are being as you say, asked to foot the bill for someone else's child to attend an expensive school, while they cannot afford to send their own children to such a school, and I might add, not only to such an expensive school but perhaps to any school at all the way things are going.

Very truly yours,

John E. Tobin.

Manchester, N.H.,
April 1, 1971.

Re: College Work/Study program
Hon. Louis C. Wyman
House Office Building
Washington, D.C.

Please take a moment to think with me about a problem which I must surely be sharing with many "mainstream" parents.

As a family provider, I have spent the past two decades hustling: advancing in a craft to journeyman, assuming a manager's role, night college, transfers, etc., so that my salary is now $18,000 plus per year. As a father of ten children this has all been necessary; it also has been in keeping with a traditional American life-style. I've never had any illusions about my ability to finance ten college diplomas. Of necessity, we've preached excellence in scholarship as the only method by which my brood could realize college educations. When our oldest graduated from high school (with honors) last year we found out that traditional groundrules had changed. *Need* has *replaced excellence* as the criterion for college entrance!

My reason for this letter is that my chagrin (and frustrated pride) of last year has been repeated this year. Under Federal Higher Education acts, my Number One child was ineligible for loans last year. Summer work plus my limited assistance got her through a freshman year. The only available work which we could line up was a city parks and recreation department job, which hopefully could get us well into a sophomore year. We find ourselves again rebuffed by federal acts, since the city requires certification and resulting aid under the Work/Study program; parents earning more than $7500 this year have ineligible children, according to the U.N.H. Financial office. Our own case is complicated by Number Two child's graduation and acceptance at U.N.H., but fortunately his after school job can extend until college entrance in September.

If this is to be more than a recital of woes, I should tell you what we don't like, what questions we're asking ourselves, and perhaps pose a question to you. We don't like the rewarding of excellence being replaced by the rewarding of recognized need. Our society should take both into account. We don't like the transfer of penalties from parent to young adult which has resulted. Equitable tax programs should account for these. Among the unsettling questions we are asking ourselves are these—:

Why should children try for good marks?

Would mine be eligible if I had remained an apprentice craftsman?

Should we feel a guilt because of inability to save for education?

Was I stupid by being truthful (unlike many) on Parental Financial statements?

If government seeks to level our society for the Common Good, can we be told what level to seek?

If working between college years will cause my children to take six or seven years to graduate, will their draft status change?

Is a limit of $7500 a realistic level at which to determine eligibility under college Work/Study or Grant/Loan programs?

Even though I don't know the answers to the above, it is probably unfair to ask you for them. Against the background of what has been happening to our country, I pose just one question. Does the philosophy and legislation of the mid-sixties apply to life in the seventies? I think we can do better.

Mr. and Mrs. William S. Bannon.

University of Oregon,
Eugene, Oreg., April 16, 1971.

Hon. Edith Green
U.S. Senate,
Washington, D.C.

Dear Mrs. Green: I am sending you for your reference and information two documents: one which outlines recommendations for national action affecting higher education as prepared by the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges and the other a memorandum prepared by the University's Financial Aids office outlining this institution's financial aid to disadvantaged project students.

Your continued strong support of student aid programs for the middle income group is much appreciated. It is vitally important to our middle Americans that they have in Washington a representative aware of and in tune with their needs. The family emerging into middle income brackets or the one locked into middle income groups, may indeed be needy when pressed to provide an education for older children. Your understanding of this situation is clearly apparent in your recent public statements.

I trust that you find the documents I am sending you helpful sources of information for your work in higher education.

Sincerely yours,

Robert D. Clark,
President.

Marylhurst College,
Marylhurst, Oreg., March 22, 1971.

Hon. Edith Green
House of Representatives
House Office Building
Washington, D.C.

Dear Mrs. Green: It was just a month ago (February 22) that President Nixon presented his proposals for the Higher Education Opportunity Act of 1971. I am forwarding to you my reactions and comments, especially in the light of the institution I serve, i.e., a small private liberal arts College.

I do not believe that any of us differ on the basic philosophy of providing opportunities for higher education for all. What I do question are some methods used to achieve this goal, as well as the ramifications of some of the current proposals.

In attempting to provide an equal opportunity for all in higher education, the past programs, and the new ones being suggested, have made it increasingly impossible for students from middle income families to select a private college. President Nixon's statement that "a young person whose family earns more than $15,000 a year is almost five times more likely to attend a college than a young person whose family earns less than $3,000" is true. However, a student from a family whose annual income is in the range of $10,000–$25,000 will in three out of four instances select a public university or community college in preference to a private college. This choice is determined not on the needs, desires, or interests of the student, but simply on the lack of financial assistance. The private college by this process is thus evolving into an institution of students from very wealthy families, or students from very poor families who can qualify for some of the various financial assistance programs. Thus, the diversity among the student body we hope to serve at a smaller private institution is eventually eroded.

I agree with President Nixon's observation that "many colleges, and particularly universities, have become larger, complex institutions which have lost their way." Yet those smaller, private colleges which *have not lost their way* are in their death throes. When was the last time you heard of a public college or university closing its doors? There is hardly a month that passes that one doesn't hear of such closures among private institutions that have served their communities well for many years.

I note that in the President's message he had special reference to help for Black Institutions. In his proposals he seeks to reform student aid programs for these institutions, assist these colleges through the National Foundation for Higher Education, as well as the Office of Education, National Science Foundation, and the Department of Agriculture. In these proposals, is there not a great deal of duplication of effort and an excessive concentration of limited resources?

One occasionally reads that the President and Secretary Richardson are "concerned" about the difficulties the private colleges and universities are facing, but that they have no specific proposal at this time to assist them.

What we may be experiencing is the demise of private colleges and universities, as we have witnessed in this country the disappearance of the small businessman or small farmer. If that is the case, I regret the loss of this national resource and the concomitant elevation of the large, complex, public institution into a monopolistic preeminence.

Thank you for bearing with me while I expressed a few of my thoughts. Best wishes in all of your activities and endeavors for the benefit of our great nation.

Sincerely,

Robert H. Krupp, *President.*

Levittown, Pa.,
March 3, 1971.

Representative Edith Green,
House of Representatives,
Washington, D.C.

Dear Representative Green: I have recently read about the government's desire to spend more tax money on increased "loans" and grants to "needy" college students. I am at my wits end in trying to determine how I can survive this environment of taxes and costs placed upon me, I am fortunate (???) enough to earn about $25,000 a year. For this, I am taxed $6,000, have to pay *full* costs for my *two* sons in college ($10,000 a year off the top with no relief) support a wife and additional child, support a dependent sister-in-law who lives apart from us and pay for my father (senile) in a nursing home. How much do you think is left for me to exist on? I—with that income— can't even take my wife out to dinner and am in debt over $10,000 and still borrowing.

If the government really wants to distribute funds for education fairly, let some of it go to those of us who are responsible enough to pay our own way—possibly in the form of making college costs a legitimate deduction from income tax. At least it would help.

Frankly, I am ready to throw in the sponge, quit my job and apply for relief. At least then I won't have to worry about my kids finishing school. Right now I don't know if I can afford it. Please help us "poor" people.

Respectfully,

Gene Lieberman.

Toms River, N.J.,
March 25, 1971.

Rep. Edith Green,
Washington, D.C.

Dear Congresswoman: More and more often my taxes help send students to college-tuition free—if the father earns under $10,000 per year. Yet I am unable to obtain a government *loan* for my son who is a pre-med student because I make over $15,000 adjusted income.

There should be a wider span between the person who receives an outright gift and the person who needs an interest free loan.

My son chose Pre-Med. This past summer he turned down jobs at $2.00 per hour—life guard etc.—to work at the local hospital. He ran blood and urine tests, took blood samples, and frequently worked on autopsies—all for $14 per 40 hour week. I was proud of his decision—until I recently found my income prevented him from obtaining a loan of $1,000 for his college tuition.

I have three children. Understandably this could alter my son's future plans.

Medical colleges are in a financial squeeze. U.S. is far behind several other countries in doctors per 100,000 population.

Student loans make a big difference—especially in the current rapid rise in tuition fees. As a member of the Toms River School Board (14,000 students) and the Board of Trustees for the Toms River Student Loan Fund, I know these loans make a significant difference.

Raise the adjusted maximum income from the present $15,000 to $20,000 in order to be eligible for the $1,000 government loans. At present, banks will not grant government backed loans whereby the borrower pays the interest during the student's college years.

Finally, may I suggest for those who are poor (economically) and superior (academically)—don't pay the full four year tuition. Make the first year's tuition an outright gift. Money for the other years can be granted as loans—or at the most—half cash gift and half loan. Once they finish college, the income is such that the graduate can pay it back readily as I did many years ago. There will be more money to go around. The students will also study more if they have a stake in their own education.

Sincerely,

Ralph M. Gelburd.

Sacramento, Calif.,
August 11, 1971.

Hon. Edith Green,
House of Representatives
Washington, D.C.

Madam: On August 10, I viewed you in a television interview commenting on how college scholarships are unjustly being given to students predominantly on the basis of economic need rather than on ability and future promise. As a result, frequently economically disadvantaged students without as great an ability as more wealthy students are rewarded with scholarships. Your speech was uniquely impressive and welcome in that you are the first government official who I have heard express such ideas. Since your comments were especially meaningful to me, I am in wholehearted agreement with your ideas.

I am presently a college student who, like countless others, was unable to obtain a scholarship solely because the combined income of my mother and father placed me in the "middle-class" income group. My past academic record as valedictorian of my high school class and eager desire to work diligently to succeed in college were duly noted but were not enough to qualify me for a scholarship from my college, the University of California, Davis campus.

Although my crowded college schedule has not permitted me to work during school, I have gratefully found employment every summer. In this way, I have been able to appreciably diminish the high expenses of my education.

This fall I will enter my senior year. I know that with continued perseverance and enthusiasm, I will be able to maintain my 3.85 grade point average so that I may graduate Magna Cum Laude with a Bachelor of Sciences degree. My major is "Biological Sciences," and I hope to go on to graduate work in microbiology.

In order to go on to graduate school, however, it will be essential that I obtain some type of fellowship, grant, or opportunity to work as a research assistant. This necessity stems from the fact that now my brother is also going to college and that the departure of my father due to divorce has placed all financial responsibility once shared to be held by my mother. I have confidence, in spite of the past, that my scholastic excellence and experience will allow me to gain that essential money.

I have told you my personal story only to serve as an example of one deserving "middle-class" income student who would have deeply appreciated and worked doubly hard to justify such a scholarship. I sincerely hope that you will be able to make progress in the initiation of a program which awards scholarships more fully on the basis of capability and performance rather than on economic need.

Thank you very much for your consideration.

Sincerely yours,

Ilsa M. Schmelzinger.

Aloha, Oreg.,
April 12, 1971.

Congresswoman Edith Green,
U.S. Court House,
Portland, Oregon

Dear Mrs. Green: Although you are not in my district, I wish to express my appreciation of your bill for financial aid to college students.

I have two daughters attending state universities and two high school age sons. In the past 14 years I have been a single parent with an income of between $3,500 and now $9,000. My daughters do have the marvelous benefit of Social Security survivors insurance but my sons will not have the benefits.

Because of my earnings the financial aid available to the children is very limited even after they are considered financially independent of me. They have worked under the work study program.

It seems that the family, who has college goals for their children but whose income is not on the poverty level and yet not above $12,000 a year has few financial resources to help their children while college costs are increasing.

Sincerely,

Caroline McFarland.

Macon, Ga.,
March 8, 1971.

Hon. Edith Green, *Chairman, House Subcommittee on Education, House of Representatives, Washington, D.C.*

Dear Mrs. Green: As the father of two girls one presently in college and the second to begin next Fall I wish to protest strongly against the Nixon Administration Aid Program for college students.

I think it is highly unfair to make middle income taxpayers foot the bill for someone else's child's college expenses, in some cases in expensive colleges, just because this child comes from a low income family, while middle income taxpayers' children, although their parents pay more and higher taxes, are discriminated against and barred from any federal economic assistance.

Who can say fairly this is the dividing line between families who should get federal aid and those who should not? Is $10,000 a year family income the amount of money needed to put through college one or more students? What if this is the first year such amount is earned? What if serious financial burdens and mishaps have prevented this family from saving in the past? Is it fair to pay taxes at the present high rates and be barred from benefiting from the programs made possible with such taxes?

The communist after the Russian Revolution and for many years, gave aid for higher education only to those students who had a proletarian background. If Mr. Nixon's program were to be approved we would have in this country the same results as in communist Russia. The children of the middle class excluded from higher education.

It takes more than just dollars to have education. Apportioning every dollar to students coming from the neediest families alone will make sure that we are going to have mass college registration. But are these registrants going to be students? Will they be motivated to learn?

Any financial aid for students must not exclude the motivated and deserving and a family in this high cost of living era can be in need with incomes many times higher than $10,000.

Sincerely,

Armando I. Castellanos.

Edmonds, Wash.,
March 7, 1971.

Dear Mrs. Green: Thank you for your interest in the "middle class." Once considered to be the foundation and main stay of our way of life, this class now seems to be the one we need no longer be concerned about. It seems to me this trend, if continued to its conclusion, will lead to a two class society, a few rich and many, many poor, and a return to the unhappy conditions of by-gone ages.

The solution to our difficult problems is certainly not the pulling down of the middle class, even though this be done inadvertently.

Keep up the good work.

Yours truly,

Col. W. O. Peale,
U.S.A. (*Ret.*).

Shawnee Mission, Kans.,
March 3, 1971.

Representative Edith Green,
United States House of Representatives
Washington, D.C.

Dear Representative Green: This piece in our *Kansas City Times* was extremely welcome reading to me. For several years I have believed that the middle-income people, including many like us (self-employed) receive the short end of the stick through government policies. Beginning with opportunities for higher education, we managed to scrape up enough money to send one of our sons, a merit scholarship finalist, to the school of his choice for one year, then were forced to admit we couldn't afford it with an older son already in his third year at a state university and one younger to follow in two years. This middle son switched to a local university for the rest of his undergraduate work because we were not really poor enough to be eligible for financial aid. Since then he has married, returned to the expensive school (Northwestern University) for graduate work, receiving tuition, books and an $1800.00 stipend from the university in return for his work in the opera workshop. This money does not cover the expenses for a family of three in that area, by any means, but his job at the school and his studies take all of his time so both families parents are still contributing.

As for medical opportunities, a cleaning woman who used to work for me when our boys were small receives free the best in medical care. My husband has had an operation for cancer and a heart attack in recent months and we are unable to pay the remaining 20% of bills not covered by Blue Cross because he had to close the business which started a fast run down hill after he was first hospitalized. Nevertheless, he is required to pay unemployment security taxes, though he receives none, and has no sick leave benefits. Inflation and mounting expenses have made it impossible for us to have for a rainy day which has actually been a whole rainy year of recession in this Kansas City area plagued with strikes.

The oldest boy completely supports himself through summer work and is paying for his master's degree at K.U. but our youngest is applying for a scholarship at Indiana University because of their fine music department. If this scholarship is not granted he will probably have to find a job, if jobs are available for one with his limited training and skill. He is nineteen years old and eligible for the draft this year, a position he shares with many others, I know. He is receiving a partial scholarship now which covers his tuition at K.U. but after two years in the music school here he feels that another year in this university would be of little benefit to his musical education, therefore, his wish to transfer to Indiana University is important to his future, but his need for scholarship money is also urgent.

My point is that the owners of small businesses, at one time thought to be the backbone of the country, have become less and less prosperous over the years because of government regulations and taxation which seem to benefit the very rich and the very poor and penalize the middle-income for their independence. They have no lobbies or civil rights organizations working in their behalf and I foresee the day when all business will be big business and this big business will be tied and regulated by big government. The way things are going it appears to be inevitable. Anything you can do in behalf of small business would be appreciated.

Respectfully yours,

BERNICE GRANGER.

LAKE HAVASU CITY, ARIZ.

DEAR REPRESENTATIVE GREEN: I read your recent comments concerning aid to college education in a recent article in the U.S. News. The remarks were very sensible. In line with this I forward the following comments for your possible consideration.

I am retired living on a fixed income of app. $10,000 a year, so am pretty well restricted financially.

I have two boys in college—at my expense. No handouts, grants, etc. I contribute some $3000.00 to their education and about $1000.00 taxes per year, leaving $6000.00 to live on and provide a home.

The boys assist by working in the summer and odd jobs at school.

Recently my younger son sought a part time campus job—some 15 hours per week to help with the expenses. A job—not a hand out.

He was told that since it was Federally funded he had to be either black which he isn't or his father had to be on welfare! which I am not: to get a job.

I hardly think that this could have been Congress' intent and HEW should be advised to quit making up their own guidelines.

If this was the intent of Congress to place there restrictions on the program, then as a taxpayer I object and ask for their revision.

Yours very truly,

F. BRIGGS.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I yield myself 5 additional minutes.

If there is catastrophic illness in the family, if there is a business failure, if that family has three other children in college at the same time, if there is a large expenditure of money to pay the costs of education for other children in private schools, all these factors must be taken into consideration by the student financial aid officer as he determines how much that student is eligible to receive.

Mr. Chairman, in the guaranteed student loan program we have added a secondary market, to provide liquidity for the lending institutions, so that loans may be made to many more students. Mr. FUQUA, of Florida, was an eloquent spokesman for this change in the legislation.

At the present time there are over 1 million loans under the guaranteed student loan program, amounting to over a billion dollars. I think that the banks and other lending institutions have done an admirable job.

Mr. Chairman, the second part of the bill that is of most importance—and it is a new direction—is institutional aid. I am convinced, from all the testimony during those 50 days of hearings and from all the reports and studies that have been made, that our institutions of higher education do in fact face a real financial crisis. I think that some institutions are going to close their doors. I think that some institutions are keeping their doors open only through deficit financing or by dipping into their endowment funds.

One need only read the Jellema study, the Cheit study, the private study made in Massachusetts, another study in New York, and another study in Pennsylvania, to see that this crisis is not isolated. It is nationwide.

In my judgment we cannot pass a bill just with a provision for x number of dollars for those institutions that are in the greatest need. If an institution has good management and it is in the black, and another institution has very poor management and it is in the red, does the Commissioner of Education say, "Well, then, we will give the institution in the red the money, because they obviously need it?"

If we do that, we penalize the good management of the institution that stays in the black.

If there is a State law that prevents State institutions from doing any deficit financing, and so they appear to be in the black, by cutting back departments and programs, or by not filling vacancies which occur, is that a basis for need? I do not think a fair criteria can be formed, and I would be opposed to any aid if we say we will only give it to the neediest institutions, because I do not believe those institutions can be identified on a fair and equitable basis.

I am going to insert with my remarks at this point a summary statement made of the studies showing this great need for institutional aid.

One of the studies done was by Mr. William Jellema, executive associate and research director of the Association of American Colleges. His study of 4-year colleges and universities, entitled "The Red and the Black" concluded:

> Most colleges in the red are staying in the red . . . Taken collectively, they will not long be able to serve higher education and the Nation with strength unless significant aid is soon forthcoming.

The study which prompted that conclusion was completed a little over a year ago. This summer Mr. Jellema updated his conclusions. They found the crisis 26-percent worse than originally forecast from preliminary study.

Dr. Earl Cheit, of the University of California at Berkeley, is another who has done extensive study of higher education institutions and testified before our subcommittee.

Dr. Cheit summarized his finds as follows:

> This study makes clear that the money crisis in higher education is indeed real. Almost no school is immune from its effects. For most schools, it will mean serious problems of retrenchment and readjustment. As this study has shown, the extent to which colleges and universities of all types are in economic trouble is great, and they are genuinely working at reducing their financial difficulties. But the schools cannot solve the problem alone.

A study of the State universities and land grant colleges opens with this statement:

> Five years ago there was not a single public university in the country with an operating funds' deficit. Last year there were 12 that ended the academic year in the red, and 11 universities are already predicting that they will finish this year with more expenses than they have funds to meet.

The study hastens to point out that a look at universities with deficits does not even begin to tell the story. The financial crisis at public universities is much greater than can be shown by a cursory look at university ledger sheets. Some universities have had to resort to emergency measures that are at best stopgap actions that cannot be continued indefinitely without doing irreparable damage to these institutions. Others are existing within the framework of standstill budgets. Practically none has managed to avoid taking economy measures that at times pose threats to the quality of instruction. For behind the mounds of deficits lie the remains of curtailed operations, decimated academic programs, innovation untried and creativity curbed. The deficits are great even though cutbacks have been made. If they had not been made, the deficits would have been much higher.

With few exceptions, our institutions of higher education have been forced to take severe measures to deal with their mounting fiscal crisis.

For 2 years Pennsylvania State University has been forced to go to private lending institutions for funds to meet operating expenses, because State appropriations were not made in time to meet their day-to-day costs. They have borrowed a total of $88.55 million which will cost the university in excess of $2 million in interest charges.

A study of the financial problems of Massachusetts private higher education showed that the debt level of private institutions in Massachusetts had risen from $63.7 million in 1962 to $191.8 million in 1969.

An easy first step taken by many institutions has been deferment of maintenance. However, the backlog of demonstrable needs is reaching incredible proportions on some campuses. The University of California reports a backlog of major maintenance needs to arrest deterioration on its nine campuses now standing at $6 million and growing rapidly. The university also reports that efficient use of existing facilities is prevented in many cases, because it has no funds to carry out necessary alternations to restore or convert outdated classrooms, laboratories, and libraries. The alteration backlog now stands in the tens of millions.

Another example is offered by Miami University. President Phillip R. Shriver says that there are demonstrable needs on the Oxford, Ohio, campus alone for at least a half-million dollars in deferred maintenance.

In Illinois, in fiscal year 1969, 39 private colleges, with 85 percent of the private enrollment, deferred maintenance in total amount of $20 million.

Other institutions have been forced to dip into unrestricted endowment principal to obtain funds for operating expenses. The University of South Carolina has been able to avert a deficit only by taking such action. Rutgers and Cornell have had deficits even after dipping into endowment principal. Cornell has also used funds obtained from appreciation of endowment funds to meet operating expenses, and the University of Vermont has taken the same action in the face of deficits for the past 2 fiscal years.

Of 762 accredited private 4-year institutions, 24 percent currently are borrowing from endowment.

Other institutions have been forced to eliminate new programs. Forty-two out of 78 State universities and land grant colleges, according to the study of those institutions, have eliminated new programs.

Another obvious pattern to be observed is the increase in tuition charges in desperate attempts to keep down spiraling costs.

A study conducted in the State of Texas in 1968, indicated that if the short trend uncovered in that study were to continue, by 1985 in constant 1968 dollars, the cost per student in major independent universities in the State of Texas would be $36,859 and the cost per student in senior colleges in the State would be $17,074. If the percentage covered by tuition were the same in 1985 as in 1968, the student at a private university would be asked to pay over $17,000 per year and the student at a senior college would be confronted by a tuition charge of just under $10,000.

This, of course, also has the subsequent effect of literally pricing private institutions out of the market.

A Pennsylvania study of private institutions of higher education showed the private school share of the total State enrollment dropped from 70 percent in fiscal year 1966 to 38 percent in fiscal year 1971.

George Washington University experienced a drop of 300 students and a subsequent loss of $900,000.

A vivid comparison is offered by the State of New York where no tuition is charged at City University of New York, tuition is $400 at the State University system, and the average tuition at private institutions ranges from $2,000 to $2,500.

Our institutions need help in meeting growing enrollments, growing responsibilities, and growing inflation.

Enrollments have doubled in the last decade. At the University of California for fiscal year 1971–72, there was a 34-percent increase in enrollment with a 6-percent increase in budget.

To maintain the same level of services in face of inflation and enrollment increases, university budgets must increase 10 percent annually. Forty-four out of 78 of the State universities and land-grant colleges reported their increases for the last school year to be 10 percent or less.

College and university administrators, too numerous to mention, have testified before the subcommittee and submitted statements certifying the crisis and the crying need for assistance.

Terry Sanford, former Governor of North Carolina and now president of Duke University has written:

> Too many colleges, including state-supported institutions, are at this moment in urgent need of additional operating funds.

Robben Fleming, president of the University of Michigan, has stated:

> It is important to understand that all universities are in financial trouble.

From Father Henle, president of Georgetown, we heard the plea:

> There has got to be increased federal support to private higher education.

John G. Kemeny, president of Dartmouth, flatly states:

> Higher education, both public and private, is facing its most serious financial crisis in history. I see no alternative to a massive federal program of support to higher education.

Dr. T. J. Marchese, of Barat College:

> Over the long run, I doubt that Barat College and similar colleges can continue to operate without increased monies from state and federal sources.

Arthur W. Brown of Marygrove College:

> The handwriting is clearly on the wall unless new sources of income are found . . .

We live in a Nation where the largest railroad receives a Federal loan guarantee of $125 million in a deficit situation of more than twice that amount and where the Defense Department seeks $1,400 million to stave off bankruptcy for the developer of the C–5A transport plane.

We are rightfully willing to invest $221.9 million annually in the support of our six military institutions for the training of future defense leaders. Does it not seem equally right that we should make a similar investment in the training of our civilian leaders?

One commentator has described the current situation confronting higher education as "Hope, a little inebriated by unwarranted optimism seems to outrun despair." I would hope, that with a program of institutional assistance, we may make optimism warranted and outdistance despair.

Mr. Chairman, the formula that is in the committee bill is easy to understand, easy to explain, and it absolutely prevents manipulation by the Office of Education in any Republican or Democratic administration.

It simply says to every institution that they will be given a sum of money based on the following formula: $100 for every student in the lower division, $150 for every student in the upper division, and $200 for every student at the graduate level. It is on a full-time equivalency basis on credit hours earned.

This formula is in contrast to the one which may be offered. It would not give it just for bodies that are present. The dropout and turnover rates are tremendous. I am opposed to giving institutional aid unless credits are actually earned in the preceding year.

We were persuaded that small colleges face a greater financial crisis, so we put in a weighted factor for them so that colleges will receive an additional $300 for the first 200 students and an additional $200 for each of the next 100 students. That will help some of the small colleges to keep their doors open and continue to do the job that they are doing.

Mr. Chairman, there is one point for legislative history that must be made. There is concern among the community colleges. A great number of community colleges provide courses in occupational or vocational or career training, but these courses may or may not count for credit toward a bachelor's degree yet they certainly are postsecondary, given for credit, and a part of a student's academic program. The committee wants to make it abundantly clear in establishing the legislative intent that while such courses may not count toward a bachelor's degree it does not affect their being counted for general assistance purposes under the new title, title VIII.

The CHAIRMAN. The time of the gentlewoman has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I yield myself 3 additional minutes.

The bill defines an institution eligible to receive general assistance as an institution of higher education as defined in the first section, 16018, which is section 1201(a) of the present law. That section defines such institution as one that provides an educational program which awards a bachelor's degree or which provides not less than a 2-year program acceptable for full credit toward such degree. A junior college which provides a 2-year program which is acceptable for credit toward a bachelor's degree qualifies as an institution which is eligible for general aid.

Once having qualified as an institution, all its courses, including occupational or vocational or career training, count as establishing its full-time equivalent enrollment for the purposes of receiving general aid. In other words, the colleges or community colleges or technical schools, if they are accredited and the credits are actually earned as required by that institution, then those students earning the credits in any subject are counted on a full-time equivalency basis.

The final compromise—and it was an earnest effort to put the two formulas together—is that two-thirds of the money will be given to the institutions on the basis that I have just outlined, students enrolled on a full-time equivalency basis for credits earned. One-third will be given on the cost of education basis which will be presented later. Prior to the present time, fewer than 100 universities in the United States have been receiving 69 percent of all Federal funds. If you consider funds of the Atomic Energy Commission or the Department of Defense or the NASA program, it is a higher percentage than that. Three-fourths of the funds go to the same 100 institutions and the other 2,500 institutions in the country do not have the assistance necessary to maintain the academic standards and to accommodate increased enrollments. Therefore, it seems to me there is a Federal responsibility to help these institutions of higher education to provide the training for our civilian leaders in this country, that is, the engineers, the doctors, the teachers, the lawyers, and others that we are going to need in the years ahead.

In the current year, in terms of military academies, there are six institutions; namely, West Point, Annapolis, the Air Force Academy, the Coast Guard Academy, the Merchant Marine Academy, and the Monterey Language School where we are providing over $200 million in operating expenses for these schools to train our military leaders. In this bill we are asking for only $800 million, only four times as much, for not six institutions, but for 2,600 institutions, for the training of civilian leaders. Surely the future of our country is as dependent upon the kind of civilian leaders we train as it is in the kind of military leaders that we train.

Mr. Chairman, this provision—this formula for institutional aid, has the support of every association of higher education in the country.

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

Mrs. GREEN of Oregon. I yield myself 2 additional minutes.

At this point, I insert in my remarks three additional pieces of correspondence pertinent to the legislation:

UNIVERSITY OF PORTLAND,
Portland, Oreg., October 14, 1971.
Representative WENDELL WYATT,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WYATT: The Higher Education Bill (H.R. 7248) which you will be considering shortly is naturally of very deep concern to all of us in higher education. Although I have not had an opportunity to consider all provisions of the Bill, I have given considerable thought to the section on aid to institutions, and I am in complete agreement with the Green amendment as reported out of the full Committee.

The University of Portland, despite our sincerest efforts, has faced an operating deficit during each of the past three years. As a result, we now have an accumulated current fund deficit of $835,000. For this present year, we anticipate an operating deficit of $264,000. We are seeking contributions from friends of the University to enable us to finance this year's deficit. However, the prospect of securing through contributions, sufficient funds to keep use solvent, is not very bright. Our very limited reserve funds will not permit us to allow the accumulated current fund deficit to grow any larger. Although we are doing all we can to reduce our expenses and increase income, we recognize that there is a limit to what can be done in these areas also.

As I am sure you are aware, our plight is not unique. Virtually every independent college and university in the nation is facing similar problems. If we are to preserve a dual system of higher education in America, then it seems evident that some kind of federal assistance is necessary.

I support the Green amendment because I believe that if institutional aid is to be of genuine benefit to colleges and universities, then it should address itself directly to the problem and not be tied to any other program such as aid to students.

As a matter of fact, some of our fiscal problems have been caused by federal programs of student aid. We are given an estimate figure of funds that might be available for these programs. We proceed to work out with the students, aid packages based on these preliminary figures. Then when the final appropriation comes, it is less than originally estimated and we are caught in the middle.

The amounts we have received under federal student aid programs have declined sharply since last year. The exact amounts we received are as follows:

	1970–1971
Economic opportunity grants	$51,000
National defense student loans	115,165
Work study	27,141
	1971–72
Economic opportunity grants	$40,000
National defense student loans	79,521
Work study	23,712

With regard to the Work Study funds, the cut was even greater than the figures would indicate since the $27,141 in 1970–71 covered the period from January 1, 1970 to December 31, 1970—a twelve month period; while the $23,712 for 1971–72 is to cover the period from January 1, 1971 to June 30, 1972—an eighteen month period.

To tie institutional aid to such fluctuating programs would not enable us to plan effectively and as a result could cause even further financial problems for our institutions. If the intent of the Congress is to help the institutions, then I hope that the legislation will address itself to this issue directly and not dissipate the effectiveness of the aid by subordinating it to other federal programs of student aid. For this reason, I believe the Green amendment merits support because in fact, it does face the issue directly and offers a solution that permits us to plan in a responsible manner. I therefore urge your support of the Bill including the Green amendment.

Finally, in the area of student financial aid, I would hope that you would support legislation designed to assist students from middle income families. As a minimum, I hope that some provisions might be made to enable them to borrow sufficient funds to finance their education at the same level of interest offered to students from low income families. The upper limits on the amounts which can be borrowed under existing federal loan programs are not sufficiently high to meet the needs of the middle income students who do not have available to them other grants (such as EOG) or opportunities to participate in the Work Study program. An extension of the borrowing limit would, I believe, enable a larger number of middle income students to enroll in the private colleges and universities, and thus ultimately save much more in tax dollars than the additional interest subsidy would cost. I personally believe that there would be sufficient savings to permit not only an interest subsidy but also some kind of scholarship or grant to these middle income students who are attending independent institutions where tuition and fees are so much higher than at the tax supported institutions.

The University of Portland is presently spending annually $5,200,000 for salaries and purchase of supplies and services within the State of Oregon. The other independent institutions in the State are expending proportionate amounts. Collectively then, we do constitute a major industry for the State. Under the provisions of Mrs. Green's amendment, we estimate that the Federal assistance to the University of Portland could amount to around $270,000 annually. For us it would mean the difference between a balanced operation and a deficit operation and ultimately, our fiscal solvency. Quite apart from any personal attachment to the University of Portland, I believe that such an investment on the part of the Federal government is a very sound one. It serves the national interest in preserving a dual system of higher education; and it serves the State of Oregon by providing educational opportunity for citizens of the State without additional expenditures from State tax funds. I sincerely hope that you will do all in your power to see that HR 7248 with Mrs. Green's amendment is passed.

Sincerely,
Rev. PAUL E. WALDSCHMIDT, C.S.C.,
President.

INDIANA UNIVERSITY,
Bloomington, Ind., October 16, 1971.
Hon. CARL PERKINS,
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MR. PERKINS AND MRS. GREEN: I wish to express my support for H.R. 7248 as reported out of the Labor and Education Committee. Your Committee has produced a good bill and acted wisely to extend with modifications the existing aid programs which are working well and need only to be more adequately funded.

However, I have read with considerable concern the "Supplemental Views" of Congressman Quie *et al.* contained in the Committee Report. What distresses me is the following which is quoted verbatim from page 242 of the Report:

"Those who favor the Committee EOG proposal must be willing to put an unusual amount of faith in the financial aid officer at each participating institution. They will be the ones making the crucial decisions in how students get assisted under this program. We are aware of many highly professional aid officers. Several of them have testified before our Committee. But we must look at the *national* [emphasis mine] picture. A recent survey on financial aid officers found that:

(a) There is a 28 percent turnover in the position of student financial aid administrator.

(b) Twenty-nine percent of financial aid administrators are employed part time.

(c) Thirty-seven percent of financial aid administrators are rated at a low level of professionalization. (Only 15 percent are rated at a high level.)

(d) From 34 percent to 42 percent of those financial aid administrators responsible for aid policy are rated low in professionalization.

(e) Student financial aid administrators have the lowest median salary of all college administrators."

No citation is provided for the source of the data. Upon checking I find that it is from a publication of the College Entrance Examination Board, dated November 1970, entitled "Professional Development of Financial Aid Officers" by Warren W. Willingham. This study was conducted on a selected sample of 122 institutions in the Western portion of the United States. (States with respondents included: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.)

I deplore the representation of this data as *national* data when it is, in fact, based only on data from 122 schools in a unique section of the country.

Now, to some observations on each item.

(a) The figure of 28% turnover seems to come from Table 3 on page 18 of the Willingham study. This figure, 28%, applies to the number of aid officers who have held that posiiton less than one year. No mention is made of the fact that of those hired in the last year, 33% came from another college. On page 7, Willingham states: "the data of this survey indicate that among those recently hired, one in three was recruited from another college (table 3). *Half of these had worked in an aid position.*" [emphasis mine] So the actual figure is something less than 28% "new" people in financial aid.

(b) In the geographical area covered by the Willingham study, "Some 15% of the colleges in the West have less than 300 applicants . . . Most of those colleges with less than 300 aid applicants handle aid on a part-time basis." (page 7) Financial aid and admissions are often combined, particularly in smaller schools, or the aid officer may also have closely related responsibilities such as placement. It does not follow that because a person works only part-time on financial aid that he is any less competent or cannot do the job as well as a person employed full-time.

(c) The citing of data on professionalization is very misleading if no definition of professionalization is given.

(d) In the Willingham study "Professional levels are defined in terms of number of activities checked in question 12; Low=3 or less; Medium=4 to 6; High=7 or more." (page 32) The study itself states: "In order to provide some means of estimating the extent of professionalization of different *groups* [emphasis mine] of aid officers, each respondent's answers to the question on professional activities was scored from zero to ten according to the number of activities checked. This provides a rough index of professionalization for each respondent, *valid only for group comparisons and to the extent that such items as those listed do represent meaningful professional activities.*" [emphasis mine] (page 12)

Question 12 had ten items:

1. Read aid newsletter regularly.
2. Attend aid association meetings.
3. Participated in aid meetings (read paper, led discussion).
4. Follow progress of aid bills.
5. Read "Chronicle of Higher Education" or "Higher Education and National Affairs."
6. Attended ACAC, AACRAO, or APGA.
7. Committee work for aid association.
8. Published article on aid.
9. Served as consultant off campus.
10. Held office in aid association.

In view of the remoteness of some of the states and even institutions within a state; considering the fact that program content at ACAC, AACRAO, and APGA has limited appeal to aid officers; since aid associations are only a recent phenomenon in the West it is not alarming that few have participated in an aid meeting or read a paper or led a discussion or have engaged in committee work or held an office and that low "scores" were found. I fail to see the direct relationship between being a consultant off campus and publishing an aid article and being able to administer federal funds.

Let's look at the data on page 31: 90% of all respondents read aid newsletters regularly; 74% attend aid meetings; 75% follow progress of aid bills; and 61% read the Chronicle and the ACE Bulletin. This looks pretty good to me. The results reported for question 12 are based on a definition of professionalization that was for the purposes of the study and not on ability to administer federal aid and one can question the items selected for response in question 12. Even the author says that the items may not "represent meaningful professional activities."

e. The observation about salaries did not come from the Willingham survey, but was done by another group which was reported in the Chronicle of Higher Education on September 28, 1970. The Willingham survey only mentions the salary level. No citation is in the Committee Report that it is not part of the same survey.

In conclusion, I find it most regrettable that regional data was presented as representing national data; that the sources were not given so all could go to them; and that a questionable definition of professionalization was used to create misleading impressions in the mind of readers. Should the information contained on page 242 of the Committee Report need rebuttal on the Floor of the House or elsewhere, I hope the above information will be useful to you.

Sincerely yours,

EDSON W. SAMPLE,
Director.

LANE COMMUNITY COLLEGE,
Eugene, Oreg., May 10, 1971.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: I am writing in support of your new bill, H.R. 7248, which would measurably improve financing of the nation's expanding community colleges.

As you know, we in Oregon are particularly impressed with the general block grant institutional aid aspect of the bill and the grants to part-time students.

I have reviewed the letter from Frank Mansel, Director of Governmental Affairs, AAJC, and am in general support of his comments. As an institution enrolling predominantly students from lower and middle income families, whose futures lie in the potential of the community college, we will do anything possible to support your bill. If I can be of assistance in providing additional supportive information, I would be pleased to do so.

In closing, may I again extend an invitation for you to visit Lane Community College when it is convenient for you to spend some time in Lane County.

Sincerely,

ELDON G. SCHAFER.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentlewoman for yielding.

The gentlewoman indicated in her comments on educational opportunity grants that we have shifted the formula from the existing law pretty well over to the allotments to the States to graduates from school to children from families with incomes of less than $3,000.

What correlation does a graduate from high school have to do with the number of poor children who attend college and therefore would receive additional educational opportunity grants? The percentage of high school graduates who would attend college varies so greatly from State to State. Some States export more high school graduates while some States have an import of graduates as, for instance, in the State of Arizona where a very high percentage of high school students go on to college. What is the rationale of that?

Mrs. GREEN of Oregon. The rationale is that we are trying to find a formula that will be the fairest for all the States. Certainly there is some relation between the number of high school graduates and the number who will be going on to college. We do not take into consideration, of course, 6-year-olds or 50-year-olds. However, more and more high school graduates are going to college and the proportion of graduates in the different States who pursue higher education is somewhat the same although not identical. Further, the needs factor is very relevant because we are trying to make it possible for highly motivated, qualified low-income students to attend college and we are trying through programs such as upward bound to identify those students who are highly qualified, but who do not have the financial resources to continue postsecondary education.

I think it is true that in the poorer States we will find the largest number of students who are not going to college. So I believe all three factors are relevant.

Mr. BROWN of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to ask a question relative to an instance of mine. I feel that one of the things that ought to be done to assist colleges is to assist in the development of programs which would encourage alumni giving to institutions and thereby enabling the institution to be strengthened privately or on a voluntary basis.

I am under the impression that the Educational Professions Development Act contains provisions for grants to train administrative personnel under which grants could be made for the training of administrators of alumni programs. I am also told that the developing institutions section of the Higher Education Act of 1965 is sufficiently broad to include grants for the development of alumni programs. This is authorized under a cooperative arrangement section and thus would require a stronger institution acting as a "parent" in helping the younger one strengthen its alumni organization.

Is this possible under the language of the legislation now pending before us?

Mrs. GREEN of Oregon. I have discussed this briefly with my colleague from Ohio and I want to assure the gentleman that the present law does provide this in that it provides for the training of administrative personnel. I agree with the gentleman's position that it is in the national interest to have alumni people who are very active in raising funds for these institutions.

Mr. BROWN of Ohio. And the authorization is there?

Mrs. GREEN of Oregon. The authorization is there and in my judgment they should be included in title III for developing institutions and the Educational Professions Development Act.

Mr. QUIE. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the debate we are now beginning on this very comprehensive bill is the culmination of a great deal of effort begun December 16, 1969, when the Special Subcommittee on Education initiated hearings on the general needs of higher education. In the past 23 months, this subcommittee has had 56 days of hearings, during which we had the benefit of some 297 witnesses, including those who testified on the problem of discrimination against women in higher education. In addition, 239 individuals submitted statements, letters and supplementary materials related to the legislation, which have been made a part of the official record.

Indeed, if any one took the time to read through the six volumes of hearings published since December, 1969, he would have a wealth of information about the general problems and successes of higher education; the strengths and weaknesses of present laws in the area of higher education; and probably more competing and conflicting ideas of what the future role of the Federal Government should be than he would be able to assimilate.

The task before the special subcommittee—and that before the Congress today—is not a simple task. As we will all be reminded in the next couple days, the road to a consensus position on the proper and legitimate role of the Federal Government in higher education is a rocky, curving, tiring road. The higher education community always has been and always will be divided into several camps when it comes to specific philosophies of Federal support. The members of the committee and of this Congress are also divided into several camps.

It is for these reasons that our debate here today is so important. The issues are complex, the data sparse and incomplete. Yet we must and we will make decisions here that will have a profound influence on the future course of postsecondary education. It is not a bill one can be all for or all against. It is a bill with 20 titles. Any Member looking at any given title could probably find both good features and bad features.

The issues in this bill should not be partisan. The democratic process of having the issues discussed and then letting the majority rule is a good process. We have to decide on issues where fairness and equity for students is the main criterion. Other issues relate to what is best for public and private institutions of higher education. Others to the matter of relative priorities. Members will have to balance points relating to good national policy with how his State might fare under a particular formula.

Before I get into some of the issues I want you to know that there is no animosity among the individuals on the subcommittee. The gentlewoman from Oregon (Mrs. GREEN), who has taken the lead here, as you know is an individual dedicated to education, especially higher education. She does her work well, and comes well armed with information to the subcommittee, the full committee, and here to the floor. I would say the same thing is true of our other colleagues, like the gentleman from Oregon (Mr. DELLENBACK), the ranking Republican on that subcommittee. He also has put a great deal of effort into his work, which leads all of us to have confidence in him because he comes to decisions with the kind of depth of thought that is necessary.

But there is disagreement between these two. And the same thing could be said about the other members of the Committee on Education and Labor on both sides of the aisle.

So there is no rancor among the Members that causes a division amongst us; it is just a difference in the decisions that the Members reach, and I would like to point out some of those differences in just a minute or two.

Mr. Chairman, I think it would appropriate to discuss briefly some of the highlights of the Federal role in education as it has emerged in the past couple decades. The figures I mention are taken from the Digest of Educational Statistics, 1970" and the "Special Analyses of the U.S. Budget".

From 1950 to the present time, the Federal contribution to institutions of higher education has risen from about $500 million a year to an expected outlay of $6 billion during fiscal year 1972. This staggering increase in Federal support for colleges and universities is due in part to our belief that higher education research and training is a key to our Nation's future and security, and more recently, to the objective of making higher education more accessible to every citizen of our Nation.

Prior to 1958, Federal interest in higher education was, for the most part, limited to land-grant college legislation, GI bills, and the purchase of scientific research and services by the National Science Foundation, the Atomic Energy Commission, the Defense Department, and the National Institute of Health. Some grants, totaling a few million dollars a year, were given to institutions conducting research under the Cooperative Research Act.

The first major surge in Federal support for higher education came with the National Defense Education Act of 1958. This legislation authorized student loans, fellowships, and assistance to colleges and universities for the expansion and improvement of their educational programs to meet critical national needs—particularly scientific and technological defense needs.

In 1963, when colleges and universities suddenly found themselves unable to readily accommodate the rapidly growing numbers of youth seeking higher education, Congress passed the Higher Education Facilities Act. This legislation provided Federal assistance to institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities.

The Federal role of higher education was again expanded in 1965 when the Higher Education Act provided Federal assistance to needy students and to developing institutions of higher education.

Since 1965, Federal contributions to colleges and universities have sharply increased from $1,993,000,000 to the estimated 1972 expenditure of $6 billion. During this 7-year period, however, a major change in program commitment has taken place. Whereas more than 50 percent of Federal higher education expenditures for the years 1965–67 was for research and training and only 17 percent was reserved for student assistance, Federal higher education budget estimates for the years 1970–72 allot almost 50 percent to student assistance. I hope this emphasis on student assistance will continue and applaud the present administration's commitment to making higher education available to every qualified student.

It is interesting to note that although expected 1972 Federal expenditures for higher education and for preschool, elementary, and secondary education are comparable amounts—$6 billion versus $5,458,000,000—Federal higher education expenditures representing close to 25 percent of the estimated total expenditures of U.S. colleges and universities, whereas Federal preschool, elementary, and secondary expenditures account for about 11 percent of the total expenditures of those schools. This larger Federal role in the finance of higher education is due, in part, to the fact that institutions of higher education have been asked to provide assistance in meeting specific national priorities. Colleges and universities provide community services, help meet national manpower needs, work toward the solution of national problems, and contribute through research and training to the cumulative wisdom and progress of our Nation. On the other hand, elementary and secondary education has traditionally been considered more a matter of local responsibility and support.

STUDENT ASSISTANCE

Mr. Chairman, rather than review each and every part of this mammoth bill, I would like to discuss in some detail the most significant issues and features. The soundness of our student assistance programs should be our first concern.

Arguments for strengthening the Federal role in assisting students are well known. First, the last three Presidents have emphasized over and over again a worthy national objective: no qualified student should be barred from further education for a lack of resources. We have made progress in achieving this goal, but we are not there yet.

Second, student assistance programs allow students greater choice in selecting the institution best suited to meet their needs. This creates a healthy competition among the various schools to provide quality programs.

Third, sending Federal aid through the students makes it less easy for the Government to tamper with those areas of institutional autonomy which should be protected. In addition, the constitutional issues about aid to church-related schools is best answered by providing aid in the form of grants, work-study payments and loans to students.

Except for national defense student loans, begun in 1958, the Federal Government had little experience in administering student assistance programs prior to the Higher Education Act of 1965. We should be continually improving our programs as we learn from experience.

One thing we have learned is the inadequacy of talking about focusing student aid on the "low income" versus the "middle income" student. That is too simple and does not relate to the different costs associated with attendance at different institutions.

The financial aid community, with leadership from the College Scholarship Service and the American College Testing Corp., has developed quite sophisticated methods of determining what each student can provide out of his own and his family's resources. This is known as "expected family contribution." This approach to determining student aid is much fairer, in that some families making $12,000—because of number of children at home or in school, unusual medical or business expenditures, or any number of other financially-related factors—could actually be in a position to contribute less toward a college education than a family of, say $9,000 which has far fewer financial burdens and perhaps is in an area where the cost of living is less.

The bill makes appropriate changes in present law to recognize this fairer approach. However, in my opinion it does not go quite far enough—especially with regard to the education opportunity grant program. Although the bill moves in the direction of "family contribution" rather than "low income," it does not require that all institutions use the same method of determining expected family contribution. So a student may discover that one college expects him to contribute $500 after analyzing his financial situation, while a college 20 miles down the road would expect his to contribute $800. We should move as quickly as possible, for purposes of administering Federal student aid programs, to a point where a student's expected family contribution is the same regardless of which institution he applies for admission and financial aid.

Once a student's expected contribution is determined, then one has to consider the estimated "costs" of attending that specific institution. The difference between the family contribution and the cost is called a student's "need."

One other concept in financial aids that has proven successful is the financial aid "package." The financial aids officer often has up to 20 different Federal and State programs available to him. It is important that he have enough flexibility to tailormake a student's "package" of aid.

But he does not need the same degree of flexibility on each and every program. For example, the educational benefits under the GI bills offer no real flexibility to the institution. That program is based solely on the student's eligibility and enrollment status. In contrast, the national defense student loans are very flexible in terms of allowing institutions to choose who benefits and in what amounts the loans are given. As I intend to emphasize later, I believe the EOG program in the bill should be changed to provide greater equality and predictability for students. Institutions should not be given complete flexibility in saying yes or no to students under this program. For those whose family contribution is zero or very small, some assurance must be given that they can receive grant aid. In that situation, other options are very limited. Indeed, giving assurance to each student under EOG will allow many institutions to do a better job in putting together a workable "package" of aid.

Briefly, the bill makes the following changes and additions to present law which I believe are most beneficial:

The bill creates the Student Loan Marketing Association to provide a secondary market for the guaranteed student loan program.

Eligibility for interest subsidies under the GSL program has been changed from a ceiling of $15,000 adjusted family income to a criterion of need on the part of the student to meet his educational expenses.

The annual ceiling of $1,500 for guaranteed student loans has been raised to $2,500 and the aggregate amount of loans possible has been raised from $7,500 to $10,000.

The annual ceiling of $1,000 for NDEA loans has been raised so that a student may borrow $2,500 during his first 2 years.

The weekly limit of 15 hours a student may participate in the work-study program has been removed.

Students attending proprietary institutions are eligible for education opportunity grants.

Students attending half-time are eligible for aid under the EOG and work-study programs.

No family contribution will be expected in the case of veterans applying for student aid.

Mr. Chairman, without a doubt the weakest student-aid link in the committee bill is the EOG program. On this program, we have a considerable amount of data. We have 6 years of experience. In 1971 we should be in a better position as a Nation to make good on our years of rhetoric about equal access to higher education.

We know the inequities in the State allotment formula. There is no reason that cannot be changed. We know the inequities resulting from the grantsmanship game played in regional panels. There is no reason that we cannot correct much of that. Students are forced to shop around for the best deal. They have no assurance of grant aid even if they are from the poorest family in town. There is no reason this Congress cannot change that. Students' expected family contribution is computed to be different at different schools. We can correct that. Students with contributions of $500 or $600 can and do get larger EOG's than students with no contributions. We should and we can correct that.

As I mentioned earlier in my remarks, every one of our student assistance programs is designed for a different purpose. Each one requires a different set of variables in terms of who is served, in what amounts of aid, with what degree of predictability, and with what level of Federal versus institutional controls.

It is my strong belief that this one program—the educational opportunity grant program—should be written in the strongest possible way so that students are treated equitably regardless of where they live or where they choose to attend college. Furthermore, students whose families can not afford to contribute much, if anything, should be able to count on some assistance in advance of their need and be given assurance that it will be there if and when they get accepted into an eligible college or university.

The first level of gross inequity under the EOG program in the committee bill is the State allotment formula. Under the present law, "renewal EOG's" have first call on the appropriations. That would not be true under H.R. 7248. After that, each State is dependent on the State allotment formula for some share of the leftover funds to make "initial year EOG's." Last year the leftover funds met only 24.88 percent of the total national approved requests for such funds. But as table A shows, which I would like to insert in the RECORD at this point, some States got over 30 percent of their requests and other States got as low as 15 or 18 percent. All because of the allotment formula. Under H.R. 7248 the situation worsens. Taking out first the 10 percent the bill would reserve for the Commissioner to distribute, we see that Arkansas would still get 40.03 percent, Hawaii 42.10 percent, and South Carolina 40.17 percent. But others fare well below the national mean: New York would get only 14.45 percent, Illinois 16.96 percent, Michigan 18.61 percent, California 17.08 percent, and Minnesota 17.80 percent just to name a few. There is no justification on earth for that wide a discrepancy. Why should a student in one State get an EOG and a similar student in another State not get an EOG—simply because of such an ill-conceived State allotment formula? I believe that EOG money should go wherever the eligible students attend college, period.

Following is a table which shows the differing amounts and percentages of EOG money available last year for initial year awards; the present formula compared to the formula in H.R. 7248:

TABLE A.—ALLOCATION OF EDUCATION OPPORTUNITY GRANTS

	EOG—current law	State allocation divided by panel approved request (percent)	EOG—H.R. 7248 formula	State allocation divided by panel approved request (percent)
50 States	$63, 923, 424	24. 88	$56, 814, 227	22. 16
Alabama	975, 279	17. 54	1, 416, 959	25. 48
Alaska	32, 214	21. 30	54, 311	35. 91
Arizona	681, 575	24. 16	528, 250	18. 72
Arkansas	553, 630	27. 03	819, 961	40. 03
California	6, 974, 278	24. 85	4, 792, 532	17. 08
Colorado	937, 737	27. 88	645, 478	19. 19
Connecticut	853, 793	31. 55	619, 660	22. 90
Delaware	149, 442	21. 34	127, 118	18. 15
Florida	1, 773, 270	30. 62	1, 668, 095	28. 80
Georgia	1, 108, 195	25. 35	1, 560, 533	35. 69
Hawaii	256, 112	55. 43	194, 522	42. 10
Idaho	274, 988	36. 98	219, 680	29. 54
Illinois	3, 212, 945	21. 52	2, 532, 708	16. 96
Indiana	1, 688, 441	28. 37	1, 317, 938	22. 15
Iowa	1, 143, 252	26. 27	958, 727	22. 03
Kansas	929, 320	27. 24	694, 519	20. 36
Kentucky	927, 512	25. 98	1, 164, 975	32. 63
Louisiana	1, 095, 472	27. 82	1, 406, 562	35. 72
Maine	264, 726	27. 62	282, 395	29. 46
Maryland	1, 003, 051	33. 33	866, 830	28. 80
Massachusetts	2, 367, 371	29. 34	1, 431, 849	17. 74
Michigan	2, 866, 084	23. 85	2, 236, 357	18. 61
Minnesota	1, 428, 071	21. 81	1, 165, 629	17. 80
Mississippi	741, 524	18. 45	1, 192, 975	29. 68
Missouri	1, 506, 071	31. 80	1, 323, 653	27. 95
Montana	$277, 744	21. 94	$228, 005	18. 01
Nebraska	612, 558	32. 32	492, 218	25. 97
Nevada	99, 927	35. 64	81, 937	29. 22
New Hampshire	276, 649	24. 62	187, 332	16. 67
New Jersey	1, 134, 454	18. 78	1, 248, 220	20. 67
New Mexico	353, 812	24. 59	378, 054	26. 28
New York	5, 350, 769	18. 71	4, 132, 650	14. 45
North Carolina	1, 530, 805	19. 33	1, 997, 933	25. 23
North Dakota	301, 738	22. 59	260, 784	19. 53
Ohio	3, 063, 084	28. 24	2, 545, 761	23. 47
Oklahoma	1, 011, 332	27. 29	860, 114	23. 21
Oregon	888, 370	22. 57	586, 474	14. 90
Pennsylvania	3, 219, 601	30. 15	2, 951, 768	27. 64
Rhode Island	338, 161	29. 78	243, 224	21. 42
South Carolina	592, 636	21. 75	1, 094, 768	40. 17
South Dakota	297, 875	22. 32	289, 411	21. 68
Tennessee	1, 200, 592	22. 15	1, 456, 560	26. 87
Texas	3, 466, 190	32. 35	3, 460, 751	32. 30
Utah	670, 440	36. 83	374, 342	20. 56
Vermont	202, 992	21. 46	149, 870	15. 85
Virginia	1, 110, 078	28. 75	1, 369, 002	35. 45
Washington	1, 309, 022	27. 98	889, 287	19. 01
West Virginia	607, 107	27. 18	716, 538	32. 08
Wisconsin	1, 644, 500	23. 40	1, 224, 110	16. 05
Wyoming	130, 320	16. 65	101, 717	12. 99
District of Columbia	488, 255	21. 31	271, 181	11. 83

The State allotment formula and the process whereby each institution requests its total needs to a regional panel made up of selected financial aid officers, leaves institutions within a State in quite different situations. The request made to the panel is an estimate of need. Experienced financial aid officers can often make a better case for their estimate than less experienced ones. Fast growing institutions with large numbers of needy students often do poorly, especially if they start out with a small EOG program.

A couple examples will serve to point out the inequities of this part of the program. In fiscal year 1971, Ball State University in Indiana received enough EOG money to help every one of its needy students who came from families with incomes of $6,000 or below. Franklin College in the same State could help only 66 percent of the same kind of students. The University of Delaware got enough to meet 90 percent of the need of students from those income categories, while Delaware State got enough to meet only 75 percent of its need.

The next level of inequity is the way in which a student's expected family contribution is computed. As I mentioned earlier, we now have methods of calculating a family's entire financial situation in order to determine how much they should be able to contribute toward the costs of higher education. Although different methods can consider the same variables, they may not treat each variable in the same way. That means that a student can shop around until he finds an institution that expects very little from him. If the EOG program is to treat students equitably, their financial situations should be treated under one sound method.

It is my feeling that the services of the College Scholarship Service and the American college testing program are sound. If one system, however, were developed to treat all EOG recipients alike, I would expect that the system would be very close to these existing major systems. Indeed, I understand that representatives of these two organizations are already meeting in an attempt to come closer together.

To the extent possible, I would also like to see the needs analysis system reflect differing costs of living around the country. We know that $10,000 in New York City is not the same as $10,000 in rural Arkansas.

Finally, once an institution is given its allotment, it has so much flexibility that it can give larger grants to students with $600 family contributions than it gives to those with no contribution. It can even say "no" to one student and "yes" to another student in exactly the same financial need.

Where does this leave the student? Many are left frustrated, alienated, and pushed to stay out or drop out of school. Of course some are very lucky—so we hear few complaints from them. They know that they are getting more than someone else down the hall who is in worse condition financially.

This system means that thousands of students who can meet the standards of higher education do not get the chance to attend. No one has been able to estimate just how many students this might be, but we have received estimates of as many as 100,000.

Other students who get less than their share of EOG are forced to study half-time, or to take out a large loan, or to drop out one semester while a brother or sister gets a chance. Many do make it without the EOG, but often under unbelievable hardship.

What can we do about all of this? Plenty. I intend to join with my colleague from Minnesota (Mr. FRASER) and others here in making amendments to this program which will eliminate the inequities which I have just outlined. Aid will flow to the students who qualify and in amounts which vary along a sliding scale, depending on cost and expected family contribution. The basic formula for an EOG will be $1,400 minus family contribution or an amount equal to one-half the student's need to attend that institution—whichever amount is the lesser. This two-pronged formula is equitable, predictable and reflects as much as possible the costs of attending a particular institution.

I would like to insert in the RECORD at this point a small table which shows the amounts of EOG different students would receive:

TABLE B.—EXAMPLES OF EOG UNDER QUIE-FRASER PROPOSAL

Cost of attendance	Expected family contribution						
	0	$200	$400	$600	$800	$1, 000	$1, 200
$800	$400	300	200				
$1,200	600	500	400	300	200		
$1,600	800	700	600	500	400	300	200
$2,000	$1, 000	900	800	700	600	400	200
$2,400	1, 200	1, 100	1, 000	800	600	400	200
$3,000	1, 400	1, 200	1, 000	800	600	400	200

Of course, students who attend only half-time would get different amounts. As under present law, no grant would be made in amounts less then $200. Students now receiving EOG's would be able to continue to receive them under the provisions of present law.

The estimated cost of this proposal is $500 million. The goal it will achieve is worth that price. And all for about one-half the estimated cost of institutional aid proposed under title VIII.

If the Congress did not appropriate the funds necessary, then the $1,400 figure would be floated downward until all students under that formula could be assisted. That is the best of all possible options to deal with inadequate funds. However, it is my fervent hope that the administration and the Congress would see this as one commitment worthy of full funding.

Now, if I could, I would like to turn to some remarks made earlier. The gentlewoman from Oregon indicated we are going to move away from the present educational opportunity grant State allotment formula where you just count the number of students in college, to a three-factor allotment formula, where one-third of the money is allocated, based on the number of students in college, one-third based on the number of high school graduates, and one-third based on the number of children in families with less than $3,000 income a year.

The formula being used right now is already inaccurate. The number of students in college is no indication of the number of needy students in college who deserve educational opportunity grants, but it certainly comes closer than the other two factors which are added in this bill.

The percentage of students who graduate from high school and who go to college varies greatly from State to State.

I am going to place a table in the RECORD at this point, which was made available to me. The source is "The Capital and The Campus: State Responsibility for Post-Secondary Education," a report by the Carnegie Commission on Higher Education.

COMPARATIVE ACCESS TO HIGHER EDUCATION, BY STATE

States, by per Capita Income, Low to High, 1970	Ratio		
	First-time enrollments[1] (full time), to high school graduates, 1968	Undergraduates[1] to 18 to 21-year-olds in State, 1968	Public high school graduates, 1968–69 to public school 9th graders, 1965
United States	[2] 0.58	[2] 0.41	[3] 0.79
Mississippi	.64	.33	.68
Arkansas	.54	.34	.70
Alabama	.47	.32	.70
South Carolina	.39	.20	.71
West Virginia	.42	.33	.73
North Dakota	.62	.48	.86
New Mexico	.50	.39	.75
Tennessee	.46	.31	.71
Kentucky	.49	.31	.68
Louisiana	.49	.35	.70
South Dakota	.55	.47	.88
North Dakota	.41	.24	.67
Idaho	.62	.51	.84
Utah	.57	.53	.85
Maine	.34	.26	.82
Oklahoma	.62	.46	.79
Georgia	.41	.25	.66
Montana	.58	.45	.82
Wyoming	.70	.52	.76
Vermont	.34	.34	.84
Texas	.61	.37	.71
Arizona	.98	.48	.73
Florida	0.65	0.38	0.71
Virginia	.47	.26	.76
New Hampshire	.45	.35	.83
Missouri	.56	.40	.75
Oregon	.64	.48	.84
Nebraska	.56	.45	.87
Iowa	.53	.46	.90
Wisconsin	.48	.44	.85
Colorado	.61	.43	.83
Indiana	.46	.36	.79
Minnesota	.52	.45	.93
Kansas	.64	.45	.84
Pennsylvania	.43	.40	.86
Rhode Island	.67	.39	.86
Ohio	.51	.38	.82
Washington	.73	.46	.89
Michigan	.51	.41	.82
Delaware	.48	.31	.83
Maryland	.52	.36	.79
Massachusetts	.66	.49	.85
California	.75	.50	.88
Illinois	.68	.47	.78
Hawaii	.64	.32	.91
New Jersey	.59	.46	.83
Nevada	.54	.27	.74
Alaska	.46	.14	.78
New York	.71	.52	.77
Connecticut	.67	.51	.81

[1] Residents of State enrolled as undergraduates in any State.

[2] Includes District of Columbia.

[3] Excludes District of Columbia.

Source: "The Capitol and the Campus: State Responsibility for Postsecondary Education," a report and recommendations by the Carnegie Commission on Higher Education (New York: McGraw-Hill Book Co., 1971), pp. 45–46, 133–34, 139–40.

There are three columns. The first time enrollments in college as a percentage of high school graduates is one column, the undergraduates, as they relate to the 18- to 21-year-olds in the State is the middle column and the public high school graduates as they relate to the number of ninth graders who existed 4 years before is the last column.

You find that in a State like Arizona, where there was a net influx of student graduates in the year 1968, 98 percent of that number were first-time enrollees in Arizona. That means there was a net influx of students, it was more than their own graduates by a long ways. And this varies. Take, for instance, in Vermont and Maine, only 34 percent go on to college. South Carolina, 39 percent. In other States like Washington, 73 percent; California, 75 percent; New York, 71 percent.

So there is no indication at all that high school graduates will go on to college in the same percentage, State by State. Likewise, when they go on to college there is no indication that they need an EOG.

So what happens when you change this formula is that States who are now exporting—States like New Jersey—get an increase in allocation to their State, and States that are now importing them are reduced substantially.

So the bill makes it a more inaccurate formula as we add these other factors.

The third factor, as I mentioned, is basing one-third of the aid on the number of children below 18 who come from families with an income of less than $3,000 per year. Now that is the most inaccurate of all because, even though they are poor families, and you might think they are going to receive EOG grants, there is no direct relationship between the fact they are poor and the fact they might be going to college.

Because that factor varies from State to State even more than the percentage of all high school graduates who go on to college.

Also, you have to bear in mind we are using obsolete information. This year we are still using the information from the 1960 census. That was based on 1959 income—and how many of those children in 1959 are still going to school? That was 12 years ago. Anybody who was in the first grade is out of high school so when they are counted now, it is completely inaccurate.

Now you might say—we will go to the new census information. The census that will be available next year. But next year we will be using the 1970 census information based on 1969 income and that is already 3 years obsolete.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. The gentleman recalls that in the subcommittee I offered an amendment to change that type of factor and use the social security welfare statistics, the ADC families.

Mr. QUIE. That is correct.

Mrs. GREEN of Oregon. If you recall, the gentleman from Minnesota voted against that substitute.

Mr. QUIE. That is correct.

Mrs. GREEN of Oregon. And it was defeated.

It seems to me it is necessary to use later figures. I was hoping we could do that. I think the other would have been preferable, and if it is offered here, I would accept that.

So we would have figures for the year in which they are given rather than 10 years ago.

Mr. QUIE. I was going to get into the reason as to why that is also inaccurate information. But let me first finish this, if I may.

We are using obsolete information because it is 3 years old. I just want you to bear in mind that in 1969 there was very low unemployment in this country. Therefore, all of the unemployed children who now would be counted, if we used accurate information will not be counted. You know in the large metropolitan areas there was a substantial increase in unemployment and that will not be cranked into the formula.

Suppose we did move to use the welfare information that existed. That is inadequate because there are some States that pay high welfare and include people with quite high payments. Other States just do not count many people on welfare—they have to be extremely poor to be counted. For that reason, I think this approach is also inadequate.

There is only one fair way to provide EOG grants and that is to send the money wherever the kids are. If a needy student chooses to go to a particular college, wherever it is, whether it is in his own State or in some other part of the United States, that is where the aid assistance ought to go.

So no matter how you build a formula there are inequities. There are grave inequities now in the law and they will become even greater if we adopt the formula in this legislation.

I am hopeful that we can amend the EOG program so that at least we can eliminate this inequitable State allotment formula. But even more than that, I believe we know enough now about the EOG and its operation that we can and ought to make a commitment with some certainty to students who are in need so that they could receive some kind of grant or go to college, and to give it to them on an equitable basis compared to those who are not as needy.

This is the effort that the gentleman from Minnesota (Mr. FRASER), and I are going to make with reference to EOG grants.

But in the time I have, let me move from that to some comments on institutional aid.

INSTITUTIONAL AID

Probably the issue which generated the most discussion on this bill was general institutional aid to higher education. And rightly so. If this Congress decides to share in financing the general operating costs of higher education, it will be a real first. To date, Federal aid has been tied to students, categorical and formula programs related to national priorities, or aid to institutions in return for certain services and research.

I am one who believes it is time to accept a new role for the Federal Government by providing institutional aid. However, I oppose the portion of the committee bill which ties institutional aid simply to the number of students. First, I believe aid should be more closely related to an institution's support of national goals. Second, I find no convincing rationale for giving $100 per lower division student, $150 per upper division, and $200 per graduate student. These figures are not at all related to the actual costs of educating students at various levels or in various curriculums.

Further, I am concerned that a per capita formula tends to reward those institutions which are already taken care of the best—large and growing State colleges and universities. Those institutions which tend to be in greater need at this point in time—black colleges, private institutions, and urban universities—tend on the whole to come out worse compared to the cost of education approach, which I believe is better. Certainly a per capita formula locks in private colleges to a decreasing share of the total pie, since the proportion of students enrolled in private colleges is less each year in relation to the total national enrollment.

Almost everyone engaged in the debate on this issue agrees on one thing: We do not know enough to come up with a sound formula which could stand the test of time. People who support the bill before us say that we can change the formula as we gain experience. But anyone familiar with the Congress knows that, after 1 year or 2 of funding something which will benefit most of the State colleges and universities, it will almost be impossible to alter the formula. One has only to observe the history of impact aid legislation.

The bill recognizes this need for better information by providing for two comprehensive studies on the financing of higher education. Why should we lock ourselves into an arbitrary per capita formula before we have the results of these studies?

Well, respond many individuals, the colleges are facing a crisis right now. They need help. But are we to believe that each of 2,600 colleges and universities is facing a crisis such that a $100–$150–$200 formula will meet its unique need? Surely no one would suggest that.

Mr. Chairman, I would submit that if it is the emergency nature of a true financial crisis that moves a Member to be for institutional aid, he is better off supporting title XVIII, which is tailor-made to meet emergency situations. That title allows the Secretary of HEW, with the help of a Council on Higher Education Relief Assistance, to make grants to specific institutions in specific, one-shot grants in order to give them the relief they need to get back on their own feet. Some institutions need sizable grants. Others not so much. Far less than half of all institutions would qualify for these grants, in order that the money might be targeted on those in real need.

I support title XVIII, but see it as a supplement to general, across-the-board institutional aid. While I am not prepared to get locked into any sort of per capita formula, I do support the cost of education grants, under which only one-third of the money in title VIII would be distributed. I think all the institutional aid should be granted on the basis of cost of education allowances. Under this approach, each institution would get a certain percentage—50 percent for smaller institutions, scaled down to 38 percent for the largest schools—of the amount of Federal EOG, work study, and NDEA loan money it receives.

My reasons for supporting this approach are several: First, cost of education grants reward those institutions which are doing the most to meet the educational needs of federally assisted students. If the Federal Government helps additional numbers of students attain access to higher education, it is a legitimate role for the Government to assist those institutions in meeting the costs of educating those students. No student pays his whole way.

Second, cost of education grants do not pose the same degree of opportunity for the Federal Government to meddle in the affairs of institutions. I believe Federal money in this form—following the students—also poses less of a problem in terms of the constitutional issue related to aiding church-related institutions.

Third, a cost of education approach at this stage of the game will not lock us in to any formula which would prevent future action based on the results of the studies commissioned under this bill.

Fourth, all of our computer runs show that those types of colleges which I believe are in the greatest need tend to come out better under a 100-percent cost of education approach that under the two-thirds–one-third formula in the bill.

In comparing any formula, it is important to compare them assuming the same level of appropriations. In the following tables, an appropriation of $100 million is assumed.

FTE in the tables relates to full-time equivalency, based on credits earned—the formula under which two-thirds of the money appropriated for title VIII would be distributed. SFA relates to student financial aid—the basis for determining cost of education grants and the approach under which one-third of the money appropriated for title VIII would be distributed.

In the first table, which I would like to insert at this point in the RECORD, one can see the amounts and percentages of money flowing to public and private institutions under various formula options:

TABLE I.—AMOUNT OF INSTITUTIONAL ASSISTANCE RECEIVED BY PUBLIC AND PRIVATE INSTITUTIONS UNDER VARIOUS OPTIONS [1]

	2/3 FTE 1/3 SFA (H.R. 7248)	1/2 FTE 1/2 SFA	1/3 FTE 2/3 SFA	0 FTE 100 percent SFA
Public institutions:				
Total dollars	$65,199,382	$63,795,513	$62,373,542	$59,532,701
Percentage of national total [2]	65.2	63.8	62.4	59.5
Private institutions:				
Total dollars	$34,863,259	$36,290,759	$37,706,511	$40,539,467
Percentage of national total [2]	34.9	36.3	37.7	40.5

[1] All options assume an appropriation of $100,000,000.

[2] Totals may not add because of rounding.

Table II shows how much money would flow to predominately black institutions—a category of over 100 colleges which almost all our witnesses concurred were in deep financial need and deserved adequate Federal support.

TABLE II.—AMOUNT OF INSTITUTIONAL ASSISTANCE RECEIVED BY INSTITUTIONS ATTENDED PREDOMINANTLY BY BLACK STUDENTS UNDER VARIOUS OPTIONS [1]

	2/3 FTE, 1/3 SFA (H.R. 7248)	1/2 FTE, 1/2 SFA	1/3 FTE, 2/3 SFA	0 FTE, 100 percent SFA
Total dollars	5,429,102	6,642,382	7,852,870	10,279,304
Percentage of national total	5.4	6.6	7.9	10.3

[1] All options assume an appropriation of $100,000,000.

So I would like to arrange for institutional grants. I tried a year ago to find some way where we could provide it and not get ourselves to a point where the institution does nothing in return for the money; just receives the money because they are there—similar to impacted aid where money is sent out just because the students come from families who work on a Federal establishment. And you know what happens each year with impact aid. That is really what I am concerned about.

My first proposal was that institutions ought to be rewarded for bringing the student all the way through a program to completion. But there was not enough acceptance of that in our committee. So I now believe the cost-of-education allowance is the best thing we can do with the information we have before us.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. MICHEL. With respect to aid to institutions, would any consideration be given to those institutions that are already receiving some form of Federal assistance? For example, I am reminded that every one of our medical schools and every one of our dental schools is being subsidized through NIH in some form or another. Would there be some calculation in that formula that would take into consideration the aid that those institutions might already be receiving in some form from the Federal Government?

Mr. QUIE. I would say to the gentleman that these moneys would not be considered in the cost-of-education allowance, which is how one-third of the money would be distributed. This portion of the formula takes into consideration the OEG, work study, and NDEA student loan moneys that go to students. But the grant of money to institutions is not taken into consideration. But neither does the two-thirds portion of the formula based on capitation. But the gentleman makes a good point, because from 1950 to the present time the total amount of Federal moneys going for higher education has increased from $500 million to $6 billion. I do not mean from the Office of Education, but the total amount of Federal Government assistance.

Mr. MICHEL. Mr. Chairman, will the gentleman yield for a further question?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. MICHEL. I listened to the gentlewoman from Oregon with respect to the, I think, 2,400 institutions of higher learning that would be the beneficiaries of some $800 million in institutional aid. That is, by a quick calculation, roughly $300,000 per institution. My concern as a member of the committee that will obviously be called upon to fund these programs in future years is not that it may be just a little drop in the bucket now, but that next year or the following year you would expect to double or triple that amount, and in a few years we would be up to a multibillion-dollar program of assistance to institutions.

Mr. QUIE. The gentleman, who is the ranking Republican on the HEW Appropriations Subcommittee, is very competent in making that analysis and has seen it happen in the past. I think you are saying that would happen, and I would have to agree with you.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Virginia.

Mr. SCOTT. I thank the gentleman for yielding.

In looking at the bill, I do not see anything that applies to the high school or secondary level. Is it correct that this bill applies only to the college level or higher?

Mr. QUIE. There are some provisions in the bill that would have some effect on children below the college level—for example, the occupational education title, which I believe is an excellent title. It gives attention to secondary education. There are some other provisions of the bill that affect the elementary and secondary school levels.

Mr. SCOTT. But generally it is true that this applies to the college level?

Mr. QUIE. Yes, generally it is a higher education bill.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. DENNIS. I am quite concerned about this general institutional trend, which I think the gentleman will agree is a very fundamental departure which has social implications. My father spent 17 years as president of a small church-related college. Most of them were depression years. He certainly could have used the money. But he had the philosophy, and many others in those days felt that they did not want to receive Federal money to operate their school because they thought it meant Federal control and, in effect, the end of the private college. Maybe times have changed, but I know that is the way my father felt, and a good many other people felt in those days.

I would like to have the gentleman's comments on that problem of philosophy and also those of the gentlewoman from Oregon, whose judgment I admire as I do the gentleman in the well. But I will have to say that this concept troubles me.

Mr. QUIE. I would say to the gentleman from Indiana that the closer we connect the aid to the student, the less chance there is of Federal influence on an institution. But by the same token we might be increasing the students' influence on the institution, so I guess we would be deciding—if any amendments are offered—between the cost of education allowance or a per capita formula. There is a tendency for the Federal Government to exert influence when it grants money. And some say there would be a tendency of more influence on the part of the students because they bring some Federal aid with them. I, myself, am in favor of the students rather than the Federal Government if any influence is to be made.

Mr. DENNIS. I will say to the gentleman, although I am not an expert in this field, that I rather tend to go for his view rather than the simple head count, because I think the simple head count would be a disservice to the small college I have some interest in.

But it seems to me that, even though it may be hard to determine which colleges are financially in an emergency situation, that if we go this route at all, aiding these emergency cases is the most we ought to attempt.

Mr. QUIE. I would say to the gentleman that, while I indicated earlier that for some time I believed we ought to go in the institutional grant direction rather than expanding the categorical aid, I do not want to leave the impression I do not have some concern with this, the very concern the gentleman has raised. I ask each Member to think very carefully about this, because we are taking a very fundamental step in this legislation that will never be reversed. Once we begin institutional grants we will never get away from them. I will repeat that and say again: Once we begin institutional grants, we will never get away from them. I want all Members to be aware of what we are doing and know with what we will be faced in future years. I am willing to face that myself because of some of the problems I see with categorical aid, but I think all my colleagues ought to think very carefully on this point.

Now, Mr. Chairman, I would like to address myself to title XVI.

Title XVI of H.R. 7248 is cited in the bill as the "Occupational Education Act of 1971." In my judgment it is—standing alone—one of the most important pieces of education legislation to be considered in this decade.

Title XVI, with a very few changes, is the same as H.R. 7429, which I introduced on April 7, 1971, for myself and 16 of my colleagues on both sides of the aisle. In fact, the cosponsors include most of the senior members on both sides of our committee. A few weeks later, on May 13, Senator JAVITS introduced a virtually identical bill—S. 1856—with equally strong bipartisan support in the other body.

I am citing this broad support for the provisions of title XVI to emphasize the importance which so many Members of the Congress place upon strengthening occupational education.

The first two of the findings and statement of purposes for title XVI point up the fundamental thrust of the title: That "our educational system should be responsible for assuring that every young person leaving secondary school is prepared for and assisted in placement either in productive employment or in further education at the postsecondary level," and that "the opportunity for postsecondary occupational education in programs which do not directly lead to a baccalaureate or advanced academic degree is severely limited in many parts of the Nation and is everywhere inadequate to meet existing needs, and that this situation adversely affects national economic and social goals."

Mr. Chairman, title XVI meshes nicely with the landmark 1968 Vocational Education Act by adding new dimensions to occupational education which vocational educators, acting alone, cannot achieve. Its provisions were carefully developed in consultation with the American Vocational Association and the American Association of Junior Colleges, and after review and comment by representatives of such organizations as the American Association of State Colleges and Universities and the United Business Schools, Inc., among many others. It has the solid support of both the American Vocational Association and of the American Association of Junior Colleges, which may be the first time these two groups have united behind a single piece of legislation affecting the vital interests of both.

This title deals with two extremely important aspects of occupational education which require a new Federal initiative if we are to achieve vital national goals. The first is postsecondary occupational education which is not designed to lead directly to a baccalaureate degree, but rather to lead directly to a job. Although some such programs have been supported in recent years in a wide variety of postsecondary institutions under the Vocational Education Act, we lag far, far behind our needs for such education in every State in the Union; in some States it is scarcely available at all.

The second thing which this bill deals is the increasingly urgent matter of infusing occupational education and counseling—and the responsibility for job placement—into the regular elementary and secondary school system on an equal footing with traditional academic education. We attempted to approach this through the 1968 Vocational Education Act, and that attempt may yet prove very helpful—but vocational education funds—including State and local funds—are no more than 4 percent of the total annual expenditures for public elementary and secondary schools. This does not provide much leverage in making fundamental changes of attitude and direction in such schools. We are therefore seeking in this bill yet another approach—another lever to move our huge educational system. This bill would involve general educators, vocational educators, postsecondary occupational educators, higher education and representatives of the general public in a cooperative effort to effect change.

Change of the kind this title seeks is long overdue in American education. The basic statistics relating to the need for occupational education at all levels—without embellishment or elaboration—tell a bleak story of unmet needs and neglected opportunities.

At the high school level, dropout rates of between 20 and 30 percent in many schools all too clearly indicate a lack of relevancy of courses labeled "general education" but leading nowhere—neither to a job nor to college. But the problem begins much earlier in the early elementary years where very few children are given any idea of the world of work, and it is compounded by a near-total lack of skilled occupational counseling in the late grade and early high school years. Most children are left literally ignorant of the wide range of careers and job opportunities open to them and how they might prepare for them. Accordingly, while eight out of 10 high school students are enrolled either in college preparatory or "general education" courses, fewer than two out of 10 will ever attain a baccalaureate degree. At the grade school and high school levels, we have our educational priorities reflecting almost the precise opposite of real educational needs.

Occupational education at the postsecondary level falls far short of known needs. There are 28 million persons in the 16-to-24-year-old population of whom fully 16 million in an average month are in the civilian labor force. Yet our existing training capacity for the occupational preparation of this prime target population, beyond the high school level, can accommodate little more than 2 million enrollments—or only one in 14 for the total age group and one in eight for the actual work force. This is terribly inadequate—and it is all the more so when examined more closely and existing programs are compared with emerging manpower needs in technical fields and subprofessional occupations needed to provide a wide variety of medical, educational, and social services.

At the postsecondary level the largest resource by far happens to receive virtually no public support aside from a relatively small amount of student assistance: This is the group of accredited, proprietary—private enterprise—trade, technical, and business schools which enroll about 1,200,000 students. The next largest group of enrollments are in the postsecondary occupational curriculums supported in a wide variety of public institutions under the Vocational Education Act; these number about 700,000, of which less than one-third are in the health and technical occupations. Another 275,000 enrollments are in our organized apprenticeship programs, which are both excellent and far too few. Perhaps a few thousand more places may exist in organized programs conducted by industry—although this is doubtful since many of the accredited proprietary institutions mentioned above are owned and operated by major corporations. This is the sum total of the Nation's capacity in postsecondary occupational education and it is disastrous when compared to our obvious needs.

In fact, a persuasive case could be made that important national thrusts in the last 10 years for the development of human resources has been seriously inhibited by the lack of training capacity for the development of subprofessional personnel in health, education, and social services. For example, enactment of title I of the 1965 Elementary and Secondary Education Act—dealing with disadvantaged children—created a vast new demand for trained teacher aides for which we had virtually no capacity to meet other than on a "catch-as-catch-can" ad hoc basis. I am convinced that this fact alone accounts for our failure to make more effective use of title I funds. Incidentally, we still have very few organized programs for training subprofessional people in education. Numerous other examples can be cited.

Time after time, in place after place, speaking here on the floor of the House or to groups of educators or to various civic organizations in many parts of the Nation, interested members of our committee have drilled home the point that four out of five of our schoolchildren will require education for a job other than that requiring a college degree. Yet this elemental fact seems so difficult to get across to the Nation's educational establishment, including those who during several national administrations have made policy for the U.S. Office of Education and the Department of Health, Education, and Welfare.

Title XVI is a carefully conceived instrument for dealing with that elemental fact. It aims toward the blending and fusion of occupational education with academic education beginning with grade 1 and continuing beyond the high school. As the third report of the National Advisory Council on Vocational Education stated last July:

> The primary reason this Nation has not yet established a society in which there is equal opportunity to learn and work is that it has not yet tried.

With this legislation we are beginning to try. The Advisory Council report also argued that "every secondary school should be an employment agency" just as colleges and universities operate employment offices for their students. We agree, and that is a major objective of this legislation.

Mr. Chairman, in developing legislation for these purposes we faced many difficult questions. What kinds of institutions would conduct the postsecondary programs? Which of several possible State agencies would administer the program at the State level? How could we assure the wide variety of professional and institutional interests that they would be meaningfully involved in this effort? Those who work in education will recognize that these are not easily resolved. Yet, by working carefully with major professional groups such as—but not limited to—the American Vocational Association, the American Association of Junior Colleges, the United Business Schools, Inc., and the American Association of State Colleges and Universities, we resolved these questions in such a manner that lots of people support this title of the bill who have previously not been able to agree upon a single piece of legislation affecting postsecondary education.

The basic reason for this is that we have worked out an approach which concentrates on program content rather than administrative or institutional concerns. We did so for very practical reasons. In terms of State administration, there is no agency in most States which has responsibility for the programs which this title treats in a unitary manner, so we leave it up to the State to establish or designate an agency which then must broaden its structure to meet the requirements of this title and involve in an effective manner all of the educational and other groups involved in the programs. The involvement would include every significant activity from initial planning through evaluation of programs which are carried out.

In terms of institutional interests, there is no national pattern to follow. Today postsecondary occupational education is taking place in a wide range of public and private institutions, all of which would be eligible to participate in programs under this title. In fact, title XVI encourages broad participation on the sound theory that even if we utilized all existing facilities we could not meet existing needs. The title provides a flexible approach which can be fitted to the existing pattern of institutions in every State.

This title strongly emphasizes the need for careful initial planning and for continuous evaluation of the programs which are funded. This has been a weakness in some education legislation and we are determined that it not be repeated. It also provides for coordination with all existing programs—at the State level the Advisory Council for Vocational Education would expand its responsibilities to encompass this act—and it would insure—with respect to the now existing structure of the executive branch—that occupational education is placed on an equal footing with academic education.

This final point, Mr. Chairman, to which I have alluded, is a major purpose of this title. In my judgment, occupational education has been treated by the U.S. Office of Education for years—running through both Democratic and Republican administrations—as though it were not a legitimate part of our structure of education. I have publicly criticized this and have privately pleaded for change. Now I propose to accomplish by legislation what so many of us have been unable to bring about through exhortation. This title would establish a Bureau of Occupational Education within the U.S. Office of Education headed by a GS–18 with the rank of Deputy Commissioner and it would authorize additional supergrade positions to support the new Deputy. I believe that this action is completely consistent with Commissioner Marland's commendable new emphasis on occupational education. Commissioner Marland already has strengthened the existing bureau which includes vocational and adult education by finding one of the most able educators in America—Dr. Robert Worthington of New Jersey—to head it. This title would give additional weight to Dr. Worthington's contributions. Moreover, it would spell out the responsibilities of both the Secretary and the Commissioner in creating a proper emphasis upon occupational preparation and would insure that the coordinating responsibilities of the Department are carried out. One of the problems I have encountered with our manpower programs, for example, is that the educational oversight supposed to be exercised by the Department of Health, Education, and Welfare has not been fully effective. This title would also help cure that problem.

I support the President's proposal for a new Department of Human Resources, and I feel that when it is finally approved we can achieve an even better administrative position for all of education, including occupational education and manpower training. However, in the interim period—which could be a long time—I am not willing to tolerate the continued neglect of occupational education in the executive branch.

For all of these reasons, Mr. Chairman, I hope that title XVI will be approved with strong support from both sides of the aisle.

Mr. Chairman, there is one final issue in this bill which will have a profound effect on higher education. I refer to title X in the bill, prohibition of discrimination based on sex.

I firmly support the provision of title X which prohibits discrimination on the basis of sex in employment in educational institutions. I am deeply concerned, however, with those provisions of title X which affect the admission policies of private institutions. My concern is not for the prohibition against discrimination on the basis of sex, but for the further extension of Federal controls and regulations over institutions of higher education.

As I have stated many times, I do not feel it is in the best interests of this country to inject the Federal Government into the admission process at every college across the Nation, and for the Congress to reach into the very heart of private institutions and remove from them control over their own admission policies. Moreover, such an incursion is contrary to the historical position of Congress, and threatens one of the great strengths of the American higher education system—diversity.

Historically, Congress has consistently refrained from imposing Federal controls on the use of Federal funds by institutions of higher education. This longstanding policy was specifically embodied in section 804(a) of the Higher Education Act of 1965, which significantly increased Federal assistance to education without a corresponding increase in Federal control of education. Section 804(a) states:

> Nothing contained in this chapter shall be construed to authorized any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by any educational institution.

The rationale commonly advanced to support the absence of Federal control has been that higher education is a State and local responsibility, and that Federal educational programs should be administered by the institutions of higher education themselves.

It is also significant to note the alarm raised by the higher education community, Government officials and indeed many Members of Congress, when riders were placed on education appropriations in 1969 cutting off financial aid to dissident students. During the time when those riders were under consideration, the Secretary of HEW, Robert Finch, said in a speech on July 17, 1969:

> Techniques of repressive Federal intervention in the affairs of each local campus violates the most deep-rooted, the most honored traditions of American education and would, in the end destroy its essential nature.
>
> We do not want a monotonous and monolithic imposed unity in which all our educational institutions conform to a Federal code of conduct, to a stifling Federal intervention. To advocate such intervention, in my view, is a form of radical extremism.

As noted by Secretary Finch, Federal controls tends to impose monotonous and monolithic unity. An editorial in the October 1, 1971, New York Times, entitled "Diversity Endangered," expressed the same concern. The editorial said that diversity, the most astonishing and exciting mystery of life, is endangered by man, who is attempting to control, moves toward a deadening sameness and loss of variety. The editorial dismissed the provisions of title X with the following remarks:

> Now comes the House Education Committee, which has written a little provision into the higher education bill. It tells the colleges that if they admit any substantial number of the other sex, they have lost control of their admission policy. Henceforth, to receive any Federal aid, they have to admit students of both sexes on an equal basis." The editorial continued, "A truly humane politics, call it liberalism or conservatism, would help a society to protect diversity. But here the power of the law is again used to make life level and uniform . . . Cultural faddism is one of diversity's deadly enemies.

If the current provisions of title X are passed, they would be almost unenforcable. Investigations to determine discrimination in admission would require review of all applications filed at an individual institution—an almost insurmountable task. In addition, it would requre qualitative evaluation of the various decisions which make up the selection process in admissions. Factors considered in admissions are often designed to produce a diverse and balanced student body, and include such things as race, religion, athletic and other extracurricular activities in high school, community activity, geographic distribution, qualities of leadership, stability of personality, alumni parentage and scholastic ability, not to mention sex. It would be extremely difficult to enforce the provisions of title X and determine when, if ever, a college has denied a person admission solely on the basis of sex, rather than on a balanced consideration of all the factors involved in the decision process.

If the current provisions of title X are going to be enacted, I feel that colleges should at least be protected against severe financial strain and complete disruption of existing course offerings and faculty composition I, therefore, propose to amend title X so that no college will be required to impose a minimum quota on the number of persons of any sex. Under my proposed amendment, no college will be required to give preferential treatment to any person solely on the basis of sex so as to balance an existing imbalance within the composition of the student body. Thus, colleges can let their ratio of sexes adjust itself naturally on the basis of individual qualifications and the pattern of applications by eliminating any discrimination on the basis of sex in admissions.

Such an amendment is similar to a provision in title VII, section 703(j) of the Civil Rights Act of 1964 regarding minority employment, and language added to title IV, section 403(b)(3) of the National Defense Education Act of 1958 by this bill, H.R. 7248.

I urge my colleagues to realize the full ramifications of the policy proposed by title X. Federal encroachment into the internal decisions and administrative policies of private educational institutions poses a grave threat to higher education. It is not an action which we should undertake lightly nor in the heat of emotion, but rather a decision to be made with all serious thought of the results and the precedent which would be established.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. SCHEUER).

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I wonder if I might have the attention of the gentleman from Indiana with regard to his last question. I think we are going to see a revolutionary change in regard to the financing of all education in the United States. The California case with respect to property taxes and secondary and elementary schools and the Maryland suit that is pending will have great influence on educational financing.

I share the concern over Federal control, which is exactly the reason why I support the formula in the committee bill. No Federal strings are attached to the way it is spent. It really concerns me when I read a statement such as is in the bill offered by the gentleman from Minnesota (Mr. QUIE) which says:

> The student's expected family contribution shall be determined by a method to be prescribed by the Commissioner by regulation (to which section 553 of title 5, United States Code, shall apply) which shall be uniform for all institutions and shall include (A) the portion of its resources which a family can reasonably be expected to contribute to the education of the student . . .

First of all, I do not think the Federal Government or the Commissioner has any business putting himself between the family and the student and making a judgment of how much a family ought to contribute. I think that is a family decision. Also, students at the college level are becoming increasingly independent of their families. It is true the students' financial aid officer would look at the total income, but there is no national uniform standard we impose on every institution in the United States to try to require every family to contribute so much, or the student will not receive help.

Then when I read a letter from the Secretary of Education, this concerns me. It is on page 3 of a letter written to the minority leader from the Secretary of Health, Education, and Welfare in which he said:

> Our approach is based upon a belief that the Federal role in providing institutional support should be limited to assisting institutions responsive to Federal priorities.

I reject this approach 100 percent. I do not think in providing institutional aid that we ought to give an institution funds only if it will direct its efforts to what the Federal Government has decided is a national priority. I think we ought to respect the autonomy of the institution and let the institutions determine their priorities and needs. The Federal Government has no business saying if you do not do what we have decided is important—you would not get any funds. I say if we follow this course, we will have more and more Federal control, which is what I want to avoid.

One final factor, if we tied the institutional aid to EOG, work study and NDEA, I think we might be creating a situation which could become increasingly difficult in this country.

The gentleman knows that at the present time we give members of the faculty research grants. I am sure that every Member of the House realizes there are certain faculty members who go to the president of the institution and say, "I got that research grant. You are getting a certain amount of money you would not get, if it were not for me; therefore, you are going to do what I want you to do."

If we tie institutional aid to the number of students receiving EOG, work study, and NDEA loans and the total volume received, we would be inviting the most militant students to go to the administrator of the university, or the president, and say, "You would not be getting this institutional aid if it were not for us, so you are going to spend it the way we want you to spend it."

So we would have some more nonnegotiable demands.

I think that is not the way we should move. I think any institutional aid ought to be unrestricted. It ought to go to the university, and that university should make the decision as to how to spend it.

Somebody said that we might have some of the biggest student union buildings in the country, but the university would not be able to meet its payroll on the first of the month.

I thank my colleague very much and, Mr. Chairman, I yield him 5 additional minutes.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I will yield to the gentleman from Minnesota on the condition that my colleague from Indiana does not go away, because I want to address myself to his concerns.

Mr. DENNIS. I will not go away. I want the gentleman to yield to me.

Mr. SCHEUER. I will be happy to yield to the gentleman from Indiana later.

Mr. QUIE. I agree that the more money the student carries with him the more influence it is going to have on the institution, but the students are not monolithic as a group. Sometimes we think about that. We hear about a radical student, and we think that they are all that way.

We are now talking about thousands of students who are getting aid all having a different voice in the institution.

Now the Federal Government, on the capitation provision, has one voice. There is no control over the institution in title VIII now. What about the future?

It is recognized in another part of the bill that the Federal Government is going to tell the institution what kind of an enrollment policy it is going to have with regard to sex. That is a step reducing the freedom of the institutions. They had been able to have unisex, partially coed, totally coed, 50–50, or all kinds of mixtures. Now the Federal Government is going to look over their shoulder, exactly the same way the Federal Government looks over the shoulder of everybody else with regard to race.

Mr. SCHEUER. Mr. Chairman, I should like to address myself to the concern of the gentleman from Indiana, and I will be happy to yield to him at any time he wishes to interject a comment.

My support for this bill and my support for the approach to aiding colleges stems, as I think it does for all of us, from my life experience. I went to the kind of college the gentleman's father was the president of for 17 years, a small church-related college of 700 or 800 students in Pennsylvania, run by the Quakers. It was a perfectly wonderful education experience for me.

I subsequently went to larger institutions, to the Harvard Business School and Columbia Law School, but I cherish my experience of attending a small church-related college, to the extent that my two daughters are now attending that same small school.

These small private schools all over the United States—particularly in the South, but in the Midwest and Far West as well—are in extremis. Not only are the universities and colleges caught in the bind of inflation, but, also they are caught in the bind of their own new perceptions of the kind of educational job they ought to be doing, the explosion of rising expectations as to the kinds of facilities and services that the children going to those schools ought to enjoy. They have an enlarged sense of the education function they ought to play.

So they are not only caught by rising costs of what they were doing in the past but by their own determination to fill greater and broader needs than those that they conceived as their proper role to meet in the past.

In addition to that, when you take into account the fact that in this day and age of high personal and corporate taxes, corporate giving and the giving by affluent individuals does not play anywhere near the role that it played a generation or even a decade ago in supporting these institutions, you have a condition of an irresistible force meeting an immovable object.

The irresistible force is inflation and an enlarged perception on the part of the colleges of the role that they should be playing on the one hand, and the simple inability of the colleges to meet these increased costs either by corporate giving or by individual giving or by the very unhappy expedient of raising tuition is the immovable object.

What happens? Well, something has to give. The college can go in the red. But many private colleges and certainly the Quakers have an abhorrence for red ink. So they do other things. They increase tuition more than they would like to; they reduce the degree to which they were expanding enrollment; they reduce the degree to which they were expanding faculties; they reduce the very elements of educational excellence that made them effective educational institutions in the first place—the seminars and the small classes and the various enrichment courses. They eat into and defer maintenance. Surely, the college is not in the red.

Now, how do we evaluate what colleges are needy? We wrestled for months in the Education Committee and our devoted staff people on the majority and minority sides wrestled with us trying to develop criteria for aiming at this problem with a high-powered rifle with an eight-power scope rather than the shotgun of a general-aid program. With all of that dedication and professionalism in the majority and minority staffs and with all of our individual efforts and with our reaching out to the academic community around the country, we got no help. We found it impossible to develop a formula as to what was "need," because under financial pressure the institution reacts in so many different ways.

Mr. DENNIS. Mr. Chairman, Will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman.

Mr. DENNIS. I would like to say before your time expires that I am really appreciative of the free time given by my distinguished and expert colleagues here, but this is my concern; it seems to me what the gentleman is saying is that private education cannot survive without Government support. That may be true, but when you have direct Government support it seems to me you do not have private education. So it seems to me this is a very sorry dilemma we are in if that is where we are.

Mr. SCHEUER. I agree with you that we should face honestly the fact that we are embarking on a new venture of public general support for our institutions of higher education. Yet, I do not see anything from the past which should fill us with worry. We have had 150 years of experience with land-grant colleges that have had direct Federal subsidies, and there has been no long arm of Federal control reaching onto their campuses.

Mr. DENNIS. The great virtue of private education, we used to say, is that it was different from public education. The public or State institutions had to listen to the State legislature. That was all right, but you had another sector of education that was free of all that. That is going to be taken out of the picture here in this bill.

Mr. SCHEUER. I only cite that the Federal Government poured millions of dollars into the Federal land-grant colleges without one iota of control. I do not believe once we pass, or even if we do not pass the element in this bill which requires nondiscrimination on the basis of sex, that that will be an open door for Federal control. I do not know of anybody in this Chamber who would not be appalled and abhorred by the idea of Federal control. To me, the very beauty of the general aid formula is that we put out $80,000 for each of these 2,600 colleges in the United States, which will particularly help the small college. We put out the money with no controls or criteria, no invasion of their prerogative of local control.

We are simply saying, "We know you have a problem in sheer survival, to do your thing and play your role in this heterogenous, pluralistic, higher education system that you are best prepared to play. If you want to emphasize the need of training disadvantaged students and having all kinds of support and services for them, do that, and I believe we should help them. If another institution wants to be a so-called elitist institution and train Ph.D.'s and Greek scholars and archeologists, do that."

To me the beauty of this program is that we will not interfere with pluralism, we will not interfere with heterogenity or diversity. On the contrary, this approach makes that possible, and without some kind of general education without strings attached, I would feel terribly uneasy for the future of small private institutions that the gentleman from Indiana cherishes.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. Of course I yield to my colleague from New York.

Mr. CONABLE. It seems to me that the gentleman from New York has made a very eloquent argument in behalf of revenue sharing. I am wondering if the gentleman would extend the same argument he is using to the colleges in their very difficult position to the cities and local governments generally, and if he sees any irony in the fact that we are apparently accepting it without question, the right for general education categorical grants and a general program for colleges while at the same time we have revenue sharing rather completely bottled up as far as the majority of this House is concerned.

Does the gentleman have any comment on that?

Mr. SCHEUER. I definitely do and I will risk the fact that my comments might be subject to a point of order as being nongermane, since we are not debating revenue sharing today.

Mr. CONABLE. We are discussing the same principle, are we not?

Mr. SCHEUER. I would be very happy to discuss it. I do not find any contradiction at all because I believe in the judgment and experience and insights of the presidents and boards of trustees of our 2,600 colleges around the country as does the gentleman from Indiana. I believe the small private colleges are enormously effective and relevant to the cause of higher education in this country. I want to see them continued. I do not think that the State and local governments have been anywhere nearly as sensitive to the needs of their constituents as have these 2,600 colleges.

Mr. CONABLE. The gentleman makes that statement despite the fact that the local officials are elected and the college presidents are not?

Mr. SCHEUER. Most of the administrators of these programs are not elected.

I believe if you will take a State employment agency or the local school system, I believe the experience is clear that categorical programs do play a very significant role. One of the most successful programs this Congress has passed in many years has been the Headstart program.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mrs. GREEN of Oregon. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SCHEUER. I would warrant that most of the Members of this House enjoyed preschool programs. I went to kindergarten and prekindergarten, and so have my children. So, there is no doubt among the middle class and upper middle class people of this country about the value of preschool programs. Yet, if our public school system had really been responsive, we would have long since had public school education extended down to the second year of the child's life. But, it was not responsive and, therefore, we passed a categorical program 5 or 6 years ago, when we had confidence in our insight that preschool child development programs were useful and in many cases indispensable. I believe they have made a great contribution to our public education system and I hope our systems of designing and delivering public services of all kinds will benefit from the very acute insight that the Members of this House have shown on both sides of the aisle. I appreciate the contributions which my Republican colleagues on the Committee on Education and Labor have made in improving the quality of public services over the last 5 or 6 years during which I have served in the Congress; they have demonstrated a remarkably fine and sensitive insight and we on our side have contributed to this end along with them.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I will be happy to yield to the gentleman from Minnesota.

Mr. QUIE. A little bit earlier the gentleman indicated that the land-grant college aid was an indication that Federal control was not offensive, or something to that extent, but I think we ought to put this in perspective. As I recall, the land-grant college aid only increased to $12 million, and now it is something less than $12 million; it is something like $10 million. So we are comparing $12 million, and now it is $10 million, to the proposed $900 million in the institutional grants here that will be available to all students. And the land-grant college aid was limited aid, and this would be one that would be just an across-the-board proposition on a per capita basis. So I think we ought to look at it in the correct perspective. I know that this does not change the gentleman's opinion on the aid.

Mr. SCHEUER. The gentleman is quite right. The aid program under the land-grant college aid has been on a smaller dollar volume than the general aid formula in this bill would produce, if fully funded, but the principle still stands that the lady cannot be half pregnant. Qualitatively "she is or she ain't." Qualitatively this Congress will either permit, or it will stand fast against, any intrusion of Federal control in the operation of our colleges. I have confidence in future Congresses that they will have the same total unanimity and total consensus against allowing any Federal Government to determine what will be taught and how it will be taught in our institutions of higher education as we share today. But if there is one thing we could find unanimity on I am sure it is that principle, and I would place my bets on future Congresses to protect that precious consensus, that precious history of noninterference by the long arm of the Federal Government in what goes on on the 2,600 campuses in America.

With that principle firmly fixed in our minds, let me return to the financial crisis in higher education and what title VIII of this bill proposes to do about it.

Over the last several years, higher education has increasingly been feeling the harsh pinch of increasing costs and decreasing incomes, as institutional resources lag behind both inflation and the real costs of providing superior education in an ever more complex world. These pressures have grown as enrollments have expanded, since tuition covers only a part of the total cost of higher education.

In public institutions, for example, tuition accounted for 68.6 percent of general operating and maintenance expenses in 1959–60, 64.2 percent in 1969–70, and will account for only 63.5 percent in 1979–80.

Total contributions from alumni, foundations, corporations, and other private sources, after suffering an absolute decline in 1965–66, are now increasing, but at a rate that is well below the increase in higher education operating costs. Add to this the cutback in Federal research funds to colleges and universities, the general decline in Federal funds obligated by all agencies to universities and colleges that has continued since 1966, the growing demands on schools for higher quality, greater service, and academic innovation, all of which cost money, and the red ink on college budget books is easy to understand.

Few, if any, of these pressures are likely to ease, if and when the inflationary spiral and economic downturn are reversed. The evidence of this financial crisis is hard to miss. It is reported in Business Week and the New York Times, lamented in letters from college presidents to Capitol Hill and State houses, and analyzed by a wide variety of studies and reports. The Commission for Independent Colleges and Universities of Pennsylvania in March of 1971, reported that those institutions faced a "continued deterioration of—their—overall financial condition through 1975–76." The overall deficit was expected to increase from $0.9 million in 1969–70 to $41 million by 1975–76.

In a Carnegie Commission on Higher Education report in December 1970, based on a detailed study of the financial condition of 41 representative institutions, Dr. Earl F. Cheit concluded that 56 percent of our higher education institutions are heading for financial trouble, and another 21 percent are already in financial difficulty.

The National Association of State Universities & Land Grant Colleges in its study "People's Colleges in Trouble," reported that the overall increase in operating budgets for 78 institutions it surveyed fell below the requirements for maintaining even a standstill operation.

In my own State of New York, which adopted a program of general institutional aid to private institutions of higher education in 1968, 28 of 57 of these universities and colleges nonetheless showed deficits in 1969–70.

The evidence of crisis is voluminous and complicated. In the face of financial pressure, many institutions have cut back on quality rather than operate with a deficit so that they might appear to have their heads above water. Tuitions have been raised, enrollment expansion slowed or stopped altogether, new faculty hiring postponed, student aid cut, maintenance deferred. All of these developments, and not merely budget deficits, provide compelling evidence of financial distress.

After considering the evidence of financial crisis and its consequences, the committee decided that the Federal Government must assume a new role in support of postsecondary education. While the Federal Government has for many years provided student aid and a variety of specifically targeted categorical programs to aid institutions, it has not provided unrestricted funds for general operating expenditures. While assuming some responsibility for assisting needy students in attaining higher education and for the development of specific programs to meet Federal priorities, it has not assumed a responsibility to help colleges and universities as a group to function and survive. Until now, these Federal programs have been sufficient, but there is a real and present danger that educational institutions across the country will decline in quality and size without additional financial support.

I am sure my colleagues need no convincing that our educational institutions are national resources that must be maintained. Higher education not only enriches the cultural and intellectual life of the Nation, but provides clear economic benefits as well.

For example, the Department of Health, Education, and Welfare has estimated that in a lifetime of working, a college graduate will make $213,000 more than a high school graduate, thereby pumping more money into the economy to spur the growth of still more goods and services.

Although we can agree on the desirability of maintaining our higher education resources, the questions of social policy we must decide is how and from whom the necessary support will be provided. State governments, faced with severe financial pressures, which have won the sympathy of the Nixon administration and led to various revenue sharing proposals, are scarcely in a position to increase the support they already provide. Student tuition charges are already too high at many institutions and, I think, that few of us in this chamber would like to see tuitions increased substantially above existing levels, since not only students, but the whole society benefit from higher education. Private support is already severely strained, and its rate of increase in the last 3 years has dropped from that of the early 1960's.

The burden of supplying the necessary support must, therefore, be taken up by the Federal Government. The committee has recommended that this be done in three ways:

Two-thirds of the institutional aid authorized by title VIII will be distributed to eligible institutions on the basis of number of full-time equivalency students enrolled, with $100 for each freshman and sophomore, $150 for each junior and senior, and $200 for each graduate student.

In addition, each institution is authorized to receive $300 for each of its first 200 students and $200 for each of its next 100 students. This additional authorization is intended to benefit small colleges and will now provide $80,000 to each institution as a result of an amendment I successfully offered in committee to increase the per capita formula.

One-third of the institutional aid authorized by title VIII is to be distributed by a cost of education formula based on a percentage of the total dollars each institution receives under the EOG national defense student loans, and college work-study programs.

Finally, title VIII authorizes a $150 million program for each of 2 years to provide emergency transfusions of financial assistance to institutions which are in severe danger of collapse.

The proponents of each of these three parts of the institutional aid package originally intended that only the aid program, each of them designed, would be adopted, but in the true spirit of reasonableness, this package was accepted by the full committee. The complicated nature of the financial crisis in higher education and how it can best be solved accounts for this variety of approaches.

In approaching these questions the committee had to wrestle with many difficult questions:

Which types of colleges should receive Federal aid, and should some receive proportionately more than others?

If Federal financial aid is only to be directed to those institutions which are clearly in financial distress, where does one draw the line, and how does one measure that distress?

Which plan of aid will be most effective in motivating States and institutions to maintain their efforts to help themselves and not discourage them from trying to develop other avenues of support?

Should Federal financial aid be given only with the condition that an institution meet certain standards for management efficiency and effectiveness in using its resources? If so, how can this be written into a formula?

If aid is to be keyed to those institutions which are responsive to Federal priorities, whether they be enrollment of disadvantaged students, provision of high quality education, or initiative in undertaking much needed reform, how can an aid formula be drawn which is both fair and not too incredibly complicated to administer?

One serious problem with basing institutional aid on a percentage of the Federal student aid dollars which an institution collects, for example, is that States which have their own student financial aid programs are penalized. New York, California, Michigan, New Jersey, Illinois, and Pennsylvania, for example, have sizable student financial aid programs which effectively augment Federal aid to students. Both should be counted in determining the effort institutions are making to enroll disadvantaged and low-income students.

For example, two major public institutions in the Buffalo, N.Y., area with a large percentage of minority and disadvantaged students receive $3.5 million in Federal student assistance while New York State, from its own sources, is providing $6.7 million in student assistance, or almost twice the Federal amount. This large State effort in providing student assistance is not taken into consideration in an institutional aid program based on a percentage of Federal student assistance.

In view of the complexity of all the possible criteria for Federal institutional aid, the committee has provided for the establishment of a 17-member National Commission of the Financing of Post Secondary Education to study and report to Congress on the entire problem of how to finance higher education.

This Commission will provide a comprehensive review of the causes of the financial crisis in higher education and its most effective solutions. There is a compelling need for such an assessment of how our colleges and universities are being supported and the most effective level and form for Federal, State, and private aid.

Adequate information already exists to justify general Federal institutional aid this year. This Commission will evaluate the effect of the fiscal crisis in higher education of all of the various proposed and existing Federal programs, and provide the Congress with the information and analysis needed to revise, extend, or replace them in the future.

The hard, statistical information and cost benefit analysis this Commission is directed to provide is not currently available. For example, the GI bill and the Social Security Act are two of the largest sources of student financial aid, yet no one knows how many students receiving aid under these programs attend each of the 2,600 higher education institutions in this country. As the Commission produces this kind of information, as it conducts systematic, nationwide studies of the need for additional funds among all types of institutions, as it evaluates the various alternatives for meeting that need and develops others, the Congress will be in an increasingly better position to adjust and revise Federal higher education support programs.

In 1968, I proposed a similar commission as part of the Higher Education Act amendments which was accepted by the Education and Labor Committee, but deleted on the floor of the House. It was claimed at the time that between the Office of Education and the various committee and subcommittee staffs, there was sufficient expertise to conduct such a study. Nonetheless, the conference report on that bill did have the following provision in title V, section 508:

> On or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

In March of this year, when the Education and Labor Committee was repeatedly running into the brick wall created by a lack of information and analysis, I wrote to Secretary Elliot Richardson at HEW, and asked for a copy of that report. He replied that, in effect, no such report was ever made.

The exchange of letters follows:

MARCH 10, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The Higher Education Amendments of 1968 contain a provision, which resulted from a portion of the bill for which I was responsible, directing the President, in the words of the conference report: "to submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it."

I am informed that the President's Message on Higher Education which he sent to the Congress in March 1970 was intended to express his proposal. However, I would like to know whether your Department prepared a report which presented a wider range of proposals. If so, I would appreciate your sending me a copy.

Sincerely,

JAMES H. SCHEUER,
Member of Congress.

APRIL 29, 1971.

Hon. JAMES H. SCHEUER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHEUER: Thank you for your letter of March 10 in which you inquire whether the Department prepared a report which presented a wider range of proposals in support of post-secondary education than those which were included in the President's Message on Higher Education last year.

There were some internal working papers and documents prepared as a part of developing the Administration's position but no single document became the basis for that position. None of these documents has official status and they have not been prepared for distribution.

If there is any particular type of proposal which you are interested in pursuing, I am sure that technical staff within the Office of Education could be helpful in gathering together available informational materials.

Please let me know if we can be of assistance in your efforts.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

Since the continually hard-pressed committee staffs have never done the kind of study and analysis which this Commission is directed to conduct, it has never been done, despite the assurances of 1968. I urge my colleagues, this year, to support the establishment of this Commission. It is clearly the only way the Congress will ever get the information it needs to evaluate and restructure Federal education programs effectively.

Mr. Chairman, I would like to address myself finally to only one more of the many significant titles in the bill we are considering today. In title IV, section 426 of H.R. 7248 adds a new section 447 to the college work-study program, establishing a work-study for community service learning program.

This program will authorize $50 million for direct grants to public or private nonprofit institutions to pay the full costs of part-time employment of students, with a preference for veterans of the Armed Forces who served in Indochina or Korea after August 5, 1964, to help them meet the costs of higher education.

Institutions such as State and local governments or private social service agencies which develop programs of meaningful, responsible, quality employment can apply directly to the Office of Education for funding. These jobs must be related, in so far as possible, to the students' courses of study and must be designed to improve community services or solve particular problems in the community.

Employment can be provided in such fields as environmental quality, health care, education, welfare, public safety, drug abuse control, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement.

College and university student financial aid officers will determine which students are eligible to participate in this program, with the emphasis on veterans and students from families with incomes of $10,000 or less. The jobs generally will pay from $2 to $3.50 per hour, with no limitation on the number of hours worked each week. This will enable participating students to earn from $500 to $1,000 each year while attending school.

The work study for community service learning program builds upon the highly successful work-study program established in 1965. Funded at $244,600,000 for fiscal year 1972, the work-study program primarily provides on-campus jobs which are usually not related to a student's course of study. Only about 25 to 30 percent of the 375,000 students who participated in work-study programs in 1970, for instance, worked off campus, since college administrators and professors are understandably interested in keeping these federally supported students working in academic and clerical fields within the college.

The new section 447 will authorize assistance to some 40,000 to 50,000 additional students in off-campus jobs exclusively so that local governments or social service agencies will no longer have to compete with colleges to employ work-study students.

Although this program is not intended to replace existing opportunities for off-campus employment, it will increase the number of students who can earn Federal financial aid through useful community service.

This program is uniquely suited to the needs of returning veterans, who often have great difficulty adjusting to the sudden change from military life to post-secondary education. This program will allow many of them to perform meaningful services to their communities while attending school, thereby easing the transition and reintegrating them with the civilian world. It will also supplement the meager $175 per month the veteran now receives to continue his education in a period when part-time employment is often impossible to find.

A precedent exists for this type of program in the urban corps that New York City and some 60 other cities have established. These urban corps programs have employed students in various city agencies all year round and paid 80 percent of their wages through Federal work-study funds. The work study for community service learning program will encourage the development of successful programs like these by providing 100 percent wage reimbursement, an allowance for reimbursement of administrative expenses incurred in operating a program, and the opportunity to deal directly with the Federal Government rather than through colleges.

This program is based on the concept of combining work and learning, originally embodied in the new careers program, which is increasingly gaining wide acceptance. It not only provides a new source of financial assistance to needy students and veterans, but also gives new impetus to the trend for extending the learning experience beyond the classroom into satisfying community service.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise to address myself to several of the provisions in this higher education bill. It is a large, complicated bill, with many titles, and I could not possibly discuss all of them, nor am I qualified to discuss all of them.

I would like to mention first one part of the bill which basically is based upon legislation that I introduced in the last Congress, and reintroduced in this Congress, calling for the creation of a secondary market for the guaranteed student loan program.

The gentlewoman from Oregon has made the point that there are no Federal higher education programs to aid the middle-income groups. I think that the guaranteed student loan program is such, as is the student financial assistance program that does a very good job of aiding the middle-income groups.

The financial institutions, banks, and so forth, have performed well in providing funds for higher education through the guaranteed student loan program. Many of these financial institutions do find that these loans are different than their customary commercial loans which begin repayment immediately upon the loan being granted, and usually are repaid within a short period of time. The guaranteed student loan, on the other hand, may not begin repayment for 4, 5, or maybe as much as 6 years, and then the repayment continues over a long period of time, consequently, the financial institutions have found that they are getting a greater and greater percentage of their loanable funds invested in the guaranteed student loan program. There has been no device such as we have in housing loans to provide a secondary market for this paper, so that the institutions can cash this paper and get additional funds to be reinvested in new loans.

The provisions in this bill in title IV, part F, is the creation of a student loan market association for such a secondary market.

This is patterned after the Federal National Mortgage Association and the Government National Mortgage Association, which are called Fanny May and Ginny May, respectively, and the Student Loan Market Association can now be referred to as Sally May.

So this new lady can join our financial community in order to keep the guaranteed student loan program a good and viable program providing many, many students with funds that they would not otherwise have for higher education.

There has been some discussion already in the debate concerning general institutional aid. I would like to address myself to this discussion as well.

There were certainly many different opinions in the subcommittee and in the full committee on this question of general institutional aid. I am one who has felt a case has not been made for the Federal Government to enter into this new relationship with higher education.

We are told that there is a crisis in financing in higher education at the present time. I think the evidence of this is slim. I would point to the fact that the Office of Education is now conducting together with the Columbia Research Associates in Cambridge, Mass., a study of the problem of financing in higher education.

Recently I received a letter from S. P. Marland, Jr., U.S. Commissioner of Education, concerning some of their initial findings. I will quote from this letter which was dated October 18, 1971, where Commissioner Marland says:

> The Cost of College—

Which by the way is the name of the study—

> The Cost of College does not support as strongly the conclusions elsewhere that higher education in general is facing a discouragingly bleak future. Of those colleges in trouble, there are indications that the difficulties involve expenditures rather than revenue. This study concludes, in fact, that existing financial difficulties in the institutions studied result in large part from internal decisions within the colleges themselves. Although there is little doubt that some institutions will continue to have financial difficulties, much more can be done through better institutional management and planning to moderate the impact of inflationary cost increases and to reverse historical trends toward lower productivity.

I think this is evidence of the fact that really the crisis in higher education financing is not as great as we might be led to believe by some who have been discussing it.

I should like also to call to your attention at this time the testimony of Alice M. Rivlin, senior fellow at the Brookings Institution, before the subcommittee. She said in her testimony:

> Is there really an emergency or a crisis in higher education finance and, if so is this type of institutional aid program the best way to meet it?
>
> Hard facts are difficult to assemble in this area. My own impression from available studies and conversations with higher educators is that there is no *general* crisis of higher education finance. Rather, there are several sets of factors affecting various kinds of institutions in various ways at the same time, some permanent and some temporary.

Then she goes on to point out what these factors are:

> 1. Some major research institutions are suffering from cutbacks in federal research programs or federally funded graduate study programs. Some of them hired tenure faculty in anticipation of continued federal funding and now have to meet these salaries out of their own sources.
>
> 2. Some, but by no means all, state-supported institutions are suffering from smaller than usual increases in state support, partly due to state legislative reaction to student radicalism, partly to the general tightness of state budgets in the face of rising expenditures for other purposes and resistance to tax increases.
>
> 3. Some institutions, especially private ones, are finding themselves over-extended as a result of ambitious attempts over the last decade to improve the quality and variety of their programs to attract better faculty and a more nationally representative student body. Some find themselves with expensive commitments to scholarship programs, others with dormitories and other buildings, often financed with federal funds, that can no longer be filled.
>
> 4. Some institutions are suffering the combined effect of recent recession and inflation. Private institutions are the hardest hit. Private gifts have dropped sharply, although they seem likely to recover somewhat this year. Students are less likely in a recession to be willing to pay the difference between public and private tuition. At the same time, wages, salaries, and other costs have continued to rise steeply.
>
> 5. Some institutions no longer offer what students appear to want.

I think that is an important point to address. The institution that is not responding to today's need is not offering what will attract the student. Should we through this general financial aid program subsidize those institutions that are not responsive to the needs of today's youth and, therefore, are in financial difficulty?

There are many problems with general institutional aid. One of the questions I think we have to ask ourselves is—should we through this formula give assistance to very small institutions who may not be responsive—and to what extent are we going to be aiding these small institutions?

I have some figures from the Office of Education that are really quite interesting—that is, small institutions with a full-time equivalent student enrollment of less than 500. These are small institutions. Under the formula that is in the bill—that is, two-thirds based upon Mrs. GREEN's capitation, one-third on the cost of education allowance—if $100 million were appropriated, one institution with 440 equivalent full-time student enrollment would receive 4.4 percent of its general operating expense. If fully funded, they would receive 42.5 percent of their general operating expenses from this allocation. Almost half of the cost of operating that institution will come through the general institutional aid that is proposed in this bill.

That is the one largest amount. But running through a list of 14, they range from 11 percent, 30 percent, 25 percent, 32 percent. These are small institutions that will have anywhere from 10 percent to over 40 percent of their total cost of operating provided through this general financial aid.

I do not think the case has been made that general institutional aid is necessary at this time. I think the talk of crisis is being used to pass a program that is not intended to meet a crisis. A crisis by its very definition is something that is of short duration. But even those who tried to sell this program before our subcommittee admitted that once we embark on this, it would be a permanent program, a permanent new relationship between the Federal Government and institutions of higher education.

One of the provisions calls for a maintenance of effort. The maintenance of effort provision provides that an institution must continue to expend at least as much as the average of the last 2 years of their expenditures. Does this mean that if the institution loses students they will have to increase their per-student expenditures to maintain the same level of expenditure? It is not tied to the per-pupil expenditure but the total expenditure of the institution. Does this mean that if a State lessens its support for a particular institution, maybe because they have decided that they are going to put more State funds into 2-year community college institutions and decreasing support for the 4-year institutions—does this mean that this lessening of State support might then disqualify the 4-year institution from getting any aid under this program? I think this legally would happen. I think it is a dangerous provision, and I will at the proper time move to strike the title that provides for general institutional aid.

One last thing I would like to discuss is title X, providing for nondiscrimination as to sex in the faculties of higher institutions and also undergraduate and graduate enrollment. I think that it became quite clear a few years ago when we had student unrest on the campuses, many people in this House felt it would not be proper for the Federal Government to involve itself in the internal affairs of institutions of higher education. Some of the people who very tellingly made that argument a few years ago are now supporting this, which is a direct interference in the internal operating affairs of institutions. I have decided that I will offer an amendment to exempt undergraduate enrollment from the provisions of this title.

Since making that decision I have heard from many of the institutions that would be affected who are quite happy to know that such an amendment would be offered. I received a call from Father Hesburgh this afternoon, who said Notre Dame was considering the question of coeducational experience. They may make some arrangements with St. Mary's College, but they are not certain they could or would go ahead with this experiment in coeducation if there were such a provision as title X.

Other institutions looking at the language in title X say that they started to move toward co-education 4, 5, or 6 years ago. This language in title X says they will have to complete that process in a 7-year period. So upon the passage of this title they would find they have only a year or two more in which to complete the 7-year phase-in called for in title X.

Title X, without giving any legislative direction to the Office of Education, says that those institutions that are moving from being primarily an institution for one sex to one that is coeducational must do so under a plan approved by the Office of Education. And yet there are no legislative guidelines, no standards given to the Commissioner of Education to determine how this should be done.

It occurs to me that if a plan is to be filed, they are going to have to set some goals or quotas, so we are going to have in this area goals or quotas as to nondiscrimination in sex—the very thing we have tried to avoid in nondiscrimination in other fields and in employment. The Civil Rights Act of 1964 specifically prohibits quotas.

In the Rules Committee I referred to this as a sort of "Philadelphia plan" for institutions of higher learning with their goals for nondiscrimination in sex.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I recall the gentleman from Illinois in discussion of EOC was all in favor of the Philadelphia plan, and that he was in favor of goals then. Has the gentleman changed his plan?

Mr. ERLENBORN. I still support the Philadelphia plan. I just do not think we ought to impose the Philadelphia plan on all institutions of higher education in this country. I feel arguments are aptly made, and they quite convinced me a couple of years ago, that we should not interfere with the workings of institutions of higher education and they should have freedom, and freedom in education is a very important factor.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield further?

Mr. ERLENBORN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, the gentleman is opposed to quotas based on sex?

Mr. ERLENBORN. Definitely.

Mrs. GREEN of Oregon. Then the gentleman would offer an amendment to do away with quotas?

Mr. ERLENBORN. I am announcing I intend to offer an amendment to do away with or to exempt undergraduate enrollment quotas.

Mrs. GREEN of Oregon. To do away with quotas based on sex?

Mr. ERLENBORN. No, I will move to exempt undergraduate enrollment from the provisions of title X.

Mrs. GREEN of Oregon. But the gentleman is opposed to quotas based on sex?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I yield the gentleman from Illinois 2 additional minutes.

Mr. GROVER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 323]

Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Aspinall
Baring
Barrett
Blanton
Bolling
Brasco
Burton
Cabell
Caffery
Carey, N.Y.
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clay
Conte
Conyers
Culver
Davis, Ga.
de la Garza
Dent
Derwinski
Diggs
Dingell
Dowdy
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Findley
Flood
Foley
Fraser
Fulton, Tenn.
Galifianakis
Garmatz
Gibbons
Gray
Gubser
Gude
Halpern
Harrington
Harsha
Harvey
Hébert
Hicks, Mass.
Howard
Jarman
Jones, Tenn.
Kastenmeier
Kee
Koch
Kuykendall
Landrum
Long, La.
Long, Md.
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKevitt
McMillan
Madden
Martin
Miller, Calif.
Mills, Ark.
Mink
Mollohan
Morgan
Pike
Podell
Poff
Powell
Reid, N.Y.
Roberts
Rogers
Rooney, N.Y.
Rosenthal
Sebelius
Shipley
Sikes
Slack
Springer
Stanton, James V.
Stokes
Thompson, Ga.
Widnall
Wilson, Charles H.
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7248, and finding itself without a quorum, he had directed the roll to be called, when 327 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentlewoman from Oregon had consumed 40 minutes, and the gentleman from Minnesota had consumed 33 minutes. Does the gentlewoman from Oregon desire to yield time?

Mrs. GREEN of Oregon. Mr. Chairman, I yield 10 minutes to the very distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, this is a bill that should be completed by tomorrow evening. I feel confident if we can obtain the cooperation of all of our friends and keep a sufficient number of Members on the floor, we can finish general debate within the next hour. On our side there is no intention, no desire to take all the time allotted for general debate.

Mr. Chairman, it is with considerable pride that I rise in support of H.R. 7248. I am proud because the Committee on Education and Labor has designed a piece of legislation which—

Builds on the successes of the past,

Departs on new and necessary programs, and

Responds in a meaningful and significant way to the complex and pressing problems associated with the financing of higher education.

I am proud that the committee followed the recommendations and suggestions of college administrators rather than the ivory tower recommendations of certain theorists and economists. In so doing we have a comprehensive measure—one carefully designed to address the magnitude of needs throughout all of higher education.

It recognizes that there are financial crises not only in institutions of higher education, but among parents and students as they struggle to finance the increasing costs of higher education.

I am proud that it does not, as some have suggested, eliminate from the scope of the Federal interest large categories of students and institutions. It is a balanced measure.

It continues and strengthens previous Federal commitments—

To exceptionally needy students.

To colleges who need additional academic facilities.

To developing institutions in their attempts to improve their academic offerings.

And to disadvantaged students who need motivational, special help, and remedial programs.

There are some who have suggested that we should curtail some of our previous commitments. I, for one, will have no part of an authorization bill that, on its face, admits that there simply is not enough money available to do the job. Our responsibility is to identify need and design a program to meet that need. We would be derelict in our responsibilities if we did less.

Again, I will say that I am proud that the Committee on Education and Labor did not, under the guise of targeting aid and economy, retreat from previous objectives and goals.

Let me review with you some of the issues.

We had a choice between relying solely on mortgage insurance and interest subsidy payments as the vehicles to assist colleges and universities in meeting the facilities shortage—and between doing this plus extending and strengthening the direct loan and grant programs under the Facilities Act. The former would be less expensive—the latter more effective and in the long run less costly. The committee chose the latter.

We had the choice between eliminating the interest subsidy provisions and special allowance provisions in the insured loan program—and between expanding those provisions so as to reach even a greater number of students who are in need of assistance. The former would target assistance—the latter expand coverage. The committee chose the latter.

We had to choose whether to rely solely on the private money market for NDEA-type student loans—or to extend and expand title II of the National Defense Education Act. The committee chose the latter.

We were asked to establish a Higher Education Foundation which, according to its proponents, would make unnecessary the continuation of proven higher education programs such as continuing education and community services, equipment grants and fellowships. The committee chose to extend and strengthen rather than terminate these programs.

We had a choice between quote targetting student aid moneys closed quote—and between extending expanding and strengthening programs with outstanding records. The committee chose the latter.

Mr. Chairman, I could continue on, indicating those areas where the committee bill responded to the well-documented needs at all levels and in every area of higher education. We properly did not allow budgetary considerations to be the sole criteria as we reached our decisions. This is a bill which is based on a solid foundation of existing programs, and on the very best evidence and advice offered to us. Let me list for you the prestigious and important associations who have endorsed H.R. 7248, as it has been reported from the Committee on Education and Labor:

The American Association of Junior Colleges.

The American Association of State Colleges and Universities.

The American Council on Education.

The Association of American Colleges.

The Association of American Universities.

The National Association of State Universities and Land Grant Colleges.

The National Council of Independent Colleges and Universities—33 individual States associations, all of which endorse the bill.

The National Association of Student Financial Aid Administrators.

The National Catholic Education Association.

This great bill, so widely endorsed, is largely due to the great and untiring efforts of Mrs. Green and her Special Subcommittee on Education. The gentlelady from Oregon has once again put together a bill which has the support of virtually all of higher education.

And this has not been an easy task. For over 2 years, Mrs. Green's subcommittee has conducted hearings and studies relative to programs and needs in higher education. After the subcommittee had begun its legislative sessions, a Senate-passed comprehensive higher education bill was referred to our committee. That bill contains a number of proposals which were not part of the legislation being worked on by Mrs. Green's subcommittee. The Senate bill included a variety of proposals which were then pending before other subcommittees of our committee. Because these Senate-approved proposals will be before us in conference, the committee very carefully considered whether or not to amend our higher education bill with similar provisions.

Realizing that it was late in the session and that we would facilitate more expeditious action, the committee has amended the higher education bill with provisions corresponding to similar provisions in the Senate bill. These include youth camp safety, occupational education, ethnic heritage studies, and the National Institute of Education. These measures have been perfected in other subcommittees, and I wish to compliment these subcommittees and their chairmen—the gentleman from Illinois (Mr. Pucinski), for the leadership and determination he exercised in incorporating in this legislation support for an area which has for too long been neglected—postsecondary occupational education. Mr. Pucinski and his subcommittee are also responsible for the ethnic heritage studies program, a long overdue program, title XV of the bill.

To Mr. Daniels and his subcommittee I wish to express appreciation for the work on a measure which, I am confident, will draw the unanimous praise of every Member of the House—a youth camp safety measure which will protect the very young in this Nation from the hazards involved in youth campsites and activities. This is title XIX of the bill.

And finally, Mr. Chairman, I wish to recognize the gentleman from Indiana (Mr. Brademas) and his Select Subcommittee on Education—for their work on the National Institute of Education, title XIV of the bill.

Obviously in a bill of this size, we are considering costs which are substantial. In this connection, we should initially consider that the bill affects 34 existing separate higher education programs, whose total dollar authorizations this year amounted to approximately $3.5 billion.

In certain instances the committee reported bill extends existing authority with cost estimates at a reduced level. To the present authorization, we add more than a billion dollars during the current fiscal year. Virtually all of this is for a new program of institutional assistance. In succeeding years the bill provides for sizable increases in authorization for student assistance programs, for the establishment of a strong program of support for occupational education and for the continuation of the program of institutional assistance.

It is only because of the automatic extension provision approved in Public Law 91–230 that we are not today in a crisis situation. But for this provision, all higher education provisions expired at the end of fiscal year 1971. It is imperative that we move on this legislation as soon as possible. All higher education programs being extended or established are authorized through fiscal year 1976 in the bill. This in my judgment is one of the most significant aspects of this legislation—for we will with passage of H.R. 7248, provide greater continuation and stability to the Federal role in higher education.

Mr. Chairman, I wish to touch upon only a few of the provisions of the bill which I believe are of major importance. H.R. 7248 continues assistance for title III of the Higher Education Act, with a substantial increase in the authorized level of spending. This program, which assists developing institutions in their efforts to improve their academic offerings is a key element in the overall Federal effort to broaden and improve higher education opportunities.

There is another amendment in the bill which I believe to be of great benefit to developing institutions. Section 2002 of the bill authorizes the Commissioner of Education to raise the Federal share on any higher education programs when he determintes that such is necessary. Developing institutions which are unable to meet the full Federal share will now be able to obtain a waiver in the statutory requirement.

The program of special help for disadvantaged students is continued for 4 years with certain amendments which I believe will make for a more effective overall program. The committee bill attempts to consolidate the three programs so as to provide for more efficient administration. However, it is the committee's intention that these three separate programs—Upward Bound, Talent Search, and Special Services—not lose their identity.

Finally, Mr. Chairman, it has been mentioned by the distinguished gentleman from Illinois that the institutional aid program should be stricken and that he will make a motion to do so.

In the light of experience, the bill would amend title II of the Higher Education Act of 1965 to modernize Federal support for college library programs.

The bill would, for example, authorize the Commissioner of Education to waive the "maintenance of effort" requirements in appropriate circumstances.

The maximum amount available per student in the form of the unmatched supplementary grants would also be increased, under the bill, to reflect realistically the price trends in recent years of books and other library materials.

I should like to emphasize that the bill would not change the requirement that three-fourths of the appropriation for grants for college library resources be expended for basic grants. This provision of existing law has been flouted by the administration. It was our intent, as we made plain in the committee report on the 1965 act, that priority be accorded to the matched basic grants of $5,000 per institution, yet the Office of Education advised colleges and universities in February of this year that, in order to receive a basic grant, they would also have to apply for and qualify for a supplemental grant.

The effect of this bureaucratic requirement, unsupported by congressional intent or authority, is to deny any Federal support for more than two-thirds of the colleges and universities that would otherwise be eligible. In Kentucky, for example, it has been estimated that only 16 out of 34 institutions would be able to get grants under title II–A in the current fiscal year. Nationally, only 876 out of 2,161 institutions are likely to receive grants, if the Office of Education persists in this unauthorized and misguided policy. So that members may be aware of the consequences in their own States, I insert a State-by-State tabulation at this point:

Estimated Reduction in Institutions of Higher Education To Get Fiscal Year 1972 Grants Under HEA Title II–A

Institutions are likely to receive grants:
Alabama: 14 out of 32.
Alaska: 8 out of 10.
Arizona: 5 out of 15.
Arkansas: 9 out of 21.
California: 43 out of 175.
Colorado: 9 out of 28.
Connecticut: 20 out of 41.
Delaware: 3 out of 5.
Florida: 15 out of 59.
Georgia: 17 out of 44.
Hawaii: 7 out of 11.
Idaho: 2 out of 8.
Illinois: 30 out of 97.
Indiana: 8 out of 42.
Iowa: 22 out of 51.
Kansas: 31 out of 45.
Kentucky: 16 out of 34.
Louisiana: 3 out of 19.
Maine: 14 out of 21.
Maryland: 24 out of 42.
Massachusetts: 35 out of 93.
Michigan: 20 out of 65.
Minnesota: 22 out of 44.
Mississippi: 18 out of 31.
Missouri: 27 out of 52.
Montana: 6 out of 11.
Nebraska: 15 out of 24.
Nevada: 1 out of 3.
New Hampshire: 9 out of 14.
New Jersey: 11 out of 41.
New Mexico: 5 out of 14.
New York: 48 out of 175.
North Carolina: 47 out of 78.
North Dakota: 6 out of 12.
Ohio: 39 out of 89.
Oklahoma: 13 out of 29.
Oregon: 13 out of 32.
Pennsylvania: 54 out of 125.
Rhode Island: 3 out of 13.
South Carolina: 32 out of 46.
South Dakota: 5 out of 14.
Tennessee: 29 out of 50.
Texas: 28 out of 93.
Utah: 2 out of 10.
Vermont: 13 out of 17.
Virginia: 30 out of 51.
Washington: 4 out of 34.
West Virginia: 9 out of 24.
Wisconsin: 25 out of 59.
Wyoming: 4 out of 6.
District of Columbia: 3 out of 12.
A total of 876 out of 2,161.

The number of institutions is liable to be even more restricted in the event that some of the above do not have disadvantaged students enrolled.

Similarly, the committee found it necessary to mandate use of at least half the funds available under the bill for training in librarianship for support of fellowships and traineeships; that is, for support of the advanced training that prepares leadership personnel in contrast to the shorter, less complex institute training programs.

To offset the shortages of librarians with advanced training that are present and developing, we must not slacken our support of fellowships and advanced traineeships. The committee, of course, endorses the training and utilization of aids and assistants in the library as in other institutions, but experience has amply demonstrated that the Office of Education can benefit from a clear congressional indication of the best balance between the two types of training.

Mr. Chairman, let me mention the educational opportunity grant program. We know that an amendment will be offered to this section which will drastically revise the present operation of the program. Mr. Chairman, the evidence in our hearing record overwhelmingly demonstrates that the program as constituted in the past has achieved remarkable results. Statistics show clearly that aid has been targeted on the most disadvantaged population.

The committee bill provides for a continuation of that focus. It provides for an improved State allotment formula with the all-important provision that no State will get less than it received in fiscal year 1972. There is a great deal of talk about assurances and entitlements. But the only assurance that is really involved is the assurance in the committee bill that no State will receive less than it received in fiscal year 1972.

Yes, there have been inequities in the grant program, but these are due exclusively to the inadequate level of funding provided. What is needed is not the drastic revision being suggested but rather a more realistic level of financial support. In my judgment, the present program with the modifications proposed in H.R. 7248, will provide a more effective mechanism in meeting the needs of the disadvantaged than will the proposed substitute through its national and arbitrary guidelines and criteria.

We have had much experience with such national criteria and guidelines which more frequently than not create more inequities than they solve. I refer you to the recent debate on the school lunch program.

I do not think that anyone can tell us there is not an educational crisis in this country among the colleges and universities.

Colleges are closing their doors throughout the length and breadth of this country. We have a crisis at all levels of education. Clearly, it has come to the point that the Federal Government must make a greater contribution.

I should like to mention a few of the recent studies which overwhelmingly demonstrate the need for institutional assistance. I refer the gentleman from Illinois to the Jellema study, to a study of the State universities and land grant colleges, to the study of private education in New York, to the study of private education in Massachusetts, to the study of private education in Pennsylvania, and to the numerous other studies which have been conducted.

We cannot afford to wait for the economists and the researchers. Look at the facts as they exist in this country today. We have a crisis, and the across-the-board approach taken by the gentlewoman from Oregon, is the best solution that has been offered.

H.R. 7248 would provide $955 million

for fiscal year 1972 for institutional aid; for fiscal year 1973 we would provide $1,004 million; for fiscal year 1974, $1,059 million; for fiscal year 1975, $1,115 million; and for fiscal year 1976, $1,167 million. Let us keep in mind in debating institutional aid that institutions are composed of students. In my judgment, this new program will be of direct benefit to all parents and all students who, virtually without regard to income level, are experiencing difficulty in financing a higher education. Aid provided institutions under this program will assist substantially in holding down—hopefully even reducing—charges which have spiraled upward at both public and private institutions in recent years.

Let me say to the committee that this approach is supported by the experts in the business. I have already listed numerous associations which endorse H.R. 7248 as reported from the Committee on Education and Labor. Bear in mind that such prestigious organizations as the American Association of State Colleges and Universities, the American Council on Education, the Land Grant College Association, and the Association of Junior Colleges—all of the associations I mentioned a moment ago—endorse the institutional assistance program recommended by the gentlewoman from Oregon (Mrs. GREEN) and the committee.

I would be the first to admit that this approach is not perfect, but it is much more equitable than any other suggestion, which has been offered.

So it is my hope, Mr. Chairman, that in the consideration of this bill we will retain the institutional assistance program. This is the best approach that has been brought before the committee and it is the best and will be the best approach presented to the House.

In conclusion, Mr. Chairman, I want to say that this program has been carefully considered. Mrs. GREEN outlined this approach more than 2 years ago. Hearing after hearing was conducted by the Special Subcommittee on Education. The views of the best experts in the country were heard. There is nothing here that is irrational; there is nothing in this approach that has not been carefully thought out.

I certainly hope that we will hold intact the institutional assistance program that we have brought before the House. It is a great program. This is a great piece of legislation.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Thank you. Mr. Chairman, I thank the gentleman for yielding to me.

As has been said by several prior speaker, my colleagues, this is an extremely complex bill. We have here, as every one of us knows, a bill with some 20 titles. We have here 180-plus pages of the bill as it is before us, and we have a host of individual specific points on which any of us could talk and on which every one of us should be knowledgeable before we finally cast our vote whenever the time comes for voting on the bill.

I am not going to try to cover all of the features involved in the bill at this time, but I would like to talk to two of them, two particularly significant issues as I see them.

There has been prior discussion between the chairman of the subcommittee and the ranking member of the full committee, Mr. QUIE, on the first of the really critical issues in controversy on this bill, that is, the matter of economic opportunity grants. I am not going to try at this moment to go into it any further.

The second feature that has been touched on from several different standpoints on which I would like to make some comment is the matter of institutional grants.

Let me say as a preliminary comment that I personally am persuaded that there is a very real need for institutional Federal aid to higher education. I think that we cannot turn back from this particular demand.

The institutions of higher education in the Nation are in need, although they are in varying degrees of need. For some the need is desperate. But we do not at the moment have all of the sound data that we need in order to go forward with the beginning of a sound permanent program in this field of Federal institutional grants.

There has been reference by the chairman of the subcommittee and there has been reference by the chairman of the full committee as to how long the hearings of the subcommitte went on. We have spent a great deal of time talking among ourselves about this particular issue. We have dwelt at great length on the question of need.

Mr. Chairman, we have a series of opinions on this bill, but the thing that is really critically lacking before we launch forth into a permanent program is the sound data on which this Congress, moving forward into a new field, should base any formula for determining how many dollars we should invest in this area of critical need and how those dollars should be allocated.

Everyone of us who has spent much time in a State legislature or in this Congress is fully aware of the fact that the march of government in this type of situation is almost irreversible. Granting the need, granting as some of us are prepared to grant that we should move forward to meet that need, the practical irreversibility of any action we take makes it imperative that we move soundly. Before we enact legislation in this field we should have sound data on which to base our action.

The Carnegie Commission has come out with a report which makes clear that we do not have the data we need. We had a task force under the leadership of Frank Newman which has said we do not have the data we need. We have the testimony of Alice Rivlin, a representative of the Brookings Institute, saying that we do not have the data we need. Time after time witnesses have appeared before our subcommittee and said, whether or not you feel there should be aid of a Federal general institutional nature, before you move forward and create a formula, the data you need should be available so that whatever you do is sound. That data, gentlemen and ladies of the Congress, we do not have.

Mr. Chairman, there is much more involved as to this issue. There is the question as to what formula should be applied. We are faced with the question as to whether or not we should launch forth at all with this completely new role of the Federal Government. We have the question of what the dynamics of financing higher education really are.

We have the question as to the interplay between tuition, endowments and public support. When an institution is in a red ink situation, does that automatically mean that we should go to its aid? When an institution is working in the black, does that mean it should not get Federal help? Should an institution in the red and an institution in the black be given exactly the same kind of help? When we talk about lower division and upper division and graduate education, should Federal aid really be $100 for each student for so many credit hours in one instance, $150 in another and $200 in the third instance? We did not have the data before our subcommittee which said that the proper relationship is $100, $150 or $200, or any other specific amounts.

When it comes to the special question of whether a small institution should be given more help than a large institution, where was the full and deliberate testimony before the subcommittee which said a small institution should be given some special help and that that should be a certain number of dollars for an institution below 200 students and a certain number of dollars for an institution beyond 200 students? If the initial decision of the subcommittee on this point was based on sound data, how does it happen that in a simple almost undebated amendment made in the full committee, there was a 50-percent change in the subcommittee's proposal on this point?

It would appear either that the study data was not sound that the subcommittee had upon which it made its decision, or if the data was sound the subcommittee arrived after 50-some days of hearings at a completely erroneous conclusion, because the full committee went to a completely different level of implementation.

I am persuaded that what it means is that we did not have the necessary data and still do not have it, and before we launch into a permanent formula we should conclude that we must have that data.

There is a difference between the 5-year provisions of this bill so far as aid of a general institutional nature is concerned, and the emergency which is cried for in several places in the bill. And when we come to the question of what should we do in this particular area, the provisions of title VIII lead off by saying that the Congress "hereby finds and declares that an emergency condition has arisen which threatens the continued ability"—and so on. I think an emergency condition has arisen. But the very fact of an emergency calls for doing something now, but that something does not of necessity have to be permanent, and certainly should not be permanent until you have what you need to make a sound permanent decision.

And it is with this in mind that we on the minority side come before the Congress and plead, do not, on the basis of studies which are not yet completed, on which we have only some indications of what the way to do this is, do not for the sake of acting immediately jump the gun and move in an irreversible fashion.

If we do so move we are apt to find ourselves, when the full data is before us, in a situation which should not be final and irrevocable—and it will take on the nature of finality if we lock this in with a 5-year formula. Of course, it can be said that it is not really final because we have the opportunity to revise the formula next year and the year thereafter. But, with the crises that face the Congress in other fields than education, how many of you think that it is realistic that at the end of 1 year, when the authorization locks all of it up for 5 years, we are really going to go into it thoroughly and restudy it before that should become required?

The only way to be sure there is a restudy is to provide a short-time authorization, and the minority's proposal in this particular area reduces the term to 2 years.

Let us secure the facts and let us move now. Let us move now on the basis of the crisis to take care of the crisis that some of us feel very strongly does exist. But let us not under the banner of a crisis and under the cry of "emergency aid" lock in without adequate background study that which is apt to become permanent, and do what many of us in the future may very well wish we had not done in writing a permanent formula.

The second part of the bill to which I would like to make comment is what I consider one of its serious defects. The defect is that it does not include any authorization for the proposed National Foundation for Higher Education, or, as it is termed in the Senate bill dealing with this particular field, the National Foundation for Post-Secondary Education. But by whatever title we call it we are faced in this type of situation in higher education in addition to the crisis, or emergency, of keeping the educational ship afloat, with a second crisis or great need.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. DELLENBACK. Mr. Chairman, I yield myself 5 additional minutes.

Mr. DELLENBACK. Mr. Chairman, as I started to say, the second type of crisis that higher education faces is in addition to the crisis of keeping the educational ship afloat, while we take care of operating expenses, it is the crisis and the need for reform, for innovation with the funds in the hands of the institutions to do what they themselves have come forth with time after time in the way of proposals which they would like to implement, but which in their operating budgets they have no funds to implement and which, as they look to other sources of possible availability of money, they find no such funds are available. This crisis or need is just not taken care of in this bill.

Stated simply, the purpose of the Foundation would be to help colleges and universities help themselves to change and grow so that they may substantially enhance their capacity to serve the needs of all citizens.

I want to make very clear from the outset that there are significant differences between the Foundation, which was proposed by the administration, and the National Institute of Education. Basically, the Institute would research and study the need for change while the Foundation would implement change. The process in NIE would be concerned with questions, while the Foundation would be concerned with answers that have originated in the higher education community.

This last point is significant: the Foundation would reward institutional initiative, so that funds would go to those institutions which had decided on their own that they wanted to institute reform.

As early as 1968 the Carnegie Commission on Higher Education called for the establishment of a National Foundation for the Devleopment of Higher Education.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

I simply want to associate myself with his remarks.

I think the Committee on Education and Labor was derelict very seriously in its refusal to include as part of this higher education package an opportunity for providing funds to innovate postsecondary education in the United States.

Everyone recognizes that this is one of the serious weaknesses existing now within higher education—at a time when funds are tight and, it seems to me, very shortsighted and counterproductive to deny institutions the opportunity to get additional resources through a foundation as proposed by the gentleman from Oregon (Mr. DELLENBACK) and under whose leadership this proposal has come a long, long way.

I support the gentleman in his efforts to support the foundation and would ask the gentleman if it is not true, not only is the Carnegie Commission strongly in support of the foundation but associations of higher education like the American Council on Education and other groups of that kind who have indicated their support for this concept?

Mr. DELLENBACK. The gentleman is absolutley correct and I appreciate very much the gentleman's remarks.

Of course, it is not only the Carnegie Commission which has supported the idea of such a foundation. I was referring to the Carnegie Commission as having first put forth this idea some 3 years ago. But there have been a host of individual institutions and individual associations which have also voiced strong support for this concept—as indeed almost any person closely tied to higher education in my thinking could, and would, voice strong support if they really understand what it is proposed to do.

As I was saying, as early as 1968, the Carnegie Commission on Higher Education called for the establishment of a National Foundation for the Development of Higher Education. To quote from the Commission's highly regarded report, "Quality and Equality: New Levels of Federal Responsibility for Higher Education":

> The Commission believes that the federal government can play an extremely valuable role in encouraging developmental programs in higher education by providing initial funds for such undertakings. The continuing rise in the costs of higher education makes it particularly important to develop existing facilities to their greatest potential and to try out new methods and techniques in order to improve operational efficiency and quality. But many institutions find that they do not have a margin of funds for such undertakings.
>
> The Commission proposes the establishment of a National Foundation for the Development of Higher Education to provide encouragement, advice, review, and financial support for institutional programs designed to provide new directions in curricula, strengthening of essential areas that have fallen behind or that have never been adequately developed because of inadequate funding, and development of programs to improve educational processes and techniques. The Foundation would be a governmental agency operating under the direction of a board and organized along the lines of the National Science Foundation.

In the opinion of the Carnegie Commission, the need for such a foundation has not diminished since 1968. Indeed, in the 1970 supplement to their report, the Commission reiterated their support for the concept.

I think every one of us here today sees that continued reform and innovative growth are essential in higher education today. The need for fresh vision and new techniques has been manifested in a number of different ways: student discontent and unrest, disaffected faculties, declining private support at a time when enrollments are soaring and a general loss of purpose.

Yet at a time when much of society is demanding change in higher education, institutions are caught in such tight financial squeeze that they are forced to set aside innovative projects. I believe we must insure that colleges and universities do not postpone reform in the face of severe financial difficulties. The theory that we cannot afford innovation in times of fiscal stringency threatens the ability of higher education to meet the needs of our society in the future.

Let me emphasize that the potential for reform is very much evident in institutions of higher education today in the form of exciting new proposals for learning approaches. Regrettably, however, much of this potential is not being realized because no funds are available.

It is this potential for self-directed change that the foundation can help realize. It could provide, for the first time, a stable source of funds to which institutions can turn when they want to initiate new approaches but lack support.

For example:

Grandview College in Des Moines, Iowa, needs $50,000 to develop a special program for talented youth in cooperation with two other other educational institutions.

American University is requesting $1 million to begin an experimental career-education program that will involve students and faculty in a new problem-oriented curriculum.

Pikesville College in Kentucky is seeking $500,000 to develop a cooperative arrangements among 60 colleges in 13 States in Appalachia where each college would develop expertise for the group in one area which would be of assistance to students from that region. The proposal is known as Project Apex.

Evergreen State College in Washington has sought $72,500 for an innovative program of recruiting students and placing them in field assignments as part of the academic curriculums.

The State University of New York College at Old Westbury is also in need of funds for the placement of students in field assignments. Old Westbury is seeking $100,000 that cannot be provided by the State of New York.

The College of Human Services in New York City, known to many of us as a very exciting and creative institution, has been unable to find $95,000 to assist its students in obtaining paraprofessional training.

Many more examples could be cited. But the point is clear. Without new sources of aid, embryonic reform projects will be still-born.

The Foundation, an agency within HEW with a presidentially appointed and Senate-confirmed Director and Board of Directors, would meet this need. Its mission is to provide funding for projects which will try out new directions in post-secondary education. After its initial breakin year, funded at a level of $100 million, the Foundation would be an essential source of assistance for a variety of experiments with new approaches to learning.

The Foundation—a flexible agency responsive to the needs of the post-secondary communities and directed toward genuine reform and change—would be a major contribution to the continued fruitful growth of American higher education.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 324]

Abernethy
Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Arends
Baring
Barrett
Belcher
Bell
Biaggi
Blanton
Boggs
Boland
Bolling
Brasco
Brooks
Buchanan
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Cederberg
Celler
Chisholm
Clark
Clay
Collins, Tex.
Colmer
Conte
Conyers
Culver
Danielson
Davis, Ga.
Dent
Derwinski
Diggs
Dorn
Dowdy
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Findley
Fish
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Galifianakis
Garmatz
Gettys
Gibbons
Goldwater
Gray
Griffiths
Gubser
Gude
Halpern
Hanley
Hansen, Wash.
Harsha
Harvey
Hawkins
Hébert
Hicks, Mass.
Holifield
Howard
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kee
King
Koch
Kuykendall
Landgrebe
Landrum
Lennon
Long, La.
Long, Md.
Lujan
McCulloch
McDonald, Mich.
McMillan
Macdonald, Mass.
Madden
Martin
Miller, Calif.
Mills, Ark.
Mink
Minshall
Mizell
Mollohan
Morgan
Moss
Patman
Pepper
Pike
Podell
Poff
Powell
Purcell
Quillen
Rees
Reid, N.Y.
Riegle
Roberts
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Saylor
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Springer
Stanton, James V.
Stephens
Stokes
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Ullman
Van Deerlin
Widnall
Wilson, Charles H.
Winn
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7248, and finding itself without a quorum, he had directed the roll to be called, when 281 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentlewoman from Oregon had consumed 50 minutes and the gentleman from Minnesota (Mr. QUIE) had consumed 48 minutes.

Does the gentleman from Minnesota or the gentlewoman from Oregon desire to yield time?

Mrs. GREEN of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I rise in support of title XIV, the National Institute of Education. Responding to the call of President Nixon in his March 3, 1970, message to Congress on educational reform, members of the Education and Labor Committee of both parties gave strong support for this proposal of the President.

Explaining the need for the establishment of a National Institute of Education, the President declared last year that, "We are not getting as much as we should out of the dollars we spend on education," and that it was time for "a searching re-examination of our entire approach to learning."

Mr. Chairman, research and development in education has never received adequate support.

Indeed, in comparison to health research, for example, research in education has commanded meager resources and recruited a relatively small community of scholars.

Since 1959, the Nation has spent less than $1 billion on educational research—and $14 billion on health research.

Today research and development receive barely 0.3 percent of the education dollar—and 4.6 percent of the health dollar.

In 1968, the number of man-years devoted to research and development came to 5,390 in education—and 59,500 in health.

The number of researchers working on education is only 4,000 or 5,000—and 30,000 receive support from the National Institutes of Health.

Insufficient resources and personnel have not been the only hindrances to a vigorous educational research and development effort.

Education research has been concentrated heavily on a few university campuses—most of it has been conducted in some 200 such institutions. Very few results have emerged from other kinds of institutions.

Another hindrance has been the lack of an adequate mechanism to enable education consumers—teachers, students and a decent market—to make effective use of new approaches emerging from our research and development efforts.

Finally, educational research has lacked the leadership of a national agency with high visibility and institutional strength. The creation of a National Institute of Education would place leadership in just such an agency.

Mr. Chairman, the proposed Institute would have the authority to support a broad range of research and development activities at every level of education, preschool through postgraduate school, within formula institutions of learning and in nonformal learning situations.

The new agency would be placed within the Department of Health, Education, and Welfare as an entity separate from the Office of Education. The district organizational identity of the Institute would permit it both the visibility and flexibility it requires to be effective.

The Institute would be led by a Director of the same executive level as the Commissioner of Education, to be appointed by the President and confirmed by the Senate. A National Advisory council on Education Research and Development, also presidentially appointed, would bring together outstanding persons from the public and private sectors to advise the Director on Institute policy. In addition, the Council will report annually to the Secretary of the Department of Health, Education, and Welfare, to the President, and to Congress.

The Director will have special authority to hire and compensate staff—up to one-third of the full-time, regular technical or professional employees—exempt from Civil Service classification law. This authority will permit the Institute to evolve the kind of special staffing patterns which other outstanding research and development agencies such as the National Science Foundation and the National Institutes of Health have found so successful, indeed, indispensable in attracting outstanding researchers. For example, this exemption will allow distinguished scholars and researchers whose permanent career commitments are to universities or school systems to serve at the Institute on a short-term basis.

Most of the research activities now

vested in the Office of Education will be transferred to the Institute. The National Institute of Education will assume responsibility for basic and applied research and development centers; regional education laboratories; researcher training and experimental schools. The Office of Education will retain responsibility for education policy research relating to Office of Education programs, statistical gathering, some demonstration projects, and a modest share of dissemination activities serving both agencies. The Institute, however, will have principal responsibility for dissemination of the results of research.

Although the National Institute of Education would conduct a small amount of in-house research, most of its work would be performed by grant, contract, or other arrangement, by other agencies, institutions, and individuals.

It is anticipated that an increase in funds for educational research and development will accompany the establishment of the National Institute of Education. Ninety million dollars is now spent under the Cooperative Research Act. During the first year of operation—fiscal year 1972—$3 million is budgeted for the planning of the Institute. In fiscal year 1973, the first year of the Institute's full operation, the agency's budget is expected to begin at $150 million, of which $118 million represents on-going programs and $32 million, new monies.

Mr. Chairman, the creation of a National Institute of Education will:

Provide a new beginning for research and development at every level of American education, preschool through post graduate school, in formal institutions of learning and outside them.

Provide a focal point for bringing together a consistuency of consumers, researchers and interested public for educational research.

Provide enough stability in research policy to make it possible to carry out plans and obtain results.

Provide visibility to the research effort.

Make possible a personnel policy such as exists at the National Institutes of Health and the National Science Foundation in order to insure the highest quality of research.

Do for education what the National Institutes of Health are doing for health—increase available resources and provide a focal point for planning and program implementation.

Increase the likelihood of getting the results of research and development into education systems.

Mr. Chairman, title XIV of this bill is the result of considerable work by members of the Select Subcommittee on Education of your parties, but I should like to take this opportunity to acknowledge, too, the important work done by Dr. Roger E. Levien, of the Rand Corp., whose study, "National Institute of Education: Preliminary Plan for the Proposed Institution," has been most useful to Members working on the bill. Commissioned in 1970 to work on this legislation by then Commissioner of Education, the late James Allen, Dr. Levien has since that time performed a valuable service not only for the administration but also for the committee studying this legislation.

Mr. Chairman, although I do not always find myself in agreement with President Nixon, I believe the National Institute of Education he has proposed is a splendid initiative that can do much to improve the quality of education in our country by focusing the best research effects in the problems of real teachers and real students in real schools, colleges, and universities.

I hope the Committee of the Whole House will give the same bipartisan support to this measure which it received from the subcommittee and in the Committee on Education and Labor.

Mr. **HANSEN** of Idaho. Mr. Chairman, will the gentleman yield?

Mr. **BRADEMAS**. I yield to the gentleman from Idaho.

Mr. **HANSEN** of Idaho. I thank the gentleman for yielding. I would like also to commend him for his leadership in the development of this legislation for the National Institute of Education. Inasmuch as section 1405 of the bill provides for an exemption for certain clinical and professional personnel from the civil service requirements, I would like to outline for the Members of the House examples in other agencies and departments where similar exceptions have been granted by statute.

The outline follows:

Positions Excepted From the Competitive Service by Statute

ENTIRE EXECUTIVE CIVIL SERVICE

Employment under section 15 of the Act of August 2, 1946 (PL 79–600; 60 Stat. 810; 5 U.S.C. 55a), which reads: "The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service * * * laws * * *."

Personnel outside the States of the Union and the District of Columbia necessary to carry out the functions under title IV of the Federal Property and Administrative Services Act of 1949 (Act of June 30, 1949, as amended; 63 Stat. 398; 74 Stat. 418; 40 U.S.C. 514(c)) of the head of each executive agency responsible for the disposal of foreign excess property under that title.

Temporary or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, for the purpose of carrying out the food and feed conservation program provided for by section 8 of the Act of December 30, 1947 (61 Stat. 947; 50 App. U.S.C. 1918).

Personal service paid from the appropriation under the heading "Emergency Fund for the President," in the Treasury, Post Office, and Executive Office Appropriation Act, 1965 (title III of PL 88–392, August 1, 1964; 78 Stat. 374).

Temporary additional personnel employed by any Federal agency for activities under section 7 of the Act of September 30, 1950 (64 Stat. 1111; 42 U.S.C. 1855f), "An act to authorize Federal assistance to States and local governments in major disasters, and for other purposes."

Personnel employed by a local educational agency, or the head of a Federal department or agency, which has arranged with the Commissioner of Education, to provide for certain children in areas affected by Federal activities, education comparable to the maximum extent practicable to specified standards (section 6(a) of the Act of September 30, 1950, 64 Stat. 1107, 20 U.S.C. 241, as amended by section 8 of Public Law 83–248, August 8, 1953, 67 Stat. 535, and further amended by 69 Stat. 433, and 74 Stat. 89).

Readers for blind Government employees. The head of each department is authorized to employ, without regard to the civil service laws and the Classification Act of 1949, as amended, a reading assistant, or assistants for any blind employee of the department, to serve without compensation from the department. (PL 87–614, August 29, 1962; 76 Stat. 408, 5 U.S.C. 43a).

EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office. Personal services paid from the appropriation under the heading "Salaries and Expenses" in the Treasury, Post Office, and Executive Office Appropriation Act, 1965 (title III of Public Law 88–392, August 1, 1964; 78 Stat. 373).

Employees paid from the appropriation under the headings "Executive Mansion and Grounds" and "Special Projects" in the Treasury, Post Office, and Executive Office Appropriation Act, 1965 (title III of PL 88–392, August 1, 1964; 78 Stat. 373).

Central Intelligence Agency. All positions. (Section 8, formerly section 10 of the Act of June 20, 1949; 63 Stat. 212; renumbered 72 Stat. 337; 50 U.S.C. 403j).

Council of Economic Advisers. Specialists and other experts necessary to carry out its functions (60 Stat. 24; 15 U.S.C. 1023(b)).

National Aeronautics and Space Council. Seven employees who may be paid without regard to the Classification Act of 1949 at rates not above the highest rate of grade GS–18. (PL 85–568, July 29, 1958; 72 Stat. 428; as amended by PL 87–367; October 4, 1961; 75 Stat. 792; and further amended by PL 88–426, August 14, 1964; 78 Stat. 428; 42 U.S.C. 2471(f)).

National Council on the Arts. Temporary and intermittent services of experts and consultants (PL 88–579, September 3, 1964; 78 Stat. 907; 20 U.S.C. 788(b)).

Office of Economic Opportunity. One or more advisory committees to advise the Director on his functions under the Economic Opportunity Act of 1964 (PL 88–452, August 20, 1964; 78 Stat. 529; 42 U.S.C. 2942(c)).

National Advisory Council in the Office of Economic Opportunity to review the operations and activities of the Office. Composed of the Director and not more than fourteen additional members. (PL 88–452, August 20, 1964; 78 Stat. 531; 42 U.S.C. 2945.)

DEPARTMENT OF AGRICULTURE

Employment on a temporary basis and for a term not to exceed 6 months in any fiscal year of technically qualified persons, firms, or organizations to perform research, inspection, classification, technical, or other special services necessary to the administration of the Agricultural Marketing Act of 1946 (60 Stat. 1091; August 14, 1946; 7 U.S.C. 1627).

Advisory committee, size to be determined by the Secretary of Agriculture, to study data and make recommendations upon request of an applicant who has been refused registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (PL 88–305, May 12, 1964; 78 Stat. 191; 7 U.S.C. 135b(c)).

Commodity Credit Corporation. Expert positions (62 Stat. 1073, June 29, 1948, as amended by PL 81–85, June 7, 1949; 15 U.S.C. 714h).

Federal Crop Insurance Corporation. Personnel paid by the hour, day, or month when actually employed, and county crop insurance committeemen (Act of August 25, 1949; 63 Stat. 665; 7 U.S.C. 1507(a)).

DEPARTMENT OF COMMERCE

Experts in marine insurance necessary under title XII, "War Risk Insurance of the Merchant Marine Act, 1936," as amended. (The excepting provision is in the Act of

September 7, 1950; 64 Stat. 776; 46 U.S.C. 1289(e).)

A U.S. Commissioner, New York World's Fair (PL 87–545, July 25, 1962; 76 Stat. 210).

Area Redevelopment Administration. To the extent that the Secretary of Commerce finds necessary, temporary (not in excess of 6 months) service of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment to carry out the provisions of the Area Redevelopment Act (PL 87–27, May 1, 1961; 75 Stat. 57; 42 U.S.C. 2511(10)).

National Bureau of Standards. Employees conducting observations on radio propagation phenomena in the Arctic or Antarctic regions (Act of September 2, 1958; 15 U.S.C. 278e; as amended by PL 88–527, August 31, 1964; 78 Stat. 723).

Weather Bureau. Employees to conduct meteorological investigations in the Arctic region (Act of June 2, 1948; 62 Stat. 286; 15 U.S.C. 327; as amended by PL 86–397, March 28, 1960; 74 Stat. 11).

DEPARTMENT OF DEFENSE

National Security Agency. All positions. (PL 86–36; 73 Stat. 63; 50 U.S.C. 402; as amended by PL 88–290; 78 Stat. 168.)

Department of the Army. Experts necessary to carry out the functions entrusted to the Secretary of the Army under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1937, as amended by the Act of October 23, 1945, 59 Stat. 547; 16 U.S.C. 832i).

Employment outside the continental United States, paid from the appropriation made under the heading "Ryukyu Islands, Army Administration" in title II of the Foreign Assistance and Related Agencies Appropriation Act, 1965 (PL 88–634; 78 Stat. 1020) when necessary to carry out the purposes of the appropriation.

NOTE.—The Act of June 19, 1952 (PL 82–397; 5 U.S.C. 150k) provides: "That civilian employees, compensated from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the Armed Forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Armed Forces, shall not be held and considered as employees of the United States for the purpose of any laws administered by the Civil Service Commission. . . ."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Advisory Council on Public Welfare. Twelve members. To be appointed originally in 1964; thereafter Councils may be appointed from time to time. Each Council is to report its findings and recommendations not later than July 1 of the second year after the year in which appointed, and each then will cease to exist. (PL 87–543, July 25, 1962; 76 Stat. 191; 42 U.S.C. 1314(b), (d), (e).)

Advisory Committees. Advisory committees the Secretary deems advisable to help carry out the functions under the General Welfare Amendments Act of 1962. (PL 87–543, July 25, 1962; 76 Stat. 91; 42 U.S.C. 1314(f).)

Office of Education. Twelve members of the Advisory Committee on New Educational Media; and as deemed advisable by the Commissioner, experts in the utilization and adaptation of television, radio, motion pictures, and other related media of communication for educational purposes. (Section 761 (a) and 762, PL 85–864, September 2, 1958; 72 Stat. 1596, 1597; 20 U.S.C. 561(a), 562.)

Advisory Committee on Graduate Education. Eight members. (PL 88–204, December 16, 1963; 77 Stat. 371; 20 U.S.C. 733(a).)

Advisory Committee on Vocational Education. Twelve members. (PL 88–210, December 18, 1963; 77 Stat. 410; 20 U.S.C. 35h(a).)

Advisory Council on Vocational Education. To be appointed in 1966 and submit report by January 1, 1968. Successor councils will be appointed thereafter at intervals of not more than five years. Twelve members. (PL 88–210, December 18, 1963; 77 Stat. 411; 20 U.S.C. 35j.)

Committee to review nurse training programs. To be appointed before July 1, 1967. (PL 88–581, September 4, 1964; 78 Stat. 917; 42 U.S.C. 298(b).)

National Advisory Council on Education for Health Professions. Sixteen members. (PL 88–129, September 24, 1963; 77 Stat. 169, 42 U.S.C. 293e(a).)

National Advisory Council on Nurse Training. Sixteen members. (PL 88–581, September 4, 1964; 78 Stat. 917; 42 U.S.C. 298(a)(1).)

Public Health Service. Commissioned officers both of the Regular Corps and of the Reserve Corps; special consultants employed in accordance with the regulations to assist and advise in the operations of the Service; individual scientists designated to receive fellowships; the twelve appointive members of the National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, and the National Advisory Dental Research Council; the twelve appointive members of the national advisory councils established under section 431(a), or section 432, or section 443 of the Public Health Service Act, as amended (sections 203, 208, 217, and 432 of the Public Health Service Act, 58 Stat. 683, July 1, 1944, as amended by the Acts of July 3, 1946, 60 Stat. 442, June 16, 1948, 62 Stat. 469, June 24, 1948, 62 Stat. 600, and August 15, 1950, 64 Stat. 447; 42 U.S.C. 204, 209, 218, 289b, 289f; further amended by PL 87–838, October 17, 1962; 76 Stat. 1072).

DEPARTMENT OF THE INTERIOR

Employment of Navajo and Hopi Indians on project under the Act of April 19, 1950 (64 Stat. 45; 25 U.S.C. 633), entitled "An Act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations and for other purposes."

Members of the advisory committee to exercise consultative functions on the administration of the Act of December 18, 1942 (56 Stat. 1057; 30 U.S.C. 16), providing for the establishment and operation of a research laboratory in the Pennsylvania anthracite region.

Members of the advisory committee authorized by section 4 of the Act of March 25, 1948 (62 Stat. 85; 30 U.S.C. 404), to exercise consultative functions on administration of the act. (The act provides for the establishment and operation of a research laboratory in the North Dakota lignite-consuming region to investigate the mining, preparation, and utilization of lignite; to develop uses and markets, to improve health and safety in mining; and to study comprehensively the possibilities for increased use of the lignite resources of the region to aid in the solution of its economic problems and to make its natural and human resources of maximum usefulness in the reconversion period and time of peace.)

Bonneville Power Administration. An assistant administrator, a chief engineer, and a general counsel; physicians employed under agreement to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen; experts necessary to carry out the functions of the Administrator under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1937, as amended by the Act of October 23, 1945, 59 Stat. 547; 16 U.S.C. 832i).

Bureau of Mines. Members of the advisory committee to exercise consultative functions on the administration of the Act of May 7, 1941 (55 Stat. 179; 30 U.S.C. 458), which relates to inspections and investigations in coal mines to obtain information on health and safety conditions, accidents, and occupational diseases.

Personal services, by contract or otherwise, for work of a temporary, intermittent, or emergency character, to carry out the act providing for control of coal mine fires (Act of August 31, 1954, 68 Stat. 1010; 30 U.S.C. 556(a)).

Office of the Solicitor. Hearing examiners appointed for Indian probate work. (PL 88–356, July 7, 1964, 78 Stat. 284; 25 U.S.C. 372–1).

Office of Coal Research. Director (PL 86–559; 74 Stat. 336; 30 U.S.C. 664).

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation. All positions (Act of July 28, 1950, 64 Stat. 380; 5 U.S.C. 341c).

DEPARTMENT OF LABOR

Bureau of Employment Security. Temporary employment to carry out the functions of the Department of Labor under the Act of July 12, 1951 (PL 78; 65 Stat. 119; 7 U.S.C. 1461–1468) and paid from the appropriation under the heading "Salaries and Expenses, Mexican Farm Labor Program" in the Department of Labor Appropriation Act, 1965 (title I of PL 88–605, September 19, 1964; 78 Stat. 961).

Wage and Hour Division. Industry committee (Act of June 25, 1938, 52 Stat. 1062, as amended by PL 81–393, October 26, 1949; 63 Stat. 911; 29 U.S.C. 205).

DEPARTMENT OF STATE

The Foreign Service (Foreign Service Act of August 13, 1946, 60 Stat. 999; 22 U.S.C. 801 et seq.), specifically:

Ambassadors (22 U.S.C. 901);

Foreign Service officers (22 U.S.C. 906);

Foreign Service reserve officers (22 U.S.C. 922);

Foreign Service staff officers (22 U.S.C. 936);

Alien clerks employed abroad (22 U.S.C. 946);

Consular agents (22 U.S.C. 951).

NOTE.—Section 571(a) of the Foreign Service Act of 1946, as amended, (22 U.S.C. 961) provides for assignment of Foreign Service officers to competitive duties in any agency. It reads: "Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years."

Employees of the faculty or staff of the Foreign Service Institute when their appointment without regard to the civil service laws and regulations is deemed necessary by the Secretary for the effective administration of title VII of the Foreign Service Act of 1946 (60 Stat. 1018, August 13, 1946; 22 U.S.C. 1044).

The Secretary of State, to carry out the functions of the Mutual Educational and Cultural Interchange Act of 1961 outside the United States, including participation in binational or multinational foundations or commissions, may appoint or assign persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees, under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.) PL 87–256, September 21, 1961; 75 Stat. 530; 22 U.S.C. 2454(c).

Members of the Advisory Committee on the Arts under the Mutual Educational and Cultural Exchange Act of 1961 (PL 87–256, September 21, 1961; 75 Stat. 533; 22 U.S.C. 2456(c)).

Employees paid from funds appropriated under the heading "International Conferences and Contingencies" in the Department of State Appropriation Act, 1965 (title I of

PL 88-527, August 31, 1964; 78 Stat. 713).

Staff of the member of the International Whaling Commission representing the United States of America (Whaling Convention Act of 1949, Act of August 9, 1950; 64 Stat. 425; 16 U.S.C. 916l).

Secretariat of the National Commission on Educational, Scientific, and Cultural Cooperation (60 Stat. 713, July 30, 1946; 22 U.S.C. 287r).

Staffs of representatives of the United States at the General Conference of the United Nations Educational, Scientific, and Cultural Organization (60 Stat. 714, July 30, 1946; 22 U.S.C. 287r).

United States representative or representatives and alternates on the International Labor Organization, and their staff (62 Stat. 1151, June 30, 1948; 22 U.S.C. 272a).

Staff of the United States delegates and alternates to the Pan American Railway Congress (62 Stat. 1060, June 28, 1948; 22 U.S.C. 280k).

Staff of the United States Commissioners on the South Pacific Commission and their alternates (62 Stat. 15, January 28, 1948; 22 U.S.C. 280b).

Staff of the United States representative and alternate on the Executive Board of the World Health Organization (62 Stat. 441, June 14, 1948; 22 U.S.C. 290b).

Architectural and other expert technical services necessary to carry out the Foreign Service Building Act of 1926, as amended (PL 82-399, June 19, 1952; 66 Stat. 140; 22 U.S.C. 296).

International Joint Commission, United States and Canada. Clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State and paid from the appropriation "American Sections, International Commissions," in the Department of State Appropriation Act, 1965 (title I of PL 88-527, August 31, 1964; 78 Stat. 714).

Agency for International Development. Individuals employed outside the United States under authorization by the President (Sec. 625(d) of The Foreign Assistance Act of 1961, 75 Stat. 450; 22 U.S.C. 2385(d)).

Note.—Other agencies may use this exception to appoint or assign employees to work on Agency for International Development overseas projects.

The Institute of Inter-American Affairs. Officers, employees, agents, and attorneys employed for service outside the continental limits of the United States (61 Stat. 781, August 5, 1947; 22 U.S.C. 281b).

United States Mission to the United Nations. All positions (59 Stat. 621, December 20, 1945, as amended by the Act of October 10, 1949, PL 81-341; 22 U.S.C. 287e).

United States Commissioner, International Boundary and Water Commission, United States and Mexico. Employment as consultants of retired personnel of the Armed Forces of the United States (American-Mexican Treaty Act of 1950, September 13, 1950; 64 Stat. 847; 22 U.S.C. 277d-3).

Board of examiners to hear claims under the American-Mexican Chamizal Convention Act of 1964 (PL 88-300, April 29, 1964; 78 Stat. 185; 22 U.S.C. 277d-19).

TREASURY DEPARTMENT

Five assistant general counsels. These are other than that Assistant General Counsel who serves as Chief Counsel of the Internal Revenue Service and who is appointed by the President by and with the advice and consent of the Senate. (Sec. 7801 Internal Revenue Code of 1954; 68A Stat. 915; as amended by PL 86-368, September 22, 1959; 73 Stat. 642; 26 U.S.C. 7801.)

INDEPENDENT AGENCIES

Advisory Commission on Intergovernmental Relations. The staff director, and other employees the Chairman of the Commission deems necessary (PL 86-380, September 24, 1959; 73 Stat. 705; 5 U.S.C. 2376).

American Battle Monuments Commission. Architects, firms of architects, and other technical and professional employees engaged by contract or otherwise (60 Stat. 317, June 26, 1946; 36 U.S.C. 138b).

Atomic Energy Commission. Officers and employees of the Atomic Energy Commission, to the extent that Commission deems employment without regard to the civil service laws necessary to discharge its responsibilities (68 Stat. 948, August 30, 1954; 42 U.S.C. 2201(d)).

Battle of New Orleans Sesquicentennial Commission. Employees necessary to carry out the functions of the Commission (PL 87-759, October 9, 1962; 76 Stat. 755).

Civil Aeronautics Board. Secretary to the Board, plus a secretary and administrative assistant for each member; and for temporary service qualified consulting engineers or agencies, or other qualified persons necessary to exercise and perform the powers and duties of each. (PL 85-726, August 23, 1958; 72 Stat. 742; 49 U.S.C. 1322).

Civil War Centennial Commission. The executive director and employees necessary to carry out its functions (Section 6, PL 85-305, September 7, 1957; 71 Stat. 627; 36 U.S.C. 746(a)).

Detention Review Board. Preliminary hearing officers (section 104(d) of the Act of September 23, 1950; 64 Stat. 1022; 50 U.S.C. 814(d)).

District of Columbia Armory Board. Employees necessary to carry out the District of Columbia Stadium Act of 1957 (PL 85-300, section 8, September 7, 1957; 71 Stat. 621; D. C. Code 2-1726).

District of Columbia Government. Employment of personal services by the Commissioners to provide additional municipal services from July 8, 1965 through July 17, 1965, for the 1965 Shriners Convention. (PL 88-386, July 28, 1964; 78 Stat. 337.)

Farm Credit Administration. The Secretary of the Farm Credit Board; the Governor of the Administration; elected members of the district Farm Credit Boards (sections 4(e), 5(a), and 14 of the Farm Credit Act of 1953, PL 83-202, August 6, 1953; 67 Stat. 392, 396; 12 U.S.C. 636c, 636d, and 640b).

All directors, officers and employees of the Federal land banks, the Federal intermediate credit banks, the banks for cooperatives, and the Central Bank for Cooperatives (PL 86-168, August 18, 1959, effective January 1, 1960; 73 Stat. 387; 12 U.S.C. 6401(b)).

Purchase of manuscripts, data and special reports by personal service (section 602 of the Act of September 21, 1944; 58 Stat. 741; 12 U.S.C. 833).

Federal Coal Mine Safety Board of Review. A secretary of the Board and legal counsel the Board deems necessary (Federal Coal Mine Safety Act, May 7, 1941, section 205; as added by section 1 of the Act of July 16, 1952, PL 82-552, 66 Stat. 698; 30 U.S.C. 475(e)).

Federal Communications Commission. A legal assistant, an engineering assistant, and a secretary for each Commissioner, and, in addition, an administrative assistant for the Chairman of the Commission (section 4 of the Communications Act of 1934; as amended by the act entitled "Communications Act Amendments, 1952", PL 82-554, July 16, 1952; 66 Stat. 711; 47 U.S.C. 154(f)(2)).

Federal Mediation and Conciliation Service. Conciliators and mediators (61 Stat. 153, June 23, 1947; 29 U.S.C. 172(b)).

Federal Power Commission. Experts necessary to carry out the functions of the Federal Power Commission under the Bonneville Project Act, as amended (50 Stat. 736, August 20, 1947, as amended by the Act of October 23, 1945, 59 Stat. 547; 16 U.S.C. 832i).

General Services Administration. Temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, to carry out titles I, II, III, V, and VI of the Federal Property and Administrative Services Act of 1949 (63 Stat. 391, June 30, 1949, as amended by the Act of September 5, 1950, 64 Stat. 590; 5 U.S.C. 630h(b)).

Not to exceed five historical experts who are especially informed on the various phases of the territorial history of the United States and are specially qualified for the editorial work necessary in arranging for publication of the official papers relating to the territories from which States of the United States were formed (Act of October 31, 1951; 65 Stat. 714; 4 U.S.C. 142).

To carry out the duties imposed on the Administrator of General Services Administration by the Contract Settlement Act of 1944, as amended: certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts (section 4(d) of the Contract Settlement Act of 1944, 58 Stat. 651; 41 U.S.C. 104).

National Archives Trust Fund Board. All positions (55 Stat. 582, July 9, 1941; 44 U.S.C. 300hh).

Public Building Service. Employment, by contract or otherwise, of the services of established architectural or engineering corporations, firms or individuals, whenever the Administrator of General Services finds it necessary and to the extent he may require for any public building authorized to be constructed or altered under the Act of September 9, 1959. (Sec. 10 of the Public Buildings Act of September 9, 1959; PL 86-249; 73 Stat. 481; 40 U.S.C. 609.) (This authorization does not apply to the employment of corporations, firms, or individuals on a permanent basis.)

Housing and Home Finance Agency. Urban Renewal Commissioner (PL 81-171, July 15, 1949; 63 Stat. 417; 42 U.S.C. 1456).

Federal Housing Administration. Special Assistant to the Commissioner for Cooperative Housing (PL 84-345, August 11, 1955; 69 Stat. 636; 12 U.S.C. 1715e note); and special assistant to the Commissioner for Armed Services Housing and Mortgage Insurance (PL 84-345, August 11, 1955; 69 Stat. 651; 12 U.S.C. 1748f).

National Aeronautics and Space Administration. To the extent the Administrator deems necessary to the discharge of his responsibility, but not more than 425 scientific, engineering and administrative personnel (PL 85-568, July 29, 1958; 72 Stat. 429; as amended by PL 86-481, June 1, 1960; 74 Stat. 153; PL 87-367, October 4, 1961; 75 Stat. 791; and PL 88-426, August 14, 1964; 78 Stat. 429; 42 U.S.C. 2473(b)(2)).

National Capital Planning Commission. The temporary or intermittent (not in excess of one year) services, by contract or otherwise, of city planners, architects, engineers, appraisers, and other experts or organizations thereof necessary to carry out the functions of the Commission (section 2(c) of the National Capital Planing Act of 1952; PL 82-592, July 19, 1952; 66 Stat. 783; 40 U.S.C. 71a(c)).

National Commission on Food Marketing. All employees. (PL 88-354, July 3, 1964; 78 Stat. 271; 7 U.S.C. 1621 note.)

National Commission on Technology, Automation, and Economic Progress. Employees the Commission deems advisable to carry out its duties (PL 88-444, August 19, 1964; 78 Stat. 463; 29 U.S.C. 141 note).

National Science Foundation. Deputy Director; members of divisional committees and special commissions; technical and professional employees employed by the Director as necessary for the discharge of the responsibilities of the Foundation under the Act of May 10, 1950 (PL 81-507, 64 Stat. 155; 42 U.S.C. 1873(a)).

Office of Emergency Planning. Temporary employment of additional employees required to meet the Civil Defense requirements of an attack or of an anticipated attack. (Section 303 of the Federal Civil Defense Act of 1950; Act of January 12, 1951; 64 Stat. 1252; 50 App. U.S.C. 2293(f); Reorg. Plan No. 1 of 1958, as amended, 50 App. U.S.C. 2271 note.)

NOTE.—President may delegate this authority to other agencies for employees "required to meet the civil defense requirements of an attack or of an anticipated attack." The delegation may not be extended to other governmental operations.

Public Land Law Review Commission. Staff director and additional personnel necessary to carry out its functions. Federal employees employed by the Commission shall retain civil service status. (PL 88–606, September 19, 1964; 78 Stat. 985; 43 U.S.C. 1399.)

Railroad Retirement Board. One administrative assistant to each member of the Board (PL 84–383, August 12, 1955; 69 Stat. 716; 45 U.S.C. 228j(b)).

Employees to accept registration of unemployed railroad employees, and perform incidental services thereto, in areas where no employer facilities are located (PL 84–383, August 12, 1955; 69 Stat. 716; 45 U.S.C. 362 (l)).

Renegotiation Board. General Counsel of the Board (PL 86–89, July 13, 1959; 73 Stat. 211; 50 App. U.S.C. 1217(c)).

Saint Augustine Quadricentennial Commission. Employees necessary to carry out the functions of the Commission (PL 87–586, August 14, 1962; 76 Stat. 386).

Small Business Administration. Temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof including stenographic reporting services, by contract or appointment (section 5(c) of the Small Business Act, PL 85–536, July 18, 1958; 72 Stat. 387; 15 U.S.C. 634(c)).

Smithsonian Institution. Head of the National Air Museum (60 Stat. 997, August 12, 1946; 20 U.S.C. 77).

The executive officers of the National Gallery of Art (Trust Indenture, dated December 1, 1942, and the Act of April 10, 1943; 20 U.S.C. 74a).

Employees of the John F. Kennedy Center for the Performing Arts (sec. 5(b) and (c) of PL 85–874, 72 Stat. 1698, as amended by PL 88–260; 78 Stat. 4; PL 88–260, 78 Stat. 4).

Members of the National Portrait Gallery Commission and the Director of the National Portrait Gallery (PL 87–443, April 27, 1962; 76 Stat. 62; 20 U.S.C. 75c, 75f).

Temporary Alaska Claims Commission. (A temporary commission, if necessary, to settle disputes arising between the United States and the State of Alaska before January 1, 1965.) Employees the Claims Commission deems necessary to carry out its duties (PL 86–70, section 46, June 25, 1959; 73 Stat. 152).

Tennessee Valley Authority. All positions (48 Stat. 59, May 18, 1933, 16 U.S.C. 831b; 54 Stat. 1211, November 26, 1940; 5 U.S.C. 631a).

United States Information Agency. Employees outside the continental limits of the United States (Reorganization Plan No. 8 of 1953, 5 U.S.C. 133z–15 note).

To carry out international information activities, including employment, on a temporary basis (not to exceed $20,000), aliens within the United States, and aliens abroad for service in the United States to translate or narrate colloquial speech in foreign languages (PL 88–527, August 31, 1964; 78 Stat. 733).

United States-Puerto Rico Commission on the Status of Puerto Rico. An Executive Secretary and additional employees for the Commission to carry out its functions. (Any Federal employee detailed to the Commission retains his civil service status.) (PL 88–271, February 20, 1964; 78 Stat. 17; 48 U.S.C. 731 note).

Veterans Administration. Department of Medicine and Surgery. Physicians, dentists, and nurses. The following employment also is executed from the Classification Act as well as from civil service laws and rules: (a) Physicians, dentists, nurses, dieticians, social workers, librarians, and other professional, clerical, technical, and unskilled employees (including interns, residents, trainees and students in medical support programs) on a temporary full-time or part-time basis; (b) physicians, dentists, nurses, and other professional and technical personnel on a fee basis; and (c) residents and interns. (Act of September 2, 1958, 72 Stat. 1245–1247; 38 U.S.C. 4106, 4111, 4114, as amended by PL 87–574, August 6, 1962; 76 Stat. 309.) The act as amended also limits the duration of part-time and temporary employment.

Employees necessary to transact the business of the veterans' canteen service at canteens, warehouses, and storage depots (Act of September 2, 1958, 72 Stat. 1248; 38 U.S.C. 4202).

NOTE.—Under the Act of August 6, 1962 (PL 87–574; 38 U.S.C. 618), provides: "The Administrator . . . may utilize the services of patients and members in V.A. hospitals and domiciliaries for therapeutic and rehabilitative purposes, at nominal remuneration, and such patients and members shall not under these circumstances be held or considered as employees of the U.S. for any purposes."

Virgin Islands Corporation.* All positions (section 4 of the Act of June 30, 1949; 63 Stat. 352; as amended by the Act of September 2, 1958, 72 Stat. 1759, 48 U.S.C. 1407c).

NSF

Total permanent staff	1,011
Professional and technical	336
Excepted	284

Excepted personnel are all professional and technical, as specified by their exception authority. There is no other limitation on excepted personnel. Excepted personnel are concentrated at the top levels of the agency.

NASA

Total permanent staff	27,013
Professional and technical	17,369
Excepted	366

Excepted personnel are in scientific, engineering, and administrative jobs, as the exception authority specifies. The authority also limits the number of excepted employees to 425; this has risen from 260 when the agency was established in 1958. NASA has requested larger increases in numbers authorized. All excepted personnel are in the supergrade range.

NASA also has an allotment, from the Civil Service Commission, of 305 "nonquota" GS–16 positions. Although these are regular civil service positions, they are exempted from the supergrade quota under a provision of the civil service laws which makes special provision for "professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicines" in the supergrade range.

AEC

Total permanent staff, 6,920; all employees are excepted.

The AEC has its own merit system, which operates without Civil Service Commission involvement. Some professional and technical personnel, generally in the supergrade range, are in ungraded positions and can be compensated on a more flexible basis than regular employees.

NIH

Total permanent staff	13,434
Professional and scientific	4,019
Sub-professional and technical	1,838
Commissioned Corps Officers	1,124

Commission Corp Officers are not under civil service but are like the uniformed services on military pay levels. NIH has fellowships which are excepted under Special Public Health Authority specifically for research. This is under Civil Service approval but they are not on GS pay scales but reecive stipends comparable to GS levels.

Number of excepted personnel in 1968

(Excepted by statute)

Agency for International Development	73
Peace Corps	409
Department of Treasury	5
Department of Justice	523
Department of Interior	3
Department of Agriculture	60
Department of Commerce	1
Commission on Obscenity and Pornography	4
District of Columbia Government	4
Farm Credit Administration	1
Federal Coal Mine Safety Board of Review	1
Federal Communications Commission	15
Federal Mediation and Conciliation Service	290
General Services Administration	5
National Aeronautics and Space Administration	389
National Science Foundation	217
Public Land Law Review Commission	33
Railroad Retirement Board	3
Smithsonian Institution	1
Advisory Commission on Intergovernmental Relations	12
Council of Economic Advisers	21
Executive Mansion and Grounds	3
National Council on Marine Resources and Engineering Development	7
Canal Zone Government	73
National Aeronautics and Space Council	3
Department of State:	
Foreign Service Institute	79
Office of U.S. Representative to U.N	27
Advisory Commission on the Arts	10
International Commission on International Athletics	1

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, there are many aspects of this bill to which I would like to address my remarks. I think that first and foremost we should give credit to the chairwoman and the ranking member of the Higher Education Committee, and also to the ranking member of the full committee, for their leadership again in the area of higher education. During the next few days we will have a detailed discussion and some disagreement over the procedures through which we might bring about funding of the various programs. But I think it goes without saying that their leadership in this field is without question. I commend to the committee the work in terms of broadening the EOG. I think we need to broaden the equal opportunities grants, and at the same time provide for a broader work study program leading into the middle-income family. I believe the amendment which will be offered by the gentleman from Minnesota (Mr. QUIE) will do this.

Second, I also believe that the Sally Mae program which was originated by the gentleman from Illinois (Mr. ERLENBORN) and made a part of this bill, will provide for strong additional funds for student loans.

The second area is in the area of institutional aid. Some of my colleagues have already pointed out the need for institutional aid, and I would just indicate to them I commend them for their initiative in this field. I am sure we can come up with some type of delivery system that will be effective.

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*Under direction of the Secretary of the Interior, who serves as Chairman of the Board of Directors.

I call the attention of the committee to an amendment that was put in title II on the extension and amendment of programs of college library assistance and library training and research. An amendment which I offered, and which was unanimously accepted by the committee, requires that in any fiscal year not less than 50 percent of the grants made for training in librarianship under section 223(a) be used for establishing and maintaining fellowships and traineeships. I think it should be made very clear that the purpose of this amendment is to assure that the Office of Education will in no way cut out graduate fellowships in the area of library training. There is a movement on apparently within the Office of Education to change from fellowships into traineeships. I think that that line should be clearly drawn, and it is the committee's intent to recognize the need for traineeships on the one hand, but more specifically for continuation of the graduate fellowships in this program, because as the society and the library science area becomes more complex, we do need, without question, not only traineeship programs at the lower level but also graduate fellowships. The legislative record should be very clear to the Office of Education that they should not proceed otherwise.

Finally, Mr. Chairman, I would point out the question raised by title XIX of this bill which in effect does not relate in any way to the Higher Education Act of 1971, the Youth Camp Safety Act.

Mr. Chairman, I am vitally concerned with the safety of our young people who attend camps each year in this country, and am always interested in efforts to protect them. To me, the question is not whether to adopt youth camp safety standards, but rather how to proceed in an orderly manner in developing the best and most meaningful standards. In furtherance of my desire to protect young campers, I introduced H.R. 11227, which provides for initial protective standards and the orderly development of responsive regulations based upon actual statistics.

The legislation I have introduced, which is cosponsored by the gentleman from California (Mr. VEYSEY) is meant to be a viable alternative to the youth camp safety provisions contained in title XIX of the Higher Education Bill, H.R. 7248, that we are now considering. As stated in separate views filed with the committee report on H.R. 7248, I think the title XIX provisions far exceed any legislative action warranted by the limited evidence placed in the record during hearings, and are so sweeping in scope and replete with Federal powers as to endanger the continued existence of many youth camps.

All of the witnesses appearing in youth camp safety hearings earlier this year before the Select Subcommittee on Labor favored some type of initial action to protect young campers from the obvious hazards involved in camps, but all also acknowledged the extremely thin statistical data available. The president of the National Safety Council, while urging strong Federal standards and sanctions, stated that available data on youth camps is "fragmentary, limited and entirely too inconclusive to support reliable, long-range accident prevention program planning." I feel that this type of testimony convincingly demonstrates the need for a Federal approach which allows for initial standards, subsequent refinement of the standards based on compilation of statistical data, and a strengthening of enforcement powers as the need therefore is shown by the supporting statistics.

This kind of approach is responsive to not only the immediate need for initial protection, but also allows continued evaluation and development of meaningful standards. As to enforcement, I do not consider it prudent to grant extensive farreaching powers without an adequate showing of a need therefor. Once granted through legislation, power is seldom, if ever, revoked. In my opinion, there has been no need demonstrated for the stringent enforcement powers proposed in title XIX, and a grant of such broad powers without such showing is an imprudent discharge of congressional responsibility.

Under the bill I have introduced, the Secretary of Health, Education, and Welfare would be primarily responsible for developing and promulgating minimum Federal youth camp safety standards, and through a Director of Youth Camp Safety responsible for implementing the minimum standards within the several States. Any State so desiring may adopt its own standards and youth camp safety program at any time—which must be at least as effective as the Federal standards—and qualify for a grant of up to 75 percent of the cost of its program or $75,000, whichever is less.

My bill also requires each camp to file annual reports on accidents, illness, and death. This provision is important, in that it creates the mechanism for compiling and developing precise statistical data on a nationwide basis as to the scope of the problem, and indicates the areas in which safety standards are necessary. In addition, my bill runs for only fiscal 1972 and 2 succeeding years, requiring Congress to reconsider and evaluate the program in light of actual experience and specific data. This would allow strengthening of enforcement powers, if needed, and any other responsive adjustments deemed necessary.

I would like to also note that my proposed substitute contains a realistic authorization level. H.R. 11227 is designed to meet a specific need, and I feel it meets that need within the reasonable limits of fiscal responsibility, and without provisions requiring inordinate funding levels in order to be effective or to achieve their designed purpose.

My bill calls for a total annual authorization of $4.5 million. Grants to States operating their own youth camp safety programs may not exceed $75,000 each, or an aggregate of $3.75 million in any fiscal year. Estimates from HEW indicate that it will require $75,000 per State for the Federal Government to operate the program, with the annual total running $3.9 million with the inclusion of Federal administrative costs and exclusive of costs for regulating travel camps and Federal recreational camps. Including the costs pertaining to travel camps and of such Federal recreational camps raises the funding requirements to the $4.5 million level called for in H.R. 11227.

I urge all of my colleagues to study the provisions of my bill, and to consider it as an alternative to the provisions of title XIX of the higher education bill now before us. I feel that the youth camp safety version proposed by the committee creates but another Federal monster top-heavy with penalties and inspection requirements. Such an approach is legislative overkill, and places the Federal Government squarely in the youth camp police business. I believe that the efforts of responsible government are best expended in other areas of critical need, and that adequate safety standards can be developed to protect our young campers without creating a Federal police force to patrol youth camps.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, the gentleman from Oregon and the gentleman from Illinois both have explained very well the problems of institutional aid as contained in title VIII of this legislation. I will not attempt to repeat all the arguments that have been made and the questions that have been legitimately raised about this issue.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I would like to take a few minutes during this debate on the Higher Education Act to discuss the National Institute of Education, title XIV of the bill before us today. In many ways, the establishment of the Institute holds as great a potential for the future of education as the rest of the bill put together.

That much is wrong with education in America today is no secret. Too many young children are not learning to read, the basic tool essential to the rest of the educational process as it is generally structured today. Many schools are plagued with violence within their walls. People leaving the educational system, with or without diplomas, are all too often not equipped to fill any but the most menial of jobs.

Honest attempts have been made by well-intentioned educators to reverse this state of affairs. New buildings have been erected, old ones refurbished. But some very excellent schools operate in dismal facilities while the accomplishments of some children in the most modern of school buildings were almost nil. Teacher salaries were raised so that a cadre of exceptionally qualified personnel could be attracted to the education profession. But there was the frustrating realization that a 17-year-old Amish high school girl could succeed better in teaching the three R's to her charges without the benefit of 20th-century technology than could a great many inner city teachers. So other things were tried. Class sizes were made smaller. Additional manpower was brought in, in the form of classroom aides. Parents were mobilized, paid, and trained as paraprofessionals. Breakfast and lunch programs were instituted. Disadvantaged children were given a headstart. Community control, wresting some or all of the decision-making authority away from large central city bureaucracies, was implemented in some cities. Consolidation of farflung school districts was implemented in rural areas. Racial integration is being attempted. Educational technology has been brought into the classroom. Performance contracts have been let. Schools have been encouraged to innovate. Education has been told to become accountable. We are considering the implementation of a voucher system. The fads continue to come and go, often spurred by highly touted new Federal programs. They have made frustratingly little difference in the effectiveness of the educational system in preparing people for life outside the school. The Coleman report was a notable illustration of this phenomenon.

President Nixon, in his message on educational reform made this point when he said:

> We must stop congratulating ourselves for spending nearly as much money on education as does the rest of the world . . . when we are not getting as much as we should out of dollars we spend.

We have learned, at painful expense, that changing the inputs of the educational system seldom guarantees much impact on the outputs.

After trying all these initially promising schemes for reforming education, Johnny still cannot read. Why? Stephen Bailey of the Syracuse University Research Corp., appearing before our committee asked:

> Is it because of his mother's diet during the prenatal period; is it because of inadequate parental play in the early months of life; is it because of "cultural deprivations" in the home, whatever that slippery term means; is it because of the self-fulfilling prophecies of teachers who believed that Johnny was stupid; is it because of poor instruction; is it because of a low self-image reinforced by failure in terms of middle class grading norms; is it because of some ineffable combination of all these factors?

It would seem that wisdom dictates that we restrain ourselves from launching any more bold new initiatives aimed at solving the educational crisis until we learn more about why Johnny cannot read and why Jimmy can.

The establishment of the National Institute of Education had been proposed as a means of launching an intensive, focused inquiry into the basic problems of education. This is not a new idea. The National Academy of Sciences first proposed the agency in 1958. The President's Science Advisory Committee repeated the suggestion in 1964. The Commission on Instructional Technology echoed this suggestion.

David Krathwohl, former president of the American Educational Research Association made a similar suggestion. We should also acknowledge our indebtedness to Dr. Roger E. Levien, Director of the excellent National Institute of Education Planning Study under the sponsorship of the Office of Education. Dr. Levien has made a major contribution to this bill. The size of education in American life makes it imperative that the Institute be established as soon as possible. Every person, to a great or small extent, is touched by education. It accounts for $70 billion annually. Some 3 million personnel provide educational services to 60 million students.

Yet, compared with other areas of national concern and various private industries, education devotes only a pittance to research and development—the key to self-regeneration of the enterprise. The figures have been repeated to the point of triteness, but I can think of no better way to illustrate the discrepancy between research and development in education and other fields.

We spend 5 percent of our health budget on research and development, 10 percent of our defense budget—and about 0.3 percent of the education budget. Since 1950, the United States has invested $14 billion in health research, $7 billion in agricultural research—and less than $1 billion in educational research and development. The electrical equipment industry spends $4.2 billion annually on research and development; the aircraft industry, $5.6 billion. About 10,000 researchers work on education, most of them part time; the number of researchers working on health problems is three to five times that figure. In 1968, the number of man-years devoted to research and development in education was 5,390; in health, 59,500. Yet, few men will deny that the mission of educational research and development is certainly as challenging and complex as research and development in health, agriculture or private industry.

Before we continue to make ever-increasing investments in the existing education system and the efforts to reform it that have not succeeded, we should make an all-out attempt to find out, quite simply, what works.

This business of finding out what works is probably as complicated as the learning process itself. A number of things must be cranked in, according to the witnesses that appeared before the Select Subcommittee on Education. In addition to adequate financial resources and top caliber manpower, there must be a guaranteed continuity—some problems may take a decade to solve. NIH has served as a visible, separate unit pointing the way toward important advances in medical science. Educational research, in contrast, has been obscured within a large Federal bureaucracy, subject to many of the operational problems that congenitally plague any bureaucracy. Educational research and development lack prestige and fail to attract the talented scientists and researchers they need. Although psychologists have dominated educational research in the past, a wide range of disciplines relevant to the learning process must be brought into close cooperation—physiology, chemistry, anthropology, computer sciences, statistics, and many others. Research, development and dissemination must be tied together in a balanced manner so as to be mutually supportive. The focus of our education R. & D. to date has been diffuse; most efforts have been spread over too many small projects. The virtual monopoly of a few university campuses on educational R. & D. must be challenged.

The educational community cannot accomplish these changes itself. Ninety percent of educational R. & D. funds are provided by the Federal Government. It is up to the Federal Government to take the lead in strengthening its support and leadership.

The National Institute of Education, which we will vote on this week, has been proposed as the vehicle to carry these long-needed changes. The Select Subcommittee on Education has heard expert testimony on this proposal. Roger Levien of the Rand Corp. examined the concept and operation of the proposed Institute in detail, and the Office of Education has put considerable energy into further developing the details of implementation. This is a carefully conceived, well-thought-out proposal.

Pages 60 to 70 of Committee Report No. 92–554 are devoted to a detailed explanation of the major facets of the Institute's operation, so I will only touch on the key points.

FUNDING

The hitherto niggardly sums devoted by the Federal Government to educational R. & D. will be gradually increased until they total over a quarter of a billion dollars annually. For fiscal year 1973, an increase of some $30 billion over the $118 billion currently devoted to these purposes in existing programs. The increments each year will amount to about 20 percent, a rate of growth which experience has shown can be accommodated.

FOCAL POINT

The Institute would serve to pluck educational R. & D. out of the nether regions of Washington bureaucracy and provide the focal point needed to develop both the prestige and the leadership the field demands. The National Center for Educational Research and Development, now part of the Office of Education, would be transferred to the Institute. The Institute will be responsible for basic and applied research and development activities, including research and development centers, regional educational laboratories; researcher training and experimental schools.

ORGANIZATIONAL STRUCTURE

The Institute will be headed by a Director who will be responsible to the Secretary of Health, Education, and Welfare, and not to or through any other officer of the Department.

I feel that this separation of the Institute from the Office of Education is an important feature of the proposal which should not be compromised. Only through a separate structure entirely outside the Office of Education can the Institute build the prestige and leadership crucial to the success of the effort and escape the burden of the reputation associated with research and development previously conducted by the Office of Education.

But this is not to say that all relationship with the Office of Education need be cut off on either the formal or informal level. Research under the Bureau for the Education of the Handicapped will remain within the Office of Education framework as will policy research centers, studies regularly conducted for OE program planning purposes and statistical research.

OBJECTIVES

The major substantive educational problems which the Institute will undertake will be determined by the Director in consultation with the Advisory Council and his staff. It is important that resources be concentrated on a few carefully chosen problems of fundamental significance rather than spreading them too thin. President Nixon suggested, in his message on education reform, that compensatory education, the right to read, television and learning, and experimental schools are the kinds of problems NIE should attend to. In the Comprehensive Child Development Act introduced by many Members of this House, attention was focused on the problems of early childhood development, and a National Institute for Child Development was proposed. It was understood, however, that if NIE were created, the activities surrounding early childhood research could be folded into that organization. I hope we will soon see that development taking place.

DISSEMINATION

One of the most critical problems in bringing about educational improvement is the great difficulty with which the findings of research and development efforts find their way into the classroom. The gap between the discovery of the effectiveness or ineffectiveness of a particular practice and the implementation of change in the classroom has often been literally generations—100 years or more. To make the situation even more difficult, we have learned that we cannot assume a straight line progression from research to development of findings into validated innovations and thence to systematic dissemination of developments into practice where they will be evaluated and the results then fed back to the researchers for further refinements of their findings. If it were this simple, our task would be greatly simplified. Unfortunately, this is the industrial model and is not applicable in most instances to the much more complicated process of dissemination in education. As the report says:

> The process is a dynamic one in which there are constant continuing interchanges back and forth between and among basic researchers, those who demonstrate the results and the consumers who apply the results in teaching and learning situations.

Because dissemination is such an integral part of the overall effort to improve education, it cannot be artificially separated from the rest of the R. & D. work. To do so would threaten the potential success of the Institute's mission.

One of the most common criticisms of educational research and development has been its failure to affect educational practice. One of the reasons for this failure has been its inability to bring results to consumers, teachers, and students in usable form. Only half of 1 percent of the teachers who read about an innovation adopt or try out any aspect of it in their classrooms. The National Institute for Education will increase the likelihood of getting the results of research and development into our education systems. The dissemination of the results of research and development in education will be one of its principal responsibilities.

We search for breakthroughs, for means by which we can improve the skills of all our teachers. For that reason I would like to outline two projects I have long been interested in, and which I believe are examples of the kinds of innovative suggestions NIE should promote.

One is the teaching process, a proposal for the use of network television to reach the Nation's teachers and achieve immediate change in American education. It has been proposed by the American Association of Colleges for Teacher Education and the Laboratory for Research in Relevant Education. The second, proposed by Teachers Guides to Television, is a proposal to enable the Nation's teachers to utilize the millions of dollars worth of audiovisual resources now available on the national networks, through the use of Teachers Guides to Television.

President Nixon said in his March 3, 1970, message pointing out the need for the National Institute of Education:

> Local schools need an objective national body to evaluate new departures in teaching and a means of disseminating information about projects that show promise.

The teaching process could disseminate that information instantly—reaching millions all across the Nation—and in a few brief minutes wipe out the so-called cultural lag of 50 years between the inception of a new idea and its adoption across the country, that has plagued our Nation's schools.

The purpose of the teaching process is to secure an immediate upgrading in the quality of American education across the entire Nation—to change our Nation's schools, literally, overnight.

The proposed tool is network television, whose power and impact is well tested and can be matched by no other resource at the Nation's command. Its force and its vitality will be used in a massive program for the reeducation of the Nation's teachers, unprecedented in the history of the world.

Waiting for us in network television is a stimulating force of vigor and predominance, with which to reach into every teacher's home, indeed, into every American home—parents, paraprofessionals, school board members, voters, and with which to strengthen and elevate quickly standards of teaching as well as public understanding of education.

At a time when the cry for community control is carried across the land, school budgets are voted down and then voted down again, and "Crisis in the Classroom" has become a commonplace, television is a tool that can make it possible for our American Nation to reinvent its system of education.

Agriculture was reinvented in this fashion at the turn of the century by the introduction of the county agent. The "good dirt farmers" who had once laughed at the idea, today boast of the difference between what was once "a possible 30" and is now a "sure 150" bushels of corn. The "little black box" now in every home in the Nation can be the "county agent" of our educational system.

It can make the difference between "a possible 30 and a sure 150" students per teacher staying in and succeeding in school.

The children we grow are as important to us as a nation as our unexcelled system of agriculture is.

I believe the Teaching Process, as it has been proposed, can provide the "demonstration plots" that can enable our schools to reach a level of excellence that will be superior to any in the world—if we do not wait until it is too late.

The second innovation mentioned is Teachers Guides to Television.

Speaking of television and learning in his message of March 3, 1970, President Nixon said:

> Most education takes place outside the school. Although we often mistakenly equate "schooling" with "learning" we should begin to pay far greater attention to what youngsters learn during the more than three-quarters of their time they spend elsewhere.
>
> In the last twenty years, there has been a revolution in the way most boys and girls—and their parents—occupy themselves. The average high school student, for example, by the time he graduates, has spent 11,000 hours in school—and 15,000 hours watching television.
>
> Our goal must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach.
>
> The technology is here, but we have not yet learned how to employ it to our full advantage. How can local school systems extend and support their curricula working with local television stations?

One of the answers to the President's question is through the use of Teachers Guides to Television.

A vast treasury of educational materials is available in almost every American home—homes which sometimes have nothing else—no plumbing, no furnishing, no books or newspapers—but all have a television set.

Despite their easy availability, millions of dollars worth of program materials, covering events in the entire world, and through all the ages of man, from the frontiers of scientific research to the excitement of Elizabethan drama, are going unused; and this at a time when our Nation cries for improvement in the quality of our education, and our youngsters beg for "relevance" in their studies.

Today's educators are discovering that education need not and should not be confined within the classroom's limiting walls. The concept of "schools without walls" perhaps best illustrates their new understanding of the world as a learning environment. Television makes the world available as a learning experience in every home, day in and day out.

Television provides every student in the poorest hovel or the remotest rural village with a window on the world, an unlimited learning environment. This can be the best-educated generation in the history of man. But without a Teachers Guide, teachers are unable to take advantage of this king's ransom at every child's fingertips, the programs on the public airwaves.

Teachers Guides to Television provide the needed advance information and the lesson plans that enable teachers to utilize the vast and unsurpassed resources of network television as the motivation for classroom lessons. The television program provides the motivation for the teacher's lesson, the guide is a guide to the curriculum, a way of making use of the powerful excitement television can engender.

Teachers have not the time, the energy nor the resources to do the many hours or days of research necessary to discover sufficiently in advance whether a program is of outstanding educational value, and to build an exciting lesson—or weeks' worth of exciting lessons—around the excitement of the television presentation. But Teachers Guides to Television can. The lessons may range far and wide. A television presentation of Jane Eyre, for example, might lead to an exploration of social conditions in Victorian England, to a study of the novel as an art form, or to a survey of the role of women in Western civilization. A lesson about our explorations in Space can provide information not to be found in any textbook. The pupils' excitement and enthusiasm for their lesson will have been engendered by the tremendous excitement of television—an excitement with which the cold walls and hard desks of their schoolroom cannot compete.

No school budget could possibly provide this vast selection of exciting learning experiences. Yet without the teachers guide the most powerful communications tool ever invented by man with an impact unprecedented in all of human history often lies unused, untouched by the Nation's teachers.

Almost every parent in America has invested in a piece of educational equipment that is rarely being used for the education of his child—a television set. The effect of its use on the quality of education available in America's schools would be incalculable.

President Nixon has said:

> Mankind has witnessed a few great ages when understanding of a social or scientific process has expanded and changed so quickly as to revolutionize the process itself. The time has come for such an era in Education.

Innovating projects such as these can bring that era about—today.

For the purpose of legislative history provisions should be established to facilitate full dissemination of the results of research and development. Dissemination and research laboratories have found title 44, U.S. Civil Code—Printing and binding regulations—to seriously restrict their ability to design, create and test research materials effectively. Such restrictions as color and format restrictions have resulted in Congress recognizing the problem and granting USAID and NSF exemptions from title 44 of the U.S. Civil Code.

To expedite the dissemination of educational research the NIE should have the ability to publish or arrange for the publication of research and technical information so as to further the dissemination of information of scientific value consistent with the National interest without regard to the provisions of section 87 of the act of January 12, 1895 (28 Stat. 622), and section II of the act of March 1, 1919 (40 Stat. 1270; 44 United States Code, section III). The NIE should also have the capability to reinvest in further research and development such revenues generated through the sale of materials developed under NIE sponsorship.

PERSONNEL

If the Institute succeeds in focusing attention and prestige on educational R. & D., it will be able to draw upon the best of the world's talent. Individuals with high caliber scientific, technical and administrative skills are difficult to categorize according to conventional civil service patterns and in many instances would not be available for employment for the kinds of time periods typically imposed by the Civil Service. Therefore, the bill provides that up to one-third of the fulltime, regular technical or professional employees can be exempted from Civil Service Classification Law.

In closing, I would point out that educational R. & D. will not make policy decision for American education—who will pay for the schools and how they will be financed, what kinds of goals we set for those completing different phases of the educational process, how we handle larger social problems that closely affect education such as racial differences, drug abuse, the youth culture. What we can hope for is an enlightened understanding of how to achieve those policy decisions that we make and what the impact of those decisions is likely to be. Now, all too often, those important decisions are made in total oblivion. The National Institute of Education offers us the hope of fuller understanding.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate very much the contribution of the gentleman from Idaho.

Mr. Chairman, after all the testimony in the period of time before the subcommittee and the full committee during which this bill has been considered, I think it is fair to say that there is a problem in terms of the financial standing of institutions of higher education, but the financial stresses of the late 1960's were not felt uniformly on each and every campus across the country. Though few institutions of higher education were immune from the economic downturn, the wide ranging factors of differing size, source of funds, endowment, fiscal management, geographic location, dependence on Federal research moneys, and so forth, have produced varying degrees of financial distress from campus to campus. There is little doubt that even with the prospect of general Federal assistance, an unacceptable number of colleges and universities will face financial collapse in the immediate future. Simply put, some institutions are financially in alot worse shape than others.

In a letter to the gentleman from Oregon (Mr. DELLENBACK) Alfred B. Fitt, the special adviser at Yale University, New Haven, Conn., perceptively laid out this problem as follows:

> I write in connection with the pending higher education authorization legislation, and specifically about two of its aspects, one of which affects all colleges and universities and the other a much lesser number.
>
> The first has to do with federal financial aid to institutions. The Senate bill channels that aid through students in the form of a "cost-of-instruction allowance" for each federally aided student enrolled, while the House version for the most part bases institutional aid on the total number enrolled.
>
> While the Senate version is clearly superior, both involve an assumption which I think plainly incorrect, namely, that there is a federal responsibility to help preserve all colleges and universities, no matter their actual financial condition or how wretched their programs, how limited their appeal to students or how wastefully they are managed.
>
> Once such a responsibility is assumed, I do not see how it can be gotten rid of. It would be far better if the Congress enacted no institutional aid proposal at this session and took another year to think through how best the federal government can bring rationality and fairness and adequate resources to the financing of higher education. The delay can do no harm, since there is no reasonable prospect that general institutional aid, even if authorized, will be funded this fiscal year.

I think the statement of Mr. Fitt is an important ingredient in the consideration by this Congress of the whole concept of the financial stress faced by the institutions of higher education, but those crises in higher education do not fall uniformly upon the institutions. I think this House ought to take into consideration the availability of alternate sources of financing for those institutions that are in serious financial trouble.

That is specifically related to title XVIII of the committee-reported bill. Let me call attention of the committee to some of the evidence which has been compiled about why this particular approach ought to be considered and favorably enacted by the committee in its consideration of this bill.

For example, Ben Lawrence, Director of the National Center for Higher Education Management Systems, Western Interstate Commission for Higher Education, in a letter in June wrote:

> Ideally . . . I would like (1) legislation to be devised that would take emergency short term steps to forestall, to the extent possible, any worsening of the fiscal situation in higher education and (2) concurrent with that legislation immediate initiation of steps to study intensely the problem of providing general assistance to higher education as I have previously described in my testimony before the subcommittee.

In addition, the District of Columbia Commission on Academic Facilities submitted a paper to the subcomittee of the Committee on Education and Labor and in that said the following:

> We believe that emergency assistance may indeed be imperative to save a significant number of private colleges and universities. The issues involved in alternative approaches to direct institutional assistance appear quite complex at this time. Even if the current session of the Congress is able to authorize and fund a program of direct institutional asssistance, the provisions of Section 123—

Which is in the bill of the other body and is similar to title XVIII of this bill—

> Would still be needed to assist some institutions in meeting their responsibilities to the Nation. If the current session of the Congress should fail to enact direct institutional assistance, then emergency assistance as provided in section 123 becomes a critical imperative.

There was in addition, Mr. Chairman, an extraordinarily good statement that was submitted by a number of individuals in higher education which I believe also deserves attention and consideration by the Members of the committee. This is a memorandum submitted on June 21 to the Members of the House Special Subcommittee on Education, and reads as follows:

> We would like to express our concern about the general aid to higher education institutions' provisions of the committee in markup on the higher education bill.
>
> We fully recognize the emergency condition facing many institutions at the present time. However, we believe that none of the currently proposed formulas for general aid sufficiently take into account or appropriately respond to need differential in terms of performance or potential among institutions.
>
> We believe that real cases of emergency should be met by special discretionary funds with appropriate legislative guidelines for the Secretary of Health, Education, and Welfare and also that institutions should be helped with cost of instruction grants for particularly needy students. However, we believe that a more thorough investigation of an appropriate means or formula for funding should be developed before aid on more than an emergency basis is made available.
>
> Dr. Ted Gilbert, Chairman, State Higher Education Executive Officers Association and Executive Director, Council on Public Higher Education, Kentucky;
>
> Dr. Lyman Glenny, Associate Director, Center for Research and Development in Higher Education, University of California, Berkeley;
>
> Dr. Ben Lawrence, Director, National Center for Higher Education Management Systems, Western Interstate Commission for Higher Education;
>
> Dr. Robert Mautz, Chancellor, State System of Higher Education, Florida;
>
> Dr. Richard M. Millard, Director, Higher Education Services, Education Commission of the States, Denver; and Dr. Ralph Dungan, Chancellor of Higher Education, State of New Jersey.

It is for these reasons I believe we must consider the concept of providing some form of real emergency assistance on a limited basis, to provide substantial assistance to those institutions facing a significant crisis.

Thus, an across-the-board formula approach to the varying fiscal plights of the colleges and universities will not be sufficient for those institutions in greatest need. Just as the general economic adversities affected them in differing degrees, general aid will be of differing benefit to them. The provisions of title XVIII, therefore, are intended to complement the institutional aid of title VIII, targeting emergency relief to those institutions in the most dire of circumstances, those whose very existence is threatened.

It is clear that some of the most financially threatened institutions are also the ones that contribute greatly to the diversity and equality of opportunity in higher education: black institutions and the small, private liberal arts colleges. The committee report notes the particular effect on the small colleges, and the plight of the predominantly Negro colleges was underlined by the following statement submitted by Herman R. Branson, president of Lincoln University, and president of the National Association for Equal Opportunity in Higher Education:

> We find it difficult to argue, however, that all colleges and universities have the same financial problems. At least they are not of the same intensity or urgency. We respectfully urge, therefore, that in addition to the general support formula of H.R. 7248, that additional aid be granted those schools enrolling large numbers of students from low income families—

The title makes provisions for the necessary human decisionmaking in the determination of severe financial distress. It sets forth certain thresholds which must be crossed before any institution can even apply for the emergency assistance. This will "cull out" great numbers of institutions that are not in severe trouble and allow the decisionmaking to concentrate on a smaller number of institutions.

The Secretary of HEW would be assisted in this task by a Council on Higher Education Relief Assistance. The Council would consist of nine members to be appointed by the Secretary, with particular expertise in the problems of the fiscal and academic management of higher education. They would be able to recommend more specific and detailed eligibility criteria for the analysis and approval of applications for financial assistance.

The committee was clearly handicapped in its consideration of this legislation by the lack of sound data on the financing of higher education. One of the areas that remains unclear is the nature of "deficits" in public universities. The bill provides for the Secretary to undertake an immediate and thorough study of the alternative ways of supporting higher education. The results of the study would be available to the Congress by November 1, 1972, 8 months before the termination of the authority of this title. We would thus be in a much better position to evaluate the long-term needs for institutional support.

The temporary and emergency nature of this title is underlined by the 2-year limitation of its authority, and by the fact that it does not amend the Higher Education Act. It should also be emphasized that the level of funding, $150 million for each of fiscal years 1972 and 1973, is such that its purpose would clearly be limited to relieving the short-term crisis rather than providing for the long-range solution to the financial problems facing institutions of higher education. An institution can receive only one grant under this title, and it must demonstrate its capability to regain its financial self-reliance.

A close parallel can be drawn to the provisions of the Emergency Employment Act of 1971. Whereas all units of general local government were eligible to apply for financial assistance to hire the unemployed in transitional public service jobs, the law provides for a special employment assistance program targeted specifically at areas of greatest need. The recognition was clearly made that the general problem of unemployment was particularly acute in certain areas and thus could be best attacked by a supplemental and targeted program.

In my judgment, no State formula, categorical program, student aid program or general aid provision will rescue those institutions who—often through no real fault of their own—are in serious financial distress. Many can make a viable contribution to our higher education system, and only need a specific grant of a specific size to get over a temporary financial hump.

Let me say, Mr. Chairman, that there is an important distinction between relief assistance and recovery assistance, something akin to the difference between giving someone an aspirin or a real curative. Recovery assistance implies not only a more careful selection of eligibles, but considerable attention to specific reforms, followup monitoring, provisions of technical and managerial assistance, and so on—an expectation, in short, that the grant itself will and should lead to recovery. This might be objective of the Foundation or another Office of Education program, but was not the proper objective of title 18 which is directed at buying additional time until other factors—for example, self help, or a new Federal program in a few years—come into play.

At the same time, even in a relief program, there is a need to decide whether everyone in distress should receive relief or just those who might have a chance of making it. Since our aspirins are expensive, and I don't believe that the Federal Government has a legitimate interest in bailing out every institution per se, I have established recovery capability as a condition for receiving a grant under this title.

In addition there are, I believe, some questions which must be asked about dire conditions under which an institution should receive aid:

First, what steps has the institution taken to control its budget? What steps has it taken to economize, to consolidate or clear programs, better utilize facilities, reduce costs of programs, apply cost-benefit analysis?

Second, what steps has it taken toward planning its future on a sound basis and what movement toward that plan?

Has it identified the institution's role, assets, potential income, et cetera?

Third, what efforts have been made to share resources with other institutions or consortia, or to use other available facilities—stadium, theaters, et cetera?

Fourth, have they analyzed the use of resources to see how much is actually spent on instruction, vis-a-vis administration or other activities and then weighed the values of these other activities?

Fifth, is there a commitment of the institution as a whole to accomplish these charges or just of a few people in the administration?

To what extent has information been shared with the various whole components of the campus?

Is there evidence from the departments of action?

What evidence is there that the governing board has exercised effective control?

Sixth, has the institution adequate financial data and accounting systems?

The gentleman from Illinois (Mr. ERLENBORN) referred to the testimony of Dr. Alice Ridlin. Her statement is excellent and I want at this point to include a part of her statement as it relates to the need for some type of emergency assistance:

> It is certainly not obvious that a program of general support for higher education is the appropriate answer to all or even most of these varied financial problems.
>
> Where the major problem is adjustments of the institution to a cut in federal research or some other temporary reversal of fortunes (perhaps associated with recession and inflation or just poor planning), some more specific emergency assistance should be considered. Emergency loan programs for institutions in trouble, a moratorium on debts to the federal government or some kind of transitional assistance to ease the phasing out of federal programs would be far more desirable than the enactment of a general support program to meet these temporary crises. The general aid funds would quickly become expected and permanent parts of all institutional budgets. There is no reason to think that future temporary crises would be lessened by the existence of this type of aid
>
> Where the problem is the inability of private institutions to compete for students with cheaper public institutions, general aid of the type suggested in H.R. 7248 will not alleviate the problem. Aid will go equally to public and private institutions and any differentials between them will tend to be maintained. A more adequate student aid program which would enable public institutions to increase their tuition without fear of closing opportunities to low-income students would do far more to improve the competitive position of private institutions vis-a-vis public competitors. Where the problem is simply lack of demand for the product or student dissatisfaction with the type of institution, federal aid will probably not help, or not for long. There is nothing in the proposed program to induce changes in the way institutions are run or greater responsiveness to student desires.
>
> Where the problem is attributable to increases in enrollment, especially enrollment of low-income students, under federal student aid programs, a different type of institutional aid would seem to be in order. If the federal government is to continue and increase its commitment to equalizing opportunity for low-income young people, it will be bringing large numbers of these students on to campuses without increasing the resources of these institutions to meet the needs. A strong case can certainly be made for giving aid to institutions in the form of cost-of-education allowances to help defray the additional costs of educating a federally aided student. Such a proposal is embodied in Senator Mondale's bill (S. 1161). The case for the cost-of-education allowance seems to me far stronger than that for general institutional aid. The cost-of-education allowance program would channel institutional aid to those institutions bearing the heaviest burden of educating low-income students and helping to meet a federally determined need.

By all of this, Mr. Chairman, I hope the committee understands the compelling reasons for maintaining title 18 in the bill.

There are a number of other features in this bill to which I could refer but time does not permit that. May I express my thanks to the subcommittee for their kindness in allowing me to offer amendments which relate specifically to problems in Wisconsin's programs. The modifications made will enable the State Historical Society Library to share in resources heretofore denied to them as well as the Wisconsin loan program to offer greater opportunities for our State's students through its new eligibility to participate fully in Federal programs.

There is one further aspect of this bill to which I would like to now turn and that is title XVI.

I support title XVI of the bill—the Occupational Education Act of 1971—which I had the honor to cosponsor when it was first introduced as H.R. 7429 on April 7 of this year. This bill, was cosponsored by most of the ranking members of our committee on both sides of the aisle, and enjoys the support not only of the American Vocational Association and the American Association of Junior Colleges, but virtually of the entire educational community. Its enactment as title XVI would mark a long step forward toward the goal of providing every American with a real opportunity for education designed to help him get a decent job in a worthwhile occupation.

I am particularly concerned that one feature of the title be retained— and be retained intact. That is section 1612 which establishes by law a Bureau of Occupational Education in the U.S. Office of Education, and mandates the assignment of not less than 11 supergrades to the new Bureau; headed by a Deputy Commissioner at GS–18 and having not less than three GS–17 and not less than seven GS–16 positions to support him.

I understand that there may be offered an amendment to eliminate the designation of these supergrade positions. Because of very exceptional circumstances, I hope the amendment will not be offered or that it will be soundly defeated if it is offered. The simple fact is that over a long period of years, under both Republican and Democratic administrations, vocational and occupational education has been systematically downgraded in the U.S. Office of Education despite great and continued congressional pressure to put in on the same basis as higher education.

Recently Commissioner Marland has made some moves to correct this matter, although they are not nearly sufficient in my judgment. For example, he obtained one of the most able vocational educators in the Nation, Dr. Robert Worthington of New Jersey, to head up the existing Bureau. Dr. Worthington was formerly State director of vocational-technical education in his State and is nationally and internationally recognized for his work in this field. Yet he is accorded only the rating of GS–17 and the title "Associate" rather than "Deputy" Commissioner. This means that he does not sit in on the twice weekly policy meetings with Commissioner Marland and it also means that vocational and occupational education does not have the same voice in the U.S. Office of Education as does, for example, higher education.

Let me relate some other elemental facts about the condition title XVI is designed to correct. In the existing Bureau of Adult, Vocational, and Technical Education—as of January of 1971—there were 188 positions, of whom only 69 were assigned to administer the Vocational Education Act with its $500 million annual appropriations. By comparison: there were 393 employees in the Bureau of Elementary and Secondary Education and 102 assigned to compensatory education alone; there were 447 employees in the Bureau of Higher Education with 129 assigned to the Institute for International Studies; there were 365 positions assigned to the Bureau of Planning, Research, and Evaluation, with 141 of these working on educational statistics. Even the Office of Administration had 341 employees.

The assignment of supergrade positions within the office is even more shocking. There is one GS–16 to head up the division having responsibility for making the Vocational Education Act work as Congress hoped it might and as the national interest requires. In the entire Bureau there are five positions at the GS–16 and 17 levels—one of which is vacant—none at GS–18. In the U.S. Office of Education there currently are 55 supergrade positions, including five at the GS–18 level. So it is easy enough to see how vocational-technical, occupational and adult education rates on the pecking order of the U.S. Office. The provisions of title XVI—if retained intact in this bill—will correct this situation. It will give to an expanded Bureau of Occupational Education the place in the U.S. Office which the great majority of the Congress, I am convinced, would like to see it occupy.

Mr. Chairman, in testimony before Mr. PUCINSKI's subcommittee on September 20 of this year Mr. Lowell A. Burkett fully documented the deplorable position of occupational education in the Office of Education hierarchy. He also made this cogent summary statement of the reason why we must enact title XVI as it is in the bill. He said:

> The national leadership and accountability role for vocational education has consistently declined over the last decade while during the same period of time Congress has enacted major legislation to expand and improve the Nation's capability for providing vocational education opportunities "for persons of all ages of all communities." The weakest link in the chain of leadership necessary for implementing the goals and purposes of the 1968—Vocational Education—amendments is without doubt at the Federal level.

Mr. Chairman, during the course of

our committee's consideration of the historic 1968 Vocational Education Act Amendments, I seriously considered offering an amendment to create a bureau by law, much as is done in section 1612 of this bill. I was dissuaded from that course then and I regret it now, because subsequent events have aptly demonstrated that the only way the Congress can guarantee the leadership necessary for occupational education in the Federal bureaucracy is to legislate it. That is what title XVI does and I shall fight to keep it intact.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 7248, the Higher Education Act of 1971 as reported by the House Education and Labor Committee.

This bill is one of the most complex measures to come before the House in a number of years. It is the product of long months of deliberations involving many compromises. As such, the bill falls short of expectations in some areas but, overall, it is legislation which represents a constructive approach to support for higher education and deserves the support of this body.

The legislation provides a 5-year extension with certain modifications of existing categorical aid programs for higher education. These include the Higher Education Facilities Act of 1963, the International Education Act of 1963, the National Defense Student Loan Program, the College Work-Study Program, the Educational Opportunity Grants Program, and the College Library Program.

In addition, H.R. 7248 would establish a number of new programs including the first general institutional aid program, a National Institute of Education, an ethnic heritage studies program, and a youth camp safety program.

While all these new programs are worthwhile and deserving of support, by far the most important of them is the general institutional aid provided for higher education in the bill. This section, title VIII, authorizes the first program of general assistance to public and private institutions of higher education. Two-thirds of the funds to be awarded would be determined on the basis of the number of fulltime enrolled students in a college or university. The remaining one-third would be distributed on a cost-of-education basis related to the amount institutions receive in Educational Opportunity Grants, Work-Study, and National Defense student loan funds. Appropriations of $955 million for fiscal year 1972 up to $1.3 billion for fiscal year 1976 are authorized under title VIII.

An April 1971 survey by the National Association of State Universities and Land Grant Colleges indicates that in recent years university budgets must increase 10 percent annually in order to maintain their same level of services. Forty-four of the 78 State universities reported fiscal year 1971 budget increases of less than the required 10 percent; three actually experienced budget decreases.

Studies made by the Association of American Colleges indicate that, unless immediate aid is forthcoming, 365 of the Nation's private colleges may be closed in this decade and 200 of them will have exhausted their liquid assets with a year.

Pressure from inflation and rising costs has been aggravated by a spectacular increase in enrollment. In fiscal year 1940, college enrollment was only 1.5 million. In 1959, those enrolled for degree credit were 3.38 million; in 1969, 7.30 million. The figure projected for 1979 is 11.08 million.

This obvious financial crisis in American higher education manifests itself in deficit operation, curtailed services that adversely affect the quality of education, and efforts to increase income that adversely affect the educational mission, such as raising tuition beyond the reach of low and middle income families.

Average costs this year for tuition, room and board at public colleges have reached almost $1,500. At private schools, the annual cost now is well over $3,000. Moreover, the U.S. Office of Education estimates that tuition alone will increase by 25 percent at public institutions of higher learning and by 38 percent at private institutions in the next 10 years.

General aid to higher education is necessary to alleviate the financial strain on both parents of students and on our State governments which have been compelled to increase the tax burden on their citizens in order to support State universities and colleges.

Mr. Chairman, I urge the overwhelming approval of the Higher Education Act of 1971. Education is the best investment we can make in our Nation's future. It is an investment we must make at all levels of government. It is a commitment we must never let slip, for education is indispensable to a free society.

Mr. PODELL. Mr. Chairman, today we are called upon to consider one of the most important and complex education bills that has been brought before Congress in recent years. The Higher Education Act of 1971, H.R. 72481, would extend existing aid for 5 years for the following Federal higher education acts: the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966. The bill also creates a number of new and urgently needed programs including the first Federal general assistance program for higher education.

This college level education act would provide a 5-year extension of current student assistance loan plans including the national defense student loan program. Nearly every student attending colleges and universities in recent times has availed himself to this necessary and useful loan. The national defense student loan program has given many of our college level students the money to continue their education. Extension of this loan program does more than give all students an equal opportunity to attend college, its continuance is a guaranteed investment in America's most valuable resource—education. The proposed legislation which we are considering today is also significant in that it would increase the authorized annual appropriation from $19 million to $120 million for developing educational institutions.

Other major features of higher education act includes a 2-year authorization for emergency relief to institutions in great financial distress. This relief would total $150 million for each of the 2 years. Without this emergency relief many colleges throughout the Nation will be forced to close because of the seriousness of expenses exceeding revenues, inflation and unforseen changes in admissions. The primary expense of our colleges is faculty salaries and not an overbuilding of dorms. Colleges are faced with salary expenses which cannot effectively be changed downward by extending this emergency relief to institutions the crisis of possible colleges closings will not occur. Judicious and responsible action on the part of our colleges, universities and the Federal Government will avert this crisis.

In terms of general institutional aid, the bill authorizes a program of general assistance to both public and private institutions of higher learning. This aspect of the higher education act would authorize appropriations from $955 million in fiscal year 1972 up to $1.3 billion for fiscal year 1976. At the same time, a commission would be established whose responsibility would be to examine the financial crises facing higher educational institutions.

The bill includes a provision of special importance to parents dealing with youth camp safety. Each year almost 8 million children go off to camp, yet in 19 States there are no regulations governing camping at all, and in many other States only some areas of camping are covered by law. Now this obvious deficiency in protecting our children will be eliminated by requiring Federal standards for the protection and safety of our youths who attend day camp, resident camp, or travel camp. Stiff monetary penalties would be assessed for violations of these Federal standards. The past failure to establish adequate standards for many camps has caused tragic consequences, now we can extend some protection to our children at camp.

Mr. Chairman, to provide a program meeting the needs of education is a challenging task, and the challenge has been partially met by this bill, The Higher Education Act of 1971. The strength of America's educational enterprise springs from a variety of sources, but one principle is a main source of that strength: the right of every individual to have an equal opportunity for an education. This bill directly supports that very principle by giving aid to individuals and institutions and prohibiting sex discrimination.

We cannot compromise, or give halfway when it comes to the education of our youth. All of us are aware that an underfunded school can easily become a poor or mediocre one. A poor school is almost worse than no school. Every dollar spent on the education of our youth is a dollar wisely spent. The cornerstone of America's greatness is the continual emphasis on the quality of her youths' education.

We are constantly improving our educational programs and practices, not as a matter of national pride, but as a necessity for the survival and advancement Higher Educational Act of 1971 we are of all civilization. By passage of the continuing the forward movement of education by strengthening those principles which are the foundation of America's educational system.

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 7248 now pending before the Congress. The plight of small private colleges and universities in America is very grave at this moment in our history. So desperate is their plight that it is predicted that more than half will cease to exist within the next 5 or 10 years unless this Congress accepts the responsibility for their survival.

Many of my colleagues in the Congress are alumni of small, private colleges and universities. In fact, our Nation would be much poorer in leadership had these noble institutions gone down the drain prior to this time.

America can ill afford taking lightly the role of importance that the small college will play in the future of this great Nation. Most small colleges and universities are located in the small cities in nonurban regions of our heartland. They are out there close to the people who are the grassroots of the real stalwart America.

They are serving a constituency which may be characterized as the backbone of America—a core of hard-working and dedicated people.

From these homes and these institutions will be graduated a dependable supply of the best citizens of our land. It is said by leading educators of the Nation that small colleges turn out a leadership product that is far out of proportion to their resources and enrollments. Although the Secretary of the Department of Health, Education, and Welfare may cast aspersions toward some of these institutions as being inefficient, there are some of us who feel that efficiency should be measured by the graduated product rather than the cold impersonal point of view that is reflected by computer accounting methods.

The standard of measurement must be the student and the quality of this student that is produced by the small colleges and universities in America. If we use the student point of view, these institutions will be found to be the most efficient social institutions we have in our Nation today. Giant universities or mega-versities, may turn out their thousands by the assembly line method in vogue today, but it is from these small, private colleges that we expect to find unique combinations of education and character development so vital to our national destiny.

We must keep these institutions strong and viable if we are to avoid mental tyranny in America. If we follow the present course without concern for the small college, we will find in a few years only two segments of our higher education existent: the State-controlled system, and a few of the giant privately endowed universities. It cannot be said with any stretch of the imagination that this will be good for the mind of America. I fear the insensitivity of such a system to the major needs of our people. This could well be called a tyranny because the average American would be helpless to change the situation and would be forced to take what was offered in the field of education.

In the past, large groups of our people have felt dedicated to perpetuate a culture or persuasion by the establishment of colleges top reserve and pass on their ideals. We appear to be rapidly approaching a time when this nobility of purpose may be economically impossible. I abhor this thought.

It should also be pointed out that these small, private colleges carry a major burden in the education of people from low income families. At one time it was true that the rich sent their children to the private schools. This is no longer typical. There are thousands of young people from low income and even poverty level families attending the small, private colleges and universities. By the ingenuity and the benevolence of their supporters, millions of dollars in scholarships and grants are made annually to the economically underprivileged students in the private sector of higher education. The rich families are now sending more and more of their sons and daughters to the State universities and Ivy League colleges. This results in a growing burden for the fewer rich benefactors who help the smaller private institutions.

The Congress must include the preservation of the small, private American colleges and universities in its commitment to all of our educational programs. Without them, the whole nation loses. With them, an indispensable part of our American heritage is preserved.

Mr. KEMP. Mr. Chairman, Thomas Jefferson, who wished to be remembered as the founder of the University of Virginia, knew that the destiny of America was inseparable from education—that in the fulfillment of the promise of this new Nation, education would be the key.

We have tried hard to hold to Jefferson's ideal. We have seen our schools and colleges flourish and grow, ever enriching our heritage.

Now, almost two centuries after Jefferson, we also know a sterner truth. The philosopher and educator, Alfred North Whitehead, warned:

> In the conditions of modern life, the rule is absolute: The race which does not value trained intelligence is doomed.

This bill that we are debating here today is a clear indication that we do value education and that we have acknowledged and are ready to meet the financial crisis which besets our institutions of higher learning.

Mr. Chairman, I rise in support of H.R. 7248 because, in my opinion, it recognizes the combined success and strength of the student loan program of the NDEA, work-study, the educational opportunity grants, and the guaranteed student loan programs. It adds a much needed Student Loan Marketing Association creating a Government sponsored private corporation which will facilitate the liquidity of more resources for students in the middle family income sector who need to borrow money for their higher education. Moreover, while improving these student aid measures, adequate attention is given to the dire need to extend other highly essential assistance, such as the program of community service and continuing education which has encouraged the campuses to reach out to the local community and try to help solve problems of poverty, housing, unemployment, youth opportunity, recreation, land use and transportation. This program has challenged thousands of students and as many as 3.5 million citizens with the day-to-day work efforts of trying to solve the knotty problems of modern urban, rural and suburban communities. Problems not necessarily dealt with in the academic setting or textbooks. Moreover, H.R. 7248 underscores the importance of assistance to college libraries recognizing the breadth of the knowledge explosion. The vast extent and variety of information sources requires that institutions of higher education, both students and faculty, have access to adequate library materials, services, and other media. Authorities have confirmed the fact that rising costs coupled with stationary or decreasing revenues from State sources or from private donors squeeze the financial resources of most of the Nation's higher education libraries. Campus libraries are among the first casualties of institution budget cuts. Furthermore, the extension of programs to strengthen developing institutions is of equal necessity. Serving institutions with student bodies composed mainly of minority students, this program provides the largest single source of Federal funds directly available to these institutions. It grants assistance to encourage cooperative arrangements among institutions, and bolsters the faculty through programs of national teaching fellowships and professors emeritus grants.

All of these programs and those which H.R. 7248 would improve and strengthen such as the NDEA equipment grant program, the graduate fellowship and language and area studies program of the NDEA; the programs of assistance to institutions for the improvement of undergraduate instruction and for the improvement of graduate programs of the higher education act, to mention only a few, are significantly successful and are vital to particularly important parts of our whole American education structure.

Today, however, there is a far broader, in fact, an all encompassing problem, to which H.R. 7248 addresses itself—that is the financial crisis which besets the Nation's institutions of higher education. This crisis has been mounting steadily over the past 10 years, and as one scholar stated "higher education has come upon hard times." Although today this Nation's campuses are more comprehensive and productive than any other in the world, our campuses do not have sufficient funds to adequately finance their growing needs. Scores of authoritative studies have spotlighted these financial problems which are caused by spiraling costs, inflation and enrollments.

As Dr. Earl Cheit pointed out in his 1971 study, "The New Depression in Higher Education":

> Inflation has also afflicted government appropriations at the State level and it has contributed to the taxpayers' revolt against bond issues. In June 1970, in California, a

bond proposal for capital support of medical schools and health sciences was voted down in 55 of the State's 58 counties.

Private institutions are plagued with financial problems too. The Association of American Colleges has reported that 365 private colleges and universities may be closed in the next decade because of the cost-price squeeze. Two hundred of these institutions will have depleted their liquid assets within a year.

On the other hand, of 278 State colleges and universities, 75 percent report that financial difficulty is their major problem.

Throughout the whole mosaic of higher education in this Nation's institutions, campuses have had to curtail services, drop essential new programs which would serve the country, operate at a deficit, and some have even gone bankrupt. In this, the most prosperous country in the world, which can spend trillions of dollars on defense and billions in space exploration, we should be capable of establishing a program of assistance to undergird those institutions of higher education that supply the talent and skills which make these other programs possible.

The extent and diversity of the Nation's institutions of higher education, unique to this country, and clearly responsible for our strength, requires the type of two-part program of financial assistance proposed in the measure before us.

H.R. 7248 offers a new and dramatic program of general assistance to institutions of higher education as well as much needed temporary relief for campuses which are in immediate serious financial distress.

These programs will serve to strengthen the relevancy of American higher education which has served the Nation so vigorously in many areas of exploration, invention, and experimentation.

Our colleges and universities are developing and refining the talent of our most valuable resource the untapped potential of our young men and women. To experience even a slight diminution of this resource would court disaster with the Nation's future greatness.

The urgency for financial assistance to institutions of higher education is clear. The immediate need defined. Enact this proposal and let the national commission on the financing of post secondary education report to the Congress the impact of past and present support and what the necessary levels of all sources of support to postsecondary education should be.

To ignore the scores of studies which have been made on the colleges' plight would be negligent and could be an impediment to the Nation's future.

Mr. Chairman, I would further like to express my approval and support of our program for student aid as it would be improved and strengthened by H.R. 7248. No doubt all but a few agree with the President in the wish that no qualified student who wants to go to college should be barred by lack of money. This is a fine aim, and a practical one for its contribution to the individual and to the whole Nation. It is the means and methods of accomplishing this goal which bring differences and divergencies to the fore. Consider that it is only in the last 25 years that other than the sons and daughters of well-to-do families have hoped to acquire higher education. During that time the higher education community has faced extraordinary changes not only in having had to accommodate an increased number of students but also in having had to modify instruction and introduce new courses in adjustment to unusual changes in technological development and in society. The Federal Government has helped in this readjustment particularly in the field of student aid. The present program—as you know, consisting of three college-based forms of student aid, educational opportunity grants, work-study, and national defense student loans, and one federally supported but privately financed form, guaranteed student loans—has been built up gradually over the years as particular needs became apparent. First, in 1958, the National Defense Student Loan program was inaugurated. This provides low interest Federal loans to students in need of assistance through the institutions of higher education. In 1964 the work-study program was initiated to provide employment opportunities for those students needing still more assistance. The present program of aid was completed with the Higher Education Act of 1965 which added educational opportunity grants for students with exceptional need for whom national defense student loans and work-study were insufficient aid, and qualifying under need standards but still finding financing of their education guaranteed student loans for those not difficult.

What has evolved is a well balanced and nicely flexible program of student aid adjustable to different situations and needs. Now this is very important if we want to maintain our diversity and opportunity for a choice in our colleges and universities. We have been justly proud of this diversity. It has in no small measure contributed to the richness of our educational system. Some have suggested that a monetary standard of need be set for all student aid to insure taking care of the truly needy. However, this would not make allowances for the differing costs at colleges and universities. Students would not be able to consider more expensive institutions even if these alone offered the desired instruction. Nor would this monetary standard take into consideration various factors affecting each individual's resources, factors such as a catastrophic illness or business failure. At present the question of need is determined on a personal basis by a college administrator who considers the complete picture of the student's financial situation. He then can use all three college-based kinds of aid to form a combination best suited to the particular student's need or he may advise the guaranteed student loan program as most appropriate. This seems to me to be an exceptionally fair and practical method of solving the dilemma of how much aid and to whom. Testimony from administrators in the academic community indicates basic satisfaction with the program as is, except for inadequate funding and some inequities.

H.R. 7248 improves the flexibility of these present programs by liberalizing the definition of need and increasing the yearly limits on grants and loans. In addition 10 percent of funds available for EOG and for work-study are interchangeable and can be used for either program depending on the need in each institution. To correct possible inequities in allocation to the States, funds would be allotted in proportion not only to the number of college students but also in proportion to the number of high school graduates, the potential college students, and in proportion to the number of young people in low-income families in each State. This should correct the few defects now found in the overall program. Now this is not a time or area for experimentation and delay. Instead of plunging into a whole new setup, untried and therefore undoubtedly inefficient, wouldn't it be better to stay with a program which has been tried and found serviceable, especially now that we are getting the bugs and kinks out of it. Let us endorse these amendments as contained in H.R. 7248.

Mr. Chairman, title IV of H.R. 7248 increases the availability of student financial aid. It is generally an improvement over the existing system of student aid because:

First. It makes part-time students eligible for educational opportunity grants and college work study.

Second. It increases the annual grant limit and the number of years a student may receive an educational opportunity grant.

Third. It provides special treatment for veterans in all student aid programs, and particularly in the work study for community service learning program.

However, one area where I recommend a modification in the bill is title IV, section 465, Allotment of Funds to States. According to this section, moneys for college work study, educational opportunity grants and national defense student loans would be allocated among the States based on a formula of one-third fulltime enrollment in institutions of higher education, one-third high school graduates and one-third the number of related children under 18 years of age living in families with annual incomes of less than $3,000. New York State has 8.4 percent of the national fulltime enrollment in institutions of higher education, 8.6 percent of the national high school graduates and 4.9 percent of the children in families with annual incomes of less than $3,000. If the formula in section 465 were adopted, New York State would thus receive 7.3 percent of the national Federal student assistance. This is considerably less than New York State now receives under the educational opportunity grant and the national defense student loan programs. Its share of educational opportunity grants, college work study and national defense student loans is considerably deflated by the inclusion of the number of children in families with less than $3,000 annual income. The wording of the formula, as it now exists in section 465, would exclude children from welfare families in New York

State with an income in excess of $3,000. In New York State, a family of four on welfare is eligible for $6,156 per year, including medical payments. This same factor also reduces the share of Federal student assistance for other large urban States with major welfare programs.

As an addition to section 465, we would favor the inclusion of related children under 18 years of age living in welfare families, even though their welfare payments may exceed $3,000 per year. A secondary option would be to base the formula for allocation of Federal student assistance among the States on full-time enrollment in institutions of higher education and high school graduates, and eliminate that portion of the formula that apportions money based on the number of children in families whose income is $3,000 or less. New York State and other large urban States will lose money unless some provision is made to change the formula. Hold harmless provisions are losses.

I support title VIII—"General Assistance"—and title XVIII—"Temporary Relief for Institutions of Higher Education in Financial Distress"—of H.R. 7248 as the most viable compromise to be drafted to date. However, I recognize the complexities that were considered and must be considered in a formula that distributes aid to institutions of higher education, and therefore deem it essential that the National Commission on Financing of Post Secondary Education be established to further analyze this formula and additional factors for the Congress. I base our support of the general institutional aid provisions in H.R. 7248 on the following reasons:

First. New York State would receive close to $1 million more under the formula contained in H.R. 7248, assuming a $100 million appropriation, than it would under a formula that was based only on a percentage of total Federal student assistance. The following table illustrates the differences in institutional aid for New York State based upon four different formulas for the public, private, and 2-year and community college sector.

VARIATION IN NEW YORK STATE SHARE USING 4 DIFFERENT FORMULAS (BY TYPE OF INSTITUTION) ASSUMING A $100,000,000 APPROPRIATION

	H.R. 7248	½ enrollment ½ Federal student assistance	⅓ enrollment ⅔ Federal student assistance	100 percent Federal student assistance
Public	$4,627,124	$4,620,513	$4,612,545	$4,596,786
Private	4,182,445	3,959,807	3,736,146	3,289,032
2 year and community college	(1,181,279)	(1,062,442)	(943,313)	(705,158)
Total New York State	8,809,569	8,580,320	8,348,691	7,885,818

Mr. Chairman, it is appropriate to point out at this section that H.R. 7248 will have a very favorable impact on Erie County and the area. There are 13 institutions of higher learning in the area surrounding Buffalo. We can easily see that the potential $1 million increase for the State will have a significant impact on my congressional district.

Second. Any formula that bases institutional aid on the percentage of Federal student assistance is particularly prejudicial to the community colleges because of their small share of Federal student assistance. There are several reasons for this. The college work study program and the national defense student loan program have been difficult programs for the community colleges. Each of these programs require that the institution match the Federal grant—in the college work study program the institution must provide 20 percent of the money and in the national defense student loan program the institution must provide 10 percent of the money. Community colleges, with limited financial resources at their disposal, experience financial difficulties in providing these matching funds. In New York State, all community colleges participate in the college work study program because it offers experiences in keeping with the curriculum of the institution, but 10 of the State University of New York community colleges find it financially impossible to participate in the national defense student loan program.

The educational opportunity grant program is of only limited effectiveness with community college students. If a student receives an educational opportunity grant of $1,000, the institution must provide $1,000 from other sources. Since the community colleges find it difficult to receive moneys from the college work study program and the national defense student loan program and have only limited financial aid of their own, they are often unable to participate in the educational opportunity grant program to the extent that is necessary.

Under existing legislation, part-time students are ineligible for educational opportunity grants and college work study. The only Federal student assistance program they are eligible for is the national defense student loan program, and this is the smallest student aid program at the community college level. In the community colleges of the State University of New York and the City University of New York, 46 percent of the students are part time. Thus, a very significant group of students are eliminated from receiving any Federal financial aid at all.

Third. The formula in H.R. 7248 takes into consideration the graduate student by allotting $200 per full-time graduate student enrolled. New York State has the largest number of post-baccalaureate students enrolled in degree programs in the United States—152,481 students or 14.7 percent of the national total. Since graduate students, by and large, are ineligible for the educational opportunity grant college work study, and national defense student loan programs, the Quie formula would provide no assistance to the institutions for these students.

Fourth. The formula in H.R. 7248 would be of greater benefit to small institutions than a formula based upon a percentage of student financial assistance. In New York State, there are 103 institutions with an enrollment of 1,000 or under. Many of these institutions are the ones that are presently experiencing the most serious financial problems.

Fifth. According to a formula based upon Federal student assistance, 12 institutions of higher education in New York State would receive no general institutional aid at all. Some of the institutions receive funds under a general institutional aid program of New York State.

Mr. Chairman, New York State has been doing its share in providing student and institutional aid. This fiscal year, New York State will be expending in excess of $70 million in scholar incentive and scholarship grants There are additional State programs designed to assist minority and disadvantaged students. Two major public institutions in the Buffalo area with a large percentage of minority and disadvantaged students receive $3.5 million in Federal student assistance while New York State, from its own sources, is providing $6.7 million in student assistance or almost twice the Federal amount. Similar examples may be drawn for private institutions in New York State. This large State and institutional effort for student assistance is not taken into consideration in an institutional aid program based on a percentage of Federal student assistance.

New York State will be expending this fiscal year approximately $27 million for institutional aid under the so-called Bundy Plan—see appendix B. In addition to this general institutional aid, New York State will provide $9.5 million in emergency relief to an institution in severe financial distress as it reorganizes its program. It is our understanding that full funding of institutional aid, using a percentage of Federal student assistance, would be approximately $250 million. This would mean that New York State's current effort exceeds 10 percent of a fully-funded program based on Federal student assistance for institutional aid.

In the analysis that had been done for the various institutional aid programs, a separate category of analysis was made of its effect on predominantly black institutions. New York State is shown as having no predominantly black institutions, but in excess of 6 percent of the enrollment in institutions of higher education in New York State is black students. This does not include the Puerto Rican and other minority students enrolled in institutions of higher education in New York State.

We understand that there will be a colloquy to clarify the inclusion of students in the occupational and vocational curriculum in 2-year and community colleges. This clarification will be of benefit to New York State.

ADDITIONAL CONSIDERATIONS

The allotment provisions for occupational education, title XVI, provide in the second year of this program that each

State would receive a minimum of $1 million. We feel that this is unrealistic in terms of past experience appropriations for new programs. Our suggestion would be to maintain through the life of the program a minimum allotment to each State of $100,000 as provided for the first year of operation of the program.

The provision for youth camp safety, title XIX, contained in H.R. 7248 will provide additional assistance to New York State in expanding its current program. New York State is among the leaders with a program in this area.

In conclusion, Mr. Chairman, I am very proud of the many institutions of higher learning in my District and the diversity of educational opportunity they present to those seeking a higher education.

From my position on Education and Labor Committee I fully support the Green bill and its approach to meeting the crisis in higher education.

Mr. KOCH. Mr. Chairman, the significant new feature in H.R. 7248 is the provision for direct aid to institutions. Over the last several years most of the Nation's colleges and universities have suffered significant financial setbacks. The Carnegie Commission has called today's dilemma "the New Depression in Higher Education." This situation is partly attributable to the Vietnam war—that is, the impact of the draft both on enrollments and on student morale, and partly attributable to cutbacks in Federal support for research and training.

In my State the large universities which serve as national instruments for the training of scientists, doctors, dentists, teachers, and researchers have suffered most notably. The combined deficits of Columbia, Cornell, New York University, Rochester, and Syracuse were approximately $30 million last year. State and city resources are also heavily taxed to maintain our social commitments in the public institutions. If this situation is not alleviated many of the most vital institutions of higher learning will be severely crippled and the great progress we have made in recent years to really achieve equality of educational opportunity will be reversed.

The institutional aid provisions of H.R. 7248 provide an incentive for those institutions which continue to take the lead in serving the disadvantaged. In my district New York University has what is probably the largest budget for scholarship aid to the disadvantaged of any single institution in the country, and has for 30 years been among the several leading institutions in the Nation in the number of minority students enrolled. With the commitment today of both the city and State universities to open admissions for all qualified high school graduates, the provisions of H.R. 7248 will be a significant step forward in helping to share these burdens.

I urge passage of this landmark bill which is a major step to insure the continued health and vigor at our colleges and universities.

Mr. DULSKI. Mr. Chairman, as we prepare to resume consideration of H.R. 7248, the Higher Education Act of 1971, I believe it appropriate to call to the attention of my colleagues in the House a recent address by Dr. G. Bruce Dearing, vice chancellor for academic programs of the State University of New York.

Dr. Dearing was the principal speaker at the centennial convocation of the State University College at Buffalo, the 100-year "young" college with a proud history and an impressive future.

In his wide-ranging remarks which he titled "Academic Dogmas and Necessary Heresies," Dr. Dearing dug into the basic problems facing higher education today.

I commend to my colleagues the text of Dr. Dearing's address, which follows:

Academic Dogmas and Necessary Heresies

(By Dr. G. Bruce Dearing)

A centennial celebration is so rare and special an occasion that any speaker with proper humility recognizes at once that his favorite cliches will appear more than usually shabby, and that he really ought to find a way to say something genuinely fresh and crisp about the last hundred years so gloriously concluded and the next hundred of promise, and despite the grandeur of the time frame, stay within his allotted twenty minutes.

In candor I can only promise to deliver the latter, though I sufficiently appreciate the honor of participating in this centennial celebration to take seriously the opportunity of sharing thoughts with this audience.

I have little doubt that the founders of this institution one hundred years ago experienced a sense both of crisis and of promise.

In a nation recovering from the dislocations and ravages of a fierce and prolonged Civil War, suffering from exhaustion and from tarnished idealism, indignant at corruption and ineptitude in high places, a new institution for the education of teachers must have been a very bright candle in the darkness.

The mood must have been rather more cheerful on the fiftieth anniversary, with what had been for this country at least a briefer and apparently successfully concluded war to make the world safe for democracy, and college attendance well established as a gay and carefree lark for those lucky enough to afford the privilege.

ATTITUDE OF NONSTUDENTS

I was too young at the time to trust my direct observations, but I am assured by students of the period that those for whom college attendance was out of the question were sufficiently preoccupied or submerged to prevent their questioning the system very sharply.

Still, I should be surprised if the speakers on that occasion did not point out that Coue was perhaps overstating the case in his assurance that every day in every way things were getting better and better.

I shall not attempt here a full account of the anxieties and distresses which hedge us about at this moment in history.

You are as well aware as I of the uneasy economy, an unpopular war from which we have not yet extricated ourselves, persistent and resurgent social injustices, and the insults still being heaped upon our beleaguered earth.

Let me dwell only upon one element in what can reasonably be called the current crisis in higher education.

CANNOT IGNORE ATTACKS

Our colleges and universities, of whatever age and degree of distinction, are being attacked from without and from within in ways that cannot be shrugged off.

Academicians are trying to adjust to the change from being recently elevated heroes of an admiring society to having suddenly become exploitative villains undeserving of their advantages, and drones incapable of putting their academic houses in order.

Alma Mater, the university, is accused in a welter of new books and articles of having sold her birthright for a mess of potage, of having prostituted herself in an ill-starred venture in being all things to all men.

Professors and administrators stand accused of having, like Faust or Jabez Stone, sold their souls to Satan for the tawdry and temporary worldly benefits which lie within the devil's gift.

It is alleged that too many non-students or semi-students who have no real business in college are glutting the campuses, that the campus has become what never was intended, an instrument for revolution and a playground for the irresponsible.

Formerly generous donors among the Alumni threaten to withhold their support; budget officers and other public officials scrutinize with added rigor the sources of support for public institutions across the nation.

ALL NOT WELL IN ACADEME

It is clear that all is not well in the groves of academe, and that even a properly joyous celebration must take some account of the encircling gloom.

However, any person, or any institution which has attained the age of one hundred, clearly has staying power, reasons for optimism, and entitlement to some rights, privileges and immunities.

I was recently delighted to learn that an uncle of mine in California who has passed his hundredth birthday and was taking his annual physical examination prior to taking off on a trip to Alaska was told by his physician that hereafter his examinations will be free of charge.

Following this cue, I am prepared to offer the State University College at Buffalo a free examination, complete with diagnosis and prescription.

We can start with the circulatory system, following the medical analogy. Any institution of the age of yours inescapably suffers somewhat from sclerosis of the curriculum.

This College seems to me to be in better condition than most in this regard, in consequence of recent reforms and modifications in requirements, prerequisites and additional options. Nevertheless, there are still some clogged arteries which need to be cleared or bypassed if the College is to maintain the resiliency and vigor of youth.

NEED FOR SETTING PRIORITIES

In a time of budget crunch, the most promising immediate reaction of a vital institution is to arrest and reverse the proliferation of course offerings, to require strong justification for continuing courses and programs with persistently low enrollments, and to set priorities by analysis and judgment rather than by historical accident or vested interest.

Heart function seems to me good. The College at Buffalo has a long-established and well-earned reputation for responsiveness to community needs, and it is significant that its SEEK, Special Admissions and Full Opportunity programs are among the best in the State University.

Service to students and to the wider community will depend upon humane and alert responsiveness to emergent needs of new constituencies, and while it is still proper that the university should be thought of as the citadel of the intellect, head and heart must operate in concert and not in subordination.

And, speaking of heads, any institution in our time is something of a hydra. Its titular head is its president, and here the College at Buffalo is in splendid condition.

I shall forbear speaking of the hotheads, cool heads, pot heads, dunderheads and other types of which this campus must have, like others, at least a sprinkling, and refer only to the administrative head.

IF YOU'VE GOT IT, FLAUNT IT!

Shakespeare's fat knight, Sir John Falstaff, was accustomed to excusing his behavior on the ground that he had more flesh than other people, and therefore more frailty.

Your President, having more altitude than other people, has therefore the advantage of longer vision, wider horizons, a less cluttered view of the general landscape, greater leverage and more speed.

I learn from the current issue of *Psychology Today* that our society more admires and favors height than any other characteristic.

It is undoubtedly an unfair advantage, but my personal and professional advice to my long-time friend, E. K. Fretwell, continues to be "If you've got it, flaunt it!" in developing your new kind of college.

Rather than running entirely into the ground the diagnostic fancy, let me shift to advice and prescription. I hold with those who propose a rigorous regimen of exercise, and oppose the shrinking into oneself of self-protective, anxious preoccupation with mere survival and avoidance of pain.

At a time when many prescriptions for the current ills of higher education (some of them from distinguished educators) insist upon a return to monasticism, a retreat into the ivory tower and the abandonment of most of the efforts which are now causing travail as well as vital extension of university services, I believe institutions like the College at Buffalo must steadfastly resist the siren song.

RE: RETURN OF MONASTICISM

The cry for restoring the advantages and privileges of the credentialed and advantaged minority—revaluing college degrees through an economy of scarcity—may be appropriate to an Oxbridge, rooted in the tradition of training an upper class elite for the governance of an empire, or for a small private college originally established to educate preachers and teachers for a godless and unlettered frontier society.

It is most certainly not appropriate for an institution like this one, in early maturity at age one hundred, founded to serve a burgeoning democracy, located in a populous city, and part of a great public university whose motto "Let each become all he is capable of being" is not merely an adornment of official seals, but is a commitment to action.

It is not needful to be a sprawling, totally unselective university responding mindlessly to every whim and veering wind, of course. But it *is* needful, and in the intrinsic nature of a campus like that of the College at Buffalo, to be *inclusive* rather than *exclusive* in its philosophy of education.

THERE MUST BE BALANCE

Every organism of whatever age, but particularly in its earliest years and as it ages, must give concerted attention to the problem of attaining and maintaining *balance*. As I have suggested, an institution of one hundred years is merely in vigorous maturity, and in no sense a tottering Struldburg. Still, it must attend to the requirements of balance.

In our time we have frequent use of the metaphor of the high-wire artist making his perilous way across nearby Niagara Falls, assisted only by courage, a finely attuned inner ear and a balancing pole. Perhaps most of us can do little about our store of courage or the state of the inner ear, but we can make judicious selections, and train ourselves in the use, of the balancing pole.

These come in all sizes and with appropriate combinations. Some are labeled on opposite ends with such relationships as freedom and responsibility, the individual and society, emotion and reason, sensitivity and rigorous analysis, continuity and change.

For this institution at this time, the pole to pick up is probably the one labeled *continuity* and *change*.

A CLEAR RESPONSIBILITY

Merely because it is an established and mature college, there is here a proper responsibility for setting and maintaining rigorous standards of excellence, for demonstrating respect for objective scholarship and intellectual honesty, for living by the conviction that knowledge is power, and that power implies both responsibility and restraint.

Because the college has an admirable history, and because institutions tend by nature to be conservative, we dare to hope that the claims for continuity will be well met here in the next hundred years.

The requirements for change may be more difficult to meet. Somehow, all of us responsible in any way for the direction of higher education in the immediate future must fully recognize that formerly unaccommodated groups have in a democracy valid claims on higher education.

Ethnic and cultural minorities, the economically unprovided, women, age groups well beyond or significantly short of what has hitherto been considered the "college-age population" clamor to be served, and their needs must not be shrugged aside by self-protective in-groups more comfortable in an exclusive enclave.

We must acknowledge, as I think you have at Buffalo State College, that in the future, the dormitory, the fraternity house—even the classroom, the library or the campus—will be for many students no longer the locus and focus of the college learning experience.

Instead, independent study much more various and more imaginative than at present, field experience, interdisciplinary curricula and new "alliances for learning" among institutions, faculties, students, industry, government and social agencies may become common rather than rare and special features of the college.

MORE OPTIONS NEEDED

I do not suggest that the traditional curricula and procedures for delivering learning experiences have lost effectiveness totally, but only that many more options must be available for the variety of students now to be served.

Provision of more options need not lead, as some fear, to complete fragmentation and dissolution of the traditional campus, although this danger is not to be lightly dismissed.

A further aspect of change we should foresee and embrace, is the acceptance of a new time schedule for the baccalaureate degree, with live options for a three-year, four-year and five-year curriculum provided. Another is the provision for a new range of professional and para-professional programs in two-year and four-year colleges, in new alliances and partnerships.

For too many of the best students of the past decade or so, either the senior year in high school or the freshman year in college has been largely a wasteful and boring duplication, which should not be countenanced, and in these times of strained budgets, cannot be afforded.

FIVE YEARS MORE REASONABLE

For some, though by no means all, of our students admitted with other than the usual secondary school preparation, five years is a more normal and reasonable period than four to attain the skills and knowledge associated with the baccalaureate.

Many young men and some young women could profit by a delay in beginning the college experience, or by interrupting it for significant periods to live and work in quite another part of the forest.

Parental pressures, selective service, and the deferred job market have often had more effect than internal motivation on educational timing, and these pressures may be losing force.

Within the State University at this time, most of us in administrative posts are cudgeling our wits as to how we may make virtues of our necessities, and in the accommodations which must be made to new circumstances of budgets, enrollment pressures, building slowdowns and space constraints, assuring that unavoidable changes result in improvements, or at least not in deterioration, in the educational experience.

One of the most promising opportunities lies in at last turning technology to account in delivering educational and learning services, rather than looking askance at programmed learning techniques, media presentations and repetitions and other alternatives to classroom lecture and discussion as fit only for dark Satanic mills.

I am told that some of our colleagues here are well advanced in experimentation and essay in these directions, and I hope that more will follow their lead.

CENTENNIAL NOTES

If I were to be permitted to inscribe a birthday card for the College at Buffalo, then the notes would be something as follows:

To President E. K. Fretwell: continue to look above and beyond, taking full advantage of formidable vision, reach and leverage in guiding the College into its next hundred years.

To the faculty: continue to preserve and transmit, but also to discover and apply knowledge in a college oriented toward the twenty-first century rather than toward the nineteenth century. May you resist stoutly the temptations of resurgent elitism, or the new monasticism and self-serving exclusiveness in higher education. May you remember and act on the fact that you are not only professionals in a vast and honorable enterprise which touches the lives of almost every citizen, but very influential citizens in an overlapping series of communities—campus, city, state, nation, family of nations and planet. To withdraw defensively into a campus enclave in our times would seem to me not the salvation of the university, but the betrayal of the society which nurtures it.

To the students: may you continue to be more various, more expectant, more questioning and more participative than any previous student generation, and may you play an increasing role in the democratization of education and the extension of its benefits to all who honestly seek them.

To the community: may you continue to treasure the resource of the State University College at Buffalo and do your full part in providing the moral, political, and economic support it will require to perform its functions most effectively.

And to the friends gathered here for this celebration, whatever their connection with the College: join me in paying this one hundred year old institution the compliment of continuing to expect only the best from and for the State University College at Buffalo.

Mrs. HICKS of Massachusetts. Mr. Chairman, I am proud and pleased to rise in support of the Higher Education Act of 1971. As a member of the Education and Labor Committee I know that the financial problems of our colleges and universities are real and I appreciate the fact that there are no simple solutions. But I am also convinced after many days of hearings by the Special Subcommittee on Education and many pages of testimony that the Federal Government has the greatest ability and responsibility to insure the survival of some institutions of higher learning and hopefully the health of many others.

For years educators, administrators, and legislators have been debating the proper role of the Federal Government in higher education and the most effective form of Federal assistance. I believe that the role of the Federal Government has evolved greatly since the Morrill Act of 1862, and most dramatically since the National Defense Education Act. That role has been shaped by many events and circumstances.

The agricultural needs of the country and the near absence of college level courses in agriculture and the mechanical arts prompted passage of the Land-Grant College Act. The second Morrill Act, and the Smith-Lever Act of 1914, broadened this legislation. By 1957 additional impetus was given to the evolving role of the Federal Government by the Russian space feat in launching sputnik. Congress responded to what was then considered to be a critical national objective in education. It was determined to be in the national interest to identify and counsel young potential scientists and engineers; to improve elementary and secondary education in science, mathematics, and modern foreign languages; to provide institutes in modern foreign languages and area studies for elementary and secondary school teachers; to enable more qualified students to pursue college educations with the aid of student loans; and to provide fellowships for graduate study. The National Defense Education Act was passed to achieve these goals.

By 1965 it had become clear that our colleges and universities in struggling to accommodate the "baby boom" had overextended their resources and were seriously deficient in a number of areas. Congress decide that it was in the national interest to respond to those specific needs and to take additional steps to equalize educational opportunity. The resulting legislation was the Higher Education Act of 1965.

Since then college enrollments have risen steadily as have costs. Unfortunately, higher education's revenues have not risen as rapidly. We discover now that in order to continue in operation our colleges have resorted to a number of short-range budget savers such as, raising tuitions, cutting back on positions, courses, and programs, enlarging classes, postponing needed additions and repairs, and the like. None of these devices has helped the colleges to come to grips with their financial situation. Nor will any of them provide for long-range stability. Furthermore, the money crisis in higher education is making college a financial impossibility for more and more students—not just those from low-income families but from middle-income families as well. I would say that we are losing ground in the battle to achieve equal educational opportunity.

The States have steadily increased expenditures for higher education and they may be able to increase their outlays even further, but because State taxing power is limited I do not expect to see vast new sums available for higher education from the States in the near future. The private sector too can and must do more to translate their concern for higher education into dollars and cents support.

But the heaviest responsibility for meeting the immediate financial crush lies with the Federal Government because only the Federal Government has the resources to meet a national emergency in higher education. Is it in the national interest that we have college educated men and women and trained professionals? Is it in the national interest that our institutions conduct scientific and social research? Does the Nation benefit when our colleges use their resources to help solve community problems?

Our institutions of higher learning are an integral part of this country's economic, intellectual and social progress. Of course it is in the national interest that they survive and remain healthy. If it is in the national interest and if it is a Federal responsibility to save Lockheed from bankruptcy how can our responsibility be less with regard to our colleges and universities?

I do not believe that it is. The real question is how can we best fulfill our responsibility. This is the question with which the Special Subcommittee on Education and we on the full committee have been wrestling. Our response is contained in H.R. 7248. First of all, we believe that those programs under the Higher Education Act and the Higher Education Facilities Act which have been assisting colleges and universities in specific areas of need should be extended. We also believe that aid to students is crucial. Therefore, H.R. 7248 would extend and expand the educational opportunity grant program, the work-study program, the insured loan program, and the NDEA student loan program. A number of changes would be made in the programs, most significant I believe is the increase in the amount of an educational opportunity grant from $1,000 to $1,500 a year, the new eligibility of part-time students, and the broader determination of student need.

H.R. 7248 would refine the criteria used in awarding educational opportunity grants to include, in addition to family income, such factors as number of dependent children, the number of dependents attending schools and colleges, family illnesses, business failures, and any other circumstances affecting the student's financial need. These criteria are intended to assist the student financial aid officer in awarding grants. I do not favor the application of some national standard of need to applicants for educational opportunity grants. Frankly I think that our student aid officers in Massachusetts are a lot better qualified to assess student need than the Office of Education.

Need is obviously relative to the specific circumstances of an individual's situation. I do not believe that it is in the best interests of our student aid efforts to attempt to devise some national standard of need which removes this determination from the institutional officer and places it in the hands of the Federal Government.

H.R. 7248 also addresses itself to what the colleges themselves call the need of highest priority—the need for institutional assistance. A 2-year program of interim emergency aid would be authorized by H.R. 7248 to help those colleges and universities closest to the brink of financial disaster. The bill would also initiate a program of grants to institutions to help them cover current operating expenses. The formula is based partly on enrollment and partly on the number of Federal student aid recipients enrolled at an institution.

I cannot agree with the suggestion that such assistance should be based solely on the number of Federal student aid recipients. Such a limitation would defeat the primary purpose of the assistance which is to preserve our system of public, private, large and small, 2- and 4-year institutions of higher learning. This is the responsibility of the Federal Government given the national interest in higher education and the financial needs of the institutions. I believe that H.R. 7248 is the most promising proposal to fulfill this responsibility and I lend the bill my most vigorous support.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mrs. GREEN of Oregon. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7248) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, had come to no resolution thereon.

GENERAL LEAVE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD and include extraneous matter on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

PERSONAL STATEMENT

Mr. LANDGREBE. Mr. Speaker, I ask unanimous consent that I may be marked present on quorum call No. 324. I was in the chamber but failed to answer the rollcall.

The SPEAKER. Since the gentleman did not respond, he was not listed as present, but the gentleman's statement will appear in the RECORD.

PERSONAL ANNOUNCEMENT

Mr. LINK. Mr. Speaker, on rollcall No. 320, a quorum call, I was in the Chamber after the call of the roll was completed but before it was announced and was not recorded as being present. I wish to have the Record show this.

The SPEAKER. The gentleman's statement will appear in the Record.

"THE VANTAGE POINT"

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, I am including in the Record today the review of former President Lyndon Johnson's book "The Vantage Point" from the Book of the Month Club News. The Book of the Month Club has chosen this new book as a special fall selection and the review is by John P. Roche.

I would like to quote a couple of sentences from it.

It says:

> For about three years now—ever since he left the White House—the decisions of President Lyndon Baines Johnson have been the subject of intensive amateur research and polemical dispute. The focus has, of course, been Vietnam, and the purpose has been to make it possible for liberal Democrats to escape responsibility for an unpopular, protracted war. The main theme, especially since the publication in various newspapers of the so-called Pentagon Papers, has been that Lyndon Johnson, with superhuman cunning and diabolical design, tricked everybody.

Listen to this one:

> It is hard to go anywhere in Washington these days without encountering a Senator announcing to all and sundry that he was just a poor, barefoot innocent who was gulled by that Machiavelli in the White House.

Those of us who respect the wisdom of the American voter may wonder how the electorate will respond to these advertisements of alleged incompetence by its spokesmen.

I commend this review to everyone who has any responsibility for Government as well as all citizens who would like to know the truth about what really went on, as I would also recommend the President's book.

The article is as follows:

Report by John P. Roche

(I have not written these chapters to say, "This is how it was," but to say, "This is how I saw it from my vantage point." Lyndon B. Johnson)

For about three years now—ever since he left the White House—the decisions of President Lyndon Baines Johnson have been the subject of intensive amateur research and polemical dispute. The focus has, of course, been Vietnam, and the purpose has been to make it possible for liberal Democrats to escape responsibility for an unpopular, protracted war. The main theme, especially since the publication in various newspapers of the so-called Pentagon Papers, has been that Lyndon Johnson, with superhuman cunning and diabolical design, tricked everybody. It is hard to go anywhere in Washington these days without encountering a Senator announcing to all and sundry that he was just a poor, barefoot innocent who was gulled by that Machiavelli in the White House.

Those of us who respect the wisdom of the American voter may wonder how the electorate will respond to these advertisements of alleged incompetence by its spokesmen, but far more important for our purposes here is the fact that there have been three huge gaps in all the published accounts to date: the views of the President, of the Secretary of State and of the Secretary of Defense. The publication thus resembles a performance of *Hamlet* without the Prince, Laertes and King Claudius. The Pentagon Papers under close analysis turn out to be mostly the memoranda of lower-echelon advisors and bureaucrats. A number of bureaucrats have on occasion thought they were President of the United States, but the cold truth is that there is only one President in town. And nobody makes his decisions for him.

This was particularly true of Lyndon Johnson. As one who watched him at close range for more than two years, I never ceased to wonder at his mastery of intricate detail. Indeed, much of his reputation for imperiousness arose, in my judgment, from the fact that he knew too much. Watching him go through a budget briefing with a Cabinet Secretary was an amazing experience. One striking instance comes to mind: a Secretary was due to testify before the Senate Appropriations Sub-Committee in charge of his budget, and Johnson had him over to discuss the presentation.

After half an hour it was clear that the Secretary had only the vaguest notion of what was in the budget, who was on the Sub-Committee and, perhaps most important, what hobbies the latter cherished. For three hours the President led his Cabinet members through the budget, pointing out which Senators were particularly concerned about various sections, what bean-balls might be thrown, and how to take a polite dive on unresolved controversies. The Secretary went back to his barony and denounced the President as a bully. The President sadly suggested to the Director of the Bureau of the Budget that the Secretary's next budget include a Seeing-Eye Dog.

Fortunately for posterity President Johnson had a strong sense of history and a profound distrust of memory as a source of fact. From the outset of his Congressional career he therefore saved everything—documents, transcripts of meetings, records of vital phone conversations and a wide array of less useful materials. This aroused a certain amount of genial amusement among his staff (one wit mounted and sent to the archives a toothpick the President used to spear an hors d'oeuvre), but in overall terms Johnson's passion for the record will provide an invaluable source for historians attempting to make sense out of the turbulent 1960s.

The first installment of Lyndon Johnson's commentary on his political world certainly confirms his wisdom as a collector of primary sources. *The Vantage Point: Perspectives of the Presidency, 1963–69* provides a remarkable, if not unique, inside view of the work, the joys, the complexities and the frustrations of the man in the Oval Office. As the title indicates, it does not pretend to be a definitive history of the period, but it will be indispensable for anyone who tries to come to grips in a clear-eyed, systematic fashion with the Era of Dissensus. If one looks at the 1960s in a clinical fashion, he finds that the United States was shaken by three simultaneous, major political earthquakes: the civil rights movement, the upsurge of youth and antiwar militance. The fault-lines of these three quakes intersected under the White House.

To put it another way, it was Lyndon Johnson's fate to be President at a time when the remarkable consensus that dominated American politics from the end of World War II through the Eisenhower years began to come apart at the seams. To say this is not to suggest that one should feel sorry for him—the Presidency, after all, is a job limited to volunteers. It is rather to indicate that Johnson became President just as the principles that had dominated American political life for a generation began to be challenged. And the conditions under which he assumed the job were hardly auspicious—one of the most gripping chapters in *The Vantage Point* deals simply and movingly with that baleful day in Dallas.

Now the time has perhaps come to make a critical distinction. What the former President has done in this book is set out with convincing documentation his responses to the crises of his Administration. It is a book by a strong man with vigorous convictions who tried to do, as he would put it, "what was right." Obviously one may disagree with any number of his conclusions: segregationists will denounce his civil rights initiatives; the new isolationists will scorn his opposition to aggression in Vietnam; conservatives will deplore his war on poverty, aid to education, and Medicare; and pro-Arabs will excoriate his support for the Israelis.

But before the critics get too far into their act (and it might be noted that this is the only volume in history that had seven adverse reviews before the first chapter was written) they had better do their homework. It is one thing to attack Johnson for what he did; it is quite a different matter when he is assaulted for fictitious offenses. One hates to dwell on Vietnam—particularly when there are so many other fascinating topics in the book—but it does present the classic example of historical misrepresentation confronted by mere facts. There are five chapters in *The Vantage Point* on the course of our intervention in Southeast Asia, and it is fair to say that they make mincemeat out of the demonologists who have dominated the bookstalls these last few years.

Ironically, in the light of later events, Johnson's problem was that in 1964–65 he refused to fly with the hawks, while in 1967–68 he would not coo with the doves. At a time when all hands were gung-ho (in 1965 David Halberstam of *The New York Times*, later an ardent dove, wrote that South Vietnam was "pehaps one of only five or six nations in the world that are truly vital to U.S. interests," and Neil Sheehan, also of *The New York Times*, had already announced that the "fall of Southeast Asia because of an American defeat in Vietnam would amount to a strategic disaster of the first magnitude"), the President was extremely cautious. As *The Vantage Point* amply documents, he, Dean Rusk and Robert McNamara were trying to maintain a low silhouette, doing everything in their power to avoid a great power confrontation.

However, by 1967, partly because the President had never built Vietnam into a major crisis, the American people and a number of their elected spokesmen began to tire of a long march. Johnson, who had been preparing his defenses against a right-wing attack for what they called his "No Win" strategy—Goldwater had received 27 million votes in 1964—suddenly found himself flanked on the left by a weird combination of authentic pacifists, Hanoi hawks (who were rooting for the Communists), liberal isolationists who wanted to save the ghettos at the cost of abandoning the world, upper middle-class college students who felt that the authority principle was a violation of their uniqueness, and a few Southern Democrats who simply extrapolated their view of the Negro upon the non-whites of Southeast Asia.

What did the great "wheeler-dealer" do? Find out where the crowd was going so he could lead it? No. In a way that would be described as doggedly idealistic in another man, and which certainly can be designated non-political in the usual sense of the term, Lyndon Johnson stuck to his convictions. He was not going to start a general war; he was not going to "tuck tail and run." Between these two polar positions he labored—and anguished—day and night trying to end a war he never wanted in such a way that he could still look at himself in the mirror. He failed to find the solution—perhaps because it never existed.

Like most of us, President Lyndon Johnson could not walk on the water. Unlike his critics, who specialize in 20-20 hindsight, he was approaching history head-on in search of decisions, not footnotes. *The Vantage Point* is the narrative of his journey, the candid analysis of a trip through the rapids by one of the most complex, most intelligent men I have ever known. The ultimate historical verdict on Johnson's stewardship is hidden in the future, but his book provides intriguing insight into the decisions and policies of a decade. At the fundamental level it is, paradoxically enough, the autobiography of a man who would rather be right than President.

MAIL IN THE SWAMP

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, the American taxpayers have been taken for a gigantic and tragically costly ride by the Postal Service in connection with a bulk mail processing plant in New Jersey.

I call attention to some of the elements of this situation today because I understand the General Accounting Office is almost ready to issue a report on this boondoggle and because it will be explored shortly by the Post Office and Civil Service Committee.

Mr. Speaker, this bulk mail project in Jersey City, N.J., is shot through with blunders that border on criminal negligence, nonfeasance or malfeasance, or all three.

It contains one glaring conflict of interest and enough downright stupid mistakes to raise serious questions as to the capabilities of a number of high Postal Service officials.

Let me give you, as briefly as possible, an outline of what has gone on:

Postmaster General Winton Blount had barely taken his seat in 1969 when a crash program was ordered to build a gigantic bulk mail plant outside New York City. It was a crash program in the best sense of the word because the motto, as I will demonstrate, was damn the cost full speed ahead.

I understand, too, that the General Accounting Office investigation has been greatly hampered because there is no documentation of any sort concerning some important aspects of this matter.

It is known, however, that several sites around Jersey City were investigated. Indicative of the carelessness and worse that pervades this whole affair, the Postal Service never asked the price on a site that was originally recommended as the best available.

Before a site was chosen, former Assistant Postmaster General during the Eisenhower administration, Mr. Ormonde A. Kieb, was hired as a consultant. It is interesting to note that, after he left the Post Office Department in 1959, Mr. Kieb worked for the Erie-Lackawanna Railroad as a broker disposing of excess company property.

Shortly after Mr. Kieb was hired on September 19, 1969, the Postal Service field officer in New Jersey was ordered to meet with him to inspect two new sites not previously considered.

Subsequently, Mr. Kieb notified the owners of one of the potential sites that the Postal Service was no longer interested in the property, and he accompanied Postal Service officials in negotiations with the Penn Central for purchase of its property.

Now there was a basic flaw in this arrangement and perhaps that was why Penn Central, which owned most of this land, was willing to get rid of it. It is a swamp.

Of course, when you are hellbent to build a bulk mail plant which will demonstrate how efficient an operation you have, and when you are spending the public's money and not your own, building a plant on a swamp is not much of an obstacle. Permit me to demonstrate.

On March 11, 1970, the Government deposited $2,167,500 with the U.S. district court in Newark for the 144.5-acre tract. That was the appraised price, but the court will determine the final price to be paid.

The Postal Service then proceeded to pay $3.1 million for a fill on the property—$1 million more than the land cost.

It was then discovered that piling to support the planned building would cost $6.2 million.

Thus, before the Postal Service could even begin construction of the bulk mail plant, it had to spend $9.3 million to prepare the $2.1 million tract—which gives a true cost of this land of over $93,000 per acre.

That, Mr. Speaker, was just the beginning.

I understand that this picture is so clouded—perhaps deliberately so—that the General Accounting Office has not been able to discover who picked out the railroad property—the swamp—as the most desirable site.

At any rate, the number of pilings thought to be necessary were insufficient because the Postal Service did not bother to make sufficient tests to find out the depth of the swamp. When they did find out, the design of the piles had to be changed. The cost overrun here was $2.1 million, or more than 50 percent.

Moreover, the soil tests that were made were conducted before the precise location of the planned building was known, and some of the test borings were made outside the actual area of the building.

The Postal Service's excuse is that additional soil tests would not have been economical.

Having bought a swamp, Postmaster General Blount's handpicked efficiency experts proceeded to hire a firm of architects and engineers. They chose the firms of Lester B. Knight & Associates, Inc., and A. T. Kearney & Co. to compete for the job, but it is my understanding that they have been unable to satisfy the GAO as to why they deviated from normal procedure.

The Postal Service officials claimed they used an earlier survey which ranked 21 such firms according to their industrial engineering qualifications. Knight ranked No. 7 and Kearney ranked 12th, but the GAO understandably says that the industrial engineering improvement program involved in the survey was far more limited and significantly different than work calling for developing plans and designs for a totally new mail processing system.

I have it on reliable authority that, just as it could not discover who picked out the railroad-owned swamp, the GAO cannot determine why the Postal Service strayed so significantly from its normal procedures in selecting the architect-engineering firms for competition on this project.

At any rate, Kearney was paid $640,000 for its preliminary design work and the Knight firm was given a contract for $4.2 million for the final design and specifications.

Knight estimated the building itself would cost $42,605,300 but when the bids were opened a year ago this month the low bid was for $105 million.

This shocked even the Postal Service's experts so they rejected the bids and did what all bureaucrats love to do—hired a firm to make a study of what was wrong. Cost: $30,000.

Seven months later, in May of this year, new bids were accepted, calling for a general construction cost of $84.5 million and a mechanization contract in the amount of $997,775—a total of about $85.5 million.

This does not mean the cost was reduced from $105 million to $85.5 million, however, because the two amounts do not provide for the same things.

The new contracts extend the construction period by 9 months and sets back the completion date from November of this year to June of 1973. It also provides that the Corps of Engineers is to administer and coordinate the work of the contractors instead of the general contractor and this will cost an estimated $4.5 million.

Mr. Speaker, there is yet another aspect to this mess that must be brought out:

A key element in the success of this bulk mail plant and others like it being planned by the postal wizards, is the use of parcel sorting machines.

The Postal Service awarded a contract in the amount of $8.4 million to Speaker Sortation Systems, a division of A-T-O, Inc., for these machines.

It was awarded on a sole-source basis on the excuse that Speaker was the only company that could produce these machines without further development work and with only minor improvements.

This simply was not true, and Postal Service officials, I am advised, knew it was not true. As late as last month, according to the GAO, development and testing work on the machines was still going on.

The Speaker firm was recommended by Knight, the architectural firm that produced the $42.6 million building cost estimate. Knight supposedly made a survey of Speaker's capabilities, but the Postal Service has not been able to produce the survey.

The Postal Service itself made no effort whatsoever to find out whether the Speaker company could handle the contract before it awarded it and made no effort to determine whether the price quoted by Speaker was reasonable. The Postal Service's own auditors discovered later that the amount of the contract was about 2.5 times the total sales of the company in each of the past 2 years.

This sudden windfall to Speaker can, perhaps, be explained by the presence in the hiearchy of the Postal Service of one George R. Cavell, Program Director of the Bulk Mail Processing Department.

Mr. Cavell was responsible for recommending that Speaker be given this lucrative, sole source contract.

It is highly interesting to note that just before Mr. Cavell came to the Postal Service he was employed by Speaker Sortation Systems as a management consultant.

It seems clear to me that certain persons in this Government, including Postmaster General Blount, should be interested in this obvious and blatant conflict of interest situation, especially when it is remembered that the Postal Service plans a network of 21 bulk mail plants, which would require large quantities of mail sorting equipment.

Mr. Speaker, the total cost of this swamp project was originally estimated to be $62.3 million—site, design, construction and mechanization. It now stands at $130.1 million. That is an increase of $67.8 million or approximately 109 percent.

In my opinion the public has been very badly used by Postmaster General Blount. There can be no excuse for such an incredible series of mistakes and worse.

The Congress and the American people were assured that by supporting the creation of the Postal Service we would be achieving real efficiency—true postal reform that would result in a businesslike operation.

If this New Jersey project is an example of efficiency—and I fear that it is—then the citizens of the United States cannot afford it.

PEKING CAN BE BARRED FROM U.N. SECURITY COUNCIL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, Peking's victory in the General Assembly may not have the same result in the United Nations Security Council. Nationalist China continues to be a member of the Security Council, Monday's action by the General Assembly not withstanding. A careful study of the U.N. Charter indicates Nationalist China cannot be driven out of the Security Council if it elects to use its own veto against any changes in the Council.

This may be the reason why Peking is withholding any announcement on when it will send a delegation to New York.

Unless the United Nations turns the world organization into mob rule and discards all principles of civilized behavior, the present U.N. rules will make it literally impossible to remove Nationalist China from the Security Council unless it leaves voluntarily. I invite my colleagues to read page 37466 of today's RECORD for further details.

The five charter members of the Security Council—and Nationalist China is one of them—need not be members of the General Assembly to serve in the Security Council.

Nationalist China has a "double veto" power and if she chooses to use it—according to U.N. experts—her ouster is literally impossible.

I have been told by international experts that Nationalist China can refuse to agree to consider the proposed switch in representatives as a procedural matter. If such a switch were to be treated as a procedural matter, the presiding chairman would need only nine votes in the Security Council to make the switch.

But once Nationalist China refuses to ratify the question as a procedural matter, it becomes a question of substance. In that case, Nationalist China, as one of the five permanent members in the Security Council, can exercise her veto under any proposed changes.

It appears then that Peking's hopes to assume a seat on the Security Council will be a good deal more difficult than the apparently easy victory Red China scored in the General Assembly.

At best, it appears that unless the General Assembly, the Security Council, and the entire body of the United Nations throw all laws and regulations to the wind and resort to mob rule, the legal thicket regarding the seating of Red China in the Security Council may be postponed for an indefinite period until the World Court at The Hague has handed down an opinion.

I believe it is incumbent upon the United States to insist that the provisions of the charter be strictly followed, and any departure from the charter should invoke a veto by the United States itself.

I know this is an extremely complicated matter and there will be those who will urge that we bypass and ignore U.N. regulations, but to do this will set a precedent which will make the U.N. a thoroughly paper organization with absolutely no standing in law.

The Nationalist Chinese Government has not as yet indicated whether it will exercise its rights in the Security Council, but if it does, it occurs to me that it will be sometime before Peking joins the United Nations.

CONSTITUTIONAL DOCTRINE OF SEPARATION OF CHURCH AND STATE

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, the Supreme Court decisions of 1962 and 1963 have quite obviously failed to quiet the perennial confusion over our constitutional doctrine of separation of church and state. This was evidenced by the extended debate in the Congress in 1964 and the renewal of this debate over the past few years on proposals for a constitutional amendment regarding prayers in public schools. The House will soon be confronted with this issue in the form of House Joint Resolution 191 which has recently been discharged from the House Judiciary Committee by petition.

In preparation for the final debate of this issue, I have researched both this amendment and its predecessors in the 88th Congress and have been singularly impressed by a rather surprising constant throughout the debate—the substantial opposition to any such amendment expressed by many of the recognized and responsible religious organizations across the country. The hearings before the House Judiciary Committee in April, May, and June of 1964 reads almost as a "Who's Who" in organized religion. And, today, with some sort of House action imminent, we again see a similar opposition force allied against passage of House Joint Resolution 191.

In addition to these noteworthy factors, there have been presented, by various sources, some rather enlightening analyses of the potential impact of the amendment, as currently worded—and I hasten to point out that no modifications of the amendment will be permitted on the floor. The Baptist Joint Committee on Public Affairs has prepared a succinct view of the amendment in this light, and I here present it to this body for consideration:

> The proposed amendment: "Nothing in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer." (H.J. Res. 191)
>
> This Amendment would not be merely an addition to the First Amendment. It would be a serious alteration of the basic constitutional provision for "no establishment" and "free exercise" of religion.
>
> The amendment prescribes the kind of prayer the people in public buildings have a right to pray—nondenominational prayers.
>
> The amendment by indirection authorizes the government (a school board, principal, teacher, or some other official) to determine what is "nondenominational" prayer. This makes government a judge of theology and of prayer.
>
> The amendment restricts the rights of the people it is supposed to protect. It could prescribe "nondenominational prayer" for hospitals, homes for the aged, other buildings supported in whole or in part through public funds, or even the chaplaincy.

This committee has also compared what the ruling of the Supreme Court did and did not say on the issue of prayer in public schools.

The Supreme Court did say this:

> State composed and governmentally required prayers are a violation of the Constitution.
>
> In this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.
>
> Governmentally sponsored or required devotions, such as Bible reading and recitation of the Lord's Prayer are unconstitutional.
>
> The Bible and religion may be taught in public schools when presented objectively as part of the regular program of education.

The Supreme Court did not do this:

> The Court did not prohibit school children from praying in school. It prohibited government from writing their prayers and sponsoring their devotions.
>
> The Court did not put God out of the schools or out of public life in America. God is greater than either a Supreme Court decision or a constitutional amendment. He is not moved about like a chessman.
>
> The Court did not express hostility to reli-

gion. "Nothing, of course, could be more wrong," the Court declared.

The Court did not establish a religion of secularism. It specifically said, "The state may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion."

The Court did not eliminate all religious expressions from public life. It said that the Declaration of Independence, patriotic hymns, and religious expressions in patriotic or ceremonial occasions are not prohibited by the ruling.

Mr. Speaker, I emphasize to this body the importance of broad public exposure in particular to the above analysis. My research and my mail reveal that the public at large may well be victims of misinformation on the particulars so precisely spelled out by this committee.

Other Members of this body have, as I have, given deep and thoughtful consideration to the issues raised in House Joint Resolution 191. To my mind, one of the more constructive groups formed has been the Congressional Committee To Preserve Religious Freedom. A rather revealing insight into the future we may face should this amendment be approved was placed in the Record by my good friend and colleague from California, Congressman Corman. In a word-by-word consideration, this group observes:

Representative Wylie's resolution reads as follows: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

We, as Americans, are already guaranteed the right to participate in prayer—nondenominational or denominational, and in buildings, public or private, and whether or not lawfully assembled. All this is now guaranteed to us under the free exercise clause of the First Amendment and none of it has been diminished by any opinions of the Supreme Court. Thus, the proposed amendment might actually serve to lessen our religious liberty rather than broaden it.

Finally, Mr. Speaker, and, as I noted earlier, I think most significant, the overwhelming opposition of major religious organizations has singularly impressed me. I close my remarks to this body today with a publication prepared by the National Council of Churches.

The publication follows:

Why Do Religious Bodies Oppose "Prayer" Amendment?

THREE BASIC REASONS

Most of the major religious bodies in the United States oppose any amendment to the Bill of Rights that would permit state-supervised prayers in public schools.

They oppose such an amendment for three basic reasons:

1. They are concerned about real, meaningful prayer. Prayer is the single, most direct expression of religious devotion. As such, it must be voluntary. Proposed amendments would subject prayer to government sponsorship and regulation, and this the churches cannot concede.

2. They are concerned about the rights of all—including minorities and non-theists—in a pluralistic society. Proposed amendments would infringe those rights by authorizing civil devotions that would inevitably be shaped by majority pressures. They would impose objectionable religious practices and expression on public schools which are already the center of community conflict and controversy. They would make religion the subject of divisiveness and antagonism rather than harmony and peace.

3. They are concerned about amending the Bill of Rights for the first time in the nation's history. The First Amendment has safeguarded religious liberty and other basic religious freedoms for nearly two centuries. If it can be amended now for this purpose without profound and careful consideration it may be easier to amend for other purposes.

National Council of Churches of Christ in the U.S.A.

"The Supreme Court of the United States in the Regents' Prayer case has ruled that 'in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by the government.' We recognize the wisdom as well as the authority of this ruling. . . ."

"We express the conviction that the First Amendment to our Constitution in its present wording has provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all our citizens."

"The Churches and the Public Schools," adopted by the General Board, June 7, 1963.

The United Methodist Church

"Public schools may not properly establish any preferred form of religion for common exercises of worship or religious observances or study. . . ."

"A Statement Concerning Church-Government Relations and Education," adopted by the General Conference, May 1968.

"We . . . request the Congress of the United States to retain the historic relation between Church and State and to oppose H.J. Res. 191 and any other proposed prayer amendment to the Constitution."

Statement by the General Board of Christian Social Concerns, October, 1971.

The Episcopal Church

". . . Whereas, We believe that worship and religious education are the responsibility of Church and home, and not of the public schools or governmental institutions . . ., therefore, be it

"Resolved, That the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises in our public schools should be opposed."

The National Council of the Protestant Episcopal Church, May 27, 1964.

The Lutheran Church in America

"The Constitution should not be amended except to achieve large and important public needs and purposes consistent with the basic nature of our constitutional system. The current proposals for constitutional amendment do not meet these standards. Parents, churches and school authorities would be better advised to direct their efforts to programs for study of religion and the Bible in the public schools . . . rather than to seek constitutional sanctions for devotional exercises in public schools that have at most a minimal religious value, which invite the intrusion of sectarian influences into the public school system, risk the violation of the rights of religious freedom and are a potential source of conflict in the community."

Second Biennial Convention, July 1964.

American Lutheran Church

"Proposals are now pending before the Congress of the United States to amend the Constitution in order to give constitutional sanction to certain types of religious practices in public institutions and in the public life. . . .

"We believe that it would be unwise for the Congress to give its approval to any such amendment . . . We . . . recognize . . . that in the end religion suffers and religious liberty in its fullness is threatened when government uses the power of its laws and the public school program to prescribe an official faith. . . ."

—From "A Statement Commended by the Church" by the Second General Convention, Oct. 26, 1964.

The Lutheran Church, Missouri Synod

"The Board of Parish Education of the Lutheran Church—Missouri Synod, feels that the Dirksen (prayer) Amendment fails to recognize fully the religious pluralism of the American scene. We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Saviour and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer nor should they expect Christians to join them in prayers that deny Christ."

"The concept of voluntary participation in prayer provides either a coercive force or an embarrassing situation for both Christians and non-Christians. Under these circumstances we believe that it is best for the public school not to engage in prayer or other religious worship exercises."

—The Board of Parish Education, July 29, 1966.

The United Presbyterian Church in the U.S.A.

"Religious observances (should) never be held in a public school or introduced into the public school as part of its program . . . Bible reading and prayers as devotional acts (in public schools) tend toward indoctrination or meaningless ritual and should be omitted for both reasons."

—"Relations between Church and State in the United States of America," adopted by the 175th General Assembly, May 1963.

The Southern Baptist Convention

"Baptists had much to do with the writing of the First Amendment into the Constitution of the United States and have been in the forefront of preserving the religious liberty that our nation has enjoyed.

"We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting an establishment of religion or respecting free exercise thereof.

—Resolution adopted by the Southern Baptist Convention, May 22, 1964, reaffirmed June 2, 1971.

The United Church of Christ

The Executive Council of the United Church of Christ supports the Supreme Court decision banning prescribed prayers and prescribed Bible reading in the public schools, calls attention to the aspect of the Supreme Court decision which affirmed the freedom of the schools to engage in the study of religion and opposes House Joint Resolution 191 which seeks to amend the United States Constitution.

—Resolution by the Executive Council of the United Church of Christ, Oct. 12, 1971.

Christianity today

"We think that passage of this amendment would be a mistake. For one thing, persons already can and do voluntarily assemble for prayer in public buildings. . . .

"Secondly, this amendment is hardly the way to promote a revival of true religion. . . . Genuine piety is fostered not by government. . . but by families and individuals who practice reverence for God and obedience to him in all their activities and associations. . . .

"Finally, this amendment leaves open the possibility for some to assert that denominational prayer should not be permitted in public buildings. . . . Youth groups such as Campus Life or Inter-Varsity should be able to meet in schools for explicitly Christian prayers without fear that misguided authority will say only groups praying in a way that is acceptable to all religions are now constitutional."

—Editorial, Oct. 8, 1971, page 32.

The American Baptist convention

"An amendment to permit compulsory Bible reading and prayer in the public schools is not only a danger to the freedom of nonbelievers, it is also a threat to the religious well-being of the believer. It is because of a deep respect for worship, and the recognition that prayer is essential and should be a vital encounter between man and God, that Baptists oppose devotional exercises that are more rote than worship. Therefore we affirm our belief in the separation of church and state as written in the first amendment of the Constitution of the United States."

—Resolution adopted by the American Baptist Convention, May 22, 1964.

The Roman Catholic Church

On June 16, 1964, the then National Catholic Welfare Conference issued a press release which stated:

"The Legal Department of the National Catholic Welfare Conference is very cautious toward the present interest of some in amending the Constitution in the manners now proposed to overcome recent judicial decisions precluding prayer and Bible reading in public schools. . . .

"The Department continues to believe that the present clauses in the Constitution are of incalculable benefit to religion. . . . In combination, the 'free exercise' and 'no establishment' clauses are guarantees too vital to be tampered with lightly. . . ."

America Magazine, Jesuit Weekly

"Reconciling the rights of all parents and students with respect to religion in public schools is a serious, difficult problem. It should not be trifled with by passage of this . . . ill-written, mischievous, and misconceived . . . amendment."

—Editorial, Oct. 23, 1971

The Christian Century

"The proposed amendment would be a step toward a lowest-common-denominator culture-religion . . . which would endanger true religion as well as civil liberties by equating religious ideas and practices with national culture and patriotism.

"Prayer is an act of worship, not a gimmick for cranking up the academic or civic machinery. . . . Acts of worship cannot be divorced from real historical commitments without endangering the vitality of the religion or religions involved."

—Editorial, Oct. 20, 1971.

Synagogue Council of America, and National Jewish Community Relations Advisory Council

"Our Constitution can, of course, be amended . . . but . . . if the Constitution is amended . . . then let no one who supports this measure delude himself or his countrymen that he has rendered religion or liberty a service. In a plural society, it is not and should not be the business of government to aid religion and if it does assume that role, then, in the very process and precedent it establishes, it does religion a harm and disservice that will far outweigh the intended benevolence. For it will have compromised that free and unfettered exercise of religious liberty without which religious faith cannot for long retain its integrity and independence.

"Our profound respect for the role of our legislature and for the sacrificial desire of its members to serve the common good leads us to say to members of this Committee: Your business is not the promotion of religion. It is rather the preservation of a free and just society, for that, and nothing other and nothing less, offers the surest safeguard for the preservation and strengthening of our religious heritage."

—Statement before Senate Judiciary Committee, August 8, 1966 by the Synagogue Council of America and the National Jewish Community Relations Advisory Council. (Approved and adopted joint testimony by all of the constituent organizations of both bodies.)

STATEMENT OF OPPOSITION TO PROPOSED CONSTITUTINAL PRAYER AMENDMENTS

The undersigned national religious organizations and leaders express their united opposition to S.J. Res. 191, now pending in the House of Representatives, and to other similar proposals for constitutional amendments to authorize "nondenominational" prayer in public buildings. We express the long-standing official positions of the nation's religious faiths which affirm the adequacy of the First Amendment to protect religious interests and to ensure religious rights.

The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. We deny that any elected body or governmental authority has the right to determine either the place or the content of prayer, as is implied in the proposed constitutional prayer amendment. To authorize government by a constitutional amendment to intervene in the sacred privilege of prayer, long enshrined in the character and tradition of our nation, is to make of government a judge of theology and an administrator of religious practice. If such a proposed amendment should become a part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

The proposed constitutional amendment would introduce divisiveness into our national life and among the institutions of religion. Ostensibly proposed in behalf of religion, it would paradoxically proscribe and distort freedom of religious expression.

If the proposed prayer amendment should become a part of the Constitution, the Bill of Rights would have been amended for the first time in our nation's history. Such an amendment would open the doors for governmental intrusion into the religious affairs of the people. This we protest.

On the other hand, we affirm the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision. This right is adequately protected by the First Amendment as it now stands. For this reason we also affirm the wisdom of the Supreme Court decisions in 1962 and 1963 which properly prohibited government intrusion into the religious activity of school children.

We therefore respectfully petition the Congress of the United States to preserve the religion clauses of the First Amendment intact and to oppose any and all prayer amendments to the Constitution.

Dr. W. Hubert Porter, Associate General Secretary, American Baptist Convention, American Ethical Union, American Humanist Association.

Rev. Warren R. Magnuson, General Secretary, Baptist General Conference, Baptist Joint Committee on Public Affairs, The Church of the Brethren, Executive Council of the Episcopal Church, Friends Committee on National Legislation, General Board of Christian Social Concerns, The United Methodist Church, Mennonite Central Committee—Peace Section.

Dr. Joseph H. Jackson, President, National Baptist Convention, U.S.A., Inc., National Council of the Churches of Christ in the U.S.A.

Rev. G. K. Zimmerman, Executive Secretary, North American Baptist General Conference, Joint Advisory Committee of the Synagogue Council of America and the National Jewish Community Relations Advisory Council, consisting of: American Jewish Committee, American Jewish Congress, B'nai B'rith—Anti-Defamation League, Central Conference of American Rabbis, Jewish Labor Committee, Jewish War Veterans of the USA, National Council of Jewish Women, Rabbinical Assembly, Rabbinical Council of America, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations of America, and 85 state, county, and local Jewish Community Councils.

Rev. Richard J. Niebanck, Secretary for Social Concerns, Board of Social Ministry, Lutheran Church in America, Office of Church and Society, Presbyterian Church in the United States.

Dr. S. S. Hodges, Executive Secretary, Progressive National Baptist Convention, Inc.

Rev. Alton L. Wheeler, General Secretary, Seventh Day Baptist General Conference.

Dr. Carl E. Bates, President, Southern Baptist Convention, Council for Christian Social Action, United Church of Christ, Unitarian Universalist Association.

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.

Mrs. Marcus Rohlfs, President, American Baptist Convention.

CRONKITE INTERVIEW OF YUGOSLAV PRESIDENT TITO—MISREPRESENTATION SHOULD BE CORRECTED

(Mr. BAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER. Mr. Speaker, on Tuesday, October 26, 1971 at 10:30 p.m., I had occasion to view an interview between Walter Cronkite and Yugoslav President Josip Broz Tito. This interview left me perplexed as well as disturbed.

At the beginning of the interview, Mr. Cronkite introduced President Tito as the last leader alive among those who helped bring about the allied victory in World War II. He—Mr. Cronkite—stated that Tito and his partisans were instrumental in fighting the Germans during this period. Such a misrepresentation of the truth seems totally inconceivable to me.

The average American would accept this statement as fact. However, the news media has an obligation to clarify this abstraction. Certainly, Tito's partisans fought the Nazis, but why? It is obvious that he would because their objectives were at opposite poles. However, this action does not make him any less of a Communist. His efforts were aimed at the Nazis, but his purpose was to establish his own regime, a Communist controlled state.

The United States today is making great overtures to Yugoslavia because of its so-called nonalined status. But how nonalined is it in reality? Certainly, Tito did buck Moscow's control and his years in power have brought some measure of prosperity to Yugoslavia. But, does this excuse his bloody rise to power? Can his present status enable him to number himself among those who struggled against oppression? No, I do not think so.

We must remember that whether or

not he is alined with Moscow, he is and remains a Communist leader and to picture him as anything else is so far from the truth as to appear hypocritical.

Thousands of anti-Fascist, anti-Communist Yugoslavs were massacred to put Tito in power. What of them? Are they to be forgotten and their former foe pictured as a champion against German atrocity? One of the main reasons why Tito's partisans were able to succeed in Yugoslavia during the war was due to a lack of proper information concerning the facts as they were, and here we are more than 25 years later still misrepresenting what occurred.

The media bears a responsibility here to present the facts as they are and we Americans need to be cognizant of the situation. We pour aid into Yugoslavia and we seem to court its favors, but the time has come to ask ourselves, why?

PROMISES, PROMISES—IT IS TIME TO PERFORM

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the farm vote was crucial to candidate Richard Nixon in 1968, and he got it, partially because he went to Des Moines, Iowa, in September of that year and declared that 74 percent of parity prices for farm products was "intolerable."

He promised that his administration would do better.

It has not. It has done much worse. The parity index is now running below 70—considerably under 74.

Now another election is approaching when the farm vote will be crucial. The administration's set-aside farm program has already failed miserably. We have a harvest so bountiful that Thanksgiving Day, 1971, instead of being a day of rejoicing for the Lord's bounty, will be a day of worry and distress in thousands upon thousands of farm homes where this year's grain crop has brought on huge surpluses and low farm prices are forcing them into tough times, increasing debt—or off the land entirely.

What is the administration's response?

The response is an even more cynical performance than the unkept promise of 1968 to "do better" than 74 percent of parity.

Farmers need help right now. But the administration apparently feels that that is unnecessary; that something for farmers in election year will suffice. So they have told grain farmers:

> Next year we have a better deal for you.
>
> We've earmarked another $600 million to $800 million of Treasury money to dole out to you somewhere around August, 1972, 90 days before the next Presidential election.

They did not say that they are doing anything this year—they have opposed an increase in price support loans on the 1971 crop now selling at disastrous prices.

Nor did they say that they would amend or abandon the tragic set-aside law, or make their extra payments on a permanent basis. Their proposal is for election year only—1972.

I have called the suggestion cynical for it is typical of the "Hey, Rube" view of farmers—throw them a little extra something at election time and they are in the bag.

If the administration believes that it can buy the farm vote by ameliorating the effect of their disastrous farm program for just 1 year—ignoring the hardships now, paying out the major part of an extra billion dollars next year, and then letting the set-aside resume its economic destruction in 1973—I believe Mr. Nixon needs a whole complement of new farm advisers.

The administration feed grain program for 1972 is like prescribing a delayed action aspirin tablet for pernicious economic anemia; it will not keep the patient from dying; it will only relieve his suffering just long enough in 1972 to get to the polls.

The "Hey, Rube" concept is of a foolish, gullible character who bites on the same MO—method of operation—every time.

But American farmers do not do it. They need relief now, and they are going to remember in 1972 whether or not they got it.

The tragedy for the corn and other grain farmers of America is not that they are going to be offered a bribe in 1972. The tragedy is that the Department of Agriculture refuses to move now to bolster sagging grain markets, and that it refuses to consider a permanent cure.

The Department proposes to spend an extra $600 to $800 million next year to reduce the corn crop to around 4.6 billion bushels. The cost runs about dollar for dollar cost/benefit.

I have a bill before the House Agriculture Committee that the Department itself estimates to cost $242 million in additional loan funds, and $39 million in additional net cash outlay for export payments.

It would raise the price support level 20 cents per bushel on our 5.4-billion-bushel corn crop and put $1,080,000,000 more into farmers' pockets from this year's corn crop alone. It would also—for the same sum of money—increase the price support level on our 1.6-billion-bushel wheat crop 26 cents a bushel and increase farm return thereby by more than $400 million. It would mean another $200 million return to producers of grain sorghum.

For $39 million cash and $241 in loans, we would get nearly $1¾ billion more farm income. The cost/benefit ratio is far more than 6 to 1; measured against the net cash outlay—which omits the loan money—it is almost 40 to 1.

Mr. Speaker, I am inserting at this point a memorandum prepared for me, from figures supplied by the Department of Agriculture, on the cost of getting grain farmers some substantial relief now—not in the 1972 election year, but now.

It would help the whole economy for it would be real income that would be spent for goods and services, supplies and machinery, creating business opportunities and jobs all along the line into our industrial cities.

Instead of proposing an increase in 1971 price support loans, the Secretary of Agriculture on October 18 proposed to increase direct payments in 1972 to try to bolster up his broken-down, set-aside scheme and get money to producers just before the 1972 election—none before then, and none in the years after 1972.

Costs of 25 Percent Price Support Loan Boost*

The Department of Agriculture calculates the cost of increasing price support loans on wheat and feed grains at $281 million, of which $242 million would be loan money by 25% and $39 million would be additional export subsidy money.

Figures go like this:

[In millions]

Grain Sorghum, additional loan on portion put under loan	$29
Corn, additional loan on portion put under loan (about 10% only)	113
Wheat, additional loan on portion put under loan	100
Total added loans	242
Wheat, additional export subsidies	199
Savings on certificates	160
Net cash outlay	39
Total additional outlay	281

The administration's 1972 feed grain program will require a complying farmer to put 25 percent of his base acres into a conserving practice such as soil building crops or grass. For doing that he will receive a payment in the case of corn amounting to 40 cents times one-half the number of bushels of his production. This payment was 32 cents in 1971. He can receive another payment, not offered in 1971, if he agrees to "set aside" another 10 percent of his base acres. This payment would be 52 cents multiplied by the average bushel yield for each of these additional acres kept out of crop production and again put into a conservation plan.

The Secretary is leaving himself a third option, to be decided by mid-March, to offer yet an additional "set aside" acreage payment based on the 52 cents per bushel figure in order to bring total acreage diversion to 38 million acres.

These additional payments are estimated by the Department to total somewhere between $600 and $800 million. For those farmers who comply, their checks will be issued, the Secretary says, shortly after next July 1. Their "set aside" goal is 38 million acres, but if there is a normal feed grain crop production year in 1972 the best the Department can hope for is total year end stocks that only add slightly to the surplus. Corn stocks in particular would continue to be in surplus, possibly as high as 800 million bushels.

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* This data assumes that the price of corn will not go below $1.03 national average and that the 32¢ advance payment on corn already made will be the full and final payment.

National average corn price was reported as $1.11 per bu. on Sept. 15. It was $1.02 in Iowa. H.R. 8290 *could* mean further savings to USDA *if* corn goes under $1.03 and they have to make more payment. The higher loan would keep the price over $1.03 for sure.

The Secretary's big payments plan is the most expensive possible means of "buying" compliance.

The time has come when there must be new, higher price support loan levels established for grain farmers. Other major grain producing countries support prices for their grain farmers and it is time that we revise our sights in line with the increased costs that farmers have experienced. There is adequate indication that not only is this necessary for the sake of the agricultural economy but it would likely save tax money as compared to Secretary Hardin's recent announcement of his 1972 plans. That, it seems to me, would be better politics than the game the administration is playing by allowing the sharp grain market drops to occur and then proposing to heavily augment payments after next July. The drop in the market price for this year and subsequent crops will be a much greater loss for the farmers than the "sweetener" being offered in the increased payments.

A review of some of the pertinent facts about our farm programs is now in order.

Thirty months ago Secretary Hardin began to approach Congress on the farm program to be enacted in 1970. He candidly testified to the Agriculture Committee in 1969 that 300,000 to 400,000 farmers could quit farming and join the welfare rolls under the President's new welfare plan. That plan is still not adopted but the decline in numbers of farmers has continued.

At the Monday evening meetings with the House Agriculture Committee the Secretary and members of his staff badgered for a cheap-grain farm program, allegedly to sell more American grain in world trade. They got that kind of a bill. A world-wide shortage of grain during 1970 did allow for an expansion of our grain sales abroad—but at considerably higher prices than the administration's farm experts had estimated.

This year, with world grain supplies high, American grain farmers are facing depressed prices in what could lead to a serious farm depression.

The administration's "set aside program," the slogan for their 1970 Farm Act, has not only failed to protect the income of American grain farmers, it has resulted in excess production which has ruined prices. At every stage during the lengthy procedures in writing and passing the 1970 act, the administration opposed protective grain price floors. They were successful to the point that the bill, when finally approved, allowed for loan rates at the discretion of the Secretary down to $1.00 per bushel on corn and $1.25 per bushel on wheat.

Historically, the loan rates on grains provide a floor under the market. Secretary Hardin chose to establish the loan rates at minimal figures paid a decade or two ago, although costs have mounted steadily.

Rather than coolly proposing a weak but expensive plan for next year the administration should accept the need to bolster the grain markets now.

In the absence of such action, Congress must take the initiative. We have bills in the House Agriculture Committee to create a strategic reserve which will take some of the supply pressure off the market, and to increase price support loan levels of 25 percent above minimum this year.

The Senate Agriculture Committee starts hearings on the same bills on November 10.

Unless the administration—which has so far opposed them—reverses its position and acts under existing authority to do the same things before Congress can direct it, then we should enact the measures without delay.

Unkept promises and election year payoffs are not enough.

Farmers must have improved incomes now, and assurance that they will be permanent, not just 1-year vote-bait.

ON SPAIN IN NATO

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 15 minutes.

Mr. SIKES. Mr. Speaker, it should be apparent that the people of Spain deserve more recognition and appreciation from the United States than they are receiving. This Congress should take especial note of the role of this fine nation in the defense posture of the United States, and of the free world.

It is a matter of particular concern that since the birth of NATO following World War II, Spain has been denied membership in that body largely because of a conflict of ideology and animosities of long standing expressed by some of the Scandinavian nations.

Despite this, however, Spain has stood alongside the United States and other NATO nations and has shouldered a massive share of the burden for the defense of Europe and the security of the Mediterranean. It is significant that the presence of Spain has served as an important balance against the growing Soviet presence in Africa and the Mediterranean.

Without hesitation, the Spanish Government has, by its positive position helped to safeguard the vital Straits of Gibraltar, the western end of the Mediterranean Sea, and the Atlantic sealanes providing oil and minerals for Europe and the United States.

Now, with the obvious effort on the part of the Soviets to extend their influence into the northern tier of African nations, Spain's position—strategically located some 8 miles from Africa itself—is an irreplaceable link in the security of that important area of the world.

The United States has negotiated agreements with Spain for the use of air and naval bases. But this falls far short of what could be accomplished if Spain were to become a member of NATO.

A glance at the map points up the importance of Spain to the defense of Europe. NATO is, in fact, a loose alliance of nations divided by geography.

Along the north are those nations most commonly thought of as being a part of NATO—Germany, Belgium, Denmark, Luxembourg, the Netherlands, Norway, and Great Britain. These are the countries which would bear the thrust of a Russian advance and from the days of World War II, it has been the Russian threat to northern Europe that preoccupied most observers.

In recent years, it has become increasingly apparent that the critical area for the defense of the free world may be in southern Europe, Portugal, Spain, Italy, Greece, and Turkey loom large in any calculations about the future defense of the free world. Spain is the anchor of this line and Spain, with its strategic location, is not a member of NATO.

Spain is capable of contributing significantly to NATO. She has a standing armed force of 280,000 seasoned, well-trained men. But, even more, Spain has a willingness to participate in the common defense which is sadly lacking in some of the NATO nations at this time.

Spain has been a good friend to the United States. Four important U.S. military bases there include air bases and one of the most important navy bases available to the United States in the Mediterranean.

But Spain needs more than U.S. agreements to become fully active in her own defense and that of her neighbors. She needs expanded understanding with her neighbor states. Such understanding which can be accomplished through NATO will help provide for the defense of Western Europe at a time when this is becoming increasingly critical. It is more than a little significant that Spain is one of the strongest of the anti-Communist nations today. Spain simply does not tolerate that kind of "ism."

In short, Mr. Speaker, Spain is needed as a partner in NATO to help carry the burden of mutual defense for the democracies. I believe Spain is willing to help. I believe Spain wants to help.

The United States and other NATO nations should welcome Spain into that organization. Spain should have the opportunity to become a full-fledged NATO partner. The free world needs Spain's invaluable assistance. Time is fleeting. Action should be taken now. The United States should insist that Spain be invited to become a member of NATO.

EXPULSION OF NATIONALIST CHINA FROM THE UNITED NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Speaker, this is indeed a sad day, not alone for the United States, but for the forces of freedom and justice in the world in general. The action taken in the United Nations General Assembly on Monday, admitting the Communist Chinese Government in Peking to full membership, and expelling the free Republic of China, was a slap in the face of the United States. That slap was administered not merely by the forces of communism, but by many of our friends who have received vast economic, military, and moral support from us in the past and continue to do so to this very day.

Many are saying that this tells us something about our position on the China question—that, if even our best friends oppose us, perhaps we should consider whether or not we have been wrong in seeking to keep Red China out, and maintaining the position of the Republic of China as the true Government of China. When I hear such talk, I am reminded of the deep wisdom of a snatch of familiar poetry, which goes, "If you can keep your head when all about you are losing theirs—you'll be a man my son."

When the principles of the United Nations are flouted, and the procedural rules twisted or ignored in order to bring into the United Nations a criminal government—one with a long record of political annihilations and atrocities against its neighbors, a nation whose leaders have expressed their contempt for the organization, and the principles it represents, and who have never even made an official request to be admitted—when such a nation is seated, and a charter member of the organization, which has always conducted its affairs peacefully and honorably is thrown out, then it is clear that men and nations have, indeed, lost their heads.

If this action tells us anything, it tells us that we cannot buy friends and we should reassess, not only our support of the United Nations, but our foreign aid programs as well.

The really tragic thing about this action is that, in my opinion, we should have been able to see it coming. I pointed out in a speech shortly before the vote was taken how our State Department had, by its interpretation of the legal and procedural status of the matter, permitted the issue to be taken up in the General Assembly, where we were most likely to lose, rather than keeping it in the Security Council, where it belonged, and where we not only had a better chance to win, but the right to exercise our veto.

We knew full well that the Peking regime was unwilling to accept membership so long as Taiwan was represented in the U.N. And every delegation from every other member nation knew Peking's position.

In view of the fact that we had opposed seating Peking every year since the U.N. was founded, it should have been clear to anyone, that as soon as we changed our stance in favor of admitting Peking, we were signalling our willingness to see Taiwan ousted, since dual membership was known to be unacceptable to Peking, and thus a vote to seat her without expelling Taiwan would be a futile gesture, and one which would be politically costly to many small, nonalined nations. Our position was doomed from the moment it was announced, and all the official statements to the contrary, notwithstanding, I find it difficult to understand how anyone could have believed otherwise.

I agree with Secretary of State Rogers that the United Nations "will be damaged" by this action. I believe the United Nations has made some useful contributions to world peace in the past and has provided valuable services to the poor, the sick and the refugees of our world. But its potential for good will be seriously undermined by the presence of a new disruptive force like Red China.

More importantly, this action results in a potential for serious danger to the United States, for we are now in the position of having to accept into our country a mission from this dedicatedly communist nation. I find it difficult to believe that the members of such a mission will not be trained propagandists and revolutionaries, or that they will confine their operations to the United Nations. To put it bluntly, we have invited Communist spies inside our borders, cloaked in the respectability and immunity of "diplomats."

I agree, too, with Secretary Rogers, that we have spent too much money on the U.N. in the past—that "we have probably contributed more than our share." But I cannot agree with his view that we should not cut back our support to the United Nations. A very great deal has been said in this country about "one man, one vote." Not only is representation in the United Nations outrageously unfair, in terms of the one-man, one-vote philosophy, but it has been equally unfair in terms of one man, $1. There may be nothing we can do about achieving fairer representation, but there is no reason why we should continue our grossly disproportionate share of the financial support for an organization in which we are inadequately represented, and which consistently acts against our best interest and defies the principles of freedom, peace and honor among nations, on which it is supposed to be based.

Two-thirds of the countries represented in the United Nations have less population than Taiwan—indeed, many have less population than my own congressional district. Yet they all have one vote. The U.S.S.R., which is more comparable to the United States in population, has, for all practical purposes, three votes. Nevertheless, many countries, both large and small, are woefully in arrears in paying their share of the cost of the organization while we regularly bail it out by paying more than our share. For example, the United States currently pays 31.52 percent of the U.N.'s regular budget—and an even larger percent of the budget of the U.N. specialized agencies such as UNESCO and WHO—while the U.S.S.R. pays only 14.18 percent. The entire European Communist bloc, in fact, pays only 19.28 percent. Albania, which sponsored the motion expelling Taiwan, pays only 0.04 percent while Taiwan, the expellee, pays 4 percent, or 100 times as much.

It is my firm belief that we must make it emphatically clear that we will not stand by and be walked over, in the fashion the majority of the U.N.'s members apparently—and justifiably—assume we will, on the basis of our past and present behavior. We owe it to ourselves to do so. But more importantly, we owe it to our allies, like Japan, Australia, the Philippines and others who have stood by us at great political cost to themselves. This action by the U.N. may well bring down the government of Premier Sato in Japan, and the present conservative government in Australia. If it does, they will be replaced with socialist governments that will unquestionably be less favorable toward the United States.

There is no honor, there is no justice, there is no wisdom and there is, to be perfectly blunt, no sense in our assuming a posture of weakness, a posture which undercuts our friends and rewards our enemies, merely for the sake of perpetuating a world organization which goes out of its way to insure its own increasing ineffectiveness.

It is on this basis, and for these reasons, that I have joined in sponsoring H.R. 11166, calling for a reduction of our financial support of the U.N., to a level proportionate to our relative population. This would reduce our support to approximately 10 percent. If the U.N. is to survive such action on our part it would require nations like the U.S.S.R., who are greatly in arrears, to pay up. It would also require Red China, with its population of 800 million people, to pay rather well for its recent success.

I do not view this as retaliation. I view it as a long overdue action, and one which the General Assembly's most recent insult more than justifies. It is far past time for the irresponsible members of this world body to shape up or ship out. A reduction in U.S. support, to our fair share, will require a conscious decision by such members as to whether they will give the U.N. the support and cooperation it needs to be effective, or whether they prefer to continue playing silly games, and trading insults at someone else's expense, and thereby bring about the demise of the United Nations. Either way, I cannot conceive but that the result would be preferable to the situation as it presently exists.

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, in its vote to expel Taiwan from the United Nations, that organization has rejected both of the bases upon which it might successfully have existed in the world. On the one hand, it rejected the mandates of its own charter by admitting into membership a government which has, ever since it illegally assumed power in 1949, expressed its contempt for the peace-loving mission of the very organization which has, ever since it illegally assumed power in 1949, expressed its contempt for the peace-loving mission of the very organization which has now admitted it to membership. On the other hand, it has turned its back upon the concept of universality. While universality is not mentioned in the charter, and should be rejected since the United Nations is meant to include only peace-loving nations and not all nations, still this has been the primary argument used by many in this country and elsewhere for the seating of the Peking regime. But if all countries, regardless of their allegiance, are to be members of the United Nations, what justification exists for the expulsion of the government of Taiwan, representing 14 million people, more people than two-thirds of existing United Nations members?

It is clear that in this single vote admitting Peking and expelling Taiwan, the United Nations has rejected both its own charter and the concept of universality. What remains is simply a political body in which power dominates, in which the Soviet Union brazenly casts three votes, with the Ukraine and Byelorussia recognized as sovereign states despite the fact that they are intrinsic parts of the U.S.S.R., and that the United States casts a single vote yet pays for 36 percent of the body's expenses.

The vote in the United Nations is also a disappointment because many countries who are allegedly our allies voted to expel the Taiwan government. Not one member of NATO, supposedly an organization dedicated to fighting Communist aggression, voted to support the mandates of the United Nations Charter. They voted against a government which has observed the dictates of the charter, which has been an honorable member of the community of nations, and which stands ready to assist other free nations in combating Communist expansion and imperialism. Are the members of NATO serious in standing firm against aggression, or do they view this alliance simply as a means by which the United States assumes the burden, financial as well as otherwise, of their defense? If this is the case, the Congress should seriously reassess the nature of our alliances and should discover whether these alliances involve responsibilities and obligations only on the part of the United States, or whether other members, those who are primarily beneficiaries, also have responsibilities and obligations.

In the long run, the vote in the United Nations marks the end of that body as one which can command the respect of those who truly seek a world at peace. To admit Mao Tse-tung and the Peking leadership into the United Nations is as great an act of cynicism as to have permitted Hitler and Mussolini to join the League of Nations at the very moment when they were taking the world to war.

Such acts of cynicism, however, are frequent in man's often ignoble history. The United Nations ideal was a noble, if unrealistic one. The vote to admit Peking and expel Taiwan is proof of its unrealism. The United States, if it is to avoid the naivete of those who had faith in the League of Nations rather than in their own ability to maintain peace and order, must reconsider its relationship with the United Nations on all levels.

There are now 131 United Nations members with a total population of 2,724,000,000. Our own population is 207.1 million, which is 7.6 of the total. The total United Nations budget is $966,500,000 and the total U.S. contribution for 1970 was $300,684,000. The anticipated U.S. contribution for 1971 is $335,443,000. According to the Legislative Reference Service of the Congress this represents a contribution of 36.05 percent. By any standard, our own Government is contributing to the United Nations out of all proportion to its population.

In his annual report for 1969–70 Secretary of State William Rogers notes that—

> For the first time in the history of the United Nations, the United States at the 1970 General Assembly did not vote for the U.S. Budget. We abstained on the 1971 budget of $192.1 million because of its unusually large increase of 14 percent, including an 8 percent pay increase for professionals in the Secretariat, which we considered excessive.

I agree with Secretary of State Rogers that the United Nations budget has increased in an excessive manner. More than this, our own contribution has been far out of proportion to our size, especially when considering the fact that other nations, such as the U.S.S.R. and France, have continually refused to pay for any United Nations actions with which they have disagreed.

Since the United Nations has decided to abandon the mandates of its own charter by admitting Communist China and expelling the Nationalist Chinese Government of Taiwan, our own contribution to this body should reflect its changed nature.

To achieve this end, I have introduced legislation which would limit the U.S. contribution to the United Nations to 7.6 percent of the total, the same percentage of the world's population which we possess. This would make our contribution $77,320,000, a saving of nearly $260 million.

Our country has no obligation to pay 36 percent of the budget of an organization which has abandoned the principles for which it was created. To do so would be working against our own interests and against the interests of peace and freedom, the very interests for which the United Nations was established. Taking the action which my bill calls for thus affirms the traditional goals of the United Nations, goals which too many of its member nations seem to have abandoned and forgotten.

STEIGER OF WISCONSIN INTRODUCES 4-DAY, 40-HOUR-WEEK BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Steiger) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I am introducing a bill to amend the Walsh-Healey Act of 1936 and the Contract Works Hours Standards Act of 1962. The purpose of this legislation is to permit companies to switch to a 4-day, 40-hour workweek without having to compensate workers for hours worked in excess of 8 hours in 1 day.

The concept of the 4-day workweek is still in its infancy stage. However, companies that have undertaken such a schedule have indicated that employee morale, absenteeism, and productivity have improved since the introduction of the 4-day workweek. It is still too early to tell how much such factors as productivity would be improved by such a program, but further experimentation should be encouraged in order to determine if this scheme can assist in the effort to revitalize our economy.

Specifically, the bill would allow firms with Government contracts exceeding $10,000 to restructure their workweek to a 4-day schedule while avoiding the increased cost of a longer workday. Senator Marlow Cook has taken the initiative on this legislation in the Senate, and I am pleased that I have been joined in cosponsoring this legislation by the following members of the Education and Labor Committee: Mrs. Green of Oregon, Mr. Scheuer, Mr. Quie, Mr. Dellenback, Mr. Erlenborn, and Mr. Esch. I am including several articles for the Record which describe some of the problems and benefits which the 4-day workweek poses:

Can the 4-Day Week Work?

Is the four-day week inevitable? To find out what the nation's business leaders think about a subject that is being much bandied about these days, Dun's went to some of the men who will have to make the actual decision: the 300 corporate presidents and chairmen who make up its President's Panel.

The majority of Dun's panelists agree that some kind of shortened workweek is the wave of the future for Americans. As President Richard L. Gelb of Bristol-Myers Co. puts it: " 'Inevitable' seems somewhat strong. But we predict that more and more companies will experiment with variations of the four-day week."

But this does not mean the chief executives are ready to see their companies change over to a ten-hour, four-day work schedule. Their overwhelming warning to industry: Go slow. For the implications of such change in work habits throughout industry, they say, are a lot more serious and far-reaching than either labor or business has bothered to think about, at least so far. And right now, at least, they are doubtful of the economic benefits of the four-day week for both their companies and employees.

Some of their questions: Can employees be as productive and efficient working ten hours a day rather than eight? Will companies be penalized in terms of overtime pay and other such employee benefits? Will labor allow management flexibility in work schedules to insure optimum production? What will be the overall effect on the economy?

For the most part, top management points out, research into the subject has been limited to the effects of the four-day week on small, independent firms. By now, employees in more than 100 such companies are working four ten-hour days.

But even in these companies, it is agreed, a tremendous amount of planning was necessary to incorporate the shorter workweek without upsetting operations. Can it be done at a U.S. Steel, General Motors or AT&T? "For most of the companies who have tried the four-day week thus far," points out President James W. McSwiney of the Mead Corp., "each had a particular set of circumstances or reason for adopting it; that is, recruiting problems, excessive absenteeism, elimination of undesirable work practices. Where such conditions exist and the composition of the work force is adaptable to it, we think it worth trying on at least a pilot-plant basis. But we are not prepared, at least at this juncture, to endorse it as a universal panacea."

In general, the panelists agree that the four-day week would be most difficult to incorporate into the large, capital-intensive manufacturing companies, particularly those that operate around the clock. "It seems to me," says President Richard J. Stockham of Stockham Valves, "that the inevitability, if such there be, depends on whether the company is a sales organization, a white-collar organization or an industrial products organization. I doubt its inevitably in the latter case."

In fact, Chairman Joseph T. Simpson of Harsco Corp. believes that "continuous operations requiring 24-hour coverage per day, seven days per week, would be impossible" with a four-day week.

Industry's big worry here, of course, is productivity. One of the major benefits of a four-day week, argue its proponents, is that it cuts down absenteeism and improves worker output. But to DUN's panelists, increased productivity is doubtful at best. Chairman Robert B. Pamplin of Georgia-Pacific Corp. bluntly states: "I think industry would be making a terrible mistake if it went to a four-day week. It would merely make us more non-competitive in world markets, for I am sure productivity would decrease."

THE 32-HOUR WEEK?

Not all the top executives are that pessimistic. But most of them believe that increased productivity would be exceedingly difficult to obtain under a shortened work week, particularly since they expect it would eventually mean fewer hours worked. The panelists are almost unanimous in their belief that if the four-day week were to become a reality, the 32-hour week would not be far behind. Since labor is pushing the shorter workweek largely to gain higher employment, they say, that would be its next step. "The unions," says Chairman Marvin Chandler of Northern Illinois Gas Co., "would quickly want the four-day week to become a 32-hour week, with severe overtime penalties."

The greater-productivity thesis is based on the belief that Friday is traditionally a low-productivity day and that workers will increase output during the other four days to make up for their added day off. But this is not necessarily so, retort the top executives. Most of them agree with Chairman Rodney Gott of AMF Inc., who says: "I do not believe that lower productivity would be eliminated. It would simply be moved to Thursday."

Others note that studies have shown that three-day weekends usually result in a slower start and lower productivity on the following Monday. "It could be more costly than the Friday letdown," says one manufacturing president.

A number of the panelists, moreover, believe that a ten-hour workday could actually decrease productivity because of employee fatigue. "Elimination of a low-productivity Friday," says President Emerson E. Mead of SCM Corp., "would be offset by increasing fatigue in the ten-hour day."

The fatigue factor, naturally, varies from industry to industry. For example, Richard Stockham says: "In our plant, where the operations involve some manual dexterity and heavy exertion, it seems highly improbable that a forty-hour week based on four days would be practical."

Further points out Harsco's Joseph Simpson: "Fatigue is a significant factor where heat, weight, noise and so forth are an integral part of the job. It may also be a factor the next morning due to the decrease in time off between work days. Fatigue as a major factor in accidents," Simpson adds, "is not to be overlooked."

Even administrative and office personnel, some feel, would become tired or less efficient with a longer working day. One banking executive reports: "We have found that accuracy is unreliable as overtime hours become excessive."

Some of the panelists, to be sure, do not believe that the ten-hour day would necessarily increase fatigue. Chairman William F. May of American Can Co., for instance, thinks it depends largely on the type and nature of the work and the surroundings. "When the work is challenging and not repetitive, and the surroundings attractive," says May, "we have found ten-hour days acceptable."

Adds Bristol-Myers' Richard Gelb: "Our preliminary research indicates that except for manual work requiring a high level of physical activity, employees can adjust to a ten-hour day."

At the very least, cautions Chairman Willard F. Rockwell Jr. of North American Rockwell Corp., "The problem of employee fatigue would need to be examined closely if a four-day schedule were contemplated. The employee mix (male vs. female), average age, marital status, availability of transportation and other such diverse factors would all have to be carefully reviewed against the production schedules that would be required."

Another concern of the chief executives is the impact of the four-day week would have on customer relations. For a company that goes to a shorter week may well find that many of its customers are still working—and expecting service—on Friday. "Until our customers were attuned to the four-day week," explains President Wendell Sell of Hoffman Electronics Corp, "a major problem would result in communications and possibly deliveries."

The difficulties could be even more severe in the service industries. Would the public accept less service from the banking industry, for example? "The trend," says the chief executive of one major bank, "is just the other way around, toward more service. The public will rebel against a structure where services are further curtailed."

Northern Illinois Gas' Marvin Chandler points out that the four-day week may even increase customer pressure on the service industries. "Friday might become a favorite day to request service from us," he notes, "since the wage earner or earners would be home." The result: "Eventually, the customer pays for higher costs such as overtime."

THE LABOR PROBLEM

For top management, of course, the main bout in the four-day-week issue will be the ultimate confrontation with labor at the bargaining table. For all DUN's panelists *agree* that if the shorter workweek is ever to be granted, the unions have to give companies some sort of guarantee that productivity in four ten-hour days would be at least as great as in five eight-hour days—at no higher cost to industry. "As a general proposition," says North American's Rockwell, "If a company were in a position to grant a four-day week, it should insist upon, as a minimum prerequisite, the identical productivity and efficiency at no increase in cost, as it had prior to the four-day schedule."

This would mean, according to the panelists, that a number of changes must be made in present worker benefits. Number One on the list is overtime rules. "Before industry can truly grant labor a four-day week," says Hoffman Electronics' Wendell Sell, "The present law [which calls for giving overtime pay after eight hours of work a day] should be changed. If this is accomplished, then industry should ask for a total revision in policies related to holiday, vacation, sick leave and other wage-related benefit plans."

Echoing the business leaders' concern about productivity, Sell adds, "Industry must have complete freedom without penalty to establish various shifts during a workweek. And Chairman Leon Alpert of Loral Corp. calls for setting up "definite productivity controls and goals."

Further warns Chairman Robert S. Ingersoll of Borg-Warner Corp: "Because the four-day, forty-hour week would inevitably lead to a four-day, 32-hour week, industry should insist upon increased productivity and resist efforts of unions to obtain forty-hour pay for 32 hours's work."

Although the push for the four-day week is largely based on the belief that people living in an affluent society such as ours should have more leisure time, a number of the panelists see quite another result: a sharp increase in moonlighting. And it is among the moonlighters in particular that the panelists see fatigue as a serious problem. "Increased opportunity for moonlighting," says SCM's Emerson Mead, "would increase low productivity on the part of those doing the moonlighting."

Nor do most of the panelists believe that more leisure time will increase the average worker's participation in outside activities. People who are interested in such things as politics, charities and cultural organizations, they say, find time for them no matter how long their workweek. And those who are not interested will not be, no matter how much time they have on their hands. In Willard Rockwell's view, "As a nation, we really are not geared up to use leisure time wisely, and the proper uses of leisure (aside from mere recreation and a long weekend) in political, charitable and cultural activities would need to become a part of the educational process."

Adds Northern Illinois Gas' Marvin Chandler: "I think it is naive to believe that the average worker will increase his participation in politics, charities and cultural organizations as a result of a four-day week."

So for now, at least, the chief executive feels that workers will spend their extra leisure time primarily in recreational pursuits—sports, travel and so forth—or in just "loafing," as one puts it. And, of course, an increase in recreation would, they note, be a boon for the leisure-type industries.

MEASURING THE IMPACT

But what about the impact on the rest of the economy? Here, the top executives' views are mixed. Some believe the effect would be definitely negative. Others feel it would not hurt overall—if it were implemented properly, with industry getting the necessary adjustments in labor practices, and if it were not done too hastily. Says Harsco's Simpson: "There is a possible overall gain *if* industry is not tied to expected overtime requirements and use of additional people." Adds Leon Alpert of Loral Corp.: "I don't believe it would hurt. Costs might go up, but so would prices. It might add to inflation; on the other hand, I think it might require additional overall employment."

On the other hand, Borg-Warner's Ingersoll believes that while the effect on the national economy would probably be minimal initially. "When the workweek dropped to 32 hours at the same weekly pay for employees (which would be inevitable), the effect would be highly inflationary."

Marvin Chandler warns, "It could decrease job opportunities for students, minority groups, and women, thereby increase unemployment levels." And another chief executive says, "It would spread employment and the skills stemming from employment so thinly that productivity would decrease even greater than it has over the past few years, particularly hindering companies in areas of tight labor supply."

Moreover, business leaders are naturally concerned about anything that could further adversely affect the U.S. already weakening position in world trade. And several of the panelists feel the four-day week would aggravate the problem if productivity were not maintained. Says Chairman A. Lightfoot Walker of City Investing's Rheem Manufacturing Co.: "The back-breaking muscular effort has in high degree been eliminated from most jobs by investment in power and automatic equipment. Unless we can use that investment to its optimum, we shall be noncompetitive in world markets."

Adds President Harry F. Pearson of Congoleum Industries, Inc.: "It would be disastrous for this country to give up the productivity that would result from the four-day week and further weaken our ability to solve our problems within the United States and to compete in world markets."

So if the four-day week is indeed inevitable, the men who run U.S. industry believe it will not happen until a host of problems are ironed out. And they are obviously prepared to go the mat with labor to get the kinds of concessions they consider necessary. Sums up Mead's McSwiney: "We regard the four-day week as one facet in the probably inevitable trend toward more leisure time and less time at work in a steadily increasing affluent society. But we had better look before we leap into a blanket endorsement and adoption of the four-day week for all American industry."

The Great 4-Day Week Race

Few industrial labor trends have gained as much momentum in such a short time as the four-day workweek. Workers favor it; it means a day less at work and an extra one at home. But some managements are seriously questioning the long term implications and finding there are problems, too.

Conversions to it are racing along close to 60 per month. The present total is possibly 500 companies, but most of these have under 500 workers. About 15% who have started have given up, often because of poor preparation. Almost half would do it another way if they could afford to change again. And the plan's biggest advantage, recruiting, is now one of management's lesser concerns.

MOONLIGHTING DEVELOPS

Other problems are developing, also. For one, supervisors work longer because of the multiple shifts. Sales, service, and other customer-oriented departments must stay open five days since customers' problems aren't scheduled to four. And, three free days a week for workers leads to moonlighting—which can hurt productivity instead of improving it.

The Personnel & Labor Relations Dept. of the Indiana State Chamber of Commerce recently added up the possible problems in its newsletter:

"A 'fading factor' may show up when the novelty has worn off; fatigue will develop on the third and fourth day after several 10-hour stints.

"Federal government contract work requires time and a half pay after 8 hours per day under the Walsh-Healey Act; so 8 hours of the 40-hour, four-day week is overtime.

"More rest periods will be required for 10 hours than for 8.

"Where the plan is adopted after employee referendum, it is almost impossible to go back to five days—even if the company should want to.

"Saturday work could become a 'second Sunday' and require double or triple time payment.

"Production efficiency curves on routine jobs show a drop after only 6 hours of work. A 10-hour shift could merely add low efficiency hours.

"A one-day absence is 25% of a four-day week but only 20% of a five-day week.

"Working hours for key groups of management employees, salesmen, officeworkers, and foremen require close examination to avoid upsetting routine."

The newsletter also listed nitty-gritty details which must be settled beforehand. For example, should pay for military leaves, sick leaves, or holiday be computed on an 8- or 10-hour day? Should paid holidays be on an 8- or 10-hour basis? At plants that prorate vacations by days earned, is a week's vacation pay computed for five 10-hour days when five such days have been earned.

TOO MUCH LEISURE?

Others voice objections to giving workers too much leisure time. The issue divides spokesmen into two camps: those who believe workers will devote the extra time to constructive ends and those who predict idle hands will make mischief.

"The U.S. public doesn't show much readiness to handle that amount of leisure," says Roy W. Walters, president of Roy W. Walters & Associates, management consultants, Ridgewood, N.J. "There is a limit to how much beer and TV can be consumed and how much fun can be found. History already offers too many examples of societies that faltered or died by growing slothful with too much poorly utilized leisure.

"Workers will embrace the four-day week eagerly . . . in order to spend more time away from 'stupid' jobs," he points out. "Who wouldn't? It would certainly make more economic sense to improve productivity on a five-day basis—by improving the jobs given to people—rather than restricting production to four days to avert absence. And after the four-day week, what do you do for an encore?"

Despite these reservations, the four-day workweek has caught fire.

Mrs. Riva Poor, Boston sociologist and author who has become "high priestees" of the movement, could find only three dozen companies on a four-day week when she wrote her book, 4 Days, 40 Hours,[1] just a year ago. The book is being translated into Japanese, and publishing rights are being negotiated for Australia, Great Britain, France, Germany, and Italy. Mrs. Poor is in constant demand for lectures and has started a newsletter.

"I think most of the trend is simply a sign of the times," Mrs. Poor says. "We are breaking out of the mold. We have student revolts, civil rights movements, and other massive changes.

"We are also in an era of rapid communication, so word spreads fast," she adds. "When the five-day week came in in the thirties, some people didn't even have radios. Our book and the survey material in it has made much useful information broadly available. People in companies converting to it have made themselves available. Many seminars have been held. New research is confirming the original studies. We have not found many sharply contradictory conclusions."

Mrs. Poor feels most objections, like those of the Indiana Chamber of Commerce, are largely invalid. She maintains the fading factor theory is largely unsupported. She concedes there could be letdown but it would be preceded by an initial spurt in output, she says. So there would still be a net gain, Mrs. Poor insists.

WALSH-HEALEY EXCEPTIONS

Walsh-Healey overtime pay provisions are an obstacle to converting government contract work to the four-day week, Mrs. Poor concedes. And many state laws prohibit women working more than 8 hours daily. But plants wishing to convert to four-day weeks can get exception status fairly easily, she says. Strict rules such as those governing the number and duration of rest periods usually are relaxed in 10-hour days, she believes.

Mrs. Poor's studies also indicate that rather than pushing for double or triple time pay for Sunday work, employees appreciate three days per week off and will work for straight time on Sunday. Her studies also show that absenteeism is reduced because a single day missed means 25% of a weekly paycheck instead of 20%.

The overtime issue, Mrs. Poor feels, is grossly misleading. "You can't just look at overtime as a negative because just as often it is a positive," she says. "Large numbers of companies need more overtime work, especially where they have peaks and valleys of production. Some plants are setting up four-day week plans with overtime as a major objective."

Research supports the positives in the new system far more than the negatives, claims Mrs. Poor.

"Most companies that have gone into it are the smaller ones, because it isn't so complicated for them," she maintains. "Some people have rushed into it too fast in an attempt to cure another disease. A few who got into trouble have done such things as deciding on a Friday to start on Monday morning. There will always be some workers who will quit when something changes. And many who leave may well be those you don't want anyway. Run a survey beforehand to get an idea of how many will quit."

OPINIONS VARY

Most conspicuous holdouts are big process industries like metals, chemicals, and mass production industries, notably autos.

Chrysler Corp. as part of the labor negotiations in January agreed to a joint study with the United Auto Workers. UAW President Leonard Woodcock notes the four-day week is a popular subject with autoworkers.

"It may be an answer to the growing problem of absenteeism in this industry; we are delighted that Chrysler is willing to make this experiment," he says. "The joint study committee will be empowered to experiment with it in a few plants that do not have three-shift or seven-day per week operations. We are interested in testing its acceptability to workers since it has not been used in mass production."

An employers' association official, however, dubs the study as "frosting on the cake for public consumption rather than implementation."

"The usefulness of the four-day, 40-hour week can't be established without a great deal of research," says William Lloyd, executive director of Associated Industries of Cleveland. "In my opinion, it is ten years away for mass production industries.

"The idea that it reduces absenteeism is nonsense," Mr. Lloyd states. "Human nature is human nature. It's just as tough getting back to work after a three-day weekend as a two-day weekend."

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[1] Poor, Riva, 4 Days, 40 Hours, $5.50 by mail. Bursk & Poor Publishing Co., 66 Martin St., Cambridge, Mass. 02138 (1970).

"The companies that now utilize the four-day, 40-hour week are mostly small and usually have no union or a weak one," adds Richard T. MacCracken, Ford Motor Co. manager of labor affairs. "But there is no evidence that the concept would be workable for a large, multiplant company, especially where the production process is highly integrated.

"Furthermore, major unions are showing little or no interest in the four-day, 40-week," he says. "Labor's emphasis seems to be on reducing the workyear by means of longer vacations and more holidays. I don't expect to see the four-day week in our industry."

ABOUT 15 PERCENT DISCONTINUE

Mrs. Poor's statistics indicate that roughly 15% of companies which start four-day week schedules of variations discontinue them. Most officials concede that the fault is not in the system but in planning, implementation, setting of unrealistic goals or a changing situation. The bulk of those which start it are happy with it.

The shining example in Mrs. Poor's book is **Lawrence** Mfg. Co., Lowell, Mass., a textile mill which faced moving to the South or liquidating because of difficulty in hiring women workers. Turnover rate was 11% per month and absenteeism more than 6%. In December 1969, the shop switched to a four-day week.

The plant is still operating in Lowell. Production is up 15% and absenteeism is down to 3%, although turnover is unchanged.

General Manager Lewis C. Doggett says it is too early to pronounce it a success. But the final decision will be in the marketplace, not the plant.

SUCCESS AT NORGREN

One of the most publicized converts, C. A. Norgren Co., Littleton, Colo., started the four-day week Aug. 31 last year after several months of committee study and visits with a half-dozen companies experienced with four-day schedules. Norgren is a builder of plastic air and liquid filters, regulator valves, and other fluid devices.

"Our productivity on a manhour basis has gone up 4% at last count over what it was on the five-day week," says Albert Lewis, industrial relations director ."Our absenteeism is now less than half the national average of 7% and turnover is 1% compared with a Colorado average of 3.6%," he notes. "We have not found the supervisory problems others have encountered. Our shop foremen get in 15 minutes before the work crews and stay 15 minutes after to coordinate shifts. While management is on call around the clock, as always, I find myself going to the mountains for the three-day weekend, tightening up a little on Wednesday and Thursday to be sure I can go. I have been in only two Fridays since the four-day schedule started."

Since national publicity in *Life* magazine, Mr. Lewis has had 1,200 inquiries from plants across the country. Fifteen companies have sent delegations to study the operation. Mr. Lewis has visited ten plant managements at their request.

In 1968, an Indiana foundryman, W. Matt Dalton, realized his dream of designing and building his own modern, air-conditioned foundry. The market dictated locating it in Cushing, Okla., between Tulsa and Oklahoma City. This is dairy farming and oil country with few foundrymen available.

After considerable investigation at other plants, the four-day week, with a few twists, was decided on as a recruiting device and as a way to get the greatest utilization of equipment.

Kenneth Davidson, industrial relations director at the parent foundry, Dalton Foundries Inc., Warsaw, Ind., reports that while business at the Cushing plant is admittedly slow, absenteeism is under 3%. There is a waiting list of job seekers. Turnover is a fraction of 1%. And there were 70 outside applications for a management position several months ago. The plant employs 75 AFL-CIO production workers and 15 salaried and clerical people.

YES, BUTS

President Eugene E. Paul of Dalton has a few reservations about the effect on management, and does not see the four-day week in the immediate future for the parent plant at Warsaw.

"This is more of a burden on supervision," Mr. Paul says. "If a man is running a 10-hour shift, he must get in early and stay late to coordinate with other operations. It also cuts into maintenance time. If all departments are running in balance, it is fine, but this rarely happens. And when one department falls behind, it is hard to catch up. It is also difficult to get people to work overtime if they have already put in 10 hours.

"If you call 10-acre farming moonlighting, then this exists all through the farm belt," Mr. Paul explains. "It is mostly casual type farming, but there are many others working second jobs."

Charles Zimmerman, production supervisor at the Cushing plant, is one of the few transfers there from the home plant.

"All the workers like the system," he observes. "Women use the extra weekday off to do their washing and housecleaning, see school teachers and doctors, and take care of other personal business. In many cases, the husband works the farm and the wife works in the foundry."

COSTLY SHOP IN SOUTH BEND

Cromwell Corp., South Bend, Ind., is an unusual job machine shop. It has only 20 employees but it has spent more than $250,000 for turret lathes since 1966.

The high investment made high utilization a "must," so John L. Schohl, founder and now an independent consultant, installed a four-day work-week with two 10-hour shifts daily, seven days per week. Each group works on straight time four days on and four days off. Utilization time is about 7,000 hours per year out of the 8,766 available. He reports this nearly doubles the return on investment compared with conventional five-day, 40-hour week shifts.

A Pittsburgh foundry, McConway & Torley Corp., doesn't have a four-day week because the United Steelworkers of America local didn't want it. It was offered in a vain attempt to avert a strike.

"The international union representative was for the plan but was not present when I talked to the workers in the union hall about it," says President Donald Y. Clem. "The workers felt there had to be a hooker in it and voted it down.

"It might still be appropriate for us," Mr. Clem feels. "We average 10% absenteeism, and 15% on Mondays.

THREE AND A HALF DAY WEEK

American Oil Co., a subsidiary of Standard Oil Co. (Indiana), has successfully put in both a four-day week and a 3½-day week at its continuous plastic pipe and extrusion plants. The most recent is at Stow, Ohio, near Akron, and others are at Monroe, Ga.; Magnolia, Ark.; and Denver.

"Because our extrusion machines take so long to heat up and clean out for weekends, we pick up an extra day's production a week if we keep them running," says Leo Haynes, production manager at Stow. "Our production workers put in 12-hour shifts for three successive days and then a regular half-day on the fourth," he says.

"We have been on it since May and it is a complicated scheduling system," he observes, "but most of the anticipated problems never developed. Our turnover has probably dropped as much as 30%, but absenteeism has not been noticeably cut."

PROS AND CONS OF 4-DAY WEEK

Company advantages:

Attracts workers, frequently the most skilled.

Less time lost weekly on washup, lunch, and relief.

Significant production increases where longer day permits another "batch."

Less exploitation of sick leave system.

Built-in publicity value.

Usually far less labor turnover.

Higher equipment utilization.

Company disadvantages:

Principal advantage, recruiting, is now a small management concern.

Thorough preparation needed.

Moonlighting increases.

Salesmen remain on five-days.

Managers, shipping, receiving, and office excluded.

State waivers for women often necessary.

Paycheck policy must be continually re-explained.

Difficult scheduling.

Supervisory and union problems.

Nonuniformities between departments and managers on different schedules.

Some employees will quit.

Pioneering is always difficult.

Employee advantages:

Three-day weekend at no pay loss.

Babysitter savings.

Buying a vacation home more practical.

Can travel medium distances oftener instead of waiting for holiday.

Easier and cheaper commuting.

Employee disadvantages:

Long hours. Result: tired, grouchy.

Regular schedules upset.

Difficulties for women with families and especially those with school age children.

Car pool problems.

More spending on long weekends.

WHO IS DOING IT?

The following is a sampling of larger manufacturing companies in the U.S. and Canada which have or have had a workweek of four days or less. The list is adapted from one published in June this year by Bursk & Poor Publishing Co., Cambridge, Mass., which contained 108 active and discontinued four-day manufacturing plants plus 27 service establishments. First number refers to employees in the plan and the second is total employment. Eighty-nine percent of these active four-day operations were in-plant with less than 500 employees.

Four-day active

Arkansas:

Ft. Smith: Fort Smith Table & Furniture, folding tables, 128/128.

Magnolia: American Oil Co., Div., Standard Oil Co. (Indiana), plastics.

California:

Anaheim: Fluorocarbon Co., teflon pumps, etc., 185/200.

El Cajon: Jet Air Engineering Inc., subassemblies, rockets, 120/120.

Los Angeles: Brewmatic Western Urn Mfg., coffeemakers, 75/90.

Redondo Beach: Tridair Industries (corp. hq.), air cargo handlers, 46/46.

Torrance: Tridair Industries, Fastener Div., fasteners, 400/535.

Whittier: Stoody Co., metal fabrication, 350/350.

Colorado:

Denver: American Oil Co. Div., Standard Oil Co. (Indiana).

Denver: Wright-McGill Co., fishing tackle, 515/515.

Littleton: Norgren Co., fluid components, 450/450.

Florida:

Lakeland: Florida Tile, ceramic tiles, 150/600.

St. Petersburg: Morgan Yacht Co., yachts, 575/575.

Georgia:

Atlanta: Meisel Photochrome, photoprinters, 154/457.

Indiana:

New Albany: Wellcor Co., organs and cabinets, 143/150.

Middlebury: Coachmen Industries Inc., campers, 165/165.

Iowa:

Council Bluffs: General Woodworks Co., furniture, 100/100.

Kentucky:

Lawrenceburg: Florida Tile, ceramic tiles, 110/150.

Louisville: Boone Box Co., corrugated boxes 125/155.

Maryland:

Baltimore: Levi-Ottenheimer Co., girls' sportswear, 55/65.

Massachusetts:

Everett: Kyanize Paints Inc., paint and chemicals, 115/115.

Springfield: Kyanize Paints Inc., paints and chemicals, 30/30.

Holliston: Fillfast Corp., packing foam, 8/30.

Orange: Leavitt Machine Co., metal tools, 25/40.

Woburn: Chomerics Inc., computer components, 35/45.

Michigan:

Jackson: Plastigage, fiberglass products, 70/75.

Lansing: Lundberg-Screw Products, screw products, 95/100.

Pentwater: Pentwater Wire Products Co., wire containers, 90/100.

Minnesota:

Chaska: Anderson Machine & Tool Works Inc. (4½-day week).

Fairmont: Armour & Co., frozen foods, 250/250.

Missouri:

Kansas City: Western Container Co., folding cartons, 57/65.

St. Louis: Measuregraph Co., precision machine parts, 70/270.

New Jersey:

Carlstadt: Tac Torch, welding torches, etc., 42/42.

Cedar Knolls: Charles Marti Corp., precision components, 65/70.

Lebanon: Consolidated Ceramics & Metallizing, for aerospace ind., 9/23.

Trenton: Atlantic Products, luggage, golf bags, 350/700.

New York:

Plainview: Preco Chemical Corp. chemical coatings, 55/55.

North Carolina:

Charlotte: Carolina Ruling & Binding, Co., bookbinders, etc., 30/50.

Charlotte: Craftsman Printing Co., printing, 60/80.

Charlotte: Observer Printing House, printing, 55/70.

Charlotte: Pargo Inc., fiberglass boat parts, 130/130.

Greensboro: Adastra Knitting Mills, knit fabrics, 50/79.

Kenly:Overton Container Corp., industrial containers, 125/140.

Kinston: Wall Mfg. Co., soldering irons.

Lexington: Edgewood Textiles Inc., shirts, 150/150, (4½-day week).

Lincolnville: Vermont American Corp., cutting tools, 119/154.

Marion: Armored Garment Co., work clothes, 140/140.

Salisbury: Lyon-Shaw Inc., summer furniture, 65/74.

Ohio:

Stow: American Oil Co. Div., Standard Oil Co. (Indiana).

Cleveland: Tube Craft Inc., auto tube products, 30/30.

Oklahoma:

Tulsa: Redman Industries Inc., mobile homes, 54/71.

Oregon:

Portland: Kirkman Laboratories, pharmaceuticals, 50/50.

Pennsylvania:

Ephrata: Redman Industries Inc., mobile homes, 62/81.

Honey Brook: Redman Industries Inc., mobile homes, 80/110.

Mars: Woodings Industry, blast furnace parts, 55/83.

Union City: Cherry Hill Furniture, furniture, 140/175 (4½-day week).

Tennessee:

Johnson City: Harris Mfg. Co., wood flooring, 145/160.

Murfreesboro: Samsonite Corp., metal furniture, 800/800.

Sparta Spoke Co., wood parts for furniture, 88/95.

Texas:

Dallas: Forney Engineering, combustion controls, 132/375.

Ft. Worth: Pressure Vessels Inc., water heating equipment, 43/50.

Garland: Intercontinental Mfg. Co., bombs, trailers, etc., 600/700.

San Antonio: Barkel Inc., furniture, 250/250.

Virginia:

Roanoke: Harris Hardwood Co., wood flooring, 110/125.

Washington:

Enumclaw: Line Check Systems Inc., check printing, 23/25.

Wisconsin:

Clintonville: Utility Tool & Body Co., tools for derricks, etc., 36/47.

Grafton: Great Lakes Die Casting, foundry, 34/40.

Racine: Printing Developments Inc., printing plates and chemicals, 60/107.

Three-day active

Georgia:

Atlanta: Meisel Photochrome, photoprinters, 302/456.

Ohio:

Stow: American Oil Co. Div. Standard Oil Co. (Indiana), (3½-day week).

Texas:

Houston: Marcham Resources Inc., seals and coatings, 45/70.

Four-day discontinued

Indiana:

South Bend: Cromwell Corp., machine shop 20/20 (temporarily).

Maryland:

Baltimore: Noxell, cosmetics, 200/500.

Massachusetts:

Boston: Samuel Ward Mfg. Inc., bookbinding, 30/90.

Lowell: Nathan Solomon, ladies' sleepwear, 120/150.

Malden: New England Metal Spinning Co., metal fabrication, 20/26.

Michigan:

Birmingham: Intercontinental Steel Corp., steel coils, 18/22.

Ohio:

Cleveland: Bonne Bell Inc., cosmetics, 250/325.

Oregon:

Portland: Stenna Carbon Co., carbon paper products, 29/30.

Pennsylvania:

Duncannon: Eileen Hope Dress Co., dresses, 90/90.

Wisconsin.

Sturgeon Bay: Dorco Mfg. Co., wire forms, 50/50.

A LOOK AT THE 4-DAY WORKWEEK

(By Janice Neipert Hedges)

Do recent switches from the standard 5-day week presage a nationwide trend?

The 4-day workweek has caught the imagination of the public. It has intrigued management and is winning guarded support from labor organizations. But the big question is unanswered: Is a break-through from a 5-day to a 4-day week imminent? The current standard is not immutable. But neither is a shift to some new standard inevitable.

Today, the standard workweek is 5 days and 40 hours.[1] These figures are the historical result of (1) a long term trend in practice and in law toward an 8-hour day, and (2) the Fair Labor Standards Act of 1938, which fixed the 40-hour weekly standard[2] for workers in firms engaged in interstate commerce.

This article examines the 4-day week at present and arrives at some tentative conclusions about its future.

PREVALENCE OF THE 4-DAY WEEK

In mid-1971, about 600 firms offered some form of the 4-day week for at least part of their work force and for at least some weeks of the year.[3] The variations ranged from 10-hour days to 9 hours or less, and included 4½-day weeks. The firms were largely on the Eastern seaboard and in the Central States. They were predominantly engaged in manufacturing, but also included a variety of service and other firms. Generally they were nonunion; a few had contracts with small unions or locals of large national unions. The number of workers on a 4-day week was estimated roughly at 75,000, or about one in every 1,000 workers in the United States.

On the basis of numbers alone, the workers and firms involved in the 4-day week are thus too few to assert that a major change is in the making. Nor are the firms sufficiently representative to indicate whether a short week is feasible on a national scale. Few are capital-intensive, few compete in world markets, few employ more than 500 workers. Moreover, in numerous instances, the 4-day week is on trial with both workers and management, and in more than a dozen firms it has been tried and discontinued.

At this time, prospects for the 4-day week may be better judged by its consistency with prevailing trends in work time than by its relatively small and tentative beginning.

TRENDS IN WORK TIME

Where the 4-day week is coupled with a 10-hour day, it reverses the almost unbroken trend of a century toward shorter workdays. The 8-hour day was won after a long struggle, with which the union movement is so closely identified that it has been said that the unions owe as much to the 8-hour fight, for their form and direction, as the 8-hour fight owed to the unions for its success.[4] But the 4-day week is not necessarily a 40-hour week. Limited data available to the Bureau of Labor Statistics on firms employing 50 workers or more indicate that in these firms the "shorter workweek" is 4½ days as often as 4 days and ranges from over 40 hours a week to less than 30.[5]

The movement toward a 4-day week is in accord with two other trends that have dominated recent changes in work time. The first is the preference for "blocks of leisure," extended vacations, for example, rather than small reductions in daily and weekly hours. The second is the increasing diversity in work schedules.

A growing preference for blocks of leisure

Footnotes at end of article.

is manifested in the rapid extension of paid vacations. During the 1960's the average number of vacation weeks per employed person increased from 1.3 to over 1.7 weeks, while for many long-service employees the length of vacation grew to 4 weeks or more. Paid vacations and holidays together constituted a record two-fifths of the estimated 50-hour total reduction in annual worktime in the decade of the 1960.[6]

The legal rearrangement of national holidays in order to increase the number of 3-day weekends, beginning in 1971, is another manifestation of the interest in blocks of leisure.

The apparent willingness of many workers to maintain the same weekly hours (and extend the workday) in order to achieve longer weekends[7] suggests that the preference for larger blocks of leisure instead of reductions in the workweek may be at least as strong now as in the 1960's.[8]

The 4-day week, as it is developing, also seems consistent with the trend toward a multiplicity of work schedules. This trend traces back more than a half a century to the beginning of the growth of part-time schedules. Its future may lie in the "gliding workday," in which workers set their own arrival and departure time within a 12-hour working day, restricted only by the total weekly hours required.[9]

For the present, the 4-day week has given the trend toward variety a big push forward. In addition to substantial variations in the weekly hours of 4-day schedules, the selection of workdays is not uniform, either from firm to firm or within a firm (some of which operate 7 days a week with two or more work forces), or even necessarily for the same workers week after week. "Weekends" may be Friday through Sunday, Saturday through Monday, or even in midweek.

ARGUMENTS FOR AND AGAINST

In further evaluating the prospects for the 4-day week, let us turn now to the arguments put forward by its supporters and its detractors.

Pro. The 4-day week was introduced by management. This represented a departure from the past, for initiatives in proposing new work schedules have come more often from labor.

Greater productivity and lower unit cost are the most telling arguments put forward by management. Higher output per man-hour is ascribed largely to improved morale that results in reduced absenteeism, tardiness, and turnover. Higher weekly output also is attributed to the reduction in start-up and close down time relative to operating time, and the keying of work schedules to processing time for a specific operation rather than to a standard workweek. In addition, in some firms that have shifted to 4-day weeks of less than 40 hours, coffee breaks have been discontinued (although workers may have coffee at their machines or desks).

Productivity gain is a persuasive argument on two counts. First, increases in productivity yield benefits that include potential increases in the standard of living and reductions in worktime.[10] Second, growth in productivity has lagged in recent years, with the annual rate of increase in output per man-hour averaging only 2.1 percent from 1966 to 1970, in comparison with 3.0 for the preceding 20 years.[11]

An increase in "usable leisure" sums up the major appeal of the 4-day week to workers. Even when a reduction in workdays is not accompanied by a reduction in weekly hours, the compression of worktime into 4 days extends the weekend by 50 percent.

A reduction in commuting time adds further appeal. Travel time between home and workplace—viewed as "lost time" by most commuters—has been increasing for city dwellers as well as for those who live in the suburbs.[12] For 4-day-a-week workers commuter trips are reduced by 20 percent. Traffic congestion might be reduced as well, as the smaller trip total would be spread out over more than 4 days.

Working costs such as commuting fares, restaurant lunches, and child care are reduced in many cases.

These arguments sound compelling. But as the Secretary of Labor observed recently, ". . . the verdict is far from in. Against those employers who report . . . benefits are those who foresee almost insuperable obstacles related to three-shift operation needs and other production requirements. Many union leaders regard the 10-hour day as retrogressive. . . . Nor, in spite of flowing testimonials, is it clear how the average worker feels about it."

Con. Arguments against the 4-day week center on the possible adverse effect on the health and welfare of workers and, in the long run, on productivity and on costs. (If the 4-day week evolves into fewer hours in the workweek, the first concern would be removed.)

The health and safety of workers was a major rationale for the shortening of the workday from 10 hours to 8 hours or less. Improvements in technology have decreased the physical strain of work, but in many work situations mental and emotional strain has increased. On the other hand, a 3-day weekend may provide sufficient rest and relaxation to sustain the worker through a 4-day week of 10-hour days. More experience with 4-day weeks should indicate whether working conditions, attitudes, and values now prevalent lead to new conclusions about the most desirable combination of workdays and hours.

Meanwhile, Federal and State statutes and many union contracts embody the concern that long days have a deleterious effect on a worker's health and well-being (and on his employment opportunities). Most of these reflect this concern by providing for overtime pay at premium rates after 8 hours of work. Collective bargaining agreements can, of course, be renegotiated and laws can be amended.[13] But unless they are, workers covered by such provisions are unlikely to be put on 4-day 40-hour schedules, or on any 4-day schedule that increases their employer's liability for overtime payments.

The largest group of workers covered by statutes providing for overtime pay in excess of an 8-hour day are those directly employed by the Federal Government.[14] An additional 3.7 million workers employed by Government contractors have similar coverage under the Contract Work Hours and Safety Standards Act or the Walsh-Healey Act.[15]

A number of State wage and hour laws impede the adoption of the 4-day week in one way or another. For example, State restrictions on maximum daily hours for women mean that a 4-day week would necessitate a reduction in weekly hours. Restrictions on night work for women encumber the flexible scheduling that is vital to adapt the 4-day week to round-the-clock operations. State restrictions pertaining to women workers are easing, however, in the wake of the Civil Rights Act of 1964 and subsequent court decisions.

The second argument raised against the 4-day week—that productivity cannot be sustained in the long run, let alone increased—cannot be answered definitively on the basis of available experience.

It is apparent, however, that short-term productivity gains experienced by the limited number of firms now on 4-day weeks are not necessarily indicative of long term results on a large scale. For example, the increased productivity currently reported by 4-day firms is attributed in substantial part to their ability to hold experienced workers and recruit superior workers. Their advantage in these respects would of course be lost if the 4-day week were adopted by other firms that compete for the same labor. Some of the improvement may be a short-lived "Hawthorne effect." It is possible also that the low productivity now associated with the last day of the workweek would move in time to the 4th day of a 4-day workweek or to the 9th or 10th hour of the day.

THE PATH AHEAD

What then seem to be the prospects for the 4-day week, in view of basic trends in worktime and the major arguments pro and con? Some observations may be useful.

1. The 4-day week can be expected to spread, but it is unlikely ever to dominate work schedules to the same extent that the 5-day week has for almost a generation.

The 5-day, 40-hour week represented a national standard based on worker health and efficiency and on the sharing of jobs. The impetus now is for work schedules designed to fit the technological and other requirements of an individual firm and the needs and preferences of its workforce. Rationalization rather than standardization is the guideline.

In some firms, technological requirements such as continuous operations, heavy capital investments, or other special situations may indeed create insurmountable obstacles for the 4-day week. Nor is a short workweek likely to prove popular with all workers, especially if it is combined with longer days or fewer breaks in the day. Some with family responsibilities may find it too difficult to adjust child care and home maintenance to a long workday. And some, who are highly work-oriented, may miss the challenge of a full week of work (some of these, of course, may try to fill out the week with a second job).

2. Support for the 4-day week may shift. Although management gave the 4-day week its first push, this came primarily from small, independent firms.[16] Large corporations are expressing serious reservations.[17] On the other hand, the initial negative reaction of union organizations—caused largely by the short workweek's association with 10-hour days—could be modified if the 4-day week proves a likely vehicle for reducing weekly hours.

Labor organizations are not likely to accede to 10-hour days without overtime pay. The AFL–CIO Executive Council in early August 1971, for example, while going on record in favor of collective bargaining efforts to reduce working hours and to reschedule workweek arrangements to the mutual satisfaction of unions and management, urged the rejection of proposals to drop the requirement of time-and-one-half pay for over 8 hours of work a day on government contracts.[18]

Management generally has envisaged increased utilization of plant and equipment through 4 days of 10 hours, with a portion of the work force on hand each day, covering 5 to 7 days a week. Labor's attention is directed toward the 3-day weekend and the possibility of shorter weekly hours. These differences may be difficult to reconcile.[19]

3. Although the 4-day work week has been associated with "compressed" rather than fewer weekly hours, in the long run it probably will be shorter in hours as well.

How much the reduction in weekly hours will be, and how fast, cannot be forecast. In the long term, it will be limited by the growth of productivity, by the distribution of productivity gains between reductions in worktime and increases in goods, and by the

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Footnotes at end of article.

allocation of reductions in worktime to other areas, including paid vacations.

An average gain of approximately 3 percent a year in output per man-hour is expected during the 1970's.[20] If all these were channeled into reducing weekly hours, a 4-day 32-hour week could be achieved by 1980. This is highly improbable; still, the reduction in weekly hours in the 1970's could be larger than in previous years. Other possible applications of productivity gains—such as increases in years of schooling and paid vacation weeks for the average worker—have shown substantial gain since 1940 and may have reduced somewhat the pressure for further advances along these lines, thus increasing the prospects for reducing the workweek. Moreover, for many workers, basic needs for goods and basic needs for time, for rest and relaxation both have been met. In the 1970's, more than ever before, the choice between more goods and more leisure will be a matter of opting for a particular life style.

IMPACT OF SHORT WORKWEEK

As the 4-day week spreads, its wider effects will become evident. Among these are its possible impact on the total supply of and demand for labor, on the part-time labor market, and on workers with family responsibilities, especially women.

Some increase in employment can be anticipated as a result of larger markets for leisure goods and services—as Henry Ford recognized in 1922, when he pioneered the 5-day week with a view to increasing the demand for automobiles. Recreation, transportation, and construction are among the industries where employment may increase.

On the supply side, the effects of the 4-day week are less certain. A 4-day week accompanied by a reduction in weekly hours probably would attract more married women to the labor force and might also encourage some older workers to postpone retirement. A 10-hour day, however, might present an additional hurdle to full-time employment of women with family responsibilities, since child care—and to a lesser extent the preparation of meals—cannot be relegated to the weekend, however long. On the other hand, some might prefer long workdays that permitted them to be home one more day a week. The effect of the 4-day week on the entry of mothers into the labor force and its implications for additional demands for child care facilities is particularly important, since current needs for day care already far outstrip the resources available.[21]

Demand for part-time workers also might be expected to increase. For example, in service, manufacturing, or other industries that require round-the-clock operation, one part-time shift could be used to supplement two 10-hour shifts. Capital-intensive firms, in particular, would be likely to make heavy use of part-time shifts, in moving to a 4-day week of 10-hour days. In addition, some firms probably would use some workers for only 1 to 3 days a week, in order to extend their operations beyond 4 days.

On the other hand, the regular part-time work force (traditionally made up of women, students, and older workers) might experience strong competition as some full-time workers on 4-day schedules search for additional hours of work. The proportion of workers who hold more than one job—the moonlighters—has ranged between 4.5 percent and 5.7 percent over the past 15 years.[22] This proportion could increase, although limited experience of firms that have shifted to the 4-day week in the past year suggests that their workers are more interested in a longer weekend than in a second job.[23]

The 4-day week raises other questions, both social and economic, to which no definitive answers are available. And not all the questions have been raised yet. It is still true, as one observer wrote in 1957: "What is most needed today is greater experience with the 4-day week. . . . Nothing could be more welcome than the development in a number of major areas and industries of a 4-day week so that the country can profit by this experience." [24]

FOOTNOTES

[1] In 1969–70, about four-fifths of the 14 million plant workers surveyed by the Bureau of Labor Statistics were on a 40-hour schedule, and nine-tenths of the total were on a 5-day schedule.

[2] Effective in 1940.

[3] *Poor's Workweek Letter*, September 1, 1971.

[4] George Brooks, "Historical Background," *The Shorter Work Week* (Washington, D.C., Public Affairs Press, 1957).

[5] Data for a new Bureau of Labor Statistics series—scheduled weekly hours by scheduled days in the workweek for workers covered in the area wage surveys—are being collected and will be published for single metropolitan areas as they are completed. The first report will be published this winter. Over a 2-year period, these data will be available for all 90 metropolitan areas covered by the area wage surveys, as well as for the regional and national estimated totals of all metropolitan areas.

[6] Geoffrey H. Moore and Janice N. Hedges, "Trends in labor and leisure," *Monthly Labor Review*, February 1971, pp. 3–11.

[7] Gallup Poll, March 1971.

[8] Something roughly analogous to economies of scale may explain the appeal of larger blocks of leisure to workers and the appeal of longer workdays to their firms.

[9] See the *New York Times*, July 12, 1971, p. 1.

[10] More and Hedges, op. cit.

[11] *Productivity and the Economy* (BLS Bulletin 1710, 1971).

[12] *Factors and Trends in Trip Lengths* (Washington, D.C., National Academy of Science, Highway Research Board, 1968). National Cooperative Highway Research Program, Report 48.

[13] The U.S. Department of Labor held public hearings in Washington, D.C., in September 1971 to determine possible courses of action the Department may wish to recommend with respect to the adoption of a 4-day 40-hour workweek without the requirement of paying time-and-one-half for work in excess of 8 hours a day by contractors subject to the overtime provisions of the Walsh-Healey Public Contracts Act and the Contract Work Hours and Safety Standards Act. See p. 2, this issue.

[14] U.S. Code, Sec. 5542 and 5544 (1970 edition).

[15] The Fair Labor Standards Act, covering 45 million workers engaged in interstate commerce, does not affect daily schedules. Its overtime pay provisions refer only to a maximum 40-hour week.

[16] Kenneth E. Wheeler, "Small Business Eyes the Four-Day Workweek," *Harvard Business Review*, May–June 1970, pp. 142–147.

[17] Neil A. Martin, "Can the Four-Day Week Work? Dun's President's Panel," *Dun's*, July 1971, pp. 39–40, 45.

[18] Statement by the AFL–CIO Executive Council on The National Economy, San Francisco, Calif., August 9, 1971.

[19] Herbert R. Northrup, "Reflections on the Ten-Hour Day, Four-Day Week" remarks delivered at a conference July 23, 1971, sponsored by Industrial Relations Counselors, Inc., Princeton, N.J., published in The Bureau of National Affairs *Daily Labor Report*, July 27, 1971, pp. D–1/4.

[20] See "The U.S. Economy in 1980: a preview of BLS Projections," *Monthly Labor Review*, April 1970, p. 7.

[21] In 1970, licensed day care centers and family day care homes had an estimated capacity of about 750,000 children; working mothers had 6 million children under 6 years of age.

[22] See Howard V. Hayghe and Kopp Michelotti, "Multiple jobholding in 1970 and 1971," p. 38, this issue.

[23] Riva Poor, *4 Days, 40 Hours* (Cambridge, Mass., Bursk and Poor Publishing Co., 1970).

[24] Peter Henle, "Which Way to Greater Leisure?" *The Shorter Work Week*, op. cit.

REPORTING A REVOLUTION IN WORK AND LEISURE, TWENTY-SEVEN 4-DAY FIRMS

(By Riva Poor)

(Riva Poor, partner in Bursk and Poor Publishing with Edward C. Bursk, Editor of The Harvard Business Review, is a management consultant who started one of the first and most successful minority business programs in the country. She has owned and operated several small businesses, has edited several business reports and newsletters, and has a Masters degree in city planning from Massachusetts Institute of Technology where she has 95% completed a Masters in management)

WHAT 4-DAY IS

This book is an objective report about an innovation in work scheduling that affects firms' profits and employees' lives.

The 4-day, 40 hour workweek is a fairly simple reallocation of work hours from 5 days to 4 days begun at over 2 dozen American firms. The original number of work hours is maintained for the most part; but because they are grouped differently, there is a change in the impact of the hours on the performance of the firm and on the usability of the employees' leisure.

Four-day provides advantages for both the firm and its employees. By lengthening the workday, the employee gets a 3-day weekend with no pay loss. The firm gets a wide number of benefits including improvements in output, customer relations, flexibility for overtime, recruitment, absenteeism, turnover, tardiness—and employee relations!

Note that 4 days, 40 hours is not the 4 days, 32 hours that unions are beginning to talk about again, although it is possible that 4–40 could lead to 4–32, and will probably do so in the long run.

VARIETY OF ARRANGEMENTS

Although the book is about 4 days, 40 hours—a rescheduling of total work hours on a 4-day basis—not all 4-day employees work 10 hours a day during the 4 days. Some firms receive such large production boosts from converting to 4-day that they can afford to reduce their total workweek to 36 hours, and still come out ahead. Others do not have a 40-hour week to begin with, so dividing their total workweek by 4 leaves 9 or 9½ hours per day. In several cases, it could be said that the workweek is actually reduced somewhat—but usually not by much, because, generally, such things as foregone coffee breaks and fewer start-up times compensate for the reduction. The fewest total work hours among the firms is 35 hours—at a new division of a company that opened its doors with the 4-day week as part of its plan. Take-home pay is not cut, but in a few cases there is a pay raise incident to normal labor negotiations.

Several of the 4-day firms are open for business only 4 days a week; two have a 4½-day week; and others are open as many as 7. There are many variations, too, on which days the firms are open, on their numbers of shifts, their purposes for being on 4-day, and their results. Sometimes, certain types of employees are not included in 4-day—particularly, sales and shipping-and-receiving departments.

NEW PRECEDENTS SET

Aside from scheduling workers on a 4-day basis in industries where it had not been tried before, a third of the 4-day firms set the new precedent of being open for business just 4 days a week. Kyanize Paints, Inc., does this in 2 of its 3 branches—in Everett, Massachusetts, and in Springfield, Illinois—and plans to institute 4-day eventually at its newly acquired Houston plant.

The 4-day Tire Stores chain of 8 stores in California is on 4-day at all of the stores. Each is open only Thursday through Sunday, when tire sales are the best.

For Auto City, only the night shift is on 4-day; and it is Monday through Thursday. The manager reports it is difficult to set up a night shift on a 5-day basis, because the men don't like to work Fridays. But he was able to recruit 18 skilled engine rebuilders in 2 weeks by advertising the 4-day, or rather 4-night, shift.

Some firms intend to be open a 4-day week, but wind up doing so much overtime on the fifth day that it is hard to say they are really open just four days a week. Maybe later on they will be.

NUMBER OF 4-DAY FIRMS

This book reports the experiences of all the 4-day firms we could locate in the United States during June, July, and August, 1970,[1] including 5 firms that tried it and abandoned it. We located the firms through Kenneth Wheeler (see Chapter 9), through other 4-day firms, through newspaper and magazine mentions, through trade associations, and so on. We report both the pros and cons, so readers can apply their own judgments to meet their individual needs.

There are undoubtedly many more 4-day firms than we located. (Lately, we hear of a new 4-day firm every day or so.)

We report on 27 firms. I interviewed the management of each of these firms personally, mostly by telephone. Seven of the other authors also interviewed many of the firms; and hundreds of employees gave their opinions in several dozen personal interviews and in scores of written questionnaires.

The facts, therefore, have been analyzed by several professionals; and the book presents their several viewpoints.

WHAT'S SIGNIFICANT ABOUT 4-DAY?

Whatever our current workweek is today, or on any day, it was not handed down to us on Mount Sinai by the Lord Himself. If we find ourselves thinking of the 5-day workweek—or any other kind of workweek—as an immutable fact of life, it can only be because we are simply accustomed to it that way. For about half of the United States population, those people under 35 years old, the workweek is in a sense an immutable thing, because they have always known it one way, 5 days long, all their lives. (In many countries, the workweek is still 6 days long; and in these countries 6-day probably seems an immutable fact of life.) Anyway, I know that I, just short of my 34th birthday, found it amazing to come across a page one article in the May 8, 1970, *Boston Globe*, headed: "A Happy Revolution: The 4-Day Week," by Ken O. Botwright. It seemed so simple an idea, so obviously appropriate to so many problems; yet simple and obvious as it is, so revolutionary to me. (That was the day this book began.)

The other half of the U.S. can remember when the 5-day week was not standard, when there was a 5½-day week, and even a 6-day week. This wasn't so long ago, either. The first known 5-day week appeared in the United States as recently as 1908, and was unique for several years. A decade later, in 1918, there were only a handful of 5-day firms. And in 1929 only 5% of the American labor force was on 5-day.

What was there before these days? Simply this: for centuries the workweek proceeded from sunrise to sunset 6 days a week. And I wouldn't be surprised if some of the religious intensity of pre-twentieth century came from the relief from work provided by a Sabbath Sunday. The cavemen probably hunted 7 days a week.

The point is, the workweek really was immutable for centuries, and probable eons. It is only recently (since the Industrial Revolution) that the workweek has begun to change. The change appears to be an ever more rapidly accelerating one, in part because the technology that makes the changes possible is ever more rapidly improving.

The 4-day workweek is *very* new—whether we're talking about 4 days, 32 hours or 4 days, 40 hours. But new things, if they work well, have a way of catching on very rapidly in today's world. So they are worth looking at when they arrive.

The 4-day, 40-hour workweek has recently arrived. I'm not about to tell you: everyone is going to 4–40 this year, so watch out. And I'm not trying to *sell* you the idea of converting to 4–40. But I am saying this: 4–40 is new; it works fairly well; and the country has a recent history of moving ever more rapidly to shorter and shorter workweeks. The 4–40, 4–32, and even the 3-day workweek will probably be here eventually. So let's look at 4–40 now, to see what we can learn from it. And let's see if there is anything we can use from it today, for today's problems and goals.

DÉJÀ VU

We worked very quickly (but thoroughly) in preparing this book, because we wanted to bring the information to you while it is still timely and useful. Had we worked at the usual pace for research and publication, it seemed conceivable that the whole country could convert to 4-day—or even to 3-day (see Chapter 12)—before you could read it.

Still, a funny thing happened on the way to the printers, so to speak. With all the rush and the remarkable cooperation of the 4-day firms and authors, just 5 days before typesetting, Professor Linda Sprague (see Chapters 4 and 7) brought over a book that says word for word many of the things we had written for you!

Were we scooped? Well, sort of. It was a National Industrial Conference Board book, *The Five-Day Week in Manufacturing Industries*, published in 1929.[2] Reading it was a *déjà vu* experience. Apparently, the same controversy raged then about 5-day as will very probably rage about 4-day. People worried about: Would it work? Is it representative? Who's doing it? How do they work it? Is it too fatiguing? What happens to production? And wages? And morale?

In 1929, the NICB reported that the number of employees on 5-day was "insignificant," "only" about 5% of the work force at the time (500,000 on 5-day). This is far more than the number we know of on 4-day at present. Other contrasts are that there were few continuous process firms going to 5-day, and many of the conversions had been forced by unions. In contrast to early 4-day history, large numbers of the workers were in printing, the garment industry, and the building trades. Also, in 80% of the cases the hours of labor were reduced, because so many firms had been working 54-hours-a-week schedules. Thus, numerous employees suffered income loss.

These factors are the few dissimilarities between the 27 firms we report on here and those in the NICB study. Ours include several continuous process firms; all initiated 4-day through management, not through labor; and none are in printing or the building trades (although one is in garment making). Ours involve metals, textile manufacture, service, retail trade, etc.

Otherwise, the *deja vu* experience is almost complete. Both then and now the firms were predominantly in manufacturing, and with the exception of Ford Motor Company then, the firms were small. NICB reports an average of 155 workers. Our average is 185, excluding Reader's Digest (3,500). (Percentage of female workers is dissimilar, though: 25% for 5-day, and 60% for 4-day.) In both cases many began the new schedule as a summer or temporary experiment. Some firms started and then abandoned 5-day when 5-day was new, just as some firms have started and abandoned 4-day.

Results were also remarkably similar: 70% of the 5-day firms had no loss of production, despite being on reduced hours. But some of the 4-day, 40-hour firms have *increased* production considerably!

4-DAY HISTORY IN THE OIL INDUSTRY

The 4-day week for employees is not so new as it may seem at first glance. Although I, for one, didn't know about this until I started to study 4-day, drivers of fuel oil and gasoline delivery trucks at most of the major oil companies have been on 4-day scheduling for the past 30 years. So, the idea is only new and revolutionary for other industries that are only now beginning to utilize 4-day, or to contemplate it.

At the oil companies, many other variations in scheduling drivers were tried before settling on 4-day. Five 8-hour days left Saturdays hanging. Three 13½-hour days made the men too tired to handle the trucks safely. Alternating the 3 days of work was not efficient for the drivers either. Four-day was settled on as providing the best utilization of equipment on a round-the-clock basis, without undue hazard to the drivers.

Between the 10-hour shifts are two 2-hour periods to service the trucks; so the men are not held up by repairs when their shifts arrive. If a seventh day is needed, as it sometimes is in winter, the men go on overtime. A Gulf Oil Corporation dispatcher said: "The men think it's terrific—they love the 4-day week. It gives them 3 days off. And it's great for vacations, because they can take a whole week, when they want to, by switching their schedule with another driver."

Still, the 4-day week is not universal for the drivers in this industry. As a representative of Mobil Oil Corporation said, 4-day "has met with employee resistance in some geographical locations. Whether drivers work on this schedule, or on the more normal 5-day week, is governed strictly by local conditions." Gulf adds that it is a matter of different traditions in different parts of the country. For example, as to Sunday work, "You won't find the drivers working Sundays below the Mason-Dixon line, east of the Mississippi. But in the north, you've got the bad northern weather which makes Sunday deliveries important."

The major oil companies are also examples of firms that provide *different* schedules in the *same* firm to meet differing needs of production and/or working conditions. According to Gulf, refineries operate three 8-hour shifts a day, 7 days a week; and the men alternate weekend days. For drilling sites, outside contractors may be hired; and these, in turn, hire workers on varied schedules. Some of the drilling sites are in remote places where the men are away from home, and there is nothing to do but work, eat, and sleep. The workers work 12 hours on and

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[1] Except one large firm that we heard of through a third party, which did not want to be cited.

[2] This is the source of the 5-day statistics reported in this Chapter.

12 hours off, 7 days a week, for 4 to 6 weeks; and then take 2 to 3 weeks off.

There are other industries too, not only those where the men are away from home and travelling, where the schedules may vary with the work situation. As Professor Sprague points out in her article, we ought to think more often of how to use a break in the mold to suit our needs better. Why be tied to a schedule that is not optimum for your firm—or for a *division* of your firm?

WHAT'S IN THIS BOOK?

What's in the book? The answers to the following questions: Who's doing it? Why? How? With what advantages? What disadvantages? And where might it lead us?

In a later section in this article you'll find the summary statistics on the 27 firms; and at the back of the book, there are short company profiles, in order to give you details on what's going on where.

After the summary data on the 27 firms, L. Erick Kanter provides an in-depth view of a 4 day firm in "An Industrial Pioneer Rescued by the 4-Day Week." Lawrence Manufacturing, the oldest textile mill in Lowell, Massachusetts (one of the oldest continuing firms in New England) had to do something vigorous about recruitment, or face moving out or closing down. Mr. Kanter tells us how they made the decision, how they implemented 4-day, and what the results are to date (positive).

Mr. Kanter then gives us a profile of employee reactions at Lawrence and at several other firms in his "Thank God It's Thursday!" The reactions are, by and large, very positive; but some typical negatives are given. One secretary says: "I am not really involved in the 4-day workweek and I hope it remains that way . . . Isn't the 10-hour day a step backwards?" Another woman, whose office is on 4-day, writes: "I can spend more time with the children and do more sewing, which is my hobby. The disadvantage is getting up on Monday morning, but that has always been a problem with me." Another woman, a factory worker who is very pleased with 4-day, says: "it's less expensive to travel to work 4 days instead of 5; and there is also less money to pay out to babysitters." Many add that commuting is now easier.

In "Fewer Days or Fewer Hours," Professor Linda Sprague points out where the shorter workweek fits into the history of labor-management battles over fewer hours and more pay. Until now, she says management has always fought a rear guard action.

The 4-day schedules have raised legal problems for some firms, particularly where women employees' hours of labor exceed state regulations requiring fewer hours for women than for men. The Assistant Attorney General of Oklahoma, Tim Leonard, gives a clearly thought-out ruling which has the effect of law in Oklahoma. His argument goes something like this: (1) if women are being denied the opportunity to have a 3-day weekend, because the state law doesn't permit them to work the same number of hours as men, then women are being discriminated against; (2) discrimination against women is against the U.S. Constitution; (3) United States law has precedent over state law; (4) therefore, the state law regulating women's hours is null and void; (5) therefore, women can work as long a day in Oklahoma as men can. He cites rulings in other states too. It is worth hearing about because many states restrict women's hours; and the 4-day firms frequently have to deal with these restrictions. Usually, they can get waivers; but getting waivers takes time and money. With Assistant Attorney General Leonard's opinion, the 4-day firm has extra ammunition.

D. Quinn Mills, Professor of Labor Relations at the Sloan School of Management, Massachusetts Institute of Technology, predicts 4 days, 40 hours, will not catch on. In "Does Organized Labor Want the 4-Day Week?" Professor Mills points out that although the employees at the current 4-day firms are enthusiastic about 4-day, organized labor takes a dim view of the 9-hour or 10-hour day. Unions are pushing for 4–32, and are likely to resist 4–40 with vigor; but, he says, the reactions of the unions at the 4-day firms are positive.

In "Breaking the 5-Day Mold," Professor Sprague spells out a number of methods to use in analyzing your scheduling loads, to determine whether 4-day, or some *other* schedule, would work out better for you. Break the mold, by all means, she advises, if you've got the kind of customer demand that requires it. What have you got to lose?

In "Interface with the Outside World," Grant Doherty, Sales Promotion Manager for Kyanize Paints, tells what some of the pitfalls can be when you change your schedule; and tells how to deal with them so you can "cry all the way to the bank."

Ken Wheeler published one of the very first articles on 4-day (in the May/June issue of *The Harvard Business Review*). A management consultant who specializes in 4-day conversions, he now tells us: "How to handle a 4-day Conversion." The key phrase, he and his associate Dr. Philip Bogdonoff say, is *prior planning*. He also includes a "Decision Track Analysis" that you can use as a quiz to see how much 4-day might or might not do for you.

Jim Steele, a Ph.D. Candidate at the University of Montana, and I report a survey we did of 168 employees at 13 of the 4-day firms, in "Work and Leisure: The Reactions of People at 4-Day Firms." We find 92% of the employees are pleased about 4-day. Of the *new* employees, 34 out of 44 stated that 4-day was an important reason for their joining the firm; and none said it was a disadvantage. We also tell how they spend their leisure. Moonlighting is way up (a fact a number of firms don't mind; some actively encourage it). Such things as camping, travel, movies, shows, and sports are much bigger. Nine out of 168 have purchased vacation homes. Only 6 people say they are bored. About 33% report increased spending; and several of these say they've finally had to cut back. Anyway, whether more or the same amount of spending, the *patterns* of spending are different now.

"Implications for Urban America" predicts how urban growth might change if 4-day became widespread. Although Professor William W. Nash, Jr., of Harvard, did not see Jim's and my employee study, he predicted a number of the employees' new patterns right on the nose! From these predictions of new activity patterns, he constructs predictions about land, housing, and transportation demand, noting along the way some tips for government, and for the private investor.

One of the differences between the NICB's book and ours, aside from theirs being on 5-day and ours on 4-day, is that theirs was written 11 years after there were a handful of 5-day firms, and ours is only a year after the first handful of 4-day firms. Presumably, the first book on 3-day will come one month after the first 3-day firms! But, no; the first 3-day book has been written before the fact by economist Dr. Millard C. Faught. In Chapter 12, "The 3-Day Revolution to Come," Dr. Faught explains why he is convinced that 3-day will be here, and be here soon. He sees 4-day as an early sign, but no more than that.

Three final notes: "Buzzie Bavasi's 4-day Plan for the Baseball World," a short Bibliography on the workweek, for aficionados, and a few lines about the authors.

WHAT IS THIS BOOK USEFUL FOR?

It should be useful for:

Company decision makers

If you've decided to convert, where do you go to learn from someone else, before you plunge ahead?

If you're just musing about it, where do you go to find out whether to consider it seriously?

If you have some unsolved problems, and you are *not* thinking of 4-day, is there something here that may turn the trick for you?

Union men

What's behind this management move?

How do the workers feel about it?

Business analysts, management consultants, staff advisors, production schedulers, personnel men

If this is what's happening, do you want to know about it?

Business suppliers, servicers, recreation industries, land developers, urban planners, government men

You, too, right?

Students of history and observers of today's world

Interesting, isn't it?

WHAT KINDS OF FIRMS ARE ON 4–DAY?

I had expected to find great similarity among the 4-day firms. Instead, the diversity of 4-day firms is amazing. Types of business, for example, include manufacture, service, retail, and wholesale. And the sizes of the firms, the production processes (of manufacturers), the seasonality of demand, the length of time in business, the locations, and the characteristics of the labor forces are strikingly dissimilar.

The major threads tying the firms together are their purposes for trying 4-day: concern for employees' welfare and incentive, which will be discussed below. There may be a slight tendency for some of the 4-day firms either to be more labor-intensive or more capital-intensive than other firms (in other words, somewhere away from the norm for firms); and also to have a larger proportion of female employees than other firms. The accompanying List of 4-Day Firms (on page 24) shows the basic statistics for each of the 27 firms studied.

TYPES OF FIRMS

Two thirds are manufacturers. Their fields are: abrasives products, electronic balancing devices, foods (both frozen and delicatessen), loudspeakers, metal castings, missile heads, paint rollers, paints and coatings (2 firms), paper boxes, petroleum products (2), pneumatic accessories, sheet metal fabrication (3), textiles, and underwear. (The oil companies are on 4-day for deliveries only.)

The 4 retail firms include clothing, fast foods, and 2 tire store chains that also have commercial and wholesale components. One of the retail firms is on a 4½-day week, at its offices only. The one strictly wholesale firm is a used-car auctioneer. The 4 service firms include: architecture, automatic data processing, a hospital, and a major publisher that is on a 4-day week in May only.

SEASONALITY

Ten have seasonal fluctuations in demand; seven do not.

BATCH PROCESS OR CONTINUOUS FLOW

Three manufacturers labelled their processes as continuous; 4 said they were somewhere between continuous and batch process; and 9 were batch process or job shops.

SINGLE FIRMS OR MULTI-BRANCHES

Twelve of the 27 are single firms; that is, one firm, one location. Fifteen are multi-branched; ranging from two divisions in different states, to over a thousand divisions or franchises across the nation (1 firm) or around the world (2). Eight firms have 2–7 branches; 3 firms, 8–10; and 1 has 1 local office, but divisions and other arrangements around the world.

4 DAYS, 40 HOURS—LIST OF 4-DAY FIRMS

[Note: Appendix A contains profiles of these 27 firms and also of other firms located too late for entry here]

Name	Location	Number of employees	Type	Notes
American Lacquer and Solvents Co. of Florida.	Tampa, Fla.	54	mfg. paints, lacquers, etc.	
Auto City, Inc.	East Boston, Mass.	130	wholesale auto auction.	night shift only.
Bridgeford Foods and Packing Co.	Anaheim, Calif.	[1] 240	mfg. frozen foods and delicatessen.	discontinued 4-day.
Geo. H. Bullard Co., Inc.	Westboro, Mass.	120	mfg. abrasives	
Carbonneau Industries.	Grand Rapids, Mich.	[1] 250	mfg. loudspeakers	discontinued 4-day.
Crocker Co., Inc.	Burlington, Mass.	44	sheet metal fabricators.	
Dalton Precision Division.	Cushing, Okla.	[2] 97	precision metal casting.	multiple locations.
4-day Tire Stores	Newport Beach, Calif.	34	retail and wholesale, tires.	multiple locations.
Jules Gillette	North Miami, Fla.	[1] 10	retail men's clothing.	multiple locations; discontinued 4-day.
Gulf Oil Corp., (one of many terminals).	Chelsea, Mass.	[2] 132	mfg. and sale of petroleum products.	multiple locations; drivers only.
Haines, Lundberg and Waehler, Architects.	New York City, N.Y.	[1] 400	service, architects-engineers.	multiple locations; discontinued 4-day.
R. C. Hollow Metal Co.	Denver, Colo.	29	metal fabrication	4½ days summer only.
Interstate, Inc.	Braintree, Mass.	50	mfg. paint rollers	
Kyanize Paints, Inc.	Everett, Mass.	[2] 115	mfg. paints, polish, coatings.	multiple locations.
Lawrence Manufacturing Co.	Lowell, Mass.	[2] 215	mfg. knit fabrics	multiple locations.
McDonald's Corporation.	Chicago, Ill.	[2] 741	retail, fast food industry.	multiple locations; 4½ days summer only; offices only.
Merrill Engineering Laboratories.	Denver, Colo.	[2] 25-30	mfg. balancing and aligning equipment.	multiple locations.
Milton Machine Co.	East Weymouth, Mass.	5	mfg. electronic components.	
Mobil Oil Corporation (one of many terminals).	Dearborn, Mich.	[2] 100	mfg. and sale of petroleum products.	multiple locations; drivers only.
Mother's Tire Co.	Atlanta, Ga.	[1] 18	Retail and wholesale tires.	multiple locations; discontinued 4-day.
New England Metal Spinning Co., Inc.	Malden, Mass.	26	metal fabrication	
C. A. Norgren Co.	Littleton, Colo.	[2] 500	mfg. pneumatic accessories.	multiple locations.
Reader's Digest	Pleasantville, N.Y.	3,500	service, publisher	multiple locations; May only.
Rex Paper Box Co., Inc.	Braintree, Mass.	65	mfg. folding paper boxes.	
Roger Williams General Hospital.	Providence, R.I.	1,200	service, hospital	nursing services only.
Nathan Solomon and Co., Inc.	Lowell, Mass.	140	mfg. ladies' sleepwear.	
Name withheld by request.	Massachusetts	[2] 100	service, date processing.	multiple locations.

[1] When they were on 4-day.

[2] Does not include those at branches.

GEOGRAPHIC LOCATION

The firms are located throughout the country, and in some cases, throughout the world, but home offices and single firms are more heavily concentrated on the east coast. The Boston area has 11 of the 27 home offices. Three home offices are in New York, and 1 each in Rhode Island and Pennsylvania. Three firms are in the south; 2 in Florida, and 1 in Georgia. A total of 19 on the east coast. Two firms are in California; 3 in Denver; and 1 each in Chicago, Oklahoma, and Michigan. Branches are just about all over the country.

The concentration of firms in some areas (Massachusetts, Colorado, Florida, and California) appears to be more a function of how innovation spreads than of how geography affects business. The word is spread by local news media and by trade associations. Also, some of the principals are acquainted with each other; for example, several of the principals at Jules Gillette, 4 day Tire, and Mother's Tire have worked together in the past.

YEARS IN BUSINESS

Two of the firms started business in the 19th century; one in 1826, and one in 1899. The newest firm is about 1½ years old, and opened its business on 4-day—4 day Tire Stores, with 8 branches. Only a few other firms have been in business for less than 5 years.

SIZE OF THE FIRMS

Judging by their numbers of employees, there is a large distribution of sizes. About one third of the firms have 215 or more employees (the largest is 3,500); about one third have 100-140 employees; and only a little over a third have fewer than 65 employees.

More than half of 4-day firms have 100 or more employees

Number of employees:	Number of firms
5-18	3
26-65	8
100-140	8
215-250	3
400-700	3
1,200-3,500	2
Total	27

The figures actually underrepresent the number of employees at 4-day firms, (1) because at the oil companies we could count only the 2 terminals we interviewed, excluding those we did not interview (since it was difficult to get correct information); and (2) because for most of the firms we did not count employees at branch offices and franchises. McDonald's, for instance, has 1,400 restaurants which are not included. In a sense, the added information is not strictly necessary: we have established the minimum figures which are more interesting than the out-sizes.

While 4-day is not (so far) a very-big-business phenomenon, it is not a tiny-business phenomenon, either. The median number of employees is 115, which is well above the median size of businesses in the United States. (And the mean average is 300; or 185 excluding the largest firm.)

PROPORTION OF MALES AND FEMALES

The proportion of female workers at 4-day firms is about 60:40 which is greater than the proportion of females at firms around the country (40:60). The range in percent of females is from zero at one firm to 95% at several. (The 25% females on 5-day, when 5-day first began, reflected the average number of women working then.)

AVERAGE AGE

Average age of 4-day workers is about 35 years. The range of averages at the firms is 25 to 42 years.

AVERAGE SENIORITY

Average seniority is about 5 years. The range of average seniority is from ½ year to 15 years.

FORWARD-LOOKING FIRMS

Several of the firms are pioneers with other new personnel practices. Reader's Digest has had the 35-hour week for many years. C. A. Norgren was one of the first firms to have employee profit-sharing and wage continuation for factory workers at times of sickness or accident.

IMPLEMENTATION

When? The dates on which the firms we know of converted to 4-day range from 1940 through today.

Most firms started 4-day in 1969 or later

Dates:	Number of firms
1940	2
1960	1
1962	2
1965	1
1969	15
1970, so far	6
Total	27

Several of the early 4-day experiments were discontinued (1960-1962). Thus, aside from oil firms, there is only one other firm with extensive 4-day experience—Merrill Engineering Laboratories, with 5½ years on 4-day. The others have 6 months to 1½ year's experience.

Many of the firms approached 4-day on an experimental basis. Fourteen said they had trial periods for 4-day ranging from 1 month to 1 year. Only 6 said they simply planned 4-day, and then plunged ahead. Almost all firms consulted with employees, beforehand, in one way or another.

PROPORTION OF LABOR FORCE ON 4-DAY

The 27 firms and branches that we interviewed had 6,800 employees on 4-day out of 8,300 (a *minimum* of 1,500 are not on 4-day, since in many cases there are other uncounted workers at uncounted branches—most of which are not on 4-day). The proportions of 4-day workers at the firms range from a high of 100% on 4-day at several firms to a low of 8% at one firm and 28% at another. The mean average on 4-day at these firms is a maximum of 80%.

Who is excluded from 4-day? The salesmen at manufacturing firms are always excluded from 4-day, since the people they sell to are working on 5-day. The next most frequently excluded are the managers. Shipping and receiving are next, and, finally, office workers.

Half of the women at 4-day firms are on 4-day, and half are not, excluding the largest firm. If the largest firm is included, 75% of the women are on 4-day. But there are 9 firms that have none of their women on 4-day. In most cases, the women are excluded because there is a need for production to be on 4-day, and for the office to be open 5 days.

In a few cases, the women are excluded because the firm was unaware that it could obtain a waiver of the restrictions against long hours for women. (In these cases, we were able to assist the firms by informing them that waivers *are* obtainable in most states; that many firms have received them.)

Generally, the firms with women on the types of 4-day schedules that violate their state's regulations first *try* the schedule, and then, after trying it, obtain a waiver. (More about waivers in Chapters 5 and 9.)

In several of the firms, employees are given a choice of 4-day or 5-day; so that there are 4-day and 5-day workers working side by side on their different schedules. Firms that handle the 4-day adoption process in this fashion (by individual choice) tend to report that more and more workers elect 4-day as time goes by. The 27 short profiles (in Appendix A) provide a few examples of firms starting with 50½ electing 4-day, and getting 80% after a month, and 100% after a year.

WHY DO THEY DO IT?

In every case that we know of, the 4-day idea was initiated by management, and not by labor. Also, it was a *top* management innovation. Why?

The firms choose 4-day to gain a variety of advantages. The most prevalent purposes involve labor. The 27 firms cited 49 labor reasons and 22 non-labor reasons for 4-day.

The labor reasons, in order of greatest frequency, are: more incentive, better morale, or better living conditions for employees; reduction of labor costs as a percentage of sales; recruitment of *more* labor; recruitment of *better* labor; reduction of absenteeism; and/or reduction of tardiness or turnover.

The non-labor reasons, in order of frequency, are: increased output; decreased production costs; reduction of other nonlabor costs (for example, better utilization of capital equipment); improved throughput; better sales promotion; and/or better profits on sales.

Several firms have been innovators in personnel policies in the past, and are simply continuing their precedents. The Reader's Digest, for instance, has been on a 35-hour week for years; and DeWitt Wallace, Co-Chairman, says their 4-day week puts the Digest once again in the forefront of what he is convinced will be a major trend.

The 4-day idea has spread in a variety of ways, as mentioned elsewhere, but one aspect of 4-day is common to all the 4-day decisions: 4-day is seen as providing advantages simultaneously to the firm and to labor. The advantages to the firm are varied; but for labor, it is the 3-day weekend.

HOW DOES THE WORKWEEK CHANGE?

Most firms had been working hours above the average for the U.S.A. So, although the firms in many cases reduced the number of hours in their workweeks, the total hours they now have in the workweeks are by and large *not* far below the national average. The median number of hours in the workweeks at the 4-day firms (excluding overtime) is 36, and the mean average is 36.7. In comparison, the mean average for the United States in 1969 is 37.0 hours—a difference of only 0.3.

The current hours in the 4-day firms' workweeks are given in the Chart of Hours, Days, and Shifts, below. All rest breaks and lunch breaks are omitted from the count; and the totals are rounded off to the nearest hour.

CHART OF 4-DAY FIRMS' HOURS, DAYS, AND SHIFTS

Hours per week		Days open per week		Shifts	
Hours	Number of firms	Days	Number of firms	Shifts	Number of firms
40	4(1)				
39	2	7	4(1)		
38	1	6	3		
37	5(1)	5½	1	1	17(4)
36	8(2)	5	7(1)	1½	2
35	4(1)	4½	3	2	4(1)
34	3	4	9(3)	2½	4
Median = 36	Total = 27	Median = 5	Total = 27	Median = 1	Total = 27

Note—Numbers in parentheses indicate the number of firms in that category that discontinued 4-day—a total of 5 firms. There appears to be no particular significance to the pattern for these firms; except possibly, that 3 of them were open for business only 4 days, and 3 are at or below the median number of work hours for the group.

Of the firms for which there is both before and after information, 4 firms increased their total hours, and 13 decreased their hours. Both the mean and the median average decreases for all 17 firms were 1 hour and 10 minutes. The increases ranged from 15 minutes to 1 hour. The decreases ranged from 30 minutes to 4 hours. The median reduction for the 13 firms was about 1 hour and 45 minutes, and the mean average was very close. For 10 firms, no comparison could be made, either because we collected no *before* information (4 firms), or because there was no basis for comparison (4 new firms opened on 4-day, and 2 other firms converted to 4-day 30 years ago).

Sixteen of the firms have ½-hour lunches; two have ¾-hour lunches; and none reports a 1-hour lunch. But only 3 firms reduced their lunch periods.

As mentioned before, the firms are open for business varying numbers of days per week, hours per day, and shifts per day. Nine firms are open only 4 days a week; 2 are open 4½ days, summer only; or May only; and 8 are open 5½ days or more. The median is 5 days. Seventeen firms have 1 shift only. Eight have 2 or 2½ shifts. (The 2½ shifts usually run two 10-hour shifts, sometimes with two 2-hour shifts, sometimes with one 4-hour shift.)

I think it is important to note that the reduction of one day's work hours naturally brings an accompanying reduction in the week's total number of rest, coffee, wash-up, and lunch breaks. The firm also gets less start-up and stoppage (in effect, gets more workhours in the new week when the same number of work hours is compressed into the 4 days). Even when the new week has *fewer* total work hours, there can also be overall gains from having fewer start-ups and breaks to pay for. In addition, in some cases, firms that reduced the workweek also eliminated or reduced some breaks, gaining still more production hours. (Also, most firms had been working hours above the average for the U.S.A.)

WHAT HAPPENS TO THE WAGE BILL?

Most of the firms pay for a standard 40 hours a week, regardless of the actual number of hours in their new standard workweek. There was no change in weekly paycheck for 17 of the 22 firms for which a before and after comparison is practicable (those firms that have recent prior experience on non-4-day schedules). The firms usually have held the paycheck constant by juggling their interpretation of straight hours and overtime hours, counting some prior straight time hours as overtime hours. Some simply gave a rate increase while reducing the total hours paid for.

Of the 5 firms that changed their paychecks, only 1 reduced it (by reducing the number of hours the paycheck is calculated on). One of the 4 that increased their paychecks increased both their workweek and their paycheck by 1 hour (workweek, actually by 50 minutes). One increased its workweek by 50 minutes and its paycheck by a full 10%. The 2 other firms increased their pay rates to compensate for inflation although they decreased work hours.

The paychecks' being as high or higher than before 4-day means that most workers received an increase in rate of pay, because most are working fewer hours for the same total paycheck. Even if we allow for fewer paid breaks and for greater amounts of productive worktime, there is still an effective increase in rate of pay. Of course, for those at the 4 firms with absolute increases in paycheck, the increase in rate of pay is still higher. For the one firm with a reduced paycheck, the generally frequent opportunity for overtime may make the workers come out ahead anyway; they get to overtime sooner in the week.

ATTENDANCE BONUS SYSTEMS

A bonus system was instituted by 3 of the firms that reduced their workweek and by 1 that increased it. Their workweeks are approximately 36 hours excluding breaks. Employees are paid for 40 provided that they work the full 36 hours. If they work less than 36 because of lateness or absence, they lose some of their standard pay for that time and also some or all of their weekly attendance bonus. (Only 1 of the 4 firms still has attendance problems; and that firm reports the severity of its problem is reduced.) Fines are not levied when there are bona fide reasons for lateness or absence.

The bonus system gives a higher pay rate to those workers who choose to work the amount time the firm requires, and a lower rate to those workers who choose to work what the firm regards as a less desirable amount. This pay difference can be viewed as a differential rate for more and less desirable workers or as a form of overtime.

OVERTIME

Almost all the firms have, and pay, overtime for hours beyond their new standard workweek. Many are job shops or have seasonal variations in demand. But some firms have no occasion for overtime, or have all employees on salary or at piecework pay rates with a guarantee against piecework. In each of the firms that does have overtime, it is handled differently. The method seems to be tied to the way in which the firm solved the dilemma of maintaining the same weekly paycheck for a new work schedule with fewer hours in it. Some pay overtime each day for hours above their new daily schedule (above 8, 9, 9½, etc.). Others pay overtime only for those hours at the end of the week that exceed whatever the new standard total is (ranging from 34 to 40). A few pay overtime only when the hours exceed their *old* standard workweek.

WHAT RESULTS?

The greatest number of improvements sought were in labor factors, and it is in labor factors that the greatest number of improvements are obtained. (See Table of Purposes and Results.) The 27 firms cited 77 improvements in labor factors. The most frequent benefit is incentive, morale, or better living conditions for employees; and the second most frequent is reduction of absenteeism (15 of 22 firms). The other improvements, in order of frequency of mention, are: increased number of job applications; easier recruitment; reduction in labor costs as a percentage of sales; reduced turnover; reduced tardiness; and reduced overtime.

A striking result is that the firms generally obtained more improvements than they had looked for. This was especially prevalent among non-labor factors, where they cited 48 improvements.

TABLE OF PURPOSES AND RESULTS

[The firms generally obtained more than they had sought]

Performance categories	Purpose for 4-day	Results on 4-day: Better	Same	Worse	Total
Labor factors:					
Absenteeism	4	15	2	0	17
Benefit or incentive[1]	19	17	4	[5]1	22
Costs	7	9	4	[4]3	16
Overtime	2	4	1	1	6
Recruitment: more[2]	8	12	2	0	14
Recruitment: better[3]	5	9	4	0	13
Tardiness	2	5	7	1	13
Turnover	2	6	3	0	9
Total	49	77	27	6	110

Performance Categories	Purpose for 4 day	Results on 4-day: Better	Same	Worse	Total
Nonlabor factors:					
Costs	4	3	0	0	3
Customer service	1	7	6	[5]3	16
Ease of scheduling	0	0	4	12	16
Flexible scheduling	0	4	0	0	4
Production costs	4	10	3	[6]1	14
Profits on sales	2	8	3	0	11
Output	5	12	6	0	18
Throughput	3	3	0	0	3
Sales promotion	3	1	0	[5]2	3
Total	22	48	22	18	88

[1] Change in morale was used as a measure.
[2] Number of applications was used as a measure.
[3] Ease of recruitment was used as a measure.
[4] All said added costs are compensated for by increased production and sales.
[5] All discontinued 4-day.
[6] Compensated for by sales; so profits are the same.

Note: Not all firms answered all questions.

Output was up for 12 firms. Production costs were down for 10 firms. Profits were up for 8 firms; and customer service was better for 7. (Note: not all firms answered in all categories. The questions of purposes and results were unstructured, and categories were set up after the firms' answers were collected.)

Increases in total output and in throughput were obtained in many cases at firms where the number of hours of labor had been reduced. It is sometimes said that most firms operate at less than peak efficiency. The question is why? The results of 4-day firms indicate that total number of hours on the job is less critical to output than other factors, such as distribution of hours and employees' willingness to produce.

Some of the firms found *some* disadvantages. Twelve firms found scheduling more complex on 4-day, but none discontinued 4-day for this reason. (In fact, none of the firms discontinuing 4-day even mentioned having more complex scheduling.) Other disadvantages cited by some of the firms that are *pleased* with 4-day are fatigue for employees, increased workload for supervisors or management, and shipping and receiving problems for firms open only 4 days. The firms claim that these disadvantages are more than compensated for by the advantages.

The 5 firms that discontinued 4-day cited disadvantages that none of the other firms mentioned: complaints by employees, poor customer service, and worsened ability to promote sales. The firms that discontinued 4-day cited the *same* types of advantages that the other firms did. It appears that the types of factors that they alone had difficulty with are therefore critical factors. None of the other 22 found problems in critical areas.

On the whole, advantages far outweigh disadvantages, and more advantages were obtained than had been anticipated. Some of the advantages, though, particularly easier recruitment, will be temporary if 4-day becomes widespread.

WHY SOME FIRMS DISCONTINUE 4-DAY

The 5 firms that discontinued 4-day after trying it for several months to a year's time or so have a variety of different reasons, and have very few things in common with each other, except that they report disadvantages that none of the other firms report. There are 2 manufacturers, 2 retailers, and 1 service firm.

Three have customer-related reasons for discontinuing 4-day. The architecture-engineering firm found some major clients were dissatisfied with the unavailability of *key* personnel. Their purpose for trying 4-day for the summer was to encourage vacations at other times in the year, to keep the work force more even throughout the year. But, although the employes liked it, and though the firm found it had more flexibility for dealing with a suddenly increased work load, and so on, they had to discontinue it. The firm reports it would like to go on 4-day again in the future when there is a new set of clients.

Two retail firms—one, a discount men's clothing store; the other, a discount tire store chain—were both new firms when they tried 4-day. (Only 4 out of the 27 studied are new firms.) Not enough customers showed up. The owner of the clothing store says he could not afford to risk further experiment after a few months' trial. One of the owners of the tire store said his stores could not afford to spend enough on promotion to make 4-day work out. He, too, says he would like to try 4-day again, with a bigger promotional budget. The purpose behind these retailers' moves to 4-day was to keep labor costs down and also have the firms be different enough to attract customers easily.

The manufacturers' reasons are unrelated. One, in frozen foods and delicatessen, tried 4-day when the workload was high and a key consideration was utilization of equipment—a 7-day, 20-hours-a-day week. When the workload dropped, the greater difficulties for management became key; so 4-day was dropped. The owner comments that they were pleased with 4-day when they needed it.

Another manufacturer of loudspeakers says he went on 4-day for his employees' sake and also because the firm would get better productivity with fewer start-ups. After a year 60–65% of the girls were disgruntled; so it was discontinued. He says he feels he was at fault for not presenting 4-day thoroughly. He calls it "a failure of leadership."

As to characteristics that the firms have in common or have in *contrast* to the firms remaining on 4-day there is little to report aside from the fact that 2 of them are *new very small* retailers; that 3 have customer problems; that 3 of them were among the earliest 4-day starts (2 in 1962; 1 in 1960); and that none are located in New England. The other characteristics fit the pattern of the continuing 4-day firms except that none of these firms had better recruitment as a primary purpose for 4-day which is an important reason for many other firms.

A NOTE ON RETAILERS

The 4 retailers are McDonald's Fast Foods, 4 day Tire Stores, Mother's Tire Stores, and Jules Gillette's discount men's clothing. McDonald's is on 4-day in its offices only; and, there, only in the summer. Mother's and Jules Gillette discontinued 4-day.

So, basically, there is only one set of retail stores on 4-day, the 4-day Tire chain. The owners say 4-day is good for keeping their costs and prices under those of the competition, and that 4-day has had advertising value. Unlike the other 2 retail stores, they promoted 4-day very heavily—$100,000 in their first year of operation. Secondly, they are open Thursday through Sunday; the other 2 were closed Sundays. Thirdly, they have a 40-hour week, while the others had 36 and 35 respectively.

I think that each of these factors—promotion budget for the new stores (all 3 were new), Sunday opening, and 4-hour to 5-hour difference in hours opened—played a part in the results. The California tire stores also have the advantage of being in a district where Sunday sales are both legally permitted and socially accepted.

These 3 retailers provide an example of retail stores being open for 4 days only; but not an example of retail stores using 4-day manpower scheduling on 5-day, 6-day, or 7-day openings, which is another alternative to consider. Could 4-day be useful to a retailer open 5 or more days? It has not been tried, to our knowledge; yet it may be worth exploring. (See Chapter 7 for scheduling ideas.)

HOW DO THE FIRMS EVALUATE 4-DAY?

After giving specifics, most of the firms were asked to give their overall reactions, impressions, and judgments of what 4-day is doing for the firm. Here are their evaluations.

How do you feel about the 4-day week, from the point of view of what it is doing for your company?

Feelings:	*Firms*
Very satisfied	12
Satisfied	2
Indifferent	3
Too soon to tell	5
Discontinued	5
Total	27

Would you recommend it to others?

Recommendations:	*Firms*
Yes	11
Depends on type	5
No, they don't know how to use it	1
Total	17

Would you do it again? Yes=20; No=1 (total=21). Two of the affirmative firms are firms that discontinued 4-day. Both say they plan to try 4-day again. The 1 negative firm is also a firm that discontinued 4-day. Even the firms that said they felt indifferent to 4-day say they are pleased they tried 4-day, and would do it again.

Would you do it in the same way? Yes=12; No=8 (total=20). Here are the things that they would do differently (the last two comments are from firms that discontinued 4-day):

1. Would pay overtime after the 8th hour in a day, to provide more incentive.

2. Would settle vacation days and their rate of pay before converting, to avoid disputes afterwards.

3. Would allow old employees an extra day off each month without deducting from the bonus, but not new recruits; to discourage abuse and to reward employees who work more years at the firm.

4. Would advertise itself more heavily, to make the firm better known and to bring more customers.

5. Would change other plant rules at the time of introducing 4-day, to get improved work rules at a more favorable time. An exchange of favors.

6. Would spend more time explaining and pursuading employees to choose the 4-day option, rather than 5-day option; so fewer new workers would need to be hired and trained for the 4-day shift.

7. Would spend more on advertising, because feels 4-day could have worked for the new firm had they spent more.

8. Would spend more time explaining and introducing 4-day to the employees, so they would accept it.

Do you expect any erosion of gains you've made on 4-day, or any problems in the long run? Yes=2; No=13; Don't know=1 (total =16). Those saying *yes* felt they would lose their current advantage in recruiting as 4-day spreads.

ARE SOME FIRMS PAYING HIGHER WAGES THAN THEY NEED TO?

Since many 4-day firms report long waiting lines for jobs where once there were few or no applicants, it raises the question: are they overpaying by paying the same wages they used to?

As discussed above, although there were very few pay increases, the reduction of hours means an increased rate of pay. There is also less money being spent on transportation to and from work and, in some cases, on baby-sitters. These are effective pay increases for employees, though small ones.

But there is an additional effect of the 4-day week. The reallocation of work hours also means, of course, a reallocation of leisure hours. The same number of leisure hours appears to be much more valuable bunched together on 4-day than when spread out, as on 5-day. Chapter 10 and other Chapters report the workers saying they are able to do things on the 3-day weekend that they could not do on a 2-day weekend; and so forth. This means an increase in the marginal utility of the leisure hours; and, therefore, a boost to a higher level of satisfaction for the consumer of the total package of leisure and wage income. Also, because transportation to and from work is now generally less time-consuming, there is an absolute increase in the number of leisure hours available, which are now more valuable hours.

In short, 4-day provides increased pay rate, decreased expenses, more leisure hours, and a distribution of leisure hours that makes them more useful and more valuable whether they are used for leisure or for gaining additional income at a second job. Any one of these alone is a benefit to the workers. Together, they make a vastly improved "pay" package for the same job.

Most of this vast improvement in "pay" is not taxable, either, which makes it even better. Considering that monetary pay increases are generally very quickly eaten away by both a rising tax rate and also spiralling inflation, 4-day is one of the very few types of pay increases a worker can collect which he can also retain intact over time!

The change is not a total advantage, of course. There is a trade-off against some additional fatigue on the job from the longer hours; and also some inconvenience in meshing the 4-day schedule with family, friends, and institutions still on 5-day. Still, the workers seem to come out ahead.

The answer to whether pay is too high must include the improvements the firms obtain. If profits are improved on the same or a lesser wage bill, as many firms report, some of this improvement may justify the higher "pay" package for the workers. The question is probably unanswerable in terms of logic or ethics, and only answerable in terms of action. (One firm reported paying lower wages to new 4-day employees.) The answer is: to experiment.

WILL IT CATCH ON?

Any effort to predict whether 4-day will spread has the advantage of looking back on the advent and spread of the 5-day week in the U.S.A. There are many similarities in the 2 phenomena. Both started with relatively small businesses; both with predominantly manufacturing firms; both with some firms abandoning it along the way; and both in order to give a benefit to labor at little or no cost to the firm. In both cases, output did not suffer, although the 4-day results are much better than 5-day since there is less reduction in total hours with 4-day.

One of the more interesting parallels, to me, is the innovation's emerging in New England. New England, particularly Massachusetts, has been a continual hotbed of innovation, in a country that has done a lot of innovating. Massachusetts was the first state to have laws restricting females' hours of labor to protect them from abuse (1879); the first state to offer free public education; the home of the Suffragette movement; and now the home of the women's liberation movement; and so forth. The first 5-day firm started here in 1908; and the first 4-day firms as well. Why this happens I cannot say, but it is fascinating that beneficial innovations repeatedly occur at and spread from the long-established northeast coast, the heart of the so-called Establishment.

Unlike 5-day, 4-day is taking place at managements' initiative while unions in other industries are still on 5-day, but are pushing for 4-32. Four-day is taking place during a recession, when profits are being squeezed, and also when many molds are being broken.

Four-day is a reallocation of work hours, and occasionally, a small reduction as well, by firms that had workweeks longer than the average for the U.S. It is usually a year-round occurrence, but sometimes a summer thing. It usually begins as an experiment, or on a trial basis; and usually is a conversion from 5-day, but sometimes new firms open with 4-day.

This book was written primarily to be useful to people who have decisions to make. It is based on a careful study of 4-day firms by professional business analysts and practitioners. And all the facts are reported along with their opinions, both pro and con. The reader can, therefore, draw his own conclusions.

A number of us see 4-day as part of today's mold-breaking, and see today's mold-breaking as a thing of ever-increasing pace.

In my opinion, 4-day will spread, and spread rapidly, because it works well. Firms, by and large, are more efficient on 4-day; and employees, by and large, are better off with a 3-day weekend. It may also be better for the nation: if firms are more productive on 4-day, then 4-day has potential for increasing the GNP.

Whether or not 4-day spreads, it is significant that 4-day experiments are happening at a moment in history when many other nations (Russia, for one example) have only just recently reduced their workweek from 6 days to 5, and much of Europe, for instance, is still on 6-day. Conservative Americans may rejoice in this example of the benefits of our brand of capitalism. But there is still more to it.

We note a startling reverse in who actually constitutes the leisure class in America. Over the past decades, managers and professionals have come to work increasingly longer hours and more days per week. Meanwhile, labor has tended to work increasingly fewer hours and fewer days. This is not a complaint—merely a comment on American life today.

Whether 4-day spreads or not, now that it's here, let's see what we can do with it. How can we use it to meet our goals today? Particularly, what if anything can it do for *you?*

ADMINISTRATION'S PROGRAM TO INCREASE DEPOSITS IN MINORITY BANKS

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, a largely unrecognized concern of the Nixon administration is its desire to increase deposits of minority owned and minority operated banks. Evidence of this concern is the administration's progress to move $35 million in Federal deposits to minority national banks.

Under Secretary of the Treasury, C. E. Walker, reported on the successful progress of the program to a Subcommittee of the Banking and Currency Committee this week.

Under Secretary Walker stated that this month Federal deposits in minority owned national banks had reached and surpassed the $35 million goal. In addition the Department of Commerce and the Department of the Treasury have concurrently conducted a campaign to send new private State and local government deposits to these banks.

Partially as a result of this administration's actions, and partially as a result of their own aggressive salesmanship, the 35 minority owned commercial banks have had a growth of 40 percent in deposits for the year ending 1971. I take great pride in noting that the only minority owned bank in Minnesota, which is located just outside of my district, had an increase of 135 percent in this period.

Secretary Walker made it clear to the committee that he is pleased with the progress so far, but there is room for plenty more. Specifically, the increased deposits have created a need for greater capital, and there is a need for less volatile, long term, deposits.

I applaud the administration's efforts to help minority owned banks increase and expand their services to their collective clientel. I welcome and encourage further efforts.

Secretary Walker's formal statement is printed below along with the table showing the minority owned banks and their deposit increases, and a letter from the President of the National Bankers Association—the industry association of minority owned banks—to President Nixon recognizing the fine work the administration has done.

DEPOSIT TRENDS IN MINORITY-OWNED COMMERCIAL BANKS, TOTAL DEPOSITS

[Dollar amount in thousands]

Bank	Sept. 30, 1970	Sept. 30, 1971	Percent increase
Bank of Finance, Los Angeles	$14,847	$17,753	19.6
Pan American National Bank, Los Angeles	13,047	15,855	21.5
Industrial Bank, Washington, D.C	21,150	25,124	18.8
United Community Bank, Washington, D.C	7,014	11,246	60.3
The Bank of Miami	14,050	23,593	67.9
Citizens Trust Co., Atlanta	24,593	29,337	19.3
Carver State Bank, Savannah, Ga	3,348	4,260	27.2
Independence Bank, Chicago	13,014	21,891	68.2
Seaway National Bank, Chicago	20,677	26,472	28.0
Douglass State Bank, Kansas City, Kans	10,027	11,113	10.8
Unity Bank and Trust Co., Roxbury, Mass	9,542	10,277	7.7
First Independence National Bank, Detroit	[1] 3,900	[1] 17,000	335.9
First Plymouth National Bank, Minneapolis	3,575	8,420	135.5
Swope Parkway National Bank, Kansas City, Mo	[2] 7,000	13,911	98.7
Gateway National Bank, St. Louis	9,606	14,325	49.1
Centinel Bank of Taos, New Mexico	[2] 3,555	5,359	50.7
Banco Credity y Ahorro Ponceno,[3] New York	5,684	7,574	33.3
Banco de Ponce,[3] New York	64,169	85,220	32.8
Banco Popular de Puerto Rico,[3] New York	38,721	53,488	38.1
Freedom National Bank, New York	38,985	46,207	18.5
Mechanics & Farmers Bank, Durham, N.C	$20,353	$26,636	30.9
Unity State Bank, Dayton, Ohio	595	3,071	416.1
Freedom Bank of Finance, Portland, Oreg	1,900	3,709	95.2
Victory Savings Bank, Columbia, S.C	2,737	3,409	24.6
Tri-State Bank, Memphis, Tenn	9,610	13,841	44.0
Citizens Savings Bank & Trust Co., Nashville[4]	7,151	6,581	(−8.0)
Pan American National Bank, Houston	1,535	4,209	174.2
Riverside National Bank, Houston	6,193	7,983	28.9
First State Bank, Danville, Va	4,438	5,618	26.6
Consolidated Bank & Trust Co., Richmond	11,710	14,180	21.1
Liberty Bank of Seattle	3,789	5,847	54.3
Total (31 banks)	396,515	543,509	37.1
Add banks not open September 30, 1970:			
Banco del Pueblo, Santa Ana		1,560	100.0
Pan American National Bank, Union City, N.J		2,086	100.0
Atlantic National Bank, Norfolk		468	100.0
North Milwaukee State Bank		4,379	100.0
Total at September 30, 1971		552,002	39.2

[1] Approximate amounts as furnished via phone; actual amounts not available.

[2] Figure not available via phone; amount shown is from October 28, 1970 call report.

[3] Deposits reported represent New York City offices only.

[4] Includes a large city account which is maintained with several banks on a regular rotating basis and was not with the Citizens Savings Bank & Trust Co. in September 1971.

STATEMENT ON ADMINISTRATION'S PROGRAM TO INCREASE DEPOSITS IN MINORITY BANKS BY UNDER SECRETARY OF THE TREASURY, CHARLES E. WALKER, OCT. 26, 1971

On July 6, 1971, in a hearing before the Subcommittee on International Finance of the House Banking and Currency Committee, Representative Henry Reuss stated that the Administration's program to move $35 million in Federal deposits into minority-owned commercial banks over a 12-month period (October 1970 to October 1971) was "a miserable failure." Later, on September 28, 1971, Mr. Reuss inserted a similar statement into the CONGRESSIONAL RECORD.

Mr. Reuss is wrong. The record on the program is now almost fully complete, and it indicates that the program was a success.

Item: Deposits in the 35 minority owned commercial banks (27 owned by Blacks, 8 by Spanish-speaking Americans) increased from $397 million on September 30, 1970 to $552 million on September 30, 1971. This was a growth of $156 million, or almost 40 percent. (See attached table.)

The growth was spread well among the individual institutions. Thirteen had a growth rate that exceeded the average of 40 percent. Only one experienced a decline in deposits (reflecting primarily the shift of a large rotating city account), and a second had a growth rate of only 7.7 percent (during a year of management reorganization).

Item: The specific target for Federal deposits was reached in October and we estimate that at the present time the increase amounts to $40 million—$5 million more than the goal—with additional commitments promising continuing growth in the total.

Item: The Department of Commerce concurrently conducted a campaign to attract $65 million in private deposits to the banks. As indicated above, non-Federal deposits rose by over $100 million, not all of which can be attributed to the program. But the Under Secretary of Commerce tells me that the private-sector program will easily have attracted $100 million (versus the $65 million goal) by the end of 1971.

Item: The president of the National Bankers Association (trade association for the minority banks) wrote President Nixon on October 15, 1971, applauding the success of the program and citing an NBA resolution on the matter. (The letter is attached.)

Conclusion: The program to build deposits in minority banks is off to an excellent start, in fact, there is danger that in some of the institutions deposit growth will outrun capital strength, since sound banking requires the maintenance of adequate capital relative to deposits. This is especially the case for those institutions which are dedicated to serving minority groups, for such loans by their nature tend to be riskier than some other credit extensions.

Nevertheless, the Treasury Department will continue to administer the minority deposit program, with special attention to moving funds that will remain with the institutions for relatively long periods of time.

GATEWAY NATIONAL BANK,
St. Louis, Mo., October 15, 1971.

The PRESIDENT of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Member Banks of the National Bankers Association are fulfilling an important function as conduits of capital and credit to Black and other minority communities in America. Our ability to do so has been enhanced as a result of a deposit solicitation program of the association.

Your response and leadership, as well as that of other governmental agencies and private industry has contributed immeasurably to the success of the program. In recognition of this, the delegates who attended our annual convention recently held in Washington, went on record expressing appreciation to you and others through the following resolution which was unanimously adopted:

Resolved that the National Bankers Association hereby expresses its appreciation to the White House, State and local governmental agencies, American industry and Capital Formations, Inc. for their meaningful response to the Deposit Solicitation program of this association in behalf of its Member Banks. These efforts are beginning to reflect themselves through increased deposits and thereby providing resources which can be channeled into effective economic development of minority communities,

Resolved also, that the members of the association, in recognition of the purposes for which this effort is conducted, hereby reaffirm our commitment to meet our responsibility to use these deposits to the maximum extent possible for the growth and development needs of our respective communities and to urge that this important effort be continued, expanded and made a permanent program.

Your schedule permitting, the officers of our association would welcome the opportunity to meet with you personally to report specifically on how these funds have been utilized in our respective communities, and to discuss the possibility of expanding the program and making it permanent.

Sincerely,

I. OWEN FUNDERBURG,
President, National Bankers Association.

GRAIN CRISIS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, last Friday noon 28 Members of the House joined me in signing a wire to President Nixon urging him to order striking dockworkers at Gulf of Mexico ports back to work under Taft-Hartley authority.

The next day, the National Labor Relations Board secured a temporary restraining order in Federal court enjoining the striking dockworkers at the Port of New Orleans from continuing their walkout.

The effect of the back-to-work order was seen almost instantly. Corn prices went up 3½ cents per bushel at the gulf immediately upon the opening of grain markets Monday. This increase was reflected, also immediately, in the prices Illinois waterway grain elevators were able to pay farmers now at the peak of their corn harvest. Later in the day when the dockworkers left the docks after deciding to appeal the restraining order, the price immediately weakened.

These two abrupt price changes show conclusively that grain prices paid cornbelt farmers are directly affected by the dock strike.

NLRB officials believe the walkout at the gulf ports is a secondary boycott which violates the Taft-Hartley law. According to NLRB officials, while the New Orleans dockworkers may have grievances of their own, the principal reason for their strike is not those grievances, but rather, to support the striking east coast dockworkers. Under the Taft-Hartley law, such a strike is considered to be a secondary boycott and, therefore, illegal.

Yesterday NLRB attorneys were in Federal court in New Orleans seeking a temporary injunction to give the NLRB sufficient time to decide the merits of the case.

The court granted the temporary restraining order based on a demonstration of irreparable harm should the strike continue until the temporary injunction is granted or the NLRB reaches a decision.

Certainly irreparable harm is being done the farmers of the Nation who are forced to take lower prices for their crop because of the walkout at gulf ports.

In addition, I witnessed corn being dumped on the ground in the rain in my district Saturday morning. This corn, in a pile 15 feet high and going higher, was uncovered, exposed to the elements and certainly going to be of a lower grade when it is sold.

The open air storage is necessary because all available grain elevator and on-farm storage space was taken as a result of the 3-week-old gulf port strike. Grain elevators in Illinois must turn over their total space at least two and one-half times during the harvest to accommodate all the grain their customers produce. Since the dock strike, river barges and railroad cars have been nearly impossible to obtain, bringing normal elevator rotation of corn purchases to a standstill. The only alternatives are to store grain on the ground or not harvest it at all.

The strike has been costing grain farmers at least $1 million a day. For these farmers, the action taken by the NLRB last Saturday was good news, indeed. I have written Secretary of Labor Hodgson today complimenting him for his leadership. A copy of my letter is attached as part of these remarks.

Also attached is a story from the October 18, 1971, issue of the Wall Street Journal, which, in my opinion, spells out more clearly than anything I have seen up to this point, the justifiable reason why the gulf coast dockworkers should be back on the job irrespective of the New York longshoremen's strike.

The material follows:

WASHINGTON, D.C.,
October 27, 1971.

Hon. JAMES D. HODGSON,
Secretary,
U.S. Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: Your interest in obtaining a temporary restraining order enjoining the dockworkers at the port of New Orleans from continuing their strike is good news, indeed, to the grain farmers of the nation. This port is vital to grain shipments overseas.

This past weekend I toured several counties in my west-central Illinois district and on Saturday witnessed a grim sight.

In the community of Waverly, Illinois I saw a 15 foot high pile of corn stored on the ground, damp from a one-inch rainfall the night before. This same situation is occurring in at least 30 Illinois towns and villages as grain elevators, filled to capacity because they are unable to ship their grain, are forced to dump corn on the ground.

Farmers understand very well the impact this strike can have. The price of corn at the Gulf of Mexico immediately went up 3½ cents per bushel after the restraining order was obtained. This price increase was reflected in bids for corn along the Illinois waterway where our farmers are delivering their corn daily. Prices quickly weakened when the gulf dockworkers walked off the job again yesterday.

While it is too early to measure accurately the price impact of the restraining order over the long haul, it is apparent from the immediate spurt when the restraining order was issued, and the subsequent decline in grain prices, that the strike has a direct effect on the price of corn.

The losses to farmers caused by the strike are permanent and irreparable. I urge you to do everything within your power to keep the port of New Orleans open, and I commend your courageous initiatives so far.

Best wishes.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

[From the Wall Street Journal, Oct. 18, 1971]

BIZARRE LABOR DOINGS ON THE DOCKS

(By John D. Williams)

NEW YORK.—The refusal of dockhands here to accept regular employment will continue to tie up ships from Portland, Maine, to New Orleans until some Solomon-style solution is found.

It's bizarre, indeed. Historically, the livelihoods of longshoremen who lug and tug at cargo have been based on the day-by-day uncertainties tied to ship arrivals. In a desperation move that employers claim will save this port from bankruptcy, they recently offered to put the pier workers on their direct payrolls. Full time.

Thomas W. "Teddy" Gleason, the scrappy president of the International Longshoremen's Association, dismissed the bid as "phony." That would seeem to put an end to it, since the shrewd Mr. Gleason has been notably successful at the bargaining table since becoming president of the union eight years ago.

Yet management's offer deserves a hearing; if parts of it should be adopted, even if modified in bargaining, they could bring changes in waterfront employment practices. The dockers themselves, shippers, steamship operators and consumers might be the beneficiaries.

Frantic employers made the offer in an attempt to correct abuses, both legal and illegal, in a Guaranteed Annual Income, called generally GAI benefit. This benefit, which employers were happy to let expire on Oct. 1 as the strike began, assured workers of 2,080 hours of pay (40 hours a week for 52 weeks) a year whether they worked or not.

A KEY DIFFERENCE

The New York Shipping Association, the employer group, agreed in its new offer to continue this benefit, but with a key difference: All workers in the port would become the direct employes of specific stevedoring and steamship concerns, which would decide when and how the men would be used.

On a prior-day notice basis, workers would be informed of their job assignments. If they didn't receive a call, they would be paid for the day that wasn't worked. The new set-up would reduce the need for hiring halls, where GAI benefit chiseling occurs. These hiring halls, supervised by the Waterfront Commission of New York Harbor but paid for by employers, are used largely for making up shortages in work gangs.

Mr. Gleason himself wouldn't be chagrined if these centers vanished from the scene, but he objects strenuously to the employer plan that he contends would overhaul long-standing seniority rules. And privately he may consider the plan a threat to some friendly ILA local unions that could be obliterated by the plan.

Since the advent of "containerization"—the movement of van-sized containers on special ships—in the late 1950s, employers have increasingly moved their operations from old Manhattan piers across the port to roomier spaces at Newark and Elizabeth, N.J. Containerized freight, requiring long ship berths and gargantuan cranes as well as wide storage areas, accounts for 35% of the port's traffic, up from under 10% just five years ago.

This means the New Jersey piers are usually busy and short of workers, while many Manhattan piers are dormant with a surplus of idle men collecting GAI. Nearly 20% of the port's piers are inactive and will probably remain so. The highest concentration of dead piers are in the bailiwick of Local 791, whose president, William "Willie" Lynch, is an old friend of Mr. Gleason.

Farther up the Hudson River, at piers 64 and 76, some 185 members of the 868-member Local 824—headed by John Bowers, who is also executive vice president of the international union—haven't worked for about a year because two steamship companies vacated the premises. GAI pays $9,568 a year.

"There's enough work in the port," complains Michael R. McEvoy, chairman of the Sea-Land Service Inc., a subsidiary of R. J. Reynolds Industries Inc. "The problem is getting the worker to the work."

In the busiest days, when shippers were moving a bulge of freight in anticipation of the dock strike, there were 13,000 men working cargo; 4,000 were collecting GAI, and 1,000 were sick, absent for other reasons or on vacation (they get six weeks vacation annually). Employers claim that 2,000 men averaged only about one work day a week during the past year. Men who toil regularly and receive overtime can earn $18,000 or more a year.

About 1,200 men within the past year took their GAI and didn't work a single minute, management claims. Of this group, about 850 are in Manhattan. And 114 of them were checkers, who tally freight and have portwide seniority as members of Local 1, of which Mr. Gleason is also president. Employers charge that some pier work is often delayed by shortages of checkers.

Many workers, in fact, have found canny ways of dodging work while collecting GAI. One technique: A worker enters a hiring center at 8 a.m. and inserts his plastic coded identity card into a machine slot, as required. A brush in the machine "feels" the man's code and transmits it to a central computer at association headquarters in New York's financial district, thus recording his availability. But he doesn't stick around long enough for a job opening. Instead, he rushes to a job as a construction worker, truck driver, parking lot attendant or bartender. He also draws his GAI pay.

"Many longshoremen are smarter than the computer," states a Waterfront Commission staffer. They know when to "badge" into the computer, he says, and when to get out of the hall without losing their GAI. Mr. Gleason has conceded that abuses exist and has offered to help management police the system. But employers claim his offer lacked "teeth."

GAI ROULETTE

There was also a legal way of skirting work without losing GAI pay. It resulted from a special arbitration award four years ago by Theodore W. Kheel, the professional arbitrator who has helped settle many New York labor disputes. His award established "inverse seniority" and led to a practice described by miffed employers as "GAI roulette."

Because of this, Mr. Kheel is no longer a favorite wtih some maritime employers. "I wouldn't permit Kheel to arbitrate anything for me," asserts D. J. Talbot, president of the International Terminal Operating Co., a subsidiary of Ogden Corp.

The Kheel decision permitted a longshoreman with top-seniority ranking to let a job "pass by" to someone of lower seniority without much chance of losing a day's pay under GAI for refusing to work. For example, if there were shortages of 50 men to work a ship's hold, the debiting for job refusal would begin with the lowest men and proceed upward. Otherwise, the award indicated, older men would be overworked while the younger ones sat about collecting GAI.

"A senior man can look around the hiring hall at the number of men junior to him," says a steamship official. "Then he figures how many men are needed to work the ships at berth that day and leaves the hall early without a GAI debit. And he'll guess right."

Mr. Gleason, however, declares he'll fight to keep "inverse seniority" arguing that it was won in arbitration.

Although employers estimate their plan would be more expensive than the pre-1965 "casual" method of random hiring tied to ship arrivals, they're sure it would be cheaper than GAI.

In the contract year ended Sept. 30, GAI costs soared to more than $30 million from $24.3 million the previous year and from $5.8 million in 1969. This port first consented to a 1,600-hour-a-year guarantee in 1965. Then, after a lengthy strike, employers agreed to enlarge it to 2,080 hours.

Other ports haven't had any major trouble with their versions of GAI, port officials say. But Boston, with a 2,080-hour annual guarantee, employs only 1,200 workers, and this small number is kept busy. Both Baltimore and Philadelphia guarantee only 1,800 hours, and Hampton Roads, Va., 1,600. Other South Atlantic and Gulf of Mexico ports don't have the benefit. So the dispute is confined to New York, while the fiery Mr. Gleason tries to maintain his one-port-down, all-down policy. At Houston and several smaller Texas ports, ILA dockers are ignoring him for now by continuing to work.

Mr. Gleason, however, isn't alone in his opposition to the offer. "How would you like it if from one day to the next you didn't know if you were to work as a reporter or a janitor?" grouses an ILA rank-and-filer in New York. Employers insist, though, that men would retain their "craft" categories: longshoremen (deckmen, holdmen) checkers and clerks; maintenance men; coopers (they repair barrels and crates), and carpenters. Deckmen, for example, wouldn't have to paint fences or sweep piers just to keep occupied. But managers want the right, say, of assigning a deckman to the more arduous position of holdman if they need him there.

COMPLAINTS AND DENIALS

Mr. Gleason has another complaint against the plan. He alleges that it would create a "sort of monopoly" for six employers in the port area. New stevedoring concerns wouldn't be able to enter the field here, he argues.

Employers deny this. For one, they counter, there would be a labor-management board supervising the plan as there was under GAI. And the present 21 stevedoring companies and 16 additional concerns specializing in cargo-preparation functions hardly constitute a monopoly, they say.

One matter the employers are certain of is that the old hiring practices under the former GAI must go. The new plan was offered "so that the port, and all who derive their livelihood from it, might survive," says James J. Dickman, chief employer negotiator in New York, who adds:

"The obvious and quick result of this plan would be that men could no longer have two jobs on one day; productivity would increase as shortages of labor disappear; ships wouldn't be idled by lack of labor; and once again the Port of New York would have the ability to compete with the ports of the world."

Mr. Gleason's reaction to the offer: "They can put it on the next trip with the astronauts to the moon."

PARSONS COLLEGE

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, small colleges in America are having serious problems that all of us should know more about. Some typical and special problems are being experienced by Parsons College at Fairfield, Iowa—a fine school in my district.

As Parsons College approaches its 100th anniversary, it can look back to solid achievement as well as some problems and forward to an unparalleled opportunity to take an important place in the Nation's educational community.

The college was established in 1875 through the generosity of a New York merchant, Lewis B. Parsons, who had become enamored with the Iowa countryside and determined to found a college in the State. His will charged his executors to use a portion of his estate to endow "an institution of learning in the State of Iowa." His son, Lewis B. Parsons, Jr., was instrumental in locating the school in Fairfield and served as the first president of the board of trustees of the college.

For 80 years, Parsons College was typical of many small colleges in the Midwest, offering a traditional liberal arts course of instruction to a student body which averaged 200 students per year.

In 1955, under new leadership, Parsons began to grow and to innovate; and national attention has been focused on the college almost continuously since that time.

The college upgraded its faculty in terms of academic excellence and professional preparation. The percentage of faculty holding earned doctorates was increased appreciably. Faculty salaries were raised to the point where they ranked third among all institutions of higher learning according to official statistics of the American Association of University Professors.

New concepts of college education were introduced. The trimester system was inaugurated to permit the most efficient utilization of resources. The curriculum was reduced to eliminate irrelevant and unneeded courses so that faculty and student attention could be concentrated on significant areas of study. A tutoring program was established to assist students needing extra help. This enabled Parsons to admit students who had had academic difficulties at other institutions and who sought a second chance to take advantage of their potential capacity for educational achievement. For many students Parsons became their first real chance.

The physical facilities of the college were also greatly expanded to provide better living accommodations and better instructional facilities for a growing student body.

In response to this new program embarked upon by the college, student enrollments rose from approximately 300 in 1956 to 5,200 in 1966, a phenomenal growth.

But during this period, Parsons also experienced considerable problems arising from its rapid growth and resulting financial stresses, from its innovation and somewhat controversial new concepts, and, probably most important, from its leadership which failed to evidence valid concern with administrative planning because of a desire for ever-accelerating growth and publicity. The result was the unfortunate loss in April, 1967, of academic accreditation by the North Central Association of Colleges and Secondary Schools. The NCA's action was based on a criticism of the administration of Parsons College and the lack of stability resulting from its policies; criticism was not directed at Parsons' educational concepts, faculty quality, or student achievements. The faculty of this college has always been and remains of the highest quality.

The college depends almost exclusively on tuition and fees for its income. The reduction in student enrollment from 5,200, prior to loss of accreditation, to its present 1,270 was a severe blow. The college responded by reducing the number of faculty and staff, by lowering their average compensation, and other economies.

For the past 4 years Parsons, under new leadership, has benefited from efforts expended by every element of its constituency. Faculty, staff, students, trustees, and loyal supporters of the college worked together to correct the problems and maximize the strengths of Parsons College. Their efforts were rewarded by a complete and unqualified reaccreditation of the college by the North Central Association in April of 1970.

The college is now resuming its rightful role in American higher education. It has a $21 million physical plant with living accommodations for 2,600 students and classrooms for more than 4,000. It has a highly qualified faculty who have remained stanchly dedicated to its mission—to teach students who want to learn. It has a staff who have remained on campus in the face of attractive alternatives. It has an administration that is imaginative and forward-looking, but careful to avoid uneconomic or unrealistic concepts. It has a board of trustees dedicated to the college and generous in time and money in its behalf.

It has programs that face toward the future. In addition to traditional liberal arts, business, and education majors, it has begun several innovative programs; aviation administration, to meet a modern need for personnel throughout this important industry; public service law enforcement, to produce well-educated personnel who can regain respect for the rule of law; and the management of recreational facilities, looking forward to the needs of a Nation with increasing amounts of leisure time. It has added varsity athletics for women to the usual complement of men's intercollegiate sports.

Recognizing the special problems of veterans of the armed services, Parsons has started its own program of aid which supplements the GI benefits. This program employs veterans who have acquired special skills during their enlistments and allows them to earn money to help finance their education. It has made provisions for veterans to receive college credit by examination and for enlisted and commissioned service.

Throughout its difficult times, Parsons has remained dedicated to an educational philosophy oriented toward student opportunity and student achievement. Perhaps the highest accolade received by Parsons College came from the report prepared by the accreditation examining team. They wrote:

> The availability of the faculty for student academic concerns and the hours devoted by faculty members to this kind of personal teaching are great strengths at this college . . . (the) faculty seems to be characterized by a tremendous loyalty to the institution and to the task of undergraduate education.

I wish to add my own commendation of Parsons College to those it has already received. The task that lies ahead of them is not easy. But, if the private sector of higher education is to survive to make its unique contribution to America, it must survive at Parsons College and at hundreds of other small schools like Parsons College.

UNSEATING OF NATIONALIST CHINA IN UNITED NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 15 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, Monday night's decision by the United Nations to seat Red China and oust Nationalist China has created shock waves around the world.

As an aftermath to this unfortunate action, President Nixon, U.S. United Nations Ambassador George Bush, and many others whose basic goal was simply the retention of a U.N. seat for Nationalist China, have come under a harsh gun of criticism. Some have said that President Nixon's announced trip to Peking is to blame for the results. Others have said that Ambassador Bush failed to do his homework, that he did not pursue the job of influencing enough nations to vote on our side.

Neither of these criticisms can be called just. There is no connection between the President's intended visit to China and the U.N. action. Admitting Red China to a seat in the U.N. was a predetermined fact. They just had the votes. It is that simple. So, this was not really the issue. The real issue was the retention of a seat for Nationalist China in the General Assembly. It is also a fact that Ambassador Bush performed his homework commendably. We all know him personally and we know him to be a very able man.

However, the trajectory of this Nation's real criticism should be aimed, not at the President or at Ambassador Bush, but rather at all the self-professed, freedom-loving nations who, while continuing to pay lip service to their respect for all that the importance of freedom implies, chose instead to vote for the expulsion of Nationalist China. The vote of these so-called friends of ours is the greatest irritant in this whole shoddy affair.

While some of these nations indicated to us beforehand that they would vote as they eventually did, there were other nations who saw fit to upset the apple cart in a most auspicious manner—voicing off-stage support for our position, but reversing their vote commitments in the showdown.

Well, I guess these countries have raised their true colors. They apparently are nothing more than fair-weather friends whose sole interest in advocating friendship for the United States lies in their exaggerated belief that the United States is available at a moment's notice to come to their aid when trouble is brewing.

The shoe is on the other foot now. When they called upon us to come to their aid and to help preserve their security as free nations, we rarely hesitated. But, when we raised the S.O.S. flag and asked them to come to our assistance to help preserve the security of a free nation, Nationalist China, many of them flinched. Not once, but on two different votes, they turned against us when the chips were down.

It is now readily apparent from talking with Members on the floor that many of you are angry about this. I share your anger.

I have long criticized the exorbitant financial support we have accorded the U.N. I believe an immediate and thorough reassessment of our financial commitment is now in order. In this regard I have introduced a bill calling for a drastic cut in our contribution to the U.N. Other bills will follow, I am sure, as there is more time for research and consideration.

For years, we have lived up to our written monetary obligations to help operate the U.N. Other nations have not. We have also gone beyond this and chipped in with so-called voluntary contributions, much of which has been expended to maintain peacekeeping forces throughout the world. Again, other nations have not done their share. And mind you, Mr. Speaker, many of these peacekeeping forces were sent to protect the interests of some of the nations which turned their backs on us in the U.N. China vote issue.

In the weeks ahead, I fully intend to pursue passage of legislation which will bring this matter back to an even keel. We must reassess our position in and commitment to the United Nations and we must reassess our commitments to our so-called friends who turned their backs on a free nation—Nationalist China—which so desperately needed their vote and support.

Mr. Speaker, I urge all appropriate committees of this House to take a close look at all facets of this situation in light of Monday's U.N. vote.

NATO AND CHINESE REPRESENTATION AT THE U.N.

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, the Monday, October 25, votes in the United Nations General Assembly on the question of China's representation merit close examination.

The United States worked diligently for its resolution which would have required there be a two-thirds majority vote to deprive Taiwan of U.N. representation. No NATO allies joined us in sponsoring this resolution. Only three voted for our resolution—Greece, Luxembourg, and Portugal. Belgium, Italy, The Netherlands, and Turkey abstained.

Not a single NATO ally voted against the Albanian resolution, adopted 76 to 35 with 17 abstentions.

Mr. Speaker, we fought a strong battle and we lost. Our response to this defeat should not be immature. We must respond as the mature nation we are, well acquainted with democratic processes including majority rule. We should be especially alert to the fact that those nations most sympathetic to our world view and upon whom we depend for our national security—our NATO allies—did not vote with us on this matter. Canada, Denmark, France, Iceland, Norway, and Great Britain voted against the U.S. resolution and for the Albanian resolution. Belgium, Italy, The Netherlands, Portugal, and Turkey supported the Albanian resolution.

We cannot ignore this evidence of world and allied opinion on Chinese representation at the U.N. There must be a positive American response to the opportunities and challenges offered by the new era opened by these votes.

NEEDED: A CHANGE IN THE ADMINISTRATION'S INTERNATIONAL ECONOMIC POLICIES

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on August 15 last—as we hardly need to be reminded—President Nixon unveiled the administration's new economic program. The President at that time announced the suspension of dollar-gold interconvertibility. This action was intended to let the dollar float in exchange markets down to a value that would bring an end to U.S. payments deficits. As a bargaining lever to help insure this outcome, he also imposed a 10-percent import surcharge. Proposed as additional parts of the international policy package were an investment tax credit that discriminates against purchases of foreign-produced capital goods, and the indefinite deferral of taxes on profits from exports.

The Treasury subsequently announced that the United States would be willing to lift the import surcharge in the event that other countries would agree to a $13 billion improvement in the U.S. balance-of-payments position brought about by a combination of: First, exchange rate changes; second, reduction of foreign barriers to imports from the United States; and, third, the assumption of a greater proportion of mutual defense costs by other industrial nations. Treasury spokesmen have also repeatedly indicated the unwillingness of the United States to increase the bookkeeping price of gold by even a small amount as part of the mechanism of bringing about exchange rate realinement.

The chief objective of the administration initiative—a substantial fall in foreign exchange value of the dollar—was described as the only way to solve the U.S. balance-of-payments problem in a report published August 7 by the Joint Economic Committee Subcommittee on International Exchange and Payments. We also suggested, as a last resort, unilaterally implementing such a policy by closing the gold window and letting the dollar float. The Treasury's reaction at the time was to disparage our recommendations. Its press release stated:

> The limited hearings held by Mr. Reuss did not . . . reflect or develop any wide body of congressional opinion. No discussions are planned or anticipated with respect to exchange rate realignments at the International Monetary Fund or elsewhere.

Fortunately, with the aid of the President on August 15, a wide body of congressional opinion now has developed in favor of the substance of our recommendations.

This economically sensible approach to the balance-of-payments problem of the United States is in the process of being spoiled by the protectionist elements of the administration's program.

Since August 15, Secretary Connally and other Treasury spokesmen have pursued a course of studied ambiguity in answering questions on what concessions from foreigners would be adequate to achieve the removal of the surcharge. At the International Monetary Fund meetings a month ago, Secretary Connally asserted that the United States would be willing to lift the surcharge if other countries allowed their currencies to float freely in exchange markets for a period and made "tangible" progress toward the removal of trade barriers. What is tangible and what is not?

On Saturday, October 16, the Secretary of the Treasury asserted:

> We're under no compulsion to get this thing settled this month or this year.

He doubted that an agreement would be reached at the meeting of the Group of Ten Finance Ministers scheduled for November, "because they're not ready to make an agreement." He was not worried by threats of retaliation, "because retaliation is a two-way street."

The following Sunday, on ABC's Issues and Answers, the Secretary said:

> I assure you that we're not in the least holding back, nor are we in the least reluctant to talk about the problems that have arisen as a result of the President's actions.

On Wednesday, October 20, Mr. Connally asserted before the annual meeting of the American Bankers Association that the surcharge is "going to stay on for a while," and that "it's frankly to our advantage to keep it on" until the United States has "some assurances" that its balance-of-payments deficit will be rectified."

On September 15, I wrote Secretary Connally asking whether sufficiently large exchange rate changes plus foreign assurances to negotiate promptly on international monetary reform, the groundrules governing international commerce, and relative contributions to the cost of mutual defense, would be adequate to bring the removal of the surcharge. Secretary Connally's October 19 answer boils down to more of the same ambiguities. The exchange of letters follows:

September 15, 1971.

Hon. John B. Connally, Jr.,
Secretary of the Treasury,
Washington, D.C.

Dear Mr. Secretary: You and other Treasury spokesmen have repeatedly emphasized that in exchange for removal of the 10 percent import surcharge imposed as part of the President's new economic program, we expect exchange rate realignment, a redistribution of the costs of mutual defense, and the reduction of foreign barriers to the purchase of imports from the United States.

A willingness on the part of foreigners to accept substantial exchange rate changes, however, could substitute for the immediate elimination of foreign trade barriers in any program to strengthen the U.S. balance of payments. Similarly, military burden-sharing might best be discussed in terms of a willingness of the United States to station troops abroad as influenced by the disposition of foreigners to raise armies for their own defense, and to bear equitably our foreign-exchange costs.

I have suggested that the United States should lift the surcharge if our industrial trading partners agree to sufficiently large exchange rate changes and if they give us their full assurances to negotiate promptly on (1) international monetary reform, (2) the ground rules governing international commerce, and (3) relative contributions to the cost of mutual defense.

I am uncertain, and statements by yourself and Under Secretary Volcker have not clearly indicated, whether the United States will insist upon immediate progress in all three areas of negotiation mentioned above before the surcharge is abolished. Would immediate exchange rate changes of sufficient dimensions plus a formal agreement to negotiate the other issues be adequate to secure the removal of the surcharge?

I would most appreciate an early response to eliminate my confusion.

Sincerely,

Henry S. Reuss,
Member of Congress.

October 19, 1971.

Hon. Henry S. Reuss,
House of Representatives,
Washington, D.C.

Dear Congressman Reuss: In your letter of September 15, you asked: would immediate exchange rate changes of sufficient dimensions plus a formal agreement to negotiate the other issues be adequate to secure the removal of the surcharge? These other issues you list as (1) international monetary reform, (2) the ground rules governing international commerce, and (3) relative contributions to the cost of mutual defense. You asked for clarification to eliminate the uncertainty as to whether the United States will insist upon immediate progress in all three areas of negotiation before abolishing the surcharge.

We are concerned with the related problems of assuring the major balance of payments adjustment which is now required, and with the long-range improvement of the monetary system. Some of the problems of the longer run are relevant to and affected by near-term decisions, so that we cannot prudently neglect them now.

As I stated last week at the Annual Meeting of the Fund and the World Bank, the desired turnaround in our basic balance of payments position cannot be fully assured and lasting unless necessary exchange rate changes are accompanied by trading arrangements that assure fair access to world markets for U.S. products. I also firmly believe that a more satisfactory sharing of responsibilities for security must be part of a balanced economic order.

Progress in the three spheres that you mentioned, including selective exchange rate realignments to new parities, would provide one avenue to removal of the surcharge. Inevitably factors of judgment would be involved in assessing the probable tangible results that we could expect from negotiations in each of these three spheres. I could not now give any categorical statement that a commitment to negotiate would be satisfactory, since a wide variation in useful content might lie behind any such general wording. Nor can I, in a period of international negotiation, state what might constitute minimum or acceptable progress in these spheres.

Recognizing that real difficulties can be encountered in reaching satisfactory results through the negotiation of new exchange parities, I recently mentioned an alternative approach, for the consideration of our major trading partners. My suggestion was put in the following terms:

"If other governments will make tangible progress toward dismantling specific barriers to trade over coming weeks and will be prepared to allow market realities freely to determine exchange rates for their currencies for a transitional period, we, for our part, would be prepared to remove the surcharge."

Whether we proceed down this second path, or the earlier approach of negotiated parity changes, in the near-term, it seems clear that we should not go back to the old and familiar international monetary system of the past. There are improvements that need to be made in our longer-term trading and monetary arrangements. A monetary system dependent on persistent U.S. deficits is not tolerable for the future. This has important implications for international management of reserves and reserve growth. There are also growing problems arising from the potential for massive flows of volatile capital.

As our work goes forward, at various levels and through a variety of contacts with other countries, I hope that we will begin to see more clearly all the parameters of a very broad and interwoven set of problems. So far as I am aware, no multilateral selective currency realignment of major currencies has ever been attempted. It is a new endeavor in monetary history. It will test our powers of mutual understanding and realistic cooperation. I am, however, encouraged by the spirit in which the member nations of the Fund are breaking ground on this unprecedented task. I hope we will see a similar spirit in dealing with the trade and military financing issues.

With best wishes,

Sincerely,

John Connally.

In failing to specify its position—and other major industrial nations do not seem to have any better idea than I do of what the Treasury wants—the administration is playing a dangerous game. It laid its trump cards on the table August 15. The danger is that what presumably began as a negotiating position in August will harden into a firm stance if no agreement is reached soon.

I have no idea what the Treasury's fallback position is. I suspect that the international phase of the new economic program started with a bold assertion on August 15, but has been played essentially by ear since then, and is still being played by ear.

Instead of being in the interest of the United States, as Secretary Connally and other administration spokesmen claim, the combination of international economic policies that has been chosen is actually damaging this country. The wise August 15 decision to suspend gold convertibility and float the dollar has been distorted into a device to appease protectionist forces.

The 10-percent import surcharge, once the dollar was allowed to float, was ostensibly imposed in order to bring speedy exchange rate realinement. But, because there has not been substantial fall in the foreign exchange value of the dollar, our balance-of-payments position still suffers. While appreciable market rate changes have occurred for some currencies, the changes fall far short of what is needed.

Why is the new international economic policy proving to be a flop? There are at least four reasons.

First, imports: The import surcharge is applicable to only about half of total U.S. imports. It will reduce this total, according to the Treasury's estimate, by only about $2 billion annually. Thus the surcharge is equivalent to a dollar devaluation of perhaps 2 or 3 percentage points. It is not nearly so effective as an agreement upon exchange rate realinement would be. Exchange rate changes would apply to a broader spectrum of U.S. imports and would be larger in magnitude. It seems generally accepted by both OECD and the IMF staff that the required fall in the foreign exchange value of the dollar should be from 10 to 15 percent.

Second, exports: The new policy has done nothing to promote exports. Every week that goes by without exchange rate realinement, U.S. export industries fail to get the boost they would from a fall in their prices internationally. Thus, the United States is being deprived of badly needed jobs in export industries. As a sop, the administration has proposed the tax deferral gimmick known as DISC. Aside from the certainty that DISC would bring big tax windfalls to those large corporations who are our major exporters, it is extremely dubious that this vehicle would be effective in either of its two major announced objectives—promoting exports and discouraging U.S. direct investment abroad. A more appropriate way to achieve both of these goals would be by achieving an early agreement on substantial exchange rate changes.

Third, services: The new international economic policy has done nothing to improve our balance on international purchases and sales of services. Considerable earnings might result, especially from making it less expensive for foreigners to travel in the United States. Similarly, nothing has been done to increase the cost of investment abroad by U.S. firms or to make it more attractive for foreigners to invest here. As long as the dollar is over-valued internationally, U.S. corporations will be able to purchase foreign firms at discount prices. On the other hand, foreigners hesitate to invest in American stocks and bonds so long as they believe the costs of these assets may fall appreciably in the near future. For the same reason, foreigners will hold back on making job-producing direct investments in the United States.

Fourth, political relations: Good relations with a hundred countries around the globe, painstakingly built up over the years, are jeopardized by the new international economic policy.

A flood of propaganda over the past 3 or 4 years has led many Americans to persuade themselves that the United States has somehow been more righteous in its international economic policies than other industrial nations. With the exception of Japanese policies and the agricultural practices of the EEC, such an attitude is simply not warranted by the facts.

As the following piece by Hobart Rowen in the October 24, 1971, Washington Post makes clear, sin against liberal trade practices is widely distributed:

Nixon Ignores U.S. Barriers While Pressing 10 Percent Surtax

President Nixon and Treasury Secretary John B. Connally, in the high stakes international poker game they're playing to win lowered trade barriers, are trying to convince the world—and appear to have convinced themselves in the process—that the cards have been stacked against the United States in recent years.

And so, with great reluctance (they say) they uncorked a lethal weapon, the 10 per cent import surcharge, to set things straight.

Now, it is true that since the Bretton Woods monetary system was set up in 1944, many of the world's currencies have been devalued, and the United States has suffered from this cumulative, competitive, cheapening of money.

Moreover, Japan and West Germany were allowed to start out at the end of World War II with deliberately undervalued currencies to give them, as defeated nations, a head-start on economic recovery.

So the dollar had gotten out of whack—it was overvalued, especially in comparison to the yen and the Deutschemark, and a realignment of currencies and reform of the antiquated Bretton Woods system was long overdue.

But the facts on the trade situation do not square with the administration's charges. The truth is that the United States has just as many, if not more, trade restrictions than our partners and competitors all over the world, although one would never learn from Mr. Connally's Treasury Department.

And the insensitive use of the surtax as a lever to force trade concessions is seriously jeopardizing many long-term and close relationships—as in Canada—which may never be repaired.

A speech given by John C. Renner, Director of the State Department's Office of International Trade on January 30, 1971, deserves to be recalled. It showed:

Although the U.S. and European average tariff rates will be very close at the end of the Kennedy round (8.3 per cent and 8.4 per cent), a breakdown of major industrial sectors shows that the European community (EEC) will have the highest tariff in none of the 23 major industrial sectors, and the lowest in 11. The U.S. score is not quite so good: the highest in 4, and lowest in 6.

In the distribution among 919 categories of industrial products, the U.S. has considerbly more high tariffs and also more lows, whereas the ECC's tariffs are grouped more closely around the average.

A small but significant number of the 919 industrials is also hampered by quantitative restrictions such as quotas. The U.S., Canada, and the U.K. are using this device more freely than a decade ago, while discrimination against Japan—especially by the EEC—is widespread.

On the agricultural side, as everyone knows, the Europeans have a bad record, with a highly protectionist Common Agricultural Policy. But in terms of industrial quotas, according to Renner, the U.S. restrictions "cover a relatively large number of products and relate to the largest amount of trade," whereas the EEC's quotas, which also cover a large number "pertain to a comparatively small amount of trade." Japan's quotas cover the largest number of products and affect "a considerable amount" of trade.

The point of Mr. Renner's exercise in January is just as valid today: all of the industrialized countries, including the United States, maintains substantial tariff and non-tariff barriers against industrial and agricultural products.

He said then, and it is worth repeating to his colleagues elsewhere in the U.S. government:

"Unilateral action by any country to restrict trade, changes the balance of concessions arrived at over the years, and is most likely to provoke counteraction to restore equilibrium."

Moreover, the anti-American feeling generated by the bull-in-the-China-shop technique has lost us friends. Thoughtful Canadians (distressed as well that President Nixon erroneously named Japan, not Canada, as the No. 1 U.S. trading partner) wonder whether their government should seek to maintain the historic ties between the two nations. "When they imposed the surtax," said one Canadian sadly, "they didn't even say they were sorry they had to do it."

But U.S. policy, in the face of concern abroad over the possibility of retaliation and world recession seems unbending. Secretary Connally told the American Bankers Association in San Francisco the other day that the surtax "is going to stay on for awhile because it frankly is to our advantage to keep it on for awhile."

Mr. Renner's analysis shows there is plenty of discrimination on our side, running from the American Selling Price valuation system to Buy American practices, now exacerbated by the 7 per cent investment tax credit proposal and the DISC idea (see Professor Surrey's separate piece on that issue.)

Perhaps Messrs. Nixon and Connally should be remained that a cut-throat international trade policy between the two great wars brought on Hitler.

Our heavyhanded monetary diplomacy, attributing all the fault to others, is threatening to lose us friends we can ill afford to lose. An editorial in the October 21, Milwaukee Journal makes this clear:

Our Upset Allies

The mailed fists of economic nationalism have replaced the gloved hand of diplomacy in American relations with longtime allies. The free wheeling Secretary of Treasury John Connally has taken over from the State Department in announcing American policy. As a result it is shaping foreign policy as well, in a way that threatens worsening relations.

Connally was not a diplomat when he called other nations, including our European allies, cry-babies for their reaction to the 10% import surcharge set in President Nixon's new economic policy. He charged that they were making the United States "the whipping boy" and blaming us for their own economic problems. This comes on top of the shock that our trading partners got when they were faced without warning with American import surcharges, demands for currency revaluation and exclusion of foreign built equipment from American tax investment credit.

Actually, Connally is blaming allies for some of our own mistakes—vast spending on the war in Vietnam, inadequate tax policy, overcommitments around the globe.

His approach also overlooks that other nations have problems, too—political problems that often are as important as the economic ones. Take the case of Canada. It is our biggest trading partner. We have clamped down import surcharges without warning at a time when Canada suffers from serious unemployment. We lecture it on the kind of economy it must have in the future—even hinting that it should be content to be a raw materials supplier and market for our finished goods. Whatever the economic sense, no Canadian politician would accept such a proposal without destroying himself.

This country had legitimate complaints about Japanese trading practices. But by forcing agreement to textile quotas, the Connally tactic has made the political posi-

> tion of Premier Sato difficult. The new economic policy, paired with the new American approach to China, hit Japan without warning. Kyodo News Service, which usually reflects government thinking, says that "it is obvious that the United States expects Japan to remain subservient."
>
> British Prime Minister Heath has said that "drastic" American economic policies are sending "rough winds blowing across the world of trade and finance." He warned that Britain must quickly join Europe in the Common Market to protect West European interests against a "protectionist trade war" and against new American policies that stress relations with China and the Soviet Union.
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> In Switzerland officials say that pending agreements with the United States on tracking down money hidden in Swiss banks by lawbreaking Americans, as well as other matters of mutual interest, will have to be suspended until the effects of what the Swiss consider antagonistic trade policies are assessed.
>
> Other nations have similar complaints. Yet the political problems that current US policy imposes on them are ignored by our economic leaders. The world we led toward free trade, that we preached must live by consultation and co-operation, that we have long presumed to lead, is jarred by our sudden unilateral policies. The United States may be a long time undoing the international damage that has been done.

The 10-percent import surcharge and the proposed discriminatory investment tax credit may well violate the procedures of the International Monetary Fund and the rules of the GATT. Exchange rate changes, by contrast, are recognized as the appropriate way for removing persistent balance-of-payments deficits and surpluses. To create more jobs at home, to improve our deteriorating balance of payments, to avoid wrecking friendly relations with old partners around the world, and to preserve and strengthen the only institutions that can insure fair treatment from other nations in the future, we should stop delaying an agreement on substantial exchange rate changes.

If it is in the U.S. national interest to get a quick agreement on exchange rate changes, why has not the Treasury been more energetic and cooperative in pursuing this course? Agreement on increasing the dollar price of gold by a modest amount would go a long way toward concluding such a deal. Leading legislators, Democrats and Republicans alike, have indicated their willingness to cooperate.

What could be the reason for the Treasury's foot dragging? Is Secretary Connally reluctant to do anything that would increase the dollar costs of U.S. military activities abroad, as a fall in the foreign exchange value of the dollar surely would? Is the Secretary concerned about large multinational corporations that are planning to expand their investments abroad and are loathe to see any increase in the cost of establishing themselves in foreign markets? Could it be that Secretary Connally does not perceive that the course he is pursuing is depriving Americans of jobs and impairing the U.S. economic position internationally? Or could it be that the Treasury leadership is measuring the success of its policies by the intensity of the howls of objection coming from the nations against which it is directed?

I do not know whether any of these speculations is the correct explanation for the Treasury's lackadaisical attitude toward resolving the international economic crisis into which the United States has been plunged.

What is clear is that we cannot continue to drift. Most indications are that a major economic slowdown in Western Europe is in the offing—especially if the United States adheres to the course it has adopted since August 15. In the event of a European recession, the likelihood of reaching a realinement agreement beneficial to the United States will decrease and the probability of retaliation will increase. In fact, the dollars and cents benefits the United States can achieve through any agreement may well be decreasing week by week, as time goes by without a mutually acceptable solution.

The international economic policies adopted by the administration imply that the United States wants to be treated like any other country, but without giving up its special status. We should be treated like others in that we ask for greater flexibility in adjusting the dollar exchange rate. We would like to enjoy the same latitude that other countries do in altering the exchange value of their currencies. On the other hand, we want to be regarded as special in that we insist we are specially injured, and have been especially magnanimous in terms of the policies we have followed over past years.

It would be unfortunate if the only way that the United States can learn that it is not so special is by suffering retaliation. Given the combined impact of the 10-percent surcharge, the discriminatory investment tax credit—which together give U.S. producers of capital goods a protective edge of nearly 30 percent—and the DISC export subsidy, retaliation will surely occur in the event of no agreement.

Secretary Connally seems to have lost interest in reaching an early agreement with the other major industrial countries on how to strengthen the U.S. balance of payments. A change is needed.

In order to save American jobs, and to avoid alienating every friend we have in the world, the President would do well to replace Treasury Secretary Conally with Federal Reserve Chairman Burns as our chief monetary realinement negotiator.

The point of closing the gold window on August 15 was to get an appropriate realinement of the exchange value of the overvalued dollar. But Treasury Secretary Connally apparently cares little about such a realinement. Faced with an expressed willingness on the part of the other leading industrial countries to accept a substantial currency realinement if only the United States will acknowledge its share of responsibility for the world's financial troubles by a downvaluing of the dollar as part of the package, Secretary Connally pronounces himself happy with our protectionist 10-percent import surtax, and ready to muddle along on that basis indefinitely.

As a result of the overvalued American dollar, Americans are losing their jobs in our export industries, in import-competitive industries, and through job-exporting excessive American capital investment abroad. Our balance of payments continues to suffer because the import surcharge is vastly less effective than an adequate currency realinement would be. And old friends and allies—from Canada to Costa Rica, from Norway to Japan—are puzzled and hurt at the United States arrogent attitude. Failure in international economics, they perceive, has gone to our heads.

The plain fact is that Secretary Connally's non-negotiating stance hurts vital U.S. interests. Chairman Burns, who also enjoys President Nixon's confidence, thoroughly understands the international monetary game. His mind is untrammeled by the notion that national monetary prestige is more important than orderly world trade. If put in charge of the realinement negotiation, Mr. Burns could, in my judgment, obtain a satisfactory realinement agreement in a matter of weeks. With realinement and a broadened exchange band attained, and the surtax thus rescinded, Secretary Connally could then be turned loose on the kind of table-pounding negotiation which he is good at—getting rid of restrictive trade practices across the board, and inducing greater sharing of the military burden on the part of our allies specifically concerned.

Secretary Connally's famous toughness is good where toughness is indicated—as in breaking down trade barriers and farming out the military burden. It is counterproductive, however, where the toughness hurts mainly ourselves, as in the case of his refusal to realine currencies. A timely switch by the President would well serve the national interest.

AMERICA SAYS WELCOME TO PRESIDENT TITO

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. BLATNIK) is recognized for 15 minutes.

Mr. BLATNIK. Mr. Speaker, it is with great personal pleasure that I rise before the House. The subject on which I speak is very close to my heart. I refer to the increasingly warm and sincere relations existing between the American and Yugoslav peoples.

This afternoon Marshal Josip Broz Tito, President of Yugoslavia, and his lovely wife, Jovanka, arrive for their first state visit to the United States. I am most pleased, as are other Congressmen of Yugoslav descent, and many other colleagues of ours, that this long overdue, official recognition is being extended to Marshal Tito.

When historians compile the definitive chronology and evaluation of the post-World War II era, Marshal Tito's impact and influence will necessarily loom large. He personally faced down Stalin and his repressive monolithic dogmatism. He opened the first fissures in the Soviet-dominated Communist bloc. His own courage and determination held Yugoslavia together during the starvation days immediately following the break with the Kremlin. And most recently during the visit of Mr. Brezhnev in Belgrade, we saw the effective repeal of the Brezhnev doctrine and the reaffirmation of Marshal Tito's doctrine of independent national self-determination.

During the years when East and West stared savagely at each other across the Iron Curtain, Tito showed the way and took the leadership in constructing a third world alliance—an alliance that had as its only ideological dogma the belief that the independence, territorial integrity and sovereignty of every nation, no matter how small or seemingly insignificant, must be respected absolutely.

Marshal Tito, because of the position of leadership inherent in his successful and peaceful dissociation from Soviet domination, was able to communicate to other nonalined nations the belief that it was not necessary to declare sides in the East-West struggle. Marshal Tito understood, as few world leaders or scholars did, that the two power giants must eventually and necessarily arrive at a modus vivendi. The continuation of human life and civilization, as we know it, demanded this detente. He provided a perspective and a balance that did much to mitigate the excesses of our policy of containment and the Soviet Union's policies of repression and subversion.

He also realized, many years ago, that for the third world alliance slavishly to follow the ideological and political lead of one or the other of the nuclear superpowers would further congeal the geopolitical situation—leaving no flexibility nor means of communicating through neutralist governments.

The third world alliance, under the leadership of Marshal Tito, did provide these safety valves. Tito's insistence on being his own man and his declaration that Yugoslavia would follow the ideological and political lead of neither Eastern nor Western bloc has been like a fresh and cooling breeze through the musty and crusty halls of propaganda politics. Both sides have learned from this emminently commonsense approach to living in a divided world.

Mr. Speaker, world leaders have embarked on numerous trips—more are planned. Hopefully, these visits and discussions will pave the way for a permanent easing of world tensions. The visit here today of the single man who showed us that nonalinement and peaceful coexistence are not only desirable and possible, but absolutely necessary, must serve to spur us on to greater efforts at international understanding and good will.

The example of this valorous warrior shows us the path to peace, to deescalation of the nuclear arms race and to competition and cooperation in pacific pursuits.

President Tito has personified, for over 25 years, the quest for world peace through recognition of the integrity and inviolability of all nations.

I admire Tito as head of his nation, diplomat and teacher of diplomats, and as a close personal friend. I look forward to renewing this friendship during President Tito's visit here. We owe all this extraordinary man a great debt. In his personal integrity, strength, and dedication he has demonstrated for all to see those virtues that are truly the signs of a nation's greatness and true world prestige.

Mr. Speaker, there have been a good number of fine press reports and analyses concerning the visit of President Tito and Mrs. Broz to our country. As a further sign of esteem for Marshal Tito, I include these in the Record immediately following my remarks:

[From the Washington Post, Oct. 27, 1971]

Tito To Arrive Today, Will Visit Camp David

President Tito of Yugoslavia spent the night in Canada before flying to Washington today to meet with President Nixon.

Tito arrived in Gander, Nfld., yesterday aboard an Ilyushin 18 turboprop aircraft. He is accompanied by his wife and Foreign Minister Mirko Tepevac.

The 79-year-old Yugoslav president was welcomed informally in Gander by Canadian Transport Minister Don Jamieson and Bruce Williams, Canada's ambassador to Yugoslavia.

Tito was scheduled to land at Andrews Air Force Base this afternoon. He was to go directly to the presidential retreat at Camp David, Md. Tito will spend a week in the United States before returning to Canada for an official visit.

In an interview broadcast on CBS television last night, Tito said he would encourage Nixon to "come to terms, to reach agreement" with the Chinese and Russians during the president's visit to Peking and Moscow.

"In my estimation, President Nixon's decision to visit Moscow, after China, was quite correct. It is a very good and reasonable move," Tito told Walter Cronkite in the interview, filmed in Belgrade.

"But," Tito said, "the determination to go to China requires further action. What should be the outcome of this? Because, to go to China without anything coming out of it—as, for instance, withdrawal from Indochina and the cessation of the war—could cause great disappointment.

"For the visit to Moscow it is also necessary to work out beforehand a plan as to what is to follow, what agreement will be concluded. I know that negotiations are underway on the question of antimissile defense . . . but all these are partial measures.

"What is needed is a general agreement that such arms shall not be manufactured any longer and that all the technical capabilities of the world shall be put into the service of mankind. . . ."

[From the Washington Star, Oct. 27, 1971]

Tito and Our False Assumptions

(By Frank Getlein)

President Tito arrives in Washington today and not a moment too soon.

We are accustomed to thinking of leaders of "funny little countries" like Yugoslavia as having a strictly one-way relationship with funny big countries like the United States or the Soviet Union. The relationship is that of client to patron.

In that view, all the world is in the process of being divided up into two or three basic client-patron systems, one headed by the Russians, one by the Americans, one by the Chinese.

Tito represents a conscious, articulate and somewhat successful alternative. In the international divvying-up of the world into power blocs, as envisioned alike by the Comintern and by the State Department of John Foster Dulles, everybody has to belong to one or the other of the great groupings based on the ideologies and the real or imagined national interests of the bloc leaders.

Tito, at a very early stage of his career as the peacetime leader of Yugoslavia, said no. Although the government, brought into existence by its own dedicated struggle against the Nazis in World War II, was indubitably communist, that government refused to regard its nation as a pawn, or even an unreserved ally, of the Soviet Union, which was supposed to be the head Communist country in the world.

Yugoslavia, he said—and he said it with the same fighting determination that had finally defeated the Nazis in that country—preferred to be independent of Russia.

Moreover, he added, Yugoslavia would not only build its own destiny, it would actively assist, as far as it could, other small nations to stay independent of the polar systems of the great powers. As between the world of American capitalism and the world of Russian communism, Tito proclaimed the viable existence of the "Third World" of those nations which wanted to be themselves.

If the two contending power-bloc systems had been merely styled the Greens and the Blues—as at times they might well have been—Tito's independence would have been shocking enough. But the fact that the Greens were actually the Communists and that the Yugoslav government also was Communist—with Tito himself trained in Moscow—was a further shock to both systems, one from which neither has entirely recovered, although both are making some slow progress.

What Tito's independence demonstrated was that there is no such thing as "the" Communists. The seamless robe of Communist unity is not quite as torn to pieces as the seamless robe of Christian unity, but the direction is the same and for basically the same reason: The consciousness of national self-interests at variance with the self-interest of the dominant ideologues.

This variance was a great shock to the Russians because they had mindlessly supposed that anywhere on earth where the red banner was raised was automatically another-Russian ally, not to say province.

This variance was an even greater shock to the Americans because our own international system also is based on that same Russian assumption of the seamless garment of communism.

Despite manifestations of Titoist independence in Albania, China, Vietnam, most of the countries of Eastern Europe and Cuba, we still operate on that assumption, presumably because it is easier than thinking about reality as it actually is.

Since we may take it for granted that no one seriously believes that North Vietnam is in itself a menace to the United States, only the theory of the Communist seamless garment adequately explains our tragic involvement in the affairs of that country.

If we are really fighting, for example, for the right of the Vietnamese to determine their own destiny, we obviously should have been bombing Paris back in 1954 when the French army was the principal obstacle to such self-determination.

Thus, we fight the Vietnamese liberators of their land from French domination because we believe that they are the tools of Russians and/or the Chinese.

The message of Tito, not so much by word as by his very existence, is that we probably have been wrong in that assumption. It is a lesson well worth our learning.

[From the Washington Post, Oct. 25, 1971]

A Plea From Tito on Eve of U.S. Visit, He Asks a Voice for Small Nations

(By Dan Morgan)

Belgrade.—President Tito of Yugoslavia will leave for the United States Wednesday determined to make it clear that the activated global diplomacy of the superpowers cannot succeed if it ignores the interests of small countries.

He views the initiatives of the big powers, particularly the steps to end Chinese isolation, as essentially positive ones which will lead to a safer world.

In the case of China, he feels that its "opening to the world" will strengthen the cause of sovereignty and independence of smaller countries, and rather than dividing the world will bring it closer together.

But an undercurrent of concern that interests of smaller countries could be shunted aside in the detente-making process was a dominant theme running through an exclusive, written interview he granted today to The Washington Post.

He indicated that while the men in Washington, Peking and Moscow may be attracting most of the headlines today, Yugoslavia and the nonaligned, small countries it has often spoken for are still in the global politics game.

As for the 79-year-old president himself, he seems to relish the challenge of making Yugoslavia's voice heard once again, and to be flourishing in the midst of one more great service to his country—that of preparing it for a future that have the benefit of his advice.

For the last year, he has been devoting all his energies to a major domestic reform, and to setting relations with the Vatican, Western Europe, the Soviet Union and the nonaligned world on a solid footing. All this activity has been undertaken in expectation of eventual retirement.

His trip to the United States this week is seen in that context of preparing for the future as well. But unlike Tito's first meeting with President Nixon here last year, this meeting takes place in a moment of international change, and with an American President who has begun to measure up to Tito's own stature as a daring statesman.

In recent years, President Tito's personal contacts with the foreign press have become rarer. The interview, the first he has granted to an American newspaper in several years, was therefore something of a departure, and a sign of his determination to advertise Yugoslavia's intensified participation in world affairs as broadly as possible.

The interview itself consisted of questions submitted in advance, with written answers personally approved by him, and released today.

The president then received The Washington Post's Belgrade correspondent at the ceremonial chambers in the White Palace here for a further, brief conversation.

Only slightly more than a year ago, President Tito seemed to some to be withdrawing from active public life. Many say that his decision to plunge back into it last September, by announcing sweeping reorganization of the Yugoslav state, has rejuvenated him.

That impression was borne out in his presence today.

Despite a grueling week-long journey to Iran, India and Egypt that ended only Thursday, the president seemed fresh and healthy. He is to leave for Camp David Wednesday and visit Washington, Houston and California in the United States before going on to Canada and Britain.

His wife, Jovanka Broz, sat by the side of her husband who had just been strolling in the sumptuous garden of the palace. The time was about 11:30 a.m. President Tito, who advised President Nixon a year ago that whiskey is healthier than milk above a certain age, sipped a whiskey and water, without ice.

He spoke in good English but later switched to his native Croat.

Beyond the written questions and answers, there was time for only one spoken question, dealing with Yugoslav security. The rest of the conversation consisted of the introductions and courtesies. In response to a question, he said that his country had "no need for protection."

He then went on to comment on the three-cornered relationship involving the Soviet Union, the United States and nonaligned Communist Yugoslavia, which fits into the sphere of interest of neither superpower.

"Good relations with the United States," he said, "contribute to good relations with other countries, including the Soviet Union. The Soviet Union has nothing against our having good relations with the United States. We've spoken with them about this and they said so explicitly. From this I conclude that it's the wish of the Soviet Union for us to have good relations with the United States . . . Brezhnev told me so."

In the conversational part of the interview, he indicated no reservations about the intensified Soviet-American contact saying that if solutions to problems can be agreed on, "then the process of detente will be greatly enhanced."

But in the written answer to a question on the same theme, he added one qualification to an otherwise approving assessment of Moscow-Washington relaxation, as follows:

"It must always be borne in mind that vital problems of the present time cannot be solved without an active and equal participation of all countries concerned, irrespective of their size or power."

He also answered a written question concerning the impact of China's emergence on the international scene in the same vein.

"I welcome the evolution of relations between big states, the evolution that fosters the international detente, assuming of course that the interests of small and medium-sized countries are always taken into account irrespective of their social system."

This view—implying that in the current international situation the interests of smaller countries must be protected—closely paralleled that expressed only last week by Romanian President Nicolae Ceausescu in conversations with eight visiting American governors in Bucharest.

Ceausescu, whose independent foreign policy had drawn criticism from the Soviet Union and the Warsaw Pact lands, said that while big powers had a bigger responsibility for world affairs, all countries regardless of size should participate in settling international questions.

The onset of preparations for bloc-to-bloc discussions on European Security and troop reductions has left nonaligned Yugoslav policy-makers in an ambivalent position. In the first place, as President Tito indicated in the written part of today's interview, troop reductions are seen as laudable. But some Yugoslavs worry that the reductions could eventually lead to unwarranted euphoria in Europe that might even increase the vulnerability of nonaligned Yugoslavia to an aggressor taking advantage of a climate of relaxation.

President Tito wrote in the interview that the reductions of troops should "not be achieved by disturbing the present balance," plus implying that he is opposed to any massive unilateral cutbacks by the United States.

President Tito was also asked if he worried about isolationism in the United States, to which he replied:

"The United States of America as well as other big powers cannot but be present and active in international developments. Present efforts of President Nixon and the U.S. government aimed at finding solutions to some international problems by conducting talks, and the understanding with which these efforts are met by the American public, show quite the opposite tendency . . ."

On other major issues, President Tito had this to say:

The end of Chinese isolation favorably affects world developments and consequently promotes the strengthening of sovereignty and independence of small countries.

While the Soviet Union has said that China is a divisive factor in the Communist movement, President Tito said its "opening to the world" can "overcome world divisions."

Referring to talks he had last week with Prime Minister Indira Gandhi of India, once Yugoslavia's major partner in the nonaligned movement, he said that there seems to be little danger of the subcontinent becoming divided into spheres of interest of the big powers.

Nonalignment is still valid "as long as there are dangers that stem from new forms of alignment." Though he did not elaborate on "new forms of alignment," this seemed to mean alliances between the big powers at the expense of smaller ones.

Nonalignment aims at the "democratization of international relations," he said.

[From the Washington Post, Oct. 25, 1971]

TITO: TRADITION OF FRIENDSHIP

This is the partial text of an interview given by President Tito of Yugoslavia to The Washington Post. Written questions were submitted in advance and the answers were returned in writing. It was not a spontaneous, person-to-person interview.

Q.: Would you say that your visit to the United States is part of a broader process of preparing Yugoslavia for the future, and if so, what role do relations with the United States have in that future?

A.: Development of mutual relations and comprehensive cooperation with all countries, based on independence, equality and mutual respect have always been and will remain the core of Yugoslavia's politics.

In its framework, we attach great importance to the relations and cooperation with the USA.

Friendly relations with the United States of America have become a tradition and despite the difference between our social systems and different stands on some international issues, they have been constantly and favorably developing to the mutual benefit.

We would like to promote and enhance further these relations and this cooperation in all spheres of activity, in political, economic, cultural, scientific and other fields and to continue looking for new possibilities.

This is why I am particularly interested in this visit to the United States and this is why I am looking forward to the talks with President Nixon with a special pleasure.

Q.: Since you were host to President Nixon last year, the United States has embarked on a new policy toward China. What significance does it have for small and medium-sized countries, including Communist ones?

A.: The fact that the United States and the People's Republic of China have embarked on the road of normalization shows that a realistic attitude toward the situation in the present world is beginning to prevail and that the states are growing aware of the need to have direct contacts and conduct direct negotiations.

Therefore, I welcome the evolution of relations between big states, the evolution that fosters the international detente, of course, assuming that the interests of small and medium-sized countries are always taken into account irrespective of their social system.

Q.: On the whole, is China's emergence from isolation a factor that is likely to strengthen the cause of sovereignty and independence for small countries?

A.: Renouncement of the policy aimed at isolating the People's Republic of China and preventing it from playing an equitable role in international affairs, and on the other hand, its opening toward the world and its activation in the mainstream of international events can help to overcome the divisions in the world and consequences of the Cold War.

It is beyond any doubt affecting favorably world developments and, consequently, it also promotes the strengthening of sovereignty and independence of small countries.

Q.: Nonalignment was conceived when the world was divided into clearly defined, hostile military blocs. If the process of the detente in Europe results in looser groupings in Europe, perhaps even in less alignment, what would be the rationale for a movement of nonaligned?

A.: The detente process in Europe shows a favorable tendency and we have stressed it many times as a good example proving that even serious international problems may be solved in a successful way.

Nevertheless, as long as there is the danger which stems from the policy of force and interference in the internal affairs of others and particularly in the affairs of small and underdeveloped countries, as long as there are dangers which may stem from new forms of alignment . . . the policy of nonalignment will be meaningful and justified.

Recent changes in the world, and direct contacts between big powers that we have been always insisting on, do not exclude the need for the nonaligned to maintain their continuous activities. Nonalignment does not only mean resisting the confrontation of super powers and block division of the world; it is also a polcy with a long-term program aimed at the democratization of international relations, recognition of independence and equality of all countries and solution of all international problems.

Although the contacts between the big are taking place we must say, unfortunately, that the fundamental solution of some crucial problems of the today's world has not yet started.

I have in mind, for instance, disarmament, solution of development problems, etc. . . .

Q.: This detente process I spoke of has been pretty much between NATO and the Warsaw Pact so far. Do you feel left out of this, and of preparations for a European security conference?

A.: The detente process in Europe was so far taking place within the limits imposed on it by the present bloc structure of relations in Europe. However, an ever increasing number of European countries are beginning to take part in this process, and remarkably, not only in the capacity of members of military and political groupings. An important role in this process belongs to nonbloc countries among which, if I may say so, Yugoslavia figures as well. This fact adds to the importance and scope of the detente process and changes the framework in which it is taking place.

A large number of European countries are also actively involved in the preparations for the European security conference because they see it as the way to ensure quality, security and peace on our continent . . .

Naturally, if the process of detente and understanding in Europe is to be lasting and successful, then it must cover all the parts of our continent including the Mediterranean area.

Q.: Does detente between the main military blocs, if it should eventually occur, affect the security of Yugoslavia?

A.: The relaxation of tension between main military blocs represents, at this stage of development in Europe, a necessary component of a broader process destined to improve the political climate, strengthen confidence, cooperation and security throughout Europe. And that should help us to overcome the division of Europe into military blocs in the first place which would, naturally, favorably affect the security of all European countries including Yugoslavia.

Q.: The bilateral, Soviet-American discussions on all the vital world questions will be climaxed by President Nixon's visit to Moscow in May. What is the significance of this for the smaller European countries?

A.: We hope that the talks between President Nixon and the Soviet leadership will contribute not only to the improvement of relations between those two countries but also to the general efforts made in the world to ensure the lasting peace and international cooperation that will be based on equality.

We think that this can only enhance the already favorable atmosphere concerning the faster solution of European problems which concerns all European countries and the small countries in particular.

Nevertheless it must be always borne in mind that vital problems of the present time cannot be solved without an active and equal participation of all countries concerned, irrespective of their size or power.

Q.: Yugoslavia cooperates economically both with capitalist countries and with socialist countries, where command, or at least administrative mechanisms, still govern the economy. Some Yugoslav managers would like to further depart from economic orthodoxy to take maximum advantage of the technological revolution. Will they have their way in the 1970s?

A.: The economic system of Yugoslavia allows self-managing economic organizations to establish broad contacts with foreign partners including also the possibility to use to an ever increasing extent the achievements of the technological revolution. And they are doing that.

The practical results depend on interests and initiatives shown not only by Yugoslav enterprises but also by their foreign partners.

We want our economy to develop as diversified forms of cooperation with foreign partners as possible, including joint ventures and cooperation on markets of third countries. Our government passed a number of measures intended to facilitate and promote such cooperation.

[From the Washington Post, Aug. 27, 1971]

A Glimpse at a Legendary Leader and His Country

(By Dan Morgan)

BELGRADE.—In a world in which the giants are being replaced by gray and cautious subalterns, or collective ruling boards, President Josip Broz Tito of Yugoslavia, 79, still has the glamor and aura of greatness for which Mr. Nixon has made clear his admiration.

Franco of Spain has ruled longer than Tito, but he seems old and uncertain and is holding things together with a strong hand. Mao, the only other Communist leader equaling Tito in length of rule, is a demigod, remote from public life.

Yet somehow Tito remains contemporary, though he was a witness, in person, to the Russian revolution. On the human level he is warm and witty, drinks whiskey, is curious about what goes on around him. Politically, he has access to almost every world leader.

That is what assures that his talks with President Nixon will range far beyond the limited horizon of Yugoslav-American relations, which are essentially good and getting better.

Secretary of State William P. Rogers has already underlined President Tito's usefulness as an intermediary in the search for Middle East peace, and it is certain that the President will also want to hear Tito's views on other world problems in a moment of international flux.

Nevertheless, Yugoslavia's place in the world is undergoing a period of adjustment that will be crucial in determining where it comes to rest between East and West.

Since the 1969 invasion of Czechoslovakia, Yugoslavia has moved several notches closer to the West. Economically, the attractions of Western technology to independent-minded factory managers has also been telling. Yugoslavia belongs to a number of Western financial institutions, but its links with Communist economic organizations are informal.

Tito's durability as a statesman and as a living legend is all the more remarkable because Yugoslavia is not the center of world attention it once was.

China has usurped its position as the West's main wedge in dividing the Communist world, and in a period of direct contacts between NATO and the Warsaw Pact, Yugoslavia no longer seems so necessary as a bridge.

In an interview last weekend, Tito himself seemed to acknowledge his country's vulnerability by warning that small countries' interests must not be overlooked and implying that he rejected any unilateral American troop reduction that would upset the European power balance.

Even the Middle East, once a stronghold of Yugoslav prestige, the Arab drift toward the Soviet Union has diminished the voice of nonaligned Yugoslavia.

At the same time, economic and political difficulties at home have forced Tito to devote more attention to domestic affairs.

It has not been easy for Yugoslavs to adjust to the changes in the world, any more than it has been for people in other countries.

In a revealing insight into the way Yugoslavs are accustomed to view their leader, an aide said this week: "Tito always commands page one. There is nothing unusual about that."

But there is nothing to indicate that the meaning of the changes taking place in Yugoslavia's relations with the world have been lost for a moment on President Tito.

Tito's trip to the United States, and most of what he has done in the past year, are evidence, in fact, that he has lost none of his contemporaneity in dealing with those changes. The visit, like his tireless barnstorming this year in dozens of provincial towns to demand unity of Yugoslavia's diverse nationalities, is part of a broader program of preparing Yugoslavia for the 1970s.

His visits to the U.S. Space Center in Houston, and his talks with businessmen and aircraft officials in California, will be a nod to the Western technology and capital that has become the West's strongest magnet in appealing to a new generation of Yugoslav technocrats and managers in factories.

In general, the visit is aimed at engaging the United States politically and economically in a way that will subtly enhance Yugoslavia's security—without, at the same time, sacrificing any of its cherished independence of nonalignment.

As long as Tito is on the scene there will be no abandonment of the principle of nonalignment, although Deputy Foreign Minister Anton Vratusa has admitted in an article in Foreign Affairs that "it is not easy to remain nonaligned."

Tito today does not perhaps enjoy the autocratic power in his own country that he once did; but if that is so it is mainly his own doing, and evidence of his own extraordinary gifts of intuition in moving with change.

The creation of a system of workers' democracy in the factories to replace the old command economy, the transfer of more power to plant managers and banks in 1965, and this summer's constitutional reforms that gave regional political leaders much broader authority have all been instigated by him.

"Such a society as ours cannot be held together by a centralistic course, nor can the spirit of unity be built in that way. A new form of unity is being created," he said a few months ago.

That is his hope; and with Tito, the epitome of Yugoslav unity will be on display in America.

Decentarlization has resulted in more freedom, so that frictions between nationality groups continue to surface unchecked. But the common element of the complaints has been dissatisfaction with centralized government, not with Tito.

In the current atmosphere of openness in Yugoslavia, a few "black" jokes about the 79-year-old can be heard in Belgrade cafes. But for every student who complains about the elegant lifestyles of Tito and the Yugoslav Communist ruling class, there is another Yugoslav who upholds them as fitting for their leader.

AND SOME NATIONAL TRAITS WE SHARE WITH THEM

(By Henry M. Christman)

(The writer is Director of The City Record of the City of New York and is the author of some 20 books, the latest of which is "The Essential Tito.")

The state visit to Washington by President Tito of Yugoslavia, the last surviving major European figure of World War II, will focus renewed attention on the international role of Yugoslavia both as a maverick Communist nation independent of East and West and as a spokesman for nonaligned Asian and African nations comprising one-third of the world's population.

So much global attention has been given to Yugoslavia's unique relationships with the United States, the Soviet Union, and China, and to her position as leader and advocate of the Third World that, ironically, the international implications of Yugoslavia's distinctive internal political, social, and economic developments have been largely overlooked.

Certainly, few Americans realize that in respect to many fundamental domestic political, economic, and ethnic issues, today's America has more in common with contemporary Yugoslavia than with the Western European nations from which our legal and cultural traditions are drawn. Constitutionally and politically, the nations of Western Europe are almost exclusively unitary nation-states; Yugoslavia, like the United States, is a federal republic. The nations of Western Europe are ethnically, culturally, and linguistically homogeneous; Yugoslavia, like the United States, is a pluralistic society with diverse groups at varying states of cultural and economic development. The nations of Western Europe, with only nominal "local color" differences among domestic localities, have nothing comparable to the regional rivalries of the United States or of Yugoslavia, the regional distinctions of the latter exacerbated by the centuries-long occupation and partition of the country among dissimilar conquerors.

With this background in mind, the Yugoslav experiments in political and economic decentralization—and the two are inseparably interrelated—take on a striking relevance to domestic American circumstances. For the Yugoslav workers' councils, whereby the workers "self-manage" their own enterprises, are highly imaginative instruments for developing economic and political initiative and control at the local level and simultaneously defusing ethnic, religious, and regional tensions in the process. America's minorities, striving for community self-determination and minority-controlled local economic enterprises, would find Yugoslavia's system of self-management highly instructive.

On the Yugoslav national level, political decentralization has been accelerated by constitutional reforms giving greater local power to the six republics and the two autonomous regions, and the recent establishment of a new collective federal presidency that structurally precludes domination of the nation by any region or ethnic group.

These innovations are being implemented with such widespread and outspoken public debate that some Western observers visiting Yugoslavia, unprepared for such a torrent of national self-criticism, quickly assume that the country is on the verge of chaos. A leading Western European expert on Yugoslavia, Professor M. J. Broekmeijer, Director of the Institute of Eastern European Affairs at the University of Amsterdam, evaluates current Yugoslav national self-examination as probably the most intensive, extensive, and critical of any nation today.

Will Yugoslavia sooner or later succumb to ethnic conflicts? The same question can be asked of the United States, and with equal validity. For the basic issue in Yugoslavia is also a fundamental American domestic political issue: To what extent can and should prospering groups and areas be expected and required to sacrifice in order to support the needs and development of underprivileged ethnic groups and areas? The futures of the pluralistic societies of both Yugoslavia and the United States depend upon the answer.

[From the Washington Post, Oct. 26, 1971]

TITO: LAST OF FOUR WHO SPOKE FOR "THIRD WORLD"

(By Murrey Marder)

President Josip Broz Tito's first state visit to Washington this week will underscore special American interest in supporting an unaligned Communist nation wedged between two power blocs.

The fine gradations of diplomatic ceremonials are usually of little interest to laymen. But in the case of this Tito trip, there is an important distinction drawn by officials on both sides—and also by American emigres of Yugoslav descent who seek to disrupt Tito's visit.

For while Marshal Tito met with President Eisenhower at the United Nations in 1960, and conferred with President Kennedy at the White House in 1963, never before has he received the full-scale state welcome he long has sought in the United States, to help reinforce his often-precarious position in the power balance.

Among anti-Communist emigre groups in this country, Serbs, Croats and others, there is acute awareness of this distinction, according to officials responsible for President Tito's security here. There is reportedly added antipathy among many emigres over the fact that President Nixon, once the great favorite of these groups because of his staunch anti-communism, has made the warmest overtures to Romania, Yugoslavia and other Communist nations.

The record of past assaults on official Yugoslav offices in this country has caused U.S. planners to take special precautions for Tito's safety. The incidents that have marred Soviet Premier Alexei Kosygin's Canadian visit, despite extra security measures, underline the problem.

President Nixon on Friday made a special appeal for Americans to accord full courtesy to Tito, mindful of the previous demonstrations against the Yugoslav leader on earlier visits of lesser stature. By providing his mountain retreat at Camp David, Md., Wednesday night as an arrival rest stop for Tito and Mrs. Broz, as the Yugoslavian President's wife is called, President Nixon doubly associated his prestige with their visit.

Tito, now 79, is openly engaged in attempting to assure that Yugoslavia's independent brand of communism survives both the fractionalization hazards of its multiple nationalities and the risk of new Soviet domination. He led Yugoslavia out of the Soviet orbit in the 1948, in a historic break with Moscow.

Tito is the last survivor of the quartet of dynamic figures who aspired to lead the unaligned "third world": India's Nehru, Egypt's Nasser, Indonesia's Sukarno. President Nixon, making the first visit of an American President to Yugoslavia, last fall, confirmed there that this administration accepts and supports Tito's brand of unalignment. American officials said yesterday that the full-dress welcome to be accorded Tito here this week will be added evidence of that policy.

President Nixon told Tito last year that the United States would try to encourage American equity capital to invest in Yugoslavia. An amendment to help fulfill that goal is included in the present foreign aid bill now on the Senate floor. It would authorize guarantees for American investment in Yugoslavia and Romania, through the Overseas Private Investment Corporation.

The United States also recently agreed to reschedule $58.6 million in Yugoslavian debts to the United States, as American support for Yugoslavia's stabilization program.

In addition to its attempts to sustain its own non-doctrinaire brand of market economy, Yugoslavia last month played host to Soviet Communist Party leader Leonid Brezhnev, seeking to gain a guarantee of Soviet respect for Yugoslav sovereignty. The results reportedly were some gain, but with some ambiguity remaining about the Brezhnev doctrine of "limited sovereignty" of Communist nations.

Yugoslavia earlier this month reemphasized its independent stance with military maneuvers marking the first major test of its doctrine of "peoples war," drafted after the 1968 Soviet-led invasion of Czechoslovakia.

THE FUEL OIL SITUATION IN THE NORTHEASTERN STATES

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to have included in today's RECORD my testimony delivered before the Senate Subcommittee on Small Business which recently completed hearings in Boston on the fuel oil situation in the Northeastern States. I do so in view of the timeliness of the matter, as well as its continuing importance to the whole of New England. The press is replete with rumors that a decision is imminent. Now is the time for us to make our voices heard on the subject. While there is much to criticize in this Nation's approach to its fuel and energy policies, my remarks, for the most part, are directed specifically to an easing of the present restrictions on the import of No. 2 residual fuel oil. I certainly hope that my colleague on the Senate side, Senator THOMAS J. MCINTYRE of New Hampshire, is successful this time in his efforts to bring to bear on the administration's policy expert opinion of those most involved with the future of New England. The fact is that New England is laboring under enough disadvantages with its harsh winters and distance from sources of raw material without having to continue to pay artificially high prices for oil. By artificial, I mean prices which have no relation to the marketplace but result from deliberately reduced domestic production protected by a Government policy of import restriction.

TESTIMONY OF CONGRESSMAN JAMES A. BURKE, BEFORE THE SENATE SUBCOMMITTEE ON SMALL BUSINESS HEARINGS HELD IN BOSTON, OCT. 14 AND 15, 1971

Mr. Chairman, I am delighted with the opportunity to present testimony before your committee in connection with its current hearings on the fuel oil situation in the northeastern States. I only regret that the press of legislative business prevented me from testifying personally before your subcommittee while it was holding its hearings in Boston, October 14 and 15. As I said in my telegram to you on October 15, I endorse wholeheartedly the statements of my colleagues from Massachusetts, Senators Edward M. Kennedy and Edward W. Brooke and Silvio Conte, as well as my other colleagues in the Congress. The matter your subcommittee is considering goes further than a few pennies savings to the consumer for each gallon of oil consumed—not that this would not in itself be an eminently worthwhile objective. But the issue goes further than that because it directly affects the whole economic structure of the New England region. Current oil import regulations have worked and continue to work an unfair disadvantage on the competitiveness of New England industry. Anything that your subcommittee can do toward attacking this unfair freighting of the overhead cost of doing business in New England will come at a time when the New England economy could use any and all assistance it can get to come out of its present doldrums. I personally appreciate the tremendous leadership that you have given all along on this issue and only hope that by continuing to focus on this problem you will create the atmosphere necessary for the implementation of the necessary changes.

No more authoritative source than the Office of Oil and Gas of the Department of Interior in its recent study entitled, Fuel Oil in New England indicates that "New England, more than any other region or district in the United States, depends upon petroleum fuel for home heating, electric power, industrial use, schools, hospitals, etc. . . . New England oil heating accounts for about 21.5% of all the fuel oil consumed in the United States. As of January 1, 1970, it is estimated that four billion gallons of home heating oil surpass the total gasoline gallonage sold in the same six States region in 1969. Current indications show that out of eleven million people in New England, 75% use No. 2 fuel oil as a source of heating, with 19% on gas and the balance on electricity and other sources of energy."

Now, impressive as these statistics are in demonstrating New England's unique dependence upon oil fuel, probably more than any other section of the country, it does not tell the whole story since a considerable amount of oil is also used by the electric power stations at present in the generation and production of electricity. Thus, in a real sense, the power needs of New England are tied up with the supply and price of oil.

Consequently, New England Congressmen have not, surprisingly, been very much at the forefront as critics and commentators on this Nation's fuel policies. While this committee's sights are justifiably broad enough to include an in depth review of the whole national fuel policy as it affects New England, I hope I will be forgiven if I focus on what I feel to be the most immediate, pressing need at the moment; namely, a revision of the policies with regard to No. 2 residual fuel oil.

The shift from No. 6 residual fuel oil, often referred to as a "bottom of the barrel" product, because of its high sulphur content, is already resulting in an even higher percentage of the No. 2 fuel oil market in this country being consumed by the New England region. There has been a heavy conversion to No. 2 fuel oil by schools and industry. In an attempt to reduce the sulphur content, No. 2 fuel oil is mixed with the higher sulphur content No. 6 fuel oil more and more. This trend to No. 2 serves to aggravate an already serious situation.

It becomes ever more imperative that the home heating oil import program for New England established by the President on June 17, 1970 be extended beyond the scheduled expiration date of December 31 and made a permanent program so that fuel consumption plans in New England can be planned in advance for the first time with some certainty for the years ahead. At the same time, we should increase the authorized level of imports from 40,000 barrels per day to 100,000 barrels per day. This would have the doubly beneficial effect of assuring sufficient supplies as well as holding out the prospect of significant price relief. In addition, the current restriction which confines imports to the western hemisphere should be removed, enabling for the first time the New England region to have access to whatever world market offers No. 2 fuel oil at the most competitive price. As it now stands, the restriction has the effect of confining purchases to Caribbean refineries which, for the most part, are subsidiaries of major United States corporations and as such, offer little price savings to New England.

This is an important point, for, given the heavy consumption of oil in New England, a saving of as little as one cent per gallon in the price of home heating oil can save the New England economy a total of $45 million per year. When compared to what our Canadian neighbors to the north are spending on the same grade oil, free as they are to shop in the most economic markets available around the world, some estimates on the possible savings for New England if it could shop under the same conditions, run as high as $150 million a year. This, in my estimation, is a savings worth fighting for, something within our reach, and a decision which would not be that difficult for our domestic oil industry to live with. All the attention focused on how much prices in New England have risen because of the fact that world market prices for No. 6 fuel oil, which is imported free of any import restrictions at present, seems to me to miss the main point of New England's argument. If the New England fuel bill has risen all that much because of No. 6 fuel oil prices, it is all that much more imperative that we try to save what money we can, any possible way. While No. 6 fuel oil prices may be beyond our control, the fact of the matter is that by shopping around world markets as other cities and towns in Canada are doing, we could be saving ourselves money on No. 2 fuel oil, just when we need such financial relief the most.

I do not want to appear too critical of the present regulations in my suggestions for reform. There is little doubt in my mind that the existing program of 40,000 barrels per day, its restrictions notwithstanding, enabled New England to go through the recent winter (1970–71) without severe shortage or dislocation of supplies for the first time in five years. Rather, I would prefer my suggestions for reform and liberalization be taken as the highest form of tribute to the present program. As General Lincoln has said again and again, and I quote, "The program was a test operation and one to be evaluated." It is the opinion of this congressman, his constituents, and, I am certain, the entire New England delegation that the program has been pointing in the right direction and it is now time to make it a permanent feature of the Nation's fuel policy toward New England, after it has been adequately liberalized so as to have an even greater impact on the rising fuel prices New England otherwise seems to face.

I started off quoting from the study of fuel oil in New England published by the office of oil and gas of the Department of Interior. I would like to continue by disputing the implications in that study insofar as they may represent administration thinking on the situation in New England. The study argues that the rising prices and recent crises faced by New England as far as its fuel supply is concerned cannot be blamed on the import restriction program principally because crude oil has been largely unregulated and this is the principal source of fuel for the six-state region.[1]

The study is referring, of course, to No. 6 residual fuel oil. The fact of the matter is with environmental regulations written as they are, understandably requiring lower sulphur contents in fuels consumed, it becomes imperative to face reality for what it is and to take steps to see that No. 2 fuel oil is available in sufficient quantity so as not to add to the burden New England will face in any event, because of rising costs of No. 6 residual fuel oils. Current estimates indicate that this next winter will see an increase of at least 10–15% in fuel demands over last year's level in New England. The fact is that domestic refineries have not demonstrated any increased capacity to meet this kind of increased demand.[2] If such capacity should develop in the long run, we would be faced with a different situation. However, such domestic capacity is not going to be available in the near future, which happens to be the approaching winter months when our needs are most severe in New England. Whatever "best possible" interpretation can be placed upon the tremendous influence of this Nation's domestic oil producers on the formulation of this administration's fuel policies, we as representatives of New England must question just how long New England can be held hostage in the present to a national fuel policy of the future.

In other words, we are asking for a regulation now which will take into account the present situation, not what might be the potential from domestic sources at some future date. Given the rapid increase in demand in New England, based on the soundest political decisions of the electorate in favor of more environmental controls, and given the absence of an adequate capacity in our domestic refineries to produce No. 2 fuel oil, then the only safety valve in the situation which stands between healthy growth or certain ruin of the New England economy is a permanent increase in imports under more liberalized terms. The oil and gas study referred to concludes as much when it says the short-term answer will almost certainly be to increase produce imports. This will be necessary even if a crash program creating new capacity were to be undertaken immediately by the domestic oil industry.

All of us remember the recent controversy surrounding the announced price increases by Humble Oil Company, set to rise in stages, notwithstanding the President's announcement of his wage-price freeze policy on August 15. Without getting involved in the arguments surrounding the company's announcement, the fact is that statistics can already translate this into terms of millions of dollars of extra costs for New England this winter. It is all the more incumbent upon us, as members of the Massachusetts Congressional Delegation, in keeping with the spirit of the wage-price freeze, to look for ways to keep this major cost factor of doing business and living in New England down to a minimum.

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[1] Pages 20 ff.

[2] *Petroleum Today,* Winter, 1971. Vol 12, No. 1.

Refineries in the U.S. in recent years have sought to minimize production of residual fuel oil, with the current average residual yield running about seven percent of the barrel. This is understandable in light of what hitherto had been the low cost, and abundance, of imported resid.

Simply, there was no reason to increase domestic resid production when there was so little market demand for it and when its selling price was substantially less than the cost of the unrefined crude oil from which it came. Thus, U.S. refiners have stressed production of "lighter," more heavily refined products—gasolines, jet fuels, and distillates —for which there is a heavy U.S. demand.

Faced with today's changed situation, U.S. refiners are beginning to convert a larger share of their production to meet demand for resid. The task is not an easy one.

In recommending such a program, I do not feel that I am endangering the jobs of American workers. No. 2 fuel oil, as produced in this country, is not adequate to meet existing demand. Most purchases will still, in all likelihood, be from foreign subsidiaries of major oil corporations doing business in this country, further minimizing the impact of this nation's balance of payment figures.

If I were looking for examples to illustrate the urgency of the problem under consideration during these hearings, I would have to look no further than the example previously offered by preceding witnesses—namely, the town of Braintree and its municipally-owned Braintree Electric Light Company. The example certainly offers as good an explanation as any of why I, as the Congressman who represents the district which includes the town of Braintree, am in this battle as deeply as I am. When the Braintree Electric Light Department requested bids from seven suppliers of oil last year for this year's supply, the bids were opened on July 13, 1970, only to reveal that there were only four responses, all four indicating that they were unable to bid. Throughout the winter, the town of Braintree was forced to purchase its oil in small lots. As has been pointed out, the cost per barrel doubled and tripled last winter. The result, and I know it full well from my constituents' mail, was that rates for both residential and commercial electricity use increased 42% over what they were the previous spring. I am also appending to this testimony, as part of the *record,* an article which appeared in the "Quincy Patriot Ledger" last year, outlining similar purchasing problems in local communities throughout my district.

In conclusion, I simply want to say that for too long the threat of oil and fuel shortages has hung over the head of the New England economy in a threatening and totally menacing manner, making long range planning almost an impossibility. The present 40,000 barrels a day program has been tested sufficiently by this time for its basic merit to be apparent to all in the area most affected. It is time New England was given a permanent program which would breed confidence and certainty in the region. The most immediate and practical benefit from such certainty would be the encouragement independent marketers would receive to make the necessary investments in storage facilities. I certainly do not need to underline the problems that have been created in the past because of a lack of adequate storage facilities. In short, the time for experimenting and debate is passed. What is needed now is action and I hope the subcommittee will play a part in securing such action.

APPENDIX 1

[From the Patriot Ledger, July 17, 1970]

AREA TOWNS REPORT FUEL OIL SHORTAGE

A shortage of low sulphur oil, increasingly required in the U.S. and Europe as an anti-pollution measure, and the failure of oil companies to expand production capacities fast enough to have caused a fuel oil crisis in New England.

PRICE UP 30 PERCENT

Several area communities have already reported an inability to get oil companies to bid on heating oil contracts and where bids have been received, the price has gone up 30 per cent.

Nationwide, production of residual fuel oil grades 5 and 6 (the basic heating oils) to running 20 million barrels behind last year's rate.

The major oil companies have cut back the amount of heating oil shipped to New England distributors 20 per cent.

Each oil company took a different tack, some cutting back the quantity shipped to customers by 20 per cent; others eliminated 20 per cent of their customers.

In addition to the oil shortages, liquid asphalt, a key road-building material, is in extremely short supply in Massachusetts.

"What you've got is a real fuel oil crisis," said a Washington spokesman for the oil companies.

The first indications of the problem came when area school systems found it extremely difficult—and expensive—to purchase number 5 and number 6 grade oil.

NO BIDDERS

The Holbrook, Milton and Randolph school systems have been unable to find anyone to bid on their 1970–71 heating oil contract.

While Milton was seeking to purchase special "anti-pollution" oil with a low sulphur content, the other two towns were seeking only to buy conventional heating fuel. Nevertheless, Holbrook and Randolph received no bids.

Other towns have received bids, but at extremely high prices.

In Hingham, the school system expects fuel oil costs to go up 30 per cent. The town budgeted $35,000 for heating fuel, and the school department now expects that an emergency transfer from the reserve fund will be necessary.

In Sharon, the bids received for number 5 and 6 oil were so high that they were rejected. The lowest bid was 30 per cent higher than the $31,200 spent last year.

Stoughton reported a similar increase.

HOMEOWNER PROBLEM

The situation will not hit the average homeowner until fall when he prepares to purchase heating fuel for the winter. Some experts have predicted that many homeowners may not be able to find an oil supplier.

It seems there are two basic reasons for the problem: a shortage of oil with low sulphur content and the failure of the oil companies to expand their fuel oil production capacities fast enough.

Low sulphur fuel is becoming required in both the United States and Europe as an anti-pollution measure.

Most number 5 and 6 oil presently available has a 2.2 per cent sulphur content. Pollution fighters want to cut this back to 1 per cent. This would reduce the amount of sulphur dioxide (SO2) produced by oil burning.

BOSTON, MASS.,
October 15, 1971.

Senator THOMAS J. MCINTYRE,
Chairman, Senate Subcommittee on Small Business, Washington, D.C.:

Respectfully request to be recorded in the record of the hearings currently being conducted by your subcommittee in Boston on the fuel oil situation in the northeastern States, as endorsing whole-heartedly the statements of my colleagues from Massachusetts, Senators Edward M. Kennedy and Edward W. Brooke and Representative Silvio Conte as well as my other colleagues in the Congress. The matter your subcommittee is considering goes further than a few pennies savings to the consumer for each gallon of oil consumed—not that this would not in itself be an eminently worthwhile objective. But the issues goes further than that because it directly affects the whole economic structure of the New England region. Current oil import regulations have and continue to work an unfair disadvantage on the competitiveness of New England industry. Anything that your subcommittee can do toward attacking this unfair freighting of the overhead cost of doing business in New England will come at a time when the New England economy could use any and all assistance it can get to come out of its present doldrums. I personally appreciate this tremendous leadership that you have given all along on this issue and only hope that by continuing to focus on this problem you will create the atmosphere necessary for the implementation of the necessary changes. I will follow up on this telegram with a more detailed transcript for inclusion in the record.

With all good wishes, I remain

Sincerely,

JAMES A. BURKE,
Member of Congress.

MATCHING FEDERAL GRANTS TO MUNICIPAL ZOOS

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 15 minutes.

Mr. ST GERMAIN. Mr. Speaker, today I am submitting a bill to encourage, through the use of matching grants, projects to improve and maintain the health and environmental condition of animals in zoos owned and operated by counties and municipalities for the general public.

I have been very disturbed over the thoughtless treatment of many of our wild and caged birds and animals by both institutions and private citizens.

Many of our zoos are not receiving proper funding or civic support. As a result, far too many of these animals are not being properly quartered or cared for. The problems are not difficult to comprehend:

Animals who once roamed freely are now kept in cages which in some cases barely provide walking room;

Animals who traveled in packs or herds are kept singly, their only form of exercise a narrow running path;

Neither adequate facilities nor sufficient veterinary care exists, especially in the smaller zoos, to properly care for sick and aging animals;

Cleanliness of the animals and their living quarters is too often neglected.

These conditions do not exist all together in any one zoo that I know of, but they do exist as individual problems in zoos across the country. This legislation will not solve all the problems of all the zoos. Money alone cannot do that. It must be accompanied by civic interest and pride.

The matching grants will encourage those cities and counties who have an initial interest and awareness of these problems to take the next step and plan for their solution.

Appropriating funds to aid municipal and county zoos breaks new ground. I am requesting that $5 million be set aside for political subdivisions of the States, for the express purpose of improving conditions in zoos as they now exist. This money shall remain available until fully spent and shall apply to the United States, Puerto Rico, Virgin Islands, Guam, and the District of Columbia. Each individual grant shall not exceed $50,000, although the total amount can vary freely.

Qualification for the grant will be determined by the Secretary of Housing and Urban Development, upon presentation of a complete description of the project for which the funds shall be used. Consideration shall be given to those political subdivisions making the largest per capita expenditures on their zoos.

As our life becomes increasingly urbanized, I think it is important that our children continue to have a real experience with nature and animal life in its many forms.

Just as important, we want our children to see these animals treated as humanely and kept as clean and healthy as possible. We want them to see these animals as they would exist in their homelands, as a natural part of their environment.

AN OUTLAW IN THE COMMUNITY OF NATIONS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, just as there are individuals who by their acts become outlaws, so there are also nations which by their cruel policies and inhuman actions violate all accepted norms of international behavior.

During the 1930's and early 1940's, Germany, goosestepping to the insane rantings of Adolf Hitler, perpetrated the most heinous crime in the history of humanity, systematically slaughtering 6 million innocent Jews in the name of the demented Nazi principle of Aryan racial superiority. More recently, the Soviet Union, adhering to the atheistic Marxian doctrine of dialectical materialism, has persecuted and oppressed its Jewish minority struggling to maintain its religious heritage against Russia's Communist dictators.

Today, I rise to speak out against the activities of another outlaw nation, another dictatorial regime, which is guilty of committing crimes against humanity by terrorizing its small Jewish community. The criminal nation to which I refer is Israel's bellicose neighbor to the northeast, Syria.

The Syrian regime is mercilessly persecuting the 4,000 remaining Jews within its borders in a program of relentless physical and psychological torment. This is the same Syrian regime which races through the most menacing powder keg since the Balkans in 1914, uttering cloud, childish shouts, waving torches, throwing lighted matches around and calling for a war against Israel.

This is the same Syrian regime which acts as a Soviet satellite in the Middle East, having allowed Russia to utilize Aleppo as a naval base. This is the same Syrian regime that has offered sanctuary to guerrilla skyjackers, insolently contravening international air convention and daring the United States to do something about it.

Earlier this month, the Committee of Concern, a nonsectarian group of Americans formed to call world attention to the plight of Jews in Middle East countries and headed by General Lucius D. Clay, released an alarming report on the status of Syrian Jews. The report revealed that the ruthless Syrian Government has placed a total ban on Jewish emigration and that 12 young Jews have been imprisoned, charged with attempting to flee the country.

Of these 12 victims of harassment, three are members of a single family: 27-year-old Azur Blanga, his 24-year-old wife and their 4-year-old son. Two are members of another family: Isaac Hamra and Sheila Hamra. The list includes two men besides those mentioned: Abdo Saadia and Simon Bissou. Four unmarried women are among these Jewish prisoners: Badio Dibbo, Miss Boukehi, Miss Melles and Miss Yachar. The name of the 12th victim is not known.

In addition, the relatives of these 12 Syrian Jews have been taken into custody and interrogated under torture. It is clear from this torture of the prisoners' relatives that Syria's totalitarian dictators are continuing the practice of guilt by association.

Moreover, all Jewish prisoners that have been released from Syrian jails were subjected during their confinement to various forms of savagery at the hands of their Syrian captors. These included electrical torture, the ripping off of fingernails and other types of brutality.

The Committee of Concern's report also revealed that the Jewish cemetery in Damascus has been almost completely destroyed by highway construction. The sadistic Syrian regime persecutes its defenseless Jewish minority in many other ways.

Jews are prohibited from selling their houses and when a Jew dies, his property is confiscated by the state. Syrian authorities have turned over homes in the Jewish quarter to occupation by Palestinian Arabs who harass the remaining Jewish residents.

Jewish schools have been taken over by the state and Moslem principals appointed.

Jews are barred from practicing in most professional fields.

Within Syria, travel by Jews is restricted to 3 kilometers from one's home address. The ban on travel even extends to needed visits for medical treatment. In contrast to this restriction on Jewish travel, 500,000 Moslem Syrians have crossed the border and visited Lebanon during this year alone.

All Syrian Jews are forced to carry distinctive Jewish identity cards marked with a red stamp, "Member of the Mosaic Faith."

A Higher Committee for Jewish Affairs in the Syrian Ministry of the Interior maintains a constant surveillance over the Jewish community, carrying out frequent arrests and sudden house raids at night.

The Committee of Concern has urged that the barbaric treatment of the Jewish community at the hands of the Syrian regime be brought before the United Nations Commission on Human Rights. If their response is that this treatment of the Jewish minority is "an internal matter," then my reply, that of the Committee of Concern and that of scholars and plain-thinking citizens of our one world is that this is the same thing that Hitler said when his persecution of the Jews was questioned.

Tyrants in every part of the world, from time immemorial, have proclaimed their perverted theory that what they do to their own people is wholly their own business and that outsiders should keep their prying noses out of what the tyrants have declared to be exclusively "an internal matter." But the truth is that no nation is an island. Humanity is indivisible. Brutality exercised anywhere inevitably wounds the heart and soul of good men everywhere.

That this truth is not universally acknowledged is a tragedy of our epoch in human history. Indeed, the 20th century will be the subject of close scrutiny by future historians for the bureaucratization of evil, and the slowness of neighboring societies and governments to get involved, that have characterized our age. Too often, our era has been marked by morally bankrupt leaders and misled masses committing cruel and inhuman crimes against oppressed minority groups while the world passes by.

To the Syrian tyrants committing these anti-Jewish atrocities, the answer of the U.S. Government, and the answer of all Americans as individuals, should be loud and clear: In the name of humanity, stop. In the name of decency, reconsider. In the name of conscience, reflect on what you are doing. Mankind everywhere, today, is judging you. The United Nations will judge you. Eternity will judge you also.

The admission and retention of a nation in the United Nations has been the subject of recent deliberation throughout the world. If the United Nations is to serve as a truly effective international forum, then it cannot ignore the barbarous actions of the Syrian regime. The United Nations Commission on Human Rights cannot overlook the sadistic brutality of the Syrian Government in persecuting its Jewish minority. I urge the commission to begin immediately a thorough investigation of the torture now occurring in Syria and that the member nations impose the strongest possible economic and political sanctions on the despotic Syrian Government.

PHANTOM AIRCRAFT TO ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I am today introducing, together with a number of colleagues, a resolution calling for the shipment of Phantom F-4 jet aircraft to Israel in order to maintain the military balance in the Middle East.

In a letter to the President last July, I stressed that the interruption in the delivery of arms to Israel is a cause of deep concern and alarm to all Americans who recognize that this staunch ally is in the front line of western defense in the Middle East. To withhold the war planes needed to maintain Israel's deterrent capacity is a grave threat not only to that nation's security, but to the peace of the world. American firmness and resolve to keep Israel strong is, in my opinion, the only viable approach to securing a genuine peace in the Middle East.

It is imperative that the United States respond affirmatively and without further delay to Israel's request for shipment of the Phantom aircraft and provide such supporting equipment and assistance as are essential to maintain Israel's deterrent capability.

The text of the resolution follows:

H. Res. 666

Calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East

Whereas, the Soviet Union is continuing to supply additional sophisticated weapons including advanced jet aircraft, and has deployed combat pilots, and other military personnel in Egypt, and other Arab states;

Whereas, these actions have seriously affected the military balance in the Middle East and increases the danger of war; and

Whereas, the aforementioned developments have encouraged certain Arab states to resist peace negotiations and to threaten the resumption of war;

Whereas, this constitutes a grave threat to peace in the Middle East, prejudicial to the vital interests of the United States;

Whereas, the policy of the United States as expressed by the President and the Congress of the U.S. is to maintain the arms balance in this region;

Resolved by the House, that—

(1) The United States without further delay should take affirmative action on Israel's pending request for F-4 Phantom aircraft, and provide such supporting equipment and assistance as are essential to maintain Israel's deterrent capability;

(2) The United States Government should oppose any attempts at the United Nations to alter the meaning and effect of Security Council Resolution 242 of November 22, 1967, and should reaffirm the importance of secure and defensible borders as a vital element in a peace settlement to be negotiated by the parties themselves.

ANTITRUST SUIT THREATENS LOCAL COMMUNITIES' FREEDOM TO REGULATE BUILDING PRACTICES

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, during this coming October 31 to November 4, the Southern Building Code Congress will hold its annual research conference in the city of New Orleans, La. The SBCC is a voluntary association of State agencies, counties, and municipalities in some 20 States, having as its objective the improvement of building, housing, plumbing gas codes of member jurisdictions. To this end it develops and publishes model codes.

The SBCC does its job well. Over a quarter of a century it has compiled a remarkable record of achievement in helping its member jurisdictions update, with a high degree of uniformity, their codes, and code administration.

The SBCC can also show admirable results in its attempt to balance conflicting objectives and competing interests in the matter of codes, that is, to keep building and related codes open to new materials and new methods on the one hand, while paying due heed to the protection of the American homebuyer on the other.

Mr. Speaker, today this fine organization is on trial for its life. It finds itself, together with its executive officers and member cities, named defendant in a $20 million antitrust suit filed in the Federal District Court for Northern Alabama. Plaintiffs are Celanese Corp. and various other interests in the plastic drainage pipe and fittings industry. The plastic interests are complaining that the Southern Standard Plumbing Code published by SBCC restricts approval of their products to one- and two-family dwellings. They contend that such approval should be unlimited, and that any restriction constitutes an unlawful restraint of trade.

SBCC is in narrow straits. It cannot afford to compromise the suit by giving the plaintiffs half a loaf, for it thereby compromises its credibility and reliability as an independent code authority. With building regulation, as with all regulation, the object is to prohibit, to restrict, in the public interest. A building code which allows a builder to do anything he wants, use anything he wants—even at the expense of the public interest—is a public law or regulation in name only. In fact, it is something else, perhaps an engineering manual.

If private organizations violate the antitrust laws by writing model building codes which permit use of some building materials and construction methods while restricting others, then private organizations cannot write model building codes.

Then city and county building officials cannot get together in bodies like SBCC to pool information and strive for uniformity since they are always recommending some kind of restriction. Then the door is wide open for Federal control as the only alternative route to code updating and code uniformity.

Organizations like SBCC are absolutely necessary to the continued existence of State and local building codes. Whatever helps them preserve their integrity and independence is very much in the public interest. It ought to be an aim of the Congress to protect them from devastating lawsuits and from unwarranted harassment of corporate power and Federal bureaucracy alike.

Mr. Speaker, I speak not in abstraction or conjecture. I mentioned a pending lawsuit. ABS Institute and others against Southern Building Code Congress and others. There is strong indication that the biggest likely winner and, therefore, the principal real party in the interest, in that lawsuit is the U.S. Department of Housing and Urban Development.

That should be enough to engage the attention of Congress but that is not all. There are at latest count no less than six antitrust suits pending in three Federal district courts. There are private industry representatives going about the South purporting to speak for HUD. There are local government officials asking industry spokesmen what they must do to qualify for HUD money, because they cannot find out from HUD itself. These events reek with the smell of heavy collusion. They cry out for the most searching investigation by the appropriate committees of the Congress.

In recent years, it has occurred to ambitious bureaucrats inhabiting the corridors of HUD that control over hundreds of millions of dollars of taxpayers money could mean control over many other things as well, including the contents of State and local building codes. The particular vehicle chosen to effectuate the ambitious schemes has been the requirement known as the workable program for community improvement. If a county or municipality has no certified workable program, it is denied urban renewal loans and grants, sometimes amounting to millions of dollars. If it seeks certification or recertification of a workable program, it must, among other things, adopt a building or other code approved by HUD and so suffer the indignity of forfeiting yet another of its long cherished State and local rights. When the community is forced by HUD to adopt a code of HUD's choice, this applies to all construction in this community, and not only that financed by the U.S. Government. Hence, this change in codes demanded by HUD affects every project in every community henceforward. The Federal power is not confined to Federal or federally assisted projects.

All of this has been done without a shadow of authority from the Congress. It is something HUD simply decided to do, because it controls the money and because cities and counties needed that money appropriated by the Congress.

One of the most favored beneficiaries of the HUD code-cracking policy has been, by all odds, the plastic drainage pipe and fitting industry.

In locality after locality seeking badly needed urban renewal money, HUD has issued a direct order: Approve the material in your plumbing code or no money.

So handsomely in fact did the plastic industry benefit that certain price lists and discount practices began to show remarkably similar patterns. On June 29 of this year, four leading producers of plastic fittings found themselves indicted in the U.S. District Court for the Central District of California. According to the indictment, the four between them accounted for 54 percent of the sales volume of plastic fittings last year. According to the 180-page bill of particulars filed in the case, base prices were in some instances increased two and three times. Four civil cases have been filed against the same defendants, one by the Justice Department seeking an injunction and three by private parties seeking treble damages. Two of these are pending in the Central California District and bear case numbers 71-1589-AAH and 71-1599-JWC. The other is No. C-71-1275 in the District of Northern California.

Mr. Speaker, in this country corporations no less than real persons are innocent until proven guilty beyond a reasonable doubt. I am not assuming that the four defendants are guilty. I am assuming that there was evidence, including price lists, deemed sufficient to justify an output of money and effort to obtain an indictment. HUD all the while was going about the country insisting on approval of plastic plumbing materials in local codes on the score of significant cost saving. Did HUD have any real idea what the real price structure was for these materials?

Celanese Corp., one of the four defendants in the criminal case, is the only named producer plaintiff in the class action against SBCC. Celanese and its industry colleagues want $20 million from city and county members of SBCC. I am far more concerned as to how many millions these same companies may have cleaned from the good people of those same localities by charging unlawfully fixed and inflated prices for their plastic pipe and fittings. I earnestly recommend that my colleagues in the House whose districts include city and county members of SBCC become likewise concerned.

I further recommend to the consideration of the SBCC itself that it can perform yeoman service for its member jurisdictions by serving as a forum for the exchange of information on possible injury to home buyers in its territory from price fixing.

The individual plaintiff, Mr. A. B. Hunter, has been a prominent partner of HUD in other localities throughout the South. Some of those activities are chronicled in hearings in the 91st Congress, second session, before the Senate Subcommittee on Housing and Urban Affairs, entitled "Housing and Urban Development Legislation of 1970," part 1, at pages 653–60. A local official of Dade County, Fla., who had observed Mr. Hunter's activities in fronting for the HUD code policy in that area, furnished Members of both Houses with a report entitled "Evidence Pointing to Unethical Collusion Between Representatives of HUD Regional Office in Atlanta and Plastic Pipe Industry." It seems that on April 27, 1970, Mr. Hunter testified before the county board and his stenographically recorded testimony contains the following gems:

> (1) They are willing to take what we are willing to take.
>
> (2) Mr. Chairman, I make my assurance to you that I will get HUD to accept the two stories because I do it every day.
>
> (3) Mr. Headly, if it will help any, I could get a letter in writing stating that they will accept the two-floor limitation . . . I can have it here immediately.

The entire report makes most interesting reading, but the essential feature of it is that Mr. A. B. Hunter interpreted the policy of HUD to the Dade County government and the accuracy of his interpretation was subsequently confirmed by HUD.

At a later date, Mr. Hunter turned his attention to my own State of Louisiana, where both he and the HUD code policy encountered considerable resistance in the city of New Orleans. A newspaper report in the Times-Picayune of Thursday, March 11, 1971, quotes from a letter written by Hunter to James A. Moreau, council president of New Orleans, as follows:

> We intend to immediately take two steps in this matter:
>
> 1. To request that all federal funds granted under the Workable program be withdrawn and stopped.
>
> 2. To begin litigation against your city for discrimination against our materials.

And so this same Mr. Hunter, who faithfully interpreted the mind of HUD in the case of Miami, and who threatened to call down the wrath of HUD upon the city of New Orleans, now calls upon a Federal court to dynamite the Southern Standard Plumbing Code of the SBCC—and he wants $20 million to boot.

When State and city building regulation has been effectively crippled, HUD will be there ready to fill the void. Even now that agency is circulating for comment a draft "Minimum Property Standards for One- and Two-Family Dwellings." This publication when published in final form, will replace the present minimum property standards for one- and two-living units, FHA No. 300.

The present FHA document is primarily a manual of mortgage insurance practice. The proposed replacement is a HUD rather than FHA document. It has all the earmarks of a building code for the acceptance of housing under the numerous programs of the Department of Housing and Urban Development. It will be followed by other minimum standards for multifamily housing and care-type housing. All three are intended to be mandatory.

Against this crass bureaucratic effort to preempt the entire field of building regulation, SBCC, and the other building officials take their stand as a last hope of State and local code autonomy.

I call upon the SBCC to remain steadfast in the face of this threat. I call upon the delegates who will be attending the annual conference of that body to stand up like men honestly and sincerely dedicated to the best interests of their fellow citizens back home. If they cave in in the face of this threat, then goodbye SBCC. Goodbye other voluntary building code associations such as the International Conference of Building Officials, the Building Officials and Code Administrators International, and the International Association of Plumbing and Mechanical Officials. Goodbye State and local rights. Goodbye another part of the much tarnished 10th amendment to the U.S. Constitution.

At the present time the House Subcommittee on Legal and Monetary Affairs is investigating the activities of HUD. I would hope and pray that the monopolistic control of those firms indicted by the Antitrust Division of the Justice Department be fully explored, that the policies of the workable program which are dictatorial be fully brought out into the open, and that a complete investigation of price fixing within all phases of the industry be brought into the open for the benefit of the American public.

CHINESE REPRESENTATION IN THE UNITED NATIONS

The **SPEAKER**. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, with the vote Monday night on Chinese representation the United Nations embarks on a new and difficult, but hopeful phase of its history. Since the advent of the Peoples Republic of China the U.N. has been handicapped by the fact that a government representing more than one-fourth of mankind has been excluded from the channels of international diplomacy offered by the U.N.

In the near future, the Peoples Republic of China will have a seat at the U.N. There, it will have the opportunity to voice its positions on issues crucial to the peace of the world, including disarmament, the resolution of conflicts through U.N. mediation and peacekeeping, the relationship between the developing countries and the rich industrial nations, the future of the deep seas, international implementation of human rights, and international protection of the environment. All of these issues are of crucial importance to mankind and to all Americans. They are issues of human survival in this increasingly dangerous world.

I am appalled by the fact that our Government and this Congress are approaching this opportunity for dialog with the Peoples Republic of China with such a negative attitude and with so little consideration for the future. Some say we should punish the U.N. by drastically reducing our financial responsibilities. Others are saying that the effectiveness of the frail mechanism of the U.N. will be destroyed by the Peoples Republic of China.

I appeal to the American people to ignore these voices of defeatism.

I appeal for a united effort on the part of the administration, Congress, and the public for a greater commitment to the struggle for world peace through the United Nations.

I do not want to spend too much time on the past, but I think that the record should be set straight. What the U.N. has done through the vote in the General Assembly is to affirm the fact that the Peoples Republic of China is the effective government of that most populous of nations. The government on Taiwan can no longer claim that it, as a government effective over only 14 million people, represents all of China. However, the reality is that the government based on Formosa can and will continue as a government with considerable economic and military power and with trade and diplomatic relationships with many other countries.

It is true that the Republic of China is an ally of the United States under a mutual defense treaty, but it is also true that the real hope for peace in Asia lies in a negotiated, rather than a military solution of the Taiwan problem. It is the opinion of a majority of the members of the U.N., including most of our NATO allies, that Monday's decision at the U.N. can open opportunities for such a negotiated solution.

We must stress the positive opportunities that lie ahead in which our Government can take effective leadership. For the U.N. to open up these possibilities, there must be agreement among all the great powers, including China, on the election of a strong Secretary General to replace U Thant when he retires at the end of this year. There must be an effort to restore the financial solvency of the U.N. through special contributions predominantly from the five permanent members of the Security Council. The financial investment is low but the stakes and possible returns are high. There must be a serious effort for disarmament in which Peking takes part. U.S. leadership on these three crucial issues is needed to lay the foundations for a new era of U.N. peacekeeping and peacemaking. We cannot be builders if we approach the U.N. with a negative and punitive attitude.

We will have opportunities for dialog with the Peoples Republic of China on numerous other issues. Hard, serious negotiating is never easy, but whether in the economic and social bodies of the U.N. or in the agencies dealing with human rights and international law we must choose between wasting our strength in propaganda battles and using our skills and our will in effective diplomacy.

In these continuing efforts at the U.N. for peace and justice the United States must not stand as a disgruntled, isolated protester; we can rally the support of allies and neutrals alike. The veto power is not, as U.N. history shows, an insurmountable barrier. The real veto has been the unwillingness of the great powers, including the United States, to use the U.N. honestly and productively.

I suggest that we challenge the Peoples Republic of China and all the other members of the United Nations to a race for peace and justice. Now is the time. Let us have the courage to seize it.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The mechanization of Soviet agriculture in which has occurred during the past few years is dwarfed by comparison with conditions in the United States. For the farmers of the United States operate eight times as much farm machinery as are used on the collectivized and state-owned farms in the Soviet Union.

A BLOW TO FREEDOM

(Mr. DUNCAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, the vote to seat Red China in the United Nations was a sad note for many of us. I feel that it is a blow to freedom, striking off the the membership of a country that has struggled for freedom and against the perils of communism for more than two decades. I regard the entire matter as an injustice of the most serious proportions.

I am sure the question of our support and further participation in the U.N. will come forward soon.

I am hopeful that a majority of the Congress will refuse to continue financial support. I, for one, will welcome the opportunity to do so.

ARBUTHNOT RIDES AGAIN

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a short time ago Frank Sullivan, the noted American humorist, celebrated his 80th birthday and I took the opportunity to note this remarkable anniversary in the CONGRESSIONAL RECORD. At that time I referred to Mr. Sullivan's prowess as the fashioner of pieces built upon clichés wherein the noted expert, Mr. Arbuthnot, delivered his pompous and empty phrases.

By a welcome coincidence one of Mr. Arbuthnot's most vacuous effusions, his testimony as a literary critic, appeared in the October 24, 1971, edition of the Book World included with the Washington Post of that day.

It is fitting that this memorable creation should have an audience among those who are experts in producing resounding generalities and therefore I append Mr. Sullivan's 1937 New Yorker article to my remarks for the benefit of my colleagues and readers of the CONGRESSIONAL RECORD generally.

THE CLICHÉ EXPERT TESTIFIES AS A LITERARY CRITIC

(By Frank Sullivan)

Q. Mr. Arbuthnot, you are an expert in the use of the cliché as applied to literary criticism?

A. I am told that I am, Mr. Sullivan.

Q. We shall soon find out. What is this object, marked Exhibit A?

A. That is a book.

Q. Good. What kind of book is it?

A. It is a minor classic.

Q. And what kind of document is it?

A. It is a valuable human document.

Q. Very good, Mr. Arbuthnot. Please continue.

A. It is a book in which the results of painstaking—or scholarly—research are embodied, and it should appeal to a wide public. This reviewer could not put it down.

Q. Why not?

A. Because of its penetrating insight. It is a sincere and moving study of family life against the background of a small cathedral town. It is also a vivid and faithful portrayal.

Q. How written?

A. Written with sympathy, pathos, and kindly humor. It throws a clear light on a little understood subject and is well worth reading.

Q. How is it illustrated?

A. Profusely. It is original in conception, devoid of sentimentality, highly informative, consistently witty, and rich in color. You should place it on your library list.

Q. Why?

A. Because it strikes a new note in fiction. Mystery and suspense crowd its pages. The author has blended fact and fiction and the result is an authentic drama of social revolution, a definite contribution to poletarian literature.

Q. Told with a wealth of what?

A. Told with a wealth of detail.

Q. And how portrayed?

A. Realistically portrayed, in staccato prose. For sheer brillance of style there has been nothing like it since *Moby Dick*. Rarely does a narrative move at such a fast pace.

Q. What is it a shrewd comment on?

A. The contemporary scene. It marks a red-letter day in current literature. It is capital entertainment.

Q. What pervades it?

A. A faint tinge of irony.

Q. And how is it translated?

A. Ably. It is a penetrating study in abnormal psychology, and unlike most scientific works it is written in language understandable to the layman. It belongs in the front rank of modern picaresque literature. Ideology.

Q. I beg your pardon?

A. I said ideology. Also catharsis.

Q. What about them?

A. Well, they have to come in somewhere.

Q. I see. Now, to return to the minor classic, Mr. Arbuthnot. Would you call it a subtle and arresting piece of work?

A. Certainly I would. Why do you suppose I'm an expert in the use of the cliché? I'd also call it an honest attempt to depict, a remarkable first novel, a veritable triumph, a genuine contribution, a thrilling saga of life in frontier days, and the most impressive study of degeneration since Zola. It bids fair to do down as one of the great biographies of all time, including *Moby Dick*. In short, it has unusual merit.

Q. How does it augur?

A. It augurs well for the future of the author?

Q. And how does it bid?

A. It bids fair to become a best-seller.

Q. And how does it end?

A. It ends upon a distinct note of despair. It is a work of art.

Q. I'm glad you liked it, Mr. Arbuthnot.

A. Who said I liked it?

Q. Didn't you?

A. Certainly not.

Q. Why not?

A. Because it is, one fears, mawkishly sentimental and, one regrets, faintly pretentious. Curiously enough, it does not carry conviction. Strangely enough, it lacks depth. Oddly enough, the denouement is weak. It is to be regretted that the title is rather misleading and it need hardly be pointed out that the book as a whole lacks cohesion and form. I am very much afraid, one regrets, that it falls definitely into the escapist school of fiction. And of course, like all first novels, it is autobiographical.

Q. I'm glad you told me. I won't buy it.

A. Ah, but in spite of its faults it contains much of real value. It kept me awake till three. In the opinion of the present reviewer it would be the long-awaited great American novel except for one serious defect.

Q. What is that?

A. It lacks an index.

Q. Mr. Arbuthnot, it is easy to see that you have earned your spurs in the field of literary criticism. So much for the book. Now, observe this object I hold here in my hand, marked Exhibit B. What is it?

A. That. *That* is an *author.*

Q. Whose are those italics, Mr. Arbuthnot?

A. The italics are mine.

Q. What kind of author is this?

A. A promising young author who should be watched.

Q. What does he write?

A. Powerful first novels.

Q. What kind of storyteller is he?

A. He's a born storyteller.

Q. What kind of satirist is he?

A. A satirist of the first order.

Q. Tell us more about this interesting creature.

A. Well, he cannot be lightly dismissed. He is undoubtedly to be reckoned with, one feels, as a definite force. He is in the front rank of the younger writers.

Q. Why?

A. Because his work plainly shows the influence of Joyce, Hemingway, Huxley, Proust, Gertrude Stein, Auden, Eliot, and Virginia Woolf. Here is an authentic talent from which we may expect great things.

Q. So what do you do?

A. So I hail him. And I acclaim him. He has a keen ear for the spoken word. He also has a flair. He sets out to tell. He deals with themes, or handles them. He recaptures moods. His execution is brilliant, his insight is poetic, his restraint is admirable, and he has a sense of values. There is something almost uncanny in his ability to look into men's souls. And he paints a vivid word picture and works on a vast canvas.

Q. How?

A. With consummate artistry. He writes with commendable frankness.

Q. Using what kind of style?

A. Using a limpid prose style. He has a real freshness of approach that stamps him as an artist in the true sense of the word. He culls his material and his niche in the hall of literary fame seems secure.

Q. I'm glad you like him, Mr. Arbuthnot.

A. But I don't.

Q. No? Why not?

A. Because his talent is plainly superficial and ephemeral. He has an unfortunate habit of allowing his personality to obtrude. His book is badly documented and not the least of his many irritating mannerisms is his addiction to inexcusable typographical errors. His book is full of clichés and he does not make his characters live and feel and breathe. And he writes with one eye on Hollywood.

Q. You mean to tell me that a cad like that has the audacity to call himself an author?

A. Well now, don't be too hard on him. Although he decidedly does not justify his early promise it is as yet too early to evaluate his work. Want to know about the plot?

Q. Yes, indeed. What about the plot?

A. It is well rounded and fully developed. But it is marred by structural weaknesses.

Q. What kind of structural weaknesses?

A. Inherent structural weaknesses. It is motivated, of course. And its threads are cunningly woven into a harmonious texture by the deft hand of a skilled literary craftsman.

Q. Just one thing more, Mr. Arbuthnot. How many kinds of readers are there?

A. Three—casual, general, and gentle.

Q. Mr. Arbuthnot, I think that is all. I can't thank you enough for having come here today to help us out.

A. It has been a pleasure—a vivid, fascinating, significant, vigorous, timely, gracious, breath-taking, mature, adequate, nostalgic, unforgettable, gripping, articulate, engrossing, poignant, and adult pleasure to be of service to you, Mr. Sullivan. Good day, sir.

SHARED TUITION PLAN: A TAX CREDIT FOR TOMORROW

(Mr. CAREY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CAREY of New York. Mr. Speaker, in 1965, when I was privileged to be a member of the Education and Labor Committee, Congress made history with the passage of two major educational laws—the Elementary and Secondary Education Act, and the Higher Education Act. With these two enactments, we committed ourselves to achieving education excellence and to the improvement of educational opportunities.

Obviously, the goal has not yet been reached, but we have made headway. Our intention in 1965 was to guarantee all qualified students the chance to pursue higher education. To do this we expanded an existing work-study program. We initiated programs of educational opportunity grants for low-income students as well as a program of insured loans and loan subsidies. We have since expanded these programs as well as the NDEA student loan program.

However, the spiraling costs of higher education are outstripping our efforts. The average cost of sending a student to a public college is nearly $1,500 a year. The cost of sending a student to a private college is double that amount and if a youngster wishes to attend an Ivy League college the cost is between $4,500 and $5,000 a year. To this, you must add at least $500 a year for transportation, books, laundry, and other expenses. Over a 4-year period the totals are staggering. And pity the poor family with more than two college-bound children. Such expenses make higher education prohibitive to a large percentage of families, no longer just needy, low-income families but middle-income families as well. Equal educational opportunity has become a formidable challenge.

The 92d Congress is considering major higher education legislation. The Senate passed the Education Amendments of 1971 (S. 659) on August 6 and the House Education and Labor Committee recently reported out the Higher Education Act of 1971 (H.R. 7248) which will reach the floor today. Major aspects of this legislation include the provision of general institutional aid or cost-of-education allowances to assist colleges with general operating expenses. Such aid would help colleges to slow down the accelerated increases we have been witnessing in tuition charges. In addition, increases will probably be proposed in existing programs of student financial aid.

I am certain that this alone will not achieve equal educational opportunity. These Federal programs emphasize assistance to poor and lower income families, but offer little help to middle-income families. I certainly do not take issue with the postulate that proportionately greater educational assistance should go to lower income families, but it is not a logical extension of this postulate to assume that middle- to moderate-income families should be without some assistance. It is far more equitable, I submit, to assume that while the lower income families may need complete financing in attaining their higher education goals, the middle- to moderate-income families need partial assistance in meeting their children's education expenses.

We must also develop approaches of student aid which will not require further massive long-term outlays of Federal funds but will help the average family to afford the high cost of college. The primary program of financial assistance for higher education currently available to middle-income families is the insured student loan program. Certainly, all of my colleagues must be aware that in many districts this program is simply not sufficient—another consequence of the tight money, high-interest market.

For years bills have been introduced in both Houses which would provide tax credits or tax deductions for the expenses of higher education. Tax incentives have become a permanent and useful component of our tax system as a vehicle for achieving a public purpose that would be difficult to attain by direct means. But the use of tax credits have usually been opposed by the executive branch and key committee members in Congress. The primary objections have been that such bills would cost the Treasury too much money.

Mr. Speaker, today I am introducing legislation which would provide greatly needed financial relief to middle-income parents and yet would not further deplete Treasury revenues. It is ironic indeed that that group of citizens who bears the heaviest tax burden, whose taxes finance Federal student aid programs are not eligible to participate fully in these programs. With such an inequity I can understand the resistance of many taxpayers to higher outlays for education.

My bill would work as follows:

The parent, or taxpayer financially responsible for the tuition and fees of any student enrolled in an institution of higher education, would be allowed a tax credit of up to 50 percent of the educational expenses paid during any given year. The amount of the tax credit would not exceed $1,500 for any given year, and the aggregate credits over the period of education of the student are not to exceed $10,000.

To be eligible for this tax credit, the parent and the student join in an agreement with the Secretary of the Treasury under which the student would agree to repay the amount of the tax credit granted to the parent. The amount of the repayment shall include interest from the date of the allowance of the credit, at the prevailing Government interest rate. Repayment would extend over a 10-year period which would begin 2 years after the completion of the education of the student.

Mr. Speaker, my shared tuition plan would allow students from middle income families to complete their education without any further massive Federal Government outlays for tuition. There is no revenue loss for the Government; rather, there is a revenue advance from the Government to the student via the parent.

The student, once responsible for the cost of his education, is likely to be more diligent in his studies as are most of us when we are spending our own money. The parent would have the satisfaction of helping to provide for the education of his children without incurring oppressive debts for a service which benefits the student and our country and the next generation.

The late President Kennedy, in his report to the Congress in 1963, stated:

> For the individual the doors to the . . . colleges lead to the richest treasures of our open society . . . the power of knowledge . . . the training and skills necessary for productive employment . . . the wisdom, the ideals and the culture which enrich life . . . the creative, self-disciplined understanding of society needed for good citizenship in today's . . . world . . .

Mr. Speaker, in order to keep these doors open, I introduce today the shared tuition plan; A tax credit for tomorrow.

Mr. Speaker, I also include with my remarks at this point a short summary of the bill:

ANALYSIS OF SHARED TUITION PLAN: A TAX CREDIT FOR TOMORROW

1. General Purposes: To amend the Internal Revenue Code to allow a repayable credit for certain expenses of higher education.

2. General Rule and Amount of Credit: The parent, or taxpayer financially responsible for the tuition of any student enrolled in an institution of higher education, would be allowed a tax credit of an amount equal to the lesser of either 50% of the educational expenses paid during any given year or $1500.

A limit of $10,000 would be set on the total amount of borrowing in order to regulate the deferred revenue and prevent borrowers from incurring inordinate obligations.

3. Requirements: The taxpayer must pay at least 25% of the student's expenses of higher education for the year.

The Secretary of the Treasury will publish a simple uniform agreement under which the taxpayer and the student jointly agree that the amount of the credit shall be repaid during the 10-year period which begins not later than 12 nor earlier than 9 months after the student ceases to pursue a full-time course of study at an institution of higher education.

The repayment shall include interest incurred from the date of the allowance of the credit.

The Shared Tuition Plan has been reviewed by the Special Sub-Committee on Education, the Joint Committee on Internal Revenue Taxation, the Ways and Means Committee, the Office of Tax Analysis of the Department of the Treasury, and the New York State Office of Education.

HIGHER EDUCATION STUDENT AID

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, at the appropriate time, the gentleman from Minnesota (Mr. QUIE) and myself will offer an amendment to title IV of the Higher Education Act, H.R. 7248. Our intent is to add greater equity and predictability to the educational opportunity grant program, whose authorization is extended in title IV.

All of us, I think, recognize the major impact that EOG has had on higher education since its inception in 1965. Over 700,000 students have received financial assistance under this federally funded program. For many, EOG aid has meant the difference between attending college and not attending.

But the accomplishments of this program, as important as they have been, should not blind us to some very real shortcomings in the EOG aid allocation system.

These shortcomings were outlined in a Washington Post editorial just prior to committee action on H.R. 7248. On September 28, the Post observed that—

> Student aid programs have grown in a topsy-turvy fashion, and anomalies and inequities abound.
>
> Under the Educational Opportunity Grant program, funds are first allotted among states and some states are able to fill a much higher proportion of requests for aid than others. Hence a student's chances of obtaining aid depend in part on where he happens to live. Within states the money goes to colleges and universities in proportion to their requests and is then doled out by student aid officers. Until recently institutions had considerable latitude in defining "need" and standards varied widely. In the last couple of years the Commissioner of Education has been promulgating stricter definitions of need and has endeavored to ensure that—at least within a given state—requests for aid from the lowest income students are filled first.
>
> At best, however, the current system leaves the student in a quandary. He cannot find out in advance how much aid he will receive and he may be treated very differently depending not only on where he lives but on where he applies.

The Post indicated a preference for the Quie proposal, pointing out that the Green bill, later approved by the full committee, merely perpetuated the inequities in the current system:

> The Quie version would establish a uniform national method of determining the aid for which a student was eligible. Any qualified student would receive a grant determined by his family size and financial resources—up to a maximum for the neediest students of $1,400 a year or half the cost of attending college, whichever was less. This formulation seems to us both more equitable and easier for students to grasp and anticipate. We hope the Committee will choose the Quie version.

In effect, the Quie-Fraser amendment reaffirms an original intent of the 1965 Higher Education Act—to provide aid for those students with the greatest need. I hope that my colleagues will give full consideration to this intent before casting their vote tomorrow.

AMBASSADOR YOST ANALYZES U.N. VOTE ON CHINA

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, Ambassador Charles W. Yost, now retired, is one of the five American ambassadors designated in our Foreign Service as career Ambassadors. That rank is the highest position an American career Foreign Service officer can attain.

Until recently, Mr. Yost was the American Ambassador to the United Nations, a post he held for several years. He also served as Ambassador Adlai E. Stevenson's professional adviser and was Deputy Ambassador from 1961 until 1965. He is thoroughly versed in the workings of the United Nations, and, having been through a number of the debates in the United Nations on the question of admitting the People's Republic of China, he is entirely familiar with that issue. His analysis of that subject, which appeared in the September–October Vista magazine, has great importance, and I am pleased to attach part of my remarks:

CHINA, THE UNITED STATES AND THE U.N.

(By Charles W. Yost)

From the perspective of history our children and grandchildren will no doubt be amazed that the government which unquestionably controlled the whole of China except Formosa was denied representation in the United Nations for more than two decades after it won the civil war. This prolonged exclusion was an impressive, though hardly an inspiring, demonstration of the power the United States exercised during those decades, for there seems little doubt that but for its opposition the People's Republic of China would have been represented in New York many years earlier.

The United States of course orchestrated the role which Nationalist China played in drafting the Charter and single-handedly installed her among the five permanent members of the Security Council, neither of which roles was justified by China's external capacities at that time or perhaps since that time. Having so fervently sponsored the Nationalists, we were shocked at the early downfall which, pursuant to the mythology of the time, we attributed to the Soviet Union, rather than to their own ineptitude and the capabilities of the Chinese Communists.

Nevertheless, the United States might before long have felt compelled to accept the logic of events and in 1950 at least to tolerate the substitution of Communist for Nationalist China in the UN, if the attack on Korea and Peking's subsequent involvement in it had not occurred. Previous American hostility to the People's Republic was so inflamed by the experience of fighting her armies in Korea that the pattern of excluding her from participation in all international institutions was firmly set for two decades, long after some American leaders, such as Adlai Stevenson, had concluded it was no longer reasonable or profitable. President Kennedy in his first year in office seriously considered a change in the policy but found opposition to any change, from the "China Lobby" and others, still so politically entrenched and articulate that he decided not to risk a costly domestic battle.

In 1965 the traditional resolution presented to the UN Assembly by the friends of Peking, the so-called "Albanian resolution," providing for the "restoration of the lawful rights" of the People's Republic and the expulsion of "the representatives of Chiang Kai-shek," achieved a tie vote and it seemed that perhaps the tide had turned. However, by the time of the next General Assembly the "Cultural Revolution" had produced such shocking disarray inside China that opposition to her participation in the UN revived and was maintained without serious difficulty for another four years.

In 1970, however, the Albanian resolution received for the first time a simple majority, 51 to 40. This "majority," nevertheless, still represented only 40% of UN members, since 25 abstained and 2 did not participate in the vote. Moreover, the previous adoption of the U.S.-sponsored "important question" resolution, requiring a two-thirds majority for any change in Chinese representation, ensured the failure of the Albanian resolution.

If one judged by the voting record alone, one might have said that change in the pattern had been so slight and slow that on these grounds there would be no reason to anticipate an early turnabout. True, the Albanian resolution had a simple majority in 1970, but the votes in favor were only four more than in 1965; the votes *against* were actually two *more* than in 1965, and the abstentions were five more. There were still at the beginning of 1971, moreover, more UN members having diplomatic relations with Taipei than with Peking.

Nevertheless, a far more significant change had occurred by that time than the bare votes revealed. For years many governments, including many that voted against the Albanian resolution because they opposed the expulsion of Taiwan or merely out of friendship for the United States, had felt it increasingly illogical and unwise that there should be no place in an international institution, which aspires to be universal, for the government firmly in control of the world's largest population. Even many of those most friendly to the United States were growing increasingly unhappy with its insistence that they conform to a policy they felt was obsolete and damaging to their own interests and those of the United Nations.

President Nixon himself had several times voiced his belief that the People's Republic of China should be drawn out of its long-standing isolation and into participation in the common endeavors of the international community. More and more governments were coming to feel that the very process of such participation, the exposure of the leaders and representatives of the PRC to currents of opinion and winds of change outside their own inward-looking society, which would flow from their presence at UN meetings, would be healthy in its effect both on them and on the world at large. There were also matters of the greatest pith and substance in which the involvement of the PRC would be useful, in some cases indispensable—such as the control and reduction of both nuclear and conventional armaments, the stabilization and security of East Asia, and the protection of the environment.

In the context of these considerations and this newly prevailing mood, the simple majority of 2 votes for the Albanian resolution had a catalytic effect far out of proportion to the bare arithmetic. The stage was already set at the beginning of the year, therefore, for some dramatic movement during the 1971 General Assembly. The only question in the minds of informed observers was whether the shift to Peking would be so substantial as to ensure its seating this year or whether, as the Secretary-General had at one point speculated, one more year would elapse before the changeover was consummated.

It did not require much perspicacity to divine that in these circumstances even the United States must be seriously reconsidering its policy, its interests and its options. It was clear enough that the status quo could no longer be preserved and that traditional tactics were almost certain to fail. It was in this highly fluid environment that there occurred the famous ping-pong episode, a clear signal from the People's Republic that it was at last prepared to respond to the cautious overtures for more normal relations which the Nixon Administration had for some time been putting forward. For its part the U.S. Government, with admirable agility and flexibility, almost at once replied with the secret Kissinger visit to Peking and the extraordinary announcement of the President's intention to visit the Chinese capital.

It is not relevant to the subject of this article to go into all the implications of the President's decision, to discuss, for example, whether a Summit meeting with the Chinese before one with the Soviets is wise, whether such a meeting could or could not hasten a Vietnam settlement or whether it is likely to prove politically profitable or unprofitable to Mr. Nixon in November 1972. Two points are, however, both clear and relevant. First, the visit is a bold and imaginative step which, whatever its other consequences, cannot but help to reduce the regrettable isolation of China. Second, many if not most UN members will interpret this gesture by the chief traditional adversary of Communist China as removing any conceivable justification for its further exclusion from the United Nations.

Unfortunately, however, nothing is ever simple in international relations. The United States also has long-standing obligations and commitments to the Republic of China on Taiwan. It has jettisoned the last vestige of fiction that this Government has any legitimate claim to Mainland China, but it cannot, without loss of "honor" and "credibility," abandon altogether a faithful ally and a strategically important Pacific outpost. How to reconcile these moral and military obligations to Taipei with the newly emerging relationship with Peking is as difficult a problem in diplomacy as one can imagine.

Insofar as the UN aspects are concerned, the Administration has chosen to straddle, to try to have its cake and eat it too; in other words, to breathe new life into the old concept of "Two Chinas." In the words of the memorandum the United States submitted to the UN on August 17: "In dealing with the problem of the representation of China, the United Nations should take cognizance of the existence of both the People's Republic of China and the Republic of China and reflect that incontestable reality in the manner by which it makes provision for China's representation. . . . Thus the People's Republic of China should be represented and at the same time provision should be made that the Republic of China is not deprived of its representation."

On the face of it, this position does not seem illogical or unreasonable. There has in recent years been a growing sentiment among UN members, which has also been voiced by the Secretary-General, in favor of "universality"; that is, that the UN should become as nearly universal as possible. In particular, it has been felt, and the Secretary-General has urged, that the states divided after World War II should no longer be excluded pending reunification, but that the governments established in *both* parts should be represented in the UN, of course without prejudice to eventual reunification by agreement between them. This "dual representation" would presumably include the two Germanys, the two Koreas and perhaps, after the war there is ended, the two Vietnams. Though it is impossible to determine this exactly, it is probable that a majority of UN members would prefer that this principle of universality should also extend to the governments controlling the two parts of China, even though there is a vast discrepancy between the areas and populations controlled by each. Nevertheless, as has often been pointed out, the 14 million population of Taiwan is larger than that of *more than half* the UN members and its economic level and progress are well above those of most developing countries.

Therefore, one might reasonably suppose that a majority of members of the UN would be happy to resolve the China representation question, if they thought they could, by adopting some "dual representation" formula which would seat the People's Republic in both the Security Council and the General Assembly, but would also provide a seat in the Assembly for the Republic of China on Taiwan. It is of course recognized that the latter government may not be representative of the people of Taiwan, a majority of whom are Taiwanese, not Chinese, but it is tactily understood, even though rarely mentioned, that the governments of a large number of UN members would be unlikely to win a free election in the Western sense. The only realistic criterion for membership and representation must be, not the democratic character of the government concerned, but the Charter criterion of being "able and willing to carry out its obligations under the Charter."

In light of these facts and attitudes, it is probable that, had the United States been willing to support or accept a dual representation" formula several years ago, even one or two years ago, the Assembly would have approved. But having as in other cases waited too long, the United States—and Nationalist China—may well have missed the boat.

Of course the Nationalist Government, still claiming to be the government of the whole of China, has itself hitherto strongly opposed dual representation," but it might be prevailed upon to live with it if the only alternative were total exclusion. However, the real, and probably decisive, obstacle to adoption of a "dual representation" formula for China in 1971 is that the People's Republic, which a majority of UN members now certainly desire to see seated in the UN, continues to insist that it would not under any circumstances sit if Taiwan were still there. Peking reiterated this condition in the most categorical terms last month following Secretary Rogers' announcement of the latest U.S. position. There is no reason not to take the condition seriously, particularly since the People's Republic of China must calculate that the tide is moving so irresistibly in its favor that, even should the U.S. tactic prevail this year, it would almost certainly be set aside by the Assembly next year. There would appear to be almost no incentive for Peking to compromise on an issue which has for years been so central to its national aims. Indeed the Chinese are likely now, in the light of the diminishing U.S. presence in East Asia and their obvious concern that a rearmed Japan might eventually fill the "vacuum," to be even more determined than before not to admit that Taiwan has even the shadow of a right to a status separate from the Mainland.

The U.S. Administration is therefore now confronted with a dilemma perhaps even more acute than that which existed before the proposed Summit meeting was announced. For the reasons stated above, it has felt compelled, while now urging that the People's Republic be represented in the UN, still to insist that the Government of the Republic of China not be deprived of its representation. The United States appears also to feel obliged not merely to assume this posture in a formal way, but to carry out its annual worldwide campaign of rounding up votes in support of the U.S. position on this subject.

It appears, moreover, to be urging the Assembly not only to "affirm the continued right of representation of the Republic of China," but also to "decide that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter." From a commonsense point of view the question of a change in Chinese representation always has been and still is important. However, since resolutions to this effect have for ten years been used as a parliamentary device to exclude the PRC from the United Nations and since it is quite clear that if the GRC is not now in some way "deprived of representation" the PRC will not come in, the new "important question" resolution is likely to be perceived by a majority of UN members as merely a revival of the old one, in different guise but with the same objectionable end in view.

Just why the U.S. Administration, so soon after dramatically renewing contact with the PRC and committing itself to a Summit meeting in Peking, should display such zeal in pursuing in the UN a policy it knows to be utterly obnoxious to the PRC, is far from clear. Perhaps the very fact that it leaned so far and so suddenly toward Peking, to the consternation not only of Taipei but of Tokyo and other friends in East Asia, and to the horror of some right-wing opinion in the United States, has caused it to attempt to compensate and to reassure those thus offended by ardently defending the "rights" of Taiwan in the UN.

It is hard to see, however, how this tactic, even if it should be temporarily successful, could be profitable to the United States or to anyone else. The PRC no doubt expects the United States, at least for the present, to remain loyal to the GRC and to continue to maintain its right to sit in the General Assembly. It seems doubtful, however, that the PRC would expect the United States, just after having agreed to the Summit in Peking, to carry its loyalty to Taipei so far as actually to mobilize a UN majority for a posture which the PRC has repeatedly and categorically stated would prevent its assuming a UN seat. If this should occur, one wonders what would happen to the new climate of détente between the two countries.

Certainly there would be an outburst of rage in Peking which would be more than ritualistic. Under those circumstances would the Nixon-Chou meeting take place as and when planned? If it did, could it in that atmosphere accomplish the objectives the participants originally had in mind? In announcing the meeting far in advance, both parties have given hostages to fortune in that each has to some extent constrained himself not to take in the interval action so obnoxious to the other that the meeting would be called off or, if held, would prove a fiasco. In this respect President Nixon would seem to have more of a problem than the Chinese Prime Minister, for he would suffer more politically at home and abroad than would Chou En-lai if his dramatic initiative should fizzle out.

In light of these considerations, perhaps what we should devoutly hope for is that, despite its conspicuous efforts, the United States would fail in the forthcoming Assembly to obtain approval of any form of dual representation, the PRC would be seated in the Security Council and the General Assembly on its own terms, and the GRC would consequently lose its seats. Actually this would seem to be the more probable outcome. It seems doubtful that so strong a tide could be stemmed at the last minute by a tactical device which, no matter how plausible and attractive it may seem in principle, how consonant it may be with the widely touted goal of "universality," would nevertheless clearly frustrate the will of the majority that the PRC at last be seated. It seems questionable that the majority would tolerate any such frustration. The United States is therefore likely to be saved by its friends, hopefully this year rather than next, from the hazards of the curiously ambivalent tactics it has chosen to pursue.

Two final points need to be made. First, it is sometimes claimed that the introduction into the Security Council, as a permanent member with a veto, of a state having a view of the world so alien to that of the majority of UN members, so alien even to that of the Soviet Union, would cripple the Council and bring to a halt even the sadly insufficient peacemaking and peacekeeping enterprises in which it now engages. This of course might just be what would happen.

My judgment would be, however, that the PRC is acutely aware of this suspicion and expectation on the part of many UN members, that it would be clever enough initially to surprise them by displaying in the UN the urbanity and tact characteristic of Chou En-lai, and that over the longer run the Thoughts of Mao Tse-tung would prove no more irreconcilable with the UN Charter than the less explicitly formulated "thoughts" of other great powers and many small ones.

Second and finally, the unfortunate fact that the GRC may soon no longer be represented in the United Nations does not at all mean that it will cease to exist as a viable and respectable government or that U.S. association with it and commitments to it will not be maintained as long as it freely choose to continue its separate status. The other divided states, not to mention Switzerland, have existed for many years without representation at the UN. It is to be hoped that seats for them, and perhaps for Taiwan as well, will eventually be offered but, if they are not, these states will nevertheless continue to survive.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Jones of Tennessee (at the request of Mr. Boggs), for today, on account of official business.

Mrs. Sullivan for October 28 and October 29, on account of business in the District.

Mr. Gray (at the request of Mr. Boggs), for today and Thursday, October 28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Sikes, for 15 minutes, today.

(The following Members (at the request of Mr. Landgrebe) and to revise and extend their remarks and include extraneous matter:)

Mr. Spence, for 1 hour, today.

Mr. Crane, for 10 minutes, today.

Mr. Steiger of Wisconsin, for 15 minutes, today.

Mr. Frenzel, for 5 minutes, today.

Mr. Schwengel, for 10 minutes, today.

Mr. Findley, for 15 minutes, today.

Mr. Edwards of Alabama, for 15 minutes, today.

Mr. Hosmer, for 20 minutes, on October 28.

(The following Members (at the request of Mr. McKay) and to revise and extend their remarks and include extraneous matter:)

Mr. Fraser, for 5 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Blatnik, for 15 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. St Germain, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Podell, for 30 minutes, today.

Mr. Minish, for 5 minutes, today.

Mr. Waggonner, for 30 minutes, today.

Mrs. Abzug, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Landgrebe) and to include extraneous material:)

Mr. Keith in two instances.

Mr. Esch.

Mr. Robison of New York in two instances.

Mr. Riegle.

Mr. Derwinski in three instances.

Mr. Del Clawson in two instances.

Mr. Schmitz in three instances.

Mr. Duncan.

Mr. Bray in three instances.

Mr. Hutchinson.

Mr. Scherle in two instances.

Mr. Quillen in two instances.

Mr. Wyman in two instances.

Mr. Conable.

Mr. Hosmer.

Mr. Wylie in four instances.

Mr. Burke of Florida in two instances.

Mr. Morse in two instances.

Mr. Zwach in two instances.

Mr. Hunt.

Mr. Devine.

Mr. Broyhill of Virginia.

Mr. Skubitz.

Mr. Gubser.

Mr. Kuykendall in two instances.

Mr. Ashbrook in three instances.

Mr. McCloskey.

Mr. Frenzel.

Mr. Lujan.

Mr. Broomfield.

Mr. Steiger of Wisconsin.

Mr. Wiggins.

Mr. Goldwater in two instances.

Mr. du Pont.

Mr. Frey.

Mr. Schwengel in three instances.

Mr. Hastings.

Mr. Gerald R. Ford.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Van Deerlin in two instances.

Mr. Harrington in two instances.

Mr. Badillo in two instances.

Mr. Drinan in two instances.

Mr. Celler in two instances.

Mr. Gonzalez in two instances.

Mr. Podell in two instances.

Mr. Rarick in three instances.

Mr. Daniels of New Jersey in two instances.

Mr. Waldie in 11 instances.

Mr. Kyros in two instances.

Mr. Dent in three instances.

Mr. Delaney.

Mr. Jacobs.

Mr. Montgomery.

Mr. Mazzoli.

Mr. Rogers in five instances.

Mr. Hagan in three instances.

Mr. Anderson of California in three instances.

Mr. Bennett.

Mr. Kee.

Mr. Long of Maryland.

Mr. Fauntroy in five instances.

Mr. Fraser.

Mr. Rangel in five instances.

Mr. Tiernan.

Mr. Begich in three instances.

Mr. Pickle in five instances.

Mr. Carey of New York.

Mr. Pryor of Arkansas.

Mr. Edwards of California in two instances.

Mr. Burke of Massachusetts in three instances.

Mr. Dellums in eight instances.

Mr. Wolff in three instances.

Mr. Hungate in four instances.

Mr. Steed.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the committee on House Administration, reported that that committee did on October 26, 1971, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 923. A joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, October 28, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

1230. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report of the Agency for fiscal year 1970, pursuant to section 15 of Public Law 592, 79th Congress; to the Committee on the District of Columbia.

1231. A letter from the Tulsa regional solicitor, U.S. Department of the Interior, transmitting a copy of the decision on appeal in the matter of the heirship determination of Joseph James, deceased halfbreed Kaw allottee, pursuant to Private Law 90-318; to the Committee on the Judiciary.

Received From the Comptroller General

1232. A letter from the Comptroller General of the United States, transmitting a report on the activities and status of civil defense in the United States, Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAGGONNER: Committee on Ways and Means. H.R. 6065. A bill to amend section 903(c)(2) of the Social Security Act (Rept. No. 92-589). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10604. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; with an amendment (Rept. No. 92-590). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 8116. A bill to consent to the Kansas-Nebraska Big Blue River compact; with an amendment (Rept. No. 92-591). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9418. A bill to designate the Mountain Park Reservoir, Okla., as the Tom Steed Reservoir (Rept. No. 92-592). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 11232. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; with amendments (Rept. No. 92-593). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 11421. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Boland, Mr. Cleveland, Mr. Cotter, Mrs. Grasso, Mr. Gude, Mr. Hathaway, Mr. Harrington, Mr. Helstoski, Mr. Lujan, Mr. McCormack, Mr. Mitchell, Mr. O'Hara, Mr. Seiberling, and Mr. Wolff):

H.R. 11422. A bill to prohibit the export of domestically extracted crude oil, and any petroleum products made from such oil, unless Congress first approves such exportation; to the Committee on Banking and Currency.

By Mr. BLATNIK (for himself and Mr. Harsha):

H.R. 11423. A bill to extend the Federal Water Pollution Control Act until January 31, 1972; to the Committee on Public Works.

By Mr. CAREY of New York:

H.R. 11424. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax to a taxpayer who pays the tuition and certain related items of a student at an institution of higher education, where the taxpayer and the student agree to repay the credit (with interest) to the United States after the education is completed; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Brasco, Mr. Burton, Mr. Celler, Mr. Corman, Mr. Dow, Mr. William D. Ford, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mrs. Mink, Mr. Moss, Mr. Perkins, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Scheuer, and Mr. St Germain):

H.R. 11425. A bill to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CARNEY:

H.R. 11426. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 11427. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY:

H.R. 11428. A bill to amend section 509 of the Internal Revenue Code of 1954 to exempt libraries from the definition of private foundations; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 11429. A bill to amend the Anti-Dumping Act of 1921; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. jobs, technology, and capital, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 11430. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 11431. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772); to the Committee on Education and Labor.

By Mr. MIKVA (for himself, Mr. Bolling, Mr. Burton, Mr. Kyros, Mr. Stokes, Mr. Scheuer, Mr. Denholm, Mr. Pickle, and Mrs. Abzug):

H.R. 11432. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 11433. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R 11434. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER:

H.R. 11435. A bill to require the National Railroad Passenger Corp. to provide free or reduced-rate railroad transportation to retired railroad employees and their dependents on the same basis that such transportation was available to such employees and dependents on the date of enactment of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 11436. A bill to amend the Morrill Acts, the Bankhead-Jones Act, the Agricultural Marketing Act of 1946, and other agricultural statutes to constitute the College of the Virgin Islands and the University of Guam as land-grant colleges; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin (for himself, Mrs. Green of Oregon, Mr. Scheuer, Mr. Quie, Mr. Dellenback, Mr. Erlenborn, and Mr. Esch):

H.R. 11437. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL (for himself and Mr. Anderson of Illinois):

H.R. 11438. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on House Administration.

By Mr. VIGORITO:

H.R. 11439. A bill to amend title 5, United States Code, to liberalize the standards of eligibility for civil service retirement survivor annuities applicable to adopted children, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 11440. A bill to amend section 1072 (2) of title 10, United States Code, to include a foster child within the definition of dependent; to the Committee on Armed Services.

By Mr. WIGGINS:

H.R. 11441. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 11442. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H.R. 11443. A bill to amend the National Housing Act to provide that rentals in housing projects assisted thereunder shall be subject to regulation under State or local laws, with any Federal authority to regulate rentals in such projects being inapplicable where such State or local laws exist, and to assure to tenants in such projects the right of hearing and judicial review on the establishment of such rentals or any increase therein; to the Committee on Banking and Currency.

By Mr. BROYHILL of Virginia:

H.R. 11444. A bill to prohibit foreign governments from acquiring any real property in the United States or any territory thereof which is of historical value; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 11445. A bill to establish the official residence of the Chief Justice of the United States by private gift to the United States; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself and Mr. Wyatt):

H.R. 11446. A bill to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISHER:

H.R. 11447. A bill authorizing additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain conditions, and for other purposes; to the Committee on Armed Services.

By Mr. KEE (for himself, Mr. Clark, Mr. Johnson of California, Mr. Roncalio, Mr. Thone, Mr. Wright, Mr. Gray, Mr. Henderson, Mr. Howard, Mr. Kluczynski, Mr. Schwengel, Mr. Dorn, and Mr. Miller of Ohio):

H.R. 11448. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

By Mr. LUJAN:

H.R. 11449. A bill to provide that the United States disclaims any interest in a certain tract of land; to the Committee on Interior and Insular Affairs.

H.R. 11450. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corp. to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE:

H.R. 11451. A bill to require that the texts of international agreements, other than treaties, entered into by the United States be promptly transmitted to the Congress; to the Committee on Foreign Affairs.

By Mr. PATMAN (for himself, and Mr. Barrett):

H.R. 11452. A bill to amend the National Flood Insurance Act of 1968 to extend for 2 years (until December 31, 1973) the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, to suspend (until December 31, 1973) the existing provisions making flood insurance coverage a condition of Federal disaster assistance, and to assure the inclusion of church properties among those for which flood insurance is provided; to the Committee on Banking and Currency.

By Mr. PRICE of Illinois (for himself, Mr. Betts, Mr. Hébert, Mr. Holifield, Mr. Williams, and Mr. Hutchinson):

H.R. 11453. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. ST GERMAIN:

H.R. 11454. A bill to establish a program of Federal grants to encourage and assist municipal zoos to improve and maintain the health and environmental condition of their animals; to the Committee on Merchant Marine and Fisheries.

By Mr. STEIGER of Arizona:

H.R. 11455. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Navajo Tribe of Indians in Court of Claims case No. 49692, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TIERNAN:

H.R. 11456. A bill to amend the Lead-Based Paint Poisoning Prevention Act to permit grants thereunder to be made to a State agency in any case where local agencies are prevented by State law from receiving and expending such grants; to the Committee on Banking and Currency.

By Mr. WHALLEY:

H.R. 11457. A bill to require the Secretary of Commerce either to give the State of Pennsylvania alternative mileage on the Interstate System or to pay the Federal share of the Pennsylvania Turnpike; to the Commerce on Public Works.

By Mr. FUQUA:

H.R.11458. A bill to amend the depository library program (44 U.S.C. 1901–1914); to the Committee on House Administration.

By Mr. HAMILTON:

H.R. 11459. A bill to provide a program of pollution control in the river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional water basin management associations for the construction of waste treatment facilities; to the Committee on Public Works.

H.R. 11460. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 11461. A bill to amend certain provisions of the Federal Coal Mine Health and Safety Act of 1969 relating to payment of black lung benefits; to the Committee on Education and Labor.

H.R. 11462. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. BIAGGI:

H. Con. Res. 440. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (for himself, Mr. Abbitt, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Annunzio, Mr. Archer, Mr. Badillo, Mr. Barrett, Mr. Begich, Mr. Bell, Mr. Biester, Mr. Bingham, Mr. Blackburn, Mr. Blatnik, Mr. Boggs, Mr. Boland, Mr. Bolling, Mr. Brasco, and Mr. Brinkley):

H. Res. 662. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Broomfield, Mr. Brown of Ohio, Mr. Buchanan, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Cabell, Mr. Carey of New York, Mr. Carney, Mr. Carter, Mr. Casey of Texas, Mr. Clancy, Mr. Clark, Mr. Don H. Clausen, Mr. Collier, Mr. Corman, Mr. Coughlin, Mr. Crane, Mr. Daniel of Virginia, Mr. Davis of Georgia, Mr. Delaney, Mr. Denholm, and Mr. Dent):

H. Res. 663. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Dorn, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. Eshleman, Mr. Fascell, Mr. Fish, Mr. Fisher, Mr. Flood, Mr. Foley, Mr. Gerald R. Ford, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Fuqua, Mr. Gallagher, Mr. Garmatz, Mr. Giaimo, Mr. Gibbons, Mr. Goldwater, Mrs. Grasso, and Mrs. Green of Oregon):

H. Res. 664. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middles East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Green of Pennsylvania, Mr. Grover, Mr. Gude, Mr. Hagan, Mr. Halpern, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hays, Mr. Helstoski, Mr. Hicks of Washington, Mr. Hogan, Mr. Horton, Mr. Hunt, Mr. Ichord, Mr. Johnson of California, Mr. Karth, Mr. Keating, Mr. Kemp, Mr. King, Mr. Koch, Mr. Kyros, Mr. Lent, and Mr. Lloyd):

H. Res. 665. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Long of Maryland, Mr. Lujan, Mr. McDade, Mr. Madden, Mr. Metcalfe, Mr. Michel, Mr. Mikva, Mr. Minish, Mr. Monagan, Mr. Moorhead, Mr. Morgan, Mr. Morse, Mr. Murphy of New York, Mr. Myers, Mr. Nix, Mr. O'Hara, Mr. Pelly, Mr. Pepper, Mr. Pettis, Mr. Peyser, Mr. Pirnie, Mr. Podell, Mr. Poff, and Mr. Price of Illinois):

H. Res. 666. Resolution calling for the

shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Price of Texas, Mr. Pucinski, Mr. Railsback, Mr. Rangel, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Rhodes, Mr. Riegle, Mr. Roberts, Mr. Roe, Mr. Rogers, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roy, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Satterfield, Mr. Scheuer, Mr. Schneebeli, Mr. Shriver, Mr. Sikes, and Mr. Sisk):

H. Res. 667. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Springer, Mr. J. William Stanton, Mr. James V. Stanton, Mr. Steele, Mr. Steiger of Arizona, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Stratton, Mr. Stuckey, Mrs. Sullivan, Mr. Symington, Mr. Thompson of Georgia, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Udall, Mr. Vanik, Mr. Vigorito, Mr. Waggonner, Mr. Waldie, Mr. Whalen, Mr. Whitehurst, Mr. Williams, and Mr. Charles H. Wilson):

H. Res. 668. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Van Deerlin, Mr. Winn, Mr. Wolff, Mr. Wright, Mr. Wyatt, Mr. Wydler, Mr. Yates, Mr. Yatron, and Mr. Young of Texas):

H. Res. 669. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Ashley, Mr. Bergland, Mr. Bevill, Mr. Biaggi, Mr. Brademas, Mr. Brooks, Mr. Cederberg, Mr. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Cotter, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Devine, Mr. Donohue, Mr. Dow, Mrs. Dwyer, Mr. Edwards of Louisiana, Mr. William D. Ford, Mr. Fulton of Tennessee, Mr. Gaydos, Mrs. Griffiths, Mr. Hawkins, and Mrs. Heckler of Massachusetts):

H. Res. 670. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Holifield, Mr. Hull, Mr. Kee, Mr. Kuykendall, Mr. McCloskey, Mr. McCormack, Mr. McKevitt, Mr. McKinney, Mr. Meeds, Mr. Miller of California, Mr. Moss, Mr. Nelsen, Mr. O'Neill, Mr. Passman, Mr. Patten, Mr. Pike, Mr. Poage, Mr. Quillen, Mr. Randall, Mr. Rodino, Mr. Roncalio, Mr. Roybal, Mr. Saylor, and Mr. Seiberling):

H. Res. 671. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. BIAGGI (for himself, Mr. Dulski, and Mr. Carey of New York):

H. Res. 672. Resolution relative to Irish national self-determination; to the Committee on Foreign Affairs.

By Mr. CAREY of New York (for himself, Mr. Burton, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Madden, Mr. Metcalfe, Mr. O'Neill, Mr. Gonzalez, Mr. Price of Illinois, Mr. Pucinski, Mr. Roy, Mr. St Germain, Mr. James V. Stanton, and Mr. Charles H. Wilson):

H. Res. 673. Resolution calling for peace in northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. GARMATZ:

H. Res. 674. Resolution to provide an official flag for the Members of the House of Representatives; to the Committee on House Administration.

By Mr. MACDONALD of Massachusetts:

H. Res. 675. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 11463. A bill for the relief of Col. and Mrs. Allen B. Crane; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 11464. A bill for the relief of Caroleen G. Fernandez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

150. The SPEAKER presented a petition of Herbert Johnson, Glen Rock, N.J., relative to impeachment of certain civil officers; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WILL THE FEDERAL BUREAUCRACY DESTROY INDIVIDUAL FREEDOM IN AMERICA?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BRAY. Mr. Speaker, Eugene C. "Gene" Pulliam, publisher of the Indianapolis Star, Indianapolis News, Phoenix Republic and Phoenix Gazette, placed the following editorial on the front page of his papers during the Veterans Day Weekend. The editorial appeared in the Indianapolis Star and Phoenix Republic on Sunday, October 24, and in the Indianapolis News and Phoenix Gazette on Monday, October 25.

This editorial is a convincing and forthright presentation of one of the most serious problems facing our country today and I submit it here for the attention of my colleagues.

The editorial follows:

Will the Federal Bureaucracy Destroy Individual Freedom in America?

The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life.

This is not a partisan issue. As a matter of fact, there are now three great parties in America—the Democratic party, the Republican party and the Federal bureaucracy. Of the three, the Federal bureaucracy is the strongest and most powerful because it is the best organized and is protected from political reprisal by civil service.

When a new administration comes in, less than 10 per cent of the bureaucrats go out; the other 90 per cent keep their jobs regardless of which party is in power.

The U.S. State Department is probably the most bureaucrat-infested agency in the entire government. A small coterie of career men who are protected and immune from discipline by civil service constantly harass and embarrass whoever is secretary of state. They did it to Dean Rusk and are doing it now to Secretary Rogers. Secretary Foster Dulles had some very terrible experiences with this group. These State Department parasites don't want any secretary to succeed. They want to run the State Department in their image. They never want to get tough with any nation, whether friend or foe. They just want to be personally popular in all capitals of the world, no matter what their actions do to the prestige of our foreign policy. It's a hell of a way to run a State Department but that is the way it is being run now. If President Nixon is re-elected, he should ask Congress for the right to abolish civil service in the State Department and clean house from the first under secretary to the brocaded janitors.

Entrenched behind the safety of civil service tenure, the bureaucrats always proclaim that they are acting in the public interest and proceed to issue decree after decree, having the full force and effect of law, whereas not 20 per cent of the bureaucratic rules and regulations and orders are ever voted on by the Congress.

There are thousands of honest and dedicated men and women in the government civil service but their leaders and department heads make life unbearable for anyone who dares speak out against the arrogant plan for government by bureaucratic decree.

PRESIDENT STYMIED

The American people don't realize just how terrifically strong this bureaucracy is. At the present time there are 2,911,000 Federal employes; when President Nixon came to office, out of 4,000 and some employes in the Office of Economic Opportunity he could only change 16! Think of it. The President of the United States was absolutely overwhelmed, to the tune of 4,000 to 16.

Another instance of the arrogant determination of the bureaucracy developed recently in the Interior Department. The United States government has a treaty with the Navajo nation. The treaty is just as binding as any treaty we have with Canada or Mexico, yet the bureaucrats in the Interior Department paid no attention whatever to its stipulations. President Nixon promised the Indians he would do something about it. When he tried to do so this summer, the Bureau of Indian Affairs paid no more attention to the President of the United States than they had to the chief of the Navajo Indians. The bureaucrats in the Bureau of Indian Affairs are determined to run all matters pertaining to Indians in this country—regardless of treaties, presidents or the welfare of the Indians themselves.

Bureaucrats seldom get mixed up in financial scandals. They are not interested in money; they are interested only in power, and the American people have permitted them to take over, often without legislation.

Robert Finch, one of President Nixon's closest friends, was literally driven out of the Department of Health, Education, and Welfare because the career bureaucrats in HEW just weren't about to let anyone else run that department, which is one of the largest and most important and spends more money than any other department except Defense. And things haven't changed one iota since Finch left.

Just how far they will go in expressing contempt for the people to whom they are supposed to be responsible is suggested by protest demonstrations in defiance of the President staged by employes of this Department.

Senator Barry Goldwater observes that "several hundred employes of the Department of HEW—none of whom was elected by the people who pay them—could hold a mass meeting to protest policy decisions reached by the White House and by the Secretary of HEW."

The bureaucracy dominates the Federal Trade Commission, the Food and Drug Administration and countless other agencies. Prof. Yale Brozen of the University of Chicago recently called attention to the fact that because of these regulatory bodies free enterprise in this country is only half alive. He cited as evidence government's control of the mail, of water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies.

JOB DESTROYERS

Government regulation has driven the railroads to the point of near extinction, hampered the small businessman with a network of controls, created problems in our cities with ill-conceived programs which have caused a net loss of at least half-a-million units of low cost housing since the 1930's. Yet the same bureaucrats and regulators who have created these problems now say they are going to cure them—and that for this purpose they must have still more authority over our lives.

The regulators talk a great deal about unemployment, and the need for still more government power to cure it. Yet Prof. Brozen has shown at length that government wage regulation has caused unemployment, pricing youthful and other marginal workers out of the labor market. Federal wage minimums have caused a doubling of unemployment levels among minority youth since 1954—from 16.5 per cent to well over 30 per cent.

In their effort to control everything, the regulators are trying to dictate virtually every phase of the business process—from the content of peanut butter and breakfast cereals to the packaging of soap flakes and the advertising of tooth paste. The Federal Trade Commission has recently decided it has the right to halt "special" sales in stores and back its decrees with a $5,000 fine.

In a similar move, attorneys for the Equal Employment Opportunity Commission have argued that businessmen cannot relocate if this would deprive minority workers of employment—claiming such relocation would violate the 1964 Civil Rights Act. Examination of the act shows it contains no such sweeping provision, and that this interpretation is purely something dreamed up by the bureaucrats to extend their own arbitrary power over business.

Members of Congress are helping the bureaucrats by holding hearings, spending government money by the millions to prove we probably shouldn't be eating cranberries at the wrong time and that cyclamates might poison your neighbor's dog. Think of the time, effort and money that have been wasted on just those two things alone, which accomplished nothing whatever.

Perhaps the clearest example of the way in which the regulators achieve the opposite of what they say they are going to may be seen in the current controversy over pollution. In one case regulatory fever brought the closing of a plant in Northern California which was not in violation of pollution standards and whose termination meant the loss of 800 jobs. A similar story was written in Marietta, Ohio, where Federal pollution standards if enforced would require the closing of a key industrial plant and the loss of 625 jobs. In the most serious case of all, senseless regulation threatened the closing of a Connecticut plant where some 40 per cent of the nation's supply of penicillin is produced.

TIPPING THEIR HAND

The arrogance of the bureaucrats was blatantly emphasized when they proposed a special tax break for themselves. These bureaucrats already enjoy job pay increases more frequently than most Americans and they have all sorts of benefits and special privileges which put them in a class apart from and above the average citizen. The plan now being studied to give them special tax exemption is the last straw. Special exemptions from Federal taxes on the top $3,000 of salaries paid to bureaucrats in the highest of three civil service classifications are proposed. These salaries range from $28,000 to $38,000 a year. A diminishing scale of tax breaks is provided for the lower classes. All bureaucrats will get a tax break if this plan is accepted, while we know of no other group of Americans who are going to receive any such tax breaks.

As their control over our economic life has grown, the bureaucrats and regulators have shown their intentions more and more openly. In a wide variety of cases they are advancing the idea of "social engineering"—the notion that government "experts" should take children away from their parents, break the ties of family life, and mold American youngsters into the image of the bureaucrats themselves. In the dispute over "busing," for example, we have seen Federal regulators disrupting the life of local communities, ordering children transported to schools far from their homes, overriding the wishes of parents and city officials.

The motive behind this is spelled out clearly by spokesmen who say "disadvantaged" children have to be taken away from the influence of their parents and placed increasingly under the influence of the bureaucratic experts. "It is important," says one spokesman, "to replace this family environment as much as possible by an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

Busing is opposed by 76 per cent of the American people, including black, white and yellow. It has become a national headache and a national scandal. This never would have happened had it not been for the zealots among the career people in HEW, who are determined to demonstrate their power.

How far the problem of bureaucracy and dictatorial control of American economic life can be carried is suggested by the case of Ralph Nader. Here is a man without any official authority or credentials of any kind, forcing American industry into submission, threatening Federal prosecution if industry doesn't agree with his plans, bullying his way toward being the supreme dictator of all industrial production in this country. I want to quote here from a speech made by Thomas R. Shepard Jr., publisher of Look Magazine, regarding Nader's program and objectives.

Mr. Shepard says, "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the American consumer by improving business methods. Forget it. Mr. Nader isn't interested at all in seeing American industry clean house. What he wants is the house—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

"Find it hard to believe? Then listen to this Associated Press report of a speech he made last September, and I quote: 'Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail.' "

Among the proposals Nader favors are having "publicly elected" members imposed on corporation boards of directors to serve the "public interest" as defined by Nader, abolishing corporate trade secrets on the grounds that "a corporation doesn't have the right of privacy" and making all corporate tax returns public on the same grounds.

Still more incredible are Nader's proposals that corporate executives be suspended from their jobs through "sanctions" he wants to impose and that entire companies be driven out of business if they don't live up to what he calls a "social cost test."

NADER'S FINANCES

Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and effort of thousands of Americans who have entered into the voluntary associations of corporate endeavor? Who has commissioned them to dictate, suspend, or bankrupt organizations in which the resources and energies of countless American citizens have been invested?

Unbelievably enough, many of his assaults on our business system are financed by elements in the business community itself. He receives a good deal of money from foundations—including the prestigious Carnegie Foundation. He is also supported by the Philip M. Stern family fund, the Norman Fund, the Jerome Levy foundation, and Gordon Sherman of the Midas muffler company, among others.

Even so, Nader never would have gotten to first base with his crusaders if he had not had the help of the bureaucrats.

Recently Professor C. Northcote Parkinson, noted for his numerous laws governing human behavior, predicted that, if the present trend toward government employment continues, everyone in Britain will be working for the government by the year 2195. Following this prediction by Dr. Parkinson the Morgan Guaranty Trust Company of New York prophesied that if this trend in America goes on, every American will be working for the government by the year 2000.

The significance of all this for the American press should be apparent. The collectivists and regulators like to say they are in favor of freedom of expression, and that the controls they have placed over our economic lives will not endanger other aspects of our liberty like the free press and freedom of speech.

The argument they use is that "human rights" can be separated from "property rights," and that economic controls do not mean political controls. The whole record of what has been happening in this country shows such an argument to be false. Those of us in the newspaper business have long argued, and correctly, that the rest of the nation cannot remain free unless the press is free.

By the same token, it is impossible to have a society and economy supervised in every detail by Washington regulators and at the same time expect the press to be free.

The mission of the American press always has been to keep this country free and never before has there been a time when the American press should given first priority, regardless of other considerations, to the job of keeping a free press functioning in this country. The networks are having a very serious battle with the bureaucracy. They cannot fight their own fight because they have one hand tied behind them by bureaucratic controls. We do have an obligation to fight their battle for them because the networks have the same basic right of free expression as we do. The right of free expression is the fundamental right of liberty and we should remember always that America is the greatest country only because America is free.

The bureaucrats have been able to bully and blackmail television into accepting all kinds of unfair regulations. They attempted the same thing with the press. They realize their goal cannot be accomplished until they have control of the press, and now they are using the FCC to do that very thing. They are also using the office of the Attorney General, frequently without his knowledge or consent, to send out threats, directives and regulations unsanctioned by Congress, but with the full force and effect of law nonetheless.

Take two or three of the most recent cases. In 1968 Congress, after two years of debate, passed Senator Carl Hayden's failing newspaper bill. President Nixon signed that bill. Yet two months ago, the same crowd in the Attorney General's office who were there when they made such a terrific fight against the bill and were holdover Civil Service employes—most of them Socialists at heart who believe in statism and state control—sent out letters to a group of 50 newspapers, demanding all kinds of reports and statements under threat of being hauled before the Senate and anti-trust division for violation of the anti-trust laws.

That law was passed by Congress. It hasn't been repealed. It hasn't been violated. And yet these bureaucratic lawyers in the Attorney General's office go right ahead and cause unmitigated annoyance and expense to the newspaper industry, their one object being to get the newspapers to agree to some form of government regulation. Well, thank God, most of the newspapers ignored the Justice Department.

FCC DECREES

Then the FCC gets into the act again by issuing a decree, without consent of Congress, simply on its own volition, telling the networks they must devote so much time to this and so much time to that and so much time to public broadcasts which are put out by the NEA, hardly a source of unbiased information. And what do the television people do? They must comply or else. Now the FCC had no authority to make such a decision and thank God one judge told the FCC to go jump into the lake until it got authority from Congress to issue such a decree. But that didn't stop the bureaucrats. The Justice Department has jumped onto the agreement which was made by the New York Times and the Chicago Daily News wire services. The cost of the wire tolls was increased and the two companies decided to split a day and night wire in order to save money.

The irony of this situation is that in April of 1970 the Federal Communications Commission told the two wire services that they would have to do just exactly what they are doing if they wanted to use the services of the AT&T, and the Commission itself proposed that the two services share the wire with another user simply as an economical manner in which to serve their clients. And the New York Times and the Chicago Daily News entered into an agreement positively dictated and approved by the FCC.

Now along comes the Justice Department and says, "You can't do this. It is a violation of the anti-trust laws."

Let's take the case of tobacco. The FCC, without the consent of Congress—which it later obtained—told the television stations they could not advertise cigarettes. Yet the very same government which the FCC represents is spending $660,000,000 a year to promote, encourage and carry on the sale of tobacco. This order of the FCC is clearly unconstitutional unless the United States government absolutely prohibits the growing and sale and manufacture of tobacco and its products.

From the other direction, the U.S. government is subsidizing programs over the Public Broadcasting Service network which are often slanted to the radical side. The nature of this bias came to light in an "educational" TV attack on the FBI which was cancelled from its regular broadcast slot after J. Edgar Hoover protested. The Corporation for Public Broadcasting will receive an estimated $35 million from the taxpayers this year, some $9.2 million going to PBS. Why should bureaucrats force the taxpayer to underwrite one-sided propaganda?

A related case involving abuse of the regulatory power of the Federal Communications Commission is the interpretation that has been given the so-called "fairness doctrine." A memorandum prepared by the Reuther brothers in 1961 urged that this doctrine, which is supposed to insure balanced programming, be used as a device for attacking conservative broadcasters, most of whom appear on a local and not a network basis. Over the past 10 years the "fairness doctrine" has repeatedly been invoked against broadcasters and station owners whose views are different from those of the collectivists, but has not been invoked against network figures whose views are more in keeping with the Reuther memorandum outlook.

PRESS IS NEXT

Two years ago a member of the Federal Communications Commission urged that this dictatorial formula be used against newspapers as well. In an August 1969 speech in Dallas, Tex., Kenneth Cox of the FCC said that "Congress could constitutionally apply counterparts of our equal time and rights of reply obligations to most newspapers, since they move in, or clearly affect, interstate commerce, and since the public interest in their providing their readers with both sides of important questions is clear."

Give these bureaucrats the right of regulation over the American press and you have lost America to bureaucratic statism.

This country was founded as a republic with a representative government, but has degenerated into a democracy run by organized minorities, the strongest of which is the Federal bureaucracy. Never in the history of man has a democracy survived more than 200 years, and ours will not survive unless we make it a representative government and abolish the power of the Federal bureaucrats.

Most democracies have been destroyed by centralized bureaucracies—or at least by the rule of organized minorities. The newspapers of this country owe it to America and to the world to make sure that representative government survives in this country—that freedom of the press and the right of free expression are never destroyed by a bureaucracy or any minority group. If we prove here that representative government can work, then freedom will spread to all corners of the world in time.

The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

GENE PULLIAM, *Publisher*.

APPROACHING DOMINANCE OF SOVIET SEAPOWER

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. THURMOND. Mr. President, only through an informed citizenry will Congress be able to deal effectively with critics of our Military Establishment who believe peace can be achieved only through parity.

An excellent editorial on the approaching dominance of the Soviet Union in the area of seapower was published in the Columbia, S.C., Record of October 11, 1971.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be published in the RECORD, as follows:

AMERICA'S DECLINING SEAPOWER

Brittania's rule of the waves gave America a sense of security. After World War II the sea role of free world protection passed to the United States. But ocean dominance is being taken over by the Soviet Union.

"The blunt truth is this: if present policies continue, there will be only one super power left in the world five years from now—Russia." This quotation is from Willard F. Rockwell, chairman of the board of a company that bears his name and has a Columbia plant. He is also chief executive officer of North American Rockwell Corporation, one of the nation's largest areospace and commercial manufacturing concerns.

"It was only a very short time ago, perhaps six years, when our nuclear strategic superiority over the Soviets was a secure four to one," he added. "Today that lead has been wiped out. It was only a very short time ago—seven years in fact—that there were no Soviet nuclear submarines. Three years from now their fleet will outnumber ours."

He warned that by 1975 the Russians will have nearly twice as many surface warships and nearly three times as many soldiers in a standing military.

Authoritative *Jane's Fighting Ships*, an annual British compendium of the world's navies, confirmed the serious situation in American seapower.

"The size and relative capabilities of the United States Navy," it said, "continue to decline at what many authorities consider to be an alarming rate. . . . So prolific has the Soviet naval-building effort been that the USSR is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American Sixth Fleet."

The London publication reported that the Soviet fleet now exceeds the U.S. Navy in the numbers and capabilities of active surface ships and submarines.

"Among the great nations," Mr. Rockwell pointed out, "only the strong survive. Weakness of the United States—of its military capability and its will—could be the gravest threat to peace in the world."

The United States should and must form a more workable coalition with its naval allies, but the chief responsibility for future free world security rests with this country. Americans should be acutely aware of the dangers of declining seapower before it is too late.

A BILL TO AMEND THE LEAD-BASED PAINT POISONING PREVENTION ACT

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. TIERNAN. Mr. Speaker, during the last session of Congress we enacted the Lead-Based Paint Poisoning Prevention Act— Public Law 91–695. One of the purposes of this very important bill was to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning.

The Lead-Based Paint Poisoning Prevention Act specifies, however, that only "units of general local government in any State" are eligible for grants under title I and title II. This means that Rhode Island is ineligible to receive funds under the provisions of this act. In July of 1966 a State law abolished all local health departments and offices and placed all these matters under the jurisdiction of the State department of health. This was done in an effort to coordinate and improve our health services.

I am today introducing legislation to amend the Lead-Based Paint Poisoning Prevention Act to permit grants to be made to a State agency in any case where local agencies are prevented by State law from receiving and expending such grants.

It is extremely important that every area and every State in our country be eligible to receive funds to combat lead poisoning. I might add here that the State of Delaware has the same situation as Rhode Island, with the health units being operated on a statewide basis.

The problem of childhood lead poisoning is reaching epidemic proportions in most of the large cities in our Nation. In the State of Rhode Island, the incidence of lead poisoning is also growing. Between 1960 and 1970 there were 63 cases of lead poisoning treated in our hospitals. During the 9-month period from April 1970 to December 1970, on the other hand, 200 children were found to have elevated blood levels and 65 of them were hospitalized. So far this year the State Health Department has screened 1,183 children. Fifty-two were referred to hospital clinics because of elevated blood levels.

Mr. Speaker, Rhode Island needs assistance in their efforts to detect and treat lead poisoning. The amendment I introduce today would merely clarify an innocent error in the original bill so that Rhode Island and Delaware children would not be excluded from Federal assistance. It is my hope that this bill will receive early consideration and passage.

The bill follows:

A bill to amend the Lead-Based Paint Poisoning Prevention Act to permit grants thereunder to be made to a State agency in any case where local agencies are prevented by State law from receiving and expending such grants

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Lead-Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new section:

"AUTHORITY TO MAKE GRANTS TO STATE AGENCIES IN CERTAIN CASES

"SEC. 504. Notwithstanding any other provision of this Act, grants under sections 101 and 201 may be made to an agency of State government in any case where units of general local government within the State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose; and in any such case the term 'local' when used in section 101 or 201 with respect to any program shall be deemed to read 'State'."

STRANGE BEDFELLOWS ATTACK FBI

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DEVINE. Mr. Speaker, once again the Federal Bureau of Investigation comes under fire from the radical left. Apparently the critics of Mr. Hoover's organization never tire of attacking him or the accomplishments of the FBI. This weekend at Princeton University in New Jersey, a group known as the Committee for Public Justice will undertake to conduct an "objective" review of the Bureau's activities.

A look at the background of the public-spirited citizens, scholars, and experts who will assemble to investigate the Nation's top investigators is most informative—all are avowed enemies of the FBI. William F. Buckley's column in the Evening Star on October 25 provides some revealing insights into the political affiliations of the conferees, which the American people are entitled to know. Mr. Buckley's article is, therefore, included in its entirety:

IS IT PUBLIC JUSTICE OR JUST HOOVER BAITING?

(By William F. Buckley, Jr.)

A gentleman at Princeton University got the idea a while ago that it would be interesting to inquire into the nature of something. So he founded the Committee for Public Justice.

Having founded a Committee for Public Justice, the question naturally arose, public justice for whom? The answer was obvious: Public justice for victims of—J. Edgar Hoover. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton Friday and Saturday, and it is fearfully predictable that they will talk about the deficiencies of the Federal Bureau of Investigation.

It is strange that a committee so self-advertisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are, some of them, anti-FBI nuts. I say nuts, because criticism of the FBI needs to be evaluated with some reference to the evaluator's general view of things. If there is anyone on the masthead of the new committee who has given 10 minutes' fruitful thought to the question of crime and punishment, with the possible exception of Norman Dorsen of the ACLU, then there will be headlines indeed out of Princeton this weekend, to celebrate the discovery of crime by this set.

The most conspicuous figure in the executive council is Ramsey Clark. Clark, who is a splendid fellow, wrote, alas, the most perverse book about morals since De Sade, the jurisprudential equivalent of "The Greening of America". On top of that, Clark and Hoover, who was a subordinate of Clark for a few years, in the sense that Marshal Montgomery was a subordinate to King George V, were exchanging epithets a year or so ago.

Then there is, of all people, Lillian Hellman who, notwithstanding her great resourcefulness as a dramatist, could only think, in 1952, to answer questions about her involvement with the Communist party with mutterings about the 5th Amendment. Burke Marshall was an assistant attorney general during the Kennedy years, and in pursuit of public justice rushed to Chappaquiddick not at the urging of Mr. and Mrs. Kopechne, but of Sen. Kennedy.

Oh, it is a wonderful list! Did you know that Warren Beatty was interested in public justice?

Jules Feiffer is there, to protest what a spokesman for the committee has described as "political repression," which is to be defined, one gathers, as resistance to the burning down of ROTC buildings. J. Fred Cook is best known as having discovered that the FBI framed Alger Hiss.

Frank Donner also pleaded the 5th Amendment about his connections with the Communist party. Martin Peretz of Harvard, the philanthropist of the hard left, is still dazed from the anti-Semitic talk he ran into during one of the caucuses which, as I remember, he got the bill for.

Shirley MacLaine will be consulted. We never can remember whether Shirley MacLaine is Shelley Winters, and which of the two is related, and how, to Warren Beatty though it is good to know that they are both related by their common thirst for public justice. There is a military man. Who? You guessed it, former Marine Commandant Gen. David Shoup, who has been talking about American war crimes ever since the Viet Cong launched their reign of terror. And Candice Bergen, Mrs. Marshall Field, Mrs. Elinor Gimbel, and—Charles Goodell.

Other contributors to Princeton's search for expanding the vocabulary of anti-Hooverism are Paul Newman, who will contribute the facial expressions; Mike Nichols, who will direct them; and Arthur Schlesinger Jr., who will write the history of the Committee for Public Justice, which will be the shortest book he ever wrote, meaning that there is something in public justice for all of us.

WETLANDS LEGISLATION

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. SPONG. Mr. President, it was my privilege last Friday to discuss the pollution problems of Chesapeake Bay and the need for a Virginia wetlands statute at the annual banquet meeting of the York chapter of the Chesapeake Bay Foundation.

I emphasized in my remarks that the cumulative impact of the gradual loss of wetlands poses serious ecological problems because the bay must be regarded as a system. Each facet of the system is interrelated.

The conservation provisions of the new Virginia constitution are the foundation upon which to build a body of law to protect and preserve our wetland resources. Hopefully, the Virginia Wetlands Study Commission will recommend such measures to the 1972 session of the general assembly and that the legislation will be enacted by our State lawmakers.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH TO THE CHESAPEAKE BAY FOUNDATION

It is a pleasure to appear before a group whose purpose is to preserve the environmental integrity of Chesapeake Bay. This body of water—the country's largest estuary—has served a remarkable diversity of needs since it was first described by English settlers at Jamestown as "the noblest bay in the universe."

The Bay is one of the oldest and richest fishing grounds along the shores of the United States. The dockside value of the annual harvest of fish and shellfish amounts to well over $30 million. The two major ports on the Bay handle in excess of 100 million tons of cargo a year. This waterborne commerce makes an immense contribution to Virginia's economic well-being.

In addition, Chesapeake Bay forms the nucleus for hundreds of thousands of recreational visitors who participate in hundreds of outdoor and water-related activities.

Our prodigious use of Chesapeake Bay presents many problems. The many industries and municipalities lining the Bay use this resource as a place to discharge their wastes. Shipping and navigation require dredging and filling. These uses frequently cause oil spills and discharges of toxic materials. Treated sewage over-enriches the waters of the Bay, and poisonous industrial wastes sap their vitality. Even such aesthetic uses as filling for housing or recreation have serious adverse effects upon the estuary.

Pollution has caused extensive damage to the oyster industry in localized areas. The National Estuary Study conducted by the U.S. Fish and Wildlife Service estimated that 42,000 acres of shellfish grounds on Chesapeake Bay have been closed because of domestic sewage pollution. Loss of production from these areas was estimated at 1½ million pounds of shellfish worth about $1 million.

Public concern over pollution has resulted in the enactment of stringent new laws to cope with discharges into the nation's waterways. The statutes haven't been implemented as quickly as I had hoped, but the delays may be attributed in large measure to a lack of funds. The situation has improved rather dramatically over the past three years. From Fiscal 1969 through Fiscal 1972 the Congressional appropriation for the federal grant program for construction of local sewage treatment plants has risen from $214 million to $2 billion. The program has been aptly described as the bellwether of political concern over the environment. I have no hesitancy in predicting that the appropriation for Fiscal 1973 and subsequent years will be even larger.

Pollution is an offensive problem, but the need to preserve our wetlands is an equally serious matter which deserves immediate attention. Like most of the man-made changes around the Bay, the loss of wetlands has been so gradual that it hasn't seemed to do much harm. A bayside cottage built on a filled marshland here and a motel there would appear to constitute negligible decreases in the bay's food system.

However, the cumulative impact of this nibbling phenomenon—as I like to call it—has been far from negligible. The Department of the Interior has said that Virginia lost five per cent of its wetlands during the period 1954 to 1966. The Department estimated that at the current rate eighteen per cent of the Bay's present wetland habitats will be lost by the year 2000.

Wetlands are important because they are the major food source and habitat for an enormous variety of birds, fish and other wildlife. At least two-thirds of the world's entire fisheries harvest spends an essential portion of its life cycle in estuarine wetlands, or is dependent upon species that do.

It can be argued, I suppose, that each marsh that is lost is not important to an ecosystem as large as Chesapeake Bay. That attitude, however, disregards the fact that some species—like the blue crab—use the entire system for their life cycles. Some, like the rock fish, use the fresh water rivers for spawning and the rest of the bay as a nursery.

Scientists tell us that we must look at the bay as a system and that each facet of the system is inter-related. They also tell us that we must stop making changes with little idea of what the changes may bring. In layman's terms, our attitude toward the bay has been comparable to a man jumping from a ten-story building, and saying as he passed the fourth floor—"so far, so good."

The conservation provisions of the new Virginia Constitution are the foundation upon which to build a body of law to protect and preserve our wetland resources. I hope the Virginia Wetlands Study Commission will recommend such measures to the 1972 session of the General Assembly, and that the legislation will be enacted by our state lawmakers.

Such action would dovetail with a bill which I hope will soon be cleared by the Senate Commerce Committee for action on the Senate floor. As a member of the Committee and of its Subcommittee on Oceanography, it was my privilege to cosponsor the measure and to participate in hearings on it. A few details have not yet been worked out, but I would like to review with you this evening its essential provisions.

First the bill provides for grants to assist the states in the development of management programs for the land and water resources of the coastal and estuarine zone. The grants could be in an amount up to two-thirds of the cost of developing management programs. There are provisions in the measure to assure full participation in the developmental stage by local governments, and public and private organizations.

Second, grants would be provided to assist in the cost of administering the management programs of the coastal states. These too would amount to two-thirds of the cost.

Other sections of the bill permit adoption of a management program in segments so that immediate attention may be devoted to areas of critical environmental concern, and specify that coastal states receiving these funds must have the authority for management of the coastal and estuarine zone.

Finally, and perhaps most significantly, the legislation authorizes grants of up to 50 per cent of the cost of acquiring, developing and managing estuarine sanctuaries. These would serve as natural field laboratories in which data would be collected and studies made of the natural and human processes occurring within the estuaries of the coastal and estuarine zone.

I believe you will agree that this bill would complement state action. I hope the General Assembly not only will establish the legislative machinery to protect our wetland resources, but will create a fund to acquire those wetlands considered most important.

The enactment of federal and state legislation should give impetus to the development of a hydraulic model of the Chesapeake Bay, a project which unfortunately is lagging. The model is a part of a study first authorized in 1965 to develop a comprehensive plan to maintain the environmental integrity of the bay. The problem has been that only a small portion of the necessary funds has been appropriated. The House Appropriations Committee deferred action on a $2.4 million budget request this year which would have enabled federal and state officials to expedite work on the model. The Committee has questioned the cost of the study, and the cost of the model.

Because the Bay is situated in a rapidly expanding industrial and urban complex, it is as vulnerable to the adverse effects of man as any other estuarine system in the world. Without the model, the study would not provide data on the Bay's water quality, sedimentation and ecological problems. I hope that the funds necessary to expedite this important work will be forthcoming next year. I shall do my part to see that they are appropriated.

The legislation and projects I have discussed thus far really are only the framework of a far more important objective. Please don't misunderstand. The protection and preservation of the Chesapeake Bay are important problems which must be resolved. However, we are talking essentially about repairing damage that has already been done, and taking steps to prevent further harm.

As a matter of national policy, we also should be thinking in terms of developing mechanisms to assess the environmental impact of man's technological innovations and activities before they get into the market place. If we have learned anything from the past, it is the realization that once technology is turned on and incorporated into the nation's commercial fabric, turning it off or attempting to curtail it involves economic disruption, political strife and many other unpleasantries. This of course is aside from the environmental considerations involved.

We traditionally have assumed that our resources of air, water and land could be used as a dumping ground until someone in government could prove that a given activity was harmful. As a consequence of that attitude, the ability of our resources to assimilate these wastes has been grossly overextended. This point was dramatically brought out Monday in testimony by Jacques Cousteau, the internationally known oceanographer before the Senate Subcommittee on Oceans and Atmosphere. Captain Cousteau said he could foresee the end of the earth in another 30 to 50 years unless steps are taken now to protect the ocean environment.

It seems to me that the time has come when the burden of proof should be reversed. In view of the damage already caused, and the cost to repair it, there is a clear need to modify some of our live-and-let-live economic policies as they affect the public and its right to a decent environment.

It would be desirable in my judgment to require those wishing to discharge materials or introduce new substances to show on a before-the-fact basis that their activities would have no adverse environmental impact.

This authority would have to be exercised with great care and reason. The United States is a world leader because of its technological innovations. It would not be in the public interest to stifle the genius of our businessmen, scientists and engineers. No one can predict the inventions which will be developed in the next decade. As these technological gains accelerate, so will the need to assess their impact, and to minimize or avoid their adverse effects.

A healthy trend has already begun to require a before-the-fact assessment of a wide range of activities. The National Environmental Policy Act of 1969 is a good example of what I mean. That statute requires all agencies of the federal government to include an environmental impact statement with every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.

The Federal Water Quality Act of 1970, the Airport and Airways Development Act of 1970, and the Federal Aid Highway Act of 1970 contain provisions which require that consideration be given to environmental factors.

Hopefully, as we seek to improve the quality of our environment we won't bounce from the extreme of development-at-any-cost to preservation at any cost. Our objective should be to achieve both an improved physical environment and an increase in the economic well-being of the general citizenry. We must seek a partnership between man and nature in which man's varied needs are in harmony with nature's processes and resources. This won't be an easy task, because the extremes of development and preservation will continually be in conflict.

As members of an organization interested in resolving environmental problems you no doubt want to know where the general public fits into the picture. Congress has attempted to respond to citizen demands for a cleaner environment by including explicit provisions in anti-pollution legislation for fuller participation by the public. There are requirements for public hearings on air and water quality standards, and on construction projects. It was my privilege to be personally involved in the development of provisions in last year's Clean Air Amendments which authorize court action by citizens to assure enforcement of air quality standards, and of plans to implement the standards. I am confident that the privilege of bringing citizen suits will be extended to other statutes dealing with environmental quality.

Encouraging citizen participation reflects an awareness by lawmakers that the environment is truly a national issue—a concern of Americans in all walks of life. Public opinion polls rate environmental quality as a top domestic concern. There are those who believe that the concern is simply a passing fad and who doubt that we will have the will and the persistence to resolve environmental problems. I disagree.

The environmental ethic, relatively speaking, is still in its infancy. But I don't believe it is a fad. Laws to control pollution and to preserve and protect our resources will be refined as new circumstances arise, but in my judgment the pursuit of environmental quality is firmly embedded in the American conscience.

IMPACTED AREAS FUNDING NEEDS TRULY URGENT IN FISCAL YEAR 1972

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. VAN DEERLIN. Mr. Speaker, I note from House Document 92-164, containing administration requests for supplemental appropriations for fiscal year 1972, that the Office of Management and Budget is asking for a total of $1,020,989,154.

But in this billion dollar request, there is only one item for the Office of Education, less than $20 million sought for education activities under title IV of the Civil Rights Act. There is not one suggestion that the Federal Government should add to the 1972 budget sums to which school districts are entitled by act of Congress.

Earlier this year, school superintendents of the San Diego Unified School District and the Alameda Unified School District warned of the serious situation that is caused by the failure of the Congress to provide money under Public Law 874, the impacted areas legislation, resulting in additional burdens to the local tax base. If there is one urgent need in the United States, it is in the area of school finance. Additional funds are badly needed by school systems of every size, rural and urban and especially those who have been charged with the education of the children of parents serving in the armed services, at home and abroad.

We have committed the interest of the Congress to the education of all American children, specifically including those whose parents are serving their country. We should honor these commitments.

The payments due these school districts are a debt that should be paid. It can be discharged in the Urgent Supplemental Act.

I have had prepared a chart which sets forth on a State-by-State basis, the differences between what has been allowed to date and what is owed. I include the chart to which I have alluded in the RECORD at this point in my remarks:

PUBLIC LAW 874, 1971-72—ENTITLEMENT, APPROPRIATIONS, DEFICIENCY

[In thousands of dollars]

	Sec. 3(a)	Sec. 3(b) and others	Sec. 6	Low-cost housing	
	Child lives on Federal property; parent works on Federal property	Child lives on private property; parent works on Federal property	Base schools operated by USOE	Children living in public housing	Total
Grand total					
Entitlement	$188,100	$512,640	$37,700	$300,000	$1,038,440
Appropriation	178,090	376,790	37,700		592,580
Deficiency	10,010	135,850	0	300,000	445,860
Alabama:					
Entitlement	973	10,643	1,890	9,096	22,602
Appropriation	876	7,799	1,890		10,565
Deficiency	97	2,844		9,096	12,037
Alaska:					
Entitlement	17,481	4,650		354	22,485
Appropriation	17,257	3,614			20,871
Deficiency	224	1,036		354	1,614
Arizona:					
Entitlement	8,281	6,117		1,269	15,667
Appropriation	8,060	4,564			12,624
Deficiency	221	1,553		1,269	3,043
Arkansas:					
Entitlement	1,180	2,759		2,418	6,357
Appropriation	1,099	2,027			3,126
Deficiency	81	732		2,418	3,231
California:					
Entitlement	29,875	77,121	570	16,697	123,750
Appropriation	28,137	56,674	570		84,868
Deficiency	1,738	20,447		16,697	38,882
Colorado:					
Entitlement	3,463	14,439		1,780	19,682
Appropriation	3,333	10,606			13,939
Deficiency	130	3,833		1,780	5,743
Connecticut:					
Entitlement	1,887	3,884		6,438	12,209
Appropriation	1,854	2,867			4,721
Deficiency	33	1,017		6,438	7,488
Delaware:					
Entitlement	$16	$548	$1,638	$614	$2,816
Appropriation	14	402	1,638		2,054
Deficiency	2	146		614	762
Florida:					
Entitlement	5,959	18,517	682	7,124	32,282
Appropriation	5,363	13,567	682		19,612
Deficiency	596	4,950		7,124	12,670
Georgia:					
Entitlement	1,584	17,059	4,803	11,467	34,913
Appropriation	1,426	12,499	4,803		18,728
Deficiency	158	4,560		11,467	16,185
Hawaii:					
Entitlement	6,732	6,881		1,238	14,851
Appropriation	6,059	5,041			11,100
Deficiency	673	1,840		1,238	3,751
Idaho:					
Entitlement	1,321	2,973		121	4,415
Appropriation	1,251	2,187			3,438
Deficiency	70	786		121	977
Illinois:					
Entitlement	5,270	14,479		25,843	45,592
Appropriation	5,122	10,661			15,783
Deficiency	148	3,818		25,843	29,809
Indiana:					
Entitlement	1,056	4,624		3,170	8,850
Appropriation	1,024	3,398			4,422
Deficiency	32	1,226		3,170	4,428
Iowa:					
Entitlement	109	2,806		575	3,490
Appropriation	98	2,055			2,153
Deficiency	11	751		575	1,337

PUBLIC LAW 874, 1971-72—ENTITLEMENT, APPROPRIATIONS, DEFICIENCY—Continued

[In thousands of dollars]

	Sec. 3(a)	Sec. 3(b) and others	Sec. 6	Low-cost housing	
	Child lives on Federal property; parent works on Federal property	Child lives on private property; parent works on Federal property	Base schools operated by USOE	Children living in public housing	Total
Kansas:					
Entitlement	$4,323	$8,256	$23	$901	$13,503
Appropriation	4,155	6,084	23		10,262
Deficiency	168	2,172		901	3,241
Kentucky:					
Entitlement	67	5,383	5,536	896	11,882
Appropriation	60	3,944	5,536		9,540
Deficiency	7	1,439		896	2,342
Louisiana:					
Entitlement	763	3,908	337	5,746	10,754
Appropriation	687	2,863	337		3,887
Deficiency	76	1,045		5,746	6,867
Maine:					
Entitlement	2,272	2,304		470	5,046
Appropriation	2,133	1,699			3,832
Deficiency	139	605		470	1,214
Maryland:					
Entitlement	3,568	33,193		5,023	41,784
Appropriation	3,211	24,320			27,531
Deficiency	357	8,873		5,023	34,253
Massachusetts:					
Entitlement	5,543	13,526	1,500	14,085	34,634
Appropriation	5,285	9,953	1,500		16,738
Deficiency	238	3,573		14,085	17,896
Michigan:					
Entitlement	3,722	3,434		6,755	33,911
Appropriation	3,582	2,547			6,129
Deficiency	140	887		6,755	7,782
Minnesota:					
Entitlement	1,122	3,803		4,009	8,934
Appropriation	1,062	2,793			3,855
Deficiency	60	1,010		4,009	5,079
Mississippi:					
Entitlement	1,203	2,507		2,000	5,710
Appropriation	1,083	1,837			2,920
Deficiency	120	670		2,000	2,790
Missouri:					
Entitlement	2,326	9,556		4,624	16,506
Appropriation	2,306	7,030			9,336
Deficiency	20	2,526		4,624	7,170
Montana:					
Entitlement	4,028	2,319		428	6,775
Appropriation	3,858	1,730			5,588
Deficiency	170	589		428	1,187
Nebraska:					
Entitlement	3,178	3,944		3,015	10,137
Appropriation	3,131	2,927			6,058
Deficiency	47	1,017		3,015	4,079
Nevada:					
Entitlement	1,597	3,144		675	5,416
Appropriation	1,465	2,308			3,773
Deficiency	132	836		675	1,643
New Hampshire:					
Entitlement	923	1,991		1,186	4,100
Appropriation	919	1,470			2,389
Deficiency	4	521		1,186	1,711
New Jersey:					
Entitlement	4,543	13,167		19,485	37,195
Appropriation	4,431	9,694			14,125
Deficiency	112	3,473		19,485	23,070
New Mexico:					
Entitlement	8,626	7,857		691	17,174
Appropriation	8,196	5,817			14,013
Deficiency	430	2,040		691	3,161
New York:					
Entitlement	5,928	17,723	1,458,000	48,918	74,027
Appropriation	5,515	13,010	1,458,000		19,983
Deficicncy	413	4,713		48,918	54,044
North Carolina:					
Entitlement	1,771	7,622	7,114	5,571	22,258
Appropriation	1,594	5,585	7,114		14,293
Deficiency	177	2,037		5,751	7,965
North Dakota:					
Entitlement	3,764	762		277	4,803
Appropriation	3,703	601			4,304
Deficiency	61	161		277	499
Ohio:					
Entitlement	1,586	13,712		12,261	27,559
Appropriation	1,553	10,063			11,616
Deficiency	33	3,649		12,261	15,943
Oklahoma:					
Entitlement	$4,363	$13,049		$1,517	$18,929
Appropriation	4,027	9,573			13,600
Deficiency	336	3,476		1,517	5,329
Oregon:					
Entitlement	1,351	3,703	$3	2,645	7,702
Appropriation	1,227	2,714	3		3,944
Deficiency	124	989		2,645	3,758
Pennsylvania:					
Entitlement	809	11,476	4	19,766	32,055
Appropriation	728	8,407	4		9,139
Deficiency	81	3,069		19,766	22,916
Rhode Island:					
Entitlement	2,166	3,147		3,418	8,731
Appropriation	2,001	2,314			4,315
Deficiency	165	833		3,418	4,416
South Carolina:					
Entitlement	2,326	7,493	2,303	2,237	14,359
Appropriation	2,093	5,490	2,303		9,886
Deficiency	233	2,003		2,237	4,473
South Dakota:					
Entitlement	3,460	2,061		411	5,932
Appropriation	3,357	1,543			4,900
Deficiency	103	518		411	1,032
Tennessee:					
Entitlement	848	9,120		7,954	17,922
Appropriation	763	6,682			7,445
Deficiency	85	2,438		7,954	10,477
Texas:					
Entitlement	9,202	35,605		11,365	56,172
Appropriation	8,723	26,146			34,869
Deficiency	479	9,459		11,365	21,303
Utah:					
Entitlement	1,418	9,167		15	10,600
Appropriation	1,304	6,720			8,024
Deficiency	114	2,447		15	2,576
Vermont:					
Entitlement	7	193		269	469
Appropriation	6	142			148
Deficiency	1	51		269	321
Virginia:					
Entitlement	5,918	44,294	2,330	5,292	57,834
Appropriation	5,326	32,452	2,330		40,108
Deficiency	592	11,842		5,292	17,726
Washington:					
Entitlement	5,896	13,138		3,755	22,789
Appropriation	5,659	9,673			15,332
Deficiency	237	3,465		3,755	7,457
West Virginia:					
Entitlement	26	768		900	1,694
Appropriation	23	562			585
Deficiency	3	206		900	1,109
Wisconsin:					
Entitlement	669	2,598		2,813	6,080
Appropriation	606	1,906			2,512
Deficiency	63	692		2,813	3,568
Wyoming:					
Entitlement	1,568	1,222		78	2,868
Appropriation	1,497	908			2,405
Deficiency	71	314		78	463
Guam:					
Entitlement	1,771	1,402		71	3,244
Appropriation	1,594	1,027			2,621
Deficiency	177	375		71	623
Puerto Rico:					
Entitlement		753	7,688	7,423	15,864
Appropriation		551	7,688		8,239
Deficiency		202		7,423	7,625
Virgin Islands:					
Entitlement		147		614	761
Appropriation		108			108
Deficiency		39		614	653
Wake Island:					
Entitlement			328		328
Appropriation			328		328
Deficiency			0		0
District of Columbia:					
Entitlement	282	7,693	6	4,057	12,038
Appropriation	254	5,636	6		5,896
Deficiency	28	2,057		4,057	6,142

Mr. Speaker, the Congress in its wisdom assumed a further commitment to certain of our school districts when it authorized payments on behalf of the education of children living in public housing units. No money has, as yet, been provided for this aid to many of our larger school systems whose financial condition is in a particularly perilous state. Aid which was granted to Penn Central by the Congress, ought to be paralleled by aid to Philadelphia schools. A chart showing how just one-third of the $300 million authorized would be allocated can, I am confident, be of interest to many of my colleagues who represent such districts.

I include a chart prepared by the Council of the Great City Schools showing this distribution at this point in my remarks:

THE COUNCIL OF THE GREAT CITY SCHOOLS—RESEARCH DIVISION

ESTIMATED GRANTS FOR PUBLIC HOUSING BASED ON $100,000,000 APPROPRIATION

City	Projected number of children	Estimated grant
Akron, Ohio	4,208	$355,080
Albany, N.Y.	2,528	327,694
Albuquerque, M.Nex	2,040	71,843

THE COUNCIL OF THE GREAT CITY SCHOOLS—RESEARCH DIVISION—Continued

ESTIMATED GRANTS FOR PUBLIC HOUSING BASED ON $100,000,000 APPROPRIATION—Continued

City	Projected number of children	Estimated grant
Allentown, Pa	1,431	$126,556
Amarillo, Tex	0	0
Anaheim, Calif	0	0
Atlanta, Ga	19,600	1,353,779
Austin, Tex	1,755	124,394
Baltimore, Md	18,490	1,651,703
Baton Rouge, La	1,196	82,620
Beaumont, Tex	845	59,894
Berkeley, Calif	1,430	126,126
Birmingham, Ala	8,869	612,733
Boston Mass	26,159	3,207,829
Bridgeport, Conn	3,783	434,099
Buffalo, N.Y	6,354	923,520
Cambridge, Mass	1,884	230,988
Camden, N.J	2,825	338,141
Canton, Ohio	0	0
Charlotte, N.C	4,781	330,299
Chattanooga, Tenn	4,005	276,686
Chicago, Ill	54,864	5,863,853
Cincinnati, Ohio	9,698	818,317
Cleveland, Ohio	16,575	1,398,598
Columbus, Ga	2,655	183,353
Columbus, Ohio	8,653	730,140
Corpus Christi, Tex	2,309	163,648
Dallas, Tex	9,590	679,746
Dayton, Ohio	4,869	410,840
Dearborn, Mich	433	36,623
Denver, Colo	5,909	557,117
Des Moines, Iowa	650	61,276
Detroit, Mich	13,134	1,111,128
Duluth, Minn	1,459	111,918
Elizabeth, N.J	2,051	245,553
El Paso, Tex	6,960	493,239
Erie, Pa	1,997	176,557
Evansville, Ind	1,535	118,495
Flint, Mich	1,781	150,671
Fort Wayne, Ind	555	42,843
Fort Worth, Tex	1,396	98,963
Fresno, Calif	2,386	197,519
Gary, Ind	3,224	248,828
Glendale, Calif	0	0
Grand Rapids, Mich	426	36,073
Greensboro, N.C	3,041	210,052
Hammond, Ind	779	60,100
Hartford, Conn	4,018	461,100
Honolulu, Hawaii	4,841	344,209
Houston, Tex	3,970	281,408
Indianapolis, Ind	4,688	361,804
Jackson, Miss	390	26,941
Jacksonville, Fla	4,560	314,987
Jersey City, N.J	5,205	623,062
Kansas City, Kans	1,782	111,668
Kansas City, Mo	3,507	269,894
Knoxville, Tenn	4,830	333,622
Lansing, Mich	1,097	92,823
Lincoln, Neb	1,755	189,540
Little Rock, Ark	1,840	127,073
Long Beach, Calif	910	75,348
Los Angeles, Calif	14,243	1,179,304
Louisville, Ky	7,592	524,455
Lubbock, Tex	476	33,725
Madison, Wis	699	68,143
Memphis, Tenn	9,084	625,036
Miami, Fla	11,049	763,134
Milwaukee, Wis	5,842	569,206
Minneapolis, Minn	10,187	781,633
Mobile, Ala	5,251	362,718
Montgomery, Ala	3,593	248,218
Nashville, Tenn	8,382	579,056
New Bedford, Mass	3,453	423,417
New Haven, Conn	2,467	283,134
New Orleans, La	18,534	1,280,336
New York, N.Y	106,690	14,215,837
Newark, N.J	18,116	2,168,425
Newport News, Va	2,213	181,168
Niagara Falls, N.Y	1,013	131,246
Norfolk, Va	4,836	395,972
Oakland, Calif	6,080	503,432
Oklahoma City, Okla	4,290	324,324
Omaha, Nebr	4,645	501,650
Pasadena, Calif	325	26,910
Paterson, N.J	3,085	369,263
Peoria, Ill	5,355	573,310
Philadelphia, Pa	29,173	2,579,503
Phoenix, Ariz	2,085	164,210
Pittsburgh, Pa	14,689	1,298,775
Portland, Oreg	5,075	606,385
Portsmouth, Va	2,479	202,981
Providence, R.I	4,516	486,756
Richmond, Va	5,312	434,930
Rochester, N.Y	2,570	233,085
Rockford, Ill	2,188	233,843
Sacramento, Calif	3,010	265,438
St. Louis, Mo	12,613	970,540
St. Paul, Minn	6,000	460,441
St. Petersburg, Fla	1,232	85,122
Salt Lake City, Utah	0	0
San Antonio, Tex	8,878	621,251
San Diego, Calif	1,300	107,640
San Francisco, Calif	10,793	893,627
San Jose, Calif	1,937	170,843
Santa Anna, Calif	0	0
Savannah, Ga	3,666	$253,211
Scranton, Pa	1,820	160,927
Seattle, Wash	8,588	635,755
Shreveport, La	761	52,535
South Bend, Ind	1,268	97,864
Spokane, Wash	0	0
Springfield, Mass	1,511	185,245
Syracuse, N.Y	3,012	390,368
Tacoma, Wash	2,152	159,276
Tampa, Fla	6,026	416,181
Toledo, Ohio	3,868	326,340
Topeka, Kans	697	56,754
Torrance, Calif	0	0
Trenton, N.J	2,638	315,733
Tucson, Ariz	1,010	79,545
Tulsa, Okla	2,981	225,364
Utica, N.Y	602	78,006
Washington, D.C	15,652	1,394,593
Waterbury, Conn	1,086	124,561
Wichita, Kans	1,344	109,485
Wichita Falls, Tex	104	7,362
Winston-Salem, N.C	4,326	298,868
Worcester, Mass	2,394	293,650
Yonkers, N.Y	2,674	346,563
Youngstown, Ohio	382	116,605

THE SENATE HIGHER EDUCATION BILL—AN OBLIGATION TO PEOPLE RATHER THAN TO INSTITUTIONS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. JAVITS. Mr. President, on August 6, the Senate passed by unanimous vote what the late Senator Prouty had dubbed a "landmark bill" for higher education. This comprehensive measure, S. 659, enjoyed the cosponsorship of every member of the Committee on Labor and Public Welfare, a historic first for a complex bill of this type.

In an address yesterday in New York City before the College Entrance Examination Board, the distinguished Senator from Rhode Island (Mr. PELL), chairman of the Education Subcommittee and the principal sponsor of S. 659, stated with reference to the bill approved by the Senate:

> The basic theme of the Senate bill is that the Federal Government has an obligation to people rather than to institutions. Under the Senate bill, institutions will receive assistance if they serve the people, and adapt to meet their needs. The Senate bill basically puts the decision-making in the hands of the "consumer" of educational services rather than in the "conduits" of those services. The Senate realized that the present institutional structure would not meet the needs of the consumers and, therefore, recommends a program to encourage the establishment of community colleges—institutions which, by definition, must meet the educational needs of the residents of the communities they serve.

Senator PELL's address is an important one, especially in the light of the debate now underway in the Congress on the subject of the thrust of higher education legislation. I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CLAIBORNE PELL

Thank you for that most kind of introduction. I should also like to express my appreciation at being invited to meet with you. It was an invitation accepted with pleasure. I must admit that some organizations representing the higher education establishment have not looked kindly upon my efforts as Chairman of the Education Subcommittee of the United States Senate and I welcome the opportunity to discuss with you just what we in the Senate sought to do in the recently passed Education Amendments of 1971, S. 659.

Our meeting today could not be more timely. The House is about to act on its higher education bill; and we will be meeting the House managers of the bill in conference committee very shortly. That conference will be the forum in which far-reaching decisions as to the future of higher education will be made. It could well be the most significant confrontation on higher education policy in this century. A basic philosophical difference between the two bills must be resolved: Will Federal policy be focused on people, on youngsters, and their needs, or will it focus primarily on the needs of institutions?

I shall not take the time to restate the multitude of problems which we are told will bring higher education to its knees within the next few years. Suffice it to say that the many reports, newspaper articles, statements, and television news reports of yet another college about to go bankrupt have created a climate conducive to meaningful action.

This spate of publicity, pessimistic though it has been, indicates that there finally is an awareness of, and a growing concern for, the problems of higher education.

These many articles and studies moan and groan. But what they fail to do, and this is most distressing to me, is to assert positively: "Yes, there are problems; they are a source of great concern; they are crucial; but they are problems with which we can deal!" I think this is a time of great opportunity for higher education, precisely because we have been made aware of its troubles and are beginning to approach those problems seriously and with dispatch.

Fortunately, the volume and intensity of expressions of concern for higher education coincided with the necessity for a reauthorization by the Congress of the Federal programs of assistance in higher education. The luck of fortune gave us a forum to discuss these well-defined problems and to chart a course for Federal involvement to meet them.

The Senate Subcommittee on Education first studied new higher education legislation in 1970, holding eleven days of hearings. We heard a large number of witnesses, but action was not taken. The climate was not right; nothing jelled; there was no concensus for action, either among the witnesses or the Subcommittee members.

This year, as we started a new set of hearings, I let it be known that I did not want to hear again a simple gloomy recitation of problems; I wanted ideas for solutions.

I introduced a bill with two major theses: the establishment as a policy of the Federal Government, the right of every youngster, regardless of his family's financial circumstances, to obtain education beyond high school and provision of a certain amount of direct aid to educational institutions which would follow the student receiving basic federal assistance. In other words, the student receiving federal help would carry with him a bonus to the institution that is to educate him.

The Administration offered its own proposal, which included some provisions for grants to students, but which appeared to shift the emphasis of Federal assistance to one of much greater reliance on loans, thus leaving to the individual student the ultimate burden of paying the costs of his education.

In addition to these two proposals, there were others advanced in the House of Representatives. It became clear early this year that the House proposals with regard to institutional aid, which provided for institutional aid on a straight per capita basis, were more to the liking of representatives of the higher education establishment than was mine.

With these various proposals in mind, the Subcommittee conducted fifteen days of hearings. By the time they were completed, I believe every member of our Subcommittee had been fully informed of the problems and the various proposals for solutions, and the Subcommittee accepted the principle that each qualified student should be guaranteed basic financial assistance, through grants, as a matter of right.

The development of thinking on institutional aid was interesting to watch. The Administration's view originally was negative. I am glad to say, though, that the question gradually changed from one of "yes" or "no" to one of "yes", but "how". And the Administration rethought its position and chose finally to support aid to institutions based on a percentage of the student assistance funds received by each institution.

After much soul searching and discussion, our Subcommittee on Education, and the full Committee on Labor and Public Welfare after it, unanimously reported out a bill that contained these two key provisions:

First, an entitlement for each student who is accepted at an accredited postsecondary institution of up to $1,400, from which is subtracted a sum based on what a family could be expected to contribute.

Second, a plan for institutional aid that has the aid following our basic educational opportunity grants to the students.

Obviously, there is much more in the Senate bill, which is 247 pages in length. A new provision for emergency direct institutional aid to schools in imminent danger of bankruptcy is included in both the House and Senate bill. All present categorical higher education programs have been reauthorized in one form or another. A National Institute of Education and a National Foundation for Postsecondary Education are established. But the main features of the bill, which arouse both support and opposition are the student grant and institutional aid provisions.

Contrary to what has been reported in both the popular press and especially in some of the "trade press", this bill is not a jerry-built structure put together by nameless people, working on general outlines set forth by a few interested legislators. Indeed, in my almost 11 years experience in the Senate I can think of no legislation that has benefited from wider or more knowledgeable participation by members of the Senate.

In attempting to meet today's problems in higher education the Subcommittee members realized that a mere tinkering with the present federal programs would not do. Federal assistance to higher education grew somewhat like Topsy, with a piece added every few years as individual problems arose. This year existing programs were studied as a complete package. Some were found wanting and were altered.

The philosophic underpinning of this bill was the profound belief that every individual in the country should have the right to a floor of support for his postsecondary education. Once this thesis was adopted, all that followed was logical. And here let me make one point. It is currently popular to express concern about the idea that everybody should go to college. We, in the Senate, recognized that point and consequently the bill specifically speaks of postsecondary education and we include in this term career training, junior and community colleges, branch campuses and proprietary business schools—many of these categories for the first time.

It has been said that the Senate bill would shift the thrust of Federal support away from the institutions of higher learning—the "establishment"—to the student, the "consumer." This may be true. But is not the most pressing problem today the eternal one faced by the student—the elemental worry about how he can afford to attend school? There is one other point to consider when speaking of the change in Federal thrust. The institutions have been the recipients of Federal assistance in one form or another for quite some time; yet it is those very institutions which have received the most aid that are experiencing the greatest problems. Witness after witness asked for more Federal money in one form or another, yet nothing was said of institutional reform. Simple queries about actual cost of education, universal systems of accounts and other managerial and administrative matters were met with embarrassed silence. Perhaps this is one reason why there was not great desire in the Senate to establish a massive program of institutional aid. And I would hope that this is not a reason why the Senate bill has met with opposition from the institutional establishment.

The basic theme of the Senate bill is that the Federal Government has an obligation to people rather than to institutions. Under the Senate bill, institutions will receive assistance if they serve the people, and adapt to meet their needs. The Senate bill basically puts the decision-making in the hands of the "consumer" of educational services rather than in the "conduits" of those services. The Senate realized that the present institutional structure would not meet the needs of the consumers and, therefore, recommends a program to encourage the establishment of community colleges—institutions, which, by definition, must meet the educational needs of the residents of the communities they serve.

S. 659 was brought to the Senate floor and on August 6 was passed without a single negative vote. To my mind, this legislation is landmark in nature, for it is the first piece of Federal legislation that clearly states that the United States has a responsibility to provide a floor of postsecondary education to all students desirous of it and capable of absorbing it, and simultaneously states that the federal government has some responsibility to aid the institutions which provide that education.

With its passage should have come a feeling of elation, of accomplishment. Yet the reverse has been true. There has been no outpouring of support. The higher education community, which at first ignored the Senate bill, now seems to seek to see it defeated in conference.

I can well understand that opposition when it centers around the institutional aid provision. I believe that every lobby has a right to be heard, and to prevail if it has either the right argument or enough votes. And perhaps, just perhaps, I could understand a stodgy established bureaucracy which would sacrifice all that is positive—the student assistance provisions—to achieve its one aim—per capita institutional aid. But what appears imminently wrong is a position of opposition to the Senate-passed student aid provisions on the grounds that increased financial resources might prompt students to leave middle-cost institutions and attend the higher-cost private universities. Frankly I doubt that this would happen, but should the students be denied this option?

To my mind this is an unconscionable approach, one that we in the Senate will not stand for.

Our experiences over the last two years raise the question, "who is looking out for the student?", for most public expressions of concern focus on the institution. All the altruistic words cloak a position of let-me-get-mine-then-we-will-revamp-the-help-for-students. I remember the words of William Vanderbilt, "The public be damned." I would hope that educational establishment spokesmen would not get themselves in the position of saying—or whispering—"the students be damned".

The Senate has not been convinced. In the upcoming conference, we will tenaciously seek to insure that our proposed right to student assistance remains the salient portion of the Federal approach to higher education.

It is my hope that we will be joined by the institutions of higher education throughout the nation. We seek to move ahead and make manifest in legislation the oft-repeated thesis that there be equality in education. We believe that this is a thesis worth fighting for; we sincerely hope you will join with us.

Let us remember that the true national strength and wealth of a nation is not measured by the number of its weapons or even by its current cash position, but by the education and health of its people. This is a theme on which I believe everyone of us in this room can join, in which we believe in, for which we will fight.

POVERTY PICTURE IN STATE NOT PLEASANT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ZWACH. Mr. Speaker, Gordon Duenow, editor of the Little Falls Daily Transcript, in our Minnesota Sixth Congressional District, recently published an editorial about the poverty picture in Minnesota.

Minnesota, as you know, is not a backward State. In fact, it ranked second in the quality of life, of all the 50 States. I was surprised to learn, in reading Mr. Duenow's editorial that we have counties, mostly rural, which list 34.4 percent of their families below the poverty level.

Mr. Speaker, I think that it is significant that there is a spread in poverty from the 34.4 percent in a rural county to only 5.6 percent in a suburban county.

In order to give rise to increased concern about this situation among my colleagues, I insert Editor Duenow's editorial in the Record:

POVERTY PICTURE IN STATE NOT PLEASANT

Minnesota made progress in its fight against poverty during the 1960's, but largely, poverty remains embedded as a cancerous sore in the sides of many communities. This is the assessment of Emiel Owens, a University of Minnesota visiting professor of agriculture and applied economics in Minnesota Science, a magazine published by the University's Agriculture Experiment Station.

We suspect that the professor's assessment may be shocking to some.

Just as shocking is his statement that "over 13 per cent of Minnesota's more than one million families have something in common today: They are living in poverty." He points out that this constitutes 22 per cent of the state's population which lives at the poverty line established in 1970 by the Office of Economic Opportunity.

Owens states that the number of poverty families by county ranges from a low of 5.6 per cent of families in the suburban county of Anoka to a high of 34.4 per cent in the rural, sparsely populated Mahnomen county. In 1969, an average of 1,616 poverty families resided in each of the 87 counties of the state, he said. In 1965 rural areas claimed 358,000 individuals living in poverty, or 67.7 per cent of the state's poor.

Minnesota's poor fit this sterotype, Owens said: "Picture someone with limited education and poor health. He may be a farm laborer or an operator of a small farm. He either lives on the farm or has migrated to an urban center. Make him a minority member—chances are he is among the state's poor. If this is a woman living under similar circumstances, plus heading a household of dependent children with no adult male present regularly, almost surely she is poor."

He mentioned that "contrary to what many people believe, Minnesota's urban and rural poor are not in that condition primarily because of ignorance or indifference. Being poor is often the by-product of community and working conditions over which the individual has little control. The poor, then, find themselves trapped, both within themselves and by external circumstances that grip them firmly in the jaws of poverty."

While Owens said the roots of poverty in Minnesota are complex, he particularly mentioned that in rural Minnesota the small farmer can no longer compete with or break into the present agricultural production system which demands larger acreages, greater technology, more efficiency and less labor.

This certainly isn't a pretty picture and undoubtedly the facts he cites also could apply to most other states.

NATO SPEECH BY GEN. A. J. GOODPASTER BEFORE THE AMERICAN LEGION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. THURMOND. Mr. President, Gen. A. J. Goodpaster, Supreme Allied Commander in Europe, recently addressed the American Legion National Convention in Houston, Tex.

In his address, on September 2, 1971, he spoke of the importance of NATO and the changing balance of power between the United States and the Soviet Union.

These remarks should be read and studied by those who favor a unilateral withdrawal of U.S. forces in Europe. General Goodpaster has answered advocates of this policy quite well. He has also made the point that moving these troops back to the continental United States will not bring about any significant monetary savings.

Mr. President, I ask unanimous consent that the speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY GEN. A. J. GOODPASTER

Mr. chairman and fellow veterans: It is a deep pleasure to be here and to renew associations with former comrades-in-arms who have served our country in past moments of peril.

Beyond this, it is a special pleasure and a prized opportunity to discuss NATO—keystone of American security—and the U.S. forces in Europe with this American Legion Convention here today.

I believe NATO and our NATO Allies are and will remain of crucial importance to the future of the United States, and the United States is and will remain of crucial importance to the NATO Alliance and the future of our NATO Allies.

I welcome the chance to talk of this *today* because there are pressures and moves afoot at this moment that threaten the successful posture of defense that we have built there. And I welcome the meeting with Legionnaires because by your experience and mature understanding of these issues, your sense of responsibility, your dedication and patriotism, you are outstandingly qualified to join effectively in the task of security for the 70's.

We are fortunate to be able to meet *here*, in Texas. For Texas is not just a place; it is also, as we know, a state of mind—and a strong and hearty state of mind. It is where, as the saying goes, men are men, and women are glad of it.

And I will report on our *American forces in Europe* because they are vital to the success of our security mission, because they are your sons, brothers and nephews, and because you will want to hear a firsthand report on their condition.

Just six days ago, I completed my latest round of visits in Europe and the Mediterranean area to the units of the United States Army, Navy, Air Force and Marine Corps. I met and talked with men in ranks, with junior officers and NCOs, with commanders and their staffs of all services at all echelons. I can tell you that these are fine units—none finer in the world today—manned by servicemen deeply conscious of the job they have to do, hard at work on the tasks and the problems that confront them. And when I speak of servicemen, I am referring and will always be referring to our fine servicewomen there as well. I will report in more detail on this whole subject later, but I will tell you now that what these dedicated Americans are doing there—and doing in a way in which they and you can take great pride—is indispensable to the peace and the security that they, you, all of us enjoy.

When we begin to speak of NATO, the first thing we should do is recognize that it has been a great success. That is its great achievement but that, as we shall see, is likewise one of its great problems.

First, as to its success, as General Lemnitzer, my predecessor, untiringly emphasizes, in NATO's twenty years there has been no war in Europe, no NATO territory has been lost, and no NATO country has lost its freedom and independence. If we reflect only for a moment on these simple facts, I think we can agree that its success is indisputable.

But what are the problems of success? Well, my friends, they are familiar ones—complacency, let-down, lack of vigilance, an easy assumption that NATO's benefits—stability and peace in Europe, confidence and freedom from fear—are now somehow automatic, that we can have the benefits of NATO without making the efforts that produce them. But let me say at once that if we are to have problems in NATO, I would far rather that we have the problems of success than the problems of failure, with all the dangers to peace and freedom that failure would bring.

Sometimes it is suggested to me that one of the problems of success comes from those on the American scene today who, apparently, simply cannot stand the sight of success—who are only happy when they can criticize or impugn, often with the thought that by belittling others they elevate themselves. But this all-too-human trait, if widely indulged in serious matters of this kind, could be destructive and defeatist. We must not allow ourselves to become people who have lost the will to win—a nation of compulsive losers—which would be the inevitable result. Such is neither in our national character nor in our national interest.

We meet at a time when many problems compete for public and governmental attention . . . when there is an accelerated tempo of change in the world about us. Many of the problems we face are indeed military, such as force levels, weapons modernization and military planning—and often they are highly complex, and beset with many unknowns, though they must nevertheless be faced, and decisions and actions must be taken. But many of the most gripping problems are non-military, and sometimes they press us in directions opposite to the needs of defense.

Here at home we see the problems in inflation and unemployment, foreign imports, the crisis of the cities, pollution, crime, drug abuse, racial unrest, social discord over the Vietnam War and other issues, a kind of "accentuation of the negative" in the public information media and elsewhere, and violence in many forms. Frequently the concern over these problems seems to express itself in antagonism to things and people military.

Those of us who have seen the ebb and flow of this or something like it in the past, while deeply concerned, can trust that once more, it will pass. However, for the young officers and enlisted personnel on whom our services depend today—and who must be the leaders tomorrow—anti-military attitudes of this kind are deeply disturbing. They are causing the loss of men we sorely need and could affect in serious ways the morale of our Armed Forces. In this respect, I am reminded of what General George Marshall once said: "A soldier's heart, a soldier's spirit, a soldier's soul are everything. Unless the soldier's soul sustains him, he cannot be relied on, and he will fail himself, his commander and his country in the end." Attacks on the military are not the way to sustain the soul of the soldier.

It would be tragic indeed if in preoccupation with our internal problems—serious as they certainly are—we were to cast away our security, whether through neglect or willful opposition. It is essential that work go forward on solutions to the difficult and important domestic problems. But it will not solve them if NATO—the keystone of American security—is destroyed or should fail in its mission of preventing war and protecting the freedom and safety of our people. For our national security remains an indispensable umbrella under which durable solutions to our national problems can be searched for and constructed.

And if NATO should falter or fail, this change in itself would aggravate and multiply the problems that would press in upon us. It would mean a Western Europe, indeed a whole free world, fragmented, set at cross-purposes, exposed to renewed threat from outside. But if NATO remains strong, as I believe it can and should, it will continue to provide the platform of stability, security and solidarity from which the West can work for domestic and international solutions to many of the problems which beset our nations today.

The military instrument that provides the shield of security for NATO in Europe was first formed by General Eisenhower twenty years ago. He activated SHAPE—his headquarters—and the allied command in Europe on April 2, 1951, in Paris, France. This was a new kind of military command created in time of peace to prevent war and to keep peace secure for the free peoples it serves. The memories of that day hold a particular significance for me, for it was my privilege to serve as a staff officer at that time under General Eisenhower, and in fact one of my specific duties was the preparation of the activation order that he signed.

Many of you will recall how low was our strength then . . . how apprehensive we were of our future as free peoples. Under the threatening clouds of 1950 and 1951, many doubts attended the launching of this venture in collective security. Many wondered not so much whether there would be war as when and how it would start.

But in addition to despair and resignation, there was opposition to what needed to be done. General Eisenhower, in words that have meaning for us today, reported that "strong voices could be heard in America, disputing the NATO concept of collective security and opposing further reinforcements of the European area," and that "the doubts of the European peoples gave birth to the false but glittering doctrine of neutralism." We are by no means free today of the dangers of a new isolationism in America—or a new neutralism in Europe, sometimes called "Finlandization."

Hard military facts of life shaped the international structures that were established then and still exist today.

You will remember the war-torn state of Europe and how Soviet political pressures, backed by the presence of the Red Army—still at wartime strength—resulted in Soviet domination of Albania, Rumania, Bulgaria, Eastern Germany, Poland and Hungary. Those countries, with a population of about 87 million non-Russian people, were brought under Soviet control.

At the same time, communist pressures were being applied directly or indirectly in other parts of the world—in Northern Iran, in Turkey, in Greece, in Indochina, in Malaya, in Burma, and in the Philippines.

But it was the communist coup d'etat in Czechoslovakia in 1948 and the Soviet blockade of Berlin late that same year that served as a shock to the Western world, which had looked forward to peace and conciliation, and instead found itself facing power and conspiracy.

And in 1950 the North Korean invasion of South Korea again alerted the Western world to communist aggression. It was then that the North Atlantic Council decided that an "integrated force under a centralized command, adequate to deter aggression and to insure the defense of Western Europe, was to be created and placed under a Supreme Commander to be appointed by NATO."

In late December, 1950, General Eisenhower was invited to serve as the first Supreme Commander, and he immediately accepted the appointment.

In the strenuous days that followed, General Eisenhower—by his inspiring leadership, building on his wartime success in international military organization, and by his unstinting effort transformed the state of morale in Europe.

National military force contingents were quickly organized into a collective defense force. A command structure was created with integrated international headquarters dedicated to the prevention of war. Unified plans for coordinated defense were prepared. Training was accelerated, and the buildup of stocks of supply carried forward. A commonly-financed "infrastructure" of airbases, signal communications, pipelines and other facilities was brought into being. And the nations proceeded rapidly to strengthen and re-arm the forces they provided. The NATO nations, working together in a spirit of solidarity and cooperation, achieved—in words he often used—a result which, if they had acted separately, would have been far beyond the reach of any or of all.

NATO has been a remarkable association—perhaps unique in history—in which fifteen nations, recognizing their community of interests, have joined their effort in a common cause—a cause that is nothing less than the freedom, the security and the system of life of the Western world.

The military capabilities of the Alliance as we know it today include conventional, tactical nuclear and strategic nuclear elements in carefully coordinated combination. The span of the collective force extends from the North Cape of Norway on the North, through Central Europe, to the eastern boundary of Turkey on the East. It begins with the forces deployed along the Iron Curtain, and extends back through rank upon rank of land, sea and air forces of all kinds of major combat units that would man the main battle positions, deployed air and naval forces in high states of readiness, reinforcing ground formations and reserve forces as well as air and naval augmentation forces that would be rapidly moved forward to build up the forward combat strength.

Behind all of these, linked through carefully prepared plans, in controlled coordination in case their use should be required, stand the tactical nuclear units and the strategic nuclear forces.

This is a powerful force for deterrence and defense, and it is an effective one. It serves four broad objectives.

The first is deterrence of war. In today's world, preventing war and making peace secure must be the paramount route by which we provide for the safety of our people while ensuring our freedom. By any calculation, the destructiveness of war and the risks of nuclear escalation put a heavy premium on preventing war, while still maintaining our freedom and territorial integrity. This aim—deterrence—guides all that we try to do.

It rests upon a second objective: defense. For deterrence to be effective, we must make convincingly clear to any potential aggressor that the peoples of the Atlantic Community have the will and means to defend their territories and to make aggression unprofitable. Thus, both as the indispensable underpinning to deterrence and as the means to safeguard our nations if deterrence should fail, we need strong and ready defense forces.

I identify as a third objective served by NATO's military instrument: solidarity—collective action and unity in the Alliance. Through solidarity the NATO nations rise above the quarrels, the ancient hatreds and the mutual conflicts of the past which have exhausted them and twice this century have nearly destroyed them. In uniting their efforts for the collective defense, the Allies work together rather than against each other, and deny to any enemy the opportunity to take the nations on one at a time, or to play one against the other.

A fourth and final objective for the military instrument of NATO is detente—a relaxation of tensions. To endure and be meaningful, detente must be based upon reducing and removing the real causes of tension rather than merely treating the symptoms—while at the same time preserving the security, the integrity, and the values of our societies.

The primary cause of tensions in the European area is the capability of the large Soviet and Warsaw Pact military forces which overhang Western Europe. By holding this force in check, NATO's military capability, which is entirely defensive, works for true and meaningful detente, rather than against it, as is sometimes mistakenly assumed.

A few weeks ago, a comprehensive analysis of Soviet armed strength—size, composition and trends—by Professor Jorh Erickson was published by the Royal United Services Institute for Defense Studies in London. His disclosure of substantial and sustained increases in Soviet forces occasioned a good deal of comment and surprise—which is itself surprising, since there has been no lack of public statements, including my own, about this buildup. In each of the last five years—since the time of the removal of Khrushchev, as Professor Erickson points out—the Soviet military budget has increased in real terms.

And these forces are exercised to a high state of readiness. Last year, major Soviet training exercises demonstrated their capabilities on the land, on and under the sea, and in the air. Exercise OKEAN, executed on a global basis, was the largest naval exercise ever conducted by any Navy in the world. Late last fall Exercise COMRADES-IN-ARMS in East Germany was the largest Warsaw Pact exercise of its kind since World War II in Central Europe. Just last month Warsaw Pact forces in Exercise OPAL 71 in Hungary practiced military operations to increase combat proficiency.

The growth of Soviet strategic nuclear offensive and defensive capabilities is progressively changing the strategic balance in a direction adverse to the West. The continuing production and deployment of Soviet missiles, together with their expanding research, development and test programs, constitute, in military terms, a threat of massive proportions. We still possess on our side a devastating strategic nuclear capability that could be used in retaliation, but the rising trend of Soviet strength makes it all the more necessary that we do, in fact, keep up our conventional strength, as well, of course, as our nuclear capabilities.

The Warsaw Pact ground forces substantially outnumber NATO forces in terms of divisions, firepower and manpower. The Warsaw Pact has twice as many, divisions as NATO in the Central Region of Allied Command Europe. Through the introduction of improved weapons systems and continuous modernization, giving them highly increased firepower, these Warsaw Pact forces are intensively trained, and positioned well forward in Eastern and Central Europe. Their tank forces outnumber the tank forces of the Allied Command by a ratio of three to one. Soviet mobility and discipline were convincingly demonstrated just three years ago by the ruthless but highly efficient use of many of these same divisions against Czechoslovakia—their Warsaw Pact Ally. And as a consequence of that tragic episode, there are today more Soviet divisions stationed closer to the Iron Curtain in Germany than prior to the action against Czechoslovakia in 1968.

The Warsaw Pact Air Forces in Europe have twice as many combat aircraft as NATO. Not only are they quantitatively superior with respect to aircraft, but they have more airfields, more shelters, better command and control facilities, and considerably more anti-aircraft defenses. Newer types of high-performance aircraft have been introduced by the Soviets into all Warsaw Pact Air Forces.

The expansion of Soviet maritime power is a matter of particular concern. The Soviet Navy is the second largest fleet in the world. Only one percent of her combat vessels are more than twenty years old. This is in marked contrast to the growing obsolescence of several NATO navies. The Soviet submarine fleet is now the largest in the world. It could in the event of war, severely threaten Allied Command Europe's sea lines of communications with Canada and the United States from the very outset. The threat to sea lines of communications exists also in the Mediterranean Sea which, for the shipment of oil as well as other commodities, is of great strategic importance to our Alliance.

A special note should be made of the activities of the Soviet Union on the Southern flank of NATO. The number of Soviet warships deployed in the Mediterranean has continuously increased in the last several years. Their overall activity increased from six hundred operating days in 1964, to seventeen thousand operating days last year.

Along with increased deployments in the Mediterranean, there has been increased Soviet activity, as you well know, all along the North African and Middle East littoral. This Soviet presence—in the air, on the sea and ground—is in an area marked by instability and deeply rooted discord. It is clear that a substantial position of Allied defensive strength will remain essential in that area, if Allied interests, including American interests, are to be safeguarded.

These are some of the elements of the pattern of Soviet military strength and activity. They are on the move in many areas, particularly where they see or sense weakness, confusion and conflict. There is a steady trend of expansion, widened deployments and increasing presence in new strategic areas of the world. Together the Soviet Armed Forces constitute a concentration of military power that goes far beyond anything the world has ever previously seen. It is a force that far exceeds the reasonable requirements solely for defense. It places stress on offensive operations as evidenced by the emphasis given to armored firepower and mobility, including the mobility of its tactical air forces.

Because NATO is a defensive Alliance, the Warsaw Pact has the advantage of the initiative. Should they so decide, they could choose the time, place, mode and weight of attack against us.

In addition, they hold important geographic advantages. Theirs is a geographic position with great depth, whereas ours is a rimland, extended in width, but quite shallow in depth, broken by internal water and neutral nation barriers.

It is the reality of this Soviet and Warsaw Pact military strength which NATO must face and hold in check and balance.

In countering the forces of the Warsaw Pact, Allied Command Europe relies heavily on the contribution made by the U.S. forces in Europe. There are, I believe, three propositions that are basic to United States security interests in this regard.

The first proposition is that NATO, or something like it, is essential to the security interests of the United States, just as I believe it is to the security interests of every other member nation of NATO. Without NATO, the West would lie exposed to Soviet pressure, and to Soviet efforts to pick off countries one by one.

The second proposition is that a substantial collective forces is essential to a viable NATO and therefore to United States security. If this collective force which exists today were to disintegrate, I do not believe that it could be reconstituted. It was constituted under unusual conditions in the early 1950's and under a leader—General Eisenhower—uniquely qualified to inspire and organize it, whose like we shall not see again. Once lost, it would not be possible to put NATO back together again.

The third proposition is that a balanced American military force contribution in place in the European area, not substantially less than we have there today, is essential to the continued existence of a strong collective force, therefore, to the continued effectiveness and viability of NATO, and therefore, to the security interests of the United States.

These three propositions, in my judgment, will be as valid for a number of years to come as they are today, for the threat which the NATO forces have to hold in check has not diminished. On the contrary, as I have mentioned, the Warsaw Pact and Soviet military capabilities continue to increase.

It costs us three billion dollars a year to support the U.S. forces that are located in the European area. This figure includes pay, operations and maintenance, construction—everything, in fact, but major re-equipment when that occurs. There are two or three other figures that help to put these costs in perspective. The first is that these, plus the forces in the United States that would be employed in the NATO area in case of communist attack, cost some fourteen billion dollars. I stress this point because statements are sometimes made indicating our forces in Europe cost fourteen billion dollars a year. This is incorrect—by a factor of nearly five. The next figure of interest is what our Allies are paying for defense. Their military expenditures are running some twenty-five billion dollars a year. This is about eight times the costs of the forces the U.S. maintains in the European area, more than twice the costs of the total forces and support the U.S. provides in the U.S. to resist a Warsaw Pact attack in the European and Atlantic areas, and about one-third of the total U.S. defense effect, worldwide, including our strategic nuclear forces of all kinds.

Balance of payments costs are another element in the troop deployment problem, but here, through European purchases and other special programs, it has been possible so far to "offset" a very large part of this impact.

When proposals are made to pull U.S. forces out of Europe, we are talking about cutting down the three billion dollar commitment per year. But it should be realized that the financial cost of maintaining these forces if they are simply moved back home instead of being kept in Europe would be no less, and in fact somewhat higher than it is now. It would be necessary to maintain extra sets of heavy equipment such as tanks and artillery in Europe, if we were to have the capability of moving these forces back quickly and putting them in operation in case of emergency. And we would pay the costs associated with annual transport of these forces to Europe, followed by exercise and maneuver on the continent to give them the very essential European familiarization and training.

When in 1951 the four additional U.S. divisions were brought to Europe to help form NATO, they put the glue into NATO. I think that is still true.

What many people may not know is that American forces in Europe have already been substantially reduced in the past ten years. Since 1961 more than one-fourth—more than one hundred thousand of the U.S. forces in Europe have been returned to the United States. We have now reached the point where further reductions would seriously impair our deterrent and defensive posture.

Western Europe, with its great economic, cultural, intellectual and human and material resources have always had close traditional ties with the United States.

Twice in this twentieth century, American Presidents and American Congresses have had to recognize that the security of Europe is vital to the security of the United States. Twice the U.S. has sent expeditionary forces to Europe to restore the military and political balance; and the price has been a big one. The premium that the American taxpayer pays today to maintain the peace and security, so expensively restored when violated in the past, is low cost insurance for something we treasure so highly. We Americans and our NATO Allies cannot afford to further reduce our already limited forces unless and until reciprocal and mutual force reductions are made by our potential adversaries . . . or until Free Europe, united in the European Economic Community, can muster greater strength to take up additional parts of the collective security burden. But until that time, let every American understand that the three hundred thousand U.S. soldiers, sailors, airmen and Marines stationed in Europe play a role which is of critical importance in maintaining and strengthening peace and is therefore strongly in our enlightened national self-interest.

I told you at the outset that I would report to you on the status of U.S. forces in Europe. In my visits to the Sixth Fleet in the Mediterranean, to the U.S. Army in Germany, and to the U.S. Air Force units in Germany and England, I have been encouraged anew to see the effective performance of duties . . . and in my talks with soldiers, sailors, airmen and Marines, I have seen no loss of spirit or surrender to discouragement. Instead, I have seen responsible, self-respecting young Americans, going about their jobs . . . and I have heard realistic assessments from commanders on the combat capabilities and the needs of their units. Those forces present, in the familiar American term once used by George Washington, a respectable posture of defense.

This is not to fail to recognize that many things are far from rosy. Over the past years, when priority of support was given—rightly, so far as I am concerned—to the needs of our fighting men in Vietnam, levels of equipment, supplies, maintenance, manning and facilities support suffered in Europe in all services—in some cases very seriously. Recently we have gone through a very serious shortage in some categories of combat personnel, from which we are just now recovering. And we are experiencing problems in the command which parallel those in our society at home. Three of them are drug abuse, racial unrest, and discipline, which is closely linked to morale. We recognize them and are hard at work on them.

With respect to drug abuse, we have comprehensive, intensive programs underway, but neither my commanders nor I can be satisfied with the degree of control over the problem we have yet attained. We believe our program is sound. It has several phases internal to the command, starting with education of both the younger members of the service and the more senior personnel—both officers and non-commissioned officers—on the dangers and the nature of the drug problem. Much remains to be done in this phase.

A second phase is enforcement of the law to curtail drug traffic particularly going after the pushers. A further phase is identification and rehabilitation of addicts including a policy of immunity for those who voluntarily enter the rehabilitation program. I believe we are making progress but there are no grounds for complacency. Finally, we strongly welcome, cooperate with and support what I term the external phases of effort, including education in the society at home from which our young people come, and steps to cut off the production, manufacture and movement of the drugs themselves, particularly the hard drugs.

Now in the racial area, I believe that for a long time we in the military service have been in the vanguard in providing a fair treatment and equal opportunity for all races in our services. This is as it should be, for the hazards of combat know no color bar, nor does the mutual dependence of man upon on the battlefield. But the picture is not perfect. The intensification of hostile attitudes has not by-passed Europe, and there have occurred instances of unfair practices that give fuel to such feelings. Here too we have serious and substantial programs underway. In the Army, for example, General Polk gave strong personal leadership while he was in command, with beneficial results, and General Davison, his successor in command, is broadening and deepening the effort. We are continuing vigorously an education program and working to build and strengthen a decent and proper relationship within our forces. We recognize that some of our younger men bring with them to Europe a generalized sense of discrimination and injustice, and a number of our programs aim to move from the realm of emotions to practical actions that will remove every vestige of racial discrimination that we can find. We are emphasizing fair treatment for all, the need to be specific, the need to bring problems in, and the need for mutual communication and mutual respect. I can assure you we will continue to work for racial equality and racial amity in the United States European Command. I believe our record on this score in the United States Armed Forces is a good one, and I believe it can and should be better.

In the area of morale and discipline, we well recognize, in General Marshall's terms, that we are dealing with the heart and soul of the Armed Forces. We are intensively concerned over problems in this area. As our manpower situation improves, and supply and the maintenance of barracks are improved, and funds are provided for expanded training, we expect to see—and believe we are seeing—an improvement in morale and discipline. In this connection, may I say that we very much hope we will not lose these gains later this year as a result of the failure of Congress to pass a renewed draft law before their August recess. The lapse concerns us very much, for it is already putting a "bubble" in the manpower pipeline that will reach us late this year, and it will be hard if not impossible to avoid renewed damage to unit strengths, morale and discipline.

In the meantime, we are approaching our disciplinary problems through emphasis upon effective leadership, at every echelon of supervision and command, which Legionnaires recognize, I am sure, as the key to military success. This includes, as always, concern and regard for our men and open channels of communication with them.

And when and as our American society at home recovers its composure and gains in its stability, confidence and constructive spirit, we expect our forces to benefit as well.

With all of this, the main message I would like to leave with you—loud and clear—is that the structure of our forces has retained its integrity and its military effectiveness. We do not have an undisciplined body and we do not intend to have one. We have not compromised our standards of conduct and the qualities required in the performance of duty. As a matter of fact, the lapses from integrity, especially those at high ranks—enlisted and officer—have provided further impetus to our efforts.

Before leaving this point, let me say that anyone who says our forces are in such a shape they cannot do their job and should be brought home, is ill-informed and ill-advised. The U.S. force on the European continent and above it, and on, over and under waters around it is one of formidable power in a high state of readiness, capable of performing its wartime missions with high effectiveness and reliability. The dedicated men and women of all our services—working as a great team—are hard at work in accomplishing their assigned tasks. You can all be proud of the American units that man the forward defenses in Europe. They are a credit to the United States. They are quietly and efficiently performing tasks essential to our national defense.

On the Allied side, programs to maintain and strengthen the collective force and its national contingents are likewise going forward. Throughout most of last year, searching studies were conducted on NATO's defense tasks in the decade of the 1970's, culminating in decisions as to the principal areas in which force improvements should be made. At the same time, the European nations of NATO were meeting on a so-called European Defense Improvement Program whereby they would take further improvement measures, thereby assuming a greater share of the overall military burden and effort.

One outcome of these constructive efforts was the decision by President Nixon, announced at the NATO meetings last December, that "we have agreed that NATO's conventional forces must not only be maintained, but in certain key areas, strengthened. Given a similar approach by our Allies, the United States will maintain and improve its own forces in Europe and will not reduce them unless there is reciprocal action from our adversaries. We will continue to talk with our NATO allies with regard to how we can meet our responsibilities together." Subsequently, in his 1971 Foreign Policy Report, President Nixon stated, "In maintaining and improving our forces in Europe—and in the seas on Europe's flanks—we are doing what is necessary to encourage our European Allies to take up a greater share of the collective responsibility."

For the Alliance as a whole, the NATO meetings resulted in the commitment of the extra increment of effort by the European Group in the form of their European Defense Improvement Plan, amounting to an additional billion dollars of effort over the next five years, divided evenly between funding of certain urgent NATO projects, and strengthening of their own forces. And the NATO nations, including the United States, also identified, as areas where further strengthening of defense is needed, such areas as—

Strengthening of Allied armor and anti-tank weapons, to offset the heavy preponderance the Warsaw Pact holds:

Improvements in our air posture, including aircraft shelters; here, using the special funding provided by the European countries, actual construction is going forward at a rapid rate. With the lesson before us of the lightning-quick destruction of the Arab air forces by the Israelis in 1967, this remedial action is urgent:

Next, improvement in NATO's overall maritime capabilities, with special reference to anti-submarine forces, to meet the threat posed by the Soviet Navy;

Also, improvements in Allied mobilization processes and streamlining of reinforcement capabilities, including the construction of reception facilities to utilize our C-5 and other strategic airlift assets; and

Finally, a major new integrated system of NATO communications, on which command and control are crucially dependent; here too, the funding provided by the European countries has enabled initial work to begin on an accelerated basis.

At the present time, these statements of improvements needed are being converted into concrete program recommendations, specific as to numbers of tanks, anti-tank weapons, new aircraft and the like for the nations to consider and to fill. Now we recognize that it is one thing to acknowledge a need, and something else to provide the money to meet it, but the nations have made serious commitments in this regard. As action is taken, it will keep NATO modernized and in step with the needs of the 1970's.

Earlier in my remarks I stated that it is the large military force that the Warsaw Pact maintains deployed in positions to threaten Western Europe that NATO must hold in check and counter. This means that, in logic, if the Soviets should reduce their forces—particularly those such as tank forces and air forces that give them their greatest offensive capability—it should be possible for NATO to make some corresponding reduction in its forces. This is the basis for NATO's long-standing offer for so-called "mutual and balanced force reductions." It was only in May of this year that the Soviet leaders finally responded to the long-standing NATO initiative.

My own view on this subject goes back a long way, and it parallels the view General Norstad held some fourteen years ago when he was the commander in the position I now hold. It is that it should be possible in principle to find some lower level of forces at which security would be as well served as at present on both sides, with savings in the manpower and effort committed.

It turns out, however, that converting this principle into practical reality is a highly complex matter—involving fifteen NATO nations and the seven Warsaw Pact countries with the many variables of different weapons systems. Because of the inherent advantages—or asymmetries—that the Warsaw Pact enjoys—I mentioned geography and the initiative earlier—compensating asymmetries for NATO would be needed. Consider, for example, that the distance from Russia to the Iron Curtain is only one eighth of the distance from the United States to the Iron Curtain, with land and sea transitions. Even flying from the United States would involve major logistic problems with limited reception facilities. And beyond this lies the whole difficult problem of verification, for it would be dangerously risky to make any reductions without assurance that the other side had indeed carried out reductions. This is not to say the task is impossible. Indeed, it is a promising possibility, but it will be difficult to achieve.

The very fact that mutual and balanced force reductions are a promising possibility is a strong reason for the U.S. not to make any unilateral force reductions. The Soviets would have little incentive to reciprocate if they were convinced that the United States, because of internal pressures, would reduce its forces in any case.

Let me conclude with a few brief observations. The success or failure of NATO can have a determining impact on the security of the United States, and on the related security and stability not only of Europe and the Atlantic area but of the world as a whole. For those of us who serve in NATO, the challenge will be to find solutions that help NATO continue to achieve success in the future as it has in the past.

The role and contribution of the U.S. forces, at their present level, are indispensable, and will remain so until Soviet and Warsaw Pact force reductions—which might be part of a mutual reductions plan—make it possible, and safe, to reduce forces on our side. As Western Europe itself becomes more unified and musters additional strength, it may be possible for the European states to assume more of the burden.

We recognize that we live in a time of challenge, even opposition, to what we are doing, when many problems beset us both within the military and without. But the solutions to these problems should not be sought at the expense of our nation's defenses—rather, an adequate security system is essential if we are to have an environment in which solutions to social and economic problems can be found.

Many of the Americans who visit us in our European commands, after discussion of these issues, ask the same question: What can I do? I know you as Legionnaires have the same questions.

I would not presume even to attempt to give a full answer, but I will offer a few suggestions for your consideration.

First, and foremost, do not be taken in by those who denigrate the American man in uniform, or the American fighting forces, and try to paint them as a dispirited, ineffectual rabble. Nothing could be further from the truth. They are first-class military forces who serve you well on the frontiers of freedom.

Second, when faced with the burdens of defense in a troubled and dangerous world, or with proposals to dismantle or to slash the defense structure that provides our protection, face squarely the consequences of failure or inadequacy, insist that others do the same, and follow the course that provides security for our country.

Third, follow the old and true military principle of reinforcing success. We are not a nation of compulsive losers and there is plenty of past achievement that can serve as a springboard for the future.

And finally, join me in pride in what our country has done in the past, is doing today, and can do in the future. Where there is wrongdoing, injustice or inefficiency, let us root it out. But let us not mistake the disease for the otherwise healthy body itself.

It is my deep conviction that the American people in the future, as in the past, will act with innate common sense, and will make the right choices when their lives, their well being, and their security are in question. I believe in the same way that our Atlantic Alliance can continue to play its essential role in keeping our nation safe and free if we support it.

The contribution made by members of The American Legion to the moral fiber of our society is of tremendous importance. In a very real sense, you veterans continue to serve. I appreciate the opportunity of bringing to your attention this morning the role of NATO and the American forces under my command, with the hope that you—from communities across our land, from all walks of life—will help to further public understanding and support of this great and necessary endeavor.

ONE MANAGEMENT JOB THAT CANNOT BE DELEGATED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. FRENZEL. Mr. Speaker, this week I received a copy of a speech of Mr. Herbert P. Patterson to the Commerce and Industry Association in New York on September 22. The theme of the speech is a businessman's responsibility to communicate with his elected representatives and the speech includes many helpful hints concerning how best to deal with Members of Congress. The speech is reprinted below. I hope all Members will find it as instructive as I did.

One Management Job That Cannot Be Delegated

(Address by Herbert P. Patterson, President of The Chase Manhattan Bank)

I'm very pleased to have this opportunity of appearing at your Forum and am gratified that you preferred listening to me rather than strolling through the park on this last day of summer.

Like most of you, I look forward to the summer months as a time to catch up on my reading. However, I now look back in dismay at the relatively few books and articles I've managed to read thoroughly.

I did find one article especially provocative. It appeared in the July-August issue of The Harvard Business Review under the intriguing title "The Sounds of Executive Silence."

Those of you who read it will recall that author Norman Adler points out that the stridency of both the radical left and the radical right is on the upsurge. The academic community has become increasingly vocal; politicians at all levels of government are rarely at a loss for words on any subject; yet from most corporate executives comes only silence.

The author deplores what he calls "this self-imposed intellectual and social celibacy," and he argues that businessmen make a serious mistake in shunting the national debate on vital economic and social issues—issues that are increasingly determining the well-being of our country and the conduct of our business enterprises.

Mr. Adler pleads his case as a lawyer and former corporate executive concerned with the broad role of business in our society. My own interest in the subject derives from my personal experiences over the past two years in broadening my contacts with government officials in Washington where the "executive silence" is often deafening.

For a few minutes this afternoon, I'd like to draw on these experiences and share with you some thoughts about the increasing need for more constructive dialogue between businessmen and government officials; the means for accomplishing this; and the benefits that can be realized from it.

As for the need, it seems to me that all we have to do is look around us. We see fully as many decisions being made on the future of business and banking in the halls of Congress these days as in corporate board rooms. Legislation on auto safety, air and water pollution, packaging requirements, cigarette advertising and other issues has had a profound impact on scores of businesses.

What Congress and the Executive Branch do over the next several months in implementing President Nixon's proposals may possibly shape our national economy for years to come.

I might say, parenthetically, that—given the drift of inflation and the drain on our dollar reserves—I feel the President had little choice except to act as he did in the emergency. But it is well to recognize that the steps he has taken in Phase One will not, in themselves, solve our economic problems. They will do no more than provide a breather for the country, so it can deal more forcibly with the fundamental causes of its economic malaise. Because controls—and none of us like them—inevitably and rather quickly lose their effectiveness, they are seldom a satisfactory solution for the longer run.

Ultimately, cooperation is the key: cooperation abroad, among the leading currency nations of the world and cooperation at home among labor, business and government. Those of you who must compete regularly against the Japanese have some idea of what the labor-business-government triad can accomplish through cooperation.

At the risk of seeming somewhat naive, I'd also like to suggest closer cooperation between the major political parties in curbing inflation. Bipartisanship in this area is, I know, always easy to talk about and difficult to accomplish. Yet that's what people used to say about our postwar foreign policy until a determined band, led by Senator Arthur Vandenberg, showed that cooperation was possible in bringing to fruition the Marshall Plan and the Atlantic Pact. In my judgment, the need for a similar bipartisan approach to inflation control is presently urgent and may determine America's economic fate in the Seventies and even beyond. It is simply not possible to plan the course of an economy as vast and complicated as ours within a two-year election cycle.

Some of the main hazards facing the economy in the decade ahead are governmental. As Fortune Magazine pointed out recently, the U.S. cannot have a continuing healthy economy unless it improves the quality of its government. If we in business want to promote this improvement and have a voice in the decision-making process, we must come to know government officials and keep our point of view constantly before them, just as labor and other segments of society are doing.

So much, then, for the need.

What are the best means of meeting this need?

Surely, business associations such as Commerce and Industry perform an indispensable role in furthering better communications between businessmen and government officials. They can be highly effective in handling broad problems that may extend well beyond the reach of individual companies.

But business associations don't relieve the executive of his own personal responsibilities in the government relations area. The time is long past when top executives could rely entirely on others to do their work of communicating with the government.

This is a job that's become too important for top management to delegate. It has become a do-it-yourself project. The executive himself can be far more effective in presenting his company's views on major issues than anyone else can on his behalf.

During the past two years, as I indicated earlier, I've tried to practice what I preach by going to Washington every few weeks to talk with Senators, Congressmen and other government officials.

Washington has been described as a marvelous blend of southern efficiency and northern hospitality. Commuting to there may not be everyone's idea of fun. Nonetheless, it is the "Headquarters City" of the world's biggest borrower, biggest lender and biggest spender . . . a "Headquarters City" where each day decisions are made which profoundly affect our business and personal lives.

Moving around Capitol Hill and calling on Federal agencies in downtown Washington is the best way I know of getting a "feel" for which issues are primary and which are secondary. No matter how many "confidential" reports an executive reads, the only way he can absorb the mood of Washington is to be on the scene. Legislators have a pretty good grasp of public opinion, and today's vocal public opinion has an amazing way of becoming tomorrow's legislation.

I've spoken with some businessmen who acknowledge frankly that they are timid about calling on their Congressmen or testifying at Congressional hearings. I must confess that I myself started out with some trepidation, if only because the prime rate was then at its highest level since the Civil War! In fact, my associates wouldn't even let me call on Congressman Wright Patman until my third visit!

However, the reception has always been cordial and the conversation pleasant. You may have to cool your heels while a Congressman shuttles over to the Capitol to cast a vote, or has his picture taken on the steps with a visiting 4H Club from back home, but most lawmakers do welcome visits from concerned businessmen.

A California Congressman explained to me one reason why. "We can read a bill," he said, "and not see that it's going to hit a certain industry. You people know immediately that it would have an effect on your particular business or your community. That's when you should get on the phone or write a letter, or, better, come down to Washington."

As you know, members of our New York Congressional delegation all have offices right here in the area as well as in Washington, so you can often find them in town on Mondays and Fridays when they are home mending fences.

Well, you may ask, why would a Congressman want to meet me? What have I got to offer him?

For one thing, you have information—or ready access to it—and that's an extremely valuable commodity in Congressional circles. Too many businessmen assume that legislators are experts on every conceivable subject. That's an obvious physical impossibility, as the legislators themselves are the first to admit. After all, more than 15,000 bills and resolutions have been introduced in Congress just since January. The average Congressman's research facilities are considerably limited, so he's more than glad to have information that will help him do a more efficient job.

For example, I found one Congressman who was deeply interested in the various options open for funding public education, and our economists at the bank provided him with a cost-benefit analysis. A Congressional Committee wanted to know how many new manufacturing plants had been denied natural gas servicing over the past few years, and our Energy Division was able to come up with the answer. During one monetary crisis, a Congressman wanted to explain to his constituents what was going on, so I agreed to appear as "guest panelist" on his local television program.

Admittedly, these are areas that a bank would be likely to have more background on than other businesses. But if you take a hard look at your own field, the chances are you'll find many information sources that could prove very helpful to Congressmen and, at the same time, provide a means of closer communication.

As Senators and Representatives are favorably impressed when businessmen do take the time to plead their case personally, the benefits can be well worth the effort.

This point was underscored a few weeks ago during the Congressional inquiry into the Lockheed case. When Chairman Wright Patman opened hearings on the legislation, no fewer than twenty-four bankers appeared to testify. Mr. Patman insisted that we give our name, rank and serial number. Virtually every man at the witness table was Chairman or President of his particular bank. Many Committee members commented approvingly on the willingness of senior executives to participate in the hearings themselves rather than delegating the task.

Another recent illustration of the benefits of personal contact involved the issue of interlocking directorates, a favorite target of corporate critics these days. The current best-seller, "America, Inc.," suggests that a handful of corporations, interlocked with large banks and insurance companies, control our pocketbook, our environment, our health and safety—and—through political contributions—even the machinery of government.

Such extravagant charges and the legislative proposals growing out of them are based on the assumption that interlocking directorates are inherently evil and automatically imply the passing of "inside information." One section of the so-called Bank Reform Act would have made it virtually impossible for commercial banks like ours to attract outside businessmen to serve on Boards of Directors.

The banking community pointed out that, under the bill we would have Boards restricted largely to retired individuals and inside directors. By the very nature of their positions, the latter would be subordinate to the Chairman, so he'd have no real accountability. Many Congressmen saw the validity of this argument, and these features have now been modified considerably in the latest legislative draft.

However, the benefits of Washington liaison work should not be judged solely by the success or failure of one piece of legislation, but by the opportunity it affords to get your story across on a sustained basis. It is important—in fact, imperative—to reinforce the dialogue between business and government, especially when you are not asking for any favorable consideration. In that way the communications channels will be open for the inevitable occasions when you want a Congressman to support your position.

Now obviously, nobody becomes an expert on Washington in two years and I am no exception, but on the basis of what I've learned so far, I would offer two concluding suggestions.

One is that businessmen are likely to fare better on Capitol Hill if they state positively what they are FOR rather than harping everlastingly on what they are AGAINST.

If you approach a Congressman with constructive suggestions you are likely to get a much more receptive hearing. Particularly is this true if you call on him while a bill is in the formative stages, when changes can easily be made.

On two occasions recently, once in Washington and once in New York, Congressmen have discussed with me their initial thoughts on a piece of legislation and asked for comments and even language for the proposed bill. On other occasions our bank has worked closely with the Executive Branch to provide ideas on implementing Congressional action.

Several Congressmen have complained to me that one of the most common mistakes businessmen make is to wait until the last minute and then try to summon them off the House floor to talk just before the final vote. Legislators resent this—and I suspect you and I would, too, if we were in their place.

The only thing worse is to say nothing at all during the weeks a bill is up for committee hearings and debate, then write your Congressman a brusque letter of complaint. More than one Congressman has noted ruefully that after having voted "Yea" on a measure on which his pre-vote mail had been running 5 to 1 in favor—he finds that the post-vote mail abusing him for his stand outnumbers the letters of thanks by 10 to 1!

My second and final suggestion, is that businessmen should be prepared and willing to speak out on social as well as economic issues.

One Congressman put it this way: "The only time I see or hear from businessmen is when there is talk of raising taxes or lowering tariffs. I'd like to see some of them when we're debating significant social issues that may not affect them directly, but will have a much greater indirect impact on their businesses, as well as their personal lives."

Business executives usually don't get where they are unless they are highly able, analytical and articulate about business matters. Why not then apply these same qualities to the world of social and political activity? The alternative may be further waves of restrictive legislation and further shifts of initiative from the private to the public sector.

In summary, I am utterly convinced that we need more activists in the top ranks of our business community—heads of corporations, who are willing to go to "Headquarters City" and become personally involved—thus replacing "executive silence" with raised executive voices on the great issues of the day.

VALUES OF LIVING IN A SMALL TOWN

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. THURMOND. Mr. President, one of America's leading newspapermen, Louis Cassels, a senior editor of United Press International, recently authored an article about the values of living in a small town. The article was published in the Washington Daily News of October 13, 1971.

Mr. Cassels, a longtime resident of the Washington area, recently moved to Aiken, S.C., which is near his former home of New Ellenton, S.C. New Ellenton, once a small and rural southern community, was wiped off the face of the South Carolina landscape when that area was selected as the site of the Savannah River plant.

During his long service with UPI, Mr. Cassels has become one of the most admired American writers on religious topics. His articles have contributed a great deal to the Nation's understanding of the many developments in the area of religion during the past several decades.

Mr. President, I ask unanimous consent that Mr. Cassel's article about the values of slow-paced living in a small community be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT IS SO NICE OUT THERE IN THE STICKS

(By Louis Cassels)

Moving back to a small town after living in big cities for 30 years is an ambivalent experience.

An ambivalent experience, according to my dictionary, is one that affects you two ways at once. It has both good and bad points. Some things you like, some you don't.

My wife and I recently embarked on this ambivalent experience because the doctors thought it would be better if, after a serious heart attack, I lived at a slower pace under less stress.

The place we chose for our new home is a true small town, not a big city suburb trying to pass itself off as a small town. The nearest big city is more than 200 miles away. Like every place on earth, my new home town has unique characteristics. But on the whole its way of life is, I think, fairly typical of thousands of other small towns and medium-sized cities all over America.

Living here certainly is far less stressful than the life we endured (and on the whole enjoyed) during our 30 years in New York and Washington. The difference is so striking I find it easy to believe the doctors' assurance that this move can add years to my life. The most striking difference we've noticed so far is in the way people treat each other.

Because their nerves aren't frayed by traffic congestion, overcrowding and the myriad other pressures of everyday urban life, people who live in small towns find it easier to make the extra effort required to be kind, helpful and friendly.

Nearly every day, my wife comes home from a shopping expedition or some other errand in a virtual state of shock to report some new instance of courtesy or thoughtfulness of the kind that city-dwellers long ago learned not to expect from clerks, repairmen, bank tellers, or public servants. Instead of snarling at you, people go out of their way to serve you promptly and cheerfully.

We've also been pleasantly surprised to discover that it's much easier to get things repaired, built, remodelled or removed in a small town than in a big city. You'd think it would be just the other way around. But almost any household job that requires skilled labor—from getting a TV set fixed to putting on a new roof—seems to turn into a hassle when you live in the city.

First, you have a hard time getting the big city guy to commit himself about what day (let alone what time) he's likely to show up. When he does get there, he's likely to be in a hurry and/or a bad humor. And when he leaves, he hands you an outrageous bill.

In a small town, you look in the yellow pages and call the likeliest-sounding number. In no time at all, out comes a friendly and competent young man. He fixes whatever's broken, quickly and efficiently, for an entirely reasonable charge. It's hard to believe, I know, but it keeps happening all the time so it can't be just a run of good luck.

There are, to be sure, disadvantages to our new life. Giving up my cherished season tickets to the Washington Redskins when they seem at long last to have a good chance of a winning season was a trauma comparable to amputation of an arm. My wife, who labored for years as an unpaid volunteer to bring the Kennedy Center into being, was disappointed to miss its opening season of concerts and ballets. We both find ourselves longing occasionally for the fine stores, restaurants, libraries and museums we frequented in Washington.

But if this is the price of peace—the kind of peace we already find seeping deep into our bones in this pleasant little town—we're willing to pay it.

It seems ironic. Thirty years ago I "escaped" from a small town seeking the good life in the big city. Now I find it was right here all the time.

The Census Bureau's figures indicate about 100 million Americans have made the same mistake since 1940. Well, I'm not going to try to talk all of them into coming home to the hinterlands. They'd overcrowd the place and ruin everything.

But with those of you who've had all of the urban crisis you can stand, I feel duty bound to share my secret:

It's really awfully nice out here in the sticks.

The small town with which Mr. Cassels is enraptured is Aiken, S.C., population 13,033 in the 1970 census. He grew up in that area.

RURAL DEVELOPMENT ACT OF 1971

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. KEE. Mr. Speaker, along with several of my colleagues who are members of the House Committee on Public Works, I am today introducing a bill in support of H.R. 10867, a bill to provide for improving the economy and living conditions in rural America by the distinguished chairman of the House Committee on Agriculture, Representative POAGE of Texas.

In addition, Mr. Speaker, I attach a summary and comments pertaining to this proposed legislation.

As we look to the future, I am thoroughly convinced that this proposed bill, which was initiated in the Agriculture Committee, will be the most important one for the benefit of rural America.

The summary and comments follow:

SUMMARY AND COMMENTS ON H.R. 10867

The Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended administered within the Department of Agriculture by the Soil Conservation Service, has been in operation for 17 years. In my capacity as Chairman of the Subcommittee on Conservation and Watershed Development of the Committee on Public Works in the House, I have had the opportunity to observe firsthand the impact of this fine program in meeting the water, land, and related resource needs in upstream areas.

During the past few weeks, our Subcommittee has held hearings at several locations as part of a planned study of the overall watershed program. It has been our purpose to establish whether the objectives of Public Law 83-566 are being met; to learn whether benefits have accrued as anticipated by the sponsors when the Act was passed; or whether they have fallen short or exceeded those contained in the original work plans. I must add that we have been greatly impressed by the testimony offered to date. Those hearings have also brought to light a number of deficiencies of the present law which prevent it from reaching full effectiveness in carrying out its mission.

Public support for this program has been outstanding through the years as demonstrated by the fact there are 1,050 projects approved for operation, 374 in various stages of planning, and a backlog of over 1,300 applications from responsible local organizations awaiting assistance.

I am today introducing a bill to further amend Public Law 83-566. The amendments proposed in this bill will broaden the authorities within the upstream watershed program so it may more effectively meet the challenges of the 70's. There are two related areas in which the program can make a greater contribution toward meeting broad national needs. These are in dealing with problems relating to the total environment and rural development.

A summary of the proposed amendments follows:

1. *Restoring, Improving, and Maintaining Environmental Quality*—This amendment would provide for added purposes to the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended. The proposed amendment would provide an effective means to plan and install in cooperation with public agencies and local organizations desirable measures and works that would restore, improve, and maintain the quality of the environment within the watersheds involved. It would provide a specific and purposeful response in the watershed program to the objectives and requirements of the National Environmental Policy Act of 1969. The specific purposes are described as follows:

a. *Water Quality Management*—This amendment would authorize the Secretary of Agriculture to share the cost of providing storage in watershed projects for water quality control.

This legislation is needed to encourage the reduction and control of pollutants and their adverse effects on the environment in small watershed areas. With this amendment, it will be possible to provide maintenance of water quality at the farthest upstream points where pollution may occur.

Federal cost-sharing for water quality management is authorized for mainstream developments under other federal programs but is not provided for under Public Law 83-566. The proposed amendment would remove this inconsistency and would permit the reduction and control of pollutants in waterways of authorized watershed projects and make possible feasible contributions to downstream water quality management.

b. *Land Utilization*—Agricultural land is being used increasingly for community livestock feedlots, grain storage facilities, livestock sales pavilions, landfills for disposal of various solid waste materials, sewage lagoons, and other uses. If well designed and properly built on suitable soils, they can be a definite asset and a desirable addition to a water disposal and land utilization system within a watershed project. Attention must also be given to possible pollution of ground water, proper drainage, and preservation of scenic values must be afforded. Financial assistance with PL-566 funds would help to assure the proper installation of these facilities.

c. *Agricultural Waste Management*—Agricultural wastes and odors often contribute to pollution of the overall environment through contamination of water supplies, streams, and land areas. Such enterprises can be detrimental to proposed development of watershed projects. Local interests may not be financially able to comply with water quality standards, if applied, and might otherwise have to go out of business. To provide for continued operation of these facilities to the benefit of the community, and not preclude development of the watershed project, PL-566 funds are needed to help finance relocation, modification, or to help with construction of sewage lagoons or other treatment facilities to take care of feedlot, barnyard, and other forms of agricultural wastes.

2. *Municipal and Industrial Water Supply*—This amendment would authorize the Secretary of Agriculture to bear up to one-half the cost of the storage of water for present use, for municipal and industrial water that may be provided in any reservoir structure constructed or modified under the provisions of Public Law 83-566.

Often the chief bottleneck to economic growth in rural communities is the lack of adequate water supply. Broadening the authority of Public Law 83-566 to provide federal cost-sharing for water supply to rural communities can have a major impact in producing economic growth, providing jobs, and developing a more comfortable and a better way of life in many town and country areas. In addition, improvement of the economy of these areas should help to reduce the migration of rural residents to already overcrowded urban areas.

Cost-sharing for municipal and industrial water in town and country areas would do more in contributing to community development than any other amendment.

3. *Use of Available Federal Funds*—Currently, Public Law 83-566 only permits the use of federal funds for acquiring land rights needed for works of improvement for public recreation or public fish and wildlife developments. Current restrictions are causing local sponsors to forfeit grants assistance under other programs for which they may be qualified to receive. The proposed amendment would permit the use of federal funds available to local sponsors under other programs.

This would permit local sponsoring organizations to utilize any funds that may be available to them under other programs that might be used in the purchase of land rights.

4. *Long-Term Contracting in Watersheds*—This amendment would authorize the Secretary of Agriculture to enter into agreements for periods of not to exceed ten years with landowners and operators to share the cost of carrying out conservation plans within watershed projects. It would result in accelerated and intensified application of practices and measures to conserve and develop the soil and water resources of farms, ranches, and other lands in project areas. It would assist in bringing about orderly community and resource development.

Cost-sharing contracts between landowners and the Department of Agriculture would assure application of planned measures on a time schedule. This arrangement would accelerate establishment of needed land treatment and speed up scheduling of structural works of improvement. Similar cost-sharing agreements have already proved their effectiveness in the Great Plains Conservation Program.

THE OLD WYE CHURCH, WYE MILLS, MD.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. BEALL. Mr. President, on Sunday, October 17, I was proud to attend the 250th anniversary celebration of Old Wye Church in Wye Mills, Md. The Reverend Charles Edward Berger, rector of All Saints Episcopal Church, Chevy Chase, Md., delivered the sermon. I ask unanimous consent that the Reverend Mr. Berger's inspiring message and the pamphlet entitled "A Short History of Old Wye Church" be printed in the RECORD, so that Senators may have the opportunity to read of this significant occasion.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

GREAT AGE

Luke 2:36: "She was of a great age . . ."

As I began to think of what I might say to the congregation here at Old Wye on this occasion, my mind turned almost immediately to this passage in St. Luke's Gospel about a woman named Anna. She was called "Hannah" by the Jewish people of her time; her name lost a couple of "h's" as it travelled from Semitic languages into English. The Evangelist tells us that she was a prophetess, the daughter of Phanuel, of the tribe of Asher. She was a widow, and the description of her given by St. Luke suggests that if she were with us now she would be President of the Episcopal Churchwomen of Old Wye as well as chairman of its Altar Guild. He says that "she did not depart from the temple, worshiping with fasting and prayer night and day." St. Luke also seems to say that she was 84 years old, but the Greek isn't clear, can be understood to mean that she was actually 106, and had been a *widow* 84 years! What *is* clear, at any rate, is that she was well up in years, and that like Old Wye, she had lived through enormous ordeals.

She was only a young woman when the little Jewish kingdom lost its independence, when the Roman empire builders found that they had to make the Mediterranean a Roman lake and that they had to control the land-bridge between Europe, Asia and Africa which in my youth we called "Palestine." She hadn't been a widow very long when Pompey made Palestine a Roman province, and she lived through the confused time in which the ambition of Julius Caesar changed Rome from republic to dictatorship. More immediately affected was she by the Idumean whom Rome made the king of her country—Herod the Great, who is mentioned in the story of the Wise Men—a ruthless, confusing man who was by turns compassionate and cruel; who once sold his treasure to feed his people, but did not hesitate to murder his wife and their sons when he was tricked into believing this necessary to his remaining in power. I am sure that Anna was shocked that such a man should be her king, and that she was appalled by his ambitious building schemes, especially over his readiness to build pagan temples and to sponsor pagan culture even as he tried to outdo Solomon and to please the Jews by building a temple in Jerusalem more magnificent than Solomon's was. The dismay brought to sensitive and pious Jews by such a man as Herod cannot be exaggerated, and it was this man who was king when Anna flashed across the pages of St. Luke. "She was of a great age," he tells us. She had endured many years and many ordeals, and it was remarkable that she had survived them.

I am sure that you realize far better than I that Old Wye's survival was remarkable, too. Its origin as a chapel of ease virtually assured its difficulty, for vestries with more than one church rarely escape the temptation to concentrate their attention and affection on the main one. This must have been more pronounced after the disestablishment of the Church by the Declaration of Independence ended the support of the Church by taxes, and along with all other churches, Old Wye was entirely dependent on those who chose to be generous. In the circumstances, its second-place status as a chapel of ease made its continuation *more* problematical, rather than less so. But somehow, Old Wye survived that.

I understand that by the time this church was little more than 100 years old, regular services of worship were no longer here. The building itself was all but done in by time and neglect, and would have gone completely but for three things. One was the solid work done by the bricklayers when the church was built. Another was the dismay of Bishop Whittingham upon his discovery in the middle of the 19th century that the church was being used as a stable. And the third was the response of the Vestry and people to the Bishop's urging that the church be restored. This third factor was the most important one, for after the Bishop reconsecrated this church on July 20, 1854, the congregation was stirred to such activity that within a few years, Wye was accepted as a separate parish and got its own Vestry.

By 1910, however, the new life generated by the mid 19th century renewal had vanished. There were only occasional services of worship here, and the building began to fall into disrepair. It might ultimately have suffered the fate of the Vestry house, which had been so long gone that not even its location was then known, but for the inspired and generous proposal of Mr. Houghton, whose offer to restore the lovely old church was accepted with enthusiasm and great appreciation, and made us his beneficiaries today.

Age, however, is by no means a simple blessing, and if all that St. Luke could have said about Anna the prophetess was that she was either 84 or 106, she would certainly not have been so much as mentioned in the Bible. What was remarkable about Anna was that despite her advanced years, she thought that the best days were still to come. She did not believe that they were finished and done. She did not agree that the good was something that could only be *remembered*. She thought that it was still to appear, that it lay not only in the present, but even in the future. St. Luke tells us that Anna was *looking* for something—that she was looking for the redemption of Jerusalem. That's why we know about her; she wasn't simply rooted in the past. For when the mother of our Lord brought the baby Jesus into the temple, Anna the prophetess was there, and she saw him. His identity was revealed to her. She knew he was the Savior, and we are told that when she saw him, "she gave thanks to God, and spoke of . . . (Jesus) . . . to all who were looking for the redemption of Jerusalem."

It is a remarkable thing that Anna resisted the temptation merely to be old, for succumbing to that temptation is one of the worst dangers of age. Anna had successfully resisted the urge of the elderly to live only in the past, to give up on the struggle of keeping up with the times. Her outlook was not dominated by the notion that what is old is necessarily best because it is familiar. She had not tripped over the stumbling block which fells so many who have persuaded themselves that just because they are old they are also wise.

One of the most delightful people it has ever been my privilege to know was a woman somewhat older than Anna—if Anna was a mere 84! This dear person was in her nineties when I first met her about thirty years ago, and she was in failing health. But her intellect was undimmed by the years, and she could chatter away about current events, or jokingly tease a bridge partner about his misplay, as well as any of us. People over 60 years her junior found her most attractive.

I was among them, and I did not have to think long or hard to realize why. In a single sentence, it was because she helped us to forget her age, but she never forgot it herself. She was not sealed off in a past which we had never seen. She was not the prisoner of her memories. Despite her great age, she lived in the present and could share things with us. She never pretended to be no older than we were, for that would have made her ridiculous, and if she were alive today we may be sure she wouldn't even envy those who wear hip-huggers or blue jeans, much less wear them herself! But she wouldn't be critical of them, either. She was what she was—an old woman who was conservative both in dress and in speech, who was not in the least tempted either to pretend that she was young or to reject the ways of younger people. She was a happy blend of the past and of the present, and everybody found it a joy to be with her. She was old, but not *merely* old—*not* emotionally and intellectually so identified with the past that it appeared to be a divine oversight that she was not yet dead, already buried in the past but still unaccountably and uselessly alive.

Anna did not make that mistake, did not let herself get buried, but was like my friend. Although of a great age, and doubtless with many treasured memories, she had room for the present and the future. She lived day by day in eager anticipation of the great day of the redeemer, which was still to come.

I perceive that Old Wye is like that—conscious of a great past, but pressing towards an even greater future, aware of the importance of avoiding being reduced to service as mere custodians of a lovely building, trying earnestly to translate the work of Anna the prophetess into modern terms by giving thanks to God, and by speaking of Jesus to all who are looking for the redemption of Jerusalem.

It is easy to despair over current events, and to be consumed with worry about the economy, or the Russians, or the Vietnamese, or the rebellion of youth, drug abuse, violence, polarization, or the radicalism of the angries and the crazies. But I think our time is neither more nor less dreadful than Anna's, who like Old Wye, was also "of a great age," and set the course for us all in thanking God for having found the Lord's Christ, and in speaking of him to all who were looking for redemption.

A SHORT HISTORY OF OLD WYE CHURCH, WYE MILLS, MD.

For more than two hundred and fifty years, OLD WYE has been a simple, rural church proclaiming by its very austerity the enduring quality of its people's faith in God. Today, it is still an active, though small, parish in the Episcopal Diocese of Easton, supporting a varied program of Christian activities as well as regular worship in its colonial house of God.

The present congregation numbers over one hundred interested persons of many faiths, seventy-five of them communicants of the Episcopal Church. Every year about two thousand persons visit the church and grounds, many of them making it a point to attend the eleven o'clock service on Sunday mornings.

Both parishioners and visitors realize that Old Wye has come to us as a hallowed trust, the fulfillment of the vision of a few generous and dedicated people and the place of worship for countless faithful souls throughout these many years.

In 1692, St. Paul's Parish, Hibernia in Mary Land was established for the colony as a part of the Anglican Church. The earliest records show that by 1694, St. Paul's had not only the "Mother Church" in Hibernia, but also was ringed with three "chapels-at-ease", chapels to which members could go with greater ease than attending the primary Church. Two of these chapels were called St. Luke's, one at Church Hill and the other at Wye. The third chapel was at Tuckahoe. One Vestry carried on the activities for the entire parish, a parish that extended some twenty miles in width and twenty-five miles in length!

In 1712, the Vestry of St. Paul's agreed to erect a formal chapel building at Wye, and matched the gift of the Rector for this purpose, some four hundred pounds of tobacco. Pews were auctioned off to the highest bidders, and gifts of the members for the construction were solicited. These gifts, one hundred pounds, sterling, and sixty thousand pounds of tobacco, stimulated enough interest to begin construction in 1717. It was not easy sailing, for the Vestry had much trouble collecting the gifts and legacies which had been promised and had to apply to the Governor and Council for help in having these pledges paid.

On October 18, 1721, St. Luke's Day, Wye was officially opened for worship. Improvements, such as a plank floor, window shutters, and fences, continued to be made after the formal opening of the church.

Inasmuch as tobacco has had such an influence on the whole life of the Mary Land

Colony, it seems fitting that we quote the following from the formal history of Old Wye as prepared by the Maryland Historical Society:

"By (the act of establishment) the county government paid to the vestry forty pounds of good merchantable tobacco for every taxable in the parish. A "taxable" was anyone over sixteen years old who was either a freeman or a male servant imported, or any slave, male or female. Clergymen and paupers were not taxable. In 1763 there were six hundred and twenty-nine taxables in St. Paul's, so the vestry had the disposal of twenty-five thousand one hundred and sixty pounds of tobacco. In that day, because the church was established and thus part of the government, vestries had many duties more governmental than churchly. Indeed, it is not too much to say that they were the local government for their parish. There was a law against adultery, a law with teeth in it. By its provisions, prosecutions for it began in the parish. A vestry must summon both the man and the woman who were charged with incontinent living, and admonish them thereof. Sometimes they appeared when ordered to do so, expressed regret, promised amendment and departed. Sometimes they did not come, or coming, invited the vestry to do its worst. Sometimes the same woman came twice with different men. If the vestry was not able to cope with the people, then the county court took up the case. But the vestry had to initiate it, it was not just sticking its nose into the private lives of its parishioners.

If tobacco was the wealth of the parish, it was also the source of its work and worry. It was for the vestry to appoint the counters of tobacco plants, and inspectors of tobacco; and, more often than not, they had trouble finding men willing to act as inspectors. For all that tobacco was a medium of exchange in colonial Maryland, and almost the only one, it lacked one of the most important characteristics of a good currency; it was not, and could not be, invariably uniform. When it was enacted that any person owing tobacco could discharge his debt at the rate of twelve shillings per hundred pounds, the clergy protested. Tobacco was worth often twenty-five or even thirty shillings if it was good, but they were paid twelve shillings, and the planter could sell his tobacco for twice that much."

The Church seems to have led a peaceful existence until the year 1755 when the Rev. Alexander Malcolm, mathematician and clergyman became the master of the Queen Anne's Free School on Tilghman's Neck Road. He evidently allowed his son to substitute for him on occasions and it was discovered that the son, Mr. Quinton Malcolm "did teach dancing in the said school, without a license (!) which visitors apprehend must necessarily tend to the hindrance of teaching reading, writing, etc. . . . also that unless the number of scholars increase, this shall be looked upon as misspending the publick money."

The Vestry House was built in 1761–1763 at a cost of three hundred dollars. With the coming of the Revolution the entire position of the established Church changed swiftly. The Continental Convention which opened on June 12, 1774 took over the government of the colony and it became the government of the State of Maryland. The Bill of Rights by the Convention of 1776 provided that, "No persons ought by any law to be compelled to maintain any particular ministry or place of worship but the churches and all such property belonging to the Church of England ought to remain to the Church of England forever."

The first meeting of the first non-established Vestry was held in June 1779, the Vestrymen being qualified to act by a Justice of the Peace . . . all of which was some years before the "Protestant Episcopal Church" was chosen as the official name of this Church which really lost its name because of the Revolution. The Bill of Rights which took away the "forty pounds of tobacco per poll" did little more than leave the "Church of England" in possession of the property it held. It did, however, give the legislature discretionary power to "lay a general and equal tax for the support of the Christian religion, leaving to each individual the power of appointing his part of the tax to the support of some particular church or minister, or to the poor." Since the Vestry no longer had the power to appoint tobacco inspectors, or admonish parishioners of their incontinent living, it was obliged to spend more time on raising money for parish work. (A familiar modern note, indeed!)

After the Revolution, St. Paul's and Old Wye, together with all the other parishes, fell on evil days. Communicants as well as revenues almost vanished. Records, too, became scantier than ever before. Except as a place where notices were posted, Old Wye is not mentioned once between April 1774 and April 1789. From 1782 to 1791 there was no rector. In November 1791 a rector was appointed with a current salary per annum of one hundred fifty pounds current money—he agreed later to take whatever the Vestry could raise. Four years later the Reverend Elisha Rigg came to Old Wye—his tomb lies under the floor of the church. In the early years of our Republic, the church required constant repairs and it was with great difficulty that the building was kept open.

For half a century nothing was done to Wye Church. After 1829 regular services were no longer held at Old Wye; it was almost fallen down, half decayed but for the solid workmanship of the bricklayers a century before. At about this time, Bishop Whittingham on his way to catch an early steamer out of Queenstown to Baltimore, happened by Old Wye, and saw that the church had become a stable. . . . "The Episcopal party were greatly moved. They entered. They prayed. As they left they took fence rails and barred the door. The Bishop did not forget his visit, and he immediately began to encourage the Vestry to have the old building restored." By 1854, the Bishop's desires were being met. A new slate roof was put on, the outside stairs to the gallery were removed, and stained glass replaced the clear glass which had been broken out. Victorian pews replaced the original high-backed, square pews of 1721. The Vestry House, however, was not touched, because by this time it had completely deteriorated . . . and its precise location was unknown. Through the generosity of several parishioners, Old Wye was thus rescued from oblivion, and on July 20, 1854, the Bishop was pleased to be able to consecrate Old Wye under the name of "St. Luke's Wye." The reconsecration seems to have stirred the congregation into activity, for within a few years, Wye was accepted as a separate parish (including Queenstown) by the Diocesan Convention of 1859.

A year after Wye Parish was set up as a separate parish, Fort Sumter was fired on. As Mr. Dashiell told the diocesan convention in 1864, "In the changed circumstances of the times nothing but the goodness of God has enabled us to live . . . The members of the parish though few and having suffered more heavily in the loss of their labor have nevertheless shown a noble determination to sustain the Church and have endeared themselves to the Rector by a generous exhibition of their sympathy for him in his day of trial."

From 1867 to 1910 there was a succession of rectors at Old Wye. From 1910 on, there were only occasional services at Old Wye Church and the building fell again into disrepair. More than that, the changes made along the line had done great violence to the original building.

In the winter of 1947, Mr. Arthur A. Houghton, Jr. presented to the Vestry of Wye Parish a proposal to restore the old church. This very generous offer was accepted with enthusiasm and great appreciation. Even the Vestry House has been rebuilt on its old site. So long had it been gone that its very location was not known until a tractor plough cruising in the general area where it must have been, ran into a brick wall and subsequent search showed the outlines.

Old Wye Church was re-dedicated on July 13, 1949 at an impressive service conducted by the Bishop of Maryland and services have since been held in it every Sunday. In addition to the restoration work, a Parish House and Rectory were built.

And so Old Wye is a flourishing and strong parish. It bears eloquent testimony to the devoted Christian spirit and determination of its many members and friends over more than two centuries to maintain the Church as a going institution. Trials and tribulations have been many but today the building stands erect in all its beauty and simplicity.

This brief history cannot be concluded without a final tribute to Mr. Houghton and the meticulous care and devotion with which he directed the restoration.

CONGRESSMAN WILLIAM F. RYAN FIGHTS FOR PREVENTIVE MEDICAL CARE FOR POOR CHILDREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RANGEL. Mr. Speaker, one of the greatest tragedies in Government occurs when the Congress gives lip service to disadvantaged Americans, then promptly forgets them. We have seen this sham too often in the past and are now, unfortunately, witnessing it again.

My colleague, William F. Ryan, and the National Welfare Rights Organization are leading the fight to compel the Department of Health, Education, and Welfare and the White House to issue the regulations necessary to implement the preventive medical care program authorized nearly 5 years ago. At the present time, only five States have established the free preventive medicine programs under medicaid envisaged by the 1967 Social Security Act Amendments.

Bill Ryan hopes to block the Nixon administration's insensitivity to the needs of the poor in the United States. Thirteen million children are being denied adequate medical treatment because of bureaucratic callousness. An account of Bill Ryan's efforts to guarantee these children the medical care they so urgently need appeared in the Washington Post. I am pleased to share it with my colleagues.

The article follows:

Poor Children Await Medical Care

(By Nick Kotz)

On Jan. 2, 1967, President Lyndon Johnson signed legislation requiring free preventive medical care for millions of poor children who seldom if ever see a doctor. Now, almost five years later, the children still are awaiting for the government to start the program.

"These children are the forgotten victims of a society which applauds rhetoric, but is remissing action," says Rep. William F. Ryan (D-N.Y.) who has pushed for implementation of the Medicaid law.

The history of this child health care legislation provides a case study of creative ideas and noble intentions which are written into law, then lost in the bureaucracy, discovered again, and finally found to be too controversial or expensive to implement.

The law, providing for medical screening, diagnosis and treatment of children eligible for benefits under the Medicaid program, might have quietly disappeared in dust-covered sections of the Social Security Act, except for the persistence of the National Welfare Rights Organization.

After two years of fruitless negotiations with HEW, NWRO, which represents 120,000 welfare recipients, last week filed suit in federal court against HEW Secretary Elliot Richardson, demanding that he implement the 1967 law.

The law, part of the 1967 amendments to the Social Security Act, called for "early and periodic screening and diagnosis" of children eligible for aid and "health care, treatment, and other measures" to correct problems discovered in the medical exams.

Automatically eligible for these medical benefits are about 8 million children under age 21 who receive aid through welfare programs, and another five million low-income children eligible for Medicaid benefits. Many of these children now do receive Medicaid treatment for acute illnesses, but few are receiving the medical exams called for by the new law.

About 13 million children would be eligible for aid under the new law.

Many of these, because they receive help under one or more federal welfare programs, are already eligible for some Medicaid services, particularly for acute illness requiring hospitalization or surgery.

But the new program calls for a kind of preventive medicine now lacking in most Medicaid coverage—examining children for potential problems and then correcting them.

For example, a child diagnosed to have poor eye-sight would be fitted with glasses. Few state Medicaid programs now provide eye glasses either for adults or children.

HEW was supposed to implement the law by July 1, 1969, by issuing regulations to the states. The states were required to provide the preventive child medical care, or to lose their federal Medicaid funds. State and federal governments split the costs of this program.

However, HEW still has not issued regulations to the states and only five are voluntarily following the law. One of these is Mississippi, which has reported stark findings of disease in its first screening of poor children.

The Mississippi Medicaid Commission reported that its examination of 1,178 children revealed 1,301 medical abnormalities, including: 305 cases of multiple cavities, 241 cases of anemia, 97 cases of faulty vision, 217 cases of enlarged tonsils, 51 cases of hernia, 48 cases of intestinal parasities (mostly hookworm), 53 cases of poor hearing, and 32 other medical conditions requiring immediate treatment.

Mississippi, according to HEW officials went into the program only because it thought such action was mandatory and feared it would lose all its federal funds. Actually, mandatory action is not required by law until HEW issues regulations implementing the preventive medicine program.

The history of the unused federal law goes back to 1967 when the House Ways and Means Committee was holding hearings on the Social Security Act. The committee was anxious to save money on welfare and Medicaid.

HEW Secretary Wilbur Cohen suggested that the best way to save money was to provide preventive medical care, heading off potential problems before they became acute and cost far more in hospital and medical bills as well as losses to the work force. The Committee accepted his idea and preventive medical care for welfare children became part of the law.

When HEW did not issue the regulations by July, 1969, advocates for the welfare poor began pushing the Department for action.

These efforts apparently yielded success in December, 1970, when HEW Secretary Richardson issued proposed regulations. If states didn't have the resources to take care of all children immediately, they were permitted to begin with children under age 6, and to serve all children by mid-July 1973.

But the proposed regulations, which were to become final after a 30-day period for public comment, have now disappeared from sight.

Howard Newman, director of HEW's Medical program, said numerous state officials wrote that they could not afford the program. State and federal government are now splitting about $6 billion in Medicaid costs, and about $1 billion of this amount is spent on children.

Newman says the original proposed HEW regulations would have cost federal and state government about $900 million a year. HEW officials, he said, feared that states would merely cutback other welfare payments if forced to provide the preventive medicare care.

Congressman Ryan wrote Secretary Richardson in August, 1971, asking what had happened to his proposed regulations issued 9 months earlier—and 27 months after they should have been in force.

Secretary Richardson replied to Ryan on Sept. 21 that he shared his concern about the children but also was concerned about the fiscal impact on states. Final regulations were drafted, taking into account the states' problems said Richardson.

"I have signed the regulations," Richardson wrote on Sept. 21. "They will be published in the Federal Register very shortly."

That was more than a month ago, and HEW officials confide privately that the regulations now are being held up by the President's Office of Management and Budget, which worries that the program will cost too much.

HEW estimates the costs of its revised plan at between $50 and $100 million, far less than before, since care is limited to young children, and only a few medical services are authorized.

"I expect the regulations are going to be published in final form within a week," said Medicaid Administrator Newman, about regulations required by law 27 months ago.

NWRO officials agreed to withhold their lawsuit if they were given a definite date on which the regulations would be published. Jon Kinney, NWRO attorney, said HEW officials responded by warning that the lawsuit would stiffen the resistance of Nixon Administration officials and would produce meaningless regulations.

"We are sick and tired of going to HEW and being told that the regulations are coming soon," says Mrs. Margaret Hayes, chairman of NWRO's legal committee. They have been promising that for years. Now they can make their excuses in Court.

"This does not even save money, because by not acting to prevent disease in children now, states will have to spend more money for remedial care later."

MR. JOE BALTHAZER, ROCK HILL, S.C., UNSELFISH AND COURAGEOUS BLOOD DONOR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 27, 1971

Mr. THURMOND. Mr. President, one of my fellow native South Carolinians has given much of himself in service to his fellow man. Mr. Joe Balthazer, of Rock Hill, S.C., has donated 11 gallons and 1 pint of blood through the Rock Hill Red Cross.

Mr. Balthazer, an employee of the Rock Hill Printing and Finishing Co., has given approximately 7½ times the body's capacity of blood.

This is indeed a courageous act, and he is to be commended for his unselfish contributions to humanity.

An article about Mr. Balthazer was published in the Evening Herald of Rock Hill, S.C., on September 8, 1971.

Mr. President, I ask unanimous consent that the article entitled "O-Negative Blood Donor Surpasses 11-Gallon Mark," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

O-NEGATIVE BLOOD DONOR SURPASSES 11-GALLON MARK

(By Betsy Perrone)

ROCK HILL.—A Rock Hill man who bleeds every time he gets a chance was presented a Red Cross pin today for having donated 11 gallons and one pint of blood to the Red Cross.

Joe Balthazer, 64, a "universal donor," with type O-negative blood, has been donating blood through the Rock Hill Red Cross since the chapter was founded. But, says his wife, "it's hard to know how much blood he's really given. Because he used to give to the hospital, whenever they called for blood, before the Red Cross was set up here."

On hand to present the award was Dr. Inez Elrod, medical director of the Piedmont-Carolinas Red Cross Blood Center, which serves, according to Dr. Elrod, "a large part of North Carolina, and a small part of South Carolina."

Since blood is given only in one-pint units, said Dr. Elrod at the presentation, Balthazer has given blood about 89 times. "He'll probably give one more pint, then we'll make him stop," she said. "So he will have donated 90 pints of blood through the Red Cross."

Balthazer holds the record for donation through the Rock Hill Red Cross. There are some persons in the Piedmont-Carolinas area who have given more, but, said Dr. Elrod, their chapters of the Red Cross have been in existence longer than the one here. So they've just had more time to give it."

Bill Grier Sr., president of the Rock Hill Printing and Finishing Company, where Balthazer works, said the donor has missed only five days of work in 38 years with the company. And those absence, he said, were due to deaths in his family, rather than to illness. So this man, who has given approximately 7½ times the body's capacity of blood, would seem to be unharmed by his tremendous donation record.

"The only time he felt like fainting," said Mrs. Balthazer, "was when he was giving a transfusion directly to a baby." "Yes, that's a kind of trying experience," he agreed.

Balthazer, who is totally deaf, "was taught a lesson," many years ago, according to his wife.

"I was real sickly," she said, "right after we were first married. I needed blood desperately, and there wasn't any available. It taught him to give blood whenever he could, because when you need blood, you need it, and there's no way around it."

O-negative blood can be given to someone with any other type of blood, and is usually used for total blood replacement when a baby is born with a blood type incompatible with its mother's.

A baby's blood is difficult to type correctly," said Dr. Elrod, "so, to be safe, O-negative blood is usually used."

O-negative is also used for patients in heart surgery, because of its compatibility. Persons with other types may be given their own type of blood, or O-negative, or in some cases O-positive. However, a person with O-negative may only receive that same type of blood in a transfusion.

NASHVILLE BANNER EXPOSES PROPOSED "SOCIAL ADJUSTMENT" PROJECTS OF HEW

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. QUILLEN. Mr. Speaker, the busing issue has become a matter of utmost concern to this entire country. Growing sentiment is no longer confined to the South, but to each and every geographical section of the United States.

The Department of Health, Education, and Welfare has received applications from Tennessee for more than $1.8 million in Federal funds, most of them sought by private organizations which claim their projects would bring about social adjustment and improve relationships within communities that have been severely handicapped through massive busing decrees of the Federal courts.

The Nashville Banner has published a series of stories outlining the detailed plans of some of these proposed projects, and the facts contained in these stories should be of utmost concern not only to officials in the executive branch but also to every Member of Congress. Not only does it seem that our Federal tax dollars are being allocated to projects of questionable value, but also, in some instances, the funds sought actually would hinder the progress of local school systems to comply with the Federal courts' desegregation order.

Gov. Winfield Dunn of Tennessee has written an excellent admonition to the Department of Health, Education, and Welfare urging that Federal tax dollars available to assist communities be dispensed through local school boards who carry the primary responsibility for compliance, instead of through private organizations which, however well intentioned, are not responsible to the public for the conduct of some of these outlays.

I commend both the Governor's letter and the series of articles and editorial in the Nashville Banner to every Member of the Congress and urge that appropriate steps be taken immediately to investigate the widespread abuse of our tax dollars in worthless, if not hampering, projects. The time has come for each of us to make sure that governmental waste is minimized and that the expressed intent of Congress is carried out in the distribution of appropriated funds.

My congratulations to the Nashville Banner on exposing the detailed plans of some of the proposed projects under the Department of Health, Education, and Welfare—a job well done.

The article follows:

[From the Nashville Banner, Oct. 19, 1971]

ELEVEN PROGRAMS PROPOSED IN TENNESSEE—BUSING, SOCIAL ADJUSTMENT PROJECTS TO COST $1.8 MILLION

(By Grady Gallant)

Eleven new "social adjustment" projects to attune public school children to massive busing and other "life experiences" encountered in the modern school environment are in the works for Tennessee at a cost to the federal government of $1,829,067.35.

Of the sum, the project budgets show that $1,230,795.40 would be dissipated in salaries for those laboring in the 11 adjustment projects, many of whom are open advocates of busing.

Travel expenses for these workers would eat up another $92,160.

Total cost for salaries and travel of the project workers is $1,322,955.40.

This leaves only $506,111.95 for child adjustment and to attune them to sociological development.

The budgets show that most of this $506,111.95 would be devoured by telephone bills, office rental and equipment.

Applications to implement the adjustment programs under the Emergency School Assistance Program (ESAP) have been sent to Gov. Winfield Dunn.

He approved seven of the proposals. The other four were neither approved nor disapproved by the governor. The Department of Health, Education and Welfare, which administers ESAP, will now approve or disapprove them.

A spokesman in the Governor's office said that Dunn relies on recommendations from the various communities involved as to what action he should take on these projects.

The spokesman said it was his personal belief that HEW will fund all 11 of the projects.

The projects present a community social problem and outline a plan designed to solve—or reduce—it.

For example, Memphis Community Education Project (MCEP) discloses that it is "a non-profit, tax-exempt, free-standing corporation of community-minded persons who are attempting to effectively improve the social conditions of Memphis and Shelby County."

To this end it has "four main foci of activity—housing, health, education and law."

"We have focused on these activities, not to provide separate service systems, but to help the black society become a true human community with the ability to relate to the white community, as peers and, therefore, bring about the sine qua non (essential) condition for true friendship and a stable society."

To accomplish this and other things, MCEP needs $413,410 in federal funds under ESAP of which $251,100 will go for salaries and $37,800 for travel expenses.

The list of projects includes three to be conducted in Nashville:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, requesting $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff Avenue, with offices in Columbus, Ohio, requesting $78,741.

3. The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, requesting $60,000.

The Concerned Citizens for Improved Schools states it has "functioned successfully and uniquely for the last two and a half years as a bi-racial group dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination."

The organization was "spontaneously created" in March 1969. Concerns in regard to "application of criteria for zoning the proposed attendance area for a newly created junior high school" and "racial isolation of all pupils in the Nashville-Davidson County schools" were the spurs which caused spontaneous organization of the group, according to the funding application.

Mrs. Kitty Smith, wife of Dr. William O. Smith of Nashville, is project director for Concerned Citizens. Dr. Joseph Yeakel, general secretary of the board of evangelism of the United Methodist Church is listed as the authorized representative of Concerned Citizens, not to be confused with Concerned Parents Association, Inc.

The University Council for Educational Administration under Dr. Jack Culbertson, Columbus, Ohio, proposes to "develop and test a simulation program for urban administrators, particularly as related to education and race," according to Dr. Elbert Brooks, Metro school director, in a letter endorsing the project.

The proposed program "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators," he observed in a letter to Culbertson dated Sept. 21, 1971.

The project proposes to help school leaders in Nashville "deal effectively with desegregation problems," Culbertson says.

The Social Action Committee of Christians and Jews, 6401 Harding Road, proposes to establish two early-morning, free child care centers to help take care of children of working mothers between the time when the mothers must go to work and the children must leave to go to schools opening at 10 a.m.

Charles B. Myers, an assistant professor of history and social science education at George Peabody College for Teachers, is the project contact person with HEW.

All 11 projects plan to spend their funds in a year or less.

The organizations requesting ESAP funds and their cities are:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, Nashville. Request: $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff St., Columbus, Ohio. Request: $78,741 for work in Nashville.

3. The Social Action Committee for Christians and Jews, Inc., 6401 Harding Road, Nashville. Request: $60,000.

4. The Unity Group Fund, Inc., 1348 Grove Street, Chattanooga. Request: $372,970.

5. Memphis Education Project, Inc., 740 Court, Memphis. Request: $413,410.

6. Memphis Urban League, 546 Beale Street, Memphis. Request: $236,242.

7. Community Youth Playhouse, Inc., 1185 South Bellevue, Memphis. Request: $61,580.

8. Memphis Panel of American Women, 5503 Gwynne Road, Memphis. Request: $19,971.

9. Williamson County Citizens for Human Dignity, P.O. Box 423, Franklin, Tenn. Request: $58,203.

10. The Civic Action Council of Jackson, P.O. Box 3002, Jackson, Tenn. Request: $89,725.

11. The General Board of Christian Education, Christian Methodist Episcopal Church, 1474 Humber Street, Memphis. This organization requested a total of $814,176, but proposes spending $178,599 on a Chattanooga, Tenn., project, with the remainder being spent in cities of states other than Tennessee.

The other communities included in the proposal are Tupelo, Miss.; Phenix City, Ala.; Savannah and Chatham County, Ga.; and Morehouse Parish, La.

[From the Nashville Banner, Oct. 20, 1971]

Federal Grant of $259,626 Sought for Busing Propaganda Campaign

(By Grady Gallant)

An intensive propaganda campaign using a "mobile van," week-end retreats, mass indoctrinational meetings and other devices is planned by Concerned Citizens for Improved Schools to attune public school children and their parents to "a new way of life" here.

To mount this "determined and creative campaign against negativism," the organization has applied for $259,626.35 in federal funds, of which $208,294.40 would be drained into employe salaries, services and benefits.

The mass media assault against "white ghetto mentalities" and for "integrating the desegregated schools" would include $60,000-worth of monthly television specials and $25,000-worth of billboards, radio and television spot announcements, all to be paid for from taxpayers' money.

Workshop consultants would be brought in at $100-a-day and a "media consultant" would be hired at $100-a-day for 96 days, for a total expenditure of $9,600 for about 19 weeks of work, if he works a five-day week.

A community newsletter to be distributed monthly as planned will cost $3,600 for circulation of its 5,000 copies. A monthly newsletter aimed at students would be circulated to 30,000 of them at an annual cost of $8,400.

Students texts and handbooks would cost $380 and students' workshop proceedings will dissipate if the plan is approved, another $1,250. The parents' workshop proceedings would cost another $500, and telephone and postage costs are forecast to be $3,275 for the year.

Application for the more than a quarter million dollars in federal tax money was made through the Emergency School Assistance Program (ESAP: Pronounced E-SAP).

ESAP is administered by the Department of Health, Education and Welfare. Funds are given to groups and organizations which wish to help in the busing and integration of public school children.

Concerned Citizens for Improved Schools (CCIS) has existed for 2½ years. It is a bi-racial group "dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination," the organization notes in its request for tax refunds.

It was "spontaneously created," according to a description of its origin in the project application. Its membership is 75 per cent white, and includes some open advocates of busing.

Following spontaneous creation, the group became active in promotion of "community action for social change."

With its help, Clergy United for School Integration (CUIE), College and University Professors United for Integrated Education (CUPUIE) and (White) Nashvillians for Integrated Education were organized.

The application has cleared Gov. Winfield Dunn's desk, without his approval or veto, and has been sent on to federal officials.

"Invited members of CCIS testified on behalf of the plaintiff in the case finally adjudicated before (U.S. District) Judge L. Clure Morton (Kelley vs. Board of Education)," it is noted by the tax funds applicant.

Last June, ESAP gave $39,581 for CCIS to form what it called Volunteers in Action (VIA), an activity which involves 26 high school students who "inform the students, their own peers, about the indispensability and justice of school integration."

In explaining the need for expansion and continuation of the VIA program, CCIS notes that the "tense atmosphere" resulting from the busing issue of the recent race for mayor and "the transfer of senior students" from schools from which they would have been graduated "will make it somewhat difficult to secure understanding and acceptance of an integrated, unitary school system."

Being the "main beneficiaries of the opportunities for quality integrated education" the students "must be reached on a one-to-one basis and must have the opportunity for input to diffuse the tensions and create more genuine interaction within their own schools."

Reaching students of a one-to-one basis with Volunteers in Action is expensive. In the second application for federal tax money in less than a year, CCIS wants $48,000 to pay 80 such volunteers $600 anually. A week-end retreat for 50 volunteer trainees will cost another $1,300. And a two-week training program for 50 VIAs at $5 a week will cost still another $500, according to CCIS figures.

"In an out-of-school atmosphere where students will feel free to express their ideas candidly and honestly, we will use the workshop format for a two-day (week-end) discussion (just as soon as possible . . . within 30 days) on racism led by experts in the field, from several frameworks of reference," the application for federal tax money states.

"We will reach for an attendance of 600 or at least 30 students from 20 high schools.

"The curriculum would include information on how to distinguish between individual prejudice and institutional racism; racism as it manifests itself in America, as well as European and Latin American history documents; other serious literature; information on ghetto life and culture (black); about black in a white society; about white ghetto mentalities and how our society has caused and perpetuated racist patterns, etc.," the proposal states.

Volunteers in Action use such methods in achieving objectives as developing materials to "establish rapport with their own peer group," participating as speakers bureau panels and "dialogue groups" and "low key mobilizing of students who are supportive of integration and those who believe in affirmative involvement in projects."

They also implement "buddy systems within the school in order to diffuse tensions and establish (long range) more genuine relationships among all the students."

The volunteers also serve as "communications links" in the Urban League sponsored Unitary School System Assistance Center Rumor Control Center (USSACRCC).

Under its plan for intensive propaganda activities for busing and elimination of the neighborhood school, there would be a project director paid $14,000 annually who would be assisted by an associate director making $10,000 annually. A "media specialist" would be paid $10,000.

A part-time community organizer would receive $6,000 based on an annual salary of $12,000, should he be full-time.

An administrative assistant would be paid $7,000 annually, a secretary would get $6,000 and a clerk typist would receive $4,800.

Staff travel expenses are set at $1,200 annually.

State-wide delegates to a workshop on Parents Organization—50 delegates—would cost $7,500.

CCIS has budgeted $5,000 for rental of four offices for a year, $600 for workshop site rental for two days and $450 for the week-end retreat site for VIA trainees.

The group also proposes to buy $8,276-worth of equipment such as a 16-mm projector ($353), an electrostatic copier ($1,345), a Polaroid camera and case ($280), projection table ($52.95), record player ($50) and mailing meter ($96). To lease and operate the mobile van for the community organizing teams will cost $4,000.

Another $2,100 would be spent for office equipment for three offices at $700 for each office. The organization now has only one office.

Five hundred dollars will be paid to contract services of an auditor.

The bi-racial advisory committee of Concerned Citizens for Improved Schools are listed in the request for tax money from HEW as Dr. Thomas Ogletree, 3212 West End; Mrs. W. A. O'Leary, 5334 Overton Road; Mrs. Carol C. O'Neill, 1809 Morena Street; Inman Otey, 905 Lischey Ave.; Mrs. Rice Pierce, 5013 Stillwood Drive; Mrs. Prince Rivers, 1803 Morena St.; Dr. J. Tarleton, 1714 Windover Drive; Dr. Eugene Teselle, 2007 Linden; Donna Vaughn, 1818 Beech Ave.

Mrs. Elmer West, 3515 Granny White Pike; William White Jr., 1107 Kellow St.; Mrs. E. L. Whitmore, 3613 Batavia; Dr. Joseph Yeakel, 1014 Woodmont Boulevard; Steve Barefield, 540 Richmar Drive; the Rev. William Barnes, 1503 16th Ave. S.

Don Beisswenger, 235 Lauderdale Road; Mrs. David A. Bergmark, 922 17th Ave. North; Mike Bonnell 4510 Granny White Pike; Isaac Crosby, 920 Morengo Lane; James Curry, 1003 Battlefield Drive; Mrs. Leslie A. Falk, 1417 Clairmont Place; Mrs. John M. Frase, 1015 Noelton Lane.

Dan Graves, 302 Elmington Ave.; Nancy Hollomon, 815 Ramsey; Julius Jones, 3906 Kings Lane: Amy Kurland, 1805 Kingsbury Drive; Theodore Lewis, 1400 Acklen Ave.; Joyce A. Long, 1409 Chester Ave.

Mrs. Johnella Martin, 1704 Villa Place; Warner L. McCreary, 1820A Delta Ave.; and Mrs. Richard M. Morin, 812 Clematis Drive.

(Thursday's article will report project plans of other Nashville groups.)

[From the Nashville Banner, Oct. 21, 1971]

Educators Seek Funds For Adjustment, Too

(By Grady Gallant)

Not only is adjustment necessary for parents and public school children involved in massive busing under the order of U.S. District Court Judge L. C. Morton, school administrators also feel acute adjustment needs as they face problems thrust upon them by radical school changes.

Tax money for sociological adjustment is obtained by various private groups and organizations wishing to help with public school children from the Emergency School Assistance Program (ESAP) of the Department of Health, Education and Welfare.

One of three ESAP project proposals for Nashville now pending before HEW has been submitted for funding by the University Council for Educational Administration, with offices located at 29 West Woodruff Ave., Columbus, Ohio. Jack A. Culbertson is executive director of this organization.

With the help of several staff members of Nashville Metro school system, "who have been involved in its development at all stages" Culbertson has come up with a proposal to develop and test a simulation porgram for urban administrators, "particularly as related to education and race."

GAVE ENDORSEMENT

In a letter to Dr. Culbertson dated Sept. 21, 1971, Dr. Elbert Brooks, director of Nashville schools, noted his endorsement of the proposal.

Dr. Brooks then wrote that this project "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators."

In plain language, the program intends to develop simulated (or imitation) situations and problems of the kind actually being experienced by school administrators and other leaders in Nashville.

Once these situations and problems are developed, they would be used in a series of workshops to illustrate incidents happening in the schools. Workshop participants would then discuss how they would handle such "problems of desegregation."

"The problems which have major implications for training will be selected, classified and related to significant administrative functions central to the Emergency School Assistance Program (that is: developing community programs; giving leadership to special curriculum revision programs; undertaking special comprehensive planning, and so forth)," the project outline reveals.

TO COST $78,741

The creation of these artificial situations and problems in order to learn how to deal with the real things happening daily in the public schools will cost $78,741, according to the project request for federal tax funds.

Salaries, consultants, travel back and forth between consultants, honoraria for directors and personnel benefits dissipate more than $28,400 of the sum sought.

The heavy cost of administration of such a simple program as the one projected by the University Council for Educational Administration is reflected in employee salaries budgeted in the proposal to be paid by federal taxpayers:

"Director (1-5 time, 12 months at $36,000 annually), $7,200.

"Assistant director (1-3 time, 12 months at $14,000 annually), $4,700.

"Assistant (1-3 time, 12 months at $10,800 annually), $3,600.

"Assistant (1-4 time, 12 months at $11,200 annually), $2,800.

"Secretary (1-2 time, 12 months at $6,000 annually), $3,000."

This is a total of $21,300 for five part-time workers.

In addition to this, they are budgeted to cost an additional $3,608 for such personnel benefits as retirement, disability and hospital insurance—plus travel and per diem to Nashville and Columbus, Ohio, in the amount of $3,500.

Added to their total of $21,300 in salaries, the additional expenses just cited bring their cost up to $28,408.

They plan to use only $1,000-worth of office supplies and materials, however.

These workers would require the services of "consultants" to "plan, design and block-out simulation materials." This consultant service will cost $3,500.

NEXT IN COST

The next most expensive item on the budget for this simulation program is the $11,250 required for the filming "of six critical incidents."

Three one-week workshops, which include "per diem for 75 participants, honc aria for directors, plus travel and other expenses," whatever these "other expenses" might be—for they are not specified—costs $8,000.

"Creation of 30 in-basket items" will drain off $2,000. An "in-basket item" is described by a school official as written material describing a problem or situation which is placed "in the basket" on an administrator's desk.

The administrator then removes it, reads it and gives his comment as to how he would have handled the problem described.

Production of 12 "audiotaped simulations" would cost $2,750, and another $5,000 is requested to produce "six problem-centered group exercises."

To plan and produce "support content" would cost $3,000, and another $3,000 tax dollars would be spent to "develop instructors manual, evaluation procedures and related materials."

Production of written materials and negatives for workshop use would require expenditure of $5,000 more.

INDIRECT COSTS

A mystery "indirect costs," which are not itemized, are given under "other costs" as $5,833. This heavy expenditure—more than that required for consultants to block-out and design simulation materials ($3,000) and for creation of 30 in-basket items ($2,000)—is just explained as being 8 per cent of $72,908.

The $72,908 figure is the cost of the project until 8 per cent (8% of $72,908) or $5,833, is added to it.

When $5,833 is added to $72,908, you get $78,741, which is the figure given as the total cost of the project.

The funds are scheduled to be spent and the project completed in a year.

The proposal gives 11 stages through which the project would advance to its completion. Events "associated with desegregation" will first be monitored to "identify major problems encountered by school administrators," if the project receives the funds.

Instructional objectives then would be decided and the simulated situations to be developed would be determined. Background facts needed for the simulations will be gathered and the simulated situations and problems will be developed, under the proposal.

TRIED OUT

The materials would then be tried out "with selected personnel" from Metro schools. The materials would be revised, plans would be completed for the workshops and materials would be packaged for use.

By Sept. 1, 1972, the project is designed to "conduct comprehensive continuing education programs" involving Metro school personnel and "community."

"An analysis of evaluation data" will follow "by Sept. 30, 1972," and by "Oct. 30, 1972, development of recommendations for refining the materials and for extending their use to other urban settings" will be done.

This appears to mean that the products of this year-long effort will be shown in other cities.

In its appeal for tax funds, the University Council for Educational Administration claims it has had "substantial experience in the development of simulated situations and other types of materials during the last 10 years.

MADE AVAILABLE

"It is estimated," the group states, "that during this period more than 30,000 practicing school administrators have experienced one or more of the 24 different simulations now made available for use for continuing education purposes.

"A number of professors have expressed an interest in developing the projected simulations bearing upon desegregation and equal learning opportunities.

"Since the University Council for Educational Administration is made up of 59 major universities, it is able to draw upon a wide range of training resources, not only in materials development, but also in the planning and implementation of workshops," the organization states.

FIRST GRANT

Local school officials say that this project was initially part of the $9,098,864.72 Metro school 1971–72 ESAP grant proposal. It, along with other proposals, was denied, and of the total sum sought only $1,418,368 was approved.

It has been resubmitted through the University Council for Educational Administration in a second try for the money.

The proposal lists the Biracial Advisory Committee of the Metro School System of the Emergency School Assistance Program here. This committee, unlike in other project proposals, is a committee which is a part of the Metro school system and functions as a committee in other Metro projects.

The committee membership is given as follows: along with the name of the organization which appointed them to the committee:

Mrs. Zenoch G. Adams, 1024 Kellow St., Metro PTA Council; Dr. Charles E. Kimbrough, 2600 Walker Lane, NAACP; Frank Bailey, 1116 Eighth Ave. South, ESA, Title 1, Advisory Committee; Mrs. James P. Carter 1000 Gale Lane, League of Women Voters; Dr. Roy Clark, 2130 West End Ave., Ministerial Association; Mrs. Beverly Bass, 1314 Fifth Ave. North, Model Cities Agency; Phil Eakes, 2609 Crump Drive, Inter-High Council; Dr. Dana Swick, Box 514, Peabody College.

Lloyd H. Griffin, 401 Union St., Nashville Area Chamber of Commerce; Mrs. Alexander Heard, 211 Deer Park Drive, Council of Community Services; Robert Horton, 107 Metro Court House, Metro Government (Mayor's office); Julius Jacobs, 105 Leake Ave., Metro Action Commission.

Ted Martin, 1710 Hayes St., Metropolitan-Nashville Education Association; C. E. McGruder, 908 32nd Ave., North Nashville Citizens Coordinating Committee; Dr. Nicholas Sieviking, 300 Oxford House, Urban Observatory; William Stifler, 614 Lynnwood Blvd., Committee for Unitary School Plan; Dr. G. J. Tarleton Jr., 1714 Windover Drive: and Dr. M. D. Williams, Tennessee State University, Nashville Urban League.

STATE OF TENNESSEE,
October 15, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: In recent days I have been called on pursuant to federal statutory law to review several applications for discretionary grants submitted by various nonpublic organizations for funding under the Emergency School Assistance Program.

Upon receipt of these applications my staff contacted elected officials and school superintendents in the localities from which the applications had come. With one exception, these local officials and school superintendents recommended that these applications be approved or that they be funded without approval. While one local official recommended the veto of one application, this was not a recommendation with which the school authorities concurred.

In view of the recommendations that I received from local officials and school authorities, I chose not to exercise my right to veto any of the applications that were submitted. However, this review did reveal that many local school systems in Tennessee are experiencing considerable difficulty in relating the independent programs envisioned by these projects to their own official efforts to overcome problems associated with desegregation. The availability of discretionary funds under this program to non-official organizations has created situations in which many of these private non-profit groups applying for discretionary funds view their role as one of competing with the local school system rather than working with it. As a result, existence of the discretionary grant program has tended to further complicate racial problems which exist in some communities.

Desegregation of our school systems is a legitimate and important objective, and we in state and federal government should apply ourselves to facilitating the efforts of the local school systems to this end. For these reasons, I believe that all of the funds available under the Emergency School Assistance Program should be channeled to the local school systems which have the official responsibility for acculterating the student, teacher, parent and community at large to the changes either undertaken voluntarily or mandated by the federal judiciary.

I encourage you to recommend to the Congress that all Emergency School Assistance funds be channeled through local school systems.

Thank you for your consideration of this matter.

Sincerely,

WINFIELD DUNN.

[From the Nashville Banner, Oct. 21, 1971]

CONGRESS ALERTED, TOO—HEW SHOULD HEED WARNING BY GOVERNOR DUNN

Timely and thoroughly reasoned is Gov. Winfield Dunn's urgent suggestion—to federal authorities, notably the Health, Education and Welfare Department, that money allotted from that source for school desegregation assistance be allocated to local school systems instead of to private groups.

If anyone is inclined to question logic of the preference thus expressed, doubt certainly can be put to rest by pondering specific requests by such private groups, for procedural infliction on the public school system of Tennessee—several of them notably for Metropolitan Nashville - Davidson County schools.

It is to enlighten readers, taxpayers and school patrons, that The Banner is running an informative series of articles by Grady Gallant. Some of the proposals shock. Some involve trespass—no less baleful because couched in good intentions. All would be financed by tapping the Federal till, to the stated aggregate of $1,829,067.35.

That is not a bagatelle, even if there were assurance that every penny of it would be intelligently and conscientiously spent—with no faintest suggestion of bureaucratic treatment of it as a windfall.

Governor Dunn does not overstate it when he warns that the private groups now proposing that Treasury expenditure (by themselves) for social adjustment projects in Tennessee often compete with local school systems; and that they can impair, rather than ease, enlightened efforts to desegregate schools in an orderly manner.

In The Banner's judgment, some of these proposals should be vetoed flatly—and all should be closely scrutinized, by both State and Metro authorities, recognizing both the official responsibility and the dangers invited by any implied acceptance without a close look.

The Tennessee Chief Executive does not make a blanket indictment of all individual, private undertakings for reasoned school improvements; and for coming to grips in a practical way with problems confronted.

He is not opposing school desegregation. On the contrary he has advocated enlightened steps for it as a legitimate and important objective. As the Governor of Tennessee, and being on the scene, a competent and authoritative witness on the facts of the case, he has given his best judgment to HEW Secretary Elliot Richardson—it being that agency proposing to supply the funds in question.

Local authorities, and state authorities, know better than does any Washington-centered agency, how best to operate a local or state school system.

Courage and understanding and responsibility show in the Governor's statement, and the copy of it going to each member of Tennessee's congressional delegation, should bolster by their unreserved backing the weight and influence of this warning message.

AMERICAN EDUCATION WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BEGICH. Mr. Speaker, this week has been proclaimed American Education Week 1971 by the President. He has asked at this time that—

> Appreciation be given for the truly heroic efforts of our teachers and all education professionals upon whose humane skills so much of our greatness as a people depends.

While the term "heroic" denotes a quality attributed more often to those in battle, I could only agree that in Alaska we do have heroes for teachers. In Alaska's bush there are heroes for teachers because they have left universities and stimulating intellectual surroundings to spark the imagination of children in isolated villages. In Alaska's schools there are heroes for teachers because many have known what it is not to have the proper materials or even bare essentials for instruction.

Alaska's teachers and educational professionals are heroes because they speak out when their funds are cut, when their programs are reduced, when their only private university is in danger of closing its doors and when its only State university does not receive the necessary support in its promotion of educational excellence.

They are all heroes for they have taken the time and the trouble to see that children are given every opportunity to seek all that is possible in life.

In this session of Congress we have been busy with education legislation. The U.S. Office of Education appropriations bill was substantially increased over last year. The passage of the health professions training bill will give needed assistance to nursing schools, medical schools, and hospitals. The early childhood bill, passed by both the House and the Senate, would provide for expansion and coordination of Federal daycare services, and educational, nutritional, and health services for preschool children. Of particular interest in Alaska is the Indian education bill now before the House which would provide much needed funds to improve the quality of education available to American Indians.

We have a great deal of work remaining to do for education this year. Among this legislation is a bill calling for the creation of a Cabinet-level Department of Education, which I authored. I believe this is important and necessary for it would insure that this Nation's educational needs will be given the proper attention and the proper priority.

And today, we are considering the higher education bill that emphasizes grants and loans to low-income students.

President Kennedy said:

> Our progress as a Nation can be no swifter than our progress in education.

I think Alaska is proving itself as an example of the truth of that statement. We have grown as a State because we are learning. We are eager to prosper, but we will not risk the advances we have made. We are not yet wise, but we are learning. And we owe much of it to our teachers.

TURNING THE TAX TABLES ON POLLUTERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RANGEL. Mr. Speaker, we are choking on the air we are supposed to be able to breathe. Existing legislation has done little beyond rhetoric to actually clean up our air, and industry still finds it profitable to pollute.

Each time I drive from Washington to New York City, I am stunned by the pollution pouring out of factory and refinery smokestacks in northern New Jersey. It is usually necessary to roll up the car windows in order to breathe. It is time for Congress to tell the Nation's businessmen that they will no longer be able to go their own way, pouring contaminants into the sky.

That is why I am proud to be a cosponsor of H.R. 10890, a bill which would tax fuels containing sulfur and sulfur oxide emissions. Unfortunately, money is the motivating factor in too many phases of our society, so it is necessary to hit industry where it hurts—in the corporate pocketbook—in order to impose a consciousness of what they are doing to the earth we inhabit.

Not Man Apart, the publication of the Friends of the Earth, carries an article in its November issue on pollution taxes as a powerful weapon in the fight to preserve our environment. I commend it to my colleagues.

The article follows:

TURNING THE TAX TABLES ON POLLUTERS

The Coalition to Tax Pollution has been formed to support an effective tax on sulfur emissions. The Coalition's proposal has five key points:

1) That the charge on sulfur emitted to the environment be set at 20 cents per pound, and that this level be achieved by 1975.

2) That the charge be applied uniformly throughout the nation, in order to avoid creating havens for polluters, and to keep the tax administratively simple.

3) That Congress, rather than an agency, set the level of the tax, so that the debate is out in the open.

4) That the revenue not be earmarked, so that no program's funding is dependent on a lack of pollution control.

5) That no subsidies be given to industries, but that workers laid off as a result of plant closure receive assistance in the form of retraining, relocation, and unemployment compensation.

Recently, the Coalition published a fact sheet, which answers the most frequently asked questions about the Pollution Tax. We print excerpts from the fact sheet below. (The full fact sheet may be obtained by writing to the Coalition to Tax Pollution, 620 C Street S.E., Washington, D.C. 20003.) The members of the Coalition are Environmental Action, Federation of American Scientists, Friends of the Earth, Metropolitan Washington Coalition for Clean Air, Sierra Club, The Wilderness Society, and Zero Population Growth.

POLLUTION TAXES

The purpose of pollution taxes is to make pollution abatement in the self-interest of the polluter, by creating a strong economic incentive for industry to stop polluting. A pollution tax system places financial responsibility directly on the polluter according to the amount of pollution emitted. For the tax to be effective, it must cost the polluter more than the expense of abatement.

Despite all the public effort and concern, pollution is getting worse. We need to try a tactic that will really work. As things stand now, pollution control agencies have the overwhelming responsibility of policing all violations, yet their usually inadequate staffs, they are unable to prosecute all violators. The result is selective enforcement, and the big polluters are usually overlooked because of their political pull. Even if enforcement agencies could prosecute all violators, there are so many opportunities for industry to delay compliance with standards that pollution can get much worse in the meantime.

Taxes and standards can and should be used together to control pollution, but taxes have four advantages:

1. The administration of pollution taxes much simpler: the burden of proof is on the polluter rather than on the enforcement agency. Individual legal proceedings do not have to be brought against polluters; all companies simply pay the tax on all their pollution. Enforcement centers on spot-checking, rather than on proof of guilt.

2. The creative energies of industry are turned inward to determine how to stop pollution, rather than outward to argue with the standard-setters and obtain delays. Industry itself takes the initiative in finding the most economical and efficient way to abate pollution.

3. The incentive to reduce pollution continues even after standards are met, because the last pound of pollutant is taxed just as much as the first pound. This encourages continuous research and development of pollution-abatement technology, to eliminate more and more of the pollution.

4. Under the present mechanisms of pollution control, delay is always to the advantage of the polluters, because in the meantime they can continue to pollute as heavily as before. Litigation is less costly for them than abatement, so they have a strong incentive to go through every legal channel, even if they expect to lose the case eventually. With pollution taxes, there is a strong incentive to avoid delay of any kind, because the taxes keep mounting up as long as the pollution continues.

Tax breaks and subsidies have also been tried, but they bias industries to make large capital expenditures on pollution control equipment, often on treatment measures, do not encourage research into more effective technologies to prevent pollution, and do not insure that the equipment will continue to function. Pollution taxes, on the contrary, are "technologically neutral"; they encourage technological progress at all levels, progress measured in terms of how much pollution is reduced rather than on how much money is spent on equipment. A charge based strictly on the quantity of pollution emitted makes industry seek the best long-term means of pollution control.

"LICENSE TO POLLUTE"?

Won't pollution taxes just give industry a "license to pollute"? Couldn't industry simply pay the tax, pass the cost on to the consumer, and accomplish no pollution control?

The pollution tax system is a way of making the goal of pollution control in the economic self-interest of the polluters. It is not a revenue-raising program, although it grew out of the conviction that the air and water should not be free dumping grounds. If the tax is high enough, it will be an unambiguous incentive to abate pollution. It will make pollution control a less costly alternative than polluting and paying for it.

If industry thought it coud avoid pollution abatement simply by passing on to the consumer the amount of the tax, it wouldn't oppose pollution taxes. Actually, if the tax is high enough, competition will force industry to control pollution, for the simple reason that abatement will be cheaper than paying the tax. A firm which chooses to reduce its pollution will have a competitive advantage over those which choose to pay the tax and pass the cost on to the consumer. Most firms will choose the minimum-cost alternative; out of self-preservation they will have to.

Industry has a long history of cutting production costs to gain competitive advantage—substitution of cheaper materials or cheaper labor, for example—there is no reason to expect industry to change the pattern in this case.

Industrialists themselves are telling us that pollution taxes will give them a license to pollute, and using this as a reason to oppose pollution taxes, as if they were unselfishly concerned about effective pollution control. They know, however, that if the tax is high enough, they will have to stop polluting, and that is what they are resisting.

CONSUMERS

But won't the consumer have to pay more for goods, even if industry chooses to stop polluting?

If industries choose to stop polluting instead of paying the tax, they will still have to pay for abatement, although this expense will be much less. This cost will be reflected in consumer prices. At the present time, goods that are produced in polluting processes are artificially cheap; part of their true cost is expressed in the form of environmental deterioration. Pollution taxes, by locating the cost of pollution and pollution abatement exactly at the source, cause goods to reflect more accurately the total costs that go into their production. But *any* effective pollution control will cause increased cost to the consumer, either in form of higher prices (as in this case) or higher taxes (as in government-subsidized pollution control). Pollution taxes, in that they encourage the most economical means of pollution control, will cause the least rise in consumer costs consistent with pollution control.

Although some products will cost more as a result of pollution control, in the case of sulfur pollution, consumers will actually pay less when the pollution ends. At the present level of sulfur pollution, the Environmental Protection Agency estimates that the health and property damage costs society 25 cents per pound of sulfur emitted. This amount, a conservative estimate, is far more than abatement will cost. Unfortunately, the costs of the long-term effects of sulfur pollution, even though they are very high, are hidden costs, and a rise in product cost will be obvious to everyone. In their fight against pollution control, polluters always cite the fact that consumers will have to pay more for their products. What they never mention is that pollution itself is costing the consumer far more than pollution abatement ever will.

WHICH POLLUTANTS?

Pollution taxes can be used on many pollutants, but they will prove particularly useful in cases where abatement will require a significant amount of technological research and development, and where the cost of abatement will be quite high. These are the situations in which, under the existing pollution control regulations, industry has a strong economic incentive to seek delay. These are also the situations in which industry needs the most incentive to carry out the needed research.

Sulfur oxides, one of the most serious and abundant air pollutants, fulfill these criteria. We propose a sulfur tax as a first objective. Other pollutants for which pollution taxes would be particularly appropriate are BOD (biological oxygen demand—a measure of water pollution) and nitrogen oxides (another serious air pollutant). The tax approach has also been suggested for non-returnable containers, for phosphate content of cleaning agents, and for solid wastes.

Furthermore, we might want outright prohibition of pollutants which are very toxic. But prohibition is a politically workable tactic only if there are a few economic benefits to be gained by emitting the pollutant, for example if alternate technology or substitute materials are readily available. However, in cases where prohibition would have a large economic impact, we encounter the same political, administrative, and economic factors which are nearly insurmountable in the regulatory strategy. If industry says it is "impossible" to completely stop emitting a pollutant, the likelihood of actually enforcing or even enacting a prohibition is very small. In this situation, a tax will be very effective, especially when used to supplement stringent standards. A prohibition not backed up by a strong incentive is prone to the same degree of delay, subversion, and avoidance used by polluters when pollutants are regulated by standards.

SETTING POLLUTION TAXES

Congress should be responsible for setting the level of pollution taxes. The level of the tax is crucial. The decision on the rate of the charge is the equivalent of a decision on an acceptable level of environmental quality. The debate over the level of pollution charges should be as visible as possible; many values, some not measurable, must be taken into account. Industrial and regional self-interest should have to face squarely society's demand for effective pollution control. Agencies in the Executive branch are much more susceptible than Congress to arm-twisting, since their debates take place behind closed doors by people who are not directly accountable to the public.

What revenue there is should not be earmarked. Since the object of pollution taxes is to stop pollution rather than to collect revenue, any program which depended on the tax revenue for its funding would be dependent on a lack of pollution control. The more successful the tax is, the less revenue there will be. If we totally succeed in stopping pollution, no revenue will be collected.

Pollution taxes should be applied uniformly throughout the nation. A variable tax would give industries an incentive to move to the areas where the tax was lowest. Even if they did not actually move, the opportunity to do so would give them leverage in their attempts to lower the tax in their areas. The notion of lower taxes in areas where there is less pollution implies that we are willing to tolerate more pollution in the areas that are clean now. On the contrary, citizens in regions of clean air are demanding controls strict enough to prevent any degradation.

AN INCREASE IN FEDERAL HABEAS CORPUS APPLICATIONS

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WIGGINS. Mr. Speaker, the increasing volume of Federal habeas corpus applications challenging convictions handed down by State courts has become a matter of great concern to the National Association of Attorneys General. In 1961 there were 1,020 such applications. By 1970 this number had increased to 9,063. According to the association, the problems which have resulted from this increase in applications have been productive of serious strains in Federal-State court relations, have caused lengthy delays in the finality of State court judgments, have brought about a trivialization of the "great writ," and have significantly increased the workload imposed upon the Federal courts and upon most State attorneys general.

At its meeting in Washington, D.C., on February 2, 1971, the association reviewed proposals to modify section 2254 of title 28, United States Code, which relates to the extension of Federal habeas corpus to State prisoners. These proposals were referred to an ad hoc committee on habeas corpus for study.

In Chicago, on September 24, 1971, the ad hoc committee drafted a bill to amend section 2254. Consisting of two sections, this bill seeks to further define the consideration required for a Federal judge to entertain an application for a writ of habeas corpus from a State prisoner and the conditions which must be met in order for a Federal judge to act favorably upon such an application.

The chairman of the ad hoc committee, Attorney General Evelle J. Younger of California, has requested that I introduce the association's proposals in the House of Representatives. I have consented to do so.

Mr. Speaker, I am today introducing this legislation and urge its prompt consideration by the Judiciary Committee.

A COUNTRY THAT LOSES ITS WARS, LOSES ITS PRESTIGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RARICK. Mr. Speaker, the Nationalist Chinese, one of the founding fathers of the United Nations and one of the most faithful adherents to its charter have now been expelled from that organization. The Nixon administration must accept this diplomatic insult as the greatest defeat the United States has suffered in the history of our country. The Nixon administration must also accept its responsibility for having set in motion the forces which brought about the events which will lead to greater loss of confidence in the U.N. as an effective organization for world peace and eventually the demise of that very organization.

Under its present makeup, the U.N. has deteriorated to nothing more than a common debating hall for the various Communist parties around the world, with the U.S. taxpayers picking up the tab to provide international bureaucrats with the many comforts of life and the real estate in which to further the world Communist conspiracies which the U.N. leaders call peace.

The President, whose personal diplomacy, without the consent or approval of Congress, set the stage for this betrayal, has not said one word. He apparently prefers to manipulate his pawns from his sanctuary, at least until he can decide which way public opinion is mounting or until the opinion molders are able to mount a propaganda avalanche to vindicate his naivete.

At this time our President's influence is being exerted in three directions: To our Nationalist Chinese ally in Taiwan, he is extending his deep regrets and reassuring them his administration did everything in its power to retain their seat; he is trying to convince the Communists in Red China that it was the timing of his two-China policy and the act of sending Henry Kissinger to Peking to arrange for his visit which brought the issue up in the first place; and to the American people, his spokesmen are trying to give hollow assurances that we were sold out by our foreign aid recipients.

Billions of dollars of foreign aid have been poured out through the diplomatic trough since 1945, obviously intended to influence votes and friends in the U.N. In fact, the list of foreign aid recipients looks like the U.N. membership roll.

The money, like all foreign aid, has proven only to make enemies who now become bitter at even the suggestion that their U.S. taxpayers' dole might be diminished.

But more especially, lack of confidence in the U.S. leadership must be laid to our military commitments which since 1945 have never been concluded.

Any nation which loses its wars can expect to lose its prestige and its influence with its so-called friends.

To date, no one can determine if the President's trip to Peking was politically worth the sacrifice of a charter member and a longtime ally in the U.N., but we can be sure that the cost of the trip to Peking has furthered the interests of world communism and now may give to the Communist powers the privilege of influencing the election, if not selecting the next President of the United States.

I include a list of our foreign aid recipients who cast their U.N. vote abstained from voting, or were absent, to expel Nationalist China and give its seat to Red China, along with the amount of U.S. foreign aid tax dollars of the American people, and a related news clipping in the RECORD:

TOTAL NET U.S. FOREIGN AID TO U.N. MEMBER NATIONS VOTING TO EXPEL NATIONALIST CHINA AND SEAT RED CHINA, FISCAL YEARS 1946 THROUGH 1971

Afghanistan	$373, 800, 000
Albania	20, 400, 000
Algeria	176, 100, 000
Argentina (1)	341, 100, 000
Austria	1, 218, 400, 000
Barbados (1)	700, 000
Belgium-Luxem. (1)	1, 742, 200, 000
Botswana	19, 100, 000
Burundi	7, 800, 000
Burma	$158, 600, 000
Cameroon	33, 500, 000
Canada	46, 500, 000
Ceylon	176, 600, 000
Chile	1, 281, 800, 000
China, (2) Rep. of	5, 096, 500, 000
Colombia (1)	1, 119, 400, 000
Congo (B)	4, 000, 000
Cuba	43, 700, 000
Cyprus (1)	22, 400, 000
Czechoslovakia	189, 500, 000
Denmark	873, 300, 000
Ecuador	296, 700, 000
Equatorial Guinea	300, 000
Ethiopia	394, 100, 000
Finland	10, 300, 000
France	7, 059, 700, 000
Ghana	264, 800, 000
Greece (1)	3, 681, 900, 000
Guinea	113, 000, 000
Guyana	69, 900, 000
Hungary	13, 300, 000
Iceland	59, 800, 000
India	8, 003, 600, 000
Indochina	1, 535, 200, 000
Indonesia (1)	1, 343, 800, 000
Iran	1, 945, 700, 000
Iraq	90, 600, 000
Ireland	105, 700, 000
Israel	992, 000, 000
Italy	5, 528, 500, 000
Jamaica (1)	92, 400, 000
Jordan (1)	710, 000, 000
Kenya	77, 100, 000
Kuwait	29, 500, 000
Laos	1, 449, 500, 000
Lebanon (1)	98, 000, 000
Libya	221, 600, 000
Malaysia	72, 600, 000
Mali	30, 000, 000
Mauritania	5, 000, 000
Mauritius (1)	6, 100, 000
Mexico	451, 600, 000
Mongolia	------------
Morocco	731, 800, 000
Nepal	157, 600, 000
Netherlands	2, 033, 300, 000
Nigeria	383, 600, 000
Norway	1, 127, 100, 000
Pakistan	4, 484, 100, 000
Panama (1)	242, 300, 000
Peru	465, 200, 000
Poland	437, 300, 000
Portugal	432, 900, 000
Romania	10, 000, 000
Rwanda	8, 000, 000
Senegal	40, 100, 000
Sierre Leone	44, 100, 000
Singapore	31, 300, 000
Somalia	79, 300, 000
Southern Yemen	200, 000
Spain (1)	2, 028, 400, 000
Sudan	91, 000, 000
Sweden	135, 300, 000
Syrian Arab Rep	56, 700, 000
Tanzania	73, 400, 000
Thailand (1)	1, 592, 400, 000
Togo	17, 300, 000
Trinidad & Tobago	49, 700, 000
Tunisia	699, 400, 000
Turkey	5, 640, 500, 000
Uganda	42, 500, 000
United Arab Rep	759, 900, 000
United Kingdom	7, 209, 100, 000
USSR	186, 400, 000
Yemen	45, 300, 000
Yugoslavia	2, 515, 600, 000
Zambia	6, 100, 000

Bahrein (1)
Fiji (1)
Qatar (1)
Maldives Islands (2)
Oman (2)

(1) Abstained from voting.

(2) Absent.

Data supplied from Report by: OTTO E. PASSMAN, *Chairman, Foreign Operations Subcommittee on Appropriations.*

[From the Evening Star, Oct. 26, 1971]

U.N. VOTES PEKING IN, TAIPEI OUT; ALLIES DESERT UNITED STATES IN KEY TEST, 59 TO 55; 76 TO 35 TALLY ENDS 26-YEAR RED CHINA ISSUE

(By George Sherman)

UNITED NATIONS.—The General Assembly, in an historic move, has voted to expel Nationalist China and give the Chinese seat in the United Nations to Peking.

The decision last night in the crowded and tense assembly was the single greatest diplomatic defeat for the United States in the 26-year history of the U.N.

In the end, every Western ally of the United States deserted the dual representation position on China backed by Washington. The key vote was 59–55.

Red China refused immediate comment on the outcome.

On Taiwan, a Nationalist Chinese Foreign Ministry official expressed shock. Stocks fell on Taipei's stock exchange, the AP reported.

JAPAN SEES BENEFIT

Prime Minister Eisaku Satao of Japan said the U.N. decision in the long run will benefit Japan. He told parliament his government will "continue positive efforts" to normalize relations with Peking.

Foreign Minister Takeo Fukuda told the same session the Japanese people must be proud of their government for keeping faith with Nationalist China. Japan was a co-sponsor of the unsuccessful U.S. resolution to keep the Nationalist Chinese in the assembly, while admitting Red China and giving it the Chinese seat on the Security Council.

Prime Minister Indira Gandhi of India, visiting in Brussels, told a news conference that 'it was unthinkable that such a large country with such a large population be kept out of the United Nations, whatever one might think of the regime. We welcome the U.N. decision as a just decision."

Just before the final vote the Nationalist Foreign Minister, Chow Shu-kai, took the rostrum and announced the end of participation by the Republic of China in the General Assembly. Minutes later, the 131-member body voted 76–35, with 17 abstentions and three absent, to give Peking the Chinese seat in all U.N. organs and "to expel forthwith the representatives of Chiang Kai-shek."

Later at a press conference, Chow Shu-kai formally announced that the Republic of China "has now decided to withdraw from the organization which it helped establish." The United Nations, he said, has "now degenerated into a circus." He warned that Communist China will transform it into "a battlefield for international subversion."

U.S. Ambassador George W. Bush, the politician turned diplomat, sat still and dejected during the last of the eight straight hours of debate in the General Assembly. Step by step, he witnessed the American strategy fall apart. If the U.S. formula for this year had been followed, Peking would have received the Chinese seat in the Security Council and a seat in the General Assembly but the Nationalists would have remained in the assembly, too.

The American ambassador, who had led the public campaign here, did not hide his bitterness about promised votes which never materialized.

Bush did not try to hide his bitterness or sense of betrayal at some of the votes.

"The commitments faded away into thin air," he said on television this morning. "There is such a thing as being given firm commitments, when people look you in the eye . . . those were firm commitments, where people just went back on their word. This troubles us," he said.

American officials, who refused to be named listed the governments which they say had misled Washington. They were Belgium, Cyprus, Tunisia, and the two tiny Trucial states from the Persian Gulf, Katar and Oman—all five of whom had promised to vote yes but abstained instead, U.S. aides said.

IRISH VOTE UNEXPECTED

In addition, these officials said, Ireland Trinidad and Tobago had been expected to abstain instead of voting against the United States on the important question. According to these calculations, then, even allowing for loss of one of the Trucial states the United States procedural resolution should have passed 59–57.

The decisive vote came on expulsion. The United States gained priority for a vote on its resolution to turn the expulsion proposal into an "important question" requiring a two-thirds majority. Since 1961, the United States has used this procedure to keep the Nationalists in and the Communist Chinese out.

But this time, the United States and 19 co-sponsors, including Japan and the Pacific allies, lost by four votes—55 to 59, with 15 abstentions and absent. That vote—denying "important question" status to the expulsion issue—effectively ended the 21-year debate over seating Peking.

The suddenness of this vote and the decisiveness of its outcome surprised everyone. Right up until the final day of debate yesterday, U.S. representatives were predicting there would be no vote until today, and that the United States would win on the important question by one or two votes.

Once the loss was registered, the bandwagon behind the Albanian resolution to admit Peking and expel Taiwan began rolling in earnest. Delegations rushed to register their support for Peking, and cheers broke out as such countries as Portugal and Israel swelled the final vote for expulsion of the Nationalists and admission of Peking to 76.

TANZANIANS DANCE

The uproar began after the first four-vote loss by the United States. African delegates cheered, some supporters of the Albanian cause danced and rhythmic applause stopped the proceedings.

"With all that wild emotion," said Bush later, "it was hard to discuss the thing rationally." Bush warned both before and after the vote that the United Nations would cross "a very dangerous bridge" by this unprecedented act . . . expulsion of Taiwan.

The appeals of Peking were too strong, these officials admit. For instance, yesterday morning the Belgian Cabinet reversed everything it had been telling Washington, and switched to abstention as a gesture to Peking.

The reason—Brussels and Peking announced today they are establishing diplomatic relations.

Special American fury is being reserved here, ironically, for an American ally in the struggle, the maverick ambassador of Saudi Arabia, Jamil Baroody.

On his own, to the complete surprise of the American ambassador, Baroody pushed for a postponement of any vote last night. The supporters of Peking seeking a quick showdown and fearing a clear U.S. majority of voting were put off until today, mobilized their own majority to defeat the Saudi Arabian, 56 to 53, with 19 abstentions.

U.S. officials believe this first procedural defeat, into which the United States was pushed, set the psychological climate.

U.S. officials admit, however, that the U.S. defeat also was built into the dual policy President Nixon has tried to follow toward Peking; while opening his own dialogue and preparing his own trip to Peking, he has sought to convince the world that the United States would insist on keeping Communist China out of the United Nations rather than pay the price of expelling Nationalist China.

Peking answered repeatedly that it would not come to the United Nations while the government on Taiwan was here.

"WHY WAIT?" ATTITUDE

"The American argument just wouldn't wash," said one U.S. adviser. "No matter how hard we tried, governments just wouldn't believe that the United States was prepared to keep Peking out. 'If not this year, then next' for the entry of Peking, they argued, so why wait?"

Late last night, after the session was well behind him, Bush issued a far more sober statement than his immediate comments about the expulsion. There had been "virtual unanimity," he said, about giving Peking a seat.

"The decision to deprive the Republic of China of representation is in our opinion a serious mistake," he said. "At the same time, no one can escape the fact, unpleasant though it may be, that the votes which had just been passed, do, in fact, represent the views of the majority of U.N. members."

Nothing that has happened, he added, would affect the ties between the United States and the Republic of China. The security treaty between the two nations is considered by most observers to be more crucial to Taiwan than a U.N. seat. It is not affected.

UNITED STATES STUNNED: U.N. VOTE STIRS NEW UNCERTAINTY

UNITED NATIONS—Sober stocktaking is the order of the day in this skyscraper complex on the East River.

The party is over. The drama of the voting on the China issue has passed.

For many, there is a feeling of genuine accomplishment. Everyone realizes that the decisive ouster of Taiwan and the stunning setback for the United States has ended an era.

After 26 years, the last vestiges of the hold the United States and the united Western front once had over this world organization have been erased.

But the heady elation of the majority of last night is also giving way to calmer reflection, for the new era ushered in by the admission of Peking is full of uncertainty. More questions are being asked than answered about the impact of the vote on the United Nations and world politics.

Peking has gained respectability in the international arena at last. Its isolation had ended. But no one knows for sure whether this gain for Peking—and what seems to be its more moderate policy—has been achieved in a way to undercut still further the eroding United States support for the United Nations.

The blow to American prestige has been enormous. An all-out campaign of arm-twisting and persuasion by the American superpower has failed against some of the tiniest states in the world.

President Nixon's pronounced policy of ending Pekings' isolation without sacrificing Nationalist China has failed, too. For the first time in the memory of observers, every Western ally of the United States—including Britain, Canada, the Scandinavian nations, and all Western Europe deserted Washington on a major vote.

Among Pacific nations, Japan—already upset by Nixon's surprise visit to Peking and the U.S. surcharge on imports—suffered still another blow from Nixon policy. With obvious reluctance, Japan became the major co-sponsor with the U.S. effort to save Taiwan's seat in the General Assembly.

Last night, U.S. Ambassador George W. Bush tried to put the best light possible on the vote. The United States could take care of itself, he said of the apparent setback in prestige. But he admitted that the American public and Congress would be "greatly concerned" about what the General Assembly had done.

What happens next is clearly up to Communist China, U.S. officials said privately. Peking can either give the United Nations new vitality or cripple it—perhaps for good.

Albania and Algeria, the spokesmen for the Peking cause here, publicly portrayed Peking as the new champion of the underprivileged, underdeveloped world in the Security Council. In this view, Peking will use the Chinese power in veto against "superpower collusion" of the Soviet Union and the United States.

If that's what the Peking role becomes, U.S. officials said, then the disturbing trend away from meaningful political discussion is bound to accelerate. The United Nations can only become more of a debating society, while Washington, Moscow and Peking seek solutions to problems through more traditional power diplomacy.

But a large group of experts here said they believe Peking will act with extreme caution. For example, it is not expected—as many have predicted—that a delegation from the Communist Chinese embassy in Canada will arrive here in the next two days to take over responsibilities.

Peking, it is argued, while pushing its self-proclaimed role as ally of the third world, will maneuver very carefully between Moscow and Washington. By paralyzing the Security Council, this argument continues, Peking would simply force Moscow and Washington closer together in their search for peaceful solutions.

The Communist Chinese will have plenty of opportunity to show their hand before the end of the year. Secretary General U Thant has served firm notice that he intends to retire when his term expires Dec. 31. Moscow and Washington are now beginning separately to choose their candidates, and the Peking representative is expected to join the search.

The U.N. Secretariat employs some 150 Chinese in professional positions, half of them from Taiwan. Since all of these officials have tenure, it is not expected that Peking will immediately push for their removal. On the other hand, Thant is expected to take notice of Peking's admission by giving a new top advisory position to someone from the Chinese mainland.

But all these—and answers to a flood of questions—must await the Peking response to the General Assembly vote last night. Until that comes, delegations here are left with uncertainty about the future of the United Nations.

AMTRAK REVOKES PRIVILEGES OF MANY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. LUJAN. Mr. Speaker, with the advent of Amtrak, many of my constituents were deprived of one of the privileges they assumed was theirs for life—their right to ride the railroads of the United States for free or reduced rates.

Under Amtrak this is no longer true. Many of the free lifetime passes have been revoked and these people have been told that they will have to pay. They believe, and rightly so, that they paid with the years of labor they put in working for the railroads. They only expect that which they deserve.

Therefore, today I am introducing a bill which would, if passed, reestablish their rights in this area. My bill would reinstate the passes under the terms in force before the creation of Amtrak. I doubt that many of us had this revocation in mind when we created this corporation, and I am sure that all of us would want to return to these people that which is justly theirs. I am looking forward to early enactment of this legislation.

HON. HASTING KEITH'S WASHINGTON REPORT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. KEITH. Mr. Speaker, at the moment, I am sending the people of the 12th Congressional District of Massachusetts the latest report on the highlights of my recent legislative activities and of the services available to them through the staffs of my Washington and district offices.

In the interest of exchanging information, with particular reference to the types of congressional activity of particular interest to the people whom I am privileged to represent, I ask permission to enter my Washington Report of October 1971 into the RECORD.

In 1970—200 million Americans used 68.8 quadrillion BTUs of energy (68,800,000,000,000,000).

In 1980—234 million Americans will use about 100 quadrillion BTUs of energy (100,000,000,000,000,000).

This rising dramatic increase in demand is the problem confronting the Power Subcommittee on which I am the Senior Minority Member.

Any fool could vote for a bill to set up new power plants—even nuclear power plants—and then go back home and tell his constituents that he has solved their energy problems.

Any "know nothing" could vote for unduly restrictive pollution standards—then go back home and claim to have resolved the pollution problem—without saying how much these unreasonable standards will raise the price of fuel and increase the cost of goods produced with that fuel.

During recent subcommittee hearings on Power Plant Siting, a witneses said: "We all favor the objective of a cleaner environment. But the problem is that the rest of the world is lagging behind us in pollution control, and I fear the added financial burden (of these unduly restrictive standards) to American industry could weaken our competitiveness in world trade."

It is worth noting that our August imports were 260 million dollars more than our exports. It marked the first time in this country that the United States ran a trade deficit for five straight months!

These are the sort of problems which consume much of my time. There's no easy solution. Hopefully, we will approve a bill which will make us competitive in the world markets and permit a healthy economic and environmental climate.

Ten years ago, The Cape Cod National Seashore, which I co-sponsored with Senators Saltonstall and John Kennedy, was finally enacted into law . . . It was intended, primarily, to preserve for posterity vast reaches of the outer beach and upland of the lower Cape. (We're still concerned, on the Cape, with the erosion problems.) . . . Senators Brooke and Ted Kennedy and I are now exploring ways to protect Martha's Vineyard and the other islands being threatened by this same erosiveness of man and sea. . . . We must find a way to resist and, perhaps, reverse, this ravaging of these islands which are so rich in the beauty and history of our nation.

In addition to power plant siting, the House and its Committees have considered these items of particular interest to the 12th District:

Conserving wildlife . . . We began hearings on 36 bills to protect ocean mammals. Anti-cruelty spokesmen, including the distinguished author, Cleveland Amory, testified regarding the "total immorality and senselessness" of the "killing of a single mammal." Sportsmen and commercial interests argued that a certain amount of killing is "good conservation." The Committee, of course, will continue to press for humane treatment and protection for the survival of these endangered species.

Assuring boat safety . . . We finally passed the Federal Boat Safety Act of 1971. It sets national construction performance standards for boat builders and assures small boat buyers that their boats and equipment will have maximum sea safety.

At last, one of my favorite projects, the Air-Deliverable Anti-Pollution Transfer System, won Congressional approval. ADAPTS can transfer 140,000 gallons of oil from a disabled tanker, to a huge floating plastic balloon—before the oil can pollute a coastline.

In July, I introduced the House-accepted motion to kill the Congressional effort to cite CBS's President for contempt in connection with "The Selling of the Pentagon" probe. *Newsweek* said: "The powers of the government and the freedom of the press seemed bound for a head-on legal collision . . . then, at the last moment, swerved into a relatively mild sideswipe . . . Hastings Keith . . . filed a truth-in-broadcasting bill . . ."

Here and there—Gus Wagner, of Bourne, who, for almost two years, has been representing me throughout the entire Congressional District, will resume, on a part-time basis, the practice of law, turning over much of his assignment in Plymouth County to John C. Eldridge, of West Bridgewater . . . Jack has been with the United Shoe Machinery Corporation for 34 years, is very active in many community affairs, and has been Moderator of West Bridgewater since 1952 . . . Gus will continue as consultant throughout the District on any projects which require legal expertise or specialized knowledge of Federal or State government . . . Bob Couto, of New Bedford, has joined my New Bedford staff to work with Gus on projects and related matters of interest to the people of the New Bedford area. Bob distinguished himself as a newsman with an unusual dedication to the welfare of the area. In August, he resigned his position with radio station WBSM to train in Washington for his New Bedford assignment . . . Mark Wirzburger, of Plymouth, an American University sophomore, and Karen Kelley, of Hingham, a Trinity College junior, are working part-time in my Washington office. Mark and Karen are doing a good job and are learning much about the many ways a Member of Congress and his staff must, and do, serve the people whom the Congressman is elected to represent in Washington.

Mrs. Keith and I are enjoying the new Kennedy Center. It is a living memorial to the performing arts and the bipartisan support of four Presidents, the Congress, individuals, corporations, and foreign nations in tribute to the importance of the arts. In 1958, President Eisenhower signed the legislation which created the long-needed national cultural center. In 1962, President Kennedy approved a design change to the gleaming white modern edifice which now graces the Potomac's banks. In 1964, President Johnson signed legislation to rename the Center "The John F. Kennedy Center for the Performing Arts." In 1971, President Nixon formally inaugurated it. The opening was one of the greatest social and cultural events in Washington's history. Mrs. Keith and I urge all of you to include the Kennedy

Center in your next visit to our Nation's Capital.

It has been said that a "politician is one who thinks of the next election—a statesman is one who thinks of the next generation."

Generally speaking, I have believed that all of our Presidents, in their foreign policy decisions, have had the next generation in mind. Without repeating the Vietnam arguments—pro and con—do we, as the Congress, tell the Executive Branch that we are sick and tired of the present rate of withdrawal of our forces—and that we demand a definite date for ending our military presence?—or, do we say, again, to the President, you know best about all the factors; You, as the Commander in Chief, have to make the determination as to when, how and in what manner we extricate ourselves from Vietnam.

As your Congressman, I would appreciate your advice and comment.

HIGHER EDUCATION BILL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. QUIE. Mr. Speaker, the House is just about to consider H.R. 7248, the Higher Education Act of 1971. In the past several days I have received hundreds of letters and telegrams expressing points of view on this legislation.

Dr. Clark Kerr, chairman of the Carnegie Commission on Higher Education, and one of America's great educational leaders, recently wrote to me concerning the issues of student assistance, institutional aid, and the proposed national foundation on higher education. Because I know many of our colleagues value Dr. Kerr's views on these matters, I would like to insert a copy of his letter.

I have also been pleased at the response of students to the effort I intend to make on the floor to provide greater equity and predictability in our education opportunity grant program. Dozens of letters have been received from students attending proprietary schools. Because a student should have the widest possible choice in where he wants to pursue further education, I believe our student assistant programs should be available to students who attend vocational and proprietary institutions as well as private and public colleges and universities.

Following is Dr. Kerr's letter and a small sample of other letters and telegrams supporting the education opportunity grant amendment:

CARNEGIE COMMISSION ON
HIGHER EDUCATION,
Berkeley, Calif., October 14, 1971.

Hon. ALBERT QUIE,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN QUIE: H.R. 7248, The Higher Education Act of 1971, may soon be put to the vote in the House. The legislation which may result from this vote and from the subsequent conference with the Senate, which has already passed S. 659, will be of historic importance, greatly affecting both higher education and American society. The resulting legislation can, at the same time, give *both* greater support to institutions of higher education and greater assurance of equality of opportunity to all young Americans.

H.R. 7248 is, in many respects, an admirable bill. It would be greatly strengthened if it were amended to:

More directly target student financial aid to the *neediest* students.

Provide an *entitlement* to low-income students for financial aid so that prospective students could count on the aid in advance of their selecting a college.

Base aid on a national standards so that students with *similar need* would receive *similar grants.*

Continue the preference for low-income students for the *work-study* program.

To strengthen the institutions that undertake the education of low-income students, I urge adopting a program of instructional allowances or cost-of-education supplements to accompany student aid and to provide institutional support funds.

Minimum appropriations of about $500 million each in the initial fiscal year for opportunity grants and for institutional support are urgently needed.

One further high priority is the establishment of a National Foundation for Postsecondary Education. This is, I believe, crucial for bringing about the academic reforms needed in higher education.

Sincerely,

CLARK KERR.

LANSING, MICH.

Hon. ALBERT H. QUIE,
Rayburn Building,
Washington, D.C.:

Strongly support new EOG proposal. Much more realistic regarding student needs. Student selection more equitable. Broader funding base. Student will know amount of EOG support. First time recognition of halftime student needs. Eliminates State allotment formula.

THOMAS P. TOWNSEND,
Student Government President, with executive commitment endorsement, Lansing Community College.

RURAL HALL, N.C.,
October 12, 1971.

Hon. ALBERT QUIE,
The House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: I am enrolled at Winsalm College, a private business college in Winston-Salem, North Carolina.

I am writing to let you know that I am in favor of the proposed Quie Student Aid Amendment to the Higher Education Bill, H.R. 7248. If I had help of this kind with the tuition costs, I would have gone to a four year college. The proposed amendment is a good thing and I have written my congressman to urge him to vote for it. I'm glad you want to help students who need this help.

Thank you.

Sincerely yours,

MISS ALITA BOLES.

WINSTON-SALEM, N.C.
October 21, 1971.

DEAR MR. QUIE: I am a student at Winsalm College and if your bill goes through it would help me out to acquire one of my goal's in life. An education to get a job and help my country, not hinder it.

So I ask you to vote yes and save thousands who want an education get one.

Thank you.

Peace,

ROBERT CADY.

NASHVILLE, TENN.

Representative ALBERT QUIE,
House Office Building
Washington, D.C.:

Have sent telegram to Representative Fulton in Tennessee's Fifth Congressional District Requesting his vote and influence for the Quie student aid amendment to the Higher Education bill H.R. 7248. Passage of this bill with amendment is greatly needed for all undergraduate students.

C. W. DAVIDSON,
President, Draughons College.

PASADENA, CALIF.

Representative ALBERT QUIE,
House Office Building,
Washington, D.C.:

I have sent a telegram to Rep. John Rousselot asking him to support the Quie student amendment to the Higher Educational Bill, H.R. 7248. I feel the amendment will make a more effective educational bill and such a bill is definitely needed.

V. J. L. VONHOLTZER, Jr.,
Vice President, Sawyer College of Business.

WINSTON-SALEM, N.C.
OCTOBER 22, 1971.

DEAR MR. QUIE: As a teacher at a private business college, I am very much in favor of your amendment to H.R. 7248.

I have written to my Congressman asking him to support the amendment.

Sincerely,

MRS. EVELYN B. HAUSER.

HEW CLOSES DOWN THE CLINICAL RESEARCH CENTER AT FORT WORTH

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the comments offered by my distinguished colleagues on the floor of this House last Wednesday, the Honorable majority leader, HALE BOGGS, of Louisiana, JIM WRIGHT, of Texas, PAUL G. ROGERS, of Florida, and JACK BROOKS, of Texas. They were speaking, I am sure for the majority of this House in their criticism of the incredible action taken by the Department of Health, Education, and Welfare on Friday, October 8, in closing down the clinical research center at Fort Worth, a vital center in our Nation's drug rehabilitation program.

Within 24 hours, 92 narcotics patients were turned out onto the streets, presumably to remain there to find a cure to their problem on their own. This action would have been deplorable and justifiably warrant the criticism of alert Members of this House under any circumstances, but the circumstances surrounding this particular action were especially deplorable. The order went out from the HEW even while a House-Senate conference committee was meeting to iron out differences between the House and Senate versions of Concurrent Resolution 6.

This resolution, in fact, addresses itself to the future of both the Public Health Service hospitals around the country and the center at Fort Worth. If sucessfully reported out of the committee, it would have indicated the will of both Houses that this center not be closed. The fact that the committee was unable, as the New York Times reported the next day, to reach agreement on the future of the narcotics treatment and research facility in Fort Worth should not in any way dispell the serious questions that have been raised about the propriety and the timing of the HEW order to close the facility down.

Considerable concern has been expressed in this House in recent months on any of a number of fronts about increasing executive department usurpation of the powers the Constitution specifically entrusts to both Houses of Congress, the legislative branch. This precipitate action by an executive department while the legislative branch of this Government was about the business of passing legislation in this very area will long serve, as far as I am concerned, as a very good example of just how far the executive branch of this Government is prepared to go in the face of congressional opinion.

The fact of the matter is that this House had voted overwhelmingly to keep the facility open some months before. The department of Health, Education, and Welfare could not but have been fully aware of this action in arriving at and executing its decision. As the honorable gentleman from Texas has so eloquently pointed out, we are talking about human lives here not just budget figures.

HEW, in its decision to close the center down, is clearly using the patients at the institution as "pawns in a powerplay to thwart the will of Congress by presenting us with a fait accompli."

With one breath, the administration professes its deep concern for the alarming drug problem the Nation is faced with. Conferences are being held at the White House with legislative leaders as part of a massive attack on the problem and yet, with the other breath, the Government Department entrusted with the welfare and health, with the lives of our citizens closes down one of the only two national Federal drug treatment centers in the Nation. On August 2, that is the date, this House voted by an incredible 370 to 4 in favor of a resolution expressing the sense of Congress that certain U.S. public health services remain open, specifically including the clinical research centers in Fort Worth, Tex., and Lexington, Ky.

In view of the obvious determination on the part of forces in the Office of Management and Budget and the Department of Health, Education, and Welfare, to fly in the face of expressed congressional intent and work their will, it is time that all concerned Members of Congress make their views known and stand up and fight before it is too late, for those of us who have been in this struggle for the past 10 months, and more, to save the whole public health service in this country have been given an excellent lesson in just how far the administration is prepared to go to work its will in this area. The Public Health Service hospitals in this country have been serving this Nation well for close to 175 years.

I take particular pride in representing Boston in this House, where the first of these hospitals was founded to care for this Nation's merchant seamen, and later our coastguardsmen and their dependents, active and retired military personnel and their families, as well as other Federal employees. What good does it do for Congress to pass resolutions, appropriate funds in the HEW budget—an additional $14 million for fiscal year 1972, to be precise—if the administration is going to act as if Congress had not even addressed itself to the question under consideration?

The administration should know in advance that it is treading on dangerous ground if one of these hospitals is closed in the near future, for on this, both the House and the Senate are clearly in agreement. The conference committee report on Concurrent Resolution 6 of October 19, 1971, makes this point crystal clear. I hope the administration has not heard the last word on this problem with this speech and that, instead, it will serve to keep the issue alive for as long as necessary.

A REALISTIC LOOK AT OUR CONTRIBUTION TO THE UNITED NATIONS BUDGET

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. KUYKENDALL. Mr. Speaker, the action of the United Nations General Assembly on Monday needs no further hairtearing nor breast-beating from me. Even though we may not agree that the Peoples Republic of China qualifies for membership under the "conduct of nations" clause, nevertheless the vote itself was entirely legal and aboveboard, by the U.N.'s own rules of procedure.

What is needed, Mr. Speaker, is something that has been needed for years, and is no more timely after the Red China vote than it was before it. And that is a realistic look at our contribution to the United Nations budget.

It is unnecessary to recount the figures. We all know, the entire taxpaying public of the United States knows, that for years Uncle Sugar has been paying the lion's share of the U.N. bills. Other nations have been remiss in their assessments, delinquent in their payments, somewhat cavalier about their back bills. And we, in our zeal to make the U.N. work, to bring about a harmony of nations, have been too tolerant for too long.

I suggest, Mr. Speaker, that the time is ripe for us to say, in all candor, that the U.S. apportionment of the U.N. budget is due for an agonizing reappraisal. A more equitable means of financing this heavy load must be found.

Several weeks ago, when President Nixon allowed the dollar to float in the world market, the timid economists wrung their hands and said:

> Oh, what will our allies think of us, for such a horrible thing?

Well, Mr. Speaker, you know and we all know, that our allies thought no less of us, and their only wonderment at all was what took us so long to do it.

The proposal I make today has much the same characteristics. Either we will be roundly damned in the capitals of the world, or we will be quietly admired for having the courage to draw a line. I sincerely believe it will be the latter.

What I propose, Mr. Speaker, is simply this: That the U.S. portion of the United Nations budget, and the portion of all its members, be recalculated on a formula based on the gross national product of that member nation. It would be unrealistic to make an assessment on the basis of population, and I would oppose any proposal to do so. But the GNP base is a fair economic yardstick, and it is the best way I know to find out whether the other nations of the world want to maintain the U.N., or if they merely wish to continue using it only so long as it is there and so long as it costs them nothing.

With this reassessment, Mr. Speaker, I would add one other important proviso: That sanctions be proposed by the General Assembly for nonpayment of the club dues, and that we be the first member nation to serve notice that if the other members are remiss, we will be, too. We could simply say, that we will pay exactly that percentage of our assessment that is paid by the total membership of the assembly. If everybody else pays, we pay 100 percent. If 80 percent of the members pay, then we will be 20 percent delinquent.

This is the kind of language our people understand, Mr. Speaker. And I think the rest of the world is just as capable of understanding it.

TRANSATLANTIC BRINK

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. CONABLE. Mr. Speaker. Mr. Speaker, we have begun the long-overdue task of reshaping the international economic order as a result of President Nixon's initiatives in imposing a 10-percent surcharge on imports and floating the dollar. The President's actions have forced our trading partners to recognize the necessity of dealing now with the problems which exist and of fashioning new economic relationships. The response of our European partners has been hesitant and uncertain, however, and Mr. Jean Monnet of France, a long-time advocate of European unity, has pointed out to his colleagues the need to develop promptly a response reflecting their continuing unity. Mr. C. L. Sulzberger has written in today's New York Times of the importance of this continuing unity, both to the United States and Europe, and I submit his article for the consideration of all the Members of Congress.

The article follows:

TRANS-ATLANTIC BRINK

(By C. L. Sulzberger)

PARIS.—Unless the six members of the Common Market, combined together with Great Britain, join swiftly in a collective action fixing currency parities and negotiating as a single unit with the United States, a trade war may erupt in the Western world.

This is the opinion of Jean Monnet, generally regarded as the Father of Europe. Monnet, who has been pressing steadily toward his goal of unifying the West ever since he worked in the League of Nations secretariat, warns of trouble in the event of no action—in time.

"I think everyone in Europe and the United States is against a trade war," he says. "But the danger of such a development will only come if the monetary problem endures too long. Personally I am optimistic enough to think it can be settled by the end of this year.

"Europe, including Britain, although it isn't yet a member of the market, must decide on its own stable monetary parity. After that, acting as a single group, the Common Market countries plus Britain can discuss the issue with the U.S.A."

Monnet stresses that before the European countries approach the United States on negotiating a new basis for financial and economic relationships they must "prove to themselves and also to the world that they form a unit.

"After they have done so the seven—the Common Market plus Britain—can create an executive organization along the lines mentioned by French President Pompidou in order to deal with the various currency reserves. Only in this way is it possible to bargain with the United States and to determine how Europe will deal with the dollar problem."

What Monnet means is that if the seven "Europeans" don't deal with the present fiscal crisis as a single unit they face the possibility of splitting into national segments and entering into damaging national commercial competitions—or a trade war—as implied in the recent action of Denmark. Denmark imposed an import surtax similar to that of the U.S.A. Monnet points out:

"The situation that produced the present crisis has been dormant for years—and it was a good thing that Nixon took action. But the action he took—above all the 10 per cent surtax on imports—could open the door to other capitals doing the same thing, as we have just seen in Copenhagen. It would be very bad if such a trend were to continue."

He warns: "Some people believe Washington would prefer to deal separately with the European countries, as for example West Germany. The seven must work in unison. We need an agreement on this as soon as possible between Pompidou and Chancellor Brandt. The Nixon action was necessary but it opened the door to discrimination unless the proper actions are taken.

"The process started by Nixon in August is part of a great international change. The world is getting a new face. But whether the measures now being applied on currency will lead to something better or worse is something we do not yet know.

"A monetary agreement is imperative and, to achieve this, it is necessary to have an accord between Paris and Bonn before the end of 1971. A trade war will not happen if action on parity is taken quickly and followed up by discussions with the United States. While the latter are taking place, 'Europe' can set up its own controlling body as foreseen by Pompidou. But there is no time to waste."

The way Monnet expresses his opinions is mild. But his calm manner doesn't obscure the apprehension felt here that unless there is speedy united action to get accord on one basic program for Western Europe, which would then negotiate a new relationship with the U.S.A., a disastrous trade war could break out.

Were that to happen, the entire concept of Western unity as expressed by NATO would be threatened. Neither Americans nor Europeans are dramatically interested in fiscal or commercial problems.

Nevertheless they will be forced to realize during the next two months that if they cannot get together and arrange a new trans-Atlantic business relationship, their mutual political and defense relationships could fall apart. The subject is dreary but vital; and the time is short.

PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WYLIE. Mr. Speaker, a recent letter written by the Honorable JOHN E. HUNT to Rev. M. M. Billman in his district eloquently states some of the merits and reasons in favor of the amendment which would permit nondenominational prayer in public schools. I commend this letter to my colleagues' attention:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 22, 1971.

Rev. M. M. BILLMAN,
Camden, N.J.

DEAR REVEREND BILLMAN: This will acknowledge the materials you sent opposing the proposed amendment to the Constitution that would permit the recitation of voluntary, nondenominational prayer in the public schools.

I would first point out that I am a sponsor of such a proposal and I did sign the petition to discharge the House Judiciary Committee from further consideration of the legislation. In consideration of the broad and unrestricted religious freedom we enjoy and our religious heritage, I find it difficult to believe that "separation of church and state" was intended to mean that our children could not participate in voluntary prayer exercises in school. I am not troubled by the Supreme Court decisions which say that no official, governmental body can formulate and dictate any particular prayer that might be observed, but I find the Court's construction of "state neutrality" more than strained when students are forbidden to voluntarily assemble on school grounds, prior to regular school hours, to participate in a reading of the daily prayer that appears in the Congressional Record.

It is stated in one of the enclosures you sent that "These factors combine to operate with indirect coercive force on young and impressionable children to induce them to take part in these exercises, despite a freedom to be excussed from participation". It is these same young and impressionable children who, I believe, in the absence of the right insured by the proposed amendment, will have indelibly etched in their minds the hyprocrisy of an adult world, observing daily prayer in its highest institutions of government, that denies its youth of the opportunity to *participate* in this same type of observance. The young as well as a large number of responsible adult citizens have been unable to grasp the subtle distinctions if, in fact, there are any of substance.

The Constitution provides for amendments and, as you are well aware, the process is very tedious. Even should the proposed amendment be approved by a two-thirds vote of both the House and Senate, it would then have to be ratified by three-quarters of the State legislatures. I have no hesitation in expressing my belief that the controversy that was stirred in this field by the U.S. Supreme Court, revived repeatedly as school boards, States, churches, and lower courts strain with a myriad of interpretations of the Supreme Court's intent, more than justify taking the debate to the people and to the State legislatures which represent them. If it is feared that the proposed amendment will eventually result in widespread, acrimonious controversy and litigation—as the statement you enclosed indicates—my greater fear is that the evil that has pursued the confusion emanating from the Supreme Court's prayer decisions might go unchecked.

I have confidence in the constitutional amendment process and its safeguards against hasty action. At the same time, I have great faith in the ability of our people to meet the challenge of intelligent debate on the issues and to decide wisely. It is apparent that the religious leaders who now oppose this move are the prophetic generals without their armies. They have failed to alleviate the widespread disagreement with the Supreme Court's interpretations of the First Amendment which they (religious leaders) believe is the product of misunderstanding. It is indeed ironic that almost 10 years after the Supreme Court's first prayer decision, it was not until Congressman Wylie's discharge petition was signed by the requisite number of 218 Members on September 21, 1971, that I received the very first repudiations of the proposed amendment from scattered members of the clergy. Frankly, I am not swayed in my belief that the debate on the Prayer Amendment should now be taken to the people, and that will be accomplished by the submission of the amendment to the State legislatures upon the approval of two-thirds of the Members of the House and Senate.

Sincerely yours,

JOHN E. HUNT,
Member of Congress.

RADICALS GATHER FOR HATCHET JOB ON THE FBI

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHERLE. Mr. Speaker, this Friday and Saturday, at Princeton University in New Jersey, a group calling itself the Committee for Public Justice is holding a conference sponsored by the Woodrow Wilson School at Princeton, ostensibly to take an objective look at the FBI. Undoubtedly, this event will attract a great deal of publicity, particularly in certain segments of the news media which glory in any anti-FBI expression, regardless of its source.

Mr. Speaker, it is essential that the people of this country be informed of the background of those involved in this so-called objective review of the FBI. A column by Alice Widener, released October 22 by U.S.A. Syndicate, is most revealing. In it, she catalogs the radical associations of the "independent scholars and experts" who will convene to perform this hatchet job on Mr. Hoover's organization. This information is vital to an understanding of what will really transpire at Princeton this weekend, and I insert her article in the RECORD in its entirety today:

PROFESSOR WITH A STICKY IDEA

(By Alice Widener)

NEW YORK CITY, October 22, 1971.—It isn't at all surprising that Professor W. Duane Lockard, Chairman, Department of Politics, Princeton University, told the press, "I was the guy with the idea" for the upcoming

Conference on the FBI to be sponsored jointly at Princeton, October 29–30, by the Woodrow Wilson School and the ultra-liberal Committee for Public Justice.

Both of Prof. Lockard's daughters, Leslie Katherine and Janet Frances went to Cuba with the pro-Communist, radical New Leftist Venceremos Brigade; Leslie in December 1969, and Janet from March to May, 1971. Of course it may be that Prof. Lockard disapproves of his daughters' radical activities. But his sanction of the so-called "scholars" and "experts" invited to submit papers on the FBI shows his definite predilection for New Left "scholarship."

Among the papers scheduled to be presented at the Princeton kangaroo court hearing on the FBI are "Political Uses of the FBI" by longtime radical Leftist I. F. Stone; "Informers" by Frank Donner, notoriously pro-Communist New York lawyer who has taken the Fifth Amendment about his Communist Party activities again and again during Congressional investigations; "Selling of the FBI" by Robert Sherrill, writer for the radical Nation magazine and an editor of "Mayday," which described itself as dedicated to revolutionary guerrilla journalism. Another "scholar" scheduled to present an "Insider's View" of the FBI is William Turner. A special FBI agent for ten years, Turner was dismissed from the FBI in 1961 for "lack of truthfulness" among other charges. He sought reinstatement through the Civil Service Commission and lost; he took his case through the U.S. courts all the way to the Supreme Court and lost.

That gives you an idea, dear readers, of the kind of objective political scholarship concerning the FBI that will be offered at Princeton this month.

The co-sponsor of the Conference on the FBI is the Committee for Public Justice formed in November 1970 by prominent ultra-liberal and radical Democrats alleging that our nation has entered "a period of political repression" under the Nixon administration. On April 28, 1971, the Washington, D.C. Evening Star reported that spokesmen for the Committee for Public Justice held a press conference to announce that the "private group" would meet at Princeton to conduct "a scholarly serious study of the FBI." They chose the university as a meeting place, they said, because the conference would be held "in an atmosphere removed from the pressures of politics."

But politics, in my opinion, is exactly what the conference is all about—ultra-liberal and Democratic New Left politics mixed with pro-Communist politics.

Two of the leading spokesmen for the Committee for Public Justice are Burke Marshall and Roger Wilkins, both former Kennedy Administration aides. On the Committee's executive council are radical Leftists such as Lillian Hellman, playwright; Robert B. Silvers, formerly on the national council of the notorious and discredited National Conference for New Politics in 1967; Norman Dorsen, general counsel of the "anything goes" American Civil Liberties Union. The politically ambitious left-leaning Democrat former U.S. Attorney General Ramsey Clark is on the Committee's executive council. The Committee's membership list is star-studded with radiclibs such as Leonard Bernstein, musician who raised funds for the Black Panthers; G. Van Woodward, a Socialist Scholar; Ronnie Dugger and Martin Peretz, both former members of the executive board of the Communist-collaborating National Conference for New Politics in 1967.

What really is the underlying motive for the Conference on the FBI at Princeton this month?

Obviously it is a move by a Leftist coalition among Democrats to try to stick the Nixon Administration with an unfounded charge of using the FBI to create "political repression" in our nation. In my judgment, the phony charge won't stick. Neither regular Democrats nor the vast majority of Americans will go along with it. They know the FBI never has and does not now play party politics. We also know the FBI is justly world famous for its efficiency, integrity and decency.

Prof. Lockard of Princeton will soon find out he has a sticky idea that won't stick.

SICKLE CELL ANEMIA PREVENTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ANDERSON of California. Mr. Speaker, sickle cell anemia kills half of its victims before their 20th year, and most of the rest by age 40.

This painful and deadly blood disease is inherited when both parents carry the sickle cell trait. Approximately 2,500,000 black Americans carry this trait and pass it along to their offspring. Approximately one black child out of every 400 to 500 born in the United States inherits this often fatal disease.

What is the solution? How can we attack this killer?

There are techniques for examining individuals to detect whether the sickle cell trait is present. The most common technique is the Sickledex test which costs about 50 cents per blood sample to perform. However, for those who have the disease no completely satisfactory cure is presently available. The reason for the lack of information on sickle cell anemia is inadequate funding.

Simply to fund a Sickledex test for the residents of the City of Compton, Calif. would cost about $27,890.

Mr. Speaker, the bill I am introducing today, the National Sickle Cell Anemia Prevention Act, would create a preventive program in the National Institutes of Health.

To assist the communities in the establishment and operation of voluntary sickle cell anemia screening and counseling programs; the Secretary of Health, Education, and Welfare would be authorized to spend $75 million over the next 3 years.

The bill also authorizes $45 million over the next 3 years to promote research in the diagnosis, treatment, and prevention of sickle cell anemia.

In order to provide detection, counseling, and treatment for black veterans and members of the armed service; the Administrator of the Veterans' Administration and the Secretary of Defense are directed to establish voluntary programs.

Mr. Speaker, we must direct our immediate attention to the problem of sickle cell anemia, and we must make every effort to cure this severe health problem. An effective national program, such as envisioned in this bill, would produce a significant benefit to the black community, specifically, and our entire country, generally.

QUESTIONNAIRE RESULTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DRINAN. Mr. Speaker, I am delighted that a very large number—a total of 11,292—of my constituents responded to the questionnaire sent in the recent past to all of the households in the Third Congressional District.

A large number of very significant conclusions emerged from this questionnaire. Among the many noteworthy conclusions I would like to call attention to the following:

Almost 63 percent of all of those who replied are in favor of a comprehensive national health insurance plan paid for by payroll deductions similar to social security. I am consequently very pleased that I am a cosponsor of the Kennedy-Griffiths bill which is designed to do precisely this.

I find it most significant that 82.2 percent of all those who answered feel that the present level of military spending should be reduced. I think that the reply to this question ties in with the 62.8 percent of the respondents who feel that the draft should not be continued. It is notable that among young people who answered, 81.8 percent feel that the draft should be eliminated. I have voted to cut down on military spending wherever possible and have cast a ballot not to extend the draft.

I was not surprised that 64.8 percent of those who replied favor withdrawal of troops from Vietnam immediately or no later than December 31 of this year. I have voted consistently for any resolution or law which would terminate American involvement in Vietnam.

Of those who answered, 81.9 percent would favor a law requiring the registration of all handguns. This overwhelming majority gives me reassurance and courage to continue to press forward as a member of the Judiciary Committee for the enactment of Federal legislation to control handguns.

Of the almost 12,000 people who responded to this questionnaire, 75.1 percent are opposed to the use of electronic surveillance devices to secure information on individual citizens. I am encouraged to remain firm in my opposition to any claimed inherent power by the Federal Government to wiretap or otherwise secure information without court authorization.

No clear consensus emerged with regard to what, if anything, should be done concerning the penalties for the use of marihuana. Similarly, no consensus appeared from the answers to the questionnaire with respect to the level of appropriations for space research and the NASA program.

I find it very significant that the top priorities by all groups, and by a large margin, are the ending of the Vietnam war and the control of pollution. I shall continue to work as diligently as possible to achieve these objectives.

The text of the questions and a summary of the results follow—numbers represent percentages:

	Total	Men	Women	Youth
1. Should the Federal Government administer a system of comprehensive national health insurance, paid for by payroll deductions similar to social security?				
Yes	62.9	61.5	64.0	64.7
No	37.1	38.5	36.0	35.3
2. Should the present level of military spending (approximately $75,000,000,000) be reduced?				
Yes	82.8	72.8	85.4	83.6
No	17.8	21.2	14.6	16.4
3. Should the Federal Government pass a law requiring the registration of all handguns?				
Yes	81.9	77.2	86.6	82.6
No	18.1	22.8	13.4	17.2
4. Do you favor extension of the draft?				
Yes	37.2	45.5	33.5	18.1
No	62.8	54.5	66.5	81.8
5. Do you favor the Federal Government establishing temporary wage and price controls to combat inflation?				
Yes	67.0	64.5	68.6	71.3
No	33.0	35.5	31.4	28.7
6. Do you approve of the use of electronic surveillance devices, without court authorization, by agencies of the Federal Government, to secure information on individual citizens?				
Yes	24.9	28.0	23.1	19.4
No	75.1	72.0	76.9	80.6

7. Do you favor withdrawal of troops from Vietnam:

	Immediately	By December 31, 1971	At present rate	Other
Total	36.5	28.3	30.0	5.2
Men	31.9	26.9	35.2	6.0
Women	38.3	30.2	27.3	4.2
Youth	47.6	27.1	19.3	6.0

	Increased	Decreased	Unchanged	Eliminated
8. Do you believe that the penalties for the use of marihuana should be:				
Total	26.7	31.2	14.6	27.5
Men	27.7	29.3	14.5	28.5
Women	27.7	33.3	14.9	24.1
Youth	19.7	30.3	13.6	36.4
9. Do you think that appropriations for space research and the NASA program should be:				
Total	17.8	36.9	34.2	11.1
Men	22.6	32.0	35.1	10.3
Women	12.7	41.6	34.2	11.5
Youth	18.1	38.3	30.3	13.3

	Total	Men	Women	Youth
10. What do you think our Nation's priorities should be? Please check the 3 items that you believe are the most urgent.				
Reduce unemployment	12.8	12.9	12.8	12.6
Reduce health care cost	7.0	7.2	7.7	3.9
Control pollution	15.9	14.4	16.0	21.2
End Vietnam war	21.4	19.9	22.5	23.0
Control crime	10.3	11.4	9.4	9.4
Explore space	.9	1.2	.5	1.5
Improve veteran's benefits	1.0	1.2	.8	.9
Control drug abuse	10.2	9.7	11.0	9.3
Control inflation	10.6	12.2	9.5	8.2
Reduce military spending	6.6	6.6	6.3	7.7
Improve consumer protection	3.3	3.3	3.5	2.3

I send to every person who responded to this questionnaire my great gratitude for the deeply appreciated assistance which you have given to me in my task of being your Representative in the Congress of the United States.

WE NEED A NEW FOREIGN ECONOMIC POLICY THAT IS PRAGMATIC AND BUSINESSLIKE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DENT. Mr. Speaker, the President's announcement of a voluntary agreement in textiles by the largest exporters, namely Japan, Hong Kong, Taiwan, and Korea, and the removal of the 10-percent surcharge on textile imports will not serve either the textile industry or its workers insofar as their well-being is concerned.

It is interesting to note that a study of the textile employment picture shows that instead of removing the surcharge and negotiating voluntary or any other kind of agreement, what is needed in this industry and others is a graduated cutback in exports over a period of 5 or 10 years, depending on the percentage of the American market that is being serviced by foreign-made products.

Unless this is done, the threat to the American economy is not lessened, but will increase by leaps and bounds regardless of so-called international voluntary or even mandatory agreements. For instance: The population of the United States grew from 179.3 million in 1960 to 203.1 million in April 1970. This was an increase of 13.3 percent. However, the civilian labor force grew from 72.1 million to 85.9 million in the same period. This was an increase of 19.1 percent. During the same decade, 1960–70, employment in manufacturing grew from 16.79 million to 19.39 million, or 15.4 percent. This was 24 percent less—15.4 percent as compared with 19.1 percent—than the growth in the civilian labor force. In August of 1971, the employment in manufacturing was 18.5 million, or 890,000 fewer than the average for 1970. Textile mill products and apparel are among the industries that suffer from import competition. Total employment in this industry was 2.157 million in 1960, and 2.009 million in August 1971. This was a decline of 145,000 workers.

Looking at it another way, had employment in the textile industry kept pace with the growth of the civilian labor force from 1960 through August 1971, employment would have increased by 22.6 percent, which was the percentage increase of the civilian labor force. Even if employment in textiles and apparel had grown no faster than the growth in manufacturing employment—15.4 percent from 1960 to 1970—employment should have risen from 2.157 million in 1960, to 2.489 million in August 1971. The deficiency then would have been 194,000 workers What is even more startling is that there is an actual decline from 1969, to August 1971, of 116,000 jobs. While employment fell behind in this manufacturing industry, service employment, through governmental programs, had to make up the deficiency in order to hold down the unemployment figures. What actually happened was more total unemployment in many industries such as steel, leather footwear, textiles, stone, clay, and glass. It is estimated that the loss of the marketplace to imports has cost 850,000 jobs in those industries alone. When one considers the total area of employment in the United States, electronics, ceramics, plywood, automobiles, and the endless number of industries and products affected adversely by the flood of imports into this country, a safe guess would be that we have lost somewhere between 2 and 2½ million jobs in production and services in the last 10 years. About 25 percent of the total was lost in the last 2 years.

While international capitals put out threats and their American parrots condemn even the mild action taken by the President to save this Nation, the damage continues daily. Somewhere along the line, the American people, as well as the people of other nations, will have to realize that no nation can survive if it allows its work force to be decimated by production from other countries.

Every nation must measure its economy needs and strive for self-efficiency in their economy, buying only those items necessary to fulfill their requirements.

While this is not good news to the international import-export crowd, it is the only safe road to understanding and peace between countries.

I have been warning the Congress and the last three administrations of the grave danger in allowing any nation or group of nations to become dependent upon the American marketplace for their economic well-being.

We have sown the wild wind and we are now beginning to reap the harvest of worldwide condemnation and the serious threat of a worldwide depression. While this is not easy to contemplate, any action other than direct and to the point reduction of the impact of imports into this country, and, in fact to any country in similar circumstances, will bring about a worldwide depression. Japan cannot expect its 100 million people to be kept by the marketplace of other countries.

Nations must not expect to profit from joblessness and unemployment caused by their exports. Somewhere in this great Nation of ours there must be someone who can awaken our sleeping leaders to the most serious challenge of our existence as a Nation.

One of the industries that is indispensible in peace and war is being slowly, but surely, choked to death by imports in an area of production that no industrial nation can ever allow itself to become nonself-sustaining. This is the steel production industry, manufacturers of specialty, stainless, and tool steel. This industry is threatened by two political policies of our Government: One is the embargo of Rhodesian ore, making it unavailable to American industries in direct contract with Rhodesian mines, and forcing American industries to pay premium prices to middlemen Nations—such as Japan and the Soviet Union—why buy the same ore we are not permitted to buy and then ship it to the United States.

The second politically inspired policy is the State Department's use of international trade as an arm of diplomacy. It has never worked in the history of the world and it has caused more bitterness, loss of life and destruction to personal property than any other single international endeavor. The inexact science of diplomacy has never been able to blend smoothly with the exact science of economics.

We are no longer fighting for protectionism; we are fighting for survival. Unless we do something drastic and set a definite time period to recapture our own domestic market, the crop of youngsters coming into the labor market in the next 2 or 3 years will create the worst unemployment conditions this or any other nation has ever seen.

For all intents and purposes, we may as well forget the so-called free trade philosophy, and the great prattle about lowering barriers in other nations so we can sell our goods to them. Thanks to the United States, they have pretty well taken care of their own needs, without our products. In view of the wage differences: U.S. wages are $4.18 per hour, while Japan pays 95 cents per hour, barriers on competitive goods are red herrings. This means that a $100 will buy 105.3 hours of labor in Japan, while it only buys 23.9 hours of labor in the United States. We cannot sell automobiles, radios, televisions, and so forth, to Japanese consumers in the volume that Japan sells to our consumers since we cannot match their labor cost and sell as cheaply.

While the words isolationism and protectionism have been tossed around loosely by the self-serving free traders, I would like to think that Industry Week of October 4, 1971, told it not like it is but like it should be when it said:

> We need a new foreign economic policy that is pragmatic and businesslike.

You and I had better think along these lines.

THE "CONSTELLATION" NINE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DELLUMS. Mr. Speaker, on October 1, nine crewmembers of the aircraft carrier *Constellation* refused to go aboard when the ship left San Diego for a sixth tour off Vietnam.

The nine men all took sanctuary in Christ The King Church. Naval officials termed the men deserters and seized them in the church and returned them to the *Constellation*.

I have recently received two letters from persons involved in the *Constellation* incident, and I would like to share them with my colleagues. I do this because I believe that these men exhibited extreme moral conviction and courage by their act, and while I would never encourage any person to break the law, I think it important to understand why laws are not followed.

The letters come from the parents of one of the *Constellation* "Nine," Scott Flanagan, and from a group of supporters of the "Nine." They are eloquent documents and they speak for themselves.

The documents follow:

CONGRESSMAN DELLUMS, when the historians write about this era in our history it will no doubt be the most depressing era of American history. It will show that while our government officials, military hierarchy and apathetic public sat on their hindsides, our youth rose to the occasion and stopped the most asinine war in our history. Maybe our spirit hasn't been killed but it has been severely impaired. Not until the courageous youth of our nation stood up to be counted did we awaken to just what is going on. The absolute defiance of the rights of our young people to think, act, and respond to a country they would like to be proud of.

We continue to send them to a police action in which we play a game of give and take, not with checkers but with their lives. Young people who are subject to the most unfair drafting method on earth today. A method that can be beaten by the affluent and intelligent and therefore a gross injustice to the poor and not so well educated.

Yes, the Connie Nine case is one in which the navy, in order to save face, must show its ill gained and absolute power over our sons. I firmly believe the youth of today will win against the most trying odds, and I'll be the first to cheer them to exhaustion.

Look into the Connie Nine, talk to the Connie Nine, and listen to our other courageous young men and women to our youth. They are trying to do a job at which we have failed. They can win without us, but we can all win if we help them.

Everything the Connie Nine did, they did in the open and the public was never denied in the Sanctuary, as witnessed by many official government people who were present. Why then can't the Navy be as open in their trial and punishment of the men who asked for and was denied a General Court Martial, in order to keep all their trial and punishment at sea aboard the Connie. The reason given as stated by our sons was, a full court martial is too expensive.

Thank you for hearing us out.

Sincerely,

Mr. and Mrs. JAMES D. FLANAGAN.

SAN DIEGO, CALIF.

2143 MARKET ST.,
San Diego, Calif., October 15, 1971.

Hon. RONALD DELLUMS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DELLUMS: On October 1, 1971, nine men from the attack aircraft carrier U.S.S. Constellation refused to sail with that ship on its sixth bombing mission off the coast of Indochina. They are: ABEAN Charles Andrews of Greensburg, Pennsylvania, SA David M. Clay of Stockton, California, ETR3 Carl Scott Flanagan of San Diego, California, ABEAN John Daniel Hoag of St. Louis, Missouri, FA Darryl Larrabee of Duluth, Minnesota, SM3 Charles M. Lawson of Midlothian, Texas, SN Ronald P. McLeod of Little Rock, Arkansas, FN James Mikell of Screven, Georgia, and AT3 Jon C. Obe of Ellsworth, Iowa. These men instead took sanctuary in Christ the King Catholic Church in San Diego, California.

These men have been called traitors to their country. They are not traitors. These men have deeply felt moral and religious convictions which make it impossible for them to reconcile their consciences with sailing on that ship. Such conscientious objection is not an un-American act. America was founded by individuals seeking just such religious liberty. America, unlike a totalitarian state or dictatorship, provides individuals with the right to express the feelings of their consciences. This freedom of expression means little without the freedom to act on the ideas and ideals expressed. America, as a free country, supposedly welcomes people of all beliefs and persuasions, for such divergence of opinion is what keeps a democracy alive and functioning.

The nine men of the Constellation who took sanctuary and refused to sail with that ship were exercising that freedom of conscience. They were saying no to a war which the majority of Americans want ended; a war judged to be illegal and immoral; and a war which both the President and the Congress of the United States say we are getting out of. These men have strong feelings against what they see to be senseless destruction of Southeast Asian lives and land: destruction which the U.S.S. Constellation sailed to continue, with a cargo of six million pounds of bombs, and at a cost of two million dollars a day.

These men have tried every means open to them to prove their opposition and sincerity: they have requested conscientious objector discharges; they have refused to sail with the ship; they have refused to work on the ship; they have refused to eat on the ship. Still, the Navy insists on keeping these men on board.

These men had the courage to make a public statement of opposition to the Constellation's bombing mission. The Navy chose to ignore this sincere statement, and flew them, immediately after apprehension, back to the ship. Since on board, the nine men have been denied legal counsel, denied a court martial, and sentenced to the brig. Their presence, the Navy claims, requires the time, expense, and energy of constant surveillance by marines and Master-at-Arms; their refusal to work can in no way contribute to the maintenance of the ship; their continuing hunger strike will mean added medical attention and expense to the ship. It is an inhuman, expensive, and absurd punishment to keep these men on the U.S.S. Constellation when their consciences prevent them from in any way contributing to the physical operation or morale of that ship. The only contribution these nine men will make to the U.S.S. Constellation is to serve as a vocal, ever-present reminder to the other sailors on board of the real meaning of the Constellation and its cargo of bombs.

It seems beyond comprehension that the Navy would find it beneficial to its public image or in its financial interest to keep these nine men on board the U.S.S. Constellation. We, the supporters of these men, urge their immediate transfer from that ship.

Sincerely,

CYNTHIA O'HARA,
For the supporters of the Constellation Nine.

THREE GERMANYS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHMITZ. Mr. Speaker, President Richard Nixon, in his inaugural address, January 20, 1969, said:

> We are entering an era of negotiations.

From Paris, where we negotiate with arrogant Vietnamese Communist while we have the necessary military force to compel them to do anything we wish; to Helsinki, where the SALT talks serve as a rationalization for failing to respond adequately to the massive Soviet nuclear buildup; to Panama, where we discuss changing the status of the Canal Zone which is undeniably ours by any objective interpretation of treaty law; to Communist China, where our new policy amounts to outright betrayal of a long-time ally; to Berlin, the subject of this newsletter—this "era of negotiations" is now underway.

The recently concluded four-power agreement between the United States, Great Britain, France, and the Soviet Union on the status of Berlin adds weight to the suspicion that our "era of negotiations" is nothing less than an era of unparalleled concessions by the free world. As Congressman John E. Hunt, of New Jersey, recently put it, with reference to the new Berlin agreement:

> I detect in government policies of late a very discouraging tendency to engage in retrogression while labelling it progress.

After 17 months and 77 negotiating sessions the Soviets managed to persuade the West to sign an agreement which, in effect, returns Berlin to the 1945 status quo—minus. Specifically, it has these results:

The wording of the accord constitutes de facto U.S. recognition of East Germany as a sovereign state. This abandons the Western Powers' long-maintained position that only the freely elected Government of West Germany has the right to represent all the German people, and accepts the permanent legitimacy of an illegal Soviet puppet Communist regime ruling East Germany.

The new Berlin accord abrogates the arrangements for West German administration of West Berlin instituted in 1949, denies that West Berlin is a constituent part of West Germany, and eliminates any German self-administration in West Berlin. West Berliners can no longer participate in the election of the President of West Germany, who can no longer exercise any real constitutional power over West Berlin as his acts there can now be vetoed by the Soviet consul residing in Berlin. The Bundestag—lower house of the West German Parliament—can no longer meet in West Berlin.

In place of these attributes of sovereignty, West Germany will be allowed to perform consular functions, thus accepting the implication that West Berlin is foreign soil. It should be mentioned here that the separation of West Berlin from West German authority has long been a Soviet goal.

The Soviet section of Berlin—East Berlin—becomes officially a part of East Germany, thus legitimizing the Berlin Wall.

The Soviet Union is allowed to establish a consulate in West Berlin. While the West gives up all claim to East Berlin, the Soviets are now allowed the same rights in, for example, the U.S. section of West Berlin that the English and French have there.

This means that for all practical purposes there are no longer two Germanies, one recognized by the United States as legal and one as illegal, but three: West Germany—our ally—East Germany—now recognized as a legitimate sovereign state—and what is known as "the sectors of West Berlin."

What did the West receive in return for all these concessions? West Berliners are to be allowed to go more freely into East Berlin—but under the earlier four-power agreements—broken by the construction of the Berlin Wall—there were to be no barriers whatever to travel by Berliners to any part of their city. "Transit" from West through East Germany to West Berlin is to be allowed—subject to East German regulations, which means that previous harassment of access could resume at any time.

Therefore, it is the simple truth to say, as an authoritative English journal of foreign affairs bluntly stated in commenting on this agreement, that what the Soviet Union "actually did was to give back a little of what it has taken illegally step by step over the years. The removal of some of these artifically created obstacles is now called concession."

Thus, in yet another case, the "era of negotiations" is shown to be an era of appeasement.

DISCHARGE PETITION NO. 10 TO RESCIND AND REVOKE U.S. MEMBERSHIP IN THE U.N.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RARICK. Mr. Speaker, I want to inform our colleagues that I have now lodged discharge petition No. 10 at the Clerk's desk to discharge H.R. 2632, a bill by Mr. SCHMITZ of California, to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof and for other purposes.

The effect of passage of H.R. 2632 by the House would be to remove the United States from the U.N. and the U.N. from the United States, thus freeing our people from the ever-tightening yoke of international controls and the erosion of national sovereignty and constitutional government.

The recent debacle of the expulsion of Nationalist China should bring home to every Member the failure of the U.N. to even abide by its own charter and that its present composition has degenerated into a circus for the various Communist parties around the world, as a command post for international subversion of free peoples and democratic institutions.

I urge all of our colleagues who recognize the threat of the U.N. Organization to our country and our people, as do Mr. SCHMITZ and myself, to sign discharge petition No. 10 so that we may have an opportunity to remove this cancer from our shores and our leaders from this contagious infection before it becomes fatal.

The American dream is freedom—not peace at any cost.

Discharge petition No. 10 represents a bipartisan effort on behalf of Mr. SCHMITZ who is a Republican and myself, a Democrat.

The signing of discharge petition No. 10 offers a chance to weed out the internationalists from the Americans.

I include a copy of H.R. 2632 in the RECORD at this point:

H.R. 2632

A bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the effective date of this Act the ratification by the Senate of the United States on July 28, 1945, of the United Nations Charter, making the United States a member of the United Nations, be, and said ratification hereby is, rescinded, revoked, and held for naught; and all Acts and parts of Acts designed and intended to perfect and carry out such membership of the United States in the United Nations are hereby repealed.

SEC. 2. That from and after the effective date of this Act all Acts and parts of Acts designed and intended to make the United States a member of the specialized agencies of the United Nations, or any of them, are hereby repealed; and all executive agreements, international undertakings and understandings, however characterized and named, designed, and intended to make the United States a member of the specialized agencies of the United Nations are hereby rescinded, revoked, and held for naught.

SEC. 3. That from and after the effective date of this Act any and all appropriations for defraying the cost of the membership of the United States in the United Nations or in specialized agencies thereof are hereby rescinded and revoked; and any unexpended and unencumbered balances of any such appropriations shall be covered into the general fund of the Treasury of the United States.

SEC. 4. That the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669; title 22, secs. 288 to 288f U.S.C.), be and it is repealed; and any and all Executive orders extending or granting immunities, benefits, and privileges under said Act of December 29, 1945, are hereby rescinded, revoked, and held for naught.

SEC. 5. This Act may be cited as the "International Organizations Rescission Act of 1969".

MEDICARE'S SECRET DATA

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, Mal Schechter, the Washington editor of Hospital Practice magazine, has recently brought to the public's attention the serious question of the prohibition of disclosure of medicare survey and inspection reports.

As one who has always believed that the ultimate safeguard in a democratic republic is the people's right to be fully informed and to make decisions based upon that information, I think that Members of the House should be concerned that older Americans are barred from information which is essential to them.

I am, therefore, including in the CONGRESSIONAL RECORD the article "Medicare's Secret Data" which appeared in the Washington Post on September 26, 1971.

The article follows:

MEDICARE'S SECRET DATA

(By Mal Schechter)

In 1939, the fledgling Social Security System warned Congress of a problem vitiating its objective of humane aid to the poor. Political candidates in some states acquired, legally, the names of Old-Age Assistance recipients and deluged them with campaign propaganda, promises and warnings. Tradesmen also used the lists. A few states actually required publication of the names to deter the poor from seeking relief.

Social Security Board Chairman Arthur Altmeyer asked Congress for authority to require confidentiality of records. Not only to protect assistance recipients but also individuals in the payroll tax program of old age and survivors insurance, Congress agreed.

Section 1106 of the Social Security Act to this day ranks as one of the most sweeping secrecy provisions in any federal program. It forbids disclosing "any file, record, or other paper or any information" obtained by the system or provided for official use, except as the Social Security commissioner expressly allows.

A quarter century after Altmeyer's plea, Medicare began.

There lies the rub. For Section 1106, implemented by Regulation No. 1, covers relationships hardly imagined in 1939.

Medicare deals with hospitals, nursing homes, clinical laboratories, physicians, health departments, and insurance companies. What Congress intended as protection of payroll taxpayers and beneficiaries has been extended to Medicare's corporate servants. The "authority to refuse to disclose"—as Regulation No. 1 puts it—has mushroomed, and this restricts the public's right to know about the quality of care it receives and the quality of Medicare's administration.

Much information on specific facilities is not open to the public, such as reports on Medicare-financed inspections of nursing homes and hospitals. These surveys contain information bearing on patient health and safety which could be important to families trying to place a relative. Or to newsmen, students of health care and public administration, or anyone who wants to know how good or bad a community is served by the health establishment.

But nobody can get these reports from Social Security.

In New York State, on the other hand, information on institutional deficiencies gathered by the state is, by law, public information.

Social Security Commissioner Robert Ball says he realizes that deficiency disclosure could help the public and patients, but he emphasizes "undesirable effects." He insists Medicare doesn't certify a facility endangering the patient's health or safety. Therefore, public disclosure of lesser deficiencies in certified institutions "might create unwarranted concern" or an "adverse public reaction (that) could severely hamper an institution's efforts to maintain patient loads while effectuating needed improvements."

SHORTCOMINGS SHIELDED

That serious deficiencies exist under Medicare is hardly hallucination. Federal auditors repeatedly have found Medicare homes lacking complete fire protection programs, required nursing attention, required physician attention, necessary emergency electrical service, and complete nurses' call systems.

Which ones? Don't ask the Social Security Administration.

Medicare certification is hardly an infallible guide to quality. Of some 4,500 Medicare nursing homes mentioned in a Senate Finance Committee report, nearly 3,300 had significant deficiencies, some tolerated for years in the category of "substantial compliance" with standards. The public never is told which homes are in "full" and which in "substantial" compliance. The Finance Committee says administrative legerdemain permits disregard of many standards.

The nation has the word not only of auditors but also of President Nixon that something is seriously wrong with federally subsidized care in nursing homes. Much of the President's recently announced effort to tighten up federal supervision of nursing homes appears directed at officially tolerated abuses—perhaps in good measure tolerated behind a screen of nondisclosure.

Although Social Security has some good words for disclosure, it has backed off from an innovative proposal by the Finance Committee. Last year, the committee proposed that Medicare publish information on deficiencies if an institution fails to correct them within 90 days. The proposal is still pending. Social Security has come up with many reservations to the plan without acknowledging the public's right to information. Ball has argued that 'widespread and indiscriminate dissemination of information about deficiencies" may have some undesirable effects.

The public's right to know may be forever in conflict with such official paternalism, whether altruistic or self-serving. Often considered one of the better bureaucracies, Social Security has a record on Medicare nondisclosure that goes beyond nursing homes. It was reluctant to name insurance companies that it found to be poor Medicare fiscal agents, including District of Columbia Blue Shield. It declined to disclose results of a Medicare survey of Boston City Hospital after disaccreditation by the Joint Commission on Accreditation of Hospitals; nondisclosure prevented an attempt to compare certification systems. Social Security is silent on revealing the names of Medicare nursing homes that have highly inflammable carpeting. It has stopped a state agency from describing the administrative process that permitted a leading clinical laboratory to be certified for four years without meeting key standards.

Even reimbursement information has been played close to the vest. When first asked for specific payments to hospitals, the agency said nothing doing: Regulation No. 1 Fortunately, Ball relented because "there is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

Ball made the data available and amended Regulation No. 1—but only to disclose institutional payments, not deficiency data. Alas, the hospital payment data turned out to be inadequate for comparing institutions on costs related to patient load. This raised questions about Medicare's capacity to analyze costs and influence development of cost controls amid medical-hospital inflation. A promise that good comparative data would be furnished regularly remains unkept.

Given specific hospital payment data, the extent to which Medicare financed certain racially discriminating Southern hospitals was assessed by Hospital Practice. The report led to tightening up of a Medicare loophole. There was no difficulty obtaining specific civil rights data from the Office for Civil Rights of the Department of Health, Education, and Welfare; that office said the records were public information.

SOOTHING THE INDUSTRY

The application of Regulation No. 1 to Medicare may be a historical result of the health industry's opposition to enactment of the program—and especially to its chief spokesman, Wilbur Cohen, then HEW under secretary. After enactment, Cohen, prodded by the White House, emphasized consultation and conciliation. Consumer representatives, including organized labor, followed Cohen. Much of the regulatory work was confidential from the very start. In this atmosphere, Regulation No. 1 was handy.

The bureaucrats who moved over from the cash-payments and disability payments programs had matured at the knee of Regulation No. 1. A history of early Social Security days points to the founding policy of shunning political controversy at almost all costs. This meant a tight lip on information that might stir things up even more for a young social program in the hostile 1930s. The system had to be above reproach and suffer its pains quietly.

These themes may have figured in the application of Regulation No. 1 to Medicare. The commissioner could have excluded the new relationships from nondisclosure. Psychologically, 1966 may have been 1936 all over again in the bureaucracy. Whatever the reason, frankness with the public has not been a Medicare hallmark where controversy portended—neither under the Democrats nor under the Republicans, who, the bureaucrats are aware, have special ties to protect in the health establishment, especially insurance companies.

Some officials argue that it is enough that congressional committees get information. Still, information on deficiencies does little practical good to the man in the street when deposited on the Hill under a "confidential" stamp. Nor, one might argue, should congressional oversight delimit the public's right to information. Medicare records probably are a mine of information for communities on the quality of medical-hospital care. Disclosure might generate healthy corrective pressures in localities.

The dangers of secrecy, some officials argue, are outweighed by the dangers of disclosing undigested technical information. Raw data might do the public little practical good. The proper rejoinder may be that government must provide the context to give data meaning, with other sources free to comment on the facts. The HEW Audit Agency has such a pattern so readers can judge for themselves.

THE CHANGES NEEDED

A few steps could give the public access to Medicare information. First, Section 1106 should be replaced by a simple statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information should be subject to the 1967 Freedom of Information law.

This statute assumes that all information in federal hands belongs to the people and is disclosable, with certain exceptions—such as internal policy memoranda, trade secrets and patient records. Unfortunately, the 1967 law exempts any antedating statutory authority for secrecy, such as Section 1106. Also lamentably, the law has been laced with bureaucratic interpretations that have created or widened loopholes.

The information law should be amended to narrow the loopholes, especially to make clear that factual material must be disclosed on request in timely fashion. Where doubt exists about "confidentiality," the matter should be examined by a board including non-bureaucrats. For example, the President might name such a board from newsmen, public representatives and bureaucrats. Among other things, they might have power to release the substance of documents after "sanitizing" to preserve necessary patient-beneficiary confidentiality. The board should work rapidly. Its decisions should be subjected to immediate court review.

Further, in the current debate over national health insurance all proposals should carry an explicit requirement for freedom of information, avoiding secrecy from the start. The debate over forms of health insurance, quality of care, economics and efficiency of services, and governmental-versus-private roles might be better informed today if the people had the facts.

Finally, the Senate Finance provision on releasing deficiency information should be enacted without delay. Anyone seeking to learn about the quality of a facility should be able to look it up at a district Social Security office. The same information on institutions in Medicaid and other government programs should be public, as should results of hospital accreditation inspections which form the basis for joining government programs.

Thomas Jefferson once said, "Give the people the facts and they will know what to do."

Medicare should do no less.

VFW POST URGES RESTORATION OF NOVEMBER 11 AS VETERANS DAY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BYRON. Mr. Speaker, many veterans' organizations are disturbed over the new Monday holiday schedule which put Veterans Day on October 25 this year. I would like to share with my colleagues a resolution passed by the William D. Byron, VFW Post No. 1936 in Hagerstown, Md., and later ratified by the Veterans of Foreign Wars, Department of Maryland:

Whereas: November 11 is a date inscribed in the hearts of all American veterans, living and dead and commemorated by their spirit; and

Whereas: November 11th symbolizes the end of American's first great foreign war which generated our first large group of veterans of foreign service; and

Whereas: November 11th through intervening years and on following wars has been associated by the American public for remembrance of the U.S. veteran; and

Whereas: November 11th is significant only through the sacrifice of the veteran population of our great country . . . a beacon for the improvement of the veteran's image; now therefore,

It is hereby resolved that our Congressmen and Senators be urged and petitioned to restore November 11th as the "Day of Recognition" to the veterans of the United States . . . Not, as presently in force, a day of convenience for business and other interests.

TRIBUTE TO JAY HAYDEN

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. HUTCHINSON. Mr. Speaker, I was deeply saddened to learn of the passing of a highly respected Michigan newspaperman. For 49 years, Jay Hayden served as a reporter for the Detroit News and bureau chief for the Detroit News Washington bureau.

He began his career as a printer's apprentice for a weekly newspaper in his hometown of Cassopolis, which is located in my congressional district. In 1916, he came to Washington and reported for the Detroit News until he retired in 1965.

This gentleman earned the respect of Government officials as an outstanding reporter who was dedicated to his profession and qualified to interpret the activities of the Government.

I remember Jay Hayden as a man who derived great enjoyment from his work and was dedicated to getting the job done. He was recognized by the Washington Press Corps as a highly skilled craftsman.

He recognized that being a reporter was a huge responsibility that not only touched the lives of Michigan's congressional delegation, but the lives of the readers of the Detroit News.

Jay Hayden was a natural-born professional journalist. He will be missed. We can console ourselves, however, that we had the good fortune of having known him and worked with him.

The following appraisal of Mr. Hayden's career was written by Will Muller, himself a highly respected columnist for the Detroit News, as Jay Hayden entered the eighth decade of life. Ironically, Mr. Muller died before Mr. Hayden on September 3, 1971, at the age of 64. I also include the announcement of Mr. Hayden's death as it appeared in the Detroit News October 25, 1971:

A NEWSPAPERMAN FOR 66 YEARS—JAY HAYDEN WON WIDE ACCLAIM

(By Will Muller)

Jay G. Hayden, Washington correspondent of The Detroit News for a half-century and a newspaperman for 66 years, was a legend in his profession.

At the time of his retirement in March, 1965, Mr. Hayden's wide readership, enduring service and proximity to national and world events had probably made him Michigan's best known newsman.

He won national recognition early.

He had been a member of the Gridiron Club, that professional association which admits only the newspaper elite of Washington, since 1920 and was the club's president in 1930.

Mr. Hayden's career had started in the print shop of the weekly Cassopolis Vigilant, at Cassopolis, Mich., in 1900.

From there he went on to personal and professional relationships with nine presidents, starting with Woodrow Wilson. He was known and recognized by statesmen of other nations in the world's most tumultuous half-century.

He was one of three American newsmen accredited to witness the signing of the Treaty of Versailles which ended World War I. His blunt assessment of that agreement as a breeder of future wars won him the respect of Premier Georges (the Tiger) Clemenceau who honored him with appointment as an Officier de l'Instruction Publique of France.

The years may have changed government and countries but they had a minimum impact on Jay Hayden. The twang in his voice, his sturdy physique unsubdued by well tailored clothes, his sly humor coupled with practicality, all identified him as a Midwesterner whether at an inaugural ball or a backroom political conference.

There was an almost boyish exuberance about him into his last years. His curiosity never flagged. His thirst for experience and growth and for everything new was matched only by a rare courtesy and a tolerance even of fools.

He played left-handed golf and two-fisted poker. He took martinis for lunch, sipped bourbon in senatorial suites, and embellished Washington parties as one of the most gifted raconteurs of his day. He had a phenomenal memory for detail that extended backward like an illuminated picture to his beginnings.

That was a long way. He was born in Cassopolis to James Girt and Ruth Kingsbury Hayden, Dec. 8, 1884. He spent his early years with his family on a farm near his birthplace.

Through his years and his honors, Mr. Hayden obeyed a personal creed. It was to get a story, get it if possible before the other fellow, get it right and get it to his readers.

A Hayden hallmark was the care exercised never needlessly to injure anyone.

The span of his experience is emphasized by the changes he saw. He arrived in Washington for The News on the day after Christmas in 1916 by train. It took five weeks for his car, a Model T, to follow him on a flatcar.

Washington was a somnolent Southern town with plenty of time on its hands. Correspondents, often in spats and carrying canes, were cavalier fellows who held personal conferences with the occupants of the White House and Cabinet members.

"The whole cost of the federal government for the fiscal year 1916 was $734,156,202," Mr. Hayden reminisced in one of his last stories. "There was great commotion when for fiscal 1917 President Wilson asked for appropriations slightly exceeding $1 billion."

Mr. Hayden in succeeding years saw the city bulge from the impact of two world wars until much of it extended into states bordering the District of Columbia. He watched the nation's budget brush $100 billion and the national debt approach $300 billion.

It was a world of the written word when he entered the news profession. Reporters suffered no competition from radio or television. Stories were moved by Morse code over telegraph wires. Pictures traveled, not by electrical impulse, but by express. National campaigning was done by train.

Mr. Hayden's seniority in Washington outran that of all but one member of Congress. That was Senator Carl Hayden who started his career in the House in 1912 when his state, Arizona, was first admitted to the Union and who served until 1968. He is now 94. They were not related.

"The most important single difference between 1916 and the present is the phenomenal growth of federal government," Mr. Hayden observed recently, "not only in personnel, physical establishment and expenditure, but in activities affecting the lives of all Americans."

Mr. Hayden became chief of The News' Washington Bureau in 1918, two years after arriving to work there. He succeeded the late George Miller who left to become an editor of The News.

In 1919, Mr. Hayden organized a London bureau for The News. That year he wrote from England, Scotland, Ireland and the continent.

In 1926, he traveled to the Philippines, China and Japan and wrote stories from Asia. He covered the 1930 London Naval Conference and the 1933 London Economic Conference.

He was best known, however, for his coverage of national government and politics.

All his life he held to the conviction that statesmen, presidents, policy makers and world troublers were just people like his readers and it was his job to interpret one for the other.

The changes which altered maps and governments and political philosophies in the world's fastest century never shook that conviction. His adherence to it gave his stories a rare insight and flavor that cut through complexities and myths.

He started his newspaper career as a $2-a-week printers' devil. After four years at the Vigilant and after completing high school he went to the University of Michigan.

His experience got him a job as foreman of the university's library print shop. Restless after a year there, he took a job as a composing room foreman at the Escanaba Daily Mirror (defunct long ago).

He tried a job in a North Dakota print shop but the 40-below weather drove him back. He worked briefly at Evart, Mich., then returned to Cassopolis where he took a job as assistant postmaster and wrote for the old Detroit Journal as a stringer.

There was a great hullabaloo there one night when sheriff's deputies and federals chased one Whirly Jones, a reputed counterfeiter, into a swamp. Hayden telephoned the story to what he thought was the desk of the Journal.

By an error in the telephone exchange, he gave the story to The News which printed it with pride. It caught the eye of the editor, and Jay Hayden came to work on a metropolitan daily.

On The News he developed rapidly, covering general assignments, City Hall, then the State Capitol. Always his driving interest was politics.

He left The News briefly at the request of the late Mayor James Couzens to become executive secretary of the DSR. He returned and was offered the city editor's chair but chose instead to go to Washington.

W. Steele Gilmore, a retired News editor now living in Princeton, Ind., sat down with his pencil in 1957. By that date, he figured, Mr. Hayden had written 18,250 columns.

Mr. Hayden's political reporting reached back to the Bull Moose convention which nominated Theodore Roosevelt in 1912. He was the confidant and often the mentor of Senator Couzens and the late Senator Arthur H. Vandenberg.

His friendships were infinite and varied and precious to him. The only limitation he placed on them was loyalty to his paper and obligation to his profession.

Twenty-one years ago, he was honored with a Doctor of Laws degree from George Washington University. The words said of him then by Dr. Cloyd H. Marvin, university president, applied to the end and—in the past tense—serve him well as an epitaph:

"He was patient, modest, steadfast to preserve high standards of journalistic interpretation, both national and international . . . a healthy curiosity against a background of real and human understanding and high purpose."

FORTY-NINE YEARS IN DISTRICT OF COLUMBIA FOR NEWS—JAY HAYDEN DIES; NOTED AS REPORTER

Jay G. Hayden, foremost interpreter of Washington news for readers of The Detroit News for nearly a half-century before his retirement in 1965, is dead. He was 86.

Death came in his sleep early yesterday at his home in Kensington, Md., near Washington, where he had known and won the respect of every president from Woodrow Wilson to President Nixon.

He began his career as a printer's apprentice for a weekly newspaper in his native Cassopolis, Mich., in 1900 but had won international regard in his profession by 1920.

He went to Washington for The News in 1916.

He was one of only three reporters from the United States accredited to cover the signing of the 1919 Treaty of Versailles and summed that up for The News' readers as "a breeder of future wars."

Among those who expressed their sorrow over Mr. Hayden's death were both Michigan U.S. senators and other state political leaders.

President Nixon was among those who expressed condolences to the family.

Survivors include his wife, Ruth; a son, Martin S. Hayden, vice-president and editor of The News; two stepsons, Peter and Claus Felfe; his sister, Mrs. Charles Gower, of East Lansing; a brother, Robert, of Cassopolis, and three grandchildren.

Mr. Hayden had been twice widowed before his third marriage, to the former Ruth Haberland Felfe, in 1953.

His first wife, the former Marguerite Scholl, mother of Martin S. Hayden, died in 1924. His second wife, the former Loretta Taylor, whom he married in 1926, died in 1930.

Funeral services, with the Rev. Edward Latch, chaplain of the U.S. House of Representatives, officiating, will be held at 8 a.m. Wednesday in the Gawler Funeral Home, Washington. The body will be cremated. His ashes will be interred in Cassopolis.

Of his death, Senator Philip A. Hart, Michigan Democrat, said:

"He was one of journalism's early pathfinders in Washington. He set unfailingly high standards and left his profession a valuable legacy."

Senator Robert P. Griffin, Michigan Republican, said:

"Jay Hayden was a highly respected statesman in the field of journalism. He will be missed, but long remembered by the many in all stations of life who were fortunate enough to know him."

U.S. Rep. Gerald Ford, of Grand Rapids, House Republican leader, called Mr. Hayden "one of the real greats in Washington, not only as an outstanding reporter and columnist, but as an individual."

"He had a way of making complicated issues readable and understandable," Ford said. "He was a man one could trust and one who told the truth, even when it was unpleasant to his news sources.

"He wrote from a perspective of history that was matched by few and admired by many."

Former Gov. George W. Romney, secretary of housing and urban development (HUD) said:

"Jay Hayden was one of the most respected and admired journalists of his time, both for the accuracy of his reporting and for his keen insights into domestic and foreign affairs.

"He was greatly loved by many, in and out of public life. He was a man whose kindness and concern for people was genuine, active and unflagging."

U.S. Rep. Martha Griffiths, a friend for more than 20 years, called him "one of the best reporters in Washington," adding:

"Jay Hayden was the newspaper business at its very best."

THE POLITICS OF CANCER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHMITZ. Mr. Speaker, for the past 6 weeks, the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee, on which I serve, has been holding extensive hearings on legislation concerning the fight against cancer, the second greatest killer of American citizens, and probably the most dreaded. Especially in view of the number of lives and the amount of human suffering at stake, some of the political maneuvering on this issue borders on the scandalous.

Very early in this year's congressional session, Senator EDWARD KENNEDY introduced with enormous fanfare a bill (S. 34) grandiloquently entitled "The Conquest of Cancer Act." Its formula for conquering cancer was very simple, if a bit shopworn: set up a new Federal bureau with lots of money.

Assuming—quite correctly, as it turned out—that opposition to the "Conquest of Cancer Act" would promptly be labeled as tantamount to being in favor of cancer, President Nixon got in line with his own "Conquest of Cancer Act," differing in no essential respect from Senator KENNEDY's bill, but carrying a different number (S. 1828). This bill passed the Senate by the lopsided vote of 79 to 1.

The "railroad" was on, and the American Cancer Society, in full-page advertisements in the New York Times and the two major Washington papers, had the unmitigated gall to state that "objections to the bill have come mainly from people who do not have expert cancer knowledge." My files bulge with statements from some of the outstanding scientists, physicians, and cancer researchers in the United States opposing the Kennedy-Nixon grandstand play, including one signed by no less than four Nobel prize winners in medicine.

Meanwhile, in southern California, full-page advertisements also appeared in support of the "Conquest of Cancer Act," featuring a statement by that noted national defense expert, Ann Landers, that "the lion's share of the tax dollar is going to defense" and therefore that more should be directed to the Conquest of Cancer Agency this bill would set up. As readers of this newsletter are well aware by now, the "lion's share of the tax dollar" has not been going to defense for some time—it is more like the lamb's share.

I am proud to say that despite pressures such as this, the House Interstate and Foreign Commerce Committee, without a dissenting vote, rejected the "Conquest of Cancer Act" and instead adopted and reported out a bill of its own—H.R. 10681—fully recognizing the fact—attested by many witnesses of unimpeachable medical and scientific credentials who appeared before our committee—that a cancer cure is far more likely to come from a broad spectrum of biomedical research than from a "crash program" in the present state of our knowledge of cancer.

Advocates of the "crash program" compare their brainchild with the Manhattan atom bomb project and the Apollo moonshot program. But at least we knew where the moon was to be found and how the atom could be split, before we launched these projects. We do not know yet, for sure, even the cause of cancer, to say nothing of its cure. Another sprawling bureaucracy is not going to find either cause or cure any faster. More likely it will actually hamper the search for them, by "locking in" the present preconceptions and biases of researchers specializing strictly in this field.

Helping to find a cure for killer diseases is, I believe, a legitimate function of government, whose duty it is to protect the lives of its citizens. But we are not going to conquer cancer simply by setting up a new agency with that as its name.

THE OMNIPRESENT DANGER OF METHADONE

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. HASTINGS. Mr. Speaker, I recently addressed myself to the potential dangers of methadone and my reluctance to see the new drug application approved without first enacting necessary statutory regulations.

The full potential of the therapeutic value of methadone can be realized only if its abuse is prevented.

It has been brought to my attention that in one city, Detroit, the incidence of child methadone accidents has reached alarming proportions. As a matter of fact, Dr. Sheldon L. Brenner, of Detroit Children's Hospital staff, is quoted by the Detroit Free Press as recommending that all methadone now on the market be recalled and its future manufacture and distribution be more closely regulated.

I enclose the entire text of the recent Detroit Free Press article concerning the child poisonings.

The article follows:

[From the Detroit Free Press, Oct. 20, 1971]

ADDICTS' CHILDREN POISONED BY METHADONE IN ACCIDENTS

(By Roberta Mackey)

The increasing use of methadone in Detroit's fight against heroin addiction has produced a dangerous side effect: The accidental poisoning of young children in numbers approaching epidemic levels.

This is the judgment of Dr. Regine Aronow, director of the Poison Control Center at Children's Hospital, where 40 children have been treated after accidentally swallowing methadone they found around the house.

One child has died. An autopsy showed, however, the death might have been related to a previous brain injury. But 40 percent of the children treated at the hospital's emergency room were in a comatose state and some had stopped breathing. Their average age was two years.

Methadone poisoning has become such a serious problem that Dr. Sheldon L. Brenner, of the Children's Hospital staff, recommended Tuesday that all methadone now on the market be recalled and its future manufacture and distribution be much more closely restricted.

Brenner said the distribution should be paper delivered in Chicago Tuesday to a meeting of the American Association of Poison Control Centers.

Brenner said the distribution should be limited to specially licensed clinics. (Private doctors can now prescribe methadone in emergency conditions). He also suggested that the strength of each tablet containing the drug be reduced to a level that won't be toxic to a patient who is not an addict and doesn't have the high narcotic tolerance an addict has.

The first public methadone clinic in Detroit was opened in March, 1970. Two months later Children's Hospital treated its first case of methadone poisoning.

Within nine months, 17 more children were treated, and within the past seven months, 22 were treated.

Officials at the hospital say the rate of incidence is increasing.

About 3,000 addicts are being treated with methadone in Detroit, which means one child has been poisoned for every 77 adult patients.

Methadone, originally produced as potent pain reliever, is used in treatment programs as a substitute for heroin. Although it relieves the addict's physical discomfort and need for heroin, it doesn't produce the euphoric high that heroin produces.

Administered in proper doses, methadone nullifies the effect of heroin, so that even if an addict does shoot up with heroin, the drug has no effect.

Methadone itself is addicting. It costs about 10 cents a dose, is taken orally once a day, and is intended to allow an addict to return to a fairly normal life while gradually reducing his dependence upon methadone.

But the dose that will comfort an addict, according to poison control authorities, is often enough to kill a child or anyone who doesn't have a tolerance built up from prolonged use of narcotics.

Although the dose for an addict usually ranges from 60 milligrams per day to 100 mg., one or two 10-mg. tablets may endanger the life of a non-addict, Dr. Aronow says.

Depending upon a child's size and what's in his stomach, he may have no more than half an hour from the time he swallows a methadone tablet until he stops breathing, according to the Children's Hospital officials.

The pupils of the child's eyes usually become mere pinpoints, his breathing more and more depressed, and he sinks into a coma.

Although even a small dose of methadone can kill a child, the federal government requires neither precautionary labels nor safety caps on the containers in which methadone is dispensed.

Children's Hospital officials believe those safety measures should be taken.

In pointing out the reason for restricting methadone's availability, Dr. Aronow noted that at least half of the cases seen at Children's involved methadone which was obtained in street sales.

Only two of the doses were traced to recognized clinics, and the remainder came from drugstores or private physicians.

Methadone is usually administered to adult addicts at the clinics. But sometimes—in the later stages of treatment or over weekends or holidays—the addicts are permitted to self-administer the drug at home.

Dr. Aronow and Dr. Brenner agreed that since only two of their cases can be traced to clinics stricter controls are needed on methadone's availability beyond the clinics.

They also criticize the federal government for not requiring methadone bottles to be labled nor requiring that the drug be packaged in child-proof containers.

"We can't even tell from the bottles what dosage the child has ingested," Dr. Aronow said.

Since April, new federal regulations have prohibited pharmacists from dispensing methadone for long-term treatment of heroin addicts, although it can be dispensed as a pain killer and as an emergency treatment for withdrawal.

Five of the children treated at Children's Hospital had chewed on large, salmon-colored Diskets manufactured by the Eli Lilly Co. at the special request of the Department of Justice for purely experimental use in specially controlled situations. Each Disket contains 40 mg. of methadone.

"Those wafers are completely experimental and they should only be dispensed in a clinic, but obviously they have found their way onto the street," Dr. Aronow said.

"Fortunately," she says, "methadone has gained social acceptability. People don't mind saying that they have it around the house, and so we don't have much trouble getting case histories."

The histories show that in 22, or more than half of the child cases, the source of the drug was one or both parents. An aunt or uncle was the source in another 11 cases; in 6 cases it was friend or babysitter; and in one case the source was unknown.

Children, in their inquisitive way, find methadone the same way they do other poisons, by emptying out mother's purse, by picking the bottle off a table or out of a cabinet, or, as in one case, by digging it out of a flower.

Once the problem is identified as methadone poisoning, an antidote may be administered which acts immediately to revive the child but the antidote is effective only for two hours or so, and the effects of methadone poisoning may continue to reappear for as long as 48 hours.

Even so though the child seems healthy and completely recovered, he must be watched with great care for two days, and his hospital stay will be longer if he suffered ill effects from the poisoning episode.

The antidote has its own problems. If methadone actually is not present, the antidote can cause breathing difficulties, and since there isn't time to run clinical tests, the doctors have to rely on the child's parents to tell them if methadone is likely to be the cause of the emergency.

Although comprehensive national figures aren't available, Detroit appears to have an unusually high incidence of cases of methadone poisoning. However, members of the District of Columbia Medical Society have already stopped giving prescriptions for methadone, and the D.C. Pharmaceutical Society is co-operating by asking its members not to honor methadone prescriptions.

In neighboring Maryland, the health department is moving to outlaw prescribing of methadone or the filling of methadone prescriptions.

These actions would not affect licensed, hospital based or community-based drug treatment programs, but they are designed to dry up illicit sources.

WORLD FEDERATION OF DEFENDERS OF THE HUNGARIAN NATION

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RIEGLE. Mr. Speaker, at the request of one of my constituents, I would like to insert the following material concerning the World Defenders of the Hungarian Nation into the CONGRESSIONAL RECORD:

WORLD FEDERATION OF DEFENDERS
OF THE HUNGARIAN NATION,
Hollywood, Calif.

PRESIDENT OF THE UNITED STATES,
1600 Pennsylvania Avenue NW.,
Washington, D.C.

SIR: A group of degenerated Hungarians is planning to present a picture to President Nixon, with a group of Hungarian Freedom Fighters at the "Andau-Bridge-Head."

However none of the people, posing in the picture, are Freedom-Fighters, and were not there with President Nixon at that time. In reality, some of them were members of different Communist Organisation, and have in fact, received monitory and other awards for their excellent and faithful services from the communist government.

This painting was done in Los Angeles, and this group of traitors paid the artist to substitute their pictures in place of this real Freedom Fighters, who actually were with President at the Fall-time of 1956.

This lifesize picture is to be presented to the President in the Falltime only the 15th anniversary of the Hungarian Freedom-Fight, by the so called "Federation of Hungarian Freedom Fighters."

To immortalize this persons with President Nixon, in a historical painting, creates such a false and bizarre situation, that the persons are planning to smuggle this falsified picture to the President, keeping it from the Hungarian-American-Community, afraid to their reaction.

We are asking You Mr. President, to acknowledge the above mentioned facts, and refuse this falsified painting, which perpetrates a "mockery" on the meaning of the Freedom Fight and the psychological presence of President Nixon.

Respectfully Yours:

Géza Görgényi.

SCHOOL PRAYER ISSUE REKINDLED—SUPPORT GROWS FOR CONSTITUTIONAL AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WYLIE. Mr. Speaker, letters have come in, in great volume from all over the United States in support of a constitutional amendment which would assure prayer in public schools.

A headline appearing in the Arizona Republic rather sums up public reaction. The headline read "School Prayer Issue Rekindled—Support Grows for Constitutional Amendment."

Among the letters I have received is one from Miss Helen Chan, of Provincetown, Mass., which I hope all Members of Congress will read. It says a great deal.

Provincetown, Mass.,
September 23, 1971.

Dear Mr. Wylie: I listened to WEEI this past Thursday evening while you presented your program to reinstitute Prayers in school, and to several of the people who phoned. For the time I could listen, it seemed that your cause was assailed by Devil's Advocates, and not too much helped by what the Queen in Camelot referred to as "the simple people"—churched but not too well schooled. From what one hears on WEEI one has the suspicion that Boston abounds with just those two opposites. The well-intentioned but not too well informed, and the informed to a degree on the shallow, specious side; and not at all well intentioned. Too often the latter are fiendishly articulate.

Falling somewhere between these two prevailing categories, I do want to assure you that your statistic of 80 per cent on the side of Prayers again would include many like myself; not reached by polls, not given to loud acclaiming over the phone. There must be many such; quiet, inclined to be devout, often unchurched, and therefore all the more aware that religion is not so much a matter of a service on Sunday as a constant, daily effort to "Do unto others . . ." plus a realistic awareness of our dependence on the Grace of a Supreme Diety, and full hearted gratitude for help and blessings bestowed . . . if we are but humble enough to notice them. I might add that in my own case I suffer a sense of shame for living in a country which makes sure God is mentioned on our money, calls on Him in times of war, but will not allow Him in the schools where the children are!

The minister-school-teacher struck me as so typical of the type of mind that thinks it thinks, and can be so all-fired glib and confident. Of such are school teachers who turn off the Young in droves! They are much aware that there is more in the Reality of Life than meets the eye. He mentioned something about there being far more compelling issues for a Congressman to busy himself about. As if there could be anything more compelling than an abiding realization that this Universe did not just happen: out of chaos it was Created. Scientists of any true stature are aware of the marvel of intricate symbiosis that is the evolutionary process. Teilhard de Chardin, the mystic-paleontologist, made it all clear in his "The Phenomenon of Man." This is the man the serious Young are reading!

There is one point that is rarely touched on in this prime need to bear witness to Faith in God . . . Jehovah . . . Buddha . . . Krishna . . . Mohammed . . . which ever the many names of the All Pervading Creative Force. And that is in this objection that all such teaching, praying, bearing witness, "should" go on at home or in churches.

The stark fact is that in these materialistic, technocratic, hedonistic times there is no such teaching by the parents who are equally remiss in sending their children to church. Very much then, if it is not offered at all in the schools, there will never be, anywhere in all their formative years, that guiding influence that makes children aware of the Reality behind all being. To have the spiritual aspects of our nature totally neglected is worse than any crippling, any deprivation, any disadvantaging. Every last one of us needs constantly to be reminded of our Source. One thing is certain, if we have not the saving grace of gratitude in us for Life itself, we can not have it for parents, country . . . which means no capacity for kindness, love, loyalty . . . all the attributes that are part of our own evolution from animal to man to our destiny: Divinity.

God Bless!

Helen Chan.

HEARINGS SET ON FEDERAL JURY SERVICE BILLS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. CELLER. Mr. Speaker, I wish to announce that Subcommittee No. 5 of the Committee on the Judiciary has scheduled public hearings for Wednesday, November 10, 1971, on three measures relating to Federal jury service.

One of these measures—H.R. 8829, which I have sponsored—would lower the minimum age qualifications for Federal jury service from 21 to 18 years of age. Another bill—H.R. 2589, introduced by the gentleman from Illinois—Mr. McClory—would amend the Federal Jury Selection and Service Act of 1968 by requiring prospective jurors to furnish information as to race on jury qualification forms. A third bill—H.R. 10689, which was introduced at the request of the Judicial Conference of the United States—would make it a criminal offense to discharge an employee because of his Federal jury service.

The hearings will be held in room 2141, Rayburn House Office Building, Washington, D.C., beginning at 10 a.m. Parties interested in offering testimony or submitting statements for the hearing record should contact the committee.

A RADICAL-LIBERAL OPERATION FROM START TO FINISH

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DEL CLAWSON. Mr. Speaker, Princeton University in New Jersey will soon be the scene of a conference of self-appointed judges of the Federal Bureau of Investigation. This Friday and Saturday, a group ostentatiously dubbed the Committee for Public Justice will hold a conference cosponsored by Princeton's Woodrow Wilson School to investigate the investigators. Their conclusions are a foregone conclusion, as a quick look at the background of the conferees will show. All have in common an undying hatred of Mr. Hoover and all his works.

A perceptive column by Robert S. Allen, which was released by the Hall Syndicate on October 22d, pinpoints the political aims and affiliations of the conferees and clearly reveals the direction the conference will take. The American public, which will undoubtedly be treated to much favorable publicity about this seminar from members of the press who are sympathetic to their viewpoint, should be alerted to the prejudices of these "scholars and experts." Colonel Allen's column is therefore inserted in the Record at this point.

Princeton "Seminar"

(By Robert S. Allen)

A singular two-day "seminar" is taking place at Princeton University next week that is being characterized in official circles as a "hanging without a trial."

A radical-liberal operation from start to finish, it is part of a nationwide drive to disparage and asperse the FBI and to "get" its noted Director J. Edgar Hoover.

Announced theme of the October 29–30 affairs is "The Role of the FBI in American Life." Strikingly indicative of the highly biased and prejudiced nature of this discussion is that without exception every speaker, panelist, and other participant is a harsh foe and critic of the FBI and Hoover—most of them of many years' standing.

Several other revealing and significant facts about them are:

(1) All are left of center in varying degrees, ranging from militant liberals and New Leftists to communists. (2) Without exception they are vigorous opponents of the Vietnam war and vehement denouncers of the so-called "military-industrial complex"—although in most instances they also are clamorous advocates of more arms and credits for weapons to Israel.

Proclaimed sponsor of this carefully staged, one-sided kangaroo court is the Committee for Public Justice, headquartered in New York and headed by an Executive Council as leftish and hostile to the FBI as the program and participants of the Princeton seminar.

Graphically illustrating this are the following leaders of the Council:

Norman Dorsen, general counsel of the American Civil Liberties Union, who has a long record of denouncing the Justice Department in particular and the Federal Government in general, and championing far-out liberal causes and crusaders.

Burke Marshall, deputy dean of Yale Law School and Assistant Attorney General in the Kennedy Administration, and long in the left-of-center forefront.

Blair Clark, aggressive dove and campaign manager of former Senator Eugene McCarthy's stormy but futile scramble for the 1968 Democratic presidential nomination. During that campaign, McCarthy and Clark assailed the FBI and Director Hoover and unavailingly tried to make an issue of them.

Ramsey Clark, Attorney General in the last phase of the Johnson Administration, during which, at a meeting of FBI men, he lauded Hoover to the skies. Since leaving office, Clark has become a strident critic of the FBI and a liberal activist. Earlier this year, he indicated harboring presidential ambitions but they seem to have evaporated in thin air. Last fall, in reply to snide remarks by Clark, Hoover derisively characterized him as a "jellyfish" and the "worst" Attorney General he ever worked for.

MORE OF THE SAME

Reportedly, the Princeton seminar will consist of two parts:

In Part I, a number of "papers" will be presented on patently angled topics by equally biased authors. Examples: "Political Uses of the FBI" by I. F. Stone, long-time leftist and publisher of "I. F. Stone's Biweekly"; "Informers" by Frank Donner, New York attorney, who has been the lawyer of Communist Party functionaries and has been associated with communist front organizations over the years. In 1959, he pleaded the Fifth Amendment when questioned by the House Committee on Un-American Activities regarding Communist Party affiliations and activities.

Also "Insiders' View" by William Turner, one-time FBI agent who was dismissed on charges including lack of truthfulness, accuracy, and responsibility. He appealed this ouster, but it was sustained by the Civil Service Commission, the Court of Appeals for the District of Columbia, and the Supreme Court. He has written several books and a number of magazine articles castigating the FBI and Hoover; "Selling of the FBI" by Robert Sherrill, one-time newsman and prolific critic of the FBI, President Johnson, and former Vice President Humphrey. Sherrill labeled Johnson as "The Accidental President," and Humphrey as "The Drugstore Liberal."

Part II of the seminar will consist of panels aimed at exposing and castigating FBI methods and practices.

One panel will be made up of former Justice Department officials, among them Burke Marshall and Roger Wilkins, an assistant of the late Robert Kennedy. Another panel will comprise former FBI agents, including Turner, John Shaw, Sr., and Robert Wall, both ousted under charges.

A third panel will consist of individuals characterized as "FBI informers," who will be selected by Donner, the New York attorney who has represented Communist Party officials.

Prominent among those listed as members of the Committee for Public Justice are actors, writers, and artists long associated with leftist, radical, and peace causes of various kinds.

Foremost among them is Leonard Bernstein, symphony director, composer and supporter of the crime and murder-ridden Black Panthers. Also movie actors Marlon Brando, Shirley MacLaine, Paul Newman, and Warren Beatty with long records in leftist causes.

Writers who are Committee members include Victor Navasky, ardent Kennedyite and author of the recently published book "Kennedy Justice," a laudatory account of Robert Kennedy's administration of the Justice Department; and Walter Pincus, another Kennedy partisan who has written numerous articles hostile to the FBI and Hoover. In a three-part series published in the Washington Post last June, the paper was forced to print a retraction of some of Pincus' charges.

THE WAR AND THE YOUNG

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. MIKVA. Mr. Speaker, this country has been at war in Southeast Asia for the last 10 years without the expressed consent of Congress. It is the longest war in American history, and the toll has been awful: 55,000 U.S. soldiers have been killed, $150 billion has been wasted, the economy of this country has been ruined, and our national priorities have been thrown into disarray. There has been at least one other disastrous result of this war—the country has been seriously divided. The Government has not seen fit to trust the people, and the people, especially the young people, have returned that mistrust.

The bitterness and frustration that many young people feel is expressed most readily in their opposition to the draft. They refuse to serve in the Army because they believe the Army is engaged in an immoral and an illegal war. Two recent newspaper stories in the Hammond Times by Eloise Henkel provide a good illustration of that feeling. They are about a young man who has refused to register for the draft. He was 9 years old when the first U.S. troops went to Vietnam. My colleagues might find the newspaper stories interesting, and I have attached their texts.

The articles follow:

DRAFT REJECTER TELLS WHY

(By Eloise Henkel)

HAMMOND.—A Hammond youth who was 9 when the first U.S. troops were sent to Vietnam and who would probably never have been drafted told today why he refused to register for selective service.

Palmer Singleton III, of 6326 Forest Avenue, is a junior in college who works part-time as a laborer on the swing shift at an East Chicago mill.

He is the first youth from Lake County to openly refuse to register for the draft.

When he was 17, he wrote to Selective Service headquarters in Washington and to his draft board in Hammond telling them he was going to refuse to register for reasons of conscience.

Had he registered, he would have had a number over 300 and probably never been tapped; only numbers up to 125 are currently being drafted in Hammond.

As a full-time college student, he could have received a student deferment.

With his strong Quaker leanings and opposition to all wars, he could have sought classification as a conscientious objector.

Instead, he openly refused to register and faces a possible maximum sentence of 5 years in jail and a $10,000 fine.

Singleton said he didn't register for selective service because "By registering, you are saying that the draft is legitimate, that it has a place in society, that it has a right to channel people and direct them into militarism.

"I oppose the draft, the war and militarism in our society.

"I want to be human, to work for a more human society based on honesty, trust, simplicity and compassion."

Singleton said he believes in nonviolence, and this involves not only not killing people but not inflicting injury to anyone in any way.

"Violence complicates issues rather than clarifies them," he said. "Guns kill people but not ideas.

"There is a beauty and strength in pacifism. Pacifism is the constant attempt to resolve conflict through raising issues and then dealing with them in a creative manner.

"We need to develop new responses to our political, social and personal problems.

"After six years of mobilizations, after millions have voiced opposition to the killing, after a clear 73 per cent of the people see the need for immediate withdrawal from Indochina, the war goes on.

"Out of a sense of desperation, one asks why.

"The only thing I can come up with is that it is because we continue to perpetuate the very institutions that caused it.

"The only way I know to stop it is by not cooperating with selective service and the other institutions that perpetuate war, by speaking truth to power, by saying 'no' to the ways of life and things that allow us to be inhuman.

"We must affirm our affinity with other human beings and oppose injustice."

Singleton, who was a leader of the McCarthy campaign in Hammond, told the judge in Federal court last week, "In a certain sense, Congress makes the law.

"But in a more important sense, each time the individual confronts the law, his actions are making that law.

"The law is only legitimate and has power if that person agrees to obey it. When he openly refuses to obey it, the law no longer has power.

"People saw during Prohibition that the law did not determine whether people drank or didn't drink. Human behavior is based on other factors.

"The highest form of order that could exist would be when men would answer to reason and justice rather than to dictate law.

"We must struggle to base a society on sincerity and concern, something that's never been done.

"Through Gandhian civil disobedience, by openly breaking the law and accepting the punishment, we raise the issues challenging the legitimacy of the forces that determine our behavior.

"My hope is that people in America, in China, in the Soviet Union, in all countries will go beyond their government and develop new patterns of living that will allow them to be human.

"It isn't easy.

"Trying to be human is a very revolutionary act.

"But we can't make compromises. If we do, we become as unjust as the society we're trying to change."

A YOUNG MAN OBJECTS TO WAR

(By Eloise Henkel)

HAMMOND.—"What do you think I should do with you?" the judge asked the youth standing before him in Federal court.

It was an unusual question in an unusual arraignment.

Standing before Judge George Beamer in

the U.S. District Court for the Northern District of Indiana was a 19-year-old Hammond youth who had failed to register for selective service.

It was the first case in Lake County in which a youth had openly refused to register and was voluntarily confronting the government.

Palmer Singleton of 6326 Forest Ave., a Hammond H.S. graduate and a student at Sarah Lawrence College, was challenging the legality of the law.

He asked the judge to depart from routine courtroom procedures to listen to him as one person to another.

The young man was accompanied to the stand by his father, Palmer Singleton Jr., who has practiced law in Hammond for the past 21 years.

"My son," he told the judge quietly, "is determined to act on his own behalf, and I will act in an advisory capacity."

"The only thing I regret," the father said, "is that we, by our silence and inaction, have allowed conditions to exist that force 18 and 19-year-olds to make these grave decisions regardless of the personal consequences.

"At 19 my son has more courage, conviction and concern for other human beings than I have at 50. I am proud of him and support him."

He stepped aside. The younger Singleton took the stand.

He told the judge the case has "social and moral implications," and that it might be necessary for the court "to go beyond the scope of legal conviction."

"We'll have to take your plea," the judge said.

"I think it'll be a lot easier if you let me finish," the youth pleaded. "A lot of what we hope to show in this trial," he said, "is that there's a distinction between the way people act as people, and how they act in institutional roles."

The judge asked him if he understood what he was being charged with.

"I'm indicted for failing to register," he said.

"But I really don't think what I'm on trial for is violation of the selective service system.

"When I was 18, the government put me on trial and asked me if I was going to affirm life . . . or if I was going to deny life by going along with a machine whose only purpose is death.

"I'm trying to challenge the legitimacy of the draft and militarism in American society."

"You are talking about political questions which by law I cannot decide," the judge said.

"The courts don't make the law. You should be directing your objections to the legislative branch of the government.

"If you want to make a speech about the propriety of the law," the judge said, "you will be making it in the wrong forum."

The youth said he didn't want to make a speech, but "we want to end the war. We've worked through the political system, we've demonstrated, we've tried all ways. It hasn't worked.

"It seems to me," Singleton said, "that only by not cooperating with the institutions that make the war can we end the war."

The judge asked him if he knew what the penalty for failing to register could be.

"Yes; five years in jail and a $10,000 fine."

"What do you think I should do with you?" the judge asked him.

"That's for you to decide," the youth said. "I'm more concerned with what you are going to do with yourself."

"My decision was made" the judge said, "when I took an oath to uphold the law. The justness of a law is decided by the Congress. We decide if it fits in our constitution. This law has been declared constitutional."

The judge asked him if he thought each person has the right to decide what law he will obey and not obey.

He said he doesn't believe that the law determines how people behave—whether they kill or shoot heroin.

"You think the law is not perfect?" the judge asked.

"You and I are not perfect," he said.

"That's why we have rules," the judge told him.

"They're not based on trust and compassion," Singleton said. "There's not a man in jail for a crime that governments haven't done."

"Are you against killing?" the judge asked him.

"Of course," he said.

"If I had the time, I'd like to continue this discussion," the judge said. "But you're not going to convince me, or I, you. I have to take a plea."

"I don't know what to plead," Singleton said.

I have openly refused to register; "I know that I've broken your law, and I'm willing to accept the consequences. I don't want to plead guilty because I haven't done anything wrong. And I want a trial."

The judge entered a "not guilty" plea.

He asked the youth if he wanted a jury.

He said "yes."

"I respect you," he told the judge. Thank you for talking to me."

He asked about a pre-trial conference.

The judge said he would like to have one.

"As your father and I know," the judge said, "law has come to be a complicated, specialized thing. Before you get through this case, you may need representation."

"I'm not trying to be an attorney," Singleton said. "I'm trying to be a person. My father and I will be together. He will be my father, not my attorney."

The judge said he would schedule a pretrial conference.

The Singleton family and friends left the courtroom and the court resumed its normal routine.

Father and son went sailing together on Wolf Lake.

A NEW COURSE FOR THE AEC

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SKUBITZ. Mr. Speaker, those of us in Congress who have had occasion to deal with the Atomic Energy Commission in recent years, are most gratified with what appears to be a change in policy under the agency's new chairman, Dr. James R. Schlesinger.

That change places the public interest ahead of private interests. It says that instead of being an advocate for private power companies, the AEC will now be a referee; that it is deeply conscious of environmental problems and its operations hereafter will reflect that awareness.

We in Congress are not alone in recognizing and applauding the new AEC policy and Dr. Schlesinger. This morning, the Washington Post commented editorially on this point. I ask that the text of this editorial, for which I congratulate the Post, be printed following my remarks. This past Monday evening, WMAL–TV in a news editorial also took occasion to praise Dr. Schlesinger for this new policy.

Dr. Schlesinger first enunciated his belief of what the appropriate role of the AEC should be at the Atoms for Peace Conference in Geneva, Switzerland, and I promptly congratulated him. Subsequently, he reiterated and made more clear and positive his views at the Bal Harbour, Fla., Forum for Nuclear Power. I was pleased with Dr. Schlesinger's unambiguous declaration and at the risk of gilding the lily, again wrote him expressing my approval and thanks. I insert my letters of August 30 and October 22 to Dr. Schlesinger in the RECORD following the Washington Post editorial.

(The articles follow:)

A NEW COURSE FOR THE AEC

The new chairman of the Atomic Energy Commission, James R. Schlesinger, has been in office less than three months but he obviously has set out to change the AEC's approach toward both the nuclear power industry and the public. In a remarkably tough speech in Florida last week, Mr. Schlesinger laid it on the line to the power industry which is already distressed at the new attitude emerging in Germantown. The Commission, he said, has a responsibility to the public as well as to the industry and in some fields it will perform in the future as a referee rather than as an advocate in disputes involving nuclear power plants.

Mr. Schlesinger's words are most welcome and they ought to be listened to carefully by the companies which build nuclear reactors and power plants. He is right in describing this industry as one with great potential for growth but only if it can produce a safe, reliable product in which there is widespread public confidence. At the moment, public confidence in the safety of nuclear power plants and in the determination of the AEC to enforce adequate safety standards is at a low ebb. This situation may or may not be justified; it is extremely difficult for non-experts to make exact judgments on many of the matters within the AEC's orbit. But it is a situation that has developed because of the basic conflict in the AEC's dual roles of promoting the use of atomic energy and of setting the safety standards for the plants that produce it. Too often the AEC has seemed to be pushing particular nuclear projects towards fruition while treating cavalierly its function as the public's protector.

It was this basic conflict that led us to suggest several months ago that perhaps it was time to split the AEC into two distinct agencies—one to push the development of atomic energy; the other to regulate the industry. Operating under the existing law, Mr. Schlesinger seems to be trying to do the same thing in a different framework. He says the task of the AEC in promoting atomic energy ends when it has helped develop new technical options and bring them to the point of commercial application. Once that occurs, he told the power industry, the AEC should not be in the business of solving the problems that may subsequently arise but should be serving the public interest by arbitrating the disputes that arise. It remains to be seen whether he and the rest of the Commission will be able to make this distinction work in practice and, just as importantly, convey to the public a sense that it is working..

It is true, no doubt, that there is widespread unhappiness inside the nuclear power industry with some of the recent actions of the AEC. The Commission ignored many recommendations from that industry when it responded admirably to the Calvert Cliffs court decision by setting out new standards of review for atomic projects and suspending work on many of those under way until new reviews are conducted. But that was a vital first step in getting the development of atomic power back in line with the public's renewed concern about safety and pollution. We assume from Mr. Schlesinger's remarks in Florida that he and his colleagues on the Commission intend to take the rest of the steps that are needed to assure the country that this vital source of energy can be handled without endangering either the public or the environment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 22, 1972.
Dr. JAMES R. SCHLESINGER,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: May I again express my gratification with certain specifics of your address in Bal Harbour, Florida, earlier this week as reported in The New York Times of October 21.

Your enunciation that the Atomic Energy Commission, like any government agency, exists to serve the public interest restates the policy view that I had occasion to compliment you on in my earlier letter of August 30. It is, nevertheless, heartening and refreshing to have it stated again as firmly and unequivocally as was apparently done in Bal Harbour.

May I assure you that your view of what the correct policy of the A.E.C. should be will, in my judgment, receive general approval in Congress. There has been a widespread belief that for too long the A.E.C., and thus the Government, has been acting as technical expert, lawyer, advocate, defender of and nursemaid to private business interests and that such a policy has unfairly burdened the taxpayer and forced a government agency into positions that none should ever be in.

I look forward to a cordial relationship based on mutual trust and my belief that those of us who ask questions premised on the welfare of their constituents will no longer be treated as interlopers.

Sincerely,

JOE SKUBITZ.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1971.
Mr. JAMES R. SCHLESINGER,
Chairman, Atomic Energy Commission,
Washington, D.C.

MY DEAR MR. CHAIRMAN: I have read with great interest and approval the newspaper accounts that quote you as saying that the AEC intends to be in a position to be responsive to the concerns of environmental groups and to other members of the public.

May I take this opportunity to compliment you on this recognition of the welfare of the public. It is a refreshing departure from prior AEC attitudes that seemed to reflect primary interest in private power companies agreeing to build nuclear power plants. Your personal view also seems to indicate the possibility that the AEC may not always be correct; that its positions are not sacrosanct and that perhaps we who have had dealings with it may now expect a shade less arrogance from some of its personnel.

I am particularly pleased with your comment in recognizing the Court of Appeals decision that the new regulations make the AEC directly responsible for evaluating the total environmental impact including thermal heat effects of nuclear power plants. It would be my hope, and I am sure that of the Governor of Kansas and others concerned, that this concept be made applicable to the atomic waste plant in Kansas. The AEC's Final Environmental Statement gave scant attention to the thermal heat effects of atomic wastes on the Kansas environment.

Sincerely,

JOE SKUBITZ.

COMMUNITY COLLEGE WEEK

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. LONG of Maryland. Mr. Speaker, Governor Mandel of Maryland has proclaimed this week "Community College Week" in recognition of the services provided by Maryland's community colleges.

America prides herself on providing an educational opportunity for everyone, and for achieving this goal these schools are a great asset. Graduates of community colleges continue their education in 4-year colleges or technical schools, serve our country in the military, or are employed in full-time jobs.

The three community colleges in my congressional district, Harford Junior College, Essex Community College, and Dundalk Community College, also serve as centers for music, art, drama, and lectures on a wide variety of issues.

Community colleges provide a stairway of opportunity in the best tradition of the American educational system. They deserve the highest praise and our continued support.

SENATE—*Thursday, October 28, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou eternal God our Father, in whom alone we can find our strength and hope, inspire us each new day with a longing to lead humanity out of its imperfections of conduct and agony of spirit into the splendor of a new day. Give us wisdom to use all of the moral and spiritual resources available to us as we strive to bring to fulfillment a social order wherein dwelleth righteousness and peace. We pray that we may never lose heart or lose hope, never yield to doubt or despair.

"In simple trust like theirs who heard,
Beside the Syrian Sea,
The gracious calling of the Lord,
Let us, like them, without a word
Rise up and follow Thee."
—*Whittier.*

Hear us in the name of Him who came to set men free. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 27, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER FOR SENATOR NELSON TO SPEAK TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order which was entered into on yesterday for the recognition of the distinguished Senator from Wisconsin (Mr. NELSON) today be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

A PACHYDERM ON CAPITOL HILL

Mr. SCOTT. Mr. President, it is planned, on the third day of November, following the election—so that we may avoid any partisan imprint—that the two distinguished Senators from Maryland will present, for temporary use and occupation, one available pachyderm, furnished, I believe, without charge—under eleemosynary inspiration—by the Ringling Brothers Circus. This pachyderm will be ridden by the generally inexperienced-in-that-art Senators from Pennsylvania, who will, however, rise to the occasion as high as may be necessary to achieve that end.

The whole operation is known as Operation Pirate, or a means of marking with suitable ceremony the victory of the Pittsburgh baseball team in its achievement of the world's championship in that art.

Since the Pittsburgh Pirates have proved themselves superior in skill in the game of "rounders" over any other competing agency or assortment, we thought there should be an appropriate celebration.

My appreciation is extended on behalf of my junior colleague, Mr. SCHWEIKER, and myself to the distinguished Senators from Maryland (Mr. MATHIAS and Mr. BEALL) for having sprung to the occasion by making possible this great national event.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes, with each Senator being limited to 3 minutes.

Is there morning business?

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar, under new reports, will be stated.

U.S. TAX COURT

The second assistant legislative clerk read the nomination of William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, and following the order previously entered for the recognition of the Senator from Kansas (Mr. DOLE), the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Georgia (Mr. TALMADGE) tomorrow, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE VICE PRESIDENT OF THE GERMAN BUNDESTAG

Mr. SCOTT. Mr. President, it is my very great privilege to introduce to the Senate the distinguished Vice President of the Bundestag of the Federal Republic of Germany, the Honorable Hermann Schmitt-Vockenhausen.

Representative Schmitt-Vockenhausen is in this country representing one of our great and friendly partners in the pursuit of world peace.

It is a very great pleasure for me to introduce him to the Senate and to welcome him to this Chamber.

I have assured the Senator that I hope he understands there is an ebb and flow of Members to and from the Chamber. I trust that he will have an opportunity to meet a number of Senators if he will abide by the somewhat leisurely pace of our earlier proceedings here, as we will soon be much busier.

I am very much pleased now to introduce the Honorable Vice President of the German Bundestag.

[Applause, Senators rising.]

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the bill (S. 35) to provide for settlement of certain land claims of Alaska Natives, and for other purposes, be equally divided and controlled between the manager of the bill and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REACTION TO RECENT UNITED NATIONS ACTION ON CHINA

Mr. JAVITS. Mr. President, I had in mind making some remarks this morning about the very sensational story in this morning's paper. Even the President of the United States is "angered" at the United Nations, as depicted by his spokesman.

I think this is so dangerous a point of our national life that I wish to make some observations about it in advance of the individual amendments to which we will be addressing ourselves.

Mr. President, of course, I am thoroughly imbued with the decency and bona fides of what our country tried to do about Taiwan and, therefore, appreciate the depth of emotion which is going into the situation, which I share; but I deeply feel that we are about to take on the world, and this is a situation which I do not think the American people should undertake without at least understanding precisely what we are doing. Our desire should be not to take on the world, but to cooperate with the world—certainly not to take on the world out of petulance or resentment.

History, in my judgment, will ultimately bring Taiwan as a separate nation into the United Nations, and I do not wish to see the history of post-World War II repeated, with a great effort toward international cooperation and international advice dismantled because we get "sore" or because new nations with new representatives in international diplomatic bodies exercise such bad taste as to make merry over a situation which is construed as a defeat for the policy of the United States.

These are very superficial considerations, Mr. President, especially in view of President Nixon's statement in his own report of February 25, 1971, and I quote just one sentence and will introduce many more into the RECORD:

> The United Nations' role in facilitating international cooperation has taken on a new importance.

Indeed it has. For example, if we get out of Vietnam and prisoners are left in North Vietnam, the U.N. will be a very key element in getting those prisoners out. President Nixon again recognized the role the U.N. has played in this area in his February 25, 1971, report.

We are told that amendments will be offered to gut our support for the United Nations to show our disapproval. One such amendment would cut the U.S. funding from $130 to $37.5 million. This would be a very superficial way and a very demeaning way for our great country to show its disapproval. If anything, we would show our disapproval best by paying our installments, but insisting that the rule book be obeyed and giving notice that we will insist that the United Nations enforce its rules about those who do not pay their assessments, and so forth, and take whatever action we will take in that regard a year later, rather than now.

I would like to ask those who would like to gut the funding of the United Nations: Are you against the U.N. Children's Fund? Are you against the work the Food and Agricultural Organization is doing? Are you opposed to the U.N. program for drug abuse control? Are you opposed to the world health program? Are you opposed to the technical assistance program? Are you opposed to the United Nations development program?

This hardly seems the role of a great power. There are infinitely stronger and better instruments to fashion in order to do what we think ought to be done about the United Nations than superficial and rather commonplace reactions of cutting the appropriations to show our displeasure. If we engage in meat-ax fund-cutting here, we will be weakening our position rather than strengthening it.

The **PRESIDING OFFICER**. The time for the transaction of routine morning business has expired.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for not to exceed 15 minutes, and I ask that I be recognized so that I may yield my time to the able Senator from New York.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JAVITS**. Mr. President, I thank the Senator very much. I deeply appreciate his courtesy.

Mr. President, if we do engage in meat-ax cutting of installments in various areas due to the United Nations, we will be weakening our own position in the world rather than strengthening it. We will be weakening our own position in the tation rather than out of a sense of deep statesmanship.

I think it is a fair point to make that if the threats had not been made in advance that U.N. funding would be cut off if the China situation did not go the way we wanted, we might have had some votes which we did not have. What is more elementary, with a person or a nation, than to say, "You can't make me do that. If I want to do it, I will, but you can't make me do it by threatening me."

So we are in grave danger. The whole world is trying to read the signs, far beyond the superficiality of delegates who applauded and danced in the aisles. Hundreds of millions of people in the world are trying to read the auguries. Are we going to go isolationist or continue in world cooperation? If we go into isolationism, then we are in trouble as far as totalitarian dangers and economic dangers are concerned. If we keep our "cool" and continue to cooperate in world affairs, there is probably no more hopeful time that we can have in the 20th century. It is in that sense in which we can show the balance and maturity of the American people.

As has been our history in the past, I hope that balance and maturity will be reflected here and that we will stand against the superficialities and quick reactions which can only get us and the world into grave trouble. I ask unanimous consent that the complete text of the President's foreign policy report of February 25, 1971, entitled "U.S. Foreign Policy for the 1970's, Building for Peace," as it relates to the United Nations be placed in the Record at the conclusion of my remarks.

I thank the Senator from West Virginia again for his courtesy.

There being no objection, the report was ordered to be printed in the Record, as follows:

THE UNITED NATIONS

Address to the United Nations General Assembly, October 23, 1970: "As the United Nations begins its next quarter century, it does so richer in the experience and sobered in its understanding of what it can do and what it cannot; what should be expected and what should not.

"In the spirit of this 25th Anniversary, the United States will go the extra mile in doing our part toward making the UN succeed. We look forward to working together with all nations represented here in going beyond the mere containment of crises to building a structure of peace that promotes justice as well as assuring stability, and that will last because all have a stake in its lasting."

International cooperation has always been both a human dream and a human necessity. This is more true in our time than it has ever been before.

The dream is important. Mankind aspires to lasting peace, and since its founding twenty-five years ago, the United Nations has symbolized this profound wish. But while the realization of the dream remains elusive, the necessity of international cooperation for other purposes has become imperative. For the march of technology has pressed upon the world and increasing number of exigent problems which can only be solved by collaboration among governments. As a result, the United Nations' role in facilitating international cooperation has taken on a new importance.

THE PRESERVATION OF PEACE

The major task for the world community is, of course, the preservation of peace. The need for an instrument which could further this purpose was the prime motivation behind the founding of the United Nations. The UN's ability to fill this role, however, is dependent to a considerable extent on cooperation among the major powers; and a somber fact of recent history is the failure of the victorious allies of World War II to maintain their cooperation. This being true, a crucial development would be joint recognition by the United States and the Soviet Union of a common interest in strengthening the UN's peacekeeping capacities. On October 23, before many of the world's Chiefs of State and Heads of Government assembled at the UN, I called on the USSR to put our relations "on a basis consistent with the aspirations of mankind" and to join with us in developing "practical means that will enable the United Nations to move decisively to keep the peace."

Even if UN peacekeeping efforts cannot be perfected in the world as it is, they can certainly be improved. Peacekeeping in the past has depended essentially on improvisation. There were, and are, no general understandings on how these operations are to be directed or financed. One result has been that the UN has developed a large financial deficit as some countries have refused to pay their share.

We believe that a major effort should be made to reach an agreement on reliable ground rules for peacekeeping operations. Discussions are going forward directly with the Soviet Union and in a special UN Committee on this subject. One major issue is the degree of latitude which the Secretary General would have in conducting day-to-day operations, once the Security Council has authorized an undertaking. We believe he needs adequate authority to manage peacekeeping operations under the broad poliitcal supervision of the Council. While these problems have been difficult, discussions are continuing.

THE NEED FOR RESTRAINT

Because the stresses of the Cold War have limited the ability of the Security Council to play an energetic role in alleviating political crises and preserving the peace, much of the political agenda at the UN has flowed toward the General Assembly. But the operations of the Assembly have shortcomings related to the strains of a rapid growth in membership and demands for actions beyond the capacities of the United Nations.

States have traditionally addressed their foreign policies to problems affecting their own concept of their national interests. National policies were sustained, and to some extent defined and limited, by the resources which states were willing and able to commit. With all its faults, this process imposed a degree of discipline and realism upon foreign policy goals.

At the UN this pattern has been modified. Many states find themselves involved in political problems in which their own interests are very often not importantly engaged and their ability to obtain information is limited. Without self-discipline, this can easily lead the organization to adopt positions which cannot command the resources or the support required for attainment.

There are, of course, advantages in detachment, in having problems considered by a community as a whole rather than by the parties directly involved. But for this advantage to be maximized, more self-restraint is needed on the part of member states. UN members contribute best to the maintenance of peace when they examine issues on their merits instead of voting as blocs along geographical or ideological lines. And it should be remembered that problems cannot always be solved by the simple formula of choosing the middle ground between conflicting claims. To assume that justice is necessarily a middle point is to encourage adversaries to move toward extremes.

The UN does in fact mirror much of the world's social turmoil, national conflicts, and ideological differences. It has to its credit substantial accomplishments in peacekeeping, in social and economic betterment, and in drafting principles of international law. It will be strengthened to the extent that its members foreswear unrealistic rhetoric and concentrate on using the UN constructively to settle rather than publicize disputes. The UN must not become the forum where differences are exacerbated by intemperate advocacy.

HUMAN BETTERMENT

Another major function of the United Nations is to promote economic and social development. Its basic instrument for this purpose—the UN Development Program—has achieved a good record in providing technical experts and technical training to the underdeveloped countries, and in helping them survey the investment potential of their natural resources.

However, the Program has encountered two basic problems. First, its resources fall short of the job to be done. Second, even at its present level of operations, its capacity to operate efficiently is strained to the utmost. It needs to adopt improved managerial practices.

During the past year, two actions in the UN set the stage for remedying these inadequacies:

In October, the General Assembly adopted the strategy for the Second Development Decade, which began in January, 1971. The strategy set goals, the basic one being an average growth rate of 6% in developing countries, and an action program covering the spectrum of economic and social development. An important element was the affirmation by developed countries, including the United States, of efforts to achieve an aid target of the transfer of resources, government and private, equal to one percent of Gross National Product.

In December, the General Assembly approved a series of steps to improve the capacity of the UN development system to handle larger resources effectively. These reforms should ensure much tighter coordination within each recipient country of the activities of the various UN agencies.

These recommended reforms are most encouraging. We look forward to their rapid and effective implementation, which we view as a concrete test of the ability of the UN family of organizations to mold itself into a more effective instrument. Precisely because we attach great importance to the UN's role in development, we intend to apply high standards in judging its performance. The work of the United Nations and its specialized agencies is too vital to permit good intentions to substitute for accomplishment.

THE NATURE OF OUR PARTICIPATION

We intend to view the UN realistically, to face clearly what it can and cannot do, and to encourage its fullest employment on those problems of the world to which it can effectively contribute. It would be unrealistic to ignore the fact that the United Nations is not functioning as effectively as it might. But it would be equally unrealistic to view that situation as acceptable. For the United States has a transcendent interest in a more effective United Nations.

Success breeds success. If international cooperation succeeds in producing creative solutions to some of the world's pressing needs, the fabric of that cooperation will itself be greatly strengthened. This could have long-term effects beyond the solution of individual problems. For it could bring closer that lasting and general peace which has so far eluded our grasp.

We recognize that the nature of our own participation in the United Nations and its family of organizations is a central element in their health and effectiveness. In the past, particularly in the specialized agencies, our financial contributions have been too large a part of our total contribution. We intend to participate more fully in the future. We will urge that the utility of international activities be judged by the good that comes out of them rather than the good intentions that go into them.

We look forward to the report of the President's Commission for the Observance of the Twenty-Fifth Anniversary of the UN. This group of distinguished American citizens has, since last July, been studying means to enhance the effectiveness of the United Nations, and to improve U.S. participation therein. The fruit of their deliberations will receive the most serious study by my Administration.

GLOBAL CHALLENGES

The United Nations was, and is, a child of the mid-Twentieth Century. It stemmed from the perception that modern problems required a new pattern of interchange to supplement the older processes of diplomacy. Human institutions evolve in response to felt needs, and some of our most serious international needs have only recently become evident. For mankind now shares a number of new and urgent problems, which stem from the contrast between man's progress in the technological arts and his shortcomings in achieving a stable organization for international cooperation. The world has grown small, and we live increasingly in what has been described as a "global village."

The world now has community problems such as the population explosion, the uses of the oceans and seabeds, maintenance of a healthy natural environment, control of drug abuse, deterrence of airplane hijackings, and cooperation in the use of outer space.

In last year's report, and in my two speeches to the General Assembly, I suggested these problems as appropriate for UN attention. The UN has made useful beginnings on most of them, and marked progress on some. These developments are discussed in the following section of this report, along with the measures taken outside the UN. These global problems are not, of course, the exclusive property of the UN, but it is uniquely qualified to focus the energies and attention of the world on them.

I want to take particular note of one instance in which the UN did precisely that in 1970, and on a matter of the deepest interest to the American people. In October, I asked the General Assembly to express "the world interest" in the human rights of prisoners of war. I urge the Assembly to press all adversaries in the Vietnam conflict, and all other conflicts, to honor the Geneva Convention. In December, the General Assembly passed a resolution that fully met that request. This did not, of course, effect the release of our prisoners now in North Vietnam's hands, but it does bring to bear on North Vietnam the full weight of world opinion in favor of decent treatment of those prisoners. And the UN Resolution specifically called for the repatriation of seriously ill or wounded prisoners, and of all prisoners who have endured a long period of captivity. The American people, I am sure, share my gratitude to the eleven states who stood with us in sponsoring this resolution, and the fifty-five others whose support led to its passage.

THE FUTURE

In the 1970s, the United Nations faces both a challenge and an opportunity. For the member states there is a challenge to prove themselves capable of using the UN framework to meet the common needs of the international community. For the UN itself, there is an opportunity to mold itself into the efficient instrument for international cooperation which the times require.

The United States will try to meet the challenge, and to help the UN seize its opportunity.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

A letter from the Chairman, District of Columbia Redevelopment Land Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNEY, from the Committee on Public Works, with amendments:

S. 1237. A bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster (Rept. No. 92–411).

By Mr. GRAVEL, from the Committee on Public Works, with an amendment:

S. 1736. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes (Rept. No. 92–412).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 976. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes (Rept. No. 92–413).

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1971—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 92–414)

Mr. RANDOLPH. Mr. President, earlier today Senators Muskie, Baker, Bayh, Bentsen, Boggs, Buckley, Cooper, Dole, Eagleton, Jordan of North Carolina, Montoya, Stafford, Tunney, Weicker, and I introduced a bill (S. 2770) to amend the Federal Water Pollution Control Act. I submit a report of the Committee on Public Works on that bill, together with supplemental views.

Mr. President, I ask unanimous consent that the Committee on Public Works be allowed until midnight tonight to file the balance of the report.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William C. Stuart, of Iowa, to be a U.S. district judge for the southern district of Iowa; and

Earl E. O'Connor, of Kansas, to be a U.S. district judge for the district of Kansas.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JORDAN of North Carolina:

S. 2763. A bill to prohibit discrimination against the Lumbee Indians of North Carolina. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself and Mr. Ervin, Mr. Gravel, Mr. Hart, Mr. McGee, Mr. Metcalf, Mr. Muskie, and Mr. Nelson):

S. 2764. A bill to authorize the Secretary of the Interior to establish programs and regulations for the protection of the fishery resources of the United States, including the freshwater and marine fish cultural industries, against the dissemination of serious diseases of fish and shellfish. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Pastore):

S. 2765. A bill to amend section 396 of the Communications Act of 1934 in order to extend for one year the authorization for the Corporation for Public Broadcasting. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2766. A bill to provide that certain excess, accumulated annual leave of a Federal employee shall be considered as sick leave. Referred to the Committee on Post Office and Civil Service.

By Mr. THURMOND:

S. 2767. A bill to amend chapter 67 (relating to retired pay for non-regular service) of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other purposes. Referred to the Committee on Armed Services.

By Mr. HUMPHREY:

S. 2768. A bill to require the Secretary of the Treasury to provide each taxpayer with an analysis of the proportionate dollar amounts of his tax payment which were spent by the Federal Government, during the latest fiscal year for which data is available, for certain items. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2769. A bill to transfer the functions of the Passport Office to a new agency of the Department of State to be known as the "United States Passport Service," to establish a Passport Service Fund to finance the operations of the U.S. Passport Service, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. MUSKIE (for himself, Mr. Randolph, Mr. Baker, Mr. Bayh, Mr. Bentsen, Mr. Boggs, Mr. Buckley, Mr. Cooper, Mr. Dole, Mr. Eagleton, Mr. Jordan of North Carolina, Mr. Montoya, Mr. Stafford, Mr. Tunney, and Mr. Weicker):

S. 2770. A bill to amend the Federal Water Pollution Control Act. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JORDAN of North Carolina:

S. 2763. A bill to prohibit discrimination against the Lumbee Indians of North Carolina. Referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of North Carolina. Mr. President, I am today introducing legislation to prohibit discrimination against the Lumbee Indians of North Carolina.

My bill would establish as a matter of law that these people, who possess a heritage as proud and long as any in our country, are entitled to the same rights, privileges and benefits accorded other Indians not living on reservations.

The story of the Lumbee Indians is eloquent and moving, tragic and inspiring. Though they have suffered much throughout the years, that suffering has not diminished to any degree the spirit of pride, integrity, honor and kindness which has marked them as a people from the beginning and which remains the strength that is today their bond.

It is widely held that the Lumbee Indians are descendants of members of Sir Walter Raleigh's famed Lost Colony who it is thought went to live with friendly Indians, known then as Croatan for the village and island on which they lived in the late 1500's.

They later moved to settle near the Lumber River in the interior of the State in what is now principally Robeson County, an area which has been described as ". . . a unique composite of marshy lowlands and rich tobacco fields where the majority of Lumbees have lived for nearly 400 years." They own their lands, for the most part, and it is possible to ride for many miles without ever losing sight of Indian-owned farms.

It was in 1956 that Congress officially recognized them as the Lumbee Indians, 5 years after they had voted overwhelmingly to adopt that name. That law contains a sentence, which my bill proposes to repeal, that denies them the same rights, privileges and benefits accorded other Indians because of their status as Indians. They have lived with this unnecessary and unwarranted discrimination for 15 years, and I believe it is time the Congress corrected the situation.

Since 1960 a number of Federal agencies have opened their programs and services to all American Indians. This bill would assure that Lumbee Indians be treated as other Indian groups and would enable them to have full access to all Federal programs and services except those administered for reservation Indians by the Bureau of Indian Affairs.

There are some 40,000 Lumbees living in Robeson County. The hub of business and social activities for them is the town of Pembroke. It is also the home of Pembroke State University, a college originally founded by the State of North Carolina for Lumbee Indians, but now open to all races.

The Lumbee Indians represent one of the most progressive Indian tribes in the United States, and I am pleased and honored to introduce this bill in their behalf. I hope all Senators will carefully consider its merits and join me in supporting the proposal.

By Mr. MOSS (for himself and Mr. Ervin, Mr. Gravel, Mr. Hart, Mr. McGee, Mr. Metcalf, Mr. Muskie, and Mr. Nelson):

S. 2764. A bill to authorize the Secretary of the Interior to establish programs and regulations for the protection of the fishery resources of the United States, including the freshwater and marine fish culture industries, against the dissemination of serious diseases of fish and shellfish. Referred to the Committee on Commerce.

Mr. MOSS. Mr. President, there has long been a growing concern in the United States about the threat of serious communicable disease in the fresh water and marine cultural industries. Whirling disease—so called because of the circling motion it induces in fish—is a major problem, but there are a number of other parasitic and viral infections which should be monitored and controlled to prevent situations of an epidemic nature.

This is the same kind of problem which once faced the livestock and poultry industries and which through proper Federal legislation was long ago brought under control. It is time to give the same sort of protection to our fish and shell fish industry. Our fresh water and marine resources are becoming increasingly important in the overall protein needs of mankind and well coordinated fish disease control efforts are long overdue.

In the 91st Congress I introduced a bill to authorize the Secretary of the Interior to establish programs to regulate and protect the fishery resources of the United States, and hearings were held by the Senate Commerce Committee. Some problems arose, and the bill was not reported. A new bill has been drafted which satisfies as far as possible the major objections which were raised, and I am today introducing the revised version for myself and Senator Ervin, Senator Gravel, Senator Hart, Senator McGee, Senator Metcalf, Senator Muskie, and Senator Nelson.

I shall ask for early hearings. The problems the bill attacks are not peculiar to the United States but were cited in September as a major problem in other countries by the Food and Agricultural Organization of the United Nations. I sincerely hope that action can be taken in this Congress on this bill.

By Mr. THURMOND:

S. 2767. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other purposes. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, experience has shown that title III retirement at age 60 for guardsmen and reservists has not proven to be an effective retention incentive. This is significantly true among enlisted personnel where retention is most critical. If this trend is not reversed, it will never be possible to retain effective Reserve forces under a volunteer concept without a draft. I propose to help reverse this trend and create a greater incentive for enlisted personnel to remain active in the Reserve components by authorizing eligible personnel to elect retirement after age 50. The great majority of personnel currently drawing retired pay under title III are officers, and it is probable that many of these officers would have served 20 or more years even without retirement benefits.

As currently structured, retirement represents a substantial added cost without meeting the full potential return in the way of increased retention. It does, however, provide retired pay starting at age 60 for those individuals who have served their country for 20 or more years, even though all requirements have been met at an earlier age. It also provides protection for their survivors, but not until receipt of the first retirement pay check, if the eligible recipient reaches age 60.

In searching for ways to reduce the dependency of the Guard and Reserves on the draft, it is appropriate to first look at ways for enhancing current benefits and incentives to make them more effective in recruiting and retention. In this regard, the Department of Defense Five Percent Reserve Survey of 1969 indicated a surprising potential in earlier age retirement for increasing recruitment and retention in the National Guard and Reserves.

For example, only 5.2 percent of the Army Guardsmen in Grade E-1 and E-2 who were surveyed said that they would reenlist in the Guard after completing their 6 years of obligated military service without additional incentives. However, 28.8 percent of this same group indicated that they would reenlist in the Guard if retirement were to be granted at age 50. While these individuals may change their mind by the time they have served a full 6 years, the fact remains that a surprisingly high percentage of these young men were interested in retirement benefits right from the start of their military careers. As long as there is pressure by the draft, the percentage interested in earlier retirement benefits should be even higher. This interest could mean that earlier age retirement would provide an excellent "door opener" for Guard and Reserve recruiting campaigns.

This same survey showed that only 7.8 percent of the enlisted Guardsmen polled, who were in their last—sixth—year of obligated service, planned on reenlisting. However, with an earlier age retirement plan, 22.9 percent of these same personnel indicated they would reenlist. Obviously, if an earlier age retirement plan alone would increase retention by nearly 300 percent, it would provide a major incentive for attracting combat veterans separating from active service and for retaining Guardsmen who have already completed 6 years of service. Such retention would represent a major saving in tax dollars required to train new recruits, and would represent an invaluable increase of experienced personnel for the Guard and Reserves who would materially increase unit combat readiness.

Mr. President, most importantly, it is possible to evaluate the effectiveness of an earlier age retirement as a recruitment and retention incentive without significantly increasing the cost of this program. This is possible by basing earlier age retirement on an actuarial plan depending upon the individual's age at the time he elects to take his retirement. Under an actuarial plan these individuals electing to start their retirement earlier would draw proportionately less per month.

For most Guardsmen and Reservists, the option of taking their retirement at age 50 or after completion of 20 years of creditable service would be much more attractive than retirement at age 60. Age 60 does not represent a realistic incentive for today's youth. Moreover, it is not consistent with active service 20- and 30-year retirement programs.

Currently, most Guardsmen and Reservists who are required to retire because of years of service must suffer a loss in income corresponding to their Guard or Reserve pay. There is no opportunity to recover any part of this lost income through severence pay or through retired pay until age 60. Many Guardsmen and Reservists would appreciate the opportunity to arrange their retired service pay so as to commence at the time of their retirement from their primary civilian employment. Such a combination of retirement pay would provide added income at just the time when it is needed most. All of these options could be made possible under a revised earlier age retirement program.

One question concerning earlier age retirement is that it might increase turnover in the Guard and Reserve by enticing personnel to retire early so as to qualify for retired pay. While little factual data has been gathered which either refutes or confirms this possibility, it is doubtful that there would be much of an increase in early retirements resulting from earlier age retirement. This judgment is based primarily on experience with senior personnel who are forced out of the Guard and Reserve by provisions of the Reserve Officers Personnel Act—ROPA. It should be noted, however, that any added early retirements resulting from earlier age retirement pay would have offsetting value in that they would tend to stimulate promotions in the higher grades thus alleviating a current serious problem in selected Reserve units.

Mr. President, in addition to enhancing recruitment and retention, earlier age retirement would provide the individual with a means for closing the gap in protection for his survivors by reducing the period between 20 qualifying years for retirement and the time at which he receives his first retirement pay check. This added survivors protection should be of great significance in gaining support for continued military careers from the wives of Guardsmen and Reservists.

The pay increases for personnel in their initial years of military service already provided by the Congress will help attract new nonprior service personnel. A reenlistment bonus covering up to the 10th or 12th years of service would provide a strong motivation for retention during the first half of a member's service.

Mr. President, I previously introduced legislation to accomplish this objective. This legislation, S. 1470, is being favorably considered by the Defense Department. The additional incentive of early age retirement, which supplements S. 1470, could provide much greater motivation for retaining members during the last half of their career.

In conclusion, my proposal for an earlier retirement program for the Reserve components can be provided without significant cost increases. It offers a greater opportunity to enhance the attractiveness of service to our country and greatly strengthens our defense posture. There is nothing to be lost by passage of this legislation which I now introduce.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2767

A bill to amend chapter 67 (relating to retired pay for non-regular service) of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States in Congress Assembled, That section 1331(a) of title 10, United States Code, is amended by adding the following flush sentence to the end:

"However, a person who is under the age prescribed in clause (1), but is at least 50 years of age, is entitled to retired pay computed under section 1401 of this title, based upon mortality rates, among those who are currently retired, actuarily computed and prescribed for his age in the following table:

"For ages:	*Rate/$100.00 of retired pay*
50	$49.19
51	52.44
52	55.97
53	59.83
54	64.06
55	68.68
56	73.77
57	79.37
58	85.55
59	92.40"

SEC. 2. Section 1335(a) of title 10, United States Code, is amended by striking out "60" and inserting in place thereof "50".

SEC. 3. The enactment of this Act does not reduce or increase the retired or retainer pay to which a member or former member of an armed force was entitled on the day before its effective date.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment.

By Mr. HUMPHREY:

S. 2768. A bill to require the Secretary of the Treasury to provide each taxpayer with an analysis of the proportionate dollar amounts of his tax payment which were spent by the Federal Government, during the latest fiscal year for which data is available, for certain items. Referred to the Committee on Finance.

TAX EXPENDITURE AWARENESS ACT OF 1971

Mr. HUMPHREY. Mr. President, I am today introducing the Tax Expenditure Awareness Act of 1971. This legislation would require the Federal Government to provide each taxpayer with a dollar by dollar accounting of exactly how and on what functions his or her individual income tax payment is spent.

The United States is a wealthy country and we collect and spend a lot of money. In 1969 alone, general revenues were $199.6 billion—that is almost $1,000 per capita. And, for 1972, an estimated $217 billion will be collected by the Federal Government.

A large portion of this money comes from the personal income tax. In 1969, over 75.8 million tax returns were filed. These returns covered approximately 195 million persons. In 1969, this system collected $87.2 billion—that is an average of $432.09 for every person in the United States. The 1972 individual income tax estimate is $93.7 billion—close to one-half of the total general revenues collected and spent by the Federal Government.

Our citizens pay a great deal in taxes, but they lack the rudimentary information on how to demand greater accountability or how to persuasively redirect Government expenditures. Once the income tax is paid, the average citizen is not kept informed about what it purchases. As a result, people are skeptical that they are getting their money's worth from Government. And people are certain that their tax dollars are buying some goods and services that are not necessary or vital to their well-being or security.

The bill I am introducing today is designed to provide each citizen with information about how his tax dollar is spent.

Under terms of my legislation, after the Internal Revenue Service has received each individual tax return and determined the amount of tax that the person must pay, it would then furnish each taxpayer a statement explicitly outlining how his total tax payment would be spent.

In short, the IRS would assume the tax payment is distributed proportionate to the unified budget and provide the taxpayer with a dollar breakdown of how much of his tax payment was spent for national defense, space research, agriculture and rural development, natural resources, transportation, community development, housing, education, manpower, health, social services, welfare payments, veterans pensions, veterans benefits, law enforcement, general administrative expenses of Government, interest payments, foreign military assistance, and foreign economic and technical assistance.

The dollar figures for these calculations will be based on the proposed Government expenditures as reported in the budget message of the President.

Thus, if a taxpayer—filing jointly or separately, paid a tax of $1,000 for 1970, then the Internal Revenue Service would inform him that $408 of that money was spent for national defense, that $19 went for space research, $32 for agriculture, $13 for natural resources, $47 on commerce and transportation, $16 on community development, less than $37 on education, $66 on health, $223 for income security—including Social Security and veterans benefits.

This legislation will make the financial priorities of our Nation abundantly evident. It will show each taxpayer how much of the defense burden he shares. And, it will indicate exactly how much of his tax dollar is spent on social and human services.,

This bill is a first step toward greater citizen interest in the budgeting and financial decision-making of this country. And, the cost for this awareness will be minimal. Computer experts from the Library of Congress have estimated that the total dollar cost—computer input and processing account—will be less than $350,000. The mailing costs would be several million dollars if an envelope is sent to each taxpayer separately for this purpose alone. But I believe the mailing costs could be substantially reduced if the Internal Revenue Service would send the accounting at the same time that information concerning the income tax or a taxpayer's refund is mailed to the individual.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2768

A bill to require the Secretary of the Treasury to provide each taxpayer with an analysis of the proportionate dollar amounts of his tax payment which were spent by the Federal Government, during the latest fiscal year for which data is available, for certain items

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"Sec. 7517. Tax Expenditure Accounting.

"(a) Statement by Secretary.—Upon the receipt of each individual's income tax return, the Secretary or his delegate shall furnish to that individual a statement setting forth in dollar amounts the proportionate amounts of that individual's income taxes which were spent by the Federal Government, based upon the most recent budget message of the President for each of the following:

"(1) national defense;
"(2) space research and technology;
"(3) agriculture and rural development;
"(4) natural resources;
"(5) transportation;
"(6) community development;
"(7) housing;
"(8) education;
"(9) manpower;
"(10) health;
"(11) social services;
"(12) welfare payments;
"(13) veterans' pensions;
"(14) veterans' benefits and services;
"(15) law enforcement;
"(16) general administrative expenses of government;
"(17) interest payments;
"(18) foreign aid consisting of military assistance; and
"(19) foreign aid consisting of economic and technical assistance.

"(b) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such chapter is amended by adding at the end thereof the following new item:

"Sec. 7517. Tax expenditure accounting."

Sec. 2. The Director of the Office of Management and Budget shall furnish to the Secretary of the Treasury in December of each year a report, based upon data from the most recent fiscal year for which such data is available, setting forth that part of the total Federal outlays for such fiscal year which was expended for each of the items listed in section 5717(a) of the Internal Revenue Code of 1954.

By Mr. HUMPHREY:

S. 2769. A bill to transfer the functions of the Passport Office to a new agency of the Department of State to be known as the "United States Passport Service," to establish a passport service fund to finance the operations of the United States Passport Service, and for other purposes. Referred to the Committee on Foreign Relations.

A U.S. PASSPORT SERVICE WITHIN THE STATE DEPARTMENT

Mr. HUMPHREY. Mr. President, today, I am introducing a bill which I believe will solve once and for all a most troublesome problem which has plagued both the executive and legislative branches of our Government for years. To some it may seem a minor problem but to an ever increasing number of Americans who are affected by the problem, it is very important.

I am referring to the problem of providing passports to the American public in the most convenient, economical, and efficient manner possible.

Americans have always been an inquisitive people who want to see things for themselves—and seeing things around the world is no exception. There was a time when travel abroad, "the grand tour," was possible only for the privileged few. Times have changed. Not only are Americans more affluent today but the means of transportation have become faster and cheaper each year. Inexpensive chartered tours have become a way of life and recently competition is keen among airlines both American and foreign as to who can offer the cheapest "student fares." You can fly to Rome or Paris or London for as little as $99. Last year almost 6½ million Americans by one means or another traveled outside the United States. Naturally this increase in travel abroad has resulted in a corresponding increase in the demand for passports.

Back in 1956 when I was on the Government Operations Committee, I had a great deal to do with modernizing and updating the operation of the Passport Office. Modern machines and techniques were introduced to provide the kind of service that the American citizen wanted and deserved. These changes brought the Passport Office up to date at that time, but what about its future development?

I and many of my colleagues saw that some provision had to be made for the continued growth and expansion of the passport operation because of the growing demand of the American public.

On March 1, 1956, I introduced S. 3340 in the Senate to deal with this need. That bill created a separate semiautonomous unit within the State Department to be known as the U.S. Passport Service. It also provided that a revolving fund be established for the Passport Service, thus permitting it to spend a minor part of the profit it returns each year to the Treasury to provide better and more efficient passport services to the American public.

By a narrow margin this bill was killed by recommitment to committee. The passing years have attested to the wisdom of providing the Passport Office the kind of flexibility that S. 3340 would have given it. At that time, in 1956, the Passport Office issued 559,066 passports. Last year it issued over 2 million passports and by 1975 it expects to have to issue almost 4 million. While the demand for passports has continually increased, the facilities to provide them have not.

In 1956 there were five passport agencies in the United States. In 1960 there were nine agencies which could issue passports. Since then, regardless of the travel explosion which has occurred, only one additional agency has been opened by the Department of State. Despite the fact that the Passport Office has continually recommended and justified the opening of further agencies to provide better and more convenient service to our citizens, and despite the fact that the Passport Office is one agency which always returns money to the Treasury, the authority and funds have consistently been denied it to open additional needed passport facilities.

The need for additional facilities developed to a critical point in recent years particularly in Michigan, Texas, New York, and Connecticut. The clamor raised in these areas finally stirred even the monolithic structure of the State Department to "act" and they finally consented "to study" the problem. For years they have studied the problem.

Finally last year, stirred by the State Department's inaction, several bills were introduced into the Congress, all of which bore a strong resemblance to my 1956 bill. Congressional hearings forced some action by the State Department, but it was of a temporary, stopgap nature—too little and too late.

In 1970 the State Department entered into an agreement with the Postal Service to permit some post offices to accept passport applications—this despite that Service's own tremendous problems. Granting that this experiment increased the facilities available for acceptance of passport applications, it did not and will not meet the full problem. Increasing the intake of work does not help the output. Facilities are now vitally needed to produce the passport document itself and these facilities must be as close as possible to the people who are applying for passports.

The State Department offered another solution: Night shifts in the Boston, Philadelphia, and San Francisco passport agencies. This obvious stop-gap measure, about which the Passport Office cautioned the Department, not only failed to meet the problem, it resulted in a complete fiasco. The State Department, to make their idea succeed, ordered the Passport Office to shift applications willy-nilly from one agency to another and many times to a third. Therefore, for example, an applicant who applied at a clerk of court office in New York often found his passport sent to Boston for processing and then 3,000 miles further to San Francisco if Boston was deluged—which it was. Inordinate delays in the issuance of passports under such a system were inevitable. People missed their departure dates. Often the Passport Office was forced to take a second application and go through the whole process again on an emergency basis so that a person could meet the deadline for his travel. This procedure is obviously not the solution to the fundamental problem, notwithstanding the State Department's press release.

By the way, the establishment of night shifts also brought about the forced realinement of personnel in the Passport Office whereby positions were shifted from the Washington office to Philadelphia and the New York agency to Boston. Federal and State clerks of court around the country were also told by the State Department to send their applications to different locations "for the rush season." What happened was prophesied by Frances Knight, the Director of the Passport Office—sheer chaos, grotesque overburdening of certain passport agencies while others had insufficient work to justify their regular complement of employees, let alone night shifts. A further solution to the problem offered by the State Department was to propose that in the future passports be issued to persons applying all over the country through three centralized plants located in low-rent areas on a regional basis. This poses obvious communication and technical problems but it is totally contrary to the philosophy of the last three Presidents of the United States who have decentralized Federal Government operations in order to bring them and their services closer to the people. If this solution is carried out by the State Department, I have no doubt that the Congress and the people of this country will have three white elephants on their hands.

Mr. President, I say that it is time the Congress stepped into this mess and offer a long range, practical solution to this problem. The American people are entitled to passport service, and bureaucratic muddling should not deny them this right.

The bill I am introducing today will, I believe, provide a solution. It is not too different from that I offered in 1956. The most important provisions are similar to those found in S. 3340 which I introduced then.

Section 1 of the bill creates within the Department of State a "United States Passport Service," which would be comparable to the Immigration and Naturalization Service of the Department of Justice. It would be responsible to the Secretary of State. This status is commensurate with the growing importance of the service it performs to the American public.

Another section gives the Director of the Passport Service the authority to establish passport agencies or passport service offices wherever the needs of the public require and whenever they will be self-sustaining. By self-sustaining I mean that the revenue they bring in, in fees, will equal or exceed the cost of their operation. This provides a reasonable check on the proliferation of passport agencies which some people in the State Department and elsewhere seem to fear.

The most important provision of this new bill is almost identical to a similar provision in S. 3340. It would establish for the Passport Service what is called a revolving fund. In simple terms this means that the Service would be permitted to use a portion of the revenue it returns to the Treasury each year to modernize its methods, to establish the new agencies, and generally to provide more and better service to the American public.

This provision would not permit unbridled spending by the Service. The bill provides for elaborate accounting procedures, annual audits by GAO with reports furnished to the President and Congress, and the annual submission of a business-type budget. These procedures offer a very firm system of checks and balances which will provide ample opportunities for scrutiny by both the executive and legislative branches of the Government of every penny that is spent by the Service.

And finally, the bill I propose today would increase the execution and passport fees presently set by law to $10 and $15, respectively. It has long been my belief that not only should services offered by the Federal Government be self-sustaining but that where local and state governments assist the Federal Government in its endeavors the former should be fully compensated for their services.

Approximately half of the passport applications filed annually in the United States are executed before Federal and State clerks of court. At the present time State clerks, who take as many applications as do all passport agencies, are permitted to retain only the $2 execution fee notwithstanding the fact that this amount rarely compensates them for the time spent. Moreover, it does not permit the hiring of additional employees to handle passport work exclusively during the rush season. In my judgment, having talked to a number of State clerks, a more realistic amount for the service rendered would be $10 per application. This would also help local officials build strong, viable and public service oriented offices at the grass roots of our great Republic. As we all know the local level of government, particularly, is hurting today because of the onerous demands of higher echelons. The raising of the execution fee will be a means by which the Federal Government can assist the States and localities.

Mr. President, when the Government Operations Committee, of which I was a member, helped reorganize and modernize the Passport Office back in 1956, and when I introduced S. 3340 the State Department in open hearings promised it would provide all the funds and facilities necessary to keep that office modern and up to date. They have failed to provide this support and the solutions they have offered to date indicate they do not intend to do so. It is time then that we in the Congress solve this problem for them. It is time we stopped accepting their assurances made year after year that they are going to solve the passport problem. It is time we require them by law to provide American citizens with the kind of convenient, efficient, and economical service for which they pay, and to which they are entitled.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1534

At the request of Mr. Humphrey, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 1534, to amend title 10, United States Code, to prescribe additional health benefits for certain dependents.

S. 2454

At the request of Mr. Byrd of West Virginia, for Mr. Jackson, the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Oregon (Mr. Hatfield), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2454, to expand the Youth Conservation Corps.

S. 2477

At the request of Mr. BYRD of West Virginia, for Mr. JACKSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2477, to provide for the timber harvest research program.

S. 2504

At the request of Mr. HUMPHREY, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2504, to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietitian.

S. 2593

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2593, the Universal Child Nutrition and Nutrition Education Act of 1971.

S. 2648

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 2648, to establish a national strategic reserve of selected farm commodities.

S. 2669

At the request of Mr. BELLMON, the Senator from Kansas (Mr. DOLE), the Senator from Montana (Mr. MANSFIELD), the Senator from Utah (Mr. MOSS), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 2669, the Federal Child Support Security Act.

S. 2724

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) I ask unanimous consent that, at the next printing of the bill, S. 2724, to establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, the establishment of local Indian school boards, the names of the Senator from Michigan (Mr. HART), the Senator from North Carolina (Mr. JORDAN), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLTUION 8

At the request of Mr. BAYH, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE CONCURRENT RESOLUTION 47—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO ADDITIONAL PARKING FOR SENATE EMPLOYEES

(Referred to the Committee on Rules and Administration.)

Mr. GRAVEL. Mr. President, today I submit for appropriate reference, a concurrent resolution to permit temporary parking by Senate employees on two squares of the Capitol Grounds.

I submit this resolution as chairman of the Subcommittee on Buildings and Grounds of the Committee on Public Works, at the request of Robert G. Dunphy, the Sergeant at Arms of the Senate.

There is little need, Mr. President, to detail the parking problems which now harass many employees of the Senate who drive private automobiles to work. I have been informed by Mr. Dunphy's office that as of today, 405 parking spaces are available in the general lot at First and D Streets, NE., for use by those who have not been assigned reserved parking spaces on other streets and squares. Yet for those 405 unassigned spaces, some 2,348 permits have been issued by the Sergeant at Arms.

The result is apparent to anyone who has walked or driven in that area of the Capitol Grounds on a weekday morning. Literally hundreds of employees are forced to search through the surrounding streets for parking spaces, which may be many blocks away from their offices, if they can find them at all. Some have given up the daily struggle and resigned themselves to paying commercial parking fees, but even these commercial spaces are in critically short supply. In fact, I understand that the only commercial lot in close proximity to the Senate office buildings generally is filled by 9:15 a.m., and that after that time, both Senate employees and visitors to the Capitol are turned away routinely.

It seems obvious to me that we are a number of years away from beginning construction of the proposed Senate parking garage, which is a long-term solution to this problem. Fiscal conditions being what they are, and particularly in light of the need for more office space on the Senate side, I cannot anticipate early action on the garage bill.

For those reasons, I have introduced today's concurrent resolution to provide temporary parking on squares 721 North and 721 South of the Capitol Grounds. To identify these squares more closely, they are situated at the Union Station end of the Capitol Grounds and are bounded by E and F Streets NE., by Second Street NE., and by Union Station Plaza. California Street, which itself is used for employee parking, presently divides the two squares.

Mr. President, it is estimated that by converting these two squares and the street between them to parking use, the Senate will realize a net gain of some 300 spaces for its employees. Although this gain does not approach the status of a solution to the parking problem, it would relieve much of the congestion on the surrounding streets each morning.

I should make it clear at the outset that this resolution does not contemplate that squares 721 North and 721 South are to be used permanently for staff parking. On the contrary, the resolution provides that as soon as permanent parking facilities are furnished by the Senate, the squares shall be restored to full park use.

The Sergeant at Arms' office and the Architect's office have assured me that the trees growing on these squares will not be cut down to make room for automobiles, although a number of shrubs were recently planted on square 721 North and will be removed. But nothing will be done to the squares which will diminish their future use as parkland.

I have further been assured that in locating the entrances and exits to the new lot, the Architect of the Capitol will make certain that the traffic flow on the neighboring residential streets will be disturbed as little as possible. Plans also call for shrubbery to be planted around the perimeter of the parking lot to block it from view.

The concurrent resolution is as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Architect of the Capitol should permit the parking, under the control of the Sergeant at Arms of the United States Senate, of passenger motor vehicles on those parts of the United States Capitol Grounds described as square 721 North and square 721 South, for such time as the said Architect determines that such squares are needed for parking purposes: *Provided*, That at such time as permanent parking facilities are provided by the Senate, said squares shall be restored to full park use.

SENATE RESOLUTION 188—SUBMISSION OF A RESOLUTION TO OBVIATE ROLLCALL VOTES ON YOM KIPPUR AND CHRISTMAS

(Referred to the Committee on Rules and Administration.)

Mr. ALLOTT (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. GRIFFIN, and Mr. BYRD of West Virginia) submitted the following resolution:

S. RES. 188

Resolved, That it be a Standing Order of the Senate that, unless otherwise directed or in time of national emergency, no rollcall vote shall be taken in the Senate on the Jewish holiday known as Yom Kippur or on the Christian holiday known as Christmas.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 181

At the request of Mr. CHILES, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Resolution 181, expressing the sense of the Senate concerning the availability of appropriated funds for the food stamp program, and for other purposes.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 542 THROUGH 545

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, 2 months ago President Nixon announced his new economic plan. It called for a total reversal of past presidential policy respecting controls over wages and prices.

Though I endorse his action, it has come very late indeed. In June of 1968, I endorsed the imposition of wage and price controls if the inflation were not brought under control by other means. If action to control wages and prices had been taken 2 or 3 years ago, the interests of the Nation would have been better served.

There are, of course, many inequities toward certain classes of wage earners which should be quickly rectified.

The Congress is now considering the President's tax package which is the second part of his economic plan. It is here that the most glaring inequities in the plan come into view.

Consider what happens in 1972.

Adding the investment credit to the other business tax proposals, it comes to $9 billion—about a 20 percent corporate tax cut.

The average taxpayer also gets a tax cut. The catch is that for most low- and middle-income workers, it is totally canceled out by next year's social security tax increase.

So the average worker will pay more taxes in 1972 at the same time that the corporations are getting the largest tax cut in American history.

The shift from taxes on corporations to taxes on individuals can be seen in the accompanying table. This gives the percentage of national income raised by different Federal taxes—the personal income tax, the social security tax, the corporate income tax, and sales and excise taxes. The comparison is between 1961—before the Kennedy tax cuts—and 1972—assuming passage of the President's tax package. The table shows that there is no change between 1961 and 1972 in the share of national income raised by the personal income tax, a significant drop in the corporate tax share, and a large increase in the payroll tax share:

PERCENT OF NATIONAL INCOME[1] RAISED BY FEDERAL TAXES

	Personal income tax	Social security tax	Corporate income tax	Sales and excise taxes	Tota Federa taxes
1961[2]	8.7	3.9	4.6	2.7	20.4
1972[3]	8.6	6.0	3.6	1.8	20.0

[1] National income at full employment.

[2] 1961, before any of the tax changes of the Kennedy administration.

[3] 1972, assuming the President's tax package is in effect.

These data strongly support the position that the distribution of tax relief proposed by the administration is unfair.

It is also bad economics.

The administration's tax proposals are supposed to increase investment in plant and equipment—and thus jobs.

But with industry operating at 72 percent of capacity, most businessmen have little incentive to expand their plant and equipment.

Meanwhile, most of the economists agree that the key to economic recovery is increased consumer spending. An extra dollar in the hands of the consumer will have a sharper, quicker impact than a dollar in the hands of corporate managers. Yet the average worker will actually pay higher taxes next year than he is paying now.

To redress the imbalance in the President's program, I am introducing four amendments to the House-passed bill.

The first would revoke the new depreciation rules—ADR—thus saving the Treasury approximately $26 billion over the next 10 years;

The second would limit the investment eligible for the 7 percent tax credit to $1 million per firm. This would greatly benefit small and medium sized companies, while saving the Treasury about two-thirds of the revenue-loss that would result from an unlimited credit;

The third would remove the DISC proposal from the House bill; and

The fourth would defer the social security tax increase for 1 year. Since the social security system is expected to generate a surplus of $7.2 billion in 1972, we can afford to do this.

These amendments would save the Treasury $4.5 billion in 1972 and increasing amounts thereafter. In the near-term, this money should be spent to increase unemployment compensation benefits, to expand the number of public service jobs, to assist states in meeting their welfare costs, and to fund other programs that will stimulate the economy quickly.

These measures, along with deferral of the $3 billion social security tax increase, will do much more to return the economy to full employment than the administration program.

Beyond this, these revenues should go for health and welfare reform, to fight pollution, to bring fiscal relief to State and local governments, and for the many other items on the agenda of social reform.

These amendments also seek to maintain the integrity of the tax system. One of them would remove a major new tax loop hole—known as DISC—from the bill now before the Senate.

The DISC proposal is an effort to expand exports by providing special tax advantage to a new kind of corporation—a "DISC"—which is involved only in exporting.

American manufacturers producing for export would channel their exports through a DISC. The DISC's profits would not be subject to income tax if they are used for "export-related activities."

Unfortunately, the DISC proposal is fraught with difficulties and unanswered questions.

First, the Treasury estimates that DISC will increase exports by $1.5 billion while reducing revenues by $600 million. Even overlooking the fact that these estimates may be quite optimistic, I wonder whether this is such a good bargain: for every dollar of increased exports, there is a reduction of revenues of 40 cents. In effect, the Treasury is subsidizing 40 percent of the cost of new exports.

Second, although the Treasury states that DISC would exempt export profits from taxation, the fact is that under the formula used for determining export profits, much—in some cases all—manufacturing profits would become tax-free also. The Treasury does not contest this fact.

Third, the Treasury maintains that DISC profits—to remain tax-free—must be used in "export-related activities." But in fact, within certain limits, these profits can be used for almost anything, including manufacturing activities overseas—which would worsen our trade position. The Treasury does not contest this fact either.

In arguing for DISC, the Treasury points out that taxation of U.S. foreign subsidiaries is deferred, and that DISC is required to prevent domestic exporters from going overseas to obtain this tax advantage. This overlooks the fact that U.S. foreign subsidiaries pay foreign income taxes which in many cases are close to—or more than—our's. But if our foreign subsidiaries do have a tax advantage, the solution, surely, is to close the loophole by ending deferral, not to widen it.

Finally, I am disturbed that the Congress is being asked to endorse this expensive proposal with little or no evidence to support it. The Treasury has not provided us with a single study of DISC. Indeed, the only study of DISC that I have seen—performed by the Joint Committee on Internal Revenue Taxation—raises serious questions concerning its desirability. Moreover, the President's Commission in International Trade and Investment Policy refused to recommend DISC in its recent report.

DISC would simply add a new loophole to a tax system that already has a great many. I am glad to see that people from all parts of the political spectrum—from Stanley Surrey, Assistant Secretary of the Treasury under Presidents Kennedy and Johnson, to the editors of the Wall Street Journal—have spoken out forcefully against it.

The amendments I am submitting today to H.R. 10947 by no means exhaust the list of measures needed on the economic front. In particular, Congress should move ahead full steam to pass welfare reform and additional legislation to bring fiscal relief to the States.

But first, we must pass a fair and progressive tax bill, along with other measures, to return this nation to full employment.

The goal of this bill should not be new opportunities for tax evasion. It should not be a large cut for those who do not need it—and therefore will not spend it. It should not be to continue the steady erosion of our tax base which is making it increasingly difficult to meet our most pressing needs.

Instead, we must pass a tax bill that will deal fairly with the American people, and return a measure of economic justice to our tax system.

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 546

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted amendments, intended to be proposed by him, to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 548

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, on behalf of myself and Senators Buckley, Goldwater, and Gurney, I send to the desk for printing an amendment to the Foreign Assistance Act which would subject U.S. annual mandatory contributions to the U.N. to the congressional authorization process. There are two major categories of contributions the United States makes to the U.N. These contributions are categorized as assessed and voluntary. My amendment deals with the assessed contributions, which currently are not subject to an annual authorization review by the Congress. Under the United Nations Participation Act of 1945, section 18, a continuing authorization has been granted and the annual assessment is included as part of the annual appropriations act for the Department of State.

I introduce this amendment for several reasons. One of those, quite obviously, is extreme disappointment over the action of the United Nations to expel Nationalist China, giving the Chinese seat to Peking. By doing this, a dangerous precedent has been set—expelling a member of the organization through the simple expediency of a majority vote. What is even worse is that this was allowed to happen to one of the founding nations and a member of the Security Council. If such a fate can happen to the Nationalist Chinese, who is to say it cannot happen to others. The time has come for the Congress to take a much closer look at the United Nations, and, in particular, at the programs the American taxpayer supports with his hard-earned dollars.

From 1946 through 1971, the U.S. assessed contributions to the United Nations have been almost $1.3 billion. Over these years, our assessed contributions have averaged almost one-third of the total assessed contributions of member nations.

I ask why have our contributions remained at one-third of the total U.N. member nation contributions when since 1946 the number of U.N. members has grown from 50 to 131? Had these annual contributions been subjected to an annual authorization process, it seems to me the figures might have been different.

This calls up another reason for my step in introducing this amendment. This is the principle of representation based on the size of the member nations. Over the years, I have seen the U.S. position eroded in the U.N. as neophyte nations—and it is open to question as to whether one could call them nations—have joined the U.N. and with the use of a full vote, weighted equally with ours, have assumed an importance equal to ours. For example, 63 nations with less than one-fortieth the population of the United States, and with an annual GNP probably less than our annual assessed contribution, have been able to make demands out of all proportion to their size. When banded together their voting power is totally disproportionate.

In light of this and other considerations, it is my purpose, through this amendment, to insure a fuller and more complete examination of our contribution to and participation in the United Nations, to bring the appropriate committees of the Congress into their proper reviewing roles, and to bring U.S. contributions to the United Nations into a fairer and more proportionate perspective.

AMENDMENT NO. 549

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, on behalf of myself and Senators Buckley, Goldwater, and Gurney, I send to the desk for printing an amendment to the Foreign Assistance Act of 1961 which would impose a positive ceiling on the amount of money the United States voluntarily contributes annually to the United Nations special programs. Since 1946, the United States has voluntarily contributed more than $2.5 billion to the United Nations special programs and peacekeeping forces. My amendment would limit voluntary contributions both in total and by program to a percentage no greater than the United States contributes to the assessed budget of the U.N. For example, my amendment would limit our voluntary contributions to any of the special programs to no more than 33 percent. It would also limit our total voluntary contribution to the same percentage.

To show the full impact of this amendment, let me review what we are contributing to some of the special programs this calendar year, both dollarwise and percentagewise. There are 17 special programs to which the United States is contributing this year. The U.S. voluntary contributions this year will exceed $223.5 million. We are contributing a million or more dollars to nine of these special programs. Three of the larger programs and the amounts we are contributing are: the U.N. development program, $86.3 million; the U.N./FAO world food program, $47.9 million; and the U.N. Relief and Works Agency, $23.2 million.

Our voluntary contributions are almost exactly double our assessed contribution of $111.8 million for 1971, and I believe this ratio is out of proportion. The purpose of my amendment is to attempt to restore some semblance of balance between assessed contributions and voluntary contributions.

I have discussed the dollar amounts the United States voluntarily contributes. Now I will examine the percentage of our contributions in relation to the total contributions made by other U.N. members to these special programs. Our percentage of voluntary contributions to these special programs ranges from 97.8 percent for drug abuse control to 11.1 percent for the World Health Organization International Agency on Cancer. For the U.N. development program we are contributing 34 percent, for the U.N./FAO world food program 51 percent, for the U.N. Relief and Works Agency 55 percent, and for the U.N. fund for population control 50 percent.

The U.N. is on the verge of bankruptcy, has been living beyond its means, and it has spent too much money in the past. Yet I support the observation of Secretary Rogers that the United States has been doing the same thing in its financial relations with the United Nations.

Over the years, since 1946, we have continued to provide roughly the same percentage of contributions even though the membership of the United Nations has grown from 50 to 131. I ask why the United States needs to continue to provide a disproportionate share of these contributions, especially when many of our own unilateral programs to foreign countries provide assistance in the same areas?

AMENDMENT NO. 552

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, on October 27 I submitted amendment No. 535 to H.R. 9910, the Foreign Assistance Act of 1971. I send to the desk for printing a modification of that amendment designed to strengthen the Hickenlooper amendment of 1962. The modification ties down the essential requirement that the President suspend aid to any country which expropriates property owned by American citizens unless appropriate steps are taken within 6 months to pay adequate compensation. I would like to ask unanimous consent that at its next printing the names of the Senator from Nevada (Mr. Bible), the Senator from Tennessee (Mr. Brock), and the Senator from Kentucky (Mr. Cook) be added as cosponsors.

AMENDMENT NO. 553

(Ordered to be printed and to lie on the table.)

Mr. ALLEN (for himself, Mr. Brock, and Mr. Ervin) submitted an amendment, intended to be proposed by them, jointly, to House bill 9910, supra.

AMENDMENT NO. 554

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 555

(Ordered to be printed and to lie on the table.)

Mr. BROCK submitted amendments, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 556

(Ordered to be printed and to lie on the table.)

Mr. STEVENS (for himself and Mr. Goldwater) submitted amendments, intended to be proposed by them, jointly, to House bill 9910, supra.

AMENDMENT NO. 557

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted amendments, intended to be proposed by him, to House bill 9910, supra.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 547

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

AMENDMENT OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENTS

AMENDMENT NO. 550

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

CONFIRMATION OF PAY BOARD AND PRICE COMMISSION MEMBERS

Mr. HUMPHREY. Mr. President, I am today submitting an amendment to S. 2712, a bill to amend the Economic Stabilization Act, that will require all public appointees to the Pay Board and Price Commission to be confirmed by the Senate of the United States.

As presently designed, the sole appointing power rests with the President of the United States.

The Congress is frozen out. And this is wrong.

These Boards will have authority to make decisions that will have a profound impact on the American economy and on the financial well-being of all our citizens.

It is important to assure impartiality, representativeness, and fairness in the selection process of public members because the success of our anti-inflation efforts will rest on trust and confidence that the American people place in the policy decisions of these Board members.

I believe it is proper, therefore, that the Senate consult on these appointments through the confirmation process, that it examine the qualifications of appointees, and that it participate in enpaneling public members who will perform their duties for all elements of the economy—business, labor, agriculture, the consumer.

The proposal I am making today is in keeping with the constitutional balance of powers that has established the executive and legislative branches of Government as coequal. But what has happened recently in this country is that Congress has not been coequal. And, as a result, a vital element in policymaking processes has often not been heard.

Mr. President, I believe that Congress must be coequal. And I am convinced that the changes in that relationship that could come about through the executive fiat of sole appointing power of Price Commission and Pay Board public members threatens to erode the essential balance that must exist between the two branches.

The confirmation of appointed public members to the anti-inflation board is not without precedent. When price and wage restraints were applied in the late 1940's and early 1950's the Administrator of the Office of Price Administration, Governor DiSalle, was subject to the confirmation process.

Under no circumstances do I question the loyalty or dedication of those members who may be appointed to the anti-inflation boards. I am suggesting, however, that the processes of representative government must be preserved. And Senatorial confirmation is just one step toward that goal.

Mr. President, I ask unanimous consent that the amendments be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 550

On page 1, strike out line 3 and insert the following:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Economic Stabilization Act Amendments of 1971'."

On page 1, line 5, before "It" insert "SEC. 2.", and renumber succeeding sections accordingly.

On page 2, line 16, insert "(a)" immediately before "Section 203".

On page 2, line 18, beginning with "or" strike out all through the period in line 21 and insert the following: "or to such boards, commissions, and similar entities as may be established by the President. Subject to the provisions of section 4(b) of the Economic Stabilization Act Amendments of 1971, such boards, commissions, and similar entities shall be composed in whole or in part of members appointed by the President to represent different sectors of the economy and the general public."

On page 3, after line 8, insert the following:

"(b)(1) Any member of the Pay Board, established by section 7 of Executive Order No. 11627 of October 15, 1971, who is representative of the general public, and any member of the Price Commission, established by section 8 of such executive order, shall be appointed by the President by and with the advice and consent of the Senate.

"(2) This subsection takes effect upon the expiration of 30 days after the date of its enactment. Nothing contained in this subsection affects the validity of any action taken by the Pay Board or the Price Commission as constituted prior to the effective date of this subsection."

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 551

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL. Mr. President, I am submitting today an amendment which has as its primary purpose the prohibition of forced busing of public schoolchildren. The legislation is in the form of an amendment to the Equal Employment Opportunties Act which has been reported to the Senate floor by the Senate Labor and Public Welfare Committee. In my judgment, a bill purporting to provide equal opportunities is a fitting vehicle for legislation which prohibits school attendance assignments based on race, creed or color. If we are to have stronger laws to prevent discrimination in employment based on race, creed or color, we should likewise have laws which restrict pupil placement assignments based on race, creed or color.

An additional objective of the amendment which I am offering is the restriction of an ill-conceived practice now being pursued in connection with school desegregation by the Department of Health, Education, and Welfare. This is the practice of denying Federal educational assistance to school systems which do not comply with HEW desegregation requirements, although those same school systems are complying with desegregation plans approved by the Federal courts. This practice has been used in Georgia, and in other States, to deny millions of dollars of Federal assistance to school systems which are fully desegregated, on totally insignificant grounds. Permitting such a practice is a license for bureaucratic blackmail. The Senate expressed its sentiment against this practice when it unanimously adopted the Chiles amendment to the School Aid and Quality Integration Act of 1971. Yet the Department of HEW persists in applying it.

Most of us are thoroughly familiar with the busing issue. Outraged parents and other citizens are gathering daily in communities about the country, at the Capitol here in Washington and in our private offices, demanding action on this subject.

Thousands of schoolchildren are being transported outside of their neighborhoods and communities, and are being required to attend school in other neighborhoods and communities. The process is enormously expensive, disruptive of consistent educational planning, and discriminatory as between those who are transferred and those who are not. In spite of Supreme Court decisions declaring pupil placement assignments based on race to be unconstitutional, other Federal court decisions seem to be based on the assumption that pupil placements may be made to achieve a racial balance, and that the busing of students may be required to achieve such racial balance.

The Chief Justice of the United States has suggested that Federal courts may be "misreading" the decision of the Supreme Court of the United States on the subject of busing. Justice Hugo Black, before his death, admitted that there is "confusion" concerning the busing issue.

The amendment which I have offered limits the power of Federal courts to enforce racially selective school assignment orders, including school busing, until all appeals from such orders are finally determined. In addition, the amendment would prohibit the Departments of Justice and of Health, Education, and Welfare from supporting racially selective assignments in court or through bureaucratic procedures. An exception is made for school systems which request such support, thus permitting local educational policy to operate. Finally, the Department of HEW would be required to accept a court approved plan of desegregation as being sufficient, without any other conditions to qualify for Federal educational assistance. The provisions of the amendment would be effective until June 30, 1973, at which time it is hoped that the Supreme Court will have clearly ruled that busing and other forms of racially selective pupil placement, are unconstitutional.

It should be understood that this amendment does not alter the constitutional mandate requiring desegregation of schools, nor does it prevent the Federal Government from supporting the desegregation of schools. The amendment merely restricts the use of two relatively minor tools which have been misused in the course of desegregation. Compared with the economic, financial, social, and educational consequences of continuing these practices, the effect of the amendment is very mild indeed. Particularly is this true when it is considered that the practices may not be legally necessary, and in fact may be unconstitutional, and the further fact that the effect of the amendment is temporary, for less than 2 years, in order to give the Supreme Court an opportunity to clarify the legal and constitutional status of forced school busing.

Finally, President Nixon has announced his opposition to forced school busing, and his support for neighborhood schools. His announcement has not been augmented by any concrete actions, and I have criticized him for failing to support his words with deeds. It is hoped that he will support the effort made by this amendment to lift the burden of confusion and doubt which is impairing the effectiveness of our educational system in many parts of the country.

The senior Senator from Georgia (Mr. TALMADGE), the junior Senator from Tennessee (Mr. BROCK), and the junior Senator from Florida (Mr. CHILES), have joined me in sponsoring this amendment.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 45

At the end of the bill, add the following new section:

"SEC. 13. Because of legal and constitutional uncertainties relating to the question of public school student placement as it relates to the desegregation of public schools, and because of the disruption of normal educational operations, the expense, the disorder and divisiveness, and the possibility that certain student placement practices may be declared to be legally unnecessary or unconstitutional, it is the purpose of this section to prohibit and suspend certain student placement practices which have heretofore been implemented by courts, and by departments of the United States Government until the legality and constitutionality of such practices can be more clearly determined. It is also the purpose of this section to require the Department of Health, Education, and Welfare, in the distribution of Federal educational assistance, to accept court-ordered plans of desegregation as being complete and sufficient to qualify for such assistance without the imposition of further conditions."

(a) Neither the Department of Justice nor the Department of Health, Education and Welfare shall be authorized to support the assignment or requirement of any public school student to attend a particular school because of his or her race, creed or color, notwithstanding any other law or laws.

(b) No funds heretofore or hereafter authorized or appropriated by any law to or for the Department of Justice or the Department of Health, Education and Welfare, or otherwise, to be expended, shall be expended to support the assignment or requirement of any public school student to attend a particular school because of his race, creed or color.

(c) Notwithstanding subsections (a) and (b), and any other law or laws, any plan for desegregation, including plans calling for the transportation of students, required or permitted by any Court of the United States to be conducted by any local educational agency within the United States, shall, upon request by such agency, be accepted and approved by the Department of Justice and the Department of Health, Education, and Welfare as a complete and sufficient "plan for desegregation" for the purpose of qualifying for and receiving any assistance under any law of the United States authorizing or requiring the furnishing of Federal assistance, and neither the Department of Justice nor the Department of Health, Education, and Welfare shall deny such assistance to any public educational agency within the United States because of failure of such agency to meet any condition except willful failure to comply with such plan of desegregation.

(d) Notwithstanding any other law or laws, no Court of the United States shall have jurisdiction or authority to enforce any order or judgment to the extent that it provides for the assignment or requirement of any public school student to attend a particular school because of his or her race, creed or color, until appeals in connection with such order or judgment have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.

(e) Definitions.

(1) "Local educational agency" means a public board of education or other public authority legally constituted within a State either for administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(2) "Support" shall include, but not be limited to:

(a) advocacy both in and out of court;

(b) the preparation of plans for desegregation both in and out of court;

(c) the withholding of funds appropriated for educational purposes because of or contingent upon compliance with a plan for desegregation; and

(d) any other form of action, withholding of action, or other conduct;

having as its purpose or effect the inducement of any person or persons, any educational agency, or any Court, to adopt any plan for desegregation providing for the assignment or requirement of any public school student to attend a particular school because of his race, color or creed.

(3) The terms "assignment" and "requirement" shall be deemed to include, but not be limited to, individual selection, selection as part of a group, provision for transfer or transportation, or any other form of selection or assignment for school attendance purposes.

(4) The term "public school pupil" shall be deemed to include any pupil, regardless of race, creed or color who is eligible to or required to attend any form or type of school conducted by any local educational agency within the United States, or any territory thereof.

(5) "Because of" shall mean "solely because of" as well as "partially because of."

(6) "Assistance" shall be deemed to mean any form of assistance, including, but not limited to, money and services.

(7) "Any law of the United States authorizing or requiring the furnishing of federal assistance" shall include, but not be limited to:

1. The Education Professions Development Act, Part D (20 U.S.C. 1119–1119a).

2. The Cooperative Research Act (20 U.S.C. 331–332b).

3. The Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c—2000c-9).

4. The Elementary and Secondary Education Act of 1965, Section 807 (20 U.S.C. 887).

5. The Elementary and Secondary Education Amendments of 1967, Section 402 (20 U.S.C. 1222).

6. The Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781–2837) (under authority delegated to the Secretary of Health, Education and Welfare).

7. Appropriations Acts heretofore and hereafter relating to such laws.

(f) If any provision of this Section or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Section and the application of such provision to other persons and circumstances shall not be affected thereby.

(g) All laws or parts of laws not in conflict herewith be and the same are hereby repealed.

(h) This Section shall take effect upon the date of its enactment, and shall expire at midnight on June 30, 1973.

(i) Subsections (a) and (b) of this Section shall not apply to support furnished to any local educational agency pursuant to the written request of such agency, but this Subsection (i) shall permit such support only for the purposes requested by such agency and only until such request shall have been withdrawn."

NOTICE OF HEARING ON AGRICULTURAL EXPORTS

Mr. CHILES. Mr. President, I wish to announce that the Subcommittee on Agricultural Exports of the Senate Committee on Agriculture and Forestry will hold a 1 day hearing beginning at 10 a.m., in room 324, Old Senate Office Building, on Friday, November 5, 1971, in order to assess or determine the situation regarding agricultural exports in light of the current labor-management dispute in the shipping industry.

Although the subcommittee does not have jurisdiction over labor-management disputes, the purpose of this hearing is to determine to what extent injury is occurring to agriculture and to make available the facts concerning this situation for the benefit of the Members of Congress and the Executive.

I have received numerous requests for such hearings not only from numerous farm groups and individual farmers, members of the Senate Agriculture and Forestry Committee and other Senators as well.

Anyone wishing to testify should contact the committee staff as soon as possible.

ADDITIONAL STATEMENTS

PROPHET IN HIS OWN TIME

Mr. TALMADGE. Mr. President, there are many who would have us believe they are prophets and sages in this country of ours, but none of these has proved to have more legitimacy than social philosopher and architecture critic, Lewis Mumford.

For many years, Mr. Mumford has been warning us that bigness for its own sake is the sure path to chaos in our cities. His predictions of an impersonal, high speed life in urban areas that leads to nervous breakdowns and similar forms of trauma have come true.

Mr. Mumford says that our patterns of living must be kept within a reasonable framework, in neighborhoods or villages where people know one another, where they are not merely social security numbers.

There are many indications that there are economies of scale in urbanization. Once a city's population gets to certain levels, the cost of fire and police and other services soars.

There is one more indication that we must turn our eyes as a nation to the development of our forgotten rural towns and communities. If we will adopt a national policy of balanced growth we can make some important new beginnings in saving Small Town, U.S.A., and in solving the crisis of the cities.

Mr. Mumford recently received the Hodgkins Medal from the Smithsonian Institution, a richly deserved honor for a man who has lived to see his prophecies come true.

Mr. President, I ask unanimous consent that an article about Mr. Mumford, published in the Washington Post of October 23, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lewis Mumford—Proved Right in His Own Time

(By Michael Kernan)

A man who is ignored, but right, may develop a haunted look over the years, or he may turn into a contented paterfamilias with deliberate gestures, like Lewis Mumford.

The difference is this: Mumford has been proved right in his own time. His 1938 proposals for handling the growth of Honolulu were rejected instantly by that city when presented. By 1942, officials were conceding that Pearl Harbor might not have been so bad if Mumford's highway-plan had been carried out. Today, Honolulu regards the proposals as a classic might-have-been, solving the horrendous problems of the city's mountains and waterways not seen by the city at the time but now all too visible, not to say overwhelming.

"The thing is," said the 76-year-old social philosopher and pioneer architecture critic, "we refuse to realize that this is not a normal period, that it is a terrible time of demoralization and disintegration—the disintegration of civilization itself.

"People buy bolts for their doors and think they have solved the problem. But they continue to live in terror. Because our life is meaningless. We have to have music in our ears all day because we don't want to be left alone with ourselves. We turn on the TV and think we're in contact with the world. Actually, we've never been more alone."

The words came fast and easily, as should be expected of a man who has written two dozen books, and not pamphlets either, but solid works designed for the ages, whose titles resound with words like survival, man, civilization, life and history. His latest, "The Pentagon of Power," is the second volume of what even he calls a major work, "The Myth of the Machine."

Though he does not attack man's toolmaking ability itself, Mumford does say that the obsessive scramble to produce the megamachine has reduced us to mere button-pushers. "To do everything that is technically possible," he quotes another thinker, "is non-technical behavior." In other words, man's genius for adapting to his environment may lead him to adapt to the mechanized environment he has created himself, accepting smog and pollution and dehumanization with fatal ease.

No wonder Lewis Mumford's books are listed in the Whole Earth Catalogue.

He was asked about the problem of the adult American dropout, the person who feels that neither political party is relating to the concerns of people, who feels powerless, utterly disillusioned with the "go-to-the-polls, write-your-congressman" recourse, and who will either vote for some radical group or not vote at all.

"Our Constitution," he replied, "was conceived for a collection of small communities with a common basis. No organization has yet been perfected to handle such a large-scale operation as our country has become—on a democratic basis. We have always come up with a dictatorial pattern when dealing with this large an operation."

The answer lies, he said (as he has been saying for a generation), in neighborhoods or villages where everyone knows everyone else as people and not as addresses or Social Security numbers.

"Village life has its limitations, of course," he added. "You have to have fundamentally the same opinions as your neighbors. And you don't get great art or scientific advances from a village unless by luck. But I think we need this stable fundamental unit to survive."

Architectural critic Jane Jacobs has gotten a lot of mileage from her concept of neighborhods within cities, as in London ("a collection of villages," Mumford noted), but she is interested in dynamism, as he put it, while he seeks stability above all in our shattered world.

Mumford, whose son Geddes was killed in action at 19 in World War II and whose daughter, Alison Jane, recently moved out of her urban neighborhood in Brooklyn to a suburb near her parents in Amenia, N.Y., just celebrated his 50th wedding anniversary and, Whole Earth Catalogue or not, confesses himself appalled at the so-called Now generation. His reason is that Now is a tragically short time. The young, he observed, exist in a present so narrow that they grossly underrate their own capabilities along with man's accomplishments and potential.

"We've given them this heritage of the bomb," he said, "and they actually don't expect to live beyond 30. So why should they make an effort? You can't do anything worthwhile unless you can take your future for granted."

Shaking his head at the thought of the agonizing reappraisal that must face these young people when they find themselves 30 and still very undramatically alive, Mumford commented that TV and radio are creating an illiterate population, dangerously susceptible to control, because people no longer make the effort to read.

"I'm not a pessimist, you understand," he added, "any more than the surgeon who diagnoses terminal cancer is a pessimist. He's just reporting on a condition that exists."

Change is possible only through a massive spontaneous movement, he said. "It won't come overnight, but all at once there will be a body of people who see they are talking the same language, have the same hopes."

Mumford called attention to the citation on his Hodgkins Medal, awarded him this week by the Smithsonian Institution for his contributions to our knowledge of the cultural aspects of man's environmental relations.

It reads in part: "for endowing man with new abilities to discover the reciprocal influences of culture and landscapes. . . ." It was only the 10th medal awarded since 1891.

"This means more to me than the Nobel prize, not that I would ever get the Nobel prize," said Mumford, "because it's the first time it was given to someone who wasn't a specialist."

In 30 years Current Biography has promoted Lewis Mumford from "architectural authority" to "man of the Renaissance." Lucky the prophet who lives to see himself vindicated.

CURRENT ECONOMIC POLICIES—ADDRESS BY SENATOR TAFT

Mr. TAFT. Mr. President, on October 26, 1971, I delivered a speech before the Financial World Banquet in New York City. The speech summarizes some of my thinking on current economic policies. I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Current Economic Policies—Address by Senator Taft

America has always been a trading nation. British mercantilism was a major contributing factor to our national genesis. Attempts by the English to curb American manufacturers through the navigation acts, enumerated articles, the wool act, the molasses act, the sugar act, and the stamp act, did much to awaken a sense of national identity.

Historian Charles Beard has even made a strong case that the ratification of our Constitution by the States was essentially of economic significance and the ratification vote followed closely the economic interests to be served by the new form of government.

Throughout American history the economy has been the eternal issue. It was to some extent the economy that divided Hamilton and Jefferson when they were both members of President Washington's cabinet. It was the fight over the United States Bank which dominated the Jackson period and the struggles over the tariff and free silver commanded the center stage of American history into the twentieth century. In fact it was the weakness of the Articles of Confederation with respect to the economy which led to the constitutional convention and our present form of government.

The panic of 1893 resulted in a depletion of the Treasury's gold reserves. This was exacerbated by excessive imports and an imbalance in American trade. The sanctity of gold was challenged by a Congressman from Nebraska named William Jennings Bryan, who voiced to his party's convention the famous words:

"You shall not press down upon the brow of labor this crown of thorns; you shall not crucify mankind upon a cross of gold."

Now in 1971 the question of gold has once again become prominent in economic and political circles. Today's question does not call for silver tongued oratory but it does call for a general understanding on the part of the American people as one of the important economic factors which can affect the American standard of living. After World War II to give impetus to their economic recoveries, Japan and Germany set their exchange rates at an artificially low level. This plus low labor costs permitted their goods to be sold very cheaply on international markets and made the importation of foreign goods by their nationals more expensive. These economic policies were tolerable to the U.S. so long as the United States was encouraging the postwar economic recovery of our former adversaries. Such policies are no longer acceptable today.

In the second quarter of 1971, our balance of payments on a net liquidity basis was running a deficit (at a seasonally adjusted annual rate) in excess of $23 billion. In addition it appears that the U.S. is sure to suffer its first major trade deficit since 1893.

America's position in world trade has been seriously eroded during the past two decades. For instance, in 1950 the United States' share of world automobile production was 76%. Last year it dropped to 33%. In 1950 the

United States' share of world steel production was 47%. Last year it was only 20%.

America has been the world leader in modern tool production since before World War I. By the end of this year we will have fallen behind Russia, Japan and Western Germany.

Almost half of our shoes are imported. More than half of our black and white television sets are imported, and 90% of our radios are imported.

Since 1950 our growth rate in terms of constant dollars has been the third lowest among the world's 21 leading industrial nations. Japan's growth has exceeded ours by a three-to-one ratio. After World War II the U.S. was supreme in world shipbuilding. Last year we built only 2% of the world's production of merchant ships.

In 1970, we imported 96% of our motorcycles, 30% of our ceramic tile, 90% of our baseball gloves, 30% of our bicycles and 76% of our tennis rackets.

Andrew Biemiller, Director of Legislation for the AFL–CIO, recently estimated that,

"Approximately 700,000 American jobs were lost directly as a result of foreign competition between 1966 and 1969 alone."

Add that to a demobilization of 2.5 million military and defense workers and no wonder unemployment went soaring.

Through the first half of 1971 the U.S. was running a trade deficit with Japan at an annual rate of $2.8 billion. Moreover, Japan's official reserves now exceed those of the United States. In this setting, it should be clear that Japan's recovery from World War II is complete and it is time for our own recovery from post war economic policies to begin.

In a word it is time for America to take off the white gloves. We must let our trading partners understand that they must accept the rigors as well as the profits of a free world market.

In looking at our balance of payments deficit, it would be tempting to seek a high wall of protection as the answer. The advocates of protectionism, however, would forget that even in 1970, our exports exceeded our imports. Our balance of payments deficit came from capital flows, military expenditure, and miscellaneous. We had a substantial positive flow from investment income and a small gain in balance of trade. This year, of course, the balance of trade may be unfavorable. However, protectionism would destroy as many American jobs in the export-related industries as it protects in the industries threatened by imports. In addition, protectionism increases the cost of goods for the American consumer. One important answer to foreign imports is more efficient productive facilities in the United States.

With respect to the value of the dollar, the President has had no choice but to close the gold window by ceasing to sell gold at $35.00 an ounce. The U.S. balance of payments was in increasingly serious deficit. Foreign holdings made dollar liabilities 400% larger than the U.S. gold stock and a run on the bank was well under way.

Some economists are suggesting that the dollar should undergo limited devaluation. This suggestion has much attraction and should not be vetoed because of shibboleths on the sanctity of gold. Probably any devaluation should be contingent on IMF changing its rules to permit a fluctuation in national currency values of perhaps 3% either way. Such a band of fluctuation would permit appropriate dollar revaluation and might even allow a return to $35.00 an ounce for gold when the U.S. payments position is restored.

Directly tied to the balance of payments question is the cost of maintaining our NATO forces in Europe. While I was opposed to the Mansfield Amendment that would have reduced those forces by 50%, I do agree that the time has come for the European Nations to undertake a full share of the cost of maintaining their own defense.

By partially freeing the dollar from gold the President has allowed a small free market devaluation and this is of critical importance to America's business and workingmen alike. Limiting devaluation or revaluation by our competitors, will make foreign goods more costly in America and will allow American products to recapture domestic and foreign markets. Such a move might be directly translated into thousands of American jobs and profits for American manufacturers.

The second major move which the President took on August 15 was the temporary 10% surcharge. It should be emphasized that this is not a return to protectionism. We are not going to retreat to the policies which, for instance, saw the Dingley Tariff of 1897 raise duties to an average level of 57%.

The 10% surcharge announced by the President is a temporary move but an important bargaining chip. Free trade must be a two-way street, and not simply a one-way super highway to the American consumer. All too frequently our trading partners have imposed indirect restraints upon American goods which have undercut the support and substance of free trade. For example, prior to August 15 Japanese automobiles entering this country faced a 3.5% import duty. American cars entering Japan, however, were subject to a 10% duty and also to a commodities tax based upon engine displacements and wheel base. A Ford Pinto costing $2,000 would sell for $5,000 in Japan because of these indirect trade barriers. At that price it is no wonder that the Japanese have no yen for the Pinto.

The 10% import duty gives this country an important bargaining position in our effort to have Japan and other countries face up to the need for revaluation of their currencies and the elimination of indirect restraints against American imports.

At the heart of America's economic difficulties lies also the problem of productivity. The U.S. Department of Labor has reported that during the period from 1965 through 1970, the U.S. rate of productivity increase on an annual basis—was the lowest of any major free world nation. While Japan experienced an annual productivity increase of 14.2% and the Netherlands gained 8.5%, our productivity increase was 1.9%.

While our annual productivity gains have shown a lag our wage rates have not been similarly retarded. In fact, the wage gap in relation to our major foreign competitors was greater in 1970 than it was a decade earlier. In 1960, American industries were paying an average of $2.43 an hour more than our Japanese competitors. By 1970, American industry was paying $3.23 per hour more than Japanese firms. This wage gap was similarly widened in relation to Great Britain, Italy, France, and Western Germany.

For years, American industry has been able to overcome the wage differential enjoyed by our foreign competitors through greater productivity. By falling into last place in the growth of productivity, this equalizing factor has now been lost. *Industry week* has reported that it currently takes the Japanese 5.7 man hours to produce a ton of raw steel. *It takes us 7.31 man hours.*

Let me emphasize again that *productivity* is the key to America's standard of living. As Frank Porter stated in the *Washington Post* recently—

"If productivity had remained static over the centuries, man would never have emerged from the stone age. Increases in the standard of living are only possible through increases through productivity: Man can only consume what he produces.

Our productivity lag also has a direct effect upon inflation. John H. Carson commented this month in *Industry Week*:

"We are in the grip of a price inflation resulting in part from the basic fact that unearned wage increases must be passed on to the consumer."

Productivity is directly related to our ability to compete for foreign markets, our ability to compete for domestic markets, the number of jobs which we can provide for American workingmen, our balance of trade, and the value of our dollar. It is, therefore, imperative that we set as our number one economic priority the increase in American productivity. I suggest that we attack productivity on several broad fronts.

First, we should seriously question whether or not restrictive and anti-productive work rules should be enforceable if they are not directly related to the health and safety of the American worker. For example, for years America's railroads had to change crews every 100 miles as though we were still living in the steam age. Many American newspapers have to set bogus type. That is, simply because of union work rules, they set type for ads that they have no intention of ever running. On our nation's waterfronts, work rules currently require that 28 men be assigned on an unloading crew per crane, when 16 could easily perform the task. The new Lash ship work rules currently require 36–44 men when 7–10 are all that are needed upon the job. Some unions mistakenly think that these work rules protect jobs. Just the opposite is true. They destroy productivity and thereby destroy the competitive position and the buying power of the American worker. What kind of job protection was it when union work rules helped to close the New York Mirror, the New York Journal American, the World Telegram and Sun, the Brooklyn Eagle, and the New York Herald Tribune? When American industry is forced to utilize more men than are needed for the job, it simply means that the income generated from that work must be divided more ways and every worker will have his buying power reduced. To improve the economic well-being of all Americans we must act by declaring certain types of restrictive contracts and clauses void as against public policy.

The second major report that we must undertake to improve our Nation's productivity is the modernization of our tools of production. At the present time the United States reinvests a smaller portion of its gross national product in productive tools and equipment than any major industrial nation. During 1967 and 1968, for example, while Japan reinvested 25.1% of its gross national product in machinery and equipment we reinvested only 6.9%.

In large part, this investment lag is the direct result of our restrictive tax policies which retard rather than stimulate investment.

The accelerated depreciation guidelines announced by the President, and the proposed reinstitution of the investment tax credit will simply help to bring us back into line with the tax policies of our major industrial competitors.

For example, aggregate cost recovery allowances for the first taxable year in Germany averaged 16.7%; in Sweden 30.0%; in France 31.3%; in Japan 34.5%; and in Great Britain 57.8%; but American industry has been able to recover an average of only 7.7% during the first year.

As early as April 22, I gave a speech in the Senate calling for the restoration of the investment tax credit. I did so because I recognize that there is a direct correlation between the tax credit and the productivity. During the last decade, for example, during those years when the tax credit was in effect, our productivity increased at an annual rate of 4.5%. During those years in the last decade when the investment tax credit was not in effect, our productivity increased at an annual rate of only 2.4%. We should not lose sight of the significance of these figures. A productivity increase of only 0.4% (annual growth rate) would translate into an additional $250 billion in gross national product during the next decade.

As a third attack I believe that American productivity can be assisted by cutting back on the over-regulation of American business. This is nowhere more clear than in the area of ICC regulations. The ICC was created in large part to prohibit arbitrary and discriminatory rates. The record of the ICC shows, however, that it has sometimes done exactly the opposite. Rates vary not as to the commodity shipped, but as to the direction in which the freight moves. For example, to ship synthetic rubber from Louisville, Kentucky to New York City for export, 834 miles, the rate in 1970 was 95¢ per hundredweight; but the rate for that same commodity from Louisville to Toledo, a distance of only 298 miles, was $1.18 per hundredweight. Aside from area discrimination, why it should cost more to ship rubber 298 miles rather than 834 miles is a secret locked within the bureaucratic tangles of the ICC.

Earlier this year, Mr. Herbert Whitten, a Transportation Consultant for the Department of Transportation, wrote to me and estimated that:

"There are in existence 43 trillion railroad rates on file at the ICC."

He wrote that he has:

"Personally measured the tariffs on file in the ICC Tariff room and counted 4,300 feet of "tariffs—without an index to the rates covered. This is equal to a stack seven and one-half to eight times as tall as the Washington Monument and three and one-half times as tall as the Empire State Building with its TV antenna."

I have maintained that railroad rate regulation has resulted in higher costs for shippers and consumers. When rates are set by regional cartels with the blessing of the ICC, it is the American consumer who has to pick up the tab.

Earlier this year, I introduced S. 1092. The Modern Railway Transportation Act, which would have de-regulated Railroad freight rates. A study undertaken for the Brookings Institution by Professor Thomas Moore of Michigan State University has now confirmed my view that price competition in transportation would result over all in lower rather than higher rates. His study estimates that de-regulation could save American shippers and consumers up to $7 billion per year. This would mean cheaper cars and cheaper food for the American family.

Another example of over-regulation which the Modern Railway Transportation Act would correct is the requirement that railroads continue to operate unproductive branch lines. On February 11, 1971, the trustees of the Penn Central reported that 40% of its 20,000 route miles should be eliminated. Mr. J. R. Brennan, Vice President of the Chicago and North Western Railway Company, has written to me that:

"Nearly 40% of the entire North Western system could be abandoned with a maximum loss of only 3.7% of our total freight revenues . . ."

If we are really interested in productivity, it makes no sense to require railroads to operate hundreds and even thousands of miles of unproductive branch lines. The required operation of these lines places a drain on equipment and working capital involves costly maintenance, and results in higher charges to shippers and consumers. We cannot expect railroads to have their shippers subsidize inefficient operations and at the same time expect them to provide good service to the public and high wages to their employees.

By freeing American business from some types of over-regulation such as that which I have just described, we can permit our economy better to serve the American people and augment our nation's standard of living.

There are, of course, some inefficiencies that we accept by choice because of the quality of life which we as Americans desire. For example, we are not going to cut corners on measures to protect equal opportunity, our environment, our health, or our safety, even though these may somewhat reduce productivity. However, we should continually review the extent to which our productive system is being sapped by unnecessary expenditures in both the military and civilian sectors.

With regard to wages and prices, I am pleased that the President has continued a policy of wage and price restraint. His goal is to reduce inflation to between two and three percent annually by the end of 1972.

Under Phase I, wages and prices were necessarily straitjacketed by the emergency nature of the President's action. Under Phase II, certain wage and price adjustments will be allowed to correct inequities. However, these adjustments will stay within guidelines which are to be formulated before November 13.

The overwhelming majority of Americans support the idea of wage and price stabilization. The President's authority over wage and price stabilization should clearly be extended to dividends and interest. Hopefully normal market forces and pricing will keep them in line without strict controls. In that regard I am pleased that the President has asked the Congress to give him standby authority to impose controls on dividends and interest so that controls will be even-ended, affecting business and labor alike.

The President has indicated that he will act to curb "windfall" profits. Business and the country should back him in it. It is the most effective argument against allowing wage increases to go into effect that would blow the lid off the freeze. It is the best way to avoid any need for an unworkable and stultifying excess profits tax. Such a tax would run counter to the objective of making our economy more efficient. We should be trying to reward efficiency and productivity rather than erecting tax walls against business success.

On the wage and price front, it is obvious that Phase II is also an interim or temporary solution. In that context we must begin to formulate an economic strategy to see that workingmen derive their fair share of the productivity of American industry, while at the same time assuring the American consumer that wage settlements are not inflationary. Within this framework I believe that we should move to some type of system whereby wages may be related to productivity and the cost of living. Obviously, this would take a great deal of study, inasmuch as there is really no productivity measurement in the service sectors of our economy. However, by relating wages to productivity we will give the worker a direct financial incentive to increase productivity and strike down restrictive work practices. In today's competitive world the U.S. can no longer afford the luxury of having business and labor look at each other as economic opponents. By relating wages to productivity, workers and business will better appreciate the fact that they are both drinking from the same wellspring, and that they have a common cause in increasing the efficiency and productivity of American industry.

The textile break-through of October 15 shows flexibility on the part of the Administration in handling the international trade relations, which is commendable. I believe that this is one additional indication that the United States is going to reassert its position in a positive way in the international trade area.

Let me also make a comment about the expulsion of the Republic of China from the United Nations since I believe that this does have an important impact on economic questions. While all Americans should deeply resent expulsion of the Republic of China and while it is likely to endanger the future of the United Nations, it should not trigger regressive actions on the U.N. against U.S. interests.

Inevitably, the UN action will create a tougher attitude in Congress and throughout the nation on foreign aid, voluntary and assessed contributions to the United Nations, support of other international organizations, and international trade relations. However, it should not be permitted to isolate the country from the United Nations or to prevent the United States taking the lead to radically revise the UN Charter. We are long overdue in moving in this direction.

Likewise, it should not slow our attempts to bring about a long-term resolution of international monetary crises or to turn us away from expanding world trade to a protectionist foreign aid policy.

1971 will be recorded as a great transition period for the American economy. It should be recorded as a period in which America reasserts its economic leadership and embarks on new policies destined to recapture world markets. The period of complacency must be gone. The time for us to cast aside old habits and practices and begin a new competitive fight for jobs, profits and buying power, has now begun.

CONTROL OF USE OF TOXIC SUBSTANCES

Mr. NELSON. Mr. President, the news increasingly contains stories of toxic substances endangering the health of our citizens—PCB's—polychlorinated biphenyls—DDT, mercury and cyclamates, to name some prominent examples.

Many of these substances initially seemed to be safe for human consumption. Only after mass use are they found to be hazardous.

It has long been my view that the American people should no longer be the laboratory guinea pigs for testing possibly toxic substances and that we should adopt a first time safe policy in testing potentially hazardous substances, before they are mass produced and consumed.

Bruce McDuffie, in an article entitled "The Toxic Americans," published in the New York Times October 17, addressed himself to the problem of identifying and controlling the use of toxic substances. Professor McDuffie, of the State University at Binghampton, N.Y., made the original findings that led to the discovery of mercury-tainted fish and thus is uniquely qualified to discuss the increasing appearance of toxic substances in our daily lives.

I ask unanimous consent that his thoughtful article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 17, 1971]

THE TOXIC AMERICANS

(By Bruce McDuffie)

BINGHAMPTON, N.Y.—According to Alexander Pope, the proper study of mankind is man—and it looks like we're getting around to that these days in the pollution business. Significant concentrations of mercury are found in many fresh-water fish, in predator-type ocean fish, and now in this country significant (but not yet toxic) concentrations of mercury have been found in man the consumer. So mercury joins DDT metabolites on the list of toxic substances rising in man.

Life is precarious for all species, modern man being no exception. We are learning that it is hazardous to live in an industralized society and be at the apex of the food chain. What can be done about toxic substances in our food? (Not to speak here of food additives and botulism.) Extensive monitoring by the Food and Drug Administration to keep the worst of it off the market is essential and commendable (provided it doesn't go on the market in another country in a sort of reverse good-neighbor policy). But as DDT, mercury, cadmium and other substances bob to the surface from the environmental cesspool we are faced with a double challenge: How can we turn off pollution, and how can we live with what we already have?

What can we do to begin to stem the tide? Unless changes are made, an increasing flow of heavy metals and synthetic organics will inevitably trickle into our food supply, as witness recently PCB's (polychlorinated biphenyls) going into fish meal, chickens, eggs and humans. To cope with the problem, environmentalists are pushing in Congress for a strong bill to regulate the marketing and distribution of toxic chemicals.

While we are trying to stem the tide of production, waste and effluents, we have to learn to live with what has already been done. DDT residues are in the lake trout, the birds and the oceans (and DDT is strictly a man-made substance). Pesticide residues are at the part per million level in the human body, and in mother's milk. Mercury is in many fresh-water fish in amounts that appear to be far above the former levels.

Scientists doubt that man has significantly polluted the oceans with mercury. This question may be answered by the analysis of specimens from past decades (e.g., preserved fish, birds, marine sediments, old cans of tuna), and by a careful monitoring of the world oceans in years to come. However, regardless of cause, it is a fact that mercury now constitutes around one-tenth part per billion of the surface waters of the Atlantic and Pacific Oceans. As a consequence, fish which are high in the food chain and concentrate mercury many thousand fold will be near the part per million level for the foreseeable future. And so far, there's no way to take the mercury out and leave the fish edible.

The tuna-swordfish gave us recently a ready-made experiment in which thousands of people participated unwittingly. Mercury levels were somewhat elevated in persons on a high tuna-swordfish diet; a careful epidemiological study of this group might help establish with more certainty the "safe" level for mercury. At present many scientists are concerned that the safety factor for mercury (on which the 0.5 ppm acceptable F.D.A. level in foods is based) may not be large enough.

It looks as though mankind may be in for a long siege of monitoring, measuring and—yes—labering. I refer here to the need for labeling foods with their actual content of mercury and other toxic substances.

Placing the average analyses of potentially toxic substances on each lot of cans will not raise the processing cost significantly, as there are thousands of cans per lot. More importantly, it will be positive evidence to the consumer that the toxic substances are in fact being monitored. The public is becoming increasingly annoyed with blanket assurances.

Can we change our priorities and our habits before we do ourselves in? Can we put the brakes on the gross national product and head toward zero population growth? (Could The Sunday Times be half as thick?) Facing the question of toxic substances in foods may provide some answers. It is becoming increasingly evident that all the world's resources, including terra firma itself, must be used much more understandingly in the future. Developing nations deserve a fair share, yet need not repeat our ecological blunders. In the long run (if we are to have one) all people must live in nature in a less demanding way. And we in the U.S.A. are by far the worst offenders!

U.S. AID TO EAST PAKISTAN REFUGEES

Mr. BELLMON. Mr. President, the United States is playing a major role in meeting the severe food needs that exist in East Pakistan and is helping India to feed the millions of Pakistani refugees who have fled across the Indian border as a result of the civil strife.

The President has directed that all-out U.S. assistance be made available in this emergency. Already an excellent start has been made through the Public Law 480 programs administered by the Department of Agriculture and the Agency for International Development.

Since the cyclone disaster hit East Pakistan in November 1970 the United States has furnished Pakistan, as either donations or concessional sales, commodities valued at more than $182 million for use in helping the people of East Pakistan. Included in these shipments are 1.4 million metric tons of wheat, 125,000 tons of rice, and 125,000 tons of soybean oil, as well as 9,700 bales of cotton.

This huge supply of food—representing the contents of approximately 100 cargo vessels—is enough to supply the population of East Pakistan with an adequate diet of 2,000 calories per person per day for a period of almost 2 months, even if they had no other source of food. Actually, our assistance will help for a much longer period than that, since a majority of the East Pakistanis are able to continue farming operations and other countries are assisting as well.

Another aspect of the Pakistan problem is the feeding of the large number of refugees who have crossed the border into India. Here, too, U.S. food aid is invaluable. Our program in this area is in its early stages, but we have already donated to India 90,000 tons of rice, 50,000 tons of soybean oil, and 15,000 tons of soy-fortified bulgur, a highly nutritious wheat product, as well as substantial quantities of blended foods, such as corn-soya-milk.

The total value of these commodities exceeds $42 million. It is enough food to meet the entire calorie requirements of 9 million refugees for 45 days. Current plans are to furnish about 40 percent of the food needs of the refugees in India for a period of 1 year.

There is little doubt that substantially more aid will be needed in Pakistan and India in the months ahead, and the administration is committed to meeting these future needs, just as generously as it is helping today in this great humanitarian effort.

LEGISLATIVE REFORM

Mr. CHILES. Mr. President, a great deal is being said nowadays about the deterioration and potential demise of State legislatures. While I know this is possible, I know also it is unnecessary because Florida's legislature, through reform, has been revitalized and made an effective means of good government in the best interests of the people of my State.

I am proud of Florida's legislature and the job it is doing. The quality of its operations became evident once more at a recent seminar on legislative reform sponsored by the Southern Newspaper Publishers Association and held at the University of Virginia.

Mr. John R. Barry, political editor of the Jacksonville, Fla., Journal, participated in that seminar and followed up with an interesting, worthwhile column which was published in the Journal on October 17, 1971.

Mr. President, in order to further focus attention on the need for legislative reform and to point up for the benefit of others what has been accomplished in Florida, I ask unanimous consent that Mr. Barry's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Legislative Excursion: Florida Is Great—by Comparison

(By John R. Barry)

It is always good to get home again. That's something that can be said about more than just vacations and business trips. It can be said of the kind of "legislative excursion" I recently experienced among Florida's sister states of the Union.

Florida's legislative process looks good in anybody's democracy when sized up against other states. Now, the trick is going to be up to the people of Florida to conscientiously keep it that way.

My "legislative excursion" was to the beautiful campus of the University of Virginia, which is steeped in the lore of Jeffersonian democracy as well as in the wide-ranging genius of Thomas Jefferson the man.

Last year as the result of an extensive study of the 50 state legislatures by the Citizens Conference on State Legislatures. Florida was picked as having the fourth best legislature in the nation. The measuring stick has five criteria. They are how well a legislature functions, its accountability to the people, how well its members and the public are informed about what goes on in the legislature, how independent it is (mostly from executive branch domination) and how representative it is.

While Florida's over all score was fourth in the nation, its rating in each category was: Functional, fifth; accountable, eighth; informed, fourth; independent, first; representative, 30th.

BUDGET FACTS

Last week, this column sought to explain where Florida's $15.2 million legislative budget went—$3.7 million to the legislative auditor to see what the executive branch does with $3.2 billion in taxes and trust funds; $1.9 million for joint House-Senate management; and $9.5 million for salaries and expenses (including typewriters, desks, etc.) of legislators, their staffs, and committee staff specialists and their aides.

Taking a general fund (general taxation) budget of $1.35 billion and a trust fund (gasoline tax, federal matching monies, fees and licenses) of $1.87 billion, the cost of the Florida legislature for setting policy and overseeing this massive financial operation looks pretty small.

The $15.2 million legislative budget is something less than one half of one per cent of the total state budget of $3.2 billion. And that fraction of one percent looks good in view of estimates by political scientists and others interested in state government that a legislature costs about one percent of the total cost of running a state government.

Florida achieved its status as fourth in the nation on the Citizens Conference "score board" by reforms instituted in the last several years—reforms, incidentally, that are still going on.

At the University of Virginia last week, the Southern Newspaper Publishers Association sponsored a seminar under the direction of Prof. Ralph Eisenberg of the university's Institute of Government Political scientists—teachers and practitioners—from New Jersey, Illinois, Kentucky, Missouri and New York—lectured on the many facets of the subject of legislative reform.

SAD STORIES

It is what we heard at the seminar that made us feel good to get home. This is some of it:

In one state, legislators have no office space nor any proper place for committee meetings. The conditions under which these legislators worked (for their citizens) were described as slums. Committee business, it was said, was conducted in saloons or even men's rooms. (Florida provides each legislator with a capitol office; hometown office expenses; it provides committee offices and staff, and is building two multi-million dollar legislative office buildings in Tallahassee).

Another state has no code of ethics and permits legislators to hold jobs in other public offices in city and county government. (Florida has strict conflict of interest laws, which include a prohibition against holding any other public office, as well as establishing a code of ethics).

Only a few states, and Florida is included, have committee staffs capable of reviewing the executive budgets of hundreds of millions up to several billion dollars. In most states, despite hoopla about big budget cuts by the legislatures, most of what is cut is restored over the balance of the year. This is because the legislature, lacking staff expertise, really does not know where budget soft spots are so it must rely on what the executive branch tells it.

The list of bad practices goes on—little or no public hearings; little or no public notice of pending bills; domination of the legislative leadership by the governor or special interest lobbies; unworkable size (400 legislators in one small state); 50 or more, mostly ineffectual committees; no meaningful minority party participation in committees.

What the political scientists—professors and practitioners—seemed most concerned about is that if this non-reform inertia prevails, then our federation arrives at its 200th anniversary shortly, the states will no longer have any meaningful role in our national system of government.

LOOK BACK

Stress was laid on the fact that it was the states that created the national government and not the other way around.

It was stated unequivocably by some, and the fear was at least acknowledged by even the more optimistic, that the states could be useless appendages in the national system in a few years' time.

The diversity of the states was said to be their strength, while the national uniformity imposed by a central national government led to the road toward a more authoritarian-type of system.

Some disagreed that the states were in any danger of folding up, but it was conceded that the defense against such a happening was the strengthening of the various legislatures in the sense that they both represent the people and are not "wholly-owned" subsidiaries of the executive branch or of anybody else.

Along with the observation that the states had created the federal system at the birth of this nation and not vice versa, it was noted that in the establishment of the Commonwealth of Virginia, there had been debate on whether the office of governor should be created at all. It was at last decided that someone was needed to administer the policies adopted by the people's representatives.

During the seminar, the press, of course, came in for its share of the blame (as did political science professors) for the decline of state governments. The press for allegedly only presenting the bizarre and "screwball" antics of some legislators. The professors for urging their students to head for Capitol Hill in Washington, D.C., "where the action is" or was. The professors seem to think the action is now (or should be) on the state capitol hills.

Another statement made was that the states are "engulfed" in the problems (20th Century problems) of their peoples and are incapable of solving these problems because of the stage of the deterioration (or antrophication) of effective legislative power.

KEY QUESTION

The question was asked, Once the state legislatures are fully revived to power vis a vis a centrist-leaning federal government, what is the prospect that the states will not shirk their duties as they have on education, the sick, the poor, the aged, the disinherited from the bill of rights, the pollution question, all areas where into the federal bureaucracies were rushed? The response was that "public opinion" would not let these and future duties of the state governments be shirked.

While the press had its responsibilities in the matter, the real answer to the legislative strength and responsibility is the public, firstly, must give a damn about who it sends to Tallahassee to represent it, and, secondly, that when these legislators get there, they are provided with the kind of legislative structure that works . . . even if it does cost one half of one percent of the total budget.

Only Floridians can keep Florida nice to come home to after vacations, business trips or "legislative excursions."

THE ELDERLY—ONE IN EVERY 10

Mr. PEARSON. Mr. President, with the 1971 White House Conference on Aging scheduled for November, it would perhaps be wise to recall the words of a former Member of the House of Representatives, the late and distinguished Representative John E. Fogerty, who announced in introducing a bill to establish the 1961 Conference that:

> In spite of the many surveys, books, and conferences on aging, the greatest accomplishment to date has been the output of words.

A decade has passed since the first Conference adjourned, and history will show that in many instances, Congress acted to help insure the well-being of the Nation's senior citizens. Laws such as medicare, medicaid, social security legislation, and the Age Discrimination in Employment Act were enacted in response to an urgent need for medical protection, better and more comprehensive pensions, and opportunities for continued advancement and usefulness.

But with the increasing rate of inflation, prices, and taxes, it is all too often apparent that those on fixed incomes, those older Americans who have spent their lives providing a real and lasting contribution to the community and the Nation as a whole, are hurt the most.

Mr. President, older persons have less than half the average income of their younger counterparts, yet they are required to spend proportionally more of their incomes on food, shelter, and clothing.

At least one in every four older Americans is living in poverty, with many of these people having become poor upon retirement.

Most shocking of all, however, is that the number of poor people over 65 has actually increased, while the number of poor under 65 decreased.

Thus, while we have accomplished much over the years, it is painfully apparent that more must be done. And I am hopeful that during this year's White House Conference, in which I have been invited to participate, we can fulfill the promise Congress made to the Nation in 1961 by providing senior citizens with a coordinated and well-directed national policy with respect to our aged.

Mr. President, the Special Committee on Aging under the superior leadership of my friend and colleague, the Senator from Idaho (Mr. CHURCH), has over the years accomplished a great deal in bringing the problems of older Americans into national focus. In 1970, the committee formulated a series of recommendations involving long- and short-term actions which could help establish the national policy which has thus far eluded us. I look forward to considering these recommendations, and it is my sincere hope that we can use them to formulate a solid program of action in response to the elderly needs.

Mr. President, it is also my fervent hope that Congress can turn its attention to the many constructive proposals concerning older Americans which have been offered by my colleagues both in the Senate and the House. Judging by the multiplicity of bills, it is evident that there is a growing awareness in Congress of the need for renewed efforts in this regard. I encourage committee consideration so that congressional approval of at least the most urgently needed proposals can be obtained.

One measure of particular interest to me is S. 2512, the social security improvements bill, which I cosponsored with Senator GURNEY. This legislation corrects many of the present inadequacies in social security by allowing a 5-percent increase in benefits, an increase to $3,000 in a salary which a benefit recipient can earn, improved benefits for the disabled, with special allowances for the blind, a section authorizing strict standards for the operation and administration of nursing homes, and measures which should markedly enhance the operating effectiveness of medicare and medicaid. This legislation, most of which has passed in the House by an overwhelming majority, deserves the prompt attention of the Senate, and it is my sincere hope that it can become law as soon as possible.

Another bill, which I have introduced, addresses itself to a situation which has caused much hardship among citizens of Kansas and, I am sure, older Americans around the Nation as well. In the past, many retired citizens who labored for years to insure an enjoyable and secure retirement have been forced to sell their homes simply because they could not afford the property taxes. If enacted, the bill which I have introduced would allow landowners over 65 to declare a credit on their Federal income tax of all property taxes paid to the State in which they reside.

Mr. President, a great many Americans 65 and over have tried to prepare for their needs through savings. But without some means of resisting the inflationary increases in costs, taxes, and medical expenses, those hard-earned savings have quickly eroded. Because of this situation, it is often the case that our aging citizens are isolated from an involved and healthy life. I have proposed legislation which could offset this problem by providing all Americans over 65 a special series of savings bonds, the interest on which would be protected against increases in the cost of living by providing the necessary adjustments.

Finally, Mr. President, I believe we owe older Americans living in retirement the chance to do some of the things which responsibilities such as career and family have precluded over the years. Travel is one way to bring more enjoyment and satisfaction to retired life. Yet, in 1970, not only did relatively few older people travel throughout the Nation and world, but only 1 percent of our 20 million senior citizens moved across a State line. In response to this problem, I have sponsored legislation to provide free or reduced-rate transportation to all citizens over 65 on commercial air, rail, and bus lines. And I have also cosponsored a bill to exempt senior citizens from paying entrance fees to certain recreational areas, such as national parks.

Mr. President, society has long recognized that it owes its senior members a measure of security in recognition of the years they worked to better themselves, their communities, and their Nation. But in a culture which often centers its attention on youth and progress, it is at times a simple but regrettable matter to place the problems of the old behind us. John B. Martin, the Commissioner on Aging, probably stated it best when he said:

> It is true that a minority of the national population is in the later years today. . . . One in ten Americans is an older American. But 70 of every 100 Americans born today may expect to live into their 70's. . . . And so we truly speak for a majority.

Older Americans deserve to remain in the mainstream of American life. We should be able to provide the means by which an active, useful, and rewarding retirement can be achieved. I am totally committed to this effort, and I will strive to enact measures which can help accomplish this goal.

THE "BUILDING OUR AMERICAN COMMUNITIES" PROGRAM

Mr. TALMADGE. Mr. President, we have talked a great deal about rural development and the implications it has for the Nation. We have discussed what needs to be done and how to do it. All of us are aware that some of the root causes of disruption in our central cities lie in rural America. It is gratifying to learn that the Future Farmers of America in Nashville, Ga., are doing something about building pride in their community, making it an attractive place to live, and developing opportunity. Some of my fellow Senators heard Jerry Baldree, chapter president, tell the story earlier this year at a special luncheon.

It is with a great sense of pride that I now invite the attention of the Senate to the fact that the first national Build Our American Communities award was bestowed on the Berrien County FFA Chapter of Nashville, Ga., at the 44th National FFA Convention in Kansas City, Mo., on October 14. James V. Smith, Administrator of the Farmers Home Administration, made this first award, which is most appropriate since he and his agency took the leadership in helping the Future Farmers develop a way to involve young people in a constructive action program.

Some Senators will recall that the "FFA . . . Building Our American Communities—BOAC" program was launched at a congressional breakfast on July 23 a year ago. Since then interest has intensified. Hundreds of FFA chapters throughout the Nation are involved in the study-action program to improve their communities.

It is significant, at a time when many young people are critical of "the Establishment" and are looking for ways to make it respond, that hundreds of thousands of young people in the FFA are taking the lead in showing others how to channel this enthusiasm into productive avenues. They are learning, organizing, and doing creative and constructive things in their own communities. More than that, they are involving their elders in their projects and proving that there really is no generation gap when there is a common interest to work together to solve problems.

Mr. President, at the national FFA convention a report on the "FFA . . . Building Our American Communities" program was presented to the 15,000 assembled delegates, officers and guests. That part of the report which deals with the Berrien FFA Chapter of Nashville, Ga., is titled "Community Pride Development, Southern Region." I ask unanimous consent that this part of the convention report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMUNITY PRIDE DEVELOPMENT, SOUTHERN REGION, BERRIEN FFA CHAPTER,

Nashville, Georgia.

Build a Better Berrien County is the slogan Berrien FFA Chapter used for its BOAC project. The objective of the 170 member FFA Chapter was first to build community pride and get people involved in improving their community.

An invitation to attend a planning meeting was extended to all organizations in the county. Representatives of fourteen (14) civic and municipal groups responded. It was decided that to build pride in the community through a county-wide beautification effort would be the first phase of their two-part program to improve Berrien County.

The second phase will deal with the economic development of the community including employment and housing.

A Berrien Beautification Day was proclaimed and supported by merchants, farmers and citizens. The chapter members completely landscaped four (4) areas in the city and cleaned the city park, cemetery, city square, highways and school grounds. Extensive use was made of nursery stock and flowers. Over one hundred (100) old and dilapidated buildings were dismantled and removed from the community.

Three hundred (300) farmers and landowners signed a cooperative agreement to assist in Building a Better Berrien. Merchants bought plants for landscaping and urban residents responded with private cleanup and beautification.

The Berrien Press published a special edition promoting FFA week and "Build A Better Berrien." The FFA Chapter members assisted by selling advertising. Other publicity included two (2) 10-minute interviews, seventy-five (75) 1-minute spots, five (5) 10-minute discussions on radio as well as two (2) major area TV presentations.

Mr. TALMADGE. Mr. President, the Atlanta Journal of October 15, 1971, has published a story about the accomplishments of the Berrien FFA chapter and their national honor. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECOND FRONT—BERRIEN FFA CHAPTER WINS NATIONAL HONOR

(By Stephen Edge)

KANSAS CITY.—The Berrien High School chapter of the Future Farmers of America from Nashville, Ga., walked away with top honors at the 44th national FFA convention.

The Georgia chapter won the first national citation in FFA's "Building Our American Communities" program award.

James V. Smith, administrator of the Farmers Home Administration, presented the award. Accepting for Berrien County were Jerry Baldree, president of the Berrien chapter; Melvin Johnson, W. L. Patton, and James L. Lane, chapter advisers, and Jimmy Dillers, "Building Our America Communities" committee.

In addition, a letter from President Nixon was read to the convention commending the Berrien chapter. The letter said in part: "The skill and enthusiasm with which you and your colleagues have translated an excellent idea into a practical working program has my greatest admiration and respect."

In presenting the Building Our American Communities national award and a check from the national FFA foundation for $200 Smith praised the accomplishments of the Berrien FFA chapter in its efforts to build community pride. The chapter has as its theme, "Build a better Berrien" and through radio and newspaper support was very successful in rallying the entire community. Adults from 14 community organizations were actively involved in the Berrien County action program, and February was designated as "Build a Better Berrien" month. During the year the Berrien chapter helped remove 119 dilapidated buildings and worked with the community to remove old cars, trash and rubbish to the county landfill. The chapter obtained more than 300 signed statements of co-operation from landowners in the county.

In accepting the award, chapter President Jerry Baldree said the "Build a Better Berrien" project was a great success. "We proved there is no generation gap when we work with our elders, we proved young people can be community leaders and we proved our young people are interested in our community as a place to live and work."

Future plans for the chapter include continuation of the "Build a Better Berrien" project by surveying, developing and promoting the wise use of community resources. Among the projects already planned this school year is a "careers at home" night to expose young people to "career opportunities in the Berrien community."

The Berrien FFA chapter was one of 60 chapters across the country to receive national awards, four of the 60 chapters were selected as regional winners. The other three were Big Walnut chapter, Sunbury, Ohio; Newbury chapter, Newbury, Vt., and the Silverton FFA chapter of Silverton, Ore.

Mr. TALMADGE. Mr. President, the honor bestowed upon the Berrien FFA Chapter is a step toward full acknowledgement of the tremendous force, some of it just beginning to be felt, that the FFA has exerted in rural America. Many of the leaders in rural communities have had FFA training as have leaders in agribusiness. There are a number of former FFA members in both the Senate and the House of Representatives.

Accomplishments of the Future Farmers of America are going to become more newsworthy as they continue to develop the "Build Our American Communities" program across the Nation. It will have a tremendous and lasting effect on America.

Neville Hunsicker, National FFA Advisor, and James V. Smith, Administrator of the Farmers Home Administration, are to be commended for initiating this program to involve young people in the future of their communities. All programs of this kind take money for awards, administration and other expenses. The FFA Foundation is most fortunate to have Lilly Endowment, Inc. of Indianapolis supporting this program financially. This foundation has helped make the BOAC program possible, and is to be commended.

Finally, Mr. President, I invite attention to the fact that in this FFA—BOAC program we have young people, government, and private industry working together to improve America. It is indeed a team for positive action

THE LOWER ST. CROIX RIVER

Mr. MONDALE. Mr. President, on May 24, 1971, Senator Nelson and I introduced legislation to designate the lower St. Croix River as part of the National Wild and Scenic Rivers System.

The lower St. Croix—which runs between Minnesota and Wisconsin—is one of the few remaining scenic rivers in the Nation located near a major metropolitan area. But its unique status is threatened by proposed development in the area, land speculation, and other pressure of urbanization.

An editorial in the St. Paul Dispatch on October 26, 1971, made this point very well. The editorial observed:

> Congress needs to be apprised of the urgency of the matter. Life along the lower St. Croix appears placid, but unless the protective bill is passed soon some unpleasant changes could be forthcoming. There are already proposals for high-rise developments right along the bluffs, there is heavy pressure for expansion of marine facilities with little thought about the effect on power boat traffic and there are land speculators looking for quick profits on choice river frontage.

If we act expeditiously on this matter, we can save the lower St. Croix—thereby enabling millions of people from my State and the surrounding area to benefit from the quiet, the beauty, and the enjoyment that only a scenic river can provide.

Mr. President, I ask unanimous consent that the excellent editorial from the St. Paul Dispatch—explaining the need for our legislation—be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Save Lower St. Croix

The proposal to add the lower St. Croix River to the National Wild and Scenic Rivers System deserves prompt and positive action by the Senate Interior Committee.

The committee is studying a bill proposed by Sen. Walter Mondale, D–Minn., and Sen. Gaylord Nelson, D–Wis., which would designate the 62-mile segment of the St. Croix between Taylors Falls, Minn., and Prescott, Wis., as a scenic river. The upper part of the river, upstream from Taylors Falls, already is protected by congressional action.

The lower St. Croix does not have the unspoiled, wilderness characteristics of the upper portion, but it does offer some spectacular scenery and affords recreation to thousands of Minnesota and Wisconsin residents. There is little commercial development along the river and what pollution there is comes mainly from municipal sewer systems that are due to be upgraded or rerouted in the next few years. Sen. Mondale has called it "the last remaining unpolluted, scenic river in the country next to a major metropolitan area."

As it now stands, the bill would simply place the lower river in the national system. It sets no specific boundaries to be acquired but instead makes it the responsibility of the Interior Department to set the boundaries and draft a master plan for the area. This is the most effective approach because it places the river under protection while the boundaries and plans are being formulated. If all the planning details were included in the bill as some objectors suggested at a hearing Saturday, passage of the protective measure would be delayed for many months.

Congress needs to be apprised of the urgency of the matter. Life along the lower St. Croix appears placid, but unless the protective bill is passed soon some unpleasant changes could be forthcoming. There are already proposals for high-rise developments right along the bluffs, there is heavy pressure for expansion of marina facilities with little thought about the effect on power boat traffic and there are land speculators looking for quick profits on choice river frontage.

Local residents and businessmen have done an outstanding job of keeping the lower St. Croix free from commercial and industrial blight but they cannot be expected to fight the battle alone forever. Federal protection as a part of the National Wild and Scenic Rivers System is the only way to guarantee the future preservation of that portion of the river.

Congress saved the upper St. Croix in 1969, it should offer the same protection to the rest of the river now.

INADEQUATE RURAL HEALTH CARE

Mr. TALMADGE. Mr. President, for a long time now I have been trying to get over the message that the people who live in the countryside have been largely forgotten by our urban society.

Thirty million Americans have left rural America for the cities because there were no opportunities available for them at home.

Largely the problem in rural areas is a lack of jobs. But vast improvements are needed in the whole quality of life if we are to stop the rural-to-urban migration. One element of this is a lack of adequate medical care.

This problem is excellently documented in a Wall Street Journal article published on October 27. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Missing MD's: Rural Health Care Worsens as Doctors Retire, Move to Cities

(By James P. Gannon)

Dry Creek, W. Va.—The Jeep-like mountain vehicle lurches up a rocky path along a stream bed littered with rusty steel drums, crawls past a fleet of abandoned, stripped automobiles, and churns to a dusty halt in front of a ramshackle cabin.

Sitting on the porch is frizzy-haired Audrey Pettry, rolling one of the bent and pinched cigarets she smokes constantly. "I was just settin' here wonderin' if you'd come," the 73-year-old widow of a coal miner says. Inside the dark front room of the cabin, decorated with out-of-date calendars, Mrs. Pettry sits down while Mildred Snodgress, one of her visitors, inspects the old woman's ulcered leg. Mrs. Snodgress, a registered nurse, cleans and rebandages the sore while Mrs. Pettry puffs her cigaret down to a tiny, finger-scorching nub. "If it wasn't for these women," Mrs. Pettry says to another visitor, "I wouldn't have nobody."

Mrs. Pettry is one of more than 15,000 very poor people in Raleigh County who are beneficiaries of an unusual rural-health-care system known as the Mountaineer Family Plan. Based in nearby Beckley, the plan provides comprehensive medical, dental and eye care for country folks in the county, a coal-mining area in the southern part of West Virginia.

Programs like this one are important because of the worsening health crisis in rural America. The medical care problems all Americans face—ranging from shortages of doctors and clinics to skyrocketing, prohibitive costs—are found in double doses in rural areas. As the nation has become increasingly urban and its medical practitioners ever more specialized, personnel and facilities for health care have concentrated in larger towns and cities, leaving country people to the care of the dwindling numbers of country doctors.

FROM HERE TO ETERNITY

Thousands of such general practitioners once were sprinkled throughout the rural countryside, but few remain. Many of those left are aging and unable to handle heavy patient loads. "There used to be one doctor in every little hamlet," says Dr. Martha Coyner, who practices in Harrisville, W. Va., and heads the state medical society's rural-health committee. Ticking off the names of a dozen colleagues who have departed the precincts, she says that she and another Harrisville doctor now "are the only two MDs from here to eternity, practically."

Figures from the American Medical Association show only one doctor for every 2,145 residents in the nation's most thinly populated counties; in the most densely populated, on the other hand, there's one doctor for every 442 residents. The AMA finds 132 counties without a single doctor practicing. While suburbia swims in specialists, many rural areas are better supplied with veterinarians than with family doctors. AMA data show that Los Angeles County alone has more active MDs (14,203) than the 13 states of Arkansas, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wyoming, and Vermont combined. (The county has about 7 million residents, compared to over 11 million in those states, and since the states cover a far larger area it's often more inconvenient for their residents to get to a doctor.)

As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears, Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty.

BEATING THE DRAFT

"The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Perhaps surprisingly, money isn't the controlling factor; those doctors who do practice in rural areas often (though not always) manage handsomely. Dr. John E. Van Gilder, a 26-year-old West Virginia University graduate, set up practice last June at West Union, W.Va., in one of the Sears-Roebuck program's empty clinics. He expects to earn around $30,000 a year, probably more than he would earn his first year in a city practice. "It's simply supply and demand," says Dr. Van Gilder, who is the only doctor in a county of 6,400 persons.

But even Dr. Van Gilder finds a rural practice unattractive in some ways. There's no hospital nearby, so his most difficult and "interesting" cases have to be referred to colleagues in Clarksburg, the nearest city. That leaves him with "colds, sore throats and arthritis," he says. He worried about keeping abreast of new medical techniques. Dr. Van Gilder freely volunteers that the threat of the draft prompted him to take his job in West Union—where, as the only doctor in the vicinity, he could get a deferment. He expects to stay in West Union five years or so and then go on for more training and a specialty—probably in a big city—after that.

West Virginia hoped to overcome its shortage of doctors by establishing a medical school a decade ago. Yet, of 138 graduates now in practice, only 34 have remained in the state, and only 14 of them are in rural towns. "I don't think solo practice is any longer a viable answer to problems in rural areas," says Dr. Robert L. Nolan, chairman of West Virginia University's division of public health and preventive medicine.

Dr. Nolan and other students of rural health prescribe a new system for delivering health care to rural places. They think the solution lies in regional health-care plans, stressing preventive medicine practiced by groups of physicians based at a central clinic with an "outreach" effort to bring in patients from remote areas. Though no model system exists, the Mountaineeer Family Health Plan—and similar systems in Maine, Florida, Alabama and California—represents significant innovations. According to the U.S. Public Health Service, the Mountaineer plan is the largest of the rural comprehensive health-care systems in operation.

It began four years ago as a poverty-war project of the U.S. Office of Economic Opportunity. The aim was to provide complete health care at no charge to Raleigh County residents whose annual incomes are below official poverty levels, currently $3,600 for a family of four. It's easy to find such families around here; 5,200 of them, with over 15,000 persons, one-fifth of the county's population, are registered and eligible for the plan.

The plan is based at a $500,000 clinic next to the Appalachian Regional Hospital at Beckley. The medical staff consists of five physicians and three dentists. On an average day, the doctors see 100 to 150 patients and the dentists about 30. Nearly all the patients have reached the clinic in the rugged four-wheel-drive ambulances that make daily runs between Beckley and its mountainous outlands.

Seven satellite clinics in hamlets like Slab Fork and Trap Hill are the plan's "outreach" terminals. Teams of health workers—a registered nurse, aides, drivers and environmental health workers who help build sanitary privies and test water supplies—work out of the satellite stations and keep in touch with even the most isolated families.

A tour with Mildred Snodgress, nurse-supervisor at the Marsh Fork satellite center, shows how the plan works. The trip begins in her Scout vehicle from outside the four-room office housed in the building formerly occupied by the region's only private physician. (He died five years ago, and the nearest doctor now is some 25 miles distant.) She steers the vehicle along a bumpy trail to a cabin nestled in a sunny hollow between two green mountains. Here she takes the blood pressure of 60-year-old Chris Dickens, a new patient who lives alone on welfare, and makes sure he understands when to take his four newly prescribed drugs.

The day before, Mr. Dickens had his first physical examination in four years, at the Beckley clinic. "I haven't ever been to the doctor much," says Mr. Dickens, who is being treated for hypertension and indigestion.

After a stop to treat Mrs. Pettry's ulcered leg, Nurse Snodgress gingerly wheels the Scout up a precipitous path above the Coal River to the home of Cuba Opal Wiley, a disabled miner troubled by lung ailments. With his tobacco-stained teeth showing as he smiles, Mr. Wiley tells a visitor, "If it wasn't for this program, buddy, I don't know what I'd do. If I got sick, I guess I'd just lay here and die, buddy, that's all I could do." His wife, a diabetic, also gets medical care, and she's scheduled for liver surgery.

COSMOPOLITAN STAFF

Continuing her rounds, Nurse Snodgress and her aide take a medical history from a new patient, remind another of his scheduled appointment in Beckley, and make other routine visits.

Back at the Mountaineer clinic, a motley group of elderly, disabled men, pregnant women, tots and teen-agers patiently wait their visits with the doctors. The doctors themselves are a varied lot, and their names—like Arcadio Alarcon G. Sri Rama Gupta, and Suradech Kongkausuwan—suggest the difficulty of keeping indigenous physicians in the area.

In fact, all five of the clinic's doctors—three internists and two pediatricians—are foreign physicians working here under temporary state licenses. "We have difficulty attracting American doctors," says Dr. Forest A. Cornwell, the Mountaineer plan's director. The $28,317 yearly salary isn't enough, apparently, to attract U.S. doctors, though all three dentists, who get $25,520, are Americans. (The foreign physicians generally have a harder time obtaining temporary licenses to practice in desirable urban areas, which often have their pick of American medical-school graduates and simply don't issue temporary certificates to foreigners.)

To the doctors, it's clear that their services are badly needed. "You see many children who have never been to a doctor, who have never had their inoculations," says Dr. Jose Alphonso, a Cuban refugee physician. "I have seen many children here who have worms, and many underweight and underheight because of poor nutrition."

"There's a tremendous backlog of care that is needed," says Dr. Edwin H. Warfield, a dentist. About one-third of Mountaineer's patients never have been to a dentist, and practically all the rest have received only minimum emergency care, Dr. Warfield figures.

WHERE'S THE MONEY COMING FROM?

Beckley itself, with a population of nearly 20,000, has abundant health services. There are 23 dentists, 70 physicians and several group-practice clinics. But the rest of the 610 square miles in the county is a health wasteland, served only by the Mountaineer plan and its free transportation.

The major difficulty with the plan is its cost. Mountaineer has been nurtured by federal subsidies; a $2.1 million grant from the Health, Education, and Welfare Department finances nearly its whole budget. But HEW indicates it doesn't plan to support the project indefinitely, and Mountaineer officials have been told that its survival depends on its progress toward "self-sufficiency."

Prodded by HEW, the plan just adopted a sliding-fee schedule under which clients currently registered will have to pay 15% of their bills. Dr. Cornwell says the long-range aim is to transform the plan from a poverty project to a broader-based plan open to any county resident. Meanwhile, the budget squeeze is limiting the number of new enrollees who are poor.

Costs have risen fast. From only $41.55 in mid-1970, the charge for a day in the hospital has risen to $81.54. The cost of the average drug prescription has risen to more than $4 from $3.44. Officials have dipped into the capital construction budget for operating funds, and they've scrapped plans for some new activities, such as a mobile dental unit.

The financial squeeze suggests that Mountaineer will have to scale back its services, or raise fees even higher, and it creates a painful dilemma. "It gets to be a moral decision," says Dr. Cornwell, "It's like having 10 people in a lifeboat, and if two don't get out, all 10 are going to sink."

The only feasible solution, in the minds of most rural-health authorities, is a massive federal rescue effort. Says Dr. Leopold J. Snyder, a doctor from Fresno, Calif., who is chairman of the AMA Council on Rural Health: "If there is to be any widespread improvement in today's dismal rural health scene, there will need to be large expenditures of honest human energies and a large infusion of public funds."

JOB TRAINING FOR RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, the means of furthering the goal of rural community development are varied. Upgrading rural labor and management skilled levels is often an essential part of a community's effort. The Federal manpower training program often is focused on the urban areas but, certainly, the need is just as great in rural communities.

The Cooperative League of the USA has been working with the Labor Department and specifically with the on-the-job-training program in an effort to help rural communities help themselves. This cooperative effort between the League, the Department of Labor, and the individual communities has produced some very valuable results. Two such success stories are described in a Cooperative League publication called Partners. One article describes the cooperative wild rice growing project in Wisconsin among the Chippewa Indians. Another story relates to the cooperative dairy project in Pigeon Falls, Wis. These are most worthwhile efforts.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Wild Rice Farming Being Tamed

Wild rice farming, long a romantic hit-and-miss chore performed by Indians gliding through a natural stand of wild rice in a canoe, is being tamed. Domesticated.

The reason is economics. After generations of seeking out wild rice in its natural (wild) state for harvest, the Indians of Minnesota—and lately, Wisconsin—have been growing the popular delicacy in paddies. Just like any other rice.

The result has been higher yields, from about 100 pounds per acre to around 1,000 pounds. It means more return for the Indians who do the farming, and, with a greatly increased supply, lower prices for the consumer. The rice, called Indian rice or water oats (it's really oats) has been one of the more expensive gourmet items in anyone's budget, ranging from $5.50 a pound to more than $8. The Indian, by the way, gets about $1 per pound for the unprocessed rice.

Among the Indian groups taking advantage of the move toward controlled farming of wild rice is the Great Lakes Inter-Tribal Cooperative, of Odonah, Wis., a 7-tribe farm co-op organized specifically to go into paddy production of wild rice. And, since domestic production of wild rice is as foreign to the Indian as to us, the key men in the co-op's production team are 16 Chippewas now taking on-the-job training under the Cooperative League of the USA program with the Department of Labor.

Doing the work of organizing the cooperative and handling the on-the-job training under a sub-contract, is the Wisconsin Federation of Cooperatives, Madison-based federation of the major-co-ops in the state.

So far, the Chippewa rice paddies along the Lake Superior shoreline of northern Wisconsin, have yielded a first year harvest of some 4,000 pounds from 18 paddies. Expansion is expected to result in planting of upwards of 2,000 acres of the rice. Also, there's the possibility of a processing plant as the minimum acreage required for its economic operation (2,500 acres) is reached.

And this is a highly reachable goal, according to observers, especially in view of a recent move by Sen. Gaylord Nelson, of Wisc., to get 13,000 acres of former Indian land (which land isn't?) back into Chippewa hands. The land is now in the hands of a lumbering firm.

The Chippewas, in addition to forming what is termed a well-run cooperative, have also become specialists at handling the new rice harvesting machinery which has replaced the long-time canoe harvesting method.

According to Erich Lenz, field coordinator for the Wisconsin Federation of Cooperatives' On-the-Job training program, two Chippewas—Eugene Bigboy and Edward Boule—are now better at rice farming and harvesting than the adviser who taught them.

Bigboy is also general manager of the cooperative and is regarded as the key man to the co-op's success. He's 35 and termed aggressive enough to keep the Wisconsin share of wild rice production in Indian hands.

He's got his job cut out for him, however. The white man is moving into the domestic production of wild rice, and according to one top agronomist, could muscle the Indian out of his ancient field unless co-ops like the Inter-Tribal Cooperative succeed.

The co-op is open to all Chippewa's for the $1 member fee, with marketing advice being given by the Wisconsin Federation of Co-ops. As of now, two major firms, Uncle Ben and Green Giant, have contracted to take all the rice the Chippewa cooperative can produce.

And with an unlimited future market for the rice, it looks like the funding agencies, the American Freedom From Hunger Foundation and the Office of Economic Opportunity, have themselves a winner.

But the Indians are not ending their cooperative development with the wild rice co-op. They now plan a cooperative supermart on the style of the successful market now being operated by the Menominee Indians at Keshena, Wis., a couple of hundred miles to the south.

Pigeon Falls Fights for Life

Pigeon Falls, Wisconsin, is like much of the rest of small-town rural America.

Depressed.

"Every Wednesday there's a long line at the unemployment office," says Arnold Hanson, dairy farmer and president of the Pigeon Falls Co-op Creamery.

"The job situation here, and in nearby towns, is bad. Our young people are leaving. Some of the small industry we do have is closing down."

It's too bad. Because Pigeon Falls is the kind of small town where life can be enjoyable. Located in the pretty Pigeon River valley due north of La Crosse, it's surrounded by rolling hills dotted by small dairy farms. There's fishing and other outdoor sports in the summer, snowmobiling in the winter. The people are friendly.

Hanson, who operates a small dairy farm where he milks some 30 cows on the average, was pessimistic about nearly every aspect of the economic life of the area except one—the co-op creamery he has headed for the past four years.

Unlike other small industry, the co-op is succeeding in holding its own against the crush of hard times in the country. It is the economic and cooperative center for the town, as well as for its some 215 member-patrons and its 25 employees. Hanson thinks the future is good for the co-op. But this was not always so.

After building itself into one of the best small co-ops in Wisconsin since its was formed back in 1882, the co-op had fallen behind the times about ten years ago, according to Hanson's reckoning. Over the past two or three years the situation was bleak.

It had been forced to curtail its long-time practice of regular refunds and stock call-ins. Equipment used to produce its butter and dried milk products was aging, becoming inefficient and unprofitable to operate.

"It was actually costing us too much to even start up our old butter churn," said Hanson.

"Our members began to fall off, to send their milk elsewhere. Some quit dairying altogether."

Two years ago the turnaround came. Hanson gathered his board of directors together and proposed that instead of continuing to pour money into a failing butter and dried milk business, the co-op should go into the cheese business. Earnings would be larger and steadier, he figured.

The members, largely small farmers who still put their milk in old-time cans for pickup by the creamery truck, backed the idea.

The board borrowed $220,000 of the $260,000 eventually needed to build a new cheese-making plant with modern equipment.

A manager, Ray Knutson, who used to run his own small cheese plant, was hired.

Knutson began looking for apprentice cheese-makers to put out the planned 22,500 pounds of cheese a day at the plant. And, this is where he and the Cooperative League's on-the-job training program came together.

Noting ads in the local papers for co-ops interested in hiring and training co-op employees under the plan, Knutson and the co-op's long-time secretary, Winifred Burt, contacted the man who had placed the ads, Erich Lenz, of the Wisconsin Federation of Cooperatives.

WFC is one of two subcontractors working with the Co-op League to implement the Department of Labor-funded project. The other is Farmland Industries, Kansas City.

Lenz contacted the co-op and in no time at all, 10 of Pigeon Falls' young men—who might otherwise have had to leave Pigeon Falls to seek employment—had signed up as on-the-job trainees in cheese-making.

For a town of some 200 souls, that's pretty good. And it cuts down somewhat on the line-up at the employment office.

Pigeon Falls Co-op Creamery was soon back in business. Its first batch of cheese was produced Feb. 6 of this year, and its shiny new cheese plant shows every promise of giving both the co-op and a good cross-section of the town's young men a brighter future.

The co-op is now putting more milk through its plant than ever before—some 225,000 pounds a day are required to produce 22,500 pounds of cheese. And that creates its own problem. The co-op's members simply don't produce that much milk and Manager Hanson is being forced to buy much of the supply in bulk from another supplier.

But these kinds of problems should eventually work themselves out. Meantime, things look good at the co-op. The neophyte cheese makers are learning under the steady tutelage of Manager Knutson. The entire day's production is shipped immediately to a Land O' Lakes cheese plant at nearby Spencer.

And the co-op is beginning to move in other directions aimed at putting it back into the mainstream of cooperative life in Wisconsin. After resisting merger or association with other dairy co-ops throughout their history—a factor which could have contributed to their decline—the co-op is now considering joining with other milk co-ops in the state.

Also in the dream stage is a plan to convert to production of specialty cheeses, a move President Hanson thinks will yield more earnings to members. And, should the co-op want to expand its physical plant, there's lots of co-op—owned land just behind the new plant.

"By the way," called out President Hanson as we left, "should you know anyone who wants to take up dairy farming, ask them to come up here.

"We can sure use the milk."

STATEMENT OF COMMITTEE OF CONCERN ON JEWS IN SYRIA

Mr. HUMPHREY. Mr. President, about 2 years ago, I was honored to accept the invitation of Gen. Lucius Clay to join with other Americans in creating the Committee of Concern for the purpose of calling public attention to the continuing problem of persecution of Jews in some Arab nations. It is a tragic fact of life—one that tends to be forgotten because of the so-called bigger issues that crowd us for attention these days—that the small groups of Jews who have not chosen to leave their respective birthplaces have faced hostility and hardship in one land after another.

On October 7, the committee found it necessary to speak out forthrightly to protest particularly disturbing developments in Syria. In a statement issued by General Clay, the committee called on

Syria "to cease persecution of the Jewish minority, to free those unjustly imprisoned, and to permit those Jews who wish to migrate to do so." This public appeal was made necessary because of a series of reported harassments and cruelties inflicted upon Syrian Jews.

So that more Americans may be acquainted with this latest series of violations of basic human rights, Mr. President, I ask unanimous consent that the text of the Clay statement and the accompanying press release be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Text of Clay Statement

New York, October 7.—The Committee of Concern, formed two years ago to focus world attention on persecution of Jews by Middle East countries, today called on Syria to "cease persecution of the Jewish minority, to free those unjustly imprisoned and to permit those Jews who wish to emigrate to do so."

General Lucius D. Clay, corporate executive and former Commander, U.S. Forces in Europe, Committee Chairman, in his appeal to Syria, cited "distressing and increasingly alarming reports from reliable sources concerning the threat to the survival of Syrian Jewry."

Among the instances of mistreatment of Jews listed by General Clay were the following:

Relatives of twelve young Syrian Jews held in jail on charges they had attempted to flee the country, have been interrogated under torture. Some have been held in solitary confinement for as much as three months.

All Jewish prisoners who have been released from confinement are physically ill, bodily maimed or mentally deranged as a result of their imprisonment. They had been subjected to electrical torture, the ripping off of fingernails, and cigarette burns on various parts of their bodies.

Jewish girls have been abducted, raped and thrown naked into the streets of the Jewish ghetto in Damascus. Recently, Jewish homes there were set on fire.

According to the Committee of Concern statement, restrictions on Syrian Jews cover almost every aspect of life. There is a total ban on emigration, and travel within the country is severely limited. Jews are obliged to carry identity cards, and cannot be employed by the government or by banks. Their houses have been seized for the use of Palestinian Arabs, their schools taken over by the state, and their cemeteries destroyed.

As a result of these and other measures, the Committee stated, the majority of the Jewish community "has been reduced to abject poverty."

Not the least of the Jewish hardships is the constant observation and pervasive fear. "A higher Committee for Jewish Affairs (composed of representatives of the Interior Ministry and the security services) maintains a constant surveillance over the Jewish community and carries out frequent arrests, interrogations, and sudden house searches, invariably at night," the Committee added.

When a Jew dies, the Committee of Concern reports, "his property is transferred to a Government Authority for Palestinian Affairs. His family must then pay them rent for the continued use of the home or business property."

Most Jews who work for Moslems "have been dismissed without compensation. Most Jewish vendors have had their licenses revoked. Jews have become convinced of the futility of bringing petitions against Moslems to the law courts since the rulings are always in favor of the latter."

The property and assets of a Jew who manages to escape the country are automatically confiscated. Nevertheless, Jews make desperate attempts to flee because of the cruel conditions and despite their knowledge of the severe penalties.

In contrast with the treatment accorded Jews, the Committee of Concern states, "Moslem Syrians are readily able to visit neighboring countries and more than 500,000 Syrians have visited Lebanon this year alone." Jews cannot leave even for medical treatment.

In the Jewish schools taken over by the state, "Moslem principals have been appointed and Jewish religious studies drastically reduced. General school examinations are now always held on Saturday, the Jewish Sabbath."

Organization of the Committee of Concern followed the execution in 1965 in Baghdad of 15 men, including two Jews and two Christians, on charging of spying for the U.S. and Israel. Subsequently, nine Jews, three Moslems, and two Christians were publicly hanged in Iraq after a secret trial on espionage charges.

The Committee includes figures in American business, religion, arts and sciences, universities, public affairs, and civil rights. Among the members are: Morris B. Abram, former President, Brandeis University; Louis Auchincloss, author; George W. Ball, former Under-Secretary of State; Dr. Samuel Belkin, President, Yeshiva University; Algernon D. Black, American Ethical Union; Dr. Louis Finkelstein, retiring Chancellor, Jewish Theological Seminary of America; Arthur J. Goldberg, former Supreme Court Justice and former U.S. Ambassador to the U.N.

Also Helen Hayes, actress; William J. vanden Heuvel, attorney; U.S. Senator Hubert H. Humphrey; Dr. Homer A. Jack, clergyman; Seymour M. Lipset, sociologist; Robert Lowell, poet; Archibald MacLeish, poet; Arthur Miller, playwright; Robert K. Merton, sociologist; Robert D. Murphy, former Under-Secretary of State, and Chairman of the Board, Corning Glass International; Dr. Jan Papanek, Chairman, International League for the Rights of Man.

Also Dr. Isador I. Rabi, Nobel Laureate; Bayard Rustin, civil rights leader; Theodore Sorensen, attorney; Dr. C. Thomas Spitz, clergyman; Dr. Frank Stanton, retiring President, Columbia Broadcasting System; Admiral Lewis L. Strauss, former member, Atomic Energy Commission.

Statement on Jews in Syria

The distressing and increasingly alarming reports which we have received in recent days from most reliable sources concerning the threat to the survival of the remnants of Syrian Jewry, prompts us once again to speak out.

Following are details concerning the plight of the Jewish community in Syria:

1. The Syrian authorities are holding in jail 12 young Syrian Jews, charged with having attempted to flee the country. The names of 11 of them are: Isaac Hamra, Sheila Hamra, Misses Dadio Dibbo, Boukehi, Melles and Yachar; Messrs. Abdo Saadia, Simon Bissou, and Azur Blanga. The last named is 27 years old and was arrested with his wife (24) and his four-year-old son. The others are all believed to be in their late teens or early twenties.

2. The Syrian security police have interrogated the relatives of the 12 Jews and the relatives of others who have either succeeded in fleeing the country in the past or who were suspected of planning an escape and going to Israel. There are reports that they have been interrogated under torture, and held under strict solitary confinement for periods up to three months.

3. All who have been released after confinement are, without exception, reported to be physically ill or bodily maimed or mentally deranged. Jews who did succeed in escaping to Israel or other countries in the free world report that those who have fallen into Syrian hands are being subjected to electrical torture, the ripping off of fingernails and cigarette burns on various extremities of the body. Jewish girls have been abducted, raped and thrown naked into the streets of the Jewish ghetto in Damascus. Recently, Jewish homes were set on fire in the Damascus ghetto.

4. The desperate attempts of groups of Jews to flee the country are prompted by the cruel conditions to which the community has been subjected for years Among the restrictions imposed upon the Jews of that country are:

(a) A total ban on Jewish emigration. Jews are also forbidden to leave the country for visits to relatives or for medical treatment. Moslem Syrians are readily able to visit neighboring countries and more than 500,000 Syrians have visited Lebanon thus far this year alone.

(b) Even within Syria itself travel by Jews is restricted to three kilometers from one's home address. Further movement requires a special permit which is generally not granted.

(c) Distinctive Jewish identity cards marked with a red stamp, "Member of the Mosaic faith."

(d) Prohibition of employment in government offices, public bodies or banks.

(e) Other restrictions on the normal conduct of their personal lives, such as non-installation of telephones and non-issuance of new driving permits.

(f) The authorities have turned over houses in the Jewish quarter to occupation by Palestinian Arabs who harass the remaining Jewish residents in the quarter.

(g) A Higher Committee for Jewish Affairs (composed of representatives of the Interior Ministry and the security services) maintains a constant surveillance over the Jewish community and carries out frequent arrests, interrogations, and sudden house searches invariably at night.

(h) Jews are prohibited from selling their houses or other real estate.

(i) Army personnel and government employees may not make purchases in Jewish-owned stores.

(j) When a Jew dies, his property is transferred to a Government authority for Palestinian Affairs. His family must then pay rent for the continued use of the home or business property.

(k) Jews have become convinced of the futility of bringing petitions against Moslems to the law courts since the rulings are always in favor of the latter.

(l) Except for doctors and pharmacists, Jewish professionals are banned from practice.

(m) Most Jews who worked for Moslems have been dismissed without compensation. Most Jewish vendors have had their licenses revoked. The majority of the community has been reduced to abject poverty.

(n) The property and assets of a Jew who succeeds in fleeing the country are automatically confiscated.

(o) Jewish schools have been taken over by the state. Moslem principals have been appointed and Jewish religious studies have been drastically reduced. General school examinations are now always held on Saturday, the Jewish Sabbath. Only a very few Jews are permitted to pursue university studies.

(p) The Jewish cemetery in Damascus has been almost entirely destroyed and a highway has been built through it. The petition for a new cemetery has been turned down and in the small area that remains graves have to be opened to accommodate new burials.

We call on the Syrian authorities to cease their persecution of the Jewish minority, to free those unjustly imprisoned and to permit those Jews who wish to emigrate to do so.

IN DEFENSE OF THE UNITED NATIONS

Mr. HUGHES. Mr. President, recent events have called into question the United States' basic steadfastness and reliability in foreign policy. At a time when our trading partners are suffering from the heavy-handed blows of our new international economic policy and when some of our allies are still reeling from the sudden changes in our attitudes toward China, the highest officials of our Government now have called into question our commitment to the United Nations.

An unfortunate impression has been conveyed by the news media that Members of Congress are eager to retaliate against the United Nations' action last Monday admitting the People's Republic of China to membership while at the same time denying the Chinese seat to Taiwan. Although many critical statements have been made, I do not believe that the American people or the Members of this august body are ready to destroy what President Kennedy called "our last, best hope for peace."

To attack the United Nations in a moment of pique would be the height of international irresponsibility. It would be the same kind of irresponsibility for which we condemned the Soviet Union in 1950 when it walked out of the U.N. for 6 months after Mainland China was originally denied a seat in that body.

We should remember that even the Soviet Union, though it repeatedly lost votes in the U.N., returned and remained in that organization, because it realized that the preservation of that forum and the opportunities it provided for peace and human betterment were more important than winning one particular vote.

It would be as wrong for the United States to renege on its solemn treaty obligations to provide adequate financial support to the U.N. as we said it was for the French to refuse to support the U.N. peacekeeping forces in the Middle East after the 1956 war and as it was for Russia to refuse to finance the peacekeeping operations in the Congo.

We have supported the U.N. over the years, because we realized that our contribution was a small price to pay for peace. Even today, with the war in Indochina costing less than in the past, we spend more on that war in 1 week than we do on the entire U.N. and its related agencies in an entire year.

If we should turn our backs on the U.N. now, simply because we lost one vote, we would be taking a giant step back toward the tragic isolationism of the 1930's which encouraged the aggression that brought on World War II.

I am deeply troubled to read that President Nixon, who has so forcefully condemned any retreat to isolationism, is now encouraging efforts which would separate us from our full participation in the international community. I hope that the President has not abandoned his pledge of almost exactly 1 year ago, when he said:

> We will go the extra mile in doing our part toward making the United Nations succeed.

The United States should not demand its own way all the time as a condition of our continued support for the U.N. In fact, America and other nations have sought to reduce the likelihood that any single nation would dominate that organization. To achieve that very goal, we have over the years reduced our own share of financial support. We should, therefore, look on any defeat in the U.N. as proof that that organization is strong enough to make up its own mind on the merits of issues rather than under some threat of retaliation.

Naturally, I regret that the people of Taiwan have been denied direct representation in the U.N., but I expect that our mutual defense treaty will provide protection for them as they adjust their relations to the new circumstances.

It was inevitable that the world's most populous country would eventually be admitted to the United Nations—and it makes sense. Whatever our differences, more constructive results can be accomplished with the People's Republic of China in the world organization than isolated from it.

We cannot and should not expect to get our own way all the time. And we should remember that, even in this body, enthusiasm in victory is not unknown.

Mr. President, I disagree most profoundly with the statement that the U.N. has not served the interests of the United States in any important sense. That is not what President Nixon said in his foreign policy message last February. The President said then that the U.N. "has to its credit substantial accomplishments in peacekeeping, in social and economic betterment, and in drafting principles of international law." In fact, when discussing the U.N. development program, which some Members of this body now seek to reduce, President Nixon said that the "resources—of that program—fall short of the job to be done," that is no argument for further reductions in our effort.

Nor is that reported criticism of the U.N. accepted by the President's Commission for the observance of the 25th anniversary of the United Nations, the group chaired by former Ambassador Henry Cabot Lodge.

That Commission concluded:

> Despite our dissatisfaction and our criticisms, we are firmly convinced that the UN is today more than ever indispensable to the security and welfare of all nations, whether they grasp that reality or not. It is in our national self-interest and in the interest of all states to make the Organization work.

That conclusion, Mr. President, was based on hearings held in several cities throughout the Nation, as well as testimony by witnesses representing many different organizations. The Commission said that its hope for the U.N. were "widely shared by people throughout this country."

I will admit that the Lodge Commission offered criticisms of the U.N. in some respects. It also called for opposition to the expulsion of Taiwan. But in spite of these views, it called for increased reliance on international organizations for economic assistance—in contrast to the amendments proposed today. And it specifically recommended that the United States "affirm its intention to maintain and increase its total contributions to the U.N."

If we are to preserve our role as a force for peace and progress in the world, we must retain and strengthen our commitment to the United Nations. Only in that way can we help that great organization to fulfill its primary purpose: "To save succeeding generations from the scourge of war."

LEGAL ASSISTANCE TO WIVES OF POW'S AND MIA'S

Mr. CHILES. Mr. President, an aspect of the war in Southeast Asia which has drawn little attention is the plight of wives of prisoners of war and men missing in action—wives who have become entangled in legal complications, because of the unavailability of their husbands for lengthy period of time. These women, trying to continue the routine of daily living, have run into frequent and numerous obstacles, because of the standard legal requirements involved in such things as financing, insurance, property sales, and even credit approval.

I am very proud that some friends and good citizens of my State of Florida have led the way to overcoming these problems, not only in Florida but throughout the country, working through the Young Lawyers Section of the American Bar Association. A program of providing legal assistance to POW–MIA families and seeking remedial State legislation has been pushed by Walter S. McLin, of Leesburg, Fla., as chairman, and by Robert Murray of Lakeland, Fla., Young Lawyers president.

Mr. President, this very significant effort was outlined in Time magazine for November 1, 1971. I ask unanimous consent that the report of the Young Lawyer Section of the American Bar Association and the Time magazine article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LEGAL ASSISTANCE TO FAMILIES OF PRISONER OF WAR-MISSING IN ACTION MILITARY PERSONNEL

(By Walter S. McLin III)

SUMMARY OF GOALS AND PURPOSES OF COMMITTEE

By way of background, the Governor of the State of Florida appointed a Select Committee to investigate the problems being encountered by the families of P.O.W.s and M.I.A.s in the State of Florida, and to make recommendations to him on possible solutions to these problems. The Committee was composed of lawyers and a representative of the prisoner of war families and missing in action families. I had the pleasure of serving as Chairman of this Committee.

The results of the Committee work and the resulting solutions to the problems discovered have proven to be a tremendous help to these families.

It was determined that these families were not receiving adequate legal advice from Florida lawyers. The military legal officers were many times unfamiliar with the Florida law and could not provide the solutions to the problems.

The second problem confronting these families was the lack of a legal means to accomplish their desired results because of their absent husbands.

Florida solved the first problem through the Young Lawyers Section of the Florida Bar Association. A committee was created to provide legal assistance to every P.O.W.-M.I.A. family in Florida.

Through the efforts of the Governor's Committee remedial legislation was passed by the 1971 Legislature and signed into law to provide a simple method of solving the problems of the families.

This program has been so successful in helping the families in Florida that it should be carried out on a national scale. It is hopeful that the American Bar Association Committee will accomplish this result.

Objectives of committee:

1. Primary objective is to provide assistance in each state to the P.O.W.–M.I.A. wives and families of Southeast Asia who have civil legal problems in the states where they reside through the assistance of the local state Young Lawyers Associations.

2. To suggest remedial state legislation to aid these P.O.W.–M.I.A. families in solving civil legal problems with particular emphasis on the sale and transfer of personal property.

3. To have the ABA Young Lawyers Committee serve in a liaison capacity to determine and catalogue the various civil legal problems and solutions thereof encountered by the P.O.W.–M.I.A. families in the various states of the United States and to disseminate this information to the local state Young Lawyers Associations to assist them in rendering assistance to the P.O.W.–M.I.A. families in their respective states.

Goals:

1. To provide the 1,600 P.O.W.–M.I.A. families in the United States the opportunity to have legal assistance from Young Lawyers in their location.

2. To propose and assist in passage of remedial legislation in those states needing it to provide a legal means of solving the families' problems and protect the missing servicemen.

ANALYSIS OF FLORIDA LEGISLATION TO ASSIST POW–MIA FAMILIES

General. Florida in the 1969 Session of the Legislature had amended its statute on "Conservatorships" to include in its definition of "absentees" those servicemen who were reported as missing in action or held as prisoners of war because of the conflict in Southeast Asia. However, the general nature of the Conservator Statutes in most instances did not really assist the families of our servicemen not returning from the conflict in Southeast Asia. Florida's Conservatorship laws, as do most conservatorship laws, provide a method whereby *all of the property owned individually or jointly by an "absentee"* may be placed under the jurisdiction of our Courts to be administered by a duly appointed conservator. The administration followed along the general procedures of a guardianship with accountings, bonds, and frequent petitions being filed with the Court to handle each specific problem.

The Governor's Select Committee upon investigation of the problems being experienced by the wives and families of our servicemen found that in most every instance the full conservatorship proceding, even though capable of providing the specific relief needed, went far beyond the desired results. Investigation showed that the problems being encountered by the families were for the most part caused by the necessity to or desire to accomplish a single transaction i.e. the sale of an automobile or the disposition of other personal property such as boats, recreational vehicles, etc. most of which were not of considerable value.

The second greatest problem area concerned the sale of homes owned either jointly with the wife or individually by the absent serviceman. Many families found themselves living in Florida because it was the last duty station of the serviceman prior to his tour in Southeast Asia. Many wives desired to sell their home in Florida and return to their home state where they would be near friends and relatives to await the hopeful return of their husbands.

A third problem area confronting the families dealth not with the disposition of property per se, but with consent or necessity for having a binding signature of the absent husband. Our committee found the problem area to be in the giving of both parents' consents where minor children were involved, obtaining homestead exemption and in settling claims dealing with insurance companies when the absent husband was the insured. Some companies withheld payment because their insured could not execute a general release.

The committee further discovered that the business community was reluctant to accept the general powers of attorney that the absentees had provided their wives before their departure. This was particularly true for the M.I.A. wives and for all wives whereby the power had expired with the passage of a certain date. (The Services generally, in the earlier years of the conflict, recommended that power of attorney be limited in time to the tour of service in Southeast Asia.) This was true even though there has been legislation passed to extend the terms of the power.

Lastly, the committee was most adamant in providing as much protection to the missing servicemen as possible in preserving his assets without restricting the wife to the point of not accomplishing those things deemed reasonable and necessary for her and her family's benefit.

The result of these considerations was the passage in the 1971 Session of the Florida Legislature of the attached Bill which the Governor has signed into law.

Definition of absentees: The Act as relates to the P.O.W.-M.I.A. family problem defines an absentee as being—

"Any person serving in or with the armed forces of the United States, in or with the Red Cross, in or with the merchant marines or otherwise, during any period of time when a state of hostilities exists between the United States and any other power and for one year thereafter, who has been reported or listed as missing in action, interned in a neutral country, beleaguered, besieged or captured by the enemy, shall be an "absentee" within the meaning of this law; . . ."

Further, in order to allow the conveyance of the homestead, which is unique in Florida's Constitution, an "absentee" is considered to be incompetent for the purposes of the Florida Constitution which allows a representative of an incompetent person to convey homestead.

Jurisdiction: The Circuit Courts have jurisdiction to appoint a conservator of the estate of an absentee upon showing that there is no power of attorney in existence or if issued the power has expired, that there is property of the absentee located in Florida and further that a necessity exists to deal with either the property of the absentee or to provide care for a judgment concerning his wife and children, or his parents if there is no wife or children.

Summary procedure: If it becomes necessay for the wife or if no wife the next of kin to dispose of any property of the absentee having a gross value of five thousand and no/100 ($5,000.00) dollars, or if the wife needs the absentee's consent as relates to his children, the wife may by simple petition apply to the Circuit Court for an order authorizing the sale, tranfer or consent without going through a full conservatorship. The form for the Petition for Summary Relief is set out at the end of this section.

The Court when presented with the petition, if it deems the relief requested necessary to protect the best interest of the absentee or his dependents, shall enter an order allowing the relief requested.

Form petition for summary relief:
In the circuit court:
In re: (absentee), case number ———.

PETITION FOR SUMMARY RELIEF

Petitioner, (name), whose residence is (street and number), (city or town), and (county), Florida, and who is the (describe relationship to absentee) of the absentee, (name), states that the absentee has been (imprisoned or) (missing in action) since (date) when (describe details). Petitioner desires to sell/transfer (describe property) of the value of (value) because (give reasons). The terms of sale/transfer are (give terms). Petitioner requires the consent of the absentee for the purpose of ———.

——— ———,
Petitioner.

State of Florida.
County of.

The above named, being by me duly sworn, says the foregoing petition is true and correct to the best of his/her knowledge and belief.

——— ———,
Notary Public or County Judge.
My Commission expires ———.

Transactions dealing with property having a value in excess of five thousand dollars: The Act provides a procedure for transactions when the property of the absentee has a value in excess of five thousand and no/100 ($5,000.00) dollars but when it is not deemed too necessary to create or continue a full conservatorship. The wife or next of kin may petition the Circuit Court for an order authorizing the action with respect to such property.

The petition to be filed in this instance requires more information including the names and addresses of the relatives of the absentee, the reasons for the action requested, whether the absentee had a will and its contents if known, a list of the assets and value owned by the absentee. The petitioner must send a notice of the hearing to all persons named in the petition.

At the hearing the judge shall hear evidence on the questions of whether the person alleged to be missing is an absentee as defined and further whether the action requested in the petition should be allowed.

The Court may, in its discretion, appoint a guardian ad litem to represent the alleged absentee at the hearing.

If the Court is satisfied after the hearing that the person alleged to be an absentee is an absentee and that the petitioner's request should be allowed and further that there is no necessity for the full conservatorship, it may appoint the petitioner as the conservator to take the action requested in the petition.

The conservator is then required to account to the Court for the proceeds of the sale, but the conservator shall not be required to account for the other assets of the absentee.

The Court may retain jurisdiction over the proceedings to enter further orders as required. It is anticipated that once the Court is satisfied that the action requested has been accomplished and further that the rights of the absentee have been protected, it will enter its order dissolving the limited conservatorship.

Full conservatorship: The last section of the act allows for a full conservatorship proceeding whereby a petition is filed and notice given, the same as in the Limited Conservatorship, but that all of the assets of the absentee are placed into a conservatorship. If this procedure is followed, the Court may require a performance bond as in the case of a guardianship.

The termination of the full conservatorship may be done upon a finding by the Court that the absentee has returned, has died, or the necessity for the conservatorship has been eliminated.

At the termination of the conservatorship, the Court may require a final accounting the same as a guardianship and if it finds everything in order will discharge the conservator by appropriate order.

Effective date: This Act becomes effective on July 1, 1971.

BY SENATOR GRAHAM, APRIL 26, 1971

A bill to be entitled an act relating to conservatorships; amending section 747.02, Florida Statutes, providing for jurisdiction of the circuit court to establish conservatorships; creating section 747.021, Florida Statutes, to provide for summary procedures with respect to certain property of an absentee; providing for a procedure for authorizing actions in connection with absentee's property; amending section 747.03, Florida Statutes, prescribing the contents of a petition for appointment of a conservator; creating section 747.031, Florida Statutes, providing for notice and hearing on the petition; creating section 747.032, Florida Statutes, providing for an order of appointment of a conservator; creating section 747.033, Florida Statutes, providing for oath of a conservator; creating section 747.034, Florida Statutes, providing for a bond for the conservator; creating section 747.035, Florida Statutes, prescribing the rights, powers and duties of the conservator, absentee, absentee's dependents and the court; creating section 747.036, Florida Statutes, providing for resignation or removal of a conservator; amending section 747.04, Florida Statutes, to provide for final returns and discharge of a conservator; providing an effective date.

Be It Enacted by the Legislature of the States of Florida:

Section 1. Section 747.02, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 747.02 for present text.)

747.02 Jurisdiction.—The circuit court has jurisdiction to appoint a conservator of the estate of an absentee as defined in section 747.01 upon a showing that:

(1) The absentee has an interest in any form of property in this state, or is a legal resident of this state, or his wife or next of kin is a legal resident of this state, and the absentee has not provided an adequate power of attorney authorizing another to act in his behalf with regard to such property or interest or the term of any such power of attorney has expired; and

(2) A necessity exists for providing care for the property or estate of the absentee or care for or judgments concerning his wife and children; or if he has no wife and children, his mother or his father.

Section 2. Chapter 747, Florida Statutes, is amended by adding section 747.021 to read:

747.021 Summary Procedure.—

(1) If the wife of any person defined as an absentee in subsection (1) of section 747.01, or his next of kin if said absentee has no wife, shall wish to sell or transfer any property of the absentee which has a gross value of less than five thousand dollars ($5,000.00), or shall require the consent of the absentee in any matter regarding the absentee's children, or in any other matter in which the gross value of the subject matter is less than five thousand dollars ($5,000.00), she may apply to the circuit court for an order authorizing said sale, transfer, or consent, without opening a full conservatorship proceeding as provided by this chapter. She may make the application without the assistance of an attorney. Said application shall be made by petition on the following form, which form shall be made readily available to the applicant by the clerk of the circuit court:

In the circuit court:

In re: ———, case number ———.

PETITION FOR SUMMARY RELIEF

Petitioner (name), whose residence is (street and number), (city or town), and (county), Florida, and who is the (describe relationship to absentee) of the absentee, (name), states that the absentee has been (imprisoned) (or missing in action) since (date) when (describe details). Petitioner desires to sell/transfer (describe property) of the value of (value) because (give reason). The terms of sale/transfer are (give reasons). Petitioner requires the consent of the absentee for the purpose of ———.

——— ———,
Petitioner.

State of Florida,
County of ———.

The above named, ———, being by me duly sworn, says the foregoing petition is true and correct to the best of his/her knowledge and belief.

——— ———,
Notary Public or County Judge.

My commission expires ———.

(2) The court shall, without hearing or notice, enter an order on said petition if it deems the relief requested in said petition necessary to protect the best interests of the absentee or his dependents.

(3) Such order shall be prime facie evidence of the validity of the proceedings and the authority of the petitioner to make a conveyance or transfer of the property or to give the absentee's consent in any matter prescribed by subsection (1).

Section 3. Chapter 747, Florida Statutes, is amended by adding section 747.022 to read:

747.022 Procedure for order authorizing action by wife or next of kin.—

(1) If the spouse, or the next of kin if there is no spouse, of any person defined as an absentee under subsection (1) of section 747.01, Florida Statutes, shall wish to sell, lease, or mortgage specific property having a gross value of five thousand dollars ($5,000.00) or more owned by the absentee or in which the absentee had an interest, or take specific action with respect to the absentee's interest having a gross value of five thousand dollars ($5,000.00) or more she may petition the circuit court for an order authorizing the action with respect to such property or interest.

(2) The petition shall be sworn to by the petitioner and shall state:

(a) The names, addresses, and age of the spouse, children, mother, father, brothers, and sisters, or if none of these are living, the next of kin, of the absentee; and

(b) The name, address, and age of any other person who would have an interest in the property or the estate of the absentee if he were deceased.

(c) The exact circumstances which cause the person missing to be an absentee under section 747.01, Florida Statutes, including the date he was first known missing, interned, beleaguered, etc.

(d) The reasons for the action for which the petition seeks authorization;

(e) Whether or not the person alleged to be an absentee has a will, the whereabouts of said will and contents if known;

(f) A statement of all property constituting an asset of the alleged absentee's estate or in which he has any interest and the approximate value of same.

(3) Notice of the hearing on the petition shall be given to all persons named in the petition by registered mail or certified mail with return receipt requested.

(4) The judge shall hear evidence on the question of whether the person alleged to be missing, interned, beleaguered, etc., is an absentee as defined by section 747.01, Florida Statutes, and on the question of whether the action in question should be authorized. Any person interested in such proceedings may intervene with leave of the court.

(5) The court may in its discretion appoint a guardian ad litem to represent the alleged absentee at the hearing.

(6) If after hearing, the court is satisfied that the person alleged to be an absentee is an absentee, as defined in section 747.01, Florida Statutes, and that the action in question should be authorized, and that there is no necessity for a full conservatorship as provided by section 747.03 the court shall enter an order authorizing the sale, lease, mortgage, or other action without subjecting the other property of the absentee to a conservatorship proceeding. The court may retain jurisdiction of the proceeding to make such further orders as it deems proper.

Section 4. Section 747.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 747.03 for present text.)

747.03 Petition.—

(1) The jurisdiction of the court shall be invoked by the filing of a petition by any person who would have an interest in the property or estate of the absentee were such absentee deceased, or any person who is dependent on said absentee for his maintenance or support.

(2) The petition shall be sworn to by the petitioner and shall state:

(a) The names, addresses, and age of the wife, children, mother, father, brothers, and sisters, or if none of these are living, the next of kin, of the absentee; and

(b) The name, address, and age of any other person who would have an interest in the property or the estate of the absentee if he were deceased.

(c) The exact circumstances which cause the person missing to be an absentee under section 747.01, Florida Statutes, including the date he was first known missing, interned, beleaguered, etc.;

(d) The necessity for establishing a conservatorship;

(e) Whether or not the person alleged to be an absentee has a will and the whereabouts of said will;

(f) A statement of all property constituting an asset of the alleged absentee's estate or in which he has any interest and the approximate value of same.

Section 5. Chapter 747, Florida Statutes, is amended by adding section 747.031 to read:

747.031 Notice; hearing.—

(1) Notice of the hearing on the petition to appoint a conservator shall be given to all persons named in the petition by registered mail or certified mail with return receipt requested.

(2) The judge shall hear evidence on the question of whether the person alleged to be missing, interned, beleaguered, etc., is an absentee as defined by section 747.01, Florida Statutes, and on the question of who is entitled to appointment as conservator. Any person interested in such proceedings may intervene with leave of the court.

(3) The court may in its discretion appoint a guardian ad litem to represent the alleged absentee at the hearing.

Section 6. Chapter 747, Florida Statutes, is amended by adding section 747.032 to read:

747.032 Order of appointment.—

(1) If after hearing, the court is satisfied that the person alleged to be an absentee is an absentee, as defined in section 747.01, Florida Statutes, and that it is necessary that a conservatorship be established, he shall appoint a conservator of the estate and property of said absentee to take charge of the absentee's estate and property under the supervision and subject to the further orders of the court.

(2) In the appointment of a conservator, the court shall give due consideration to the appointment of one of the next of kin of the absentee if such next of kin is a fit and proper person and is qualified to act.

Section 7. Chapter 747, Florida Statutes, is amended by adding section 747.033 to read:

747.033 Oath.—Every conservator, before exercising his authority as conservator, shall take oath that he will faithfully perform his duties as conservator and that he will render true accounts whenever required according to law, which oath may be administered by any officer authorized to administer oaths under the laws of this state. Such oath shall be filed with the court.

Section 8. Chapter 747, Florida Statutes, is amended by adding section 747.034 to read:

747.034 Bond.—The court may require the conservator to post a bond as required for a guardian under sections 744.38 and 744.39, Florida Statutes. All provisions of chapter 744, Florida Statutes, which are applicable to bonds are applicable to the bond of the conservator required under this act.

Section 9. Chapter 747, Florida Statutes, is amended by adding section 747.035 to read:

747.035 Rights, powers, and duties of conservator.—The conservator shall have all the rights, powers, and duties of a guardian of the property as established in chapters 744 and 745, Florida Statutes, and an absentee and an absentee's dependents shall be entitled to all benefits accruing to a ward or a ward's dependents under said chapters. The circuit court shall have the same responsibility as to a conservatorship as the county judge has with respect to the guardianship of the property under said chapters.

Section 10. Chapter 747, Florida Statutes, is amended by adding 747.036 to read:

747.036 Resignation or removal of conservator.—The provision for resignation and removal of a guardian of the property in chapter 746, Florida Statutes, shall apply in the circuit court to resignation and removal of a conservator.

Section 11. Section 747.04, Florida Statutes, is amended by adding subsections (3) and (4) to read:

747.04 Termination of conservatorship.—

(1) At any time upon petition signed by the absentee, or on petition of an attorney in fact acting under an adequate power of attorney granted by the absentee, the court shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney in fact.

(2) Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for his estate, the court shall direct the termination of the conservatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

(3) *When the need for a conservatorship terminates, the conservator shall promptly file his final returns and his application for discharge with the court. If it appears to the court that the returns are correct and that the conservator has made full and complete transfer of the absentee's assets as directed, the court may approve the returns and discharge the conservator. If objections to the returns are filed, the circuit judge shall conduct a hearing under the same conditions for a hearing on objections to annual returns.*

(4) *Such discharge shall operate as a release from the duties of the conservatorship and as a bar to any suit against said conservator or his surety unless such suit is commenced within one year from the date of discharge.*

Section 12. This act shall take effect July 1, 1971.

LEGISLATIVE SERVICE BUREAU SUMMARY

Amends Section 747.02, F. S., to provide that circuit court, as opposed to county court, have jurisdiction to appoint a conservator of estates of absentees if shown: absentee has interest in any form of property in state; or is legal resident of state; or wife or next of kin is legal resident of state and absentee has not provided adequate power of attorney with regard to property; or power of attorney has expired; and necessity exists to care for property or estate of absentee; judgments concerning his wife or children or if none then mother or father. Section 747.01, F. S., defines absentee as servicemen in armed forces or merchant marine during period of hostilities, reported or listed missing in action, interned in neutral country, beleaguered, beseiged, or captured; or any resident of state, or property owner in state, who disappears under circumstances indicating his death, mental derangement, amnesia or other mental cause.

Adds Section 747.021, F. S., allowing wife, or, if no wife, next of kin, of absentee to apply to circuit court for order authorizing sale or transfer of property under $500 in gross value, or matter concerning absentee's children and requiring his consent, or any subject under $5,000 gross value, without opening full conservatorship proceedings. The court shall enter order on petition without hearing or notice, if relief requested is necessary to protect absentee or his dependents, and authorizes petitioner to make conveyance, transfer or give consent.

Adds Section 747.022, F. S., authorizing wife or next of kin to apply for circuit court order to sell, lease, or mortgage absentee's property with gross value of $5,000 or more, or take specific action with respect to absentee's interest in property with gross value of $5,000 or more. Establishes requirements for petition and allows court after hearing to authorize sale, lease, mortgage or specific action without establishing conservatorship.

Amends Section 747.03 F. S., invoking jurisdiction of circuit court upon petition filed by anyone who would have interest in the property were absentee deceased, or by dependent of absentee, and provides essential contents of petition, as opposed to allowing county judge full discretion to appoint conservator.

Adds Section 747.031, F. S., requiring hearing on petition and notice of hearing to be given.

Adds Section 747.032, F. S., allowing court to appoint conservator of absentee, if after hearing is satisfied he is an absentee.

Adds Section 747.033, F. S., prescribing oath of conservator.

Adds Section 747.034, F. S., authorizing court to require bond of conservator as required of guardians under Sections 744.38, and 744.39, F. S.

Adds Section 747.035, F. S., giving conservator rights, powers, and duties of a guardian established in Chapters 744 and 745 (Florida Guardianship Law), F. S., and allows absentee and his dependents all benefits of a ward or ward's dependent under those chapters. Circuit court has responsibility of county judge's court under these chapters.

Adds Section 747.036, F. S., applying Chapter 746 (Florida Guardianship Law, Third Part), F. S., to resignation or removal of conservator.

Adds subsection 747.04(3), F. S., requiring conservator to file final return for termination of conservatorship which return must be approved to permit discharge of conservator. Permits hearing if objection to returns are filed.

Adds subsection 747.04(4), F. S., barring suit against conservator who has been discharged unless suit commenced within one year of discharge.

Effective July 1, 1971.

Companion to House Bill No. 1410.

YOUNG LAWYER LIAISON WITH POW-MIA FAMILIES

The Young Lawyers Section of the Florida Bar has currently created a standing committee to be of assistance and aid to the P.O.W.-M.I.A. families located in Florida.

The families are many times faced with problems confronting them that involves the local state laws. Since these families are military oriented they naturally turn to the Judge Advocate General's office of their respective service. The military lawyers in most instances, even though desirous of being of assistance, find that they are unfamiliar with the local law.

In order to avoid any ethical violations as relates to solicitation of business by the Young Lawyers and further to assure that the families remain anonymous, the P.O.W.-M.I.A. families are provided the names, addresses, and telephone numbers of several Young Lawyers who have previously volunteered to be available to assist these families. Everyone of the one hundred ninety-five (195) P.O.W.-M.I.A. families in Florida has the names of lawyers who will be available to them for legal services.

There is no rule or regulation concerning whether the Young Lawyers will provide these services gratuitously or whether fees will be charged. The families are not furnished any information that would lead them to believe that any services are free. However, experience, even though limited to date, shows that the lawyers thus far have provided their services gratuitously.

PROCEDURES TO FOLLOW TO SET UP YOUNG LAWYER LIAISON

1. Obtain names and addresses of POW-MIA families in the respective States. This information is available through various sources, however, the most reliable is from the Department of Defense or through the National League of Families, Washington, D.C. I can provide each of you with the most current list for your respective state.

2. Determine the number of families in geographic locations. Most of the families will generally be located at or near military installations. In order for you to determine the number of Young Lawyer volunteers needed in any given geographical area, this is necessary.

3. Get young lawyer volunteers. After the families are placed by geographic location it can be determined how many of Young Lawyers are needed in any given area. Experience has shown that there should be at least two (2) lawyers available in every area and no more than ten (10) families per two (2) lawyers.

4. *Letters to POW-MIA families.* The Chairman of the committee should send a form letter to each of the families in his state. The letter should explain the program and provide each family with the names, addresses, and telephone numbers of at least two (2) and preferably three (3) lawyers that the family can contact if the need arises. A sample letter used in Florida is attached.

5. *Statistical study.* Each lawyer that is called upon to assist any family should send a report to the state Chairman after the matter is completed. The purpose of these reports is to point out what problems are facing the families on a regular basis and should help pinpoint any legislation that could be passed if the problems are not solvable.

It is the desire of the Chairman to have every POW-MIA family in the United States in a position to receive legal assistance from a Young Lawyer, if it is needed, by September, 1971.

SAMPLE LETTER

(Date)

(POW-MIA Families)
(Address.)

DEAR (POW-MIA FAMILIES): I am pleased to advise you that the Young Lawyers Section of the Florida Bar Association has established a Committee to provide assistance, where needed, to all of the POW-MIA families residing in Florida.

It is not known at this time whether or not you have any legal problems that are unique to you because of the absenteeism of your husband or son. However, should you have any questions or feel the need to have a Florida lawyer assist you in any of these problems, the lawyers listed below have volunteered their services to you.

Lawyer XYZ (address and telephone number).

Lawyer ABC (address and telephone number).

The lawyers who have volunteered to serve on this Committee have not been notified as to the POW-MIA families in their geographic area. It will, therefore, be necessary for you to contact one of the above named lawyers should you desire any assistance.

Florida legislation in 1971 passed, and the Governor signed into law, procedure whereby wives and family members of servicemen held as POWs or MIAs can accomplish those things such as transfer of automobiles, boats, and recreational vehicles as well as the sale or disposition of property held jointly or solely in the name of the absent serviceman.

Lawyers who are serving on the Committee are familiar with this new legislation and will be glad to answer any questions concerning it.

It is hopeful that the necessity for the continual assistance of this Committee will be of short duration and that your loved one will return to his family at a very early date. In the meantime, however, if I or one of the lawyers named above can be of any assistance to you, please feel free to get in touch.

Yours truly,

———— ————,

Chairman of Young Lawyers Section, Committee To Aid POW-MIA Families in Florida.

DISTRICT BREAKDOWN BY STATE OF POW—MIA FAMILIES

Rank and State	Primary NOK[1]	Secondary NOK[2]	Total
1st District:			
31 Maine	13	11	24
15 Massachusetts	37	33	70
46 New Hampshire	4	3	7
42 Rhode Island	6	4	10
2nd District:			
34 Connecticut	11	12	23
5 New York	69	67	136
49 Vermont	3	1	4
3d District:			
47 Delaware	4	---------	4
16 New Jersey	33	28	61
9 Pennsylvania	47	65	112
4th District:			
44 Washington, D.C	5	8	13
30 Maryland	14	26	40
4 Virginia	75	42	117
5th District:			
2 Florida	123	72	195
11 Georgia	44	30	74
7 North Carolina	52	37	89
20 South Carolina	28	11	39
6th District:			
17 Alabama	30	24	54
19 Louisiana	28	17	45
32 Mississippi	12	16	28
25 Tennessee	21	26	47
7th District:			
12 Michigan	42	42	84
6 Ohio	66	49	115
36 West Virginia	10	12	22
8th District:			
10 Illinois	47	47	94
22 Indiana	26	23	49
38 Kentucky	8	19	27
9th District:			
21 Iowa	27	26	53
26 Missouri	20	26	46
28 Wisconsin	17	17	34
10th District:			
23 Minnesota	24	28	52
18 Kansas	29	24	53
41 Nebraska	6	11	17
50 North Dakota	2	9	11
48 South Dakota	3	9	12
11th District:			
37 Arkansas	10	12	22
29 Oklahoma	14	28	42
3 Texas	113	83	196
12th District:			
13 Arizona	39	23	62
14 Colorado	38	26	64
27 New Mexico	19	7	26
45 Wyoming	5	6	11
13th District:			
51 Alaska	2	---------	2
43 Idaho	5	9	14
35 Montana	11	8	19
24 Oregon	22	32	54
8 Washington	48	28	76
14th District:			
1 California	215	144	359
39 Nevada	8	1	9
40 Hawaii	8	---------	8
33 Utah	12	10	22

[1] Primary NOK—Primary next of kin.

[2] Secondary NOK—Secondary next of kin.

Source: Figures are Department of Defense, January 1971.

STATES WHERE NEW LEGISLATION MAY BE WARRANTED

1. California.
2. New York.
3. Texas.
4. Virginia.
5. Ohio.
6. North Carolina.
7. Pennsylvania.
8. Illinois.
9. Washington.
10. Georgia.
11. Massachusetts.

AID FOR WAR WIVES

When the family's 1958 Ford began wheezing its last, Mrs. Virginia Fobair of Tampa, Fla, tried first to sell it, then to give it away. Hemmed in by legalisms, she finally donated it to an elementary-school carnival where, for only a dime, customers could swing a hammer at Mrs. Fobair's "frustration car." Mrs. Evelyn Grubb of Colonial Heights. Va., applied twice for a Bank Americard; both times the company replied that her husband's signature was required on the application. Mrs. Phyllis Kline and her husband, also of Tampa, owned an interest in a nearby orange grove that Mrs. Kline wanted to put on the market. But since the name of her husband, Air Force Lieut. Colonel Robert Kline, was on the title, she could not negotiate a sale.

The three women share a common problem: the agony of having their husbands missing in action or prisoners of war in Southeast Asia is compounded by frustrating legal tangles in their daily lives. They and the other wives run into a variety of restraints. Summer camps sometimes will not accept a child without the father's written approval. An insurance company held up payment for property destroyed in a fire. Colonel Kline gave his wife some legal power to deal with his property before he went to Viet Nam, but it proved not to be broad enough.

LEGAL REMEDY

This month the Young Lawyers Section of the American Bar Association started a service to aid the 1,600 families of P.O.W.s and M.I.A.s across the country. Walter S. McLin, a Leesburg, Fla., attorney and chairman of the A.B.A. program, has announced that the Young Lawyers will provide legal assistance to families, lobby for remedial state legislation, and distribute materials on the wives' legal problems to state bar associations.

After hearing repeated pleas from a number of wives last year, including his sister-in-law, Mrs. Frankie Ford, whose husband has been missing in action since 1968. McLin researched the problems. He found that Florida laws provided for situations in which a spouse is dead, mentally incompetent or absent by his own volition. There was no category for absent U.S. servicemen. As a result, wives who wanted to transact important family business were often helpless if their husbands had full or partial title to the property involved.

COOPERATIVE CAPITALS

Responding to McLin's prodding, the Florida legislature has amended the state conservatorship law to allow P.O.W. and M.I.A. wives the power of attorney to sell property. For values under $5,000 the wife need only submit written notice to a judge for routine review. For amounts over $5,000, the legislature granted similar rights but authorized the state circuit court to supervise the proceedings in detail. That way the husband's interests would be protected in major transactions, such as the sale of a house.

Texas followed Florida's example, and McLin is keeping close tabs on the calendars of all state legislative sessions in hopes that his A.B.A. colleagues will be able to collar sympathetic legislators on behalf of the wives. With remedial legislation and first-rate legal assistance, at least one problem of the families will have been eliminated.

FREEZE ON FOOD STAMP PROGRAM SHOULD BE LIFTED

Mr. EAGLETON. Mr. President, on October 20, the Senator from Florida (Mr. Chiles) introduced Senate Resolution 181 which would express the sense of the Senate that the full amount of funds appropriated by Congress for the food stamp program be made available by the Office of Management and Budget and that the program be expanded to additional areas with applications on file at the Department of Agriculture.

I have asked the Senator from Florida to add my name as a cosponsor of his resolution, and I hope it will have the support of other Senators.

The situation that exists in Florida is very similar to that in Missouri. In my State, out of 114 counties, only 10 counties and the city of St. Louis are now in the food stamp program.

As of yesterday, 26 additional counties had applications on file with the Department of Agriculture for inclusion in the program.

One of the Missouri counties that had applied for food stamps is Jackson County, which includes Kansas City, and is the second most populous county in the State. Approximately 40,000 residents of that county are eligible for food assistance. In the opinion of the Jackson County Court—the administrative body of the county—the needs of these people for food assistance can be met more adequtaely and efficiently through the food stamp program than through the commodity distribution program.

But with the moratorium that has been imposed on the expansion of the food stamp program, the Department of Agriculture can offer Jackson County officials little hope and no assurance that they will ever be included in that program.

On October 4, Senator Symington, Congressman Bolling, Congressman Randall, and I wrote to George P. Shultz, Director of the Office of Management and Budget, urging removal of the freeze on expansion of the food stamp program and the release of funds appropriated by Congress for this program. I ask unanimous consent that this letter, to which we have received no reply, be printed at this point in my remarks.

Recently I commented in another connection about the short attention span of Congress. Perhaps hunger is no longer a very interesting issue. We have passed a major food stamp bill. We have appropriated $200 million more for the current fiscal year than the administration requested. After these efforts, perhaps we are now willing to sit back complacently and watch the Office of Management and Budget impound these funds and place a moratorium on expansion of this program.

Mr. President, I believe the Senate should adopt the resolution of the Senator from Florida and express in the strongest terms its view that the funds appropriated by Congress should be made available for geographical expansion of the food stamp program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 4, 1971.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: We are writing to urge that the freeze placed on the geographic expansion of the Food Stamp Program be lifted so that Jackson County, and other counties which have demonstrated great need and effort, may participate.

We do so for two reasons. First, lifting the freeze would be consonant with Congressional intent. It would appear that the $200 million Congress appropriated over the budget request was intended to be used, not only within the areas where the program was already in operation, but also in new geographic areas.

Second, the situation that has developed in Missouri surely warrants the authorization of a Food Stamp Program in Jackson County.

This county, which includes Kansas City and which is one of the few metropolitan areas in the country not included in said program, has sought a food stamp program ever since last January.

Understandably, the members of the Jackson County Court stress the many advantages food stamps have over commodities for the growing needs of a major urban area such as theirs. Furthermore, they have assured us of strong public support for changing over to food stamps.

As evidence of the importance attached to these stamps in the Kansas City area, we enclose a copy of a letter from Judge George Lehr, which states that the County is willing to pay even the state's share of operating costs.

A particularly distressing problem has recently developed in Missouri as a result of efforts to finance the Commodity Distribution Program. Now, because of a change in the funding system, many of the 104 counties involved believe they may have to withdraw from the program. This would very possibly leave as many as 200,000 needy Missourians without any food assistance at all.

If Jackson County were transferred to the Food Stamp Program, over $160,000 in state and Federal funds would be freed to support commodity distribution in these areas.

We respectfully urge you, therefore, to remove the freeze on expansion of the Food Stamp Program; and also to release the additional funds which have been appropriated by the Congress, so that Jackson County, and other counties in the same situation, can operate the food program they find best suited to their needs.

Sincerely,

STUART SYMINGTON,
THOMAS F. EAGLETON,
RICHARD BOLLING,
WILLIAM J. RANDALL,
Members of Congress.

SEVERAL ABA SECTIONS APPROVE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in 1970 several sections of the American Bar Association recommended that the house of delegates of the ABA give its formal approval to the ratification of the Genocide Convention. These were the Section on International and Comparative Law, the Section on Criminal Law, the Section on Judicial Administration, and the Section on Family Law. In addition the Standing Committee on World Order Under Law issued a similar recommendation.

Although the house of delegates did not approve these recommendations by a vote of 130 to 126, the very closeness of the vote is an indication of growing sentiment in the legal community for immediate ratification of the Convention. This and the fact that the above named ABA sections endorsed the Genocide Treaty should commend its ratification to us.

This is the voice of good jurisprudence, of legal wisdom, of sound constitutional analysis speaking to us. Can we not listen? Can we not respond? Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

PROTECTION OF THE ENVIRONMENT

Mr. TOWER. Mr. President, on October 26, the Secretary of Commerce, the Honorable Maurice H. Stans, made a most thought provoking speech on the problems that the Nation faces in the area of protecting our environment. This address, made before the 40th international conference of the Financial Executives Institute in Houston, emphasized the role that businessmen are playing in the fight to save our environment. Secretary Stans' speech gave a new perspective to this problem and I therefore ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE MAURICE H. STANS

Mr. Chairman, it is a very great pleasure for me to be here today for this meeting of the Financial Executives Institute.

Many of you are old friends, and we have much in common to discuss—because of the financial background we share and because the relationship between business and government is constantly becoming more important to all of us.

Today I was faced with a choice of talking about the subject most on your mind, but of a changing and passing nature—the President's Economic Program—or, a matter of more long-run concern to business, industry and the public—the question of a balanced national approach to the environmental issues facing the nation.

The latter is the one I have chosen to discuss.

ENVIRONMENT

A concern that must be seen in perspective is the matter of the environment and the anti-pollution movement in the country today.

This is a very emotional issue in many quarters. It is a very political one in many quarters. The public for its part is demanding action—actively, vocally, impatiently demanding immediate action to resolve pollution problems.

This creates opportunities to make progress. But it also presents some difficulties.

President Nixon has declared that the nation has been long overdue in halting its abuses of the air, land and water. He has made a commitment to eliminate pollution and to cleanse the atmosphere and conditions in which we live.

So there is no question that the environment ultimately has to be cleaned up, that we have to deal with pollution.

The question is, how do we go about doing this? And in the most sensible way?

PRIORITIES

The public's desire for immediate solutions is understandable; its impatience may be justified, in many respects.

But we cannot have single track minds in which the environmental issue overrides everything. That is how some people would have us look at our problems.

But if we yield unquestionably to every popular demand, if we settle for quick, immediate solutions to one set of problems, we can very quickly catapult ourselves into others that are much more serious.

There is evidence that this is happening—and it could lead to an environmental backlash.

So before we act out of panic—out of ecological hysteria, or misinformation—I think it is time to stand back, and look at the environmental problem in the whole.

It is high time for the entire nation to weigh the needs against the demands and say: "Wait a Minute, here—what are our priorities?"

We need to weigh our technological capabilities against the demands for immediate change and say: "Wait a Minute—can we really get there from here?"

We need to weigh each specific proposal against economic reality and say: "Wait a Minute, how do the benefits compare with the costs?

PROBLEMS

In other words, the problem is: how do we develop public and private policies in which economics and technology are factored into every environmental assessment?

Let me spell it out.

Industry has been indiscriminately accused by some of ignoring the pollution problems of our times and being responsible for most of them.

The charge is dead wrong and it is unfair.

Industry, of course, must bear a share of the blame. But the fact recognized by too few people is that many of the worst polluters are outside of industry—municipalities, other governments, agriculture, and the public itself. Witness the fact that hundreds, perhaps thousands of American communities pour millions of tons of untreated sewage into waters every day.

RESPONSE

By contrast, almost across the board, American industries have launched vastly complex and expensive efforts to help clean up the air, water and landscape of the country.

For example:

The chemical industry in 1970 spent $600 million for pollution abatement.

The iron and steel industry has spent more than a billion dollars on air and water facilities, almost two-thirds of that in the last two years.

The automobile industry currently is investing a quarter of a billion dollars a year in pollution research and development.

The electric industries will spend two-thirds of a billion dollars on pollution control this year alone.

The paper industry is spending $321 million for air and water pollution control this year.

The petroleum industry is spending more than $500 million in pollution control this year, and in addition is developing expensive facilities in other countries to reduce the sulphur content of fuel oils being shipped here.

The oil and tanker industries are working closely with the government to eliminate oil discharges and accidental spills into the oceans.

The fact is that, on average, American companies will have increased their pollution control spending by almost 50 percent this year over the last year. They will spend some $18 billion over the next five years to meet the requisite standards.

Unfortunately business has failed to make these achievements credibly known to the American people. The idea still persists in many quarters that industry is doing almost nothing to fight pollution and what it does do is only because it is being dragged across the line. Neither is true.

There are deliberate polluters, of course, but most business has been working at pollution control for a long time—and it can be proud of its conservation records.

PROGRESS

As a result of industry's efforts, the nation is visibly cleaner today than it was in the past.

PRESSURES

But the critics of industry press the public to insist upon quick solutions to these complex problems.

The people, in turn, press the Congress.

As a result, arbitrary timetables have been imposed, and severe regulations have been applied; research has been forced to divert from the orderly paths of science and technology; and untested ideas have been put to action before they are ready.

All of this has given people a false feeling that the problems will all go away if we only put enough squeeze on business to act.

The trouble is that in the development of these pressures, reason sometimes gets lost and extremes become the result.

Many of the results have been beneficial to be sure, but some have been ill-conceived and harmful to people, to business, and to the country.

PHOSPHATES

Let me give you a few examples, starting with phosphate detergents—the washday ingredient that has recently come to typify the pollution villains.

Environmental pressures against phosphates were based on the argument that they accelerated the growth of algae which can destroy life in the waters.

Because of these pressures, the sale of detergent phosphates was banned by state and local governments over the country on a random crazy-quilt geographic basis.

But in the rush, perhaps someone should have said, "Wait a minute—what are we really doing here?"

As we now know, the answer is that we were taking foolish actions instead of careful ones.

DANGERS

First we set out to find a substitute for phosphates. But what happened?

Detergent manufacturers spent millions of dollars switching over to NTA, a substance used in Sweden and Canada—but it was shoved aside at the request of the government because some officials were concerned that it might create health hazards. Additional safety tests are now being carried on, but NTA cannot be used.

Then other substitutes began reaching the public containing caustic materials that were dangerous, especially to children. If those products get in a child's eyes, they can blind. Or if they are accidentally swallowed, they can maim or even kill. They have done so.

To limit these risks, the FDA has instituted labeling requirements for caustic detergents.

Unfortunately, the fact is that small children creeping on the floor next to the washing machine can't read them.

Some chemical substitutes for phosphates also wash out the flame-proofing in children's cotton sleepers which the textile industry has been working hard to develop.

FACTS

At this point more facts began to come to light:

First, phosphates are not of themselves polluters. They are nutrients, harmless to people and in fact a necessary element in human life.

Second, various scientific studies revealed that huge amounts of phosphates were pouring into the nation's waters from human waste, agricultural runoff and natural erosion—in many places far more than from detergents.

Next Congress was given scientific testimony that 85 percent of the people do not contribute phosphate waste to waters that can be affected by them, because of where they live.

Also, Congress took a scientific testimony that removal of phosphates alone could rarely reduce the growth of algae.

Finally, evidence has accumulated that the general use of certain caustic substitutes in detergents could cost up to $2 billion a year in wear and tear on clothes and on washing machines.

CIRCLE

As a result, the Surgeon General of the United States has now advised state and local governments not to ban phosphates, and has recommended that housewives return to using phosphate detergents.

And the Environmental Protection Agency has advocated a $500 million program to deal with phosphates from all sources through improved sewage treatment plants in affected areas.

So today we are back roughly where we started about two years ago, doing what we should have done in the beginning. We are dealing with phosphates at the treatment plants in specific trouble areas, not in legislative councils and public forums all across the nation.

In the long trip around this circle, all we have done is delay progress and confuse the people—at great inconvenience and unnecessary cost to the public, to industry and to government.

My purpose in citing these points is not to defend phosphates, or the industries that use them, or the products that contain them. Instead it is a way of saying.

"Wait a Minute. Before we rush helter-skelter into immediate responses to such problems of nationwide concern, isn't it prudent first to take the time to know what we are doing? To weigh all of the factors and consequences involved?"

POWER PLANT SITINGS

For another example, take the siting of new electric power plants.

This is all too familiar to many of you, I am sure.

The nation's need for more electric power is rapidly outrunning our capacity to generate it, and our demands for energy are going to double by 1980.

The answer would seem to be simply to build more power plants.

But in many areas of the country it has become almost impossible to do so.

Environmentalist pressures in the courts have placed the entire atomic power program in suspense, just as we face our years of greatest need.

The total amount of public and private construction being held up by environmental actions in the United States today is somewhere between $5 and $10 billion—and many of these are the electric power plants we must have to meet our needs.

So we are losing both electric power, and at least a $5 billion shot in the arm that our country could use for new jobs and the economy.

EXAMPLES

We all know the power trouble that New York City has been having for years. Con Ed is being forced to seek as many as 40 different approvals, many of them on environmental grounds alone, and until it can get clean atomic power it has had to build high-cost, short-term gas turbine plants that further pollute the skies of New York.

Houston is another case in point. Generating plant construction has been blocked because of complaints that the effluents, even after a costly cooling process, would raise the temperature of the discharge basin some two degrees above the present temperature levels.

Isn't it time someone said: Wait a Minute.

If we fix the right priorities—if we integrate our environmental, technological and economic interests—*all* of them can be served without one dominating the other.

The President has urged the Congress to enact legislation to resolve the power plant siting problem. He wants to assure public discussion of plans, quick and proper resolution of environmental issues, and timely construction of the facilities.

A law along such lines is urgently needed.

DDT

Another case in point is insecticides.

We all know there are valid arguments against some of them, but in the rush away from them, we can create massive new problems.

For example, in New Jersey, without DDT, more than one million oak trees have been blighted by the Gypsy moth.

Without DDT, forest insects went rampant in Sweden, eating away the raw material of that country's biggest industry.

DDT is estimated to have saved 500 million lives throughout the world.

Without DDT in India there would be 100 million cases of malaria each year instead of a few hundred thousand.

In Ceylon, without DDT, malaria cases went from almost none up to 10 percent of the population.

In Sweden, Ceylon, Venezuela and others, without DDT insects became so devastating that laws against DDT have been repealed or amended.

In parts of the United States, without DDT, insects have made it increasingly difficult to grow lettuce, lima beans, sweet corn, and so on.

Now, in time perhaps, substitutes for present insecticides can be developed and proved out. But in the meantime, most of the substitutes are uncertain or don't even exist.

The whole question is whether by precipitous action we will create an expensive gap between the present means and the later solutions.

Again, this is not a brief for DDT. This is just a way of saying:

"Wait a Minute. Before we act precipitously and ban products for one reason, shouldn't we at least be certain that the cure is not worse than the disease?"

ONE-INDUSTRY TOWNS

What about one-industry towns? Today a growing number of small communities across the country are fearful that they will lose their life if their single sustaining industry is forced to close, either because of rigid environmental protection controls or because they can't cope with the economic cost of complying.

For example:

In one California community, environmental regulations closed down the biggest industry, a cement plant. The result—175 men out of work.

The same thing happened to a small chemical plant in West virginia. One hundred and thirty men became jobless.

There are many others.

Isn't it time for someone to say "Wait a Minute?"

Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?

Isn't it time that we first measure all the evidence, recognizing legitimate concerns on the one hand, weighing them fairly against valid considerations on the other, then act reasonably and carefully to protect both the environment and the jobs? It may take a bit longer but the end result would be far more satisfactory.

SST

For another example, Congress killed the SST.

The two prototype airplanes could have been used to test environmental consequences of supersonic flight.

Instead, forty thousand jobs were lost, along with an estimated $450 million in wages and other benefits, together with losses in research, technology, aircraft leadership and foreign trade—all immeasurable.

Shouldn't we as a nation have said "Wait a Minute?" Are we so afraid to build just two experimental airplanes that we would willingly sacrifice thousands of jobs, jeopardize the economic health of an entire city, forgo the technological advantage of an entire industry, and deny major benefits to our balance of payments?

Isn't it time we weigh our potential against the risk in every reasonable case?

PIPELINE

What about the Trans-Alaska pipeline?

Again, people have said, "Let's not build it because of the possible adverse consequences to the environment".

No one suggests that we ignore these possible dangers. Everyone agrees that we must take every known precaution to protect the environment.

But there is another side of the coin—the nation's need for the oil and the benefits to Alaska.

Isn't it time somebody says on things like this, "Wait a minute"?

We already have the technological means to provide reasonable protection against dangers to the Alaskan environment. Are we so afraid of what might happen that we will sacrifice the enormous new sources of oil we need for our homes, our cars, our jobs, our country? Will we sacrifice potential jobs for thousands of people who would be employed in the shipping industries, in Alaska and elsewhere? Will we turn our backs on all of the economic benefits to that state and to the country?

The environmental risks are recognized, but isn't it time we recognize that other considerations must also be taken into account in the national interest?

EMISSION STANDARDS

And what about the tougher emissions standards for transportation? Certainly they should be sought and should be achieved.

But—wait a minute—in the past decade the amount of hydrocarbons given off by an automobile has already been reduced by 80 percent, carbon monoxide emissions by 70 percent. And with existing capabilities, these improvements can continue in an orderly way.

But a mandatory standard of the Clean Air Act demands a 90 percent reduction below the remaining levels by 1975.

For hydrocarbons, according to experts, that level is as much as foliage gives off in the average yard of the average American home in the average suburb.

The same experts estimate that every car would have to be parked for two days after getting its tank filled—literally—because gasoline going from the pump to the car gives off at least twice the daily allowable hydrocarbons for that car.

Spreading one ounce of house paint releases the same daily quota of hydrocarbons.

Burning up two logs on the fire in the fireplace also emits the daily quota.

The list of examples could go on.

The Environmental Protection Agency has reported to Congress that we simply do not have the technology to comply with some of the standards that have been set in accordance with law.

To try to achieve these standards will result in millions of dollars of added costs, which inevitably have to go into higher consumer prices.

If we try to solve our environmental problems more quickly than our technology permits, not only will we raise costs sharply and suddenly, but we will also increase the number of false steps that we take along the way. The incomplete state of our knowledge leads directly to pitfalls that can't be foreseen.

So isn't it time to say: Wait a Minute. Let's weigh each need against the technological realities and let's not impose any more arbitrary deadlines that can't be met with the technology in sight.

Let's do the things we can do first, while making orderly progress against the others.

OFFSHORE DRILLING

What about offshore drilling? Certainly we should take every possible practical step to stop polluting the oceans.

But—wait a minute.

We have learned many things from the unfortunate spill at Santa Barbara.

For one, university studies have proved that oceans are very sturdy systems, able to take far more environmental punishment than man would ever willingly inflict.

Before we make offshore drilling too difficult let's recognize that by the end of this decade, offshore wells will have to provide 30 percent of our oil. And it will also provide much of the low-sulphur fuel that is urgently needed for clean air.

PROPOSALS

As all of you know so well, there are many other matters which we could cite and say "Wait a Minute." These examples make the point.

Let me give you some specifics as to guidelines in dealing with these matters in the future.

First, a determination of the economic impact should be required before environmental acts are mandated.

The public must know what the cost will be, what the alternatives are, and whether it will get its money's worth.

Second, a technological determination should be prepared in connection with any governmental action, indicating the time required to carry it out.

Third, we must avoid panicky, ad hoc approaches to the problems of air, land and water pollution, and develop feasible, long-range plans to deal with them on a balanced basis of regular, gradual improvements, always with consideration of the public interest and of the economic and technological factors involved.

Fourth, government should study whether companies and industries can finance the improvements that they are being required to make without prejudice to their financial security or their normal capital improvements and consider whether assistance might be required.

Fifth, the Congress should be urged to support all of the President's environmental plans relating to other than the business areas, so that industry's progress will be matched by progress in municipal disposal and other nonindustrial pollution problems.

Sixth, coordinated methods should be developed for governments to reach prompt conclusive decisions on power plant locations, as proposed by the President, in order to end those critical delays.

And finally, antitrust attitudes should be reviewed to determine the possibility of cooperative industry attempts, working together to resolve environmental problems.

OBSERVATIONS

Let me add this set of simple observations before I finish.

First, none of the major problems we face can be resolved instantly, all of them are too complex. They call for long-range programs and careful consideration of priorities and financing.

Second, business alone cannot be held responsible for all of our pollution. The burdens of responsibility and cost must be shared by all levels of government, by agriculture and by the public.

And third, the technology we need in order to solve our problem must be developed in many fields. We have a tremendous flow of uncoordinated, uncertain, imprecise data about the environment, and industry faces a severe shortage of environmental engineering specialists.

Fourth, we have to achieve greater conformity of state and local actions dealing with pollution control before we bog down the whole country in conflicting regulations and deadlines.

MANKIND

Finally, we have to recognize that even our manmade problems, in some instances, are essential to satisfying human existence on this planet. After all every new birth brings us instantly a new polluter. But even the most ardent of the environmentalists have yet to call for no new starts there.

Here again I suppose we could say, "Wait a Minute."

But what I am talking about is the necessity to recognize that the pollution problem exists in a real world, and it calls for balance and objectivity.

I can reduce it all to absurdity:

If we had no cars on the street, there would be no automobile pollution.

If we built no power plants, we would have no pollution from utilities.

If we washed no clothes we would have no pollution of our waterways, and so on.

But what kind of country would we have left?

The line between that kind of nonsense and the kind of sense we need to resolve the problem requires a sense of reality in dealing with the economic and technological factors, and with the impatience of those who would like to clean up the country overnight.

CONCLUSION

The time has come to bring these things into focus and stop overheating the view that we are killing ourselves today.

Without pause or equivocation, we must continue to halt pollution of the world, but we must do it realistically, soundly.

This point of view is supported by people like Dr. Philip Handler, President of the National Academy of Sciences, who not long ago said this: "My special plea is that we do not, out of a combination of emotional zeal and ecological ignorance, romanticizing about the 'good old days' that never were, hastily substitute environmental tragedy for existing environmental deterioration. Let's not replace known devils by insufficiently understood unknown devils."

So all we seek fundamentally in these considerations is a balance of values, a weighing of proper priorities, a measuring of the costs against the benefits.

And, gentlemen, if we approach our problems in that spirit of balance and fairness, we can meet our ecological needs, clean up the country and do so without undue economic risks for anyone, all within the framework of continued technological progress.

That is the way I think we ought to do it.

CONSUMER IS THE KEY TO A BROAD-BASED ECONOMIC RECOVERY IN PHASE II

Mr. MOSS. Mr. President, the administration's program for new job creation will fail to meet critical national employment needs until emphasis is placed on consumer spending—the real key to a broad-based economic recovery.

Several weeks ago the Department of Labor announced that unemployment remains at 6 percent, clearly an unacceptable level. The report, coming as it did only hours after the President's address on phase II of his anti-inflation campaign, brings a grim remainder that rising prices are not the only destructive force at work in our economy.

To the more than 5 million Americans seeking employment, price inflation remains a secondary consideration. The administration must realize that its call for wage and price restraints—though valuable in itself—cannot hope to cure our consumer ills in the absence of a vigorous drive to rid the Nation of unemployment. The administration's new economic program, therefore, must demonstrate the same determination to battle unemployment as it does in its campaign against inflation.

The phase II stimulants to economic expansion, however, currently consist simply of a "pro business" program of tax incentives. The frightening aspect of the administration's proposals, moreover, is their total failure to come to grips with contemporary economic reality. Apparently, believing fully that "what's good for General Motors is good for America", the administration relies almost entirely on giant tax concessions to business in creating more jobs.

There is little doubt that the administration's overall "package" to the businessman constitutes a truly massive Federal effort to stimulate economic expansion. In addition to the $5.5 billion investment tax credit, the program includes $3.5 billion in depreciation allowance liberalizations, $0.5 billion in tax deferrals to exporters, a 10-percent surcharge on foreign competition and a $2.5 billion automobile excise tax repeal.

The critical question remains, however, whether these giant concessions to business will actually result in the high levels of investment and growth which the attainment of full employment requires. Current evidence is to the contrary. Today, with more than a third of all existing industrial capacity lying idle, there can be little assurance that efforts to further investment in new capital and equipment will be effective. In short, there is little reason for confidence that tax relief to the investor alone will be productive of more jobs.

Mr. President, the real key to economic expansion during phase II is the American consumer. Unless the administration supplies sufficient stimulus to consumer spending, its ad hoc attempts to speed business recovery will be like offering crutches to someone who is starving to death.

Of the three sources of spending power in this country: business, Government, and the consumer, it is the latter which accounts for a full two-thirds of the total domestic market. Looking at the administration's program, however, this fact appears to have been all but forgotten. As the economist Walter Heller put it:

> Business is offered a $9 billion tax break while the consumer gets little more than a soupbone.

I believe that the administration's trickle-down philosophy of trying to create jobs by awarding tax breaks to business firms puts the cart before the horse. Business will only be good when the people begin to buy, when they have both the income and the confidence needed for high levels of consumption.

As part of a program to put the stimulus where it belongs in the American economy, I urge an increase in the level of relief presently being offered for the individual taxpayers. Specifically, I support measures that increase disposable income by raising the personal exemption and the low-income allowance. Such measures would eliminate Federal taxes for those families below the poverty line. Moreover, they would place money in the pockets of those people in our society who spend practically all of their income on immediate consumption. The resulting impact on the economy would be enormous.

Proposals to increase the consumer's income will not be effective in themselves. Surveys have found that, today, spending is held back by deep-seated public doubts concerning the economic future. There could be no greater stimulant to economic expansion than a growing confidence in the administration's determination to remove the ominous spector of unemployment.

NATIONAL POWER GRID

Mr. METCALF. Mr. President, in July Congressman Robert O. Tiernan of Rhode Island introduced legislation for a national power grid. He was joined in his legislation by Congressman James G. Abourezk of South Dakota and Congressman Herman Badillo of New York. Senator George McGovern and I introduced identical bills in the Senate.

Recently at a meeting of the Northeast Public Power Association, Congressman Tiernan outlined the purpose of the bills, the reasons for their introduction and described how the proposed national grid would operate.

Excerpts from Congressman Tiernan's speech were reprinted in the October issue of Rural Electrification.

I ask unanimous consent that the excerpts be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Tiernan Explains National Power Grid Act

This morning you have been discussing your involvement in the New England Power Pool (NEPOOL) which represents the industry's response to the need for a single system (in New England).

While I would be among the first to commend the industry for its good faith attempt to make such a system workable, there are substantial problems inherent in this type of structure which are not being, and probably never can be, resolved.

Mr. (Robert) Feragen (general manager of NEPPA) has analyzed these weaknesses very well in presenting your association's views to the New England Regional Commission.

I quote: "NEPOOL has found no way to exert the kind of control required to create a comprehensive optimized regional system. The consequences in terms of cost to the public have not been assessed to our knowledge. But they are undoubtedly great."

Let me restate the basic problem, from which all the rest are derivative. As the Zinder Report (prepared by Zinder & Associates of Washington, D.C., for the New England Regional Commission, consisting of the governors of the six New England states and a Federal appointee; the report is an extensive study of New England power needs in the next 20 years) indicated, "each utility must view proposals from the viewpoint of the interests of its own customers and stockholders, which are not necessarily the same as those of New England."

There is, thus, no assurance in this concept that the fundamental objective of a single-system approach to regional power planning—based on regional interest being paramount—will be achieved.

No such system can operate effectively without centralized decision-making authority.

But because of their nature, investor-owned utilities are concerned primarily with their own economic considerations and only secondarily, if at all, with the needs of other utilities in the region.

Thus, true single-system operation becomes improbable, as is apparent in the delay in reaching agreement on how NEPOOL will operate and how its costs will be allocated among the member systems.

And even if a utility were willing to accept a decision of the pool, it might be unable to do so for reasons of financial or corporate incapacity or because of statutory limitations.

There is yet another reason why I do not consider a power pool, developed and owned primarily by the investor-owned utilities, the best means of implementing the single-system approach.

This hinges on public policy issues involved in the generation and transmission of electric power.

These issues are not primarily economic, and hence are unlikely to be maximized in any system where economic goals dominate, as they must for the investor-owned utilities.

The supply of electric power adequate to the need, reliable, and produced without harm to the environment, has become one of the basic necessities of life, and just as there has been a role for government in assuring the availability of other necessities, there is a role for government here.

I am the author of a bill recently introduced in Congress to establish a National Power Grid Corporation and regional bulk power supply agencies.

This, I feel, is a better approach to the establishment of single systems, not only in New England but throughout the country.

The bill's stated goal is to assure an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry.

The bill would establish a public "National Power Grid Corporation" which would be responsible for the construction and operation of large-scale generating plants and a nationwide system of transmission lines.

The power available from the National Grid would be marketed to utilities in the various regions of the United States by "Regional Bulk Power Supply Corporations."

As the sole marketer of the National Grid's power, these corporations would be responsible for the construction and operation of transmission lines in the region for the purpose of distributing power to the utilities.

They would submit to the National Corporation each year a projection of their demand seven years in the future. The National Corporation would then contract with them to supply that amount of power.

Rates for power sold to Regional Corporations would be at the lowest level possible consistent with the responsibility of the National Corporation for environmental protection, on a postage stamp basis throughout the country, that is, a uniform rate irrespective of particular generating or transmission costs.

The Regional Corporations would charge for transmission on a simple unit-cost basis, taking into account the same environmental responsibility.

In this bill we think that we have implemented the recommendations of the New England Commission's report, with three major exceptions.

First of all, we do not take over the existing utilities in the region.

Secondly, we allow utilities to operate their own generation facilities, making participation in the National Grid optional.

And thirdly, we extend the benefits of regional and interregional coordination on a national basis.

Is such a National Corporation a better means of implementing the single system approach than a utility-established organization like NEPOOL?

I think that I have already partially answered that question in my discussion of the inadequacies of the New England Power Pool.

Apart from the economic considerations which affect the likelihood of establishing such a power pool, there are anti-trust considerations involved.

We in this country have committed ourselves to the theory that the best product or service at the lowest cost is most likely to be provided in a competitive system.

But time after time we have seen examples of concentrated industries which have stagnated and failed to keep pace with the technology in the field.

I do not believe we can look forward to the greatest possible advances in new technology and new operation methods from the establishment of a handful of regional monopolies in the electric power industry.

It is for that reason that I am opposed to the revision of existing state and Federal statutes to allow these power pools to develop in that direction.

Of course, the same parallel could be drawn for a publicly owned regional monopoly.

This affected my determination not to establish a single bulk power supply agency with exclusive responsibility for generation and transmission.

I am committed to the idea that the best possible electric service can be provided with a pluralistic system.

Recognizing, however, that the technology for producing electric power is such as to require some sort of concentration, we have adopted what we think is the best possible solution.

I would envision this public corporation working side by side with private utilities. In many cases they would be mutually reinforcing, the public corporation serving to the extend the benefits of pooling and providing the pool members with an alternative reliable power source.

Similarly, the pools might contract with the public corporation to sell their excess capacity.

In situations where critical environmental issues were involved, the public corporation could step in to build generation facilities of a type not feasible for the private companies.

It should be apparent by now that the significance for the municipal, public power, and cooperative distribution facilities of such a National Grid Corporation is great.

One important benefit that accrues from the operation of such a system is the fact that we can maintain a diverse electrical distribution industry in this country.

Obviously we are in a position now where municipal utilities, because of their very small size, are reliant on investor-owned utilities for the supply of power, a situation which is often very difficult for them.

One of the interesting findings of the New England Regional Commission's report was that the fragmented industry structure in New England was one of the major reasons that New Englanders paid one-third more for their power than consumers in other parts of the country.

However, the economies that result from the consolidation of this fragmented industry structure into a large single system operation exist only in generation and transmission, and not in distribution.

Therefore, the maintenance of the small public and private distribution systems would be assured without any adverse effect on the efficiency of the regional system.

I am certain we will be hearing alarmed reports that the passage of this bill would mean the nationalization of the electric power industry. But I think it is obvious to you gentlemen that this is not so.

My bill is an attempt to establish a beneficial relationship between government and private industry in assuring a service which is the responsibility of both.

The investor-owned utilities have resisted this partnership in the past and will probably continue to do so in the future.

Fresh in all of our memories is the experience of the private utilities' massive overkill of the Dickey-Lincoln Project, whose latest estimated benefit cost ratio was a glowing 1.9.

So obviously preferable to any alternative generation technique, the Dickey-Lincoln Project was resisted by the private utilities merely because it meant public involvement in a domain which had been heretofore completely their own. One wonders if they might be afraid of a little competition.

We do not seek to take over the facilities of the private industry. Indeed we have pointedly not done so. All we are saying is, in the field of generation, let us have a public alternative to the plans of the private utilities.

THE CRISIS IN EAST BENGAL

Mr. KENNEDY. Mr. President, the crisis in East Bengal is a story of human misery on a scale unequaled in modern times. It is a story of systematic terror and military repression, of indiscriminate killing and the dislocation of millions of civilians. It is a story of death and disease, of too little food and water, of fetid refugee camps without hope and a countryside stalked by famine.

And throughout it all, the world has barely murmured a word.

Perhaps this is because we are conditioned in the world we have created to accept such suffering and injustice. To many the plight of the Bengali people is just another link in the chain of war-ravaged populations stretching around the world in recent years.

But perhaps, Mr. President, the public is silent because the public does not know.

To bring the facts more forcibly to the public's attention, the noted British charity, OXFAM, has recently published an impressive brochure entitled "The Testimony of 60 on the Crisis in Bengal." No one who reads this document can remain unmoved or uninformed as to the plight of the Bengali people.

To share this eloquent statement with Members of the Senate, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

The Testimony of 60 on the Crisis in Bengal

(Compiled by H. Leslie Kirkley, C.B.E., Director, Oxfam, Oxford, October 21, 1971)

Sixty men and women have been to, seen and lived in a situation which has been referred to as "defying description". This is their attempt to describe it. It is their record, their voice, their testimony of a tragedy.

Senator Edward Kennedy and Mother Teresa are known to the world. Others are international journalists testifying specially for this document: Michael Brunson (ITN), Clare Hollingworth (Daily Telegraph), Claude Mosse (Radio Suisse), Frederick Nossall (Toronto Telegram), John Pilger (Daily Mirror), Nicholas Tomalin (Sunday Times). Yet others are experienced relief workers from British, European, North American and Indian organisations. All have freely and generously given their time and their energy.

They are eye-witnesses, and the story they tell is horrifying. It is a story of millions hounded, homeless and dying. It is too a story of the world community engaged in a communal ostrich act.

Perhaps it is that the world does not know. Then let the facts speak. Perhaps it is that we just cannot comprehend the extent of the disaster. A population the size of Sweden and New Zealand together have already fled from their homeland. *Millions* more who remain now face famine. It does not bear thinking about. But we must. If a small girl can write to Oxfam and say "We decided to help. We raised altogether £56.15. We are all about 9½," then surely to God world governments can think in the terms necessary. In the name of the hundreds of thousands who have given and will go on giving through Oxfam and similar agencies throughout the world, I put forward the following appeal with all my heart:

Of the British Government—I ask for an immediate new sum of £25 million for refugee relief. Britain *has* given, but nowhere near the scale the situation warrants. A further £25 million would mean that Britain had covered about one month's refugee costs. It is the least we can do as a nation.

Of the world community—I ask that the United Nations General Assembly, now meeting, should immediately appoint a special executive group of five, under the personal chairmanship of the Secretary-General, with authority to ensure the urgent funding and implementation of the relief programmes for India and East Pakistan. I further plead that every Government freely contributes all appropriate resources at its disposal to this vital humanitarian operation.

Of the Pakistan authorities and the Mukti Bahini—I ask for their full acceptance and encouragement of a comprehensive UN famine-relief programme and the creation of conditions genuinely compatible with the return of refugees to their homes.

Of people—ordinary people—I ask that they continue to care and give. I ask that they refuse to accept that even one life is dispensable.

It is, to me, inconceivable that we should do less.

Brief background to the crisis—At Independence in 1947, "British India" was divided into four parts: India, Burma, and East and West Pakistan; the latter united as one country by Mohammedanism but separated by a thousand miles, a different language and even a different script. It is as though Greece and Britain were one country, united by Christianity.

For many years, the conflicting regionalism within Pakistan—the Bengalis in the East, the Pathans, the Punjabis, the Baluchis in the West—were held together by a tough military dictatorship. Power was held in few hands. Twenty-two families owned over half the industrial wealth of the country.

For some years, the East has been getting a rough economic deal. In 1968 55% of exports came from the East: yet 70% of imports went to the West. Jute, providing 40% of the country's exports, comes almost entirely from the East. In the third five-year plan (1966–70), 52% of the finance was allocated to the East: only 36% was spent there.

In March 1969 Ayub Khan resigned and was succeeded by General Yahya Khan, who was determined to hand over to civilian rule. Poignantly, it was the first step to democracy—the general election of December 1970—which started the crisis. In this election, Sheikh Mujibur Rahman, leader of the East Pakistan-based Awami League, gained 167 out of the 169 seats in the Eastern Assembly and thereby control of the 313 seats in the National Assembly. His programme stopped only just short of secession for the East.

In the West, Z. A. Bhutto of the People's Party won, and he boycotted the first meeting of the National Assembly, arranged for 3rd March 1971. Yahya Khan postponed the Assembly indefinitely. Murder and looting broke out in Dacca together with calls for independence for the East.

On March 25th, West Pakistani troops brought into the East struck to control Dacca and Chittagong, in anticipation of a Bengali mutiny. A bloodbath followed, of hideous proportions. Women and children were machine-gunned and raped. The army killed Bengalis indiscriminately. The Bengalis killed non-Bengalis. By early May hordes of refugees, 65% of them Hindu, were pouring across the borders of India, mute testimony to the massacres behind them.

By mid June, 5 million had gathered: the largest exodus of people since the SS stalked Europe. The Indian Government set up camps to feed them, but there was a desperate lack of sanitation, shelter and fresh water. Cholera broke out. Then the monsoon came. And all the time more refugees, until the numbers reached their present level of nine million: and still they come, 15–40,000 a day.

A call for assistance to Pakistan by Pope Paul—"Millions of human beings are in conditions of extreme want. One disaster after another has struck those people who are extremely poor. There is no lack of news and the facts are frightening, revealing a disturbing disparity between the help required and the means actually available. To save innumerable lives people must awake to the need. Public and private aid, including our Own contribution, is being offered but it is not nearly enough. It is not too much to hope that the world will be touched by the plight of these people and send the things that are essential: food, clothing, medicine and money."

The money needed—The refugee programme is the biggest that has ever been mounted this century. The programme is currently running at $350 million for six months—over £1 million a day.

The United Nations High Commissioner for Refugees called for funds to meet India's burden: so far only $114 million has been pledged, $70 million of which has been contributed by one country: America.

The British Government's contribution has been £8 million to India and £1 million to Pakistan. In addition to this British charities have spent another £1 million on their own programmes.

To get some kind of scale to the sum Leslie Kirkley asks of the British Government, two facts should be borne in mind.

1. International aid to Pakistan from 1950 to 1969 amounted to an astronomical $6,033 million: or over $300 million a year. Since the present crisis, new aid to Pakistan has been postponed by the major donor countries—with considerable savings to the British Government (last year, Britain's aid to Pakistan was £9½ million).

2. President Nixon is currently asking Congress for an *additional* $250 million.

(Acknowledgments: Oxfam thanks those who made The Testimony of Sixty possible. The contributors make their testimony in their own words, photographs or sketches. Their views do not necessarily coincide with those of Oxfam; nor are they bound by their statements to Oxfam's policy. We thank Clare Hollingworth, Nicholas Tomalin and Martin Woollacott who gave their time for the main articles; the Daily Telegraph, the Sunday Times and the Guardian who released them; Romagno Cagnoni, Alan Leather and Donald McCullin for their photographs, Dennis O'Dair of the Observer for his design; all the eyewitnesses for the trouble and expense they took to get their statements in on time for the publication; finally to Gerald Scarfe, whom we rang for an eyewitness statement, but said "I'm not a man of words" and gave these drawings.)

SENATOR EDWARD KENNEDY

Mosaic of misery

This stark tragedy is not yet understood by the world. I can tell you that not until you see it first-hand can you begin to understand its immensity. For only by being there can you sense the feelings and understand the plight of the people, and the forces of violence which continue to create refugees and increase the toll of civilian casualties.

In India I visited refugee areas along the entire border of East Bengal—from Calcutta and West Bengal in the west—to the Jalpaiguri and Darjeeling districts in the north—to Agartala in the State of Tripura in the east. I listened to scores of refugees as they crowded into camps, struggling to survive in makeshift shelters in open fields or behind public buildings—or trudging down the roads of West Bengal from days and even weeks of desperate flight. Their faces and their stories etch a saga of shame which should overwhelm the moral sensitivities of people throughout the world.

I found that conditions varied widely from one refugee camp to another. But many defy description. Those refugees who suffer most from the congestion, the lack of adequate supplies and the frightful conditions of sanitation are the very young—the children under five—and the very old. The estimates of their numbers run as high as fifty percent of all the refugees. Many of these infants and aged already have died. And it is possible—as you pick your steps among others—to identify those who will be dead within hours, or whose sufferings surely will end in a matter of days.

You see infants with their skin hanging loosely in folds from their tiny bones—lacking the strength even to lift their heads. You see children with legs and feet swollen with oedema and malnutrition, limp in the arms of their mothers. You see babies going blind for lack of vitamins, or covered with sores that will not heal. You see in the eyes of their parents the despair of ever having their children well again. And, most difficult of all, you see the corpse of the child who died just the night before.

The story is the same in camp after camp. And it is complicated by the continually growing number of civilian casualties overburdening an already limited hospital system. Most of these casualties have been brought across the border by their fellow refugees. Yet there are also large numbers of Indians whose border villages have been subjected to shelling from Pakistani troops. In addition, there are the untold numbers of victims who remain uncounted and unattended in the rural areas of East Bengal.

The government of India, as it first saw this tide of human misery begin to flow across its borders, could have cordoned off its land and refused entry. But, to its everlasting credit, India chose the way of compassion. The Indian Government has made Herculean efforts to assist and accommodate the refugees—efforts which history will record and remember. And while the magnitude of the problem staggers the imagination, the individual accounts of the people who have fled East Bengal tear at your heart.

A 55-year-old railway employee—he was a Muslim civil servant with 35 years service—told me of an unexplained noontime attack by the Pakistani army on his railroad station. "I do not know why they shot me," he said. "I don't belong to any political party. I was just a railway clerk." Now he sits idly in an Indian refugee camp, financially crippled, and with no prospect of returning to receive his long-earned government pension that was to begin next month.

Even more tragic are the experiences of the innocent and uneducated villagers. You can piece together the mosaic of misery from dozens of interviews among new refugees on the Boyra-Bongaon Road north of Calcutta.

On the day we traveled this 20-mile road, at least 7,000 new refugees were streaming along the banks of the border river crossing near Boyra. Nearly all were peasant farmers. Most were Hindus, from the Khulna and Barisal districts south of Dacca—on the fringe of the area affected by last fall's cyclone.

The very young and very old were exhausted from many days and nights in flight—usually on foot. Many were in a visible state of shock, sitting aimlessly by the roadside or wandering aimlessly toward an unknown fate. They told stories of atrocities, of slaughter, of looting and burning, of harassment and abuse by West Pakistani soldiers and collaborators. Many children were dying along the way, their parents pleading and begging for help. Monsoon rains were drenching the countryside, adding to the depression and despair on their faces. To those of us who went out that day, the rains meant no more than a change of clothes, but to these people it meant still another night without rest, food, or shelter.

It is difficult to erase from your mind the look on the face of a child paralysed from the waist down, never to walk again; or a child quivering in fear on a mat in a small tent still in shock from seeing his parents, his brothers and his sisters executed before his eyes; or the anxiety of a 10-year-old girl out foraging for something to cover the body of her baby brother who had died of cholera a few moments before our arrival. When I asked one refugee camp director what he would describe as his greatest need, his answer was "a crematorium". He was in charge of one of the laregst refugee camps in the world. It was originally designed to provide low income and middle income housing, and has now become the home for 170,000 refugees.

The tragedy of East Bengal is not only a tragedy for Pakistan. It is not only a tragedy for India. It is a tragedy for the entire world community, and it is the responsibility of that community to act together to ease the crisis.

Simple humanity demands that America and the United Nations must accept the truth that this heavy burden should be borne by the entire international community, and not by India alone.

MOTHER TERESA

(Mother Teresa is the founder of "The Missionaries of Charity." Last year she received the Pope's Prize. She has been working amongst the dying and destitute in Calcutta since 1948. Her order is one of the few Catholic orders with no shortage of novitiates. She has 700 nuns and postulants. They live in the slums, sworn to total poverty, eating the same food as the poor.)

We are trying to make the problem of India the problem of the world.

India has been wonderful in accepting and taking care of the millions of Pakistan refugees and India will continue to take care of them. In opening the door to them, the Indian Prime Minister, Mrs. Gandhi, has done a wonderful, a Christ-like thing.

Let us remember this: the people of Pakistan, the people of India, the people of Vietnam, all people wherever they may be, are the children of God, all created by the same hand. Today, the Pakistan people belong especially to us. They are part of the family of God in all the world.

This problem is not only India's problem, it is the world's problem. The burden must be carried by the world, the answer must be given by the world.

For us in India, good has come from the problem because our people have made considerable sacrifices and will continue to make them.

But the entire world must, I repeat must become concerned. Let us all, wherever we are, realise that we have millions of children suffering from malnutrition and starvation, and there are other difficulties, the enormity of which people find it hard to appreciate. Here again, unless the world comes in with food and proteins and those other things the children need just to lead ordinary, healthy lives, these children will die—and the world will have to answer for their death.

I have been working among the refugees for five or six months. I have seen these children, and the adults, dying. That is why I can assure the world how grave the situation is and how urgently it must help.

The appeal is to the world—and the world must answer.

NICHOLAS TOMALIN

When the newsmen crack up

("The rest of us who watch it find it more and more impossible to know what to do as individuals." Nicholas Tomalin of The Sunday Times writes an exclusive report on the worsening plight of the refugees in India.)

The Pakistan crisis is the worst disaster that has faced the world for the past 30 years. It is also morally the most simple. The villains, those Pakistani generals who ordered a military attack on their own countrymen last March 25th, are more obviously in the wrong than any military aggressors since the Hitler war.

The victims, nine million refugees in India, sixty-five million Bengalis left behind in East Pakistan, are more innocent, more suffering and more numerous than any we can remember. The circumstances combining war, famine, cyclone, gross injustice and apparent apathy on the part of people and governments elsewhere throughout the world, are terrible in a way that clearly exceeds the horror of Vietnam, Biafra, or any of the bloody African conflicts of the past 15 years. All that this huge melodramatic tragedy lacks is a hero and a solution.

As the weeks go by and more people die—some say it is two or three thousand a week—the rest of us who watch it going on find it more and more impossible to know what to do as individuals. We are helpless.

Some of us salve our consciences by sending in cheques to charitable funds, some organise concerts or protest meetings in faraway cities, some campaign for an independent Bangla Desh. A few come to India and try to feed or nurse a hundred or so of those nine million.

Relief agencies like Oxfam can lessen the suffering and delay the final catastrophe, but none of them have enough money, people or power to solve the real problem. Only governments, the most powerful ones acting together, can do that. They must take ruthless and skillful political action to force Yahya Khan and his Pakistan Government to admit that their present policy is criminal and stupid and must stop. Then they must force him or his successors to remove virtually all his troops from East Pakistan and guarantee the safety of those refugees who want to return there. Then they must persuade Indira Gandhi and her Indian government to accept and support those refugees who do not want to return. Then they must pay out money, hundreds of millions of pounds of it, to save people from death by starvation, disease and exposure.

If all these things are done quickly there might not be a catastrophe. East Pakistan, in fact Bengal in general, would still be a disaster area. But that is by contrast a happy prospect.

I am writing down these apocalyptic thoughts about a week after going to see some of the refugee camps that have been set up around Calcutta. I am lying on a soft mattress beside the large swimming-pool of the Grand Hotel in the centre of the city, drinking many bottles of cold beer, munching peanuts and occasionally breaking off to read a grubbily printed paper called "I love you" comic about a boy and girl ski-ing down a hill, while the girl says, "I love Steve, but what will he do when he learns my secret? Can he forget my past?"

I swim a lot, eat strange bitter curries and try not to be irritated with Bengali liftboys who fuss over me like some parading Maharajah, in the hope of a large tip.

I do all this because it is taking a long time to get unjittery again after seeing what is happening to the refugees. My newspaper colleagues seem the same. I mention this because in all other situations they have always been able to watch the most appalling events and experience unbearable human misery and remain unaffected in themselves.

I have seen them in Vietnam, back from Biafra, or in the Bengal cyclone. They were concerned, not without compassion, but able to cope with their emotions. This time they cannot cope.

One colleague who has had an operation for throat cancer is already back on seventy cigarettes a day. The gathered newspapermen arm themselves with a specially virulent form of cynical self-protection.

Looking at a picture of an emaciated little Bengali girl admiring herself in a fragment of mirror, someone says: "Preparing to be an Oxfam poster," and everyone giggles.

"I got a wonderful picture today," says one photographer. "Two babies dying together in the mud."

"I did better than that," says another, "I got them to hold hands."

Everyone else in Calcutta is equally emotional. A local diplomat, who looks as if he would remain perfectly urbane throughout the second coming, is talking passionately about war. He thinks there will be one between India and Pakistan this November, or if not this November *next November*. India, he argues, will simply not be able to bear the economic burden of the nine million starving, non-productive new inhabitants.

Already there are riots in Assam where the hill people dislike the Bengalis from the plains, who have fled to their mountains. Already there are continual fights and quarrels, even in the camps around Calcutta. The Indian peasants welcomed their suffering brothers at first. Now, as they see the strangers take their jobs at starvation wages, despoil their fields, and steal their goods and women, the hostilities grow.

Therefore, argues this diplomat, India will very soon be forced into a desperate military offensive against East Pakistan, gambling on clearing out Yahya Khan's troops (with the support of the local Bengalis) within a week. Then she will ship all the refugees back to East Pakistan. Then she will decide whether or not to make East Pakistan a province of India. It has to happen in November because snow blocks the mountain passes and prevents China attacking from the north.

This man has been in India for many years: he loves Bengal and even loves Calcutta. Until this summer he believed that India's terrible problems of recurrent crisis, famine and war were coming to an end with a new strong central government. He thought the country, at last, would begin to be peaceful, united and prosperous. Now this.

"I am more depressed than I can tell you," he says. "I cannot see any way out. I cannot see any solution. Death and ruination everywhere, that's all I can see."

My friend the Indian Army general has bags two inches deep beneath each eye He seldom sleeps at night. 'I don't know if they're going to attack or where or how. I can no longer understand these Pakistani soldiers' minds," he says. "Really, I think they've gone mad. They see the total collapse of their policy in East Pakistan, but it only seems to encourage them in their folly. They suffer from that tragic warrior's blindness: the more terrible, hopeless and unjust their cause, the more noble it seems to them. The more their actions threaten to annihilate everyone, the more they brandish their swords.

"Honestly, I think the Islamabad government is going to make a supreme gesture and go down fighting. If they do that they'll bring down the whole sub-continent with them, not to mention the refugees and our own Bengali people. Then maybe China will join in, then Russia, then the Americans and yourselves, then we have a Third World War."

Meanwhile the luxurious swimming-pool has ceased to be the haven it seemed. A soft plopping noise announces the arrival of a dead rat dropped carelessly from the beak of a carrion crow. It stains the tiling round the diving board.

Perhaps what makes all of us around the swimming-pool so neurotic and jittery is the unremittingness of the disasters in this part of the world. They never stop. I do not mean by this the repetitive history of conquest and reconquest, when wave after wave of warriors reduced the once dazzling prosperous area of Bengal to the poorest part of the world, aided by centuries of natural disasters It was, of course, the East Bengalis' special bad luck that the Moghul emperors decided to forcibly convert them to Mohammedanism when they swept in from Persia and the West. Mohammedanism does not suit excitable and intellectual Bengalis, and had they remained Hindus there would have been no partition riots there, no religious problem in Bengal, and most important of all, no splitting off of the nonsense province of East Pakistan. They would all have been part of India, which is the only geographical arrangement which makes economic sense.

What really hurts is the recent history. Misfortune created poverty which created greater misfortune which could not withstand further natural disasters, exploitation, internal corruption, religious bigotry and political inflammability. In such a hopeless, messy place, how could the disciplined Punjabi rulers of Pakistan create any order and prosperity? How could they stop their brisk merchants from exploiting the place? How could they defy Muslim principles and start a proper birth control programme to reduce the bursting population?

How understandable that East Pakistan became in essence a colony of West Pakistan with racial hostility between the tall brown unemotional Westerners and the small dark excitable talented Easterners. The Punjabis and Biharis thought of Bengalis as little better than poor grubby monkeys and uncontrollable. And in their own terms the situation seemed to justify that belief.

The Bengalis saw the Western army rulers, merchants, and money lenders as worse than the British imperialists, less benevolent, less understanding of their special sensitiveness and talents for self expression. No wonder that hostilities built up so fiercely that just before the blow-up last March the Bengalis had been demonstrating ferociously and killing Western 'foreigners' in their country. Because they had lived such doomed lives for so long, such atrocities (which have long been a part of violent tradition in the subcontinent) were entirely understandable. And no wonder, finally, that East Pakistan, after a million of its inhabitants were reportedly drowned and killed in the cyclone disaster last year, finally voted almost unanimously for their own Awami League and against Islamabad domination.

What was criminal and stupid in this situation was General Yahya Khan's decision that the simple military solution was the only one possible. He should have known that no military solution could cope with such hostility, that it was not only obviously unjust and illegal to take the action he did, but bound to fail.

In the months that followed the March attack, everything happened that Yahya should have been able to predict. The country grew not less but more hostile. The Bengali guerillas destroyed all communications. And where they failed the Army's counterattacks succeeded. The food harvesting in this naturally fertile area was largely disrupted. The hostility and killing began to be increasingly religious as well as racial. There were about ten million Hindus living amongst the Moslems in East Pakistan. As soon as it became clear that the Pakistani army was killing Hindus indiscriminately, nearly all of them fled into India. With them came Moslem Bengali Nationalists, Awami League supporters and people who merely wished to escape the fighting. As the fighting and chaos grew, it became self-perpetuating. The Army would be attacked by guerillas from over the Indian border and would retaliate against the local population. Then irregular Moslem volunteers were recruited to help the Army hold down the Bengalis, and it is these recruits, or rhazacars, a bunch of Moslem fanatics, hoodlums, time servers, who are now doing most of the killing. It is because of them that the present numbers of refugees are coming across the border, despite the monsoon rains.

When the rains cease the situation will change. The country may settle down as the Army is better able to control the roads and the border. Things may get worse as more people can travel and decide to kill each other. Some Indian authorities predict a new flood of refugees, perhaps another four million. Others predict that a quarter to a half of the refugees now in India will drift back into Pakistan.

However, here they now are, these refugees huddled into camps in India with insufficient food, nothing to do, no proper place to live. The spectacle of the typical starving Pakistan refugee is by now familiar to anyone able to read or even just to use his eyes. It forces itself on all of us from the newspapers, television and advertising hoardings.

After such a bombardment, to see them in actuality is in some ways an anticlimax. A sense of occasion interferes with one's compassion. As a long anticipated cathedral or ancient castle is often not up to the evocation photographs, so some of the refugees in the camps near Calcutta seem surprisingly normal.

Some of them are cheerful. A few are almost fat. Some have work to do. Some live better than they did in their own villages back in East Pakistan. Some. But most do not, millions do not—and as one travels along the roads by the border and sees camp after camp, hundreds of thousands of tents put up beside the road, in trees, on piles of bricks, anywhere possible in the crowded land, it is the numbers of them that are so terrible.

After a while, grown expert in the suffering of such people, it is clear their situation is incomprehensible because it is so terrible. I spent only two days driving round the refugee camps and one night sleeping in a relatively well-organised one. At first, as I have explained, they did not seem to be too badly off along the road which leads to the border at Hasnabad. In a suburb of Calcutta, Salt Lake City, 250,000 lived in a reasonable state. There was food—just sufficient. There were three or four special hospitals set up by foreign relief agencies. There was even some form of policing, thanks to the nearness of Calcutta. But even here it was the children who looked the worst.

It takes some nutritional knowledge to realise how badly they are suffering. A child needs lots of protein if he has trekked several hundreds of miles and now is living, permanently diseased, on food which is different from that he is used to. He needs specially large amounts. But the Indian authorities at present hand out only 400 grams of rice per person, plus some rations of vegetables, cooking oil, cereals. Distribution problems have cut these down to 200 grams per person, in many cases, and children get only half this, 100 grams of rice a day. That's about as much as you could hold in your hand.

According to medical experts—both foreign and Indian—those children will certainly die unless they are given additional protein feeding. Three quarters of them will be dead within nine months. A million children.

Therefore, slowly, laboriously, special feeding centres for children are being set up where they get milk and high protein food called Balahar. As yet most of these feeding centres merely hand the food to the children who return to their families, where by old tradition much of it is taken from them and shared round the elders. The child therefore is still likely to die by the time this article is published.

Maybe a million children won't die. They will continue to live, nearly live, without hope or education or function, surrounded by the other seven million, the adults, also with nothing to do and no hope, with only the ferocious rhetoric of Bangla Desh revolutionaries to occupy them and the forlorn hope of reinvading their own country, vanquishing Pakistani tanks, to sustain them.

It is a frightful and dangerous prospect. No wonder everyone is neurotic, jittery, depressed, without solutions.

Add to this, impressionistic moments around the camps. The old woman walking through the flood carrying two buckets of rice, the water up to her shoulders, buckets held just above it. Most of the time tiny clusters of tents, all that is left of some camps, reached by narrow bridges made of bamboo. Whole families permanently covered in mud and their own ——— which never finally washes off, having to struggle through the water to feeding centres, cut off from medicine.

There was one camp called Deara, where 30,000 people in their neat tents, all well housed and settled, were overnight submerged in flood water. They lost most of their belongings and all their shelter and gathered on the high ground nearby there. For the third or fourth time they began to try and collect their lives again.

There was the reception centre at Hasnabad Railway station, a nightmare throng of desperate people waiting to be registered for their food ration. The old men and women so exhausted they couldn't move, the young with bulging eyes, while flakey stuff like dandruff on their skin from malnutrition, and every imaginable disease, perhaps from simple tiredness. Dead children, their teeth unnaturally prominent in shrunken faces. The stronger adults unable to do anything but crouch in their tents, occasionally haggling with local peasants for special food, spending their last few rupees.

These sights are everywhere: one could list them endlessly. What is more important however is to try and imagine what is going to happen now the floods are receding. The worst prospect is political trouble between the refugees and the displaced Indian peasants who are also starving, and winter in Bengal. This doesn't matter too much, it is always warm, but in the North in Sylhet, in Assam, it is already very chilly. In two months it will be snowing, freezing, continual cold.

The Bengali refugees have no clothes, no blankets, few proper tents. Three million blankets are needed immediately for these people, and clothes and tenting to match.

So these nine million refugees have suffered political injustice, then a cyclone, then a war, then displacement, hunger, disease, and all the ills of refugees in a land which cannot afford them, then flood and now they face the prospect of winter.

It is, as I have said, the worst disaster that has struck the world for 30 years. It is also, as I have tried to describe, a catastrophe so terrible one cannot respond to it in proper reasonable terms. The journalists in Calcutta all know, as do Oxfam and other relief workers, that this is too big a problem for us. This is no longer a case for simple compassion or simple charity. After all, the world has already responded charitably. We all poured out money in a surge of pity last May when the reports of a cholera epidemic began, so the world has virtually exhausted its effective pity. Therefore the real charity must be shown in ruthless political action, in sanctions that make it absolutely clear to the Pakistani Government, which exists only because of international financial and military aid, that it will be worse off if it continues its present policies than if it abandons them. The political moves should be directed at the Army officers who still bolster Yahya Khan.

If they can be persuaded to discard him, use him as a scapegoat for past mistakes, there is a chance of a new policy of reconciliation. That is the first essential action. What happens afterwards is not so clear. There might be an independent Bangla Desh but that would create many problems. There might be a new constitution of Pakistan which allowed the East to be linked federally with the West. Or, ultimately, a new racial state of Bengal might come into existence, made up of half Moslems, half Hindus, and sliced out of both India and Pakistan. All of these possibilities are dangerous. None of them is as dangerous as allowing things to go on as they are.

The great powers must inspire themselves with the political will to change things and do it soon. They must also give money, food and equipment on a scale far bigger than anyone has imagined as yet: enough to reestablish the refugees properly in East Pakistan or subsidise them in India.

If they choose to stay, this means hundreds of millions of pounds, channelled probably through United Nations agencies. Unless this happens the luxurious figures round the Grand Hotel swimming-pool will continue to be jittery, neurotic and depressed. The local diplomats and generals will continue to talk apocalyptically and not sleep at night. The million children will die. So will thousands of adults. And the consequences for the hundreds of millions who live in the Indian subcontinent will dwarf even these disasters.

CLARE HOLLINGWORTH

The Long Road to India

(Clare Hollingworth of the Daily Telegraph. There is famine in East Pakistan. 8 million people are homeless refugees in their own land, wandering, looking for India.)

There are today over eight million displaced people inside East Pakistan—men, women and children hungry and homeless, "refugees" in their own country.

Groups of villagers are wandering around looking for India, often going in the wrong direction, in a stunned and vague manner. But there is little doubt that a large proportion of these miserable people will cross the border in the hope of obtaining food and shelter in a refugee camp.

The vast majority left their homes in a blind panic when they heard gunfire or saw the next house or the next village set alight by West Pakistan soldiers as a reprisal for an act of terrorism by the Mukti Fouj—Bangla Desh liberation army.

Some of the women instinctively picked up a few pots and pans or a bag of rice as they rushed into the protective marshland. With luck some of the men had a few coins in their pockets, which were quickly spent. These roaming people keep well away from the main routes frequented by the army. Indeed the sound of an army jeep causes all the ablebodied to dive into the nearest undergrowth. Sometimes the wanderers take possession of an uninhabited village but they are too frightened to appeal to the local authorities for food. They believe with some reason that it is the army that has the real power and requests for help will merely cause the arrest of some of the younger men and women.

Owing to floods, a chronic shortage of boats, and the havoc the Mukti Fouj have caused to the railways and roads, these pathetic groups of wanderers are not easy to trace except in those areas where there are Christian missions or European workers.

It is difficult to say how many of them die on their way to India but at least, according to some doctors, one fifth. The groups I have seen certainly showed advanced signs of malnutrition.

These displaced wanderers urgently need clothes and medical services but it is difficult to know how this can be arranged until they arrive in India except by sending supplies to those few missions still working in East Pakistan and urging the United Nations to put pressure on the Pakistan Government to allow relief workers to distribute food. At present the Pakistan Government has agreed to allow a totally inadequate handful of observers to see that the gift food reaches the right mouths. Food is a political weapon and as it grows more scarce the "good guys" who are members of the peace committees set up by the Pakistan army are likely to feed their political supporters.

The "bad guys" who have not demonstrated in favour of a united Pakistan and are therefore believed to have some sympathy with Bangla Desh can count on rough treatment except in those limited areas where the army has established an efficient civil administration.

Many hundreds of thousands of people are already suffering from the pangs of hunger in their own homes when there is still plenty of rice in the nearby village market; but they have no purchasing power owing to the breakdown of economic life. Growers have not been able to sell their jute and men have been "laid off" work on development projects as a result of the civil war. Again, the impartial distribution of relief is urgent, otherwise hundreds of thousands more miserable people will leave the familiar shelter they have and take the road to India.

The only way to save thousands, perhaps millions, of lives is to begin the relief operation. Famine cannot be avoided when the autumn rice crops have been consumed as the population will eat two million more tons of rice and grain each month than the amount now available. The problem is largely one of transport for at present food stocks are building up at the major ports and there are no trains and far too few vessels and lorries to distribute it. What is urgently needed are powered river boats and trucks with the authority to use them to carry grain to those areas not on the well-known main routes from the capital.

At the moment the Pakistan army has absolute priority and lorry loads of grain can be kept waiting at one of the many ferries for hours. It is only fair to add that every terrorist act of the Mukti Fouj causes additional dislocation and suffering for the Bengalis.

Dramatic measures such as air lifts or air drops of food may be essential in an urgent action to save life when the famine begins towards the end of this year but this is not a realistic manner to feed some fifty to seventy million people.

Unhappily too many families are split and the man who is forced to keep his shop open in Dacca or Chittagong has frequently sent his wife and children off to relations in the country little realising the greater danger there. Indeed it is estimated that the urban population has been reduced by more than a half.

But this is not a question of figures. I recall in a flooded area only ten miles away from Dacca seeing a queue of half naked people waiting outside a reed hut to obtain clothes and a ticket for a daily rice ration from a Catholic priest. I talked with one woman who had five small hungry children. She told me her husband had been killed earlier in the fighting. Her Basha—reed home—had been suddenly burnt by the Pakistan soldiers. She only had time to pick up the sleeping children before the flames enveloped their home. That is why she had no clothes, nothing. Her story could be repeated thousands of times.

There was no Pakistan Government assistance or help available even though a railway line was functioning within a mile of this spot and had it not been for the priest, the widow and her five children would have died.

Urgent relief is also required by the thirty thousand people who escaped from East Pakistan over the frontier into Burma. No foreign visitors have been allowed to visit them but Burmese doctors told me their plight was appalling.

MARTIN WOOLLACOTT

The price of disaster

(Martin Woollacott of The Guardian on India's dilemma. "By helping the refugees now she will have to cut development and pay the price in future deaths of her own children.")

It would be wrong to paint a picture of budgetary panic in New Delhi, of an administration near collapse in West Bengal, or of new development programmes cancelled. But, the money being spent by India will at least delay development and the Indian people will eventually pay a price in lives for their aid to the refugees, unless the West—and the Soviet Union—pay now. India to her credit has not tried to pretend that the cost of looking after the refugees from East Bengal has pushed the country to the verge of bankruptcy. If India were to get into serious difficulties directly attributable to the refugees, or was able to point to the actual abandonment of key development projects, it would be a lot easier to get funds.

India has a long history of successfully coping with disasters, even when there seemed all too little room for extra spending, particularly unproductive spending. To put the refugee problem into perspective, the estimated cost for the financial year 1971 to 1972 has now been put at 650 to 700 million dollars. That is, ironically enough, about equal to the amount by which it had been hoped, given luck, to increase development spending in 1971/1972. To use another kind of comparison, the refugee cost is about equal to one third of the 1970–71 military budget.

Indian's Labour and Rehabilitation Minister, Mr. Khadilkar, said recently that India had had to curtail development programmes because of the cost of paying for the refugees. In fact the spending for the refugees has gone on the budget deficit. The curtailment takes a rather more generalised but equally serious form. First of all, the extra funds which central and state finance ministries had hoped to dole out this year to development projects are not now going to be forthcoming.

Secondly, as one official told me: "We're determined not to cut anything. But we are reviewing everything to find economies." On the ground this can mean anything from a cut in the books and stationery budget of a new agricultural school to a slow-down in rural electrification with a concomitant slow-down in the extension of pump-operated irrigation works necessary for the spread of "green revolution" wheat and rice. It can mean cuts in the rural unemployment programme, so that many peasants will not get the jobs. And that not only means that there will be so many less new ditches, roads, or bridges but that the already dreadfully low standards of some rural poor will be further depressed.

Within North-eastern India, the refugees are now on the labour market. That means the depression of local wage rates, and a vast expansion of the already huge ranks of the unemployed, which could be explosive, and, as one West Bengal administrator said "It's not quantifiable, but as long as these people are here, they represent an extra strain."

The limited number of local administrators have been almost entirely diverted from their normal tasks, and the results of their inevitable neglect of other matters are bound to show sooner or later. Many have hardly opened their local files for four or five months.

The rich nations have contributed rather less than a third of what will be the 1971–1972 cost of sustaining the refugees. There has been little compensation on the normal aid front. One Indian official put it like this: "of course we can manage. We always have in the past. But what the West has to think about is what does 'managing' mean? It means a slow-down of all the programmes through which India is trying to create a better future for her people. And time is precious here."

Governments have made contributions in kind—sometimes putting a cash value on them that is to say the least disputable—or they have tied purchase to a particular kind of goods or, worse still, they have tied the money to purchases in their own countries.

This is naturally quite infuriating to the Indians. The burden can be eased by making purchases of the necessary food and materials in India. But the quality of aid is a secondary problem. What matters most is the quantity.

The Indian Government is constrained to act as if the refugees are to be on Indian soil for only a brief period, so this question has not been raised in its sharpest form. Yet even if we assume Bangla Desh independence within the next couple of years—which is going well beyond what India is prepared to talk about—there are many who believe that large numbers of the refugees will never go back. Perhaps fifty percent are landless peasants with absolutely nothing to go back to.

The more enterprising are already trying to obtain Indian documentation which will enable them to pose as Indian citizens.

If the costs of the refugee operation could genuinely be regarded as a once and for all expenditure, the wealthy countries might allow themselves, without too bad a conscience, to contribute only a fifth or a quarter. But this is not a problem which will be liquidated by Bangla Desh independence or by a political settlement in East Bengal.

Before the influx of refugees started, many observers felt reasonably sanguine about India's short term economic prospects. Food output has gone up, thanks to the green revolution. National income has been growing by about five percent a year, industrial production has also been creeping up, and foreign exchange reserves are in a reasonably healthy state.

Making India at once more productive, more profitable, and more labour-intensive should be the first aim, India needs to create millions of new jobs. And even in the short term, the diversion of resources by the refugee costs amounts to a dangerous juggling with lives. What has been gained if East Bengali refugee children are kept alive by Indian efforts, when the diversion of resources may well mean, indirectly and over a period of time, the deaths of children elsewhere in India?

We have seen

(These are the testimonies of people, drawn from many nations, from journalists, relief workers, and Members of Parliament. All are eyewitnesses to the situation in India or Pakistan. With one accord, they plead for action.)

JOHN PILGER, DAILY MIRROR

The life, or death, of Bangla Desh is the single most important issue the world has had to face since the decision to use nuclear weaponry as a means of political blackmail. It is that, because never before have the world's poor confronted the world's rich with such a mighty mirror of Man's Inhumanity.

Usually we in the West, who are the rich, can dismiss or rationalise famine, unexpected disaster and even mass extermination by simply noting that the poor, who are characterised by the people of Bangla Desh, are numerous and ought to be pruned. If only, we say, they could organize their own resources and subscribe to decent, Western politics. Surely they are expendable. We even allow ourselves a good snigger at places crying out against odds we cannot comprehend; places like the Congo and the ravaged republics of the Americas. None has followed the Western wisdom of democracy, and so they must suffer. A pity.

Bangla Desh has called our bluff. The people of what was East Pakistan, who represented the majority of the State of Pakistan, voted to be a democracy and to be led by moderate middle-class Western-styled politicians. Foolishly perhaps, they chose our way in their pursuit of freedom, in spite of problems we have never had to face.

And for this reason alone, they are being exterminated and enslaved in a manner reminiscent of Adolf Hitler, over whom the world went to war. But, of course, he was exterminating Europeans.

We in the West have no intention of going to war over Bangla Desh. Instead, through our elected government, we have contributed what amounts to one week's survival pocket money to the refugees of Bangla Desh, now petrified in India. India must provide the rest.

It is a cliché but it remains the truth of today: that there will be peace and civilisation and "progress" throughout the planet only when the rich minority—us—begin to close the gap between ourselves and the poor majority. We have the opportunity of beginning to do that in Bangla Desh; for this is a cause in which we may locate our lost twentieth century soul. Oh yes, and save, some human lives.

DR. R. C. HICKMAN, MRCP, SAVE THE CHILDREN FUND, BENGAL

Tens of thousands of children have already died in the refugee camps in the Indian border area. I saw worse malnutrition in these camps than in former Biafra. Several hundred thousand children now urgently need supplementary high protein food. They seem unlikely to receive help in time to save their lives.

PETER DUNN, PHOTOGRAPHER, SUNDAY TIMES

I was overwhelmed. I, who have travelled the disaster spots of the world for many years—I was completely overwhelmed.

A press photographer can usually tell himself that he is doing some good no matter how gruesome the photograph he is taking. But in Bengal this panacea was denied me. I felt completely and utterly inadequate. In fact, whenever I had any free time I went out with the War on Want team helping them to inject people against cholera.

BRUCE DOUGLAS MANN, MEMBER OF PARLIAMENT

The situation in Bengal is possibly the greatest threat to peace in the world today; it has certainly created the greatest concentration of human misery. The millions of deaths, which are likely to occur in the coming months, both among the 8 million refugees in India and the 79 million people still in East Bengal, are not inevitable. Money and aid, which the rich countries of the world can easily afford, would save lives on an enormous scale; but only the withdrawal of the West Pakistan army will end the murder, terror and oppression and enable normal conditions to be restored. Until world influence is exerted to compel that withdrawal the refugees will not return and war and oppression in Bengal will continue.

ALEX HENDRY, FINANCIAL TIMES

The plump nocturnal rats that scampered around the door at Dacca International Hotel looked better fed and healthier than most of the stricken delta people in the first few weeks after the floods.

At that time many of the survivors were clamoring and fighting over supplies that would not have ranked as bargains at a suburban jumble sale. Some relief workers found themselves in the ridiculous position of having to fend off the very people they had come to help. It was a miserable experience for them but emphasised the difference between long term, professional relief work and the massive emotional response the disaster touched off through the world.

There was a lot that was wrong with that first effort. But it saved lives, reduced suffering and brought hope to hundreds of thousands who had been left with only hunger.

There is still room for individual effort. But the scale of the tragedy needs government help. Not faceless bureaucrats distributing public funds but nations offering surplus wealth to prevent a tragedy.

The cost per head amongst the developed countries would be quite small. As one relief worker said to me when we were in the disaster area "Lives are cheap here—you can save them for a few shillings a week".

It hardly seems worth the trouble of not bothering to help.

ROLF RANGE, NORWEGIAN CHURCH RELIEF

We were a group of Norwegians visiting Cooch Behar in the northern part of India to get an impression of the refugee situation. One TV reporter, two cameramen and I, previously a journalist, at present Information Officer in Norwegian Church Relief. Our first impression: too much propaganda. We did not see many refugees, and as a journalist, I did not have confidence in the newspapers available. To me it appeared as pure propaganda, all these stories about burning villages, massacres and raping.

When we told people about our opinion they replied: Wait, you will see things yourself at the boundary!

An early morning in May we approached the border to East Pakistan. The sun had just risen, the dew drops were glittering and the landscape was idyllic. Vast green rice fields and small cluttering of palms. After a half hour of waiting we saw people coming up the road.

They were refugees—an endless stream of people. We counted five hundred oxcarts and on both sides of the vehicles walked people. Seven or eight men abreast. Young and old. They started to walk faster, raised their hands and started to yell. They appeared to be very eager to tell us of their plight.

The people up in front started running toward us, yelling and pointing in the direction from where they had come. None of us spoke Bengali, but it was not difficult to understand.

The village which they had been forced to leave was burning. An old white-haired man lifted his hands towards heaven and cried out his grief. With gestures he told us that all his eight children had been killed. A finger across the throat told the story. The refugees were so eager to tell their story that they in fact did not discover we did not know the language.

A man caught my arm with a strong grip. He carried a little girl on his arm. He pointed at the girl and I grasped that he wanted to tell me something about the mother of the little girl, his daughter. Something horrible had happened to her—some place inside East Pakistan. Twice he tried to tell me his story. Each time he swallowed and started to open his mouth. And each time he burst into helpless crying. He held my arm and cried out his sorrow.

A woman looked at me without saying a word. Tears trickled down her cheeks. The children got frightened seeing their parents crying so openly and started to shriek out. Several of the grown-ups put up their hands to hide their faces and passed us without saying anything. We were now in the middle of the refugee stream, a tremendous river of people.

On both sides people were passing us with faces wet with tears, on the oxcarts people lay outstretched, some wounded. A man went by hitting and hitting the oxcart with his bare fist. Others looked ahead with frozen faces, stiffened by sorrow.

I threw a look at the cameraman, and discovered he had trouble in filming. He kept drying his eyes all the time to get rid of the tears. He fought with himself to look into the camera, but his crying intensified. At last he helplessly threw out his hands. He could not take it. The TV reporter from Norwegian Broadcasting Corporation had been talking all the time. I heard him saying: "Something terrible has happened. These people are coming from a burning village. There has been shooting and many people have been killed. They tell us that . . . I cannot tell you more. We will make the pictures speak."

And then I discovered he was unable to speak. He also was crying. Then I couldn't take any more. Tears came bursting, and we all left the road and went aside, letting the refugees pass.

Four tough men not being tough at all . . .

FREDERICK NOSSAL, TORONTO TELEGRAM

I visited several refugee camps near Calcutta in June 1971. Despite tremendous efforts by the Governments of India and of West Bengal, conditions were simply terrible. Particularly young children and old people were dying by the score from cholera, malnutrition and diseases connected with food deficiency. Makeshift canvas shelters let through the rain, and thousands lay or slept on damp straw mats and even on the wet ground. They were too weak to move. Those who found shelter in steel and concrete pipes at construction sites considered themselves lucky. At least they were dry.

Conditions seemed worse than during the 1967 famine in Bihar, which I also witnessed, mainly because of the number of East Bengali refugees involved. Hospitals were so overcrowded, patients were accommodated on the floor and in the corridors. Many children and infants were only skin and bones, and obviously dying from dysentery, cholera and malnutrition, and perhaps a combination of different diseases. There was a shortage of doctors and nurses. Refugees waited patiently in line for many hours for their meager daily rations, often in pouring rain.

Since June conditions have worsened in many camps, and unless a concerted global effort is mounted, thousands more will die.

THOMAS JAMIESON, UNHCR

After three prolonged visits to India and to all of the refugee areas, I have the following vivid reactions. The Government of India has been faced with one of the greatest exoduses in history. The refugees are to be found not only in the Calcutta area, but also in Tripura, Assam and Megalaya. The Government of India has made a magnificent effort against all odds, including the worst monsoon in recent history.

To get the impact of the problem, one could mention that Tripura, which before March of this year had a population of 1,400,000, now has in addition 1,500,000 refugees. It was fortunate indeed that in all the affected areas the Government had buffer stocks in store which they normally have against the monsoon period. Thus from the first day, refugees were able to receive a modest ration. Whilst much of the problem beggars description, it is stimulating to see the local workers and volunteers, sometimes in a sea of mud, continuing the ration distribution and completing the rather flimsy but important shelter arrangements. Medical clinics have also been established. The containment of the cholera epidemic was little short of a miracle.

One of the great problems concerning this particular refugee situation has been that it has changed in magnitude almost every day, and so far no-one clearly sees the end and how it will be possible for the people to return home. We therefore have merely a massive relief operation without any aspect of solution whatsoever.

JAMES CAMERON, JOURNALIST

For six months we have stood by in shocked surprise and watched disaster grow into catastrophe and hourly nearer to tragedy—and we still stand by and watch. I just cannot understand how rich and powerful nations who interfere so readily with poor ones when they are not wanted, can look straight through them when the want is so desperate—and the time so short. Twenty-four years ago Britain drew that Bengal frontier in blood and pain. Did that let us out politically forever?

THE REVEREND ALAN STEPHENS, METHODIST MISSIONARY

HOPE? A crowd gathers to watch a group of young girls, members of a volunteer corps, perform a stick dance. The "stage" is a dry open space in a camp—very difficult to find in the heavy monsoon. The "costumes" are dull and drab and some of the girls are embarrassed because they have no blouse to wear under their saris. But there is strength in their voices as they sing and firmness in their step as they dance and innate grace in every movement they make. They give pleasure to those who watch, and help them to forget for a time the emptiness and weariness of their day to day subsistence.

But for how long can morale be maintained, how long can they be saved from despair and hopelessness?

JOHN STONEHOUSE, MEMBER OF PARLIAMENT

The horror of Bengal is one of the greatest man-made disasters in this half century. To see the pathetic refugee camps is to marvel that human beings can survive such terrible conditions after many of them had walked over one hundred miles from the insane brutality of the Pakistan army. It is frightful that the world community has done so little to help. The crisis which now threatens is likely to be many times worse than the horrors of the last six months, for with the continuing chaos in East Bengal a famine is coming which could lead to ten million deaths.

The appeals to the President of Pakistan might well have been made to a deaf and blind man. This, however, is no excuse for the world community failing to act. It must act soon.

DR. R. B. M'CLURE, EX MODERATOR, UNITED CHURCH OF CANADA

It was raining and the man came to me clad only in a worn breech-clout. He begged me to come over to Hut No. 85 to see a woman and four boys. We sloshed through the mud and jumped the ditch surrounding the "long house", and there was the remnant of a family. Mother was huddled under some old sacking and around her, three boys aged from 4–8 years. In her lap was one about 3 years of age. The children looked exhausted, their eyes shining in fever reddened faces.

I knelt down to take their pulse and feel their foreheads and pat their abdomens. The four boys had typhoid fever and the youngest one nestled against his mother probably would not make it through the night. The others had a chance. Under the sacking I asked mother if she was ill. She said: "I don't know. You feel me and see." I felt her forehead and she had no fever, her abdomen was soft and her pulse not too strong. She was confused mentally, and who would not be? The man was her uncle. Her husband had disappeared at the border—been led off, shot or conscripted as a coolie and never to be heard from again.

Why was she under the sacking? Well, when you come on a trip like this you don't have any spare saris and the youngest boy had soiled her only sari. She had washed it and hung it out to dry.

It was a wet day, and would take a long time to dry. She was under the sacking until she could wear it again. One Canadian dollar would give her a sari.

JAMES RAMSDEN, MEMBER OF PARLIAMENT

In June I visited India and Pakistan as one of a delegation of British MP's. We spent one of our days being shown the condition of the refugees in the neighbourhood of Calcutta.

One's first impression is of the sheer tragedy of so many helpless and homeless human beings. Then one comes to look beyond the horror, and appreciate the immense additional strain on the financial and administrative resources of the Government of India.

Where are they to find temporary accommodation in a countryside which is usually wet and low-lying and already intensively farmed? Where are they to get even the simplest materials to make shelter? How are they to organize rudimentary standards of hygiene and keep disease at bay? How do they make available large quantities of additional food, and having got it, how are they to organise its distribution along few and desperately overcrowded roads?

How do they reconcile the existing population, already crowded enough, to the presence of large extra numbers? How are they to keep the normal administrative machine running as well as coping with the abnormal?

The local administration and the additional officers made available by the Central Government of India are doing wonders, but the fact remains that an unexpected transfer of population on this scale would strain the internal resources of any state, and the world should continue to look with sympathy and generosity at any request for help which the Government of India puts forward.

TOBIAS IVELAND, DEN NORSKE SANTALMISJON

"It is a tragedy, a very, very great tragedy and we like to do what ever we can to help to solve this problem . . . It is a tremendous task you have taken up . . . God's blessing."

DR. CHRISTINE PICKARD, WAR ON WANT VOLUNTEER

"I expected the pain and the suffering; as a doctor used to the awful details of disease I knew how to cope with that side of things, even though it was worse than anything I had ever seen before. It is not the quality but the quantity of the problem that is so appalling. For the first time I felt swamped by the magnitude of a situation where I could see no light at all. As a result my sympathies had to be drawn by the rebels, the political agitators. For in the end the solution to the problem must be a political one.

I arrived in India as a new journalist, but, willy nilly, I was drawn into politics while living there.

Why on earth anyone was ever mad enough to expect two such different groups of people as those living in East and West Pakistan to exist happily as one nationality was suddenly beyond me: though I had accepted it without a murmur before.

In a situation the size of this, answers rather than questions are very elusive. But I became sure of one thing. We must not only send money, we must really set our minds to trying to find some long-term solution, and I mean long-term, even at the expense of short-term gain. This might involve a lot of rethinking on our own part and it could be uncomfortable, but we must make the effort; after all, so much of the blame can be laid directly at our door."

TREVOR HUDDLESTON, BISHOP OF STEPNEY

I have stood on the frontier between India and Pakistan. I have seen the flood of human suffering at full tide flowing over into the already crowded villages of Bengal. I have seen the camps and the efforts being made there to bring relief.

The enemy is TIME. For God's sake get the world aware of its responsibility to humanity quickly. Only a massive swift magnanimous response can be effective. Delay must mean death to millions of our brethren.

MATTHEW SALISBURY, UNITED RELIEF SERVICE

Eight million refugees and more coming. Then floods rendering areas of West Bengal inaccessible by road for nearly two months: then a typhoon ripping apart the "homes" of flood victims and evacuees.

I have to walk ahead of a Land-Rover, removing from the middle of the road those few meagre possessions salvaged from the flood, because the only dry space for shelter was the road itself. Tubewells were often submerged; floods were the only drinking water, adding further to the death-roll.

Governments abroad may not be able to ease the administrative burden, but at least they can mitigate the effects of the financial load. But even the colossal aid to India which world governments could mobilise can only buy time. It cannot build here, where there is no community to build on. For Government, relief workers and evacuees, the only end can be a political solution which will give security to the evacuees—inside East Bengal.

Both massive increased aid and a solution are vital to India. There is a limit to her endurance.

JULIAN FRANCIS, UNA VOLUNTEER, BIHAR

There are no walls to keep the rain from blowing in, nor any partitions except lines of washing to separate one family from the next.

The thatched roof seems to sweat smoke, but just as the smoke drifts out the rain comes in at every pore, and the mud floor which is their bed gets damp and slimy.

Regularly each hut disgorges a hundred refugees or more who form queues for their government rations, queues for the wells, queues for a place at the trench latrines. Those with dysentery seldom make it to the queue. The children form lines for their daily dollop of special nutritious food.

This is the totality of life for nine million refugees—there is no work, there is no money. They knew what they were coming to. They knew, that despite everything, it was better than what they were leaving, for here there is a chance of physical survival.

We shall go on trying to help them survive here. Please do not give up at your end. But above all, please push, press and persuade everyone with influence until the refugees are safe again. Get them out of these monstrous camps.

STANLEY BURKE, CANADIAN JOURNALIST

A man-made disaster of almost unimaginable proportions is unfolding in East Pakistan and in India. Millions are already suffering and millions more are threatened by hunger and famine. And yet the world stands by almost indifferent. Why?

Governments are caught up by the international power game and are fearful that social strife, if not suppressed, may spread. The United Nations is crippled by the attitudes of its member governments and by the existing code of international conduct. Churches feel restrained, fearing that their world-wide interest may be jeopardized if they take actions which are offensive to governments. Even relief agencies dedicated to the relief of human suffering fear to act without governmental consent.

Why? Why do people keep saying "we mustn't get involved in politics"? The answer seems to be that we have an almost instinctive fear of power which makes us hesitate to cry out. Governments feel that they are fellow members of a club and that they must help one another out. Organisations feel that any authority is better than no authority. Whatever the explanations, the fact is that the world stands by and allows the tragedy to grow. Here then is the moment when private organisations and private individuals, if they have courage, must stand up and protest. They must show their outrage that this totally unnecessary tragedy was allowed to happen and is allowed to continue.

But protest is not enough. In a complex power-dominated world it is no longer effective to pass plaintive resolutions or to write isolated letters to editors. Power for good must be effectively and massively organised and courageously advanced. Already the citizens' fight to save the environment, has shown the effectiveness of private protest.

Over Pakistan they must demand an answer to one basic question: Are there limits to the right of a Government to use force against people it claims as its own in order to perpetuate a political system? The question cries out for attention.

It is thought-provoking to realise that in the First World War people were horrified by the sinking of the Lusitania with the loss of a few hundred lives. In the Second World War people were shocked by the bombing of Hiroshima at a cost of 150,000 lives. Today the world is indifferent to a tragedy affecting millions.

VINCENT PHILIPPE, FEUILLE D'AVIS DE LAUSANNE

I have just left one of the innumerable refugee camps which border the Indo-Pakistan frontier. A small camp, it has 6,000 people (Salt Lake camp has 300,000): an "acceptable" camp. I use this shocking word for nothing is really "acceptable" in saying that misery is well organised. I saw what the Indian Government is doing to give at least shelter and something to alleviate famine. I saw, too, the efforts made by several foreign and international charities: maybe a ray of hope, but a ray only, because the situation is getting worse. The mass of refugees is growing quickly. Tomorrow, their emotion being over, their conscience being relieved, the rich countries will forget Bengal, whereas it needs help more than ever.

It seems to me obvious that in the face of such a dramatic situation, private and charitable giving is not enough. Only a huge and concerted action by governments can put an end to the tragedy.

MONSEIGNEUR BRUCE KENT, WAR ON WANT VOLUNTEER

It was a Saturday and with the monsoon starting, heavy rain had fallen for nearly five hours. There was a little, almost unofficial camp, not far away from our hospital—perhaps a thousand people huddling in shelters on the roadside or even without shelter at all. In a few large bamboo type huts a number of families had crowded—perhaps 12 families to a hut.

But the huts had been built below flood level and the water had risen in the huts to a depth of about two feet. A crowd stood around one in particular. With the endless rain the roof had given way. Most of the people had got out. But a baby, knocked on to the ground had either drowned or suffocated and its little body was held by a weeping mother. Guilty of nothing, life was suddenly over. I could not look at the parents who had come so far only to find this extra tragedy at the end of a road of tears.

KEVIN RAFFERTY, FINANCIAL TIMES

The biggest tragedy is the meanness of the rich nation "friends" of the refugees. If one creams off the layer of self-interested businessmen and politicians, who have dealt too much with men from the power blocks of the West, whose concern is with money, the people of India and Pakistan are simple and poor—but hospitable and loving. When I first went to India a complete stranger in Delhi offered me his room in his 3-roomed house, fed me and looked after me when I was ill and would not take anything in return. I found the same warmth in East Pakistan and was always greeted with a smile and a ready offer of a cup of tea.

Yet we—Christians!—cannot cough up even half a percent of our annual defence budget to rescue these poor people. Their plight is not their own fault. Ironically it is the fault of men of their own country who have dedicated themselves firstly to pursuing Western inculcated ideas of wealth and power.

ROMANO CAGNONI, PHOTOGRAPHER

I was in Biafra for six months. I hoped I would never see a tragedy on that scale again. The situation in Bengal in its beginning is worse than Biafra at the end of the war.

DR. MEYER, CARITAS

So many marasmic children are seen sucking the breast and looking like wizened old men, that the mothers get used to the idea of having a very thin child and do not become unduly alarmed at the sight. In fact, they would rather leave the child alone than coax him to take any extra rice or dahl if the child refuses to take anything at all—even fluids.

Malnutrition claims a considerable number of lives a day in each camp. To counteract this menace, Operation Lifeline has been inaugurated under the Red Cross Umbrella and supported by the Government of India. Each participating voluntary agency retains its own autonomy and identity.

What are the reasons for this acute incidence of marasmus and kwashiorkor? Change of dietary constituents is not the only factor, as the refugees have been living under more severe conditions before coming to Salt Lake camp. In peace time, fish comprised a large part of their diet and now it is unavailable, except for a small quantity which the refugees sell themselves in the local shops they have constructed along the roads into the camps.

Protein deficiency becomes inevitable. Other factors are dysentery, worm infestations, measles, and chest and skin infections which interfere with the child's appetite and cause loss of weight. Once the child has reached the crucial point of being 60% below his normal standard of weight, there is very little hope of recovery by maternal care alone.

DOUG ATTWOOD, BOB SWEENEY, CARE

Considering the sea of mud that surrounds us it is astonishing to find people actually still washing their saris and dhotis and trying to keep their children slightly clean—often in the largest puddle around us or in a small pond some yards away. They do have some sense of sanitation involved but almost no means of coping with the necessities. From here I look in to some of these tent-like structures, I hear the babies crying, I see people sitting there, many of them quite languidly, many of them of course old but still others passing in and out trying to gather water, trying to find the children, really almost nothing left for them to do here. They don't know how long they can be here, no one is able to tell them. They know that they do get rations and they do have some sort of shelter over their heads but from day to day they don't have very much to look forward to.

JOHN SAAR, LIFE MAGAZINE

In the village of Kanthall, a tubby, globe-faced man named Nalini Moham Biswas, welcomed 125 cholera victims into the courtyard of his home when they collapsed while passing through town. Biswas himself was unprotected by a vaccination. Even so, he nursed the stricken refugees so conscientiously that only four died.

But such rare and extraordinary efforts are only pinpoints in a vast tragedy. Narayan Desai, secretary of a national volunteer group, has no doubts about the gravity and explosiveness of the refugee issue: "I see a series of calamities, beginning with huge health problems. I imagine that thousands will die every day."

ANTHONY MASCARENHAS, JOURNALIST

When I visited East Bengal I was also appalled by the extraordinary hostility of non-Bengali officials to the local population.

For example, when I talked about the impending famine to a senior agricultural official, he bluntly told me: "The famine is the result of their acts of sabotage. So let them die. Perhaps then the Bengalis will come to their senses."

This statement and others have convinced me that food is being used as an instrument of politics.

It is essential that any international relief, to be effective, must be internationally supervised to ensure it reaches the right places, otherwise it will be wasted.

FLORENCE PRIEST, CHURCH MISSIONARY SOCIETY

For four months we worked as a medical team serving five camps in North Bengal. Each day we held dispensaries for the sick. We always found a long queue and it was seldom that we were able to reach the end of the queue. It was heartbreaking work as we watched families get smaller as one child after another died, and then came the cholera to take its great toll. Although so much was done and every day there were long queues for rations which were given without fail, conditions were appalling and almost my last glimpse of a camp was of men and women pulling up the bamboos that supported the small tarpaulin which had been "home", as the flood waters reached the camp and once again they were on the move. It was not difficult to move, they had few possessions.

PHILIP JACKSON, OXFAM

It becomes quickly apparent in West Bengal that all government officials, social and relief workers, are totally preoccupied with the refugee "invasion". Their fingers are stuck bravely into the dyke and it is incredible that the dyke has not yet burst beyond repair. It is tragic to see how other work, so desperately needed in this part of India, has had to be disrupted. How long, one wonders, will the poor of India stand for it?

MARILYN SILVERSTONE, MAGNUM

At one crossing point in West Bengal, a slippery track through flooded fields, in mud and pouring rain we counted refugees passing at the rate of 70 a minute in a continuous stream. That is over 30,000 a day from this one point alone, day after day. It is difficult for a western mind to conceive the enormity of these numbers. Many had walked for four or more days. Saddest of all are the old people.

DAVID LOSHAK, DAILY TELEGRAPH

Salt Lake camp, on the edge of Calcutta, is very convenient for visiting VIPs. It's near the airport and near the Grand Hotel, and they can come and tut-tut before swiftly moving on. It's pitiably different for the refugees, more than a quarter of a million souls—a population as large as Leicester's, living, barely existing, in an area the size of St. James's Park. They are there not because it's convenient, and it's certainly no park. Theirs is a life of unremitting material deprivation, sapping physical hardship and, worse by far of all, moral desolation and hopelessness. And Salt Lake is only one of more than 900 camps for the refugees of East Pakistan. However successfully they may be kept from starving, or dying from the ever-present threats of epidemic or exposure, their fate is so desperate that many of the millions still living quite simply envy the dead. Saddest of all are the children, condemned to lives of endless uncertainties except the certainty of despair. Condemned by the facts of poverty to have weakened stunted bodies and physically shrivelled minds. But they are remote and to many of us seem, if not undeserving, at any rate, unappealing objects of our charity or even our concern. Our compassion is not a limitless commodity. Yet, the tormented refugees, their wretched old and bewildered young, are on no island. Not to realise that we in our affluence depend as much on them as they on us is to ignore the realities of the present and future world. It is not only compassion and conscience that cry out for our concern and charity, but simple common sense.

BERNARD LLEWELLYN, OXFAM

Back in England three days after my visit to the frontier, the details are already blurring. I see the old grandmother asleep or dying in the station yard, her bony buttocks sticking out of the rag she wore; the mother who collapsed in the camp hospital and the thud as her baby's head hit the floor; the father searching for his lost child in a thickening crowd.

But I have forgotten their faces and the look in their eyes. It is more bearable that way!

CLAUDE AZOULAY, PARIS MATCH

The whole world stands accused of inaction while seven million people are in danger of death. A graveyard of children. This is the scar which is in danger of marking forever the generation of man which, for the first time, has stepped on the surface of the moon. In an age when an innocent bystander unable to swim can be thrown into prison for not having gone to the rescue of an imprudent swimmer in danger of drowning, in Bengal two million children are dying, killed by hunger, and we remain idle and no sanctions will be imposed on us except maybe—oh so remote—that of guilt.

Why the apathy? How has our civilisation reached this height of barbarism?

JIM HOWARD, OXFAM

The people of East Pakistan are the people who do not move easily, whose only survival is to stay where they were born. Nothing has moved them: through the yearly floods and cyclones and then the great cyclone disaster last year they have remained tenaciously on their land so there is something, some great power that is moving them now. That power is fear, the fear of death.

My great concern at the moment apart from danger to India's development programme is that the world will regard these people as expendable. They are not. They must survive, they must not only be helped to survive, but finally they must be allowed to go back to their homes.

BERNARD BRAINE, MEMBER OF PARLIAMENT

What is so unforgiveable about the tragic situation in Bengal is that month after month we have seen it moving toward catastrophe, with hardly anyone lifting a finger to stop it. It is manifestly clear that neither India, burdened with a huge and growing army of refugees, nor Pakistan herself, faced with the prospect of massive famine, can cope without outside support. Yet so far the response to U Thant's appeal for help has been pitifully inadequate. The world community must act now or be prepared to witness a human disaster of unimaginable proportions.

MARK EDWARDS, KEYSTONE PRESS AGENCY

Almost total lethargy has overtaken the adult refugees. How long this will last before political agitators start to rouse them to action, even possibly violent action, is anyone's guess. But it is one of the dangers of leaving this problem unsolved.

TIGGER STACK, OXFAM

Coming back to this country from working in the utter human degradation and suffering of the refugee camps, the thing that hits one is the *indifference* of people here . . . their total preoccupation with home affairs.

ERNEST HILLEN, WEEKEND MAGAZINE (CANADA)

Thus far the attitude of governments and people—including us in Canada—to the continuing East Pakistan disaster has been mostly one of indifference. And this is hard to understand. Standing in the rain in one of the hundreds of miserable refugee camps that crowd East Pakistan's border, it is beyond comprehension. Unprecedented numbers of people are suffering and dying, and the numbers are growing, there is widespread famine, and there is the very real threat of war.

The blame for the catastrophe rightly enough belongs to the men who run the West Pakistan Government. The shame belongs to all of us. Almost from the start, the world community could have stopped it. And it must be stopped now—by whatever manner or means. Our children will inherit enough shame.

DR. TIM LUSTY, VOLUNTEER DOCTOR

I remember one evening walking through a refugee camp in Couch Behar, 700 miles north of Calcutta. Our progress was interrupted several times by sick and dying children who had been laid on mats in our path. I asked the camp's director, a Norwegian, whether general malnutrition was improving or getting worse. 'Definitely worse', he replied.

Within days Oxfam had Indian medical teams working in the area; but there is a limit to what private charities can do. That limit is set by the degree of concern shown by more fortunate people.

DAVID HART, SCF VOLUNTEER

I spent fourteen years in the East as a Tea Planter so I know something about conditions out there. I saw the plight of the East Pakistanis after the cyclone which hit them last November and the misery and suffering that followed. But nothing I have seen before compares with the tragedy which I witnessed in the Refugee Camps in India recently. Mile after mile, camp after camp, it was the same. Millions of human beings somehow existing in conditions that we in England would not allow our animals to endure. Within two short months, from June to August, I saw the situation deteriorate very badly. The effect, too, on the morale of the refugees was alarming. Not only had they lost their homes and their possessions, they began to lose dignity and feeling. Faced with an inhuman environment, they became withdrawn and apathetic. They appeared to be unmoved by the sight of a dead child lying in the rain, it's arm and legs gnawed off by dogs, it's eyes pecked out by crows. I could afford my emotion—I would be going home to my pleasant house in the country, my warm comfortable bed. For me it was a nightmare, for them a reality.

FATHER D'SOUZA, CATHOLIC CHURCH, BONGAON

Now that the area is flooded, 29 out of 32 camps are under water and it is very sad to see the people crowded on the road, with no proper shelter, just jute canes over their heads.

The Government is trying its best with the help of different organizations, but there is need of much help in this colossal work, because in Bongaon sub-division there are over 450,000 refugees. And now that the roads are blocked it is difficult for the Government to carry foodstuffs.

After the floods, I expect the medical condition in the camps to be very bad because of the large expanses of stagnant water. The Government will have to do something in the line of disinfecting the areas, giving cholera injections again, because the refugees are going to have a very hard time in the winter, and if diseases start it will make things much worse.

JOHN DREWERY, CANADIAN BROADCASTING CORP.

I found it impossible to shut away the memories of what I saw, in the refugee camps of West Bengal and along the trails leading out of East Pakistan, in that corner of my mind reserved for other horrors I witnessed during wars I covered in Korea, the Congo, Egypt, Vietnam and Biafra. It is not that the brutalization of the people of East Pakistan is worse than what has happened to countless others throughout history. The effect of sword, fire and starvation differ very little in degree on the individual body and spirit.

It is simply that the magnitude of the tragedy is so immense, so overwhelming, it overshadows all other things. The cry for help coming out of India and East Pakistan is echoing all around the world. If we ignore it we are killing our future too.

MONA MOLLERUP, DANISH CHURCH AID

The Government of India and the voluntary agencies are doing a great deal to house, feed and provide medical care for the evacuees. We can never do enough for this tide of humanity.

The creeping malnutrition among the infants and children in the camps is frightening.

MR. J. BANERJI, GOBARDANGA SOCIAL WELFARE SOCIETY

Imagine the whole population of Scotland trekking south, bag and baggage leaving their country hearth and home with a basket on their heads. Leading their old parents by the hand and ailing children on their heads in continuous streams day after day and finally taking shelter under improvised sheds, only God looking after them. Imagine heavy rains, cholera and deaths on the roadside. This is the picture. How will England or the world accept the situation?

We want every citizen of the world to come to the aid of these refugees.

REG PRENTICE, MEMBER OF PARLIAMENT

The situation I saw in the refugee camps in July was the most terrible that I have ever seen—both in its degree of individual suffering and in its size. Since then it has become much worse. In the next few months it will become much worse still. Millions will die unless we act in time.

In West Bengal and the other border states, the local officials and doctors are doing a first-class job. They are working on behalf of the rest of the human family. We should all recognize this and insist that the government of our country, and all countries, take over a fair share of the burden that is falling on India. The impending famine within East Bengal adds a terrible new dimension to the tragedy. We must respond urgently to this threat as well. Time is not on anyone's side.

NARAYAN DESAI, GHANDI PEACE FOUNDATION

Like an octopus, the problem is clutching the situation from a number of directions.

When approaching a refugee camp the problem that stares at you is that of accommodation. Twenty-three persons living in a tent measuring 12 feet by 9 feet. Sixteen living on a raised 8 feet square platform of bamboo chips, avoiding direct contact with knee-deep water. This is the rule, rather than the exception.

Going a little closer, you see a number of other problems. Thousands of women with just half a piece of cloth to wrap their bodies, thousands suffering from gastro-enteritis, cholera, dysentery and diarrhea; hundreds of thousands of children slowly succumbing to malnutrition, millions dreading the advent of winter winds along with pneumonia.

Moving right among them you realise the more subtle problems: 9 million pairs of hands remaining idle result in frustration: every story of atrocity across the border—thousands of women molested, almost half a million killed—bring with it bitterness, anger and contempt.

MICHAEL BLACKMAN, OXFAM

It took the bogey of cholera to stir the conscience of the world, but even this killer came and went. It left behind what was there before, suffering and despair—no homes, little or no food, insufficient medical supplies—and worst of all, no hope.

MISS PAT BENNETT, CHURCH MISSIONARY SOCIETY

You know how bright children normally are. Well, some of the children we treated in the camps were just little lifeless bodies, hardly able to move in their mothers' arms, let alone to smile. The reports of malnutrition have certainly not been exaggerated at all, in spite of the fact that the Indian Government has been doing the most tremendous job. Nevertheless, the need for outside help is essential and is growing all the time, particularly for the children.

ALAN HART, BBC PANORAMA

They'd been hacked to death with knives and clubs. Twelve bodies. From some of their wounds the blood was still gushing. And when you thought they were dead and finished—they weren't. They went on twitching, some of these bodies, for several minutes.

These are the images that I captured for my first film report from inside East Pakistan during the opening weeks of the war. I shall never be able to wash that scene from my mind, yet strangely enough it disturbed and angered me much less than another incident I saw several months later.

I was watching a young girl dying of starvation. I was held by her eyes. They were accusing me. "You don't care do you" they were saying. I knelt down beside her and took her hand. I wanted to tell her that we really did care—all those of us in the outside world. I opened my mouth to speak. But I couldn't. I couldn't tell her something that was untrue.

MICHAEL BRUNSON, ITN NEWS

Things do not usually happen just as television reporters want them to happen. So the tragedy of West Bengal is that you only have to get the cameras out of the cases to get the evidence of death, of starvation, of disease and of suffering on record. Imagine Britain from the Highlands to Cornwall with columns of refugees on many of the roads, a refugee camp in most of the villages. That's what it's like around the border of East Pakistan. Only two things—thousands of deaths and thousands of pounds worth of money or medical supplies—are in the end going to let us put our cameras back in their cases.

CLAUDE MOSSE, RADIO SUISSE ROMANDE

Between 1942 and 1944, there were ten million deaths in the concentration camps of Nazi Germany. A quarter of a century later this memory is still in our minds. There are ten million refugees in East Bengal and apart from some news especially in the Anglo-Saxon press, the whole world accepts with complete apathy the slow agony of these human beings whose horizon was limited by the muddy marshes of the Ganges valley. The Indian Government has already withdrawn one billion Swiss francs from its investments to save these ten million living skeletons. Now India is exhausted. Without immediate and continuous international help we will have to resign ourselves to the fact that two million children under eight will die of hunger and cold. They turn their eyes in our direction. They ask for nothing. Their acceptance of a tragic destiny which has made of them our shame must force a reaction from what remains of our conscience. It is not too late, but there isn't a minute to lose.

The long lines of bamboo huts flattened by rain become longer every day. In these hovels people sleep on the ground, defecate along the paths and giant crows hover above. Fifty children fight over an egg we had given because we didn't have the courage to eat it in front of them. In the milk queue a child vomits and collapses. In the mud a woman heaves, groans, and gives birth. The poorest of Norwegian lumberjacks, the most deprived Welsh miner, is a thousand times, ten thousand times richer than the happiest of the ten million refugees. If we can accept the potential death of these ten million refugees it means that we can accept the ten million deaths of Auschwitz. The powers which united to give freedom to the oppressed people in 1944 cannot fail to unite today to save the innocent victims of this tragedy. Their destiny is linked with ours. If we let them die it means our civilisation is already dead.

What is needed today is a permanent airlift to take supplies into India, but above all, blankets because it will soon be cold, very cold, and death through cold is as terrible as that through hunger.

DEAN ACHESON

Mr. HUMPHREY. Mr. President, Dean Acheson, a truly great statesman and human being, is dead. America and freedom-loving people everywhere mourn his loss. To re-create his contribution to the development and maturation of American foreign policy, to the unfolding of American history, would be an endless task.

Besides, his mark is an indelible one, the imprint of which is found in the institutions he willed to us. Among them, I am referring to the Marshall plan, the North Atlantic Treaty and the North Atlantic Treaty Organization, the Bretton Woods agreement, the Baruch plan for international arms control, and the Japanese peace treaty.

These are accomplishments which cannot be minimized, for they have been largely responsible for the pattern of international relations up to the present. I firmly believe that these institutions, highly imaginative and courageous at the time of their establishment, have stood our country and the world in good stead. Dean Acheson was not only present at their creation, but was also responsible in large part for their final shape. Now he is not here to help mold their evolution and that is our great loss. Surely his ability and his fundamental sense of humanity would have contributed to our efforts to revitalize the institutions which have become our Achesonian heritage and to move forward in a concerted effort to secure world peace.

Instead, what we see today is an unraveling of this delicate weave of institutions and ideas with little thought or energy given to what will follow. We were spoiled by the constant replenishment of Mr. Acheson's own thoughts and his singular devotion. In growing spoiled we have become lazy—lazy to the point that we applaud presidential pirouettes but gloss over the fact that the essential ingredient of visionary thinking for a realistic and humanistic American foreign policy is lacking.

As Secretary of State and a well accomplished statesman, Dean Acheson supplied the missing ingredient. Now he is gone and we have to look elsewhere. We have to do what he would have had us all do—look forward in scope and time. This is our Achesonian heritage.

As I praise Dean Acheson in words, I feel his loss in a depth of emotion. He was a great man; he was a dean of American history.

Mr. President, in tribute to Dean Acheson, I ask that an article on his career published in the Washington Post along with other newspaper articles be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 12, 1971]

DEAN ACHESON: ARCHITECT OF POSTWAR U.S. ACTIVISM

(By Murrey Marder)

No man merits more the title of architect for the sudden, massively activist role of the United States in world affairs from 1945 onward than Dean Acheson.

By coincidence, his death came on the day that President Nixon, once a bitter political enemy whom Mr. Acheson came to support—as he did all occupants of the White House—was announcing another step in the current transition of American foreign policy.

President Nixon's planned trip to Moscow, as well as his visit to Peking, involve reexamination of policies which Mr. Acheson was greatly responsible for establishing a generation ago.

It is a measure of the durability of Mr. Acheson's impact on American life that no

President would lightly consider changing, even now, what Mr. Acheson was so instrumental in creating then, especially in Europe. For Mr. Acheson was the creator, more than any other single man, of the Atlantic Alliance, which began with the post-World War II reconstruction of Western Europe and built on that base the North Atlantic Treaty Organization for the "containment" of Soviet Communism.

By contrast, what was to broaden under Mr. Acheson's successor at State, John Foster Dulles, into the equal "containment" of China, began in Mr. Acheson's day by happenstance, not by design. The Korean War, which Mr. Acheson and "his" President, Harry Truman, saw as part of the Soviet Union's globally expansionist "conspiracy," pulled the United States into an activist Asian military role that was never in the original Achesonian concept.

For years afterward Mr. Acheson suffered what he insisted was the totally unjustified accusation that he had "invited" the Soviet-encouraged North Korean attack on South Korea by a January, 1950, speech in which Mr. Acheson placed South Korea outside the "defense perimeter" of U.S. power in the Pacific.

Assaults on Mr. Acheson over that speech, following North Korea's attack on the South, merged with the broadside accusations that he was "soft on communism." History was to disprove, mockingly, those sordid "pro-Communist" accusations aimed at Mr. Acheson from Sen. Joseph R. McCarthy and his associates. Those were the black days that Mr. Acheson was to describe with disdain afterwards as "the attack of the primitives" or "the fight with the footpads."

History ran full cycle on Mr. Acheson. Starting in the late 1950s, and in the 1960s, Mr. Acheson came under attack principally from the left, not the right, for overbuilding—and to long maintaining—the wall of "containment" around the Soviet empire.

The original author of the "containment" formulation, George F. Kennan, publicly charged that Mr. Acheson over-polarized and over-militarized what was intended to be more of an economic than permanent military shield across the East-West divide, to prevent Soviet expansion in Europe until the "mellowing" of Russia after Stalin. Mr. Acheson, in turn, denounced that view as soft-headed myopia.

Nothing better illustrates the protectiveness, the tenacity, the acidity and the weight with which Mr. Acheson through the years fought to preserve what he created than the manner in which President Nixon last May invoked Mr. Acheson's prestige against attempts to cut U.S. troops in Western Europe from 300,000 to 150,000. Inveighing against that proposal by Senate Majority Leader Mike Mansfield, Mr. Acheson, after a talk with the President, labeled the Mansfield proposal "asinine" and "sheer nonsense."

Mr. Acheson, some critics charged, was displaying his prowess as "high priest" of "the Cold War warriors."

Mr. Acheson was no unbridled militarist. But neither did he ever favor shrinking from the use of power. In one study of the 1962 Cuban nuclear missile crisis, by author Elie Abel, Mr. Acheson is quoted:

"I felt we were too eager to liquidate this thing. So long as we had the thumbscrew on Khrushchev, we should have given it another turn every day. We were too eager to make an agreement with the Russians. They had no business there (Cuba) in the first place."

Mr. Acheson, as elder-statesman consultant to President Kennedy, was sent secretly to France to inform President Charles de Gaulle that there was imminent danger of a U.S.-Soviet nuclear collision.

De Gaulle asked him what President Kennedy intended to do if the Soviet vessels refused to halt at the blockade line of American warships drawn around Cuba, Mr. Acheson said. Without any specific instructions, he said he did not dare tell the imperious de Gaulle that the United States had not decided.

As a result, Mr. Acheson said, he told de Gaulle the United States would sink any ship that tried to go through, would cut off petroleum for Cuba in 48 hours, and would land U.S. troops in Cuba if necessary, using six divisions. De Gaulle, satisfied completely, reportedly answered that was exactly what he would do, too. Mr. Acheson said that, diplomatically, he never told President Kennedy what he had told de Gaulle.

None who knew Mr. Acheson easily forgot the experience. He was one of the most fascinating, intelligent, witty, critical, eloquent and controversial figures on the Washington and world scene for a generation.

The world came to know him best as a human being rather than as a supremely aloof official after he left office at the end of the Truman years and began to write and speak out more prolifically, and especially far more bluntly, than any incumbent statesman ever could.

Mr. Acheson, out of office, displayed a zest for public controversy, as though to compensate for the years during which he was diplomatically restrained. Yet even in office, diplomatic restraint was never a very heavy bridle for Mr. Acheson, compared with others of his rank.

In his most important legacy as a biographical historian, "Present at the Creation—My Years in the State Department," published in 1969, Mr. Acheson provided a brilliant, exhaustive record of his distinguished service.

This volume radiates with Achesonisms as well as with the weight of history:

"The President cannot be Secretary of State; it is inherently impossible in the nature of both positions. What he can do, and often has done with unhappy results, is to prevent anyone else from being Secretary of State."

"I have long noticed that military recommendations are usually premised upon the meticulous statement of assumptions that as often as not are quite contrary to the facts and yet control the conclusions."

". . . In foreign affairs nothing . . . (is) more dangerous than to base action upon moral or ideal conceptions unconnected with hard-headed practicality."

On summitry: "When a chief of state or head of government makes a fumble, the goal line is open behind him. This I was to learn in my first experience with this dangerous diplomatic method, which has attraction for American presidents."

"In a service often trying I found compensation, indeed joy, in the qualities of friendly colleagues, of hostile combatants, and sometimes of neutral freebooters . . . Only bores were insufferable."

On French policy in Indochina in 1951: "They were engaged in the most dangerous of all activities—deceiving themselves."

In an interview in 1969, Mr. Acheson said, "In the (State) Department I never saw the world as a struggle between good and evil, as (John Foster) Dulles did . . ." Mr. Acheson, in his biography, labeled the Dulles "policy of massive nuclear retaliation to acts of Soviet aggression" as follows: "As a policy it was unworkable, outmoded when uttered, and profoundly disturbing to our allies and to our relations with them."

President Truman, whom Mr. Acheson served with supreme loyalty and devotion, was his model as a chief executive. Last July, in a Life magazine interview, Mr. Acheson provoked a storm among admirers of the late President Kennedy.

Mr. Acheson described Mr. Kennedy as "a most attractive person" with "real charm." but said sharply: "He did not seem to me to be in any sense a great man. I do not think he knew a great deal about any of the matters which it's desirable that a chief of state or a President of the United States should know about. He was not decisive . . . he was really out of his depth where he was. I hate to say this because I know it's going to be misunderstood, but his reputation is greater because of the tragedy of his death than it would have been if he had lived out two terms."

The description was brutal, but Mr. Acheson was boldly stating what he believed, as he often did to the dismay of his opponents and—sometimes—to the delight of those who agreed with his blurt assessments.

Mr. Acheson despised clichés; even in death one would not affront his supreme sense of style to impose on his memory with the cliche that Washington will not see his like again as a professional or as a personality. But even so, the odds are against it."

DEAN ACHESON, 78, IS DEAD IN MARYLAND

WASHINGTON, Oct. 12— Dean Acheson, Secretary of State during the most turbulent years just after World War II and architect of much of United States cold war strategy, died this evening. He was 78 years old.

Mr. Acheson served in President Harry S. Truman's Cabinet from 1949 to 1953, the years of the Korean war, European reconstruction, the formative years of the North Atlantic Treaty Organization, the Japanese peace treaty and the beginning of the so-called McCarthy era.

According to his wife, Mr. Acheson died about 6 p.m. at his farm in Sandy Spring, Md., but the cause was not immediately determined. Mr. Acheson was found slumped over a desk in his study.

Friends said that Mr. Acheson had a history of hypertension but had not been in ill health recently.

After leaving the State Department, Mr. Acheson served in an advisory capacity to the Administration of Presidents John F. Kennedy and Lyndon B. Johnson. But he spent most of his time in a far-flung and lucrative Washington law practice.

The Connecticut-born Acheson carried an aristocratic manner that often alienated his foes, and even some friends. But he, nonetheless, achieved great success in the government in a career that reached from a monetary-policy negotiator under Franklin D. Roosevelt to Secretary of State under Mr. Truman.

In between, he practiced law briefly, but spent most of his time in various positions within the State Department, finally succeeding General of the Army George C. Marshall as Secretary in 1949.

Besides his widow, the former Alice Stanley, whom he married in 1917, he is survived by three children, Mrs. Dudley B. W. Brown, David Campion Acheson and Mrs. William F. Bundy, whose husband was Assistant Secretary of State in the Johnson Administration.

[From the New York Times, Oct. 13, 1971]

ARCHITECT OF POSTWAR POLICY, ACHESON ADVOCATED CONTAINMENT OF THE SOVIET UNION

(By Alden Whitman)

One of the principal molders of the American posture in the postwar world, Dean Gooderham Acheson, an urbanely elegant, sharp-minded and even sharper-tongued lawyer, helped to create what he called "half a world, a free half" through containment of the Soviet Union by American military power and political alliances.

As a member of the State Department almost continuously from 1941 to 1953—for the final four years he was President Harry S. Truman's Secretary of State—Mr. Acheson articulated a policy and practice that assumed that the Soviet Union was bent on world conquest and, negotiations being virtually useless, could be deterred only by overwhelming United States economic, political and arms aid to countries on the perimeter of the Communist bloc. Some of his chief achievements were:

The Bretton Woods agreement, which led to the establishment of the World Bank.

The Truman Doctrine of assistance to Greece and Turkey.

Spade work for the Marshall Plan of bolstering Europe.

Shaping atomic policy.

The North Atlantic Treaty Organization agreement.

The Japanese peace treaty.

The diplomacy of the Korean conflict.

Nonrecognition of Communist China and aid to Chiang Kai-shek in Taiwan.

Creating and rearming West Germany.

Bipartisanship in foreign policy.

As one so intimately associated with the strategy and tactics of the cold war, Mr. Acheson was the target of much contention. To Mr. Truman he was "among the greatest Secretaries of State this country had." To Senator Joseph R. McCarthy, he was soft on Communism for harboring security risks in the State Department and for asserted lack of foresight in dealing with China before 1949. To more moderate critics, he was blind to the reputed advantages of negotiating with the Russians. To revisionist historians of the nineteen-sixties, he was "the Commissar of the Cold War" who invented, or at least exaggerated, Soviet world ambitions and who promoted the United States as a supercolonial power. And to himself he was "the faithful first lieutenant" to Mr. Truman ("the captain with a mighty heart") who was serenely certain that "our efforts for the most part left conditions better than when we found them."

EARTHY IN PRIVATE

Although Mr. Acheson tended to be formal and school-teacherish in his public manner, in private he was colloquial and earthy. Reminiscing about his career in an interview for this article in the spring of 1970, he ticked off his views. Of Mr. McCarthy he said:

"He was a very cheap, low scoundrel. To denigrate him is to praise him."

On the United Nations as a forum for negotiations:

"I never thought the U.N. was worth a damn. To a lot of people it was a Holy Grail, and those who set store by it had the misfortune to believe their own bunk."

Of the Korean conflict, which the United States entered without Congressional approval:

"I don't think there was any alternative to going into Korea. It was a perfectly simple thing to do."

And of the revisionist criticism:

"I think it's stupid. Ill-formed is the politest way I can express it."

Mr. Acheson, however, had no riposte to President Nixon (whose Indochina policy he warmly supported), although Mr. Nixon in 1952 had lashed out at "Dean Acheson's College of Cowardly Communist Containment." He indicated that President Nixon had "gone ahead doing what we did" in combating Communism.

ENJOYED CAPITOL POLITICS

As a broker in power who helped to pilot many of his plans through Congress, Mr. Acheson recalled his enjoyment of Capitol politics and his fondness for Senator Arthur H. Vandenberg, the Republican leader, and Senator Tom Connally, his Democratic counterpart. Some of his happiest moments, he said, were spent in the Capitol backrooms with these and other cronies. "Some of my worst enemies on the Hill were my best friends," he remarked.

To facilitate a bipartisan foreign policy, Mr. Acheson went on, he had on occasion so drafted bills that the Republicans could "correct" them, to their glory, in the name of bipartisanship. And once he went so far as to write a speech for a critic of the Bretton Woods bill. "It was the best attack on the bill ever delivered," he recalled with a merry laugh.

The personal touch that made Mr. Acheson a Capitol favorite was also the key to his dealings with many foreign diplomats. "The best diplomacy is on the personal level," he said, adding:

"I got along with everybody who was housebroken. But I was never very close to the Russians. They were abusive; they were rude. I just didn't like them."

Toward those he liked, Mr. Acheson had a gentleman-of-the-old-school loyalty. One example was his friendship with Alger Hiss, a former State Department official who was convicted of perjury in a sensational spyring case. Mr. Hiss was a friend of long standing and was already under some suspicions when Mr. Acheson was confirmed as Secretary of State. He restated at that time his ties to Mr. Hiss ("And my friendship is not easily given, nor is it easily withdrawn") and later, after Mr. Hiss' conviction, when many of his friends vanished, Mr. Acheson met the situation badly by telling a news conference, "I do not intend to turn my back on Alger Hiss."

"Congress," Mr. Acheson wrote in "Present at the Creation," "flew into a tantrum and the press got all excited."

Nevertheless, and with perhaps a touch of arrogance, Mr. Acheson stood by Mr. Hiss. With much the same tenacity, he declined to dismiss John Carter Vincent, a State Department official under fire from Mr. McCarthy, or O. Edmnd Clubb. Students of Mr. Acheson have suggested that his defense of Mr. Hiss, Mr. Vincent and Mr. Clubb sprang, in part at least, from his Brahminlike contempt for Mr. McCarthy's rightwing attacks—that Mr. Acheson had "lost" China, pursued a "non-win" policy in Korea and "coddled" Communists in government.

PICTURE OF A DIPLOMAT

And, indeed, Mr. Acheson did seem lofty in physique as well as manner. Tall, erect, with wavy hair, bushy eyebrows and a guardsman's mustache, he looked, in his impeccably tailored clothes and black homburg, every inch the formidable diplomat. Added to that was an Ivy League voice and a bright mind's disdain for what he called "ninnies."

Many wondered how the immaculate and patrician Mr. Acheson was able to form an almost perfect union with the small, perky, Midwestern Mr. Truman, a creature of rough-and-tumble Missouri politics. In "Present at the Creation," Mr. Acheson gave an answer, saying:

"As only those close to him knew, Harry S. Truman was two men. One was the public figure—peppery, sometimes belligerent, often didactic, the 'give-'em-hell' Harry. The other was the patient, modest, considerate and appreciative boss, helpful and understanding in all official matters, affectionate and sympathetic in any private worry or sorrow . . . Mr. Truman's methods reflected the basic integrity of his own character."

Another factor was that Mr. Acheson, with all his mature cocktail-circuit charm and quick grasp of complex issues, was reared in fairly modest circumstances. Born April 11, 1893, in Middletown, Conn., Dean Gooderham (pronounced "goodrum") Acheson was the son of an English-born clergyman and a mother whose family were Canadian whisky distillers. Edward Acheson had entered the Anglican ministry, emigrated to Canada and then to the United States, where he became Episcopal Bishop of Connecticut.

TO YALE AND HARVARD

Dean was submitted to the fashionable rigors of Groton under the stern Endicott Peabody and went on to Yale, from which he was graduated in 1915. After marrying Alice Stanley, a painter, in 1917, he gained a Harvard law degree in 1918 and spent his first two years out of school as law secretary to Supreme Court Justice Louis D. Brandeis.

Mr. Brandeis "was like a father to me," Mr. Acheson recalled in 1970. That Justice and Justice Oliver Wendell Holmes greatly influenced his legal thinking, just as did his very close friend of later years, Justice Felix Frankfurter, with whom he often strolled about Washington. The two were congenial on all issues except Israel, which by mutual consent they never discussed.

The Justice, a Zionist, favored the State of Israel, while his friend was disquieted by it as upsetting the Mideast balance. Their friendship, though, was such that Mr. Acheson dedicated one of his books, "Morning and Noon," to "F.F."

In 1921 Mr. Acheson joined the capital firm of what is now Covington & Burling, of which he became senior partner. One of Washington's largest law establishments, it gave Mr. Acheson a comfortable life—a house in Georgetown, a farm in Maryland—and a clientele that included 200 of the nation's largest corporations. When he was not in government, he practiced law.

A Democrat, Mr. Acheson supported Franklin D. Roosevelt in 1932 and was appointed Under Secretary of the Treasury in 1933, a post he held for six months. He broke temporarily with the New Deal when he found himself unable to approve devaluing the gold content of the dollar. He thought that doing it by Executive order was unconstitutional, and he learned from newspapermen that his "resignation had been accepted." His personal relations with the President, however, remained correct, and he supported him in 1936 and 1940.

JUDGESHIP DECLINED

Just before the 1940 campaign, Mr. Roosevelt offered to appoint him to the Court of Appeals for the District of Columbia, a step below the Supreme Court. "I told the President I just can't sit on my tail and listen to foolishness," he recalled in his 1970 interview. "Then the President offered to make me a special Assistant Attorney General. But I told him no, I could do him more good on the outside [he was active in the Committee to Defend America by Aiding the Allies] and that I would write campaign speeches, which I did. Well, then the war came along and I went into the State Department."

As Assistant Secretary of State in 1941 (Cordell Hull was the Secretary), Mr. Acheson was intimately concerned with a number of undertakings that accompanied America's emergence as the world's greatest capitalist power. His initial duties involved international economics. He helped to elaborate the Lend-Lease arrangements that poured $39-billion in American war goods and civilian items into lands resisting Fascism and Japanese warlords.

He was also liaison man with Congress and had a vigorous hand in developing postwar international organizations, including the Food and Agricultural Organization, the United Nations Relief and Rehabilitation Agency, the International Bank for Reconstruction and Development (World Bank) and the International Monetary Fund.

After Mr. Hull stepped down, Mr. Acheson served under Secretary Edward R. Stettinius Jr., a man, he said in his memoirs, who "had gone far with comparatively modest equipment." Then he was Under Secretary of State when the department was headed by James F. Byrnes and by Gen. George C. Marshall.

When Mr. Truman became President in April, 1945, Mr. Acheson formed bonds with him that were to last for their lives. Among his first chores for Mr. Truman was obtaining Senate approval for United States membership in the United Nations. "I did my duty faithfully and successfully," he wrote in his memoirs, "but always believed that the Charter was impractical."

Mr. Acheson was Under Secretary for almost two years, from August, 1945, to July, 1947, but much of that time, owing to the absences of his chief abroad, he acted as the Secretary. His intractable definition of Soviet policy was elucidated at this time. Stalin, in early 1946, spoke out for Soviet preparedness in what he saw as a hostile world. Analyzing the speech in a telegram to the State Department, George F. Kennan, then chargé d'affaires in Moscow, concluded that Soviet policy would be to use every means to infiltrate, divide and weaken the West.

Mr. Kennan's proposals for coming to terms with the Russians did not, however, appeal to Mr. Acheson. "To seek a modus vivendi with Moscow would prove chimerical," he wrote in his memoirs, adding in another place that "Soviet authorities are not moved to agreement by negotiation."

Meanwhile, Mr. Acheson was busy, with David E. Lilienthal of the Tenneseee Valley Authority and a group of scientists, drafting a policy paper on international atomic matters. At the time, the United States believed it held a monopoly, and proposed that "no nation would make atomic bombs or the materials for them." Instead, there would be an international authority, with inspection controls and other checks to assure peaceful uses of nuclear energy.

Many of the proposals appeared in what was called the Baruch plan, named for Bernard M. Baruch, who was not in Mr. Acheson's pantheon. "I protested the generally held view that this so-called 'adviser of Presidents' was a wise man," he later wrote. "My own experience led me to believe that his reputation was without foundation in fact and entirely self-propagated."

As Mr. Acheson perceived events in 1946–47, the Soviet Union was embarking on an "offensive against the United States and the West" in the Balkans and the Mideast, which was to reach a crescendo in Korea in 1950. He discerned special danger spots in Greece and Turkey. And in early 1947, when the British reported they could no longer afford to support the royalist Greek regime, he shaped the Truman Doctrine, by which $400-million in emergency military and economic aid was provided those two countries—in Greece to counter "Communist" insurgents and in Turkey to strengthen her armed forces.

HEART OF THE DOCTRINE

The heart of the Truman Doctrine was the assertion that "it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." Then and later, however, such commentators as Walter Lippmann questioned whether this was not a formula for America as a world policeman and whether it did not involve repression of legitimate nationalist or revolutionary movements.

In Mr. Acheson's view, however, "the corruption of Greece would infect Iran and all to the East." "It would also," he added, "carry infection to Africa through Asia Minor and Egypt, and to Europe through Italy and France, already threatened by the strongest Communist parties in Western Europe."

Critics of this foreign policy have asked whether his ideological division of the world corresponded with reality, whether "freedom" should be equated with American strategic and political interests, whether the domino theory was justified and whether Communism was equivalent to "Soviet imperialism."

After persuading Congress to approve Greek-Turkish aid, Mr. Acheson voiced the outlines of what became the Marshall Plan in a speech on May 8, 1947. His speech, he said, was a "reveille" to the American people to avert the economic collapse of Western Europe and to prevent its falling into the Communist orbit. Officially, General Marshall was father to the European Recovery Plan, but there is little doubt that Mr. Acheson with Will Clayton, a State Department official, did most of the work.

The Marshall Plan, in the view of historians such as Louis J. Halle, contributed to the Berlin blockade and Soviet absorption of Czechoslovakia in 1948. Stalin, this argument holds, saw the plan as a design to plant American influence and military power in Western Europe, and he reacted by tightening his vise on Eastern Europe.

For 18 months after the Marshall Plan was offered, Mr. Acheson was out of the State Department at his request to return to a more financially rewarding law practice. "I was tired," he explained. In this period, however, his personal relationships with the President and other leading Washington figures continued to be close. And he was back as Mr. Truman's Secretary of State in January, 1948.

Stating his feelings about Communism in his confirmation hearings, Mr. Acheson said:

"It is my view that Communism, as a doctrine is economically fatal to a free society and to human rights and fundamental freedom. Communism as an aggressive factor in world conquest is fatal to independent governments and to free peoples."

Although such a statement might appear to be unequivocal evidence of Mr. Acheson's anti-Communism, it failed to satisfy many on the far right, including Senator McCarthy, Senator William F. Knowland, the Republican leader, and Representative Richard M. Nixon, then aspiring to national prominence. And he was hectored for four years as an insufficiently sterling anti-Red.

The China affair, especially painful to Mr. Acheson, was touched off in the summer of 1949, by a 1,000-page White Paper designed to explain the victory of the Communists despite more than $2-billion of American assistance to Chiang Kai-shek. The Acheson document described the Chiang regime as "corrupt, reactionary and inefficient," and added:

"The unfortunate but inescapable fact is that the ominous result of the civil war in China was beyond the control of the government of the United States. Nothing that this country did or could have done with the reasonable limits of its capabilities could have changed that result. . . . It was the product of internal Chinese forces, forces which this country tried to influence but could not."

The attack on Mr. Acheson (and, through him, on General Marshall, who had tried to compose Chiang-Communist differences) was fueled largely by the China Lobby, Chiang's vociferous partisans in this country. And the cry was taken up by Senators McCarthy and Knowland and others, who insisted that State Department aides had been covertly sympathetic to the Communists.

The attack produced more headlines than substance, but it bedeviled Mr. Acheson's years, and left many convinced that Chiang was a victim of American perfidy. Mr. Truman, however, was stout in his defense, retorting to one ouster demand by saying, "Communism—not our country—would be served by losing Dean Acheson."

The attacks "of the Primitives," as he termed them, made it seem that Mr. Acheson was insensitive to Asia. But it was he who established the policy of nonrecognition of the Communist Chinese and supported military and other aid to Chiang on the island of Taiwan, where he fled in 1949.

Furthermore, in May, 1950 Mr. Acheson sought and obtained economic and military aid for France in Indochina to help battle Ho Chi Minh, thus setting America's fateful role in Vietnam. "I could not then or later think of a better course," he said. Additionally, his Japanese peace treaty contained provisions for American military bases in Japan.

In Europe, meantime, Mr. Acheson's theme was to build up areas of strength to counter the Soviet Union. And under his guidance, NATO, or the North Atlantic Treaty Organization of West European nations, Canada and the United States, came into being in 1949. It was the first military alliance ever joined by the United States in peacetime.

One consequence of NATO was Mr. Acheson's renewed interest in West Germany, whose institutionalization as a Federal Republic he advanced and whose arming he promoted. He was on good terms with Konrad Adenauer, the Chancellor, recalling him fondly in 1970 as "a most delightful person." The separate German state was not wholly praised, however. In the opinion of Mr. Kennan, for example, it solidified the division of Europe by "arous[ing] keen alarm among the Soviet leaders."

One of the most troublesome of Mr. Acheson's problems was Korea, where conflict between North and South erupted in June, 1950. "Plainly, this attack [from the North] did not amount to a *casus belli* against the Soviet Union," he said. "Equally plainly, it was an open, undisguised challenge to our internationally accepted position as the protector of South Korea, an area of great importance to the security of American-occupied Japan." Mr. Acheson decided that "we must steel ourselves to the use of force . . . to see that the attack failed."

His method was to work through the United Nations Security Council, then being boycotted by the Soviet Union. The Council called the attack "an unprovoked act of aggression," and it was under this authority that American troops, with Gen. Douglas MacArthur in command, moved onto the Korean peninsula in a "police action" to repulse the North Koreans.

CRITICAL OF MAC ARTHUR

The "police action" was supposed to be limited, but General MacArthur apparently exceeded his instructions by pushing the North Koreans to the Yalu River (when the Chinese entered the conflict) and had to be recalled. A storm broke out over both Mr. Truman and Mr. Acheson. Recalling the episode in his 1970 interview, Mr. Acheson said, "MacArthur was a jackass. If he'd done what he had been told to do, the war would have been finished early, but he wanted to be spectacular, and he loused it up."

Out of office in 1953, Mr. Acheson was a scornful critic of John Foster Dulles's policy of "massive retaliation" to Soviet actions. "This didn't make any sense at all," he recalled afterward. "We had very few nuclear weapons." But he did approve Mr. Dulles's continuation of his policy of American shouldering of global responsibilities.

In the late fifties Mr. Acheson was a foreign policy adviser to the Democratic party. A picture of him in this role was drawn recently by John Kenneth Galbraith, the economist and Democratic adviser. Mr. Galbraith wrote:

"He was captain-general for foreign affairs. I was chairman of the counterpart committee on domestic policy. When, as happened on occasion, he made guerrilla forays into my domain, it was, invariably, to express views somewhat to the right of Erza Taft Benson, then one of the heavier ideologues of the Eisenhower Administration. On foreign policy he believed that the danger of nuclear destruction was something to be minimized, not threatened—an important distinction."

When Mr. Acheson returned to private life, he commented, "To leave positions of great responsibility and authority is to die a little." However, not only was he active in Washington in the fifties, but also he was a White House adviser of Presidents John F. Kennedy and Lyndon B. Johnson. His protégé, Dean Rusk, was Secretary of State in those Administrations, and Mr. Acheson was often called upon for informal help. He counseled President Kennedy, for example, to bomb the

Soviet missile sites in Cuba in 1962; and he backed President Johnson's handling of the Vietnam war. He was also called in by President Nixon, with whose Indochina and ABM missile policies he enthusiastically agreed.

WON 1970 PULITZER

In retirement, Mr. Acheson also took to the typewriter, producing six books, including "Present at the Creation," an account of his State Department years that won the Pulitzer Prize in 1970.

Mr. Acheson lived on P Street in Georgetown in a house lined with books and paintings, many by his wife. He had a farm, Harewood, in Montgomery County, Maryland, to which he liked to repair as often as possible. The Achesons had three children—Jane, David and Mary—who frequently joined them at the farm or at family events, for they were a close family.

In the concluding pages of "Present at the Creation," Mr. Acheson wrote his own epitaph in these words:

"In 1914 Kaiser Wilhelm II referred to 'Britain's contemptible little army.' When it had taught him to revise that opinion, its survivors often referred to themselves as 'the old contemptibles.' I am happy to greet my comrades of President Truman's State Department with his affectionate appellation and assure them, as they look back upon their service under his leadership during those puzzling and perilous times, that they played a vital role in setting the main lines of American foreign policy for many years to come and that they may feel in their hearts that it was nobly done."

Dean Acheson Is Dead at 78—Former Secretary of State

Dean Acheson, Secretary of State in the Truman administration and a major architect of postwar European recovery and Cold War diplomacy, died last night at his home in Sandy Springs, Md. He was 78.

His wife said the cause of his death had not yet been determined.

Family members said Mr. Acheson was found slumped over a desk in his study. He was pronounced dead by the family physician.

Friends said Mr. Acheson had a history of hypertension but had not been in ill health recently.

He is survived by the widow and three children—David C. Acheson, general counsel of the Communications Satellite Corp. (COMSAT), Mrs. Dudley B. W. Brown of Lantana, Fla., and Mrs. William P. Bundy of Cambridge, Mass., whose husband is a former Assistant Secretary of State and Defense in the Johnson administration.

In a statement issued by the White House President Nixon said, "The nation, the Western alliance and the world, all their staunchest champions . . . Almost 20 years after his service as Secretary of State he continued to be recognized as one of the towering figures of his time. He was a man not only of great achievement but also of rare intellect, of rigorous conscience and of profound devotion to his country.

"I shall greatly miss both his wise counsel and his penetrating wit."

Mr. Acheson's career as Secretary of State from 1949 to 1953 was one of the stormiest in American diplomatic history. And controversy followed him through the 1960s and to his death.

When he left the State Department in 1953 after four years of political controversy, Mr. Acheson returned to private law practice with the prominent Washington firm of Covington & Burling, but served frequently as an unpaid adviser to Presidents.

Even after his retirement as Secretary of State in 1953, Mr. Acheson continued to play an important role in shaping foreign policy under Presidents Kennedy, Johnson and Nixon.

He served as an adviser to President Kennedy in the Cuban missile crisis confrontation with the Soviet Union at the end of 1962. Two years later, early in the Johnson administration, he acted as a mediator in the Cyprus crisis. He was also among the nine "wise men" who counseled President Johnson to halt the bombing of North Vietnam in the spring of 1968.

As recently as May, Mr. Acheson was reactivated by President Nixon in the administration's successful defeat of Senate Majority Leader Mike Mansfield's effort to reduce U.S. troop strength in Western Europe.

Mr. Acheson was maligned and "whipped" at home, during his years in public life, but warmly praised and highly respected in Western Europe and throughout the rest of the free world. Friendly foreign diplomats regarded him as the best Secretary of State in many years. His American opponents said he was the worst ever.

The crossfire of criticism came from both the right and the left. Among the most spectacular right-wing charges were those launched by the late Sen. Joseph R. McCarthy (R-Wis.), who denounced Mr. Acheson for defending Alger Hiss, a former State Department official accused of implication in a Communist conspiracy.

In later years, Mr. Acheson was assailed with equal vehemence by liberals for having been "hawkish" in advocating that the United States maintain a strong military establishment.

His responses were characteristically salty and acerbic. He remained an independent, unintimidated figure to the end.

Mr. Acheson once described his reaction to his many troubles as comparable to those of a dog which, having had a can tied to its tail a number of times, finally learned to back hind-first towards a can whenever it saw one.

Another time, Mr. Acheson said that he weathered the strain by following the advice of an old Scottish lady to a younger friend. The old lady advised: "My dear, you have got to be philosophical. Just don't think about it."

On the eve of his departure for Brussels for a conference of Atlantic Pact foreign ministers, Senate and House Republicans, voting in strict party meetings, demanded his resignation. Not a few Democrats applauded the Republican demands.

But Mr. Acheson had the loyal support of President Truman who regarded the tall aristocratic-looking diplomat as one of the Free World's chief enemies of communism. He refused to quit.

He was denounced as a pro-Communist. Yet he sponsored the first American shooting war against communism—the fight in Korea.

The opposition to Mr. Acheson subsided somewhat after his performance as chairman of the Japanese Peace Treaty Conference at San Francisco in September 1951. Several of his congressional critics praised his firm stand against the efforts of Soviet Delegate Andrei A. Gromyko to torpedo the conference.

Mr. Acheson's stock with the American public also shot upward on the basis of his San Francisco performance. His verbal and parliamentary victories over the Russians were viewed by millions on television.

Mr. Acheson had dramatic evidence of Mr. Truman's complete loyalty and respect in September, 1950, when the President could no longer ignore reports of friction between Mr. Acheson and Defense Secretary Louis Johnson. Johnson was fired and Mr. Acheson's friend, Gen. George C. Marshall, was appointed defense chief.

Although rated a liberal, Mr. Acheson mixed his liberalism and wealthy background with a distinct touch of realism that cropped up early. When he was 15, he went to the family's summer home. His sister sought to interrupt her brothers' rapt reading by announcing: "Dean! The people next door have three carriages, five horses, and a footman."

Mr. Acheson kept reading. His sister, impatient at being ignored, asked what he would do if he had three carriages, five horses and a footman. "I'd start a livery stable," he replied.

Born April 11, 1893, at Middletown, Conn., Dean Gooderham (pronounced Goodrum) Acheson was the son of an English-born clergyman father and a mother from a family of distillers.

His father, Edward Campion Acheson, fought with the Queen's Own rifles in the Indian Rebellion before entering the Anglican ministry. He emigrated to Canada in 1881 and then to the United States, where he became Episcopal Bishop of Connecticut and married Eleanor Gooderham.

Dean Acheson graduated from Yale in 1915, married Alice Stanley of Ann Arbor, Mich., his sister's roommate at Wellesley, in 1917, and gained a Harvard law degree in 1918. Joining the Navy after he left Harvard, he served a few shorebound months in World War I mainly as an ensign with a "boring" assignment guarding New York harbor.

He emerged from that experience as fluent in profanity as in legal Latin.

Like so many other top Harvard law students, Mr. Acheson started off his professional career as a secretary to a justice of the U.S. Supreme Court. His mentor was Associate Justice Louis D. Brandeis who, along with Justice Oliver Wendell Holmes, Mr. Acheson credited with influencing his thinking in these formative years.

From Brandeis' quarters Mr. Acheson went in 1921 to Covington, Burling and Rublee, in which he remained a lifelong partner.

Mr. Acheson entered government service as Under Secretary of the Treasury in May, 1933. Six months later, President Roosevelt announced plans to devalue the dollar by juggling the price of gold. Mr. Acheson said the whole scheme was illegal. Mr. Roosevelt asked for his resignation. He left quietly, in contrast to many employees of the New Deal who complained loudly when they were fired.

Ironically, it was Mr. Roosevelt who in 1941 induced Mr. Acheson to leave his lucrative law practice and return to government as Assistant Secretary of State. Mr. Acheson, displaying the internationalist thinking that was to mark his career, vigorously supported wartime aid to Britain and the Soviet Union and helped to write a brief defending Mr. Roosevelt's lend-lease deal giving Britain 50 over-age destroyers in return for naval bases in the Caribbean.

Mr. Acheson was promoted to Under Secretary of State in 1945. He resigned in 1947. On Jan. 21, 1949, a day after Harry S. Truman was elected President in his own right, Mr. Acheson was nominated as Secretary of State.

Two men could hardly appear more different on the surface than Mr. Truman, the peppery, homespun Missouri politician thrust abruptly into highest command by President Roosevelt's death, and Mr. Acheson, the patrician Eastern lawyer. Yet the two by nature were intensely loyal to each other and to certain broad ideals.

When Mr. Acheson took over the huge, cumbersome State Department, the Soviet-American Cold War was intense. The Kremlin was blockading Berlin, menacing its neighbor nations and preparing to sponsor war in Korea. The United States was committed to numerous wartime agreements which, signed in good faith, often played into the Soviet Russia's policy of postwar expansion.

In Europe, the Acheson directorate hammered out the North Atlantic Defense Treaty, fashioned the foreign arms aid program, and pressed for economic recovery as an antidote to political instability. These programs inspired enough hope to make possible the first unified European army, with the prospect of West German participation.

The job was herculean. It required all the Acheson ability to argue and persuade his allied counterparts that the course of cooperative, vigorous action was right—Soviet objections notwithstanding.

In sponsoring a fighting resistance to communism in Korea, Mr. Acheson helped to persuade the United Nations for the first time to send at least token forces into battle.

This was more than a year after a State Department white paper on China. The white paper, unparalleled in normal diplomatic practice, was a blockbuster against Nationalist China. It denounced the Nationalist regime of Generalissimo Chiang Kai-shek for corruption and inefficiency. Chiang later backed off the mainland and set up shop on Taiwan.

The military losses in Korea, memories of the white paper, and some congressional concern for the Nationalists revived Capitol Hill cries for Mr. Acheson's resignation. But on Nov. 8, 1950—off-year election day—Mr. Acheson said he had "no intention whatsoever" of resigning. One week later, he said he expected to remain as Secretary of State for "further years." Republican gains in the elections of 1950, he said, were not a repudiation of his foreign policy.

Mr. Acheson lived quietly in an ivy-covered house in the Georgetown section of Washington. On weekends, he went to his farm at Sandy Spring, Md., where he and Mrs. Acheson sawed wood or puttered in their flower garden.

While Secretary of State, Mr. Acheson usually arrived at his office by 9:15 A.M. and left about 7 P.M., often carrying a briefcase of official papers to read at home. He took only 30 mintues for lunch—usually soup, salad and coffee. He smoked about half a package of cigarettes daily.

He invariably was well-dressed with tailored worsteds or tweeds draped about his six-foot-one-inch frame. A homburg hat, a dispatch case, a pointed mustache, and a long confident stride completed the picture of the perfect diplomat.

Mr. Acheson once demonstrated his loyalty to Mr. Truman no less than the President demonstrated his loyalty and respect for Mr. Acheson. The day after the November 1946 elections, Mr. Truman returned to Washington from his home at Independence, Mo. The Republicans had captured both houses of Congress, and the way looked dark for the man from Missouri.

Mr. Acheson was the only person of cabinet or near-cabinet status to meet and greet the downcast President, Mr. Truman never forgot it.

The President had many opportunities to fire Mr. Acheson, and was under repeated pressure to do so from Republicans with little resistance from the Democratic camp, but only stuck by his Secretary of State all the more firmly. Both were tough fighters. And both were confirmed Democrats, though Mr. Acheson moved more subtly than his "give 'em hell" boss.

Until Mr. Acheson, the President never had a Secretary of State with whom he had close personal relationship. Edward R. Stettinius Jr. was a Roosevelt holdover who resigned after his main accomplishment of shepherding the birth of the United Nations. Mr. Truman's first choice was James Byrnes, an old friend experienced in high political and administrative jobs. But Byrnes was ambitious and, in Mr. Truman's view, too high-handed. Bitterness grew between them.

Marshall was an established soldier-statesman, correct towards the President, but not a warm personal friend.

Mr. Acheson kept in intimate contact with the President while never forgetting who was chief executive. He became Mr. Truman's most influential adviser and in turn, got solid backing in what was more his shaping of foreign policy than Mr. Truman's.

For a while, Mr. Acheson enjoyed the cooperation of Sen. Arthur H. Vandenberg of Michigan, a Republican foreign policy leader whose pull with his party made possible the launching of the nation's major postwar ventures like NATO and the Marshall Plan.

With Vandenberg increasingly sidelined by an incurable cancer, Mr. Acheson turned to John Foster Dulles, associate of Vanderberg, and 1944–48 GOP presidential nominee Thomas E. Dewey for bipartisan operation of foreign policy. He gave Dulles the job of working out a peace treaty with Japan.

Yet with Mr. Acheson, a lifelong Democrat, nonpartisanship did not come naturally, and he never did develop a comfortable relationship with congressmen.

Some attributed the Korean war to what they considered Acheson blundering. The soft-on-communism theme underlying many GOP allegations against the Democrats found a target in Mr. Acheson. Among the most spectacular charges were those of McCarthy.

He accused the State Department of harboring Communists and fellow travelers. Mr. Acheson denied the accusations. The fight raged on into the Eisenhower administration. In its course, Mr. Acheson uttered perhaps his most famous single statement: "I will not turn my back on Alger Hiss."

Hiss, a former high State Department official and friend of Acheson, had been convicted of perjury for denying that he passed secret documents to a Communist spy ring.

Mr. Acheson, the lawyer and clergyman's son, said he was not casting doubt on the judicial proceedings or condoning disloyalty. But, citing from the Bible, he said Christ set "forth compassion as the highest of Christian duties and as the highest quality in the sight of God."

Mr. Acheson's tendency to appear cold and formal in public, which increased during his final days in office, belied the sparkling wit and warmth which delighted those who knew him well.

He could radiate charm on the cocktail circuit, captivate audiences with humor, discuss philosophy and tell racy stories in an intimate gathering of friends.

He once turned a stiff news conference question into merriment by referring to one of his favorite authorities, "my friend Judge Covington." The Judge, according to Mr. Acheson, put a piping hot oyster in his mouth during an oyster fry on Maryland's Eastern Shore but quickly spat it out with the comment: "A damn fool would have swallowed that one."

After his retirement from public office, Mr. Acheson's law cases took him before the Supreme Court and to foreign lands. He spoke and wrote on foreign policy and composed some short story fiction on the side.

Recently, he published his memoirs, entitled "Present at the Creation."

In 1957 he accepted chairmanship of the foreign policy advisory committee of the Democratic Advisory Council, declaring he had been "progressively disillusioned, dismayed and even amazed" by the Eisenhower administration's foreign affairs actions.

He criticized U.S. intervention against the British-French-Israeli invasion of Suez as undermining the Western alliance and termed the United Nations "a do-it-yourself package with some defective parts."

When the then Sen. John F. Kennedy called in 1957 for an international effort to achieve independence for Algeria, Mr. Acheson, speaking in Kennedy's home state of Massachusetts, pronounced the senator's proposal "injudicious" because it would involve America's joining "the enemies of her oldest ally to force the ally (France) to an American conception of proper conduct."

When Kennedy led the Democrats to power in Washington once again in 1961, Mr. Acheson spent some time early in the administration advising the State Department on NATO problems.

Despite his reputation for being a "hawk," Mr. Acheson reportedly tried to discourage President Kennedy from launching the Bay of Pigs operation against Cuba. At the end of 1962, however, he did take a "hawkish" position during the Cuban missile confrontation.

As Mr. Acheson described it, he was drawn into the Cuban missile crisis Oct. 17, 1962, when he was invited to join a high-level U.S. civilian and military group formed to advise the President.

Mr. Acheson argued against the decision to resort to a blockade of Soviet ships, contending that the Russians already had enough missiles in Cuba to threaten the United States.

Later, Mr. Acheson was sent by President Kennedy to brief French President de Gaulle, German Chancellor Adenauer and the U.S. military commander in Europe.

When the crisis appeared to be ended, Mr. Acheson related, he sent a note to the President congratulating him on his "leadership, firmness and judgment." But in an article written in early 1969, Mr. Acheson disclosed that he also believed that the President had been "phenomenally lucky."

The chief advice reaching the President, he wrote in Esquire, came from a "leaderless, uninhibited group" that had been organized by the late Robert F. Kennedy, then Attorney General.

Recalling that many members of this group had little military or diplomatic knowledge, Mr. Acheson remarked: "This is not the way the National Security Council operated at any time during which I was officially connected with it nor, I submit the way it should operate."

THE U.N. VOTE ON CHINA

Mr. McGEE. Mr. President, there has been considerable angry reaction and calls for recrimination as a result of last Monday's U.N. vote to seat the People's Republic of China and expel Nationalist China from that body.

There have been calls on the part of many for the United States to cut back our financial obligations to the United Nations. There have been threats of cutting off foreign aid to those nations who voted against our two-China policy in the U.N.

To say the very least, I was disappointed that the United Nations took this regrettable action for I was an ardent supporter of the two-China policy. I believe the U.N. to have some legacy from the history of the U.N. which required that Taiwan remain in that world body. However, I must rise to object and deplore any efforts in the name of vengeance which can only lead to a dismantling of the United Nations.

In Wednesday's—October 27—issue of the Washington Post, there appeared an editorial which I feel takes a thoughtful and realistic approach to those events which transpired at the U.N. earlier this week.

Commenting on statements of individuals calling for a reduction in U.S. support for the U.N., the Post editorial writer stated:

> We can imagine no surer way to convert a manageable defeat on one issue into a major disaster for the whole American international position than by pursuing a petty and vindictive course in respect to the financing of the U.N.

That observation is very germane to the issue at hand. But more than that, we must come to the realization that the United Nations is not a private American club. It is not made up of only those nations of democratic ideology. It is comprised of many nations with differing forms of government and ideologies.

Just because this Nation lost an important vote does not mean we should pick up our marbles and go home. It is not only childish but it also ignores the realities of world stability and order.

For those who want to cut off foreign aid to those nations who voted against us on this question, I would like to go back 3 weeks ago to a crucial vote this body took on the question of Rhodesian chrome ore.

The U.S. Senate voted to allow this country to buy chrome ore from Rhodesia in violation of a U.N. ban. At that time I warned that such a move—a move which directly violated our treaty commitments—would be detrimental to U.S. relations with black African nations. I have no doubt that this vote 3 weeks ago had considerable bearing on the final decision of a number of black African nations to vote against this country on the two-China question.

There have also been other broken treaty commitments which may have had a detrimental impact on our U.N. efforts. For example, Congress has continued in its refusal to appropriate money for the U.S. share of dues to the U.N.-backed International Labor Organization. This is also in violation of our treaty commitments to the U.N. Charter.

Prior to the U.N. vote, a number of individuals threatened to lead a fight to cut off U.S. financial obligations to the U.N. if Nationalist China did not retain at least her General Assembly seat. Here again, we heard voices calling for this country to perform an illegal act under international law.

Therefore, although we do not agree with last Monday's U.N. action, we can hardly condemn those nations who did not line up on our side in light of this growing disregard for our treaty commitments.

I deplore any threat by this body, or the part of any official of this government, to cut off foreign aid to those countries who did not back us last Monday night. We should be doing some of these things because they are the right thing to do. Our foreign aid program should not be used to bludgeon nations into siding with us on every international question. I feel this is a most primitive and reprehensible approach to our international relations.

Finally, in Wednesday's edition of the Wall Street Journal there appeared an editorial which warns of the dangers inherent in any action on the part of the United States which would be of a vengeful nature.

The editorial writer stated:

> One of the most serious dangers . . . is that Americans will overreact to the overt signs of a changing power balance in the world, placing far too much importance on political setbacks such as the U.N. China vote. Overreaction of this type could lead to a new isolationist psychology that could be damaging to the nation's security and its worldwide political and economic interests.

This is indeed a valid point to consider. This is hardly the time for the United States to once again withdraw into an isolationist posture. The price we have paid in the past for such irresponsible action has been a most heavy one for this Nation.

The U.S. Senate, the President, and the American people should be working for a strengthening of the U.N. rather than calling for its destruction.

This is the only international organization which can bring together so many countries of such diverse national interests and ideologies in an effort to achieve world stability. We must not act in any way to destroy or inhibit this vital communication link between all nations.

The United Nations has many weaknesses today, and it may not be the organization of nations we had dreamed of when it was founded more than two decades ago. But this does not mean that eventually it cannot lead to that ideal for which we have strived so long. We must maintain our commitment to the U.N. and seek avenues to strengthen its role as an instrument of international stability and peace. Mankind must not cease his striving for this ultimate goal. We must respond to this new challenge with an ever greater sense of achievement and destiny.

I ask unanimous consent that the Washington Post and Wall Street Journal editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 27, 1971]

THE U.N. AFTER THE VOTE

The United States argued that Taiwan was a "member" of the United Nations representing and controlling 14 million people, and that it should not be expelled. Albania countered that the issue was not who should be a member but which of two claimants to the single China seat should occupy it, and that the occupant should be Peking. The General Assembly accepted Albania's framing of the issue and Albania's recommendation on the issue too. Thus was the People's Republic invited to take "China's" place in the Assembly, Security Council and specialized agencies. Taiwan, which had held that place more than a quarter century, walked out minutes before its formal expulsion was voted.

No country, of course, voted primarily on the basis of these juridical considerations. The argumentation concealed, but barely, a political exercise whose thrust was to rearrange a conspicuous corner of world politics in keeping with changing realities of world power. Plainly, most delegations felt that Peking's size and nuclear status, its passage through the Cultural Revolution and its fast-extending outward reach, entitled it to a place in the U.N.—and better on its own terms—even if that meant excluding Taiwan—than not at all. Some countries were eager, for reasons of pride or domestic politics, to pull a feather from the American eagle's tail. Others simply ignored the fact that the United States has a special relationship with Taiwan. The consensus, we surmise, was that it was past time to begin pursuing a policy of realistic accommodation towards Peking—a policy whose most intense advocate these days is the U.S.

That Washington suffered an important defeat is unquestionable. To pull out so many stops and to lose is not only a disappointment—the more so that some Americans apparently expected victory—but a demonstration of the decline of American global influence. On the key vote, all NATO members except Greece and Portugal defected; so did six Latin countries (including Cuba); so did Pakistan. One does not have to accept Ambassador Bush's overwrought judgment that the vote marked a "moment of infamy" to understand the administration's dismay. Peking is certain to try to squeeze propaganda and political advantage from it.

Secretary Rogers' pronouncement, however, is another matter. He had said on August 2: "The outcome, of course, will be decided by 127 members of the U.N." But yesterday he seemed to jettison some of the good diplomacy and good sportsmanship embodied in that stance. While his opening statement, which is excerpted "for the record" elsewhere on this page, was ambiguous, and in subsequent response to questions he specifically ruled out a reduction in U.S. support for the U.N. "in retaliation for this vote," he went on in this same breath to argue that this country has "probably contributed more than our share." This line is hardly calculated to discourage those in Congress who are plainly bent on reducing our contribution as "retaliation for this vote."

We can imagine no surer way to convert a manageable defeat on one issue into a major disaster for the whole American international position than by pursuing a petty and vindictive course in respect to the financing of the U.N. That other nations would criticize us for such a course is neither here nor there. The real point is that the United Nations is a leading arena and instrument for the furtherance of American national interests—interests in peacekeeping, negotiation, stability, development and humanitarian relief. It is not just that a crybaby's role ill befits a great power; still less does it befit a great power to violate its treaty obligations, which is precisely what we would be doing by cutting back our financial contributions to the U.N. It is more than a little odd that some of the very same people who make the most of the need to "honor our commitments," in their justification of our dragged-out Vietnam War effort, would be the first to dishonor them, on a genuinely global scale, by way of reprisal against a majority vote in the General Assembly of the U.N.

Moreover, it is far from clear that the American defeat is "a mistake of major proportions." The example of American loyalty to Taiwan surely is a matter of pride to many Americans and a matter of value to foreign states which count on American commitments—including many states which voted against Washington. Chiang Kai-shek's departure from the U.N. is lamentable, the precedent of expulsion troubling. But Chiang's rule over the territory he controls has not been shaken and he retains his American alliance guarantee. Peking would be the first to concede that U.N. membership represents more the symbol than the substance of real power. Its insistence on entering the world body on its own terms, or not at all, best reveals its own view.

Finally, the uproar over Taiwan's expulsion should not obscure the fact that, as the United States had urged, Peking has been taken into the principal organization devoted to securing world peace. We have never thought that mere acceptance into world councils would exert a magic balm on Chinese policy. But if Peking's entry will not make it easier to resolve or ease the world's tensions, surely an effective approach to them cannot be made *without* the participation of the People's Republic. To help bring China into the U.N. in order to advance peace, and then to diminish our support of the U.N., makes no sense at all.

[From the Wall Street Journal, Oct. 27, 1971]

CHANGING ALINEMENTS . . .

The United Nations vote to admit Red China and expel Nationalist China was not in itself a change in the world power equation but it would be difficult to deny its symbolic importance.

What it symbolizes is a decline in the political power of the United States relative to the rest of the world, a decline that has been under way for some years. The UN's own prestige is hardly enhanced by the expulsion of Taiwan. But for all the UN's insignificance as a political institution, the China vote may someday be regarded as the point in history when the postwar era of U.S. dominance as the leading political power came to an end.

A passing of this point probably was inevitable and its importance should not be overrated. The United States, traditionally resistant to foreign entanglement, did not ask for the role of world policeman and did not particularly relish the part when it became unavoidable.

There is a certain relief to be felt in the nation's reduced sense of responsibility to become frequently involved in the often complex and sometimes bloody quarrels that periodically break out around the globe.

Still, as with any period of historic transition, some dangers can be seen in this one. One of the most serious dangers—and one that President Nixon has shown he recognizes—is that Americans will overreact to the overt signs of a changing power balance in the world, placing far too much importance on political setbacks such as the UN China vote. Overreaction of this type could lead to a new isolationist psychology that could be damaging to the nation's security and its worldwide political and economic interests.

Such a reaction could manifest itself, for example, in a movement to reduce United States support for the UN. There could be some benefits from doing so. Certainly, a sense of equity suggests a more balanced sharing of the burden of supporting the UN, transferring a larger part of the load to nations, such as Russia and China, that insist on a large voice in the forum. But for all the UN's shortcomings, a violent reaction against the organization by the American public might be regarded by other nations as a threatening gesture and damage American political influence in the world still further.

Another type of manifestation of isolationism could be even more serious. The nation in the last few months has moved into a trade-protectionist stance, which it describes as temporary. It can be hoped, for the sake of the world economy, that this stance will not harden as a result of domestic fears of the changing world political balance.

A more mature reaction by Americans would be the recognition that this country still is a major power, but one that in the future increasingly will have to make its influence felt by demonstrating the rightness of its positions. It can no longer be so certain of a loyal following.

That hardly leaves the United States powerless, and it does not necessarily mean that he world must become more dangerous. It only means that there may have to be greater efforts by nations to make accommodations with each other.

The United States has a very important part to play in that kind of world, perhaps even more important than the role it played when it was the dominant power. At times it will be faced with decisions of great complexity. To cite only one, the U.S. now must decide what to do about the military and political defense of Nationalist China now that the U.S. and a majority of the world's nations are seeking to draw Red China out of its isolationism.

The lesson of the UN's China vote is that the American public will have to develop the political sophistication and maturity to expect some political setbacks and rebuffs without reading doom into each one. There is little danger that an adverse vote in the UN is going to send the United States into a tailspin. Its political and moral institutions are too strong to be so easily disturbed.

There must, however, be an increasing realization at home, and a propagation of the notion abroad, that the fortunes of all the nations on the planet have become intertwined. That will not change no matter what changes occur in political alignments.

PUBLIC HOUSING AND THE POOR: A VIEW BY THE MAYOR OF CLEVELAND

Mr. HUMPHREY. Mr. President, the Honorable Carl Stokes, mayor of Cleveland, Ohio, has written an enterprising and thoughtful article on the subject of housing the poor. This article, originally appearing in the George Washington Law Review, calls for direct Federal housing subsidies to all qualified people as part of a plan to break the dependency on substandard private housing and inadequate public housing facilities.

The mayor's proposal is most interesting for it goes directly to the heart of the problems of the poor—the poor lack sufficient income to allow them to participate fully in the housing market. His proposal merits our careful attention, for this Nation is faced with a massive problem of creating enough housing if we as a nation are to provide a decent home and a suitable living environment for every American family.

I ask unanimous consent that Mayor Stokes' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the George Washington Law Review, May 1971]

PUBLIC HOUSING AND THE URBAN CRISIS

(By Carl B. Stokes*)

Public housing has been currently a highly political issue in Cleveland and Cuyahoga County; hence, it is exceedingly difficult for this writer to be detached, scholarly or legalistic about it. The Mayor of the City of Cleveland appoints two of the five members of the Cleveland Metropolitan Housing Authority, a creature of state law.[1] In January 1971, the majority of the housing authority board (the three members I did not appoint) discharged the Authority's able and dedicated executive director. Since that time, the housing authority has been the target of a tenant strike[2] (or more accurately, a withholding of rent by tenants) and an employee strike. The legality of the former is presently being contested by the housing authority in the court of common pleas;[3] the latter is clearly forbidden by Ohio's Ferguson Law.[4]

The public housing crisis in Cleveland was further aggravated by the refusal of the legislative branch of local city government—the City Council—to enact a cooperation agreement[5] with the housing authority calling for an addition 3,700 units of low-income housing. Cleveland's failure to assure the continuation of a low-income housing program prevented the United States Department of Housing nad Urban Development (HUD) from certifying the city's workable program.[6] This in turn caused HUD to cut off funds to Cleveland for urban renewal, Model Cities, Neighborhood Development, multi-service centers, demolition, and other programs. Only when the City Council finally passed a cooperation agreement on May 10, 1971, calling for an inadequate 2,500 additional low-rent units, was the impasse ended.

A personal note is necessary to explain my lack of objectivity concerning the subject matter of this article; I was a beneficiary of low-rent housing myself. When my widowed mother, my brother (now Congressman Louis Stokes, D. Ohio), and I moved into a "project" in 1939, it was the first decent housing our family had enjoyed.

The National Commission on Urban Problems estimated in 1968 that this nation would need an annual output of 26 million new housing units to solve the housing problem within the next decade.[7] This total was to include between six and eight million low and moderate-income.[8] subsidized units for families who could not afford housing on the free market. The annual goal thus established is nearly twice the average annual production of the United States.[9] The goal for subsidized units is approximately 10 times greater than the average annual production of such housing.

For a variety of reasons, the probability of actually achieving these goals is slight. Although the primary goal of governmental housing programs should be to meet the housing needs of the urban poor, national housing programs rarely focus on this goal. Rather, they typically deal with a variety of other objectives, primarily reflecting a concern for the needs of the middle-class and their institutions. This concern is also present in local housing policy through zoning, subdivision regulations, and building codes,[10] as well as in the very institution established to advocate the housing needs of the poor—the public housing authority. As a result, a variety of impediments of a legal, political, and institutional nature frustrate the goal of providing the poor with decent housing.

These observations are supported by the body of our experience reflected in the history of governmental housing programs. The earliest interest shown by the federal government in the problems of urban housing dates to the 1890's when Congress held hearings on slums and blight in New York City.[11] Although these hearings, an outgrowth of the writings of reformers such as Jacob Riis,[12] may have created some national awareness, no governmental programs resulted. The federal government's first actual entry into the housing field came during World War I when the Government erected some 30,000 units of housing for war workers through both direct programs and loans to private builders. After the war, the federal government quickly sold this housing and withdrew from public housing until the beginnings of the Depression.[13]

By the early 1930's and the beginnings of the Depression, the Government became concerned with the collapse of mortgage credit and the then existing system of home finance. President Hoover's Conference on Homebuilding and Homeownership[14] led to federal housing programs on a grander scale than previously attempted. Almost all these programs were directed to the encouragement of homeownership through the development of the amortized, insured, long-term mortgage. The housing needs of the poor were not addressed at all in the early stages of housing policy developments, but subsidies and support were forthcoming for more fortunate groups.

The Federal Home Loan Bank Act,[15] an outgrowth of the Hoover Conference, helped give savings and loan associations access to liquid funds, relieving these associations from dependence on commercial bank loans. Deposits in savings and loan associations were insured, increasing depositor confidence

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Footnotes at end of table.

in these institutions and making them major factors in residential finance.

In 1933, when the Depression deepened, the Home Owners Loan Corporation (HOLC) was created.[16] This agency had the power to purchase mortgages threatened with foreclosure, thereby assisting families threatened with the imminent loss of their homes. HOLC also rescued private lending institutions whose portfolios bulged with frozen mortgages, while at the same time protecting depositors from the loss of their savings. From their inception, the Federal Home Loan Bank System and HOLC were set firmly on the path of the creation of a federal policy aimed at facilitating financial security for lending institutions, security for investors, and homeownership for the middle-class.

Another major effort in the area of mortgage credit was the National Housing Act of 1934 [17] which established the Federal Housing Administration.[18] FHA guaranteed private mortgage loans on homes at 80 percent of value,[19] which again stimulated additional mortgage lending and accelerated home-building and homeownership.[20] Again, the motivation was partially the creation of jobs by improving the flow of credit for mortgages, and partially the reduction of the risks of mortgage lenders.[21]

Federally financed public housing was originally proposed as part of an overall effort to create jobs and prime the economic pump during the depths of the Depression. In 1933, the Public Works Administration offered loans to no-profit and limited dividend housing corporations for the construction of inexpensive apartments.[22] Although the program produced little in the way of tangible results—only 60 projects were constructed— [23] it generated considerable local opposition, as a number of legal obstacles emerged.[24] A change in technique occured with the passage of the Housing Act of 1937.[25] The salient feature of this Act was the creation of municipal housing authorities charged with the development, ownership, and management of low-rent housing projects. The governing boards of these authorities were to function non-politically and represent a cross-section of the "best" of the community.[26]

Although the 1937 Act was a major watershed in federal housing policy, public housing has always been operated on such a small scale and has undergone such harassment, that achievement in any of its intended areas of impact has been minor. The Housing Act of 1949,[27] sponsored by men of good conscience on the right and left—Senators Wagner (D. N.Y.), Ellender (D. La.), and Taft (R. Ohio)—established in its preamble the goal of a "decent home and a suitable living environment for every American family," and authorized an annual public housing program of 135,000 units for the next six years—a total of 810,000 units—to help reach that goal. Despite this recognition of need, less than $210,000 of these authorized units were actually built from 1950 to 1956.[28] Although part of this poor performance was due to the curtailment of the program because of the budget stringencies during the Korean War, a portion was also attributable to the efforts of the congressional appropriations committees to reduce the number of units built.

Contrasting promises with performance indicates that our nation's commitment to housing the poor, political lip-service to the contrary, has never achieved high-priority status. This conclusion is supported by an examination of itemized national expenditures for the years 1962 to 1967.[29] During that period, the federal government spent more than four times as much on the stabilization of farm prices as it expended for all housing and urban renewal programs.[30]

At the same time, our general devotion to the middle-class is apparent. In 1962, the federal government spent an aggregate of $900 million subsidizing housing for the poor.[31] This sum includes public housing, public assistance, and income tax deductions. In the same year, the Government "spent" $2.9 billion in income tax deductions alone, "subsidizing" housing for middle and upper-income families. Today, although 15 percent of the population is poor by Office of Economic Opportunity standards, only a little more than one percent of the total population of the United States live in public housing.[32] In the City of Cleveland, where, in 1970, an estimated 25 percent of the total population was classified as eligible for public housing, only about four percent of the population actually live in such housing. The primary reason for this discrepancy is that during the entire history of the public housing program, only about 800,000 public housing units have actually been built.[33] Over the same period, more than five million units have been built under various FHA programs.[34]

An examination of these statistics indicates the relatively small scale of the public housing program. Starved by Congress, new low-rent units have been constructed at a rate of 20,000 annually,[35] a figure comprising less than two percent of all housing starts.[36] This figure is startling when compared to our need for low-rent housing, estimated to be 8.7 million units for the decade 1968–1978 by the President's Committee on Urban Housing.[37] At our present level of commitment, it would take 400 years to build the housing necessary to meet our low-cost housing needs for the next decade.

The failures of public housing, however, are more complex than those which might be explained merely by a lack of federal support. The program has also been severely constrained by legal and administrative impediments,[38] many of which focus on the institution responsible for the execution of low-rent housing programs—the housing authority itself. Federal regulations and state legislation make up part of the problem. A local housing authority may not receive federal assistance without approval of its local government in the form of a "cooperation agreement" and the approval of the Housing Assistance Administration of HUD.[39] Some states insist on local approval of specific site selection; others, such as California and Texas, require that federal contracts in support of public housing be approved by local voters in referenda.[40] In addition, the federal agency requires that public housing units be built only in areas with a HUD-certified workable program,[41] enabling uninterested local governments to opt out simply by allowing their workable program to lapse or by not preparing one at all.[42]

Conceding these problems, thoughtful persons have suggested that the boards of local housing authorities might, themselves, exist as a principal hindrance to progress. These boards typically consist of five people in whom great legal and discretionary power reside. Under the law, it is the board of housing authority which decides where low-rent housing should be located, whom it will serve, what techniques will be used to build it and, indeed, whether there will be any local public housing program at all.[43] Appointment procedures are defined by state laws,[44] which determine the length of term and the appointing agents, usually including the mayor and certain county and judicial officials. In Cleveland, the appointment of the five-member Board of the Cleveland Metropolitan Housing Authority follows a variation of this theme with the mayor having two appointments, and the county commissioners, court of common pleas and probate judge having one appointment each.[45]

Whatever the method of appointment, it would seem less significant than the views of the board members toward the people they serve—ostensibly, those who benefit from their programs—and the programs they administer. The board members are presumed to be independent citizens, less subject to corruption and political influence and consequently, more concerned with the public interest than other political appointees directly attached to the executive or legislative branches. The critical issues, however, are whether the members of local housing boards have been aggressive in advocating low-rent housing programs throughout their jurisdictions and publicizing the need for low-rent housing to the general community, and whether they have shown a willingness to try new ideas and a resourcefulness in furthering their own programs.

Until comparatively recently, little was known about the characteristics, values, and attitudes of the persons who run local public housing authorities. In 1969, however, a report was published which dealt specifically with these matters.[46] The composite picture of board members which emerged from this study is of a middle-aged or elderly white male, in the middle or upper-income ranges, and well educated in either business or a profession.[47]

Clearly, the profile of board members presented by this report stands in sharp contrast to the people they serve and the interest they are supposed to represent. In housing authorities with over 1,000 units, 90 percent of all board members are male, although 26 percent of the families residing in public housing lack a male head. The racial composition of housing boards (89 percent white) stands in sharp contrast to that of their constituents—the public housing families—who are 55 percent non-white.[48] The career patterns and income levels of housing board members also differ markedly from those of the tenants they represent. Forty-seven percent of all board members list their occupation as business, real estate or banking and finance executives,[49] and 58 percent have family incomes in excess of $10,000 per year.[50] In contrast, the median annual income of public housing families is $3,132; for elderly persons, this figure is $1,468.[51] As a result of this disparity, less than three percent of all board members have ever resided in public housing, and none live there now.[52]

Perhaps even more critical attitudes revealed by board members on questions dealing with the expansion of their programs, and the use of new techniques in public housing production such as leasing, mixed sponsorship, and homeownership. Considering that most housing authorities operate within the context of a perpetual housing crisis, where a substandard rate of 20 to 25 percent of the total housing stock probably does not vary greatly from city to city,[53] replies by board members to questions dealing with an aggressive expansion of programs are revealing. In authorities with 1,000 units or more, 26 percent of the housing board members expressed opposition to additional public housing.[54] Thirty-nine percent stated that the reason they refused to add more public housing was a lack of pressure from families in need of decent housing,[55] highlighting the fact that housing authorities are *reactive* rather than active in nature, rarely seeing themselves as advocates for their programs, but leaving reform to the political process in which the poor are typically poorly organized or apathetic. More than half the housing boards in the country have no plans to use newer, low-rent housing techniques, such as leasing, turn key, and mixed income developments.[56]

The commitment of housing authority board members to social and egalitarian objectives is equally suspect. Approximately two of every five board members feel that "families with severe social problems should be rejected for public housing altogether." [57] Despite federal laws and policies to the con-

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Footnotes at end of table.

trary, a similar percentage disagree with the proposition that the authority's tenant assignment policies should promote racial integration.[58] Finally, in response to a question asking whether public housing tenants should serve on housing boards—a question of major relevance in this day of pluralistic awareness and citizen participation—56 percent of all members rejected this proposal.[59]

It seems clear that housing authority boards are in no way representative of the groups they are supposed to serve or the programs they are supposed to advocate. Yet this should surprise no one. The views of most board members simply reflect the sentiments of the larger, essentially white, middle-class society. Given present state-controlled appointment procedures,[60] even complete replacement of all current board members would be an inadequate response to this problem. The replacements which such procedures would produce would no doubt share the views and attitudes of their predecessors.

One solution to this problem worthy of consideration is the elimination of public housing authorities as presently constituted in favor of a direct federal housing subsidy to all qualified families as part of a family assistance program. This direct redistribution of income to low-income families could be accomplished through a program similar to the proposed Family Assistance Plan, although with higher minimum allotments than are currently envisioned. Such a plan would include a subsidy specifically designated for housing, which would be available to all families qualifying by reason of low income.

There are significant reasons for preferring this general housing subsidy to present public housing policy. Leaving aside for the moment other important considerations, such a housing subsidy would be more equitable since it would be available to *all* families. At present, limited openings in public housing units assure that only a small percentage of eligible families actually realize a housing subsidy by living in low-rent units. Under the proposed housing subsidy, all low income [61] families would receive a housing supplement. This supplement would vary with *money* income of the family.[62] A family of four with an annual money income of $1,600 would receive $1,000, an amount which would decline systematically to zero when annual money income reached $7,200. This supplement would be paid *to the family* in monthly checks, on the condition that the housing unit in which they live is "standard." [63]

The importance of this standard is best illustrated by application. If a family is *renting* a *standard* unit, the supplement would be paid. The owners of such units, currently operating at very low profit according to preliminary results obtained from studies by the Cleveland Planning Commission, would then be able to raise rents, insuring a more adequate return on their investment. In general, this would make investment in standard city housing a more rational use of private capital—a definite improvement in investor attitudes with respect to the city. To a family *owning* such a unit, the housing supplement would be a windfall which could be directed to other household purposes. This could be viewed as a social dividend to those who have, under the most burdensome of circumstances, previously made an investment of resources. For many of these families, however, the supplement would permit the maintenance and improvement of their home required to sustain it as an asset to both themselves and their community.

If the family is renting a *sub-standard* unit, the housing supplement they would have received, were they living in a standard unit, could be placed in trust in the family's name. Accumulation of these supplements, with interest earned, would be made available to the family for the purchase of a standard home, or as pre-paid rent in a standard rental unit. It is recognized that this amounts to explicit social sanction of family residence in sub-standard housing units. While this may be difficult for one to accept openly, it is no less true now because we do not explicitly sanction it. Thus, limited acceptance of sub-standard units would provide an opportunity for capital accumulation by the poor and their eventual ownership of a standard home—goals recognized and lauded by other federal housing programs. If the accumulation is used to pre-pay rent in a standard unit, money typically spent for rent will be released for other related purposes, such as the purchase of household appliances or furniture. In either case, an investment in the housing unit is made which would not be feasible without a housing supplement. Although families *owning* sub-standard units would receive no supplement, the promise of such a supplement upon reaching "standardization" would be an incentive to such home owners to bring their units into conformance with local codes.

A crucial question is posed by this proposal: Will an increase in the *demand* for standard housing finally result in some increases in the *supply* of units, or will the increase in demand simply drive up the *price* of standard units with no significant increase in the quality of housing? Much, of course, depends upon the amount of the supplement. A housing supplement of $40 per month would support a $4,700 rehabilitation program.[64] In other words, if an owner were assured an increase of $40 monthly in rent, he could legitimately afford to invest $4,700 in the rehabilitation of the unit. Many families, under the above proposal, would be able to pay $40 additional monthly rent and have some of their supplement left to direct to other purposes.

Would $4,700 be adequate to rehabilitate a sub-standard unit? Studies in Cleveland's University-Euclid urban renewal area indicate that many units were rehabilitated at a cost of $5,000 or less. Based on this limited evidence, it appears that substantial additions to the supply of standard housing would occur through rehabilitation under such a proposal.

Although the impact of this proposal on new housing starts is less apparent, current renters of sub-standard units could accumulate enough over a period of years for a down-payment to purchase a home at relatively low monthly payments. This would be an entirely new market for *new* housing builders and one to which we could expect some builders to respond. The proposed housing supplement would thus increase the stock of standard units through rehabilitation, maintain the standard units now existing through funds for maintenance, and possibly, provide some additions to the supply of new, standard housing, suggesting the real possibility that we will be receiving more for our housing dollar.[65]

It should be noted that one important problem under present public housing programs would be alleviated by this proposal. The standard units bought or rented by low income families would not be restricted by law either in number or location. Low-income families would use their supplement to bargain with owners in any part of the city or metropolitan area. The number of qualified families receiving assistance would not be subject to limitation by legislative determination or administrative inactivity as is now the case. The proposed supplement would go to families, not buildings, and in a manner which insures that the concentration of low-income families, as well as their public visibility, will be discouraged.

Adopting such a proposal would require a massive commitment of capital and a willingness to make major revisions in existing public housing institutions. It should be noted, however, that these difficulties reflect the enormity of the problem rather than the limitations of the proposed solution. Until this nation is willing to face the need for fundamental change and bear its costs, we will make little progress in housing the poor or solving the many other urban problems about which we so loudly complain.

FOOTNOTES

[*] Mayor, Cleveland, Ohio.

[1] A housing authority shall consist of five members, who shall be residents of the territory embraced in such housing authority district. One member shall be appointed by the probate court, one member by the court of common pleas, one member by the board of county commissioners, and two members by the mayor of the most populous city embraced in such metropolitan housing district, in accordance with the last preceeding federal census.
Ohio Rev. Code Ann. § 3735.27 (Anderson 1967).

[2] The discharged executive director had, for the first time, encouraged tenant participation in employment programs and general decision making. The tenants felt these gains were jeopardized by his dismissal. *See generally* Cleveland Plain Dealer, Jan. 9, 1971, § A, at 15, col 4; *id.*, Jan. 27, 1971, § A, at 4, col 3.

[3] Cleveland Metropolitan Housing Authority v. Osbourne, No. 890775 (Common Pleas, Cleveland, Ohio, filed Jan. 7, 1971).

[4] Ohio Rev. Code Ann. § 4117.05 (Anderson 1967).

[5] Cooperative agreements are generally required in connection with workable plan requirements such as 42 U.S.C. § 1451(c) (Supp. V. 1965–69). *See* note 41 *infra* and accompanying text.

[6] *See* note 5 *supra* and accompanying text.

[7] Report of the President's Comm. on Urban Housing, A Decent Home 40 (1968) [hereinafter cited as Kaiser Report].

[8] *Id.* at 40–41.

[9] *Id.* at 40.

[10] *See* not 21 *infra*.

[11] *See* Kaiser Report 54; Glazer, *Housing Problems and Housing Policies*, 7 Public Interest, Spring 1967, at 21, 30.

[12] Jacob August Riis (1849–1914) was a police reporter and early worker in the fight against slums. Among his more influential works were: Children of the Tenements (1903); The Battle with the Slum (1902); Out of Mulberry Street (1895); The Children of the Poor (1892); How the Other Half Lives: Studies Among the Tenements of New York (1890); Tenements of New York (1890).

[13] The reluctance of all participants to commit themselves to continuing federal action in the housing field after World War I is well described in O'Toole, *A Prototype of Public Housing Policy: USHC*, 39 J. Am. Institute of Planners 140 (1968).

[14] *See* Kaiser Report 55.

[15] 12 U.S.C. § 1421 (1964), *as amended*, (Supp. V, 1965–69).

[16] Home Owners' Loan Act of 1933, ch. 64 § 4, 48 Stat. 128 (now 12 U.S.C. § 1461, *as amended*, (Supp. V, 1965–69)).

[17] Ch. 847, 48 Stat. 1246, *as amended*, 12 U.S.C. § 1701 (1964), *as amended*, (Supp. V, 1965–69).

[18] 12 U.S.C. § 1702 (1964), *as amended* (Supp V, 1965–69).

[19] Ch. 847, § 203(b) (3), 48 Stat. 1248 (1934) The amount of the guarantee is now between 85–97 percent, depending on the type of mortgage and the value of the property, 12 U.S.C. §§ 1706c(b) (2), 1709(b) (2), 1713(c) (2) (1964), *as amended*, (Supp. V, 1965–69).

[20] 1968 HUD Ann. Rep. 16–17, 20.

[21] Focusing on the interests of these groups to the exclusion of the poor, however, was not a problem peculiar to federal legislation. Housing policy at the local level also devel-

oped with these interests held paramount. The zoning regulations and health and building codes originally designed to protect the low-income and working classes from frightful housing conditions were subverted by middle-class norms, becoming devices to protect "property values" and the single family home. *See* BABCOCK, THE ZONING GAME (1966). Even now, they continue to function in a manner fundamentally inconsistent with their original objectives. *See also* Downs, *Moving Toward Realistic Housing Goals* in AGENDA FOR THE NATION 141–78 (Gordon ed. 1968).

[22] KAISER REPORT 56.

[23] *Id.*

[24] *Id.*

[25] Ch. 896, 50 Stat. 888, *as amended*, 42 U.S.C. § 1401 (1964), *as amended*, (Supp. V, 1965–69).

[26] Describing the concept embodied in the 1937, Act, Charles Abrams has written: "[T]he central government's agency lays down general rules and checks their observance. But the most important responsibilities rest with the local government's agency." ABRAMS, THE FUTURE OF HOUSING 282 (1946).

[27] Ch. 338, 63 Stat. 413 (codified in scattered sections of 12, 42 U.S.C.).

[28] Only 205,158 units were actually built during that six year period. The following statistics, obtained from Housing Assistance Administration data, reveal the total number of low-rent units completed annually from 1939 through 1967.

*Low-rent public housing units completed, acquired, or leased for calendar years 1939–1967**

1939	4,960
1940	34,308
1941	61,065
1942	36,172
1943	24,296
1944	3,269
1945	2,080
1946	1,925
1947	466
1948	1,348
1949	547
1950	1,255
1951	10,246
1952	58,258
1953	58,214
1954	44,293
1955	20,899
1956	11,993
1957	10,513
1958	15,472
1959	21,939
1960	16,401
1961	20,965
1962	28,682
1963	27,327
1964	24,488
1965	30,769
1966	31,483
1967	38,389
Total	642,389

*Source: Housing Assistance Administration.

[29] Federal Expenditures, Fiscal Years 1962–1967*

*Source: Government Finances in the United States, U.S. Dep't of Commerce, Bureau of the Census.

[In billions of dollars]

	Defense	Space	Highways	Stabilization of farm prices and income	Housing and urban renewal
1962	53.2	1.1	2.9	7.9	0.9
1963	54.6	2.5	3.1	6.8	.9
1964	57.3	4.1	3.8	5.0	1.5
1965	55.8	5.1	4.1	5.8	1.6
1966	60.8	5.9	4.1	4.2	1.6
1967	74.6	5.4	4.2	3.5	1.6
Total	356.3	24.1	22.2	33.2	8.1

[30] *Id.*

[31] *Id.*

[32] Glazer, *Housing Problems, supra* note 11, at 21, 30.

[33] KAISER REPORT 53.

[34] Glazer, *Housing Problems, supra* note 11, at 21, 30.

[35] *Id.* at 34; *see* note 28 *supra.*

[36] Glazer, *Housing Problems, supra* note 11, at 34.

[37] U.S. Housing Construction Needs—1968 to 1978 (Millions of Units) *

Construction of New Standard Units:	
Units for New Households	13.4
Replacement of Net Removals of Standard Units	3.0
Allowance for Vacancies	1.6
Subtotal	18.0
Replacement or Rehabilitation of substandard Units:	
Units Becoming Substandard During 1968–78	2.0
Replacement of Net Removals	2.0
Other Substandard Units in the Inventory in 1966	4.7
Subtotal	8.7
Total Construction Needs	26.7

*Source, GE–TEMPO, U.S. ousing Needs: 1968–1978.

[38] For a comprehensive review of these failings, see FRIEDMAN, GOVERNMENT AND SLUM HOUSING: A CENTURY OF FRUSTRATION (1968).

[39] Housing Assistance Administration, U.S. Dep't of Housing and Urban Dev., State Referendum Requirements for Low-Rent Housing (Wash., D.C., HUD, Sept., 1967).

[40] KAISER REPORT 60.

[41] 42 U.S.C. § 1451(c) (Supp. V, 1965–69).

[42] KAISER REPORT 60.

[43] For the powers and responsibilities of local housing boards see OHIO REV. CODE ANN. § 3735.31 (Anderson 1967).

[44] *See* note 1 *supra.*

[45] *Id.*

[46] Hartman & Carr, *Housing Authorities Reconsidered*, 35 J. AM. INSTITUTE OF PLANNERS 10 (1969).

[47] *Id.* at 12.

[48] *Id.*

[49] *Id.* A 1945 survey by the JOURNAL OF HOUSING found that 54 percent of 1,778 housing board members cited their occupations as "business, banking and finance." 8 J. HOUSING 136 (1945). This would tend to indicate that the dominance of these professions is relatively constant.

[50] 8 J. HOUSING 136 (1945). The figure is even higher if one examines officials of authorities having 1,000 units or more. Eighty-two percent of these individuals have incomes in excess of $10,000. *Id.*

[51] *Id.*

[52] *Id.* at 13.

[53] SAN FRANCISCO COMMUNITY RENEWAL PROGRAM, SUBSTANDARD AND SERIOUSLY SUBSTANDARD HOUSING UNITS IN SELECTED CITIES AS A PERCENTAGE OF TOTAL HOUSING 33.

[54] Hartman & Carr, *Housing Authorities Reconsidered, supra* note 46, at 13.

[55] *Id.*

[56] *Id.* at 14.

[57] *Id.* at 15.

[58] *Id.* at 16.

[59] *Id.* at 17. The statistics among officials of larger authorities reflected even more opposition. Sixty-six percent of these individuals oppose increased tenant participation. *Id.*

[60] *See* notes, 1, 44–45 *supra* and accompanying text.

[61] Low income families already receiving subsidies by virtue of their status as public housing tenants would, of course, be exempted.

[62] The supplement will vary with urban-rural residence.

[63] "Standard" for these purposes means that an annual inspection would be made of the unit and a certificate of occupancy issued by the local governing body. The legality of such "welfare searches" was recently upheld by the Supreme Court in Wyman v. James, 400 U.S. 309 (1971).

[64] This estimate assumes a mortgage with an eight percent interest rate and a 20 year maturity.

[65] Smolensky, *Public Housing or Income Supplements—The Economics of Housing for the Poor*, 34 J. AM. INSTSTUTE OF PLANNERS 94 (1968).

THE REHABILITATION INSTITUTE OF CHICAGO

Mr. PERCY. Mr. President, I had the honor recently of attending the groundbreaking ceremonies for a new branch of the Rehabilitation Institute of Chicago. On the site a $26 million center is planned to expand the institute's research, teaching, and patient care capabilities. It is a project in which I have had a deep interest for several years and one which could not have been advanced so successfully without the tireless efforts and optimism of its president, Mr. James Heyworth; its medical director, Dr. Henry Betts; Mr. Andrew McKillop, vice president and administrator of the institute; and Mr. Wesley Dixon, chairman of the board. Funding requests for the Federal share of construction and training costs provided by the Social and Rehabilitation Service of HEW have received the continued, enthusiastic support of my distinguished colleagues of the Appropriations Committee, Chairman MAGNUSON and Senator COTTON. Without their advocacy the Rehabilitation Institute might not have become a reality as the regional rehabilitation center of excellence in the Midwest.

We are now pleased to see that, in fact, the institute is becoming that kind of center. The institute and the new center under construction will rise as permanent evidence of the fact that we care. In my opinion, a society will be judged in the long run by the concern it shows for the more seriously afflicted of its citizens.

Mr. President, I ask unanimous consent that an article from the Chicago Tribune, describing the groundbreaking ceremonies, be printed in the RECORD together with a more extensive article, published earlier, detailing the work of the institute.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STEP FOR REHABILITATION

(By David Fortney)

Michael Williamson, looking dapper yesterday with his leather jacket and cane, strode down McClurg Court with paces nearly three feet long.

They were big steps for the 19-year-old, a senior at North Park College. Four years ago, he lost both legs when an elevated train ran over him at the Granville CTA station. At that time, no one could predict he'd walk again.

But yesterday morning he joined dozens of dignitaries, the staff and several patients of the Rehabilitation Institute of Chicago as they marched two blocks from their quarters at 401 E. Ohio St.

WILL EXPAND FACILITIES

The march also marked a big step for the institute, the facility where Michael learned to walk again. Yesterday he overturned the first dirt in a ground breaking ceremony for a new 18-story, $26 million branch to expand patient care, training and research.

The site is now a paved lot between Passavant Memorial Hospital and Northwestern University's Abbott Hall, land provided by Northwestern on its medical center complex. The new facility will increase the institute's number of beds from 72 to 170 and the number of outpatients who can be treated from 40 to 125.

While Michael stepped over to the steam shovel he'd be using to break ground, dignitaries interested in the institute"s work stepped up on a speaker's stand. Harold Grumhaus, chairman and publisher of the Chicago Tribune, served as emcee.

RECALLS FIRST PATIENT

On Dec. 22, 1953, the very first patient was admitted to the Rehabilitation Institute of Chicago," Grumhaus said. "His name was Maurice Rick, and he was followed by dozens, then hundreds, then thousands of men and women who passed thru the institute and returned to society to lead richer, more rewarding lives."

Thanking the persons who have befriended the institute over the years, he said: "We have come a long way since that very first patient. This is the culmination of the hopes and dreams and the hard work of many people.

"It would be impossible to name them all, but on behalf of the institute, I would like their unselfish service and dedication which has made this day possible."

Among the speakers was Gov. Ogilvie, who praised the institute for helping to fight the "psychology of total dependence" that often discourages the handicapped.

Continuing the same theme, Sen. Percy [R., Ill.] said, "This [Institute] can do more for the hope and future of those who need a helping hand than anything else we can do."

Then, addressing his remarks to the dozen patients before him in wheelchairs, he said:

"Ninety per cent of the job is in your hands. We can only help those who help themselves. It's your will that gets the job done."

The remark drew a proud smile from Michael. The speeches done, he rode a lift into the steam shovel's cab and pushed a lever forward. Cheering, the crowd watched the shovel bite into the ground.

WHO CARES FOR THE BROKEN MAN?

(By Ridgely Hunt)

A damaged spinal cord can bring almost all bodily functions to an abrupt halt. At the Rehabilitation Institute of Chicago, extreme patience and skillful therapy are used to get them going again.

When you injure your spinal cord, a number of curious things happen to compound your original disaster.

In the first place, because you are probably both paralyzed and insensitive to pain in the lower part of your body, you can neither shift position in bed nor feel the necessity for doing so. Many hospitals, ignorant of the dangers imposed by this condition, will permit you to lie immobile for weeks and months while your body weight squeezes the circulation out of your skin. Inevitably, you will develop appalling bed sores, sometimes as big as a watermelon and deep enough to encompass your entire fist. These may become infected and eventually kill you. At the least, they will delay by many weeks any attempt to liberate you from the prison of your shattered body.

But worse, both psychologically and physically, is the loss of bowel and bladder control. The spinal-cord patient typically can neither force himself to urinate nor prevent himself from passing stool. To cope with the former problem, a catheter—a rubber tube—must be threaded thru the urethra and left in place with one end inside the bladder and the other end draining into a bag strapped to the leg. For the latter infirmity, the patient is diapered like a baby. [Dr. Henry B. Betts, medical director of the Rehabilitation Institute of Chicago, has seen such patients permanently installed in boxes of sawdust. When the patients' bowels moved, the attendants shoveled out the soiled sawdust and replaced it with new.]

The loss of control over these two most elementary functions presents enormous hazards for the patient. On the physical plane, the catheter causes a constant irritation. Altho the spinal-cord patient may not feel it, the catheter encourages the formation of calcium deposits that serve as the situs—the location and hiding place—for infections. These, in turn, may spread from the bladder to the kidneys with lethal consequences.

On the emotional plane, the results are frequently even more devastating. The patient is reduced to a humiliating dependency, literally as helpless as a baby. He is compelled to submit to procedures that from earliest childhood he has been taught to regard as disgusting and demeaning. And this at the hands of the nursing staff, many of whom are young and pretty.

Because hospitals are staffed in large part by attractive women, the male patient in particular is forever reminded of his crowning misfortune: the loss of his sexual competence. Not all spinal-cord patients are similarly afflicted in this respect. Some men remain capable of an erection, tho they need help to achieve an ejaculation. Whether they will receive that help hinges on the love and skill of their wives, a fact that further emphasizes their dependency. In any event, because they have lost sensitivity in the lower part of the body, they will get little physical gratification from the act of love and must content themselves with the knowledge that they are fulfilling their roles as men, if only after a fashion. Furthermore, their muscular impairment will usually cause the sperm to be projected backward into the bladder, rendering them unable to beget children. (As in everything else pertaining to medicine, exceptions can be found to this generally. There is on record at least one Illinois couple, both of whom are paralyzed from the waist down, who have produced a succession of offspring.) Because women can adopt an entirely passive role in lovemaking, a spinal-cord injury does not inflict so grievous a loss on their sexuality. They can conceive and bear children, and indeed, the inability to feel pain may come as a positive blessing in labor.

So the spinal-cord patient finds himself beset by a sea of difficulties. First is the catastrophic injury to his body, which may prevent him from walking or even moving his legs for the rest of his life. Worse, he may never move his arms. And second is the blow to his emotions, especially to his self-esteem. In several important ways, he has reverted to infancy: He wets his pants and soils his bed; he can neither feed nor dress himself; he must be lifted and carried like a baby. And third, he has lost his place as an adult—lost his job, lost his freedom, lost his manhood. He has become an anomaly in the eyes of the world. He knows that he will be stared at if he ventures out in public. He fears that his wife and friends will reject him, and in this he is sometimes right. Depending on the kind of person he was before his accident, he will feel resentful, angry, terrified and defeated. Or he will be determined, inventive, serene and courageous. Or typically he will be all of these things at one time or another.

It's surprisingly easy to injure your spinal cord. Cook County Sheriff Richard Elrod did it in a tussle with an S.D.S. rioter on Madison Street. Many victims do it while swimming, usually by diving into shallow water and hitting their heads on the bottom. The most common cause among patients at the Rehabilitation Institute of Chicago is automobile accidents. But one way or another, the victim has suffered a traumatic injury that has broken his spine and damaged the spinal cord, the bundle of nerves that runs like a trunk telephone cable from the base of the brain downward for about 18 inches to the small of the back. Sometimes the cord is entirely severed, in which case, in the present state of medical knowledge, it can never be rejoined. Sometimes it is merely bruised and in time will regain some—possibly all—of its function. Because the cord does not visualize in X-rays, you cannot tell for sure how badly it is damaged; you can only wait and see. Patients often announce a firm expectation of walking again. Usually they are disappointed, and their failure plunges them into deeper gloom. But some achieve the miracle.

The extent of the disability depends on the location of the injury. If it is high up in the cervical vertebrae of the neck, it will disrupt the nerves that control breathing, and the victim will die. If the damage occurs somewhat lower, he will be paralyzed from the neck down, breathing shallowly but unable to move arms, legs or trunk. [This happened to Jim Braum, a 21-year-old patient at the Rehabilitation Institute, who dove into 3 feet of water one golden afternoon during a picnic in South Dakota. Still entirely conscious, he lay on the bottom of the pond, looking up at the fading sunlight on the surface but unable to reach it. Happily, his friends eventually realized that he wasn't fooling and pulled him out half-drowned.] Lower still, as the 31 pairs of nerves branch off from the spinal cord to the various organs of the body, the victim retains more function. He may be able to move a single muscle in his left shoulder. Perhaps he can shift his entire right arm altho denied the use of the fingers. Or arms and hands may work while the legs dangle uselessly.

Tho the extent of the loss varies, all spinal-cord patients can be divided into two camps: the more fortunate who can move their arms but not their legs and the less fortunate who can move neither. The first are called paraplegics; the second as quadraplegics. In the vernacular of the rehabilitation business, they are often referred to as "paras" and "quads." Most doctors and therapists who work with them deplore the tendency to categorize, to put labels on them, because like all humanity, spinal-cord patients are infinitely varied. But certain classifications must be drawn for the sake of brevity, and so this man is a para and that girl is a quad. Thru the accident of a moment, they have become lifetime members of a special minority, an aberrant class feared or despised or patronized by the ambulatory majority.

And thus they come to the Rehabilitation Institute, some of them despairing, some of them hoping for the miracle and none of them knowing what they will find inside those white-painted brick walls. The place looks like another of the warehouses and loft buildings that dot the semi-industrial area on Ohio Street out by Lake Shore Drive. Motorists, hellbent to get home for their evening martini, could pass it for a dozen years and never guess at the maimed and crippled people who dwell inside.

Just as well. At first glance, they would make you cry out in shock and horror. Here on this wheelchair is a little boy whose legs have been amputated above the knees. There, silent and withdrawn, sits a girl injured in a college laboratory explosion; the left side of her head is crushed in. On that bed lies one of the nation's ablest newspaper editors, paralyzed from the neck down by an automobile crash. His voice breaks on the edge of tears when he speaks of his misfortune. His brain is undamaged. Only his body is broken. He has not yet learned to accept this, and acceptance is an important requisite to adjustment and rehabilitation. The middle-aged woman with the gravy running down her chin, she's a "hemi," a hemiplegic, paralyzed on one side of her body by a stroke. She used to be an office supervisor, but she won't go back to that. Her powers of speech have been entirely wiped out by the hemorrhage in her brain. And over there, lying prone on a cart, that's a bilateral amputee with disarticulation. They took off both his legs as high as they could go, which in this case means removing the top joint of the leg from the hip socket. To look at him quickly, you would think he had been sawed in half at the navel, leaving only half a man. In ages past, a man like that could make a living by displaying himself in public places, and parents sometimes maimed their own children to capitalize on the popular delight in freaks. But modern society, grown delicate and refined, prefers to shut its freaks away from view—in hospitals, in nursing homes, upstairs in the back bedroom. In the Pepsi generation, where everyone is beautiful and no one passes the age of 28, no place remains for the lame, the halt and the blind.

Even the medical profession has traditionally turned its back on them. After the "acute-care" phase, after the arm has been amputated and the stump has healed, after the broken spine has been fused, the doctors have had neither the time nor the inclination to help their patients master their newly circumscribed lives. Most of them still don't, nor do they encourage their students to take up this work.

"When I was a medical student," says Dr. Betts, who is today an improbably handsome 43 years old, "there was a subtle disparagement of chronic disease. It was infused into our minds that geriatric and chronic problems were not the most interesting. Acute cases were the ones that the professors got excited about. There was a little groaning when you got an arthritic or an asthmatic. So you ended up with a subtle feeling against this sort of thing. I once had great hope for the younger generation of medical students. They just love 'dealing with the whole man,' which is what you have to do in rehabilitation. I was delighted with them. They came here to see what we were doing in the institute, and they loved it, and almost all of them went into something else."

When the institute first opened its doors in 1953, it was starved for patients because most doctors refused to refer patients there. The situation has vastly improved since then, but to this day, many doctors will not send a patient there, either because they are ignorant of or indifferent to the new science of rehabilitation or because they fear to lose a paying customer. Money, after all, influences all mortals, even physicians.

This fact helps to deter doctors from entering the field of rehabilitative medicine. There's more money as well as glamour in the practice of surgery. And the turnover is faster. Why tie yourself up in a long-term relationship with a physical ruin who soils his pants when you can knock off an appectomy and collect your fee in a month? Besides, surgeons are community heroes, and lurking always in the background is the suggestion that rehabilitative medicine is somehow not quite respectable.

It is, in fact, a recent bloom in the garland of medical specialties, invented almost single-handedly by a physician named Howard Rusk toward the end of World War II. An Air Force medical officer at the time, Rusk observed and abhorred the crippled future that awaited many seriously wounded soldiers. For them medicine offered little help and less hope. Rusk supplied both in the new specialty of rehabilitation, which was largely pioneered in American military and Veterans Administration hospitals.

Even today, few medical schools offer training in rehabilitation. Of these few, Northwestern University is a leader. Physicians skilled in this field are called physiatrists [usually pronounced "fizzy-at-rists," but not always]. Working under them is a corps of paramedical specialists: physical and occupational therapists; prosthetists, who make and fit artificial limbs; and orthotists, who make braces. Training in these skills usually takes two or four years on the college level and is available, among other places, in branches of Chicago City College.

But the field still suffers from a lack of specialists and indeed from a lack of civilian institutions devoted exclusively to rehabilitation. Many hospitals maintain departments of rehabilitation, but many of these are understaffed, ill-equipped and poorly trained. Of large centers like Chicago's Rehabilitation Institute there are not half a dozen in the country. This is a pity for two major reasons. In the first place, it dooms 90 per cent of the physically disabled to a sort of living death, immobilized and hidden away. And in addition to the cost in human agony, this shortcoming presents society with a huge financial bill to support the nation's 250,000 disabled. It has been reckoned that, for every dollar spent on rehabilitation, $8 has been returned in welfare costs saved and income taxes paid by workers restored to usefulness. If humanitarianism will not spur this endeavor, then perhaps the motivation will come from a decent regard for the buck.

Rehabilitation itself is not cheap. Each day of inpatient care at the Rehabilitation Institute costs $100, and the average patient stays 53 days. Federal and state funds pay for some of these cases, and the institute itself carries five per cent of them free. But the majority are financed by so-called "third-party payers," mostly insurance companies, of which by far the largest share is borne by Blue Cross-Blue Shield. In general, the rich can afford the treatment; the poor will get it for nothing; and the middle-class may very well be wiped out. But for all, the money can be found one way or another. Finding a vacancy among the institute's 71 beds is another matter. At the moment, the waiting list is 8 to 12 weeks long.

A spinal-cord patient can suffer a shocking amount of deterioration in 8 to 12 weeks. Frequently he will spend these months held rigidly immobile within a Stryker frame, a two-layer cot built like a sandwich in which the patient becomes the filling. Bed sores will ravage his skin. His joints will harden from disuse, and from inactivity his muscles will wither and his tendons will stretch until arms threaten to disengage from shoulder sockets and legs from hips. And in this condition, if he is lucky, he will at length be brought to the Rehabilitation Institute.

An enormous amount of work lies ahead. Before anything else, his bed sores must be healed and new sores prevented from developing. In this the principal tactic is to turn him frequently and regularly, day and night, as often as once an hour. In some cases, it may take three people to "logroll" the patient. If he had received this kind of nursing during his earlier hospitalization, his skin would not be so ulcerated now.

His sores healed at last, the patient can work toward the considerable feat of sitting upright. He has no tolerance for this exertion, but he can be led toward it. At first he will be strapped onto a tilt table and tipped so that his feet rest lower than his head. In time, he can learn to endure an upright position for an hour or more.

From the beginning, he has submitted to the attentions of the institute's large and variegated staff. He has been interviewed by a social worker, a psychologist and a psychiatrist. He has been examined by at least one doctor and a physical therapist and an occupational therapist. And unknown to him, he has been the subject of a large conference at which Dr. Betts presided while the staff reported at length upon his case. Teamwork is important in rehabilitation. The occupational therapist must know what pitfalls the psychologist has discovered, and the nurse's knowledge of the patient's bladder program may vitally affect the social worker's recommendation for family relationships. If the doctor has detected a return in the right biceps, the physical therapist will want to know about it. If the patient is contemplating suicide, they will all want to know about it.

The bowel and bladder programs assume early importance, primarily because of the need to remove the catheter before it causes an infection. Altho the patient may never recover the ability to urinate at will, it is possible to train the bladder to empty itself periodically into a leg bag. Similarly, thru training and diet control, the bowels can be taught to move on a predictable schedule. These accomplishments are vital if the patient is ever to venture forth into the world again.

And he must learn to use a wheelchair. He may well have to spend the rest of his life in it. The wheelchair brings both freedom and restriction. In it he can move freely about his apartment—except into the bathroom. (Perversely, bathroom doors are almost always built too narrow to admit a wheelchair. If the door can't be widened, he will have to make do with a wash basin and a commode in his bedroom.) He can go outdoors, hoist himself into his car, fold up his wheelchair and stick it in the back seat, and drive away with the help of special hand controls. He can go to the movies, go shopping, go to work.

But he can't climb stairs. Unless he can find an elevator or a couple of husky friends to carry him, he is forever barred from the downstairs men's room, his favorite restaurant with the flight of steps out front, even the second floor of his own house. He will look for driveways whenever he wants to cross the street because Chicago has provided few ramps to help him up onto the curb. He can bounce his wheelchair over a curb by balancing it on its hind wheels and getting a running start, but that takes practice.

All of these tribulations must wait, however. At the point he can't even put on his own pants. The institute will teach him that too in a field of study called "activities of daily living." The problems here are formidable and the solutions often ingenious. The stroke victim, for instance, frequently suffers paralysis of both arm and leg on the same side and will probably have to get thru the rest of his life one-handed. He can make out quite nicely with a few exceptions. He can put on his clothes and button his shirt—all except the cuff button on his remaining useful wrist. This last cuff he can fasten by having a patch of Velcro sewed beneath the button and pressing it closed. Neckties can be tied one-handed more easily than he might suppose. So can shoelaces; there's a special trick that the therapists will show him. It would be easier to wear loafers, but stroke victims often need leg braces, and these work best with laced shoes. You can scrub all the parts of your body except the hand you're using, and you can scrub that, too, by gluing a scrub brush inside the basin and rubbing the hand against it.

Women stroke victims have difficulty fastening their bras. A front-opening model helps and can be equipped with Velcro instead of hooks. The application of a deodorant presents certain obstacles. So does lipstick. If she has lost all sensation on her paralyzed side, she cannot feel where she is applying her lipstick and sometimes winds up with a clown's mouth.

Often the stroke victim sustains a mental as well as a physical loss. He may no longer be able to speak or perform simple arithmetical chores such as counting his money. The institute's staff of speech therapists will help with these disabilities. But in addition, he may be subject to a general confusion so that he gets both feet into the same trouser leg or becomes lost while trying to work his arms and legs into his undershirt.

Aside from the neuroses that may stem from his injury, the spinal-cord patient usually suffers no such mental debility. Inside his wrecked body, his brain is scheming and plotting ways to help himself. And there are a thousand ways to survive in this predicament. Most of them he'd never think of for himself, but the therapists know all the tricks. They have forks that strap to the hand and typing sticks that can punch typewriter keys and paint brushes that can be held in the teeth. They have splints that convert wrist movement into gripping action.

And they make the patient work. They set him a task, like the construction of a bookshelf, and they keep him at it, endlessly sanding and sanding. It's good for the muscles. Jim Braun, the quad who lay so long on the bottom of the pond, has already completed a ceramic serving tray for his girl and gone on to a candleholder for his parents, both made almost entirely with his right arm since his left arm and both hands are pretty well useless. He gets around now in an electric-powered wheelchair which he controls by shoving his right palm against a couple of levers. He is about ready to go home to South Dakota.

For the goal is always to go home. The institute staff talks a good deal about "goals," which differ in detail from patient to patient. Many hope to walk again, and some do. Even tho both legs are paralyzed, you can stiffen them with braces and learn to walk on crutches. A few achieve the miracle and regain the ability to walk with no mechanical assistance whatsoever. Nancy Hendricks did that. A pretty, 16-year-old blonde, she broke her spine in a motorcycle accident. Last Christmas, she was a paraplegic, flat on her back in bed. Five months later she was walking without even a cane. Now she works as a volunteer in the institute.

Most working men want to go back to their jobs. For many, the ability to support their families has been their only pride in an otherwise drab life. The man accustomed to working with his brain can usually expect to work again, but the manual laborer faces a more dubious prospect. He can no longer earn his bread by the strength of his arms. Neither can he be readily turned into an intellectual, tho there are exceptions. One institute alumnus, a 51-year-old truck driver, was found to possess remarkable computational abilities. Now he's enrolled in junior college, learning to be an accountant. The stroke victim may hold a job again, but his loss of mental acuity may prevent him from regaining his old position. One 15-year railroad veteran was forced to accept a job working for men he had once trained. His mind may have slipped, but he fully knows how his status has been degraded, and it breaks his heart. For some men, the most practical solution lies in "role reversal," in which the man stays home and keeps house while his wife goes out to work. But to the man who sets great store by his masculinity, this is often no answer at all.

Amputees face a brighter future, depending on their physical condition, their sex and the extent of their loss. It takes considerable strength to swing an artificial leg attached to a stump above the knee. Two such legs are much harder. And many amputees lose their legs as a result of the vascular diseases attendant upon old age. They are too old and feeble to support this burden, much less to master the skill of walking on prostheses, and so they resign themselves to life in a wheelchair. Men usually take more readily than women to artificial limbs. A man, after all, can hide his leg inside his trousers, but a women's dress displays her aberration. In both sexes, vanity plays an important part in fitting prostheses. Great care is taken to match shape and skin color as well as to construct a socket that will intimately fit the stump. And more ingenious devices are under development such as an artificial arm and hand that respond to electric impulses generated by the arm muscles. Much of this research, as well as the training of prosthetists and the fitting of artificial limbs, goes on within the walls of the institute. The amputees must buy their arms and legs from a commercial limb shop, but they learn to use them at the institute.

And learning is perhaps the most important part in rehabilitation. The institute sees an endless procession of nurses, therapists, medical students who have come for training. It will see still more three years from now when it completes its new $25-million building, twice as big as the one-time book-printing plant it now occupies.

But the major portion of the learning falls to the patients themselves, who have so much to accomplish. Not only must they learn again to dress and feed themselves and perform useful work and walk or wheel themselves about as best they can, but also they must learn to live in a world that was never made for them. The institute helps them with this, too. As part of "recreation therapy," they make frequent sorties into the outside, sometimes to the theater or to a concert at Ravinia, sometimes to a ball game or a department store, occassionally even to Europe on a tourist's holiday.

The goal is not so much to divert them as it is to teach them how to exist in an ambulatory society. They learn that, if the theater restrooms are downstairs, they may be able to roll their chairs to the men's room in the soda shop, two doors away [or failing that, to empty their leg bags in a dark alley]. They learn that taxis sometimes refuse to stop for a man in a wheel chair [but the next cabbie will not only stop but haul him up three steps into a restaurant]. They learn to shift for themselves as much as they can, and when they must be picked up and heaved into an automobile seat, they learn to accept that, too, with grace and gratitude. They learn to live again—tho within their limitations.

For the limitations always remain, whether as a burden or a weapon. Some patients go forth from the institute as full-fledged wheelchair generals, determined to use their disabilities to bludgeon their families into servitude. Others, despite the best efforts of the staff, go out in defeat, convinced that they have lost their future and the love of their families.

But most set out with some improvement and with reasonable expectations. Tho they may never play golf again, perhaps, at least they can hobble around on braces and canes, which is better than they could do when they came in. If they must sit in a wheelchair, perhaps they can now feed themselves and type a letter. It may be a bitter bargain, but it's better than nothing. In the final extremity, most men cling to life, even tho it must be endured in agony.

And out of the pain may come some good. A remarkable number of patients embark upon their new lives with a deeper understanding of themselves, an enlarged wisdom about mankind. In their new weakness, many find new strength. And for some, that bargain is at least acceptable.

FARM PRICES DOWN—FARM COSTS UP

Mr. HUMPHREY. Mr. President, I received a tabulation from Mr. Elmer Benson of Appleton, Minn., recently illustrating how farm prices have actually declined since 1948 and how the cost of much of what he has to buy has risen. I would like to share this important comparison with my Senate colleagues.

The figures cited below clearly show the severity of the cost-price squeeze that farmers have been subjected to over the years and which little relief has been given them recently. I ask unanimous consent that Mr. Benson's communication to me concerning this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TABULATION BY ELMER A. BENSON

Political leaders are again suggesting plans to help agriculture and most of these plans suggest that more credit be made available to farmers. I should think by this time, even politicians would know that it is not more credit that is needed but a better price for the things the farmer produces.

For more than twenty years the price of everything the farmer buys has gone up 300 or 400 per cent while what he produces has gone down 300 per cent.

The following table should be interesting.

	1948	1968	1971
Flax	$6.96	$3.05	$2.42
Soybeans	4.16	2.55	2.79
Rye	2.63	.98	.78
Corn	2.63	1.00	1.00
Oats	1.29	.67	.53
Eggs A	.41	.18	.18
Cream L	.92	.72	.68
Tractor TD	4,500.00	16,000.00	17,500.00
Tractor MD	2,600.00	6,000.00	7,500.00
5 bottom plow	650.00	1,200.00	1,800.00
Drill	600.00	1,500.00	2,200.00
Truck 1½ ton	1,800.00	3,000,00	5.500.00
Truck 2½ ton	2,225.00	5,000.00	6,500.00
Combine	3,400.00	7,000.00	13,000.00
Jeep	1,400.00	3,500.00	4,200.00
Digger, 17 ft	400.00	900.00	1,500.00
Taxes R. E	179.68	448.50	629.84

For the past twenty years we have had a Federal Law making it possible for the Secretary of Agriculture to set support prices at 90 per cent of parity or more but at no time have they been set at more than 70 per cent of parity. Furthermore, during most of the same twenty year period the government's policy has been to sell farm commodities in order to keep farm prices depressed and this policy has been so stated by the Secretary of Agriculture.

PUBLICATION OF PRINTED HEARINGS AND INTRODUCTION OF JUVENILE DELINQUENCY SUBCOMMITTEE STAFF REPORT ON DRUG ABUSE IN THE MILITARY

Mr. BAYH. Mr. President, we are mindful of the serious and dreadful proportions that the heroin epidemic has reached among our servicemen in Vietnam.

There is now great national interest in attacking this threat to the well-being of our men in service, to their families, and to the public, as many of these men return home addicted to or dependent upon drugs.

This drug abuse phenomenon, from a serviceman's first marihuana joint upon his arrival in Vietnam, to his smoking opium in one of the many opium dens which dot the countryside of Vietnam, to his shooting or "snorting" of "smack" in an alley in Saigon, where heroin is now as available as is any other black market commodity, is foremost in the minds of the majority of Americans today.

In recent months, committees and individual Members of the Congress have studied and reported upon this rampant abuse of drugs by U.S. servicemen, and have introduced legislation to deal with it.

The President has now responded with a message calling for a concerted national effort to combat this serious and increasing abuse of drugs by our men in service.

All of this recent concern for the problem is certainly commendable.

However, I believe that it is important to reiterate for the record the fact that the Juvenile Delinquency Subcommittee first heard public testimony on this problem in 1966, and made its findings available to the Department of Defense, which has only belatedly acknowledged the existence of a drug problem within its military ranks.

Additional testimony was heard by the subcommittee in 1968 and 1970. The record of the hearings conducted by the subcommittee in 1970 on this subject has now been printed and is available for distribution. A staff report of the subcommittee based on all of the hearings and investigations into the military drug abuse problem has been prepared.

Predicated on our findings, legislation was developed and introduced by the previous chairman of the subcommittee, the Honorable Thomas J. Dodd, on September 24, 1970, to provide for the medical discharge of drug dependent servicemen and their civil commitment to treatment and rehabilitation under titles III and IV of the Narcotic Addict Rehabilitation Act of 1966.

No action was taken on that bill however during the 91st Congress.

Mr. President, I reintroduced that bill, S. 1189, on March 11 of this year, and it is now pending before the Armed Services Committee.

There is now a national commitment to action, and I urge the Senate to give this bill careful consideration, despite the fact that other measures which have been proposed would provide for drug abuse treatment within the branches of service.

There are no easy solutions to this problem, and all approaches must be given consideration.

In addition, I have requested the Department of Defense to initiate a policy to review, pursuant to authority provided in 10 United States Code, sections 1552 and 1553, all discharges of servicemen, given under conditions other than honorable, to determine whether such discharges were related to the individual's drug addiction or dependency, and if so, to reverse, where appropriate, those discharges, so that these returning drug dependent veterans may seek and obtain assistance for their problem from the Veterans' Administration. However, the Defense Department refuses to initiate this review on its own initiative, but is adhering to a policy only to review discharges on a case-by-case basis on application of individual servicemen.

I believe that the two legislative proposals to which I have just referred would be extremely useful and helpful in curbing the runaway drug problem which now exists in the military and among the men who have returned with their drug dependencies to the United States.

Mr. President, I ask unanimous consent that the report prepared by the staff of the Subcommittee To Investigate Juvenile Delinquency concerning drug abuse in the military be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Staff Report on Drug Abuse in the Military Based on Hearings and Investigations of the Subcommittee To Investigate Juvenile Delinquency, 1966–70

INTRODUCTION

This report sets forth the extent, the scope, and the serious nature of the problem of drug abuse in the military, with special emphasis on that aspect which concerns drug abuse in Vietnam and all of Southeast Asia, where the problem has been found to be most severe.

The findings contained in this report are based on the investigations, inquiries, and public hearings of the Subcommittee to Investgate Juvenile Delinquency beginning in 1966, when testimony was first taken on drug abuse among servicemen in Vietnam, and continuing in 1968 and in 1970.

Drug abuse in the military is related to and is an extenuation of the drug abuse phenomenon, which has pervaded segments of the youth population generally. However, it differs from the domestic aspects in that the heroin epidemic which currently exists among servicemen in Vietnam is more intense and more complex, due to the high quality of heroin found in Vietnam, its relative low cost, and its easy availability.

The findings in this report reflect the escalation from the softer drugs, such as marihuana, to the hard narcotics, such as heroin, in the years 1966 through 1970; this is an escalation which has been influenced recently by idleness or boredom among non-combatant troops in Vietnam, and which has been intensified by the relative isolation of the men serving in that theater of operations, by their fears, frustrations, and ambivalence towards the United States involvement in Vietnam.

The Subcommittee has long been concerned with the problem of narcotics addiction and drug abuse, and by resolution of the Senate, it is charged with the responsibility of examining the extent to which juveniles and youthful offenders are violating Federal narcotics laws.

EXTENT AND SCOPE OF DRUG ABUSE IN THE MILITARY

In setting forth the extent and scope of drug abuse in the military chronologically from 1966 to the present, this section of the report includes references to sources of, and trafficking in illicit drugs; the incidence and severity of abuse; the physiological and psychological effects upon the individual serviceman; the effects of drug abuse upon his ability to function as an individual and as a member of a unit; and the impact which individual drug abuse has upon the effectiveness of military units.

In 1966, during hearings upon proposed legislation to provide civil commitment and treatment of Federal offender narcotic addicts, Dr. Robert W. Baird, Director of the Haven Clinic in New York City, testified about the extent of drug addiction and dependency among servicemen and former servicemen, who were under his care at his clinic in Harlem, New York.

Dr. Baird appeared on two occasions that year and during his first appearance made the following recommendation:

Please have our troops examined coming in and out of endemic areas. It is a horrible situation for me to see boys, and I have seen this in my office, who are in the Marines, who are in the Army, who are getting narcotics when they have been stationed in Korea, Japan, Greece, Italy, Germany and France, and they have needle marks on them and they are not picked up for this. These kids are going over to do a job, and the Communists are doing a better job through the southern border of China infiltrating this stuff through Thailand and Laos.

You may say, 'Doctor, how do you get this information?'

You all recall this very famous newspaper girl who died, Dickie Chappell. When she was over there, before she went on one of the trips I had told her about this and she checked it out. She was finding out some of our CARE packages were going over there to be used by some of these people not to farm regular foodstuff, but to farm poppies which in turn wound up back in the arms of our kids.

In 1966, five years ago, Dr. Baird pinpointed a major source of illicit narcotics in Southeast Asia, which today, rather belatedly, has suddenly become a matter of grave concern to government officials who now display a significant interest in this problem.

On Dr. Baird's second appearance before the Subcommittee, he told of his work with addicted former servicemen, and brought before the Subcommittee one of his patients, a former Marine, who had served as a crew chief and gunner on a helicopter in Vietnam; the Marine was a drug abuser while in the service and became addicted to narcotics upon his return to the United States.

Dr. Baird addressed his remarks to the problem of military drug abuse not only in Vietnam, but in other areas of the world where American servicemen are stationed.

He pointed out that he had come across men in every branch of service, the Army, Navy, Air Force and the Marines, who had obtained narcotics, marihuana, barbiturates and amphetamines, both here in the United States in and around military bases as well as abroad in France, Italy, Germany, Greece, Sweden, Korea and Vietnam.

Dr. Baird's perspective of the problem was broad because of his experience in working with addicted ex-servicemen. He told the Subcommittee:

This morning I would like to present some facts and stories given to me by 24 servicemen who I have worked with that were addicted; 14 were in the Army, 5 in the Navy, 3 in the Marines, and 2 in the Air Force. An interesting point is that nearly 20 out of these 24 men had had less than 3 years of high school, and out of these, three-quarters were addicted before they went into the service, and the remaining 25 percent started while in the service.

I am extremely concerned that so many of the boys who are addicted have not been found out by the armed services themselves.

I want a far more careful screening at preinduction centers and of those boys who are coming out of the services, plus semi-annual check-ups of these individuals that are in indigenous areas where drugs are available flagrantly.

It is a shame when young men can receive illicit drugs from a base or perhaps from a station overseas, and officials are not aware of it.

Based upon his work with 24 addicted former servicemen, out of a total of 324 patients with whom he was working at the Haven Clinic, Dr. Baird cited a rate of *narcotics addiction* of 7 percent among U.S. servicemen, even as early as 1966.

With his statistics and other substantive information as indices, Dr. Baird then told the Subcommittee:

Based on the statistics that I have seen, plus talking to various addicts and other servicemen in New York, Miami, California, Boston, and New Jersey, I would predict that there is a minimum of 10,000 to 15,000 heroin and barbiturate addicts in the service, and easily 100,000 marihuana smokers. I know these statistics will make some of the armed services people gasp, but this is the same situation that happened in New York 7 or 8 years ago and is now a reality.

As previously indicated, an ex-Marine and heroin addict accompanied Dr. Baird during his second appearance before the Subcommittee. Dr. Baird described the Marine's drug experience while in service:

One is about a boy I have just started to work with, and who I have brought this morning so that the Senators can interrogate him. He is a 23-year-old ex-Marine who served from January 5, 1961, to January 11, 1965, and who has just been discharged for about 15 months. He served in Vietnam, flew approximately 100 to 125 combat missions, and received several unit citations.

He had joined the service at about the age of 17 years, and was stationed in Parris Island, where he heard about drugs and goofballs, but because he wanted to obtain a good service record for himself and also because he was too busy and, frankly, too scared, he didn't try them.

He was then sent to Camp Lejeune, where he said he could buy barbiturates, reefers and dexedrine in Jacksonville, North Carolina, for $1 apiece. Reefers, of course, are marihuana.

He was then sent to the naval air station in Millington, Tennessee, and while there, he found out that he could get goofballs, which are barbiturates, and pep pills. In fact, he said that it was 'SOP,' which means 'standard operational procedure,' where one could get these drugs from other servicemen for $1 apiece.

He said that they had a racket going. Some of the boys in the service would feign sickness, or say that they were obese, so they could get dexedrine, or that they could not go to sleep, and they were given barbiturates. These they would sell to the other men for $1 apiece. Some boys were given 30 tablets, he said, for a month's supply, and they would then sell them to the other boys for $5 a dozen. In turn, the money they accrued would be pocket money for alcohol.

In a particular town, in a motel in West Memphis, Arkansas, this Marine could get marihuana from a shoeshine boy working in the bar. This man said that a good night's entertainment while in the service could be had by spending Saturday night in the barracks with five or six goofballs or dexedrine pills or capsules, swallowed with 2 pints of wine as a chaser, and then waiting for the combined reaction of the goofballs and the pep pills with the wine.

He was sent to the Orient, and while in Turkey in a town, he got some hashish. The name of the town was Ismar. In Tunis, he could get heroin and hashish. In fact, during this time one of the ships he was aboard was shaken down because it had been found out that some of the men had brought marihuana aboard.

This certainly shows that the Navy has some officers who are extremely aware of this problem. This should be 'SOP' at every port. Every time a ship leaves, we should have our armed services all checked out.

In Italy, he could get goofballs in Naples, in an area called Skivvy Alley, up in the hills; in Spain, in the city of Barcelona.

The patient was then sent back to America for advanced training at the Marine Corps Air Station at El Toro, Santa Ana, California. There he could obtain barbiturates and seconal in the town, and also in Los Angeles and that great city, Tiajuana, which is just rampant with dexedrine, goofballs, marihuana and heroin.

He was then sent to Da Nang, Vietnam, and there he got 'red devils,' or seconal from a store, or even from the natives, at the cost of $34 American for 30 capsules.

He related a story that could have had a tragic ending. He was a crew chief and a gunner aboard a helicopter. One day, when he thought things were going to be rather quiet, he had taken three or four goofballs, and unexpectedly got a sudden emergency air evacuation alert.

By the time he got aboard the plane and got everything into combat readiness, the effects of the drugs had hit him, and a paranoid reaction came over him. He saw some of our allies and thought they were some Vietcong, and started to open fire upon them wounding a major and a sergeant major of the Vietnamese corps. Fortunately, he did not kill them. But no one was aware of what had happened to him, or that he had had these barbiturates.

The former Marine, identified only as "Frank" then described in detail the incident to which Dr. Baird had referred.

Well, I had been in Da Nang, I think about 3 months, and it was easy to go into any pharmaceutical or drugstore in Da Nang itself and buy seconals, which are sleeping pills, sleeping capsules, or barbiturates and pep pills such as benzedrine.

I had taken four goofballs and a glass of beer on this day. I was supposed to be ready crew chief for any emergency evacuation or anything like that. I had just, you know, just taken the drugs, and we had gotten word that there was an emergency evacuation starting.

The American advisers—in 1963, there were only advisers there, we were not fully committed such as we are now—and they called in for an emergency evacuation.

By the time my plane was airborne, I had felt the effects of the drug—I had false confidence. I felt like my heart was in the middle of my face, and like people were trying to get to me, you know.

So we went into a landing zone to pick up these wounded men, 'WIA' they call them, 'wounded in action,' and I had heard prior to that, I had had a couple of combat engagements, airstrikes, as they call them, and I heard that the VC mainly wear black clothing. What I didn't know was that the civil defense corps, as they are known, wear the same thing—black pajamas.

I had seen these three men, and my plane captain had called down that they were drawing fire from small arms from both sides. I had this illusion, as I said, that people were trying to get me and they were putting this person in the plane.

I looked up on the hill, it was just cleared in the jungle, the jungle is very thick up there, and I had seen three people up there. So I opened fire with my machinegun, and I wounded two of them.

"Frank's" description of the incident need little elaboration, except for emphasis on two aspects of this problem. One is the ease with which the men are able to buy illicit drugs from drug stores in Vietnam, and the second is the effects which the barbiturates had upon the man, impairing his ability to function rationally in his assigned mission. Both points have been alluded to by other witnesses who have appeared before the Subcommittee and are discussed in succeeding paragraphs of this report.

Subsequent to Dr. Baird's appearances before the Subcommittee on May 25th and June 14th, 1966, the Department of Defense was queried as to the extent and scope of drug abuse among service personnel. In response, the Defense Department furnished the Subcommittee with detailed information from each of the branches of service concerning the problem.

In summary, the Department was of the opinion that the problem was minimal and did not begin to approach or approximate Dr. Baird's estimate of its seriousness.

Those detailed, in-depth Department of Defense responses to the Subcommittee's inquiry are available in the files of the Subcommittee.

When the Subcommittee next heard testimony on the extent of drug abuse in the military in March of 1968, one witness, John Steinbeck IV, a former serviceman who had completed a tour of duty in Vietnam, described the abuse of marihuana.

He estimated, based upon his personal experiences, that 60 percent of the men serving in Vietnam, between the ages of 19 and 27, were smoking marihuana whenever they thought that it was reasonable to do so.

He was of the opinion that upwards of 75 percent of that same age group would be involved with marihuana as they became more sophisticated in its use.

He stated that he considered marihuana to be a relatively harmless drug—a view, he said, that was accepted by the military.

Steinbeck further told the Subcommittee that the easy access to marihuana by American servicemen was predicated on the fact that our men were in close contact with Vietnamese nationals, who supplied our men with the drug.

The Defense Department's response to Steinbeck's allegations of incidence of marihuana use by U.S. servicemen is contained in detail in another section of this report. However, it should be noted that the Department's conclusion at that time was that the drug abuse problem was practically non-existent in Vietnam.

The Subcommittee's inquiry resumed with public hearings conducted in 1970, during which many witnesses testified, including veterans who were addicts, representatives of the Department of Defense, Army psychiatrists, and other professionals, all of whom were either working or had worked with drug dependent and addicted former servicemen.

In addition to the testimony of these expert witnesses, references were included in those hearings to studies which had been conducted in Vietnam to determine the incidence and the extent of drug abuse, particularly marihuana abuse, among our men serving there.

One such study conducted in 1967 in Vietnam was done under the aegis of a Subcommittee witness, Roger Roffman, an Army social worker, who collaborated with Capt. Ely Sapol, an Army psychologist; it concerned, first, a limited study of inmates at the Long Binh Jail and, secondly, a broader study of non-institutionalized Army personnel at the replacement depot.

Roffman gave the results of his second study during his testimony before the Subcommittee:

In summarizing the study findings, I would like to remind the Subcommittee that this survey was carried out three years ago. The statistics involved, of course, are, therefore, of little use. However, there may be reason to believe that certain associations and correlations observed would not have changed markedly in the intervening time. Admittedly, this is speculative.

The survey involved 584 Army enlisted men in the middle and lower ranks (E-2 through E-6). Questionnaires were administered to small groups of respondents who were being processed through a replacement center for return to the United States. Thirty-two percent of the sample reported the use of marihuana at some time during their lives. Only 29 percent, however, indicated using marihuana while in Vietnam. Thus, the majority of the respondents indicated that they had never smoked marihuana. Two additional studies of military populations were performed in Vietnam within the same year and essentially corroborated our findings. In July of 1968, Casper and his colleagues sampled a group of soldiers in the Chu Lai area which is located in the northern section of South Vietnam. They found 31 percent of the 771 respondents indicating use on one or more occasions. Dr. Wilfred Postel polled 100 patients at a surgical hospital in Pleiku. His findings revealed 35 percent answering affirmatively to the question of use at any time in the respondents' lives. We, therefore, saw fairly impressive congruence with regard to the number who had tried marihuana.

We were also concerned with the frequency with which individuals were using marihuana. Based on our clinical impressions concerning the patterns of marihuana use, we decided to consider use on less than twenty occasions to be indicative of 'casual' or 'experimental' use. Use on more than twenty occasions was considered to be heavy marihuana smoking. Admittedly, this is a crude categorization. Nonetheless, the findings of the survey tended to support our classification method. Of the men who had ever used marihuana, 75 percent fell into the casual user class. Close to 50 percent of these casual users had smoked marihuana five times or less. In all, only 7 percent of the 584 respondents indicated heavy use of the drug. Had we determined heavy use on the basis of ten times or greater, 10 percent of the entire sample would have been so classified.

Roffman expressed his concern over the political sensitivity of the nature of the subject matter, and, in fact, it was not until 1969 that the results of the study were released.

He indicated, however, that when Assistant Secretary of Defense Alfred B. Fitt and Assistant General Counsel Frank A. Bartimo appeared before the Subcommittee in March of 1968, they had been given a copy of the stockade study and had been advised of the basic findings of the second study to which Roffman had referred in his testimony. Roffman also testified that he was not permitted by the Department of Defense to share the results of his findings, despite the fact that he had received requests for information concerning his research.

He believed that health and medical personnel in the Army were desirous of obtaining information concerning the drug abuse problem, but that "higher headquarters tended to deemphasize the political ramifications," and therefore, he was prevented from filling those requests.

Roffman was cautious in his assessment of the effect that marihuana smoking had upon the men. He reported that adverse reactions as the result of marihuana smoking were seen by Army psychiatrists in Vietnam in 1967, but he pointed out that additional research was necessary to determine the full extent of the problem.

An important consideration in interpreting the results of any study of drug abuse conducted among service personnel in Vietnam, or in any other theater of operation, is that under the Uniform Code of Military Justice, possession and use of marihuana or any other illegally obtained drug is a violation of that Code.

Further complicating the review of results that marihuana smoking may have upon an individual is the fact that it is impossible to analyze the drug which any one individual has ingested; in addition, the strength and effect of the drug do vary, not only from place to place, but with respect to the individual ingesting the drug.

Another witness who appeared before the Subcommittee on March 24, 1970, was Dr. Joel H. Kaplan, a former Army psychiatrist who had served as Commanding Officer of the 98th Medical Detachment Neuropsychiatric (KO) Team in Vietnam. He finished his tour of duty there in October of 1969.

Kaplan referred to the ease with which marihuana is available in Vietnam. He pointed out that the plant grows wild there and that it could easily be purchased in any small town or in the cities of Vietnam. He Stated that Vietnamese nationals were the prime suppliers of the drugs to the American servicemen, and referred to the plethora of opium dens, especially in Nha Trang, which were run by the Vietnamese and were patronized by U.S. servicemen.

Kaplan cited a progressive pattern and indicated that the "papasans" would first get the GI's started on marihuana and then introduce them to opium, a much stronger drug which the GI's either smoked or mixed with methedrine. Methedrine is commonly called "meth" or "speed" in the United States; the men inject it into their veins.

Kaplan cited a lax policy of enforcement by the Vietnamese officials and in fact, pointed out that if the Army's military police were to make raids upon the opium dens, then the South Vietnamese police were required to be notified first.

The results were that when the raids were subsequently conducted, the dens were devoid of GI's since the operators of the dens had been warned beforehand.

Based upon his work as an Army psychiatrist working in a clinic in Nha Trang, Dr. Kaplan testified:

We estimated that between 50 and 80 percent of all Army personnel in Vietnam had used marihuana on at least one occasion. At the time that I left Vietnam in October 1969, we did not as yet have any definitive figures. However, a research project had been planned and approved by the Army to try to find out the exact number of soldiers who had used marihuana during their tour in Vietnam. As Commanding Officer of the 98th Medical Detachment Neuropsychiatric (KO) Team in Nha Trang, I can give you the figures that we had from our Clinic and Inpatient Service. 70 percent or approximately 3,000 soldiers that we saw in the Outpatient Clinic were drug abusers.

When I refer to drug abusers, I am not referring to the soldier who smokes marihuana once a week or once every few days. I am referring to a soldier who is using drugs heavily day in and day out. In regard to these figures, 50 percent of our Inpatient population were also found to be drug abusers. Our rough estimate of 50 to 80 percent mentioned in the beginning of the statement was based upon interviews with many service personnel, both people who were patients and also ordinary soldiers whom we had experience with during our stay in Vietnam. In any case, the hard figures show that approximately 3,500 of the soldiers that were seen during my year's tour in Vietnam were using marihuana and other drugs heavily. The other drugs that I refer to included barbiturates, opium, amphetamines such as speed, LSD on occasion, sniffing glue and using the pellet of the Darvon capsule.

Other witnesses who testified as to the ease with which both marihuana and opium were obtained by U.S. service personnel in Vietnam were Doctors John K. Imahara and James W. Teague, psychiatrists and former military officers who served in Vietnam, and by Jon Steinberg, who served as an investigative reporter during his tour of duty in Vietnam.

Steinberg testified:

That night, after informing the military police of my intentions, I went into the city to look for an opium den. In the rear of a barber shop the remaining pictures were taken. The GI's in the picture were too high to worry about my picture taking. The price for the joints was nominal, the quality high. Upon request, the lady in the back room would supply marihuana cigarettes dipped in opium. This way a stronger, longer-lasting 'high' was achieved. Food was even served to hungry GI's. All in all, a pot-smoking GI stationed in the Nha Trang area was assured of a constant supply of marihuana and little, if any, danger of being apprehended for his 'high' habits.

Elsewhere in Vietnam the situation was similar. Whether in Saigon, Tay Ninh or Pleiku, the opium dens were present and the local nationals usually had access to a large quantity of pot. In most locations, a young GI could obtain pot more readily than liquor.

Dr. Teague told the Subcommittee that it was commonplace to mix marihuana and opium, as evidenced by the fact that 50 percent of the analyzed cannabis contraband from Vietnam contained opiates. The co-mingling of marihuana and opium produce a much stronger effect upon the individual ingesting the combined drugs.

Subcommittee witness Roger Roffman referred to a drug incidence study conducted by U.S. Army Captain Morris Stanton, Ph. D., in Vietnam. While Stanton did not appear before the Subcommittee, he was interviewed and the results of his study are a part of the Subcommittee's permanent record on this subject matter.

The results of the study conducted by Captain Stanton in the fall of 1969 and released by the Defense Department in 1970 show that 50.1 percent of the younger enlisted men below the age of 27 and below the rank of E-7 had used marihuana while in Vietnam. Stanton's study was conducted among men leaving Vietnam and the results were obtained through the use of a questionnaire given the men and voluntarily answered by them at the time of their debarkation from Vietnam. His study reflected that one-fourth of the men indicated that they intended to continue marihuana use upon return to the United States.

Other data in Stanton's study show that the greatest relative increase in Vietnam of all of the drugs surveyed was of opium, which almost tripled among users during their Vietnam tour, as contrasted with use prior to Vietnam. Seventeen percent of the enlisted men admitted opium use during their stay in Vietnam, while only 6 percent indicated that they had used the drug prior to Vietnam.

Thus, Stanton's study, the most recent of those included in this report, contained data showing the greatest incidence of marihuana abuse by service personnel in Vietnam and reflected the progressive seriousness of the problem.

As the incidence of marihuana abuse dramatically increased from 1967 to 1969, the changing patterns of drug abuse also emerged, to the extent that by the fall of 1970, a serious epidemic of heroin use was beginning to unfold in Vietnam among U.S. servicemen.

Evidence of this was presented to the Subcommittee in the fall of 1970 by Jon Steinberg, who had been retained as a Subcommittee investigator, and who had just returned from an intensive investigation of drug abuse in Vietnam. In citing these changing patterns of drug abuse, Steinberg presented Army statistics on heroin overdose deaths.

Steinberg testified:

For the first seven months of 1970 there was an average of two soldiers a month dying from drug overdoses. This was an increase of 50 percent over the monthly average for 1968. However, since late summer of this year a newly packaged, widely distributed, deadly, potent form of heroin is being, by U.S. standards, practically given away to our troops.

As a result, known drug overdose deaths increased 175 percent in August and September and combined with suspected overdose deaths the increase is 1000 percent, or 46 deaths.

During the first 18 days in October, 1970, there were 35 *known* overdose deaths among our troops.

At that rate, instead of the two deaths a month we experienced from January through July, we are now experiencing two deaths a day.

The information which Steinberg furnished the Subcommittee on drug overdose deaths contrasts sharply with figures which had been furnished the Subcommittee by the Department of Defense for the years

1965 through 1969, on the number of reported drug overdose deaths among U.S. servicemen in Vietnam.

The Department of Defense figures indicated that from 1965 through 1967 there were no deaths attributed to drug overdose among U.S. Army personnel in Vietnam. However, in 1968, there were 7 such recorded deaths and in 1969 the number increased to 18.

Steinberg contrasted his findings of 1970 with those of 1969, when he served his tour of duty in Vietnam:

One year ago as a member of the Armed Forces I conducted a six month investigation into the drug problem in Vietnam. At that time it was substantiated that the use of marihuana and opium among American servicemen was quite extensive. However, there was little record of harder drug use, such as heroin, methamphetamine, barbiturates, etc. The situation today, however, is different. Since my last trip to Vietnam, as my opening remarks indicate, the use of heroin and the availability of heroin has steadily increased among U.S. servicemen.

Steinberg then went on to testify as to the availability of the drug and its strength in terms of purity.

As I said, the new problem in Vietnam is heroin. For a couple of dollars you can buy a large capsule of almost pure white powder, some of which are displayed on the board. The quality of heroin is good all over Vietnam and the price is exceptionally low. Doctors say that the heroin sold in Vietnam is at least 95 percent pure. Four vials which I bought and had analyzed at the 9th Medical Laboratory at Long Binh proved to be 99 to 100 percent pure heroin. Those vials and lab reports are on the chart.

Wherever it is purchased it all looks the same. It comes in the same type packaging, it is processed the same way and it is not watered down with any other substance. This leads one to speculate as to where it is coming from and for what purpose it has been introduced into Vietnam, since it was introduced only a few months ago.

With regard to the immediate source of the heroin, he indicated that it was made available to U.S. servicemen by the Vietnamese. However, he noted that the drug began to circulate freely only after the Cambodian incursion. Steinberg thought the source of the "Red Rock" heroin was Red China, although he was unable to determine its origin from official U.S. military sources because of the fact that they did not know its origin.

Due to the ready availability of the heroin in Vietnam, its cost is minimal, especially when compared with costs of the drug in the United States. Steinberg indicated that an ounce of pure heroin costs $20 in Vietnam, whereas an ounce of cut heroin (3–5 percent pure) would cost $300 in the United States.

Steinberg's assessment of the extent of drug abuse in Vietnam, even last year, made it clear that the incidence of abuse had reached epidemic proportions which needed to be met with immediate plans and programs by the military in order to curb the runaway drug abuse problem existing among U.S. servicemen in Vietnam.

DEPARTMENT OF DEFENSE RESPONSE TO THE PROBLEM

When Secretary of Defense McNamara was first invited to appear before the Subcommittee to testify on the problem of drug abuse in the military, he delegated that responsibility to Alfred B. Fitt, Assistant Secretary of Defense for Manpower, and Frank A. Bartimo, Assistant General Counsel of the Department (Manpower and Reserve Affairs).

In testifying before the Subcommittee on March 6, 1968, Fitt said:

For the convenience of the Subcommittee, I have attached to the end of my statement the statistics which I provided to your Subcommittee on February 1, 1968. These statistics have now been updated through calendar year 1967. In general, these figures indicate there is virtually no addiction to the so-called hard narcotics and a low rate of incidence of drug abuse in the Armed Forces. Nevertheless, the most recent statistics do indicate an increase since 1965 in drug offenses. The figures in the tabulation attached are based on the number of personnel investigated for unauthorized use, possession, or sale of drugs by the investigative agencies of the services. Not all cases investigated resulted in a finding of drug abuse. The rise in marihuana investigations reflected in the tabulation attached is believed to be primarily attributable to an increased awareness of the problem and to more vigorous application of enforcement measures.

With respect to Vietnam, our latest available figures indicate that 1,267 individuals were involved in investigations during 1967 for alleged use, possession, or sale of marihuana. A summary by service follows:

U.S. Army, number of suspects, 1,118, rate per thousand, 1.545; U.S. Navy-Marine Corps, number of suspects, 64, rate per thousand, 0.996; U.S. Air Force, number of suspects, 85, rate per thousand, 0.836; total number of suspects, 1,267.

Fitt did not believe that drug abuse was a serious problem among the military and stated:

Apart from the figures relating to formal investigations, the best evaluation of the problem is provided by the statement from General Westmoreland's headquarters summarizing the views of all unit commanders in South Vietnam which we quoted in our February 1 letter. I believe it is useful to quote that statement again.

All commanders are unanimous in their considered judgment that the smoking of marihuana is not a problem of major proportions among the U.S. forces in Vietnam. All agree there has been no discernible impact on morale, health, welfare, efficiency or combat effectiveness that can be attributed to the use of this drug.

The total scope of the marihuana problem in Vietnam is best described as minor insofar as any measurable impact on the war effort, health, morale, morals, or combat effectiveness of our personnel is concerned. The impact regarding the public image enjoyed by our troops is much greater and more serious in nature. This is reflected in the current rash of press reports alluding to the widespread use of marihuana by our troops in Vietnam which is not borne out by statistics nor the best judgment of our senior commanders.

This statement and the most recent MACV communication indicate that drug abuse is not a serious factor in Vietnam, that there has been no discernible impact on morale, health, welfare, or efficiency, and that combat effectiveness has not been impaired. Similarly, there is no indication that marihuana or other drugs have been used to any significant extent during combat periods.

Mr. Fitt indicated that the Vietnamese officials have not been successful in enforcing their drug laws, and, therefore, there has been no effective eradication of the illicit traffic in the drug.

This testimony presented in early 1968 represented an evaluation of the drug abuse problem through calendar year 1967, the last year for which statistics had been compiled at the date of the Subcommittee's 1968 hearings.

It is axiomatic that official statistics concerning drug abuse rarely, if ever, indicate the true incidence of such abuse whether it be military or civilian in nature. Statistics usually simply represent apprehensions, i.e., those who have been detected and arrested for illicit drug involvement.

A serviceman is not going to come forward and acknowledge that he is either violating a Federal law or one of the Articles of the Uniform Code of Military Justice by acknowledging drug involvement. In the military such an admission is punishable as a violation of the Uniform Code.

Thus, one can reasonably conclude that official and reported statistics do not present an accurate picture of illicit drug use and abuse. However, these certainly are indicators which can be used to evaluate developing patterns, especially changes in the incidence of arrests or apprehensions.

Whatever the motivation by the Department of Defense in downgrading and minimizing the extent and scope of drug abuse in Vietnam may have been, that is now prologue.

However, the fact does remain that several Subcommittee witnesses, Mr. Steinberg and Doctors Kaplan and Teague and Mr. Roffman, referred to the suppression of information and data concerning drug abuse incidence in Vietnam.

Dr. Kaplan also testified to the way in which addicted servicemen were treated and discharged from service.

He told the Subcommittee:

Drug abuse and/or drug addiction is not considered by the Army to be grounds for a medical or psychiatric discharge. They are subsumed under the general heading of Character Behavior Disorders which must be handled through administrative channels. As a consequence, we could not AIR-EVAC a patient out of Vietnam for long-term treatment if he had a drug problem. For example, if we saw a soldier with problems of drug abuse and an underlying personality disorder who we felt could no longer function adequately in the Army, we would recommend an AR 635–212 discharge. This recommendation went to the soldier's Commanding Officer who could either use our report as a basis for an administrative discharge or could simply ignore it and keep the soldier on duty. We had numerous cases where our recommendations were not acted upon. The soldiers would get into increasing trouble until such point where they had amassed enough Article XV's or court-martials wherein a discharge would be recommended by command on less than honorable grounds.

It was not until the Subcommittee held further in-depth hearings in March, 1970, that the Department of Defense acknowledged that drug abuse among the men in Vietnam was, indeed, a serious problem.

On April 27, 1970, a Task Group was convened by the Department of Defense to study the problem of drug abuse and to recommend appropriate revisions in Department of Defense policy on drug abuse.

The Chairman of that Task Group, Vice Admiral William P. Mack, USN, testified before the Subcommittee on August 20, 1970, and submitted the findings of his group to the Subcommittee.

One of its recommendations concerning discharge policies of the Armed Services follows:

The Discharge System now in effect in the Armed Forces represents a fair and proper method of categorizing service. Changes in it should not be made for the sole reason of allowing drug abusers to receive Veterans' benefits.

Another of the Task Group's recommendations stated:

Where discipline fails, every reasonable effort subject to availability of resources must be made to rehabilitate those who might be of further use to the Armed Services. More serious cases should be considered for sufficient rehabilitation to permit them to reenter society. A balance between the best interests of the government and the individual must be reached. Where rehabilitation within the Services' facilities is not possible, liaison with the Veterans' Administration and State and local agencies must assure that those discharged as needing further treatment and rehabilitation are guided to those agencies.

In addition to the recommendations which were set forth in Admiral Mack's Task Group Report and to which he referred, the Subcommittee heard testimony from Assistant Defense Department General Counsel Frank A. Bartimo who was also serving as Chairman of the Department's Drug Abuse Control Committee.

Bartimo presented the Department's position in opposing the treatment of addicts in the service:

The very few hard core narcotic addicts with true addiction problems found in the service, as is true in the civilian sector, require a long-term specialized treatment and rehabilitation program which is not feasible within the services. Such persons after discharge should be referred to the Veterans' Administration or other appropriate civilian agencies.

He then continued:

The well-established program conducted by the U.S. Public Health Service and expanded Veterans' Administration facilities more properly can provide the long-term treatment and rehabilitation required for service members separated because of true drug addiction. It is essential that these follow-up programs be established in conjunction with the U.S. Public Health Service and the Veterans' Administration and become operational for those drug abusers who cannot be salvaged for military service and must be discharged. We are ever mindful of the necessity for a proper balancing of the best interests of the Government and the individual in effecting these actions.

However, Mr. Bartimo ignored the fact that servicemen who receive dishonorable discharges are not eligible for veterans' benefits, thus precluding their treatment at Veterans' Administration facilities. In addition, men who receive undesirable or bad conduct discharges have not been eligible for veterans' benefits and medical treatment, because of the inherent punitive nature of their discharges.

Thus, a problem does exist in that thousands of men who fall into the above categories of discharged servicemen only come to the attention of authorities for their drug dependency when they return to the United States. Once in the United States, they may be apprehended for a crime and subsequently determined to be drug dependent, or they may voluntarily seek assistance from an agency, other than the Veterans' Administration, for their drug problem.

Subsequent to the release of the Task Group Report, which did contain a cautious recommendation for amnesty programs within the branches of service on a voluntary basis, such programs have been established, but there is neither uniformity of implementation throughout the services, nor did they become mandatory until July, 1971.

In October of 1970, Department of Defense Directive 1300.11 was issued by the Department which reflected revisions in previous policy, and which did authorize the establishment of amnesty programs, but did not *require* such programs be created.

Since the issuance of that Directive, there have been a number of investigations conducted by members of Congress concerning drug abuse among servicemen in Vietnam.

As a result of the Subcommittee's work and the investigations of other Congressmen there has been an increasing national concern over this problem. Only recently the President of the United States has come to realize the seriousness of the matter and has taken action to create a special office, the Special Action Office on Drug Abuse Prevention, and has sent a packet of legislative proposals to the hill.

However, at this writing no legislation has yet been enacted by the Congress dealing with the drug abuse problem in the military.

DOMESTIC IMPLICATIONS OF MILITARY DRUG ABUSE

The Subcommittee has heard testimony, dating back to 1966, indicating that drug addicted and drug dependent servicemen are returning to the United States who are committing crimes, who are being committed to treatment programs and who are dying because of their drug habits. (The ex-Marine who testified before the Subcommittee in 1966 was found dead in 1970 of a drug overdose).

Former servicemen, all addicted, have appeared before the Subcommittee, and their experiences exemplify the drug abuse problem in the military and the manner in which that problem has been mishandled and ignored.

The case histories of three such men follow:

The first, a former GI, entered the Army at age 17 and spent 32 months on active duty, during which time he served in Vietnam. He became addicted while in service, overdosed himself with barbiturates, was confined to the stockade on several occasions, but was not given any treatment for his drug problem. In October of 1969, he was given an undesirable discharge and returned to his home in Connecticut. He was subsequently apprehended for crimes of violence and has been undergoing treatment for his drug problem at a drug rehabilitation facility in Connecticut.

The second, a soldier and addict who recently died as the result of an automobile accident, entered the Army at age 17. He served three years, abused drugs constantly while in service, but was given an honorable discharge, because of the fact that he was not detected and punished by the Army for his drug abuse involvement. He subsequently returned to the United States, committed crimes of violence, was convicted, and as a condition of his sentence was referred to a drug rehabilitation program. He completed that two year rehabilitation program successfully, but an automobile accident took his life in June of 1971.

The third, a former Marine, had served 9 years in the Marine Corps prior to his going to Vietnam. He had intended to make the Marines his career, but became involved with drugs in Vietnam using marihuana and opium constantly. His drug abuse was not detected. However, upon his return to the United States, and assignment to the Quantico Marine Base, he was questioned about his drug involvement in Vietnam by officers of Naval Intelligence. The result of that inquiry was his undesirable discharge from service even though he had never been detected, apprehended, nor disciplined for drug abuse while in the Marine Corps. He entered civilian life, became addicted, committed crimes, was apprehended, convicted and stipulated to a drug rehabilitation program which he has now successfully completed.

In summary, two of the men were ineligible for Veterans' Administration medical assistance and the third did not seek it.

It is incumbent upon the Federal government to insure that such incidents and histories of drug abuse and dependency are not repeated in the future.

Legislation can and will be helpful towards meeting this goal.

RECOMMENDATIONS

The primary recommendation resulting from the inquiries conducted by the Subcommittee is embodied in a bill which Senator Bayh, Chairman of the Subcommittee, introduced on March 11, 1971.

S. 1189 is a bill "to extend the provisions of the Narcotic Addict Rehabilitation Act and to provide that members of the armed forces be discharged by reason of physical disability for civil commitment under such Act when such members are suffering from drug addiction or drug dependence," and it was introduced in response to the problem of drug dependency among servicemen.

It provides for the honorable separation from the service on medical grounds for men who are either addicted to, or dependent upon, drugs.

It provides further that the provisions of Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 be utilized to treat and rehabilitate these men within their own communities, rather than at far distant military hospitals.

This concept of drug rehabilitation requires community-based residential treatment. The military is simply not equipped, nor is it its function to provide such services and facilities for the treatment and rehabilitation of drug dependent servicemen.

There is a substantial body of opinion which supports the approach set forth in the bill.

When Subcommittee investigator Steinberg returned to Vietnam in September and October of 1970, he questioned responsible military officials, including medical officers, about the approach provided for in this bill.

Their responses, as excerpts from Steinberg's testimony, follow:

Colonel Clotilde D. Bowen, the USARV Psychiatric Consultant (the military's top psychiatrist in Vietnam), said:

"Certainly the military cannot do it here (treat drug addicts) in Vietnam. I would think the only possibility would be to return these people to the States, with the possibility that they would have some center there or some type of organization there to treat these people. But I don't think that this is really the mission of the Army, that is the point. Yes, I do agree with this approach, (that recommended in the bill). I think the one thing that we would have to watch in Vietnam though would be to carry our testing to be sure that they are truly addicted to drugs . . . We do have some of these things available to us. We are getting Naline in the country, and we are going to be using it to test if people are truly addicted."

Major Jerome Char, the psychiatrist for the 101st Airmobile Division, estimated that anywhere from 40 to 50 percent of the men in his division experiment with, or are hooked on, hard drugs. In relation to that high drug use rate, Major Char made the following observations about the Amnesty Program and the bill:

(Under the Amnesty Program) a man is supposed to turn in his drugs, seek treatment, but there is no real treatment available for the problem. It looks to me that the whole philosophy is sort of moral. A man should turn in drugs and then his conscience should catch up with him, and he just is supposed to use his own willpower to stop using drugs, which is a totally ridiculous idea. To advertise it (the Amnesty Program) as the answer to the problem I think is incorrect, because it just doesn't work. As Mr. Steinberg has outlined the program (contained in the bill) it is a very good one, and I think the authority should rest with the medical people in the Army. And the program as Mr. Steinberg outlined it would be a very good one by trying to help these people when they get back to the States rather than by throwing them out on the streets where they have to take drugs.

Major John O. Ives, the psychiatrist for the 483rd Air Force Hospital at Cam Rahn Bay, doesn't think the Amnesty Program can work.

What we are doing at the moment (with the Amnesty Program) I do not consider at all adequate. We offer an AP which consists simply of an amnesty. A person is offered the chance to give himself up in return for amnesty from prosecution for anything he has done up to that time, after that the medical people see the person and give him help in withdrawing himself from drugs. We can do this quite effectively. However, I suspect that the rates of return to drugs are quite high. We have seen many individuals who have returned to the drug after being sent back to their units here in Vietnam. We have made certain attempts at aftercare but these have been lately unsuccessful. I feel quite strongly that because of the availability of drugs here in Vietnam, that it is difficult, and almost impossible, to treat and expect a trooper who has been on heroin to stay off heroin once he is returned to his unit. Consequently, I agree with Colonel Bowen's proposal that people who have been addicted to heroin here in Vietnam should be evacuated to the United States as soon as possible.

Colonel William Bethea, XXIV Corps Surgeon, said the drug problem in Vietnam is uncontrollable under existing conditions for discharge and treatment:

> If we took all the psychiatrists in the U.S. Army, we wouldn't have enough medical men to treat the drug abusers in Vietnam.

Lieutenant Colonel Lawrence E. Ison, Brigade Surgeon, 1st Brigade, 5th Infantry Division, Mechanized, felt that drug addiction should be treated as a medical problem and said of the bill:

> The discharge and treatment provisions contained in the bill would be a great help.

Colonel Jasper C. Vance, XXIV Corps Provost Marshall, said:

> I am completely against giving a man a dishonorable discharge for his drug use. It's a medical problem. We owe it to the man and to our country.

Colonel George A. Robinson, Commander of the 355th Tactical Fighter Wing (Air Force), said the existing policy of discharge for military drug abusers is not acceptable.

> We wait and allow a man to get in more serious trouble until we can get rid of him by dumping him on society where he'll even get into bigger trouble.

Major Richard Cameron, the 1st Air Cavalry Division psychiatrist claimed that the Amnesty Program doesn't work, and as to treatment which could work, he said:

> (The Amnesty Program) sort of reminds me of how we are approaching pollution in the United States. The Army for years has been sort of painting its own house, sort of dumping these people back in society, and I certainly think that we have to do more. I'm not sure this is the Army's job, but I think the civilian community has to do something with these people.

Thus, based upon the testimony before the Subcommittee and the additional information that has been made available to the Subcommittee, it is reasonable to conclude that the best means to treat and rehabilitate drug dependent servicemen is to follow that approach set forth in S. 1189.

A second recommendation is that the Secretaries of each of the branches of military service undertake immediate reviews, pursuant to the authority provided in 10 U.S. Code Sections 1552 and 1553, of all dishonorably discharged servicemen, and all other men who have been given either undesirable or bad conduct discharges, to determine whether their discharges were, in fact, based solely on their drug addiction or drug dependency problem.

On June 8, 1971, and again on August 15, 1971, Senator Bayh wrote to the Department of Defense recommending this wholesale review in each of the services. However, on June 21, 1971, and on August 19, 1971, Major General Leo E. Benade, USA, Deputy Assistant Secretary of Defense, replied that the Department would not conduct such a review, but would instead, only reconsider less than honorable discharges on a case-by-case basis upon application of each serviceman. This is unsatisfactory because many servicemen will not be aware of this procedure, or will be discouraged from utilizing it by a misapprehension of expense and difficulty.

The Subcommittee record reflects that there are less than honorably discharged servicemen who have entered and progressed satisfactorily in drug rehabilitation programs. However, they are precluded from employment in many sectors of the economy because of the nature of their discharge. Thus, there is good reason to review, and in many cases reverse, discharges that have been given under less than honorable conditions because of drug addiction or drug dependence.

While the Subcommittee record does substantiate the need for the above two recommendations, rehabilitative efforts alone are not going to resolve the problem of drug abuse in the military.

There is a need for intensive drug abuse education efforts and such programs must be intensified within the military establishments; first, to make each man who enters military service aware of the mental and physical effects of drug abuse and second, to make him aware of the consequences that drug abuse would have upon his ability to perform his duties, and the consequent endangering of the lives of his comrades.

In carrying out such programs the military should consider using young enlisted men to present programs of orientation and training on drug abuse, so that they might develop methods of communication and presentation that are meaningful to the intended audience.

In addition to this accelerated program of drug abuse education, there is a need for intensified investigative efforts, preferably coordinated among the branches of service, to seek out and identify sources of supply of illicit drugs. This is especially essential in Southeast Asia because of the abundance of opium and heroin in that area of the world.

Further, in cooperation with officials of those governments in which these drugs originate, efforts must be made to eradicate the sources of illicit drugs. In addition, efforts must be undertaken to apprehend and prosecute traffickers. Many of them are former military men who have served in Southeast Asia and who have been discharged but remain there to ply a trade in illicit narcotics.

If the recommendations set forth in this report in terms of specific legislation and in terms of other action programs are implemented, then inroads can be made into the problem of military drug abuse.

THE CANNIKIN DECISION

Mr. **HUMPHREY**. Mr. President, I am dismayed at the news of the President's announcement to carry out the massive underground test called Cannikin within a week's time. The President has made this decision despite sound objections which have led to the opposition of a large group of Congressmen, the Governments of Canada and Japan, and a number of public interest groups throughout the country.

This announcement is even more surprising considering the fact that the appellate court of Washington, D.C., ruled that the district court would have to hear arguments that the environmental impact statement was not completed in accordance with the regulations of the Environmental Protection Act.

To go ahead with the Cannikin test not only ignores opposition from several circles, but above all raises the risk of seriously damaging our environment. Despite the assurances of the Atomic Energy Commission that the risks are minimal, it is generally agreed that it will take years to determine the ultimate effect of Cannikin because of the huge megatonnage involved.

As if this were not reason enough, there are the equally important strategic arguments against the staging of Cannikin at this time. We know that the test is designed for the basic Spartan warhead, which may be rapidly outmoded as we move according to the plans of the Department of Defense to an improved Spartan missile for our ABM defense. Perhaps it was this fact which prompted the Office of Science and Technology to call the Spartan warhead, which will be tested in Amchitka, obsolete. And perhaps it was this fact, as well as all the environmental arguments against Cannikin, which prompted the Department of State, the U.S. Information Agency, and the Council on Environmental Quality to call for a delay.

The President apparently took these questions into consideration before making his final decision. But I question if he considered all the ramifications of this test in sufficient depth. I question if he gave sufficient weight to SALT and the strong support both here and in the Soviet Union for a comprehensive test ban treaty, which is bound to suffer a great setback because of Cannikin. Holding such a massive underground test gives credence to the utility of underground testing—a conclusion which I personally do not endorse.

It may well be true that the chances or risk of Cannikin resulting in harm to people or the environment are fairly low, but in my judgment even low risk is too high a cost in this case. When the diplomatic and political costs are added, we are paying a high price indeed for a relatively worthless venture.

TRIBUTE TO CHARLOTTE REID

Mr. **PERCY**. Mr. President, I wish to pay tribute today to the newest member of the Federal Communications Commission, former Representative Charlotte Reid.

I am pleased that my years in the Senate coincided with part of Charlotte's tenure in the House because that enabled me to observe firsthand her work in behalf of the people of Illinois. As we worked together on Illinois matters, our friendship grew and I realized that the praise of her work that I had heard expressed so often in Illinois was indeed well deserved.

I know that the people of the 15th Congressional District of Illinois are proud that their former Representative is continuing to serve the country as a member of one of the important regulatory bodies. But I know, too, that they will miss the able leadership and representation she provided them. From the time she first took her seat in the House of Representatives in 1963, Charlotte has been devoted to the needs and concerns of the citizens of the 15th District of Illinois.

I am pleased that all Americans now will have the benefit of Charlotte's wisdom and good judgment as she pursues her new role with the FCC. As the first female appointee to the FCC since 1948, and as the mother of four children, she will bring new insights to the work of that agency, particularly in such areas as the effect of televised violence on children. And I might add, with due deference to the other Commissioners, she will certainly make the Commission more attractive.

We shall miss Charlotte Reid in Congress, Mr. President, but I know that I join with my colleagues in the House in wishing her well in her new role as a Federal Communications Commissioner.

CHANCELLOR WILLY BRANDT WINS NOBEL PEACE PRIZE

Mr. HUMPHREY. Mr. President, I want to express my admiration for Chancellor Brandt who last week was named recipient of the 1971 Nobel Peace Prize.

This prize in my estimation is one of the most coveted awards which a man can receive during his life and surely, few, if any, have merited this prize more than Chancellor Brandt.

In an age of mini-men and mammoth problems my dear friend Willy Brandt stands out as a great national and world leader. His life in itself is a monument to courage and humanity. He soared into prominence when he became mayor of Berlin. Faced with what would seem insurmountable problems for any city, worsened by the special nature of Berlin, an anomaly of the cold war, Mayor Brandt oversaw the renaissance of Berlin as a cosmopolitan, democratically run city.

As a leader of the German Socialist Party, he was largely responsible for the renewed strength and popularity of his party and the restoration of a fluid party structure within his country. When he became Foreign Minister, he prepared much of the groundwork for a policy which later won him the Nobel Peace Prize. His idea of Ostpolitik, or improving relations with the Soviet Union and Eastern Europe, could not be fully implemented under a coalition government.

But now that he is Chancellor of the Federal Republic of Germany, he has made enormous strides in achieving the goals he had enough foresight to set for his country earlier in his career.

What was once considered the focal point of potential confrontation throughout the cold war era has been significantly reduced, greatly due to the efforts of Willy Brandt. Ostpolitik, which in substantive terms now means an agreement on Berlin, and separate treaties between the Federal Republic and the Soviet Union, and Poland, is not just related to the Federal Republic's eastern policy. It also affects the West. It promotes a general climate of detente in areas of traditional concern to the United States and the Soviet Union.

There is a momentum to this process of detente which can be encouraged by the continued work of Chancellor Brandt. While tension still exists, while treaties remain to be signed, and a formula for reductions in armaments and armed forces in Europe still needs to be decided, there is reason to be optimistic.

Willy Brandt is a young man. He has done much to create a climate of change, and I know that he will have a principal role to play in the final shape of developments in Europe. It is what he can do in the future, as much as what he has already accomplished, that makes the awarding of the Nobel Peace Prize to Chancellor Brandt so fitting.

I ask unanimous consent that an editorial entitled "The Nobel Peace Laureate" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 21, 1971]

THE NOBEL PEACE LAUREATE . . .

In his State of the Nation address to the Bundestag last January, Willy Brandt downgraded, with a self-effacing Berlin proverb, the claim advanced by others that on the diplomatic front 1970 had been a "German year." Then he added: "All the same, we can say without complacency that in the difficult search for a lasting peace the Federal Republic of Germany has not been a sleeping partner but a driving force, and this will remain so."

Yesterday the Norwegian Parliament recognized in the most dramatic way Chancellor Brandt's strenuous efforts in that search for peace by awarding him the Nobel Peace Prize. If 1970 was not a "German year," despite Bonn's conclusion of nonaggression treaties with the Soviet Union and Poland, 1971 in a genuine sense will go down in the books as a "Brandt year."

Willy Brandt is no ordinary statesman nor ordinary politician. As a youth, he courageously fought Nazism and was forced to flee Germany in the first year of Hitler's rule. As a political leader he has never hesitated to remind his countrymen bluntly of the heavy burden of the Hitler legacy. This readiness to acknowledge fairly the burden of Germany's past doubtless helped make Mr. Brandt eligible for the Nobel Prize. Yet it was clearly the energy and persistency with which he has pursued his Eastern policy—the effort to build normal relations with the Soviet Union and its allies, including East Germany—that clinched the award. His sponsors called this the most important initiative for the relaxation of tension in the last decade.

Mr. Brandt has proceeded with imagination but without illusions to make a distinctive German contribution to a wider effort to build *détente* in Europe. And he made this effort while remaining a trustworthy ally in NATO and an activist for the bolstering and expansion of the European Economic Community.

As Mayor, Foreign Minister and Chancellor, Willy Brandt has done more than any other German to dissipate the image of a West Germany headed for neo-Nazism and bent on revenge. The award announced yesterday in Oslo is impressive tribute to his success.

RESOLUTION ON MIDEAST AND ADDRESS BEFORE AMERICAN LEGION

Mr. JAVITS. Mr. President, I ask unanimous consent that a resolution of the American Legion on the Mideast, adopted at its 1971 National Convention, and an address of the Honorable Shimon Peres, the Minister of Transportation and Communication of the Government of Israel before the convention be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 492 OF THE 53D ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

Whereas, the Middle East has persisted in a state of instability and military crisis since 1947 because of the refusal of Arab countries to recognize the right of Israel to exist as an independent, democratic, Jewish state; and

Whereas, the instability and constant threat of renewed warfare exist now because of the inability of Arab states and Israel to find common grounds for agreement among themselves guaranteeing secure and stable borders for Israel, the return of certain Arab territories occupied by Israel since June 1967, and due regard for the rights of the Palestinian refugees; and

Whereas, the threat of renewed warfare is dangerously heightened, if not actually instigated, by the refusal of the Soviet Union to stop supplying modern weaponry to the Arab states or to join in a total arms embargo in the Middle East; and

Whereas, it remains necessary for the United States to supply sufficient arms and other war materiel of the most advanced types to Israel to insure that it maintains a balance of military power in the Middle East, pending a definitive political settlement; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that we urge the Congress and the President of the United States to continue to insure Israel's survival by providing the arms necessary for its defense and to do everything possible to assist the Arab states and Israel to reach a definitive, peaceful political settlement of their differences; and be it further

Resolved, that we approve the recent efforts of our Department of State to assist in negotiations between the Arab states and Israel.

AN ADDRESS BY SHIMON PERES, MINISTER OF TRANSPORTATION AND MINISTER OF COMMUNICATION, GOVERNMENT OF ISRAEL, BEFORE 1971 AMERICAN LEGION NATIONAL CONVENTION

Mr. Commander, Ladies and Gentlemen, it is my privilege to convey to you the greetings of the State of Israel, its people, its soldiers, its government. Our Prime Minister, Mrs. Golda Meir, has asked me to thank you deeply for the continuous support and deep understanding that your higher important organization has shown to our country and its people. Your support is especially appreciated since it comes from the minds and hearts of people who fought for their country and practically for the free world at large—so democracy could live and flourish. People who fought can never forget; they paid too dearly for their cause to abandon it once they are out of uniform. It is with very high regard for you and your organization, that I report to you on the Israeli posture, its problems and outlooks.

Israel is in many ways a tiny country. The number of people in Israel today is comparable to the population of America when George Washington was made president of the United States, namely 4 million. Out of these, 2,600,000 are Jewish people, and 1,300,000 are Arab people. The land that Israel occupies is one-third of 1% of the total area of the Arab countries. But true to tradition: the Jewish people were always richer in history than in geography. The tiny piece of land we have gained didn't come easily to us. Since the creation of the State of Israel a quarter of a century ago, we have had to fight three wars: the war of Independence in 1948, the Suez Campaign in 1956 and the 6 Day War in 1967. As you know, we didn't do too badly in those wars, yet peace did not come and we are still in a state of no war and no peace. While we would like to deter war the Arabs insist on deterring peace. Yet, in spite of the uninterrupted menace of war, the thing which makes us proud is the fact that liberty prevailed. Whatever one may say about the State of Israel, it is a free country, intensely democratic, cherishing the same values which the United States introduced so vividly to modern life: institutions of freedom as a source of national strength. As a matter of fact, in one aspect we are a little ahead of you: while you have just two parties, we have nine—more than you could have experienced and more than we can afford.

It is our decision to maintain a complete democracy and a self-defense posture between the Jordan River and the Mediterranean Sea. In order to achieve this we must have (A) an understanding with the Arabs who are our immediate neighbors; (B) negotiations with the Arab states; (C) a deterrent against Russian involvement and intervention; (D) a full understanding with the United States of America.

(A) Never before in the history of the Jewish people or in the events of the Middle East were there so many Jewish people and Arab people living together under the very same roof. Can't we co-exist in an atmosphere of difference and mutual respect? As time passes on, more than 4 years since the 6 Day War it appears more and more that the answer to this question is becoming a positive one. There are 600,000 Arabs living on the West Bank; 300,000 in the Gaza Strip; and 70,000 in Jerusalem. There is a state of full employment. Arabs have the right to move freely in Israel and there are open bridges over the Jordan River. They have freedom of speech and they can, as they do, maintain full contact with the Arab world. As a matter of fact, we had over 100,000 visitors from Arab countries spending their summer vacation in the West Bank. And we hope to create a society based on two assumptions: (a) every citizen, no matter whether Arabic or Jewish, has the right to be equal; (b) each community be it Arabic or Jewish has the right to be different—worshipping its own Lord, speaking its own language, cultivating its own tradition and remaining true to its rich past and modern destiny. My dear friends, may I say, that this development is probably the most promising step toward a permanent peace in the Middle East, because peace, like justice, begins at home.

(B) As far as the Arab states are concerned, there are different options for them as well as for us. Theoretically, one may say that there is an option for a full peace or for partial peace; for a full-fledged war or for a war of attrition. The chances for complete peace are very dim for the moment. The Egyptians would like us to withdraw completely from the territories we have taken in the 6 Day War without them retreating from their policies of belligerency, which they have maintined from the very first day the State of Israel was created to this day. The Arabs accuse us of being expansionists but they tend to forget that the army of Israel was already at the Suez Canal in 1956; retreating completely three months later against the promise that the Straits of Tiran would remain open. But then, they have blockaded the Straits again in 1967 for no good reason. Is it too much for us to ask that this time a guarantee for free navigation in the Straits of Tiran be based not just upon a promise, but also upon a strp of land which will enable Israel to guard free passage in the Straits, while the Egyptians will control the Suez Canal?

Another Arab demand is that Jerusalem, now completely united, be re-divided into two parts, guarded by two hostile armies facing each other at pistol range. Ladies and gentlemen, Jerusalem is the heart of Israel, and may I say, in the words of Robert Frost: "The land was ours before we were the land's." Jerusalem guarded the fate and destinies of the Jewish people even while dispersed in the four corners of the world. The Jordanian army conquered a part of the old city because they had the upper hand in the War of Independence. Their rule of Jerusalem was never recognized by the international community. In the 6 Day War, the Jordanian army decided to participate in the Egyptian campaign and they lost and Jerusalem was re-united under Israel. Fortunately enough, there is no real suggestion for the internationalization of Jerusalem, which means combining Western and Russian control and putting the capital of Israel under their uncertain rule. So Jerusalem will remain unified and people of different faiths—Christians, Moslems and Jews—will have free access to and complete protection of their holy places.

They say that Israel is intransigent because we refuse to accept a dictate which may lead again to blockade and division without any real peace. The Arab nations are preparing themselves for the renewal of war. May I say rather briefly and clearly that the only deterrent to such a possibility is to maintain the strength of the Israeli army—and that is what we are trying to do. Secretary Rogers, who addressed you yesterday, came out in favor of an interim solution. Israel has accepted this initiative and on that point we are in full accord with the Secretary's view. The time has come to "stop shooting" and "start talking." The shooting was stopped but the talking has not yet begun. We would like to see the continuation of the cease-fire and the commencement of a real dialogue between the Arab states and the State of Israel. And we don't think that such a dialogue should really start by the Egyptian army crossing the Suez Canal. I'm afraid that there is a reason why the Arabs are refusing such a dialogue and this leads me to the 3rd point—which is Russian involvement in the Middle East.

(C) Apart from the Iron Curtain countries, never before has Soviet Russia sent military personnel abroad except now to Egypt. There are close to 15,000 Russian officers and soldiers on Egyptian soil. They run their air force units in Egypt and they command a sizeable naval strength in the waters of the Mediterranean as Admiral McCain pointed out last night. It is a departure from communist ideology to a long-lived Russian dream. It's not an army of destiny, but an army of appetite. Since the Russians have discovered the potential of the oceans and gained the feeling of a new military might, their strategy has expanded from the protection of the Iron Curtain to the threatening of the independence of other nations.

Let's make it clear, the Russian presence in Egypt is not because of Egyptian reasons but because of Russian interests. It seems that the Russians have decided to make the Middle East a chapter in the glories of Russian history. It is because of this Russian presence that Egypt is looking for victories in the military field instead of agreements in the political domain. It wasn't an easy experience for us, back in 1955, when Russian involvement began. Yet we didn't lose heart. We feel, in the final analysis, that we can maintain our independence and liberty because for us the place we live in is the most important matter we have. For the Russians it is, after all, a secondary consideration.

We would not provoke the Russians, yet we will not give in. We won in two wars in spite of the fact that the Russians were already in Egypt. And even today, while we maintain a watchful eye on Russian maneuvers in the Middle East, our aim is to secure peace through agreed boundaries with the Arab countries—achieved in direct negotiations and not because of a Russian threat. We can cope with the total Arab strength; we can cope with the present Russian involvement limited in size and scope, provided the Russians are deterred from the sort of intervention which is not essential to their own national security nor should it become as a foregone conclusion in the global relationship between West and East. And this leads me to my last, but not least, point and this is the American posture in the Middle East.

(D) May I start by saying that we are deeply grateful to the American people and its administrations: From the very first day of our independence to this day, you have helped us in many ways. First in the understanding that the American people, by and large has shown to the State of Israel. You were the first to recognize our independence and you provided us with the necessary tools to make our self defense possible. You helped us politically and economically. I hope that we did not misuse your generosity—nor shall we ever forget it.

We don't ask American boys to fight for us, nor do we expect an American military involvement in the Middle East because of us. But, we do hope that America won't escape its world responsibility of deterring Russia from becoming too dangerous to the existence of smaller nations in maintaining their independence and liberty. I do believe that Israel is an example which fits like a glove in the Nixon doctrine which is based upon the assumption that regional conflicts must remain localized and not drag in the major powers: that the American deterrent posture coupled with American assistance to maintain a balance of power will enable smaller nations to protect their life and freedom. The American administration has recognized the importance of maintaining a balance of power which may serve as a deterrent against the renewal of war. We hope that this understanding will remain intact and that we shall be provided with the necessary equipment, not personnel, so that we shall be able to prevent or deter a renewal of hostilities. There is no hope for small nations to remain free unless the largest democratic state makes it clear that each state is entitled to decide its own destiny without a massive Russian threat.

We don't have in mind to give in to any Russian pressure. We do have in mind to arrive at an agreement with the Arabs: a permanent solution if possible; a partial solution if necessary. We don't think the way to agreement must pass through Moscow. The road to peace can be as direct as possible between Jerusalem and Cairo. We hope that we shall be able to achieve it—basically with our own efforts, yet we feel that as a democratic nation we are a unit in the formation of freedom, a strength in the armies of the light. We hope to maintain our strength in order to remain free and we are convinced that freedom is the real source of strength.

EXPULSION OF NATIONALIST CHINA FROM UNITED NATIONS

Mr. MONDALE. Mr. President, in the wake of the diplomatic fiasco over the China question at the United Nations, we are now hearing the inevitable talk about retaliation.

This is understandable. Even if we recognize—as we should—that the expulsion of Nationalist China was in large measure a result of our own myopic and heavy-handed diplomacy, the sting of defeat and injustice is still very real.

I deplore the action of the General Assembly as much as anyone else, and I would hope that when tempers have cooled we might still find a way to bring the people of Taiwan back to the representation they deserve in the U.N. The administration should devote no less energy to that task than they are now devoting to the President's plans to visit Peking.

But it is simply uninformed, and self-defeating, to follow the administration's defeat in New York with the further folly of the Senate cutting U.N. funds.

Amid all the talk about the U.N. living beyond its means, let us ask specifically just who will be living so high on the $141 million proposed for our voluntary contributions for United Nations programs.

Just what so-called fat do we cut?

Is it the $100 million for the United Nations development program, the focal point of the entire U.N. effort to help developing countries? Is that the way we encourage multilateral efforts and burden sharing in foreign assistance?

Or do we cut the $13 million proposed for UNICEF? Why do we not ask the children of Biafra, who were saved by UNICEF milk, to tell us how much fat there is in this program?

Or do we cut the $7 million proposed for the U.N. population program? Do we think that $7 million is an excessive investment to try to help other nations stem the tide of population growth that could so relentlessly devour every other advance in education and health and jobs? If population continues to grow at its present pace in some countries in Latin America, they could invest their entire gross national product in nothing but schools for the next 30 years and still not have enough classrooms. Is this $7 million what the Secretary of State means by taking a hard look at U.N. spending?

And of course there is a number of other smaller programs we could cut. We could cut our $2 million contribution to the U.N. drug abuse program. But I need not describe the absurdity of that at a time when we are locked in a life or death battle against the international traffic in narcotics.

Or we could cut the $1½ million we give to the World Meteorlogical Organization, except that we would be making a mockery of our efforts to provide international warning against climatic disasters such as the cyclone in East Pakistan, where the very lack of warning brought human suffering which cost us many millions in the end.

Perhaps we could cut the $312,000 for the World Health Organization and further cripple its already strained efforts to fight disease and death for two-thirds of the world's people, and to control epidemics that threaten our own population.

Then there is the $400,000 we spend for training and research, an incredibly meager investment in a program to help other people stand on their feet, and ultimately remove the very need for our foreign assistance.

And finally, there is the $22 million we could provide for the Arab refugee program. How would this administration or Congress—who so often plead for peace in the Middle East—justify the suffocation of that program? This program is the only real alternative Arab refugee children have to the hate and despair and terrorism which undermine any hope for a just settlement in the area. Do we punish them—and thereby all the people of the Middle East?

If the President or Members of Congress were offended at the bahavior of U.N. delegates in New York when the China vote was announced, I would simply ask them to remember that a cutoff of U.N. funds would not punish those delegates. On the contrary, we would be exacting our retribution on innocent men, women, and children in every corner of the world who had no part or responsibility in Monday night's spectacle.

Those people have no time for sophomoric antics and little reason for glee, no matter what happens in the General Assembly. Most of them are consumed in a day-by-day battle just to keep themselves and their children alive.

I would not for a moment pretend that the United Nations has even begun to meet its promise, or that our membership there, and our contributions to its programs, are not in many ways an act of forebearance in the face of provocation and chronic frustration.

But we must not make the poor and sick children of the world pay the price for our diplomatic blunder in New York, for the mindless behavior of U.N. diplomats—or for an administration tactic to scuttle the foreign aid bill because it contains a provision to end the war in Vietnam.

We have already failed one great trust this week: the trust of the 14 million people of Taiwan that we would find an honorable solution to the problem of their representation.

Let us not follow that failure by breaking faith with millions more.

POPULATION AND INDUSTRIAL EXPANSION IN UTAH

Mr. MOSS. Mr. President, this week I have had the pleasure of assisting members of the Tooele County Commission and Planning Commission, who are in Washington to further the formulation of a balanced growth and planning policy for the future development of the country's human and economic resources. I wish to call attention to the outstanding and progressive leadership demonstrated by these local government officials from my home State of Utah, and for their efforts to achieve a rural-urban balance.

In preparing for the population and industrial expansion now spreading into Tooele from the bordering Salt Lake Valley, the Tooele County Commission has demonstrated remarkable energy and will to design a constructive and orderly development policy that has as its central premise the relationship of people to land, water, air, and resources, and that permits people to live in harmony with their environment.

A comprehensive county master plan is now being developed with the aid of a Government grant. Moreover, this week Tooele County officials have engaged in detailed discussions with new community planners from the Department of Housing and Urban Development and also have carefully studied the exciting new communities of Reston, Va., and Columbia, Md. In cooperation with the Federal Government and Terracor, a Utah-based community development corporation, Tooele County also is planning the development of a pilot new community, Stansbury Park. This "new town," being developed to accommodate a population of some 40,000 people, has the ultimate goal to become a self-contained community with all the life-support systems such as housing, recreation, commercial support, and industrial development. This project can serve as a guide for community planning throughout the west.

George Willis Smith, George Buzianis, and Sterling Halladay, have compiled an impressive record of public service over the past 16 years on the Tooele County Commission. Their combined commission experience adds up to slightly over half century—51 years of service.

During this period a climate of trust and cooperation has prevailed as Tooele County government has demonstrated an honest interest in growth to excellence. For example, this year the Tooele School Board won the coveted Thom McAn award from the National Education Association for longstanding commitments to improved education.

Under the direction of the Tooele County Commission, the county presently is being considered as a primary location for NASA's Spaceport Shuttle and recovery site. The Tooele Army Depot has undergone extensive growth. The Dugway Proving Grounds has become the focus of nationwide attention. The famed Bonneville Salt Flats Speedway on Utah's unique salt flats has continued its high-quality operation. And significant new industry has been attracted into the county, including the project of National Lead Co., which seeks to extract magnesium and other valuable minerals from the saline water of Great Salt Lake.

Mr. President, I commend the leadership of Tooele County for their outstanding efforts to bring vitality into rural areas and especially for their wisdom in seeking to design an orderly growth policy.

FUNDING OF PUBLIC LAW 81–815

Mr. CRANSTON. Mr. President, I have this week presented to my colleagues on the Appropriations Subcommittee for Labor and Health, Education, and Welfare, information I have received from the Office of Education relating to the funding of Public Law 81–815. Because I know the material will be of interest to Senators, I ask unanimous consent that an excerpt from these documents be printed as appendix I to my remarks.

As the senior Senator from California, I have a very direct interest in having my State secure equitable funding of this program. A review of the table appended, showing eligible, unfunded applications under sections 5 and/or 9 of Public Law 81–815, will disclose the extent to which, I feel, under current funding practices, the people of my State are being shortchanged by the Office of Management and Budget.

Public Law 81–815 was enacted in 1950. It represents a commitment on the part of Congress, the executive, and the people of the United States to meet in part the costs which are associated with increases in school enrollment directly attributable to the Federal presence. We are all aware that because of its sovereign nature, the Federal Government is not taxable as an entity, as is a private establishment. It did not seem fair to our predecessors in the Senate, nor does it seem fair today, that a local school district bear from its property tax the total cost of educating the children of those who live and work, or who live or work, on Federal property.

Under Public Law 874 payments are made from the Federal Government to the affected schools, based on the number of children who are federally connected. The funds are used by local school authorities to meet operational and maintenance costs.

The other half of this "impacted aid areas" legislation addresses itself to the physical facilities aspect of local education. This is Public Law 81–815, and it is designed to pay a substantial portion of the costs of construction of such facilities.

Mr. President, it would be helpful to many of my colleagues to have as ready reference a short description of the operation of this program under the various sections of the act which provide entitlement for these purposes. I therefore ask unanimous consent that excerpts from the annual report prepared by the Office of Education on the operation of the impacted aid program be printed in the RECORD following appendix I.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ELIGIBLE AND POTENTIALLY ELIGIBLE, UNFUNDED APPLICATIONS FOR ASSISTANCE UNDER SECTIONS 5 AND/OR 9 OF PUBLIC LAW 81–815

No. and applicant	Project No.	Priority [1]	Subsection 5(a)(1)		5(a)(2)s to be paid on	Maximum grant (total)	End of increase period membership		
			Number to be paid on	Amount			5(a)(1)	5(a)(2)	Tota
(1)-(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Ala-67-C-10: Huntsville City Bd. of Ed	A17	(3.5)			1,140	$558,600	835	13,726	32,627
Ala-70-C-10: Ozark City Schs	A20	10.8	17	$20,833	255	185,308	601	1,979	4,482
Ala-71-C-10: Ozark City Schs	A21	10.4	33	45,144	210	[2]196,344	634	2,189	4,601
Ala-68-C-11: Enterprise City Bd. of Ed	A18	12.0	8	7,752	272	146,472	60	2,279	4,652
Ala-69-C-11: Enterprise City Bd. of Ed	A19	7.8	21	24,339	169	127,429	81	2,448	4,850
Ala-70-C-11: Enterprise City Bd. of Ed	A20	4.5	30	36,765	156	137,385	111	2,604	4,995
Ala-71-C-11: Enterprise City Bd. of Ed	A21	.8	25	34,200		[2]34,200	136	2,560	5,132
Ala-70-C-1401: Daleville City Bd. of Ed	A20	37.9			462	297,990	3	1,113	1,447
Alaska-71-C-5: Greater Anchorage Area Boro. S.D	A21	22.6	221	566,865	4,925	[2]7,215,615	933	11,812	34,841
Alaska-70-C-401: Alaska Dept. of Ed., Juneau	A20	20.3	634	1,457,566	148	[2]1,636,646	3,410	1,019	6,137
Alaska-69-C-1401: Fairbanks-North Star Boro. S.D	A19	2.6	162	361,665	209	[2]607,240	371	2,287	7,272
Alaska-72-C-1002: Ketchikan Gateway Boro. S.D	A22	6.0	91	259,350		[2]259,350	91	108	2,942
Alaska-67-C-1402: Greater Juneau Boro. S.D	A17	(3.3)			112	118,720	12	878	3,400
Ariz-68-C-10: Avondale S.D. No. 44	A18	13.0			[3]187	91,723	468	[3]281	2,230
Ariz-70-C-25: S.D. No. 1 Tucson	A20	(3.3)	52	67,184	2,210	[2]276,100	630	7,135	37,350
Ariz-70-C-201: Yuma Co. E.S.D. No. 1, Yuma	A20	11.8	388	501,296		501,296	752	1,236	6,559
Ariz-71-C-201: Yuma Co. E.S.D. No. 1, Yuma	A21	23.8	768	992,256	127	1,078,616	1,520	1,367	7,484
Ariz-68-C-202: Tempe E.S.D. No. 3	A18	13.7			158 [3]729	560,914		571 [3]1,309	9,646
Ariz-68-C-501: Sierra Vista C.S.D. #68	A18	16.0			164	89,380		1,178	1,652
Ariz-69-C-501: Sierra Vista C.S.D. #68	A19	5.4			48	30,960		1,226	1,758
Ariz-71-C-501: Sierra Vista C.S.D. #68	A21	22.1			348	[2]288,840		1,574	2,187
Ariz-71-C-502: Palominas C.S.D. #49	A21	21.7	3	4,731	29	[2]28,801	3	85	215
Ariz-71-C-506: Litchfield S.D. #79	A21	(8.0)			68	56,440		170	844
Ariz-68-C-507: Sunnyside H.S.D. #12, Tucson	A18	12.6	4	4,142	95	55,917	15	250	1,552
Ariz-72-C-508: Alpine E.S.D. #7	A22	70.4	26	45,942	11	[1]56,172	44	49	105
Ariz-68-C-701: Buena H.S.D. #40, Sierra Vista	A18	3.2			15	8,175	243	420	914
Ariz-69-C-701: Buena H.S.D. #40, Sierra Vista	A19	11.6			60	38,700	302	480	1,036
Ariz-71-C-701: Buena H.S.D. #40, Sierra Vista	A21	39.2	88	138,776	210	313,076	390	690	1,517
Ariz-72-C-701: Buena H.S.D. #40, Sierra Vista	A22	28.4	60	103,740	185	[2]272,090	450	875	1,717
Ariz-71-C-1901: Snowflake Un. H.S.D. #60	A21	9.6	7	11,039	28	34,279	14	128	727
Ariz-72-C-2001: Continental S.D. #39	A22	86.8	42	74,214	108	174,654	57	185	280
Ark-70-C-11: Gosnell S.D. #6, Blytheville	A20	56.2	557	677,312	56	713,152	1,588	216	2,179
Ark-71-C-11: Gosnell S.D. #6, Blytheville	A21	28.4			334	[2]237,140	1,400	550	2,350
Ark-69-C-1201: Ashdown S.D. #31	A19	22.0			82	45,520		395	1,766
Calif-68-C-9: Vallera City Unif. S.D	A18	56.1	226	367,137		367,137	931	5,715	16,037
Calif-71-C-14: Alameda Unif. S.D	A21	32.0	907	2,050,727		[2]2,050,727	2,528		4,752
Calif-69-C-15: Moreno Valley Unif. S.D	A19	(5.0)	126	240,597	179	420,492	1,309	2,578	6,052
Calif-69-C-19: Muroc Unif. S.D	A19	1.6	21	40,009	15	55,174	3,108	326	4,296
Calif-68-C-34: Oceanside U.S.D	A18–1	(0.5)	44	71,478		71,478	1,933	3,080	7,676
Calif-69-C-34: Oceanside U.S.D	A19–1	1.9	28	53,466	74	127,836	1,961	3,067	7,901
Calif-68-C-37: Coronado Unif. S.D	A18	1.6	31	50,359		50,359	664	1,877	3,734
Calif-69-C-40: Barstow Unif, S.D	A19	(0.6)	6	11,457		11,457	1,047	4,017	10,758
Calif-67-C-42: Seeley U.S.D	A17	(1.1)	2	3,116	4	6,396	247	39	524
Calif-68-C-45: So. Bay U.S.D., Imperial Beach	A18	(1.4)			77	65,835	5	3,252	5,357
Calif-69-C-45: So. Bay U.S.D., Imperial Beach	A19–1	4.9			237	238,185	9	3,489	5,789
Calif-71-C-45: So Bay U.S.D., Imperial Beach	A21	12.4	1	2,261	384	[2]459,221	10	3,873	6,200
Calif-72-C-45: So. Bay U.S.D., Imperial Beach	A22	17.8			643	[2]842,330	10	4,516	7,181
Calif-67-C-47: Victor Valley Jt. U.H.S.D	A17	(2.1)			85	69,700	385	616	3,886
Calif-69-C-47: Victor Valley Jt. U.H.S.D	A19	4.0			102	102,510	538	724	4,725
Calif-71-C-47: Victor Valley Jt. U.H.S.D	A21	6.6	109	246,449	76	336,889	655	800	5,550
Calif-70-C-50: Indian Wells Valley Jt. U.S.D	A20	10.0	1	2,033	90	98,333	5	801	1,801
Calif-71-C-50: Indian Wells Valley Jt. U.S.D	A21	20.6			209	[2]248,710		1,010	2,020
Do	B21	8.8				[2]86,710			
Calif-67-C-57: Chula Vista City S.D	A17	(0.9)			111	91,020		4,593	12,414
Calif-68-C-57: Chula Vista City S.D	A18–1	(2.1)			284	242,820		4,877	13,237
Calif-69-C-57: Chula Vista City S.D	A19	1.8			129	129,645		5,006	13,739
Calif-70-3-57: Chula Vista City S.D	A20	9.8			782	836,740		5,788	15,650
Calif-71-C-57: Chula Vista City S.D	A21	9.0			812	[2]966,280		6,600	17,700
Calif-69-C-58: San Diego Unif., S.D	A19–1	33.2	1968–244 1969–377 621	650,341	1968–18 1969–19 [4]35	[4]1,137,981	1969–5839 1968–5470	1969–27,258 1968–26,352	1969–134,500 1968–129,238
Do	A19–2	19.8				(346,769)			
Do	A19–4	(25.9)				(36,571)			
Calif-70-C-58: San Diego Unif., S.D	A20–1	6.0	74	150,362	1	151,512	1,993	10	2,003
Do	A20–4	(5.6)				(40,227)			
Calif-71-C-58: San Diego Unif., S.D	A21	3.0	460	1,040,060	1,704	3,067,820	6,800	33,040	138,100
Calif-68-C-61: Vista Unif., S.D	A18	2.2			87	74,385		3,152	8,217
Calif-69-C-63: Oxmard S.D	A19	(6.5)			596	598,780		2,296	9,168
Do	B19	(6.5)				(163,819)			
Calif-68-C-203: Oceanside-Carlsbad U.H.S.D	A18	3.6	11	17,869	56	65,749	219	1,017	3,167
Calif-69-C-203: Oceanside-Carlsbad U.H.S.D	A19	5.6	49	93,565	52	145,825	268	1,069	3,506
Calif-70-C-203: Oceanside-Carlsbad U.H.S.D	A20	3.4	1	2,033	67	73,723	269	1,136	3,806
Calif-69-C-209: Long Beach Unif. S.D	A19	38.2	363	693,148		693,148	1,989	6,698	81,085
Calif-70-C-227: Adelanto, S.D	A20	11.5	124	252,092		252,092	1,613	250	1,992
Calif-71-C-227: Adelanto, S.D	A21	17.4	176	397,936	32	[2]436,016	1,789	350	2,400
Calif-72-C-227: Adelanto, S.D	A22	2.0	25	62,225		[2]62,225	1,814	262	2,293
Calif-68-C-234: Livermore Valley Jt. Unif. S.D	A18	(1.6)			173	147,915	3	4,826	10,193
Calif-69-C-234: Livermore Valley Jt. Unif. S.D	A19	1.7			184	184,920	5	5,010	11,138

Footnotes at end of table.

ELIGIBLE AND POTENTIALLY ELIGIBLE, UNFUNDED APPLICATIONS FOR ASSISTANCE UNDER SECTIONS 5 AND/OR 9 OF PUBLIC LAW 81-815—Continued

No. and applicant	Project No.	Priority[1]	Subsection 5(a)(1)		5(a)(2)s to be paid on	Maximum grant (total)	End of increase period membership		
			Number to be paid on	Amount			5(a)(1)	5(a)(2)	Total
(1)-(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Calif-69-0-246:									
San Francisco Unif. S.D	A19-1	2.8	223	425,818	1	426,822	2,325	7,042	103,442
Do	B19-1	52.2				(391,447)			
Calif-70-0-246:									
San Francisco Unif. S.D	A20-1	59.2	533	1,089,688		[2]1,089,688	3,287		106,551
Do	B20-1	105.6	518	1,417,001		[2]1,417,001			
Calif-71-0-246:									
San Francisco Unif. S.D	A21	56.0	588	1,329,468		1,329,468	3,177		3,117
Do	B21	13.0							
Calif-71-0-401: Wheatland S.D	A21	3.4	2	4,522	54	68,782	2,653	231	3,121
Calif-72-0-401: Wheatland S.D	A22	20.0	436	1,085,204		[2]1,085,204	3,667	329	4,320
Calif-67-0-405: Folsom-Cordova Jt. Unif. S.D	A17	(2.3)			245	200,900	1,631	3,179	10,849
Calif-69-0-405: Folsom-Cordova Jt. Unif. S.D	A19	.6	44	84,018		84,018	1,777	3,141	11,885
Calif-70-C-546: Kern Jt. U.H.S.D., Bakersfield	A20	63.4	186	378,138	522	[2]936,678	951	875	2,230
Calif-69-C-608: Poway Unif. S.D	A19	6.0			144	144,720		1,302	4,680
Calif-70-C-608: Poway Unif. S.D	A20	2.6			75	80,250		1,377	5,579
Calif-70-C-623: Ocean View S.D., Oakland	A20	8.6	2	4,066	117	129,256	725	382	1,844
Calif-71-C-623: Ocean View S.D., Oakland	A21	16.6			173	[2]205,870	702	555	2,067
Calif-72-C-623: Ocean View S.D., Oakland	A22	6.4			74	[2]184,186	702	629	2,267
Calif-70-C-627: Los Alamitos S.D	A20	(6.3)	294	597,702		[2]597,700	294	361	4,676
Calif-69-C-635: Travis Unif. S.D	A19	(5.0)	200	381,900		381,900	3,837	97	3,955
Calif-71-C-635: Travis Unif. S.D	A21	(5.6)	234	529,074		529,074	4,071	17	4,116
Calif-72-C-635: Travis Unif. S.D	A22	3.6	76	189,164	5	[2]195,714	4,284	90	4,411
Calif-70-C-638: Oxnard U.H.S.D	A20	14.2	115	233,795	579	853,325	359	2,494	13,099
Calif-70-C-702: Central U.E.S.D., Lemoore	A20	16.6	196	398,468		398,468	1,835	54	2,349
Calif-71-C-702: Central U.E.S.D., Lemoore	A21	32.8	719	1,744,447	48	1,801,567	2,554	96	3,160
Calif-68-C-707: Center Jt. S.D., North Highland	A18	(12.5)	78	126,711	72	188,271	846	170	1,199
Calif-69-C-811: Wheatland U.H.S.D	A19	30.8	127 {66	126,027	50	[3]300,290	490	90	752
Calif-70-C-811: Wheatland U.H.S.D	A20	14.6	61	124,013			551	86	830
Calif-71-C-811: Wheatland U.H.S.D	A21	28.2	111	250,971	25	280,721	662	115	961
Calif-70-C-815: Lemoore U.H.S.D	A20	10.1	47	95,551	44	250,467	271	276	1,518
Calif-72-C-815: Lemoore U.H.S.D	A22	13.2	83	206,587	33	[2]249,817	354	300	1,750
Calif-69-C-1101: Oceanside-Carlsbad Jr. Col. Dist	A19	10.0			29	29,145	19	169	578
Calif-67-C-1111: Riverdale Jt. U.S.D	A17	(3.5)			33	27,060		143	952
Calif-69-C-1411: Napa Jr. Col. Dist	A19	9.4	2	3,819	50	54,069	2	185	1,098
Calif-67-C-1023: Apply Valley S.D	A17	(1.2)			12	9,840		254	1,021
Calif-67-C-1409: Buckeye U.E.S.D	A17	(2.0)			13	10,660		107	664
Calif-69-C-1502: Washington U.S.D	A19	(5.4)			25	25,125		67	460
Calif-71-C-1502: Washington U.S.D	A21	(7.4)			43	[2]46,010		110	581
Calif-67-C-1513: Sylvan U.S.D., Modesto	A17	(4.3)			110	90,200		122	2,585
Calif-67-C-1514: Walnut S.D	A17	(3.1)			82	67,240		102	2,666
Calif-68-C-1516: Fountain Valley S.D	A18	(1.7)			130	111,150		517	7,828
Calif-71-C-1516: Fountain Valley S.D	A21	(1.0)			96	[2]114,240		613	9,787
Calif-68-C-1602: Arena U.E.S.D., Point Arena	A18	(5.8)	22	35,739		35,729	73	39	378
Calif-68-C-1603: Stony Creek Jt. Unif. S.D	A18	34.4	29	47,110	12	57,370	37	29	238
Calif-68-C-1604: Escalon Unif., S.D	A18	6.8			67	57,285		145	1,956
Calif-69-C-1606: Petaluma City Cons., S.D	A19	11.0			199	199,995		455	3,232
Calif-68-C-1607: Petaluma City H.S.D	A18	10.4	4	6,498	218	192,888	13	431	4,266
Calif-69-C-1702: Kern Jt. Jr. Col. Dist	A19	66.4	58	110,751	41	151,956	126	66	298
Calif-70-C-1802: San Joaquin Delta Col. Dist	A20	7.6			252	269,640	2	463	6,553
Calif-71-C-1802: San Joaquin Delta Col. Dist	A21	3.2			133	158,270	1	596	7,930
Calif-70-C-1803: Mineral E.S.D	A20	51.4	9	18,297		18,297	20		35
Colo-69-C-3: Colo. Springs S.D. #11	A19	1.6			267	184,230	319	9,994	30,475
Colo-69-C-12: Harrison S.D. #2, Colo. Springs	A19	20.4			508	[6]350,520		2,712	4,942
Colo-70-C-12: Harrison S.D. #2, Colo. Springs	A20	(0.8)			45	32,625		2,757	5,358
Colo-71-C-12: Harrison S.D. #2, Colo. Springs	A21	.4			11	[2]8,000		3,010	5,900
Colo-72-C-12: Harrison S.D. #2, Colo. Springs	A22	13.4			448	[2]409,920		3,205	6,600
Colo-72-C-206: El Paso C.S.D. #8, Security	A22	11.6			189	172,935	1,802	822	3,253
Colo-68-C-505: El Paso C.S.D. #2, Security	A18	2.6			85	53,550		3,713	660
Colo-70-C-505: El Paso C.S.D. #2, Security	A20	7.4			286	207,350		4,107	7,603
Colo-71-C-505: El Paso C.S.D. #2, Security	A21	7.4			654	523,200		4,252	8,074
Colo-72-C-505: El Paso C.S.D. #2, Security	A22	4.4			[3]107-84	[2]167,079		[3]4,257-84	8,490
Colo-70-C-603: USAF Academy S.D. #20	A20	10.0	41	56,477	172	181,177	2,081	812	4,254
Colo-70-C-1801: Summit S.D. Re-1, Frisco	A20	(13.0)			83	60,175	1	129	634
Colo-71-1801: Summit S.D. Re-1, Frisco	A21	18.6			84	[2]76,860	1	213	900
Conn-69-C-3: Twn of Groton	A19	(2.0)	186	307,458		307,458	2,742		9,216
Conn-68-C-406: Twn of Ledyard S.D	A18	2.5	6	9,348	79	74,128	10	978	3,461
Conn-70-C-406: Twn of Ledyard S.D	A20	(3.9)			147	154,350	9	1,125	3,756
Conn-67-C-604: Twn of Monroe S.D	A17	(4.0)			112	87,360		197	2,781
Fla-70-C-1: Brevard Co. Bd. of Pub. Instr	A20	0.8	261	312,417		312,417	2,308	26,700	62,082
Fla-69-C-3: Bay Co. Bd. of Ed., Panama City	A19	9.6	79	88,559	781	549,349	537	3,857	17,662
Fla-68-C-5: Clay Co. Sch., Ed., Green Cove Spg	A18	7.3	36	36,594	274	183,184	233	2,575	7,168
Fla-69-C-5: Clay Co. Sch., Ed., Green Cove Spg	A19	6.5	40	44,840	307	225,970	273	2,882	7,860
Fla-70-C-5: Clay Co. Sch., Ed., Green Cove Spg	A20	8.4			383	241,290	263	3,265	8,992
Fla-69-C-7:									
Okaloosa Co. Bd. of Pub. Instr	A19	22.2	516	578,436	2,998	2,341,356	3,051	12,894	25,567
Do	B19	16.1							
Do	C19	10.0							
Fla-69-C-407: Dade Co. Bd. of Pub. Instr	A19	31.2	296	331,816		331,816	1,892		1,892
Fla-70-C-11: Cobb Co. Bd. of Ed	A20	3.4	147	414,092	400	[2]788,092	1,085	11,356	41,079
Fla-69-C-14: Houston Co. Bd. fo Ed., Reahy	A19	(3.7)			592	378,880	750	8,633	15,587
Hawaii-68-C-201:									
Hawaii State Dept. of Ed	A18	5.8			951	698,985	4,709	16,751	52,224
Do	B18	1.2							
Hawaii-69-C-201: Hawaii State Dept of Ed	A19	3.4	233	336,542	248	524,932	3,501	10,617	27,519
Hawaii-70-C-201:									
Hawaii State Dept of Ed	1A20-1	3.0	806	1,264,147	442	[2]1,628,797	2,193	6,345	17,333
Do	A20-3	5.6							
Hawaii-71-C-201: Hawaii State Dept. of Ed	A21	5.8	232	403,332	279	[2]658,617	18,295	40,249	182,950
Hawaii-72-C-201:									
State Dept. of Ed	(12)	9.6	2,300	4,916,250	172	[2]5,109,750	20,645	42,118	183,176
Do	A22	9.6							
Do	A22-1	1.6							
Do	A22-2	2.2							
Idaho-68-C-7: Jt. S.D. No. 204, Kamiah	A18	12.4			45	25,425	19	179	728
Idaho-70-C-201: S.D. No. 193, Mountain Home	A20	30.0	250	337,250		337,250	1,832	1,150	4,305
Idaho-69-C-1201: I.S.D. No. 1, Lewiston	A19	1.8			55	38,500		599	6,353
Ill-69-C-1: Mascoutah Comm. Cons. S.D. No. 10	A-19	3.4	51	74,128		74,128	1,557	618	2,838
Ill-70-C-1: Mascoutah Comm. Cons. S.D. No. 10	A20	14.1	312	477,204		477,204	2,324	764	4,139
Ill-72-C-1: Mascoutah Comm. Cons. S.D. No. 10	A22	37.0	954	1,785,411		[2]1,785,411	3,278	640	5,158
Ill-71-C-2: Rantoul City Schs. Dist. No. 137	A21	9.6	259	440,429	12	451,169	2,606	2,189	5,631
Ill-69-C-3: Savanna Comm. Unit S.D. No. 300	A19	(9.2)			145	110,925	32	413	1,576

ELIGIBLE AND POTENTIALLY ELIGIBLE, UNFUNDED APPLICATIONS FOR ASSISTANCE UNDER SECTIONS 5 AND/OR 9 OF PUBLIC LAW 81-815—Continued

No. and applican	Project No.	Priority[1]	Subsection 5(a)(1)		5(a)(2)s to be paid on	Maximum grant (total)	End of increase period membership		
			Number to be paid on	Amount			5(a)(1)	5(a)(2)	Total
(1)-(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Ill-69-C-4: O'Fallon Comm. Cons. S.D. No. 90	A19	22.8			194	$148,410		872	1,688
Ill-70-C-4: O'Fallon Comm. Cons. S.D. No. 90	A20	9.8			88	[2] 70,840		970	1,788
Ill-70-C-8: O'Fallon Twp. H.S.D. No. 203	A20	5.6			{68-22 69-26 70-34} 82	62,770		{68-317 69-343 70-377	68-809) 69-928) 70-1040)
Do	A21	(7.5)			88	[2] 70,840		465	1,165
Ill-71-C-12: Comm. Cons. S.D. No. 70, Freeburg	A21	7.4	20	$34,010	8	[2] 41,170	48	47	741
Ill-69-C-13: North Chicago ESD No. 64	A19	1.9	69	100,291		100,291	2,278	441	3,596
Ill-70-C-13: North Chicago ESD #64	A20	9.5	244	342,608		342,608	2,502	428	3,807
	B20	(5.8)							
Ill-69-C-17: Willmington Comm, Unit S.D.,2094	A19	13.0			139	106,335	29	751	2,128
Ill.-71-C-19: Braidwood Comm. Cons. S.D. #5C	A21	5.8			21	[2] 16,905		152	708
Ill-70-C-20: Reed-Custer Twp. H.S.D. #206	A20	(8.7)			{1969-21 1970-13} 34	26,530		1969(60)73	(69-240)256
Ill-70-C-201: Comm. H.S.D. #123, N. Chicago	A20	22.8	120	183,540	93	[2] 258,405	388	308	1,342
Ill-69-C-601: Mascoutal Comm. H.S.D. #18	A19	21.7	88	127,908	47	163,863	455	207	1,013
Ill-70-C-602: Rantoul Twp. H.S.D. #18	A20	16.6	29	44,355	104	128,075	453	605	1,599
Ill-69-C-701: Joliet Pub. Schs. Dist. #86	A19	11.9			1,182	904,230		1,599	11,684
Ill-70-C-701: Joliet Pub. Schs. Dist. #86	A20	2.2			135	[2] 108,675		1,742	11,884
Ill-69-C-1101: Wesclin Comm. U.S.D. #3	A19	45.6			339	259,335		595	1,485
Ill-69-C-1103: Gifford Comm. Cons. Gr. S.D. #188	A19	(13.1)			45	34,425		148	341
Ill-70-C-1502: Thomasboro Comm. Cons. S.D. #130	A20	(18.6)			47	37,835		100	252
Ill-70-C-1503: Manteno Comm. U.S.D. #5	A20	(2.0)			27	[2] 21,735		146	1,293
Ill-68-C-1505: New Lenox Dist. #122	A18	(1.7)			28	19,740		161	1,687
Ill-70-C-1505: New Lenox Dist. #122	A20	3.8			39	[2] 31,200		200	2,040
Ill-69-C-1506: E.S.D. #114, Manhattan	A19	21.4			39	29,835		57	366
Ill-70-C-1506: E.S.D. #114, Manhattan	A20	(1.8)			7	5,635		64	369
Ill-69-C-1508: Bradley E.S.D. #61	A19	4.8			48	32,895		152	1,787
Ill-71-C-1508: Bradley E.S.D. #61	A21	(.2)			3	[2] 2,685		227	1,800
Ill-68-C-1602: Homer Comm. S.D. #33-C	A18	(6.8)			23	16,215		30	336
Ill-69-C-1601: Bradley-Bourbonnais Comm. H.S.D.	A19	7.4			75	57,375		92	1,325
Ill-68-C-1603: Joliet Twp. H.S.D. No. 204	A18	(8.1)	4	5,358	426	305,688	10	632	5,298
Ill-69-C-1603: Joliet Twp. H.S.D. No. 204	A19	(1.0)			59	45,135	7	691	5,469
Ill-70-C-1603: Joliet Twp. H.S.D. No. 204	A20	3.8	5	7,647	149	[2] 127,592	12	840	5,980
Ill-69-C-1604: Lincoln-Way H.S.D No. 210, New Lenox	A19	9.9			70	53,550		102	1,339
Ill-70-C-1604: Lincoln-Way H.S.D No. 210, New Lenox	A20	(.8)			12	[2] 9,660		114	1,456
Ill-69-C-1701: Valley Viec E.S.D No. 96, Romeoville	A19	7.4			187	143,055		318	4,937
Ill-70-C-1701: Valley Viec E.S.D No. 96, Romeoville	A20	(.4)			208	[2] 167,410		350	7,400
Ill-69-C-1702: Custer Park S.D. No. 44C	A19	(15.6)			29	22,185		52	186
Ill-69-C-1703: Braceville ESD No. 75	A19	41.4			54	41,310		75	249
Ill-70-C-1703: Braceville ESD No. 75	A20	21.6			37	[2] 29,875		112	340
Ill-69-C-1704: USD No. 81, Joliet	A19	47.4			75	54,375		79	316
Ill-70-C-1704: USD No. 81, Joliet	A20	16.2			31	[2] 24,955		110	380
Ill-70-C-1705: Cent. E.C.S.D. No. 103, O'Fallon	A20	18.4			43	34,615		100	389
Ill-70-C-1706: Gardner Comm. Cons. S.D. No. 72-C	A20	5.2			21	[2] 17,150		56	278
Ill-69-C-1707: Okawville Grade S.D. No. 46	A19	(11.6)			27	20,655		39	231
Ill-69-C-1708: Bourbonnis ESD No. 53	A19	(6.2)			77	58,905		80	1,227
Ill-69-C-1709: Herrin Comm. USD No. 44	A19	7.9			200	153,000		426	3,234
Ill-70-C-1709: Herrin Comm. USD No. 44	A20	(.4)			208	[2] 167,410		435	3,400
Ill-69-C-1710: Plainfield Comm. S.D. No. 202	A19	(5.8)			192	146,880		323	3,283
Ill-70-C-1803: Oswego Comm. USD No. 308	A20	(5.0)			149	[2] 120,000		200	3,143
Ill-71-C-9101: Peotone Comm. USD No. 207U	A21	(7.2)			105	[2] 93,975		175	1,465
Ind-70-C-1101: Maconaquah Sch. Corp	A20	41.0	1,004	1,775,000		[2] 1,775,000	2,494	637	5,281
Ind-69-C-1701: E. Washington Sch. Corp, Perin	A19	(3.8)			46	39,790		238	1,193
Ind-69-C-1702: Scott Co. S.D. No. 2, Scottsville	A19	(4.5)			123	106,395		610	2,702
Ind-69-C-1703: W. Wash. Sch. Corp., Campbellsbury	A19	(7.3)			88	76,120		111	1,191
Ind-69-C-1704: Scott Co. S.D., Austin	A19	9.0			74	64,010		210	1,639
Ind-69-C-1705: N. Central Sch. Cons., Palmyra	A19	16.8			133	115,045		192	1,579
Iowa-68-C-203: Burlington Comm. S.D	A18	(4.6)			360	235,800	79	1,813	7,912
Do	B18	(2.3)				(85,800)			
Iowa-68-C-1101: Lewis Central Comm. S.D	A18	2.4			29	18,995		324	2,374
Kans-69-C-3: Derby Unif. S.D. No. 260	A19	3.0			92	61,640	873	2,625	6,031
Kans-70-C-206: Ft. Leavenworth Unif. S.D. No. 207	A20	8.4	100	135,850		135,850	2,338	21	2,359
Kans-71-C-206: Ft. Leavenworth Unif. S.D. No. 207	A-21	16.8	218	323,076		[2] 323,076	2,556	20	2,576
Kans-67-C-803: Shawnee Mission Unif. S.D. No. 512	A17	(3.8)			116	69,600		271	309
Kans-69-C-1501: Unif. S.D. No. 449, Easton	A19	13.4			41	27,470		203	613
Kans-68-C-1602: Cons. Unif. S.D. No. 101, Erie	A18	23.6			183	113,460		193	1,540
Kans-68-C-1603: Unif. S.D. No. 247, Cherokee	A18	(1.8)			21	13,020		152	1,120
Kans-69-C-1702: Unif. S.D. No. 503, Parsons	A19	26.2			464	310,880		648	2,798
Kans-70-C-1801: Auburn-Washburn Unif. S.D. #371	[13] A20	7.6	{43 48	54,739 65,208	95 }	183,597	1,913	399	3,739
Kans-70-C-1803: Santa Fe Trail Unif. S.D. No. 434	A20	(6.7)			77	55,055		183	1,142
Ky-67-C-4: Hardin Co. Bd. of Educ	A17	(3.2)			228	135,660		2,673	7,297
Ky-69-C-1601: Jefferson Co. S.D., Louisville	A-19	10.8	2	2,774	4,698	3,425,000	3	7,464	86,844
Do	B19	9.0				(1,360,000)			
Do	C19	8.6				(705,000)			
Ky-71-C-1901: Newport I.S.D	A21	28.2			643	[2] 585,130		643	4,543
La-71-C-1: Bossier Parish, Dist. #13	A21	(2.9)	288	404,928		[2] 404,928	1,504	2,632	9,795
La-71-C-602: Vernon Parish, Pickering S.D	A21	70.1			411	[2] 304,140		415	707
La-71-C-901: Bossier Parish, Dist. #27	A21	(15.1)			508	[2] 375,920		1,718	3,358
La-71-C-1501: Bossier Parish, Dist. #3	A21	12.7			198	[2] 146,520		678	2,409
Md-67-C-1: Bd. of Ed., Harford Co., Bel Air	A17	(2.2)			517	413,600	1,502	7,573	23,095
Md-69-C-1: Bd. of Ed., Harford Co., Bel Air	A19	(2.3)			643	546,550	1,796	8,216	27,921
Md-70-C-3: Bd. of Ed., Anne Arundel Co.	A20	9.8	740	1,251,340	2,740	1,500,000	3,513	13,441	70,788
Md-69-C-7: Bd. of Ed., St. Mary's Co	A19	4.2			338	287,300	900	3,731	9,754
Md-70-C-7: Bd. of Ed., St. Mary's Co	A20	(4.0)			430	382,700	948	4,164	10,559
Md-67-C-8: Bd. of Ed., Prince Geo. Co	A17	(4.7)	25	38,000	5,455	2,980,536	992	42,742	116,599
Md-69-C-8: Bd. of Ed., Prince Geo. Co	A19	(7.3)	169	272,935	10,503	1,468,000	1,161	53,245	146,772
Mass-69-C-605: Town of Shirley Sch. Comm	A19	(7.4)			59	61,950		236	789
Mass-69-C-1701: No. Andover Sch. Comm	A19	10.2			136	142,800		190	2,621
Mich-70-C-217: Oscoda Area Schools	A20	.2			6	6,420	2,063	789	4,409
Mich-69-C-416: Rudyard Twp. S.D. No. 11	A19	4.4	64	116,736		116,736	2,159		2,875
Mich-71-C-604: Forsyth S.D., Gwinn	A21	6.6	118	272,403		[2] 272,403	2,441		3,538
Mich-70-C-801: Anchor Bay S.D., New Baltimore	A20	1.6	25	50,825		50,825	667		2,793
Minn.-63-C-5: Circle Pines I.S.D. No. 12	A18	(7.6)			241	191,595		346	3,160
Minn.-69-C-5: Circle Pines I.S.D. No. 12	A19	(5.7)			188	167,320		534	3,242
Minn.-72-C-601: Ind. S.D. No. 390, Baudette	A22	13.8	8	18,620	65	[2] 70,135	64	147	1,056
Minn.-68-C-1601: I.S.D. No. 15, St. Francis	A18	(8.4)			137	94,500		190	1,640
Miss.-68-C-2: Biloxi Mun. Sep. S.D	A18	4.4	167	[7] 166,582	([7])	[7] 166,582	1,923		1,923
Miss.-70-C-5: Ocean Springs Mun. Sep. S.D	A20	(8.8)			285	149,625		1,198	3,213
Miss.-68-C-202: Long Beach Mun. Sep. S.D	A18	(5.8)			148	57,550		897	2,613
Miss.-70-C-202: Long Beach Mun. Sep. S.D	A20	6.1			145	76,125		1,042	2,936

Footnotes at end of table.

ELIGIBLE AND POTENTIALLY ELIGIBLE, UNFUNDED APPLICATIONS FOR ASSISTANCE UNDER SECTIONS 5 AND/OR 9 OF PUBLIC LAW 81-815—Continued

			Subsection 5(a)(1)				End of increase period membership		
No. and applicant	Project No.	Priority[1]	Number to be paid on	Amount	5(a)(2)s to be paid on	Maximum grant (total)	5(a)(1)	5(a)(2)	Total
(1)-(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Miss-69-C-701:									
Jackson Co. S.D., Pascagoula	A19	5.6			131	$68,775		1,105	4,542
Do	A20	10.2			251	131,775		1,225	4,914
Do	A21	2.6			76	[2]54,340		1,301	5,463
Miss-71-C-1102: Hancock Co. Unit S.D	A21	(14.1)			139, [3]80	[2]246,031		139, [3]80	[3]1,544
Mo-68-C-3: Center S.D. No. 49, K.C	A18	7.6			221	148,070		788	5,726
Mo-68-C-11: Cons. S.D. No. 4, Grandview	A18	(6.2)			307	200,000		1,341	4,985
Mo-69-C-18: Oak Grove Reorg. RVI S.D	A19	(8.2)			69	49,680		129	839
Mo-69-C-206: Ft. Osage Reorg. S.D. No. 1	A19	(3.2)			134	96,480		753	4,149
Mo-68-C-213: Cons. S.D. No. 1, Hickman Mills	A18	3.0			202	135,340		2,994	13,569
Mo-68-C-407: Excelsior Springs S.D. No. 40	A18	2.0			25	16,750		260	2,585
Mo-68-C-801: Harrisonville H.S.D	A19	(4.2)			65	46,800		181	1,533
Mo-68-C-805: Raymore-Peculiar, RII S.D	A19	5.6			37	26,640		271	1,332
Mo-67-C-1502: S.D. of Marshall	A17	(4.4)			87	56,115		128	1,999
Mo-67-C-1504: Lexington Reorg. S.D. R-U	A17	(2.5)			36	23,220		257	1,438
Mo-68-C-1505: Hazelwood S.D	A18	(1.3)			222	148,740		1,442	17,573
Mo-69-C-1505: Hazelwood S.D	A19	1.8			185	133,200		1,627	21,385
Mo-68-C-1601: Fort Zumwalt S.D., O'Fallon	A18	7.0			125	83,750		282	3,606
Mo-70-C-1801: Richmond R-XIII S.D	A20	8.4			87	66,555		299	2,052
Mont-72-0-803: Great Falls H.S.D	A22	10.0	169	$284,173	128	397,543	436	717	5,916
Mont-70-C-906: S.D. No. 57, Havre (Sec. 9)	A20	131.6	106	150,043		[2]150,043	133		150
Mont-71-C-1901: E.S.D. No. 14, Shelby (Sec. 9)	A21	68.6			454	[2]376,820		522	1,198
Mont-71-C-1904: H.S.D. No. 14, Shelby (Sec. 9)	A21	22.2			58	[2]48,140		100	524
Mont-71-C-1905: H.S.D. No. 19, Brady (Sec. 9)	A21	19.6			11	[2]9,130		27	112
Mont-72-C-1907: H.S.D. No. 10, Conrad (Sec. 9)	A22	68.2	206	346,389	41	33,845	206	41	725
Mont-72-C-1908: E.S.D. No. 10, Conrad (Sec. 9)	A22	65.4	449	754,993	91	402,410	449	91	1,650
Nebr-70-C-1: S.D. of the City of Bellevue	A20	17.2	497	712,946	421	1,030,801	4,560	3,776	10,670
Do	B20	1.5				(60,801)			
Nebr-71-C-1: S.D. of the City of Bellevue	A21	8.0	140	223,440	316	[2]488,880	4,700	4,092	11,294
Nebr-67-C-7: S.D. No. 2, Grand Island	B17	(.5)	8	10,108	380	22,808	25	1,033	6,145
Nebr-68-C-7: S.D. No. 2, Grand Island	A18	(4.7)			303	209,070	12	1,349	6,323
Nebr-71-C-12: S.D. of Plattsmouth	A21	13.2			124	104,160		554	1,863
Nebr-70-C-801: S.D. of Papillion	A20	11.6			203	153,265		901	3,474
Nebr-70-C-1801: Shelton Pub. S.D. No. 19-41	A20	17.4			34	25,670		82	389
Nev-70-C-601: Churchill Co. S.D., Fallon	A20	9.6	69	98,980	147	209,965	375	591	2,751
Nev-71-C-601: Churchill Co. S.D., Fallon	A21	9.6	69	110,124	73	[2]171,444	444	664	2,933
Nev-72-C-601: Churchill Co. S.D., Fallon	A22	8.2	85	151,810	48	[2]196,930	460	639	3,209
Nev-68-C-603: Clarke Co. S.D., Las Vegas	A18	3.4	124	161,386	946	809,396	1,876	13,246	63,300
Nev-69-C-603: Clarke Co. S.D., Las Vegas	A19	3.8	61	82,289	1,228	954,169	1,937	14,474	67,834
Nev-71-C-603: Clarke Co. S.D., Las Vegas	A21	.6	276	440,496		[2]440,496	2,213	14,434	75,766
N.J.-68-C-202: Bd. of Educ. Twp. of Ocean	A18	9.2			202	170,000		796	4,372
N.J.-69-C-601: Burlington Twp. Bd. of Educ	A19	13.6			171	166,725		367	2,499
N.J.-71-C-901: N. Burlington Co. Reg. S.D	A21	36.6	423	976,495		976,495	1,183	158	2,301
N.J.-68-C-1103: Lenape Reg. H.S.D., Medford	A18	9.0			117	105,000		254	2,627
N.J.-70-C-1104: Monmouth Reg. H.S.D	A20	(6.5)	14	29,127	82	118,917	225	334	1,423
N.J.-67-C-1201: Bd. of Educ., Evesham Twp	A17	(3.8)			73	67,890		150	1,935
N.J.-67-C-1402: Cherry Hill Twp., Pischs	A17	(3.9)			518	400,000		874	13,428
N.J.-68-C-1501: Washington Twp. Public Schs	A18	(2.3)			77	74,690		442	3,282
N.J.-68-C-1601: Shore Reg. H.S.D., W. Long Branch	A18	(8.0)			72	69,840		257	896
N.J.-69-C-1701: Somers Point Bd. of Educ	A19	(8.4)			77	65,000		142	812
N. Mex.-69-C-1: Alamogordo Mun. S D. No. 1	A19	13.3	135	156,465	673	566,995	2,129	4,686	9,940
N. Mex.-70-C-1: Alamogordo Mun. S.D. No. 1	A20	(4.4)	449	545,984		545,984	2,578	4,106	10,099
N. Mex.-71-C-1: Alamogordo Mun. S.D. No. 1	A21	9.6	1972 99 1971 545	145,777 730,027	448	[2]1,223,005	3,140	5,134	11,764
N. Mex.-67-C-12: Las Cruces S.D. No. 2	A17	(3.2)			485	266,750	889	4,220	15,005
N. Mex.-69-C-12: Las Cruces S.D. No. 2	A19	(1.4)			232	141,520	1,001	4,452	16,337
N. Mex.-69-C-402: Gallup-McKinley Co. Bd. of Educ.	A19	(3.5)	299	346,541	104	409,981	5,613	999	11,423
N. Mex-70-C-501: Clovis Mun. S.D. No. 1	A20	(3.0)	273	331,968		331,968	1,252	1,636	9,026
N. Mex-70-C-508: Cloud Craft Mun. S.D. No. 11	A20	14.4	27	32,832		32,832	62	146	373
N. Mex-69-C-518: Cuba Ind. Rural Schs	A19	(11.0)			90	54,900	346	230	815
N. Mex-69-C-608: Las Lunas Cons. Schools	A19	10.7	156	180,804	30	199,104	197	651	3,017
N.Y-67-C-409: Common S.D. No. 2, Blooming Grove	A17	(.7)	18	35,397	4	39,537	882	266	3,254
N.Y-67-C-1501: U.F.S.D. No. 3, Brookhaven	A17	(4.7)			154	159,390		234	3,249
N. Car-68-C-1: Craven Co. Bd. of Educ., New Bern	A18	5.0			223	130,455	1,906	1,924	8,820
N. Car-69-C-4:									
Cumberland Co. Bd. of Educ	A19	9.4			1,413	[8]861,930		13,757	29,843
Do	B19	5.1				(347,090)			
N. Car-68-C-501: Wayne Co. Bd. of Educ., Goldsboro	A18	6.2			136	79,560	1,703	702	[9]4,304
N. Dak-67-C-501: Grand Forks Public S.D. No. 1	A17	(2.0)	207	251,712		251,712	3,021	761	10,402
N. Dak-71-C-603: Minot Public S.D. No. 1	A21	(2.5)	261	411,597		[2]411,597	3,148	1,107	10,226
N. Dak-72-C-2001: Walhalla Pub. S.D. No. 27	A22	84.0	[10]484	813,846	39	[2]848,361	488	100	1,233
Ohio-70-C-8: Windham Exempted Village S.D	A20	2.4			20	[2]17,100		145	1,606
Ohio-63-C-9: Mad River Green Local S. D	A18	8.0			120	81,600		1,086	3,018
Ohio-67-C-15: Mad River Twp. LSD (Dayton)	A17	(2.2)	146	181,697		181,697	1,721	864	6,594
Ohio-70-C-15: Mad River Twp. LSD (Dayton)	A20	(8.6)	700	1,137,150		[2]711,000	2,421	1,125	8,114
Ohio-70-C-23: Beavercreek L.S.D. Xenia	A20	11.4			478	[2]408,690		2,258	8,349
Ohio-71-C-208: Wayne Twp. L.S.D. Dayton	A21	14.2			562	[2]536,710		2,190	7,900
Ohio-71-C-211: Hamilton L.S.D. Columbus	A21	11.4	237	430,036		[2]400,000	1,640	375	4,091
Ohio-69-C-429: Southeast L.S.D. Ravenna	A19	(1.2)			29	22,910	27	176	2,273
Ohio-70-C-429: Southeast L.S.D. Ravenna	A20	10.5			11-187	[2]153,310	17	187-593-187	2,350
Ohio-68-C-508: Pickerington L.S.D	A18	(6.3)			66	44,880		177	1,049
Onio-67-C-1103: Heath City S.D	A17	(2.1)			42	27,930		567	1,966
Ohio-69-C-1701: North Olmsted City Schs	A19	4.5			332	120,000		623	7,348
Ohio-70-C-1801: Frontier L.S.D. New Matamoras	A20	(7.6)			117	[2]100,035	1	116	1,532
Okla-69-C-13: Moore I.S.D	A19	2.4			27	70,450		1,561	7,331
Okla-69-C-415: Claremore I.S.D. #1	A19	16.0			183	[2]136,530		450	2,541
Okla-70-C-1801: Stuard I.S.D	A20	(23.1)			64	40,960		123	277
Okla-70-C-1802: Shawnee I.S.D. #93	A20	13.5	42	51,072	310	[2]249,472	45	1,082	5,110
Pa-70-C-603: Pocono Mt. S.D. Swiftwater	A20	6.6	33	73,672	119	213,497	129	403	2,703
R.I.-70-C-1: Twn of Middetown Sch. Comm	A20	15.9	553	992,911	72	1,000,000	1,711	1,454	4,795
R.I.-67-C-2: Twn of N. Kingstown Sch. Dept	A17	(.9)			44	33,440	1,109	1,737	4,711
R.I.-69-C-2: Twn of N. Kingstown Sch. Dept	A19	15.8	295	473,622	79	350,000	1,469	1,816	5,527
R.I.-70-C-401: Newport Sch. Dept	A20	(3.6)	217	389,623		389,623	562	2,043	6,014
So. Car-68-C-1: Summerville S.D. #2	A18	9.4			233	132,810		1,864	4,924
So. Car-71-C-401: Berkeley Co. S.D., Moncks Corner	A21	5.2	168	223,440	628	[2]663,040	1,544	4,392	17,518
So. Car-71-C-501: Sumter Co. S.D. #2, Sumter	A21	(W)16.1	673	997,386	71	[2]1,052,766	1,710	1,676	10,398
Texas-69-C-2: Ysleta I.S.D., El Paso	A19	4.0			610	359,900		6,727	30,145
Texas-70-C-37: Azle I.S.D	A20	(7.5)			207	139,725		829	2,742
Texas-69-C-49: Flour Bluff I.S.D. Corpus Christi	A19	26.0	301	337,421	18	348,041	692	842	2,438
Texas-70-C-49: Flour Bluff I.S.D. Corpus Christi	A20	5.2	67	85,927		85,927	759	873	2,561
Texas-71-C-49: Flour Bluff I.S.D. Corpus Christi	A21	7.0	108	153,900	12	[2]162,900	1,041	995	3,427

ELIGIBLE AND POTENTIALLY ELIGIBLE, UNFUNDED APPLICATIONS FOR ASSISTANCE UNDER SECTIONS 5 AND/OR 9 OF PUBLIC LAW 81-815—Continued

			Subsection 5(a)(1)				End of increase period membership		
No. and applicant (1)-(2)	Project No. (3)	Priority [1] (4)	Number to be paid on (5)	Amount (6)	5(a)(2)s to be paid on (7)	Maximum grant (total) (8)	5(a)(1) (9)	5(a)(2) (10)	Total (11)
Texas-68-C-61: Del. Valle I.S.D., #910	A18	17.0	76	$80,864	158	$169,344	812	425	2,759
Texas-71-C-61: Del. Valle I.S.D., #910	A21	23.8	373	531,525	64	[2] 579,525	1,185	523	3,663
Texas-69-C-64: Northside I.S.D. San Antonio	A19	10.4			1,757	1,036,630		9,068	16,873
Texas-67-C-80: Burleson I.S.D.	A17	(4.3)			100	54,500		293	2,332
Texas-70-C-81: Joshua I.S.D.	A20	(5.9)			51	[2] 34,425		112	858
Texas-69-C-213: Burkbrunett I.S.D.	A19	(12.8)	91	102,011	365	317,361	930	1,485	3,562
Texas-70-C-213: Burkbrunett I.S.D.	A20	3.1	21	26,932	75	77,557	951	1,560	3,832
Texas-70-C-413: Copperas Cove I.S.D.	A20	14.4			212	[2] 143,100		2,196	2,944
Texas-67-C-414: Denison I.S.D.	A17	(6.4)			378	200,000		1,117	5,876
Texas-67-C-504: North East I.S.D. San Antonio	B17	(1.1)			1,683	389,532		6,654	22,383
Texas-69-C-504: North East I.S.D. San Antonio	A19	(3.5)			928	547,520		7,582	25,966
Texas-67-C-509: Pottsboro Common S.D.	A17	(1.6)	3	3,106	6	6,376	13	232	556
Texas-69-C-804: Judson I.S.D., Converse	A19	28.9			665	392,350		1,217	2,384
Texas-71-C-804: Judson I.S.D., Converse	A21	(27.5)	1	1,425	989	[2] 743,175	1	2,049	3,600
Texas-68-C-1502: Crowley I.S.D.	A18	(7.6)			54	30,240		119	714
Texas-71-C-1502: Crowley I.S.D.	A21	24.2			138	[2] 103,500		257	1,139
Texas-69-C-1504: Medina Valley I.S.D. Casdroville	A19	7.4			55	32,450		205	1,457
Texas-68-C-1601: Peasder I.S.D.	A18	(8.6)			11	6,160		42	128
Texas-69-C-1701: Sherman I.S.D.	A19	7.8	43	48,203	282	214,583	294	1,161	6,750
Texas-70-C-1801: United Cons. I.S.D., Laredo	A20	44.1	411	527,107	89	587,182	411	246	1,489
Utah-67-C-1: Bd. of Ed. of Tooele Co., Tooele	A17	(4.5)			48	33,095	749	3,860	6,712
Utah-69-C-3: Weber Co. S.D. Vaden	A19	2.6	7	8,977	246	175,027	67	8,740	18,430
Virginia-71-C-1: City of Virginia Beach Sch. Bd.	A21	10.6	247	377,786	3,053	[2] 1,610,000	1,184	19,671	46,143
Do	B21	(5.3)				(310,000)			
Virginia-67-C-3: Fairfax Co. Sch. Bd.	A17	(4.9)			4,672	3,000,000	442	45,996	96,068
Virginia-70-C-5: Co. Sch. Bd. of Yorktown	A20	14.2	455	639,730	558	1,052,650	1,950	2,550	8,151
Virginia-68-C-12: Prince George Co. Sch. Bd.	A18	4.1			149	99,085	1,473	1,004	5,249
Virginia-71-C-13: Stafford Co. Schools	A21	10.9			403	[2] 324,415		1,975	6,278
Virginia-70-C-14: Sch. Bd. of King George Co.	A20	15.4	144	202,464	21	218,004	182	819	2,121
Virginia-69-C-17: Co. Sch. Bd. of Prince Wm. Co.	A19	4.9			1,254	1,766,860	24	9,724	25,522
Virginia-71-C-17: Co. Sch. Bd. of Prince Wm. Co.	A21	1.6			250	[2] 201,250	17	10,895	21,513
			78	95,589	1,704	1,194,669	1,397	6,547	28,644
Va-67-C-501 B17: City of Newport News Sch. Bd.	B17	(.8)				394,669			
Wash-68-C-4: Clover Park S.D. #400	A18	(3.3)	501	785,317		785,317	4,325		15,049
Wash-67-C-34: Cent Kilsap S.D. #401	A17	(2.8)	49	73,083	48	110,763	209	1,937	3,438
Wash-69-C-34: Cent Kilsap S.D. #401	A19	11.3	31	49,476	262	269,556	240	2,199	3,952
Wash-70-C-59: So. Kilsap. S.D. #402	A20	10.0			307	150,000	19	2,991	6,053
Wash-70-C-513: No. Mason S.D. #403, Belfair	A20	(5.1)			47	40,000		419	918
Wash-69-C-1101: Coulee Dam S.D. #401	A19	24.5			155	130,200	106	568	835
Wash-67-C-1202: Waitsburg Jt. S.D. #401-100	A17	(4.7)			20	15,700		58	424
Wash-67-1301: Dayton S.D. #2	A17	(3.9)			40	28,772		113	1,038
Wash-69-C-1701: Grand Coulee S.D. #55-201-205J	A19	43.7	1	1,596	271	229,236	2	396	722
Wash-70-C-1701: Grand Coulee S.D. #55-201-205J	A20	3.6			14	[2] 13,300	2	410	780
Wash-71-C-1701: Grand Coulee S.D. #55-201-205J	A21	4.6	2	4,275	16	[2] 22,275	4	426	780
W. Virginia-69-C-801: Pendleton Co. Bd. of Educ.	A19	(W) 23.8	26	36,062		36,062	26	71	1,627
W. Virginia-71-C-801: Pendleton Co. Bd. of Educ.	A21	(W) 33.4	35	59,850		[2] 59,850	61	102	1,630
W. Virginia-71-C-1901: Berkeley Co. Pub. Schs.	A21	(.7)			57	[2] 51,300	737	70	8,167
Wis-71-C-1001: Jt. S.D. #1 City of Bayfield	A21	16.4	17	32,461	22	[2] 54,571	39	56	470
Wis-69-C-1701: Jt. S.D. #1 Village of Black Earth	A19	(8.9)			133	[2] 112,385		143	1,485
Wis-70-70-C-1801: Jt. S.D. #1 Mausdon	A20	18.4			209	188,100		256	1,820
Wis-70-C-1802: Unif. S.D. #1 Ashland-	A20	13.4	75	128,250	95	213,750	97	150	2,502
Wyo-68-C-1601: S.D. #6 Lymon	A18	61.8	3	3,762	119	82,302	24	172	395
Guam-69-C-601: Dept. Of Educ., Aguna	A19	(5.7)	249	409,231	918	1,203,301	4,322	6,691	20,369
Guam-70-C-601: Dept. of Educ., Aguna	A20	14.7	538	909,758	1,396	[2] 2,152,198	4,611	7,169	21,776
Guam-71-C-601: Dept. of Educ., Aguna	A21	9.2	544	1,126,624	1,103	[2] 2,298,294	[1] 5,340	8,527	25,910
Total			35,392	61,396,821	113,905	138,716,933	[1] 194,195	[1] 649,189	[1] 2,262,681

[1] Figures in parens-subpriority.
[2] Tentative data, application has not been processed.
[3] Section 5(a)(3).
[4] Includes 1968 grant and pupils.
[5] Includes 1969 maximum.
[6] Section 8 also.
[7] Keesler A.F. waiver.
[8] Request.
[9] Waiver less than numbers eligible for district as whole.
[10] 209 considered to be sec. 9.
[11] Excludes overlapping applications.
[12] Waiver (3).
[12] From 1969.

III. PUBLIC LAW 81-815—PROVIDING FINANCIAL ASSISTANCE FOR SCHOOL CONSTRUCTION IN FEDERALLY AFFECTED AREAS

PURPOSE

Public Law 81-815 authorizes Federal financial assistance for constructon by local education agencies of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Assistance is also authorized for construction of minimum school facilities by local education agencies for pupils residing on Indian lands, and by the Federal Government on Federal property (such as Army, Navy, and Air Force installations) when no State[1] or local education agency can legally do so.

Payments may be made to local education agencies where there has been or will be an increase in school membership of children residing on Federal property, of children residing on private property with a parent employed on Federal property, or of children whose membership has resulted or will result from activities of the United States, carried on directly or through a contractor. Provisions of the Act are specific regarding the increase in the number of such children in the applicant's schools required to establish eligibility for aid during any 4-year increase period and the amount of Federal assistance authorized. Congress has amended and extended the provisions of P.L. 81-815 a number of times since its enactment. P.L. 85-620, which the President signed on August 12, 1958, made permanent certain provisions of the Act concerning children who reside on Federal property. P.L. 89-750, approved November 3, 1966, made permanent the provisions of section 14, which formerly pertained to children residing on Federal property, primarily Indian reservations, and P.L. 90-247, approved January 2, 1968, made the provisions applicable exclusively to Indian lands. Authorization for payment for all other categories of Federal impact has been extended from time to time since 1958, most recently by P.L. 90-247 to June 30, 1970. Thus, for fiscal year 1969, the provisions for all categories of children were in effect.

The law contains two sets of provisions under which Federal funds for school construction may be granted to local education agencies. Sections 5 and 9 of the Act authorize grants based on increases in federally connected membership (under section 9 only if the increase is expected to be of temporary duration), and section 14 authorizes grants based on numbers of children who reside on Indian lands and for whom responsible local education agencies are unable to provide needed minimum school facilities.

GRANTS BASED ON INCREASES IN FEDERALLY CONNECTED MEMBERSHIP—SECTIONS 5 AND 9

Estimating increases in membership

Each application filed by a local education agency under section 5 or section 9 is a claim for Federal assistance for the construction of school facilities based on an increase in federally connected children in the school district in a specific 4-year period. Applicants may file claims in the 3d or 4th year of any increase period and the Commissioner is required to estimate the increase in the membership of federally connected children as of the end of that increase period. Total membership may be estimated for 2 years beyond the end of the 4-year increase period for determining unhoused children. This permits more effective advance planning for school construction, except when funds are insufficient to fund all eligible applications, such as in fiscal years 1967, 1968, and 1969.

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[1] A recent amendment brings American Samoa under provisions of P.L. 81-815 as a State.

Under the Act as currently amended, the increase period and the base year move forward 1 year each July 1. For example, the 1969 fiscal year covered by this report is the 4th year of the 4-year increase period July 1, 1965 to June 30, 1969, and the 3d year of the 4-year increase period July 1, 1966 to June 30, 1970.

Eligibility requirements (section 5)

Three categories of federally connected school children may be considered in determining the eligibility of local education agencies for Federal funds under this section of P.L. 81–815. Two of these categories [subsections 5(a)(1) and 5(a)(2)] are based on the relationship of the children to Federal property. Children classified under subsection 5(a)(1) are those who reside on Federal property with a parent who works on Federal property; children classified under subsection 5(a)(2) are those who either reside on Federal property or whose parents work on Federal property, but not both. The Federal property on which a claim is based must be in the same State as the applicant or within reasonable commuting distance of the school district.

To be eligible for a grant of funds under subsection 5(a) (1) and 5(a) (2) categories, a school district must, during a 4-year increase period, have an increase in membership in one or both categories of at least 20 children and equal to at least 6 percent of the district's total average daily membership[2] in the base year—i.e., the school year preceding the 4-year increase period.

The third category of federally connected children is defined in subsection 5(a) (3) to include those children whose attendance in an applicant district is due to activities of the United States carried on directly or through a contractor. To be eligible for payment under this provision, the school district's estimated membership increase in the 4-year period must be at least 20 in number and at least 10 percent of the total base-year average daily membership. In addition, it must be established that the construction of needed minimum facilities for that number of children would impose an undue financial burden on the taxing and borrowing power of the district.

Number of children counted for payment

In addition to the foregoing minimum requirements for increased membership, school districts are required under section 5 to absorb an increase of 6 percent in non-federal membership during any 4-year increase period. Should a district fail to meet this requirement, the difference between 106 percent of the non-federal average daily membership in the base year and the estimated non-federal membership as of the end of the increase period is deducted from the number of qualifying federally connected children in determining the number of pupils counted for payment.

The number of pupils counted for the payment is also limited to the number in excess of the estimated federally connected membership as of the end of an increase period covered by a prior eligible application, or of the number of such pupils previously counted for payment.

Amount of the Federal payment

The maximum allowable grant under section 5 is determined by multiplying the number of federally connected children to be counted for payment under subsection 5(a) (1) by 95 percent of the average per-pupil cost of constructing minimum school facilities in the applicant's State during the 2d year of the 4-year increase period designated in the application; those to be counted under subsection 5(a) (2) by 50 percent; and those under subsection 5(a) (3) by 45 percent.

The amount is further limited to the actual cost of constructing minimum school facilities in the applicant district for children who would otherwise be without such facilities.

UNIFORM ACCOUNTING STANDARDS FOR DEFENSE DEPARTMENT—ISSUANCE OF REGULATIONS

Mr. PROXMIRE. Mr. President, the first regulations establishing uniform cost accounting standards for defense contractors will be published by January, 1972, and will become effective by the following July 1.

The schedules for the new regulations are contained in a letter from Elmer B. Staats, the Comptroller General of the United States and Chairman of the Cost Accounting Standards Board, which I am making public today. The Board was created by Congress in 1970 following hearings by the Joint Economic Committee, the Banking and Currency Committees of the House and Senate, and legislation which I proposed and which is now law.

The new regulations can be the beginning of a fundamental and much needed reform of accounting practices in the defense industry.

Moreover, if the changes work well, I see no reason why similar ones could not be used to clean up the mess in corporate accounting generally.

Defense contractors will be required under the new rules to disclose their cost accounting practices and to follow those practices consistently.

Several specific cost accounting standards will also be issued by January 1972, to become effective in July. A more comprehensive set of standards is being considered and will probably be decided upon in the near future.

The potential significance of these steps cannot be over-emphasized.

We found in our investigation of military spending that the lack of uniformity in cost accounting was being used to cover up practices that cannot be tolerated.

Some defense contractors have used the confusion that now pervades cost accounting to disguise double counting of costs, excessive profits, and other questionable charges.

The Cost Accounting Standards Board is itself, by its progress and expeditious action, setting a new standard of efficiency in the operations of a government agency. It has managed so far to move ahead into an area of problems that have plagued both Government and industry for many years, and has already made excellent headway in the few months of the Board's existence.

The Board's work has been facilitated by the cooperation of a number of Government agencies, professional accounting organizations, and industry representatives.

I ask unanimous consent that Mr. Staats letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C., October 21, 1971.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Your letter of September 20, 1971, inquires about the progress we are making in establishing Cost Accounting Standards for defense contracts. You express an interest in our overall planning and timing for promulgating such standards.

As you know, there was about a 5-month lag between the time the Board was established by Public Law 91–379 (approved August 15, 1970) and the time funds were first provided for operation of the Board in the Supplemental Appropriations Act, 1971 (approved January 8, 1971). The members of the Board were appointed in January 1971 and an Executive Secretary was appointed and started work with the Board on March 29, 1971.

Since March we have selected 17 professional staff members from Government, industry, and the public accounting profession. The staff includes 10 Certified Public Accountants, 4 lawyers and 3 individuals who come from industry comptrollers' offices. Their recruitment is the result of review of approximately 575 applications and interviews conducted with about 100 individuals. The work of the staff is currently supplemented by three consultants who are professors at major universities.

The Board intends to cooperate in every way with the various groups which are interested in its activities, Government agencies, professional accounting organizations, and industry associations which represent contractors. The Board has met with representatives of these groups, and its staff has developed working relationships with them. Every opportunity has been provided for informal exchange of information and suggestions about progress toward the objectives established for the Board.

Staff effort is concentrated in five major areas, most of which arise out of the enabling legislation itself. These five areas are summarized below.

DISCLOSURE STATEMENTS

As a condition to entering into any negotiated defense contract in excess of $100,000, contractors will be required to file with the Government statements disclosing their cost accounting practices. The contractors will then be required to follow those disclosed practices consistently. Changes will be permitted in disclosed cost accounting practices under rules to be prescribed by the Board.

In developing the disclosure regulation, we are designing a statement that will provide compliance with the legislative requirements for disclosure and consistency and at the same time facilitate establishment of a data bank showing what contractors' cost accounting practices are by class of contractor, by dollar volume of business with the Government in relation to total business, by size of contractor, etc. This kind of empirical data does not now exist anywhere in the United States. With such information the Government will be in a better position to develop specific Cost Accounting Standards.

A preliminary draft of a Disclosure Statement has been prepared by the staff and has been sent to selected industry associations, Government agencies, and professional accounting associations for review and comment. In addition, the draft Disclosure Statement has been distributed to 22 defense contractors and subcontractors for field testing; that is, sample statements are being filled out with the intent of ascertaining any difficulties encountered.

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[2] Average daily membership is determined in accordance with State law and practice. By definition the term means the aggregate number of days of membership in the applicant school district divided by the number of days school was actually in session.

Following the initial input from organizations from whom comments are being solicited and modification on the basis of field testing, the proposed Disclosure Statement, with attendant rules and regulations, will be published in the Federal Register for further comment. The first publication in the Federal Register is expected by January 1972. A second publication in the Federal Register and the 60-day advance notice to the Congress of the proposed rulemaking, as required by Public Law 91–379, are expected by the end of February 1972. The statutory promulgation procedures that must be followed by the Board require the passage of a minimum of 121 days and a maximum of 209 days after the second publication in the Federal Register before any rule or regulation of the Board will become effective. Thus, the effective date for requiring Disclosure Statements will probably be July 1, 1972. This procedure permits ample advance notice to all contractors to make ready for the filing.

COST ACCOUNTING STANDARDS

The second major area of staff effort concerns research and development leading to the promulgation of specific Cost Accounting Standards. Our staff has identified more than 100 subjects that could possibly lead to standards. Of these, seven subjects were selected by the Board for initial research and development because they were highlighted as significant problem areas in the General Accounting Office feasibility study and in testimony before the Congress on proposed legislation that led to the Board's creation.

The seven subjects are summarized as follows:

1. Eliminating the instances in which like items of cost are charged to defense contracts in the same time period both as direct costs and as a pro-rata share of indirect costs—commonly termed "double counting".
2. Providing consistency between the manner in which contractors present cost data in pricing proposals and the manner in which they record the actual cost of contract performance.
3. Separate identification and segregation in contractors' records of costs made unallowable by Government regulation.
4. Criteria for equitable selection of the base period during which indirect costs are incurred and accumulated for distribution to the contract work performed in that period.
5. Appropriate handling of credit where they relate to costs previously charged to defense contracts.
6. Methods by which depreciation charges are to be computed and allocated to defense contracts.
7. Appropriate methods to be followed in the allocation of general and administrative expenses to Government contracts.

We are moving forward as rapidly as possible on each of these subjects as candidates for promulgation of Cost Accounting Standards. It is anticipated that several proposed Cost Accounting Standards will have been developed to a point where their initial publication can take place by January 1972. The same promulgation procedures will be followed for Cost Accounting Standards as were outlined above for Disclosure Statements, with the result that the first standards will probably become effective July 1, 1972.

EXEMPTIONS

Another subject embodied in the enabling legislation of the Board is the authorization to exempt classes and categories of defense contractors and subcontractors from Board standards, rules and regulations. The staff is considering possible bases for exempting contractors and subcontractors such as the dollar volume of Government negotiated contracts in relation to a company's total business and the dollar volume of such contracts in relation to advertised fixed-price contracts. There is the possibility, of course, that no blanket exemptions will be authorized by the Board; instead, the Board may consider exemptions to individual standards on a case-by-case basis.

EXAMINATION OF RECORDS

A fourth major area under consideration concerns examination of records to determine that contractors are in compliance with established Cost Accounting Standards and Board rules and regulations including Disclosure Statements. The Board's enabling legislation states that the Board, the Comptroller General, or the head of the contracting agency shall have access to contractors' records for the purpose of determining compliance. The Board's staff is studying (1) who should make the examination, (2) how frequently the examination should be made, (3) the scope of the examination, (4) the type of report to be prepared, (5) to whom the report should be directed, and (6) who should make the determination of compliance.

TERMINOLOGY AND CONCEPTS

We are currently developing a glossary of terms dealing with cost accounting; none adequate to the need currently exists. The purpose of this effort is to provide consistency and comprehension in any materials promulgated by the Board. When standards are issued, they will carry the Board's definitions of key words and phrases.

The Board's staff has been working with the Management Accounting Practices Committee (MAP) of the National Association of Accountants on the Committee's development of a statement of objectives or concepts for contract costing. The purpose of the statement will be to provide the criteria against which specific Cost Accounting Standards can be tested to provide better assurance that they are consistent and are not based on mutually exclusive or conflicting objectives. Several meetings have been held with the MAP Committee at which Board and staff views have been offered on the proposed statement. These discussions are continuing.

The MAP Committee is comprised of outstanding professional accountants. Accordingly, the Board will recognize the statement of concepts for contract costing, when published, as coming from an authoritative body and as such it will be considered, together with other authoritative literature of the accounting profession, in development of Cost Accounting Standards.

We trust that this summary of our progress to date is responsive to your request.

Sincerely yours,

Elmer B. Staats,
Chairman.

CONSUMERS SHOULD HAVE THE FACTS ABOUT NONPRESCRIPTION DRUGS

Mr. McINTYRE. Mr. President, a great many Americans have no idea what is contained in the pills they "pop" every day. Many so-called new drugs are simply new brand-name versions of old ingredients. A major contributor to this problem, I feel, is misleading advertising by drug manufacturers.

This situation deeply disturbs me. For this reason I would like to call the attention of my colleagues to a thought-provoking article on the problem in the October 21 issue of the Machinist, the newspaper published by the International Association of Machinists and Aerospace Workers.

The article, written by Sidney Margolius, presents many disquieting facts. One in particular is the revelation that drug companies in their advertisements often omit vital information which is necessary for intelligent self-medication. Even more disturbing is the possible danger he mentions of people overmedicating themselves or becoming psychologically dependent on certain nonprescription drugs.

Certainly we can all benefit from a deeper look into this problem. The Small Business Committee's Monopoly Subcommittee, of which I am a member, is now making an intensive study of this subject.

I commend the Machinist and Sidney Margolius for their efforts in this regard and ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Machinist, Oct. 21, 1971]

Misleading Medicine Ads

(By Sidney Margolius)

While some medical authorities for a long time have questioned the claims and even effectiveness of many household remedies sold without prescriptions, government authorities at long last are getting braver about challenging such products.

Recently Dr. Charles Edwards, head of the Food and Drug Administration, told a Congressional committee that the FDA had sought to seize Excedrin P.M., Asper Sleep and Ornex because manufacturers had indicated in ads that these were something "new." But when charged with failure to comply with "new drug" requirements, the manufacturers then contended that the products were not new but consisted only of well-known ingredients.

One of the most revealing incidents, showing how manufacturers reformulate, repackage and rename old ingredients, is the case of Vivarian. This product is being promoted as making you "a more exciting woman" if you have come to realize that you may be "boring your husband to death."

ONLY CAFFEINE

But it turned out that the main active ingredient in Vivarin, as in many similar stimulants, is caffeine, at three times the cost of a cup of coffee which even an exciting wife could easily prepare.

Sometimes doctors themselves seem to become captivated by a particular over-the-counter medicine when it is simply a brand-name version of standard ingredients. Such is the case with Maalox, a widely-used combination of aluminum hydroxide, magnesium oxide, and sodium, which outsells many similar products that cost less.

While antacids for indigestion and laxatives are probably the most widely-promoted over-the-counter medicines, another heavily advertised group is nonprescription sleeping pills. Most of these merely have a mild antihistamine as the chief active ingredient and are "essentially ineffective in the dosages used," Commissioner Edwards has said.

Whether they make you sleep or not, the public certainly is buying a lot of them. There now is a huge assortment on the market including such widely-advertised brands as Sominex, Nytol, Compoz, Mr. Sleep, Nervine, Sta Kalm, Quiet World, Dormin and Sleep-Eze. Actually people could fool themselves at less cost by buying the private-brand antihistamine "sleep" products for as little as $1 instead of paying $2 for the advertised brands.

EFFECTS OF ADVERTISING

However, there may be other dangers than inflated prices in overmedicating yourself with non-prescription drugs. Dr. Edwards has warned that the overuse of "mood drugs" is becoming increasingly acute. He attributes the heavy use to "the tremendous wave of advertising, especially on TV, creating an environment in which the consumer feels that reaching for a pill, tablet or capsule is a panacea for all his life." He believes that the antihistamine in many of the nonprescription sleep products could create psychological dependency.

W. James Bicket, a representative of the American Pharmaceutical Assn., the national organization of pharmacists, also has testified that much advertising for non-prescription drugs exaggerates and "even attempts to convince people they have non-existent diseases."

Yet none of the government agencies, including the Federal Trade Commission which has the major responsibility over advertising, has stepped in to tone down the misleading commercials. The fooling that takes place nowadays more often is in the omission of relevant facts than in the actual commission of a deception. Thus manufacturers of pain-relieving products advertise over and over that they have more of "the most effective ingredient" or "the ingredient that doctors recommend" without saying that this much-boasted "ingredient" is merely aspirin.

The first step in cleaning up some of the misleading medicine advertising would be to require that if the manufacturer claims highly-effective ingredients in ads, he must name them. Presently he is required to name the active ingredients on the labels but not in his ads or TV commercials.

Many retailers now offer an increasing number of household medicines packaged under their own brand names at sharply lower prices. If you are dealing with a reliable store, all you really need do to assure yourself that you are getting an equivalent product, is to read the list of ingredients on the bottle or box.

If you do, you may also observe that many of these advertised products are simply old-time remedies, like the bicarbonate of soda (baking soda) found in many brand-name digestive products, sometimes in combination with our old friend, that famous "most effective ingredient—aspirin."

THE U.N. VOTE ON CHINA

Mr. McGEE. Mr. President, the United Nations' vote last Monday to seat mainland China and expel Nationalist China has given rise to considerable anger and threats of recriminations on the part of the United States.

The vote was indeed inequitable and regrettable in its treatment of Nationalist China. And many have called for a reduction of our financial obligations to the U.N. Others have stated that we should withdraw from that international body because it no longer represents our interests.

However, I would urge my colleagues to give close scrutiny to an article which appeared in the July 1971 issue of Catholic World. The article was written by our Ambassador to the African nation of Burundi, Mr. Thomas Patrick Melady.

I have known Mr. Melady for some time. Last February I had the opportunity to visit with him in Burundi while heading a Senate Appropriations Committee study mission to Central and East Africa. I am very impressed with his capabilities, his foresight and the acute understanding he has concerning problems of the Third World.

In his article entitled, "The United Nations Faces the Next 25 Years," Mr. Melady observes that the presence of the "Third World in the United Nations has turned it into a truly global institution."

He goes on to state that—

> Once the impact of the new nations was felt at the United Nations, a significant change in the items under discussion on the annual General Assembly Agenda could be observed. The Third World brought into the halls of the United Nations the poor man and made him a topic of concern for the major powers.

Mr. Melady recounts the grim predictions that the admission of these "small poor states" would distract the United Nations from the major problems facing the world in favor of the narrow interests of these countries.

He notes that—

> The opposite has happened: the Third World has humanized the United Nations and sustained a larger view of a world struggling to achieve the vision of mankind ever evolving toward a better life for all.

I believe that Mr. Melady strikes to the heart of what the United Nations is today. For all our complaints as to its ineffectiveness and weaknesses, the U.N. is truly a universal institution.

I ask unanimous consent that Mr. Melady's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED NATIONS FACES THE NEXT 25 YEARS

The twenty-fifth anniversary of the United Nations has come and gone. Forty-five heads of state or government and ninety-one foreign ministers attended the twenty-fifth United Nations General Assembly. It was an unprecedented moment of international diplomacy. All of these high international personalities engaged in multilateral and bilateral talks.

President Nixon gave a major policy address at the United Nations on October 23, 1970. Secretary of State Rogers had bilateral meetings with twenty-one heads of state or government.

President Nixon, after listening to the speech of the world's longest reigning head of state, His Imperial Majesty Haile Selassie I, stressed in his address United States support for the United Nations and its programs. The President gave great emphasis to the ability of the United Nations to work in the field of the family of man's struggle for a better life; in mankind's war on the triple curse of poverty, illiteracy, and disease. He especially suggested that the United Nations concentrate on reducing the gap between the rich and the poor in the family of man; curb the pollution of the world environment, protect the seabed resources for the benefit of all, limit the galloping birth rate, assure the humane treatment of prisoners of war, and take appropriate action against drug abuse and air piracy.

The Silver Anniversary recorded some distinct accomplishments. There were also some clear disappointments. Inspired by the President's address, the United Nations proclaimed that the seabed beyond the area of international jurisdiction was a "common heritage" of the family of man. Many observers believed that this declaration may be recorded as one of the greatest accomplishments of the twenty-fifth anniversary, as it will especially protect for the developing countries their future access to the revenues that will be produced from these international resources. In order to implement this concept, the Assembly called for a conference on seabeds and the Law of the Sea in 1973.

The Assembly also:

1. Established a United Nations Volunteer Corps.

2. Set targets and adopted a comprehensive strategy for the second development decade.

3. Spoke strongly on the humane treatment of prisoners of war, aerial hijacking, and illicit drug abuse.

The clear disappointments included the failure to make any progress on peacekeeping. The Assembly also failed to approve a United States-sponsored proposal to create a committee to examine ways to improve the role of the International Court of Justice. Failure to enact the proposal for a United Nations Commissioner to protect Human Rights caused disappointment in humanitarian circles.

The United Nations is an international forum, and some feel this aspect was exaggerated at the twenty-fifth session which adopted five major declarations. They were:

1. The declaration on friendly relations between states.

2. The strategy for the second development decade.

3. Strengthening international security.

4. The declaration on the twenty-fifth anniversary.

5. The declaration on the tenth anniversary of the colonialism resolution.

While the first three were regarded by most observers as appropriate forward-moving steps for the world body, the last two generated a great deal of controversy. The last one particularly was regarded as being unbalanced, as it gave the United Nations blessing to the use of violence by liberation movements and called for further mandatory sanctions in southern Africa.

There were fifty founding members at San Francisco in 1945. Part way through the twenty-fifth anniversary session in 1970, the Fiji Islands were admitted as the 127th member of the world body.

The admission of the 127th member generated some concern about the advisability of automatically admitting mini-states to the United Nations solely because they become independent.

The anniversary session was the occasion for many to re-evaluate the United Nations. Among these was the President's Commission for the Observance of the twenty-fifth anniversary. The Commission, headed by Ambassador Henry Cabot Lodge, was concerned about the decline in public support for the United Nations among Americans. While around 80% of Americans once believed that the United Nations was the best hope for peace, only around 50% so believed this in 1970. While very few felt that the United Nations was in danger of collapse, there was clear indication that many in the twenty-fifth anniversary year regarded the institution as somewhat irrelevant to the modern world situation.

However, the world at long last has in the United Nations an international institution with worldwide membership which is dedicated to saving succeeding generations from the scourge of war. And furthermore we have a going organization which has as its goals "to reaffirm faith in the fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small. To promote social progress and better standards of life."

The United Nations has six principal organs to implement these noble goals. They are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

They are all well established and functioning mechanisms. For the first time in history such an organization exists.

PRESENCE OF THIRD WORLD

The presence of the Third World at the United Nations is a significant new political development of the past decade. Every September each new General Assembly of the United Nations unfolds another chapter in the postwar rise of the Third World and the significant changes this has brought in international affairs. Today, any observer standing at the top of the escalator used by United Nations delegates at the General Assembly building in New York can read—in microcosm—the story of Afro-Asian emergence in the sight of a turban, a sari, or a boubou. It is like holding up a mirror to the emergence of the Third World.

By 1955, the tenth anniversary of the United Nations, the late Dag Hammarskjold cited in his annual report "the great upheaval in the relationship of nations and peoples that is under way" and pointed out that "the peoples of Asia today, and of Africa tomorrow, are moving toward a new relationship with what history calls the West." By 1957, as the pace of the change quickened, Mr. Hammarskjold reported:

"The United Nations reflects, but is in no sense a cause of, the renaissance of Asia, the awakening of Africa, and the other great changes that are under way in the balance of power and relationships of the peoples are likewise part of the dynamics of history itself, As always, they bring with them many grave problems of adjustment."

The mirror threw back a much different image from that of 1945, when the United Nations was mainly a white man's club. The people of color who, in 1945, constituted the majority of the world's population were hardly represented. By the time the United Nations celebrated its twentieth anniversary in 1965, this situation had significantly changed—from eleven Afro-Asian states present in 1945 to sixty-five in 1967. And the four new nations of the Caribbean that are inhabited predominantly by the peoples of color also can be added to the Third World. In 1970, with the admission of Fiji, the majority of the 127 members were Third World states.

The presence of the Third World in the United Nations has turned it into a truly global institution. The point was made dramatically by Pope Paul VI on his visit to the United Nations on October 4, 1965, when he declared:

"Permit us to congratulate you on having had the wisdom to open this Assembly to the young peoples, to the States which have recently attained independence and national freedom. Their presence here is the proof of the universality and magnanimity which inspire the principle of this institution."

Once the impact of the new nations was felt at the United Nations, a significant change in the items under discussion on the annual General Assembly Agenda could be observed. The Third World brought into the halls of the United Nations the poor man and made him a topic of concern for the major powers.

For the Third World nations, the United Nations is a unique opportunity and a special instrument. Through their permanent missions to the United Nations they are able to maintain contact with fellow Third World countries without the heavy commitment of men and money to diplomatic missions in all these countries. Thus most Afro-Asian states assign their leading diplomats to the United Nations post.

More important, the United Nations is the only place in the world where the influence of these countries outweighs their economic and military strength. And it is through the Secretariat and the Secretary-General that their influence is particularly felt. This strength was clearly evident in the arrangements for the visit of Pope Paul VI to the United Nations in October, 1965. The Third World nations enthusiastically supported the visit because they felt that the Pope would add the prestige and influence of the Holy See in support of their three central concerns: war, peace and disarmament; efforts to eliminate racism and colonialism; aid programs to reduce poverty, illiteracy and disease. As expected, Pope Paul's visit was significant on all three counts.

The support coming for the Third World nations at the United Nations by the Holy See and other international religious and humanitarian groups has influenced the whole complex of the United Nations—from the offices of the Secretary-General and specialized agencies to the periphery of nongovernmental bodies. All three central concerns of the Third World are now in the forefront of United Nations interest. This is a far cry from the grim prediction that the admission of these "small, poor states" would distract the United Nations from the major problems facing the world in favor of the narrow interests of these countries. The opposite has happened: the Third World has humanized the United Nations and sustained a larger view of a world struggling to achieve the vision of mankind ever evolving toward a better life for all.

The presence of the Third World has almost transformed the United Nations into a fully universal institution. The China question is the one main question to be resolved in this regard. One has the feeling that, as we enter the second twenty-five year period, we are at the eve of an equitable solution to this problem that has been a vexing one for all advocates of universality. Here again, there was no predestined guarantee that the United Nations would solve this problem the moment it appeared on the agenda of the United Nations. Nevertheless the United Nations machinery provided the forum for over ten years of discussion and this dialogue has in it the seeds of eventual solution.

THREE NEW SOURCES OF CRITICISM

Three new schools of criticism for the United Nations have developed in the past few years. First, the advocates of rapid evolution from the United Nations institution to a world government have been disappointed that the United Nations did not evolve to a new super-world sovereignty in its first twenty-five years. In the late 40's and the early 50's there was in Western circles a small but articulate group supporting the United Nations as a means to a goal that they wanted—world government. As a matter of fact, world government was never envisaged as the end-product of the new institution launched in 1945 at San Francisco. The United Nations is not a supra-state. It does not legislate, though it provides machinery for member states to cooperate in an organization of sovereign states.

The world government enthusiasts in the first few years of the United Nations seized upon it as a means to accomplish their end. Now, twenty-five years later, while the United Nations has facilitated greater conversation and in many ways has implemented Teilhard de Chardin's vision of universal pluralism, it has not resulted in world government. This group of early enthusiasts has, in a way, soured on the United Nations and has joined the original isolationists and others in criticizing it.

Second, Israel always has had an articulate group of supporters. Since the United Nations facilitated, if not sponsored, the birth of the state of Israel in 1947, the pro-Israel enthusiasts enlarged their affection for Israel to include the United Nations. It was a matter of course in the 50's to find that American organizations who were wholeheartedly supporting Israel were also in the pro-United Nations group.

In the past few years Israel had been witnessing some difficulties in the United Nations. The strengthened nationalism of the Arab states plus their *"marriage de convenance"* with select Afro-Asian countries has given them a vastly strengthened posture at the United Nations. In the 1970 General Assembly, Israel was defeated on several key matters affecting its interests. This new development has resulted in some of the pro-Israeli supporters cooling their affections towards the United Nations.

Another area of criticism of the United Nations has been the subsidiary role that it has played in any attempts at resolving the Vietnam conflict. These critics hold that "somehow" the United Nations should have been able to resolve this problem. As a matter of fact Vietnam never did emerge as a full-scale world conflict. Nor is the United Nations involved in the present negotiations.

This criticism is based on the assumption that the United Nations should contain properties of greatness—if not magic—that would allow it to resolve—and to everyone's satisfaction—the problems plaguing mankind. It has not been able to do this in the case of Vietnam. Should the United Nations be "written off" for this and other defects and non-accomplishments?

These three developments are unfortunate and, while it is only perhaps natural for groups with overriding primary interests to be disappointed when the United Nations no longer coincidentally supports their interest, one would hope that they would rise above the temptation to do harm to an institution that Pope Paul VI so clearly had hailed as the leading universal secular facility to serve the family of man.

DANGER OF EXTREME POLEMICS

There is another, more serious, danger now present in the United Nations. Some of the new members whose independence came in the wake of what they regarded as oppressive foreign domination and who still see parts—albeit small—of the Third World under foreign control, are highly emotional on some of these very sensitive issues. When the complicated questions of southern Africa—colonialism, human rights, and so forth—emerged on the agenda of either the General Assembly or the Security Council, there has been the tendency in the past few years for certain of the newer nations to seize this opportunity to engage in inflammatory polemics.

This is contrary to the tradition that inspired the founding fathers of the United Nations. Both physical and emotional violence was to be avoided within the walls of the serious global institution of the United Nations. The representatives of the sovereign states were to set forth their theses and their arguments in a calm, cool, and collected fashion. Unfortunately, in the past several years this has not been the case. Although not the only one, the Committee of twenty-four—the General Assembly's Special Committee on Decolonization—has been among the offenders. In early 1971 both the United Kingdom and the United States withdrew from membership on this committee. Many committed believers of the United Nations are concerned that, if the tendency to engage in highly emotional polemics continues at the United Nations, its usefulness as an institution of dialogue, as an institution of universal pluralism, will be impaired.

CHALLENGE: TO RENEW

In looking back over the twenty-five years and glancing even further back over the attempts of mankind in the past to facilitate conversation and to reduce the tendency to confrontation, we can, as President Nixon remarked to the United States staff at the United Nations, be thankful that mankind's vision has evolved from a point where an international institution was established and has survived twenty-five years. All of us, regardless of our interests, should avoid the temptation to attack and criticize. We should avoid participating with those who would destroy the United Nations. Our challenge is to engage in reform; to work quietly and patiently to improve the institution.

Teilhard de Chardin, one of mankind's leading prophets of universal pluralism, has said "The task before us now, if we should not perish, is to shake off our ancient prejudices, and to build the earth".

The United Nations has emerged from man's arduous journey. It, like man, is not perfect. But, like man, the United Nations has, in its essence, the seeds of greater perfection.

The task for us now is to seek the greater perfection of an institution that evolved in mankind's nobler moments. Reform has always taken more courage to implement than destruction. But, as Teilhard said, "the future of the earth is in our hands. How shall we decide?"

THE PAKISTANI REFUGEES

Mr. PERCY. Mr. President, the heavy influx of refugees from East Pakistan has sorely taxed the already overburdened resources of India. Because the refugee population has now reached 9 million, pressures are mounting in India to take military action against East Pakistan to stem the tide of refugees. Indeed, the threat of war hangs heavy over India and Pakistan. The New York Times, in an article written by Malcolm Browne and published on October 26, 1971, reports that "501 enemy troops defined as Indians and Indian agents" were killed by West Pakistan forces. In fact, the Times further reported that "these statistics indicate that the fighting had reached its greatest intensity since the brief Indo-Pakistani conflict in 1965."

It is all too apparent that the mobilization of forces along the Indo-Pakistani frontiers is intensifying the threat of war. In the Washington Post of October 17, 1971, it is stated:

> It is believed that neither side want to go to war. The chief danger is seen as coming from accidental escalation along the East Pakistan border.

The ever-increasing total of Pakistani refugees in India complicates the matter greatly. Sydney H. Schanberg, in an article published in the New York Times of October 10, 1971, writes that—

> India's willingness to absorb the refugee pressure is not limitless—that there is a breaking point and that it could come soon.

I have recently been to both East Pakistan and India and witnessed firsthand in eight different camps the despair and tragedy of the refugees. As Malcolm Browne notes in the New York Times of October 14—

> . . . the chances of reversing the tide of millions of destitute refugees who have fled to India seem remote.

It is obvious that the situation is deteriorating. In these circumstances, all interested nations should be exploring, by diplomatic means, the possibilities of solutions which would maintain the peace between India and Pakistan, and lead to the return of the Pakistani refugees to East Bengal as soon as their security can be assured. Our own State Department is working toward this objective.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 26, 1971]

PAKISTAN CLAIMS 501 OF FOE KILLED

(By Malcolm W. Browne)

KARACHI, PAKISTAN, Oct. 25.— The Government reported tonight that its forces had killed 501 "enemy troops"—defined as Indians and Indian agents"—in heavy fighting in East Pakistan.

The Government, here in Pakistan's western wing, uses the term "Indian agents" to refer to all of its adversaries in East Pakistan, including the Pakistanis there who have been battling for Bengali independence since March with Indian support.

U.N. OBSERVERS SUGGESTED

Today the Government said some of the bodies bore identification tags of the Indian Army. If the casualties are indeed Indians and if the toll even approaches the figures given, that would indicate that the fighting had reached its greatest intensity since the brief Indian-Pakistan conflict in 1965.

[In New Delhi, Defense Minister Jagjivan Ram reiterated that India would not pull her troops back from her borders "as long as the Pakistani threat continues."]

Meanwhile, the Government announced that President Agha Mohammad Yahya Khan had asked for the intercession of Secretary General Thant of the United Nations in the dispute.

According to the Pakistani radio, President Yahya Khan proposed that United Nations observers be posted on both sides of the border between East Pakistan and India to supervise a mutual withdrawal of forces to an agreed distance. He had previously proposed such a withdrawal to India, which rejected it.

He suggested that troops and armor be withdrawn by both sides to "peacetime positions," implying for the first time that India and Pakistan are in a state of war. If such a withdrawal is not possible, he added, a withdrawal should be made to positions affording security to both nations.

INDIANS AND INDIAN AGENTS

In a communique, Pakistan said that the latest casualties among "Indians and Indian agents" numbered 438 yesterday and 63 today. The communique did not mention Pakistani military casualties but said that Indian shelling of seven East Pakistani villages had cost the lives of 67 persons.

The Pakistani leader's request for the intercession of Secretary General Thant was made in a letter he sent Thursday in response to one he had received from Mr. Thant.

President Yahya Khan said that an immediate visit to the area of confrontation by Mr. Thant would yield "useful results."

He reiterated Pakistani charges that border tensions had been caused by Indian aggressive designs and said that an Indian statement last Tuesday had threatened the capture of the Pakistani cities of Lahore and Syalkot, "proving the gravity of the situation."

Meanwhile, the Government said the army had beaten back an attack by Indian troops and guerrillas on the Pakistani border post of Kamalpur, in Mymensingh District.

The attack was said to have involved two battalions, presumably about a thousand men. In two successive assaults, the Pakistani communique said, 63 of the enemy were killed and Indian identification cards were found on some bodies.

Attacks of similar strength yesterday were said to have been repulsed by Pakistani forces in the Comilla District of East Pakistan.

India has repeatedly rejected proposals to station United Nations observers or a peacekeeping force along the frontiers on the Indian side.

[From the Washington Post, Oct. 17, 1971]

INDIA, PAKISTAN BUILD UP BORDER MILITARY STRENGTH

India and Pakistan were reported strengthening their military forces along the borders between the two countries yesterday as signs of war intensified.

A spokesman of the Indian Defense Ministry said India was moving troops up to its borders with both East and West Pakistan—separated by 1,000 miles of Indian territory—as a "precautionary defensive measure."

According to Western sources in New Delhi, the Indian move followed reports of five Pakistan army divisions taking positions along the West Pakistan-India frontier.

Indian newspapers headlined stories of massive Pakistani troop deployments. A diplomatic source reported that a senior member of Prime Minister Indirma Gandhi's cabinet told an ambassador Friday night that "war is inevitable" and could erupt within two weeks.

Both sides continued to stress that they would not initiate a war. Indian Foreign Secretary T. N. Kaul said, "We won't fire the first shot, but we will defend our territorial integrity if attacked." His statement reflected similar Pakistani claims.

Mrs. Gandhi met for the second straight day with her cabinet to review the tense border face-off. She is expected to outline India's stance at a news conference Tuesday, just five days before she is scheduled to leave on a three-week six-nation tour, including the United States.

It is believed that neither side wants to go to war. The chief danger is seen as coming from accidental escalation along the East Pakistan border.

The approaching end of the monsoon is likely to increase the fighting inside Pakistan between the Bangla Desh (Bengal Nation) guerrillas and the Pakistan army. This could also lead to more incidents along the border, where the main guerrilla training camps are located.

A Pakistan official announcement in Dacca Friday claimed that artillery shelling from the Indian side of the frontier had killed 38 villagers and wounded 57 in 34 border villages in East Pakistan. The announcement did not say when the shelling took place, but unofficial reports in Dacca say the border areas have been under constant artillery attack for the past two weeks.

Indian officials reported three shooting incidents along the U.N. policed cease-fire line in Kashmir, and there were reports of at least one clash involving casualties farther south along the border.

There has been a steady increase in tensions since March, with the abortive revolt in East Pakistan and the influx of an estimated 9 million East Pakistani refugees into India.

According to Western sources one of the areas of heaviest Pakistani troop concentration was reported at the Sialkot Salient facing the main Indian supply route to Kashmir.

Sialkot was the scene of the first thrust across the border in the 17-day war between India and Pakistan in 1965.

Observers believe that a new Indo-Pakistan war would not last much longer than that conflagration, owing to the economic inability of both countries to support a protracted war.

But prowar elements in India argue that only a war can force Pakistani President Yahya Khan to create the political conditions in East Pakistan which would tempt the refugees to return home. The Bengali dissidents themselves insist that only an independent Bangla Desh would end the conflict between their guerrilla forces and the Pakistani army.

Those Indians who support a war say the consequences would be less disastrous for India in the long run than the prolonged drain on the economy as well as political haggling and communal imbalance caused by the massive refugee presence.

To date, Mrs. Gandhi has rejected these arguments, very probably guided by the restraint of the Soviet Union.

[From the New York Times, Oct. 10, 1971]

Bengel: Breaking Point Is Near—And It May Mean War

(By Sydney H. Schanberg)

Calcutta.—When the Bengalis of East Pakistan began crossing the border into India six months ago in flight from civil war, they were greeted by the Bengalis of India with sympathy and tolerance despite the disruptions created by the refugee flood. But life is a survival affair in this corner of the world and magnanimity a luxury that few can afford for long.

Last week, with the refugee population swollen to 9 million, West Bengal, the Indian state on the East Pakistani border, was in an explosive condition. Across the border, the Pakistani Army was still killing and burning in an effort to crush the East Bengal independence movement—and still sending refugees pouring into India at a rate of 30,000 a day or 1 million a month. In West Bengal, tensions were festering both inside and outside the refugee camps. And the temptation to get rid of the crushing refugee burden by intervening in the fighting across the border—even if that meant another war with Pakistan—was growing for Indians all the way up to the Government in New Delhi.

In the beginning, when there were only 1 or 2 million refugees, the Government of Prime Minister Indira Gandhi, although strained by the relief effort, exhibited no sense of crisis. In fact, the refugees were a political asset that India could use in denouncing Pakistan's military repression and expressing New Delhi's sympathy for the independence of Bangla Desh, or Bengal Nation, the name the Bengali separatists have given to East Pakistan.

But now the relief program is cracking at the seams. The refugees are complaining that they are not getting their full rations; some have accused camp officials of black-marketing relief supplies. Angry local people are protesting that the refugees are getting more food free than they can afford to buy on their meager wages as field hands and construction laborers. Refugee pressures have pushed local food prices up, and surplus refugee labor has driven local wage rates down. Firewood for cooking is scarce, and refugees have been caught stripping wood off fruit trees in local orchards.

Several clashes, and even some near-riots, have erupted; some refugees have been killed either by the police or local people. Marxist and Maoist political groups are trying to exploit these tensions to foment even wider trouble. Indian officials have hired several thousand young men to try to curb extremist agitation in and around the camps.

What the Indians fear most is that the tension might take on a communal color—most of the East Pakistani refugees are Hindus terrorized by the Moslem West Pakistani Army—and touch off a nationwide chain reaction in which India's majority Hindus would take revenge on the country's 60-million Moslems.

The pressures are building in India to take some bold action that would stop the flood of refugees, a major threat to the country's already-fragile social and economic fabric. Bangla Desh officials are pushing hard on New Delhi to give them the support needed for a major offensive. They are asking for sufficient heavy weapons and air cover, although not Indian troops.

In the United Nations General Assembly last week, the Pakistani delegate charged that India has in fact been carrying on a clandestine war against Pakistan for the last few months. The charge bears some truth, for India has been giving sanctuary and arms to and training the Mukti Bahini (liberation forces) of Bangla Desh and has occasionally provided covering artillery and mortar fire for the Bengali guerrillas. With their hit-and-run raids, the guerrillas have been able to keep East Pakistan in chaos and the Pakistani Army off balance. They have been severing roads and bridges, knocking out power installations and killing a significant number of Pakistani troops.

The most dramatic of the guerrilla successes has been the damaging and sinking of ships in East Pakistan's two major harbors. The latest casualty was a Greek tanker, which Bengali frogmen damaged in Chittagong harbor about a week ago. Some shipping lines are thinking of halting all their traffic into East Pakistan. That would be a severe blow to the ability of the Pakistani Government to support its military occupation there.

Up to now, the Indians—themselves restrained from any rash move by their closest ally, the Soviet Union—have refused to help the guerrillas mount a major offensive that could seize a sizable chunk of East Pakistan territory and set up the Bangla Desh Government. But more and more people, including key Indian military officials, are shaking their heads gloomily and saying that unless the civil strife across the border is ended very soon by a political settlement, there may be no alternative to some kind of military action against East Pakistan.

Even if the Indians do not immediately sanction a full-scale thrust to seize major territory, where at least some of the refugees could go back to live, reports here indicate that New Delhi is increasing its arms supply to the guerrillas and that there will be a sharp increase in guerrilla activity within a few weeks—"a big punch," as one Bangla Desh official described it.

How far India is prepared to go eventually to support the guerrillas is not clear. Most observers here feel that India's ability and willingness to absorb the refugee pressure is not limitless—that there is a breaking point and that it could come soon.

No decision on that is likely to be made until Mrs. Gandhi returns from her major tour of Western capitals, including London and Washington, on which she embarks later this month. The Prime Minister will be pressing for stronger Western support for India's position—that Pakistan's military regime must negotiate a settlement in East Pakistan with the Awami League, the autonomy-minded party that won 160 of East Pakistan's 169 National Assembly seats (a national majority) in last December's elections and was outlawed when the Pakistan Army struck in March. Mrs Gandhi will also presumably be probing subtly—particularly with the Nixon Administration—to find out what the Western reaction would be to a major Indian military action.

If Mrs. Gandhi gets nothing but more urgings of caution and restraint and comes home feeling that India is being abandoned or isolated, then caution and restraint may be the next casualties on this disturbed subcontinent.

[From the New York Times, Oct. 14, 1971]

Horrors of East Pakistan Turning Hope Into Despair

(By Malcolm W. Browne)

Dacca, Pakistan.—The horror of life in East Pakistan shows every sign of becoming permanently institutionalized, and most if not all the foreigners who came hoping to help are on the verge of despair.

In particular, the chances of reversing the tide of millions of destitute refugees who have fled to India seem remote. Most governments consider the refugee problem the main catalyst in the atmosphere of war prevailing on the subcontinent.

India charges that military terror in East Pakistan since the central Government moved against the Bengali separtists March 25 has driven nine million refugees across her borders. Those people, the Indians say, are an intolerable drain on already vastly overtaxed economic resources and a force that could result in a political catastrophe or internal warfare.

The New Delhi Government has hinted that as a last resort it might try to change the situation in East Pakistan by force to induce the refugees, whom Pakistan numbers at less than a third of the Indian figure, to leave India. Pakistan has hastened her own preparations for war. Major troop movements have been reported here and in India in the past few weeks.

The Soviet Union, China and the United States, among other nations, are deeply entangled in the feud. The United Nations and other international organizations have been working with great urgency to alleviate the misery and, especially, to prevent a war.

Dozens of governments have teams of experts, technicians and diplomats working in East Pakistan. The United Nations East Pakistan Relief Operation alone has 75 officials here.

There is some disagreement among the hundreds of foreign officials about the techniques by which the refugees could be repatriated. But there is apparent unanimity on one subject: that East Pakistan should overcome its reputation as a place of endless horror and suffering.

To that and many Governments, including that of the United States, have pressed the Pakistani Government at Islamabad for fundamental changes in East Pakistan, among them these:

NO REAL PROGRESS DISCERNED

The end of police and military terror directed against thousands of political suspects and millions of non-Moslem members of ethnic and religious minorities.

A reasonably representative government in Dacca, capable of restoring the faith of East Pakistan's population in the future of democracy.

A much more convincing effort by the central Government to relieve the physical suffering wrought on East Pakistan's predominantly Bengali population by flood, cyclone and war in the last year.

The consensus among the foreigners working here is that there has been no real progress in any of those areas.

Whispered conversations with Bengalis still have to do largely with alleged atrocities by the occupation army, which is largely made up of West Pakistanis and is hatred by most of the population.

One tale that is widely believed and seems to come from many different sources is that 563 women picked up by the army in March and April and held in military brothels are not being released because they are pregnant beyond the point at which abortions are possible.

A government spokesman denied the report and challenged any accuser to name the place where the women are supposed to be held. On the other hand, a number of Bengali gynecologists are known to have been performing many abortions on girls held at army installations and released.

TWO OF THREE RELEASED

In a clandestine meeting elaborately arranged to elude military surveillance, a Bengali farmer told this correspondent about one such experience. Talking with great reticence and glancing around in fear that he had been led into a police trap, he said:

"The army came to the village on the night of April 11. One patrol led me away from my house to identify something, and when I got back I found my sister was missing. Another girl, the daughter of a neighbor, was gone, and there was a Hindu family whose girl was missing.

"In the middle of May they released my sister and the neighbor's daughter, but the Hindu girl is still gone. The two girls who came back are both pregnant and will have their babies. At the place where they were kept there were 200 or 300 girls doing the same thing. They had to wash clothing and to make love to soldiers two or three times a day."

"My sister doesn't know where she was kept," the farmer added.

Many Dacca residents, including foreigners, tell of having seen young women taken away by military policemen without even an identification check.

Other people, obscure and prominent, are also subject to arbitrary arrest, although President Agha Mohammed Yahya Khan proclaimed a general amnesty for political prisoners last month and his action was warmly applauded by foreign diplomats seeking political accommodation in East Pakistan.

The diplomats, who now say that the amnesty was purely cosmetic, report that the Government not only has failed to release any important prisoners but also has continued arresting politicians, professors, lawyers and others by the hundreds.

According to a number of reports, some foreign observers, a number of persons under amnesty have been arrested and shot.

THE MOST PROMINENT PRISONERS

The most prominent prisoner is Sheik Mujibur Rahman, universally acknowledged as the political and spiritual leader of East Bengal. Sheik Mujib's Awami League party won a sweeping election victory last December for National Assembly seats allocated to East Pakistan and he had been scheduled to become Prime Minister of all of Pakistan.

Most diplomats and other foreigners believe that a resolution of the East Pakistan crisis can be found only if Sheik Mujib is permitted to exercise the role of leadership in East Pakistan to which he was elected. But he remains a prisoner undergoing a secret military trial and facing a possible death sentence.

Members of his family, while not accused of any crime, are held as virtual prisoners here.

Such political repression has extended not only to the banned Awami League but to any politician or group likely to embarrass the military regime.

The effect was dramatically underscored last week by a former chief of the air force, who decided to try running for public office in view of the Government's announced intention of moving toward democratic processes.

The officer, Mohammad Asghar Khan, a retired air marshal, is known throughout Pakistan as a patriot and political moderate. He commanded the air force in 1965 during Pakistan's brief but bloody war with India and has always insisted that Pakistan remain one country.

PROGRAM WAS CENSORED

Mr. Asghar Khan, a West Pakistani and a leader of the movement that brought about the collapse of President Mohammad Ayb Khan's Government in 1968, offered a conciliatory program calling for major development efforts in East Pakistan and genuine political freedom for its people, but it has been completely censored. On Friday he announced that no candidate could run unless he could reach the public through the press, so he was withdrawing.

"Today is a black day for democracy in Pakistan," he said, "when even I, with a mild program breaking no martial-law regulations, am frozen out."

When the army occupied East Pakistan and banned the Awami League, the election was, in effect, annulled. Some elected assemblymen were cleared by the army to take their seats, but most had fled to India or joined the guerrillas.

In July, President Yahya Khan announced that by-elections would be held to fill the seats.

Government-approved candidates and parties, most of them strongly right-wing and fundamentalist Moslems and all heavily escorted by troops, have begun giving speeches in East Pakistan, and are reported on at length in the controlled press. All have advocated a war to the finish against "miscreants" and "Indian agents"—words invariably used by the Government to describe the Bengali guerrillas.

Meanwhile, the anguish of war continues in the countryside.

The guerrillas are taking an increasing toll of the occupation army and medical circles report growing numbers of bodies of soldiers. The guerrillas are also said to be assissinating members of the local "peace committees," civilian groups made up mostly of non-Bengalis and assigned to carry out army administration of occupied areas.

When troops or peace committees are attacked, the army burns hamlets to the ground in reprisal, and local reports usually tell of heavy losses of life.

In the prevailing circumstances, according to most foreign observers stationed here, the refugee crisis and the other major problems are not susceptible of solution, however much foreign assistance is poured in. It is especially unlikely, they say, that East Pakistan's Hindu minority, about 10 per cent of the March population of 75 million, will ever return in any numbers.

The Hindus were particular targets of the soldiers. Hindu communities and shops burned out by the army stand deserted, their temples smashed. The Government has made it plain that Hinduism will no longer be tolerated in East Pakistan; to reinforce the point, the new civilian Governor, Dr. A. M. Malik, did not appoint a Hindu to his interim cabinet.

CENTERS NO LONGER VISITED

A foreign relief worker, reflecting the failure of the Government's amnesty, said: "We no longer bother to visit the Government's 60 or so refugee reception centers. It's obvious they aren't coming back in more than a tiny trickle—none in some areas."

"At one place," he added, "we discovered the Government had a staff of professional refugees that they brought out whenever visitors came to show that something was going on."

"The army authorities tell you there are 2,000 refugees at some camps," another expert related. "You go there and find a handful of people wandering around, and under continued questioning the authorities agree maybe there are only 200.

"After hearing as many deceptions as we do, it quickly reaches the point at which we cannot take the Pakistan Government's word for anything, however trivial."

There are universal complaints that even in the matter of humanitarian relief the army has commandeered all available trucks, cars, motor launches and boats—the only available means of moving food or supplies until foreign relief vehicles can be brought in.

BLAME PUT ON INDIA

The Government insists that all or most of the troubles would disappear if India would end her "provocations" and stop infiltrating men and arms into East Pakistan.

The Pakistanis say India's warlike actions are demonstrated by her unwillingness to allow United Nations or other foreign relief workers to enter the border zones near East Pakistan. Pakistan, on the other hand, has admitted relief teams.

Some diplomats believe that a partial solution would be the imposition by the United Nations of a military peacekeeping force between East Pakistan and India, through which refugees could move if they chose. It seems unlikely that either country would agree to such a move.

The pessimism among foreign observers is formidable.

"There is really nothing anyone with any amount of money can do for East Pakistan," a relief expert commented. "It seems to be an irredeemable land whose people are doomed from birth, and as the population of the subcontinent doubles every generation, it will only get worse."

"My own feeling," he added, "and I know lots of us share it, is that the outside world might just as well pull out now and let things here take their inevitable course."

COURT ORDERED BUSING

Mr. BROCK. Mr. President, my constituency continues to struggle under the heavy burden of court ordered busing of our children in a well nigh unattainable attempt to achieve some mythical racial balance in our public schools.

Apparently completely obscured is what should be our prime objective, quality education for all children. Such disruption of our schools has resulted from many of these plans that not only is it impossible for children to learn in such an atmosphere, it is also impossible to maintain discipline.

Reports of events taking place in schools such as West End Junior High in Nashville strike terror in the heart of every parent who must send his child off in the morning with a prayer that he or she will return safely at night.

One such report was presented by Mr. John N. Shockley, Jr., gives us a graphic picture of the ordeal our children and parents are enduring. I ask that the attached article from the Nashville Banner of September 29, 1971, be included in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

West End Parents Air Frustrations

Worried and frustrated by lack of discipline, a 58 per cent Negro-42 per cent white ratio and absence of textbooks three weeks after the beginning of school, representative of parents of West End Junior High School appeared before the Metro school board Tuesday.

Spokesman for the group was John N. Shockley Jr., who with quiet, courteous and firm delivery, outlined the West End Junior High School as viewed by his group.

His complete remarks are as follows:

"We appreciate this opportunity to appear before the School Board.

"We represent a large number of parents and others, evidenced in part by this large gallery, who are concerned with some unfavorable conditions at West End Junior High School.

"1. We assert that there is a vast discipline problem at West, involving physical abuse, molestation between the sexes, and intimidation that for many parents and children is casting a shroud of fear over them. I have in my possession a number of affadavits signed by individual parents that will attest to the severity of the discipline problem. I am free to share the content of these with you privately, or perhaps in an executive session, but not, within the context of this public meeting.

SLOW START

"2. We assert that the school year has been very slow in getting started this year. We are concerned about class organization, schedules, the number of teachers, and whether or not students have been grouped according to the best interests of each, as far as mental aptitude and achievement are concerned.

"We are especially concerned that, by and large, textbooks are not yet available at West, although school has been in session almost a full month.

"3. We are convinced that these circumstances are aggravated by the fact that the school has a black majority—an apparent 58–42—black-white ratio.

We maintain that the black majority at West is in direct violation of the recent court order. We suggest that this, as well as idle time, contributes greatly to the discipline problem.

"4. We ask school officials to examine closely the conditions alleged, and to examine closely the breadth and depth of the curriculum at West. We ask you to consider whether or not this environment is conducive to preparing young men and women for responsibilities of later life.

ASK FOR ACTION

"5. We ask for action on each point noted. We ask that positive, definite steps be taken immediately to control the discipline, and that parents be informed of such action.

"We ask that there should be textbooks at West tomorrow, if the books exist today.

"We cite the black majority point as a legal one, and emphasize that if the School Board, in its wisdom, does not see fit to challenge or change this imbalance, our next consideration will be to initiate litigation in the courts. We suggest that the Board may wish to consider the feasibility of a joint action with us in this event. We have received legal advice that the court order is not being effected as intented.

"Finally, we wish to assert the fact that this is not a personal attack upon the principal of West End Junior High School. It is instead, an attack upon a problem. It is, in our opinion, a matter of a job that is not getting done.

"We respectfully ask your assistance in providing safety in fact and the assurance of a good education for a large group of children—black and white," he concluded.

SOLVE PROBLEMS

Indications by Dr. Elbert Brooks, director of schools, were that a meeting would be set up with Shockley today to attempt to solve the problems he outlined.

School Board Chairman C. R. Dorrier assured Shockley "we'll do something about all these things."

"Discipline, of course, is a continuing problem," he said.

"We are just as concerned as Mr. Shockley about discipline," Dr. Brooks said.

Concerning pupil ratio, Dr. Brooks said that if the ratio of more Negroes than white children had resulted from an error, this could be corrected. But if it had occurred because fewer whites had appeared at West End that were zoned to West End, it was not a matter that could correct itself.

"The staff has moved to correct the error of zoning at West End," Brooks said. A total of 125 Negroes are to be moved from West End Junior High to John Moore to improve the racial balance at West End. John Moore Elementary would still remain predominantly white, according to what Dorrier told Shockley.

Brooks noted that the students had been improperly zoned to West End, rather than to John Moore, and that "we are simply correcting the situation."

West End, following the change, would have just under "50 per cent black with 668 pupils, more or less," Dorrier said.

A member of the staff said there would be plenty of textbooks at West End with the shift of the 125 students authorized by the board. "I don't know if they have been issued, but the books are in the building," he said.

PARENTS DEMAND END TO SCHOOL LAWLESSNESS—CURRICULUM, LACK OF BOOKS ALSO CITED

(By Grady Gallant)

Spokesmen for parents with children in public schools appeared before Metro School Board Tuesday and demanded action to halt street fighting tactics by some pupils, enforcement of discipline and school rules, and issuance of textbooks to some students who have been in classes for almost three weeks without any.

One parent made an eloquent plea for authorization for transfer of his son from Bellevue High School to Hillwood High School so he could take required courses for college entrance as a major in veterinary medicine.

The 192 seats in the board room were filled with parents and observers of the Metro School Board in action as those who spoke took the speaker's stand to recite frustrations, fears, criminal activity by some pupils against their children and demanded action to solve their problems.

The meeting lasted two hours and 15 minutes.

Cecil Scaife, "father of four teen-agers—three cheerleaders and a football player," told the board his daughter had been robbed as she sold football tickets in the hall of Maplewood High School.

"One of our All-City ends was struck by a chair and knocked unconscious" in another incident at the school, he said.

"On Sept. 21, a student in the class with my daughter was attacked at knifepoint. The overall length of the knife was 10 inches," he told the Metro Board of Education.

"When my daughter told the teacher, who had been temporarily absent from the classroom, what had happened, the assailant threatened her, saying: 'I'll take care of you later.' "

Scaife said the knife-wielding student "stayed in the class all week."

"I called the assistant principal and asked what action was being taken. Two days later, this last Friday, the student was on probation, but still in class," Scaife said.

The assistant principal told him, Scaife said, that "I had citizen rights, if I wanted to press charges."

"I asked him, 'where is your system? Can a student actually come in a classroom with a lethal weapon and make a threatening attempt to pull it on someone and still stay in school.' "

Scaife, who is an official at Columbia Records here, recommended that armed guards be placed in Metro schools.

W. W. (Billy) Benz Jr., a member of the school board who said he is a friend of Scaife and knows Scaife's daughter, said:

"I think it is ridiculous that a parent has to come out here and present this to us. This girl is still in school and she threatened someone's life. They have the knife in the office. There is no doubt about this. I'm a parent as well as a board member and this is just absurd to me."

Board Member Frank Grisham said that he didn't think the board should "sit in judgment on particular cases as detailed as this in open meeting like this until such time as it has been properly reviewed by the staff."

"We're not trying to hide anything," Grisham said. "We know we've got problems. At the same time, we need to inform the community that we know their problems and do something about them."

Metro school system has no policy whereby incidents involving breaches of conduct are reported to school headquarters, unless the matter is serious enough—in the judgment of the individual school principal—to warrant suspension.

Dr. Elbert Brooks, director of schools, said that he was not aware of the incident of knife play described by Scaife. Since no reports are routinely made concerning such activities, unless the principal suspends the student, this would not be unusual.

Hugh Waters, area superintendent of District 1, noted there had been a staff meeting with school principals on matters and procedures concerning discipline in the schools. All the principals had left the meeting resolved to enforce discipline, he said.

Jack Paramore, director of development for Free Will Baptist Bible College, spoke from the audience to say "we do have a problem and it's developing into a serious matter."

"Some of us are afraid for our children's safety," he said. "We are deeply concerned; we are deeply concerned for their education.

"I feel that my child is getting less from his education this year than in any previous years. We've been forced into a situation we don't like. We are going to have to find some way to secure our children's safety and proper education, which points up to a private educational system," he said.

"I don't like that. But I sincerely believe that the public system is in deep trouble. Many people here today have already placed their children in private schools. Others are going to follow suit. We are not correcting the deep-seated problem wherever we may locate it. It is intensifying. 'What is going to happen to public education in the future?' " Paramore asked.

John N. Shockley, a parent appearing as a spokesman for a group of parents with children at West End Junior High School, asked immediate action to correct slack discipline at that school, provide textbooks and adjust the pupil ratio.

Shockley said the white-Negro ratio at West End is 53 per cent Negro to 42 per cent white. If this could not be corrected, he said his group was prepared to enter into litigation in the matter and invited the school board to join with the group in this action, if it became necessary.

"We assert that there is a vast discipline problem at West, involving physical abuse, molestation between the sexes and intimidation that is casting a shroud of uneasiness over many of the children and their parents," he said.

He asked for textbooks for the children, who have had none since school began.

Dale Edwards appeared before the board in behalf of his son, who wants to study veterinary medicine in college and who needs Latin as a requirement.

A junior at Bellevue, Dick Edwards found that the one Latin class there—which has not yet begun—conflicted with a needed course in chemistry.

Edwards had requested transfer to Hillwood High for this reason and the request was denied.

"This is a plea for academic necessity," the father told the board. "We are requesting a transfer from a school which has less than 40 black students to one which has over 400—from a school which has over 200 more students than projected to one that has over 200 less."

Dr. Brooks told Edwards he would meet with him in an attempt to solve the matter and that he would call him to make the appointment today.

THE INAUGURATION AT DENMARK, S.C., ON OCTOBER 22, 1971, OF DR. HARRY PIERSON GRAHAM AS PRESIDENT OF VOORHEES COLLEGE AND THE INAUGURAL ADDRESS BY WASHINGTON, D.C., MAYOR WALTER E. WASHINGTON

Mr. THURMOND. Mr. President, it was my pleasure on October 22, 1971, to attend the inauguration ceremonies for Dr. Harry Pierson Graham as president of Voorhees College in Denmark, S.C. He is a native South Carolinian who brings distinction and dedication to the position he now holds and I know him as a man who will render great service to the college, the community, and all whose lives he will touch.

On the occasion of his inauguration, a most fitting ceremony was held at the college which was attended by a large gathering of students, alumni, and friends of Voorhees. Included in the official guests were Congressmen FLOYD D. SPENCE, W. J. BRYAN DORN, and MENDEL J. DAVIS, all of South Carolina; Lt. Gov. Earle E. Morris, Jr.; and Denmark Mayor Walter E. Brooker. There were also representatives there from a large number of colleges and universities from around the Nation. The Protestant Episcopal Church which is the college's sponsoring institution also was well represented by the Reverend Stephen B. Mackey, the Reverend William O'Neal, and the Reverend Canon James Davidson.

One of the highlights of the ceremony was the inaugural address which was delivered by Washington, D.C., Mayor Walter E. Washington. His remarks on Americanism provided an inspiring message to the college, its students, and its leaders and were highly befitting the inauguration of such an outstanding new president as Dr. Harry Pierson Graham.

Mr. President, the high caliber of this new administration is in keeping with the tradition of educational excellence and service to mankind. I am very pleased to reiterate my congratulations to Dr. Graham and to Voorhees College for this new chapter in their history of service.

ADDRESS BY DR. HAROLD J. SCHULTZ

Mr. PEARSON. Mr. President, Bethel College of North Newton, Kans., one of our finer church-related colleges in the State, has a new president this year, Dr. Harold J. Schultz.

On October 22, the college held a convocation to initiate inaugural festivities. Our distinguished colleague, Senator MARK HATFIELD, spoke at this convocation. Upon returning, Senator HATFIELD told me that he was most impressed with the convocation address by Dr. Schultz. Since that time, I have had an opportunity to read Dr. Schultz' speech. I found it to be an excellent statement. Dr. Schultz, an accomplished historian and an innovative educator, has a great deal to say about the role of the small college in the American educational system today. But his frame of reference is much larger than this, and he makes a number of most worthwhile observations about American society at large.

Mr. President, I want to call this statement to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WITHOUT A VISION

(By President Harold J. Schultz)

To everything there is a season and a time to every purpose.

A time to begin and a time to be born.
A time to plant and a time to heal.
A time to weep and a time to laugh.
A time to breakdown and a time to build up.
A time of war and a time of peace.
A time to mourn and a time to dance.
A time to keep silence and a time to speak.

And the presidency is all these things and more, I find, and yet there is never enough time to do the things or dream the dreams that give life and meaning to an institution. In recent years in America there has been more time given:

To war than to peace,
To breaking down than to building up,
To pessimism than to optimism,
To putting others down than to reaching out and lifting others up,
To typing and stereotyping than to individualizing or humanizing,
To winning instant ends by dubious means, blind to the fact that means determine ends.

This morning, on this occasion, take the time to join me as I join you in dreaming some dreams. For without a dream, without a vision of what we can be or hope to be, a people, a college, or a church perish. Carl Sandberg puts it simply: "Nothing happens unless first a dream," or the British poet of the 19th century Arthur William O'Shaughnessy captures it in "The Fountain of Tears." He writes:

We are the music makers
And we are the dreamers of dreams.

One man with a dream, at pleasure
Shall go forth and conquer a crown
And three with a new song's measure
Can trample an empire down
For each age is a dream that is dying
Or one that is coming to birth.

"For each age is a dream that is dying or one that is coming to birth." That is where we stand this morning as a private Christian liberal arts college at the crossroads of two eras—of an age dying and of one that is coming to birth.

That is both the peril and the promise of any turning point in history. Education is currently in a state of flux. The pace of change quickens each year. Change *per se* is neither good nor bad, it is simply a fact of life. The excitement, the challenge, is to channel that change so that our life becomes more lovely, more humane, and our educational institutions more enriched and creative.

There is, understandably, a tendency to have only a rear view mirror of life and of education, to return to the "good old days" with a locked in curriculum, and isolated campus and a prescriptive code of ethics. It served its purpose, and often well, at one time, but you can't turn back the clock. One can no longer separate the college from the collision of ideas found in the larger culture.

Bethel College can be proud of its past. You can't read the history of this institution without being moved by the drama of men with vision dreaming impossible dreams. When we talk about risks today, or a vision for 1980, we are in the tradition of Bethel's founders who took great risks and leaps of faith in their day. To be authentic, to be true to itself, Bethel will continue to find identity in its Anabaptist and Mennonite heritage. Such a heritage, however, demands a vision of how a college, so conceived and so dedicated, can find both resources and educational experiences that minister to the current and future needs of Bethel students.

The challenge of the future will be greater perhaps than ever before. Lip worship or a printed list of Bethel's goals will not be sufficient. We must be what we say we are. We must bend ourselves to the service of all men. Father Hesburgh speaking to the ACE two weeks ago pointed this out. He said we were all so busy growing in the last twenty years that we did not have time to ask whether what was good for two percent of the college age group in 1900 was equally good for the forty percent of the college age group, or eight and one half million students, in 1970.

I would concur with Senator Hatfield, our inagural speaker, when he says in his book, *Conflict and Conscience,* "Our nation was born in revolution why is it then that we have suddenly become so fearful of change . . . peace will not come to earth until the total needs of mankind are met . . . we cannot protect the status quo." Such horizontal or peripheral vision of man and his needs is made complete by the reconciliation of man in Christ Jesus I have found, or, as Hatfield puts it, "I believe the wisdom and compassion demanded to solve any of today's personal or societal problems cannot be found in any person or place other than in the power of God working through man."

The profile of events and issues that force change becomes increasingly clear. The shear growth of numbers in young adults entering post-high school education challenges the structures of education established for a more limited clientele. In growing older there is also a tendency in each institution to proliferate its functions and objectives for very good reasons at the time. In time, institutions multiply their commitments and permit their growth to be governed too quickly by the random availability of the resources of the moment. Such random growth patterns lead obviously to a conflict of purpose, of goals, and always of means to achieve our goals. We are tempted to go into many things and do many things poorly.

The pressures are compounded by the random growth of community colleges dotting the landscape and giving away almost free, except to the tax payer, what the private college has to charge for around the corner. Add to this the spiraling costs—the fact that it costs more to do less every day in education—and the yawning credibility gap between those who provide the resources in private education, the donors, and the students who use those resources, the consumers. In such a context it's quite tempting to give in to the new pessimism about the future of private education, and to say that it has been tested and found wanting.

I am neither an optimist nor a pessimist. I am simply convinced that it is possible not only to survive but to grow in stature and in service. If one looks at history one sees again and again that the direction of change is not locked in or predetermined. You see crossroads, a selection of options. Two roads diverge. The real question is to learn what are the viable and meaningful alternatives open to us in 1971. Here is the excitement and occasion to dream dreams. The current ferment should open up a variety of educational options in the seventies. We can either help form these models or be formed by them. And playing safe is no security. In the highly competitive academic world of education today when our admission counselors are scrambling to outsell one another to a prospective student who is already worldly wise and jaded by such undue attention, students and donors are not going to buy an outdated or nondescript college.

Our future is to be *more* distinctive at Bethel, not *less*. To do a few things very well, not many things poorly. There is risk in this but there is infinitely more risk in trying to be all things to all people or in being a nondescript ex-Christian college, Dag Hammarskjold, the late secretary general of the UN, says, "It is when we all play safe that we create a world of utmost insecurity." As a historian, my mind flits from example to example where a small determined minority changed the world. That is what is exciting and threatening. One did not really take the Bolsheviks too seriously in Russia in 1917. After all they were only 200,000. How could they take over a giant nation of six million square miles? The interim premier, Kerensky, knew they were plotting but he did not take them seriously until the night before the coup; by then it was too late.

Turn the coin and ask who really believed that a small band of disciples, unarmed, often illiterate, could overturn the mighty Roman empire and be the church, the only institution to survive its fall. Martin Luther King puts it "Almost always the creative dedicated minority has made the world better, not the passive majority." Private education in America will never again be the establishment. Our numbers are dwindling every year. As Christians reflecting on such a minority status in the world this should really not distress us. The real question we have to face is are we, or can we become, a creative minority and offer a joyful authentic alternative in the spectrum of higher education. Here is where Bethel has a challenge. And I join you this morning in responding to that challenge. For the college or university can be an excellent vehicle for innovation.

Sam Gould, recently chancellor of the State University of New York says:

"The university has always been ahead of its time yet behind the needs of its people. Rightly understood a university is not a place; it is an ideal and an activity, guided by vision and reshaped in action. The paradox of our time is that the university has been so busy reshaping knowledge and culture in the face of incredible changes in space, time and value, it has not had time to reshape itself."

Certainly the ability to understand and adjust to change is precisely what higher education today is all about. I see the college of the future far more flexible than it has been in centuries. It will increasingly be a global university with exchange of students and professors across cultural and international frontiers.

First, a few comments on the means of change because means are more important than ends since they determine ends. To assume that instant change, like instant coffee, can occur with little regard to the process that successful change demands is not a vision but a nightmare of nihilism and anarchy, and that is the worst tyranny of all. Jean Francois Revel, in his current best seller, *Without Marx or Jesus,* makes the valid point that in America we will not be saved either by the destruction of civilization or by its mere continuation. Rather, it is essential to develop the ability to reshape our civilization and our educational institutions without repudiating or annhilating them. This is the originality of the American Revolution that profound changes can transform American society without wrecking the institutions.

In distilling a few observations from history I am drawing on the pleasure of the study of history and no doubt stealing, though not by design, some reflections made by others. After all, as Will Rogers puts it, "All work and no plagiarism makes a dull speech." And some of you students extend his remarks to claim that "all work and no plagiarism makes an equally dull term paper." My mind turns first to Mahatma Gandhi, a skinny, frail, stooped, Indian who had a vision of a free and independent India. Gandhi's method was satyagraha, or soul force, whereby your opponent was weaned from error by patience and love, not crushed. During World War II, Gandhi had a perfect chance to purchase independence by guerrilla tactics and violence. He refused, knowing the means would poison the goal. Instead, when the Indians, led by the frail Gandhi in a loin cloth, allowed themselves to be beaten with batons and rifle butts and did not cringe or reply in kind, they showed the English rulers that they were ultimately powerless and that India was invincible. Thereafter it was merely a matter of time and patience.

Martin Luther King, the American counterpart to Gandhi, became the instrument that pricked the conscience of white America. Drawing on Gandhi and abiding faith in God, and God's means—love and the power of spirit over matter—he used means that gave moral momentum and dignity to the cause of civil rights. Like Gandhi he realized as Eric Hoffer, the longshoreman philosopher, puts it, "Retribution often means that we eventually do to ourselves what we have done to others." In the months ahead our means and motives in becoming what we can be and wish to be will be as important as our goals and probably speak much louder.

What then might we become? This is not the time to draw blueprints, rather, this is the time to share hopes and to dream things that we are not yet, and ask, Why not?

First in the year of our Lord 1971, we should stand in judgment of ourselves for symbolizing all too clearly the fracturing of the Christian community. Our competitive sectarian colleges dot the Kansas landscape. We profess the unity that is in Christ; we practice the disunity that is in our rival Mennonite branches and in other branches of the Christian faith. The church college should be in the vanguard, not in the wake, of efforts to bring about reconciliation among Christians, among churches, and among their schools. Enlightened self interest, if nothing higher, says join hands, cooperate, complement one another. We wish to put it to the test to see whether it is really possible to love thy neighbor as thyself when thyself and thy neighbor happen to be neighboring institutions. Are we ready and willing to remove the ethic from the page of Holy Writ to the arena of human conflict and academic competition?

Secondly, can we retool to make continuing education a vital characteristic of our educational philosophy? Educational experiences in the sense of learning to communicate, to grove, to love, to share, are never obsolete. Only information becomes obsolete. Will we increasingly "stop out" and "stop in" more, aware that age 21 or 22 is not the end of learning but only the beginning of wisdom. As Alvin Toffler puts it in *Future Shock:*

"The rapid obsolescence of knowledge and extension of the life span make it clear that the skills learned in youth are unlikely to remain relevant by the time old age arrives. Superindustrial education must therefore make provisions for a lifelong education on a plug-in-plug-out basis."

Thirdly, we have not yet learned how to capitalize on our size and to make it a distinctive plus that neither the multiversity nor the community junior college can match. Smallness can lead to suffocation, to triviality, but it can also lead to a genuine community of young adults. Granted "community" is one of those magic words that is often more rhetoric than reality. We yearn so intensely for it because our transient, impersonal society makes life and community so difficult. We sense every day the consequences of estrangement from our fellowmen. Community does not arise, however, simply from living together on 37 acres or in units small enough to know everyone else. But it can arise from a common sense of identity, a shared commitment, from the unity of the heart as much of the mind.

It was not primarily academic issues that unravelled our universities across this country in the past several years, but the breakdown of community, of concern, and moral consensus. In the keynote address by President Hesburgh at the ACE two weeks ago he reinforced this point when he noted that, "When members of a college stop caring about each other or their institution, or become unclear about personal or institutional goals, then community ceases to be and chaos results." In this sense authentic community is directly tied up with the kind of school we want to be and the kind of people who will be attracted to it. We are not an academic cafeteria. Other schools can and will cater to other goals and purposes. Our reason for being is based on a Christian philosophy of education that attempts to grasp the fullness of life in the Lordship of Christ and the abiding freedom that is found in the preception of truth.

This means that this kind of school has an obligation to unify. To unify people and disciplines. For a liberal education, by definition, is a liberating experience. Therefore we will not focus on sub-specialties at the expense of the center. Granted it is very important to learn a trade or a profession. We need Christian professionals in every walk of life but we don't fragment the whole—the great humanistic question of justice and injustice, love and hatred, war and peace, or the meaning of life and death—to meet that objective. How to live a more complete life and be a more complete person will continue to be central.

Finally, although any good college stands for a number of things or has a clear cut image among its peers or prospective students, such as Antioch, Berea, Wheaton, Reed, or Goddard have, Robert Nisbet, in his book *The Degradation of the Academic Dogma* says:

"Always . . . there is some single recognized and inspiring function that gives a college its character that supplies cement for human allegiances. Thus no matter what range of things a family does for its members we are in no doubt of what its central, its unique function is. And it is the continuing vitality of this function that will alone serve to hold in degree of importance the other things the family represents."

Even in the judgment of critics hostile to the thrust of any of the above schools, Morris Keeton notes that there is a distinct benefit to have such a distinctive model or models in our educational spectrum, not only for their own clientele, but for the benefit of education at large.

I see Bethel, therefore, as continuing its scholarship and service dimensions but with a much more visible and complete focus on peacemaking and conflict resolution. This could and should permeate its core offerings and be the capstone that clarifies the school's reason for being.

Let me explain. I am not referring here to the conventional stereotype of the peacenik. The *Saturday Review* editorial of September 18, 1971, puts it this way:

"Everyone seems to agree from the president down that we have to find some way other than war to protect ourselves, support the cause of freedom in the world and serve the cause of man. But who is giving any consecutive thought to 'another way'. We ask the world's people to spurn communism and we back up this advice with the offer of guns, but what revolutionary idea do we ourselves espouse?"

Two weeks earlier the *Saturday Review* asked about a curriculum for peace. Where do politicians, scholars, or citizens go to learn how to prevent wars and stop them once they have started? Where do you find the contingency plans for peaceful settlements of international disputes? Where is our Peace Pentagon? Is there no strategy for peace or for peacemaking that can be taught and learned?

For thousands of years we have run through wars and war games and after our thousandth and perhaps ten thousandth failure we just keep on with more of the same. "How many universities, scientific institutes, or government agencies in any country are agreeing on social strategies and principles for peacemaking; to proclaim, teach, and apply them on a national and international scale?" We mock the idea. It is as absurd as Jesus' Sermon on the Mount we say, or as ridiculous as the life of St. Francis of Assissi. And yet, college students asked to name the three most influential men in the twentieth century put at the top of the list two out of the three most conspicuous practitioners of nonviolence. The three who won these laurels were Lenin, Mahatma Gandhi, and Martin Luther King. Two out of three were practitioners of nonviolence.

The first International Peace Academy opened last summer in Helsinki to study and to act on the issues of peace and war and to train professionals in the field of nonviolent settlement of international dispute and internal wars. In our own country Manhattan College in the Bronx, New York, offers this fall an undergraduate interdisciplinary peace studies major. I wrote its director, Mr. Tom Stonier, Professor of Biology, a letter asking for an explanation of their program. In his response he catches the excitment that came with the introduction of this major. In part, he responds:

"The announcement of Manhattan's peace studies major on March 28 drew unprecedented response from the media and well wishers all over the world. With the Associated Press, United Press International, and Religious News Service carrying the news of the 'major breakthrough in education' the announcement of the major was spread to every major Sunday paper in the country and in papers in at least a half a dozen other countries. Radio stations called for telephone interviews with Brother Francis Bowers, Dean of the School of Arts and Sciences. Radio stations in New York did an editorial that was played throughout the day applauding the new major . . . Manhattan was not the first college to offer an undergraduate peace studies major but letters and calls of inquiry and congratulations continue to pour in from all over the world."

For Bethel such a distinctive would be authentic and legitimate. Far more, perhaps, than for Manhattan College which is capitalizing on the current concerns of the times. Bethel would draw on four hundred years of peace testimony, but not shield that dimension from the larger culture. Rather, it would share it. One wonders if peace games, instead of war games, could become best sellers. In the current issue of *Moneysworth* one of the bestselling games right now and ranked "first-rate" is the game called Risk by Parker Brothers, where you conquer the world if you can by placing your armies in the right places. Or you might prefer the game Diplomacy which sells for $8. More complicated than Risk, it requires doublecrossing and shrewd bargaining. The aim is to control Europe by means of secret agreements. Finishing one game can take ten or twenty hours.

The reality of such a model for Bethel hit me in Oxford, England. You seniors may recall the special *Time* issue of June, 1968 given over to the student leaders of America that year at Berkeley, Dartmouth, Harvard, UCLA, and elsewhere. One so featured was Robert Reith who helped head Robert Kennedy's campaign and who started the first free university in the Dartmouth area. I met Reith at Oxford where he was enrolled as a Rhodes Scholar at University College. I was pleasantly surprised to pick up the May, 1971, issue of *Time* and read about him again. Here his ideas at Oxford had jelled and he was now having some second thoughts. He is no longer leading marches on the Pentagon or seeking confrontations where masses of humanity move against an unseen enemy. Instead, as *Time* puts it, he is still committed to social change but he is now less confident about how to achieve it!

"On his return from Oxford Reith looked up McCarthy campaigners who had gone on to more anti-war marches and discovered to his horror that they had become burnt out cases running on pure energy and not really thinking about what they were doing any more. Now at Yale Law School and living in an urban commune Reith has ruled out the career for either regular law firms or most storefront legal service projects because they use law as an instrument of confrontation not conciliation."

He talks now of delegalizing society so that people can resolve conflicts without lawyers as in no fault auto insurance systems. To get such ideas across he has joined law and business students at Harvard and Yale in starting a public policy union to work with city officials and state legislators on social problems. He plans to get involved in Senator George McGovern's presidential campaign. This is only one example of the reality of conflict resolution and the overwhelming need to meet the problem.

So runs my dream: possible? impossible? Who knows? But why be satisfied with less? Not every evil that is faced can be changed but nothing is changed until it is faced. There must be a place for peacemaking in collective bargaining, in conflict resolution among families, between offenders and offended, among ethnic groups. I am not optimistic about peace—as opposed to war in human history. But I am willing to light one candle for peacemaking and reconciliation rather than curse the darkness of conflict and violence. Senator Hatfield writes:

"The leader who is dedicated to Christ is a man of peace for he serves a God of love. He sees every man without prejudice or favoritism as a creation of God. Thus even though he may disagree with another person's ideas he can accept and respect the other person on the basis of their shared origin. At peace with his creator and with himself the Christian can become a true peacemaker among other men for he will radiate the attitude of peace in all his relationships."

Or, as he puts it in an address in California:

"It is peace that we all yearn for today. Yet we know that peace is far more than can ever be negotiated at a conference or written into a treaty. It requires not only that hostility be ended but that the needs of people be fulfilled. And peace can never come perfectly among people until peace has come within them. In our day, the call to bring about such peace must be our calling. We who know something of the power and love of Jesus Christ that make men whole and that yearns to bring together all creation must make it our calling to bring about such peace."

Martin Luther King had a dream in which he said "Man must evolve for all human conflict a method that rejects revenge, aggression, and retaliation":

I have a dream of nonviolence;
Of a society in which vengeance and realiation are taboo;
Of a country which will not be ruled by bullets and by dynamite at home
And which will not seek to rule by bullets and by bombs abroad.
I have a dream of a day when little children
And their fathers and their mothers will not be judged
By the color of their skin but by the content of their character;
When personal values will be more important than property values;
When we shall see our brother's good as our own,
And feel our brother's pain as our own;
And we shall truly love our neighbor as ourselves.[1]

An impossible dream—for Bethel—for America? Never dream what is, but rather what we can be. Like Don Quixote in the "Man of La Mancha" one must hold fast to dreams for if dreams die life is a broken winged bird that cannot fly.

This morning, this year, another chapter opens for Bethel. Another beginning has been made. Let us dream together, and as a community of people who care let us pay the price to make our dreams come true.

For this weekend and this school year my hope, my dream is that:

There be joy,
That there be peace,
That there be a vision of what
Bethel College can be—and let us not be content with anything less.

BUSING OF SCHOOLCHILDREN

Mr. BROCK. Mr. President, is it too much to ask that some small measure of the balm of understanding and compassion be applied to the massive hurt being suffered by our children in the matter of forced busing? As a Tennesseean and as a representative of that State I continue to chafe under the deluge of mail which documents hardships and more importantly serious threats to the future of today's students. I refer to such cases as that of Dick Edwards, whose goal in life has been firmly set for some years toward becoming a physician in the field of veterinary medicine.

Dick is a junior in Bellevue High School, Nashville, Tenn., and has now discovered that subjects needed to matriculate in his chosen field are simply not available to him at Bellevue. His application for transfer has been denied presumably, because local school officials, struggling to comply with a well nigh impossible edict from HEW, fear that to grant Dick's request would subject them to added harassment at the hands of this agency and/or the courts.

Dick's whole future may be at stake here. Surely, when it is known what this program is doing to the lives of fine young men and women by imposing its will on them, the Congress will see fit to take action which will provide relief. I ask unanimous consent that the article attached from the Nashville Banner of September 29, entitled "Father's Concern Is Son's Education" be included in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Father's Concern Is Son's Education

L. Dale Edwards appeared before the Metro School Board to present his problem concerning academic courses his son, Dick Edwards, a junior at Bellevue, needed in order to have proper credits for entrance in college as a major in veterinary science.

Following this presentation, Board Chairman C. R. Dorrier told Edwards, "You made a very eloquent plea and it makes a lot of sense."

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[1] From Peter Ediger, *The Prophets' Report*, pp. 55–56.

Edwards' appeal follows:

"Frankly, I feel almost ridiculous coming up here after all these problems have been aired. I'm just appearing on behalf of my son, and I didn't even bring him with me.

"My sole purpose for appearing here was to appeal a rejection of a requested transfer because of conflict in classes. I have a 10-minute presentation and I simply hate to take up the board's time on this. It's important to us. May I go ahead? Thank you.

NOW ENROLLED

"Now, Dick is a junior at Bellevue High School. He is enrolled for American history, chemistry and English and Latin. He plans, and has planned ever since junior high school, to go into veterinary medicine. I hope to direct this interest into medical school.

"Perhaps the easiest way to explain my dilemma is to recount exactly what has happened to date. We discovered a week before school was to open that Latin was not offered at Bellevue. On or about Aug. 31, we requested a transfer to Hillwood from whence we had been rezoned because we knew Latin was available there.

RECEIVED NOTICE

"It was not until Friday, Sept. 17, that we finally received notice that the transfer was refused because Latin was to be offered at Bellevue for the first time. Incidentally, it is interesting to note that as of today there still is no Latin class in Bellevue.

"Monday, Sept. 20, which was Fair Day, I went with Dick to make certain his curriculum was in proper order at Bellevue and promptly found that chemistry and Latin were both given only in the first period.

"I feel that these courses are essential to my son's plan and particularly to my own hopes. Therefore, we requested another transfer based on conflicting classes. And I personally delivered the request. Last Wednesday, my wife called this unit and was told the request was refused.

"The reasons given were entirely unsatisfactory to us and I will discuss them a little later. If you don't mind.

"Thursday my son and I went to Bellevue to see what could be salvaged in preparing for his future education. The counselor was most gracious and I was pleased to note that he, too, agreed that both chemistry and Latin were essential in Dick's projected plans. However, he stated that since it was necessary to make a choice between chemistry and Latin that it would be best to sacrifice Latin. I might add that term 'sacrifice' was his exact wording.

EXAMINED CHOICE

'We then examined the choices of courses that were available. If he did not reschedule his classes, there were two.

"One was sociology-psychology, the other was Algebra II. By rescheduling, there was a choice of Spanish I, typing, mechanical drawing or architectural drawing. Now, I was unable to see anything in the choices available that would be of any value to my son in furthering his plans for the future.

"I must give the counselor credit, though; he did try. We find that typing would be beneficial because it would help my son with his grades in future college courses if he could prepare his papers neatly for perusal by his college professors. Then, too, Algebra II would be good because it would provide mental discipline, and if he were going into medicine this would keep him sharp and alert. At this point, I became a little concerned. Not only can't my son get what he needs, now he is forced to take courses that he does not need and is not even interested in.

SOME CHOICE

"Anyway, to keep the wheels of education moving some choice had to be made so that he could be rescheduled to meet the academic requirements of the school. Last year, Dick had three "As" two "Bs" and one "C". The "C" was in mathematics. He neither likes nor does well in math.

"He has met his requirements for graduation from high school in mathematics. Nonetheless, now he is enrolled in Algebra II. After this choice was taken care of, I evaluated the situation, which seemed quite unreasonable to me. Since I was personally involved, I sought counsel with acquaintances and friends, including my minister, to see if there was something wrong with my thinking.

"The concensus was that my request was most reasonable, and hence my request to appear before you.

"Now let's return to reasons given to my wife over the phone about the denial of the request for transfer. I might add, we still haven't received official notice on this. I can't vouch for the absolute sequence of these answers because they were in a give and take situation and it's safe to say my wife was quite irritated at the time.

REQUEST DENIED

"Basically, when she asked why the request was denied, the answer was given that the languages are on the way out and you don't really need them to get into college. And for that matter, Latin is strictly passe.

"However, if we felt that Latin was necessary there was still plenty of time for him to take chemistry. Besides, he could go to summer school to pick up his requirements.

"And then if he didn't get them all in by the time he graduated there are provisions in colleges to make up any deficiencies. Perhaps the crowning blow of all these reasons was that besides how do you know that he wouldn't like to do something else next year. These, so help me, are the answers that my wife gave me that this is what she got out of the conversation. This is probably accurate. It's probably prejudiced, too, but it is a summary.

LATIN IS PASSE

"I'll not dispute that languages are no longer important on the high school level, because frankly, I don't know. But I submit that even if Latin is passe in school today that anyone interested in any field in the area of medicine has an absolute need for a sound basis in Latin.

"Now as to the statement that my son has plenty of time to take chemistry. I would point out that he is a junior, that his counselor says that he needs to get as much science as he can and that he has this year and next to get them in. It is true that my son could go to summer school, but why should he?

"Why should we incur the extra cost and inconvenience to see that he attend summer school? Why should he be deprived of the opportunity to earn money to help further his education when it is not absolutely necessary for him to do so?

FOUR MILES

"Why is it necessary for him to make up in college deficiences of high school education when what he needs is readily available to him simply by going to a high school four miles northeast of his home instead of four and one half miles west?

"Finally, we do not know that Dick will not change his mind next year. This is true, he may. All we can say is this young man has never expressed a desire to be anything other than a veterinarian in the past four years.

"I previously mentioned that I hope I can divert his interest to medicine, but if he persists I will certainly not stand in his way.

"It seems to me that this issue boils down to whether or not chemistry or Latin are essential to the future education of my son. Keeping in mind that he is a junior and has other educational requirements to meet in his currently proposed career to me it seems obvious that he needs both and he needs them this year. I can elaborate on this belief, but I will not.

BASED SOLELY

"So then my request for transfer is based solely on the fact that the school to which Dick is assigned does not meet his educational requirements.

"Hillwood can.

"Now I have another fine son who is a sophomore at Bellevue and his requirements are being met. If Bellevue can provide Dick with the chemistry and Latin as well as the required courses in history and English, I will be most happy to withdraw my request for a transfer. I simply cannot understand, nor can my wife, nor can my son why this request has been denied, unless there is some fear over the current busing situation.

"I cannot conceive in any way in which there would be any violation in any court imposed guidelines in this case.

ACADEMIC NECESSITY

"This is a plea for academic necessity. We are requesting a transfer from a school which has less than 40 black students to one which has over 400, from a school which has over 200 more students than projected to one that has over 200 less.

"Frankly, I do not recall ever being so frustrated and angry over a situation as I have with this. I feel that the actions taken to date have been completely arbitrary and unreasonable and I am seeking redress from you," Edwards concluded.

At the completion of his appearance before the board, Dr. Elbert Brooks told Edwards he would "contact him tomorrow" (Wednesday) concerning his son's case.

LORRY HOMER DAWKINS DAY

Mr. THURMOND. Mr. President, it was my pleasure on October 17, 1971, to attend "Lorry Homer Dawkins Day" in Denmark, S.C. On this occasion a new dormitory for the Denmark Regional Technical Education Center was dedicated to the memory of Lorry Dawkins, the first principal of this school, who served from 1948 until his death in 1969. Dawkins Hall will stand as a lasting monument to the man who contributed so much to the education of young people in the Palmetto State.

Mr. Dawkins became principal of this trade school, which later became a technical education center, when I was Governor of South Carolina. I had the privilege of working closely with him and always had a high regard for him personally and professionally. He was a fine educator and leader and stood out for his adherence to good citizenship. The success of this school during the first 21 years of its existence was due in large measure to the capabilities of this man.

The Dawkins Day dedication was keynoted with an address from the Honorable Solomon Blatt, speaker of the South Carolina House of Representatives. I ask unanimous consent that this speech, along with a copy of the Denmark City Council resolution proclaiming October 17, 1971, as "Lorry Homer Dawkins Day," be printed in the CONGRESSIONAL RECORD.

There being no objection, the speech and resolution were ordered to be printed in the RECORD, as follows:

REMARKS BY SOLOMON BLATT

I would certainly be remiss in this most pleasant assignment today if I did not tell you how thoroughly pleased I am to look about me and see this grand student body—this wonderful faculty—here to give proper image to this program. No institution can be great, or is greater than the students and faculty that it seeks to serve. We have greatness here.

I must also direct your attention and our praise to M. B. Robinson, Director of the Division of Manpower Centers of the State Commission for Technical Education. Director Robinson has given vitality to a vital program and he has done much for Denmark Center for which we are deeply grateful.

I must also pause in great respect for Director McDuffie of Denmark Center. He is so dedicated—a man of vision who is already surveying new horizons for Denmark Center.

Over the years and until his most untimely death in 1969, our dear friend, the late Lorry H. Dawkins, did me great honor by blessing me with his friendship. And now, today, this great institution, you his friends, do me great honor by allowing me this coveted opportunity to participate in and dedicate this new and wonderful dormitory here at Denmark Area Technical Center in the lasting memory of the late Lorry Dawkins.

With all of its sorrow, this is a proud occasion for me and I know it is a proud occasion for the family of our friend.

This would have been a proud occasion for Lorry Dawkins—for our friend was totally involved in the betterment, the progress, the uplift of this institution. This campus mourned his passing as did a host of friends.

But here is inspiration enough for us all—for from the grief which surrounded us in his death, has emerged a new dedication, a new love, a new commitment for this institution, for which he gave the better part of his life.

We look around us and see countless improvements—changes which Lorry Dawkins dreamed of and worked for, which he inspired his friends and students to seek. You sought these things. I sought these things. And now we have realized this progress, all dedicated to the lasting memory of Lorry Dawkins. We dedicate Dawkins Hall not as monument to this man, but as a living memorial for this man who has brought new life to this fine institution.

Maybe to some people the life of our beloved Lorry Dawkins might not seem impressive. But to me—he surely walked in Glory.

From simple and humble beginnings on the red clay banks of the Broad River in Union County Lorry Dawkins walked a purposeful path until he settled in our midst and from the metal of a brillant and determined mind he hammered out the beginnings of this institution.

His Union County Home was the backdrop of the very descriptive nickname which he carried most of his life. It was at South Carolina State College that Professor Lewis watched the relentless energy of the young Dawkins as he crammed an education into a searching mind and started calling him "Broad River" Dawkins.

Our friend received his B.S. and his M.S. Degree from State College. He was outstanding in football there and in 1929 he helped fight his team to the state championship. And that was like Lorry Dawkins for he knew that a strong body was a willing tool of a strong mind.

His civic, fraternal, educational, athletic and governmental boards and committees were many and he was an outstanding servant to them all.

A tribute to any man is a happy family and Lorry Dawkins' family was a happy family, and they all loved and rightfully cherished Lorry Dawkins. So did we all. Many of them are here today. To you who are here, there is little I can say to tell you of all that is in my heart—but I hope you understand how deeply I feel when I say—"Thank you for Lorry Dawkins, and for what he was to us all."

Lorry Dawkins was a Christian. When the writers put together his biography, possibly the greatest tribute they can say about him was that he was a life-long member of the Paradise Church. Men do not advertise the depths of their relationship to God, their total faith and belief in the Eternal Father, but it is there. And Lorry Dawkins had such a faith. I firmly believe that it was his closeness to God, that gave him such a wellspring of optimism and boundless energy, of constant goodness and of his love for all—love for his fellow man.

As we stand and look about us today on this campus, it is difficult to imagine what it was like years ago. It was here in a temporary building and with eight others who made up the faculty that Lorry Dawkins started the Denmark Area Technical Center. Forty-two students made up that student body. Today, a faculty of over 40 dedicated persons under the inspired leadership of President McDuffie is teaching 20 trades to an annual enrollment of over 600 students.

And this is the mark of the man we honor today. He brought Denmark Center this far. Now we must take it further. President McDuffie—you are doing an outstanding job and I know you will continue to do so. We are with you.

Hundreds of men and women and young men and women are living productive and Christian lives today because of the tremendous influence of Lorry Dawkins the educator and Lorry Dawkins, the Christian. No better tribute can be said of any man than that he gave a part of himself to us all in his teachings, in the example he personally set.

Mr. Dawkins and I shared a common dream—and we talked of it often.

We wanted to see Blacks qualified to insert themselves into all trade levels, into all professions, into all areas of public service, in business, in industry and in government. We wanted to see Blacks qualified and we worked to have qualified Blacks.

This Society we live in today is a massive umbrella which shelters all people of all origins and all callings. It is too complex and demands too much to compromise its progress by crippling attitudes. Each man and woman has a role to play and that role must be played for the benefit of all.

We cannot back into the next generation nor the next century and we cannot walk bravely and freely into the future harnessed and restricted by blinders. Each of us has our rendezvous with Destiny and we must be allowed the opportunity to seek it.

That was Lorry Dawkins' dream—and that is my dream.

It was my pleasure to have worked with this great man during his life. It is my commitment to continue to work for the things he believed in—even in his death. It is my commitment that in all ways that I can work—Denmark Center will be all the things he wanted it to be. All the things Mr. Robinson and Mr. McDuffie want it to be.

In these extremely difficult times it is hard for one to remain objective and dedicated to a goal. And we will not attain those goals unless we love them enough to resist all threats and deny all temptations which would hinder our journey forward.

We are now on trial before past generations to prove ourselves and our worthiness by performance. We will stand trial before future generations for our promises—fulfilled or forgotten.

How wonderful it would be if our way could be as purposeful as it seemed to be for our friend whom we honor today.

He had a single-minded purpose which perfectly matched his dedication and his love.

There have been others like him but they have been few. There have been others like him of his race but they have been few.

But each wrote his name in history by profoundly affecting the lives of others for the good.

It is easy for us to call to mind such names as George Washington Carver and Booker T. Washington. But we do not have to look beyond the borders of South Carolina to find Black greatness. There is among others, Dr. Benjamin Payton, who is elevating Benedict College to new heights of service and leadership. There is Dr. M. M. Nance, Jr., who has brought stability, purpose and a promise for giant steps of progress to South Carolina State College. And there is Dr. Harry Graham, the most dynamic President of Voorhees College. There is Mr. McDuffie, whose outstanding leadership and fine character as Director of this trade school has made it a model for similar institutions of learning.

At this point I would like to take the liberty of inserting the name of Betty Williams of Orangeburg. You may not have heard of the young Black girl, but many have. I like to think she is representative of the Black youth today who must be judged by their promise for their potential for greatness of service is there and their horizons are unrestricted as they seek the education to prepare them for any task which lies ahead.

Betty is a language student at the University of South Carolina and as such she hopes to equip herself with the knowledge and language skills which will allow her to become a strong communications link not only between races but between nations.

I single out Miss Williams for comment because she was the first recipient of a scholarship under the Solomon Blatt Scholarship Fund, established by my friends at the University of South Carolina. I made that selection and I remain proud of my choice. Miss Williams was an Honor Graduate from Wilkinson High School—the daughter of an Orangeburg cab driver who was determined his children would benefit from an education which was denied him.

I ofttimes wonder what would have been the result if that determination and dedication to a self-set goal could have been given strength through education, through knowledge.

Regardless of how humble, how restrictive our beginnings, each of us has an obligation to establish and seek goals and to reach those goals. Each accomplishment by each individual is a stepping stone for generations to come.

Back in 1770 a thoughtful man whose columns in the Public Advertiser bore only the name Junius, observed and wrote this most meaningful statement:

"The least considerable man among us has an interest equal to the proudest nobleman, in the laws and constitution of his country, and is equally called upon to make a generous contribution in support of them whether it be the heart to conceive, the understanding to direct, or the hand to do."

And it was Winston Churchill who noted with challenge:

"The destiny of mankind is not decided by material computation. When great causes are on the move in the world . . . we learn that we are spirits, not animals, and that something is going on in space and time, yes, beyond space and time which, whether we like it or not, spells duty."

This "something-that-is-going-on" is education and the spirits that we single out today are the Carvers, the Washingtons, the Paytons, the Nances, the Williams, the Grahams, the McDuffies—and the Lorry Dawkins of this world.

These were and are educators. Men who know that man's ultimate weapon is the well-prepared mind. Our progress is geared to the well-prepared minds in our society—minds of all people. Since the beginning of time man has waged wars for those wars began in the minds of men. Thus it is in the minds of men that the defenses of peace must be erected.

Show me the man who feels with his heart, thinks with a well-prepared mind, is inspired by his conscience, and works for the good of his fellowman and I'll show you another Washington, a Carver, a Payton, a Nance, a Graham, a McDuffie and a Dawkins.

Mindful concern, not militance, should be our watchword today. For in working together, always thoughtful and concerned for the welfare of others, we can achieve any goal. We can achieve our destiny.

The thought I leave with you as the result of what I have said or hereafter say simply is, man can travel the road of life for as great a distance as his character, ability and dedication will warrant, and to this end, he must sell himself to his fellow citizens and convince them he possesses the necessary qualifications to warrant their confidence and support. In simple language, you are entitled to what you deserve, nothing more, nothing less.

There are evil forces and influences loose in the world today. You know them as well as I do. How appropriate it is to restate the old phrase, these are the times which try men's souls.

Pressures come from many sides and in many forms. It is no longer enough to ask the question, "What are our challenges?" We must add the question, "What are our chances?"

There is a chance for service. There is a chance to change the course of Society for the total good. There is a chance through education, preparing one's self through education, an education to understand the purpose of man, an education and training to work man's machines, an education today to meet the challenges of the tomorrows.

An education and its opportunities for all men and women, for all young men and young women, for all little boys and all little girls and an education for all people regardless of race or color.

For knowledge reaches maturity in wisdom and wisdom recognizes no color lines, no boundaries, no prejudice, no restrictions, and wisdom from minds which can reach out for each other when hands cannot touch.

We face a tremendous challenge to reach that high point in civilization. But I think we can attain it.

We are slowly arriving at that point in time when the sins of the past will be forgotten, there will be forgiveness of sins as there must be and there will be a better tomorrow for each of us will make it better.

We really have no choice. This society, this country, yes, even civilization as we know it today has no choice. It can live and prosper or it can die, we can kill it with ignorance, with poverty, and with indifference.

We can save it with education and understanding.

I hope the good Lord will bless you and me so that we can continue to work toward this goal and that we can all be present for many more dedications such as this. We have thrown off the shackles and chains for man has learned that while he can enslave a body—the mind—ever in search, seeks new heights of understanding and freedom.

And so it will always be. Through education we will strengthen the mind and keep it ever free, ever soaring on its flight toward freedom and peace.

I now dedicate this building in memory of my departed friend, Lorry H. Dawkins, and it shall be hereafter known as Dawkins Dormitory, a name worthy of a great American who gave his life so that the sins of yesterday will be forgotten and tomorrow will be a good day for all mankind of every religion, race or color.

Resolution of the City Council of the City of Denmark

Whereas, Lorry Homer Dawkins because of his outstanding contributions in religion, education, community leadership and athletics, and;

Whereas, he has shown to all who knew him and were associated with him directly or indirectly that his prime concern, as a civic leader, was to upgrade and uplift the best in his fellowmen, and;

Whereas, his efforts enlightened the minds of the many thousands of students and teachers, and;

Whereas, the citizens of his community and State takes pride in being a part of his thoughts, deed and life.

Therefore be it resolved, as Mayor of Denmark, South Carolina, and with unanimous consent of the City Council, do proclaim the Seventeenth Day of October, Nineteen hundred and seventy-one as "Lorry Homer Dawkins' Day."

By the authority invested in me as Mayor with the members of the City Council. We therefore sign this proclamation and ascribe the seal of the city of Denmark, South Carolina.

MASSIVE FORCED BUSING OF SCHOOLCHILDREN

Mr. BROCK. Mr. President, Tennesseans continue to live with the nightmare of massive forced busing of our children to achieve racial balance. More and more the truth is being revealed that riding a bus x number of miles does not necessarily contribute to a child's education. Those who are charged with the task of educating our children under these conditions are speaking out and calling for some relief. One such person, well qualified to speak on the subject is Dr. Elbert Brooks, Metro School Director of the Nashville, Tenn., schools, whose remarks are contained in an editorial from the Nashville Banner. I ask that this editorial "For Ban on Busing, Amendment Backing Grows," be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

For Ban on Busing Edict, Amendment Backing Grows

If any one thing is clear on the education front—where ideological fog sometimes obscures and pressure groups occasionally confuse with their noise—it is that the overwhelmng majority of the American people oppose school busing designed only to achieve racial balance in the public schools. The scale of that objection, 76 per cent, as measured by the Gallup Poll, is state by state and region by region—though as yet the court order for it has been inflicted almost entirely on the South.

There are members of Congress who did not wait to ascertain the public view to assert their own objections. There are a number of proposals, introduced by these, and backed by others of them, for constitutional amendments forbidding busing for such a purpose. And members of Congress who have not taken that stand can well note it when they hear from home.

The latest such proposed amendment was proposed by Michigan Sen. Robert P. Griffin, specifically to declare:

"This Constitution shall not be construed to require that pupils be assigned or transported to public schools on the basis of their race, color, religion, or national origin." It is his declared belief also that forced busing not only is expensive, but actually represents a wasteful diversion of tax dollars that could, and should, be used to improve the quality of education.

Nashville knew that from the outset of the H.E.W. proposal—latterly adopted in Judicial fiat by Federal Judge L. Clure Morton, and inflicted on children, black and white, throughout this metropolitan community. Anyone who did not know it must have come now totally to the realization—the facts of it underscored in statements of warning by Dr. Elbert Brooks, Metro School Director, concerning the deepening financial crisis ahead.

The facts are so elementary as to seem beyond argument: The vast outlay involved for purchase and operation of enlarged bus fleets comes out of the funds more properly used for education. Yet by this fantastic arrangement of redrawing bus routes for the maximum hardship of patrons, the funds are frittered away. The neighborhood school pattern is destroyed. The children suffer. The school system suffers. And the cause of education is set back for years.

Anyone with an ounce of judgment knows that compulsory congregation of children, by bus, is not the same thing as equality of education opportunity, or "desegregation" of schools. It is alien to both. It destroys and disrupts for all.

President Nixon, along with a majority of Congress as measured by a previous Civil Rights Act, strongly opposes compulsory busing. The President tried in the school desegregation bill approved earlier this month by the House Education and Labor Committee, to ban use of any of its funds for busing. The committee disagreed.

The Civil Rights Act of 1964 spelled out the legislative conviction forbidding compulsory busing for the purpose of achieving racial balance in the schools. Nevertheless, under the pressure of the Health, Education and Welfare Department—and through the courts, at places—this nightmare experience has been inflicted on city after city.

Tennessee, through the amendment proposal by Sen. Bill Brock, backed by Sen. Howard Baker, and concurred in by the House delegation, is working to establish justice and reason on the solid premise of the organic law.

Texas' Congressman Jim Collins, aided by Sen. John Tower and other legislators, is pushing for the needed amendment.

Senator Griffin, as noted, is taking a big hand in the fight for this essential change. And—as further noted—the rank and file of the American people, black and white, and in state after state are demanding action to recover the authority in their schools.

They are entitled to affirmative action by their Congressmen.

HEW'S NEW WELFARE PROGRAM

Mr. BYRD of Virginia. Mr. President, it is important that the Senate and the Nation understand the facts regarding the new welfare program being advocated by the Department of Health, Education, and Welfare.

Secretary Richardson on his official statement to the Senate Finance Committee put the new program in capsule form when he termed it "revolutionary and expensive."

Before discussing the new program, let me say that I think the present outdated welfare system should be changed; and most certainly the administration of the program should be tightened.

But in changing the present system it is important that we be sure we are getting something better—and not just an expanded and more expensive program.

I cannot support the revolutionary and expensive program for the following reasons:

One. It lacks adequate work incentives.

Two. I doubt the wisdom of writing

into law the principle of a guaranteed annual income.

Three. The annual cost of the new program would be at least $5 billion greater than the present program.

Four. The number of welfare recipients would be increased from 12 million persons in 1970 to 26 million persons.

Five. Richard P. Nathan, Deputy Under Secretary for Welfare, says the Government would need to hire an unprecedented 80,000 new Federal employees to administer the program.

With 101,000 employees, the Department of HEW already is so huge that it is almost impossible to effectively administer. One can well imagine the added confusion and chaos if 80,000 more workers are added to that Department.

I feel that the Government has an obligation to our fellow citizens who are physically or mentally unable to earn a living. But the "revolutionary and expensive" proposal of Secretary Richardson goes far beyond that. It does not have adequate work incentives, nor does it have adequate provisions to keep off the welfare rolls able-bodied citizens who should be seeking jobs instead of handouts.

The new "revolutionary and expensive" welfare plan is not in keeping with—and, indeed, runs directly counter to—the President's anti-inflation efforts.

It is not welfare reform. It is welfare expansion.

I submit we are not going to be able to lick inflation until the Government puts its own financial house in order.

The Government had a Federal funds deficit last year of $30 billion; it will have a Federal funds deficit this year of at least $35 billion.

The "revolutionary and expensive" program of Mr. Richardson will add an additional $5 billion to the deficit—and to the national debt, which is now $409 billion.

But an even more important objection, in my view, is that Secretary Richardson's "revolutionary and expensive" welfare plan would double the number of welfare recipients.

With the huge deficits the Government has been running, it is neither logical nor sound to attempt to double the number of people drawing public assistance.

If the Government cannot now effectively administer the present welfare program, how can it effectively administer a program with twice as many persons drawing Government checks?

One evidence of the difficulty of administration is this: In New York City at the present time 1,000 welfare families are being housed in New York City hotels.

I wrote the Department of HEW to ascertain the average monthly rental being paid by the taxpayers for those families.

I was informed in a letter from HEW that the average monthly rental per family is $763.

When President Nixon was a candidate for President in 1968, he stated again and again that he wanted to reverse the trend to the welfare state.

But the administration's proposal for revising the welfare laws would double the number of welfare recipients.

The question I have been asking for the last 18 months—and I ask it again in the Senate today—is this: How does one reverse the trend to the welfare state by doubling the number of people on welfare?

Mr. President, I shall vote against H.R. 1 which is now before the Finance Committee and shall oppose its being reported to the Senate during the calendar year 1971. If and when it is reported to the Senate in 1972, unless it is greatly improved, I shall vote against reporting it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1971

The PRESIDING OFFICER (Mr. Allen). In accordance with the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 9910, an Act to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 538

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 538) offered by the Senator from Michigan (Mr. Griffin) in behalf of the Senator from Tennessee (Mr. Brock) and the Senator from New York (Mr. Buckley). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 8, strike out all through line 15, and renumber succeeding sections accordingly.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

My amendment would delete section 410 of the bill. If I may call the attention of my colleagues to the language of that section, it reads, very briefly, as follows:

> The joint resolution entitled "Joint Resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores, and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

That section was amended yesterday by the amendment of the Senator from Alaska to extend the effective date to April 15, 1972.

Mr. President, I understand the desire of those who have labored long and hard for this provision over a period of years to see it enacted, and I understand the logic of their position, and their desire to place the responsibility for warmaking decisions in Congress, where the Constitution places it; and I cannot fault the committee for action taken prior to this week.

But on Monday last, the United Nations took an action which I think challenges the wisdom of enacting this particular section at this particular time, because on Monday last, the United Nations took what to me was the unconscionable, incredible, and immoral action in expelling the Republic of China, the government and the people of Taiwan, from the United Nations.

One of the things that bothers me about the current debate on this particular bill is the emotional atmosphere, the charged atmosphere, which surrounds this debate as a result of that action. It is unfortunate, because it can color the judgment and the logic of this body if we do not carefully avoid that pitfall. But my amendment is not offered in a sense of retribution. It simply is an attempt to recognize the political and military realities of the situation as it exists today as a result of the act of the United Nations on Monday; because if Congress, if this body, were to repeal the Formosa resolution at this time, in the same week that the United Nations took its action, our words and deeds would be interpreted around the world as a total abdication of an old and valued friend and ally, Nationalist China.

I cannot in good conscience avoid this particular issue. It must be faced. It is not one that was brought to us as a result of this body's action, but as a result of the action of the United Nations on Monday last. It seems to me that one of the most dangerous things this Nation could do at this point in time would be to withdraw, in a public sense, our guarantees of the security of Formosa and the islands surrounding, the Pescadores and the rest. It would be an open invitation to aggression. I cannot, for the life of me, gage the wisdom of such an action.

Therefore, Mr. President, I earnestly solicit those who would share this concern in support of my amendment to strike section 410 and, by word and deed in this particular act, evidence our desire and our commitment to support a fine and a free people on the island of Formosa.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished manager of the bill, I yield to the Senator from Maryland whatever time he desires.

Mr. MATHIAS. Mr. President, I know that the Senator from Tennessee recognizes where the ball is in this game, and I think he recognizes what is really the important element in American foreign policy as it is reflected in our relationships with the very important nations of Asia. I know that he supports, as I do, the courageous initiatives that have been taken by President Nixon in taking a new look at the realities of the world, particularly the realities of the world as they are reflecting on the continent of Asia, where 800 million mainland Chinese are in a sense reentering the global picture and reentering it armed with nuclear weapons.

What the President is doing, as I see it—and I think as the President sees it, and I hope as the Senator from Tennessee sees it—is to achieve a reordering of the relationships of the superpowers so that there can, in fact, be the era of negotiation and the generation of peace about which the President has spoken so eloquently and has worked so hard to achieve, and for which, in all candor, he has undertaken some very serious political and personal risks.

That is really what this is all about. I think that is the direction in which the country has to look, and that is the direction in which the Senate has to look—where the ball really is. We do not want to have our attention diverted into the other and lesser diversions which can take our attention away from what is important about what is happening in the world picture. I would suggest that to bog down with this amendment is to allow ourselves to be led into a diversion that not only can distract our attention from what is the big picture but also could perhaps even hinder the President when he sets out on that very difficult journey to Peking, a journey which will not be without peril, either at home or overseas.

Let us examine with some particularity what this amendment proposes to do. It proposes to strike from the bill a repeal of the Formosa or the China Straits resolution, which has been on the books since 1955.

What does that resolution do? The Department of State says it does not do very much. I am reading at this point from a letter from the Department of State, dated May 18, 1971, addressed to the Honorable J. W. FULBRIGHT, chairman of the Committee on Foreign Relations, in which they say:

> We would not look upon the resolution as legal or constitutional authority for either contingency planning or the actual conduct of our foreign relations.

I would agree wholeheartedly with the Senator from Tennessee in the statement he has just made to the effect that we should not at this particular moment withdraw any guarantees of defense or assurances of security that we have heretofore offered to the Nationalist Government of China situated on Taiwan. I believe that. I think he is right. That could dislocate arrangements that are now existing and could have consequences that no man can presently foresee. But that does not have anything to do with this. That has nothing whatever to do with the pending amendment.

The pending amendment is a purely domestic arrangement between Congress and the President of the United States, and I think that was made perfectly clear as late as yesterday by the Secretary of State, who appeared before the Committee on Foreign Relations. He said, and I am quoting from the Secretary of State's testimony—he was asked the question whether it was true that the administration had taken a position for or against the repeal of the China Straits resolution—and the Secretary of State said:

> No, our position has not changed. The Department of State has no objection to the repeal of this resolution.

I say again to the Senator from Tennessee that this has nothing to do with our guarantee, so far as the security of Taiwan is concerned, of assurance of assistance in the event of attack. That is not the issue here. What is at issue is the domestic arrangement between the President and Congress as to what coordination would be required between the legislative and executive branches of Government, in the event we are called upon to make good that guarantee.

Now, Mr. President, we have had some experience with what I might call the automatic trigger. This is a sort of automatic trigger in which Congress has said to the President: "You can go ahead and do whatever you want, whatever you feel you must do, without further reference to Congress."

The exact language is:

> The President of the United States hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack.

We have had experience with this kind of automatic trigger, an experience from which we have not altogether recovered, an experience that has perhaps been the most painful in our national existence. That experience, of course, is Vietnam.

In 1964 I was a Member of Congress, and I voted for the Gulf of Tonkin resolution. That was another automatic trigger.

We should have foreseen, when we voted for that Gulf of Tonkin resolution—and very few Members voted against it—that such a trigger could lead to the kind of painful experience that Vietnam has become.

We have not suffered a similar experience so far as the Formosa resolution is concerned, and I hope that we do not; but, nevertheless, the potential is there.

What I would say to the Senator from Tennessee—and one of the reasons I regret the amendment has come to the floor as it does at this time—is that the powers which Congress delegated to the Executive, the automatic trigger provided to the Executive in 1955, which was slowly expiring and which the President, through the Secretary of State, said he did not want any more, would, by adoption of this amendment, be refreshed, renewed, and revitalized. It could, in effect, be taken by some future President as a new grant of authority, a Mach II of the automatic trigger.

Frankly, Mr. President, I am not prepared to take the responsibility for so arming the executive branch, whoever may occupy the office of the President.

I agree with the Senator from Tennessee that we should not withdraw our guarantee from Taiwan, but I respectfully submit that this amendment has nothing to do with that guarantee, because that guarantee was embodied in a treaty negotiated by the President of the United States and ratified by the Senate in 1954 before the Formosa Straits resolution was adopted. Our commitment to provide assistance predated this resolution and it will outlive this resolution. It has nothing to do with it. Our commitment is clear. It is a matter of public record.

The President and many Members of Congress have reaffirmed it, so that really we are not talking about a guarantee of security. I think it should be made clear, both within the Senate and around the world, that we are talking about our arrangements within the United States.

I said earlier that I thought it would be a great mistake to make the President's trip to Peking more difficult. The Senator from Tennessee raises the question as to whether this is emotionally the time to take the step which is embodied in the committee bill for repeal of the Formosa resolution, that emotionally this is a bad time to do it. I understand that. I might even agree with him, that when we are in a period of intense interest and excitement over a subject, it is probably a bad time, as a general principle, to legislate within the area of that subject matter; but we are dealing with—again, as I said before—a world picture, a global policy which the President of the United States is trying carefully to construct.

A part of that global policy was the deliberate decision of the Government of the United States to advocate the admission of mainland China into the United Nations. The fact that the United Nations went further than we wanted it to go is a matter of disappointment to me, a matter of shock that commitments that were claimed to have been made were not kept. I am as disappointed as anyone in the Senate over that. But the fact is that what the United Nations did was, in fact, to implement the policy of the United States. We said we were in favor of admitting mainland China and the United Nations did it.

Now, if we turn around today and adopt this amendment and defer repeal of the Formosa resolution—which will come some day—we would be, in that case, contributing to a clouding of the clear purpose enunciated by the President in his new China policy. I do not want to do that. I want to make the President's trip as fruitful for the American people, and as helpful for the world, as it can possibly be.

I think that for us in a moment of disappointment to deviate from the very clear road that should be followed, would be a great mistake.

The law of the land is the treaty of 1954—the mutual defense treaty of 1954 between the United States and the Republic of China. That is the law of the land. That will not be affected by whatever we do today. What we are doing today is to take a necessary step to put our house in order.

I am a strict constructionist. A strict construction of the Constitution does not, over a period of some 16 years, convert a mechanism adopted in an emergency into a permanent arrangement by which the separation of power, so jealously and carefully guarded by the Founders of the Republic, becomes blurred and confused by this automatic trigger arrangement.

Let us make no mistake about it. This unlimited and unrestrained authority which is involved in the original resolution is an automatic trigger. It is of the kind which was embodied in the Gulf of Tonkin joint resolution. It is of the kind that, I think, Congress should in the future grant only under very limited circumstances and for very limited periods of time. But, for now, I think we should repeal this and every other similar grant in setting our house in order and being able to take care of the new global policy which is obviously emerging as a result of the leadership of the President of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

Mr. President, I find a certain inconsistency in the position of those who would argue on the one hand that the resolution has no legal force and effect and on the other hand that it is an automatic trigger to grant authority to the President of the United States. We belie our constitutional responsibility.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. MATHIAS. Mr. President, the Secretary of State has said it has no force and effect. I said that I view it as an automatic trigger and that a new Secretary of State might also so feel. We are dealing for all time and not for this Secretary of State. A new Secretary of State might treat this exactly as the last Secretary of State treated it, whereby he said the Gulf of Tonkin joint resolution was a declaration of war. This could be treated the same way.

Mr. BROCK. The Senator knows perfectly well that the Gulf of Tonkin resolution had no force and effect.

Mr. MATHIAS. Then how did the half million people get to Vietnam?

Mr. BROCK. Under the administration then in office. The Gulf of Tonkin joint resolution was just that. These are statements of intent, statements of political purpose, of dedication and commitment.

To review the arguments of the Senator from Maryland—and I have great regard for his integrity and sincerity—he says that this amendment is a diversion, that it is an attempt to attract our attention from the true picture and that it would hamper the President in his attempt to negotiate a reduction of tension. They are in themselves distracting and diverting arguments.

This amendment is dedicated to one purpose, and that is to strike from the bill a section which would deny and belie our commitment to the people of Formosa. I cannot in all conscience accept the fact that this body, with the noble statements of purpose of the last 25 years of commitment and dedication to that small island with 14 million people, take the action today or any other day of saying in effect to those people, "We don't care anymore. We simply don't care. It is a case of the little country and the big one. We are going to take the side of the big one. That is politically expedient."

I do not believe in that. I believe that is how we get ourselves into wars. I resent the prospect of enticing Red China into an act of aggression with this country.

Mr. SCOTT. Mr. President, would the distinguished Senator yield?

Mr. BROCK. I yield.

Mr. SCOTT. Mr. President, I thank the distinguished Senator. I agree with him that it is particularly untimely to take actions which would weaken our resolve to make it clear to the people of Nationalist China on Taiwan that we have certain commitments to them that we are honoring and will continue to honor, both military and economic. We fought a good fight for them in the United Nations. In striking out or repealing the resolution we might be setting up a situation which would be at the very least misinterpreted by the Asian press. It is really unnecessary to go to the extent of repealing it.

I do not at the moment recall how the vote was taken in the committee on this matter. However, I think it was a voice vote. I recall that I was opposed to it then. I think there was a disposition to just repeal everything in sight more than anything else at that time. There also seems to be a supposed relationship to the Gulf of Tonkin joint resolution, which I do not see myself.

I have suggested from time to time when we do not have any other business that we repeal the Gulf of Tonkin joint resolution again because it is always equated with breast-beating and an attempt to get away from the fact of mea culpa, that everyone now in the Congress voted for it.

I would hope we could agree to the amendment for the reason that we would then have said to the people of Nationalist China, "We will observe our commitments. We do not anticipate, we certainly would not encourage, and would not be a party to any repeal of an act that would be against Nationalist China. We have obligations and we intend to live up to these obligations, and we will not take any action that could be so construed by the Asian press because there is enough tumult in Taiwan now."

Mr. BROCK. Mr. President, I thank the Senator. I know of no Member of the Senate who has greater concern for the people of China and their freedom and aspirations than the Senator from Pennsylvania. I am grateful for his statement and for his support.

I wonder sometimes at the inability of this Nation to learn from history. I was reminded of the comment of the Senator from Maryland that we do not want to burden the President with this amendment, that we do not want to hamper him in his attempts to negotiate peace.

I happen to be a supporter of this President. I happen to believe he is the finest President in my lifetime. I happen to believe he has done more for peace than any man in my lifetime. I believe he will continue to do so. I also happen to believe that, unless he receives the support of Congress and of the people of this country, he cannot succeed.

We were all indignant, I think, and rightly so with the United Nations action in expelling Taiwan last Monday night. But have we honestly explored why that happened, the fact that there was a political circus on that floor that particular night, as members of the United Nations engaged in dances and slapped each other on the backs and traded opportunities to insult the United States and stepped on the heel of the big boy?

I wonder if anybody really thought about whether this could happen in one night, or whether it has been coming for 10 or 15 years, and why. Maybe the why is because people do not have confidence in this country any more, and maybe the why is because we keep retreating; we have allowed ourselves to be patsies time and time again by nations that abuse our good hospitality and friendship, by people who take our largess with one hand and stab us with the other.

Maybe, just maybe we have brought all of this on ourselves, and we have no one else to blame, certainly not Russia or Red China, or even others in the United Nations. But the fact is that this country lost the respect of people in the world because on too many occasions we stood on the ground of political expediency rather than principle.

Mr. President, I think that is a dangerous thing to do and I think action like the repeal of this particular section at this particular time is a dangerous thing to do. I think it is dangerous because it implies very clearly an abdication of responsibility on the part of this country to a people whom we have been committed to for 15 years, since 1955.

The State Department, as the Senator from Maryland agreed, said that this resolution has no legal or constitutional authority. In other words, it has no binding effect. If that is the case, and I think it is, then it is a statement of intent, no more and no less. As such a statement, if it is repealed it will be so interpreted by the people of Asia. What does the resolution say? It states that the President may, at his discretion, employ force to protect against an armed attack, by any nation against the Pescadores or Formosa. I wonder if anybody has ever stopped to think what kind of situation that implies. Certainly there is no nation to the east of Formosa that would attack her or that would have a reason to do so, other than the country that says time after time and year after year they are going to take that island and take it by force, the Chinese on the mainland, the Communist Chinese, and the People's Republic of China.

That little island has done more and those people have done more than almost any other country in the world since World War II. Look at their history. Just 23 years ago 1 million Chinese came to Formosa with nothing but the shirts on their backs. They had absolutely nothing. They came to an island that had nothing; it had no industry; it had no productivity. In 22 years they have built that little island with only 14 million people into one of the highest producing areas in that entire area. They have one of the highest per capita incomes and they are one of the very few countries in the world that has the integrity to say, "Thank you for your foreign aid. We used it wisely. We do not need it anymore. Now we will contribute to the people of the world. We will stand on our own hind legs." Are we going to turn our backs on them as the United Nations did? I do not participate in that kind of hypocrisy.

If we honestly believe they might engage in an armed attack and, therefore, we want to repeal this resolution, by what incredible degree of logic did we bring them into the United Nations as a peace-loving nation of that body? It is purely inconsistent.

Let us take the matter one step further. Every time this country has gotten into trouble it has gotten into trouble because we backed away from a principle and we have given the impression to people that we would not stand up when it came to the countdown. Every war we have been in has been the result of miscalculation of the intention and integrity of the United States on the part of some other nation. Are we going to repeat that process again? Do we want to repeal a resolution which says we will stand behind the people of Formosa at the very time they have been thrown out of the United Nations? Do Senators want to repeal that resolution and let those people in Red China again misinterpret the dedication and commitment of the American people? No. We must not do that. It is wrong; it is wrong and it is dangerous. It would be a slap in the face at a very, very valuable ally.

The United Nations, where two-thirds to three-fourths of the countries involved in that body are less productive and less free than the people of Nationalist China, by that act took an absolutely incredible step when they expelled Nationalist China from the United Nations in order to cater to the big boy. If we play that game, we are going to start losing American lives again because that is how we got into World War I, World War II, Korea, and Vietnam, and it will get us into the next war too, because the people around the world simply do not ever accurately assess the character, dedication, and commitment of the American people. That character is here and it will remain, the commitment is here and it will remain, but for goodness sake, let us for once in our lives evidence that character and commitment by standing behind commitments to our allies and friends, and let us not start repealing resolutions in the face of the obvious reaction that that would achieve.

Mr. STEVENS. Mr. President, would the Senator yield to me for 30 seconds so that I may submit an amendment?

Mr. BROCK. I am delighted to yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I send to the desk an amendment which is offered by the Senator from Arizona (Mr. GOLDWATER) for himself and me, and I ask that it be printed. I would like to call that amendment up later today.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BROCK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I do not believe there is much more to be said about this issue. We discussed it yesterday and reached what was thought to be an acceptable compromise in view of the motion of the Senator from Alaska. As we discussed yesterday there has been no change in the administration's attitude toward the repeal of the so-called Formosa Resolution. It is my understanding that the administration has no objection to the repeal, as was stated yesterday. The administration says that it does not rely on the resolution for contingency planning or anything else.

As the Senator from Maryland said, it is one of those resolutions which is a hangover from the grief of the cold war.

Mr. President, I do not know that there is much more to be said. If the Senator from Tennessee is ready to yield back his time and have a vote on this issue, I see no reason to debate this issue any longer.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BROCK. I would be delighted to do so but I have one request. The cosponsor of the amendment is absent and if we could take just a few more minutes to give him time to arrive, I would be delighted.

Mr. FULBRIGHT. Mr. President, I will suggest the absence of a quorum, but before I do that I want to say for the record that there have been rumors, both verbal rumors and I think I read an account of it in the newspapers, that there may be an effort made to table the bill or recommit it. The motion for recommittal was discussed the other day. I did not want to miss the opportunity to say that if that or a similar procedure is attempted again, I shall do what I can to prevent the continuation of this program by continuing resolutions. These continuing resolutions are devices which have been adopted in the past and accepted more or less routinely when a bill has not been reported, and when time is needed to cover a transitional period between reporting a new bill and the old legislation so that the authority would not lapse.

In this case we have before the Senate a bill reported by the Foreign Relations Committee. I see no justification whatsoever for adopting a continuing resolution. To me, the only proper way to proceed is to vote this bill up or down. Senators who oppose it have the perfect right to offer amendments to change it in any way they see fit, but I only wish to give notice that, as one Senator, I shall oppose a continuing resolution with all the capacity that I have and that I shall consider a vote to table or a vote to recommit this bill as a vote to discontinue or stop the foreign aid program altogether.

I think it should be understood that that would be its significance, because I think it would be possible—very probable, at least—that a continuing resolution could be stopped under the circumstances, and I want to take this opportunity today to state that I do not believe Senators who are contemplating a motion to table or a motion to recommit should be under any illusions that this is an easy way to avoid facing up to the questions that are raised not only by the amounts but by the policy recommendations in this bill. So I think Senators who favor that procedure should give consideration to the possibility that a continuing resolution could not be passed.

Mr. BROCK. Mr. President, if the Senator has concluded and if he will yield to me, I would like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I would just like to revert to what I consider to be really the domestic part of this discussion, the part which relates to the internal governmental arrangements of the United States.

As I said before, I am a strict constructionist of the Constitution, and I believe the Constitution means what it says when it apportions the various powers of government among the three coordinate branches; and I feel very strongly about that.

It has been said that all this resolution provides is the following: "The President of the United States hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack."

Of course, it is true that the resolution does provide that, but it would be well for the Senate, which has not considered this subject since 1955, to further consider what the resolution provides. It provides this language:

> This authority to include the securing and protection of such related positions and territories—

What are "related positions and territories?" That is not defined—

> of such related positions and territories of that area now in friendly hands and the taking of such other measures—

Let me underline the words "and such other measures"—

> as he judges to be required or appropriate in

> assuring the defense of Formosa and the Pescadores.

That is the end of the quotation. I have added some repetition for emphasis:

Mr. President, we have a situation here that I think deserves very careful consideration. I feel comfortable with Secretary Rogers' interpretation, which he gave in a letter of last May to the Committee on Foreign Relations, which he repeated as late as yesterday, in saying that this administration does not consider that this resolution has any force and effect as far as empowering the Government to take military steps is concerned.

If the Senator from Tennessee were so minded to modify the resolution to say it would continue until Inauguration Day 1973—or I think he and I hopefully might make it Inauguration Day 1977—I would still feel comfortable; but I am not so short of memory that I do not recall that Nicholas Katzenbach, the former Attorney General and Under Secretary of State, speaking for the last administration, construed very similar words in the Gulf of Tonkin resolution to be, I think in his phrase, a "functional equivalent of a declaration of war."

Mr. President, if the last administration could construe those words to be a "functional equivalent of a declaration of war" and could send half a million men to Vietnam and could spend over $100 billion of the American taxpayers' money on a "functional equivalent of a declaration of war," some future administration could do it. That is the decision before the Senate. That is what the founders of this Republic and the framers of the Constitution really were trying to prevent when they provided for a separation of powers. That is what a strict construction of the Constitution involves.

The people of Asia cannot misinterpret it. The Secretary of State was on record last May as saying this language was not going to govern the policy of the United States. Every one of us, I think, fully understands the situation.

What we do here, as far as the rest of the world is concerned, is not going to be taken as any change of policy, one way or the other. But what is important is our own internal arrangements, whereby, if we adopt this amendment, we refresh the authority of some future President—this President has made his position clear—to fortify, to garrison territories somewhere in the Orient.

Mr. President, I say that is an automatic trigger—a weapon which we should not leave lying on the table without the existence of a clear and present danger.

The President is moving in the right direction. He understands the global picture. He is trying to move the United States and the world in the direction of new relationships which will lead to a new era of negotiations and a generation of peace. The adoption of this amendment will do nothing but impede his effort.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally between the proponents and opponents of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. BROCK. Mr. President, I yield such time as he may require to the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, I rise to support what I think is one of the best amendments that will be offered to this bill and one which I believe is absolutely necessary if we are to keep a balance on things in this world.

I spoke briefly on this subject the other afternoon at the time the Senator from Alaska was offering his amendment. The amendment under consideration seeks to strike section 410, which states:

> The joint resolution entitled "Joint Resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores, and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

That date has, by the amendment of the Senator from Alaska, been changed from the adjournment of Congress of this session to April 15, 1972.

There are two arguments that are being used against this particular amendment. The first, and probably the most significant—and we have to recognize its significance, if we are to be fair—is that this is only an attempt to bring back to Congress the powers that rightfully belong to it with respect to the warmaking powers of the Federal Government.

The unfortunate thing about this particular amendment is that it was prepared before this section was inserted in the bill and before the affairs and events of last Monday in which the United Nations, in a somewhat hilarious, gleeful, and boisterous mood, voted to eliminate Taiwan, the Republic of China, from the United Nations.

I could discuss for a long time how I feel about the United Nations, because I think it can and should be very important. But I am disillusioned with several aspects of it, among them the leadership of the Secretary General, which I think has not been productive overall to the cause of the free representative governments in the world; and, second, because of the constant and escalating increase in the cost of the United Nations these past 10 years.

The reason I oppose this particular section and support the motion to strike made by the junior Senator from Tennessee is that I think it is high time we in this country started to learn something from history. Too many times we ignore history and think that somehow we can change the basic behavior of mankind by passing a resolution. It cannot be done.

I again call the attention of the Senate to the occurrences which happened in the fall of 1949 when the then Secretary of State Dean Acheson published a white paper and in that paper drew a line between the country of Japan and the Philippines and said that we had no interest in anything to the west of that line. That was repeated by him again later that fall. It was reiterated in a speech by President Truman in January of 1950.

What happened after that? A few months after that we were involved in the Korean war. Now, if anything should teach us the lesson that we should not draw lines and say that we have no interest to the east or west or north or south of us, that should because it was a very unfortunate war.

That war was carried on under the flag of the United Nations, but we all know that it was basically carried on by the U.S. troops. The materiel that went into the carrying on of that war was furnished and supplied from this country.

While I do not remember the exact number of casualties in that war, they were very, very high. It was very costly to this country in terms of lives and in terms of wounds and in terms of permanent injuries to the young men of this country.

Now, at a time when Red China has been admitted to the United Nations—and I recognize and have recognized for many years the inevitability of that, and the fact that the margin by which she was being kept out was growing smaller and smaller each year—upon what I consider rather a funny legal theory—perhaps I should strike the word funny because it is not funny at all—upon the very peculiar legal theory which we have held up for many years, that the Government of Taiwan represented all the people of China. Now that Red China is admitted upon the theory that she represents all of the people of China, we are faced with a very peculiar situation.

What is going to happen in the next few months, in the next year, or in the next 2 years, if we should retain in the bill this section? What will happen in the Straits of Formosa, Quemoy, Matsu, and the Pescadores, and eventually Taiwan or Formosa itself? What will happen when we say—and this is the interpretation the Red Chinese will put upon this section, even though we still have our mutual defense pact with China—"Boys, this is yours. It is up for grabs. Go after it"?

I was on the Pescadores. I was on Quemoy. I was on Matsu in 1956, and particularly Quemoy when that island was being shelled and when that fire was being returned. I am very fearful that the repeal of that particular resolution—which I remember so well on the floor of this Senate, led by that great statesman, former Senator Walter George, of the State of Georgia, probably one of the greatest men we have ever had in the Senate—at this time is going to have the same effect upon the Red Chinese. The Red Chinese claimed they would never come into the United Nations with Taiwan or Nationalist China as a member. And they did not. They claim that they are the only government of the Chinese people. They claim that Taiwan actually belongs to them.

What other interpretation can or will the Red Chinese put upon the repeal of this than to say, "They have opened the gates for us."

I predict that if we should not be successful in striking this from the bill, we will see one of two actions taking place in that area within a reasonably near time in the future. I am not necessarily talking about weeks or even a few months. We will see either a resumption of the military type of activity that was carried on in 1955 and 1956 when they were firing across the straits at each other. We will see a buildup of aircraft and military personnel along the southeast China coast opposite Formosa or, in the alternative, we will see a very, very strong counter insurgent movement developed by the Red Chinese in the Taiwan Government and the island of Formosa in an attempt to overthrow the government.

I am trying to be rational about this. I feel very strongly about it. I could become very emotional about it. Other people may have different ideas. I am sure that perhaps other people here have different ideas from mine. However, everyone has to form his own judgment about a matter based upon his own experience and based upon history. And history tells us that they will move if we give them the slightest pretext for moving.

Mr. President, I therefore hope very much that the amendment of the distinguished Senator from Tennessee will be agreed to because I feel it detrimental to our interest and the interests of the Taiwan Government, who have always been our close friends in the past. I think it augurs nothing but trouble in the future.

Mr. BROCK. Mr. President, I thank the Senator from Colorado. I am very grateful for his support.

Mr. President, I yield 3 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I rise to make the observation that I would like to see all of our commitments or obligations or guarantees, by whatever name they are called, reviewed and some perhaps renegotiated. However, just here within a few hours after the time we were insisting on this area of the world, Formosa or Taiwan, having a seat in the United Nations, and that having failed to carry, I do not see how we can turn around and repeal, without prior notice and negotiation, this guarantee that we had given to them.

I do not think it ought to be done now, even if it should be reconsidered and revised after proper notice and consideration.

I know the fine intentions of the committee. I do not know of any other provision to get this protection. I have not had a chance to hear all of the debate. However, I do not believe there is anything that protects this arrangement as does this agreement. To repeal the resolution now without any negotiation or prior notice and before the ink is hardly dry on the vote in the United Nations where we were espousing the cause of this country or this area, would just leave them standing alone. It is inconsistent, and it is not in keeping with our policy. There is no other provision that has the meaning that this provision has behind it because of its historical significance and its development. I shall vote for the Brock amendment.

I thank the Senator for yielding.

Mr. BROCK. Mr. President, I am very grateful to the Senator from Mississippi. I value his words and his support.

I yield 3 minutes to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, I take this time to express support for the Senator's amendment and to elaborate somewhat on that statement by commenting to the effect that there are pending before the Committee on Foreign Relations a number of resolutions, including my own, the effect of which would be to repeal the very section that is repealed by current section 410 in this bill.

However, I do not feel that section 410 should be allowed to remain in the bill and have the effect of repeal for a number of reasons. First of these reasons is that this is a foreign aid bill. While section 410, the Formosa resolution repealer, does apply to the area of foreign affairs, it does not have an open relationship to foreign aid, and to have it come at this time and to try to explain to other nations that although this is a foreign aid bill we took this action with respect to U.S. foreign policy at this time on an overall basis, after what happened in the United Nations this week, is a great mistake.

I do not know the prospects for passage of this amendment but it is important whatever way it goes to emphasize again and again that this is merely a routine step which was underway, and which by the amendment agreed to yesterday was put off until April 15 in its effective date, but it has little to do with the overall commitment of the United States to support the Republic of China and the commitment we have through treaty obligation, or the commitments which remain on the books and which transcend any authority which might be given to the President.

I emphasize again that this issue must not be misinterpreted and I feel unless this amendment is agreed to no matter what we say about it on the floor to explain it is not the case, it is bound to be misinterpreted by some in the press. For that reason it would be a clarifying step to agree to the amendment and eliminate this issue without prejudice to whatever future action we might take on it without regard to this bill.

It seems to me that foreign policy resolutions relating to the power of Congress and the President which are before the Committee on Foreign Relations merit debate, not that they change the course of our foreign policy but they have long-range implications in respect to the United States in the conduct of its foreign affairs.

I thank the Senator for yielding.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 27, 1971, the President had approved and signed the following acts:

S. 414. An act to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; and

S. 654. An act for the relief of Frederick E. Keehn.

EXECUTIVE MESSAGES REFERRED

As in executive session, the PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 46) to correct the enrollment of S. 137.

The message also announced that the House had passed the joint resolution (S.J. Res. 167) to extend the authority conferred by the Export Administration Act of 1969, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the first amendment of the House to the amendment of the Senate numbered 2 to the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

The message also announced that the House had passed a bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10458) to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock; poultry, and related industries of the United States.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 11418) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. MATHIAS. Mr. President, the Senator from Colorado has properly urged us to learn from the lessons of history. I subscribe to that principle, and hope the Senate will follow his advice.

The copies of the Formosa resolution available on the Senate desks today suggest, by their form and size a significant lesson we ought to have learned. They are painfully similar to copies of the Tonkin Gulf resolution that former President Johnson used to carry with him and produce to justify his actions in Indochina. In contrast to the present administration's interpretation of both the Tonkin Gulf and Formosa resolutions, the Tonkin Gulf language was viewed by the Johnson administration as the "functional equivalent of a declaration of war." The next administration may so interpret the Formosa resolution.

In order to recall that lesson of history it is helpful to compare the similarities of the language in the operative sections of both resolutions, which I would like to quote here.

FORMOSA STRAITS RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

GULF OF TONKIN RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. FULBRIGHT. Mr. President, are Senators prepared to yield back their time on the pending amendment and have a vote?

Mr. BROCK. I am delighted to do so.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment (No. 538) proposed by Mr. GRIFFIN for Mr. BROCK and Mr. BUCKLEY. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. Mr. President, on this vote I have a live pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. JORDAN), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), and the Senator from Oregon (Mr. PACKWOOD) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER) would vote "yea."

The result was announced—yeas 43, nays 40, as follows:

[No. 270 Leg.]

YEAS—43

Allen
Allott
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Eastland
Ervin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Magnuson
McGee
Percy
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—40

Aiken
Anderson
Bayh
Bentsen
Brooke
Burdick
Byrd, Va.
Case
Cooper
Cranston
Eagleton
Ellender
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Kennedy
Mansfield
Mathias
McClellan
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Spong
Stevenson
Symington
Talmadge
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—16

Baker
Church
Dominick
Fannin
Harris
Inouye
Jackson
Jordan, Idaho
Long
McGovern
McIntyre
Miller
Mundt
Muskie
Packwood
Williams

So the amendment was agreed to.

Mr. BROCK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 20, lines 19 and 20, strike out "$320,000,000" and insert in lieu thereof "$445,000,000."
>
> On page 29 strike out lines 7 through 20, and insert the following:
>
> Sec. 292. Authorization.—Of the funds provided to carry out the provisions of Part I of this Act for each of the fiscal years 1972 and 1973, $125,000,000 shall be available only to carry out the purposes of this Title and, notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis."

Mr. TAFT. Mr. President, I ask unanimous consent that the amendments be considered en bloc, and, notwithstanding whatever action may be taken on this amendment, that it be in order for the Senator from Idaho (Mr. CHURCH) to offer at a later time an amendment to lines 19 and 20 on page 20 of the bill relating to the amount therein stated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TAFT. Mr. President, the purpose of this amendment is to restore to the bill the exact form of earmarking language for population control programs which has prevailed in the foreign aid bills of the last 4 years. While serving on the Foreign Affairs Committee of the House of Representatives 4 years ago, I became convinced that if our population control programs were indeed to make the type of progress they should make under our AID program, earmarking of this type would be necessary.

The results since that time have borne out the validity and wisdom of that approach. Let me state to the Senate the earmarking situation and the amounts which have been expended for population control programs under AID during this period.

In fiscal year 1967, without any earmarking provision, the total amount spent on population control programs was approximately $4.4 million. In 1968, with earmarking of $35 million which we succeeded in getting in through my amendment in the House Foreign Affairs Committee, the total expenditures went to $34,750,000. For 1969, we succeeded in earmarking $50 million, and the total expenditures for that year were $45,444,000.

For 1970, we raised the earmarking to $75 million, and the expenditures went to $74.5 million. In 1971, the earmarking was $100 million, and the total expenditures were approximately $96 million.

I think we could have no better proof of the validity of the approach which was used in this connection.

What the amendment does is merely change the position of the $125 million authorization for population control in the bill. It moves it up into the overall authorization under title I of the bill, increasing that amount by $125 million to a total amount of $445 million. This does not change the overall authorized expenditure for this portion of the bill. All it does is to bring under this part of the bill the population control programs.

I believe that this approach will guarantee the continued attention that I think Congress has many times expressed as being desirable from the point of view of putting a priority on our population control programs.

The President, with whom I talked on this subject a number of times, has indicated his feeling that, so far as he is concerned, he is for earmarking for population control programs.

I feel sure that without an expanding population planning program, many countries which we have aided in the past will continue to be progressively poor despite all our foreign aid.

Mr. President, the same bill includes $250 million for a single year of relief help for East Pakistan refugees, an important and humanitarian effort. Yet it provides only half that amount to try to deal, on a worldwide basis, with the population explosion that has been a root cause of both India's and East Pakistan's distress and poverty. And in its present form it drastically weakens the program that AID has developed over the last 4 years.

Since this bill is in many ways an interim measure, calling for further study and basic revision of the entire program, restoration of the language that has, ever since 1967, provided a firm basis for the population assistance programs in AID, language that has already won the explicit support of the Secretary of State and the President, would be the best way to insure the continuation and necessary expansion of the program.

AGENCY FOR INTERNATIONAL DEVELOPMENT—POPULATION PROGRAM

Mr. CRANSTON. Mr. President, I support the population program amendment to the Foreign Assistance Act of 1971 which the Senator from Ohio (Mr. Taft) and I are offering.

Mr. President, a most significant program carried out by the Agency for International Development is the family planning and population work which was specifically authorized by the Congress in 1967 when $35 million was allocated to be spent only on population work.

Each year since 1967 the Congress has consistently supported this program earmarking $35 million for fiscal year 1968, $50 million for 1969, $75 million for 1970 and $100 million for 1971. Each year AID officials have told Congress that funds should not be increased over the previous year's level and that the money could not be wisely expended.

Yet, Mr. President; the fact is that the AID population program has developed into an outstanding technical assistance program and had a major impact in encouraging both U.N. agencies and other governments to increase their own support in this field.

It is particularly important that the U.S. Government support for this activity maintain its current momentum. As the committee report points out:

> Since it is estimated that the average number of women in the less developed countries aged 20 to 29—the peak years of human fertility—will increase by about one-third during the 1970s and two-thirds during the 1980s, over the average number for the 1960s, every effort should be made to extend family planning information and services on a voluntary basis to couples in the developing countries. Unless population growth rates in these countries are reduced, their populations will double in 20 to 30 years and their development efforts over the next two decades will not result in any noticeable improvement in individual standards of living.

In addition to the important work overseas, a number of institutions in my State of California have played an important role in training, research and overseas technical assistance activities under this program.

For example, the California Institute of Technology and the National Academy of Sciences are cooperating to develop economic and social data that will be relevant and useful for the location and the administration of international family planning programs.

The University of California at Los Angeles is running a demonstration family planning maternal health program under this program in Ghana. Also under this program, the Salk Institute at San Diego is undertaking a major research effort designed to produce a once-a-month contraceptive suitable for use in developing countries. Conducted by some of the Nation's most eminent scientists, this project may lead to a basic contraceptive breakthrough within the next few years.

The main thrust of the AID population program is to provide assistance where it can be most effective to national programs, U.N. agencies and private voluntary organizations throughout the developing world to insure that the program continues to grow at the pace necessary to meet the increasing world need of population stabilization.

Mr. President, section 292 of H.R. 9910 as reported from the Foreign Relations Committee threatens the continuation of the import gains which have been made by the AID population program. As I stated earlier, since 1967 Congress has expressly set aside a specified amount of money to be utilized solely for population programs by AID.

This year, the administration has suggested, and has been successful in achieving changes in this longstanding practice. These efforts have resulted in the language of section 292 of the bill before us. This language discontinues the traditional system of earmarking specifically for population programs a certain amount of funds appropriated for the development loan fund, and substitutes for it a separate authorization of appropriations which funds would remain available until expended. The real effect of this change is to give to the Office of Management and Budget the opportunity for independent action in this vital international program area. Over the years, Congress has expressed its concern for the continuation of such programs by steadily increasing the amount earmarked. At the same time officials of the administration in both the Office of Management and Budget and AID have not requested annual increases in the population program or shown any sense of urgency despite the crucial worldwide need. I believe they can be expected to continue to take this shortsighted attitude and should this program become dependent on a separate authorization and therefore a line item in the President's budget, they can be expected to come up with only minimum budget requests based upon fiscal considerations which take inadequate account of actual program need.

For this reason, I have joined with Senator Taft in offering the amendment to H.R. 9910 which would restore the language of previous years earmarking funds for population programs, and increasing the amount of those sums to $125 million for both fiscal years 1972 and 1973. The amendment we offer also raises by $125 million—from $320 to $445 million—the total amount authorized for appropriation to the Development Loan Fund, out of which the population program reservation would be taken. I believe only through such a reservation of funds can we be insured that these vital programs will be continued at an effective level and can the expressed concern of Congress be followed.

Mr. President, I strongly urge that the language which has been in this Foreign Assistance Act since 1967 not be altered at this point but be retained in its present form. Major changes in this program should only be considered in connection with the overall review and revision of the foreign aid program which the committee has recommended at a later date. For the present, I believe the language now in the law should simply be updated in order to provide $125 million for fiscal year 1972 and fiscal year 1973, although even this amount is not adequate given the enormous dimensions of the problem and the gravity of the world population situation.

Mr. President, the Special Subcommittee on Human Resources, which I am privileged to chair, of the Senate Labor and Public Welfare Committee, was fortunate to hear testimony on October 8 which as poignantly and effectively as any material I have read makes clear the need for U.S. assistance in the international population program field. Our witness was Dr. Norman Borlaug, one of the outstanding men of our times, winner of the Nobel Peace Prize in 1970 for his achievement in developing a new strain of wheat which can be planted in extremely diverse climates and which produces extremely high yields. Dr. Borlaug's discovery was heralded as the answer to problems facing developing nations whose population growth is far outrunning food supplies. Dr. Borlaug, however, has repeatedly stated that his so-called miracle wheat, merely forestalls a major food crisis for 25 to 30 years, and even then only if nations are able to commit sufficient scientific and capital resources to achieving maximum production.

Dr. Borlaug was presenting testimony on Senate Joint Resolution 108, a resolution calling for a national policy of population stabilization through voluntary means, whose principal sponsors are myself and Senator Taft, and which I am happy to say now has a total of 34 cosponsors. He strongly endorsed the resolution as a means of establishing the requisite credibility for the United States in the population field in order to make its international population efforts truly effective.

Dr. Borlaug spoke vividly of the implications of high levels of population density in one nation for other nations and of the necessity of each nation to recognize its own responsibilities toward finding a solution to the problem of an exploding world population. I believe this is undoubtedly one of the greatest problems facing all mankind in the next few decades. If we do not slow down and then stabilize world population growth by the turn of the next century, the world faces enormous risks of mass starvation and violent revolution.

I believe Dr. Borlaug's career which has been devoted to finding means of staving off starvation in any corner of the world, and which has taken him to numerous nations with varying degrees of development and population density, has given him an enormous insight into this subject, which is very evident in the testimony he delivered before the Special Subcommittee on Human Resources. The ideas he expressed are of great pertinence to the amendment to H.R. 9910, the proposed "Foreign Assistance Act of 1971," which I am honored to sponsor with the distinguished Senator from Ohio (Mr. Taft). I ask unanimous consent, Mr. President, that portions of the hearings covering Dr. Borlaug's appearance before the subcommittee be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Statement of Dr. Norman E. Borlaug, Agronomist, Director of the Rockefeller Foundation Agricultural Program in Mexico City, Mexico; Nobel Peace Prize Winner for 1970, Before Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee

Dr. Borlaug. I have spent these past 27 years of my professional life in trying to do something about bringing a little better balance into the capability to produce food enough to feed the people of these developing nations. Always food has been in short supply in these countries, and I have worked in a great many of them, ranging from Mexico to India, all across North Africa, and the Near and Middle East.

All too often, food is in short supply for the average man. In these past few years, we have begun to make some measureable and significant progress; in a few of the crops, especially in wheat, on which I have worked, and more recently in rice, and in maize or corn. But this is small, compared to the total needs.

It is my estimate that cereal grains are still 30 per cent short of human needs, if we take a global measure of the situation—not a very pleasant picture. In a privileged nation, such as the USA, of course, we do not think in terms of cereal grains, and I would like to qualify why.

Senator Cranston. You are referring to minimum needs, I assume.

Dr. Borlaug. Minimum needs. Here we think in terms of how much meat and how much milk and how much eggs, and so on, is included in our diet, and bread per se is a rather minor, unimportant part of our total diet. But it is not so in the other countries, because there, you see, they can not afford to produce, nor can the average man afford to buy, these animal proteins, animal products.

The reason for this is simple. To produce a pound of poultry meat, chicken meat, takes two and a half pounds of grain. To produce a pound of pork chops will take about four and a half pounds of grain, and beefsteak, such as we ordinarily think about, will take six and a half to seven. You can not afford this conversion factor in a hungry world. Even were it possible, the purchasing power of the low-income people would not make it feasible.

And so we have made certain progress. But this progress, as I said when the press descended upon me at the time of the Nobel award, might buy us 20 years, or 25, or 30, if we could get governments to commit reasonable resources to permit us to have the scientific base and the inputs necessary to continue pushing forward.

I said "if." There is no certainty about this. Because now you see even here, within our own very privileged country—and I would like to state here and now that even though I have lived outside of the United States for 27 years of my life, I am a very proud American, and yet I am sometimes a very confused American now when I come back and read the press and look at the television, because there is a certain segment here which doesn't understand what a difficult problem we have on this food production funding. They think things are much better now in the developing nations—and it is not so. It is just nip and tuck. We do not have any room for complacency. We have to work aggressively.

And what I said was that we might be able to buy 20 or 25 years in which to bring into balance population growth and the capability to provide a decent standard of living to all who are born into this world.

And unless we can provide this, Senator Cranston, so far as I am concerned, we will never have any lasting peace. We will have international strife and recurring troubles, and there will not be any peace. You can not build international peace on empty stomachs and poverty and unempolyment. And this is the situation in a vast segment of the world today, and unfortunately some of our great idealists do not understand this. They think you change governments and you solve these very basic problems. Everyone wants a simple solution to all of these very complex and interrelated problems that bear on human life. But it isn't that easy.

Senator Cranston. Do you feel that we have at most 25 years?

Dr. Borlaug. This is optimistic; this is optimistic. For example, unforeseen developments on the interrelating and interreacting forces of population, food production and environment that have to do with our capability of producing food, first here in the United States and then elsewhere may reduce that number of years by half.

Senator Cranston. I gather that it is your feeling that if we do not get population growth under control quite soon, we will just face utter chaos in many parts of the world, which will then really engulf the whole world.

Dr. Borlaug. It is my feeling, sir, that already some of the great cities of the world are so large and so complex that we are already on the verge of chaos. New York City, Calcutta, Dacca, Tokyo, you name them. And so many things can go wrong, whether it be with power, with transport, with water systems and sewage disposal, that somebody, in some sort of a manifestation, steps on somebody else's toe, and suddenly you have a riot.

And this is always, of course, more explosive the more poverty stricken one of those large cities happens to be. You have a riot and it can become a civil war, and then an international war, and we again will get tangled into these things inadvertently, or some other nation will, and it will go on to all sorts of extremes, with sad consequences.

So I have great fear for the large cities of today, and the instability that is being incorporated into them, simply because too many people are piled up in these megalopolises. So you see all of this population growth, no matter what arm or what appendage you look at in this octopus, I call it, that affects all of the different spheres of human life even in a privileged country such as the USA.

Senator Cranston. If, in the USA, we manage to handle the problems within our cities, I assume you feel that we could not avoid the consequences of a failure in the rest of the world, particularly in Latin America or Asia, to come to grips with the population explosion.

Dr. Borlaug. What we do here at home will have a lot to do with how the developing nations will react.

Senator Cranston. Yes.

Dr. Borlaug. Is this the main thrust of your question, Senator?

Senator Cranston. No, I was really asking this: If we manage to handle the problems here but they are not handled in Asia and elsewhere, we will not avoid the consequences here, will we?

Dr. Borlaug. No, of course not. We all, as good Americans, want to have a stable world situation. I think we are all humanitarians enough to want to see a decent standard of living for all people, and a decent opportunity for all who are born into this world. And we cannot stand political chaos, as I see it, and continue to have our own way of life, our own democratic form of government. Sooner or later we will become embroiled in issues that boil over from neighboring countries.

So what happens in foreign countries seems to me to be of great concern to us back home here in the USA. And I say this with great feeling, having lived outside of the country for all of, these years.

Senator Cranston. One of the clauses in the Senate resolution touches on the other point you alluded to, i.e., what we can do by example. And it reads as follows: I would be interested to know if you have any comment or revision you think might be appropriate:

"Whereas it is by its own example that the United States can play a leading role in the fight to curb world population growth which is obstructing economic progress and threatening starvation, mass unemployment, and civil strife in the developing countries of Asia, Africa, and Latin America."

Dr. Borlaug. I would agree a hundred per cent with what you have said. I would just like to say a few words to add emphasis to this from the position from which I have looked at the whole issue.

I have expressed concern not only on this population issue, but on other issues which are of international importance to the United States.

On the population issue, I think it is immoral for us to say, "Oh, we are privileged; we have a good standard of living; we don't need a population policy. But Country A, B, or C, because of its vast total population and great population density, must, as soon as possible, establish such a policy and implement it."

It is perfectly obvious to me, and I am sure to most of the people who stop to think about it here in the USA, that it is immoral to say that, to say, "This is good for you, but I do not need it."

And as long as we have this attitude, we will never be effective in trying to assist another nation in trying to come to grips with its population problem.

Senator Cranston. Can you cite any specific examples where you have confronted this credibility issue about us in your conversations with leaders and scientists in other countries?

Dr. Borlaug. Yes, very definitely.

I have had scientists in India straightforwardly ask me this question, "How is it that you in the USA, who have no population policy, can be here in various types of agencies advocating and trying to help us with this issue?"

And I think that this person wasn't at all vicious, but only raising a perfectly legitimate question. And I am sure it exists in the minds of many scientists and educators and government leaders abroad. I think we must all realize that were we the head of the Ministry of Public Health, let us say, in one of these countries where there is a tremendous population problem, or a prime minister or a president trying to cope with this—how stable a ground would such a person have in trying to work from this platform of ending population growth?

That is another issue.

But the point is, if we are going to assist these countries to strengthen their positions and their capabilities of solving the population growth problem, we have to start out from a sound base ourselves. Otherwise, the image we project to our foreign friends, even though we are trying to help them in every way we know possible, will be misinterpreted, at least by certain segments of those societies.

And this, Senator Cranston, is why I feel very deeply about this.

Senator Cranston. As you know, there is evidence that there is a sharp decline in the United States fertility rate at this particular moment—nobody knows for how long that may endure. I suppose we will not really gain any credibility along with such a population growth decline unless it is part of a national policy and not an accident, perhaps attributable to our economic recession.

Dr. Borlaug. Well, I am sure from my own limited experience in this field here inside of the USA that it is probbaly a very complex issue. I hope that even though the decline in population growth may be accidently it can be put on a continuing basis so we can look forward to stabilizing this situation.

We are greatly concerned about what happens in our environment and, of course, the amount of pollution, up to a certain point, is directly related to the number of people we are piling in together, and especially in the large cities.

Senator Cranston. Do you feel that the scheduled UN Environmental Conference in Stockholm lends some additional urgency to the development of an explicit United States population policy?

Dr. Borlaug. I definitely feel that if such a policy could be established by the United States Congress before that time, it would speak in a loud voice. It would be very helpful, I think, to indicate our concern and deep interest in doing something about this whole environmental problem and, of course, about human dignity as it relates to population growth in its broadest sense.

Senator Cranston. We are very hopeful that we can get the resolution enacted prior to the time of that conference.

Getting back to the 25 or 30 years that we might in effect buy through miracle wheat in accordance with your statement—if the nations committed the necessary means—have the committed the necessary means for that particular achievement?

Dr. Borlaug. At the present time, no. It is a struggle every step of the way to get the commitments, and we must recognize that in these developing nations there are a great many demands on their limited resources.

Let me use a concrete case in point:

We can do very little in these countries without large investments in fertilizer and fertilizer plants. The soil has been farmed for centuries, and in some cases for even thousands of years, and it is depleted of many of the essential plant nutrients. And the only way that we can restore these in an economically feasible sort of way is with fertilizer.

And fertilizer and its use cost money. It costs money to build these plants, and in order to move the fertilizer, you have to change your whole transportation system. It calls for credit for the small farmer. There are many roadblocks to implementing this.

And then the government is pushed to all other sides, not only on this food front but on the educational front. They are running behind; they are falling behind.

Let me illustrate: In one particular developing country, the population was 18 million people about 30 years ago. At that time there, 50 per cent of the reading-age population, 9 million people, were illiterate according to government figures. Today that nation has 50 million people and they say that the illiteracy has been cut to 25 per cent. But 25 per cent of 50 million, a quarter of 50 million, is 12 million. So there are more illiterates now than there were then, even though the percentage shows that it has been cut in half.

And this nation spent greater sums on education than any other nation in its part of the world.

And this is the sad tragedy of many nations.

You see, it is deceiving to talk in terms of percentages when population growth is exploding.

I mentioned education, but population growth affects many other facets, such as, let us say, employment, or unemployment.

With the exploding population growth in some of these countries, even though these nations, in some cases, are making surprising growth in industrialization, it is not fast enough to cope with these three or three and a half per cent population growths. So we are losing ground on that front.

And I could go on and name many more.

So this, I think, points out the urgency of trying to help these nations to come to grips with this population problem. But, without a policy of our own, I do not think we will project an image that is at all satisfactory.

I testified a few months ago about the need for reproductive biology research, as the devices and means that are available in the developing countries are inadequate even if people by their own choice, and governments by their own choice, decide to try to stabilize this balance. Many of those countries obviously do not have the scientific capabilities and scientific manpower for conducting the research and checking their validity and their safeness so that we could hopefully have better methods in the future.

That is another aspect, but yet I think it is something that we need to think about. It is perhaps outside of the general sphere of this hearing.

Senator Cranston. In regard to the miracle wheat matter, how close is our country to doing what it should be doing to help the world achieve development——

Dr. Borlaug. In food?

Senator Cranston. In miracle wheat specifically.

Dr. Borlaug. I think the situation here on wheat is quite different than in other parts of the world. We are one of the great exporters of wheat.

Senator Cranston. But can we be helping other countries more than we are by foreign aid and assistance?

Dr. Borlaug. United States aid has done a creditable job in assisting the world; the American people have. During the near-famine crisis of 1965 and 1966, had it not been for the vast quantities of wheat shipped from the United States to India and Pakistan, there would have been millions who would have starved to death.

Beyond the particular sale of P.L. 480 wheat or other cereal grains, the United States Government has also sent to foreign countries over the past—I am not familiar exactly with the number of years, but let me say 20 or 25 years since the beginning of U.S. AID or its predecessor—technical people to assist in the development of their agricultural programs. I think these have been good investments in world stability.

This is a long, difficult road, and it has many different roads that turn off from the main road, the one that we hope will bring us to some decent semblance of human dignity for those who are born into this world. And I have spent most of my time on this road of bread and food.

Senator Cranston. While a green revolution could hopefully forestall mass starvation, I assume that it would not make possible a continuing population explosion; is that correct?

Dr. Borlaug. No. Certainly we hope to recognize that the old Malthus theory some day or other will come true.

Don't look for science and technology to continue to push back this barrier long enough so that this does not become an issue. The whole question is: Can we hold the line? And can we provide food enough, which is the first basic necessity for human beings? We can not talk about the other necessities of life, because without food you only can live about three weeks. But we must hold on this front and permit the world to come to grips with population growth.

There is a point beyond which we will never be able to cope with this, and we should not look for a simple answer to this problem.

We are different from all other animals, Senator, in virtually all animals there is a built-in biological device to control their populations in numbers so the population will adjust to the carrying capacity of the habitat, so-called, their own environment.

This is true of the Arctic lemming, the little Arctic mouse, which builds up into fantastic numbers and then becomes irritable, and starts migrating, in a suicidal march to the sea, and they die by the millions.

And it is true of the snowshoe hare in the northern woods of Minnesota and Wisconsin and Michigan and south of Manitoba. They build up to large numbers, and something goes wrong in their nervous systems and they just die from internal hemorrhaging. It was thought to have been diseases and viruses and many things up until a relatively few years ago.

The lion prides in East Africa have a built-in device. And it is a funny one in this case. During a certain season, when the animals they prey on are in the lowlands or in the brush country, there is an ample food supply. But when these zebra and other animals migrate, the lion stays in place. And during this stress period, the weak ones are killed off.

There are all kinds of devices, but God gave man a brain, and he can look at where we are now and project ahead with a fair degree of certainty what the situation will be like 20 years from now or 40 years from now. And this device is a unique one. But we refuse to use it to preserve our own democratic way of life, which I value very highly.

You see, sir, I have worked with all types of governments, from military dictatorships to completely socialistic states, working as a scientist, engaged in this struggle on the food production front. These problems are common to all, sir, and they aren't going to go away and we need to cope with them and deal with them.

Senator CRANSTON. I would like to ask you one rather sweeping question, and I have to ask you to answer it in not more than three minutes, because I have to go and vote on something now.

Beyond setting an example, what should we be doing to help other countries deal with the population problem where they want our assistance? What are the main things we should do?

Dr. BORLAUG. I think in this whole study of reproductive biology which I feel strongly about, our techniques are inadequate and we have to, through our own medical excellence, try to evolve better ones.

Then perhaps also in our whole system of communications, although I feel on the national front this is a job to be carried on by the nationals of the country, we should certainly provide them with certain technical competence as consultants in some of these pilot-plant projects, at least.

This has been done, up to a certain point, especially by some of the foundations, but I think more will be needed in the future.

Senator CRANSTON. Our efforts there relate back to the credibility matter.

Dr. BORLAUG. Right.

Senator CRANSTON. And our efforts should relate first to our own policy making here, if we can, and then to rendering assistance to others.

Dr. BORLAUG. You are so correct. We are going to be ineffective until we have shown the world by an action, such as adoption of the population stabilization resolution being discussed here, that we are determined to halt our own population growth.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of this side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, because of plane difficulties, a Senator who wanted to speak on the pending amendment is not available; but I understand—and I hope that this is corroborated by the distinguished Senator from Ohio (Mr. TAFT) and the distinguished minority leader—that what the Senator has in mind is being fully protected, regardless of the action taken by the Senate at this time.

Mr. TAFT. It is my understanding that this is protected by the unanimous consent agreement.

Mr. SCOTT. We will do whatever is necessary to protect the Senator. I understand that he has an amendment on this subject, but it can be covered by his own separate amendment, and I understand that he has no objection to the amendment of the Senator from Ohio. Is that correct?

Mr. TAFT. That is my understanding.

Mr. SCOTT. And I understand that if there is no objection—if the manager of the bill would so indicate—we will simply call for the vote.

Mr. STENNIS. Mr. President, will the Senator yield me a half minute?

Mr. TAFT. I yield.

Mr. STENNIS. Mr. President, I send an amendment to the desk for printing and for later consideration.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Ohio has discussed this amendment with me; and before I stand aside to let it pass, as the majority leader has suggested, I should like first to give the Senate the situation and then ask Senator Taft a question.

On the very last day of the markup, the posture of this particular item of $125 million was that it was authorized for the specific purpose of population control and that it was to be deducted from some part of the bill to the extent of $125 million, which would have reduced other aspects of the bill.

At the very last, on a motion which I offered, with the support of a substantial majority of the committee, the provision that the $125 million was to be charged against the aggregate sum in the bill, thereby reducing the bill by that $125 million, was excised, so that it came to the floor with $125 million for population control in addition to all other items of the bill.

The Senator has been over this amendment with me and represents to me that the structure of his amendment is such that the additional amount is retained, except that when it comes to appropriations, the authorization will be in a larger figure, including other items, of which this will be a part, but clearly this figure is itemized and specified for this particular purpose.

So that two things are covered: One, that it is in addition to other sums in the bill; and, second, that whatever is available by appropriation is clearly to be utilized for this purpose, though it is a part of a larger appropriation for this and other purposes. If those two points are confirmed by the author of the amendment, and with full knowledge of the fact that another colleague intends to offer an amendment which will restore the situation that was changed by my amendment, then I would have no objection to this one going through, and then deal with the other one when it arises; but I want to be positive that we are not going to reverse the course the committee has taken so far.

Mr. TAFT. I would like to assure the distinguished Senator from New York that I have studied this matter in considerable detail and my understanding is, as the Senator has pointed out correctly, that an overall amount in the bill is increased by the $125 million figure and now we have a requirement to restore it to the law, which has been in the law for the past 4 years, so that this certain sum represents what will be for the population control program and not for any other program. With the understanding of the Senator from New York, which is correct, and my understanding of it, we have as well the actual interpretation.

Mr. JAVITS. If the amendment is agreed to, I would certainly appreciate it if the distinguished Senator from Ohio would not move to reconsider or table it, in view of the fact that another Senator does have to come in on it. Other than that, I have no objection to it.

Mr. SCOTT. Does the Senator from Ohio yield back the remainder of his time?

Mr. TAFT. I yield back the remainder of my time.

Mr. SCOTT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT).

The amendment was agreed to.

AMENDMENT NO. 482

Mr. SCOTT. Mr. President, I call up my amendment No. 482 and ask for its immediate consideration, and will follow this with a unanimous-consent request.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 58, line 1, strike out all through page 59, line 2, and renumber succeeding sections accordingly.

The language proposed to be stricken by the amendment reads as follows:

WITHDRAWAL OF UNITED STATES FORCES FROM INDOCHINA

SEC. 406. (a) The Congress hereby finds that the repeal of the joint resolution entitled "Joint Resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (Public Law 88–408), known as the Gulf of Tonkin Resolution, has left the Government of the United States without congressional authority for continued participation in the war in Indochina. Therefore, in order to bring an end to the involvement of the armed forces of the United States in the hostilities in Indochina, to secure the safe return of United States' prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all United States armed forces.

(b) On and after the date of enactment of this Act, in order to carry out the policy of withdrawal of all United States armed forces from Indochina, funds authorized for use by such forces by this or any other Act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn.

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield to me?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at the hour of 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is not anticipated that the full 2 hours will be taken on this amendment. My understanding is that, if that is the case, the next amendment to be offered will be by the distinguished Senator from Nevada (Mr. CANNON), which would seek to strengthen the so-called Hickenlooper amendment relative to expropriation of properties in foreign countries.

So, Mr. President, there will be plenty of business here. I understand that the distinguished Senator from New York (Mr. BUCKLEY) and the distinguished Senator from Colorado (Mr. DOMINICK) have amendments to offer. I hope they will be offered at the appropriate time so that we can get as much as possible out of the way today.

Mr. President, as of now, it is anticipated that the Senate will stay in late, come in early tomorrow, and stay in late tomorrow night, with the hope that we can finish the bill by tomorrow night.

If we do, there will be no Saturday session, but if we do not finish the bill by tomorrow night, then there will be a Saturday session.

Mr. SCOTT. Mr. President, I agree with the distinguished majority leader. We are all now on notice, and we should all do our best to finish the bill and to finish it on Friday, if possible.

Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, this is an amendment to delete beginning on page 58, line 1, all through page 59, line 2, and renumber the succeeding sections accordingly.

In other words, it is to delete what has become known as the Cooper-Church amendment.

It should be self-evident that congressional intervention in the complex and difficult problem of disengaging the United States from the war in Indochina must be measured against the simple standard of whether or not this intervention will contribute to the achievement of U.S. goals. The intervention proposed by this amendment does not meet this standard. On the contrary, as in the case of other such interventions, it is likely to complicate rather than facilitate U.S. policy.

It is the fundamental goal of the United States to disengage, to withdraw all our Armed Forces from Indochina. Congress has no reason to doubt this goal, the enemy has no reason to doubt it. It is also our objective, if possible, to negotiate an end to the war itself, to obtain the release of all of our prisoners of war and to assure the people of Vietnam of at least a chance to maintain their own defense. As we withdraw, our Armed Forces continue to be our principal bargaining point for the achievement of all of our objectives. For the Congress to place restrictions on the employment of this bargaining point nullifies its capability to achieve our objectives.

To tell the President of the United States that he may not expend funds other than to carry out a program which in fact he has said he is carrying out is a public expression of lack of confidence. There is nothing to warrant this lack of confidence. The only effect of such a declaration of no confidence would be to weaken the ability of the United States to deal successfully with this particular foreign affairs problem, and others as well.

By publicly letting the North Vietnamese know that a restriction has been placed by the Congress on the employment of U.S. forces, narrowly defining their use, the Congress would remove any uncertainty on the enemy's side regarding our intentions. This in itself would pose a danger for our troops, imminent or not. It certainly could pose a problem for South Vietnam. In the absence of doubt or uncertainty, in addition to losing any inducement to negotiate, the Communists could take full military advantage of this new development. They could increase the threat against South Vietnam and therefore against our own forces.

Congressional action along these lines is therefore not only unnecessary for the achievement of U.S. goals, but on the contrary carries the serious risk of prejudicing the very objectives which all Americans must share, the successful end of U.S. involvement in Vietnam, the return of our prisoners, and the survival of the country for which we and the people of that country have already paid such a heavy price.

An equally worrying aspect of the Church-Cooper amendment is the limitation it would place on the President's ability to use U.S. air power in a manner which best protects American soldiers withdrawing from Vietnam and to achieve our national objectives in Indochina. Is bombing of the Ho Chi Minh Trail considered to fall within the purview of this amendment? Would bombing of the trail be considered a measure necessary to protect our forces against imminent danger as they are withdrawn? Any legislation affecting the President's use of air power in Indochina constitutes a decision of major consequence and is not a decision the Senate should reach hastily or without full understanding of the consequences.

The phasing down of the war in Indochina and the efforts to free our prisoners of war require that every bit of flexibility, every possible negotiating option, be in the President's hands over the ensuing months. The proposed bill would throw away, in advance, the very bargaining options which he needs.

There is nothing Congress can do legislatively to take away any options of the enemy at the bargaining table, but there are things Congress can do to remove from the U.S. side of the discussion valuable options which should be available to the President of the United States.

Let us consider the question of prisoners of war. If we remove all our forces without any commitment from Hanoi, and Hanoi has made no such commitments—statements of others to the contrary notwithstanding—if we remove all our forces and leave the prisoners of war there, they may stay there forever.

We must preserve, through the United States, the kind of options which would make it worth while for Hanoi to say to us: "We will surrender the prisoners of war."

What are these options? They are not the retention of the U.S. ground forces. They are coming out. And they will continue to come out and they are certainly coming out as fast as they have been in the past, and they may come out faster.

A large portion of the ground troops are out. They are now below the level of 200,000 men in Vietnam or will be within a matter of days.

So what is left? What is left is the hopes of the United States to maintain its airpower and its seapower. Why do we reserve the airpower? Why do we reserve the seapower? Is it to complicate this war? It is not. Is it to extend the war? It certainly is not. Is it to widen the war? It decidedly is not.

We reserve the airpower and the seapower to protect our forces in the process of withdrawal and to protect those to whom we owe an obligation as far as Indochina or Vietnam is concerned and to protect the civilian population in the process of withdrawal.

But suppose we withdraw the Air Force. Suppose—and I lean on Rudyard Kipling here, "Far-called, our navies melt away, on dune and headland sinks the fire."

The ground force, yes. But suppose the Air Force is gone. Suppose the Navy is gone. How reckless can we be? We will have left the prisoners of war there at the fate of an enemy which does not observe the Geneva Conventions.

All of the votes in the world will not get those prisoners of war back unless we have either negotiated our way out of this situation or have succeeded in persuading Hanoi that our intentions to make a total and absolute withdrawal of all our forces are credible and that we mean it and are doing it.

No one who has criticized the President ever rises to point out that the enemy never does any of these things. It is the enemy who has not withdrawn. It is the enemy who does not propose to lessen the burden of combat. It is the enemy who is not ceasing his unending efforts to move down these trails. It is the enemy who invaded Cambodia. It is the enemy who invaded Laos.

The President is doing it. I have said many times before that this is what the President is accomplishing. The American people well know and well understand that. There is the understandable desire of the Senate of the United States to share in the credit.

To my mind, getting the prisoners of war out with the full authority of the President and reserving to him all of the available options would be more creditable to the Senate than for us to go to the American people and say, "See, we passed some resolutions. We passed some amendments. We will see that they are going to do it." What we are doing is playing a little charade. The President is doing it. All we are doing is sharing the credit.

Goodness knows, there is credit enough for us if we get at it. I did not see anyone sharing the credit when we went in. I did not hear the Senate of the United States then saying, "We will take full responsibility for the war." We have heard people telling the President how to run it and what to do.

We repealed the Gulf of Tonkin joint resolution. If it makes Senators feel better, I will introduce it and we will repeal it again. We can repeal it again if anyone likes to do so.

We ought to stop this rush for credit. We ought to stop this rush for praise. We ought to stop telling the President that we are going to take his bargaining chips away from the table and leave him helpless in the face of the longing of the prisoners of war to return home.

We are not going about this in the right way. We are not helping the U.S. cause. We are not helping the United States in whatever chance remains, however slim it may be, for negotiations.

Let me tell the Senator this, that if all hope of negotiation fails, the administration will give a full accounting to the American people of every step taken to persuade Hanoi to come to the peace table and make an agreement. And when that particular revelation is made, it will cast into the deepest kind of shadow all the futile attempts of the Congress of the United States to dictate to the President what should be done.

Whatever we have said to him, he has tried. Whatever we have proposed, he has already proposed. Whatever channels we say that he should follow, he has followed.

The effect will be devastating when that information comes out. Let us wait until the 15th of November and hear what the President has to say. Let us give the President of the United States the same trust and confidence we give to any President of the United States. It is high time now, I think, for us to do it.

Indeed, the operating language here, "against imminent danger" is confusing. The phrase "as they are withdrawn" leaves certain things in doubt. It leaves in doubt whether we have the right to use airpower. It leaves in doubt, among other things, whether we have the right to protect villages caught behind the line.

What does the commanding officer do if this withdrawal leaves 2,000 persons in a village 1 mile from our men who are being withdrawn? Does the commanding officer have the right to protect that village and to protect the civilian population from massacre, as more than 3,000 were massacred at Hue?

What does the commanding officer do? A couple of lawyers with him will not tell him any more than the Supreme Court will. In the loneliness of the decision he has to make he has to decide whether, if this amendment were to pass, he has the power to go back and protect these 2,000 civilians.

That is one of the dangers in the amendment.

To me, this means the authority to do anything is denied except to withdraw. He could not move back a mile to protect the 2,000 civilians but would have to leave the village and the civilians helpless.

For many reasons, and I think I have cited a few, I think this amendment, if agreed to, would do damage.

Some are still going to ask to share in the credit with the President. I wish we could record it in golden letters and do that. It could be published here and everywhere, except in Hanoi, where we would not have a guarantee that they would be published exactly as written here. However, let us publish that if we want to. Let us say that the Senate wants to share in the credit. However, let us not tie the hands of the President of the United States.

Mr. MANSFIELD. Mr. President, if the Senator from Kentucky would allow me, I would like to make a predicate for the substantial response which he will make.

Mr. President, as always, it is a pleasure and most interesting to listen to the leader of the President's party in the Senate.

I note that he seems to indicate that Senators are rushing to achieve a certain degree of credit and rushing to achieve a certain degree of praise, or whatever, and that we are attempting to dictate to the President of the United States.

Let me say, speaking as one Senator, that I would be the happiest man in this country if the President were to pull the rug out from under those of us who have been advocating an accelerated withdrawal from Vietnam and those who have been trying to do something about the release of the POW's and the identifiable or recognizable MIA's in connection with this withdrawal.

The distinguished minority leader has asked why we do not wait until November 15. I do not see any reason to wait until November 15, because the pending bill will either be tabled, recommitted, or passed and in conference, if passed, by that time.

The conference will not be decided in a week, 10 days, or 2 weeks, but time is a factor on the part of those who are still serving in Vietnam.

While I noted that only seven Americans—"only" is the callous word so frequently used in the press—were killed last week in Vietnam, combat dead, 35 other Americans, according to the press this morning, were wounded or dead from other causes such as disease, accident, and the like, and about 85 Americans were wounded. That was the third week in a row in which less than 10 Americans were killed.

Mr. President, one American is just as important as 10 or 35, and as far as the record is concerned, I want to again call to the attention of the Senate the need for action and the need for this body to assume its share of the responsibility. We have a responsibility and we should live up to it.

The latest figures up to the 16th of this month are 45,577 combat dead, 9,828 noncombat dead, or 55,405 Americans dead in Vietnam as of the 16th of October, 1971. As of October 16, 1971, in Vietnam, 302,020 Americans wounded. Total casualties as of that date were 357,425—357,425 Americans. 35,000 totally disabled, and somewhere between 450 and 1,601 POW's and missing in action.

And we are asked to wait for a date. We are asked to delay and sit back. We are accused of seeking praise, of dictating to the President. We all realize the President has tremendous responsibilities but each Senator and this Senate collectively likewise have a responsibility. What the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Idaho (Mr. CHURCH) are attempting to do is not to tie the President's hands but to join in making sure the withdrawal continues, and in line with that withdrawal, that our troops are protected.

This is the record, the only record which counts. We can make speeches here and everywhere but the record is 357,425 American casualties in this war in which we had no business, in this part of the world which is not tied to the security of this country. The sooner we wind it down and bring about the withdrawal of our men in line with the release of our prisoners the better off all of us will be.

This war has cost us these casualty figures I have mentioned and more. It has cost us well over $100 billion. This war has been and is responsible for much of the difficulties, economic, social, and otherwise, which afflict this Nation today.

This war has brought about a tremendous increase in drug addiction, and I am not talking about marihuana. This war has intensified the racial friction within the Army, if not, indeed, in the Nation. This war has introduced new concepts, such as fragging into the military services. This war has weighed heavily on the American people and has weighed heavily in our relations not only at home, but also with other nations throughout the world.

I know the distinguished minority leader is as anxious as the rest of us to bring this war to an end, to bring the casualties to an end, and to decrease the costs, so that our problems at home can be better faced. But we cannot sweep this question under the rug and it will not be swept under the rug.

May I say, in conclusion, that if the President wants to pull the rug from under those of us who are advocating such a proposal as the Cooper-Church amendment I will be the first to applaud him because I want the rug pulled from under the opponents of the war, because I want this war brought to an end. I want our men returned home and I want our prisoners released at the same time.

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. HUGHES). There will be no demonstrations in the galleries, or the Sergeant at Arms will have to clear the galleries. There will be no responses of any sort in the galleries of the Senate.

Mr. MANSFIELD. Mr. President, I yield 15 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I express my appreciation for the words of the distinguished majority leader. The Senator from Montana (Mr. MANSFIELD), has long urged the withdrawal of our forces from Vietnam and Indochina as expeditiously as possible. The Mansfield amendment has been passed by the Senate but was modified to a large extent in conference. The Mansfield amendment is a part of the pending bill and it will be given great support.

The subject I am about to discuss has been debated many times in the Senate, and I do not propose to make a long speech. I know what the amendment intends.

Like the Senator from Montana, I always enjoy hearing my minority leader speak. He is a good speaker, he is very persuasive in argument, but not so persuasive today, and I believe he confuses the issue. After I explain the amendment, I will respond to the statements he made.

He would almost have us believe that a commanding general, or sergeant, or corporal—faced with some unusual situation, in Vietnam, could not take action to protect his troops without consulting our amendment.

Our amendment is a tough amendment. It provides for the continuous expeditious withdrawal of all U.S. forces from South Vietnam, Laos, and Cambodia. In this respect it is consistent with the action, and I underline "action," of the President who has ordered thus far the withdrawal of over one-half of our forces. For this, I join in praising President Nixon, as I have done before on the floor of the Senate. He deserves the greatest credit for reversing the previous policy of constantly augmenting our forces in Vietnam and maintaining a high level of military action attended by great casualties and cost.

But, conversely, I want to make plain that this amendment is not consistent, as I understand it, with keeping residual forces in Indochina, or remaining until South Vietnam is reasonably able to defend itself.

I think it is obvious that South Vietnam, its forces having been trained for years by U.S. military personnel, having been supplied with billions of dollars of equipment, and now with over 1 million men under arms, surely should be able, at least, to defend its own land if it has the will to do so.

Our amendment would prohibit, as I have said, the maintenance of a residual force in Indochina. It would prohibit military actions by our Air or Navy from outside Indochina striking against Laos, Cambodia, or Vietnam, after withdrawal of our forces.

I do not know whether many are concerned about the constitutional basis of the amendment, but I want to say that it is clearly constitutional. The past administration relied to some degree on the Tonkin Gulf resolution as the basis for its military action. I voted for the resolution and understood its meaning. I said on the Senate floor during the debate that, as I understood it, the resolution could give President Johnson the authority to lead into war. But the Tonkin Gulf resolution has been repealed, and our amendment declares and we believe constitutionally, that with the repeal of that resolution, the President has no authority—this President or any President—to maintain the United States in military operations without the explicit and specific consent of the Congress.

The distinguished minority leader has raised the question of the protection of the troops. I think if one understands the amendment, and it is not difficult to understand, it envisions the continuous procession of our forces, of all services, out of Vietnam. But there is nothing in this amendment which would deny to our forces the best and fullest protection in that process of withdrawal.

The concept is, that our amendment denying funds for any purpose except for the withdrawal of our forces—would effect a constant, expeditious, and nonstop withdrawal of all forces from South Vietnam, Laos, and Cambodia. The question of protection is not in doubt, and protection against imminent danger is correct.

If the term "imminent" danger is not used, the President, and I say this with no disrespect to him—I am speaking of the office—could decide, as it has been decided in the past, that an expedition into Cambodia or Laos would be necessary for the protection of the troops.

The constitutional authority of any President for the protection of U.S. troops, unless he has been given authority to go to war, is to protect them against imminent danger. The amendment would not deny the continuing authority to bomb the Ho Chi Minh Trail, if we are engaged in withdrawal, and it provides to the President the flexibility to take whatever action he thinks necessary to prevent the troops from being destroyed or hurt by any situation which could bring about their imminent danger. Beyond that, and without the restriction of "imminent danger," the world is open, and there is no limit against my military operation. Our amendment would insure their certain protection—withdrawal—and full protection as they leave.

I want to talk about negotiations. I have talked with all of our chief negotiators. I have talked with them in Paris, and in our country. I talked with Ambassador Harriman, with Ambassador Lodge, and with Ambassador Bruce. I have talked many times with Ambassador Habib, who I believe knows more about the course of the negotiations throughout the years than anyone else. There have been no negotiations. All our representatives have told me that. I was in Paris last August. Ambassador Habib told me then that there had been no substantive negotiations. It is not the fault of the United States, but the one central point that is essential to any agreement is that the United States intends to withdraw its total forces from Indochina.

In my opinion, there will be no negotiations until it is decided by the President, and announced, or if we help him decide it by adopting an amendment such as the pending one, that we will withdraw all our forces.

That does not say North Vietnam is correct in its position. North Vietnam has been the aggressor from the start, and I agree that this has been forgotten or ignored by a great many people, and some who continue to place all blame against our country. But the fact is that there will be no negotiations until there is a policy of full withdrawal. At minimum that is the record thus far.

It has always been my hope that the war would come to a full close in Vietnam—in Cambodia and Laos, as well as South Vietnam, and that all fighting will cease. Cambodia and Laos, particularly, are victims of this war, for, without their desire, they have been brought into the war, and they, too, have suffered casualties—the dead and wounded—and loss of property.

But the fighting will never stop in Cambodia and Laos until the war stops in South Vietnam. In my judgment, they will never have any chance for any kind of independent government until the war is ended and until we are out of Vietnam.

I will make this statement also: We have had little or no assistance from other countries toward negotiations, and we will not have any as long as we keep our forces in Indochina. What friends we have in the world—and they seem to be fewer, unhappily, and I do not think that it is deserved—will not interfere in negotiations if they consider they are interfering with U.S. policy. The neutrals will not help in negotiations as long as they believe we intend to keep forces in Indochina. Of course, there is no chance of help at all from the two Geneva powers, China and Russia.

As for the prisoners of war, they are held as hostages because of our continuing presence. History shows that prisoners of war have been released at the close of war or because of negotiation. The longer we remain, there will be more prisoners of war. In my view, they will not be released until a decision is made to remove ourselves wholly from the war. I hope I am wrong, and that they could be released immediately, but I do not believe we should use the prisoners of war issue as a reason for continuing the war.

Two years ago I offered a forerunner to the amendment in the Senate, on August 12, 1969. It was debated and later adopted, the assertion being made that it would not amount to anything. It passed this body by 60 or 70 votes, but it was rejected in conference. This amendment is consistent with amendments offered in the past not particularly with my cosponsor today, Senator CHURCH—to whom the people of our country owe much for his constant effort to help bring the war to a close.

The amendment does not establish a date. I have thought that the strict establishment of a date might make negotiations more difficult—without a date, it provides the President greater flexibility.

But nevertheless, without the establishment of a date, if the amendment becomes law and faithfully followed, the requirement for withdrawal of all forces from Indochina expeditiously, protecting against imminent danger, and the requirement that no funds can be spent except for that purpose would assure complete withdrawal, and within a short period of time—as similarly proposed by the amendment of our majority leader (Mr. MANSFIELD).

Mr. President, Congress has its authority. It is not a question of encroaching upon the President's authority; it is a question of asserting and maintaining our own constitutional authority to have a part in war policy, which affects all our people, and is a matter of life and death to those who fought.

The distinguished minority leader spoke of our national goals in respect to this war. I believe the national goal now is to end the war, and to remove our troops as quickly as possible.

In closing, I thank the Senate for its consideration of the amendment. I hope very much the motion to strike will be defeated. I do not think it infringes upon the President's power. I think there is now an infringement on our power. But I hope more than ever that our policy will be to completely withdraw from South Vietnam, Laos, and Cambodia, to give the people of those countries a chance to live in some kind of peace, to have a better chance to establish their own governmental system, and, finally, to save the lives of our men and to provide a better chance for the release of our prisoners of war and their return to their families.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

First of all, Mr. President, I commend the distinguished senior Senator from Kentucky for his remarks in support of the amendment that we both sponsor. I fully agree with everything he has said.

For the past 3 years, Senator COOPER and I have been collaborating in an effort to invoke the power of Congress to limit and define American purposes in Southeast Asia. We have sought to do this, not by attempting to infringe upon the President's constitutional power as Commander in Chief, but by utilizing the purse strings which belong to Congress.

The first Cooper-Church amendment, enacted into law in 1969 and renewed again last year, prohibits the use of funds to finance the introduction of American ground combat troops into Laos or Thailand.

The second Cooper-Church amendment was signed into law only after a long legislative struggle. It finally passed both Houses of Congress in the closing days of the last session, on December 29, 1970, as part of the supplemental foreign assistance authorization bill. The amendment extended to Cambodia the ban against the use of American ground combat troops, and expanded it to include military advisers as well.

These amendments, considered at a time when the Gulf of Tonkin resolution was still in effect, sought to prevent American involvement—beyond South Vietnam—in a spreading land war throughout the rest of Indochina. The amendments have been observed, and a wider war involving American ground troops has thus far been avoided.

The situation we face this year differs markedly from the past. With the repeal of the Gulf of Tonkin resolution, no congressional authorization remains to sanction continued U.S. participation in the war. A constitutional vacuum has resulted. The President, in our judgment, now lacks legitimate authority to keep on prosecuting the war. At most, his inherent power as Commander in Chief entitles him to do no more than preside over the safe and orderly disengagement of American forces.

Under these circumstances, a great opportunity is presented to Congress, the chance to fill this constitutional vacuum with a disengagement policy that could help unite the country again. Having fought the war so deeply divided, it is now possible to end it—at least our part in it— in a manner that most of us, erstwhile hawks and doves alike, could support.

Quite aside from whether we should have gone into Vietnam in the first place, the fact is that we have done what we went there to do. With our own troops, we have prevented the forceable overthrow of the Saigon government. In the process, we have built up a South Vietnamese Army of over a million strong. They now possess the means, if they have the will, to successfully defend themselves.

So, without doubt, the time has come for American forces to leave Vietnam. Three-quarters of the American people want them out by a date certain, and with no residual force left behind to fight on in the air or at sea. Having equipped the South Vietnamese to defend themselves, the time is at hand for them to fully assume that responsibility.

To give effect to the popular will, to fill the constitutional vacuum which now exists, and to offer Congress the elements of a disengagement policy which could command majority support from both Democrats and Republicans, we proposed—and the Senate Foreign Relations Committee, by a vote of 11 to 5, approved—the following amendment to this year's foreign aid authorization act:

> (a) The Congress hereby finds that the repeal of the Joint Resolution entitled a "Joint Resolution to Promote the Maintenance of International Peace and Security in Southeast Asia," approved August 10, 1964 (Public Law 88-408), known as the Gulf of Tonkin Resolution, has left the Government of the United States without Congressional authority for continued participation in the war in Indochina. Therefore, in order to bring an end to the involvement of the Armed Forces of the United States in the hostilities in Indochina, to secure the safe return of United States' prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all United States armed forces.
>
> (b) On and after the date of enactment of this Act, in order to carry out the policy of withdrawal of all U.S. armed forces from Indochina, funds authorized for the use by such forces by this or any other Act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn.

In view of the Senate's general familiarity with the issues involved, I will not undertake a lengthy exposition of the amendment now, but I do think that its salient features should be underscored.

Subsection (a) expresses the sense of Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all U.S. military forces. This would include, of course, all land, sea and air forces, together with all American prisoners of war. The policy would leave no room for the retention of a residual American fighting force in Indochina, or for lingering American participation in the war there, either from the air above, or from the sea around. Disengagement from hostilities is to be made the national objective, not continued American involvement in some new form.

The objective of total withdrawal is the only realistic one for the United States. No sensible purpose could be served by leaving American forces astride a powder keg in South Vietnam. Moreover, with prospects at least improving for a thaw in Sino-American relations, nothing could possibly be gained by attempting to retain an American garrison on the very doorstep of China.

As for our prisoners of war, it should be painfully evident by now that North Vietnam and its allies will never be willing to give up the prisoners until we are willing to give up the war. We must not allow the prisoners to become an excuse for prolonging our involvement in the war. We could do them no greater disservice than that.

Subsection (b) of the amendment invokes the power of Congress over the public purse. It provides that, on and after the date of enactment, funds may be used only for the purpose of withdrawal, and may not be used for the purpose of engaging U.S. military forces in further hostilities in North and South Vietnam, Cambodia, or Laos except for actions necessary to protect the forces against imminent danger as they are withdrawn.

Recognizing the constitutional responsibility of the President to give safe cover to our withdrawing forces, this section of the amendment furnishes funds to protect them against imminent danger. The language, however, would not permit the financing of military operations whose connection with the safety of our withdrawing troops is remote or farfetched. For example, the language is not designed to underwrite another expedition into Laos or Cambodia like those which occurred in the recent past. Nor would the language permit far-ranging bombing throughout Indochina unconnected with the interdiction of enemy supply lines into South Vietnam or the giving of necessary air cover to our troops.

Also, it should be remembered that this subsection limits the use of public money from every source. If enacted, it would have the effect of substantive law, and is not to be confused with the mere sense of Congress resolution which expresses no more than a sentiment.

Mr. President, this amendment is offered not to obstruct, but to implement President Nixon's expressed desire to achieve the complete withdrawal of all U.S. forces from Indochina. It is neither necessary nor fitting for the President alone to shoulder all the risks of withdrawal should the South Vietnamese Army subsequently falter and collapse.

The disengagement policy should be one of shared responsibility in which the Congress fully participates. This is the indispensable basis for any lasting bipartisanship in foreign affairs. The lack of it in the past, both with respect to Korea and Vietnam, has opened a gulf between the legislative and executive branches which must be closed.

Most of all, passage of such an amendment, embracing both political parties, and based on the largest possible consensus, might well prevent a post-war era of bitter recrimination, about which the President has correctly expressed his apprehension.

For these reasons, Mr. President, I join my colleague and friend, the distinguished senior Senator from Kentucky (Mr. Cooper), in the earnest hope that the Senate will support the amendment by resisting all attempts to emasculate it, to render it meaningless, or to strike it from the bill.

The PRESIDING OFFICER (Mr. Roth). What is the pleasure of the Senate? Who yields time?

Mr. DOLE. Mr. President, in the absence of the distinguished minority leader, I yield myself 5 minutes.

Mr. President, I have had great experience with other so-called Cooper-Church amendments. In fact, I supported the Cooper-Church amendment of a year ago. I also offered the amendment to repeal the Gulf of Tonkin resolution, which was accomplished by an overwhelming vote in this body.

I have read with interest the amendment offered by the distinguished Senator from Idaho and the distinguished Senator from Kentucky on page 58 and the first two lines of page 59, but I support the amendment of the distinguished minority leader, Senator Scott.

The President has often stated—almost weekly or monthly—that his policy, in the words of the amendment, is to—

> Bring an end to the involvement of the Armed Forces of the United States and the hostilities in Indochina, secure the safe return of the United States' prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina.

He is expeditiously withdrawing U.S. military forces from Indochina, and he is in no doubt that Congress and the American people also want these things; so the amendment would not tell him anything he does not know.

OUR GROUND COMBAT ROLE HAS ENDED

It is not disputed that our ground combat role in Indochina has virtually ended and that our combat support logistics, air, and naval efforts, have been diminished as well. All the actions the President has taken which critics have branded as escalation—the Cambodian incursion, our support for the ARVN incursion in Laos, and our protective reaction air strikes over Vietnam—have had the intention of protecting our forces as they withdraw and have had the effect of lowering U.S. casualties and permitting a more rapid U.S. withdrawal.

Mr. President, I point out that last week the casualties in Vietnam were seven, that the week before they were five or six, and that the week before they were six. That is still seven and six and five too many. One casualty in South Vietnam is too many. But it does indicate that the President's program is working. It does indicate the sharp difference between the casualty rate this year and this week and this month from a year ago or 2 years ago or 3 years ago.

There are some who say that the President should withdraw troops even faster, and perhaps he should, and he will make a judgment on this between now and November 15, when he again will announce to the American people the next step in his program in South Vietnam.

THE PRESIDENT NEEDS DIPLOMATIC FLEXIBILITY

Thus, while the amendment is not inconsistent with the President's policies, I believe that it would be unwise for Congress to tie his hands by imposing a fund cutoff. The fact that the North Vietnam Government and the North Vietnamese soldiers are not quite sure what the President will do limits their own flexibility and breeds caution, which in turn restricts their military activities, to the benefit of our troops. This uncertainty is not something of which they should be relieved by a congressional act. They should be forced to bargain for it in Paris. Congressional attempts to tie the President's hands always strengthen those of the North Vietnamese and lead them to hope that Congress will get for them what they have not been able to get for themselves at the negotiating table or on the battlefield.

THIS AMENDMENT IS CONTRARY TO U.S. POLICY AND AGREED GOALS

It should be self-evident that congressional intervention in the complex and difficult problem of disengaging from the war in Indochina must be measured against the simple standard of whether or not this intervention will contribute to the achievement of U.S. goals. The intervention proposed by this amendment does not meet this standard. On the contrary, as in the case of other such interventions, it is likely to complicate rather than facilitate U.S. policy.

Mr. President, I say this based on the record made by President Nixon, based on the changes made since January 20, 1969. I have said many times on this floor, and other places, that had this President escalated the war in Southeast Asia, then perhaps we should be doing something of this kind. But the President has a policy and has stuck to it. Every withdrawal promised by him has been made. He has kept his promise to the American people.

I believe that the program of Vietnamization has been successful.

I believe that the greatest single achievement of this administration—not because it has a Republican President—has been in the winding down of the tragic war in Southeast Asia.

I know this is of great concern to everyone in this body. I do not quarrel with the distinguished Senator from Idaho or the distinguished Senator from Kentucky, but do believe that we must allow the executive some flexibility, so that we will have negotiations in Paris based on what the President does or, perhaps, in part on what the Senate does—if it cuts the ground out from under the President. But the President, whether he be a Democrat or a Republican—President Nixon or whoever—will negotiate ultimately in Paris. If this does not happen, then the program of Vietnamization initiated by President Nixon will continue.

It is the fundamental goal of the United States to disengage, to withdraw all our Armed Forces from Indochina. Congress has no reason to doubt this goal, and the enemy has no reason to doubt it.

I have not seen any doubt about the Nixon policy although some have said it should be faster. Most Members of this body and members of the other body recognize that the President's program has amounted to a reduction of over 300,000 American men since January 20, 1969—in fact, since June of 1969 when the first withdrawal announcement was made. The reduction has been from 542,000 men to around 208,000 today.

To me, that is moving in the right direction. It has been done without the "help" of the Senate or the Congress. It has been done by the Executive.

During all that time, we keep negotiating in Paris or keep hoping to negotiate in Paris.

I believe, as indicated this morning to a group of Senators, it is the President's hope the war will end by negotiation and that our prisoners of war and Americans missing in action will be returned. That is our real objective, to end it by negotiation—and to end it quickly and as we withdraw our armed forces, to continue to bargain for the achievement of our objectives, the release of American prisoners of war and those missing in action, and giving the South Vietnamese Government at least some hope for survival. But, as we withdraw, our Armed Forces continue to be our principal bargaining point for the achievement of all of our objectives.

For Congress to place restrictions on the employment of this bargaining point nullifies its capability to achieve our objectives.

To tell the President of the United States that he may not expend funds other than to carry out a program which, in fact, he has said he is carrying out, is a public expression of lack of confidence.

If we want to vote on the question of no confidence in President Nixon today, that is one thing, but he is doing what the amendment says should be done.

I believe the wording of the amendment should be changed to commend the President what he is doing in South Vietnam and to indicate that he can use funds for that purpose, rather than trying to tie it down and restrict it which, in effect, makes it a vote of no confidence in this President.

There is nothing to warrant this lack of confidence. The only effect of such a declaration of no confidence would be to weaken the ability of the United States to deal successfully with this particular foreign affairs problem, and others as well.

THE AMENDMENT CRIPPLES OUR ABILITY TO NEGOTIATE

Mr. President, why should we, in effect, let the enemy know that we in

Congress are tying the President's hands?

Why should we narrowly define the use of U.S. forces?

Why should Congress remove any uncertainty that may be lingering on the other side?

To me, this, in itself, poses some danger for our troops, imminent or not.

It certainly could pose a problem for South Vietnam. In the absence of doubt or uncertainty, in addition to losing any inducement to negotiate, the Communists could take full military advantage of this new development. They could increase the threat against South Vietnam and therefore against our own forces.

CONCLUSION

Congressional action along these lines, in my opinion, at this time, is not necessary for the achievement of United States goals, but, on the contrary, in a sense, prejudices the very thing we are doing in South Vietnam.

The Senator from Idaho (Mr. CHURCH) applauded the President this morning, on a national network. I do not believe that he quarrels with the President's objectives in South Vietnam.

Those objectives are: the return of our prisoners of war and the survival of a country for which we and the people of that country have already paid such a heavy price.

Mr. President, I am not certain what would happen if the bill goes to the President with this and certain other amendments. I do not suggest anything to the President. But, if I were occupying that position, I would look at it very closely to determine whether it should be signed or vetoed.

While we say we agree with the President, and while we say that authority for the war is no longer there with repeal of the Gulf of Tonkin resolution, what we are doing—is to give advance notice to the enemy and, at the same time, restrict the options open to the President.

I would say, not in defense of President Nixon, nor in a partisan way, that President Nixon found this war on his doorstep on January 20, 1969. He has not escalated the war in any way since that time. He is winding it down. He is winding down a war that he inherited. He is winding that war down successfully. The casualty list has been lowered. The cost of the war has been lowered. There is still some hope for negotiations in Paris.

Now, when we see the end of the war, when we see the end of the tunnel, when we see the efforts of the President about to bear fruit, it is not a propitious time to in effect say, "We do not have any confidence in you, Mr. President. You have withdrawn over 300,000 men. You have reduced the casualty list from 300 a week to six a week, but we still have no confidence in you, Mr. President. So, by Act of Congress, we will restrict your options in South Vietnam and, in effect, in Indochina, Laos, and Cambodia as well. We will notify the enemy in advance that we have restricted your options which will take care of any incentives to negotiate any further at Paris."

And then we will say to the public and the press, Mr. President, that we are supporting the President. Maybe that will be done, but this Senator does not understand how it can alone act and still indicate support for the President.

What the Senate needs and what the country needs is some unity behind the President, some commendation of him for what he has done in Southeast Asia, and not an effort to hamstring him.

I do not believe that the President deserves an amendment of this kind.

Thus, Mr. President, I strongly support the amendment offered by the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), which reads:

> On page 58, line 1, strike out all through page 59, line 2, and renumber succeeding sections accordingly.

Mr. President, adoption of the Scott amendment would be a vote of confidence in the President.

If we believe that the President has succeeded in South Vietnam, if we believe that the President has done well in South Vietnam and that he has wound down the war, then I suggest that we support the pending amendment offered by the distinguished Senator from Pennsylvania (Mr. SCOTT).

I wish to call attention to a speech made by Nguyen Duy Trinh as recently as October 25—early this week. It was reported, in English, by the Hanoi VNA International Service. I fail to see in it any mention of American prisoners, but I do find in the copy which I have—and I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. DOLE. He said:

> There are two fundamental points in this solution—the U.S. Government must put an end to its aggression, withdraw promptly, completely and unconditionally from South Vietnam all the armed forces, advisers, military personnel, weapons and other war means of the U.S. and the other foreign countries in the American camp, stop all activities of the U.S. Air Force and Navy, stop U.S. military aid to the puppet administration Saigon, and remove all military bases from South Vietnam; the U.S. Government must respect the authentic right of the South Vietnamese people to self-determination, stop backing the cliche of war maniacs led by Nguyen Van Thieu the dictator, so that the way may be paved for the forming in Saigon of a new administration which advocates peace, independence, neutrality and democracy.

I refer to that in order to point up that a number of things have been done by this Government to get some response by the enemy. We stopped bombing in 1968 shortly before the election and we had no response from Hanoi. There have been other things done by this Government to bring about negotiations but they always have had one more condition.

It is naive to suggest that once we withdraw they are going to release our prisoners and not make some other demand before they are released.

It seems to me that in the interest of getting out of Southeast Asia this amendment should be rejected.

EXHIBIT 1

NGUYEN DUY TRINH SPEECH—HANOI VNA INTERNATIONAL SERVICE IN ENGLISH 1526/GMT 25 OCT. 71 B

[Text] HANOI VNA October 25.—The following speech was made at the banquet given here last night in honour of the Korean party and government delegation by Nguyen Duy Trinh, member of the Political Bureau of the Central Committee of the Vietnam Workers Party and vice-premier of the Democratic Republic of Vietnam:

Dear Comrade Pak Song-chol, member of the Political Committee of the Central Committee of the Workers Party of Korea and second vice-premier of the Cabinet of the Democratic People's Republic of Korea, dear comrades the members of the delegation of the Workers Party of Korea and the Government of the Democratic People's Republic of Korea, Comrade Premier Pham Van Dong, comrades and friends in the diplomatic corps, comrades and friends:

On behalf of the Vietnamese people, the Vietnam Workers Party and the Government of the Democratic Republic of Vietnam, I warmly hail the delegation of the Workers Party of Korea and the government of the Democratic Republic of Korea coming to our country for a friendship visit, led by Comrade Pak Song-chol, member of the Political Committee of the Central Committee of the Workers Party of Korea and second-premier of the Cabinet of the Democratic People's Republic of Korea.

We greet you as envoys of the heroic Korean people, our dear comrades now successfully building socialism, our comrades-in-arms fighting U.S. imperialism in the same trench with us. We sincerely thank you for having brought to the Vietnamese people the warm friendship and militant solidarity of the Korean people. This is a valuable encouragement to our people in their struggle against U.S. aggression and for national salvation and socialist construction.

We wish to express the warmest feelings and the unbreakable militant solidarity reserved by the Vietnamese people for the Workers Party of Korea, the Government of the Democratic People's Republic of Korea, and the entire fraternal Korean people.

Comrades and friends: Under the leadership of the Workers Party of Korea headed by esteemed Comrade Kim Il-song, the brave, hardworking and inventive people of Korea have written glorious pages of history in the process of their revolutionary struggle. Through an unflinching fight, they broke the savage war of aggression conducted by U.S. imperialism and 15 of its allies and satellites, thus firmly defending the outpost of the socialist system in northeastern Asia and contributing to the safeguarding of peace in Asia and the world. The Korean people have also stepped up the building of socialism and have made brilliant achievements. Within a relatively short period of history the Korean people, with the "chollima" mettle, have completed the socialist industrialization of North Korea, turning it into a socialist country of modern industry, developed agriculture and strong all-people national defence and, thereby, providing a shining example of self-reliance in the building of a sovereign economy and a prosperous country. Meanwhile, never slackening vigilance, the Korean people have foiled various acts of armed provocation by the U.S. imperialists and their henchmen. As a result, the Democratic People's Republic of Korea has now become the powerful base for the revolution in the whole of Korea and has constantly enhanced her prestige in the internatioinal area. The Korean people can rightly take pride in their great achievements.

The Vietnamese people warmly acclaim your achievements which we regard as our own. We sincerely wish its fraternal Korean people yet more brilliant successes in carrying out the great tasks of the 6-year plan worked out by the Fifth Congress of the Workers Party of Korea.

The U.S. imperialists, for many years now, have turned South Korea into a military base and new-type colony, thus perpetuating the partition of Korea. They are abetting the Pak

Chong-hui clique of traitors, using them as an instrument for the imposition of neo-colonialism on South Korea and also for the U.S. policy of aggression, as is shown by the sending of tens of thousands of South Korean youths to South Vietnam to serve as cannon fodder. At the same time they are trying by every possible means to revive Japanese militarism for co-operation with the South Korean puppet administration in preparing for a new war against the Democratic People's Republic of Korea, to the great danger of peace in Asia.

The South Korean people, however, are staunchly intensifying a patriotic struggle against the ruthless colonialist rule of the U.S. imperialists and their lackeys and for democratic liberties, the liberation of South Korea, and the peaceful unification of their fatherland. That struggle is developing vigorously with the participation of broad sections of the population, to the increasing isolation of the Pak Chong-hui junta.

The Vietnamese people resolutely support the struggle waged by the Korean people against the schemes and acts of aggerssion of the U.S. imperialists, the Japanese militarists and the Pak Chong-hui puppets. We give our complete support to the eight-point programme for national salvation adopted by the Democratic People's Republic of Korea, which resolutely demands the withdrawal of U.S. aggressor troops from South Korea so that the Korean people may settle themselves their own affairs without foreign interference. The Vietnamese people firmly believe that the just cause of the Korean people, with the vigorous support of the socialist countries and the progressive people all over the world, will triumph completely.

Comrades and friends: The U.S. imperialists are conducting an extremely atrocious war of aggression in Vietnam, perpetrating untold savage crimes against the people in the whole of our country.

For the independence and freedom of our fatherland, in the interest of the liberation struggle of nations, and for the cause of peace in the world, the Vietnamese people, under the banner of "determination to fight and to win" put up by our beloved President Ho Chi Minh, have simultaneously risen up to wage a war of resistance, the greatest in the history of Vietnam, to oppose the U.S. aggression and save our counrty. We have won very great, all-round victories.

Since Nixon's coming to power the U.S. imperialists have shown to be even more obdurate and crafty. They are trying to put into effect the "Nixon doctrine" and the "Vietnamization" programme which, in fact, aim at prolonging their war of aggression, maintaining their neo-colonialist rule in South Vietnam, and intensifying and expanding their war of aggression in Laos and Cambodia.

Yet, the peoples of Vietnam, Laos and Cambodia, strengthening their unity and devotedly supporting and aiding one another in the spirit of the Indochinese Peoples' Summit Conference, are fighting with great determination to defeat the common enemy, and have recorded great, all-round victories of strategic importance, thus creating a new situation very favourable for their struggle.

Obviously the U.S. imperialists are being defeated. Neither the "Nixon doctrine", the "Vietnamization" policy, nor any other wicked design they may think up can save them from complete fiasco in Vietnam and the rest of Indochina.

The Vietnamese people are deeply attached to peace, but that must be peace in genuine independence and freedom. The very reasonable, logical seven points of the Provisional Revolutionary Government of the Republic of South Vietnam have shown the right way for the settlement of the Vietnam issue, and also the way for the U.S. to get out of the war of aggression in Vietnam without losing its honour. There are two fundamental points in this solution—the U.S. Government must put an end to its aggression, withdraw promptly, completely and unconditionally from South Vietnam all the armed forces, advisors, military personnel, weapons and other war means of the U.S. and the other foreign countries in the American camp, stop all activities of the U.S. Air Force and Navy, stop U.S. military aid to the puppet administration in Saigon, and remove all U.S. military bases from South Vietnam; the U.S. government must respect the authentic right of the South Vietnamese people to self-determination, stop backing the clique of warmaniacs led by Nguyen Van Thieu the dictator, so that the way may be paved for the forming in Saigon of a new administration which advocates peace, independence, neutrality and democracy and is willing to begin serious negotiations with the Provisional Revolutionary Government of the Republic of South Vietnam with a view to setting up a broadly representative government of national union in South Vietnam.

As long as the U.S. imperialists continue their aggression of Vietnam the Vietnamese people, acting upon the sacred testament of President Ho Chi Minh, will resolutely persist in and step up their struggle against U.S. aggression and for national salvation on all the military, political and diplomatic planes, to win complete victory, to liberate the south, defend and build up the socialist north, and advance to the peaceful reunification of the fatherland. The Vietnamese people will also continue siding with the peoples of Laos and Cambodia to fight resolutely for victory over the U.S. aggressors and their flunkeys, in our determination to do our level best to preserve and promote the fraternal friendship among the peoples of the three countries here in the current struggle against our common enemy as well as in the long-term co-operation for the construction of each country in its own way. It is a certainty that the peoples of Vietnam and the other Indochinese countries will triumph, that U.S. imperialism will be defeated.

The whole progressive mankind is now on the side of the Vietnamese people, giving all-out support for the latter in their struggle against U.S. aggression. I avail myself of this opportunity to express the Vietnamese people's profound gratitude for the great, effective support of the Soviet Union, China and the other fraternal socialist countries, and for the vigorous sympathy and support of all our friends in the world.

Comrades and friends: Vietnam and Korea, though geographically separated by thousands of miles, have for long been attached to each other, both having been once ruled over by colonialism and both currently fighting the same enemy—U.S. imperialism—and pursuing the same ideal—socialism and communism. The Vietnamese people and the Korean people are comrades-in-arms, close brothers always encouraging and supporting each other in the struggle against the U.S. imperialist aggressor and in the building of socialism. The Vietnam-Korean friendship, built on the basis of Marxism-Leninism and proletarian internationalism, is developing more and more fruitfully.

The Democratic People's Republic of Korea has given the Vietnamese people a warm support and assistance, both moral and material, for the latter's struggle against U.S. aggression and for national salvation and socialist construction. This valuable support and assistance of the party, government and people of Korea constitutes a great encouragement to all our compatriots and combatants in their advance to complete victory over the U.S. aggressors.

On behalf of the Vietnamese people, the Vietnam Workers Party and the Government of the Democratic Republic of Vietnam, I wish to express our sincere and profound thankfulness to Premier Kim Il-song, the Workers Party of Korea, the Government of the Democratic People's Republic of Korea and the fraternal Korean people. The Vietnam Workers Party and the Government of the Democratic Republic of Vietnam are determined to contribute their utmost to making the Vietnam-Korea friendship ever green.

I now invite you to drink:

To the ever-lasting militant solidarity and fraternal friendship between the Vietnam Workers Party and the Workers Party of Korea, between the Vietnamese people and the Korean people!

To the solidarity of the socialist countries and within the international communist and workers movement on the basis of Marxism-Leninism and proletarian internationalism!

To the many more and yet greater successes of the Korean people in socialist construction and in the struggle for the peaceful unification of their fatherland!

To the great successes of the Vietnamese people in their struggle against U.S. aggression and for national salvation and socialist construction!

To the great successes of the Lao and Cambodian peoples in their struggle against U.S. aggression and for national salvation!

To the health of esteemed Premier Kim Il-song!

To the health of the other party and state leaders of the Democratic People's Republic of Korea!

To the health of Vice-Premier Pak Song-chol and the members of the Korean party and government delegation!

To the health of esteemed President Ton Duc Thang!

To the health of Premier Pham Van Dong and the other party and state leaders of the Democratic Republic of Vietnam!

To the health of the comrades and friends from the diplomatic corps!

To the health of all the comrades and friends here!

Mr. COOPER. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) has made a speech which was in good temper. He was kind to those who support the Cooper-Church amendment. But he is wholly wrong in declaring the vote to be a question of confidence or no confidence in the President.

I am certainly not one who doubts the fact that the President has done exactly what he said he would do, so far as withdrawal of our troops is concerned, the time of withdrawal, and their number. However, we are debating something entirely different. It is not a question of whether there is confidence or no confidence as to whether he is going to do what he has said he is going to do. It is a question of whether we support the policy of a residual force and the continuance of the war to protect South Vietnam.

We are taking away no option that the President has except the option to continue a residual force in Indochina. My efforts have nothing whatever to do with a vote of confidence or no confidence in the President of the United States. As I said in my opening remarks, he has revised the policy of the past, he has kept his word.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I join with the Senator from Kentucky in the remarks he just made. It is a serious mistake to regard this amendment as a vote of no confidence in the President.

This amendment is designed to implement the objective that the President himself has declared to be his own, that being the achievement of a complete withdrawal of American Armed Forces from Indochina.

It is equally a mistake, in my judgment, to allege that the amendment somehow hamstrings the President or handcuffs the President.

There is nothing in the amendment that imposes a time frame within which the withdrawal must be completed. There is no restriction here that would impair the President's flexibility of action. He has said that it is his objective to achieve a complete disengagement of American forces.

This amendment joins the Congress in that declaration and makes it national policy. What could be better designed to bring the President and the Congress together, to bring both parties together, to furnish the country with a unified front than the retention of this amendment in the bill?

That is our purpose.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. DOLE. Mr. President, if the Senator has confidence in the President, and I assume he has, why do we not change the amendment to say that we join the President in his declared objective and goals in Vietnam, period.

Where is it that the Senator disagrees with what the President is doing? The Senator from Kentucky says that he has taken away his option to continue the war. The President is winding down the war, ending it, if you please.

If there is all this agreement and bipartisanship, why can we not substitute some other language and share the program with the President and share some of the burdens rather than attempt to escape the involvement of the Congress which dates back a long time, particularly since August 7, 1964, when the Senate passed the Gulf of Tonkin joint resolution by a vote of 88 to 2, which was a declaration of war.

Mr. CHURCH. Mr. President, the Senator from Kansas could not possibly be more mistaken than to say that the retention of this amendment shifts the full burden onto the shoulders of the President. Indeed, the very opposite is the case. If Congress agrees to this amendment, then it assumes part of the responsibility and risk involved in the policy of complete disengagement. Under the present circumstances, with no declaration by Congress, the President must assume these risks.

So, I say to the Senator that he could not possibly miss the point more completely than to suggest that by the retention of the Cooper-Church amendment we somehow or other shift the burden to the President. Indeed, the very opposite is true.

Mr. DOLE. Mr. President, if the Senator would further yield, why is the amendment necessary? What does it contribute?

Mr. CHURCH. The amendment is necessary, because there is a need in the country to clarify our national purpose in Southeast Asia. The President has said on occasion that he hopes to achieve a full withdrawal of American forces. I have already alluded to that. However, at other times, he has promised that withdrawal on certain conditions, one of which, as the Senator knows, is the condition that the Saigon government be left with a reasonable chance to stand on its own.

There are great pressures in this city, pressures being brought to bear upon the President to leave an American residual force in Vietnam indefinitely. This is no secret. There is talk about a force of 50,000 men, to continue giving air support, logistical support, artillery support, and naval support to the South Vietnamese forces.

If that becomes the policy, we could remain involved in this war indefinitely. Therefore, the purpose of this amendment is to define and make certain the objective of complete disengagement, not partial disengagement, not a residual force of 50,000 men left behind to carry on the war in some new form, but total disengagement of all American forces, in order that the South Vietnamese, whom we have fully equipped, armed, and trained, shall at last assume the responsibility for the further defense of their country.

That is the purpose of the amendment, and I think it is very badly needed.

Mr. DOLE. Mr. President, will the Senator further yield?

Mr. CHURCH. I yield.

Mr. DOLE. What the Senator says, in effect, indicates to me that the amendment is premature. I have not heard the President say that there will be a residual force. I have heard him say the opposite—that there will be no Korean type residual force. He will make an announcement between now and November 15. He may announce, or he will announce, what the next phase of his program will be, or he may not announce it all; I do not know. But it seems to me that if we, by act of Congress, take away that flexibility, we in effect limit any possibility for negotiations. In fact, we would destroy any possibility for negotiations in Paris. I assume that some negotiation is still going on. If we withdraw from Vietnam, the American prisoners may become hostages. I noticed in the Senator's prepared text that he refers to prisoners as hostages. If we withdraw completely from Vietnam, how will we have any bargaining power to release our soldiers being held prisoner?

Mr. CHURCH. If anything should be clear now, it is that the American prisoners are presently being held hostage to existing conditions. I see no basis upon which to believe—and there is no historical precedent to suggest—that the North Vietnamese will relinquish the prisoners—give them up—until we are willing to give up the war. That is why I think the adoption of the amendment would work in the best interests of the prisoners. I say that, knowing that both the Senator from Kansas and I are equally sincere in our desire to see the prisoners freed.

Mr. President, the U.S. Government has never offered to withdraw all its forces, in return for the release of the prisoners. And no one can say positively just how or under just what conditions the American prisoners will be released.

But our experience in this and other wars suggests that, until we are willing to withdraw entirely, the American prisoners will remain hostages of North Vietnam.

Mr. President, I think it is pertinent here to include in the RECORD an excellent article by Gen. Matthew B. Ridgway who was, as Senators know, our commanding general in the concluding years of the Korean war. Appearing in Foreign Affairs for July 1971, a careful reading of the article furnishes strong support for retention of the Cooper-Church amendment in this bill.

Here is an excerpt from General Ridgway's article:

> Out of the ever-changing verbal explanations of purpose, boasts of successes attained, and justification for our actions which for more than a decade now have emanated from authoritative governmental sources, we are currently assured that we are "winding down the war," that our involvement is nearing its end, that there is a plan to accomplish this, and that that plan will be carried out. We are even assured that no further explanation of the word "end" is needed.
>
> Concurrently come other quite different statements from equally authoritative sources that American forces will remain in South Vietnam until all U.S. prisoners are released, and until the present government of South Vietnam has "at least a reasonable chance to survive" on its own.
>
> It is difficult to see how a war can be ended unless all participants agree to terminate it. And in the light of our announced intention that residual forces, including but not limited to American airpower, will remain until such agreement is reached and captives are released, it is still more difficult to reconcile these statements with the promise that the war is nearing its end.
>
> For my part I must conclude that so long as U.S. armed forces remain on the mainland of South Vietnam, that so long as we retain a residual force there, if only to provide logistical support for the South Vietnamese Army (ARVN), our men will be mortared, shelled or otherwise attacked; and that so long as they are attacked they will counterattack with fire and movement, and the war will drag on, not end.

The general goes on to set out the case against the war and our prolonged involvement in it, making an argument which I think is fully consistent with the objectives we seek to accomplish with this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of General Ridgway's article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS—INDOCHINA: DISENGAGING

(By General Matthew B. Ridgway)

The war in Vietnam has lasted longer than any armed conflict outside our borders in which we have been engaged in the nearly two centuries of our independent existence, and disengagement and complete withdrawal are still a question mark. The conflict has engendered divided opinions, manifested in bitter and potentially dangerous confrontations among our people, and we still are uncertain what it was we sought and why, where we should now proceed, and what courses of action would best serve our national interests.

Out of the ever-changing verbal explanations of purpose, boasts of success attained, and justification for our actions which for more than a decade now have emanated from authoritative governmental sources, we are currently assured that we are "winding down the war," that our involvement is nearing its end, that there is a plan to accomplish this, and that that plan will be carried out. We are even assured that no further explanation of the word "end" is needed.

Concurrently come other quite different statements from equally authoritative sources that American forces will remain in South Vietnam until all U.S. prisoners are released, and until the present government of South Vietnam has "at least a reasonable chance to survive" on its own.

It is difficult to see how a war can be ended unless all participants agree to terminate it. And in the light of our announced intention that residual forces, including but not limited to American airpower, will remain until such agreement is reached and captives are released, it is still more difficult to reconcile these statements with the promise that the war is nearing its end.

For my part I must conclude that so long as U.S. armed forces remain on the mainland of South Vietnam, that so long as we retain a residual force there, if only to provide logistical support for the South Vietnamese Army (ARVN), our men will be mortared, shelled or otherwise attacked; and that so long as they are attacked they will counterattack with fire and movement, and the war will drag on, not end.

If this be true—and I perceive nothing in the record of North Vietnam and Vietcong announced intentions and proven determination to refute it—then we should, I think, review again the whole record of our involvement.

With no thought of faultfinding or of seeking scapegoats, and uninfluenced by partisan political motives or special interests, we should seek answers to such questions as: What were the basic purposes behind our major policy decisions? What did we seek to accomplish? Were these purposes and objectives clearly in our vital interests? What have we actually accomplished to date? What can we expect to accomplish? What courses of action will best serve our interests?

In the course of this reexamination we may perhaps conclude that the decisions were justified, that our vital interests were at stake and were best served under the debatable thesis of the "domino theory," which continues to be of doubtful worth and which many persons have never accepted as a validating justification for our policy decisions. Some day history may throw light on these issues, but it is unlikely that it will ever be able to demonstrate conclusively that our decisions were either right or wrong.

So it serves no useful purpose to label all those decisions as mistakes, however loud the voices of those who do so. Right or wrong, the decisions were made in good faith in accordance with our constitutional procedures by civilian authority. They were long supported by a clear majority of our people, and the responsibility for them is national. Now the cold inescapable fact is that the decisions having been made, we must live with the results and choose such courses of action as will best serve our interests in the years ahead.

Emerson, once criticized for inconsistency, is said to have asked: "Must I always drag the dead body of consistency after me?" Must we? Can we not manfully bury this dead body of Vietnam and decide now that we will not permit it to continue any longer to poison the air, as it is doing; to delay rectification of acknowledged domestic conditions which cry for action, as it is doing; and to adjust to major changes in the world situation, when much graver potential dangers elsewhere loom ominously on the horizons of the free world?

To review the steps leading to our involvement, let us start at the beginning, sometime prior to V-E Day and with World War II still in progress.

II

President Roosevelt had made known his position with respect to the future of Indochina: France must not be permitted to reestablish her former colonial power there. In his view China would eventually extend some degree of control over the area, as it had done for prolonged periods in the past.

Then, following Roosevelt's death, policymakers in Washington either lost sight of that decision, or regarded it as no longer valid. France's support was deemed necessary in other regions of major concern to us, and gradually, beginning with financial assistance, we moved to a role of supporting French efforts to restore their prior position in the Indochina peninsula. It is here necessary only to adumbrate the successive steps taken along the torturous path we chose. All are matters of historical record, amply publicized.

These successive steps were, in general: the forging of a network of mutual security treaties, including the South-East Asia Treaty Organization (SEATO), aimed primarily at containing communism, including communist Chinese territorial expansion; President Eisenhower's refusal to yield to the powerful urging of others to intervene with U.S. armed force, accompanied by his offer to President Diem after the Geneva Conference of 1954 "to assist the Government of Vietnam in developing and maintaining a strong, viable state;" Eisenhower's refusal to agree to general elections in Vietnam in 1956 as promised by the signatories to the Geneva Convention; our gradual takeover from the French of the military assistance program in training South Vietnamese forces until the number of our military advisers in President Kennedy's Administration exceeded 16,000; the 1964 incident of the two U.S. destroyers *Turner Joy* and *Maddox*, followed by the Congressional blank check, drawn in favor of the Executive, to take whatever measures it saw fit; and finally, the introduction of U.S. combat ground forces and their subsequent reinforcement, until by 1968–69 their total exceeded half a million.

Parenthetically, it should be here noted by those who fault our military leaders for getting us into Vietnam and for their inability either to achieve a military solution or to extricate us, that each and every one of these policy decisions was made, *not* by the military, but by duly elected or lawfully appointed civilian authorities. In the single case ten years earlier where we might have become embroiled with airpower (including the use of the A-bomb to raise the siege of Dien Bien Phu) and ground combat units, had the personal urging of the influential views of the Chairman of the Joint Chiefs of Staff at that time been approved, it was civilian authority in the person of President Eisenhower which, to his everlasting credit, aborted that proposed intervention.

Those were the major policy decisions. Their authors and the dates when they were made are well known and need no repetition; but we do need, I think, to review the reasoning announced at or shortly after each decision was taken.

Numerous definitions of our objectives issuing from authoritative sources and from individuals both in and out of government included: to contain communism; to halt aggression; to prove to communist leaders that aggression cannot be made to pay; to support "the right of the people to choose their own government;" to help the South Vietnamese "realize their desire to live in the way they prefer;" to assist a helpless people "to advance toward economic prosperity and social advancement." I used these phrases as long ago as 1966 in an article in *Look*.

When these wore thin, as they did, we turned to broader generalities: our vital interests were at stake—just what interests and how was not spelled out. We were a Pacific power, which no one in his right senses would deny. We were a world power, an obvious truth even to children. And our national security was threatened, which strained the credulity of the most naive believer.

These stated objectives were theoretically noble, realistically disingenuous and pragmatically fallacious. Had we really believed in the principles which this rhetoric proclaimed, would we not have taken up arms for the Hungarian people in 1956? And for the Czechoslovaks in 1968? And if our national security was indeed threatened and a vital interest was at stake, would not our people have wholeheartedly supported this war as they did when the designs of Imperial Germany became clear in 1917, and as they did even more resoundingly when Hitler, Mussolini and the Japanese militarists made their bid for world conquest?

III

Now, a decade later, these objectives have been condensed. Our government states that we have but two objectives: to secure the release of our prisoners in hostile hands, and to provide the government of South Vietnam "a reasonable chance to survive" without our continued armed support.

Still we cling, apparently, to the concept that our will can be imposed on our opponents by force, or the threat of the use of force. But we have concluded, it would seem, that Western, and particularly American inborn impatience is no match for Oriental patience; we do not intend "to stay the course," as we so often bragged we would; we are not going "to bring home the coonskin and nail it on the wall;" and we will not continue combat operations in Indochina "however long that may take."

When President Johnson faced up to his crisis of conscience in March 1968, he decided to assemble a group of men, only one of whom was then active in government and whose collective experience covered the whole spectrum of our foreign entanglements of recent years. With the Secretary of State presiding, the group was extensively briefed on the existing situation, based on the best available evaluated intelligence on enemy capabilities and intentions and on the forecasts of our intended operations and their anticipated results. Each individual was invited to express his views. Each did so with utmost frankness.

The substance of most of those views is a matter of record, though I think my own, presented first in writing and then read aloud before the entire group, have not been published. At the final session, with the President present, one of the group, acting as rapporteur, briefed the President orally on the substance of the view of each of the others.

I now present my views, precisely as then stated, not to claim any slightest personal credit or to shrink from criticism. Perhaps, as the history of this unfortunate involvement is finally unfolded, these views will prove to have been faulty, as have the views of so many others. But whether faulty or not, the present course we have followed for the past two years coincides very closely with those views. For that reason the statement of them here may make some little incremental contribution to a better understanding of the present situation as it is slowly evolving.

The following was the memorandum prepared in my hotel room following the briefings we received on the evening of March 25, 1968. I read it aloud toward the conclusion of the rather lengthy meeting of the entire group the forenoon of the following day, March 26:

RANDOM THOUGHTS ON VIETNAM,
MARCH 26, 1968

1. The prime objective we seek, is, I assume, the development of a viable, friendly government in South Vietnam capable of maintaining its political independence on its own.

2. The *sine qua non* for that is a defense establishment capable of defending that political independence.

3. The essentials for creating such a defense establishment are leadership, weapons, and training, and in that order of importance, for without leadership from the top down the other two factors will be nullified.

4. It seems to be the view of our political and military leaders on the ground in Vietnam, and to some extent here in Washington, that Vietnamese leadership can be developed. If so, the supply of weapons and attainment of adequate training levels within a reasonably short time would present no insuperable problems for us.

5. Given the leadership and determination at top South Vietnamese Government levels, then within a *maximum* of two years we could supply the weapons and insure the training.

6. The foregoing might require some modest augmentation of U.S. ground forces to man the training establishment which we would have to organize and supervise.

7. Beyond that, I would be opposed to further U.S. troop increases.

8. Perhaps the serving of notice on the South Vietnamese Government that we will give it a maximum of two years to accomplish this, at the end of which time we begin a phasedown of our forces, would serve as an adequate stimulus.

M. B. RIDGWAY.

IV

I wish now to comment on the foregoing, in the light of subsequent developments.

First, until some time subsequent to President Johnson's historic announcement of March 31, 1968—and just when the change occurred I do not know—U.S. forces continued to bear an overwhelming share of the burden of combat, and no major effort was undertaken to equip and train ARVN units for eventual takeover of responsibility.

In Korea such an effort was undertaken at the earliest date that the level of combat permitted us to withdraw Korean Army (ROK) divisions from the forward zone and put them through a rigorous training cycle under expert U.S. instructors, from the squad to the division level. The training program then set up under General Van Fleet's direct supervision was of the same high caliber as we had long employed with our own troops at home, and the benefits were quickly and strikingly demonstrated in battle. From then on the ROK Army steadily improved and today it is of high professional competence—an army of which its people should be and are proud, as we who trained it are.

A further reason for the success in Korea, when I had both the U.S. Eighth Army and the ROK Army under my command authority, was that I was fortunate in having a strong-willed, courageous and determined foe of communism in the President, Syngman Rhee. Working always with our splendid, forceful and courageous Ambassador, John Muccio, I obtained Rhee's full support in every measure affecting his army leaders and the civilian populace which I found it necessary to request during those dark days of December 1950 and the succeeding three months when the changeover from a dispirited shaken force to a superb, confident, offensive-minded, well-trained combined force of Eighth Army and ROK Army was being made.

Second, the leadership I had in mind when I wrote the above memorandum had to begin with the South Vietnamese President. Only if there was a sufficiently strong and determined man in that office, could there be any hope, in my view, of indoctrinating his top army and air force commanders and holding their support behind the government, and of securing the political support of the various sects and groupings whose activities and ambitions had long militated against strong centralized authority.

Third, what then—March 1968—constituted "a reasonably short time" (the phrase used in paragraph 4 above) within which the ARVN could attain adequate training levels, could be no more than an estimate. In fact, in amplifying my comments before the group at that time, I remarked that there was nothing precise or sacrosanct about the "two years" which I had suggested as probably being sufficient. If three or four years proved necessary, I said, that could be accepted, provided progress appeared adequate and determination remained unshaken, as judged primarily by our thoroughly competent professional military leaders on the ground.

Fourth and finally, whether the wise course at that time was to inform the government of South Vietnam of our plan, if such a plan were adopted, and if adopted to convey this information to the South Vietnam government publicly, or to the Head of State privately, were decisions for our civilian authorities, not for our military leaders.

Now, in May 1971, only three years later, we appear to be far along toward the attainment of just such an objective as that plan contemplated, with one disquieting exception. The disquieting factor to me is the openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel. The recovery of these men demands and deserves, of course, unceasing effort on the part of our government. We owe them and their families and kin no less, and no less can serve the nation's honor. But whether stepped-up bombing of North Vietnam targets, including population centers, will accomplish that result is open to serious question.

There is further uncertainty in our present course which gravely concerns many of our people. How can we reconcile retention of a "residual force," of which the Secretary of Defense speaks, with "complete withdrawal" to which the President is publicly committed? And does "complete withdrawal" mean exactly that—the removal of all ground, naval and air forces? There are solid reasons, I believe, for not announcing a date by which withdrawal will be complete, if indeed a date has been fixed. There is an immense amount of equipment and supplies in South Vietnam, and we should draw down as much as we can to restore our inventories at home with consequent substantial dollar savings. There is also the possibility that secret diplomatic moves may now as I write, early in May, be in an advanced stage. If so, any publicity at this time might wreck any hopes there may be of a successful outcome.

The prisoner question is a torturing one, which should be examined from every angle, as I have no doubt is being done constantly. It is at least conceivable that an offer to Hanoi, made under the tightest possible cloak of secrecy, that we would agree to the complete withdrawal from the mainland of all U.S. armed forces personnel by a stated date, in return for the release unharmed of every captive American now held, would be accepted. This need not cause any change in the current level and character of our operations while awaiting a response. Even if accepted, it could well be that communist duplicity would seek to blackmail us into other concessions by withholding some or all captives until their demands were met; but we know enough of communist negotiating practices and should be able to enlist sufficient support from other governments to circumvent such tactics.

If this obstacle can be surmounted, then the complete withdrawal promised, the removal of every U.S. uniform from the mainland of Vietnam, except Embassy guards, will indeed be in sight, and our government will have extricated us on acceptable terms, as it is certainly aiming to do.

V

Let me conclude by trying to point out some lessons which to me stand out in the series of faulty judgments by our federal authorities for which they, as well as we who put them in office, are responsible.

In the field of foreign relations, each and every one of our major political objectives should be seen to lie clearly within the zone of our vital national interests.

In each case, the military objectives should be in conformity with and subordinate to the political objective.

Vietnam was, in my opinion, a case which violated both these prescriptions. The stated political objectives were numerous, tenuous and by no means clearly within the zone of our vital interests, while the military objectives were not subordinate to the political but at one stage, at least, rather tended to dictate the political objectives.

It should not have taken great vision to perceive that a mountainous, jungled area such as Vietnam, devoid of the territorial and electrical communications essential for the operation of a modern army, and with a population bitterly divided and in large part existing under near-primitive conditions, would be a morass into which we could endlessly and futilely pour our human and material resources; that you cannot kill an idea with bullet and bomb; that no truly vital U.S. interest was present to threaten our national security; and that commitment to a major effort there was a monumental blunder (now hopefully in process of correction), when in other areas of the world challenges to our unquestoned vital interests could quickly develop.

As far as hindsight can reveal, I doubt that those in authority in our government who took us into Vietnam perceived where we would end up once we decided to commit armed forces. It should be clear now that neither partisan political influences nor chauvinistic clamor, to which segments of our society not infrequently give voice, should be allowed to sway those responsible for major decisions in the field of foreign policy, above all for those decisions which involve resort to the use of armed force.

For the present, I believe we should accept the judgment of those civilian authorities possessed of the fullest information, as reflected in the President's current decisions. The two prime elements in those decisions are the timing to complete our withdrawal, and insistence on continued efforts to recover our prisoners. Both are questions of judgment.

I use the phrase "for the present." I intend it to mean for a very limited time, say no more than another six to nine months. By that time the ARVN will have had ample time to attain adequate training levels, if it is ever going to do so, and we will have had time to supply all necessary equipment.

At the end of that time, regardless of developments, but sooner if visible progress has been made toward meeting both of the conditions stated by the President, I believe we should proceed with our phasedown forthwith and carry it through expeditiously to completion—that is, until all U.S. Army, Navy, Marine Corps and Air Force personnel, except Embassy guards, are out of Vietnam, continuing by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained.

Mr. CHURCH. Mr. President, I also want to refer to a Washington Post article of September 16 which I call to the attention of the Senate. The article, datelined Saigon, reads in part as follows:

> President Nguyen Van Thieu said tonight that he still wants a residual force of 50,000 or more American troops left in South Vietnam through 1973, when he expects the Communists to launch their last major attack of the war.
>
> Thieu, meeting with 12 foreign journalists at dinner at Saigon's Independence Palace, said once again that he intends to persevere with his uncontested re-election campaign despite criticism at home and abroad.
>
> He repeated his willingness to negotiate a settlement of the war, but in outlining his terms for such a settlement he made it clear that he is maintaining his hardline position and expects concessions to be made by Hanoi and the Vietcong before the negotiations can progress.
>
> In a question-and-answer session stretched over nearly four hours, the president said he thought that his country would need American "advisors, technicians, and people who handle the helicopters" for a long time to come.
>
> GROUND TROOPS
>
> He implied he would like to have U.S. ground troops remain here as well, though he said they won't participate any more in combat missions after next summer.
>
> The ground forces are needed to hold rear areas, he said, while South Vietnamese units take over all frontline fighting.

Mr. President, I ask unanimous consent that the whole article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thieu: U.S. Troops Needed

(By Peter A. Jay)

Saigon, September 16.—President Nguyen Van Thieu said tonight that he still wants a residual force of 50,000 or more American troops left in South Vietnam through 1973, when he expects the Communists to launch their last major attacks of the war.

Thieu, meeting with 12 foreign journalists at dinner at Saigon's Independence Palace, said once again that he intends to persevere with his uncontested re-election campaign despite criticism at home and abroad.

He repeated his willingness to negotiate a settlement of the war, but in outlining his terms for such a settlement he made it clear that he is maintaining his hardline position and expects concessions to be made by Hanoi and the Vietcong before the negotiations can progress.

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GROUND TROOPS

He implied he would like to have U.S. ground troops remain here as well, though he said they "won't participate any more in combat missions" after next summer.

The ground forces are needed to hold rear areas, he said, while South Vietnamese units take over all frontline fighting.

Thieu's position on the need for an American residual force remains basically unchanged since July of last year, when he told another group of journalists much the same thing.

The Communists, he said tonight, will "certainly" try an important offensive in the northern provinces of South Vietnam, either next year or in 1973.

If it had not been for the South Vietnamese invasion of Communist infiltration routes in Laos last spring, he said, "it could be happening right now." He added that he thought heavy floods now inundating North Vietnam "may help to disturb their plans."

TROOP WITHDRAWAL

The president appeared unperturbed by the possibility that Congress might direct the withdrawal of U.S. forces before he is ready to see them go. But he stressed the need for continued American air support "for many more years."

Thieu said he is still "keeping the door open" for North Vietnam and the Vietcong to participate in an election to determine the future of his country—but added they would have to renounce communism thereafter.

He said his longstanding position of "Four No's"—no non-elected coalition government with the Communists, no ceding of territory, no Communist activity permitted in South Vietnam and no pro-communist neutralism—is entirely non-negotiable.

"I am anti-Communist," he said, "but I am open to a peace settlement in which we pay a good price for a good peace." He said he would like to be remembered as the president who brought peace to Vietnam.

He added, however, that "to be president in a peaceful country, in peacetime, is not interesting . . .

The most interesting is how to win a war, to bring peace."

He said he is optimistic about his chances for a solid majority in the uncontested Oct. 3 election, and repeated that he would resign if half the voters who go to the polls mutilate their ballots, or cast empty ballot envelopes, to register their opposition.

He spoke in conciliatory terms about both Gen. Duong Van (Big) Minh and Vice President Nguyen Cao Ky, who by withdrawing as presidential candidates left him alone in the race.

Documents released by Minh, allegedly involving a plan by Thieu to rig the election were "not authentic" the president said. American officials have said they are convinced that the documents are genuine.

The president said he was not concerned that President Nixon's planned trip to China might result in a settlement of the war unfavorable to South Vietnam, and that he was hopeful that the trip might "do something toward peace."

He said he thought that South Vietnam's legal opposition "has plenty of freedom, but hasn't grown up." In his second term, he said, he thought that he would try to build a party of his own.

The president said that after another term he will leave public life and spend his leisure time fishing—"My father and grandfather were fishermen and sailors"—or perhaps returning to the army or writing a book.

Turning to the journalists with whom he had spent an amiable evening, he remarked that "I think that if I became a newsman I would be more vicious than you are"—and smiled.

Mr. CHURCH. Mr. President, from the statements of President Thieu, and similar soundings from the White House, from the Pentagon, and from the State Department, it is evident that there are insistent pressures at work to persuade the President to retain in South Vietnam an American residual force. I ask, how can such a force serve the interests of this country? Even now, the President is preparing for a trip to Peking, the purpose of which is to improve our relations with China. His objectives are to normalize relations, insofar as possible, to reduce tensions in Asia, to recognize and accommodate ourselves to the central importance of China on the Asian scene. Nothing could militate more against the success of the President's mission than an indication here, by a vote of the Senate today, that we are unprepared to say that we support as our national objective the complete withdrawal of American forces from Southeast Asia.

The retention of a residual force in Indochina, at the very doorstep of China, could only complicate such chances as there are for a rapprochement with China. Moreover, leaving our forces there will bind them to a timebomb. No one can forecast the eventual outcome of this 20-year civil war between the Vietnamese, about which there is such bitter feeling on both sides. We neither want nor need a Korean-type resolution of this Indochina war.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I emphasize this because now is the time for the Congress to say that our objective should be full disengagement and thus encourage the President to move in that direction.

Our purpose is not to handcuff the President; it is not to impose a timetable on him; it is not to deprive him of necessary flexibility for action. It is simply to say, Mr. President, the Congress approves the total withdrawal of American forces as our national objective, and provides money for that purpose, but not for other purposes unrelated to that objective.

I yield to the Senator from Kansas.

Mr. DOLE. The Senator has mentioned the President's journey to Peking. He could also add Moscow. It might be, and I am just speculating, that the President will have some discussions in Peking and perhaps some in Moscow. Now it is proposed to take possible options from him. This is another reason for rejecting the amendment.

The Senator has spoken about the President's journey to Peking and to Moscow. He is winding down the war. Still there is no confidence in what the President is doing. It had not occurred to me, but since the Senator mentioned it, that is another very sound reason to vote for the Scott amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. JAVITS. In the first place, I favor the amendment. I feel that the Foreign Relations Committee, which backed Senators Cooper and Church, did exactly the right thing.

I would like to make an observation and ask for the Senator's comment as if it were a question. It strikes me that the only difference between us and the administration——

The PRESIDING OFFICER. Will the Senator suspend? All time of the Senator from Idaho has expired.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. JAVITS. The only difference, it strikes me, between us and the administration is the question of whether or not there is any hope in further negotiations. If there is no hope in further negotiations, then this amendment is precisely the prescription the President would be espousing. This is a very nice difference, and I think we have a right to sustain that difference here—those who feel that now, balancing the hope of negotiations against the damage to the national social fabric which continues to be rigged by the war in Vietnam, we decide that the balance is outweighed and the chances for negotiations are now so lessened in what they might produce that those chances are so far outweighed by the continuing rupture of the social fabric of this country that we must say, "Withdraw, and do nothing else but withdraw." It is simply a question of whether we should continue, because we have some hope for negotiations or that we are hurting so badly that we must vote to get out; and I am for getting out.

Mr. CHURCH. The Senator reaches to the very core of this question and, in doing so, he recognizes that the Senate has a responsibility to participate in the determination of what our national policy should be.

The argument that we should leave it to the President, that we should not share in the formulation of our policy in Indochina, lest it be taken as a vote of no confidence in the President, is simply another way of saying we ought to abdicate—turn it all over to the President of the United States. If that is the disposition of the Senate, it will be borne out by the vote which will take place in a few minutes. I hope that it proves not to be the judgment of the Senate. For too long we have abdicated, and that is one of the reasons why we are in such difficulty in Indochina today.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I wonder if I might have some time on the bill. I yield 5 minutes——

Mr. MANSFIELD. Mr. President, I think we ought to keep in mind that we have an agreement to vote at 3 o'clock.

Mr. DOLE. Mr. President, the remainder of the time is on our side. I yield 2 minutes to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I would first like to commend the distinguished Senator from Idaho and the distinguished Senator from Kentucky for their gracious comments about the President's intentions and programs to get us out of Vietnam, as carried on national television from Foreign Relations Committee hearings yesterday. I am absolutely confident that the President does intend to get us out of Vietnam and I have frequently lauded the administration for reversing the trend of the previous two administrations.

I would like to ask the Senator three questions to be certain that the President's hands are not tied by the language of this section of the foreign aid bill. First, how would the language in the amendment affect the bombing by our military forces to protect our own personnel in South Vietnam? Second, would the bombing to check infiltration along the Ho Chi Minh Trail be allowed to continue? Third, how restrictive is the "imminent danger" phrase in the last sentence of the section? Does that restrict the President's ability to fully protect our troops?

Mr. CHURCH. In answer to these questions, first, the amendment would not interfere in any way with the bombing of the Ho Chi Minh Trail, or with the interdiction of any supply line the enemy is using to transport equipment, ammunition, and supplies to its forces in South Vietnam. Nor would it interfere with any bombing necessary to give effective air cover to our troops in South Vietnam. Second, I would say to the Senator that, insofar as "imminent danger" goes, that phrase is meant to conform with the best understanding we have, on the basis of the precedents, of the President's inherent constitutional right to protect our troops.

The amendment allows for any action necessary to protect our troops against a danger that is imminent and real, but would not extend to military operations that are remote or farfetched insofar as the protection of the troops is concerned.

I would not think the language would permit large-scale operations like those which took place last year in Cambodia and early this year in Laos, but certainly would permit giving full cover to our troops there.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I should like to read into the RECORD what I wrote to my constituents shortly after I voted for the Mansfield amendment last week:

> In recent weeks Senate action has centered on two measures—extension of the Draft and the Military Procurement Bill. All kinds of issues are wrapped up in these two bills. What shall we demand from our Nation's youth? Must we ask the loyal to bear the burden for the rebellious? How much should we spend on guns, and how much on butter? Moreover, each of these bills gave Congress another chance to help write the final chapter of the Vietnam War.
>
> On the Draft Bill the Senate insisted and the House refused to fix a date certain for withdrawing our forces from Indochina. At that point I opposed including a cut-off date. It would only express the sense of the Congress and have no force of law, for the Constitution reposes these decisions in the President. The world including our enemies, however, would consider it an ultimatum to our own President and practically nullify any bargaining power he had at the negotiating table. I have resented the fact that the Cooper-Church, the McGovern-Hatfield, and other such drastic measures were invoked against a President who is steadily withdrawing our forces, when they were not once suggested through five years of escalation under the Johnson Administration. I stated I could not support such action at that time, but it could become necessary should our involvement continue.
>
> Incidentally, I doubt if the good folks who are so disappointed that the first Mansfield Amendment failed are aware of how much was gained in the resulting compromise between the House and Senate on the Draft Bill. Though the President is fast bringing home our ground forces, his apparent intention was to continue our activities in the air and leave a residue of some 50,000 troops to help hold South Vietnamese strongholds. This has worried me, for I have felt that our withdrawal should be complete. If we leave helicopters to be shot down, other Americans will be doomed to Communist dungeons. What did the Senate and House unite in writing into the final Draft Bill? "It is hereby declared to be the sense of Congress that the United States terminate at the earliest practicable date ALL military operations of the United States in Indochina (not just Vietnam) and provide for the withdrawal of all United States military forces at a date certain subject to the release of all American prisoners of war." That statement, approved by both Houses and signed by the President, marks a giant step.
>
> Later came the Military Procurement Bill. Again Senator Mansfield offered an amendment in which Congress proposes a cut-off date to be extended only if more time is necessary to get all our prisoners. This time I voted for it and for a very definite reason. I have found it increasingly hard to share the President's faith that, given time, we could leave the South Vietnamese in the hands of a genuine democracy under which they would be free to determine their own destiny. Last July I reported to you: "Time will tell us if the President's Vietnamization plan will work. I have some misgivings about tying our kite too tight to the Thieu-Ky government." These misgivings have been fully justified. On almost the same day that we voted on the second Mansfield Amendment, a fake, one-man election was held in South Vietnam, the same farce used by dictators everywhere. The antics of Mr. Thieu convinced me that we shouldn't waste one more day or one more drop of American blood in a vain effort to set up a free government in Vietnam. There is nothing left to bargain for but our prisoners, and as soon as we get them, we should get out of Southeast Asia lock, stock, and barrel. I suspect the President must feel the same way, but whether he does or not, I could no longer in good conscience oppose a Mansfield Amendment contingent on the recovery of all our prisoners.
>
> The anguish that all Americans must endure in the years to come is the memory of 45,000 of our youth who gave their lives without our attaining our objective. The outcome might have been different if we had fought as Americans always have in the past—to win. In the early days we were united, and even those who are now demonstrating and cursing the war supported it. I recall one present Senate dove quoting Thomas Paine's reference to our own American Revolution: "If there was ever a just war since the world began, it is this . . . We fight not to enslave, but to set a country free, and to make room upon the earth for honest men to live in."
>
> For this ideal our young men died, and because that is so, somewhere in God's Scales their sacrifice will ever be weighed, and they will not have died in vain.
>
> Nothing remains but to get our prisoners and bring every American home.

I cannot escape the conclusion that there is a wide distinction between the Mansfield amendment and the Cooper-Church amendment. The Mansfield amendment expressed the sense of Congress that the war be terminated and all our forces withdrawn at a date certain, provided that prior to that date, we had secured the release of our prisoners of war. For reasons that I have already stated, I had reached the point of supporting that declaration.

The Cooper-Church amendment which is incorporated in the bill now being considered invokes the powers of Congress over the purse and places permanent, iron-clad restrictions on the use of all appropriated funds in our operations in South Vietnam. This is a desperate measure that so far as I can find has never been resorted to in the entire history of this Republic.

Mr. President, I cannot think of a more delicate and dangerous military operation than the final chapter which apparently is envisioned by the supporters of this amendment when the time comes that we are removing the last of our troops from South Vietnam and, at the same time, depending upon the enemy to release the last batch of American prisoners. It is incredible to me that so many Senators have forgotten that we are dealing with an enemy that is completely ruthless and completely untrustworthy.

In my judgment, the only thing we have left to bargain for is our prisoners of war, and to bring them with us is the one duty and responsibility that we cannot escape. If and when we reach the point of final removal we do not have absolute proof that we do have our last prisoners of war, it could be and should be the duty of the President as Commander in Chief to use sufficient air power and adequate force to make certain that we bring every last American prisoner with us.

Under the terms of the Cooper-Church amendment this could not be done. We could not launch an air attack to compel the enemy to comply. Indeed, we might find ourselves in a position where our own forces had been gradually reduced to the point that they would be in extreme danger and the President could not use a dollar to reinforce them, to rearm them, to feed them, or to protect them.

It has been reiterated on the floor of the Senate this afternoon that the Cooper-Church amendment does not cut off funds but merely aids the President in his own declared policy. Such statements are ridiculous. If it does not limit and cut off funds, it does nothing, but the mere reading of its terms shows clearly that that is precisely what it does.

Mr. President, this Senate has repeatedly, formally, and overwhelmingly declared that we must withdraw completely from Southeast Asia leaving no American garrisons and no American Air Force provided we are able to first secure the release of all our prisoners. With this I agree completely, but the Cooper-Church amendment will only serve to make it more difficult to carry out this policy, and I cannot support it

Mr. SCOTT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 15 minutes remaining.

Mr. SCOTT. I yield the remaining time to the distinguished Senator from Arizona (Mr. GOLDWATER).

THE COOPER-CHURCH AMENDMENT IS UNCONSTITUTIONAL

Mr. GOLDWATER. Mr. President, I cannot remain silent in the face of a calculated and flagrant attempt by the Senate Committee on Foreign Relations to illegally deprive the President of the United States of his constitutionally granted powers to employ the Armed Forces in defense of American interests. Of course, I am referring to the latest so-called Cooper-Church amendment which is set forth in the pending bill as a new section 406 relating to the withdrawal of U.S. forces from Vietnam. This section professes to find that the repeal of the Gulf of Tonkin resolution "has left the Government of the United States without congressional authority for continued participation in the war in Indochina." Then it goes on to direct that funds authorized under the Foreign Aid Act or any other act for use by military forces in Indochina shall be used only for the purpose of withdrawing those forces and providing them with protection against imminent danger during the withdrawal process.

Mr. President, in truth, if this provision were simply in the form of an expression of congressional hope, I would not be so gravely concerned. It would be unwise, yes, but not dangerous, as it is now.

What really bothers me about the section is found in the fundamental and openly expressed purpose of the Foreign Relations Committee to treat this language as a weapon in the struggle by the committee to put Congress in the pilot's seat on matters of foreign and military policy. The Foreign Relations Committee spells out in its report that section 406: "states the principle that the President does not have authority to use our Armed Forces in a war without the approval of Congress."

But, Mr. President, the committee fails to give us even one glimmer of the supposed authority which backs up this strange construction of constitutional law. The fact is, Mr. President, there is no judicial decision and nothing at all in the U.S. history which supports the position taken by the Foreign Relations Committee in section 406. This section represents nothing more than an emotional longing for power in the Congress of a kind that the Constitution has not given to it. For what the Foreign Relations Committee is telling us in section 406 is that Congress possesses the dominant powers over the use of military forces and that the President is simply a puppet who must carry out the smallest directive of congressional military policy.

But where in the Constitution does one find that the President can be so easily deprived of his authority to defend American interests? Certainly, it is not to be found in the mere conferral upon Congress of the right "to declare war." There has never been any judicial holding in a time of war which shackled the President's ability to use the forces at his disposal to carry on that hostility. In other words, the Supreme Court and, in fact, no lower Federal court has ever decided that the only way the United States can go to war is by a congressional declaration of war. Indeed, this country has actually been engaged in hostile military operations on at least 192 occasions without the support of any declaration of war. This fact was revealed recently during the course of an ongoing study which I have directed to be made on the historical exercise of the war powers in this Nation. And I might add, Mr. President, that there is both historical and judicial verification of the broad power of the President to use military forces exactly as he has done now for nearly two centuries.

One well-known constitutional lawyer claims that the language of the Supreme Court in the Prize cases[1] "constitutes juristic justification of the many instances in our history—ranging from Jefferson's dispatch of a naval squadron to the Barbary Coast to the 1962 blockade of Cuba—in which the President has ordered belligerent measures abroad without a state of war having been declared by Congress.[2] Those are the words of Professor of Law Bernard Schwartz.

In addition, one of this Nation's leading international law authorities, Prof. Quincy Wright, wrote in 1969:

> I conclude that the Constitution and practice under it have given the President, as Commander-in-Chief and conductor of foreign policy, legal authority to send the armed forces abroad; to recognize foreign states, governments, belligerency, and aggression against the United States or a foreign state; to conduct foreign policy in a way to invite foreign hostilities; and even to make commitments which may require the future use of force. By the exercise of these powers he may nullify the theoretically, exclusive power of Congress to declare war.[3]

Mr. President, I should emphasize that these statements are not principally modern-day expressions developed over the last 20 years or so. Prof. W. W. Willoughby, author of a famous three-volume work on constitutional law, reached the same finding in 1929. He declared that the power of the President to send forces outside the country in time of war or peace "when this is deemed necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States" is a "discretionary right constitutionally vested in him and, therefore, not subject to congressional control."[4]

Prof. Edwin Corwin, who, I might remind Senators, was selected by Congress to edit the congressionally sponsored work "Constitution Annotated," has also recognized the President's independent authority to commit military forces abroad at his own initiative. In 1944, Professor Corwin wrote that this power "had developed into an undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without congressional authorization the Armed Forces in the protection of American rights and interests abroad whenever necessary."[5] Thus, Mr. President, there exists a great wealth of informed opinion which establishes beyond any doubt the existence of an independent authority on the part of the President to use our Armed Forces without the need for a specific grant of approval by Congress.

The right of the President to commit American troops abroad in defense of the people and freedoms of this Nation rests upon at least four distinct constitutional grants of authority These powers are centered in his possession of all the "executive power" of a great and sovereign nation.[6] As Solicitor General Erwin Griswold recently remarked, the Constitution grant of executive power "is not a merely passive grant," but is an affirmative grant of authority.[7]

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[1] 67 U.S. 635 (1863).

[2] B. Schwartz, *The Reins of Power* at 98 (1963).

[3] Q. Wright. "The Power of the Executive to Use Military Forces Abroad," 10 Va. J. Int'l L. 54 (1969).

[4] W. Willoughby, *The Constitutional Law of the United States*, vol. III, 1567 (2d ed. 1929).

[5] Corwin, "Who Has the Power to Make War?," N.Y. Times Magazine, July 31, 1949, at 14.

Also, the President has been given a mandate to initiate and conduct foreign policy. As Justice Harlan, Chief Justice Burger, and Justice Blackmun announced in a 1971 decision,[8] from the time shortly after the founding of this Nation, to date, there has been no substantial challenge to the declaration by Chief Justice John Marshall that "the President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." The President's constitutional primacy in the field of foreign affairs was also confirmed by the Supreme Court in the landmark case of United States against Curtiss-Wright Corp.[9]

A third important power of the President over war powers is derived from his duty and right to execute the laws. Prof. Quincy Wright tells us that the President's "duty to execute the laws is not limited to the enforcement of acts of Congress and treaties of the United States, but includes also 'the rights, duties, and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution.' "[10]

I might add, Mr. President, that Professor Wright's summary is merely a restatement of the law as recognized by the Supreme Court in its decision of In re Neagle.[11]

A fourth source of the President's independent powers in the field of deploying Armed Forces rests upon his designation as Commander in Chief.[12] This power has been defined by Professor Wright to encompass "the conduct of all military operations in time of peace and of war, thus embracing control of the disposition of troops, the direction of vessels of war, and the planning and execution of campaigns" and to be "exclusive and independent of congressional power."[13] Again, I should add the Supreme Court has suggested this power is largely an unfettered one. For example, in 1866, the Supreme Court pointedly stated "Congress cannot direct the conduct of campaigns."[14]

In summary, Mr. President, I believe the record is clear and convincing that the President of the United States possesses a broad range of independent authority to employ the military forces of this Nation however and wherever he deems fit in order to defend the security of this country and its 208 million citizens. To the extent that the Cooper-Church amendment seeks to override this constitutional grant of authority to the President, I believe it is without any question illegal and improper. What is more, it will confuse the American people as to whom it is that speaks with one voice for this Nation in foreign affairs. At the same time it is likely to embolden our enemies to calculate that the United States is an uncertain ally, incapable of fulfilling its commitments for any length of time.

For these reasons, Mr. President, I urge that section 406 be stricken from the Foreign Assistance Act.

I might suggest to those people who continually try to work, through the powers of Congress, a destruction of the constitutional powers of the President that the proper route, if they deem it wise—and I do not think it would be wise—would be to submit this to the people of the United States to determine whether or not Congress shall have the power of war and peace and foreign policy, or whether it shall remain, as intended by the Constitution, in the hands of the President of the United States.

I might conclude by saying that I have interrogated every known authority in this general field, and I have yet to find one who would suggest that we try by constitutional amendment to change the powers of the President.

Mr. President, I hope that this amendment by the Senator from Pennsylvania is agreed to.

Mr. SCOTT. I thank the distinguished Senator from Arizona.

Mr. President, before I yield the remainder of the time to the Senator from Kentucky, I should like to make the point again that, unlike the Mansfield amendment, the Cooper-Church amendment cuts off the funds in all of Southeast Asia. It is not just an expression of views. It is a fund cutoff, which some Senators may not have understood.

I now yield the remainder of the time, if the Senator wants it, to the Senator from Kentucky.

Mr. COOPER. I am not certain that I will take all the time. I just want 1 minute.

Mr. SCOTT. All right.

Mr. COOPER. Mr. President, I respect always the views of the Senator from Arizona (Mr. GOLDWATER). He is forthright, courageous, and he argues his point with force. But I think he is absolutely wrong on the question of constitutional power. We could not take any constitutional power from the President. We cannot do it. His constitutional power cannot be taken from him by any statutory amendment.

This amendment is constitutional. Article I of the Constitution gives Congress the power to either grant or cut off funds for military forces. This is clearly constitutional.

I have read the cases to which the Senator has referred, because we have been debating this matter of war powers for 2 or 3 years. They are not in point. The Prize case dealt with the power of President Lincoln to meet an insurrection. Ex parte Milligan actually restricted the power of the President. It limited his power to suspend the writ of habeas corpus. It restricted his powers during the Civil War.

The point is that our amendment is constitutional, because it is based upon the authority of Congress to grant or not grant funds for war. Congress has the power to declare war and to make war. I think that is settled. The President has the power to defend his troops. We cannot take that power away from him. Our amendment affirms that power to him.

It is simply an effort upon the part of those of us who believe this way that, as the President is winding down the war, we want to be sure that it does not call for residual troops. We want to end the war as a whole.

Mr. SCOTT. Mr. President, I yield the remaining time to the distinguished senior Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I realize that in these closing moments nothing I can say probably will change the votes upon this matter in the Senate. Yet, I feel that I do have to express myself and the reasons for voting for the amendment of the Senator from Pennsylvania, the minority leader.

As we get down to the final stages of what has been a very sad and sordid affair, I see many things in the past few years of which I think I can be logically critical in extreme degree. But as we close down and get down to the present point, down to 180,000 troops by Christmas from more than 550,000 when the President took office, I think we have made great progress—progress which is as meaningful and as rapid as possible.

I am not willing by voting against the pending amendment to vote to retain the Cooper-Church amendment. I am not willing to take away from the President of the United States the one last vestige of flexibility he has to try to negotiate any deal to return our POW's. That is not my concern.

If that is done, then all we can do and all that the President can do is to start sucking troops out of South Vietnam as fast as he can. We leave him with no flexibility. If the language in the bill should be agreed to and become law, then I think Americans should ask themselves—all those who would support that proposal—what will happen to our POW's? And who will take the responsibility in these later days if we are not successful in getting them returned.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the Senate, by prior agreement, will proceed to vote on the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma, (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Oklahoma (Mr. HARRIS).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Oklahoma would vote "nay."

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[6] U.S. Const., Art. II, sec. 1.

[7] See remarks by Solicitor General Erwin N. Griswold, 117 Cong. Rec. (daily ed.) S12967–S12969 (Aug. 3, 1971).

[8] *New York Times Co.* v. *U.S.*, 403 U.S. 713, at 756 (1971).

[9] 299 U.S. 304 (1936).

[10] Q. Wright, "Validity of the Proposed Reservations to the Peace Treaty," 20 Col. L. Rev. 134–136 (1920).

[11] 135 U.S. 1, 64 (1889).

[12] U.S. Const., Art. II, sec. 2, cls. 1.

[13] Q. Wright, *supra* note 10, at 134.

[14] *Ex parte Milligan*, 71 U.S. 2 at 139 (1866).

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Idaho (Mr. Jordan), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Idaho (Mr. Jordan) and the Senator from Iowa (Mr. Miller) would each vote "yea."

The result was announced—yeas 47, nays 44, as follows:

[No. 271 Leg.]

YEAS—47

Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Long
McClellan
McGee
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Stevens
Taft
Thurmond
Tower
Young

NAYS—44

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—9

Baker
Harris
Inouye
Jackson
Jordan, Idaho
McGovern
Miller
Mundt
Stennis

So Mr. Scott's amendment (No. 482) was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. SCOTT. Mr. President, as I understand the parliamentary situation at this point, it is that the yeas and nays have been ordered on the motion to table the motion to reconsider.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCOTT. Therefore, those Senators who voted yea on the Scott amendment would vote yea again.

Mr. CHURCH. And those opposing it would vote nay.

The PRESIDING OFFICER. A yea vote would favor the motion to table the motion to reconsider the vote by which the amendment was agreed to.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, will the Chair keep the well clear?

The PRESIDING OFFICER. The Chair respectfully requests the Senators in the well to retire therefrom. The Chair will again request that Senators in the well retire from the well. The clerk will not continue until there is order.

The clerk will continue with the call of the roll.

Mr. HOLLINGS (when his name was called). Mr. President, on this vote I have a live pair with the Senator from South Dakota (Mr. McGovern). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Mississippi (Mr. Stennis), and the Senator from Arkansas (Mr. McClellan), are necessarily absent.

On this vote, the Senator from Washington (Mr. Jackson) is paired with the Senator from Oklahoma (Mr. Harris).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Oklahoma would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) would each vote "yea."

The roll call was concluded.

The result was announced—yeas 44, nays 45, as follows:

[No. 272 Leg.]

YEAS—44

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hruska
Long
McGee
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Stevens
Taft
Thurmond
Young

NAYS—45

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hollings, for.

NOT VOTING—10

Harris
Inouye
Jackson
Jordan, Idaho
McClellan
McGovern
Miller
Mundt
Stennis
Tower

So the motion to lay on the table the motion to reconsider the vote by which Mr. Scott's amendment was agreed to was rejected.

The PRESIDING OFFICER. The question recurs on the motion to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. On that I demand the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this motion, there are 15 minutes to each side. Who yields time?

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Before proceeding, the Chair respectfully requests that the Senate be in order.

Mr. CHURCH. Mr. President, I make a point of order.

The PRESIDING OFFICER. The Senator from Idaho will state it.

Mr. CHURCH. Inasmuch as the time limitation on the original Scott amendment had entirely expired, I make the point of order that the motion to reconsider should therefore not be debatable.

The PRESIDING OFFICER. The unanimous-consent agreement provided that there would be 30 minutes available for debate on any motion or appeal except a motion to lay on the table.

The time, of course, can be yielded back.

Mr. SCOTT. Mr. President, I have no intention of yielding back the time.

I call to the attention of my colleagues that I hope they will very carefully consider their further action, as they have indeed carefully considered each step, because I want to make it clear right now that we are not just voting on the Cooper-Church amendment; we are voting on whether we will have a foreign aid bill or not, because if this amendment is rejected and the Cooper-Church provision remains in the bill, the President will, I am certain, veto this bill.

Many Senators have a great many provisions in the bill in which they are interested. Other Senators are giving some thought to the possibility of tabling motions because they do not like the bill, or they do not like parts of it. So the bill is in some danger, any way we look at it. It is pursuing a perilous course along the legislative pathway.

But we can be sure the bill is not going anywhere if the Cooper-Church amendment is in it. It will be vetoed, and I feel quite certain that I have a right to make that statement.

There are in this bill, as I say, many features in which many Senators are interested. There are provisions for schools and colleges abroad. There are millions of dollars involved in those provisions, and there are many educational institutions involved. That funding will go down the drain unless we cover it adequately and fully in a continuing resolution. The $200 million aid for Pakistan relief goes into limbo, unless Senators can find some way to cure that hiatus. The various provisions for all the foreign countries involved are imperiled. We are about to decide whether or not to kill the foreign aid bill.

I grant there are many Senators who want to do it. I am not quarreling with them at all. I am just saying that we are heading in that direction, because those Members of the Senate who would prefer to keep the foreign aid bill alive—and I would prefer to keep it alive, if I can get a viable bill—are confronted by the fact that with the Cooper-Church amendment preserving its status, we do not get a bill, and by rejecting my amendment we are increasing the likelihood of a tabling motion on this bill.

The PRESIDING OFFICER. Will the Senator suspend?

The Senator from Pennsylvania is making a most important statement, and deserves the careful attention of the Senate. The Chair respectfully requests that the Senate be in order.

The Senator may proceed.

Mr. SCOTT. I did not, Mr. President, want to interfere with the privacy of anyone's conversations. With the Senator from North Carolina, I favor the right of privacy, and I suggest that any Senators who are privacy-minded move to those places where privacy is respected, if I may be forgiven for varying to the British pronunciation of the term in order to make the point.

I hope very much we will not do that. This matter can be decided by one vote, or it can be decided by some Senators electing not to vote. That would be regrettable, because I would hope we would all stay here and be recorded. It could be determined by the number of pairs taken; it could be determined in any of a number of ways. But the important way to determine it, I think, is to decide it in such a way that the work of the Foreign Relations Committee and the work of the Senators on the floor is not rendered wholly nugatory by virtue of the fact that, by one vote, we have enacted a provision which would invite a veto.

That is where we are. This is a provision to cut off all the funds, not a part of the funds but all of the funds for Southeast Asia. It renders a situation which does not take consideration of the prisoners of war. It can be said of the Mansfield amendment that indeed it looks after the prisoners of war and indeed it does not, under the same circumstances, in the same way, operate to cut off the funds. But this is a dead cutoff. It is a declaration that Congress has a lack of confidence in the President's ability to end this war in the way in which he is doing it.

So I sincerely hope that we will not decide this issue on a one- or two-vote margin of whether or not we are going to have a particular amendment. We are voting on this bill now. We are voting up or down the foreign aid bill. If it is killed, then the votes that support an amendment which is not viable have voted to kill the bill. If it survives, let us continue to perfect it with some things that need to be done. Senators have a desire to do them. Senators would rather not wait until next February to do them, I am sure. But I hope that we will not act so precipitately here that we have destroyed all the hard work that has gone into this bill, simply because we want to be sure one more time, on the record. We have been on the record twice, and I think that is often enough.

For the present, I will defer what remains of my time.

Mr. CHURCH. Mr. President, I speak briefly for the purpose of saying only that this bill does not cut off all funds; it is not a killer amendment. It simply expresses the congressional intent that our national purpose should be to withdraw completely the remaining American forces from Indochina, and it furnishes money consistent with that purpose and for the protection of the troops as they withdraw. All the money necessary to effectuate the national purpose is left in the bill.

Rather than obstructing the President, it would be a way that Congress could implement what should be the national objective; that is, the complete withdrawal of our remaining forces from this misbegotten war—land, sea, and air.

Mr. President, I yield 5 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, a good deal has been said about the amendment which is now in the process of being reconsidered. Certain demands have been made on the Senate, that if the Senate did not do this, that, or the other thing, or if it did, the bill would be vetoed, or it would be tabled, or it would be recommitted.

It was pointed out that there are many goodies in this bill, and there certainly are. The list of countries takes up three full pages—countries which will be the recipients of relief which this body will be voting on. Mention has been made about schools in various countries and what they will get and that if the Senate does not act as a nice little boy, that will be lost. Pakistani relief has been brought into the situation. But nobody seems to mention the Americans in Vietnam. Nobody seems to understand that what the Cooper-Church amendment does is to protect them fully, completely, constitutionally, as they withdraw, as the President is withdrawing, and as we anticipate without question that he will continue to withdraw, hopefully, completely, and totally, not only from Vietnam but also from all of Southeast Asia.

Yes, it is monotonous, I suppose, to mention the litany of losses: Well in excess of 350,000 American casualties; 35,000 disabled, totally disabled; between 450 and 1,601 POW's and recoverable missing in action.

Yes, it is monotonous to talk about Vietnam. We want to put our heads in the sand. We want to ignore it. But it will not, it must not, be ignored.

So far as I am concerned, I want to say again what I have said before: If there is any truth in the statement made by certain people supposedly in the administration that the President is going to pull the rug out from under those of us who advocate an accelerated pace of withdrawal and a total withdrawal, I would be delighted to be standing on that rug and to have it pulled out from under me.

Yes, it is monotonous to talk about Vietnam—deadly monotonous—but we had better talk about it and act on it because the price has been very high.

What the Cooper-Church amendment seeks to do is to cooperate, to help the President in his declared aims. There has been an election in Vietnam that is one leg of the President's tripod—a government presumably of the people's choosing. That should also prove the stability and security of that country, even though there was only one candidate, and that is another.

The third leg of the tripod of withdrawal is that the administration wants to get the prisoners of war out of Vietnam and that we will not depart until they are out. I think the Cooper-Church amendment helps that process.

What we ought to do is to become more concerned with Vietnam, instead of shunting it to one side; because what has happened in Vietnam is, in large part, responsible for the condition in which this Nation finds itself today: division, racism, drug addiction, and an economic decline, which has required us to put in controls.

When are we going to wake up to what this misbegotten, unnecessary, and uncalled for war has done to us and our sons? Fifty-five thousand dead. Over 300,000 wounded. Thirty-five thousand totally disabled. One thousand and five hundred POW's or MIA's, and a cost of $130 billion. We will be paying for this war into the next century, and the cost at which it already stands will be tripled by then.

I would hope that we would turn back to the business at hand—the sons of our people. We do not have to go to Vietnam or Cambodia or Laos or Thailand. We do not have to be stationed on Yankee Station in the South China Sea. But the Senate, the Congress, bears a part of the blame; one way to partially compensate for what has been done is to get out of Indochina as soon as possible, timing the withdrawal with the release of our POW's.

Call the bluff, if that is what it is, of the NLF, and see if they meant what they said in points one and two of the seven-point program of last July, when Madam Binh stated that our prisoners of war would be released as our troops were withdrawn. What have we got to lose? We have much to gain.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, I will state what we have to lose. We have our prisoners of war to lose; because if that is Madame Binh's statement, that the prisoners of war would be released as our troops would be withdrawn, only one prisoner of war seems to have been released, and that appears to have been by accident. So there has not been a proportionate release of prisoners of war.

I agree with the litany of loss recited by the distinguished majority leader. I agree with it. But I point out, also, that nothing in the Cooper-Church amendment—nothing whatever—will save a life in Vietnam, or bring the prisoners of war back a day earlier.

What will save lives will be Hanoi's willingness to negotiate. What will save lives will be our opportunity to retain such options as we have, until such time as it becomes more to the interest of Hanoi to negotiate or to face what remains of American forces overseas in that area.

Yet, as we withdraw, and every day that we withdraw, Hanoi is reading that Americans and the American Congress are favoring actions which give them breathing time, during which period they then have to consider releasing our prisoners of war. This is another breathing time amendment for the North. It is not so intended, but that is the way Hanoi interprets it.

Mr. President, I am against delaying the return of our prisoners of war. I am against incurring any further risks in this war. The way to do it is the way it is being done and not by congressional fiat, which merely serves the cause of further deferment and delay on the part of the North.

Mr. CHURCH. Mr. President, of all the aspects of this prolonged debate over the war in Vietnam, there is none so distasteful or deceitful as that which relates to our prisoners of war. If anything should be painfully clear by now, it is that the North Vietnamese will never be willing to give up our prisoners, as long as we remain unwilling to give up the war.

The purpose of the amendment is to make it plain that our national objective is complete disengagement. I do not know of a better way to serve the interests of our prisoners of war than to make that objective finally and unmistakably clear.

The President is not handcuffed. The military is not stifled. The bombing of the supply lines is not interfered with. The giving of protective cover to our troops, as they withdraw, is not affected.

The amendment asserts congressional responsibility, which Congress for so long has shirked, to participate with the Executive in the formulation of a national purpose, to come out of Indochina and to come out completely. This amendment would put to rest, once and for all, all the talk about a residual force of 50,000 men that will continue to give aerial, logistical, and naval support to the South Vietamese keeping us there for many years more.

I hope we shall not fail again to assume a responsibility that is logically, constitutionally, and morally ours. We should declare the national purpose, one that is not inconsistent with the avowed objectives of the President, but one that will finally put to rest the whole notion of a residual American force and continued American participation in the war. After all, the South Vietnamese are armed to the teeth, their army is over a million strong. We have given them the tools to protect themselves.

The time has come for them to assume this responsibility and for this Senate to say so.

I believe, therefore, that it will serve the best interests of this country—and our prisoners of war—for us to retain the Cooper-Church amendment in the bill, and I hope that the Senate will do so.

Mr. FULBRIGHT. Mr. President, how much time is left?

The PRESIDING OFFICER (Mr. ROTH). The Senator from Arkansas has 7 minutes remaining, and the Senator from Pennsylvania has 5.

Mr. FULBRIGHT. I thank the Chair.

Mr. President, I will say only a few words more. Much has been said on this matter. I believe that a threat by any President to the Senate that he might veto whatever action the Senate takes is enough in itself to influence the outcome of a vote. I do not know what has come over the Senate, if it is now thought to be appropriate to come and tell this body it has got to do what the President says, or else.

Another aspect of this threat is that a number of Senators who voted to strike the amendment say they will vote against the bill, that they will vote against it no matter what happens to it, that they are against the bill.

I do not understand why any one who is opposed to the bill would vote in favor of the Scott amendment.

Mr. SCOTT. Will the Senator from Arkansas yield for one comment?

Mr. FULBRIGHT. On the Senator's time, yes.

Mr. SCOTT. On my time, all right. Has not the Senator heard other Senators here, who are advocating amendments to the bill, say they would vote against the bill? That is the end of my time. The Senator is answering on his time. [Laughter.]

Mr. FULBRIGHT. I do not know what the Senator is referring to. If he is trying to insinuate that I shall vote against the bill, that remains to be seen. I have not said, as of now, that I will vote against the bill because it is possible—maybe not probable—but possible that the bill will be so improved in the course of this debate that I could support it. It is not one of my favorite bills, I may say. I think it has contributed greatly to our difficulties.

The distinguished Senator from Kentucky and the distinguished Senator from Idaho, as well as the distinguished Senator from Montana, in measures which are quite similar, are attempting to encourage the administration to end the war. None of them could possibly make the President end the war, just as we cannot make the President spend the money in an appropriations bill even though he signs it. This, in my opinion, is contrary to the Constitution and the President's oath to carry out the laws of the country.

All the Cooper-Church amendment would do, in my opinion, would be to encourage the country and the President to bring the war to a close at an early date.

But I do think this common threat to the Senate is not an appropriate way to make a rational argument in support of a position on which we are supposed to exercise reason and discretion.

I realize that the White House has ways of inviting people to breakfast and exposing them to allegedly secret information and their intentions and can influence people far beyond what anyone on the Committee on Foreign Relations can do. This was done by the previous administration. It is not new with this administration. I complained about the methods used by the previous administration for the same reason. I was a victim of those procedures. I have been very much ashamed of having been a victim of those procedures and having been misled.

But this is not a very complicated issue. The Cooper-Church amendment does not kill the bill, in my opinion. I hope that we can now proceed to a vote and once more express the opinion of this body that the war has gone on long enough and it should be brought to an end.

Someone said this amendment cuts off everything, that we could not even bomb to protect our soldiers. That is not so. This amendment does not do that. It says if they want to bomb, or whatever they do, it must be related to ending the war; it says we do not approve of any further expansion or escalation of the war; the amendment permits anything reasonably related to the withdrawal of our troops. It is as simple as that.

There is no need for me to say anything further, Mr. President, unless someone else wishes to speak on the subject. Does the distinguished Senator from Idaho wish to say anything further?

Mr. CHURCH. Mr. President, I am willing to relinquish such time as may remain to me.

Mr. SCOTT. Mr. President, the Cooper-Church amendment clearly states that funds shall be used only for the purpose of the withdrawal of forces. It does not say whether, with our prisoners of war still over there, the President may use such airpower as is necessary to present Hanoi with a difficult choice, a choice that they would make in favor of the prisoners of war or in favor of continuing bombing. This is a part of the issue. It is not the whole thing. It is part of it. I do not think the amendment does anything except to defer the return of our prisoners of war and defer the possibility of negotiations.

I have been told on various occasions that every time the Senate adopts something like this, Hanoi retreats further into its shell and is encouraged to believe that the American people are hopelessly divided.

I think it is time that we get together. I think it is time that we work together. I think if we wait until November 15, we will hear some things as to how that may change or what impact that might have on the effect of winding down the war.

In any event, we are not going to solve our problem here by legislative fiat. We are not going to solve it by this amendment.

What we will see, as I have said before, is the bill killed. I have already heard some rumblings from Senators around here that we might just as well table the bill and kill it and let Senators go home for the weekend. I do not know whether such a decision will be made or whether it has been made.

We are engaged in a self-defeating

effort in this regard. We are engaged in falling over our own feet to convince the American people that something will be done by this amendment.

What will be done by this amendment, I repeat, is to increase the likelihood of a veto. That is not a threat. Senators are entitled to know whether a bill will be signed or will not be signed. They are entitled to know the prospects in the other body.

Mr. President, I think each Senator is capable of making up his own mind on how he is going to conduct himself and how he is going to vote.

I hope that we will not continue much longer this process toward the dissolution of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have enough time in which to suggest the absence of a quorum. He has only 1 minute remaining.

Mr. SCOTT. Mr. President, I ask that the additional time be charged to the bill, and I yield myself time on the bill for the purpose of suggesting the absence of a quorum. I now suggest the absence of a quorum.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Mr. President, is the request of the distinguished minority leader subject to objection in the light of the unanimous-consent agreement?

The PRESIDING OFFICER. It is not. The Senator is able to transfer time from the bill.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to reconsider the vote by which the amendment of the Senator from Pennsylvania (Mr. SCOTT) was agreed to.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), and the Senator from South Dakota (Mr. MCGOVERN), the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

On the vote, the Senator from Oklahoma (Mr. HARRIS) is paired with the Senator from Washington (Mr. JACKSON).

If presented and voting, the Senator from Oklahoma would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN) and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Idaho (Mr. JORDAN) and the Senator from Iowa (Mr. MILLER) would each vote "nay."

The result was announced—yeas 44, nays 48, as follows:

[No. 273 Leg.]

YEAS—44

Aiken
Anderson
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—48

Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Long
McClellan
McGee
Packwood
Pearson
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—8

Harris
Inouye
Jackson
Jordan, Idaho
McGovern
Miller
Mundt
Stennis

So the motion to reconsider the vote by which Mr. SCOTT's amendment was agreed to was rejected.

Mr. McGEE. Mr. President, before I call up my amendment, I have agreed to yield to the majority leader.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, with the approval of all the interested parties, I ask unanimous consent that the Senate go into executive session to consider two nominations at the desk which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

U.S. DISTRICT COURT

The second assistant legislative clerk read the nomination of William C. Stuart, of Iowa, to be a U.S. district judge for the Southern District of Iowa.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Earl E. O'Connor, of Kansas, to be a U.S. district judge for the district of Kansas.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. McGEE. Mr. President, I call up my amendments and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 32, line 11, strike out "$565,000,000" and insert in lieu thereof "$605,000,000".

On page 37, lines 7 and 8, strike out "$614,400,000" and insert in lieu thereof "$636,400,000".

On page 44, strike out from line 10 through line 16 on page 47.

On page 47, line 22, renumber section 657 as section 655.

On page 51, line 14, renumber section 658 as section 656.

The PRESIDING OFFICER. The request has been made to consider the amendments en bloc. Without objection, it is so ordered.

Mr. McGEE. Mr. President, what I am seeking in this group of amendments—each is interrelated—is that we, in our minds and assessments, set Cambodia aside in a category by itself. I contend that Cambodia is not Laos or anything like Laos. The Cambodian question certainly is not like Vietnam. For those reasons, and because of the developments in Cambodia in the last several months, it acquires qualities and even capabilities quite unique.

Let me submit: Cambodia has no large or measurable guerrilla dissident group as one finds in Laos or in the three Laotian areas, if you will. It has no large dissident group such as has dominated portions of Vietnam.

Also, present in the tiny country of Cambodia are some 50,000 to 65,000 North Vietnamese troops, clearly there as interlopers, unsolicited, unwanted.

We find in Cambodia a government that has remained under some kind of pressure and assault, caught between the rivalries and the competitions of others in that part of the world; a government that, a year and a half ago, was said to be incapable of surviving 6 days, and then 6 weeks, and then 6 months, and yet it still is a government.

Therefore, as we are withdrawing from that part of the world, I would argue that it is in our interest, in the Senate, to judge our proper procedures in regard to Cambodia on a level different from, and in a context in contrast to, the questions we have been measuring both in Laos and in Vietnam in other ways.

This, in essence, is the case I would make for special consideration, on the status of Cambodia. I am fully mindful of the genuineness and the depth of the misgivings of many of my colleagues, that they do not want to be caught off base and be led or stumble into, or inadvertently slip into, another Vietnam.

I understand that. But I believe the record is clear that we have this special circumstance and that everyone involved has his eyes open and that no one is going to slip into another Vietnam through Cambodia.

At the same moment, I would add that the President of the United States is living up to a commitment, as I assess his efforts in withdrawing the United States from that part of the world, with responsibility—and I underscore "with responsibility"; that a part of the President's opportunity to achieve that responsible withdrawal has come to hinge in some measure on the ongoing conditions that have arisen in Cambodia; And that, among other things, if in our attempt to hang a further restriction on the President while he is seeking a negotiated settlement as a way out of the area—as the preferred way out, if possible—it ill behooves the United States Senate at this moment to be prescribing ceilings or severe limitations over an area—the collapse of which and the dimensions of which do not fit the format that does seem to fit the areas with respect to which Members of this body have expressed apprehensions.

Thus, the amendments I propose would do 2 things: First, in terms of military assistance and supporting assistance, which this body has in its wisdom seen fit to cut across the board some 20 percent, I would exempt the 20 percent that applied to the funds that were marked for Cambodia and the 20 percent of the supporting assistance that was cut back from Cambodia. What that would mean in specific terms is that it would add in military assistance some $40 million only for Cambodia and that it would add $22 million in the equivalent 20 percent in the supporting assistance category. That is one area of my proposal.

The second area has to do with the suggestions of the able Senator from Missouri (Mr. SYMINGTON) and the equally able Senator from New Jersey (Mr. CASE) to fix ceilings, as the judgment of this body, on the monetary limitations that could be committed to Cambodia in the months ahead of the current fiscal year, as well as the manpower.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. SYMINGTON. For the record, I would like it known that, after discussing the matter with the distinguished chairman of the Committee on Armed Services, he approved the same handling of this amendment as we did in Laos; that is, giving the administration all the money it says it requires, but retaining for the Congress the right to why, and for what reasons, additional money is required later on.

I say to the Senator from Wyoming that we agreed not to set a ceiling. We are willing to give to the administration, in this bill, all the money they say they need for Cambodia. But the Senator from Wyoming does not want any limitation. Again, all we ask is that, before any more money beyond what they now say they need is expended, they will come back to Congress for additional authorization and appropriation. As I understand it, that is not satisfactory to the Senator from Wyoming.

Mr. McGEE. Yes. The Senator is correct.

I would hasten to add that my amendment was addressed to the pending bill as an amendment, not to the Senator's intentions after the conversations he has had with me and the conversations we both had with Senator STENNIS, the chairman of the Armed Services Committee. This is a subsequent development. But the amendable portion, the issue that is pending, remains section 655.

Mr. SYMINGTON. Mr. President, may I say to the Senator that if his amendment is defeated, it would be my obligation—and it is my intention—to offer a perfecting amendment which would give the administration all the money it says it needs in Cambodia.

So that the issue is clear: Does the Senate want to have any authorization authority with respect to Cambodia, or does it want to pass over its authority, give, without reservation, a blank check to the administration as to just what it does and will do in Cambodia?

Mr. President, I was not at the now famous meeting at the White House this morning, so I do not know the details. The Senator from Wyoming said he was there. I notice the ticker today states in part:

> Senate Republican leader Hugh Scott warned today that President Nixon would probably veto foreign aid legislation if language restricting his options in ending the Vietnam war were included.
>
> But Scott said the White House for the time being "has no position" on other proposed changes in the pending aid bill that would slash support of the United Nations for its expulsion of Taiwan and reaffirm U.S. military commitment to Chiang Kai-shek's government.
>
> Scott relayed the administration's positions to newsmen after an early morning briefiing by Dr. Henry A. Kissinger, Nixon's national security adviser, who has just returned from a second trip to Peking.
>
> "Dr. Kissinger indicated to a group of Senators this morning that if the Cooper-Church and Symington amendments were in the bill, he does not see how the President could find it possible to sign it," Scott said.
>
> "I think the administration would rather have no foreign aid bill at all than a bill which removes from it the opportunity to continue (peace) negotiations in Paris without the loss of options still in our hands. These amendments would remove vital options."
>
> Scott said Kissinger did not link either amendment, "even indirectly," to his trips to Peking to arrange for Nixon's visit there now scheduled for after the first of the year.

I would ask my friend from Wyoming, if we authorize and later appropriate, all the money that the administration says it needs in Cambodia, why is that not satisfactory to the Senator unless he wants us to be sheep, driven any way the administration wants us driven?

If that is to be the course, why am I here as a Senator? What are the reasons for my being paid my salary if I say, "No, Mr. President, we will not accept the money you say you need. We want to give you a blank check."

That is what I cannot understand.

Mr. McGEE. Mr. President, the Senator from Missouri asks me a question to which I should like to respond, but I must respond by saying, first of all, that I do not want to knock sheep. A basic commodity in my State of Wyoming is sheep and we are very proud of the bands of sheep we have. But I do call into question the equation of Senators who disagree honorably on this question with acting like sheep. I think that every Senator here intends to act like a U.S. Senator, that is, with a deep sense of responsibility; and I would hope that my good friend from Missouri would accord the Senator from Wyoming that same expression of respect in that regard, as I do him.

There is no intention to roll over and play dead, no intention to become a rubberstamp of the President, or to give him a blank check. The picture is quite different.

Mr. SYMINGTON. The Senator from Wyoming and I had lunch together. I understood there were going to be no amendments of any kind on Cambodia today, went to the airport earlier this morning to leave town but could not get out because of the fog. Upon return, I was told by the staff of the committee that the Senator from Wyoming wanted to put in an amendment on Cambodia.

I want to be frank with the distinguished Senator from Wyoming, as I know he is with me. I thought that met with the Senator's agreement.

Mr. McGEE. I would say to my colleague from Missouri that the Senator from Wyoming specifically requested the Senate not to give the President any blank check; that the Senator from Wyoming specifically says he wants the Senate and his colleagues, in particular and in personal ways, to be most responsible as their principles and their consciences dictate. But, long since most of us have found in this body that sometimes we disagree on how the more responsible route should be sketched out, or which ways are the wisest ways to arrive at an agreed upon goal or objective. This is certainly one of those cases in point.

I served notice—as a matter of fact, the day before yesterday, because I was gone yesterday—that I was planning to offer the Cambodian amendment. I likewise served notice that hopefully it would be today, for a number of mixed reasons. There is no connection between the rather sumptuous breakfast at the White House with this Senator and the timing of the measure this afternoon.

This is the time—I was advised by our staff—that would be the most available time, given the uncertainties still lingering in regard to this measure.

But I should like to respond specifically to the thrust of my friend's question, in light of the position of the Senator from Mississippi (Mr. STENNIS); namely, to put a ceiling on that which the administration concludes to be the total sum of what the administration asks.

Therefore, why cannot the Senator from Wyoming accept that?

The Senator from Wyoming cannot accept that because, as he tried to illustrate, Cambodia is not Laos and Cambodia is not Vietnam. I refuse to accept the suggestion that, because we do it in one case, or in the second case, that this becomes the basis for doing it in Cambodia. For therein lies the real point of the McGee amendment, and that is that Cambodia is a special case with different qualities in its own right. It is a small country that is not sorely divided by dissident minorities, as is the case in Vietnam and as is the case in Laos. It is an independent country so far. It is partially occupied, without request, without the wish of the Cambodians, by troops from North Vietnam—from 50,000 to 65,000, depending upon what estimate one wishes to accept.

It has its own, ongoing government, a government that surprised everyone by continuing to survive.

Thus, my position is that we do have a special case here. If it were not so late in the war and if we had not gone so far in meaningful steps to disengage honorably from that part of the world—in short, if the President had failed to live up to his commitments publicly to this country to disengage us, I could well reconsider my position, but he is in the midst of doing so and has been doing so now for a great many months.

My case is that I do not think it is the timing that should accompany the kind of motion, credential, or amendment suggested by my friend from Missouri.

It is the timing that I think is unwise at this particular moment. Cambodia permits of a separate judgment in this regard.

If we were preparing a new case for American procedures on foreign policy, if we were having a new move and deciding where the United States of America goes from here on the question of executive power and the responsibility of the Senate, that would be one thing. However, we are now in the process of closing out a war that has been under way in one form or another for 10 or 12 years, and we are getting there. We are getting out. I am only saying that is hardly the moment for the Senate to be second guessing on the matter, particularly as it pertains to Cambodia at this time.

So I reiterate, with all of the respect I have for my friends, the Senator from Missouri and the Senator from Mississippi, the chairman of the Armed Services Committee, that I move with great respect for both. I just happen to disagree with them on this because I think that the prospect of the President's moving without giving away all of the possible moves that we have and without giving away the ball game, as it were, while attesting who may come out on top, is still being measured in Paris. It is still being judged. When the flinal count comes in, I say that it would be the ultimate shortsightedness, to say the least, and perhaps foolhardy and disastrous, to say the most, to be meddling with this withdrawal effort in a way as promiscuous as is suggested.

If there was something in the record that indicated that we had made serious blunders in Cambodia and had done violence to the commitment of the people of the United States in that regard, if there is something to show that we had any kind of commitment with the Cambodian Government, it would raise a new question. However, the commitment has been made clear. There is no commitment to Cambodia. We are assured and reassured of this. There is no violence to the integrity of that commitment anywhere on the record.

Thus, I argue that indeed we have a case that requires our independent judgment, our judgment independent from the criteria of the yardstick we have sought to apply to Vietnam, or that we have sought to Vietnam and that we have sought to apply to Laos. For understandable reasons, but for reasons that also brought disagreement, I would like to disassociate Cambodia and the yardstick as applied to policies that are wisest there with the experiences we have already been through in Laos and Vietnam.

So, with that in mind, I would be prepared to yield the floor at this time. I would hope that the time consumed in our colloquy could be either reciprocated at a later time, if the need arises, or that we could have the time appropriately divided and charged to the two sides, whoever may be in control of the time. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HANSEN. Mr. President, just before my distinguished senior colleague yields the floor, I would like to take advantage of this opportunity to say that I think he has spelled out very clearly and very plainly the proper distinction that should be drawn between Cambodia and the other Southeast Asian nations. It would be a fatal error, in my judgment, to assume that our thoughts and attitudes as they may be formulated toward other countries there ought to apply with equal efficacy to the nation of Cambodia.

I would hope that Members of the Senate will heed his persuasive admonitions, because I think they deserve the kind of serious consideration that his sponsorship implies.

It seems to me that for good and sufficient reasons many people believe we should either cut bait or get out of Southeast Asia and turn over the whole country to those who may succeed there. There are compelling reasons now not to take that course, as my senior colleague has pointed out. We are getting out of Vietnam and most people do not disagree with that course of action.

I agree with my senior colleague that we should not advertise ahead of time when we propose to leave there. However, we certainly do not believe in any manner at all that we ought to assume that the attitudes that may have been formed with respect to other Southeast Asian nations apply with equal validity to Cambodia.

I commend my senior colleague for the position he has taken. I shall support him.

Mr. McGEE. Mr. President, I thank my colleague from Wyoming for his overgenerous statements.

THE CAMBODIA CEILING

Mr. President, the Senate is being asked to set a limit below what the President has requested in support of the brave stand that the people of Cambodia are taking against a foreign invader.

We are asked to set this limit, against the President's advice, on the eve of his departure to Peking and Moscow on diplomatic missions of momentous importance. Instead of giving him a vote of confidence to strengthen his hand, we are asked to pare down the support for his new policy even before he has had a chance to show whether it will work.

I cannot in good conscience join in a vote of no confidence in these circumstances.

Let us look at the reason why some members of the Senate Foreign Relations Committee want to set this limit at this time. The reason is right in the report where it says:

> It was felt by many members . . . that a reduction in the funds available for United States operations in Cambodia would serve to restrain what they perceive to be a tendency to duplicate in Cambodia an entire range of United States supported programs of the type which have resulted in ever deeper and seemingly endless involvement in other countries of Southeast Asia.

There has been no lack of advertisement of this feeling either in the Senate or in the press. Nor has there been any lack of assurance from the administration that the old policies have been discarded. We all know that next month there will be an announcement of still further accelerations in the withdrawal of our troops from Vietnam. Moscow and Peking know this, too. Has the time not arrived now to stop just advertising our anguish and start instead supporting the President in his efforts to change policy?

Hasn't the time come to stop being haunted by the past and start looking at the future instead?

Just suppose for a moment that resistance in Cambodia should weaken on the eve of the President's trips. Do we want to appear as an accomplice to such an eventuality?

Do we want to weaken our support for a nation that is engaging some five divisions of North Vietnamese troops that otherwise might be redeployed to fight in Vietnam?

Do we want to risk slowing down the Vietnamization program and the withdrawal of our troops in this way?

Cambodia is not Vietnam or Laos. There is no secret war there. There are no American troops, only a small, agrarian nation invaded by its neighbor with an expeditionary force of some 65,000 men. It is a neutral nation whose eastern marshes had for years been occupied by the northern invader, preoccupied with the war in Vietnam.

In February and March of 1970 the invader moved out of his sanctuary to attack his unwilling host, marching on the Cambodian capital and other key cities. He faced only a poorly equipped Cambodian Army of some 35,000 to 45,000 men. But those men were determined to fight. They have made their fight effective so far in part because of the allied incursions into the Cambodian sanctuaries in May and June of 1970, incursions which served the dual purpose of permitting accelerated withdrawal of our troops from Vietnam.

The administration is asking $34 million to continue our support for these gallant people. The money is needed for guns and ammunition, and one-third of it, for vehicles, spare parts, petroleum products, building materials, fertilizers and the like to sustain a military buildup that has torn thousands from their normal economic pursuits and loosed the kind of inflation that is always the real secret weapon of troublemakers in times of national emergency.

Other nations are participating in this support operation. This very week Cambodia and the International Monetary Fund announced an economic reform program in which many countries will participate with the aim of preventing inflation from sapping the strength of the Cambodia people and becoming the banker of corruption.

There is no evidence before us to suggest that the money being asked is too much for the objectives being sought. The reduction being asked by some members of the Senate Foreign Relations Committee in no way denies the gallant and heroic stand of the Cambodian people. We are asked to reduce this request only out of a combination of distrust for the President and fear of reviving the old policies of the past.

That is why I say we should now stop just advertising our anguish and start looking ahead. Let us not send the President off to Moscow and Peking with a vote of no confidence. Let us not lend credence to those who already may think he is traveling with his hat in his hand.

More than a year ago Cambodia appealed to the world for help against the invaders. It was reminiscent of another appeal 35 years ago, by the leader of another small nation, Ethiopia, that was wantonly invaded by Mussolini's armies. Then the world's great powers hung their heads in shame. The United States did not do that this time. The nearly unanimous vote in the Senate only last December sounded a much different note.

The legislation said then, and it says now, that the Senate's action should not be considered "as a commitment by the United States to Cambodia for its defense." Cambodia is not asking us to commit ourselves to its defense; only Cambodians have made that commitment.

But are we to say now that we are just too powerless to help? Are we to advertise this view to all the world on the eve of the President's trips?

The world is fully aware that the United States must establish priorities in the use of its wealth and power in the 1970's more stringent than those that prevailed in the 1960's This is no longer an issue either at home or abroad. But a nation that doesn't accord priority to foreign policy is a nation that dooms itself in advance in dealing with others.

Cambodia is the first, acid test of the Nixon doctrine. That test must not fail in the Senate of the United States before it has had a chance to work where it is supposed to work.

The PRESIDING OFFICER. Who yields time?

Mr. SYMINGTON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. SYMINGTON. Mr. President, in the fiscal year 1969 the administration asked for no money at all for Cambodia. In the fiscal year 1970, for $8.9 million. In the fiscal year 1971, $282 million. In the fiscal year 1972, $330 million.

We have studied the situation in Cambodia, and cannot agree there is no domestic insurgency in that country. The facts are American officials reported to us a growth in the Khmer Rouge from 3,000 in May of 1970 to 10,000 as of December 1970.

Mr. President, what the bill would do is simply set a ceiling on expenditures in Cambodia that could not be evaded by any executive branch department or agency, including the Central Intelligence Agency.

It would close any loophole regarding the transferability of Defense Department funds and the method of setting a value on excess supplies.

It would limit the future South Vietnamese ground operations in Cambodia.

It would prevent the Central Intelligence Agency from starting upon the kind of irregular training program it now has in Laos or, in fact, from beginning any large scale program in Cambodia without coming to Congress for authorization.

Based on testimony in open session it is now clear the Pentagon is not conducting the war in Laos. It therefore must be conducted by the Central Intelligence Agency.

Finally, we would establish a benchmark of the cost to the United States of all of our activities in Cambodia, a total which we have never established. No American citizen, no Member of the Senate, no member of any committee in the Congress, knows what we are spending out there. Surely we should have some guide for future years.

There was a time in the Senate when if people were told that this or that was wanted by an aide in the White House, that in itself would react against a bill.

Again, if the McGee amendment is defeated, I will ask for a perfecting amendment which will give every penny the administration now says it needs in Cambodia. In other words, we will follow the same course with respect to Cambodia that only a few days ago the Senate approved with respect to Laos.

Again also, the reason I object to the pending amendment is that it eliminates the Congress from having any authority as to what will or will not be spent in the development of our position in Cambodia. That is the issue, Mr. President. Do we or do we not, as Senators, deserve to have any say with respect to future money authorization?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

Does the Senator from New Jersey wish to speak at this time?

Mr. CASE. No; any time will be appropriate.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I think it would be a great mistake to increase the military aid by $40 million and supporting assistance by $22.4 million. This would result in an overall increase in the authorization for military activities of $62.4 million.

As to the Cambodian amendment, I very reluctantly supported the Senator from Missouri's amendment in committee because it was to some extent a limitation.

I regret he feels it is necessary to offer an additional amendment but nevertheless that was only a contingency in the event the present amendment is rejected.

In my opinion, the present amendment should be rejected. When I recall what the administration was then saying about Cambodia only last year, it only indicates how clearly we are moving toward an involvement which is ever deeper and from which it will be evermore difficult to extricate oursleves.

On May 5 of last year, Secretary of Defense Laird said at Fort Gordon, Ga.:

> We are not going to get involved with the Cambodian army or with military operations in Cambodia. This (Cambodian invasion) is not an operation to widen the war. It is an operation to help hasten the end of the war.

On May 8, in a news conference, President Nixon said:

> I would expect that the South Vietnamese would come out at approximately the same time that we do because when we come out our logistical support and air support will also come out with them.

Concerning, a May 13, 1970, news conference by the Secretary of State the following was reported:

> Asked at his news conference whether "what you are ruling out, only, is that we will not get involved directly, militarily, in supporting the Lon Nol government," Rogers replied, "That's correct. I don't believe our government has a commitment to Cambodia. Our commitment is to our own forces."

Then, on June 3 in his report to the Nation on Cambodia the President stated:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

So time after time last year we were assured that it was not the intention of our Government to become militarily involved in Cambodia. Recently we have reports of what happened in Cambodia—the abolition of their National Assembly, of any vestiges of what is called the democratic system. Suddenly we are confronted with the demand for a very large increase of money for Cambodia together with an abolition of democratic government.

It is very ironic that time after time we are told the purpose of our continuing the war in Vietnam and Cambodia is to assure them self-determination, and in the face of that, we see the establishment of military dictatorships.

In a very general way this whole operation strikes me as being quite inconsistent with what I believe to be—the way I interpreted it, at least—the policy of the President in initiating his trip to Moscow, both of which have been interpreted to mean he is seeking a detente, an accommodation, and, if you like, Mr. President, a normalization of our relations with the Communist world.

I recall the words of the Attorney General that we should watch what the administration does and not what it says. These actions, both here and in Laos, strike me as being quite inconsistent with the determination to seek a detente and a normalization of our relations with China and the Soviet Union. On the contrary, the actions, rather than the accompanying words, seem designed to transfer the war from South Vietnam into Cambodia and Laos.

My own view is that Cambodia is perhaps more sensitive and more dangerous in its potential effect upon the President's success in Peking than Laos. We all know that Prince Sihanouk, who was thrown out by the Army under the leadership of Lon Nol, the present Prime Minister, or dictator, I suppose is the more proper way to describe it, is now living in Peking. There are many evidences that the Government in Peking considers itself to have a special interest in the Government in Cambodia, one for which they regard with a special feeling of responsibility. I think the longer we prolong the war, and certainly we do so by expanding it in Cambodia, the more difficult it will become for the President to achieve any significant agreement with the Chinese looking toward the normalization of our relations with them.

I am quite puzzled by the inconsistency of this program and it is the one thing that raises a doubt in my mind about what the administration's purpose is in going to Peking.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself 2 additional minutes.

Mr. President, I have stated on a number of occasions that I approve of the President's initiative in both of the cases I mentioned. I approve his going to Peking to seek to rectify what I think has become more evident was a mistaken policy originating back in the late 1940s in regard to China and to the Far East.

I had hoped that we were in the process of resuming a more sensible policy, the reestablishment of normal relations. The recent vote of the UN, regardless of how much we may regret the effect upon Taiwan, nevertheless was a step in the right direction with regard to China. It was a step which this administration favored and which I believe the country favored. But now to proceed to vastly increase our involvement in Cambodia seems to me to be designed to undo the good that has come out of the efforts at reconciliation with China.

In this connection I find an article in the New York Times of October 13 very disturbing.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 3 more minutes.

The article reads:

> The Joint Chiefs of Staff are said to have designed a costly program of "pacification" and other unconventional warfare for Cambodia to protect South Vietnam's western flank as Americans continue their withdrawal from Indochina.
>
> They have also proposed a series of budget devices to augment the funds that Congress will be asked to provide for expanding the Cambodian Army over the next five years.
>
> The Chiefs submitted their program last month to Secretary of Defense Melvin R. Laird, according to Congressional sources. Mr. Laird, who has been bargaining with the Chiefs since June about the cost of the effort, is described as still reluctant about the latest version, which would double spending to about $500-million a year by 1977.

The article goes on, but I shall not read it all. This is an indication of what is in store for us if we continue to authorize and appropriate funds for expansion of the war in Cambodia.

I want to read another paragraph. Before doing so, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOINT CHIEFS SAID TO DEVISE COSTLY CAMBODIA WAR PLAN

WASHINGTON, Oct. 12.—The Joint Chiefs of Staff are said to have designed a costly program of "pacification" and other unconventional warfare for Cambodia to protect South Vietnam's western flank as Americans continue their withdrawal from Indochina.

They have also proposed a series of budget devices to augment the funds that Congress will be asked to provide for expanding the Cambodian Army over the next five years.

The Chiefs submitted their program last month to Secretary of Defense Melvin R. Laird, according to Congressional sources. Mr. Laird, who has been bargaining with the Chiefs since June about the cost of the effort, is described as still reluctant about the latest version, which would double spending to about $500-million a year by 1977.

The final decision, however, will rest with a senior policy review group run by Henry A. Kissinger, the President's adviser on national security affairs.

How to protect Cambodia from the North Vietnamese forces and deny them the use of Cambodian territory for attacks against South Vietnam's population centers has become a major problem for Pentagon planners. As the American forces in Vietnam are reduced to 50,000 men, at the most, and come to rely on air power for operations in the rest of Indochina, the planners are looking to indigenous forces to carry the burden in ground combat.

With a first-year grant of $185-million in military aid and $70-million in economic aid, the Cambodian Army has already been expanded from 30,000 men in April, 1970—when American forces invaded the North Vietnamese "sanctuaries" in Cambodia—to a current strength of about 180,000. The Cambodians are said to have fought well, but most of them are no match yet for the 60,000 North Vietnamese in their country, mostly east of the Mekong River.

SAIGON'S TROOPS UNPOPULAR

South Vietnamese troops have periodically moved into Cambodia to help out, but they are no more popular among Cambodians than the Communists forces from the north and will in any case be needed for the defense of their own territory.

When the Joint Chiefs of Staff first considered the problem last June, they proposed a 1971–72 military aid program of $350-million, Congressional informants report. Secretary Laird said that he could not afford that much and that Congress would not support such an increase.

The chiefs said that with $200-million in military aid they could not increase the size of the Cambodian Army, but for $275-million they could expand it to 225,000 men. Mr. Laird's budget pruners said that such an increase in strength could probably be achieved with $252-million.

But as finally submitted to Congress, the Cambodian aid program called for $200-million in military aid, $110 million in economic assistance and $15-million worth of agricultural commodities, for a total of $325-million. This was a net increase of $61-million over last year's allocations.

ALTERNATE PLANS OFFERED

Nonetheless, in explaining their elaborate military plans to Mr. Laird, in a memorandum dated Aug. 30, the Joint Chiefs indicated that they could get around the limit on military spending and proceed with the build-up.

According to informants, the Chiefs offered four different ways of generating an additional $52-million so as to add 40,000 troops to the Cambodian Army and also raise the "paramilitary" force of armed civilians to 143,000.

The first way would be simply to transfer $52-million from the economic aid program to military spending, which can be done later in the fiscal year simply by the Administration's notifying Congress. The second way would be to use the economic aid fund for the purchase of all "common use" items such as trucks and jeeps, which have military as well as civilian value, thus freeing other military funds.

A third way would be to increase procurement for the United States Army by $52-million and give the materiel to the Cambodians, for "repayment" later. The fourth way would be to make some exceptions in Defense Department supply regulations, declaring additional equipment to be "excess" and delivering it to the Cambodians.

The Pentagon planners said they were looking ahead to further increases in the Cambodian Army, so that it would number 256,000 men by mid-1973 and more than 300,000 men by 1977. The paramilitary units, they believe, must be augmented to nearly 200,000 by mid-1973 and more than 500,000 in 1977. This would mean arming about 10 per cent of Cambodia's population of 7 million, or nearly half the adult male population.

The Joint Chiefs would provide for a mechanized brigade, an artillery brigade and coastal patrol units, as well as ground troops and extensive logistic support. They would look to the Agency for International Development to help finance the paramilitary defense forces, including the police. The Central Intelligence Agency would be asked to

> mount additional programs and to provide airlift support.
>
> The program of activity drawn up by the Joint Chiefs is divided into four headings, labeled "Pacification," "Unconventional Warfare," "Psychological Operations" and "Civil Affairs." The country would be divided into eight pacification areas and this program would be supervised by a new United States Deputy Ambassador—as in South Vietnam—in a new embassy structure.
>
> The Pentagon would also establish a three-nation military committee with the Cambodians and South Vietnamese, in which the Defense Department would be represented through Gen. Frederick C. Weyand, the deputy commander of American forces in Vietnam.

Mr. FULBRIGHT. I want to call attention to this paragraph:

> The Pentagon planners said they were looking ahead to further increases in the Cambodian Army, so that it would number 256,000 men by mid-1973 and more than 300,000 men by 1977. The paramilitary units, they believe, must be augmented to nearly 200,000 by mid-1973 and more than 500,000 in 1977. This would mean arming about 10 percent of Cambodia's population of 7 million, or nearly half the adult male population.

Mr. President, I cannot think of a more certain path to further and serious disaster for this country than to follow the program of the Joint Chiefs described in this article.

This particular authorization, it seems to me, is simply the first step along that road. When we contrast that with the assurances given us last year by the same administration about its purposes in Cambodia, it certainly leaves room for very serious doubt.

Secretary of State Rogers, in discussing this matter with the Committee on Foreign Relations last April, said as follows:

> Undoubtedly even though the request is for military assistance now, it would lead to a request for military advisers and if the going got tough after we had military advisers undoubtedly we would be confronted with a request for military aid in the form of troops, and it might well be that we would have a repetition of what happened in South Vietnam which, of course, would be, I think, a very serious and unfortunate situation.

That was the Secretary of State's statement in April of last year.

I simply cannot understand, it is beyond my comprehension, why the Senate would wish to encourage the expansion of the war into Cambodia, and the assumption of full responsibility for arming one-half of the adult population of Cambodia. What possible good can come of such a policy?

This policy is, in my opinion, almost certain, if we carry it through, to create a very serious problem for the President, if he is serious about seeking normal relations with the People's Republic of China.

While I personally did not approve even of the $250 million ceiling, I went along with it because it was an attempt to cut back on the proposal by the administration.

I realize, in view of the recent votes in this body, that there seems to have grown in the Senate the feeling that we are not to take any responsibility in decisions of this kind. We did not take any responsibility in the decisions over control of affairs in Vietnam. I shall not recall that sad history, but it cost us a great deal. We should have taken that responsibility. I regret very much that we did not. But the cost has been enormous.

I think we are simply starting down the road, as Mr. Rogers himself stated, toward what could be a very serious and unfortunate situation.

Whenever I or other Members of this body have raised doubts about the determination of the administration to act to fully disengage from Indochina, we are accused of questioning the administration's credibility, and so on. Some of my colleagues become very irritated; but I am unable to reconcile the program of expanding the war in Cambodia and in Laos with any real determination to end the war in Indochina altogether. It is more consistent, on the other hand, with a plan to strengthen our military forces in Cambodia, Laos, and Thailand for the indefinite future—in other words, a plan for not disengaging in Indochina or in Southeast Asia.

This is a very broad and important policy decision. If we do not wish to continue to seek military domination in that area, to maintain a military presence there, then we should not proceed to give the amount of money to create the kind of armed forces that this authorization would provide.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 2 more minutes.

I went along with the limitation in the bill by the Senator from Missouri, large as it is, $250 million, although, as I said, it is larger than I like, because I thought it was at least a restriction. But now the Senator from Wyoming proposes to remove the limitation altogether, or actually to increase the amount to be spent in Cambodia. I would certainly prefer the original proposal of the Senator from Missouri if I had to make a choice between it and the amendment of the Senator from Wyoming, which has no limit at all, and which amounts to a reaffirmation of the principle that the Senate of the United States has no business trying to exercise an influence upon policy decisions involving an indefinite military occupation of Southeast Asian countries.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I put figures in the RECORD before, but will repeat them: In fiscal 1969, nothing was asked for Cambodia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. SYMINGTON. In fiscal 1970, $8.9 million was asked for; In fiscal 1971, $282 million; in fiscal 1972, $380 million.

Our committee sent investigators to Cambodia. They went at it thoroughly. I do not want to take more time as to disagreements, but based on what they told us about some of the statements made by the Senator from Wyoming on the floor this afternoon are not right. Again, however, I would confine this discussion from my point of view to one basic issue.

Does the Senate want to have any position when it comes to authorization and/or appropriation of funds for the Federal Government? If the amendment of the Senator from Wyoming is passed, it would be to me, and I believe to any objective person, a blank check.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. Under such policy, how could anyone challenge a statement that the Senate was becoming the House of Lords, even less, a figurehead in our Government despite the constitutional division of powers?

Mr. FULBRIGHT. The Senator is right. It is a complete abdication of any responsibility by the Senate, and I, of course, am utterly opposed to it, as I have said.

I applaud the Senator from Missouri for making the effort, and I certainly do not criticize him for offering the perfecting amendment, as a practical matter, to try to retain the principle, at least, of participation by the Senate.

I still cannot reconcile myself to this vast increase in Cambodia, because I think it runs counter to what we have been led to believe is the policy of this country with regard to withdrawal from Southeast Asia.

So I do not criticize in any way the Senator from Missouri. He is seeking to establish a principle with which I am in agreement. But beyond that, I think it is a disaster for us to go down the road of this enormous involvement in Cambodia.

Last year the administration spent over $110 million before they ever asked Congress for anything, by borrowing it from other sources. There was no authorization at all. Of course, the facts are that the present administration, like its predecessor, does not believe Congress has anything to add to the democratic process of government. The only thing they think we are good for is to appropriate whatever they would like. But when it comes to questioning what is the policy of the country and what the money is spent for, we are out of order, in the eyes of the executive branch.

This attitude is nothing new; it has been growing ever since we became involved in these wars.

I cannot, in good conscience, approve of a program for enlarging the war in Vietnam or Cambodia, although I understand the principle the Senator is trying to establish.

Mr. McGEE. Will the Senator from Arkansas yield?

Mr. FULBRIGHT. On the Senator's time.

Mr. McGEE. On my time, yes.

Mr. FULBRIGHT. I yield.

Mr. McGEE. I want to address myself to a couple of points the Senator has raised. The first is the New York Times and other newspaper reports of the asserted grandiose plans of the military for rather ambitious programs in Cambodia. It is my understanding, having been through that with my chairman in the committee, that there is a great difference between the contingencies and any number of preparations that are projected and those that may even be seriously considered at all.

We have the assurance, again from Secretary Rogers, who made the original statement that the chairman has just alluded to, and all the way down the line, that under no circumstances are they even looking at figures such as those that were reported in the press; that as a matter of fact it is a far more modest picture that results from the hard facts of life that now confront Cambodia, an independent country, still independent, still mostly united, but being assaulted by the presence within its borders of some 50,000 to 60,000 foreign troops. And that, as there has been a withdrawal from South Vietnam, it is almost inescapable and unavoidable that during such a transitional period, there would have to be some adjustment in other ways, such as military assistance or supporting assistance. I do not think you can have it both ways simultaneously.

Thus, I would hope that we could keep the real relationship of the military program in Cambodia down to size and in proper perspective. There is no American military expansion in Cambodia. We have no troops in Cambodia. And I might say that in terms of the Senate relinquishing its responsibilities or forfeiting its obligations, becoming a rubberstamp, or giving a blank check, the Senate of the United States has abdicated nothing. We still ride herd on the authorization. We still ride herd on every penny that is to be spent. For that reason, I refuse to accept the suggestion that somehow we are running away from something here.

Mr. FULBRIGHT. With all deference——

Mr. McGEE. There is nothing in my amendment that would change the authorization. There is nothing in my amendment that would change the ceilings under which we operate. There is nothing in my amendment that would even change the legislation of the Senate that there shall be no commitments undertaken by anybody with respect to Cambodia.

Mr. FULBRIGHT. What the Senator wants is no ceiling at all. He just wants to take no position. Why does the Senator object to there being a ceiling?

Mr. McGEE. The answer to that is very simple. There is an overall ceiling on military assistance, and no one can increase it. My objection is that with those ceilings, without our authorizing and appropriating process, I do not think we lend our diplomatic process any credibility or our bargaining power any muscle, by advertising new impositions of restrictions by this body. I do not think it belongs there at this time, this late in the withdrawal from a long and protracted war in that part of the world. I do not think it involves in any way giving up our role in this body. We are still scrutinizing appropriations; we are still imposing ceilings on appropriations, and none of this changes that in any way.

Mr. FULBRIGHT. In effect, what the Senator is doing is saying that the whole amount of this authorization for military assistance could be spent in Cambodia if the President wishes. He does not wish to take any responsibility for Cambodia himself.

There is no ceiling, or even any information. You just give them what they ask, but they apparently do not want a ceiling, even at the amount they asked, because the Senator from Missouri has stated he would give them what they asked, although I would not do so. But the Senator from Wyoming does not want any ceiling at all.

Mr. McGEE. No, the Senator from Wyoming has not touched the ceiling. He has not mentioned any single ceiling this body has imposed.

Mr. FULBRIGHT. What is the effect of the Senator's amendment if it is not to delete the ceiling imposed by the amendment of the Senator from Missouri? I cannot follow the Senator's reasoning at all.

Mr. McGEE. My reasoning is that we have two courses out of the war right now, that are available to us: the negotiations going on in Paris, and unilateral withdrawal at x time down the road.

I think that most would still hold that if it were possible to negotiate a withdrawal—it is more dignified—you get more quid pro quo. It may not be possible, but the option is still there, and I think we encroach upon the possibility when we inject this arbitrary figure.

But this overall ceiling on military expenditures, I have not objected to. That is the simple explanation.

Mr. FULBRIGHT. But there is $565 million authorized for military assistance. The Senator would permit spending all of that in Cambodia, if the President wishes to.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I do not have the floor. The Senator from Wyoming has the floor.

Mr. McGEE. I responded on my time. I assumed the Senator from Arkansas was responding on his. It does not matter that much; I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator.

In support of the position of the Senator from Arkansas, there was a point in time in the Laotian situation when the total amount of money the people of the United States knew was being spent in Laos was $52 million; and this when actually over $1.5 billion was being spent for activities in and over that country. We finally straightened that out. They still got their money, but at least Congress had knowledge of it.

The Senator speaks of our approaching the end of the Cambodian operation. Actually, the Cambodian operation is only beginning. It started in 1970, and this is 1971.

Where did they get the money which they spent in Cambodia, the $110 million? They simply took it from other programs, without our knowledge.

All we are trying for here is accountability for the money spent when they spend it.

I say in all good conscience—does the Senator from Wyoming know whether there is any accuracy in the various reports about major additional plans for Cambodia, far larger than anything we have talked about or heard about? Are there any new plans he was briefed on this morning at the White House which the rest of us do not know about? There have been many such reports in the press.

The whole Cambodia operation has been run without adequate authorization or approval, let alone actual appropriations. If this amendment goes through, in effect, anything can be done in Cambodia in the future as has been done in the past—without knowledge of the Congress.

Mr. McGEE. I cannot agree with the Senator.

Mr. CASE. Mr. President, will the Senator yield?

Mr. McGEE. I should like to respond on my time. Is that permissible?

Mr. FULBRIGHT. I want to yield to the Senator from New Jersey, who has been seeking recognition.

Mr. McGEE. If I may respond to the Senator from Missouri, I will conclude, so that the Senator from New Jersey may proceed, if that is agreeable.

Mr. FULBRIGHT. Yes.

Mr. McGEE. Otherwise, it will lose its relativity to the comments of the Senator from Missouri.

It is my recollection, in all of the Cambodian questions, that as this question emerged from a limbo in which it had rested uneasily for many years, because of a kind of detente that all sides seemed to respect for a very long time, there were North Vietnamese troops in Cambodia at the same time they were not wanted there by the Cambodian Government, even by Prince Sihanouk. In fact, at the time he was replaced as the head of his government, he was in Moscow petitioning for assistance to try to get the North Vietnamese out of his country.

That uneasy situation exploded in the process of withdrawal from Vietnam because of the exploitation of sanctuaries along the frontier. For that reason, Cambodia became a special geographical factor in the policy consideration.

As a member of the Appropriations Committee, I might say that it is my recollection that, as the need in Cambodia developed, the request was submitted to us. We approved it, and ultimately it was measured in supplemental appropriation terms.

I reemphasize that the ceilings are here. It would be inconceivable to imagine that the President would absorb or lap up all military assistance funds that are likewise committed to ongoing programs in other parts of the world. I think it is unrealistic to assume that he is going to seize that sort of thing and move them all into Cambodia.

We have a specific set of guidelines. We do not have to go to breakfast to get those. They are as public as the New York Times and the Pentagon papers. We have, likewise, a description of the personnel there. An American military presence is conspicuous by its absence, and we are assured that it is not about to move in there. Congress has decreed that it not move in there. Congress has further decreed that there should be no commitment to Cambodia—period.

It is within these ground rules I have suggested, therefore, we ought to keep our cool on this situation and at least try to give the President the benefit of the doubt, since this is a completely different set of circumstances requiring that we not hamstring, through the public approach the Senator from Missouri suggests, in the pending foreign aid bill.

I might conclude that point with the reminder that the military program in Cambodia, an independent country so far, now includes, I am advised, 180,000 troops, most of whom are armed with relatively simple military equipment. But it is necessary, if they are going to defend themselves and are not going to be defended by someone else, that they have some means of defense. At the time Sihanouk left the country, they were a loosely slung collection of bands of quasi- and para-military organizations. In terms of paramilitary groups that were talked about in some of the news releases, I would say that we ought not confuse those with anybody's military standards. A group armed with shotguns is hardly an effective military force. It is a local policing operation in the immediate village.

So it is important, I would argue, to allow Cambodia, as an independency that is generally united, that still has a government which is on-going, at least the dignity of being able to cover its flanks and, incidentally, to cover our withdrawal flanks in the process. I do not see that that does violence to the Senate, to the integrity of any Member, or to the wisdom of a policy that says that we should withdraw from Southeast Asia with responsibility.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from New Jersey whatever time he desires.

Mr. CASE. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The Senator from Arkansas has 23 minutes remaining.

Mr. CASE. I should like 5 minutes, or perhaps 10 all together.

Mr. FULBRIGHT. All right.

Mr. CASE. Mr. President, I am a cosponsor of the amendment that the Senator from Wyoming would seek to strike from the bill.

My particular contribution to that restriction on our operations or activity in Cambodia was the part dealing with the ceiling of 200 American personnel and 50 third country personnel of other countries. Senator SYMINGTON and I pooled our amendments, and the joint amendment was adopted by the Committee on Foreign Relations by a vote of 10 to 3, as I recall.

I disagree with nothing that has been said in support of retaining the committee language in the bill. I would go a little further in some respects. It seems clear to me that we in Congress not only have the right but also the duty to examine the Cambodian question and to make our independent decision.

I believe that in the circumstances we have a duty, before granting the request of the administration to find out what are the long range administration plans for Cambodia. We should have this information in any event before we make current appropriations or current authorizations. We ought to know what, in the judgment of the administration, the proposed funding level would lead to in the future. We cannot make an intelligent decision ourselves unless we know that.

The future administration's plans take on particular importance because we have evidence that has not been challenged in any way as to what the Joint Chiefs of Staff consider necessary for a military solution in this small part of Indochina. I am, of course, referring to the New York Times article which the Senator from Missouri and the Senator from Arkansas mentioned.

The Joint Chiefs say they are going to need 220,000 Cambodians in the regular Military Establishment this year and a very large number in paramilitary forces establishment. Moreover, they project a need for more than 800,000 Cambodians under arms by 1977. Under this plan, the cost to the United States will more than double over the next 5 years.

I do not challenge the military judgment of the Joint Chiefs of Staff as to what is necessary, but if the Joint Chiefs are correct on what is going to be necessary to achieve a military solution, then the policy of achieving that military solution is the wrong policy.

The chairman has mentioned reports—and they have not been challenged—that the 170,000 currently in the Cambodian military establishment will increase until by 1977 half that little country's able bodied men will bear arms. And this militarization of Cambodia will be done at the expense of the American taxpayer. The Cambodian economy has already been virtually destroyed by the war, so we will be paying the cost of supporting 7 million Cambodians.

Well, we should do so, if we put them into this position by means of our military aid. There would be a moral obligation on our part not to leave them. But the question facing us is whether or not we want to undertake that moral obligation; whether or not we want to undertake the moral responsibility for deciding if Cambodia shall be on a war basis for the next generation, or indefinitely:

That is what is involved here. It is not just a question of a little more money or a little greater strength. It is a question of making decisions now that will make inevitable American involvement or withdrawal. If we choose involvement, then the involvement will take on an indefinite character because there is no other way, if the course projected by the Joint Chiefs of Staff is followed.

It is up to us to say no.

Mr. FULBRIGHT. I think that is exactly the real point. It is not just the money or the difference between $250, $290, or $300 million. That is not really the question. The time to make the decision is when we first undertake the obligation to go forward with the plan and pledge to go down the line. If we give them this now, it will be an approval. If we retain the ceiling the committee put in, at least we express a view as to policy, even though we give them the money. That is one virtue of the Senator's amendment and that is the reason I support it.

If we take the other view, then we have declined to take any position on the broad policy the Senator is talking about. That is the way it seems to me.

Mr. CASE. Just let me make one more point on the argument of the Senator from Wyoming that we should allow the President flexibility so that it may be used at the bargaining table in Paris.

North Vietnam is not going to be persuaded to make any concessions unless it sees some advantage to itself by doing so. That has always been true in regard to the Vietnamese situation. There was never any real chance of the North Vietnamese making a deal in which they would be the losers. It has been perfectly clear from the beginning to everyone who thought about it, that America would not indefinitely support the war itself in Vietnam. It is, I suggest, equally true that the United States of America will not indefinitely support a war in Cambodia. There will be a time coming, Mr. President, when this will so go against the grain of the people of this country, the killing, and the destruction of a country, that America will not support it. The American people will not support indefinitely the kind of program that the Joint Chiefs of Staff say is necessary if a military solution is sought.

Thus, Mr. President, the time is now to decide that such a solution will not be sought.

There is no real flexibility in a military solution when everyone, including the North Vietnamese, must know that the alternative proposed by the Joint Chiefs of Staff is not something that the American people will support in the long run. It is not a sound long-term policy. In my judgment, therefore, we should not permit the kind of flexibility that will permit us, step by step, to get into that situation.

Accordingly, the time has come, I believe, Mr. President, when the Senate and the Congress as a whole must exercise their constitutional authority.

I therefore believe that to strike the Symington-Case amendment from the bill would be very unfortunate.

RESTRICTIONS ON AID TO CAMBODIA

Mr. DOLE. Mr. President, the McGee amendment is designed to restore the full amount of assistance—$330 million—which the administration believes is essential for Cambodia.

CAMBODIA AID IS GOOD POLICY

It is good policy to assist any free nation which is willing to conduct its own defense with our arms and equipment. It is particularly important to assist Cambodia now Cambodian self-defense efforts have a direct bearing upon the Vietnamization program and on the rate at which we can withdraw our troops from Indochina. Progress in these areas will be a direct result of our assistance to Cambodia.

CAMBODIAN FORCES HELP THE UNITED STATES IN SOUTH VIETNAM

Cambodian forces, assisted by South Vietnamese forces in east Cambodia, tie down the equivalent of five enemy divisions and have disrupted the enemy's supply lines. A drastic reduction in our support to Cambodia would release these enemy divisions for offensive operations comprising all that has been accomplished to date. By December, we will have withdrawn over 420,000 American troops from Asia—we cannot tie the hands of the executive branch by imposing arbitrary ceilings at this time. This program is designed to get our boys out of Vietnam not to involve us in Cambodia.

I believe the Foreign Relations Committee, in setting a $250 million limit on our assistance to Cambodia, acted on false premises which could result in prolonging American involvement in Southeast Asia.

THE FOREIGN RELATIONS COMMITTEE REPORT MISLEADS

The Foreign Relations Committee's report states that the executive branch has considered reducing the economic assistance program to Cambodia by $50 million. This is not correct. The administration's position on the Cambodian program has been that Cambodia needs assistance totaling $330 million, of which ($200 million will be for military assistance and $130 million will be for economic assistance). The administration has also made it clear that some adjustments might have to be made between these two assistance programs if circumstances in Cambodia should change.

The committee report also states that the $250 million limitation was designed to: "duplicate in Cambodia an entire range of U.S. supported programs of the type which have resulted in (sic) ever deeper and seemingly endless involvement in other countries of Southeast Asia."

In short, the committee is suggesting that policies designed to get us out of Vietnam are also going to get us deeply involved in Cambodia. I believe that an objective review of the facts would not sustain this conclusion.

CAMBODIAN NATIONALISM WORKS WITH US

Even before Prince Sihanouk was overthrown, Cambodia was caught up in the Indochinese conflict. On June 11, 1969, Prince Sihanouk publicly announced that his country was at war with North Vietnam and the Vietcong. Its territory was then being used by the North Vietnamese and the Vietcong as base and supply areas. Indeed, Prince Sihanouk was attempting to secure Russian and Chinese support to prevent increased North Vietnamese use of Cambodian territory when he was overthrown for internal political reasons.

When this occurred, the North Vietnamese abandoned all pretense of respect for Cambodian neutrality and began an overt invasion.

Faced with this onslaught, the Cambodian people rallied together. They joined the armed forces, which have grown from 35,000 to 40,000 in 1970, to 200,000 today. The Cambodian army is now regaining control of populated areas previously overrun by the North Vietnamese.

Cambodia is dissimilar to South Vietnam. There is no civil war in Cambodia. The Cambodian people have been attacked by the North Vietnamese directly. The North Vietnamese have been unable to draw more than a small number of Cambodians—approximately 5,000—to their side in military roles. Cambodian nationalism is aroused against a common enemy. Even untrained Cambodian troops—students for the most part—have taken the offensive against North Vietnamese veterans. There is no ambiguity in Cambodia. The people know that the survival of their country is at stake.

THERE ARE NO AMERICAN TROOPS IN CAMBODIA

The other thing which distinguishes Cambodia from Vietnam is that there are no American troops there. The Cambodians are fighting their own war with U.S. assistance and we are merely assisting a free nation to repel a foreign invasion with its own forces.

Our program in Cambodia has been limited to supplying them with ammunition and equipment.

THIS PROGRAM'S GROWTH IS MODEST

Let me turn to the criticism that this program is growing at an uncontrolled rate. Last year we provided $255 million; of which $185 million were for military grants and $70 million was for economic supporting assistance. This year the President has asked for an increase of $15 million in military assistance and $40 million in economic aid. In addition, he seeks a $20 million Public Law 480 program. The largest increase—in economic assistance—is to help meet the problems of a war shattered Cambodian economy. As far as proposed future increases are concerned, the Secretary of State has indicated that:

> The Department of State has reviewed these press reports and is pleased to report that they do not represent planning going on in this Department. Neither do they accurately portray planning material conveyed to this Department by responsible officials of the Department of Defense. The reports are in sum misleading and inaccurate.

THE PRESIDENT'S DIPLOMACY WOULD BE HELPED BY U.S. ASSISTANCE TO CAMBODIA

One last thought, the President will soon be visiting both China and the Soviet Union. His chances for reaching a responsible Indochinese settlement would be greatly enhanced by the success of Vietnamization, and by the successful application of the Nixon doctrine to the Cambodians, who, with our assistance, are fighting and winning their own battles. Our assistance to Cambodia is being looked upon by our friends and foes alike as indicative of our intent to pursue the Nixon Doctrine. It will be a signal to China and the U.S.S.R. that America will continue to assist those nations who are willing to accept primary responsibility for their own security. To pull the rug out from under the President now by imposing this restrictive funding would convey precisely the wrong impression—an impression of American indifference and vacillation on literally the eve of the President's momentous journeys for peace. I am convinced that American indifference would be as much a factor on the world scene as would be overzealous participation in the Cambodian war. The question we must all ask ourselves today is what becomes of this country and of the world we live in if we react to the tragedy of Vietnam by retreating from international responsibility.

Mr. FULBRIGHT. Mr. President, I wonder whether the distinguished Senator from Wyoming is ready to consider yielding back the remainder of his time so that we can vote on this matter. It is now 5 minutes after 6.

Mr. McGEE. It is agreeable to me.

Mr. President, how much time is left?

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Arkansas has 15 minutes remaining, and the Senator from Wyoming has 33.

Mr. McGEE. Mr. President, it is agreeable to me and I yield back the remainder of my time in order that we may get to a vote.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GRAVEL). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Wyoming (Mr. McGEE).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. On this vote I have a pair with the Senator from Pennsylvania (Mr. SCOTT), the minority leader. If he were present and voting, he would vote "yea." I have already voted in the negative. I withdraw my vote and state that if I were at liberty to vote, I would vote "nay."

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Washington (Mr. JACKSON) would each vote "nay."

I further announce that, if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "yea."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Washington would vote "nay" and the Senator from Alabama would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN) and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The pair of the Senator from Pennsylvania (Mr. SCOTT) has been previously announced.

The result was announced—yeas 35, nays 52, as follows:

[No. 274 Leg.]

YEAS—35

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
Long
McGee
Packwood
Percy
Roth
Smith
Stafford
Stevens
Taft
Thurmond
Tower
Young

NAYS—52

Allen
Anderson
Bayh
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Magnuson
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Spong
Stevenson
Symington
Talmadge
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—12

Harris
Inouye
Jackson
Jordan, Idaho
McGovern
Miller
Mundt
Muskie
Scott
Sparkman
Stennis
Weicker

So Mr. McGEE's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SYMINGTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I send to the desk a perfecting amendment to H.R. 9910 and ask that it be read.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request? The Senator from Montana is slightly embarrassed because he had reached an agreement with the distinguished Senator from Nevada (Mr. CANNON) to call up his expropriation amendment, a strengthening of the Hickenlooper amendment, so-called and then, because of a situation not anticipated, I asked him to postpone that until another amendment introduced by the Senator from New York (Mr. BUCKLEY) was offered and disposed of. Then, on the basis of an agreement, or, rather, an accord, with the distinguished Senator from Alaska (Mr. STEVENS), he indicated, depending on the outcome of the Buckley amendment, that he may or may not offer an amendment today, which will be the business tomorrow.

So, in view of the situation in which the Senator from Montana finds himself, will the Senator from Missouri, who, I understand, pledged his word, withhold that matter until tomorrow?

Mr. SYMINGTON. Could I ask whether it will be the pending business tomorrow?

Mr. MANSFIELD. Would the Senator from Alaska agree to that?

It will be laid down tonight and made the pending business, to be followed by the amendment of the Senator from Alaska, if feasible.

Mr. SYMINGTON. Mr. President, may I have the amendment read at this time?

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be read.

The assistant legislative clerk read the amendment, as follows:

On page 44, line 14, strike out "$250,000,000" and insert in lieu thereof "$341,000,000".

On page 44, line 20, strike out "$250,000,000" and insert in lieu thereof "$330,000,000."

The PRESIDING OFFICER. The Chair now recognizes the Senator from New York (Mr. BUCKLEY).

AMENDMENT NO. 537

Mr. BUCKLEY. Mr. President, on behalf of myself and Senators ALLEN, ALLOTT, BROCK, DOMINICK, GOLDWATER, HANSEN, and THURMOND, I call up my amendment No. 537.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I think this has been cleared all around—that there be a period of not to exceed 40 minutes on the amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say that, following the disposal of the Buckley amendment, it is the intention of the joint leadership to take up the Cannon amendment, on which there may well be a rollcall vote. So the Senate is on notice.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to add the name of the Senator from Florida (Mr. GURNEY) as one of the cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I believe we can dispense with the further reading of the amendment.

Amendments Nos. 537 are as follows:

On page 29, between lines 21 and 22, insert the following:

"SEC. 108. (a) Section 301 of the Foreign Assistance Act of 1961, relating to general authority, is amended—

"(1) by striking out in subsection (b) 'Contributions' and inserting in lieu thereof the following: 'Except as otherwise provided in accordance with subsection (e) of this section, contributions; and

"(2) by adding at the end thereof the following new subsection:

"'(e) Notwithstanding any other provision of law, no appropriation shall be made for the payment of voluntary contributions by the United States to the United Nations Development Fund or to the world food program of the Food and Agriculture Organization of the United Nations, and no commodities shall be provided by the United States to the United Nations or any organization, program, fund, or activity of the United Nations, unless such voluntary contribution or provision of commodities has been previously authorized by legislation hereafter enacted by the Congress. Any such authorization shall not be given for a period exceeding one fiscal year.'"

On page 29, line 22, strike out "SEC. 108" and insert in lieu thereof "(b)".

On page 30, line 2, strike out "$139,000,000" and insert in lieu thereof $37,500,000".

Mr. BUCKLEY. Mr. President, the effect of the amendment is to eliminate, subject to further study and authorization, voluntary donations by the United States aggregating $101,500,000 in cash, and about $50 million in commodities, to two out of the dozen or so United Nations special agencies to which we have been regular contributors. These two agencies, the United Nations Development Fund and the United Nations/FAO world food program, parallel existing American foreign aid programs through which we annually make available between $2 and $3 billion for development and technical assistance, and distribute $1.1 billion worth of commodities. Therefore, the funds and commodities which the United States has been channeling through the United Nations for these purposes could just as readily be distributed through our own agencies with far greater assurance that they will be effectively utilized.

Before proceeding further, I would like to make it clear what this amendment does not do, and what it is not intended to be.

First of all, it does not in any way affect the mandatory contributions to the United Nations which we are required to make by virtue of our membership in the Organization. The mandatory assessments are obligatory as a consequence of our membership in the United Nations; and so long as we remain a member in the World Organization, I, for one, do not want to see the United States join France and the Soviet Union in their policy of selective compliance with such assessments.

Second, the amendment will not cause or contribute to the insolvency of the United Nations. These voluntary contributions have nothing to do with the maintenance of the basic functions of the United Nations Organization, its facilities, or administrative overheads. The only effect of the amendment will be to require that two collateral U.N. agencies trim back the scope of their activities.

Third, the amendment is not intended as a punitive measure in reaction to the defeat earlier this week of America's two-China proposal. It reflects, instead, a reassessment of the effectiveness and nature of the United Nations Organization which has been in process for some time, and which was brought to a head last Monday night by what a great majority of Americans regard, rightly or wrongly, as an act of grave injustice which has been especially revealing as to the nature of the organization which the U.N. has become.

Those who feel that the expulsion of the Republic of China was an unprincipled act taken in response to political pressures applied by Peking and her suitors, or motivated by the hope of gaining economic advantages in mainland

China, can hardly be expected to place a high degree of confidence in the manner in which various United Nations agencies will distribute the very large sums which we have been contributing to them. The amendment, in other words, reflects nothing more nor less than a loss of confidence in the United Nations which necessitates a more careful examination by the Congress of the extent to which the United States should channel her aid to underdeveloped countries through the U.N.

I have stated repeatedly in the last few weeks that while I support our continued membership in the world body, we should understand that that organization has developed into something quite different from the effective instrument for peace for which we had so feverently hoped at the time of its foundation. The United Nations has demonstrated time and again its inability to cope with major international crises. for the reason that any proposal for U.N. action which even remotely inconvenienced the special purposes of the Soviet Union has been killed by her veto; and now that Peking has been invited to occupy a permanent seat on the Security Council, we can anticipate still further obstructions to any meaningful action by the United Nations in those areas which are most critical to world peace.

But the United Nations has proven useful and at times very effective in a dozen other ways. It provides a forum where nations, large and small, can let off steam, can express themselves; and as such, it has provided an important safety valve and face saver. The United Nations has been able to handle effectively such lesser peacekeeping missions as are relegated to it by the major powers, witness Cyprus. But most importantly, it is an instrument which facilitates international cooperation in an increasing number of technical areas which serve the mutual convenience and needs of member nations and which lie outside the scope of world politics.

The distribution of tens of millions of dollars worth of development funds and commodities, however, is something which is particularly subject to political pressures; and this being the case, I believe we have a strong prima facie case for preferring that the United States retain full control over the funds and commodities which it wishes to distribute to developing and needy countries.

The amendment now under consideration will leave intact our contributions to such well-established, well-known activities as the World Health Organization, the World Meteorological Organization, and the U.N. Children's Fund. It does provide, however, that before future voluntary contributions are made to the U.N. Development Fund and to the UN/FAO world food program, the Congress will have the opportunity to investigate their activities in detail and, in the light of the reassessment of the United Nations which is now being made by the American people, to make certain that such contributions will in fact be serving our national interests.

I hasten to add, Mr. President, that there is nothing in the slightest bit immoral or illegal in our taking such an attitude with respect to these contributions. The sponsors of this amendment are not suggesting that the United States demand the right to approve or disapprove the specific activities of those various U.N. agencies to which we are required to make contributions as a result of mandatory assessments. Rather, we are suggesting that the United States has the moral and legal right, and that the Congress has the responsibility, to exercise a high degree of care before making purely voluntary contributions aggregating $150,000,000 in value, to agencies over which we have little or no control.

Mr. President, I believe the Senator from South Carolina would like to have 5 minutes. I yield to him.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from New York. I rise in support of the amendment of the Senator from New York.

I fully support the moves which are being proposed today to reduce our funding of the United Nations organization and its allied groups. Secretary of State Rogers was quoted in the paper the other day saying that we had paid more than our fair share and I think the action of the United Nations on Monday indicates the kind of gratitude that we are to expect.

The expulsion of free China from the United Nations and the seating of Communist China in her place is a defeat of the first magnitude for U.S. foreign policy. We must face the fact that in an organization to which the United States has been the single largest contributor from the beginning, we could not gain support for the clearly legal and moral position of keeping free China as a member. On the expulsion vote only Australia, Japan, Brazil, and South Africa followed our leadership, along with a group of less influential countries. Aside from those mentioned, not one of our traditional great allies nor even one member of NATO was with us.

The meaning of this defeat goes beyond the China issues itself. For it now means that the coalition of anti-American interests can inflict a similar defeat on any policy issue which affects the vital interests of the United States. It means that we will be faced with the choice in the future of supporting positions which are against our interests, or else being accused of obstructing world peace.

The reason is that we are now faced squarely with the fact that Communist Russia and Communist China can control the votes on such major issues. The United Nations has always been a source of Communist influence in subversion in the United States because such evil influences were carried on through agencies and diplomatic cover. Now, however, the Soviets, with their bloc of Socialist nations, and the Communist Chinese with their influence over some African and Asian countries, can agitate any issue in the propaganda forum on New York's East River.

We are faced, therefore, with the need for a fundamental reassessment of our Nation's role in the U.N., and a reduction of our excessive financial support.

Let us not act with any feeling of retaliation for the past. Let us rather act with a sense of prudence and foresight for the future. Since it is now clear that the majority of the United Nations can and will act against the cause of freedom, it is time to withdraw our support of the many multilateral activities conducted under the U.N. aegis. We can no longer afford to be paying the big dollars in support of activities which are contrary to our basic interests.

Ideally, the best course would be to reduce the level of our dollar support to the ratio of U.S. population to that of the population of all the members of the United Nations. This would cut U.S. support from approximately 38 to 6 percent. It would save the United States nearly $250 million a year. This approach has been proposed in the House and I think that it is a good effort.

However, the realities of the present situation are that we are now debating the very legislation which will authorize the voluntary contributions to the United Nations and other international organizations. As we know, there are two kinds of payments which we make to the U.N. and its allied agencies. The first kind includes the so-called assessed contributions which are required for membership; and the second category consists of the voluntary contributions which we make to various U.N. projects of a general nature. As a minimum, therefore, we ought to first examine the so-called voluntary contributions which we have been making with monotonous regularity over the years.

We come then to the category of voluntary contributions which, in the proposed list of $139 million, is considerably more than the $117 million which we paid last year in assessed contributions. Many of these voluntary contributions consist of humanitarian projects and certain worthwhile relief programs. In my judgment, our long-range goal should be to seek to take care of humanitarian needs through our own agencies so we will have control over the distribution of funds. However, I am in full support of the move we are now discussing to strike contributions to the United Nations Development Fund and the Food and Agricultural Organization. For the past 2 years we have given $86 million to the United Nations Development Fund and this year the request is for $100 million. As I have already pointed out, we do not have the ability to control, or even to influence significantly, the method in which these funds are distributed; and I think it is pointless to assist the development of nations which actively oppose our interests.

In the assessed contributions category, only slightly more than $50 million went to the administrative support of the United Nations itself. Others sent to such international organizations as the International Labor Organization, UNESCO, World Health Organization, and soforth. Some of these are plainly Communist dominated, such as the International Labor Organization. We have already set the precedent of withholding support to ILO for 2 years and there is no reason why we could not eliminate support to other dangerous or worthless U.N. activities. Thus, even the so-called assessed contributions can easily be reduced or eliminated entirely. Such a reassessment of our support for the U.N. would work for the cause of peace because it would prevent the U.N. from engaging in operations which are contrary to the interests of freedom. I wholly support any kind of move which would reduce the assessed contributions.

Unless we demonstrate our will to cut these contributions—especially the so-called voluntary category—they become, in effect, an international tax levied upon us. Our national sovereignty will be eroded, and our freedom of action will be constrained. It is time for the United States of America to act with prudence and foresight to stem the collapse of our international leadership.

I thank the distinguished Senator for yielding.

Mr. BUCKLEY. I thank the distinguished Senator from South Carolina for his contribution.

I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. I thank my friend from New York.

Mr. President, I just wish to say for the record that I am extremely happy to be a cosponsor of this amendment. It is not hard to see, from the amount of money we have been spending on the United Nations, that most of the countries up there are relying on the United States for primary financial support.

I remember very well when my colleague from Colorado was a Delegate to the United Nations as Senate representative some years ago, his coming back and making a report on the detailed financial troubles of the United Nations, and pointing out quite clearly that continued reliance on the United States was not the way that the U.N. programs were really going to be productive, but that we had to get a much broader and much wider financial representation in each of the programs if they were to be successful.

It strikes me that what the Senator is doing here goes along with that theory, because we are paying over and beyond our mandatory ratio in the support of the U.N. Development Fund. As long as we are doing that, we are exceeding, in a voluntary way, what we are required to do under our dues. We are, in fact, in the U.N. Development Fund alone, putting almost an equal amount of money into that one program as we are required to provide under the mandatory assessment.

It just does not seem to me to make any sense to have us disburse our money in this way, when what we ought to be doing is concentrating on those items which will be effective from our own foreign relations point of view.

So I am very happy to support the Senator from New York.

Mr. FULBRIGHT. Mr. President, does the Senator from New York yield?

Mr. BUCKLEY. I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Could I just say a word on my own time? I was inquiring whether the Senator wished to yield the floor. I intended to speak on my own time.

Mr. BUCKLEY. Mr. President, I reserve the remainder of my time.

Mr. FULBRIGHT. That is all I want to do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

All I wish to say is that I personally favor the annual authorization of these programs. The committee provided a 2-year authorization rather than 1 year. I personally favored the 1-year. So that part of the Senator's amendment does not cause me any concern.

The real sticker of the amendment is striking the $139 million and inserting $37.5 million. I simply call attention to what this would affect. It affects not only the development program, but the Children's Fund, the Fund for Drug Abuse Control, the international atomic energy program, the Food and Agricultural Organization, the World Health Organization, and the International Secretariat for Voluntary Service. All those items are involved in this proposed cut.

I do not know how the Senator arrived at $37.5 million for all practical purposes the committee approved the amount requested by the administration.

At this time, I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the distinguished chairman for giving me some time to speak very briefly.

The figure, of course, that the committee has reported reflects the request of the President. It reflects the administration's program, and I think as such deserves the consideration of the Senate.

Beyond that, I would like to point out the theory which underlies this kind of appropriations, and I should like to speak, not in my own words—and perhaps I can be helpful to the Senator from Colorado, who raised this question—but in the words of the report of the commission appointed by President Nixon which was headed by the former very distinguished Member of the Senate and former Ambassador to the United Nations, Henry Cabot Lodge. I shall quote from the recommendations in the report of the Lodge Commission.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. MATHIAS. May I have 3 additional minutes?

Mr. FULBRIGHT. Yes.

Mr. MATHIAS. The Commission recommends that—

> An increasing proportion of U.S. technical assistance, official loans, and credits to the developing nations of the world be channeled through the multilateral agencies of the UN system.

Further, the Commission says:

> Every dollar of input by the United States to the UN Development Program helps to generate more than six dollars of actual development work by other nations.

Further:

> The Commission particularly urges that greater contribution be made to the UNDP. . . . Among officials and in all public testimony before the Commission, we found almost universal support for the UNDP as the most tangible success of the UN system. The very significant results thus far produced could be multiplied many times over in the years ahead. This will only happen if adequate resources are made available to the UNDP. . . . The Commission recommends that U.S. contributions to UNDP be significantly increased year by year to reach a minimum of $200 million by 1975, subject to a continuing improvement in the administrative efficiency of UNDP and the UN specialized agencies.

Mr. President, as I have said, these are not my words. These are the words of the Commission appointed by President Nixon, chaired by Henry Cabot Lodge. I think they are based on the evidence before that commission and they should be of great influence in persuading the Senate to turn down this amendment.

Mr. JAVITS. Mr. President, may I have 5 minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator.

Mr. JAVITS. Mr. President, we are coming now to the heart of the argument: The United Nations rebuffed us on China. They were wrong. What they did was wrong. The question is, How do we react? The lawyers have a way of expressing it. The lawyers always say that it does not matter what the facts are.

My colleague from New York can talk all he wishes about the fact that we are not being punitive and we are not acting out of petulance or out of resentment, but what member of the United Nations is not going to write it down exactly as that, especially as this very move has been advertised for a considerable number of days as being exactly that? Indeed, it is my judgment that we lost votes in the United Nations which we badly needed because of the resentment of the fact that we threatened to cut off the money.

The best answer to this argument is that 8 percent of the people of the world have one-half the gross national product of the world, and that, with all our troubles, we still enjoy twice the average individual income of the people of any other country on earth.

Mr. President, we can take on the world if we wish, or we can try to live with the world. There is a great deal more here than appears from the face of this amendment. We can take on the world.

What is the $102 million being taken from? It is being taken from the underdeveloped countries, from the United Nations development program, and from the World Health Organization—their dearest programs. Interestingly enough, it is ironic that the UNDP is right now spending money to determine upon the validity of a project for navigation flood control and power between Greece and Turkey; and I should imagine that those who feel as this amendment reflects are not anxious to be hard on Greece. Nevertheless, they will be, if there is a material cut here.

Laying that aside, my point is this: The United States can give any notice it wants as to how tough it is going to get on policy or on collecting past installments, and so forth. But within a day or two after the China vote, to vote petulantly to cut these critical programs for the underdeveloped countries of the world is doing ourselves the greatest harm possible. It is said that this comes at night, with 20 minutes of debate and with Senators not present to hear what is going on. But the question every Senator has to ask himself, whether he is here or not, is this: Do we want to take on the world because of the China situation, or do we want to stay in the world and work out our problems with the world?

I believe that Taiwan will become a member of the United Nations and that we will work out an accord with Communist China, and I believe that we are on the threshold of an era of 30 years of peace. But this is the turning. If we take this road, we are damning ourselves, in my judgment, to a Gibraltar, USA; to constant armament; to $120 billion, not $65 billion, in armament every year. It is absolutely the worst course for our country, especially as every man knows in his heart that if you get sore, you are generally wrong. We are sore, so we are going to cut the U.N. I hope very much the Senate does not make this terrible mistake.

Mr. ALLEN. Mr. President, I rise in support of the amendment by the distinguished Senator from New York (Mr. BUCKLEY). I think it is time that the U.S. Senate convey to members of the United Nations a sense of our firm determination to cease playing "Uncle Sucker" to that bankrupt forum which has assumed a remarkable likeness to the Biblical Tower of Babel.

It is unfortunate in my view that we have already appropriated $107 million dollars to that organization this year, including $52.4 million which represents the mandatory assessment for operating expenses of the organization.

The areas of financial assistance which remain possible for us to cut are included in the pending Amendment to the Foreign Assistance Act of 1961. Of all the appropriations contemplated in this bill, none are more ripe for slashing than funds earmarked for development programs and particularly funds for nations which have indicated their hostility to the United States. By my standards, hostility is reflected in votes which reflect the point of view that the extraordinarily serious matter of expelling a charter member nation of the organization is not a major question such as would require an affirmative vote of two-thirds of the members present and voting. This vote of expulsion marks a first in the history of the organization and the idea that the question of expelling a member could be accomplished by a simple majority vote is repugnant to the point of disgust.

Mr. President, let us consider the implications of this majority vote. The one-China arguments presented in support of ousting Nationalist China are arguments which may be invoked in the future—not alone on such questions as admitting new nations such as Korea, Vietnam, and most importantly, Germany. In addition, such arguments can be used to expel any of the existing member nations which may formerly have been a part of another nation merely by majority vote. Already, there are predictions that the United Nations will vote to expel Israel and admit the representative of the people of Palestine. Add to this the ghoulish prospect that all truly important questions before the Assembly may be made unimportant and decided by simple majority vote of the General Assembly and one can clearly see the specter of future Communist domination of that propaganda forum.

Nothing, Mr. President, more clearly dramatizes one of the many structural weaknesses in the United Nations which make it mandatory that the wisdom of our continued participation in the Organization be reevaluated.

I simply will not accept the proposition that there is not a possibility for a more effective organization to achieve any worthy purpose or undertaking now sponsored by the United Nations and principally financed by the taxpayers of the United States. If we must promote development of any foreign nation, why should it not be done in the name of the United States and not in the name of the United Nations?

Mr. President, according to press sources, the news of our defeat in the United Nations brought forth dancing, whooping, jigs on the General Assembly floor, crows from Peking, and cheers from the Kremlin. Well, it is time to let the nations of the world know—friend and foe alike—that the celebration is premature. We are not tied in perpetuity to that organization and our continued participation must be justified by valid reasons. The validity of past reasons change with time and circumstance and the time and circumstances of today require that we let it be known we will not be taken for granted. It is a foolish mistake to assume that this Nation will remain yoked as stupid oxen to the United Nations Organization in the face of continuing acts of irresponsibility by that organization.

Mr. President, the United Nations is, in my judgment, both morally and financially bankrupt. The sooner we recognize this fact, the sooner we can face up to the task of conceiving realistic plans for something to take its place.

The organization has resorted to the therapy of expulsion of members—a sort of bleeding to cure its ills. Let it continue to do so, but without our help. Let us realistically and optimistically look forward to something better. As a beginning, let us cut our assistance to the Uinted Nations to the bone—while we proceed apace with building strong, firm, alliances such as are capable of making constructive contributions to world development and enhance the worldwide vision and desire for peace on earth and good will toward man.

Mr. President, I share the views of many people and have often expressed the opinion that much of the development aid proposed under the current bill cannot be rationalized by invoking the memory of successes of the Marshall plan. There is a vast difference between helping restore economies of war-ravaged industrialized nations whose people are experienced and adept in the use of technologies of an industrialized society. This type of economic aid is not the same as that we are currently pouring out through so-called development programs for the benefit of newly hatched ministates. Too, we have proclaimed our indifference to their forms of government and to the nature of their economic systems. Consequently, many of the programs we fund do not combat the spread of Communist influence but, as often as not seem to encourage communism, or at least its first cousin, Marxist Socialism, in recipient nations.

Mr. President, I urge the Senate to send a message to all the world—we are fed up with our role of "Uncle Sucker" in the crude farce taking place in the United Nations.

I intend to vote to cut every cent that we can from any appropriation that helps finance that farce. I urge a vote in favor of the amendment.

Mr. HUMPHREY. I rise to oppose the amendment. It should be noted that in 1969 the U.S. contribution to the U.N. was less than in 1965 in voluntary contribution and yet the total of all other country voluntary contributions increased of over $124 million.

Also the United States has conformed to its assessed regular contribution which has declined over the years, in percentage terms.

Finally, when everyone talks about the Lodge Commission report with the target of 25 percent assessed U.S. contribution of total regular U.N. contribution, they fail to note that the report went on to say:

> In recommending that the U.S. seek a reduction of the percentage of its assessment for the regular budget, the Commission wishes to emphasize that it is in no way proposing any diminution of the overall commitment of U.S. resources to the UN system. Each reduction in the U.S. share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the UN system.

The United Nations has many weaknesses, but it needs and merits our sustained and active participation. We have not been overly generous, in fact our contributions are limited in comparison to our gross national product. I shall vote against the amendment.

Mr. KENNEDY. Mr. President, I strongly object to the present attempt to penalize the United Nations for having voted against the position of the United States on the matter of seating the People's Republic of China.

Not only do I object to the idea of seeking to penalize nations for exercising their right of membership within the United Nations; but I also believe that the content of this amendment is contrary to the interests of international peace and development.

For what is proposed here is that we totally delete all funds for the United Nations Development Fund and for the world food program.

It is inconceivable how this proposal can be put forward when we look at the benefits provided by this program. Do the authors of this amendment oppose food going to the victims of the cyclone in East Pakistan? The World Food Programme provided more than $4 million worth of emergency food aid to the victims of that tragedy.

Or do the authors object to food being supplied to the victims of the earthquake in Peru last year? Again, the World Food Programme provided assistance.

I think those kinds of efforts are entirely justifiable and I believe the United States should bear its full share of that international effort.

And the World Food Programme has also provided food supplements to workers in a thousand remote villages in the underdeveloped world, workers who have volunteered to repair a bridge, build a road, or construct a new irrigation system. In this way, the provision of food, besides simply offering some relief to the millions of poor men and women who suffer from malnutrition, also works as part of the development process.

And so I find it hard to understand the rationale behind the amendment which is now before us. I find it hard not to view this amendment as simply a wild swing at the U.N. in an effort to retaliate for a democratic decision by the member nations which found this country in the minority. And, therefore, I would strongly urge the defeat of this amendment.

One other point deserves to be made. According to preliminary data I have obtained this evening, the United States is by no means the largest contributor to the budget of the United Nations on a per capita basis. As the accompanying table makes clear, there are at least six other nations—Canada, the Netherlands, Sweden, Denmark, Norway, and even the tiny Maldive Islands, about whom so much jest was heard in connection with the vote in the General Assembly last Monday—whose per capita contributions to the U.N. budget in 1970 surpassed the contribution of the United States.

I ask unanimous consent that the table I have prepared may be printed at this point in the RECORD, and I urge the Senate to defeat the amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRELIMINARY ESTIMATES—1970 CONTRIBUTIONS TO UNITED NATIONS BUDGET

United Nations members and other states	Current population (millions)	Regular budgets contribution	Voluntary program contribution	Total contribution	Per capita contribution (U.S. dollars)
China (mainland)	772.9	0	0	0	$0.00
India	569.5	6,066,112	4,985,743	11,051,855	.02
U.S.S.R.	245.0	37,505,175	4,494,095	41,999,270	.17
United States	207.1	117,126,792	159,205,874	276,332,666	1.13
Pakistan	141.6	1,348,797	1,383,914	2,732,711	.02
Indonesia	124.9	1,380,005	220,138	1,600,143	.01
Japan	104.7	12,397,121	6,291,100	18,688,221	.18
Brazil	95.7	1,660,179	1,204,443	2,864,622	.03
Nigeria	56.5	514,308	66,605	580,913	.01
United Kingdom	56.3	22,984,138	25,560,752	48,544,890	.86
Italy	54.1	10,209,773	9,866,025	20,075,798	.37
Mexico	52.5	3,136,978	618,870	3,755,848	.07
France	51.5	19,616,173	7,855,657	27,471,830	53
Philippines	39.4	589,931	421,151	1,011,082	.03
Thailand	37.4	486,723	339,393	826,116	.02
Turkey	36.5	909,136	1,152,296	2,061,432	.06
Egypt	34.9	723.543	1,112,763	1,836,306	.05
Spain	33.6	3,523,458	1,501,864	5,025,322	.15
Poland	33.3	5,233.117	798,907	6,032,024	.18
Iran	29.2	1,193,791	1,003,049	2,196,840	.08
Burma	28.4	212,967	174,845	387,812	.01
Ethiopia	25.6	165,363	131,970	297,333	.01
Argentina	24.7	4,677,849	1,184,217	5,862,066	.24
Colombia	22.1	655,586	399,019	1,054,605	$0.05
Canada	21.8	10,285,929	24,047,882	34,333,811	1.58
Yugoslavia	20.8	1,274,365	1,425,295	2,699,660	.13
South Africa	20.6	1,266,691	59,386	1,326,077	.06
Romania	20.6	1,138,053	252,036	1,390,089	.07
Congo (Democratic Republic)	17.8	210,430	58,018	268,448	.02
Afghanistan	17.4	128,293	164,769	293,062	.02
Sudan	16.3	109,106	173,713	282,819	.02
Morocco	16.3	498,986	338,381	837,367	.05
Czechoslovakia	14.8	3,047,144	890,057	3,937,201	.27
Algeria	14.5	339,418	46,943	386,361	.03
Taiwan	14.3	10,267,011	253,558	10,520,569	.74
Peru	14.0	246,605	241,800	488,405	.03
Tanzania (United Republic of)	13.6	160,137	101,346	261,483	.02
Netherlands	13.1	3,980,258	11,689,754	15,670,012	1.20
Ceylon	12.9	231,543	203,046	434,589	.03
Australia	12.8	5,355,462	3,515,399	8,870,861	.96
Nepal	11.5	192,916	14,472	207,388	.02
Kenya	11.2	107,194	87,307	194,501	.02
Malaysia	11.1	418,087	162,349	580,436	.05
Venezuela	11.1	1,213,090	902,000	2,115,090	.19
Hungary	10.3	1,491,747	151,795	1,643,542	$0.16
Chile	10.0	518,302	330,446	848,748	.08
Iraq	10.0	157,156	234,198	391,354	.04
Belgium	9.7	3,227,874	3,409,395	6,637,269	.68
Portugal	9.6	329,700	7,600	337,300	.04
Ghana	9.3	308,158	293,025	6,011,083	.06
Greece	9.0	998,237	1,720,413	2,718,650	.30
Uganda	8.8	92,031	70,406	162,437	.02
Bulgaria	8.6	599,760	102,752	702,512	.08
Cuba	8.6	685,178	186,107	871,285	.10
Saudi Arabia	8.0	190,218	639,778	829,996	.10
Sweden	8.1	4,356,493	31,246,431	35,602,924	4.40
Mozambique	7.9	0	0		
Austria	7.5	1,910,963	2,090,229	4,001,192	.53
Cambodia	7.3	0	0		
Malagasy Republic	7.1	172,542	26,418	198,960	.03
Syria	6.4	132,509	96,795	229,304	.04
Ecuador	6.3	200,435	87,150	287,585	.05
Cameroon (West)	5.9	163,171	57,835	221,006	.04
Yemen (Arab Republic)	5.9	77,412	3,190	80,602	.01
Angola	5.8	0	0		
Upper Volta	5.5	156,858	15,792	172,650	.03
Haiti	5.4	78.820	0		
Guatemala	5.3	189,822	15,500	205,322	.04
Tunisia	5.3	186,862	213,576	400,438	.08
South Rhodesia	5.2	0	0		
Mali	5.2	56,969	0		
Denmark	5.0	2,153,611	20,142,573	22,296,184	4.46
Bolivia	4.8	149,274	8,100	157,374	.03
Finland	4.7	1,706,453	2,564,410	4,270,863	.91
Malawi	4.6	142,526	9,964	152,490	.03
Zambia	4.4	170,029	87,101	257,130	.06
Ivory Coast	4.4	166,848	125,687	292,535	.07
Dominican Republic	4.4	72,881	5,866	78,747	.02
Hong Kong	4.3	0	0		
Niger	4.0	96,407	33,774	130,181	.03
Senegal	4.0	204,235	33,653	237,888	.06
Guinea	4.0	114,853	24,490	139,343	.03
Norway	3.9	1,631,783	9,304,757	10,936,540	2.80
Chad	3.8	84,439	1,799	846,238	.22
Burundi	3.7	202,432	65,500	267,932	.07
Rwanda	3.7	145,894	11,552	157,446	.04
El Salvador	3.6	92,648	11,700	104,348	.03
Israel	3.0	580,167	1,000,160	1,580,327	.53
Ireland	3.0	635,962	494,935	1,130,897	.38
Uruguay	2.9	199,721	43,775	243,496	.08
Somalia	2.9	151,269	4,004	155,273	.05
Lebanon	2.9	131,835	75,478	207,313	.07
Somalia	2.9	151,269	4,004	155,273	.05
New Zealand	2.9	1,317,929	820,156	2,138,085	$0.74
Dahomey	2.8	174,126	1,799	175,925	.06
Honduras	2.8	145,229	11,000	156,229	.06
Sierra Leone	2.7	219,789	78,172	297,961	.11
Paraguay	2.5	73,539	0	73,539	.03
Jordan	2.4	105,391	232,354	411,284	.17
Singapore	2.2	183,466	92,166	275,632	.13
Albania	2.2	157,682	4,000	161,682	.07
Laos	2.1	113,525	28,917	142,442	.07
Nicaragua	2.1	102,283	0	102,283	.05
Jamaica	2.0	169,380	95,128	366,891	.18
Togo	1.9	159,071	12,411	171,482	.09
Costa Rica	1.9	170,749	60,000	230,749	.12
Libya	1.9	157,576	45,200	202,776	.11
Central African Republic	1.6	95,448	12,233	107,681	.07
Panama	1.6	178,163	500	178,663	.11
Mongolia	1.3	131,506	2,300	133,806	.10
South Yemen	1.3	77,412	3,190	80,602	.06
Liberia	1.2	123,459	63,150	186,609	.16
Mauritania	1.2	189,983	65,835	255,818	.21
Trinidad and Tobago	1.1	158,622	127,595	286,217	.26
Lesotho	1.1	118,421	10,000	128,421	.12
Ryukyu Island	1.0	0	0	0	
Congo (Republic of)	1.0	107,573	19,485	127,058	.13
Bhutan	.9				
Mauritius	.9	189,362	17,121	206,483	.23
Kuwait	.8	238,601	616,040	854,641	1.07
Guyana	.8	134,492	117,500	251,992	.81
Muscat and Oman	.7	0	0		
Nambibia (S.W.A.F.)	.6	0	0		
Cyprus	.6	161,436	26,854	188,290	.31
Botswana	.6	79,171	12,620	91,791	.15
Fiji	.5	0	0		
Reunion	.5	0	0		
Gabon	.5	183,049	75,332	258,381	.52
Guadeloupe	.4	0	0		
Swaziland	.4	57,923	5,593	63,516	.16
Luxembourg	.4	196,504	33,350	229,854	.57
Surinam	.4	0	0		
Martinique	.4	0	0		
Gambia	.4	96,431	5,160	101,591	.25
Barbados	.3	164,962	16,298	181,260	.60
Equatorial Guinea	.3	5,001	0	5,001	.02
Malta	.3	156,295	9,640	170,936	.57
Iceland	.2	164,021	62,789	226,810	1.13
Bahrain	.2	0	0		
Qatar	.1	0	0		
Maldive Island	.1	131,301	1,924	133,225	1.33

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has 12 minutes, and the Senator from New York has 6 minutes.

Who yields time?

Mr. CHURCH. May I have 30 seconds?

Mr. FULBRIGHT. I yield the Senator 1 minute.

Mr. CHURCH. Mr. President, I had intended to speak against this amendment, but I have listened to the remarks of the distinguished senior Senator from New York, and he has expressed the case against the amendment so well, so eloquently, and so persuasively that I content myself with the statement that I should like to associate myself with his remarks. I, too, hope that the Senate will reject the amendment.

Mr. FULBRIGHT. Mr. President, does the Senator wish to speak?

Mr. BUCKLEY. Yes, unless the Senator from Arkansas wishes to make some additional remarks.

I yield myself 3 minutes.

Mr. President, first in reply to a comment by the distinguished chairman of the committee, I believe we can clarify the point he raised about the inability to allocate the $37.5 million, although I think the meaning is clear, by adding at the end of line 11 the word "specifically" and inserting after the word "authorized" on line 12 "for such purpose or purposes."

In other words, the effect would be that no voluntary contributions would be made to these two agencies "unless such voluntary contribution or provision of commodities has been previously specifically authorized for such purpose or purposes." There being no such specific authorization in this bill as amended, it would be clear that the remaining $37.5 million would be allocated over these other needs.

The PRESIDING OFFICER. Is there objection to the modification? If there is no objection, the Senator will send his modification——

Mr. FULBRIGHT. Mr. President, is the Senator proposing to amend his amendment?

Mr. BUCKLEY. That is the effect of my remarks.

Mr. FULBRIGHT. Mr. President, does the Senator have a right to do that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. FULBRIGHT. I think this creates quite a different matter, indeed, because I had said previously with regard to subsection (e) that I had no——

The PRESIDING OFFICER. The Senator cannot modify his amendment except by unanimous consent. He can offer an amendment when all time has expired.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to amend my amendment as I have suggested.

Mr. FULBRIGHT. Reserving the right to object, Mr. President, I have stated that simply asking for annual authorizations is an objective with which I agree. I voted in committee for a 1-year authorization. The committee, by a divided vote overruled me and made it 2 years. But the real thrust of the Senator's amendment is to cut the overall amount of $139 million, which is allocated to the programs I have mentioned, to $37.5 million. Now he is seeking to amend the amendment. I believe he wants to amend it so that the full cut would come out of the two programs specifically mentioned—the development program and the world food program. Is that right?

Mr. BUCKLEY. Yes.

Mr. FULBRIGHT. I am very reluctant to vote on an amendment which has been changed in such a fashion, especially at this late hour, with so few Members present.

Mr. BUCKLEY. I did not feel that my earlier language was ambiguous as to this point.

I will withdraw the modification.

Mr. FULBRIGHT. I think we ought to vote on the amendment as offered.

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator from New York has expired.

Mr. BUCKLEY. I yield myself 2 additional minutes to address myself to two remaining points.

I appreciate the import of the statement by the Senator from Maryland in quoting the conclusions of the Lodge Commission. Those conclusions may be very valid, but the fact is that the witnesses were not heard by the appropriate committee of the Senate.

It seems to me that all we are asking for here is the opportunity for the necessary evidence to be put into the RECORD, to give the Senate an opportunity to make its own independent judgment, rather than to rely upon the judgment of the Lodge Commission, so that we can determine whether or not we can most usefully funnel our contributions to the developing world through this particular agency of the United Nations, or through our other coexisting programs. I would also like to address myself to the remarks of my distinguished colleague from New York (Mr. JAVITS). I feel no anger and I do not feel that my cosponsors feel any anger. We do feel that there has been a qualitative change in the United Nations which has been proceeding over a period of years and which crystallized and was demonstrated so clearly earlier this week. It would be punitive, in my judgment, if we were to cut off aid to countries one by one, aid to those nations which did not vote for our resolution. But to support what is proposed here, and what we are proposing here, is simply a means of assuring ourselves that we can most effectively help the poorer nations of the world in a way in which we know that the moneys, contributed through the generosity of the American people, can reach their goal.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BURDICK). Eleven minutes remain to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. GRAVEL. Mr. President, the junior Senator from New York (Mr. BUCKLEY) is eloquent, but I think that any person would find it difficult to believe that this is not punitive. There is only one intelligent interpretation that can be made; namely, that it is punitive—and very much so; what I would call the most chauvinistic and the most jingoistic in the classic sense of the word.

I associate myself with the remarks of the senior Senator from New York (Mr. JAVITS) and would only add as an adjunct to that, we seem to be developing a philosophy here that we are paying our portion of the money to the United Nations, because we are buying a piece of the United Nations that will bend to our will.

As I understand it, our inordinately high contribution to the United Nations is based on our ability to pay. We are the wealthiest nation in the world. It is right that we should make a contribution above and beyond what other nations are making.

Now we are faced with the logic that it is not punitive, because if we want to be punitive we would do it on a nation-by-nation basis.

How tragic that we could even think in this way. If we want to punish someone, we punish the culprit, not the institution. What we would be doing here would be to punish the institution, the institution which came about at this point of history with such pain and such difficulty.

Mr. President, I do not say this in a partisan sense, because it has been thrown at us in such a partisan sense, in that we are doves and, therefore, chauvinists or isolationists. But if I have ever seen a case of isolationism, it is certainly this one where we not only want to punish the institution but we want to punish the United Nations which really is the only organization to offer any possible vestige of hope for peace in the world—the United Nations, which was a product of the leadership of this country as a result of World War II.

That we want to punish the United Nations now, I find difficult to comprehend.

Mr. President, we find the same sponsors of this legislation appropriating, without blinking an eye, $250 million, $500 million, or $1 billion in foreign lands. Now, petulantly, to quote the Senator from New York, we seek to strike out, in a part of this world body, items that go directly to the improvement of human beings.

Even our aid program has been much more successful through the United Nations rather than through our own Government where we treat these nations as mendicants. It is a great tragedy that we would reverse a 25-year policy towards the attainment of world government, but we would do it because the money we put in will not buy us votes we feel we should have.

It would be like the people of Alaska not liking what was done about Amchitka and refusing to pay their taxes.

Democracy is a two-way street. It has its good days and it has its bad days. We had our bad days earlier this week. I think it reflects badly on the political maturity of this body to want to take this kind of action against that democratic body, the United Nations, because we did not particularly get our way last Monday.

I hope that this body will have the wisdom to recognize what I consider to be a return to isolationism of the crassest sort.

Mr. BUCKLEY. Mr. President, I have two unanimous-consent requests to make. Upon reflection, I would like to reinstate my amendment to the amendment and to make it read at the end, on page 2, beginning on line 11: "contribution or provision of commodities has been previously specifically authorized for such purpose or purposes of legislation hereafter enacted by the Congress."

The PRESIDING OFFICER (Mr. Burdick). Does the Senator ask unanimous consent to modify his amendment in that way?

Mr. BUCKLEY. Yes, Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. BUCKLEY. Mr. President, the second unanimous consent I make is, inasmuch as my amendment really takes the form, technically, of three amendments, I ask unanimous consent to have them considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the amendments will be considered en bloc.

Will the Senator please send his modification to the desk, which the clerk will state.

The assistant legislative clerk read as follows:

On page 29, between lines 21 and 22, insert the following:

"Sec. 108. (a) Section 301 of the Foreign Assistance Act of 1961, relating to general authority, is amended—

"(1) by striking out in subsection (b) 'Contributions' and inserting in lieu thereof the following: 'Except as otherwise provided in accordance with subsection (e) of this section, contributions'; and

"(2) by adding at the end thereof the following new subsection:

"'(e) Notwithstanding any other provision of law, no appropriation shall be made for the payment of voluntary contributions by the United States to the United Nations Development Fund or to the world food program of the Food and Agriculture Organization of the United Nations, and no commodities shall be provided by the United States to the United Nations or any organization, program, fund, or activity of the United Nations, unless such voluntary contribution or provision of commodities has been previously specifically authorized for such purpose or purposes by legislation hereafter enacted by the Congress. Any such authorization shall not be given for a period exceeding one fiscal year.'"

On page 29, line 22, strike out "Sec. 108" and insert in lieu thereof "(b)".

On page 30, line 2, strike out "$139,000,000" and insert in lieu thereof "$37,500,000".

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute to say that the Senator from New York (Mr. Javits), I think, has expressed my feelings about the matter. Whatever the sponsors may think about the pending amendment, it will be interpreted by everyone except the sponsors as a reaction—and I think a petulant reaction—to the vote in the United Nations last Monday. I think that would be unfortunate.

The committee did try to review all of the programs in this bill, and it did review many of them in an effort to look at them in the light of the changing conditions in this country.

Thus, I cannot be against reviewing any of these programs but I think to do what the Senator proposes would be very drastic and would be a very grave mistake on the part of the Senate.

Mr. PASTORE. Mr. President, will the Senator from Arkansas yield me 2 minutes?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I am one of those who have felt for a long, long time that we are paying more than we should for the operation of the United Nations. I think it is high time that the situation should be reviewed. Naturally, the formula was adopted at a time when all the blue chips were in our favor.

The one objection I find to the amendment proposed by the junior Senator from New York (Mr. Buckley) is the fact that he is wielding his ax at those parts of the program that have a humanitarian aspect. I am not talking about whether it is punitive or not, but I think this is the wrong place to do it.

I had the privilege of serving as a U.S. Representative to the 10th General Assembly of the United Nations. I made the remark time and time again that if one went into the washroom and pulled down a paper towel, one, two, three—the third time we would be paying for that towel. We carry one-third of the load. I think times have changed and the pocketbook of this country is no longer full the way it used to be.

If Russia wants to claim it has parity with us and if she wants to claim she is as wealthy as we are, then I say, let her pay as much as we do to the United Nations.

The fact remains that neither Russia nor France even paid their peacekeeping dues.

I think this matter should be adjusted and I would hope that the administration would do something about it but let us not do it on the floor of the Senate.

One fault I find with the amendment proposed by the junior Senator from New York (Mr. Buckley) is not so much that we should readjust the amount we pay to the United Nations, but I think he is doing it in the wrong place. I am afraid we will do ourselves irreparable harm.

Let us not knock out aid to children, research for medicine, and things of that kind. Once we begin to pick at it, I am afraid that we will do ourselves more harm than good. If we want to do something about the United Nations, let us do something about the 33 percent that we pay. I think that we pay altogether too much.

Mr. FULBRIGHT. Mr. President, how much time is left?

The PRESIDING OFFICER. Three minutes.

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I concur with what has been said in the eloquent statement made by the senior Senator from New York (Mr. Javits). If there is any doubt about what we are reacting to now, it is what happened in New York on Monday night. Let us go from the fact sheet that was distributed concerning the Buckley amendment which states what we should do in light of the current overall assessment of the role of the United Nations. I do not know any overall assessment of the role of the United Nations that we have underway as a matter of study right now. It is in response to what just happened. Second, I would be very much opposed to the amendment because we have been working in the direction of multilateral aid.

The whole purpose of the administration has been to move us away from bilateral or unilateral to multilateral aid where we share it with the rest of the world, with such institutions as the World Bank. The intention as stated in the fact sheet is that we should look through our voluntary contributions to the United Nations to see whether they could be more effectively accomplished by unilateral U.S. effort.

I think this is certainly moving contrary to the direction that the Nixon administration has been wisely carrying on. I think that it would be a dreadful mistake to act in this debate in this way and that it would be interpreted in the worst way by the nations of the world.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the junior Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). On this vote I have a live pair with the Senator from Texas (Mr. Tower). If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

Mr. MONTOYA (after having voted in the affirmative). I have a pair with the junior Senator from Maine (Mr. Muskie). If he were present and voting he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. BROCK (after having voted in the affirmative). On this vote I have a live pair with the Senator from Connecticut (Mr. Weicker). If he were present and voting he would vote "nay." I have already voted "yea." I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine, (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Maine (Mr. Muskie), and the Senator from Oklahoma (Mr. Harris) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also the Senator from Pennsylvania (Mr. Scott) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "nay."

The respective pair of the Senator from Texas (Mr. Tower) and that of the Senator from Connecticut (Mr. Weicker) have been previously announced.

The result was announced—yeas 28, nays 55, as follows:

[No. 275 Leg.]

YEAS—28

Allen
Allott
Baker
Bennett
Buckley
Byrd, Va.
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Long
McClellan
Smith
Stevens
Talmadge
Thurmond
Young

NAYS—55

Aiken
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Spong
Stafford
Stevenson
Symington
Taft
Tunney
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Brock, for.
Griffin, against.
Montoya, for.

NOT VOTING—14

Anderson
Harris
Inouye
Jackson
Jordan, Idaho
McGovern
Miller
Mundt
Muskie
Scott
Sparkman
Stennis
Tower
Weicker

So Mr. Buckley's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 540

Mr. CANNON. Mr. President, I call up my amendment No. 540, and ask unanimous consent that the names of the Senator from Nevada (Mr. Bible) and the Senator from Colorado (Mr. Dominick) may be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 540 is as follows:

On page 39, strike out lines 4 through 6 and insert in lieu thereof the following:

Sec. 301. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is further amended—

(1) by striking out of the first full paragraph of subsection (e)(1) all that matter following immediately below clause (C) and inserting in lieu thereof the following: "and such suspension shall continue until the President is satisfied that such country, government agency, or government subdivision has (i) discharged its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or (ii) has provided relief from such taxes, exactions, or conditions, as the case may be. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."; and

(2) by adding after subsection (v).

Mr. MANSFIELD. Mr. President, if the Senator will yield, I think all the bases have been touched, and I ask unanimous consent that there be a time limitation on the pending amendment of not to exceed 40 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this will be the last vote tonight.

Mr. CANNON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I yield myself 5 minutes.

Mr. President, I am offering today an amendment to the foreign aid bill (H.R. 9910) for the purpose of closing the "foreign aid door" on any country which expropriates U.S. property without providing immediate and effective compensation.

The necessity for this amendment may come as a surprise to some of my colleagues who recall the adoption of the Hickenlooper amendment back in the early 1960's. I suspect that many Senators who are familiar with that measure believe it does the very thing that my amendment seeks to do. But the fact of the matter is, that the Hickenlooper amendment does not cut off foreign aid when a country expropriates U.S. property and does not provide effective compensation to the owners. Although I am sure the author and supporters of this amendment thought they were barring continued assistance to such countries, it must be recognized that the Hickenlooper amendment has one fatal flaw—it leaves the question of cutting off aid to the discretion of the President.

This discretionary authority has served to gut the Hickenlooper amendment and render it useless. My amendment would close this loophole and make the original amendment an effective provision of law.

Let us take a look at the record in recent years: In 1968 the military government of Peru expropriated the International Petroleum Co., a subsidiary of Standard Oil. Compensation has not been paid and, yet, this year that same military government in Peru is scheduled to receive $34.3 million in one type of foreign aid or another.

Or let us take the case of Bolivia, which in 1969 seized properties belonging to the Gulf Oil Corp. As yet, full compensation has not been provided. But, for this fiscal year, the administration plans to give Bolivia $23 million in foreign aid.

Or let us take a look at the case of Chile, which has recently expropriated a number of U.S. holdings, including ITT, Kennecott, and Anaconda. Compensation has not been forthcoming and in the case of our major copper holdings there, the State Department reports:

> The Controller General of Chile announced . . . on October 11 that no compensation would be paid for the U.S. copper mining investments expropriated on July 16.

Nevertheless, our foreign aid effort continues—Chile is scheduled to receive this year from the United States a total of $14 million.

Mr. President, these examples leave no doubt in my mind that the celebrated Hickenlooper amendment is a fiction—and it will remain a fiction until the Congress removes the President's discretionary power on the aid cutoff issue.

My amendment does this: It removes this legal fiction and says to all aid recipients:

> If you expropriate U.S. property and don't provide effective compensation immediately, then no more aid, period.

Mr. President, it is doubtful that there is any foolproof way of preventing the expropriation of U.S. property. But it is within our power to make absolutely sure that those who do expropriate our overseas holdings are no longer eligible for foreign aid.

My amendment provides this assurance to the aid recipient, to the U.S. investor, and most importantly, to the American taxpayer.

Mr. President, I withhold the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President, I do not think this amendment is wise at this time. If our companies invest in foreign countries and see fit to take out insurance against expropriation and pay the fee, then they are protected in that matter. However, if our companies invest in other countries and do not take out insurance and later on, after expropriation has taken place, ask our Government to write insurance retroactively for them, then they do not deserve the benefits of the insurance program. Of course, they have to pay a fee for the insurance. And they should, just as you and I do when we take out insurance.

I do not think this amendment is going to help at all. I realize it is aimed mainly at about two or three South American countries.

Insurance protection is available to our overseas investors. The laws are on the books. If some of those who are now in trouble had availed themselves of this protection and had paid the insurance fee when they should have, they would not be in the trouble they are now.

I shall not vote for the amendment.

Mr. FULBRIGHT. Mr President, I yield 5 minutes to the Senator from Florida (Mr. CHILES).

Mr. CHILES. Mr. President, this is an amendment that, on its face, sounds like one everyone should vote for. Why should we give any foreign aid to a country that expropriates any property of some of our citizens?

I think that what the Congress did when it passed the Hickenlooper amendment made a lot of sense. It expressed the intent of the Congress that, if property was expropriated, we would cut off the foreign aid, but we did leave some discretion to the President to determine whether the aid should be cut off or not.

I think we need to look at this proposal very carefully. Let us look at Latin America. There are countries down there changing their form of government everywhere. What type of government they go to concerns us. One may propose that when a country expropriates the property of one American business, we are going to cut off all the aid to that country, but what if the President determines, in his discretion, that such a move may make the country go Communistic as opposed to some other form of government? What if the President decides that is the case?

I would like to leave to the President, and to the appropriate agencies of Government, to make that determination, because I think here we are talking about the national interest of our country, and if we are talking about the national interest of our country, we have to differentiate between that and a business that belongs to this country. We have to be a little practical or pragmatic about it and determine whether we should leave some discretion to the President to make that determination.

I can say that, looking at Latin America, many of those countries are in the balance. Many of them are changing models. We have the Chilean model that we do not particularly like. On the other hand, Chile had a revolution and a change of government in that country.

I can tell you that in Latin America today, many, many countries are in the balance. A lot of them are changing their model, and we find the Chilean model, that we do not particularly like; we find, though, on the other hand, that Brazil had a change of government, and we find Peru had a change in their government, and many other countries are about to have changes in their governments, and what those forms are going to be, we perhaps can influence.

I think we might be very shortsighted to pass this amendment and to take away all discretion of the President, because we might change the form of government to one completely opposed to what we want to see happen, because we take away the President's discretion, his ability to negotiate. Where we have expressed ourselves in Congress as to what should be done if compensation is not made, we ought to leave that loophole. We ought to leave that determination to be made by the Chief Executive of this country, to determine in his view, after study, whether that would hurt the national interests of this country. Because I do not think we are going to find the President of the United States saying, "I am not going to cut off foreign aid to a country unless I think it is against the national interests of this country."

So I think we ought to vote down this amendment, and leave the discretion where it now lies, in the President.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield myself 2 minutes.

In answer to the distinguished Senator from Florida, I think it is high time we realize that we cannot buy votes by foreign aid or any other means. We have just gone through that exercise at the United Nations, and we find that 46 of our so-called friends, countries which are U.S. aid recipients, voted against us and in favor of the Albanian resolution. Twelve of our friends abstained; and I might say those were some of our friends that got more foreign aid than any other countries.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. LONG. Mr. President, what happened at the United Nations is a good example of the problem. The law now makes it mandatory on the President to cut off aid with respect to that confiscation down in Peru. It is mandatory; if the President does not do it, what is our remedy? As it stands today, about all we can do is impeach the President.

So it should be taken away from the President to make that decision, because what does he do? Here comes up a vote on Taiwan, so he commits everything the Nation has to give. In every dispute we have with some foreign country, such as Peru, we say, "Here is a $100 million oil company you have confiscated, what are you going to do about it?" And they say, "If you want our vote on this Taiwan thing, you have got to take it on the chin and let us steal your property."

I think the President of the United States should not have that way to try to obtain a vote on the Taiwan issue, for example, by giving away a $100 million investment.

What would I suggest? I would not give them 5 cents while they were stealing our property.

That is the way the Senate acted on the sugar bill we passed just recently, without opposition. We had a provision there that as far as the Senate was concerned, we were not going to buy any sugar from them at an inflated price if they were stealing our property. We said, "While you are stealing our property, we are not going to trade with you."

How many people here would suggest that you continue to trade with a man although he has stolen your property and refused to give it back? It is utterly ridiculous.

As long as this Nation insisted on that position, there was no problem. It was only when somebody became weak-kneed, and one of these confiscations took place—I believe the Peruvian one was the one that triggered it—and our representatives were scared to death. We said, "The law requires that we cut off giving assistance." But we let some little dictator proceed to kick Uncle Sam around, and did not even have the courage to cut off the money we were giving them.

I ask, why are you so timorous? Why not just try telling those people you are not going to permit them to steal from you? Why not try it, gentlemen?

Mr. CANNON. I might say that this amendment provides that this suspension shall continue until the President is satisfied that that government, government agency, or subdivision has discharged its obligations under international law.

That is all we are asking, that they discharge their obligations under international law; and until such time as they do it, the aid is going to be suspended, and this amendment says it shall be suspended, and not left to the discretion of the President.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. CANNON. I yield.

Mr. ERVIN. I have had the understanding that to the nations which voted in favor of the Albanian resolution in the United Nations this foreign aid bill provided benefits totaling $2.1 billion. Can the Senator from Nevada verify that?

Mr. CANNON. That is not quite correct. The ones that voted against us on the Albanian resolution, their aid totals $1,494.7 million, but there were some abstentions, and if you add the 12 abstentions, it not only totals what the Senator has suggested, but even more, $2.308 billion. So it is even more than the Senator suggested, if you total those who voted against us and those who abstained.

Mr. ERVIN. Will the Senator from Nevada permit the Senator from North Carolina to assure him that the Senator from North Carolina feels that you ought not to give discretion to those who have no actual discretion?

The PRESIDING OFFICER. Who yields time?

SEVERAL SENATORS. Vote! Vote! Vote!

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. FULBRIGHT. Is the Senator from Nevada prepared to yield back his time?

Mr. CANNON. Mr. President, the Senator from Colorado wanted to be heard. I am trying to run him down.

Mr. FULBRIGHT. He can put a statement in the RECORD and save some time.

Mr. BAYH. Mr. President, will the Senator from Arkansas yield for a question, or has he yielded back his time?

Mr. FULBRIGHT. I am trying to negotiate a deal. Is the Senator from Nevada ready to yield back his time?

Mr. CANNON. I wonder if the Senator would give me a minute or two.

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Indiana.

Mr. BAYH. Mr. President, I would like to have the advice and counsel of the Senator from Arkansas on the point that was raised in colloquy by our distinguished colleagues the Senator from Nevada and the Senator from Louisiana relative to the Peruvian IPC Oil Co., expropriation. Is the Senator from Indiana correct in interpreting the amendment of the Senator from Nevada to mean that if there is a corporate interest in a company that has been refusing to pay taxes and refusing to do a number of things that most other corporate interests in a country are required to do, and the country takes punitive measures to bring that corporation into line, that would require the entire foreign policy of this country as far as foreign aid is concerned to be subject to a reconciliation of that difference?

Mr. FULBRIGHT. Under existing law, the President has not yet applied what is called the Hickenlooper amendment. Negotiations have not been completed one way or the other; no final decision so far as I know has been reached in the IPC case, in contrast to Chile, where apparently some final decisions have been made. The Chilean Government has alleged underpayment or nonpayment of taxes, or too much profit, I forget the reason, but it seems very definite that they do not intend to negotiate any farther for the payment of anything with respect to our copper companies.

I think the Senator from Louisiana overstated the situation in Peru, although no final settlement has been reached. The President, under the law, I think does have the discretion. Of course, this play on words of the Senator from North Carolina has me confused. The President has the right, under the law, not to apply the aid cutoff if he determines the country is taking appropriate steps and negotiating in good faith.

They did reach a settlement in Brazil, which is one case that has been cited. The one in Ceylon was suspended. This is one case where the President actually suspended aid because of the expropriation a few years ago of some oil properties.

I do not feel very strongly on this issue. I told the Senator if he wished, we would take it to conference. This is a very troublesome proposition.

I voted against OPIC, which is designed to encourage investments abroad, because I felt it encourages situations of this kind, that is, expropriations. We encourage private investment, and then the investors run to us when trouble occurs, and before you know it, the difficulty becomes a foreign policy problem. I think it is a bad system.

This whole bill is beginning to degenerate. Its original purpose is no longer evident. The whole thing has gotten out of hand, and that is why I am not as enthusiastic about it as I was some years ago. I think it is distorted. But in this case the Senator raises a slight change, and the President still has to find some funding. He still has to make a determination, and I suppose the President, could refuse to make that finding for an indefinite time if he wished to do so. It is not a very serious change from existing law, although it has some significance. It makes it a little harder for the President to dally as long as he has in Peru.

Mr. President, I am ready to yield back the remainder of my time if the Senator from Nevada is willing to do so.

Mr. CANNON. The Senator from Colorado is here, and I yield 10 minutes to him.

Mr. DOMINICK. I thank the Senator from Nevada. I rise, obviously, to support his amendment, having introduced a very similar one, No. 535, which lies on the desk at the moment.

I also introduced a modification of that today, for printing, hoping that it would come up tomorrow. However, if the Senator's amendment is agreed to, I think that probably will be sufficient for my purposes, because it is substantially tightening up the Hickenlooper amendment.

In the process of developing the facts on this, I ran into a chart which I think is extraordinarily interesting. Actually, we prepared this chart.

Since 1962, American properties have been expropriated or confiscated by Brazil, by Ceylon, by the United Arab Republic, by Argentina, by Algeria, by Iraq, by Haiti, by Syria, by Indonesia, by Peru, by Zambia, by Bolivia, by Southern Yemen, by Libya, and by Chile—a pretty sizable amount in a little period of 9 years.

I have also prepared a chart showing during that period of time how much in total foreign aid has been given to each of these countries. For example, Brazil, when it expropriated International Telephone & Telegraph to the tune of $10 million in 1960—that has been settled; but prior to that time, from 1946 to 1960, we gave Brazil more than $3.9 billion in foreign aid. In every one of these countries where the claims of our own citizens have not yet been settled, we have been giving the countries, for their own development and for their own betterment, millions and millions and millions of dollars.

It seems to me that if we are going to be able to retain the opportunity of still trying to help and promote the development of many of these countries, we also ought to have enough muscle to be able to say to them, "Look, if you are going to do this and if you are going to take over after we have been developing all this, then we are not going to give you any more foreign aid, unless you pay for what you are taking over." It seems to me a very simple thing.

We have been told by Chile, Peru, Bolivia, Venezuela, and India that they are likely to start nationalizing or confiscating American properties. This has come up in recent months. In each of the countries in this bill—and in future bills—we have $10.8 million for Chile, for example; $20 million for Peru, for 1971; $14.1 million for Bolivia; $13.3 million for Venezuela, and $403.6 million for India.

In 1972, the estimate is $14.1 million for Chile, $34.36 million for Peru, $23.8 million for Bolivia, $17.7 million for Venezuela, and $419.7 million for India.

Yet, these are the very countries that are now threatening to expropriate or nationalize the property of our citizens and to do so in many cases without adequate compensation.

All that the Cannon amendment does, as I understand it, is to say to the State Department, "You have another weapon; you now do not have to just go through the question of whether or not appropriate steps have been taken," which was a problem with the Hickenlooper amendment as it was put in to begin with.

But if, in fact, they do this and do not pay compensation, then their whole aid program is cut off.

I do not see any reason, frankly, why the American taxpayers should be required to put money in for foreign aid, to put in money, in terms of tax money, for insurance programs on companies that are going down and investing in these countries, and then have the very countries that we are trying to do something about expropriate without paying for the value of the property with which they are dealing.

Mr. President, I ask unanimous consent to have printed in the Record at this point the chart to which I referred, entitled "Expropriations of American-Owned Properties Since 1962."

There being no objection, the chart was ordered to be printed in the Record, as follows:

EXPROPRIATIONS OF AMERICAN-OWNED PROPERTIES SINCE 1962

Country and date	Properties and value (if known)	Status of calims [1]	Total foreign aid (1946–70)
Brazil: 1962	ITT ($10,000,000)	Settled	$3,974,000,000
Ceylon: 1962	Esso and Caltex gas stations ($4,000,000).	do	167,100,000
United Arab Republic: 1961–64.	40 companies in various industries ($6,500,000).	Unsettled	912,200,000
Argentina: 1963	Petroleum contracts of 10 companies nullified.	Settled	911,600,000
Algeria:			
1963	19 companies in various industries ($2,000,000).	Unsettled	180,400,000
1967	Mobile, Esso, Sinclair Oil	do	
1970	Phillips Petroleum Co	do	
Iraq: 1964	Procter & Gamble	Settled	$101,900,000
Haiti: 1964	Valentine Petroleum & Chemical Corp.	Unsettled	122,600,000
Syria: 1965	Mobil and Standard of New Jersey.	Settled	60,600,000
Indonesia: 1965	U.S. Rubber, Goodyear Tire & Rubber	Expropriated under Sukarno; restored under Suharto.	1,338,000,000
Peru:			
1968	IPC (subsidiary of Standard of New Jersey) ($200,000,000).	Unsettled (Velasco deducted claims from excess profits earned).	772,500,000

EXPROPRIATIONS OF AMERICAN-OWNED PROPERTIES SINCE 1962—Contin ued

Country and date	Properties and value (if known)	Status of claims [1]	Total foreign aid (1946–70)
Peru—Continued			
1969	Cerro de Pasco Mining, W. R. Grace.	Unsettled	
Zambia: 1969	Roan Selection Trust, Ltd., Mobil, Caltex, Standard Oil (Calif.), Standard Oil of New Jersey.	do	$40,900,000
Bolivia:			
1969	Gulf Oil	do	549,100,000
1970	do	Settled	
Southern Yemen: 1969.	Shell, Mobil, Esso, Caltex	Unsettled	
Libya: 1970	Esso	do	$230,000,000
Chile: 1971	Kennecott, Anaconda, Cerro ($550,000,000) ITT ($150,000,000) [2] Bank of America.	Unsettled (Allende announced claims will be deducted from "excess profits" earned).	1,703,000,000

[1] "Settled" does not mean adequate compensation was paid for the expropriated properties.

[2] About $275,000,000 of ITT and copper investments covered by OPIC. OPIC has reserves of $170,000,000. Thus, American taxpayers may be asked to pick up the difference—$105,000,000.

Mr. DOMINICK. Mr. President, the one thing that Senator CANNON's amendment does not do which my amendment does—which, I might say, has raised eyebrows all through the State Department, and I probably will not offer it as an amendment if Senator CANNON's amendment is agreed to—is that in addition to cutting off foreign aid, I have said that they can use as an added threat or as an added retribution, if they wish, the right to take the Nation out of the most-favored-nation role.

After all, some nations, which do not get foreign aid, have been threatening us with expropriation, and perhaps the only thing we can do in that case, and to have some method to try to force a settlement for due compensation, is to say, "Until you do, you no longer are in our most-favored-nation trading clause." That is not in the Senator's amendment. It is in the amendment that I submitted. It has raised eyebrows at the State Department, where they are concerned about its effect on GATT negotiations and a variety of other things.

As I have said, it is my hope that with the adoption of the Cannon amendment, we will not have to face that issue this year. We may have to do so at a later time.

Let me cite an example. Threats are going on right now all through north Africa as to what is going to happen with the investments we have been making over there, and they are netting an enormous amount of money. In most cases, we are not giving any foreign aid to those countries. This creates a problem as to what kind—to put it bluntly—of pressure we have to try to get them to make a reasonable settlement of compensation in that type of country.

It is my hope, therefore, that this will be sufficient; but if it is not, I might as well serve notice now that next year, anyway, I will try the other route, if we find ourselves faced with those conditions.

I express my gratitude to the distinguished Senator from Nevada for giving me this time, and I heartily support his amendment.

Mr. CANNON. If this move is not adequate, I assure the Senator that I will support his amendment on the favored-nation clause next year, if it is deemed necessary.

Mr. KENNEDY. Mr. President, I rise to speak in opposition to the amendment now before us which seeks to find some additional way to penalize nations which expropriate American firms.

First, it is unnecessary since the Hickenlooper amendment is on the books and enables the President to decide to suspend aid if a nation has blatantly violated international law and practice in its expropriation decisions. Even that amendment goes further than I would like in its linking of U.S. foreign policy to the interests of a single business firm.

Second, this amendment makes suspension of aid almost automatic and removes all discretion from the President in perhaps the most delicate area of international relations. Here is an area where negotiations traditionally are the format for settling controversies; yet this amendment would make negotiations almost impossible.

Third, this amendment makes U.S. foreign policy almost totally determined by the interests of an individual U.S. firm. Regardless of the conduct of the company, regardless of the specific circumstances, this amendment would require the automatic suspension of aid. U.S. foreign policy cannot be based solely on the economic interests of private firms. Yet that would be the effect of this amendment.

Obviously, I view expropriation without some form of compensation to be a violation of international law as we know it. However, the process of determining that compensation is clearly a complex and difficult one and varying decisions have been returned by international tribunals over the years. In fact, this Government has indicated by its negotiated acceptance of partial payment for firms expropriated by Eastern European nations that each situation must be examined individually and that different formulas for compensation may be applicable in different cases.

All of these questions are neglected by this amendment and, in fact, it would not even permit a nation to carry out the normal process of determining the amount of compensation which is due since it would require suspension of aid immediately after the expropriation and would not lift that suspension until the President determined that a satisfactory agreement had been reached. This would be placing the cart before the horse, suspending aid before there had been a determination that the country was or was not going to provide adequate compensation.

Finally, I believe we all recognize that this amendment is prompted by concern surrounding the expropriation of copper firms in Chile. But that process has not been completed. The Chilean expropriation carried out a constitutional amendment adopted virtually unanimously by the legislature of that country.

It was not the result of a decision by one man. It came as part of a long process of debate within the councils of government in that country. And it provides for appeal from the initial decision made by the executive branch of that government, appeal both to a special tribunal as well as to the Supreme Court of that land.

I believe it would be rash to adopt measures of retaliation before the process of litigation has been completed in that country and I definitely believe the question of suspension of aid or any other act of retaliation must be considered in the context of our overall national interest and not solely on the interests of three American copper companies.

For all of these reasons, I believe this amendment should be defeated.

Mr. CANNON. Mr. President, if the distinguished Senator from Arkansas is ready to yield back his time, I am ready to yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, will the two Senators yield me 1 minute between them and yield back the remainder of their time immediately after?

Mr. CANNON. Yes.

Mr. FULBRIGHT. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have talked with the acting minority leader and other interested Senators, and I ask unanimous consent that beginning tomorrow there be a 1-hour limitation on all amendments, under the same conditions as existed under the 2-hour limitation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. GRIFFIN. Mr. President, I reserve the right to object.

Mr. MANSFIELD. The request was that there be a 1-hour limitation instead of the present 2-hour limitation.

Mr. PASTORE. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. I would hope the majority leader would emphasize the fact that we do have 8 hours on the bill itself.

Mr. MANSFIELD. Oh yes.

Mr. PASTORE. To be allocated.

Mr. MANSFIELD. Yes, and if this is agreed to, then I have another unanimous consent request to make if the Senator will be patient.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Now, Mr. President, I ask unanimous consent that the final vote on the bill before us occur not later than 7 o'clock tomorrow evening.

Mr. DOMINICK. Mr. President, reserving the right to object, and I do not know that I will be objecting, but how do we know, even if we have 1 hour to each amendment, and I have 3 to call up, possibly only 2 of which I will offer, but there are 3 others I have been asked to get ready and try to call up concerning other amendments from people from all over, that we are going to get finished by 7 o'clock, when we have 5 or 10 hours or whatever it is on the bill to follow?

Mr. MANSFIELD. We will be coming in at 9 a.m. tomorrow and I anticipate we will begin on the first amendment around 9:30. I understand that that amendment will not take too much time. The Stevens amendment is understandable and I would not anticipate much time would be spent on that.

This is a request, if we could have some idea as to what would happen tomorrow, because if we do not finish at 7 o'clock we would stay in later in an endeavor to finish; and if we do not finish tomorrow, then we will have to come in on Saturday which I do not want to do, speaking personally.

Mr. DOMINICK. I do not want to worry our very great majority leader on this, but does the Senator suppose that if we did not finish at 7 o'clock, we might do so by 5, and if so, what then?

Mr. MANSFIELD. Would the Senator be willing to call up his amendments after disposal of the Church-Allott amendment, which would be the third one tomorrow morning?

Mr. DOMINICK. I will be happy to call them up any time at the convenience of the Senate.

Mr. MANSFIELD. Mr. President, if something comes up so that we cannot get through at 7 o'clock, I am sure the Senate would agree to a limited extension of time.

Mr. McCLELLAN. Mr. President, reserving the right to object, and I shall not, if I can be assured of 15 minutes time on the bill sometime tomorrow, I will appreciate it, as I want to express my views for the RECORD.

Mr. MANSFIELD. The Senator has that assurance.

Mr. McCLELLAN. I thank the Senator from Montana.

Mr. PASTORE. Mr. President, is it agreed that we will finish this bill by 7 tomorrow night?

Mr. MANSFIELD. Well, maybe we will have to go a little beyond 7 o'clock.

Mr. PASTORE. But if we get through sooner, then it could be 5 o'clock?

Mr. MANSFIELD. Yes.

Mr. BYRD of Virginia. Mr. President, reserving the right to object, may I ask the distinguished majority leader the same question propounded by the distinguished Senator from Arkansas? The Senator from Virginia would like 20 minutes on the bill sometime during the day.

Mr. MANSFIELD. The Senator has that assurance.

Mr. BYRD of Virginia. I thank the distinguished majority leader.

Mr. ERVIN. Mr. President, I have not spoken on this subject in the Senate for about 10 years. I think I spoke only once before on it. I would like to have about 5 minutes tomorrow.

Mr. MANSFIELD. The Senator has got it.

Mr. ERVIN. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nevada (Mr. CANNON).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Maryland (Mr. BEALL), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from New Jersey (Mr. CASE) and the Senator from New Hampshire (Mr. COTTON) are detained on official business.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Texas would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 47, nays 33, as follows:

[No. 276 Leg.]

YEAS—47

Allen
Allott
Baker
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Long
Magnuson
McClellan
McIntyre
Montoya
Packwood
Pearson
Randolph
Roth
Schweiker
Spong
Stevens
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—33

Aiken
Bayh
Brooke
Buckley
Chiles
Church
Cooper
Cranston
Fulbright
Gravel
Griffin
Hart
Hartke
Hatfield
Hughes
Kennedy
Mansfield
Mathias
McGee
Metcalf
Mondale
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Saxbe
Smith
Stafford
Stevenson
Taft
Williams

NOT VOTING—20

Anderson
Beall
Case
Cotton
Harris
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
McGovern
Miller
Mundt
Muskie
Ribicoff
Scott
Sparkman
Stennis
Tower
Weicker

So Mr. CANNON's amendment was agreed to.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CHINA VOTE AND U.S. SUPPORT FOR THE UNITED NATIONS

Mr. DOLE. Mr. President, I rise to express my concern over the expulsion of the Republic of China from the United Nations. This action is offensive on a moral basis, and it raises serious questions about the ability of the U.N. to function as a positive force in world affairs. But this action is regarded by the Senator from Kansas as particularly inauspicious at a time when the United Nations appears to be—by the admission of its own Secretary General—on the brink of insolvency. For this reason, among others, I do not share the desire expressed by certain of my colleagues that U.S. funding to the United Nations should be dramatically slashed at this time. Such an action would perhaps be interpreted as petulance. However, I do believe that the Congress should exercise its responsibility to the American people. We should undertake a thorough and hardheaded review of the many categories of U.S. support for the United Nations. This should be done, not out of vindictiveness, but rather in the light of the tendency of the United Nations to spend money—much of it ours—out of proportion to its resources and then fall back on the good will of the American people to bail it out. The present fiscal insolvency of the United Nations would now appear to be compounded by an element of moral decay and poor political judgment, for by the expulsion of the Republic of China, the U.N. expunged from its rolls one of that organization's most reliable supporters and regular contributers.

DECLINE OF CREDIBILITY

The Senator from Kansas is deeply concerned by developments which suggest to him the incipient decline of the political credibility of the United Nations. The propagandistic wording of the resolution which removed the Republic of China was suggestive of the cynicism and political decay demonstrated by that ill-fated forerunner of the U.N.—the

League of Nations—at the time when fascist Italy was callously overrunning Ethiopia. Then, as is the case this week, the assembled delegates countenanced the effective disregard of a nation at a time when it seemed "politically expedient" to do so. The moral outrage committed against the people of the Republic of China is of the same order as the League's toleration of Mussolini's conquest of Ethiopia.

NEED FOR RESPONSIBILITY

I do not question the desirability of including the People's Republic of China as a member of the United Nations or its seating on the Security Council. However, I firmly believe in the right of the Republic of China to remain as a member of the U.N. General Assembly.

This Senator also believes in the ongoing need for the United Nations, but such an organization must demonstrate adherence to a reasonable standard of political integrity.

The Senator from Kansas believes that those nations which voted for the expulsion of the Republic of China did so largely in the interests of political expediency and economic opportunism. If such conduct is to become a habit at the United Nations, and there is evidence to suggest that this is the case, then the Senator from Kansas believes the United States should undertake a careful but critical evaluation of our support of that organization.

REVIEW OF FINANCIAL SUPPORT

I would like to bring to the attention of this Chamber the fact that U.S. voluntary contributions to United Nations and its special programs and agencies have been roughly twice as great as our assessments. I would like to cite some specific examples of this pattern. Our cumulative total assessments by the U.N. from 1946 through 1970 have come to $584,953,000, or 32 percent of the regular U.N. budget. When our assessments for other U.N. special agencies are totaled for this period, they amount to $551,491,000, and average from 25 to 30 percent of the respective U.N. agency budgets.

However, our voluntary contributions to United Nations special programs and agencies have totaled $2,353,419,000. This support has accounted for up to 83.01 percent of their operating budgets. Notable among these voluntary figures are the 58.58 percent U.S. contributions to the U.N. Relief and Works Agency, 50 percent for U.N. Population Activities Fund, 40 percent for the U.N. Children's Fund, and 38.42 percent of the U.N. food and agriculture program.

The cumulative total support of the United States for the United Nations from 1946 to 1970 amounts to $3,761,968,000. For the year 1971, the United States has been assessed $56,312,170, or 31.52 percent of the U.N.'s operating requirements.

These amounts are substantial and represent the relatively large U.S. commitment to the activities of the United Nations. These activities have not, however, bound the United Nations to the political desires or commitments of the United States. The suggestion by some among us who feel that the outcome of the China vote represents the United Nations coming of age frankly puzzles me. For, on the whole, this country has served the United Nations in a manner which has not been suggestive of self-interest. At this time, an insolvent United Nations will need our support more than ever before if it is to escape paralysis.

It is my opinion that in the future, we should sustain the United Nations as our membership requires and our own political and national interest merit. However, I cannot in good conscience recommend that we continue present levels of support without a careful assessment of our own interests.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 2515. A bill to further promote equal employment opportunities for American workers, together with individual and supplemental views (Rept. No. 92–415).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 1746. An act to further promote equal employment opportunities for American workers (Rept. No. 92–416).

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 558

(Ordered to be printed.)

Mr. BYRD of West Virginia (for Mr. SYMINGTON) proposed an amendment to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 9 A.M. MONDAY, NOVEMBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 9 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN AND FOR PERIOD OF TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, NOVEMBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on Monday next, the distinguished Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes; following which there be a period for the transaction of routine morning business not to extend beyond 10 o'clock a.m., with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT FROM MONDAY, NOVEMBER 1, 1971, TO 10 A.M., TUESDAY, NOVEMBER 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next it stand in adjournment until 10 o'clock a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GURNEY, BYRD OF WEST VIRGINIA, McCLELLAN, RIBICOFF, AND PERCY ON TUESDAY, NOVEMBER 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Tuesday next, the following Senators be recognized for not to exceed 15 minutes each and in the order stated: Senators GURNEY, BYRD of West Virginia, McCLELLAN, RIBICOFF, and PERCY.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, NOVEMBER 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of Senators under the orders peviously entered for Tuesday next, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR WATER QUALITY BILL TO BE LAID BEFORE THE SENATE ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, upon the conclusion of the period for the transaction of routine morning business, the Senate proceed to consider the water quality bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I make the following unanimous-consent request, having been authorized to do so by the distinguished majority leader, after consultations with the distinguished minority leader and the able assistant Republican leader, and with the distinguished senior Senator from West Virginia (Mr. RANDOLPH), the distinguished Senator from Maine (Mr. MUSKIE), the distinguished Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the distinguished Senator from Tennessee (Mr. BAKER), the distinguished Senator from Kentucky (Mr. COOPER), and the distinguished Senator from Delaware (Mr. BOGGS).

Mr. President, I ask unanimous consent that time on the water quality bill be limited to 4 hours; that time on an amendment by the able senior Senator from Wisconsin (Mr. PROXMIRE) be limited to 2 hours; that time on an amendment by the able junior Senator from Wisconsin (Mr. NELSON) be limited to 2 hours; that time on any other amendment in the first degree be limited to 1 hour, that time on any amendment in the second degree or any motion or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes; provided that time on the bill be equally divided between the manager of the bill and the distinguished minority leader or his designee, that the time on any amendment, motion, or appeal be equally divided between the mover of such amendment, motion, or appeal and the manager of the bill; provided further that no amendment not germane be in order; and

Ordered further, that Senators in control of time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESCISSION OF ORDERS RECOGNIZING SENATOR DOLE AND SENATOR TALMADGE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the orders recognizing Senators DOLE and TALMADGE on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE AT CONCLUSION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of routine morning business tomorrow, the Chair lay before the Senate the unfinished business, which is the foreign aid authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, at this time I ask that the amendment by the distinguished Senator from Missouri (Mr. SYMINGTON) be stated so that it may be made the pending business.

The PRESIDING OFFICER. The clerk will state the amendment. The assistant legislative clerk read as follows:

> On page 44, line 14, strike out "$250,000,000" and insert in lieu thereof "$341,000,000".
>
> On page 44, line 20, strike out "$250,000,000" and insert in lieu thereof "$330,000,000."

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes and with the usual 3-minute limitation on speeches.

At the conclusion of morning business, the Senate will resume its consideration of the unfinished business, the foreign aid authorization bill. Pending will be the amendment offered by the distinguished senior Senator from Missouri (Mr. SYMINGTON).

The Senate will complete action on the foreign aid authorization bill tomorrow, there being a time limitation of 1 hour on any amendment in the first degree, and there also being an agreement to vote on final passage on the bill at no later than 7 o'clock p.m. tomorrow.

There will be a number of rollcall votes tomorrow.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 29, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 28, 1971:

U.S. COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of captain:

Herbert H. Mulvany
Oscar J. Jahnsen, Jr.
William D. Derr
Gilbert L. Kraine
Charles J. Glass
Horace G. Holmgren
Claude R. Thompson
John C. Guthrie
Ferney M. McKibben
Sidney B. Vaughn, Jr.
Eugene A. Delaney
James L. Fleishell
Royal E. Grover, Jr.
William G. Dick
Charles F. Juechter
John C. Fuechsel
Warren W. Waggett
Leo V. Donohoe
Adrian L. Lonsdale
Berry L. Meaux
Harold W. Parker, Jr.
John P. Mihlbauer
Clarence C. Hobdy, Jr.
James L. Brewer
John W. Leadbetter, Jr.
Victor Koll
Raymond C. Hertica
Paul A. Yost, Jr.
Henry H. Bell
Philip C. Lutzi
Richard F. Malm
George E. Cote
Swain L. Wilson
Phillip B. Moberg
Lawrence A. White
Wilfred R. Bleakley, Jr.
John S. Phillips
James P. Randle
Richard L. Jacobs
Louis L. Zumstein
Alfred P. Manning, Jr.
George J. Roy, Jr.
Robert W. Witter
Ted L. Gannaway
Robert A. Moss
Richard M. Thomas
Daniel L. Muir
Robert C. Powell
George E. Maloney
Richard J. Knapp
Frederick P. Schubert
Byron W. Jordan
David M. Kaetzel
Richard O. Haughey
Myron E. Welsh
Robert F. Ewels
Melvin H. Eaton
John D. Costello
Donald C. Thompson
Graeme Mann
Richard A. Bauman

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grades indicated:

Lieutenant commander

George H. Moritz

Lieutenant

Vernon O. Eschenburg
William P. Wolfe
John R. Lashley, Jr.
David C. Jeffrey

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be major general

Stromberg, Woodrow W., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be first lieutenant

Romash, Michael M., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Higdon, James W., [redacted].
Wong, Donald R., [redacted].

To be captain

Alexander, William C., Jr., [redacted].
Banks, James H., [redacted].
Berk, Walter L., [redacted].
Bigley, Angela R., [redacted].
Bove, Ralph J., [redacted].
Browning, Clifton J., [redacted].
Canfield, Constance D., [redacted].
Danner, John A., [redacted].
Deason, Robert L., [redacted].

Fry, Paul H., [redacted].
Gabbert, Kenneth K. [redacted].
Head, Herbert W., III [redacted].
Jacobs, Willie S., [redacted].
Kellum, George G., III [redacted].
Lopez, Paul V., [redacted].
Myer, Frederick G., Jr. [redacted].
Pierce, Lawrence D., [redacted].
Pilgrim, George E., [redacted].
Semrau, Buddy L., [redacted].
Strickland, James H. [redacted].
Wendt, Kenneth A. [redacted].
Young, Richard J. [redacted].
Zepke, John R., [redacted].

To be first lieutenant

Alvarez, Angel H., Jr. [redacted].
Arnold, Buddy L., [redacted].
Arnold, Tony G., [redacted].
Bajema, Sheldon L. [redacted].
Bale, Hugh O., [redacted].
Blake, Peter J., III [redacted].
Blue, Leon D., [redacted].
Buck, Doyle A., [redacted].
Burdine, Roy G., [redacted].
Campbell, James T. [redacted].
Campbell, Larry O. [redacted].
Chafens, Roger L., [redacted].
Cropper, Siegfried S. [redacted].
Davis, Merrill W., [redacted].
Domyslawski, Raymond F., [redacted].
Drake, Van T., [redacted].
Everitt, Donald B., Jr. [redacted].
Fowler, Charles N., [redacted].
Fuller, Jeffrey D., [redacted].
Gee, Philip C., [redacted].
Gidley, Norman A., III [redacted].
Gilbreth Alan S. [redacted].
Glaze, Gerald W., [redacted].
Goehler, Rodney W., [redacted].
Gramiccioni, John P. [redacted].
Grassi, Augustine M. [redacted].
Grundy, William J. [redacted].
Hassett, Robert B., III [redacted].
Herrington, Stuart A. [redacted].
Houston, Curtis A., [redacted].
Johnson, Kenneth L. [redacted].
Josephson, George B. [redacted].
Kalley, Bruce L., [redacted].
Laney, Millard G., [redacted].
Liu, George K., [redacted].
McDonald, James A., [redacted].
Mecredy, Robert F., [redacted].
Morgan, Thomas J., [redacted].
Pedersen, Milton D., [redacted].
Pinnock, Martin W., [redacted].
Prestidge, James C., Jr. [redacted].
Reaves, George F., [redacted].
Rickerson, John C., Jr. [redacted].
Salyer, Howard C., Jr., [redacted].
Shumaker, Gary E. [redacted].
Smith, James L., [redacted].
Stefanowicz, Raymond S., [redacted].
St. Laurent, Norman [redacted].
Wallace, Emitt, [redacted].
Warburton, Albert E., III [redacted].
Whitaker, Joseph T. [redacted].
Ziemiecki, Anthony M., [redacted].

To be second lieutenant

Baker, Linda B., [redacted].
Benjamin, William E. [redacted].
Berman, Michael D., [redacted].
Brennan, Richard S., III [redacted].
Bussert, John R., [redacted].
Cavin, Dennis D., [redacted].
De Arvil, Royal M., [redacted].
Farmer, Robert, [redacted].
Fitch, Ronald B., II, [redacted].
Gordon, Clarence E., [redacted].
Hirsch, Paul R., [redacted].
Jobe, Gordon B., [redacted].
Kanan, John F., [redacted].
Kupsick, Sharron D., [redacted].
Langenfeld, Thomas E. [redacted].
Loftis, Donald D., [redacted].
Martin, Michael C., [redacted].
McClendon, Richard E., [redacted].
Parker, Jimmie K., [redacted].
Slimp, Stewart H., [redacted].
Spara, Theodore J., [redacted].
Thomas, Charles W., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Brooks, Sidney A., [redacted].
Curtis, Paul A., [redacted].
Easton, James P., [redacted].
Ebeling, John A., Jr., [redacted].
Flora, Herbert V., Jr., [redacted].
Guilkey, James H., [redacted].
Hay, Paul B., Jr., [redacted].
Hedges, Tony J., [redacted].
Hillman, James L., [redacted].
Landheim, Craig E., [redacted].
Lorenc, Casimir G., [redacted].
McGill, Michael P., [redacted].
McPherson, Lawrence G., [redacted].
Parker, Robert M., [redacted].
Parr, Joe A., [redacted].
Romito, Thomas M., [redacted].
Scoggins, Jeffrey A., [redacted].
Thorn, James T., [redacted].
Thornton, Gordon L., [redacted].
Townsend, Robert K., [redacted].
Veal, Wayne R., [redacted].
Walters, David E., [redacted].
Wernette, Edward L., [redacted].
Wolitarsky, Bruce W., [redacted].

In the Navy

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander, pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Barnes, Fletcher J., III
Bullard, Lewis D.
Fleming, James J.
Holland, John D., Jr.
Kirkconnell, William B.
McCullough, David U.
Murray, Gordon L., Jr.
Nelson, Henry E.
Reilly, Robert K.
Sansom, Robert G., Jr.
Staudenmayer, Frederick G.

SUPPLY CORPS

Kreig, William C.

In the Navy

The following-named officers of the Reserve of the U.S. Navy for temporary promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Capernaros, Peter S.
England, Loy D.
Griffin, Francis V.
Hierseman, Wayne R.
Holton, James V.
Husband, Philip M.
Kerby, Douglas G.
Reetz, Harvey F.
Stephenson, Donald L.
Vogt, John H.
Eldredge, Hugh G., Jr.
Gagliano, Giovanni
Hart, Frank M.
Hodges, Alan S.
Hunter, Thomas V., Jr.
Jackson, Harry B.
Post, Arthur H., Jr.
Sample, William B., Jr.
Stevenson, John C., Jr

MEDICAL CORPS

Garrett, Henry F. M.

CIVIL ENGINEER CORPS

Knox, John R.

JUDGE ADVOCATE GENERAL'S CORPS

Knape, Raymond E.

NURSE CORPS

Harrison, Alvina M.
Roskoph, Dorothy A.
Young, Victoria E.
Mong, Dorothea G.
Vaz, Dolores D.

Lt. Cmdr. Grace R. Whittaker, U.S. Naval Reserve, for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law.

The following-named officers of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Beverly, Ralph A.
Rohrer, Paul W.
Thorn, Fred
Greene, Furman B.
Tanner, Billy L.
Vanlandingham, James R.

JUDGE ADVOCATE GENERAL'S CORPS

McDowell, Mary L.

The following-named officers of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Atkin, Lawrence C.
Brown, William I.
Brown, Oscar D., Jr.
Bryant, Theodore W.
Buesener, Charles A.
Bush, James S.
Caletri, Joseph J.
Collier, John H.
Creps, Roland R.
Diamon, Mark I.
Dowhal, John K.
Driscoll, Conrad J., Jr.
Ferris, Edward G.
Fichter, George L.
Flynn, Kenneth C.
Frische, Francis X.
Gerety, David W.
Gilkinson, Alan A.
Gray, Richard L.
Inman, Richard J.
Johnson, Donald E.
Johnson, Whitney H.
Lamee, Clyde D., Jr.
Liebe, Larry J.
Luning, Henry J.
Martin, William D.
Maunder, Donald E.
McElligott, Robert M.
Moloney, John D.
Moody, Roy B., Jr.
Morrisett, Leslie D., Jr.
Morse, Minot C., Jr.
Nystrom, Donald A.
Renninger, Harris R.
Ruhle, Arthur J., Jr.
Sheftel, Richard A.
Smith, Brian W.
Smith, Ralph W., Jr.
Stewart, Edward W.
Sudduth, Jack W.
Sutherland, Bird E.
Thomson, Frederick D., Jr.
Trout, Herbert E.
Wenning, Robert A.

CHAPLAIN CORPS

Senieur, Jude R.

The following-named Regular officers of the line and staff corps of the U.S. Navy, for temporary promotion to the grade of commander, pursuant to title 10, United States Code, section 5787, subject to qualification therefor as provided by law:

LINE

Branch, Nathan E.
Delanoy, Billie L.
Eastman, David R.
Flow, James W.
Hayter, Roscoe, Jr.
Lauf, Joseph W.
Leech, Joseph W.
Lindstrom, Axel L.
Tomcavage, Norman J.

SUPPLY CORPS

Pacofsky, Bartholemew

CIVIL ENGINEER CORPS

Perez, Johnny

Franz Hatfield (Naval Reserve Officers' Training Corps candidate) to be a permanent ensign in the Supply Corps of the Navy, subject to qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1971:

U.S. Tax Court

William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

U.S. District Courts

William C. Stuart, of Iowa, to be a U.S. district judge for the southern district of Iowa.

Earl E. O'Connor, of Kansas, to be a U.S. district judge for the district of Kansas.

HOUSE OF REPRESENTATIVES—*Thursday, October 28, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

The kingdom of God is not meat and drink: But righteousness and peace and joy in the Holy Spirit.—Romans 14: 17.

Almighty God, most merciful and ever gracious, by the might of Thy spirit lift us into Thy presence where we may be still and receive grace to help in time of need.

We pray for the sick and the sorrowing, the tempted and the troubled, the discouraged and the despondent, and for those who suffer in the suffering of others, may they be strengthened with power for endurance and patience.

We pray for the poor and the hungry, for those who are persecuted and oppressed, for those who seek the lift of liberty in their lives and in their land. By Thy spirit help us to help them.

Reveal to us the secret faults in ourselves which add to the sum of human misery. May we be moved to repentance, be ready to consecrate ourselves anew to Thee and be used by Thee to advance Thy kingdom in our world. In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10458. An act to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7072) entitled "An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes,"; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CANNON, Mr. HARTKE, Mr. HART, Mr. PEARSON, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 29) entitled "An act to establish the Capitol Reef National Park in the State of Utah," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. Moss, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 79. An act for the relief of the Glover Packing Co.; and

S. Con. Res. 46. Concurrent resolution to correct the enrollment of S. 137.

NORTH VIETNAM SHOULD RELEASE AMERICAN PRISONERS OF WAR AND ACCOUNT FOR MISSING IN ACTION

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the announcement that the Government of South Vietnam will release 2,900 Vietcong prisoners of war—618 freed outright and the remaining number after a brief rehabilitation—is a welcome and heartening development. Particularly because of my deep and long-standing interest in obtaining the release of American POW's and MIA's in Southeast Asia I would hope that this humane action will generate a similar appropriate response from North Vietnam.

President Thieu is to be commended for his leadership in arranging for the return of these men to their families and loved ones.

Above all the action should be recognized as in keeping with the Geneva Convention on the treatment of prisoners of war. While North Vietnam ratified the agreement it has consistently failed to live up to the provisions of that agreement.

I know all Americans and people everywhere join me in the urgent hope that North Vietnam will take the same responsible attitude reflected in this action by South Vietnam. North Vietnam should now release U.S. POW's and account for the missing in action.

Congressional concern over the plight of our POW's/MIA's was shown once again on October 4 with the unanimous passage of House Concurrent Resolution 374, calling for the humane treatment and release of U.S. prisoners and a full accounting of those listed as missing. That concern and abiding interest will continue until our POW's/MIA's return home.

LONGSHOREMEN MAKING ERROR IF THEY PICKET ON WEST COAST

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, there was a news item this morning which stated that Atlantic coast longshore chief Thomas Gleason intends to send pickets to the west coast to close down shipping during the Taft-Hartley injunction. This, to me, would be a very bad mistake.

Mr. Speaker, if any labor leader tries to strangle the entire U.S. economy he will incur the wrath of the people and the Congress. As a result, the Congress might well enact legislation making arbitration compulsory. Any labor leader who contemplates such a reckless act as was suggested by Mr. Gleason should realize that compulsory arbitration legislation is under consideration in the Congress right now.

DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore, with the Senate amendment to the House amendments to the Senate amendments thereto, and concur in the Senate amendment to the House amendments to the Senate amendments.

The Clerk read the Senate amendment to the House amendments to the Senate amendments, as follows:

In lieu of the matter proposed to be inserted by the first amendment of the House engrossed amendments to Senate engrossed amendment numbered 2 insert: "by striking out such item and inserting in lieu thereof the following:

"	Trinitrotoluene:		
405.04	Valued not over 15 cents per pound......	1.7¢ per lb. + 11% ad val.	7¢ per lb. + 45% ad val.
405.05	Valued over 15 cents per pound..	Free	7¢ per lb. + 45% ad val. "

The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.05 (as added by this subsection) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object, because the Senate amendment is most acceptable—I do so in order to yield to the gentleman from Oregon so that he might explain the situation that we now have before us.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, Members will recall that on June 8, 1971, the House unanimously passed H.R. 4590, permanently suspending the duty on aluminum hydroxide and oxide—alumina—calcined bauxite, and bauxite ore. In agreeing to H.R. 4590 on July 20, 1971, the Senate added two substantive amendments. The first Senate amendment provided duty-free treatment for certain explosive materials, TNT, and amatol—a mixture of TNT and ammonium nitrate. Under this amendment, duty-free treatment of these explosive materials would have become effective January 1, 1972. The second Senate amendment provided for the duty-free treatment of tin sheets for use in the manufacture of maple sap evaporators.

On August 3, the House considered H.R. 4590, as amended by the Senate, and agreed to the Senate amendment with respect to the duty-free treatment of tin sheets for use in the manufacture of maple sap evaporators. However, with respect to the first Senate amendment concerning the duty-free treatment of TNT and amatol, the House, based on information from the Department of Commerce at that time, concurred in the Senate amendment with an amendment which left the rate of duty on imports of amatol at its existing level, and provided for a 50-percent reduction in the rate of duty applying to imports of TNT.

Subsequent to the House action on the Senate amendments to H.R. 4590 which returned the bill to the Senate, the Senate reconsidered H.R. 4590 and has now concurred in the House amendment with an amendment which would make duty-free TNT valued at more than 15 cents per pound and apply to TNT valued at 15 cents per pound or less a rate of duty equal to one-half the existing rate of duty.

Mr. Speaker, I am informed that the Department of Commerce now favors the amendment to H.R. 4590 with respect to the duty treatment of TNT and that the domestic producer, who originally raised the objection to the Senate action providing for the total elimination of the duty on TNT, also favors the Senate amendment.

In brief, Mr. Speaker, I believe this matter has been straightened out to the benefit of all concerned and I believe the House should concur in the Senate amendment to the House amendment to H.R. 4590, as approved by the Senate on October 19, 1971.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. In the opinion of the gentleman, or the gentleman handling the bill with the Senate amendment thereto, is the Senate amendment that has been attached to the Ex-Im bank extension bill germane?

Mr. BYRNES of Wisconsin. Yes, it is germane. The problem related to a little difference in the treatment of certain explosive materials, TNT and amatol. That was the issue that was involved. We thought we had resolved it in an amendment we had adopted in the House to a Senate amendment a few weeks ago. It did develop, however, that there was some question as to whether, even after the amendment adopted by the House, there might be some interference with domestic producers and some problems that would arise.

The Senate, therefore, corrected that. They sent it back, and now there is no industry conflict, and the departments are in favor of it.

Mr. HALL. If the gentleman will yield further, there would be no increased cost to the taxpayer as a result of the amendment nor disturbance of the upset price when surplus is thrown on the general market?

Mr. BYRNES of Wisconsin. No, that is not involved here.

Mr. HALL. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendment to the House amendments to the Senate amendments was concurred in.

A motion to reconsider was laid on the table.

EXTENDING EXPORT ADMINISTRATION ACT OF 1969

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 167) to extend the authority conferred by the Export Administration Act of 1969.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WIDNALL. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman of the House Committee on Banking and Currency to outline to us just what this amendment will do.

Mr. PATMAN. Mr. Speaker, enactment of this joint resolution would extend the Export Administration Act of 1969 for 6 months—from October 31, 1971, to May 1, 1972. The Export Administration Act furnishes the basic authority for control of exports to so-called Communist bloc countries. Further, it furnishes the authority for regulating the outflow of scarce materials, as well as the authority to regulate exports in furtherance of the national security and foreign policy objectives of the United States. The temporary extension of the Export Administration Act, which would otherwise expire on October 31, 1971, will provide the necessary time for the Committee on Banking and Currency to complete its deliberations on legislation which will cover this subject and related export trade subjects.

Continuation of this authority has not been the subject of hearings this year because of other demands on the committee, including hearings and enactment of legislation concerning the Export-Import Bank. At the request of the administration, the committee did set aside hearings on the Export Administration Act to take up legislation prior to the August recess concerning the Export-Import Bank, which has been enacted. Hopefully, these amendments to the Export-Import Bank will serve to substantially increase our export trade. Action on this export finance legislation was completed on August 5, 1971, and signed into law by the President on August 17, during the recess. Since the recess, the committee has been involved, among other things, in extensive hearings on the President's new economic policy announced on August 15 and in extensive hearings on housing legislation.

With this proposed extension of the Export Administration Act until May 1, 1972, it will provide the necessary time during which detailed consideration can be given to this legislation. It is expected that hearings on the Export Administration Act and related international economic policy issue matters will be taken up as one of the first orders of business next year.

Mr. Speaker, I have discussed this matter with the banking minority member of the House Banking and Currency Committee, the Honorable WILLIAM B. WIDNALL, and he is fully in accord with this resolution.

Mr. WIDNALL. It is the gentleman's intention to have a meeting of the House Committee on Banking and Currency to act on this other matter?

Mr. PATMAN. Absolutely. We will take it up at the same time as we have some other bills which have expiration dates—in the next few weeks.

Mr. WIDNALL. The expiration date of the other would be December 1 of this year.

Mr. PATMAN. That is correct.

Mr. WIDNALL. And so it would be necessary for our committee to act before that date.

Mr. PATMAN. Before December 1. I certainly give the gentleman my word we will make every effort to do it. I will do everything that can be done, as chairman of the committee, to make that possible.

Mr. WIDNALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, and I do not intend to object, will the chairman of the Committee on Banking and Currency respond to two other questions?

Mr. PATMAN. Certainly.

Mr. GERALD R. FORD. I am delighted to hear that the chairman has agreed to bring up this matter in the committee and to do his utmost to get action taken by the committee, but is it also the intention of the chairman, if the committee approves the proposed legislation, that he would ask the Speaker to put that legislation on the suspension calendar prior to the adjournment of the Congress this session?

Mr. PATMAN. That is correct. And if we are unable to get it passed on suspension, we will ask for a rule, because it is a matter of such urgency and an emergency, and I think it would be justified.

Mr. GERALD R. FORD. One further question. As I understand it, the other body passed the proposed extension of the Export Control Act authority, plus this amendment that involves the savings and loan triggering amendment.

Mr. PATMAN. That is correct.

Mr. GERALD R. FORD. Now if the gentleman from Texas gets the authority by unanimous consent here, is it his intention to move to strike section 2?

Mr. PATMAN. Yes. I have an amendment pending at the desk.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MONAGAN. Mr. Speaker, reserving the right to object, I would like to ask, am I correct in asking if this is an extension of existing law?

Mr. PATMAN. Of existing law.

Mr. MONAGAN. I am happy the gentleman is bringing this up. I support the legislation, and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 167

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969, as amended (Public Law 92-37; 85 Stat. 89), is amended by striking out "October 31, 1971" and inserting "May 1, 1972".

Sec. 2. Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅗".

AMENDMENT OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Patman: Strike all of section 2 of Senate Joint Resolution 167.

Mr. PATMAN. Mr. Speaker, my amendment would strike section 2 of Senate Joint Resolution 167. This amendment, which as we all know is nongermane to the basic thrust of the resolution, would amend the National Housing Act. Its substantive effect would be to keep $400 million of savings in savings and loan associations, which otherwise under existing law would have to be paid to the Federal Savings and Loan Insurance Corp.

Mr. Speaker, I stand behind no one in my support of home mortgage loans for the American people. My record is clear and unblemished on this point. I have always fought for funds, both directly from the Federal Government and adequate funds for our home mortgage institutions to help the American people achieve decent, safe and sanitary housing. I do not believe, however, and I know other Members share this view, especially as a result of language contained within the Legislative Reorganization Act of last year, that this body will entertain consideration of amendments passed by the other body which are nongermane in nature to the legislation before this body.

If the other body, assuming this legislation passes with an amendment, cares to consider the particular matter as contained in section 2 of this legislation and presents the House Banking and Currency Committee and this body with legislation speaking specifically to this issue, I am sure we should give it expeditious and speedy consideration. Certainly, no on wants to see funds diverted from the savings and loan association which would otherwise be available for home mortgage lending. But by the same token, we must consider all matters in a judicial and orderly way.

The effect, therefore, Mr. Speaker, if adopted would be to refer this legislation back to the other body containing only that provision which would extend the Export Administration Act from October 31, 1971, until May 1, 1972.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO CORRECT THE ENROLLMENT OF S. 137, CONVEYANCE OF CERTAIN PUBLIC LANDS IN WYOMING

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 46) to correct the enrollment of S. 137.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 46

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following change, namely: in the second sentence of section 1 strike out the word "modification" and insert in lieu thereof "notification".

The Senate concurrent resolution was concurred in.

A moiton to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. COLLIER. Mr. Speaker, due to a death in the family I was officially excused on October 12 and October 14, during which time there were four teller votes and two rollcall votes which I missed.

I ask that the Record indicate that had I been present on teller vote 292 I would have voted "no," on teller vote 293 I would have voted "no," on rollcall No. 294 I would have voted "yea," on teller vote 298 I would have voted "aye," on teller vote 299 I would have voted "no," and on rollcall No. 300 I would have voted "yea."

MOVE TO DOUBLE U THANT'S PENSION AN INSULT

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, on the heels of the literal denunciation of the Charter of the United Nations that saw Taiwan expelled from that vegetable-like body, I read in this morning's paper that a resolution has been introduced in the U.N. General Assembly's Budgetary Committee which would raise Secretary General U Thant's tax-free annual pension from $15,800 to $31,250.

That is a mighty handsome figure by anyone's standards, but considering the bankrupt state of affairs at the U.N., financially and otherwise, it is absolutely ridiculous to even venture such a gesture. I would go further to say that this proposal is no doubt intended as a reward by a number of small, left-leaning nations that have always been in the pocket of the Secretary General as well as the Communist-bloc nations that have enjoyed his frequently not-so-silent partnership.

Certainly, such a magnanimous increase can not be looked upon as a measure of the Secretary General's success. During his two terms of only 10 years, U Thant has been a weak and vasilating leader and the U.N. has deteriorated to the point of being a worthless vestige of what was once looked upon as the only great hope for achieving world peace. In those 10 years there have been more unresolved multinational conflicts and a greater degree of ideological polarization among the peoples of the world than in the entire preceding history of the U.N. This polarization was no more evident than when the entire block of Communist nations and their weak-sister followers exploded with great cheer for having defeated the U.S. effort to retain the legitimate position of Taiwan in the U.N.

To double the Secretary General's annual pension would be another insult to the United States, but more than this, it would mark the dubious distinction of a man who has sometimes followed and sometimes led the U.N. to its all-time low in prestige and influence.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, due to illness, I was not present for rollcall No. 251 on final passage of the marine sanctuaries bill. Had I been present, I would have voted in the affirmative.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 325]

Abourezk
Anderson, Tenn.
Archer
Arends
Baring
Barrett
Blanton
Boland
Caffery
Carey, N.Y.
Cederberg
Celler
Clark
Conte
Culver
Derwinski
Diggs
Eckhardt
Edwards, Ala.
Evins, Tenn.
Foley
Gallagher
Gettys
Giaimo
Gibbons
Goldwater
Gray
Halpern
Harvey
Hébert
Heckler, Mass.
Hicks, Mass.
Howard
Hungate
Ichord
Jarman
Landrum
Lennon
Long, La.
Lujan
McKevitt
Madden
Melcher
Mills, Ark.
Mink
O'Hara
Pike
Powell
Pryor, Ark.
Reid, N.Y.
Rhodes
Roberts
Rosenthal
Satterfield
Scheuer
Shipley
Sikes
Smith, Iowa
Steiger, Ariz.
Stokes
Sullivan
Talcott
Teague, Tex.
Tiernan
Vander Jagt
Wilson, Bob
Wilson, Charles H.

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENDING FEDERAL WATER POLLUTION CONTROL ACT

Mr. ROE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11423) to extend the Federal Water Pollution Control Act until January 31, 1972.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5(n) of the Federal Water Pollution Control Act (33 U.S.C. 1155(n)) is amended by striking out "$7,000,000 for the period ending October 31, 1971," and inserting in lieu thereof "$27,000,000 for the period ending January 31, 1972,".

SEC. 2. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 1156(e)) is amended by striking out "and" at the end of the paragraph (2); by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the following:

"(4) for the period ending January 31, 1972, the sum of $7,000,000 in addition to funds made available under Public Law 92-50."

SEC. 3. Section 7(a) of the Federal Water Pollution Control Act (33 U.S.C. 1157(a)) is amended by striking out "and for the four-month period ending October 31, 1971, $4,000,000." and inserting in lieu thereof "and for the seven-month period ending January 31, 1972, $10,000,000".

SEC. 4. (a) Section 8(c) of the Federal Water Pollution Control Act (33 U.S.C. 1158(c)) is amended by striking out "1971" each of the three places it appears and by inserting in lieu thereof at each such place "1972".

(b) The second sentence of section 8(d) of the Federal Water Pollution Control Act (33 U.S.C. 1158(d)) is amended by striking out "$650,000,000 for the four-month period ending October 31, 1971." and inserting in lieu thereof "$1,250,000,000 for the seven-month period ending January 31, 1972."

Mr. ROE. Mr. Speaker, since June 30, 1971, the programs under the Federal Water Pollution Control Act have been carried out under the authority of two temporary resolutions. The latest extension which is for 30 days expires on October 31, 1971. It had been expected that this would allow sufficient time for the Committee on Public Works to complete its hearings and recommend new legislation to extend and revise the water pollution control program. The committee on September 24 completed the most extensive and constructive hearings which have yet been held on this program. However, we have not been able to complete our action.

The committee is now in the process of drafting legislation. Similarly, the Senate Committee on October 19 agreed on a bill which is expected to be acted upon at an early date. However, it seems highly unlikely that we shall be able to complete action on this legislation in this session of the Congress.

Section 1 of the bill extends section 5(n) of the Federal Water Pollution Control Act and provides an additional authorization of $20 million for the 4 months ending January 30, 1972, for research, investigations, training and information programs.

Section 2 authorizes $7 million in addition to funds previously appropriated for financing research and development grant programs under section 6(e).

Section 3 provides an additional $6 million for section 7(a) of the Federal Water Pollution Control Act—a total of $10 million for the 7-month period ending January 31, 1972. This will permit the States to continue the planning of their programs in an orderly fashion.

Section 4 increases the authorization for the basic grant program for waste treatment facilities under section 8(d) to $1,250,000,000.

In addition, section 4 provides for extending section 8(c) of the Federal Water Pollution Control Act. Under this section certain States are eligible to be reimbursed for the Federal share on such projects as have been prefinanced under section 8(c). This section provides in part that—

> In the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section, but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project has been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available.

The two temporary resolutions extending this act beyond June 30, 1971, did not include provision for continuing the reimbursement policy. Therefore, no new projects could be initiated with the contemplation of subsequent reimbursement. It was expected that this question would be handled in connection with the permanent legislation. The committee *fully* recognizes the need to deal with this problem and has considered this need carefully in the recently completed legislative hearings. Until permanent legislation is passed we believe that the policy established by the Congress in section 8(c) should be continued since it will materially assist the States in their financial planning. Therefore, section 4 will extend the existing reimbursement provision until July 1, 1972. The reimbursables on August 31, 1971, amounted to $1,630,000,000.

The need for this authorization is urgent since the program must be continued until permanent legislation has been passed by the Congress. The waste treatment program is vital to this Nation and has gathered momentum during the past 2 years. We must continue to move forward and complete the program at the earliest practicable date. The committee urges the immediate passage of H.R. 11423.

In accordance with rule XIII (7) of the House of Representatives, the estimated costs to the United States which would be incurred in carrying out H.R. 11423 is $633 million.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HIGHER EDUCATION ACT OF 1971

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7248) to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education.

The SPEAKER. The question is on the motion offered by the gentlewoman from Oregon.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7248, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentlewoman from Oregon (Mrs. GREEN) had 1 hour and 5 minutes remaining, and the gentleman from Minnesota (Mr. QUIE) had 59 minutes remaining.

The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. DANIELS), a member of the subcommittee.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 7248, the Higher Education Act of 1971, as reported from the Committee on Education and Labor. This act not only extends existing laws but also provides for the promulgation of new programs. I would like to discuss two of the new provisions in this legislation and to urge support for these new programs. However, before doing so, I would like to commend Mrs. EDITH GREEN, chairman of the Special Subcommittee on Education, for the leadership she has demonstrated in the development of this bill. For the past 8 months the Special Subcommittee on Education has worked on the Higher Education Act and the final product is, to a great extent, the result of the efforts of Mrs. GREEN. Therefore, it is only appropriate that we take time to thank Mrs. GREEN for her dedication to higher education.

I would like first to speak on the student loan marketing provision of this bill. This is a nation which believes in the value of education to the individual and to society as a whole. We were the first Nation to provide general public education and now no other nation has such a large proportion of young people receiving a higher education. It is our hope that no person who is qualified and wishes some form of higher education should be deprived of it for financial reasons. With this in mind, Congress has developed various forms of student aid, including the guaranteed student loan program. Under this program the Federal Government guarantees student loans made by private lending institutions and, in a majority of instances, pays the interest while the student is in school. Repayment can take from 5 to 10 years and interest can be no higher than 7 percent. These are better terms than would ordinarily be available to students needing to borrow funds for their education.

When the guaranteed student loan program began in 1967, there were 330,739 loans negotiated to students. In fiscal year 1971, the number of student loans has increased to 1,080,739 with an incremental increase of 200,000 loans per year, and the estimates for this fiscal year indicate a 33-percent increase over last year. Altogether, some $4 billion has been expended in student loans to students in approximately 7,000 different institutions of higher education. In spite of this widespread coverage, it is insufficient. A larger proportion of students now require assistance in addition to just the normal growth in the whole student population. At the same time, the lending institutions are running out of available funds. The Emergency Insured Student Loan Act of 1969 was a stopgap measure to "prime the pump" by putting the interest rate on these student loans on a competitive level with other loans; it does not increase the total of funds available. The delayed repayment of these loans results in bank funds being tied up for a long period of time.

The Student Loan Marketing Association which would be created under part F of title IV of the Higher Education Act should solve these dilemmas in several ways, increasing the flow of funds and making new funds available by using private, non-Federal money. This Government-sponsored corporation would buy student loans from lending institutions thus replenishing funds available to lend. In addition to replenishing funds, the very existence of the ability to sell the student loans should make it possible for lending institutions to use a greater proportion of their funds for these loans. Banks would also borrow up to 80 percent of the value of student loans if the borrowed funds were used for more student loans.

The Association, known as "Sally Mae," would sell preferred stock on the market and thus bring in large investors such as pension and retirement funds, insurance companies and the like and so acquire new, additional money for student loans. Best of all, this corporation would be self-supporting. Government funds used to start the Association would be repaid and private money would carry most of the cost of funding the guaranteed student loan program. The present special allowance payments available under the Emergency Insured Student Loan Act of 1969 would be made unnecessary by the establishment of the Association thus reducing Federal expenditure. Those who doubt the feasibility of this approach need only check into the success of Fannie Mae—Federal National Mortgage Association—which has been responsible for placing many American families in homes of their own.

With the rising cost of education and the strain on the dollar, many middle-income families, who a few years ago would have been able to send their children to college, are unable to assume the expense of a college education. The students from such families are not eligible for Federal grant support, but nonetheless, are in need of assistance. It is generally agreed that an institution, such as Sally Mae, would provide needed financial assistance to the middle-income student at minimum expense to the taxpayer. If the middle-income student is not financially assisted, our colleges and universities tend to be composed primarily of the very rich, who can afford to go to school, and the very poor, who are eligible for grant assistance.

We recognize the need to help the disadvantaged in our society, and we must now recognize that another sector in our country is becoming increasingly more handicapped.

As legislators, it is our responsibility to insure that the financial barriers to higher education are removed. Therefore, I urge the unanimous approval of the Student Loan Marketing Association to assist those students who want to pay their own way.

YOUTH CAMP SAFETY

The second new program authorized by this legislation to which I should like to direct my remarks is title XIX, entitled "the Youth Camp Safety Act," introduced by the distinguished gentleman from New York (Mr. PEYSER) and myself.

Each year some of our children's most treasured memories—those of summer camp—turn into nightmares. This very summer on a snag-filled Utah River, inadequate safety precautions turned an adventurous canoe trip into a tragic fight for survival. Six rubber rafts collapsed throwing 25 boys into the cold, turbulent water. A 13-year-old died while sharing his lifejacket with a buddy who had lost his. Was this really an "accident"? The crafts were too small for the river, the leader had no knowledge of the water and did not heed the warnings of experienced rivermen.

The leader never filed a report of his intent to run the river. It was only the boy's body floating downstream that alerted rescue teams to search out the survivors.

The summer before, a California camp rented an open flatbed truck for a beach outing. Sixty-two children and eight counselors were loaded aboard with a 20-year-old at the wheel. On an eight-lane expressway the truck literally somersaulted, killing five of the campers and injuring the rest. That was not fate. That was an invitation to disaster.

Mr. Chairman, the list of tragedies is endless. Gruesome tales of every imaginable sort—from drownings to avalanches, to sexual molestation—have occurred in the supposedly placid summer camps that care for 8 million of our children every summer. Parents send their youngsters off with the belief that their health and safety will somehow be guaranteed. What we have seen through three sets of hearings during the 90th, 91st, and 92d Congresses, is that this belief, in far too many cases, is unfounded.

We have learned that 26 States have regulated only the sanitation of youth camps. That is hardly complete protection. Just 15 States have any form of safety legislation. And only three or four States have qualifications regarding personnel. At the same time, 24, or nearly half the States have relatively little or no camp regulations at all.

Dr. John Kirk, president of the American Camping Association, and one of the country's leading experts in camp safety legislation, stated that in taking a survey of State laws, he found that the attorneys general in six States did not even realize that enabling legislation existed allowing the oversight of camp safety.

Dr. Kirk helped write the Model Michigan Camp Code. It is the only comprehensive one in the country. Since 1960 there has only been one drowning in Michigan, which is the same State that has one-tenth of all the camps in the country. It is no coincidence that the State with the finest safety law has the finest safety record.

Minimum nationwide safety standards are obviously needed. One witness who has led a long crusade for this legislation after his son's life was lost in a senseless drowning, testified that he was a resident of Connecticut. But the camp was in New York, and his son drowned in Maine. The interstate nature of this problem demonstrates how important a national program is.

Parents cannot often afford both the time and money to visit campsites that are often many miles away. They are not experts and to the untrained eye many latent hazards could be overlooked.

Specifically, title XIX of H.R. 7248 provides that the Secretary of Health, Education, and Welfare shall promulgate youth camp safety standards after hearings and consultation with State officials, public and private agencies.

Standards shall be effective in those States which do not submit plans meeting the requirements established by the bill. States that wish to administer their own plans must designate an agency responsible for the plan and develop and enforce standards at least as effective as the minimum Federal ones.

To assist States with the development and operation of their plans, grants are provided to the States for up to 80 percent of their costs.

Penalties are assessed only for serious violations, and for the first violation no penalty is assessed unless the violation is not corrected within a reasonable time as prescribed in the citation.

It also contains a variation procedure in cases of undue hardship. It also contains a comprehensive reporting section and an excellent advisory council procedure.

In addition to the amounts authorized in section 1907, such sums as may be necessary are appropriated for fiscal year 1972 and the next 4 fiscal years.

While Congress has already legislated a safety law to insure that working conditions for youth camp counselors and other employees must be safe and healthful, no law does the same for children living in those same conditions.

I am truly encouraged by the long list of respected organizations who have given their enthusiastic support for my camp safety amendment: The YMCA, the Boy Scouts of America, the American Camping Association, the Salvation Army, the National Catholic Camping Association, the Boys' Clubs of America, and the Washington Post Editorial Board. In addition, hundreds of concerned parents have written or telegramed their encouragement.

I ask my colleagues to join me in supporting title XIX, along with the many groups who have already indicated their wholehearted approval.

Mr. QUIE. Mr. Chairman, I yield such time as he may use to the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Chairman, in rising to support this bill, I should like to address the attention of my colleagues to the needs and interests of college librarians.

Just as the public library serves the entire community—the college library serves the entire institution, all of the student body, the whole research-teaching-learning community of higher education. When Congress assists in the development of college and university libraries, it is promoting the progress of every scholarly discipline and every field of research and learning. Federal assistance to college libraries is therefore by no means a matter of narrow categorical legislation. It is more nearly general aid to higher education than any other program of Federal assistance, with the sole exception of student financial assistance.

Particularly today, when more and more college students are in programs that permit them to study independently, instead of following the centuries-old system of mass lectures and mass textbook reading, more and more emphasis is being placed on the materials found in the library and the skilled assistance of the professionally trained librarian. Many colleges are considering the enrollment of students, especially adults, who will study for the most part at home or with the aid of television, coming to the campus only rarely.

Other developments which are increasing the pressures on the resources of college libraries are the increases in the numbers of students and the development of course offerings in many new and expanding fields, including black studies, ecology, and social change.

Along with the need to increase assistance under title II–A for library resources, the training needs for librarians, as provided for in title II–B, are of great significance. Until this year, the money appropriated for training in library and information science had been divided between fellowships and institutes for use by library schools. In fiscal year 1971, fellowships were greatly reduced, and they were abandoned altogether for fiscal 1972 in favor of institutes, except for the few doctoral fellowships for which a commitment had already been made. This is a major blow to library training, and library schools everywhere are greatly concerned.

Prof. Edmon Low of the University of Michigan has called this "akin to eating our seed corn," since the training of the librarians of the future depends on the continuation now of programs to encourage the preparation of qualified graduate-level teachers of library and information science.

This is an age of computers and of a galaxy of new equipment and techniques for the storage, retrieval, and dissemination of information. The future leaders of the profession will need to know more than ever before, and we will need more of them than we now have. Instead of reducing the program, it needs to be continued and strengthened.

Fellowships are particularly helpful in the case of students who could not otherwise pursue graduate training. The dean of the school of library science at Atlanta University has called the continuation of title II–B fellowships "a very urgent need" because this private, predominantly black institution would otherwise be unable to prepare librarians to work with disadvantaged children and adults in school, public, and academic libraries.

It should be noted that accredited library schools operate in a different setting from most other graduate schools in that they have no undergraduate training programs. They require a bachelor's degree for entrance. This is because they believe their training must be undergirded by a sound and broadly based education in the liberal arts. They thus try to attract the most capable students they can upon graduation from the various disciplines in the natural and social sciences and the humanities, but it is these very same able students whom the professors in each discipline—for example, mathematics, biology, or history—are urging to go on to graduate work in their fields, and usually they can offer either a fellowship or a position of a teaching fellow for undergraduates, an option that the library school does not possess. Therefore, without fellowships, a library school is at a serious disadvantage in attracting quality students for its work.

As a member of the Committee on Education and Labor, I commend these provisions of this bill to you for your favorable action.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. Hall), in order to ask 14 questions.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

During the 11 years that I have had the privilege of representing the people of southwest Missouri in the House I have continually supported the spirit and the purpose of the Higher Education Act. I very much want to continue this support as a man with higher education privileges himself and as a trustee of a small independent college, but I find the bill presently before the House to be a hodgepodge and maybe a catch-all that includes everything but the legislative "kitchen sink."

Certainly the rules of this body have been cast to the winds. Germaneness and committee jurisdiction have been forgotten and rejected like last year's Christmas tie. We are now faced with the task of rewriting the bill on the floor. In order to make this proposed legislation palatable and feasible it appears to me that the House of Representatives must almost duplicate the functions and responsibilities of the House Committee on Education and Labor. If this must be done, so be it. I only hope that we can have succinct and clear answers to what I believe to be delving and perceptive questions so that we can perfect by amendments that will be offered, a bill that can be supported on final passage.

Now, the first series of questions have to do, Mr. Chairman, with "ways and means" of the bill.

Why are there so many open-ended authorizations throughout the bill? Why were not the projected costs contained in the committee report written into the bill? Were these cost figures obtained from HEW or the General Accounting Office or the Office of Management and Budget?

In other words, were they obtained from an objective source?

Why are the authorizations made through fiscal year 1976 and thus place a commitment on future Congresses? Where are we going to get the dollars and how are we going to retire the debt?

Mr. Chairman, I think these are very basic questions to which I think the Congress is entitled to have the answers since we are concerned with financing the bill. These authorizations habitually "come home to roost," as appropriations. To my mind it is a basic duty of the legislative committee to authorize on a line-item basis.

Does anyone have the answers to these questions?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Let me try to respond to the gentleman's first question, and it is a perfectly legitimate question.

First of all, you do make reference to various titles in the bill that are worthy of explanation. It does go—and I concede this—beyond the previous higher education legislation. However, we were confronted with the reality of a Senate bill that had extra titles. There were continuing subcommittees which held hearings on all of the bills and the provisions of this bill which were similar to the Senate bills but they felt it would be better to bring to the House floor the House version of the provisions with which they would have to go to conference and then the House might work its will. Further, when they went to conference they would have some idea as to the will of the House. Otherwise, the Senate would say that these are the provisions and thus we would have nothing to bargain with.

The question with regard to the amounts of money involved and the openendedness, I would say to the gentleman from Missouri while I have always been a strong supporter of education and I felt that this country was not investing enough in its schools from preschool up to the research level, I felt that the House has not been fair to the Committee on Appropriations and we have been critical at times as to the amounts they would allow and the sums which we thought ought to be spent. Then, we have a national lobby that demands full funding. As I stated yesterday, we have departed from previous procedures. More than half of the titles contain the words "such sums as," and it seems to me we are in a better position when we come to the actual appropriations to make our case. The rules of the House require that we estimate what the costs are, and they are in the report. Those estimates are the figures that we obtained from all of the hearing records of the requests that had been made and funds that have been expended in years past. We used the best possible judgment we could make as to what is a reasonable figure for them.

Mr. HALL. Well, now, Mr. Chairman, I appreciate those remarks, but were the best possible estimates figured by the NEA, the Association of University Professors and the colleges or by the committee in its wisdom, or by GAO or by the Office of Management and Budget or HEW, or by whom; I would ask the distinguished gentlewoman? I really, sincerely want to know for informational purposes in view of the list that was extolled by the gentleman from Kentucky, the chairman of the full committee, yesterday which obviously was a list of 10 or 15 people who all had their "hat in hand," and were expecting largesse from this particular bill for those they represent.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, I think I can categorically state that there was no sum of money that was considered in the committee that came exclusively from one group. I think there is no supporting evidence for that. It is, rather, a combination of all of the factors, including the various studies that have been made of higher education in addition to the requests and the recommendations of HEW. All of these things came into consideration.

Mr. HALL. That is very reassuring I will say to the gentlewoman from Oregon, and I appreciate the response coming from the gentlewoman from Oregon.

My next series of questions have to do with whether or not we are building up for the future, on a projection of need based on fear of inadequacy, or not? Do we want to continue to encourage young people to attend college and to later obtain postgraduate degrees when we have a surplus of these people, and when so many of them are now unemployed?

Since many are presently unemployed—and this goes back to the old continental theory of perhaps everyone should not go into higher education, but rather into vocational education—and I full well appreciate the vocational training at the higher educational level that is in this bill, I have always been for that—how many people with post-graduate degrees are now looking for jobs? If there is a teacher surplus, are we not now in a teacher buyer's market, instead of a seller's market? And how can we further justify the taxpapers' dollars to create a more and greater surplus in the post-college field, and in the teacher field? By what percentage has college enrollment increased this academic year over last year's enrollment?

I believe that the answer, as far as I have been able to obtain as a trustee in reading the Board of Trustee's publications is that enrollment in colleges has generally dropped off this year, and this is a reversal of the trend of the 1960's. I know private and independent liberal arts colleges have an unused capacity. Is not the college age segment of our population leveling out? And will not this continue for the next decade?

To me it is like the man who predicted a 700,000 a year elementary and secondary education school room shortage by 1960, and actually he failed to take into consideration what the local boards were going to do, and we ended up with perhaps a 40,000 shortage, before Federal Government "got into the act."

Are we not overshooting our mark—although I agree with some who cry about the capable and educable people who are not having a chance at higher education?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I have asked the gentleman from Missouri to yield to me so that I might make some comments, and I hope that I have made the correct notations of his various questions.

First of all I am in complete agreement with the gentleman from Missouri that we have placed too much emphasis on the acquisition of a 4-year degree from an academic institution. I believe we have inculcated a generation of parents and a generation of students with the idea somehow that the road to success apparently is the acquisition of that degree. I think this has been a mistake. I have said many times, and I think at the national level we ought to place importance and greater emphasis on technical and vocational education, and this is what two of the titles in the bill are designed for, for the planning of community junior colleges, so that there is no disagreement between us on that.

In regard to the question of the performance of Ph. D.'s, and whether we have a surplus of Ph. D.'s, and whether a lot of Ph. D.'s are unemployed today, and there are, and there are a lot of people in my area who have graduate degrees, and who have been laid off in Seattle at places at Boeing, and so forth, so there is a surplus. But let me also state that just because we have a surplus of them today I do not believe it would be wise for us to cut off our graduate education. I believe we are going to have to look at 10 years from now. And I believe the gentleman in the well, who is a doctor, knows the number of years that go into the preparation for graduate work. Because we have a surplus in 1971 is no assurance that we are going to have a surplus or even have enough people to meet the needs in 1980.

Also I believe that one of the questions is whether or not there is actually a surplus or whether for economic reasons such people are not employed. I think this is debatable.

In regard to the surplusage of teachers, yes, we have a surplus of teachers, and we have taken cognizance of that in this bill. We have had a provision for forgiveness which they have been given for student loans by going into the teaching field, and if he does then he has so much forgiven for each year. We have eliminated this feature in the bill for the very reasons the gentleman pointed out, but we have retained the forgiveness feature because of the need for teachers going into the ghetto schools, and so forth, and we still allow a little bit of incentive there.

The enrollment in terms of colleges—I believe that was the last question—and I believe that there is a continuation in the movement of an increase in enrollment this year over last year, but I can say that the projections, which I think there is reason to rely on, the projections are that the spiraling movement will continue now during this decade, substantially as we did, if I recall, in the early 1960's when we had about 3.5 million, and we now have 7.5 million, close to 8 million students in college.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. QUIE. Mr. Chairman, I yield 4 additional minutes to the gentleman from Missouri.

Mr. HALL. Actually, I believe that it has decreased overall this year. But my principle is applicable if the birth rate is declining, as we know it is, in spite of the built-in solicitation in this bill to get more disadvantaged people into higher education, even to go into elementary and secondary schools, the 11th and 12th grades, as I believe it is provided in here, and give them a stipend if necessary—and I think maybe this part is unconstitutional—to go on to college whether they are physically, mentally, or financially able to do it or not. Even with that, we are bound to level off and reach a plateau some time sooner or later, and my question is: Where is that point of time in the wisdom of the committee?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentlewoman.

Mrs. GREEN of Oregon. From the predictions of the National Center on Educational Statistics, the enrollment for 1970—and this is on a degree credit enrollment—the enrollment for 1970 is 7,608,000; for 1971 it is 7,995,000.

They project in the years ahead up to an increase of about 3 million who will be in school.

So it is my judgment that we are not going to see a leveling off.

In regard to your question about inducements to go down to the 11th and 12th grades, this program has been in existence since 1965, I believe. I do not agree with the way these programs are being administered. I am very sorry the amendment was eliminated in committee which was offered by my colleague, the gentleman from Oregon, which eliminated a maximum amount that they could be paid.

I think it is absolutely unconscionable for the Office of Education to administer these programs that are designed to identify kids with more promise and make it possible for them to go to college, and then they interpret that law which we passed by a summer abroad. They sent these classes Upward Bound to South America. I argued with them and they said they could do it. We put in a provision that said they could no longer do that. Then they are spending enormous sums of money per month. I put in a provision a couple of years ago that they could not spend more than $150 in any one month, that is, per month. They could spend $1,800 if they wanted to in one month as long as it did not average out to more than $150.

I do not agree absolutely with that $150 figure.

Mr. HALL. As to the 11th and 12th grade figure—the postsecondary higher education fund is going to be used. Do we not at least reverse our prior legislative intent, by going into, selecting out, and subsidizing them for prepping and inducing into postsecondary—or higher—education. I fear some such students use these funds for sorority and fraternity "rush" parties—part of college orientation and preparation to be sure, but not at taxpayers' expense.

Mrs. GREEN of Oregon. If the gentleman has more influence than I have so far as the Office of Education is concerned these days if he could use that influence on some of the officials down there on the way they administer the program, it would be a service to the country.

Mr. HALL. The gentlewoman from Oregon has obviously done her homework in these areas as to cost figures, projections, and details.

I would ask the gentlewoman if she is aware that by controls of EOG and institutional aid wherein the Commissioner is given power to set up agreements and conditions for receiving funds, which are listed in the bill—it seems to me this is the epitome of Federal control of education through a circuitous device.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield.

Mr. HALL. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, I am delighted that the gentleman from Missouri has asked that question.

I hope that he will support me in trying to defeat an amendment which will be offered.

The amendment in question would provide that student assistance shall be determined by a method to be prescribed by the Commissioner by a regulation.

I do not think, as I said yesterday, that the Governor or the Commissioner of Education has any business putting himself between the parent and child and determining how much those parents ought to contribute.

We ought to have a flexibility in making institutional decisions at the local level and not have a standard imposed.

If the gentleman will yield further—yes, I am concerned about Federal control. If this Congress is not alert to what is happening, we are going to have Federal control.

The Secretary of HEW wrote a letter a few days ago, dated October 19, to the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and this concerns me very much.

Mr. HALL. I will say to the gentlewoman that I have a copy of the letter.

Mrs. GREEN of Oregon. The words are:

> Our approach is based upon the belief that the Federal role of providing United States support should be limited to assisting institutions responsive to Federal priorities.

This Congress never intended that the Office of Education in a Democratic or Republican administration was to determine what the Federal priority was and then, if the institution does not respond to that Federal priority, that they determine they are not going to get any funds.

This Congress has the authority to prevent these things from happening and, indeed, I hope they do.

And as we consider this legislation, let us not give them that kind of authority and give them the right to exercise it.

Mr. HALL. Mr. Chairman, I appreciate the gentlewoman's responses.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. HALL. I gladly yield to the gentleman from Minnesota.

Mr. QUIE. I will yield some more time to the gentleman, because I would like to answer that. When the gentlewoman speaks of Federal priority, this is not something that was set by the Office of Education or the Department of Health, Education, and Welfare. This is something that Congress set. The Congress passed the legislation making it a Federal priority to give needy students assistance, first in 1958 with the national defense student loans, and then, in 1965, the guaranteed loans, the work-study program, and the educational opportunity grants. What HEW and USOE are talking about is that since the Congress has set the Federal priority that we assist students in that way, then we ought to assist the colleges to the extent that they are fulfilling a Federal priority by providing opportunities for that type of student to attend college.

Mr. HALL. Then there is always the danger of the Federal portion of that being withdrawn, when it goes directly from the Federal Government to the State or to the institution or individual, and leave someone dangling.

A week ago Friday I sat all afternoon talking to students at a college in my hometown of which I happen to be a trustee about this particular problem. Pulling the rug out from under them without advance or full funding or without full matching according to the original plan is one of the things that is devastating our educational institutions at this time; therefore I thoroughly agree that we need to go forward with that, and avoid interschool pirating.

But I am seriously concerned about the multiplicity, or the many phases, or the eclectic approach of this bill. I am, as a member of the National Camping and Safety Committee of the Boy Scouts of America—one of the physicians on that board—and I am worried about where we derive the authority in the Constitution or in Federal jurisdiction to regulate summer camps? If it is indeed derived from the so-called "commerce" clause of the Constitution or the "welfare" clause, then certainly this is within the jurisdiction of the Committee on Interstate and Foreign Commerce, which ordinarily deals with health and safety.

Mr. Chairman, I ask unanimous consent that my list of questions, which we cannot possibly get into in such a short time, be printed in the RECORD in order, perhaps, that they can be answered if we go over to another day.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The questions are as follows:

QUESTIONS FOR THE HIGHER EDUCATION BILL

1. Why are there open-ended authorizations throughout the bill?
2. Why were not the projected costs of the Committee report written into the bill?

3. Were these cost figures obtained from HEW, GAO, OMB, or from an objective source?

4. Why are the authorizations made until 1976 and thus committing future Congresses?

5. Do we want to continue to encourage young people to attend College and to later obtain post graduate degrees when we presently have a surplus of such people and since many are presently unemployed?

6. How many people with post graduate degrees are looking for jobs?

7. What is our teacher surplus?

8. How can we further justify using the taxpayer's dollars to create more and greater surpluses in the post-graduate field and in the teacher field?

9. By what percentage has college enrollment increased this academic year over last year's? Then after answer to this question:

10. Isn't this a reversal of the trend of the 1960's?

11. Isn't the college age segment of our population leveling out?

12. Won't this trend continue for the next decade?

13. Why do we need to set up another bureaucracy like the National Institute of Education?

14. Are not other Federal and State agencies doing educational research?

15. Won't this effort be duplicative?

16. Why should up to ⅓ of the NIE employees be exempt from civil service classification?

17. Won't this open up the door for "cronyism" appointments?

18. Under what section of the Constitution is derived the Federal jurisdiction to regulate summer camps? (If interstate and Foreign clause, then let them have on Committee jurisdiction.)

19. What portions and provisions of H.R. 7248 are opposed by HEW?

20. Won't the added costs of the bill which must generate higher taxes, "dry up" private and corporate contributions to higher education?

21. What is to prevent an individual who has received some type of Federal research grant to "blackmail" his college administration for a higher salary in order that he remain on that campus and keep the Federal funds flowing?

22. Why another Commission—The National Commission on Financing of Postsecondary Education? (Haven't we studied this to death?)

23. Won't the establishment of State Postsecondary Education Commissions be a duplication of other State agencies and commissions, i.e., Vocational Education and Higher Education Commissions?

24. How will the provisions of Title XII (Institutional Assistance) affect a financially troubled small, liberal arts, coed, and independent college like Drury College?

Mrs. GREEN of Oregon. I yield 2 additional minutes to the gentleman from Missouri.

Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Earlier you asked a question about policy and the reply was that we make the policy. Let me give you three examples which refute that; if I sat down for a half hour, I could give you 30 of where the Office of Education has made the policy.

We have said that libraries are entitled to a basic grant of $5,000 per institution in the country. They are entitled to supplementary grants. The supplementary grant is made on application. The Office of Education has now ruled that no library can have the basic grant unless it qualifies for the supplementary grant, and I have the material in front of me that shows they lay out different criteria. One of the criteria they have is a 60-point basis on which to judge whether or not an institution will get a supplementary grant. One of the provisions is participation in the Special Services for certain programs, and they are given 4 points in connection with that.

Then the approved student whose family income is under $5,000 per year—they get 25 points for that. So on that set-up with 60 points they will qualify an institution for library services, and that is based upon a policy of the Office of Education which has never come before this Congress. They are denying funds to institutions of higher education in this country on the basis of the number of low-income people who are enrolled. Now when we set need for supplementary grants, we set it on the basis of the volumes, the periodicals, and the materials that were available, and the number of students in that institution that were there and needed them. That is a policy-making decision that, in my judgment, they have no business to make.

Mr. HALL. Would the gentlewoman agree with me that there is an "implementing regulation" fiasco, between the legislative intent and the application?

Mrs. GREEN of Oregon. Well, you can call it a fiasco. I consider that it is a distortion and subversion of the congressional intent, and I think the Congress ought not to let them get away with it.

Secondly, I referred to Upward Bound. It was not the policy to take youngsters from all over the United States who were disadvantaged and send only those youngsters for a summer abroad. Neither was it the policy to pay all their expenses back to Washington. If we are going to do that, let us do it for everybody in high school and be fair about it.

I referred also a moment ago to the EOG grants. We said these funds shall go to students of exceptional need. The Office of Education set up guidelines saying if they have $1,000, and there is a child of exceptional need, then they give this child the $1,000. If there are four students who would not be able to continue their education at that institution except for an economic opportunity grant, and even though they have had higher academic standings, and even though each one of the four only needed $250 to remain in school, the Office of Education said it is the national policy that they have no discretion and they must give this full $1,000 to the one student, and they cannot give the four students who have even higher academic ability the $250 apiece. But that was not the congressional intent, and it is not sound policy. It is in the national interest to see that the students who have the higher ability continue their education.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman from Missouri 2 additional minutes.

Mr. Chairman, if the gentleman will yield in order that I may answer the gentlewoman, I would like to respond.

Mr. HALL. Mr. Chairman, I will be glad to yield after I simply observe that on page 103 of the bill, that section of title II is authorizing appropriations that are unlimited for the library sections even though those for "research and demonstration" programs are stipulated and will progress in geometric, not arithmetic, progression through fiscal year 1976.

I think the Members should know that.

Mr. Chairman, I yield now to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I should say the gentlewoman has raised arguments earlier with respect to the point she is making. There are instances where the Departments of Federal Government implement controls which the committees feel was not their intent. What we do then is to go back and change the legislation to make sure the Departments do as the Congress wants them to.

But when we are talking about priorities, this is not what they were talking about in guidelines. They have the priorities set by the Congress. This is the point we want to watch. The gentlewoman raises all kinds of things that are wrong with the Office of Education and, as if we are already agreeing that is wrong, expects us all to reach the conclusion that by that token nobody in the Federal Government should set priorities. We must in our responsibility as representatives of the people of our districts, who put up the money, set the priorities, and that is exactly what the Secretary of HEW and the Office of Education are talking about.

Mr. HALL. Mr. Chairman, I have accomplished my purpose for surely colloquy proves this bill is indeed a hodgepodge. There are further questions such as, what portions and provisions of H.R. 7248 are opposed by HEW? I do not think that has been brought out.

Further, how much cronyism will be involved? Will this open up the door for cronyism appointments?

As to the proposition on the summer camps, under what section of the Constitution is derived the Federal jurisdiction to regulate summer camps?

Further, will not the added cost of the bill, which must generate higher taxes, dry up private and corporate contributions to higher education, contributions to the private colleges? This is already a fact of life.

Therefore, Mr. Chairman, I recommend serious alteration of this bill before final passage.

Mr. QUIE. Mr. Chairman, I yield the gentleman from Oregon such time as he may consume.

Mr. DELLENBACK. Mr. Chairman, President Nixon almost 2 years ago called for the creation of the National Institute of Education to bring about a focus for educational research and development.

The President said that American education was not getting as much as it should from the dollars being spent, and he contended that through a new national mechanism, educational research would be given the new visibility it so badly needed.

Why is there a need for a National Institute of Education? What happened to the Bureau of Research and the National Center for Educational Research and Development? Where did they fail and why? Why was $100 million a year insufficient to do the job and to inspire confidence in the Office of Education as a research organization? The answer given most often is that there was not enough money or that the problems of education are simply so massive that with the dollars available the task cannot be met. But money alone is not the solution to all problems. Another argument was that the program was simply poorly managed or tried to do too much and as a result accomplished very little. Bureau chiefs came and went frequently and there were long periods with "acting" directors filling in as caretakers.

It seems to me that everything simply moved too fast. Regional educational laboratories were established across the country practically overnight; R. & D. centers blossomed through the simple awarding of contracts; universities were quickly mobilized to absorb large amounts of money. In spite of the lack of direction or central planning in OE, many centers and universities have managed to perform admirably.

An examination of research supported throughout the history of the Cooperative Research Act suggests that, although there have been significant studies and results, there was very little, if any, planning. There is little evidence of priorities having been set, and without adequate planning and priorities, I contend there is little doubt that $100 million was insufficient for its purposes.

I think it is significant that the President recognized these problems and called for the creation of a new national institute. It is also significant that he proposed that for a year before the institute becomes operational all efforts will be devoted strictly to planning and the establishment of priorities.

The Congress can create institutions and programs and the Congress can set mandates, but it is up to the executive branch to carry them out. I am convinced that, if NIE is to be successful, the initial planning that goes into it will be crucial. For without adequate planning, without capable people and sincere commitments, there is no reason to believe that the NIE will do any better than its predecessors. One is led to believe that the problems which prevented NCERD from being successful all related to money, civil service restrictions, and the lack of confidence on the part of the Congress. Through this bill before us today, we are provided the means for eliminating these past obstacles. I feel that the new National Institute of Education is important, and through it, the Congress is making a new national commitment to research.

It is my deep-felt hope that after the speeches are completed here today and the bill goes on to become law, the planners and the responsible individuals will approach its implementation prudently. It would be impressive if the NIE were able to start off with a bang—a full staff, a budget of $150 million for the first year—and set out gallantly striking with full force at all of the major problems of the day. I would strongly suggest, however, that there is merit to a less auspicious beginning.

NIE SHOULD BE DEVELOPED, NOT CREATED

It should grow over a period of years. Planners should be asked to identify one problem at a time, not to attempt to solve all of the problems of education at once. I am confident that the problems they do choose will be of sufficient importance and complexity to merit the trust we place in them under this bill. I will not attempt to define the priorities I think NIE should have, but I would suggest that a general topic for study might be "why children in elementary school cannot learn." It is one of sufficient complexity to occupy all of the researchers full time. There are, of course, many comparable areas, and solutions to problems of this type would have a direct bearing on all areas of education.

With a single problem approach, the NIE can focus on many questions which interact with the specific problem being studied. If the general question and the variables which interact with the problem, such as parents, instructional techniques, training of teachers, and so forth, are studied and the strengths of the variables weighed, it will be possible to determine from the findings where educational support as well as R. & D. should go. Once the most important variables are determined, it will be possible to actually cost out and completely follow through on any one variable or those variables which most affect learning. As I said earlier, money alone will not be enough to solve the problem. An intelligent, systematic approach to problem solving will be basic to the success of the NIE.

I hope that NIE will plan and implement its attack on individual problems over a 5-year period and that it will carefully identify the procedures through which it will attempt to solve them, the cost of the solutions, and the criteria by which it will evaluate the landmarks along the way. I would hope that the first phase, after planning, would last 2 years, during which time the NIE should restrict its activities only to limited, specified goals and objectives. At the end of the first year, I hope that the operators will produce evidence that their approach is paying off and that the NIE's goals may be realized. I think that the work for the first 2 years should be done without any outside interference. But after 2 years, there should be an opportunity for the Congress to review and examine the progress, and evaluate the manner in which the Institute will proceed in problem solving over the next 3 years.

It is important that the NIE focus on the problems of education, but it is absolutely essential to overall success that there be substantial contact with the Office of Education and the Commissioner of Education. Research cannot be conducted in a vacuum. Some will argue that for educational research to be effective it must be totally independent of OE so that researchers can "do their thing" with independence and not be constrained by OE and its policies. Research and policy implementation are not isolated entities; they are interdependent and must be coordinated.

Our schools will not benefit simply because studies are conducted. Change will come only when all efforts are unified as policy, with the consumer as the center of focus. Cooperation should be a fundamental component for NIE.

In this regard, I am greatly concerned at the suggestion that dissemination of information be restricted to the NIE. At a time when we need more information about how to do things, it is my feeling that we need more dissemination and more efforts to get information out to the schools where it ultimately will be used. I feel very strongly that not only must the NIE be given the capacity to disseminate information, but that the capacity of the OE must also be enhanced.

Ultimately, I would like to see a goal of a federally coordinated clearinghouse for information, not necessarily through NIE or the OE, but a clearinghouse for all Federal information. Our former colleague, BILL ROTH—now Senator from Delaware—during his tenure in the House, illustrated the lack of basic information about the availability of services of agencies in the Federal Government. The Roth studies focused on the need for a central focal point for agency information. We should strive for the same approach in the dissemination of research and development information. Through the Secretary, I would like to see a model for Federal dissemination developed which would promote coordination throughout the entire Federal Establishment. In doing so, needless and expensive duplication can be eliminated and, through a national focal point, researchers and administrators will be able to consult and determine what research and development has accomplished, what research and development is currently being funded, and what research and development is ongoing. A central repository would also help Government planners to more adequately project the valid needs of this Nation.

I hope that the Institute will be established with excellence and flexibility as its guidelines and that flexibility and understanding prevail in all of its endeavors. I hope that our research efforts develop and grow and that the money we invest will bring dividends to education for decades to come.

One final thought. NIE can be created by an act of Congress, but it will be several years before it is a functioning agency ready to attack all of the problems of education. It should be started slowly and carefully, moving from problem to problem and growing as it gains experience and staff.

Mrs. GREEN of Oregon. Mr. Chairman, I have no further requests for time.

Mr. QUIE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by titles the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Act of 1971".

TITLE I—EXTENSION OF COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

SEC. 101. Section 101 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and by inserting after "June 30, 1971" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

TITLE II—EXTENSION AND AMENDMENT OF PROGRAMS OF COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

SEC. 201. (a) Section 201 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and inserting after "1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

(b) Section 202 of such Act is amended by inserting before the period at the end of the first sentence ", and other public and private nonprofit library institutions whose primary function is to provide library and information services to institutions of higher education on a formal, cooperative basis".

(c) Section 202(a) of such Act is amended by inserting before "and (2)" the following: "except that under special and unusual circumstances the Commissioner is authorized to waive this requirement,".

(d) Section 202(b) of such Act is amended by inserting immediately preceding the semicolon at the end thereof the following: ", except that under special and unusual circumstances the Commissioner is authorized to waive this requirement".

(e) Section 203(a) of such Act is amended by striking out "$10" and inserting in lieu thereof "$20".

(f) Section 204(a)(2) of such Act is amended by striking out "and" immediately preceding "(C)", and inserting before the period at the end of the first sentence the following: ", and (D) to other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis".

(g) Section 221 of such Act is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 221. Only for the purpose of carrying out training programs under this part, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1972 and each succeeding fiscal year ending prior to July 1 1976. In addition only for the purpose of carrying out research and demonstration programs under this part, there are authorized to be appropriated $5,000,000 for the fiscal year 1972, $10,000,000 for the fiscal year 1973, $20,000,000 for the fiscal year 1974, $35,000,000 for the fiscal year 1975, $40,000,000 for the fiscal year 1976."

(h) Subsection (a) of section 223 of such Act is amended by striking out the period at the end of the subsection and inserting: ": *Provided, however,* That in any fiscal year not less than 50 percent of the grants made under this subsection shall be for the purpose of establishing and maintaining fellowships or traineeships under clause (2)."

(i) Subsection (b) of section 223 of such Act is amended by inserting after "institution of higher education" the following: "and other library and educational organizations or agencies".

(j)(1) Section 231 of such Act is amended by striking out "and" after "1969," and inserting before "to enable the Commissioner" the following: "and $9,000,000 for the fiscal year 1972, and each succeeding fiscal year ending prior to July 1, 1976,".

(2) Effective on the date of enactment of this Act, part C of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"SEC. 232. No later than March 31 of each calendar year the Librarian of the Congress shall transmit to the respective committees of the Congress having legislative jurisdiction over this part and to the respective Committees on Appropriations of the Congress a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—EXTENSION OF PROGRAMS TO STRENGTHEN DEVELOPING INSTITUTIONS

SEC. 301. Section 301(b)(1) of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and by inserting after "June 30, 1971," the following: "and the sum of $120,000,000 for the fiscal year 1972 and each succeeding fiscal year ending prior to July 1, 1976,".

AMENDMENT OF PROVISIONS RELATING TO DEVELOPING INSTITUTIONS

SEC. 302. (a) Section 306 of the Higher Education Act of 1965 is amended by striking out "(other than developing institutions)".

(b) Section 304(c) of such Act is amended by adding at the end thereof the following new sentence: "None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian instruction."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed to title III, the Clerk will read.

The Clerk read as follows:

TITLE IV—STUDENT ASSISTANCE

PART A—AMENDMENT AND EXTENSION OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 401. So much of part A of title IV of the Higher Education Act of 1965 as precedes section 408 is amended to read as follows:

"PART A—EDUCATIONAL OPPORTUNITY GRANTS

"STATEMENT OF PURPOSE AND APPROPRIATIONS AUTHORIZED

"SEC. 401. (a) It is the purpose of this part to provide, through institutions of higher education, educational opportunity grants to assist in making available the benefits of higher education to qualified high school graduates of exceptional financial need, who for lack of financial means would be unable to obtain such benefits without such aid.

"(b) There are hereby authorized to be appropriated $295,000,000 for the fiscal year 1972 and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976, to enable the Commissioner to make payments to institutions of higher education that have agreements with him entered into under section 407, for use by such institutions for payments to undergraduate students for educational opportunity grants under this part. Sums appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeeding the fiscal year for which they were appropriated.

"DETERMINATION OF AMOUNT OF EDUCATIONAL OPPORTUNITY GRANTS

"SEC. 402. From the funds received by it for such purpose under this part, an institution which awards an educational opportunity grant to a student for an academic year under this part shall, for such year, pay to that student the amount determined by the institution for such student for that year, which amount shall not exceed the lesser of $1,500 or one-half of the sum of the amount of student financial aid (including assistance under this title) provided such student by such institution and any assistance provided such student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations of the Commissioner, except that no student shall be paid during all the academic years he is pursuing his undergraduate course of study at one or more institutions of higher education in excess of $4,000, or $5,000 in the case referred to in the second sentence of section 403. The Commissioner shall, subject to the other limitations in this part, prescribe basic criteria or schedules (or both) for the determination of the amount of educational opportunity grants, taking into account the objective of limiting grant aid under this part to students of exceptional financial need who but for such aid would be unable to obtain the benefits of higher education, but such criteria or schedules shall not disqualify an applicant on account of his earned income if income from other sources in the amount of such earned income would not disqualify him. An individual who has, in years prior to the effective date of the Higher Education Act of 1971, been awarded an educational opportunity grant pursuant to this part shall continue to be eligible to receive a grant in accordance with the requirements of this part as in effect at the time of the initial grant.

"DURATION OF PERIOD OF ELIGIBILITY FOR EDUCATIONAL OPPORTUNITY GRANTS

"SEC. 403. A student eligible therefor may be awarded an educational opportunity grant under this part for each academic year of the period required for completion by the recipient of his undergraduate course of study at the institution of higher education from which he received the educational opportunity grant, except that such period shall not exceed four academic years. The eligibility of a student for an educational opportunity grant may, in accordance with regulations of the Commissioner, be extended for up to an additional academic year where five academic years is the normal period needed to complete the course of study the student is pursuing, or where the student, because of his particular circumstances, is determined by the institution to need an additional year to complete a course of study normally requiring four academic years.

"SELECTION OF RECIPIENTS OF EDUCATIONAL OPPORTUNITY GRANTS

"Sec. 404. (a) An individual shall be eligible for the award of an educational opportunity grant under this part at any institution of higher education which has made an agreement with the Commissioner pursuant to section 407 (which institution is hereinafter in this part referred to as an 'eligible institution'), if the individual makes application at the time and in the manner prescribed by that institution.

"(b) From among those eligible for educational opportunity grants from an institution of higher education for each fiscal year, the institution shall, in accordance with the provisions of its agreement with the Commissioner under section 407 and within the amount allocated to the institution for that purpose for that year under section 406, select individuals who are to be awarded such grants and determine, pursuant to section 402, the amounts to be paid to them. An institution shall not award an educational opportunity grant to an individual unless it determines that—

"(1) he has been accepted for enrollment as a student at such institution on at least a half-time basis or, in the case of a student already attending such institution, is in good standing and in attendance there on at least a half-time basis as an undergraduate student;

"(2) he shows evidence of academic or creative promise and capability of maintaining good standing in his course of study; and

"(3) he is of exceptional financial need and would not, but for an educational opportunity grant, be financially able to pursue a course of study at such institution of higher education. In determining financial need, expected family contributions shall be considered to be the contribution expected in the specific circumstances of the applicant, as determined by the student financial aid officer. Any calculation of the ability of a family to contribute shall include consideration of (A) family assets, (B) value of any social welfare services provided to the family by public or private agencies, (C) number of children in the family, (D) number of children attending institutions of higher education, (E) any catastrophic illnesses in the family, (F) business failures, (G) educational expenses of other dependent children in the family, and (H) other circumstances affecting the student's financial need.

"ALLOTMENT OF EDUCATIONAL OPPORTUNITY GRANT FUNDS AMONG STATES

"Sec. 405. The Commissioner shall allot funds appropriated pursuant to section 401 among the States in accordance with section 465.

"ALLOCATION OF ALLOTTED FUNDS TO INSTITUTIONS

"Sec. 406. (a) The Commissioner shall from time to time set dates by which eligible institutions in any State must file applications for allocation, to such institutions, of educational opportunity grant funds from the allotment to that State (including any reallotment thereto) for any fiscal year in accordance with section 465(a), to be used for the purposes specified in the first sentence of section 401(b). Such allocations shall be made in accordance with criteria which the Commissioner shall establish and which shall be designed to achieve such distribution of such funds among eligible institutions within a State as will most effectively carry out the purposes of this part.

"(b) Payment shall be made from allocations under this section to institutions as needed.

"AGREEMENTS WITH INSTITUTIONS—CONDITIONS

"Sec. 407. An institution of higher education which desires to obtain funds for educational opportunity grants under this part shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this part will be used by it only for the purposes specified in, and in accordance with, the provisions of this part;

"(2) provide that in determining whether an individual meets the requirements of section 404(b)(3) the institution will consider such individual's income, including as a part thereof any expected contribution from parents or others upon whom the student may rely for support, except that there shall be deemed to be no expected contribution from the parents of a veteran (as that term is defined in section 101(2) of title 38, United States Code);

"(3) provide that the institution, in cooperation with other institutions of higher education where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need and to encourage them to continue their education beyond secondary school through programs and activities such as—

"(A) establishing or strengthening close working relationships with secondary-school principals and guidance and counseling personnel with a view toward motivating students to complete secondary school and pursue post-secondary-school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for educational opportunity grants to qualified secondary school students, who but for such grants would be unable to obtain the benefits of higher education, with special emphasis on students enrolled in grade 11 or lower grades who show evidence of academic or creative promise;

"(4) provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under this part, not less than the average expenditure per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the agreement;

"(5) include provisions designed to make educational opportunity grants under this part reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

"(6) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part."

PROGRAM CONSOLIDATIONS

Sec. 402. Section 408 of the Higher Education Act of 1965 is amended to read as follows:

"IDENTIFYING QUALIFIED LOW-INCOME STUDENTS; PREPARING THEM FOR POSTSECONDARY EDUCATION; SPECIAL SERVICES FOR SUCH STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"Sec. 408. (a) To assist in achieving the objectives of this section the Commissioner is authorized, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to make grants to, or contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public or private agencies or organizations (including professional or scholarly associations), or in exceptional cases secondary schools or secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in subsection (c), except that no grant may be made to an agency, organization, institution, or school other than a public or nonprofit private one.

"(b) Such services shall be designed to enable youths from low-income backgrounds who have academic potential (but may lack adequate secondary school preparation or be physically handicapped) to enter, continue, or resume a program of postsecondary education.

"(c) Such services are—

"(1) publicizing existing forms of student financial aid;

"(2) identifying youths described in subsection (b) and encouraging them to complete secondary school and to undertake postsecondary education;

"(3) encouraging youths described in subsection (b) who have dropped out of secondary school or college to reenter educational programs, including programs of postsecondary education;

"(4) generating skills and motivation necessary for success in education beyond high school;

"(5) providing counseling, tutorial, or other educational services, including special summer programs, to remedy academic deficiencies;

"(6) providing career guidance, placement, or other student personnel services (including health services);

"(7) identifying, encouraging, and counseling students with a view to their undertaking a program of graduate or professional education; and

"(8) providing other special or supplemental services necessary to achieve the purposes set forth in subsection (b).

"(d) Enrollees who are participating on an essentially full-time basis in one or more services being provided under subsection (c) may be paid stipends, but not in excess of $30 per month except in exceptional cases as determined by the Commissioner.

"(e) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1972, and each succeeding fiscal year ending prior to July 1, 1976."

INCLUSION OF PROPRIETARY INSTITUTIONS

Sec. 403. Effective July 1, 1973, section 409 of the Higher Education Act of 1965 is amended to read as follows:

"DEFINITIONS

"Sec. 409. For the purposes of this part (other than section 408)—

"(1) The term 'academic year' means an academic year or its equivalent, as defined in regulations of the Commissioner.

"(2) The term 'institution of higher education' includes a proprietary institution of higher education (as defined in section 461 of this Act)."

Part B—Extension and Amendment of Student Loan Insurance Program

EXTENSION OF STUDENT LOAN INSURANCE PROGRAM

Sec. 411. (a) The first sentence of section 424(a) of the Higher Education Act of 1965 is amended to read as follows: "The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 435) to students covered by Federal loan insurance under this part shall not exceed $1,600,000,000 for the fiscal year 1972, $1,800,000,000 for the fiscal year 1973, $2,000,000,000 for the fiscal year 1974, $2,200,000,000 for the fiscal year 1975, and $2,400,000,000 for the fiscal year 1976."

(b) The second sentence of such section 424(a) is amended by striking out "1975" and inserting "1980".

(c) Section 428(a)(4) of such Act is amended by striking out "1971" and inserting "1976" and by striking out "1975" and inserting "1980".

(d) Section 433(c) of such Act is amended by striking out "for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years" and inserting "for each fiscal year ending prior to July 1, 1976".

EXTENSION OF AUTHORITY FOR PAYING SPECIAL ALLOWANCES ON INSURED STUDENT LOANS

Sec. 412. Paragraph (7) of section 2(a) of the Emergency Insured Student Loan Act of 1969 (Public Law 91–95) is amended by striking out "1971" and inserting "1976".

AMENDMENTS TO INTEREST SUBSIDY PROVISIONS

Sec. 413. (a) Paragraph (1) of subsection (a) of section 428 of the Higher Education Act of 1965 is amended to read as follows:

"(1) Each student who has received a loan for study at an eligible institution—

"(A) which is insured by the Commissioner under this part;

"(B) which was made under a State student loan program (meeting criteria prescribed by the Commissioner), and which was contracted for, and paid to the student, within the period specified by paragraph (4); or

"(C) which is insured under a program of a State or of a nonprofit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (4), and which—

"(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than sixty days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

"(ii) in the case of a loan insured after June 30, 1967, is insured under a program covered by an agreement made pursuant to subsection (b),

and who has been determined by the eligible institution to be in need of the entire amount of such loan, after consideration of expected family contributions, in order to pursue a course of study at such eligible institution and has provided the lender with a statement evidencing such determination and stating the amount of the loan of which such student is in need, shall be entitled to have paid on his behalf and for his account to the holder of the loan, a portion of the interest on the loan. Such determination of need shall be made, and such statement shall be furnished, by the eligible institution, except that, in the case of eligible institutions located outside the United States, such determination shall be made, and such statement furnished, in such manner as the Commissioner may prescribe. In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (2)(B) of this subsection with respect to loans to any student without regard to the borrower's need. In the absence of fraud by the lender, such determination of the need of a student under this paragraph shall be final insofar as it concerns the obligation of the Commissioner to pay the holder of a loan a portion of the interest on the loan."

(b) Section 428(b)(1)(H) of such Act is amended to read as follows:

"(H) provides that the benefits of the loan insurance program will not be denied any student because of his family income or lack of need if the institution has furnished the lender with a statement under paragraph (1) of subsection (a) of this section that the student needs a loan in the amount determined pursuant to such paragraph to pursue his course of study at that institution, except in the case of loans made by an instrumentality of a State or eligible institution;".

INSURANCE LIABILITY

Sec. 414. (a) Section 425(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) The insurance liability on any loan insured by the Commissioner under this part shall be 100 per centum of the unpaid balance of the principal amount of the loan, plus interest. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 430 or 437 of this part."

(b) Section 427(a)(2)(D) of such Act is amended by striking out the following: "(but without thereby increasing the insurance liability under this part)".

(c) The last sentence of section 430(a) of such Act is amended by striking out "of the loan (other than interest added to principal)" and inserting in lieu thereof the following: "and interest".

INCREASE IN LOAN CEILINGS

Sec. 415. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 is amended (1) by striking out "$1,500" and inserting in lieu thereof the following: "$2,500, except in cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education" and (2) by striking out "$7,500" and inserting "$10,000".

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by striking out "1,500" and inserting in lieu thereof the following: "$2,500 (except in those cases where the Commissioner determines, pursuant to regulations prescribed by him, that a higher amount is warranted in order to carry out the purposes of this part with respect to students engaged in specialized training requiring exceptionally high costs of education)" and (2) by striking out "$7,500" and inserting "$10,000".

INCLUSION OF PART-TIME STUDENTS IN LOAN PROGRAMS

"Sec. 416. Section 427 (a)(1) of the Higher Education Act of 1965 is amended by striking out everything after "who (A)" down through "and (C)" and inserting in lieu thereof the following: "has been accepted for enrollment at an eligible institution on a full time or on a part-time basis or, in the case of a student already attending such institution, is in good standing there as determined by the institution on a full time or on a part-time basis, and (B)".

ALLOWANCES TO INSTITUTIONS FOR THEIR COSTS IN CONNECTION WITH THE INSURED STUDENT LOAN PROGRAM

Sec. 417. Section 428 of the Higher Education Act of 1965 is amended by adding at the end thereof the following:

"(f) The Commissioner may pay to each eligible institution an allowance for each fiscal year which may not exceed 1 per centum of the amount of loans made to students at that institution for that year which are insured (1) by the Commissioner under this part or (2) by a State or nonprofit private loan insurance program (covered at the time the loan was made by an agreement under section 428 (b))."

TECHNICAL AMENDMENTS

Sec. 418. (a) Section 437 of such Act is amended to read as follows:

"REPAYMENT BY THE COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

"Sec. 437. If a student borrower who has received a loan described in clause (A), (B), or (C) of section 428 (a)(1) dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan."

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" and at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid during any period (i) during which the borrower is pursuing a full-time course of study at an eligible institution, (ii) not in excess of three years during which the borrower is a member of the Armed Forces of the United States, (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (iv) not in excess of three years during which the borrower is in service as a fulltime volunteer under title VIII of the Economic Opportunity Act of 1964."

(c) Section 428(e) of such Act is repealed.

(d) Paragraph (1) of subsection (c) of such section 428 is amended by striking out "adjusted family income of the borrower" and inserting in lieu thereof "the borrower's lack of need".

(e) Section 434 of such Act is amended by striking out "up to 15 per centum of their assets,".

(f) Section 435(a) of such Act is amended by inserting at the end thereof the following: "Notwithstanding any other provisions of this part, whenever the Commissioner determines that it is necessary in order to carry out the purposes of this part and after affording an opportunity for a hearing, he is authorized to suspend, limit, or terminate eligibility under this part for any single otherwise eligible institution."

SAVINGS PROVISION

Sec. 419. The amendments made by this part shall not be effective with respect to any loan made after the date of enactment of this Act, in whole or in part, to consolidate or convert a loan made or contracted for prior to its effective date.

Part C—Extension and Amendment of the Work-Study Program

STATEMENT OF PURPOSE

Sec. 421. Section 441(a) of the Higher Education Act of 1965 is amended by striking out "from low-income families" and inserting in lieu thereof "with great financial need".

APPROPRIATIONS AUTHORIZATION

Sec. 422. Section 441(b) of the Higher Education Act of 1965 is amended to read as follows:

"(b) There are authorized to be appropriated $330,000,000 for the fiscal year 1972, $360,000,000 for the fiscal year 1973, $390,000,000 for the fiscal year 1974, $420,000,000 for the fiscal year 1975, and $450,000,000 for the fiscal year 1976 to carry out this part (other than section 447)."

REVISION OF STATE ALLOTMENT FORMULA

Sec. 423. Section 442 of the Higher Education Act of 1965 is amended by redesignating subsection (e) as subsection (b), and by striking out subsections (a), (b), (c), and (d) and inserting in lieu thereof the following:

"Sec. 442. (a) From the sums appropriated to carry out this part, the Commissioner shall reserve the amount provided for in subsection (b) and shall allot the remainder among the States in accordance with section 465."

AUTHORIZING PARTICIPATION OF HALF-TIME STUDENTS IN COLLEGE WORK-STUDY PROGRAM

Sec. 424. Section 444(a)(3)(C) of the Higher Education Act of 1965 is amended (1) by striking out "full time" both times it appears, and (2) by inserting after "student at the institution" and after "attendance there" the following: "on at least a half-time basis".

CONDITIONS OF AGREEMENT

Sec. 425. (a) Section 444(a)(3) of the Higher Education Act of 1965 is amended (1) by striking out "from low-income families" and inserting in lieu thereof the following: "with the greatest financial need, taking into account grant assistance provided such student from any public or private sources", and (2) by amending clause (B) to read as follows: "(B) shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement, and".

(b) Section 444(a) of such Act is amended by striking out paragraph (4).

WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

Sec. 426. Part C of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"WORK-STUDY FOR COMMUNITY SERVICE LEARNING PROGRAM

"Sec. 447. (a) The purpose of this section is to enable students in eligible institutions who are in need of additional financial support to attend institutions of higher education, with preference given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964, to obtain earnings from employment which offers the maximum potential both for effective service to the community and for enhancement of the educational development of such students.

"(b) There are authorized to be appropriated $50,000,000 for the fiscal year 1972 and each succeeding fiscal year ending prior to July 1, 1976, to carry out this section through local project grants, without regard to the provisions of section 465.

"(c) The Commissioner is authorized to enter into agreements with public or private nonprofit agencies under which the Commissioner will make grants to such agencies to pay the compensation of students who are employed by such agencies in jobs providing needed community services and which are of educational value.

"(d) An agreement entered into under subsection (c) above shall—

"(1) provide for the part-time employment of college students in projects designed to improve community services or solve particular problems in the community.

"(2) provide assurances that preference will be given to veterans who served in the Armed Forces in Indochina or Korea after August 5, 1964 in recruiting students in eligible institutions for jobs under this section, and that the agency will make an effort to relate the projects performed by students to their general academic program and to a comprehensive program for college student services to the community.

"(3) conform with the provisions of clauses (A), (B) and (C) of paragraph (1) of section 444(a), and provide for the selection of students who meet the requirements of clauses (A), (B) and (C) of paragraph (3) of section 444(a);

"(4) include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this section.

"(e) For purposes of this section, the term 'community service' includes, but is not limited to, work in such fields as environmental quality, health care, education, welfare, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement."

Part D—Extension and Amendment of Cooperative Education Programs

EXTENSION OF PROGRAM

Sec. 431. (a) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "There are authorized to be appropriated $340,000 for the fiscal year ending June 30. 1969, $8,000,000 for the fiscal year ending June 30, 1970, and $10,000,000 for the fiscal year ending June 30, 1971," and inserting in lieu thereof "There are authorized to be appropriated such sums as may be necessary for the fiscal year 1972, and for each succeeding fiscal year ending prior to July 1, 1976,".

(b) The second sentence of such section 451(a) of such Act is repealed.

(c) Section 451(b) of such Act is amended by striking out "$750,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years," and inserting in lieu thereof "such sums as may be necessary for the fiscal year 1972, and for each fiscal year ending prior to July 1, 1976,".

NEW USE OF FUNDS

Sec. 432. (a) Section 451(b) of the Higher Education Act of 1965 is amended by inserting after "training" the following: ", demonstration,".

(b) Section 453 of such Act is amended by inserting immediately before "or for research" the following: "for projects demonstrating or exploring the feasibility or value of innovative methods of cooperative education,".

Part E—Amendments to General Provisions Relating to Student Assistance

FORMULA FOR ALLOTTING STUDENT FINANCIAL ASSISTANCE FUNDS AMONG STATES

Sec. 441. Part E of title IV of the Higher Education Act of 1965 is amended by inserting after section 464 the following new section:

"ALLOTMENT OF FUNDS TO STATES

"Sec. 465. (a) Subject to the provision of subsection (c) ninety per centum of the sums appropriated for a fiscal year (1) under section 401(b) of this Act, (2) under section 441(b) of this Act (after making the reservation provided for in section 442), or (3) under section 201 of the National Defense Education Act of 1958, for fiscal years ending prior to July 1, 1976, shall each be allotted by the Commissioner among the States as provided in subsection (b).

"(b) In allotting sums under subsection (a), the Commissioner shall allot not to exceed two per centum of each sum being allotted between American Samoa and the Trust Territory of the Pacific Islands according to their respective needs for the assistance for which the sum being allotted was appropriated. The remainder of each sum shall be allotted as follows:

"(1) one-third shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

"(2) one-third shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 103(d)(3) of the Higher Education Facilities Act of 1963) of such State bears to the total number of such high school graduates of all the States; and

"(3) one-third shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under eighteen years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under eighteen years of age living in families with annual incomes of less than $3,000 in all the States.

"(c) In the event the allotment to a State for a fiscal year after the fiscal year 1972 from the appropriations described in clause (1), amounts allotted under subsection (d), is less than the amount so allotted to such State from the amount so appropriated for the fiscal year 1972, such allotment to the State shall be increased to an amount equal to its allotment from such appropriation for the fiscal year 1972, and the total of the increases thereby required shall be derived by proportionately reducing the allotments of each of the remaining States, but with such adjustments as may be necessary to prevent the allotment from such appropriation to any State from being thereby reduced below its allotment from such appropriations for the fiscal year 1972.

"(d) The sums remaining after making the allotments provided for in subsection (a) of this section shall be allotted among the States by the Commissioner in accordance with equitable criteria which he shall establish and which shall be designed to achieve a distribution of the sum being allotted among the States which will most effectively carry out the purpose for which the funds were appropriated. Sums allotted to a State under this subsection shall be consolidated with, and become a part of, its allotment of funds from the same appropriation under the preceding subsections of this section.

"(e) The portion of any State's allotment under subsections (a), (b), (c), and (d) of this section for a fiscal year which the Commissioner determines will not be required in the State for the purpose for which appropriated may be reallotted by the Commissioner from time to time, on such dates as he may fix, to other States in such manner as he determines will best assist in achieving the purpose for which the funds were appropriated.

"(f) For purposes of this section (other than subsection (g)), the term 'State' does not include American Samoa or the Trust Territory of the Pacific Islands.

"(g) Sums appropriated under section 201 of the National Defense Education Act of 1958 for a fiscal year ending after June 30, 1976, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts were appropriated."

TRANSFER OF FUNDS BETWEEN PROGRAMS

Sec. 442. (a) Effective with respect to fiscal years ending after June 30, 1972, subject 1 of part E of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof (after the section added by section 441) the following new sections:

"TRANSFERS BETWEEN PROGRAMS

"Sec. 446. Up to 10 per centum of the allotment of an institution of higher education for a fiscal year under section 405 or 442 of this Act, may be transferred to, and used for the purposes of, the institution's allotment under the other section within the discretion of such institution in order to offer an arrangement of types of aid, including institutional and State aid, which best fits the needs of each individual student. The Commissioner shall have no control over such transfer, except as specifically authorized, except for the collection and dissemination of information.

"GUIDELINES

"SEC. 467. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this title shall be provided to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives at least thirty days prior to their effective date."

PART F—SECONDARY MARKET AND WAREHOUSING

SEC. 451. Title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part F:

"PART F—STUDENT LOAN MARKETING ASSOCIATION

"DECLARATION OF PURPOSE

"SEC. 471. Congress hereby declares that it is the purpose of this part to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans and provide liquidity for student loan investments.

"CREATION OF AGENCY

"SEC. 472. (a) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(b) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possesion, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(c) There are hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association.

"BOARD OF DIRECTORS

"SEC. 473. (a) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the President.

"(b) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders under this title, seven of educational institutions, and seven of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(c) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors, who shall be representative of the general public.

"(d) At the time the event described in subsection (c) has occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(e) The directors shall serve for a term ending on the date of the next annual meeting of the common stockholders of the Association and, in the case of those directors appointed by the President, until their successors have been appointed and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(f) The Board of Directors shall meet at the call of its chairman, but at least semiannually. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"FUNCTIONS

"SEC. 474. (a) The Association is authorized, subject to the provisions of this part, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured under this part.

"(b) Any advance made under subsection (a) of this section shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"COMMON STOCK

"SEC. 475. (a) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under part B of this title who are qualified as insured lenders under such part or who are eligible institutions as defined in section 435(b) (other than an institution outside the United States).

"(b) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in section 473(c).

"(c) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary, and, as to the Association, only on the books of the Association. The Secretary shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(d) To the extent that net income is earned and realized, subject to section 476 (b), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"PREFERRED STOCK

"SEC. 476. (a) The Association is authorized, with the approval of the Secretary, to issue nonvoting preferred stock with a par value of $100 per share. Any perferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(b) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(c) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"OBLIGATIONS

"SEC. 477. (a) The Association is authorized with the approval of the Secretary and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(b) The Secretary is authorized, on behalf of the United States, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(c) To enable the Secretary to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"GENERAL POWERS

"SEC. 478. The Association shall have power—

"(a) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(b) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(c) to adopt, amend, and repeal by its board of directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(d) to conduct its business, carry on its operations, and have officers and exercise the power granted by this part in any State without regard to any qualification or similar statute in any State;

"(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(h) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all things necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"AUDIT

"SEC. 479. The accounts of the Association shall be audited at least annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States, except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who, although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest standards prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975. A report of each such audit shall be furnished to the Secretary of the Treasury.

"AUDIT REPORT TO CONGRESS

"SEC. 480. A report of each such audit for a fiscal year shall be made by the Secretary to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of the Treasury and to the Association.

"OBLIGATIONS AS LAWFUL INVESTMENT, ACCEPTANCE AS SECURITY

"SEC. 481. All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this part shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"PREPARATION OF OBLIGATIONS

"SEC. 482. In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and other materials, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"ANNUAL REPORT

"SEC. 483. The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.

"SEPARABILITY

"SEC. 484. If any provision of this part or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the part, and the application of such provisions to other persons or circumstances, shall not be affected.".

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 452. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(d) Section 107(8)(E) of the Federal Credit Union Act, as amended (12 U.S.C. 1957(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

PART G—EXTENSION AND AMENDMENT OF TITLE II OF THE NATIONAL DEFENSE EDUCATION ACT OF 1953

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 461. The first sentence of section 201 of the National Defense Education Act of 1958 is amended to read as follows: "For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low interest loans to students in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $425,000,000 for the fiscal year 1972, $475,000,000 for the fiscal year 1973, $575,000,000 for the fiscal year 1974, and $675,000,000 for the fiscal year 1975 and the succeeding fiscal year, to carry out this part, and there are further authorized to be appropriated such sums for the fiscal year 1977, and each of the next three fiscal years, as may be necessary to enable students who have received loans for school years ending prior to July 1, 1976, to continue or complete their education."

REVISION OF STATE ALLOTMENT FORMULA

SEC. 462. Section 202 of the National Defense Education Act of 1958 is amended to read as follows:

"ALLOTMENTS TO STATES

"SEC. 202. The Commissioner shall allot funds appropriated pursuant to section 201 among the States in accordance with section 465 of the Higher Education Act of 1965."

MODIFICATION OF LOAN LIMIT

SEC. 463. Section 205(a) of the National Defense Education Act of 1958 is amended to read as follows:

"SEC. 205. (a) The aggregate of the loans for all years made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed $10,000 in the case of any graduate or professional student (as defined by regulations of the Commissioner, and including any loans from such funds made to such person before he became a graduate or professional student), $5,000 in the case of a student who has successfully completed two years of a program of education leading to a bachelor's degree, but who has not completed the work necessary for such a degree (determined under regulations of the Commissioner, and including any loans from such funds made to such person before he became such a student), and $2,500 in the case of any other student."

ASSIGNMENT OF LOANS IN DEFAULT TO THE COMMISSIONER

SEC. 464. (a) Effective thirty days after the date of enactment of this Act, section 204 of the National Defense Education Act of 1958 is amended by striking out "and" at the end of paragraph (3), by renumbering paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) provide that where a note or written agreement evidencing a loan has been in default for at least one hunderd and eighty days despite due diligence on the part of the institution in making collection thereon, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such a loan shall be deposited in the general fund of the Treasury."

INCREASE IN MINIMUM RATE OF REPAYMENT

SEC. 465. Section 205(b)(2)(F) of the National Defense Education Act of 1958 is amended by striking out "$15" and inserting "$30."

PROVIDING THAT A VETERAN SHALL BE CONSIDERED SELF-SUPPORTING IN DETERMINING HIS NEED FOR A LOAN

SEC. 466. Section 207 of the National Defense Education Act of 1958 is amended by adding at the end thereof the following new subsection:

"(e) In determining, for purposes of clause (A) of paragraph (1) of subsection (b) of this section, whether a student who is a veteran (as that term is defined in section 101(2) of title 38, United States Code), is in need an institution shall not take into account the income and assets of his parents."

REIMBURSEMENT IN FULL TO COVER REDUCTIONS

SEC. 467. Section 208 of the National Defense Education Act of 1958 is amended to read as follows:

"PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

"SEC. 208. In addition to the payments otherwise authorized to be made pursuant to this title, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount equal to the interest which, after the effective date of the Higher Education Act of 1971, has been prevented from accruing and the portion of the principal which has been canceled after such effective date on student loans pursuant to paragraph (3) of section 205(b) (and not previously paid under this section)."

REVISION OF PROVISION RELATING TO LOAN FORGIVENESS

SEC. 468. (a) Section 205(b)(3) of the National Defense Education Act of 1958 is amended to read as follows:

"(3) part or all of such loan may be canceled for certain service as a teacher, in accordance with section 210;".

(b) Title II of such Act is amended by adding the end thereof the following new section:

"CANCELLATION FOR CERTAIN SERVICE AS A TEACHER

"SEC. 210. (a)(1) Fifteen per centum of the total amount of any loan made after June 30, 1972, from a student loan fund established under this title shall be canceled for each complete academic year of service by the borrower—

"(A) as a full-time teacher in an elementary or secondary school described in paragraph (3),

"(B) as a full-time staff member in a preschool program carried on under section 222(a)(1) of the Economic Opportunity Act of 1964 which is operated for a period which is comparable to a full school year in the locality: *Provided*, That the salary of such staff member is not more than the salary of a comparable employee of a local educational agency, or

"(C) as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system.

"(2) A teacher may receive cancellation of a loan under subparagraph (A) of paragraph (1) only for service in an academic year in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year had been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965, as amended (using a low-income factor of $3,000), exceeds 40 per centum of the total enrollment of the school.

"(b) In the case of a loan made before July 1, 1972, not to exceed 50 per centum of such loan (1) shall be canceled for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service, except that (A) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year has been determined by the Commissioner (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such title (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school) the Commissioner shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system, and (C) for the purposes of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan may be canceled, and (2) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan for each year of consecutive service, but only if such loan was made after April 13, 1970.

"(c)(1) If any academic year any portion of a loan is canceled under subsection (a) or (b), the entire amount of interest on such loan which accrues for such year shall be canceled.

"(2) Nothing in this section shall authorize refunding any repayment of a loan.

"(3) For purposes of this section, the term 'academic year' means an academic year or its equivalent (as determined under regulations of the Commissioner)."

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. Are there any amendments to the proposed title IV?

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Beginning with line 9 on page 106, strike out everything down through line 21 on page 113, and insert in lieu thereof the following:

PART A—EXTENSION AND AMENDMENT OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

STATEMENT OF POLICY; EXTENSION OF PROGRAM

SEC. 401. (a) Section 401(a) of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 401. (a) It is the purpose of this part to provide educational opportunity grants to qualified students with demonstrated need to assist them to pursue postsecondary education programs."

(b) Section 401(b) of such Act is amended—

(1) by striking out "and" after "1970", and by inserting after "1971" the following: ", and subject to the last sentence of this subsection, such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,",

(2) by striking out "for the initial academic year",

(3) by striking out the last three sentences and inserting in lieu thereof the following: "In addition there are authorized to be appropriated for the three succeeding fiscal years, such sums as may be necessary for payments to such institutions for use by theme for making educational opportunity grants to undergraduate students who received such grants for an academic year beginning during the fiscal year 1976 from funds appropriated under the preceding sentence, to enable them to continue their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeding the fiscal year for which they were appropriated." The amount authorized to be appropriated for any fiscal year under this subsection shall not exceed the amount appropriated for carrying out this part for fiscal year 1972 unless the amount appropriated for such fiscal year for carrying out part C of this title and title II of the National Defense Education Act of 1958 is, in each case, not less than the amount so appropriated for the fiscal year 1972.

(c) Section 407(a) (5) of such Act is amended by inserting after "thereof" the folowing: "and without discrimination against students transfering from other institutions".

DETERMINATION OF AMOUNTS OF EDUCATIONAL OPPORTUNITY GRANTS

SEC. 402. Section 402 of the Higher Education Act of 1965 is amended to read as follows:

"AMOUNT OF EDUCATIONAL OPPORTUNITY GRANT

"SEC. 402. (a) From the funds received by it for such purpose under this part for an academic year, an institution of higher education shall award an educational opportunity grant to each of its eligible students for such academic year in an amount determined by the institution for such student with respect to that year under this section. Except in a case to which subsection (c) of this section is applicable, such amount shall be equal to whichever is the lesser, (1) ($1,400 (or such other amount as may be arrived at by the Secretary under section 406(c)) minus the student's expected family contribution, or (2) one-half of the amount he needs to attend the institution. If the amount of the payment so determined for an academic year is less than $200 for a student, no payment shall be made under this part to that student on that year.

"(b) For purposes of making determinations under subsection (a)—

"(1) the cost of attending an institution shall be the amount required as tuition, books, and fees and the reasonable costs of board and lodging,

"(2) the student's expected family contribution shall be determined by a method to be prescribed by the Commissioner by regulation (to which section 553 of title 5, United States Code, shall apply) which shall be uniform for all institutions and shall include the portion of its resources which a family can reasonably be expected to contribute to the education of the student in light of (A) family income and assets, (B) number of children in the family, (C) number of persons in the family attending institutions of higher education, (D) any unusual medical expenses of the family, (E) business failures, and (F) any other circumstances affecting the student's financial need; but no consideration shall be given to the earnings of a student during the summer (or other comparable period) preceding the academic year; and

"(3) the amount the student needs to attend any institution of higher education shall be equal to the cost of attending the institution minus the student's expected family contribution.

"(c) Notwithstanding any provision of this section, an individual who has, in years prior to the effective date of the Higher Education Act of 1971, been awarded an educational opportunity grant pursuant to this part shall continue to be eligible to receive a grant in accordance with the provisions of this part as in effect at the time of the initial grant if he so elects in the manner prescribed in regulations of the Commissioner."

DURATION

SEC. 403. (a) The first sentence of section 403 of the Higher Education Act of 1965 is amended to read as follows: "A student eligible therefor may be awarded an educcational opportunity grant under this part for each academic year of the period required for completion by the recipient of his undergraduate course of study, except that such period shall not exceed four academic years."

(b) The second sentence of such section is amended by inserting after "(2)" the following: "except in a case to which section 408 is applicable,".

ELIGIBILITY

SEC. 404. Section 404 of the Higher Education Act of 1965 is amended to read as follows:

"DETERMINATION OF ELIGIBILITY FOR EDUCATIONAL OPPORTUNITY GRANTS

"SEC. 404. An individual shall be eligible for the award of an educational opportunity grant under this part at any institution of higher education which has made an agreement with the Commissioner pursuant to section 407 (which institution is hereafter in this part referred to as an 'eligible institution'), if the individual (1) has been accepted for enrollment as a student at such institution on at least a half-time basis or, in the case of a student already attending such institution, is in good standing and in attendance on at least a half-time basis as an undergraduate student, and (2) makes application at the time and in the manner prescribed by that institution."

REQUIREMENT FOR OTHER FINANCIAL AID

SEC. 405. Part A of title IV of the Higher Education Act of 1965 is amended by striking out section 405 and inserting in lieu thereof the following new section:

"REQUIREMENT FOR OTHER FINANCIAL AID

"SEC. 405. (a) No institution of higher education shall make any educational opportunity grants for any academic years unless all recipients of such grants will receive other financial aid for that academic year in an amount at least equal to the amount of such grant for such year.

"(b) Where an institution of higher education is unable to provide the other financial aid required by subsection (a) from its own resources, and is unable to obtain, or assist its student to obtain, such aid from other public or private sources, and the Commissioner determines the institution has made appropriate efforts to obtain such aid for its students but has been unable to do so through no fault of its own, then the Commissioner may reduce the requirement of subsection (a) for that institution for that year.

"(c) For purposes of this section, the term 'other financial aid' means financial aid from sources outside the student's family, and may include grants, loans, or wages."

AMOUNT OF GRANTS TO INSTITUTIONS

SEC. 406. Section 406 of the Higher Education Act of 1965 is amended to read as follows:

"DETERMINATION OF AMOUNT OF GRANTS TO INSTITUTIONS

"SEC. 406. (a) The Secretary shall set dates by which eligible institutions with which he has agreements under this part must submit to him the information necessary for him to determine the aggregate amount which will be necessary to enable each institution to make payment to its students of the educational opportunity grants to which they are entitled under section 402 for the fiscal year.

"(b) On the basis of the information submitted under subsection (a) (as revised from time to time) the Commissioner shall determine the aggregate amount necessary for all institutions of higher education, for such fiscal year, to provide their students the educational opportunity grants to which they are entitled.

"(c) In the event appropriations for making educational opportunity grants under this part for a fiscal year after making the grants required by section 402(c) are insufficient to award all students eligible for such a grant the amount to which they are entitled applying the $1,400 figure in the formula prescribed in section 402(a), the Secretary shall adjust such figure downward until he arrives at a figure which will permit him within the limits of available appropriations, to make educational opportunity grants to all students eligible therefor in the full amount arrived at by use of such reduced figure in computing the amounts of such grants."

PROVISIONS OF AGREEMENTS WITH INSTITUTIONS

SEC. 407. (a) Section 407(a)(2) of the Higher Education Act of 1965 is amended to read as follows:

"(2) provide that the institution will obtain, and provide the Commissioner with, the information necessary for him to carry out his duties under section 406;".

(b) Section 407(a)(4) of such Act is repealed.

(c) Section 407(b) of such Act is repealed.

ELIGIBILITY OF PART-TIME STUDENTS FOR GRANTS

SEC. 408. Part A of title IV of the Higher Education Act of 1965 is amended by adding after section 407 the following new section:

"ELIGIBILITY OF PART-TIME STUDENTS

"SEC. 407A. Notwithstanding any other provision of this part, students who are in attendance at an eligible institution on a less than full-time, but not less than half-time, basis shall be eligible for reduced educational opportunity grants under this part, and the Commissioner may adjust any of the provisions of this part in a manner which appropriately reflects the differences between such students and those attending on a full-time basis."

On page 111, strike out line 12 and insert in lieu thereof the following: "year, to be used for the".

Strike out lines 24 and 25 on page 129 and line 1 on page 130 and insert in lieu thereof the following: "year (1) under section 441(b) of this Act (after making the reservation provided for in section 442), or (2) under section 201 of".

On page 131, strike out line 15 and insert in lieu thereof the following: "scribed in clause (1) or (2) or subsection (a) plus any".

Renumber section 402 as section 409, and section 403 as section 410.

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

(Mr. QUIE asked and was given permission to revise and extend his remarks).

Mr. QUIE. Mr. Chairman, this is the amendment which the gentleman from Minnesota (Mr. FRASER) and I have joined together in offering. It is a substitute for the educational opportunity grant program that is in the committee bill.

As I pointed out yesterday, the allotment formula for the educational opportunity grant program in the bill, compared to the allotment formula that exists in the present act, so far as I am concerned makes the program more inequitable than it is at present. I can go into that further. The bill also leaves less chance of equitability for all the students who can qualify for educational opportunity grants than presently exists.

Instead, I am offering the substitute, which I will go through over here with these charts, so that I can give a more visual presentation of what we are talking about. First, the general principles.

What the substitute will do is to enable the Congress to achieve a goal I believe it wanted to achieve when it set up the educational opportunity grant program in the Higher Education Act of 1965; that is, that no qualified student be denied the opportunity for postsecondary education, because of lack of financial means. I believe the substitute will enable the Congress to help achieve that national goal.

For the States, I believe the substitute will provide each with its fair share, because the aid will be distributed based on the eligible students—the needy students—according to the amount of money they need.

As I indicated yesterday, States vary considerably as to whether they have a net outmigration or an inmigration of students. Some States attract many more students than they graduate from their own high schools. Others export more than they educate in their own State. The substitute takes into consideration differences in the cost of education among the States, because needs will be determined and money will be distributed based on the students' need in that State. You do not depend on an arbitrary State formula and allow the colleges to get only a percentage of that amount.

If the program stays in the bill as it is now and you have about the same money as is presently the case, you will find some States getting only 15 percent of their request and others getting more than 40 percent of their request. This is not fair at all. The substitute would require a fair distribution of money to the students no matter which State they happen to live in or no matter which State they happen to choose to go to college.

For the colleges, it will give them greater predictability for their program. Right now the college estimates its need, which goes to a regional panel and that regional panel determines how much of the money goes for renewal of the educational opportunity grants made in previous years and what is approved for new grants. The panel approves an amount and then the institution gets a percentage of the allotment that happens to be distributed to that State. If the allotment is inequitable or the panel approved request is inequitable the college receives some unpredictable percentage of aid compared to the amount a similar institution might receive in a different State.

For the student it will provide equal access. It does not make any difference where the student lives or where the student chooses to attend college. He can easily learn how the program works and how the amount he will be able to receive to attend a college any place will be determined.

The next chart I would like to show you relates to what has concerned many people. When the college makes a determination as to the amount the student's family could contribute to his education, there are presently four basic systems it may use. Some colleges have devised their own systems. At the present time representatives of those basic systems are working together to try to find some common means for determining parental contribution. It is expected here that they will be able to get together and agree upon a standard method for establishing the family contribution.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for 5 additional minutes.)

Mr. QUIE. When a determination of parental contribution is made under this formula, here are the factors which will be taken into consideration: the income of the family, the assets that the family has, the number of children in the family, the number of children in college, unusual expenses that they might have, and so forth. For instance, there might be a business reverse, so there is no extra money that year. That will be taken into consideration. The mother may need an expensive operation. Therefore, that has drawn down the family resources. That will be taken into consideration. Anything else that is relevant in determining the ability of the family to contribute to the student's education is weighed. But, wherever the student attends, the same method would be used in determining the contribution that would be expected and the educational opportunity grants that would be available to the student.

I think this is important, because under this proposal the student will not have to shop around to see in which State he can get the best deal or which college will give him the best deal. As I indicated earlier, some colleges or some States get a higher percentage of their institutional requests than other States. And there are various ways of determining parental contribution. Now the student finds it necessary to shop around for the best deal.

I would also like to show you how this formula actually would work out, because some people are concerned about the middle-income students and are fearful that this proposal might hurt middle-income students.

It would help middle-income students. What it would do is to provide equity for all of the students no matter what their incomes are.

So, in the column over to the right you have the total cost of education, and we assume that probably $1,000 is about the least amount for education when you are talking about tuition and fees, books and the normal cost of room and board. On the chart, we run it up to a cost of $3,000 to show how the formula would work at various cost levels. Some colleges actually cost as much as $5,000. Across the top is listed the expected family contribution. If it were an extremely poor family and that family could not contribute, then of course they would not be expected to. The proposal works this way: You take $1,400-minus the expected family contribution or you take one-half of the need. So, if the cost is $1,000 and the family contribution $200, you subtract the $200 from the $1,000 and you get a need of $800. One-half of the need would be $400.

However, if you get out to a place where the cost of education is $3,000 and the family contribution was $200, you subtract the $200 from the $1,400 and the student in that case would get a $1,200 EOG.

So, if you study this chart for a period of time you can see there the equitable manner of determining the availability of educational opportunity grants. Students across this Nation could look at that and see what they could expect to receive in the form of an EOG grant. A college could look at it and knowing pretty much the experience of the students the year before, could be able to determine the amount of money they would be able to receive.

Mr. Chairman, I would say that this is the fairest and most equitable method you can devise now for EOG.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of the most important parts of the Higher Education bill. It will determine the direction in which all student financial aid is going to go in the next 5 years or until the act comes back for amendment.

Mr. Chairman, the gentleman from Minnesota listed four changes that would be effected if his amendment is adopted.

First, Congress would achieve its goal. I suggest that Congress has achieved its goal.

The EOG program was designed for students with exceptional need. This last year over 280,000 Educational Opportunity grants were awarded to needy students. The committee still insists that this aid go to students with exceptional financial need.

How well have we achieved our goal? Of the money that has been given through Educational Opportunity Grants 88 percent of the Educational Opportunity Grants have gone to sons and daughters who come from families with less than $7,500 gross income, not adjusted, but gross income. I think that is a remarkable record of achievement.

In addition to that 88 percent, an additional 8 percent of all the grants that have been awarded have gone to students who come from families with less than $9,000 gross income. In other words, has Congress achieved its goal? Yes.

Ninety-six percent of all of the educational opportunity grants that we have awarded have gone to students of exceptional need. I suggest that if we could achieve that record of 96-percent success in all of the other programs that this Congress passes we would be mighty, mighty happy. I believe this is a wonderful achievement of a goal.

The gentleman from Minnesota says that under his formula the States will be guaranteed a fair share. There is not a single State in the Union that would be guaranteed a dime because the amendment wipes out their allotment. He says that we are going to make it possible for every student to receive $1,400 minus what his parents can contribute. He refers to this as an entitlement, but he entirely eliminates the State allocation. I think that we must preserve the State allocations in order to achieve some stability in the program.

He says the colleges will have a degree of predictability on how much money they will receive. You and I know there is absolutely no predictability because it depends entirely upon what the Committee on Appropriations of this Congress does. If they do not appropriate more money, then the institution will not get more money. There is no more predictability under that than under the formula in the bill.

He further states that every student will have equal access to higher education. The whole student financial aid program was put together as a ladder. We have educational opportunity grants for those with the lowest incomes, and with exceptional need; but we also have work study for the students with exceptional need, and the ones who might be from the lower or middle income groups. Then we have the NDEA loans for the exceptionally needy students and those in the lower and middle income groups.

In addition, we have the guaranteed loans for the students from middle income families and any who might need additional money. This kind of flexibility in our programs and the decision as to which are most appropriate for an individual student ought to be left to the individual institution. I cannot, for the life of me, understand why we say we trust the colleges and universities and credit them with the wisdom and judgment to administer a multimillion-dollar budget, yet somehow when we get to student financial aid, then Congress has to impose national standards from Washington.

I read the statement before pointing out that the Commissioner of Education under the amendment would be given the authority to determine what the dollar criteria should be—to determine what the parents' contribution ought to be. Again I would repeat we have no right to impose the will of the Federal Government on them. We cannot let the Commissioner of Education say to the parents, "You have a $15,000 income; you ought to be contributing x number of dollars toward the education of your child." Let us leave that determination to the universities and colleges. Let us leave the flexibility there.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I would prefer not to yield to the gentleman at this moment. When I have finished, I will be pleased to yield to the gentleman if there is time remaining.

The present level of funding of EOG is $175 million. The proposal of the gentleman from Minnesota (Mr. Quie) if it is adopted, and if it is fully funded, would cost about $500 million.

Now, I just cannot believe that this Congress is going to jump from a $175 million appropriation for educational opportunity grants to $500 million. And if they do, if they put all their eggs in one basket and fund the EOG program at that level, it will be at the expense of the work-study and NDSL funds, and I do not believe that is desirable.

Also, Mr. Chairman, the gentleman gives the unusual authority to the Commissioner to impose this national standard, and it is a new departure. It makes just as much sense, or as little sense, I might say, if the Commissioner were to have authority to set national standards on how much each State or each institution ought to contribute to a student.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. Green of Oregon was allowed to proceed for 5 additional minutes.)

Mrs. GREEN of Oregon. So, Mr. Chairman, I would urge that we retain the flexibility and allow that decision to be made at the local level. Let the student and the financial aid officer sit down and determine the need and work out a suitable aid package. The aid officer is in a position to sit down with the students and say, "Let us consider all the factors How much time are you working? How much money are you making? What is your State scholarship? How much is the institution able to give to you? What are the needs of your family?"

The student financial aid officer must consider whether there is a catastrophic illness in the family, whether there has been a business failure, whether they have five other children in college at the same time, or whether the family is paying costs to other schools to educate other children in the family.

The flexibility we have is working well. Let the institutions continue to operate with that flexibility as they are at the present time.

Also, may I point out with respect to that total student aid package, that some States such as New York, California, Connecticut, and Pennsylvania have done a remarkably fine job in providing assistance to their students.

The student financial aid officer, if we retain the present flexibility, will be able to consider how much a State is going to contribute. He will be able to consider institutional and private contributions. He will put all of those factors together along with the Federal contribution, and come up with the kind of aid package the student needs.

The gentleman from Minnesota placed in the Record yesterday a chart. I want you please to look at that chart. I have the greatest respect for my colleague, the gentleman from Minnesota, and I do not want to be misunderstood. I have the greatest respect for his integrity and I am sure he would not intentionally mislead.

But the figures in the chart which he placed in the Congressional Record show what every State supposedly is getting at the present time, and how much they would get if the amendment were enacted.

But the gentleman from Minnesota failed to point out that the change in the committee bill reserves 10 percent of all the funds for the Commissioner of Education in case inequities occur.

On this chart he shows an expenditure allocation under current law of $63,923,000. If the committee bill were passed, the chart shows an allocation of $56 million.

Obviously, if we are going to have $7 million less to distribute, then the States are going to get less money.

If you are going to make a fair comparison, you ought to have $63 million in both instances—and not $63 million distribution in one and $56 million in the other. To do so and then point to certain Congressmen and say, "Well, now, you come to this State—look how much less your State is going to get," is inaccurate and misleading.

Of course, that State is going to get less—if you do not assume the same funding level under both formulas and apply the same rules. So I would say, in terms of aid that would be received under the committee bill, every State is guaranteed to receive no less than what it received last year.

In conclusion, the committee bill adds some new provisions that will make EOG distribution even more equitable. We think we have achieved the goal we sought in establishing the program. We think we have one of the best programs possible to identify the needy student who is bright and capable and who might not otherwise go to college except for the receipt of these funds.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. QUIE. I just want to point out to the gentlewoman on page 37778 I do state—

> Under H.R. 7248 the situation worsens. Taking out first the 10 percent the bill would reserve for the Commissioner to distribute.

And then I go on to explain the table.

Therefore, this table was placed in the Record in that way assuming that the same amount of money was appropriated next year. That is why I used percentages rather than the dollar sums.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman and Members of the Committee, I am joining my colleague, the gentleman from Minnesota (Mr. Quie) in the sponsorship of this amendment. We do not often work together, but in this case an examination of the amendment which he proposes demonstrates that his amendment would provide considerably more equity and more accuracy in achieving the objective of the equal opportunity grant.

Let me say first of all, I think this is a good higher education bill. I have read through the various titles and I congratulate the gentlewoman from Oregon (Mrs. Green) and the other members of the subcommittee and of the full committee.

On the whole I think the measure is a step forward in providing Federal underpinning for higher education.

But in the case of equal opportunity grants, let me urge you to get out the Congressional Record which was published yesterday and look at the chart on page 37779, because what you will find there is that many States, and particularly some of the large States, are going to suffer a net reduction in their share of equal opportunity grant money. They are going to be reduced unfairly. It is not that they are going to be reduced to some fair, proper average, but that they are going to go below what would be a reasonable proportion of the total allotment that would be made available of the so-called 90 percent of the money to be allotted to the States.

Why does that happen? It happens because the committee has introduced three factors, two of which are irrelevant to the need for equal opportunity grants. What are the three factors? First, enrollment in higher education, and that is the way the law is today. If you left that alone, it would make better sense. But the committee did not do that. It added two other factors that have nothing to do with the number of students who need equal opportunity grants. They added in the factor of the number of children under 18 with families having incomes under $3,000. Then they added in the factor of the number of high school graduates. Why add those two factors in? All it does is distort and alter a measure of need which is more accurately assessed by simply counting the number of eligible students at each higher education institution. That is the honest measure.

You know, this committee version is something like saying, "What we ought to do is to rewrite the social security program of the United States. We are not going to pay people social security benefits based upon the person's entitlement. Instead, we are going to let the State count the number of people over 65, or who have just reached 65 last year, and we are going to count the number of people who have incomes under $3,000. We will send the money then to the State and they can decide how they will distribute it to each old-age beneficiary."

That does not make sense. People have the right under social security to know where they will stand and how much they will get. This is what we are trying to do with the equal opportunities grants: to set a national method of measuring need. We should measure the institutional requirements by the number of students who need help in each institution and then see that the money flows directly to them.

Mrs. Green argues for State allotments. I cannot understand what her argument consists of. All you are doing is imposing an arbitrary measure between the Federal supply of funds and the institutional need. It is the institutional need that ought to be the measure. That is the measure provided for in this amendment.

One other factor that I think deserves

reiteration is that the way it works now, a student can go shopping. He can go around to different institutions and see if he can get a better break, because there is a lot of discretion left so that he may get an institution that will offer him a higher equal opportunities grant. I do not think that makes sense. That is like saying to a social security beneficiary, "You can shop around among the different States and try to get higher social security benefits. You might happen to land in a State that likes the way you cut your hair, or something like that."

I think the equal opportunity grants ought to be administered fairly. They ought to be equitable. They ought to be uniform. They ought to be based upon some kind of national standard in terms of what the family can contribute. That is why I think the amendment would improve what I believe is otherwise an excellent bill, and I again wish to commend the gentlewoman from Oregon (Mrs. GREEN) for reporting a fine bill, and I particularly support her antisex provision.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The gentleman almost persuades me to accept the amendment in return, but not quite.

Will the gentleman yield further?

Mr. FRASER. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Would the gentleman agree that the Work Study program that is now in existence has worked reasonably well?

Mr. FRASER. If you want my honest answer, I would change the formula, because I think your 3-factor formula on that, which you are borrowing for this, introduces distortions to allocations. But I am not arguing that point now.

Mrs. GREEN of Oregon. Would you give me an example of such distortion? Can you give me any examples of where there has been distortion?

Mr. FRASER. The State of California under the existing program now gets as its national share for Equal Opportunity Grants a proportionate share of Equal Opportunity Grant money. Under your amendment they would drop down to about 5 percent below the national average.

Illinois now is 3 percent under the national average. They would drop to about 6 percent under the national average. So it seems to me that is unfair.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRASER) has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, the gentleman mentioned a problem confronting California. There are two Californians on the Committee, on our side of the aisle, as for me, I am in support—on balance—of this legislation.

Mr. FRASER. Mr. Chairman, if the gentleman can tell me why he is not willing to measure the needs on the basis of the number of students who need help, perhaps I can understand.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, some States might get 100 percent of their needs requested under the work study formula. One State, South Carolina, gets 149.4 percent. Then we have to reallocate among the other States. As the gentleman indicated, in California they receive only 54.73 percent of their requests. They run from a low of 73 percent of their requests on this work study program for the District of Columbia, up to 140 percent of the request. Then they have to be reallocated. How can we have a more equitable formula than is in work study? To say that work study works well does not say the formula works well.

Mr. FRASER. The gentleman makes an important point. Here the inequities are aggravated by the committee's formula.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, in Work Study we have 20 percent matching grants. The poor institutions are the ones who cannot come up with the 20 percent matching funds needed. But we can prove anything with figures. The Office of Education has produced figures which were given to the committee on the day of the vote. They were aware of the two formulas for many weeks, even months. Yet they waited till the day of the vote and then circulated columns of figures to members they tried to persuade. Higher education personnel from New York identified the errors which were not minor but major distortions of what would happen.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mrs. GREEN of Oregon, and by unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, it was pointed out that those figures were inaccurate, and the Office of Education then withdrew them. Again I do not know how widely this other column of figures on institutional aid has been distributed by the Office of Education, but it lists institutions by dollar amount for 2-year institutions, 4-year institutions, and black institutions. Now anyone can add all the grants given to the black institutions and come up with a total of $5 million, but on the chart supplied by the Office of Education, the total given is $2 million. Let us not be misled by other new figures which are presented to show what State allotments would be when that is entirely dependent on whether or not the program is going to be funded at the level of $500 million. I would be willing to wager that this Congress is not going to appropriate it at the $500 million level.

Mr. FRASER. If we do get full funding, and I hope we will, all this will do is aggravate the inequities under the committee version. There are two factors which I say have no relationship to the need.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. QUIE, and by unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. QUIE. Mr. Chairman, if the gentleman will yield, again Mrs. GREEN raises an irrelevant point. The gentlewoman points to the institutional grant program. That is not before us. We are quoting from the distribution of funds for this last year. That has already been done. It is not a question whether that is an equitable projection into the future. This has already happened. Do not raise other points on other programs. Let us talk about what is before us.

Mr. FRASER. The fact is some States get well above their proportion in terms of the national share. That is an effect of the three-factor formula that I think is wrong. That is why I think this amendment ought to be adopted.

THE FEDERAL GOVERNMENT'S AND THE NATION'S ACUTE FINANCIAL DISTRESS

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the burdens which are heaped upon another committee of the House, the Committee on Appropriations, are tremendous. We do not have—either in hand or in sight—the revenues from which to make the added appropriations which this and various other bills would authorize. The money would have to be borrowed, and in that context I am beginning to wonder just how relevant the pending amendment is.

It is proposed that we embark on an entirely new program; that is, go out and support the colleges as a general proposition—provide general institutional support. There are a number of other new or expanded programs in this very expensive bill.

The predicate for much of this bill seems to be stated on page 2 of the committee report. Says the Committee on Education and Labor:

> Testimony indicated that the higher education community is now facing extraordinary change made difficult by acute financial distress.

Financial distress. Think of us talking about the financial distress of the colleges when this Nation and this Federal Government are in an even more critical state of financial distress. Yet we seem to be debating this bill as though we had the money in hand or in sight to finance the programs about which we are talking.

And, at the same time, some displeasure with inflation is expressed. In the same paragraph on page 2 of the committee report, while urging action to help relieve the educational crunch—of course, education ranks high in our scale of priorities—the committee further says:

> Meanwhile inflation and rising costs have produced endemic deficit financing.

Meaning in the colleges.

Well, what has happened to the Federal Treasury?

Why do we have wage-price freeze?

Why are we preparing to extend the authority of the President to control the economy?

Why are we about to go into phase II of the economic control program?

It is because of galloping inflation brought about in considerable measure by this Congress and by the administration and by this Government generally. Galloping inflation.

And yet, by enlarging present programs and starting new programs we are laying the groundwork for ever larger spending when we do not have the funds in hand or in sight. Are we not moving in an opposite direction from what phase II of the economic control program is designed to achieve?

For example, on page 49 of the committee report I find reference to title IX of the bill, which would authorize a new program for interns for political leadership. That is just one of a number of titles in the bill. At this time, when the dollar is in trouble overseas and when we are in desperate economic trouble here at home which threatens all education, is this the time to talk about a new program for interns for political leadership? Should we not take stock of our own political leadership as individual Members of Congress? I am talking about all of us, collectively. I am speaking in the light of our collective responsibility and our national economic and fiscal plight.

Yes, the colleges are in financial trouble—some of them.

But so is the Government. And the situation is getting worse, not better. The deficit in Federal funds in fiscal year 1970 was $13 billion. We went in the red that much.

The Federal funds deficit in fiscal year 1971 was $30.2 billion, more than twice as much as the year before.

The Federal funds deficit predicted for this current fiscal year, 1972, is at least $35 billion, and it may come nearer to being $40 billion.

When we talk about expanding programs and starting new programs, it is all very well, but where does this lead us when we don't have the funds in hand or in sight? To more and more inflation, to getting less effectiveness from what we spend because the dollar buys less, and to more of the very thing that has helped bring about the fiscal squeeze in the colleges.

It is most disturbing to recount certainly to the Republicans, who I am sure try to do the best they can, and to the Democrats, who I am sure try to do the best we can, that the deficit in Federal funds for the 3 fiscal years of 1970, 1971, and 1972 will likely be $80 billion plus, and for the following year, fiscal 1973, the Federal funds deficit will certainly be so high as to run the 4-year deficit total well above $100 billion. Yet we talk about new expensive programs which would run into additional billions of dollars. Where are we headed—is this what the American people really want? Is such course in our overall best interests?

Now, as chairman of the Committee on Appropriations, I want to say that if we had the money I would like to go as far as we reasonably can in meeting our pressing requirements—if we have the money.

But do we have the money? Of course not.

Are we inspired to go out and raise the revenues to get the money? Of course not.

A distinguished member of the Committee on Ways and Means has just asked me to yield, and I hope to yield if I have the time.

But what have we done on the revenue side, my friends?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. I will be glad to yield to the gentleman from Florida if I may proceed for just a few moments.

What have we done toward closing the gap and reducing the Federal funds deficit?

In the Tax Reform Act of 1969 and related actions we cut revenues over a 4-year period to the extent of roughly $16 or $17 billion.

In the Revenue Act of 1971 which we recently passed and which is now pending in the other body, we reduced revenues over a 3-year period to the extent of about $17 billion.

This is roughly a $33 billion reduction in revenues.

I recognize, of course, that the aim of these reforms and reductions is to stimulate economic activity and growth which in turn is designed to aid in relieving unemployment. But the fact remains that we are suffering from the consequences of inflationary deficits, and spending nearly always seems to outdistance any rise in revenues. That is the harsh historical fact. It is the harsh fiscal fact of recent years. Budget outlays this fiscal year will exceed last year by in excess of $20 billion.

Yet we seem not to hesitate to initiate new programs when we are not able to finance the programs and activities of the Government which we already have in operation. Many are for worthwhile purposes, as indeed is the case with many of the provisions of the pending bill.

We seem to be unwilling to face the fiscal facts of life. I am not claiming to be holier than thou. I recognize that I voted for many of these educational programs and other programs, but does it not make sense to try to do something to hold the line, to hold our appetites for spending in check at least to some degree until we have the courage or the capacity or the ingenuity to raise the funds to pay for the programs which we want?

It is time in this country that we give more attention to the art of political leadership.

I regret to vote against many of the provisions in this bill, because I am for aid to higher education. Yet I find myself reluctant to vote for expanding old programs and initiating far-reaching new programs at a time when we are threatened with economic instability and the collapse of the dollar. I do not believe I can bring myself to the point of doing so.

I would much rather go along at the level of current spending until we see a little light ahead of us and are able to bring our fiscal house in better order and, hopefully, prevent the collapse of the economy of our country. If it does collapse, that means education and everything else loses.

So I just felt in the course of this debate when in some instances we may discuss the differences between Tweedledee and Tweedle-dum, the larger issue, my friends, which we must, I believe, keep in mind is what should we do about inaugurating huge programs and encouraging people to think we can finance them when we know that we cannot.

Everybody knows we cannot fully finance these programs. We do not have the money. There is not enough money in all the land to fully finance all of the various programs we are authorizing. It just seems to me a time to take stock and call a halt.

Mr. Chairman, I just felt as I scanned this report that somebody ought to encumber the RECORD with certain harsh, unvarnished facts of life. That is what I have undertaken to do.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I now yield to the distinguished gentleman from Florida.

Mr. GIBBONS. I appreciate the chairman yielding to me.

I want to commend him for raising this issue.

Mr. MAHON. It ought to be raised.

Mr. GIBBONS. It needs to be raised and we need to talk about it, Mr. Chairman. I agree with much of what you said. But if there was ever a time when this country needed great political leadership—and I am including ourselves in it—it is now. We have to think of the future. I did not come here to defend this bill because I am sure Mrs. GREEN and the other members of the committee can do it much better than I can, but the reason why, as I see it, we are much worse off this year than last year is because we have 6 million people unemployed and we have 27 percent of our industrial capacity lying idle, and we threw away between $9 billion and $10 billion worth of revenue last week without a rollcall vote. We gave almost $1 billion to the biggest export industry in the world that did not need any subsidy, and gave about $4 billion or $5 billion to industry for doing nothing. That is the reason why we are in trouble, Mr. Chairman.

Mr. MAHON. I thank the gentleman for his observations.

With respect to leadership among members of the House, I want to say this: There is no abler leader in any legislative body, in the U.S. Congress or otherwise, than the distinguished gentlewoman from Oregon, EDITH GREEN.

The gentlewoman from Oregon has made a tremendous contribution to this country. I know that she wrestles with these vitally important problems. I have the greatest respect and admiration for her.

However, I am talking about the general pressure from all sources to spend more and more when in my judgment and that of many others we just cannot afford to do it by going deeper in the red—and at a quickening pace—without jeopardizing this Nation.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. MAHON. Mr. Chairman, I would not be making this unpopular speech if I did not feel very deeply about the course of our national affairs and the present precarious condition of the dollar and the Federal Treasury.

Mr. Chairman, I want to further underline the extent of our precarious situation by pointing to the full employment budget, which is the one the economists lay considerable store by—and the one on which the administration's current budget is officially based. That budget was submitted last January with a projected razor-thin full employment surplus of $100 million in an overall spending budget of about $229 billion plus. And it was accompanied by a general warning that except under the most extreme emergency conditions we should never let our expenditures exceed the so-called full employment revenues, that is, the revenues calculated to be received under the tax system if the economy were operating at reasonably full employment. Congress was told that if expenditures substantially exceeded the full employment revenues, inflation would return or new taxes would have to be levied.

Of course, the economy is not operating at full employment, so we are not actually collecting the revenues on that scale—thus the heavy Federal funds deficit this year.

Well, what is the current outlook on that basis? The full employment surplus has now vanished. The administration not long ago said that we now face a full employment deficit of roughly $8 billion in the current fiscal year. And the year has many months yet to go.

So, Mr. Chairman, by every budgetary measurement, it seems clear that we are skating mighty close to the edge of more acute financial distress.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a minute ago a cosponsor of an amendment talked about the committee using more than one factor in determining the amount of money to be appropriated or, rather, to be designated or allocated, and if I correctly understood what I thought he said—and, maybe, I will be corrected if I am wrong—the factor of counting children under 18 years of age was irrelevant, but the fact that he thought it should remain a factor but with a $3,000 limit.

Mr. Chairman, any person earning less than that, I imagine would be counted.

Now, it is very possible that some of the Members here do not know that there are some families that have seven children, six children, or five children under 18 years of age where the breadwinner of that family may earn a little over $3,000. He might earn as much as $8,000 or $9,000, but who amongst you has any idea of believing that a family of that size with an income of $3,000 is not just as much in need as some person who happens to be on welfare and who is earning below $3,000.

Mr. Chairman, this committee has thought long and hard about this factor and this legislation. It thought along the lines of the able chairman of the Appropriations Committee, a man for whom I have the greatest admiration and esteem. But when do we determine at this stage of life in this country that we have reached a stage where because of our past excesses outside of the territorial limits of this country we now have to clamp down on those things that are necessary to the progress, the welfare and the well-being of our people?

I assure you that any nation that drifts from an economy that we had after World War II to the present state of affairs does not want to look inwardly to the problem of the money that it has spent for its peoples, because we have spent more money outside the territory of the United States in all our excesses we have indulged in the matter of trade, in the matter of aid, in the matter of war, in the matter of preparedness for the defense of other nations as well as our own.

Just 2 weeks ago the leadership of the U.S. Senate said that in the next 6 years we will have to spend $60 billion for foreign aid. I did not hear anybody get up and say that this country could not afford it—and if it comes up for a vote it will pass overwhelmingly.

I thought we might have learned something during these years. The gentleman from Florida said 27 percent of the manufacturing capacity of this Nation is dead; not dying, it is dead. The furnaces are out. The smoke has left the chimneys. He said there were 6 million unemployed. Do you know how many unemployed we have in this Nation as we counted it in the Hoover days? Everybody who could breathe and walk in the Hoover days was counted unemployed.

So we have 26 million Americans drawing social security, unemployed; 14 million Americans on welfare, unemployed; 11 million Americans working for the Federal, State, and local governments—where in the days of Hoover we had less than 2 million; 9 million more tied up in the Defense Department and its expenditures—not the kind and type of employment that we would have if there was not the need for it militarily.

Our industry in this country is dead. Not dying, it is dead.

I want to tell you that this is no time to make the kind of voluntary agreements that the President bragged about 2 weeks ago. Let me tell you what that voluntary agreement has done for us. It froze in the textile industry 380,000 textile workers. That is how many textile workers are out of work, and will be out of work, because of that agreement if it is continued on.

Do you not understand that in this Nation of ours there is only one thing that makes the wheels go round, there is only one thing that creates the kind of money to do things that a nation should do for its people; there is only one thing, and that is a job. There is no other ingredient that can make this Nation strong, wealthy, powerful and progressive. The only ingredient is a job, and without that this Nation will die.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the Quie amendment. Before I comment specifically on the amendment let me say that I listened very carefully to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) and join in a real concern about a number of the points our esteemed colleague made, but I would point out to my colleagues on the floor of the House today that we are not today talking about all Government programs in all fields. Those we will take up a piece at a time as the bill comes along, and of course we must face the matter of relevant priorities when we deal with authorizations in various fields.

We are not even at this moment talking about all the aspects of this bill. We are talking about one particular part of this bill which deals with one part, the higher education field—the educational opportunity grant program.

In the points that have been made earlier, when we start bandying figures about, we run into the risk that we will be talking of apples and oranges because we are talking about a program where we talk about a full authorization in one—a full appropriation under one authorization and not a full appropriation under another authorization. We should get away from that because it is, of course, fundamentally true that everything in the way of access to Federal funds depends upon appropriations. We are unrealistic if we talk in terms of distribution to students or distribution to institutions or whatever else we may be talking about in terms of relative authorizations.

What we are talking about is what we think should be called for under a program. Eventually the Committee on Appropriations in this body will have to face the question of what we will do in the way of funding that particular program.

Now again when you look at the Quie proposal, I beg of you not to take Mr. QUIE's amendment as an attack on educational opportunity grants. It is not an attack. We start with a strong word of support for this program and what this program has done. If we wanted to go beyond that and talk about work study programs and loan programs—those are good programs. Of course, anybody who would pay any attention to those programs can come up with a host of good examples of what has been made possible in the present situation.

One of the strong points of the present situation is its flexibilities—if you talk about flexibility made up in part by educational opportunity grants and made up in part by work study programs and made up in part by nonsubsidized student loans and guaranteed nonsubsidized student loans. Of course, we want flexibility in this combination of programs, but that does not mean merely because we have a flexible program at the present time so that needy students can benefit, that what we have is an ideal program. It is anything but that.

Mr. QUIE's amendment is directed at a certain aspect of the educational opportunity grant—one component part of this flexible combination. It is an effort to improve all that the administration has done which is of some good, but which in our opinion can be made much better.

If we look at the educational opportunity grant program by itself, we find that there are inequities. In the final showdown, States do not share equitably. This means that a student from a certain State has a little better chance of getting funds under this program than a student from another State.

Different institutions within a given State also share inequitably. This means that students within a given State may be able to go to one institution with a far better chance to get a grant than a student in another institution within the same State. Or it may mean that two students in the same situation in a single State will not be treated equitably.

What this proposal is intended to do is to correct these inequities, so that it builds on top of what is good and makes it still better.

Let there be no misunderstanding about one other aspect of this. This is not a case of saying that, under the Quie proposal, we will take care of just those in the very lowest income situations.

There is a clear provision here that there will be equity and that there will be a standard approach in a given situation so a student can make his choice as to where he or she would like to go instead of being forced to take the road that may not be the ideal road for him merely because there may be dollars available.

In that situation, the situation the student going through that package will have taken into consideration the full family capacity as well as the student's individual capacity.

If you look at page 42, subsection 402 (b)(2)—it is absolutely clear that there shall be consideration of all the variables in that family situation and in that student situation.

The Quie amendment is an attempt to set priorities. I feel very strongly that the Quie proposal builds more equity into the present law.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment. Every Member who has put in an appearance in the well has talked about inequities. I quite agree that there have been great inequities in the past, but this is due exclusively to the inadequate level of funding accorded the educational opportunity grant program.

Let me cite as an example the current fiscal situation: The fiscal year 1972 appropriation of $175 million meets less than 25 percent of the approved requests from colleges and universities for initial year funds. Obviously, Mr. Chairman, inequities will result.

The sponsors of the amendment argue that under their proposal, grants would go to the neediest students first. This is most admirable. According to our hearing record, this is precisely what is happening under present law. Consider that 88 percent of the EOG recipients come from families with gross—and I underscore the word gross—incomes of less than $7,500. Student aid officers have consistently advised the committee that they accord the highest priority to the neediest first and the statistics fully support their claims.

The proponents argue that State allotment formula produces inequities. Clearly this is a difficult issue. But I will again repeat that there is a direct correlation between the inequities one might cite and the totally inadequate level of funding. As one projects increased levels of support, the inequities between institutional requests and State allotments very quickly disappear.

The least desirable solution to this problem is to abdicate our legislative responsibility and throw the entire allocation to the Commissioner of Education as the authors of the amendment propose. The proponents talk about entitlements, assurances, et cetera. There is no entitlement and there is no assurance to anyone under the proposed substitute, for such assurances depend on the annual appropriations process. And you cannot tell a student today what his entitlement is going to be next year or the year thereafter, when you do not know what that appropriation is going to be.

In my judgment, only the committee reported bill offers any assurance at all, for at least we know that every State is entitled to as much in educational opportunity grant funds as they received in fiscal year 1972. The proponents of this amendment can make no such claim.

Finally, in the name of equity, the proponents argue that we should federalize everything. I believe that we are in a situation analogous to one which was debated on the floor of the House just a few days ago. This Congress has on numerous occasions, reaffirmed its intention that every needy student be provided a free or reduced price lunch under the School Lunch Act. In action taken just a week and a half ago—action which was absolutely necessary—the House of Representatives unanimously demonstrated its total dissatisfaction with the national guidelines and criteria which had been promulgated by the Department of Agriculture. By assorted regulation, it was proposed that entire categories of otherwise eligible students be denied a school lunch. Keep this example in mind as we debate whether or not to authorize these nationally prescribed schedules and guidelines. In my judgment, the EOG program under the substitute would be highly vulnerable to twisting and turning—depending on what particular views the Commissioner of Education might have or on what the current budget situation might dictate.

I urge the amendment be defeated.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(On request of Mr. DELLENBACK and by unanimous consent, Mr. PERKINS was allowed to proceed for 2 additional minutes.)

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I commend the chairman of the full committee for his strong support of this legislation and strong support of the economic opportunity grant program, but I do not think it is fair for the gentleman to talk of continuing the program versus changing the program, because there is a series of changes in the program, and what we are talking about is the nature of the changes which should be made.

Now, talking about the total dollars, can the gentleman give us an estimate of what full funding of the committee's proposal in this field would amount to as compared with what is involved in the proposal of the gentleman from Minnesota (Mr. QUIE)?

Mr. PERKINS. I cannot and the committee report explains why such an estimate is impossible. Considering the requests of the various colleges and universities, we should have appropriated four times as much for initial year grants. If we did these inequities we are talking about would disappear. But I cannot assure the gentleman what sums may be appropriated. I am telling the gentleman that, despite inadequate funding, this program has worked efficiently and effectively.

Mr. DELLENBACK. The gentleman in the well was striving to make a point of comparable cost. He now tells us he has no figure which he can compare for authorizations in the bill and that proposed by the gentleman from Minnesota (Mr. QUIE).

Mr. PERKINS. May I say to the gentleman, with the $175 million which has been appropriated, we will take care of only a fourth of the entering students who qualify for grants.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, there were 280,000 grants out as of now. In reply, if I understand the gentleman's question, the amount that is in the committee bill for fiscal year 1972 is $295 million for EOG. The amount in the gentleman's substitute would have to be $500 million. When we were working on the bill, we did try to give priority to the different items. This was one where we thought $500 million was too high.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, let me make just a concluding remark on the subject that I was in dialog on with the chairman of the full committee. The figure of $295 million which the chairman of the committee made reference to is for 1972. Beyond that our projections would indicate that, if we were to take the present program and project it on the basis of what was done in the past and go just to the present law's $1,000 maximum, we would need approximately $371 million. And that does not take into account rising to the bill's $1,500 ceiling from the present $1,000 ceiling. It does not take into account anything for half-time students. It does not take into account anything for proprietary schools.

If we are going to compare apples with apples instead of apples with oranges, I would suggest we are dealing with two figures which are roughly equal. What we are dealing with is which is the more equitable program, and not which is the more expensive program.

Mr. ERLENBORN. I thank the gentleman for his contribution.

Mr. Chairman, I should like to discuss this proposal in the committee bill relative to educational opportunity grants in light of the total bill and the philosophy which apparently is expressed by the bill.

I believe we have been well served until recent years by a free market economy. We have had some difficulty with it lately, which has led to the wage and price freeze and phase II, which is coming, but the basic philosophy of that free market economy is that the business sector responds because of economic enticement. People who have funds to spend buy what they want, and what they want is made available for them because of the economic power which they possess.

Until recent years this was true also in the field of higher education. The student and his family had funds, and they could choose the institution which was most responsive to the needs of that student. They could choose Harvard or MIT or that institution which provided the kind of a program the student wanted, because the student had the funds he could spend at the institution which was responsive to his needs.

Now, in the past few years we have seen a good deal of unrest on college campuses. I am not going to make the claim that this unrest is caused solely by a change in this response to need of the student, but at least in part, in my opinion, it has been because we have changed this free market sort of system in higher education by seeing that funds flow from the Federal Government directly to the institutions. Even those funds which we provide for the student through the educational opportunity grant and through work study, are apportioned to the States and then to the institutions, and now the economic power is held by the institution and the student has to shop around to find that institution which has the funds to enable him to get his education, rather than the institution which will respond to his educational needs.

The amendment offered by the gentleman from Minnesota I believe changes this basic concept and says once again if we are going to make Federal funds available to the student the student is going to get his entitlement. He will not have to shop around. With this economic power he has, with his funds available for education, he will go to that institution which is responsive to his needs.

The proposal in title VIII, for general institutional support, again is a basic change in the philosophy of how we support higher education. At this point when we go to the Federal funds flowing directly to the operating budget of every institution of higher education, whether it is run well or run poorly, merely because it is an institution of higher education, we have taken all economic power out of the hands of the student. We have said to the institution, "It makes no difference whether you are responsive. It makes no difference whether you have the kind of program people are seeking in higher education. You are an institution of higher education, and therefore you are going to get money directly out of the Federal Treasury."

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the outset I believe the gentleman from Kentucky has really put his finger on the charts which have been supplied to us in the Congressional Record and otherwise, as to the effect of the underfunding which we have witnessed. The fact is that we have been about 25 percent funded in the educational opportunity grant sector, and those charts are going to show that no matter what happens so long as we continue to be underfunded.

This is further exacerbated, as the gentlewoman from Oregon pointed out, by the fact that 10 percent is automatically taken off by the commissioner, and those funds are then distributed. I checked out my own State of Washington and found out while we were receiving 27 percent of the so-called entitlement now, or full funding, that under the chart of the gentleman from Minnesota we would get 19 percent. However, when you deduct the 10 percent, which would be deducted, it means we are 2 percent better off because that 10 percent has been taken off in one instance and not in another.

There are two other points that ought to be made clear about this proposal or this amendment.

I think we have had enough, or certainly I have, of national guidelines. We have just been through, to me at least, one of the most frustrating experiences in this Congress. That was the school lunch program. What really happened in the school lunch program—and make no mistake about it—is this: The Office of Management and Budget said to the department "Here is how much you are going to spend." The department went down and with a lot of fanfare, which at first made us feel good, drew up some guidelines which in effect followed the Office of Management and Budget's ceiling price. We ended up with National guidelines which had the effect of cutting 1.5 million young people out of the school lunch program.

It is one thing to talk on the floor of the House about how much is going to be available and it is another thing when your administration is setting the amount that is going to be expended and then you are going to have to follow those guidelines which really carry out the expenditure.

I submit to you the real reason why this proposal is being made is to cut those expenditures which are going to go to young people who should be in our institutions of higher education.

There is a second problem that I see in this. This has not been touched on, so I would like to discuss it.

I think this proposal by the two gentlemen from Minnesota creates an impetus for low-tuition colleges to raise their tuitions. Let us take the example, for instance, of the University of Washington in my own State where the tuition is approximately $400 a year. That means under this plan all that a student can receive in this educational opportunity grant program is $200, because he can receive $1,400 or one-half of the tuition of the institution. Now, the high-priced private colleges who have $2,800 and $3,000 tuition are definitely going to receive the advantage in this kind of program, because the low-tuition schools are either going: First, to keep their tuitions low as they have and not receive the advantage of the program or second, they will raise their tuitions. I submit to you in all probability down the line they will begin to raise their tuitions to take advantage of this because they can say in all honesty to themselves, "We can raise our tuition and get more money for our school, and it really will not cost the low-income kids anything, because they will get one-half of their tuition regardless."

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I am happpy to yield to the gentleman.

Mr. FRASER. I wonder if the gentleman understands what the amendment says. It says that the cost of attending the institutions shall include books, lodging, tuition fees, and so on.

Mr. MEEDS. Would the gentleman disagree that if the tuition is $400 in one school and $2,800 in another and books and lodging are about the same in both schools, the cost of that school is not going to be $2,800 more?

Mr. FRASER. The point of the matter is for most kids who have to live away from home the cost for lodging, food, fees, and so forth, will be way up there.

Mr. MEEDS. That is correct.

Mr. FRASER. So it will not make any difference. The equal opportunity grant will be used up. So there would be no incentive to raise tuitions.

Mr. MEEDS. I submit to you another way for the colleges and institutions to get the money is to raise their tuition. And, it is not going to cost the kids attending a thing if you follow this program. I am afraid I could not blame them for doing this.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Quie amendment.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I would be delighted to yield to my colleague from Minnesota.

Mr. QUIE. I understand the argument which the gentleman from Washington is making, but the interesting thing is that the same argument can be made against the committee bill, which is the language of the distinguished gentlewoman from Oregon (Mrs. GREEN).

I cannot understand why the gentleman keeps making those arguments against this proposal when the gentleman could make the same arguments against the proposal of the gentlewoman from Oregon. Insofar as causing an increase in tuition is concerned any EOG program causes an increase in tuition in the same manner.

I thank the gentleman for yielding.

Mr. STEIGER of Wisconsin. Mr. Chairman, I admit to being somewhat confused about what bill is under consideration. I do not know how we got into the school lunch bill.

Mr. Chairman, it seems to me that there are three basic issues that are going to have to be faced by the Committee of the Whole House on the State of the Union, the first being whether or not you support the formula as reported by the committee or go with the Quie-Fraser amendment. Whether or not you will continue with an inadequate, unfair, and unequal distribution by the States, or a formula that is admittedly more equitable based upon all the data at hand or the other which has historically created a distortion as to the ability of young people to attend college. It is just that simple.

The committee amendment would make it possible for the first time to assure with a degree of certainty a student attending an institution and will do away with the inequalities that exist under the present law and under the Green formula.

Certainly, I must admit to being also confused about this concept of whether or not the Commissioner will have more or less power, or as the gentleman from Kentucky has attempted to tell the committee, we are going to federalize the EOG program. That is hogwash. We are not talking about the power of the administration versus the present system, but whether or not this Congress is willing to grant the power to student financial aid officers to make different decisions about students from incomes of the same level, because that is what you are going to run into when you have to come back here a year from now or 2 years from now to justify to a student from Wisconsin the facts as to why he cannot get an EOG grant while in Illinois or California a student from a family in similar circumstances received one because the student financial aid officer has the kind of discretion that the Green bill gives to him.

I do not believe that the record of the committee indicates that there is a high degree of capability in student financial aid officers, nor does it seem to me to be good judgment to try to grant this kind of power to them to make determinations over the amount of funds that will be granted to students that attend different institutions.

Mr. Chairman, a third factor is this: Within the bill there is a provision that changes the present law which will mean that each year an EOG student will have to come back and rejustify whether or not he is going to be eligible for an EOG grant, instead of assuring as the present law does and as the Quie-Fraser amendment does, his ability over the period of time he attends an institution to be eligible for an EOG program. I urge support for the amendment on an equity basis.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment, and I would like to ask the gentlewoman from Oregon (Mrs. GREEN) for a clarification of a number of points.

The first point I would like to have clarified is how will donations and assistance given to a student from a foundation affect the formula that the gentlewoman is supporting? I have in mind, for instance, the Ford Foundation, which has set aside $150 million as a program of assistance to needy minority children, or students. Will the assistance that they get from the Ford Foundation constitute income that is to be taken into consideration by the lending officer in ascertaining qualifications for the EOG program?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The student financial aid officers have been taking into consideration all of the assets that would be available to the students. I am sure they will continue to do so. For example, if the student is on a Rotary Club scholarship with $1,500, or some foundation grant, this would enter into the picture in our proposal, and it would enter into the picture under the substitute proposed by the gentleman from Minnesota (Mr. QUIE) as I understand the substitute.

Mr. PUCINSKI. So there is no question then that a youngster who gets assistance from one of these foundation grants will have to have that assistance considered in qualifying for assistance under the EOG program, and the lending officer will have to take this into account in ascertaining priorities or qualifications?

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, it would be my judgment that any student financial aid officer would indeed take into consideration outside income or any of several other factors. We have mentioned about a dozen of them in the bill, but that is not intended to be an exclusive list.

Mr. PUCINSKI. I think there is much to be said about the gentlewoman's proposal that the individual lending officer ought to be given discretion to make a judgment. I wonder if the gentlewoman would not care to establish some legislative history here to clear up this idea of people whose children apply for this assistance having to lay bare before the institution every last single detail of their financial holdings and financial transactions? I have discussed this in the subcommittee. It had been my hope that we could set some sort of standards and guidelines, because I just think that we go, in the student loan applications, the EOG programs and the various other assistance programs, way beyond the Internal Revenue Service or anyone else in the inspection of these families as to whether we will give an applying youngster assistance. Is there any way that we can set some standards?

Mrs. GREEN of Oregon. If the gentleman will yield further, in the committee I told the gentleman that I would support an amendment if he wished to offer it. I believe they have gone too far. But beyond EOG, I have received information that the Office of Education is sending out letters to institutions to try to get the institutions to inform the office of the financial status of every family that is represented in that college. That is not the business of the Office of Education, and there is no authority for that request.

If the gentleman will yield further, the statement was made a moment ago by the gentleman from Wisconsin (Mr. STEIGER) if I understand the gentleman correctly, that the real question in the debate of this amendment is whether or not we want to give unlimited power to the student financial aid officer to determine the amount of the EOG.

May I say, if the gentleman will yield still further, we give the student financial aid officer, and we would under the substitute proposal, I presume, unlimited authority to determine how much they are going to receive from NDEA, how much they will receive in work study, how much they will receive from institutional aid which that institution itself contributes, and how much in State aid. They have unlimited authority in all these other areas to determine the amount. Then why pick out EOG and suddenly decide it is unthinkable to give the student financial aid officer the authority to determine the amount of an EOG award.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. If the gentleman will permit me to finish, the EOG program is a program that has worked well. The committee bill does give the individual institutions, not the individual, but the institution, the authority to determine the policy and the student financial aid officer administers it. We have seen that it has worked well. Let us continue it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I wonder if we could arrive at some limitation on debate in regard to this particular amendment?

Mr. QUIE. What would the gentlewoman suggest?

Mrs. GREEN of Oregon. I do not know how many Members wish to speak, but I would suggest that we close debate on this amendment at 5 minutes after 3 o'clock.

Mr. QUIE. That is acceptable to me.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 5 minutes after 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. MINK. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment and urge approval of the section regarding student assistance as reported by the committee bill.

Mr. Chairman, I sympathize with the proponents of the amendment in trying to achieve an objective of putting our scarce dollars where they do the most good, but I submit this amendment will do more harm than good. It will set an arbitrary national standard for eligibility. I urge that we continue to entrust the responsibility of setting eligibility standards for our students to the local educational institutions.

The setting of national standards for eligibility for these grants would have adverse consequences by depriving our educational officers of our local institutions of the ability to use their own funds wisely according to local conditions.

A national standard, after all, is an average; it will either be too low for many students or be too high in some areas.

The stated objective of the amendment is to assure equity and predictability for students under the EOG program. But the result of the adoption of this amendment would be a far cry from this noble goal. Instead of guaranteeing that no qualified student would be barred from a post secondary education because of lack of financial assistance, the amendment would instead bar students in those States where the factual financial situation does not meet the rigid national criteria which would be prescribed by the Secretary.

In my own State of Hawaii, for instance, I would expect that there would be a drastic adverse effect if this amendment were to be adopted. Many needy students would be denied financial assistance. Next to the State of Alaska, Hawaii has the highest cost of living of any part of the country, and a national standard would not be able to take this factor into account. A national financial need level set forth by the administration would utterly ignore local conditions in Hawaii and elsewhere across the country.

I expect the same would be true in many other selected areas and in many other cities where the cost of living is excessively high and most of our industrial States would be hurt by this amendment. I do not feel we need to argue about which State will be hurt and which communities would be helped. The point is that this amendment does not establish equity, but instead picks and chooses who is to be aided in a manner which does not take into account individual local needs throughout our country.

Many students will be hurt. So the amendment should be rejected on this basis alone regardless of where these students might be located. We should leave the authority to prescribe eligibility to the State officials who have done an excellent job up to this point.

The amendment also proposes to abolish the State allotment formula with the result that nobody in this Chamber could be sure of how much assistance will be provided to needy students in their own State.

I fail to see why we should approve this change which could very possibly result in far less aid to needy students whose disqualification would be mandated by the Secretary here in Washington rather than by any real assessment of the actual needs of these families as well as their circumstances and their income.

In short, the amendment fails to achieve its promise of equity because it would deprive genuinely needy students in many parts of this country of that assistance which they desperately need in order to go to college.

Accordingly, Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I should first like to use a few seconds of my time to extend my congratulations to the gentlewoman from Oregon (Mrs. GREEN) for the patience, fortitude, and leadership which she showed in the committee and through all the arduous and deliberative meetings that were held on this bill.

In view of the actions of the other body in sending us a "Christmas tree" in the form of a higher education bill, she is to be commended for getting anything at all out on the floor.

I would also like to call to the attention of the members of the committee the forceful statement that Chairman PERKINS made yesterday on the floor concerning another aspect of the bill which will be coming up, the institutional aid title.

I should like to say, in the few brief remaining seconds, that I believe the States ought to remain in the EOG formula. The States ought to have an opportunity, active in regional compacts, to judge applications for EOG grants. It seems to me imperative that we not turn to a federalized system, Federal criteria, a Federal set of standards, more Federal redtape, more guidelines. We are strangling in them now.

Earlier today the gentlewoman from Oregon made the point that the present EOG formula does provide something like 90 percent or more of the available money to children who come from needy circumstances. So this present system is very sensitive to the needy student. It ought to be maintained. I therefore express my opposition to the substitute and my support of the committee formula.

There are three basic reasons for any State allotment formula: First that there are important differences in per capita income and in standards of living between regions of the country and that those differences must in equity be recognized; second, that some restraints must be imposed on the authority of the bureaucracy to distribute aid according to its whims of the moment—these whims are sometimes described as shifts in policy; and, third, that the State allotment system permits effective and inexpensive self-policing by participating institutions through the regional panel system.

Without any question important differences exist regionally in per capita income and in standards of living, per capita incomes range from a State low of $2,561 in Mississippi and a regional low in the Southeast of $3,163 to a State high of $4,797 in New York and $4,807 in Connecticut and a regional high in the Mideast of $4,457. Monthly welfare support standards for a family of four range from a low of $230 in Alabama and $232 in Mississippi to a high of $380 in California.

The committee bill recognizes these differences. The State allotment formula adopted in the committee bill allots 90 percent of the appropriation on a formula which gives a State one-third based on the proportion of high school graduates, one-third on the proportion of students in college, and one-third on the basis of families with incomes of less than $3,000 a year. Since the welfare level of support in the wealthier States is higher than that income level, the general effect is to move Federal money into the poorer States in the Southeast.

On the record, there is every reason to be concerned about arbitrary shifts in policy by OE. Within the past 2 years OE has substituted its own policy for that of Congress in at least two areas, library aid and student aid. In both, programs of general aid were distorted into programs for delivery of aid for a social welfare purpose—aid to the disadvantaged—selected by OE itself. The new policies may be in themselves quite praiseworthy but the point is that they are unsupported by congressional action. A State allotment formula may not be the best tool to restrain a self-serving bureaucracy but it is available.

The self-policing systems of regional panels made up of financial aid officers from institutions of higher education has worked well.

A state allotment must be shared by institutions within the State. The institutions know each other and the necessity of sharing the available money—which is never enough to fully fund all requests—gives them incentive to be critical of the reasonableness of each other's requests. The procedural device of a panel made up of financial aid officers gives each officer a chance to judge every other request. This type of participation is a key factor in the decision-making process.

If State allotment is dropped, the regional panel system will lose it effectiveness. Its function will shift from that of accomplishing a reasonable sharing of inadequate funding within a region to that of puffing up the region's claims against the competing claims of other regions for a share of the national pot.

If the State allotment system is abandoned and self-policing should be no longer possible, the policing function will have to be assumed by the bureaucracy. OE will have to expand enormously its regulatory, inspection, hearings, and appeals functions. This is not desirable in my opinion.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I merely wish to reiterate that, as the committee bill now stands, there is going to be a dramatic shift in how much money the States get. The majority of the States will lose money in relation to the national standard. California will drop a net of 5 percent in meeting the needs of students; Colorado, 6 percent; Connecticut, 7 percent; Illinois, 3 percent; Maryland, 3 percent; Massachusetts, 6 percent; Nebraska, 5 percent—and the only reason I am not reading the rest of the States is that the pattern is the same.

My State goes down; my neighboring States go down also.

The three-factor formula being built into this bill is irrelevant. It has no relationship to the number of students who can qualify for EOG grants.

We are proposing to use one simple measure of need: How many students are there at the University of Minnesota, or in California or in New York, or Florida—how many students are there who have a need for an EOG grant? That is the factor we ought to take into account in apportioning money to the institutions. That is fair. It is honest. We would provide, with a reasonable degree of certainty, how much money each student will get based upon his family circumstances, so he does not go shopping around. It makes a fair and understandable program out of one which is now uncertain, one which has varied results, and one which will have more inequities if the committee three-factor formula stays in.

I would hope we would try to put equity in a program that is more important to the young people of America than almost anything else we are doing for them. This is their chance to get an education.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I would just like to speak to the straw men that have been raised here this afternoon. One of them is that this is an awfully expensive amendment that Mr. FRASER and I are offering here as compared to the committee bill. No truth to it at all. If you fully fund both, it will cost about the same amount of money. So you can put that one aside.

In fact, all the other points that were raised are just as fallacious. Take the last one of the gentlewoman from Hawaii saying that the Commissioner is going to have all this control over schedules, the determination of parent contribution, and that the special problems of the people of Alaska would not be able to be taken into consideration.

We do not know what will be finally worked out. Those groups such as CSS and ACT are trying to work that out now and undoubtedly would be trying to work out the effects of differences in the cost of living in determining parental contribution. In the bill, at the bottom of page 107, it reads:

> The Commissioner shall, subject to the other limitations in this part, prescribe basic criteria or schedules (or both) for the determination of the amount of educational opportunity grants, taking into account the objective of limiting grant aid under this part to students of exceptional financial need

The Commissioner is in here making those determinations in the bill. What we are trying to do is to get away from that inequitable, horrible State allotment formula that denies many of the States the opportunity to give students who are eligible the funds that are needed. The only equitable way to do it is to distribute the money to the schools where the needy kids actually are going to school. We cannot do it with that State allotment formula. Nobody today seems to be proposing a State allotment formula that is equitable if we keep that formula in there. Any doctoring of that formula cannot make it equitable.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN) to close the debate.

Mrs. GREEN of Oregon. Mr. Chairman, a moment ago it was said there would be a dramatic shift in the distribution of the funds to the States if the formula was adopted. That is not true. In the committee bill formula there is a guarantee that no State would receive less than it received the previous year. The amendment offered by Mr. QUIE, contains what is called an entitlement. It promises each student $1,400 minus family contribution. The Members know and I know that it is not going to be funded at that amount. We can never deliver on that promise. It is a false promise and this Congress has made too many promises which it cannot deliver on.

A moment ago it was said, and we all know, that the EOG program has worked well. If either of the gentlemen from Minnesota know where this great demand for a change in the program is emanating from I would like their sharing that information with me. I do not recall a single letter from a single person in higher education who wants the EOG program changed the way they recommend.

The student financial aid officers like the program the way it is. They see it is working well in their institutions. To the best of my knowledge, every institution of higher education in the country opposes the substitute amendment and favors the committee amendment. I urge the defeat of the substitute and a vote of confidence for the EOG the way our institutions and their financial aid officers are administering it. I am sure they will do still better work in the years to come.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

TELLER VOTE WITH CLERKS

Mr. QUIE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. QUIE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. DELLENBACK, Mrs. GREEN of Oregon, and Messrs. ERLENBORN and PERKINS.

The Committee divided, and the tellers reported that there were—ayes 117, noes 257, not voting 56, as follows:

[Roll No. 326]

[Recorded Teller Vote]

AYES—117

Anderson, Ill.
Ashley
Aspin
Belcher
Bell
Biester
Broomfield
Brown, Ohio
Burke, Fla.
Byrnes, Wis.
Byron
Camp
Carter
Chamberlain
Clancy
Clawson, Del
Cleveland
Conable
Cotter
Davis, Wis.
Dellenback
du Pont
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Ford, Gerald R.
Forsythe
Fraser
Frenzel
Frey
Fulton, Tenn.
Grover
Gubser
Gude
Hamilton
Hansen, Idaho
Harrington
Harsha
Hastings
Heckler, Mass.
Helstoski
Hosmer
Hutchinson
Jacobs
Jones, Tenn.
Keating
Keith
Kuykendall
Kyl
Latta
Lloyd
McClory
McCloskey
McClure
McCollister
McCulloch
McDonald, Mich.
McKevitt
McKinney
Mailliard
Martin
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Morse
Mosher
Nedzi
Nelsen
O'Hara
O'Konski
Pelly
Pettis
Pirnie
Poff
Quie
Quillen
Railsback
Reid, N.Y.
Rhodes
Robison, N.Y.
Rousselot
St Germain
Schneebeli
Schwengel
Sebelius
Seiberling
Shriver
Skubitz
Smith, N.Y.
Springer
Steele
Steiger, Ariz.
Steiger, Wis.
Taylor
Teague, Calif.
Thompson, N.J.
Tiernan
Vander Jagt
Veysey
Waldie
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Winn
Wolff
Wydler
Wyman
Zion
Zwach

NOES—257

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashbrook

Aspinall
Badillo
Baker
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Celler
Chisholm
Clausen, Don H.
Clay
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conyers
Corman
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Fascell
Fisher
Flood
Flowers
Foley
Ford, William D.
Frelinghuysen
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hays
Hechler, W. Va.
Henderson
Hicks, Wash.
Hillis
Hogan
Hull
Hungate
Hunt
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kyros
Landgrebe
Landrum
Leggett
Lennon
Lent
Link
Long, Md.
McCormack
McDade
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Mikva
Minish
Mink
Mitchell
Mizell
Mollohan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
Nix
Obey
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rarick
Rees
Reuss
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Scott
Shoup
Sisk
Slack
Smith, Calif.
Snyder
Spence
Staggers
Stanton, James V.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Whitten
Williams
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki

NOT VOTING—56

Anderson, Tenn.
Archer
Arends
Baring
Barrett
Blanton
Blatnik
Caffery
Cederberg
Chappell
Clark
Conte
Culver
Derwinski
Diggs
Eckhardt
Edwards, La.
Evins, Tenn.
Flynt
Fountain
Gallagher
Gettys
Goldwater
Gray
Griffiths
Halpern
Harvey
Hébert
Hicks, Mass.
Holifield
Horton
Howard
Jarman
Jones, Ala.
Kee
Long, La.
Lujan
Melcher
Metcalfe
Miller, Calif.
Mills, Ark.
Monagan
Montgomery
Roberts
Saylor
Shipley
Sikes
Smith, Iowa
Stanton, J. William
Steed
Stokes
Sullivan
Talcott
Whalley
Wilson, Bob
Wilson, Charles H.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCHWENGEL

Mr. SCHWENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL: Page 134, after line 3, insert the following:

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENTS IN CERTAIN CASES

SEC. 443. (a) Section 464 of such Act is amended by inserting before the period at the end thereof the following: ", except that under special and unusual circumstances the Commissioner is authorized to waive the application of any provision of such an agreement which is required by this section".

(b) The amendment made by subsection (a) shall be deemed to be effective from the date of enactment of the Higher Education Act of 1965.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa in support of his amendment.

Mr. SCHWENGEL. Mr. Chairman, I rise to offer the following amendment to H.R. 7248:

Page 134, after line 3, insert the following:

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENTS IN CERTAIN CASES

SEC. 443. (a) Section 464 of such Act is amended by inserting before the period at the end thereof the following: ", except that under special and unusual circumstances the Commissioner is authorized to waive the application of any provision of such an agreement which is required by this section".

(b) The amendment made by subsection (a) shall be deemed to be effective from the date of enactment of the Higher Education Act of 1965.

The need for this amendment stems from an unusual situation which exists now at a private college in my district, and several other private colleges in my district and throughout the United States. Through a combination of circumstances the college in my district, Parsons College, and the other colleges have experienced a decline in enrollment during the past few years. This decline can be attributed to a number of factors over which these institutions have no control. A major factor would have to be the striking increase in enrollments at our newly created public community colleges.

The declining enrollments, as if not causing sufficient problems in and of themselves, have created a special problem due to a provision contained in the Higher Education Act of 1965. The provision to which I refer follows:

SEC. 1088(c) of title XX United States Code Annotated: Maintenance of effort.

An agreement between the Commissioner and an institution under part A of this subchapter or part C of subchapter I of chapter 34 of title 42 shall provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under such parts, not less than the average expenditure per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the agreement.

Translating the level of effort required by this section, we arrive at the following figures for Parsons College:

Year	Actual level of effort student aid	Required level of effort student aid
1966-67	$1,931,993	
1967-68	1,331,134	
1968-69	814,018	
1969-70	782,035	$1,359,048
1970-71	919,019	(1)

[1] Not available.

However, to fully understand the actual level of student aid at Parsons we must consider some additional figures, principally those relating to the number of students enrolled. These figures show very clearly that the level of student aid on a per student basis has not only been maintained, but has actually been increased. The figures follow:

Year	Fall enrollment	Tuition and fees	Level of effort student aid	Student aid percentage of tuition and fees	Student aid per student
1966-67	5,147	$9,219,881	$1,931,993	20.9	$375.36
1967-68	2,339	4,408,363	1,331,134	30.2	569.10
1968-69	1,773	3,006,036	814,018	27.1	469.71
1969-70	1,406	2,379,844	782,035	32.9	556.21
1970-71	1,669	2,800,527	919,019	32.8	550.64

Surely, these figures show that Parsons and no doubt other colleges and universities have complied with the congressional intent in the original provision contained in the Higher Education Act of 1965. My amendment would merely permit the Commissioner of Education to waive the provisions of this section when its effect was contrary to the original congressional intent as in the case at Parsons and other colleges. It could also be applied to a situation where an institution's income decreased, either through a reduction in support from the State government, or even conceivably by reason of a voluntary reduction in the amount of their tuition.

The Department of Health, Education, and Welfare advises me that the following institutions are experiencing declining enrollment difficulties similar to those being experienced at Parsons:

Institution	Amount of failure	Amount to be refunded
California Institute of the Arts, Valencia, Calif	$4,668	$4,668
Dumbarton College of Holy Cross, Washington, D.C	6,611	2,446
Shimer College, Mt. Carroll, Ill	17,533	9,090
Parsons College, Fairfield, Iowa	577,013	56,724
Union College, Lincoln, Nebr	51,079	50,898
Bennett College, Greensboro, N. C	21,701	21,701
Siena College, Memphis, Tenn	(1)	(1)
Total	678,605	145,537

[1] Siena College did not fail to maintain its average in fiscal year 1970. However, it was not granted any funds under the college work-study and educational opportunity grants programs during fiscal year 1972, because of the following circumstances

involving a decrease in enrollment: Siena College is scheduled to close as of December 1971. During the period June 1971 through its closing date, the institution's enrollment only consists of its senior class. The 3-year average was adjusted to reflect the projected half year of operation, but the institution stated that it could not maintain even that average due to the low number of enrolled students. Therefore, the institution could not be awarded grants under the college work-study and educational opportunity grants programs.

In some instances the amount of the failure and the amount actually to be refunded to the Federal Government are not the same. This is due to the fact that an institution whose failure exceeds the amount of Federal dollars expended under the college work-study and/or the educational opportunity grants programs is required only to refund an amount equal to its Federal expenditures under the programs.

It is also likely that there are institutions where declining enrollment caused a maintenance failure during fiscal year 1971. However, I was unable to determine at this time which schools may have been affected. because the fiscal year 1971 maintenance of level figures have not yet been reported by the institutions.

Mr. Chairman, we are all very much aware of the dire position in which many of our private colleges and universities find themselves. As I have indicated, this is true largely as a result of factors beyond their control. With this in mind, it seems especially senseless to punish them by trying to recoup the Federal funds spent on student aid. Further, they for the most part have complied with the intent of requirement in question.

I have discussed this amendment with the chairman of the committee, the gentleman from Kentucky, and the chairman of the subcommittee, the gentlewoman from Oregon, as well as the ranking minority member, the gentleman from Minnesota. They all advise me that they have no objection to the amendment. In addition, I have been advised that the Department of Health, Education, and Welfare has no objection to the amendment.

Mr. Chairman, I urge the adoption of the amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding. I have discussed this amendment with the gentleman and I think it does present a problem in some institutions. From my standpoint, it is a good amendment, and I personally would favor it. As far as I am concerned we can accept the amendment over here on this side of the aisle.

Mr. SCHWENGEL. Mr. Chairman, unless there is some question which might arise in the minds of the Members, I would conclude my remarks. It merely deals with an inequitable situation in the case of a private college that will be unduly penalized. The administration under the present law does not have the authority to deal with the question. I am sure this situation was not intended by an act of Congress. And I would reserve the balance of my time.

Mr. BENNETT. Mr. Chairman, I ask unanimous consent that the pending amendment be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk reread the amendment.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield?

Mr. SCHWENGEL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, as I understand this amendment the purpose for it is that we do require a maintenance of effort on the part of an institution. They are not to spend less than they did the preceding year if they are to receive any Federal funds.

The gentleman's amendment is directed at those institutions that have lost students. It allows the Commissioner to waive this maintenance of effort requirement under certain unusual circumstances.

It seems to me that this is a fair request. In a private school if the enrollment has gone down by 200 I do not see how we expect it to supply the same money that they supplied when they had 200 additional students.

Mr. SCHWENGEL. This conceivably could affect several hundred private colleges whose enrollment is reduced because, as in the instance in Iowa, the junior colleges have tended to pull their own students out of private colleges. Also in colleges that have reduced their tuition rates that would be justified, but they would be penalized if they did this.

It would make it easier for more students to go to school, and I think it is a fair amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I have listened to the explanation of the distinguished gentleman from Iowa and I recognize that the gentlewoman from Oregon has indicated her willingness to accept this.

I guess I would have two questions to ask, may I say to the gentleman from Iowa. First, are we to define special and unusual circumstances in the language of your amendment to mean loss of students; or are other factors contained in your definition? What do those words mean?

Mr. SCHWENGEL. Specifically, loss of students seems unavoidable in some institutions of higher learning because of junior college developments in many areas which I think is a good development but which tends to penalize these colleges.

Also a few colleges have reduced tuition rates and they would be unduly penalized, which was never intended by the Congress.

Mr. STEIGER of Wisconsin. The second point is—your subsection (b) of your amendment—the effective date of this new section is 1965?

Mr. SCHWENGEL. That is right. The reason for that is some colleges may pay that payment, one college as much as $1 million and would just break the college. I am sure it was never the intent of Congress to do that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON

Mr. BURTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: Page 131, strike out lines 4 through 12, and insert the following:

"(3) one-third shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children living in families with annual incomes of less than $3,000 in such State and the number of related children living in families receiving payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, bears to the number of such related children in all the States."

Mr. BURTON. Mr. Chairman, the current law has an allocation formula based on one-third of enrollment, one-third on high school graduates, and one-third using an income test. The income test is $3,000 per year.

Until the coming year we have been using the 1960 census income information. When we use the income information available in the 1970 census, the effect of retaining the existing law is to seriously skewer this one-third of the allocation formula against all of the high-income States.

The purpose of my amendment is to modify this skewering effect when we use the 1970 income data by also adding to the basic pool for purposes of seeing how this one-third is allocated, the children living in families receiving public assistance.

Mr. Chairman, I ask for an "aye" vote on this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentlewoman from Oregon, my distinguished chairlady.

Mrs. GREEN of Oregon. If I understand the gentleman's amendment correctly, it is an amendment which I offered in the subcommittee for the third factor in considering need. Because in some States with the $3,000 figure, you would not have anybody because the AFDC payments are more than $3,000—so we include the $3,000 of the social security title.

Mr. BURTON. The gentlewoman is correct. The committee made a judgment, saying, in light of the Rules Committee deadline, "We had better process the bill as it is rather than spend the added time debating and reaching a favorable judgment on this matter." So this is the amendment offered by the gentlewoman in committee when we realized that the 1970 census-income data was going to have this unintended side effect on most of the States of the country.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the distinguished chairman of the full committee.

Mr. PERKINS. Let me say to my distinguished colleague that I have definite reservations about the amendment at this time. I would not have any reservations about the amendment if H.R. 1 were about to be enacted.

I am deeply concerned that the effect of the amendment is to take money from all the other States of the Union and give their funds to States like New York and California. Perhaps that would be equitable, but we are here legislating in the dark, because we do not know what the actual effect of the amendment will be. At this time, the amendment is a little premature. After enactment of H.R. 1, is the time when we should consider this type of amendment.

Mr. BURTON. If I may respond, this amendment really has nothing to do one way or the other with H.R. 1. This amendment corrects what will be a massive shift of money away from all the larger States that are currently getting it because the 1960 income data is used. When you use the 1970 census-income data for 1969 in the absence of this amendment, there will be a major shift away from the States getting their current entitlement, not just everybody having the status quo maintained. So the gentleman's fears are really not well taken. This merely modifies the otherwise negative impact once we use the 1970 income data.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BURTON was allowed to proceed for 5 additional minutes.)

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. I thank the gentleman for yielding. I certainly do not want to enter into a colloquy with my distinguished former chairman, the gentleman from Kentucky. I enjoyed my service on the Education and Labor Committee over the last 10 years. We worked assiduously on formulas together, and we always tried to hold equity in mind. We never did anything that would work a disservice to the poor people of Kentucky, the poor people of Californa, or the poor people of New York.

Now what we are seeking to do through the amendment offered by the gentlman from California, which is supported entirely by the New York delegation, the members of which I have spoken with, is to do equity to all poor people wherever they reside in the country, and regardless of whether H.R. 1 passes, and I hope we will, whether H.R. 1 is or is not passed and the present law continues, that we use the indicator which exists in every single State which says that if the State has made a judgment that a family is entitled to public assistance, then that is a poor family. There could be no better barometer, no better indicator, than the judgment of the public assistance people in the States that those persons are. We would simply grind that into the formula, and it would not dislodge the poor of Kentucky; it would not dislodge the poor of Louisiana, or anywhere else. It includes all the poor on an equitable basis, so they may be counted in determining where the Federal funds will flow which shall be used to educate the poor.

I think the amendment has great merit. It is on all fours and totally square with the Elementary and Secondary Education Act formula, which this House has supported from 1965 through 1971 without opposition, and to start tinkering with the formula by blocking out the clearly indicated barometers which determine the poor in apportioning funds would be a very, very bad mechanism if it were to be adopted.

The gentleman from California has an amendment which keeps this bill consistent with the ESEA and consistent with the recommendations of the State universities who are dealing with this problem. I would hope in logic and in equity and in terms of sound legislation we can all get behind the amendment of the gentleman from California and do equity to the poor in this bill. I thank the gentleman for yielding.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment and congratulate the gentleman from California for offering it. The point which our colleague from New York just made is very important. We are not asking for anything different here than what you have already established as national policy in title I of the Elementary and Secondary Education Act.

What we are doing if we vote down the gentleman's amendment—and I do not agree with my distinguished chairman that this is a New York-California bill—what we are doing is saying to any child anywhere in this country who happens to be on public aid, that he cannot qualify for these programs. There happens to be 1,800,000 of these children scattered all over America, some in every one of the districts in this country. All we are saying in the amendment offered by the gentleman from California is that we will treat children in poverty the same way, whether they are in poverty because their income is under $3,000, or whether they are in poverty because they are on public aid.

I cannot see how anyone can oppose this amendment, particularly since we have established the principle that we are going to count poor children, whether they are poor because they are children of the working poor or children of people on public aid.

It would be my hope we would accept this amendment in order to bring equity into this and bring the benefits of this program to all children.

Mr. BURTON. Mr. Chairman, I decline to yield further.

One of the points that has been made that one of the objectives is we are trying to eliminate the funny-money food stamp program and have the cash payments under welfare. The consequence of this $3,000 figure will mean literally that if the food stamp program is eliminated and becomes a cash payment, we will then disqualify for purposes of counting in this program every family whose public assistance payments are shifted from just below $3,000 to just above $3,000. This is not intended to be mischievous. In its absence, because of the new census information and the new income levels, there will be massive distortions away from the current allocations of these funds.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment brings another irrelevant factor into the State allotment formula. The gentleman from Kentucky is absolutely correct. What this is going to mean is that since we have a limited amount of money, and if we are to provide more money to some States, then we are going to have to take it away from others. I can understand why California and New York want this amendment—because it tries to offset some of the gouging to those States that resulted from the bill, because the bill takes money away from them. When we count the high school graduates in the State, then the State that has the lowest percentage of high school graduates going to college gets the biggest bonus from this part of the formula since it will not have to spend that money on poor kids going to college.

The State that has the lowest percentage of poor kids going to college gets the most amount of money. Because some States give a larger amount of welfare, they get a benefit in their allotment formula. Those States not paying a very high welfare amount will not get enough. What we are doing is going from bad to worse. I can understand from the point of view of California and New York that this does help them in the terrible situation they were in before, because the bill put other inequitable elements to their disadvantage, and then they try to offset it.

We should not lose sight of our goal, which should be that kids who need money to go to college should receive it. That is what we said in the education opportunity grant. But do we divide the money among all the kids who need it? No. We divide it among the States. Some people get the mistaken idea that we are taking power away from the States. The State governments do not do a thing about this money. They do not make a decision on the distribution. This is an allocation formula that lets the Commissioner decide for each State how to divide the pot. This approach has little relevance at all to the kids who need it and how we should divide it among them.

I just do not know why Members would vote for this, unless they are from California or New York. I could understand it then.

I do not see why the Members would vote for the amendment, otherwise. In fact, I do not see why they voted originally for the proposal of the gentlewoman from Oregon, but they did. That is what they decided to do. It is beyond me to understand how in the world they are led down such blind alleys as that, but they were.

Just do not go down another blind alley.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. BURTON. I noted with interest the gentleman did not rebut the representation I made that although we use the 1970 census income figures for 1969, rather than the income of 12 years ago, they stayed with the same static $3,000 formula. The function of applying a new income standard brings about massive shifting in allocations among the States. Is that not correct?

Mr. QUIE. The gentleman is right. On

the one hand, in using the $3,000 figure they are using an obsolete and irrelevant factor, and when they use the welfare information they use an up-to-date irrelevant factor.

What have you gained, unless you are from New York or California?

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. The gentleman brought up a good point, and I should like to ask him a question. I have some trouble with this amendment myself.

Is it not true that the EOG formula which the House just a few moments ago approved does have three factors, only one of which deals with the income level or the AFDC factor? The other two are the number of high school students and the number of children?

Mr. QUIE. The students in college.

Mr. MAZZOLI. The students in college. With this idea the large States, those which have large numbers of these children, are in a preferred position.

Mr. QUIE. It gives them a preferred position, but has nothing to do with whether those children go to college.

Mr. MAZZOLI. We have heard that under ESEA, we have support for children of AFDC families and incomes under $3,000. Is it not true that the only way this money can be devoted by ESEA is under that provision, where here we have a Higher Education Act with two other provisions for devoting money to a particular State? Is it correct that ESEA has only one way to distribute money?

Mr. QUIE. ESEA has the income based on the obsolete information of $2,000, and if that is fully funded it goes to $3,000, and if that is fully funded it goes to $4,000, but we are not fully funding the $2,000, so that is the figure. And then they add the welfare payment. There are really two factors, but both based on income.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

The gentleman from Minnesota is arguing against the whole concept of State allocation. He has lost that battle. That has been decided.

What this amendment here does is to try to establish some equity. All we are saying is that children from the working poor or with incomes under $3,000 as well as children who are on public aid but, because of the large size of the family, the public aid check exceeds $3,000, be treated the same.

Let me give an example. We have a lot of families who have migrated to Illinois and to the city of Chicago from many of our southern communities. They are large families, with 10 or 12 children. They are on public aid, but their public aid check exceeds $3,000 a year because there are 10 children in the family.

Now, under the present formula in this bill not one of those children can be counted under this program because the family gets a welfare check in excess of $3,000.

I submit that by refusing to accept the amendment of the gentleman from California, the Members really will be denying State assistance to children who need it most urgently.

You accepted this principle when you accepted title I. This is not a new idea.

This is in keeping with the principles of equity which you wrote into title I in the Elementary and Secondary Education Act.

I tell you, if you want to give meaning to this program and you really want to help poor kids, I would say you should accept the formula of the gentleman from California.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. CAREY of New York. I thank the gentleman.

I would like to respond to the allegation made by distinguished and very, very formidable colleague from the State of Minnesota (Mr. QUIE). I want to say that he has lost none of his finesse, although he has just lost a battle.

This committee clearly indicated that it supports the concept advanced by the committee conducting the bill on the floor, led by the distinguished gentlewoman from Oregon (Mrs. GREEN). We are setting a formula that will apportion limited amounts of money as best we can to reach the goal. The gentleman brought in a factor which is not in any way related to the debate at all. He indicated somebody in California or somebody in New York was going to get fat on the basis of this bill. Well, I can tell him that we do not intend to.

Let me point out that the $3,000 is a better indicator because it really indicates that public assistance will be helping kids go to college is totally without foundation. The fact that there is a $3,000 family income involved does not determine who will go to college. So if you make this determination as to the $3,000——

Mr. PUCINSKI. Mr. Chairman, I decline to yield further to the gentleman. I do have a point to make in the time I have remaining.

Mr. CAREY of New York. Let me finish my one point, if you will.

Why do we not accept the formula and keep the bill consistent? That is what the California amendment would do.

The CHAIRMAN. The gentleman from Illinois has the floor and he still has a a little time remaining.

Mr. PUCINSKI. Mr. Chairman, the final point I wanted to make is you have in this country some 8 million children between the ages of 5 and 17 in families with incomes under $3,000 in the so-called poor. You have 1.8 million children who are also poor but who happen to be in families on public aid where a public aid check exceeds that amount. What we are saying here in rejecting the amendment offered by the gentleman from California is that these children cannot be counted in allocation of funds in the program.

Mr. Chairman, I tell you this is most inequitable. I tell you if you really want to have a fair program here, you ought to treat all of these youngsters the same way. That is the plea we are making here.

I think the gentleman from California made a good case. We are not asking for anything special or any special consideration, but are only asking for equitable treatment of all the poor kids in this country.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment, and I am delighted to yield to my colleague from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to correct the statement made by the gentleman from New York. I did not claim that New York was going to get fat on this allotment, but I say they were trying to correct the gouging they got by the formula under the bill as compared to the present formula. The present allotment formula is much better than that in the bill in order to correct the gouging you have in this one.

Mr. STEIGER of Wisconsin. Mr. Chairman, I must say that I have some reservations on the statement of the gentleman from Illinois. While I have real reservations about the three-pronged formula in the committee bill, I do not think the gentleman was accurate in saying homehow all of these people were left out. I would be happy to have the gentlewoman from Oregon clarify that point.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

I think I will have to take exception to that. He was thinking of another formula in the bill, if I may say so to the gentleman. Whether the formula contains the $3,000 family income criteria or the title IV social security criteria is really not relevant. It is simply a formula for dividing the funds among the States. Students can still apply for the educational opportunity grants.

I have one other point that I want to make, and then I hope that we could ask for some control of the time on this amendment.

The real question here, it seems to me, is the question of the cost of living and therefore ADC payments in various States. If a family lives in rural Oregon, they do not need as much money to live on as a family living in San Francisco or New York City or Chicago or Washington, D.C., or Seattle. It is one of the reasons ADC payments are higher in New York City than in Oregon or Kentucky or Mississippi.

ADC—or welfare payments under title IV of social security are related to this factor. Few Washington State or New York State families are receiving less than $3,000. Therefore they are not counted in the need part of the formula—even though they are needy. Also these figures are 10 years old. We should not use obsolete data. The gentleman from California seeks to correct an inequity and also require the use of current data.

It was for those reasons that I offered the amendment in the subcommittee. It seemed to me that it was a better provision worded this way. I was sorry it was defeated in the subcommittee. I find myself in the difficult position of defending the bill and yet recognizing that this is an amendment which does correct an inequity.

Mr. STEIGER of Wisconsin. Mr. Chairman, I do not support the amendment. I think two things ought to be clear to the members of the committee. One is that if we adopt this—and all of us recognize the fact that there is a degree of uncertainty in terms of distribution of funds—it would be my best judgment that States such as New York and California would get considerably more than States like Wisconsin and a host of other States that would not be able to share in the same way in the use of title IV social security factors within the formula of distribution.

Mr. Chairman, I hope the whole debate over the formula question gives the committee some concept and some idea as to whether or not they want to stay with this three-pronged formula. However, I think this debate has raised more questions about the formula than have been answered.

I would hope we might yet make a change of formula.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I wonder if we might get some time limitation on debate on this particular amendment. Can we close this debate within 10 minutes? The gentleman from Kentucky has 5 minutes and this would make provision for an additional 5 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this particular amendment close in 10 minutes.

Mr. CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. QUIE. Mr. Chairman, reserving the right to object, as I see more and more people over on the other side of the aisle standing up, I begin worrying about the fact that we should have more people standing up over here. If the gentlewoman would make the unanimous-consent request for 5 minutes more, a total of 15 minutes, I would be in favor of it.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. CAREY of New York. Mr. Chairman, reserving the right to object, I reserve the right to object on the ground that the gentleman from Minnesota has just taken a look around the House and has found less support for his amendment than he would like to have.

Mr. QUIE. Mr. Chairman, if the gentleman will yield, it is not my amendment.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. PERKINS. Mr. Chairman, my foremost concern is that everyone be treated equitably. Special privileges should not be granted to any State.

Now, I know that New York, California and other industralized States are not receiving an adequate amount. No State is.

But until the 1970 income statistics are available and we can gauge the impact of these amendment, I think it is only fair and equitable that we vote it down. Only then will we be confident that we are proceeding in an equitable manner.

I do want to tell the committee that I have never objected to the gentleman from California (Mr. BURTON) or to the gentleman from New York (Mr. CAREY) or to the other Members from New York who have with great ability been most perservering in preserving the interests of their home States.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes, I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, there is no one, in the opinion of this Member's—and I am sure that of the whole House, or in fact anyone, who would challenge the ability of the gentleman in the well, the gentleman from Kentucky (Mr. PERKINS) in what he has done in order to take inordinately well, good, and loving care of his beloved constituency. In bill after bill and time after time we are all aware, and sometimes painfully aware, of the interests of the gentleman from Kentucky, and most all of us find it well advised to support the gentleman in his efforts to assist his constituency. All we want is to have just a little bit of it for some of us in some of the larger States.

Mr. PERKINS. May I say to my distinguished colleague that I want to work with the gentleman after enactment of H.R. 1, so that at the earliest possible time we will be able to rectify any inequities.

But we should not at this time revise an allocation that will affect all the States in the Union. And that is what this amendment does. It will have an impact on the entire allocation, and no one here knows just how much less or how much more their State will receive.

This is an amendment of such magnitude that it should be fully considered in committee. This is not the place to reallocate moneys. We might very well—in my judgment we will—take funds from the States where the need is the greatest.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Chairman, I appreciate the generous encomium given me by my former chairman, the gentleman from Kentucky (Mr. PERKINS) as to how hard we have worked together in trying to perfect legislation for the benefit of all children. And I do not stand in this well as a representative of the young people of New York, or as a representative of the young people of any part of our country, but rather as one who has always expended the greatest effort in terms of equity for all the children of the United States.

I would hope that the gentleman and I could continue to join hands in seeing that when we support as many children as possible, we do not do any disservice to any children in any section of the country.

Also to state that by being fair to New York we are being unfair to Kentucky is simply not true. This is not a New York-California-Illinois argument, it is a question as to whether we have one standard of acceptable parameter for measuring poverty in this country in order to allocate limited funds.

If you ignore the fact we have public assistance programs in the country while we are voting public assistance for the colleges and universities, is to defeat the whole purpose of this bill. We are talking about Federal money going where Federal money is. If you ignore the fact that we have public assistance programs, and only talk about a $3,000 family income, you are bringing in an irrelevancy. Let us follow the public effort, the public effort of public assistance, and forget State boundaries.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mr. QUIE.)

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I rise in opposition to the amendment. I do so reluctantly because of my fondness for the distinguished gentlewoman from Oregon.

First of all, the bill came out of committee without the provision suggested by the gentleman from California (Mr. BURTON) and after extensive hearings and an extensive markup. I think we should leave it alone.

The second point, which is much more important than that, is the fact that as I understand the ESEA formula mentioned by the gentleman from California (Mr. BURTON) as reason for changing the EOG formula, the ESEA money is distributed on the basis of the number of children who come from families that meet the income requirments and guidelines for need.

In this higher education bill before us, the EOG grants are calculated on a three-pronged basis. One is the number of high school students in a State, one is the number of college students in schools in the State, and the third is the income requirement.

Large States like New York and California—and all the others—are still going to get substantial money under the EOG formula because they are large and, therefore, have more high school students and have more college students. So these States are not solely dependent on the income level requirement to get their eligibility and to get their money through the EOG formula. So nobody, myself included, who is opposed to this amendment, is opposing the large States and opposing poor people. We are simply saying that there are other aspects of this formula, two parts of which are overweighted now in favor of large States. No further favor need be shown the large States than is already shown under the committee's version of the EOG formula.

Mr. Chairman, I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, as we said earlier when we were striving to secure the basic formula, we do not feel the formula which is provided for in the committee bill is a good change from the present situation because what it strives to bring into the computation a combination of EOG money factors which are not relevant to the utilization of those moneys.

I do not know what the impact of this particular change would be on my State of Oregon, but that is not the way, in my opinion, that we should approach this type of change. We ought to look at it from the standpoint of its relevancy and soundness and not just what the impact on one particular State may be.

The proposal of the gentleman in that regard would compound the felony and add another irrelevancy.

The factor of assisting people on welfare in a proper law can be a very desirable factor, but it is not relevant to the question of distribution of this type of money. Therefore, it seems to me to make this amendment at this time, whatever its impact on the individual States, is basically and fundamentally unsound. It is attempting to change what is not a good formula, but it would not be an improvement. I hope this amendment is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, the statement was made here that under the Burton formula somehow poor children would be double counted.

I believe that is not correct. What we do is we count all the children in the State who come from families with income under $3,000, whether on public aid or otherwise.

Then they add to that number the number of children who come from families with income over $3,000—even if it is a relief check.

I would be glad to yield at this point if that statement is not correct.

The main purpose of the bill is to provide funds to help needy children to go on to college. That is its main purpose. I do not see how any Member in good conscience could say that somehow or other a child who is on public aid, receiving public assistance, but because he comes from a family with many children where the public assistance check runs up in excess of $3,000 should be treated differently than a child who comes from a family whose family income is under $3,000. We are talking about children in poverty. But what we are trying to do is to make this program available on an equal basis to children from large families where the public assistance check from the taxpayers exceeds $3,000, and that is the only issue here.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I take this time merely to ask the gentleman from Kentucky a question. The gentleman from Illinois (Mr. PUCINSKI) has repeatedly said that this amendment would not affect the formula as the basis of the amount of money going into the States. He argues that after the money is in the States is when the provisions of this amendment would apply. Is that true?

Mr. PERKINS. That is not correct. The calculations must be made here in Washington on the basis of the formula before any funds are disbursed.

Mr. KAZEN. In other words, if this amendment is adopted, it will have a bearing on the amount of money that goes into every State?

Mr. PERKINS. Every State.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The fact of the matter is that the States in which there are families such as I have described have as much need for this money to send these kids on to college as anyone else. What the gentleman is drawing is a distinction between those children who come from the South and the city of Chicago; large families on public welfare will be counted out simply because we do not want to change the formula. That is what the issue is here.

Mr. KAZEN. I understand the gentleman from Illinois. But the statement the gentleman made originally was that this amendment would have absolutely no bearing on the amount of money that would go to the States, and according to what the gentleman from Kentucky has said, it most certainly would have.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BURTON).

Mr. BURTON. I think it is very important that we clear up one possible misconception, and that is that this is not merely a California-New York amendment. It is an amendment that would affect California, New York, Pennsylvania, Illinois, Michigan, Indiana, Massachusetts, Connecticut, Rhode Island, Maine, and what-have-you.

The dilemma posed by the $3,000 formula can perhaps be described this way: This is not a $3,000 requirement for a family of four. It is $3,000 for a family of six, nine, or 11. If a kid has a paper route, the earnings of the paper route are automatically in this $3,000, and the family could be disqualified.

The facts of the matter are that everyone agrees that the $3,000 formula is absurd. It has been and it is absurd. It is not a realistic test of need. But, more importantly, when we use the up-dated census data in the larger States, which comprise about 75 percent of the population, your welfare payments for families, husband and wife and three children, are larger than a total of $3,000, and so, therefore, that family is not even counted.

So do not fall for this nonsense that it is a "California-New York-only" amendment. We are not trying to get more money. We are trying to reduce the damage done to us by the new census-income information, which cuts away from our existing level of allocations.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, it seemed to me, as I listened to this debate, that people again are getting mixed up and thinking, If we leave out the welfare families, then somehow or other those students would not be able to get educational opportunity grants from colleges. That is not the case at all. They are talking about trying to write a State allocation formula here.

Let me use these minutes to tell the Members what I think would be the only equitable State allotment formula, if we have to have one, and that would be to take the amount of approved requests for educational opportunity grants within a State as it relates to the requests in all the States. That is the only equitable way, because the colleges get the requests, they have to be approved by the regional panels, and then once approved by the regional panels, they would go into the total. That is the only reasonable way.

If somebody on that side of the aisle would be interested in offering an amendment that would be equitable, I guarantee I will support it as strongly as I can. I have a concern about offering anything that is equitable, because if I offer it, I think many of the people on that side of the aisle would feel honor-bound not to support it, because it is a Republican who would be offering it. The people on that side of the aisle seem to be able to win elections without any difficulty. I do not think I would drag them down, but apparently there is some problem. I am sorry there is, and I am sorry all education suffers from it.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, what would the gentleman think about dropping the $3,000 altogether and just distributing to the States on the basis of the number of students in college and the number of children in high schools?

Mr. QUIE. That narrows it down to just two factors, and it would be better than we have now, but why not go all the way and count the grants approved? Why not go all the way?

I have talked to some of the gentlemen and I know they realize that would be equitable but somehow they do not seem to go for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BURTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: Page 117, after line 13, insert the following:

PRIORITY FOR STUDENTS WHO HAVE RECEIVED LOANS FOR EARLIER YEARS

SEC. 412. (a) Section 427(a) of the Higher Eucation Act of 1965 is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end thereof and inserting: "; and", and by adding at the end thereof the following:

"(3) the lender agrees, in making insured loans, to grant a priority (in accordance with such criteria as the Commissioner may prescribe) to students who have theretofore received such loans from it.

Redesignate the sections which follow accordingly.

Page 149, after line 18, insert the following:

PRIORITY FOR STUDENTS WHO HAVE RECEIVED LOANS FOR EARLIER YEARS

SEC. 467. Section 5 of the National Defense Eucation Act of 1958 is further amended by adding (after the subsection added by the preceding section) the following new subsection:

"(f) An agreement under this title for payment of a Federal capital contribution shall include such provisions as the Commissioner may require for granting a priority in the making of loans from such fund to students who have theretofore received such a loan."

Renumber sections 467 and 468 as sections 468 and 469, respectively.

Mr. MATSUNAGA. Mr. Chairman, the amendment I am offering is designed to deal with a minor but troublesome problem that has developed under the present student loan program.

I am sure that many of my colleagues have received requests for help from students who had applied for and received a loan under one of these programs which enabled him to begin a program of study. Then upon filing applications for loans for subsequent years, the student has found he was unable to obtain a loan for the reason that all available money had been lent out to others with equal or less need, who were commencing their educational program.

Mr. Chairman, I believe it can be agreed that it is certainly unfair to a student to lead him into a commitment of his own financial, mental, and emotional resources to enter into his first year of a study program and then to deny to him a loan which would be necessary for him to continue his study program, because available loans had been made to others with equal or less needs who had not even begun their programs.

It is this situation, Mr. Chairman, which my amendment intends to reach. It does not require any additional funds, nor does it affect the allocations made to individual States or schools. Furthermore, a student would still be required to demonstrate his continued need for loan assistance. But if he were in need of the loan and still wanted it he would be given preference over others with equal or less needs who had not yet started on their study programs.

Mr. Chairman, I wish to point out that the amendment I am offering would not in any way affect the new provisions in the bill for education opportunity grants. Only loan programs would be affected.

I believe we can all agree, Mr. Chairman, that when a student receives a federally aided loan to begin his education he also receives an implied commitment that if loan money is still available and he is still in need of assistance to finish his schooling he can continue to receive this assistance.

My amendment is designed to help to deliver on this commitment.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

(By unanimous consent, Mr. MATSUNAGA was allowed to proceed for 3 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. When the gentleman came to me about this amendment it was my understanding that it was just to cover the guaranteed student loans. Is the gentleman including the NDEA loans here, too?

Mr. MATSUNAGA. Yes; I am including all the loan programs, but if the gentlewoman has any objection to including the NDEA I would be willing to strike it out.

Mrs. GREEN of Oregon. I believe we would run into some major problems. As I told the gentleman when I talked with him, in terms even of the guaranteed student loan program, if a person received a loan for 2 years, as a hypothetical case, and became a junior in college, if there were a freshman who was entering who applied, if that freshman had greater need then I do not believe we ought to give priority to the junior in college just because he has had a loan.

As I understood the gentleman, he was going to make it abundantly clear that if the student had a previous loan and a new applicant had identical needs—identical needs—and the lending institution made that judgment, he would be given a preference, but only on the guaranteed loan.

Furthermore, I believe the gentleman did say, "If the money is still available and if he still needs the funds."

I believe this must be a very important part of the legislative history if this amendment is adopted, because we certainly could not say to a lending institution or a bank—they have done a remarkably good job in making loans, and I believe they ought to be commended for it, because it is a public service and they are not making money on it—if the bank does not have the funds for this and has used them for other needier students, they should do it. It seems to me it would be very unwise for the Congress to say they had to give it to this student because he had a previous loan.

But if this means those conditions which I have outlined: That it only applies to the guaranteed student loans, and if the money is still available, and if the student still needs it—and under the bill he must have the certification of that need by the student financial aid officer—and if the need is the same as that of another person, it would be then and then only that the preference would be given.

Mr. MATSUNAGA. For the purpose of establishing legislative history in this matter, I concur with what the gentlewoman from Oregon has just stated.

Mrs. GREEN of Oregon. Then, the gentleman would ask unanimous consent or move to strike out that part of the amendment that has to do with NDEA?

Mr. MATSUNAGA. Mr. Chairman, I ask unanimous consent at this time to strike from my offered amendment all of that part after "accordingly;" beginning with the words "page 149, after line 18, insert the following:"

The CHAIRMAN. The Clerk will read the unanimous-consent request.

The Clerk read the unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Chairman, I ask approval of my amendment.

Mr. DELLENBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, may I commend the chairman of the subcommittee for having pointed out very clearly a number of great dangers to this amendment as it is proposed.

Let me make an additional point that many of us really do not think about very often, that is, exactly what it is we are doing in making legislative history. You cannot by any discussion on the floor of this body take language that says "black" and by talking into the RECORD or supposedly making legislative history make that language come out "white."

Legislative history is valuable in resolving ambiguities. Any time that language of a proposed amendment or a bill which is before us has a genuine ambiguity in it a court called upon to interpret that language may very well go back to the legislative history to determine what it was those who enacted the law meant.

Mr. MATSUNAGA. Will the gentleman yield?

Mr. DELLENBACK. Yes. I will be glad to yield to the gentleman.

Mr. MATSUNAGA. If the gentleman will look at the offered amendment, in the second paragraph thereof the language reads as follows:

> the lender agrees, in making insured loans, to grant a priority (in accordance with such criteria as the Commissioner may prescribe) to students who have theretofore received such loans from it.

The Commissioner, of course, would set these criteria in accordance with the legislative history which we have here established.

Mr. DELLENBACK. I appreciate what the gentleman is reaching for, and I have an extremely high regard for him, but I point out that we cannot make legislative history alone by what we do on the floor of the House. We have another body which is also involved in this.

If you take a look at the four corners of the language before us, I am afraid we will run into great difficulty in running into a situation which will not assure that every lending institution will be in practical fact adhere to the various points which were raised by my colleague from Oregon and which the esteemed gentleman from Hawaii sought to incorporate in the form of legislative history.

If he is really striving to write in here in effect such language as was involved in the colloquy between the gentlewoman from Oregon (Mrs. GREEN) and the gentleman from Hawaii (Mr. MATSUNAGA), I would urge that the language of the amendment be amended so that it makes absolutely clear within its own language what it is the gentleman is striving to do.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. Let me finish and then I shall yield to the gentleman from Hawaii.

It is my concern, and I say this to the gentleman and to the Committee of the Whole House on the State of the Union, that if the discussions of the last few minutes have stated the goal for which we are reaching, I am concerned that this language will not reach it. The language as it stands will not guarantee the writing into the criteria that which we should have. As the amendment is proposed, even with the discussion which has taken place beforehand, I would urge the members of the committee, if they really want to be sure to accomplish the goals which our colleague is striving to accomplish, we must defeat this amendment. I urge that we take this action.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. Yes, I yield to my friend from Hawaii.

Mr. MATSUNAGA. The gentleman perhaps misunderstood the gentlewoman from Oregon (Mrs. GREEN). It is my understanding that the gentlewoman from Oregon has accepted my amendment.

Mr. DELLENBACK. Well, I understand, I will say to the gentleman from Hawaii, that the gentlewoman from Oregon said if the amendment is to be interpreted with the provisos that she very soundly pointed out, she would agree that that would be fine. But it is still not a part of the amendment to this bill until this body acts on it. Therefore, I am urging this body, in view of the language which is really here and not which we would like to have here, to defeat the amendment.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

I wonder if the gentleman from Hawaii who proposed the amendment would care to answer a question or two? I read the language of this amendment that says the lender agrees in making insured loans to grant a priority to students who have theretofore received such loans from it—and I have left out the words "criteria as the Commissioner may prescribe"—would this, if the Commissioner so decided, mean that a lender would be forced to make a loan to a student whose credit rating has come into question or who has gone through bankruptcy proceedings or some other action has occurred from the time the first loan was made to the time he is applying for another loan? Could it require, unless it happens that the Commissioner gives him such leeway in the criteria that he give priority to a student whose credit rating is not good and, therefore, a lender under ordinary commercial conditions would not grant the loan?

Mr. MATSUNAGA. Mr. Chairman, if the gentleman will yield and if the gentleman will read the language, it says the priority is to be granted "in accordance with such criteria as the Commissioner may prescribe."

I am certain, under the circumstances which the gentleman described, that the Commissioner would not require a priority to such a student.

Mr. ERLENBORN. I would take it that the gentleman would not want such a result to occur?

Mr. MATSUNAGA. The gentleman is correct.

Mr. ERLENBORN. Certainly, a lender participating in this program will only continue to participate if the loans he makes are the kind of loans that would be good commercial loans generally meeting the conditions of the guarantee and so forth.

I would join with the gentleman from Oregon (Mr. DELLENBACK) in urging that we not adopt an amendment that has these ambiguities. If there are things that we think ought to be stated, I think they should be written out as to just what is provided in the amendment. We should not leave it up to chance that the Commissioner will adopt criteria to conform with what we think he ought to do.

I think the gentleman from Oregon (Mr. DELLENBACK) is correct. If there is no ambiguity, the Court will not look at the record. If we know what we want to do in the way of priorities, let us spell it out and let us not pass an amendment which is as vague as this.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield further?

Mr. ERLENBORN. Yes, I yield further to the gentleman from Hawaii.

Mr. MATSUNAGA. The gentleman from Illinois expresses a thought which went through my mind also, but rather than spelling out in detail in the statute what criteria the Commissioner should follow he is granted the authority to set such criteria. This is in compliance with normal legislative procedure.

And in this case the counsel who drafted the amendment for me was of the view that, because we are giving the authority to the Commissioner to set up the criteria, the language was sufficient if supported by language in the CONGRESSIONAL RECORD to establish a legislative history. It is for this reason that the amendment was offered in the language that it is in.

Mr. ERLENBORN. I am certain that it is, because I believe I understand the problem the gentleman is trying to address through his amendment. However, I worry about what other criteria might be used. There are those who suggest that no conditions should be made on the loan that the family of a student have an account with a bank. We did not do that even though it was urged on us by the other body when we were dealing with the guaranteed student loan program. There are others who feel that the loan should go to those who are the neediest first, and by the time we get the Commissioner to write the criteria we will find the participating banks will not have discretion in making the loans, and when that occurs they will no longer participate in the program. It has been a good program, and it has helped a lot of low-income and a lot of middle-income students. I would hate to see it jeopardized by something that is not specific, and that could cause havoc to the program.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA) as modified.

The amendment as modified, was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 111 strike out lines 3 through 5 and insert in lieu thereof the following:

"SEC. 405. From the sums appropriated pursuant to section 401, the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the amount of approved requests for educational opportunity grants within such State bears to the total amount of approved requests for educational opportunity grants in all the States.

On page 111, line 12, strike out "section 465(a)" and insert in lieu thereof "section 405".

On page 129 strike out lines 25 and 26 and on page 130 strike out line 1 and insert in lieu thereof the following: year (1) under section 441(b) of this Act (after making the reservation provided for in section 442), or (2) under section 201 of

On page 131 strike out line 15 and insert in lieu thereof the following: "scribed in clause (1) or (2) of subsection (a) plus any".

Mr. FRASER. Mr. Chairman, we have had two discussions on the formula under which money is allocated to the States and the institutions for education opportunity grants. The second amendment, which was turned down, was an effort to improve on the committee's three-factor formula after the Quie-Fraser amendment was defeated.

What this amendment does is to take the Quie-Fraser amendment, divide it in half, and use that part of the original amendment that deals with the question of allotment to the States.

Under this amendment, we abandon the three-factor formula, and say that money will go to the States in proportion to the number of students eligible for educational opportunity grants in each State in relationship to the nationwide total of eligible students.

In other words, we are not going around the barn to find out what we need.

Instead we count the actual number of students who are eligible for educational opportunity grants. I think this solves the problem that was raised earlier. It solves the problem of dealing with irrelevant factors and goes right to the fundamental question of how many students are eligible. Let us count them up, divide the money and apportion it out so the States can meet these students' needs.

I think this amendment avoids some of the controversy that developed over the more extended amendment where we got into the question of setting national standards. We do not deal with the issue of national standards here. We merely establish a simple formula for determining how much money each State gets under the EOG program. I think we bring to EOG the highest measure of equity in apportionment that we can secure. I think this is a reasonable compromise. The amendment moves us ahead in the effort to provide equity that I know we are all seeking.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I commend the gentleman. I would hope that the committee accepts this amendment.

It seems to me that this would bring in a degree of equity that is now missing in the three-prong formula. I believe the amendment makes sense.

Really is not the effect, may I ask the gentleman from Minnesota, that under your amendment if adopted, each State would receive the same in terms of the percentage of its finally approved request? Is that in effect what your amendment would do?

Mr. FRASER. That is right.

Mr. STEIGER of Wisconsin. So you would not have this variation between States which leads to inequity in terms of serving students who are eligible to receive EOG grants?

Mr. FRASER. That is right.

Mr. STEIGER of Wisconsin. I thank the gentleman.

Mr. FRASER. May I add that I have had a chance to talk to some of my colleagues who were opposed to the first amendment and they do believe that this amendment is considerably more acceptable.

Mr. Chairman, I think that since this is a limited amendment, it should have more support. I certainly hope it will gain the approval of the committee.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in opposition to the amendment.

This is a better amendment than the preceding one. It does not impose national standards. It does not give the Commissioner of Education the tremendous authority which the preceding amendment attempted. Otherwise, however, this is really much the same debate that we had on the Quie amendment an hour ago.

I was not given any copy of this amendment until just now. I have no idea of what it is going to do in terms of various States and institutions.

Again I would repeat what I said in the beginning, I cannot remember a single letter I have received asking for a change in the EOG program. All of the institutions of higher education are in support of the language that is in the committee bill. We had 54 days of testimony on the entire legislation. All of the State financial aid officer are supporting the formula in the bill to the very best of my knowledge. The EOG program has worked well. The youngsters who are in exceptional need have received money, and I see no reason now to have a sudden change in this.

If the amendment had been offered a week ago, some of us would have had the chance to study it and maybe some of the reservations that I have, would have been resolved, but at the present time, not having seen the amendment and knowing that the present system works, and having debated this for 1½ hours—I would hope the amendment would be defeated.

Mr. EVANS of Colorado. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. EVANS of Colorado. It seems to me that the language of the amendment is fairly simple. I must confess, not serving on the committee, that it makes it more technical than I realized. But it seems to go to the heart of measuring the poor people who will be qualified to go on to a higher education. It is the ultimate thing I think we want to measure whether it be New York, Colorado, Washington, or Oregon.

That being the case, since the bill does change the rule, as I understand it, from what the law used to be in distributing this money to the States, would it not seem that this simple approach would be by far the fairest in assisting institutions in terms of protecting these standards where they need help.

Mrs. GREEN of Oregon. If I may respond, the formula which would go into effect in the EOG, work study and NDEA loan program is the formula that has been used all through the years for the work-study program. So it is not a new formula if we accept it for the EOG. The reason I make that statement is that we went through this whole argument for an hour and a half, and in this amendment there are four separate references to language in legislation that would have to be changed. Frankly, I have not had time to even read the full amendment. I do not know what it would strike out. It seems to me that we have a formula which is working well, and a formula that is working well should be continued.

Mr. Chairman, I urge defeat of the amendment.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. QUIE. I think the gentleman from Colorado made an important point that all Members ought to bear in mind. The committee bill changes the present formula. It changes it to add two irrelevant factors. As we have pointed out a number of times before, the amendment offered by the gentleman from Minnesota takes into consideration the only factor that is relevant. If you want to provide aid to kids wherever they are going to college or to other postsecondary institutions, this is the way you should do it. You do not get into the question, as stated, of national standards with respect to contribution. We do not get away from State allocations. What we do here is to get away from irrelevant factors. As pointed out by the gentlewoman from Oregon, the work-study program uses these three irrelevant factors. If that program works so well, why should we not add the formula to the EOG?

But if you look at the distribution of aid under the work-study program, you see that the greatest disparity between what each State requires and what it receives is in the work-study program. It goes all the way from 30 percent up to 140 percent. Anything above 100 percent they have to reallocate. Why use a formula like that? I just ask you at this time, since we have debated this question for so long and you now have an understanding of what the real meaning is, to support the amendment of the gentleman from Minnesota. It is the fairest thing you could possibly devise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and the chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mrs. GREEN of Oregon. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mrs. GREEN of Oregon. Mr. Chairman, I demand tellers with Clerks.

Tellers with Clerks were ordered; and the Chairman appointed as tellers Mr. FRASER, Mrs. GREEN of Oregon, and Messrs. QUIE and MAZZOLI.

The Committee divided, and the tellers reported that there were—ayes 108, noes 220, not voting 102, as follows:

[Roll No. 327]

[Recorded Teller Vote]

AYES—108

Addabbo
Anderson, Ill.
Ashley
Aspin
Belcher
Bergland
Betts
Biester
Bingham
Blatnik
Brotzman
Byrnes, Wis.
Camp
Cederberg
Celler
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Conable
Coughlin
Davis, Wis.
Dellenback
Denholm
Dow
Drinan
Dulski
Duncan
du Pont
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Findley
Fish
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Goodling
Gude
Hansen, Idaho
Harsha
Hastings
Heckler, Mass.
Helstoski
Hosmer
Hutchinson
Kastenmeier
Keating
Keith
Koch
Kyl
Landgrebe
Lent
Lloyd
McClory
McCloskey
McCulloch
McDonald, Mich.
McKinney
Michel
Mikva
Miller, Ohio
Mills, Md.
Morse
Mosher
Nelsen
Obey
O'Konski
Pelly
Pettis
Pirnie
Poff
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Ruth
Ryan
Sandman
Schneebeli
Schwengel
Sebelius
Smith, N.Y.
Springer
Steele
Steiger, Wis.
Taylor
Teague, Calif.
Veysey
Wampler
Ware
Whalen
Whalley
Whitehurst
Wiggins
Winn
Wolff
Wydler
Wyman
Zion
Zwach

NOES—220

Abernethy
Abourezk
Abzug
Adams
Albert
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Badillo
Baker
Begich
Bennett
Biaggi
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Carey, N.Y.
Carter
Casey, Tex.
Chisholm
Clancy
Collier
Collins, Ill.
Collins, Tex.
Colmer
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney

Dellums
Dennis
Devine
Dickinson
Dingell
Dorn
Dowdy
Edmondson
Fascell
Fisher
Flood
Flowers
Foley
Ford,
  William D.
Fountain
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffin
Gross
Hagan
Haley
Hall
Hamilton
Hammer-
  schmidt
Hanley
Hansen, Wash.
Harrington
Hathaway
Hechler, W. Va.
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Hull
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Kazen
Kemp
King
Kyros
Latta
Leggett
Lennon
Link
Long, Md.
McCormack
McDade
McFall
McKay
McKevitt
McMillan
Macdonald,
  Mass.
Madden
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Randall
Rangel
Rarick
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Satterfield
Scherle
Schmitz
Scott
Seiberling
Shoup
Shriver
Sisk
Slack
Snyder
Spence
Staggers
Stanton,
  James V.
Steed
Stephens
Stratton
Stubblefield
Stuckey
Symington
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Whitten
Williams
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki

NOT VOTING—102

Abbitt
Alexander
Anderson,
  Tenn.
Archer
Arends
Ashbrook
Baring
Barrett
Bell
Bevill
Blanton
Bow
Bray
Broomfield
Brown, Ohio
Byrne, Pa.
Caffery
Carney
Chappell
Clark
Clay
Conte
Conyers
Crane
Culver
Dent
Derwinski
Diggs
Donohue
Downing
Dwyer
Eckhardt
Edwards, Ala.
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Flynt
Fraser
Fuqua
Gettys
Goldwater
Gray
Griffiths
Grover
Gubser
Halpern
Hanna
Harvey
Hawkins
Hays
Hébert
Hicks, Mass.
Horton
Howard
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kee
Kluczynski
Kuykendall
Landrum
Long, La.
Lujan
McClure
McCollister
McEwen
Mailliard
Melcher
Mills, Ark.
Minshall
Mizell
Montgomery
Nix
Pickle
Powell
Pryor, Ark.
Quillen
Rhodes
Roberts
Rousselot
Saylor
Scheuer
Shipley
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Stanton,
  J. William
Steiger, Ariz.
Stokes
Sullivan
Talcott
Tiernan
Udall
Vander Jagt
Waldie
Widnall
Wilson, Bob
Wilson,
  Charles H.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title IV?

Mr. QUIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to tell my colleagues that I am going to ask unanimous consent to include extraneous matter and put in the RECORD a table showing what the effects of this amendment will be on the various States, because the Members who voted against their best interests I think would like to know.

A lot of people were asking what this would do and wanted to know if they would be able to look at the tables. Those who voted in their best interests can see if they did or not.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield to me?

Mr. QUIE. Yes. I yield to the gentlewoman.

Mrs. GREEN of Oregon. May I ask the gentleman, if this will be on next year's request, how can you present tables that would be accurate on the requests that would be made for the EOG last year and approved in the colleges? How could you give out such tables?

What tables are you talking about? You just said you were going to put tables in the RECORD about which States and so on were going to lose.

Mr. QUIE. I will put a table in the RECORD as it would affect this present year's allocation. The table will show the percentages each State would receive if the committee amendment was adopted compared to current law. The amendment would have meant that each State would have received the same percentage of its request as every other State—22.16 percent.

Mrs. GREEN of Oregon. If I might say to my friend this, this last year is gone. No one is going to lose it because they have already gotten it. For next year we do not know because we do not know how many applications there will be.

I will also say to my very good friend and colleague whom I respect very much, I wish that I could have seen the amendment 5 minutes before it was offered. You attempted to strike out language at four different places. I am sure you will agree with me that the Office of Education has in four instances said that the figures do not present an accurate state of affairs.

Mr. QUIE. They made a mistake in their tallies on the institutional grants. However, they have an accurate table on this.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I hope the gentleman will leave his remarks unedited wherein he has asked for permission after a vote to make available information to the Members that was not available at the time of the vote, because this is the reason we have to vote against some of these amendments like this. You ask us to vote on something that we know nothing about and then you ask permission to provide information which we should have had before the vote. This is the reason we have to defeat amendments like this.

Mr. QUIE. The table to which I have reference was in the RECORD yesterday on page 37779. Just so the Members might know, I will put the State percentages of funding in again at this point.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, what is the need to put it in the RECORD if it was in the RECORD yesterday? Why was it not brought to the attention of the Members if it was in yesterday's RECORD and why put it in today?

Mr. QUIE. I just wanted you to see the figures in reference to the vote you just made, and I remind you that I did call attention to them during the debate.

The table follows:

PERCENTAGE OF APPROVED REQUESTS GOING TO STATES FOR EDUCATIONAL OPPORTUNITY GRANTS UNDER PRESENT LAW AND UNDER H.R. 7248, USING FISCAL YEAR 1972 REQUESTS AND APPROPRIATIONS FOR INITIAL YEAR GRANTS

	State allocation divided by panel approved request	
	Current law	H.R. 7248[1]
50 States and the District of Columbia	24.88	22.16
Alabama	17.54	25.48
Alaska	21.30	35.91
Arizona	24.16	18.72
Arkansas	27.03	40.03
California	24.85	17.08
Colorado	27.88	19.19
Connecticut	31.55	22.90
Delaware	21.34	18.15
Florida	30.62	28.80
Georgia	25.35	35.69
Hawaii	55.43	42.10
Idaho	36.98	29.54
Illinois	21.52	16.96
Indiana	28.37	22.15
Iowa	26.27	22.03
Kansas	27.24	20.36
Kentucky	25.98	32.63
Louisiana	27.82	35.72
Maine	27.62	29.46
Maryland	33.33	28.80
Massachusetts	29.34	17.74
Michigan	23.85	18.61
Minnesota	21.81	17.80
Mississippi	18.45	29.68
Missouri	31.80	27.95
Montana	21.94	18.01
Nebraska	32.32	25.97
Nevada	35.64	29.22
New Hampshire	24.62	16.67
New Jersey	18.78	20.67
New Mexico	24.59	26.28
New York	18.71	14.45
North Carolina	19.33	25.23
North Dakota	22.59	19.53
Ohio	28.24	23.47
Oklahoma	27.29	23.21
Oregon	22.57	14.90
Pennsylvania	30.15	27.64
Rhode Island	29.78	21.42
South Carolina	21.75	40.17
South Dakota	22.32	21.68
Tennessee	22.15	26.87
Texas	32.35	32.30
Utah	36.83	20.56
Vermont	21.46	15.85
Virginia	28.75	36.45
Washington	27.98	19.01
West Virginia	27.18	32.08
Wisconsin	23.40	16.05
Wyoming	16.65	12.99
District of Columbia	21.31	11.83

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[1] H.R. 7248 gives the commissioner authority to distribute 10 percent of the amount available, in this case an additional $7,109,197.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. PUCINSKI. What is the disposition of the gentleman's request for putting a table in the RECORD at this point?

The CHAIRMAN. The Chair will advise the gentleman from Illinois that the gentleman from Minnesota did not make a unanimous-consent request at this time to include extraneous matter, since that request will have to be made in the House rather than in the Committee of the Whole House on the State of the Union.

It was the understanding of the Chair that the gentleman from Minnesota simply detailed his intention to seek that unanimous consent when the Committee rises and we are back in the House.

MOTION OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The gentleman is seeking to propound a parliamentary inquiry?

Mr. PELLY. I am not, Mr. Chairman. I have a privileged motion. I move that the Committee do now rise.

The CHAIRMAN. Does the gentleman from Washington insist upon his motion?

Mr. PELLY. Well, if the chairman of the committee or the ranking member has any justification as to why we should continue this slaughter, I would be glad to withdraw it.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Speaking of tables, could the distinguished gentleman in the chair tell us when we might have a look at the supper table this evening?

The CHAIRMAN. The Chair will state informally in response to the parliamentary inquiry of the gentleman from Iowa that it is the Chair's understanding that a general agreement has been reached between the gentlewoman from Oregon (Mrs. Green), the manager of the bill, and the gentleman from Minnesota (Mr. Quie), the ranking minority member, that the Committee would attempt to proceed hopefully to title VIII, if possible, by 6 o'clock, and at that time it would be the purpose of the majority and the minority that the Committee should rise.

Mr. PELLY. By 6 o'clock we will not have the figures such as were mentioned by the gentleman from Minnesota (Mr. Quie) and the gentlewoman from Oregon (Mrs. Green) a little while ago containing information on some of the amendments which we are called upon to vote. I think we ought to have a chance to cool off before proceeding further.

The CHAIRMAN. Does the gentleman from Washington insist upon his motion?

Mr. PELLY. Mr. Chairman, I withdraw my motion.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—EXTENSION AND AMENDMENT OF EDUCATION PROFESSIONS DEVELOPMENT ACT

Part A—Amendments to Part A of Title V

EXTENSION OF NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT AND PROGRAM FOR ATTRACTING QUALIFIED PERSONNEL TO THE FIELD OF EDUCATION

Sec. 501. (a) Section 502(f) of the Higher Education Act of 1965 (the Education Professions Development Act) is amended by striking out "and" after "1968," and inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

(b) Section 504(b) of such Act is amended by striking out "and" after "1969," and by inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1978".

Part B—Amendments to Subpart 1 of Part B

EXTENSION OF TEACHER CORPS PROGRAM

Sec. 511. Section 511(b) of the Higher Education Act of 1965 is amended (1) by striking out "and" after "1970." and by inserting after "June 30, 1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976," and (2) by striking out "1972" and inserting "1977".

Part C—Amendments to Subpart 2 of Part B

ATTRACTING AND QUALIFYING TEACHERS TO ALLEVIATE TEACHER SHORTAGES

Sec. 521. Section 518(b) of the Higher Education Act of 1965 is amended by striking out "and" after "1969," and by inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

VOLUNTEER SERVICE PROGRAMS

Sec. 522. Section 518(a) of the Higher Education Act of 1965 is amended by striking out "the succeeding", and inserting in lieu thereof "each succeeding", and by striking out "and" before "(2)" and by inserting before the period at the end thereof the following: ", (3) encourage volunteers (including high school and college students) for service as part-time tutors or full-time instructional assistants for educationally disadvantaged children, (4) compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

INCREASE IN AMOUNT AVAILABLE FOR ADMINISTRATION

Sec. 523. Section 520(a)(2) of such Act is amended (1) by striking out "and (C)" and inserting in lieu thereof the following: "(C) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (D)", (2) by striking out "3 per centum" and inserting in lieu thereof "5 per centum", and (3) by inserting before the semicolon: ", or $20,000, whichever is greater".

ELIMINATING CEILING ON AMOUNT FOR AIDES

Sec. 524. Section 520(a) of such Act is further amended by striking out paragraph (5) and redesignating paragraphs (6), (7), (8) and (9) as paragraphs (5), (6), (7), (8); and (5) thereof (as so redesignated) is amended by inserting after "because he" the following: "is teaching or".

Part D—Amendment to Part C

EXTENSION OF FELLOWSHIP PROGRAM

Sec. 531. Section 528 of the Higher Education Act of 1965 is amended by striking out "1971" each time it appears and inserting "1976".

Part E—Amendments to Part D (Improving Training Opportunities for Non-Higher Education Personnel)

Sec. 541. Section 532 of the Higher Education Act of 1965 is amended by striking out "and" after "1969," and inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

SUPPORT OF VOLUNTEER SERVICE PROGRAM

Sec. 542. Section 531(b) of such Act is amended by striking out the period at the end of paragraph (10) and inserting a semicolon, and by adding the following new paragraph at the end thereof:

"(11) programs or projects to encourage volunteers (including high school and college students) for service as part time tutors or full time instructional assistants in preschool, elementary, and secondary school classes, especially for educationally disadvantaged children;".

COMPENSATION OF TUTORS AND INSTRUCTIONAL ASSISTANTS

Sec. 543. Section 531(c) of such Act is amended by striking out "or" at the end of paragraph (1), by striking out the period at the end of paragarph (2) and inserting a semicolon, and by adding the following new paragraph after paragraph (2):

"(3) compensating tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported work-study programs; or ".

DEVELOPING AND STRENGTHENING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

Sec. 544. (a) Section 531(b) of such Act is further amended by adding the following new paragraph at the end thereof:

"(12) programs or projects (including cooperative arrangements or consortia between institutions of higher education and junior and community colleges, or between such institutions and State or local education agencies and nonprofit education associations) for the development, expansion, or improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curriculums and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools."

(b) Section 531(c) of such Act is further amended by adding the following new paragraph at the end thereof:

"(4) projects or programs to develop, expand, or improve undergraduate and other programs for training educational personnel."

APPLICATION OF PART D TO INDIAN SCHOOLS

Sec. 545. Section 532 of the Higher Education Act of 1965 is amended by inserting "(a)" after "Sec. 532." and by inserting at the end thereof the following new subsection:

"(b) From the sums appropriated pursuant to subsection (a), the Commissioner may also make payments to the Secretary of the Interior to carry out the policy of this part with respect to persons preparing to serve as teachers of individuals on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of this part".

Part F—Amendments to Part E (Programs of Training for Higher Education Personnel)

Sec. 551. Section 543 of the Higher Education Act of 1965 is amended by striking out "and" after "1969," and by inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

PART G—TRAINING AND DEVELOPMENT OF VOCATIONAL EDUCATION PERSONNEL

Sec. 561. Section 555 of the Higher Education Act of 1965 is amended by striking out "and" after "1971," and by inserting before the period at the end thereof the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes. Supposedly, a unanimous-consent request will be made later to include a table at this point in the Record. I merely want to point out that, while any Member has that privilege, so far as I know there is no certainty that the table to be presented, which may or may not reflect on the votes of a Member, necessarily reflects the situation as it truly existed. So I am not too sure as to what is the value of that table at this point in the Record.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Meeds: Page 156, after line 24, insert the following:

FELLOWSHIPS IN SCHOOL NURSING

Sec. 532. Section 521 of the Higher Education Act of 1965 is amended by inserting "school nursing," after "such as library science,".

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes in support of his amendment.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield?

Mr. MEEDS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, this is an amendment which has been discussed. The minority member, the gentleman from Minnesota (Mr. Quie) has also looked at this amendment, and it is my understanding that it meets with the gentleman's approval. It certainly meets with my approval, and it is needed because of an oversight. I think it is a good amendment, and should be adopted.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I certainly do strongly support the amendment offered by the gentleman from Washington (Mr. Meeds). It would enable nurses to go into the schools and be eligible for the training, and they are not able to take the training before the nurses' training, so I support the amendment.

Mr. MEEDS. Mr. Chairman, I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Meeds).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—EXTENSION OR AMENDMENTS OF CERTAIN OTHER PROVISIONS OF LAW

EXTENSION OF PART A OF TITLE III OF NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 601. Section 301 of the National Defense Education Act of 1958 is amended by inserting after "1971," the following: "and for each succeeding fiscal year ending prior to July 1, 1976,", and by striking out "July 1, 1971" and inserting "July 1, 1976".

EXTENSION AND AMENDMENT OF TITLE IV OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 602. (a) The first sentence of section 402(a) of the National Defense Education Act of 1958 is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "ten succeeding fiscal years".

(b) Section 403 of such Act is amended to read as follows:

"AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

"Sec. 403. (a) Of the total number of fellowships authorized by section 402(a) to be awarded during a fiscal year (1) not less than one-third shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c). The Commissioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding that the application contains satisfactory assurance that the institution will provide special orientation and practical experiences designed to prepare its fellowship recipients for academic careers at some level of education beyond the high school.

"(b) In determining priorities and procedures for the award of fellowships under this section, the Commissioner shall—

"(1) take into account present and projected needs for highly trained teachers in all areas of education beyond the high school,

"(2) give special attention to those institutions which have developed new doctoral-level programs especially tailored to prepare classroom teachers,

"(3) consider the need to prepare a larger number of teachers and other academic leaders from minority groups, but nothing contained in this clause shall be interpreted to require any educational institution to grant preference or disparate treatment to the members of one minority group on account of an imbalance which may exist with respect to the total number or percentage of persons of that group participating in or receiving the benefits of this program, in comparison with the total number or percentage of persons of that group in any community, State, section, or other area,

"(4) assure that at least one-half of all new fellowship recipients have demonstrated their competence outside of a higher education setting for at least two years subsequent to the completion of their undergraduate studies,

"(5) allow a fellowship recipient to interrupt his studies for up to one year for the purpose of work, travel, or independent study away from the campus, except that no stipend or travel expenses may be paid for such period, and

"(6) seek to achieve a reasonably equitable geographical distribution of graduate programs approved under this section, based upon such factors as student enrollments in institutions of higher education and population.

"(c) Recipients of fellowships under this title shall be persons who are interested in an academic career in educational programs beyond the high school and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy, doctor of arts, or an equivalent degree.

"(d) No fellowship shall be awarded under this title for study at a school or department of divinity. For the purposes of this subsection, the term 'school or department of divinity means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers *of* religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

(c) Section 404(b) of such Act is amended to read as follows:

"(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study, in lieu of tuition charged such person, such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed $4,000 per academic year for any such person."

EXTENSION AND EXPANSION OF TITLE VI OF THE NATIONAL DEFENSE EDUCATION ACT

Sec. 603. (a) Section 601(a) of the National Defense Education Act of 1958 is amended to read as follows:

"(a) The Secretary is authorized to make grants to or contracts with institutions of higher education for the purposes of establishing, equipping, and operating graduate and undergraduate centers and programs for the teaching of any modern foreign language, for instruction in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, or for research and training in international studies and the international aspects of professional and other fields of study. Any such grant or contract may cover all or part of the cost of the establishment or operation of a center or program, including the costs of faculty, staff, and student travel in foreign areas, regions, or countries, and the costs of travel of foreign scholars to teach or conduct research, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section."

(b) Section 601(b) of such Act is amended to read as follows:

"(b) The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center or under any program receiving Federal financial assistance under this title, including allowances for dependents and for travel for research and study here and abroad, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching service in an institution of higher education or elementary or secondary school, or such other service of a public nature as may be permitted in the regulations of the Secretary."

(c) Section 601 of such Act is further amended by adding a new subsection (c), to read as follows:

"(c) No funds may be expended under this title for undergraduate travel except in accordance with rules prescribed by the Secretary setting forth policies and procedures to assure that Federal funds made available for such travel are expended as part of a formal program of supervised study."

(d) Section 603 of such Act is amended by striking out "and" after "1970," and by inserting after "1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

EXTENSION OF THE INTERNATIONAL EDUCATION ACT OF 1966

Sec. 604. Section 105(a) of the International Education Act of 1966 is amended by striking out "and" after "1968," and by inserting after "1971" the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

EXTENSION OF PROGRAM TO ASSIST INSTITUTIONS IN THE ACQUISITION OF EQUIPMENT

SEC. 605. (a) Section 601(b) of the Higher Education Act of 1965 is amended by striking out "two" and inserting in lieu thereof "seven".

(b) Section 601(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting "seven succeeding fiscal years".

EXTENSION OF NETWORKS FOR KNOWLEDGE PROGRAM

SEC. 606. Section 802 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and by inserting after "June 30, 1971" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976".

EXTENSION OF PUBLIC SERVICE EDUCATION PROGRAMS

SEC. 607. Section 925 of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and by inserting after "June 30, 1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

EXTENSION OF PROGRAMS FOR IMPROVEMENT OF GRADUATE EDUCATION

SEC. 609. Section 1002(a) of the Higher Education Act of 1965 is amended by striking out "and" after "1970," and by inserting after "June 30, 1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

EXTENSION OF LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

SEC. 610. Section 1103 of the Higher Education Act of 1965 is amended by striking out "and" after "1969," and by inserting after "of the fiscal years ending June 30, 1970, and June 30, 1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,".

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: Strike lines 3 through line 9 on page 166.

Mr. McCLORY. Mr. Chairman, all that this amendment does is to strike out the provision for the extension of the International Education Act of 1966.

In my opinion, this act should not be extended. It should be reworked and reenacted if we are to have an international education act.

The act has never been funded.

I question seriously that it would be funded and it serves no purpose to extend this.

Actually, the bill provides for unlimited funding because it says the Congress should be authorized to appropriate such funds "as may be necessary" in order to carry out the provisions of this title. I think it would be most unfortunate to include that provision.

While it is estimated on page 88 of the committee report that this program should be funded to the extent of $90 million per year, let me say that this is the kind of extravagance which would bring justifiable criticism to this Congress.

The act itself which I undertook to defeat at the time it was put into law in 1966 was a most unfortunate enactment. It provides for all kinds of travel benefits for those in the higher echelons of education including their families. The act can be used to benefit private agencies, individuals, foreign nationals who may wish to travel, study or do research in this country, and in the most general language would permit benefits to professionals among the academic elite—and would do little or nothing to promote international understanding or any true international education.

Let me say further that this enactment was unfortunate in the first place in that it was promoted essentially by an organization that was itself interested in benefiting from this legislation. Accordingly, it is designed to enhance the interests of the members who lobbied for—and in a sense—drafted this legislation.

I recall meeting the individual who worked on this legislation and who was loaned to the special committee. He came from some organizaion in New York which counts among its membership the very individuals and groups that would benefit from this $90 million per year if we ever would appropriate it—which we will not.

It seems to me folly on our part to engage in this kind of extravagance and in this kind of rhetoric which is really meaningless and which gives an entirely erroneous impression of the Congress and what the Congress intends to do. I hope that this body will undertake to eliminate this from the higher education act.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the International Education Act was signed into law in October 1966. The purpose of the act—and I speak as a sponsor, along with my distinguished colleague—the gentleman from Minnesota (Mr. QUIE) on the other side, is perhaps not well represented by its title. For in point of fact, the principal purpose of the International Education Act is not to support education in other countries but to provide funds for the support of international studies and research, at both the undergraduate level and graduate level, at colleges and universities here in the United States.

Now, Mr. Chairman, if we have learned anything in the last several years as we consider the role of the United States in the world, it ought to be that we do not know as much as we ought to know about those other peoples of the world with whom, it is clear, we are going to be dealing for a long time to come.

I think it is significant, for example, that President Nixon has embarked upon an initiative which will take him a few months from now to mainland China. The President's trip is significant for the International Education Act which my friend, the gentleman from Illinois, now proposes to kill. For it ought to be very clear to any commonsense observer that, in the years ahead, we are going to need to know for more than we now know about the 700 to 800 million people of that particular country. Indeed, it was only a few years ago that the most distinguished American expert on China, Mr. John King Fairbank of Harvard, could address an international association of oriental experts and say that we did not then have a half dozen senior scholars in this country who were experts on Vietnam.

All one has to do is to look at the expansion of American business activities overseas to appreciate that the United States is going to be, during the remaining part of this century, much more deeply involved with other countries of the world, not less.

We have expanding responsibilities in terms of our scholarly and academic relationships with other countries and it is clear as well that there will be increasing cooperation across national boundaries to meet some of our most pressing domestic problems, such as pollution, transportation and urban development.

So we need more and better education and other peoples and cultures, not less, and the purpose of the International Education Act is to help our colleges and universities provide that expanded and improved education to America's students.

Mr. Chairman, the International Education Act was put together with strong bipartisan support. The bill enjoyed very strong support in this body, although it even in 1966 had the opposition of my friend, the gentleman from Illinois, as I remember very well.

May I add that there was overwhelming support for the legislation in the other body as well.

Mr. Chairman, this committee should resoundingly reject the amendments of the gentleman from Illinois.

Mr. LANDGREBE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. LANDGREBE. Mr. Chairman, I yield to the distinguished gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I want to say in response to the statement made by the gentleman from Indiana (Mr. BRADEMAS) that I am, indeed, very interested in international education. As a matter of fact, I testified before the subcommittee of which he was the chairman in support of an international education program.

The reason that I object to an extension of this act is that I think the act, as it was enacted, is a very bad one. It does a lot more than provide income for American colleges and universities, because it does authorize outlandish expenditures for foreign travel, particularly for the higher echelons, or what I think are called the academic elite. The program as devised by the gentleman from Indiana and his assistant from New York and the organization that assisted him would provide a kind of international organization in which the academic elite would be able to talk to each other. However, very little of the international education would permeate to our society or our students and citizens.

The program that I recommended to the committee, and to which I think they should have given consideration, would be one that was more at the undergraduate level, and at the secondary school level. I believe firmly that young people through foreign travel and through an expanded education exchange program, can really get to understand the languages, the customs, the habits, and the history of foreign peoples. Through such a carefully planned program we could improve our understanding of the world at large. I am the first to say that we have such a dearth of such knowledge at the present time.

So the program I would recommend, and the one to which I think Congress should give earnest consideration, is a greatly expanded and meaningful one which could develop international understanding and not this type of limited opportunity which only reaches a very few, and which, as I said, provides extravagances of foreign travel, subsistence allowances for not only those who travel abroad but for their families. The bill would deprive the very people who are best able to benefit from a foreign living experience of any real opportunity to gain an understanding of foreign people or foreign nations.

So, in the first place, to expand something which is as poor as this program seems to me to be most unfortunate. We debated this question 5 or 6 years ago, and without the knowledge that we now have. To consider appropriating $90 million for this purpose I think is most unfortunate and most regrettable at a time when we should be providing funds for more useful purposes.

I should add in closing that the International Education Act was passed on the Suspension Calendar—without full debate. It passed by a margin of two or three votes. It is so much in need of general overhauling that I do not believe the sponsor dares to bring the measure to the floor—except in the way it appears in this bill.

I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I hope, as expressed by my colleague from Indiana (Mr. BRADEMAS) that this amendment will be rather decisively defeated. It seems to me the argument of the gentleman from Illinois is, to put it charitably, not well constructed when he says in one sentence that we have nothing and then he wants to repeal that nothing.

Well, we do indeed and in fact have nothing, and I am not persuaded by the argument that this program should be reconsidered and perhaps reduced to the secondary school and undergraduate level, when anybody who is familiar with the degree of sophistication required in international education, I think, should recognize the needs for the study at the graduate level.

Actually the tragedy in this instance is that we have not yet succeeded in funding the International Education Act, although a great many of us have high hopes that it will be funded. It should, therefore, in my judgment be left in the bill and the amendment should be defeated.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I asked the gentleman to yield to see if we can arrive at a time to close debate on this. If I may say so, I hope we will be able to finish debate this afternoon and then get to title VIII and then allow the Members to keep their many commitments.

Could we close debate on this amendment in 10 minutes or in 5 minutes?

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I oppose the amendment offered by the gentleman from Illinois. I strongly favor the International Education Act and have for a long time. It grieves me that we have not put any money into it. If there is anything wrong with it, we ought to have amendments to change it rather than a motion to strike it out. I think it is extremely shortsighted if we do not do everything we can to build international understanding among the peoples of the world, because the world is going to get smaller, and we, as Americans, just do not have enough understanding of other peoples of the world. I think it ought to be a program not just for diplomats, but for everybody who goes to an institution of higher learning and then goes into his chosen profession. He ought to have an understanding of peoples of other cultures. They are studying some things we never even get to. I think it would be to our advantage to have Americans understand better the peoples of the rest of the world.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MCCORMACK).

Mr. McCORMACK. Mr. Chairman, I certainly agree with the comments of the previous speaker. To say this study should be only at the secondary or undergraduate level is not suitable for this type of education. I think it would be unfortunate indeed to sacrifice this program now, simply because we are not satisfied with the past performance.

Mr. Chairman, I hope this amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I urge defeat of the amendment.

Mr. Chairman, I rise in opposition to Mr. MCCLORY's motion to strike funds for the International Education Act.

On September 16, 1965, President Johnson in a speech commemorating the bicentennial celebration of the Smithsonian Institution promised to place before Congress in the following year a comprehensive program of international education, designed to improve the competence of U.S. educational institutions in the field of international studies and to aid the education efforts of developing nations. In setting forth his concept of the new program, the President stated that:

> The growth and the spread of learning must be the first work of a nation that seeks to be free.

In presenting his program to the Congress 4 months later, the President declared that international education cannot be the work of one country. It is the responsibility and promise of all nations. It calls for free exchange and full collaboration.

The aim of this program is today as it was 5 years ago to strengthen our capacity for international educational cooperation; to stimulate exchange with students and teachers of other lands; to assist the progress of education in developing nations; to build new bridges of international understanding.

Though the aim of this legislation has remained the same over the past 5 years, the need for its enactment is greater than it has ever been. Through the marvels of satellites and mass communication, people in all parts of the world are instantly informed of news events that are occurring on the other side of the globe. The development of the jet age allows us to board a giant 747 and touch down on foreign soil thousands of miles away in a matter of hours. As the world continues to become smaller and contact between people of all nationalities increases daily, the need for international understanding becomes undeniable.

Schooled in the grief of war, we know certain truths are self-evident in every nation on this earth:

Ideas, not armaments, will shape our lasting prospects for peace.

The conduct of foreign policy will advance no faster than the curriculum of our classrooms.

The knowledge of our citizens is one treasure which grows only when it is shared.

It is for these reasons that I urge my colleagues to vote in favor of funding the International Education Act.

Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, I want to say I am very much interested in international education. However, I believe if it were not for the title of this particular act it would not have much support here at all. Frankly, it does not provide much in the way of international education. It has never been funded. I question whether it ever will be funded.

I believe the intelligent thing for us to do would be to discard this pretense at international education, which has never been funded nor implemented, and go back to work on a real international education act which could fulfill all of the hopes which the gentleman from Minnesota (Mr. QUIE) and others have expressed. I would be glad to work with them and help them to get the funds necessary for such a vital program, but I am against the funding of this particular program.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, as I listen to the words of the gentleman from Illinois, I think it is clear that he has a misconception of the purpose of the International Education Act.

Its purpose is to provide funds for colleges and universities here in the United States, in every State in the Union, to strengthen international studies and research at the undergraduate and graduate levels.

The gentleman from Illinois, if I recall correctly his statements of 1966, was interested in promoting an international literacy program. There may be something to be said for such an effort, but that is not the purpose of the International Education Act. I hope the gentleman's amendment will be rejected.

The CHAIRMAN. The Chair recognizes, to close debate on this amendment, the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, we would be glad to work with the gentleman from Illinois in improving the International Education Act. It may seem very trite, but it seems to me nevertheless accurate that the dollars we would spend to build bridges of understanding will be dollars we will save in not having to spend them on military armaments.

I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The question was taken; and on a division (demanded by Mr. MCCLORY) there were—ayes 18, noes 77.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask the distinguished gentlewoman from Oregon or some other Member of the committee what this item is about: "Extension of Networks for Knowledge Program"? What is a "For Knowledge" program? What is supposed to be accomplished under that title?

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. The networks for knowledge program is nothing more than an authority that would make it possible for colleges and universities to cooperate with one another in the use of television networks, computer programs, in order to more efficiently use scarce economic and other resources.

The program has, to my distress, although perhaps not to the distress of my friend from Iowa, never been funded, but it is a program that has enjoyed bipartisan support on the Committee on Education and Labor.

Mr. GROSS. It is a nice, euphonious title, is it not?

Mr. BRADEMAS. It is not the title inflicted upon it by the gentleman from Indiana, he must say to the gentleman from Iowa. However, the gentleman from Indiana thinks it is a good program and hopes some day it will be funded.

Mr. GROSS. The gentlewoman from Oregon just said the international education program would build bridges to understanding. It is my understanding we have spent more than $200 billion trying to build "international bridges" through foreign aid, and I do not think that has provided even one solid plank in the bridge of international understanding. What makes the gentlewoman think that the international education program is going to do any better than has been done with all the other costly programs in the past?

Mrs. GREEN of Oregon. Well, if my friend and colleague will yield, I probably would prefer to answer that question by asking another question, which is, how we have really done much toward building peace by spending $100 billion in Southeast Asia. The programs do not always come out the way we want them to come out.

Mr. GROSS. But still we keep them on the books even though they are unfunded and nobody pays any attention to them. We still clutter up legislation with titles of that kind. Is that not right? And is it not also true that the United Nations just burned a bridge, and a big one to international understanding when it expelled Nationalist China from the Tower of Babel?

Mrs. GREEN of Oregon. I appreciate the gentleman's rhetorical question, but I am sure he does not expect an answer.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—HIGHER EDUCATION FACILITIES

PART A—EXTENSION AND AMENDMENT OF HIGHER EDUCATION FACILITIES ACT OF 1963

EXTENSION OF UNDERGRADUATE FACILITIES CONSTRUCTION GRANT PROGRAM

SEC. 701. (a) Section 101(b) of the Higher Education Facilities Act of 1963 is amended (1) by striking out "and" after "1968," and inserting after "1971," the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976,", and (2) by striking out the second sentence thereof.

(b) Section 105(b) of such Act is amended by striking out "and" after "1966," and by inserting after "succeeding fiscal years" the following: ", and such sums as may be necessary for each succeeding fiscal year ending before July 1, 1976,".

EDUCATIONAL TELEVISION FACILITIES

SEC. 702. Section 106 of the Higher Education Facilities Act of 1963 is amended by inserting after the words "construction of an academic facility" the following: ", including educational television facilities on and off campus," and striking out "on the campus of such institution" wherever it appears.

EXTENSION OF GRADUATE FACILITIES CONSTRUCTION GRANT PROGRAM

SEC. 703. Section 201 of the Higher Education Facilities Act of 1963 is amended (1) by striking out "and" after "1967," and inserting after "1971" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976," and (2) by striking out the third sentence thereof.

EXTENSION OF CONSTRUCTION LOANS AND ANNUAL INTEREST GRANT PROGRAMS

SEC. 704. Section 303(c) of the Higher Education Facilities Act of 1963 is amended (1) by striking out "and" after "1967," and inserting after "1971" the following: ", and such sums as may be necessary for each succeeding fiscal year ending prior to July 1, 1976," and (2) by striking out the third sentence therof.

ARCHITECTURAL AND DESIGN STANDARDS

SEC. 705. The last sentence of section 401 (a)(1) of the Higher Education Facilities Act of 1963 is amended by inserting after "Act" the following: "(1) have due consideration for excellence of architecture and design consistent with economical construction, and (2)".

AUTHORIZING THE SECRETARY FOR GOOD CAUSE TO RELEASE AN INSTITUTION FROM ITS OBLIGATION TO USE A FACILITY FOR TWENTY YEARS FOR THE PURPOSES FOR WHICH CONSTRUCTED

SEC. 706. Section 404(b) of the Higher Education Facilities Act of 1963 is amended by inserting "unless the Secretary determines that there is good cause for releasing the institution from its obligation" immediately after "section 401(a)(2),".

PROHIBITION ON USE OF FACILITIES FOR RELIGIOUS PURPOSES

SEC. 707. Section 404 of the Higher Education Facilities Act of 1963 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under titles I and II of this Act shall ever be used for religious worship or sectarian instruction or for a school or department of divinity."

PART B—NEW PROGRAM OF INSURED LOANS FOR CONSTRUCTION OF NONPROFIT PRIVATE ACADEMIC FACILITIES

SEC. 711. Title III of the Higher Education Facilities Act of 1963 is amended by inserting immediately after section 306 the following:

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 307. (a) In order to assist nonprofit private institutions of higher education and nonprofit private higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payments of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 306 for the making of annual interest grants under such section.

"(b) No loan insurance under subsection (a) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"RIGHT OF RECOVERY AND INCONTESTABLE NATURE OF INSURANCE

"SEC. 308. (a) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under section 307 the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(b) Any insurance issued by the Commissioner pursuant to section 307 shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"CONDITIONS

SEC. 309. Insurance may be issued by the Commissioner under section 307 only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under section 307 and 308. Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary."

MAKING REVOLVING LOAN FUND AVAILABLE FOR LOAN INSURANCE

Sec. 712. (a) Section 305 of such Act is amended—

(1) by striking out the heading therefor and inserting "Revolving Loan and Insurance Fund" in lieu thereof;

(2) by inserting "and loan insurance" immediately after "academic facilities loans" in the first sentence thereof; and

(3) by inserting "or loan insurance" immediately following "any loans" in the second sentence thereof. (b) Section 303(c) of such Act is amended—

(1) by inserting "and may insure loans" immediately after "academic facilities" in the first sentence thereof; and

(2) by inserting "and for insurance" immediately after "for loans" in the last sentence thereof.

EFFECTIVE DATE

Sec. 713. The amendments made by section 711 shall be effective July 1, 1972, and the amendments made by section 712 shall be effective as if enacted on the date of enactment of section 305 of such Higher Education Facilities Act of 1963.

PART C—GUARANTEE OF LOANS FOR EDUCATIONAL DELIVERY SYSTEMS

Sec. 721. Title III of the Higher Education Facilities Act of 1963 is amended by adding at the end thereof the following new section:

"GUARANTEE OF LOANS FOR EDUCATIONAL DELIVERY SYSTEMS

"Sec. 310. (a) To encourage institutions of higher education to develop and use educational delivery systems which, through technological means, permit carrying on educational programs of the institution in locations away from the campus and out of the presence of the institution's instructional personnel, the Secretary may guarantee, in accordance with the provisions of this section, the payment of the principal and accrued interest on loans made to eligible borrowers (as defined in subsection (k)) to acquire, install, and operate such systems.

"(b) A loan may be guaranteed under this section only if—

"(1) the loan is evidenced by a written agreement which provides (A) for repayment of the principal amount of the loan, together with interest thereon, over a period of not more than ten years beginning two years after the date the loan is made, (B) that repayment of the principal amount of the loan, and of interest thereon, will be required to be made only from the proceeds of those charges (in excess of regular tuition and fees) made for the use of the educational delivery system, (C) that the lender has a security interest (of such character as may be prescribed by the Secretary) in the facilities acquired with the proceeds of the loan or with charges made for the use of such system, (D) the borrower may accelerate without penalty the repayment of all or any part of the loan, and (E) such other terms and conditions as the Secretary may deem necessary to protect the financial interests of the United States,

"(2) the principal amount of the loan (together with the principal amount of any prior loans to the same eligible borrower guaranteed under this section) does not exceed $1,000,000 for such institution which is a participant in the system,

"(3) the Secretary has received assurances satisfactory to him (A) that, where the system requires the use of the frequency spectrum under the jurisdiction of the Federal Communications Commission, that Commission has issued, or will issue, the required licenses, and (B) that charges to users of the system (in excess of any charges for tuition and fees) will be sufficient to assure repayment of the loan,

"(4) the written agreement evidencing such loan contains such additional terms and conditions as the Secretary may prescribe, and

"(5) the Secretary has received assurances satisfactory to him that the use of the educational delivery system will be made available on reasonable terms and conditions to all institutions of higher education desiring to participate in its use.

"(c) The total unpaid principal amount of outstanding loans which may be guaranteed by the Secretary under this section shall not exceed $100,000,000.

"(d) Upon default by the borrower on any loan guaranteed under this section, and prior to the commencement by the lender of suit or other enforcement proceedings upon security for that loan, the lender shall promptly notify the Secretary, and the Secretary shall, if requested (at that time or after further collection efforts) by the lender, or may on his own motion, pay to the lender the amount of the loss he sustained upon that loan as soon as that amount has been determined: *Provided*, That the Secretary may decline to pay all or part of the amount of the loss if he determines the lender has failed to exercise reasonable care and diligence in the collection of the loan. The 'amount of the loss' on any loan shall, for purposes of this subsection and subsection (e), be deemed to be an amount equal to the unpaid balance of the principal amount of the loan, plus interest accrued thereon and unpaid at the time of the default.

"(e) Upon payment by the Secretary of the amount of the loss pursuant to subsection (d), the United States shall be subrogated to all of the rights of the lender under the guaranteed loan and shall be entitled to an assignment by the lender of the note or other written evidence of such loan. If the net recovery made by the Secretary on a loan after deduction of the cost of that recovery (including reasonable administrative costs) exceeds the amount of the loss, the excess shall be paid to the lender. In addition the Secretary shall, subject to the provisions of the Communications Act of 1934, be entitled to an assignment of all rights of the lender and the borrower under any licenses and construction permits issued for the use of the educational delivery system.

"(f) Nothing in this section shall be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, or to preclude forbearance by the Secretary in the enforcement of the obligation under the loan after payment on account of that guarantee.

"(g) Nothing in this section shall be construed to excuse the holder of a loan guaranteed under this section from exercising reasonable care and diligence in the making and collection of such loans.

"(h) For purposes of this section, the term 'default' means a failure of a borrower under a loan guaranteed under this section to carry out any of his obligations under the terms of the loan.

"(i) There is hereby established a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available without fiscal year limitation to the Secretary to enable him to discharge his responsibilities on account of guarantees made under this section. There are authorized to be appropriated to the fund such amounts as may be necessary to carry out this section. Any amounts received by the Secretary in carrying out his responsibilities under this section shall be deposited in the fund.

"(j) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this section, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes or other obligations issued hereunder, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes or other obligations shall be made by the Secretary from the fund.

"(k) For purposes of this section—

"(1) The term 'eligible borrower' means an institution of higher education or a nonprofit organization established and operated with the active participation of one or more institutions of higher education for the sole purpose of acquiring, installing, or operating an educational delivery system.

"(2) The terms 'acquiring' and 'installing' mean the procurement and placement in position for service (including planning therefor) of the technological facilities and equipment needed for the operation of the educational delivery system, including any new or remodeled facilities and equipment required by the system for the production, processing, and transmission of electronic signals. Such terms include the construction or repair of facilities needed to house equipment, and space, facilities, and equipment at receiving installations, except where such receiving installations are equipped and operated by an eligible borrower as a part of a 'remote' campus, distributing, or displaying educational materials (whether in an electronic manner, or otherwise).

"(3) The term 'operating' means the use of services of staff and technical personnel, the acquisition of necessary supplies, the maintenance of a debt service reserve, and other activities necessary to operate the educational delivery system, but does not include the provision of educational services.

"(4) The term 'educational delivery system' includes any system which by technological means, enables a teaching classroom to be extended to reach students in remote locations, and, specifically, includes a telecommunication system which provides a network of communications via electronic means over distance, including radio and television in broadcast, closed-circuit, or point-to-point service, data transmission, computers, and other electronic devices involving the use of the electromagnetic spectrum and including apparatus necessary for the production and processing of such electronic transmissions such as audio or video recording equipment, cameras, microphones, control consoles, microwave equipment, transmitters, towers, translators and repeaters, but does not include the apparatus required for reception, distribution at the receiving installation, or display of signals so transmitted."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against lines 5 through 19 on page 173 on the ground that it constitutes an appropriation of the revenue of the support of the Government which falls within the jurisdiction of the Committee on Appropriations under the provisions of rule 11, clause 2.

Now, under the rule, if adopted, there is a waiver of appropriations under clause 4 of rule 21 and clause 7 of rule 16. However, under the rule to which I refer, which gives the Committee on Appropriations the jurisdiction to appropriate revenue for the support of the Government, it is not waived and the rule under which we are now working provides that "all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248."

This is not a transfer of funds. This is the incorporation of a revolving fund into an insurance fund. This is properly within the jurisdiction of the Appropriations Committee.

Under the rule under which we are operating, although they have waived some of the rules on appropriations, there was no waiver of rule XI, clause 2.

Therefore, Mr. Chairman, I insist upon my point of order providing for the jurisdiction of the Appropriations Committee.

The CHAIRMAN (Mr. WRIGHT). Does any other Member desire to be heard on the point of order?

If not, the Chair is prepared to rule.

It is quite true as the gentleman from Ohio points out that the rule under which this bill is being considered expressly makes in order any point of order against any title, part, or section of the committee substitute which falls properly within the jurisdiction of any other standing committee of the House of Representatives.

The Chair has referred to rule XI(2) (a) to which the gentleman from Ohio makes reference and in which jurisdiction over certain matters is given to the Committee on Appropriations.

Subparagraph (a) the Chair observes that the Committee on Appropriations is to be given jurisdiction over the appropriation of the revenues for the support of the Government. It appears to the Chair that the language in the section under dispute, section 712, refers not to an appropriation of revenues, but to a use of revenues which already have been appropriated and that the reappropriation of these revenues would not fall within the exclusive jurisdiction of the Committee on Appropriations. For those reasons, the Chair is constrained to overrule the point of order.

The point of order is overruled.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I make a point of order against section 702 beginning with line 19 on page 168 down through line 2 on page 169 and against part C of title VII beginning with line 3 on page 174 down through line 13 on page 181 of H.R. 7248, as reported.

Mrs. GREEN of Oregon. Would the gentleman be willing to make those points of order separately?

Mr. STAGGERS. I certainly would; surely.

Mrs. GREEN of Oregon. Mr. Chairman; I concede the first point of order.

The CHAIRMAN (Mr. WRIGHT). The gentlewoman from Oregon concedes the point of order offered by the gentleman from West Virginia against the language in section 702 of the committee substitute? Is that the understanding of the Chair? Section 702, the language beginning on line 20 on page 168 and concluding on line 2 on page 169?

Mr. STAGGERS. That would be my understanding.

The CHAIRMAN. Is that the understanding of the gentlewoman from Oregon?

Mrs. GREEN of Oregon. That is, Mr. Chairman.

Mr. GROSS. Mr. Chairman, the gentleman from West Virginia specified line 19 on page 168.

The CHAIRMAN. The Chair stands corrected. The gentleman from Iowa is eminently correct.

Does the gentleman from West Virginia desire to be heard?

Mr. STAGGERS. I do on the second part.

The CHAIRMAN (Mr. WRIGHT). On the first point of order, if no other Member desires to be heard, the point of order is conceded by the gentlewoman from Oregon and the Chair sustains the point of order.

The point of order, therefore, against section 702, beginning with line 19 on page 168 and concluding with line 2 on page 169 is sustained and the language referred to therein is stricken from the committee substitute.

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, part C of title VII would provide for loan guarantees for educational delivery systems. To show the nature of those systems, I would refer the Members to section 310(b)(3)—page 175, beginning at line 19—which refers to instances where these delivery systems may require licenses issued by the Federal Communications Commission and to the definition of "educational delivery system" in section 310(k)(4)—appearing at page 180, beginning line 23—where these systems are defined to include telecommunications systems, and radio and television broadcast systems.

Mr. Chairman, I would also point out to the Members that the jurisdiction of the Interstate and Foreign Commerce Committee, insofar as educational broadcasting facilities are concerned, has not laid fallow. In support of this statement I would point to the provisions of subpart A of part IV of title III of the Communications Act of 1934 which provides for grants for educational radio and television broadcasting facilities.

These provisions were originally enacted in 1962 and have been amended at least twice since that time. Since enactment of the Educational Radio and Television Broadcasting Facilities Act of 1962, over $100 million has been authorized to be appropriated for the construction of such facilities.

For these reasons, Mr. Chairman, I think that the point of order lies on this portion.

The CHAIRMAN. Does the gentleman from Oregon desire to be heard?

Mr. DELLENBACK. Mr. Chairman, I would like to be heard.

Mr. Chairman, with the severance of the two points of order that our esteemed colleague, the gentleman from West Virginia (Mr. STAGGERS) was originally making, I rise to oppose only the second point of order since the Chair has already ruled on the first.

Like the chairman of our subcommittee, I feel section 702 was thoroughly subject to this particular point of order. But when we deal with part C it seems to me we are dealing with a very different thing. First of all, there is no attempt in part C to amend any statute which is within the jurisdiction of the Committee on Interstate and Foreign Commerce. There is reference on the bottom of page 175, as my good friend has made clear, to the Federal Communications Commission. But if you look at the language of that reference there is no attempt there to change the powers of the Commission, and there is no attempt here to amend any law whatsoever; there is merely a reference to a situation which might possibly exist. It makes clear that where the system requires the use of the frequency spectrum under jurisdiction of the FCC, that Commission will issue the required license, and so on.

So far as that is concerned, of course, any laws that affect the powers of the FCC and any laws that affect the licenses are not within the jurisdiction of the Committee on Education and Labor, but there is no attempt to deal with such laws.

The basic sweep of this particular part C does not go, as you see, to the amendment of any such statutes, and it does not deal with just such a subject as television, but where they are talking about the possible use of tape recorders or talking about the possible use of computer hookups, or talking about a television license, but not dealing with the control of those licenses, but merely dealing with the utilization of telephone lines. And we have hosts of bills which deal with the utilization of equipment that is affected by other statutes than the statute before this body, that provide them, or before another committee.

So, Mr. Chairman, I would say that we are not here dealing with the amendment of any statute within the control of the Committee on Interstate and Foreign Commerce, that we are merely striving to make available to educational institutions throughout the country the broad sweep of potential equipment and assistance which will aid in the educational processes with which the institutions applying for loans are properly concerned, and with which this committee is properly concerned. And that is all that part C deals with.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from West Virginia (Mr. STAGGERS) has raised a point of order against section 721 of title VII beginning on page 174, line 3, through page 181, line 13, on the ground that the subject matter of this section is within the jurisdiction of the Committee on Interstate and Foreign Commerce and not that of the Committee on Education and Labor.

Section 721 in the present bill would add a new section to title III of the Higher Education Facilities Act of 1963 to authorize the Secretary of Health, Education, and Welfare to guarantee loans to institutions of higher education and related nonprofit corporations for development and use of educational delivery systems to transmit what takes place in a classroom and on the campus to remote locations on or off the campus.

The Chair observes that on pages 180 and 181 the educational delivery system is so designed as to include a telecommunication system which provides a network of communications via electronic means over distances, and includes radio and television and other electronic devices.

The Chair notes that while the Higher Education Facilities Act of 1963, and amendments thereto, have been reported by the Committee on Education and Labor, that committee in section 721 of the present bill is attempting to add a completely new section to that act to incorporate therein a subject which has heretofore been within the jurisdiction of the Committee on Interstate and Foreign Commerce—that subject being the approval, installation, and operation of broadcasting facilities.

Clause 12(g) of rule XI confers upon the Committee on Interstate and Foreign Commerce jurisdiction over the regulation of interstate and foreign communications. Under that clause, the Committee on Interstate and Foreign Commerce has considered legislation authorizing grants for noncommercial educational broadcasting facilities to public institutions of higher education.

As the gentleman from West Virginia has stated, the original legislation enacted in 1962, and subsequent amendments thereto, were reported by the Committee on Interstate and Foreign Commerce.

Therefore, the Chair holds that the subject of Federal loans for television facilities on and off campus for institutions of higher education is within the jurisdiction of the Committee on Interstate and Foreign Commerce.

The Chair therefore sustains the point of order and the language identified in the point of order is stricken from the committee amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VIII—HIGHER EDUCATION GENERAL ASSISTANCE

SEC. 801. The Higher Education Act of 1965 is amended by inserting after title XI the following new title:

"TITLE XII—GENERAL ASSISTANCE FOR HIGHER EDUCATION

"PART A—INSTITUTIONAL ASSISTANCE

"FINDINGS AND DECLARATION OF PURPOSE

"SEC. 1201. The Congress hereby finds and declares that an emergency condition has arisen which threatens the continued ability of many institutions of higher education to provide the education necessary to enable our citizens to make their full contribution to the Nation's economic and cultural development. It is therefore the purpose of this part to meet this critical need through general assistance from the Federal Government as provided in this part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1202. There is hereby authorized to be appropriated for the fiscal year 1972 and each succeeding fiscal year ending prior to July 1, 1976, to carry out the program of assistance to institutions of higher education under this part, an amount equal to the aggregate amount determined for all institutions of higher education for that year under paragraphs (2) and (3) of section 1203 (a). Of the amount so appropriated for a fiscal year, two-thirds shall be available only for general education assistance grants under section 1203(a) and one-third shall be available only for cost of education grants under section 1203(b).

"ASSISTANCE

"SEC. 1203. (a)(1). From two-thirds of the sums appropriated under section 1202 for a fiscal year, the Commissioner shall make a general assistance grant for such fiscal year to each institution of higher education in an amount not exceeding that applied for by such institution or in an amount determined under paragraphs (2) and (3), whichever is the lesser. Such a grant may be made only if any application therefor has been approved in accordance with section 1204.

"(2) Subject to paragraph (4), the amount of the grant to which an institution is entitled under this subsection for a fiscal year shall be the aggregate of—

"(A) the product obtained by multiplying $100 times the full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) of students in the lower division of the institution defined as the first two academic years of instruction at the baccalaureate level,

"(B) the product obtained by multiplying $150 times the full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) of students in the upper division of the institution defined as the last two academic years of instruction at the baccalaureate level in an institution awarding such degrees, and

"(C) the product obtained by multiplying $200 times the full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) of students who are pursuing a program of postbaccalaureate study.

"(3) Subject to paragraph (4), in addition to the amounts to be paid under paragraph (2), an institution shall be entitled to an additional $300 for each of 200 students and an additional $200 for each 100 additional students of the total full-time enrollment of such institution.

"(4) If two-thirds of the sums appropriated for any fiscal year for making grants under this part are not sufficient to pay in full the total amounts that all institutions of higher education are entitled to receive under this subsection, the grant to each such institution shall be an amount which bears the same ratio to the amount to which it is entitled under this subsection as two-thirds of the sums so appropriated bears to the total amount all institutions are entitled to receive under this subsection.

"(5) Determination of enrollment under this subsection shall be made on the basis of credits earned by students at the institutions during the academic year ending during the second fiscal year preceding the fiscal year for which the determination is made. The Commissioner shall by regulation prescribe (1) the number of earned credits which constitute enrollment on a full-time basis, and (2) a definition of 'credit' to be used for such determinations which shall be substantially uniform for all institutions.

"(b)(1) From one-third of the sums appropriated under section 1202 for any fiscal year, the Commissioner shall, subject to paragraph (2), make a grant to each institution of higher education in an amount equal to 38 per centum of the aggregate of educational opportunity grants and work-study payments under title IV of this Act and loans under title II of the National Defense Education Act of 1958 made for such year to students who are enrolled in such institution, except that—

"(A) such grant shall be equal to 50 per centum of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year did not exceed one thousand,

"(B) such grant shall be equal to 46 per centum of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year exceeded one thousand, but did not exceed three thousand, and

"(C) such grant shall be equal to 42 per centum of such aggregate if the number of full-time students, and the full-time equivalent of the number of part-time students, enrolled in such institution during the most recent academic year ending prior to such fiscal year exceeded three thousand, but did not exceed ten thousand.

"(2) If one-third of the sums appropriated for any fiscal year for making grants under this part are more than or less than the amount necessary to pay in full the total amounts that all institutions of higher education are entitled to receive under this subsection, the grant to each such institution shall be an amount which bears the same ratio to the amount to which it is entitled under this subsection as one-third of the sums so appropriated bears to the total amounts all institutions are entitled to receive under this subsection.

"APPLICATIONS

"SEC. 1204. An institution of higher education may receive a grant under this part only if it submits an application therefor at such time and in such manner as the Commissioner shall prescribe by regulations. The application may be approved if the Commissioner determines that the application—

"(1) describes general educational goals and specific objectives of the institution and the amount of institutional income needed to meet such goals and objectives,

"(2) provides satisfactory assurance that—

"(A) the proceeds of the grant will be used for programs of the applicant institution consistent with such goals and objectives, "(B) the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all educationally related programs of such institution an amount not less than the average annual amount it expended for such programs the two fiscal years preceding the fiscal year for which the grant is requested, and

"(C) the applicant will make such reports as the Commissioner may require, including a summary report describing how the grant was expended and an evaluation of its effectiveness; and

"(3) contains such provisions as the Commissioner may require by regulation in order to protect the financial interest of the United States.

The Commissioner may waive the requirements of paragraph (2)(B) for any institution for any fiscal year if he determines such waiver would promote the purposes of this part.

"REPORT BY COMMISSIONER TO CONGRESS

"SEC. 1205. The Commissioner shall report to Congress within 120 days after the close of each fiscal year regarding the effectiveness of assistance under this part in meeting the goals and objectives of institutions of higher education and in encouraging diversity and autonomy among such institutions. The Commissioner shall also make such recommendations as seem appropriate regarding continuation, modification or extension of assistance under this part.

"LIMITATIONS

"SEC. 1206. No grant under this part may be made to, or used to support, a school or department of divinity or for religious worship or sectarian instruction. For purposes of this section, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to be ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"DEFINITIONS

"SEC. 1207. For purposes of this part—

"(1) The term 'institution of higher education' means an institution described in the first sentence of section 1601(a) of this title. A branch of an institution of higher education which is located in a community different from that of its parent institution shall be treated as a separate institution.

"(2) The term 'baccalaureate degree' means an undergraduate degree which normally requires at least four but not more than five years of full-time enrollment in an academic program for credit.

"PART B—NATIONAL COMMISSION ON FINANCING OF POSTSECONDARY EDUCATION

"PURPOSE

"SEC. 1211. (a) It is the purpose of this part to authorize a study of the impact of past and present support and the appropriate level of future support for postsecondary education from private sources and from Federal, State, and local governments.

"(b) In order to give the States and the Nation the information needed to assess the dimensions of, and extent of, the financial crisis confronting the Nation's postsecondary institutions the study shall determine the need, the desirability, the form and the level of additional governmental and private assistance. Such study shall include but not be limited to (1) an analysis of the existing programs of aid to institutions of higher education, various alternative proposals presented to the Congress to provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commission merit inclusion in such a study; (2) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (3) the extent to which each would advance the national goal of making postsecondary education accessible to all individuals, including returning veterans, having the desire and ability to continue their education.

"ESTABLISHMENT OF COMMISSION

"SEC. 1212. (a) There is hereby established, as an independent agency within the executive branch, a National Commission on the Financing of Postsecondary Education (hereinafter referred to as the 'Commission').

"(b) The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission and such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

"CONTRIBUTIONS

"SEC. 1213. (a) The Commission shall have authority to accept in the name of the United States, grants, gifts or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

"FUNCTIONS

"SEC. 1214. In conducting such a study, the Commission shall consider:

"(1) the nature and causes of serious financial distress facing institutions of postsecondary education; and

"(2) alternative models for the long range solutions to the problems of financing postsecondary education with special attention to the potential Federal, State, local, and private participation in such programs, including, but not limited to—

"(A) the assessment of previous related private and governmental studies and their recommendations;

"(B) the determination of the annual per student cost of providing postsecondary education for students in attendance at various types and classes of postsecondary institutions;

"(C) existing State and local programs of aid to postsecondary institutions;

"(D) the level of endowment, private, sector support and other incomes of postsecondary institutions;

"(E) the level of Federal support of postsecondary institutions through such programs as research grants, and other general and categorical programs; and

"(F) alternative forms of student assistance, including but not limited to loan programs based on income contingent lending, loan programs which utilize fixed, graduated repayment schedules, loan programs which provide for cancellation or deferment of all or part of repayment in any given year based on a certain level of a borrower's income; and existing student assistance programs including but not limited to those administered by the U.S. Office of Education, the Social Security Administration, and the Veterans' Administration.

"REPORT TO CONGRESS

"SEC. 1215. Not later than June 30, 1973, the Commission shall make a final report to the President and Congress on the results of the investigation and study authorized by this part, together with such findings and recommendations, including recommendations for legislation, as they deem appropriate. An interim report shall be due no later than December 31, 1972. The Commission may release such other reports and studies at any time that it may desire.

"CONTRACT AUTHORITY

"SEC. 1216. In order to carry out the provisions of this part, the Commission is authorized to:

"(1) enter into contracts with institutions of postsecondary education and other appropriate individuals, public agencies and private organizations;

"(2) appoint and fix the compensation of such personnel as may be necessary;

"(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) utilize, with their consent, the services, personnel, information and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

"(5) consult with the heads of such Federal agencies as they deem appropriate.

"HEARINGS

"SEC. 1217. (a) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this part.

"(b) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this part.

"MEMBERSHIP

"SEC. 1218. (a) The Commission shall be composed of—

"(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

"(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

"(3) not to exceed thirteen members appointed by the President not later than ninety days after the date of enactment of this Act. Such members shall be appointed from:

"(i) members of State and local educational agencies;

"(ii) State and local government officials;

"(iii) education administrators from private and public higher education institutions and community colleges;

"(iv) teaching faculty;

"(v) financial experts from the private sector;

"(vi) students;

"(vii) the Office of Education; and

"(viii) other appropriate fields.

"(b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(d) The terms of office of the appointive members of the Commission shall expire after submission of the final report.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1219. There are hereby authorized to be appropriated $500,000 for the fiscal year 1972, and $1,000,000 for the fiscal year ending 1973, for the purpose of carrying out the provisions of this part."

Mrs. GREEN of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that title VIII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, I move that the committee do now rise.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Mr. Chairman, will points of order lie against the title if we now rise, when we resume consideration next week?

The CHAIRMAN. Points of order will be in order against matter contained in title VIII if they are timely offered and made prior to any further action of the committee on the pending title.

Mr. HALL. I thank the Chair.

PARLIAMENTARY INQUIRIES

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. It was my impression that earlier today the Chair stated the agreement we had was that we were going to go through title VIII or until 6 o'clock, whichever came later. I was under the impression that that was the agreement, so a number of members of the Veterans' Affairs Committee have remained since we have an amendment to title VIII. I just wonder what happened to that agreement.

The CHAIRMAN. The Chair will state to the gentleman that the gentlewoman from Oregon has made a motion that the Committee do now rise. That is a privileged motion, that the Chair must put the motion.

Mr. PUCINSKI. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. It is correct, then, to assume that the motion does somewhat contravene and contradict the agreement that was made?

The CHAIRMAN. The Chair cannot entertain that as a parliamentary inquiry.

The question is on the motion that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7248), to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, had come to no resolution thereon.

LEGISLATIVE PROGRAM FOR THE WEEK OF NOVEMBER 1, 1971

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time to inquire of the distinguished majority leader if he can inform the House of the program for next week.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the inquiry of the gentleman from Illinois, it is my intention to ask to go over to Monday in a few minutes, completing the legislative business for this week.

Monday is Consent Calendar day.

We have scheduled 10 suspensions:

H.R. 2266—Emergency School Aid Act.

H.R. 9961—Federal credit unions temporary insurance.

H.R. 8389—Narcotic treatment in correctional institutions.

H.R. 9180—Temporary assignment of U.S. magistrates.

H.R. 9323—Narcotic Addict Rehabilitation Act Amendments.

H.R. 2299—North Side Pumping Division extension, Minidoka, Idaho, project.

H.R. 7854—Small Reclamation Projects Act Amendments.

H.R. 11232—Farm Credit Act.

House Concurrent Resolution 387—Moratorium on whale killings.

H.R. 3817—National Guard in the Virgin Islands.

Those are to be followed by the International Coffee Agreement, H.R. 8293, which has been heretofore scheduled under an open rule with 2 hours of debate.

Then, House Resolution 597, an investigative resolution of the Committee on Ways and Means.

Tuesday the Private Calendar is scheduled, to be followed by H.R. 2, Uniformed Services Health Professions Revitalization, under an open rule with 1 hour of debate.

Wednesday and the balance of the week the program is as follows:

H.R. 7248—Continuation of consideration of the Higher Education Act.

That is to be followed by H.R. 10729, Environmental Pesticide Act, under an open rule, with 2 hours of debate.

Then H.R. 9212, black lung benefits, under an open rule with 1 hour of debate.

Conference reports may be brought up at any time.

REQUEST THAT ROLLCALLS DEMANDED ON TUESDAY, NOVEMBER 2, BE PUT OVER TO WEDNESDAY, NOVEMBER 3

Mr. BOGGS. Mr. Speaker, I should like to ask unanimous consent that any rollcalls which may be demanded on Tuesday, November 2, other than those on procedural questions, be put over to Wednesday, November 3.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, may we ask the reason for the request?

Mr. BOGGS. Yes; that is a reasonable request. On Tuesday there will be general elections—not primary elections but general elections—in upward of 20 States. Many Members feel that they have to be in their States on Tuesday. Normally we would hope to let the Members have additional time but, as you may note, we have a very heavy schedule for Monday. We have scheduled legislation for Tuesday. We would hope that the only record vote, if any, would be on a rule making H.R. 2 in order.

Mr. HALL. Mr. Speaker, I find it unusually strange that we should at this season of the year again defer a vote. After all of the unwonted delays that the House has had in its legislative program, after all the inept scheduling, after adjourning at 12:35 on Tuesday last, I am constrained to object to putting off any further votes this late in the session, approaching the first of November. I do object.

The SPEAKER. Objection is heard.

Mr. PUCINSKI. Mr. Speaker, will the gentleman from Illinois yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I think it is important to point out that H.R. 2266, which was the first item on the Suspension Calendar Monday, is known also as the desegregation bill, formally called the Emergency School Aid Act. There has been a great deal of interest for and against this legislation. I would like to have Members fully appraised of the fact that this will be, as far as I know, the first order of business under the suspensions.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, I just made the announcement a moment ago.

Mr. PUCINSKI. I know, but I also point out that it is known by another name than the Emergency School Aid Act.

ADJOURNMENT OVER TO MONDAY, NOVEMBER 1, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED MEASURES DULY PASSED AND TRULY ENROLLED NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

A WINNING ORATION BEGINS GREAT CAREER

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, in 1928, a young Oklahoman, a student at the University of Oklahoma, went forth and won the fourth annual National Intercollegiate Oratorical Contest. It was an outstanding oration, well written and well delivered. Oklahoma was proud of this young native son and the people of his State predicted a bright future.

Their predictions have come true. The orator went on to win a Phi Beta Kappa key and a Rhodes scholarship. He became a lawyer and served with distinction during World War II. After the war, he returned to Oklahoma where his election to Congress in 1946 marked the beginning of a distinguished career in public service.

I am referring, of course, to our distinguished Speaker, the Honorable CARL ALBERT, Oklahoma's No. 1 citizen and the man who holds the highest office ever held by an Oklahoman.

I have a copy of Speaker ALBERT's winning oration, delivered in May 1928, which I would like to have appear in the RECORD. I believe many Members of this body will find, as I have, that the Speaker's basic philosophy about this Nation and its Constitution were well formed while he was a student, and have remained constant through the years:

WINNING ORATION: FOURTH ANNUAL NATIONAL INTERCOLLEGIATE ORATORICAL CONTEST

(By CARL ALBERT)

There is a great deal of controversy among the various nations today as to what type of government will best fit the institutions of the people. There have been more political experiments in the last twenty-five years than in any other period of the world's history. Bolshevism has erected its laboratory on the shattered ruins of an empire. Mussolini feels that the salvation of his country rests in a restoration of the dictatorial idea. His several economic achievements have caused him to assert that Fascismo is superior to democratic government. Five hundred thousand Black Shirts stand in arms today ready at any moment to carry the orders of their chieftain into execution. Beneath the muzzles of their muskets stoop the people of a nation. In America, however, the spirit of liberty still lives. The sword of Washington, symbolic of our democratic institutions, always lifted in defense of American freedom, has never fallen. Whatever force may rest in Mussolini's assertion, 6000 years of history plainly disclose that the government of the United States is the only government where absolute equality of freedom is guaranteed to all the people, regardless as to their class or creed.

RELIGIOUS TOLERANCE

My friends, today, in any American community on any Sunday morning, we may behold the American citizen as he steps from his cabin or his mansion toward the church of his choice, where he worships the God of his choice. He may be high; he may be humble. He may be young and strong; he may be old and feeble. He may be draped in silk; he may be clad in tatters. But whoever he may be, if he walks beneath the protection of the American Constitution, neither the scepter of king nor even the vote of the majority can close to the American citizen the doors of his church. Ladies and gentlemen, this right to religious freedom and those other sacred rights guaranteed to you by your Constitution differentiate you from the subject races of the world. They make of America what has been called a "land where all are kings, but no man wears a crown."

This government, which provides such blessings, vests all the power in neither the local communities nor Federal hands. It is the golden means between the two extremes of the past. America's first united government was a confederation of States. But with the Articles of Confederation came chaos and black despair. On the other hand, strong central government has always been synonymous with injustice and oppression. The traveler in Egypt realizes that the Pharaohs had an efficient government. But the grandeur of the Sphinx and the Pyramids is dimmed by the shadow of a million slaves whose only reward was the lash of the whip. The temporal power of ancient Rome was tremendous. But the legend of Rome's greatness must be told with the story of the crucified Christian! Centralization in England had meant taxation without representation in the American colonies.

ALTAR OF FREEDOM

Realizing the dangers of both confederated and centralized government, the constitutional convention formed our Federal republic, truly termed "the only real republic that ever existed." They formed at one mighty stroke a government at one time rigid enough to preserve its basic principles; flexible enough to be applied to any new conditions brought in by the tide of time; conservative enough to protect the individual from the changing winds of impulse; keen to preserve and secure individual liberty and to protect from all oppression; it is yet ever responsive to the will of the majority, for by empowering the people with the right to elect their representatives it gives them the right to make and enforce the law and to control and operate the whole machine of government.

Like a magic wand, this Constitution converted what King George had called "the scaffold of freedom" into the altar of freedom. It changed the scepter into the ballot box. It substituted jury trial for the guillotine. For the first time, the idea of individual freedom became a fact—the living reality of the American citizen. My fellow-Americans this same right to individual liberty is yours today by virtue of the Constitution of the United States!

As long as your Constitution remains intact your press will be free in its publication and distribution of information. The doors of your church cannot be closed against you. No man may sell your private property on the public auction block without due process of law. No Federal official may cross the threshold of your home without a search warrant. No Federal power may cast you in prison without a trial by a jury of your peers. Let me repeat, my friends, as long as your Constitution remains intact, your liberty is secure.

SURVIVES STRUGGLE

The government of Cromwell went down with him to his grave. The government of Napoleon changed with his defeat. The government of Kaiser Wilhelm died in the Hall of Mirrors. The government of Mussolini will fail with the failing of the strong hand that raised it. The government of Washington still stands tall and rugged. It emerged from the war of 1812 strong and secure. It emerged from the Civil War unimpaired. It emerged from the Spanish-American War grand and glorious. It emerged from the World War mighty and colossal. That government stands today, a palace of liberty, a castle of happiness, a tower of strength. It is your heritage—a heritage worthy of princes. Live for it! If need be, die for it! And then will the sword of Washington be lifted in eternal victory, the victory of constitutional government!

AMERICA CAN SOLVE ITS HOUSING SHORTAGE

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, I am today introducing two bills designed to help solve this Nation's critical housing shortage.

The first bill, called the Housing Rights Act of 1971 states that when Federal tax dollars are used to back the building of houses, no barriers to efficient construction methods will be raised by local building codes or by restrictive contract provisions.

Essentially, the bill extends the Department of Housing and Urban Development's concept of "operation breakthrough" to a national level. This concept and effort has already succeeded in accelerating industrial housing technology and securing private and public construction in removing the contraints on modern management and production of housing. The use of modular prefab units, presents us with the opportunity to reach our housing goals for this decade of the 1970's. However, the way must be cleared so that we can apply the latest technology and build the millions of new dwelling units needed to house our growing population.

By using the rule of thumb that housing should cost 2½ times annual income, the individual who earns $8,000 a year or less, finds that today's residential prices are out of reach. The answer to that problem, I think is to provide housing that is within his income bracket. This can be done, for example, by techniques demonstrated in the development of modular housing that are not yet acceptable to many construction unions and municipal building codes.

Mr. Speaker, if we are to meet our national housing goals, we must have fair and equitable building regulations across the Nation. If the American taxpayers are going to foot the bill, as they do in federally backed housing, they should rightfully expect the benefits for new housing technology to be made available in all sections and to all people of the country.

Now the second bill I am introducing is a tax incentive measure for homeowners that would permit a Federal income tax deduction of up to $1,000 per year, for the cost of repairing or improving the principle residence of a homeowner. This proposed legislation, if enacted, should contribute greatly to the rehabilitation of substandard housing across the Nation and consequently help rejuvenate blighted areas.

The Census Bureau has discontinued classifying houses as deteriorated or dilapidated, but figures available for 1960, reveal that almost one-fifth of our American homes were considered substandard at that time. Ten years ago, 800,000 homes were classified as dilapidated. It is extremely doubtful that the figures have improved since that time. It is my view that the tax incentive measure will help alleviate that situation.

A not to be overlooked feature of this bill is the effect that it would have on the economy. Individuals who improve their homes purchase many diverse items and services including lumber, paint, concrete, plumbing supplies, heating, and air-conditioning equipment. Even further benefits would come from the large number of workers who would be employed to make the installations and furnish the labor to make the repairs.

Finally, Mr. Speaker, it may be that the most important asset of the legislation is the relief that it will grant to the individual homeowner who is constantly faced with increased real estate taxes, school taxes, sales taxes, and other financial burdens which leave him little to invest for maintaining his own home in proper condition.

ESPRIT DE CORPS OF THE ARMED FORCES DEMANDS DISENGAGEMENT FROM VIETNAM

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, I place in the Record today a summary of evidence which indicates that the morale, combat performance and deterrent capabilities of our forces in Vietnam have deteriorated to a point where the national security is endangered.

The situation is clear. Many GI's in Vietnam are no longer willing to obey orders. To order an offensive operation today is to invite a wholesale mutiny. There is a growing danger of confrontation between American troops and their officers which could prove ugly and disastrous. There is likewise a growing danger of confrontation, if not combat, between the diminishing number of American troops and various groups of disaffected South Vietnamese.

This being the case, I suggest that the President has an obligation, as Commander in Chief, to preserve the remaining esprit de corps and professional competence of our Army by disengaging from Vietnam at the earliest practicable date.

If he fails to do so, the Congress must assume that responsibility. It behooves us to withdraw from Vietnam before the professional reputation of the Army as well as its deterrent capability in the future is damaged beyond repair.

Let me cite specific evidence of the dangerous situation which is developing.

First. On October 9, just over 2 weeks ago, six men in an American combat rifle platoon told their company commander that they would not go on a scheduled night ambush patrol on the Cambodian border at Firebase PACE. When threatened with the possibility of court-martial, 66 other men, over half the company, and including 9 NCO's, signed a letter confirming the refusal to go on patrol by the six soldiers, and stating:

> "We are faced daily with the decision of whether to take a court martial or participate in an offensive role." (Exhibit A below.)

The American rifleman in Vietnam today is fully informed of the statements of administration political leaders that American troops are supposedly now withdrawn to defensive roles only.

Second. The unit involved in this affair was no ragtag, bobtail outfit; Bravo Company, 1st Battalion, 12th Infantry is part of the 1st Cavalry Division which has earned a reputation as one of the best combat divisions in the Army.

Third. The taped transcript of the young men's reasons for signing the letter in question reflects that they are unwilling to fight because of the political posture the United States has adopted, and because of their realization that the Thieu regime is a police state.

Fourth. A similar incident was reported in the 1st Brigade of the 5th Mechanized Division during the period March 20 through 23 when direct combat orders were refused by an entire platoon.

Fifth. The mutinous attitude toward the Vietnam war is not confined to the Army. A recent petition signed by over 1,000 members of the crew of the attack carrier, U.S.S. *Coral Sea*, led to a press release on behalf of those crewmembers, saying:

> We are going to stop our ships. And we, the military men, are going to stop this war. (Exhibit B.)

Sixth. The President has had ample warning of the deterioration in morale occasioned by his policies of delaying withdrawal over a period of over 2½ years. Over a year ago he received a letter from 40 young combat officers under orders to Vietnam. Their letter—see exhibits C and D—read in part:

> We, too, find the continuation of the war difficult to justify, and we are being asked to lead others who are unconvinced into a war in which few of us really believe. This leaves us with nothing but survival—killing or being killed—as a motivation to perform our missions, but if this is the only thing we have to keep us going, then those who force us into this possibility—the military, the leadership of the country are perceived by many soldiers to be almost as much our enemies as the V.C. and the N.V.A. There is a great amount of bitterness toward the military and toward America building up within the military forces.
>
> As the war drags on, the troops will become increasingly opposed to the war and increasingly bitter about going—it seems very possible that if the war is allowed to continue much longer, young Americans in the military will simply refuse in mass to cooperate.
>
> This day is coming quickly—you must have us out of Viet Nam by then.

A personal letter I wrote to the President on August 12, 1970, enclosing the letter from the 40 combat officers involved was never acknowledged by the President—exhibit D.

There is an ancient understanding among military men that the performance of a combat unit—whether it be a rifle platoon, a regiment or an army—reflects the leadership ability of its commander. If the unit performs well, its commander deserves praise; if it performs poorly, the commander is properly blamed.

Throughout our armed services, the commander is the key to success or failure. In the Marine Corps, we are sometimes praised and sometimes condemned for cultivating "the cult of the commander"—to look after one's troops—to eat the same food they do, and then only after they have eaten—to undergo the same rigors of training they do—to lead rather than to direct. The term "follow me" has a great deal of meaning to 19-year-old enlisted men when asked to assault a heavily defended position.

You may remember Justice Oliver Wendell Holmes, Jr.'s famous call to leadership in times of crisis—either in battle or in civil strife:

> Sooner or later we shall fail, but it remains for us to fix our eyes upon the point to be stormed, and to get there if we can.

Storming a redoubt, or carrying out the even more difficult duties of a static firebase defense perimeter depend on leadership—the inspiration of a commander.

In Vietnam this challenge rests with the Commander in Chief. It is to him that the troops look for inspiration and guidance—it is upon him where the burden falls to achieve excellence in military performance. This Nation badly needs a highly disciplined, skilled armed force in the decades ahead—an army with pride in itself, esprit de corps, combat-ready, willing to undertake any challenge which may occur, either as part of a U.N. peace-keeping force on the Israeli-Syrian border, as part of NATO forces, the German line of demarcation, or in the ancient battlegrounds of India and Pakistan should U.N. intervention be deemed necessary. We seek world peace under world law, confronted on the one hand with a growing nuclear confrontation with two other great world powers in Europe and Asia, and on the other with restive and militaristic regimes in many of the 120-plus smaller nations in Asia, Africa, America. The search for peace requires combat-ready military forces, ready to do battle upon 24-hour notice, not with hatred against any people or nation, but as professional police and peace-keeping forces, hopefully part of a united effort by the world community of nations.

The need then for first-class fighting men and a well-trained competent army is perhaps as great as it has ever been at any time in our history—from Valley Forge and Yorktown to Guadalcanal and the Naktong Perimeter.

If our Armed Forces do not meet this exacting criteria, should we not look to and question the performance of its commanders, and particularly that of its Commander in Chief. This is no ordinary war we are engaged in. The purposes, tactics, and performance of our soldiers in Vietnam today are not directed from the field; they are conceived, ordered, and supervised in minute detail from the White House itself. Not since the Civil War and President Lincoln has an American President dealt so closely with the rules of conduct of American troops in the field.

This is the President's privilege. From the time of our own Declaration of Independence and the expressed grievance against King George that "he has affected to make military superior to the civil authority," we have recognized the President's right to control the military.

But hopefully this was intended to be knowledgeable civilian control—by a George Washington who was familiar with combat—who shared the privations and hardships of his troops at Valley Forge—by a Lincoln or a Wilson or a

Roosevelt who had a sensitive understanding of the limitations of human beings asked to undergo the fears and pressures of mankind's most terrible experience—the killing and being killed of armed combat.

The performance, morale, and discipline of our Armed Forces present a true test of their Commander in Chief's policies and abilities. What has been the result of President Nixon's first 33 months in office?

How combat ready are our Armed Forces in Vietnam? How well disciplined are they? How is their morale?

The answer is devastating. I doubt that any professional infantry officer in Vietnam can point with pride to the morale and combat readiness of his unit. The President's policies have nearly destroyed our armed services—their pride—their discipline—their morale—and now their combat performance. As one unnamed U.S. officer said recently: "No one wants to take risks in a cause the country has given up on."

For 2½ years now, we have admitted that we sought no military victory—that our people did not want to pay the cost of winning in Vietnam—that our young men understandably do not want to fight and die there—to kill people against whom we harbor no ill will, in a cause in which we do not believe.

With the publication of the Pentagon papers and a growing public realization of the enormity of the deceit practiced upon the American people—and even the Congress—in order to get us involved in Vietnam—keep us there—and justify our remaining there—it is no wonder that our servicemen rebel at being asked to stay behind to preserve the police state of the Thieu-Ky regime and to preserve the pride and prestige of a President who does not want to be the first American President to lose a war.

Is it not understandable that no one wants to be killed in the last days of a war the country no longer supports? This is not the first instance of deliberate refusal to obey orders. Newsweek reported last week that such refusals have become a common occurrence in Vietnam.

Fraggings today are commonplace in Vietnam.

Disaffection extends not only to the Army in Vietnam. A recent series of articles on our NATO forces in Europe has shown widespread discontent, drug use, breakdown of discipline, racial conflict—and most important, a breakdown in combat readiness.

I regret to suggest that this breakdown can be traced directly to the Commander in Chief's apparent failure to recognize that morale and a will to fight are as necessary ingredients of military power as missiles, guns, and tanks.

If the military establishment has fallen to the low ebb it has, then I think we must ask the Commander to change the policies which have caused the decay of a once proud service.

A policy of continued gradual withdrawal which can only further increase the rate of destruction of our discipline, morale, and professional abilities of the services in which so many of us were once proud to serve. Gradual withdrawal is no more effective than gradual escalation.

In the Congress, I believe we owe the Nation a thorough and immediate investigation of the incident at Fire Base Pace as well as to the broader question of the present willingness to fight of our remaining forces in Vietnam.

A Commander in Chief who asks people to kill, be maimed, or die to preserve only our own pride and prestige and that of a police state, not human liberty or national independence—must be advised that this endangers, rather than assists, his praiseworthy search for a generation of peace.

Exhibit A

October 10, 1971.

Dear Senator Kennedy: We the undersigned of Bravo Company, 1st. Bn., 12th Con. 1st Cav. Division, feel compelled to write you because of your influence on public opinion and on decisions made in the Senate.

We are in the peculiar position of being the last remaining ground troops that the U.S. has in a combat role and we suffer from problems that are peculiar only to us. We are ground troops who are supposedly in a defensive role (according to the Nixon Administration) but who constantly find ourselves faced with the same combat role we were in 10 months ago. At this writing we are under siege on firebase Pace near the city of Tay Ninh. We are surrounded on 3 sides by Cambodia and on all sides by NVA. We are faced daily with the decision of whether to take a court-martial or participate in an offensive role. We have already had 6 persons refuse to go on a night ambush (which is suicidal as well as offensive) and may be court-martialed. With morale as low as it is there probably will be more before this siege of Pace is over.

Our concern in writing you is not only to bring your full weight of influence in the Senate, but also to enlighten public opinion on the fact that we ground troops still exist. In the event of mass prosecution of our unit our only hope would be public opinion and your voice.

Sp. 4 Albert Grana, Sp. 4 David L. Pawpa, Sp. 4 Derek Paul, Sp. 4 Reuben Topinka, Sp. 4 Michael McNamara, Sp. 4 Danny K. Cooke, Sp. 4 Thomas J. Bohning, Sp. 4 Edwin T. Karpstein, Pvt. Steve Ariganello.

Sgt. Phillip D. Thompson, Sgt. Morris Bloomer, Sgt. Steve Britton, Pfc. Mike Moore, Sgt. Phillip A. Grandmason, Sp. 4 Dennis L. Tvon (sp.), Pfc. Royden O. Thomas, Pfc. Ronald James Patrick, Sgt. George J. Corey, Jr.

Pfc. Thomas L. Kendall, Sp. 4 Jerry L. Frame, Sp. 4 Dale L. Nichols, Pvt. Robert C. Tyon, Sp. 4 David L. Gibson, Sp. 4 Chuck Panoutulep (sp.), Sgt. Nick Demas, Sgt. Janus Shaffer, Sp. 4 James P. Stevens.

Sp. 4 Ernest French, Sp. 4 Laurence L. Savage, Pfc. Bennie McKenzie, Pfc. Stuart Wilson, Sgt. Jerry Yancey, Pfc. Alfred F. Thompson, Pfc. David Mepthbans, Sp. 4 Richard A. Neighbors, Sp. 4 Raymond D. Hoffman, Pfc. Charles D. Coulson.

Sp. 4 Rocky D. Gill, Sp. 8 David L. Sherman, Sp. 4 Ceasar Hastings, Sgt. Walter L. "Tex" Werull, Sp. 4 Steve Fugate, Pfc. Walter M. Payne, Pfc. Asqueth B. Willis, Sgt. Robert L. Jones, Pfc. Teddy J. McGhee, Sgt. Gary J. Duderhoeffer.

Sp. 4 Donnie H. Clements, Pfc. Randy L. Abernathy, Sp. 4 Joseph D. Parovich, Pfc. Nick Chandler, Pfc. David W. Jack, S. Sgt. David A. Swallow, Pfc. David A. Lewis, Sp. 4 Carlton Powell, Pfc. David W. Jack, Jr.

Sp. 4 James H. Essick, Pfc. Charles J. Connell, Sp. 4 Carl C. Strieken, Jr., E-1 Kenneth K. Turner, Sgt. David A. Parr. Sp. 4 Joe DeMann, Pfc. Lacy S. Ward, Pfc. Samuel Johnson, Pfc. Richard E. Peacock.

Exhibit B

Stop Our Ship, San Francisco, Calif.

(A statement to the news media from crewmembers of the U.S.S. *Coral Sea*—Oct. 11, 1971)

It has become apparent that the majority of the Americans oppose the war in Vietnam. But the government has refused to be guided by public opinion. It has also become clear to many that the responsibility for ending the war will fall on those more directly involved: the military. The military man is given the task of carrying out the policy of the government without an effective means of influencing that policy.

Members of the U.S.S. *Coral Sea* have begun taking a part in ending the war by starting the Stop Our Ship movement (SOS). We began with a petition to Congress with the goal of stopping our ship from deploying to Vietnam.

On the original petition we gathered over 300 signatures in three days when it was ripped off by two chiefs who turned it over to the Executive Officer. This action alarmed many people. After requests to return the petition were ignored, another petition was distributed along with leaflets explaining the goals of the petition. This petition now has been signed by over 1,000 members of the crew.

Three sailors are now in the brig for their involvement with the SOS movement. Protests against the treatment of these three and similar harassment by the command have been ignored. A ship's regulation now prohibits the distribution of any literature not first censored by the Captain. The command is now attempting to rid itself of the ship's most active spokesmen by transfers, discharges, and brig time.

But the command can't muffle the noise of the discontent that this war has caused. At this time another attack carrier, the *Hancock*, has started a similar movement in protest of our involvement in Southeast Asia.

We are going to stop our ships. And we, the military men, are going to stop this war.

Exhibit C

Palo Alto, Calif.,
August 2, 1970.

Dear Sir: Enclosed is a copy of a letter sent to President Nixon from a number of officers in the United States Army. These officers were members of Jungle Operations classes CONUS 70-1 and -2, which began August 19 and graduated August 31, 1970. Of a total of approximately 200 students in these classes, about 120 were active duty officers on their way to Vietnam, the remainder of the students being enlisted and National Guard personnel. Of the 125 officers, 40 signed the letter, and a similar number said that they agreed with the points made in the letter but were afraid of possible repercussions from signing.

The signers of the letter urge you to make whatever efforts you can to bring this letter to the attention of President Nixon, as it may have trouble reaching him through his own staff. Permission to publish this letter in the Congressional Record is granted, but use of the signers' names must be okayed individulaly by each officer. APO addresses should be available through the respective branches of the Army.

Exhibit C

Fort Sherman, Canal Zone,
July 26, 1970.

Richard M. Nixon,
President, United States of America.

Dear President Nixon: We the undersigned are all officers in combat branches of the United States Army, and are all on orders to Vietnam. Currently we are at Ft. Sherman undergoing training at the Army's Jungle Warfare School in preparation for our duties as junior officers in Vietnam. First of all, we want to make it clear that we have accepted our orders, and that we are going to Vietnam; most of us will be there by the middle of August. Nevertheless, we have some serious reservations about the war and about the roles that we are being asked to play in it. We think that you as our commander-in-chief should be made fully aware of these reservations, because they are shared by a very large number of young men—officers and non-commissioned personnel—throughout the military services.

At this point in the Vietnam War, it is obvious that America is not willing to go all out to win the war. The country is reluctant to send over the large numbers of troops that the generals still say will be necessary to win. At the urging of your military advisors you ordered the attack on the Cambodian sanctuaries, but public opinion forced you to declare limits on the duration and the penetration of the invasion. The country has been shocked and outraged by the My Lai and Colonel Rheault incidents—incidents of mass killing and assassination which are and have always been characteristic of warfare. The American people do not want to pay the terrible prices of war—they don't want to see their own young men killed, and they don't want to face the brutal acts which these young men must perform on people of another country. In short, America has not been sufficiently convinced that the things we have been told that we are fighting for—i.e., democracy for the people of South Viet Nam, and protecting America from spreading communism—justify the methods necessary to obtain those ends.

We, too, find the continuation of the war difficult to justify, and we are being asked to lead others who are unconvinced into a war in which few of us really believe. This leaves us with nothing but survival—"kill or be killed"—as a motivation to perform our missions. But if this is the only thing we have to keep us going, then those who force us into this position—the military, the leadership of the country—are perceived by many soldiers to be almost as much our enemies as the Viet Cong and the NVA. There is a great amount of bitterness both towards the military and towards American building up within the military forces.

We find it hard to believe that you could not be aware of the extent of disaffection among the American troops; it is equally hard to believe that knowing about this disaffection you could hope to continue much longer to force young Americans to go to this war against their wills. As the war drags on, the troops will become increasingly opposed to the war and increasingly bitter about going. It seems very possible that if the war is allowed to continue much longer, young Americans in the military will simply refuse en masse to cooperate, thus causing a crisis similar to the current difficulties of the draft bureau. This day is coming quickly—you must have us out of Vietnam by then.

In your speeches and news conferences you often contrast the disaffection of the American student protesters with the devotion and patriotism of our soldiers in Vietnam. We want you to know that in many cases those "protesters and troublemakers" are our younger brothers and friends and girlfriends and wives. We share many common causes with them. Please get this country out of Vietnam before we, too, become completely disaffected.

The purpose of this letter is not to publicly embarrass you or the military—we are not sending copies to the press. We only want you as commander-in-chief to know that a large number of officers and soldiers in Vietnam and on their way to the war have serious misgivings about the war and their participation in it. To this date, officers have remained silent about their feelings, but we think it important that you be informed of the widespread dissatisfaction amongst us.

We sign this letter knowing that it will be seen by your military staff before you ever see it—if it gets to you at all. We also know of punitive action taken by the Army to officers who have written similar letters to you. Nevertheless, we must take chances to inform you of these feelings within the Army. Since you and the country seem to have decided that Vietnam is not worth the awful price of victory, we plead with you to get the country out of this half-hearted war at the extreme earliest moment.

Sincerely,

——— ———.

EXHIBIT D

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 12, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I hope you will read the enclosed letter from 40 young combat officers about to go to Viet Nam. It bears strongly on what you said to me at the White House three weeks ago on our policy of moving to a peace-time economy.

The letter sets forth something I have long felt, but have been unable to adequately express to you and many of my colleagues; nobody wants to be killed on the last day of a war, or during a withdrawal from a cause conceded to be lost.

Once a retreat starts, it can only accelerate. It is too much to ask of any combat trooper or second lieutenant that he die to support a "transition to a peace-time economy." The 40 young Army officers who signed the enclosed letter are the necessary cutting edge of national policy. To my way of thinking, both their letter and their willingness to go into combat represent the highest idealism an American can offer to his country.

I might add the thought that that aspect of "Vetnamization" which you presently espouse, the substitution of aerial firepower for infantry support, is not consistent with American idealism. If we are unwilling to ourselves die in a cause, we should not seek to substitute our impersonal bombs, napalm, and massive rapid-fire aerial gunfire for combat troops. This not only appears unworthy of us as leaders in the search for world peace; it also defeats the purpose of a counter-insurgency effort where we are competing with indigenous communists for the loyalties of a peasant people. Our firepower and defoliation provide ample visible proof for the communist argument that Amercans are indiscriminate in destroying people and property by the use of our advanced technology.

If I were a Vietnamese, Mr. President, and your firepower killed my mother, sister or child, you would have my undying enmity and desire for vengeance, no matter how sincerely you professed the need to save me from the evils of communism.

I believe that our past and present massive bombing in Cambodia, Laos, and Viet Nam is insuring the ultimate success of nationalist forces in those countries which will share a lifelong perhaps unspoken but very real, hatred and contempt for America and Americans.

I hope that you will consider these suggestions as constructive rather than critical. I believe my colleagues in the Congress are unanimous in admiring your dedicated undertaking of the immense burdens of national leadership and in our hopes for your success in reaching wise judgments.

Respectfully,

PAUL N. MCCLOSKEY, JR.

PRESIDENT SHOULD VISIT THE HEADS OF STATE OF OUR NEIGHBORS AND FRIENDS

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, word has it that Robert Finch will leave soon as a special envoy to Latin America for reasons not now made clear.

With the President of the United States carrying on personal diplomacy in visits to Peking and Moscow, it seems to me he should have Robert Finch setting up meetings in Mexico, Brazil, Argentina, Venezuela, Chile, and Peru in South America. If it is important for us to meet at high level with our adversaries afar, it should be equally important that the President visit personally the heads of state of our neighbors and friends.

One would hope that the Latin countries are not once again being given a second-hand treatment. It would be easy for them to conclude that President Nixon does not feel they are of sufficient importance to justify more than a courtesy call by a low-ranking representative from the President's personal staff.

I join with that group of concerned Congressmen and lay citizens who are appalled at the policy of neglect and drift now evident in Latin American affairs. Why could we not have at least a high level meeting with Canadian, Mexican, and American leaders, including heads of state, to discuss a joint plan for the Americas.

Events in the world demonstrate that we are in a period of multinational efforts for regional development. Nowhere is there a greater need for regional development than in the Americas. The past efforts by us to foster U.S. programs for development have proven unproductive. Third world countries are not receptive to domination by one outside national interest. It is attractive to point politics in the direction of sovereign protection and read in the assistance a hidden program for modern-day colonialism. A multinational program avoids this stigma.

It would be helpful for the American input to be North American in flavor rather than United States alone. Whether one likes it or not, Mexico and Canada are in their economies and conditions closer to the underdeveloped sections of South America than is the United States. The need for mending strained and torn relations is great. The benefits to be derived are far reaching. We urge the administration to respond to our request and make some significant, high-level initiative in this direction.

HEARINGS ON PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, I wish to announce that a subcommittee of the Committee on Government Operations will hold hearings on H.R. 6962, a bill to establish a Department of Community Development. This is an administration bill which I introduced by request. As you know, President Nixon has proposed to disestablish seven existing Cabinet departments and replace them with four new ones. The bill for a Department of Community Development is one of the four. It will draw functional components from four existing departments and several independent agencies and commissions.

In June and July of this year, the Subcommittee on Legislation and Military Operations, of which I am chairman, held overview hearings on all four of the department proposals. Those hearings are printed, and we plan to present a summary analysis of the issues developed in those hearings. In subsequent hearings, we will examine the specific proposals, department by department.

The hearings on H.R. 6962, the bill to establish a Department of Community Development, will commence on November 3, 1971, in the main committee hearing room, 2154 Rayburn House Office Building. Secretary George W. Romney of the Department of Housing and Urban Development will be the lead-off witness for the administration. The hearings will start at 9 a.m. on Wednesday, November 3, and at 10 a.m. on subsequent days.

Our hearing schedule for administration witnesses is as follows:

November 3: Hon. George W. Romney, Secretary of Housing and Urban Development.

November 4: Hon. J. Phil Campbell, Under Secretary of Agriculture.

November 9: Hon. John A. Volpe, Secretary of Transportation.

November 10: Hon. Frank Carlucci, Associate Director of the Office of Management and Budget.

November 11: Hon. Maurice H. Stans, Sercetary of Commerce, and Hon. Philip V. Sanchez, Director of the Office of Economic Opportunity.

Additional administration witnesses, representing agencies or functions to be transferred to the proposed new department, will be heard. We will also hear representatives of public and private organizations, and individuals with special experience or information about the subject matter. These are controversial proposals and we want to hear all points of view, for and against the reorganizations. Members of Congress are invited to testify. We are setting aside November 16 and following days for congressional testimony on H.R. 6962. Those who wish to be heard should notify our subcommittee office on extension 52738.

The proposed Department of Community Development would be built around the existing Department of Housing and Urban Development. The proposed new department also would include major components from the Departments of Agriculture, Transportation, and Commerce. For example, the Rural Electrification Administration would be transferred from the Department of Agriculture, along with the functions and staff of the Farmers Home Administration relating to rural housing and water and waste disposal grants and loans. The Federal Highway Administration—except motor carrier safety—and the Urban Mass Transportation Administration would be transferred from the Department of Transportation. The Economic Development Administration—planning and public works only—and the Regional Action Planning Commissions—except business development and technical assistance—would be transferred from the Department of Commerce.

Other agencies or functions proposed for transfer to the Department of Community Development are the Appalachian Regional Commission, the Community Action, and special impact programs of the Office of Economic Opportunity, the disaster loan program of the Small Business Administration, the disaster relief operating functions of the Office of Emergency Preparedness, and grants for the construction of public libraries from the Department of Health, Education, and Welfare.

I want to make it clear, Mr. Speaker, that the proposals for executive reorganization come to us in the form of administration bills, which I have introduced by request. Draft bills were submitted by President Nixon with his message on reorganization of March 25, 1971. The bills call for a massive reorganization unparalleled in American history. They are bound to be controversial in nature. Our committee is approaching these matters wih an open mind. I promised President Nixon that his reorganization proposals would be accorded a full and fair hearing, and our committee is discharging that commitment.

DISCHARGE PETITION NO. 10 TO RESCIND AND REVOKE U.S. MEMBERSHIP IN THE U.N.

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, I want to inform our colleagues that I have now filed discharge petition No. 10 at the Clerk's desk to discharge H.R. 2632, a bill introduced by the gentleman from California (Mr. SCHMITZ) to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof and for other purposes.

Passage of H.R. 2632 would remove the United States from the U.N. and the U.N. from the United States, thus freeing our people from the ever tightening yoke of international controls and the erosion of national sovereignty and constitutional government.

The recent debacle of the expulsion of Nationalist China should bring home to every Member of the failure of the U.N. to even abide by its own charter and the degeneration of its present composition into a circus to be exploited by the various Communist parties around the world as a command post for international subversion of free peoples and democratic institutions.

I urge all of our colleagues who recognize the threat of the UNO to our country and our people, as do Mr. SCHMITZ and I, to sign discharge petition No. 10 so that we may have an opportunity to remove this cancer from our shores and our leaders from its contagious infection before it becomes fatal.

The American dream is freedom—not peace at any cost.

Discharge petition No. 10 represents a bipartisan effort on behalf of Mr. SCHMITZ, a Republican; and myself, a Democrat.

The signing of discharge petition No. 10 offers a chance to weed out the internationalists from the Americans.

I ask that a copy of Mr. SCHMITZ' bill H.R. 2632 follow:

H.R. 2632

A bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the effective date of this Act the ratification by the Senate of the United States on July 28, 1945, of the United Nations Charter, making the United States a member of the United Nations, be, and said ratification hereby is, rescinded, revoked, and held for naught; and all Acts and parts of Acts designed and intended to perfect and carry out such membership of the United States in the United Nations are hereby repealed.

SEC. 2. That from and after the effective date of this Act all Acts and parts of Acts designed and intended to make the United States a member of the specialized agencies of the United Nations, or any of them, are hereby repealed; and all executive agreements, international undertakings and understandings, however characterized and named, designed, and intended to make the United States a member of the specialized agencies of the United Nations are hereby rescinded, revoked, and held for naught.

SEC. 3. That from and after the effective date of this Act any and all appropriations for defraying the cost of the membership of the United States in the United Nations or in specialized agencies thereof are hereby rescinded and revoked; and any unexpended and unencumbered balances of any such appropriations shall be covered into the general fund of the Treasury of the United States.

SEC. 4. That the International Organizations Immunities Act of December 29, 1945 (59 Stat. 669; title 22, secs. 288 to 288f U.S.C.), be and it is repealed; and any and all Executive orders extending or granting immunities, benefits, and privileges under said Act of December 29, 1945, are hereby rescinded, revoked, and held for naught.

SEC. 5. This Act may be cited as the "International Organizations Rescission Act of 1969".

FIDDLING AROUND WITH "GOD'S TIME"

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 20 minutes.

Mr. HOSMER. Mr. Speaker, at the risk of inflaming raging passion in the Department of Transportation, the Interstate and Foreign Commerce Committee, and amongst my colleagues representing most of rural America, I am going to use this occasion for my semiannual plea for legislative enlightenment in the form of favorable action on H.R. 5464, which would establish year-round daylight saving time.

This timing is appropriate inasmuch as come next Sunday morning most of urban America reluctantly will be setting its clocks back 1 hour. Some, certainly, will forget; others, no doubt, will erroneously set their clocks forward another hour; some people will drop their timepieces and break them; and, of course, residents of Hawaii, Arizona, and Michigan will do nothing, other than glow in the contentment that the rest of the country is now back in step with them, wherever that may be.

Nothing, it seems, arouses American outrage and indignation quite like a suggestion to change the time of day. Many of our constituents seem to feel that mortal man should not be fiddling around with "God's time."

Our friends at the Department of Transportation and our colleagues on the Interstate and Foreign Commerce Committee take a more pragmatic viewpoint: They believe that legislation affecting the time of day should be considered about once every 50 years—but only if absolutely necessary. And since the last time bill was passed in 1966, they seem in no great hurry to act on H.R. 5464 much before the year 2016.

To those who argue that we should stop changing time altogether, I would agree. The bill I am sponsoring with eight fearless colleagues—Mr. WYDLER, Mr. FRELINGHUYSEN, Mr. MILLER of California, Mr. HARRINGTON, Mr. ST GERMAIN, Mr. HALPERN, Mr. JOHNSON of California, and Mr. ROSENTHAL—would merely leave the clock where it is today. It would never more have to go back an hour on the last Sunday of October.

You might think of the result not so much as year-round daylight saving time, but more as a new standard time, 1 hour ahead of existing so-called standard time. It will put the hands of the clock at a location more in keeping with the needs of society in the 1970's.

America's problems with time can be traced back to the fact that we left the business of establishing time zones to the railroads. That was in 1883 and it goes almost without saying that anything left to the railroads will go awry.

In 1883, every railroad operated on its own standard time. There were over 100 "standard" times in the United States at that point, eight different ones in Pittsburgh, Pa., alone. This may have been done accidentally, but more likely it was done by the railroads with malice of forethought so that no one would know when the trains were late.

But in 1918, the Congress passed legislation to establish official time zones. That helped, but States, counties, and cities continued to set their clocks pretty much as they wanted on a local option basis.

During the two World Wars, the country went on war time to avoid the confusion of different times and to conserve fuel and electricity.

Then someone rediscovered what Benjamin Franklin had thought of 200 years ago—daylight saving time. Ben awoke one morning in Paris to find his hotel room bathed in sunlight, despite the fact that he was a notoriously late riser. He decided—with a certain amount of logic—that the sunlight was wasted while he was usually sleeping and would be better used later in the day.

However, not everyone agreed with Ben's judgment. Some places liked early time, others did not. The result was a crazy quilt pattern of standard and daylight times across the nation, even varying from county to county and city to city. This prompted one man to write the Interstate Commerce Commission that—

> Confusion bordering on anarchy reigns supreme, and anarchy is the mode of the day. By such means do states and nations pass through the gates of the graveyard of history.

To prevent something awful like that from happening. Congress again came to the rescue, this time with the Uniform Time Act of 1966. It provided that daylight saving time should be observed on a statewide basis from the last Sunday in April until the last Sunday in October, unless a State goes to the trouble of voting to exempt itself from daylight saving time all together.

That brought new sanity to the situation everywhere except in Hawaii, Arizona, and Michigan, which, in a pique of States rights fervor, promptly denied the copious benefits of daylight saving time to their citizens.

The question being raised by H.R. 5464, however, is why should the clocks be moved back at all. If an extra hour of sunlight is deemed valuable during the already long afternoons of summer, does not it stand to reason that an extra hour of afternoon sun would be equally or even more desirable during the short, cold days of winter?

Much of urban America answers yes to that question but, regrettably, rural America and drive-in movie theater owners violently disagree. The farmers worry about their milking schedules being disrupted. The movie people fret about when the curtain of darkness will clothe their profitable passion pits. Personally, I am more interested in disrupting the muggers' mugging schedule.

For example, tomorrow night, October 29, with daylight time still in effect, the large work force here in Washington will by and large be out of the city and home before sunset at 6:11 p.m.

However, on Monday night, November 1, the sun will set at 5:08 p.m. Eastern Standard Time, meaning that thousands of men and women will be walking the streets, waiting for buses and driving cars after dark.

And they will have to wait until February 2 to see the sun again at 5:30 p.m.

Were daylight saving time kept in effect all year long, the earliest sunset of the year would be at 5:50 p.m., leaving ample daylight for the safety and convenience of the vast majority of American citizens.

Many law enforcement officials in this country are convinced that year-round daylight time would have a favorable effect in reducing street crimes. Their statistics show that the highest crime periods are those hours immediately following dark, which, in the winter time, means when the largest group of people are on the streets.

Delaying sunset an hour in the winter would provide an opportunity for people to get home before dark, plus the added public safety of having the peak evening traffic hours in daylight.

There are other potential social benefits of winter daylight time. Schoolchildren would have an extra hour of playtime in the afternoons before dark, even though it would mean their leaving for school about sun-up.

It would also provide savings in fuel and electric power, by adding an hour of daylight to the peak load hours of 4 to 7 p.m. during the months of November through April.

At any rate, since we have 6 months of so-called daylight time and 6 months of so-called standard time, if we have to standardize on one time period, it would seem eminently logical to settle on daylight time for the convenience of the greatest number of people.

Besides, under such a system, we would once and for all abolish the trivia: "Spring forward, fall back."

NEW MAN, NEW PHILOSOPHY, GUIDING THE AEC

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, there may be a precedent in the making inasmuch as I rise today to commend the Atomic Energy Commission and especially, its new chairman, Dr. James R. Schlesinger. In a particularly strong and revealing speech last week, Dr. Schlesinger indicated that the AEC is charting a new course for the future.

The chairman's speech before the Atomic Industrial Forum of the American Nuclear Society may be considered as a "watershed" in the history of the Commission and in the history of this Nation's efforts to find environmentally-safe sources of energy.

Dr. Schlesinger's speech is too important to be "capsulated" so I have included it at the end of my remarks in full. However, in order that our colleagues can gain the "flavor" of the chairman's tradition-shattering position, I must highlight a portion of the address entitled, "What is the AEC's Role?" Chairman Schlesinger said:

> It is the responsibility of the Atomic Energy Commission vigorously to develop new technical options and to bring those options to the point of commercial application. It is not the responsibility of the Atomic Energy Commission to solve industry's problems which may crop up in the course of commercial exploitation. That is industry's responsibility, to be settled among industry, Congress, and the public. The AEC's role is a more limited one, primarily to perform as a referee serving the public interest.

With that last sentence, Dr. Schlesinger charts a new course for the AEC. One can confidently predict that this new road for the agency will be rocky—changing the habits of two decades will not be easy. Nevertheless, the chairman has gone to some lengths to "bury the hatchet" with conservationists throughout the Nation.

One speech, one court case, and a few changes in Commission procedures will not, by themselves, reassure the public that the AEC has changed its spots. As a longtime critic of the AEC, I am convinced that there now exists at the leadership level a positive attitude toward the total environment and when that attitude filters down to the AEC's operating level and when the "new look" is understood by the environmentalists as an olive branch, we may see the beginning of a new era of cooperation and understanding which will lead to the solution of energy problems.

Important as Dr. Schlesinger's speech may be in terms of potential shift in the AEC's operating philosophy, I must point out that the headlong rush toward nuclearization has not been slowed. My point is simple: nuclear energy is not necessarily the "best" means of solving all the Nation's energy problems. There are other alternatives. When the AEC recognizes and accepts this fact and the financial implications thereof, we will indeed have entered a new era.

I have appended to my remarks, Dr. Schlesinger's important speech and also a New York Times story dealing with the impact of that speech. Following that, is an editorial from the Washington Post on the same subject:

REMARKS BY DR. JAMES R. SCHLESINGER, CHAIRMAN, U.S. ATOMIC ENERGY COMMISSION, AT THE ALL-CONFERENCE BANQUET OF THE ATOMIC INDUSTRIAL FORUM, AMERICAN NUCLEAR SOCIETY ANNUAL MEETING, BAL HARBOUR, FLA., OCTOBER 20, 1971

EXPECTATIONS AND RESPONSIBILITIES OF THE NUCLEAR INDUSTRY

It is a privilege for me to be with you this evening at the Joint Meeting of the Atomic Industrial Forum and the American Nuclear Society. I trust that my remarks will be useful to you in casting some light on the environment in which you will be operating in the years ahead. It has been suggested to me that there is some curiosity, even eagerness, regarding my attitudes and what I might say in my first formal expression of views before a large segment of industry. Consequently, if you will permit, I shall dispense with the barrage of compliments, reminiscences, anecdotes, and clumsy jests, which are customary on such occasions. Since I wish to limit my remarks to a reasonable time, I shall turn right to the substance.

Despite the wide span of interests in the audience, the focus of my remarks this evening will be nuclear power. Initially, I shall concentrate on my impressions regarding the status of the nuclear industry. Later I shall indicate my views regarding the responsibilities of that industry—and the quite separate responsibilities of the Atomic Energy Commission. Together these should provide a framework of expectations regarding the future. And—hopefully—an understanding of the interplay of rights and responsibilities that should govern our activities.

You will appreciate that I have been in my present position for only two months, so that much of what I will say could be classified under the heading of early impressions rather than a complete and systematic treatment. Nonetheless you should not take these comments lightly on that score. You will also appreciate that I come to the AEC with a primary background in the national security end of AEC's responsibilities. So I am prepared to look for those things that are given emphasis in the weapons program: safety, predictable performance, high reliability, thorough and painstaking component testing, and an extensive program dedicated to quality assurance. With respect to nuclear power these objectives carry clear and necessary implications in regard to the reliability and maintainability of plants, the security of electric power supply, the long-run costs of electric energy. Above all, they relate strongly to the safety of those plants, which continues to be our primary responsibility to the public. The theme of quality assurance is one that you have heard discussed in the past; you will be hearing more about it in the future—and I shall return to it in a few minutes' time.

I. WHAT IS THE PRESENT STATUS OF THE INDUSTRY?

When I met with some of you in Geneva, my assessment regarding the future of the nuclear industry was optimistic. It continues to be. Some of you may find it difficult to share that optimism—particularly in the atmosphere that has hung over the industry since Calvert Cliffs. Indeed, I can fully understand why many of you are distressed. Still it should be difficult to be other than bullish about the long-run future.

The development and the expected growth of this industry are simply remarkable. What other industry can look forward with the same degree of confidence to a growth rate of roughly 15% per annum. The future is spectacular—the ultimate future. The pace of achievement, however, will depend heavily on two provisos: first, provision of a safe, reliable product; second, achievement of public confidence in that product. Satisfying these provisos will be a demanding task. But it can be done, if we recognize that it is imperative to provide the determination, the resources, and the organization to meet that challenge.

There are two problem areas: first, a set of difficulties, probably unavoidable, reflecting the "growing pains" of the industry, and, second, the state of congestion in the review process. It may be natural to ask who or what is to blame. But that is useless. All bear some degree of responsibility—in failing to take the necessary actions in the light of persuasive evidence of trouble ahead.

Yet, if you are inclined toward gloom, think for a moment about the truly remarkable achievements of the industry in a brief span of time. It is just 18 years since construction started at Shippingport. It is under 17 years since President Eisenhower's Atoms of Peace Message. It is but 15 years since the Commission inaugurated its Power Reactor Demonstration Program. It is but 8 years since Oyster Creek. It is just 5 years since the first order was placed for a 1000 MWe power reactor. In a four-year period, 1963–1967, capacity on order from the industry increased fifteen fold. These are spectacular developments. To draw an analogy, it is similar to the entire history of commercial aviation from Kitty Hawk to the Boeing 747 being compressed into less than a score of years. And in the commercial breeder and the fusion reactor we look forward to, as it were, the veritable space age of nuclear energy.

Perhaps in some respects the pace has been too swift. In any event, no one should be surprised if there is evidence of growing pains. Inevitably there has been a shortage of experienced personnel—eased by the supply provided adventitiously from Admiral Rickover's naval reactors program. It was not inevitable that the shortage be permitted to persist. Some utilities have purchased power plants based on financial considerations, paper designs, and paper calculations—without adequate technical knowledge as to what they were buying. Over time, new plant designs have been based upon large engineering extrapolations.

Many of the architect-engineering firms appear not to have assembled the needed resources of qualified personnel to carry a large number of power reactors through to the operational stage. This is the more significant since these firms may be attempting to substitute for designers, and for customers who are not sufficiently knowledgeable or demanding to cope with many first-of-a-kind items and within an expanding program. A consequence has been a wide spectrum of uncertainties in costs, schedules, and plant performance—and the need for prolonged test and shakedown periods.

Under these circumstances one should hardly be surprised that there are growing pains, but rather that the industry is already so far ahead. In this connection, neither should you be surprised if the Commission lays stress on disciplined engineering and on quality assurance. This is essential to the long-run success of the industry—and to satisfy the legitimate public concern, which the AEC represents. We will need to be assured that piping is of the highest quality, that pumps work, that valves are properly designed and operate reliably, that welding has been done in accordance with specifications and that radiography confirms this fact. Those in industry who have chided us—quite properly—about the AEC regulatory process, know full well that you have reason to blush regarding some of these aspects of quality assurance. Gentlemen, these engineering details are not peripheral; they are the heart of our problem.

The focus of concern should be the likelihood of small accidents, small spills, unplanned shutdowns, power interruptions and associated higher construction and maintenance costs. Potentially these could be the source of far more trouble over the long run than the possibility of hypothetical disasters.

We must of course give careful consideration to these hypothetical accidents, even though their occurrence may have virtually zero probability. But we must insure that such consideration does not unduly divert our limited resources in management and technical personnel from adequate attention to the unglamorous engineering tasks that constitute the heart of the safety problem—and the heart of your commitment to produce reliable power. We regard it as vital that purchasing utilities acquire trained personnel and technical expertise, that they become knowledgeable and demanding customers—to insure that they receive full value for the dollar expended, to avoid power interruptions, to insure that plants can and will be properly maintained, and among other things, to avoid relying on the Atomic Energy Commission to perform this critical task. Moreover, we are confident that reliable power reactor vendors want nothing more than a knowledgeable and demanding customer.

II. WHAT IS THE AEC'S ROLE?

There is another aspect to growing pains which casts light on the relationship between the industry and the Commission. Some of you may feel that Calvert Cliffs was a watershed event in other respects—that the Court's decision should have been fought, that by failing to appeal the decision and by issuing regulation in conformity with the court's decision the Atomic Energy Commission was admitting that it was wrong, that the whole set of events was tantamount to the AEC's abandoning the industry. In light of the historical climate in the industry, this is an understandable response. From its inception the Atomic Energy Commission has fostered and protected the nuclear industry. Looking back one can, I think, say that this was the right policy for that historical epoch. That policy permitted a new and vital technology to be exploited; it created an industry and then protected the industry as it grew to relative maturity. But that industry, insofar as it involves the exploitation of light water reactor technology, should now be on a self-sustaining basis. Those of you who regard the response to the Calvert Cliffs as indicating a climatic change in the relationship between the industry and the AEC could well be right, though perhaps for the wrong reason. The move toward greater self-reliance for the industry had a certain historic inevitability. Such a process is always painful. It is, however, necessary. One result will be that you should not expect the AEC to fight the industry's political, social, and commercial battles These are your tasks—the tasks of a self-reliant industry.

The logic is, I think, quite clear. This is no longer an infant industry; it is rapidly approaching mature growth. The history of the tariff is replete with brawling, vigorous industries continuing to demand protection appropriate to the years of early growth, when the stage of infancy had long since been passed.

In this regard the thrust of the Atomic Energy Act of 1954 can readily be misconstrued. The concept of "promoting," implicit in the act, is an elastic one. It can be interpreted, quite properly, to mean that the AEC has responsibility aggressively to develop new or improved technical options which may be exploited for public use. It can be interpreted, quite improperly, I believe, to suggest that the Atomic Energy Commission should indulge in promotional activities on behalf of well-established industrial sectors. Perhaps the phraseology is obsolescent. In any event the world "promotional" has served to confuse some sections of the government, the industry, and the public regarding the proper role of the Atomic Energy Commission in this mature stage of the industry's development.

It is the responsibility of the Atomic Energy Commission vigorously to develop new technical options and to bring those options to the point of commercial application. It is not the responsibility of the Atomic Energy Commission to solve industry's problems which may crop up in the course of commercial exploitation. That is industry's responsibility, to be settled among industry, Congress, and the public. The AEC's role is a more limited one, primarily to perform as a referee serving the public interest. I might add that it is to industry's long-run advantage that the public has high confidence that the AEC will appropriately perform its role in this regard.

In the weeks since I came into this job I have been impressed on a number of occasion by the failure in the industry and in-house properly to distinguish between the role and responsibilities of industry and the separate role and responsibilities of the AEC. In the future I trust the distinctive responsibilities of a government agency will become more sharply etched in the minds of all of us. I have suggested some of my concerns, let me be more precise.

The Atomic Energy Commission does not sell power reactors. We are a by-stander, sympathetic I trust. The selling of power reactors is a concern of the vendors; the decision to buy that of the utilities. The Atomic Energy Commission has issued projections indicating 150,000 MWE installed by the end of 1980. We are interested, of course, but it is a projection not a target of the Atomic Energy Commission. If it turns out to be a 130,000 rather than 150,000, or 160,000 for that matter, that reflects, quite properly, the decisions of industry. They are not our decisions. The AEC's primary responsibility is to assure expeditious reviews of applications—a subject which rightly concerns you and to which I will return.

Again, it is not a responsibility of the AEC to supply power, even nuclear-generated power. I recently read an EEI study seemingly based on the premise that the AEC has a responsibility for power production. I question that premise. Utilities sell power. The Federal Power Commission is the primary agency concerned with power supply. Congress provides the framework. Unquestionably it is the AEC's responsibility to take local power supply conditions into account when an application lies before the AEC. Our new regulations specifically recognize this responsibility, but I underscore that in the existing statutory framework our responsibility is not the overall power supply situation, but rather providing technical options and seeing that the technology is appropriately and safely utilized.

You have every right to demand that the AEC perform its duties efficiently. If extraordinary costs are incurred because of the unduly slow functioning of AEC procedures, that is our problem and our responsibility to solve it. It is not our responsibility, however, if a utility encounters unanticipated costs because of a failure to do its job properly, failure to comply with the procedures, or because of a change in the law. We are sympathetic; we understand your problem, but it is your problem.

Finally—and let me underscore this point—it is not the AEC responsibility to ignore in your behalf an indication of Congressional intent, or to ignore the courts. We have had a fair amount of advice on how to evade the clear mandate of the federal courts. It is advice that we did not think proper to accept. If you regard the legislative or judicial framework as extreme or unworkable, you have a clear remedy through the seeking of legislative relief. We sympathize with the difficulties that you are facing, but we have no intention of evading our responsibilities under the law.

Since these difficulties stem from the enhanced concern about the environment, let me say a few words on that subject. Environmentalists have raised many legitimate questions. A number have bad manners, but I believe that broadside diatribes against environmentalists to be not only in bad taste but wrong. I believe that we shall receive from the responsible environmentalists considerable assistance in resolving our present difficulties. Take air pollution. It is my personal judgment that when all environmentalists, including ourselves, have a chance to assess the contribution of nuclear power to the reduction of sulphur and nitrogen oxides and particulates, that all environmentalists will appreciate the advantages of nuclear power in relation to the real alternatives. I believe the argument over radioactive discharges is pretty well off the boards. Good answers will still have to be provided regarding safety, transportation, and waste management. Moreover, the responsible environmentalists are keenly aware that the present situation can boomerang. If there are power interruptions, brownouts, and blackouts, the environmental movement will pay a severe price along with the rest of us—and that is the situation the environmentalists wish to avoid.

Dealing with intervenors is a time-consuming process. Most intervenors ask appropriate questions, albeit somewhat repetitiously. Some intervenors are deliberately exploiting existing procedures in order to cause delay. To the extent that delaying tactics have been used as a tool to force the provision of information that the intervenors may feel that they have been improperly denied, it is understandable. There is a direct way of dealing with this problem. To the extent that delaying tactics have been employed sheerly for the purpose of delay, to put off month-by-month or year-by-year the operation of plants and imposing costs on industry and the public, it cannot be condoned.

Environmentalists have also been raising questions that transcend the issues involved in individual plants. The question has been raised, by Michael McCloskey of the Sierra Club among others, whether our society for environmental reasons viewed broadly ought not curb its appetite for energy and for electric power. It is a legitimate social question. It is not unreasonable to question whether neon signs or even airconditioning are essential ingredients in the American way of life. More fundamentally it is not unthinkable to inquire whether energy production should be determined solely in response to market demand. Some of you I suspect have strong views on this matter. You should be prepared, whenever the necessity arises, to present your position to the public just as the Sierra Club does—and I suspect that at this reading you are likely to have the public with you.

Whatever the private views of the Commissioners, it would seem to me inappropriate for the Atomic Energy Commission to take a position on this issue. The AEC should be officially neutral. It is the AEC's mission to provide energy options that will serve public needs—in whatever manner the public prescribes those needs. The AEC lacks authority and consequently should avoid becoming entangled in the determination of broad social issues of this type.

III. FUTURE PROSPECTS

Let me address one more issue as I draw to a conclusion. In the reaction to Calvert Cliffs it has been remarkably clear that the utility industry does not relish operating in the spotlight of public attention. The traditional ways of doing business seem preferable. A utility could get on with the job of installing a 100 or 200 megawatt fossil-fueled plant and nobody really needed to be consulted save for the property owners and the local authorities, who could be dealt with on a private basis. Nowadays every plant seems to be drawn into public controversy. I can understand the nostalgia. The old ways were neater and more efficient, at least in a limited sense.

But this is 1971. We are more crowded. There is a heightened public sensitivity on environmental issues—an insistence by the public that it be consulted. We shall all have to learn to operate under these changed conditions. You will not only have to operate in the glare of publicity, you will have to take your case to the public. Do not expect us to do this for you.

I have heard the charge that the AEC has been "over-reacting." The new regulations are tough; you will agree, however, that they comply with the spirit of the court's decision. While they are tough, they are workable. I am surprised and concerned therefore by the attitude of discouragement to which I referred previously. These new regulations present no insuperable difficulties, if you will get on with your part of the job and we get on with ours. For our part, we shall make every effort to minimize the time to be abscribed in the review process. Some components of the review can be carried on in parallel rather than in series. A suitable cost-benefit study can normally be developed on the order of two months, particularly if there is a suitable format. There are scores of qualified individuals who can do the requisite work. The cost will be miniscule in relation to the total cost of a plant—or in relation to the cost of delays. You will need guidelines for such studies and you shall have them.

If there are endless conversations about one or even two years delay and we all sit on our hands, the delays will be endless. Let us not sit back and fail to take the steps indicated in the regulations—and take them as expeditiously as possible. In this respect I can assure you the AEC will make every effort to move the paper and proceedings along quickly. But in some situations we can only follow your lead. For example, how many of you have filed show-cause orders with regard to ceasing construction on your plants? We are still awaiting requests to go to one percent power or twenty percent which is permitted under the regulations.

We can never act on requests that are not transmitted to us. Handwringing will serve no purpose. As I suggested earlier, a great deal can be accomplished within the framework of the regulations. Self-help is the best help. In the absence of adequate response from the industry the question of just who it is that is "over-reacting" will be more readily resolved.

Now, some of my words have been strong and some of my message has not been easily palatable. You may have concluded that I have spent too much time discussing why your expectations may be pitched too high and why your actions have been pitched too low. You may also have felt that I have spent too little time discussing the responsibilities of the AEC. You are right. But you should also understand that we have a full appreciation of the formidable job ahead of us. I have indicated the respects in which the responsibilities of the Commission and industry should be viewed and emphasized. A government agency has separate responsibilities, distinct from those of industry. What are those responsibilities? The first is to conduct its business in an efficient manner, so that we are not the source of delay. The second is to avoid changing the rules of the game for other than sound reasons. You have every right to demand that of us.

You have a right to demand that licensing reviews be expeditiously carried out. Improvements clearly are needed. But this is a task which requires action on both our parts. For example, in 1969, the Internal Study Group, established by the Commission to review its Regulatory Program, after consulting at length with all segments of the nuclear industry, reported that:

"The lack of a comprehensive set of regulatory safety criteria and industry codes and standards relating to the safety of nuclear power plants contributes to the uncertainty concerning regulatory requirements and to the length of time required to conduct regulatory safety evaluations."

It concluded that:

"There is an urgent need for substantially increased participation and support of these efforts by all segments of the nuclear industry, especially the utilities."

While some improvements have been made, it is nonetheless clear, that the need in this area has not been met, and that greatly intensified effort—on both our parts—is needed to develop nuclear industry criteria and standards.

In this and other respects I have cited a determination to do our job better. In many areas we have already taken or initiated the actions necessary to strengthen and augment our capabilities to do this. We intend to redouble our efforts, firm in the view that we can best be of help to the nuclear industry and the public by carrying out our own responsibilities effectively. I think the more you reflect on the matter that is really all that you require from a government agency with regard to your well-established programs.

Let me reiterate: the Atomic Energy Commission, like any government agency, exists to serve the public interest. The public interest may overlap, but it is not coincident with private interests. Private interests may, and indeed through the operation of the well-known invisible hand are likely to, serve the public interests. The motivation is different. The role of a government agency, designed to achieve and enforce public goals, is distinct. Yet, as the Atomic Energy Commission performs its public role, I believe that it will help you to achieve your legitimate and long-run objectives.

Thank you very much.

AEC SHIFTS ROLE TO PROTECT PUBLIC: CHAIRMAN TELLS INDUSTRY NOT TO EXPECT AGENCY TO SOLVE ITS PROBLEMS

(By Richard D. Lyons)

BAL HARBOUR, FLA.—Dr. James R. Schlesinger, the new Atomic Energy Commission chairman, told the nation's nuclear industry tonight that the agency's role had suddenly shifted from promoting atomic energy to protecting the public interest in nuclear affairs.

In charting a radically different course for the commission's civilian activities, Dr. Schlesinger told the nation's two main nuclear groups:

"You should not expect the A.E.C. to fight the industry's political, social and commercial battles. The A.E.C. exists to serve the public interest."

Dr. Schlesinger disclosed the commission's new approach to its responsibilities during a speech to a joint meeting of the Atomic Industrial Forum and the American Nuclear Society at the Americana Hotel.

"From its inception the A.E.C. has fostered and protected the nuclear industry," he told an uneasy audience of nuclear industry executives and engineers in his first major policy address since taking office two months ago.

Then he added, "It is not the responsibility of the A.E.C. to solve industry's problems."

The remarks came at a time of increasing public uneasiness over the potential ill effects, such as thermal and radiological pollution, posed by the generation of electricity by nuclear power plants.

Environmental protest groups have stepped up both complaints and lawsuits charging that the commission has failed to live up to its responsibilities to protect the public interest, especially in the area of reactor safety.

The thrust of the charges is that the A.E.C. has been indifferent to the potential threat to humans and wildlife, and has for too long blindly supported the nuclear industries.

In a landmark decision in July, Judge J. Skelly Wright of the Federal Court of Appeals in Washington held in effect that the commission had failed to meet the intent of the National Environmental Policy Act, which went into effect last year.

The decision, involving the construction of a nuclear power plant near Chesapeake Bay in Calvert Cliffs, Md., stated that issues posed by nonradiological hazards must be settled before the commission could grant construction and operating permits.

The decision, which caused consternation within the nuclear industry, resulted last month in the commission issuing new safety regulations that must be met before a plant can be licensed.

The regulations are expected to delay the opening of 112 atomic facilities at substantial cost to the nuclear industry, as well as to the public utilities buying the plants, and perhaps ultimately to the consumer.

Dr. Schlesinger referred to the decision tonight in stating that many persons in the industry felt "that the court's decision should have been fought, that by failing to appeal the decision and by issuing regulations in conformity with the court's decision the A.E.C. was admitting that it was wrong, that the whole set of events was tantamount to the A.E.C.'s abandoning the industry."

He said this was only partly correct, observing that the industry should stand alone in dealing with the problems posed by current technology, but that the commission would continue to undertake research to develop better power plants.

"It is the responsibility of the A.E.C. vigorously to develop new technical options to the point of commercial application," he said.

"It is not the responsibility of the A.E.C. to solve industry's problems which may crop up in the course of commercial exploitation," he continued. "That is industry's responsibility, to be settled among industry, Congress and the public. The A.E.C.'s role is a more limited one, primarily to perform as a referee serving the public interest."

"In the weeks since I came into this job I have been impressed on a number of occasions by the failure in the industry [and the A.E.C.] properly to distinguish between the role and responsibilities of industry and the separate role and responsibilities of the A.E.C.," Dr. Schlesinger said. "In the future I trust the distinctive responsibilities of a government agency will become more sharply etched in the minds of all of us," he said.

Turning to the complaints of environmentalists, Dr. Schlesinger voiced some concern with the problems the nuclear industry had to face, and its reaction.

"Environmentalists have raised many legitimate questions," he said. "A number have bad manners, but I believe that broadside diatribes against environmentalists to be not only in bad taste but wrong."

He observed that environmentalists might come to realize that nuclear power could benefit the ecology by reducing hazardous wastes from fossil fuel power plants, such as sulphur and nitrogen oxides and soot.

"Moreover, the responsibile environmentalists are keenly aware that the present situation can boomerang," he added. "If there are any power interruptions, brownouts and blackouts, the environmental movement may pay a severe price along with the rest of us."

In a different vein, Dr. Schlesinger said the commission would not let itself get involved in the issue of whether society "ought not to curb its appetite for energy and for electric power," as some environmentalists have suggested.

"The A.E.C. lacks authority and consequently should avoid becoming entangled in the determination of broad policy issues of this type," he said, adding that it was up to the public to make the decision.

Dr. Schlesinger, a specialist in the economics and politics of arms development, has said privately in recent weeks that he intended to change the commission's position on environmental responsibility. Tonight he did so publicly.

In final remarks to his audience he said, "Let me reiterate: the Atomic Energy Commission, like any Government agency, exists to serve the public interests."

[From the Washington Post, Oct. 26, 1971]

A NEW COURSE FOR THE AEC

The new chairman of the Atomic Energy Commission, James R. Schlesinger, has been in office less than three months but he obviously has set out to change the AEC's approach toward both the nuclear power industry and the public. In a remarkably tough speech in Florida last week, Mr. Schlesinger laid it on the line to the power industry which is already distressed at the new attitude emerging in Germantown. The Commission, he said, has a responsibility to the public as well as to the industry and in some fields it will perform in the future as a referee rather than as an advocate in disputes involving nuclear power plants.

Mr. Schlesinger's words are most welcome and they ought to be listened to carefully by the companies which build nuclear reactors and power plants. He is right in describing this industry as one with great potential for growth but only it it can produce a safe, reliable product in which there is widespread public confidence. At the moment, public confidence in the safety of nuclear power plants and in the determination of the AEC to enforce adequate safety standards is at a low ebb. This situation may or may not be justified; it is extremely difficult for nonexperts to make exact judgments on many of the matters within the AEC's orbit. But it is a situation that has developed because of the basic conflict in the AEC's dual roles of promoting the use of atomic energy and of setting the safety standards for the plants that produce it. Too often the AEC has seemed to be pushing particular nuclear projects towards fruition while treating cavalierly its function as the public's protector.

It was this basic conflict that led us to suggest several months ago that perhaps it was time to split the AEC into two distinct agencies—one to push the development of atomic energy; the other to regulate the industry. Operating under the existing law, Mr. Schlesinger seems to be trying to do the same thing in a different framework. He says the task of the AEC in promoting atomic energy ends when it has helped develop new technical options and bring them to the point of commercial application. Once that occurs, he told the power industry, the AEC should not be in the business of solving the problems that may subsequently arise but should be serving the public interest by arbitrating the disputes that arise. It remains to be seen whether he and the rest of the Commission will be able to make this distinction work in practice and, just as importantly, convey to the public a sense that is working.

It is true, no doubt, that there is widespread unhappiness inside the nuclear power industry with some of the recent actions of the AEC. The Commission ignored many recommendations from that industry when it responded admirably to the Calvert Cliffs court decision by setting out new standards of review for atomic projects and suspending work on many of those under way until new reviews are conducted. But that was a vital first step in getting the development of atomic power back in line with the public's renewed concern about safety and pollution. We assume from Mr. Schlesinger's remarks in Florida that he and his colleagues on the Commission intend to take the rest of the steps that are needed to assure the country that this vital source of energy can be handled without endangering either the public or the environment.

THE FEDERAL BUREAUCRACY AND INDIVIDUAL FREEDOM

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. Rhodes) is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, the Sunday, October 24 edition of the Arizona Republic featured a front page editorial by Mr. Eugene C. Pulliam, who is the publisher of the Arizona Republic, the Phoenix Gazette, the Indianapolis Star and the Indianapolis News. The editorial was entitled, "Will the Federal Bureaucracy Destroy Individual Freedom in America?"

The distinguished senior and junior Senators from Arizona have already inserted the contents of the editorial in the Record of October 26, and in the interest of economy I will refrain from asking that it be inserted again. However, it is my hope that all Members will take note of this editorial and read it carefully. It appears at page 37497.

In the editorial, Mr. Pulliam analyzes the power of the Federal bureaucracy, and the difficulty that the elected Members of the Government have in keeping the bureaucracy from taking actions which are not desired by the majority of the people. He points out that many times agencies of the Government seem to feel that there is no capability of performance in the average citizen and that therefore the Government must protect that citizen from his own incapacity.

Mr. Pulliam also discusses the Ralph Nader organization at some length, asking the question "Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and efforts of thousands of Americans who have entered into the voluntary associations of corporate endeavor?"

The gist of Mr. Pulliam's editorial is contained in the last paragraph:

> The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

Certainly Mr. Pulliam presents a point of view which should be brought to the attention of all of the Members of Congress. This is a man who is not only the publisher of four successful newspapers, but has received nine honorary LL.D. degrees from nine universities and colleges, has won the William Allen White Foundation and the John Peter Zenger awards, the top award of Freedoms Foundation and a Wells Key award of Sigma Delta Chi. He is a knowledgeable, sincere, dedicated American who is plainly worried about the fate of his country and has eloquently told us why.

BUSING OF SCHOOLCHILDREN

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, the Members of this body may soon be called upon to cast their vote on the school busing question. With that point in mind, I am taking this opportunity to present this statement as we attempt to resolve this matter.

Few issues in the Nation give rise to so much emotionalism and dogmatism as the busing of schoolchildren to secure equal educational opportunity for all students. Extensive litigation is before almost every court in the Nation; numerous different resolutions, bills, and constitutional amendments are before both Houses of Congress; apparent differences in statements by administration officials give rise to confusion; the letter-to-the-editor columns of the papers are full of acrimonious charges and countercharges.

Far too little of this debate has concerned itself with the most important part of the slogan "equal educational opportunity"—education. The purpose of an educational system is to create an environment in which learning can take place. While there is clearly a place in the educational system for attempts to bring about social change and an upgrading of society, the primary purpose is, and must continue to be, to educate.

Schools, therefore, should concentrate on providing a stable atmosphere in which the teacher can teach and the student can learn. The student himself must be the center of our concern. The quality of programs and academic excellence must be our major interest. The student must be presented with the academic and practical skills that will allow him to become a useful and contributing member of society.

Schools do have an impact for social change, but 30 hours a week spent in a schoolroom cannot solve the problems caused by 130 hours in deprivation. If the school system is to have any impact at all on removing a student from deprivation it must be because it provides him with the knowledge and the ability to break out of the cycle of poverty and ignorance. Only if the schools can teach him to read and write, calculate, and make use of his skills can he find a job and take his place in a world consisting of something other than welfare checks, indolence, dilapidated housing, and hunger. If the schools do not provide the education then all the social contact in the world cannot improve the student's lot. It has been shown time and again that students do not necessarily achieve more in an integrated setting. It is the equality of the courses offered and the staff available, not just the racial mix of the students and teachers involved, which determines achievement. In my view, spending money on special programs for the deprived is far more important than spending it on pupil transportation.

"Community spirit" has been an important part of our national heritage—pride in one's community, working together, cooperating to secure common goals, helping out a neighbor in times of need. Indeed some of the most important "social" legislation of the last decade has attempted through the community action program to reinvigorate that sense of community. Almost invariably, the most important institution of a community is its school.

Children need a sense of community—a stability—if they are to develop most effectively. Children need to feel secure in their relationships with their parents, with their friends, with the parents of their friends, with their teachers and classmates. That security and stability can best come, in my opinion, through neighborhood schools, as near as possible to his home—although it obviously cannot always be within walking distance.

For these reasons I am a strong supporter of the neighborhood school concept. This general statement of views, however, does not deal with a number of specifics which must be acknowledged in the "busing" debate.

The first, and most obvious, is the removal of "dual" school systems. Since holding office I have consistently supported the goal of unitary schools offering equal opportunity to all students. Indeed, every branch of the Government has affirmed again and again—through legislation, court rulings, and administration statements over the past two decades—that there cannot be separate school systems established on the basis of race. Nor can there be any question of the responsibility of school boards to take affirmative action to end the separate system.

There is serious confusion in the rulings of the courts on this entire question. It is important to point out that the Supreme Court did not hold that there must be racial balance in a school system. Indeed, it held that there are circumstances where an all black, or all white school is perfectly permissible. The Chief Justice recently expressed concern that the lower courts are widely misinterpreting the Supreme Court decisions in this area. The Court held that busing is one of the affirmative steps a school system can take to correct its purposeful discrimination of the past. It did not hold that this was the only step, or even the most desirable step.

It is imperative, in my view, that the Supreme Court immediately clarify its rulings. At the present time, different rules are being applied by different lower courts throughout the Nation—creating confusion and conflict.

Second, additional confusion and conflict has been created by administrative vacillation. It makes no sense for the administration to state that they will do everything possible to uphold the law and, at the same time, to say that no Federal funds can be used for busing when the courts have declared that this is the law. It is irrational for the Federal Government to refuse to have any monetary responsibility for regulations which it has imposed and which it is responsible for enforcing. That is why I introduced an amendment to the Emergency School Desegregation Act during consideration in the Education and Labor Committee which would permit use of Federal funds for busing costs arising from a court order. I am hopeful that a similar amendment will be adopted during consideration of this legislation on the House floor.

Third, the Congress itself has been negligent in establishing a clear-cut policy in this field. While we have addressed ourselves on a number of occasions to the problems arising from dual school systems, we have never made clear the congressional viewpoint with regard to desegregation in "de facto" instances, when school boundaries were drawn without regard to racial composition. I will support an amendment, to be offered by Mr. O'HARA of Michigan, which will make it clear that busing is not required by Federal law where no governmental segregation has been found. In short, in those areas where schools have been built, students assigned, and money spent on a color-blind basis, busing will not be a Federal requirement.

Finally, total racial balance is neither desirable nor practical throughout the Nation. Our efforts must be concentrated on the upgrading of the systems where segregation has taken place by social accident, not by governmental design. Four years ago I joined with a group of Republican colleagues under the leadership of Congressman ALPHONZO BELL in studying urban education. We were distressed by the lack of attention to the special problems of the urban poor—whether black or white—in educational programs. We offered a broad program to correct this difficult problem. Unfortunately, that study has largely been ignored. Until the Government and our people are willing to commit adequate money to erasing these inequalities resulting from their environment, the problems of poverty and ignorance will continue to plague us—particularly in our cities.

It is urgent that the Congress, the administration, and the courts accept our immediate responsibility to settle the confusion and unpredictability surrounding our educational system. Our Nation cannot afford another generation of students whose education suffers because of a lack of stable environment. Let us have rational, rather than emotional discussion and debate. Let those in all three branches of Government accept responsibility to clarify the confusion and to develop a specific functional policy. Then let us commit ourselves to adequate funding to meet the educational needs of all the children within that framework.

THE COMMITTEE FOR PUBLIC JUSTICE

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 10 minutes.

Mr. ICHORD. Mr. Speaker, it is becoming fashionable in some circles to express loud criticism of the Federal Bureau of Investigation and its work despite the fact that the FBI is acknowledged to be one of the most honest and efficient law-enforcement agencies in the world.

I do not for a moment suggest that the FBI is not subject to criticism and that such criticism is always improper or unwarranted and that the FBI will not survive in the face of it.

Nothing or no one is perfect. Why, there are even those who have the temerity to suggest that the U.S. House of Representatives occasionally falls short of perfection.

Criticism can be a force for improvement of the subject under critical scrutiny. All of us should welcome criticism of a constructive and objective nature.

But I think it is time that we examine the motives of some of those who are setting themselves up as critics of the Federal Bureau of Investigation.

I specifically refer to a group calling itself the Committee for Public Justice. That title has a nice ring to it; does it not? Committee for Public Justice. How can one argue with justice for the public? That is what this Nation is all about.

But do we know all we should about this so-called Committee for Public Justice, which has announced that it is about to release an exposé of the FBI. Has the media given us the full background of this group and its membership? Or has the public and Congress been kept ignorant of this information? I suspect the latter is true for most of us.

Some facts about the Committee for Public Justice:

The Committee for Public Justice was formed last year for the stated reason of examining the FBI, its methods of operation and its leadership because of the committee's own allegation that this country is in a period of "political repression" and that the FBI is one of the foremost weapons of government "political repression."

Now I find both of those contentions just a little bit hard to swallow.

You do not exactly have a period of "political repression" on hand when the likes of Rennie Davis, Abbie Hoffman, and William Kunstler are free to gallop about the country preaching the necessity of the change of our form of government either peacefully or by violence.

One of the founders of the Committee for Public Justice, Miss Lillian Hellman, stated that the committee was formed because "some of us thought we heard the voice of Joe McCarthy coming from the grave."

Now none of us long for a return to the McCarthyism of the right of the 1950's when many people suffered because of smear and innuendo.

But the activity of the Committee for Public Justice and similar activity throughout our Nation leads me to conclude that we have already entered a period of McCarthyism of the left where not only those who are charged with responsibility of enforcing the law, but also those who believe in the enforcement of the law, are branded as oppressors or Facists.

Let us examine Miss Hellman's background. She is identified in press reports merely as an author and playwright. And she is indeed that, one of some note. But the "new journalism" of today finds it easy to ignore or dismiss further information about Miss Hellman and her past.

The media has chosen to ignore—or dismiss—sworn testimony before Congress in 1951 that Miss Hellman had been a member of the Hollywood, Calif., chapter of the Communist Party, U.S.A.

The "journalism of advocacy" make no mention of her long work with and in behalf of Communist front groups in this country—about 100 different ones.

The new journalists do not tell us that while testifying before a congressional committee in 1952 that Miss Hellman declined to say under oath whether or not she had been a member of the Communist Party.

Another member of the Committee for Public Justice is one Frank Donner, who also found it convenient to rely on the fifth amendment when questioned about his connection with the Communist Party.

Perhaps the most notable figure on the committee's executive council is Ramsey Clark, a former Attorney General of the United States, whose name has of late become synonymous with vocal criticism of the FBI, generally criticism of unsubstantiated allegations.

This includes criticism of Justice Department policies concerning electronic surveillance, despite the fact that wiretapping reached theretofore unscaled heights while Ramsey Clark held the reins of the Justice Department.

There are other key figures in the Committee for Public Justice who have long been antagonistic to the FBI.

One is Norman Dorsen, general counsel of the American Civil Liberties Union, who echoes most of what Ramsey Clark has to say about the FBI; Telford Taylor, who has represented several Communist Party members before congressional committees.

A whole gaggle of the beautiful people have flocked to the Committee for Public Justice to lend it the glamor of their names: Jules Feiffer, the cartoonist; Shirley MacLaine, Candice Bergen, Mike Nichols, Arthur Schlesinger, Jr.

I suggest that their thirst for public justice at least is equaled by their desire for personal publicity and public attention.

So the Committee for Public Justice will convene at the Woodrow Wilson School at Princeton University this Friday to issue its first pronouncements on the FBI, doubtless accompanied by extensive coverage from the practitioners of the new journalism, the east coast version.

The result will be predictable: frightening allegations that the FBI threatens the very foundations of our freedoms.

Let us hope that the reports include a full backgrounding of the Committee for Public Justice and of those who make it up.

When the rhetoric clears we will see whose creditability remains: The Committee for Public Justice or the Federal Bureau of Investigation.

SHARPSTOWN TRAGEDY: ACT I

The SPEAKER pro tempore (Mr. LINK). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, over a period of time beginning last June 16, I have addressed myself, on a sustained basis, to the scandalous aspects of the immunity order granted Frank Sharp, of Houston, Tex., the kingpin of one of the most shameful episodes of Texas history. In the beginning, various stories and comments were written about my activities in this respect in such a way as to bring ridicule and cast suspicion on my motives. Inquiries were made of me back home by some of the actors in this scenario I labeled Sharpstown Follies. They reminded of similar efforts made throughout my political career. I remember when I was mayor pro tempore of San Antonio and a bitter struggle took place, a mayor ordered a city detective to "get something on that Mexican." Later, year before last, during the SBA scandal, the two culprits hired a private detective to again get something on that little "——— Congressman." I never made mention of this because I considered it all part of the Follies, and so I continued to speak out, to stick to the subject matter and to concentrate on the need to salvage the integrity of the Justice Department.

Then, Will Wilson resigned. Again, various stories appeared, some saying I had nothing to do with his resignation, others squarely crediting—or blaming, depending on the point of view—me, others making me appear like a latter-day Savonarola. But the central issue, which I initially set forth, remains to confront me and every single Member of the Congress: the shoddy misuse of the Federal immunity statutes.

Back home in my beloved State of Texas, the imperative need to restore the regulatory statutes governing insurance corporations, which some of us enacted in 1957 after the scandals of the mid-fifties confronts the State legislature. These statutes we enacted and strengthened in 1957 have been diluted and watered down since 1961, and I have called upon the proper Texas officials to implore the Governor to call a special session of the legislature in order to tighten the law and make it impossible for the same thing to happen that did in the case of Sharp's insurance companies. Indeed and in fact I understand there are two insurance companies now on the brink for the same reason Sharp's went under and the insurance board is desperately trying to salvage the situation.

All of this does not make news, but actually accounts for the greater portion of my efforts.

Mr. Speaker, I intend to continue to speak forth. I am gathering additional documentation. I believe the proper committees of this House have a responsibility that must not be shunted off on a solitary lone Member.

Mr. Speaker, I shall return. In the meanwhile, the plot transcends the Follies era and has entered the tragic one.

OMAR TORRIJOS, PANAMA'S CASTRO, THREATENS INVASION OF CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, following a massive campaign of incendiary propaganda of hate against the United States in the Republic of Panama, a large crowd estimated at 120,000 gathered on October 11, 1971, at the 5th of May Plaza in Panama City for a mammoth rally close to the Canal Zone boundary to commemorate the third anniversary of the 1968 coup d'etat that resulted in the formation of the present revolutionary Government of Panama.

During the weeks preceding the demonstration, tension on the Isthmus induced by a daily diet of inflammatory newspaper headlines and posters increased perceptibly. One slogan that I read with special interest was that the choice for Panamanians was Torrijos or FLOOD.

It will be recalled that General Torrijos recently reorganized his government replacing constitutionalists with leftists, that he has been close to Castro, that he has expressed himself as sympathetic with Red China and Soviet Russia, and that since July Soviet agents have been on the isthmus working in the Panama Government.

Translated into the language of power politics in which the Caribbean is the danger zone to the south and the Panama Canal the key target for its conquest, the use of the slogan "Torrijos or FLOOD" means that the crucial isthmian issue is continued U.S. sovereignty over the Canal Zone—FLOOD—versus U.S.S.R. control—Torrijos.

Although reports received before October 11 clearly indicated that violence was possible, there was none probably because of preparation by our Armed Forces to meet any attempt by Panamanian mobs to invade the Canal Zone as occurred in 1959 and 1964. Nevertheless, the demonstration had ominous tones aroused by General Torrijos, the principal speaker.

In one of the most provocative addresses by a responsible public official that I have read in a long time, he made points that should be noted. The volatile commander—

First, Stated that the Panamanian people "are reaching the limit of their patience";

Second, Charged that the United States in alerting its troops on the Isthmus did so "with the same sense of guilt that thieves take to hiding when the police get together";

Third, Declared that if deceived at the treaty negotiations, Panama would adopt the alternative of a "generation offering its life so that other generations may find a free country";

Fourth, Theatened to lead "6,000 rifles of the Guardia—to defend the integrity, the dignity of Panama";

Fifth, Admitted the objective of gaining full control of the U.S. Canal Zone;

Sixth, Made the charge that since the Vietnam war is ending the "merchants of blood" would like to "turn Panama into a Viet Pana"; and

Seventh, Stated that should the negotiations fail Torrijos did not know what would happen but that he would march at the head of the Panamanian people.

Mr. Speaker, the implied threat of General Torrijos was for a massive mob invasion of the U.S.-owned Canal Zone. Certainly no respecting government of the United States can accept such threats of blackmail. The situation thus created demands early action by the House on the pending Panama Canal sovereignty resolutions so that the entire world will understand that the United States will meet its treaty obligations with respect to the Panama Canal.

In order that the Congress and the entire country may know about the recent provocation at Panama and have a translation of the part of the Torrijos address relating to the United States and the Canal Zone, I quote that portion of it in my remarks as follows:

SPEECH OF BRIG. GEN. OMAR TORRIJOS' CINCO DE MAYO PLAZA—OCTOBER 11, 1971

We also wish to speak, gentlemen, about a problem that is in the hearts of all of us. It is the problem of our relations with the Canal Zone.

We wish to speak of this problem, gentlemen, which Omar Torrijos and the Panamanian people look upon as a sentimental problem, essentially sentimental. If not, let our ambassadors of the friendly republics here present say so. Let the newspapermen here present say so. What people in the world tolerates the humiliation of seeing a flag implanted in its own heart? Let them say so. And in saying so, I want them to look at us.

I know, gentlemen, I know, Panamanian people, that we are reaching the limit of our patience, I know we are reaching our limit of patience. Let the foreign correspondents here say, let them say what people in America, or what people in the world, will put up with having a governor next to its territory. In behalf of whom? Governor of what? Not even the savage tribes of Africa will put up with governors. Gentlemen, who has seen anything like this?

Since 1904 the Panamanian people have been fighting that treaty, which if shameful for us, for the United States democracy is ignominious. Let them prove now that it is true that they are the leaders of world freedom by removing from our midst the colonial enclave existing here, instead of rushing to alert their troops, because every time the

Panamanian people get together they alert their troops. They alert their troops with the same sense of guilt that thieves take to hiding when the police get together. With that same sense of guilt.

Let the world listening to us know the ruinous extent certain United States mentalities have reached. They pay us, they pay Panama, one million nine hundred thousand balboas, that is, one million nine hundred thousand dollars, for a 250 square mile strip of land. Yet, the Empire Building State (sic) pays a net 13 million, look at that figure. To what extent does their malice reach. That a Canal that sits astride a world route, that a Canal that has forced us to make their enemies our enemies, that has deprived Panama from making a list of its own enemies. Yes, gentlemen, we want to make the list of our own enemies, we do not want to be enemies of any country. We are seeking the right solution for our people, the right medicine for our people, the appropriate aspirin for our headache.

The Panamanian does not go out with an umbrella when it rains in Moscow. That is not true. Nor does he don an overcoat when it snows in Washington. That is not true. The Panamanian is seeking his own solution, is seeking to create a new Republic, and we are finding it here. This is being confirmed today.

I have been told by student leaders and by men who love the Fatherland: "Omar, we have faith in the negotiations, we have faith in your patriotic spirit." The hour Panama feels disenchanted at the negotiating table, the hour that they deceive us, the hour we notice they think of continuing to deceive us, I will come here, gentlemen. I will come and say to you: Panamanian people, they are deceiving us and now there is but one alternative, a single alternative remains when that happens. The alternative of a generation offering its life so that other generations may find a free country.

(Crowd interrupts and shouts: Omar, be sure, and strike the Gringos hard.)

Gentlemen, I have never deceived this country. I know there is much apprehension, there is apprehension in the atmosphere. Our enemies, our enemies are the enemies of the good feelings of the United States. They would want us to go to the Fourth of July. They are wrong, gentlemen. On Fourth of July we put the dead and they put the bullets. Today we are not going to the Fourth of July. (Editor's Note: Fourth of July Avenue is a boundary street.)

When all hopes have failed to remove that colonial enclave from here, Omar Torrijos will come to this same plaza and say: Gentlemen, we failed, let's go forward, because Omar Torrijos is not a hero with someone else's blood. Omar Torrijos is going to accompany you and the six thousand rifles of the Guardia are there to defend the integrity, the dignity of this country, gentlemen.

Because when a people, gentlemen, when a people starts a decolonization process, two things can happen. They either colonize all or they remove their colonialistic tent. And they are going to remove it, they are going to remove it, gentlemen, they are going to remove it. I wish to tell you the truth, gentlemen, I am honest enough with you. I would be dishonest if I did not confess here that in the mentality of those leading the Northern Nation right now there is a spirit of understanding, and there is a certain shame for allowing a situation like this to have continued for such a long time. They have said they are going to decolonize this, that they will give us back our flag, that the police will be ours, that the postal system will be ours, and that the Panamanain will be able to leave his home, and on his way from home to work, he will not have to go through that ignominous shame of passing through a section of road under the jurisdiction of a state of the United States. This is going to end, gentlemen.

There are merchants of blood, there are merchants of blood there and here, and the merchants of blood know no nationality. Their only mission is to sell blood, and the Viet Nam market is running out. They would like to turn Panama into a Viet Pana, into the new Viet Pana to sell their war machine. Let us not play along with them, gentlemen, we will not play along with them. I will let you know when the negotiations are failing. Let us give the impression of being a proud country, worthy and civilized. And the day the negotiators fail, I don't know what will happen, but Torrijos will march at your head. But then that will be the day that I will tell you.

LATEST DEVELOPMENTS IN FIGHT AGAINST DRUG ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Murphy) is recognized for 15 minutes.

Mr. MURPHY of Illinois. Mr. Speaker, it is not a new phenomenon, the use of drugs, but it is something which has become more prevalent among young people during the Sixties. Mind-blowing or mind-expanding drugs can really turn a person on; they can also kill as evidenced by Coroner Toman's report of 48 deaths from drug overdose in Cook County, Ill., last month.

When I recently completed a fact-finding tour for the House Foreign Affairs Committee, I was appalled at the use of dangerous drugs by military men, especially in Southeast Asia.

Certainly, the Defense Department is making an effort to ascertain which men are using drugs. An amnesty program was recently started and now men leaving Vietnam are given special tests to determine if they have ever used drugs. Like the body counts and the origin of the Vietnam war, however, I doubt seriously if the American people will ever really know the extent of drug use in the services.

Just last week, DOD announuced plans to lengthen the rehabilitation period in Vietnam for servicemen whose tests proved positive. What is now a 4-day stopover in Vietnam prior to returning to the States will become a 14-day program. While a 4-day period of detoxification is ludicrous, a 14-day delay is not much better. Can there ever be a realistic appraisal of the drug problem in the military and elsewhere if those in charge continue to deal with the problem in such an unrealistic way?

Administration officials, just back from a trip to Vietnam, were noncommittal when questioned by the press recently. They gave no indication of what further steps this administration was going to take to reduce this menace.

Americans are tired of this war; they are tired of the killing and the sacrifices of many American lives. They are tired of the addiction problem of our cities and suburbs which is in part traceable to the Vietnam conflict. They now seem ready to do something about these frustrations. But they cannot carry the burden alone.

The United Nations Commission on Narcotic Drugs was held in Geneva between September 28 through October 21, 1971. A Department of State press release lauded the debate "characterized by candor and specifics". Discussions highlighted problem areas and delinquent countries in Southeast Asia, the Middle East and Latin America. One line of the release, however, nullified the rest:

> The CND session did not draw forth the additional contributions needed from the developed countries for the UN Fund for Drug Abuse Control.

There can be no treatment and rehabilitation facilities, no qualified medical personnel, no long-range international attack without funds. The administration's recent addition of $155 million to existing drug funds in this country's budget was a beginning but hardly an adequate one.

I, for one, refuse to be satisfied with introducing drug legislation and inserting a few pertinent articles in the Congressional Record. I am agitating for action to stem the tide of addiction with every legislative and administrative tool at my disposal. I urge all of you to do the same. We must settle for nothing less than an all-out assault on this cancer which is infecting our servicemen and our children.

VETERANS DAY IN BUFFALO

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Dulski) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, Veterans Day was observed last Monday under the new law which schedules it for the third Monday in October, rather than on November 11 as in past practice.

We, in my home city of Buffalo, N.Y., are fortunate to have one of the finest Veterans' Administration hospitals in the country. It is located adjacent to the State University at Buffalo campus and its school of medicine which gives it access to an additional resource of medical talent and sympathetic interest.

I went to the hospital last Monday to visit with both the patients and the staff. I can report that morale is good. I have been to the hospital many times before and again I was very pleased with what I found.

Those who follow professional football are aware that our city has a team in the American Conference, the Buffalo Bills. They are at the bottom of the standings, but that is not relevant here.

I was delighted to find that the members of the Bills took time out on Veterans Day to visit the patients at the VA hospital. This was indeed heartening to me.

And speaking of the Bills, I want to note, too, the visit to the hospital of one of the team's former star quarterbacks, who quit football to seek public office. I refer, of course, to our able colleague and my Buffalo area neighbor, the Honorable Jack F. Kemp.

Both Mr. Kemp and I earlier had the pleasure of taking part in an impressive special Veterans Day program at Buffalo's main post office. That program was conducted by Joseph D. Sedita, officer in charge.

LEGISLATION INTRODUCED TO ACHIEVE FUNDAMENTAL REFORM OF THE SOCIAL SECURITY PAYROLL TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, today I am introducing, with Mrs. GRIFFITHS, a bill that would achieve fundamental reform of the social security payroll tax.

The payroll tax is the second largest producer of Federal revenues. This year it will yield $47 billion, more than the corporate income tax and exceeded only by the individual income tax.

The payroll tax is also, unfortunately a large and regressive tax. We in this country reached agreement long ago that taxation should be based on "ability to pay." In general, we have agreed that only income in excess of that needed for necessities should be taxed. The payroll tax reverses that intention. It does not exempt subsistence income and tax higher incomes; it rather taxes the subsistence or "first" income, and exempts higher incomes.

The injustice of this structure of the tax is serious because the tax is so large. The employee share and the employer share are each 5.2 percent. And in order to finance scheduled increases in Social Security benefits this tax will rise even further. H.R. 1 provides for increases to 7.2 percent by 1977 in both the employer and employee share.

The original funding of the social security program was not so drastically unjust. For one thing, the payroll tax more closely approximated a proportional tax since it covered the entire earnings of 97 percent of all workers. Second, the tax was smaller. The original rate was 1 percent. At that time the payroll tax provided a small portion of revenues and did not mar the essentially progressive nature of the combined Federal tax policy.

The payroll tax now provides 23 percent of Federal revenues. This share is growing. By 1976 the payroll tax will produce 25 percent of Federal revenues, some $80 billion. In short, we are relying in greater, not lesser, measure on our most regressive tax.

Recent cuts in lower income brackets have made the individual income tax more progressive. However, this relief has been eliminated in part or in full for middle-income workers by the increasing burden of the payroll tax.

There are other serious inequities in the present payroll tax formula. Unlike the income tax, the payroll tax is collected without consideration of family size or extraordinary expenses. The single worker pays the same as the married couple or the family of seven, despite differences in ability to pay.

The present formula discriminates against families with two wage earners. Individual, not family, income is taxed. A family with two workers, each earning $8,000 pays twice as much tax as a family in which a single worker earns $16,000. And two-worker families do not necessarily receive greater benefits eventually.

The legislation we are submitting would remove the inequities of the payroll tax without changing the basic structure of the social security system. The change involves no administrative headaches.

The bill we are proposing would remove the inequities and the regressivity from the payroll tax.

The ceiling on taxable income would be removed, including all wages in the tax base.

The personal exemptions and low-income allowance permitted on the Federal income tax could be subtracted from taxable income.

These changes would insure that the payroll tax be collected according to ability to pay. The tax would be collected on a family basis. Families with two wage earners would no longer be double taxed. Large families because of their greater needs would be taxed less than small families or single workers of the same income level.

This reform would lower the payroll tax for 63 million Americans. It would lower the tax for every family of four with an income under $14,500, for every married couple making less than $13,000, and for every single worker earning $12,250 or less. Even at the income level of $25,000, as many families would pay less in payroll tax under the proposed plan as would pay more. Only 8 million upper income Americans would pay more under the proposed changes.

The bill would take social security of the actuarial system and put it on a pay-as-you-go system. This change has been called for by several successive Presidential Advisory Commissions on Social Security. Recent blanketing-in provisions and raises in benefits which give current recipients payments far in excess of their original contributions have already made Social Security financing pay-as-you-go in reality. It is time to drop the costly formality of actuarial financing.

Under the proposed plan, the tax rate for employees would have to be set at 5.2 percent in order to finance current benefits. This rate would have to be raised in coming years to pay for scheduled benefit increases, but not as sharply as the rate increases provided for in H.R. 1.

The principle of equal contributions by employer and employee would be maintained by requiring the employer to pay tax or all wages paid, but at a reduced rate to compensate for deductions in the taxable income provided to employees. Initially this rate would be set at 4.5 percent.

Removing the ceiling on taxable income would provide naturally increasing revenues as personal incomes rise in the United States. The present benefits are totally inadequate for many of the elderly Americans now receiving social security.

Raising benefits to meet the rise in the cost of living and to give more adequate coverage to recipients will cost a great deal. The present tax structure cannot bear the increase. It already places too great a burden on those least able to pay.

Our proposal is not a substitute for general revenue financing and would not interfere with a partial financing of social security in that manner. I have long been in favor of general revenue financing, and hope that it will be undertaken. However, if general revenue financing is to be delayed, or gradually expanded as a supplement to the payroll tax, it is imperative that the payroll tax be made as equitable as possible.

NEW YORK'S BOND ISSUE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Tuesday the people of New York will vote on the transportation bond issue. I am supporting this measure because its passage appears to be the only viable means of saving the 30-cent fare at this time, and the maintenance of the fare is the overriding concern of all New York City residents. There are many faults with both the package which has been designed to save the fare and the proposed allocation of funds to be raised by the bonds, but the blunt truth is that any fare increase would create intolerable hardship for millions of people in our town, and we must take advantage of any plan that can avert an increase.

The package represents the only political compromise acceptable to those officials who must secure the State legislature's approval of the plan. This leaves New Yorkers with no real choice in the matter; we must support the bond issue or invite disaster.

Aside from "capital maintenance" money from the bond issue, the subsidy package as reported includes increased Triborough facility tolls and a subsidy from the city of New York of potentially $200 million in the next 2 years over and above the $250 million which the city annually contributes to the transit authority for operating costs and debt service. To say that the city is bearing an unduly heavy burden for the operation of the transit authority is to understate the case.

The city's share of the subsidy could be reduced according to the Governor and Dr. William Ronan if the Federal Government makes $100 million available in grants to the city for mass transit. I have introduced a bill, H.R. 10400 as amended, which would provide a 5-year, $1 billion emergency relief program for rapid transit systems and commuter railroads. Under my bill, the city would receive about $100 million in the first year of the program to pay for the maintenance and repair of rights-of-way. It is highly doubtful, however, that such legislation could be passed in time to aid our present fare crisis without the vigorous public support of Governor Rockefeller and other Governors across the country, and I urge Governor Rockefeller to work to marshal such support.

In the best of all possible worlds, I believe the bond issue should be studied on its merits alone without the entanglement of the fare issue. New York City residents would have good cause, in such a situation, to be skeptical of the bond issue. We have seen virtually no improvements in our subways since the passage of the 1967 bond issue which was successful only because of heavy city support. Given the continual dilapidation of our subways, we could well expect a far greater allocation of funds for mass transit than is now proposed by the State. When one considers the availability of matching Federal funds, it is clear that this bond issue may well provide more for highways than for mass transit. That is a real perversion of priorities, yet a very real probability. The State's recent contention, made before the New York congressional delegation, that $1 billion in matching Federal funds for mass transit would be forthcoming as a result of the bond issue is no more than wishful thinking.

It is regrettable that the bond issue cannot now be considered without the emotional complications of the fare issue. But it is essential to consider rationally the situation as it exists today, and such consideration dictates support of the bond issue, and I urge New Yorkers to so support it. I do feel, however, that this bond issue has been used as a ploy whereby the State has avoided the commitment it must eventually make to subsidize our subways. What we are faced with now is acceptable only as a stop-gap measure and I support it as such.

THE OZARK REGION IS FAST CATCHING UP IN HOUSING

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, in the Ozarks we revere the log cabin as a symbol of our past, but the limitations of living it represents are far behind us.

In housing as in many other ways, the Ozarks region is fast catching up with the best this country has to offer in modern advantages.

We are taking part in a breakthrough in rural housing achieved the past 2 years through the much improved services of the Farmers Home Administration, U.S. Department of Agriculture.

Three years ago, housing credit still was acutely limited in smaller towns and the countryside. Local lending institutions could not supply all the home financing needed in territory beyond the normal reach of city lenders. Housing in rural America remained in a state of widespread dilapidation and insufficiency, with insufficient housing twice as prevalent among rural families as in the cities.

One of the most distressing problems was that of finding a livable house or apartment for rent in a small town, priced within the means of elderly people living on modest retirement income; which they had seen fit to toil, sweat, and work for in securing their own futures.

Over all the 20 years from fiscal 1950 through fiscal 1969, FHA rural housing credit totaled $2⅓ billion—never as much as $500 million a year for the entire United States. In Missouri, the return of principal has always been over 100 percent due to prepayments.

However, President Nixon has now taken personal interest and action in this matter, with the result that the rural housing program has more than tripled within the fiscal years 1970 through 1972. It totals $3.8 billion for these 3 years—far in excess of all that was done in the previous 20 years. It appears the return will be greater than 100 percent still from grateful and well-housed farm operators.

These billions in new rural housing credit are being generated from private sources, through the better operations of the Farmers Home Administration.

This Department of Agriculture agency serves both farm and nonfarm rural people with insured housing credit, supplementing the conventional credit available. It is the same agency, serving the rural public through local county offices, that has long carried on bedrock services in agricultural credit for family farmers, and the rural community water and sewer program.

Farmers Home has developed new and highly effective ways of placing its insured loan notes either with local lenders, or with investors in distant centers of finance.

During the past 2 years, this system has drawn about $2.2 billion of extra capital from home loans into the rural United States, and this fiscal year it will produce a new annual high of $1.6 billion.

Nowhere is the impact of this new rural housing opportunity more apparent than in our Seventh Congressional District of southwest Missouri.

We stand first among all districts of the State in new family-owned housing realized from the FHA rural program.

More than 1,000 of the 4,700 homes produced in rural Missouri in fiscal year 1971 are in the Seventh District. This represents $11½ million of the $53 million of rural home building financed in Missouri through Farmers Home the past year.

Beneficiaries are the small town, farm, and other rural families of modest income, who realize their dream of owning an adequate, modernized home while they are building families and farms; the builders and suppliers who take part in building and equipping these houses; the whole communities where attractive new homes replace sagging, faded relics of an earlier day; and put a new, much more inviting face on a town or rural area.

Especially outstanding is Missouri's record in developing good apartment homes for senior citizens in rural communities.

We are the first State to build more than 1,000 such units. Projects in 50 smaller towns of Missouri have been organized by local community organizations. They operate as nonprofit corporations devoted to fulfilling a community need—the need for inexpensive but safe and modern housing where retired people may live in independence and dignity in the communities they call home.

These projects liberate our older people from the dismal alternatives of living in a house or room that is cheap only because of its decrepit condition, or of "doubling up with relatives."

In towns of our district such as Forsyth, Marshfield, Jasper, Stockton, Humansville, Fair Grove, Greenfield, and many others—typical senior citizen apartment projects are garden-style groupings of fourplex buildings, totaling some 20 apartment units and including a central activities room. Each unit has a livingroom, bedroom, dining area, fully modernized kitchen and bath.

State Director John O. Foster of the Farmers Home Administration supplies these figures or the projects:

> The average amount loaned per living unit is $8,295.58. All units are one-bedroom apartments except for eight efficiencies and 13 two-bedroom apartments. The rent for one-bedroom apartments varies from $35 to $55 per month where utilities are not furnished.

Here is an example of the vast difference in cost between solving rural problems with action in the rural communities, or taking care of people after they move to the city in distress.

The same type of apartments that cost about $8,300 per unit in our rural community projects, cost $16,500 per unit in public housing projects in larger Missouri towns and cities.

Mr. Speaker, every principal service of Farmers Home—in housing, agriculture and rural community facilities—has been strengthened at the expressed direction of President Nixon. Besides the great advance in rural housing credit, he has called for $700 million of insured lending through FHA for family farm ownership and operation this year, as compared with the $475 million level of recent years. He has raised the rural water and sewer loan program from the $200 million to the $300 million a year level.

The result is far greater progress than ever before, in stimulating the credit necessary for successful operation of the family farm, and bringing living conditions up to standard in long disadvantaged rural areas.

And as the agency charged with delivering these much increased resources to rural areas, the record of the Farmers Home Administration in all its programs reflects great credit upon our former colleague in Congress and neighbor at home, the Honorable James V. Smith of Oklahoma, National Administrator of FHA.

STEEL YOURSELF FOR TROUBLE IN METALS INDUSTRY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, yesterday the Wall Street Journal carried a couple of stories which highlight a special concern of mine relative to the depth and longevity of our present recession. A major article on page 1 reveals the woes of the aluminum industry. A further story on page 8 refers to a continuing pattern of earning loss in the copper industry. All the steel companies have similar tales of woes to spin.

This does not surprise me, Mr. Speaker, nor should any alert observer be shocked. The sadder, deeper truth is that this is neither a temporary nor a local phenomenon. Let me elaborate.

Throughout the industrialized countries the 1960's have seen an unprecedented expansion of the mineral extraction and metal processing. So much capital has been so diverted, in fact, that the consumption capacity of the industrialized countries is not capable of absorbing output even if times improved. In addition, it is precisely these industries which are in the forefront of the pollution problem. My prediction is, therefore, that we shall see a plateau of metal processing output in the highly industrialized countries for some time to come.

This fact suggests some painful alternatives. Like one: All such facilities in the free world in particular will have to operate below capacity. The pain of this is obvious when you realize that the economics of the business, especially true in aluminum, dictates that when you get below 90-percent capacity, you threaten all profit and below 85 percent, you move to sure loss. Like two: We have already experienced tough competition in the metal products lines within the free world market and the realities make it predictable that such competition could become not just fierce, but cruel. Like three: This could move us in the United States to more protectionism. The bad news here is that this game is already a greater threat to the Free World community than communism ever has been or will be.

Are we committed to a course that leads to disaster. Not if intelligent and thoughtful plans are made and implemented. And now, some of the requirements I believe are these:

First. We should prepare and encourage—yes, even fund—plans and programs to use domestic output of metals for programs in transportation and construction.

Second. Encourage leaders of the metal industries in the Free World to get together to mutually work out the most efficient uses of existing technologies and facilities and to make multinational approaches to existing and emerging markets.

Third. Support phaseout of U.S. facilities not competitive nor efficient.

Fourth. Enter into multinational accords, public and private, to develop the use of metal products in the third world—the so-called underdeveloped countries. This is one of the most important requirements. It undergirds the sense of urgency I believe we should have concerning the legislation for soft loans to underdeveloped countries through IDA in the World Bank, the Inter-American Development Bank, and the Asian Development Bank.

Believe me, Mr. Speaker, and fellow Members, this is a matter not of doing good, but rather serving our own obvious best interests. If we do not act constructively to meet the imperatives which arise out of the overcapacity we must live with for a longer time than anyone yet has foretold, then, I repeat, the risk is not only great; it is scary. We will see depression in the metals industry to some extent, increased competition, followed by protectionism reactions, in turn followed by deterioration in the whole free world—a world which seemed indestructible only a short time back.

I am not a doomsday prophet. It is not my nature to be negative. Can I not enlist some of you to share my concern and to join in a positive program for a realistic coping with this looming crisis?

Mr. Speaker, I include copies of the Wall Street Journal articles to be appended to these remarks and commended for sober reflection of all Members.

AILING ALUMINUM—ONCE-BOOMING INDUSTRY RUNS INTO BIG TROUBLE; OVERCAPACITY BLAMED

(By Roy J. Harris)

ALCOA, TENN.—This blue-collar company town, created and dominated by the country's biggest aluminum producer, ought to have been on the verge of a boom now. The company, Aluminum Co. of America, has been sharply expanding the capacity of its plant complex here, and it had planned to start up a new "super potline" for making aluminum ingots early in 1972.

But forget about a boom. Instead, it looks as if an economic bust is underway. The company's new $50 million-or-so plant addition, with a capacity of 100,000 tons a year, stands only partly finished, and it won't be completed before 1973, at the earliest. While "indefinitely" stalling completion, Alcoa also has closed a quarter of its existing plant capacity of 200,000 tons a year. And more than 800 Alcoa employes, nearly one-fifth of the company's normal work force, have been laid off.

This town's unexpected misfortune mirrors that of the industry as a whole. Once one of America's fastest-growing industrial teenagers, aluminum has developed into a mature industry with grown-up problems; overcapacity, price weakness, sluggish demand, tough foreign competition and environmental obstacles. "The era of a relatively small aluminum industry which had to run flatout at 100% of capacity is long gone," says W. H. Krome George, president of Alcoa. He recently told a gathering of aluminum executives that "one of us (producers) is feeling very well, some of us are pretty sick, and a few of us may not survive." Such woes are certain to preoccupy many of the 250 aluminum executives who are in New York today and tomorrow for the yearly meeting of the Aluminum Association, an industry group.

NO SILVER LINING

Overseas aluminum producers have expanded. So have the U.S. "Big Three," Alcoa, Reynolds Metals Co. and Kaiser Aluminum & Chemical Corp. And several new companies have started making aluminum in the U.S. All that has aggravated overcapacity. U.S. producers have responded by delaying planned expansions and idling some existing production facilities. Right now the industry's estimated operating rate is about 85% of capacity, the lowest figure in at least a decade.

Last year's recession and this year's half-hearted recovery have dampened demand for aluminum. Industry shipments fell 6.6% last year to just under 5 million tons. Early hopes for a significant pickup this year have dimmed.

The big capacity and the small demand have weakened prices and turned official price quotations into mere starting points for discounting. While the book price for aluminum ingot quoted by major producers is 29 cents a pound, actual selling prices are substantially lower. Citing "ridiculous" price shading, Consolidated Aluminum Corp. recently labeled the 29-cent quotation "completely fictitious" and sliced its own list price by more than 20%, to 23 cents a pound—a step analysts say other companies now are mulling.

BAN THE CAN

International troubles, particularly the fast expansion of foreign competitors, have chopped U.S. aluminum exports in half this year; last year, exports accounted for nearly 12% of total shipments of the domestic industry. What's more, political threats loom abroad; most of the bauxite ore the U.S. industry needs is mined in developing nations prone to instability and resentment toward U.S. mining interests.

The ban-the-can drive pushed by antilitter groups is aimed at aluminum as well as tin containers; environmentalists deem the cans a growing menace. But cans also happen to be one of the industry's fastest-selling and most profitable products. Oregon has outlawed ringtop cans, and other states and communities are considering doing the same. Another problem is the nation's electric-power pinch, which could cripple any industry upturn by inflating the operating costs of power-devouring aluminum smelters.

The combined effect of all those factors has pushed profits way down. Alcoa, Reynolds and Kaiser lumped together, earned $238 million in 1969; last year their profits dropped 11% to $211 million, and the downtrend is continuing this year. Analysts expect many companies to wind up with 1971 profits down between 30% and 75% from last year's already-depressed figure. This year's third quarter was the industry's worst in memory. Reynolds posted a $5 million loss, contrasted with a year-earlier profit of $8.5 million. Kaiser, which cut its dividend in half last month, had a 73% plunge in operating net. Alcoa profit dropped 77%.

THE GOOD OLD DAYS

It's all distressingly unlike the style in which industry executives are accustomed to operating. An industrial infant before World War II, aluminum emerged at the end of the war as a promising, fast-growing new business. In 1948, there were only three producers whose combined yearly capacity amounted to 641,500 tons. The industry's spectacular expansion since then has increased the number of primary domestic producers to 13, and industry capacity to 4.2 million tons a year. Growth prospects encouraged such outsiders as National Steel, Revere Copper & Brass and others to diversify into aluminum.

Research and aggressive selling spewed a steady stream of new aluminum products that vastly expanded the market. By holding prices low until aluminum got a strong foothold in a market, producers snatched sales away from products made of competing materials like steel, wood and copper. Home products—aluminum siding, awnings and storm windows—became important in the 1950s. Aluminum wire and cable that replaced copper, and aluminum cans that replaced steel, were big in the 1960s. And automobile makers steadily put more and more aluminum into cars.

In its two decades of fast growth, the industry's shipments multiplied by four-and-a-half times to 5.4 million tons in 1969 from 1.2 million tons in 1950. Despite an occasional slowdown, executives took it as a rule of thumb that aluminum shipments would increase yearly at twice the growth rate for the economy as a whole.

"Now I'd say 6% growth will be a more realistic figure when the gross national product rises 4%," says David Healy, a metals-industry analyst at the Wall Street firm of Burnham & Co. Mr. Healy and other analysts consider that the industry is, in a sense, a victim of its own success; the big increases in capacity partly responsible for its current troubles were planned during the mid-1960s, when aluminum profits were large and expansion seemed a good idea.

The industry, says Stewart R. Spector, an Oppenheimer & Co. analyst, "is at a crossroads." Mr. Spector thinks the aluminum producers must keep cutting back output or their troubles will worsen. "If they are to survive in their present form," he says, "the aluminum companies must make the right decisions regarding marketing strategy, operating rates and pricing policies over the next 12 months."

Aluminum executives themselves are engaged in an unaccustomed bit of critical self-analysis. "The industry," Alcoa's Mr. George said in a recent speech in England, "was built world-wide by men skilled in production and sales. No production man wants to be caught without enough plant capacity. No good salesman wants to stop setting new sales records. We would all be better off if more of our companies had been run over the past decade by cold-eyed financial types, by men who understand money, profits and return on investment to a greater degree than most of us." Mr. George was Alcoa's chief financial officer for years before becoming president, whereas current chairman John D. Harper was a production executive most of his career, and former chairman F. J. Close was a sales executive.

There are, of course, glimmers of optimism. Many executives are hoping that the administration's new economic policies will help lift the industry out of the doldrums. "This business changes from night to day very quickly," says Richard S. Reynolds, chairman of Reynolds Metals. The economy "is going to have to swing" to the better, he says.

Producers already have a stake in potentially fast-growing markets like rapid transit cars and mobile homes. And engineers have found new uses for the metal in all kinds of other construction, from residential house frames to skyscraper "curtain wall" exteriors. Industry executives believe also that the extra weight of safety and emission-control devices will encourage auto makers to put even more of the lightweight metal in cars; Chevrolet already uses an aluminum engine block in its Vega.

A SYSTEMS ANALYSIS APPROACH TO CAPITOL SECURITY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the bombing of the Capitol in March of this year brought forth a spate of proposals on how to improve congressional security. The more recent allegations that the spoken and written communications of Members and staff may be subject to surveillance of one kind or another by persons or groups not attached to the Congress are additional reasons why the Congress should act promptly to establish its own internal security unit.

What is needed is more than a mere expansion of the Capitol Police Force, more than intermittent sweeps of the buildings in search of electronic surveillance devices, and more than additional security measures at points of entry in the Capitol buildings. In a word, a comprehensive rather than a patchwork approach is what is required.

This can best be done by a systems analysis of Capitol Hill security requirements. Such an approach entails a comprehensive review of the threats and risks to which the Congress, including its personnel, facilities, and information, are subject and a subsequent formulation of minimum safeguards. I do not claim any special expertise in the technical aspects of a total security program. What I am sure of, however, is that the three principal elements of the Congress—its facilities, personnel, and information—are subject to risks and threats against which there are presently no protections or safeguards. Moreover, I doubt that some of these problems and threats have ever been seriously evaluated or that possible solutions have ever been formulated. I speak of responses to the risks of kidnap, blackmail, robbery, fires, riots, interception of communications, rifling of files, and optical surveillance among others. I also speak of the need to provide security for Members and staff in Washington, in their home States, and elsewhere.

Nothing is more important than that the people we serve have access to their Capitol facilities and to their representatives, and that the people's business be conducted in an atmosphere free of the fear of destructive and disruptive forces.

To assure maintenance of such an atmosphere Congress needs a single focal point for all security functions. In my opinion, only in that way can we guarantee a proper balance between security and accessibility.

A congressional security unit which I envision could serve as a valuable congressional adjunct in other areas. It could provide the necessary technical advice to Congress in the application of modern technology to the security problems of the Congress. It could also serve as a central point for the coordination of services provided to the Congress by the various Federal investigative agencies, including the Federal Bureau of Investigation, the Secret Service, the Internal Revenue Service, Defense Department agencies, and others. This particular responsibility of the congressional security unit would not only minimize duplication of effort resulting from referral of similar or identical security problems by Members or committees of Congress to more than one of these agencies, but also make more efficient and economical the provision of services by Federal investigative agencies. A not unimportant additional benefit would be that congressional oversight and review of the policies and operations of these Federal agencies could be conducted with greater independance and freedom.

It is important that both Houses act jointly in this area and that the programing for and operation of the congressional security unit be undertaken with the security considerations of the entire Congress in mind. It will not do for each body to go its own way in this vital area.

To carry out these purposes I am today introducing legislation which I hope will receive prompt and favorable consideration.

NOBEL PEACE PRIZE AWARDED TO WILLY BRANDT, CHANCELLOR, FEDERAL REPUBLIC OF GERMANY

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I want to bring to the attention of the House a matter which causes me grave concern.

A five-member committee of the Norwegian Parliament, chaired by Mrs. Aase Lionaes, herself a member of the Norwegian Labor Party, chose to award this year's Nobel Peace Prize to Willy Brandt, the Chancellor of the Federal Republic of Germany. The Norwegian Parliamentary Committee acted upon recommendation of a five-man committee whose most prominent member was Jens Otto Krag, the Premier of Denmark, who spoke on behalf of the Social Democratic bloc in the Danish Parliament. Another member of the nominating committee, who is well-known for his bizarre ideas, was Prof. Giorgio La Pira of Florence, Italy. Although German diplomatic sources in Norway had maintained that Chancellor Brandt had asked that his name be withdrawn from consideration, Mrs. Lionaes, the chairman of the Norwegian Parliament's Nobel Prize Committee, denied this rumor. However, since the chairman of the Nobel Prize Committee and the leading member of the nominating committee are outstanding members of parties belonging to the Social Democratic International, does not it suggest itself that West Germany's Social Democratic leadership was at least privy to—if not actively engaged in promoting—Chancellor Brandt's nomination and selection?

In the citation, the award committee stressed the "concrete initiatives—taken by Chancellor Brandt—leading to relaxation of tension." Among other points, the citation referred to the signing by West Germany of treaties of friendship with Poland and the Soviet Union. The ratification of these treaties by the German Parliament is domestically a highly contentious matter and not at all a generally accepted and uncontested policy of the Federal Republic. The award of the Nobel Peace Prize to Chancellor Brandt at this time, that is, shortly before the ratification debate in the German Parliament is, indeed, a strange and unusual sign of attempting to support one of the parties to a critical German domestic debate. This support comes from non-German bodies whose leading members stand in an interlocking relationship to the leadership of the German Social Democratic Party whose chairman, in turn, Chancellor Brandt is.

As usual, Mr. Speaker, I believe we must raise questions of this nature or we will end up cooperating with the plans of those who politically oppose us.

CHINA, THE UNITED STATES, AND THE UNITED NATIONS

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, yesterday I addressed this House on the vote of the United Nations to seat the Peoples Republic of China. I expressed my deep concern for the negative reaction which has been expressed by some who suggest that we ought to reduce our financial support for the United Nations. My colleague, Mrs. PATSY MINK, of Hawaii, gave a lecture on the subject of "China, the United States, and the United Nations," last night at the Asia House in New York City, which I believe will be of interest to the Members of this body and include it at this point in the RECORD, together with a letter on this same subject which was signed by 125 Members of this House:

SPEECH BY REPRESENTATIVE PATSY T. MINK

I am delighted to be able to join Mr. Porter McKeever and the distinguished members and guests of the Asia Society at this most dramatic time. When Dr. Tom Manton invited me to speak on the subject of "China, the United States and the United Nations", I assumed it would be timely but nobody dreamed of a stunning 76 to 35 U.N. vote just two days before! At best, some were predicting a close vote. The U.S. was to the very end predicting a victory. As it turned out, it was quite a triumph for the U.N. as a world deliberative body.

I regret that Secretary Rogers, Ambassador Bush and certain Members of Congress have deplored this vote, using such words as "day of infamy," a grave tragedy, and deplorable. Certain Members of the Congress have blatantly stated that nations we help through economic and foreign aid should be our captives, but "doublecrossed" us in this vote. They argue that since we no longer control the U.N. and have lost our ability to prevent the expression of honest world opinion that we should cut our monetary support and scuttle it through forced bankruptcy. It is one thing to fight with all we have to win a vote; it is quite another to use our wealth to kill the organization simply because we cannot any longer control it.

Last week Wednesday at a press conference I announced that 125 Members of the House had signed a letter to Ambassador Bush reaffirming our support of the U.N. regardless of the outcome of the China vote. I believe that there are others who would have signed such a letter but because of the pressures of time, I was unable to talk to all Members of the House who would have likely concurred. As it was, I secured over a hundred of those signatures personally by direct contact on the floor of the House.

I must advise that of these 100 or more Members I contacted, a significant majority favored the Administration's "Two China" policy. There is no doubt in my mind that the U.N. vote of Monday is not popular among my colleagues, nor is it popular in the country as a whole.

But the fact remains that the U.N. has voted and whether we approve or not, we must now move on to our larger responsibilities as a creator and not as a destroyer of this world institution.

I believe also that we must now undertake a broad campaign within our own country to explain the actions of the U.N. in terms of reality and end all these poisonous recriminations and threats which do not dignify our status as a super power.

Put simply, the U.N. merely decided that the People's Republic of China was a legitimate government of 700 million Chinese. Our President has stated as much too. What the U.N. was not willing to do was succumb to our rationale that it was not a simple delegation issue. The U.N. vote very clearly showed that it viewed this purely from the vantage point of which delegation was the legitimate representative of the 700 million Chinese. It agreed with us that Peking obviously was. What it refused to go along with is the fiction that the change in recognition required making a separate government out of the other delegation whose credentials were no longer being recognized.

Perhaps I could be more charitable if I believed that our position was sound or even based upon national security considerations required for the preservation of our country. But the reasons for all these antics are simply our national ego and pride. Having held a position for 21 years, we could not simply acquiesce without "loss of face." I always thought that this phenomenon was essentially an Oriental "hang-up" but I find that it has afflicted the Occident with rare intensity of late.

Under the rationale that we could not let a true friend down, we came up with a policy of supporting the Nationalist regime's claim to the territory of Taiwan, because it had occupied it through military force since 1949. In politics as well as diplomacy there are times we must choose up sides and defend our 'friends' but when the votes are counted and our friends lose, I hardly believe that our national interest requires that we not continue to mope and prolong the spectacle of defeat.

Our loss of face at the U.N. will feed fuel to the fires of the ultra-right in this country who have always hated the U.N. and sought to have us withdraw from it. They have even condemned our children for collecting funds on Halloween for UNICEF!

I believe that we have come to this point in U.N. history because of certain initiatives taken by President Nixon early in his Administration. His decision to permit travel and to liberalize trade, and of course, his announcement of a personal visit to Peking guaranteed a new U.N. attitude on the question of The People's Republic of China. No longer do we see in our prestigious newspapers headlines about 'Red' China. It has overnight become a respectable nation, entitled to be referred to as a legitimate government.

Having ourselves created this aura of acceptance, it could hardly be expected that other countries would not do the same. Where before they joined us in our efforts to 'outlaw' this country, since we no longer respected our own embargo, there was no reason for them to be stuck with it, in fact, it was imperative that they too change and thereby convince Peking that they were not 'puppets' of the United States.

While we were busy shaking hands with Chou En Lai, it was difficult for anyone to believe that our defense of the Nationalist government was anything more than a political debt required by our past commitments and as a token gesture to appease the right-wing who were attacking the President for playing 'ping-pong' with freedom.

I would like to give President Nixon credit for initiating a move away from our previous hard-line stand. I do not know whether he foresaw the inevitable result of the U.N. vote and therefore acted, but certainly the State Department must have been as aware as all other observers that the United Nations was bound to recognize Peking this fall. Only the fate of Taiwan was at issue. We agreed that Peking should have both a seat in the General Assembly as well as the Security Council seat.

The President must have seen a need to make an accommodation, and he chose the dramatic route of personal diplomacy. By doing so, I think he helped to avert widespread hysteria in our country. The cries of outrage in Congress and elsewhere are bad enough now, but think of what they would have been had our government been totally committed once again to its blind course of completely excluding Peking from international councils.

As it was, the presence of Dr. Kissinger in Peking at the time of the crucial U.N. debate was no accident. I believe this fact alone probably was the key to the startling large vote in Peking's favor. The signal to many small nations was clear: we considered the People's Republic more important, and no matter what, the White House was determined to continue its detente. If indeed this was where the ball game was to be played—why should they be left out in the cold, supporting Taiwan when even the U.S. was moving beyond to the capital of Peking.

And so, the decision to send Dr. Kissinger on his dramatic second journey to Peking put the President's own seal on the policy of continued dealings with the mainland government, and I believe turned around the votes of many countries which were trying desperately to "read" our real intentions.

I can sympathize with their problem, since our course was at best ambiguous. The ploy of opposing the second part of the Albanian Resolution—to exclude Taiwan—was completely incongruous at a time when we had just demonstrated our ability to grasp the realities of world politics.

It is remarkable that we saw no conflict between recognizing Peking on one hand and supporting Taiwan on the other. We were simply the victims of our own propaganda. You can't denounce a country as savages to a whole generation of Americans, as we did for 21 years by picturing the Chinese Communist government as some kind of sub-human evil dragon from the mysterious East, ready to butcher civilized people, and then have these same Americans accept overnight the principle of full U.N. recognition of this same China.

And so we tried to reserve a spot for the "good guys" on Taiwan even as we tried to welcome Peking. Our erratic handling of the issue made it difficult for other nations to understand what we were seeking. My own view is that there were other ways of handling the China question without violating our "Boy Scout" Ethic.

The overall vote itself was a tremendous victory for world peace, and we should take cheer by it. It is a giant step forward. The full recognition of 700 million Chinese will strengthen the U.N. Their participation should greatly ease international tensions as differences are worked out through discussions rather than under the ominous threat of nuclear war.

What the United States does now, however, is terribly important, for unless we change our attitudes very quickly, we could continue the same destructive dichotomy that has plagued us for all these 21 years. It is imperative that we work toward a realistic and harmonious rapprochement between Peking and Taiwan that will prevent us from being drawn into another Vietnam war years from now.

The significance of the U.N. vote is that Taiwan has been cut off from the moral support of that distinguished international body which has voted repeatedly for 21 years to recognize its delegates as the spokesmen for all of China not only in the General Assembly but in the Security Council as well.

It was possible previously to construct a rationale for our support of the Taiwan government; after all, most of the other nations in the world did also. Now they do not, and we must accept this reality.

Suggestions have emanated from Peking

that the Chinese government is content to let time deal with the problem of the exiled Nationalists on Taiwan. Even after Chiang kai-Shek is gone, it is doubtful that the Nationalists would agree to letting the local Taiwanese assume control. Some say that a bloody civil war between the 14 million Taiwanese and the two million Nationalists is inevitable.

If so, there is a danger that, should we continue our support for the Nationalist regime in Taiwan, we will be forced to choose sides in this internal struggle. It will be another Vietnam. On the other hand, if we ignore Taiwan, we may be permitting a bloodbath to occur. I am not among those who look with stoicism on such a prospect, as if it were a necessity in order to establish a solid political order; that is a racist attitude which presumes that it is perfectly all right for Asians to kill one another as long as the end result is "good".

So I feel that our policy now should be to work to prevent a resolution of Taiwan's ultimate status by military means. I should emphasize immediately that it is not for us to meddle in the future political status of Taiwan. This is the responsibility of the people of China and Taiwan. At the same time, we can at least support in principle those steps which are most likely to achieve an amicable accord, and remove any barriers which might interfere with that objective.

It seems obvious to me that our government will soon seek diplomatic relations with Peking. We can then work to persuade Peking to permit free elections on Taiwan perhaps even under United Nations supervision should violence threaten. Peking might be persuaded that the government thus elected on Taiwan would be willing to deal with it as to the ultimate status. The U.S. commitment to self-determination would be likewise honored. It may be that Taiwan could eventually become an autonomous Chinese state much as Byelorussia and Ukraine are autonomous states of the Soviet Union. This final outcome would serve to vindicate our smashing defeat this past Monday.

There is no reason why our government should not also maintain cordial relations with the government now in power in Taiwan—although such should not be construed to guarantee military support. Our military commitments to Taiwan, entered into long before it became obvious that the rest of the world did not recognize the validity of the Taiwanese claim to sovereignty over all of China, must now be reassessed.

In 1969, I was offered, and I accepted, the Chairmanship of a U.S.-China Committee within the Members of Congress for Peace Through Law, a bipartisan, unofficial organization seeking to promote world peace.

Last year in a series of luncheon meetings, our Committee heard from a number of experts on China. Statements were given by the Honorable Elliot Richardson, then-Under Secretary of State; Mr. Harrison Salisbury, Assistant Managing Editor of the New York Times; Honorable Alvin Hamilton, former Canadian minister of agriculture and negotiator of the Sino-Canadian wheat agreement; Mr. Pat Clever, Canadian businessman; Dr. Jeremy Stone of the Council on Foreign Relations; Dr. Noel Brown of New York; Professor Jerome A. Cohen of the Harvard Law School; and Mr. Fox Butterfield, New York Times correspondent. We were also fortunate to have papers presented at these same meetings by our colleagues, Congressman Paul Findley, Senator Walter Mondale, Congressmen Charles Whalen, Robert Leggett, Jonathan Bingham, and Morris Udall, and Senator Dan Inouye.

At these meetings, which were attended only by the Members of Congress, we tried to explore in depth all of the major ramifications of U.S.-China policy. I might add that our Committee laid the groundwork for these studies by preparing an extensive report on the historical, political, and military aspects of the People's Republic of China. At the conclusion of our series, I submitted a summary and recommendations. The Members of Congress who associated themselves with these recommendations were Senators Hatfield of Oregon, Harold Hughes of Iowa, George McGovern of South Dakota, and Walter Mondale of Minnesota; and Representatives Bella Abzug of New York, John Conyers of Michigan, Robert Drinan of Massachusetts, Don Edwards of California, Paul Findley of Illinois, Don Fraser of Minnesota, Mike Harrington of Massachusetts, Augustus Hawkins of California, Robert Kastenmeier of Wisconsin, Abner Mikva of Illinois, Bertram Podell of New York, Thomas Rees of California, Henry Reuss of Wisconsin, Donald Riegle of Michigan, Howard Robison and Benjamin Rosenthal of New York, Edward Roybal of California, William Ryan and James Scheuer of New York, Frank Thompson of New Jersey, and Charles Whalen of Ohio.

None of us are, of course, experts on China, however I believe that we do express a point of view which was arrived at after full and deliberate consideration of the problem.

Our statement was as follows:

"We commend and support the recent initiatives by President Nixon which have moved us toward the goal that he has set for his administration—normalizing relations with the People's Republic of China.

In the light of this new atmosphere in bilateral relations between the United States and China, we must now take the next logical step—advocated also by the President—to assure that representation of the People's Republic of China in the United Nations. We should recognize what is inevitable—that the China seat in the U.N. will be occupied by representatives of the People's Republic of China.

The status of Taiwan should be initially handled as a matter for the United Nations Trusteeship Council. We look forward to an ultimate resolution of the status of Taiwan to be decided by the peoples on both sides of the Taiwan straits.

For the United States the necessity of expanding cultural, economic and social relations to include diplomatic relations with the People's Republic of China will become increasingly obvious. We should undertake this step as soon as feasible.

"Friendship between the United States and China has been a hallmark of U.S. foreign policy during the last 200 years. The hostility of the last 20 years has been a deviation of that long range policy from which we must return. Let historians write that 1971 was the watershed year which marked a return to an era of friendship and cooperation between the United States and China."

It is my belief that a solution to the status of the people who inhabit Taiwan, now without portfolio as the government of all of China, yet unoccupied by the People's Republic of China, could well be a matter for the U.N. to consider. We need the interest of the U.N. to provide the peaceful mechanism for negotiations and discussions which must take place between the People's Republic and the people of Taiwan. More importantly, U.N. presence could provide an orderly transition needed to avert a human catastrophe for the people of Taiwan who must sooner or later be given the right to determine their future allegiance.

However, the nettlesome issue of Taiwan should not be allowed to divert our attention from our larger goals. It is extremely important that our people understand the benefits that will derive in terms of cultural contacts, trade, and reductions in world tensions that can flow from cordial relations with China. No longer can we afford to ignore their existence or picture the Chinese as inscrutable, sinister enemies. We must recognize them first of all as human beings, and then go on to deal with them as the exigencies of international affairs require.

It is now time to "open" China again to contacts with the west. But it is really the United States which is being "opened" by the force of world opinion to the emergence of a China quite unlike the outlaw we have long portrayed it as being. She is in truth a major factor in world affairs and is now taking her place among the United Nations.

This is why we were for the first time deserted by all our western allies such as Great Britain, Canada, and France all of whom voted against the United States position. They recognize that the west must be "opened" to China, and that dogmatically held positions must be changed.

It must also be said that the recognition of China by the U.N. will be no automatic panacea for the immense problems that have plagued that organization. We cannot predict whether the Chinese efforts will be negative, or positive in accordance with the goals of the U.N.

Certainly the issues will be vastly more complex. If times were perilous with just the Soviet Union there to frustrate us, it could be even more so with China in our midst. But far from being an argument for us to now withdraw in defeat, this is a compelling reason why we should not only maintain but increase our participation in the U.N. It will be vastly more important now as the U.N. becomes an even more meaningful body due to the representation of China, for us to preserve our voice in the decision that will be made.

We must be prepared for any eventuality—negative or positive. Possibly the United States can serve an arbiter's role in areas of conflict between the super powers Russia and China. If we pull out, it will confirm Russian suspicions that our turnabout on China was designed to install in the U.N. an adversary which would do our battles for us against the Soviets. Some Russian officials have felt that we were trying to capitalize on the poor relations between these two countries. I think it would be a terrible mistake to allow the U.N. to become a mere debating platform for the antagonisms of the Soviet Union and China. We can avoid this by using our influence to mollify the conflicts and strive for compromise agreement; but if we withdraw we will be surrendering our power to influence the international pursuit of peace.

Those of us who serve in Congress and who are concerned with maintaining the United States contributions to the U.N. will be redoubling our efforts to prevent a retrenchment. I urge your resolutions and assistance in rallying such support.

Beyond this, an objective for all Americans who truly seek a better United States perspective of Asia will be to educate the public and even our governmental officials to the reality of the U.N. decision. The term "Red China" should disappear from the national lexicon and be replaced simply by "China".

We must strive to cleanse public opinion of the years of negative propaganda aired about the Chinese, for we will be dealing with them on an increasing basis over the years ahead.

Just as we accepted the existence of Russia as a nation to be reckoned with in world politics, we must similarly recognize the necessity of communication and accord between the rest of the world and the 700 million people of China.

This is a task, of course, toward which the Asia Society has been working for years, and I know that at this most crucial time your efforts will doubly important.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 13, 1971.
Hon. GEORGE BUSH,
Ambassador, U.S. Mission to the U.N., New York, N.Y.

DEAR MR. AMBASSADOR: We believe that a strong United Nations is an essential element in the creation of a just and peaceful world. We believe that you share our views.

We were deeply distressed to read statements ascribed to other Members of Congress threatening a dramatic reduction in U.S. financial support for the U.N. if the Republic of China were to be expelled from that body.

However we as individuals may feel on the particular issue, nothing could be more damaging to our genuine national interest than for us so to undermine the foundations of the United Nations. For years the United States has fought the efforts of other U.N. members to exercise a financial veto over its activities by withholding funds. It takes little foresight to perceive that should this practice become widespread, the U.N. will cease to function at all in any meaningful way. The recent criticism by Narcotics Bureau Director Ingersoll of countries which are refusing to contribute to a U.N. anti-drug program poses an ironic counterpoint to the suggestion of withholding funds, and serves to underline the danger to our interests of such a course.

We firmly believe that our efforts, like yours, must be dedicated to strengthening the U.N., not simply for its own sake, but also because the attainment of a world in which international cooperation prevails ought to be at the heart of our foreign policy. We urge you to make clear that our government remains committed to that goal.

LIST OF HOUSE MEMBERS

Brad Morse of Massachusetts.
William F. Ryan of New York.
Ogden Reid of New York.
Benjamin Rosenthal of New York.
Herman Badillo of New York.
Lionel Van Deerlin of California.
Don Edwards of California.
Sidney Yates of Illinois.
John Sieberling of Ohio.
Nick Begich of Alaska.
Parren Mitchell of Maryland.
Ronald Dellums of California.
James Corman of California.
Glenn Anderson of California.
Bob Eckhardt of Texas.
Robert Drinan of Massachusetts.
Don Fraser of Minnesota.
William Ford of Michigan.
Ella Grasso of Connecticut.
James Scheuer of New York.
John Dent of Pennsylvania.
James O'Hara of Michigan.
Bob Leggett of California.
Lee Hamilton of Indiana.
Edward Roush of Indiana.
Charles Vanik of Ohio.
William Hungate of Missouri.
John Conyers of Michigan.
Emanuel Celler of New York.
Abner Mikva of Illinois.
Lucien Nedzi of Michigan.
Robert Nix of Pennsylvania.
Joseph Karth of Minnesota.
Ken Hechler of West Virginia.
Paul Sarbanes of Maryland.
William Green of Pennsylvania.
Louis Stokes of Ohio.
Harold Johnson of California.
Shirley Chisholm of New York.
Henry Helstoski of New Jersey.
Robert Roe of New Jersey.
Mike Harrington of Massachusetts.
John Dellenback of Oregon.
Patsy T. Mink of Hawaii.
Bob Kastenmeier of Wisconsin.
Spark Matsunaga of Hawaii.
Bella Abzug of New York.
Frank Evans of Colorado.
Brock Adams of Washington.
Claude Pepper of Florida.
James Howard of New Jersey.
Edward Roybal of California.
James Abourezk of South Dakota.
Teno Roncalio of Wyoming.
John Culver of Iowa.
Bertram Podell of New York.
Dante Fascell of Florida.
Thomas Rees of California.
Augustus Hawkins of California.
Henry Reuss of Wisconsin.
Phillip Burton of California.
John Brademas of Indiana.
Dominick Daniels of New Jersey.
Frank Thompson, Jr., of New Jersey.
William D. Hathaway of Maine.
John Moss of California.
Charles Rangel of New York.
Morris Udall of Arizona.
Lloyd Meeds of Washington
Hugh Carey of New York.
John Dingel of Michigan.
Joshua Eilberg of Pennsylvania.
Fernand St Germain of Rhode Island.
Andrew Jacobs of Indiana.
Robert Tiernan of Rhode Island.
William Moorhead of Pennsylvania.
Cornelius Gallagher of New Jersey.
Peter Kyros of Maine.
Jonathan Bingham of New York.
Sam Gibbons of Florida.
Bob Bergland of Minnesota.
Thomas O'Neil of Massachusetts.
Clarence Long of Maryland.
Arthur Link of North Dakota.
John McFall of California.
Bill Frenzel of Minnesota.
Peter Frelinghuysen of New Jersey.
Frank Horton of New York.
Paul McClosky, Jr. of California.
William S. Broomfield of Michigan.
Paul Findley of Illinois.
Gilbert Gude of Maryland.
Howard W. Robison of New York.
Charles Whalen, Jr., of Ohio.
Silvio O. Conte of Massachusetts.
Donald W. Riegle, Jr., of Michigan.
Margaret M. Heckler of Massachusetts.
Charles A. Mosher of Ohio.
Richard Bolling of Missouri.
Carl Albert of Oklahoma.
Floyd V. Hicks of Washington.
Henry B. Gondalez of Texas.
Edward Garmatz of Maryland.
Chet Holifield of California.
Hale Boggs of Louisiana.
Ken Gray of Illinois.
William R. Anderson of Tennessee.
Mike McCormack of Washington.
Thomas E. Morgan of Pennsylvania.
Julia B. Hansen of Washington.
Edward Boland of Massachusetts.
Joseph M. McDade of Pennsylvania.
Ray Madden of Indiana.
Edward Patten of New Jersey.
Joseph Minish of New Jersey.
John Blatnik of Minnesota.
Thomas Foley of Washington.
William Clay of Missouri.
Jim Symington of Missouri.
John Dow of New York.
Jerome Waldie of California.
Fred Schwengel of Iowa.
George Miller of California.
Edward Koch of New York.
Peter W. Rodino of New Jersey.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE (at the request of Mr. PREYER of North Carolina), from today at 3 p.m. through November 7, on account of official business.

Mr. FOUNTAIN (at the request of Mr. PREYER of North Carolina), on October 28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. RHODES, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. ESCH, for 5 minutes, today.

Mr. SCHWENGEL, for 1 hour, on November 4, 1971.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. ICHORD, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. MURPHY of Illinois, for 15 minutes, today.

Mr. DULSKI, for 10 minutes, today.

Mr. HARRINGTON, for 10 minutes, today.

Mr. MOORHEAD, for 30 minutes, on November 1.

Mr. CORMAN, for 60 minutes, on November 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances.

Mr. ROUSH.

Mr. ULLMAN, to revise and extend his remarks on the bill H.R. 4590.

Mr. QUIE and to include extraneous matter with his remarks made today in the Committee of the Whole.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. CAMP.
Mr. QUIE in three instances.
Mr. PELLY.
Mr. LANDGREBE.
Mr. HOSMER.
Mr. GERALD R. FORD.
Mr. WYMAN in two instances.
Mr. BROTZMAN.
Mr. DERWINSKI in three instances.
Mr. SCHMITZ in three instances.
Mr. McCLOSKEY.
Mr. WYLIE in two instances.
Mr. BRAY in two instances.
Mr. PRICE of Texas.
Mr. CARTER in two instances.
Mr. HORTON.
Mr. GROSS.
Mr. COUGHLIN.
Mr. BROOMFIELD in two instances.
Mr. RAILSBACK.
Mr. SCHWENGEL in two instances.
Mr. MIZELL in five instances.
Mr. MICHEL.
Mr. BAKER.
Mr. SPENCE.
Mr. SCOTT.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous material:)

Mr. MATSUNAGA.
Mr. ROY.
Mr. BADILLO in two instances.
Mr. JACOBS.
Mr. HAMILTON in three instances.
Mr. DIGGS.
Mr. NICHOLS in two instances.
Mr. VAN DEERLIN.
Mr. WALDIE in six instances.
Mr. BLATNIK in two instances.
Mr. CLAY in eight instances.
Mr. HAGAN in three instances.
Mr. STUBBLEFIELD in two instances.
Mr. JAMES V. STANTON.
Mr. ROYBAL in 10 instances.
Mr. DENT.
Mr. EVANS of Colorado.
Mr. CORMAN in three instances.
Mr. RODINO.
Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in three instances.
Mr. DRINAN in two instances.
Mr. MIKVA in two instances.
Mr. MOORHEAD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 79. An act for the relief of the Glover Packing Co.; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10458. An act to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following titles:

H.R. 10458. An act to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, November 1, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1233. A letter from the Deputy Assistant Secretary of the Interior for Management and Budget, transmitting a report of the receipts and expenditures of the Interior Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953 for fiscal year 1971, pursuant to section 15 of the act; to the Committee on the Judiciary.

1234. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 20, 1971, submitting a report, together with accompanying papers and illustrations, on Long Island, Port Isabel, Tex. (dust control), authorized by Public Law 88-326, 88th Congress, approved June 29, 1964; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1235. A letter from the Comptroller General of the United States, transmitting a report on the need to recover the costs of processing business reply mail, U.S. Postal Service; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLATNIK: Committee on Public Works. H.R. 11423. A bill to extend the Federal Water Pollution Control Act until January 31, 1972 (Rept. No. 92-594). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 11465. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veteran's Affairs.

By Mr. BADILLO (for himself, Mr. BURTON, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRENZEL, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. KOCH, Mr. MADDEN, Mr. MITCHELL, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. RYAN, Mr. STOKES and Mr. SYMINGTON):

H.R. 11466. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. BIAGGI:

H.R. 11467. A bill for the relief of residents of northern Ireland; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. WILLIAMS, Mr. BEVILL, Mr. BARRETT, Mr. HECHLER of West Virginia, Mr. GERALD R. FORD, Mr. HALPERN, Mr. THONE, Mr. ROBINSON of Virginia, Mr. WAGGONNER, Mr. BAKER, Mr. SYMINGTON, Mrs. CHISHOLM, Mr. WINN, Mr. FREY, Mrs. GRASSO, Mr. RHODES, Mr. PETTIS, and Mr. YATRON):

H.R. 11468. A bill to require that all schoolbuses be equipped with seatbelts for passengers and seatbacks of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN (for himself, Mr. DUNCAN, Mr. BAKER, Mr. CLARK, and Mr. DAVIS of Wisconsin):

H.R. 11469. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself and Mr. HARRINGTON):

H.R. 11470. A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954, and title II of the Social Security Act, to reduce social security tax rates and provide a new method for their determination in the future, to remove the dollar limitation presently imposed upon the amount of wages and self-employment income which may be taken into acount for tax and benefit purposes under the old-age, survivors, and disability insurance system (making allowance for personal income tax exemptions and the low-income allowance in determining such amount for tax purposes), and to increase benefits under such system to reflect the new tax and benefit base; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 11471. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology, and for other purposes; to the Committee on Banking and Currency.

By Mr. HAMILTON (for himself, Mr. CHARLES H. WILSON, Mr. MORSE, Mr. YATRON, Mr. HALPERN, Mr. HARRINGTON, Mr. STOKES, Mr. BUCHANAN, and Mr. LLOYD):

H.R. 11472. A bill to establish a Joint Committee on National Security; to the Committee on Rules.

By Mr. HORTON (for himself and Mr. CONABLE):

H.R. 11473. A bill to amend the Social Security Act to increase temporarily (for all States presently below the maximum) the Federal matching percentages under the cash public assistance and medical assistance programs; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. BRADEMAS, Mr. MCCLOSKEY, and Mr. ROY):

H.R. 11474. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. KOCH (for himslef, Mr. CLEVELAND, and Mrs. GRASSO):

H.R. 11475. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MONAGAN (for himself, Mr. GIAIMO, Mr. FASCELL, and Mr. PEPPER):

H.R. 11476. A bill to establish the Office of Congressional Security, and for other purposes; to the Committee on Rules.

By Mr. ROY:

H.R. 11477. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 11478. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States, Canada, and Mexico at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees, and for other purposes; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 11479. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Waggonner, Mr. Sikes, Mr. Abernethy, Mr. Archer, Mr. Ashbrook, Mr. Baker, Mr. Blackburn, Mr. Del Clawson, Mr. Collier, Mr. Dickinson, Mr. Dowdy, Mr. Edwards of Louisiana, Mr. Fisher, Mr. Goldwater, Mr. Griffin, Mr. Haley, Mr. Hall, Mr. Hosmer, Mr. Hunt, Mr. Hutchinson, Mr. Johnson of Pennsylvania, Mr. King, and Mr. Minshall):

H.R. 11480. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H.R. 11481. A bill to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes; to the Committee on Armed Services.

By Mr. HALL:

H.R. 11482. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 11483. A bill to order the construction of a Veterans' Administration hospital in the southern area of New Jersey; to the Committee on Veterans' Affairs.

By Mr. KOCH:

H.R. 11484. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 11485. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MIKVA:

H.R. 11486. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for depreciation for a taxable year in which a residential property does not comply with requirements of local laws relating to health and safety, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. Teague of Texas, Mr. Downing, Mr. Fuqua, Mr. Symington, Mr. Flowers, Mr. Seiberling, Mr. Davis of South Carolina, Mr. Pelly, Mr. Wydler, Mr. Winn, Mr. Frey, Mr. Coughlin, Mr. Cabell, Mr. Roe, Mr. Price of Texas, Mr. Sikes, Mr. Bennett, Mr. Haley, Mr. Fascell, Mr. Rogers, Mr. Young of Florida, and Mr. Pepper):

H.R. 11487. A bill to authorize the Administrator of the National Aeronautics and Space Administration to convey certain lands in Brevard County, Fla.; to the Committee on Science and Astronautics.

By Mr. PATMAN:

H.R. 11488. A bill to amend section 404(g) of the National Housing Act; to the Committee on Banking and Currency.

By Mr. SMITH of New York:

H.R. 11489. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969; to the Committee on the District of Columbia.

By Mr. STUCKEY:

H.R. 11490. A bill to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; to the Committee on the District of Columbia.

By Mr. THONE:

H.R. 11491. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. WAGGONNER (for himself, Mr. Sikes, Mr. Crane, Mr. Baring, Mr. Broyhill of Virginia, Mr. Duncan, Mr. Flynt, Mr. Gross, Mr. Landgrebe, Mr. Price of Texas, Mr. Rarick, Mr. Roberts, Mr. Robinson of Virginia, Mr. Rousselot, Mr. Satterfield, Mr. Scherle, Mr. Schmitz, Mr. Spence, Mr. Springer, Mr. Steiger of Arizona, Mr. Thompson of Georgia, Mr. Yatron, Mr. Young of Florida, and Mr. Zion):

H.R. 11492. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H.R. 11493. A bill to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to illegally transport into the United States certain aliens, and for other purposes; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.J. Res. 937. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.J. Res. 938. Joint resolution to amend title 5, United States Code, in order to designate November 11 of each year as Veterans Day; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.J. Res. 939. Joint resolution to extend the authority conferred by the Export Administration Act of 1969; to the Committee on Banking and Currency.

By Mr. BROOKS:

H. Con. Res. 441. Concurrent resolution authorizing the printing of "The Joint Committee on Congressional Operations: Purpose, Legislative History, Jurisdiction, and Rules" as a House document, and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

279. Mr. BRINKLEY presented a memorial of the senate of the State of Georgia, requesting Congress to propose an amendment to the Constitution of the United States to give students the right to attend the public school nearest their place of residency; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SCIENCE AND PUBLIC POLICY PROGRAM, UNIVERSITY OF OKLAHOMA—STATEMENT OF GOALS

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. STEED. Mr. Speaker, the University of Oklahoma has established a new science and public policy program, concentrating on a field where there is a serious and obvious need for effective service.

With the rapid and increasing changes in our society technology assessment is an area we cannot afford to ignore. The assessment of the changes associated with the development of particular technologies is a challenging assignment

The new science and public policy program began operating last month under the direction of Don E. Kash, with Irvin L. White, assistant.

Its statement of goals is as follows:

Science and Public Policy Program, the University of Oklahoma—Statement of Goals

The Science and Public Policy Program was established at the University of Oklahoma in September, 1970. The Program is an autonomous budgetary unit under the Provost of the University.

Technology assessment—the anticipation of beneficial and undesirable second and higher order consequences associated with the development and application of particular technologies—will be the research focus of the program. Recognition of society's need for such a capability is widespread, and development efforts are underway in government, industry, non-profits, and other universities as well as at the University of Oklahoma. Our particular effort will be to assess specific technologies, attempting to project their development ten to fifteen years into the future, the goal being to contribute to the development of society's capacity for maximizing benefits and minimizing the social costs associated with the application of any particular technology.

Our technology assessments are to be undertaken by interdisciplinary core research teams comprised of six to eight persons. Our plan is to use organization, physical setting, and common interests as a means for developing a truly collegial assessment capability. When necessary, the skills and expertise of the core team will be supplemented by bringing in outside consultants.

The teams are expected to produce a report of their completed assessment within a twelve to eighteen month time limit. The reports will be published and distributed widely, the goal being to provide new information and knowledge to those charged with decision-making responsibility in the technological area being assessed, information and knowledge from a broader overviewing perspective than would otherwise be available to them. Of course, many of the assessment projects are likely to require that the core team interact with these potential users during the course of their assessment, and this is likely to speed the communication process.

Following the completion of each assessment, the core team which performed the research will offer a universitywide undergraduate course focusing on the technologies and problems assessed. These courses are an attempt to respond to a very real need to assist students in recognizing the linkages among disciplinary areas. Interdisciplinary courses have often failed because the participants are unable to communicate across disciplinary language barriers and because most of the courses are segmented: that is, they often are organized to provide for a number of specialists to present a series of lectures, each from his own disciplinary point of view. In contrast, our assessment teams will have the advantage of being able to base their team teaching on a common research base, a base that required an intensive interdisciplinary effort.

The first core team is now being assembled and the expectations is that the first project—an assessment of the technologies associated with locating, producing, and transporting oil in offshore areas—will get underway in September, 1971. A second assessment project in the bio-medical area is in a preliminary planning stage.

A LETTER THE PRESIDENT DID NOT READ

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WALDIE. Mr. Speaker, on his recent television appearance at which time he explained phase II of his economic program, President Nixon read excerpts from several letters he had received regarding his initial freeze policy.

I would like at this time, Mr. Speaker, to place in the RECORD a letter I received from a constituent who does not share the views of those correspondents of the President.

I think this letter, from Mrs. Trudy D. Jara, of Concord, Calif., demonstrates the feelings of many, many Americans.

The letter follows:

Congressman WALDIE.

DEAR SIR: President Nixon read letters on TV of support for the wage and price freeze. It is more interesting to us to know what the yearly earnings of such letter writers are.

As a family of four we find it very difficult to survive on the gross earnings of $9000 a year.

With rent for a two bedroom home plus gas & utilities to keep it livable we pay an average of $198.00 a month.

Our take home per month average is $550.00. That makes our rent 36% of our monthly take home pay.

It is impossible for us to purchase a home, because $750.00 gross a month will not qualify us for a $22,500.00 home. That is not a large home either—Two bedrooms and one bath.

We hope that you will start to support the middle man or low income families.

This income group needs help!

If union contracts are not honored and the increases continue, even at a slow pace, we, the families who work for a living will be making less than the average welfare family.

We hope that you will try to impress upon the Congress that $9,000.00 gross a year is really very little money for a family of four.

Vacations are impossible for there is no money left at the end of a year for such luxuries.

We can't even afford an evening out or the drive-in movie anymore.

Without the pay increase which was guaranteed in the Railroad contract with Southern Pacific Police Patrolmen, we will never be able to buy a home or even take a week's vacation.

You must agree that this is a very poor existence. It is not living!

Sincerely yours,

TRUDY D. JARA.

NATIONWIDE SUPPORT FOR PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WYLIE. Mr. Speaker, several hundred letters have come into my office recently supporting House Joint Resolution 191, the amendment to permit nondenominational prayer in public schools. Four deserve to be given special attention because they demonstrate support among church leaders and public school officials.

The first letter is from the members of the Town Hill Methodist Church in Pennsylvania and is accompanied by a petition supporting nondenominational prayer in public schools. The second is from a Lutheran pastor in Toledo, Ohio, indicating his support and the support of his congregation for the amendment.

The third letter is from a retired professor of philosophy and religion. Enclosed with it is a statement, adopted by the Presbytery of Shenango which reflects my own views on this issue.

The fourth letter is in the form of a resolution adopted by the school committee of Cambridge, Mass., the governing body of the public school system of the city of Cambridge, endorsing this amendment.

The letters follow:

THE TOWN HILL
UNITED METHODIST CHURCH,
Shickshinny, Pa., October 18, 1971.

The Hon. CHALMERS P. WYLIE,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WYLIE: The enclosed petitions were signed by adult members of The Town Hill United Methodist Church seeking to voice their opinion in favor of restoration of non-denominational prayers to the public schools of this country.

We are aware that many church leaders professing to represent us are in opposition to this matter, therefore, we desire to voice our own opinion.

Thank you for taking the time to review the letter and our petitions, and we trust that you will give due consideration to them.

Sincerely,

WILLIAM L. PRICE.

GOOD SHEPHERD LUTHERAN CHURCH,
Toledo, Ohio, October 19, 1971.

Hon. CHALMER P. WYLIE,
Washington, D.C.

DEAR MR. WYLIE: You have our wholehearted endorsement in proposing the prayer amendment to the U.S. Constitution. It is high time that we as Christians speak up for our rights and privileges and promote that which has made us a great Nation, a trust in God. It is through prayer that we approach the guiding hand of God for our Nation.

I want you to know that the majority of my congregation does not agree with the objection raised by an official of the Lutheran Council in the U.S.A. Whoever it is has strictly spoken for himself and not by a popular vote of the congregations of the church body.

We lend you our support and our prayers.

Yours on the upward trail in Christ,

O. H. BERTRAM.

GROVE CITY COLLEGE,
Grove City, Pa., October 21, 1971.

Hon. CHALMERS P. WYLIE,
Member of Congress, House Office Building,
Washington, D.C.

DEAR SIR: According to the newspaper you said in reference to recent statements by some top church officials opposing the prayer amendment, "Some of the ministers are giving me a little bit of a problem".

The enclosed statement, adopted by our Presbytery in 1964, should reassure you that many of us as well as laymen are solidly behind you. We are glad you are sponsoring the amendment. You are doing the country a distinct service.

Faithfully yours,

PETER H. MONSMA.

A STATEMENT ON THE RELATION OF CHURCH AND STATE AND OF RELIGION AND EDUCATION*

Though our opinions differ concerning both the legality and the desirability of classroom religious programs in the public schools, we, the members of the Presbytery of Shenango of the United Presbyterian Church in the United States of America, feel impelled to register our concern lest recent Supreme Court rulings prohibiting States from ordering such practices be interpreted—by the Court or by others—as favoring a secular philosophy of government which is inherently hostile to theistic attitudes and practices.

We wish to reaffirm the historic position of our nation and of our church with regard to separation of church and state as organized institutions of society. We do not believe there should be an interlocking of church and state governments, nor dominance of either by the other, nor the granting by the state of official sanction or standing to any religious group. But we do not believe such separation of church and state demands a secular attitude or position on the part of the government in its own activities; nor do we believe that the establishment clause of the First Amendment to our Constitution means to rule out theistic attitudes and positions in favor of secular ones on the part of the government.

As the Presbytery sees it, from the days of the Founding Fathers a distinction has been assumed between an establishment of religion by the government for the private lives of its citizens and the religious character of its own activities. This seems clear from the Declaration of Independence, in which our forefathers appealed to the Supreme Judge of the world for the rectitude of their intentions, as well as from such legislative actions as the adoption of a theistic national anthem, the ordering of a theistic motto on our coins, and the theistic amendment of the pledge of allegiance to the flag. It is also clear from such appeals to God for assistance, guidance, and blessing as all our Presidents have made upon assuming office, from the annual Thanksgiving Day Proclamation, and many religiously inspired declarations and actions by government officials across the years.

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*Adopted by the Presbytery of Shenango at its meeting in New Castle, Pa., January 28, 1964.

In this connection, the Presbytery believes Mr. Justice Stewart correctly distinguishes between the established churches in sixteenth century England and eighteenth century America and the religious tradition of our people, reflected in countless practices of the institutions and officials of our government. The quarrels over the Book of Common Prayer in England and the history of the early establishment of an official church in our own States were instances of the government extending its functions to organized religion in a state or nation and prescribing features of it, not instances of the government's own religious position and observances in other functions and pursuits recognized as properly within its province.

We would further observe that though a government can maintain a position of neutrality in its dealings with religious movements and organizations, it can hardly be religiously neutral in its own sponsored activities. This seems especially true in the field of education. It is true, "worldly wisdom" in the sense of prudence and the mastery of various arts and sciences can be taught without specific religious implications. But when questions concerning the justification of moral principles, the nature of truth, and the explanation of existence arise, education enters the sphere of philosophy and religion, and here answers are inescapably placed in either a theistic, a skeptical, or a non-theistic framework. Obviously none of these answers can properly be described as "neutral", for the first affirms, the second questions, and the third slights or denies the relevance God has to life's beginning and to its meaning, goals, and values.

For the government through its schools to foster a skeptical or a non-theistic world view is to counteract our traditional faith and hence to undermine the moral and spiritual foundations upon which this nation was established. A broad theism may not be an adequate religion, but it is basic and important.

While as a Presbytery we stand opposed to narrowly sectarian teaching in our public schools, we do not believe that the reverent faith in a Supreme Being that has prevailed in our nation and its schools in the past should be illegalized and replaced by a non-theistic or a skeptical point of view. This would, to a marked degree, deprive the vast majority of our citizens of the free exercise of their religion and militate against the faith that as none other will prepare our children to live their lives effectively and well in a free land and to transmit their heritage unimpaired to posterity.

Our late President, John F. Kennedy, on the fateful day of his assassination, was to have delivered an address concluding with the Biblical admonition (also quoted by Benjamin Franklin at the Constitutional Convention in Philadelphia), "Except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain" (Psalm 127: 1). The distinguished historian Arnold J. Toynbee has observed that this verse succinctly summarizes the history of civilization. It is indeed a matter of record that the pathway of history is strewn with the wreckage of those nations which have ignored its warning.

SCHOOL COMMITTEE,
Cambridge, Mass., October 19, 1971.

Resolved: That the School Committee go on record as endorsing a bill introduced in the United States Congress by Representative Chalmers P. Wylie (R. Ohio) calling for a "Constitutional change to allow non-denominational prayer in public places such as schools."

A true copy.

Attest:

JOHN R. MCCARTHY,
Temporary Secretary of the School Committee.

INFORMATION THREAT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ZWACH. Mr. Speaker, ever since I have been in Congress, I have been pointing out the need for measures to rebuild countryside America.

This neglected segment of our economy is suffering badly from depression-level farm prices and all of the woes that accompany such a price maladjustment.

Lately, there has been a lot of rhetoric about rebuilding rural America. We have legislation and commissions and resolutions aimed at an economic rebirth of this most important segment of our society.

But our actions, most unfortunately, do not match our words.

Our countryside people, right now, are vitally concerned about postage rate increases which threaten to put many of their farm magazines and rural newspapers out of business.

To illustrate that expression of fear, I would like to insert in the CONGRESSIONAL RECORD, an editorial from the Minnesota Farmer dwelling on that matter which I hope my colleagues will give their most serious attention.

INFORMATION THREAT

Loss of Look magazine, which suspends publication Oct. 19, is of concern to you. It points up a danger to your supply of farm information, not from Look but from agricultural magazines, weekly and daily newspapers laboring under the heavy increases in postal rates which hastened Look's demise.

Proposed postal rate increases for national magazines are about 143%. For smaller publications, which circulate primarily in postal zones closer to home, the boost is as much as 200%. For some farm magazines, already caught in a cost-price squeeze, that's too big an added load. They won't survive.

So?

"This can be said to be something for publishers to worry about," stated the Worthington (Minn.) Daily Globe in a recent editorial. "But it is something for the public to worry about as well. For, without access to a widely circulating free press, the American public may soon be largely ignorant of their government and society."

For farm magazines, the relationship is more direct. Repeated surveys, conducted over many years, show farmers look to farm magazines as their main source of new information about farming, crops and livestock. Bert Lund, publisher of THE FARMER, in testimony before the postal Rate Commission in Washington last June, quoted a 1966 study by Bisbing Business Research which asked farmers, "Which of the following sources of information do you find most helpful in farming?" Answers were: "farm publications, 75.9%; radio, 19.4%; newspapers, 9%; TV, 8.1%."

Attempting to throw the full cost of operating the postal system on users would jeopardize that flow of information. Yet price hikes are coming. "Unless the Postal Rate Commission amends some basic decisions, by 1976 there will be still fewer magazines and newspapers across the nation and steeply advanced prices on the remaining publications," points out the Daily Globe.

That's not the way the postal system was designed. "A fundamental function of government under the American system is the subsidization of the exchange of information," Dr. Weldon Barton, assistant legislative director for the National Farmers Union, said in recent testimony before the Commission. "Postage was never meant to pay the cost of mailing.

"Much more is at stake here than the publications which would be adversely affected, or even forced out of business. The viability of small towns, communities and rural people is dependent on the exchange of information. The postal system—especially second class mail which carries information-laden newspapers and magazines—is the nerve center of communications for rural America," Dr. Barton continued.

"If the full proposed rate increases are implemented, small papers will be available only at significantly higher costs. In many cases, they may no longer be available at all. Subscription rates will be increased. Many rural citizens, confronted with declining income and higher subscription rates, would probably stop subscribing to some. Advertisers would discontinue advertisements. The eventual result would combine with other forces to stagnate rural America."

Raising postal rates runs contrary to the growing commitment to end the senseless migration out of small communities and rural areas into the nation's overcrowded cities.

OFFICER MOON GAVE HIS LIFE TO CREATE A BETTER COMMUNITY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BENNETT. Mr. Speaker, respect for law and order is a basic tenet in our society, and those who are charged with the responsibilities to uphold the laws of our land deserve the gratitude of all Americans. The mother of Patrolman James H. Moon of the city of Jacksonville, Fla., police force, has written a moving letter concerning the death of her son. I commend her thoughtful message to Members of the House of Representatives and all law-abiding persons. The letter from the Jacksonville Journal of October 2, 1971, follows:

[From the Jacksonville Journal, Oct. 2, 1971]

MRS. MOON: "I HAVE JUST GIVEN MY ONLY SON"

(NOTE.—The mother of Patrolman James H. Moon, who was slain while on duty Monday afternoon, has written an open letter to the community of Jacksonville. The letter of Mrs. Bessie Moon, 3242 Broadway Ave., examines the role of a policeman—past and present.)

"I am writing this letter with hopes that it will create a better understanding of the young people in our community for our policemen. As you know I have just given my only son (Patrolman James H. Moon) in the belief that he was protecting the rights, not only for the whites but for the black people as well.

"I have no bitter thoughts, because he died doing just exactly what he loved to do. That was helping people in the best way he knew how.

"We taught our children when they were small that policemen were their friends, and if they ever became lost or in trouble, if they could find an officer they would find help.

"I am concerned very much with the disrespect and name-calling by children and teen-agers just at the sight of a police car on the street. I can't help but wonder if maybe the parents are responsible for not instilling the right attitude for law in the home.

"My son chose three officers as a little boy to respect, adore and influence his life. He could hardly wait until he became old enough to join the police force.

"I prayed for a son that God could use and he gave us one, and if he can use Jimmy's life to create a better community and city then his death was not in vain.

"These dedicated officers have to neglect their own wives and small children sometimes to help protect the lives of others. They are human and compassionate and can be genuinely touched by the troubles of others. I would not want to live in a city without them.

"Please publish this if you think it will help in some small way to ease the tension in our city."

MORE SUPPORT FOR WYLIE PRAYER AMENDMENT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. HUNT. Mr. Speaker, indicative of the widespread support of the so-called Wylie resolution—proposing a constitutional amendment to permit the recitation of voluntary, nondenominational prayer in public buildings—I would like to call to the attention of my colleagues the resolution recently adopted by the messengers of the Garden State Fellowship of Regular Baptist Churches at their annual meeting.

The Garden State Fellowship, incidentally, is the New Jersey State Fellowship in association with the General Association of Regular Baptist Churches located in Des Plaines, Ill. The latter consists of 1,450 local Baptist Churches which believe in the Bible and teach that salvation is by faith in Jesus Christ as the Personal Savior. The Garden State Fellowship consists of about 45 local Baptist Churches throughout the State of New Jersey.

The resolution follows:

RESOLUTION

Whereas, there is at present a Bill before the United States House of Representatives to provide for a Constitutional Amendment allowing resumption of prayer in the public schools of our land, and

Whereas, we have always lamented the removal of prayer and Bible reading from our schools, therefore, be it

Resolved, that we, the Messengers of the Churches in fellowship with the Garden State Fellowship of Regular Baptist Churches, meeting at Caldwell, New Jersey, on this 28th Day of September, 1971, call upon the legislators in the United States House of Representatives, and, pending passage by that body, those in the United States Senate, from our State, to vote for the proposed amendment to the Constitution of the United States, and, be it further

Resolved, that we commend Representative Wylie and others who support the Bill for their interest and leadership in promoting the return of prayer to our schools, and, be it further

Resolved, that we call upon those legislators who are in favor of the return of prayer to our schools to press also for the return of the Bible to our public schools, especially in these days of youthful rebellion, which we believe is directly traceable to the removal of prayer and Bible reading from the schools of our land, and that we pledge to such legislators our prayers and support in this vital undertaking.

ADDITIONAL VIEWS CONCERNING THE CONFIRMATION OF HOWARD P. MACE AS AMBASSADOR TO SIERRA LEONE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ASHBROOK. Mr. Speaker, during this month on a number of occasions I have inserted in the CONGRESSIONAL RECORD material on the confirmation of Howard P. Mace as ambassador to Sierra Leone. Perhaps not since the hearings on the selection of Justice Abe Fortas to be Chief Justice of the U.S. Supreme Court has such controversy arisen over a presidential appointment. In the case of Mr. Mace testimony was heard by the Senate Foreign Relations Committee recently both in support of and opposition to his assuming the ambassadorship.

Mr. John Hemenway, a former Foreign Service officer who was selected out of the Foreign Service, testified at length in opposition to the Mace confirmation. On October 25, he addressed a letter to the chairman of the Foreign Relations Committee, Senator FULBRIGHT, offering additional arguments to support his position. The following is the text of his letter, a copy of which was addressed to my office, which I request be inserted at this point in the RECORD:

WASHINGTON, D.C.,
October 25, 1971.

Senator J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Reference is made to Howard P. Mace, ambassador-designate whose confirmation is before the Senate Committee on Foreign Relations. I have testified before your Committee—I write you on this occasion because of the recent publication of a memorandum and a delayed endorsement of Mr. Mace:

1. Mr. Macomber's tardy endorsement of Mr. Mace. In connection with Mr. Macomber's testimony on Senate bill 2023, the Deputy Under Secretary of State for Administration (Macomber) said:

". . . from the Secretary on down we have complete confidence in his [Mace's] judgment and in his integrity; we reiterate our recommendation to you that he be confirmed. We believe that he [Mace] will be a very distinguished American Ambassador." (citation is from the October, 1971 "Newsletter", the 'house organ' of the Department of State, p. 31.)

I pass over the fact that Mr. Macomber's belated confidence in Mr. Mace contrasts with testimony of others who were willing to appear at the confirmation hearing and put their views on record at the appropriate time and place in the "I" form rather than the "we" form.

The Committee will have noticed that Mr. Macomber's views also conflict with statements contained in a letter from retired FSO John Reed who recalls that Mr. Mace "is widely and infamously known throughout the Foreign Service as 'The Executioner'." That won't jibe in the minds of many with Mr. Macomber's assertions about "judgment and integrity."

At the September 30 confirmation hearing on Mr. Mace, Senator Gale McGee suggested that testimony should be confined to material that was pertinent, i.e., bearing on Mr. Mace's fitness for the office for which he was being considered. I do hope that Senator McGee, or you, or someone, will suggest that Mr. Macomber's testimony regarding Mr. Mace should be included in the Mace Confirmation Hearing Record. In any event, would you please include this letter, because the second matter made public this week suggests that Mr. Macomber is the key figure to the entire matter. I refer to:

2. Mr. Martin Herz' October 6, 1971 Memorandum to Mr. Macomber, subject: "Mace Case and Career Principle" raises several additional questions concerning Mr. Mace's fitness for office—and a number of questions concerning the channels for developing names of foreign service candidates for high positions. (Copy attached was introduced into the Congressional Record of October 21, 1971, page 37400.)

The memorandum speaks for itself. It indicts Under Secretary Macomber by suggesting that Macomber himself is responsible for many of the illegal orders executed by Mr. Mace. On the other hand, it by no means excuses Mace for his role on the plea—seemingly accepted by Mr. Herz—that he was only following orders: ". . . we are responsible, we have the authority, Mace worked for us within the limits we set for him. . . ."

For the background of senators and others who may not know exactly who Mr. Herz is, it might be useful to identify him a little in the context of the Mace Case. It is already significant that Mr. Herz felt involved enough to write a lengthy three page memorandum on Mr. Mace to a very senior State Department official, Under Secretary Macomber. The material I offer is available to any well-informed Foreign Service Officer; much of it is from open sources; I personally never met Mr. Herz.

According to the Biographic Register of the Department of State, Mr. Herz served with Howard Mace in Tokyo for two years of Mr. Mace's only really lengthy overseas assignment in his entire career. It is not clear from the public record whether Howard Mace, as Director of Personnel (December 1967 to August 1971), played a direct role in Herz' promotion to Deputy Assistant Secretary of State for International Organization (which, like Mace's job did not require Senate confirmation.) It is a fact, however, that Mr. Howard Mace exerted considerable pressure on the executive area of IO (Mr. Herz' area) to secure an IO post for Mace's twin brother Charles, upon the latter's retirement as an FSO. (Like twin brother Howard, the personnel director, Charles Mace entered the Foreign Service at the exalted rank of the FSO–2 and was promoted to FSO–1 without any tested knowledge of foreign languages, a requirement made of other officers.)

It is not possible that Mr. Herz did not know of the interest of the then-Director of Personnel (Howard Mace) in the assignment of his twin brother (Charles Mace) to Geneva in an IO position when Mr. Herz (of IO) wrote his 6 October memorandum to Mr. Macomber in support of Howard Mace. For clarity in this point, a brief chronology of pertinent facts follows:

Early 1970—Martin Herz being considered for the position of Deputy Assistant Secretary of State (IO).

Charles Mace nearing mandatory retirement (max. Time-in-Class) as an FSO-1 and expresses interest in IO job in Geneva.

April 1970—Mr. Herz named Dep. Asst. Sec. of State (IO).

April 1970—Charles Mace, twin brother of the Director of Personnel, retires as an FSO-1 (with a pension of more than $20,000.00 per year.) By retiring in April, this is increased 9%.

April 1970—Howard Mace, Director of Personnel, appoints his retired FSO brother to the rank of "FSR-1" in the same job from which he retired, thereby retaining the 9% bonus without having to retire, as was the intent of Congress. (Note: other officers such as Charles Thomas were told that such FSR appointments were not possible.)

August 1970—Charles Mace is appointed to the IO-controlled position in Geneva (salary in excess of $30,000.00) after considerable pressure is put on officers in IO junior to Mr. Herz, the Deputy Assistant Secretary of State (IO). Mace thus returns to a delightful retirement city where he had held the post of Deputy US Representative with the personal rank of Minister (without Senate confirmation) for four years, during an earlier posting.

Sept. 3-Oct. 4, 1971—Senate confirmation hearings for Howard Mace as ambassador. Mr. Macomber does not attend nor does he submit any endorsement in behalf of Mr. Mace at the public sessions. Considerable evidence presented that Mace is not fit for the rank of ambassador.

October 5, 1971—Macomber staff meeting discusses Mace Hearing.

October 6, 1971—Mr. Martin Herz, who attended the October 5, 1971 staff meeting, writes a memorandum to Mr. Macomber. He mentions that a letter writing campaign from within State ". . . is too easily recognized as not spontaneous." Herz suggests that Mr. Macomber should support Mace who, Herz claims, has been carrying out Macomber's orders and deserves "the overt support of his superiors" (Macomber?)

October 7, 1971—At Senate Foreign Relations Committee hearings on S-2023, in commenting on dissent, Mr. Macomber expresses confidence in Mace's judgment and integrity.

Nepotism is an ugly charge—but set forth above are clear facts. It might occur to you that such a Committee as yours, having clear and unequivocal Constitutional authority, and enjoying the prestige of the Committee on Foreign Relations, should conduct an investigation so as to interpret the facts and their relation to Haward Mace's fitness for the post of ambassador. One wonders exactly what is happening when a high personage like the Deputy Under Secretary of State for Management uses his position to overwhelm "dissenters" by claiming that the lower ranks of the Service "are frankly appalled at what is happening" to Mace. On October 10, 1971, The Washington Post quoted Mr. Macomber as saying:

"Around this building [Dept. of State], it's resented. Howard Mace has a reputation of being a very decent fellow who made his way to the top and I can tell you a heckuva lot of people feel this is terribly unfair to make him the target." (WP, Oct. 10, 1971 p. 1 & A-10)

The questions remain unanswered: Exactly what *is* happening? Exactly *who* is appalled? *Why* are they appalled—at the fair exercise of a democratic process, i.e., a fair hearing before the Senate Foreign Relations Committee?

Frankly, Senator Fulbright, a heckuva lot of people believe that this inquiry into Mr. Mace's (take either one) operations is long overdue. They certainly would agree with Mr. Macomber that Mr. Mace should not be the sole target!

I hope that every member of the Foreign Relations Committee and every Senator will mark well and remember Mr. Macomber's own words:

". . . from the Secretary on down we have complete confidence in his [Mace's] judgment and integrity. . . ."

This statement was made *after* the following events were a matter of record, i.e., the Deputy Under Secretary made that statement after:

Considerable evidence was before the Senate Foreign Relations Committee revealing serious character deficiencies and errors in Mace's judgment having a bearing on Mace's fitness for confirmation. (See, for example, Congressman Ashbrook's extension of remarks in the Congressional Record of October 1, 1971, p. 34564-34571; October 14, 1971, p. 36323-36325, October 15, 1971, p. 36471-36480; and, October 21, 1971, p. 37400-37401.) Serious charges were made, some under oath. These have not yet been answered. Does this suggest good judgment (Macomber did not call it "good"—he said he had confidence in it) or high integrity? (He also did not say the integrity was "high", merely that he had "confidence" in it.)

Mr. Macomber also expressed confidence in Mace's integrity after FSO Alison Palmer submitted written evidence that Mr. Mace's participation in her affairs (under oath) was different than the description Mr. Mace gave to the Foreign Relations Committee. Has Mr. Mace even bothered to reply? What does this say concerning Mr. Mace's integrity? (Con. Rec. Oct. 14)

Mr. Macomber also spoke in praise of Mr. Mace after Mr. Mace, testifying under oath on October 6 at the Hemenway Hearing, spoke untruths and at least one member of the three-member Hearing Committee, a man qualified to judge (former JAG of the U.S. Air Force Reserve, Major General Hagan) believes that Mr. Mace may have violated criminal statutes. Should one have confidence in such judgement and integrity? (Con. Rec. Oct. 15)

Mr. Macomber certainly spoke after Mrs. Synthia Thomas' moving description of her simple plea (made directly to Macomber) for restoration of her wronged husband's good name and reputation, posthumously. According to Mrs. Thomas, his reply was, "If I do that, everyone will be coming out of the woodwork—like John Hemenway." Does that suggest good judgement or integrity on the part of either Mr. Macomber or Mr. Mace—who may only have followed orders? It may be the kind of integrity in which Mr. Macomber has confidence.

Mr. Macomber evidently believes that dissenters are creatures that crawl out of the woodwork; he believes that "retired" FSOs are some kind of worm! No wonder that he appears to have ordered Mr. Mace to suppress the only Grievance Hearing in the history of the Foreign Service. But Mr. Mace botched the job. We can call that a lot of things, but it is not integrity.

Mr. Chairman, I wish I were not compelled to write this letter. I have five children and strong career interests, both of which require (and deserve) my attention on this holiday weekend. But I can not remain silent—especially in the face of U.S. officials attempting to convert vice into virtue. It clearly is my duty to speak out and bear witness. It is bad enough that the open and honest direct testimony that marked your confirmation hearing for Howard Mace has not been met in the spirit of openness Messrs. Mace and Macomber claim they seek for the Foreign Service. I resent especially the devious technique of indirect testimony at other hearings pertinent to confirmation—and sub rosa support for Mr. Mace via directives to his controlled staff, not to mention free use of the captive "house organ" to spread the word that Mace, after all, is the bosses man.

Personally I prefer to respond to the other side of Mr. Macomber's personality. He is a complex man and has many sides. This is the side he shows to senators. You will recall that in response to Senator Pell, Mr. Macomber answered:

"It seems to me that if a Foreign Service Officer disagrees with a policy he not only has the right to speak up, he is being disloyal if he does not exercise that right." ("Newsletter," October 1971, p. 31.)

I did not have to be told that by Mr. Macomber. I did just that beginning in 1966 as Chief of the Berlin Section in the Department of State. It led to my expulsion from the Foreign Service. I wish Senator Pell had also asked Mr. Macomber about senior officers who resent juniors who follow such advice. I wish Senator Pell had asked Mr. Macomber what should be done when reprisals are set in motion by "the Executioner" for recognizing clear duty and pursuing it.

I wonder just what Mr. Macomber thinks the only Grievance Hearing ever initiated in the history of the Foreign Service is all about? Did the Director of Personnel, Howard Mace, ever tell him? Did he ever ask? Has anyone ever briefed the Secretary of State? The answer to these questions might also shed some light on the state of "judgment and integrity" in which ". . . from the Secretary on down we have complete confidence. . . ."

Sincerely,

JOHN D. HEMENWAY,
Retired Foreign Service Officer.

TOCKS ISLAND DAM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DU PONT. Mr. Speaker, I was gratified to read that the New York Times has also questioned the need for, and the propriety of, the Tocks Island Dam. In order that the editorial remarks of the newspaper on this subject be given the widest possible circulation, I insert their editorial of October 27, 1971, in the CONGRESSIONAL RECORD:

DELAWARE MUD GAP?

New developments concerning the controversial Tocks Island Dam do credit to the President's Council on Environmental Quality but they do more than that: they strongly suggest that the project be abandoned.

Last February the Council advised the Army Corps of Engineers that its statement on the environmental impact of the proposed 37-mile lake in the heart of the Delaware River Valley was inadequate. It asked for a more thorough study. At the beginning of October the Corps filed another statement, after which it prepared to get down to the business of digging. But its own findings have now persuaded the Council of the need for still more detail on two major points—and more time to study them.

It is hard to see how any environmental agency could have acted otherwise, because the Engineers' report showed that the surface of the reservoir it plans will be lowered 18 feet in an average year and as much as 56 feet in periods of severe drought. The length of the lake could shrink from 37 miles to 22.7. The picture these startling figures conjure up is one of thousands of acres of exposed mudflats, a noxious wasteland created out of a region naturally beautiful—and tranquil as well.

The second point troubling the Council is the eutrophication of the reservoir which is expected to result from the severe pollution of the Delaware River. The Council wants to know how much it would cost to prevent such eutrophication and, if it cannot be prevented, what effects both eutrophication and drawdown would have on the water quality, water power, and recreational values which the project is designed to offer.

Good questions. They should have been asked—and answered—long ago. Thanks to the Council, the Army Corps of Engineers has agreed to postpone all operations until they are answered. The burden now is clearly on the would-be builders to prove what has become highly doubtful—that the Tocks Island Dam is worth building at all.

THE WHOLE TOWN MOURNS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mrs. GRASSO. Mr. Speaker, yesterday we buried our friend. In a steady stream, through the damp mist of the holiday weekend, they came to the home they had visited so often to make their last farewells.

Carney, our beloved Dr. Carniglia, friend, counselor, healer, had passed away. He went so quietly that even his beloved wife, Blanche, the constant companion of a hundred joys and sorrows, was almost unaware that he had slipped from time into eternity. Death, the relentless enemy, with whom he did constant battle, in this last encounter paid the inestimable tribute to the man who all of his days fought valiantly and unceasingly for life. He went most gently into the quiet night.

A deep and profound reverence for life and a respect for all of God's creatures were the marks of the man. He gave constant thanks to his Creator for the gifts that were his and lavished these gifts among his people with a reckless abandon as he worked to heal the wounds of the body and the terrors of the spirit.

Dr. Carniglia would say he was just a country doctor, but the license plates outside his door and the transocean calls were indicators that his was a large country that knew no bounds. His home was his office and we came to him by day and night to find solace in our ills and comfort in our suffering. I shall see him forever sitting behind the pill-laden desk and the cluttered office where he kept careful order in the chaos, giving help to all who sought his aid, happily dispensing patience and potents.

Carney, for that is what we called him, practiced from the first the doctrine of equality. Officials of government, artists and scientists waited their turn until each one of his people had their full share of his time and his talent. Those of us who were the back-door patients would try to catch him for a fast consultation during his refrigerator trips for sustenance. What a flood of words and anxieties were exchanged in this brief encounter and how we relished the honor of being pantry patients! To this group would be added the corps of bright young doctors who savored also the chance to learn from him the art as well as the science of medicine and develop his same concern for the essential human dignity of every patient. Each of us would tell the most outrageous tales, weaving fact with fancy as the legend of Carney, his deeds and his wisdom were told and retold.

We, in Windsor Locks, were especially privileged to share this living legend with a host of friends. We boasted of his early years at St. Mary's School and the interest in medicine that was nurtured by Dr. Kelly and Father Grady. Our parents told us of the happy days of his growing up on Oak Street with Jennie and Papa John, the parents who recognized the genius of this prodigy and worked so hard to make sure that he would have school and opportunity. We knew of his sister, Lizzie, who died too young, and shared with his little brother, Francis, the admiration and respect reserved for heroes.

The obituaries chronicle the brilliance of an academic record. The distinction of special honors from Loomis School and the challenges of Harvard and the stimulus of intellectual giants of Cambridge in the twenties were reflected by the record of achievement—Phi Beta Kappa, Summa Cum Laude, Bachelor of Arts, Doctor of Medicine, advanced studies at Union Memorial Hospital in Baltimore, internship at Hartford Hospital, chief of medical staff—all honors that made him humbler and more diligent in his service.

Dr. Carniglia married the young nurse, Blanche Goodsell, and brought her to the house on Oak Street and then to the big Victorian house on North Main Street hill where their lives together for the next 38 years were a kaleidoscope of brilliant work, loving friends, grateful patients and proud neighbors. Their children, Peter and Margaret, and their pets grew up in this marvelous, tumultuous and exciting household where generations met and mingled and, in time, they too, brought new family to the hearth.

The day was never too long nor the night too dark for Carney and Blanche to answer a call. They shoveled their way through blizzards, fought fatigue and constant intrusion and did their job.

Carney delivered our babies, healed our wounds, closed the tired eyes of our dead and gave comfort and sustenance to the living.

In all of this he found time to be an active member of the community, serving on the board of education, the building and loan association, the Knights of Columbus as a fourth degree member, Rotary and the chamber of commerce and all the assorted tasks that go with citizenship in a small town. When a caprice of State law decimated membership on the school board, he and the chairman, a committee of two constituted the whole board and for 4 years conducted all its business with efficiency and dispatch.

Carney had a special love for children, his own and their babies, the many hundreds he brought into the world, the precious foundlings and neglected children who were sheltered at the State Receiving Home in Warehouse Point, for whom he worked and worried for 30 years and the schoolchildren of Windsor Locks who were his special charge. The week of his death he had completed the last of physical examinations on 5,000 schoolchildren in our town, the children of the children he knew and loved from generation to generation.

We took him to his grave as the sun burst forth in new brilliance after the days of mourning. He took to his grave a thousand secret hearts and the respect, admiration, and affection of a grieving community.

His life was tribute to his philosophy:

> I shall pass this way but once; Any good things that I can do or any kindness that I can show, let me do it now. Let me not defer it or deny it, for I shall not pass this way again.

For our part we repeat:

"When he shall die,
Take him and cut him out in little stars
And he will make the face of heaven so fine,
That all the world will be in love with night."

And as we mourn we say:

"Good night, sweet prince
Flights of angels sing thee to thy rest."

HOW THE FAMILY ASSISTANCE PLAN WILL DIRECTLY AFFECT CERTAIN SOCIAL WELFARE PROGRAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DELLUMS. Mr. Speaker, a recent analysis prepared by Dr. Elizabeth Wickenden of the City University of New York for the National Assembly for Social Policy and Development, Inc., indicates some of the devastating effects we can expect if the President's proposed family assistance plan ever is implemented.

Dr. Wickenden's analysis shows what certain States may do to cut back on welfare assistance programs in anticipation of H.R. 1, and she uses the example of two New York State projects as prime examples.

I urge my colleagues to read this perspective on the dangers inherent in the family assistance plan, and I commend Dr. Wickenden and the National Assembly for this timely study.

The analysis follows:

NOTES ON H.R. 1: NEW YORK STATE DEMONSTRATION PROJECTS

THE CHALLENGE

About 24,174 individuals in nearly 7,000 families would have their assistance grants cut from 36% to 50% under a demonstration project proposed by the New York Department of Social Services. They would then be given the "opportunity" to earn back what was taken away by a system of incentive points for work and acceptable behavior. Refusal to work would result in a further reduction amounting to a total of 60% for a family of four.

This pilot project would be operated in three welfare districts, one of which—Hamilton in West Harlem—has a caseload described as 50% black and 50% Puerto Rican. The other districts are in Rockland and Franklin counties.

In a second project in twenty-five welfare districts all adults judged employable (including all mothers with no children under six) will be required to "work out" their welfare grant at projects provided by the department, unless work is found for them in the regular economy or in public service jobs. This project involves 88,503 families.

The implications, background and status of these projects are summarized below.

BACKGROUND

Three states—New York, California and Illinois—have indicated their intention (with Federal encouragement) to apply for waiver[1] from provisions of the present law that would permit them to anticipate some of the provisions of HR 1. HR 1, the Social Security Amendments of 1971, containing the administration's proposals for two new family assistance programs, has passed the House and is pending before the Senate Finance Committee. These programs would have become partially effective on July 1, 1972 but President Nixon has recommended a year's postponement as part of his New Economic Program. In any event the opposition of Chairman Russell Long and conflicting views of its impact leaves its prospects in considerable doubt.

When it first became known that the waiver provisions of Sec. 1115 were proposed to be used on a statewide basis in California and New York to cut back selectively on present program standards, a widespread protest arose including that of Senators who saw action as an invasion of the legislating authority of Congress. A legal action was brought by the Center on Social Welfare Policy and Law in behalf of the National Welfare Rights Organization, the California Welfare Rights Organization, and the City Wide Coordinating Committee for Welfare Organizations (NYC) demanding access to any project submissions and the opportunity to comment on them. As a result the Secretary of HEW has agreed to furnish copies of any applications from California and New York to these parties for their review prior to approval. Under this arrangement these two projects have been released and will not be acted upon until after October 17 by the Secretary. Any expressions of viewpoint to the Secretary, the Governor, or others concerned must, therefore, be made immediately.

DESCRIPTION OF NEW YORK PROJECTS

At this time two inter-related New York project applications have been made. To answer the charge that statewide modifications of policy under existing law cannot properly be regarded as "pilot" projects, they are limited in the one case to three welfare districts and in the other 25 districts involving 25% of the state ADC caseload. This difference in coverage makes necessary the two projects.

Incentive for Independence would be instituted in three districts: (Hamilton—West Harlem—in New York City; Rockland County and Franklin County.)

Grant Reductions. In these counties all ADC families without earnings or support payments will have their grants cut to the basic payment level of HR 1. For a family of four this level is 200 a month, a cut of approximately 36% from present New York payment levels which have already been reduced from budgetary levels. For a large family the cut is almost 50% because of the $3600 ceiling in HR 1.

Should a putatively employable member of a family find it impossible or unacceptable to report for work or training the family grant would be further reduced by $800. This would mean a total reduction of about 60% for a family of four.

Incentive Points. Families will then be encouraged to regain at least part of what has been reduced through a system of "incentive points" each worth $25.00 a month or $12.50 each semi-monthly period. This applies both to families with a member deemed employable and those without such an employable member. The ways points may be earned and their semi-monthly values are:

For each school age child, 5–15 years of age, *cooperating with the teacher* (as determined by the caseworker), given automatically in summer months, 1 point, $12.50.

For each child in school, 15 years or older *cooperating with the teacher*, ½ point, $6.25.

For each pre-school child *given all medically required vaccinations and boosters* during previous six months, 1 point, $12.50.

For each unemployable adult *participating in one or more acceptable activities* during previous six months including: Establishment of paternity, locating of deserting parent, participation in rehabilitation, participation in education, participation of children in commuity activities and ten others, (see appendix III), 1 point, $12.50.

For each youth over 15 years of age *participation in school work program*, 1 point, $12.50 (plus stipend).

For each employable member participation in work (or pre-employment training) either in regular economy, public service employment, public service work opportunity projects (work for relief), and care of children of other recipients, 1 point, $12.50 (plus disregards).

Those with earnings would be permitted to keep a portion without affecting the assistance grant by deducting: the cost of day care, the first $720 of earniings, one third up to 150% of flat grant and one fourth thereafter.

The Public Service Work Opportunities Project is proposed to operate in 25 welfare districts and would involve 25% of the state ADC caseload. Its objective is described as follows: "to determine the impact on welfare dependency when every employable recipient is required to be in work and training." Employability is defined as in HR 1. All such persons will be required to work and, if no other employment is available, will be assigned to work out the amount of the family grant either for a governmental agency or in the home caring for children of other mothers. In the districts where the incentives for independence program is operating it is assumed that the disregard provision described thereunder would apply and that in the other districts the usual policies of the department would apply. The hours of work for the participant would be adjusted to the monthly grant so that the hourly rate would be either the state minimum wage or, if higher, the regular rate paid by the governmental unit for similar work.

CRITIQUE

These two projects are subject to the approval of the Secretary of HEW who must personally approve the waiver of state plan requirements under the law. In making his judgment he must consider questions of (1) compliance with the law (including the Federal constitution), (2) the policy implications of the proposal and (3) its feasibility within the terms described in the project application. Each of these is discussed in turn.

LEGAL CONSIDERATIONS

Sec. 1115 is an exceedingly broad authority to authorize departures from the plan requirements of the assistance titles for "any experimental, pilot or demonstration project which, in the judgment of the Secretary, is likely to assist in promoting the objectives" of such title. Each departure from a plan requirement must be specifically authorized. Constitutional requirements for equal and non-discriminatory treatment cannot properly be waived by any law or executive action. This seems especially true where a *deprivation* of benefits is proposed as in the incentive project. In other words where an experimental project involving a study of the impact of additional services and benefits might be considered a "reasonable classification" for research purposes, one involving a deprivation for a selected group below otherwise applicable standards raises serious questions of due process and unequal treatment under the law. This is especially true when one group (Hamilton Center) so selected is composed entirely of members of minority groups, Black and Puerto Rican, according to material submitted with the project application.

Special questions are also raised when the group affected by such deprivation is primarily composed of children whose welfare is supposed to be protected by the state. Just as the law protects children against dangerous medical experimentation so, too, should they be protected against dangerous social experimentation.

Discrimination against selected children under this project is apparent. The mother's autonomy with respect to her children is abridged and her behavior coerced by a reduction of the grant to which other mothers and children in similar circumstances are entitled unless she engages in a variety of actions—including but not limited to employment outside the home.

POLICY CONSIDERATIONS

Impact on other states

Because New York has always been regarded as a leader among the states in welfare policy, its policy innovations can be expected to exert an influence on other states. Thus people all over the country should be concerned with these proposals and the Secretary should review them in this light.

Relationship to H.R. 1

While the Secretary has made the point that the projects of New York, California and Illinois are intended as a pre-test of H.R. 1, the proposals of New York go far beyond the proposed Federal programs. In fact, it would appear that the New York proposals would make it difficult if not impossible for New York to benefit from the hold-harmless provisions of H.R. 1 which assume a consolidated federal-state program. The language of New York's submission seems to suggest that it looks upon its program as a substitute for or modification of H.R. 1 which it refers to critically as follows: "Tragically, the Family Assistance Program does not substantially alter the system which, in New York at least, has proven unequal to the job."

A caste system

Both projects are predicated on mistrust and disapproval of the impoverished families of New York and the assumption that second-class citizenship is the price of state aid. Such families are to be treated as children, rewarded for acceptable behavior by the means of subsistence (as determined by minimal budgetary standards reduced 10%) and punished by withholding of such. Not only are all families reduced by at least 36% prior to such showing of good behavior but those deemed employable and declining to leave their homes and children for outside work are further reduced by an additional $800, thereby reaching—by New York standards—a level of starvation.

In all respects a sub-class of impoverished families is to be created subject to the most detailed scrutiny of their private lives. Not even the Poor Law imposed such conditions and those who sought to overcome its cruelties by requiring an unrestricted cash payment in the Social Security Act can only marvel at such a departure from their intentions.

Welfare practices

Current philosophy of the New York and Federal departments holds that casework services and money payment administration should be totally separated so that they can better serve their separate and independent purposes. The Incentive Project goes in precisely the opposite direction since it presupposes the closest kind of monitoring of client behavior. For example, the application states with respect to incentive points for the mothers of school age children based on acceptable cooperation with their teachers "Specific guidelines for use by casework staff will be developed to determine cooperation with school authorities." The inclusive and at the same time vague character of other actions subject to monitoring in the interest of winning incentive points is indicated by the attached Appendix III.

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[1] Under Sec. 1115 which authorizes such waivers to demonstrate on an experimental basis new ways of promoting the objections of the present titles. For a fuller discussion of this provision see *Back to the Poor Law via Section 1115.* (May 4, 1971. Available upon request.)

On the other hand, child welfare concepts suggest the desirability of compensatory support for children in poorly functioning families or those having school difficulties, including truancy. This project proposes that such families should be reduced to starvation levels of subsistence.

Day care

New York City has conducted some excellent projects using carefully selected AFDC mothers for home day care of the children of other mothers. This project proposes, however, that such arrangements are to serve as the sole optional alternative for work outside the home for mothers of children over six in the twenty-five welfare districts covered by the Public Services Work Opportunities Project. Thus it appears that these women are to be virtually self-selected without regard to their own fitness, suitability of the home, etc. A type of undertaking of considerable promise when selectively used and supervised could become a substandard custodial pattern of child care for a sub-class of poor children.

FEASIBILITY

Both projects offer formidable administrative difficulties which have not apparently been reviewed with those welfare officials selected to carry them out. This is especially true of the Incentives project.

The Incentives Project assumes the most detailed monitoring of personal behavior by the casework staff and honest reporting of such behavior by the client on an extremely complex series of requirements. Of necessity it also leaves important questions of judgment to the individual worker because of the vagueness of some of these requirements. (See Appendix III for example.) It seems an open invitation to favoritism, discrimination, judgmentalism, petty dictatorship, chicanery, collusion and general chaos in worker-client relationships. The constant variability of payments also present problems of book-keeping, audit, check writing and appeals procedures which seem almost insurmountable.

The Public Service Work Opportunities Project presents all the problems of large scale work-for-relief programs where hours must be adjusted to differing family payment levels. Experience with FERA work relief programs in the early '30s demonstrated the impossibility of creating a genuine work-experience under these circumstances and led to its abandonment in favor of the WPA monthly wage plan. Such plans on a broad scale quickly deteriorate into a meaningless "work test" with no dignity for the worker and little value to the work they perform.

The option for mothers required to work to accept the children of other mothers for care in their own homes also involves formidable administrative difficulties, especially if any effort to maintain standards of physical suitability, health, safety and qualifications are made. Moreover, the whole question of assuring adequate day care for children of the mothers required to work under this large project is scarcely mentioned in the project submission. This is an extremely costly and difficult administrative task under any circumstances yet in this project involving almost 90,000 families it is taken virtually for granted.

APPENDIX III: INCENTIVE OPPORTUNITIES FOR THE UNEMPLOYABLE ADULT

One incentive point shall be earned for each semi-monthly period by each unemployable adult (or woman excused from reporting, employment or training because of a husband living with her who meets these requirements), who undertakes activities which are designed to:

Achieve permanent and adequately compensated employment;

Foster child development; or

Maintain and strengthen family life.

Incentive credits may also be earned upon completion of such activity if the grantee certifies that the unemployable adult engaged in such activity during the previous 6 months. One of the following activities will meet this requirement:

1. Initiating own satisfactory day care plan for children in order to engage in regular employment, training, or public service opportunity.
2. Providing out-of-home day care for a child of another public assistance family.
3. Utilization of remedial medical (health) services by the adult which is designed to enhance employability or self-functioning.
4. Participation by the adult in a program of rehabilitation designed to improve economic independence or self-functioning.
5. Participation by the adult in a program of adult basic education or high school equivalency.
6. Participation in the establishment of paternity for children born out-of-wedlock and/or securing financial support for them.
7. Participation in the location of a deserting parent and/or of securing financial support.
8. Utilization of community resources to overcome problems of child delinquency.
9. Participation of children in citizen building activities, e.g. Boy Scouts, 4–H community centers.
10. Participation in individual or group activities designed to improve money management or home management.
11. Attendance of the adult at a health education program.
12. Attendance of the adult at a family life education program.
13. Improvement in housing standards by self clean-up or self-repair of dwelling.
14. Providing a child with foster care.
15. Serving as a social services agency volunteer.

A PETITION FOR PUBLIC PRAYER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WYLIE. Mr. Speaker, this morning I received another petition for public prayer addressed to all U.S. Representatives. The petition states:

> We, the undersigned and deeply concerned citizens of the United States, in cooperation with Mrs. Ben Ruhlin's Prayer Campaign Committee, prayerfully request that each Member of the U.S. House of Representatives vote for the Joint Resolution No. H.J. Res. 191—authored by Congressman CHALMERS WYLIE, Republican of Ohio—on November 8, 1971. This resolution proposes an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

The name and address of the organization circulating the petition is the Fort Wayne Bible College, 1025 West Rudisill Boulevard, Fort Wayne, Ind., and contains 321 names.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—IV

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point part IV of Dr. Robert E. Beerstecher's thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

This portion of Dr. Beerstecher's study outlines Communist antimilitary work in the mid-1920s against the armed forces of China, England, Finland, Belgium, France, Greece, Czechoslovakia, Germany, and other nations. It also sets forth the basic thoughts found in several important Communist textbooks on the strategy and tactics of antimilitary work which were written during this period.

Part IV of the thesis follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE

(By Robert E. Beerstecher, Ph. D.)

VI. THE STORM IN THE TEA CUP

Great Britain occupied a place of importance in the Soviet scheme for world revolution even before communist propagandists made its name a synonym for imperialist reaction. Karl Marx is reported to have said that revolution without England would be a storm in a tea cup.[1] Zinoviev, in addressing the fifth congress of the Comintern, focused attention on Great Britain. "The main task of the Communist International in all spheres," he said, "lies now in England. A communist mass party in England would mean half the victory in Europe. The circumstances are ripe for it. Therefore, we should not underestimate what is going on in England.[2]

Under the Labor Government of Ramsay MacDonald, the British trade union movement had been swinging to the left. On October 8, 1924, the Labor Government lost a vote of confidence. The dissolution of Parliament followed. The Labor Government had been under severe attack for some time by Liberal and Conservative alike. Criticism stemmed primarily from the position it maintained in favor of an Anglo-Soviet trade agreement. The Labor Government was also unpopular because of its tolerance of communism. Even its subsequent outright rejection of a request by the British communist party to affiliate with it, and its refusal to permit communists to hold membership in the Labor Party, failed to improve the policital position of the Laborites.[3]

On October 10, 1924, the executive committee of the Comintern wrote a letter to the central committee of the British communist party setting forth detailed instructions with regard to the Parliamentary election to be held later the same month. The letter from Moscow bore the signature of Kuusinen, the secretary of the executive committee. During the campaign, the letter directed, conduct of the MacDonald Government was to be sharply criticized. In general, the letter said, the British communists should support the Labor candidates. Slogans were to be raised against the League of Nations, against British naval policy, and against the danger of war. The slogans were also to be used calling for ratification of the Anglo-Russian trade

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Footnotes at end of article.

treaty, the fraternisation of soldiers and workers, and votes for soldiers and sailors. A call should be issued to the soldiers not to shoot upon workers on strike, the letter said. It also directed that J. R. Campbell, the editor who had been arrested for his anti-militarist activities, issue another manifesto to British servicemen.[4]

On October 24, 1924, the British Foreign Office forwarded a note of protest to the Soviet charge d'affairs in Great Britain, protesting against direct soviet interference in internal British affairs. Enclosed with the note was a letter purporting to have originated with the executive committee of the Comintern in Moscow on September 15, 1924. Like the later letter of October 10, it was addressed to the central committee of the Communist Party of Great Britain. The letter was signed by Zinoviev, and counter-signed by Kuusinen. It also carried the signature of Arthur Mellarus, a leading English communist and British rapporteur on the presidium of the executive committee. This letter, which was marked "Very Secret," contained instructions to English communists to work for the violent overthrow of existing institutions, to form a nucleus of a red army, to subvert the armed forces, and to make preparation for striking a crippling blow at the nation in time of war. Early in the letter reference is made to armed insurrection:

> Armed warfare must be preceded by a struggle against the inclinations to compromise which are imbedded among the majority of British workmen, against the ideas of evolution and peaceful extermination of capitalism. Only then will it be possible to count upon complete success of an armed insurrection.[5]

The letter also discussed the work which had been already carried out by the British communist party in the armed forces:

> From your last report it is evident that agitation-propaganda work in the army is weak, in the navy a very little better. Your explanation that the quality of the members attracted justifies the quantity is right in principle; nevertheless, it would also be desirable to have cells in all the units of the troops, particularly among those quartered in the large centers of the country, and also among the factories working on munitions and at military store depots.[6]

The letter also pointed out the possibility of sabotaging the military store depots, and directed that particular attention be paid to establishing cells there in anticipation of the outbreak of war:

> In the event of danger of war, with the aid of the latter and in contact with the transport workers, it is possible to paralyze all the military preparations of the bourgeoisie and make a start in turning an imperialist war into a class war.[7]

The letter continued:

> The military section of the British Communist Party, so far as we are aware, further suffers from a lack of specialists, the future directors of the British Red Army. It is time you thought of forming such a group, which, together with the leaders, might be, in the event of an outbreak of active strife, the brain of the military organization of the party.
>
> On attentively through the lists of the military "calls," detailing from them the more energetic and capable men, turn attention to the more talented military specialists who have for one reason or another left the service and held socialist views. Attract them into the ranks of the Communist Party if they desire honestly to serve the proletariat and desire in the future to direct not the blind mechanical forces in the service of the bourgeoisie, but a national army. From a directing operative head of the military section.[8]

It concluded on a note of warning: "Do not put this off to a future moment, which may be pregnant with events and catch you unprepared.[9]

The Soviet charge d'affaires, Rakovsky, replied the following day in a note which charged that the letter was a "gross forgery." From the communist point of view, Rakovsky stated, the contents of the letter were a "tissue of absurdities" intended to arouse public opinion in Great Britain against the Soviet Union. The Communist International, he continued, is never described in its official papers as the "Third Community International," because there had never been a first or second Communist International. In addition, Rakovsky asserted, Zinoviev officially signed all correspondence in his capacity as "president of the executive committee" rather than as "president of the presidium of the executive committee," the title used in the letter.[10] The British communist party also issued a statement which was similar in many respects to the one made by Rakovsky. In denying the authenticity of the letter, the communist party stated that such a letter had never been received by them. Moreover, the party stated, it did not have a "military section." The party's statement also contained a denial by Arthur McManus that he had ever signed such a document.[11]

Zinoviev himself did not remain silent long. On October 26, he sent a telegram to the General Council of Trade Unions in Great Britain, declaring that the letter was a fabrication. To prove that it was a forgery, Zinoviev offered to permit a trade union delegation have access to the records of the Comintern to investigate the facts.[12] Somewhat later, communist publications printed a further declaration by Zinoviev in which he reiterated the points made by Rakovsky, adding that he could not have signed the alleged letter inasmuch as he was taking a holiday at Kislovodsk on September 15, 1924, the date of the letter. Of the contents of the letter itself, Zinoviev stated:

> At present there exists no military section in the C.P. of Great Britain. The British C.P. has no need to bother itself with attracting "talented military specialists." It has more important tasks: The winning of the majority of the English workers by means of agitation and the propaganda of the ideas of Marxism.[13]

In addition, Zinoviev concluded, "Everyone knows that the C.P. of Great Britain has far more urgent business than the creation of a British Red Army." [14] The letter, he charged, was fabricated by Polish forgers, and had been used by the Liberal-Conservative bloc in Great Britain to create confusion in the minds of the British people as part of the election campaign.[15]

The Zinoviev letter was destined to play a decisive role in British politics. It was also destined to play an important part in the political fortunes of Zinoviev himself. Its release to the press by the British Foreign Office came at a time when Britain was preparing for a new election on October 29, 1924. Publication of the Zinoviev letter reacted unfavorably against the Labor Government, which suffered a serious defeat in the elections. The election brought the Conservatives to power in Great Britain.

The subject of the authenticity of the Zinoviev letter was heatedly discussed in Parliament. However, the British Government refused to disclose the source from which they had received it. They reaffirmed, however, that its authenticity had been determined beyond question by comparison techniques involving other Comintern documents of known validity.

Was the letter a forgery? The answer to this question still has not been satisfactorily resolved. On the one hand, source materials for its fabrication were readily available. There is nothing in the text of the letter itself which represents a departure from Comintern policy as set forth in these or resolutions of the various congresses or in the writings of Lenia. Compare, or example, the reference in the letter to "the inclinations to compromise which are imbedded among the majority of British workmen" with Lenin's observation in his *"Left-Wing" Communism. An Infantile Disorder* that "compromises by trade union leaders are particularly plentiful in the history of the British labor movement." [16] The comparison need not end there. In the same pamphlet, Lenin emphasized the necessity for the communists in England to organize "not in a reformist manner but in a revolutionary manner" the work of propaganda and agitation in the armed forces.[17] Had the communists chosen to undertake a comparative analysis of the letter, they would have had a comparatively easy task in "documenting" the original source material used in the alleged fabrication. However, to have followed such a procedure would have been as disastrous for them as the admission that the Zinoviev letter was valid, for the real question posed by Great Britain was whether the Soviets were interfering in internal British affairs. Instead, the communists chose to base their case on the externals of the letter, e.g., on the validity of the term "Third Communist International," on whether Zinoviev signed documents as "president of the executive committee" or as "president of the presidium" of the executive committee of the Comintern, etc.

Here they were on dangerous ground, for both Lenin and *Izvestia* were used to refute the alleged non-use of the term "Third Communist International." In his pamphlet, *Ramsay MacDonald on the Third International,* the little father of modern communism makes several references to the "Third Communist International." [18] In addition, *Izvestia,* the official soviet organ, both a few days before and five days after the date of the letter contained references to the "Third Communist International."

According to the revisions in the executive committee made at the fourth congress of the Comintern, the presidium functioned as the *politburo* of the Comintern. Specifically included in the presidium's responsibility was the preparation of communist parties for illegal work. The nature of the instructions contained in the Zinoviev letter are such that their formulation would have been a task for the presidium, of which Zinoviev was also the president. Actions taken by the presidium would have validated by Zinoviev in his capacity as *"president of the presidium,"* just as actions taken by the executive committee would have been validated by him as "president of the executive committee." In denying that the British communist party had, or even had need of, a military section, Zinoviev and the communists were ignoring the existence of previous Comintern pronouncements on the need for specialized organs to direct and carry on illegal work in the armed forces. Could it be possible that they had also forgotten the admonition contained in the fourth condition for admission to the Comintern that "refusal to carry on or participate in such work should be considered equal to treason to the revolutionary cause," or that it was "incompatible with affiliation to the Communist International." [19]

On November 21, 1924, Sir Austin Chamberlain, the new British Secretary of State for Foreign Affairs, addressed a note to Rakovsky in which he again reaffirmed the British position that the Zinoviev letter was authentic.

The British Trade Union report on the Zinoviev letter was issued after members had allegedly been given access to copies of all correspondence of the Communist International sent to the Communist Party of Great Britain between June 1, 1924 and October, 1924. They had also examined, they claimed, the minutes of the meetings of the

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executive committee for the same period. However, they reported no evidence had been found that the Zinoviev letter had even been written. Their report concluded that the Zinoviev letter was, in fact, a forgery, as the soviets claimed.[20] But the position of the British Government remained unchanged and there the matter rested.

Ruth Fischer, a leading German communist and member of the presidium of the Comintern, provided an interesting footnote to the Zinoviev affair. Fischer viewed the Zinoviev letter as a forgery, and suggested that it may have been fabricated by the Stalinist faction in Russia. Zinoviev himself told her later, Fischer related, that he suspected the letter was forged by the Russian GPU, but that he was unable to prove it. Fischer had been in England at the time as a delegate of the German Central Committee to a British communist convention, and was herself accused of having smuggled the Zinoviev letter into England, an act which she steadfastly denied.[21]

According to Fischer, soviet foreign policy in 1924 was based upon Stalin's hope that economic difficulties in Russia could be be overcome by fostering trade abroad. Soviet diplomats were frustrated in their efforts to improve political relations for economic advantage by the revolutionary policies of Zinoviev and the Comintern which ran contrary to the broader soviet interests.[22] The unfavorable publicity which accompanied the publication of the Zinoviev letter severely damaged soviet prestige throughout the world, and caused a serious split in the Russian communist party between conservative and revolutionary wings. Although Zinoviev was publically defended in official party statements, Stalin and other high soviet officials used the incident as a weapon to weaken Zinoviev's influences in furtherance of their own unscrupulous efforts to seize control of the Comintern.[23]

The years following publication of the Zinoviev letter witnessed only the slightest amelioration in the relation of the two countries. Officially, the Zinoviev affairs was closed; but the communist press kept the issue alive, continuing to brand the letter a forgery containing "most stupid directions regarding propaganda among the troops and preparation for an armed revolt and such like nonsense.[24] From the British viewpoint, whether the Zinoviev letter was actually a forgery ceased to be important: the fact remains that communist disintegration activities in the British armed forces increased significantly after 1924.

SOLDIER'S IMMEDIATE DEMANDS

In January, 1925, the Communist Party in Great Britain adopted and published in pamphlet form the *Soldiers' Immediate Demands*. This was a comprehensive doctrinal statement which outlined certain agitational slogans and appeals which were to be put forward in behalf of British soldiers and featured in all propaganda and agitational compaigns carried out by the British communist party. The *Soldiers' Immediate Demands* covered such general subjects as political demands, legal rights, pay, leave, terms of service, trade training, food and accommodation, cultural demands and pensions. This pamphlet merits detailed study because it presents in capsule form the basic demand themes which subsequently appeared in the antimilitarist action programs of communist organized parties in other countries of Europe and the Americas.

The *Soldiers' Immediate Demands* is brief enough to warrant quoting in its entirety:

1. *Political Demands.*

(a) The right to join trade unions, and the right to form soldiers' and airmen's trade unions.

(b) The right to elect regimental, battalion and company committees to represent soldiers' and airmen's grievances on questions of legal rights, punishment, leave, working hours, and barrack accommodation.

(c) Lowering the voting age from 21 years to 18 years for soldiers of all ranks. Right of all soldiers over 18 years to be elected to Parliament, and other public bodies.

(d) The right to join political parties and to organize branches of these parties in the army, and the right to attend political meetings and demonstrations.

(e) No compulsory church attendance.

2. *Legal Rights.*

(a) No military intervention during industrial disputes.

(b) Abolition of courts martials. Military courts to be organized on the basis of an elected jury composed of three soldiers, one non-commissioned officer, and one officer. Right of appeal to civil courts. Abolition of death penalty.

(c) Drastic modification of punishments. Right of appeal to the military court (above mentioned) in the cases of all punishments exceeding three days C.B., or equivalent.

3. *Pay*

(a) Pay must be fixed according to actual living expenses. Immediate proportionate increases for all non-commissioned grades.

(b) All married soldiers to receive marriage allowances. Abolition of regulation which only entitles soldiers of 26 years of age and over to this allowance.

(c) Special pay for Sunday or general holiday duties, for compulsory or necessary fatigues, for special ceremonial parades and guards, occurring outside the ordinary duties.

(d) Increase in overseas service allowances.

(e) Flying allowances for every man called upon to fly, including mechanics and fitters.

4. *Leave.*

(a) Right to proceed on pass—without ration allowances—on every weekend when not actually detailed for duty. Right to an "early Friday to late Monday" pass at least once a month.

(b) Right to wear civilian clothes outside barracks or camp whether on leave, or "walking-out."

(c) Increased leaves for overseas service.

5. *Terms of Service.*

(a) Much shorter terms of service with the colors, which will allow soldiers to return to civil life.

(b) Time of service limited to 8 hours per day covering all duties.

(c) Time served in detention barracks to be included in service period.

6. *Trade Training.*

(a) All trade training to be thorough and complete and conducted by qualified civilian instructors, and to be under the control of the trade unions.

(b) Full trade union rates for soldiers in the military worksops.

7. *Food and Accommodation.*

(a) Elected representatives of soldiers to participate in control of food supplies with facilities for obtaining advice of medical experts. Military canteens to be controlled in the same way. Control of the central army, navy and air force institute to be in the hands of an elected board in the ratio of one officer, one non-commissioned officer, and three other ranks.

(b) Provision of better and increased food.

(c) Improvement in the military medical service and an energetic struggle against diseases. Regular attendance of civil doctors.

(d) Improvement of the barrack accommodation. Regular disinfecting of bedding and provision of adequate washing and laundry facilities.

8. *Cultural Demands.*

(a) Right to form clubs and organizations for enjoyment of spare time. Provision of commodious reading rooms and libraries. Abolition of Y.M.C.A., church army, and other propaganda institutions.

(b) Right of military sports organizations to affiliate to whatever organization they choose.

9. *Pensions.*

(a) An all-round increase of pensions and provision of pensions for widows.[25]

Adoption of the *Soldiers' Immediate Demands* by the British communists so soon after the Zinoviev affair indicates that with or without direct Comintern guidance and instruction of the type contained in the infamous letter, the Communist Party of Great Britain had been actively engaged in antimilitarist work against the armed forces. In a sense, publication of the *Soldiers' Immediate Demands* served to validate the Zinoviev letter.

ON THE SPYING OF DRAGONS [26]

"Trojan horse' tactics had made their appearance in China before the fifth congress of the Comintern when members of the Kung-ch'an-tang, the communist party, gained admittance to the Kuomintang, the Nationalist Party, by pledging individual allegiance to its principles and submitting to its discipline.

The communists had decided to make the Kuomintang the central force of the national revolution in China. They recognized that the Kuomintang had concentrated its efforts on military action, and had neglected propaganda work among the people. Nationalist Party reliance on military action created a situation which afforded the communists with a ready-made opportunity to capture the political leadership of the Chinese revolutionary movement.[27]

The position of the communists in the Kuomintang was further strengthened by Sun Yat-sen's acceptance of soviet military advisers which Lenin had provided to assist in the struggle to consolidate China. However, the benefit derived by the communists from the presence of soviet advisers and the dual party system did not become apparent for almost a year.

In January, 1925, the Chinese communists launched a campaign to introduce the soviet or committee system into the armed forces of the Kuomintang. The source of militarism in China, they reasoned, had been the clique of high-ranking officers. Abolish peace time ranks in the standing army above the grade of brigadier general, adopt a committee system of organization, and militarism would disappear. To further their attempt to transfer the allegiance of the army from the Nationalist Government to the Kung-ch'an-tang, the Chinese communists emphasized the theme in their propaganda that soldiers should be provided with land, farming tools, or some other means of earning a livelihood, when they were discharged.[28] They also agitated for an improvement in the standards of education of the men in service.

The death of Sun Yat-sen on March 12, 1925, resulted in control of the Kuomintang passing into the hands of Chiang Kai-shak. Chiang was less inclined towards the close cooperation with Russia and the communists, but recognized the necessity for their support in consolidating power. One of Chiang's first acts was to centralize the military organization of the Kuomintang and subordinate it to the control of the Nationalist Party. The military reorganization began in April, 1925, and paved the way for soviet and communist penetration of the Kuomintang's military apparatus. High-ranking soviet officers who had come to China as Kuomintang military advisers were given important positions in the National Revolutionary Army. Soviet General Victor P. Rogachev was made chief of the general staff. He was also given full charge of naval and aviation affairs. Under Rogachev's direction, soviet advisers were appointed to most Kuomintang army units.[29] Although the primary duties of the soviet

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advisers in the army were military in nature, they were later directed to suspend purely military activities and engage in "political-military" work.[30] In 1925, Chiang agreed to the organization of soviet style political departments in the army "to promote political education, instill a national revolutionary spirit, raise fighting capacity, solidify discipline, and realize Sunyatsenism." [31] In his determination to subordinate the loyalty of the National Revolutionary Army to the Kuomintang, Chiang unwittingly provided the soviets with the means for overt penetration of the Nationalist military establishment: the political commissar. The political commissar was the representative of the Kuomintang. As director of all party organizations in the army, he was responsible for the work of political education and for the supervision of army clubs, the military youth league, and the Sunyatsenism Society. But even more important, he was superior to the military personnel of the National Revolutionary Army, and his orders, like those of the commander, were law.[32]

In addition to carrying on political training in the army, the commissar was empowered to

> inquire at all times into conditions of army life and the psychology of the officers and men . . . check whether the men got their food on time and on the quality of the food . . . check that all newspapers and magazines are received on time and equally distributed in the army . . . explain to the soldiers their duty of liberating the people from foreign imperialism . . . maintain contact with the people where the army is stationed . . . exert special efforts to bring peasant and labor organizations close to the army.[33]

Communist disintegration work within the National Revolutionary Army could not have been carried on under more favorable conditions. With the assistance of the soviet advisers, many Chinese communists who enjoyed dual membership in the Kuomintang were able to insinuate themselves into the political departments as commissars, positions for which they qualified on the basis of their previous propaganda, agitation and organization experience.

Although the Chinese communists concentrated on strengthening their position within the National Revolutionary Army, they did not neglect their work against the northern warlords who stood in the path of Chinese unity. Advanced contingents of communist-trained agitators and propagandists were sent into northern China to infiltrate the army and organize strikes and peasant revolts behind the lines.[34]

In February, 1926, Chiang Kai-shek moved to restrict Russian influence in the National Revolutionary Army by proposing the reorganization of the general staff and the replacement of all soviet administrative officers with Chinese personnel.[35] The change was effected, and the soviets reverted to their position as advisers. General Rogachev became adviser to the new Chinese chief of the general staff.[36] In March, 1926, Chiang struck another blow to strengthen his position by declaring martial law in Canton. Chiang ordered the arrest of a number of communist party leaders, including Li Chih-lung, the head of the political department of the navy. He also ordered the guards at the residence of the soviet advisers to be disarmed. Chiang's action came as a shock to the soviet advisers and to the Chinese communist party, forcing them to suspend their activity until they could determine the extent of Chiang's opposition.[37]

The soviets adopted a conciliatory attitude towards Chiang, and entertained hopes of still being able to "use" him to gain their ends. Stepanov, the soviet adviser with Chiang Kai-shek's First Army, blamed Chiang's action at Canton on three factors: too rapid centralization of military power, excessive supervision of the general officers by the soviet advisers causing jealousy, and "inappropriate radical propaganda in the army on the problems of imperialism, the peasantry, and communism." [38] Stepanov was also critical of the Chinese communists:

> The Chinese communist party has also committed many mistakes in party work and propaganda in the army. Its members fail to understand the process of organizing the Kuomintang and then secretly transferring it. They only try, as their primary policy, openly to expand the Chinese communist party, and to grab complete control over everything. Thus, they have aliented the KMT (Kuomintang) and have aroused jealousy on the party of KMT members.[39]

According to Stepanov's report to the soviet embassy in Peking, the policy governing work in the National Revolutionary Army remained unchanged. This policy which involved "utilizing Chiang Kai-shek" called for continued centralization of military organization, improving conditions of military service, elevating the standard of officers, improving the quality of the troops, expanding the work of secret agents, expanding aviation and the navy, and expanding political propaganda work in the army.[40] By April, 1926, Chiang had relieved all communist political commissars and political workers in the army. The Kuomintang and the Kung-ch'an-tang were approaching the party of the way.

In July, 1926, the central committee of the Communist Party of China held a special plenary session in Shanghai. The resolution on the military movement adopted by the King-ch'an-tang at this meeting reveals communist aims and the extent of progress which they had already made in their antimilitarist work. "From the objective standpoint," the resolution stated:

> We should at least carry out suitable political propaganda among the national revolutionary forces. At the same time, it should be easy for us to work within the armies of the reactionary militarists in view of militarist rivalry and hostility, internal conflicts within the armies, and the excessive mistreatment of mercenary soldiers in the militarist armies.[41]

These aims had not been met. "Our organization," the resolution complained, "appears to be a study group." [42] Party members had neglected the military movement, and lacked understanding of the need for such work:

> Our work in enemy armies is largely characterized by attention to conflicts between high-ranking officers. We have failed to establish close contacts with low-ranking officers and the masses of soldiers. We have not begun systematic work with reference to armed peasant organizations.[43]

"Our party is a proletarian revolutionary party," the resolution reminded the Chinese comrades,

> prepared at all times for armed uprisings. In the course of the national revolution, we should participate in armed struggles to help strengthen progressive military forces, smash the power of reactionary militarists, and gradually expand the armed forces of the masses of workers and peasants. This type of work provides our party with the experience of systematically preparing for armed uprising.[44]

The resolution outlined the task which lay ahead for the Kung-ch'an-tang:

> Henceforth we should try to organize soldiers' cells under our direction in reactionary miltiarist armies, and secure close contact with the masses of soldiers. We should utilize daily events in the army for oral and written propaganda among the soldiers. At the same time, we should devote all our efforts to agitation and organization of party cells in arsenals and ordnance bureaus to cut the supply of weapons to reactionary militarists.[45]

"Military work," the resolution concluded, "is a part of the party's work." [46]

THE SOBER REALITIES OF THE WEST

Many European communists believe that the Comintern had been carried away by "the revolutionary romance of the East." In a sense, it had; but not entirely forgotten were "the sober realities of the West." [47] In some countries of western Europe like Germany, Italy, and Spain, communist disintegration activities were practically nonexistent, but in others the work which had been started in the early 1920's was stepped up. In Sweden, on the initiative of the Young Communist League, an antimilitarist campaign had been organized in connection with the autumn army maneuvers of 1924. The Swedish communists distributed leaflets among the soldiers urging them to take no part in any war against Russia. [48]

According to the Comintern's evaluation of its over-all anti-militarist program, the best disintegration work in the armed forces of the Baltic states was achieved in Finland.[49] After Finland, the communists ranked their work in Lithuania, Estonia and Latvia in descending order.[50] Antimilitarist work was carried out on a modest scale in the Baltic states throughout the early 1920's. In November 1925, the Finnish communists had received a minor setback when a communist cell in the army was uncovered by the government, but the Communist Party of Finland continued to organize May Day celebrations and to carry on its antiwar campaign in the barracks.[51] The Communist Party of Latvia concentrated its antimilitarist campaign against the officer class in the Latvian Army. It also organized communist cells among the soldiers, and circulated propaganda to undermine the discipline in the ranks.[52]

A frequent theme in communist propaganda circulated among the servicemen in the Baltic states was the "conditions" existing in the barracks. This theme was featured in *Puntasotilas*, the illegal monthly mimeographed newsletter for soldiers published by the Young Communist League of Finland. In Lithuania and Latvia, the communists published *Kareiwis Tiesa* (*Soldiers' Truth*), which appeared twice monthly in an edition of about 1,500 copies, and *Sarkanais Strelneka* (*The Red Guard*). Both of these illegal publications featured antimilitarist themes, but the communists were relatively unsuccessful in gaining adherents to their cause.[53] British and American sailors who visited Baltic ports found the local agitational appeals unpalatable, but the communists persisted in their attempts to sow dissension whenever the opportunity presented itself.

In Great Britain, the *Soldiers' Immediate Demands* formed the basis for the communists' antimilitarist campaign in the army. A similar program of demands was also drafted and applied to navy work. The Young Communist League of Great Britain made September 6, 1925 the Eleventh International Day of Youth, the focal point for a mass "fight the war danger now" campaign. The danger of imperialist war, British communists said, could me fought

> by securing the unity of the workers and soldiers and sailors, and by educating the soldiers and sailors to fight for political rights in the forces, which is a fight against the capitalist army and for the formation of the red army of the workers.[54]

Soldiers and sailors, the Young Communist League of Great Britain declared, were mainly sons of the working class, so they should not be used in industrial disputes or in a new imperialist war.[55]

An active propaganda program was also carried out by the Communist Party of Belgium against what it described as the "utter militarization of the country." [56] The communists agitated against the proposed re-

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organization of the Belgian armed forces, and worked to create a closer association between the soldiers and the workers. On September 25, 1925, the *Drapeau rouge* (*Red Flag*), official organ of the Communist Party of Belgium, began publication of a separate antimilitarist supplement, *La Tribune du Soldat* (*The Soldier's Tribune*) which was the forerunner of a series of specialized barracks newspapers.[57] It was published in both French and Flemish.[58] The appearance of the *Tribune du Soldat* was closely followed by the publication of two barracks newspapers which the Belgian communists claimed were edited and distributed by the soldiers themselves.[59] Belgian conscripts under communist discipline were ordered to exercise great caution in the manner in which they carried out their mass propaganda activities, to give every appearance of being good soldiers, to profit as much as possible from the instructions given them, and to attempt to better themselves by gaining a position of trust in their units, preferably in the office. Sympathetic Belgian conscripts were also reminded frequently that they must go into the army in order to learn how to handle arms, for such was the purpose of the "good" communist.[60]

Communist propaganda in France emphasized the danger of a new war. The main work was carried on by the Young Communist League which encouraged its members to establish personal contacts with the men in the armed forces. In addition, great reliance was placed on the power of the written word. Special editions of *L'Humanité*, the official organ of the French communist party were published periodically for dissemination among the servicemen.[61] Antimilitarist propaganda was also featured in *L'Avant-garde*, the weekly central organ of the Young Communist League.

In 1925, publication of a special antimilitarist newspaper, *Conscript*, was launched to reach the new recruits. It was later followed by a special Young Communist League paper, *La caserne*, for soldiers, and *La page de Jean-le-Gouin*, a similar publication for navy men.[62] A separate edition of *La caserne* was also published in Arabic under the title *La caserne coloniale* for dissemination among the French colonial troops in North Africa.[63] The outbreak of a wave of disorders among the Riffs in Morocco provided the focal point for a major antimilitarist campaign against war. At its national conference in August, 1926, the Young Communist League of France decided to sustain a maximum effort in their antimilitarist activities as long as the war in Morocco continued.[64] All communists were ordered to employ every method available to penetrate into the barracks and on board ship in order to sabotage the French armed forces and bring the war to a halt.[65]

By 1926, the Balkan Communist Federation began to achieve results through its centrally-directed antimilitarist program. Communist "cadres" were set up among Greek officers to serve as the foundation of a future "red army."[66] Cells were also organized among the enlisted men in the Greek army and navy.[67] The work of the communists extended into the maritime industry, from which Greece drew men for naval service. Communist activity permeated the whole trade union movement. The marine transport workers of Greece were singled out as the target for special antimilitarist work, for Greek ships had been used to ship troops to the Ukraine during World War I. To finance its campaign, the Greek communist party borrowed a page from the case book of Lenin, adapting the "soldier's sou" concept to local circumstances. A special levy of one drachma a month for each member of the trade unions was established by the party which went into a special fund for the soldiers. This fund was used to buy gifts which were sent to the soldiers in the name of the communist-dominated trade unions.[68]

Antimilitarism made its appearance in Czechoslovakia about the same time as it had in Greece. Focal point of the antimilitarist campaign in the Czechoslovakian army was the illegal newspaper, *Voiak* (*The Soldier*), which the Young Communist League circulated clandestinely in the barracks.[69] So that they might observe and benefit from the revolutionary example set for them by the Russian proletariat in 1905, the communist party encouraged its members to attend the film *"Potenkin"* which played Prague in the fall of 1926.[70] The war danger permeated all communist propaganda, but little direct antimilitarist work was conducted in the other Balkan countries. In Germany, however, the sword of revolution had again begun to rattle in the communist closet.

In 1926, the German communist movement began to display signs of recovery from the devastating effects of the unsuccessful October revolt which preceded the fifth congress. Zinoviev's assertion that a proletarian revolution in Germany was inevitable, and that the revolutionary crisis would become more acute with time had not been forgotten. Nor had the German communist party ignored his directive that it "must on no account remove armed risings and the conquest of power" from its program.[71] But they were no longer content to contemplate passively past events when the decisive battles were yet to come. In August, 1926, the Communist Party of Germany began making plans for the penetration of the organized military forces of Germany and the organization of an apparatus capable of paralyzing the Reichswehr.[72]

The importance of the Reichswehr and the police in civil uprisings had been one of the most important lessons of the October defeat.

When the Communist Party of Germany revived its antimilitarist program, disintegration and demoralization activities in the organized military forces became the order of the day. In addition to circulating numerous propaganda leaflets addressed to the *Soldaten der Reichswehr*, the communists revived publication of several of their clandestine antimilitarist newspapers.[73] Included in those published for distribution among the armed forces were the special navy paper, *Der Kuli* (*The Coolie*), and *Rote Soldat* (*Red Soldier*) and *Die Reichswehr* for the army. Special newspapers were published for distribution among the police in the major cities, e.g., *Die Brennessel* (Leipzig), *Der Schupomann* (Frankfurt), *Das Kuckucksei* (Chemnitz), *Die Schutspolizei* and *Der Rote Gupmmiknuppel*, to name but a few.[74]

Publication of a special antimilitarist magazine, *Oktober*, under the editorship of leading German communist, Ernst Schneller, also began in 1926. *Oktober*, which appeared quarterly, specialized in historical articles on revolution and theoretical discussions on armed uprisings. A second antimilitarist journal was also launched in 1926 by communist editor Bertha Lask, but it was suppressed the following year by government order.[75] When the soviet film *"Potemkin"* was shown in Berlin in the fall of 1926, the Communist Party of Germany made attendance compulsory for its members as a lesson in the "mechanics of mutiny."[76]

The Communist Party of Holland conducted an active antimilitarist propaganda and agitation program among the Dutch soldiers and sailors. The fight against militarism had been the most important plank in its national program even before the fifth congress of the Comintern.[77] During the autumn maneuvers of 1926, Dutch communists carried on a special campaign among the reservist which succeeded in stirring up a considerable amount of unrest among the troops. The party also carried on agitation among the sailors. The primary campaign in the navy involved the circulation of manifestos and appeals demanding the return of the Dutch cruiser, *Sumatra*, from Shanghai.[78] The antimilitarist program was not limited to Holland alone, but extended into the Dutch colonial possessions. In Indonesia, the *Perserikatan Kummis Indonesia* (Indonesian Communist Party) which was directed by the Far Eastern Section of the Comintern from Shanghai, received some guidance and support for its local antimilitarist program from the Communist Party of Holland.[79] In November, 1926, revolts broke out in Indonesia, first on the island of Java, then in Sumatra. They were communist-inspired, and represented an organized attempt to overthrow Dutch rule by armed forces. The revolts failed, but the Comintern began to prepare the ground for future revolutionary struggles. Like the proletarian mothers', the communists' work was never done.

On November 22, 1926, the Comintern convened a special plenary session in Moscow. The primary item on the agenda was the national and colonial question in the Far East. The plenum defined the tasks of the communists in Indonesia as its first order of business. The Indonesians, it decreed, were to agitate in favor of an independent Indonesian republic, amnesty for political prisoners, the abolition of Dutch as the official language, and the withdrawal of the Dutch occupation forces.[80]

The plenary session considered the question of the Chinese revolution. Stalin was the principal speaker.

Chinese communists, Stalin said, ought to devote special attention to the work in the army. They "must use every means in their power to intensify political work in the army," he continued, "and must succeed in making the army a real and model impersonation of the idea of the Chinese revolution."[81] Stalin was highly critical of the Chinese communists' failure to agitation against foreign intervention:

> There is an inclination to understand by intervention a condition in which foreign troops march into Chinese territory; if this does not take place, then there is no intervention. This is a serious error, comrades; intervention is by no means limited to the entry of troops, and the entry of troops is by no means an essential characteristic of intervention. In the present circumstances of the revolutionary movement in capitalist countries, where the direct entry of foreign troops might lead to a number of protests and to conflict . . . imperialism prefers to intervene against the revolution by organizing civil war within a dependent country, by financing the counterrevolutionary forces against the revolution, by moral and financial support of its Chinese agents. . . . Intervention by using other people . . . that is the kernal of imperialist intervention at present.[82]

The surest way to demoralize the reactionary armies, the Chinese communists were told, was through revolutionary work among the peasantry.[83] Stalin expressed his concern about the revolutionary role of the peasant element in the army. His admonition to the Chinese communists: "Neutralize the elements in the army which are hostile to the peasants."[84]

VII. THEORIES, TACTICS AND TEXTBOOKS

In January, 1927, the Comintern issued secret instructions for the establishment of a clandestine apparatus to penetrate the armed forces and organs of government in Spain.[85] Communism was no Johnny-come-lately to the Iberian Peninsula. Adherents of Marz had been active in Spain in the last half of the nineteenth century, but achieved little success as an organized movement until after the advent of the Communist International. When the invitation to the first congress of the Comintern was drafted by Trot-

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sky in January, 1919, it included a call to the "left" elements in the Spanish socialist party to participate on the basis of full membership as a section of the new International. Although difficulties in traveling to Moscow prevented the Spanish socialist left from participating in the first congress, subsequent congresses found the Spanish communists well represented. Their delegates to the second congress of the Comintern in 1920 heard Lenin make a prediction that the next proletarian revolution would take place in Spain. Before the revolution could be accomplished, however, General Prime de Rivera came to power, forcing the Spanish communist movement underground for an extended period of illegality.

Although they had engaged in antimilitarist propaganda on a limited scale, the Communist Party of Spain and the Young Communist League had not been successful in penetrating the armed forces. To a degree their work had been hampered by the fact that many of their officials were known and under surveillance by the Spanish internal security forces. Therefore, as an added precaution, the Comintern decreed that no official of the existing communist party or youth league could participate in the now apparatus which it set up in 1927.[86]

To guide the antimilitarist work of the new organization, the Comintern furnished the Spanish communists with copies of a booklet describing how the Bolsheviks carried out the distintegration of the Russian army. The booklet was the work of Emilyan Yaroslavsky, a veteran Bolshevik and one of the foremost Soviet theorists on revolutionary antimilitarism. It was called *The work of the Bolsheviks in the Army Before the October Revolution.*[87] With the booklet went a warning. It was not possible, the communists were told, to transport mechanically the experience of the Bolsheviks to other countries. Although the fundamental directives which guided the Bolsheviks in their work among the soldiers in Russia still retained their forces, changing conditions throughout the world made it necessary to adapt the form and methods of work to the concrete situation and special circumstances which existed in each country.[88]

Because of its importance, the original version of Yaroslavsky's work was closely held within the Comintern, and distributed only on a strict "need-to-know" basis.[89] Copies of the 1927 Priboy edition are known to be available anywhere in the West. However, analysis of Yaroslavsky's public statements and the text of the revised edition of his pamphlet published later has made it possible to reconstruct his statement of basic communist doctrine governing antimilitarist work under both legal and illegal conditions.

Yaroslavsky developed the thesis that every army contained the seeds of its own destruction. The army, he said, existed in every country as a force to safeguard and defend the capitalist regime. It was the capitalist's most powerful instrument of class oppression. Unless the working class could attract at least a part of the army to their cause, they would be unable to free themselves from the yoke of capitalism. The possibility for carrying on such work, Yaroslavsky stated, was contained in the system of obligatory military service common to all modern armies. As the masses of the soldiers were drawn from the workers and peasants, they were able to grasp and defend the political ideas of their class.[90]

Yaroslavsky placed primary emphasis on organization. The winning over of the masses, he said, was not a spontaneous act:

> Unless special men are appointed for the work, without organization and without devoting great effort and attention to propaganda and agitation in the army, it will be impossible to organize the forces of the social revolution or be able to utilize the army as a sympathetic force on our side.[91]

Wherever, possible, he wrote, communists should establish a small secret group or cell in every military unit. This secret group represented the illegal regimental and battalion committees which maintain contact with the secret communist military nuclei outside of the barracks. Contacts between the military organizations must be kept in strict secrecy, Yaroslavsky warned. To insure organizational integrity, members should be given careful screening before selection. The size of the organization, Yaroslavsky stated, was relatively unimportant: communists need not be concerned with numbers, for these organizations were never to be considered as a complete force capable of undertaking independent action. Rather they were to be regarded as an organized force which, at the proper moment, would be able to win the masses of the sailors and soldiers in the armed forces to the communist cause.[92]

The form which communist work should take, Yaroslavsky wrote, was dictated by the fact that modern military forces were not homogeneous in character. Instead of setting out to win all elements of the armed forces over to their cause at any cost, communists should concentrate their attention on those elements within the force which were most responsive to revolutionary propaganda and agitation by virtue of their proletarian class origin. Because of the large number of workers in their ranks, the greatest possibility for successful organizational work existed in the navy and in the more specialized units of the army, particularly among the artillery, sappers and technical troops. Cavalry troops, which in western European countries were recruited primarily from the well-to-do-peasant class, and officers, offered the least possibilities for success.[93]

Unlike the revolutionaries who preceded the bolsheviks, e.g., the Decembrists and the *Narodrava Volya* (The Will of the People), Yaroslavsky stated, communists should hold no illusions about creating separate officers' organizations. Officers, he said, generally came from the "propertied" class. Only a few were capable of understanding the ideas of the proletarian revolution or being influenced by agitation.[94] Lenin noted, Yaroslavsky reminded his readers, that class origin and professional military caste interests bound officers to uphold the army. Officers in general were reactionary, Lenin had written, but seldom played active roles as members of opposition groups. Lenin had also acknowledged the possibility that some officers might pass over to the side of the revolution, but he warned against forming separate officers' organizations. Officers, he said, should be cultivated as indicators of trends and sources of information, but attached to communist military organizations only as instructors and practical assistants.[95] To Lenin's remarks, Yaroslavsky added further words of warning. Extreme caution, he said, should be exercised to insure that only those officers of proven reliability were permitted to join secret nuclei.[96]

Communist parties could use officers to learn the strength of the enemy. Yaroslavsky stated, for the preparation and organization of revolution demanded knowledge of the forces and techniques which the enemy could employ.

Yaroslavsky emphasized that communists should avoid *putschiem.*[97] Premature outbreaks, he noted, were suppressed with extreme severity and could only lead to the collapse of the organization. Revolutionary energy should not be expanded uselessly in such actions. Lenin observed, he stated, that unless revolution had a mass character and included the army, there could be no serious battle. In quoting Lenin's remark, Yaroslavsky created a precedence which was followed by most communist authors on the doctrine of revolutionary antimilitarism.[98]

The character of work in the army, Yaroslavsky held, should be determined by the objectives of the proletariat.[99] The concrete immediate demands of the soldiers, he said, were to be supported by the communist cells. Yaroslavsky listed typical slogans which might be raised. These included the reduction of the length of obligated service to two years for the army and three for the navy; the right to appear at public gatherings in uniform; the abolition of corporal punishment, disciplinary battalions, and military prisons; equal rights for soldiers without regard to nationality or religion; and the right to possess and read in the barracks whatever literature they desired without interference or censorship by their officers. Yaroslavsky also listed several typical legal demands which should be supported, including the right of petty officers to go to officer candidate schools; the right to register complaints against officers before a trial board; the right to defend oneself against physical abuse by an officer; and the improvement of living and working conditions.[100]

Yaroslavsky emphasized the importance of establishing a revolutionary press. In addition to publishing leaflets, he stated, it was necessary to carry on comprehensive agitation among the soldiers and sailors through special newspapers. The specific conditions of their daily lives provided plenty of material for such newspapers. Space should be allocated in every issue for publishing letters from the men describing their problems, e.g., the lack of rights, the harsh discipline of the officers, etc.

Communist work against the armed forces was not to be limited to propaganda and agitation among the soldiers and sailors, Yaroslavsky continued. Considerable attention should also be devoted to the revolutionary conditioning of youth who were about to be drafted into the armed services. Conscripts were to be trained to carry on both revolutionary propaganda, agitational, and organizational work in the army and navy.

Yaroslavsky was one of the first of the soviet theorists to recognize the need for a library of specialized literature to acquaint foreign communists with the techniques of revolutionary work within the armed forces.[101] His concern was generated not in response to any requirement of the Spanish communists who first benefitted from his work, but by the failure of the communist movement in Germany to carry out the proletarian revolution.[102] The reawakening of the revolutionary spirit in Germany also created a requirement for specialized literature on the art of insurrection, armed rising and civil war.

THE ROAD TO VICTORY

Both Marx and Lenin wrote on the art of armed uprising, but it remained for an obscure German theorist writing under the pseudonym of "Alfred Langer" to interpret their doctrine in the light of the revolutionary experiences of the decades following the Russian revolution.[103] In March, 1927, a small brochure attributed to the authorship of Alfred Langer came from the Berlin presses of communist publisher, Ernst Schneller.[104] The booklet was printed in German, and carried the title of *Der Weg zum Sieg*, or *The Road to Victory*. Schneller's introduction states that its purpose was to point up "the correct way to bring about the Marxian revolution."[105]

The Road to Victory presented a theoretical analysis of the art of uprising.[106] According to Langer, armed uprising was the initial phase of civil war.[107] It was "the direct fight for the capture of the political power through

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a revolutionary class" in contrast to civil war, or the fight for "the retention and the defense of the power once it has been captured."[108] Conditions for armed uprising were often quite dissimilar from those for civil war. Therefore, preparation by the revolutionary class was to be made not for civil war but for armed uprising.

The importance of proper timing, the necessity for numerical superiority, the imperativeness of maintaining the offensive, and the danger of permitting the opposition to concentrate its forces were all emphasized by Langer in The Road to Victory. When the uprising began, Langer said, the front was everywhere.[109] Leaders of uprising should prevent the formation of a regular front. To keep the counterrevolutionary forces scattered, the revolutionary proletariat should concentrate their force by carrying out simultaneous attacks everywhere.

"The fighters of the counter-revolution—the army and police—who undeniably come from the proletariat," Langer noted, "are always exposed to the danger of disintegration."[10] When these forces were divided, disintegration work against them could be carried out with relative ease. When the forces of opposition were concentrated on a regular front, they could be isolated by their leaders from any contact with the revolutionary masses. Under such conditions, disintegration work became considerably more difficult.

Langer counted military organization as one of the primary strengths of the counterrevolution. This organization, he stated, was usually qualitatively superior to the armed forces of the revolutionary masses. Qualitative inferiority could be offset, however, by quantitative superiority.[111] In addition, instead of attempting to match this organization, the revolutionary masses should set their goal as an attempt to disorganize it using any and all means available.[112]

According to Langer, complete mastery of the art of the uprising demanded "above all some strictly military knowledge."[113] For this reason, he stated, the revolutionary party should provide a thorough military education to the largest possible number of its members. However, the military aspects of the uprising were a "subordinated but inseparable part of the political aspects—it is an armed political fight."[114] Thus the leadership of the armed uprising should be primarily political, rather than military.

Langer concluded his consideration of armed uprising with a discussion of the "peaceful" capture of the armed forces of the enemy.[115] "From the military point of view," he observed, "the art of uprising consists in the prevention of concentration, disintegration, disunity, disorganization, and splitting up of the armed forces of the enemy."[116] Revolution must be a revolution of the masses, and must "touch" the military, he said, for otherwise, according to Lenin, there could be no "serious battle."[117]

"An effective fight for the destruction of the armed forces of the enemy," Langer continued, "demands that it be waged not just from the outside but also from the inside."[118] In addition to emphasizing the development of "forces" to penetrate and work for the disintegration of military organizations from within, Langer highlighted the need for carrying out "peaceful" propaganda within the armed forces. This task, he asserted, represented "the best preparation for the armed uprising."[119] Once the uprising had started, however, this type of propaganda was not enough. According to Langer, what was needed was "an armed fight against the police and the military and a physical battle for the military, that is to say, an active, desperate fight with the counterrevolutionary elements for the winning over of the mass of soldiers."[120] Propaganda in the armed forces was only "work in anticipation of such a battle."[121]

THE COMRADES' BEDSIDE COMPANION

France produced an important addition to the communists' little library of revolutionary antimilitarism in 1927. It was *La révolt de la Mar Moire* (*The Black Sea Revolt*) *by* André Marty, the veteran French communist who had figured so prominently in the attempted mutiny aboard the *Protet* in 1919.[122] After his release from prison, Marty had become active in the French communist movement. As the "hero" of the Black Sea revolt, he was considered to be the party expert on agitation and propaganda techniques inside the navy. Marty's activities also included preparing the party for armed rebellion. Under his direction, French communists stopped counciling desertion from the armed forces and emphasized instead the development of calls capable of destroying the military from within. Their 1927 program to penetrate the military structure of France paralleled communist employment of "Trojan horse" tactics to penetrate the government through the *Chambre des députés* with Marty as one of their candidates.[123]

Marty also played an important role in the French communist-front navy organization, *Fédération de la Marinn.* As its president, Marty is reported to have established communist cells in at least forty French warships, arsenals and naval centers by mid-1927.[124] Special agitation schools were also established under his direction at Toulon and Cherbourg. Each class accommodated 15 students, consisting of servicemen and party workers, who were to be graduated as antimilitarist experts for work in the armed forces of France.[125]

Marty's book revealed how bolshevik disintegration techniques resulted in the demoralization of important components of the French military and naval forces deployed in the southern Ukraine and Black Sea area in 1919. He stressed the importance of studying the revolutionary episodes of the past, and culling from them lessons which could be applied to the future. Like Lenin, Marty emphasized the necessity for proper preparation. Communists should not be misled, he said, thinking that mutinies or revolts were spontaneous occurrences.[126] To believe that the mutinies of the French servicemen in southern Russia in 1919 were spontaneous manifestations, Marty stated, was to ignore the primary lesson of the Black Sea revolt. What happened in the Black Sea area, he explained, was but the final surge of a revolutionary wave of strikes against the war which had swept over France since 1916.[127]

The real means of struggle against war, Marty wrote, was through mass revolutionary action. This required mass propaganda, agitation and organizational work among the men of the armed forces.[128]

The struggle against a new anti-soviet war, he stated, must be carried out before it begins.[129] To be effective, the struggle in the armed forces demanded systematic propaganda and agitation in defense of the immediate demands of the soldiers. Every mutiny, Marty ascerted, broke out as the result of some trivial incident, e.g., a concrete immediate demand on the condition of the food. The incident itself organized the French sailors, he noted, although it would have been "extraordinarily easy" to have created one or more illegal cells in every unit and on every ship of a fleet. Marty pointed out that the presence of a large number of reservists in service would also have permitted the creation of legal reserve groups. These groups in turn could have been brought under the influence of the illegal communist cells, and used as the nuclei for mass revolutionary organizations embracing entire military units and crews. It was evident, Marty concluded, that the Black Sea mutineers had known nothing about the art of insurrection.[130]

Marty's detailed account of the Black Sea revolt was used by the French communists as the basic textbook on disintegration tactics against naval forces. It was later translated into other languages so that communists outside of France could also benefit from Marty's "wisdom" and experience. Marcel Cachin's judgment of Marty's book summarized the official communist party view of its significance. Cachin called it a basic "bedside" reference work for all communists. "It was not written for dusty archivists," he said, but "for those militants who wish to learn."[131] In their hands, Cachin stated, it would be a weapon. And a dangerous weapon it proved to be.

SOBER REALITIES IN THE EAST

In May, 1927, the executive committee of the Comintern held its eighth plenary session in Moscow. The agenda featured two important subjects: the Chinese question and the danger of war. In April, the split in China between the Kuomintang and the Kung-ch'an-tang had broken out into open warfare, and required a redefinition of military and political strategy for the Communist Party of China. The eighth plenum decided that the Chinese communists should continue to support the military operations being conducted against the northern territories. At the same time, it directed them to "conduct intensive demoralization work in the rear and within the armies of Chiang Kai-shek with the aim of liquidating them which does not exclude, of course, conducting military operations against them at the appropriate moment."[132] The three principal tasks of their party, the Chinese communists were told, remained the creation of illegal organizations within the Kuomintang, the organization and leadership of the peasant movement, and work among the soldiers.[133]

The Comintern's resolution on the Chinese question contained some familiar observations on rebellion. The tactic of rebellion under any and all circumstances was not, the Comintern reminded its sections, a Leninist tactic. Those who thought otherwise, including some Chinese comrades who had proposed such tactics in connection with Chiang Kai-shek's Shanghai coup, were "absolutely stupid." As Lenin had pointed out, there was no playing with rebellion. Rebellions were to be started only when there was some chance of success. Once started, the only course was to "advance."[134]

The eighth plenum directed all sections of the Comintern to support the Chinese revolution by agitation and propaganda against intervention in China in the press, in the trade unions and in all mass organizations. Sections in imperalist countries which had colonies or dependencies were also to carry on work there. More important, however, was the order to intensify the work being carried on among the soldiers who were to be sent to China. Serious preparations, the Comintern said, should be made to prevent the dispatch of supplies and troops to China. This required all sections to conduct work among the soldiers, urging them to go over to the side of the revolutionary troops in China.[135]

A program to secure active support for the Chinese revolution had been initiated earlier in 1927 by the western European bureau of the Comintern. Working through the Young Communist International, the western European bureau had channeled the main efforts of the communist youth organizations "to the practical antimilitarist struggle within the navies and imperialist armies."[136] In Great Britain, communists youth groups were assigned to cover all ports of embarkation, to distribute leaflets and manifestos and to organize meetings among servicemen and the working class. The slogan

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Footnotes at end of article.

of "sabotage" was advanced to prevent the transport of munitions to China. When British warships sailed for the Orient, leaflets were distributed among the soldiers and sailors calling on them to fraternize with the Chinese soldiers, workers and peasants.[137] The soviet *chargé d'affaires* in London was also active in sowing dissention in Great Britain. On April 1, 1927, he sent a dispatch to the Commissariat for Foreign Affairs, Moscow, in which he complained that "one of the principal obstacles for conducting a campaign of protest against British violence in China is the appalling supply of information."[138] But the lack of facts did not bother the British communists, or the "Hands off China" committees which they sponsored. By the end of 1927, they could boast of the existence of at least seventy such committees in England.[139]

A similar "Hands off China" campaign was also carried on in France. On May Day, 1927, the Young Communist League of France raised slogans designed to awaken the class consciousness of the troops so that in the event of an armed clash in China, the soldiers would refuse to fight. Typical of the type of propaganda which the French communists disseminated within the armed forces during this period was the statement by Henry Barbé, the chief of the Young Communist League and a member of the central committee of the Communist Party of France. In the April 13, 1927 edition of *L'Humanité,* the central communist organ, Borbe declared that the generals and admirals were the real enemy of the soldiers and sailors of France. These officers, Barbé stated, left their men to starve and die on foreign shores.[140] The Young Communist League of France published its antimilitarist organ, *La caserne* in special additions running between sixteen and twenty-one thousand copies for distribution among the soldiers. The communist newspaper for sailors, *La Page de Jean-le-Gouia,* increased its press run to four thousand copies. French communists attempted to get their propaganda and copies of these two newspapers aboard every ship leaving French ports for Far Eastern waters. Their efforts were concentrated in the ports of Charbourg, Lorient, Brest and Toulon, but mass "Hands off China" meetings were held throughout France.[141]

Campaigns against intervention in China were also carried out in Canada and the United States. "Hands off China" committees and conferences were organized in many cities throughout the United States. In one city, the communists claimed to have gotten sixty local unions to support their "Hands Off China" conference. The communists penetrated into the Chinese-American organization, "Kuomintang in America," and attempted to take over control. Demonstrations against intervention were organized in front of the gates of navy yards in New York, Philadelphia, Norfolk and Seattle.

Propaganda leaflets were distributed inside Fort Slocum and other military camps.[142] An attempt was also made to agitate among the American marines who were being sent to the Far East, but the task proved to be an unpopular one, for several of the party members who were assigned to carry on the work were "roughed up" by patriotic marines. When the communist party's district organizer in California was instructed by the central committees to distribute leaflets among the marines, he refused, stating, "Only a provocateur could instruct a communist party to distribute leaflets among the marines."[143]

The Comintern also created a special antimilitarist section within the Far Eastern bureau at Shanghai. According to Richard Krebs who at that time was active in the Comintern's international antimilitarist apparatus, the disintegration of military morale by means of persistent propaganda was considered to be the only means available for neutralizing the threat posed by the British, French, Japanese and American military forces aboard the warships deployed along the China coast. The major point of contact with the men from the warships was Hongkong, but the work there was hampered by the inability of the Chinese communists to make themselves accepted by the British and American sailors. This problem still had not been resolved when Krebs arrived in Hongkong.

The Far Eastern bureau of the Comintern allotted Krebs one hundred Shanghai dollars a week to carry out his agitational activities. Supplies for the portable mimeograph machine on which he turned out his English language propaganda leaflets quickly ate up his allowance, which made it impossible for him to carry out the instructions he had been given: "Pull the foreign warships' teeth!"[144]

How successful was the "Hands off China" campaign? The communists' own assessment of it comes close to answering the question: "Although this campaign did not produce big results, a certain amount of sympathy was awakened among the foreign troops for the revolutionary movement in China."[145] Sympathy is a poor substitute for action, but from the communist standpoint, it was a beginning.

On May 29, 1927, the eighth plenum of the Comintern adopted new theses on the war in China and the danger of war against the Soviet Union. Soviet leaders had conjured up the spectre of a new world war. According to their interpretation of world events, not only had all of the "objective" conditions for a major war matured, but the outbreak of war itself was imminent. The world was rapidly dividing itself into two opposing camps, with the powers of imperialism in the one, and China and the Soviet Union in the other.[146] Everywhere the soviets saw themselves surrounded by imagined enemies, a recurring theme which they emphasized in directives which were translated into action programs through the Communist International. There existed, they asserted, "a constantly growing menace of war against the Soviet Union by an imperialist bloc under the leadership of Great Britain."[147] France and Italy were also named as co-conspirators of Great Britain.

In retrospect, the idea of these countries, either singularly or in concert with other European powers, embarking on a war against the Soviet Union appears ludicrous. Nevertheless, this idea was firmly entrenched in official soviet thinking of the period. It motivated the Communist International's antimilitarist program, for the soviets believed that revolutionary antimilitarism offered the best possibility for neutralizing offensive power in the event of a war against Russia.

The classic examples of true international revolutionary slogans, e.g , "war against war," "convert the imperialist war into civil war," "defeat the home bourgeois government in an imperialist war," remained valid, the thesis stated, but the fundamental tasks of all communist parties required reorientation to meet the new war danger. The main watchword of all parties was to be "defend the Chinese and Russian revolutions." Popularizing the slogan "Hands off the Soviet Union and China" through demonstrations and committee action was to continue. Work was to be intensified in the colonies, while in the trade unions, strikes were to be organized. Above all, an untiring propaganda and agitation campaign was to be carried on in the press.

Only through mass struggle, the thesis indicated, could the approaching war be changed into a civil war. Mass struggle required work in the armed forces. All parties were directed to strengthen their activities in the army and navy. Women and children were to be utilized in their work. Whenever troop movements occurred, the women and children were to line the routes to the railroad stations and to the port areas. They were also to be used in antiwar demonstrations in front of the foreign embassies. Antiwar work was also to be intensified "among the working and peasant youth from whom modern armies are recruited."[148] All sections of the Comintern, the thesis concluded, must cooperate in the struggle against war.

FOOTNOTES

[1] *Ibid.*, p. 99.

[2] *Ibid.*, p. 26.

[3] *The Times* (London), October 8, 1924, p. 14.

[4] This letter formed the basis for communist action in Great Britain during the election campaign. No question has ever been raised as to its authenticity. (Great Britain, Foreign Office, *Communist Papers* Cmd. 2682, "Documents Selected from those Obtained on the Arrest of the Communist Leaders on the 14th and 21st October, 1925," (London: His Majesty's Stationery Office, 1926), p. 50.)

[5] *The Times* (London), October 25, 1924, p. 12.

[6] *Ibid.*

[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*

[10] *Ibid.*, October 27, 1924, p. 11.

[11] *Ibid.* It was subsequently revealed that McManus had been in Moscow at the time the document was allegedly signed, and was in habit of signing correspondence emanating from the Comintern addressed to the British Communist Party. (Eden Paul and Cedar Paul, *Anti-Soviet Forgeries* (London: Workers' Publications, Ltd., 1927), p. 62).

[12] *Ibid.*

[13] *The Communist Review,* V, No. 8 (December, 1924), 365.

[14] *Ibid.*

[15] *Ibid.*, p. 366.

[16] Lenin, *loc. cit.,* X, 109.

[17] *Ibid.*, p. 142.

[18] *Ibid.*, p. 44.

[19] Chamberlin, *loc. cit.,* p. 67.

[20] Paul and Paul, *loc. cit.,* pp. 60–61.

[21] Ruth Fischer, *Italian and German Communism* (Cambridge: Harvard University Press, 1948), p. 459.

[22] *Ibid.*, p. 461.

[23] *Ibid.*, pp. 462–63. Not all communists held Zinoviev in high esteem publicly. An Indian communist in London at the time of the Zinoviev affair stated that Zinoviev was "only a sucking babe in the art of revolution," (*The New York Times,* October 26, 1924, p. 28).

[24] *International Press Correspondence,* VIII, No. 6 (February 2, 1928), 130.

[25] *The Communist Review,* V, No. 10 (February 10, 1925), pp. 395–96.

[26] In speaking of Marxists who had failed him, Karl Marx once said, "I have sown dragons and have gathered a harvest of fleas." (Lenin, *loc. cit.,* VI, 75).

[27] Brandt, Schwartz and Fairbank, *loc. cit.,* pp. 71–72.

[28] *Ibid.*, pp. 75–76.

[29] Wilbur and How, *loc. cit.,* p. 184.

[30] *Ibid.*, pp. 197–98.

[31] *Ibid.*, p. 200.

[32] *Ibid.*

[33] *Ibid.*, p. 201.

[34] Eudin and North, *loc. cit.,* p. 290.

[35] Wilbur and How, *loc. cit.,* p. 215.

[36] *Ibid.*, p. 245.

[37] *Ibid.*, p. 248.

[38] *Ibid.*, p. 251.

[39] *Ibid.*

[40] *Ibid.*, p. 253.

[41] *Ibid.*, p. 316.

[42] *Ibid.*

[43] *Ibid.*, p. 317.

[44] *Ibid.*, p. 316.

[45] *Ibid.*, p. 317.

[46] *Ibid.*

[47] *Fifth Congress of the Communist International*, p. 7.

[48] *The Communist International Between the Fifth and the Sixth World Congresses* (London: Communist Party of Great Britain, 1928), p. 194.

[49] Finland was one of the first Baltic countries to engage in antimilitarist work. The Finnish communists boasted that their demoralization program among the "white" troops on the Finnish-Russian border during the period 1918 to 1920 had been so successful that numerous detachments had to be withdrawn from the front. (*International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1082).

[50] *Ibid.*, p. 1092.

[51] *La vague rouge*, No. 3 (March 1, 1927), 35.

[52] *La revue antibolchévique*, No. 2 (August 1926), 14.

[53] *International Press Correspondence*, XII, No. 36 (August 18, 1932), 765; *The Communist International Between the Fifth and the Sixth Congresses*, p. 314 and p. 330.

[54] *Communist Papers*, Cmd. 2682, pp 66–67.

[55] *Ibid.*

[56] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1075.

[57] *La revue antibolchévique*, No. 1 (July, 1926), 22.

[58] *La correspondence internationale*, V, No. 75 (August 1, 1925), 626.

[59] By mid-1928, the Communist Party of Belgium sponsored six different barracks journals for dissemination among the military garrisons at Brussels, Antwerp, Charleroi and Namur. (*International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1075).

[60] *La revue antibolchévique*, No. 1 (July, 1926), 22.

[61] *La correspondance internationale*, V, No. 75 (August 1, 1925), 626.

[62] *La vague rouge*, No. 6 (June, 1927), 15. Although the communists recognized the importance of French military aviation, it was not until 1929 that a special newspaper, *L'Aviation*, was published. (*Ibid.*, No. 26 (March, 1929), 5).

[63] *La correspondance internationale*, V, No. 75 (August 1, 1925), 626; *Fifth Congress of the Communist International*, p. 202.

[64] *La revue antibolshévioue*, No. 3 (September, 1926), 9.

[65] *Ibid.*, No. 4 (October, 1926), 7–8.

[66] *Ibid.*, No. 6 (December, 1926), 7.

[67] *La vague rouge*, No. 5 (May, 1927), 50–51.

[68] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1092.

[69] *La vague rouge*, No. 1 (January 1, 1927), 25; *ibid.*, No. 9 (September, 1927), 29–30.

[70] *La revue antibolchévique*, No. 6 (December, 1926), 7.

[71] Xenia Eudin and Harold Fisher, *Soviet Russia and the West* (Stanford: Stanford University Press, 1957), p. 219.

[72] *La revue antibolchévique*, No. 2 (August, 1926), 14.

[73] *Ibid.*, No. 3 (September, 1926), 14.

[74] Alfred, Dupont and Fischer, *L'antimilitariame révolutionnaire*, p. 62.

[75] *La vague rouge*, No. 9 (September, 1927), 29.

[76] *La revue antibolchévique*, No. 2 (August, 1926), 14.

[77] *Fifth Congress of the Communist International*, p. 95.

[78] *The Communist International Between the Fifth and the Sixth World Congresses.* p. 188.

[79] *La revue antibolchévique*, No. 5 (November 1, 1926), 9.

[80] *International Press Correspondence*, VIII, No. 69 (December 8, 1927), 1562–63.

[81] Budin and North, *loc. cit.*, p. 352.

[82] *Ibid.*, p. 351.

[83] *Ibid.*, p. 354.

[84] *Ibid.*, p. 360.

[85] *La vague rouge*, No. **2** (February 1, 1927), 27.

[86] *Ibid.*

[87] Benito Agulleiro, in his *Técnica de la infiltración communista* (Buenos Aires: Editorial La Masorea, 1943), p. 102, claims that a similar booklet was published in 1926. It is probable that Agulleiro is actually referring to the Priboy edition which did not appear until 1927. This first edition of Yaroslavsky's work was named for the famous Priboy revolutionary press in Petrograd. It was probably published simultaneously in limited Russian, Spanish, French and German language editions.

[88] Yaroslavsky, *op. cit.*, p. 3.

[89] Later, when its value as a basic text for for teaching mass antimilitarist methods became recognized, a sanitized version was reprinted and sold through communist channels in both France and Spain.

[90] *Ibid.*, p. 4.

[91] *International Press Correspondence*, VIII, No. 64 (September 19, 1928), 1152.

[92] *Ibid.*, p. 1151.

[93] Yaroslavsky, *op. cit.*, p. 5.

[94] *Ibid.*, p. 4.

[95] *Ibid.*, p. 29.

[96] *International Press Correspondence*, VIII, No. 64 (September 19, 1928), 1151. Eight years later, Yaroslavsky's interpretation of the role of officers in revolutionary movements cost the communists the effective use of the navy during the decisive period of the Spanish civil war. Yaroslavsky's mistake in evaluating Lenin's remarks was to ignore the fact that the disintegration of the armed forces only marked a turning point in civil war, that communist work extended beyond that point and involved consolidating the pieces into an effective fighting force for the proletarian revolution. During his struggle to consolidate power in Russia, Lenin realized the importance of having trained officers in the Red Army. The record of communist antimilitarist work in western Europe before 1927 revealed several instances where separate communist officers' nuclei were formed, e.g., in Latvia, Greece, etc. Between 1927 and 1935, however, the influence of Yaroslavsky's dictum on officers reversed the previous trend. Since 1935, communist doctrine has recognized that officers can play an indispensible part in communist revolutionary movements, and that their official positions offer an important "leverage" potential.

[97] Yaroslavsky, *op. cit.*, p. 11.

[98] *Ibid.*, p. 13.

[99] *Ibid.*, p. 19.

[100] *Ibid.*, p. 22.

[101] *International Press Correspondence*, VIII, No. 64 (September 19, 1928), 1152.

[102] *Ibid.*, p. 1151.

[103] Possony, *op. cit.*, p. 178, suggests that Langer was the pseudonym of either Hane Kiepenberger, onetime chief of the military apparatus of the Communist Party of Germany, or Tuare Valdemar Lehen, a Finnish communist. Possony favors Kiepenberger, but I am inclined to believe that Langer was actually the pseudonym of the German publisher, Ernst Schneller, who signed the preface. The evidence in favor of Schneller is circumstantial but convincing. As editor and contributor to the clandestine communist monthly, *Oktober*, Schneller qualified both as an expert and an author on the subject of military insurrection and irregular warfare. While the penalty for publishing such a brochure represented a relatively minor risk for Schneller, his identification as its author would have entailed somewhat more serious and longer lasting consequences. The absence of any reference to the author in the preface, and the tone which Schneller imparted to it, suggests an author's introduction as well as a publisher's preface. In the 1931 Zurich edition published by P. Meier, the preface has been rewritten and is signed "the author." It is interesting to note that other than Marx and Lenin, the primary sources quoted in the work are articles from *Oktober*. Authors' names were seldom given in *Oktober*, but initials were used. An exception was the appearance of the name "W. Langer" in the April, 1927 issue of *Oktober*, as the author of an article on the Red Army. Immediately preceding it was a theoretical discussion of disintegration tactics by "A. Sch." The possibility exists that the pseudonym "Alfred Langer" was a convenient fabrication using a name previously created by Schneller. Note the correlation between the publication date of *Oktober* and March 18, 1927, the date on which Schneller signed the preface.

[104] Cf. publication date given with previously accepted date of early 1928 cited by Possony, op. cit., p. 178. The date is probably somewhere between the preface date of March 18, 1927, and October, 1927, the publication date of a review of Langer's book by La vague rouge, No. 10, p. 10. According to the author's preface in the 1931 Zurich edition, the book was actually written in 1926.

[105] Langer, op. cit., p. 1. This and subsequent references to page numbers refer to the pagination of the English mimeographed translation by Morella Hansen on file in the U.S. Army Library, Washington, D.C.

[106] Schneller states that no attempt to supplement the purely theoretical analysis with practical examples had been made because of "understandable reasons." (Ibid). Communist reticence to reveal details of how theory was carried out in practice was not limited to Langer alone. Cf. Bukharin's statement on the necessity for illegal organizations in the armed forces, infra., p. 294, and D. Z. Marmilsky's reference to the necessity for communists to "decipher" the "Trojan Horse" tactics mentioned by Dimitrov, The Work of the Seventh Congress of the Communist International. (Moscow: Cooperative Publishing Society of Foreign Workers in the U.S.R.R., 1935), p. 80.

[107] Langer, op. cit., p. 4.

[108] *Ibid.*, p. 3.

[109] *Ibid.*, p. 4.

[110] *Ibid.*, p. 33.

[111] *Ibid.*, p. 18.

[112] *Ibid.*, p. 30.

[113] *Ibid.*, p. 6.

[114] *Ibid.*, p. 37.

[115] *Ibid.*, p. 40.

[116] *Ibid.*

[117] *Ibid.*

[118] *Ibid.*

[119] *Ibid.*

[120] *Ibid.*

[121] *Ibid.*

[122] Only the first half of Marty's book was published in 1927. The second half was printed in 1929.

[123] "Que nous y penetrons comme nous penetrions dans l'aroce bourgeoise pour la saper de l'interieur." (*La vague rouge*, No. 11 (November, 1927), 6).

[124] *Ibid.*, No. 6 (June, 1927), 6.

[125] *Ibid.*, No. 11 (November, 1927), 3–4.

[126] Marty, *La révolte de la Mer Noire*, p. 571.

[127] *Ibid.*, p. 572.

[128] *Ibid.*, p. 105.

[129] *Ibid.*, p. 573.

[130] André Marty, "The Black Sea Revolt," *The Communist International*, II, No. 9–10 (May 20, 1934), 341–42.

[131] Marty, *La révolte de la Mer Noire*, p. 12.

[132] Eudin and North, *loc. cit.*, p. 375.

[133] *Ibid.*

[134] *Ibid.*

[135] *Ibid.*, p. 376.

[136] F. Rilloux, "The Antimilitarist Work of the Communist Youth Against Intervention in China and for Defense of the Soviet Union," *International Press Correspondence*, VII, No. 47 (August 17, 1927), 1062.

[137] *Ibid.*, p. 1063.

[138] Great Britain, Foreign Office, *Russia No. 2 (1927)*, Cmd. 2874, "Documents Illustrating the Hostile Activities of the Soviet Government and Third International Against Great Britain" (London: His Majesty's Stationery Office, 1927), p. 30.

[139] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 126.

[140] *La vague rouge*, No. 5 (May, 1927), 3.

[141] Billoux, *loc. Cit.*

[142] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 339.

[143] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1095.

[144] Jan Valtin, *Out of the Night* (New York: Alliance Book Corporation, 1941), pp. 154–55.

[145] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1094.

[146] *International Press Correspondence*, VII, No. 40 (July 14, 1927), 890.

[147] "The Struggle Against Imperialist War and the Tasks of the Communists," *Ibid.*, VIII, No. 84 (November 28, 1928), 1583.

[148] *Ibid.*, VII, No. 40 (July 14, 1927), 896; *La vague rouge*, No. 7 (July, 1927), 39–41.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity, or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of H. Res. 630, which I introduced on Sept. 30, 1971:

H. RES. 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

PEACE CORPS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. MORSE. Mr. Speaker, the Peace Corps has been in existence now for more than a decade, and during that time, circumstances, both international and domestic, have changed significantly. But many of the needs for which the Peace Corps was originally formed still remain to be filled.

In recent testimony before the House Foreign Affairs Committee, Joe Blatchford, Director of the recently created ACTION agency of which the Peace Corps is a major component, outlined the directions that this vital organization is currently exploring in an attempt to adapt to these changes and to improve its already enviable record in the field of self-help to the people of developing countries. Mr. Blatchford stressed especially the Peace Corps' emphasis on reacting more flexibly to the needs of host countries as the leaders of those countries see them.

In addition, the Peace Corps has attempted over the last several years to open up the organization to a broader range of potential volunteers by sending abroad married couples and, in certain circumstances, families with children.

Nothing could be more illustrative of these extremely commendable new approaches on the part of the Peace Corps than the story of Mr. Dick Soule and his wife, Phoebe, that recently appeared in the Lexington Minute Man. Mr. Soule, a 51-year-old businessman has sold his business, rented his house, and temporarily said goodbye to friends, family and his dog, Brahms. He and his wife left last week for Sierra Leone, West Africa, where Soule will become a teacher.

Mr. Speaker, I insert this article in the RECORD:

[From the Lexington (Mass.) Minute-Man, Sept. 23, 1971]

SOULES JOIN PEACE CORPS, BOUND FOR SIERRA LEONE

(By Tom Curran)

Just about a year ago, Dick Soule was driving along the Southeast Expressway in Boston listening to the radio. A commercial started and he found himself answering the announcer's questions.

For the remainder of the 30-minute ride to his home at 16 Hancock st., Soule thought about the questions and his answers. He also figured out how to sell his business and rent his house.

When he arrived home, he walked into the kitchen and asked his wife Phoebe "How would you like to join the Peace Corps" to which she replied "Yes" not knowing if he was serious or not.

The discussions and conversations that followed over the next year have resulted in the Soules now preparing for a flight which will start in the middle of October, bringing them eventually to Sierra Leone, West Africa.

For the Soules, the 27 month stay in Africa was a big decision, which involves leaving family and friends, selling the general contracting business Dick started in Roxbury in 1948, and moving temporarily from their 11 room house.

For giving up these things, what are they guaranteed in return? In Sierra Leone, the Soules are guaranteed a cinderblock house with corrugated roof and a refrigerator. However, there is no guarantee of electricity.

TURNING POINT

Why are the Soules joining the Peace Corps? Dick said he was "tired of the rat race. Where can you go at 51 when you find yourself making money to make money to make more money. We wanted to do something before we were too old to do something."

The decision to join the Peace Corps also marked a professional move for Dick from businessman to teacher.

Dick started his business—Soule Brothers Inc.—in 1948 and it grew, with the exception of his time spent in the Korean War, to a large general contracting business which has been in Lexington since 1953. This spring, the business was sold to Walter Johnson, 26 Bedford st.

The requirements for becoming a teacher in a vocational school are not the same as an academic high school. This summer Dick took courses at Fitchburg State College and has earned his teaching certificate.

Dick has applied for a teaching position at the Minute Man Regional Vocational High School which is scheduled to be completed by the Fall of 1974. The Soules are scheduled to leave Sierra Leone in the spring of 1974.

AFRICA

While the Soules had decided they wanted to join the Peace Corps and were almost certain they would be leaving for someplace, sometimes, it was not until the first week of this month that they found out where and when they would be going.

At a meeting held in Chicago early this month, the Soules attended day and night meetings and programs arranged by five volunteers who had served in Sierra Leone.

When the Lexington couple decided they wanted to go, interviews in Chicago started and the Soules were accepted into the program.

On Oct. 12 or 13, Dick and Phoebe will leave for Philadelphia where passports and records will be checked. From there they fly to Dakar in Senegal, West Africa, and then on to Sierra Leone's capital, Freetown, for a few days of orientation.

PROGRAM

Dick, along with 11 other volunteers, are taking part in a new Peace Corps training program.

Under the program, volunteers are trained for their particular assignment in the country they will be working in during their two years. Usually, training is conducted in the United States.

While Dick is training, Phoebe will be looking into projects she is interested in helping.

The group Dick is assigned to consists of contractors, engineers and architects—mostly married—and water management specialists—mostly single.

The training will be conducted in McKinney, which is about 120 miles inland and one of the three provincial capitals in the country.

The training will consist of building an addition to the Peace Corps headquarters and the construction of a small grain shed.

Volunteers will learn about the materials available through government stores and the type of architecture in the country during their few days of orientation in Freetown.

It is expected the training period will end just prior to Christmas with assignments being taken by the group in January.

THE WIVES

While Dick is training, Phoebe will be deciding on a program in which she would like to work.

At the Chicago meeting the Peace Corps director of Sierra Leone talked about the possibilities of teaching in the country. Following college, Phoebe taught for about eight years, starting out at the Shady Hill School in Cambridge.

The wives were asked to consider their interests when deciding on a program. When they first arrive and for about the first 12 weeks, the wives will be mostly getting acquainted with the country.

A particular interest Phoebe is considering is the possibility of doing library work.

When asked what she thought about joining the Peace Corps, Phoebe said "It's exciting." While concerned about adjusting to possible health hazards, she said she thinks she can do without radio and television for a while.

Dick said he is fortunate to have a wife who would allow such a move at this time in his life adding, "She's a great girl."

The Peace Corps assignment means a temporary separation of their family.

The Soules have three sons Gerry, 18, Ben 20 and Mark 22.

Ben is presently working at the DeCordova Museum assisting in the children's woodcarving classes and in pottery classes. During his free time he is studying sculpture.

Ben is a junior at Hamilton College in New York.

Mark is a computer science student at Worcester Polytechnical Institute.

Dick is the son of Mr. and Mrs. Frederick J. Soule who now reside at Captain Parker Arms. At the time Dick was born, his father was the director of the settlement house Norfolk House Centre in Roxbury.

The Soules will also be saying a temporary goodbye to Brahms, their active dog who Dick says "needs 24 hours of love." When asked what type of dog Brahms is, Dick answered "An all-American."

During the past 18 years the Soules have lived in Lexington, Dick has been active in community and church affairs.

The move to the Peace Corps assignment has resulted in Dick handing in several resignations including those as a Town Meeting Member, a member of the Republican Town Committee, a town representative on the West Suburban Regional Refuse Planning Board and as District Chairman of the Battleroad District of the Boy Scouts of America.

Dick is also a member of the Simon W. Robinson Lodge AF&AM, the Lexington Rotary Club and the Hancock Men's Club. From 1957 to 1962, Dick was also a member of the Lexington Planning Board.

Phoebe's main interest has been in the town's program with METCO and the Soules have served as a host family.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHERLE. Mr. Speaker, a child ask: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

NBC DOCUMENTARY ON BLOOD BANKING

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. VEYSEY. Mr. Speaker, last Friday night the NBC program "Chronolog," featured a carefully researched description of how blood is collected, processed, and dispensed in this country. The program makes clear that blood is not only treated as "just another commodity" at present, but also that it flows into the veins of recipients with few, if any, of the assurances of purity and safety that accompany other commodities. A $150 million industry that vitally affects the health and safety of every one of us operates with almost no supervision at any level.

Seventeen States have no laws at all to protect the recipients of blood transfusions. Very few others have given the dangers of blood banking more than cursory consideration. The NBC documentary demonstrates that even the limited Federal regulations that do exist go unenforced. The program showed blood being purchased by the Veterans' Administration from a bidder who operated under a license that had been revoked at least 6 months earlier. Use of the license number constitutes a Federal crime.

I have today written the Veterans' Administration and the National Institutes of Health for a report on the steps they have taken to prosecute this alleged crime and see that similar violations are prevented in the future. The health and safety of hospitalized veterans or any blood recipient should not depend on the chance presence of a television camera crew.

I mentioned in a recent letter to my colleagues that I have been working with experts in this field over the past several months and am preparing legislation to bring some assurance of safety to blood recipients. I expect to introduce my bill in November and will be contacting my colleagues again in the future.

In the meantime, I am today inserting the first half of the NBC documentary script, and a review of the program that appeared in the Washington Post. I expect to insert the second half of the program tomorrow:

[From the Washington Post, Oct. 23, 1971]

CHRONOLOG

(By Tom Zito)

NBC News presented last night an intensely educational, finely researched, well edited and competently photographed look at America's blood industry.

The report was the result of nine months of investigation and filming by correspondent Tom Pettit and was broadcast as half of the opening edition of "Chronolog," a monthly new program that replaces "First Tuesday."

"There are no national statistics on blood collection and sale," said Pettit, "because there is no national policy." For example, the National Institutes of Health, which control blood distribution for the country, allow the blood plasma collecting industry to police itself, he said.

"What we have now works," he said, "and what we have now is laissez-faire . . . pure capitalism where only the money matters.

"America's blood industry brings together three groups: those who buy blood with money, those who buy money with blood and a small minority who give blood for nothing," he added.

Almost half of the country's blood comes from privately owned blood banks, many of which simply use store-front collection centers, the show revealed. The rest comes from the American Red Cross.

Most of the private blood banks pay $5 per pint of blood or blood plasma. While whole blood can only be collected every eight weeks, plasma can be supplied twice weekly. Consequently, a donor can make $520 annually. One man's rare blood allowed him to collect over $12,000 per year, more than he made at his daily auto worker job. He had initially made his blood available through competitive bidding.

According to Pettit, the collection of plasma in particular is under no regulation and is pursued on an international scale. Even maternity wards are tapped. Major corporations including Dow Chemical, Parke Davis and Lederle Laboratories all extract plasma from afterbirth, Pettit said.

It takes an hour and a half to donate a pint of plasma. The blood is first extracted from the patient and the red blood cells are separated and re-injected into the donor. In 1963 Lorenzo Reed died in the Cook County Hospital when he received the red cells of another donor. The incident was officially ruled an "accident" and NIH has still, after nine years, taken no action.

Over 800 inmates of the Louisiana State Penitentiary at Angola donate blood plasma each week in a $100,000 installation run by Cutter Laboratories. The company pays $5.75 for each pint, with $1 going to the prisoners' welfare fund and the rest going to the donor. Some of the inmates work at the installation and by giving plasma in addition to their work, they can make as much as $9 weekly. The most any prison job pays is $2 per week.

The major problem still surrounding blood collection, Pettit said, is the lack of a complete test for hepatitis. It can only be identified 30 per cent of the time. In addition, blood cannot be used after it becomes 21 days old. Between 10 and 25 per cent of the blood donated to the Red Cross becomes too old before being used.

Pettit said the major reason the Red Cross does not control more of the blood supply in the country is that the association did not have the power or chose not to take issue with "local blood baronies, many of which are owned by private physicians."

BLOOD SEGMENT

UTLEY. This is a pint of human blood. The person who sold it was paid five dollars. The person who receives it in a transfusion may pay as much as 70 dollars or more. Despite all the folklore about blue blood and blood brothers, despite a lot of noble sentiment, blood in this country is a big business. It is considered an item of interstate commerce by the United States government. Blood and its by-products are an important part of modern medicine and a profitable part of the medical supply industry. Blood cannot be synthesized. It can only be manufactured in the human body. Nonetheless, it has become just another commodity.

PETTIT. This open-heart operation at an Army Hospital in San Francisco required ten pints of fresh blood—type O-positive. For one full hour, the life of Jack Eichman was sustained by an artificial heart and lung machine, pumping his blood thru synthetic vital organs to provide adequate oxygen to his body and brain. It took four pints of blood just to start up the machine. Six more pints were given to the patient during and after the surgery to correct a defective vein within his heart. Without the operation, Jack Eichman, who is an army sergeant, probably would have died. He is 46 years old. A thousand miles away, at a small community hospital in Carlsbad, New Mexico, another patient was awaiting surgery and a blood transfusion. The doctor had ordered one pint of blood—type A-positive.

NURSE. Mrs. Aguilar, we're going to give you a unit of blood. Stella, could you tell her? Unh, yes I will.

PETTIT. Victoriana Aguilar was to undergo surgery for a gall bladder condition. The blood would correct serious anemia, before the operation. No one asked where the blood came from. In fact it came from here: the La Tuna Federal Prison, near El Paso, Texas. It was donated by a prisoner serving 3 years for robbery. The blood for Miss Aguilar came from a man named Ricardo Hernandez. He was donating blood to gain cash credits for his brother, who had been stabbed and who had used up 14 pints of blood during emergency transfusioins. Ricardo Hernandez had no idea who would get his pint of A-positive blood. In San Francisco, the required units of type O-positive blood had been collected specifically for this operation, because open-heart surgery requires very fresh blood—with maximum oxygen-carrying capacity. Sergeant Jack Eichman also did not know who gave the blood. One pint came from a San Francisco attorney named Jim Richman.

NURSE. I see you've given 18 times. Have you been feeling well since your last visit?

PETTIT. Richman now has given blood 19 times. Even though he is a regular donor, he never knows who gets his blood. By chance, his blood is the same type as Jack Eichman—a man he has never met.

Doctor Eichman, Jack . . . 26, 49, 037. Blood number one four three two six. OK. O-positive. O-positive.

NURSE. 149857. Right. 19—1490857. A-positive. A-positive. Right.

PETTIT. In Miss Aguilar's case, the fresh blood did not help. It had been intended to build up the iron in her system to permit surgery. But she was deteriorating too rapidly. And during the transfusion, she had a serious allergic reaction to the blood.

NURSE. Yes, to that blood that was given this morning or this afternoon on Mrs. Aguilar. Oh, a sereve reaction. She chilled, she broke out in a rash. Has a 103 temperature. Has a temperature of 103.

PETTIT. The transfusion was halted—immediately. Miss Aguilar never got the fresh blood she needed. She never became strong enough to undergo surgery.

NURSE. I'm sorry, I've got to check this patient. If you don't mind, just a second.

PETTIT. One week later, Victoriana Aguilar died. She was 48 years old.

UTLEY. The bill for Miss Aguilar's abortive blood transfusion was paid by the state of New Mexico because she was a welfare patient. The bill, covering the blood, the lab work and the actual transfusion, came to exactly 41 dollars—which is just about the average price patients pay to get one pint of blood in this country. In some cities it is much more. However, some hospitals or blood banks will give a 25 dollar credit if you can persuade a friend or relative to donate blood—a 25 dollar credit for each pint donated. If you cannot find someone to give blood for you, the 25 dollars remains on your bill—even if you are dead.

PETTIT. East Fifth Street in Los Angeles is skid row. Some of the people who had given up on competitive society were already stirring at six o'clock of a warm August morning. Except for the juke box from a bar on the corner, it was very quiet. Only one other business operates at this hour. This blood bank is licensed by the United States government. License number 178, issued by the National Institutes of Health. Buying blood on skid row may be a cliche. But it is also true. In July of this year, federal license number 437 was issued to this blood bank. This one is license number 140—held by a large and respected company—Hyland Division of Travenol Laboratories. These men were waiting to sell their blood—or their blood plasma. They were given a thorough medical examination if a preliminary blood sample drawn from the ear indicated a proper iron count. If not, they were given iron tablets and told to come back later. If a check of records and other blood banks down the street showed they had sold their blood too recently, they were told when to come back.

NURSE. See you sold whole blood the 30th of March and then you sold it April the 8th, which was twice within a month. See? And you can only sell once every eight weeks, because it takes it that long to rebuild, so on August the eighth you can sell again.

MAN. OK, thank you.

PLASMA

PETTIT. You can sell blood only once every eight weeks. But plasma is different. You can sell plasma twice a week. Until now, this segment of the blood industry has operated in almost total secrecy: the large-scale procurement of blood plasma on an "assembly-line basis." A man can earn 520 dollars a year selling plasma—more than ten times what he can make selling his blood. You can sell plasma twice a week because the human body keeps on regenerating the lost liquids and proteins. It is a very simple process. This is step one: 500 CC's of whole blood are drawn from a vein in the arm. This part is exactly like a normal blood donation, the blood flowing into a plastic bag. Step two: the blood is centrifuged, causing the red cells to settle at the bottom of the bag. The plasma, which is lighter, collects at the top. The plasma is squeezed out of the bag, and drawn by a vacuum into another container. Step three: the red cells are prepared for reinfusion back into the donor. It is exactly like a blood transfusion, except you get your own blood back and a saline solution is added to replace lost liquid. The whole process takes an hour and a half and you get five dollars. This plasma collection center caters to students from UCLA. It is just a few blocks from the campus. Sellers of plasma are supposed to be at least 18 years old and they must sign a legal document releasing the company from liability. The danger is very simple: if you get the wrong red cells back, they can kill you.

Dr. PEETOOM One has to provide a safe system in order to prevent that no accidents occur. And so the personnel is trained to watch the infusion to see if there would be ever any symptoms indicating that the wrong transfusion is taking place. And since it has such a high fatal risk, one cannot leave any of these steps to chances.

PETTIT. For this man, selling his plasma is exceptionally lucrative and well worth any risk. He is Joseph Thomas of Detroit—a production worker at the Chrysler Motor Car Company. His blood plasma contains a very rare antibody. The antibody can be extracted and sold for laboratory analysis of other people's blood. His concentration of the antibody is so great, that Joseph can make $12,000 a year selling his plasma. This is far more than he makes at his job as an auto worker.

JOE THOMAS. At the present time I have a contract with Dade Company in Florida and their contract for eight quarts of blood which equals $12,000 and that's broke down to approximately $1500 a quart. I was told there was approximately five different bids on it and at the final analysis, Dade received the contract. Q-You submitted, or you, you held competitive bidding for your blood, in other words. Yes. Q-How did that work, did they submit sealed bids, or how, just tell me how it worked? A-No, actually how they did it, well, they made the contract, my lawyer, and they submitted, it was buying I think in volume prices and they would offer a certain amount for so much and as it came out, the amount that Dade, Dade wanted, and the amount of money that Dade offered was the more sufficient one. They did go up to $1500 a quart.

PETTIT. But the great demand is for ordinary plasma—by the case, by the gallon. At the Hyland Division of Travenol Laboratories in Los Angeles, on one day, shipments of plasma arrived from Arizona, New Mexico, Tennessee, and Missouri. It is stored frozen, at 4 degrees below zero. Before it can be processed, the plasma is allowed to thaw into slush. Each bottle represents the plasma sold by one man for five dollars. Plasma from 26-hundred men is pooled into one batch. At one time plasma was a widely-used blood substitute. But in 1968, it was found that pooled plasma carried a very high risk of transmitting hepatitis. This created an enormous demand for other plasma products which, by intense heating, can be made safe. One such product is normal serum albumin, used as a blood substitute for treatment of shock in accident cases and surgery. Albumin is in great demand at 59 dollars for one of these vials—wholesale. The raw material costs ten dollars. At least ten major pharmaceutical houses are involved in mass production of albumin and other plasma products, such as gamma globulin and special substances used for treating hemophiliacs—people with clotting problems. These products are sold by American firms both in this country and overseas: the market is virtually unlimited. Companies which make plasma products are inspected and licensed by the national institutes of health, thru its division of biologies standards. But the collecting of plasma, even though it has become a massive industry of its own, has never been subject to federal regulation. NIH has plans to issue some regulations, but right now the only federal requirement is that companies which process plasma must file a report on where and how they buy it. By examining NIH records and from other sources, we have learned that human plasma is bought and sold on an international scale. This contract for a plasma company named Hemo Caribbean of Port-au-Prince, Haiti to supply the Armour Pharmaceutical Company was signed on June 12th, 1971. A company in San Salvador, the capital of El Salvador, contracted to deliver 2500 liters of plasma per month to the Hyland Division of Travenol Laboratories. Another source has been the maternity wards of hospitals, which have contracted to sell human placentas, afterbirths, which are rich in blood plasma. Dow Chemical Company, Lederle and Parke Davis have filed contracts covering the purchase of placentas from hundreds of hospitals, many of them in Canada and the Philippines.

PRISON PLASMA

The demand for plasma as a raw material has even led to competitive bidding for exclusive contracts with prisons, especially in the deep south. This is the Louisiana State Penitentiary at Angola. The Louisiana Department of Corrections agreed to permit Cutter Laboratories of California to construct a 100-thousand dollar building on the prison grounds. Cutter has a five year contract with the prison to buy plasma from prison volunteers. The prisoners and the warden see it as a good deal:

WARDEN HENDERSON. This was originally put out for open bid and Cutter was the high bidder. They pay $5.75 per bleeding. A dollar of this goes into the inmate welfare, and $4.75 to the prisoner. As far as the prisoners are concerned, it cuts down on assaults because the prisoners have more money to spend. There is no reason to strong arm one another for cigarets and so on. So we feel like it is a good arrangement all the way around.

INMATE. That little black spot here is where I was in here this morning and tomorrow morning it will be gone. All that is is coagulated blood and it's gone in a little time, but the scar is there more or less permanent. Cutter only lets us participate once a week.

Hyland was letting us go twice a week but I think Mr. Davis stated that he would let us go just once a week and that's it and it didn't hurt us, you know, as far as I'm concerned, but some people just can't do it.

Pettit. Cutter uses elaborate precautions—double-checking names and numbers at every step. But none of this is covered by federal regulations—there are no formal rules or inspections. NIH has permitted the plasma collecting industry to police itself. Some prisoners also are employed alongside Cutter's own technicians, but they are not allowed to puncture veins or put red cells back in. The pay is five dollars a week. (The most they can make at any other prison job is 2 dollars a week.) If you work for Cutter, and also sell your plasma, you can earn 9 dollars and 75 cents a week.

Inmate. I come to work on a Monday morning, the first thing Monday morning I do is bleed. I get my plasma and from there we have new people that come in every day. If a man doesn't want to give plasma, like I didn't want to give it, but I had to do something. I wanted to smoke, I decided to go on and sell my plasma and see what it was like at first.

Inmate. Well, you know, a man sometimes feels like he wants to eat a little something different. If he's got a little change, he can go to the commissary and buy whatever he's able to buy.

Inmate. As far as getting any money from home or anything from my folks, I don't receive any money from my folks and so I otherwise, I wouldn't have any money. I think, I think it's a darn good deal.

Inmate. What's in it for me? Well to tell you the truth I don't know to be exact but they said they're paying for the bleeding. I haven't got no kind of nothing on it yet, so I'll . . .this would help me in leaving when I leave. I have a long way to go.

Inmate. Before this place was here, a man never had nothing. He never had the bread to eat or the cigarets to smoke unless his people sent them money. Now we don't have to depend on poor people. The only person that you have to depend on is—is Cutter.

Inmate. There's a big need for plasma the way I understand, all the time, you know. And I figure that if Cutter's not here, some other laboratory would be here, you know.

Pettit. Eight hundred prisoners a week sell their plasma. It should be pointed out that this arrangement is medically-supervised and perfectly legal.

Utley. On February 18th, 1963, a 42-year old man named Lorenzo Reed died at Cook County Hospital in Chicago—a few hours after he had sold his plasma for five dollars. A coronor's jury found that Lorenzo Reed died because he had been given somebody else's red blood cells during the plasma-extraction process. His own blood was type O. The red cells he got were type A. Mr. Reed's death was officially ruled an accident and there was no criminal prosecution. But the widow filed a lawsuit against the company involved which settled out of court for 16-thousand-500 dollars. The National Institutes of Health took no action because it had no jurisdiction in 1963 over the plasma-extraction industry. Today—nearly nine years later—NIH *still* has no jurisdiction.

HEPATITIS

Hepatitis is an infection of the liver. It can be painful and debilitating and even fatal. There is no treatment for it other than bed rest and a good diet. Doctors don't know too much about hepatitis—except they believe there are several viruses which can cause hepatitis. None of the viruses has been isolated. The risk of getting hepatitis exists in any transfusion, but the danger is greater in big cities where the hepatitis rate is higher than in small towns. One of the worst is Los Angeles where John Wesley County Hospital specializes in hepatitis cases. Chief of the hepatitis service is Dr. Alan Redeker.

Dr. Redeker. The cardinal symptoms most common to most patients by far are profound weakness and profound loss of appetite. Now additionally, jaundice appears in some patients with hepatitis, yellow jaundice. That's usually the feature that brings the patient to the doctor's attention. There are a number of other symptoms that may appear in certain cases: high fever, abdominal pain, nausea, vomiting. The whites of the eyes become yellow, if the jaundice is sufficiently deep, and if the jaundice becomes even deeper yet, the skin assumes a yellow hue.

Pettit. Dr. Alan Redeker probably sees more hepatitis patients than any other American physician. One of them was Harold Crowder, 48.

Redeker. We feel that his hepatitis has the background of blood transfusions about 2½ months ago. He is a man who has had a long standing rheumatoid arthritis and has had a number of reconstructive surgical procedures. He had one two and a half months before he became ill, on his knee, and he received two blood transfusions at that time and he became ill now about 2½ weeks ago.

Pettit. The patient's blood came from a commercial blood bank. Like most hepatitis experts, Dr. Redeker believes that such blood usually carries a higher risk of infection.

Redeker. It will vary from commercial source, but uh . . . uh blood purchased and sold for profit does cause hepatitis more often than blood voluntarily donated. A number of investigations which have compared the amount of hepatitis from transfusions to the donor source have invariably shown that commercial-source blood carries a higher risk rate for hepatitis than volunteer, donated blood.

EPISCOPALIANS OPPOSE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHWENGEL. Mr. Speaker, as evidenced by the following statement, the Protestant Episcopal Church of this country is opposed to the proposed constitutional amendment regarding prayer in public buildings:

Statement of National Council of the Protestant Episcopal Church, Adopted May 27, 1964

Opposition to Amendments to the Constitution of the United States Designed to permit Devotional Exercises in Public Schools.

Whereas, Recent decisions of the United States Supreme Court relate only to prayers and Bible-reading which are part of official exercises in public schools; and

Whereas, We believe that these decisions are not hostile to religion, and that it is no proper function of government to inculcate religious beliefs or habits of worship; and

Whereas, We are advised that nothing in these decisions prevents voluntary expressions of reverence or religious sentiments in the schools, nor forbids the offering of prayers on public occasions, such as inaugurations; and

Whereas, The Court clearly allows for the objective study of religion, and particularly of the Bible, in public schools, and suggests the possibility of including within the public-school curriculum an understanding of the role of religion in society, culture, and history; and

Whereas, We believe that worship and religious education are the responsibility of Church and home, and not of the public schools or governmental institutions; and

Whereas, There are no easy solutions to the task of infusing all of life with God's purpose without, at the same time, violating the religious liberty of citizens; now, therefore, be it

Resolved, That the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises in our public schools should be opposed.

Adopted by the Council.

DEVELOPMENT OF LOW-POPULATION REGIONS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ALEXANDER. Mr. Speaker, today I would like again to share with my colleagues information that I have gathered which supports pleas being heard from me and other Members of this Congress for greater attention to the development difficulties of regions of low population.

The data are in the form of testimony presented during my first hearing on community development. I believe it further illustrates the efforts leaders and the citizens of such areas are making to revitalize their economies. The projects they have planned in alleviation of their needs have similar ends to those of metropolitan areas. And, like metropolitan areas they have financing problems—too few funding resources.

This testimony deals with the difficulties facing Cross County, Wynne, Brinkley, and Parkin, Ark.

The testimony follows:

Testimony and Fact Sheet for Wynne and Cross County, Ark., as Regards Community Development Bank Proposal Hearing August 30, 1971, Brinkley, Ark.

(By Mayor Robert Ford of Wynne, Ark.)

This testimony should comply and compliment the total policy plan for Eastern Arkansas as outlined by the Conference on The Future of Eastern Arkansas held recently by the Brookings Institution. It is our understanding that this policy statement under the title of Growth Policies for Eastern Arkansas: The Hope and Promise of the Future, will be given by Henry P. Jones III, Director, East Arkansas Planning and Development District, Jonesboro, Arkansas.

We would preface any remarks that might be made concerning witnesses from Cross County, Arkansas, by saying that we are hopeful that a community development bank as established by the Federal government could be of great benefit to us, however we are mindful of the limitations placed upon our cities and counties by the Constitution for the State of Arkansas. We would encourage a thorough study and investigation of these limitations prior to a legislative act being approved.

Cross County contains an area of 400,640 acres or 626 square miles with a 1970 census of 19,783. Presently, the City of Wynne covers one section of land for approximately 640 acres within its city limits with 40 miles of improved streets.

Following the suggested fact sheet that you submitted to us for testimony we will attempt to use it as a guide in the answer to the suggested questions.

Question: (1) The five or ten most urgent needs of the cities and counties as related to their efforts to increase and improve their economic development . . . where possible, please give specific examples.

Answer: A. County. (1) Transportation—agriculture is the main enterprise for Cross County and will be in the future as we are in an area with fertile lands making it ideal for the raising of cotton, soybeans, rice, peaches and many other crops. Also, the livestock industry in Cross County is very productive at this time and appears to be on a growth trend. Therefore, Cross County is in need of transportation whereby these products may be transported to a centralized shipping center for processing and shipment to other markets. This highly agricultural area has recently shown an increased desire on the part of Cross County citizens to build homes and live out in the county area rather than move into a municipality. This has caused the rural area to take on a new look as regards new and improved homes and these people need improved transportation arteries whereby they may take advantage of health and shopping services that are in the city limits.

(2) Disposal of garbage and sewer wastes—At the present time Cross County does not have a system of garbage disposal or of sewage disposal. It is felt that as our county continues to grow that from a health standpoint we will need to take immediate measures in order to provide disposal service as well as water and sewer services. . . . It is felt that Cross County definitely needs a master plan for a county water and sewer system.

(3) Fire protection—Cross County does not have a fire fighting association as such, however municipal fire fighting units will make fire calls outside their city limits provided the rural family will pay for that particular call. The cities subject themselves to liability as a result of these calls and it is not a desirable way of handling a county's fire protection needs.

(4) Improved ambulance service—At the present time the county subsidizes the Magnolia Ambulance Service for Cross County. The ambulance is based at Wynne and as a result many of the communities feel that they are without ambulance service due to the length of time that it requires for the ambulance to make the calls to the outlying parts of the county. It is felt that ambulances need to be based within the other municipalities of the county in order to insure proper emergency vehicle service.

(5) Civic Center—The county is in need of a meeting facility whereby county wide meetings and other programs could be held. It is felt that the Civic Center would provide this need with it being made available throughout the county for calendared program activities.

(6) Improved health facilities—County hospital and county health center. The Cross County Hospital is a twenty year old structure that needs a complete renovation. The hospital attempts to provide semi-private rooms in square foot space that is really not practical for proper health services. Also, the County Health Clinic is located as a part of the hospital building and therefore creates a problem as such in that inadequate parking is not available for the hospital due to space taken up by the County Health Clinic as well as this space being needed for the expansion of laboratory and other related health services. It suggested that Cross County establish a County Health Clinic separate and apart from the Cross County Hospital in order that outpatient service might not be confused with hospital services and in order that the county might provide its services to a greater number of people. The hospital is presently experiencing difficulty in the fact that no state agency has any guide lines as to the Hill-Burton Act and if there are any funds available for the 1971–72 fiscal years.

(7) County wide drainage. Cross County, being primarily an agricultural county, has always had a drainage problem due to the heavy amounts of rainfall that occur in this area. From Crowley's Ridge West the water drains very satisfactorily into the Brushy Lake and Languille River areas which in turn carry the water South to the St. Francis River and subsequently on to the Mississippi River. On the west side of our county where the water needs to be brought back into the Languille River the primary drainage ditches have become extremely clogged and the water will not flow properly. Funds are greatly needed to clear these ditches of fallen timbers and other debris whereby the water could drain on a proper grade back to the Languille River area.

(8) Adult education as pertains to land use on Crowley's Ridge and the establishment of truck farming. Crowley's Ridge runs from the north line through the south line of Cross County and is approximately three to four miles wide throughout its length. Greater use could be made of this natural wonder if proper research could be made and this knowledge imparted to the land owners who live on the ridge. Also, due to fertility of our soil the small farmer could increase his economic position by small truck farms should a program be established which would educate and encourage such farming operations. For the future, this educational approach could become one of the most important factors for the development of Wynne and Cross County.

B. City of Wynne—County Seat, Cross County, Arkansas.

(1) Drainage—The number one problem in Wynne in regards to the health and safety of our community is our total drainage situation. We are in a heavy rainfall area and due to a lack of funds for a period of years our drainage situation has gotten out of control. We are in desperate need of sanitary storm sewers and proper curbing and gutters in order to carry off water that at this time lies stagnant and creates many health problems.

(2) Sidewalks—The sidewalk problem corresponds to the drainage problem. Due to the high number of automobiles and the priority of paved streets our sidewalks have gone untouched. We have many new streets within our city that are totally lacking sidewalks. Over the past several years our schools have enlarged and built new plants and at this time many children have to walk on the edge of the street without an available sidewalk in order to get to these new school areas. Sidewalks are a number one priority for older age citizens who cannot drive and our school age children who must walk to school.

(3) Funds for capital improvements—The City of Wynne will operate on approximately $260,000 for the 1971 fiscal year. Of this amount of money, approximately $30,000 must serve for our total capital improvements, i.e., new street vehicles, police cars, new street paving, culverts, etc. For example, we desperately need a new fire fighting vehicle and it will cost our city approximately $30,000 in order to purchase said vehicle. This means that in 1972 our entire money for capital improvements would have to go for that one vehicle only.

(4) Recreational facilities—Wynne is without a swimming pool or city park. We do have three baseball fields thanks to the county and school systems however we do not have anything upon our own property. Money is available through the Department of Housing and Urban Development and the Bureau of Outdoor Recreation with the Department of Interior but providing the matching funds creates a problem which our city cannot handle at this time without asking donations from our residents.

Question: (2) Outline the funding needs, capabilities and problems facing these government units and their effort to provide financing for these projects. Please include both general and specific information in this area, if possible. Of particular interest will be information concerning tax payer attitudes toward funding for such projects; the effect of out-migration; the market atmosphere; the market condition with regard to the salability of bonds for public work projects and future prospects for the funding of the project if an easily accessible new source of financing at favorable rates on loan terms is not developed.

Answer: A. County—Cross Country has a ten mill limit under the Constitution for the State of Arkansas which limits the amount of revenue that can be raised in order to pay off bonds for any public project. At present Cross County has a new Courthouse and the county has taxed itself the full limit in order to meet this indebtedness, therefore, it will be several years before additional funds could be raised in order to develop the capital improvements that are needed.

Cross County has not been harmed by the out-migration of people within the past ten years. Our county has been very stable and this might be due to a 70% white population.

B. City of Wynne—At this time, most federally financed programs require matching funds in order to complete any public project. We have found that acquiring these matching funds is really beyond the capabilities of a municipality the size of Wynne. We can only provide a limited amount of in-kind service in order to offset cash dollars that would have to be used as matching funds and as a result we do not take advantage of some of the programs that we should. Another factor is the upkeep of that particular public facility once it has been completed. We have been considering for some time a possibility of building a sizable park and swimming pool in Wynne, however, we do not see a clear way whereby we might pay for the upkeep and maintenance that would be required on this park once it was fully completed. This would be true of basically any facility that would require full time maintenance and employees.

Out-migration has not particularly affected the City of Wynne. We have noticed an increase within our city limits and feel that the future is good.

Ability to finance bonds for public work projects for a city our size hinges on the tax structure as outlined under the State constitution. At the present time, we have taxed ourselves to 6½ mills in Wynne and are capable of increasing this by an additional 3½ mills. Should the voters be willing to do so, we could finance, by a tax increase within our city limits, bonds for a certain amount of public works projects. We have not had any experience in Wynne for the past several years as regards the salability of bonds for public works projects, however it is certainly possible that such projects would be easier to sell to the public provided financing at favorable rates on long terms could be developed through this proposed piece of legislation.

Question: (3) An analysis of the accomplishments made under, problems encountered in, and current attitude of local (municipal and county) governmental officials toward present federal program directed at giving lower levels of government aid in community development projects.

Answer: County and City.

(1) Taxpayer attitudes appear to be approximately the same throughout the county regardless of whether you live in the rural area or within a municipality. In the past, it appears that both city and county officials have turned away from present federal governmental programs directed at giving lower levels of government aid in community development projects. The reason appears to be the so called "red tape" that one would have to go through. It is understandable that the

local community would know better how to spend its money in a more beneficial way than could a national policy of spending. The cities and counties would prefer to have the money to use toward projects without having so many "strings" attached. Perhaps there is a way that legislation could be passed which would put this responsibility upon the Quorum Courts for the county and upon the city councils for cities. We presently are guided by state laws as regards accounting procedures and we could certainly be under a similar procedure in order to account for the moneys as spent in federally financed programs.

(2) Cross County has previously received federal aid in its hospital and two small county road projects; the City of Wynne has received federal aid in the building of its municipal airport, its low rent housing through the Wynne Housing Authority, and for the development of its sewage oxidation pond; the City of Cherry Valley is presently installing a water and sewer system under federal aid; Hickory Ridge, the county's smallest municipality, has previously used federal aid in its water and sewer system; and the City of Parkin, the county's second largest municipality, presently has an application submitted for approval to expand its water and sewer system.

TESTIMONY OF FRED MACDONALD, CITY ATTORNEY, BRINKLEY, ARK.

Some of the major needs for the City of Brinkley to continue the growth and prosperity of the community are as follows:

1. The second and third phase of the Master Sewer Plan for the Community which consists of installing sewer lines to areas not now serviced by sanitary sewer lines and the installation of an interceptor line around the City. The need for this is evidenced every time a 1'' or over rain falls as we continually attempt to service the city with inadequate sewer lines which are partly over 60 years old. The health of the citizens are jeopardized greatly when these inadequate sewer lines overflow into streets and open ditches.

Estimated cost of second phase, $800,000.
Estimated cost of third phase, $1,500,000.

The total revenue received through sewer service charges is approximately $44,000 annually of which 50% of this total is pledged toward retirement bonds.

Even if funds were available, matching funds as great as 80-20, the Brinkley Sewer Department would be unable to obtain their 20% to add their needed improvements.

2. Many improvements are drastically needed within the Brinkley Water Department which include:

A. Install service lines to areas not now served with a Municipal Water supply.

B. Replace inadequate lines now serving areas of the City with lines of sufficient size to insure fire protection to thickly populated areas and high value commercial areas.

C. A complete new source of water supply needs to be located and piped into the city eliminating a major portion of the use of chemicals for the purification of the water system.

Estimated costs:

a. $350,000.00.
b. $500,000.00.
c. $1,250,000.00.

Estimated revenue from the sale of water—$107,000.00 of which 30% is now pledged for the retirement of bonds and 25% is for chemicals used in purification of water.

3. The improvement of the Brinkley Airport which is now in the process of making application to the Federal Aviation Agency for matching funds to increase the present runway from a 50' x 3,000' to a 75' x 5,000' runway thereby enabling business jets to land in Brinkley will greatly increase the economic status of not only the City but the entire surrounding community. The estimated cost of this project is $300,000.00 of which, if approved, will be matched on a 50% basis by the FAA and the City of Brinkley. Here again we are faced with needed improvements without sufficient finances as the city's total bonding capabilities are $80,000.00.

4. Over 50% of the population of Brinkley live on unimproved streets making up a total of 104 city blocks, the estimated cost of improving these streets at the barest minimum is $1,500.00 per block. This in itself does not indicate an unsurmountable problem; however, with the increased demands on the Public Works Department by new Federal and State laws the finances are not attainable through present revenues to do this work and also give the new services demanded by new laws such as solid waste disposal and ambulance service. The cost of operating a solid waste disposal system is as great for a city of five thousand people as it is for a city of fifteen thousand people. In addition the cost of operating a municipal ambulance service is as great for a city of five thousand people as it is for fifteen thousand people. The revenues received from operation of the two added services is only one-third as much in a five thousand population city as it is in a fifteen thousand population city. The enforcement of the two new services on the small communities has drained them of their financial resources.

5. Drainage of the low lying areas concludes the Five most needed improvements of the City of Brinkley. The long talked about, long awaited Big Creek-Piney Ditch Drainage District will "If and when it is completed" solve many of these problems; however, the connection of the City's cross sections of drainage systems to this drainage district will cost an estimated $740,000.00. The completion of the system will also aid in the never-ending fight against the mosquito problem in the low lying sections of Eastern Arkansas.

CITY OF PARKIN,
Parkin, Ark., August 24, 1971.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR BILL: We welcome this opportunity to present to this committee the many problems facing non-metropolitan areas such as ours.

As you know, Parkin is a small rural farming community of somewhat over 2000 people and we have just as many pitfalls in government as large communities represented here today, only on a smaller scale. I think all of us must agree that if the problems of small non-metropolitan areas could have been solved ten years ago, the out-migration from our communities to the larger cities where all the industries and job availabilities existed would not have happened. Many, many complex problems in the larger areas as pertains to slums, welfare and other problems of the poor would not be as great and pressing as they are now.

Give us, the smaller communities, help to improve our municipal services and jobs for our people and many of the large metropolitan problems will be solved immediately.

The most urgent needs in our community are as follows:

1. Up-date and expand our present water and sewer system. Cost: $1,000,000.00. The city has been trying desperately to implement this project since 1964 and believe it or not, we are no further along now than when we started. . . .

2. Develop our National Historical Site. Now known as the Parkin Indian Mound. Cost: $350,000.00. This is one of the very few sites still intact and offers tremendous possibilities for camp grounds, a park and a museum. The University of Arkansas Archeological Department has made many studies on this particular site and they are 100% for this project when funds become available.

3. Purchase and Develop 160 acre Industrial Park. Cost: $250,000.00 and obtain some type of Industry for this community.

4. City wide drainage and street improvements. Cost: $250,000.00.

5. Develop City Park and Play Grounds. Cost: $100,000.00.

6. Municipal Airport. Cost: $75,000.00.

7. Doctors Clinic. Cost: $75,000.00.

8. Purchase several downtown buildings and lots and convert to parking area and mini-park.

We would like to say further, our water and sewer system is working at peak capacity this very day, major improvements in the system have not been made since 1957. We must do something now. This community has an emergency situation and must be resolved immediately. There is no way possible for this city to finance a one million dollar water and sewer improvement project. Farmers Home Administration will loan us the dollars for the improvements, but like other cities, a grant must be included. After working with FHA for these last few years, it is my opinion, getting a grant out of FHA is almost impossible.

At this writing, not a house is vacant in our city. Every week we have inquiries from out of town about housing—we have none. Two new sub-divisions are ready to start construction when city water and sewer services become available. New water hook-ups to the city system must be stopped until this situation can be resolved. We have had an EDA application for these improvements for over a year. However, with EDA, new jobs must be obtained. We cannot attract industry to our community till adequate water and sewer is available. We have had eight industrial prospects look at our community in the last two years—in each case we lost to another larger area. FHA will not participate in a system that is needed for the city to grow and attract industry.

Gentlemen, our situation is the same as many other smaller communities in this great country of ours. We have a national crisis on our hands and at the present time Congress has not passed one law solely to help the small communities in this country. Billions of dollars are being given to the larger metropolitan cities by our Federal Government to help solve their problems. Now I ask you, what has been done for the smaller communities in this country? We have a desperate need for balanced growth in both urban and non-urban areas and we must have the same type of help that the larger areas have.

In our opinion, find a way to fund the small communities in this country for the basic necessities, which are: Water, Sewer and Housing facilities, then give some type of tax advantage to industry for locating in smaller communities, many problems would be solved for all concerned.

If the mass migration to big cities is not reversed or slowed down—chaos beyond imagination will certainly follow.

Sincerely,

S. SLABAUGH, JR.,
Mayor.

This is the sixth, insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in areas of low population. Other materials on this subject appear in the CONGRESSIONAL RECORDS of **September 22, pages 32740–32741; October 1, pages 34505–34506; October 6, pages 35409–35410; October 13, pages 36133–36135 and October 21, pages 37358–37361.**

JULIUS HOBSON ON EQUAL EMPLOYMENT OPPORTUNITY LEGISLATION AND THE CIVIL SERVICE COMMISSION: PUTTING THE BILLY GOAT IN CHARGE OF THE GARDEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DELLUMS. Mr. Speaker, recently Julius W. Hobson, a man I consider one of the finest and most courageous battlers for equity and justice offered his views on pending equal employment opportunity legislation before the Senate Committee on Labor and Public Welfare.

I have read Mr. Hobson's statement, and I believe it warrants serious consideration by all Members of the House and Senate.

Mr. Hobson concentrates his statement on the role of the Civil Service Commission in implementing needed—and required—equal opportunity measures. He documents the severe shortcomings of the Civil Service Commission, and I agree with Mr. Hobson's doubts about the efficacy of CSC to deal with these issues.

I highly recommend this analysis to my colleagues. The statement follows:

STATEMENT OF JULIUS W. HOBSON

I submit testimony as a former federal employee with both the Library of Congress and the Department of Health, Education and Welfare for a total of 25 years. In addition, I have pending before the United States District Court for the District of Columbia a complaint for declaratory judgment, injunctive relief, and mandamus against the administrative branch of the government to eliminate discrimination in federal employment. It is a class action, brought by blacks, Mexican-Americans, and women, in which we are asking for relief and reparations in:

1. Employment "equality" for members of the plaintiff classes in each agency, each sub-unit of 50 employees and in each grade level.

2. The achieving of such equity within one year, through a "separate system of employment, promotion and other such procedures." Failing such achievement in a year, we want a freeze on hiring and promotion of others: if the goal isn't met within two years, we ask "removal of personnel" to create vacancies for the plaintiff classes.

3. Back pay to members of these classes "for the results of past discrimination." We estimate this as totalling perhaps $5 million.

4. The enjoining of present regulations and the replacement of the present decision-making by supervisors with a system in which "determinations by racial (or sexual) considerations will be either impossible or at a minimum, including if necessary a system based entirely upon machine computations."

5. The designation of some other group or agency to supersede the Civil Service Commission "in whole . . . or as to matters specifically concerning equal employment opportunity. . . ."

The case still pending is being financed through the American Civil Liberties Union. Obviously, the overwhelming financial support and personnel resources to fight such a case lie with the government, not with individual employees, and this is why I am augmenting my basic testimony given in 1969 in support of S. 2453. I hope this will be valuable to the courts, as well as to the committee in reaching a decision as to which agency should be accountable for the enforcement of EEO in the federal service. I have appeared before Congress on every hearing involving job discrimination in a continuous effort to expose, through harsh statistical facts, the bias of both the federal and the private sectors in the employment of minority citizens. My testimony in support of S. 2453 included information on discrimination based on sex. This year, since Federally Employed Women (FEW) has submitted independent testimony, mine will focus on updating information provided in support of S. 2453 and the addition of several items that may not have been brought to the attention of the committee.

The Civil Service Commission Chairman Robert E. Hampton, James Frazier, Jr., and Irving Kator testified in 1969 to the effect that Executive Order 11478 would indeed eliminate problems of discrimination in federal employment. As reported in Joseph Young's August 31, 1970, issue of the Federal Employees' News Digest:

"Hill Units Back Anti-Bias Change: Key committees of Congress have endorsed transferring enforcement of the anti-discrimination program for federal workers from the Civil Service Commission to the Equal Employment Opportunity Commission.

"The shift is strongly opposed by the Nixon administration. But it's given a good chance in the Democratic-controlled Congress.

"Both the House Education and Labor Committee and the Senate Labor and Public Welfare Committee have issued reports alleging a "conflict of interest" between the CSC's role as personnel policy-setter and violations overseer.

"In transferring jurisdiction to the EEOC, the legislation also would shift from the employee to the government the cost of litigating a complaint.

"The committees appear to have made much use of data compiled by civil rights activist Julius Hobson in his pending de facto discrimination suit against the government. It shows that despite a government affirmative-action program, few blacks, Hispanics and women hold upper-level jobs.

"The legislation would also provide for back pay, promotions and other relief not now available to a complainant who wins his case.

"The Senate committee's report said that the SCS's primary responsibility for personnel matters "creates a built-in conflict of interest in examining into that system. . . .

" 'The committee believes that an agency outside the regular personnel "chain of command" is needed to insure continued elimination of discrimination,' the Senate report says.

"The House report notes that present law does not permit industry and labor organizations 'to be the judges of their own conduct.'

" 'There is no reason why government agencies should not be bound by the same rule,' it says."

These facts still stand. I assume the same old tired minds from the CSC have testified in opposition to S. 2515; however, additional information suggests that it is even more urgent for this committee to transfer EEO enforcement powers for federal workers from the CSC to EEOC for the reasons that follow.

At the time of the Senate hearings in September of 1969, the CSC representatives placed in testimony Executive Order 11478, Equal Employment Opportunity in the Federal Government, a memorandum for heads of departments and agencies, dated August of 1969 and signed by the President, and a report to the President from the United States Civil Service Commission, signed by Robert E. Hampton. I charge that in every area important to the elimination of discrimination in employment, the Civil Service Commission has been negligent. The two years since the last CSC testimony have been filled with rhetoric, speeches, and directives aimed at covering up the lack of basic progress.

Employment of the disadvantaged: I would like to enter a new subject that was first alluded to in the President's 1969 memorandum:

"In addition to assuring equal employment opportunity for all persons, the government, as a responsible employer, must do its part along with other employers to provide special employment and training programs to those who are economically or educationally disadvantaged. We must hold out a helping hand and imaginatively use the facilities of the government to prepare such persons for useful and productive employment."

The CSC Chairman's report to the President included this similar comment:

"The new thrust for equal opportunity that I have outlined in this memorandum will apply to all Federal employees and applicants regardless of race, color, religion, national origin, or sex. At the same time, we must not forget our obligation as the Nation's largest employer to do our share in meeting the problems of the disadvantaged and the hardcore unemployed. Government agencies can hire and train disadvantaged persons. A number of special programs in different agencies are now underway to provide training and employment to youth and to the hard-core unemployed.

"This effort must be strengthened. We will seek to work cooperatively with other departments of Government so that Federal agencies may participate with other employers in the application of programs funded for the employment and development of disadvantaged Americans. We must find ways to give incentive to Federal agencies to develop imaginative programs so that the facilities of the Government can be used even more extensively for training disadvantaged persons for possible Federal employment. In addition, exempting from manpower ceiling controls position held by disadvantaged persons, at least during the initial employment period when productivity is necessarily low, and offering classroom training during work hours for up to 25% of a new employee's time are examples of possible approaches."

Since the above comments were made at the top level two years ago, it would seem that if any progress were to be made, it would certainly be done in the area of hiring and training the disadvantaged, particularly since federal employees in lower grade levels (GS 1 through 5 and equivalent) are almost exclusively minority group persons or women. The real facts, however, are that the Congress of the United States requested the Comptroller General to conduct a study of the employment of disadvantaged persons in the federal government in 1970. Although the GAO report has not yet been released to Congress, I would like to predict: 1) The report will indicate that the various programs sponsored by the federal government, such as Operation MUST, Project VALUE, Project HIRE, Project 250, Neighborhood Youth Corps, and other similar programs directed to the training of the disadvantaged and eventual employment in full-time, career-conditional positions in the lower grade levels of the federal service, have not actually provided employment for more than a few thousand persons during the last two years. 2) Summer aide programs and stay-in-school campaigns are temporary "Band Aids," which do not provide meaningful permanent work to the minimally skilled segment of our society and, in fact, permit few participants entrance into permanent full-time jobs in the federal service. 3) Upward mobility efforts, including Operation MUST, have been so low in priority and such failures in actual practice, that the commission has avoided maintaining statistics on actual placements. In fact, I would suggest that the Nation's largest employer, with about 2.8 million civilian employees in 1970, has been less responsible than the private sector in providing full-time employment for disadvantaged persons during the past two years—a real indictment of the commission's EEO priorities.

I would also suggest that the GAO report will state that the Public Service Careers Program (Plan D), initiated in late 1970, represents the first concerted government-wide effort for permanent employment of the disadvantaged in the federal service. This program, with the greatest potential for implementing the President's promises under Executive Order 11478, may be phased out before Congress even finds out it had begun.

The 1971 Employee Training Report, published in March by the Civil Service Commission for fiscal year 1970, indicates that lower-level employees (GS–1 through 8 and wage systems) received less training than in FY 1969, while higher-level employees received more training than in the previous year. The report's conclusion that lower-grade employees received less training than did any other grade grouping of federal employees is in direct conflict with the CSC Chairman's early promises to this committee in 1969. For this committee to continue to permit the same agency to establish and evaluate its own goals is unqualified irresponsibility; the commission is free to issue directives and then manipulate or withhold information vital to a successful EEO effort. There is no final accountability to a responsible monitoring unit such as EEOC could be; for instance, in the following areas, how can an individual government employee prove commission negligence?

Staff Employment: Professional staff working full-time in the Civil Service Commission to implement Executive Order 11478 have not increased. On the other hand, current programs to reduce staff and grade levels within the federal government will minimize EEO enforcement responsibilities. The commission has not published any directives to the contrary. No one expects the commission to recommend successfully to OMB that an exemption be made from reduction requirements for civil rights enforcement staffing.

CSC Employment: If the CSC were asked to list by categories minority employment data for 1971 comparable to that submitted by the commission to this committee in 1969 (question 11, page 145, S. 2453 Hearings, 1969), the data would reflect almost no progress in the employment of minority persons. The same data on the employment of women in the CSC would be even more discouraging.

Complaints: The number of complaints filed involving racial or ethnic discrimination and the number of complaints alleging sex discrimination that were considered in FY 1971 increased. In evaluating complaints, the following categories must be considered: informally reconciled by EEO counselor, decided by formal procedures, and appealed to the CSC. Of those appealed, few have resulted in findings. Of those which have resulted in findings, almost none have ended in substantiation of discrimination. Of those cases in which discrimination was substantiated, in most instances, no disciplinary actions were taken against those found guilty of discrimination; in fact, the CSC would be hard pressed to define any disciplinary action taken.

Use of Sanctions: During the 1969 hearings, CSC submitted carefully detailed information under question 6 (page 142, S. 2453 Hearings, 1969) outlining its authority to restrain/use of sanctions against an agency that has been found to engage in discriminatory employment practices with respect to employment in the competitive service. Such sanctions have never been used by the commission, even in cases of flagrant discrimination during the past two years. Friendly persuasion and admonishing letters are not sufficient in combatting uninterrupted discriminatory practices or refusal to comply with EEO directives.

Monitoring Federal Agencies: No special studies, evaluations, or analyses of minority employment data or data by sex have been conducted by or for the CSC during the past two years, other than compliance with regular reporting requirements. No positive actions have been taken in direct response to the Civil Rights Commission report, "Federal Civil Rights Enforcement Effort," dated September, 1970. In spite of the rhetoric on upward mobility, no specific plans have been presented to the commission by major agencies. There has been no measurable progress (except in the amount of paper pushed), particularly in terms of how many positions were filled as a result of the upward mobility publicity. Until very recently, in fact, there were no special workshop-training sessions sponsored by the CSC to provide agency personnel and training specialists with practical information on implementing upward mobility directives.

Goals and Timetables: All agencies have not submitted changes to their affirmative-action plans incorporating a numerical "goals and timetables" approach for minority groups in their EEO program. The CSC has taken no action against those agencies that have not yet proposed goals and timetables in compliance with their directive issued more than 6 months ago. The CSC has not developed any dependable procedure for an interim review of agency numerical goals and timetables to measure progress achieved. No similar goals have been established for the employment of women.

Training: The CSC has taken no direct action, other than initiation of the federal component of the Public Service Careers Program during FY 1971, to develop and conduct on its own or to promote within federal agencies training programs designed to improve the skills of minority group employees and women at lower grade levels, so that they might accelerate in upward mobility. Agencies are planning very little for FY 1972, and funding for the PSC program may be dropped by the Department of Labor, eliminating the only program with any real potential.

Testing: Percentages of test failures in the FSEE and the Management Intern examinations among those persons taking such tests at predominantly black institutions, as compared to those at predominantly white institutions, indicate racial bias in the content of those tests. No additional test results are available, according to the commission, on the basis of race. Recent court cases have exerted little actual influence in changing federal examining practices.

Damages: The principal of awarding back pay for damages suffered has long been recognized by the courts in private employment discrimination cases, but the CSC has failed to request authority from Congress to provide such assistance to individuals who have had such cases against the federal government.

Equal Status of EEO: Discrimination by sex is not given equal status with other forms of discrimination outlined in EO 11478 in the commission's enforcement program, as indicated by the October 31, 1970, data receiving a decrease in the total employment of women, as well as a decrease at higher levels—grades 14, 16, and 17.

Obviously, the responsibility for eliminating discrimination in the federal government has been taken lightly by the Civil Service Commission. The fate of low-level employees, who are primarily minority persons and women, above all has been farcically dealt with.

We believe that all human beings, all Americans, all men, all women have an unqualified constitutional, moral, and ethical right to earn a living through employment in a society that places such heavy emphasis on the work ethic. Any government that eliminates thousands of jobs for the poor and the minimally skilled; enacts slave legislation, as evidenced by the pending legislation forcing welfare recipients to work; creates a psychological atmosphere causing the unsuspecting pawn to accept a philosophy of dole; and grants aid and privileges to the wealthy through tax-write-offs, amortization, and loan guarantees for Lockheed and its ilk must be called to task by its citizens. In no case should the Billy goat be placed in charge of the garden, such as permitting the CSC to be the judge of its own conduct.

BRITAIN'S COMMON MARKET DECISION: TWO VIEWS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ROSENTHAL. Mr. Speaker, the coming decision, scheduled for the House of Commons this Thursday, October 28, on British entry into the Common Market will have momentous effects.

If the British Government's endorsement of entry carries, the historic isolation of British from the continent will end with political, economic, and social effects reverberating throughout the British Isles for the rest of this century.

If the Labor Party's opposition, coupled with the suspicion of many segments of the population, succeeds in thwarting British entry, the consequences will be severe for both Britain and the European Economic Community.

A few weeks ago, the outcome seemed certain. Polls showed that the support for entry had bypassed opposition decisively with the parliamentary margin somewhat ahead of popular support. Today, the proponents seem to have reached a plateau in their strength. Thursday's vote may be very close.

Two weekend articles from the New York Times present the contrast in attitudes in Britain as it approaches this decision. I include below an article by John Gilbert, a Laborite Member of Parliament, which describes why many Britons have doubts about entry into the Common Market.

Anthony Lewis sees the peace of Europe, not the price of oranges, at stake in the decision.

[From the New York Times, Oct. 24, 1971]

BRITAIN DIVIDED ON MARKET

(By John Gilbert)

LONDON.—As the vote in Parliament on Britain's entry into the European Economic Community next Thursday draws near, the British are embroiled in an increasingly bitter controversy over the whole issue.

Both the main political parties are badly split on the issue, and the opinion polls, which had shown a fair increase in support of entry after Geoffrey Rippon's last negotiating visit to Brussels, are all now showing a perceptible falling off of support for the idea—despite a massively financed propaganda campaign for the Government by the professional lobbyists.

As I know from the discussions I had during a visit to the United States in September, much of all this comes as a surprise to even well-informed Americans. The simple fact is that although from the other side of the Atlantic it may seem self-evident that both Britain and Europe will stand to gain politically and economically from Britain's entry, matters appear far less straightforward over here.

The economic costs to Britain are large and immediate. The economic benefits, if any materialize, are uncertain, unquantifiable and far off. Indeed, an impressive range of Britain's best economists are against entry, while certainly the great majority freely admit today that the economic case for entry is not proven.

In exchange for tariff-free entry into Europe, we have to give up all our preferential arrangements with the Commonwealth. We also cede to our E.E.C. competitors free entry into European Free Trade Association markets. We are expected to accept the common agricultural policy, abandoning our traditional cheap-food policy. We are being asked to make a huge contribution to the Community budget for which we shall receive virtually nothing in return. We shall, in fact, be the largest net contributor to that budget.

We shall be asked, in addition to accepting the common external tariff, to introduce a value-added tax, and to harmonize our corporation taxes with those of the Six, both as to their structure and their rates.

As entry into the E.E.C. also involves accepting free movement of all capital, portfolio and direct, these constraints over a huge range of future tax policy will reduce our theoretical freedom to make more than minor adjustments in our income-tax system. Britain will no longer be able to alter the degree of progressiveness in her income-tax system, or to change the balance between direct and indirect taxes as a whole, without risking a sudden hemorrhage of capital to other parts of Europe.

A substantial net outflow of capital is likely to take place anyway, for the very reason that growth rates and corporate profitability are higher in the Six than in Britain.

It is, in fact, these higher growth rates that the advocates of entry point to most enthusiastically in claiming that the dynamics of Europe's big and fast-growing markets will pull Britain's economy out of the post-war doldrums.

In attributing great economic virtue to the Six, however, they overlook the fact that they bear much less of the defense burden than Britain does, that the Six have had a prolonged influx of cheap labor, that they have had considerable movement of labor off the land, that they enjoyed the advantage of being in a "catch-up" position and that much of their war-damaged industry was rebuilt with brand new equipment supplied by American aid. Last but not least, several of them have benefited from running undervalued currencies for considerable periods.

There is, of course, no evidence that larger markets themselves bring faster growth. If this were so, Britain would have the highest and not one of the lowest growth rates in the industrialized world. Similarly, the argument often heard over here, that Britain's joining the market would facilitate the formation of huge European multinational concerns, better able to compete with the American corporate giants, takes no account of the fact that in Britain the largest companies have the lowest growth rates.

The truth is that whereas economic benefits might flow to Britain if we were to join the Six, no one has been able to demonstrate that they necessarily will. The only concerns that would obviously greatly benefit are those capable of supplying the entire enlarged community from a single plant and for whom transport costs would form only a small part of the unit selling price. Even for them there will be inexorable pressure at the time of plant expansion to move into the Ruhr, Paris, Milan-Turin triangle, and serve even their British markets from there.

For the multi-plant company, the present tariffs are at worst an irritant. Both Britain and the British multinationals are already inside the E.E.C. and have been for years.

Add to this consideration the fact that Britain has serious regional unemployment coupled with low investment and declining industries, that the whole of Britain would be outside the economic center of gravity of the market, and, most crucial, that the non-elective European commission has powers to prescribe the type and amount of assistance that can be given the depressed regions, and to demarcate the geographic boundaries outside which it may not be granted, it is hardly surprising that many in Britain are balking at the whole idea.

For many, moreover, the political implications of British accession to the Treaty of Rome are even more disturbing. This Parliament is being asked to cede its sole right to levy taxes and spend the proceeds to an unrepresentative commission. The supremacy of the British courts over a wide range of issues will no longer be paramount. And the right vested in Parliament whereby it alone can pass laws enforceable in Britain will be abrogated.

All this, plus the breaking off of many of our old Commonwealth ties, we are being asked to accept (by our friends on both sides of the Atlantic) in the name of greater political stability in Western Europe. Flattering as the postulate of this appeal may be, the reverse of the coin tells a very different story. If it is the case that the British have a special contribution to make, then that contribution will hardly be strengthened if we are to be integrated irrevocably wtih a community whose decision-making institutions are undemocratic in nature, whose member countries have a wholly different concept of democracy and of the relationship of the state to the individual from ours, and a large part of whose electorate shows a disturbing and persistent partiality for political parties of both left and right whose allegiance to democratic principles is less than total.

We see the size of the Communist parties in France and Italy. We remember the events in Franch in May, 1968. We have watched the rise of neo-Fascism in Italy this year. We see the way in which the trade unions and the political parties of the Six are so heavily dominated and fragmented by sectarian religious issues; we know all too well from events in Ulster, how such conditions can devastate the social fabric.

With all this in mind, and with the prospects extremely slim of a democratic party of change ever achieving a majority in a European Parliament, it is hardly surprising that the majority of the British people are looking this gift horse very warily in the mouth.

What is surprising is that so few of even our best friends in the United States are even acquainted with the reasons for our hesitancy.

The Peace of Europe

(By Anthony Lewis)

London, October 24.—A wide-eyed American lady was talking to a British politician who favors bringing his country into the Common Market. Why did it matter so much? she asked. What was the interest that Britain would serve by joining? The politician reflected for a moment and then replied:

"It is the peace of Europe."

On the face of things the Common Market would not seem to have much to do with Europe's peace or security. It is the European *Economic* Community, it deals with trade, finance, agriculture, industry.

Nevertheless, the politician's answer was profoundly correct. That is the significance of the debate now going on in the House of Commons about British entry. It is not about the price of butter.

Over the last generation Western Europe has achieved remarkable levels of prosperity and security. To measure the achievement we need only think back to 1946 and consider how unlikely it would have seemed then that West Germany would so soon be a suitable, independent country, tied in alliance to France and a flourishing Europe.

The postwar record has been based on two fundamental facts: the cold war, driving the nations of Europe together, and the immense American role in their behalf. The "energy and generosity" of the United States, in Edward Heath's phrase, provided diplomatic leadership, military support and aid for reconstruction followed by a flood of investment dollars.

These conditions are now changing, as all can see. The cold war is turning into a series of East-West understandings to maintain the status quo in Europe. The United States is operating diplomatically at the highest levels without its allies—in the SALT talks and in President Nixon's planned visits to Peking and Moscow. The expectation of significant American troop reductions in Europe is growing so strong that British officials speak of the prospect openly.

Financially, the Nixon bombshell of Aug. 15 marked among other things the end of any illusion of continuing dependence on the dollar. No one now would see generosity as the basis of American trade and monetary policy: We are into the age of self-interest, and it remains to be seen how enlightened.

Now one may approve of these shifts—of the movement toward détente, of America's increasing concern for its own internal problems—and still recognize their disturbing potential for Western Europe. For the trans-Atlantic relationship on which its peace and prosperity have been based is being transformed, and that must produce unease.

In the modern world most countries desire, for their own psychological security if nothing more, a place in some grouping. For the countries of Western Europe that now must be an association of their own: The North Atlantic Treaty no longer suffices. And the one living organism from which an effective association can grow is the Economic Community. That is true despite its monetary disagreements, its occasional economic pettifoggery, its small gropings toward agreed foreign policies.

The significance of the Community for European stability is especially clear when seen in the negative. Imagine that the House of Commons, confounding all expectations, turns down British membership. The hope for a Community growing in size and scope is so strong that the effects of such a setback would be traumatic. It could undermine the German confidence necessary to proceed with the *ostpolitik*. It could upset the already precarious political stability of Italy.

The movement toward East-West détente evokes a skeptical reaction among many experts who simply do not trust Soviet motivations. Whether they are right or not, it is certainly essential for Western Europe to prevent an unraveling of its military, political and economic confidence as détente proceeds.

That is what the debate in the House of Commons is all about. The real subject, largely unspoken, is the necessity that Prime Minister Heath put into words recently—the necessity for Britain to work out "common European policies governing our dealings with the rest of the world, our trade, our finance and eventually our defense." Nobody can tell at this point how European institutions will develop in those directions. But equally, all see that there can be no real hope of development without enlargement of the Community.

There is a sadness in the debate because men who know all that are pretending not to know, for reasons of party or personal ambition. Harold Wilson and Denis Healey must just hope that Willy Brandt and other friends will forgive them, believing that they will talk sense again if they ever return to power.

SUPPORT FOR ALASKA NATIVE LAND CLAIMS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BEGICH. Mr. Speaker, last week when the House of Representatives considered the Alaska Native land claims bill, I included in the Record the views of the Alaska Village Council presidents. At this time, I would like to insert the following telegram sent to me by the Alaska Village Council president, Philip Guy.

The telegram follows:

> To: The Congress of the United States of America
> c/o Speaker of House of Representatives
> c/o President of the Senate
> Washington, D.C.
>
> We the 15,000 Native people of southwestern Alaska acting by and through our Tribal Representative AVCP, Inc. hereby debal Representative AVCP, Inc. hereby demand that the Alaska Land Claims Settlement legislation include a provision that AVCP, Inc. has the right to repurchase from the United States fee simple title to all public lands in its regional area for the identical price the Congress is willing to pay to this Native region for the same lands the United States has already taken and will further take through the Settlement.
>
> Philip Guy,
> *President, AVCP, Inc.*

GENERAL KOSCIUSKO'S RESIDENCE SHOULD BE A NATIONAL HISTORIC SITE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WYMAN. Mr. Speaker, it is unfortunate that the home of Gen. Thaddeus Kosciusko, the great American war hero of Polish descent, should have been disapproved by the Advisory Board of National Parks, Historic Sites, and Monuments. I have requested the Board to reconsider its decision in this matter. It was General Kosciusko whose expert engineering provided the fortifications in the Hudson River Valley in New York State that helped to prevent the British from cutting the Colonies in half in the Revolutionary War.

I feel General Kosciusko's residence should be included in the national park system as an historic site and I hope the Advisory Board will change its mind on this. In this connection, the following editorial from the Manchester, N.H., Union-Leader is of interest.

> J. F. K. at $60 Million—Yes; Kosciusko for Free—No!
>
> As an example of ingratitude, not to mention an insult to all Americans of Polish ancestry, this newspaper can think of no better illustration than the following: When the former home of General Thaddeus Kosciusko was offered free, we emphasize free, to the federal government—with the proviso that it be added to the national parks system—the Advisory Board of National Parks, Historic Sites and Monuments turned it down!
>
> Yet, this is the same group of individuals which decided to build a Center for Performing Arts as a Memorial to John F. Kennedy at a cost of $60,000,000—yes, $60,000,000—which will eventually cost $5,000,000 a year simply to maintain.
>
> The Kennedy Center is more than twice the combined size of the memorial to Washington, Lincoln and Jefferson—yes, more than twice the combined size of all three.
>
> As Jesse Helms, the Executive Vice President of WRAL–TV, who recently brought this matter to our attention, points out, it is a little ridiculous to suggest that President Kennedy's thousand days in office merited a distinction over and above that of Washington, Lincoln and Jefferson combined, particularly one of such enormous cost to the taxpayers.
>
> In contrast, General Kosciusko, whose home was turned down by this same committee, was credited by General and President George Washington with having provided the difference between victory and defeat in the Revolutionary War.
>
> General Washington felt that had it not been for General Kosciusko the British undoubtedly would have been able to come down from Canada through the Hudson Valley. Had they done this, they would have cut the Colonies in half and won the Revolutionary War. It was General Kosciusko who stopped the British and saved the day by engineering so expertly the fortifications of the Hudson Valley. Incidentally, General Kosciusko also established the West Point Military Academy.
>
> It was this great man, who gave such important aid to the building of our nation, that the Advisory Board of National Parks, Historic Sites and Monuments thought was not worth honoring by the acceptance of his former home—even when it was offered free.
>
> Talk about a mixed-up sense of values! This is certainly a perfect example. This newspaper intends to recall this situation to the attention of New Hampshire congressmen and senators and to see what can be done to reverse this crazy decision, so that General Kosciusko can be given the respect and appreciation due him.
>
> William Loeb, *Publisher.*

THE NEW SPIRIT OF '76 FOUNDATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ROBISON of New York. Mr. Speaker, there has recently been chartered here in the District of Columbia the New Spirit of '76 Foundation. Its ideals, says the foundation's founder, Dwight Fuller Spear, are "a community free of apathy, with pride in its heritage, and confidence in its future."

This new foundation has been granted tax-exempt status by the Internal Revenue Service. It aspires to be a national nonprofit agency organized to stimulate the individual's awareness and participation in the affairs of his community, his State and his Nation.

A statement of the foundation's principles read, in part:

> Briefly, if we recall the days of our Revolution, we remember the phrase "the Spirit of '76." This was not just a slogan. There was a real Spirit of '76 which was the driving force during the Revolutionary era within most Americans.
>
> It is from this historical spirit that the Foundation derives its principles:
>
> 1. We believe that, like a person, a nation has a spirit. As it is with the person, the nation's spirit can flourish or wither.
>
> 2. We believe that our national spirit is most apparent when we as a nation face a challenge.
>
> 3. We believe that each time our national spirit makes itself felt, it speaks to its own time with a message that can be applied by us to the problems of our day.

America's "silent majority" contains too many individuals who, while wanting to care, have sunk into apathy, defeated by the size and complexity of modern society. A cancerous growth in the body politic, apathy is the opposite of the spirit of '76.

To eradicate this apathy and to reawaken in the silent, discouraged majority a new spirit of '76, the foundation will provide leadership:

In motivating apathetic individuals to convert their passive concern into active, enthusiastic involvement;

In providing them with facts about the matters that concern them most;

In making available to them a forum in which to express their views, find others with similar opinions, and make suggestions on ways of solving the problems and meeting the challenges which face our Nation;

In overcoming the barriers which divide America into squabbling factions based on age, religion, race, sex, and special interests, by opening channels of communication between these groups; and

In restoring respect for the effectiveness of traditional methods of achieving change, or preventing it, by constitutional means.

On July 3, speaking from the National Archives to a nationwide TV and radio audience in connection with the planned celebration of our country's bicentennial 5 years hence, President Richard Nixon, after reviewing the material goals which this Nation can achieve in the next 200 years, said:

> These are great goals, but we could reach all these material goals and still not be worthy of our heritage unless we have the Spirit of '76.

On the same program, the Speaker of the House, the Honorable Carl Albert, described the potential of this spirit, saying:

> That same spirit will allay the divisions which haunt us today and will ensure for us and our posterity the blessings of liberty and a still more perfect union.

The New Spirit of '76 Foundation, already being formed when these words were spoken, has taken them to heart. As these national leaders charge, so will it do its utmost to enable people to comprehend the American spirit, not as the visitation of some ghost of the past, but rather as the affirmation of a deep national yearning stirring in all Americans today.

Mr. Speaker, I take pleasure in calling this new organization to the attention of the House and in wishing it success in achieving its worthy goals.

CATHOLIC CAMPS FAVOR DANIELS BILL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, the National Catholic Camping Association can be added to the list of endorsements given to title 19 of H.R. 7248, the Youth Camp Safety Act. The Catholic Camping Association, like the Boy Scouts of America, the Salvation Army and the YMCA which also support title 19, have camps across the country and therefore recognize the need for national safety standards.

I, therefore, place on record the support of the National Catholic Camping Association. I hope that the endorsement of organizations dedicated to the welfare of youth will favorably influence the judgment of my colleagues.

AKRON, OHIO,
October 25, 1971.

Hon. DOMINICK DANIELS,
House of Representatives,
Washington, D.C.

National Catholic Camping Association fully endorses and supports H.R. 7248 regarding youth camp safety.

Best wishes.

RAYMOND E. THOMAS, Jr.,
National President.

BUS INDUSTRY STEADILY IMPROVING ITS SERVICES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RHODES. Mr. Speaker, we are all aware that the serious problems besetting our air and rail passenger industries have resulted in a deterioration of transportation services to the public. It is heartening, therefore, to note that the little-heralded bus industry not only continues to serve the public safely, efficiently, and economically, but that it is steadily improving its services. Were it not for our intercity bus carriers, hundreds of cities and towns would have no intercity transportation.

An example of the excellent spirit one finds in the bus companies' ranks of labor as well as management is contained in a talk recently given by James L. Kerrigan, president, Greyhound Lines. Inc., at the 41st Biennial Convention of the Amalgamated Transit Union in Las Vegas, Nev. I am pleased to include Mr. Kerrigan's remarks in the CONGRESSIONAL RECORD:

BUS INDUSTRY STEADILY IMPROVING ITS SERVICES

It is both a pleasure and a privilege to be with you today, and to recognize the contribution that your membership has made to the growth and progress of our nation's transportation industry.

You have much to be proud of . . . for more than a half century the A.T.U. has been identified with public carrier transportation. The record of those years is impressive—and it was first and foremost the labor of men that brought about the happy circumstances that bring us together today.

Immense transportation progress has been made in the United States during this period—in fact, more than was made in the previous 400 years. With the transportation problems which are still unresolved, you may question my use of the word "progress," but progress it is when you consider that the horse and buggy of 1850 was little different in concept from the Roman chariot—nor was the brave Mayflower substantially different from Cleopatra's Nile cruise ship.

Believing that all our destinies—yours and mine—will be determined by the fortunes of our industry, and believing as I do that working together we can build a better transportation industry . . . a better future, I would spend these few minutes with you considering where we are today . . . and where we might go from here.

Bus is primarily a service enterprise. A consumer can take or leave us! It has to be sold in competition with many other products, most of which are more alluring and captivating to the consumer's imagination. Furthermore, the competing public carriers all receive government subsidization in one form or another. Bus pays its own way.

Today, our industry provides safe, dependable, low cost transportation. A very necessary service for millions of Americans . . . and, in my view, we do it better than anyone else in the world.

While associates in government, business and communications seem to be aware of the importance of public carrier transportation, they tend to ignore or minimize the essential services we now perform or the contributions that bus can make to the success of a total transportation plan. This includes not only the established intercity and intracity systems, but some exciting new methods of relieving the tremendous commuting problems of urban centers.

We believe real progress will be made when priority is given to improving today's systems rather than talking and philosophizing over a new technology which has yet to be developed and cannot contribute significantly during the next quarter century. Bus can serve as an efficient bridge between current transportation systems to provide more effective service between any two points.

Our job—yours and mine, management and labor—is to accentuate our positives. These include:

Economical rates.

Center city service.

Safety, dependability and courtesy.

Extreme flexibility.

Bus flexibility is truly unlimited—highways go where people are—and bus follows the highways. It's the only form of transportation for thousands of small towns in our nation.

Our industry has not been idle. We are vigorously working to improve our service and technology to better serve our customers. Significant improvements are in the design, development and testing stage.

The turbine power era for bus will be a fact of life early in the seventies . . . bringing with it a technological breakthrough so significant that it could well represent a new mode, a new standard of highway transportation. The Turbocruiser bus which is now being tested by Greyhound in passenger service is a new experience in comfort and dependability—a quiet ride and ecologically sound. Results to date are very encouraging.

There are a number of other improvements now in the testing stage that will contribute to safety, offer our customers a better ride and increase our drivers' ease in handling. For example, fully automatic transmissions, anti-skid devices, improved braking.

We will have a better bus in the seventies . . . we will have a better bus driver. Today's driver is truly a professional and with improved techniques, he is getting better every day.

We need only the opportunity to show what the bus industry can do, to be included . . . to be considered . . . and to be utilized where bus is clearly the most efficient means of transportation.

Our job in the months ahead is to be more vocal—to foster and encourage a more positive industry-wide esprit de corps . . . and to see what a difference pride can make. Dollars and determination invested now in our industry can dramatically and expeditiously improve existing service and develop new concepts which are responsive to public carrier transportation needs of the seventies.

Bus offers a solution to today's problems which is practical and workable in terms of today's needs. We ask that associates in business, government and communications work with us to develop the resources of our industry. A good beginning would be the change of legislation that would enable the 102" bus . . . which has a proven safety record on the narrower streets of our cities . . . to use the wide interstate highways. More people ride the 102" bus today in intracity transportaion systems than ride on the narrower and less comfortable intercity bus. Why shouldn't they also enjoy the same advantages on the interstate highway system that they have helped to pay for?

Finally and most important, our industry will rise or fall on how well we serve the public need. We must always give first priority to the fact that everything begins and ends with the customer. While we serve millions of people, there is no mass market in a service industry. We must serve our customers one at a time. If we are to prosper individually, our industry must prosper and, predictably, we must recognize that management and labor share common problems and common opportunities.

MAJORITY SUPPORTS SHIPMENT OF PHANTOM F-4 AIRCRAFT TO ISRAEL

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. CELLER. Mr. Speaker, 223 Members of the House today introduced identical resolutions calling for the shipment of Phantom F-4 aircraft to Israel. A copy of the text of the House resolution follows, together with the names of the cosponsors:

RESOLUTION

Calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East.

Whereas the Soviet Union is continuing to supply additional sophisticated weapons including advanced jet aircraft, and has deployed combat pilots, and other military personnel in Egypt, and other Arab States; and

Whereas these actions have seriously affected the military balance in the Middle East and increase the danger of war; and

Whereas the aforementioned developments have encouraged certain Arab States to resist peace negotiations and to threaten the resumption of war; and

Whereas this constitutes a grave threat to peace in the Middle East, prejudicial to the vital interests of the United States; and

Whereas the policy of the United States as expressed by the President and the Congress of the United States is to maintain the arms balance in this region: Therefore be it

Resolved, That—

(1) The United States without further delay should take affirmative action on Israel's pending request for F-4 Phantom aircraft,

and provide such supporting equipment and assistance as are essential to maintain Israel's deterrent capability;

(2) The United States Government should oppose any attempts at the United Nations to alter the meaning and effect of Security Council Resolution 242 of November 22, 1967, and should reaffirm the importance of secure and defensible borders as a vital element in a peace settlement to be negotiated by the parties themselves.

Watkins M. Abbitt (Va.).
Bella S. Abzug (N.Y.).
Brock Adams (Wash.).
Joseph P. Addabbo (N.Y.).
Bill Alexander (Ark.).
Glenn M. Anderson (Calif.).
John B. Anderson (Ill.).
William R. Anderson (Tenn.).
Frank Annunzio (Ill.).
Bill Archer (Tex.).
Thomas L. Ashley (Ohio).
Herman Badillo (N.Y.).
William A. Barrett (Pa.).
Nick Begich (Alaska).
Alphonzo Bell (Calif.).
Bob Bergland (Minn.).
Tom Bevill (Ala.).
Mario Biaggi (N.Y.).
Edward G. Biester, Jr. (Pa.).
Jonathan B. Bingham (N.Y.).
Ben B. Blackburn (Ga.).
John A. Blatnik (Minn.).
Hale Boggs (La.).
Edward P. Boland (Mass.).
Richard Bolling (Mo.).
John Brademas (Ind.).
Frank J. Brasco (N.Y.).
Jack Brinkley (Ga.).
Jack Brooks (Tex.).
William S. Broomfield (Mich.).
Clarence J. Brown (Ohio).
John Buchanan (Ala.).
J. Herbert Burke (Fla.).
James A. Burke (Mass.).
Phillip Burton (Calif.).
James A. Byrne (Pa.).
Earle Cabell (Tex.).
Hugh L. Carey (N.Y.).
Charles J. Carney (Ohio).
Tim Lee Carter (Ky.).
Bob Casey (Tex.).
Elford A. Cederberg (Mich.).
Emanuel Celler (N.Y.).
Donald D. Clancy (Ohio).
Frank M. Clark (Pa.).
Don H. Clausen (Calif.).
Harold R. Collier (Ill.).
George W. Collins (Ill.).
Barber B. Conable, Jr. (N.Y.).
Silvio O. Conte (Mass.).
James C. Corman (Calif.).
William R. Cotter (Conn.).
R. Lawrence Coughlin (Pa.).
Philip M. Crane (Ill.).
W. C. (Dan) Daniel (Va.).
Dominick V. Daniels (N.J.).
John W. Davis (Ga.).
James J. Delaney (N.Y.).
Frank E. Denholm (S. Dak.).
John H. Dent (Pa.).
Samuel L. Devine (Ohio).
Harold D. Donohue (Mass.).
Wm. Jennings Bryan Dorn (S.C.).
John G. Dow (N.Y.).
Robert F. Drinan (Mass.).
Thaddeus J. Dulski (N.Y.).
John J. Duncan (Tenn.).
Florence P. Dwyer (N.J.).
Don Edwards (Calif.).
Edwin W. Edwards (La.).
Joshua Eilberg (Pa.).
Edwin D. Eshleman (Pa.).
Dante B. Fascell (Fla.).
Hamilton Fish, Jr. (N.Y.).
O. C. Fisher (Tex.).
Daniel J. Flood (Pa.).
Thomas S. Foley (Wash.).
Gerald R. Ford (Mich.).
William D. Ford (Mich.).
Edwin B. Forsythe (N.J.).
Donald M. Fraser (Minn.).
Bill Frenzel (Minn.).
Richard H. Fulton (Tenn.).
Don Fuqua (Fla.).
Cornelius E. Gallagher (N.J.).
Edward A. Garmatz (Md.).
Joseph M. Gaydos (Pa.).
Robert N. Giaimo (Conn.).
Sam Gibbons (Fla.).
Barry M. Goldwater, Jr. (Calif.).
Ella T. Grasso (Conn.).
Edith Green (Oreg.).
William J. Green (Pa.).
Martha W. Griffiths (Mich.).
James R. Grover, Jr. (N.Y.).
Gilbert Gude (Md.).
G. Elliott Hagan (Ga.).
Seymour Halpern (N.Y.).
James M. Hanley (N.Y.).
Orval Hansen (Idaho).
Michael Harrington (Mass.).
Augustus F. Hawkins (Calif.).
Wayne L. Hays (Ohio).
Margaret M. Heckler (Mass.).
Henry Helstoski (N.J.).
Floyd V. Hicks (Wash.).
Lawrence J. Hogan (Md.).
Chet Holifield (Calif.).
Frank Horton (N.Y.).
W. R. Hull, Jr. (Mo.).
John E. Hunt (N.J.).
Richard H. Ichord (Mo.).
Harold T. Johnson (Calif.).
Joseph E. Karth (Minn.).
William J. Keating (Ohio).
Jack F. Kemp (N.Y.).
Carleton J. King (N.Y.).
Edward I. Koch (N.Y.).
Dan Kuykendall (Tenn.).
Peter N. Kyros (Maine).
Norman F. Lent (N.Y.).
Sherman P. Lloyd (Utah).
Clarence D. Long (Md.).
Manuel Lujan, Jr. (N. Mex.).
Paul N. McCloskey, Jr. (Calif.).
Mike McCormack (Wash.).
Joseph M. McDade (Pa.).
James D. (Mike) McKevitt (Colo.).
Stewart B. McKinney (Conn.).
Ray J. Madden (Ind.).
Lloyd Meeds (Wash.).
Ralph H. Metcalfe (Ill.).
Robert H. Michel (Ill.).
Abner J. Mikva (Ill.).
George P. Miller (Calif.).
Joseph G. Minish (N.J.).
John S. Monagan (Conn.).
William S. Moorhead (Pa.).
Thomas E. Morgan (Pa.).
F. Bradford Morse (Mass.).
John E. Moss (Calif.).
John M. Murphy (N.Y.).
John T. Myers (Ind.).
Ancher Nelsen (Minn.).
Robert N. C. Nix (Pa.).
James G. O'Hara (Mich.).
Thomas P. O'Neill, Jr. (Mass.).
Otto E. Passman (La.).
Edward J. Patten (N.J.).
Thomas M. Pelly (Wash.).
Claude Pepper (Fla.).
Jerry L. Pettis (Calif.).
Peter A. Peyser (N.Y.).
Otis G. Pike (N.Y.).
Alexander Pirnie (N.Y.).
W. R. Poage (Tex.).
Bertram L. Podell (N.Y.).
Richard H. Poff (Va.).
Melvin Price (Ill.).
Robert Price (Tex).
Roman C. Pucinski (Ill.).
James H. (Jimmy) Quillen (Tenn.).
Tom Railsback (Ill.).
William J. Randall (Mo.).
Charles B. Rangel (N.Y.).
Thomas M. Rees (Calif.).
Ogden R. Reid (N.Y.).
Henry S. Reuss (Wis.).
John J. Rhodes (Ariz.).
Donald W. Riegle, Jr. (Mich.).
Ray Roberts (Tex.).
Peter W. Rodino, Jr. (N.J.).
Robert A. Roe (N.J.).
Paul G. Rogers (Fla.).
Teno Roncalio (Wyo.).
Fred B. Rooney (Pa.).
Benjamin S. Rosenthal (N.Y.).
William R. Roy (Kans.).
Edward R. Roybal (Calif.).
William F. Ryan (N.Y.).
Fernand J. St Germain (R.I.).
Paul S. Sarbanes (Md.).
David E. Satterfield III (Va.).
John P. Saylor (Pa.).
James H. Scheuer (N.Y.).
Herman T. Schneebeli (Pa.).
John F. Seiberling (Ohio).
Garner E. Shriver (Kans.).
Robert L. F. Sikes (Fla.).
B. F. Sisk (Calif.).
William L. Springer (Ill.).
J. William Stanton (Ohio).
James V. Stanton (Ohio).
Robert H. Steele (Conn.).
Sam Steiger (Ariz.).
William A. Steiger (Wis.).
Louis Stokes (Ohio).
Samuel S. Stratton (N.Y.).
W. S. (Bill) Stuckey, Jr. (Ga.).
Leonor K. Sullivan (Mo.).
James W. Symington (Mo.).
Fletcher Thompson (Ga.).
Frank Thompson, Jr. (N.J.).
Charles Thone (Nebr.).
Robert O. Tiernan (R.I.).
Morris K. Udall (Ariz.).
Lionel Van Deerlin (Calif.).
Charles A. Vanik (Ohio).
Joseph P. Vigorito (Pa.).
Joe D. Waggonner, Jr. (La.).
Jerome R. Waldie (Calif.).
Charles W. Whalen, Jr. (Ohio).
G. William Whitehurst (Va.).
Lawrence G. Williams (Pa.).
Charles H. Wilson (Calif.).
Larry Winn, Jr. (Kans.).
Lester L. Wolff (N.Y.).
Jim Wright (Tex.).
Wendell Wyatt (Oreg.).
John W. Wydler (N.Y.).
Sidney R. Yates (Ill.).
Gus Yatron (Pa.).
John Young (Tex.).

JOB SAFETY REGULATIONS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, an "Industrial Safety and Health Report," published by the Center for Political Research, analyzes requirements of the Occupational Safety and Health Act. The procedures for recordkeeping, inspections, and investigations need to be understod by employers, employees, and public officials alike, if we are to attain the objective of safety on the job.

Two CPR reports are of special value in understanding the regulations under the new law. I include them at this time for the information of my colleagues:

[Industrial Safety and Health Report, Aug. 16 to Aug. 31, 1971]

STATUS REPORT: DISCLOSURE OF DOCUMENTS

The availability of documents relating to the Inspections, Investigations, and Recordkeeping provisions of the OSH Act (Section 8) will become an increasingly important issue for DOL–OSHA and HEW–NIOSH.* Two questions which are of primary importance to unions, medical research and public interest groups are:

1. Whether DOL–OSHA will continue to use the rule (developed in the Moundsville case) that inspection and related medical reports will be unavailable until after the expiration of the 15-day contest period, and only if no objections are filed within this time; and
2. Whether HEW–NIOSH will defer to OSHA's legal advice on the disclosure of medical reports related to OSH activities.

The resolution of these questions is highly significant in light of DOL's policy of restricting public access to documents. To date, DOL has:

Adopted the policy that information exempted from disclosure is the rule rather than the exception, thus placing the burden on the requestor of information to show why disclosure should be granted;

Placed procedural burdens on the requestor of information, even where information access is available, by requiring the requestor to identify which specific documents he wants to inspect, and

Physically limited a comprehensive inspection of documents by placing them in OSHA regional offices.

DOL REGULATIONS

The regulations governing DOL–OSHA policy on the disclosure of information are based upon the public information provisions of the Administrative Procedures Act (5 USC 552). The regulations, "Examinations and Copying of Labor Department Documents" (29 CFR 70; July 29, 1967), state that any person may inspect and copy any document "in the possession and custody of the U.S. Department of Labor" if, the documents are not exempted and if the specified procedures for disclosure are followed.

According to the regulations, seven specific types of documents may be withheld:

1. Anything designated secret by Executive Order in the interest of national defense or foreign policy,
2. Anything relating solely to internal DOL personnel rules and practice,
3. Anything specifically exempted by law,
4. Any trade secrets, commercial or financial information obtained from any person on a privileged or confidential basis,
5. Interagency or intra-agency memoranda or letters,
6. Personnel, medical or other files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,
7. Investigatory files compiled for law enforcement purposes.

DOL regulations assert that documents within five of the listed categories (i.e., all except secret documents or anything specifically exempted by law) may be made available, "if [a DOL official authorized to disclose documents] determines that such availability furthers the public interest and does not impede any of the functions of the Labor Department."

Union, medical and other interests which allege a need to examine the totality of data behind an administrative action will confront these two criteria (public interest and unencumbered administrative functions) in several areas.

PRACTICAL IMPLICATIONS OF DOL'S "PUBLIC INTEREST" CRITERION

DOL-OSHA officials must decide whether the overriding public interest warrants making available the following information related to compliance operations:

occupational injury and illness log information backing up summaries;

toxic content of industrial chemicals whose composition or formulae are within the realm of trade secrets of confidential and privileged commercial information;

any correspondence between DOL and HEW, Environmental Protection Agency, Food and Drug Administration, or any other federal, state, or local agency concerning criteria, standards, compliance cases, medical research or industrial surveys;

any inspection file, report, or analysis which could involve an active enforcement case or any individual or corporate matter or privacy; or

any continuing data on the progress of a case from the time when action initiates DOL entry into the issue until the time when the department decides to terminate its involvement.

PRACTICAL IMPLICATIONS OF DOL'S "UNENCUMBERED ADMINISTRATIVE FUNCTIONS" CRITERION

Regulations promulgated pursuant to the APA are designed to keep the flow of information from disrupting the normal duties of the agencies. Often they serve as a control on the access to administrative information.

Decentralization within DOL-OSHA means that 10 regional directors are custodians of operational documents relating to any field action. While the 10 directors hold delegated authority to make all determinations on a request for disclosure of information, the regulations prohibit review of his decision. Recourse is available through a second request to the Solicitor of Labor who makes a recommendation to the Under Secretary of Labor. While DOL-OSHA is in the early stages of operations, most determinations will be based on the Solicitor's recommendations. Therefore, availability of data will reflect the department's cautions against publicizing any information which could be interpreted as interagency/intra-agency communications, enforcement proceedings, or matters of individual or corporate privacy.

The regulations further require each DOL officer to keep available (locally and in D.C.) "a current index providing identifying information for the public as to any material in his possession or custody which is issued, adopted, or promulgated by him . . ." This must include:

Any final opinions (concurrences and dissents),

Any adjudicatory order,

Any statement of policy or interpretation not published in the *Federal Register*, and

Any administrative staff manual or instruction that affects any member of the public.

Significance: The importance of complete and informative indices is critical because, first, requests must specify the precise information to be made available and, second, the officer's authority to grant a request is related to his ability to find the document described. Thus, incomplete or unclear requests, based on information in indices or on secondary sources, can be denied on the technicality that APA procedural steps were not followed.

Indices for OSHA documents are not ready, although the Solicitor's Office currently is serving as the assistance center for this type of query. There are no immediate plans to formalize regional information sources and none are expected until after the OSHA organization settles into normal operations. Even were this to occur, indices still would emphasize opinion-and-order data rather than interpretive or instructional information. *Thus, anyone requesting disclosure of DOL–OSHA data must know precisely what documents are to be disclosed and what is the position of the official authorized to approve disclosure.*

COURT ACTION LEAVES ISSUE UNRESOLVED

Wecksler v. Shultz (U.S. District Court, District of Columbia; No. 3549–69, Feb. 1, 1971) provides the major precedent to date on the issue but leaves questions unanswered.

A group from Ralph Nader's Center for the Study of Responsive Law asked the Bureau of Labor Standards (LSB) for access to DOL's reports on in-plant inspections conducted under the Walsh-Healey Public Contracts Act. They specifically requested Inspectors' Reports and Notices of Violations. LSB Directors David Swankin in 1969 and George Guenther in 1970 denied the requests. Guenther refused access to "current" files, but was ready to grant access to "non-current" reports upon agreement that names of persons would not be disclosed.

DOL's opposition to disclosure was detailed in statements by Swankin, Guenther, Solicitor of Labor, Laurence Silberman (now Under Secretary of Labor) and Chief of the Contract Safety Division Eugene Newman (now acting director of DOL–OSHA Office of Compliance):

Release of the reports would violate the employer-government cooperative trust, since inspection data was obtained under agreement that the information would remain confidential;

Reports of inspectors were internal DOL working papers; and

Reports were compiled for purposes of enforcing the public contract service laws.

The court held that LSB failed to meet the burden of showing that the records were exempt under the provisions of the APA or DOL regulations:

"Nothing in the records sought is a trade secret or commercial or financial information . . . or is an internal memorandum . . . or is an investigatory file compiled for law enforcement purposes within the meaning of . . . [the provisions of the APA]."

The court's finding for Wecksler in this case simply means that DOL did not legally withhold the Walsh-Healey inspection reports which were requested. While it is doubtful that DOL–OSHA would use the same arguments to withhold inspection reports prepared under the OSH Act, free access to related documentation is still unresolved. The court asserted that the governmental agency must prove documents were protected by exemptions. DOL regulations and policy asserted that information exempted from disclosure was the rule rather than the exception (i.e., that the burden was on the requestor to show why disclosure should be granted).

Implications: The OSHA information governed by DOL's "Public Interest" criteria relates to one or more of the three primary exemptions noted in *Wecksler;* internal memoranda, matters of individual or corporate privacy, and investigatory files. The courts determine whether exemptions are lawful by considering questions such as the distinction between recorded facts and recommended opinions, the terms under which potentially incriminating information is provided, the generally accessibility of data on industrial processes, and the relationship between report data and enforcement proceedings.

Despite these guidelines, the court judgments reflect only what is *not* exempt. Precedent, therefore, is of minimal value because the ultimate decision rests on the court's *in camera* (in judge's chambers) examination of the documents and because only the reasons favoring disclosure are ever known.

An example of this is the "intervenors" portion of the *Wecksler* case, involving the Oil, Chemical, and Atomic Workers International Union. OCAW requested disclosure of a specific accident report on an explosion and fire at the Shell Oil and Chemical Company's Deer Park, Tex. refinery. They also asked the court for a declaration that similar investigative reports be subject to the APA disclosure provisions.

After reviewing the report in chambers, the court found, ". . . the Deer Park report to be exempt from disclosure under the provisions of 5 USC 522(b)(4)." The court concluded that the report contained either (without specifying which) trade secrets or confidential private, commercial or financial information, and therefore a general declaration was not warranted.

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*Department of Labor-Occupational Safety and Health Administration and HEW-National Institute of Occupational Safety and Health.

The *Wecksler* case has also served to highlight DOL's administrative actions in the face of an adverse (to DOL) court ruling on information disclosure. The Walsh-Healey inspection records which Wecksler wanted to examine were all returned to the regional offices across the country. Thus a comprehensive examination was rendered highly impractical by virtue of location. The Nader group has had to be content with only a partial review of the records in question.

[Industrial Safety and Health Report, Sept. 1 to Sept. 15, 1971]

NIOSH PROCESS AND PRIORITIES FOR CRITERIA DEVELOPMENT

The primary function of NIOSH—to develop criteria upon which occupational safety and health standards may be based—is reflected in the agency's allocation of fiscal 1972 funds: about 69 per cent, or $18.3 million of the $24.5 million total, will go for criteria and standards development. In June, NIOSH Director Marcus Key said that priority would be given to research dealing with toxic materials and harmful physical agents.

PROCEDURES

The process by which NIOSH will develop criteria for standards consists of four basic stages; setting priorities, pre-research literature and knowledge survey, basic research (if necessary), and processing information into acceptable criteria.

The NIOSH organizational units chiefly involved in this process are the Office of Health Surveillance (Priorities Evaluation Branch), the Office of Research and Standards Development, and the Division of Laboratories and Criteria Development.

The objective of the criteria development process is to produce criteria documents on particular chemical and physical agents. A criteria package is composed of five separate but inter-related documents for each agent:

1. Hazard criteria document—an analysis of the dose-effect relationships and safe levels of exposure.
2. Engineering criteria document—an analysis of necessary engineering controls including monitoring, testing, and personal protective equipment.
3. Background information document—a complete information guide on hazard criteria and engineering controls.
4. Evaluation manual—an evaluation procedural guide for compliance officers.
5. Good procedures and practices manual—a specifically designed manual for occupational groups and industries dealing with engineering control methodology in detail, and with specific engineering criteria not covered in the engineering document.

The first three documents comprise the basic criteria package, while the latter two are designed to standardize, as much as possible, evaluation and good practices procedures.

Priorities Development: The Priorities Evaluation Branch of the Office of Health Surveillance will develop a priorities system based on the following information:

The annual list of all known toxic substances,

A review of chemical production figures to determine trends in production and to identify new chemicals introduced to the market,

An evaluation of hazards by NIOSH staff to rate hazards on the basis of severity of action and illness,

Population by type of plant and plant size,

Information of population exposure for NIOSH surveillance data and plant size,

Data from state and local agencies that are a part of the NIOSH surveillance program and others, with the necessary data on incidence and prevalence,

Health statistics from HEW's Health Services and Mental Health Administration on incidence and prevalence,

Data from NIOSH and the literature to determine the quantity of material being used in industry,

A professional in-house evaluation to estimate new areas of concern and hazards that may not be visible in other sources,

A professional extramural evaluation to estimate new areas of concern and hazards that may not be visible in other sources, and

Requests for determinations of toxic levels which will generate new information of toxic chemicals.

This information is then grouped into six indices:

1. Trend Index, based upon estimates of changes in the use of chemical or physical agents.
2. Disability Index, based upon an agent's toxicity and severity of action, and type of illness produced.
3. Population Index, based upon projections from a valid sample of U.S. industry to estimate the number of workers potentially exposed to a hazard.
4. Incidence and Prevalence Index, the correlation of occupational illnesses with specific agents and physical conditions.
5. Quantity Index, estimates of quantity of a particular chemical or physical agent to which a worker may be exposed.
6. Visibility Index, the consideration of the subjective evaluation of professional safety and health personnel in all levels of government and industry and visible concern of workers and the public.

Once the information has been grouped into the six indices, it undergoes a priority evaluation based on computer analysis of the comparative data. The priority list is reviewed by the Department of Labor whose comments and suggestions are incorporated into the priority evaluation program.

This priority-setting process may be shortened, especially for those agents and substances on which a great deal of work has already been done. A case in point are the 10 priority substances specified for criteria development during the current year; asbestos, beryllium, carbon monoxide, fiberglass, heat, lead, mercury, noise, silica, and ultra violet light. According to Dr. Charles Powell, (Director, NIOSH Office of Research and Standards Development) a substantial amount of work had already been done on these substances and agents prior to the establishment of NIOSH. Based upon this work, much of which was done by NIOSH's predecessor, the Bureau of Occupational Safety and Health (BOSH), the 10 priority agents were selected.

During 1969 BOSH developed a priority rating system which was an unrefined version of the current NIOSH system. At the October 1969 meeting of the Industrial Hygiene Foundation, Andrew D. Hosey (then director of the BOSH Division of Criteria and Standards Development) outlined the system along with findings for 183 chemical and physical agents. Each substance was rated and given a priority number (see Hosey's paper reprinted in the *Journal of Occupational Medicine*, Vol. 12, No. 2, February 1970). Although NIOSH is currently using the BOSH priorities as a guide to its present and future work, it will not necessarily adopt the BOSH order of priorities.

Pre-Research Literature and Knowledge Survey: Following the establishment of priorities, the Office of Research and Standards Development (Toxicity and Research Analysis Branch) will conduct a preliminary evaluation of literature and other sources to determine the current level of knowledge on priority substances. If the current level of knowledge is insufficient, NIOSH will establish a schedule of management priorities and an estimate of time and resources necessary to develop the information for the criteria document.

At this point, an evaluation is made of the substances to be included on the annual list of known toxic materials; the list is published and along with all supporting documents stored in the Information Storage and Retrieval System.

A comprehensive literature review is then made of those priority substances for which there is insufficient criteria development knowledge.

A criteria development coordinator for each criteria document will be responsible for:

—monitoring any contracts which have been let for his particular criteria document,

—coordinating the in-house development of the particular criteria, and

—providing the logistics for an in-house review by a committee of experts.

The comprehensive literature survey may uncover the necessary information upon which criteria may be developed and no additional research will be required. If, on the other hand, the survey reveals inadequate information, additional research will be performed by the Division of Laboratories and Criteria Development in Cincinnati.

Research: Should a particular substance or agent require additional research, the Division of Laboratories will conduct all or any one of the following:

Additional literature search,

Internal laboratory research,

Internal epidemiological research,

Awarding of research contracts, and

Providing for external research grants.

This effort is geared to produce all or any one of the following:

Dose-response relationships to determine exposure levels which are safe and the biological affect of exposure,

Data on protective equipment and control or technological procedures to be used in connection with a hazard,

Exposure monitoring procedures,

Type and frequency of medical examinations or other tests made available by employers, and

Labels and other appropriate forms of warning.

Criteria Formulation and Development: After all required information on a substance or physical agent has been gathered, additional steps are involved:

A final in-house review of the information available from the literature and/or the research.

Intramural recommendations for the development of the criteria document are made,

An intramural committee will consider the data and indicate actions for the implementation of criteria, e.g., determine the level of exposure that will be acceptable or the best methods for engineering control,

The criteria coordinator, with staff assistance, will prepare the criteria document,

An in-house review of the document for completeness, format, and technical accuracy,

A review of the document by a nationally-recognized committee of professionals (a different extramural committee will be appointed for each criteria document),

Another review by the intramural committee to consider recommendations of the extramural committee,

A final in-house review of the document for completeness, format and technical accuracy,

An overall review of the document before being sent to the Secretary of HEW, and

A review by the Department of Labor before being promulgated into a permanent standard.

Estimated Costs: The estimated contract costs for a literature survey are from $20,000 to $40,000. Another $20,000 to $40,000 is the estimated cost of completing a criteria document containing recommended standards. The total cost therefore would be from $40,000 to $80,000 per criteria document.

Estimated Time Considerations: Depending upon the amount of information available, the average time involved for the complete development of a criteria document is approximately nine months.

It has been estimated that after NIOSH is fully operable (in about two years) it will be able to produce from 20 to 30 criteria documents per year given the presently projected levels of funding.

OUTLOOK

Given the current and projected budget level, and with the current state of knowledge, it is reasonable to assume that the development of permanent occupational health standards will be a slow and costly process. Even at the rate of 30 permanent standards per year, it will take a decade to complete the necessary work on those substances for which Threshold Limit Values have been established.

In an attempt to shorten this process, NIOSH plans to develop criteria for the promulgation of interim standards. This "quick and dirty method," as the NIOSH people call it, would take all available information on a substance and use it as an interim or emergency measure to be refined at a later date.

When one considers that there are some 15,000 possible toxic substances in the workplaces of the United States, even this interim effort may not be adequate.

The massiveness of the criteria and standards development task has led one participant to comment, "To completely document all real hazards and fill gaps in research would require a tenfold increase in the level of expenditures for the next decade. Even then the problem may not be effectively solved."

In addition to the problem of financial resources, a major factor is the availability of highly trained technical, medical, and managerial personnel. While it can be assumed that NIOSH has the potential to acquire the additional technical and medical talents necessary, this may not be the case for managerial and administrative staff. NIOSH's success in the development of criteria will largely depend upon how well it can manage and administer the technical information it develops. This task will require an expansion of personnel who have a high level of administrative skills along with the necessary technical background.

LABOR WAKES UP—LET US GET TO WORK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DERWINSKI. Mr. Speaker, the Chicago-South Suburban News, an independent publication primarily serving the black communities in the south end of Chicago and adjacent suburban areas, carried a very effective and dramatic editorial in its October 16 issue. The editorial discussed the need for cooperation from labor unions with phase II of the President's economic plan.

The editorial follows:

LABOR WAKES UP—LET'S GET TO WORK

Labor leaders agreed Tuesday to serve as labor representatives on the 15-member Pay Board that will regulate changes in pay during Phase II of President Nixon's economic plan. The leaders, including the heretofore recalcitrant George Meany, agreed to help after receiving Nixon's assurances that the government will not interfere with the decisions of the three-sided panel.

The Pay Board will set general rules—called guidelines, criteria, or standards—and will regulate changes in pay after the current wage-price freeze thaws. The Board is composed of equal numbers of representatives from labor, management and the general public.

We are delighted that organized labor has, at long last, decided to cooperate. The economy, with all its problems and/or rewards, certainly affects workers, we cannot imagine why it has taken this long for labor to "get its thing together."

Now that labor has joined the "mainstream" once more, we foresee that the Pay Board may accomplish much more than it is designed to do. In the long run, the Pay Board may act as an initial arbiter of labor disputes—before they reach the stage where negotiators must be called in anyway. The Board may also exert a very powerful influence on the "demands" of labor, and on the "stubbornness" of management.

All in all, the President's economic program may influence the entire face of the economy, not just for the period in which it is in effect, but for years to come. We suspect that this fact was the major reason why many labor leaders were so hesitant to get involved. Perhaps they foresaw that much of the union rhetoric of the past, and many of labor's past methods for gaining needed changes, would become obsolete if everybody—labor, management and the public alike—were to realize that they are all in the economic-soup together.

Now that that realization has come, we urge everybody to get on with the job at hand—supporting the President in his courageous and innovative efforts to shore up our faltering economy.

MORE ON THE PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. SCHWENGEL. Mr. Speaker, opposition to the proposed constitutional amendment regarding prayer in public buildings continues to grow as evidenced by the following editorial which appeared in the September 26 issue of the Des Moines Sunday Register:

PUBLIC PRAYERS

The controversy over the proposed "prayer amendment" to the Constitution has flared up again, with a group of religious leaders spearheading a counter-offensive to block the measure in Congress. Supporters of the amendment persuaded enough representatives to sign a petition that removed the proposal from the Judiciary Committee and brought it to the House floor.

The proposed amendment states that "nothing in the Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

The proposal is a slap at the Supreme Court, which nearly a decade ago ruled that classroom prayers ordered by state or school officials violated the First Amendment. That amendment guarantees both freedom of religious belief and freedom from a state-established church.

The religious leaders opposed to the proposed prayer amendment pointed out that the court decision does not prohibit voluntary praying. They expressed fear of government intrusion into religious affairs if the proposed amendment is approved, thus eroding the First Amendment guarantee against an established religion. In both instances, churchmen touched key questions in the controversy.

Although most denominations engage in corporate supplications, prayer is primarily a personal response to God or some other spirit or being beyond self. As such, it ought not be a political issue, a legally imposed policy or a patriotic exercise.

Some of the best advice on prayer was given in the Sermon on the Mount, as recorded in Matthew's Gospel. There Christ says:

"And when you pray, you must not be like the hypocrites; for they love to stand and pray in the synagogue and at the street corners, that they may be seen by men. Truly, I say to you, they have their reward.

"But when you pray, go into your room and shut your door and pray to your Father who is in secret; and your Father who sees in secret will reward you.

"And in praying do not heap up empty phrases as the Gentiles do; for they think that they will be heard for their many words."

Those passages should be required reading for congressmen who want to exploit religious devotions for political ends.

UNITED NATIONS SUPPORT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. HARRINGTON. Mr. Speaker, I am deeply troubled by those inside and outside of government who are threatening to retaliate against the United Nations for its action on Chinese representation by cutting back our contribution to that organization. Nothing could be more shortsighted than for us to institute a policy of financial blackmail for the U.N. There is no cause for surprise whatsoever in that the U.N. rejected an American policy which has been wholly unrealistic from the start. The inherent, basic contradiction in the President's effort to reconcile with the People's Republic of China while simultaneously maintaining a seat for Taiwan in the U.N. was always clear, and to use the fact that a majority of member nations have refused to accept this contradiction as an excuse to scuttle the United Nations is irrational.

Last week more than 100 members of the House pledged our continued support for full U.S. funding of the United Nations regardless of the outcome of the vote on China. I was particularly pleased to receive in today's mail a letter from Ambassador George Bush enclosing a copy of his statement to the U.N. Fifth Committee. He said then:

> I want to insure this committee that the Administration of President Nixon is not threatening the United Nations, or planning financial reprisals for any political contingency here. On the contrary, as I think I have just made plain, we want the U.N.'s finances to be rescued from their present precarious state.

I urge Ambassador Bush and his superiors in the executive branch to reaffirm these words once again. I urge him to repeat firmly his warning that we should "never allow these differences of ours to overshadow our common interest in the search for peaceful solutions. Let's be glad we have a fruitful clash of words instead of a mortal clash of arms. Let's not wear away the fabric of trust in this place by threatening each other with reprisals or imputing malicious motives to each other. Let us remember the common interest that brought us here in the first place, and let us cooperate to save that interest—financially and in every other way."

GEORGIA'S YOUTH CONSERVATIONIST OF THE YEAR

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 1971

Mr. HAGAN. Mr. Speaker, many of my colleagues share my enthusiasm for hunting, and because of this I would like to call to your attention the fine article from the Georgia Game & Fish magazine written by a young lady from the First District, Miss Donna Ash of Oliver, Screven County, Ga.

It is believed that Miss Ash's concern for conservation and her having been named the Georgia Sportsman's Federation Youth Conservationist of the Year in 1970 makes her fine article on dove shooting interesting and appealing to even the seasoned sportsman.

The article follows:

My First Dove Shoot

(By Donna Ash)

I eagerly looked forward to trying my luck in hunting this tricky dun grey bird, weighing not more than 4 to 6 ounces, known as the mourning dove. On brief hunts I had gone with my father when I was younger—but then I was considered too inexperienced to take a stand. For the past two years my invitation seemed to always end with a last minute rush—and for various reasons I was left at home.

This time I eliminated all the excuses and persuaded my father to take me with him. When he came out loaded with his shells and gun, I was waiting in the truck like an immovable object. Besides who could tell the boys from the girls with all the long hair this day and time, much less the camouflaged clothing?

I was dropped off in an out of way place to be as inconspicuous as possible. At least I had graduated from the role of a "retriever."

It was a beautiful afternoon, the sky was a lovely shade of clear blue with just a few wispy clouds floating by. The nippy breeze was just enough to keep the bright sun from being uncomfortable.

I surveyed the area for a good stand. There was an excellent place beside a hedge-covered fence separating a pond surrounded by scattered saplings from a cornfield stripped with rye grass. Across the field the pine trees were gently swaying as if nodding approval of my presence.

Soon the doves started swooping into the field. I was now in shooting position trying to take steady aim at that dipping, dodging bundle of feathers, feeling obligated to beat the average in shooting! Now I could tell at a glance why this little bird could make a hunter feel at war with himself.

Suddenly there was such a burst of rapid fire shooting across the field, it sounded like a minor war and I was in the midst of it all. I didn't know whether to hit the ground, run, or shoot. In my excited state, every gun seemed to be pointed in my direction. Whew—that brief session seemed about an hour long. I gave a sight of relief—I was completely out of range from other hunters and apparently I was not the intended target!

My attention was now turned to a more important matter, the doves. They were darting in at regular intervals, even if I were not looking in the right direction I could soon tell when doves were entering, by the burst of gunfire across the field. By this time I'd begun to get the hang of things. I'd shoot swiftly at a flying bundle of feathers whenever the opportunity presented itself. To my amazement I soon discovered it was easier to kill a mess of skeet than dove.

A lone dove was circling the field slowly. Several doves had already been feathered through my continued efforts and I was determined not to let this one get away. I started aiming when the dove came from behind some trees. I held my fire until he was almost opposite me, quickly now I squeezed the trigger. The dove folded in flight and hit the ground. Some one yelled, "You got 'im Donna."

I had a great time and also proved that the U.S. average of 7.9 shots per bird is fairly accurate. I can now understand why the dove is such a popular game bird. It not only provides a source of excellent meat, but is an exciting sport for the hunter *plus* giving man an opportunity to see nature at its finest.

THE LATE JAMES G. FULTON

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GAYDOS. Mr. Speaker, since the death of our colleague, Representative James G. Fulton, on October 6, there have been many tributes paid him as a legislator and as a man.

The esteem in which he was held by the residents of Allegheny County in Pennsylvania, is reflected in this formal resolution adopted by the board of county commissioners. I insert the resolution into the Record for the attention of my colleagues:

Resolution

Whereas, the untimely passing of U.S. Representative James G. Fulton has left our community, state and nation bereft of a distinguished public servant and friend of all people; and

Whereas, during his remarkable career as a public servant, he exemplified the highest ideals and finest traditions of our nation; and

Whereas, this career of nearly 40 years included service to community and nation, in war and peace, in the Pennsylvania State Senate, in the United States Navy and in 14 terms as a U.S. Congressman; and

Whereas, in his many years in public office, Representative Fulton made the needs of his constituents his principle and put aside partisanship in their interests; and

Whereas, no cause was too great nor no problem of a troubled citizen too inconsequential to win his sympathy and attention; and

Whereas, because of this dedication to our collective and individual interests, our county and its people are better for the long years of sacrifice and service by Representative Fulton.

Now, therefore, be it resolved that this Board of County Commissioners join with the people he served so well in mourning the passing of Representative James G. Fulton and express condolences to the surviving members of his family, and

Be it further resolved that this Board take the initiative to order the official action required to pay appropriate final honors consistent with the office Representative Fulton held and the service he rendered in it.

Resolved and enacted this 7th day of October, 1971, County of Allegheny.

Approved:

F. B. Carpenter,
Chief Clerk.

AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. HARRINGTON. Mr. Speaker, one of the most difficult and least understood of all childhood diseases is autism, a handicap which causes untold anguish to families. Children afflicted with autism require special treatment and care. Many are unable to speak or relate to other individuals. When a child has autism, he is legitimately handicapped and the long years of care are an acute and unending expense for his parents.

There is a great deal of controversy about whether autism is a physical or emotional illness, or both. Whatever the cause, the effect is that an autistic child has little change of ever leading a normal life, or even a somewhat sheltered life unless proper treatment is available. But proper treatment is prohibitively expensive.

Therefore, I have written to Secretary of Health, Education, and Welfare Elliot Richardson asking him to include autistic children under the regulations of the Developmental Disabilities Act of 1970. This act would provide guidance, treatment, and training for these children and would be of immeasurable assistance to themselves and their families.

Secretary Richardson has responded by stating that the question is being "carefully examined." The question of including autism has not only to be examined, but also acted upon so that autistic children will receive the help they need from this legislation. I include at this point my letter to Secretary Richardson and his response:

September 10, 1971.

Hon. Elliot Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: It is my understanding that your Department is presently preparing regulations to carry out the Developmental Disabilities Act of 1970.

Could you please tell me the status of the present regulations. In addition, I would be interested in knowing whether autistic children are to be included under these regulations. Autistic children are severely ill. Many feel that their disability may stem from brain damage or a physiological imbalance. Whatever the cause of this illness, the fact remains that autistic children are in fact unable to lead normal lives. They are handicapped and without intensive medical treatment their prognosis for leading even a minimal functionary existence is extremely poor.

I look forward to your early response.

Yours sincerely,

Michael J. Harrington.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 5, 1971.
Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: Thank you for your letter of September 10, expressing your interest in the Developmental Disabilities Program (P.L. 91-517) and the inclusion of autistic children under the proposed regulations.

The question you raised is being carefully examined as part of the development of regulations and policies to implement the Developmental Disabilities Program. We plan to complete preparation of the regulations in proposed rule making form soon. Prior to the adoption of these proposed regulations, consideration will be given to all comments submitted to the Department.

With kindest regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

ALASKANS ARE CONCERNED ABOUT NUCLEAR TESTS ON AMCHITKA ISLAND

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BEGICH. Mr. Speaker, today, the Atomic Energy Commission announced that President Nixon has given the affirmative order to proceed with the nuclear test on Amchitka Island.

I am deeply distressed and disappointed that the President would take such action despite the fact that several legitimate questions regarding the feasibility and safety of such a test go unanswered. The President as well as the Atomic Energy Commission has, to date, refused to answer the questions I raised in testimony before the AEC as well as in communications to the White House and the Commission.

Alaskans are concerned about project Cannikin and several groups have already made their positions known. The Alaska State Medical Association has recently met in Anchorage and has passed the following resolution:

The Executive Committee of the Alaska State Medical Association at its September meeting discussed a resolution offered by Doctor Tom Harrison of Anchorage regarding the Amchitka nuclear test. Because of the importance of the matter it was felt that the entire seventeen member Council be polled.

At the October Executive Committee meeting, results of the poll indicated a 2-1 majority in favor of releasing the following resolution:

Whereas the experimental detonation of nuclear devices for use in military planning can only result in injury and death to present and future generations,

Whereas the experimental detonation of nuclear devices in a geologically unstable area of continental drift (Amchitka Island) represents an immediate and/or delayed threat to the health and security of Alaskans.

Whereas the Alaska State Medical Association and its members are committed to preservation of the health of Alaskans and the prevention of injury, death and deleterious genetic alteration,

Therefore be it resolved, that the Alaska State Medical Association ***demand*** that the U.S. Government ***desist*** from the current Cannikin nuclear test and future nuclear testing in Alaska.

A BARRIER-FREE ENVIRONMENT FOR THE AGING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ROBISON of New York. Mr. Speaker, although there has been a great deal of public attention to the general needs of the elderly during recent years, far too little attention has been given to the design of the facilities in which we expect a large portion of the elderly to live in their last years. A young assistant professor in the Department of Design and Environmental Analysis of the College of Human Ecology at Cornell University—in my congressional district—has recently testified before the Senate Special Committee on the Aging and emphasized the tremendous need for "barrier-free" environment for the aging. Since the elderly—and the handicapped—have special needs, facilities built for their use should prove adaptable to those needs.

Far too often, nursing facilities are built for the convenience of the contractor or designer, rather than for the convenience of the anticipated residents. The Federal Government could be of major assistance if it set out to define the needs of the elderly in this respect, and then assist in promulgating proper design standards for future nursing home construction and renovation. With the White House Conference on the Aging scheduled to convene in late November, it is especially fitting that we consider Mr. Koncelik's testimony in the light of an urgent social problem. The full text of his remarks follows, and I hope it will be of interest to many of my colleagues:

Senators, The issue of a barrier-free environment for the aging and the handicapped is really a very broad one. At first glance, one might consider the definition is either the aging or the handicapped or both should be able to negotiate a physical space without being impeded by either the environment itself or components of the environment. In other words, any environment should provide free unobstructed movement for everyone. Certainly this is part of the definition of "barrier free", but not all of it in my estimation.

To my mind, a barrier-free environment for the aging (especially the ill aging) and the handicapped also includes the provision of a supportive effect: supportive or normal human function. As a person becomes dependent upon his environment for support, the physical environment, as well as other components of the milieu, should be so designed as to lend this support *without stealing independence or encouraging further disability.*

I speak to this issue primarily from my experience as a project director of research now in progress in which a team of designers and behavioral scientists is working together to establish a greater understanding of the interface of physical environment and human behavior in long term care institutions for the aging. These projects have enjoyed the cooperation of eight institutions in the upper New York State area and one in New York City.* Although the data from the projects is not yet completely collated and analyzed, you may find some of our observations interesting from the standpoint of a broadly defined concept of "barriers."

1. An elderly woman in her eighties, fully capable of interaction with others, sits alone in a solarium which is capable of being occupied by fifty or sixty people. She does not have the opportunity of talking with people very frequently because there are so many public spaces in the institution in which she lives that maximum occupancy (all spaces filled with patients: including the nonambulatory) would be 6.5 people per day.

2. In this facility, very few patients use the dining room any longer. Most of them are in geriatric wheel chairs which are too large and bulky to fit beneath the surface of the tables chosen for the dining area. Reaching food from these chairs is difficult and for someone with advanced arthritis, embarrassing. Most of the patients now eat in their rooms or in the hallways outside their rooms missing the therapeutic value of interaction with their friends over the highly anticipated daily meals.

3. In this facility a patient is not allowed to hang pictures or personal memorabilia on the walls for fear—on the part of the administration and the maintenance staff—that he or she will mar the surfaces of the wall even though some residency in this long term care facility has been recorded at three years.

4. An elderly gentleman is taken for disoriented when the light in the hallway of his facility does not permit him to see his own room's door on a corridor with perhaps twenty doors.

5. A patient nearest the window, in a facility with one particular furniture arrangement, is quite possessive about who "owns" the right to control the available light and air circulation. Although she is quite robust, her roommate is not and is constantly wearing sweaters in order to remain in her room. Locations of chairs next to beds also may be treated in this manner, even if there is one comfortable lounge chair per room.

6. In comparing two *extended care facilities* with about the same number of beds and same staff size; one facility had rooms that allowed patients to be visible to the nursing staff as they briskly walked through the halls while in the other, a nurse had to enter the room of a patient to see the patient, usually triggering a conversation about that person's condition.

I could continue almost indefinitely with observations and anecdotal evidence of this kind. We have recorded 169 interviews, conducted 103 "behavior mapping" observations in public space, and shot over 500 photographs which will all be correlated to provide far more conclusive evidence of this interface. What these things mean to me is that the physical environment (space and objects in space) are clearly determinants in the behavior and psychological well-being of the ill-aging and the handicapped aging. This evidence suggests kinds of environmental barriers: perhaps not as immediately perceived as a long staircase to a wheelchair bound person; but "there" nonetheless. In other words, a physical environment that does not support normal human function and impedes rehabilitation instead of assisting it, constantly reminds the aged that they are ill and supports a self image in a patient that he or she is dependent and depreciating is a barrier laden environment.

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*Isabella Geriatric Center, New York City; Auburn Nursing Home, Auburn, New York; Cortland Nursing Home, Cortland, New York; Chenango Bridge Nursing Home, Chenango, New York; Elcor Nursing Home, Horseheads, New York; Riverview Manor Nursing Home, Owego, New York; St. Camillus Nursing Home Co., Inc., Syracuse, New York, Steuben County Infirmary, Bath, New York; Tompkins County Home and Farm, Trumansburg, New York.

The facilities range in size from 40 beds to 120 beds in upper New York State and the one in New York City has both a residence, infirmary section, and an extended care facility totalling over 500 beds. Although all of the facilities provide care to the aging (including some young handicapped in some facilities) they have different philosophies of care, different physical plants, and varied types of external environments.

As you gentlemen know, the Federal and State governments have created generous mortgaging programs which have been responsible for the creation of a veritable explosion of construction in the long term care field. It has been a very necessary process. As I have mentioned, these facilities vary greatly in their accomplishment of providing a supportive environment to the ill aging and especially in supporting rehabilitation of the ill-aging to the maximum extent possible.

Although building has taken place with very well intentioned ideas, there has been precious little evaluation of these facilities in terms of the accomplishment of providing the desired environmental effect. It is far too easy to envision a time in the future when the certified nursing home being built in the seventies is decertified and razed in the nineties because it is outmoded for some reason or other and the same mistakes are rebuilt in a more contemporary version. Therefore, I make these three recommendations to this special committee:

1. *That future mortgaging programs or those in existence that can be modified include provision for funded evaluation of any construction that receives a mortgage in the field of long term care or extended care.* There is a distinct difference between *evaluation* and *inspection*. *Inspection* is a process whereby a facility is judged to be in or out of compliance with some established set of regulations governing its contents or upkeep. *Evaluation* is a process by which a facility is judged in accordance with its mission or purpose. In evaluation, the good and the bad are part of the composite picture of the assessment of the facility. It is implied that evaluation is meant as a device to continually update the design process so that building in accordance with human needs is continually optimized.

2. *A procedure or mechanism should be established whereby an existing facility or a planned facility on the drawing board could receive a variance from code when there is evidence that this variation will be supportive of human function and providing that the variation is evaluated and its relative success relayed to the authorities who administer the code.*

3. *That training grants be made available to support the training of evaluation personnel from the fields of architecture, related design areas and the behaviorial sciences.*

There are currently being developed techniques that allow the assessment of precisely the elements I have been discussing today and other qualitative areas of environmental interface. If evaluation becomes a more desirable component of the design and building process in the future, personnel will have to be trained to carry on this type of work.

As I stated in the beginning of my remarks, I am at the beginning of my work in this area. I would very much like to believe that, what I feel to be an extremely important area of work, has a chance of continuing and growing in order to found design decisions on a more substantial structure of research. I believe that the aging population will be the immediate beneficiaries of this work; which of course means that we shall all benefit. Thank you.

BRITISH STUDY HEALTH HAZARDS OF COAL MINERS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DENT. Mr. Speaker, when the Federal Coal Mine Health and Safety Act of 1969 was debated in this Chamber, we had only a limited knowledge of the effect of coal dust on a working miner. Very few of our physicians recognized pneumoconiosis as a disease resulting from the inhalation of coal dust, and relatively nothing was done to determine the correlation between the two or the prevalence of the disease among America's miners. Consequently, we necessarily relied on the considerable expertise of the British in the subject matter.

But change is underway, Mr. Speaker, and that law precipitated a flurry of activity and research which will afford us the preeminence in the field we so urgently need. Many institutions and individuals deserve credit for this massive effort; not the least of which is the Bureau of Mines and its able Director, Dr. Elburt F. Osborn.

At this point in the RECORD, I attach a letter I received from the New York Academy of Sciences with respect to the work currently being undertaken:

The letter follows:

THE NEW YORK
ACADEMY OF SCIENCES,
October 8, 1971.

HON. JOHN H. DENT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. DENT: An International Conference on Coal Workers' Pneumoconiosis sponsored by the Academy and attended by over 400 scientists from around the world, was held at the Waldorf-Astoria, September 13–17. It was highly productive and useful, and will spur and speed solutions to the hazards in this important industry.

It was evident that we have come a long way in the past two years. While there was sober recognition of the complexity and seriousness of the health questions involved, it was equally clear that the inertia and inattention of the past decades no longer existed. Rather, problems were being identified and resources of all kinds mobilized.

A good part of the optimism was derived from the evident vigor, directness and resourcefulness of the Bureau of Mines' program which will clearly provide a firm basis for the work now to be done. I am writing to express the widespread appreciation of scientists in this field for the support you have provided in the House of Representatives for the development of this urgently needed research. The effectiveness of the Bureau's program, and its success in having assembled a capable, sophisticated research staff, is a proper tribute to your direction and help. We are all indebted to you—labor, industry, science.

The Academy understands that what has been accomplished is a preamble to that which must follow, but, on the basis of what it has seen, is confident that these efforts will be successful. For its part, it will continue to support and encourage appropriate scientific effort in the field. In accepting this commitment we have been conscious and appreciative of your leadership.

Sincerely yours,
IRVING J. SELIKOFF, M.D.,
Chairman, Conference on Coal Workers' Pneumoconiosis
FRED G. ARMSTRONG, Ph.D.,
Executive Director.

AGRICULTURAL CHEMIST OPPOSES PESTICIDE LEGISLATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. RARICK. Mr. Speaker, H.R. 10729, the Pesticide Control Act of 1971, has been rescheduled for floor action the week of November 1. This bill contains many far reaching and dangerous provisions—it would, in fact, further the collectivization of American agriculture by effectively destroying the small and medium-sized farmer.

I insert a correspondence I received from Mr. E. A. Epps, chief chemist of the Louisiana Department of Agriculture, expressing the principal objections to this bill in the RECORD:

LOUISIANA DEPARTMENT OF AGRICULTURE,
DIVISION OF AGRICULTURAL CHEMISTRY,
Baton Rouge, La., October 22, 1971.

Re H.R. 10729.
Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR MR. RARICK: I am writing this to solicit your opposition to H.R. 10729. This is bad legislation and bad government from any point of view and it is my hope that you will use your considerable influence to defeat this measure.

Some but not all specific points of objection are:

1. The record of injury to man or the environment from pesticides does not justify additional regulatory sanctions on sale and use of pesticides.

2. The authority of states to handle such matters is preempted.

3. The proposal will raise costs to producers of pesticide and to users and to government.

4. Adequate remedies for actions of a non-elective Administrator are not provided.

5. The Administrator may assess "civil" penalties up to five thousand dollars.

6. "Civil" penalties shall be based upon the violator's ability to pay.

7. Both "civil" and criminal penalties are discriminatory as to class of individual committing the act.

8. Employers are made responsible for act of employees.

9. No satisfactory guidelines have been established for classifying a chemical as "restricted use".

There were many reasons why men came to the New World but one of the strongest was the desire to be free; to be able to control one's own destiny. Many people still believe they can make their own decisions and manage their own affairs better than someone in the capitol. To be sure, no strong society can exist without laws. Yet any law restricts the freedom of the good as well bad; and so, laws should be limited to those necessary. Continued imposition of legal restrictions seriously limits the economic status of a nation. Soon everyone is spying on everyone else and no one is producing goods and services.

In spite of all the emotionalism the record does not reveal that the hazards from sale and use of pesticides justifies additional legislation. There are no recorded cases of harm to man from residues; cases of injury in the field during use are also rare; accidents involving pesticides are at a lower rate than those involving aspirin; even the wildest partisan can state only that pesticides "may" harm the environment. The environment is still here, and hunting and fishing are better than ever. A whole generation has been conceived, born, grown to maturity, and have in turn brought forth offspring in a pesticide environment. The younger generation seems to be bigger, healthier, and smarter than their parents. Is this an indication of severe hazard?

In spite of the remarkably good safety record of pesticides, there are those who build up the imagined horror to such a peak that restrictive laws and regulation must be piled one upon the other to save us from a fate so dreadful that heroic measures must be taken. The constitution must be forgotten and all thoughts of personal rights and responsibility cast aside. For many, many years the American concept of the states managing their internal affairs has worked well. Certainly the people, soils, climate and many other factors are so different from state to state that it is logical to handle most matters on a local level. Preemption of state powers over regulation of pesticides is highly questionable constitutionally and will certainly lead to great mischief.

Enforcement of any law costs money. I estimate that if H.R. 10729 is enacted and actively enforced, the costs for pesticide regulation will be increased at least ten times. It takes men to inspect the manufacturing plants, more men are needed to train and certify applicators. Taxes will have to be increased, manufacturers will have to employ additional personnel to comply with the record keeping and other provisions of the Act. A farmer will have to employ applicators instead of doing it himself as he has done safely and effectively for so many years. Because the delays inherent in such programs, the biggest cost to the user and the consumer will be decreased yields and inferior quality because of inability to use the most effective and/or economical product and to be able to use it at the opportune time.

The Administrator is given rather far-reaching powers over the production of food and public health. Unfortunately there seems to be no check, no real appeal. As an appointed official, the President theoretically has control over the Administrator but in practice the government is too complex for the President to concern himself with such matters. As the bill is written, any action of his seems to be challengeable only on a procedural basis and not on its merits. Actually regulations promulgated are above the law. This is a dangerous situation and should be corrected.

I have always been of the opinion that a person could not be penalized except by due process. Now under H.R. 10729 the Administrator acting as prosecutor, judge and jury can impose penalties up to $5,000. This is especially reprehensible.

There are other interesting things in the penalty provisions of H.R. 10729. The Administrator is directed to consider the financial status of the violator in imposing penalties. Apparently under this novel concept of law, a man's responsibility is proportional to his financial status. A man with no money therefore has no responsibility for his actions.

Still another interesting penalty provision is that penalties vary according to classification. Apparently some people are now less equal than others. A violation by a private pesticide applicator carries a maximum fine of $1,000 while for others, the maximum is $25,000. Is this justice?

In this bill employers are made responsible for acts of employees. No exception is made for accidents or malicious acts. This is clearly unfair.

Perhaps most surprising of all, is that no clearcut means for designating "restricted use" pesticides is provided. In spite of the great claims of potential danger, none of the proponents has named a chemical or chemicals to be candidates for the restricted list. So we realy don't know what is being legislated against. There can't be any real danger if the danger can't be identified after twenty-five years useage.

In this Act the government becomes an inquisitor rather than a government of and for the people. I have had twenty-five years experience in regulation of pesticides. I find this a bad bill and even a dangerous bill. Certainly it is not good government. I hope you will see fit to serve the people of Louisiana by opposing this bill.

E. A. Epps Jr.,
Chief Chemist.

THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION ON OCTOBER 23, 1971

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DELANEY. Mr. Speaker, October 23 was the 15th anniversary of the Hungarian Revolution, a day of supreme importance to nations of the free world.

What began as a peaceful student demonstration launched into a total uprising comprised of the workers, farmers, artisans, schoolteachers, government workers, and members of the Hungarian armed forces. The entire Hungarian people, from teenagers to grandmothers, joined in the revolt against the tyranny of communism.

In western countries, displays of bravery are usually rewarded with medals, parades, and other symbols of a nation's gratitude. The Hungarians were "rewarded" with savage repression by Soviet tanks and with the execution of their leaders—Premier Imre Nagy and Gen. Pal Maleter, commander of the resistance forces.

On this anniversary of the brief moment of freedom of the Hungarian people, I am reminded of the last words of Radio Free Budapest as Russian tanks overwhelmed the city:

> Civilized people of the world . . . in the name of solidarity and liberty we are seeking your help. Our ship is sinking. The light vanishes. The shadows grow darker from hour to hour. . . . Extend to us your brotherly hands. God be with you and with us. Help! Help! Help!

To date this cry for help has not been answered and, on this 15th anniversary of the Hungarian struggle, the free world bows its head to those who sacrificed their lives for a dream of liberty and democracy.

HUNGARY'S SHORT-LIVED FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DERWINSKI. Mr. Speaker, whenever I hear someone talk about "the people," I feel like asking, "Which people?" The preamble to our Constitution opens with the phrase, "We, the people of the United States," and refers to the inhabitants of a free nation. One of the countries behind the Iron Curtain is officially designated as the "Hungarian People's Republic."

Unfortunately, the word "people" does not have the same significance in Hungary that it does in America, where the people, through the States, established a government which they themselves run through their own elected representatives. Hungary, one of the many colonies of the Soviet Empire, is ruled by Communist tyrants whose headquarters are in Moscow, the domestic officials being mere stooges of their Kremlin overlords.

There was a period, 15 years ago, when the Hungarian people enjoyed a brief existence as an independent nation. From October 31 to November 3, 1956, Hungary was free.

True, this interlude of independence was hardly comparable with the independence enjoyed, for example, by the people of the United States, the people of Canada, the people of Great Britain, the people of Switzerland, or the people of the Scandinavian countries. It was, nonetheless, something for which courageous and determined men and women had laid down their lives and for the retention and extension of which other inspired and dedicated men and women were willing to work hard and make great sacrifices.

The ephemeral freedom of 1956 was eventually crushed by Russian troops, the minions of the commissars, just as Russian troops, the minions of the czars, had helped to crush the Hungarian revolution of 1848.

The 1956 uprising began on October 23, when thousands of workers and students rioted in the streets of Budapest, demanding the restoration of independence for Hungary. As the flames of revolution spread throughout the land, the head of the Hungarian Communist Party called on Moscow for help. About 10,000 Soviet troops marched into the capital on the 24th, equipped with tanks, armored cars, and artillery. Several hundred people were massacred by the invading juggernaut.

The result of this suppression of the forces of freedom in Budapest was war all over the rest of Hungary. In the beginning the would-be liberators were successful and by October 28 almost all of the country had been freed.

Intense fighting between October 25 and 30 cost about 10,000 lives. Generals Pal Maleter and Bela Kiraly appeared to be in control of Budapest and the western half of Hungary by the 31st, the day on which Cardinal Joseph Mindszenty, who had been released from prison, triumphantly entered the capital.

Radio stations were taken over by the revolutionaries, beginning on October 25. Radio Budapest, the mouthpiece of the Moscow imperialists, was rechristened Radio Kossuth, in honor of the hero of 1848, Lajos Kossuth.

Those who were tuned to this station on October 30 were thrilled when they heard the message:

> For many years the radio has been an instrument of lies. . . . It lied day and night; it lied on all wave lengths. . . . We who are now at the microphone are new men. We shall tell the truth, the whole truth, and nothing but the truth.

Imre Nagy, the new Premier, in a broadcast on November 1, told his listeners what the people of his country wanted, a "free, independent, democratic, and neutral Hungary." The people demanded representative democracy, freedom of political opposition, abolition of the political police, a multiparty election, and "freedom of speech, press, assembly, and religion."

Churches and synagogues suddenly came to life. But five newspapers, all Communist mouthpieces, were published in Budapest before the revolt. By November 3 there were 25 and they represented all shades of political opinion.

Freedom of speech, freedom of the press, freedom to broadcast—all these were rudely suppressed when Soviet forces once more surrounded Budapest, with Premier Nagy's protests to the United Nations organization being void of practical effect. An estimated 200,000 troops, backed by 2,500 tanks and armored cars, surprised the capital with a massive attack on November 4.

Free government ended but a few days after it had begun. It is difficult to arrive at an accurate total of the number of killed, as estimates vary from 6,500 to 32,000. Thousands of people were deported, while between 170,000 and 196,000 fled their homeland. An emergency refugee program brought 38,248 Magyars to the United States.

One after another of the free voices that had been heard on the radio was silenced and regular broadcasts from free stations ceased on November 9. The Soviet Union's troops had prevailed and the freedoms that had been restored to the people of Hungary were once more a thing of the past.

Mr. Speaker, may God speed the day when the people of Hungary, like the people of the United States, will again enjoy the precious blessings of freedom. May the words "Hungarian People's Republic," like the words "We, the people of the United States," mean what they say.

A SUCCESSFUL SCHOOL FOR DROPOUTS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. CAREY of New York. Mr. Speaker, each of us is concerned with the limitations a youngster places upon himself when he drops out of school. Many federally assisted programs have been developed to help the high school dropout. But none, to my knowledge, has succeeded to a greater degree than a unique plan now being operated by the Harry Lundeberg School of Seamanship at Piney Point, Md., without a single cent of tax moneys.

I feel it is appropriate that I bring attention to the fact that the 100th high school dropout recently received his high school certificate—and a second chance—through the general educational development program conducted by the Seafarers International Union to train young men for careers in the U.S. Merchant Marine.

I wish to share with my colleagues details of this singularly successful program, and the dedicated staff that has made it work. They are contained in an article published by the St. Mary's Beacon, a newspaper serving St. Mary's County, Md., where the Lundeberg School is located.

Mr. Speaker, I include with my remarks at this point the article which appeared in the October 7th edition of the St. Mary's Beacon.

FLORIDA YOUTH BECOMES 100TH LUNDEBERG GED GRADUATE

The Harry Lundeberg School (HLS), a spunky never-say-die merchant marine training center at Piney Point, Md., run by educators who believe that only results count, has just written another bright chapter in what is nothing less than an American success story.

With the odds against it, the seamanship school just granted a high-school diploma to the 100th trainee to successfully complete its General Educational Development (GED) program.

Nine months ago, when the GED program first got off the ground, no one could have predicted the school's astounding success in preparing young men to qualify for their high-school diploma. But anyone familiar with the tenacity of the men of the American merchant marine should not have underestimated their determination.

In this case, the school's officials wanted to open the door of opportunity to those students who dropped out of public schools before completing their secondary education. Their aim was to make better citizens out of them, to help them achieve the dignity to which they are entitled, and to help them further themselves in their careers.

The prime mission of the Lundeberg School, located on the southernmost tip of Maryland where the Potomac meets the Chesapeake Bay, is to supply thoroughly trained young men for starting jobs on the decks, in the engine rooms, and in the galleys of U.S. merchant ships.

Many of the young men who come to the training center from throughout the nation are high-school, even grade-school, dropouts. Others have a year or two of college under their belts. More than a few are what might be called "underprivileged," and some have had encounters with the law.

They come to this historic, water-oriented county imbued with the idea of learning the ropes before beginning a career at sea as citizen sailors—professional seafarers. Open to young men of all races, creeds, and colors, the school is funded solely by the maritime industry—an industry that is aware of the need for highly skilled manpower to operate the new, technologically sophisticated merchant ships that are now replacing the cumbersome and aged World War II fleet.

Neither federal, nor state, nor local tax monies are used by the school, the largest training center for unlicensed merchant seamen in the United States.

In setting up their pioneering academic program, the school sought accreditation from the Maryland State Department of Education, also approval of a GED testing center at the Piney Point facility. Until then, no one in St. Mary's County has made a serious attempt to get a test site for the Mother County. The nearest one was in Upper Marlboro, two counties away.

Hesitantly but finally the state granted the accreditation, but a wall of opposition from certain quarters in the county prevented the school from being designated a GED test site. Instead, the center was set up at a local high school.

Meanwhile, the Lundeberg School pressed forward with its academic program designed to give individualized preparation for the two-day tests conducted by the State Department of Education in English, social studies, general science, mathematics, and literature.

The school expanded its teaching staff to form an Academics Department of highly trained, dedicated teachers headed up by Hazel Brown, a remedial-reading expert who developed the curriculum currently in use at the school.

The school's first GED class last December earned three diplomas out of four candidates. The second group in January garnered four diplomas out of five candidates, and the class that took the examination in February had six out of eight who passed. Then, in April, a record-setting group of 12 students completed the tests, and all 12 passed. One youth scored 344 in the battery of tests, placing him in the top 3 percent in the national average for the rigid examinations. Another scored 332.

Miss Brown, who holds a master's degree in education from Penn State, attributed the record-making GED scores to "the desire of these young men to achieve, and to the philosophy of our school which is to give them every opportunity to grow, and to develop their maximum potential."

ELECTRIC EFFECT

She recalls now that when the results of the tests were made known to the other trainees then studying for their examinations, "they had an electric effect. All of them knew that by working diligently they could earn the high-school degree that escaped them earlier."

From then on everyone—staff and trainees—knew they had a winner on their hands in the Lundeberg GED program. A second GED test site was located in the county to accommodate the Lundeberg students who no longer had to make the 60-mile trip to Upper Marlboro. And the test scores continued to register above average.

Of the 111 Lundeberg youths who have taken the GED tests this year, 100, or 90 percent, have passed. This compares with a national average of only about 30 percent.

Why this fantastic success at the Lundeberg School?

John Tregler, the 18-year-old Lakeland, Fla., youth who became the 100th trainee to get his high-school diploma at the seamanship school, attributes it to hard work, proper motivation, and a willingness on the part of the teaching staff to do all within their power to prepare the students for the tests.

"When you need help, they'll even come back at night, after classes are through, to help you," he said. "For example, last Sunday night, Miss King, the mathematics teacher, came in to help us with our studies. She didn't have to come in, on her day off—but she did."

Tregler, who dropped out of public schools after the 9th grade, faults public education for having "too many students in a classroom, not enough facilities, not enough teachers."

SUCCESS FACTORS

Miss Brown says a lot of things account for the success of the HLS program.

"First of all, the motivation is there. Our students know they'll have a job at the end of their 12-week stay here whether they pass their GED exams or not. This takes the pressure off him. Without this fear of failure, he can relax and work at his own speed," she said.

"Then there's the school environment. The Lundeberg campus is so unlike his past school experience. Classes are small and informal and held aboard a ship. He is made to feel at ease. I've always believed that a student will do much better in his studies if he is relaxed. If you tense up, you can't do your best.

"The small classes let the teacher know each student, and they can take a personal interest in each one. In a public school, the teacher has too many students to get to know each well.

"There are other educational factors. We use a method called 'prescription.' We give a prospective GED student diagnostic tests, which indicate what he knows and what he doesn't know about a particular subject. Then the teacher can work on strengthening those weak areas.

"We give them only the basics. Our teachers all have a personal interest in their students, and they're all enthusiastic about the program. This is sometimes referred to as the Hawthorne effect in educational circles: they know they're involved in an extraordinary project here. It's not the routine humdrum you find in so many public schools. As a result, they try all the harder to succeed with their students.

"Finally, we never have to nag our students or beg them to study. We make them understand that if they don't study they're not hurting us. They're only hurting themselves. We really make them responsible for their own learning," she said.

"These 100 young men who came to us as discouraged public-school dropouts are now able to face the future with a new outlook," she adds. "The doors which can be opened with a high-school diploma are no longer closed to them.

"Life now holds new challenges rather than a series of past defeats. Helping these young men to find a brighter world is certainly rewarding."

You know you're a success when others follow you. Since the Lundeberg School set up its GED program, the county has expanded its adult evening education program. Two weeks ago, the Naval Air Station at nearby Patuxent River contracted with the St. Mary's County Board of Education to teach GED courses.

The program is so successful that the school plans to extend it to include veteran merchant seamen who would receive a package of GED materials to study during long voyages. After studying on his own, the seafarer would come to Piney Point, and review the courses prior to taking the GED battery of tests.

"We feel the experience we've gained working with these first 100 students is sufficient to go ahead with a pilot program," said Miss Brown.

Cornelius P. Turner, Director of the American Council on Education which administers the GED program, an independent body unattached to the State of Maryland or the federal government, congratulated the Lundeberg School on the occasion of its 100th GED graduate, and commended the school for its progress despite obstacles.

"You are doing an excellent job in qualifying young men for admission to college or for admission to more advanced educational opportunities. Achievement of satisfactory scores on the GED tests means, too, a better chance for job promotion. The program at the Lundeberg School is a model for the country," he said.

The Lundeberg experience proves that one person or one organization can still perform wonders where there is determination to help others better their lot in life.

"Our involvement in education created and stimulated enough interest in the community so that it took action, and started programs of their own," Miss Brown pointed out.

"I would wish now that the efforts being made in all the different educational institutions in the county and the state could share what they're doing so that we could all benefit from each other's successes. Let's cooperate and collaborate. We're all trying to educate the boy who needs it."

PHANTOM JETS FOR ISRAEL

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BROOMFIELD. Mr. Speaker, I rise today to introduce along with many of my distinguished colleagues a resolution calling for the immediate shipment of F–4 Phantom jets to Israel in order to maintain the arms balance in the Middle East.

We are well aware that the Soviet Government is contributing to a military buildup in Egypt with the most sophisticated weaponry in their arsenal. Growing evidence of Arab preparations for a canal crossing including the presence of some 20,000 Soviet military personnel, including combat pilots, has made the Mideast truce ever more precarious. These facts are compounded by continued Egyptian refusal to negotiate with the Israelis, or to settle for anything less than Israeli withdrawal from every inch of territory acquired after the 6-day war—a war forced upon Israel by Egypt.

These examples and many more present a grave situation which must be resolved by supplying Israel with the necessary means with which to deter Soviet and Arab miscalculations which would lead to renewed hostilities.

It is rare to find Congress so united on such a vital issue as this. It is indeed important that we act swiftly and with the idea that this bill will balance the power so as to generate the proper climate for a negotiated settlement. There will be no compromise from Egypt as long as President Sadat believes all he must do is maintain his intransigence and let the United States continue to whittle away at Israel's position.

Peace has been maintained in the Middle East, because of a show of strength. The Arab nations know this. Israel knows this. Russia and this country are well aware that for successful peace negotiations, all parties must show a strong defense. Furthermore, any weakness of our commitment to Israel greatly enhances Soviet power and weakens friendly relations with other governments in the Middle East, Africa, and Europe.

This resolution will help to make it clear that there can be no dreams of a quick or easy military trust against Israel as a substitute for good-faith negotiations.

The language of this resolution is clear. The first objective is the maintenance of Israel's military capability so that the Soviet Union and the Arab states do not think they can overwhelm her militarily. Second, and most immediately, our government should supply Israel with the Phantom aircraft to maintain her deterrent capabilities.

To conclude, Mr. Speaker, we share a common commitment—the commitment to freedom, to liberty, and the welfare of humanity.

MORE TRIBUTE FOR SENATOR JOHN C. STENNIS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. MONTGOMERY. Mr. Speaker. In recent weeks, Senator John C. Stennis has been constantly in the news because of the yeoman service he has provided as chairman of the Senate Armed Services Committee. A man of outstanding capabilities and great dedication, he has been put to the test in gaining approval of the extension of the Selective Service Act and the military procurement authorization for fiscal year 1972. Through his persuasive oratory, grasp of all pertinent facts, and willingness to spend long hours in the Senate Chamber, Senator Stennis was able to gain approval of these two bills which mean so much to our Nation's security. There have been numerous articles on this truly outstanding American. I would like to share the following Los Angeles Times syndicated article which appeared in the Meridian, Miss., Star. I am also particularly pleased that Senator Stennis resides in my congressional district and I have the honor of representing him in the House of Representatives. The article to which I referred is as follows:

"I Got Through on One Aspirin Tablet" . . . Stennis

Washington.—It was an ordeal that would have taxed if not exhausted many a far younger man. But at age 70, John Cornelius Stennis showed few traces of having spent 10 weeks in the eye of the Senate's fiercest storms this year.

"I got through the whole thing on one aspirin tablet," the tall and husky Mississippi Democrat said with a grin as his ordeal ended last week—at least for the moment.

As chairman of the Senate Armed Services Committee, it fell to Stennis to be floor manager of the year's two most controversial pieces of legislation—the extension of the draft and the $21 billion defense procurement bill.

These are supposed to be difficult times for the military-industrial complex. If so, it was hardly evident at the end as Stennis steered both bills to passage still essentially intact. But there were some trying and uncertain moments.

While the two bills were being debated, Stennis was seldom more than a few feet away from his center aisle desk toward the rear of the Senate chamber. Sometimes that meant being in the Senate by 9 or 10 o'clock in the morning and staying there until dusk.

In the lexicon of his stern Southern Presbyterian heritage, staying means just that to Stennis. Other senators could offer their amendments, savour the headlines for a few days and then drift off to less demanding pursuits. But not Stennis.

CAMPAIGN PLEDGE

Since he was first elected to the Senate in 1947, after 10 years as a Mississippi circuit court judge, Stennis has campaigned on the pledge: "I will plow a straight furrow right down to the end of my row."

That was his style in the draft and procurement debates. He plowed through to the end until he won. But those who confronted him were reminded more of an encounter with a heavy tank than with a plow.

During the seven weeks the draft bill was before the Senate last summer, 54 amendments were offered to it. When it returned from a Senate-House conference for another week of debate a strenuous effort was made to kill it. More than 30 amendments were voted on during the two-week debate on the procurement bill.

USUALLY WON

Stennis, who strives to keep his bills in the form they emerge from his committee, opposed most of the amendments. He usually won in roll-call showdowns.

It became a familiar scene. Stennis, in his dark blue pinstripe suit, white shirt and red tie, standing legs spread by his desk and pumping his arms as he lectured his colleagues. Unlike most senators, Stennis shuns the small microphone attached to each desk as part of the Senate's new sound amplifying system. The cord hinders his movements and he doesn't need it.

When Stennis is aroused, his deep Dixie baritone can be heard booming even outside the chamber.

He is not a particularly eloquent speaker. His voice has a gravelly quality to it. He constantly repeats himself, either single words or whole phrases. He sometimes doesn't complete a sentence.

Yet far more often than not he wins his debates where it counts—on the roll-call vote. Although some senators tend to demagogue on national security, Stennis doesn't win his victories that way. Indeed, he is a far cry from the man he succeeded, the late Theodore G. Bilbo, one of the ablest rabble-rousers of the century.

DILIGENT HOMEWORK

While Stennis occasionally resorts to hyperbole, even his few critics credit his victories more to diligent homework than anything else. Since he came within a single vote of being defeated two years on authorization of the Safeguard Antiballistic Missile System, Stennis has fended off by wide margins every major attempt to slash defense spending.

He wins by overwhelming his opponents with facts.

His opponents frequently challenge his facts but have little success in disproving them. Since defense spending began coming under fire in the past three years, Pentagon critics have shown increasing sophistication in their attacks on costly and esoteric weapons systems.

But thus far they have largely failed to convince a majority of the Senate that they know as much about the subject as the chairman of the Armed Services Committee.

Since his near-defeat on the ABM in 1969, Stennis also has managed to undercut his opponents by giving the defense budget far closer scrutiny than in years past.

His only major defeats this year were on non-spending issues.

They involved Vietnam and were the handiwork of one of the very few men who can match Stennis in prestige and the Senate's esteem—majority leader Mike Mansfield (D.-Mont.).

Mansfield persuaded the Senate on two occasions to adopt his amendment imposing a fixed deadline for the withdrawal of all U.S. forces from Indochina, subject only to the release of U.S. war prisoners.

Although Stennis strenuously opposed both amendments as instruments that limited the President's flexibility, he has the distinction of being one of the first in the Senate to warn against U.S. involvement in Indochina.

WARNED SENATE

As far back as 1954, when the Eisenhower administration was contemplating intervention to prevent a French disaster in Indochina, Stennis warned against such a move. In a Senate speech that year, Stennis said committing U.S. ground forces in Indochina could lead to "a long, costly and indecisive war that left us without victory."

But once the decision for large-scale commitment was made 11 years later, Stennis became a loyal supporter of U.S. involvement.

In recent weeks, Stennis has shown another paradoxical side to his character. Despite his reputation as a champion of the Pentagon, Stennis joined such outspoken war critics as Sens. J. William Fulbright (D-Ark.) and Jacob K. Javits (R-N.Y.) In advocating legislation to reassert the war-making power of Congress.

EXPULSION OF NATIONALIST CHINA FROM THE U.N.

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BURKE of Florida. Mr. Speaker, today I wrote to the Secretary of State, Mr. William Rogers, requesting the State Department take steps to correct the gross inequities practiced in the United Nations, which existed prior to the expulsion of Nationalist China from the United Nations.

In my letter I suggested:

(1) The U.S. initiate a move to immediately expel Byelorussia, and the Ukraine, puppet states of the Soviet Union, each of which has held General Assembly votes for these past many years.

(2) Review and possibly expel member nations guilty of repeated violations of the UN charter, including lack of dues payments to the organization, and

(3) Reduce the American contribution to the world body in line with the populations of other nations such as Red China, Russia and India.

The action taken by the U.N. in expelling Nationalist China, a charter member in good standing should bring to the fore the gross inequities that have been taking place in the past in this so-called "Peace Body."

I think the majority of the people of the United States were willing to accept the admission of Red China into the United Nations but were shocked at the treatment given the Republic of China, our good friend and ally.

I feel strongly that the gross inequities of this body such as allowing participating members to fall behind on their payments and the imposition of economic sanctions like the restrictions on the purchase of Rhodesian goods, should be examined and brought to light immediately.

The American taxpayers have had enough economic burdens to carry without paying the bulk of the U.N. operating costs. Now we find that we have financed a debating society of national representatives who are endeared to international communism. It is bitter fruit indeed.

Further, the expulsion of Nationalist China could well be a prelude to the expulsion of other members in good standing such as South Africa who may well be the next victim in this "new game of United Nations red tainted musical chairs."

The idea of seating Red China in the first place was to make the U.N. representative of all the nations representing the world's population. This great hope has now been shattered because the U.N. not only refused to recognize the reality of two Chinas, but expelled a member nation larger than 131 remaining nations in population. It is even more revealing to note that the population of Free China is seven times larger than Albania, the leader of the expulsion fight to remove it from the U.N. Three-fourths of the U.N. membership have fewer people than Free China. That plus the fact that the Republic of China was an original signator of the U.N. Charter makes its repulsion a regrettable use of the U.N.

I have in the past often stated that the Communist countries use the U.N. as a sounding board for communist propaganda. I have further stated that I felt that we should stop paying the freight for the operation of the U.N. until some of the other countries, including the U.S.S.R., start paying. It is my opinion, also, that the U.N. has failed in its original purpose and in the purpose of the world when it was organized—that the U.N. comprised of all world nations would be able to maintain world peace.

REAPPRAISAL OF U.S. POLICY TOWARD THE TWO CHINAS IS NEEDED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. WOLFF. Mr. Speaker, I am certain that many of my colleagues shared my surprise and shock this past Monday when the United Nations voted to expel Taiwan from its membership. The New York Times discussed the meaning and impact of this action in an editorial today, which I include for the benefit of my colleagues. This article calls for a careful examination of U.S. policy toward both Chinas, and emphasizes the importance of continuing our friendship and close ties with Taiwan, while at the same time seeking better relations with the mainland.

I think this article, which follows, succeeds in placing in their proper perspective many of the questions that have arisen as a result of Monday's U.N. vote.

[From the New York Times, Oct. 27, 1971]

CHINA IN THE UNITED NATIONS

The admission of Communist China to the United Nations is a historic step that was long overdue; but the way in which this act was accomplished reflected little credit on the U.N., did deep injustice to a member government in good standing and could, if regarded as a precedent, be dangerous to other states in the future.

This newspaper has urged for years that Communist China be admitted to the United Nations, and we warmly welcome the recent switch in Administration policy to this end. In fact, the desirability of mainland China's admission was not seriously questioned by any major country in the debate leading up to Monday night's fateful vote. But to have deprived another government in good standing of its representation, in deference to Communist China's demand, was quite another proposition; and the U.N.'s acquiescence in this demand—"to expel forthwith the representative of Chiang Kai-shek"—was in our view to place expediency far above principle.

It is quite true that Chiang Kai-shek's representatives do not speak for more than a minority of the people of Taiwan, but neither do those of the Communist Government of China. The choice between the two Chinas should have been left to the Chinese and Taiwanese; this was certainly not a matter for the U.N. to decide. Yet what the U.N. did was, in effect, to expel Taiwan in order to open the door to Communist China on her own terms. It seems to us that this was an unconscionable move, in no way justified by the obvious desirability that Peking participate in the work of the United Nations. On the contrary, expulsion of one government controlling only 14 million people in order to admit another controlling 700 million, more or less, seems to us to have been a callous act of appeasement of dubious morality.

But a majority thought otherwise, the votes were taken, and the issue is now at last settled. Having stubbornly pursued an indefensible policy on the China problem for no less than twenty years, the United States found its position as well as its influence eroded when this Administration suddenly reversed itself and belatedly fought to couple justice with realism.

Though the effort did not succeed and the United States has now for the first time completely lost a major battle in the U.N., it would be the height of folly for this country to retaliate against the U.N. itself as some members of Congress—notably Senator Buckley of New York—are now advocating. To reduce American financial support of the U.N. at this juncture, because the United States has not had its way, would be the antithesis of democratic action—analogous to a Senator resigning from Congress because a bill he had fought and bled for failed to pass. The United Nations is, in fact, in the midst of a financial crisis; and this is the time for the United States not only to refuse to reduce but even to strengthen its support and to restate its loyalty to the principles of the U.N., which still remains the world's only universal—or, almost universal—forum.

The profound shift in power reflected in Monday night's voting may not be unhealthy for the United States in the long run, and may actually lead to a better and sounder relationship between this country and its friends and allies, who have now proved once and for all that they have an independent policy and are not necessarily amenable to American pressures. A relationship of greater mutual respect could ensue.

Meanwhile, the United States must not desert Taiwan while continuing its present policy of opening the doors to mainland China—a policy, be it noted, to which Peking has maintained its warm response throughout the Taiwan debate, at the very moment the United States was ardently supporting retention of Taiwan's membership. This attitude might suggest that, to Peking, Taiwan's status in the U.N. was secondary in importance to proceeding with the dialogue with the United States. This dialogue should surely go ahead irrespective of events at Turtle Bay, with the ultimate goal the establishment of full-scale diplomatic relations with the Government of mainland China.

THE AMERICAN WINE INDUSTRY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DENT. Mr. Speaker, in the Washington Merry-Go-Round syndicated column of the Washington Post, Saturday, October 23 issue, the public was reminded once again of the many injustices that are perpetrated upon one of America's oldest and proudest industries. I am speaking of the American wine industry.

For more than a century, grape farmers from coast to coast have gone virtually unheralded for their efforts in producing some of the world's finest vines and wines. A few years ago the Department of State began encouraging the use of American wines by Foreign Service personnel around the world. It was only natural that once sampled, the demand for fine American wine would provide America with still another exportable commodity.

Ironically, there has been a concerted effort by some foreign wine producing countries to disclaim the merits of American wine and to make it all but impossible to market American wines in these countries. At the same time, wine producers of those countries have been enjoying the fruits of the American market for their products with little or no restriction.

Because of my own interest in wines as a hobby and because wine is a part of the Italian culture, I am prompted to take this occasion to state that this Congress must take the necessary steps to ensure a fair and equitable opportunity for the American farmers who derive their living from growing grapes and making wine.

I sincerely believe that wines imported into the United States should have to meet the same standards put upon American wines being exported.

The importer of foreign wines into America, for instance, should be held liable for false labeling and misrepresentations. I would like to point out to my colleagues that Algeria is a major world producer of wines. However, you seldom see a bottle of Algerian wine on the shelf of a wine shop. I suggest that much of that wine enters the United States under the label of a more prominent wine producing country.

Further, I believe there is no excuse for allowing a bottle of foreign wine containing less than a full measure to be marketed in the United States. The practice of permitting 23.6 ounces of foreign wine to be sold as an American "fifth" is a flagrant violation of consumers' rights.

I think also that there is no acceptable explanation for allowing foreign wines to be served or sold in U.S. military clubs and commissaries. I am especially disturbed by the accounts of large volumes of French wines being handled by American facilities in Vietnam.

Lastly, I believe that the President should support his own economic suggestions by serving only American wines in the White House and ordering similar standards for all official U.S. facilities.

Mr. Speaker, I do not believe that the American grape farmer has ever asked for any concessions—but I believe we, the Congress, have the obligation to ensure his rights to equal and fair market practices and to protect his product from imports that are not meeting the same standards by which the American vintner must abide.

The article to which I referred follows:

WINE SWINDLE?

America's vintners are popping their corks over the French wine industry's insistence that France have its wine and drink it, too.

The French government has put up such stiff regulations on American wines that none get into France. Yet most of Europe's $140 million in wine exports to the U.S. come from France.

On top of this, the French bottlers usually send over only 23.6 ounces per bottle. This is advertised as a "fifth," though it is short two ounces. U.S. winemakers by law must put a full 25.6 ounces in their bottles. Thus, American winebibbers must buy 13 bottles of European wine to get the same volume as contained in 12 bottles of American vintages.

Next Tuesday, the Internal Revenue Service will hold hearings to determine whether to require European wine men to squeeze out a full measure of grapes if they want to send their wine to America.

HEROISM OF 21-YEAR-OLD YOUTH

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GOLDWATER. Mr. Speaker, too often, as public officials, we seem to be concerned with the problems of our youth to the virtual exclusion of their good, and sometimes even great, achievements.

Earlier this year, Tom Wallace, 21 years of age, demonstrated outstanding heroism on a lonely beach on the northern coast of California. The following personal account from Irving Grossman, a constituent of mine from Canoga Park, Calif., pays tribute to Tom's courageous act. The life Tom saved was Mr. Grossman's:

CANOGA PARK, CALIF.

DEAR MR. GOLDWATER: I am writing this letter to you in hopes that you will be able to help me recognize the heroism of a 21-year-old boy who was instrumental in helping to save my life.

On the evening of June 27, 1971, I was involved in the crash of a DC-3 carrying sales personnel involved in the sale of land at Shelter Cove, in Humboldt County. This crash was responsible for the deaths of 16 passengers with only 7 survivors.

The crash occurred at approximately 7:15 p.m. immediately off shore from the cove in a pounding surf and surrounded by steep cliffs which prevented small craft from coming to the rescue as quickly as possible.

In the crash I suffered a broken hip of the right leg, severe lacerations of the left leg, a severely damaged left hand and a crushed right wrist. I mention these injuries to show the condition which I was in. Despite this condition I managed to leave the wreckage and cling to a piece of driftwood in water which must have been somewhere in the near forties.

While I cannot recall how long I drifted in this matter, I later found out that several deaths occurred to uninjured passengers who managed to swim to the cliffs and they were unable, because of the high seas and rough terrain, to be rescued.

I was reaching the point where I no longer felt able to maintain my precarious hold on the driftwood and at that point Tom Wallace of Redway, Humboldt County appeared on a surfboard and placed a safety belt around my neck giving me the extra time necessary for a boat to come to my rescue.

Tom was on a surfboard due to the difficulty the rescuers were having in getting boats to the wreckage of the plane. I am hoping that you will be of help to me in this attempt to thank Tom for my life.

Sincerely,

IRV GROSSMAN.

COLUMBUS DAY SPEECH

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. MORSE. Mr. Speaker, I would like to share with my colleagues an address delivered to the Protocolary Session of the Organization of American States Permanent Council by U.S. Ambassador to the O.A.S., Joseph John Jova. Ambassador Jova's speech, presented on the occasion of our first celebration of Columbus Day as a national holiday, is a most perceptive and thoughtful call for greater understanding of all Americans—those of varying ethnic origins within our borders, and those Americans who live to the south of us. Ambassador Jova in his address, makes the very astute point that our understanding of our Latin American neighbors can be heightened substantially through a better understanding of our Hispanic citizen-brothers.

Like Ambassador Jova, I, too, am concerned about the welfare of Hispanic minorities within the United States, and I share his delight in steps taken by the administration to create a Cabinet Committee on Opportunity for the Spanish Speaking. I feel that my colleagues will benefit from Ambassador Jova's comments before the O.A.S., and include it in the RECORD:

COLUMBUS DAY SPEECH—BY AMBASSADOR JOSEPH JOHN JOVA, OCTOBER 12, 1971

Mr. Chairman, Excellencies and Fellow Members of the Council; Mr. Secretary General; Ladies and Gentlemen:

Today we honor once again the man who effectively discovered the Americas. I say effectively discovered because although some have questioned whether or not Christopher Columbus was indeed the first European to reach America, it was not until Columbus discovered the new world that it was established as a part of an already ancient kingdom, thus opening the way for the greatest immigration that man has ever seen. It was an immigration primarily of Europeans, but also of Africans and Asians and eventually of peoples from all parts of the world, who joined with the ancient civilizations already flourishing in the hemisphere to form a new people, a new race, of this new world. An immigration not only of men but of ideas and concepts which established a new vision, a new approach to life, a new set of relationships, that make all of us today, the citizens and peoples of the Americas, different and distinct from the old world nations from which we sprang and to which we owe so much.

Christopher Columbus, as a man, very appropriately symbolizes the new world. He was born to a poor family, without social or financial connections, and he was in a very real sense a self-made man. More than that, he was a man with vision. He had the audacity to plan and execute an expedition without precedent in history. It is fitting that we honor him not only for his accomplishment, but for those qualities of spirit and character which we have come to associate with the new man of the new world.

In honoring Christopher Columbus we also honor his birthplace—that Italy which almost from first recorded history has contributed, and continues to contribute, so much of the qualities of genius to mankind. We also honor Spain. Columbus sailed under letters patent issued by Isabel, known in history as the Catholic Queen. His expedition was financed by Spain, it sailed in Spanish ships manned by Spanish seamen. Most important of all, he brought with him the beginnings of that exploratory fervor, that missionary zeal, that colonizing spirit which was at one time or another to extend the Spanish Empire over great portions of this hemisphere. *A Castilla y a Leon Nuevo Mundo dio Colon.*

As I pointed out in this very hall on the occasion of the death of that great Frenchman, General de Gaulle, our hemisphere, and hence our Organization, has many Fatherlands: France, which not only colonized but continues to enrich us culturally; Portugal, small geographically, but with an unparalleled energy and valor extended itself to all parts of the globe; England, that guardian of the tradition of liberty and freedom, and which must always have a unique place in the heart of my country and those of its fellow English speaking nations of the hemisphere; and of course Spain, whose name it is especially fitting that we honor today. For, thanks to the voyages of discovery of Columbus and his successors, we all of us in one way or another are the children of Spain. It is useful to remember that the United States has the fifth largest Spanish speaking population of any nation in the world, surpassed only by Spain itself, by Mexico, by Argentina and by Colombia. As President Nixon said when he proclaimed the week of September 12 to 18 as National Hispanic Heritage Week, "From the earliest period of the exploration of our country, men and women of Hispanic origin and descent have contributed significantly to the development of our nationality. The names of many of our cities, states and scenic resources testify to that contribution. In fact, the oldest city in the United States, St. Augustine, Florida, was founded by Spanish explorers in 1565—406 years ago. Our Hispanic heritage touches every aspect of our daily lives, from the origin of our currency system to our architecture and cuisine. The voyages of Spanish explorers to the New World are a common starting point for our studies of American history in our schools. Americans of Hispanic origin and descent have served our country throughout our State, local and national governments with distinction—and continue to do so today."

I am honored to be one of these very Americans of Hispanic origin and descent to whom President Nixon referred, and I am proud to be serving my country in this position which is so vital to inter-American understanding. But on this *Dia de la Raza* I am even more convinced that we can attain a true understanding of our neighbors in Latin America only through first understanding our own Hispanic citizen-brothers. For this reason, I am delighted by the steps my Government has taken in creating the Cabinet Committee on Opportunity for the Spanish Speaking, and by President Nixon's action in naming his Counselor, Robert H. Finch, as liaison officer with the Hispanic minorities. To attain such understanding, and to redress injustice is the pledge we renew on this Columbus Day.

For our Hispanic heritage is the living and eternal memorial of my country to the bold and adventurous spirit of that great navigator and explorer, the Admiral of the ocean seas, Christopher Columbus. And it is a heritage shared by all the nations who form this Organization. Ralph Bradford, an American poet, wrote the following passage on Columbus:

"Brave Christopher, who journed west
Seeking the east; bold Genoese
Who sought upon the ocean seas
A bridge to riches and renown
For self and queen and Spanish crown—
But more, who carried in his heart
A dream to match his Latin name
Of Christo-ferens; his the part
Beyond all search for wealth and fame
To carry Christ wherever he went
On sea or isle or continent."

* * * * *

Mr. Chairman, Ladies and Gentlemen:

It is an honor for me to bring you on this day the cordial personal greetings of the President of the United States. Columbus Day has long been celebrated in my country but it has never until now been a national holiday. It was proclaimed as such by President Nixon. His proclamation, dated August 31, reads, in part:

"On Columbus Day, 1971, we honor once more the memory of the great captain whose historic voyages led to the migration of peoples to the New World and brought fresh promises of liberty and freedom to the Old.

"In this present age of epic journeys in space, we can appreciate more than ever the great achievements of Christopher Columbus. An intrepid explorer, a supreme navigator, but above all a man of unshakeable faith and courage, this son of Italy sailed in the service of the Spanish crown on a mission that forever broadened man's hopes and horizons.

"We take pride in commemorating the vision and determination of Christopher Columbus, and carry forward his spirit of exploration as part of our national heritage.

"Now, therefore, I Richard Nixon, President of the United States of America, do hereby designate Monday, October 11, 1971, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer."

SPIRIT OF A FREE AMERICA

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DUNCAN. Mr. Speaker, over the Veterans Day holiday it was my great pleasure to visit five schools in my congressional district.

On Friday morning I visited Fort Sanders School and the Lutheran School in Knoxville, Tenn., and that afternoon I visited the Sam Houston School in Blount County.

On Monday, Veterans Day, I was privileged to participate in a Veterans Day parade in Knoxville, and later to visit the Eagleton Junior High School and the Chilhowe View School in Blount County.

At each of these five schools the young people presented patriotic programs, their bands played patriotic music, and patriotism was the theme of their readings and songs. At each school I presented an American flag that had flown over the U.S. Capitol.

At the Fort Sanders School Bill Snodgrass and Kelle Shultz recited poems they had written. I think you would enjoy these poems as much as I did:

OLD GLORY

(By Kelle Schultz)

Old Glory is the flag we fly,
It wears red, white, and blue.
We hope this glory does not die,
As we change from old to new.

As we change from old to new
I wonder who we'll be.
We may be called the smallest nation,
Or some other silly name.
But I love this great large nation,
Who wears red, white, and blue.

PATRIOTISM

(By Bill Snodgrass)

Once I saw a flag, a sailing in the distance.
Bombs were in the air,
Exploding everywhere.
The men under the flag were brave and resistant.
That was clear to see.
They wouldn't take that flag down for you or me.
Next day all lay quiet, the fighting men all dead.
That's why there's red in the flag.
For the blood which has been shed.
But still that flag was sailing,
Even if it had so many holes.
So that's why there's white in the flag,
For those who lost their lives,
Yet never their American freedom
Or their American souls.

Mr. Speaker, I am pleased that I represent a district that still reflects the spirit of a free America. These people believe it is still fashionable to demonstrate patriotism, and they, and I, still get a thrill with the playing of the National Anthem and the presentation of the flag.

I have nothing to fear about the future of our Nation so long as I know that most young people throughout our land are pretty much as those who live in the Second District of Tennessee.

It is people like this who will plow the new ground, climb the mountains, and put rivets into our drums of the future.

VISION OF FREEDOM REMAINS FOR HUNGARIAN FREEDOM FIGHTERS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GOLDWATER. Mr. Speaker, the Hungarian Freedom Fighters' Parliament met this past weekend in New York as part of the World Congress of Hungarian Freedom Fighters.

These brave men observed the 15th anniversary of an event which should remain at the forefront of our consciousness at all times—the gallant fight of the Hungarian people against their Communist oppressors.

We tend to take freedom for granted in this country. I think we should stop and observe this 15th anniversary, and look at its true meaning. We should remember that a Nation so valued freedom that it fought against overwhelming odds—even to the point of fighting tanks with their bare hands. These are people who know the true meaning of freedom, who would sacrifice their lives for this great ideal. Their example should give us renewed dedication to work for freedom for all enslaved peoples.

Mr. Speaker, I would like at this time to insert the text of the resolution adopted by the World Congress. I think it speaks very clearly of the desires for freedom that remain strong in the Hungarians' hearts.

The resolution follows:

RESOLUTION ADOPTED AT THE NINTH WORLD CONGRESS OF THE HUNGARIAN FREEDOM FIGHTERS (NEMZETOR) WORLD FEDERATION

In the perspective of the past fifteen years it becomes more and more obvious that the Hungarian Revolution and Freedom Fight of 1956 was the most outstanding history-shaping event of the Twentieth Century.

We Hungarian Freedom Fighters as well as all freedom loving peoples of the world condemn the treacherous attacks of the Soviet Union on the Hungarian people in October–November 1956 and protest against the continued occupation of Hungary. We solemnly remind the world of the fact that these attacks as well as the continued colonial rule of Hungary was and still is made possible only by the inaction, indifference and lack of understanding of their responsibilities of the still free nations of the world.

It must be emphasized before the peoples of the world that the present authorities in Hungary were imposed into power by the armed forces of the Soviet Union, and are maintained in power by the Soviet occupation forces against the expressed and manifested will of the Hungarian people and that the Hungarian people have no desire to participate in or to give support to such a Soviet-imposed Communist regime.

Therefore, we call upon the Peoples and Governments of the Free World to support the demands listed hereafter at the proper international forums:

1. Soviet troops to be withdrawn from the territory of Hungary without delay.

2. Law and order is to be maintained in the country after the withdrawal of Soviet troops by an international force that will observe the sovereignty of the country.

3. Free and secret elections to be held under international supervision to elect a truly representative Hungarian Parliament. A new representative Government be formed based on the results of these elections with the aim to lay the foundations of a free and democratic Hungary in accordance with the aims and purposes of the Hungarian Revolution and Freedom Fight of 1956.

4. People formerly sentenced for their participation in the Hungarian Revolution and Freedom Fight be rehabilitated.

5. Return of Hungarian citizens who were deported to the Soviet Union before and after the events of 1956.

6. An International Commission be sent to Transylvania, and to all other countries bordering Hungary with substantial Hungarian population to investigate and to bring to a stop the genocide of Hungarians there.

7. The Abortion Decree of Hungary be immediately revoked so the future of the Hungarian Nation will not be murderously undermined.

8. Rehabilitation and unconditional return of Jozsef Cardinal Mindszenty, primate of Hungary, to his seat in Esztergom.

We firmly believe that as long as these demands have not been fulfilled, the Hungarian question cannot be considered solved and no true peace can be established in the world.

Those present at the Congress unanlomusly call upon the joint Central Committee of the Hungarian Freedom Fighters (Nemzetor) World Federation with the Hungarian October 23rd Movement and the Hungarian Freedom Fighters Parliament to act as their representative and spokesmen for all Hungarians.

ODON PONGRATZ,
President of Hungarian October 23 Movement.
ERNO HOKA,
Chairman of Hungarian Freedom Fighters Parliament.
GERGELY PONGRATZ,
Chairman of the Hungarian Freedom Fighters (Nemzetor) World Federation.

CONGRESSMAN TIERNAN EXPLAINS THE NATIONAL POWER GRID ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BADILLO. Mr. Speaker, last July three Members of the House—Congressman ROBERT TIERNAN of Rhode Island, Congressman JAMES ABOUREZK of South Dakota, and I joined with Senator LEE METCALF of Montana in introducing the National Power Grid Act—a bill which, in our judgment, is essential to the assurance of environmentally safe and economically reliable power for the future.

Throughout the many weeks in which this legislation was put together, the wisdom and sound judgment of my friend and colleague from Rhode Island (Mr. TIERNAN) was evident and I am pleased to present for inclusion in the RECORD, excerpts from a speech he gave last August at a meeting of the Northeast Public Power Association. These excerpts appeared in the magazine, Rural Electrification, and I commend them to the attention of our colleagues:

TIERNAN EXPLAINS NATIONAL POWER GRID ACT

This morning you have been discussing your involvement in the New England Power Pool (NEPOOL) which represents the industry's response to the need for a single system (in New England).

While I would be among the first to commend the industry for its good faith attempt to make such a system workable, there are substantial problems inherent in this type of structure which are not being, and probably never can be, resolved.

Mr. (Robert) Feragen (general manager of NEPPA) has analyzed these weaknesses very well in presenting your association's views to the New England Regional Commission.

I quote: "NEPOOL has found no way to exert the kind of control required to create a comprehensive optimized regional system. The consequences in terms of cost to the public have not been assessed to our knowledge. But they are undoubtedly great."

Let me restate the basic problem, from which all the rest are derivative. As the Zinder Report* indicated, "each utility must view proposals from the viewpoint of the interests of its own customers and stockholders, which are not necessarily the same as those of New England."

There is, thus, no assurance in this concept that the fundamental objective of a single-system approach to regional power planning—based on regional interest being paramount—will be achieved.

No such system can operate effectively without centralized decision-making authority.

But because of their nature, investor-owned utilities are concerned primarily with their own economic considerations and only secondarily, if at all, with the needs of other utilities in the region.

Thus, true single-system operation becomes improbable, as is apparent in the delay in reaching agreement on how NEPOOL will operate and how its costs will be allocated among the member systems.

And even if a utility were willing to accept a decision of the pool, it might be unable to do so for reasons of financial or corporate incapacity or because of statutory limitations.

There is yet another reason why I do not consider a power pool, developed and owned primarily by the investor-owned utilities, the best means of implementing the single-system approach.

This hinges on public policy issues involved in the generation and transmission of electric power.

These issues are not primarily economic, and hence are unlikely to be maximized in any system where economic goals dominate, as they must for the investor-owned utilities.

The supply of electric power adequate to the need, reliable, and produced without harm to the environment, has become one of the basic necessities of life, and just as there has been a role for government in assuring the availability of other necessities, there is a role for government here.

I am the author of a bill recently introduced in Congress to establish a National Power Grid Corporation and regional bulk power supply agencies.

This, I feel, is a better approach to the establishment of single systems, not only in New England but throughout the country.

The bill's stated goal is to assure an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry.

The bill would establish a public "National Power Grid Corporation" which would be responsible for the construction and operation of large-scale generating plants and a nationwide system of transmission lines.

The power available from the National Grid would be marketed to utilities in the various regions of the United States by "Regional Bulk Power Supply Corporations."

As the sole marketer of the National Grid's power, these corporations would be responsible for the construction and operation of transmission lines in the region for the purpose of distributing power to the utilities.

They would submit to the National Corporation each year a projection of their demand seven years in the future. The National Corporation would then contract with them to supply that amount of power.

Rates for power sold to Regional Corporations would be at the lowest level possible consistent with the responsibility of the National Corporation for environmental protection, on a postage stamp basis throughout the country, that is, a uniform rate irrespective of particular generating or transmission costs.

The Regional Corporations would charge for transmission on a simple unit-cost basis, taking into account the same environmental responsibility.

In this bill we think that we have implemented the recommendations of the New England Commission's report, with three major exceptions.

First of all, we do not take over the existing utilities in the region.

Secondly, we allow utilities to operate their own generation facilities, making participation in the National Grid optional.

And thirdly, we extend the benefits of regional and inter-regional coordination on a national basis.

Is such a National Corporation a better means of implementing the single system approach than a utility-established organization like NEPOOL?

I think that I have already partially answered that question in my discussion of the inadequacies of the New England Power Pool.

Apart from the economic considerations which affect the likelihood of establishing such a power pool, there are anti-trust considerations involved.

We in this country have committed ourselves to the theory that the best product or service at the lowest cost is most likely to be provided in a competitive system.

But time after time we have seen examples of concentrated industries which have stagnated and failed to keep pace with the technology in the field.

I do not believe we can look forward to the greatest possible advances in new technology and new operation methods from the establishment of a handful of regional monopolies in the electric power industry.

It is for that reason that I am opposed to the revision of existing state and Federal statutes to allow these power pools to develop in that direction.

Of course, the same parallel could be drawn for a publicly owned regional monopoly.

This affected my determination not to establish a single bulk power supply agency with exclusive responsibility for generation and transmission.

I am committed to the idea that the best possible electric service can be provided with a pluralistic system.

Recognizing, however, that the technology for producing electric power is such as to require some sort of concentration, we have adopted what we think is the best possible solution.

I would envision this public corporation working side by side with private utilities. In many cases they would be mutually reinforcing, the public corporation serving to extend the benefits of pooling and providing the pool members with an alternative reliable power source.

Similarly, the pools might contract with the public corporation to sell their excess capacity.

In situations where critical environmental issues were involved, the public corporation could step in to build generation facilities of a type not feasible for the private companies.

It should be apparent by now that the significance for the municipal, public power, and cooperative distribution facilities of such a National Grid Corporation is great.

One important benefit that accrues from the operation of such a system is the fact that we can maintain a diverse electrical distribution industry in this country.

Obviously we are in a position now where municipal utilities, because of their very small size, are reliant on investor-owned utilities for the supply of power, a situation which is often very difficult for them.

One of the interesting findings of the New England Regional Commission's report was that the fragmented industry structure in New England was one of the major reasons that New Englanders paid one-third more for their power than consumers in other parts of the country.

However, the economies that result from the consolidation of this fragmented industry structure into a large single system operation exist only in generation and transmission, and not in distribution.

Therefore, the maintenance of the small public and private distribution systems would be assured without any adverse effect on the efficiency of the regional system.

I am certain we will be hearing alarmed reports that the passage of this bill would mean the nationalization of the electric power industry. But I think it is obvious to you gentlemen that this is not so.

My bill is an attempt to establish a beneficial relationship between government and private industry in assuring a service which is the responsibility of both.

The investor-owned utilities have resisted this partnership in the past and will probably continue to do so in the future.

Fresh in all of our memories is the experience of the private utilities' massive overkill of the Dickey-Lincoln Project, whose latest estimated benefit cost ratio was a glowing 1.9.

So obviously preferable to any alternative generation technique, the Dickey-Lincoln Project was resisted by the private utilities merely because it meant public involvement in a domain which had been heretofore completely their own. One wonders if they might be afraid of a little competition.

We do not seek to take over the facilities of the private industry. Indeed we have pointedly not done so. All we are saying is, in the field of generation, let us have a public alternative to the plans of the private utilities. . . .

ENVIRONMENTAL PROTECTION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. KEITH. Mr. Speaker, we are in an era of great concern for our wildlife, natural resources, and environment. It is a concern which I share and which I have reflected throughout my congressional service.

In my attempts to legislate environmental controls and protection, I always sought the approach of balanced, multiple usage. We must continue to exploit and develop our natural energy resources. Our growing energy crisis makes that clear. At the same time we must control man's impact upon his environment. Our growing problems of pollution make that clear.

A recent address by Carroll P. Sheehan, commissioner of the department of commerce and development for the Commonwealth of Massachusetts underscores my point quite eloquently. It emphasizes the need for a sound working relationship and "marriage between environmental control and other needs of our society, such as the maintenance and growth of a healthy economy."

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*The Zinder Report was prepared by Zinder & Associates of Washington, D.C., for the New England Regional Commission, consisting of the governors of the six New England states and a Federal appointee. The report is an extensive study of New England power needs in the next 20 years.

I congratulate Mr. Sheehan for his well thought out work and I recommend it to the attention of my colleagues.

The address follows:

A BALANCED VIEW OF ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

(By Commissioner Carroll P. Sheehan, Department of Commerce and Development)

I appreciate the opportunity which has been extended to me today to come before you and discuss the need for a balanced program of environmental controls for our society. My colleagues in government speaking here today have specific responsibilities defined by law which they must carry out to the best of their ability. I, too, have a responsibility under the law which must be carried out.

As Commissioner of the Department of Commerce and Development, I accept the need for environmental control in this most complex society. Today I would like to review with you my experience with environmental control and attempt, if possible, to bring about a marriage between environmental control and the other needs of our society, such as the maintenance and growth of a healthy economy.

I share the fear of many of those engaged in the field of environmental control, both in and out of government, that in some instances we are bordering upon environmental control overkill with our economic well-being as the victim. I am interested in making certain that a credibility gap does not become a reality between the general public and those interested in the protection of the environment.

You who are so vitally interested in the environment must understand that the most basic parts of any man's environment, more basic even than clean air and clean water, are man's ability to feed his family and provide adequate shelter for them. It is, therefore, imperative in the equation of environmental control that the economic impact upon the individual be part of that equation. It would be tragic indeed if all of the environmentalists in our nation were eventually faced with a hostile public scorning their efforts because of their failure to take into consideration the economic impact of environmental regulations.

This does not have to be the case, but we are already seeing examples of job loss through the lack of cost efficiency methods being applied to the science of ecology.

In the case of air pollution regulations here in the Commonwealth there is no direct relationship between air quality control and the use of low sulphur fuels by the consumer. Without a program of cost efficiency being applied to air quality standards, we have brought unnecessary costs to industry, the government and the general consumer. Those with the responsibility for air pollution control within the state government have made it clear that, except in certain specific areas of the state, the standards set by the national government for SO 2 pollutants have been met prior to the imposition of new lower sulphur contents in fuels beginning October 1. In spite of the overwhelming evidence to the contrary, the Massachusetts Public Health Council, without regard for the total needs of our economy, have imposed strict regulations in this matter. What are the results of this action?

In increased fuel costs alone, we in the Department of Commerce and Development say that, in the coming year in Massachusetts, consumers, whether a public utility, an industrial user of fuel or the general consumer, will bear an increased cost of more than seventy million dollars. The imposition of a 1% sulphur content outside the greater Boston area, where much of the state's industrial potential is located, has caused power companies to abandon established fuel purchase contracts, thus causing them to pay a higher price for fuel. It is estimated that power company costs passed along to the consumer will increase electrical energy bills to the consumer between 15% and 20%. These increased costs to an already overburdened industrial community will cause a number of companies to close or to remove their operation from our state.

As part of my responsibility to the people of Massachusetts, I must say that in all candor a good part of this loss of industrial employment is unnecessary. To be specific, some of the largest employers in the state have informed me that a number of their operations will be curtailed or removed from Massachusetts to areas not only in other states but throughout the world. It is a sad fact that in air quality control, without cost efficiency being applied, the greater degree of enforcement overkill which is applied the less the desired results are obtained.

I would like to cite one particular example of one industry in our state which for more than 75 years has employed upwards of 7,000 people in one location. Its present employment is 2,200. It is located in an area which for ten miles around has very little industrial activity. If we keep in mind that the desired result is to bring down the SO_2 content in the air to manageable levels, then it does not make any sense to take one industry in a very isolated area and cause mechanical compliance having nothing to do with the air pollution in the area. The cost to this company for mechanical compliance is approximately a half million dollars.

The same company has a newer and more efficient foundry unit in a southern state which can do the work being done presently in Massachusetts. The management informs me that they are coming very close to a decision which will cost the loss of jobs to 600 people employed in this Massachusetts foundry. If we multiply these 600 jobs by the thousands of others who will be affected by job losses, it will not be long before favorable public opinion is lost for the desired portions of environmental air pollution standards.

Let us consider the matter of water pollution control. I have had occasion to work very closely with the water pollution control personnel of our state government. We have considered the plight of many companies and their employees related to the enforcement of water pollution control standards. With their cooperation and that of the Legislature, we caused to have passed a twenty-five million dollar bond issue so that loans could be made to Massachusetts companies unable to finance the cost of water pollution control equipment. It is unfortunate that this legislation was found to be unconstitutional. We hope that other legislation may be passed to bring relief to some of those companies and therefore save jobs within Massachusetts.

A very important aspect of water pollution control is the regulation being established for the use of sewers in the state. It is my opinion that in the promulgation of these regulations, particularly by the MDC, inadequate consultation was held between the MDC and industry. The end result is open-ended regulations more stringent than any in the country, but more important leaving Massachusetts industry in the position where what are adequate standards today may not be tomorrow. Again we run into the problem of cost inefficiency being applied to the enforcement of water purity standards in the state.

I would like to speak for a moment about the manufacture of power within our state. Seventy percent of all the power manufactured in the United States is produced through the use of oil. It is my opinion that we in Massachusetts, being a high energy intensity state, related to industry and general consumer use have been victimized by the major oil companies of the nation. We control the level of electrical energy on both the state and national levels, and yet seventy percent of the fuel used to make that power is controlled by no one.

I note with interest a move by certain people in the environmental field to prevent the opening of atomic power energy plants in New England. At the same time there is opposition to the continued use of fossil fuels by the electrical energy business. We must agree on some form of energy which is presently available to do the job. New England, in order to remain competitive, must have oil refinery facilities. It is time that we realized the complexity of our society demands immediate decisions concerning the growth of the electrical energy business in New England.

I should like to conclude by making certain points of fact which should be obvious to all who wish to give thought to the problems of our total environment.

It is desirable that we have clean air and clean water in this nation. In this regard it is desirable that cost efficiency methods be determined prior to the enforcement of regulations. It is basic to a man's environment that he have bread on the table and a roof over his head. The most efficient method found for giving him these goods in a complex environment is his employment at the highest level of his ability in the industrial community of our state.

Based on studies and interviews with those who manage industries in Massachusetts, they will not continue to function in Massachusetts if their operations become unprofitable due, not to compliance with reasonable cost efficiency regulations in the environment, but to thoughtless actions taken by those in a position to promulgate and enforce environmental regulations. As long as industry has the right to close, move or transfer its operations to any other state or throughout the world, the bottom line of the annual statement of such companies must show a profit or they will cease to provide employment in the state.

In conclusion, I believe it is desirable that we have clean air and clean water. My reasons are very practical reasons. During the next ten to twenty years those who make decisions related to locating industrial operations will not locate in areas where clean air and clean water are not important. No responsible industrialist in this state does not desire to comply with reasonable cost efficient standards of air water pollution standards, but he must be convinced that government, the press and the general public are treating him and his stockholders with fairness, intelligence and equity.

To me the frontier of today is not in some wilderness or in space. The frontier is all of us in government, in industry and the general public working together to solve the environmental problems which have grown so quickly in our complex society. In every crusade such as that for a clean environment there is a fringe involved in the cause which is not concerned with the just solution to problems, but in the chaos which can be created through an unintelligent approach to the problem. It is time for those who have given so much of their lives to the desire for a better environment to disassociate themselves from those who wish no solutions other than the total breakdown of our complex society.

I would ask you all who have engaged in this environmental crusade to act wisely during the period immediately ahead and to preserve the credibility of your effort until it has accomplished its goal.

NEW HAVEN GOODWILL CENTER

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GIAIMO. Mr. Speaker, recently two national surveys of rehabilitation centers throughout the country showed a relatively small center in my district, the Easter Seal Goodwill Industries Rehabilitation Center, to be the top such facility in the country in several categories of service.

For instance, a survey of all Goodwill facilities in the United States made by Goodwill Industries of America showed that the New Haven center not only served more handicapped patients than any other Goodwill facility in the country, but that it had a greater load than the next two centers combined. The New Haven center also provided more jobs for clients, more physical, occupational and speech and hearing therapy treatments, and more recreational hours for the handicapped than any other Goodwill facility in the United States.

A survey by the National Easter Seal Society showed very similar results. The New Haven center, with a smaller staff and considerably lower administrative overhead than most Easter Seal Centers in the United States, again topped most other, larger cities in terms of services rendered.

I personally know the kind of work the Easter Seal Goodwill Industries Rehabilitation Center does. I have frequently visited there and it has been used by members of my own family who needed rehabilitation services. The quality of the work done by the center's highly trained and dedicated staff is as high as the quantity of service, indicated in these two surveys.

The New Haven facility has no magic formula for success. It has been able to do so much because it has drawn a vast amount of community support, financial as well as moral and psychological.

Voluntary dollars, through such organizations as the United Way and the Easter Seal Campaign, have helped the center to grow. So has a large corps of volunteers who give thousands of hours every year to help handicapped men and women to prepare for a useful and independent life. I am also proud that the center has received several Federal grants to initiate new and creative programs in inner-city neighborhoods.

However, the center's success is in no small part due to the efficient manner in which available financial resources were used. One of the reasons for this facility's economical and successful operation is the merger of three separate rehabilitation facilities which took place 2 years ago and which form the present agency. The center's growth figures have really spurted since the three agencies—the New Haven Easter Seal Society, the New Haven Area Rehabilitation Center and Goodwill Industries—joined together to give the most comprehensive services possible to the handicapped men and women of the greater New Haven area. Because of the merger, the three agencies are able to provide many different kinds of therapies, employment counseling and training, psychological and social work assistance and education of handicapped children all in one organization, eliminating many unnecessary overhead costs, clerical time, and other expensive overlapping.

This is one of the reasons why in 1971 the center was able to serve 2,280 handicapped individuals. Services included 29,728 treatment hours, 250,162 vocational testing and training hours, $253.644 paid in client wages and training allowances, 31,286 educational hours and 3,727 recreational hours. In addition, the New Haven center offered services that few other, similar facilities were able to give, including a training program for handicapped drivers, complete transportation to and from the center for those patients who cannot use public transportation, and a complete psychiatric and social work program for patients and their families.

I would like to take this opportunity to share my pride in this outstanding facility with my colleagues in the House of Representatives. Certainly this is one place where all Federal tax dollars invested brought us all rich dividends in helping the handicapped to lead productive, self-reliant, independent lives. In terms of economics, this has saved the taxpayers of the State and of the Nation countless dollars. In terms of humanity, it has saved handicapped men, women and children countless days and months of dependency and unhappiness. I congratulate the center's president, Fenmore R. Seton, the agency's board of directors, the executive director, Albert P. Calli, and the organization's staff on this great accomplishment.

LAUDERDALE LAKES JAYCEES RESOLUTION

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BURKE of Florida. Mr. Speaker, the Lauderdale Lakes Jaycees consisting of members living in the Lauderdale Lakes, Fla., area of my congressional district have indicated their deep concern about the seating of Red China by the U.N. Further they passed a resolution indicating their total opposition to the admission of Red China to the U.N., and opposing the removal of Nationalist China from this body.

The resolution passed by the members of the Lauderdale Lakes Jaycees, composed of concerned young American business people and citizens of our country, called upon our Nation to reevaluate its policy concerning the countries of Asia and elsewhere throughout the world before the balance of power has shifted to such an extent that all of the free nations of the world, including ourselves, could easily be toppled by those who espouse the cause of international communism.

I acknowledge, with thanks, the interest of the Lauderdale Lakes Jaycees who passed on October 19, 1971, the following resolution:

RESOLUTION

Whereas the Lauderdale Lakes Jaycees are ever mindful of world affairs, and,

Whereas the Lauderdale Lakes Jaycees are keenly aware of the present debate before the United Nations, and,

Whereas the Lauderdale Lakes Jaycees are ever mindful of Communist China's role in the Korean Conflict, and,

Whereas the Lauderdale Lakes Jaycees are keenly aware of Communist China's present role in the Vietnam War, and,

Whereas the Lauderdale Lakes Jaycees are ever mindful of Communist China's obstructionist views and actions toward world peace, and,

Whereas the Lauderdale Lakes Jaycees are keenly aware of the suppression and bondage of millions of people behind the bamboo curtain, and,

Whereas the Lauderdale Lakes Jaycees believe that economic justice can best be won by free men through free enterprise, and,

Whereas the Lauderdale Lakes Jaycees support the Free government and people of Nationalist China, and,

Whereas the Lauderdale Lakes Jaycees recognize the role of Nationalist China as a strong ally and partner of the United States in the world community, and,

Therefore, let it be known, that the Lauderdale Lakes Jaycees take a stand in complete opposition to the admittance of Communist China into the United Nations and further is totally opposed to the removal of Nationalist China from a seat on the Security Council and/or from membership in the United Nations. The Lauderdale Lakes Jaycees wish to reaffirm their support for the free people of Nationalist China and implore the United States of America to reevaluate its policy in this matter for the protection of all free men.

Passed on this 19th day of October, 1971 by a majority of the membership of the Lauderdale Lakes Jaycees in attendance.

PAUL ROARK, Jr.,
President.
JOSEPH VALLONE,
Secretary.
RICHARD A. BIEBRICH,
International Relations Director.

TRIAL OF JEWS IN RIGA, LATVIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DERWINSKI. Mr. Speaker, one of the most dedicated organizations struggling for the freedom of the people of the Baltic States is "BATUN", Baltic Appeal to the United Nations.

A memorandum prepared on June 1, 1971 gave obvious attention to the complications facing Jews and the Soviet Union, referring specifically to Latvia, one of the three Baltic states illegally incorporated into the Soviet Union.

I insert this memorandum to remind the Members of the continuing struggle of the Baltic peoples against Soviet tyranny and, also, to emphasize a point evident from the memorandum that the Soviet Union is the world's greatest imperialist power, a point which is too often forgotten.

The memorandum follows:

A Memorandum on the Trial of Jews in Riga, Latvia

On May 27 the Supreme Court of the Latvian SSR sentenced the following Jews from Riga, Latvia to terms in prison camps:

Arkady A. Shpilberg, a 33-year-old engineer, three years; Mikhail Z. Shepshelovich, a 28-year-old worker, two years; Boris M. Maftser, a 24-year-old engineer, and Ruth I. Alexandrovich, a 23-year-old nurse, one year each.

They were convicted for violation of Article 65 of Criminal Code of the Latvian SSR which prohibits anti-Soviet agitation and propaganda. According to a TASS dispatch on 24 May 1971, they had been "fabricating and circulating slanderous materials for subversive purposes and attempting to draw their acquaintances and colleagues into their activities hostile to the state."

Soviet authorities have not specified the exact nature of the "slanderous materials". Mrs. Rivka Alexandrovich, the mother of one of the accused, has declared that these materials were texts for the teaching of the Hebrew language and religion. In addition, there were petitions, signed by the accused, to the Supreme Soviet and to international organizations asking for assistance in leaving the Soviet Union. The accused are known to have made numerous unsuccessful attempts to receive permission to leave the Soviet Union for Israel.

Therefore it appears that the "fabricating and circulating [of the] slanderous materials" by the four Jews was really an attempt to exercise their rights, guaranteed by Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, to education, to equal participation in cultural activities, to freedom of thought, conscience and religion, to freedom of opinion and expression, and the right to leave any country. "Attempting to draw their acquaintances and colleagues into their activities" is merely an exercise of their right to freedom of association.

If such activities are "subversive" and "hostile to the State", then the Soviet State must be denying to the Jews their rights guaranteed by Article 5. This denial is discrimination against the Jews, since, for example, the Soviet State does provide texts for the teaching of the Russian and other languages.

The Soviet State also allows very limited rights to publish religious books and to have some religious education to some of the Christian denominations, but this is denied to the Jews. Their rabbis are not allowed to attend international conferences abroad as representatives of some Christian churches sometimes do.

Such discrimination against a minority by the present de facto authority in Latvia, the Soviet Government, contrasts unfavorably with the complete cultural autonomy granted to all minorities in independent Latvia which was occupied in 1940 by the Soviet Union.

TRIBUTE TO JAY G. HAYDEN

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GERALD R. FORD. Mr. Speaker, on the morning of Wednesday, October 27, I attended the funeral of Jay G. Hayden, longtime Washington correspondent and columnist who died October 24 at his home in Kensington, Md. A giant among newspapermen, Jay was eloquently eulogized by the Rev. Edward Latch, Chaplain of the U.S. House of Representatives. At this point I think it appropriate to include in the Record an account of Jay's death which appeared in the Detroit News and also an obituary written by another excellent newsman, Will Muller, for the Detroit News before Will's death last September 3.

The articles follow:

Forty-Nine Years in District of Columbia for News—Jay Hayden Dies; Noted as Reporter

Jay G. Hayden, foremost interpreter of Washington news for readers of The Detroit News for nearly a half-century before his retirement in 1965, is dead. He was 86.

Death came in his sleep early yesterday at his home in Kensington, Md., near Washington, where he had known and won the respect of every president from Woodrow Wilson to President Nixon.

He began his career as a printer's apprentice for a weekly newspaper in his native Cassopolis, Mich., in 1900 but had won international regard in his profession by 1920.

He went to Washington for The News in 1916.

He was one of only three reporters from the United States accredited to cover the signing of the 1919 Treaty of Versailles and summed that up for The News' readers as "a breeder of future wars."

Among those who expressed their sorrow over Mr. Hayden's death were both Michigan U.S. senators and other state political leaders.

President Nixon was among those who expressed condolences to the family.

Survivors include his wife, Ruth; a son, Martin S. Hayden, vice-president and editor of The News; two stepsons, Peter and Claus Felfe; his sister, Mrs. Charles Gower, of East Lansing; a brother, Robert, of Cassopolis, and three grandchildren.

Mr. Hayden had been twice widowed before his third marriage, to the former Ruth Haberland Felfe, in 1953.

His first wife, the former Marguerite Scholl, mother of Martin S. Hayden, died in 1924. His second wife, the former Loretta Taylor, whom he married in 1926, died in 1930.

Funeral services, with the Rev. Edward Latch, chaplain of the U.S. House of Representatives, officiating, will be held at 8 a.m. Wednesday in the Gawler Funeral Home, Washington. The body will be cremated. His ashes will be interred in Cassopolis.

Of his death, Senator Philip A. Hart, Michigan Democrat, said:

"He was one of journalism's early pathfinders in Washington. He set unfailingly high standards and left his profession a valuable legacy."

Senator Robert P. Griffin, Michigan Republican, said:

"Jay Hayden was a highly respected statesman in the field of journalism. He will be missed, but long remembered by the many in all stations of life who were fortunate enough to know him."

U.S. Rep. Gerald Ford, of Grand Rapids, House Republican leader, called Mr. Hayden "one of the real greats in Washington, not only as an outstanding reporter and columnist, but as an individual."

"He had a way of making complicated issues readable and understandable," Ford said. "He was a man one could trust and one who told the truth, even when it was unpleasant to his news sources.

"He wrote from a perspective of history that was matched by few and admired by many."

Former Gov. George W. Romney, secretary of housing and urban development (HUD) said:

"Jay Hayden was one of the most respected and admired journalists of his time, both for the accuracy of his reporting and for his keen insights into domestic and foreign affairs.

"He was greatly loved by many, in and out of public life. He was a man whose kindness and concern for people was genuine, active and unflagging."

U.S. Rep. Martha Griffiths, a friend for more than 20 years, called him "one of the best reporters in Washington," adding:

"Jay Hayden was the newspaper business at its very best."

A Newspaperman for 66 Years—Jay Hayden Won Wide Acclaim

(By Will Muller)

Jay G. Hayden, Washington correspondent of The Detroit News for a half-century and a newspaperman for 66 years, was a legend in his profession.

At the time of his retirement in March, 1965, Mr. Hayden's wide readership, enduring service and proximity to national and world events had probably made him Michigan's best known newsman.

He won national recognition early.

He had been a member of the Gridiron Club, that professional association which admits only the newspaper elite of Washington, since 1920 and was the club's president in 1930.

Mr. Hayden's career had started in the print shop of the weekly Cassopolis Vigilant, at Cassopolis, Mich., in 1900.

From there he went on to personal and professional relationships with nine presidents, starting with Woodrow Wilson. He was known and recognized by statesmen of other nations in the world's most tumultuous half-century.

He was one of three American newsmen accredited to witness the signing of the Treaty of Versailles which ended World War I. His blunt assessment of that agreement as a breeder of future wars won him the respect of Premier Georges (the Tiger) Clemenceau who honored him with appointment as an Officer de l'Instruction Publique of France.

The years may have changed government and countries but they had a minimum impact on Jay Hayden. The twang in his voice, his sturdy physique unsubdued by well tailored clothes, his sly humor coupled with practicality, all identified him as a Midwesterner whether at an inaugural ball or a backroom political conference.

There was an almost boyish exuberance about him into his last years. His curiosity never flagged. His thirst for experience and growth and for everything new was matched only by a rare courtesy and a tolerance even of fools.

He played left-handed golf and two-fisted poker. He took martinis for lunch, sipped bourbon in senatorial suites, and embellished Washington parties as one of the most gifted raconteurs of his day. He had a phenomenal memory for detail that extended backward like an illuminated picture to his beginnings.

That was a long way. He was born in Cassopolis to James Girt and Ruth Kingsbury Hayden Dec. 8, 1884. He spent his early years with his family on a farm near his birthplace.

Through his years and his honors, Mr. Hayden obeyed a personal creed. It was to get a story, get it if possible before the other fellow, get it right and get it to his readers.

A Hayden hallmark was the care exercised never needlessly to injure anyone.

The span of his experience is emphasized by the changes he saw. He arrived in Washington for The News on the day after Christmas in 1916 by train. It took five weeks for his car, a Model T, to follow him on a flatcar.

Washington was a somnolent Southern town with plenty of time on its hands. Correspondents, often in spats and carrying canes, were cavalier fellows who held personal conferences with the occupants of the White House and Cabinet members.

"The whole cost of the federal government for the fiscal year 1916 was $734,156,202," Mr. Hayden reminisced in one of his last stories. "There was great commotion when for fiscal 1917 President Wilson asked for appropriations slightly exceeding $1 billion."

Mr. Hayden in succeeding years saw the city bulge from the impact of two world wars until much of it extended into states bordering the District of Columbia. He watched the nation's budget brush $100 billion and the national debt approach $300 billion.

It was a world of the written word when he entered the news profession. Reporters suffered no competition from radio or television. Stories were moved by Morse code over telegraph wires. Pictures traveled, not by electrical impulse, but by express. National campaigning was done by train.

Mr. Hayden's seniority in Washington outran that of all but one member of Congress. That was Senator Carl Hayden who started his career in the House in 1912 when his state, Arizona, was first admitted to the Union and who served until 1968. He is now 94.

They were not related.

"The most important single difference between 1916 and the present is the phenomenal growth of federal government," Mr. Hayden observed recently, "not only in personnel, physical establishment and expenditure, but in activities affecting the lives of all Americans."

Mr. Hayden became chief of the News' Washington Bureau in 1918, two years after arriving to work there. He succeeded the late George Miller who left to become an editor of The News.

In 1919, Mr. Hayden organized a London bureau for The News. That year he wrote from England, Scotland, Ireland and the continent.

In 1926, he traveled to the Philippines, China and Japan and wrote stories from Asia. He covered the 1930 London Naval Conference and the 1933 London Economic Conference.

He was best known, however, for his coverage of national government and politics.

All his life he held to the conviction that statesmen, presidents, policy makers and world troublers were just people like his readers and it was his job to interpret one for the other.

The changes which altered maps and governments and political philosophies in the world's fastest century never shook that conviction. His adherence to it gave his stories a rare insight and flavor that cut through complexities and myths.

He started his newspaper career as a $2-a-week printers devil. After four years at the Vigilant and after completing high school he went to the University of Michigan.

His experience got him a job as foreman of the university's library print shop. Restless after a year there, he took a job as a composing room foreman at the Escanaba Daily Mirror (defunct long ago).

He tried a job in a North Dakota print shop but the 40-below weather drove him back. He worked briefly at Evart, Mich., then returned to Cassopolis where he took a job as assistant postmaster and wrote for the old Detroit Journal as a stringer.

There was a great hullabaloo there one night when sheriff's deputies and federals chased one Whirly Jones, a reputed counterfeiter, into a swamp. Hayden telephoned the story to what he thought was the desk of the Journal.

By an error in the telephone exchange, he gave the story to The News which printed it with pride. It caught the eye of the editor, and Jay Hayden came to work on a metropolitan daily.

On The News he developed rapidly, covering general assignments, City Hall, then the State Capitol. Always his driving interest was politics.

He left The News briefly at the request of the late Mayor James Couzens to become executive secretary of the DSR. He returned and was offered the city editor's chair but chose instead to go to Washington.

W. Steele Gilmore, a retired News editor now living in Princeton, Ind., sat down with his pencil in 1957. By that date, he figured, Mr. Hayden had written 18,250 columns.

Mr. Hayden's political reporting reached back to the Bull Moose convention which nominated Theodore Roosevelt in 1912. He was the confidant and often the mentor of Senator Couzens and the Late Senator Arthur H. Vandenberg.

His friendships were infinite and varied and precious to him. The only limitation he placed on them was loyalty to his paper and obligation to his profession.

Twenty-one years ago, he was honored with a Doctor of Laws degree from George Washington University. The words said of him then by Dr. Cloyd H. Marvin, university president, applied to the end and — in the past tense — serve him well as an epitaph:

"He was patient, modest, steadfast to preserve high standards of journalistic interpretation, both national and international . . . a healthy curiosity against a background of real and human understanding and high purpose."

SUPPORT FOR HIGHER EDUCATION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. GUBSER. Mr. Speaker, I would like to commend to the attention of my colleagues a speech delivered to the faculty of De Anza College by college president Dr. A. Robert DeHart. It seems particularly appropriate at this time when we are considering the higher education bill. De Anza College is one of California's outstanding community colleges and I believe that Dr. DeHart's comments will prove both stimulating and interesting to each of you.

The speech follows:

THEORY L, SON OF THEORY Y

(By A. Robert DeHart)

If you don't know where you are going, any road will get you there.—The Koran.

As we start our fifth year at De Anza College and have completed the preparation for our first full accreditation, I think we have arrived at a good place to review how far we've come and where it is likely we will be going. Much of what we are today has resulted from chance, much from what our society expects of its collegiate institutions, and much from, more or less, deliberate decisions based on value judgments made by us about the way we wanted to be. While I must confess that I haven't had some grand "five-year plan" that I've been following as your president, I have had some combination of convictions, hypotheses worth testing, and just some plain hunches that have told me what the characteristics of a good community college should be. And, at least once a year, I think hard about what the next steps in our development should be and subject myself to the difficult discipline of organizing these thoughts to a place where I can present them to you, my colleagues, at these opening of school meetings. I don't know why I hold you in such awe, but I do. It is really a good thing for me that I do because it forces me to spend a lot of time thinking through carefully where I want us to be and how I can persuade you to think likewise. I believe like Kierkegaard said, "A man's thought must be the building in which he lives." If this be true, then we must be just as critical of our mental architecture as we are of our physical architecture for it is our careful thinking—or our lack of it—that will as surely determine the quality of our educational process as the architect's plans determined the kind of buildings we have at De Anza College. For we do not need to be content with just predicting the future: we can invent it. It was man's ability to invent that has made our schools, colleges, and universities what they are today—and what they will be next year, ten, twenty-five, and a hundred years from now.

I have deliberately avoided giving you a "state of the college" address at these times. As an institution becomes large and complex, more and more time seems to be demanded in maintaining its procedures resulting in less time devoted to the definition and redefinition of its purposes in the light of changed conditions. More and more of us spend less and less time in considering basic goals. Instead, we occupy ourselves with adjusting procedures so that our college can operate smoothly. Before long it seems that the college to a large extent has become its *own* end. Effects on the lives of individual students and on our community recedes to peripheral places in our thinking and when that happens, instead of the college serving as a medium, the college and its perpetuation have become the ends. The easy way out for us is to slide into that trap. But I don't believe we here at De Anza are looking for the easy way out. The nitty gritty of running an institution is important—especially if that nitty gritty isn't done well—but let us always keep in mind that the institution is a *means and not an end in itself.*

THE IMPORTANCE OF THEORY

A couple of years ago I discussed with you two philosophies of institutional organization, Theory X and Theory Y. You will remember that under Theory X, the average person is seen by his boss as being basically lazy, disliking work, and avoiding it when he can. Therefore such an institution was organized to emphasize direction, coercion, intimidation or control in order to make people productive. Theory Y, on the other hand, is a belief on the part of management that average persons find work as natural and pleasant as rest or play. They enjoy being productive and creative, and when they are given suitable goals and a reason for getting on toward them, they will exercise self-control. The organization that results from Treory Y assumptions emphasizes an identification of individual goals with institutional goals causing a direction of efforts by individuals toward the success of the enterprise and a large exercise of self-control. Clearly one type of organization is distinct from the other, yet the assumption that either one exists in fact as a universal, all-purpose approach to college organization would be absurd. Just the act of insisting that De Anza operate by Theory Y would obviously be inconsistent with that theory.

But the fact that we can conceive of theories and models that are not presently feasible does not make theory less useful. Almost all significant breakthroughs in every field have waited on the formulation of relevant theory. So I think De Anza College is a better institution for having a Theory Y to guide it even though we can point to many specific instances where it doesn't presently work. At any rate, it is my firm conviction that when your primary job is in the organization and development of human resources, the assumptions and theories about human nature at any given time determine one's ability to introduce meaningful change. Possibilities are not recognized, innovative efforts are not undertaken, until theoretical conceptions lay a groundwork for them.

So today my plan is to develop two more theories for you. This time I want to deal with theories of instruction: I will call them

Theory K and Theory L. I have no good reason for designating them that way except you will soon observe that I favor Theory L and for me that stands for Learning. So for a while now, I'm going to lay on you Theory L, Son of Theory Y.

Before I get started on this, let me say that the concern that leads me to look carefully at something as basic to all of us as instruction is not because we are doing poorly. On the contrary, it is because we are doing so very well. In terms of the traditional measures of a good traditional college, I think we have put it all together. On any dimension we have available to measure De Anza College, I think we are among the very best. There is certainly no need for us to apologize for our present status. But, in my opinion, we have reached a growth plateau—and even though we are in good company on that plateau, we must ask ourselves whether we are content just to stay there. So without faulting our post achievements—of which we can all be proud, and I for one certainly am—let me develop two distinctly different theories of instruction: one of them will keep us where we are, but I believe the other one will move us upward from our present developmental plateau toward continued growth and improvement of our educational program.

THEORY K

When I use the term theory, I am referring to a group of propositions I use as principles to guide our instructional process. Perhaps it would be more appropriate to use the term hypothesis since much of what I have to say is so conjectural and so many of the principles untested. But I like the ring of the word theory much better so you purists will just have to forgive me.

A theory of instruction should explain the ways in which what one wishes to teach can best be learned. In my opinion, it should specify four things: (1) an environment where learning can best take place, (2) the way a body of knowledge can best be structured for presentation, (3) the most effective mode of presentation, and (4) the pacing of rewards and punishments—all to the end that optimal learning occurs. What I am calling Theory K is my attempt to examine present junior college instruction using this definition. This is a difficult thing to do since instructional patterns have not developed as a result of theory but through a curious combination of the information-transmission modes developed in early colleges and the organizational characteristics of the public schools.

First let us look to the heritage given to the junior college from the monasteries that were the roots of higher education. The dominant forms of instruction in Western colleges and universities stem from the teaching performed by the church and by its itinerant scholars of the Middle Ages. At that time, few books or other tangible teaching devices were in use. An "instructor" was often chosen because he owned the books or, in some cases, because he alone could read. The lecture—the reading of books to a group who had none—was a prime form of deliberate information-transmission. Although instructional processes in higher education appear to be different now, they are not far from those of the medieval and Colonial American college. Despite the widespread introduction of the much publicized "innovations," lecture and discussion still form the major thrust of teaching in the American college. Although books are available to everyone, the lecture is still widely employed as a verbal text.

And now let us turn to some of the assumptions we have borrowed from the public schools. Despite protestations to the contrary, the public schools are built on a cultural model which suggests that all cannot profit from instruction, although all must attend. The standard by which progress through its educational system is measured is set up by the system itself; the system's word is taken about the qualifications for entrance, curriculum, and graduation. The public-school system in America has been organized, staffed, and maintained by a dominant majority that insists on using it as a device to screen "capable" from "incompetent" youngsters. It assumes from the start that all will not succeed. The "capable" are those who can fit into the school without perceptible shock because their homes "set" them for the patterns of activity they find in the classroom. The "incompetent" are often those who have not been pre-fitted to the system. In short, instruction is most efficacious when it is least needed; it "succeeds" when it is almost superfluous. There are marked exceptions, of course, but rather than instruction, the schools offer primarily a form of custodial care, holding the young until maturity catches up with them. Teaching and learning are in a distinctly secondary position in my opinion.

Curiously enough the junior college accepted the organizational forms of the lower schools along with the lecture-discussion mode of information transmission from higher education. The instructor's role as classroom despot, the compulsory-attendance requirements and roll-taking, the prescription of a single instructional mode which must be shared by all students, and its custodial function—these are the junior college's inheritance from the lower schools. The lecture and the discussion as price instructional models, the design of courses that serve primarily as prerequisites for other courses, the consideration of laboratories are mere adjuncts to classrooms, the use of entrance tests as placement screens, and the status of the instructor as an independent practitioner with sole autonomy over his courses—all stem from higher education. The junior college cannot yet point to one instructional form which it alone evolved.

In the junior college, group instruction—from thirty to forty students—is the core medium of teaching. Other instructional media—language laboratories, remedial learning laboratories, and hardware used in a variety of ways—are viewed typically as supplements to group instruction. All are adjuncts to "teaching," which itself takes place in the classroom—the eminent domain of the instructor. Separate sections of what are purported to be the same courses are more often than not actually different courses; perhaps they utilize the same reading lists, but they almost always employ different objectives and test items. Departmental exams are often found but, in many instances, they are subverted in a variety of ways by faculty members who demand autonomy under the guise of that much maligned and much misused *precious* concept called academic freedom.

One more example of archaism relates to the element of time. College courses generally are structured according to the span of time it takes for the "one who knows" to articulate the subject matter for the benefit of his audiences. Although the spoken word is the slowest form of communication among the many currently available, it is still thought of as being the quintessence of teaching. Time blocks are organized to fit the time needed to engage in discourse, and the clock-hour unit is used as though it had a relationship to the sum of a student's knowledge. Those who listen to the master receive as much information as he can dispense in the allotted time. If they spend less time in his presence, it is assumed they have learned less. College transcripts indicate hours; degrees are based on hours; the financial support of the institution, the time spent by the faculty members on campus, the work load of any staff member, and many other elements related to the instructional process—all are apportioned by the clock. All these procedures stem from the Medieval period when the amount of information available to a person correlated almost exactly with the time he was exposed to verbiage—books being extremely rare. The core of instruction is typically fashioned as though other forms of information-transmission had never been discovered.

And we make a number of other assumptions that have led to current *practices:* because we offer a variety of courses and programs, then we must be meeting the diverse instructional needs of students; because we have a working group of counselors, then we must be fulfilling the guidance function; because we have a faculty composed predominantly of instructors with Master's degrees and doctorates who do not publish articles, then we must be a "teaching institution;" because we have an open-door policy, then we must be providing opportunity for all to achieve to the limit of their ability. The existence of facilities and processes aimed at certain ends is accepted by us as adequate indication that these ends are actually being served.

To summarize my observations about this mainstream of junior college instruction I am calling Theory K: it has flowed from liberal arts colleges and public school systems and seems mainly interested in the goals of self-perpetuation, the offering of ever more varied programs, steady growth in enrollments and budgets, and the construction of monumental buildings. In operating under some over all umbrella of "meeting community needs," we seem to define those needs by pointing to the means by which the needs are presumed to be met rather than any kind of hard look at how well we fulfill our goals. The most recurrent criticism made of American college and university programs is that they lack definite aim. A form of this aimlessness is apparent in efforts as broad as State master plans that fail to postulate the effects of the institutions they propose to build, and as narrow as the frequently directionless classroom activities of a single instructor. The ends are too often left in the void. And the irresolute institution or the irresolute instructor find they cannot lead.

THEORY L

By now it is obvious to you that I am coming on very strong for a quite different set of principles to guide our instruction: a deliberate practice of instruction leading to an outcome—we call it student learning—that is predictable, measurable, definable. Because of a built-in system of evaluation—we call it institutional research—we will be able to accept accountability for our results. We should no longer slavishly follow the university. We should take a lead in experimenting with instructional forms—not to be innovating for the sake of innovation—but setting hypotheses, introducing changes, and assessing their impact. Not a revolution—because I don't know exactly what to revolt to—but rather a controlled evolution moving as fast as we can reasonably do it. But I'm getting a little ahead of myself—let me back up for a minute.

There are many forms of stated educational goals that can be classified so that purpose may be discerned. For example, structural goals refer to the organization and housing of a college; process goals are concerned with the people served and the programs designed and operated to serve them; and goals which refer to effort expended such as ADA produced, can be used to apportion finances or allocate staff time for various uses. The degree to which these common kinds of goals are attained can be readily assessed. If an objective requires that a particular number of buildings be constructed with certain pieces of equipment in them, it is achieved when the physical plant is so expanded. Similarly, process outcomes may be appraised easily; there are many examples of college systems in which predetermined numbers of students are enrolled and of individual colleges which have admitted certain percentages of their constituent populations—thereby fulfilling projected goals. Relative effort may be assessed by examining the counselor-student ratio, teacher-student ratio, proportions of funds allocated to certain functions, and similar matters.

Goals inevitably reflect values; underlying all are assumptions of worth. If a system's goals can be grouped exclusively under the headings of "process," "structure," or "effort," then the system must particularly value those forms. The extent to which such goals are attained thus becomes a measure of the system's "goodness." It is readily apparent, however, that "structure," "process," and "effort" are severely limiting categories through which to view the purposes of education. There is no guarantee that a structure or process actually brings about the learning toward which it is ostensibly pointed. There is little evidence to suggest a positive correlation between the amount of institutional effort and student learning. Yet effort, process, and structure are the ends consciously sought by most educators. In so doing, they ignore, or at best assume the connection between those ends and what should be their ultimate aim—student learning. In short, those who hold exclusive views of the means of education as the ends of their efforts are victims of a philosophical sterility that is, I believe the most pervasive shortcoming in the junior college field today.

Unless we are willing to settle for these means-oriented goals, then we must turn toward an ends-oriented concept. It means that the college must spell out in advance—and accept accountability for—the changes it expects to produce in its students, and often, I might add, in its community. According to this concept, schools are media designed to cause changes in people, and they are also uniquely qualified to define the direction of those changes. Thus a college can be at once a setter of ends and a medium designed to move people to the achievement of those ends. A simple enough statement to say, but strict adherence to such a rationale will affect all institutional practices and influence the work of everyone connected with the college.

In an institution using a defined-outcomes approach, goals are stated in such words as: "The student will learn to . . ." rather than "The college will provide . . .", "The community will become . . ." rather than "The college offers opportunity for. . . ." Instructional design will require that: "The student will be able to . . ." rather than "The instructor will discuss. . . ." One approach depicts ends, the other means; one defines product, the other process.

"Defined outcomes" is, then, a philosophy, a set of principles, and an important part of an instruction theory. It is a process that guides institutional activities through a focus on ends. Structure and effort are viewed but only as they serve to enhance learning, not as ends in themselves. Because it is basic in instructional design, the concept of accountability falls wtihin the defined-outcomes rubric. Without accountability there is little to prevent instruction from becoming aimless activity in which staff members engage for various purposes that stem from their own special interests. With it, instruction becomes a set of sequences that must lead learners to certain capabilities or attitudes—if it doesn't the sequences are changed methodically.

If learning—human change—is to be fostered by our college, then it must have direction, purpose, and design. I personally now find it increasingly difficult to justify our endeavors merely in terms of providing opportunities for students to engage in activities for reasons unknown. I know schools have always had vague goals, but the time is past due for those goals to be refined so that they can be better understood by all people concerned with higher education. Instruction in the college environment is supposed to lead students to become responsible citizens, to have them gain spiritual and moral values, to help them acquire appreciation of their cultural heritage. Before any attempt can be made to determine if these attitudes and values have been learned, they must be defined. And central to the definition is the behavior exhibited under specific conditions by the students involved—behavior that translates into specific instructional objectives. A difficult task with few examples available to us to show the way, but I am convinced it can be done if we but have the will and purpose to get started. I am reminded of the theory on rocketry taught when I was an engineering student twenty years ago: it would never be possible to develop any fuel that would allow us to reach escape velocity from the earth.

Thus under Theory L we see that the ends, not the means, becomes the focus of attention. For too long, it seems to me, we have been dedicated to furthering our college through program expansion, increasing financial support, and improving our public relations work. And we have been successful in carrying on these processes. We need now to shift to effects rather than processes. We need not criticize ourselves for taking the traditional and recognized way of getting ourselves established, but planning cannot end when a college achieves modes of support, a campus, a staff, well-defined procedures, and even a Theory Y organizational pattern. Moving off our present plateau and establishing our own unique identity is going to come by producing effective learning.

IMPLICATIONS OF THEORY L

I must do a little crystal-balling here, but let me discuss some of the pro and con implications for Theory L.

When an instructor bases his practices on defined objectives, I think he will gain a different perspective about his courses. The context of questions about whether to spend more or less time on a specific bit of subject matter will be altered; he will see his subject as a vehicle by which students can learn to think in particular ways. Course content and coverage will become less sacred. The instructor has committed himself to bring his students to specific abilities. Is it really necessary to "cover the text?" What if some students have not learned that which was supposed to have been taught—must he continue "covering content" or can be double back repeatedly until he is satisfied that a minimum percentage of students has learned what he hoped he was teaching? The instructor who has specified objectives is in a better position to answer these questions because he has set particular ends and he knows whether or not they have been reached.

Instructional methods, too, take on a different dimension. When an instructor knows clearly whether or not anyone has learned from him, he can change his techniques on the basis of particular referents. Does he get better results when he lectures? When he conducts class discussion? When he shows films or plays tapes? He has provided himself with an entire basis for experimentation on the relative merits of instructional media. He can communicate with fellow instructors on the value and worth of his objectives, his sequences, and his methods. The time he spends in attempting to teach one task or a group of tasks can be compared with that spent by others who are attempting to teach the same abilities but who are using different methods. By specifying objectives, the instructor moves in the direction of becoming an experimentalist, a specialist in causing learning.

For the instructor who has specified his objectives, the assigning of grademarks can be related to specific student accomplishments. Marks take on particular meaning as the bridge between course content and student learning is made apparent. What does an "A" mean? It means that a student has performed these tasks under these conditions with this degree of accuracy. An "A" is less likely to indicate that a student has appeared for class every day and has matched some vague standards determined by the instructor only after the results were in.

The instructor who plots his objectives sequentially so that each leads to broader aims is not likely to make the error of asking students to acheve some complex task without first ensuring their ability to master the simpler elements contained within it. Once he has structured clear objectives, I think he will find in many cases that his assessment devices have also been refined. He can quickly see the difference between an objective that asks for a complex behavior and a test item that demands but simple recall. It becomes possible for the instructor to sort out deficiencies in instruction before too much time is lost. As he plots objectives and test items, he is led to avoid a pattern of lecturing for several weeks, administering a complex test, and then discovering that the basic vocabulary he has been using was beyond the ken of many of his students.

Once he sets objectives, the instructor is virtually forced to find appropriate instructional media. Students who are learning in a situation in which objectives have been specified and communicated to them in advance of the course refuse to tolerate shoddy media—and that includes irrelevant lecturing. In many cases the instructor must create his own materials. Postlethwaite, a pioneer in the development of an audio-tutorial system for teaching botany, noted that as the media he constructed proved more relevant to the purpose of the course than did his lectures, students, of their own volition, stopped attending the lectures and went to the laboratory where directly relevant materials were available. Students knew clearly what they had to learn; materials in the laboratory tied in directly with their objectives where the lectures often did not.

Now I know that most us will say that we always work toward causing student change. The question is, does our actual performance belie this? Though experimental evidence is yet meager, it does seem that when we teach toward specific objectives, we act differently. Perhaps we reduce the number of irrelevant intrusions or attend more to deliberate instruction. Or perhaps greater student learning is a result of the phenomenon of "the self-fulfilling prophecy"—when and if an instructor is determined that his students learn, they learn.

Though what is the most important, I think, is that when we lay out objectives, we are forced to define, to justify, and to defend what we are trying to do in all facets of our work. It is no longer possible for us to hide behind the "normal curve" of probable student achievement. We are committed to certain minimum levels of student learning in advance of our instructional efforts. By making definite commitments, we cannot manipulate the classroom as though "teacher" and "learners" were abstractions. The individual instructor is forced on himself and must answer the constantly posed question, "What am I trying to accomplish?" The answer comes back in the form of another question, "What are students doing now that they did not do formerly?" He no longer says, "I opened up the subject for the students. The more able learned—I'm sorry about the others." We become conscious of our content-selection process and review continually the reasons for using particular types of materials and teaching patterns. In short, our activities move on to a different plateau.

Throughout recent years, many writers have commented on the depersonalized aspects of American higher education. Our own Minicollege faculty will be reporting later on some of the things they have learned in their attemps to "personalize." Much of the criticism is directed toward institutionalized procedures that tend to maintain screens between administrator, instructor, and student, and force them to mistrust each other. Classrooms are ridden with secrecy, with failure in communication. What the student must do to satisfy the instructor is often played as though it were a game of, "I've got a secret. Guess what you have to do to pass this course." When objectives are written down, the veil is removed.

I suppose I can sum up the positive implications of Theory L by admitting that most published discussions about the effects of objectives on instruction are extrapolations drawn from a few research studies and reports of personal experiences by instructors who have engaged in the process. Much information is speculation and must remain so until the process becomes more widespread than it is at the present time. It seems safe to say, however, that with Theory L and its emphasis on objectives clearly specified and communicated in advance can serve to bring to the teaching-learning process dimensions of honesty and understanding that Theory Y does for relationships between people in an organization. It is also likely that the instructor who engages in the practice may find himself in a corner from which all exits labeled "They are poor students; they don't want to learn; they didn't know what I was talking about" are closed. In the corner is a mirror, and the reflection says, "What are you really trying to do?" Many of us may not like what we see.

I am coming on so strong for Theory L that I want you to know that I know that there are some shortcomings and criticisms of Theory L that seem valid and will have to be worked out. So let me discuss them with you for a moment. However, in assessing objections, it is important to separate the legitimate contentions from those that are offered as unwarranted excuses for maintaining an institutional, or individual, status quo.

Most of the objections usually raised can be understood in view of the present college context. The preparation of sets of objectives requires much effort on the part of the instructors who work in institutions that do not typically reward this behavior. Currently, most college instructors are employed, retained, and supported on bases other than their demonstrated ability to define and to cause learning. The responsibilities of their positions involve them in a host of tasks only peripherally related or frequently totally unrelated to instruction.

To my way of thinking, the most valid objection relates to the matter of outcomes that cannot be specified either because they are unanticipated or because they defy measurement. This objection is further complicated because of the great difficulty in establishing causal relations between student learning and the instructional environment. This objection cannot be completely overcome, but it can be countered.

Every program has unanticipated outcomes. Every course leads to changes in student attitudes or behaviors that are not measurable. This may be granted. However, objectives are targets, places where evaluation can begin. They should not be construed as exclusive ends, and assessment of institutional impact need not be confined solely to measuring attainment of pre-set objectives. Further, the practice of defining outcomes usually leads to the selection and use of better measurement devices. Even so, much, perhaps most, of the learning that occurs in any course is either unanticipated or unmeasured—or both. I know that. But we must get a foothold somewhere. The question of causal relationships between teaching and learning can be countered only by acknowledging the existence of doubt. Establishing the relationships between any act and any consequence is at best a tenuous undertaking. The objectives are the assumed ends of the instructional effort. Perhaps the students would have learned what they did even if there had been no "teaching." Perhaps not. We can never know for certain. Nevertheless, although people may learn whether or not they are taught, instruction—by definition a purposeful endeavor—must be designed to lead somewhere. And objectives are unparalleled tools for planning instruction.

Another tenable criticism of the process is that educational institutions should be dedicated to enhancing the individuation process. In this case, instructors may genuinely desire to enhance student learning, but they may see learning as an input to student self-actualization. Accordingly, they may wish to skirt the process of goal-setting and attempt to work directly with the student as a way of aiding his personal growth, the "do your own thing" syndrome so prevalent today.

Instructors who adhere to this position believe that it is never possible for anyone to select objectives for anyone else; on the contrary, each person must be provided with some form of climate or environment that allows him to select experiences pertinent to his own development. They say all education is process, never goal. Further, this argument contends that all learning is self-directed, that the individual is a creative, dynamic being generating his own growth. No one can teach anything to anyone. Change must be internally generated.

Change extrinsically induced versus development intrinsically originated; goal versus process. All you can say is that these are valid concerns. But in effect, they seem to deny all curriculum and instruction. And objectives do suggest curriculum and instructional sequences. Can these apparent polar positions be reconciled?

One answer might be to assume that it is necessary for people to learn to use tools—language, poetic forms, the ability to think critically—and to know how to apply these tools to a variety of problem-solving solutions. Failing to gain the use of these "tools of the race" may well retard individual development. If this is so, the defined outcomes approach may be seen as a releasing agent stimulating certain forms of learning which, in turn, enhance the developmental process.

Objectives, the ends of instruction, thus become means; the apparent product becomes part of the process. When objectives are seen only as statements of outcomes, the criticism outlined here seems to reject their use. When they are perceived as inputs to learning, the objectives become integral agents of the developmental process.

The Machavellian in me causes me to bring up another tenable criticism that relates to both institutional and individual functioning. Ambiguous goals and aims have great defensive value. It is impossible for a critic to snipe at a college course or program with any great degree of accuracy if he does not know what the curriculum is designed to accomplish. If we say "students will learn to communicate effectively, to think critically, and to appreciate democracy," but stop short of translating those goals into specific objectives, who can argue that the students do not so communicate, so think, and so appreciate? The accusation that they have not reached those cognitive and affective states of mind is easily rebutted if for no other reason than that the change must be based on terms and data capable of widely varying interpretation. As the Koran says, "If you don't know where you are going, any road will get you there."

A corollary to be considered here is that once outcomes are specified, the instructor must stand ready to defend them. Nebulous concepts are great for public relations. Anyone who challenges the individual's statement that he intends to lead his students to "exercise the privileges and responsibilities of democratic citizenship" is attacking Flag Day and the Fourth of July. But translate that exercise into particular habits of voting, campaigning and becoming involved in public issues, and someone in the college or in its supporting community will not approve. Once communicated, specific objectives will be questioned, and the more successful the instructor is in bringing his students to the abilities and tendencies to perform designated tasks, the more intense the questioning will become. Paradoxically, ambiguity, inefficiency, and instructional procedures of unknown effect are, in this case, sturdy defenses.

Other matters concern the instructor more personally. As long as he fails to define his objectives in precise terms, he does not have to face up to his own motives. He can always delude himself as to his real worth as a teacher by saying, "I put a vision of truth and beauty before my students. I am truly sorry most of them could not grasp it, but that's the way it goes." When he writes objectives and makes advance commitment to student learning, he is forced to spell it all out, to acknowledge his actual intentions. Does he want to teach or to sort? . . . to enhance or to deny? For many people this form of introspection is not easy; for some, it may be impossible.

These, then, are some of the considerations that arise once objectives are defined. Specifying objectives means examining student change rather than teacher performance. It means sharpening our views of students—looking past their implied abilities to their specific actions, beyond their unknown attitudes to their observed behaviors. It should be *the* major part of the instructional process and, in the context of today's colleges, I believe the benefits far outweigh the drawbacks.

IMPLEMENTING THEORY L

By now, this thought has probably crossed the minds of many of you: If he is so high on this thing he is calling Theory L, why is he practicing Theory K here today? The answer is that quite frankly I don't know how to take the quantum jump from K to L all at once. Implementing these principles will be tough. I know Theory L will be difficult to realize in practice because it basically requires a new academic discipline—every bit as demanding as our traditional disciplines—that I would like to call "professional instruction." I hesitate to use the term "professional teaching" because it has come to stand for a curious amalgam of showmanship, intuitive insight, vague principles, a few tested procedures, and much faith. I know of no training programs that have been built to bring people to the point where they can predictably and efficiently cause learning, because colleges have not demanded that from their teachers. And that demand was not made because college administrators have not been so oriented.

As I look for ways of implementing Theory L, I come up with one very basic conclusion: if we are to move from Theory K to Theory L, we must take the responsibility for orienting and training ourselves as professional instructors. We should certainly know by now that universities are not going to prepare instructional experts. We must, therefore, here at De Anza College, invent our own in-service programs to pick up where the Master's degree programs end and prepare ourselves for our own unique purposes. I respect the prospective teacher's subject-area expertise as certified by the university, but that is not enough! The engineers, the lawyers, the dentists, are listened to on their subjects; people consult them about their buildings, their court cases, their teeth. But not so the teacher. He is seldom consulted on matters relating to learning and the process of instruction. The responsibility for organizing the schools is not in his hands. A major reason for his being left out is that he fancies himself an artist, weaving the threads of his subject area together with his knowledge of human functioning in order to form a tapestry in which something of value happens to students fortunate enough to be involved in the process. To that extent, then, the likelihood of his being listened to as a professional in instruction is forfeited in exchange for the artist's freedom to express himself. Well and good; teaching may indeed be an art, and any school may have a number of artists within it. But they should not, then, expect to be consulted as professionals who operate within a body of transmittable knowledge and who, alone, are fully competent in their own realm.

And so, then, how did we get our "bootstrap" operation underway? With some reorienting and much more development, I think we already have some means at our disposal that will at least let us get started. Let me name a few:

1. In-Service Workshops. Last year our Faculty Development Committee got these established as a means for offering in-service education to our staff. Not only can we offer salary schedule credit for the participants, but even more important, we can afford to pay for consultants, facilitators, and course organizers. I've asked Don Fraser to organize Instruction by Objectives workshops, Gary Peterson and Win Smith Learning Resources workshops, and each Division Chairman to do what seems appropriate in developing a workshop for his Division. I plan to lead a Management by Objectives workshop, and I will encourage all of our administrators to participate.

2. Learning Resources Center. I hesitate to substitute such a title for the more-traditional name of Library, but I do know that library services will shift their emphasis, under our new head librarian, Gary Peterson, and our AV Coordinator, Win Smith, to providing all kinds of direct and indirect services that will enable faculty to develop all kinds of traditional and new media in whatever form they may take. I want to schedule a faculty meeting in the near future where Gary can explain this new thrust to you. I might add that through the good old medium of the written word, we may have examples available of attempts by other instructors in other colleges to write specific objectives for their courses. In fact there now exists something called an Instructional Objectives Exchange Catalog that we have access to where more information is available. (See the Appendix for a list of microfiche currently available.)

3. Innovations Committee. I hope our Faculty Innovations Committee will look with great favor on projects that will bring faculty members together in an attempt to identify and agree upon objectives. We do have some money in the budget to encourage such activity. And beyond that, I will do my best to assist in the securing of grants, or in the use of any additional discretionary monies that may come our way during the year, to foster this kind of activity.

4. Institutional Research. I am pleased—no, more than that, proud—that we hung tough in keeping our institutional research in the budget this year when the easy and popular thing to do would have been to give up on it. With the excellent cooperation of many people, we completed 35 institutional studies last year. It is true that most of them were "status" studies rather than "developmental" studies, and we could also be criticized for our lack of research design and control, but as we look to the coming year, we should be able to offer many of you assistance in the design and execution of studies that should assist you in your efforts to achieve a Theory L format. For too long we have depended on the institutional research of others and I think the consequences of that dependence is an immaturity on our part in the development of our own research function. We must start becoming producers rather than just consumers—and I think our institutional research effort should do that for us.

5. Faculty Evaluation. New legislation now requires us to involve faculty and students in our faculty evaluation procedures. This means we must completely re-study and revise our existing policies and procedures. This provides a wonderful opportunity to shift our emphasis toward Theory L when looking at an individual faculty member's contribution to the college. Who knows, showmanship may give way to learning as the most valued criterion of faculty worth.

So you see, we do have some ways of getting started on an effort such as I have described, but none of these will be very effective if we don't have enough individuals committed to giving it a try. We don't need everyone participating, but there is a "critical mass" necessary if we are to be of significant help to each other. It is difficult enough to make substantive change in a friendly environment—in a hostile one it is well nigh impossible.

CONCLUSION

In my opinion we got a lot of mileage out of discussion of Theory Y a couple of years ago. At the very least, I hope it gave you some insight into me and my motives as I have attempted to exert my influence on the direction De Anza College should take. Theory Y has not always been followed in developing our procedures or in making our decisions—nor should it have been followed slavishly. We would be foolish to base our entire approach on untested theory. But it has helped establish a style and tone at De Anza College that I believe is better than other colleges that I know about. And I think the principles I have discussed with you here today—that I have grouped under a heading called Theory L—can provide further direction and style for our instructional program.

Although I know many of you are to some degree moving in the Theory L direction already, I also know that as it is a largely untested theory, we would be foolish to try to convert all of our instructional activities to follow that form. I fully recognize that "people-molding" as contrasted to "product-molding" organizations cannot apply criteria of earnings per share, units produced, share of market, net profit, or dollars expended for evaluating their effectiveness. But I am firmly convinced of three things, and I suppose this is what it all boils down to: (1) the clearer the idea one has of what one is trying to accomplish, the greater the chances of accomplishing it, (2) progress can only be measured in terms of what one is trying to make progress toward, and (3) any system that helps us do that is going to have to be of our own devising—we are not going to be bailed out by someone who knows more about education than we right here at De Anza College know. Perhaps our future here at De Anza lies a little beyond our vision, but it is certainly not beyond our control. As we continue in our development, we need not feel that it is fate, or nature, or some irresistible tide of history that will shape us, but it is the work of our own hands and minds, hopefully guided by reason and principle, that will determine our destiny. And when I see so many of us wasting away our creative energies on tasks and in committee meetings that deal almost always with the maintenance of the college rather than on the harder, but infinitely more important job of improving learning, then I am just agonized by that.

Please don't interpret what I am about to say as an attempt to persuade you through flattery. There may be pride and even a little arrogance present in what I say, but there is also experience and truth. Each of you may not be the best in your respective field. But each of you is among the best, and when you put us all together I think we have more going for us than any staff I know about any place. If we can but release the potential that exists here in this very room, then we will be able to accomplish the difficult and uncharted tasks I have only briefly outlined here today. And after all is said and done, how better can we spend our lives than living up to that potential.

CHILDREN DENIED EQUAL PROTECTION UNDER 14TH AMENDMENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, an incident in Norfolk, Va., vividly illustrates the need for a constitutional amendment to prohibit the assignment of children to public schools because of their race, color or creed.

According to an AP report published in the Washington Post, Dr. William H. Whitmore, Jr., a Norfolk physician, filed suit in the U.S. District Court on behalf of his five children who had been assigned to schools on the basis of their race. He claimed the assignment was in violation of his and his children's rights under the 14th amendment to the Constitution and under the Civil Rights Act of 1964. Judge John A. MacKenzie, who had given the Norfolk busing-for-racial-balance plan his blessing, not surprisingly dismissed Dr. Whitmore's case. Dr. Whitmore now has his children in private schools.

Mr. Speaker, under the banner of the famed "equal protection clause" of the 14th amendment, the crusade of the century was carried on to assure equal rights to persons of African descent. In Brown I, the Supreme Court found that to segregate children in the public schools "solely on the basis of race" deprived them of these rights. In Brown II, the Court called for a "revision of local laws and regulations" in order "to achieve a system of determining admission to the public schools on a nonracial basis." The Supreme Court then instructed the district courts to take such measures "as are necessary and proper" to admit children to public schools "on a nondiscriminatory basis."

Subsequently, segregation laws were erased from the books and school plan after school plan was put into effect as the Court had commanded, with assignments made on a racially "nondiscriminatory" or color-blind basis.

Today however, since the Court reversed itself in the Swann case, discrimination on the basis of race is rampant. Children, both black and white, are being assigned to schools on a racial basis. Some children, both black and white, are allowed to attend the neighborhood school of their choice, others both black and white, are assigned to schools against their wills "to achieve racial balance." Is this "equal protection?"

Since the answer must in truth be no, I trust that my colleagues, black as well as white, from the North and West as well as from the South will vote for House Joint Resolution 620. At this point I insert in the RECORD the A.P. story concerning the Norfolk case:

[From the Washington Post, Sept. 30, 1971]

DOCTOR'S RACE SUIT DISMISSED

A Norfolk physician has lost his case in U.S. District Court against what he called school assignments on the basis of race.

Judge John A. MacKenzie Tuesday dismissed the suit filed by Dr. William H. Whitmore, Jr. on behalf of his five school age children.

Whitmore, who is white, contended his rights under the 14th Amendment and the 1964 Civil Rights Act were violated by the assignment of his children.

About 24,000 students require transportation to Norfolk schools this year under the desegregation plan approved by MacKenzie.

In his suit, Whitmore also asked for a three-judge panel to hear arguments because MacKenzie had ordered the plan. MacKenzie turned him down because, he said, he retained the responsibility for the action.

The judge suggested to Whitmore that he file a friend-of-the-Court brief with the 4th U.S. Circuit Court of Appeals, where the current desegregation plan is on appeal.

Whitmore, who has enrolled his children in private schools, said he does not plan an appeal.

WORLD SYMPHONY ORCHESTRA CONVENES IN USA VIA PAN AM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. FREY. Mr. Speaker, on October 23, 1971, Walt Disney World opened in Orlando, Fla., a district I am proud to represent, with a gala dedication concert by the World Symphony Orchestra.

It is befitting that the celebration commemorating the second monument to the man whose world of fantasies has captured the hearts of people of all ages and in all countries be an international celebration.

This historic event would not be possible without the efforts of many, one of those being Pan American World Airways.

At this point in the RECORD, I would like to insert a Pan Am press release titled "World Symphony Orchestra Convenes in USA Via Pan Am."

WORLD SYMPHONY ORCHESTRA CONVENES IN USA VIA PAN AM

To most visitors to the U.S.A., a trip to Disneyland is high on the list of "musts", along with the Empire State Building and Capitol Hill.

An international celebration will fete this second monument to the man whose world of fantasies has captured the hearts of people of all ages and in all countries.

Just as children's dreams know no bounds of nationality or language, so music is an international common ground. These two sources of worldwide communication come together with the formation of a truly international symphony orchestra.

Pan Am, which has an extensive network of international routes, will coordinate and provide the international transportation for 140 musical representatives coming from more than 60 countries to take part in the opening celebrations of Walt Disney World.

This hallmark of worldwide communications will begin with a concert in New York's Lincoln Center in conjunction with the annual United Nation's Ball, then go on to Walt Disney World in Orlando, Florida, and the Kennedy Cultural Center in Washington, D.C.

The World Symphony Orchestra was conceived and developed by the Walt Disney Organization under the auspices of the Federation of People to People Programs. The U.S. State Department is extending the foreign invitations through its posts around the world.

Pan Am will be carrying representatives of such internationally famous orchestras as the Moscow Philharmonic, Argentina's Orquestra Sinfonica Nacional, the Ivory Coast's National Orchestra, Australia's Sydney Symphony Orchestra, the Korean National Symphony Orchestra, Japan's NAK Symphony, Turkey's Presidential Symphony Orchestra, and many others. Boston's Arthur Fiedler will be conducting.

Included in all the concert's will be a special arrangement of the appropriately named tune, "It's a Small World After All."

THE UNHOLY HYMNAL

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. McCLOSKEY. Mr. Speaker, last week each of us received from the Businessmen's Educational Fund a small book entitled "The Unholy Hymnal." The book is a collection of comments on national issues made over the past several years by leading persons in public and private life. Those comments demonstrate in a devastating manner the extent to which deception and self-deception have characterized our governmental decision-making and deliberations in recent years. I hope they will be read by every Member of this House, to the end that we will be a little less self-assured and self-righteous in our future arguments in these hallowed halls. These comments show clearly that we have been often wrong. Worse yet, we have habitually been pompous, pious, and unwilling to confess error—succeeding each failing policy with self-serving declarations of our new wisdom rather than the admission of past mistakes. If the country at large is in dismay over politics and politicians, we have only ourselves to blame.

One of the fairly typical examples of governmental deceit laid out in The Unholy Hymnal was originally disclosed before my own Subcommittee on Conservation and Natural Resources of the Government Operations Committee. The relevant portions from the book are set out below in the hope they may stimulate the reading of the full volume:

WASHINGTON.—Perhaps 5,000 sheep have sickened and died in the past week in Western Utah in a place called Skull Valley, 20 or 30 miles from the Army's main site for field-testing chemical and biological weapons. That center, the Army's Dugway Proving Grounds site, "definitely is not responsible," a Dugway spokesman said yesterday. "Our scientists have ruled out [as a cause of the sheep deaths] programs which are part of our mission." (Time-Post Service, *San Francisco Chronicle*, March 21, 1968.)

When we first found out about it, we checked and found we hadn't been running any tests that could have caused this. (Army Public Relations Officer at Dugway Proving Grounds. Quoted in *Salt Lake Tribune* March 21, 1968.)

WILLOW SPRINGS, UTAH, March 21.—Tonight the Washington office of Senator Frank E. Moss, Utah Democrat, said that Senator Moss had been told by the Army Testing Command that . . . on March 13, two days before the sheep began collapsing and dying . . . 320 gallons of a "persistent gas" was sprayed from an airplane.

The tests were from 15 to 27 miles from the place where the sheep were grazing.[*] (Wallace Turner, *New York Times*, March 22, 1968.)

SALT LAKE CITY, March 23.—The head of a special investigating team said today that "we are as positive as medical science can ever be" that nerve gas tests conducted at the Army's top-secret Dugway Proving Grounds had killed 6,400 sheep in Western Utah's Skull Valley.

Dr. D. A. Osguthorpe said that he believed that "sufficient tests" had been made to link deaths with Army operations. "We're very lucky no people were killed," he added. (*New York Times*, March 24, 1968.)

. . . An Army spokesman said that the military investigation was continuing, and that "no definite cause of death" had been established. (*New York Times*, March 24, 1968.)

We do not have any evidence to tell us the actual chemical compound or to help us pinpoint the source and how it got to the sheep and not to humans or to other animals. (General William S. Stone, officer in charge of Army investigation at Dugway, March 25, 1968.)

SALT LAKE CITY, March 24.—Had the Army admitted earlier that it was testing lethal nerve gas in Skull Valley, many of the 6,400 sheep that died could have been saved, a Utah veterinarian charged today.

The veterinarian, Mr. Mar Fawcett, said that many sheep had died because the Army waited several days before admitting making the tests at Dugway Proving Grounds. . . .

"I'm sure if we had known about the testing and had an antidote many of the sheep could have been saved," Dr. Fawcett said. (*New York Times*, March 25, 1968.)

Dr. Mortimer Rothenberg . . . who is scientific director at Dugway, said that the sheep symptoms were "completely atypical from what one would anticipate from nerve gas." (*New York Times*, March 25, 1968.)

None of the nerve agent which was released from the airplane on March 13 has been discovered in the soil, water or forage of the area where the sheep died. (General William S. Stone, Quoted in statement from Senator Moss's office, March 29, 1968.)

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[*] In his book, "The Ultimate Folly," Congressman Richard D. McCarthy later related: "When the sheep began toppling over, ranchers summoned Dr. D. Avaron Osguthorpe, a veterinarian. He soon conjectured that the writhing sheep had been affected by nerve gas and contacted [Dugway] officers. . . . They informed him that there had been no outdoor nerve gas tests since the preceding year. . . ."

"The first admission that nerve gas testing actually had taken place on March 13, 1968, came inadvertently from the Pentagon eight days after the test. The Department of Defense sent Senator Frank E. Moss a letter describing the test. An aide to the Senator . . . ignored or was unaware of the fact that the Pentagon regarded the letter as private and released it to the press."

It would be speculative to fix a specific cause of the death of the sheep. (Lieutenant Colonel William L. Black, Dugway's executive officer Quoted in *Newsweek*, April 1, 1968.)

Chemists of NCDC have isolated an identical compound from snow water and grass from White Rock area and from liver, blood and stomach contents of dead sheep from the same area. . . . Compound has been shown identical to test agent supplied by Dr. K. M. Brauner, Dugway, April 4, 1968. (Excerpt from telegram from National Communicable Disease Center, Atlanta, Georgia, to Dr. G. D. C. Thompson, Director of Utah Division of Health, April 12, 1968.)

WASHINGTON, April 18.—The Army conceded today that an unexpected shift in the wind could have carried nerve gas being tested in the Utah desert into an area where about 6,400 sheep mysteriously died. (*New York Times*, April 19, 1968.)

After first denying any possible connection with the deaths the Army has gradually admitted more and more until now they have said everything but the word "guilty" . . .

On April 10 . . . I advised the sheep owners to begin filing claims for reimbursement. The Army has held a meeting with the claimants. . . . (Senator Moss, Article in *Utah Wool Grower*, June 1968.)

WASHINGTON, Dec. 20.—The Army has said investigations failed to turn up any conclusive evidence that the sheep died because of the gas. However, it has paid a claim of more than $376,000 for the loss of the sheep. (*New York Times*, December 21, 1968.)

WASHINGTON, May 21.—Under Congressional prodding, the Army admitted for the first time today that its nerve gas killed 6,000 sheep in Utah more than 14 months ago.

The admission was wrung from three Army officials, a shred at a time, during half a day of hard and angry questioning by members of the House Subcommittee on Conservational and National Resources. . . .

The Army spokesman confirmed, after much verbal jousting, that the public information officer at Dugway had not told the truth when he told reporters last March that Dugway had done no testing that could have caused the sheep to die. (Roy Reed, *New York Times*, May 22, 1969.)

The American public are getting fed to the teeth with attempts to deceive them—by the military or anyone else. (Editorial, *New York Times*, May 23, 1969.)

A NATIONAL HEALTH PLAN DOCTORS CAN LIVE WITH

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. KYROS. Mr. Speaker, although a great deal has been written recently about various national health insurance proposals pending before this House, I believe special attention should be given to a recent article in Medical Economics entitled "A National Health Plan Doctors Can Live With" which is an interview with the distinguished chairman of the Health Subcommittee of the Interstate and Foreign Commerce Committee, Congressman PAUL G. ROGERS. Mr. ROGERS, one of the most knowledgeable Members of Congress on health matters, gives us the benefit of his expertise in dealing with a complicated program which we all must eventually face. I commend his views to the earnest consideration of my colleagues:

[From the Medical Economics magazine, Sept. 27, 1971]

A NATIONAL HEALTH PLAN DOCTORS CAN LIVE WITH

How much professional freedom U.S. doctors can expect after 1972 is a decision that will rest with a mere 535 men and women—the members of the 93rd Congress. Most of them, in all likelihood, are already serving in the House or Senate, and forming choices among proposals that are variously but surely intended to expand Federal authority over the ways that health services shall be provided and paid for. According to virtually every political forecaster, the lawmakers are sure to enact some form of national health insurance. The questions now are how sweepingly it will alter the present medical system and precisely how it will be likely to impinge on physicians' methods of practicing and their earnings.

No less an authority than Health, Education, and Welfare Secretary Elliot L. Richardson has predicted that doctors still have time to affect emerging Government policy by evidencing a will to initiate improvements in the delivery of health care.* And though the A.M.A.'s bitter fight against Medicare enactment has left some lingering anti-doctor sentiment in Congress, lawmakers receptive to physicians' views include some whose official positions and personal prestige give them a high degree of influence.

Prominent among these leaders is Representative Paul G. Rogers, a Florida Democrat who is considered one of the most medically knowledgeable men on Capitol Hill. As the sponsor of legislation to stimulate the training of new physicians, he has been in the forefront of the campaign to increase the health manpower supply. And, while the House Ways and Means Committee headed by Arkansas Democrat Wilbur D. Mills concentrates on the tax and financing aspects of national health insurance, questions relating to the delivery of care are the province of the Interstate and Foreign Commerce Committee's subcommittee on public health and welfare, which Rogers heads.

In the following highlights of a Rogers interview by Washington Editor James A. Reynolds, only the italic headings preceding each section represent this magazine's interpretation; the observations themselves are Representative Rogers's own. Coming from a member of the Washington establishment, his conclusions show a surprising skepticism about the degree of responsibility for the nation's health that the Federal Government is willing to assume. Coming from one generally reputed to be sympathetic to the medical profession, they likewise indicate a belief that doctors must go further than they have up to now in accepting their share of the public obligation.

There's no overwhelming public demand for a complete overthrow of the existing health-care system. "Like most if not all members of Congress, I'm getting more and more mail dealing with health. People are concerned about the difficulty of obtaining medical care and about its high cost. These concerns must be reckoned with. But the bulk of the letters I receive don't suggest any concerted revolt against our present medical system. Rather, they indicate satisfaction with its achievements along with a wish to correct its deficiencies. This may partly reflect the fact that my constituency is a fairly conservative one. But I'm convinced that the people I represent are typical in wanting to improve what we have rather than trade it for a system completely dominated by the Federal Government.

"That's why I don't think that we should or will have a monolithic approach like the one backed by Senator Kennedy, that would let the Government take over completely. At the same time, while I appreciate the American Medical Association's support for increased aid to medical education and respect its sincerity in sponsoring the Medicredit plan for national health insurance, I don't feel that this largely financing-only approach goes far enough. I doubt that either of these approaches will get through Congress.

"No approach that is mainly concerned with payment will do the job. That's been the trouble with Medicare and Medicaid, which have failed to improve the nature or delivery of medical services. We have to accompany changes in payment methods with restructuring and reforming of the ways health care is furnished, to make it more widely available. How it's paid for should be scaled to income and what people can afford—whether it's done by tax credits, tax deductions, or other means. The Government should help those who can't pay all or part of their medical expenses. But it doesn't need to take over for people who can pay. There's no reason why they can't do that through a continuation or extension of private health insurance."

Prepayment group plans and catastrophic coverage are only partial solutions to the nation's health problems. "There are indications that resistance to prepaid group practice is diminishing. As the complexity of medical care increases, it will certainly be advantageous for doctors to band together to use combined facilities and supportive personnel. But I don't think that solo practice or simple partnership arrangements will disappear—or that there'll no longer be any need for them.

"The benefits that will flow from health maintenance organizations are being oversold. They are no more the great solution that the Administration seems to claim than is the centralized system that Senator Kennedy advocates. We don't want to put all doctors and all patients into prepayment groups, and I'm sure not all doctors or patients want to be in them. There will be large segments of the population that can be adequately served this way, and others that will be better served in other ways.

"I think that some form of insurance against catastrophic illness will be voted by Congress and that it will be helpful, but again only as a partial answer to our health-care problems. It will be useful to the middle class as a protection against overwhelming bills. But, as I've said, what people can pay, they should. There will have to be other mechanisms to take care of those who can't help themselves—migrant workers, deprived minorities such as the Indians and others, all of the genuinely poor.

"There's one potential benefit of catastrophic coverage that I believe has been widely misunderstood. People talk about preventive medicine as one of the advantages we can expect from H.M.O.s but say that catastrophic coverage will have the opposite effect because it will stress crisis care. I don't hold with that argument. In order to avoid catastrophic costs, we'll see the value of early detection and treatment of illness—in other words, more stress on preventive measures."

Health-care improvement requires the training and suitable distribution of more primary physicians. "I hope that catastrophic coverage will accelerate the trend toward increasing the importance of the primary physician, who first sees the patient. We need more family doctors and have to get them where they're most acutely needed. That's why a program of national health insurance—or what we might better call national health care—must change patterns of

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* See "Can Doctors Still Influence National Health Plans?" MEDICAL ECONOMICS, April 26, 1971.

training physiciasn. We have to help hospitals that don't have facilities for family practice programs to get them. And we have to help the medical schools turn out more men who'll go into segments of the profession that are short-handed and who'll be willing to practice in doctor-short areas.

"Some proposals for doing this are simply unrealistic. We've heard people say that the Government should just take over the medical schools and operate them the way it operates Annapolis and West Point, putting the kids into school and then telling them where to practice. That would bring about nothing but unbelievable chaos. Programs where the Government provides educational loans and then forgives them if graduates go into ghettos and other critical areas may encourage some doctors to look away from the overcrowded specialties and the over-doctored, affluent suburbs. But there has to be a stronger thrust in our manpower legislation than just loan forgiveness, which past experience shows isn't enough of an inducement.

"I'm optimistic that this is a problem that time will help solve. Young men we talk to during our hearings and when we visit medical colleges seem more sincerely intent on helping people than on making a lot of money. Many of them talk about doing family practice and getting into community medicine. Until we can be sure that this devotion will continue from the undergraduate years through the end of residency, we have to take some stopgap measures. One such measure is allowing areas of critical shortage to be served by public health physicians."

There has to be more Government leadership in formulating health policies. "It's encouraging that the Nixon Administration has said that Government has a responsibility for helping the nation's citizens maintain good health. But I don't think the Administration has gone far enough in implementing that position, and I'm not saying that out of partisan bias.

"For one thing, there is no sign of national long-range goals on the part of H.E.W. or the Administration regard to health manpower or other aspects of improving national health. When we hear all the talk about statewide and regional and areawide planning and then see that there is no real national plan, we have to conclude that the Administration lacks a real sense of urgency. We had hoped that the appointment of Dr. Roger Egeberg would lead to the development of strong healthcare programs, but he was never given the authority to develop them and we have no reason to believe his successor will.

"In Congress, we don't see evidence that the Executive Branch shares our concern for improving national health. Most legislation that has been put through in the health field has been created with H.E.W. and the Administration just standing by or in some cases even opposing what we've tried to do."

Doctors must also show more leadership in restraining the cost and improving the quality of health care. "Responsibility to society is an obligation that physicians as well as politicians must feel and act upon. Most of them do, but not all. Take the matter of fees, for instance, and the way they rose after Medicare was put into effect. Some doctors who realized that they could now be paid for certain services that they'd previously given away went a step further. Seeing that they could charge for serving people with no resources, they came to the conclusion that perhaps they should have been charging more to serve people who had resources. They gave in to patients' escalated demands and didn't resist the opportunity to provide more treatment than may have been needed. I'm not saying this this was deliberate profiteering. It's just natural human frailty. But as a special group in our society, doctors must rise above such impulses. Failing to do so will invite greater Federal regulation.

"Just as they have to do whatever they reasonably can to keep costs within control, doctors must be more aware of the need to do as much as possible to assure the high quality of health care. This means peer review. Of course many people have reservations about peer review, whether it involves doctors looking at doctors or lawyers looking at lawyers or Congressmen looking at Congressmen. We have to be sure that they'll look hard enough. There may have to be tough new laws to assure that they will, but I hope it won't come to that. The medical profession and medical institutions like hospitals are best qualified to do medical review, and they can do it if they will. There are growing signs that they know they'll have to, even if it takes Government incentives or a little Government push to get them going. It certainly will have to be part of whatever national health program comes to pass."

CANCER CONTROVERSY—ITS SOUND AND FURY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. ESCH. Mr. Speaker, the distinguished president of the American Cancer Society, and renowned gastroenterologist and cancer researcher at the University of Michigan, Dr. H. Marvin Pollard recently published an article in Medical World News which I believe is germane to the President's conquest of cancer campaign. I know that my colleagues would benefit from reading Dr. Pollard's article entitled "Cancer Controversy—Its Sound and Fury." The article follows at this point in the RECORD:

CANCER CONTROVERSY—ITS SOUND AND FURY

(By H. Marvin Pollard, M.D.)

For the past year, I have been carefully studying the proposals and efforts to establish a Conquest of Cancer Agency. And after spending some time in Washington trying to learn firsthand how the present system works and how the new system would function, I have become convinced that a cancer research effort involving possibly as much as a billion dollars a year would be handled most effectively by such an authority.

Thus, I do not share the fears of some of my cohorts, especially those expressed by the Association of American Medical Colleges, the Association of Professors of Medicine, and various editorialists. The creation of a cancer agency, whose chief would report directly to the President, will simply represent another step in the line of historical progress.

There was a time when the National Institutes of Health handled relatively small amounts of money. In 1946, for example, the federal appropriation to the NIH was $50 million. In 1956, it was $90 million; and in 1966, it was $1.2 billion. With such a rapid rise in funding, administrative activities obviously had to be altered and will continue to be changed in order to deal with future increases.

At the present time, the budget and administrative policy of the various institutes must be reviewed and approved by six higher levels of bureaucracy before there is final funding of research grants. At every level, there is administrative scrutiny of all the activities and priorities of each institute. By giving the director of the agency direct access to the President, we can bypass this constant competition and make the handling of one specific medical subject more effective and efficient. Worthy grants will receive speedier approval. Administrators will be able to pinpoint support. It should be emphasized that this proposal will not "obliterate" the National Cancer Institute nor even alter its internal processes as greatly as some people have feared. The NCI will, in fact, become the Conquest of Cancer Agency itself, and I would assume that its director will still be the most important man scientifically, while reporting to the new agency head. The study and advisory groups should remain much the same, and the center will even stay at its present location on the Bethesda campus of NIH, thus maintaining all of the cooperative benefits that it has enjoyed there.

Nor do I think that this program will make "poor sisters" of other research institutes. The National Cancer Institute led the way as the forerunner of the National Institutes of Health in 1937. This greater emphasis on cancer today will help generate an increasing concern with all health problems. And as a result, the health of our citizens should, therefore, assume a higher priority in the federal interest than such items as defense and outer space.

Although this approach could mean a fundamental change in the top structure of NIH, it does not represent a dismantling of the institutes or a disaster for biomedical research by any stretch of the imagination. If the cancer agency achieves the expected efficiencies, I would expect other NIH components to follow. Their funding ceilings will be higher and their responsibilities broader. But from the standpoint of the way grants are handled, for instance, I don't foresee much change.

Nor is the contention that this move would destroy or even disrupt relationships within NIH realistic. At present, the NCI is collaborating with several of the other health institutes on studies of primary interest to cancer research. I have no doubt that this collaboration will continue and even expand. Since the legislation very pointedly keeps the cancer research program within NIH, the important scientific relationship between the cancer agency and the other institutes should be strengthened rather than weakened.

The NIH has now been around long enough to represent a paramount fixture in the entire research careers of some investigators. It is natural, I suppose, that individual researchers or leaders in research-dependent medical schools should develop feelings of insecurity when they hear people discussing any modifications. But research programs are not going to be interrupted.

Besides, the fundamental approach to any research question cannot be altered simply by the way it is funded. I lived in a period in which there wasn't any NIH, and scientific investigators still produced. A good man is not going to be upset; research will remain research.

However, to the clinician and his cancer patients, this program potentially offers great benefits. The cancer agency will be able to mobilize support quickly to exploit promising developments. And three of the most exciting areas today include: the increasing understanding of cancer that epidemiology has brought us; new diagnostic tools, such as the carcinoembryonic antigen; and improved treatment methods, such as radiotherapy, using cobalt sources of even the subatomic particle, the pi-meson. Building new cancer centers will also help spread such benefits across the nation.

An even greater impact on cancer may be made by allocating large amounts of support to professional training and education. When you don't have a cure for a disease, it is hard on the patient and tough on the clinician. He has trouble justifying any treatment and is put on the defensive because he doesn't have much to offer. I am particularly hopeful that as a part of this effort we will be able to draw the attention of all clinicians, particularly the young men in internal medicine and family practice, to this vital field. It is they who must identify cancer earlier if the surgeons and radiotherapists are to have any chance of improving our results.

Many pitfalls may await such a national drive. The administrative model currently considered by the House of Representatives seeks to take advantage of the efficiencies achieved by the Manhattan Project and the National Aeronautics and Space Administration. However, they had much fundamental information on which to base their projects. This is not the case in the field of cancer at the present time.

The leaders of such a cancer agency will have to guard against the temptation to go out in all directions. I don't question for one minute that a host of mediocre researchers and mediocre bureaucrats could be attracted to the program: The present system is not entirely without fault in this regard. But I hope that the directors of any new cancer effort will use their skills to correct and control this situation.

Research grants will continue to comprise the majority of the funds. Nevertheless, increasing interest is being shown in programmed research and contracts. The contract mechanism, however, can be fraught with personality weaknesses—such as poor selection and favoritism—even greater than those encountered in study groups that evaluate research grants. Still, I think that most contracts will produce excellent results. They make it possible for the director to step out with a new subject, find a research team with the necessary capabilities, subsidize them quickly, and let them concentrate on a specific area.

Doctors should not be so afraid of introducing a businesslike approach into such a national program. Over the past few years, I have had the opportunity to compare the inside administrative activities of several strictly medical organizations with those of the American Cancer Society. Never have I seen so careful an allocation of funds as made by the half-lay and half-professional groups in the ACS. I now believe that business should definitely be involved. Physicians, and particularly scientists, do not really have the concept of handling the huge financial structure involved. There may even be some advantages in choosing a businessman—or businesswoman—to head up the Conquest of Cancer Agency.

Any program that strikes out into new territory must be prepared to come to grips with a multitude of problems. However, the notion that the cancer agency has been oversold to the Administration, Congress, or the American people is ridiculous. The public wants this type of effort, and in fact is almost demanding it. The medical profession has just been a little shy in facing up to this challenge and meeting it. However, if the attention of the federal government can be channeled even more strongly toward cancer and other health fields, I believe that everyone will benefit immeasurably.

THE UN-NEIGHBORHOOD SCHOOL

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. DEL CLAWSON. Mr. Speaker, a column by C. W. Borklund, editor and publisher of Government Executive magazine, appearing in the October issue of that publication, provides a balanced view of a subject which has become supercharged with emotion. I commend the editorial to the attention of my colleagues at this point in the RECORD:

THE UN-NEIGHBORHOOD SCHOOL

(By C. W. Borklund)

In New York City, a family struggled for years, clawing its way up out of the Harlem ghetto, finally scratched together enough equity to buy a nice home in Greenwich Village. Then, in compliance with Federal laws on integration, New York educators in charge of such things decided their daughter should be bused to school—back in Harlem.

In Newport News, Va., a black welder at the Newport News shipyard, father of three school children, got a promotion, enabling him to buy a $30,000 home in a pleasant residential neighborhood. He became a leader in the neighborhood education system, active in the Parent-Teachers Association. Then, in the name of integration, Health, Education & Welfare pressure on local officials resulted, in effect, in his three school-age children being bused 22 miles to the far edge of the city to school. He no longer shows any interest in the local school system.

And, of course, there's the well-publicized case of the Birmingham, Ala., high school girl whose mother had to appeal all the way to the White House before she could get her daughter off a 44-mile round trip busing ride and back into the high school just three miles from home. Mother's point: in order to catch the bus, daughter would have to drop out of the high school band, give up an important part of her musical ambition.

These are just bits and pieces in a mounting pile of evidence that school busing, as defined by the Supreme Court, is at best a gross and often grotesque tool for achieving racial integration. And while people in high places indulge in simplistic, high flown rhetoric over the merits of racial busing, it is children and not adults who are paying the real and quite probably horrendous price of it. And the real sarcasm of it is that in addition to fouling up maturing youth's impressionistic years, the whole exercise seems to be having little effect on how well people of one skin color do or do not like people of another.

We think it is all probably the best example walking around of the thesis, to paraphrase Thomas Jefferson, that Government governs best which governs locally. As Housing and Urban Development Assistant Secretary Floyd H. Hyde contended recently:

"The purpose of Government is to serve and to be responsive to the changing needs of the people. But, let me ask, is our system of Government really responding and functioning as it should? I contend it is not."

In pointing out that "For the past 40 years, there has been an ever-increasing centralization of power in Washington, away from state and local government—and away from the people," he leveled his key indictment:

"Federal legislation and administrative policies have frequently undercut the role and authority of the mayor and locally elected officials and made it almost impossible for them to act effectively."

Though Hyde was emphasizing, when he spoke, the basic problems of urban decay and the merits of no-strings revenue sharing as proposed by President Nixon, he could just as easily, in a human societal sense, have been talking about racial busing and what giant strides it is taking toward creation of the un-neighborhood school.

It doesn't take much of a sociological education to figure out that, where the building blocks of this Nation's greatness were once its rural communities, they are today—or ought to be—that increasingly vast collection of contiguous urban neighborhoods. Thus, a logical game plan says, any government program justified as responsive to the needs of the people (and, basically what other justification is there?) ought first and foremost to impact on the needs of the neighborhood community. To the extent that government officials, especially those high up the bureaucratic ladder, fail to heed that truism, they become, in effect, their own worst enemies; because callous, insensitive government behavior simply provokes the kind of thing government can ill afford: angry public opposition.

LET US PRAY—AN AMENDMENT TO THE CONSTITUTION

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. WYLIE. Mr. Speaker, since becoming involved in the school prayer issue, I have read voluminous amounts of material on the subject. The most meaningful and persuasive arguments for me in favor of a constitutional amendment were presented in the Law Review article written by Charles E. Rice, Professor of Law, Notre Dame Law School, University of Notre Dame.

I especially urge my colleagues in the House to read it. Whether you agree with it or not, I think you will all concur that Professor Rice has written a very scholarly review which deserves thoughtful appraisal.

The article follows:

LET US PRAY—AN AMENDMENT TO THE CONSTITUTION

(By Charles E. Rice[*])

CONSTITUTIONALITY

The school prayer decisions were wrongly decided as a matter of constitutional law. Their basic fallacy lies in the Court's erroneous construction of the doctrine of neutrality which is implicit in the establishment clause of the first amendment. That clause reads simply, "Congress shall make no law respecting an establishment of religion. . . ." It was undeniably understood by its framers that establishment of religion "meant the setting up or recognition of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others."[1] The motive for the enactment of the clause was, in the words of James Madison during a debate in the first Congress, that "the people feared one sect might obtain a preeminence, or two combine together, and establish a religion to which they would compel others to conform."[2] The goal, in a word, was to achieve governmental neutrality among religions. The word "religion," however, for constitutional purposes, presupposed that a belief in God was the common denominator of all religions. As the Supreme Court stated in 1890, "the term 'religion' has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will."[3] The establishment clause, therefore, was more precisely designed to ensure governmental neutrality among religious sects professing a belief in God. It was never meant to compel neutrality on the part of government as between those religions that profess a belief in God and those that do not, *i.e.*, between theistic and

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Footnotes at end of table.

non-theistic religions. In the words of Mr. Justice Story, who served on the Supreme Court from 1811 to 1845, and who was himself a leading Unitarian:

> Probably at the time of the adoption of the constitution, and of the first amendment to it . . . the general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.
>
> The real object of the amendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government.[4]

It was in the light of this understanding that the Supreme Court properly affirmed, in 1892, that "this is a Christian nation."[5]

This background, of course, must be considered in conjunction with its complement in the first amendment, the free exercise clause. Together, the two clauses read: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . . ." The free exercise clause has always protected the believer and non-believer alike against any coercion to believe in, or disbelieve, any religion. But the establishment clause, at the same time, sanctioned a governmental hospitality toward, and impartial encouragement of, theistic religions.

All this, however, has now been changed. In the 1961 case of *Torcaso v. Watkins*,[6] the Supreme Court invalidated a provision of the constitution of Maryland requiring a state employee to declare his belief in God. The test, said Mr. Justice Black speaking for the Court, unconstitutionally invaded the employees' "freedom of belief and religion. . . ."[7] The requirement was invalid because "the power and authority of the State of Maryland thus is put on the side of one particular sort of believers—those who are willing to say they believe in the existence of God."[8] The Court then emphasized the right of non-theistic beliefs to protection as religions:

> We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person "to profess a belief or disbelief in any religion." Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and *neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.*[9] (Emphasis added.)

Appended to the last quoted clause was a footnote specifying that:

> "Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others."[10]

In view of this holding, it may now be said that there are two general types of religions entitled to the protections of the first amendment. On the one hand are those which profess a belief in God. For purposes of discussion, let us call them theistic, and for analysis we shall include therein both deistic and theistic beliefs in God with their variant interpretations of the nature of God and his providence. On the other hand are those non-theistic religions described in Mr. Justice Black's footnote in the *Torcaso* case. Of the four he mentioned, the two most important in contemporary terms are Ethical Culture and Secular Humanism, both of which may be called non-theistic religions in that they do not affirm the existence of God. It is reasonable also to include atheism and agnosticism, whether organized or unorganized, within the broad *Torcaso* description of non-theistic religions, since both are compatible with Ethical Culture and Secular Humanism.

It was difficult to tell whether the Court in *Torcaso* rested its decision upon the establishment clause or the free exercise clause, although it is more likely that it was the latter. In either event, today the Supreme Court has removed all doubt that the broad definition of religion applies to the establishment clause. The Court in the 1963 school prayer decision, which was based on the establishment clause, quoted approvingly the principle laid down in the *Torcaso* case, that neither a state nor the federal government "can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs."[11] The Court has now ordained, therefore, through its misconstruction of the establishment clause, that the government is required to be neutral as between the two great classes of religions, the theistic and the non-theistic.

When this erroneously imposed neutrality is coupled with the Court's tendency to view the first amendment in rigorously absolute terms, one is drawn to the conclusion that the new interpretation would plainly interdict a governmental affirmation that there is, indeed, as the Declaration of Independence affirms, a "Creator," a "Supreme Judge of the World." Thus it is that Mr. Justice Brennan, in his extensive concurring opinion in the 1963 prayer case, in which opinion he probed the consequences of the Court's ruling, could bring himself to observe that the words "under God" in the pledge of allegiance are not necessarily unconstitutional only because they "may merely recognize the historical fact that our Nation (*was believed*) *to have been founded 'under God'*"[12] (emphasis added). Presumably, if the words were construed as a present affirmation of truth, rather than a rote commemoration of a historical fact (or curiosity), they would be unconstitutional.

Actions or proceedings have been instituted to remove those words from the pledge, to invalidate governmentally-paid chaplaincies in the military services and prisons, to strike down the tax privileges enjoyed by religious organizations, and to eliminate other remaining public evidences that this is a nation which subordinates itself to God. The free-exercise-clause rights of prisoners and military personnel could well be violated unless the government, as the *Schempp* Court noted, "permits voluntary religious services to be conducted *with the use of government facilities*. . . ."[13] (Emphasis added.) It may not be rash to note that the Court's reference only to "government facilities" leaves clouded the constitutional future of chaplains themselves on the government payroll. Similarly, the religious tax privileges in question apply to the purely religious activities of churches as well as to those activities, such as teaching mathematics in parochial schools, which serve a valid secular purpose. The tax privileges are, it as fair to say, in serious jeopardy of at least partial invalidation.

Given the proclivity of the current members of the Supreme Court to adhere tenaciously to their own abstractions (which in religion cases have generally been born in gratuitous and self-generated *obiter dicta* in the Court's own opinions), and given the sweeping character of those reigning abstractions, we may fairly expect the manifestations of our religious heritage in public life to be eliminated, singly but inexorably, by judicial decree. Only a constitutional amendment can be counted upon to check the trend, for the notion of judicial self-restraint seems to have fallen out of favor among the majority of the Court.

The objection is sometimes made that, if prayer is permitted in schools or other public activities, the practices will inevitably deteriorate into a rampant sectarianism in which, for example, a communal rosary in public school would become the order of the day in a district where Roman Catholics predominate. There are ample safeguards against such excess. For one thing, the common sense and good faith of the people involved at the local level can usually be counted upon to prevent the observances from being carried to a sectarian extreme. If, however, the problem actually does arise, and, judging from experience, it will arise infrequently if at all, the state and federal courts should deal with it on a case-by-case basis. But in so doing, the courts ought to afford a greater latitude to the local governments to solve the problem than they are now given. At what point are the courts to intervene? In terms of the establishment clause, such things as the communal rosary ought to be prohibited as overly sectarian. The Lord's Prayer and Scripture reading, however, ought to be allowed, in view of our history and tradition. Also, if the case should ever occur, a mere devotional reading from the Koran, in a public school in which Moslems predominate, should be allowed, in deference to the federal character of our government and the general practical wisdom of local control.

Operating under the free exercise clause, the courts should invalidate a local practice only when there is actual coercion upon children to participate. In this context, mere embarrasment ought not to be considered such coercion, so long as scrupulous efforts are made by the authorities to minimize such embarrassment.

In fact, a proper deference by the Supreme Court to the concept of federalism and a healthy respect by the Court for the fairness and capacity of local governments would serve to restore a proper balance in this area. The Supreme Court of the United States is ill equipped to rule in a matter such as this by uniform, centralized decree. It is not, as has often been said, a "Supreme School Board." Nor should it be.

Some opponents of an amendment maintain that the inclusion of prayers in a public school necessarily violates the free exercise of religion by children and their parents, who do not believe in God. There are four weaknesses in that argument. First, in none of the cases in question was any child actually coerced to do or say anything, and the right of non-participation was scrupulously preserved. Second, the Supreme Court did not decide the cases on the free exercise basis, but rather under the establishment clause, and it is upon the Court's interpretation of the latter clause that approval or disapproval of the rulings ought to be based. Third, even if we do consider the free exercise question, the dictates of common sense are persuasive. Dean Erwin N. Griswold of Harvard Law School said it this way in a passage that is worth quoting at length:

> Let us consider the Jewish child, or the Catholic child, or the nonbeliever, or the Congregationalist, or the Quaker. He, either alone, or with a few or many others of his views, attends a public school, whose School District, by local action, has prescribed the Regents' prayer. When the prayer is recited, if this child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from other children. It is even said that there is an element of compulsion in this—what the Supreme Court has called an 'indirect coercive pressure upon

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Footnotes at end of table.

religious minorities to conform.' But is this the way it should be looked at? The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps, coming to understand and to respect what they feel is significant to them.

Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance. Learning tolerance for other persons, no matter how different, and respect for their beliefs, may be an important part of American education, and wholly consistent with the First Amendment. I hazard the thought that no one would think otherwise were it not for parents who take an absolutist approach to the problem, perhaps encouraged by the absolutist expressions of Justices of the Supreme Court, on and off the bench.[14]

The fourth fallacy in the free exercise objection to an amendment is that the objection overlooks the right of the majority of citizens to the free exercise of their religion. Strict neutrality between theism and nontheism, as broadly defined by the Supreme Court, is not attainable. When public officials, including school teachers, are compelled to suspend judgment in the course of their official activities on the question of whether there is a God, the effect is an official adoption to that extent of the agnostic approach. Parents and children who believe in God may properly ask why those children must attend a public school where, over their objection, the basic question of God's existence is treated in an agnostic way which is incompatible with, and offensive to, their beliefs and the basic theistic tenets upon which the Republic was nurtured.

In short, there can be no governmental neutrality between theistic and non-theistic religions in terms of the establishment clause. The perpetual suspension of judgment enjoined by the Court on the part of government as to whether there is a God is in reality a mere replacement of the traditional and proper theistic affirmation by a new, non-theistic orthodoxy of agnosticism—a public agnosticism which will, if embedded in our law, spawn a public policy of affirmative and militant secularism.

PRACTICAL BENEFIT

A brief comment is in order on the practical benefit to be derived from a favorable resolution of the amendment question. The issue is, essentially, "can government constitutionally recognize that there is a God?" Implicit in such recognition is an affirmation that there is a standard of right and wrong higher than the state itself. The child who routinely sees the agents of the government, be they teachers or presidents, affirm the existence and supremacy of God and His law over all is less likely to follow the demagogue who asserts for the state, and for himself as its oracle, the final power to ordain what is right and wrong in a matter of public or private morality. Moreover, an inculcation of mere ethical values without reference to their divine source cannot serve this purpose as well as an assertion of the supremacy of an unchanging lawgiver. For, if ethical precepts arise from some non-divine source such as the Constitution, a consensus or a social contract, then they can be subject to change or disregard by a totalitarian state or by a modern democracy enjoying the assent of a majority of its citizens. If we are to preserve the limited government that is the hallmark of American constitutionalism, we can hardly disregard the lesson of history that a strong assurance against governmental abuse is a citizenry devoted to ultimate values transcending the changing will of the state. It is surprising, and disappointing that some Catholic opponents of a prayer amendment have not addressed themselves to this question of the necessity of a frank acknowledgment by the state of the existence of a divine standard higher than itself. On Thomas Jefferson's Memorial there is inscribed his questioning warning: "God Who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?"

In recent decades the schools of America have retreated from the unapologetic inculcation of love for God and country. Perhaps coincidentally, the educational philosophy of permissiveness gained supremacy during the same period. Today we are confronted with juvenile disciplinary problems of unprecedented magnitude. It is fair to say that the restoration and advancement of character will be furthered by teaching our children that there is indeed a "law of Nature and of Nature's God," which enjoins upon them a rejection of vagrant self-indulgence in favor of an ordered pursuit of a higher good.

FOOTNOTES

*Professor of Law, Notre Dame University School of Law.

[1] Cooley, General Principles of Constitutional Law 224–25 (1898).

[2] Annals of Cong. 731 (1789) [1789–1791].

[3] Davis v. Beason, 133 U.S., 333, 342 (1890).

[4] Story, Commentaries on the Constitution of the United States §§ 1874, 1877 (1891).

[5] Holy Trinity Church v. United States, 143 U.S. 457, 471 (1892).

[6] 367 U.S. 488 (1961).

[7] *Id.* at 496.

[8] *Id.* at 490.

[9] *Id.* at 495.

[10] *Id.* at 495 n.11.

[11] School Dist. of Abington Township v. Schempp, 374 U.S. 203, 220 (1963), quoting Torcaso v. Watkins, 367 U.S. 488, 495 (1961).

[12] *Id.* at 304.

[13] *Id.* at 226 n.10.

[14] Griswold, *Absolute Is In The Dark—A Discussion Of The Approach Of The Supreme Court To Constitutional Questions,* 8 Utah L. Rev. 167, 177 (1963).

EIGHTEEN MEMBERS COSPONSOR THE SCHOOL BUS SAFETY ACT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. BROTZMAN. Mr. Speaker, 2 weeks ago I introduced legislation to require that all schoolbuses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers. The reaction to my proposal has been gratifying, and today I am pleased to report that 18 of my distinguished colleagues in the House have asked to be cosponsors of the bill.

In July, the Government Activities Subcommittee of the House Committee on Government Operations, chaired by the distinguished gentleman from Texas (Mr. Brooks), held hearings on the effectiveness and efficiency of Department of Transportation programs relating to automobile and schoolbus safety. The transcript of these hearings demonstrate the Department of Transportation's concern with schoolbus safety, but it also reveals the failure of the Department to take the type of action with respect to schoolbuses that it has with respect to passenger cars and other modes of public transportation. I want to commend the subcommittee for its initiative in this matter, and I want to encourage its distinguished members to recommend the implementation of effective standards to the Department of Transportation in their upcoming report.

The merit of occupant restraint systems and better designed seats for schoolbuses has been made clear on numerous occasions by National Transportation Safety Board investigations and the hearings I have mentioned. Hearings should be held on this legislation at an early date. The sooner standards are implemented, the sooner it will be possible to reduce the annual tragedy of 100 student deaths and 4,000 student injuries in schoolbus accidents.

Mr. Speaker, the following Members of Congress are today joining me in sponsorship of the School Bus Safety Act:

Mr. Baker of Tennessee.
Mr. Barrett of Pennsylvania.
Mr. Bevill of Alabama.
Mrs. Chisholm of New York.
Mr. Gerald R. Ford of Michigan.
Mr. Frey of Florida.
Mrs. Grasso of Connecticut.
Mr. Halpern of New York.
Mr. Hechler of West Virginia.
Mr. Pettis of California.
Mr. Rhodes of Arizona.
Mr. Robinson of Virginia.
Mr. Symington of Missouri.
Mr. Thone of Nebraska.
Mr. Waggonner of Louisiana.
Mr. Williams of Pennsylvania.
Mr. Winn of Kansas.
Mr. Yatron of Pennsylvania.

PATRIOTIC YOUNG STUDENTS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ROUSH. Mr. Speaker, I participated in the Veterans Day ceremony held at the McKenny-Harrison Elementary School in Auburn, Ind., on October 22, 1971. It was an inspiring experience to see this expression of loyalty and devotion to our country expressed by these young men and women. For me the climax of the program was the reading of the prize-winning essay by Miss Ellen Schwartz. Her essay follows:

What Veterans Day Means to Me

Veterans Day is a day when we should honor the men that have served in protecting us and our country. We should be thankful that men and women have been willing to risk their lives for our country. All the people that have served our country are a great symbol of what this country stands for, freedom. On Veterans Day we should honor the men that have died while serving this country as well as all the men that are in the Armed Forces now. We should have the same feeling for this important day as we do Easter, Thanksgiving or Christmas. Veterans Day is very important to me because when I was very young my father was killed in the Air Force in a jet crash while serving this great America.

Ellen won a $25 U.S. savings bond for her effort. It was deserved and I congratulate her.

SAIPAN WANTS PAN AM SERVICE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, October 28, 1971

Mr. MOSS. Mr. President, one of this country's most pressing obligations is to better the life of the people of our Pacific trust territories.

For all too long, the island of Saipan has been neglected so far as economic progress is concerned. There is no reason why this should be so. Saipan is a beautiful island inhabited by fine people.

It is, therefore, reassuring to learn that the Saipan Legislature is making a determined effort to promote more economic progress for the island.

On August 19, 1971, the legislature unanimously adopted a resolution requesting that the United States Government permit Pan American Airways to provide service to Saipan.

With good reason, Saipan wants Pan Am's service. Saipan has seen how Pan Am has helped develop the island of Guam into one of the great and still fastest growing tourist resort areas in the world.

Those who have been to Saipan, as I have, know it has been richly endowed by nature and is one of the most scenic islands in the world. It could be a popular tourist stop-over from the United States to the Orient. But although Pan Am aircraft overfly Saipan about 10 times a week in each direction, on the Guam-Tokyo Pan Am route, they cannot fly scheduled service into it.

It is high time, in my opinion, that the Department of the Interior, the CAB and the other government agencies, as well as the U.S. authorities in the Saipan area, heed the determined plea of Saipan to be included in Pan Am's network of economic progress.

Such action on the part of the United States Government authorities would be one way of demonstrating that this nation is truly interested in the betterment of life on the Island of Saipan.

I ask unanimous consent to include in the appendix of the RECORD the full official text of the Resolution of the Saipan Legislature requesting service for Saipan by Pan American World Airways.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

3RD MARIANA ISLANDS DISTRICT LEGISLATIVE RESOLUTION NO. 25–1971

(A resolution relative to respectfully memorializing and requesting the United States Government to act favorably on the application of Pan American World Airway to serve the air route between Saipan and Japan)

Whereas, it was recently announced that the Civil Aeronautics Board had granted approval to Japan Air Lines to make flights from Tokyo to Saipan, Mariana Islands District in the Trust Territory of the Pacific Islands; and

Whereas, by granting Japan Air Lines landing rights in Saipan on its flights from Tokyo, an air route between Tokyo and Saipan was established; and

Whereas, it is recognized that the United States of America has under consideration applications by several United States air carriers to serve this route, but so far no United States air carrier has been selected; and

Whereas, after more than a quarter of a century of dormancy, the economy of Saipan has started to grow, primarily because of its most promising industry—tourism; and

Whereas, the number of tourists visiting Saipan has increased from approximately 100 in 1965 to almost 20,000 in 1970, of which more than 15,000 were citizens of Japan; and

Whereas, the tourist potential of Saipan is widely recognized as the most promising industry for a durable, stable and viable economy for the area and its inhabitants; and

Whereas, it is noted that the tourist industry in the United States Territory of Guam has gone from almost nothing to well over 125,000 visiting tourists since direct service from Japan to Guam was inaugurated by Pan American World Airways in 1967; and

Whereas, we, the elected leaders in this district-wide Legislature, believe that in selecting a U.S. air carrier to serve the route between Saipan and Japan, the wishes of the people directly involved in the responsibilities and the benefits that will result from such service should be given the greatest weight; and

Whereas, this Legislature believes that in choosing an air carrier to serve the route between Saipan and Japan, the qualifications, experience and general know-how of that carrier should also be taken into consideration; and

Whereas, on the basis of meeting this criteria, Pan American World Airways can connect Saipan to its world-wide air service system; is unmatched as the world's most experienced airline; and stands out in the matter of performance, as is exemplified by the magnificent work it has already done in promoting tourism to the U.S. Territory of Guam, for which Pan American World Airways was recognized by the Government of Guam in March of this year as the carrier has done the most towards promoting travel to Guam; and

Whereas, Pan American Airways has provided air service to Japan since 1947, and has over the years, maintained a veteran professional staff in Japan in sales promotion and public relations staff, executives and other personnel, that is unmatched by any other U. S. air carrier; and

Whereas, in order to facilitate the building of the infrastructure to accommodate the anticipated influx of tourists, we, the elected representatives of the people of the Mariana Islands District urge that Pan American World Airways be selected to serve the route between Japan and Saipan;

Now, therefore, be it resolved by the 3rd Mariana Islands District Legislature that the Government of the United States be and hereby is respectfully memorialized and requested to act favorably on the application of Pan American World Airways to serve the air route between Saipan and Japan; and

Be it further resolved that the President certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the President of the United States of America, the Secretary of the United States Department of the Interior, the Secretary of the United States Department of State, to the Chairman of the Civil Aeronautics Board, and to Pan American World Airways.

FIGHTING BACK ON SCHOOL PRAYER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. LANDGREBE. Mr. Speaker, on Monday, November 8, this House will finally resolve the issue of prayer in schools, an action which is long overdue. The American public has been demanding action on this matter ever since the infamous decision of the Warren Court on behalf of organized atheism.

There is some question over whether the Supreme Court actually banned voluntary prayer in schools, but it is still a fact that every application of the Court ruling has had the effect of prohibiting any prayer, even the reading of prayers contained in the CONGRESSIONAL RECORD.

If the Court's intent was to prohibit all prayer, voluntary or involuntary, in our schools, then this ruling should be overturned. If, on the other hand, the Court's intention has been misapplied, then the ruling should be clarified. The Wylie amendment would accomplish either of these goals and should be passed on November 8.

Mr. Speaker, on October 1, my good friend Stan Evans, editor of the Indianapolis News, wrote an excellent article about the school prayer amendment proposed by our distinguished colleague, CHALMERS WYLIE. Four days later, Mr. Evans' paper printed an outstanding letter to the editor on the subject. I insert both of these items in the RECORD:

FIGHTING BACK ON SCHOOL PRAYER

(By Stans Evans)

Nine years after the U.S. Supreme Court struck down prayer in the public schools, Congress has moved to do something about it.

Last week the House of Representatives forced a constitutional amendment permitting nondenominational prayer in public places out of the House Judiciary Committee. This was accomplished through the difficult maneuver of a "discharge petition," by which legislation can be released from committee if a majority of the members request it. The amendment is scheduled for a full vote in the House sometime in November.

In 1962 the Supreme Court ruled that a nondenominational prayer used in the schools of New York violated the First Amendment to the Constitution, which forbids Congress to make laws respecting an "establishment of religion."

A year later the court also banned Bible reading and recitation of the Lord's Prayer in classrooms on essentially the same grounds. Both rulings caused a furore, but until last week's action nothing specific had been done to correct the situation created by Earl Warren and his colleagues.

The amendment now before the House, sponsored by Rep. Chalmers Wylie, R-Ohio, would go a long way toward eliminating confusions spawned by the court. It states that "nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

If one examines the history of public religious observance before, during, and for decades after the adoption of the First Amendment, there is little doubt that the Wylie amendment is in keeping with the views of our founding fathers. Many of the states which ratified the Constitution and the First Amendment themselves had maintained "established" churches. The prohibition contained in the First Amendment was specifically aimed at preventing "Congress"—the Federal government—from stepping in and interfering with the localized religious practices of the states by creating a national church like the Anglican "establishment" in Great Britain.

As Judge Thomas Cooley put the matter many years ago: "By establishment of religion is meant the setting up or recognizing of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others. It was never intended by the Constitution that the government should be prohibited from recognizing religion, or that religious worship should never be provided for in cases where a proper recognition of divine providence in the working of a government might seem to require it . . ."

In what is by now an all too familiar story, the Supreme Court has taken the language and intention of the founders and used them to do exactly what the founders wanted to prevent. The court has used a prohibition against Federal interference with religion as a pretext for causing Federal interference with religion. It has taken a provision against "established" churches and caused the imposition of the new state-established faith of liberal secularism.

There is not a scintilla of evidence that the founders intended what the court has now wrought—banishment of religious belief or recognition of divine providence from official life.

In particular there is no evidence they would have countenanced the notion that American youngsters should be educated during their formative years in an atmosphere hermetically sealed off from religious conviction. This is an invention of modernity's secular fanatics.

Such is the constitutional law and common sense of the matter. If the House and Senate can be persuaded to agree, Rep. Wylie's amendment restoring us to sanity on this subject will be on its way to the states. Since it takes a two-thirds vote in both chambers to get the job done, however, citizens who are concerned about this issue should make their wishes known to their lawmakers.

"Wall of Shame"—?

To the Editor of The News:

America's wall of shame, blocking voluntary prayer in our public schools, must come down. Since 1963, when the infamous ruling of the Supreme Court denied the right of prayer in public schools, a whole school generation has grown up deprived of spiritual and religious development provided to all preceding generations. We are reaping the harvest of this imbalance today in our youth's moral training.

Educators stress the importance of developing "the whole child," but with no prayer or Bible reading or recognition of God permitted, the public schools train the mind and body of the child but ignore his soul. No wonder our youth are floundering.

Ironically, in public buildings other than schools, there is no ban on prayers. Congress and state legislatures and other governmental activities open their sessions with prayers, and even the members of the Supreme Court are sworn into office with a religious ceremony, as are other public officers. And our U.S. coins and pledge of allegiance to the flag recognize God, as do our armed forces with their chaplains.

Then why have we allowed the wall of shame to deny to our public schools the same right? It all came about through the machinations of a small group of atheists who foisted the ban upon our nation by influencing the Supreme Court in 1963. Since then the House Judiciary Committee headed by Rep. Emanuel Celler had succeeded in bottling up every proposed amendment to the U.S. Constitution which sought to correct this prohibition of the right of prayer in schools. When the late Sen. Dirksen's amendment was defeated he said prophetically: "This issue will not die."

Another amendment seeking to lift this prayer ban has recently been pried out of the Judiciary Committee by a discharge petition of the House of Representatives. It is to be voted on by the House Nov. 8. To become law, it must pass the House and the Senate and be ratified by three-fourths of the state legislatures.

Now is the time for all citizens to write their congressmen asking them to support the upcoming amendment and help to erase our great national disgrace—the ban on prayer in our public schools, and the recognition of God and His moral universe.

Susan McWhirter Ostrom.

MERCY FLIGHTS AND THE FAA—PART 1

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Thursday, October 28, 1971

Mr. HATFIELD. Mr. President, on October 20, the FAA held an investigation hearing in Medford, Oreg., into the affairs of Mercy Flights, Inc.

Mercy Flights is a nonprofit, community organized and backed air emergency rescue operation. Over 5,000 people contribute to Mercy Flights, so that this vital service can be provided in times of great need. It serves the small towns of southern Oregon and northern California. Over 3,000 people have been flown in the 20-year history of safe operations of Mercy Flights.

Because of the Senate schedules and votes, I was unable to attend the Medford hearing, although I had hoped to be present. I prepared a statement which was made a part of the Record, and I ask unanimous consent that it appear at the end of my remarks.

I have contacted the FAA and asked for a complete explanation of the FAA investigation and the future prospects of Mercy Flights. I shall have more to say to the Senate about this situation at a later date.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mark Hatfield

I respectfully request that the Federal Aviation Administration consider the operation of Mercy Flights as a unique situation, and one that merits special consideration in determining its operating status. I would hope that the FAA could insure adequate safety regulations without destroying the ability of Mercy Flights to provide its current service to the people of Southern Oregon and Northern California.

Air safety is a complex issue, and those who support Mercy Flights certainly should not be considered in opposition to adequate safety regulations and procedures. Recent accidents by air taxi and air charter operations have focused public attention on the need to insure that the welfare of the American people is protected on such flights. This protection is the prime purpose of all safety regulations, and no one quarrels with this goal.

A basic philosophical question under consideration is whether the public welfare is better served by the new safety regulations, or by continuing the current status. Public welfare and safety should be measured in its total context, not from a limited perspective.

Just what is public safety and welfare in this broader view? While public welfare and safety certainly includes proper air safety regulations, it also means the capacity of the residents of smaller Oregon towns to live in these areas knowing that adequate medical service is available within a short time. Public welfare and safety means that emergency medical services can be reached in a matter of minutes by plane, rather than hours by car—perhaps at a reckless highway speed.

Today efforts are being made in the Congress to stem the flow of people to the large metropolitan centers of the country. Our rural areas and smaller cities must grow, rather than shrink in population. Problems of big cities—so much in the news today—will not be solved until this migration is stemmed, and our small towns acquire a new livability.

In order to attract people to the small towns of our country, the basic amenities must be provided. Adequate health care facilities certainly are one of these basic needs. Economic realities prohibit development of local medical centers to the degree needed in our small towns.

The current operation of Mercy Flights allows the people of Southern Oregon and Northern California access to emergency medical services which they need badly. If such services are not provided, other attempts to improve the quality of life in less populated areas will have to cope with this additional obstacle.

If Mercy Flights were a new, untried operation, the FAA would be in a different position in evaluating its operation. There would be no standard by which to assess safety, performance, or benefits. With the long record of Mercy Flights, however, the FAA can see that a needed service has been provided, and a safety record established. Over 3000 people have been assisted in Mercy Flight's twenty year history.

I would suggest an axiom for any administrative agency to consider. It is: "For every good regulation, there exists a worthwhile exception." The operation of Mercy Flights merits the thorough review of the FAA.

THE IMPACT OF THE U.N. VOTE AND ITS LOGICAL CONSEQUENCES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. RARICK. Mr. Speaker, the full gravity of the United Nations General Assembly vote replacing Nationalist

China with the Red Chinese regime as the representative of the Chinese people has not been explained. Was this a mere procedural matter?

This procedural action in the U.N. was said to involve a matter of credentials—that is, which political structure of the two Chinas was to be recognized as the legal representative of the Chinese people. In actuality, the U.N. was holding court and its vote passed judgment condemning the Nationalist Chinese to death.

By rejecting the credentials of Nationalist China as the recognized spokesman of the Chinese people, the U.N. was, in effect, ruling that the Nationalist Chinese Government no longer represents anyone. The issue of the representation of Taiwan was never considered because it is not a nation, it is a province of China. The effect of this vote can only be to establish Red Chinese sovereignty over Taiwan, its people, laws, and government.

Within a short time those who felt that the U.N. vote was merely a matter of musical chairs in that organization will awaken to the full impact.

When the Red Chinese Communist Party assumes a seat in the U.N. General Assembly, we will learn what arrogance really means. Our Government can expect to be notified that all U.S. military bases, hospitals, and installations on Taiwan are encroaching upon the sovereign territory of the Red Chinese, accompanied by demands that we immediately withdraw, preparatory to Red China taking physical possession of its own province.

It will be interesting to see the reaction of the Nixon administration when Chairman Mao decides, under international law, to exert his new rule over Taiwan and attempts to occupy his own "province" now held by the "rebel forces."

Who knows of any international law which prevents a sovereign from exercising control and sovereign rights over its own territory—its own people?

Failure of the United States to withdraw would place us on untenable grounds before the august U.N. body and result in repeated denunciations for interference in the internal affairs of another nation. And consider how the presence of the 7th Fleet in the Straits of Formosa to defend the people on Taiwan from their national government could be made to appear.

All Red China needs is time. I fear the U.N. vote did far more than change the occupancy in the China seat—it was the death sentence for millions of Chinese living on Taiwan—and the eventual seizure of all U.S. interests and investments.

This the U.S. taxpayers have bought at a cost of $300 million-plus a year as well as tolerating the existence of the U.N. and its bureaucrats in our country.

Our leadership must assume its share of responsibility, but those nations who supported the Albanian resolution must never be permitted to escape their culpability.

In anticipation of another betrayal of the Chinese Nationalist, I had earlier introduced House Joint Resolution 843, a bill to provide political asylum in the United States for Chinese refugees from the Communist menace.

The two-China policy was a fraud from the beginning. President Nixon had best reconsider making his trip to Peiping and stay home to figure out how to lead free men out of this dilemma.

I ask that a copy of my bill follow.

H.J. Res. 843

Joint resolution to provide for the protection and political asylum for the people of the Republic of China

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the event that the United States establishes diplomatic relations with the government of Communist China, or if the United States takes any action that directly results in the abrogation or repudiation of any commitment on the part of the United States to go to the aid and defense of the people of the Republic of China, then any citizen of the Republic of China may enter the United States and obtain the status of a permanent resident, notwithstanding the provisions of the Immigration and Nationality Act; except for section 212(a) of such Act (relating to the exclusion from admission of criminals and other undesirables).

(b) The Attorney General of the United States, through the Immigration and Naturalization Service, is authorized to take any action he may deem necessary to carry out the purpose of this joint resolution.

DAILY OKLAHOMAN POINTS TO U.S. NAVY CRISIS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. EDMONDSON. Mr. Speaker, Oklahoma's largest daily newspaper, the Daily Oklahoman, has performed a continuing service in our State by pointing forcefully to some of the areas in which the U.S. defense effort is lagging.

On October 24, 1971, the Sunday Oklahoman carried a front page editorial emphasizing the expanding gap between the U.S. Navy and the Navy of the Soviet Union, in terms of replacement of obsolete vessels.

In no area is this gap more pronounced than it is in the submarine force, and this could one day prove to be an Achilles' heel of critical importance in our defense posture.

The editorial, "Plotting Our Fate," follows:

Plotting Our Fate

Unless it intended to use them, no government would spend hundreds of billions of dollars in nation-wide construction of huge war weapons, factories and military equipment, including the world's largest naval and commercial fleets and super-powered weapons, and at the same time, train and equip millions of men in army, naval and air combat forces.

Russia now has more megatons of nuclear weapons than the rest of the world combined, yet is adding to them at a record pace. Military authorities estimate that Russia now has 1,500 nuclear missiles, ranging from 5 megatons to 25 megatons and is rapidly equipping more and more launching sites for intercontinental missiles.

Already Russia has more than three times as many submarines as the United States and has a huge assembly line capable of producing at least one new nuclear submarine each month. Some of their new submarines admittedly are faster than ours.

In a few years, Russia will have an overwhelming preponderance, not only of subvessels. Some of their naval ships are equipped with nuclear missiles with a range of more than 100 miles and it is said that some of their merchant ships are also equipped with a few missiles.

The United States Navy has no such equipment and while Russia is constantly adding new warships, the United States Navy is constantly mothballing its older ships and not replacing them with new and modern ships.

No other nation is capable of opposing Russia in a nuclear war and the huge development of Russian intercontinental nuclear missiles and its huge, rapidly growing naval fleet are designed to overpower the United States.

At its present rate of increase, in a few years it will be capable of an ultimatum to the United States to surrender or else.

In the meantime, Congress is appropriating less and less for our own defense.

Will the United States wake up in time or is it already too late?

CRIMINAL BEHAVIOR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DERWINSKI. Mr. Speaker, the point made in an editorial in the Harvey, Ill., Tribune of October 17, hits the nail right on the head. Therefore, I hope that by inserting this editorial into the Record it will receive the attention it deserves. The point so well made here should be considered by citizens throughout our land:

Should Be No Excuses for Criminal Behavior

One thing certain to encourage those with martyr complexes or militant or extremist tendencies is criticism of law enforcement officers combined with rationalizations and excuses for criminal behavior, no matter how well meaning.

Now occurring regularly in the United States are senseless killings of law officers. One of the more senseless occurred recently in Jacksonville, Florida, when a 24-year-old award-winning officer stopped a suspect for questioning and was shot through the head and heart. Similar killings now take place every week, by those who hate law officers. Revolutionaries and militants (including Communists) have stirred up hostile emotions in some cases; some militant minority leaders gain power and position by sensational and divisive hate speeches.

In some cases, of course, especially in the past, police departments have been less restrained in dealing with some citizens than others. This cannot be justified and has been largely eliminated. There have been other faults in operation of police departments, prisons, and in many other areas, admittedly, and probably always will be.

Reformers who succumb to the temptation to champion criminals and excuse their behavior because law enforcement and police protection aren't perfect encourage extremists and the simple-minded to commit awful deeds.

CONSEQUENCES OF THE CHINA VOTE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. NICHOLS. Mr. Speaker, my office is receiving telegrams, letters, and phone calls protesting the United Nations vote of Monday night which resulted in the expulsion of Taiwan, one of the United States strongest allies. My constituents are calling for legislation getting the United States out of the U.N. and the United Nations out of the United States.

I share the concern of all Americans about the future of this organization, founded 25 years ago to preserve world peace. Today, the United Nations has become dominated by allies of the Communist bloc while the United States continues to pay approximately 33 percent of the overall cost of maintaining the U.N.

It is time for the United States to reexamine the United Nations and the role it is playing in today's world. Taiwan was not the only loser Monday night. Unfortunately, both the United Nations and the United States lost an important fight against the expanding Communist world.

I believe that the sentiments of most Americans were expressed in an editorial in the October 26 edition of the Montgomery, Ala., Advertiser. I would like to include this editorial, entitled "Consequences of the China Vote" in today's RECORD:

CONSEQUENCES OF THE CHINA VOTE

The ouster of Nationalist China from the United Nations was the worst defeat this country has ever been dealt in the world organization.

It may also be a domestic setback for the Nixon Administration, which will be blamed for this shattering precedent.

The United States supported, after more than 20 years of opposing, the admission of Red China to the General Assembly and Security Council. At the same time, the U.S. delegation fought hammer and tong to prevent the expulsion of the Nationalist government on Taiwan.

It was the sense of the UN that these were mutually exclusive concepts, that there could be only one nation representing Chinese people.

President Nixon's new China policy thus blew up in his face like an explosively charged ping-pong ball. And that, in a sense, is what it was.

It was in April, during the visit of a U.S. table tennis team to Red China, when Nixon announced steps to improve U.S.-China trade and travel relations.

On July 15, he made his surprise announcement that he would visit the Chinese mainland. This was widely approved by the American people, but millions still believed Taiwan should remain in the UN. However, that position was fatally compromised by this country's endorsement of the seating of Peking.

An old ally and client-state, the Nationalist government on Taiwan, which has remained a law-abiding member of the family of nations, was marked for expulsion by a coalition of states that have less practical reason for being in the UN than Taiwan.

Illustrative of this was victory jig by the Tanzania delegation in the front row of the General Assembly hall. That great world power, Tanzania, celebrating the results of the resolution proposed by another great nation, Albania.

Both together are not as significant in world affairs as Taiwan, which they gleefully joined in ejecting.

U.S. Ambassador to the UN George Bush warned that the unprecedented expulsion of a member state could lead to the expulsion of others:

"Surely there is many another member in this organization which, though fully in possession of territory and governmental powers, could one day become the target of some political commanding a simple majority, aiming to throw it out . . . solely because its right to govern is disputed by others."

The UN, already fallen into disrepute and ignominy, has inflicted a grave injury on itself—and on President Nixon, an accessory before the fact.

Since 1949, when the communists overthrew the Nationalist government and forced Chiang Kai-shek and his followers to flee to what was then called Formosa, the China question has been a highly emotional one to Americans.

Although willing, at last, to admit Red China to the UN, they might be highly indignant over the price their country paid—the ouster and humiliation of the symbol of Asian anti-communism.

Coping with this emotionalism may well become another of Mr. Nixon's famous crises. And he was already headed for the 1972 elections with quite a load of them.

It's not just the ultras on the right who are offended by this shabby treatment of an old friend. Many moderate Americans will also be up in arms. Not because Chiang ever stood a chance of retaking the mainland; not because he was a powerful ally; but simply because he was there, the aging image of a man who stood against the tyranny of communist expansionism in Asia.

The bum's rush he got at the UN, which has proven its impotency against aggression only to demonstrate its bully-boy power over an innocent nation whose only crime was anti-communism will not sit well with many voters.

All this casts a pall over Nixon's impending trip to Peking and may lend some substance to the heretofore irrational cries of "Munich."

Taiwan lost; the UN lost; Nixon lost.

MINORITY CAPITALISM

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. GERALD R. FORD. Mr. Speaker, the President recently sent to the Congress proposals for an ambitious program of aid to minority business. The President has a deep commitment to assistance for minority business; the Congress should feel a similar commitment. The significance of the President's program is clearly set forth in an editorial which appeared in the October 23 edition of the Washington Evening Star. I commend a reading of this editorial to all of my colleagues. The editorial follows:

MINORITY CAPITALISM

One of the current folk gripes is that the government is willing to bail out corporations such as Lockheed but lets little businesses go down the drain with never a thought. There is little validity in that, because much help has been given to modest-sized firms by the Small Business Administration. And now President Nixon has done much to silence the complaint by recommending a hefty appropriation for the propagation and strengthening of minority businesses.

He laid before Congress a most promising program last week, and asked for a budget of more than $100 million over the next 18 months to implement it. That compares to a current budget of $3.6-million for the Office of Minority Business Enterprise, which is the agency in charge of the endeavor. Mr. Nixon created it by executive order soon after he took office in 1969, and since then it has mainly been formulating plans. Now it's ready to undertake a long-overdue national program of minority business stimulation, if Congress will come through with the money.

Plans call for the development of broad private programs to provide loans on generous terms to minority entrepreneurs, along with training and marketing assistance. Organizations with skilled staffs would be set up in about 100 cities to give aid and counsel both before and after the creation of new minority firms.

The need to bolster minority capitalism was one of Mr. Nixon's main talking points in his 1968 campaign, but the results thus far have been slight. Much groundwork has been laid, though, and the envisioned program addresses the main needs. Black and Spanish-American citizens have traditionally been frozen off from sources of capital, and the shortage of trained minority personnel has been another handicap. The administration hopes to provide the means for removing those obstacles.

This is economic pioneering in the truest sense, and it will not be easy, but there is good reason for optimism. Minority enthusiasm runs high. Surveys show that one of the highest-priority goals of black Americans is to break into the world of commerce from which they have been largely excluded. Herein lies one of their primary hopes for economic advancement, and they are encouraged by localized examples of its realization.

In Pittsburgh, for instance, black contractors are participating in the rehabilitation of hundreds of blocks of decrepit housing, through an imaginative community program. Special training for black workers has enabled them to take advantage of the many crafts jobs that were created. Broad-scale restoration projects of this sort might be commended to Washington and other cities, as just one potential for minority businesses.

Commerce Secretary Maurice Stans has been handed complete control of minority enterprise programs, over the opposition of some who question his commitment to these approaches. He bears a heavy responsibility for the success of the venture. But there will be no chance of success unless Congress provides the funds, and it should do that without undue delay.

PAN-AFRICAN LIBERATION COMMITTEE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DIGGS. Mr. Speaker, I have endorsed the objectives and goals of the Pan African Liberation Committee, as stated in the report "Repression in Southern Africa: An Indictment of Harvard University," dated September 1971, and I am encouraging any of my other colleagues who are solicited to do likewise.

I insert in the RECORD the text of the letter from the chairman of the committee, and the report:

PAN-AFRICAN LIBERATION COMMITTEE,
Brookline Village, Mass.

DEAR FRIEND: Enclosed is a copy of a paper which has been presented to the President of Harvard University. The paper describes in detail how Harvard University's investment in Gulf Oil Company stock contributes directly to the continuation of Portuguese colonialism in Angola, Guinea-Bissau, and Mozambique. In addition, it tells of the ineffective efforts which have been made through the use of proxy contests to get Gulf to change its present policy of supporting Portuguese colonialism. The conclusion reached by our committee is that only effective method of protesting Gulf's policies is to convince the owners of Gulf stock to sell their stock. This, however, can only be achieved by making the owners of Gulf stock hear the voice of public censure.

We, therefore, are requesting that you sign and return the enclosed petition card which is being sent to important Black leaders across the country. Harvard is by far the largest university shareholder of Gulf stock, owning 671,187 shares with a 1970 market value of $15,437,301. If Harvard can be made to sell its shares, others can certainly be made to follow suit. All of America's so called prestigious, liberal universities and charitable institutions are connected to different degrees in the world-wide corporate web of colonialism and neo-colonialism. Only by beginning to make people aware of this can we begin to break the chains of military and economic bondage which perpetuate the subjugation of Black people everywhere.

But none of this can come about without your support. We urge you to read the enclosed paper, sign and return the petition, and begin to educate others about the struggle in Angola, Guinea-Bissau, and Mozambique and aobut how we can effect it.

Thank you.
In Brotherhood,
JAMES WINSTON, *Chairman.*

REPRESSION IN SOUTHERN AFRICA: AN INDICTMENT OF HARVARD UNIVERSITY

(Prepared by the Pan-African Liberation Committee, associated with the Southern Africa Relief Fund, P.O. Box 514 Brookline Village, Mass., September 1971)

STATEMENT OF PURPOSE

The problem

African men, women and children are being napalmed, machine gunned and bombed daily in Angola and Mozambique. They are the victims of the all out military effort being waged by the Portuguese government against the determined liberation movements within its colonies.

Portugal is using all of the most advanced Western military machinery in an attempt to regain those portions of these territories which have been liberated and to retain those areas which they now hold. At the same time the government has subjected the people left in the Portuguese held areas to atrocities and repressive tactics as inhuman as those practiced in the Republic of South Africa.

The Portuguese government does not bear the sole responsibility for the suffering and death which plague the people of Angola and Mozambique. Although these policies are instituted by the Portuguese government, were it not for the economic and military support of the Western powers, that government would be totally incapable of implementing such policies and resisting the liberation armies within the colonies. In short, only through the support of institutions like Harvard Unversity can Portugal maintain its colonial empire.

Harvard's role

The connection between Harvard and Portugal is very simple and clear. Harvard invests in American corporations which are operating in the Portuguese colonies. For operating in these colonies, these corporations are required to pay vast amounts of money to the Portuguese government. This money is then used by the Portuguese government to finance their wars against the freedom fighters of Angola and Mozambique. Last year half of the total government budget of Portugal went toward the war effort.

There are, therefore, three important links in the chain which holds the people of Angola and Mozambique in bondage; (1) the Portuguese government (2) the corporations operating in the Portuguese colonies, and (3) the persons and institutions that own the stock of these corporations.

Five hundred years of colonial rule have shown that the Portugese government is not interested in liberalizing its policies. The negative response of big business to requests that they stop doing business in these areas shows that the corporations are not likely to change their policies as a result of moral pressures. Therefore, it is necessary for the third link in the chain, the stockholders, to take definite steps to stop the investment of American money in the Portuguese colonies.

The solution

Upon being apprised of the significance of investment in Angola and Mozambique the logical conclusion is that Harvard should divest of any stock in companies operating in those territories. Therefore a first step might be taken now with an ultimate goal of total divestiture of stocks in companies supporting colonialism in Africa.

As a first step Harvard could divest its Gulf Oil Co. stock. In as much as Gulf Oil is the largest American investor in Portuguese Africa and Harvard University is the largest university shareholder of Gulf stock, a divestiture accompanied by (1) a public statement of the reason for this divestiture, (2) an appeal for other stockholders to do the same, and (3) a statement of Harvard's intent to follow this with similar actions against other corporations would be a meaningful act in support of freedom and self-determination for people everywhere.

The information which follows gives all the details of (1) the Portuguese colonialization of Africa, (2) the coming of Gulf Oil and other American companies to the Portuguese colonies, (3) Harvard's specific financial involvement in each of these companies, and (4) why divestiture is the only meaningful contribution Harvard can make to the people of Angola and Mozambique. A reading of this material is essential for a thorough understanding of the need for a complete and immediate discontinuance of economic involvement in Angola and Mozambique and why it is necessary for Harvard University and institutions like Harvard to lead the way.

INTRODUCTION

On March 5th 1971, the conclusions of the Harvard Committee on University Relations on Corporate Enterprise were released, prescribing a fundamental philosophy for the investment activities of Harvard University. These conclusions, contained in what is commonly referred to as the Austin Report, urged that the University be guided by a philosophy designed to realized maximum return on all monies invested.

Underlying the report's emphasis on financial return as the fundamental investment criteria are repeated references to the restricted nature of Harvard's "mission" as an educational facility and the constraints which such a role places upon morally sensitive and socially responsible handling of investment capital Harvard's adherence to the limitations of a "special purpose organization with endowments which can be used only for the purposes for which given"[1] seems to imply some assumptions concerning the moral and social attitudes of its benefactors as well as a reluctance to publicly assert a financially damaging position.

Nevertheless, one of the conclusions contained in the report states that there exists conflicting criteria for institutional investment policy; criteria which recognize the extent to which the activities of corporate enterprises are "contrary to fundamental and widely shared ethical principles."[2]

It should be apparent, in the most casual interpretation of ethical standards, that many of the financial associations of Harvard University stand clearly in violation of such criteria and that the time has come for a thorough and critical examination of Harvard's relationship to the welfare of the society in which it exists.

By engaging in investments in corporations whose profits are tied to subjugation of African peoples, Harvard has demonstrated a marked lack of concern for the struggles of these people to expel the forces of Western economic control. Although this document will discuss Harvard's economic affiliation with numerous corporations currently operating in Southern Africa, it will concentrate upon one case which is of special concern; Gulf Oil Corporation's lucrative oil drilling concession in the Cabinda region of Angola, which contributes substantially to Portugal's efforts to perpetuate colonialist control of the African people.

PORTUGAL IN AFRICA

To fully appreciate the significance of Gulf's presence on Angolian soil, it is important to understand some aspects of colonial administration of the Portuguese African holdings. The consequences of present Western economic interference in Angolia are strongly related to some historical peculiarities surrounding Portugal's colonial policy.

Portugal's initial contact in Africa occurred in northern Angola in 1483 near the mouth of the Congo river. The early years of Portuguese interference among the Ngola peoples (from which the region derived its name) were marked by extensive slave trading which, except for intense resistance before 1600, continued essentially unchecked until the middle of the 19th century. Although original Portuguese explorers were driven on by the greed for precious metals, the immensely profitable slave trade quickly became the foundation for the economic exploitation of Angola.

The ruthlessness which characterized the actions of expansionist Portugal at this time should not be surprising since the Pope in 1452 granted to the king of Portugal "full rights to capture the Saracens, pagans, and other infidels in your properties . . . to subjugate them and reduce them to perpetual slavery."[3] So extensive was the Portuguese slave trade that by 1830 over 3 million African people had been removed from their land to be sold.[4]

Meanwhile, in Mozambique, the economic framework developed somewhat differently. After their arrival in 1498, the Portuguese wrested an existing trade network from the Arabs, who had controlled the explanation of East Africa, from Malindi to the coast of what is now Mozambique. Ivory, gold and precious stones formed the basis of Portugal's economic activity and led to a firmly entrenched commercial establishment along the coast of Mozambique. Although their political authority was limited to the coastal region, Portuguese merchants gained a monopolizing role in commerce from the interior which continued for more than 200 years. Except for limited attempts to forcefully colonize the Angolan coast be-

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Footnotes at end of article.

tween 1565 and 1592, both regions were exploited in a casual fashion for more than four centuries. The fact that Portugal enjoyed unchallenged access to these areas during this period made it unnecessary for her to seek formal political control beyond the coastal strips of both Angola and Mozambique. Moreover, intense tribal hostilities in the interior would have made such a policy impractical if not impossible. The primary usefulness of Angola continued to be as a reservoir of slave labor, while in Mozambique the slave trade expanded to economically compensate for the temporary loss of the northern coastal trading areas to Arab merchants around 1700.

Portugal's policies toward her African holdings underwent radical change toward the end of the 19th century. Following the Berlin Conference of 1884–85, which provided for the systematic partitioning of the African Continent (and which is the premise upon which Portugal currently justifies her "legal" retention of all of her African territories), Portugal set out to secure the areas assigned to her. Military forces infiltrated the interior of Mozambique, establishing a network of control which resulted in an effective colonial stronghold at the turn of the century. Although considerably stronger tribal resistance was encountered in Angola, the inland peoples were ultimately subdued and a firm Portuguese hegemony was established by the early part of the twentieth century.

Attempts were subsequently made to stimulate the development of the colonial economies through the leasing of large tracts of land to private Portuguese investors who were granted an unlimited mandate for economic exploitation. While they enjoyed unquestioned control of mineral and agricultural rights, and the lives of the African inhabitants, these companies realized only token profits during the first half of the twentieth century. Portugal's limited resources did not permit full exploitation of the economic potential of the colonies, and mineral wealth remained largely undiscovered until the 1960's.

Thus Angola and Mozambique, representing a combined area somewhat larger than Alaska, have been economic props for poverty stricken Portugal for most of her 480 year occupation of these territories. The ruthless and racist policies with which Portugal pursued the management of these areas was strongly manifested in the rigid domination and cultural repression which led to open rebellion of the Angolan people in 1961. These insurgents were joined by Mozambican revolutionaries in 1964 and Portugal began to desperately cast about for economic support in order to maintain the colonial system.

The combined efforts of the various African liberation organizations had produced a military situation far too complex and expensive for Portugal to manage alone. The African Party for the Independence of Guinea and Cape Verde Islands (PAIGC), the Mozambique Liberation Front (FRELIMO), and the Peoples Movement for the Liberation of Angola (MPLA) have respectively mounted intense guerilla operations. Portuguese efforts to subdue these operations have consumed a massive outlay of resources.

These growing military expenditures became a costly burden which Portugal could ill afford; finally, in 1965, Portugal reversed her traditional policies and openly encouraged foreign investment in the "overseas provinces" in order to help stabilize her economy.

In search of profits, many American investors quickly rushed to fill the void, entering into trade agreements which concentrated on mining, manufacturing, and agricultural processing. Some trade agreements included provisos which allow Portugal to exercise complete control over raw material production in the event of a military emergency. Thus, both directly and indirectly, U.S. business interests contribute to the oppressive, racist policies with which Portugal has supervised the control of African land. Furthermore, the unchallenged actions of these firms indicates the tacit endorsement of Portuguese policy by the United States Government itself.

HARVARD UNIVERSITY: INVESTMENT POLICY

Through its investment policies, Harvard University has exhibited a complete disregard for the human rights of African people by its continued economic support of the Republic of South Africa and of Portuguese colonialism in Angola and Mozambique. The racist apartheid policies of the Republic of South Africa are a matter of common knowledge and no attempt shall be made to elaborate upon them in this paper. However, our failure to deal with those practices in this paper should not be interpreted as a judgment that the problems we are presently addressing are more important than those existing in South Africa. We equally condemn apartheid in South Africa and colonialism in Angola and Mozambique. Moreover, world opinion, as expressed by the United Nations, is also clearly opposed to these policies and to the governments of Portugal and South Africa which perpetuate them. Yet, Harvard University has no reservations about investing in companies which are making large profits as a result of these policies. For example, the Report of the Treasurer of Harvard University for 1970 reveals that of 183 common stocks invested in by Harvard University *54* of these companies had substantial investments in South Africa.

The continuation of investment in all of Southern Africa means only one thing—oppression and exploitation of the people of Southern Africa and their land.

During the relatively short period since the relaxing of Portugal's restrictions upon foreign investment in Angola and Mozambique more than 30 U.S. companies have established ongoing operations which undergird the colonial economies. Among the companies operating in Mozambique and Angola are:

1. Caterpillar Tractor Company, Peoria, Illinois.
2. Chase Manhattan Bank, New York.
3. General Electric Company.
4. Getty Oil Company (via Mission, and Skelly Oil Co.).
5. Gulf Oil Company.
6. I.B.M. World Trade Corporation, New York.
7. I.T.T. (via Standard Electric).
8. Charles Pfizer & Company, New York.
9. Standard Oil of California.
10. Texaco Oil Co.
11. Union Carbide.

Each of the above-named firms has a substantial investment in Angola and/or Mozambique and as might be expected, they are all significantly involved in the Republic of South Africa. However, the most significant characteristic that all of these companies have in common is that Harvard University holds a substantial amount of the stock in each of them. Specifically, Harvard's holdings are as follows:

Stock	Number of shares	Book value (in 1970)
Caterpillar	165,482	$5,729,814
Chase Manhattan	40,020	1,690,845
General Electric	99,039	6,685,132
Getty Oil	107,000	4,601,000
Gulf Oil	671,187	15,437,301
I.B.M	187,408	46,852,000
I.T. & T	40,413	1,394,248
Pfizer	13,500	405,687
Standard Oil of California	190,380	7,662,795
Texaco	770,259	20,026,734
Union Carbide	69,644	2,359,248
Total investment in companies operating in Angola and Mozambique		112,845,746

As might be expected, the degree of involvement with the Portuguese military effort varies appreciably among companies. Caterpillar supplies agricultural and heavy equipment.[5] Chase Manhattan is associated with Banco Totta Alianca of Portugal and Banco Totta Standard of Angola S.A.R.L.[6] General Electric provided a credit loan of $1.2 million dollars in 1967 to aid in the mining of iron ore at Cassinga, Angola. Getty Oil's subsidiary, Skelly Oil, in a consortium with Sunray (Sun Oil) and Clark Oil was granted a 3 year, 14.4 million acre oil, on- and off-shore, prospecting concession by the Portuguese Government, October, 1967. They contracted to spend $3½ million in 3 years by January, 1970. After 2 years of exploration and off-shore test drilling Sunray became optimistic about prospects and estimated a cost of $6–7 million for its current drilling program.[8] I.T.T.'s subsidiary, Standard Electric opened a plant near Lisbon in 1968 which manufactures electronic components, and its first main project will be to improve Portuguese communications sytsems in Lourenco Marques and Beira, Mozambique.[9] Texaco was granted concessions in January, 1968 and has joint agreements with Angol (Portuguese and South Africa controlled Oil Company) and with Petrangol (Portuguese, Belgian control) for oil prospecting in the Congo area of Angola, on- and off-shore. The joint Angol-Texaco group is expected to invest $5 million in deep sea oil research by 1975. The joint Petrangol group has invested $10.5 million during the period between June 1968 and June 1971 and Texaco is also a large fuel dealer in Angola. Furthermore, in an area of Mozambique currently under Frelimo control, Texaco had been granted a 3 year oil prospecting concession when last reported.[10] I.B.M. and Pfizer are currently marketing manufactured goods.[11]

While it is conceded that these firms are involved in Portuguese colonies to varying degrees, any involvement indicates the possibility of expansion. A case in point is the involvement of the Gulf Oil Company. Gulf Oil is the largest single American investor in Portuguese Africa. It began prospecting in Cabinda in 1954, made its first oil strike in 1966 and had invested $130 million by the end of 1969 in developing the most profitable oil venture in Portuguese Africa. Gulf, the sole concessionaire in Cabinda, is planning further massive expansion (a projected $76 million) [12] in the immediate future and regards Cabinda as "one of the major growth areas in the corporation".[13]

It must be pointed out that 90% of Cabinda was brought under the control of the People's Movement for the Liberation of Angola (MPLA) in 1961, and during that time Gulf's Cabinda operations were suspended.[14] However, the government eventually recaptured Cabinda and since Gulf's large oil find in 1966 the government has made increased efforts to "pacify" Cabinda. The "pacification" program was an integral part of the contract between Portugal and Gulf as is reported by the following excerpt from *Africa Today*.

"Thus the Portuguese were carrying out their side of the contract with Gulf Oil, for in the contract they specifically agreed to undertake such measures as may be necessary to ensure the Company may carry out its operations freely and efficiently, including measures to permit the Company the use of and free access to public land such measures as may be necessary to prevent third parties from interfering with the Company's free exercise of its contractual rights.[15] Further the authorities agree to provide military guards to protect oil fields if special security measures prove necessary. Complimentary to these security measures all foreign company contracts now stipulate that the company involved is bound to support the Portuguese Government in securing peace

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Footnotes at end of article.

and order. Allocations for construction of military barracks and payments to the Portuguese Government for the defense of national property are other standard clauses in current contracts.[16]

The result of this situation has been to create armed citadels "surrounded by 8-foot barbed wire fences and spotlights"[17] and employing security guards who are "expected to keep watch for sabotage."[18]

Economic support of the government

The 1966 contract between Gulf and the Portuguese Government involved a whole series of payments to be made by Gulf during the life of the agreement.

Payments included: (1) surface rent, (2) bonuses, (3) income tax equivalent to 50% of any profit, (4) a contribution to the Mining Development Fund, and certain concession payments. When Gulf signed the new agreement at the end of 1968 the Portuguese were facing escalation of the war on all three battlefronts in Africa. The metropolitan Portuguese budget was already effectively allocating almost 50% of all annual expenditure to the war. Still more money was needed—Gulf proved to be at least one source of such revenue. Thus the new contract was drastically revised, giving the government considerable extra financial benefits.[19]

A recent United Nations' study estimated that the Portuguese Government probably obtained total payments amounting to 563 million escudos (more than $20 million) from Gulf in 1969.[20] It seems relevant to point out that the provisional Angola budget allocation for military expenditure for 1969 was double that amount $1,250 million escudos—$44 million.[21]

The significance of Gulf's presence in Cabinda was clearly described recently in the *Southern Africa Task Force Proxy Statement on Gulf Oil Corporation,* March 24, 1971:

"(First) the oil Gulf is extracting from Cabinda is a crucial strategic material and Portugal has the right to buy a significant percentage of that oil. Additionally, in time of war, Portugal reserves the right to buy the totality of production.[22] The Governor-General of Angola, Rebocho Vaz, has stated . . . In the mechanized wars of our times, its (oils) principal derivative, petrol, plays such a preponderant part that without reserves of this fuel it is not possible to give the Army sufficient means and elasticity of movement. The machine is the infrastructure of modern war, and machines cannot move without fuel . . . Hence, the valuable support of Angolan oils for our armed forces.

"(Second) Gulf oil—which replaces oil formerly imported and paid for with hard currency—as well as the payments mentioned above, are a significant source of foreign exchange which Portugal can use to pay for her colonial wars.

"Finally, Gulf's close business relationship with the Portuguese government has created a natural vested interest in Portugal's colonial policy. For instance, Gulf officials explain that they have developed a cordial relationship with Portugal over the years, which they do not wish to jeopardize.[23] Gulf statements tend to portray Portugal's colonial policy in a favorable light.[24] And, Gulf's discoveries and production of oil in Angola are an added incentive to Portugal's determination to hold onto her oil-rich colony at any cost."[25]

The Southern Africa Task Force Proxy Statement concluded with a series of resolutions designed to counter the undermining influence of the Gulf Oil Corporation upon the Angolan people. The resolutions which were proposed were as follows:

1. The establishment of a committee to study the corporations' involvement in Portuguese Africa.
2. Disclosure of corporate charitable gifts.
3. Enlargement of the board of directors.
4. Amendment of the corporate charter to exclude investment in colonial-ruled areas.

Despite the moderate nature of these resolutions and the convincing arguments and lucid documentation which preceded them, they were soundly defeated at the annual share-holders meeting of the Gulf Oil Corporation.[26]

HARVARD UNIVERSITY: THE COURSE OF ACTION

It is clear that the policy of Gulf Oil Corporation as well as numerous other firms participating in the economic system of Portugal, directly subverts the struggle for African liberation. It is equally clear that, by maintaining financial ties to such firms, Harvard University (the largest university shareholder in Gulf) stands as a validation of Portuguese colonialism as well as an extension of an exploitative U.S. policy toward the African people. Furthermore, by proceeding as an indirect participant in the economic dissection of Africa, Harvard is acting in contradiction to its professed attitude of liberal generosity toward displaced Africans on the North American Continent.

This certainly is a case in which the investments of Harvard University support "activities whose primary impact is contrary to fundamental and widely shared ethical principles." Unless the Austin Report should be considered a public relations device for justifying present investment policy, it is imperative that Harvard pursue the only morally acceptable course of action—divestiture of all holdings in Gulf Oil Corporation.

No amount of appeal to the dictates of "sound" money management or the philosophical constraints imposed by Harvard's "restricted mission" can disguise the fact that Harvard University is an enthusiastic participant in the economic and political subjugation of African peoples.

Men, women, and children are dying daily in the struggle against colonialism. To engage in intellectual discourse over the proper method of relieving these people from colonialism would be to ignore this fact. The people of Angola and Mozambique have already made it clear that their freedom depends upon the complete withdrawal of the Portuguese government from their land. The lines are now firmly drawn. There is no middle ground: Blood must flow in the Portuguese colonies. How much blood must flow can only be determined by Harvard University and institutions like Harvard. Every dollar received by the Portuguese government means that the war must last a little longer and a few more people must die. Their blood will be on the hands of all those who equivocate on the issue of freedom.

FOOTNOTES

[1] "Committee on University Relations with Corporate Enterprises, Harvard University Gazette, March 5, 1971.

[2] *Ibid.*

[3] Birmingham, David, *Trade and Conflict in Angola,* Clarendon Press, 1966.

[4] *Gulf Angola Project* "The Southern Africa Task Force Proxy Statement on Gulf Oil Corporation", March 29, 1971.

[5] *Directory of American Firms Operating in Foreign Countries,* 7th edition 1969, as cited in *Africa Today,* op. cit., p. 9.

[6] Multi-National Banking Directory issued by Chase Manhattan Bank, January, 1970, op. cit., *Ibid.*

[7] U.N. Document, op. cit., p. 10.

[8] *Department of State Airgrams,* October 24, 1967: *Wall Street Journal,* Sept. 25, 1969: *The Star* (S.A.) January 17, 1970; Clark, Annual Report, 1969, op. cit., p. 12.

[9] Primerro de Juneiro, June 27, 1968; Diario de Lisboa, June 26, 1968, op. cit., Ibid.

[10] *Wall Street Journal,* January 5, 1970, op. cit., p. 12.

[11] *Department of Economic Affairs,* Angola, (IBM); *Directory of American Firms,* notel, (Pfizer), op. cit., p. 11.

[12] *World Petroleum,* Annual, 1969, op. cit., p. 20.

[13] *New York Times,* January 12, 1969, op. cit., *Ibid.*

[14] Chilcote, R. H., *Portuguese Africa,* Prentice-Hall, 1960 p. 81.

[15] United Nations A/6868, 1967; A/7752/Add. 1, November 28, 1969, p. 27; A/7200/Add. 3, October 17, 1968, p. 79; A/7623/Add. 3, September 25, 1969, p. 53, op. cit., *Ibid.*

[16] op. cit., *Ibid.*

[17] Venter, Al, J., *The Terror Fighters* (Capetown: Purnell, 1969) pp. 84, 91., op. cit., *Ibid.*

[18] *New York Times,* July 28, 1969.

[19] U.N. Conference Room Paper, SCI/69/3, June 24, 1969, p. 7, *Africa Today,* op. cit., p. 21.

[20] *Ibid.,* p. 10.

[21] *Africa Today,* p. 21.

[22] Background Information Re: Resolution Passed at the Seventh Annual Meeting of the Ohio Conference, United Church of Christ, 1970, citing the contract between the Portuguese government and Gulf (Dec. 19, 1966). Article 14:8 at p. 26.

[23] Meeting between representatives of the United Presbyterian Church in the USA and Official of Gulf Oil Corporation, Winter 1970.

[24] Supra, note 18 at pp. 5–11. (Gulf Statement to the Trustees).

[25] Abshire, David M., and Samuels, Michael A., *Portuguese Africa: A Handbook,* N.Y. Praeger Publishers, 1969, p. 412.

[26] *New York Times,* April 28, 1971, p. 63, col. 6.

EDITORIAL ON THE ATTICA PRISON RIOTS

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. STUBBLEFIELD. Mr. Speaker, we have heard and read much about the Attica prison riot in the past several weeks, and I suppose that all of us feel rather saturated with the gory details. Nevertheless a country editor from Webster County, Ky., has editorialized upon this subject, and I think the Members of this body will benefit from reading his reasonable evaluation of this horrible event.

Mr. Edd Hust, who is editor of the Journal Enterprise, Providence, Ky., is a person not easily influenced by emotional headlines, and I have found that through the years of reading his thoughts on national issues that Mr. Hust goes beyond a surface presentation and really sinks his teeth into the background of situations before coming forward with sensational titles as he is more interested in documenting facts than in boosting circulation because of flashy headlines.

His editorial on the Attica prison riots follows:

EDD-ITORIALLY SPEAKING . . .

Every time something like the Attica prison riot occurs, the bleeding hearts of America, led by some of our better-known names on the national scene, begin to preach that all of us are responsible. Well, I for one, simply refuse to take the responsibility.

I will be quick to tell these people, many who are seeking to use every means to get themselves nominated for the presidency, that they, more than anyone else, are responsible. Maybe not directly themselves but their willingness to go on the stump every whipstitch espousing the belief that "society is to blame" and the persons who caused the death, destruction, disturbance, or whatever, are really "innocent victims of a sick society."

These people . . . I refuse to soil this column with their names . . . are after one of two things. The complete ruin of America by breaking down its law enforcement policies thereby creating a chaotic state in which the lawless element will rule, or they are so far from the mainstream of life they actually think they are on a kick that will get them national attention and eventually support in their political endeavors. In other words, they care nothing for America, only themselves, or they are as dumb as the man who thought poor old Horace the Mule and his tootin' fox horn was a boat.

In the past decade we have seen in America, a pattern developing that makes it more promising and rewarding each passing year for a person to turn to crime. It has almost reached the point where certain people, depending upon their station in life, can create almost any horrendous crime imaginable and get by with just a slap on the wrist. The news media and the people we mentioned above begin to set up howls "there was establishment brutality involved and the poor souls are not really responsible for their actions."

This is ridiculous. Who were the real victims of the Attica revolt? Was it the prisoners? Not on your life. The real victims were the guards who were the hostages of these murders. Whether they cut the guards' throats or dressed them in prison clothing to be shot by the storming troops who took the prison back over, they are the ones who murdered them.

We do not know the ins and outs of what went on at Attica before the riot began. But we cannot trust the national news media to tell us about it because they would slant it beyond belief. Regardless, no governor can permit the demands to be met that were being asked by the inmates. There was already one known dead guard and they were asking for complete amnesty and asked some be allowed to escape to some foreign country. If Gov. Nelson Rockefeller had permitted either of these two demands to be met, it would have signaled the death knell for what little law and order we have left.

The time has come for the American people to rise up and demand that the leaders of this country crack down on the permissiveness and technicalities in law enforcement that are slowly strangling this country to death. We are already blue in the face from the strangle-hold this menace has on society and the pressure is rapidly being applied with more force.

There is too much disrespect for law enforcement today and the "fear of the law" is no longer present. Years ago, people were afraid of the law and most people did not knowingly and maliciously break laws. Today, it has become a popular fad to "razz the fuzz" or in more sensible language laugh at the law and tempt them to do something about it.

Sure, there are arrests made every day but by the time the thing is wallowed around in the Courts, any case against the guilty parties has long ago vanished. This is especially true when various self-appointed "saviors of the world" organizations get involved and help fight the battle. These groups care not whether the person is guilty or not but that their presence is felt and their power made known.

We must have law and order and we must have true justice. But the two must go hand in hand. Without the judicial and court system many a person would be wrongfully charged and innocent people pay the penalty. But today it is reversed. The person who commits the crime gets all the attention and all the sympathy while the innocent victim of the crime is the culprit and gets all the hisses and boos.

Only time will tell where all this leads. But one thing is for sure . . . I am not accepting the blame for what some of these madmen are doing just because I am a member of society. And something else . . . I have a memory like an elephant. The politicians pleading this unrealistic cause will never get my support for public office.

THE CONTINUED INJURIES DONE BY THE HOUSE INTERNAL SECURITY COMMITTEE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. WALDIE. Mr. Speaker, just last week our distinguished colleague from Massachusetts, Representative Robert Drinan, delivered the Annual Berman Lecture at American University here in Washington.

The topic was the abolition of the House Internal Security Committee.

Mr. Speaker, I recently introduced a resolution calling for the abolition of the Internal Security Committee based on its lack of productivity and the very real threats posed by the committee and its policies to the civil liberties of all Americans.

Mr. Drinan's speech at American University on October 21 included dramatic new evidence of the abuses to the basic freedoms of this Nation and its citizens.

Mr. Speaker, I would at this time like to include Mr. Drinan's speech in the Record:

The Continued Injuries Done by the House Internal Security Committee

On October 13, 1971 I attended a regular meeting of the House Internal Security Committee (HISC). I want to share with you some of the decisions reached at that meeting because from these you will see the enormous dangers inherent in the continuation of this nine-man Standing Committee of the House of Representatives.

The Committee was presented with a total of 73 names mentioned by three witnesses in hearings held by HISC in March and April of 1971. The Committee was told by a Committee aide, with 16 of the 58 members of the staff of HISC sitting around doing nothing, that 11 individuals had been named by one Gerard Connolly on March 30, 1971 as members of the "Young Workers Liberation League". The staff was anxious to release the testimony of Mr. Connolly, an alleged undercover F.B.I. agent, and had sent a registered letter to all of the 11 individuals informing them of their rights under the rules of HISC to voluntarily appear before the Committee "for the purpose of enabling them to affirm, deny, qualify or comment" on Connolly's identification. These 11 individuals could "request the Committee to subpoena supporting witnesses in their behalf."

Ten of the individuals had themselves or through an agent accepted the registered letter. In one instance there had been no actual notification since one letter was returned "Undeliverable" and a second letter was returned marked "Addressee Unknown".

I urged the point that, at least as to the person without actual notice, the testimony of Gerard Connolly should not be released. At least two of the seven members of the Committee present saw the point but were overwhelmed by words from Congressman John Schmitz (R. Calif.) an acknowledged member of the Birch Society, when he insisted that the witness who did not actually receive notification might have deliberately refused the letter.

A move to eliminate the one individual who had not acknowledged receipt of the letter was defeated with only myself voting for it. The last assertion made by a member of the staff, and the staff speak a great deal more than any of the members during the meetings of HISC, was that he would "hate to hold up the whole report just for this one individual who may not have been notified!"

Immediately after the Committee agreed to expose foreever the 11 persons named by Connolly to the pages of the hearings of HISC the Committee went on blithely to name four other individuals named by one Robert Waters as members of the Progressive Labor Party and then with even less difficulty agreed to release the names of 58 individuals mentioned by one John P. Monahan as members of the Progressive Labor Party. It did not seem to bother the members of HISC that none of the 30 persons from #28 to #58 on the list of individuals named by Mr. Monahan had actually received notification since the letter sent to them was returned marked "Unclaimed" or "Moved, Left no Address" or "Addressee Unknown". The Chairman, Congressman Richard H. Ichord (D. Mo.) suggested vaguely to the staff that in the future there should be some notification of the degree of diligence exercised in trying to locate individuals mentioned by witnesses in hearings.

The ghastly fact is that on October 13 in about 12 minutes all but one of the members of HISC gave permission for the names of 73 Americans to be permanently placed in the hearings of the House Internal Security Committee. By clear implication HISC stated that Gerard Connolly, Robert Waters and John P. Monahan have credibility and that the 73 other Americans whom they named forfeited their right to come forward and deny or qualify the allegations of the three witnesses. The further assumption of HISC is, of course, that the Progressive Labor Party is somehow subversive and that if Americans join it they must journey to Washington at their own expense to justify their participation in these organizations against the allegations of persons asked by the staff of HISC (the members of HISC are seldom if ever asked to furnish the name of witnesses.)

One of the next items to come up at the HISC meeting of October 13 involved preparation for the hearings on "Military Subversion". A staff aide rattled off the names of a dozen or more witnesses to be subpoenaed for unstated reasons. The purpose of the investigation which opened on October 20, 1971 was more than a little murky.

The Chairman, revealing remarks which he was to place in the Congressional Record the next day, October 14, stated that the purpose of the hearings was to investigate "the matter of attempted supervision of the men in uniform by militant extremists of the far left." Chairman Ichord claimed that HISC became more knowledgeable of attempts to subvert the military during the extensive hearings the Committee conducted in 1969 with respect to the Students for a Democratic Society (SDS). The Chairman went on to say that the Committee received additional information during its "lengthy 1970 hearings on the Black Panther Party".

Chairman Ichord, who is a member of the House Armed Services Committee, obviously took pleasure in announcing that he was using his position as a member of that committee to get information out of the military which otherwise it might be difficult to extract.

Chairman Ichord, in the material which he inserted into the Congressional Record on October 14, seems to have prejudged some of the very questions to which the hearings would address themselves. He stated that "some G. I. papers . . . are known to have been originated by members of the Communist Party, U.S.A. . . ." He did not say by whom such conclusions were "known".

The staff members of the Committee reported that they had been wandering all over the country talking to G.I.'s and others who were involved in coffee house projects and underground newspapers. The several subpoenas requested were granted routinely by the Committee,—especially when the staff stated that all of the witnesses were "friendly".

A third item pushed through by the Committee almost as if it were routine was a request from a member of the staff for subpoenas to secure the names of 17 individuals whose Post Office Box number was given in a publication of the Progressive Labor Party. I objected strenuously to this as did Congressman Claude Pepper (D. Florida). The staff member shrugged it off as simply an attempt to complete the investigation into the Progressive Labor Party. The Chairman pushed the motion through despite the vigorous protestation of Congressman Pepper to the effect that people have an inherent right to secrecy and privacy in a Post Office Box number which they have obtained.

WHAT INJURIES DOES HISC INFLICT?

When I left the meeting of the House Internal Security Committee on October 13 I tried to think that the hearings which the Committee had had on the SDS, the Black Panthers, the National Peace Action Coalition (NPAC) and now on what the staff member and Chairman call the "G.I. Movement" might be foolish rather than insidious. These investigations produce extensive and expensive hearings which no one really takes seriously. The hearings allow the members of HISC to fantasize, as Mr. Ichord did in a press release from HISC of October 15, when he stated that the hearings of the Committee on the anti-war demonstrations in Washington brought to light evidence "showing that Marxists of both the Communist Party, U.S.A. and the Trotskyite varieties were instrumental in developing ways to reach and try to undermine the morale and loyalty of America's fighting men."

Despite the fact, however, that HISC receives very little publicity or visibility these days the dangerous work of the Committee goes on. With an actual budget of $525,000 (one of the very highest of all of the 21 Standing Committees of the House) the staff can continue to pile hearsay upon hearsay, add illusion to delusion and multiply the number of 3 x 5 cards containing the names and alleged subversive activity of American citizens. In April 1971 the number of individuals and groups placed on 3 x 5 cards by nameless employees of HISC came to 754,000.

It does not matter to the staff of HISC or even apparently to the Congressional members of HISC that the Committee by clear implication states that dissent is almost always disloyalty and that unorthodoxy is almost always un-American.

It is easy, convenient and indeed fashionable these days to be amused at the excesses of the House Internal Security Committee and dismiss it as an anachronism, a leftover from the red baiting days of the 1940's and 1950's. The undeniable fact is, however, that HISC continues to damage the reputations and injure the lives and fortunes of a large number of Americans. That injury is done in many ways but perhaps particularly by the open access which the officials of the United States Civil Service Commission and other Federal agencies have to the files of the House Internal Security Committee. Everyday Federal officials charged with the hiring of qualified individuals for Federal positions check the files of HISC and, we must assume, refuse to hire qualified persons because some unnamed employee of HISC has included an item about the individual taken from a newspaper, magazine, a letterhead or any other casual source.

Clearly there is no authorization in the rules of Congress for this data bank and this system of free reporting by which the Executive Department of government may secure and presumably utilize gossip about American citizens.

In 1969 some 25 departments and agencies of the Federal government made 1,506 visits to the file section of HISC. In 1970 1,348 visits were made to the files of HISC by authorized representatives of the Federal government.

It seems predictable that all of the names recently recorded in the hearings which HISC conducted concerning the Black Panthers, the SDS, the Peace Movement and the military protesters will be utilized by the Department of Justice. In July 1971 Mr. Robert C. Meridan, the Assistant Attorney General in charge of the Internal Security Division of the U.S. Department of Justice, testified before HISC and alleged that the Federal government now must confront a problem which arises "When employees in non-sensitive positions are hired subject to investigation, and during that time it is discovered that the individual is a member of a subversive or terrorist-revolutionary organization". Mr. Mardian gave no definition whatsoever of a "terrorist-revolutionary organization". He did state that "We have been working closely with the Civil Service Commission in meeting the challenge presented by the efforts of revolutionary terrorists and other subversives who enter Federal employment." Mr. Mardian indicated that the Nixon Administration was seeking the reinvigoration of Subversive Activities Control Board in order to have a list of organizations whose members would be presumed to have some subversive tendencies. The SACB has, of course, been re-established and will presumably turn up with a new Attorney General's list of subversive organizations in the near future. When this list is combined with all of the hearsay in the files of HISC and the totally unsupported allegations against individuals and organizations in the thousands of pages of hearings issued in the past three or four years there will be constituted a monumental data bank of information with which the government can exclude any number of dissenters from orthodoxy from Federal employment.

It seems reasonably clear that this administration claims an inherent power to use information collected by the Congress. Under intense cross-examination by myself in July 1971 Mr. Mardian, testifying before HISC, practically denied the doctrine of the separation of powers and asserted that the Executive has the inherent right to go to a "coordinate branch of government" and secure from it the information which it desires.

All of the apparatus of HISC therefore is not something innocuous but rather is the source of present and future calamity to any number of groups and individuals. In short HISC constitutes the weapon by which the present oppressive administration and any subsequent repressive government may penalize and punish dissenters by branding them as disloyal.

HISC HAS ACCESS TO EVERYONE'S FILE AT THE INTERNAL REVENUE

At one of the early meetings of HISC in 1971 a staff member brought up the matter of petitioning the President of the United States for the power to be given to HISC to subpoena any records deemed useful to HISC from the Internal Revenue Service (IRS). A question by myself to the Chairman and members of the Committee was shrugged off by the staff member indicating that the request for such power was routine. I insisted upon knowing the justification in the U.S. Code for such a request and demanded to know the number of requests that the Committee had made during the past year. The Chief Counsel of the Committee, at the urging of the Chairman who saw how angry I was, went to secure the U.S. Code and also some information about the previous year's record. After a period some documents were produced but little hard information as to why HISC needed such authorization. I was not told that in the 89th Congress the Committee subpoenaed the records of 131 taxpayers, that in the 90th Congress the Committee obtained the records of 14 citizens from IRS and that in the 91st Congress the Committee requested and received the tax reports of 43 citizens.

I did not know until I saw a letter from the Internal Revenue Service under date of August 25, 1971, published in the Congressional Record on October 6, 1971, that HISC with 188 reports from IRS during the past six years, has outdistanced by far all of the five or six committees of the House of Representatives *e.g.*, the Committee on Government Operations, which have the power to review the tax returns of citizens.

During the 9 months in which I have been a member of HISC no request has come to the members for authorization to request IRS for information. It may be that in this area, as in all other areas of the operation of HISC, the 58-man staff runs the Committee and tells the members afterwards about their activities,—if in fact the members inquire. This staff is, of course, the largest of any one of the standing committees of the House.

Indeed with the substantial increase in funds voted after a bitter debate by the House for HISC, more lawyers and more staff have been added during 1971.

A movement was launched this week to secure a well paying position for a 59 year old West Virginia lawyer to fill a newly created position of Minority Counsel. This person, Mr. DeWitt White, has been employed for some 15 years by the Subversive Activities Control Board. The Chairman sent a note to all of the Democratic members of HISC asking if they had any objection to the employment of this individual. I have sent a very vigorous protest to the Chairman as well as to the minority ranking member of the Committee indicating that in my judgment Mr. White, who seems completely sympathetic with the purposes, objectives and history of the SACB, should not be retained as Minority Counsel for the Committee.

In a resume submitted by Mr. White he referred to certain named lawyers whom he allegedly defeated in litigation as "attorneys of the radical left". Mr. White referred to other attorneys as the "remaining counselors of the far left."

Mr. White indicated that during the period of 1961 to 1969 he prepared for the Attorney General "Most of the answers to Congressional letters." Mr. White also indicated that during that same period he "Usually wrote the Annual Report of the Attorney General to the Congress on the enforcement of the Subversive Activities Control Act."

I have protested to the Chairman of HISC that I found all of those reports most unsatisfactory. I have made it clear to Congressman Ichord and to Congressman John Ashbrook (R. Ohio), the ranking minority member, that I protest in the strongest terms the hiring of an attorney who has been so closely identified over so long a period with the Subversive Activities Control Board.

What hearing if any the Chairman of HISC will give to my protest remains to be seen. I have indicated to the Chairman and to the ranking minority member that if "no hearing is granted to me on the point I will bring my strong objections to the leadership of the House and to the floor of the Congress."

HOW CAN HISC BE MODIFIED OR ABOLISHED?

It is difficult for members of Congress to work up much indignation to HISC. It is a body more to be pitied than scorned. The almost scandalous budget of HISC, the third largest of all of the 21 standing committees, is not likely to arouse too much indignation on the part of Congressmen who daily appropriate millions and billions of dollars. The lack of any productive work or creative legislation on the part of HISC similarly leaves Congressmen without any deep motivation to dispose of a body which, Congressmen and others like to think, does not bring the shame to Congress which it did during most if not all of the years when it was named the House Un-American Activities Committee.

Clearly new arguments and new strategies are necessary if HISC is to be abolished or to be merged with the Judiciary Committee.

It may be that the strategy by which HISC can be dismembered will be discovered in the new approaches to Communism which are so clearly visible as we approach an era when Mainland China becomes a member of the United Nations and the President of the United States visits Moscow.

The one reason why members of Congress year after year renew the appropriation for HISC is the fear which they have that a political opponent in a future campaign will protest that a member of Congress is "soft on Communism" if he has voted to cut out the funds for HISC. I have talked to any number of persons who know that they should vote for the abolition of HISC but who concede that their only motive for perpetuating this committee is a fear of the consequences among the electorate.

The number of individuals and organizations which oppose the existence of the House Internal Security Committee will undoubtedly continue to grow. It is hoped that Common Cause, the League of Women Voters, the Ripon Society and the National Committee for an Effective Congress will join with Americans for Democratic Action (ADA) and the National Committee Against Reprehensive Legislation to work for the abolition of HISC.

All of the lobbies in the country, however, will not be able to secure the vote of Congressmen to abolish this committee unless or until it is politically safe for an incumbent Congressman to state with impunity that he does not think that the Congress should make investigations of any allegedly subversive individual or group since this is clearly the work of the Executive Branch and, at the Federal level, the U.S. Department of Justice.

Of the 435 members of the House only about 130 at most believe that they can vote against HISC without major political disaster to themselves. Undoubtedly some of the others who vote to refund HISC each year feel that the Committee is doing something worthwhile. I have become convinced, however, that the fear of political backlash is about the only motivation which induces Congressmen year after year to perpetuate the existence of a committee which has brought only shame, humiliation and disrespect upon the House of Representatives.

The fear of political reprisal which members of Congress have concerning their vote on HISC is analogous to the fear which many members of Congress now have concerning their vote on the Prayer Amendment to be cast on Monday, November 8. Any number of Congressmen have told me that they feel that the Amendment to change the Bill of Rights to permit so-called nondenominational prayer in public places is foolish on its face. All too many of them will, however, vote for the prayer amendment lest back home the people and more particularly their political opponents caricature their vote not to amend the Bill of Rights as a vote against prayer.

Among ways that have been suggested to abolish HISC is to increase the number of members from 9 to 13 or 15. If persons such as myself who are opposed to the basic rationale of HISC could be induced to become members of this committee it would be feasible to liquidate the Committee within two or four years.

On the other hand it might be possible to diminish the number of members from 9 to 5—depending upon who the survivors might be. At this particular time the 4 Republicans appear to be "true believers" in the objectives of the Committee. On the Democratic side Congressman Edwin Edwards of Louisiana has never attended a meeting of the Committee in 1971. Congressman Edwards is busy running for the governorship of Louisiana and has in fact requested and received permission from the leadership of the House of Representatives to have his name removed from the payroll of the House to which he was elected by people who are now without representation. Congressman Edwards' approach to HISC is unknown to me but I would assume he would be generally in favor of the objectives and tactics pursued by HISC during the recent past.

Congressman Claude Pepper is a just and a fair man. He knows the insidiousness of HISC since his defeat as a United States Senator was due in part to the use of innuendoes and misstatements taken from the files of the House Un-American Activities Committee.

Congressman Richardson Preyer (D.-N.C.) is also a just and fair man. Congressman Pepper, Congressman Preyer and myself were the three dissenters from the five-man majority of HISC that this year recommended the perpetuation of the Emergency Detention Camps. That recommendation was, of course, overwhelmingly rejected by the House of Representatives which repealed completely Title II of the Internal Security Act of 1950 which authorized the establishment of Emergency Detention Camps for allegedly subversive individuals.

If the three Democrats who have basic misgivings about some of the objectives and tactics of HISC could count on the vote of Chairman Ichord there would from time to time at least be some progress made in the way that HISC conducts itself. I cannot, however, predict that an alliance of these four Democrats will be possible on any issue in the foreseeable future. Indeed the Chairman might well go with the four Republicans who seem to demonstrate a unanimity on the proposition that Communist influence is probably and almost undoubtedly present in any situation where there is agitation, disturbance and dissent.

Chairman Ichord until the very recent past has aspired to run for the governorship of Missouri. Acting on that assumption many speculated what the Committee would become absent the present Chairman. Mr. Ichord has now renounced his ambition to be the Governor of Missouri and will, we must assume, be the Chairman for the foreseeable future. The fact that he received only 49 votes for his position on retaining Emergency Detention Camps may possibly force Mr. Ichord to think a bit more progressively.

Congressman Ichord likes to believe and suggest that HISC does not indulge in any of the bizarre and unconscionable conduct of HUAC. The conduct may not be as blatant but it is just as insidious. Indeed I often wonder whether or not HISC is not more dangerous than HUAC. Under HUAC it was very clear that the Chairman or the members sought only to impress their constituency back home via television that they were tough on Communists and would not tolerate subversion.

Now the members of HISC have a fresh copy of the rules of the Committee placed at their desk every time the Committee meets. Chairman Ichord likes to refer to the rules and makes it clear that he is abiding by them. The fact of the matter is that, however, antiseptic the procedure, the objectives and the strategy go on. Witnesses with evident and outrageous prejudices are allowed to continue to make totally unsupportable statements about alleged Communist influence in the SDS, the Black Panthers, the peace movement and now the military. If the witness mentions any particular person in a derogatory way the Chairman immediately insists that the testimony be deleted or that it be given in Executive Session. When the Committee hears the witness in Executive Session he is free to name person after person as a participant in some reputedly subversive organization and not produce a single iota of evidence either that the organization is in fact subversive or that the witness has more than hearsay that the person named did in fact participate in the organization mentioned.

Despite the alleged improvement in the procedure of the Committee the fact remains that HISC continues to be an insidious deterrent to the expression of diverse and dissenting opinion. It thus makes a mockery of the solemn guarantees of the First Amendment to freedom of expression and freedom of association. The staff of HISC constitutes a cadre of single-minded individuals who seek to impose their monolithic view of Communism on the public and indeed on the members of the Committee. The staff is aggressive in the expression of its desire to ""smoke out" Communists wherever they may be found. The staff is so numerous, so well entrenched and so unaccountable to the members of Congress on HISC that they conduct their business almost as if the members on the Committee were there only to give moral and financial support to the inquisitorial activities of the staff.

The staff produces all types of reports about the SDS, the Black Panthers and the peace movement. These reports, frequently made up of disjointed clippings from such publications as the New Left Notes, generally insert some reference to "the radical left" or to "revolutionary movements" which in some vague way are designated as the source of the disorders described in the reports. Mr. J. Edgar Hoover is cited in the staff reports as a person having intelligence and information which approach the infallible. A report on the SDS, for example, cites Mr. Hoover as saying that "Over 70 past or present Communist Party members from New York City alone . . . were observed among the participants" in an SDS demonstration in Washington.

The reports issued by the staff of HISC (which the Congressmen on HISC never see until they are printed) are an amalgam of irrelevant, distorted but very dangerous sentences. The names of countless individuals are included in these reports in such a way that if we have a government even more repressive than it is now these individuals might well be punished by publicity beyond anything that we have seen to date.

It seems clear to an increasing number of members of the House of Representatives that the Congress made a profound mistake when on January 3, 1945 it allowed Congressman John Rankin of Mississippi to help push through a resolution on the very first day of Congress transforming the House Un-American Activities Committee into a permanent standing committee of the Congress. Congressman John McCormack argued vigorously against the establishment of that group as a standing committee. With only 280 members of the 435 present the Congress in a vote of 146 to 134 made HUAC into a permanent committee.

An increasing number of Congressmen hopefully recognize that the change in the name of the Committee from HUAC to HISC, agreed to be a vote of 262 to 123 on February 18, 1969, has really made no difference in the activities or the danger implicit in the Internal Security Committee of the House of Representatives. Indeed that action was cosmetic only and insofar as it submerged all of the injuries which HISC still perpetuates it made this body more rather than less dangerous.

I have the hope the new and hopefully burgeoning organizations among the 25,000,000 new voters under the age of 25 will insist that the standard which they apply to the members of Congress for whom they will vote will include a vote against the perpetuation of the House Internal Security Committee.

I am sure that the subject of tonight's lecture, the abolition of the House Internal Security Committee, was one very close to the mind and goal of the late Professor Daniel M. Berman, a professor of government at American University, and one of the original 100 constitutional law authorities invited by Alexander Meiklejohn and Tom Emerson to join in the petition to Congress in 1964 to abolish the House Un-American Activities Committee.

Professor Berman became the Vice President for the East Coast Region of the organization then called the Committee to Abolish HUAC and now entitled the National Committee Against Repressive Legislation.

The untimely death of Professor Berman in 1967 at the all too young age of 39 did not silence his voice against repression in every form but particularly repression contrary to the First Amendment to which Professor Berman's close friend, now the late Justice Hugo Black, was so devoted.

I hope that I at least in some limited way have echoed and intensified that passionate love for the fullest freedom under the Constitution which Professor Berman exemplified in his teaching, his writings and in every aspect of his life.

A LEADING KANSAS PHYSICIAN DISCUSSES THE HEALTH MAINTENANCE ORGANIZATION

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ROY. Mr. Speaker, this Congress will be considering alternative methods of health care delivery, foremost among which will be the Health Maintenance Organization concept. For such delivery systems to be viable they must be attractive and advantageous to both those who receive and those who provide health care.

These excellent remarks by the president of the Shawnee County Medical Society, Topeka, Kans., are typical of the perceptive and progressive approach of the doctors in my home State, Kansas. I praise Dr. Arthur C. Cherry, Jr., and my fellow physicians for their recognition of our problems and for seeking constructive answers to these problems.

The remarks follow:

HEALTH MAINTENANCE ORGANIZATION

(By Arthur C. Cherry, Jr., M.D.)

The newest challenge to arrive down the pike from Washington is a concept called The Health Maintenance Organization. This idea, which is not entirely new, at least places additional emphasis on prevention of disease and maintenance of good health with treatment of acute and chronic illness. The concept, through the mechanism of prepayment, encourages efficiency and less expensive prevention of disease. Thus the physician shares a vested interest in the economic success of the organization as he is able to keep his patient well and out of the hospital.

Such organizations already function primarily in the western states where private medical groups have negotiated with patients to provide comprehensive medical care for a monthly prepaid rate. As hospitals are utilized at a lower rate and office visits are more readily used the patient will seek less expensive care earlier in his illness or before it begins.

Are we ready to consider such a plan? What would be our objectives? What needs would be met in a better way than they are now fulfilled? The greatest deficiency in our present system is supplying adequate preventive and health maintenance care as well as treatment to those who cannot provide for themselves. Our present system of unpredictable costs outrunning budgets is inadequate and expensive and totally unsatisfactory to both patient and physician. Such an HMO must therefore provide a fairly comprehensive type of care for that population. But it must also be accessible. Many of these people cannot reach physicians' offices during traditional hours. Some aspects of care must be brought to them.

Such an organization needs adequate financing and assurance of viability. Experience of insurance actuaries is necessary to determine costs and rates and allow for necessary capital for expansion and reinvestment unless complete dependency on government grants is envisioned.

Many besides the poor need and want a more predictable health care system. The blue and white collar worker buy health care from a system keyed to treatment of illness rather than maintenance of health. As their demands get greater and our resources become less the price becomes higher and higher.

Congress will consider these plans in coming months. Certainly the citizens of this area deserve a choice of another approach to payment for medical care. Such a plan needs to be fairly comprehensive, needs to be available to those who need it, and needs to be financially sound and able to survive independently. None of this is possible without the interest, cooperation and very hard work of physicians. It behooves us to become informed about these plans and provide guidance and leadership in their development.

Unless our numbers are to increase rapidly in the next few years, which seems unlikely, we will find it increasingly difficult to meet the demands on our services. Some plan of health maintenance should reduce that demand and provide better medical care at a price which is reasonable to a large segment of our population. The cost might also be more reasonable and more predictable to the government agencies which purchase care for the indigent. Our participation should help provide a community-wide perspective which is important in any change in our health care systems.

TWO WEEKLY REPORTS TO NINTH DISTRICT RESIDENTS, OCTOBER 18 AND 25, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. HAMILTON. Mr. Speaker, I include the texts of my last two weekly reports, October 18 and 25, to Ninth District Residents on the impact of agri-business corporations on American agriculture.

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT, OCTOBER 18, 1971

(EDITOR'S NOTE.—This is the first of two reports on the impact of agri-business corporations on American agriculture.)

The U.S. agriculture plant is a $100 billion assembly line which provides American families with the best diet in the world at one of the best bargains in the world. Yet, farmers, government officials, economists and many thoughtful Americans are beginning to ask some startling questions about the world's most efficient food production plant:

Is the family farm going out of existence?

Is the Nation's food supply in jeopardy?

Is the future of rural America endangered?

The traditional patterns of food supply are being reshaped by dozens of large corporations which are moving into agriculture and bringing with them an integrated market production system similar to non-agricultural industries. These corporations approach agriculture, not only to produce food, but to develop a completely integrated food supply system, including production, processing, distribution and marketing.

These huge conglomerates pose a very real threat to the family farm, which traditionally has been the basic unit of our agriculture. The corporation can make profit on land speculation, tax advantages, on production, processing or marketing. The independent farmer has to take his profit from production only.

Corporations, which can borrow on greater proportions of their total assets than family farmers, also are commanding more and more of the available credit, which is critical to the survival of the family farmer. Many corporations have the advantage of a workforce which is paid much lower wages than urban industrial workers, and by their size, they command the lion's share of the government crop support payments.

The Washington Post, in a recent series of articles, pointed out that large corporations now dominate segments of agriculture. Single corporations in California, for instance, account for 90 percent of the State's melon production, 46 percent of the cattle sold, 38 percent of the cotton, and 30 percent of the citrus fruits. Only three companies produce most of California's lettuce.

The family farmer still dominates the growing of feed grains, however. In Indiana, third in the nation in the production of corn, soybeans and hogs, corporation farming does not loom large at present. The 1970 census showed that there were 584 corporate farms in the State, accounting for just over 1 percent of the total farmland.

However, with the family farmer facing the necessity of larger acreage, expensive machinery, more credit, he fears that a pattern similar to that in California might emerge in feed grains, cattle or hogs, and make it even more difficult for him to stay in business.

The influx of the corporate farm comes at a time when the embattled independent farmer already is taking it on the chin. Income levels for farmers during the first half of the year have remained relatively stable, while production items, interest rates, taxes and wage rates increased 5.5 percent. Farm income will be down this year as a result of huge surpluses. The corn crop will be 30 percent larger than last year, and the 5.3 billion bushel corn crop will be worth less in total dollars than last season's 4.1-billion-bushel crop.

The independent farmer, then, looks about him and sees that everyone in the food production system makes more money, and has more economic power than he—the supermarket chain, the food processer, the food distributor, and the corporate farmer. It is no exaggeration to say that the family farmer could disappear unless he begins to get better prices for his product.

While the family farmer has remained, for the most part, unorganized and independent, there have been significant industrial, financial and technological upheavals in American agriculture. Many of the changes have been brought about by the emergence of agribusiness.

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT, OCTOBER 25, 1971

(EDITOR'S NOTE.—This is the last of two reports on the impact of agri-business corporations on American agriculture based on a series of articles appearing recently in the Washington Post.)

A full-scale battle between the corporate farmers and independent farmers already has developed in some areas of the Nation. This confrontation could have a profound impact, not only on agriculture, but on the future of rural America as well.

In the last 50 years, 40 million rural Americans have migrated to the cities, many of them leaving behind the family farm which has been the economic base of small town America. As the family farmer is driven out of business, the economic base withers, the tax base deteriorates, and the quality of life is affected.

The decline in rural America also has had an impact on the American political system. The political punch of rural America has declined sharply in recent years, and traditionally, it has provided a counter-balance to urban politics. Already in this country, 74 percent of the people live on 1 percent of the land, and by the year 2000, if present trends continue, only 12 percent of the American people will live in communities of less than 100,000 residents.

The influx of corporate farming in American agriculture is having an impact on the Nation's food supply. Food is the Nation's largest and most important business. It is worth more than $100 billion in annual retail sales and more than $8 billion in farm exports, which keep the U.S. balance of trade from being an economic disaster. Any development which would impair a steady and efficient supply of food, or would make American agriculture less competitive abroad would have serious effects throughout our economy.

Some observers are suggesting that we judge agriculture by much broader standards than efficiency and productivity. They contend that we should be willing to sacrifice agricultural efficiency to preserve the quality of life in rural America. One farm leader says that every time a farmhouse light goes out, the country is not only losing a man's skills, but also a free man. The impact of this out-migration on the quality of American life is uncertain, but worrisome, because many of the most responsible leaders of American life have come from rural America.

The turmoil in farm organization reflects the challenge to traditional American agriculture. Farm leaders are searching for a means to protect the family farmer, some suggesting legislation to prohibit farming by big corporations, or restricting to individuals the ownership of land improved with government funds. Many are calling for legislation to benefit the family farmer, including tax benefits, more financial credit to attract more young people into farming, and improved bargaining power for farmers in the marketplace.

Some farm organizations believe that farmers should form giant cooperatives with complete systems for the production, processing and marketing of produce. Many farmers see the cooperative as just another kind of giant agri-business organization, however.

The variety of these approaches to meet the challenge of agri-business to the family farmer tend to weaken the efforts to get effective action.

The Congress, concerned with the impact of these new developments in agriculture on farmers, the food supply, exports and rural America, is beginning a search for solutions to the new conflicts between independent farmers and the corporate farmers.

There is a growing awareness in the Congress, however, that government policy often tends to make the role of the independent farmer more difficult. Our present agricultural subsidies are supposed to control overproduction, but they go mainly to the wealthiest farmers with the largest operations. Subsidies for wheat and cotton, especially, are much larger than needed to control surpluses.

Of the 2.9 million farmers in the Nation, 50,000 grow a third of the country's food supply, while 1.5 million American farmers continue to earn less than poverty level incomes. The corporate farmers not only command the major share of government subsidies, but they also get generous tax write-offs which encourage even larger operations.

One government expert observed: "Government has provided socialism for agribusiness, and free enterprise for the small farmer and farm worker."

COMMITTEE FOR PUBLIC JUSTICE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SPENCE. Mr. Speaker, a group styling itself the Committee for Public Justice meets this weekend at Princeton University. They apparently intend to zero in on the Federal Bureau of Investigation and its Director, the Honorable J. Edgar Hoover.

In his column which appeared in the October 25 edition of the Washington Evening Star, William F. Buckley, Jr., itemizes in some detail the principal participants and the common threads which draw them together in this endeavor. I ask unanimous consent to include that column at the conclusion of my remarks.

At the risk of dignifying such a group by deigning even to mention it, I call it to the attention of my colleagues in the hope that the excesses which may be anticipated from its deliberations will not go unstudied and unchallenged. Too often in the past, questionable movements of this sort have been permitted to gain attention and momentum far beyond their merit. That should not be permitted to happen in this case.

The column follows:

IS IT PUBLIC JUSTICE OR JUST HOOVER BAITING?

(By William F. Buckley, Jr.)

A gentleman at Princeton University got the idea a while ago that it would be interesting to inquire into the nature of something. So he founded the Committee for Public Justice.

Having founded a Committee for Public Justice, the question naturally arose, public justice for whom? The answer was obvious: Public justice for victims of—J. Edgar Hoover. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton Friday and Saturday, and it is fearfully predictable that they will talk about the deficiencies of the Federal Bureau of Investigation.

It is strange that a committee so self-advertisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are, some of them, anti-FBI nuts. I say nuts, because criticism of the FBI needs to be evaluated with some reference to the evaluator's general view of things. If there is anyone on the masthead of the new committee who has given 10 minutes' fruitful thought to the question of crime and punishment, with the possible exception of Norman Dorsen of the ACLU, then there will be headlines indeed out of Princeton this weekend, to celebrate the discovery of crime by this set.

The most conspicuous figure in the executive council is Ramsey Clark. Clark, who is a splendid fellow, wrote, alas, the most perverse book about morals since De Sade, the jurisprudential equivalent of "The Greening of America". On top of that, Clark and Hoover, who was a subordinate of Clark for a few years, in the sense that Marshal Montgomery was a subordinate to King George V, were exchanging epithets a year or so ago.

Then there is, of all people, Lillian Hellman who, notwithstanding her great resourcefulness as a dramatist, could only think, in 1952, to answer questions about her involvement with the Communist party with mutterings about the 5th Amendment. Burke Marshall was an assistant attorney general during the Kennedy years, and in pursuit of public justice rushed to Chappaquiddick not at the urging of Mr. and Mrs. Kopechne, but of Sen. Kennedy.

Oh, it is a wonderful list! Did you know that Warren Beatty was interested in public justice?

Jules Feiffer is there, to protest what a spokesman for the committee has described as "political repression," which is to be defined, one gathers, as resistance to the burning down of ROTC buildings. J. Fred Cook is best known as having discovered that the FBI framed Alger Hiss.

Frank Donner also pleaded the 5th Amendment about his connections with the Communist party. Martin Peretz of Harvard, the philanthropist of the hard left, is still dazed from the anti-Semitic talk he ran into during one of the caucuses which, as I remember, he got the bill for.

Shirley MacLaine will be consulted. We never can remember whether Shirley MacLaine is Shelley Winters, and which of the two is related, and how, to Warren Beatty though it is good to know that they are both related by their common thirst for public justice. There is a military man. Who? You guessed it, former Marine Commandant Gen. David Shoup, who has been talking about American war crimes ever since the Viet Cong launched their reign of terror. And Candice Bergen, Mrs. Marshall Field, Mrs. Elinor Gimbel, and—Charles Goodell.

Other contributors to Princeton's search for expanding the vocabulary of anti-Hooverism are Paul Newman, who will contribute the facial expressions; Mike Nichols, who will direct them; and Arthur Schlesinger Jr., who will write the history of the Committee for Public Justice, which will be the shortest book he ever wrote, meaning that there is something in public justice for all of us.

VETERANS DAY—1971

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. COUGHLIN. Mr. Speaker, as we pause from our day-to-day activities to observe Veterans Day, let us think how we, as Americans, can express our appreciation to the men and women who have helped to preserve our American way of life.

We can respond by being Americans—

Americans who are alert—Americans who are not afraid to face the challenges of today—Americans who understand the gravity of the world situation—Americans who will express their support of our national purpose to attain world peace.

Today, as never before in the history of our great country, we must show the world that we are a Nation united in pursuit of this lofty goal.

This day originally was designated by the Congress in honor of the millions of America's sons and daughters who joined the ranks of our Armed Forces in defense of freedom and individual dignity. The rescheduling of this holiday from its former date of November 11—the anniversary of the World War I armistice—to the fourth Monday of October in no way detracts from its dedication to the attainment of an honorable world peace. Hundreds of thousands of gallant Americans have made the supreme sacrifice in pursuit of that goal. Other countless thousands bear the marks of combat incurred while meeting the highest obligation of their citizenship.

In my own 13th Congressional District of Pennsylvania, I take great pride in a veteran population totaling over 98,000. The Montgomery County veterans' organizations are composed of patriotic Americans who join the more than 27 million Americans whose lasting sacrifice to their country's welfare will always be matched by the enduring affection of their countrymen.

The passage of time must never obscure or minimize our eternal debt of gratitude to all our veterans. It is with this conviction that I say the Second Session of the 92d Congress will continue to explore the plight of our veterans and their families in the light of our rapidly changing times and needs.

Lincoln's compassionate words adjuring us "to care for him who shall have borne the battle, and for his widow and orphans" are a constant reminder to us of our duty to our veterans.

With deep pride and gratitude, I join my colleagues in the Congress and my fellow Americans in acknowledging that the debt that we owe to the men and women who have fought to preserve our precious freedoms is one that can never be repaid.

CHILD DEVELOPMENT ACT TO SOVIETIZE OUR YOUTH

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. PELLY. Mr. Speaker, I have openly opposed the spending of $14 to $20 billion for child care centers as passed recently by the House. The result has been a great amount of mail into my office when others learned of the dangenerous precedent this bill sets. I am deeply hopeful President Nixon will veto this bill when it goes to him for his signature and that the House will turn around and swiftly pass the Economic Opportunity Act of 1971 without this child development provision.

Meanwhile, columnist James J. Kilpatrick, in the Seattle Times, took note of the Child Development Act, and I call his remarks to the attention of my colleagues. I insert Mr. Kilpatrick's column at this point in the RECORD:

CHILD DEVELOPMENT ACT—TO SOVIETIZE OUR YOUTH

WASHINGTON.—When the House met September 30, not more than 40 or 50 members had any clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House had voted, 203 to 181, to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in The Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as part of plans for welfare reform, to see some bill enacted that would provide modest federal subsidies for a few day-care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went to work.

Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for the Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child-development services, particularly during early childhood years."

To remedy this harm, the bill directs the secretary of health, education, and welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served, to assure that parents are well informed." Religious guidance plays no part.

Applications for federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the secretary."

Local proposals would float up to a new Office of Child Development. This office would create a committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund.

Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Congressman Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended.

The bill contemplates, ultimately, federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense.

But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church and parental control.

This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

SAVE POINT REYES PENINSULA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 27, 1971

Mr. EDWARDS of California. Mr. Speaker, as a Californian and a Member of Congress, I feel that I must add my voice to those of my fellow Californians in support of saving the Point Reyes Peninsula. To fail to act to protect and save this area would be a crime against nature and a crime against future generations of Americans. The National Park Service's 5,150 acre wilderness proposal, while better than no plan at all, is really quite inadequate to the task that lies before us. Large areas have been excluded and the National Park Service plan, absurdly enough, includes no shoreline.

I support the alternative proposal for 36,000 acres of wilderness as recommended by a coalition of citizen conservation groups. This proposal would protect some 25 miles of ocean and bay shoreline and tidelands—a necessity as far as I am concerned. In addition to the Mt. Wittenberg area proposed by the Park Service, it includes the southern portion of the seashore from Bear Valley Trail to Pablo Point, Drakes and Limantour Esteros and Limantous Spit, Tomales Point, the full length of Point Reyes Beach and the shoreline of Point Reyes Headland.

Generous wilderness protection for the Point Reyes area is important, not only because of the amazing and gentle beauty of this area, but also because of its proximity to the millions of people who live in the San Francisco bay area—people who desperately need the peace and tranquility that wilderness areas can provide.

There are several drawbacks inherent in the National Park Service plan. Although public meetings on the overall conceptual master plans are a step in the right direction, present National Park Service policies do not provide for any citizen involvement in the decisions following adoption of the generalized master plan. I feel that citizens must be able to have a chance to review the important action plans which touch upon such important questions as the specifics of proposed developments and the location and design of major roads. The master plan should recommend that a representative citizens advisory board be established for the Point Reyes wilderness refuge.

In addition, most of the national seashore under the present Park Service plan would be designated as class III. This means that this land could conceivably be exploited and developed for commercial profit. We could see this area logged, grazed, and hotdog standed out of its beauty. Except for those lands where we in the Congress have specifically permitted dairy cow or cattle ranching, this land should be protected more stringently than present plans provide. This area should remain wild and beautiful and should not be developed.

I am of the opinion that those in the Park Service who studied this area and wrote this master plan were trying to serve the best interests of the people of California and America. However, this conceptual plan omits details which absolutely must be open to public review. It omits specifics which are vital to the success of the effort to save this area. For example, the master plan states the principle that the automobile must be phased out of the proposed park area. However, no deadlines are given and no real procedural guarantees are provided. We in the Congress, perhaps even more than other Americans, know that this could well mean that this principle might never become reality—and that even if the principle becomes practice it may be too late. In my view, private automobiles should be excluded from this lovely area and for one reason only—to accommodate masses of private automobiles would mean the destruction of the area. Do we want to see miles of asphalt, parking lots, and traffic jams in the beautiful and primitive area? I do not think any of us wish that, and so we must act to prevent it. Naturally, when we exclude private automobiles from an area such as this, alternate, public, means of transportation must be provided. This aspect of the proposed park has not been given the attention it deserves in the master plan. We are not talking here about just another beach and just some trees. This area is unequaled anywhere in the world for its majestic seacoast, its lovely green and rolling hills and its exquisite forests.

This "island in time" provides us with a rare opportunity to save something that soon will be gone and that cannot be recreated. We have other areas where people can drive to the beach, stroll down a boardwalk, visit concessionary stands and spend a Saturday afternoon. This is all right, but we do not want all of our seashore and all of the few natural areas that remain to end up this way. We in the West, perhaps, have the good fortune to have more wild and untamed land surrounding us than in some other areas of our country. There really is no joy similar to that of hiking into the Sierra, into an area where there are no roads, no cars, no machines, no businesses and no crowds. We cannot preserve all of our land in this way. But, by some miracle, Point Reyes, just a few miles from San Francisco, has remained in this primitive state.

At present, wilderness areas are more accessible to those with middle-class income than to lower-incomed families. Point Reyes could be a place where people of all incomes and all races could have easy access to lovely wilderness. I sincerely hope that the final plan for this park area will be expanded to include 36,000 acres, with provisions for cheap and rapid public transportation from the population centers in the bay area, to the lovely hiking trails of Point Reyes. I will do all that I can here in Congress to assist in this effort.

Most of all, I hope to see some action on this question quickly—to insure the safety of the wilderness and the success of all our efforts to serve the people of California.

LIBERATION BY COMMUNICATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. HOGAN. Mr. Speaker, this past Saturday, October 23, 1971, the American-Hungarian community in the Nation's Capital and the entire Metropolitan area, commemorated the 15th anniversary of the 1956 Hungarian Revolution.

Presenting the keynote address on this occasion was our distinguished colleague from the State of New York (Mr. Horton) who discussed most cogently the present international realities of the 1970's and how they differ from the stark, cold war days of the mid-1950's.

He also, however, made the concomitant point that during this 15-year period since the 1956 revolution, we as a nation have largely forgotten the lessons learned during the 1950's about the political and military aspects of Communist totalitarianism. Particularly among our young people who do not remember the erection of the Berlin wall and who cannot envision what it would be like to live surrounded by gun towers and barbed wire, these lessons must be reiterated.

I ask, Mr. Speaker, that the address of our colleague from New York (Mr. Horton) before the dinner commemorating the 15th anniversary of the Hungarian Revolution be included in the Record at this point.

The address follows:

Text of Congressman Horton's Remarks in His Keynote Address at the Dinner Commemorating the 15th Anniverary of the 1956 Hungarian Revolution, National Press Club, Washington, D.C.

(Dinner sponsors: American Citizens Committee for the Commemoration of the 15th Anniversary of the Hungarian Revolution, Congressman Frank Horton, Chairman; Hungarian Freedom Fighters Federation, Dr. Andras Pogany, President).

LIBERATION BY COMMUNICATION

". . . may a ray of hope reach our long tried people who at this moment endure the fifth day of bombs, shells, and flaming death, bearing witness, before God and the world, of their will to be free—a people whose sons are being dragged into slavery; whose children, with their last breath cry "*help*" from wrecked homes, hospitals, and shelters; whose women stand before looted stores, facing stark famine.

"Ardently I pray God to bless you and your people, Mr. President—to guard and guide America in gaining the common goal of peace and joy for a troubled world. May the Almighty grant that you thrive and wax strong. On the threshold of a happier future, I beg you not to forget—never to forget—this small gallant nation braving anguish and death in the cause of mankind."

With these words, Josef Cardinal Mindszenty, Prince Primate of Hungary, wrote to President Dwight D. Eisenhower on November 8, 1956. I could think of no man on earth whose words would be more appropriate to open my remarks on the 15th anniversary of the Freedom Fighters revolution. No man, including those who died in that revolution, and including those who were exiled forever from their homeland, has made a greater sacrifice than Cardinal Mindszenty in the cause of his people and his church. Virtually imprisoned by circumstance in the American legation in Budapest, as a haven from certain death during the revolution, Cardinal Mindszenty has now made an even greater sacrifice—imprisoning his soul and his freedom of expression in exchange for his personal freedom, and in exchange for a chance for the Pope to melt the ice that has frozen relations between Hungary and Rome for the past 15 years.

While Cardinal Mindszenty may not, for the moment, be able to share with us his memories and his feelings about the people of Hungary, we can and we must turn to his words, spoken in the past, in commemorating this valiant try for freedom.

The Cardinal's prayer for President Eisenhower and the American people contains two vital and moving points. First, that America thrive and be strong so that we can gain the common goal of peace and joy for mankind; and second, that America not forget—never forget—the gallant and anguished nation of Hungary.

How far have we come in seeking these goals since the Cardinal penned his letter in the dark days of early November, 1956? We have come far, yes, but by no means far enough.

We have gone through years of anguished debate about whether the United States, at a moment when it enjoyed unquestioned military superiority in the world, could have, or should have used its strength to face down the threat of the Russian bloodbath. We have gone through years of unsuccessful effort to keep the question of Soviet occupation and stifling of Hungary and other nations of Eastern Europe before the United Nations.

But where are we today? What is the status of America's progress toward fulfilling Cardinal Mindszenty's goal of bringing peace and joy to a troubled world?

For those who long to turn the clock back to 1956, for those who wish we would return to the day when the seams of world order were held together almost solely by unquestioned American military superiority and by the presence of thousands of U.S. troops encircling the communist world, we have not come far enough.

For those who see opportunity for improving the plight of communist peoples through other than military means, however, we have come very far indeed. No man or woman who is familiar with the awesome nuclear power that has been amassed by the Soviets and ourselves can believe that the solution to freeing the minds and lives of the captive peoples lies in a military confrontation between us and the Russians. None of us should seek the sacrifice of this entire planet as the price for any goal!

I think most of us are able to discern the international realities of the 1970's, and perceive how they differ from the stark, cold war days of the mid-1950's. I think that President Nixon captured the essence of present realities when he made his acceptance speech at the Miami convention in August of 1968. There he stated that it would be his goal to seek a generation of peace. He stated that this would have to be achieved by ending the era of confrontation—very dangerous confrontation—between the superpowers of the earth. He states that the generation of peace would be ushered in by what he called an era of negotiation, but he very forcefully made the point that such an era could only succeed if America is negotiating from a position of strength, not of weakness.

There are many in this nation, and many in this room who, because of their bitter experiences with the communists, and their justifiable distrust of communist leaders—based on the lessons of history—shudder at the thought of any meaningful negotiation with the communist world. In the years of the 1940's and 1950's, we could well afford to deal with the communist world on our own terms. Our military superiority in Europe, in the Near East, in the Pacific and in Southeast Asia, as well as at home, even permitted us the luxury of virtually denying the existence of Communist China and her 750,000,000 people.

In the world of the 1970's, however, we cannot base the foreign policy of free nations or of our own nation on the world as we wish it were. If our policies are to be successful, they must be based on the realities of our world as it is today—whether these realities are popular or unpopular. Only in this way can we hope to change these realities, and to have a say in how they will change.

These are tumultuous days for those who do not want to see changed the policies and the assumptions of world order which existed in 1956. For in these months, the free world is undergoing an accelerated evolution into reality. Until a short time ago, America was clinging to the military, political and economic foreign policies which had been forged for use in the post-war era. America and her leaders were reluctant to shed their image of a world led and dominated by America alone—to shed their image of an America which was wealthy enough to carry on her shoulders all of the burdens for economic development of the war-torn nations of Europe and the Pacific, and strong enough to shoulder the defense of those nations against communism.

President Nixon has seen that in order to enter the era of negotiation from a position of strength, we will have to assess our own strengths and weaknesses as realistically and as pragmatically as our adversaries do. He perceived that the assumptions of the post-war era will have to be adjusted to the realities of today, if, indeed, we are to attain a true position of strength.

As a result, we have seen major changes in American economic and military foreign policies. The Nixon Doctrine states that the area defense alliances of the post-war era must quickly evolve into true defense partnerships—with each ally bearing his fair share of the expense and the manpower and hardware burden of defending his own region. The Doctrine recognizes the need to view NATO, for example, as our adversaries view it. If NATO were to remain an alliance which is almost completely dependent on American military power and American money, its true defenses against Communism in Europe and the Mediterranean would be strong in name only. As long as NATO allies feel completely free to scorn American policies at the same time they enjoy the luxury of life behind an American military shield, then there is no true strength to this alliance, or to any other alliance which is based on the same empty pronouncements of strength.

If the communists realize this, we must realize it ourselves, and we and our allies must be willing to make the hard decisions needed to give real strength and partnership to these alliances. The way to do this is not by unilaterally withdrawing American military support from these alliances, but by encouraging and even coercing our allies to pull their share of the weight.

I think that the President has withstood great pressures from people wanting to isolate America militarily and economically. While he, along with many of us in the Congress have sought to cut the *fat* from America's military establishment and defense budget, we have taken, and must continue to take great care not to cut the *muscle* and *bone* from our defenses. To do so would be to put us in a position of weakness at the crucial time when we need a position of strength from which to negotiate.

The same can be said for our new economic policies. How long, ladies and gentlemen, have our trading partners in the free world refused to relinquish the favored treatment they were given in the 1940's and 1950's as war-torn nations suffering the aftermath of World War II? Originally, their trade barriers were erected to protect their slowly developing economies, while they rebulit from the ruins of war. At the same time, Uncle Sam, who had nearly all of the gold and a huge trade surplus could afford to pursue the principles of free trade, while our trading partners licked their wartime wounds behind the shield of economic protectionism and American military strength.

After negotiation failed, and while America's economy grew weaker and weaker, our President finally was forced to take drastic and unilateral action to set economic policies which are in line with the realities of the 1970's. Germany, France and Japan are no longer war-torn, developing economies. They are modern, efficient and productive economies, well able to compete with an American industrial plant, which in many areas is older, less efficient and more costly than theirs. The President has given our trading partners a stark and simple choice. Either they demonstrate willingness to understand America's economic problems, as we have understood theirs for the past 26 years, either they cooperate in establishing a realistic world economic order which can benefit all of us, or we will pursue policies that will severely limit their access to lucrative American consumer markets.

Imposing a unilateral 10% surcharge on imports and removing the gold-backing of the dollar are drastic steps. But they may be what is needed to forge economic partnerships in the free world that are truly strong.

Again, we must be willing to see our strengths and weaknesses as our adversaries see them. The Soviets know that America cannot continue to support huge military operations abroad and pursue international economic policies that will drain our productivity and our wealth, and still provide the resources needed to solve the domestic problems of the American people—problems that must be solved if we are to be a strong nation in any true sense.

We must see these realities and must make the difficult adjustments to meet them head-on. I think the result will be a free world which is far more formidable an adversary to world communism than the world in which we live today. It will be more formidable because all free peoples will be in it together, gaining equal benefits, and shouldering equal burdens.

This is my concept of the position of strength which the free world must find itself in before we can undertake the era of negotiation that is beginning now. Speaking as a Member of Congress, I am pleased to see that we are, at last, facing up to these realities.

Early in my remarks I asked the question—how far have we come in seeking the two goals which Cardinal Mindszenty expressed in his prayer for President Eisenhower 15 years ago? My answer to the first goal—that America thrive and be strong, so we can be ready to gain the common goal of peace for mankind—is a very hopeful answer tonight. As I said earlier, we have made some progress, but have not come far enough. There is still a danger of communist expansion into third world nations. Today, both Cuba and Chile in the Western Hemisphere are under communist rule. Laos and Cambodia are precariously balanced on the brink of communist takeover, while South Vietnam seems better able to defend itself against communism than at any time in the past two decades.

Of course, the Cardinal's first goal is far from fulfilled. The peoples of Hungary, Eastern Europe, the Soviet Union, the People's Republic of China and other nations are still under the yoke of totalitarianism.

But I believe an important step has been taken toward this goal. Instead of pursuing policies founded on delusion and the realities of the past, we are now pursuing policies that can prepare us for the era we are entering.

I welcome this progress in meeting the first goal with a very strong warning that we cannot succeed if we ignore the Cardinal's second goal. That is that America and the free world not forget—never forget—what the people of Hungary fought and died for in 1956.

I am not at all happy with the progress we are making toward fulfilling the Cardinal's second goal.

Just as it is vital that we know ourselves, our strengths and weaknesses as our adversary knows them, we must also know and understand the strengths and weaknesses of our adversary. Our people must understand these realities too, and must never be allowed to forget them.

The goal of liberating the spirits and the lives of Hungarians and other peoples living under communism is not going to be obtained through military confrontation or war.

The possibility of liberation by the sword is too doubtful, and the costs to mankind are too great to pursue policies of liberation with bombs and guns.

Our task is more complex than mounting a physical invasion with tanks, planes and troops. We must instead take the other road. We must pursue the liberation of oppressed peoples with ideas, with exposure and with communication. This kind of liberation is not as heroic, as dramatic or as quick to come by as are military onslaughts. But the results of liberation by communication can be far more lasting and more beneficial to the well-being and freedom of mankind.

This must be the ultimate goal of America as she enters the era of negotiation with Moscow and Peking. But this goal will not be achieved if our only preparation is to strengthen ourselves militarily and economically. We must be ready in spirit and in the understanding and education of our own people as well.

Today, we are woefully lacking in this kind of preparation.

The experience of Vietnam, and the tragedies of racial conflict here and elsewhere in the world have weakened the free spirit of the American people. At a time when the free institutions of our own nation are under severe attack from both the right and left, we have indeed, forgotten the lessons of Hungary, and of October 23rd, 1956.

Today, the young people in our own country, at the same time they are asking probing questions about improving freedom in America, are not raising questions about the plight of human freedom in the communist world. Too many Americans see communism only as an academic philosophy. They see it as an ideal economic system where wealth is to be distributed equally according to the needs of all people. They see the social and economic aspects of communist theory without remembering to question and deplore the political and military aspects of communist totalitarianism.

When the communists come to the negotiating table, they will come with a full understanding of our system and of our people. They are treated daily to accounts of conflicts within our country and the free world. Our freedom of expression and freedom of the press does not permit us to hide these truths from them.

I fear that our people will not be as well prepared to understand communism and totalitarianism. We as a nation have largely forgotten the lessons of the Berlin wall. We have forgotten why freedom fighters battled Soviet tank troops with sticks and stones. We don't take the time to envision what it would be like to live in a nation surrounded by gun towers, barbed wire and mine-fields. We pass lightly over news articles about Soviet oppression of Jews and other minorities. We read and then forget accounts of artists and writers being condemned to mental institutions in Russia for daring to express themselves freely—daring to dissent from the communist line.

Some Americans feel that in order to have hope for world peace through negotiation with the communists, we must somehow think nice thoughts about communism, that we must play down the suppression of human freedom that occurs behind communist borders.

It has become so unfashionable to speak up about the human aspects of communism that Americans who feel deeply about communist oppression have too often been designated as fanatics or right-wingers. We saw a sad example of this in American newspapers this week. Press accounts of the unfortunate and deplorable attack that was made on Premier Kosygin in Ottawa, labeled the Hungarian Freedom Fighters Federation as a quote, "right-wing group." I totally reject such a label, and you should reject it. Are the freedom fighters right wing because they lived under communism and fought to free themselves? Are they right wing because they want the world to know what life under communism is like?

This convenient kind of labeling is dangerous to our society. I am very far from being right wing, or even a conservative Congressman. Yet, I have been fighting for nine years in Congress and in my home community to make Americans think about the meaning of communism from the standpoint of human freedom.

On the first day of every Congress I have served in, I have introduced a bill to create a special committee in the House of Representatives to examine our foreign policy from a standpoint that takes self-determination into account. At first, my resolution called for a Select Committee on Captive Nations. But that phrase has become so unpopular in official Washington that this year, for the first time, I introduced a resolution to create a Committee on Self-Determination, hoping it would gain more acceptance. The purpose of this committee would not be to advocate foreign policies that seek to liberate communist nations, or any other nations militarily. Instead, it would take a good, hard look at whether or not our foreign policies are in line with the goal of self-determination of peoples. It would examine our relations with not only communist governments, but rightist military dictatorships as well, from that standpoint.

In addition, I have made it a point to participate each year in the celebration of Captive Nations' week. I have on hundreds of occasions, spoken on the floor of the House to point out the miseries of people living under communist rule. Last year at this time, I entered into the Congressional Record a detailed account of a new passport regulation which was promulgated under the Kadar regime. I wanted to let the American people know that this regulation is not a loosening of freedom of travel for Hungarians. Instead, it is a sinister tool seeking to discredit and punish the families of those Hungarians who have left Hungary, and who dare to speak out about oppression in that country.

As you know, each year, under both President Johnson and President Nixon, the Presidential proclamation of Captive Nations Week is worded more softly and more subtly, and is given less and less publicity. Why? Are we afraid to tell our own people what life under communism is like? Are we afraid that this will ruffle the feathers of communist leaders? Are we afraid that we will, by telling the truth, be encouraging resistance to these regimes at home and abroad? I think these are exactly the reasons that communist oppression is downplayed by our diplomats and our government leaders. For the same reason, it was impossible for our American Citizens Committee to commemorate the 15th Anniversary to get a member of the Cabinet to agree to serve as an honorary chairman. Why, when the Speaker of the House, the Minority Leader of the House and two distinguished Senators, including the Chairman of the Republican Party are willing to associate themselves with this commemoration, should the Federal executive branch be taking all pains to avoid this event?

Commemorating the revolution does not mean that America gives support to any exile or revolutionary government of captive countries. It merely means that we will not permit ourselves to forget Cardinal Mindszenty's second goal.

If our diplomats feel that in order to conduct successful relations and negotiations with the communists, we must try to forget about the events of 1956, and the events of 1968 in Czechoslovakia, I think they are sadly mistaken.

I do not notice, on the part of the communists, any attempt to downplay their steady diet of anti-imperialist, anti-American propaganda. They do not seem to feel the need to tell their people how wonderful we Americans are in order to prepare for negotiations with us.

On the contrary, I would like to recall a television broadcast I saw just this past Thursday evening. The CBS program, "Sixty-minutes" carried an excellent interview with a noted Chinese author, Dr. Han Suyin, who had just returned from a seven-week visit to Peking, and from talks with Cho En Lai. She is a personal friend of many Chinese communist leaders, and is in sympathy with their regime.

She was asked whether the Chinese would take down the huge anti-imperialist posters which are plentiful in every Chinese city, so as not to embarrass President Nixon when he visits China next year. Her reply is one which contains an important lesson for the people and leaders of America.

She said it was important to the Chinese people that the President see them as they really are. She saw no need to hide them from him the strong differences between their system and the American system. She said that negotiation and co-existence do not mean that Chinese have to change their opinion about capitalism or imperialism.

In order for us to negotiate and co-exist peacefully with communism should it be necessary for us to forget our own principles of individual rights and human freedom? May we not decry and publicly deplore the oppression of human beings by totalitarian rulers in the world? I say we can, and we must!

If we permit ourselves to forget the second goal of Mindszenty's prayer, then we will weaken the position of free men at the negotiating tables. Then we will be unprepared and unable to liberate anyone with ideas, with communication.

We have too much to be proud of as free men. We have no reason to pay lip service to, or to speak softly about oppression or about principles we abhor.

This is why, my friends, we must not allow our government to return to the Kadar regime, the crown of St. Stephen. This symbol of legitimate constitutional government has lived for a thousand years in the minds of all Hungarians. It remains a symbol of government of the people, by the people and for the people of Hungary. Should our diplomats pretend that there is no oppression today in Hungary? Should they use the holy crown as a bargaining tool to win some small economic concessions or to smooth over our bi-lateral relations?

The answer is obvious, and it is *no*. Frankly, I think that Congressman Hogan, Congressman Scherle and others in Congress have been successful in conveying to the President and to the Secretary of State, our strong feeling that the crown should not be returned until there is significant improvement in the personal freedom of the people of Hungary. I will continue to voice this position, and voice it strongly, and I call upon you and upon all Americans not to permit the degradation of this holy crown into a crass diplomatic bargaining tool.

Ladies and gentlemen, we, on the American Citizens Committee have made it our primary goal to motivate Americans—all Americans—to speak up about the lack of freedom in the Communist world. Our efforts can help to insure that America never forgets the lessons of Hungary in 1956. We have persuaded governors, mayors and clergymen throughout this country to speak out openly in commemorating this 15th anniversary.

But this goal will not be reached if we only attend to it every five years. We must not wait until the 20th anniversary to change the image of communism in America.

For if we are to accomplish any degree of liberation by communication, we must not ourselves be afraid to communicate. If we do not publicly and frequently accentuate the *differences* between freedom and communism, as well as the areas where there is opportunity for negotiation, then any negotiations will be empty and fruitless.

Just as I have joined the fight in Congress to keep the voices of Radio Free Europe and Radio Liberty ringing in the ears of communist rulers and their peoples, we must fight to keep the spirit of human freedom alive in the free world.

Yes, we have made excellent progress toward reaching the first goal of Cardinal Mindszenty's prayer. But we have lost ground in assuring that America will not forget—never forget, the symbolic lessons of Hungary in 1956.

Let us regain that lost ground. Let us accept the realities of today's world, and throw off the illusions of the past as we prepare to deal from strength. But let us recognize that no amount of military or economic strength can accomplish true peace, unless we are unafraid to speak up for what we stand for.

Thank you.

U.S. AND THE U.N.—WHERE DO WE GO FROM HERE?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. BAKER. Mr. Speaker, Americans continue to express well-justified outrage at the tragic United Nations vote to oust Nationalist China, a faithful member for more than a quarter of a century. The U.N. move to admit a regime seizing and maintaining power through blatant aggression comes at the expense of a peace-loving member which consistently has observed both letter and spirit of the charter.

Tennesseans, including my Third District constituents, rightfully protest this injustice and demand the United States reassess its commitment to the U.N. in light of this decision.

I share with many of my colleagues in both houses of Congress a deep concern about the future of the United States in the U.N.

While we continue to pour out money to support this organization, other nations, reneging on their commitments, coast on our efforts. Ironically, many of these free-loaders openly mock U.S. endeavors toward world peace, as reflected by this week's vote.

I know I speak for the majority in the Volunteer State in calling for a reevaluation of U.S. financial support and moral responsibility to the U.N. If this organization is to constitute a viable force for world peace, all nations must contribute their share. We cannot and should not continue to shoulder such a weighty burden.

An excellent editorial, which I believe presents the majority viewpoint in my home State, appeared in the October 26 Nashville, Tenn., Banner. Its message is worthy of attention by every Member of Congress. I am privileged to include the editorial, "U.N. Seals Own Death Warrant With China Vote," in my remarks:

FOR WHOM THE BELL TOLLS—U.N. SEALS OWN DEATH WARRANT WITH CHINA VOTE

U.S. Ambassador George Bush called exactly what it was the shocking United Nations decision to expel Nationalist China while seating the Communist Peking regime. It was indeed a "moment of infamy." It was an action so monstrous in concept and in consequences foreseeable as to be noted by friends of honor and justice as a total betrayal.

Representatives there of the nation thus stabbed in the back retired from the scene in dignity—mature and sober and upright even in their humiliation—while taunting elements revelling in an orgy of power lust sated danced in the aisles; a disgrace to mark as symbolic of the moral degradation and political license they personified.

The United States of America is not so impoverished of principle and judgment and elementary decency as to condone—on any ground—the depraved reversal of at least surface ideals and aims with which U.N. started out. The United States officially has recognized a sense of realistic attitude toward Red China, ordaining perhaps a reasoned acceptance of the fact that she exists—and whatever relationships are safe and feasible. To the end of a rapprochement in degree, President Nixon is contemplating a journey there—as one latterly, by invitation, to Moscow. But there was not, and is not, room in that liberalizing policy for murderous designs with an enemy's knife in the back of a friend.

This nation fought bitterly to prevent that—as for years it had, every time the General Assembly went into session marked by leftwing determination to honor brigandry.

The tragic irony is that the vote for this consummate surrender came on Veterans Day and the beginning of United Nations Week.

The downhill course and the drift from honored principle began with the betrayal of Chiang Kai-shek at the Mena House conference in Cairo in 1943. It was followed by Secretary of State George C. Marshall's subsequent insistence on a wedding between the Nationalist Chinese and North China's Communists in 1946–47, which drove the Nationalist Chinese to Taiwan.

Since then U.S. influence in the Far East has continuously eroded. We have spent billions of substance, wasted the blood of thousands of our youth in Korea and Indochina while Mao and Ho with the help of Soviet Russia joined in the conflicts which have left Uncle Sap economically bankrupt, militarily hamstrung, internally riven politically and ideologically, and now diplomatically humiliated before the entire world.

In the bitter dregs now drained from the bottom of what was almost a toast to the convulsion there—the aftermath of bumbling diplomacy toward what Secretary Marshall and his advisory retinue called "harmless agrarian reformers"—we now are about to witness those alias "agrarian reformers" taking over the peace machinery of the world.

It could have been foretold, from the moment of the sacking of Gen. Douglas MacArthur; when with his firing there was formally inaugurated the no-win policy in war; its biggest dividend to date having been paid to the enemy by last night's vote.

The United Nations organization never has been united despite its name. There never has been any possibility it could be, and there certainly is no hope now it ever will be.

Bitter are those dregs in the mouth of any sober nation—reasoning for itself; with its eyes surely open now, and aware of the facts.

Though it cannot erase the stain last night's action in contempt of it inflicted—a trespass on the very premises this nation has provided this world body; these IS something it can do:

As already noted, members of Congress, headed by Sen. James Buckley of New York, are proposing legislative action to cut back substantially the United States' financial contribution to the United Nations. The vast overpayments we have made from the very inception of that organization—subsidizing even questionable operations by overt enemies and contemptuous ingrates—must end NOW; trimming our funding of it to as nearly a pro rata share as possible, and the barest minimum. That CAN be done. It MUST.

That is especially feasible, just and proper, considering the long-standing arrearage—for non-payment of dues and special obligations—on the part of Soviet Russia, France, and other powers.

The United States must not—and, in conscience, cannot, continue to be the principal support of this Tower of Babel, which clearly has become the forum of our enemies.

Ask not for whom the bell tolls, in last night's moment of infamy.

It tolls ultimately for the whole cockeyed, Communist-imperiled world.

AMERICAN EDUCATION WEEK

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. QUIE. Mr. Speaker, American educators truly deserve to be honored by the designation of this week as American Education Week.

The information explosion makes the task of educators very difficult. Text books and curricular materials must be constantly updated due to the expansion of knowledge.

Our increasingly technological society increases the importance of educators. The task of equipping every student with a needed skill requires better trained teachers. Success or failure in maintaining such a developed society which meets the needs of its increased population is dependent upon a viable and relevant educational system.

I commend the educators who have improved the quality of education in this country and look forward to continued progress in the years ahead.

For the benefit of my colleagues and others interested who may not have seen the proclamation which President Nixon issued in recognition of the importance of education in the lives of each and every American, I am including the full text below. It is a well deserved and fitting tribute to those teachers dedicated to the task of serving their fellowman.

AMERICAN EDUCATION WEEK, 1971

(A Proclamation by the President of the United States of America)

Historian Henry Steele Commager has written that "No other people ever demanded so much of education as have the Americans. None other was ever served so well by its schools and educators."

What has been a characteristic of our history is even more dominant in our lives today. A system of education that has conferred inestimable benefits upon generation after generation of American citizens—that has contributed in large measure to the spirit and character of the American nation itself—continues to bring reality to the ideals of freedom, serving our people with the same dedication that it has always displayed and with an ever greater measure of effectiveness.

Yet it must be acknowledged that the challenge to our educational system is not diminishing, but mounting. For we recognize that our success in meeting unprecedented social, scientific, and physical change, and in directing its forces to positive ends, will be determined essentially by the quality of our schools, colleges, and universities, by the wisdom with which we develop and employ new educational techniques and technologies, and above all, by the compassion and understanding with which we reach out to all people—especially the young—and impart to each the intellectual and occupational enrichment which every American deserves.

After a period of uncertainty in educational matters, we are surer now of how that challenge shall be met. Our country is moving purposefully and effectively to strengthen and develop the great partnership of interests—Federal, State, local and private—through which we can acomplish our educational aims. Our educational leaders are not acting independently but with a new sense of cooperative unity, determined to use all resources, explore all initiatives, and recast the laws, if necessary, in order to serve our national needs. This is not an easy task, and if we are to succeed, we must call upon the assistance and support of all the American people.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the period of October 24 through October 30, 1971 as American Education Week.

I urge all my fellow Americans to make known during this week their appreciation for the truly heroic efforts of our teachers and all our education professionals upon whose humane skills so much of our greatness as a people depends. I ask moreover that we focus upon education as the central task of a democracy and the indispensable ally of liberty. Let the clarity of our vision and the boldness of our actions match the magnitude of our cause.

In witness whereof, I have hereunto set my hand this fifteenth day of October in the year of our Lord nineteen hundred seventy-one and of the independence of the United States of America the one hundred ninety-sixth.

THE UNITED STATES AND THE U.N.

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. MIZELL. Mr. Speaker, there has been a great deal of discussion in this Chamber in the past week about the recent decision of the United Nations to expel Nationalist China completely from that organization.

In my weekly radio message to the people of North Carolina's Fifth Congressional District, whom I am honored to represent, I set forth my position on this issue, and I would like to share that message with my colleagues at this time.

The radio message follows.

RADIO MESSAGE TAPED BY CONGRESSMAN MIZELL

This week, as you all know, the United Nations voted to seat Red China, give the Peking government the China seat in the U.N. Security Council, and completely expel Nationalist China from the world organization.

This action, followed by the "undisguised glee" which President Nixon so accurately described as the reaction of some delegates, has led to the most spirited controversy and the deepest sense of outrage the U.N. has ever experienced, either in Congress or in the Administration.

In a statement I issued the day after the U.N. action, I said, "I deplore the United Nations' unwarranted action, and I call for the immediate reinstatement of this valuable and loyal ally as the Republic of Taiwan."

In my radio message today, I would like to share with you some of the reasons I have taken this position.

The United Nations in my opinion, has almost always worked at cross purposes with the United States, despite the fact that the organization itself is financed in large part by the American people, and despite the fact that almost every nation represented in that organization receives massive and usually vital assistance at the expense of the American taxpayer.

This is obviously an unacceptable situation. The United Nations itself depends heavily on the United States' contribution for its operating expenses and for a great many special projects it conducts.

As Secretary of State Rogers pointed out, the United States provides about one-third of all the operating expenses for the U.N., a sum far out of proportion with this nation's population percentage at the U.N. In addition, we pay about 40 percent of all costs for such projects as specialized technical assistance to developing nations, a program which runs to about 100 million dollars a year.

Secretary Rogers went on to express his personal opinion that the U.N. spends too much money, anyway, and also pointed out that, due to delinquent payment of dues, the United Nations now stands about 176 million dollars in the red.

The Soviet Union has been one of the nations most often guilty of not paying its dues at the U.N., and the same situation applies to many of the smaller member nations who voted to expel Nationalist China Monday night.

By contrast, the Nationalist government has been one of the most faithful contributors to the U.N., and to the best of my knowledge, it has never fallen behind in its payments since it helped establish the United Nations twenty-six years ago.

The expulsion of Nationalist China is especially repugnant when one considers that more than half the nations now sitting in the U.N., again including many which voted for expulsion, have populations much smaller than Taiwan's and far less importance in world politics.

If, as the argument goes, we cannot afford to ignore 700 million Red Chinese, surely we should not ignore a nation of 14 million that holds great importance in the world in economic, political and strategic terms.

This is only further proof that the United Nations has put itself in an indefensible position, and has cast serious doubt on whether it will ever fulfill the great promise for which it was created a generation ago.

I believe it is time we seriously and closely re-examined the role the United States should play in that organization. I believe that, as a result of the conditions I have described, absolutely no congressional funding for the United States' participation in the U.N. is warranted, and I will work to see that none is provided. At the very least, I will do my best to have our financial contribution to that organizaion brought more in line with our percentage of the world population instead of carrying so much of the load, and getting so little in return.

POW RESOLUTION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

JOHN FOSTER DULLES THREATENED TO USE VETO AGAINST SEATING RED CHINA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. PUCINSKI. Mr. Speaker, last Tuesday, after the shameful vote by the United Nations General Assembly to oust the Republic of China from the UN, I suggested that President Nixon use the American veto to block seating Communist China in the UN Security Council.

I was suggesting a course of action first proposed in 1954 by the late U.S. Secretary of State John Foster Dulles.

On July 8, 1954, Secretary Dulles told a press conference that the U.S. would use its Security Council veto "if necessary to prevent Peking taking over the Chinese seat."

It is the height of irony that President Nixon was Vice President of the United States at the time Dulles made the threat.

SENATE—*Friday, October 29, 1971*

The Senate met at 9 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, creator of all that is beautiful and good and true, giver of life and liberty, in all simplicity and sincerity we thank Thee for this quiet moment when all else is shut out and we open our hearts to Thy solemn and serene presence. At Thy throne of grace, we do not seek preference for ourselves or our Nation—but only the cleansing which comes to penitent souls seeking Thy forgiveness. Forgive us for having left undone so much we ought to have done and for doing things we ought not to have done. Give us grace and power to begin again and to do better. Take not from us the high ideals and the lofty vision to which we have been summoned, but give us more wisdom and character to rise to them. Support us in the tasks of the day until the shadows lengthen and the evening comes. Then give us the rest and peace of those whose minds are stayed on Thee. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 29, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 28, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 404, 405, and 407.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RICHARD B. RUSSELL FEDERAL BUILDING

The bill (S. 861) to designate the Federal office building and U.S. courthouse to be constructed in Atlanta, Ga., as the "Richard B. Russell Federal Building" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building and United States courthouse to be constructed in the southwest portion of that block bounded by Mitchell Street, Pryor Street, Central Avenue, and Trinity Avenue in Atlanta, Georgia, is hereby designated as the "Richard B. Russell Federal Building," in memory of the late Richard Brevard Russell, a distinguished Member of the United States Senate from 1933 to 1971, and any reference to such building in any law, regulation, document, map, or other paper of the United States shall be deemed a reference to such building as the "Richard B. Russell Federal Building."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–407), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The late Richard Brevard Russell was born in Winder, Barrow County, Ga., on November 2, 1897. Entering public life in 1921 when only 23 years old as a member of the State house of representatives, he was chosen speaker of the house in 1927.

After 10 years service in the State legislature, in 1931 at the age of 33 he was elected Governor, the youngest chief executive in the history of Georgia. Only 2 years later on January 12, 1933, he took the oath of office as a member of the U.S. Senate, a position to which he was reelected six successive times.

During his long and distinguished career Senator Russell was noted for his championship of a strong national defense, fiscal responsibility, and constitutional government. He served as chairman of two of the most important standing committees of the Senate, Armed Services and Appropriations. He was also the senior member of both the Democratic Policy and Democratic Steering Committees, and was the ranking Democrat on the Senate Aeronautical and Space Sciences Committee and the Joint Committee on Atomic Energy. Twice elected unanimously President pro tempore of the Senate, Senator Russell during that period was third in line of succession to the Presidency of the United States.

Drawing support of delegates from throughout the Nation, he received 263 and 300 votes for his party's presidential nomination at the 1948 and 1952 Democratic National Conventions.

Richard B. Russell was a trusted adviser and faithful confidant to six Presidents. At the time of his passing on January 21, 1971, he had served 38 years in the U.S. Senate, the only man in history to serve in that body for more than half his lifetime.

FEDERAL OFFICE BUILDING, ATLANTA, GA.

The Federal office building and U.S. courthouse to be constructed in Atlanta, Ga., was authorized in October 1966. As planned it will be a 24-story, steel frame structure, with the upper seven floors devoted to space for the U.S. courts in Atlanta and the rest allocated as office space to various Federal agencies. Two lower levels will be used for vehicle parking. It will be modern in design with large expanses of exterior glass and steel. The General Services Administration has estimated the total cost of the new building will be $57,195,000, but to date only $3,179,000 has been appropriated for site acquisition and design expenditures. Construction cannot begin until additional funding has been provided.

COMMITTEE VIEWS

For a full half century Richard B. Russell served his State and Nation in high public office. His record as legislator and executive has long been widely acclaimed. Few men have earned greater respect and esteem from both colleagues and constituents or have received more deserved plaudits for their accomplishments. In the Senate he was noted as a man of great ability, absolute integrity and honesty, and thoroughly dedicated service, yet his memory is also cherished because of his kindness, his willingness to assist young Members, his friendliness and his courteous treatment of all whom he encountered.

In view of Senator Russell's almost unparalleled and devoted public service, the Public Works Committee unanimously approved S. 861. To name the new Federal office and courthouse building in Atlanta after Richard B. Russell would be a very appropriate tribute to his long career in governmental positions of responsibility. The fact that the new structure will be located in the same city near the statehouse in which he first held public office makes the honor even more fitting and proper.

AUTHORIZATION FOR ACQUISITION OF CERTAIN REAL PROPERTY IN SQUARE 724

The bill (S. 2687) to authorize the acquisition of certain real property in square 724 in the District of Columbia, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), and Public Law 91–382, approved August 18, 1970 (84 Stat. 819), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for purposes of further extension of such site or for additions to the United States Capitol Grounds, all publicly or privately owned real property contained in lot 18 in square 724 in the District of Columbia, as such square appears on the records in the

Office of the Surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property.

SEC. 2. Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368).

SEC. 3. Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any structures on, or constituting a part of, such property and to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

SEC. 4. Such real property, when acquired under authority of this Act, shall be subject to the provisions of the Act of July 31, 1946, as amended (40 U.S.C. 193a-193m, 212a, and 212b).

SEC. 5. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, expenditures authorized by Public Law 91-646, approved January 2, 1971 (84 Stat. 1894-1907), applicable to the Architect of the Capitol, and expenditures for any other required items, as may be necessary to carry out the provisions of this Act.

SEC. 6. The appropriation of such sums, not to exced $270,000, as may be necessary to carry out the provisions of this Act is hereby authorized, and any such sums so appropriated shall remain available until expended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-408), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE LEGISLATION

S. 2687 would authorize the Architect of the Capitol, acting under the direction of the Senate Office Building Commission, to acquire lot 18 in square 724 of the District of Columbia on behalf of the United States. The Architect would be authorized also, when so directed by the Senate Office Building Commission, to provide for the removal of any structures on or constituting a part of such property, to use the property for Government purposes, to lease any or all such property for such periods and under such terms and conditions as he may deem most advantageous to the United States, and to incur any necessary expenses in connection therewith the bill also provides that after its acquisition, the property would become a part of the U.S. Capitol Grounds over which the jurisdiction of the Capitol Police would extend. A sum not to exceed $270,000 would be authorized for the acquisition of the property and to carry out any other provisions of the bill.

GENERAL STATEMENT

Square 724 is the block directly to the north of the New Senate Office Building bounded by C, First, D and Second Streets, N.E. In past years the United States has acquired several parcels of land located in square 724. The latest additions (in 1970) were lots 845 and 832 upon which the former Plaza Hotel and a small parking lot were located. More than half of the square is now owned by the Federal Government, and long-range plans indicate that future Senate and Capitol Grounds needs will eventually require acquisition of the remaining portions still in private hands.

Lot 18, which has a frontage of 57½ feet on D Street and is 168 feet in depth, has a total area of 9,667 square feet. It is paved with bituminous mix and is used on a lease arrangement for public parking purposes. A small attendant's booth is located on the property.

For more than 4 years the present owner has leased the site to a private firm which has operated it as a parking facility open to the public on a fee basis. Although the present lease will not expire until May 1972, it contains a 60-day cancellation clause at the option of the lessor. The market value of the lot has been appraised recently by independent experts at $266,000. The owner has expressed willingness to sell the lot at fair value.

COMMITTEE VIEWS

The committee believes that it would be advisable as well as prudent to acquire this property in the near future at a price not in excess of its current market value. Such action would be in accord with the generally approved policy of securing title to all of square 724 as various lots become available in order to fulfill future needs of the Senate. In view of increasing land prices in the Capitol area, unnecessary delay in proceeding with this purchase might result in higher cost in later years.

One benefit to be gained if lot 18 were acquired could be the possibility of lessening to some degree the acute parking problem which now confronts Senate staff and employees. The Sergeant at Arms of the Senate testified last spring that there was a "dire need for additional space in which to accommodate our employees" and that parking permits had been oversubscribed "in a ratio of more than two to one" for available spaces.

To a certain extent lot 18 could be used to help relieve the daily inconvenience, frustration and delay confronting many staff personnel. On the other hand, the lease for operating the property as a public parking lot could be continued as long as deemed advisable in order to provide space for visitors.

PROJECTED COST

Section 6 of S. 2687 would authorize no more than $270,000 to be appropriated to carry out the provisions of the bill. As noted before, an independent appraisal recently estimated the current market value of the property to be approximately $266,000. It is possible, of course, that the actual selling price might be reduced somewhat through negotiation. Any amount authorized in excess of the purchase outlay could be expended for other necessary removal, renovation or site acquisition costs.

FISH PROTEIN CONCENTRATE DEMONSTRATION PLANT AUTHORIZATION EXTENSION

The bill (S. 1273) to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 89-701, as amended (16 U.S.C. 778d, et seq.), is further amended—

(a) by striking in section 3 the words "five fiscal years" and inserting in lieu thereof "six fiscal years".

(b) by amending section 5 to read

"SEC. 5. The authority of the Secretary under this Act shall expire June 30, 1973."

(c) by striking the words "of the Interior" wherever they appear, and inserting in lieu thereof "of Commerce".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-410), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 1273 has the following threefold purpose:

1. It would amend section 3 of Public Law 89-701 to provide one additional fiscal year appropriation authorization;

2. It would amend section 5 of Public Law 89-701 so that the basic authority under the act vested in the Secretary will expire June 30, 1973 in lieu of November 2, 1971; and

3. It would substitute "Secretary of Commerce" for "Secretary of the Interior" wherever appearing in Public Law 89-701, to reflect the transfer of this authority pursuant to Reorganization Plan No. 4 of 1970 which established the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce.

BACKGROUND AND NEED

Public Law 89-701 authorized development, through the use of experiment and demonstration plants, of practicable and economic means ". . . designed to develop the best and most economical processes and methods to reduce fish which are in abundant supply and which are not now widely sought after for human food to a nutritious, wholesome, and stable fish protein concentrate, as well as to conduct food technology and feasibility studies wtih respect to such products." Then, as now, protein malnutrition constitutes a problem prevalent in many areas of the world. The world is hungry today with a substantial portion of the present population under-fed; the world will be hungrier tomorrow unless some inexpensive source of protein can be found for human consumption. Fish protein concentrate holds forth the promise of providing a rational use of resources to meet that need and, at the same time, providing an effective means of increased utilization of the fishery resources off our coasts to the betterment of the economics of our fishing industry. This is the objective which S. 1273 seeks to achieve.

The act assigned this function to the Secretary of the Interior. Reorganization Plan No. 4 of 1970, however, has transferred this function (along with other functions relating to marine fisheries development) to the Secretary of Commerce.

The act authorized the construction of one plant and the leasing of one additional plant. There was authorized to be appropriated $1 million for construction of a plant. A further appropriation authorization of $1.555 million annually for fiscal years 1968, 1969, 1970, 1971, and 1972 was contained in the act. This latter authorization was for: leasing of the one additional plant; operation and maintenance of the two plants leased or constructed; and conducting the program authorized by the act.

Public Law 90-549 amended the original act to authorize appropriations for only one plant which could be either leased or constructed. The purposes for which the $1.555 million annual appropriation could be used were expanded to permit their use for construction of the one plant, after it had been found that the $1 million originally authorized for construction was insufficient.

At the time the original act was enacted it was thought that 2 years could be allotted to construction leaving 3 years for plant operation under the overall 5-year limit for the program which the Congress had determined to be reasonable. However, construction was not completed within the 2 years. A delay of some 18 months resulted in the need to obtain the amendment contained in Public Law 90–549, permitting authorized funds, other than the original $1 million, to be used for construction.

The demonstration plant designed and constructed by Ocean Harvesters, Inc. of Los Angeles, Calif. now is in operation at the Port of Grays Harbor, Aberdeen, Wash.

It is still the objective of the Department of Commerce to complete the required experimental demonstration by June 30, 1972. However, experience shows that introducing a novel process relating to a raw material, such as fish, where there is no assurance or guarantee that a consistent supply can be obtained, can result in unexpected complications which require time to cure. Although formal hearings were not conducted, it is the opinion of your Committee on Commerce, based upon the recommendations of the Department of Commerce, that it is necessary to authorize an additional 1 year of operation beyond June 30, 1972.

A rather unusual feature of the original act was the appropriation authorization termination date of June 30, 1972, while another section of the act terminates the basic authority under the act effective November 2, 1971. It is necessary to obtain clarifying language to conform the two conflicting termination dates. For the reasons set forth above, we recommend that both the basic authority and the appropriation authorization be extended to June 30, 1973, thus assuring that an adequate demonstration can be undertaken. Subsections (a) and (b) of the bill would provide this extension.

Subsection (c) of the bill substitutes "Secretary of Commerce" for "Secretary of the Interior" wherever that phrase appears in the act. This conforming amendment merely reflects the transfer effected by Reorganization Plan No. 4 of 1970, as noted earlier.

COST

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the estimated cost of enactment of this legislation is $1,555,000 for the one additional fiscal year authorization of appropriations (i.e., for fiscal year 1973).

A SMALL TRIBUTE TO ONCOMING NOVEMBER

Mr. SCOTT. Mr. President, I am discovering some of the virtues of getting up early in the morning, virtues which, since I am more a night than a morning person, have become more and more apparent to me as we lengthen the hours of our labors.

To see the last touches of the morning dew on the grass, to hear unaccustomed bird songs drifting along the lambent air, to feel that still, gentle warmth with the hint of winter and the early warning of November, all these are blessings unexpected by some of us but now perforce to be enjoyed as, earlier and earlier, we rise.

At the other end of the day, there are the frantic journeyings to other cities, restless rushings among constituents and hosts of people, with the long delays at the airlines and the dull waiting around, sitting interminably on one's briefcase, with a late return to the Capital City, all of these things make of November a mixed blessing, a decidedly mixed bag.

Well, Mr. President, we are in for it. We know we are in for it. We must make the best of it.

I hope, therefore, that we will have whatever sessions are necessary, however much we regret the inconvenience to ourselves and our colleagues, so that we will not have to "get up by yellow candlelight" as December approaches.

There are festivities ahead, and Congress, I am sure, would like to celebrate them. If we must forgo the turkey of Thanksgiving, let us at least anticipate with some optimism the goose of December.

If it is necessary that we resort to tactics suggested by the mentioning of a goose during November in order that we may relax more readily in December, well, Mr. President, so be it.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Burdick). Pursuant to the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NBC ADMITS MISTAKE

Mr. BYRD of West Virginia. Mr. President, on October 11, while my name was among those being mentioned for appointment to the U.S. Supreme Court, Carl Stern, on NBC Nightly News, in commenting thereon made reference to my law degree from American University with this sentence:

> There were much publicized charges some years ago—never proved—that congressional employees wrote his (my) term papers.

This outrageous allegation has now been repudiated by NBC in a letter to me.

NBC correspondent Robert McCormick, when he heard the allegation about my law papers, got in touch with his superiors and expressed strong doubt that the charge was true; whereupon the network made its own inquiry and determined the statement to be false. The letter to me followed.

I very much appreciate the attitude which NBC has shown. Its willingness to admit error is evidence of a desire to be fair and of a mature approach to covering the news.

Mr. President, there also appeared in Jack Anderson's column yesterday, October 28, a statement which he obtained from me with respect to the canard about my law school work.

I ask unanimous consent that the letter from NBC to me and the pertinent portion of Jack Anderson's column from the Washington Post be printed at this point in the Record.

There being no objection, the letter and the column were ordered to be printed in the Record, as follows:

NBC News,
Washington, D.C., October 21, 1971.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: As you know, the October 11 broadcast of "NBC Nightly News" contained a report by Carl Stern about your being considered for appointment to the Supreme Court. In reviewing your legal background, the report said: "There were much publicized charges some years ago—never proved—that congressional employees wrote his term papers."

I have discussed with Mr. Stern the basis for that sentence. Mr. Stern was given that information by a person who, on other occasions, has proved to be a thoroughly reliable source. Three other persons later told Mr. Stern individually they remembered the "much publicized charges."

It now turns out Mr. Stern's original source never meant to give the impression that any such charge had been made public. The other three persons couldn't point to anything substantial to back up their memories, and we have been unable to locate any publication of such charges.

Under these circumstances we certainly would not broadcast such a statement again and we regret the inclusion of the statement in the October 11 program.

Sincerely,

Frank J. Jordan.

[From the Washington Post, Thursday, Oct. 28, 1971]

Washington Merry-Go-Round

(By Jack Anderson)

Byrd's Office—After the White House leaked out word that President Nixon was considering Sen. Robert Byrd (D. W. Va.) for the Supreme Court, Washington buzzed with rumors that Byrd had used his Senate staff to prepare his legal briefs and term papers for law school. He entered American University's law school after his election to the Senate, attended classes at night and graduated in 1963 with a high "B" average. His professors and classmates say he was an excellent student. One professor, Louis C. James, describes Byrd as one of the two most "alert and attentive" students he has ever taught. We were convinced by our investigation that the rumors weren't true. But we put the question to Byrd, who dictated this emphatic reply: "I will give $5,000 to the individual who brings to me any staff member of mine, past or present, who will say publicly and in my presence that he or she wrote any of my law school term papers, briefs or any part thereof. Further, if this absurd, vicious rumor be proved, I will resign my seat in the Senate."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Byrd of West Virginia) laid before the Senate the following letters, which were referred as indicated:

Report of Federal Home Loan Bank Board

A letter from the Chairman and Members, Federal Home Loan Bank Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the calendar year 1970 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

REPORT ON STATE OF RAIL PASSENGER SERVICE

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on AMTRAK, State of Rail Passenger Service, Effectiveness of the Act, dated October 30, 1971 (with an accompanying report); to the Committee of Commerce.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the President, National Railroad Passenger Corp. (AMTRAK), Washington, D.C., transmitting, pursuant to law, a report of that Corporation, for the period of October 30, 1970 to October 29, 1971 (with an accompanying report); to the committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled, "Need to Recover the Costs of Processing Business Reply Mail," U.S. Postal Service, dated October 28, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled, "Examination of Financial Statements of the Export-Import Bank of the United States, fiscal year 1971," dated October 29, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, a report of that commission, for the calendar year 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT OF 1953

A letter from the Deputy Assistant Secretary—Management and Budget, Department of the Interior, reporting, pursuant to law, on the receipts and expenditures of that Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

REPORT OF GOVERNMENT PRINTING OFFICE

A letter from the Public Printer, Government Printing Office, transmitting, pursuant to law, a report of that Office, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

Mrs. SMITH. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably on the nomination of Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense (Intelligence) and four flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense;

Rear Adm. Kent L. Lee, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Maj. Gen. William Allen Knowlton, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of lieutenant general;

Lt. Gen. Arthur William Oberbeck, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general; and

Maj. Gen. Glenn A. Kent, Regular Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general.

Mrs. SMITH. Mr. President, in addition I report favorably 332 promotions to colonel and below and 313 appointments in the grade of lieutenant colonel and below in the Army; 255 promotions in the Navy to the grade of lieutenant commander and below; 710 appointments in the Navy in grade of captain and below; 353 appointments in the Marine Corps in grade of colonel and below; and 5,964 promotions in the Air Force in grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Jerome Aaron, and sundry other officers, for promotion in the Regular Army of the United States;

Carlos F. Haas, and sundry other persons, for appointment in the Regular Army of the United States;

John C. Aarni, and sundry other officers, for promotion in the Regular Air Force;

Bruce H. Bailey, and sundry other persons, for appointment in the Regular Army of the United States;

Drexel M. Ace, Jr., and sundry other Naval Reserve Officers' Training Corps candidates, to be permanently assigned in the U.S. Navy;

James W. Abraham, and sundry other officers, for promotion in the Marine Corps; and

Brian David Aaronson, and sundry other officers, for promotion in the U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE:

S. 2771. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pensions, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. YOUNG:

S. 2772. A bill to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, North Dakota. Referred to the Committee on Armed Services.

By Mr. MONDALE (for Mr. INOUYE):

S. 2773. A bill for the relief of Mrs. Flor Sotto Alias. Referred to the Committee on the Judiciary.

By Mr. LONG:

S. 2774. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for certain wages paid to household employees. Referred to the Committee on Finance.

By Mr. PROXMIRE:

S. 2775. A bill to reduce certain charges and expenses in connection with the purchase and sale of residential real property, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. EASTLAND:

S. 2776. A bill for the relief of Andrew L. Malone. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2777. A bill to provide for cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 2778. A bill for the relief of Duangta Sukpattree Hyatt. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 2771. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pensions, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. TALMADGE. Mr. President, I am proud of the record achieved during the 91st Congress by the Subcommittee on Veterans' Legislation of the Finance Committee, on which I was privileged to serve as chairman. The legislative actions of that subcommittee form an impressive record of Senate legislative initiative, a record of achievement that has drawn the unstinting praise of the veterans' organizations, and it is a record of which we in the Senate can be proud.

Today, I would like to build on that record by introducing major legislation to improve the veterans' pension program and to increase pension benefits.

The bill I am introducing today would increase pension benefits by about $100 million annually. The largest increases would go to those veterans and widows who have the greatest need: those with little or no income other than their pensions. The Veterans' Administration has prepared a detailed analysis of pensioners under the current law which shows that about one out of six veterans receiving a pension has virtually no income other than his pension. About half of those veterans receiving pensions under the current law have incomes of less than $100 a month other than their pension. As far as widows are concerned, one out of seven has virtually no other source of income other than her widow's pension; half have incomes of less than $75 a month. These are the veterans and widows who would receive the greatest increases under the bill I am introducing today.

There is another problem which crops up each time the Congress improves social security benefits. About four out of five pensioners also receive social security. Since the benefits under the veterans' pension program are related to income, they are reduced when social security benefits go up. In virtually all cases, the social security increase is greater than the decrease in the veterans' pension, but even so the veteran or widow is denied a portion of the social security benefit increase that other social security beneficiaries receive.

Under present law, the 10-percent increase in social security benefits passed by the Congress earlier this year will not be taken into account for veterans' pension purposes until January 1972. Under the provisions of the bill I am introducing today, many pensioners will be saved from any pension reduction whatever; no pensioner will lose his eligibility for a pension; and all pensioners would be better off than under present law.

The bill does this in three ways.

First, pension rates for all veterans are increased;

Second, the tables of pension benefits under present law would be replaced by a series of formulas under which pension benefits would be more closely related to income. To give an example: a veteran with one dependent would be entitled to a pension benefit of $137 monthly if his income was less than $500; for each dollar of additional income above $500 and up to $900 his pension would be reduced 2 cents; for each dollar above $900 and below $2,900 his pension would be reduced by 3 cents, and so on.

Third, the income limitations under the pension program would be increased substantially under the formulas in the bill as follows:

From $2,300 to more than $2,600 for a single veteran;

From $3,500 to more than $3,800 for a married veteran;

From $2,300 to $2,600 for a widow alone;

From $3,500 to more than $3,800 for a widow with dependents.

With these increases in the income limitations, no pensioner now on the rolls will become ineligible as a result of the 1971 social security increase.

The veterans who would face a pension reduction even under my bill are the pensioners who have received a substantial dollar increase in their social security benefits this year. As I stated before, even for these veterans, the pension reduction they would face is smaller than it would be if no legislative action were taken.

Mr. President, I would like to illustrate the impact of my bill with some concrete examples.

A veteran with no dependents who received a social security benefit of $93.30 in December 1970, was eligible before this year's social security increase for a pension of $96, for a total monthly income of $189.30. The Congress increased his social security benefit to $102.70. Under present law, his monthly pension would be cut $4 next January for a total income of $194.70. Under my bill, not only would his pension not be cut—it would actually be increased $3. Thus this veteran would get both the full benefit of his social security increase plus an additional small increase in his pension for a total income of $201.70.

Let us take as a second case a married veteran whose social security benefit in December 1970, was $140. Before this year's social security increase, he was eligible for a $104 monthly veteran's pension, for a total income of $244. The Congress increased his social security benefit to $154.10; under present law, his pension will be cut to $101 next January making his total income $255.10. Under the bill I am introducing today his pension will be increased to $106 instead of cut, and he will have the full benefit of the social security increase plus a $2 pension increase for a total income to $260.10.

Now let us take a case that falls in the group of veterans whose pension will be reduced even under my bill. This would happen in the case of a married veteran who was receiving a social security benefit of $223.40 in December 1969. This veteran was eligible for a monthly pension of $78, for a total income of $301.40. The Congress increased his social security benefit to $245.70; under present law, his pension will drop to $72—a $6 cut—next January, bringing his total income to $317.70.

Under the bill I am introducing today his pension would be reduced only $2, and the veteran's total income would be $321.70. In other words, this veteran's social security benefits have gone up by more than $22 monthly, while his pension under the bill would go down only $2.

As a last case, Mr. President, let us consider the case of a widow with one child whose monthly social security benefit in December, 1970, was $121. She was eligible for a $88 widow's pension for a total income of $209. The Congress increased her social security benefit this year to $133.10. Under present law, her pension would drop to $86 next January, bringing her total income to $219.10. Under my bill, her pension would not be cut, but instead would be raised to $90, giving her the full benefit of her social security benefit increase and raising her total income to $223.10.

Mr. President, my bill would provide a needed pension benefit increase next January with an important improvement in the structure of the pension program. Most of the additional funds under my bill would go to the neediest veterans and widows receiving pensions today. I am hopeful that the bill will receive prompt action.

By Mr. PROXMIRE:

S. 2775. A bill to reduce certain charges and expenses in connection with the purchase and sale of residential real property, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

TITLE CHARGE REDUCTION ACT

Mr. PROXMIRE. Mr. President, I am introducing a bill today that will enable more people to buy homes by reducing the title charges they must pay.

HIGH COST OF TITLE CHARGES

The high cost of title search and title insurance have prevented many people from buying homes. Many individuals can afford the monthly payments required to own a home, but they cannot scrape up enough money to pay for all the closing costs, such as title search, title insurance, tax escrow, transfer taxes, and so forth. The threshold to buying a house is just too high. My bill will lower this threshold.

Closing costs vary widely depending on the part of the country in which you are buying a home. Boston which has title records back to the colonial days and lots of land laid out in colonial days had the lowest closing costs in a survey recently conducted by HUD and the VA, $332. Newark, N.J., had the highest, $847. When I questioned those who conducted the survey, they felt the greatest amount of difference in cost was due to "custom." That is, what was customary in the particular area.

"Custom," rather than reason underlies many of the title costs the home buyer must bear. I am familiar with one of the most outlandish results that "custom" can cause. Although one of my legislative assistants is a former law professor who taught property law, he was not allowed to conduct the title search for a house he bought here in the District of Columbia. As a matter of fact, he was told that if he wanted to buy the house, he had to purchase lender's title insurance even though he was assuming the mortgage and there is no legal defect in title which could have impaired the lender's interest. The lender was already fully protected by the prior owner's title insurance policy. In effect, my legislative assistant was forced to buy insurance, although there was absolutely no risk of loss to the lender.

When he protested he was told it was "custom" and, if he did not want to buy the insurance, he did not have to buy the house. He was over a barrel and bought the title insurance policy. If that happened to him, it is a safe assumption that the same thing is happening to everyone, even though there is absolutely no justification for requiring a home buyer who is assuming a mortgage to purchase a new lender's title insurance policy.

Another example of an unnecessary title expense occurs when a person buys a home from a developer who has just built a number of homes on a single tract and is forced to buy a completely new title search and insurance policy. Less than a year before, probably, the developer was required to have the title searched and get title insurance in order to get the construction loans he needed to build these homes. Thus, there is no justification for requiring the home buyer to pay for a completely new title search less than a year after one was done. This is make-work of the highest order. The only defect that could have arisen between the original title search and the purchase of the home would be a mechanics lien which might cost the homeowner some money but would not result in the loss of title to his home. The minimal risk of a defect arising in the short time between the original title search and the purchase of the home means that there is no justification for charging the home buyer the full amount for a complete title search and policy.

These types of unnecessary title charges must be eliminated in order to enable more people to buy homes. There is no reason for these types of expenses except "custom."

Everyone seems to benefit from these "customary" charges except the home buyer. Lawyers get forwarding fees, real estate agents get commissions, lenders get compensating balances, and the home buyers get taken. People who buy one or maybe two homes in their lifetimes just do not have the economic clout to bargain with the real estate establishment.

No one could object to expenses that are justified by reason; but no one ought to support expenses justified only by "custom." What is needed and what my bill does is to give the only economic entity with the power to bargain with the other members of the real estate establishment an incentive to cut costs—the lenders.

TITLE INSURANCE INDUSTRY

Before describing how my bill will work, I ought to describe how the title insurance industry works. There are basically three types of title insurance companies.

National title insurance companies will insure titles wherever they have agents located. Although they may maintain their own title plants near their headquarters, a large portion of their income comes from titles which are examined by their local agents and insured by them. The so-called national title charges are $2.50 per thousand for lender's insurance and $3.50 per thousand for joint lender's and homeowner's insurance.

Local title insurance companies usually operate only in one county or city. They maintain extensive title records which duplicate the official records. Although this is an uneconomic allocation of resources, increasing costs to the home buyers, the companies claim that the public records are inconvenient to use. This may be true but the real answer is to improve the public land records. Unfortunately, so long as there are vested economic interests which oppose this type of reform, I fear the States will not act because the problem has not gotten very visible.

The third type of title insurance company is the so-called lawyer's title company which is sponsored by a State bar association such as Florida's or Ohio's. They insure, in effect, that the attorney's opinion of valid title is accurate.

Title insurance has grown tremendously in recent years. Prof. Quintin Johnstone of Yale Law School estimated premium income of the title insurance companies amounted to about $100 million in 1954. According to the survey which I conducted, the 41 firms that responded had a gross income of $299,120,270 in 1970, a bad year for housing.

Why the sudden demand for title insurance? Because the consumers felt the need to protect their homes from title defects? No, because the title companies have promoted title insurance and the life insurance companies which buy many of the mortgages of the primary lenders find it easier to simply rely upon the title insurance policy than recheck the title themselves. In other words, the home buyer is being asked to pay increasingly large amounts of money for the convenience of the financial institutions, not for his own protection.

The risk absorbed by these title companies is almost nonexistent. Measured as a percent of their total liability, the title companies that responded to my questionnaire paid out less than one ten-thousandth of a percent in losses. Measured as a percent of their gross income, the companies paid out about 2.5 percent in losses for the years 1968 to 1970. Obviously, the title insurance business is not the typical insurance business.

The title insurance companies claim they are in the business of risk prevention rather than risk assumption. And, they are right. The title insurance companies perform a vital service. By searching the title they are insuring that the home buyer actually gets what he is paying for. A home is the largest single investment that most of us make. We must be sure that we are actually getting good title. However, the consumer is being forced to pay too much for this service. I do not mean to say that the title insurance companies themselves are reaping large profits. They are not. What I am saying is that the title insurance industry's present mode of operation is costing home buyers millions of dollars in unnecessary charges because there is no incentive to be efficient. It is far easier for them to go along with the "way we have always done it" than change the customary way of doing things and risking irritating the real estate establishment which they must depend upon for business.

As a matter of fact, most of the pressure on the title insurance companies is to raise costs rather than reduce them. There is reverse competition in the title insurance industry. Because most title insurance companies rely upon agents to send them business, there is great pressure to raise the agents' commissions in order to obtain more business. This increases the cost to the home buyers who have no real opportunity to shop for cheaper title insurance.

What is needed is some incentive toward efficiency. This means that someone in the real estate establishment with sufficient economic power to bargain with the title insurance companies and the rest of the real estate establishment must have an incentive to cut title insurance costs.

THE BILL

My bill would require the lenders to absorb as part of their overhead the cost of title search and any title insurance they require as a condition for granting a home loan. The bill would also prohibit price discrimination between lenders and home buyers in the sale of title services.

Although home buyers eventually will have to pay for the title expenses absorbed by lenders in higher interest rates, home buyers will benefit from lenders' efforts to keep their overhead down. In addition, if the home buyer purchases title insurance to protect his equity, he will get the advantage of lower rates because title companies are required to sell title insurance to home buyers at the same rate they charge the lenders.

The bill could dramatically lower title costs without adversely affecting the secondary mortgage market. As we saw before, one of the primary uses of title insurance is to ease the sale of mortgages to life insurance companies. Under this bill, the life insurance companies and other secondary lenders still would have the ease and protection that title insurance provides. However, rather than requiring a separate title insurance policy for each home loan, lenders might opt for a blanket title insurance policy on all the home loans they make.

This would surely diminish costs substantially and provide the same protection to the lender. This would surely also lead to some real force behind efforts to improve our public land records.

As a matter of fact, this could lead to the adoption by the States of land registration systems which have worked so well in the few places they have been adopted. A land registration system or a Torrens System relies upon title certificates to pass title. If a defect in title does not appear on the face of the certificate, it does not legally exist so far as the purchaser of the property is concerned. Thus, it is possibly to quickly check title. In most cases, a lawyer or even a clerk could ascertain the validity of the title in 10 minutes. A person who was harmed by a wrongful transfer of title can only sue the transferor or file a claim against the fund set up by the State for such contingencies; he cannot sue the purchaser of a clean title certificate. Massachusetts has had such a system for many years and, to my knowledge, no successful claim has been filed against the State insurance fund. This is some indication of the worth of the system. Unfortunately, it has not been widely adopted elsewhere, and because of the complexity of the subject, there has been little public pressure for reform. However, if the lenders were to advocate forcefully its adoption, I am sure we would see a rapid change of attitude among the State legislatures.

ALTERNATIVES

In developing this bill, I have looked into other alternatives for lowering closing costs.

Federal title insurance—Federal title insurance on FHA and VA homes could provide a base from which to measure the reasonableness of charges by other title insurance companies. However, the problem with this solution is that it could create another Federal bureaucracy which I would prefer to avoid.

Federal regulation—Federal regulation of title charges on FHA and VA homes would be one way to provide for continuous pressure to protect the consumer from unreasonable charges. However, all too often regulatory agencies become the captives of those they supposedly regulate and, again, there is the danger of creating another Federal bureaucracy.

Besides, as we have seen, the title insurance companies are not making exorbitant profits; what is needed is a fundamental structural reorganization which a regulatory agency would most likely be incapable of accomplishing.

Free enterprise—This is the alternative that I have chosen. I have always been a firm advocate of the free enterprise system and my bill would allow the free enterprise system to work the way it was supposed to—to encourage competition and thereby reduce costs.

As we have seen, under the present system, there is a reverse incentive to cut costs; under my bill there would be every incentive to cut costs. Competition would again be the regulating force. This is a far better solution than Federal regulation.

I ask unanimous consent that the summary of my survey of title insurance companies be printed at this point in the RECORD as well as the text of my bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2775

A bill to reduce certain charges and expenses in connection with the purchase and sale of residential real property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Title Charge Reduction Act".

SEC. 2. (a) The Congress finds that—

(1) the costs of title examinations, title insurance, and similar related title services in connection with residential mortgage transactions are excessively high in many areas of the country, and home owners lack effective bargaining power to bring about reasonable reductions in such costs;

(2) financial institutions and mortgage leaders are principal beneficiaries of title insurance and should therefore be required to pay for those services to the extent of their benefit, but, in most residential real estate transactions, the buyer or seller of a home is required to pay for all title services;

(3) the costs of title services will be reduced if mortgage lenders are required to pay a part of the charge for these services because of the superior economic bargaining power of mortgage lenders as compared to home buyers or sellers; and

(4) title insurance policies have provided broader coverage at lower costs to mortgage lenders than to home owners, whereas fairness requires that title services should be made available to home owners on the same terms and conditions.

(b) It is the purpose of this Act to bring about a reduction in the charge for title services (1) by requiring the costs thereof to be paid by the mortgage lender whenever title services are required by the lender as a condition for extending credit, and (2) by prohibiting price discrimination between mortgage lenders and home owners in the sale of title services.

DEFINITIONS

SEC. 3. (a) The term "title services" includes, but is not limited to, the provision or conduct of the following:

(1) the performance of title examinations;

(2) the furnishing of title abstracts or similar documents;

(3) the furnishing of legal opinions on the status of a title; and

(4) the furnishing of title insurance for the protection of a lender, a home owner, or both.

Such term does not include services for which the fees and charges are prescribed by law and which are or will be paid to public officials for transferring or recording title to real property or for similar purposes.

(b) The term "mortgage lender" means any person who regularly makes loans secured by an interest in a home and, in so doing, uses any means or instrumentality of interstate commerce.

(c) The term "home" means a structure which is designed principally for the occupancy of from one to four families.

(d) The term "home mortgage loan" means a loan made by a mortgage lender secured by an interest in a home.

PROHIBITION AGAINST CERTAIN CHARGES; DISCLOSURE

SEC. 4. (a) Notwithstanding any other provision of law, in any case in which the performance of title services is a factor in a mortgage lender's determination of whether to furnish a home mortgage loan, all costs, fees, and charges in connection with those services shall be paid by that mortgage lender and shall not be charged to the buyer or seller of the home.

(b) If the performance of title services is not a factor in a mortgage lender's determination, that mortgage lender shall clearly and conspicuously disclose, prior to entering into any agreement with respect to a loan or any such services, to the buyer and seller of the home that such services are not such a factor. The costs, fees, and charges for title services may be paid by the buyer or seller if he then chooses to secure such services.

PROHIBITION OF PRICE DISCRIMINATION

SEC. 5. No person who regularly provides title services by any means or instrumentality of interstate commerce shall provide such services to the buyer or seller of a home at a rate or price which is in excess of that charged to a mortgage lender for comparable services or provide more restrictive services to the buyer or seller of a home than provided to a mortgage lender. In the case of title insurance, the Secretary of Housing and Urban Development shall, by regulation, establish standards for determining effective premium rates with respect to such insurance.

CIVIL LIABILITIES

SEC. 6. (a) (1) Any mortgage lender who violates section 4(a) of this Act shall be liable to the person who paid for such services in an amount equal to the sum of three times the charge for such services plus court costs and reasonable attorney's fees as determined by the court.

(2) Any mortgage lender who violates the provisions of section 4(b) of this Act with respect to disclosures shall be liable to the buyer or seller of the home in an amount equal to the sum of three times the amount actually or customarily charged for such services plus court costs and reasonable attorney's fees as determined by the court.

(3) Any person who violates section 5 of this Act shall be liable to the person purchasing such services in an amount equal to the sum of three times the charge for such services plus court costs and reasonable attorney's fees as determined by the court.

(b) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within two years from the date on which the liability arose.

CRIMINAL PENALTIES

SEC. 7. Any person who willfully and knowingly violates any provision of this Act or any regulation under this Act shall be fined not more than $5,000, or imprisoned not more than one year, or both.

REGULATIONS

SEC. 8. The Secretary of Housing and Urban Development shall prescribe regulations to carry out the purposes of this Act. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this Act, or to prevent circumvention or evasion or to facilitate compliance of this Act.

ADMINISTRATIVE ENFORCEMENT

SEC. 9. Compliance with this Act shall be enforced by the Secretary of Housing and Urban Development. All of the powers of the Secretary under section 1415 of the Interstate Land Sales Full Disclosure Act are available to the Secretary in the enforcement of this Act.

EFFECTIVE DATE

SEC. 10. This Act shall become effective upon the expiration of 90 days after its enactment.

SUMMARY OF SENATOR PROXMIRE'S TITLE INSURANCE SURVEY

Losses and loss reserves	1968	1969	1970	Average
Net payments adjusted as percent of:				
Gross income	2.27	2.54	2.28	2.51
Net title insurance written	5.43	4.76	4.17	4.78
Face amount of that year's policies	.01	<.01	<.01	<.01
Gross income (in thousands)	293,635	312,390	299,120	301,715
Percent of—				
Service charges	31.20	32.66	33.68	32.51
Title insurance premiums	59.9	59.14	60.44	59.82
Net other income	.57	.76	.13	.48
Net investments	8.30	7.49	7.98	7.92
Total expenses (percent):				
Personnel expenses	40.12	40.79	40.78	40.29
Commissions	20.18	19.95	19.60	19.91
Production services	4.66	5.22	5.18	5.18
Net payments adjusted	3.21	2.71	2.53	2.81
Total expenses (percent)—Continued				
State tax	3.81	3.89	3.96	3.88
Federal tax	8.00	7.61	5.26	6.95
Percent net income of gross income	11.64	10.34	7.5	9.82
Interlocks between title insurance company boards and officers and others:				
Average number on title insurance boards	11.5			
Bank interlocks	5.4			
Savings and loan interlocks	2.6			
Real estate agents, etc	5.6			
Law firms	3.4			
Other title companies	2.3			
Other companies	7.1			

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 993

At the request of Mr. Byrd of West Virginia, for Mr. Jackson, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 993, to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes.

S. 1389

At the request of the Senator from Minnesota (Mr. Mondale) and the Senator from Massachusetts (Mr. Brooke), the Senator from Indiana (Mr. Bayh), the Senator from Utah (Mr. Bennett), the Senator from Texas (Mr. Bentsen), the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Wisconsin (Mr. Nelson), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), the Senator from Ohio (Mr. Taft), and the Senator from California (Mr. Tunney), were added as cosponsors of S. 1389, a bill to negotiate a most-favored-nation agreement with Rumania.

S. 1859

At the request of Mr. Javits, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1859, providing for the establishment of a National Institute on Building Sciences.

S. 2556

At the request of Mr. Allott, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 2556, to establish a municipal mine demonstration plant.

S. 2696

At the request of Mr. Proxmire, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2696, the Regional Water Quality Act of 1971.

S. 2724

At the request of Mr. Byrd of West Virginia, for Mr. Jackson, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 2724, to establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes.

S.J. RES. 34

At the request of Mr. Scott, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S.J. Res. 34, proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

SENATE CONCURRENT RESOLUTION 48—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE HOLY CROWN OF ST. STEPHEN

(Referred to the Committee on Foreign Relations.)

Mr. DOLE. Mr. President, today I submit for appropriate reference a concurrent resolution which will serve as a declaration of America's renewed determination to see that the principles of democracy and freedom will some day be restored to the Hungarian people in their homeland. This resolution expresses the sense of the U.S. Congress that the great national treasure of Hungary, the Holy Crown of St. Stephen, should continue to remain in the safekeeping of our Government until the Government of Hungary functions according to the free will of its citizens. By adopting this statement Congress will succeed in expressing its rejection of recent indications that the current Hungarian regime wishes to negotiate the crown's return, and Congress will reiterate steadfast adherence to a solemn commitment between the peoples of Hungary and the United States.

It is, perhaps, difficult to fully appreciate the great significance which the Crown of St. Stephen holds in the hearts and minds of Hungarians everywhere. It is to them what the Declaration of Independence, the Constitution, the Bill of Rights, and the Liberty Bell are to Americans—and more. Its history reaches back to the very roots of the Hungarian state and the cultural traditions of the Carpathian Basin, and its combined social, religious, and political aura permeates the entire concept of governmental legitimacy in that ancient nation.

At the close of World War II, when Eastern Europe was overrun by the forces of oppressive totalitarianism, valiant and devoted Hungarian patriots entrusted the crown to the U.S. Government until the day that freedom and liberty were once again realities in their country. Our Government undertook a solemn obligation in accepting the crown and has, for 26 years, adhered to that obligation and commitment.

I do not believe there is any immediate possibility that our Government would surrender the crown to the present Budapest regime, but 1971 being the 15th anniversary of the glorious and tragic Hungarian revolution of 1956, I feel it is entirely appropriate that the United States make manifest this reaffirmation of our commitment.

I am pleased to note that Senators Thurmond, Buckley, Bennett, Roth, and Tower are joining me today in submitting this concurrent resolution, and I express my hope that any other Senators who wish to join will feel welcome to add their names.

Mr. President, I ask unanimous consent that the text of the concurrent resolution and the following additional materials, which enlarge on the details of my remarks and the significance of this resolution, be printed at this point in the Record.

The text of a petition which was circulated by the Hungarian Freedom Fighters Federation, signed by more than 10,000 people and presented to the White House.

A statement on the significance of St. Stephen, King of Hungary, by Dr. Bela Maday.

A memorandum on the Holy Crown of St. Stephen.

The texts of two letters concerning the 15th anniversary of the Hungarian revolution.

A statement of the Hungarian Freedom Fighters Association on the 15th anniversary of the Hungarian revolution.

The text of an address by the Honorable Frank Horton, Congressman from the 36th District of New York, at the dinner commemoratory of the 15th anniversary of the Hungarian revolution.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. Con. Res. 48

Whereas the Holy Crown of Saint Stephen is a national treasure of great symbolic and constitutional significance to the Hungarian people; and

Whereas the United States Government is in possession of the Holy Crown of Saint Stephen, it having been entrusted to the United States in 1945 for safekeeping until Hungary should once again function as a constitutional government established by the Hungarian people through free choice; and

Whereas Hungary is presently under the control of an atheistic Communist regime in whose interest it would be to destroy the Holy Crown of Saint Stephen; and

Whereas the Communist government of Hungary has proposed that the Crown be given to that government in order to further to improve the atmosphere of American-Hungarian relations; and

Whereas relations between the United States and the Communist government of Hungary have gradually been resumed, and discussions have taken place with a view to the settlement of various longstanding bilateral problems; and

Whereas it is possible that the Holy Crown may be considered as a negotiable item by the United States Government; and

Whereas the hopes of the oppressed people of Hungary for a future freedom and liberty, and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed if the United States Government breaks its sacred trust and relinquishes the Crown; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping on the United States Government until Hungary once again functions as a constitutional Government established by the Hungarian people through free choice.

Petition

(Text of petition circulated by the Hungarian Freedom Fighters Federation and signed by more than 10,000 people. The Signatures were delivered to the White House.)

The President,
The White House,
Washington, D.C.

Mr. President: We, the undersigned, are deeply concerned over the reported possibility that the day may be close when Washington finds an occasion to surrender Hungary's national treasure, the Holy Crown of

Saint Stephen to the presently ruling regime in Budapest. The Holy Crown of Saint Stephen is the symbol of Hungarian sovereignity, it represents traditional constitutionality. The release of the Crown to a regime which rules over ten-million Hungarians without their consent and to a regime which is kept in power by the Soviet occupation forces present in Hungary, would be the destruction of all principles for which the Crown stands. A country under the rule of the Brezhnev Doctrine cannot be sovereign and we cannot crown into respectability those, who not so long ago committed the foulest treachery and the basest deceit known to man, so monstrous crimes against the Hungarian people that their infamy should not be forgiven or forgotten.

Mr. President, consider our appeal, take your stand on the side of decency and defence of human rights, and deny the pleasure of self glorification for a regime which was born in blood, which denies the basic human rights for Hungarians, and rules with the guns of a foreign power.

The Significance of St. Stephen, King of Hungary, His Reign and His Era to Students of Humanities and the Social Sciences

(By Dr. Béla C. Máday, professor,
American University)

These days when "law and order" has become a pejorative slogan, it is rather refreshing to speak about the virtues of a king who created a nation by establishing a fundamental legal order.

Saint Stephen is remembered, not only because he was the first king of Hungary in the European sense of term, but because the legal-political order he established in the Carpathian Basin proved his wisdom and genius for over a millennium. He was not an originator of great ideas or reforms. Instead, he was a man of noble purpose, sound judgment, and a strong determination; qualities which make a statesman of a politician.

His forefathers chose the land on which they settled, but he made it secure against foreign encroachments. His forefathers decided to take up Christianity, but he chose Rome against Byzantium. His father was said to be "rich enough to afford two gods", but Stephen made the commitment total to one God. His forefathers chose a more unifying form of government, but it was his keen mind that gave the union power and permanence through the form of monarchy.

He gave form and structure to the cataclismic transformation that changed Hungarians from Asians to Europeans, from nomads to sedentary people, from hunters to agriculturists; their religion from shamanism to Christianity, and their social organization from tribalism to nationhood. This was a process of cultural "metabolism" for which we can find no parallel in subsequent Hungarian history, not even during the 150 year long Ottoman-Turkish occupation.

King Stephen devoted himself to his enormous task with courage, wisdom, and tenacity. As a result, the Magyar nation made its unique imprint on the history of Europe, a contribution which has not yet been assessed in its proper dimensions. The accomplishments of this little nation and its great king are not known to the English speaking world. If the epoch to which we refer was really as dramatic, and the change as rapid and thoroughgoing as we believe they were, then they represent historical precedents the understanding of which could enrich our knowledge of the process of cultural and social change. If not to the public at large, they could be highly relevant to doctoral candidates in the humanities and in the social sciences.

Advocating the study of events which happened a thousand years ago may not be very popular these days, when many a student has traded the study of history for involvement in magic sociological slogans. They argue that if what happened during their forefathers' life time is utterly irrelvant today, why should anyone be concerned with something that happened some 1,000 years ago.

In spite of such skepticism, I would like to tackle the task of outlining some of the issues and events involving Saint Stephen's role, which could or should be of particular interest to research scholars of various disciplines.

FOR HISTORIANS

About one millennium and seventy five years ago, some 50,000 rugged riders and their families and slaves stopped at the crest of the mighty Carpathian mountains. They looked west into the great Danubian valley. They liked what they saw. Nestled in the mountain garland were rich pastures, lush forests, clear waters, and dispersed settlements of few and loosely organized people. The riders decided to stay. They descended from the mountain slopes, pitched their tents on the plains, and founded a new European nation, Magyarorszag, to be called Ungarn, Hungaria, Hungary

The Magyars did most of their important business on horseback. The late Prime Minister, Paul Teleky said once that the early Magyars had a democratic parliament before they had chairs to sit on because they deliberated and voted in the saddle. They elected their tribal chiefs in a democratic fashion, as nomadic people usually do. And when a collective leadership found it necessary to form a more permanent union, the chiefs of the seven tribes elected to general council entered into an agreement, the Blood Pact, in 896 A.D., safeguarding their rights and stating their responsibilities. They also elected Arpad, son of Almos, to be their leader.

The political philosophy expressed in this pact has had a lasting effect on Hungarian constitutionalism during the subsequent centuries. First, it regulated the succession by making it subject to election, although it was restricted to candidate from the family of Almos. The result has been a persistent desire of Hungarians for a ruler elected from among their blood. Second, it was agreed that any booty or gain from a victorious battle be considered common property until distribution, and that no member of the general council (tribe) could be excluded from the distribution. This principle was a basically different concept from that of contemporary European feudal theories in which possession inhered rather in the individual in terms of his status. The principle of the Blood Pact may be considered the basis of a historic resistance to feudalism in the country, as well as the beginning of the development of a concept of the state. Third, no member of the council, or any of the members' descendants, might be excluded from the council, except for treason.

No one has yet traced the effects of these constitutional principles through Hungarian history, except in broad generalities and in terms of opinions rather than facts.

FOR POLITICAL SCIENTISTS

When the seven tribes settled in the Carpathian Basin under the political organization of a loosely structured federation, they found a European continent of empires and monarchies. Charlemagne's empire had just disintegrated and Western Europe was in a process of political regrouping. The Holy Roman Emperor, the Pope and the eastern patriarch vied for power.

The East secured the allegiance of the Bulgars, Serbs, Russians, and for a while that of the Moravians. The West wrestled the Moravians away from the East, and added the Slovens, Croats, and all Germans to the Latins.

It fell to the great-grand-son of Arpad, to fit the newcomer nation into this political environment, and to consolidate it in the manner that would secure its survival. This great man fulfilled simultaneously his multiple obligations to God, to his people, and to the family of European nations with a genius for which he is still remembered. He forcefully guided his people along the path on which his forefathers set out when they decided to settle in Europe.

Stephen asked a crown from Pope Sylvester II, and received it in 1001 A.D. along with powers making Hungary a member of the Western Christian community, though ecclesiastically independent from the German bishopries. These powers also gave the Apostolic King of Hungary independence from the German Emperor's sanctions. The gradual increase of freemen not belonging to the original tribes had weakened the role of the tribal chiefs, a process favoring St. Stephen's centralizing efforts. He changed the divisions of land from the custom of outlining tribal areas to that of establishing defense areas around fortresses, the basis of the county system.

In subsequent centuries the relationship of the king to the nation underwent several changes, but the king remained basically and pre-eminently a national sovereign at all times, and according to Professor Carlyle Macartney, he was the head of "a national state in a sense in which hardly any other European State was national, because it was based on the free and equal community of the Magyar nation.

"In the matter of rights, no member of the nation was inferior to any other, except only the king. . . . The royal dynasty owed its position to election, and stood in a relation to the nation different to that of some Western ruler by grace of God and marriage alliance."

How a political order based on tribalism was changed to that of a monarchy within a span of one generation, still begs for an answer. The explication of Saint Stephen's engineering this transformation could be a superior challenge to a student of political science.

FOR PHILOSOPHY OF LAW STUDENT

Great statesmen are recognized not only by the political crop they harvest during their lifetime but also by the success of the seeds they have sown for the benefit of future generations.

Saint Stephen, by accepting a crown from Rome (which later was fused with a crown received from the Byzantine Emperor) and by amalgamating tribal interest with a strongly centralized monarchy, was also responsible for the evolution of the constitutional symbol of the Sacred Crown.

The Sacred Crown has been a symbol representing the supreme political power of the country as exercized jointly by the king and by the nation. The Sacred Crown became a symbol of a mystic concept superior to both the ruler and the body of the franchised citizens, within the framework in which the nobles as depositors of the traditional Magyar nation felt themselves equal partners with the monarch. This theory was a fundamental part of the asserted right of Hungarians to elect a king or resist him, reaffirmed in several documents throughout the history of the nation, and symbolized by the inclusion of a five-pointed crown in the pre-communist Hungarian coat of arms.

Through the history of Hungary as a monarchy, no coronation was considered legally valid unless it was performed with St. Stephen's crown. For example, in 1308, the crown was in the possession of the Prince of Transylvania who wished to prevent the coronation of Charles of Anjou. The papal nuncio brought a substitute crown, blessed it, and declared the original crown divested of its constitutional properties. The nation considered the coronation legal only after St. Stephen's crown was recovered and physically placed on the head of Charles.

The fact that according to this theory the Hungarian lands were ultimately owned by the Sacred Crown rather than by the king or his subjects, had a signal impact after 1526, when Austria and Hungary shared sovereigns. Ernst Helmreich tells us that "The concept of the unity of the crown-lands was also a major factor preventing a successful reorganization of the multi-national Hapsburg domain. After World War I, when the historic kingdom was torn apart, reuniting the lands of the Crown of St. Stephen became a rallying cry for Hungarian revisionists." However, the policy of expansion and conquest beyond the Carpathian Basin has never become a part of the idea.

The concept also had side effects. One of these was the absence of political assassinations related to the succession in the nation's history. Because of the concept, Hungary was also able to avoid bitter strifes between sacred and secular power domains.

FOR SOCIAL SCIENTISTS

Four generations after the conclusion of the migration, the Hungarians under St. Stephen became a European power with a solid political, economic, and social fabric that began to make its independent contribution to the history of the Western world. The Magyars changed from a predominantly hunting and pastoral economy to predominantly sedentary agriculture, from followers of ancient, mostly Asiatic value systems and religious beliefs to Christianity, from fighters to mainly workers. All this in 100 years. Understanding how such social-cultural transformation of this magnitude took place in such a short period of time must baffle the most sophisticated social scientist.

To change one's way of life, indeed, one's deep-seated values is perhaps the most difficult and challenging human task an individual or group can perform. We are all witnessing something of the same order going on right now in our midst, in our society. And the coming generations will be exposed to an ever more trying time in which demands for rapid change and adjustment of great dimensions will become the order of the day, and not the exception. But in King Stephen's time dramatic changes occurred in intervals of centuries. It was a long way from the discovery of fire to the discovery of the wheel. Thousands of years elapsed from the beginning of food gathering to the commencement of food production. Yet, few historians have concerned themselves intensively with the interaction of economics, settlement patterns, division of labor, social stratification, kinship system, art, and other cultural phenomena.

Of course we are familiar with the Marxist interpretation of history in terms of class struggle. In this context St. Stephen is commemorated as the founder of feudalism in Hungary, which lasted until the beginning of Capitalism in 1841.

Such simplistic interpretations, of course, cannot satisfy the social scientist. He is interested in how the transformation from tribal system to centralized monarchy has changed social structure, the role of the clan and his family. He is interested in how the change in economy affected the division of labor and the role of various members in the family. He is interested in how agriculture, tied to the four seasons of the year has changed the distribution of leisure, its use, and its products. He wants to know what happened to the words which lost their meaning because the object or activity has ceased to be useful, and from where the new word for the new way of life was derived. He wants to know how and why people settled the way they did, how ownership patterns and land tenure patterns have changed, and what relationship developed between the original pioneers, their offspring, new migrants, conquered slaves and foreign visitors, how news travelled and all the implications of primitive communication.

We know little of these things and according to our present knowledge of human behavior, they play an immensely important role in the history of mankind.

FOR LIBRARIANS

The scarcity of publications on St. Stephen is demonstrated by the fact that in Paul Horecky's monumental two-volume bibliography of East-Central Europe, there is only one entry on St. Stephen.

Carl Sandberg tells us that "The famous lawyer, Rufus Choate, listening to foreign-language grand opera in New York, had told to his daughter to be sure to let him know when to laugh or cry or just sit still and keep cool. From the shifting stage scenes he could hear words, but he did not know what they were saying. He needed help. 'Interpret for me the libretto lest I dilate with the wrong emotions,' he told the daughter."

We find that Americans often look at the historical and contemporary scene of Hungary, and wish they could understand the messages of various events and occurrences. They want to know, what they mean today and what they will mean tomorrow. The academic community in general, and the bilingual scholar in particular, have special responsibilities for interpreting events and issues of Eastern Europe in historical perspective.

The millennium of the birth of King Saint Stephen reminds us that we may begin with his person and his era.

Memorandum on the Holy Crown of St. Stephen

AN AMERICAN APPRAISAL

A distinguished American, John F. Montgomery, for eight years President Roosevelt's Envoy to Hungary, has defined the meaning and the intrinsic value of St. Stephen's Crown for the Hungarian people. In his book, "Hungary—The Unwilling Satellite" he explained (p. 36) that "Hungary, as contrasted with England and nearly every kingdom, has always put the crown above its wearer: *the king really served as regent for the crown* in which rested the sublime power carried down through the ages from the time of King Stephen." That sober American also paid tribute to St. Stephen and his people by stating that "with the coronation of its medieval king, who after his death was sainted, Hungary became the most eastern of the western lands," (p. 37).

CUSTOMS AND CONSENT

The Hungarian constitution—although its application was interrupted in 1945 by Soviet military occupation—remains based on St. Stephen's Crown. The constitution is the product of the Hungarian Realm's millenary history, gradually developed by custom and consent, with its roots extending far back into the tribal past of the nation. It is of primary importance that sovereignty attributed to the Holy Crown derives from the rule that decisions on affairs of public concern have to be made in the name of St. Stephen's Crown, personifying both the King and the Nation. Since the reign of Andrew II (1205–1235), "the strict observance of the rights, the freedoms, and the laws of the nation" has been included in the king's oath of coronation. Charles Robert was not accepted as the constitutional king in 1308 by the Hungarian nation when at first he was crowned with a substituted crown.[1] He had to be coronated a second time in 1310 with St. Stephen's Crown. Since that time the coronation implies the constitutional sanction that "only he shall be recognized as a legally reigning king of Hungary, whom the nation has crowned with St. Stephen's Crown."[2] Since then, the crown is being designated and revered as the "Holy Crown" of Hungary, a unique concept among people living under a monarchy.

MYSTERY OF THE HOLY CROWN

The mystery of the Holy Crown had been developed gradually and its partly religious, party political origins could hardly be explained rationally, except by the fact that it grew out of the historical necessity to synchronize the sovereign authority of the King with the Nation's insistence on its sovereign right to freedom. Sovereignty, however, means: supreme power—it is therefore indivisible. Unity and balance within the state had been secured in Hungary by personalizing St. Stephen's Crown and attributing to it the ownership of Hungarian sovereignty with the King and the Nation participating jointly in the Crown's ownership, as members ("membra Sacrae Coroane").[3]

This theory (in America it might be called a "doctrine") was born in the early XII century. King Coloman ("the Booklover") noted in 1103 that his treaty with the Doge of Venice "would have less validity unless it was concluded with the consent of the Kingdom's Council".[4] Personal rule by the King has been alien thereafter and unacceptable to the Hungarian people. In contrast to west European practice, donation of land in Hungary could only be effected as a reward for public service ("iusto servitio", according to King Andrew II's "Golden Bull", Art. XVII of 1222) and not as a personal favor.

In later centuries, landed aristocracy did gain more, but never exclusive influence on the conduct of state affairs; its power was never able, however, to eliminate the principle of constitutional government as incorporated into the personification of the Holy Crown. This theory remained the source not only of the King's sovereign power, but also of the people's inalienable right to freedom and self-determination. Political science, in modern times, has accepted the concept of "the state as a living organism." The Hungarian people have never deviated from that concept. They have considered the State as a society, established in order to serve the welfare of the entire community. Personified, the Holy Crown is the owner of all the public power originally rooted in the nation and held jointly by the King and the people. Always more than a symbol, the Crown during ten centuries also represented the statehood of Hungary and her sovereign independence from foreign nations. In 1440, the National Assembly of Hungary in its Manifesto already recognized the Holy Crown as a "Mystery".

WERBÖCZY'S "TRIPARTITUM"

This interpretation of the Holy Crown's sovereignty had been fully developed by the end of the XIVth century. Unquestionably, "the Kings of Hungary obtained loyalty of their subjects primarily because of the fidelity owed by them to the Crown."[5] The famous jurist, Stephen Werböczy, in the beginning of the XVIth century (1517) did not formulate, but only compiled the principles and rules of the then existing Hungarian constitution, formed by custom. In his egregious work, the "Tripartitum," based on accepted tradition, but not codified ever before, he defined the constitutional theory of the Holy Crown which upholds the irrevocable sovereignty of the King once he was crowned, but sets up the constitutional limits of his power also. St. Stephen's Crown remains the only source of power within the state: it confers sovereignty but also vindicates absolute rule. The Holy Crown is not only the symbol of national unity, it also owns all the land which forms "the territory of the Holy Crown." The Crown also maintains, though sometimes

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Footnotes at end of article.

only in principle, the equality of rights among all noblemen ("una eademque nobilitas") and actually prevented the aristocracy from legally setting up its rule over the lesser nobles as did happen in Western European feudal states.[6] King Ferdinand II, in 1635 (Art. XVIII) confirmed on the part of the Habsburg Dynasty Werböczy's statement that "legislative power belongs jointly to King and Parliament." The Kings of Hungary ruled not alone "by the grace of God", but with participation and consent of the nation also. The will of the Holy Crown has only been accepted as "the law of the land." And "the law is binding also the King," stated Werböczy,[7] as being the basic rule in the constitution.

ABSOLUTISM REPUDIATED

The "mystery" of the Holy Crown has not been derived from the medieval idea of the state ("Mysterium Christi"), but from the ancient Hungarian concept of divided sovereignty between King and Nation, held in indivisible unity by the Holy Crown. With the ascension of the Hadsburg Dynasty to the throne of Hungary (1529) valuable Western aid was secured against continuous Turkish invasions. But frictions also resulted from the difference between the Hungarian theory of the Holy Crown and the feudal concept of the monarch's personal (absolute) power in his germanic provinces. Attempts by the King at imposing similar absolute rules on Hungary have been consistently repelled by the Nation as contrary to the theory of the Holy Crown.

Such was the fate of King Rudolph's imposition in 1604 of Law XXII proclaimed by the King without the Nation's consent which two years later in Art. 1 of the Vienna Peace Treaty was repudiated as null and void. The same fate befell Joseph II's entire reign when the laws of his regime were cancelled under his own signature. The Law X of 1790 declared: "It is being recognized by His Majesty that in Hungary and her Associated Lands, the right to make laws, enforce and withdraw them remains a joint responsibility of the constitutionally crowned King and the estates convened in Parliament, and nothing can be imposed except through Parliament." In 1462 the Great King Matthias I had already proclaimed this principle and in 1741 Queen Maria Theresa had also emphasized that supreme power of the King is power conferred on him by the Nation ("concessa protestas"),[8] through the instrumentality of the Holy Crown.

THE BASIC REFORM OF 1848

The supreme power of the Holy Crown remained intact with the abolition of the nobility's privileges in 1848. Up to then, Hungarians, who could trace back their ownership of land to original settlement or donation by the King, had been accepted as noblemen the Holy Crown. Thereafter, all Hungarian citizens became entitled to participate in that membership and to form jointly with the King, after he has been duly crowned, the entire Body of the Holy Crown ("totum corpus regni Sacrae Coronae") it being identical with the Hungarian State. Since 1848, therefore, every Hungarian citizen could claim the rights and freedom reserved previously for nobles only. At the end of the Second World War, however, the Soviet Union imposed on Hungary the dictatorship of the Proletariate.

THE CORONATION

Since the Holy Crown has been considered for centuries the personification of the State and of its sovereignty, the crowning of a King had become an indispensable condition for the King's possession of royal powers. No law was needed to establish this postulate for an alert national conscience saw to it that the legality of the King's rule be properly established. The law passed in 1723 (the "Pragmatica Sanctio") on the succession of the House of Habsburg-Lothringen to the throne of Hungary, stipulated also that before being crowned, the rightful heir to the throne issue a diploma and guarantee under oath to abide by the Constitution. The powers to sanction law and to confer donations were reserved—according to Werböczy—only for the legally crowned King ("rex legitime coronatus"). Law III of 1790 also stipulated that "irrefusably" ("inomisse") the King's crowning must take place within six months from the heir's accession to the throne, or else all his acts and orders shall lose validity.

CONCLUSION

Mindful of the veneration paid to St. Stephen's Crown by Hungarians of all walks of life and every creed, there is unanimity among them that the last irreplaceable remnant of Hungary's millenary constitution and her national sovereignty may not be exposed to seizure by the Soviet army. It is generally felt that the historical existence of the Hungarian nation is attached to the Crown's survival for which innumerable Hungarian lives have been sacrificed during thousand years. The shattered sovereignty of the Hungarian state, the downtrodden freedom of its citizens, the confiscated independence of the nation, the entire destiny of Hungary are being intimately tied in the Hungarian heart to the fate of the Holy Crown.

Years ago, in 1955, the Department of State has given assurence[8] that it is "fully cognizant of the character and importance of St. Stephen's Crown", and that "as property of a special status held in trust by the United States authorities, the Crown of St. Stephen is being properly safeguarded under wholly secure conditions of custody," and that furthermore any exigencies that might arise from some future action "cannot endanger or otherwise affect the safekeeping of the object [the Holy Crown] in any way." The essence of this statement has been repeated recently by various spokesmen for the Department of State.[9]

The present government in Budapest is being inescapably controlled by the Soviet Union. Handing over the Holy Crown to that government while Soviet troops are stationed in the country would be deeply resented as a breach of promise. It would cause lasting alienation from America among Hungarians all over the world. For no cogent reason it would be generally damaging to the good name of the United States government.

Dr. Andras Pogany, President, Hungarian Freedom Fighters Federation.

Dr. Tibor Eckhardt, Chairman, Coordinating Committee of Hungarian Organizations in North America.

FOOTNOTES

[1] C. A. Macartney: "Hungary, A Short History", Aldine Publishing Co. Chicago, 1962, p. 40.

[2] A. Timon: Die Theorie der Heiligen Krone (p. 309), published in Weimar by Hegmann Bohlens.

[3] All the Latin terms in this Memorandum are quoted from Werböczy's Tripartitum.

[4] A. Timon, Ibid., p. 318.

[5] Francis Eckhart, "The History of Hungary," Budapest, Káldor Publishing Co., 1946, p. 120.

[6] Werböczy, Tripartitum, Tit. 5, part. II.

[7] A. Timon, Ibid., p. 322.

[8] On April 6, 1955, Mr. Walworth Barbour, Deputy Assistant Secretary for Foreign Affairs, issued the attached statement.

[9] Letters of Assistant Secretary Abshire to Congressman Wold, dated June 7, 1970, and to Senator Dole, in August 1971; Mr. McCloskey at a press conference on August 8, 1971.

AMERICAN CITIZENS COMMITTEE TO COMMEMORATE THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

October 23 of this year will mark the fifteenth anniversary of the Hungarian Revolution of 1956. All over America commemorative programs are planned to pay tribute to the principles of basic human rights, freedom of speech, assembly and religion, self determination for which thousands of Hungarians died. The guns of a foreign power indiscriminately killed strong and weak, soldiers and women, aged and infant.

The American Citizens Committee to Commemorate the Fifteenth Anniversary of the Hungarian Revolution respectfully urges you to remember the victims of an atheistic dictatorship by offering special prayers in the churches of your jurisdiction on Sunday, October 24th.

Hungary, a traditionally Christian country, deserves our attention and we must not spare any effort to enhance the peaceful realization of the goals so eloquently expressed by that revolution. The unbearable binds incarcerating the soul are still enforced by the Communist rulers of Hungary. Just a few months ago several Catholic priests and laymen have been sentenced to long prison terms for the "crime" of unauthorized teaching of the Bible. The thousands of refugees arriving to the West are living testimony to the fact that Hungary and the Hungarians need our prayers. Please respond to our request and inform us about your plans and actions regarding the commemoration of this historic event and its victims.

Respectfully yours,

FRANK HORTON.

AMERICAN CITIZENS COMMITTEE TO COMMEMORATE THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

October marks the 15th anniversary of the Hungarian Revolution, the brave effort of the Hungarian people to cast off the yoke of communist domination inflicted upon them in the aftermath of World War II.

The revolution which began in the streets of Budapest October 23, 1956 brought temporary freedom—until the Soviets brought in foreign troops and tanks for what became a blood bath. The revolution went underground and the communist hegemony survived.

The weeks following the revolution saw thousands of Hungarians risk their lives in leaving their beloved country to find freedom in western Europe and the United States.

Today, Hungarian Americans are valued and productive citizens of every major American city and the personal qualities that built a splendid nation in the heart of Europe enrich America.

The Congress has on many occasions drawn attention to the sacrifice and ideals of the revolution. On this anniversary the commemorative Citizens Committee is urging the extension of the observance to the leading cities of our nation to demonstrate the indivisibility of freedom's spirit among Amercan and Hungarian people.

On behalf of the Citizens Committee and your fellow Americans who are joining to honor the Hungarian revolution, I respectfully urge you to proclaim October 23rd "Hungarian Freedom Fighters Day" in your community and to issue a proclamation to that effect for publication in the Congressional Record.

Please joint in honoring the men, women and children who risked and lost so much in their battle to liberate Hungary from the forces of communist aggression.

Sincerely,

FRANK HORTON, *Chairman.*

STATEMENT OF THE HUNGARIAN FREEDOM FIGHTERS FEDERATION OF THE 15TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1956

In the 1970's it is insufficient simply to attack or defend Communism. We must know it: what moral, economic, military forces, what psychological modes hold it together;

what new concepts, measures see the light of day, what sort of language the Communists use, that is understood differently by them and by us.

While there is no longer a single strong authoritarian leader who speaks for and rules over all Communists, with its present polycentrism, Communism presents an equally great threat to free societies. The aim of Communism is still the domination of the world by elimination of free political systems and their transformation into fundamentally totalitarian Communist rule. The leaders of Communism reconfirm this goal day by day.

Communist strategy, in order to achieve this goal may have been changed. The nature of confrontation may be shifted from a primarily military arena to the ideological battlefield. We here in the West are much better prepared to cope with the articulate military threat than with the shapeless and deceptive tactics of ideological warfare.

The realization of the consequences of nuclear warfare has increased the prudence of the Communists leaders, but has not made them any more ready to abide the U.N. Declaration of Human Rights or the Atlantic Charter than they did earlier. There is the problem of internal discontent in communist countries, moreover, which makes the Soviets less adventurous; however the West has not tried to use this discontent to force the Communists to implement the very principles of the two mentioned documents and help restore self-determination among those nations which are deprived this right by their Soviet rulers.

Instead a staunch refusal to exacerbate the problems has been expressed. One cannot ignore the dehumanizing, aggressive ideology of the Communist powers and their military institution which threaten the rest of the world. One cannot dream of coexistence and react only episodically to crises.

Systematic long term planning—based on the U.N. Declaration of Human Rights and the Atlantic Charter—is needed to help humanize the governments of the oppressed nations and restore lost freedoms in countries now occupied by foreign troops and foreign ideologies.

A man who has been sitting too long in one position in his chair and has become stiff, has the right to change his position but not with the argument that he is doing it because the attitude of the chair has changed. Let us change policy, let us try new ways of finding better understanding between East and West! But not try to convince the world that Communism has changed because we did. For that is an illusion. And in politics one cannot fall for an illusion without loosing substance.

Is there more convincing example of Soviet perfidy and perseverance than the Hungarian Revolution? Or the Berlin Wall, Czechoslovakia, the Russian writers in asylums? In 1956, fifteen years ago Hungary and her people of ten million tried to end the shameless double standard applied in international politics. To create reality from the myth of self determination they sacrificed their lives by the thousands. On November 4, 1956 the most principled, cleanest revolution of our century—Hungary's fight for freedom—was crushed by Red Starred tanks. A brave people and the great principle of self determination were shockingly overrun and abandoned.

Because of the complexity of international politics, and because of recurrent delusions, it is tempting to accept the status quo, arguing that not much can be done anyway, and that one must avoid an accidental nuclear war. But such quietistic approach assumes that the status quo is tolerable and just, which is simply not true. The international responsibilities incumbent on any great power cannot be avoided by the western governments, and thus they must creatively modify the situation in the direction of restoring lost freedoms and rectifying past injustices. The tacit acceptance of the Communist two zone doctrine is erroneous and dangerous.

Legislation of present conditions, prolongation of the status quo, seems particularly injurious to Hungary.

The economic conditions were improved, the standard of living of the average Hungarian increased in the past decade.

The Revolution in 1956 was not fought over bread and butter issues. The essential issues rousing a whole nation in anger, sacrificing its youth, its men and women are still there: The country is occupied by Soviet troops, the government put in power by Russian tanks and condemned by sixteen U.N. Resolutions continues to deny the basic human rights to the Hungarian people. The basic demands of the nation are not fulfilled. The withdrawal of foreign military forces from Hungarian soil, the declaration of neutrality and the establishment of a constitutional government through free elections with the participation of multiple parties representing multiple political and economic philosophies and interests, did not occur in the past fifteen years.

On the fifteenth anniversary of the Hungarian Revolution the Hungarian Freedom Fighters Federation is compelled to declare that the demands of the Hungarian people as they have been expressed during the Revolution are still unfulfilled. Hungary is still a dictatorship, a police state permeated by a network of informants assuring total control over the people. The changes observed by naive tourists, eager reporters and short-sighted politicians are changes in outside appearance, changes in tactics and changes in the inessentials. The substance for which the revolution was fought is that Hungary is ruled by foreign ideals and occupied by foreign troops. Therefore we, Hungarian freedom fighters and other Hungarians living in the United States shall continue to work for a sovereign constitutionally established, free Hungry and for freedom for all oppressed peoples of the world!

DR. ANDRAS POGANY,
President.
ISTVAN B. GEREBEN,
Co-President.

LIBERATION BY COMMUNICATION

(Text of Congressman Horton's remarks in his keynote address at the dinner commemorating the 15th anniversary of the 1956 Hungarian Revolution, National Press Club, Washington, D.C.)

(Dinner sponsors: American Citizens Committee for the Commemoration of the 15th Anniversary of the Hungarian Revolution, Congressman Frank Horton, Chairman; Hungarian Freedom Fighters Federation, Dr. Andras Pogany, President.)

". . . may a ray of hope reach our long tried people who at this moment endure the fifth day of bombs, shells, and flaming death, bearing witness, before God and the world, of their will to be free—a people whose sons are being dragged into slavery; whose children, with their last breath cry *"help"* from wrecked homes, hospitals, and shelters; whose women stand before looted stores, facing stark famine.

"Ardently I pray God to bless you and your people, Mr. President—to guard and guide America in gaining the common goal of peace and joy for a troubled world. May the Almighty grant that you thrive and wax strong. On the threshold of a happier future, I beg you not to forget—never to forget—this small gallant nation braving anguish and death in the cause of mankind."

With these words, Josef Cardinal Mindszenty, Prince Primate of Hungary, wrote to President Dwight D. Eisenhower on November 8, 1956. I could think of no man on earth whose words would be more appropriate to open my remarks on the 15th anniversary of the Freedom Fighters revolution. No man, including those who died in that revolution, and including those who were exiled forever from their homeland, has made a greater sacrifice than Cardinal Mindszenty in the cause of his people and his church. the American legation in Budapest, as a haven from certain death during the revolution, Cardinal Mindszenty has now made an even greater sacrifice—imprisoning his soul and his freedom of expression in exchange for his personal freedom, and in exchange for a chance for the Pope to melt the ice that has frozen relations between Hungary and Rome for the past 15 years.

While Cardinal Mindszenty may not, for the moment, be able to share with us his memories and his feelings about the people of Hungary, we can and we must turn to his words, spoken in the past, in commemorating this valiant try for freedom.

The Cardinal's prayer for President Eisenhower and the American people contains two vital and moving points. First, that America thrive and be strong so that we can gain the common goal of peace and joy for mankind; and second, that America not forget—never forget—the gallant and anguished nation of Hungary.

How far have we come in seeking these goals since the Cardinal penned his letter in the dark days of early November, 1956? We have come far, yes, but by no means far enough.

We have gone through years of anguished debate about whether the United States, at a moment when it enjoyed unquestioned military superiority in the world, could have, or should have used its strength to face down the threat of the Russian bloodbath. We have gone through years of unsuccessful effort to keep the question of Soviet occupation and stifling of Hungary and other nations of Eastern Europe before the United Nations.

But where are we today? What is the status of America's progress toward fulfilling Cardinal Mindszenty's goal of bringing peace and joy to a troubled world?

For those who long to turn the clock back to 1956, for those who wish we could return to the day when the seams of world order were held together almostly solely by unquestioned American military superiority and by the presence of thousands of U.S. troops encircling the communist world, we have not come far enough.

For those who see opportunity for improving the plight of communist peoples through other than military means, however, we have come very far indeed. No man or woman who is familiar with the awesome nuclear power that has been amassed by the Soviets and ourselves can believe that the solution to freeing the minds and lives of the captive peoples lies in a military confrontation between us and the Russians. None of us should seek the sacrifice of this entire planet as the price for any goal!

I think most of us are able to discern the international realities of the 1970's, and perceive how they differ from the stark, cold war days of the mid-1950's. I think that President Nixon captured the essence of present realities when he made his acceptance speech at the Miami convention in August of 1968. There he stated that it would be his goal to seek a generation of peace. He stated that this would have to be achieved by ending the era of confrontation—very dangerous confrontation—between the superpowers of the earth. He states that the generation of peace would be ushered in by what he called an era of negotiation, but he very forcefully made the point that such an era could only succeed if America is negotiating from a position of strength, not of weakness.

There are many in this nation, and many in this room who, because of their bitter experiences with the communists, and their justifiable distrust of communist leaders—based on the lessons of history—shudder at the thought of any meaningful negotiation with the communist world. In the years of the 1940's and 1950's, we could well afford to deal with the communist world on our own terms. Our military superiority in Europe, in the Near East, in the Pacific and in Southeast Asia, as well as at home, even permitted us the luxury of virtually denying the existence of Communist China and her 750,000,000 people.

In the world of the 1970's, however, we cannot base the foreign policy of free nations or of our own nation on the world as we wish it were. If our policies are to be successful, they must be based on the realities of our world as it is today—whether these realities are popular or unpopular. Only in this way can we hope to change these realities, and to have a say in how they will change.

These are tumultuous days for those who do not want to see changed the policies and the assumptions of world order which existed in 1956. For in these months, the free world is undergoing an accelerated evolution into reality. Until a short time ago, America was clinging to the military, political and economic foreign policies which had been forged for use in the post-war era. America and her leaders were reluctant to shed their image of a world led and dominated by America alone—to shed their image of an America which was wealthy enough to carry on her shoulders all of their burdens for economic development of the war-torn nations of Europe and the Pacific, and strong enough to shoulder the defense of those nations against communism.

President Nixon has seen that in order to enter the era of negotiation from a position of strength, we will have to assess our own strengths and weaknesses as realistically and as pragmatically as our adversaries do. He perceived that the assumptions of the post-war era will have to be adjusted to the realities of today, if, indeed, we are to attain a true position of strength.

As a result, we have seen major changes in American economic and military foreign policies. The Nixon Doctrine states that the area defense alliances of the post-war era must quickly evolve into true defense partnerships—with each ally bearing his fair share of the expense and the manpower and hardware burden of defending his own region. The Doctrine recognizes the need to view NATO, for example, as our adversaries view it. If NATO were to remain an alliance which is almost completely dependent on American military power and American money, its true defenses against Communism in Europe and the Mediterranean would be strong in name only. As long as NATO allies feel completely free to scorn American policies at the same time they enjoy the luxury of life behind an American military shield, then there is no true strength to this alliance, or to any other alliance which is based on the same empty pronouncements of strength.

If the communists realize this, we must realize it ourselves, and we and our allies must be willing to make the hard decisions needed to give real strength and partnership to these alliances. The way to do this is not by unilaterally withdrawing American military support from these alliances, but by encouraging and even coercing our allies to pull their share of the weight.

I think that the President has withstood great pressures from people wanting to isolate America militarily and economically. While he, along with many of us in the Congress have sought to cut the *fat* from America's military establishment and defense budget, we have taken, and must continue to take great care not to cut the *muscle* and *bone* from our defenses. To do so would be to put us in a position of weakness at the crucial time when we need a position of strength from which to negotiate.

The same can be said for our new economic policies. How long, ladies and gentlemen, have our trading partners in the free world refused to relinquish the favored treatment they were given in the 1940's and 1950's as worn-torn nations suffering the aftermath of World War II? Originally, their trade barriers were erected to protect their slowly developing economies, while they rebuilt from the ruins of war. At the same time, Uncle Sam, who had nearly all of the gold and a huge trade surplus could afford to pursue the principles of freetrade, while our trading partners licked their wartime wounds behind the shield of economic protectionism and American military strength.

After negotiation failed, and while America's economy grew weaker and weaker, our President finally was forced to take drastic and unilateral action to set economic policies which are in line with the realities of the 1970's. Germany, France, and Japan are no longer war-torn, developing economies. They are modern, efficient and productive economies, well able to compete with an American industrial plant, which in many areas is older, less efficient and more costly than theirs. The President has given our trading partners a stark and simple choice. Either they demonstrate willingness to understand America's economic problems, as we have understood theirs for the past 26 years, either they cooperate in establishing a realistic world economic order which can benefit all of us, or we will pursue policies that will severely limit their access to lucrative American consumer markets.

Imposing a unilateral 10% surcharge on imports and removing the gold-backing of the dollar are drastic steps. But they may be what is needed to forge economic partnerships in the free world that are truly strong.

Again, we must be willing to see our strengths and weaknesses as our adversaries see them. The Soviets know that America cannot continue to support huge military operations abroad and pursue international economic policies that will drain our productivity and our wealth, and still provide the resources needed to solve the domestic problems of the American people—problems that must be solved if we are to be a strong nation in any true sense.

We must see these realities and must make the difficult adjustments to meet them head-on. I think the result will be a free world which is far more formidable an adversary to world communism than the world in which we live today. It will be more formidable because all free peoples will be in it together, gaining equal benefits, and shouldering equal burdens.

This is my concept of the position of strength which the free world must find itself in before we can undertake the era of negotiation that is beginning now. Speaking as a Member of Congress, I am pleased to see that we are, at last, facing up to these realities.

Early in my remarks I asked the question—how far have we come in seeking the two goals which Cardinal Mindszenty expressed in his prayer for President Eisenhower 15 years ago? My answer to the first goal—that America thrive and be strong, so we can be ready to gain the common goal of peace for mankind—is a very hopeful answer tonight. As I said earlier, we have made some progress, but have not come far enough. There is still a danger of communist expansion into third world nations. Today, both Cuba and Chile in the Western Hemisphere are under communist rule. Laos and Cambodia are precariously balanced on the brink of communist takeover, while South Vietnam seems better able to defend itself against communism than at any time in the past two decades.

Of course, the Cardinal's first goal is far from fulfilled. The peoples of Hungary, Eastern Europe, the Soviet Union, the People's Republic of China and other nations are still under the yoke of totalitarianism.

But I believe an important step has been taken toward this goal. Instead of pursuing policies founded on delusion and the realities of the past, we are now pursuing policies that can prepare us for the era we are entering.

I welcome this progress in meeting the first goal with a very strong warning that we cannot succeed if we ignore the Cardinal's second goal. That is that America and the free world not forget—never forget—what the people of Hungary fought and died for in 1956.

I am not at all happy with the progress we are making toward fulfilling the Cardinal's second goal.

Just as it is vital that we know ourselves, our strengths and weaknesses as our adversary knows them, we must also know and understand the strengths and weaknesses of our adversary. Our people must understand these realities too, and must never be allowed to forget them.

The goal of liberating the spirits and the lives of Hungarians and other peoples living under communism is not going to be obtained through military confrontation or war.

The possibility of liberation by the sword is too doubtful, and the costs to mankind are too great to pursue policies of liberation with bombs and guns.

Our task is more complex than mounting a physical invasion with tanks, planes and troops. We must instead take the other road. We must pursue the liberation of oppressed peoples with ideas, with exposure and with communication. This kind of liberation is not as heroic, as dramatic or as quick to come by as are military onslaughts. But the results of liberation by communication can be far more lasting and more beneficial to the well-being and freedom of mankind.

This must be the ultimate goal of America as she enters the era of negotiation with Moscow and Peking. But this goal will not be achieved if our only preparation is to strengthen ourselves militarily and economically. We must be ready in spirit and in the understanding and education of our own people as well.

Today, we are woefully lacking in this kind of preparation.

The experience of Vietnam, and the tragedies of racial conflict here and elsewhere in the world have weakened the free spirit of the American people. At a time when the free institutions of our own nation are under severe attack from both the right and left, we have indeed, forgotten the lessons of Hungary, and of October 23rd, 1956.

Today, the young people in our own country, at the same time they are asking probing questions about improving freedom in America, are not raising questions about the plight of human freedom in the communist world. Too many Americans see communism only as an academic philosophy. They see it as an ideal economic system where wealth is to be distributed equally according to the needs of all people. They see the social and economic aspects of communist theory without remembering to question and deplore the political and military aspects of communist totalitarianism.

When the communists come to the negotiating table, they will come with a full understanding of our system and of our people. They are treated daily to accounts of conflicts within our country and the free world. Our freedom of expression and freedom of the press does not permit us to hide these truths from them.

I fear that our people will not be as well prepared to understand communism and totalitarianism. We as a nation have largely forgotten the lessons of the Berlin wall. We have forgotten why freedom fighters battled Soviet tank troops with sticks and stones. We don't take the time to envision what it would be like to live in a nation surrounded by gun towers, barbed wire and mine-fields. We pass lightly over news articles about Soviet oppression of Jews and other minorities. We read and then forget accounts of artists and writers being condemned to mental institutions in Russia for daring to express themselves freely—daring to dissent from the communist line.

Some Americans feel that in order to have hope for world peace through negotiation with the communists, we must somehow think nice thoughts about communism, that we must play down the suppression of human freedom that occurs behind communist borders.

It has become so unfashionable to speak up about the human aspects of communism that Americans who feel deeply about communist oppression have too often been designated as fanatics or right-wingers. We saw a sad example of this in American newspapers this week. Press accounts of the unfortunate and deplorable attack that was made on Premier Kosygin in Ottawa, labeled the Hungarian Freedom Fighters Federation as a quote, "right-wing group." I totally reject such a label, and you should reject it. Are the freedom fighters right wing because they lived under communism and fought to free themselves? Are they right wing because they want the world to know what life under communism is like?

This convenient kind of labeling is dangerous to our society. I am very far from being right wing, or even a conservative Congressman. Yet, I have been fighting for nine years in Congress and in my home community to make Americans think about the meaning of communism from the standpoint of human freedom.

On the first day of every Congress I have served in, I have introduced a bill to create a special committee in the House of Representatives to examine our foreign policy from a standpoint that takes self-determination into account. At first, my resolution called for a Select Committee on Captive Nations. But that phrase has become so unpopular in official Washington that this year, for the first time, I introduced a resolution to create a Committee on Self-Determination, hoping it would gain more acceptance. The purpose of this committee would not be to advocate foreign policies that seek to liberate communist nations, or any other nations militarily. Instead, it would take a good, hard look at whether or not our foreign policies are in line with the goal of self-determination of peoples. It would examine our relations with not only communist governments, but rightist military dictatorships as well, from that standpoint.

In addition I have made it a point to participate each year in the celebration of Captive Nation's week. I have on hundreds of occasions, spoken on the floor of the House to point out the miseries of people living under communist rule. Last year at this time, I entered into the Congressional *Record* a detailed account of a new passport regulation which was promulgated under the Kadar regime. I wanted to let the American people know that this regulation is not a loosening of freedom of travel for Hungarians. Instead, it is a sinister tool seeking to discredit and punish the families of those Hungarians who have left Hungary, and who dare to speak out about oppression in that country.

As you know, each year, under both President Johnson and President Nixon, the Presidential proclamation of Captive Nations Week is worded more softly and more subtly, and is given less and less publicity. Why? Are we afraid to tell our own people what life under communism is like? Are we afraid that this will ruffle the feathers of communist leaders? Are we afraid that we will, by telling the truth, be encouraging resistance to these regimes at home and abroad? I think these are exactly the reasons that communist oppression is downplayed by our diplomats and our government leaders. For the same reason, it was impossible for our American Citizens Committee to commemorate the 15th Anniversary to get a member of the Cabinet to agree to serve as an honorary chairman. Why, when the Speaker of the House, the Minority Leader of the House and two distinguished Senators, including the Chairman of the Republican Party are willing to associate themselves with this commemoration, should the Federal executive branch be taking all pains to avoid this event?

Commemorating the revolution does not mean that America gives support to any exile or revolutionary government of captive countries. It merely means that we will not permit ourselves to forget Cardinal Mindszenty's second goal.

If our diplomats feel that in order to conduct successful relations and negotiations with the communists, we must try to forget about the events of 1956, and the events of 1968 in Czechoslovakia, I think they are sadly mistaken.

I do not notice, on the part of the communists, any attempt to downplay their steady diet of anti-imperialist, anti-American propaganda. They do not seem to feel the need to tell their people how wonderful we Americans are in order to prepare for negotiations with us.

On the contrary, I would like to recall a television broadcast I saw just this past Thursday evening. The CBS program, "Sixty-minutes" carried an excellent interview with a noted Chinese author, Dr. Han Suyin, who had just returned from a seven-week visit to Peking, and from talks with Cho En Lai. She is a personal friend of many Chinese communist leaders, and is in sympathy with their regime.

She was asked whether the Chinese would take down the huge anti-imperialist posters which are plentiful in every Chinese city, so as not to embarrass President Nixon when he visits China next year. Her reply is one which contains an important lesson for the people and leaders of America.

She said it was important to the Chinese people that the President see them as they really are. She saw no need to hide from him the strong differences between their system and the American system. She said that negotiation and co-existence do not mean that Chinese have to change their opinion about capitalism or imperialism.

In order for us to negotiate and co-exist peacefully with communism, should it be necessary for us to forget our own principles of individual rights and human freedom? May we not decry and publicly deplore the oppression of human beings by totalitarian rulers in the world? I say we can, and we must!

If we permit ourselves to forget the second goal of Mindszenty's prayer, then we will weaken the position of free men at the negotiating tables. Then we will be unprepared and unable to liberate anyone with ideas, with communication.

We have too much to be proud of as free men. We have no reason to pay lip service to, or to speak softly about oppression or about principles we abhor.

This is why, my friends, we must not allow our government to return to the Kadar regime, the crown of St. Stephen. This symbol of legitimate constitutional government has lived for a thousand years in the minds of all Hungarians. It remains a symbol of government of the people, by the people and for the people of Hungary. Should our diplomats pretend that there is no oppression today in Hungary? Should they use the holy crown as a bargaining tool to win some small economic concessions or to smooth over our bi-lateral relations?

The answer is obvious, and it is *no*. Frankly, I think that Congressman Hogan, Congressman Scherle and others in Congress have been successful in conveying to the President and to the Secretary of State, our strong feeling that the crown should not be returned until there is significant improvement in the personal freedom of the people of Hungary. I will continue to voice this position, and voice it strongly, and I call upon you and upon all Americans not to permit the degradation of this holy crown into a crass diplomatic bargaining tool.

Ladies and gentlemen, we, on the American Citizens Committee have made it our primary goal to motivate Americans—all Americans—to speak up about the lack of freedom in the Communist world. Our efforts can help to insure that America never forgets the lessons of Hungary in 1956. We have persuaded governors, mayors and clergymen throughout this country to speak out openly in commemorating this 15th anniversary.

But this goal will not be reached if we only attend to it every five years. We must not wait until the 20th anniversary to change the image of communism in America.

For if we are to accomplish any degree of liberation by communication, we must not ourselves be afraid to communicate. If we do not publicly and frequently accentuate the *differences* between freedom and communism, as well as the areas where there is opportunity for negotiation, then any negotiations will be empty and fruitless.

Just as I have joined the fight in Congress to keep the voices of Radio Free Europe and Radio Liberty ringing in the ears of communist rulers and their peoples, we must fight to keep the spirit of human freedom alive in the free world.

Yes, we have made excellent progress toward reaching the first goal of Cardinal Mindszenty's prayer. But we have lost ground in assuring that America will not forget—never forget, the symbolic lessons of Hungary in 1956.

Let us regain that lost ground. Let us accept the realities of today's world, and throw off the illusions of the past as we prepare to deal from strength. But let us recognize that no amount of military or economic strength can accomplish true peace, unless we are unafraid to speak up for what we stand for.

Thank you.

Mr. DOLE. Mr. President, as a cochairman of the American Citizens Committee to Commemorate the 15th Anniversary of the Hungarian Revolution, I take pride and a special degree of pleasure in introducing this resolution and hope that it will receive speedy and favorable consideration.

Mr. President, on behalf of the distinguished senior Senator from South Carolina (Mr. THURMOND), I ask unanimous consent that a statement by him on the custody of St. Stephen's Crown be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR THURMOND

Mr. THURMOND. Mr. President, fifteen years ago the people of Hungary rose up against their oppressors in what was to be a short-lived act of desperation. The hearts of the world went out to the heroic Hungarian people, but unfortunately no tangible support was forthcoming.

It is particularly regrettable that even the United States did not offer material aid to the short-lived hope of freedom, even though it was widely believed that we had directly encouraged the Hungarians to take the fateful steps.

As an American it is not easy to look back upon those days. Our nation was occupied with other things among those weeks and our domestic concerns caused us to look the other way while people died and the Soviet tanks rolled into Budapest. It is too late now to make amends for our failure to act. We opened our doors to the refugees and we keep alive their hopes for freedom, but we can never fully compensate for our omission and our failure to respond at the historic moment.

At the present time the U.S. is engaged in a series of negotiations with the Communist government of Hungary leading to the settlement of the outstanding claims and counterclaims of the two governments. Many of the issues under consideration are the various assets which the United States obtained as a result of the outcome of World War II. Other matters were also discussed. The resolution of such items would obviously be of considerable diplomatic value and be a great aid to the conduct of relations with the Hungarian government.

However, we must not confuse the conduct of such discussions with our hopes for an improvement in the state of freedom within the Hungarian nation. The mere settlement of such domestic claims is little evidence that the people of Hungary are any freer than they were in 1956 when the tanks rolled into Budapest.

It was only one month ago that the Prince Primate of Hungary, Josef Cardinal Mindszenty ended a fifteen-year protest in the U.S. Embassy in Budapest and was taken to freedom and exile. There are those who mistakenly regard this as a concession by the Hungarain government; but if we examine the situation closely, we see that it is just the opposite. It is in effect, a concession to the Hungarian government.

I am sure many of us have forgotten the details of Cardinal Mindszenty's trial in 1949, but it would be a good thing to go back and examine the allegations made in that trial and the conduct of the Hungarian government. Nor must we forget that the Hungarian Minister of Interior during that period was nome other than Janos Kadar, the same man who rules Hungary in the top job today. As Minister of the Interior, Kadar had responsibility for control of the people and it was his ministry that gave the order for the Cardinal's arrest, that conducted the interrogation with all of its intended inhuman indignities, which staged the trial, and which maintained him in prison until those fateful days in October of 1956.

It was a typical Communist show trial. There was no cross examination of witnesses; no right to independent counsel; and no chance to dispute the definition of the treason allegations. As a matter of fact, when the smears and false rhetoric are stripped away from that trial, we see that the real charge against Cardinal Mindszenty was that he stood for dignity and human rights and for the legitimate successor of the sovereignty of the Hungarian people. In his role as Prince Primate, he would have been responsible in normal times for appointing an interim government until the legal succession was determined. He would have been, in effect, the regent ruling Hungary.

As we know, those were tumultuous times. Freedom never really had a chance in Hungary with the imposed coalition government in which the Communists gradually forced all of their opponents to leave political life, and indeed, in many cases, to flee the country. It was a government which usurped power and was imposed with the presence of the Soviet troops which remained behind when the token force of British and American troops left.

Cardinal Mindszenty, therefore, looked forward to the days when the tyranny which was slowly squeezing human rights out of Hungary would collapse, perhaps caught up in the tensions and counter-tensions of the cold war. No evidence was ever offered that the Cardinal worked against the government but merely that he maintained the hopes that his historic role might somehow be reasserted and that someday, with the help of the American authorities, he would deliver the historic crown of St. Stephen into the hands of a free government.

For this Cardinal Mindszenty was tortured and imprisoned. If we examine the record we find that he actually did write to the U.S. Minister in Budapest, Seldin Chapin, and urged that St. Stephen's Crown not be given to the Communist regime; but that if the U.S. gave up custody, it should be given to the Vatican from whence it had come 1,000 years ago.

Indeed, that was Cardinal Mindszenty's opinion then; and it was considered treason to deny the legitimacy of a Communist imposed government. For this he suffered seven years in prison, because he never changed his mind on the illegitimacy of the Communist government. After a few days of freedom in October of 1956, he entered the American Embassy and sought sanctuary so he could remain in Budapest as the symbol of legitimacy, sovereignty and freedom. His very presence there in Budapest was a living accusation against his oppressor. Far from being an imprisonment, it was a small area of freedom and his people knew it. The Cardinal, therefore, was an acute embarrassment to the Communist government. His historic position never changed. He still did not consider the Communist government worthy of the crown of St. Stephen and to think such thoughts even in Hungary today is treason by Communist definition.

One month ago, Cardinal Mindszenty vacated the U.S. Embassy in Budapest. We know it was not his desire to leave. He preferred to remain as an accuser from the very heart of the Communist capital. Yet the Communist government was anxious for him to leave and the U.S. cooperated in his removal.

It is a mistake, therefore, to say that Cardinal Mindszenty was freed. On the contrary, he gained none of his political rights back again. If Cardinal Mindszenty were truly free he could walk about the streets of Budapest and speak about human rights and the legitimate succession of human sovereignty. And if the Hungarian people were free they could listen to him and argue with him and follow him if they chose.

So on this anniversary of the courageous days of the Hungarian people, let us be thankful at least that he can still be the living accuser of the illegitimate oppressors of his people. St. Stephen's crown remains in the custody of the United States and hopefully there it will remain. The U.S. State Department has said repeatedly that it has no present plans for the return of the crown and that any such action should take place in circumstances and at a time appropriately marked by some further substantial involvement in the atmosphere and course of our relations with Hungary.

I think that the government of Hungary should be warned that the crown cannot be returned in the middle of a deteriorating situation, such as indicated by the ouster of Cardinal Mindszenty, and by the Kadar regime's rigid denial of his political rights and fundamental freedoms. I think that the government of Hungary should take note that the American people have lately entered into a new mood. They have grown impatient of the shoddy treatment of the United States and of the people who stand up for Western civilization. They are not about to accept the idea that freedom can be extinguished by a majority vote. Let us, therefore, be thankful that the holy crown of St. Stephen remains in our safekeeping and let it remain until Hungary is once more free.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 559

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RIBICOFF. Mr. President, today on behalf of myself and Senators HARTKE, KENNEDY, JAVITS, BROOKE, STAFFORD, MUSKIE, HUMPHREY, JACKSON, HART, GRAVEL, MONDALE, TUNNEY, BAYH, METCALF, PASTORE, HUGHES, CRANSTON, and MOSS, we announce the formation of a coalition to support welfare reform.

The present welfare system can no longer be tolerated. It has robbed Americans of dignity, provided inadequate benefits, encouraged recipients to remain on the welfare rolls, and drained State financial coffers to such an extent that almost half of the States have been forced to cut back benefit levels.

It is time to enact welfare reform now. In the past months we have been working toward that end. Now we are seeking grassroots support from every segment of American society.

The proposal we will be introducing in the Senate in the form of an amendment to H.R. 1 has been developed in cooperation with a bipartisan group of Senators, Governors under the leadership of Gov. Francis Sargent of Massachusetts, mayors, county leaders, and welfare administrators. It has the support of the League of Women Voters, the AFL–CIO, UAW, Common Cause, and other labor and social welfare organizations.

The legislation is modeled after President Johnson's report on income maintenance programs and President Nixon's family assistance plan. It assures that no recipient would receive less under welfare reform than he is now getting. And it provides a minimum $3,000 Federal payment level to a family of four. By 1976 families would receive no less than an income equal to the poverty level. The bill also provides improved work incentives, streamlined and fair administration and major fiscal relief for the States. By 1976 all State costs for welfare would be assumed by the Federal Government.

While support for our proposal has been broad, no legislation can be enacted unless the administration makes a real commitment to fight for welfare reform now.

Welfare reform cannot be passed without the joint support of Senators such as those sponsoring my legislation today and the White House.

I am prepared to assist the administration in pressing this matter.

The alternative to welfare reform is a

future of unfulfilled promises for 25 million Americans living in poverty conditions, their children assured of a lifetime cycle of welfare, malnutrition, and sickness.

For these Americans and for welfare reform the future must be now. I call on President Nixon to put the full weight of his authority behind immediate enactment of welfare reform. Letters and telegrams of support for our amendment are already reaching our office from States all across the country.

I ask unanimous consent that the following exhibits be printed at this point in the RECORD.

Exhibit 1: List of supporters.

Exhibit 2: Description of amendments and comparison with H.R. 1.

Exhibit 3: Federal costs under current law, H.R. 1 and Ribicoff amendments.

Exhibit 4: State by State fiscal relief under H.R. 1 and Ribicoff amendments.

Exhibit 5: Statements of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

LIST OF SUPPORTERS

SUPPORT FOR NEW WELFARE AMENDMENTS

Senators

*Abe Ribicoff (D.-Conn.).
*Vance Hartke (D.-Ind.).
*Edward Kennedy (D.-Mass.).
*Jacob Javits (R.-N.Y.).
*Edward Brooke (R.-Mass.).
*Robert Stafford (R.-Vt).
Edmund Muskie (D.-Me.).
Hubert Humphrey (D.-Minn.).
Henry Jackson (D.-Wash.).
Philip Hart (D.-Mich.).
Mike Gravel (D.-Alaska).
Walter Mondale (D.-Minn.).
John Tunney (D.-Calif.).
Birch Bayh (D.-Ind.).
Lee Metcalf (D.-Mont.).
John Pastore (D.-R.I.).
Harold Hughes (D.-Iowa).
Alan Cranston (D.-Calif.).

Governors

Francis Sargent (R.-Mass.).
Walter Peterson (R.-N.H.).
Deane Davis (R.-Vt.).
Kenneth Curtis (D.-Me.).
Frank Licht (R.-R.I.).
Milton Shapp (D.-Pa.).
Marvin Mandel (D.-Md.).
John Gilligan (D.-Ohio).
Tom McCall (R.-Ore.).
Pat Lucey (D.-Wisc.).
Cecil Andrus (D.-Idaho).
William Milliken (R.-Mich.).
John Burns (D.-Hawaii).
Forrest Anderson (D.-Mont.).
*Original copsonsors.

Mayors

John Lindsay (D.-N.Y.) representing the National League of Cities/U.S. Conference of Mayors.

County leaders

National Association of Counties.

Organizations

League of Women Voters.
Common Cause.
AFL–CIO.
United Auto Workers.
American Federation of State, County and Municipal Employees.
National Associaton of Social Workers.
American Public Welfare Association.
American Jewish Committee.
American Association of University Women.
Council for Community Action.
B'Nai Brith Women.
Americans for Democratic Action.
National Conference of Catholic Charities.

EXHIBIT 2

DESCRIPTION OF AMENDMENTS AND COMPARISON WITH H.R. 1

1. PAYMENT LEVELS	
Ribicoff	*H.R. 1*
(a) No beneficiary would receive less than he or she is now receiving.	(a) No such protection.
(b) Initial federal payment level of $3000 for a family of four.	(b) Permanent federal payment level of $2400.
(c) Each year payment levels would increase until by 1976 no recipient would receive less than the poverty level adjusted annually for rises in the cost of living.	(c) No increase in federal payment above $2400.
2. STATE SUPPLEMENTATION	
(a) States whose welfare payment plus food stamp benefits exceed the income levels set by this bill would be required to make supplemental payments. The federal government would pay 30% of these supplemental payments.	(a) No requirement that states maintain current cash payment levels or add value of food stamps. Supplementation would be optional.
3. STATE FISCAL RELIEF	
(a) Over the next five years no state would have to pay more than 90%, 75%, 50%, 25% and 0% of its calendar 1971 public assistance costs. Thus by 1976, the welfare program would be fully federalized.	(a) States protected only against increased costs over calendar 1971 expenditures.
(b) In addition, those states which have to supplement the basic federal payment would receive 30% matching payment from the federal government.	(b) No federal contribution toward state supplemental payments.
4. IMPROVED WORK INCENTIVES	
(a) The working poor would be allowed to retain $720 plus 40% of any additional income without loss of benefits. Additionally, the Secretary would be required to carry out tests of various earnings disregards to develop an optimal work incentive.	(a) The working poor would be allowed to retain $720 plus one-third of any additional income without loss of benefits.
(b) Provision of at least 300,000 public service jobs.	(b) Provision of 200,000 public service jobs.
(c) All job referrals would have to be at the prevailing wage rate but in no case less than the federal minimum wage.	(c) Referrals to jobs could be at wages as low as three-quarters of the federal minimum wage ($1.20/hour).
(d) Mothers with children under age 6 would be exempt from work registration requirements and no recipient would be required to undergo work training unless suitable child care and a job following that training were available.	(d) Mothers with children over age 3 would be required to register for work.
(e) $1.5 billion would be made available for child care services under the program established by HEW pursuant to law.	(e) $700 million for day care.
5. ELIGIBILITY AND ADMINISTRATION	
Ribicoff	*H.R. 1*
(a) Eligibility would include single individuals and childless couples.	(a) No coverage for single individuals or families without children.
(b) Eligibility based on current need.	(b) Bases eligibility on earnings in prior quarters which may results in denial of benefits to migrants and other seasonal workers.
(c) Procedural changes to assure due process, including right to counsel, notice, hearing, written decisions, equitable income reporting.	(c) Claimant's rights not adequately specified.
(d) Elimination of state residency requirements.	(d) States allowed to retain state residency requirements.
(e) Equitable provisions for U.S. territorial possessions.	(e) No such provisions for U.S. territories.
(f) Protection of employee rights.	(f) No protection of employee rights.
6. SOCIAL SERVICES AND HEW	
(a) The provisions of existing law regarding social services authorization would be restored, eliminating H.R. 1's ceiling on these services.	(a) Ceiling on social services authorizations.
(b) The Department of Labor would be required to utilize HEW-supported programs in providing necessary services.	(b) Possibility of Department of Labor programs parallel to HEW services.

EXHIBIT 4.—STATE-BY-STATE FISCAL SAVINGS

COMPARISON OF CURRENT WELFARE COSTS, H.R. 1 SAVINGS AND SAVINGS UNDER THE RIBICOFF BILL[1]

[In millions]

	Calendar year 1971	Fiscal year 1973		Fiscal year 1974		Fiscal year 1975		Fiscal year 1976	
		H.R. 1	Ribicoff	H.R. 1	Ribicoff	H.R. 1	Ribicoff	H.R. 1	Ribicoff
Alabama	$32.60	$32.40	$32.50	$38.40	$38.40	$45.40	$45.90	$47.20	$47.40
Alaska	9.40	2.50	3.10	3.10	5.50	3.70	8.90	4.40	11.30
Arizona	18.60	21.50	30.50	22.60	31.70	23.80	33.90	25.20	35.20
Arkansas	15.40	19.70	19.70	20.40	20.80	21.30	21.30	22.10	22.20
California	960.20	234.90	578.70	294.90	770.40	356.50	957.50	402.50	7,135.00
Colorado	41.80	13.30	37.10	16.60	40.70	19.80	44.40	21.50	47.50
Connecticut	53.30	21.30	26.60	25.70	39.40	30.20	56.60	34.80	74.90
Delaware	6.80	1.80	7.50	2.10	7.50	2.50	8.50	3.00	8.60
District of Columbia	34.10	12.60	34.50	17.00	39.30	21.50	45.00	23.40	47.10
Florida	98.00	170.30	180.00	177.80	190.40	185.30	200.80	192.90	211.20
Georgia	44.40	57.80	59.80	53.40	63.40	55.00	66.10	56.70	68.80
Hawaii	17.20	7.00	19.50	7.80	22.00	8.60	23.10	9.60	25.20
Idaho	6.20	1.50	3.90	1.90	6.70	2.20	6.70	2.80	6.80
Illinois	224.60	62.10	119.10	78.90	200.10	95.60	219.50	112.40	235.80
Indiana	27.00	8.60	19.70	10.50	26.60	12.60	32.70	14.70	36.60
Iowa	43.40	26.70	54.20	28.60	56.40	30.50	59.60	32.60	61.80
Kansas	28.30	14.20	38.60	15.60	40.80	17.00	43.00	18.70	45.30
Kentucky	28.20	12.60	36.60	13.60	38.00	14.50	39.40	15.50	41.80
Louisiana	50.40	65.40	65.40	68.50	68.50	71.70	71.90	74.90	74.90
Maine	14.60	3.60	11.40	4.40	14.20	5.40	17.90	6.40	21.40
Maryland	54.60	41.90	67.70	44.70	72.10	47.50	75.50	50.40	79.90
Massachusetts	191.20	44.30	65.30	57.30	124.40	70.40	181.50	83.70	228.60
Michigan	174.10	45.40	121.10	58.20	169.20	71.20	203.50	84.20	216.70
Minnesota	61.00	15.20	26.70	19.40	50.70	23.80	73.10	28.10	77.40
Mississippi	15.40	23.30	23.50	24.20	24.20	25.20	25.30	26.40	26.80
Missouri	52.40	12.10	17.90	14.90	34.50	20.50	51.70	22.60	59.90
Montana	5.10	2.50	7.10	2.70	7.10	2.90	7.10	3.20	7.30
Nebraska	12.20	3.10	4.70	3.90	6.60	4.70	10.80	5.60	14.90
Nevada	3.20	1.10	1.10	1.20	2.50	1.20	3.30	1.80	4.20
New Hampshire	11.80	2.30	3.80	2.90	5.60	3.60	9.50	4.40	13.60
New Jersey	181.40	50.10	67.90	64.40	122.20	78.60	182.50	93.10	240.40
New Mexico	12.30	7.30	16.60	7.80	17.70	8.20	17.80	8.70	18.90
New York	663.40	188.40	375.10	238.70	622.60	289.20	749.70	339.60	980.30
North Carolina	33.30	31.90	42.80	33.00	45.10	34.10	46.40	35.20	48.70
North Dakota	4.40	1.20	1.70	1.20	3.10	1.40	4.20	1.80	5.70
Ohio	11..40	64.00	129.60	69.30	138.20	74.60	145.80	79.90	154.30
Oklahoma	46.80	38.30	52.50	40.20	54.20	42.00	56.80	43.90	59.30
Oregon	31.70	15.90	41.00	17.40	43.20	18.90	45.50	20.50	47.60
Pennsylvania	265.10	51.30	125.90	69.90	217.50	88.50	305.50	107.20	331.50
Rhode Island	20.90	6.30	15.60	7.70	22.30	9.30	26.30	11.00	28.50
South Carolina	8.30	13.80	13.80	14.50	14.80	15.20	15.20	16.00	16.40
South Dakota	5.40	2.50	3.20	2.80	4.00	3.30	6.50	3.70	7.90
Tennessee	34.70	34.20	43.00	35.10	45.20	36.10	47.40	37.00	49.60
Texas	85.90	57.10	108.40	59.70	113.10	61.40	116.90	65.10	123.70
Utah	9.60	3.40	11.70	3.60	12.70	3.90	12.70	4.30	13.80
Vermont	6.40	1.10	1.60	1.30	2.60	1.70	5.20	2.10	6.90
Virginia	34.60	10.40	14.20	12.90	21.60	15.50	34.20	18.20	44.30
Washington	71.40	11.40	30.60	15.90	48.00	20.60	63.30	25.20	78.70
West Virginia	16.00	18.30	20.80	18.70	21.90	19.20	23.00	19.70	24.10
Wisconsin	40.40	33.30	54.70	35.50	58.30	37.60	60.90	39.90	64.60
Wyoming	2.60	1.20	3.30	1.30	3.40	1.50	3.40	1.90	4.60
Guam	.60	.22	.42	.22	.52	.32	.62	.33	.63
Puerto Rico	19.20	26.10	26.60	27.60	27.90	29.10	29.20	30.70	30.50
Virgin Islands	.70	1.10	1.20	1.20	1.20	1.20	1.20	1.40	.30
Total	4,041.00	1,643.80	2,919.50	1,911.10	3,879.00	2,185.50	4,644.10	2,438.10	5,369.3

[1] Savings are derived by subtracting proposed costs from current law costs of the same year. Administrative savings are included.

EXHIBIT 3

FEDERAL COSTS UNDER CURRENT LAW, H.R.1, AND RIBICOFF AMENDMENTS

TOTAL FEDERAL WELFARE COSTS, FISCAL 1973

[In billions of dollars]

	Current law	H.R. 1	Ribicoff amendments
Family payments	3.9	6.5	11.3
Childless couples and singles	0	0	1.0
Adult categories	2.2	4.1	4.1
Food programs	2.4	1.0	1.0
Child care services	.3	.7	1.5
Child care facilities construction	0	.05	.1
Supportive services	0	.1	.1
Manpower training	.2	.54	1.0
Public service jobs	0	.8	1.2
Equal employment compliance activities	0	0	.01
Administration	.4	1.1	1.1
Miscellaneous costs	0	.7	0
Total	9.4	15.6	22.41
Payment level	Varies by State.	$2,400	$3,000, and up to poverty line by 1976.
Earnings disregard	$30+⅓	$720+33 percent.	$720+40 percent.
Break-even point	Varies widely.	$4,320	$5,720
Number of eligible people	15,000,000	19,300,000	30,000,000

EXHIBIT 5 STATEMENTS OF SUPPORT

STATEMENT OF GOV. FRANCIS SARGENT

On August 15, 1971, I went to the people of Massachusetts in a statewide broadcast and told them a very hard truth: that no matter how hard we work to manage the welfare system, no matter how diligently we at the State House struggle to control and administer and regulate the operation of public welfare we cannot make this system succeed.

I said we must end the public welfare system as we know it, not just in Massachusetts but across America, and that in its place we must create a federally financed, federally administered, national assistance program, improving upon the plan contained in H.R. 1 now before Congress.

I said I would contact governors across America to join me in working for this new national assistance program, stressing my belief that it is the first and most urgent priority in America today.

The plan for welfare reform was before Congress, but it needed to be improved and it needed new momentum to gain its passage. The plan was a start, but a bolder commitment was needed to provide for an adequate level of assistance, stronger work incentives, greater fiscal relief to the overburdened states and finally a complete federal takeover to get the states out of the welfare business.

I took the plan to other states, and to other governors, and they agreed. In the short time that I have had to meet and talk with them, we have gained enormous support from both Republicans and Democrats and from both industrial and rural states across the country; and more support will follow. The amendments to H.R. 1 drafted jointly with Senator Ribicoff, which he will introduce to the Congress, will make passage of welfare legislation a true reform.

Today's announcement and the coming together of Congressional leaders, Governors, Mayors, special welfare groups, labor people and many other interested organizations, a bi-partisan effort in support of a single bill, breathes new life into and provides a new momentum for passage of welfare reform this session.

WELFARE REFORM LEGISLATION

We have joined in the welfare reform amendment to be proposed by Senator Ribicoff and others for the following reasons:

(1) Because we believe it to be the best and most immediate way to get action on welfare reform absolutely indispensable to the states, municipalities, the poor and the people of the United States generally.

(2) To make the effort bi-partisan.

We have merged our ideas and amendments into this measure and we intend to do our utmost with the other sponsors to get affirmative action on it promptly.

WELFARE STATEMENT: LUCY WILSON BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters strongly supports the positive leadership shown by Senator Ribicoff and the co-sponsors of the welfare amendments he will introduce in the Senate.

League members are committed to working for an end to the present fragmented and unjust welfare system. They have seen state after state hack away at benefit levels and rolls—cutting back on the most basic payments and services during a period when the cost of living has risen for all Americans.

It doesn't take a crystal ball to see that our welfare mechanisms are on the brink of collapse. If it does not take positive action in this session, Congress must be held directly responsible for the resulting human hardship and fiscal chaos.

Change is needed and it's needed now. The League believes that Senator Ribicoff's proposals represent an extremely workable and comprehensive solution to the present welfare crisis. They correct many of the deficiencies of the House passed welfare provisions and protect the rights of recipients and the right of the American people to have a welfare system that is not self-defeating.

WELFARE REFORM

WASHINGTON, D.C.—The League of Women Voters announced today it will support Senator Abraham Ribicoff's welfare reform amendments when they are introduced in the Senate.

The announcement was made by League President Lucy Wilson Benson who stated: "The Ribicoff amendments will provide the brand of welfare reform which this country needs. They are a significant improvement over the provisions of H.R. 1 and, if passed, will go a long way towards relieving the welfare crunch now squeezing both welfare recipients and state fiscal resources.

"We supported House passage of H.R. 1 with some reservations but we have absolutely no reservations about the seriousness of the welfare crisis. Legislation is desperately needed in this session of Congress to counteract state cuts in welfare rolls and benefits."

Among the reasons contributing to League support, Mrs. Benson cited the fact that the Ribicoff proposals would: set an initial $3,000 yearly income floor for a family of four; give more fiscal relief to the states; guarantee that no recipient receive less than he was getting in January, 1971; and provide better protections for the rights of welfare recipients than the House passed bill.

The League president was also critical of the depth of the Administration's commitment to welfare reform as a top domestic priority. "We don't see the Administration pushing too hard in the Senate nor do we understand rhetoric that one day speaks of improving the lot of the 7½ million children receiving benefits and the next day stigmatizes their parents as cheaters and malingerers."

Mrs. Benson announced that special bulletins were being sent to 1300 Leagues throughout the country calling for an all-out, end-of-session push by League members and other groups active in the welfare reform campaign. Special emphasis is being placed on working with state governors to enlist their support for federal welfare legislation.

If the Ribicoff improvements are incorporated in the House passed legislation, the nation could be taking a monumental step toward eliminating poverty for more than 25 million Americans, Mrs. Benson stated. "It's amazing that with the welfare system so patently ineffective, this country has waited so long to enact legislation that will take us out of the current mess. Senator Ribicoff's amendments seem to us to be just that kind of legislation."

Other components of the Ribicoff proposal include:

Yearly increases in payment levels, reaching the poverty level by 1976 with a cost of living adjustment clause.

Required state supplementation with the federal government paying 30 percent of supplemental payments above federal floors.

Full federal takeover of welfare costs over a five year period.

Provision of at least 300,000 public jobs.

Improved work incentive income disregards.

All job referrals at no less than the federal minimum wage.

No work registration for mothers of children under age 6.

Eligibility provisions for a single individual and childless couples.

REMARKS BY LEONARD WOODCOCK

"Welfare reform is too important to be allowed to die," Leonard Wodcock, President of the United Auto Workers, said today.

Announcing support for Senator Ribicoff's welfare proposals, Woodcock also criticized President Nixon's suggested slowdown in the welfare reform drive. "Welfare reform promised to be the Nixon Administration's brightest achievement. That can happen now only if the Senate moves promptly to correct the inequities in the House-passed bill," Woodcock said.

Senator Ribicoff's reform measure would "go far toward achieving fairness both to the welfare recipient and the taxpayer," said the UAW President. "Under the Ribicoff amendments, those on welfare could expect that the system would apply dignity and a measure of economic justice to misfortune and need. The cost burden now borne through regressive state taxation would be shifted to the more progressive federal tax system," he said. "And federal administration of the welfare program under the Ribicoff guidelines would help greatly to reduce abuses in the present system both by governments and recipients."

Woodcock's statement put the UAW in the company of a large number of governors, mayors, county officials and private organizations who have announced support for the Ribicoff package.

STATEMENT BY PHILIP E. HOFFMAN

NEW YORK, October 28.—Philip E. Hoffman, President of the America Jewish Committee, today endorsed the changes in the Nixon Administration's welfare reform bill that have been introduced in Congress by a bi-partisan coalition headed by Senator Abraham A. Ribicoff (D., Conn.). The changes would provide that no welfare beneficiary would have his present benefits reduced under the new program, and would also commit the government to provide welfare benefits at least as high as the official poverty level.

In a letter to the Senator, Mr. Hoffman emphasized the need for quick Senate action on welfare reform. "Too much time has already been lost since the Administration first proposed welfare reform; there must be no further delays," Mr. Hoffman declared.

The welfare reform bill has passed the House of Representatives, and now awaits action by the Senate Finance Committee. There have been conflicting reports as to the likelihood of the bill's being reported to the floor of the Senate for action in the near future.

Mr. Hoffman pointed out that the American Jewish Committee had long favored the approach to welfare reform embodied in the Administration's bill. He added that the bill would afford America's poor "a greater measure of justice and dignity while we open up greater opportunities for them to break out of poverty and become self-sufficient."

The text of Mr. Hoffman's letter to Senator Ribicoff follows:

"The American Jewish Committee has long favored the basic approach of the Family Assistance Plan and we have on numerous occasions expressed our appreciation to President Nixon for having proposed this most significant change in our present welfare system. While calling for the earliest possible enactment of welfare reform, we have also called for some basic improvements in the plan.

"We have been heartened by the news that you have been able to put together a bi-partisan coalition of Senators, Governors, and Mayors in support of a welfare reform package which retains the basic features of the Administration plan, incorporated in House-passed HR 1, but which corrects some of its limitations. We are especially pleased that you have provided assurance that no welfare beneficiary would have his present benefits reduced following enactment of a new program, and that you have included a Federal commitment to welfare benefits not below the official poverty level.

"The introduction of your bill, with the impressive bi-partisan support it has already received, now provides welcome hope that at long last the Senate will act on welfare reform and that after differences with the House are resolved, the bill could be sent to the President for his approval. Too much time has already been lost since the Administration first proposed welfare reform; there must be no further delays.

"The American Jewish Committee, from the beginning, has urged passage of a genuine welfare reform bill because of its belief that America's poor must be afforded a greater measure of justice and dignity while we open up greater opportunities for them to break out of poverty and become self-sufficient. We will continue to urge such legislation, and you can count on our support."

* * * * *

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of people at home and abroad, and seeks improved human relations for all men everywhere.

WELFARE STATEMENT: LUCY WILSON BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters strongly supports the positive leadership shown by Senator Ribicoff and the co-sponsors of the welfare amendments he will introduce in the Senate.

League members are committed to working for an end to the present fragmented and unjust welfare system. They have seen state after state hack away at benefit levels and rolls—cutting back on the most basic payments and services during a period when the cost of living has risen for all Americans.

It doesn't take a crystal ball to see that our welfare mechanisms are on the brink of collapse. If it does not take positive action in this session, Congress must be held directly responsible for the resulting human hardship and fiscal chaos.

Change is needed and it's needed now. The League believes that Senator Ribicoff's proposals represent an extremely workable and comprehensive solution to the present welfare crisis. They correct many of the deficiencies of the House passed welfare provisions and protect the rights of recipients and the right of the American people to have a welfare system that is not self-defeating.

Ribicoff Amendments

Washington, D.C.—The League of Women Voters announced today it will support Senator Abraham Ribicoff's welfare reform amendments when they are introduced in the Senate.

The announcement was made by League President Lucy Wilson Benson who stated: "The Ribicoff amendments will provide the brand of welfare reform which this country needs. They are a significant improvement over the provisions of H.R. 1 and, if passed, will go a long way towards relieving the welfare crunch now squeezing both welfare recipients and state fiscal resources.

"We supported House passage of H.R. 1 with some reservations but we have absolutely no reservations about the seriousness of the welfare crisis. Legislation is desperately needed in this session of Congress to counteract state cuts in welfare rolls and benefits."

Among the reasons contributing to League support, Mrs. Benson cited the fact that the Ribicoff proposals would: set an initial $3,000 yearly income floor for a family of four; give more fiscal relief to the states; guarantee that no recipient receive less than he was getting in January, 1971; and provide better protections for the rights of welfare recipients than the House passed bill.

The League president was also critical of the death of the Administration's commitment to welfare reform as a top domestic priority. "We don't see the Administration pushing too hard in the Senate nor do we understand rhetoric that one day speaks of improving the lot of the 7½ million children receiving benefits and the next day stigmatizes their parents as cheaters and malingerers."

Mrs. Benson announced that special bulletins were being sent to 1300 Leagues throughout the country calling for an all-out, end-of-session push by League members and other groups active in the welfare reform campaign. Special emphasis is being placed on working with state governors to enlist their support for federal welfare legislation.

If the Ribicoff improvements are incorporated in the House passed legislation, the nation could be taking a monumental step toward eliminating poverty for more than 25 million Americans, Mrs. Benson stated. "It's amazing that with the welfare system so patently ineffective, this country has waited so long to enact legislation that will take us out of the current mess. Senator Ribicoff's amendments seem to us to be just that kind of legislation."

Other components of the Ribicoff proposal include:

Yearly increases in payment levels, reaching the poverty level by 1976 with a cost of living adjustment clause.

Required state supplementation with the federal government paying 30 percent of supplemental payments above federal floors.

Full federal takeover of welfare costs over a five year period.

Provision of at least 300,000 public jobs.

Improved work incentive income disregards.

All job referrals at no less than the federal minimum wage.

No work registration for mothers of children under age 6.

Eligibility provisions for a single individual and childless couples.

Hartke Supports Immediate Welfare Reform

Washington, D.C.—Senator Vance Hartke today called for the "junking" of the present welfare system.

Speaking at a news conference called to announce the formation of a new coalition for welfare reform, Hartke branded the current system as "inhumane, inequitable, and inefficient."

The full text of Senator Hartke's remarks follow.

I am pleased to join as a member of this coalition for welfare reform.

The time for more talk about the need to reform our welfare system has surely passed; the time for quick, affirmative action to meet the crisis has arrived.

It will no longer do to merely chart the dimensions of the problem, bemoan its effect on our society, and then hope that constructive action will be taken. If the problem is as great as we say it is, there can no longer be any excuse for delay.

The present system satisfies neither the recipient nor the taxpayer who must pay for it. It is in large part inhumane, inequitable and inefficient. The question in the minds of the overwhelming majority of Americans is not whether the present welfare system should be replaced but when it will be replaced.

Our answer here today is it should be junked now rather than later.

Under the leadership of Senator Ribicoff and Governor Sargent, a broad-gauged coalition has been formed which ignores party lines in the interest of solving the welfare sickness as quickly as possible.

It is our considered judgment that this bill is a better bill than H.R. 1: Better for the individual who receives welfare and better for those who must pay for it. Under its terms the costs of welfare will be federalized completely by 1976.

If there is any single thrust to this coalition it is I suppose, that this issue cannot safely be ignored any longer.

It is a problem which must be faced and solved now. If we delay, it will not only be the welfare recipient who suffers, but also the country.

Hartke Joins Welfare Reform Fight

Senator Vance Hartke (D-Ind.) today called for the "junking" of the present welfare system.

Branding the current system as "inhumane, inequitable, and inefficient," Hartke said the question in the minds of the overwhelming majority of Americans "is not whether the present system should be replaced, but when it will be replaced."

To enact welfare reform, Hartke joins with a bipartisan group of senators, governors, and labor, county, social, and welfare organizations in seeking full support for legislation he will introduce with Abraham Ribicoff (D-Conn.).

The Hartke-Ribicoff proposal, said Hartke, is a "much better means to the welfare reform end" than the "unrealistic and inadequate welfare package offered by the Nixon Administration."

Specifically, the Hartke-Ribicoff bill would provide an initial federal payment level of $3,000 for a family of four. Each year, payment levels would increase until, by 1976, families would receive at least an income equal to the poverty level adjusted annually for rises in the cost of living.

The bill also provides improved work incentives, streamlined and fair administration, and major fiscal relief for the states. "By 1976," Hartke pointed out," all state costs for welfare would be assumed by the federal government."

Citing the significant financial gain and fiscal relief that the Hartke-Ribicoff proposal would provide to individual states, Hartke indicated that the 1971–1976 savings to his State alone would be an estimated $106.2 million, "or $100 million more than would accrue to Indiana under the Nixon plan.

Hartke stated that while support for his proposal has been broad, "this legislation cannot be enacted unless there is a real commitment from the Administration to fight for meaningful welfare reform."

"If President Nixon means what he says about wanting reform," continued Hartke, "he will welcome this welfare package, recognizing that it is better for those who receive welfare and better for those who must pick up the tab."

NACo Strongly Supports Amendment to H.R. 1

"Rapidly escalating welfare costs are crippling county governments all over the country", according to Bernard F. Hillenbrand, "and the local property taxpayer can no longer support the load."

Hillenbrand, Executive Director of the National Association of Counties, emphasized his point by citing Los Angeles County, California:

Between September, 1969 and September, 1971—the same period Congress has been considering welfare reform legislation—Los Angeles Counties' expenditures for welfare have more than doubled. Annual costs went up from $645 million to over $1.4 billion. The number of people on welfare increased from 656,000 to 912,000."

Hillenbrand stated that NACo adopted policy positions more than a year and a half ago covering most of the provisions contained in amendments to H.R. 1 being introduced by Senator Abraham Ribicoff and some twenty other Members of the Senate.

"NACo worked with the Administration and many other interest groups to pass H.R. 1 in the House last Spring. However, we made it clear that we would try to improve the measure in the Senate."

"We are very hopeful that the Administration eventually will support most of the Ribicoff Amendments to H.R. 1 in the Senate."

Hillenbrand pointed out that the following proposed amendments to H.R. 1 were particularly important to countries:

(1) Increased fiscal relief—increasing minimum federal payments from $2400 to $3000 1 year for a family of four—30% federal matching on state-county supplemental payments

(2) Definite timetable for full federal assumption of costs by 1976

(3) Recipients would be protected from decreases in current benefits

(4) Needy childless couples and single adults would be eligible for benefits relieving states and counties of general assistance payments (currently no federal sharing).

(5) State and county employees would be provided job protection in transferring to federal employment.

Counties in over 22 states administer and share in the cost of welfare. It is estimated that 70% to 75% of the Nation's welfare rolls are located in these county-administered systems.

Attached is an editorial from NACo News & Views (October 29th, 1971) supporting the Ribicoff Amendments to H.R. 1.

Good News for Welfare Reform

On two separate occasions—last year and this year—we succeeded in passing the President's welfare reform package through the House of Representatives. Last year it died in the Senate and this year it's been held in the Senate Finance Committee for months.

The bill, which is commonly referred to as HR 1, has been very strongly supported by NACo's Welfare Committee and membership. However, we favor the more liberal provisions that are sponsored by Senator Abraham Ribicoff (D-Conn.). His amendments would provide greater fiscal relief ($3,000 minimum federal payment and 30% federal matching on state-county supplemental payments) and complete federal assumption of the costs of welfare by 1976.

It was beginning to look as if this legislation and the amendments would die again in the Senate, but now the Senate Democratic leadership has made a firm commitment that the welfare reform legislation will be voted on early next year. There is wide speculation that the administration is so anxious to pass the welfare reform measure that it will not actively oppose the more costly Ribicoff amendments.

We are much encouraged by this new development in the Democratic-controlled Senate and we hope it means that the Nation is going to get a more sensible, humane and hopefully (in the long run) less costly welfare system, and that county governments are going to be able to phase out welfare costs, which have constituted such a tragic burden on our local property tax owners.

Youngstown, Ohio.

Ralph Tabor,
Director of Federal Affairs, National Association of Counties, 1001 Connecticut Avenue N.W., Washington, D.C.:

The Board of Mahoning County Commissioners heartily endorses the amendments to House Resolution. One which provides increased fiscal relief by establishing a minimum Federal payment of $3,000.00-year for family of four and grant 30 percent Federal matching on State supplemental payments. Relieves State and local governments of their share of costs by gradual reductions with Federal Government assuming the cost by 1976. No decrease in current benefits for receipients provides for needy childless couples and single adults being eligible for benefits relieving States and counties of general assistance (currently no Federal sharing), one of the many benefits of House Resolution One would be to amend same to remove ceiling on level of Federal payments for mandated social services. The Board of Mahoning County Commissioners recognizes the mounting cost of welfare assistance and feels relief on the Federal level by legislation as a step in the right direction.

Board of Mahoning County Commissioners Thomas J. Barrett, George J. Bindas, John Palermo, (255).

NACo News & Views,
County News,
Washington, D.C., September 17, 1971.

GOOD NEWS FOR WELFARE REFORM

On two separate occasions—last year and this year—we succeeded in passing the President's welfare reform package through the House of Representatives. Last year it died in the Senate and this year it's been held in the Senate Finance Committee for months.

The bill, which is commonly referred to as HR 1, has been very strongly supported by NACo's Welfare Committee and membership. However, we favor the more liberal provisions that are sponsored by Senator Abraham Ribicoff (D-Conn.). His amendments would provide greater fiscal relief ($3,000 minimum federal payment and 30% federal matching on state-county supplemental payments) and complete federal assumption of the costs of welfare by 1976.

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We are much encouraged by this new development in the Democratic-controlled Senate and we hope it means that the Nation is going to get a more sensible, humane and hopefully (in the long run) less costly welfare system, and that county governments are going to be able to phase out welfare costs, which have constituted such a tragic burden on our local property tax owners.

Youngstown Ohio,
October 26, 1971.

Hon. Abraham Ribicoff,
U.S. Senate, Old Senate Office Building, Washington, D.C.:

The Board of Mahoning County Commissioners heartily endorses the amendments to House Resolution 1 which provides increased fiscal relief by establishing a minimum Federal payment of $3,000-year for family of four and grant 30 percent Federal matching on State supplemental payments. Relieves State and local governments of their share of costs by gradual reductions with Federal Government assuming the cost by 1976. No decrease in current benefits for recipients provides for needy childless couples and single adults being eligible for benefits relieving States and counties of general assistance (currently no Federal sharing). One of the many benefits of House Resolution 1 would be to amend same to remove ceiling on level of Federal payments for mandated social services. The Board of Mahoning County Commissioners recognizes the mounting cost of welfare assistance and feels relief on the Federal level by legislation as a step in the right direction.

Thomas J. Barrett,
George J. Bindas,
John Palermo,
Board of Mahoning County Commissioners.

Salina, Kans.,
October 26, 1971.

Senator Ribicoff,
United States Senate,
Old Senate Office Building,
Washington, D.C.:

As county welfare director in Salina County Kansas I heartily endorse your proposals relative to House reform bill one which you are considering attaching to the tax bill and submitting to the Senate this month.

June F. Garrett,
County Welfare Director.

Milwaukee, Wis.,
October 26, 1971.

Abraham Ribicoff,
United States Senator,
Old Senate Office Building,
Washington, D.C.:

Your proposed amendment to H.R. 1 provides better fiscal relief to States and counties than the version passed by the House. Moreover, it gives a more realistic basic benefit to families. Further it includes singles and couples. Therefore I strongly favor passage of your amendment.

Arthur Silverman,
Director, Milwaukee County Department of Public Welfare.

Flint, Mich.,
October 26, 1971.

Senator Abraham Ribicoff,
United States Senator,
Old Senate Office Building,
Washington, D.C.:

The Mich. Association of County Welfare Steering Committee announces support of the Ribicoff amendments to H.R. 1 and urges its adoption.

R. Barry McGuire,
Executive Director.
Mac and Charlotte L. Williams,
Chairman, Public Health Committee, Genesee County Board of Commissioners.

Flint, Mich.,
October 27, 1971.

Senator Abraham Ribicoff,
United States Senate,
Washington, D.C.:

The Genesee County Board of Commissioners at its Oct. 26 group meeting adopted by unanimous vote support of the Ribicoff amendment to H.R. 1 as follows—

Entries fiscal relief.

Definite timetable for Federal assumption of costs by 1976.

Recipients would be protected from decrease in current benefits.

Needy childless couples and single adults would be eligible for benefits relieving States and counties of general assistance payments. H.R. 1 would be amended to remove ceiling on level of Federal payments for mandated social sevices.

Harold R. Hayden,
Chairman, Genesee County Board of Commissioners.
Charlotte L. Williams,
Chairman Public Health Committee.

Aurubn, Calif.,
October 27, 1971.

Senator Abraham Ribicoff,
Washington, D.C.:

Have reviewed your proposed amendments to H.R. 1 and am in full accord. Increased fiscal relief to States and recipient protections are especially good. Major reform is long overdue and H.R. 1 appears to be a major step in that direction.

David C. Echols,
Placer County Welfare Director.

Akron, Ohio,
October 27, 1971.

Senator Abraham Ribicoff,
Washington, D.C.:

As I understand your amendment to H.R. 1 be advised you have full support of the Welfare Committee of CCAO (County Commissioners Association of Ohio).

Richard E. Slusser,
Chairman.

Mineola, N.Y.,
October 28, 1971.

Senator Abraham Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Senator: We wholeheartedly support you in your efforts to gain speedy passage of amendment to H.R. 1 and commend you for your role in dramatizing the need for reform in the welfare program. Much has been said about the inequities inherent in the current program which places an undue financial burden on the local taxpayer and does not address itself to the basic needs of the welfare recepient namely to provide the opportunity for the individual to improve his status as a productive member of our society. We look forward to the day when this wholesome condition will be achieved by everyone and we believe that your amendments to H.R. 1 can help in this cause.

Sincerely,

Thomas G. Devivo,
Deputy County Executive Fiscal Administration.

Chicago, Ill.,
October 28, 1971.

Hon. Abraham Ribicoff,
Senate Office Building,
Washington, D.C.:

Have carefully reviewed your amendments to H.R. 1 and believe an adoption of the measures which you have outlined will be essential in our effort to achieve a viable welfare program.

Harold E. Boysaw.

Chicago, Ill.,
October 28, 1971.

Hon. Abraham Ribicoff,
Senate Office Building,
Washington, D.C.:

Heartily endorse and support your amendments to H.R. 1.

Fay L. Robertson.

Chicago, Ill.,
October 28, 1971.

Hon. Abraham Ribicoff,
Senate Office Building,
Washington, D.C.:

Having carefully reviewed your amendments to H.R. 1, this is to advise that this department is in full agreement with the provisions covered by your amendments and, in view of the current financial burden which the States are experiencing I urge that prompt action be taken to adopt the measures which you have outlined. We are especially happy to endorse and support the measure which provides for increased fiscal release, assistance to needy childless couples, the current need concept, and increased Federal matching for mandated special services. Unless such measures as these are seriously considered, we believe the FAP will fall short of the goal which the program has outlined. We are sending copies of this wire to Senators Percy and Stevenson.

David L. Daniel,
Director, Cook County
Department of Public Aid.

Chicago, Ill.,
October 29, 1971.

Senator Abraham Ribicoff,
Old Senate Building,
Washington, D.C.:

We heartily endorse and support your amendments to H.R. 1 as being essential to achievement of viable and meaningful welfare programs.

Walter R. McConner,
President, National Association of
Social Workers, Chicago Area Chapter.

Chicago, Ill.,
October 29, 1971.

Hon. Abraham Ribicoff,
U.S. Senator, Old Senate Office Building,
Washington, D.C.:

Thoughtful review of your amendments to H.R. 1, leads us to conclusion they are vitally essential in our efforts to achieve a viable and meaningful welfare program. We cannot emphasize too strongly urgency of adoption of measures you have outlined in view of current financial burden which the States are experiencing.

Joseph L. Block,
Chairman, Advisory Committee, Cook
County Department of Public Aid.

The American Jewish Committee,
Washington, D.C., October 25, 1971.

Senator Abraham Ribicoff,
Old Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: The American Jewish Committee has long favored the basic approach of the Family Assistance Plan and we have on numerous occasions expressed our appreciation to President Nixon for having proposed this most significant change in our present welfare system. While calling for the earliest possible enactment of welfare reform, we have also called for some basic improvements in the plan.

We have been heartened by the news that you have been able to put together a bipartisan coalition of Senators, Governors, and Mayors in support of a welfare reform package which retains the basic features of the Administration plan, incorporated in House-passed HR 1, but which corrects some of its limitations. We are especially pleased that you have provided assurance that no welfare beneficiary would have its present benefits reduced following enactment of a new program, and that you have included a Federal commitment to welfare benefits not below the official poverty level.

The introduction of your bill, with the impressive bi-partisan support it has already received, now provides welcome hope that at long last the Senate will act on welfare reform and that after differences with the House are resolved, the bill could be sent to the President for his approval. Too much time has already been lost since the Administration first proposed welfare reform; there must be no further delays.

The American Jewish Committee, from the beginning, has urged passage of a genuine welfare reform bill because of its belief that America's poor must be afforded a greater measure of justice and dignity while we open up greater opportunities for them to break out of poverty and become self-sufficient. We will continue to urge such legislation, and you can count on our support.

Sincerely yours,

Philip Hoffman,
President.

County of Los Angeles, Department of Public Social Services,
City of Commerce, Calif., October 26, 1971.

Hon. Abraham Ribicoff,
U.S. Senator, Old Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: Since the time you introduced your amendments to HR 1, I have carefully considered each of your proposals. As a result of my analysis, I am very much in favor, in general, of your proposed amendments to HR 1. In particular, I favor the provision that would call for Federal assumption of welfare costs by 1976 with definite timetables for gradual reduction of State and local costs. Your proposal for extension of benefits to childless couples and single persons would also relieve Los Angeles County of a tremendous financial burden as far as General Relief payments are concerned.

The interest and concern you are showing in regard to protection of rights for State and/or county employees who may become Federal employees under HR 1 is particularly appreciated as is your recommendation relative to automatic cost of living adjustments as a basic component such as is recommended in HR 1 for Social Security changes.

I personally take the point of view that the Federal Government should take over the complete cost of welfare if all residence requirements are to be eliminated.

I have not attempted to comment on all of your proposed amendments but, as indicated above, in general, I am strongly in favor of them.

The Los Angeles County Board of Supervisors has not acted on your amendments yet, and the observations and comments in this letter are personal coming from over 25 years experience in the present welfare system. The present system is absolutely impossible to administer and eventually will self-destruct under its own complexity unless drastic changes are made as indicated in HR 1 and many of your proposed amendments to that bill.

I very much appreciate your personal interest in this matter and trust that some type of basic welfare reform will get through Congress this session.

Sincerely,

Ellis P. Murphy, *Director.*

Department of Public Welfare,
County of Yolo,
Woodland, Calif., October 26, 1971.

Senator Abraham Ribicoff,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The purpose of this letter is to state my support of the "Ribicoff amendments".

It is my understanding that these amendments involve a minimum payment of $3,000.00 per year for a family of four, and 30% federal matching on the state supplemental payments. This will provide needed fiscal relief to states and counties.

By far, one of the most important provisions of your amendments is the inclusion of needy childless couples and single adults. There is no group of individuals more in need of federal and state support than this group. Although the needs of these people have been of statewide concern, little has been done to provide them the assistance they need.

Also of some concern, was the proposed limitation on social services. I am happy to see that your amendment removes the federal ceiling on *mandated* social services.

Edward M. Curley,
Director.

County of San Mateo,
Department of Public Health
and Welfare,
San Mateo, Calif., October 26, 1971.

Hon. Abraham Ribicoff,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: I am very hopeful that your proposed amendments to H.R. 1 will be favorably received by your colleagues in the Senate and House.

Without your amendments, H.R. 1 will not provide adequate fiscal relief for welfare recipients and would cause local property taxpayers to support an enormous supplemental welfare program. We are also desirous that H.R. 1 not impose a ceiling on the Federal dollar support for services.

Critical weaknesses in H.R. 1, without your amendments, are the failure to protect recipients from a decrease in their current benefits and a failure of H.R. 1 to provide support for single adults and needy childless couples.

The timetable for Federal assumption of costs by 1976 represents a substantial improvement and allows the local governments of the United States to plan now for adaptation to a revised welfare system in an orderly manner.

If there is anything that we can do at the local level to provide you with additional information about H.R. 1, I would be happy to assist you.

Very truly yours,

George Pickett, M.D., M.P.H.,
Director.

Blue Earth County Welfare Board,
Mankato, Minn., October 26, 1971.

Senator Abraham Ribicoff,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: The Blue Earth County Welfare Board supports a federalized financial assistance program. Because of the financial pressure on them, they would favor a federal takeover of the welfare programs at the earliest possible date. They recognize that it probably is not possible for the federal government to take over these programs next year, so would support your phase in program over the next four or five years.

The Board in the meantime supports the principle of the 30 percent federal participation in the supplemental payments.

The Board supports an amendment in the Senate which would provide protection for recipients so that grants would not be decreased from their current level. They also support the addition of needy childless couples and single adults, as these individuals make up the major portion of the general assistance program in our county.

In Blue Earth County we operate a social service program completely separated from the financial assistance program. It is difficult to justify a ceiling on services provided to families having child rearing problems and marital problems, etc. which could, if they were not corrected, result in members of these families going on public assistance. The Board favors a social service program which is based upon need for these services rather than the financial income of the family, whether these be services to unwed mothers, mentally retarded, mentally ill, etc.

We hope that it is possible for you to introduce amendments to H.R. 1 in the Senate to accomplish these objectives.

Sincerely yours,

ALLEN SIGAFUS.

HARVEY COUNTY DEPARTMENT OF SOCIAL WELFARE,
Newton, Kans., October 27, 1971.
Senator ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SENATOR RIBICOFF: I have just received a summary of the Welfare Bill to be introduced to you. This material has been reviewed and I wish to give my endorsement to your proposals.

I am speaking as a person who is concerned about the welfare people in Kansas. I see that some help is needed to meet the critical problems of the poor at this time.

Sincerely,

CATHERINE WESTERHAUS,
Welfare Director.

NASH COUNTY DEPARTMENT OF SOCIAL SERVICES,
Nashville, N.C., October 27, 1971.
Senator ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SENATOR RIBICOFF: It is my hope that you will fervently pursue your proposal to secure increased fiscal relief in H.R. 1 including federal matching on state supplemental payments. A graduated scale recognizing the ability of the states and local communities to pay would be a reasonable approach. Certainly a definite timetable for federal assumption of cost should be outlined and should not run beyond 1976.

Current benefits for recipients should, be protected from decrease since standards are now below actual needs in many areas.

Needy childless couples and single adults should be treated as others in the potential client load. In other words, need should be the criteria if no work opportunity can be provided by industry or meaningful public employment.

In spite of some of the comments about social services, I strongly believe that services will need to be an integral part of the overall program designed to get people into employment, training, and into the mainstream of our society. After spending thirty-six years as a director of social services, I am more than ever convinced that a lack of adequate services has helped to compound our problem. We have tried inadequate, poorly defined, fragmented and overlapping Social Services. The nation now recognizes that the above approaches have not solved the problem. Families or persons in crisis need services to help them cope with their problems. Social Services must rally to this challenge by providing mandated services if we propose to reach our goal of maximum self-support and personal independence.

Sincerely,

J. A. GLOVER,
Director.

COUNTY OF NEVADA, DEPARTMENT OF PUBLIC SOCIAL SERVICES,
Nevada City, Calif., October 26, 1971.
Senator ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SENATOR RIBICOFF: Your proposed amendments to H.R. 1 are indeed needed and have the support of our Board of Supervisors. The increased fiscal relief giving a minimum federal payment of $3,000.00 a year for a family of four with 30% federal matching on state supplemental payments and the amendment to remove the ceiling on level of federal payments for mandated social services will reduce county tax payer cost. Likewise, payments to needy childless couples and single adults will reduce the need for county general relief.

Giving a definite timetable for federal assumption of costs by 1976 with a gradual reduction of state-local share of costs makes for an orderly federal takeover giving sufficient time by all parties for necessary planning.

I sincerely hope you are successful in cooperating your amendments to H.R. 1. It is sincerely hoped pressure can be put on the finance committee to act on H.R. 1 by the end of November.

Very truly yours,

EUGENE NEWMAN,
Director.

YOUNGSTOWN, OHIO,
October 26, 1971.
Senator ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SIR: The Mahoning County Welfare Rights Organization supports the proposal of National Welfare Rights that the bill calling for $6,500 a year for a family of four is the only meaningful proposal we can accept.

However, the Ribicoff Amendment to H.R. 1 being introduced by Senator Ribicoff and 20 other Senators on October 28 merits our support.

Therefore we offer our support to your amendment and urge that you leave no stone unturned to achieve passage of the above-mentioned bill.

Sincerely yours,

ODIE ELLIS,
President, Mahoning County Welfare Rights.

THERESA BONNER,
Publicity Chairman.

COUNTY OF SANTA CLARA,
DEPARTMENT OF SOCIAL SERVICES,
San Jose, Calif., October 27, 1971.
Hon. ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SENATOR RIBICOFF: I understand that on October 28, 1971 you will introduce certain amendments to H.R. 1.

I would like very much to express my support for these amendments, which will do the following, among other things:

1. Increased state and local fiscal relief:

Minimum federal payment of $3,000 a year for a family of four.

30% federal matching on state supplemental payments.

2. Definite time tables for federal assumption of costs by 1976:

Gradual reduction of state-local share of costs.

3. Recipients to be protected from decrease in current benefits.

4. Needy childless couples and single adults to become eligible for benefits, relieving states and counties of general assistance payments (currently no federal and state sharing).

5. H.R. 1 to be amended to remove the ceiling on level of federal payments for mandated social services.

The amendments you have introduced are not only constructive from the social services standpoint, but, in addition, they offer a most practical form of "revenue sharing" that has come to my attention.

Because of time limitations I have not been able to take your proposed amendments of the Santa Clara County Board of Supervisors for action, but I am sure their support would be forthcoming, if you would need or want it. If I can be helpful in that or any other way, will your office please let me know.

Sincerely,

FREDERICK B. GILLETTE,
Director.

EDGECOMBE COUNTY
DEPARTMENT OF SOCIAL SERVICES,
Tarboro, N.C., October 27, 1971.
Senator ABRAHAM RIBICOFF,
Washington, D.C.

DEAR SENATOR RIBICOFF: It is my understanding that you are going to submit to the Senate Finance Committee some amendments to H.R. #1. I would like to express my opinion to you as to the amendment that I think you will be presenting. I would like to encourage passage of a time table for the Federal assumption of cost in the programs that are administered now through the local department. If my understanding is correct, this would mean a gradual reduction of state and local share of cost. As I envision the future program for social services and becoming more involved with problems of all peoples that request these services I would urge a removal of the ceiling on level of Federal payment for social services. I feel very strongly that unless it is removed that programs can be hampered and limited which I do not feel is the intent of the Congress of the United States.

Some provision as you are proposing should be incorporated in a bill which would enable Federal funds to be spent for couples or single adults that are now receiving assistance from either country or state funds. This again has been a limited program because funds have not been allocated on a very large basis by a local community. In our county these funds have only been available for an emergency situation and yet instances have occurred that if money had been available it would continue for a short period of time.

I would like to add my voice asking these points to be considered strongly by the Senate Finance Committee when they hear your amendment.

Sincerely,

CLAUDIA M. EDWARDS,
Director of Social Services II.

UNION COUNTY
DEPARTMENT OF SOCIAL SERVICES,
Monroe, N.C., October 27, 1971.
Senator ABRAHAM RIBICOFF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: It has come to our attention that you are prepared to offer on the floor of the Senate some amendments to the pending House Resolution 1. While I have some general resolutions as to the overall effectiveness of the bill and the commitment of our nation to seriously deal with the problems of the poor in our midst, I do feel that your proposed amendment would strengthen the bill.

We are in serious need of some fiscal relief at the local level and also need to assure that the clients of our respective agencies would have the benefits of the protection offered under your amendment.

I am particularly pleased that you are requesting a removal of the ceiling of Federal payments for the mandated Social Services. I would hope that it would also be possible for us to move toward the long term goal of providing services to all persons on a universal basis. If we were to remove the two major problems of discrimination and lack of money I believe that we would find that the problems incurred by the destitute in our country are problems that are common to all humans.

Thank you for your efforts in giving strength to the proposed legislation.

Sincerely,

WAYNE R. DAVIS.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor and to express my support for the welfare reform amendment introduced today by the very able senior Senator from Connecticut. Perhaps, more than any other Member of this Senate, he is most qualified as the architect of welfare reform. As a former Secretary of the Department of Health, Education, and Welfare, his experience and knowledge can be very useful in the national drive to eliminate the chaos of the present welfare system. The proposed legislation, therefore, should be the focus for developing the basic concept of income maintenance as the most efficient, effective, and direct way to deliver the requirements for a decent living to all needy Americans.

Despite all the anecdotes and the litany concerning "the psychology of the poor," the main and crucial problem affecting the lives of poor people is that they do not have the money needed to meet even the minimum requirements for adequate health care, nutrition, education, and housing.

Somehow, we in America have chosen to ignore the plight of those who are deprived. We have closed our hearts and our minds to the pleas of the poor because it was easy to do so. For too long, we have been satisfied and smug in the comfort of self-serving concepts that poor people want to be on welfare.

But today, like the spread of narcotics abuse, the agony of being without money has spread from our traditionally neglected ghettoes into the homes of thousands of so-called hard working families.

In my own State of Massachusetts, a number of the 1,800 men who receive assistance payments are scientists, engineers, and other professionals out of work because of a sick economy. They differ from the stereotype of the poor only because they will be back to work when the economy improves. Yet, it is because of them that our national conscience has been stirred to turn around the welfare mess.

No one wants to be poor. No one wants to be out of work. Yet, somehow we have drifted eons away from the ideals of the Massachusetts settlers who used the Articles of Confederation in 1672 to set their legal obligation to adequately assist those who were poor.

Instead of striving to achieve a degree of self-respect or self-sufficiency, today's system nurtures a psychology of dependence for thousands of poor families. Our current welfare service tends to guarantee that there will always be poor people. It is this stifling philosophy that breeds dissatisfaction and demands change. Today's system alienates the taxpayers who support it, the social workers who administer it, and the poor who depend on it.

I am encouraged by the amendment offered by the Senator from Connecticut because it can bring about the kind of change that many of us believe is long overdue for a national welfare system.

I look to the program offered today because it affords tremendous hope in the constant struggle to meet the deserving demands of those who are needy. I call upon this Senate to enact this measure for reform of the national welfare system.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 560

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted amendments, intended to be proposed by him, to the bill (S. 35) to provide for the settlement of certain land claims of Alaska natives, and for other purposes.

CONSUMER PRODUCT WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENTS ACT OF 1971—AMENDMENTS

AMENDMENT NO. 561

(Ordered to be printed and to lie on the table.)

Mr. SPONG (for himself, Mr. Magnuson, and Mr. Moss) submitted an amendment, intended to be proposed by them, jointly, to the amendment (No. 478) intended to be proposed by Mr. Cook (for himself, Mr. Cotton and Mr. Hruska) to the bill (S. 986) to provide minimum disclosure standards for written consumer product warranties against defect or malfunction; to define minimum Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 562

(Ordered to be printed and to lie on the table.)

Mr. BOGGS. Mr. President, I send to the desk an amendment to S. 2770, the Federal Water Pollution Control Act Amendments of 1971. I ask that the amendment be printed and lie on the table. I also ask unanimous consent that the text of the amendment be printed in the Congressional Record at the conclusion of my remarks. I intend to call up this amendment when the bill is considered next Tuesday. I am joined in this amendment by Senators Cooper, Baker, Dole, and Buckley, who are colleagues on the Committee on Public Works, which reported the bill yesterday.

This amendment affects that portion of the water pollution bill authorizing grants for the construction of waste treatment facilities.

This is a vital aspect of the bill: I believe that the funds authorized in the reported bill are justified and will greatly accelerate our effort to achieve clean water. Specifically, this provision authorizes $2 billion to be appropriated for this purpose in the current fiscal year. After the current fiscal year, $3 billion would be authorized in fiscal 1973, $4 billion in fiscal 1974, and $5 billion in fiscal 1975.

But while the fiscal 1972 funds have been provided by the normal appropriations process, the funds for fiscal years 1973, 1974, and 1975 will be spent under contract authority given to the Administrator of the Environmental Protection Agency.

The purpose of our amendment is quite simple. It would provide that the grant funds for the fiscal years 1973, 1974, and 1975 would be provided by the normal appropriations process, rather than by the contract authority that is provided in the bill's present form.

Each of the sponsors of this amendment is a cosponsor of this bill. I know that I reflect their view when I say that I believe it is an important bill, and a strong bill. I intend to discuss the bill in greater detail at a later time, in an effort to show my colleagues that this bill is vital to our national drive toward a better environment.

But I must disagree that the contract authority concept, which was approved by a majority vote of the committee, is necessary.

The annual review of the program by the Congress will serve as a vital step in focusing public attention and public support each year on this program and the progress that has been achieved. It will enable the Congress to properly balance the need for construction grant authorizations against the other authorizations in this legislation, which totals several billions of dollars.

This is particularly important, I believe, in view of the accelerated research effort that is provided in the bill. Because of these potential breakthroughs, we believe it would be wise if the Congress, through the appropriations process, made an annual examination of the program and the needs for waste treatment grants.

I agree fully that the water pollution control program holds a very high priority in any list of national goals. But contract authority is a fiscal tool that is too restrictive, lessening the flexibility of the Congress and the President to examine spending levels annually.

There is no doubt in my mind that the sense of urgency for water pollution control that exists in our Nation will assure continuity for the program. I believe that this sense of urgency will be increased if the Congress annually will focus public support on the program.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 562

On page 48, line 19, beginning with "Approval" strike all through the period in line 22, page 48.

On page 52, lines 21 and 22, strike "or authorized to be obligated".

On page 53, line 14, strike "for obligation".

On page 53, line 23, strike "and obligated".

On page 55, line 10, strike "or obligation authority".

On page 55, lines 13 and 14, strike "or obligation authority".

On page 58, line 8, strike "is" and insert in lieu thereof "are".

On page 58, line 11, beginning with the period strike all through the period on line 1, page 59, and insert in lieu thereof the following: "; for the fiscal year beginning July 1, 1972, $3,000,000,000; for the fiscal year beginning July 1, 1973, $4,000,000,000; for the fiscal year beginning July 1, 1974, $5,000,000,000."

On page 59, line 5, beginning with the word "to" strike all through the word "contracts" on line 6, page 59, and insert in lieu thereof "for grants".

On page 74, line 22, beginning with "(e)" strike all through the period on line 24, page 74.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 563

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HUMPHREY (for himself and Mr. Stevenson) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 564

(Ordered to be printed and referred to the Committee on Finance.)

Mr. STEVENSON. Mr. President, on October 27, Senator PEARSON and I introduced an amendment to increase the Federal income tax personal exemption from $650 to $700 retroactive to January 1, 1971. The House-passed tax bill—H.R. 10947—contained an increase in the personal exemption to $675.

Our amendment was to H.R. 8312, rather than H.R. 10947 because the Senate Finance Committee had already reported H.R. 8312 and attached to it the provisions of H.R. 10947 relating to the 1971 personal income tax. Today Senator PEARSON and I, along with Senator HUMPHREY, are offering the same amendment to H.R. 10947.

The amendment would provide nearly $1.9 billion in immediate tax relief to hard-pressed American taxpayers—twice the amount provided by the increase in personal exemptions which passed the House. This would mean a tax reduction of $44 for a family of four with annual income of $10,000. The amendment would give the economy a stimulus and provide some of the much needed balance between the tax cuts the administration has proposed for business and those it has proposed for consumers.

ADDITIONAL COSPONSORS OF BILL

Mr. RANDOLPH. Mr. President, I ask unanimous consent that, at the next printing of S. 2770, the names of the Senator from Utah (Mr. MOSS) and the Senator from Maryland (Mr. BEALL), both former members of the Committee on Public Works, be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON CONSUMER PROTECTION AGENCY LEGISLATION

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization and Government Research will begin hearings on consumer protection agency legislation at 9:30 a.m. on Thursday, November 4, 1971, instead of the time reported in yesterday's RECORD. The hearing will continue on Friday, November 5, 1971, at 10 a.m., as previously reported, in room 3302 of the New Senate Office Building.

NOTICE OF HEARINGS ON SENATE JOINT RESOLUTION 108

Mr. CRANSTON. Mr. President, I announce that the Special Subcommittee on Human Resources of the Labor and Public Welfare Committee will hold hearings on Senate Joint Resolution 108, on Wednesday, November 3, at 9:30 a.m., in room 4200, of the New Senate Office Building.

These will be the concluding hearings on the joint resolution, of which the Senator from Ohio (Mr. TAFT) and I are the principal sponsors.

The joint resolution would establish a national policy of achieving population stabilization by voluntary means consistent with human rights and individual conscience.

On Wednesday, testimony will be heard from Charles F. Westoff, Executive Director, the Commission on Population Growth and the American Future; Rev. Msgr. James T. McHugh, director, Family Life Division, U.S. Catholic Conference; Dr. Mark Thoman, M.D., F.A.A.P., of Des Moines, Iowa; and perhaps several other witnesses.

ADDITIONAL STATEMENTS

ELIZABETH LOCHRIE, MONTANA ARTIST

Mr. MANSFIELD. Mr. President, Montana has a number of successful artists, many of whom concentrate on the Indian and the historic West as their favorite subject. One of our most prominent is Mrs. Elizabeth Lochrie, of Butte, Mont. She is not only considered to be one of the State's finest women artists, but also a good friend of the Plains Indian. She has proven to be one of the finest interpreters of both the historic and contemporary Indian.

A feature article about Elizabeth Lochrie appears in the December, 1971 issue of Pioneer West. This western publication contains Helen Clark's fine feature story. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHE KNOWS THE INDIAN—MONTANA'S GREATEST WOMAN ARTIST

(By Helen Clark)

In her seventies, Elizabeth Lochrie does not get to summer among the northern Indians as much as she did in earlier years. She is one of the few white people to witness the Sun and Owl Ceremonials of the Blood Indians, at which time she was the guest of the tribe's chief, Shot On Both Sides, whose portrait she so beautifully painted. Montana's Elizabeth Lochrie is at home on all its seven Indian reservations. Her Indian portraiture has helped make hundreds of friends for those who sit for her. Because of her stature as a western artist, she has become a lecturer greatly in demand. From years of studying and painting the first Americans, she has become familiar with their history. Today she is considered an authority on Montana Indians. She is also deemed their friend. She has been permitted entrance into the sacred medicine tepee of her adopted Blackfeet, cousins of the Bloods, and has taken part in their beautiful face painting ritual.

When, in the thirties, she was inducted into the Blackfeet tribe, she was given the name of "Net-chi-ta-ki," translated, "Woman Alone In Her Way." She is particularly proud of a buckskin they presented her bearing this inscription: "This certificate is proof that many moons ago there came to us a white woman from far over the western mountains. She was friendly and understanding and we brought her into our medicine tepee and smoked a peace pipe with her and made her our sister, calling her name 'Net-chi-ta-ki.' She has ever been true and helped with good deeds and paints our pictures to show the whole world."

For 11 years, Elizabeth served as a judge at the All-American Indian Celebration in Sheridan, Wyo. where she helped select the All-American Indian Beauty Queen. Since an average of 45 tribes attend this colorful celebration, Elizabeth annually met some of the most outstanding Indian personalities in the nation.

A dear friend of Elizabeth's was a Blackfoot chief, Chewing Blanck Bones, who willed her a Zuni scalp which she wears on her buckskin ceremonial dress. Around her neck she often wears a Zuni necklace fashioned from human finger-knuckle bones, also a gift of the same chief, who took it from a Sioux enemy.

When in trouble, the Blackfeet often turn to her for advice and help. Wrote Maggie Many Hides: "Dear Net-chi-ta-ki: Please write to George Washington and tell him white man take sand off my land and don't pay me."

When Chief Good Gun, a Blood Indian, was in his early nineties, he agreed to pose for Elizabeth, but he would not look her in the eye, for fear the painting would take something out of him. When she had completed the painting of this prosperous old cattleman who had once been a fine buffalo hunter, she asked him if he would like to see his portrait.

"No," he replied. "If I don't know what you take out of me, I won't know what to miss."

For years, people brought Elizabeth hides of deer and elk which she had tanned at her own expense and sent to the Indians to encourage them to perpetuate their age-old artistry in buckskin and bead wear.

The Art Digest has summed up her work in these words: ". . . realistic illustrations of American western culture . . . from intimate portraits of weather-beaten Indians such as 'Tommy Coyote' to meticulously recorded landscapes such as 'October at 320 Ranch, (her) paintings . . . document every phase of life in the pioneer country."

Her canvases depict pack trains coming out of the back-country of the Spanish Peaks; sheep camps high in the Rockies; cattle roundups on the Big Horn; wild horse sorties in Hells Canyon of the Highlands; winter's majesty in the Grand Tetons; cattle rustlers; stew bums; Indian papooses in cradle boards; covered wagon attacks; black ravens sunning themselves in cottonwoods after a rain storm; gypsy campfires.

Her exhibits have been many, from New York to the Mexican border. She has had solo shows at New York's Arthur Newton Galleries, the Francis Lynch Gallery in the Statler Hotel, Los Angeles, Walter Goldsten's Galleries, River Oaks Garden Forum, Houston, Frederic-Nelson's Seattle, the C. M. Russell Gallery, Great Falls, the Montana State Historical Gallery, Helena Rhodes Store Gallery, Tacoma, to name but a few.

At the Madonna Festival sponsored by the Wilshire Methodist Church in Los Angeles, Elizabeth's "Bannock Grandmother and Grandson" was voted by the visiting public as the most popular painting in the 1962 exhibit and presented the popularity certificate of award. She was one of the first four contemporary artists to be honored with an exhibit (this in 1963) at the Whitney Gallery of Western Art, Cody, Wyo.

She has been included with illustration in International Directory of Artists, Who's Who in American Art, Who's Who in American Women. She has an honorary Life Fellowship in the International Institute of Art and Letters, Berne, Switzerland. She is an honorary life member of Beta Sigma Phi Sorority and Delta Gama Sorority. She belongs to the Association of American Artists, the American Federation of Artists, Artists of the North West, Montana Institute of the Arts.

Oil is her prime media, but Elizabeth also excells in wax, bronze, bas-relief, casein water colors, pen and wash.

A graduate of Pratt Institute in Brooklyn, Elizabeth also studied portraiture under Winold Reiss, fresco with Victor Arnotoff, Stanford, seco with Dorothy Pucinnecci, San Francisco. She has done many murals, three of these assignments from the U.S. Treasury

Department, her largest 12 feet by 30 feet. She has done story and book illustrations. She is married and the mother of three children, all in professions of their own and all highly successful. Elizabeth's husband is a retired Butte bank president. In 1960, Elizabeth was chosen Montana Mother. Her help has been instrumental in procuring recognition and education for gifted Indian children.

No other woman artist in the West has accomplished more in a lifetime of dedicated living. She was an inspiring teacher of art in her home for a number of years. Elizabeth Lochrie, petite silver-haired, brown-eyed woman, has won her place in the art world and it is lofty. Her works total into the thousands. She has left a proud record on canvas and paper "for all the world to read."

Wherever she goes, whatever she does, Elizabeth can regale her visitors with many anecdotes. She has been prevailed upon to collect a book of them around famous Indians she has known and painted. A sample of such anecdotes is this one concerning a Blackfoot Indian called John who was normally of jovial, happy disposition.

"One particular day I found John sad and long of face," recounted Elizabeth. "I asked him what was the matter.

" 'Oh, Net-chi-ta-ki, worst thing. I do like you white people tell me. I take money from cattle sale to bank, but banker he come out with little piggy bank and say to me, "John, fine thing you save big money, but you want to save little money, too. Here, put nickel, dime, quarter in piggy bank."

" 'You know ma and me like tobacco, but no—no tobacco. Money go in piggy bank. This I no like.' "

"A few weeks later, on my return to the reservation, I saw John again, but this time he was his smiling, happy self.

" 'Net-chi-ta-ki, best thing happen. Lightning, she come down from sky. She strike house. House burn up. Piggy bank burn up. Now ma and me have all tobacco we want.' "

NATIONAL 4–H SERVICE COMMITTEE CELEBRATES 50TH ANNIVERSARY

Mr. DOLE. Mr. President, on September 23, 1971, Mr. B. J. Yarrington, president of American Oil Co., addressed the 24th Annual Donors' Conference in Chicago, Ill., where representatives from some 60 corporations who support the 4–H movement nationwide met in their annual conference.

Blain Yarrington, serving as president of the national 4–H service committee, discussed the committee's past work but stressed the committee's goals. In the field of education, for instance, he suggested:

> Method used in 4–H work over the last half-century might very well serve the whole field of education. Learning not just facts but how to use facts in a practical manner is what 4–H young people have been doing for years.

Mr. President, this year is the 50th anniversary of the founding of the national 4–H service committee. I believe it is important that we recognize the contributions made through the committee by corporations, foundations, and individuals to the young people of America. I ask unanimous consent that Mr. Yarrington's address, entitled "A Businessman Looks at 4–H," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Businessman Looks at 4–H

(Remarks of B. J. Yarrington)

This year is, as you know, the 50th Anniversary of the founding of the National 4–H Service Committee. It always seems to me a bit difficult to know what to say on the occasion of a 50th Anniversary.

It's not quite like a golden wedding, when everyone congratulates the old couple on having lived so long with each other. It's not even like a person's 50th birthday, which—in today's uncertain world—calls for congratulations just on being alive.

What's significant about this anniversary is not simply that business and government have worked successfully together for such a long time—and not that the committee still exists after 50 years.

The significant thing in my view is the impressive accumulation of contributions made through the committee by corporations, foundations, and individuals to the youth of America. These contributions are impressive not only in number, but in what they say about the way American business over the years has felt about young people.

I won't dwell at great length on the past, because it seems to me that the "tomorrow" of 4–H and the National 4–H Service Committee is a good deal more important than the "yesterday." At the same time, it would be valuable just to recall a few of the highlights that have been accomplished since that day in late 1920, when G. L. Noble—of Armour—first said, "Let's start a committee."

Among the first donors were some of the major organizations of the day in the field of agriculture—names like Armour, Wilson, International Harvester, and Montgomery Ward. One of the first things the new committee did was to enlist the help of Westinghouse Radio Service here in Chicago and go on the air three times a week with 4–H Club news. Breaking into radio in 1921 would be almost like grabbing three guest spots a week on Johnny Carson today.

It was Montgomery Ward, by the way, that became the first company to donate educational awards on a national scale. In doing so, they set the pattern which many companies—including yours and mine—have followed in the intervening years. By the beginning of the 1930's, the value of trips, scholarships, and other prizes provided 4–H youth by donor companies through the national committee totaled more than $100,000 each year.

Throughout the '20's and '30's, the committee developed and implemented two of its main philosophies. One was the need for close cooperation between the private and governmental sectors—and the other was the enlisting of close business support for youth programs at the local level.

One example of each: It was with the help of the committee, along with several other state and national organizations, that two major appropriation bills were passed in Congress to provide funding for extension work in agriculture and home economics. It was also with the committee's assistance that local businessmen were encouraged to channel their support—in money, manpower, and technical know-how—to local 4–H clubs and programs.

It's practically impossible to talk about committee accomplishments in the past without realizing that they are really the accomplishments of 4–H itself. Here, then, is the real clue to the nature of the National 4–H Service Committee: It is an *enabling* body. It's members and staff, and the donor companies who support it, take pride not in grants, or money, or programs—but in how these things enable young people to grow and contribute to our society.

When the committee-financed magazine, *National 4–H News*, gave its backing to the victory-garden and harvest-volunteer programs during World War II, 4–H'ers responded by producing or preserving enough food to care for a million servicemen for 3 years. In the immediate post-war years, the 4–H Tractor Program established the important principle of adequate advance training for adult leaders in 4–H. There are a half million of these volunteer adult and junior leaders now active.

It has been since the late '50's, however, that the entire 4–H movement—and with it the Service Committee—has had to cope with its greatest challenge. It is the many-faceted changes brought about in our country by an expanding technology. More and more, the thrust of 4–H training of young people has had to be oriented toward science. The problem was not simply the mechanization of farming—this had occurred long before, and the programs had been adjusted to fit. This time the change involved the whole science of agriculture and how the developing technology could be applied to provide food for people here and abroad.

Perhaps the most basic change of all, however, is the one which 4–H—and the National 4–H Service Committee—have only begun to cope with. That is that a smaller and smaller percentage of young people in America are now, or are ever going to be, directly involved in agriculture. Already some 36 per cent of Americans live in cities of more than 50,000 population—yet the latest figures show that less than 5 per cent of 4–H members come from these cities. Now youth in the cities are just as much in need of the kind of personal development 4–H can provide as are their counterparts on the farm . . . perhaps even more so. But in spite of the fact that we have been experimenting with programs for urban young people since the 1950's, we still have a long way to go.

I suspect that there is much for us to learn about motivating, teaching, and training young people who are growing up in big cities. In fact, there's no doubt about it—as anyone can see who has had the traumatic experience of visiting some inner-city public schools in Chicago or New York.

Yet it seems to me that there are at least half a dozen basic needs of young people—common to farm and city youth alike—that 4–H is particularly well qualified to meet.

One of these is the great desire to *belong*—to feel accepted by their peers. This drive produces such organizations as the Conservative Vice Lords and the Black P. Stone Nation—but, under the right circumstances, it also produces Scout troops and 4–H clubs.

Every young person desires *recognition* for his accomplishments. 4–H provides it with the system of awards supported by donor companies.

Young people want *action* and *fun;* they get both by participating in 4–H work programs and social activities. They feel a need to accept *responsibility,* and this they also find in the 4–H organization.

There is still another desire of young people, which it seems to me goes unrecognized by many of us—yet it's a strong desire, and one that 4–H is peculiarly equipped to deal with. That is the desire to *learn.*

Anyone can see it in young children—with their insatiable urge to explore and their endless question of "why" and "how." Yet anyone can see how often that urge is stifled when the youngster moves through the bureaucratic establishment of a major city school system.

Educational leaders today are calling for change—for new patterns and direction in education—for a breakthrough in the rigid structure and formalized methods of public education. The commissioner for education of the State of New York spoke recently about this need. He called for some fundamental transformations, among them a shift "from a system geared to provide mainly knowledge, treating knowledge as an end in itself, to one geared to helping people *learn how to use what they learn* and how to work together productively."

Here, certainly, is a place where the patterns of learning used in 4-H work over the last half century might very well serve the whole field of education. Learning by doing—learning not just facts but how to *use* facts—learning to work and live in productive cooperation—all these things 4-H young people have been doing for years.

Public education, I think, would do well to look at the accomplishments of 4-H—and to make a study of its methods. Attention to the individual needs of members, for instance, has been a fact of life in 4-H, but it remains little more than a cherished dream in many schools. Other improvements in education—such as more local decision-making and the constant upgrading of teachers and staff—also have their prototypes in the structure and methods of 4-H.

I know well enough that there are no panaceas for our educational ills, as there are none for the other social and economic problems that beset us today.

But I would suggest this challenge to the 4-H program as it faces the new world of the '70's and '80's: *Share the strengths you have*. Recognize them, assess them—and see where your more than 50 years of experience in working with American youth can be put to use for the benefit of those youngsters who most need it today.

One of the greatest strengths that I see in the 4-H movement is the fact that it is anchored so firmly in those basic, fundamental values of human worth and indvidual dignity that undergird our democratic government and our system of private enterprise. This is perhaps the most deep-seated reason I have for continuing to advocate the support by American business for the 4-H program. The objectives of 4-H—and the accomplishments it has recorded over the years—are thoroughly consistent with the aims of a businessman.

More than that, I can see where 4-H is helping young people to meet and conquer some of the major problems that face business executives: problems of organizing data, making decisions, setting goals, and motivating themselves and others.

There's still another thing, though, that makes me glad to be part of a donor organization that has provided nearly $1.5 million to 4-H this year alone. That can best be described as a sense of personal satisfaction. I simply enjoy seeing what 4-H does for people. This same sense of satisfaction seems to come to just about anyone involved in the programs; certainly this is the loud and clear message I get in my talks with all of you. We get a kick out of seeing young men and women working and achieving—and at the same time learning what our system of government and economy are all about.

So it makes excellent sense that those of us in responsible positions in business should see that our support is continued and increased.

I have indicated that I think 4-H does indeed face some major challenges in the next few years. Among these will be the need to broaden its membership and volunteer leadership so that it can reach more young people. It will need to press on with its program of dealing with urban youth, and dealing with them on terms and in language which they understand. It will have to continue to evolve its training and educational materials to fit the new circumstances in which young people find themselves.

There may be some tricky obstacles to overcome. We don't know, today, how the administration proposals for high-level government reorganization will affect such things as the Department of Agriculture, the extension program, and 4-H itself.

But this much is certain: There is too much in 4-H that is useful and beneficial to have it abandoned or de-emphasized. It has too much to offer our young people—and they, in turn, have too much to offer the country.

Given this truth, there is no question in my mind but what the continued support of donor companies like yours and mine—channeled through the National 4-H Service Committee—is going to be an absolute essential in the years ahead.

I would like to close by saying that I believe all of you—and all of those in the past who have contributed to the support of 4-H—and all of the people who have worked with the service committee and in the field organizations—deserve congratulations on this 50th Anniversary.

I devoutly hope that, 50 years from today, the man who stands here to deliver this kind of assessment will be able to say the same thing with equal conviction.

Thank you.

NEWARK UNIT IS SBA "OFFICE OF THE YEAR"

Mr. WILLIAMS. Mr. President, I am delighted to be able to inform Senators that the Newark district office of the Small Business Administration has been selected as "District Office of the Year" for the entire Nation.

The fine and essential work being done by the Small Business Administration is, of course, well known. This is one Government agency that can really help citizens to help themselves. In this, as in most areas of government, it is the human element which determines whether an agency is really helping people—or is simply pushing papers. If the people who operate an office are committed to being of service to the people who pay their salaries, then the office will function effectively.

I am very much pleased that the people who operate the Newark district office of the SBA obviously feel such a commitment. This office was organized 7 years ago by Mr. Andrew P. Lynch and has since been named regional office of the year four times. It has taken the lead in promoting bank participation in SBA loans, and organized one of the first bank pools in the Nation to make loans to minority businessmen.

Mr. President, I think we all owe Mr. Lynch and his staff both our congratulations on being selected Office of the Year, and our thanks for the splendid job they are doing.

MORALITY AND CONTROLS

Mr. HATFIELD. Mr. President, since the initiation of the wage and price controls by the Nixon Administration on August 15, most of the public and media attention has been on internal question related to the makeup of the Wage and Price Board, specific wages, and specific prices. Little focus has been made on the overall implications, particularly the moral implications, of the controls in general.

Prof. Milton Friedman directs his attention and his well known skills to this very issue in two editorial essays in the October 28 and 29 editions of the New York Times. The message Professor Friedman conveys is summarized in two sentences in his opening essay:

> The controls are deeply and inherently immoral. By substituting the rule of men for the rule of law and for voluntary cooperation in the market place, the controls threaten the very foundation of a free society.

Mr. President, I would strongly urge Senators to consider seriously the words of Professor Friedman. I ask unanimous consent that the two essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 28, 1971]

MORALITY AND CONTROLS: I

(By Milton Friedman)

ELY, VT.—Most discussion of the wage-price freeze and the coming Phase II controls has been strictly economic and operational: were they needed, will they work, how will they operate. I have recorded my own opposition to them in three columns in Newsweek.

There has been essentially no discussion of a much more fundamental issue. The controls are deeply and inherently immoral. By substituting the rule of men for the rule of law and for voluntary cooperation in the marketplace, the controls threaten the very foundations of a free society. By encouraging men to spy and report on one another, by making it in the private interest of large numbers of citizens to evade the controls, and by making actions illegal that are in the public interest, the controls undermine individual morality.

One of the proudest achievements of Western civilization was the substitution of the rule of law for the rule of men. The ideal is that government restrictions on our behavior shall take the form of impersonal rules, applicable to all alike, and interpreted and adjudicated by an independent judiciary rather than of specific orders by a government official to named individuals. In principle, under the rule of law, each of us can know what he may or may not do by consulting the law and determining how it applies to his own circumstances.

The rule of law does not guarantee freedom, since general laws as well as personal edicts can be tyrannical. But increasing reliance on the rule of law clearly played a major role in transforming Western society from a world in which the ordinary citizen was literally subject to the arbitrary will of his master to a world in which the ordinary citizen could regard himself as his own master.

The ideal was, of course, never fully attained. More important, we have been eroding the rule of law slowly and steadily for decades, as government has become more and more a participant in economic affairs rather than primarily a rule-maker, referee, and enforcer of private contracts. It was, after all, the development of the private market that made possible the original movement from a world of status to a world of voluntary contract. As government has tried to replace the market in one area after another, it has inevitably been driven to restore a world of status.

The freeze and even more the pay board and price board of the Phase II controls are clearly another massive step away from the rule of law and back to the rule of men. True, the rule of men will be *under* law but that is a far cry from the rule *of* law—Stalin, Hitler, Mussolini, and now Kosygin, Mao and Franco all rule under law.

The price that you and I may charge for our goods or our labor or that we may pay others for their goods or their labor will now be determined, not by any set of legislated standards applying to all alike, but by specific orders by a small number of men appointed by the President. And if governmental edict is to replace market contract, there is no alternative. There are millions of prices, millions of wage rates arrived at by voluntary agreements among millions of people. The collectivistic countries have been unable in decades to find simple rules enabling prices and wages to be established by any alternative impersonal mechanism. We are not likely to succeed. And we are not trying. Instead, the appeal is to the patriotism, civic responsibility, and judgment of political appointees, most of whom represent vested interests. How do patriotism and judgment determine that the price of a widget may rise 2.8 per cent but the price of a wadget, only 0.3 per cent; the wage of a widgeteer by 2 per cent but of a wadgeteer, by 10 per cent? Clearly they do not. Arbitrary judgment, political power, visibility—these are what will matter.

The tendency for such an approach to violate human freedom is even more clearly exemplified by the present situation with respect to dividends. The President has *requested* firms not to raise dividends—he has no legal power to do more. The request has been accompanied by surveillance, a calling down to Washington and public lambasting of the handful of corporations that did not conform, and a clear implied threat to use extralegal powers. These measures have no legal basis at all. Yet I know of only one small company that has had the courage to refuse to cooperate on grounds of principle.

The full logic of the system will not work itself out this time. Our strong tradition of freedom, the ineffectiveness of the controls, the ingenuity of the people in finding ways around them—these will lead to the collapse of the controls rather than to their hardening into a full-fledged straitjacket. But nonetheless, it is disheartening to see us take this further long step on the road to tyranny so lightheartedly, so utterly unaware that we are doing something fundamentally in conflict with the basic principles on which this country is founded. The first time, we may venture only a small way. But the next time, and the next time?

Morality and Controls

(By Milton Friedman)

Ely, Vt.—Enforcement of the price and wage controls, as of the freeze, must depend heavily on encouraging ordinary citizens to be informers—to report "violations" to Goverment officials.

When you and I make a private deal, both of us benefit—otherwise we do not have to make it. We are partners, cooperating voluntarily with one another. The terms, so long as they are mutually agreeable, should be our business. But not any longer. Big Brother is looking over our shoulders. And if the terms do not correspond with what he says is O.K., one of us is encouraged to turn in the other. And to turn him in for doing something few people have ever regarded and do not now regard as in any sense morally wrong; on the contrary, for doing something that each of us regards, when it affects us, as our basic right. Am I not entitled to sell my goods or my labor for what I consider them worth as long as I do not coerce anyone to buy? Is it morally wrong for Chile to expropriate the property of Anaconda Copper—i.e., to force it to sell its copper mines for a price less than its value; but morally right for the U.S. Government to force the worker to sell his labor for less than its value to him and to his employer?

By any standards, the edicts of the pay board and the price board, like the initial freeze, will be full of inequities and will be judged to be by ever increasing numbers of people. You believe that you are entitled to a pay raise, your employer agrees and wishes to give you one, yet the pay board says no. Will there not be a great temptation to find a way around the ruling? By a promotion unaccompanied by any change in duties but to a job title carrying a higher permitted pay. Or by your employer providing you with amenities you formerly paid for. Or by one or another of the innumerable stratagems—legal, quasi-legal, or illegal—that ingenious men devise to protect themselves from snooping bureaucrats.

In general, I have little sympathy with trade unions. They have done immense harm by restricting access to jobs, denying excluded workers the opportunity to make the most of their abilities, and forcing them to take less satisfactory jobs. Yet surely in the present instance they are right that it is inequitable for the Government retroactively to void contracts freely arrived at. The way to reduce the monopoly power of unions is to remove the special legal immunities they are now granted, not to replace one concentrated power by another.

When men do not regard governmental measures as just and right they will find a way around them. The effects extend beyond the original source, generate widespread disrespect for the law, and promote corruption and violence. We found this out to our cost in the 1920's with Prohibition; in World War II with price control and rationing; today with drug laws. We shall experience it yet again with price and wage controls if they are ever more than a paper facade.

One feature of price and wage controls makes their effect on individual morality especially vicious. Because these controls distort the use of resources, the evader benefits not only himself but society. The more rigorously the controls are enforced, the more harm they do. They render behavior which is immoral from one point of view socially beneficial. They thus introduce the kind of fundamental moral conflict that is utterly destructive of social cohesion.

Our markets are far from completely free. Monopoly power of labor and business means that prices and wages voluntary contract. Yet these blemishes, real and important though they are, are minor compared to replacing market agreements by government edict, compared to giving arbitrary power to a small number of appointed officials, compared to inculcating in the public contempt for the law.

The excuse for the destruction of liberty is always the plea of necessity—that there is no alternative. If indeed, the economy were in a state of crisis, of a life-and-death emergency, and if controls promised a sure way out, all their evil social and moral effects might be a price that would have to be paid for survival. But not even the gloomiest observer of the economic scene would describe it in any such terms. Prices rising at 4 per cent a year, unemployment at a level of 6 per cent—these are higher than we would like to have or than we need to have, but they are very far indeed from crisis levels. On the contrary, they are rather moderate by historical standard. And there is far from uniform agreement that wage and price controls will improve matters. I happen to believe that they will make matters worse after an initial deceptive period of apparent success. Others disagree. But even their warmest defenders recognize that they impose costs, produce distortions in the use of resources, and may fail to reduce inflation. Under such circumstances, the moral case surely deserves at least some attention.

SEARCH AND SEIZURE

Mr. BENTSEN. Mr. President, on October 6, 1971, I introduced S. 2657, a bill that would modify exclusionary rule relating to the admissibility of evidence in Federal criminal cases.

My bill provides a test of substantiality in determining whether or not an illegal search or seizure should result in suppression of the evidence involved. The Supreme Court has been sharply divided over the present practice of excluding all evidence that is improperly seized or searched, and some members of the Court have indicated that they would welcome a congressional remedy to this problem.

The American Bar Association Journal of October 1971, contains an excellent report on some of the badly divided decisions that the Court has recently made on the search and seizure issue. This ABA Journal report demonstrates once again the pressing need for a cogent yet constitutional alternative to the present exclusionary rule.

I ask unanimous consent that the article from the ABA Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Supreme Court Report

(By Rowland L. Young)

During its October, 1970, term, the Supreme Court handed down 121 formal decisions. Of these, ninety-four have been reviewed earlier this year. This month's report covers another fourteen, leaving thirteen cases that will be reported in our November issues.

The cases discussed this month are typical of the grist of the Court's last term—three involve search and seizure, five deal with elections and reapportionment, one with equal protection (reversing a twenty-year-old decision that private citizens may not be sued for conspiring to deny others of equal protection of the laws), one with the problem of libel and freedom of the press (this case extended the *New York Times* doctrine for the second time this term), two criminal law cases, a case dealing with the administration of the Social Security Act, and a case on the Court's original docket.

These cases were also typical of the October, 1970, term in that the Justices were badly divided on many of the issues. Only four of the fourteen cases were unanimous, and in three the Court was unable to muster a majority for a crucial portion of the decision.

FEDERAL AGENTS LIABLE FOR VIOLATION OF RIGHTS

The first of the search-and-seizure cases has the awkward name, *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 29 L. ed. 2d 619, 91 S. Ct. 1999, 39 Law Week 4821, decided June 21. The decision upheld a right of suit against federal agents who allegedly violated Fourth Amendment rights while acting under the color of their authority, even though there is no federal statute that authorize damages in such a case.

Agents of the Federal Bureau of Narcotics entered Bivens's apartment on November 26, 1965, and arrested him for narcotics violations. Bivens later brought suit in a federal district court alleging that the arrest and subsequent search were made without a warrant, that unreasonable force employed, and that the arrest was made without probable cause. He asked for $15,000 damages from each of the six agents. The district court dismissed the complaint on the ground, *inter alia*, that it failed to state a cause of action. The Second Circuit affirmed. 409 F. 2d 718 (1969).

Mr. Justice Brennan, speaking for a majority of five, reversed. The Court cited *Bell* v. *Hood*, 327 U.S. 678 (1946), to the effect that "where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief". The Court rejected the argument that the Fourth Amendment was merely a limitation on federal defenses to a state law claim and said that the federal question was an independent claim. It was hardly surprising that damages could be obtained for injuries following a violation of the Fourth Amendment by federal officers, the Court added, since historically damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty. There was no explicit Congressional declaration that persons so injured may not recover money damages from the officers, the Court went on, and so, "The question is merely whether petitioner, if he can demonstrate an injury consequent upon the violation by federal agents of his Fourth Amendment rights, is entitled to redress his injury through a particular remedial mechanism normally available in the federal courts."

Mr. Justice Harlan wrote a concurring opinion which reasoned that, since the interest that Bivens claimed—the right to be free from official conduct that violates the Fourth Amendment—was a federally protected one, the question was not the source of this "right", but rather whether the power to authorize damages as a remedy was placed by the Constitution exclusively in the hands of Congress. He concluded that the power was not exclusively Congressional, arguing that a general grant of jurisdiction empowered federal courts to provide equitable relief and that it would be anomalous to hold that a general grant was not also sufficient to empower the federal courts to provide a traditional remedy at law.

The Chief Justice wrote a dissenting opinion that took the position that the Court's holding created judicially a damage remedy not provided for by the Constitution and not enacted by Congress. His opinion was a critique of the deficiencies of the exclusionary rule, which denies the use of evidence seized unconstitutionally, and an invitation to Congress to provide an entirely different remedy—perhaps "an administrative or quasi-judicial remedy against the government itself to afford compensation and restitution for persons whose Fourth Amendment rights have been violated".

Mr. Justice Black's dissent argued that neither Congress nor the State of New York had enacted legislation giving a right of action against officers who violate constitutional rights and that the Court had no constitutional power to provide such a right. "The task of evaluating the pros and cons of creating judicial remedies for particular wrongs is a matter for Congress and the legislatures of the States", he declared.

Mr. Justice Blackmun's short dissent said that he generally agreed with the reasons expressed by Chief Judge Lumbard in the court of appeals, adding that he also felt that "the judicial legislation, which the Court by its opinion today concededly is effectuating, opens the door for another avalanche of new federal cases".

COURT AT ODDS ON EXCLUSIONARY RULE

Another search-and-seizure case decided June 21 was *Coolidge* v. *New Hampshire,* 403 U.S. 443, 29 L. ed. 2d 564, 91 S. Ct. 2022, 39 Law Week 4795, a case that again points up the misgivings of some of the members of the Court about the exclusionary rule.

The Court overturned the murder conviction of a New Hampshire man because he was convicted partly on evidence obtained from his automobile. The police seized the automobile after his arrest while it was parked in his driveway. They had a warrant, but the warrant was held invalid because it was signed by the state's attorney general acting as a justice of the peace, and the attorney general had taken personal charge of the murder investigation and later served as the chief prosecutor at the trial. The Court held that a warrant obtained under these circumstances had not been issued by a magistrate who possessed the "requisite neutrality".

The Court was badly split on the decision, and only four Justices agreed with a crucial part of the opinion of Mr. Justice Stewart, who spoke for the Court. The Court reversed 109 N. H. 403, 260 A. 2d 547 (1969).

The Court said that it could find "no escape from the conclusion that the seizure and search of the Pontiac automobile cannot constitutionally rest upon the warrant issued by the state official who was the chief investigator and prosecutor in this case". Justice Stewart examined and rejected the state's arguments that the seizure of the automobile could be upheld as an incident to a "valid arrest", under the "automobile exception" to the exclusionary rule, or that the car itself was an "instrumentality of the crime" that could be seized because it was in "plain view" (It was this portion of the opinion that had the concurrence of only four members of the Court.) Justice Stewart answered in detail Justice White's dissent, saying that the latter's arguments proved too much and that to agree with him that the police may, whenever they have probable cause, make a warrantless entry for the purpose of arrest and that *per se* seizures and searches of automobiles are reasonable given proper cause, means that any search and seizure can be carried out without a warrant. The Fourth Amendment would in effect be read out of the Constitution, he declared.

Coolidge had also objected to the introduction into evidence of a rifle and items of clothing given to the police by his wife. The Court rejected the contention that the wife had in effect been made an instrumentality of the police in surrendering the items.

Mr. Justice Harlan, concurring, called for an overhaul of the law of search and seizure, saying that *Mapp* v. *Ohio*, 367 U.S. 643 (1961), making the federal exclusionary rule applicable to the states, and *Ker* v. *California,* 374 U.S. 23 (1963), should be overruled. Without those cases, he said, he would have had little difficulty in sustaining the conviction. Because of them, he went on, he concurred in the result and in the portions of Justice Stewart's opinion that held the warrant invalid as not being issued by a neutral magistrate, that replied to Justice White's dissent and that upheld the admission of the rifle and the clothing. "It must be recognized that the case is a close one", Justice Harlan said. "The reason I am tipped in favor of Mr. Justice Stewart's position is that a contrary result in this case would, I fear, go far towards relegating the warrant requirements of the Fourth Amendment to a position of little consequence in federal search and seizure law . . .".

The Chief Justice said that he joined in the dissenting opinion of Justice White and in most of Justice Black's dissent, except that he would not accept the proposition that the Fifth Amendment requires exclusion of evidence seized in violation of the Fourth. On the merits, he said that there was not the slightest basis for reversing the conviction.

Mr. Justice Black's opinion argued that the source of the exclusionary rule could not be found in the Fourth Amendment, and that if evidence is to be excluded it must be under the Fourth Amendment's guarantee against self-incrimination. Justice Black also took issue with what he said was the Court's theory that a magistrate must hold a "little trial" before issuing a warrant. He argued that the automobile itself was evidence and was properly seized as such.

Mr. Justice White contended that the judgment should be affirmed since the automobile was lawfully seized as evidence and was in plain sight. He expressed difficulty with the Courts' position that Coolidge's car, parked at his house, could not be searched without a valid warrant, although if Coolidge had been arrested as he drove away from his home, immediate seizure and subsequent search would have been upheld as incidental to an arrest.

DEATH OF DR. JAMES E. ALLEN, FORMER COMMISSIONER OF EDUCATION

Mr. PELL. Mr. President, the Nation has lost a great educator and a fine gentleman in the tragic death of Dr. James E. Allen. I came to know Dr. Allen only since he was named to the post of Commissioner of Education, I regarded him as a close personal friend whose wise council was highly valued.

Many people come to Washington and are lost in the bureaucracy, having to compromise their moral values to meet political expediences. Jim Allen was not one of these. In his all too short tenure as Commissioner of Education he enunciated goals and beliefs which our Nation has always mouthed, but all too often has never really supported. Indeed, his refusal to compromise led to his dismissal from this administration.

Since he left Washington, I fortunately maintained close contact with Dr. Allen. The Subcommittee on Education of the Committee on Labor and Public Welfare benefited from his incisive advice during its studies which led to the passage of S. 659.

At the time of his death, James Allen was a visiting lecturer at the Woodrow Wilson School of Public and International Affairs at Princeton University. In that post, he was working on such important matters as assessment and evaluation of educational offering. Just as his work as Commissioner of Education for the State of New York set the guidelines and high level of performance for the position of State Commissioner of Education, his work at Princeton was recognized as leading in the field.

Jim Allen for all his attainment will be remembered, however, for the fine gentleman that he was. A quiet man, with a gentleness of manner, he possessed something that can only be described as quality. Our Nation, which did not fully recognize him, is all the poorer for his death.

Mrs. Allen, too, was a lovely lady, enjoying with her husband an interest in literature and in sports. They were a wonderful couple whom my wife and I admired and liked immensely.

To their children I extend my deepest sympathies on the loss of their parents. We all grieve.

I ask unanimous consent that an editorial from the October 20, 1971, Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JAMES E. ALLEN, JR.

Although he served in Washington for only 18 months—as the Commissioner of Education—Dr. James E. Allen, Jr., who was killed last week in an Arizona plane crash, used his time here to serve and further many of the causes that assuredly needed serving and furthering. He understood that education is not merely another "vital concern," but that the course of millions of lives is irrevocably set depending on how much or how little educational opportunity is available. Dr. Allen was known as an outspoken man; yet in many instances he earned this description less because of what he said on an issue than because other men chose to be silent. Thus, when he expressed dissent in the spring of 1970 on the administration's Vietnam policy—the "war is having a disastrous effect on the young people of this country"—he stated no more than an obvious fact; but it rankled others in the administration.

Dr. Allen was a stubborn advocate of school desegregation. In March, 1970, he wrote Mr. Nixon a private letter urging him to take a strong stand in a forthcoming desegregation message. Later, Dr. Allen said he did not even know if the letter passed through the White House staff to the President. At any rate, he did know that as time went by his advice was less and less sought by the White House. Perhaps Dr. Allen would have lasted longer in Washington if he had learned to hold his peace. But he saw a contradiction in this—being the Commissioner of Education meant being aggressive, firm and outspoken.

Before coming to Washington, Dr. Allen served with excellence as the head of the New York State school system for 14 years. Such innovations as prekindergarten schools, adult education courses and community colleges were established in large numbers of New York towns during his administration. Aptly, Governor Rockefeller said on Dr. Allen's death, "an entire generation of New Yorkers who attended school during his tenure is better educated because of it."

REPRESENTATIVE TIM LEE CARTER

Mr. COOK. Dr. Tim Lee Carter has represented the Fifth District of Kentucky since 1965, and served it with distinction. His excellent service in Congress is only an extension of the dedication, selflessness, and care he has always shown for his fellow man.

A good example is the fact that he volunteered for military service in World War II and served 42 months as combat medic. As a captain of the 38th Infantry Division, he received not only the Combat Medical Badge and Bronze Star Medal, he also won the admiration of his buddies.

Mr. President, an article published recently in the Lake Cumberland Bugle, of Somerset, Ky., points out how highly the people of Kentucky hold Dr. Carter in esteem. I might add that the article shows a bit of insight into Kentucky politics.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tim Lee Is Great, and Otley Gilpin Would Love To Vote for Him, Except for One Thing

Our congressman, Dr. Tim Lee Carter, has been in Adair County for some time visiting with his constituents.

Among the places he has visited was Coburg, Adair County, and its famous general store, run by Colonel Otley Gilpin.

The congressman's visit there was more than just a campaign stop. It was a meeting with an old comrade in arms. For Otley and the congressman were in the same army unit in World War II, where each distinguished himself in his field.

Otley became one of the greatest snipers in the U.S. Army, outdoing the Japanese in that field. He used to say modestly that sniping was just like hunting squirrels. "You do both the same way," he would confide, "and I was always a good squirrel hunter when I was a boy, down around Breeding and Sparks Ridge."

Dr. Carter won praise and well-deserved citations for his role as a combat doctor in Otley's unit; cool under fire, and devoted to the welfare of his army buddies, who largely came from this section of Kentucky.

Both old soldiers enjoyed the reunion and spoke highly of the other's role in the fierce combat of the South Pacific during the great war.

After the visit was over and Congressman Carter had departed, Otley made a small talk to those gathered in his store on the caliber of man that Dr. Carter is.

Otley addressed the onlookers as follows: "Dr. Carter and I went overseas on the same boat. He was an officer and I was an enlisted man but nobody ever treated anyone any better than he treated me.

When we went into action, I watched Dr. Carter work under shell fire with bullets whizzing all around, saving the lives of my friends right up on the front line.

Without a doubt, he was the top combat doctor in the South Pacific.

And when he came home from the war, he cared for the poor people of Monroe County well, whether they had any money or not.

Furthermore, since he has been elected to the House of Representatives he will rank among great Kentucky statesmen like Henry Clay, Alben Barkley, and Governor Goebel, who died a martyr's death.

I want to serve notice right now that if any man speaks evil of Dr. Carter in my presence, he has a fight on his hands.

I love and admire that man and I would do anything to help him.

Why, when he was here a few minutes ago, I took him to the back room of the store for a real heart to heart talk."

At this point, Otley paused, shook his head resignedly: "Now, if that man would only change his politics so I could vote for him sometime . . ."

CONFUSION ABOUT FEDERAL INDIAN POLICIES

Mr. MANSFIELD. Mr. President, at the present time there seems to be a great deal of confusion about our Federal Indian policies, both at the administrative and congressional level. The American Indian is coming into his own, and I believe that we will be hearing a great deal more from them in the future.

Our Indian neighbors in Canada have encountered similar difficulties and seem to be moving ahead. An interesting commentary on the opening of a new industry on the Blood Reservation in Alberta has been brought to my attention in a letter written by Joshua Warren and forwarded to me by Jim Flaherty. Jim Flaherty is the grandfather of the author of the letter and is an old, longtime friend, living in Great Falls, Mont. I ask unanimous consent that Joshua Warren's observations, published in the Kainai News, be printed in the Record. The Kainai News is Canada's largest Indian newspaper.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letter to the Editor

Letters Sent to Kainai News (Taken from a letter to James J. Flaherty, of Great Falls, Montana).

Top of the morning, Grandpa: On Tuesday, August 3 (this morning) I was asked to give a talk before two history classes on "The Indian's plight, and how he is trying to change it." Each class had 35 members, totalling 70 souls in all. And all seemed eager to hear.

At 8:35 a.m. I began to speak . . .

For the past 100 years, the American Indian has been a down-trodden race . . . a broken people. And while the average American saw wild west shows, and gloried on the white man's greatness . . . the Indian lived in wretched shacks . . . and drank to forget. There was no hope for the Indian's future . . . none for his children. For five generations the Indian bred himself into shame and squalor . . . the white man either abused him . . . or ignored him. Only the Indian could help himself, if he would do so.

But the reservation system did not lend toward Indian independence. Originally used to pen up the Indian, who was nomadic by nature, it gave the Indian the white man's diseases . . . and took away his dignity, until the reservation became a haven in which to hide from the white man's world.

In the decade of Civil Rights, the Indian saw the Negro fight for equal recognition, and generally succeed. This prompted the Indian in many places to vie for his rights also. From this, examples such as the Alcatraz occupation are verification.

But there were other Indians who saw that the negative way was not the path to thead . . . instead they chose a positive way to follow. Among these were the Blood Indians of Alberta, Canada . . . it is their story I wish to tell . . .

As you may recall, earlier this summer I left school. It was during this time that I received an invitation from my grandfather to attend the opening of Kainai Industries, a prefabricated housing plant on the Blood Reserve in Alberta. Attending the opening of a plant seems absurd . . . however this one was different.

This opening represented the first time that, on their own, any Indian tribe has ever developed an industry on their own! It is true that other Indian tribes have industries of their own . . . yet they were started by the white man in order to give the Indians a livelihood in this modern age . . . and it is also true that the Bloods have not achieved this without help . . . but the idea of the Industry was initiated by them, and they have worked with vigor to make the dream a reality.

But the importance lies in this . . . These Indians have finally accepted the world as it is, and have finally decided to adapt to it. Their eagerness lies in their infant industry . . . it lies in their native newspaper, the Kainai News . . . it lies in their Kainai Chieftainship . . . a body of 35 chiefs . . . men, Indians or not who have done great service to the Indian. My grandfather is one. Their eagerness to meet the world lies in their integrity to preserve their majestic culture and they will fight for it . . . and this time—they will win!

The Canadian government was pleased by the Bloods' move . . . it was liked so much, that Prime Minister Pierre Trudeau came personally to the grand opening. I had the pleasure to meet him. The Prime Minister also had the pleasure to meet my grandfather, and the ex-governor of the state of Montana, J. Hugo Aronson, who was also traveling with my grandfather and I.

I had never seen so many teepees before as we were encamped at the grand opening . . . and suddenly it dawned on me that this event had sparkled the Indians' lives . . . they were to turn a new page in history.

This is an Indian first . . . it is only a start, but I think, before the next 50 years are out, the Indian will have risen from a second class citizen to assume his rightful position as the country's very first citizens' . . . after all, they were the first here.

Questions were then asked by the audience, but the one that has stuck in my mind is one a girl asked: "But why, for all these years, has the Indian taken all of this abuse from the white man?" My reply was the surrendering speech given by Chief Joseph when he gave up his people in the Bear Paw Mountains of Montana:

"Tell General Howard I know what is in his heart. What he told me before, I have in my heart. I am tired of fighting. Our chiefs are killed. Looking Glass is dead. Tulhulhutsut is dead. It is the young men who say yes or no. He who led the young men is dead.

It is cold and we have no blankets. The little children are freezing to death. My people, some of them, have run away to the hills, and have no blankets, no food; no one knows where they are—perhaps freezing to death. I want to have time to look for my children and see how many of them I can find. Maybe I shall find them among the dead. Hear me, my chiefs. I am tired; my heart is sick and sad. From where the sun now stands I will fight no more, forever."

It was then 8:50 . . . I had spent 15 minutes on my talk with questions . . . another earlier 15 on a film strip on the plight of the Indians. My half hour was over. I thanked the students for being so responsive and thanked the professor. They all thanked me. I then left, it was time to go home.

Grandpa . . . I will never be able to repay you for the marvelous trip you gave me . . . Thank you.

Goodbye for now, and God Bless.

Joshua J. Warren.

NINETIETH ANNUAL MEETING OF AMERICAN TRANSIT ASSOCIATION

Mr. WILLIAMS. Mr. President, recently I had the honor of speaking at the 90th annual meeting of the American Transit Association in Dallas, Tex.

I shared the platform with a number of most distinguished speakers who included Gov. Frank Licht, of Rhode Island, and Mayor Sam Massell, of Atlanta.

These are two men who know the problem well; they know that the alternatives to mass transit are traffic strangulation; massive immobility and economic chaos.

Facing these alternatives, Governor Licht and Mayor Massell are moving forcefully and imaginatively to preserve and improve mass transit facilities.

Their comments at that meeting demonstrate their commitment and outline their plans. They also point up the desperate need for our Federal commitment.

Mr. President, I ask unanimous consent that the remarks of Governor Licht and Mayor Massell be printed in the Record.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

REMARKS OF GOV. FRANK LICHT BEFORE THE ANNUAL MEETING OF THE AMERICAN TRANSIT ASSOCIATION, DALLAS, TEX., OCTOBER 5, 1971

It is a great pleasure to be here today, and to address the 90th annual meeting of the American Transit Association.

We all know what would happen without adequate public transit . . . actually what is happening in many places already. Our highways are becoming intolerably congested . . . There is increasing strain on our environment . . . Our downtown areas are fighting for their survival . . . and many of our citizens are being deprived of equal opportunity for employment and recreation.

In this age of two or three car families, it is difficult to believe that 20% of the families in our nation do not own automobiles. But it is a fact—one-fifth of America's families must look to other means of transportation. Some of this is voluntary. Most of it reflects poverty, disability and old age. And as more public and private facilities are developed away from the immediate neighborhood and scattered in large shopping centers and malls, these Americans find it increasingly difficult to reach necessary facilities. What is an everyday convenience to us is a monumental task to them.

Therefore, we can readily start from the premise that mass transit systems are essential to any meaningful transportation system.

What, then, is the present status of mass transit?

I think you will all agree with me when I say that today we are confronted with deteriorating transit systems, particularly in the urban centers of the Nation. Service is being cut back while fares are rising. In many places the process has been to service the profitable lines, to hold on to the captive riders who have no other means of transportation, and to hope that in this way at least part of the system can remain solvent and above water. Moreover, most systems continue to suffer from a continual need for modernization.

This has been the story of public transit for the past quarter of a century. System after system going out of business. Other systems shrinking. Equipment becoming outdated, and service decreasing in both quantity and quality.

My experience has taught me that what is called for is a massive effort on the part of the Federal, State, and local governments to extend lines, to improve service, to hold down fares and to integrate mass transit into a total transportation system, without such an effort we shall find that mass transit will further deteriorate to the point where it will be a negligible factor in the total scheme of transportation.

Only the application of a public solution to the problems of public transportation will reverse the trend of the past decades. Where it is being reversed there is utilization of the resources of government at all levels. And it is being done in those places where governmental leaders realize the priority that must be placed on public transportation to achieve the goals which I have outlined. . . . Greater opportunity for all citizens, relief of congestion, preservation of the environment, and renewed vitality for downtown areas. It is happening in those places where socially concerned leaders are fostering an increased awareness among the citizenry that they, whether or not public transit is a part of their day-to-day lives, have an important economic and social state in the health of the public transportation system.

While there has been increased recognition of the need for more and better public transportation . . . and while there is evidence that government, generally, is beginning to offer the kind of assistance that is vital for good mass transportation. . . . We are only just commencing the journey that must be made.

It is with these thoughts in mind that I would like to share with you the unfinished story of public transit in the state of Rhode Island.

As you are probably aware, Rhode Island is a small but highly urbanized state. Our population of nearly one million people is concentrated in a geographical area only slightly larger than the county of Dallas. Like other metropolitan areas, we have experienced population decline in the old central cities and rapid growth in the newer suburbs. We, too, have to cope with an increasingly affluent society which has led our suburban citizenry to abandon public transit in favor of the automobile. We also have confronted the same cost pressures that have beset public transit throughout our country.

In Rhode Island today a single system provides bus transit that reaches areas containing 75 percent of our state's population. I must say that this service is not as comprehensive as it once was, but it is nevertheless important given the circumstances and conditions I have noted previously.

Prior to and during World War II a thriving private transit company provided inner-city service for several of our larger cities, and the routes fanned out from the central core areas of Providence and Pawtucket into the outlying communities.

In the years following the conclusion of the war, however, and as our nation experienced a tremendous economic growth and affluence, patronage dwindled and the system deteriorated. By 1964, the private company was on the verge of collapse. Its equipment was almost obsolete . . . costly to operate and singularly unattractive and uninviting to patrons. And, efforts to maintain the operation through service cuts and fare increases were failing.

It was at this point that the State created the Rhode Island Public Transit Authority to insure continued mass transportation to the Providence-Pawtucket-Warwick urban area. Two years later, in 1966, the Authority purchased through a Federal loan the property and assets of the private company, and began the job of rebuilding the system. I might note at this point that Rhode Island is paying a penalty for having taken early action to preserve public transit. For today it is possible to receive Federal grants, rather than loans, for the same purpose.

The State, at this time, also appropriated just over $800,000 to assist the authority purchase some 102 new busses. This appropriation was supplemented by a Federal grant of over one and one-half million dollars.

Thus, from 1964 through 1966 Rhode Island had acted to establish a transit authority with statewide responsibilities and to reverse the gradual decline in patronage, service and equipment that had marked the final years of the private company.

From 1960 through 1966 there had been a 24 percent decline in passenger levels, but in the first two years of actual transit operation under the authority, the number of passengers increased by five percent. Also, in both of these years operating revenue exceeded operating expenses.

For a period of time, there was additional progress in the area of extension and improvement of services: One new express line and two new local lines were added, other lines were relocated or extended, and frequency of operation on some lines was increased to provide better service. Day-to-day operations were placed under the direction of an experienced management firm, and a continuing program was launched to upgrade the image of public transit.

In 1969 the authority used one-half million dollars of its own revenue, and a Federal grant for just over a million dollars, to purchase 45 new busses, thereby completely modernizing its fleet. In many ways it has one of the most modern fleets in the entire nation today, with the average age of its 167 busses being only three years, and, in 1969, it could be said that we had improved and expanded operations, and also served more people than in previous years.

In 1970 we took long-range action that will have a major impact not only on mass transit but on all modes of transportation for years to come. I proposed and the General Assembly approved the creation of a unified department of transportation.

Historically, we had had no unified transportation system in Rhode Island. Those who built highways were concerned only with highways. Those who were concerned with air transportation were concerned only with air transportation. There was, in short, no mechanism for giving consideration to our total transportation needs.

Through the new department of transportation we have sought to correct this fundamental flaw in our transportation planning. The new department can take an overview of our total transportation needs, and develop and recommend the alternative modes of transportation that will best suit those needs.

In order to make sure that public transit would be included in this arrangement, we brought the transit authority into close liaison with the new department. To be frank, one of the reasons the authority was not taken completely into the new department was its debt-structure, but we did bring its service and the kind of transportation it provides into the deliberations and considerations of the new department. And that is of considerable significance in the development of a total transportation system in our state.

Here is one example which demonstrates clearly how very important the new department can be in meeting our transportation needs. In the initial planning and construction of the major portion of our interstate highway system, there was never any consideration given to the need for fringe parking. Today, we understand that fringe parking can be a most effective tool in augmenting the capacity of our highway system during the rush hours especially by encouraging more drivers to park their cars and ride in on the bus.

One of the first matters undertaken by the new department was the selection of several fringe parking sites along our interstate system, and we are now proceeding toward the development of such facilities, which we are hopeful will in turn spur the use of mass transit on those highways. Naturally, it would have been far better had this been a part of the transportation program when we began the interstate system for we might have been able to limit highway congestion before it really became a severe problem. As it is now, we are trying to solve a problem with which we should have been concerned many years before. The important point, however, is that through the new department we have the mechanism for avoiding such neglect in the future.

Also in 1970 I recommend that the authority inaugurate a plan to permit a reduction in the basic 35 cent fare to 20 cents for senior citizens and school children. Any loss of revenue by the authority would be made up by the state. The need for state revenue, however, proved to be even greater as the national administration's economic policies failed to arrest the inflationary trend and the costs of maintaining the transit system soared. Drastic fare hikes and severe service cutbacks loomed as very real possibilities. The authority offered the state the following options: a state operating subsidy, for the first time, or a combination of a 50 cent basic fare and the elimination of about 25 percent of the service.

At first, I resisted any state subsidy for mass transit busses. I have learned that these subsidies can become open-ended and I was keenly aware that the original take-over contemplated no state subsidies. But when I was faced with an increase in fares and a cut in service, I knew that this was no solution and that it was only the beginning of the end of the transit system. This I could not allow to happen. Without a state subsidy, it would have meant forcing people, in areas where service would be abandoned, to seek other means of transportation. In many instances, I knew that would affect the very people least able to afford other transportation. . . . Namely the low-income families, the elderly and the school children.

And, where service would be retained, the spectre of higher fares meant an almost unbearable burden on those least able to afford such an increase.

The situation also threatened the program of reduced fares that I had announced only a very few months before.

To me and to others, this was not the road of wisdom, of concern for our future health and safety, or of compassion for those in need of assistance. It was not the road we could take.

Thus, this year the general assembly, for the first time, appropriated $700,000 to subsidize the operating expenses of the authority. $500,000 went for general operating support, while the remaining $200,000 went to support the reduced fare plan for the elderly and school children. This action thus averted an increase in the basic fare from 35 to 50 cents, and also permitted a continuation of the reduced fare plan. In taking this action, we moved from providing assistance to capital improvements to assistance for operating expenses as well.

But even with this latest action, I cannot say that we have solved all of the authority's financial problems. In a nation as highly mobile and interdependent as ours, public mass transit has increasingly become a matter of national concern. At the same time, it has also become peculiarly related to and affected by national economic trends. The rise of both inflation and unemployment hit mass transit hard, and they demonstrated unmistakably how dependent this form of transportation is upon a healthy national economy.

In Rhode Island we have temporarily bridged a gap. We have accepted the responsibility and met the need for a public solution to the problems of mass transit. But even our action and the return of prosperity will not be enough. For what we really need is a long-term solution, and that means a greater Federal commitment in program and funding.

First, the question of funding. Congress under the Urban Mass Transportation Act, has approved a program of funding up to $900 million, but I understand that the Urban Mass Transportation Administration in the Federal Department of Transportation has estimated a funding level for fiscal year 1972 of only $600 million. I would say to you today that both of these funding levels are inadequate to the immediate task at hand. For I also understand that there are applications totalling almost $3 billion now pending before the department.

In addition, our whole experience with the Urban Mass Transportation Act has been not only that the funds are inadequate to cope with the problems confronting our urban areas but also that we have never been able to count on even the meager funding that the Congress has proposed. What is proposed is not enough, and what we get is even less.

Furthermore, the program is too limited in scope. Current Federal legislation provides some funds for capital improvements to mass transit. I would be the last public official to criticize that, for there is no question but that we in Rhode Island have benefited from this legislation. But capital improvements, as important as they are, are not the sole answer to our public transit problems. Rhode Island's experience alone is testimony to that fact. We have modern equipment, but still we operate at a deficit. What is needed, then, is Federal aid not only for capital improvements but also for operating expenses. And that is the area in which the present program must be extended if we are truly to begin to meet our public mass transit problems.

For Rhode Island this would mean at least some security for a troubled system of mass transit. But it would mean more. It could mean, for example, that we could begin to consider an expansion of service to cover more Rhode Island communities. It could also provide us the opportunity to consider other modes of transportation for residents in part of the East Bay portion of our State. And, most important, it could give us the chance to develop a transportation system that would be a truly meaningful alternative to the prospect of even more heavily congested highways.

I would emphasize, however, that none of these alternatives can be seriously contemplated, let alone considered, until Federal programs encompass more than capital improvements and offer more than token financial assistance. I would also add that what I say about Rhode Island is true of every other urban area in our Nation, except for the fact that their problems may be and most likely are far more severe than ours.

Improved, and even expanded public transit systems are essential to the economic health not only of Rhode Island but of all our metropolitan areas. The economic health of these areas, where more than 70 percent of our people live, is surely within the national interest. Equally important, the protection and improvement of the natural environment and of the quality of urban life in these metropolitan areas necessitate improved and expanded mass transportation systems. And surely these, too, are national concerns.

Knowing this, let us be neither satisfied with our achievements nor dismayed with our problems. Instead, let us seek with greater effort and a more unified voice the kind of assistance which you and I both know is so very, very imperative.

Address by Sam Massell, Mayor, City of Atlanta, 90th Annual Meeting, American Transit Association, October 5, 1971; Statler Hilton Hotel, Dallas, Tex.

Atlanta has a long record of excellence.

People of this city have historically been in the forefront in a broad range of interests—commerce and industry, the arts, human relations, communications, professional sports, government, and many other fields. Individuals like William B. Hartsfield, Ralph McGill and Martin Luther King; firms like Scripto, Delta Air Lines and the Coca-Cola Company, are but a few of the names emanating from Atlanta but recognized everywhere.

Rare is the recent visitor to this city who hasn't gone home raving about our Regency Hyatt House Hotel with its glass elevators traveling a 22-story-high open lobby, or about Underground Atlanta where some 75 businesses in renovated basements provide a hidden entertainment center in the heart of downtown.

Most currently some of the subjects attracting wide interest are our unusual means of financing a tax-free seventeen-million-dollar coliseum (now under construction), our experimentation with the innovation of a four-day, forty-hour work-week for city employees, and our proposed unique low-fare mass rapid transit program.

Because of the accomplishments we have enjoyed, our city has become accustomed to participation in national seminars and to receiving visiting study groups . . . teams seeking information on everything from our success story in civil rights and the operation of our Community Relations Commission, to our economic prosperity and the format of the Chamber of Commerce Forward Atlanta program. And we are glad to share our story, as I do with this report on our local transportation plan.

Then why the long introduction to the subject at hand? It is because I wish to remind you that Atlanta is something special—a very unusual city which does the unusual and does it well. It's a city with energy, initiative, ability, and ambition . . . and a proven record of success. Thus, my preliminary remarks were relatively very concise, but I wanted to establish the foundation from which we're functioning.

I do so for I'm convinced that once again Atlanta can lead the way . . . that Atlanta will be the first city in America to develop a coordinated bus-rail, modern, fast, efficient, comfortable and attractive mass transit system . . . with controlled minimum fares . . . and in doing so will provide maximum mobility to the envy of every progressive urban center.

I am also ready to warn that—failing to do so, failing to provide this new program (which includes acquisition of the existing bus system)—Atlanta can become the first major city to lose all of its public transportation. Yes, I am predicting that circumstances are such at this time in history that we will either end up with the best transportation system in the country or with no transportation system at all.

We presently have what is considered one of the better remaining privately owned bus systems. It is operated without local governmental subsidy. However, at the rate fares are increasing—no matter the justification—the private operation is going to price itself out of existence . . . . and there won't be any uncle government to pick up the pieces!

Consumer attitudes have become so sensitive to utility-type rate adjustments, continued further increases at this time are not likely to be accepted. Thus, the alternative would be public ownership, as is the pattern around the country. But, in our case the only source of funds for such an investment would be the ad valorem tax . . . . and let me hasten to remind you that all of the larger cities are in an era of revolt against further substantial increases in real estate taxes.

Atlanta, however, can buy this company and build a coordinated mass rapid transit system with a sales tax.

Atlanta has a referendum scheduled for November 9th to let the public decide. When one considers the alternatives, it's apparent we cannot afford to fail.

What has not been reported is that those voting against the sales tax for rapid transit will, in effect, be voting for an immediate increase in real estate taxes!

We are already holding a temporary note of the existing transit company for over $300,000 for their 1970 gross receipts tax. In January, a like amount will be due for 1971. Additionally, the president of the company has now estimated they will face a further cash shortage of approximately one million dollars annually at present fares.

In order to prevent new rate increases and if we are to keep the present bus system alive even temporarily, local government will have to pick up the deficit. This means when we plan our 1972 budget Atlanta will have to include a one mill ad valorem tax increase to carry the bus system for just one year.

Ironically, when the hue and cry against property taxes finally causes our Aldermanic Board to end this subsidy, the company's failure will cause even greater long range demands on our resources.

Without a public transportation system, many of those who have no other way to get around—the young, the poor, the aged, the handicapped—will go from gainfully employed to welfare receipents . . . . and as welfare rolls go up, property taxes go up as well.

In addition, the unstemmed growth of motor vehicles demands more money for new roads, street maintenance, improved traffic signaling equipment and addtiional traffic policemen, all of which require still more property taxes.

Traffic strangulation will curtail new building development and damage existing business values, both of which can only be offset by yet further real estate tax increases.

The proposition seems clearly to be one of a "yes" vote to provide mobility and boost the economy or a "no" vote to immediately raise property taxes and eventually eliminate public transportation.

Can you just imagine a city in the seventies without a bus system or any other means of mass transportation? Reflect on that a minute. No way for clerks, maids, secretaries and others to get to work. Or worse, would they readjust their finances and buy automobiles? Just think about a bus load of people in bumper-to-bumper traffic if each individual therein occupied a separate vehicle in that line of cars.

Can it happen? Yes, and unfortunately, Atlanta might be the first in the nation to prove it. But we have the other option . . . one I sincerely believe to be most viable . . . that of providing a unique formula for what has been described as man's fifth freedom—mobility—which I believe will be emulated by cities from coast to coast.

First, let me outline the design of our physical plan. It will have 9 miles of subway rail, 20 miles of elevated rail, 27 miles of surface rail, 14 miles of fixed exclusive busways and 1530 miles of surface bus routes.

Overall the system will measure 60 miles between the farthest terminals, providing direct service to 1,224,000 people in 37 cities and 4 counties covering 1385 square miles. The development will include 10 rapid transit legs with 44 stations, 100 bus shelters and 34,500 parking spaces, and will operate approximately 330 electric rail cars and 806 diesel buses.

The bus, with its ready availability and route flexibility will continue to hold its position of prominence. Obviously, it's a distinct advantage, too, when all public transportation is coordinated under one ownership, as will be the case with our management.

The large dependence on busses will permit us to provide immediate relief through the purchase of additional equipment and expansion of areas served. In fact, just the short range bus improvement program proposed will give us the fifth largest bus operation in the country within only eighteen months.

Because of extensive use of busses, we are practically planning a portal to portal system. In fact, on completion, 90% of the people and 90% of the jobs within Atlanta's perimeter highway boundaries will be within walking distance of scheduled service.

The Atlanta program is under the sponsorship of the Metropolitan Atlanta Rapid Transit Authority (MARTA), the membership of which includes whites and blacks, spokesmen for big business and organized labor, and representatives from all of the major geographical interests served. The final plan has been developed over the past 9 years by a prestigious professional team with proposals refined in response to community attitudes.

Our total capital cost is estimated to be $1,400,000,000 (divided two-thirds federal and one-third local) and the entire package is scheduled to be in operation in 1980 at which time the patronage is projected to be around one hundred million annual riders.

However, to have the finest engineering, to purchase the finest equipment and to provide the finest service will not satisfy the transportation needs of any community if the fares are out of reach of those who depend on public transportation the most—those with low and moderate incomes. Add to this the fact determined from extensive studies—that the lower the fare, the higher the ridership—and it becomes evident that low fares are a necessary factor for maximum patronage.

The five county metropolitan Atlanta area had 465,000 registered motor vehicles in 1962, when we first recognized the need for rapid transit. By 1968, when we held an unsuccessful referendum, this number was already 602,000. Today we have over 800,000 vehicles and, left to grow without a competitive means of transit, they will surely strangle the inner-city.

Not only is congestion and all of its aggravations bringing downtown to a standstill—like the 15 minute period between 7:45 and 8:00 in the morning when we have 14,000 cars trying to move in the heart of the city . . . but more than 50% of the land in the central business district is now dedicated to the movement and parking of automobiles . . . and latest figures report that approximately 81% of all air pollution in Atlanta comes from motor vehicles.

But transportation is more than a dollars and cents proposition, and is more than a statistic on a graph. It is mobility—this fifth freedom—a social concept, if you wish, for which the benefits cannot be measured with numbers. They must be personally evaluated—by people.

We are changing the city—we are changing the way many of the people see the city, and the way they interact with it. To the majority of people, we are . . . figuratively and literally speaking . . . changing space—their space.

In many cases throughout the city's population one man's "space" is his house, his street, the neighbors' houses, the stores down the street. Nothing else in the city bears any meaningful relationship to him. It is out of reach . . . out of touch . . . unavailable. And so, he is uninvolved.

The greater the growth and prosperity of a city, the greater the deprivation imposed upon those who are without satisfactory means of transportation. As a community expands geographically and as society expands culturally—as more and more facilities are provided by government and private enterprise to the benefit of the general public, the more absolute is the imprisonment of those who lack mobility.

What does it mean to have giant shopping centers with their competing discount stores if you have no way to get to and from the center? What does it mean to have a free health clinic if you have to worry about the fare there and back? What does it mean to have a great museum or park lands if it costs 10% of a day's pay to make the trip?

With a low fare transit system, all of the city belongs to everyone—as many have said it did for so long. We make the city available to man, and so man is available to the city. He can work where he pleases, or at whatever business needs his particular skills. He can become involved in what was rightly his to begin with—the entire city—downtown, suburbs, business community, City Hall.

Inexpensive mass transportation broadens and creates these new choices—opportunities in employment, housing, recreation and education. Personally, this independence is bound to affect this man . . . boost his confidence, increase his awareness, improve his educational level, raise his productivity.

Local means of transportation do materially affect the economy, the environment and the basic happiness of the city dweller of today. So much so, in fact, that survival of cities as we know them, might very well depend on the mobility of their occupants.

Federal and state governments have long subsidized air and highway transportation needs for the more affluent society, and the time has come that they recognize the importance of doing the same at the local level to reduce the costs of the transportation needs of those with low and moderate incomes.

In Atlanta, we are moving forward now to provide an unusually low fare—15¢, including transfers, and projected without increases for at least seven years! The Georgia General Assembly, at the request of MARTA, has authorized us to levy a 1% local sales tax—subject to referendum—for the purpose of providing the local share toward development and subsidized operation of a mass transit system for our region.

Although the sales tax is the most regressive, thus costing those with low incomes a disproportionate share, this disadvantage is overcome by the prerequisite of an extremely low fare.

In view of the fact that domestic employees and other low salaried workers are the largest users of public transportation, they—in effect—will be getting a rebate on their sales tax. To be specific, the fare on our present privately-owned bus company is 40¢, plus a 5¢ transfer fee—and the total fare when we buy this system will drop to 15¢. Thus, the laborer who votes for this program will be giving himself an immediate $3 per week raise (less the estimated 73¢ average increase in sales tax he would then be paying).

This plan has received endorsement by the Atlanta Chamber of Commerce and the Domestic Workers Union, which best illustrates its wide appeal.

Our present state law requires that this sales tax be lowered to ½% after the initial ten years and fares must then cover 50% of operating costs. Short of any statutory changes, annual fare increases of 5¢ are therefore presently anticipated for the eighth through eleventh years.

The financing plan is largely pay-as-you-go, requiring only short-term bonding. The peak accumulated debt is projected to be only $191 million, as a result of which an estimated $150 million in interest will be avoided. In this manner, the entire system is expected to be paid out in just fifteen years.

Our fare of only 15¢ is considered quite a breakthrough in transit rate structures, but it is my studied opinion someone will surely establish a completely free transit system . . . and probably within this decade. Just as government provides free roadways and free street lighting, free park facilities and free lending libraries, there will be created free transit webs which will truly tie the geographical parts and governmental functions into regions of common service.

Once again an Atlanta idea is receiving national recognition. The Metropolitan Atlanta Rapid Transit Authority expects to alleviate current traffic congestion, reduce air pollution, tremendously increase economic activity . . . and provide maximum mobility . . . man's fifth freedom. It's no more than one would expect of Atlanta . . . a city that believes in excellence.

CURRENT U.S. TREASURY REFUNDING AND INTEREST RATE DEVELOPMENTS SINCE AUGUST 15, 1971

Mr. BENNETT. Mr. President, in reading the terms of the Treasury's newly announced refunding of its November 15th maturing securities, I am struck by the fact that this offering dramatically points up the very constructive development in financial markets and in interest rates that have taken place since the announcement of the President's New Economic Policy on August 15. I would like to call some of these important developments to your attention.

The Treasury announced yesterday its regular refunding of $7.9 billion notes and bonds maturing November 15, 1971. The Treasury is offering the holders of these November maturities the right to exchange them for a 7 year 6 percent note priced to yield 6.04 percent and a 15 year 6⅛ bond to yield 6.15 percent. In addition, these new securities are also being offered to the holders of $13.5 billion of issues maturing in May and August 1972. Thus, the Treasury is refunding its maturing November 1971 securities and prerefunding some of its May and August 1972 maturities.

This Treasury financing is being carried out against a background of very favorable bond market and interest rate developments since August 15. Confidence in the success of the New Economic Policy is high in the financial markets and interest rates in all sectors of the capital markets are down sharply.

The decline in interest rates is highlighted when we compare the interest rates of 6.04 and 6.15 percent on the Treasury's new 7 and 15 year securities with rates of 7.06 and 7.11 percent on issues offered by the Treasury for 5¼-year and 10-year maturities in late July of this year. This is a decrease in interest rates of approximately one full percentage point or about 14 percent in the past 2 months. Virtually all of this change has occurred since August 15 and represents a victory for the administration's New Economic Policy.

Confidence in the effectiveness of the President's program in achieving its goal of stable noninflationary economic growth has reduced the inflationary psychology that has accounted, in large measure, for the excessively high interest rates we have had in recent years. This positive change in public attitudes is reflected in declines in interest rates, not only in intermediate and longer term U.S. Treasury securities, but in all other important markets as well. For example:

Short-term Treasury bill rates—90 days—have declined from 5⅛ percent on August 13 to 4⅜ percent at present—this is a decline of 15 percent.

High-grade corporate bond interest rates have declined from 8.20 percent in early August to around 7.40 percent now, a drop of nearly 10 percent.

Rates on 10-year Federal Home Loan Bank bonds have declined from 7.32 percent at mid-August to 6.56 percent at present, down more than 10 percent. Rates on other Federal agency issues have declined similarly.

The interest rates that State and local governments pay for long-term funds for public projects have declined from 6.03 to 4.97 or 18 percent.

The commercial bank prime lending rate has just been cut to 5¾ percent from 6 percent prior to August 15.

In the housing and mortgage markets, there continues to be a very large flow of savings funds into financial institutions. Insured savings and loan associations, for example, have received net new savings inflows of $16.5 billion in the first 9 months of 1971, compared with only $2.0 billion in the same period of 1970. Other savings institutions are also experiencing strong inflows. This, combined with vigorous Government programs this year to assist the mortgage market, has produced a record volume of housing starts and mortgage lending.

Since August 15, there has been a significant softening in mortgage interest rates as evidenced, for example, by recent auctions by FNMA of commitments to purchase FHA and GI mortgages. In late July, mortgage yields in these auctions averaged, net of servicing, 7.74 percent, but by October 18, these interest rates had declined to 7.48 percent. Similar rate movements have been reported in conventional mortgages made by savings and loan associations around the country, indicating a clear easing in the costs of financing housing for American families.

All of this points up the fact that confidence in and public support for the New Economic Policy is being fully reflected in a smoother flow of credit in our financial system and declining interest rates. The continued success of the New Economic Policy in reducing inflation and inflationary expectations will, based on our experience since August 15, produce further reductions in interest rates which are consistent with economic growth without inflation.

As Secretary Connally said on October 27 before the House Banking and Currency Committee:

> In the light of this experience, Mr. Chairman, coupled with the promise of continued excellent cooperation from the Nation's lenders, I believe it would be most unfortunate if the Congress attempted to establish any sort of mandatory ceiling on interest rates. Things are going the way both you and the administration want. Let us not rock the boat.

ADDRESS BY SENATOR STEVENSON BEFORE CHICAGO CRIME COMMISSION

Mr. PELL. Mr. President, the distinguished junior Senator from Illinois (Mr. Stevenson) recently delivered an excellent address before the Chicago Crime Commission.

In that address, Senator Stevenson presented eloquently and forcefully the compelling arguments for control of handguns, the instruments of so much of the violent crime with which our Nation is afflicted.

I share with Senator Stevenson the conviction that control of handguns can contribute substantially to reducing the terrible toll of violence in crime, and the terrible risks faced daily by our peace officers, without infringing on the rights of legitimate users of handguns. The junior Senator from Illinois is to be commended for his leadership in this field.

I ask unanimous consent that the text of his address to the Chicago Crime Commission on October 18, 1971, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Adlai E. Stevenson III, to the Chicago Crime Commission, October 18, 1971

While preparing this address, I came across the statement of a commentator alarmed by crime and violence. "The land is full of bloody crime," he wrote, "and the city is full of violence."

The words are not from an editorial in one of our daily papers. They are not, as you might suspect, from a campaign speech of the last few political seasons.

They are from the Bible: the Old Testament, at that—the book of Ezekiel.

They prove, if they prove anything that the affliction of crime is an ancient one. Crime and violence are far from new.

Conditions which breed it may change. What is new is the intensity of concern on the part of citizens across the Nation about crime in America. Crime is no longer a local issue but a national issue, dissected in the press and felt in Washington.

In 1968, 81 per cent of Americans expressed their belief, according to the Harris poll, that "law and order have broken down."

This concern of most Americans is not false or illusory. Crime is a real and growing affliction of America. And with the increasing mobility and anonymity of our society it is increasingly a national problem.

We have our disagreements about the reliability of crime statistics. But the figures each year grow more alarming. They are more alarming this year despite the unprecedented efforts of the Justice Department to varnish the statistics of the FBI with self-congratulatory rhetoric.

There may be a touch of paranoia in the widespread fear of urban Americans to walk the streets at night. But I, for one, will not advise these citizens to abandon their caution.

Fear of crime exists because crime exists; the fear is real because the danger is real. And the crime that is most feared is violent crime: robbery, rape, assault and murder.

Other varieties of crime in America—white collar crime, organized crime, the so-called property crimes—inspire other emotions: anger, contempt, sometimes fascination. I know that much of the crime commission's effort in the past has been fixed upon severing the corrupting and creeping tenacles of organized crime in business and in politics. I have been a part of that effort in the past, and I beg you to continue until the distant time when you have succeeded and the need for a crime commission in Chicago no longer exists.

Today I want to speak of the fear near the heart of our disquiet as a people. It threatens cheap and easy answers and legislative gimmickry, wire tapping, preventive detention and the rest, some dangerous, some merely useless.

Violent crime causes fear. It commands the fleeting indignation of the candidate whom, with an eye on the next election, sees the fears of one against another. It should command the steady, sober, statesmanlike attention of all citizens and leaders—as it does yours—whose goal is a tranquil, self-confident and free society.

Unfortunately, the recent record of national leadership in this regard is not a happy one.

We have been subjected to campaigns at the highest levels in which the offices at stake seemed, at times, to be that of police chief or sheriff.

We heard, in 1968, a great deal of law and order rhetoric. We heard more in 1970.

A month ago the Attorney General, speaking in Washington before a meeting much like this one, claimed credit for the administration in its war on crime.

With the accession of his party to the White House, he said, "a Nation suddenly found that it had leadership in the war on crime." The result, in his words, is that "fear is being swept from the streets of some—though not all—American cities."

Such partisan rhetoric requires us to study the facts unvarnished by the politicians in the Justice Department.

And the facts are these:

In 1969, total crime went up by twelve per cent; violent crimes—murder, rape, robbery and assault—were up eleven per cent.

In 1970, total crimes rose eleven per cent; violent crimes rose twelve per cent.

In 1969 and 1970, 2.3 million more crimes were committed than in 1967 and 1968.

In most of our large cities, crime has been on the increase since 1968. Exceptionally good police work on the local level has enabled a few cities—including Chicago—to buck the trend.

In 1970 the Chicago crime rate ranked fifth lowest among the six cities with a population of one million or more. In 1971, during the first six months, it experienced a decrease in the number of serious crimes. The improvement in this city can be credited to the work of its law enforcement authorities and their supporters, including the Chicago Crime Commission—not to self-serving officials in Washington and in Springfield.

Upon what slender thread, then, can they boast success in the war on crime?

The slender thread, it seems, is that the national rate of increase in crime has slowed. That crime increased last year by 11.3 per cent—less than the twelve per cent increase in 1970 and the rates of the previous four years.

Less partisan observers than the Attorney General will find that fact cold comfort.

The fact is that the number of crimes is going up—under the present administration as under the past ones.

It is not my intention to join in a partisan numbers game. I seek only to point out that for Presidents and Attorney Generals to deplore crime is not to deter it. That takes action, not White House rhetoric and juggled statistics. Crime is still largely a matter for action by local law enforcement agencies aided by national resources directed selectively to the most pressing needs, such as corrections, and to areas of high crime rates, namely our cities, both of which are still sadly neglected in our national priorities.

Crime, especially violent crime, though it may be of national concern and receive national attention—is essentially a local problem.

There are ways in which a president can exert his leadership. He can, for example, bring to bear the moral power of his high office and his example to create a "reverence for the law"—a phrase which I borrow from Abraham Lincoln.

A President can deal soberly, unemotionally and responsibly with crime in America, knowing that the approach to the affliction must be public—not partisan. It does little good—and can do much harm—to tar the opposition with the brush of "permissiveness"; to align the opposition with the forces of disorder; to interfere with orderly processes of the law, as in the Manson and Calley cases.

A President can, in the troubled area of civil rights, declare that the law of the land shall not be mocked; that laws requiring equality of opportunity in the schools, in the voting booths and in our neighborhoods are sacred laws which demand obedience. If, instead, he chooses a course of hesitancy, or worse, he not only disillusions those who seek equal treatment but injures our respect for law.

A President can in fulfilling his duties under the law strive for excellence. But if instead his nominees to the Nation's highest court are distinguished chiefly by their absence of distinction, all of us in a system which depends upon respect for the law suffer. Marshall, Holmes, Brandeis, Frankfurter and Black exalted not only the court, but the rule of law. Mediocrity demeans the court and demeans the law.

The President and our legislatures at all levels can act to diminish violence in America; to banish fear and to save lives. I could speak of drug abuse, of tough, but compassionate, criminal laws, of our courts and corrections and the needs of our law enforcement authorities.

But today I would talk about an elementary easy step toward reducing crime and violence which we alone, of all the advanced nations on earth, we have not taken. We haven't controlled the possession of pistols.

For all the talk of law and order and all the White House conferences carefully contrived, it's still better to appease the gun lobby. It's more important to win the next election than to stop crime by gun, coercion by gun, killing by gun.

The fear of crime in America is first and foremost, a fear of violence. And violence in America is, first and foremost, violence by gun: Violence against citizens and violence against policemen in the performance of their duty.

It is time to stem that violence.

The dimensions of the problem are well known and staggering.

Total casualties from civilian gunfire in our century exceed our military casualties in all our wars, from the Revolution through Vietnam.

Each year, more than twenty thousand citizens are killed and 200,000 maimed or injured by guns.

The Nation has become an arsenal—with private ownership of guns estimated from 50 to 200 million.

Between 1964 and 1970 armed robberies increased 198 percent, 63 percent of the armed robberies were committed with guns, 65 per cent of all murders are committed with guns.

And the villain in this grisly pageant of crime and death is the handgun: the pistol—too easily obtained, too easily concealed, too easily used to coerce, maim and kill.

In Washington, one day's crime news in the Washington Post reveals the problem in starkly vivid terms:

"The youth drew a gun . . ."

"The men, one with a handgun . . . took his money . . ."

. ". . a man with a revolver confronted them . . ."

". . . I have a gun," the man said . . .

And so on.

On one day, September 20, twenty seven robberies were reported; twenty six involved the use of handguns.

Nationally, the crime gun is the handgun. Though only 27 per cent of the Nation's firearms are handguns, they account for most firearm assaults:

76 per cent of firearms homicides in 1967.

86 per cent of firearms assaults.

96 per cent of firearms robberies.

In the words of the President's own violence commission staff: "The handgun is the dominant firearm used in homicide. When firearms are involved in an assault and robbery . . . the handgun is almost invariably the weapon."

Police and law enforcement officials are rightly alarmed about the spread of handgun violence. The policeman in the line of duty is a prime target for the pistol-wielding offender.

In the last decade 633 policemen were murdered in the nation—most of them with guns; most of them with handguns. Last year 73 per cent of all the policemen killed in the line of duty in the nation where killed at the point of a pistol.

In Chicago, ten officers were slain last year five so far this year. The most recent, Patrolman William Johnson of Hamlin Avenue, died September 26. He was shot through the heart by a pistol.

Police commissioner Patrick Murphy of New York testified recently in Washington. "Ten times this year," he said:

"I have had to witness the burial of one of my men struck down in the line of duty by a killer. Nine of the ten were shot to death, and eight of the nine were murdered with illegal handguns . . . one hundred and fourteen other New York policemen have been subjected to handgun assaults this year. Some of them have been seriously injured—clinging tenuously to life at this very moment." The median age of the murdered officers, across the nation, is thirty years. They are struck down in the prime of life.

Once again, the response of the national administration to this violence is more rhetoric than action.

In the face of growing violence against policemen, this administration has proposed not to save the policemen, but to pay their widows!

It has proposed, not to act against the plague of handguns, but to provide $50,000 to the families of slain policemen. I proposed that in the last campaign—but it isn't enough to pay the widows. The inescapable truth is that the White House is more interested in exploiting the lives of policemen than in saving them. It still has given us no proposal to reduce the traffic in handguns; to stem the bloodshed from handgun violence; to save the lives of law enforcement officers. And all the indications are that it won't.

It is time for Congress to act.

I will, therefore, submit to the Senate a bill to stop the spread of handgun violence.

Its provisions will be clear and simple:

It applies to handguns only—the chief weapons of violent crime in America.

It requires every handgun to be registered and that every person owning a handgun obtain a Federal license. It interferes in no way with State laws and regulations concerning gun licensing and ownership. It applies to working pistols only—not antiques or replicas. And, though it requires that sportsmen and target shooters, like myself, obtain a license, it does not threaten their ownership of pistols.

This bill will require that a handgun owner be at least eighteen years of age; that he be free of alcoholism, drug addiction or mental disease.

It requires that he be free of any criminal conviction carrying more than one year's imprisonment; that he is not a fugitive from justice, and that he demonstrate, to the satisfaction of the licensing authority, that his ownership of a handgun is for a legitimate purpose; and that he is mentally and physically fit to own and use a pistol.

The bill restricts the importation, manufacture and transfer of second hand, "junk" and unregistered guns.

It sets up penalties for violators: imprisonment not to exceed five years; a fine of $5,000 or both.

This bill is a workable and practical answer to the plague of handgun violence. It recognizes the legitimate uses for guns. It also recognizes that you don't shoot ducks with a snub nosed .38.

To those who believe the slogan that criminals—not guns—commit crimes, I would say this. Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. Other instruments of injury—cars, even dogs, are licensed. There's no instrument more sinister than the lethal, concealable pistol. If a gun is not used in a crime, the chance of death is five times less. Any policeman knows that a suspect who must rely upon a knife, a bottle or his fists is not so bold and not so dangerous.

There are those who point out that gun control laws in the past have been less than effective. They are right. Our present gun laws are a patchwork of 20,000 laws—some ancient, some unenforced or unenforceable, all too narrow and too inconsistent to be nationally effective. But this is an argument for, not against, effective national laws.

The evidence is strong that in cities—such as Boston and New York—where gun control is strict, the use of guns in homicides is less:

More than 40 per cent less than the national percentage in New York.

30 per cent less in Boston.

And the evidence is clear that in regions where guns are most numerous—the South and West—violent crimes involving guns are at their worst.

The risks of handgun ownership, for all but the most convincing reasons, outweigh the benefits. And we who are law abiding ought to gladly accept the minor inconvenience of restricted handgun ownership—in order to control the spread of criminal violence in America.

This bill is a compromise between the extremes of those who unrealistically propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It recognizes that many crimes are committed in moments of passion, the violence made possible by the easy accessibility of pistols. It recognizes the need of law enforcement authorities for means to disarm and prosecute those apprehended in the possession of unlicensed handguns. It offers the law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries caused by the easy accessibility to handguns.

The public dialogue is divided between the extremes: between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between conservatives who believe we are a soft society and liberals who believe we are a sick society.

None of them, it seems to me, is right. I'm not ready to admit that we are, and must be, in urban America, a gun-toting society—some vestige of an imaginary wild west past glorified in the movies and on the television screens.

I am not ready to admit either that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time now to correct the ancient failure.

It is time to stop the bloodshed that handguns bring.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to protect the lives—of citizens, of policemen—that handguns endanger.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention of those whose purpose when they founded our Nation, was "to form a more perfect union; to establish justice; to ensure domestic tranquility."

PROBLEMS CONFRONTING WELFARE SYSTEM

Mr. ALLOTT. Mr. President, in recent weeks I have had occasion to invite the attention of the Senate to several important essays by respected thinkers dealing with the problems confronting our welfare system.

Among those was an essay by Prof. Nathan Glazer, of Harvard University. Today I invite attention to another recent article by Professor Glazer.

This essay, entitled "The Limits of Social Policy," is from the September issue of Commentary, a journal which, along with the Public Interest—to which Professor Glazer frequently contributes—is doing noble work in addressing the most complex and important domestic problems of the day.

He defines his subject—social policy—in this way:

> The term "social policy" is very elastic. I use it to describe all those public policies which have developed in the past hundred years to protect families and individuals from the accidents of industrial and urban life, and which try to maintain a decent minimum of living conditions for all. The heart of social policy is the relief of the condition of the poor, and it is in that sense I use the term here.

Professor Glazer gives special emphasis to two propositions:

> (1) Social policy is an effort to deal with the breakdown of traditional ways of handling distress. These traditional mechanisms are located primarily in the family, but also in the ethnic group, the neighborhood, and in such organizations as the church and the *landsmanschaft*.
>
> (2) In its efforts to deal with the breakdown of these traditional structures, however, social policy tends to encourage their further weakening. There is, then, no sea of misery against which we are making steady headway. Our efforts to deal with distress themselves increase distress.

Professor Glazer thinks the limited effectiveness of our social policies reflect three factors—limitations of resources, the professionalization of services, a lack of knowledge—and he adds:

> But aside from these problems of cost, of professionalization, and of knowledge, there is the simple reality that every piece of social policy substitutes for some traditional arrangement, whether good or bad, a new arrangement in which public authorities take over, at least in part, the role of the family, of the ethnic and neighborhood group, or of the voluntary association. In doing so, social policy weakens the position of these traditional agents, and further encourages needy people to depend on the government, rather than on the traditional structures, for help. Perhaps this is the basic force behind the ever growing demand for social policy, and its frequent failure to satisfy the demand.

All Senators know that in the not very remote future we will have to come to grips with the welfare crisis in this country. If Professor Glazer is correct, and I believe he is, our first task will not be to "solve" the crisis, but rather to make an intelligent attempt to ease it a bit without making matters worse. Anyone even slightly familiar with the intricacies of this enveloping crisis will understand that the success of even this modest venture is by no means certain.

Specifically, Professor Glazer suggests serious reasons for doubting whether the family assistance program as currently conceived will be more help than hindrance to our attempt to ease the welfare crisis.

He points out that the four principle characteristics of this program—inclusion of the working poor, work incentives, grants divorced from services and the stigma of investigation, the requirement that the able-bodied register for work or job-training—are already in operation in New York where, perhaps not coincidentally, the welfare crisis is most severe.

As Professor Glazer says:

> The dilemma of income maintenance is that, on the one hand, it permits the poor to live better, but on the other, it reduces their incentive to set up and maintain those close units of self-support—family in the first case, but also larger units—that have

always, both in the past and still in large measure today, formed the fabric of society.

Mr. President, so that all Senators can profit from another of Professor Glazer's important essays, I ask unanimous consent that "The Limits of Social Policy" be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

THE LIMITS OF SOCIAL POLICY

(By Nathan Glazer)

There is a general sense that we face a crisis in social policy, and in almost all its branches. Whether this crisis derives from the backwardness of the United States in social policy generally, the revolt of the blacks, the fiscal plight of the cities, the failure of national leadership, the inherent complexity of the problems, or the weakening of the national fiber, and what weight we may ascribe to these and other causes, are no easy questions to settle. I believe there is much at fault with the way we generally think of these matters, and I wish to suggest another approach.

The term "social policy" is very elastic. I use it to describe all those public policies which have developed in the past hundred years to protect families and individuals from the accidents of industrial and urban life, and which try to maintain a decent minimum of living conditions for all.[*] The heart of social policy is the relief of the condition of the poor, and it is in that sense I use the term here.

There are, I believe, two prevailing and antagonistic views of social policy.

One—I will call it the "liberal" view—operates with a model of the social world in which that world is seen as having undergone progressive improvement for, roughly, the past hundred years. The unimproved world, in this view, was the world of early and high industrialism. Market forces prevailed unobstructed, or nearly so. The enormous inequalities they created in wealth, power, and status were added to the still largely unreduced inequalities of the pre-industrial world. This situation, which meant that most men lived in squalor while a few, profiting from the labor of the many, lived in great luxury, was seen by a developing social conscience as both evil and dangerous. It was evil because of the huge inequalities that characterized it and because of its failure to insure a decent minimum at the bottom levels; and it was dangerous because it encouraged the destitute to rebellion against industry and the state. Consequently, in Bismarck's Germany, and somewhat later on in England, conservative states grew worried about rebellion and workingmen began to be protected against complete penury in old age or in times of unemployment through industrial accident and illness; small beginnings were also made in helping them cover some of the costs of medical care. Gradually, such measures of protection were extended to cover other areas like housing, and were made available to broader and broader classes of people.

In the liberal view, then, we have a sea of misery, scarcely diminished at all by voluntary charitable efforts. Government then starts moving in, setting up dikes, pushing back the sea and reclaiming the land, so to speak. In this view, while new issues may be presented for public policy, they are never really new—rather, they are only newly *recognized* as issues demanding public intervention. Thus the liberal point of view is paradoxically calculated to make us feel both guiltier and more arrogant. We feel guilty for not having recognized and acted on injustices and deprivations earlier, but we also feel complacently superior in comparison to our forebears, who did not recognize or act on them at all.

I have given a rather sharp and perhaps caricatured picture of the liberal view. Liberals are of course aware that new needs—and not simply new recognitions of old needs—arise. Nevertheless, the typical stance of the liberal in dealing with issues of social policy is blame—not of the unfortunates, those suffering from the ills that the social policy is meant to remove, but of society, of the political system and its leaders. The liberal stance is: for every problem there is a policy, and even if the problem is relatively new, the social system and the political system must be indicted for failing to tackle it earlier.

There is another element in the liberal view. It sees vested interests as the chief obstacle to the institution of new social policies. One such interest consists simply of those who are better off—those not in need of the social policy in question, who resist it because of the increase in taxes. But other kinds of obstructive interests are also there: real-estate people and landlords in the field of housing, employers subject to payroll taxes in the field of social security, doctors in the field of medical care, and so on.

Despite the assumption here of a conflict pitting liberals against conservatives, I would suggest that the main premises behind this general picture of social policy are today hardly less firmly held by conservatives than they are by liberals. In the American context, conservatives will differ from liberals because they want to move more slowly, give more consideration to established interests, keep taxes from going up too high. They will on occasion express a stronger concern for traditional values—work, the family, sexual restraint. But on the whole the line dividing liberals from conservatives grows steadily fainter. The Family Assistance Program, the major new reform of the welfare system proposed by the Nixon administration, will illustrate my point. Anyone who reads through the Congressional hearings on this proposal will be hard put to distinguish liberals from conservatives in terms of any naive division between those who favor the expansion of social policy and those who oppose it.

It is not only in America that one sees the merging of liberal and conservative views on social policy, and not only today. Bismarck after all stands at the beginning of the history of modern social policy. In the countries of northwest Europe, the differences over social policy between liberals and conservatives are even narrower than they are in this country. In England, very often the issue seems to turn on such questions as what kind of charges should be imposed by the National Health Service for eyeglasses or prescriptions. It was this kind of reduction in the conflicts over basic values in advanced industrial societies that in the 1950's led Raymond Aron and Daniel Bell to formulate their ideas about "the end of ideology." And while in the 1960's all the old ideologies returned to these countries in force, it remains true that ideological battles between major political parties have been startlingly reduced in intensity since World War II.

Having incorporated the conservative point of view on social policy into the liberal, I will go on to the only other major perspective that means much today, the radical. The radical perspective on social policy comes in many variants, but they can all be summed up quite simply: If the liberal, and increasingly the conservative, believes that for every problem there must be a specific solution, the radical believes that there can be no particular solutions to particular problems, but only a general solution, which is a transformation in the nature of society itself.

This point of view has consequences, just as the liberal point of view does. If, for example, the conservative proposes a guaranteed annual income of $1,600 for a family of four, and the liberal proposes that the figure be doubled or tripled, the radical will feel quite free to demand an even higher minimum. He knows that his figure is unlikely to be adopted, but he also knows that he can cite this failure as proof of his contention that the system cannot accommodate decent social demands. If, on the other hand, his policy or something like it is taken seriously, he can hope for a greater degree of class conflict as demands that are very difficult to implement are publicized and considered. And even if his policy is implemented, the radical remains firm in his faith that nothing has changed; the new policy is after all only a palliative; it does not get to the heart of the matter; or if it does get to the heart of the matter, it gets there only to prevent the people from getting to the heart of the largest matters of all. Indeed, one of the important tenets of radicalism is that nothing ever changes short of the final apocalyptic revolutionary moment when everything changes.

As against these two perspectives—the one that believes in a solution to every problem, and the other that believes in no solution to any problem save revolutionary change—I want to present a somewhat different view of social policy. This view is based on two propositions:

(1) Social policy is an effort to deal with the breakdown of traditional ways of handling distress. These traditional mechanisms are located primarily in the family, but also in the ethnic group, the neighborhood, and in such organizations as the church and the *landsmanschaft*.

(2) In its effort to deal with the breakdown of these traditional structures, however, social policy tends to encourage their further weakening. There is, then, no sea of misery against which we are making steady headway. Our efforts to deal with distress themselves increase distress.

I do not mean to suggest any automatic law. I do suggest processes.

One is the well-known revolution of rising expectations. This revolution is itself fed by social policies. Their promise, inadequately realized, leaves behind a higher level of expectation, which a new round of social policy must attempt to meet, and with the same consequences. In any case, by the nature of democratic (and perhaps not only democratic) politics, again and again more must be promised than can be delivered. These promises are, I believe, the chief mechanisms in educating people to higher expectations. But they are, of course, reinforced by the enormous impact of mass literacy, the mass media, and expanding levels of education. Rising expectations continually enlarge the sea of felt and perceived misery, whatever may happen to it in actuality.

Paralleling the revolution of rising expectations, and adding similarly to the increasing difficulties of social policy, is the revolution of equality. This is the most powerful social force in the modern world. Perhaps only Tocqueville saw its awesome potency. For it not only expresses a demand for equality in political rights and in political power; it also represents a demand for equality in economic power, in social status, in authority in every sphere. And just as there is no point at which the sea of misery is finally drained, so, too, is there no point at which the equality revolution can come to an end, if only because as it proceeds we become ever more sensitive to smaller and smaller degrees of inequality. More important, different types and forms of equality inevitably emerge to contradict each other as we move away from a society of fixed social orders. "From each according to his abilities, to each according to his need"; so goes one of the greatest of the slogans invoked as a test of equality. But the very slogan itself already incorporates two terms—"abilities" and "needs"—that open the way for a justification of inequality. We live daily with the consequences of the fact that equal treatment of individuals does not necessarily lead to "equality" for groups. And we can point to a host of other contradictions as well which virtually guarantee that the slogan of "equality" in any society at all will continue to arouse passions and lead to discontent.

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[*] This definiton excludes measures aimed at influencing the entire economic or physical environment, even though such measures certainly have some claim to be considered as falling within the realm of social policy and may well be evaluated in terms of their effect on those vulnerable elements of the population who are the special target of social policy. Education, too, falls increasingly into the sphere of social policy, particularly when it is seen as a means of protecting people from poverty and destitution. The same is true of the control of crime, particularly if we see it as a response to poverty and destitution. I shall, however, exclude both these areas from my discussion.

But in addition to the revolution in rising expectations and the revolution of equality, social policy itself, in almost every field, creates new and, I would argue, unmanageable demands. It is illusory to see social policy only as making an *inroad* on a problem; there are dynamic aspects to any policy, such that it also *expands* the problem, *changes* the problem, *generates* further problems. And for a number of reasons, social policy finds it impossible to deal adequately with these new demands that follow the implementation of the original measures.

The first and most obvious of these reasons is the limitation of resources. We in this country suffer from the illusion that there is enough tied up in the arms budget to satisfy all our social needs. Yet if we look at a country like Sweden, which spends relatively little for arms—and which, owing to its small size, its low rate of population growth, and its ethnic homogeneity, presents a much more moderate range of social problems than does the United States—we will see how even the most enlightened, most scientific, least conflict-ridden effort to deal with social problems leads to a tax budget which takes more than 40 per cent of the Gross National Product.

And new items are already emerging on Sweden's agenda of social demands that should raise that percentage even higher. For example, at present only a small proportion of Swedes go on to higher education. Housing is still in short supply and does not satisfy a good part of the population. And presumably Swedish radicals, growing in number, are capable of formulating additional demands, not so pressing, that would require further increases in taxation—if, that is, any society can go much beyond a taxation rate of 40 per cent of its Gross National Product.

In this country, of course, we still have a long way to go. By comparison with Sweden and with other developed nations (France, West Germany, and England) our taxes are still relatively low, and there is that huge 8 per cent of the GNP now devoted to arms and war that might be diverted, at least in part, to the claims of social policy. But social demands could easily keep up with the new resources. We now spend between 6 and 7 per cent of the GNP on education, and about as much on health. It would be no trick at all to double our expenditures on education, or on health, simply by taking account of proposals already made by leading experts in these fields. We could with no difficulty find enormous expenditures to make in the field of housing. And quite serious proposals (I believe they are serious) are now put forward for a guaranteed minimum income of $6,500 for a family of four, with no restrictions.

My point is not that we either could not or should not raise taxes and use the arms budget for better things. It is that, when we look at projected needs, and at the experience of other countries, we know that even with a much smaller arms budget and much higher taxes, social demands will continue to press on public resources. And we may suspect that needs will be felt then as urgently as they are now.

A second limitation on the effectiveness of social policy is presented by the inevitable professionalization of services. Professionalization means that a certain point of view is developed about the nature of needs and how they are to be met. It tends to handle a problem by increasing the number of people trained to deal with that problem. First, we run out of people who are defined as "qualified" (social workers, counselors, teachers, etc.). Second, this naturally creates dissatisfaction over the fact that many services are being handled by the "unqualified." Third, questions arise from outside the profession about the ability of the "qualified" themselves to perform a particular service properly. We no longer—and often with good reason—trust social workers to handle welfare, teachers and principals to handle education, doctors and hospital administrators to handle health care, managers to handle housing projects, and so on. And yet there is no one else into whose hands we can entrust these services. Experience tells us that if we set up new agencies it will be only a very few years before a new professionalism emerges which will be found limited and untrustworthy in its own turn. So, in the poverty program, we encouraged the rise of community-action agencies as a way of overcoming the bad effects of professionalism, and we already find that the community organizers have become another professional group, another interest group, with claims of their own which have no necessary relation to the needs of the clients they serve.

The third limitation on the effectiveness of social policy is simply lack of knowledge. We are in the surprising position of knowing much more than we did at earlier stages in the development of social policy—more about income distribution, employment patterns, family structure, health and medical care, housing and its impact, etc.—and simultaneously becoming more uncertain about what measures will be most effective, if effective at all, in ameliorating pressing problems in each of these areas. In the past, there was a clear field for action. The situation demanded that something be done; whatever was done was clear gain; little as yet was expected; little was known, and administrators approached their tasks with anticipation and self-confidence. Good administrators could be chosen, because the task was new and exciting. At later stages, however, we began dealing with problems which were in some absolute sense less serious, but which were nevertheless irksome and productive of conflict. We had already become committed to old lines of policy; agencies with their special interests had been created; and new courses of action had to be taken in a situation in which there was already more conflict at the start, less assurance of success, and less attention from the leaders and the best minds of the country.

Thus, if we look at the history of housing policy, for example, we will see that in the earlier stages—the 20's and 30's—there was a good deal of enthusiasm for this subject, with the housing issue attracting some of the best and most vigorous minds in the country. Since little or nothing had been done, there was a wide choice of alternatives and a supply of good men to act as administrators. In time, as housing programs expanded, the issue tended to fade from the agenda of top government. (Indeed, it has been difficult to get much White House attention for housing for two decades.) Earlier programs precluded the possibilities for new departures, and as we learned more about housing and its effects on people, we grew more uncertain as to what policies—even theoretically—would be best. Housing, like so many other areas of social policy, became, after an initial surge of interest, a field for experts, with the incursions of general public opinion becoming less and less informed, and less and less useful. This process is almost inevitable—there is always so much to know.

Perhaps my explanation of the paradox of knowledge leading to less confident action is defective. Perhaps, as the liberal perspective would have it, more knowledge will permit us to take more confident and effective action. Certainly we do need more knowledge about social policy. But it also appears that whatever great actions we undertake today involve such an increase in complexity that we act generally with less knowledge than we would like to have, even if with more than we once had. This is true for example of the great reform in welfare policy—which I shall discuss below—that is now making its way through Congress.

But aside from these problems of cost, of professionalization, and of knowledge, there is the simple reality that every piece of social policy substitutes for some traditional arrangement, whether good or bad, a new arrangement in which public authorities take over, at least in part, the role of the family, of the ethnic and neighborhood group, or of the voluntary association. In doing so, social policy weakens the position of these traditional agents, and further encourages needy people to depend on the government, rather than on the traditional structures, for help. Perhaps this is the basic force behind the ever growing demand for social policy, and its frequent failure to satisfy the demand.

To sum up: Whereas the liberal believes that to every problem there is a solution, and the radical believes that to any problem there is only the general answer of wholesale social transformation, I believe that we can have only partial and less than wholly satisfying answers to the social problems in question. Whereas the liberal believes that social policies make steady progress in nibbling away at the agenda of problems set by the forces of industrialization and urbanization, and whereas the radical believes that social policy has made only insignificant inroads into these problems, I believe that social policy has ameliorated the problems we have inherited but that it has also given rise to other problems no less grave in their effect on human happiness than those which have been successfully modified.

The liberal has a solution, and the radical has a solution. Do I have a solution? I began this discussion by saying that the breakdown of traditional modes of behavior is the chief cause of our social problems. That, of course, is another way of saying industrialism and urbanization, but I put it in the terms I did because I am increasingly convinced that some important part of the solution to our social problems lies in traditional practices and traditional restraints. Since the past is not recoverable, what guidance could this possibly give? It gives two forms of guidance: first, it counsels hesitation in the development of social policies that sanction the abandonment of traditional practices and second, and perhaps more helpful, it suggests that the creation and building of new traditions must be taken more seriously as a requirement of social policy itself.

II

A nation's welfare system provides perhaps the clearest and severest test of the adequacy of its system of social policy in general. Welfare, which exists in all advanced nations, is the attempt to deal with the distress that is left over after all the more specific forms of social policy have done their work. After we have instituted what in America is called social security (and what may generally be called old-age pensions); after we have expanded it to cover widows, dependent children, and the disabled; after we have instituted a system to handle the costs of medical care, and to maintain income in times of illness; after we have set up a system of unemployment insurance; after we have enabled people to manage the exceptional costs of housing—after all this there will remain, in any industrial system, people who still require special supports, either temporarily or for longer period of time.

In thus describing the place of welfare, or "public assistance," in a system of social policy, I am of course describing its place in an *ideal* system of social policy. I do not suggest for a moment that our programs of social security, health insurance, unemployment insurance, housing, are as yet fully adequate (though as I understand these matters, even if they were better, they would still not be seen as fully adequate). The strange thing, however, is that even if we go to countries whose systems of social insurance could well serve as models of comprehensiveness and adequacy, we find that the need for welfare or public assistance still remains, and on a scale roughly comparable to our own. In Sweden, the number of persons receiving public assistance was 4.4 per cent of the population in 1959, and it was in the same year less than 4 per cent in America. In England, despite the broad range of social policy there, the number of those on Supplementary Benefits—the English welfare, formerly known as National Assistance—is of the same order of magnitude. In Sweden and England, too, we find concern, though much less than here, over the stigma of welfare, over the effects of a degrading means test, over the problem of second- and third-generation welfare families.

Why, then, do we have, or consider that we have, a greater problem than they do? One reason is that, whereas in Sweden the proportion of those on welfare declines as other forms of social insurance broaden their coverage and become more effective, quite the opposite has happened here. In this country, there has been a rise in the number of people on welfare during the past decade. The rise is not phenomenal—from 4 to 6 per cent of the population. Nor, interestingly enough, despite the increased cost of welfare, does it form a really heavy burden on the budget. The cost of welfare, though rising, still accounts for only a bit more than one per cent of the Gross National Product, and 6 per cent of the federal budget. However, it forms a greater share of state and local revenues, and in some larger cities up to 15 per cent of the population is on welfare. That is one reason it has become a serious problem.

But there are more important reasons. In Sweden and England a high proportion of those requesting public assistance are the aged; in America the aged constitute a smaller proportion of the welfare population, and families a much larger share. Indeed, our increase over the past ten years has been almost entirely concentrated in the family population, those assisted under the federal program called Aid to Families with Dependent Children (ADC). Here the situation is quite startling. In 1955, 30 out of every thousand American children received welfare; by 1969 this had doubled to more than 60 out of every thousand. In New York City, where eligibility has always been broad, and where the city and the state provide welfare to families not covered by the federal statute, the increase has been even more dramatic. In 1960, there were 328,000 persons on welfare in New York City, of whom 250,000 were in the family categories (children and their parents). In 1969, there were 1,012,000—about 12 or 13 per cent of the population—of whom 792,000, or four-fifths, were in the family categories. Yet during the same period, there seems to have been a drop in the number of families in poverty—from 13 to 10 per cent of all families—and the rate of unemployment was halved, from 6 per cent to 3 per cent.

A second reason why welfare is a more serious matter in America than in Sweden or or England is that in those countries it is a problem of the backward areas, whereas here it is a problem of the most advanced. A third and final reason is that welfare has come to be seen in America as a *regular* means of *family* support. In England and Sweden welfare is thought of as emergency aid, provided in response to a special crisis, and meant to put a destitute family back on its feet. In America the situation of the destitute family is increasingly considered a more or less permanent condition for which provision over a very long period of time must be made.

Why should all this be so? One of the most popular explanations to be advanced is that no jobs are available for the men—mainly unskilled—who would ordinarily support these families. In fact, however, unskilled jobs were widely available in the latter part of the 60's, just when the number of families on welfare increased so impressively. It is true that these jobs did not generally pay enough to support a family, but it is also true that large numbers of the urban unemployed were young and unmarried men and women who were not as yet required to support families on their own, though they might well have been capable of contributing to the support of the parental household in which they presumably lived. (The majority of American families, as it happens, are supported by two earners, or more.)

There is a modified form of the argument that no jobs are available, which is that since the actually available jobs do not pay enough to support a family, and since there is no way for working husbands to get supplementary assistance, they are encouraged to defect in order to make their families eligible for help. But let us consider the advanced jurisdictions, like New York State, where complete families *are* eligible for support and have been for a long time, and where a working husband *can* have his income supplemented to bring it up to some necessary minimum for the support of his family. It is just in these jurisdictions that we have had the most remarkable increase in the number of families broken up by abandonment. In 1961 there were about 12,000 deserted families on welfare in New York City. In 1968, there were 80,000, a more than sixfold increase during a period when the population of the city, inoverall numbers, remained stable. During the same period, there was a more moderate increase in the number of welfare families that consisted of mothers and illegitimate children, from 20,000 to 46,000. In other words, the family welfare population shifted to one overwhelmingly consisting of abandoned women and their children.

Another effort to account for the situation argues that high welfare payments in New York and other Northern cities encouraged migration from the South and from the rural areas. This probably played some role. But there is no evidence that abandoned families in these areas moved to New York in larger numbers in the 60's than in the 50's. And if the abandonment took place in New York, in a brisk job market, we would want to know why it took place, and migration would not be the explanation.

Then there is the view which holds that in the 1960's—with the spread of concern about poverty, with the development of community organizations, and with the rise of such groups as the National Welfare Rights Organization—more and more of the poor discovered their entitlement to welfare, more and more became willing to apply for it, and higher and higher proportions of those applying were accepted. According to this explanation, then, it was not the poor who increased in numbers, but only the poor on welfare. This is undoubtedly part of the story. But think once again of that huge increase in the number of abandoned families on welfare. If there were just as many, or almost as many, before, what did they do to stay alive?

Still another interpretation emphasizes the fact that the levels of welfare aid in New York became higher during the 60's. This would certainly mean that more and more workers could apply for income supplements. But why would it mean a six-and-a-half times increase in the number of abandoned families?

One must take developments in New York seriously because in many respects they can be considered a test run of the Family Assistance Program, the reform in the welfare system proposed by the Nixon administration and still working its way, after various revisions, through Congress. Without going into detail, and leaving aside the fact that welfare would acquire a national floor and a national administration, there are, I believe, four major features that distinguish the Family Assistance Program from the system we have at present.

The most important is that the working poor would be included in the same system as the non-working poor. The reasoning behind this feature is as follows. Welfare levels cannot be raised if people on welfare get as much as, or more than, people who are working. This would first of all lead to political resistance and resentment on the part of the working poor. Further, they would try to redefine themselves as incapable of work in order to get the higher benefits of the non-working poor. If, however, the working poor are also included, their resistance to higher levels of welfare will decline, and they will have less incentive to become non-working.

A second major difference is that a substantial incentive to work is built into the program. Thus, working leads not to the loss of welfare benefits but to an overall increase in the family income. Family Assistance payments are reduced when there is more earned income, but only as a proportion of the increased earnings.

Third, the grant would in part be divorced from services and from the stigma of investigation. It cannot be fully divorced from investigation—it is after all a grant based on need—but the hope is that in its administration it will become more of an impersonal income-maintenance program and less involved in the provision of help through services rather than through money.

A fourth feature of the new law is that, in addition to building in an incentive to work, it contains a *requirement* that everyone capable of work register for job training or for employment. If there is a father, he must register; if there is no father, the mother must register unless she has children still below school age. (This feature has been the target of much criticism, because of the element of compulsion.)

What are we to conclude about the prospects of the new system? Since all four of its features are in large measure already in existence in New York State, whose condition is not exactly of the happiest, we can be sure that Family assistance will not succeed in "solving" the problems of welfare. What it will do is redistribute more income, and put more money into the pockets of the poor. It will raise the abysmally low welfare payments in large areas of the South. It may, by moving some part of the way toward national standards, reduce immigration to the big cities of the North. It will provide some relief—but relatively little—to the states and local jurisdictions that now are heavily burdened with welfare costs. All this is to the good. But what the new system will not do, I believe, is strengthen the family or substantially increase the number of those on welfare willing to enter the labor force. If it does, the accomplishment will be a mystery because similar arrangements have not done so in New York, nor in any of the other states in which families with unemployed males are eligible for welfare, or where a work requirement exists. The forces leading to the breakdown of male responsibility for the family among some of the poor seem greater than those the new program calls into play to counteract them.

This brings us back to my original point, and to a possible answer to the question I posed earlier as to how we can account for the dramatic increase in recent years of abandoned families on welfare. The constraints that traditionally kept families together have weakened. In some groups they may not have been strong to begin with. Our efforts to soften the harsh consequences of family breakup speak well of our compassion and concern, but these efforts also make it easier for fathers to abandon their families or mothers to disengage from their husbands. Our welfare legislation has often been harsh, and its administration harsher. But the steps we take in the direction of diminished harshness must also enhance the attractions of either abandonment or disengagement and encourage the recourse to welfare.

And yet, what alternatives do we have? This Family Assistance Program is after all the most enlightened and thoughtful legislation to have been introduced in the field of welfare in some decades.

My own tendency, following from the basic considerations I have suggested, would be to ask how we might prevent further erosion of the traditional constraints that still play the largest role in maintaining a civil society. What keeps society going, after all, is that most people still feel they should work—however well they might do without working—and most feel that they should take care of their families—however attractive it might on occasion appear to be to desert them. Consequently we might try to strengthen the incentive to work. The work-incentive provision is the best thing about Family Assistance, but we need to make it even stronger. Our dilemma is that we can never make this incentive as strong as it was when the alternative to work was starvation, or the uncertain charity of private organizations. Nor is it politically feasible to increase the incentive by reducing the levels at which we maintain the poor—if anything, the whole tendency of our thinking and feeling is to raise them, as indeed FAP does. The only alternative, then, is to increase the incentive to work by increasing the attractiveness of work. I do not suggest that this is at all simple (we know the ambiguous results, for example, of raising the minimum wage). Could we, however, begin to attach to low income jobs the same kind of fringe benefits—health insurance, social security, vacations with pay—that now make higher-paying jobs attractive, and that paradoxically in some form are also available to those on welfare?

The dilemma of income maintenance is that, on the one hand, it permits the poor to live better, but on the other, it reduces their incentive to set up and maintain those close units of self-support—family in the first case, but also larger units—that have always, both in the past and still in large measure today, formed the fabric of society. The administration proposal is a heroic effort to improve the condition of the poor without further damage to those social motivations and structures which are the essential basis for individual security everywhere. But does not the history of our efforts to expand policies of income support suggest that inevitably improvement and damage go together?

In other critical areas of social policy, too, the breakdown of traditional measures, traditional restraints, traditional organization, represents, if not the major factor in the crisis, a significant contribution to it. Even in an area apparently so far removed from tradition as health and medical care, the weakening of traditional forms of organization can be found upon examination to be playing a substantial role, as when we discover that drug addiction is now the chief cause of death—and who knows what other frightful consequences—among young men in New York.

Ultimately, we are not kept healthy, I believe, by new scientific knowledge or more effective cures or even better-organized medical-care services. We are kept healthy by certain patterns of life. These, it is true, are modified for the better by increased scientific knowledge, but this knowledge is itself communicated through such functioning traditional organizations as the school, the voluntary organization, the family. We are kept healthy by having access to traditional means of support in distress and illness, through the family, the neighborhood, the informal social organization. We are kept healthy by decent care in institutions where certain traditionally-oriented occupations (like nursing and the maintenance of cleanliness) still manage to perform their functions. I will not argue the case for the significance of traditional patterns in maintaining health at length here; but I believe it is a persuasive one.

One major objection, among many, that can be raised against the emphasis I have placed on tradition has to do with the greater success of social policy in a country like Sweden which shows a greater departure from traditionalism than America does. And it is indeed true that social services in Sweden, and England as well, can be organized without as much interference from tradition-minded interest groups of various kinds (including the churches) as we have to contend with in this country. Certainly this is an important consideration. But I would insist that behind the modern organization of the social services in the advanced European countries are at least two elements that can legitimately and without distortion be called traditional.

One is authority. Authority exists when social workers can direct clients, when doctors can direct nurses, when headmasters can direct teachers, when teachers can discipline students and can expect acquiescence from parents. Admittedly this feature of traditionalism itself serves the movement *away* from tradition in other social respects. The authority will be used, as in Sweden, to institute sex education in the schools, to insure that unmarried girls have access to contraceptives, to secure a position of equality for illegitimate children.

But then another feature that can legitimately be called traditional—ethnic and religious homogeneity—sets limits in these countries on how far the movement away from the traditional—toward indeed a new tradition—may be carried. In America, by contrast, it is the very diversity of traditions—ethnic, religious, and social—that makes it so hard to establish new forms of behavior that are universally accepted and approved, and that also makes it impossible to give the social worker, the teacher, the policeman, the judge, the nurse, even the doctor, the same authority they possess in more homogeneous countries.

But there is a more basic sense in which tradition is stronger in the countries of Western Europe than here. Whatever the situation with sex education and with the laws governing illegitimacy, divorce is less frequent in Sweden and England, responsibility for the rearing of children is still consistently placed within the family, and the acceptance of work as a normal pattern of life is more widespread and less challenged. In England and Sweden it is still taken for granted that the aim of welfare is to restore a man to a position in which he can work, earn his living, support his family. And indeed the psychological damage that renders a man unfit for work, and the ideology arguing against the desirability of work, are so little known in England and Sweden that the restoration of family independence is a fair and reasonable objective of welfare. But this is no longer a reasonable view of welfare for substantial parts of the American population. It is in this core sense that America has gone further in the destruction of tradition than other countries. In doing so, America comes face to face, more sharply than any other country yet has, with the limits of social policy.

UNJUSTIFIED PRICE RISES UNDER FREEZE

Mr. PROXMIRE. Mr. President, there is no justification at all why items allegedly frozen under the price freeze should have risen at an annual rate of 4.8 percent in September. The Cost of Living Council must crack down and make examples of those who have cheated on the price freeze. When the October price index comes out, the American people have every right to expect no increase at all in prices covered by the freeze.

When the Consumer Price Index for September was first announced, there was general public acclaim that the overall rate of increase declined from an annual rate of 4.5 percent in August to 2.4 percent in September. That seemed a welcome relief.

But when one examines the detailed figures, the 2.4-percent rise indicates that something is terribly wrong. The real question is, why should prices have risen at all?

NONFROZEN PRICES DOWN

Some will say that you cannot freeze everything and that nonfrozen prices were the cause. But that is not true. Raw agriculture prices went down as did the prices of fresh fruits and vegetables and eggs. If the unfrozen items are taken out, prices rose by a whopping 4.8 percent instead of the 2.4 percent.

Wages did not go up. They did not increase costs. Wage and salary payments in September for the country as a whole were $580.9 billion, the exact amount of the wage and salary payments in August. The wage freeze was self-enforcing. Employers were delighted to police wages and to refuse any increases.

BIG INCREASES IN FROZEN ITEMS

The big increases came in so-called frozen items like clothing, health and medical care, imported apparel, imported cars, meals in restaurants, and gasoline prices.

Numerous excuses and explanations are offered about this obvious contradiction; namely, that frozen prices went up while nonfrozen prices came down. But the American people deserve better explanations than those which have been given. When wages are frozen, when the nonfrozen food prices come down, and when virtually every significant interest rate declines, why should prices for restaurant meals, medical services, gasoline, home repair services, insurance and finance, wearing apparel, services, recreation, and personal care go up? They are all under the freeze.

SUCCESS DEPENDS ON ABSOLUTE FAIRNESS

The American people will make great sacrifices and cooperate fully with any program they believe is in the national interest and in which everyone bears his fair share.

But if one man's wages and prices are frozen while the man next door or down the street or in another business, reaps an unearned bonanza, the program cannot succeed.

That is why the Cost of Living Council must crack down and crack down hard now.

RURAL HEALTH CARE WORSENS

Mr. HUMPHREY. Mr. President, the Wall Street Journal, on October 27, 1971, published a front page story about the deteriorating health care situation occurring within rural America. The Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry, of which I am privileged to serve as Chairman, has been holding field hearings in various parts of rural America these past several months, and one of the most consistent calls for help we received from people residing in these areas has been assistance in securing more doctors and improved health care. I believe the problem was most dramatically illustrated during our hearings in Vermillion, S. Dak., on May 4, 1971, when Dr. Duane Acker, dean of the College of Agriculture at South Dakota State University said:

> A young man severely injured in a farm accident in some of our most rural areas of South Dakota today is more apt to die from his injuries than a soldier with the same injuries on the battlefields of Vietnam.

The number of doctors serving our Nation's rural areas today in this country is declining sharply. Most of those serving the people of these regions are old and are increasingly overworked. As many of these physicians retire or die, they are not being replaced by younger men. Most medical students graduating from our medical schools today, prefer to pursue their careers and practice in the large cities where the lure of greater medical challenge, specialization, better facilities and greater fortune are in the offing. Also, these young men, like most, want to live and work in communities which offer them and their families what appears to be the best of opportunities in community services and social life. Even medical students whose family roots are in rural communities seldom return to those communities to take up their medical practices.

My home State of Minnesota, which like most States facing this shortage of trained physicians in rural communities, is now experimenting with possible solutions to this problem. Medical students prior to the completion of their medical schooling and internship, are being sent into the rural areas and communities of Minnesota to assist and to gain experience in their profession. Although it is too early to determine how successful this effort will be in terms of encouraging more of them to take up permanent practice in these communities, the hope is that many of them will.

Mr. President, problems of providing citizens of our Nation's rural communities and open countryside with adequate levels of medical, educational, and other essential social services is basically symptomatic of our failure to develop a more balanced national growth pattern in the United States. Most incentives today are directed toward creating further concentrations of our Nation's population in the already overcrowded large cities. This trend must not only be stopped, but drastically altered. If we are to improve the quality of life for all the people of this country, we must begin changing our population settlement patterns. And if that is to happen, the social service base of our smaller communities must be appreciably enhanced, especially their medical and health care systems.

I ask unanimous consent to have printed in the RECORD Mr. James P. Cannon's article about the worsening health care crisis in rural America published in the Wall Street Journal of October 27, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Missing MD's: Rural Health Care Worsens as Doctors Retire, Move to Cities

(By James P. Gannon)

DRY CREEK, W. VA.—The Jeep-like mountain vehicle lurches up a rocky path along a stream bed littered with rusty steel drums, crawls past a fleet of abandoned, stripped automobiles, and churns to a dusty halt in front of a ramshackle cabin.

Sitting on the porch is frizzy-haired Audrey Pettry, rolling one of the bent and pinched cigarets she smokes constantly. "I was just settin' here wondern' if you'd come," the 73-year-old widow of a coal miner says. Inside the dark front room of the cabin, decorated with out-of-date calenders, Mrs. Pettry sits down while Mildred Snodgress, one of her visitors, inspects the old woman's ulcered leg. Mrs. Snodgrass, a registered nurse, cleans and rebandages the sore while Mrs. Pettry puffs her cigaret down to a tiny, finger-scorching nub. "If it wasn't for these women," Mrs. Pettry says to another visitor, "I wouldn't have nobody."

Mrs. Pettry is one of more than 15,000 very poor people in Raleigh County who are beneficiaries of an unusual rural health care system known as the Mountaineer Family Health Plan. Based in nearby Beckley, the plan provides comprehensive medical, dental and eye care for country folks in the county, a coal-mining area in the southern part of West Virginia.

Programs like this one are important because of the worsening health crisis in rural America. The medical care problems all Americans face—ranging from shortages of doctors and clinics to skyrocketing, prohibitive costs—are found in double doses in rural areas. As the nation has become increasingly urban and its medical practitioners ever more specialized, personnel and facilities for health care have concentrated in larger towns and cities, leaving country people to the care of the dwindling numbers of country doctors.

FROM HERE TO ETERNITY

Thousands of such general practitioners once were sprinkled throughout the rural countryside, but few remain. Many of those left are aging and unable to handle heavy patient loads. "There used to be one doctor in every little hamlet," says Dr. Martha Coyner, who practices in Harrisville, W. Va., and heads the state medical society's rural-health committee. Ticking off the names of a dozen colleagues who have departed the precincts, she says that she and another Harrisville doctor now "are the only two MDs from here to eternity, practically."

Figures from the American Medical Association show only one doctor for every 2,145 residents in the nation's most thinly populated counties; in the most densely populated, on the other hand, there's one doctor for every 442 residents. The AMA finds 132 counties without a single doctor practicing. While suburbia swims in specialists, many rural areas are better supplied with veterinarians than with family doctors. AMA data show that Los Angeles County alone has more active MDs (14,203) than the 13 states of Arkansas, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Utah, Wyoming and Vermont combined. (The county has about 7 million residents, compared to over 11 million in those states, and since the states cover a far larger area it's often more inconvenient for their residents to get to a doctor.)

As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty.

BEATING THE DRAFT

"The premise on which the program was founded—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and "professional isolation" from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors.

Perhaps surprisingly, money isn't the controlling factor; those doctors who do practice in rural areas often (though not always) manage handsomely. Dr. John E. Van Gilder, a 26-year-old West Virginia University graduate, set up practice last June at West Union, W.Va., in one of the Sears-Roebuck program's empty clinics. He expects to earn around $30,000 a year, probably more than he would earn his first year in a city practice. "It's simply supply and demand," says Dr. Van Gilder, who is the only doctor in a county of 6,400 persons.

But even Dr. Van Gilder finds a rural practice unattractive in some ways. There's no hospital nearby, so his most difficult and "interesting" cases have to be referred to colleagues in Clarksburg, the nearest city. That leaves him with "colds, sore throats and arthritis," he says. He worries about keeping abreast of new medical techniques. Dr. Van Gilder freely volunteers that the threat of the draft prompted him to take his job in West Union—where, as the only doctor in the vicinity, he could get a deferment. He expects to stay in West Union five years or so and then go on for more training and a specialty—probably in a big city—after that.

West Virginia hoped to overcome its shortage of doctors by establishing a medical school a decade ago. Yet, of 138 graduates now in practice, only 34 have remained in the state, and only 14 of them are in rural towns. "I don't think solo practice is any longer a viable answer to problems in rural areas," says Dr. Robert L. Nolan, chairman of West Virginia University's division of public health and preventive medicine.

Dr. Nolan and other students of rural health prescribe a new system for delivering health care to rural places. They think the solution lies in regional health-care plans, stressing preventive medicine practiced by groups of physicians based at a central clinic with an "outreach" effort to bring in patients from remote areas. Though no model system exists, the Mountaineer Family Health Plan—and similar systems in Maine, Florida, Alabama and California—represent significant innovations. According to the U.S. Public Health Service, the Mountaineer plan is the largest of the rural comprehensive health-care systems in operation.

It began four years ago as a poverty-war project of the U.S. Office of Economic Opportunity. The aim was to provide complete health care at no charge to Raleigh County residents whose annual incomes are below official poverty levels, currently $3,600 for a family of four. It's easy to find such families around here; 5,200 of them, with over 15,000 persons, one-fifth of the county's population, are registered and eligible for the plan.

The plan is based at a $500,000 clinic next to the Appalachian Regional Hospital at Beckley. The medical staff consists of five physicians and three dentists. On an average day, the doctors see 100 to 150 patients and the dentists about 30. Nearly all the patients have reached the clinic in the rugged four-wheel-drive ambulances that make daily runs between Beckley and its mountainous outlands.

Seven satellite clinics in hamlets like Slab Fork and Trap Hill are the plan's "outreach" terminals. Teams of health workers—a registered nurse, aides, drivers and environmental health workers who help build sanitary privies and test water supplies—work out of the satellite stations and keep in touch with even the most isolated families.

A tour with Mildred Snodgress, nurse-superviser at the Marsh Fork satellite center, shows how the plan works. The trip begins in her Scout vehicle from outside the four-room office housed in the building formerly occupied by the regions only private physician. (He died five years ago, and the nearest doctor now is some 25 miles distant.) She steers the vehicle along a bumpy trail to a cabin nestled in the sunny hollow between two green mountains. Here she takes the blood pressure of 60-year-old Chris Dickens, a new patient who lives alone on welfare, and makes sure he understands when to take his four newly prescribed drugs.

The day before, Mr. Dickens had his first physical examination in four years, at the Beckley clinic. "I haven't ever been to the doctor much," says Mr. Dickens, who is being treated for hypertension and indigestion.

After a stop to treat Mrs. Pettry's ulcered leg, Nurse Snodgress gingerly wheels the Scout up a precipitous path above the Coal River to the home of Cuba Opal Wiley, a disabled miner troubled by lung ailments. With his tobacco-stained teeth showing as he smiles, Mr. Wiley tells a visitor, "If it wasn't for this program, buddy, I don't know what I'd do. If I got sick, I guess I'd just lay here and die, buddy, that's all I could do." His wife, a diabetic, also gets medical care, and she's scheduled for liver surgery.

COSMOPOLITAN STAFF

Continuing her rounds, Nurse Snodgress and her aide take a medical history from a new patient, remind another of his scheduled appointment in Beckley, and make other routine visits.

Back at the Mountaineer clinic, a motley group of elderly, disabled men, pregnant women, tots and teen-agers patiently wait their visits with the doctors. The doctors themselves are a varied lot, and their names—like Arcadio Alarcon, G. Sri Rama Gupta, and Suradech Kongkasuwan—suggest the difficulty of keeping indigenous physicians in the area.

In fact, all five of the clinic's doctors—three internists and two pediatricians—are foreign physicians working here under temporary state licenses. "We have difficulty attracting American doctors," says Dr. Forest A. Cornwell, the Mountaineer plan's director. The $28,317 yearly salary isn't enough, apparently, to attract U.S. doctors, though all three dentists, who get $25,520, are Americans. (The foreign physicians generally have a harder time obtaining temporary licenses to practice in desirable urban areas, which often have their pick of American medical-school graduates and simply don't issue temporary certificates to foreigners.)

To the doctors, it's clear that their services are badly needed. "You see many children who have never been to a doctor, who have never had their inoculations," says Dr. Jose Alphonso, a Cuban refugee physician. "I have seen many children here who have worms, and many underweight and underheight because of poor nutrition."

"There's a tremendous backlog of care that is needed," says Dr. Edwin H. Warfield, a dentist. About one-third of Mountaineer's patients never have been to a dentist, and practically all the rest received only minimum emergency care, Dr. Warfield figures.

WHERE'S THE MONEY COMING FROM?

Beckley itself, with a population of nearly 20,000, has abundant health services. There are 23 dentists, 70 physicians and several group-practice clinics. But the rest of the 610 square miles in the county is a health wastleland, served only by the Mountaineer plan and its free transportation.

The major difficulty with the plan is its cost. Mountaineer has been nurtured by federal subsidies; a $2.1 million grant from the Health, Education and Welfare Department finances nearly its whole budget. But HEW indicates it doesn't plan to support the project indefinitely, and Mountaineer officials have been told that its survival depends on its progress toward "self-sufficiency."

Prodded by HEW, the plan just adopted a sliding-fee schedule under which clients currently registered will have to pay 15% of their bills. Dr. Cornwell says the long-range aim is to transform the plan from a poverty project to a broader-based plan open to any county resident. Meanwhile, the budget squeeze is limiting the number of new enrollees who are poor.

Costs have risen fast. From only $41.55 in mid-1970, the charge for a day in the hospital has risen to $81.54. The cost of the average drug prescription has risen to more than $4 from $3.44. Officials have dipped into the capital construction budget for operating funds, and they've scrapped plans for some new activities, such as a mobile dental unit.

The financial squeeze suggests that Mountaineer will have to scale back its services, or raise fees even higher, and it creates a painful dilemma. "It gets to be a moral decision," says Dr. Cornwell, "It's like having 10 people in a lifeboat, and if two don't get out, all 10 are going to sink."

The only feasible solution, in the minds of most rural-health authorities, is a massive federal rescue effort. Says Dr. Leopold J. Snyder, a doctor from Fresno, Calif., who is chairman of the AMA Council on Rural Health: "If there is to be any widespread improvement in today's dismal rural health scene, there will need to be large expenditures of honest human energies and a large infusion of public funds."

THE GENOCIDE CONVENTION AND THE RULE OF LAW

Mr. PROXMIRE. Mr. President, one of the reasons why the United States has been blessed with peace, justice, and liberty is because we follow the rule of law in our land. Our legislatures, both State and Federal, have, in their wisdom, passed laws protecting the American people. The executive has administered these laws. The police and courts have enforced them. As a result, we have had years of prosperity and freedom unequalled by any other nation on earth.

Having secured domestic tranquility through the rule of law, can we not do likewise in the international sphere? Surely it is in our own best interest to reduce the possibility of international anarchy and war. The extension of the rule of law to international relations will mean greater protection and security for the American people.

We have, at this time, an opportunity to do this. We have before us a convention which will add measurably to the safety of the American people—will help secure the blessings of the rule of law to the peoples of the world. I am referring to the Genocide Convention. The purpose of this convention is to protect people everywhere, including America, from the horrors of mass murder. By ratifying this treaty, the Senate will be taking another step forward in guaranteeing peace and justice in our time.

Mr. President, the Senate should ratify the Genocide Convention as soon as possible.

DRUG ABUSE PREVENTION PROGRAM OF SCHOOL OF PHARMACY, UNIVERSITY OF MISSISSIPPI

Mr. EASTLAND. Mr. President, the University of Mississippi School of Pharmacy is recognized nationwide as one of the country's great schools of pharmacy. Its excellence in the academic community is complemented by its reputation in the pharmaceutical industry. In short, the pharmacy school at Ole Miss is among the best in the United States.

Only recently, I have had the opportunity of reading the Bulletin of the Bureau of Pharmaceutical Services, published by the school of pharmacy. An article entitled "Drug Abuse Education—Student Power," written by Dr. Marvin Wilson, points up the tremendous job being done by pharmacy students to combat the growing drug problem that confronts the Nation. As coordinator of student drug abuse education program, Dr. Wilson effectively describes the vital volunteer work in establishing a speaker's bureau which provided extremely informative talks on drug abuse to more than 25,000 young people and adults throughout the entire State. Thus, the students of the university school of pharmacy recognized a need, met a challenge—and the end result was a highly effective program to combat drug abuse.

All Mississippians are proud of the accomplishments of our school of pharmacy at the university and we are particularly proud of the excellent job done by its students in the field of drug abuse education.

Mr. President, I believe this program is deserving of national attention. I am confident that it is an idea that will be duplicated across the country. And I know that just recognition is due to the students and faculty of the University of Mississippi School of Pharmacy.

Therefore, Mr. President, I ask unanimous consent that the article from the Bulletin of the Bureau of Pharmaceutical Services, School of Pharmacy, University of Mississippi, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Drug Abuse Education—Student Power

(By Marvin Wilson, Ph. D., Assistant Professor of Pharmacology, Coordinator of Student Drug Abuse Education Program)

During this past academic year the School of Pharmacy has offered yet another service to the citizens of this state and neighboring states. Unlike most of our programs, this endeavor was initiated by senior pharmacy students in the fall semester. These individuals recognized that drug abuse was increasing at an alarming rate in Mississippi and they wished to do their part in preventing the spread of this problem. They believed that the best way to attack "drug abuse" was through education and they realized that being pharmacy students they were better educated than most other individuals about drugs. Because there was no existing formal mechanism for administering such a program, the Department of Pharmacy Administration provided a vehicle through its Pro-Seminar Course. These individuals began to obtain information concerning the drugs which are abused and established a student speaker's bureau. Their formal presentation was patterned after similar programs just recently adopted by students at other schools of pharmacy.

At that time there were nine students involved in the speaker's bureau and they spoke as three man teams. Each speaker talked for approximately fifteen minutes and each spoke on a pharmacological class of drugs which are abused. One individual spoke on narcotics; a second on hallucinogens and a third on stimulants and depressants. Following their presentations, a question and answer session was conducted; therefore their program was constructed to last an hour. The availability of this service was publicized with the cooperation of the Bureau of Pharmaceutical Services. It was emphasized that this program was available without charge to interested church groups, civic clubs and school systems throughout the state.

Initially the response was somewhat slow to develop so that by the first of January only ten to fifteen talks had been made and most of these were located within a twenty-five mile radius of the Oxford campus. However, many important things had become very evident during these initial weeks.

The approach of these students was to present facts and not to "preach" and this format was being received with great approval by all age groups. The speakers were totally against the latter approach and realized that most of the young people in their audiences would not at all listen to them if this approach was utilized. The students' aim was to present facts and then let the individual make up his own mind whether or not to get involved with the abuse of drugs. All concerned soon realized that this approach together with the speaker's identity of being a senior pharmacy student and lack of a "generation gap" between speaker and student audiences were an almost perfect combination.

Secondly, the speakers also soon realized that the question and answer part of their program was in many instances more valuable than the formal presentations. Therefore, sufficient time for such discussion assumed primary priority even if it meant reducing the time spent in actual formal presentation.

Thirdly, in conjunction with the popularity of the "Q and A" session, these students soon realized that they should, it at all possible, undergo a more formal training program so that they could learn as much as possible about all aspects of drug abuse such as the social, political, psychological, and legal aspects, in addition to the pharmacological and physiological consequences of drug abuse. Many of the questions which were being asked could not be answered by the speakers at the time and those involved soon realized that many in their audiences were well educated about certain aspects of drug abuse.

By early January, news of the program had become widespread throughout the state and speaking requests were arriving in great quantities. At this time, the School of Pharmacy Committee on Drug Abuse Education decided that since the program had achieved overwhelming acceptance and since the students involved had expressed a desire to learn more about drug abuse in order to improve the quality of their program, a two semester course sequence entitled Drug Abuse Education should be offered as elective courses for the student body of the Pharmacy School. It was decided that the first semester course would be an intense, but somewhat informal course, in which material related to all aspects of drug abuse would be presented by various faculty members of the Pharmacy School who had achieved some expertise concerning this subject. In addition, arrangements were made with the Memphis House Drug Rehabilitation Center to provide counselors and residents to speak to our students and furnish them with a vast amount of information concerning the "street use" of drugs.

The second semester course was developed to offer academic credit for being an active participant in the student speaker's bureau. This latter course could be repeated every semester for elective credit until graduation if so desired. The only prerequisite for the second semester course was successful completion of the initial course and active participation in the speakers program. In this way, it was somewhat assured that those individuals presenting speeches had access to basic unbiased material concerning the many facets of drug abuse so that they would be able to answer most of the questions which may arise following a presentation. It was hoped that by this means the quality of the program would be improved. In addition, it gave the School of Pharmacy a mechanism to exercise some control over the entire program if it deemed it necessary.

Most of those students who initiated the speaker's bureau enrolled in both courses during the spring semester. In addition, three other seniors enrolled in both courses and thirty fourth-year students enrolled in the first course of the sequence. It was thus assured that a supply of students would be immediately available to participate in the speaker's bureau in the upcoming fall semester.

The state-wide response to the student speaker's bureau during this past spring semester was extremely gratifying. The requests for programs exceeded our most optimistic expectations. The limiting factor in accepting invitations was the amount of class time that these twelve individuals could spend on travel. In this regard the entire faculty of the School of Pharmacy is to be greatly commended for their sincere cooperation in scheduling makeup tests laboratories, etc. for these students. During the last few weeks of the semester, those students in the non-speaking course were asked if any would volunteer to speak on a limited number of occasions in order to obtain experience prior to the beginning of the fall semester. Several of these individuals did volunteer and subsequently became members of the speaker's bureau although they did not receive any course credit.

The statistics that the student speaker's bureau achieved in the last six months are indeed significant. These students spoke to more than twenty-five thousand young people and adults throughout the entire state. They spoke in every geographical area of the state, to groups as small as twenty and to audiences as large as eight hundred. They spoke on more than one hundred different occasions, so one can readily see that being involved in this program was not all play by any means.

As previously noted in this article, there was no charge for presentation of this program but as one can readily see, there were a number of costs incurred in carrying out this endeavor. The principal cost included transportation, meals, and on a few occasions lodging. In addition, some money was spent on literature which was presented to the participants in the speaker's bureau for use in preparing their programs. On some occasions, the group extending the speaking invitation responded most generously with donations to cover transportation and meals, but in most instances these donations would not be offered. Therefore, since this program was not self-supporting, a substantial percentage of the cost had to be undertaken by some outside organization. In this case there were two such organizations, the Bureau of Pharmaceutical Services of the School of Pharmacy and the Alumni Association of the School of Pharmacy. At this time, on behalf of the student speaker's bureau, I would like to publically thank these two organizations for their financial support and administrative assistance. Without their help, the program would have definitely failed.

Before closing I would like to mention a few of the assets which such a program as this provides which are not readily appreciated. First of all, it supplies this state with a well qualified group of individuals who will become involved in drug abuse education in the area in which they become employed following their graduation from Pharmacy School. These individuals, I am sure, will welcome the opportunity to present programs on this topic and maybe you will have one of these individuals reside in your immediate area. If so, please take advantage of his training and education and invite him to speak to your community organizations.

Secondly, involvement in this program teaches one to speak publicly with some finesse. Furthermore, it gives one the opportunity to meet many new people and teaches one to converse effectively with those holding opposite viewpoints on a controversial topic.

Thirdly, and maybe most importantly it is a means by which pharmacy students can get involved with what is happening in society. It provides them with a means of doing something to help or improve their society. I am sure that you will all readily agree that true education is much more than passing examinations, and that providing such a means of getting involved in improving society is very beneficial to our state.

In closing, I would like to mention that the student speaker's bureau on drug abuse education will be functioning again this fall and if anyone reading this article would like for them to present a program in your area please write to the Bureau of Pharmaceutical Services; School of Pharmacy; University of Mississippi; University, Mississippi 38677. In addition, if any of you have attended one of these programs, I would appreciate it if you would send your comments or criticisms to the same address or to myself. If is only through this way that our program can be improved.

NATIONAL GOVERNORS' CONFERENCE—RECOMMENDATIONS

Mr. HUMPHREY. Mr. President, from September 12th through the 15th of this year, the Governors of the 50 States held their 63d Annual National Governors' Conference in San Juan, Puerto Rico.

No one knows the problems of the States better than the State Governors. Indeed, the Governors are in a unique and authoritative position to feel the pulse of their States and their people.

While attending the National Governors' Conference they squarely faced a number of the ills which trouble the States and the Nation. To these problems they applied their knowledge and their personal expertise. They debated and did not always agree. But out of those deliberations came a number of important and innovative policy recommendations recently published as the 1971-72 Policy Positions of the National Governors' Conference. These forthright decisions represent gubernatorial consensus on how we, as a nation, can solve the problems of our society.

Mr. President, I would like to summarize a number of the positions taken by the Governors.

HUMAN RESOURCES

The problem of protecting and enriching our human resources is one which spans State borders and touches each of us. The reform of our outmoded, archaic welfare system and the assurance of adequate health care are vital aspects of this problem.

The present welfare system is clearly not serving its intended function. It has become more likely to destroy a person's dignity than help him. To modernize our welfare programs the Governors recommend the phased substitution of Federal financing for the current Federal-State concept of public assistance. The Governors' report also recommends: first, an increase in the level of OASDI payments with a $100 per month per person minimum; second, the transfer of old age assistance, aid to the permanently and totally disabled, and aid to the blind to the jurisdiction of the Social Security Administration with payments coming from general Federal revenues; and third, Federal assistance in implementing State plans for combating hunger and malnutrition—especially as they attack infants, pre-schoolers, and mothers.

As for health care, the report urges the adoption of a federally sponsored universal health insurance program and the relocation of responsibility for comprehensive health care planning in the Office of Assistant Secretary of Health and Scientific Affairs within HEW.

RURAL AND URBAN DEVELOPMENT

The conference cites the need for bold new policies in our approach to rural and urban development.

The Governors envision a national population growth and distribution policy. As they state, all too often population imbalance results in such blights as poverty, ghettos, increased demands on mass transit, overloads on social services, pollution, crime, and a general feeling of frustration. It is often the Federal Government which is at the root of these problems through inadvertent and uncoordinated planning and programs. A forthright policy regarding population would help rectify these imbalances.

To revitalize our rural areas and rural economy, the conference calls for improving American agricultures' productivity, commodity transportation, and development of foreign markets for our goods. Within this framework, the Congress must act to assure a "parity of opportunity" for farmers and rural communities. Action must come on preserving and encouraging the continued development of agricultural land for production, recreation, and wildlife conservation.

INTERGOVERNMENTAL RELATIONS

The relations between the State and local governments and the Federal Government in Washington are frequently strained. Sometimes it seems only vaguely definable. Behind this is a partial breakdown of the Federal-State relationship. The Federal Government and the State governments are not adversaries. Theirs should be a role of cooperation.

One aspect of this problem is the question of revenue sharing. The cities and the States face a mounting crisis of finance. Demands on the localities grow while the funds shrink. Revenue sharing is a key.

The Governors also see an increasing demand for the extension of multistate program administrations and recommend a number of corrective steps. First, that provisions be made to allow the Governors to share in the crucial decisionmaking process. Second, that Federal participation in Federal-State enterprises be directly responsible to the President and that State participation be responsible to the Governor. And third, that adequate funds be provided for initial planning and policy developments.

The conference urges that the Federal role in State planning be clarified. At present we see a mess of confusion, contradiction, duplication, and overlap in Federal requirements and definitions. To help solve this, the report recommends that the Federal Government recognize the State Governors and the local officials as the chief policymakers in their own particular provinces.

The Governors urge the expansion of these principles within the Intergovernmental Cooperation Act of 1968 so that the accounting, auditing, and reporting of Federal assistance funds can be simplified. The simplification of joint funding for grants and the permission for periodic congressional and executive review of grant programs to determine effectiveness is also necessary.

The Conference recognized the essential need for a better exchange of information among the levels of government. To rectify this they ask for action towards uniform data and format requirements for computers. There should be Federal assistance to local governments for the development of more uniform information systems.

CRIME REDUCTION AND PUBLIC SAFETY

In the area of crime reduction and public safety, the San Juan conference urged concerted action regarding organized crime, firearms control, and drug abuse.

To combat the influence of organized crime, the recommendations ask that general testimony immunity be granted to witnesses on both the State and Federal levels. Continued Federal aid is required for technical assistance and training, with additional Federal funds going to State organized crime intelligence units. The Governors also urge enactment on a State basis of the Model Criminally Operated Business Act as drafted by the suggested State legislation committee of the council of State governments. This act would help coordinate State investigation programs which, on one level, would look into criminal infiltration of legitimate businesses, State, and local governments.

The Governors assert that the need for firearms control is a pressing issue. The report calls for State laws prohibiting persons such as habitual alcoholics, drug addicts, mental incompetents, and convicted felons from buying or owning firearms.

And lastly, drug abuse. This is a problem which touches the heart of our society: our youth. Thousands have "turned on" only to find their lives shattered. The Governors recognize that a strong nation cannot stand on shattered dreams. They ask for a coordination of Federal and State programs in this area, including expanded State treatment and rehabilitation programs. In recommending State enactment of the Uniform Controlled Substances Act, the need is underscored for a policy which separates the victim needing help from the pusher. Correspondingly, the Federal Government must intensify its diplomatic efforts to halt the production and importation of dangerous substances from foreign countries.

Mr. President, the Governors merit our sincerest appreciation for the time and effort which they put into the formulation of these recommendations. They have acted in areas where all too often there has been no action. We are in their debt.

It is incumbent upon us to give these recommendations our prompt and careful consideration—and to act. I ask that we do so.

PUERTO RICO

Mr. GRAVEL. Mr. President, yesterday in New York City, Senator Rafael Hernández Colón, President of the Senate of Puerto Rico delivered to the Puerto Rico Chamber of Commerce in the United States what I consider to be a very pertinent speech on the Commonwealth status of Puerto Rico.

Senator Colon, who is a brilliant and articulate young man and a close personal friend, has in this speech given us insight into all he is attempting to do for the people of Puerto Rico.

I commend Senator Colon highly for his efforts and views and wish to bring his speech to the attention of the Senate. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY THE HONORABLE RAFAEL HERNÁNDEZ COLÓN

This opportunity to address the Puerto Rico Chamber of Commerce in the United States conveys an honor and an obligation. Your organization is unique in that it represents a volunteer group of private businessmen on the Mainland dedicated to the interests and welfare of Puerto Rico. Because so much of our lives is wrapped up in Puerto Rico, I owe you a candid exposition of how and where the Senate of Puerto Rico controlled by the Popular Democratic Party stands. Let there be no credibility gap between us!

I propose to touch on politics only as it relates to the economy of the Island. As you all know, the fate of the economy rests primarily on our political status. Because of population growth and the entry of 25,000 youngsters each year into our labor force, our economy must expand constantly or unemployment will rise and per capita income will decline. Expansion depends on four basic elements in our relationship with the U. S.:

1. Special treatment in Federal minimum wage legislation.
2. Freedom from Federal taxes.
3. A substantial net inflow of Federal funds into Puerto Rico.
4. Free trade and unrestricted payments between the U.S. and Puerto Rico.

Statehood would eliminate minimum wage differentials and tax autonomy, and greatly reduce the net inflow of Federal funds. Businessmen know that investment funds will flow to Puerto Rico only so long as they can earn an attractive rate of return. All costs of manufacturing in Puerto Rico for the U.S. market such as freight, inventory, overhead, insurance, interest rates, and communication are generally higher than those of our competitors on the Mainland. Only wages are lower and the average is largely determined by the legal minimum fixed by law. With the same minimum wage that prevails in the States, many of our labor intensive industries would perish, and these employ most of our manufacturing labor.

The most powerful attraction to Puerto Rico for the U.S. manufacturer is tax exemption. Eliminate that and most manufacturers will not even consider Puerto Rico as a site for new manufacturing plants. Indeed, the fear generated by irresponsible statements about the maintenance and longevity of tax exemption has a negative effect on new plant promotion and expansion on the Island. Most convincing is a quotation from a survey made by Arthur D. Little of 80 firms that had considered location of a factory in Puerto Rico: "Tax-exempt status is of overriding importance. Of 80 companies interviewed only 18 claimed that they would have considered Puerto Rico without the exemption, and only three considered the tax exemption of no importance in their attraction to Puerto Rico."

If anyone has the slightest doubt concerning the powerful incentive effect of granting long years of tax exemption he has only to look at the record. There are 13 mountainous municipalities in the interior of Puerto Rico which border on 16 municipalities along the North Coast. Because the interior hill towns were less desirable factory locations they were put in the 17-year exemption zone. The more favorably located municipalities on the main coastal highways were in the 12-year zone. During the six-year period in which this situation prevailed, factory employment in otherwise disadvantaged municipalities with 17-year tax exemption increased by 309% compared with 50% for those with 12-year tax exemption. It is grossly irresponsible to even speak of eliminating this powerful incentive when our need for jobs is so great.

If Puerto Rico were to become a state, the calculations made by the Status Commission project a disastrous drop in the net inflow of Federal funds. An analysis of the flow of such funds in 1964 shows we would have received an additional $56 million, but would have paid out an additional $283 million for a net direct loss of $227 million. Given the multiplier effect of about 100% for each dollar entering or leaving the economy, the net impact in 1964 would have been twice as great, a contraction of $454 million. Under Commonwealth, net income in that year rose by $173 million from $1,912 million in 1963 to $2,085 million. Had Puerto Rico become a state that year, net income would have declined by $281 million to $1,631 million, a net difference of 28%. Under Commonwealth our economy has grown steadily. We have never had a decline from one year to the next. Statehood would wreck the economy and put most of us on public welfare.

The only basic element in our relationship with the U.S. which would not be affected by statehood would be free trade and unrestricted payments between the Mainland and Puerto Rico. This advantage, along with Federal funds, would be lost under independence. Limited to its own scarce resources, our overpopulated land would see its per capita income descend from the highest in Latin America to one of the lowest.

The case for statehood or independence can be argued only on emotional or ideological grounds. The course of common sense is to continue the evolution of the Commonwealth relationship so as best to fulfill the needs and aspirations of the Puerto Rican people—that is the acid test of a political institution.

If the stakes were not so high, it would be amusing to examine some of the postures recently taken by the present administration in Puerto Rico. On the issue of the Federal Minimum Wage, it is pleading for the retention of selectivity as it applies to Puerto Rico. On the issue of the wage-price freeze, it seeks exemption for Puerto Rico. On the issue of the dock strikes, it pleads for the exclusion of Puerto Rico. These are three stands that I heartily endorse. Yet the Administration is also pressing for statehood. Just imagine a state of the Union asking for exemption from the minimum wage, the wage-price freeze, and a nationwide dock strike. When faced with reality, the Administration is forced to support the special status of Commonwealth.

Our immediate concern is the condition of the economy today. The reports in the news media range from it has never been better to it has never been worse. As usual, there is some truth in both these contradictory positions, but it is vital to ascertain the nature of the truth. Let us analyze some of the optimistic pronouncements. During the last two fiscal years, there were increases in real Commonwealth Net Income—that is, in constant prices, of 7% and 5% respectively. Perfectly true and laudable, but the nature of the growth during the past two years is different from previous years. We find that Construction and Government Services were the major contributors to that growth. Housing construction declined in fiscal 1970 but recovered in 1971. Industrial and commercial construction showed important increases in both years. Yet construction is measured on a put in place basis so that it represents commitments made in previous years. Public construction and Government salaries expanded considerably in both years and these constituted appropriate action in a recession period. The crux of the matter is that in the decade 1960 to 1969, manufacturing net income rose at an annual average of 13.3% compared to about 10% for the entire economy. In fiscal '70 and '71, the increase in manufacturing net income dropped to 6.0% and 4.3%. Instead of providing the major upward thrust for the economy, manufacturing now slows it down. In sum, the growth in 1970 was attributable to momentum from earlier periods and pump priming by Government and not, as in previous years, from substantial industrial expansion. Businessmen and other taxpayers are painfully aware that Government derives its funds from the private sector in the form of taxes and borrowing, and these are paid by present and future taxpayers.

More disingenuous is the attempt to paint a rosy picture of employment in manufacturing. In fiscal 1969, the total was 143,000, in 1970, 142,000, and in 1971, 142,000. Total unemployment was 10.6% of the labor force in 1969, 10.8% in 1970, and 11.6% in 1971. We are told that the situation has improved lately, yet the latest figures for July 1971 show a rise in unemployment from 97,000 a year ago to 110,000, from 11.4% to 12.2% of the labor force. In August it climbed to 12.6%, the third consecutive month in excess of 12%. The plain fact is that there have never been more people out of work in Puerto Rico than there are today.

Most misleading is the attempt to prove that Fomento is enjoying unparalleled success. The record tells another story. Between fiscal '66 and '68, the number of plants in operation rose from 1,094 to 1,334, a rise of 22%. From '69 to '71, the rise was from 1,388 to 1,442, an increase of only 4%. During the last three fiscal years the number of Fomento plants that have been temporarily or permanently closed is over three times the number during the preceding three year period. During the fiscal year ending last June, 77 factories were known to have closed their doors permanently. At the end of the fiscal year there were in addition, 387 plants which had ceased operations. Their status is uncertain—some will reopen but the rest will be added to the number that have been permanently closed.

With the other side of its mouth, Fomento excuses poor performance by pointing to the problems of the U.S. economy: tight money, high interest rates, inflation, increased unemployment, import competition, and pressure on the dollar. It is true that the U.S. is the major source of new plant promotion from external sources. This means that Fomento's major task is to capture a share of U.S. investment in new plant and equipment. A recent survey by the Office of Business Economics and the Security Exchange Commission estimates that such investment will reach $81.4 billion in 1971, 2.2% more than in 1970. In turn, 1970 showed a gain of 5.5% over 1969, and 1969 an increase of 11.5% over the previous year. U.S. investment in new plant and equipment rose each year after 1969, while Fomento's performance since 1969 has constantly declined.

Other reasons for failure might be advanced. Fomento had three administrators from 1941 to 1968, twenty-seven years. Since 1969 we have already seen two administrators at the helm who had no experience with the program when they took over. For the first time in history, Pridco employees went on strike. The present Administrator refused to even meet with them. I would not say that morale is poor, it is non-existent.

My main object is not to indulge in recrimination but simply to point out that self delusion is no solution to the grave problems that confront us. Instead of captivating slogans and numbers games, I propose less glamorous but practical steps:

Tax exemption should be made more comprehensive in two ways. First, the definition of eligible industries should be expanded. It now covers most manufacturing industries, hotels and industrial research laboratories. It should be expanded to cover assembly and packaging industries in the manufacturing field and some other industries like data processing—always provided that a substantial number of jobs is created. Second, we now stimulate the investment of additional capital by granting tax exemption to plant expansion; however, we feel that the period of tax exemption should be extended for those established industries which increase investment in Puerto Rico, the additional period of exemption to depend upon the additional amount of investment. In other words, there should be an incentive to grow with Puerto Rico.

Some politically motivated individuals have called for the abolition of tax exemption under the cloak of need for additional revenue. Surely they know better. With tax exemption, income tax collections rose from $31 million in 1948 to $328 million in 1971. If they were sincere, they would have supported my efforts to obtain additional revenue as well as greater equity by means of comprehensive tax reform.

I would utilize the resources of the Puerto Rico Industrial Development Company, Pridco, to provide a huge reservoir for the financing of new industries. Pridco's properties and income could constitute the nucleus for the creation of a mutual fund or funds in magnitudes exceeding a billion dollars. This could mobilize money from Puerto Rico which is now invested in less productive channels or even in foreign countries. Such a vast source of equity and senior capital would prove an irresistible attraction for a multitude of new enterprise.

This plan has important implications for the development of the petrochemical industry. The original concept was that numerous satellite industries would be promoted downstream, utilizing the feedstock from the refineries in successive industrial stages to finished consumer products. Two of the companies projected employment of about 65,000 from such evolution. Arrangements made in 1969 for cooperative promotional effort on the part of the companies were neglected by Fomento. A revival of these arrangements together with financial support from Pridco could accelerate development enormously. Similarly, tourism projects which also require multimillion dollar financing could be expedited.

I would make every effort to encourage collective bargaining. When wage negotiations are left in private hands, the economics of the industry will tend to establish a fair share for the respective parties. Government intervention should be reserved for those rare cases in which the collective bargaining process breaks down and the entire public interest may suffer substantially.

The most effective and desirable way to achieve higher wages is by upgrading our skills and technology. To this end, we had planned the creation of a science center in Puerto Rico with the assistance of the National Academy of Sciences. The emphasis was on applied research in order to encourage the location of science based industry on the Island. The tax exemption law was amended to include research laboratories. Several of the large firms agreed to participate actively in the center. Here again the plan was allowed to languish. I would revive the concept.

In the meantime, the number one problem is still unemployment. Until this is solved, it is unthinkable to close down factories or discourage new investment by the indiscriminate application of US Mainland wage standards. For as long as necessary, I will continue to press for the selective application of minimum wages to each industry in order to preserve its capacity to create new employment opportunities.

A new approach to agriculture is indicated. While I do not pretend to a complete blueprint, I know that simply pouring subsidies into a declining sector is no solution. An active, promotional program is called for that will provide incentives to the farmer to maximize efficiency and concentrate on those products which offer him the greatest opportunities. Obvious targets are replacement of some of the over $400 million of food imports into Puerto Rico and the huge market here on the Mainland for tropical and out of season products.

We must not overreact to the failures and ineptitude of the present Administration. Such things as the chaos in Fomento, the irresponsible statements about applying Federal minimum wages and abolishing tax exemption, and the lack of flexibility in the mandatory Christmas bonus have tended to discourage investors from coming to Puerto Rico. Despite all this, Puerto Rico still offers the greatest opportunities for investment of any area within the American constitutional system. The differential in average hourly earning is about $1.50; tax exemption up to 17 years is obtainable; a huge pool of willing, trained, and trainable workers is available, transportation is usually fast, reliable, and economical; and all utilities are present in abundance. I have every confidence that the people of Puerto Rico will maintain this irresistible investment climate. We will not allow the fruits of twenty years of upward climbing to go down the drain. We respect performance, not empty semantics.

RISING RESENTMENT TOWARD WELFARE

Mr. HANSEN. Mr. President, I have been urged by some to get on with Senate approval of the family assistance plan included in H.R. 1, the House-passed Social Security Amendments Act of 1971. The whole thrust of welfare reform is toward a reversal of the miserable failure of the present program under which more millions are added each year to welfare rolls.

Mr. President, there is no question, as far as I am concerned, that those who are unable to provide for themselves should be provided for. Such sound and worthwhile programs of assistance to the aged, the blind and disabled should not only be continued but improved. As Senator Russell Long said in a recent speech to this body, those programs make sense, they meet the needs of people, they assure social and economic justice.

But, Mr. President, if the present program for aid to families with dependent children is allowed to continue to proliferate, the U.S. taxpayer may join the ranks of the demonstrators for or against one cause or another and, Mr. President, I honestly believe the long-suffering U.S. taxpayer has more cause for complaint than any of the so-called minority groups who protest so vociferously and often violently for one cause or another.

I agree with the question posed by Senator Russell Long in his recent speech here—"Welfare Reform—Or Is Git?"

No member of the Committee on Finance of which he is chairman, and on which I serve, opposes welfare reform. But most of us want to be sure, before we make such a drastic change as proposed in H.R. 1, that what we do is truly welfare reform rather than a continuation or proliferation of a program that has obviously been a miserable failure.

The statistics are proof enough—since 1960 when recipients under the program numbered 3,073,000—aid to families with dependent children—until 1970, recipients increased by 215 percent to 9,660,000.

Now we are told that the program should be further expanded to add another 10 million or so people to welfare rolls.

The idea in the first place was to offer these people the opportunity of becoming self-sufficient. These are able-bodied people who are physically and mentally endowed with the attributes and capabilities of taking care of themselves. They are not physically or mentally handicapped and, therefore, not eligible for aid to the aged, blind, or disabled.

Mr. President, I know of nothing in the constitutional requirements of our great Nation—even under some of the most recent interpretations—that says the American taxpayer and the Government he supports owe anything more to any other American citizen than the opportunity to a job—not the guarantee of a job or any minimum income.

I do not question the changing times, Mr. President, nor do I question the need or absolute necessity of true welfare reform, and I firmly believe the President's new economic plan will go far toward undoing the damage of the ruinous inflation he inherited from the previous administration and restore the economy to a sound basis of progress, prosperity, and job development.

Job development is the answer to the problem rather than a continued sapping of the economy by bleeding the American taxpayer to death.

Mr. President, a recent column written by Jenkin Lloyd Jones emphasizes what I am talking about. His warning that a nationwide taxpayer's revolt may be gathering, should be heeded by all of us in the Senate, particularly by those who insist on proliferating the errors of a program that has failed miserably in accomplishing what it was intended to do.

I ask unanimous consent that the column entitled "Rising Resentment Toward Welfare," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rising Resentment Toward Welfare

(By Jenkin Lloyd Jones)

It may be an unthinkable thought, but it is possible that at this moment the United States is passing through the Golden Age of Welfare.

The thought will be hard to get used to, for we have been well-conditioned to think of ever-expanding social agencies, ever-proliferating social workers and ever-escalating welfare costs.

But there are a few wisps of black cloud scudding across the sky, a few storm signals beginning to flutter. For a nationwide taxpayers' revolt may be gathering.

You see it manifested in the ever-more-frequent defeat of local bond issues. A year or two ago only "frills," that public improvements people could easily do without, were failing in the bond elections. Now "nuts-and-bolts" items—water works, disposal plants, street projects, schools—are beginning to have trouble.

People first express their tax anger at those expenditures they can most directly control, which are local. State expenditures are more remote, federal spending remoter still. But distaste for rising taxes can eventually be felt as far away as Washington.

It is a political truism that the poor do not control spending in any field, not even spending in their own behalf. The nonpoor do, for they are in the majority. Poverty programs, therefore, depend upon the enthusiasm, or at least the acquiescence, of the nonpoor. When the nonpoor get turned off, the programs will languish.

We may, therefore, be approaching the time when the best political speech will not be the one in which every paragraph begins: "We must do more. . . ."

For taxes are drawn from the fruits of labor and risk. And where poverty programs fail to produce desirable results, those who labor and risk will eventually express their disillusionment. Compared to the vast group which contributes more to government than it asks from it, the clout of those who ask more from government than they contribute to it is feeble.

This may be the reason why recently you haven't seen "many poor people's marches" led by Rev. Ralph Abernathy. Or welfare pickets parading around the state capitol or city hall. They aren't going over so well any more. The cabdrivers are angry, the bartenders cynical, the store clerks sarcastic.

The idea that there is a nobility attached to the perpetually poor dies hard among aristocratic "liberals," whose contact with them is sketchy. Perhaps they subconsciously seek to atone for their coming-out parties and their prep schools by "identifying" with the losers. It is a form of instant humanitarianism, even if they keep guards at their gates.

But there are no such illusions among the working proletariat. They have been poor. They know struggle. The have few tears for nonstrugglers.

Candidates may soon discover that it is no longer politically rewarding to demand still greater appropriations for welfare programs that have apparently failed. Failure is becoming too plain. The rise of dependency, irresponsibility and crime, even as outlays for their cure have risen, can no longer be shrugged off. Americans will not underwrite ever-growing chaos with ever-larger checks forever.

Yet there is much the public money can do to uplift the poor. We are simply very new at this idea of national charity. We had no experience to go on. For the first time in history we told a man that subsistence would be guaranteed him whether he chose to work or not, and some of us are aghast that many have chosen not.

We told ourselves that human beings asked only opportunity. This is not true for many human beings. Slums are characterized by empty libraries and full beer joints. Poverty is often the result of a lack of purposeful organization within the individual, himself.

Under the lash of necessity even a disorganized man will struggle to eat. Remove that necessity through free charity and the struggle ceases and endless demands for more begin.

We learn from experience. We should now have enough experience with welfare to know that some theories don't work. But the sociologists will not audit them, for many are their own brainchildren. Many politicians will not audit them because they authored the welfare bills.

So angry taxpayers will enventually grab the meat ax. And the danger is that good programs will suffer with the bad.

THE ECONOMY: DISMAL STATISTICS

Mr. HUMPHREY. Mr. President, the third quarter economic statistics were released yesterday, and, in the words of Washington Post financial editor Hobart Rowen, the performance of the economy even with the administration's policy changes is "just plain dismal."

The composite indicators published by the Commerce Department show an overall 0.3 percent decline in the performance of the economy.

The GNP indicator rose 6.3 percent—but half of this gain was due to inflation, leaving only 2.9 percent increase in real growth—pitifully lower than the 4 percent needed just to keep pace with the steady increase in the labor force. What this clearly means is more unemployment.

No one can read these figures and come away satisfied. What they show is what many of us have known all along.

The policies of the Nixon administration are just inadequate to move the economy of this country.

They fail in three prime areas:

First, there is not enough fiscal stimulus for the average working man or the average consumer.

Look at the tax proposals which the President has sent to Congress. There is little here that would give the economy a badly needed shot in the arm. Consumers get less than one-third the relief promised the corporate interests. And, only yesterday, the Secretary of the Treasury came to Congress requesting more for big business while saying little about small business. In 1968, for example, the Small Business Administration's direct loan funds were at a level of $320 million. Today, when there is great need for an expanded program of direct loans to small business, the funds have been cut to just $90 million.

And, the administration shows no concern for the plight of the family farmer. Farm income is at depression levels. Farm parity is only 68. And the Nixon administration lacks an effective program for the most independent of all free enterprise—the family farm.

With these kinds of programs, no wonder average Americans have little to cheer about.

Second, there is a glaring lack of confidence on the part of business, financial, and investment circles—not to mention the lack of confidence of the American consumer—over the Nixon administration's management of the economy. Savings rates hover around 8 percent of total disposable income. Consumers are uncertain as to what the Nixon administration plans next. This uncertainty is reflected in an attitude of clear expectation that prices will continue to rise in the next few months. And, for the 11th consecutive session, the stock market continued its slump. Brokers feel that the selling of stock reflects a lack of concrete evidence that the Nation's business has improved since the changes announced August 15.

The recent Gallup poll, with 63 percent of the Nation expecting higher prices and only 34 percent believing prices would level off, should be a strong indicator to the administration that it is failing to hold down prices.

And, why should we expect the administration's present policies to succeed?

There is little active effort to insure that manufacturers and merchants adhere to the freeze. Complaints from consumers are increasing. And, according to the Cost of Living Council and the Office of Emergency Preparedness, few if any merchants and manufacturers have complied with regulations to post their prices. The OEP originally set October 15 as the compliance date. Then, this was changed to November 1. Yesterday, the Secretary of the Treasury, testifying before Congress, said that the Cost of Living Council was going to suspend that ruling. His statement was quickly "clarified" later and the result now is that merchants will only have to respond to specific inquiries rather than providing the information for all consumers.

The wishy-washy attitude of the administration on the cost of goods gives the American people little cause for confidence and trust that prices will be stabilized.

Finally, the administration lacks a positive policy for job creation.

The administration said that removing the auto excise tax would increase jobs, but motor company officials have said that additional employees would not be hired until present employees working overtime could not handle the demand.

They said that the 7-percent investment tax credit would help—but the economy is still moving along at less than 75-percent capacity—and few major corporations need new machinery as much as they need customers.

What the administration just does not understand is that the No. 1 domestic priority of this Nation is jobs, jobs, jobs, jobs.

The administration has but one plan for dealing with the unemployment problem—ignore it.

But I say that when the unemployment rate in the construction industry is over 10 percent, then we need jobs.

When teenage unemployment is over 17 percent, I say we need jobs.

When unemployed workers lose their compensation benefits at the rate of over 45,000 a week, I say we need jobs.

If we are ever going to solve the problems of the economy, if we are ever going to get the trust and confidence of the investor and consumer, if we are ever going to reduce unemployment and decrease inflation, then we are going to have to have programs that invest in people.

There are things to do:

First, immediate tax reform to provide consumer purchasing power and to encourage business investment;

Second, increase farm income;

Third, stimulate the housing market through liberalized credits and loans, interest subsidy for low-income housing, and rent supplements;

Fourth, accelerated and expanded public works to put people to work;

Fifth, public service employment and extend unemployment compensation benefits;

Sixth, immediate passage of welfare reform;

Seventh, financial assistance to our cities and rural America;

Eighth, the creation of a National Development Bank;

Ninth, the establishing of a Rural Development Credit Bank.

Above all, it means domestic development enterprise, and the investment of our resources in people.

Mr. President, I ask unanimous consent that the column by Hobart Rowen and the articles by Carole Shifrin and Michael Stern be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Economic Indicators Off In September

(By Carole Shifrin)

A key government index of business activity declined in September for the second month in a row, indicating that the administration's new economic policies may not have had the impact anticipated.

A 0.3 per cent decline in the Commerce Department's composite index of leading indicators—which tends to foreshadow movements in the general economy—suggests that the economy may still be more sluggish than the administration had hoped.

In another report, the Labor Department said that productivity measured by output per man-hour, increased at an annual rate of 4.3 per cent in the third quarter, compared to a 3.4 per cent gain in the second quarter. But it attributed the greater increase to an unusually sharp rise in output per man-hour in agriculture. In the non-farm sector, productivity rose at an annual rate of 2.1 percent, substantially below the second quarter 4.3 per cent increase and the first quarter 7.1 per cent gain.

Harold C. Passer, assistant secretary of commerce for economic affairs, urged that the business activity figures be interpreted cautiously.

"The leading indicators of business activity have historically been good predictors of economic trends because they are especially sensitive to the changes that characterize economic expansions and contractions," Passer said. "The leading indicators, however, may not immediately reflect the economic impact of major and abrupt changes in economic policy.

"The September figure may not yet fully reflect the stimulative effects of the administration's New Eocnomic Policy which was announced in mid-August."

The 0.3 per cent September decline in the index, to 126.5 per cent of the 1967 average followed a 0.1 per cent August decline (originally reported as a 0.9 per cent decline but revised upward in yesterday's report.)

Five of the eight indicators available for September declined while three advanced. Those which improved were industrial raw materials prices, up 1.3 per cent; common stock prices, up 2.3 per cent, and initial claims for unemployment insurance, which declined from an average of 327,000 to 324,000 a week.

Those that declined are plant and equipment orders, down 7.9 per cent; new orders for durable goods, down 3.9 per cent; housing permits, down 1.9 per cent; average manufacturing workweek, down 0.5 per cent, and manufacturing price-labor cost ratio, down 0.6 per cent.

Twelve indicators comprise the index, but four are never available until later and sometimes cause revisions in subsequent months.

Passer also pointed out that on a quarterly basis the index scored its third consecutive gain in the third quarter. The pace of improvement has clowed considerably, however, on a quarterly basis.

Goals Eluding Nixon: Third Quarter Economy "Just Plain Dismal"

(By Hobart Rowen)

The performance of the U.S. economy in the July-September quarter was just plain dismal, although the Nixon administration hasn't lost its talent for de-emphasizing bad news.

According to the Commerce Department's official data, the Gross National Product rose by a rate of only $15.9 billion, or 6.3 per cent, to a seasonally adjusted annual rate of $1,059 billion.

Since more than half the gain was due to inflation, the real rate of growth was only 2.9 per cent or well below the 4 per cent rate that the economy needs to keep up with the steady growth in the labor forces; anything less simply assures higher unemployment.

The crumb of satisfaction that the administration economists wrung out of the poor 3rd quarter picture was that the GNP "deflator"—the best measure of inflation in the economy as a whole—dropped to 3.3 per cent from 4 per cent in the 2nd quarter.

But the hard real significance of the GNP numbers is that the progress of the U.S. economy in moving out of the 1969–70 recession is not satisfactory.

It is not just the certainty that the GNP will hit only about $1,050 billion for the year as a whole, and not the administration's extravagant $1,065 billion forecast; that had long since been foredoomed.

The problem is that unless the economy is pushed forward with more vigorous steps, recent ebullient forecasts (such as Walter Heller's) that GNP in 1972 will increase by $100 billion or so may also become candidates for the ash-heap. None of Heller's Democratic colleagues have gotten out on that limb with him.

Let us stop and recall for a moment the rationale behind the price freeze and the Phase II of the wage-price controls program that will begin on November 14.

The argument has been that an "incomes policy"—vaguely defined as some sort of wage-price limits—was needed because:

1. There was a unique combination of unemployment and inflation (stagflation is the word used by some) that classic monetary and fiscal policy had failed to control.

2. In order, thus, to control inflation while expanding economic activity (so as to create more jobs) wages and prices would have to be held down by the government order.

3. With a wage-price control network in effect, expansionary moves to "get the economy moving again" could safely be undertaken.

Meanwhile, while official Washington has been pre-occupied with establishing the machinery for a Pay Board and Price Commission, the expansionary phase of the program is still stuck in the congressional mill. And the effectiveness of the key measure—the 7 per cent investment credit—is highly debatable, inasmuch as the economy is operating substantially under capacity.

The key indicators at the moment are not terribly encouraging about the future. Automobile sales, it is true, have risen sharply, but largely stimulated by the prospective repeal of the 7 percent excise tax. The auto sector, in fact, dominated whatever minimal gains there were in the 3rd quarter.

Consumer spending generally hasn't shown the response hoped—namely, a broad-scale advance predicated on the assumption that price controls would put a lid on inflation.

At the Business Council meeting a week ago in Hot Springs, the estimates of the economy for 1972 were anything but ebullient. Two of the leading corporation officials of the country said flatly that the investment credit might improve the profits picture in 1972, but not jobs or the GNP.

Ralph Lazarus, a keen analyst of consumer trends, finds the individual keeping a tight hold on his wallet while looking for real bargains in terms of quality. The head of Federated Department Stores, Inc., Lazarus said that an additional $20 to $30 billion in purchasing power could be released "if reasonable consumer confidence" were restored. This would require, Lazarus said, "greater determination on the part of business, labor and government."

And although the average person (unless he depends a great deal on imported goods or does much travel abroad) is less aware of the international implications of Mr. Nixon's New Economic Policy, the threat of a worldwide recession triggered by a trade war may be beginning to sift into consumer consciousness.

Many officials, notably Federal Reserve Chairman Arthur F. Burns, had been counting on a psychological lift from the price freeze: if businessmen and consumers were convinced that the cycle of inflationary expectations was finally broken, then they would spend their money freely.

But there is so much uncertainty about the form and the power of the Pay Board and the Price Commission, so much a wait-and-see attitude, that both businessmen and the average consumer seem uneasy. The concessions won by George Meany and the other labor leaders, and the failure so far to establish a wage yardstick, seem to have convinced Wall Street that while corporate prices may be pinned down, wages will be controlled with a loosely-woven sieve.

This, of course, would be a disaster: there is widespread support, among ordinary citizens, for controlling out-size wages and prices. The business community and ordinary citizen were way ahead of Mr. Nixon on this one, and it will be a shame if his long-delayed action now loses its impetus. A tough program is needed to make the thing work.

Politicians are well aware that the economy—jobs and prices—has supplanted Vietnam as the key issue for next year. Mr. Nixon, when he moved to freeze wages and prices, and "float" the dollar, converted, in a single stroke, what had been a "minus" issue for him to a potential plus. But to get votes on the economic issue he has to produce results, in terms of lower prices, reduced unemployment, and growth in the economy. So far, those real goals of his NEP have eluded him.

Inflation Psychology Continues

(By Michael Stern)

Evidence is mounting that a principal goal of President Nixon's economic program—breaking what Treasury Secretary John B. Connally has called "the inflationary psychology"—is not being achieved.

A Gallup poll released yesterday shows that 63 per cent of the people expect prices to continue to rise in the next six months. Only 34 per cent believe prices would hold at present levels or fall. The poll, which questioned a sampling of 1,506 adults in 300 communities around the country this month, corresponds to the findings of an earlier national sampling of 2,216 persons conducted by the Census Bureau in September. This found that only 33 per cent of the people believed the President's Aug. 15 freeze order had stopped the upward march of prices.

Another indicator was the sharp rise in the number of complaints about alleged freeze violations reported last week by the New York region of the Office of Emergency Preparedness.

The Federal office, which administers the wage-price freeze for the President's Cost of Living Council, said that after several weeks of declines, the number of complaints shot up from 700 received in the week ended Oct. 12 to 1,100 received in the week ended Oct. 19.

The number of inquiries about the freeze rules also rose in those weeks, from 14,700 to 17,600.

"Judging from the complaints and the inquiries," said John F. Sullivan, regional director of the Federal office, "public interest appears to be on the rise again."

The polls, the high level of violations complaints, samplings by unions, comments by constituents received by Congressmen, newspaper interviews with consumers and other evidence show that when such labor leaders as George Meany, president of the A.F.L.–C.I.O., and Victor Gottbaum, executive director of District 37 of the State, County and Municipal Employes, express strong doubts about the effectiveness of the freeze, as they have repeatedly in recent weeks, they are reflecting an opinion broadly shared by working people.

The sources of this widespread skepticism are not hard to find. One is the failure of most retailers to maintain lists of legal ceiling prices for customers, leaving consumers with no base lines against which to check their suspicions that prices are continuing to go up.

Commenting on the puzzlement of many New York householders. Henry J. Stern, first deputy commissioner of the city's Department of Consumer Affairs, told of his own frustration when he found a higher price pasted over a lower price on a box of dried apricots.

"Was it illegal?" Mr. Stern asked. "How could I tell? There wasn't any price list available so I could check."

The Cost of Living Council has required merchants to show ceiling prices to customers since the freeze was instituted in August. When it became apparent that the rule was not being obeyed, the Office of Emergency Preparedness set an Oct. 15 deadline for compliance.

PRICE INDEX RISES

When this failed to produce results and complaints mounted, the deadline was pushed back to Nov. 1 and modified, allowing retailers who had not prepared the lists to respond within 48 hours to specific requests for price information from customers.

The confusion was compounded yesterday when Secretary Connally told Congress that the Cost of Living Council would suspend the list requirement because merchants found it such a chore. Later, the council issued a clarification saying the list requirement would be retained but that merchants could choose as an alternative just to respond to specific inquiries even after Nov. 1.

Another source of the public's skepticism was the ambiguous performance of the Consumer Price Index in September, the first full calendar month of the freeze. The index, the most widely watched indicator of what is happening to prices, rose 0.2 per cent in the country and 0.5 per cent in the New York metropolitan area.

Some economists and officials of the Bureau of Labor Statistics, which prepares the index, said the rises indicated apparent violations of the freeze. Others asserted that the index really was an imperfect measure of the effectiveness of the freeze because it measures movements of both controlled and uncontrolled prices.

A less equivocal indicator of what has been happening to one major commodity in almost every family's market basket—meat—came in a New York Times analysis of State Department of Agriculture weekly reports on the prices of 27 different cuts of meat. The analysis showed the prices of 25 per cent of the cuts had been raised illegally.

The subtleties and sophistications of price indexes and marketing studies may be beyond the understanding of many consumers, but when all else fails there is the ultimate test for any family head—the evidence of his own pockets. And interviews with consumers show that many agree with a man in Flushing, Queens, who finished his weekend shopping at Kissena Boulevard and Elder Avenue and observed:

"You can see at the end of each week that you have less money left and you haven't bought any more food."

REVIEW OF FORMER PRESIDENT LYNDON B. JOHNSON'S BOOK "THE VANTAGE POINT"

Mr. BENTSEN. Mr. President, when the history of the turbulent years of the 1960's is written in proper perspective, free from the passions and the prejudices that mark so many contemporary writings about our Government, there will emerge one strong and consistent theme: President Lyndon B. Johnson was a patriot, a dedicated American, a man of intellect and capacity and one who did what he thought best. History will treat him kindly.

Today, Lyndon Johnson suffers much criticism at the hands of those who denigrate his presidency because in these times it is seemingly the fashionable thing to do. It has been very interesting to read the reaction to the Johnson book, "The Vantage Point" in some literary and journalism circles. Some of their remarks indicate that they intend to hold on to their firmly held views no matter what the facts may show. They refuse to admit that Lyndon Johnson, who was there and made the decisions, knows more of the activity of the White House during his term than do they.

One of the most balanced reviews I have read of the Johnson book is that of the noted historian and writer, James MacGregor Burns. Certainly Burns has the credentials to judge the book. His academic and professional credits are vastly superior to many of the contemporary writers who attempt to write history in their own view and without regard to the truth.

Because I believe what Burns has written, and that it accurately reflects an unbiased and perceptive look at the Lyndon Johnson book, I would like to insert into the RECORD his review from the Washington Post of October 28.

THE PRESIDENCY AS L. B. J. SAW IT

(Reviewed by James MacGregor Burns)

The Vantage Point: Perspectives of the Presidency 1963–69. By Lydon Baines Johnson

The reviewer is professor of political science at Williams College and author of "Roosevelt: The Soldier of Freedom."

This is Lyndon Johnson's book. He makes no pretense to objectivity—this is the presidency as *he* saw it during the turbulent Sixties. It is the memoir one hoped he would write—candid, intensely personal, sometimes passionate. While he seems to hold himself on a short tether, with praise for many and blame for few, both the exultation and the bitterness break to the surface as he portrays the triumphs and frustrations of his five years in the White House.

As a personal document, it is also a tribute to Lady Bird, who on this showing (and others) emerges as the most effective and important First Lady in this century, save for Eleanor Roosevelt. Anyone who doubts her influence on her husband need only consult, on page 93, the remarkable memorandum she gave him in May, 1964, on the question of whether he should run for a full term. Her conclusion: "Stay in." She warned him that the going would be rough, that he must pace himself, that after another term he would still be only a "mellow 60," and if he lost in November "it's all settled anyway"—and pretty soon they would have grandchildren.

Doubtless Johnson would have run in any event since he was absolutely committed to a big domestic program. Perhaps the most eloquent two pages in the book are not in the words of Lyndon Johnson but a list, in the front end pages, of the "landmark," legislative achievements of his presidency. "I remember all 207 of those laws," the former President now writes, "and the work and the worry that went into them . . . They were the tools with which we cleared up the old agenda and began work on the agenda of the future . . ."

If these constituted the triumph of his administration, Vietnam certainly was the tragedy. Johnson does not slight this part of the story; it runs like a dark skein all through the book. He describes day by day, sometimes hour by hour, the stupendous pressures that mounted on him as the nation became more and more fixed in the quagmire. Much of this he reports with an air of incredulity and of indignation—incredulity that Hanoi could continue to reject his peace offers with such implacable hostility (in an appendix he lists 72 peace initiatives that he accuses Hanoi of rejecting), and indignation that American doves could follow a "double standard" in assessing American and Communist behavior. That double standard, the former President argues, decisively impaired the possibility of real negotiation and thus lengthened the war.

Like other controversial Presidents, Lyndon Johnson says that he is willing to await the verdict of history. How will historians of the future rate this leader? They will, I think, puzzle over the difference in the strategy of Johnson the domestic reformer and Johnson the foreign and defense policy maker.

The first Johnson was the brilliant legislative leader fighting at the head of his troops. "A President cannot ask the Congress to take a risk he will not take himself," Johnson says in his book. "He must be the combat general in the front lines, constantly exposing his flanks." He gave the fight for his domestic program everything he had, he says, in prestige and power. On the civil rights bill especially he decided to "shove in all my stack," despite the advice of some of his advisers and staff members. During the middle years of his presidency he found that to exert leadership did not mean using up the resources of leadership; on the contrary, he went on from victory to victory, shoving in all his stack each time.

The basis of this success lay in the majority that Johnson planned to mobilize in 1964 and in the power that was his after the majority had been mobilized and a decisive victory scored over Barry Goldwater.

While the President courted and played with politicians all across the political spectrum, and while he paid obeisance to "bipartisan politics," in fact he depended on a broad coalition of liberals and laborites bunched toward the left end of the continuum. Like Jefferson and other strong Presidents, he was essentially a partisan, appealing to a huge constituency of the poor, labor, Negroes, and others who needed his leadership and his help.

The second Johnson was the bipartisan mobilizer of consensus. One of the troubles with the politics of consensus is that the idea is not very clear. Does it mean trying to represent all the people, or both parties, or all the major groups, or the combined congressional and executive leadership in Washington? Does it mean one cannot act without clearing policy with all the major leaders, in both parties? Or is it essentially symbolic, a kind of rallying cry for patriots or a comfortable banner for those who hate the divisiveness of democratic politics? Johnson feels that his approach to consensus was misunderstood. It was not, he said, a search for the lowest common denominator, for that almost invariably would lead to inaction. Rather consensus meant deciding what needed to be done, "regardless of political implications," and then convincing a majority of Congress and the American people of the necessity for doing what needed to be done.

Now that is a definition of leadership, not consensus. In fact the President followed that policy in domestic policy-making, but not in foreign, especially in Vietnam. As foreign policy maker he made a fetish of clearing decisions with Everett Dirksen and a wide range of congressional leadership. In his Vietnam policy particularly he followed a kind of lowest common denominator. He pursued a middle way between doves and hawks, between those demanding escalation and those endlessly calling for bombing halts and negotiations. The middle way failed to work against the set strategy of Hanoi. And most ironic of all, the consensus strategy of this President who wanted to represent all the people left the nation more divided than it had been since the days of Bryan or perhaps even Lincoln.

One trouble with the strategy of bipartisan consensus is that it can inhibit policy rather than widen options. The most poignant aspect of this book is its portrait of a desperate, well-meaning man trying every tactical method, every channel of communication, every kind of minor concession, to win Hanoi's agreement to some kind of negotiations. The President never seemed to recognize that it was just as impossible for the North Vietnamese to give up the struggle in South Vietnam as it was for the Americans to quit the struggle and go home. Hanoi had a public opinion problem too; after countless years of battle and bloodshed the Communists could not give up their effort to take over South Vietnam through invasion or subversion.

Johnson perceived quite rightly that any kind of coalition government that Hanoi would accept was bound to deliver the South Vietnamese into its hands sooner or later. But the President did not seem to feel that he had the latitude to try in his Indo-China policy the kinds of imaginative and daring alternatives that he had employed so successfully on the domestic front. Some observers, for example, had been urging for years that the United States foster a repartition of South Vietnam, yielding the Communists northern, upland and inland sectors, so that Hanoi might conclude that it could give up the struggle and still claim victory. There is no indication in this volume that the President tried this or other possible alternatives. Rather he was stuck with the policies of repeated bombing pauses, efforts to get negotiations started, and other tactical ploys that—we know now, and many knew at the time—never had a chance of succeeding.

It is largely because of Vietnam, I think, that the President concludes his book with the query as to whether he got too far out ahead of his troops, tried to move too far and too fast, gave the American people insufficient breathing spells. He even comes out for a six-year, non-repeatable term for Presidents, as though he had concluded that a President of all the people could do best if he did not have to win the endorsement of a majority of the people. He believes that he would have won re-election if he had stood again in 1968—but concedes that he would have lacked the kind of broad support necessary to an effective presidency.

One thinks of Harry Truman, who did not let his minority status and powerful enemies stop him from undertaking audacious aid programs abroad and civil rights efforts at home. Perhaps the chief lesson of Lyndon Johnson's book for Democrats in the 1970s is that the next Democratic President should take a partisan stance in both his domestic and foreign policies. Bipartisanship is essentially another form of gradualism and easily leads to paralysis of politics and policy. The tactics of consensus may sometimes help gain support for policies, but it should not be followed as an end in itself.

Still, there is much more in this book than the agony of Vietnam and the dilemmas of democratic politics. A picture emerges of a dedicated, compassionate and committed President—a portrait that I think will long survive the distortions of the last decade. Two of the author's observations will stick in my mind for a long time. One is his conclusion that "Politics goes beyond the art of the possible. It is the art of making possible what seems impossible." In domestic affairs and in many foreign accomplishments the President embodied that notion. The second is his reflection, on returning home for good to his beloved hill country, that he could hardly believe that he had shared the power and splendor of the presidency. "But on this night I knew I had been there. And I knew also that I had given it everything that was in me." And he had.

MEDICAL CARE IN RURAL AREAS

Mr. HANSEN. Mr. President, in many parts of the country there is a serious problem in delivering health care to people in rural areas.

While the problem is especially acute in the western part of the country, it is certainly not unique there.

Many government and private organizations are working to try to solve these problems. In a recent issue of AMA Update, the work of the AMA Council on Rural Health and the association's physicians' placement service is discussed.

Mr. President, I think it would be interesting and useful for Senators to have this information. It will perhaps suggest to them ways that communities in rural areas might solve some of their health problems. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN RURAL AMERICA . . . AMA IS HELPING THE "HEALTH CARE" GAP

Helping improve health care services in rural America—where people are few, and doctors are scarce—is the concern of Dr. Bond L. Bible and Miss Katherine Hart. He heads AMA's Council on Rural Health; she is director for the Association's Physicians' Placement Service.

"The job of the Placement Service," Kathy Hart explains, "is to help communities find a physician, and vice versa. We work closely with placement services sponsored by state medical associations. In a year's time, we may receive 2500 to 3000 requests for a doctor, some of them from small, rural communities, and about the same number of requests from doctors looking for an opportunity to set up practice.

"But those numbers don't always balance We have more surgeons looking for locations than localities looking for surgeons, for example. And most rural communities want us to help them find a family physician, but there just aren't enough family physicians available."

"Paradoxically, most MD's who live and practice in rural areas enjoy their work; once he has established his practice there, a doctor isn't likely to move," Dr. Bible observes. "A reason many young medical graduates choose the cities and suburbs may be that they are not aware of the real pleasures of a country practice—such as warm and lasting friendships with their patients, opportunities for community leadership, closer ties with their own families, and the chance to indulge in occasional hunting or fishing."

Are there ways to make a rural area's search for a physician easier? "Yes, definitely," says Dr. Bible. "One suggestion would be to look for an MD who grew up in a small community, perhaps even in the same part of the country.

"A survey by AMA's Council on Rural Health indicates that many doctors establish their practices in communities like those in which they were raised. Nearly half of the MD's we polled who were practicing in towns of less than 2500 said they were brought up in a small town.

"For that reason, many small communities are encouraging their young people to take a medical education. About a third of the doctors we polled in isolated rural areas said they were practicing in the town they grew up in, or in a neighboring community. Another 30% said that friends had helped them decide upon their present locations.

"About 28% of the remainder told us they had been helped to find their present location through the AMA and state medical association placement services. That was particularly true in the more rural areas."

"Other good places for a small community to check are the nearest medical schools and hospitals," Kathy Hart suggests. "It's during his internship or residency that a young doctor often decides where he will locate. And chances are, several medical seniors, interns or residents will be from the surrounding area.

"Many communities have found it helpful to prepare a physician-recruitment brochure that describes the area, its economy, its medical needs, and available health resources," she says. "These can be circulated to hospitals, medical schools, medical associations and other places. AMA will gladly advise any community that wishes to design such a brochure."

"Another way AMA is helping sparsely-populated communities is to encourage programs that extend the available medical services to a wider geographic range," Dr. Bible says. "Thanks to today's automobiles and roadways, a doctor may be 15 or 20 miles away in distance, but only minutes away in time.

"When feasible to do so, we urge groups of communities to establish a centrally-located medical center or group practice, together with mobile health units or satellite health stations. Such arrangements have proved beneficial to MD's and patients, alike.

"We're trying other approaches, too, in Washington State, for example, AMA is supporting a pilot project to improve delivery of health care services in a 4000-square mile area, with about five people per square mile.

"It's a team approach, basically, in which the area's eight doctors coordinate their own efforts, and those of physician's assistants (called Medex), nurse practitioners, social workers, and community health people. At the same time, the small rural hospitals have made referral arrangements with a large university medical center, some 275 miles away.

"Medex is a fairly new concept, in which former medical corpsmen, largely Vietnam veterans, are retrained to serve as physician's assistants. After 15 months of medical school and on-the-job training, an ex-corpsman is employed full time by an MD. Some 30,000 corpsmen and medically-trained technicians return to civilian life each year.

"In Washington State, where the program began, Medex sharply boosted physician productivity in rural areas, and quickly gained approval and respect, even among skeptical nurses, hospital staffs and patients.

"Now the program has been extended, with Medex in service or training in more than 25 other states. I expect it will be almost nationwide within a few years," says Dr. Bible.

CHINA AND THE U.N.

Mr. HUMPHREY. Mr. President, this week's vote in the U.N. has come to many as a swift shock. I have noticed a feeling of consternation over the fact that the American resolution was defeated and the Albanian resolution so resoundingly accepted. Talk of retribution is in the air for the rebuke that the United States has suffered in its noble defense of a faithful friend and ally, the Republic of China. Proposals are being aired for a reduction in American support to the United Nations and for chastisement of recipients of American aid who voted against the United States resolution or for the Albanian resolution or both.

I am disturbed by this kind of talk, particularly because it is openly encouraged by high Government officials. I would hope that a clear denunciation of any attempts to sabotage the United Nations or carefully wrought friendships with other countries would nip these kinds of pernicious plans in the bud. If we were to do some of the things which have been suggested, we would be leading ourselves and the international community into a situation of great peril.

Rather than dwell on an event which was inevitable, it would be far more productive to discuss ways in which the UN can now be revitalized and made more relevant to the needs of the modern world. I suggested several preliminary steps which could be taken in an address marking the 26th anniversary celebration of the U.N. I proposed that structural reform get underway so as to have a system of world government which could better cope with the realities of a world system which revolves on an axis of the power and influence of a select group or groups of countries. More precisely, I suggested that a formula of weighted voting in the General Assembly be devised. I underlined the need to have a strong, reliable peacekeeping force whose mission would be far more comprehensive than the actual U.N. peacekeeping forces. I also mentioned the need to form such specialized agencies as a Commission on World Pollution which would be prepared to handle the political and human repercussions of rapid technological developments.

The list is endless of what can be done, and yet many of us here persist in dwelling on what was done. I personally place a great value in history and consider myself a student of it, but I do not understand the fixation some of us have on the past and the total lack of vision or caring with respect to the future.

I view the recent U.N. vote as a kind of purge, a backlash against an anachronistic policy which has finally had its day. Any judgment I make today is in the spirit of fairness and objectivity because certainly the policy which the United States so tenaciously held was as much the product of Democratic as Republican administrations.

I should say to begin with that I was not in favor of the expulsion of Taiwan any more than I was in favor of the exclusion of mainland China from the United Nations in recent years. But I think the chances for maintaining that position in the U.N. this year were very slim, especially considering the fact that last fall, a majority of the General Assembly voted in favor of the Albanian resolution for the seating of Peking. It is on the question of poor timing that I would criticize the administration.

I have not spoken out on this question until now because I did not choose to undermine the position of my Government, but now that the vote is over and the United States has by its own actions made the U.N. vote a humiliating defeat, I can no longer withhold my criticism.

The first point to be made is that the administration has blown the issue involved in the expulsion of Taiwan and the seating of mainland China totally out of proportion. The U.N. Charter discusses U.N. membership in terms of states and not governments. Mainland China will always be mainland China, and the signing of the U.N. Charter in San Francisco calls for the representation of China in the U.N. For over 20 years we conceded that the Nationalist Government of Chiang Kai-shek was the sole representative of the U.N. and a majority of countries agreed with this position. On that premise only Taiwan could be seated in the U.N. to represent China. Because a majority of nations have now accepted the fact that the People's Republic is the legitimate representative government of mainland China, they have concluded that only the People's Republic can represent China. Hence, by expelling Taiwan they have not expelled China or closed the door to some other formula for the representation of the Chinese people within the U.N. What the recent vote in the U.N. has done, instead, is to expel the Government of the Republic of China.

Therefore, when Ambassador Bush and Secretary Rogers reiterate the principle of universality, they should remember that the expulsion of Nationalist China in no way contravenes this principle. Universality is a question affecting states and not particular governments.

Second, by striking an overly moralistic tone to the question of dual representation, the administration deliberately played into the hands of those who seek to undermine the U.N. I joined with a number of other Senators in sending a letter to Ambassador Bush which reiterated our support for the U.N. and which clearly repudiated any attempt to link the results of the China representation vote with our participation in that body.

Third, the administration's management of the U.S. resolutions was a study in bungling. First of all, we submitted our resolutions to the U.N. as late as September 21 just before the reopening of the General Assembly. Before that, in July the President's announcement of his trip to Peking paralleled the reintroduction of the Albanian resolution calling for the seating of China and the expulsion of Taiwan. Here, the timing was strange indeed if we had a policy clear supporting dual representation. Further questions were raised when Dr. Kissinger scheduled his second visit to Peking at the time of the vote in the U.N. Undoubtedly, these moves influenced several countries' votes.

Finally, our failure to recognize the futility of what could at best be the postponement of China's representation in the U.N. for another year, led us to bargain and elbow other countries in a way that was bound to have a damaging effect on our future relations. This is particularly true in the case of Japan who was already backed into a corner by the sudden reversal of official policy towards China.

I cannot emphasize enough the importance of this last point. The vote is over and the United States still must deal with the same international community. Its economy and stability are very closely related to economy and stability of the world. If we continue to offend and badger, especially over a situation which is not beyond repair, we will wreak far greater damage.

Our mistake was to place so much national prestige on this particular issue. Our greatness and the greatness of any nation is to be able to reverse itself nobly, to work with the majority as well as with the minority of nations, and to view prestige ultimately in more substantive terms than a loss of a vote in the United Nations. We must in addition remember that the expulsion of Taiwan from the U.N. was a result of a U.N. vote. It should be clear that the U.N. vote in no way affects our own obligations as set out in the mutual defense and mutual security treaty between the U.S. and Nationalist China. That is why I think the U.N. vote should be considered for what it is—an acceptance of the legitimacy of the People's Republic's claim that it is the sole representative of China, and as such, should represent China in the U.N.

It is not for the United States to endorse the claims of one government or the other for the territory of Taiwan. This question should be decided peacefully with the consent of the Taiwanese people.

What the United States can do is to reiterate its intention to uphold its treaty obligations with the Republic of China and can reserve its right to withhold its own final determination of the sovereignty of Taiwan.

It should not be surprising that as U.N. membership grew, and as American influence waned because of many factors, that the majority will of the U.N. would be reflected in the vote on Chinese representation. Thinking positively as I will persist in doing, I view the U.N. vote as the symbolic end of an era, and the beginning of another where the United States has a key role to play the role of a constructive partner—not a dominating power. Now the most populated territory in the world will no longer be excluded from the international community. In that respect we can hopefully look forward to a more effective world order. The search for peace is a long and demanding task. It cannot be achieved in anger, self-pity, or petulance. Peace requires persevering patience and sustained strength in face of frustration and difficulties. We must be firm without being belligerent, resolute without being bellicose, strong without being strident.

HOSPITAL ADMISSIONS SURVEILLANCE PROGRAM

Mr. PERCY. Mr. President, I have been following with great interest the planning and development of the hospital admissions surveillance program—HASP—in Illinois, Congress should be aware of the excellent support which Illinois doctors have given to the State's plan.

The surveillance program, which will provide a continuing review of hospital utilization by medicare/medicaid patients, will surely cut down the length of hospital stays and will help control Federal medical costs. The Federal Government simply cannot afford the high costs and inefficiencies of the medicare/medicaid program and must begin to study the benefits of regional hospital planning and better financing methods for medically indigent patients.

From all indications, Illinois has formulated a sound program with HASP. Its success is dependent upon the full cooperation of Illinois doctors in certifying the patient's need for hospital treatment. I commend our doctors in the Illinois State Medical Society for their early agreement to help work for hospital cost controls which are so clearly needed. Similar activity in other States would help to control spiraling Federal medical costs.

TERROR STALKS THE ELDERLY

Mr. PERCY. Mr. President, I invite attention once again to a problem which affects all of us, but which affects our elderly citizens with special severity. That problem is crime.

Many elderly citizens live in neighborhoods so rampant with crime that they are virtual prisoners in their apartments or houses. They are afraid to leave their homes to carry on such ordinary activities as grocery shopping or visiting friends. Because of the physical infirmities from which many of them suffer, such as poor eyesight or bad hearing, they are especially vulnerable targets for criminals.

While on a recent tour of the Woodlawn district in Chicago, I met an elderly woman who told me she was so frightened by the crime problem that she absolutely refused to leave her apartment after sundown. She said that when the sun goes down, she locks herself in as securely as possible, and yet she still lives in terror of what might happen to her because of repeated vandalism in the building.

In yesterday's Washington Evening Star, I noticed an article by David Holmberg about an 82-year-old woman who was senselessly raped and murdered earlier this week in Washington. If this incident were an isolated one, it would be tragic enough. But it is not an isolated incident. Elderly people who live in cities across the country live in constant terror. They are not only terrified of going out at night, but in many places, they are afraid to walk out in the daytime.

Already somewhat isolated by a society which fails to show its concern or respect for them, the elderly often find that the crime problem makes their isolation complete. There is no doubt that this problem affects their whole personalities, their outlook on life, and not least of all their health.

In summarizing the crimes that occur against aged people who live in poverty ghettos, Noel Tomas, northeast regional representative for the National Council on the Aging, told the Senate Committee on Aging this:

> There are the murders . . . the purse snatchings and assaults, check and mail thefts, the tying up of elevators in high-rise buildings, vandalism to windows, screens and doors for which the tenant must pay repairs if he cannot or will not identify the culprit—out of fear of retaliation—neighborhood fighting and rowdyism, window peeping, door knobs being tried all night long, lights kept on all night, elderly tenants staying up all night and sleeping during the daytime, young people spitting upon and speaking abusively to old people, running them down with bicycles, shooting BB's at them. There are many other indignities, harassments, shakedowns and attacks—all of this taking place in this Nation would lead one to believe we have created or allowed to develop a chamber of horrors for those golden years of life. We allow the destruction by physical terror and mental paranoia of our elderly poor.

Mr. President, I am not one to underestimate the difficulties of solving essentially deep-seated and complicated problems, but clearly, the terrorizing of our elderly people has got to stop.

There are no words strong enough to express my feelings of total shock, disgust and absolute heartsickness upon reading articles such as the one written by Mr. Holmberg in last night's Evening Star, about the 82-year-old woman who was raped and murdered.

Mr. President, I want to bring Mr. Holmberg's article to the attention of my colleagues by asking unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, Oct. 28, 1971]

They Live Every Day in Fear

(By David Holmberg)

Down the curving driveway past the police car came the tiny elderly woman, a fragile figure so delicate and vulnerable it seemed she might be lifted away by a stiff fall breeze.

She is one of those aged women who live in constant fear on 16th Street—one of the anonymous elderly who spend the last years of their lives in a part of the city that is increasingly alien to them.

Elta Miller, 82, was one of those women, too, until Tuesday she became a statistic. The 230th murder victim in the city this year. She lived on the fifth floor of the Century Apartments at 2654 16th St., and some time early Tuesday night she was raped and smothered to death with a pillow jammed over her head.

Yesterday, the tiny woman walking down the apartment driveway to catch a bus had not yet heard that her neighbor had been murdered.

"Of course I know her," she said, "I live on the fifth floor, too. Oh, how awful. How awful."

She said that about 8 p.m. the night before—about the time that Mrs. Miller had been killed—she had heard a loud knock at her door.

"I didn't answer it," she said, "I didn't even ask who was there. I never answer my door any more. If some of my friends are coming over, they call first. And if someone in the building comes, they say who they are."

She said that after the frightening, persistent knock on the door, she called one of the neighbors, who said: "You didn't answer it, did you? It might have been someone just going up and down the halls knocking on doors, hoping someone would let them in."

The woman did not think about the strange knock until yesterday morning when she walked by Miss Miller's door and saw a police notice on it saying the room had been sealed off.

"I saw that, and I wondered what had happened. The man who killed her could have been the one who knocked at my door, couldn't he? Or maybe it was the police, but wouldn't they have said who they were?"

She said she had lived in the building 13 years. Although there has been relatively little crime there, she has been robbed three times in other places.

"I'm scared to death of the city," she said.

Miss Miller, the woman said, was a retired government clerk who had lived in the building for "several years." She was "such a kind and nice neighbor," the woman said, and she was almost totally deaf.

"If anybody got in and tried to talk to her, tried to tell her to do something, she couldn't have heard a thing. I could talk to her because she could read my lips. She used to say that my lips were easy to read."

Another resident of the building, Evelyn DeStrito, said she had been afraid to leave her apartment that morning because she knew something had happened. She finally walked a few feet to her sister's waiting car, but she was still frightened. Her sister lives in Virginia, and had moved there from the District not long ago.

"I'd like to move too," Mrs. DeStrito said, "but I can't afford it." She said her pocketbook has been snatched twice, and she does not go out at night at all anymore.

WORK OF LOCAL CHAMBERS TO IMPROVE SOCIAL CONDITIONS IN CITIES

Mr. SAXBE. Mr. President, the Chamber of Commerce of the United States has recently completed a survey of 347 local chambers of commerce which shows that these local business groups are spending millions of dollars to improve social conditions in American cities.

This study was done by the National Chamber under the guidance of William Adams II, president of the Greater Cleveland Growth Association and two other men, Amos Martin, executive vice president of the St. Paul Area Chamber of Commerce and Harry Hall, president of the Michigan Chamber of Commerce.

These three men are members of the National Chamber's Urban and Regional Affairs Committee and composed the subcommittee under which the survey was conducted by National Chamber Urban Affairs Committee staff executive Ivan C. Elmer.

Mr. President, I ask unanimous consent that the press release explaining the survey be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record as follows:

Corporate Involvement in Urban Problem Solving Finding New Strength in Local Chambers, Survey Shows

Washington.—Millions of dolllars from the nation's business community are going to improve social conditions in American cities by a route which is rarely noticed by the general public, a Chamber of Commerce of the United States survey released today shows.

This route is the local chamber of commerce, the organization through which business is investing a growing amount of funds for solving urban socio-economic problems and, as a result, improving the general community and business climate as well.

This type of survey of local chambers is the first to be taken by the National Chamber in its 59 year history. It shows an added dimension of corporate and business contributions to resolving the problems plaguing American cities.

The 347 local chambers responding report spending more than one-fourth of their income in ten general social problem areas: Consumer protection; crime prevention; education; environmental quality; manpower; minority enterprise; model cities; urban renewal; transportation, and youth involvement.

In the transportation field, for instance, the respondents report initiating 567 programs to improve problems affecting air, rail, public transit, automobile and parking problems.

The responding chambers are spending $13.5 million on social problems this year, 26% of their total income. Ninety five per cent of these same organizations indicate such goals will become an even greater part of their expenditures in the future.

Further evidence that attacking such problems is good for the local chambers is revealed in overall spending by these units, the National Chamber survey shows. Local chambers who report specific spending for socio-economic programs average 15 per cent more income than those who are not involved in such activities.

The use of local chambers of commerce and/or trade associations is often overlooked as a way of corporate involvement, the Chamber federation believes. This survey shows that business in communities ranging from less than 5,000 inhabitants to more than one million citizens are actively engaged, through their local chambers, improving their communities.

RESIGNATION OF POSTMASTER WINTON M. BLOUNT

Mr. FONG. Mr. President, several hours ago I received a call from Postmaster General Winton M. Blount, advising me that he had submitted a letter of resignation, effective today, to the Board of Governors of the U.S. Postal Service. The Postmaster General is returning to private life in Alabama after guiding the Post Office Department into a new era as the U.S. Postal Service.

Mr. Blount was nominated to be Postmaster General by President Nixon on January 20, 1969, and his nomination was confirmed on that same date. Even before he was sworn in as Postmaster General "Red" Blount had begun a very meticulous and thorough study of the operations of our postal system. When he appeared before the Senate Committee on Post Office and Civil Service for his nomination hearing, he exhibited a very impressive understanding of our postal problems and a dedication to improving them.

During the past 2½ years his mark on our country's postal system has become indelible. He has instituted many momentous changes for the betterment of postal operations. First, on his recommendation, Congress removed the requirement for Senate confirmation of nominations of postmasters, thus eliminating political considerations in their selection.

Then, with President Nixon's full support, Postmaster General Blount recommended landmark legislation to establish the new U.S. Postal Service as an independent Federal agency. This legislation also removed the Postmaster General from the President's Cabinet. Congress gave detailed consideration to this proposal and on August 12, 1969, after over a year of very difficult and highly controversial committee, floor, and conference action, the Postal Reorganization Act finally became law.

The new Postal Service is indeed a credit to the hard work and dedicated efforts of Postmaster General Blount in his determination to achieve for all Americans a postal system removed from the spoils of party politics and to improve the transportation of the mail to every village, city, and State of our great country.

The tasks undertaken by Postmaster General Blount during his tenure as head of our postal system have been awesome and he has succeeded in many of them. He has faced much opposition from many sides in attempting to implement the reforms he felt essential to improving the delivery of our mail. He has succeeded where many of his predecessors failed.

Although many things still remain to be done in the Postal Service, Postmaster General Red Blount has left a fine legacy to his successors.

I deeply regret that "Red" Blount has deceided to retire as Postmaster General. But before he retires, I wish to express to him my heartfelt thanks for a job well done.

I am confident that all Americans join me in this expression of thanks and in wishing him well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1971

The PRESIDING OFFICER (Mr. BURDICK). In accordance with the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 9910, an Act to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri (Mr. SYMINGTON).

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 277 Leg.]

Allen
Baker
Buckley
Burdick
Byrd, W. Va.
Cotton
Fulbright
Griffin
Mansfield
McIntyre
Metcalf
Scott
Spong
Symington
Talmadge
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Byrd, Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Stafford
Stennis
Stevens
Stevenson
Tunney
Weicker
Williams

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The PRESIDING OFFICER (Mr. BENTSEN). A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 11423) to extend the Federal Water Pollution Control Act until January 31, 1972, in which it requested the concurrence of the Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily until a later time during the day and that in its place the distinguished Senator from New York (Mr. BUCKLEY) may be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from New York is recognized.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 536

Mr. BUCKLEY. Mr. President, I call up amendment No. 536 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 29, line 22, after "Sec. 108.", insert the subsection designation "(a)".

On page 31, between lines 5 and 6, insert the following new subsection:

"(b) The Congress strongly urges the President to undertake such negotiations as may be necessary to implement the portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations ('Lodge Commission') which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

Mr. BUCKLEY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. BUCKLEY. Mr. President, I do not think this is a very complicated amendment. What it does in effect is to have Congress endorse the recommendation of the Lodge Commission report, the report of the President's Commission for the Observance of the 25th Anniversary of the United Nations, in which the members of the commission went to considerable pain to point out that there is too large a financial dependence in the United Nations on the United States and that this is unhealthy for the world body and unhealthy for the United States.

The Commission report urged therefore, that working within the United Nations, we negotiate a ceiling on the amount of our contribution, which currently stands at 31.5 percent.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. PASTORE. Mr. President, would the Senator oblige me by including my name as a cosponsor of the amendment?

Mr. BUCKLEY. I would be delighted to do so.

Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PASTORE) be listed as a cosponsor of my amendment No. 536.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, this is a very simple proposal. We urge that negotiations be initiated within the United Nations so that the mandatory assessment of the United States may be reduced to not higher than 25 percent.

Given the number of the countries now in the world body, given the fact that other countries have gained in prosperity and economic potential, and given the fact that the total mandatory costs of the United Nations are low enough so that they could be more equitably shared by the world community, I urge that the Senate adopt the amendment.

Mr. FULBRIGHT. Mr. President, I certainly favor the Senator's amendment. It is part of the Lodge Commission report.

There are many reasons why we should reassess our role in the U.N. But I do not want this to be understood as a reaction to the recent vote in the United Nations. This is a recommendation that was in the Lodge Commission report long before the United Nations vote.

The amendment is sound. I shall support it and vote for it. I will be happy to take it to conference. Does the Senator wish a rollcall or voice vote? I am perfectly willing to take the matter to conference.

Mr. BUCKLEY. Mr. President, I am delighted that the chairman of the committee has also endorsed the proposal. I believe the entire membership of the Senate feels that the time has come for a more realistic sharing of the burden.

Mr. President, before action on the amendment, I ask unanimous consent to have the name of the junior Senator from Texas (Mr. BENTSEN) listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. PELL. Mr. President, I see the objective of the amendment, and I am in great sympathy with the objective. However, I wonder if it is realized that the assessments now are based on a formula reflecting relative gross national product and the national income of countries.

If we agree to the amendment, we would be saying that maybe we should have a different formula adopted instead of saying that, unilaterally, the United States wants better treatment under the present formula than other nations.

Mr. BUCKLEY. That is a correct statement. It is quite clear within the report that we would be working within the United Nations and urging a shift in the formula that would lessen the burden unilaterally borne by the United States.

Mr. BIBLE. Mr. President, I have had continuing problems with the extent of our Government's financial participation in the United Nations. I heartily agree that the time is ripe for a critical reevaluation of our U.N. spending, and I strongly support the amendment of the distinguished Senator from New York.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. BUCKLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. PASTORE. Mr. President, let the record show that the senior Senator from Rhode Island voted in the affirmative.

Mr. GRAVEL. Mr. President, let the record show that the junior Senator from Alaska voted in the negative.

Mr. ROTH. Mr. President, let the record show that the junior Senator from Delaware voted in the affirmative.

Mr. ERVIN. Mr. President, let the record show that the senior Senator from North Carolina voted in the affirmative.

AMENDMENT NO. 554

Mr. GRAVEL. Mr. President, I send an amendment to the desk and ask that it be stated. It is my amendment on universality in U.N. membership. It was submitted yesterday and is not printed by the Printing Office as yet.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

TITLE V—UNIVERSALITY IN UNITED NATIONS MEMBERSHIP

Sec. 501. The Congress hereby finds that to achieve universality of membership in the United Nations would significantly enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter. Therefore, to that end, it is the sense of the Congress that it should be the policy of the United States actively to support the admission to membership in the United Nations of the Republic of China, the Federal Republic of Germany, the German Democratic Republic, the Republic of Korea, the People's Democratic Republic of Korea, the Republic of Vietnam, and the Democratic Republic of Vietnam.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I yield myself as much time as I shall require to explain the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I would hope that the chairman of the committee would look upon this amendment favorably.

The crux of the disappointment and the disagreement that exists in the United Nations, as I see it, is the fact that the Island of Taiwan, the Republic of China, numbering 14 million or more people, should, because of its very number, occupy a seat in the United Nations. The action of the United Nations in expelling a nation with that many people was intransigent. There are nations who are members of the United Nations and have a smaller number of people.

Yet those nations were voting on the expulsion of Taiwan.

The whole theory behind the amendment is the theory of universality; that is, that if we are going to have a union of nations of the world, all nations of the world should be able to have membership in the organization.

In fact, there is the example of a twenty-year effort by this nation not to permit the Peoples' Republic of China to have membership, and this laid the groundwork for the rejection of our foreign policy in the United Nations this week. I personally feel from my visits to Europe, which have not been as extensive as the visits of many other members of this body, that the heart of the difficulties we have in Europe is the fact that we have an East Germany and a West Germany, and we choose not to recognize East Germany. This has been responsible for their intransigence.

Were they to be admitted we might lay a real foundation for peace in Europe. We have the same situation in connection with Korea, and in Vietnam. In 1957 Khrushchev suggested that we have North and South Vietnam in the United Nations. Could anyone doubt that had both North Vietnam and South Vietnam been admitted to the United Nations in 1957 we would not have the difficulties we have today?

So all of these situations have arisen because we have been party with others not to allow universality, which means to get everybody in that organization, friend or foe, because in that way we stand a better chance to resolve the difficulties, since there would then be a better chance to face each other across desks rather than across barricades and border lines.

The amendment is not very long and I would like to read it for the Senate. I believe it goes to the heart of our world difficulties. I think this body aspires to this principle. The reaction we have seen all this week results from the fact that the Republic of China was expelled. I think my amendment solves that problem in a constructive fashion.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. PASTORE. Is the purpose of the amendment of the Senator from Alaska that East Germany be admitted to the United Nations as a sovereign government?

Mr. GRAVEL. That would be the end result of it, yes; as a policy decision it would be an end goal. I will read the amendment so that it will be clear. The amendment would add a new section, which would state:

TITLE V—UNIVERSALITY IN UNITED NATIONS MEMBERSHIP

SEC. 501. The Congress hereby finds that to achieve universality of membership in the United Nations would significantly enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter. Therefore, to that end, it is the sense of the Congress that it should be the policy of the United States actively to support the admission to membership in the United Nations of the Republic of China, the Federal Republic of Germany, the German Democratic Republic, the Republic of Korea, the People's Democratic Republic of Korea, the Republic of Vietnam, and the Democratic Republic of Vietnam.

That covers the waterfront.

Mr. PELL. Mr. President, would the Senator yield?

Mr. GRAVEL. I am happy to yield to the Senator from Rhode Island.

Mr. PELL. I completely agree with the Senator about the objective of universality. This is an objective that many of us have had for the last 10 years. I think it was Pope Paul, when he visited the United Nations in 1964 or 1965, who underlined that same point.

But I think the Senator is incorrect in talking about the origin of the United Nations or the philosophy behind the United Nations or being based on universality. I had the good fortune to participate in the birth of the United Nations at San Francisco. At that time the philosophy of the United Nations was that it was a combination of the winners of the war. Then, later we let in the neutrals. But the idea of universality is a growth, a development, and a change from the original genesis of the United Nations. The record should show this fact clearly.

Mr. GRAVEL. I would be happy to accept that explanation based on the knowledge of the Senator from Rhode Island. This would represent a new level of maturity, not only in the world, but in this Government.

Mr. FULBRIGHT. I think perhaps this should be a separate resolution.

I can think of another country the Senator did not mention, Outer Mongolia. The Senator overlooked mentioning that country and at one time we were about to establish diplomatic relations with it.

Mr. PELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PELL. It is already a member of the United Nations.

Mr. FULBRIGHT. Yes. I was referring to our recognizing it. We were about to recognize it and send an ambassador there but some difficulty developed.

I hesitate to accept this amendment without hearings and without consultation with the administration. In principle I favor the idea. But I do hesitate to accept it on this bill, which is already complicated enough with irrelevant matters and we will probably have more of them. I hesitate to do it without the matter having been examined by the committee or having had the advice of the administration. I do not know what the status is of any negotiations with regard to North Korea and East Germany and the others. Obviously, with the state of war that exists between us and North Vietnam it would be impractical to do anything about that at this time.

I do not feel justified in taking this amendment although I agree with the principle and feel we need to move in this direction. I hate to put on this additional matter when it has not been considered by the committee.

I would like to suggest that it be submitted in the form of a resolution to the committee, and I can assure the Senator it will receive consideration. Personally, at the moment, I would be inclined to support it. This has become kind of a Christmas tree bill already. A lot of things have been put on it that have not been given a great deal of attention. The first amendment, the one offered by the Senator from Vermont, dealt in a limited degree with an item on which no hearings were held.

I hope the Senator from Alaska will not press his amendment. I do not feel I can accept it at this time, although I favor the principle.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. GRIFFIN. Does the Senator have an amendment pending at the desk?

Mr. GRAVEL. Yes.

Mr. GRIFFIN. The reason I ask the question is that I went to the desk to look at the amendment, and there is no amendment at the desk.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair has not received a copy of the amendment. The Chair understands the Printing Office is delayed.

Mr. GRAVEL. The Printing Office has a copy of it.

Mr. GRIFFIN. That does not help the Senator from Michigan.

The PRESIDING OFFICER. Will the Senator from Alaska send a copy of the amendment to the desk?

Mr. GRAVEL. This is the only copy I have.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read as follows:

TITLE V—UNIVERSALITY IN UNITED NATIONS MEMBERSHIP

SEC. 501. The Congress hereby finds that to achieve universality of membership in the United Nations would significantly enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter. Therefore, to that end, it is the sense of the Congress that it should be the policy of the United States actively to support the admission to membership in the United Nations of the Republic of China, the Federal Republic of Germany, the German Democratic Republic, the Republic of Korea, the People's Democratic Republic of Korea, the Republic of Vietnam, and the Democratic Republic of Vietnam.

Mr. GRAVEL. That is my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. I yield to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I appreciate the Senator from Alaska's yielding.

On first impression, after listening to the amendment being read for the first time, I must agree with the comments of the distinguished chairman of the Foreign Relations Committee. He indicated that this is the kind of proposal which should be put in resolution form and should at least have the benefit of hearings before the committee having jurisdiction. I do not know whether I would be for the proposal or against it, if it were reported by the committee. But at least I would hope that the Senate at this time would not take action without giving the Foreign Relations Committee the opportunity to study it and have hearings.

Mr. GRAVEL. Mr. President, let me first say to the distinguished chairman of the Foreign Relations Committee that I certainly would not be averse to that, because I think it would probably be a most fundamental act in the developing maturity of the United States to present the resolution to the committee. However, before agreeing to that, I just wonder if the amendment could be accepted if the language were modified to take out the specific countries in question? I go to the middle of the paragraph where it says—

> Therefore, to that end, it is the sense of Congress that it should be the policy of the United States actively to support admission of all nations not yet members.

Mr. FULBRIGHT. Again, I have the same feeling about it. In addition to the States the Senator mentioned, none of which are what we refer to as mini-States, there are a number of these so-called mini-States which present a very difficult problem. I think it is a matter that deserves attention. I can assure the Senator the committee will be glad to hold hearings on such a resolution.

Taking North Vietnam, for example, while we are at war with her—and obviously it is an important state. What is going to be our policy? But to take in every little, tiny state of 100,000 or less that is something else again. I do not like to mention some of the little islands, but some of them are now requesting admission. Are we going to say that we want every one of them as full-fledged members in the United Nations? I think we have probably gone too far. I just do not think it is wise to do it without hearings.

I would agree with what the Senator said on the report of the President's Commission. Let me read one paragraph:

> All governments of the world should have access to the United Nations; and every state, no matter how small, should benefit from the work of the Organization to maintain international security and to advance the economic and social well-being of mankind. But access to those benefits does not necessarily require membership with voting rights in the Organization. Some small states, with a limited capacity to meet the obligations of the UN, would be better served by an associate status.

My reason for reading this is to point out that the matter is under consideration. I do not know if the administration has reached a decision on it. I favor the idea suggested by the amendment, but whom are we going to let in there? There should be some limit, at least, to full membership. The states the Senator mentions do not address the issue fully.

I would still recommend strongly that the Senator not press the amendment, but present it as a resolution to be considered at the proper time by the committee.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. ALLOTT. I think there are some elements of this proposal with which I agree, but I want to say to the Senator from Alaska that the statements made by the chairman of the Foreign Relations Committee are very apt in this situation. This matter has been the subject of discussion in the U.N. and the Department of State for a long time, and in addition to what connections I have had with the U.N., I have had occasion to discuss it in connection with the Interparliamentary Union.

The question of universality is one of the most complex and difficult ones that we could possibly get into. On the surface, saying that we want every country to be a part of the United Nations sounds very great and sounds very wonderful, but as the chairman has just pointed out, it is an extremely complex question. As a matter of fact, when one looks at the influx of new countries into the U.N. in the last few years, it is not very difficult to see countries that have actually denuded themselves of their best governmental talent in order to staff the U.N. talent that ought to have been used and ought to at this time be used in their own countries.

I do not have specific cases, and perhaps it might not be too well to comment on specific cases, but this is true and has been true in the past.

I would hope the Senator from Alaska would offer the proposal in the form of a resolution and let the Foreign Relations Committee work its will on it, because I think the chairman has stated and recognizes the extreme complexity and difficulties involved in this question. It is not something we should decide here today on the basis of an amendment, in my opinion.

Mr. GRAVEL. Mr. President, I think these suggestions certainly should be well received, and in light of those suggestions and certainly because of my respect for the chairman of the committee, I would hope we could have early hearings on this subject, which I think is very fundamental.

As the chairman appreciates, I did mention specific countries because these countries are at the heart-throb of the problem today. The chairman mentioned the fact that we are at war with North Vietnam. That is a different point in itself. I am ready to introduce a declaration of war resolution so we can dot the "i." That point was considered with respect to the draft, and it was dodged, and I think erroneously so, because I think we are in a no man's land now. I think it is evidence of a lack of candor on the part of Congress and a desire not to face up to the situation.

Mr. FULBRIGHT. I agree with much of what the Senator has said, but we lost a motion yesterday in the direction of ending the war. The Senator knows what the situation is. It was by one vote, really, on the critical vote. But I do not think that we can do any more in this bill than that. We still have a test coming up on the Mansfield amendment. So there will be one more vote. We will see what the sentiment of the Senate is at that time. I do not want to declare war—I want to declare peace at this time.

Mr. GRAVEL. Mr. President, in view of this colloquy, I withdraw my amendment at this time, and I thank my colleagues.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

Mr. ALLEN. Mr. President, on behalf of myself, the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. ERVIN), I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 39 strike subsection (w) on lines 9 through 21, and renumber subsections accordingly.

The language sought to be stricken is as follows:

> (w) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

Mr. ALLEN. Mr. President, I yield myself such time as I may require, but first I yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator from Alabama.

EXTENSION OF AUTHORITY CONFERRED BY THE EXPORT ADMINISTRATION ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished senior Senator from Alabama (Mr. SPARKMAN), I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 167.

The Presiding Officer laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 167) to extend the authority conferred by the Export Administration Act of 1969, which was to strike out lines 7 through 9, inclusive.

Mr. BYRD of West Virginia. Mr. President, I am advised that this matter has been cleared with the minority, and on behalf of the Senator from Alabama (Mr. SPARKMAN) I move that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

The amendment which has been submitted is submitted for myself and for the distinguished Senator from Tennessee (Mr. BROCK), the distinguished Senator from New York (Mr. BUCKLEY), and the distinguished Senator from North Carolina (Mr. ERVIN).

The amendment is quite simple. All it would do is knock out subsection (w) of section 301 of the bill. This is the subsection that prohibits any military assistance to the country of Greece.

Mr. President, the United States has been most generous to foreign nations. This bill contains authorization for more than $3 billion. It was developed in debate yesterday that contained in the bill is authorization for appropriation of some $1.4 billion to countries which voted against the United States in the recent vote in the United Nations. Counting the nations that abstained in that vote, there is contained in the bill authorization for the appropriation of some $2.3 billion to nations that did not show any friendship for the United States.

There were two votes in the United Nations. The critical vote was the close vote on the question of whether the expulsion of Nationalist China should be considered an important question—and how much more important could a question be than on expelling a member? But on the question of whether that question would be an important question, requiring a two-thirds vote, or whether it would require only a majority vote, that being the critical question, there were 55 votes cast in favor of declaring that question an important question. Greece was in that number. There were 59 member nations opposed. But on this critical vote, Greece stood by the United States, whereas nations to which the United States is proposing to give more than $2 billion under this bill either voted against the U.S. position or abstained from voting.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ALLEN. I shall be glad to yield.

Mr. FULBRIGHT. Just to complete the record, Greece abstained on the Albanian resolution, which resulted in the seating of Communist China.

Mr. ALLEN. Yes, that is correct.

Mr. FULBRIGHT. I would say she took an equivocal position; she voted with us once, but refused to vote with us on the final vote which resulted in the unseating of Nationalist China.

Mr. ALLEN. That is not contrary to anything the junior Senator from Alabama has stated.

Mr. FULBRIGHT. I know; I am just completing the record.

Mr. ALLEN. I stated that on the critical question, the vote was 59 to 55.

Mr. FULBRIGHT. That is correct.

Mr. ALLEN. On the vote which resulted in the seating of Red China, the vote was a topheavy 76 to 35 in favor of the Albanian resolution. Greece did abstain on that vote.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD as a part of my remarks a rollcall tally as published in the New York Times on the two votes in the United Nations.

There being no objection, the tally was ordered to be printed in the RECORD, as follows:

U.N. ROLLCALLS ON CHINA

UNITED NATIONS, N.Y., October 25.—Following are two rollcall votes taken in the General Assembly tonight on seating Communist China and expelling Nationalist China.

ON TWO-THIRDS REQUIREMENT

Resolution declaring the expulsion of Nationalist China an "important matter" and thus requiring a two-thirds vote rather than a simple majority for passage.

In favor—55

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Cambodia, Cent. Afr. Repub. Chad, China, Colombia, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Rep., El Salvador, Fiji, Gabon, Gambia.

Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico.

New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

Opposed—59

Afghanistan, Albania, Algeria, Bhutan, Britain, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Congo (Brazza.), Cuba, Czechoslovakia, Denmark, Ecuador, Egypt.

Equatorial Guinea, Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria.

Norway, Pakistan, Peru, Poland, Rumania, Sierra Leone, Singapore, Somalia, So. Yemen, Soviet Union, Sudan, Sweden, Syria, Tanzania, Trinidad-Tobago, Uganda, Ukraine, Yemen, Yugoslavia, Zambia.

Abstentions—15

Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

Absent

Maldives, Oman.

ON SEATING PEKING

Resolution to seat Communist China and expel Nationalist China.

In favor—76

Afghanistan, Albania, Algeria, Australia, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Eq. Guinea, Ethiopia, Finland, France, Ghana, Guinea.

Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos.

Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, Congo (Brazza), Peru.

Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Soviet Union, Sudan, Sweden.

Syria, Tanzania, Togo, Trinidad-Tobago, Tunisia, Turkey, Uganda, Ukraine, Britain, Yemen, Yugoslavia, Zambia.

Opposed—35

Australia, Bolivia, Brazil, Cambodia, Cent. Afr. Republic, Congo (Kinsh.), Costa Rica, Dahomey, Dominican Rep., El Salvador, Gabon.

Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand.

Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

Abstentions—17

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

Absent—3

China, Maldives, Oman.

Mr. ALLEN. Mr. President, I am strongly opposed to undermining the deterrent effect of the NATO Alliance as I believe all realists should be. Yet, section 301 of H.R. 9910, the pending amendment to the Foreign Assistance Act of 1961 provides as follows:

> Sec. 301 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is further amended by adding after subsection (v), as added by section 104(b) of this Act, the following new subsections:
>
> "(w) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such findings to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971."

Those who would have us cut off aid to the Greek nation have dressed their arguments in the respectable cloak of democracy. Never mind the fact that some of those who would have us abandon Greece, a NATO ally, are proponents of increased aid to Communist nations. With respect to Greece, their argument is that the present Greek Government has not implemented democratic reforms, so the United States should immediately discontinue its support.

Since Greece is a NATO ally what effect would our unilateral abandonment of our ally have upon the NATO Treaty? There are 15-member nations and each seeks to promote stability in the North Atlantic area by means of collective defense. Article 3 provides:

> In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

And, article 4 provides:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all, and consequently they agree that, if such an armed attack occurs, each of them . . . will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Mr. President, let us remember Greece no longer receives economic aid from us such as might be expected under terms of the treaty. Now we are urged to take an additional step and deprive our ally of military hardware and military support to enable the nation to fulfill its military obligations under the treaty. I had thought that only Communist nations wanted to weaken and destroy the NATO alliance.

Mr. President I am concerned by what appears to me to be a cynical attitude reflected in the proposal to deprive Greece of military aid.

I might say, Mr. President, that knocking this subsection out of the bill does not appropriate any amount to the Greek nation; it merely provides a general authorization to come in under the general terms of the bill, to be eligible for inclusion in the appropriations bill when it is finally before the Senate.

Bear in mind that an armed attack upon any of the 15-member nations means an attack "on the forces, vessels, or aircraft of any of the parties." Let us assume such an attack upon the United States should we decide to abandon Greece. Would Greece be better able to help defend us or less able to help us? The answer to that question is obvious. But the answer to the question of why Members of Congress would want deliberately to weaken a defensive ally is far less obvious, for surely this is the object of Russia and the Warsaw Pact nations.

Furthermore, suppose we go ahead and cut off aid. Is it conceivable that the Greek Government would take the position that we had defaulted on our Treaty obligation to provide economic and military aid? Or would Greece at some later time accept military assistance from us in a time of our own crisis? Why should that nation provide troops, port facilities, air bases, and lay bare its territory to possible retaliation to help us at a time when we most needed help if we deprive it of the means to better defend itself and other NATO nations in times of peace?

In other words, what nation, having been denied military assistance to help maintain the peace will accept such assistance to help us fight a war after an attack has already been launched?

Mr. President, I think it is dangerous nonsense to assume that Greece would participate in any such arrangement. I know of no better way to alienate all NATO allies than for us to make economic and military assistance contingent on vagaries of congressional attitudes with respect to political qualifications for military assistance under terms of the NATO Treaty. So, before commenting on the military aspects of the question, let us examine some of the political implications inherent in section 301 now under consideration.

• All sorts of limitations and exclusions have been written into various forms of foreign aid—limitations relating to the use of funds; exclusions in the form of retaliation in some instances; and limitations in the form of divesting contingencies in still other cases—all designed to influence recipient governments in a particular manner. I agree that it is proper for Congress to impose limitations and restrictions in some cases.

However, it is disturbing when exclusions on military assistance are made to apply to nations which are committed to help defend the United States in the event of an attack because the effect is to undermine the capability of the nations involved to fulfill defensive obligations.

Furthermore, it is cause for concern when Congress undertakes to make military assistance to our allies contingent on our supposed right to dictate to them in matters relating to internal political policies. Yet, proponents of the "abandon Greece" policy are undertaking to do just that. A word or two on this aspect of the question might be useful.

Mr. President, I do not intend to discuss in detail the political situation in Greece—but it is necessary to illustrate the consequences of the loss of Greece as a NATO ally either by weakening her defensive potential as proposed by this measure or by encouraging political instability which might result in that nation withdrawing from NATO.

As political background information, let me quote remarks made by the distinguished Representative from California, Mr. HANNA, during the course of debates in the House on this provision of H.R. 9910.

> In the country of Greece the true and operative facts are that it is a fractionalized and a factionalized country. It has a long history of this. It makes democracy under our definitions very, very difficult in practical operation. There has been a history of 400 years of Turkish occupation in Greece. Prior to that Greeks were always citizens of their city before they were citizens of their country. And it has given them a base, coming into this century, of a fractionalized country—and they operate with factions. So that when you come to an election, for instance, they have multiple parties—six or eight—none of whom can form a government. So what happens is that when you finish with an election where a man from one area has been elected from one party and he goes to the capital, he starts to wheel and deal with the power that his people bestowed on him, because his party cannot form a government, nor can anybody else. Representatives are bought off to form whatever government makes the best bid and he remains at bid all the time to a new government with a higher offer which might take over.

Mr. President, in the light of this background, the remarks made in the course of debates by the distinguished Representative from Illinois, Mr. PUCINSKI, take on added significance:

> I was in Greece 3 weeks after the present Government took over. I took with me our American Consul, because I wanted to rely on his translations. There is no question that on April 21, 1967, Greece was on the verge of complete chaos and of falling into Communist hands. The Government of Greece was in a state of complete shambles and ripe for a Communist takeover.
>
> I personally talked to the late Premier of Greece, George Papandreou. One Sunday afternoon I visited with him in his villa. We spoke in English, because he spoke a halting English, and I asked Mr. Papandreou whether or not he could have won enough votes in the May election to form a government. He said, "No, I would not. I would need 30 additional votes, and I would have to get them from the Communists."
>
> I was moved by Mr. Papandreou's complete frankness but had no reason to doubt his sincerity.
>
> He spoke slowly and deliberately and made it very clear he was willing to form a coalition in order to return to power as head of the government.
>
> I said, "From the Communists?" He said: "Yes." I said, "What woud be the price you would have to pay?"
>
> He said, "Taking Greece out of NATO."
>
> I asked: "Would you be willing to take Greece out of NATO?"
>
> He said, "Yes, that is right."

Mr. President, who among those who insist on our brand of Democracy for Greece as a qualification for *economic* and military assistance are prepared to say that Greece would not again fall into chaos and return to the verge of falling into Communist hands? But those who are prepared to risk this possibility are willing to repudiate our NATO obligations with all the risks and potential for danger that lies in this course of action.

Now, Mr. President, let us consider the military risks involved. For this purpose, I call attention to the testimony of Gen. Andrew J. Goodpaster, U.S. Army, Commander in Chief, U.S. European Command, given during hearings held on H.R. 9910, by the House Committee on Foreign Affairs. Because of the brevity of the illustrative remarks, I will quote:

> Both Greece and Turkey must depend upon allied help to enable them to finance even their minimum defense requirements; and without that assistance, their forces would deteriorate. The NATO community has been asked to help, and some assistance has been provided. However, Greece and Turkey remain primarily dependent upon the United States for what military assistance they require. . . .
>
> The grant aid program for *Greece* will provide for priority force modernization and some essential training, as well as operating and maintenance support. Modernization items include helicopters, armored vehicles, ammunition, engineer and communications equipment, and modifications for MAP-provided aircraft. We believe that destroyer modernization can be accomplished by the application of retiring U.S. Navy ships and can be financed within the Greek defense budget.
>
> To make it possible for the Greek Government to purchase other essential defense articles and services that will not otherwise be available within Greek resources—even if augmented by grant military assistance from the United States and other nations—we have forecast a modest amount of credit for Foreign Military Sales in FY 72.

But all of that would be wiped out by the section that is now sought to be eliminated.

> A request for authorization of those funds is included in the legislation before the Committee.
>
> The Greeks are making substantial—and successful—efforts to help themselves, but they cannot yet stand alone. In my opinion, Greece's firm commitment to NATO, plus the military facilities the Greek Government makes available to U.S. forces, fully justifies continuance of our aid in the modest amounts proposed.

Mr. President, with more specific reference to consequences of abandoning Greece, let me quote the following question posed by the distinguished chairman of the committee and the reply by General Goodpaster:

> General, for several years it has been no secret that many members of this committee have been disturbed about the political situation in Greece. Would you spell out for the record what would be the military and political effect if the United States were to discontinue all military assistance to Greece?

General GOODPASTER. First, the direct military effects.

As I indicated in my statement, there would be a deterioration in the military effectiveness of the Greek forces, in my opinion. Much of their equipment came originally from the United States, and it is maintained with spare parts that are provided by the United States.

In addition, the situation does not remain static and it is necessary progressively to modernize those forces as equipment wears out, or to keep pace with the progress of technology on the other side as reflected in their materiel, equipment, tanks, planes, and so forth.

So what you would see on the military side would be a progressive deterioration of their armed forces.

Now beyond that, Greece and Turkey are in a geographical position to dominate the Bosporus and the Dardanelles, and thereby control access to the Mediterranean from the Black Sea.

The Greeks are members of NATO, and they participate in the NATO integrated military structure. They are allies, and a consequence of this would undoubtedly be the loss of the solidarity and cooperation which now provides a basis for joint action and a joint defensive posture.

I think that is enough to outline the principal consequences.

Let me just add the one further point, that the utilization on a joint or collective basis of naval and air bases that exist in Greece is very important to the maintenance of the American military capability in the eastern Mediterranean area.

When you put all of that together, I think you would see a major transformation in the strategic situation in the eastern Mediterranean, and this would be a transformation that would be seriously adverse, I believe, to the common security interest and to the security interest of the United States.

How far the process of deterioration and disintegration would proceed, no one can say, but I believe that the causes for a complete breaking apart of the collective security arrangement would have been introduced by an action of that kind, Mr. Chairman.

Mr. President, it would serve little purpose to repeat the documented history which led to the establishment of the present Greek Government. Proponents and opponents of aid to Greece alike understand that the present Government came into power because the Communists were about to take over. That point is well understood.

The issue is and must be, therefore, whether it is in the self-interest of the United States to assist Greece in protecting our sphere of influence in that part of the world. We must not be misled by charges concerning the nature of the current government. The overwhelming interests of the United States lie in maintaining Greece as a NATO ally and preventing the "breaking apart of the collective security arrangement" represented by NATO. On this issue let the facts speak for themselves.

With the possible exception of West Germany, the single most strategically located member of NATO is Greece. Jointly, Greece and Turkey stand athwart Soviet entrance into the Mediterranean. Since 1965, the Soviet Union has initiated a major effort to expand its influence in the Mediterranean area through its naval forces. The Soviets' largest naval force is their Mediterranean Fleet, composed of no less than 60 surface vessels, and 10 to 12 nuclear submarines. This compares to the U.S. 6th Fleet with only 45 surface vessels and six to eight nuclear submarines. Moreover, Soviets have secured major port facilities in Alexandria, Egypt, and Mers-el-Kabir, Algeria, and are now using the former U.S. Air Force base—Wheelus Air Force Base—in Libya.

A major component in our ability to monitor the movements of the Soviet Fleet in the Mediterranean area rests upon our ability to operate from Greek bases a special air surveillance unit jointly with other NATO members. The Maritime Air Forces Mediterranean—MARAIRMED—operates from Greek bases. This potential for surveillance has assumed special importance because of the continuing Soviet buildup in the Middle East of Egyptian forces in their struggle against Israel. Nor should we minimize the importance of Greece and her port facilities from the point of view of our Navy in the Mediterranean.

It is in the Middle East that President Nixon has stated that there is the greatest possibility that world war III may break out. Effective operation by the United States in the eastern Mediterranean requires a strong and viable base of operations in Greece—there is simply no adequate substitute in the region.

The need to maintain a strong and viable Greek nation is based on factors of more importance than the support of U.S. foreign policy objectives in the Middle East. Greece is the key to security of Western Europe, because of the threat posed by the presence of Soviet naval forces in the Mediterranean. For example, the Soviet Union possesses about 160 fast surface patrol craft capable of launching "cruise missiles" at a distance of hundreds of miles.

These missiles are normally thought of as antiship missiles, but their reported range and megaton class warheads on some versions indicate that these inexpensive Soviet naval patrol craft could be a major threat to the entire Southern flank of NATO and thus a threat to all of Western Europe.

With the probable loss of Malta as a base in the Mediterranean, because of a change of government there, the importance of Greece assumes even greater strategic significance in NATO affairs as well as with respect to specific U.S. foreign policy objectives in the region.

Therefore, Mr. President, the record is clear. We must continue military aid to Greece, because it is in the best interest of the United States to do so.

When opponents of military aid to Greece argue that the United States must insist on internal changes in the nation before aid should be continued, they use that issue as a smokescreen to obscure what is truly at stake. The United States must have the vital strategic assistance Greece provides as an ally and a member of NATO.

Mr. President, of the literally scores of nations that obtain foreign aid from the United States, I daresay that not 15 percent of them are democracies in the sense of the word that the United States is a republic or a democracy. For us to insist that Greece shall maintain a democratic form of government to our liking before we will assist them, and they will thereby assist us, seems to the junior Senator from Alabama to be the worst sort of folly.

For the record, I, too, hope that the time will soon come when the Greek Government can implement the new constitution. I hope that all political factions in Greece will see fit to support that document.

However, I repeat, this matter must be determined on the basis of our primary interests. The brief record I have cited today is proof enough, Mr. President, that continued assistance to Greece is not only warranted but essential.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, the Senator from Arkansas (Mr. McCLELLAN) wishes to speak. He has a brief statement on the bill. I yield 15 minutes on the bill to the Senator.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, the pending foreign aid authorization bill would continue a costly folly that our Nation can ill afford, and in which we should not any longer indulge. I shall vote against it, just as I have consistently voted against this kind of foreign aid ever since 1955. I supported the Marshall plan, which was well conceived and which served a noble and worthwhile purpose. However, when I realized the Marshall program was merging into an ill-conceived and wasteful worldwide giveaway program, I stopped voting for it.

This hour of our history tolls too late for such a wasteful frivolity. It is time for action based upon fact and not on fantasy. It is time to cease pursuing illusionary policies of make believe and come back to earth and face reality. It is time to take stock of and to discontinue misconceived aid commitments. It is, in short, time for our great Nation to stop engaging in practices that result in unreal and misplaced altruism.

It is ironic that America's lavish giveaway programs since the Marshall plan have succeeded in achieving the very opposite results intended. They have not brought about peace. They have not brought about international monetary stability. They have not strengthened our economy here or our trading posture overseas. We have not won the friendship or the gratitude of many of the countries we have so generously assisted. Just the reverse has occurred. Such extravaganzas—typified by this Foreign Assistance Act of 1971—have disrupted the fragile balance of power and caused fiscal chaos and uncertainty in markets everywhere. They have adversely affected this country's economy and left the dollar, our gold reserves and balance of payments in their weakest, most precarious position of the century. They have antagonized our allies and created ill will and antagonism. They have been abused and misused. In a word, they have been for the most part a dismal failure.

The damage wrought by this absurd persistence to save the rest of the world from itself and buy it a new way of life has been so extensively severe, countless generations yet unborn will have to suffer much of the consequences. It would seem that reason and responsibility have been dethroned.

Partly because of this indiscriminate international giveaway program, America is now facing its most serious economic crisis since the great depression. Our Government is in deep financial trouble. For too long it has spent recklessly and without regard to repayment. For too long it has fanned the ravaging flames of inflation and allowed the concomitant evils of recession to endanger our well-being. For too long it has attempted to export democracy abroad to unwilling and unready recipients, while neglecting the obvious needs of our people and democratic institutions at home.

And today over 5 million Americans are out of work. Our rate of productivity has slipped lower than any major industrial country in the world. Our corporate profits are at their lowest level as a percentage of the Gross National Product since the 1940's. Our international payments account has been running deficits every year since 1949 with but one exception. And our gold reserves are now faced with foreign claims five times their amount.

Meanwhile our Federal budget continues to soar—it now stands at $229.2 billion—and our Federal debt continues to mount—it is now a staggering $414 billion. For the past fiscal year and the current one, there will be a total deficit of nearly $60 billion. This is the first time in two and a half decades that we have incurred such gigantic Federal deficits over any 2-year period. Only once in the past 11 years has the United States chalked up a budget surplus. And only seven times in the past 40 years have we balanced our budget. The interest on our national debt alone now costs $22 billion annually. That is nearly $1 of every $10 of Government expense. This certainly is not a record we can be proud of.

In an effort to revitalize our economy the President has called upon every American to make sacrifices—to exercise self-restraint. I strongly support the objectives of the administration's stabilization program and its plea that each individual voluntarily do his share and comply. But all of the prodigious efforts necessary to restore our economic system to better health will be in vain unless the Federal Government also imposes checks upon its own extravagance. We cannot ask for personal sacrifices from the American people and not expect a similar commitment from the Federal Government. Fiscal prudence should begin right here—in Washington.

The measure before us would continue the same gross squandering of public funds which has characterized this foreign aid program for many years.

It would add still another $3 billion plus to the $138.4 billion in American assistance already greening one end of this earth to the other since 1946. It would add many millions more to the $74.4 billion interest cost we are already saddled with to pay for the foreign aid funds we have borrowed just to give them away. It would not provide more than token reductions in the fat payroll of more than 26½ thousand persons who operate our foreign aid programs; nor would it sizably decrease the more than 4,000 projects and subprojects currently being funded.

In my judgment, this bill contains only one item of foreign aid deserving of support. That is the $250 million provided for the relief of East Pakistani refugees. This is the type of aid which best exemplifies the American spirit of humanitarianism, and the kind of bilateral aid relationship which works best for us and the recipient nation concerned. Not only do such funds rescue the destitute and alleviate human suffering, but at the same time they also benefit American industry and the farmer who supply life-sustaining commodities. Although it may not be necessary to spend $250 million at this time—considering the dire nature of our present economic situation—this humanitarian relief—and our food for peace programs—should be given spending priority over other less productive and less effective foreign assistance programs.

Since the end of World War II our national debt has risen 62 percent, while the purchasing power of our dollar has shriveled to half of what it was in 1946.

These intolerable shortcomings that have long been apparent should have caused us to realize and to terminate the flagrant liabilities inherent in this program. And now—all those warnings having been ignored—America is languishing in the throes of a major economic slump as a result of the Federal Government's misguided and unsound international pursuits. I wonder, Mr. President, just how much more must this great Nation of ours endure before the egregious errors of our foreign aid entanglements will be recognized and rectified?

As if to highlight the futility and folly of our foreign aid program, virtually on the eve of our present deliberations on H.R. 9910, the United Nations took unprecedented action to expel the Nationalist Chinese and seat the Communists in their stead. The United States has not suffered so severe—so stunning and far-reaching a diplomatic defeat in years. That this blow was dealt to us by our "friends"—allies to whom we have granted billions through our financial commitment to the United Nations and through our direct military and economic assistance—is a telling measure of what our foreign aid has accomplished for America.

During the current year, the U.S. payment totals $56.3 million—or almost 30 percent of the U.N.'s entire $192 million operating budget. This excludes other large payments made by the United States into voluntary funds that conduct assorted technical, medical, and similar aid work in underdeveloped nations—many of whom voted against us on this critical issue.

And, this insult to America's good will and unparalleled beneficence was compounded significantly by the disclosure that $2.3 billion of the $3.2 billion of appropriations authorized in this legislation before us—more than two-thirds of the entire foreign aid authorization for fiscal 1972—is to be lavished upon 58 nations who either abstained or voted in favor of Albania's resolution to expel Taiwan from the U.N. and allow membership for the Peking regime. It seems to me that this is a shocking and contemptuous refutation of our foreign aid program, as presently constituted.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list prepared by the Agency for International Development showing the total amount of American foreign aid which was provided in the period July 1, 1945, through June 30, 1970, to those countries voting against the United States and on the two United Nations resolutions concerning the expulsion of Nationalist China from its membership and the seating of Communist China. Separate figures are indicated for the U.S. assistance rendered by the Export-Import Bank.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. McCLELLAN. Mr. President, when the very governments which this program has so bountifully assisted so emphatically and scornfully turn their back on our concern—when they so viciously bite the very hand which has sustained them—it is time to stop giving them our taxpayers' money.

I was heartened by a statement in the committee report accompanying H.R. 9910 which stated that few members have any real enthusiasm for the continuation of the foreign aid program and recognize that the United States is overcommitted around the world. Such candor about the program is admirable. But good sounding rhetoric is not enough. It is time to act—to once and for all eliminate the international boondoggling of public funds which has boomeranged so catastrophically against America's best interests.

However, even if these were some justification for maintaining the status quo in foreign aid—which has not been demonstrated—there can be absolutely no reason for raising its appropriations from prior levels of funding. Yet, it is estimated that H.R. 9910's costs will exceed last year's appropriation by more than $1 billion. Instead of getting rid of it, we are increasing it. This increase is preposterous, particularly in light of the bleak economic state of our economy.

In conclusion, Mr. President, I submit that the crucial day of reckoning has arrived for us to end our Government's foreign aid folly. We can no longer put off this duty if America's tomorrows are to bring renewed economic stability and a better life for all of our people. Self-interest—not self-denigration—should be our guiding light and our benchmark in foreign affairs. This bill should be unanimously rejected by the Congress.

Foreign aid as an instrument of international diplomacy is a flop and we should stop it. We have an urgent need here at home for all of the money that this bill proposes to give away to foreign countries.

EXHIBIT 1

[In millions of dollars]

Country	Financial assistance less repayment and interest	Import-Export bank assistance less repayment and interest	Voted against United States on—
Afghanistan	360.3	−6.1	Both resolutions.
Albania	20.4	None	Do.
Algeria	176.1	None	Do.
Australia	456.3	138.1	Do.
Belgium	1,742.2	−4.6	Do.
Britain	7,057.5	151.6	Do.
Botswana	17.4	None	Expulsion resolution.
Burma	80.8	None	Both resolutions.
Burundi	7.5	None	Do.
Cameroon	29.9	3.0	Do.
Canada	11.8	34.7	Do.
Ceylon	155.8	3.4	Do.
Chile	1,021.6	250.4	Do.
Congo (Brazza)	2.0	−.1	Do.
Cuba	14.6	29.1	Do.
Czechoslovakia	189.5	None	Do.
Denmark	873.3	−6.1	Do.
Ecuador	265.1	11.2	Do.
Egypt	745.3	14.6	Do.
Ethiopia	360.5	6.2	Do.
Finland	−10.3	−29.8	Do.
France	7,059.7	−369.0	Do.
Ghana	206.0	37.7	Expulsion resolution.
Guinea	81.9	25.3	Both resolutions.
Guyana	62.1	None	Do.
Hungary	13.3	None	Do.
Iceland	54.9	3.6	Do.
India	(1)	191.5	Do.
Iran	1,784.3	143.3	Expulsion resolution.
Iraq	82.9	7.5	Both resolutions.
Ireland	60.1	45.6	Do.
Israel	(1)	39.1	Expulsion resolution.
Italy	5,224.1	304.4	Do.
Kenya	72.3	None	Both resolutions.
Kuwait	None	29.5	Do.
Laos	(1)	None	Expulsion resolution.
Libya	221.6	None	Both resolutions.
Malaysia	53.6	15.3	Do.
Mali	26.7	None	Do.
Mauritania	3.3	None	Do.
Mexico	260.6	190.9	Expulsion resolution.
Morocco	660.4	25.0	Do.
Nepal	(1)	None	Both resolutions.
Netherlands	2,028.3	5.0	Expulsion resolution.
Nigeria	340.1	6.8	Both resolutions.
Norway	1,127.1	−12.1	Do.
Pakistan	(1)	88.3	Do.
Peru	435.3	9.9	Do.
Poland	437.3	−13.9	Do.
Portugal	407.0	23.9	Expulsion resolution.
Rumania	2.4	None	Both resolutions.
Senegal	35.9	1.6	Expulsion resolution.
Sierra Leone	33.8	7.8	Both resolutions.
Singapore	15.9	15.3	Do.
Somalia	78.8	None	Do.
Soviet Union	186.4	None	Do.
Sudan	90.9	None	Do.
Sweden	82.0	53.3	Do.
Syria	56.6	None	Do.
Tanzania	68.4	None	Do.
Trinidad-Tobago	40.1	9.5	Do.
Tunisia	660.4	.3	Expulsion resolution.
Turkey	5,427.2	6.8	Do.
Uganda	30.9	None	Both resolutions.
Yemen	42.9	None	Do.
Yugoslavia	2,483.1	32.5	Do.
Zambia	.7	5.4	Do.
Rwanda	7.5	None	Expulsion resolution.
Togo	16.2	None	Do.
Total	43,640.6	1,525.7	

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[1] Data classified.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, those of us who know Greece and have visited Greece love the Greek people. Greece is steeped in history and traditions which we share.

We are very torn on this whole question of aid to Greece. On the surface, it might seem that we should extend a helping hand to that nation. Yet, when we look at the conditions in Greece and realize the retrogression that has taken place in that country, when we see the total cessation of the development of ideas and freedom in that nation, then, I think we realize that the best way to help the Greek people is to help move their country back toward the democracy she had before the present junta took over that nation.

We must also consider the role of Greece in NATO. She is very valuable to us as a member on NATO's southern perimeter, and is one of the southern anchors of the alliance.

But we ought to bear in mind what NATO is all about. I think the purpose of NATO is best summarized in the NATO preamble which says that—

> The NATO nations are determined to safeguard the freedom, common heritage, and civilization of their people, founded on the principles of democracy, individual liberty, and the rule of law.

The Lord knows they have the rule of law, military law in Greece. However, the principles of democracy and individual liberty, have gone by the board.

I have had the privilege of being on the United States delegation to the North Atlantic Assembly several times. I was chairman once.

The NATO Assembly has adopted resolutions condemning the course of events in Greece. They debated the question of expelling Greece. The Council of Europe was about to expel Greece from membership, when Greece decided to pull out before it was thrown out. If the nations who are most under the Russian guns, who are closer geographically to Russia than we are, have the views they do about the merits of leaving Greece alone and withholding aid, surely we should be willing to back them up.

Withholding aid is not a question of interference. We have adopted an Alice in Wonderland approach in which we believe that we stop interfering by giving them arms. I would like to think that the proper way to stop interfering is to stop giving them arms. However, that is a logical theory that has long since gone by the board.

We have also the question of what is going on in Greece and what the conditions are there now. Speaking again as one who has followed the matter closely and has been there, I believe that when the junta came into power, torture was used as an administrative procedure so as to terrify the opposition and thereby tighten control over the people. This statement of fact was attested to by the Council of Europe and by most objective observers.

These objective reports are one reason why the junta changed its policy a bit. The Government agreed to admit observers of the International Red Cross. However, in the early days of torture, the abuses suffered by many men—men who believe in democracy, who think as we do in this Chamber—were pretty horrible.

Mr. President, I had the privilege of writing a preface to a book by James Beckett, called "Barbarism in Greece." I would commend that book to my colleagues in the Senate.

As a result of the Council of Europe's action and perhaps because of the words of some of us in the Senate and in other democratic bodies around the world, the pressure which the junta was putting on the Greek people was reduced. They reduced the use of torture as an administrative practice. However, once the hue and cry had died down, they then threw out the observers of the International Red Cross a year and a half ago, and terror is starting to rear its head again.

About a year ago I placed in the Record a description received from a young man in a Greek prison concerning the torture in Greece. There were nine names of torturers mentioned in this document, and listed in a New York Times article in July 1971, and three of those names were names that I had had printed in the Congressional Record 3 years earlier, in 1968. So, I am saying that while the practice of torture has decreased, the same men are engaged in it, but to a lesser degree than before.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield an additional 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. McClellan). The Senator from Rhode Island is recognized for an additional 3 minutes.

Mr. PELL. Mr. President, the question

is what we should do now. We recall that the chief of state of that nation, King Constantine himself, was concerned over what the junta had done and sought to overturn the junta. He did not succeed in that effort. However, he had considerable support.

I know that I personally was very distressed when he failed. I remember that on that same evening I had asked for reservations on Olympic Airways to fly to Greece to stand by him as I admire him and his objective of a free, democratic Greece. But State Department officials prevailed upon me not to go. Perhaps I was lucky. By the next morning the uprising was over and King Constantine was in Italy. But the important point is that the legitimate government, the head of state, does not agree with the practice of the junta.

By our policies toward Greece, we are creating a vacuum that could be filled. Many of those who oppose the junta are more conservative than most of us in this body. And many of the opponents of the junta are more liberal than many of us.

The question is, Where will those who live in that country and oppose the present junta turn for aid if they see the United States embracing the junta? The pending amendment would stop additional aid, but it would not stop that aid already in the pipeline and consequently, under the bill, assistance to Greece could go on for a couple of years.

Agreement to the provisions already in the bill will tell the Greek people something that they have not been told before, that the Congress and the American people disapprove of the junta. Up to the present moment, the people of Greece have observed that our Vice President has gone there and visited, and has shown friendship to the Greek junta. The Secretary of Commerce has done the same.

If the bill is allowed to remain as it is, it will be a demonstration to the Greek people that Congress and the American people think the junta is not all it should be, and that it should be replaced in the course of time, by the internal processes of that country.

I ask unanimous consent to have printed in the Record a very good article by General Orestis Vidalis, a gallant, brilliant Greek army officer who believes that Greece deserves more than the junta, pointing out that what we are doing now in supporting the junta is turning the people of Greece from a middle-of-the-road course, to the Communist side.

There being no objection, the article was ordered to be printed in the Record, as follows:

Free Greek Voices

In the struggle between the Free World and Communism, nuclear power or any other form of military power, serves primarily in maintaining peace through the "balance of terror." Once this "Cold Peace" is established, the war of ideals continues endlessly. The Free World is penetrating the Communist domain and is creating conditions of gradual disintegration of Communism only through these ideals. It is not an exaggeration to maintain that today the "absolute weapon" of the West is not a tangible military or technological superiority, it is the intangible ideal of "True Democracy under the rule of Law." If the Free World loses for a moment its face as the honest bearer of these ideals, the struggle with Communism could become meaningless and in the long run, lost.

The Communists believe in their thesis and their aim is to destroy democracy, the foundation of Western Civilization. They are assisted in their efforts by those non-Communist dictators who manage to abolish democracy in their own lands.

All these anti-communist dictators are pessimists. They are afraid of both Communism and Democracy. They believe, in all sincerity, that a democracy is something between a disaster and a luxury for their countries. And, they achieve, in the name of anti-communism the objective of destroying, in all respects, freedom of their societies and dignity of their fellow citizens. They thus unwittingly assist Communism in its main objective, the destruction of democracy, in the most inexpensive way for the Communist World. Once democracy is destroyed, then all the forces of frustration and apprehension start working for the opposite extreme, i.e., Communism.

They also assist Communism by creating an ideological vacuum for the younger generations, which becomes a very lucrative environment for the Communist long-term objectives.

Last but not least, they assist Communism by practically destroying the cohesion and efficiency of the Armed Forces, the institution which the dictators commonly use to seize power. Usually this is effected in three stages. The first stage is the phase of preparation for the dictatorship. During this stage deviation from purely military activities is encouraged by subversive action and mistrust of Democracy is taught to younger members of the Armed Forces. This is accompanied by accusations against all leadership and mistrust of the people. The second stage is the actual dictatorship. This takes the military definitely away from their barracks, creates a climate of division of the Armed Forces in factions, brings the Armed Forces in direct opposition with all the leading non-military elements of the population, replaces experience and talents with inefficiency and introduces expediency instead of sophistication in the solution of the problems of governing a country. The Armed Forces are thus transformed from a National institution, the servant of all the people, to a political instrument serving the dictator in enslaving the people by force. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency. At the same time, they lose the support of all political shades of a frustrated population and as a result, the reserve potential of the Nation becomes worthless. The third stage is a most difficult phase of reconstructing in the military efficiency, proper thinking, loyalty to the will of the people, respect for the ideas of our world and reshaping the confidence of the people in the Military, after the dictatorship is gone.

During all this time the captive people develops a feeling of a deep rooted disrespect and often hate towards the Free World, which tolerates or even supports its enslavement by the armed minority. This disrespect leads often to an apparent apathy, which is nothing more than a demonstration of lack of confidence and lack of faith of the population in the West. And the people who lost their faith in our world and their freedom and responsibility from these dictators, have nothing else to lose from Communism.

Mr. PELL. Mr. President, I urge Senators to reject this amendment and accept the bill as presently written.

Mr. ALLEN. Mr. President, I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Alabama for yielding.

Mr. President, I do not wish to become involved in extensive debate on these matters in this bill, but this is a vital point. We could argue a long time about the philosophy of the Greek Government and the kind of regime they have now. Most of us would disapprove the practical side of that regime. But that is not the question here. We are dealing here in connection with military aid with our own possible defenses and the defenses of Western Europe. We have had votes on the floor of the Senate this year that affirmed our present position and we have refused to cut down on NATO.

We will have other proposals and perhaps we can work out something whereby it will be reduced some, but I think it is unanimous here that we must have the NATO Alliance for years to come for our protection, as well as the protection of others.

Geographically speaking, there is not a more important spot over there than Greece. Like it or not, they are there; they have been outstanding and they were outstanding even before NATO. At the end of World War II it was a trouble spot and Harry Truman will be remembered for his courage in moving in there and those Greek people will always be remembered for their fine response.

Like it or not, we cannot just pull the plug and expose ourselves and all of Western Europe. So I hope this will go on unimpaired without any kind of restriction except the natural discretion of the President and, of course, he will have to use his judgment, and he will. In the course of time this matter in Greece will be resolved and worked out, not on the floor of the Senate, but in Greece itself.

We cannot use any threat methods or anything of that kind in this delicate situation we are in in connection with NATO and the European defenses.

I hope the language in the bill imposing the restriction will be taken out, that nothing will be added, and that this matter can go on and serve the practical purpose that it is. I submit the problem can be worked out better in that way on the whole than to put those people in double jeopardy. Because of where they are located geographically, it would make them more at the mercy of the arbitrary rule of the Soviets and what the Soviets might want to do.

I support strongly the Allen amendment and I commend him for the fine arguments he has made in support thereof.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, will the Senator from Arkansas yield to me for 10 minutes?

Mr. FULBRIGHT. I yield 10 minutes to the Senator from Indiána.

Mr. HARTKE. Mr. President, let me point out that it has been 4 years since the constitutional government of Greece was overthrown. Yet the agony of the Greek people continues today.

Those who predicted in 1967 that the present Greek regime would quickly move to restore democracy have been proven wrong. The military dictatorship there continues to rule—as it has since April 21, 1967—by brute force and without the support of any significant percentage of the Greek people.

At best, the amendment in the bill, which the amendment of the Senator from Alabama would strike, gives mere lip service to those freedom-loving people who oppose the Greek regime.

Maybe it is better to take the aid out and make no pretense that we have any real interest in restoration of democracy there. In my floor remarks last year I said that I viewed the present Greek regime as a highly objectionable dictatorship with all the earmarks of a totalitarian government.

So a pertinent question at this time is, has there been any move on the part of the regime since then to restore those constitutional guarantees which have been suspended since 1967. I believe the answer to that question is best answered by the Prime Minister of Greece, himself, Mr. Papadopolous, who declared in a December 1970 speech that there would be no move back to constitutional government during 1971.

And I must say that Mr. Papadopolous has kept his word. There has been no effort this year to restore any of those rights which have been so long suspended. The unreasonable arrests, the tortures, the censorship of the press and all the other trappings of dictatorship remain in evidence in Greece today.

And what of Greece tomorrow? Once again the words of Mr. Papadopolous are instructive when considering Greece's future. In a speech delivered in Salonika in August of this year, the Prime Minister made the following statement:

> We are not yet ready for responsible citizenship. When this has been achieved and only then will we be able to proceed to a broader application of the constitution. And until those conditions have been achieved, however long it may take, let those who clamor for elections not hope that we will endanger all we have achieved in order to satisfy them.

An argument which one often hears in favor of continued cooperation and support for the regime is that the strategic position of Greece in the Mediterranean and its membership in the North Atlantic Treaty Organization necessitate our support.

That view was just aired again by the distinguished Senator from Mississippi (Mr. Stennis).

On October 6, the State Department advanced this argument in a report it filed with the Foreign Relations Committee on my amendment. I believe the State Department argument against this amendment is very enlightening, and would like to quote from it at some length:

> We do not believe that cutting off military aid to Greece will serve either our best interests or the best interests of the Greek people. Military aid to Greece is clearly granted in the context of the important part Greece plays in the NATO alliance and our obligations as leader of the alliance. At a time when the United States and the other members of the alliance are facing serious challenges to our interests in the eastern Mediterranean and when we represent for the countries of the eastern Mediterranean the only relief from the pressures on them arising from the increased presence of the Soviet Union's military forces, it is vital that the North Atlantic Alliance continue to present a solid front. By stopping or reducing military aid to Greece we would be making a serious breach in that front, we would be making clear to our adversaries that political considerations within NATO override our determination and cohesion and we would be well on the way to destroying the credibility of the Deterrence the Alliance represents.

I would draw the particular attention of my colleagues to the last sentence of this report where the State Department concludes that "political considerations within NATO" should not be allowed to affect the deterrent objectives of the alliance. If this sentence has any meaning, it is that political considerations should not be allowed to supercede military ones. This is a conclusion, Mr. President, which runs counter not only to our basic democratic philosophy but also to the preamble of the NATO Treaty which states:

> The parties to the treaty. . . . Are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law.

This inherent contradiction between the preamble of the alliance and the actions of the Greek regime was dramatically illustrated when the NATO assembly concluded on October 20, 1969, that "Greece is to all intents and purposes a police state."

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to the chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. If I understood the Senator correctly, he cited the North Atlantic Assembly resolution adopted in 1969. Did he cite the September 1971 resolution of the North Atlantic Assembly?

Mr. HARTKE. No, I did not. I would be delighted to have that in the Record.

Mr. FULBRIGHT. This was in September of this year, last month. The resolution was approved by the full Assembly on September 27.

I ask unanimous consent that the entire resolution be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

North Atlantic Assembly

RESOLUTION ON GREECE PRESENTED BY THE POLITICAL COMMITTEE

The Assembly,

Recalling that in the past international organizations, including the European Communities and the Council of Europe, have expressed unequivocally the view that human rights and political freedoms in Greece have been drastically restricted;

Noting that the House of Representatives of the United States Congress has called for the right to suspend arms deliveries to Greece;

Considering that, in the NATO context, the continuing political efforts of the democratic representatives from the other member states of the Alliance have not been able to convince the Greek Government of the urgency and gravity of the situation;

Recognizing that Greece's membership of the North Atlantic Alliance gives Greece not only rights but also responsibilities, one of the most important being to end the political injustice which characterizes Greece's internal situation;

Affirming that for parliamentarians of the countries of the Atlantic Alliance, Greece not only represents a problem with respect to the moral credibility of our Alliance but also poses a question concerning the political posture of NATO;

Expresses its renewed condemnation of any repression of democratic freedoms in Greece as dangerous to the internal cohesion of the North Atlantic Alliance bearing in mind the text of the Preamble to and Article 2 of the North Atlantic Treaty;

Urges the Government in Athens to undertake immediately, serious steps leading to the restoration of democratic freedoms;

Urges the other Governments and Parliaments of the North Atlantic Alliance use their political influence upon the Government in Athens to realize this goal.

Approved by the Full Assembly.
September 27, 1971.

The PRESIDING OFFICER. The Chair announces that the limitation of 10 minutes has expired.

Mr. FULBRIGHT. I yield 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. The resolution calls attention to the action taken by House of Representatives, as follows:

> Noting that the House of Representatives of the United States Congress has called for the right to suspend arms deliveries to Greece . . .

This was subsequent to the action of the House. The provision which the pending amendment seeks to strike is the same provision adopted in the House bill.

The resolution continues:

> Expresses its renewed condemnation of any repression of democratic freedoms in Greece as dangerous to the internal cohesion of the North Atlantic Alliance bearing in mind the text of the Preamble to and Article 2 of the North Atlantic Treaty.

This is very relevant to the argument made by the Senator from Mississippi. He says he wants to maintain the cohesion of the North Atlantic Alliance. Here the Assembly of the Alliance expresses the view that the continued repression in Greece threatens the cohesion of the Alliance.

So we get down to the question, Which approach is more likely to strengthen the North Atlantic Alliance? The approach of the House, which the committee approved, is to express disapproval of the regime in Greece.

As a very practical matter, if one is interested in the strength of NATO, he will leave the provision in the bill as it is now, in accordance with the expression of the Assembly of the North Atlantic Alliance.

Mr. HARTKE. That certainly is true. There is nothing whatsoever in the present regime which would add anything to the military power or the future of NATO.

Mr. FULBRIGHT. The Assembly of the Alliance believes it weakens it.

Mr. HARTKE. I was in Sweden this summer and talked with the Prime Minister of Sweden, Mr. Palme. He said:

> Quite frankly, if the purpose of NATO is to preserve democracy, we in Sweden could

do without the regime in Greece. We would like to preserve NATO. But the Greek military forces are not being used to defend Greece from outside aggression but to protect the junta from any attempts at a coup by the Greek people:

Mr. FULBRIGHT. Here is the question before us: Which policy is better designed to preserve the strength of NATO alliance? Does a policy which encourages the Greek regime do this? Or does the policy expressed in the bill do this? I think it is the latter, which merely says that unless the President thinks it is to our overriding interest, he will not provide military aid to Greece. Of course, he will probably find it is vital to our interest, but it gives him a lever or some power to use on Greece, if he is disposed to do so.

Mr. HARTKE. The Senator has stated it correctly. If one believes in NATO, the amendment offered by the Senator from Alabama should be defeated.

Mr. FULBRIGHT. That is true. This amendment weakens the cohesion of NATO, in the words of the Assembly of the North Atlantic Alliance on September 27, 1971.

Mr. HARTKE. I quite agree with the distinguished chairman of the Foreign Relations Committee. Equally disturbing were events in the Jordanian crisis of last September and early October last year. At that time, the regime rejected the request of the United States to fly U–2 planes from bases in Greece. As the direct result of this refusal, the implacement of SAM missile sites along the Suez Canal went unnoticed for several weeks by United States and Israeli intelligence sources.

In addition, I would like to bring some interesting economic facts to the attention of the Senate. These are facts that have taken place in Greece since the military took over. This information can be verified through international agencies and from the Bank of Greece itself.

Totalitarian governments sometimes seek to justify the denial of freedom by pointing to their material accomplishments. The Greek junta has tried this too, but its chief accomplishment has been to bring Greece to the verge of bankruptcy.

In the first 4 years of the junta's rule, Greece's balance of payments deficit on current account came to about $1⅓ billion; for 1970 alone it came to over $410 million. And, in the first 6 months of this year it came to over $275 million—$31 million more than last year's deficit for the same period. Each year the junta has achieved new record deficits. This year's will be the biggest yet; it may reach $700 million.

To meet this deficit, the junta has borrowed huge sums in supplies' credits and other forms of short-term loans at high rates of interest. Annual interest payments on the Greek foreign debt tripled between 1966, the last full year before the coup, and 1970.

Mr. PELL. Mr. President, will the Senator yield at that point?

Mr. HARTKE. I yield.

Mr. PELL. I agree with the Senator's point and objective, but our own democratic United States has just as deplorable a record of mounting deficits as does Greece.

Mr. HARTKE. But the point is that it is not due to the fact that we have suspended freedom in the United States, although we may well be on the way to doing that, too.

The junta has also dissipated about a half a billion dollars in reserves, so that the country's free reserves today are probably not enough to meet a few weeks' bills. At the time of the coup the country had approximately half a billion dollars in reserves. About $270 million of this formed the official reserves; the rest was in the gold sovereign fund used for the interval stabilization of the drachma.

The PRESIDING OFFICER. The additional 5 minutes granted the Senator has expired.

Mr. FULBRIGHT. Mr. President, I have only 7 minutes left. How much time does the Senator want on the bill?

Mr. HARTKE. An additional 2 minutes on the bill.

Mr. FULBRIGHT. I yield the Senator 2 minutes on the bill.

Mr. HARTKE. The gold hoard was the first to go; by the end of 1968, it had been almost entirely spent. The official reserves were spent next, but bookkeeping gimmicks hid their decline. Thus, as early as 1967, the junta borrowed $25 million in New York at 7 percent on condition that the money be left on deposit with the lending banks at 5 percent. Although the junta could not touch a cent of this money, it counted it as part of its reserves. Similar loans were negotiated in London.

The junta has also negotiated loans from commercial sources in Germany and Switzerland, using the gold reserve as security. It has used the proceeds of these loans to meet its current deficit, while still counting the pawned gold as part of its reserves. In the first 6 months of this year, the country's central bank, the Bank of Greece, reported that it borrowed $134.4 million abroad—more than in a 10-year period before the junta seized power. This seems to have represented the pawning of the official gold reserves. At the end of June only $33 million of the proceeds of these loans was left. The rest had gone to meet desperately pressing debts, such as one loan from a New York bank on which the junta was forced into temporary default early this year. Indeed, the only reason the junta is not bankrupt is that its creditors prefer to renew their loans instead of having them defaulted.

At the same time, the economic growth of Greece has slowed down significantly. According to the junta's own figures, the rates of Greek economic growth in the 4 years after the junta's coup was only about 70 percent of the rate in the 4 years before the coup. And most of even that growth has resulted from the completion of projects, initiated well before the military takeover. Despite the desperate efforts of the junta to attract foreign capital by all sorts of concessions, there has been little significant new investment in Greece since 1967. Litton Industries set out to secure $850 million in investments for the junta; after 2 years, the contract was cancelled because Litton had succeeded in finding less than one-tenth of that. Similarly the $600 million contract between the junta and Aristotle Onassis has broken down because Onassis was unable to find foreign financing for the investments involved.

Now the junta is faced with the likelihood of a further deterioration in its economic position. Its principal sources of foreign exchange have been emigrant remittances, in particular from the quarter of the Greek labor force that now works in northern Europe, tourism, and shipping. But shipping is at present depressed, and will be even more so if the Suez Canal is reopened. The sharp increase in Greek income from shipping since 1967 was caused almost entirely by the closing of the canal. And the recession which appears to be developing in northern Europe seriously threatens the income Greece gets both from workers' remittances and from tourism. Even a very mild recession in Germany would bring mass unemployment among foreign workers, who would be the first ones laid off. And there would be an almost inevitable drop in tourism.

Under these circumstances, it is obvious that the junta desperately needs the arms aid it is receiving from the United States; when it talks of buying arms elsewhere if we stop supplying them, it is bluffing, since it simply does not have the money. Nor is there any likelihood that it would seek revenge by denying the United States the use of the facilities our military now have in Greece. The income it receives from U.S. investments in infrastructure and from the expenditures of U.S. personnel in Greece is not something it will willingly give up.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield 5 minutes to the Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, I wish to speak very briefly in support of this amendment. I believe one of the fundamental difficulties and mistakes the United States has made over the period of the last few years is to try to use its power in support of or against the various countries in the world.

Here we are, with the special limitation against the country of Greece, which is not the southernmost anchor, but one of the southernmost anchors of the NATO alliance. I think it is a mistake to put this proscription against Greece in this bill. It is a mistake because we followed Great Britain with respect to her proscriptions against Rhodesia; we have attempted to do the same thing against South Africa; and no matter how much we may regret the lack of democratic government in both countries and how much we may deplore the policy of apartheid, it is a fact that what we have done or attempted to do by way of social, political, and other pressures has not changed the situation at all.

Why do we not put something in for each of the countries around the world? I have before me, for example, a statement on Yugoslavia. The Premier of Yugoslavia is here, and we are happy to have him as a guest in this country; but I see that the total, in the period 1946 to 1970, to Yugoslavia is $2.896 billion. In the case of Romania, last year, the total to date is $2.4 million, which is not large, but it is money.

Why do we pick out Greece for a special proscription, when it is very difficult to pick out a truly democratic representative government in all of South Africa? Why do we do it, when it is so difficult in South America?

I joined in sponsoring this amendment and I urge its passage simply because I think we are pursuing a futile policy around the world. I recall specifically when many Senators who are in the Senate now made great speeches against Batista. They wanted us to shut off all assistance or aid to Batista in Cuba. We did; we clamped down on Batista. But what do we have now? No one can possibly contend that the government in Cuba today is any better than the government of Batista, as reprehensible and disgusting as that was to anyone who loved representative government.

Mr. President, we are simply going about this in the wrong way.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. One minute.

Mr. FULBRIGHT. I yield the Senator 1 additional minute.

Mr. ALLOTT. We are going about it in the wrong way. I sincerely hope we do not put any special proscriptions in here. What we are really doing, by the language of the bill, is passing the buck again, while we hear great and glorious speeches on the floor of the Senate about resuming the authority, the responsibility, and the constitutional rights of the Senate. We simply, in this instance, by the language of the bill, pass the buck to the President again. I do not think we should do it.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. I yield 3 minutes to the Senator from New York (Mr. Buckley).

The PRESIDING OFFICER. The Senator has only 1 minute remaining on the amendment. Is time yielded on the bill?

Mr. ALLEN. I understood 15 additional minutes had been allowed.

Mr. FULBRIGHT. I yielded the Senator 15 additional minutes on the bill.

Mr. ALLEN. Mr. President, I yield 3 minutes, from whatever source.

Mr. BUCKLEY. I thank the Senator. I would also like to say a few words in support of the amendment of the Senator from Alabama. It seems to me we are indulging in some rather selective punitiveness in the language now in the bill. We have selected one country, whose government none of us approves, but nevertheless it has the sovereignty over people who are in need. It is the peoples and not the NATO treaty on which we must place reliance.

If we are to start tailoring our foreign aid to the internal politics of the recipient countries, and if we are to use as our standard New England variety town hall democracy, then we ought to extend the restrictive language in the bill to include such countries as Argentina, Brazil, Haiti, Nicaragua, Iran, Iraq, Syria, Turkey, Burma, Ethiopia, Ghana, Sudan, and Tunisia, to name just a few.

But I think we should extend our aid to those peoples who are in need—and Lord knows the Greek people are in need—and also to nations where it serves our defense interest to aid those nations.

I know, as the Senator from Indiana has mentioned, that we were denied the use of bases in Greece recently for the use of certain aircraft, but certainly the French and the Italians have denied us the use of their bases at a time when Israel was in critical need, while Greece did not deny us.

I feel that we should be consistent in our policies and that we should not be punitive in the application of our policies. I feel that in this particular instance, the amounts involved are not great, but the need is great, and I think that should be the determining factor.

I therefore hope that the Senate as a whole will agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I must say that I agreed with the sentiments expressed by the Senator from Colorado that we have meddled too much and interfered too much in the internal affairs of other countries. The fact is that, by the existing policy, we are already interfering in the internal affairs of Greece by allying ourselves with the existing regime. It is commonly believed inside and outside Greece that the primary support for the existing military dictatorship comes from the U.S. Government.

The Senator from New York says that the Greek people are in need. They need money. That may be, but the military government certainly does not need more arms. We are not talking about economic assistance. We are discussing military aid and credit sales for arms. The last thing the people in Greece need is more arms—arms which will serve only to enhance the regime's repressive nature.

What the Greek people need, and what the North Atlantic Alliance wants from it, is a degree of civilized self-government. We have stated that our objective of the war in Vietnam, and in other places, is to give people self-government. Certainly, there is no evidence of self-government in Greece. It is not that I want to interfere and give them self-government. I simply do not want to interfere, as we have been doing, in making it impossible practically for them to achieve self-government. We are the principal obstacle, by our assistance, to the achievement of self-government by the Greek people.

I again refer to the Assembly of the North Atlantic Alliance expressing its condemnation of the repressive regime and its belief that this regime threatens the cohesion of the North Atlantic Alliance.

I cannot think of any better argument than to cite the opinion of the members of the North Atlantic alliance.

All we are trying to do is to follow the best opinion of the leaders of the North Atlantic alliance that it is in the interest of the North Atlantic alliance not to support, as we have been supporting, the Greek regime. All this amendment does, in effect, is express our disapproval and say that unless the President finds that it is vital to our overall national interest that we give this money to Greece, it will be cut off. It does put on a limit of $118.8 million, the amount of military aid and sales provided in fiscal 1971; this is a very substantial sum, indeed. The difference between that and the request this year is approximately $1 million.

I think that in the interest of stability and strength of the NATO alliance, this amendment should be rejected.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I regret very much that I have to differ with my distinguished friend, the Senator from Arkansas, the chairman of the Foreign Relations Committee. I shall vote for the Allen amendment, and my reason is predicated upon my reliance on the integrity and judgment of three Rhode Islanders who are of Greek ancestry for whom I have the highest respect and regard. One of them was a candidate for the office of Governor on the Republican ticket. One was a candidate, at another time, for the office of State treasurer in the State of Rhode Island. The third is a very distinguished businessman from the city of Newport. These are the letters I have received; they are addressed to me:

Dear Senator Pastore: It is my understanding that the entire U.S. Senate will be voting on the measure pertaining to continued military aid for Greece sometime next week.

My wife and I and others of my family and friends have visited Greece on several occasions in the past few years. We feel that the Country is moving forward both in terms of gross national product as well as per capita income. I have relatives and friends who have been stationed there in the service as well as others who have done business there, and I find the reports repeatedly favorable.

It is my firm conviction that we Americans cannot afford to let Greece down at this stage of development, and I feel that the consensus of opinion among Americans is that Greece has proven herself as a steady, dependable ally.

In making this plea for your support of this measure, I realize that you are well-briefed on this subject, but I also know that the majority of concerned Rhode Islanders, if tested, would align themselves in support of this bill for military aid. I appreciate your courtesy and consideration in this matter.

Very truly yours,

Mr. Chris W. Caragianis,
President, Newport Music Co., Inc.

This letter is from Mr. Dean J. Lewis, an attorney-at-law, who at one time was a candidate for the office of governor of Rhode Island, on the Republican ticket, which of course is not my party. On October 20, he wrote to me as follows:

My Dear Senator Pastore: As an American citizen of Grecian parentage and as a former Mayor of Newport, Rhode Island, I am interested in seeking your support for the bill concerning "military aid to Greece" which is expected to reach the Senate floor for a vote on Tuesday, next, October 26, 1971.

This matter has been a subject of much concern to many of my contemporaries who were born in the U.S.A. of parents who came from Greece in the early decades of this century. Our parents loved this land of ours, and always intended to remain here. Many have now passed away, but there still re-

> mains with their offspring a spark of that old heritage when a momentous issue presents itself.
>
> Believe me, Senator, we do not become wildly enthusiastic or excited about ordinary events or problems which arise in Greece or pertain to Greece. We have, however, observed developments in the eastern Mediterranean during the post-World-War II period, and we are convinced that little Greece has been an immensely loyal and reliable ally for the U.S.A.; she is unquestionably Western-oriented, and she is a worthy stalwart ally as a smaller maritime nation.
>
> As a lifetime resident of this attractive seaside City of Newport, I have learned to appreciate the importance of our Navy and of the need of a strong common defense as a pillar of collective security. Therein lies the bond for the future, and I cannot believe that the presence in power in Greece of any so-called non-representative administration or regime should deter us from continuing to provide ample support as has been provided in the recent past. After all, almost one-half of the organized nations are non-representative (dictatorial, oligarchic, or otherwise) in form and susbtance. I am confident that Greece will hold free elections in the future, and that she will have parliamentary (representative) government with a constitutional monarchy.
>
> The need at the moment is no for political philosophy or ideology. It is obvious that economic democracy and a growing middle class have come forth in Greece only in the last generation. I urge you sincerely to keep this momentum going forward with your vote next Tuesday in support of military aid for Greece. With my kind personal regards and high esteem, I remain
>
> Respectfully and cordially yours,
>
> DEAN J. LEWIS.

This is the third letter:

> DEAR SENATOR PASTORE: On Tuesday, October 26, 1971 in the United States Senate, there is as I understand, a bill to come forth relative to Military Aid to Greece.
>
> Please be advised that I and many of my Greek American friends are in favor of the passage of this bill and urge you to vote in favor of it.
>
> Sincerely,
>
> HAROLD W. DEMOPULOS.

Mr. President, I know that many things have been said pro and con, but I am confronted with letters that come to me from three young, fine Americans of Greek ancestry who have held high positions in my State, and they tell me that it would be a calamity to us at this moment to vote against military aid to Greece. For that reason, I shall support the Allen amendment.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I am prepared to yield back the remainder of my time. There is nobody here prepared to listen to the debate, anyway.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

I thank the distinguished Senator from Rhode Island (Mr. PASTORE) for his eloquent remarks and for the fine testimony given by his constituents of Greek ancestry.

It certainly illustrates the very point in this amendment—that military aid, economic assistance for Greece, is not assistance to the Government of Greece. It is assistance to the Greek people and here we are being called upon to give a gratuitous slap in the face to the people of Greece by providing that no economic or military assistance should be given by the United States to Greece. Certainly it would seem to me that if, as has been stated, the desire of those who would prohibit aid to Greece is to serve notice on the people of Greece that the people of the United States and those who are Members of the Senate and House of Representatives do not favor the junta in Greece, why do we not level an attack against other nations who do not have what we would consider to be a democratic government?

Mr. President, there are four pages of names of countries who are to be the recipients of military and economic assistance under the bill. I daresay we could not find a dozen governments in the whole list on the four pages of the names of the countries that have a democracy as we would define or term it here in the United States.

What about the Government of Portugal, which is the recipient of aid?

What about the Government of Spain? When did they last have an election in Spain?

I should like to inquire, what about Jordan, which is a large recipient of our aid?

What about Saudi Arabia, that immensely wealthy country with all the oil wells that it has?

What about Syria, a recipient listed here?

What about Turkey, a beneficiary to the extent of $328 million last year? When did they last have an election in Turkey?

Yet we single out Greece.

There is another country, Pakistan, which is near civil war between East and West Pakistan. There is a little item in here of a quarter of a billion dollars for relief for refugees in Pakistan. So it is only Greece that is singled out for a slap at the hands of the U.S. Congress.

Mr. PELL. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. PELL. In the first place, this present provision is not a slap in the face of the Greek people. The provision in the bill reflects our love for the Greek people but not for the government, the junta which is not representative of the people. Those of us who disagree with the Senator from Alabama in this regard do so, out of affection and respect for the people of Greece and because of our distaste for the junta which presently rules the fine Greek people.

Greece is unique in that it is the only member of NATO which when it comes to the progress of democratic institutions, has gone in reverse. Greece had a democracy, which is the goal recognized in the NATO preamble, and they threw that democracy into the ashcan.

Mr. ALLEN. And they were about to lose to the Communists at the time of this takeover.

Mr. PELL. The what?

Mr. ALLEN. The Senator said that Greece had democracy——

Mr. PELL. Right. The fact is they had a parliamentary system which was replaced by the junta. Greece is the only NATO nation where democracy has been thrown in the ashcan, the only NATO nation we are helping which has gone away from democracy.

Mr. ALLEN. I thank the distinguished Senator for his remarks. I would like to finish my remarks, since my time is limited, so I will go ahead.

Mr. President, one of the unusual arguments made is that if we believe in NATO, if we are for NATO, if we support it, the way to strengthen NATO is to deny military and economic assistance to Greece. Then the argument is made that Greece is on the verge of bankruptcy.

It is passing strange to me that we should help an ally by allowing it to go broke. That does not seem to me to be strengthening the NATO organization by allowing one of its members to go broke.

The PRESIDING OFFICER (Mr. PASTORE). The Chair is informed that the time of the Senator from Alabama has expired. The Senator has 3 minutes remaining.

Mr. ALLEN. Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, will the Senator yield me 1 minute?

Mr. BYRD of West Virginia. Mr. President, I yield 1 minute to the Senator from Rhode Island (Mr. PELL) on behalf of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PELL. Mr. President, the distinguished Senator from Alabama made the point about NATO's wishes in this matter. The Senator from Arkansas, the chairman of the Committee on Foreign Relations, inserted in the RECORD earlier——

Mr. ALLEN. I beg the Senator's pardon, but this Senator made no reference to NATO's wishes whatsoever.

Mr. PELL. In NATO, the parliamentary body is the NATO assembly which is the spokesman for the governments of each member of NATO. It adopted a resolution, which was placed in the RECORD earlier, maintaining this position. I do not see any difference between those governments in NATO and those governments in the NATO assembly. The only difference is that parliamentarians, like ourselves, are the representatives in the NATO assembly, while in NATO itself foreign ministers and generals are representatives.

Mr. HARTKE. Mr. President, will the Senator from West Virginia yield me 1 minute?

Mr. BYRD of West Virginia. I yield 1 minute to the Senator from Indiana on behalf of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. HARTKE. The Senator from Alabama referred to the bankruptcy of Greece in remarks which I made previously. The same argument can be made that the military junta has made substantial progress in material things, even though it has denied its people the humanitarian things which go to the basic rights of freedom.

I want to say to the Senator from Alabama that while he alleges that, under the junta, there has been material gain for the people of Greece, that is belied by the facts I presented. The way to reverse that trend is not to feed more money to the junta for the exclusive use of their military establishment.

Mr. ALLEN. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Arkansas has 1 minute remaining.

Mr. BYRD of West Virginia. Mr. President, does the Senator from Alabama wish to ask for the yeas and nays?

Mr. ALLEN. When all time has been yielded back.

Mr. BYRD of West Virginia. I have 1 minute remaining.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of the time of the Senator from Arkansas.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TUNNEY). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MATHIAS (when his name was called). I have a live pair with the senior Senator from South Carolina (Mr. THURMOND). If I were voting, I would vote "nay." If he were present and voting, he would vote "yea." I therefore withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), would each vote "nay."

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Alaska (Mr. GRAVEL).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Alaska would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

If present and voting, the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

The result was announced—yeas 49, nays 31, as follows:

[No. 278 Leg.]

YEAS—49

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Cotton
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Jordan, N.C.
Long
McClellan
Montoya
Packwood
Pastore
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge
Weicker
Young

NAYS—31

Aiken
Brooke
Burdick
Case
Church
Cook
Cranston
Eagleton
Fulbright
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Moss
Nelson
Pearson
Pell
Proxmire
Ribicoff
Spong
Stevenson
Symington
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—19

Bayh
Curtis
Ellender
Gambrell
Gravel
Harris
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McGovern
Miller
Mundt
Muskie
Taft
Thurmond
Tower

So Mr. ALLEN's amendment was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the chair.

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 27, after line 24, insert the following:

"(7) The President shall, within ninety days after the determinations made by him pursuant to paragraph (1) of this subsection, report to the Congress such determinations, together with a full explanation of the reasons therefor. The President shall also report to the Congress any action taken pursuant to paragraph (3) of this subsection."

ORDER OF BUSINESS

Mr. RANDOLPH. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

REFERRAL OF CONCURRENT RESOLUTION 47

Mr. JORDAN of North Carolina. Mr. President, Senate Concurrent Resolution 47, referring to the parking of vehicles on Capitol grounds was referred to the Committee on Rules and Administration. I ask unanimous consent that the Committee on Rules and Administration be discharged from the further consideration of the concurrent resolution and that it be referred to the Committee on Public Works where it properly belongs. The Subcommittee on Public Buildings and Grounds of that committee should handle the concurrent resolution.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. RANDOLPH. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, because of circumstances which have developed, it is my understanding that, following the disposition of the Randolph amendment, the Church-Allott amendment will be called up, and following that, the Brock amendment.

I ask unanimous consent that at 3 o'clock, or approximately 3 o'clock, the distinguished Senator from Idaho (Mr. CHURCH) may be recognized to make some remarks which he would otherwise make during the course of the consideration of the amendment which will be the pending business shortly.

Mr. DOMINICK. Mr. President, reserving the right to object, I have two amendments that I want to propose for myself. There are many others. If Senators are going to make speeches, we will never have a chance to bring those amendments up.

Mr. STENNIS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I just want to make an inquiry. I do not want to delay this bill for 1 minute, but, as I had understood, a Senator was preparing an amendment with reference to section 513. I learn now, at the last minute, that he is not going to do that. It is my opinion that section 513 is a contradiction of what we have already done in the military procurement bill, and I shall be compelled to offer an amendment to it. It might involve a little time, but we need to deal with it.

Mr. MANSFIELD. That is all right.

Mr. STENNIS. I have another matter that I think the Senator from Arkansas and I can agree on without an amendment. It has to do with the fiscal years.

Mr. FULBRIGHT. I think we can agree on that.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I thought I would mention that.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Michigan (Mr. Griffin).

Mr. GRIFFIN. Mr. President, I certainly am not going to object, but I think it might be for the benefit of the Senate to know that there is a reception scheduled for 3 o'clock for the head of a foreign government. Most Senators are invited to go, so it would not be a convenient time for Senators to be present.

Mr. CHURCH. That is why I am going to give my speech at that time.

Mr. MANSFIELD. I think we could hold up the amendments at that time.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, it is my understanding that after this amendment is disposed of, the Symington amendment will be called up, and following that, the Brock amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order? Will the Chair ask Senators to take their seats?

The PRESIDING OFFICER. Senators will please take their seats so we can listen to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President I am gratified that the Committee on Foreign Relations under the able leadership of its chairman, the Senator from Arkansas (Mr. Fulbright), has incorporated in the foreign assistance bill, H.R. 9910, many of the provisions contained in a measure I introduced in July, S. 2344 in which I was joined by the Senator from Idaho (Mr. Church).

I introduced S. 2344 with the cosponsorship of the Senator from Idaho (Mr. Church), in an attempt to establish sanctions with respect to any country which does not do its best to eliminate international traffic in narcotics and other dangerous drugs, and to encourage, through foreign assistance, positive efforts by countries who assist in ridding the world of this insidious menace. As my colleagues know, not 1 ounce of heroin used in the United States is either grown or processed here.

The bill we now consider, H.R. 9910, takes a number of important steps toward combating international drug traffic. It requires the President to terminate any and all aid to countries which he determines are not cooperating in this effort. It authorizes the President to provide financial assistance, with a minimum expenditure of $25 million for this purpose.

The amendment I now propose is a provision which is contained in S. 2344, but which is not incorporated in the pending legislation. I believe it is a desirable addition to H.R. 9910. It would impose on the President a requirement to report to the Congress within 90 days after the annual determination made pursuant to paragraph 1 of new subsection 620(v) of the Foreign Assistance Act of 1961. Under that paragraph the President must assess, on a country-by-country basis, whether each such country "has taken appropriate measures to prevent drugs, partially or completely processed or produced in or transported through such country, from unlawfully entering the United States or from being unlawfully supplied to citizens of the United States."

Within 90 days after this country-by-country determination, the President would, under my amendment, be required to provide a detailed assessment of the effort made by each country so that Congress might have some means by which to know the President's rationale for continuing or cutting off aid to a country, and also to facilitate an independent appraisal of the President's actions by Congress.

My amendment would also require the President to report any action taken pursuant to paragraph (3) of subsection 620 (v). That provision allows the President to continue or resume aid to countries which either first, take appropriate measures to halt drug trafficking after an earlier determination by the President that such measures have not been taken by such countries, or second, require assistance from the United States because of "overriding national interest," even though appropriate steps to combat drug trafficking have not been taken.

In my opinion the overriding national interest must be grave indeed to excuse a country from taking steps to eliminate drug traffic to the United States or its citizens, and I would expect the fullest justification for any presidential determination to continue aid which is based on overriding national interest.

Except for the absence of a Presidential reporting requirement, I am, I repeat, pleased with the international drug control provisions included in H.R. 9910 by the Committee on Foreign Relations. I hope that the chairman and members of that committee support this amendment, and that the Senate accept it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. FULBRIGHT. I have discussed this matter with the Senator from West Virginia. The substantive provision relating to drug traffic, as he rightly says, is in the bill. As far as I know, it is noncontroversial and no one is against it. I think he is thoughtful and wise in providing that the President report to the Congress. I certainly would accept the amendment. I think the President certainly would have no objection, and probably would welcome this opportunity to report to Congress.

I accept the amendment.

Mr. RANDOLPH. I am grateful to the chairman of the commitee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JAVITS. Mr. President, New York is having probably the biggest problem in the country in this area—not only that, but drug traffic is probably the greatest problem New York has ever had—I am very anxious to work at this end to try to damp the flow. There are three elements to damping the flow: First, the illegality of the crime in pushing and wholesaling drugs; second, rehabilitating drug addicts and trying to eliminate the problem; and third, keeping the addict from engaging in crime.

I am glad the chairman of the committee has accepted the amendment. I think the Senator has rendered us all a service in keeping the administration's feet to the fire in a proposition as critical as this one.

Mr. RANDOLPH. I appreciate the comments of the Senator from New York. I know he has given much attention to the problem and has intense interest in stopping the illegal traffic in drugs.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I understood the Senator from Idaho (Mr. Church) to say he expected the Senator from Missouri to proceed. Or am I in error about that?

Mr. MANSFIELD. Go ahead.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, my perfecting amendment, as printed and as it appears in the Record, contains a printing error which I would correct at this time.

The amount to be inserted in lieu of $250 million in lines 14 and 20 of page 44 should be $341 million in each instance.

I send a corrected copy of the amendment to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read as follows:

> On page 44, line 14, strike out "$250,000,000" and insert in lieu thereof "$341,000,000".
>
> On page 44, line 20, strike out "$250,000,000" and insert in lieu thereof $341,000,000".

The PRESIDING OFFICER. The Chair will state that there are 9 minutes remaining to each side on this amendment. Who yields time?

Mr. SYMINGTON. Mr. President, I ask for the yeas and nays on my perfecting amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. How much time remains on the perfecting amendment of the Senator from Missouri?

The PRESIDING OFFICER. Nine minutes on each side. Who yields time?

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. To whom is the time allotted?

The PRESIDING OFFICER. To the Senator from Missouri and the Senator from Arkansas. Who yields time?

Mr. MANSFIELD. Time is running on both sides.

The PRESIDING OFFICER. If no one yields time, time will run against both sides.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes for the purpose of an inquiry. The Senator from Missouri is now offering a perfecting amendment to increase the amount of the ceiling for money to Cambodia from $250 million to what figure?

Mr. SYMINGTON. The sum of $341 million is the amount requested by the administration.

Mr. FULBRIGHT. That is correct. I have already stated that I think this is much too much money, and there is no point in my reiterating it.

It was my understanding—and the only excuse I can offer why the Senator from Alaska is not here is that there has been a change of signals—that the Allott-Church amendment was coming up. Now the Senator from Alaska wishes to present a substitute, I believe, or an amendment to the amendment of the Senator from Missouri, and I understand it would be in order. He wishes, I believe, to strike it out—to strike out aid to Cambodia. I believe it has been at the desk. I think he ought to have an opportunity to present it, but there is a change of signals here at the last minute. I did not know it was going to come up just now, because I thought the Church-Allott amendment would be next in line.

But I wonder if the Senator from Missouri would be willing, if he has any further remarks to make, to make those remarks now. If not, I am perfectly willing, after a reasonable opportunity to reach the Senator from Alaska, to proceed to a vote.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator.

Mr. AIKEN. I support the move of the Senator from Missouri for increasing the available amount for Cambodia, because I feel that we have a very great responsibility for the pathetic condition of that country today. And while I would not want to see this money spent for raising an army and putting men to war against their neighbors, I feel that if this amount of $341 million is agreed to at this time, it undoubtedly will not survive the conference at that full amount, though it might, but I doubt in any case if it would survive in the Appropriations Committee; so we are not spending this $341 million, we are simply making it available to repair much of the damage which we have in part caused over there.

Mr. SYMINGTON. May I say to the Senator from Vermont that the reason for my amendment has much to do with the McGee amendment which yesterday was defeated. The McGee amendment would have taken away any ceiling on the amount of money that was being requested by the administration for use in Cambodia. My amendment agrees with all the money that was requested by the administration, but says that before they spend additional money, they should come to Congress for authorization. That is the amendment that we are discussing now.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. Mr. President, first will the Senator yield to me for a question?

Mr. SYMINGTON. I am glad to yield to the Senator from Mississippi on my time.

Mr. STENNIS. Mr. President, this is largely a matter of legislative history, and I wish to ask the Senator some questions after I make a very brief statement.

This pertains, now, to the money that can be spent in Cambodia. When we had the procurement bill up, we had a similar amendment with reference to how much could be spent in Laos. We excepted the bombing in both areas, and agreed on a $350 million figure, which was the budget request, and I agreed to the amendment on that basis.

The amendment would actually, though, put that as an annual ceiling, a legislative ceiling, which I thought was all right; you can hardly argue against it.

I said to the Senator from Missouri, as he related yesterday in my absence, that I would support a similar situation as to Cambodia, to take the budget figure, as we did before.

He has now amended his amendment, as I understand it, to $341 million, which is the amount of the budget request.

We do carry the idea in the bill, though, that this is a legislative ceiling for one year.

Mr. SYMINGTON. That is correct.

Mr. STENNIS. All right. I think that is sound.

Now, there is some language in the bill that uses the word "expenditures." This is technical language that I think ought to be cleared up. It could be cleared up in conference. The question about expenditures or authorizations or commitments—I do not know what all the terms are, but what I wanted to make clear is that this amendment will have no limitations on the spending, if they see fit, of up to some $341 million; is that correct?

Mr. SYMINGTON. That is my understanding.

Mr. STENNIS. Yes. And the Senator does not intend to limit, after agreeing to this $341 million, in any way the expenditure of it for purposes in Cambodia?

Mr. SYMINGTON. The Senator is correct.

Mr. STENNIS. If the Senator will yield further, what is an expenditure in this field sometimes requires a definition or an understanding, and I will illustrate.

Some of these goods are used jeeps, we will say, that we would send over into Cambodia. I am just illustrating.

That is a used item, and there has to be some ground rule on how it is going to be evaluated in money figures. It is not an expenditure of new money; it is just the sending over of war material.

Does the Senator understand it that way, and would he be amenable, in conference, if this amendment passes, to having ground rules established, the ones that are used now?

Mr. SYMINGTON. Mr. President, I want to be careful not to say something at variance with the language of the bill.

The bill provides:

> For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

That sounds fair and proper to me.

Mr. STENNIS. That language indicates the principle that I am maintaining for. I am not certain about that 33⅓ percent. I understand that is a reasonable ground rule.

Mr. SYMINGTON. There is no use in passing any legislation limiting the amount of money but then having the Defense Department or one of the administration's adjacent departments first declare something useless and then give it away to the Cambodians. We do not want to waste time in the Senate by in effect setting a ceiling which is the amount they request then have them go millions beyond the ceiling by declaring worthless a lot of equipment they later put to use in Cambodia. I believe this clause is constructive as written in the bill.

Mr. STENNIS. Mr. President, we are trying to make legislative history and are not particularly arguing the bill. I have tentatively agreed to this figure, but it was with the understanding that we were not going to be left in the dark as to interpretations. I think the 33⅓ percent figure is a reasonable amount, but I do not want any unknown restrictions in this language, and the Senator does not, either.

Mr. SYMINGTON. No. That is right.

Mr. STENNIS. Mr. President, with the understanding about this language and with what clarification may be necessary as to the word "expenditure" in conference, I can support the amendment.

Mr. SYMINGTON. I thank the Senator.

The PRESIDING OFFICER. All time of the Senator from Missouri has expired.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. FULBRIGHT. Mr. President, I think this is a very inconsistent policy; this amendment rapidly escalates our expenditures in Cambodia.

The Senator from Missouri, I know, was committed to amend his amendment from $25 million to $341 million, because he recognized the fact of life that the influence of the Armed Services Committee is dominant in this body. But he wanted an expression of a principle, that Congress still has a slight, remote function to play in the foreign policy field. If the Senator from Missouri had offered an amount $1 under what the Pentagon wanted, it would have the opposition of the Armed Services Committee, and the amendment would fail.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield in a moment.

I will not trade on any such basis. It is not the money that is bothering me, although I think we are in bad shape and cannot afford it. It is the principle of now starting to construct an enormous military machine, using foreign bodies backed by American money and guns.

The Joint Chiefs have been very candid in the newspaper—I do not know whether they intended to be or not—but they are intending to build an army of more than 300,000 Cambodians.

I assume they are doing the same in Laos, because they have asked for a similar vast increase in Laos; and, of course, Thailand is our bastion country, into which we have poured billions of dollars and will continue to do so.

I do not know why it is not legitimate for the Senate to take the responsibility: Do we want to go down that road again? This is the same questions that came to us in the form of the Gulf of Tonkin resolution. At that time, we were misled by lies about what had happened, and our emotions were appealed to—we were told we had been attacked on the open seas in an unprovoked manner, and I and everybody else except two Members of the Senate fell for it.

There is no excuse now for a similar mistake. Our eyes are open. We know what is going on. We know the greatest tragedy and loss to this country since the civil war is going on in Asia. Why do we wish to go down this road again in Cambodia and in Laos?

We are headed in this direction because of the dominant influence of the military committee and the military establishment in this country. I know of no reason for it other than they want to do it. No good reason has been given to me as to why we want to organize and pay for an enormous army in Cambodia. I am against it.

I realize that the votes are here; and if I am the only one who votes against it, I will, because at issue is whether we are going to construct an enormous army of Cambodians. We have already approved one in Laos and, of course, Thailand has enormous amounts of money in here for the maintenance and construction of an enoromus army. When I say "enormous," I am referring to the fact that it is far beyond the capacity of these little countries to support the military establishments we encourage on them. Cambodia had approximately 35,000 in her army when Sihanouk left the country. We have already built that up to 185,000, and there are reports to the effect that by 1975 or 1976 they will have 300,000. We pay all the bills. Here is a limit of $341 million. Next year it will by $500 million, and the next year it probably will be $700 million. That is the road we are headed down.

If we had been attacked, or were about to be destroyed, nobody would hesitate to respond. There is that difference between Tonkin Gulf and this. There we had been told, erroneously, that we had been attacked, and we fell for it. There is no similar excuse in this case. We are deliberately undertaking obligations far beyond the needs and against the interests of Cambodia. The people of Cambodia are going to be the victims here, just as the people of Vietnam have been the victims of that situation. The people of Cambodia do not want this to happen to them. They would like us to go home and leave them alone.

Somebody said that we are not going in there. The newspapers said the other day that they have doubled the amount of military advisers in Phnompenh. The Senator from New Jersey has been trying to get a personnel limit. I support his efforts.

I just want to make my position clear. I am not arguing about $15 million or $20 million. I am arguing about the policy of this country in undertaking an endless operation in Southeast Asia to build up huge military forces there. I think it is against the President's announced policy of going to Peking, and I think it is against the interests of this country.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield for a question.

Mr. President, how much time do I have remaining?

Mr. SYMINGTON. Mr. President, I do not know when this unanimous-consent agreement was entered into, and ask unanimous consent for an additional 10 minutes.

Mr. MANSFIELD. Mr. President, I must object, because the time was available this morning, and that is when part of the time was lost. But I would suggest that 10 minutes be taken out of the bill.

Mr. FULBRIGHT. I yield 5 minutes from the bill to the Senator from Missouri.

Does the Senator from New Jersey wish some time?

Mr. CASE. I would like 2 minutes.

Mr. FULBRIGHT. Mr. President, how much time do I have on the amendment?

The PRESIDING OFFICER. One minute.

Mr. FULBRIGHT. I yield that minute plus 5 minutes on the bill to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I would not want the Senate to misunderstand the basic purpose of this perfecting amendment.

What we want to do is establish control of the vast amounts of money being spent in the Far East. I think it fair to say Congress has lost control of the expenditure of that money. This amendment would now give the administration all the money they say they needed in Cambodia for next year; but before they spend any additional money, it will be necessary for them to come back and obtain additional authorization.

If anyone believes this amount is too much, that can be brought up when the matter comes to the Senate for appropriation approval, or, prior to that, for same when it comes before the Appropriations Committee.

In my opinion the Chairman of the Committee on Armed Services has been quite fair with respect to this proposed legislation. It is probable that we would not be able to adopt this amendment if he had not agreed we should establish control if the administration wants additional money.

Therefore, and with the premise that we will have a chance to get into this matter at the time the Senate approves appropriations, I will vote for the perfecting amendment which I have sent to the desk.

Mr. CASE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield 3 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. CASE. Mr. President, although the Senator from Missouri and I are cosponsors of the amendment placing limitations on U.S. activities in Cambodia, and although I fully respect his honor in fulfilling his commitment on raising the financial ceiling. I am under no such obligation. I made no such commitment. I fully support the action of the Foreign Relations Committee in placing a $250 million ceiling on U.S. expenditures and a 200-man U.S. personnel limitation in Cambodia during this fiscal year.

The $250 million figure represents roughly the current level of American assistance. I urge that we maintain the present rate while we are considering the question of what should be our future obligation and commitment to Cambodia. Two years ago we had no aid programs at all in that country, and we spent our first $100 million without Congressional approval, wholly on the basis of discretionary funds used by the administration. It is true that we later approved, in the 1970 supplemental appropriations bill, what the administration described as a modest level of assistance for Cambodia. But last year's level was considerably lower than this year's request and I believe that we should go no further than we did last year without a firm commitment from the Congress and the American people that they desire a deeper involvement in Cambodia. Therefore, I urge the Senate to turn down this proposed increase of $91 million in the Cambodian aid ceiling.

The PRESIDING OFFICER (Mr. BYRD of Virginia). All time has now expired.

Mr. GRAVEL. Mr. President, I send an amendment to the desk in the nature of a substitute to the pending amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 44, lines 13 and 14, strike out the words "in excess of $150 million.".

On page 44, beginning with "In" on line 20, strike out everything down through and including "any" on line 23, and insert in lieu thereof "No".

On page 44, line 24, insert immediately after "equipment" the words "shall be".

On page 44, line 25, strike out "such" and insert immediately after "year" the date "1972".

On page 45, strike out everything on lines 1 through 6 and everything on lines 16 through 19.

On pages 45 and 46 redesignate paragraphs (e), (f), and (g) as paragraphs (d), (e), and (f), respectively.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The Chair will say that the amendment offered by the Senator from Alaska is not in order, that it is not a valid substitute, and does not amend the same place in the bill as the amendment offered by the Senator from Missouri.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum for a brief moment—I withdraw that request, Mr. President.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes on the bill to clarify the situation.

Mr. President, I was told by the Senator from Alaska that all he wished to do was to change the amount in the amendment of the Senator from Missouri from the $341 million to $150 million. It is as simple as that. So that I do not understand why it is not in order. It was sent to the desk. That is the way it was told to me, that the Senator from Alaska was intending to offer it, simply to change the amount in the amendment of the Senator from Missouri from $341 to $150 million. The Senator from Alaska has a right to do that, and, of course, from my point of view, I shall support it because I do not approve of an increase in the amount as offered in the amendment of the Senator from Missouri.

The Senator from Alaska told me what he wanted to do, that he wanted to change the amount to $150 million. I do not understand why it is not in order.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The Chair will say that the amendment offered by the Senator from Missouri affects two places in the bill. The amendment offered by the Senator from Alaska affects five different places, including a different page of the bill.

Mr. GRAVEL. Mr. President, I have sent another copy of a perfecting amendment to the desk which I would ask the Parliamentarian to rule on its acceptability to the amendment of the Senator from Missouri.

The PRESIDING OFFICER. The clerk will report the perfecting amendment.

The legislative clerk read as follows:

On page 44, lines 13 and 14, strike out the words "in excess of $250 million" and insert "$150 million."

The PRESIDING OFFICER. The amendment is in order.

Who yields time?

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. How much times does the Senator require?

Mr. GRAVEL. As much time as I may need to make my introductory remarks, and then I will be happy to yield to other Senators who may wish to address themselves to this same issue.

The PRESIDING OFFICER. The Senator from Alaska may proceed.

Mr. GRAVEL. Mr. President, my original amendment was to eliminate all money for Cambodia. This is not new. I offered a similar one last year, along with several of my colleagues; but we were not successful last year.

I am totally distressed over the fact that this body chooses to escalate our involvement—and I use the word "escalate" because I have heard it mentioned here that we are treading water and keeping the same commitment we had last year. That is not the case. Members should be on notice that we are escalating, that we are not treading water.

It seems unlikely that we could garner enough support from the membership to secure passage of my original amendment, so at the request of the Senator from Arkansas I am happy to modify my amendment to leave out the bombing provision and to permit a modicum amount for cleanup operations. We could try at least to rehabilitate the country and leave it in a semblance of the state in which we found it. That is the reason I have gone along with the $150 million. The $150 million is still treading water, but not the $250 million.

As I recall the incidents last year, we went into Cambodia on a unilateral decision, without the permission of Congress, and spent money to the tune of $100 million, taking that money from aid that would have gone to other countries.

What came before this body last December was a piece of legislation to put back the money the President had spent unilaterally, robbing various aid programs to do so. The amount was first $100 million. Then the request was for $150 million; so, thus far, what has been spent in Cambodia, in excess of 1 year, has been $250 million.

What was agreed to, before the fact, was $150 million. Now we are asked to agree, before the fact, to $250 million.

If that is not escalation, then obviously——

Mr. FULBRIGHT. Mr. President, if the Senator from Alaska will yield on that point, the Senator from Missouri's perfecting amendment makes it $341 million. Actually, the $250 million is what the committee bill provides and then yesterday the McGee amendment was suggested and voted down, which would have lifted any ceiling at all. The Senator from Missouri, as he has stated, had the understanding of the Senator from Mississippi (Mr. Stennis) that we would change this amount today to $341 million. The Senator from Alaska would be cutting the $341 million back to $150 million.

Mr. GRAVEL. That is right.

Mr. FULBRIGHT. The issue is simple: Do we want to increase the amount of money to Cambodia to build up a large army, which we will have to support, or do we wish to stabilize at a lower level?

These amounts are simply a symbol of a policy. I would hope the Senate would not go on record as saying it is in favor of, in effect, of letting the administration do whatever it deems proper in Cambodia and in Laos. I do not understand how this can be interpreted as a restraint. It is for 1 year. Next year they will say, "We want $550 million." And the year after they will want $800 million, and we will have to have a ceiling of $800 million.

The Senator from Alaska is trying to cut back by about $200 million, when judged against the $341 million being offered by the Senator from Missouri. I think that is a very simple proposition. The substitute amendment of the Senator from Alaska draws attention not only to money, but also to policy.

Mr. GRAVEL. Mr. President, I ask that the amendment be modified as identified by the Parliamentarian.

The PRESIDING OFFICER. The amendment is accordingly modified.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. SYMINGTON. Mr. President, again I hope that the Senate does not get the wrong impression about the basic thrust of the position some of us are taking on this measure. It did not make any real difference what the figure is that was approved by the Foreign Relations Committee or passed by the Senate in the past, the administration has spent the money the way they wanted and to the amount they desired. Let me repeat, the basic thrust of this amendment is to get some control.

One time a man told his attorney, "When I die, I will leave my wife $1 million."

His lawyer said "You haven't $1 million."

The man said, "I know, but it will look great in the papers."

That is the type and character of operation we have been conducting around here. It has been going on for years. It ought to stop. Our limitations of money may have looked great in the papers, but at times they have no practical meaning.

Whatever the Congress authorizes is all of the money that should be spent by the administration.

For those who think that this is too much money—and I am one of them—there will be a full chance to analyze the matter in coming days and weeks as to how much should be reduced.

Mr. GRAVEL. Mr. President, I would hope that the Senator would join me in my amendment. If he feels that the money being spent is too much, let us say that it is too much and not go any further.

Mr. SYMINGTON. Mr. President, the Senator and I have discussed this matter. He has come in with a heavy reduction. If we get control, later we can determine the amount of money. Without control, we are talking to the winds.

Mr. GRAVEL. How would that give us control? If we say $500 million, what will stop them from spending $500 million?

Mr. SYMINGTON. The Senator apparently has not read the amendment, or the bill as it came from the Foreign Relations Committee.

Mr. STENNIS. Mr. President, would the Senator yield me 5 minutes of his time so that I might discuss the matter?

Mr. MANSFIELD. Mr. President, I had asked the distinguished ranking minority member of the committee to yield me 3 minutes for the same purpose.

Mr. AIKEN. Mr. President, I would be glad to yield time to the Senator from Montana. However, first I would like to clear up any misunderstanding that may exist. The State Department is in favor of the Symington proposal to increase funds to $341 million. I am sure of that.

Mr. STENNIS. Mr. President, would the Senator from Vermont yield me 5 minutes after he has yielded time to the Senator from Montana?

Mr. AIKEN. Yes. Mr. President, I yield 3 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, when President Nixon recognized the government of Prince Norodom Sihanouk, he dispatched two men to the embassy—it was not a legation at the time—to represent us. In the interim, when Sihanouk was overthrown, there were nine members of our military—I do not believe they were attached to the military mission in Phnom Penh. Today there are in excess of 150 civilian and military personnel, with the military in the preponderance.

Not so many days ago, there appeared in the public prints an outline of a 5-year aid plan for Cambodia, I think estimating in 1975 or 1976 an increase in the military from $35,000 at the time of the overthrow of Sihanouk to, I believe $700,000, which is a higher figure than mentioned by the chairman of the Foreign Relations Committee, and at the same time increasing the cost of the participation to us.

I did not vote for the Case-Symington amendment in committee. I have not voted for an amendment on the floor, that I recall. And the reason I have not voted, and will not vote, for either the Gravel amendment, the substitute, or the Symington amendment, is because to do so in my opinion would be to place a stamp of approval on our participation in what we are doing in Cambodia not only now, but also in the years ahead if the programed outline bears any semblance to the truth. That I will not join in doing.

So, I want the Record to be clear. If it were a clearcut, outright doing away with all funds, I would vote for it. However, to me $150 million is just the same as $341 million.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator and I have discussed this problem. This is the problem we had also in the Laotian amendment. We settled that, and I think we will get it sustained in conference.

This is almost identical. Let us move back a little. About 15 months ago we were fighting in Cambodia. Our men were fighting there and were getting killed. The President of the United States ordered them in there. No one except a foolish man—and he is certainly not a foolish man—would have sent our men there if he thought it was not necessary in order to maintain our position and protect our men.

This is altogether a different policy. Our men are out of there now. Whoever the men are that are fighting there, they are not our boys. However, this country is in jeopardy. They are having to fight for their lives. It is still a question of whether they will be able to survive.

So, what is this aid? Here it is broken down. We have a breakdown of these other countries.

This will be an absolute control. They cannot spend more.

Of the $341 million, $240 million is for military assistance. About two-thirds of it goes for ammunition and spare parts and about one-third of it goes for various other equipment.

My guess is that about half of that equipment, at least, is secondhand equipment, something that we have already used. It is valued according to the formula to which the Senator referred.

The next item is economic aid, $110 million. That is an item in this amendment. That is big AID, $10 million, economic aid. There is no military and no Department of Defense. The Senator from Arkansas gets excited about that sometimes.

This is a program that comes from the Foreign Relations Committee. Public Law 480, food for peace, $20 million.

Excess defense articles, that is some extra articles, $11 million.

The total is $341 million. That is the estimate of about what would be needed.

I have already explained about the ammunition and the spare parts. I think at this stage we have no valid choice except to affirm these figures, as the Senator from Missouri who is well versed in this matter has proposed, and we will let this matter ride on with an actual ceiling on it. They cannot spend any more than that and in that way we have established legislative control on how much will be spent in this country for all purposes, including this used military equipment. So it is on that basis we are trying to get this as a practical matter. I commend the Senator for his willingness to settle this on a reasonable, practical basis. We follow next year from this starting point and we will have control on it.

Mr. President, I hope the amendment of the Senator from Alaska is rejected and that the amendment of the Senator from Missouri is agreed to.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 3 minutes remaining.

Mr. GRAVEL. How much time is remaining to the Senator from Arkansas?

The PRESIDING OFFICER. The Senator from Arkansas has 5 minutes remaining.

Who yields time?

Mr. GRIFFIN. Mr. President, the distinguished chairman of the Armed Services Committee has made the case very well. However, I cannot allow the record to stand without answering a remark made by the distinguished chairman of the Committee on Foreign Relations to the effect that assistance for Cambodia in line with the budget request would actually go against the policy of the administration or the President.

The President's policy is to withdraw American troops as rapidly as practicable from that part of the world. His policy is that U.S. troops should not be used to defend every threatened country; his policy is to encourage such other countries to bear the primary responsibility for defending themselves.

But the Nixon doctrine does not mean that we have abandoned all our friends in the world or that we have abandoned all non-Communist nations that want to resist aggression. There are two main parts of the doctrine. One important part is that we will help our friends defend themselves.

There is no question that what is going on in Cambodia is not a civil war. There has been some argument about whether the war in South Vietnam is a civil war. In Cambodia it is out and out aggression by North Vietnam. In Cambodia the Cambodians want to defend themselves and they are defending themselves Our policy is to help them, but without providing any of our troops to do the fighting.

The distinguished chairman of the Committee on Foreign Relations has pointed to the fact that there may be some relaxation of tensions, attributable in part to the President's forthcoming visit to Moscow and Peking, and he has referred to the fact that the situation is better in South Vietnam. The situation is better in South Vietnam, but the situation is better because we helped the South Vietnamese build up an army capable of defending itself while we have been withdrawing. The situation has not improved because of any chance in attitude on the part of the North Vietnamese.

If we help the Cambodians defend themselves, we are acting in our own interest, particularly if we recall that we have some treaty obligations to such countries as Thailand.

The distinguished majority leader spoke in terms of Sihanouk being "overthrown." I do not know what he means by the word "overthrown," but I am sure he did not mean to leave the impression that Sihanouk was not replaced in the regular manner. In fact, Lon Nol was put in power in the same way that Sihanouk came to power, and as I understand it, the very people Sihanouk appointed replaced Sihanouk and put Lon Nol in. That does not mean that I necessarily agree with the form or composition of the government there as now constituted. But that is really not the question.

Mr. President, I urge that the Gravel amendment be rejected and that the Symington amendment be approved.

Mr. BROOKE. Mr. President, will the Senator from Alaska yield for a question?

Mr. GRAVEL. I have only a few minutes remaining. Will the Senator from Arkansas yield?

The PRESIDING OFFICER. The Senator from Vermont is yielding time on the bill.

Mr. AIKEN. Mr. President, how much time do we have remaining?

The **PRESIDING OFFICER.** There are 2 minutes remaining to the Senator from Arkansas who has the opposition time on the amendment, and 3 minutes remaining to the Senator from Alaska.

Mr. FULBRIGHT. Does the Senator from Massachusetts wish me to yield 2 minutes?

Mr. BROOKE. Yes.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The **PRESIDING OFFICER.** The Senator from Massachusetts is recognized.

Mr. BROOKE. I wish to ask if the Senator from Alaska broke down the amount of money into items he would recover by the $150 million he proposes to reduce it to?

Mr. GRAVEL. No, I have no breakdown.

Mr. BROOKE. The Senator cut the total sum and it is not broken down, as the Senator from Mississippi indicated.

Mr. GRAVEL. No.

Mr. BROOKE. It puts a ceiling on the total amount and reduces it to $150 million without regard to how it shall be spent.

Mr. GRAVEL. That is correct. I want to emphasize that the word "ceiling" in my opinion is a misnomer.

Mr. BROOKE. I am sorry. I did not understand the Senator.

Mr. GRAVEL. It is a misnomer. I do not think it will work. I have not seen any ceiling in this body work.

If this body had some of the sharing of responsibility we talk about we could end this cottonpicking war. The inference was made that the invasion was by North Vietnam. The invasion of Cambodia took place by this country. I hope that would be made clear.

When we hear a government that talks of sterile democracy which it is going to put aside, and we see a program by this administration to escalate, let us go over the arithmetic again.

Last year the President, when we unilaterally invaded Cambodia, submitted a figure of $100 million and all we did was approve it. Along with that request, to pay back Peter who had been robbed by Paul, was another $150 million that was approved by this body. Now, we are asked by the administration, by the committee, for $250 million, which is an escalation of $100 million more than we approved last year, and we are asked to go to $300 million carte blanche.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CASE. Mr. President, I intend to support the Senator on this amendment, but I protest against the suggestion that what we are doing here is an exercise in futility. For the first time this will put an absolute ceiling, not on appropriations but on spending. For all purposes it overrides all provisions for discretionary authority, transfers, or anything else; and I do not want any legislative history to be on the books which would give the chance for any executive agency to say this was not intended to be an absolute ceiling on spending of all kinds.

Mr. GRAVEL. My colleague has been here much longer than I, and I would defer to his judgment, but I have been disillusioned in my tenure here.

Mr. CASE. Of course, but we have done this before and in supporting the Senator's amendment I want to be very clear that we are not intending in any way to leave any of those loopholes which have existed still in effect.

Mr. GRAVEL. I realize that is the good faith of my colleague.

Mr. CASE. Not only good faith, but action by this body. We are not intending to leave any discretionary authority to transfer from one fund to another or anything of that sort, and I hope the Senator will not leave the suggestion that he intends it.

Mr. GRAVEL. No, not the slightest. I endorse my colleague's statement 110 percent.

I have found as we close loopholes, down the street they open them just as fast. They prosecute the war regardless of what we say, regardless of demonstrated facts on our part.

I hope this will be a firm reduction and that my amendment will be agreed to, because it would do what Members of the Senate have said they want done: Tread water. But to increase beyond $150 million is not treading water, and every one should understand it is an escalation of our activity in Cambodia.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CASE. The point of my protest before about use of the suggestion that this is just an idle gesture, is given special support by this newspaper report which said that the Joint Chiefs of Staff had proposed four ways to get around any ceiling over spending—or any limitation, rather, not a ceiling on spending—which is what we are doing—but to get around any limitation on authorization in this bill. It is for that reason that it is terribly important that we not only have a limitation on authorizations, which we have, but this ceiling, which would be on the spending.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

The **PRESIDING OFFICER.** All time has expired on the amendment.

Mr. MANSFIELD. Mr. President, I yield 1 minute on the bill.

Mr. STENNIS. Mr. President, I have no doubt about it. This is an actual ceiling. This is a limitation on expenditures. It was our committee which dug in and dug out to get the figures and required the report. We know what the expenditures are going to be. We know what the program is. We know what are the used goods and the evaluations put on them. Have no doubt about it—this is an actual ceiling and an actual limitation.

The **PRESIDING OFFICER.** The question is on agreeing to the perfecting amendment of the Senator from Alaska to the amendment of the Senator from Missouri. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) and the Senator from South Dakota (Mr. McGovern) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from South Carolina (Mr. Thurmond) is absent on official business.

The Senator from Vermont (Mr. Stafford), and the Senator from Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Vermont (Mr. Stafford), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 26, nays 53, as follows:

[No. 279 Leg.]

YEAS—26

Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cotton
Cranston
Fulbright
Gravel
Hart
Hatfield
Hughes
Mathias
Metcalf
Mondale
Montoya
Moss
Nelson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Tunney
Williams

NAYS—53

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Cannon
Chiles
Cook
Cooper
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Humphrey
Javits
Jordan, N.C.
Long
Magnuson
McClellan
McIntyre
Packwood
Pastore
Pearson
Percy
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—20

Curtis
Ellender
Gambrell
Harris
Hartke
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McGovern
Miller
Mundt
Muskie
Stafford
Taft
Thurmond
Tower
Weicker

So Mr. Gravel's amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PASTORE (after having voted in the affirmative). On this vote I have a live pair with the Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote "nay." I have already voted "yea." I therefore withdraw my vote, as an accommodation to the Senator from Louisiana.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "yea."

I further announce that if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from South Carolina (Mr. Thurmond) is absent on official business.

If present and voting, the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Ohio. (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 45, nays 36, as follows:

[No. 280 Leg.]

YEAS—45

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Dole
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hollings
Long
Magnuson
McIntyre
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Tunney
Young

NAYS—36

Allen
Anderson
Bayh
Brooke
Burdick
Case
Chiles
Church
Cooper
Cotton
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Mansfield
Mathias
McClellan
Metcalf
Mondale
Montoya
Moss
Nelson
Pell
Proxmire
Ribicoff
Schweiker
Stevenson
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pastore, for.

NOT VOTING—18

Curtis
Ellender
Gambrell
Harris
Hartke
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McGovern
Miller
Mundt
Muskie
Taft
Thurmond
Tower

So Mr. Symington's amendment was agreed to.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; and

S. J. Res. 167. Joint resolution to extend authority conferred by the Export Administration Act of 1969.

Subsequently the Acting President pro tempore (Mr. Byrd of West Virginia) signed the enrolled bill and joint resolution.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1971, and for other purposes.

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from Colorado (Mr. Allott) and myself I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Beall). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, lines 19 and 20, strike out the amount $425,000,000 and insert in lieu thereof $285,000,000.

Mr. SCOTT. Mr. President, will the Senator from Idaho yield to me so that I may discuss a proposed unanimous-consent request?

Mr. CHURCH. I am happy to yield to the Senator for that purpose.

TEMPORARY AMENDMENT OF THE 20-MINUTE RULE ON ROLLCALL VOTES

Mr. SCOTT. Mr. President, to expedite the work of the Senate, I proposed to the assistant majority leader that we consider at this time making a unanimous-consent request for the duration of the pending bill only, and through final passage, that the rule regarding rollcall votes be amended so as to permit the reduction of the time allotted from 20 minutes to 15 minutes, with the usual 5-minute warning being allowed at the end of the first 10 minutes.

If that is satisfactory, the assistant majority leader or I could propose the amendment.

Mr. BYRD of West Virginia. Mr. President, the matter has been discussed with and approved by the distinguished majority leader. I therefore speak in his stead. At this moment there are no committees meeting this afternoon. Under the previous order, the final vote is to occur at not later than 7 o'clock. We have amendments that remain to be acted upon by rollcall votes.

If all Senators are on notice—and we will ask the cloakrooms to put out the notice over the telephone—the leadership on this side of the aisle would concur with the suggestion and make the request.

Mr. President, I ask unanimous consent that on all remaining rollcall votes on the pending bill, including final passage, there be 15 minutes allotted, with the warning bell to be sounded 5 minutes prior to the announcement of the vote by the Chair.

Mr. GRIFFIN. Mr. President, so that the members of the Finance Committee will be given appropriate credit, I point out that a meeting is now being held. However, the committee is meeting close by and we can get here in a short time.

Mr. SCOTT. Mr. President, it is meeting so quietly that we did not know about it.

Mr. BYRD of West Virginia. I thank the able assistant minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, if the distinguished Senator would yield further, I would like to make a comment. I know that there are a number of Senators who are anxious to keep speaking engagements tonight and tomorrow. We have done our best to accommodate them. I would solicit and encourage all Senators who have amendments to, if possible, restrain an oratorical urge beyond the point of persuasion and to ask themselves whether or not loquacity is counterproductive after a certain point. If they would be good enough to accommodate each to the other, we might enable some of our colleagues, including the speaker, to make a speaking engagement tonight.

Mr. BYRD of West Virginia. I thank the distinguished minority leader.

Mr. CHURCH. Mr. President, in line with the exhortation of the distinguished assistant majority leader for Senators to be brief, I do not intend to speak at any length on this amendment.

The purpose of the Church-Allott amendment is to reduce from $425 million to $285 million the amount authorized in the bill for the Development Loan Fund. Although at first glance this looks like a hefty cut, the amendment's adoption would actually impose only a very modest reduction in the Development Loan Fund, as it is likely to emerge from the Senate-House conference, where past practice has been to split the difference between the Senate and House figures.

The House authorization for the D.L.F. is $400 million. If this amendment were adopted, the difference between the House and Senate figures would be $115 million. And if, as I have every reason to anticipate, the general practice is followed and the difference is split, that would mean that the end result of the adoption of this amendment would be to effect a modest reduction of $57.5 million in the Development Loan Fund. The program could easily survive so modest a reduction.

I know that the Development Loan Fund carries with it certain favorable connotations. For example, one thinks of the funds as improving living standards abroad; some have said that this feature of the aid program is the one most directly related to long-term economic gains.

At close examination, however, the program has really become a public subsidy for financing the export of American goods and services. Approximately 93 percent of the money is spent here in the United States. As such, it is more accurate to look upon the program as but another of the Federal subsidy programs. We must ask ourselves, then, whether our priorities allow us to continue to subsidize so much spending for export, in the light of the dire need for more spending here in our own country.

The Development Loan Fund is, in effect, a soft loan window for our Export-Import Bank. Through the DLF, it is possible for foreign countries to obtain loans with which to purchase American produced goods and services on terms more favorable than otherwise available, better than any commercial terms, better than any terms directly available through the Export-Import Bank. Through the DLF soft window, foreign countries can secure long-term loans, with a grace period of 10 years during which no repayment of capital is required, and at subsidized interest rates far below the cost of money to the U.S. Government.

With these subsidized loans, purchases are made from American firms. Last year, for example, some 4,000 American firms in 50 States received $1.3 billion in AID funds for products supplied as part of the foreign aid program.

Mr. President, the oft asserted lament that our foreign aid program lacks a constituency in the United States is another one of those myths we hold so dear. In fact, aid has a large and lively constituency which asserts intense pressure on the Government to keep these subsidies alive. The real question we face, then, is whether we are to continue so large a public subsidy to finance the sale of American goods and services in foreign lands, or whether we are going to begin to cut back on foreign spending, in order to free more money to apply here at home on problems that continue to plague our own people.

I recall all the pious assurances given the American people about changing priorities, about shifting more of our resources to the solution of our own problems in the slums of our cities, in our emptying countryside, and in the ghettos. Think of the money so desperately needed to deal with drug addiction, and actually to come to grips with reducing the pollution that so blights our own environment. Yet, in the face of all that talk, the truth is that Congress is in the process of adopting a larger aid program this year than we have had in the past. We are not cutting back on foreign spending. In fact, this bill represents nothing more than the tip of the iceberg, less than 40 percent of the total foreign aid package this year; the program actually exceeds $9 billion.

At the same time, we are increasing, rather than reducing, the size of the military budget. We will soon approve military appropriations that will exceed those at the height of our involvement in Vietnam. It is incredible, but it is true.

So I see the Church-Allott amendment as a very modest step, cutting back on the authorization of the Development Loan Fund from $445 million to $285 million which, as I have explained, would represent a reduction of even less, in the neighborhood of between $50 million and $60 million, once the conflicting figures in the House and Senate bills have been reconciled in conference.

I hope that the Senate will see fit to adopt the amendment.

Mr. President, I am happy to be joined in this amendment by the distinguished senior Senator from Colorado (Mr. Allott). I should like to yield him the balance of the time remaining on behalf of the amendment.

Mr. ALLOTT. Mr. President, I am very happy to join with the distinguished Senator from Idaho on this particular amendment.

Mr. President, our amendment will accomplish the following. The Economic Development Loan Fund activities level, excluding Latin America, is contemplated at $605 million for each of fiscal years 1972 and 1973. The committee authorized $320 million to be contributed toward this activity in each of those years. The moneys currently uncommitted in the revolving fund plus the newly authorized amount add up to the $605 million figure. My amendment reduces the loan level by $160 million each year for fiscal years 1972 and 1973. This will have the effect of cutting back this "soft loan" activity by one-fourth during the next 2 years. In reiteration, out of a total "soft loan" activity of $605 million, my amendment will reduce the activity by one-fourth or $160 million.

Senator Taft's previously agreed to amendment which increases this fund by $125 million will not be affected by my amendment because of the earmarking language contained on page 29 of the bill as amended and because my amendment only reduces the new total contained in the bill, which is $445 million, by $160 million down to $285 million.

Why is it time to cut assistance programs?

First, the unvarnished truth is that the Federal budget is suffering an uncontrolled case of elephantiasis. Today the Department of the Treasury will release deficit figures for the first quarter of fiscal year 1972. They will show a deficit of $7.75 billion for the first quarter. And this in spite of the fact that defense spending in the first quarter was at a rate lower than at any time in the last 4 years. If this rate of deficit is annualized, we arrive at the staggering figure of a $31 billion deficit. This is a good day on which to redouble our efforts to economize. And this loan program is just the sort of matter of marginal importance on which to begin such a redoubling of our efforts.

Second, it is time to re-reorder our priorities. Spending for domestic and foreign welfare programs has caused a serious shortage of funds for defense. Defense dollars are getting more scarce just as weapons systems are becoming more expensive and just as the U.S.S.R. is making an ominous push to expand its military supremacy.

Third, the taxpayer will not—and would not have to—put up with any more casual disbursement of his tax dollars.

Fourth, the taxpayer is especially entitled to equal treatment. High interest rates are a special burden to all Americans. The taxpayer has lost all patience with a system which uses his tax dollars to make 2-percent loans available to other nations—while he must pay interest rates four times that high.

Mr. President, I have some figures available here, which I ask unanimous consent to have printed in the Record at this point.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

AS OF JUNE 30, 1971—OUTSTANDING BALANCE

[In billions of dollars]

	1968	1971
Alliance for Progress (sec. 251)	1.5	2.4
Economic Development Loan Fund (total) (sec. 201)	4.8	6.3
DLF (new)	3.5	5.3
DLF (old in liquidation)	1.3	1.0

	Billions
Total funds disbursed	$18.5
Total funds paid back	2.4
Funds lost because of exchange rate differential	1.0
Collected in interest	2.8
Money outstanding	15.0

Note: Out of the $15,000,000,000 in loans outstanding, $1,900,000,000 are delinquent; this is a 13 percent delinquency rate. The $1,900,000,000 figure was arrived at in the following method:

I. Delinquency[1]	$1,218,056,583.29
II. Rescheduled loans	467,130,501.43
III. Loans in the process of rescheduling	205,267,945.05
IV. Loans written off	5,552,589.14
Total	1,896,007,618.91

[1] 166 loans out of 1900.

Mr. ALLOTT. Mr. President, they show the funds allotted for the Alliance for Progress—which this amendment does not touch—and the Economic Development Loan Fund. Everyone will recall, of course, that in 1958 the Congress passed the Development Loan Fund Act, and it was passed for the express purpose of trying to get away from the free grants which had been given to foreign nations prior to that time.

With respect to the totals on the Economic Development Loan Fund, the amount has risen from $4.8 billion in 1968 to $6.3 billion in 1971.

The total funds disbursed from the time it started until now is $18.5 billion.

Of that total, the only funds that have been paid back are $2.4 billion since it started. So out of the $18.5 billion of these soft loan funds, only $2.4 billion have been returned.

The funds which have been lost because of the exchange rate differential equal $1 billion. So that also represents a loss.

The total moneys outstanding now, after 13 years, constitute $15 billion. Of the $15 billion in loans outstanding, $1.9 billion are delinquent, which is a a 13-percent delinquency rate. The $1.9 billion figure was arrived at in the following method.

The table sets out the method which was used, which will be included in the table which I have put in the Record.

There are many examples of this, and I am happy to find that the GAO is interested in this matter.

One of the outstanding examples of what we have done in this area can be found in its report as of June 30, 1971, under the Agency for International Development, which has a reference to the Bataan Pulp and Paper Mills, Inc., in the Philippines. A loan was made in 1959. In 1959 the original loan was $5.3 million principal. All that has been collected on that is $373,000 in interest. We have, in addition, forgotten interest of $2,119,558.15. Out of the total of $3.1 million paid back, about $2.3 million was paid back in cumulative preferred stock.

So on this one loan of $5.3 million, we received $373,000 in interest. We received no payments in cash upon the principal. We have forgotten in interest $2.1195 million. In addition, we have taken a payment in preferred stock from this company of $2.3 million.

This is known as a soft loan. The question is, How soft are we going to get? I look at these loan funds, on which there will be low interest for a long time, and I think about the many people in America and how they struggle to pay their taxes. I have had innumerable contacts with foreign people, representatives of foreign governments, representatives of parliaments, ambassadors, and so forth, but I must confess that I cannot understand, in this day of big deficits in this country, when the deficits are contributing every day to inflation, how we can justify any more the particular program we are discussing here.

How can we say to a man in Colorado or Indiana or Florida, or any place else, "My friend, you may have to pay 9 or 9.5 percent on the mortgage on your home, if you want to buy one, if you can, but we are lending the money to foreign countries under soft loans and they get it at 2 percent. They get 10 years of forgiveness on any payment before they have to make any payment at all, and the loan will run for 40 years. After 10 years it comes up to 3 percent, which is one-third of what you are paying." How can we stand on the floor and contend that, with our changed financial and fiscal situation in this country, this is justified any longer?

There are many more factors involved. We have lost 3 million families of young people trying to get started on the farms with the assistance of the Farmers Home Loan Board. They have to pay 8.6 percent on operating loans, which is three times what we are lending the money to foreign people for under the foreign loan program, while loans to farmers in this country must be paid at a cost of 7.5 to 8 percent. Is it not about time that we started taking a look at the needs and problem of these people?

Interest rates on home loans are down to 7.5 to 8 percent, but there are hundreds of thousands of people who in the last 3, 4, or 5 years have paid as high as 9.5 percent for first mortgage loans in order to build homes or purchase them.

I think this pretty well tells my story, Mr. President. This proposal does not butcher the DLF loan fund, but, while it cuts the present appropriation and the appropriation for next year in half, the net effect of it is to actually reduce the operations of last year by 25 percent, in round figures.

I reserve the remainder of my time.

Mr. CHURCH. Mr. President, will the Senator yield to me so that I may ask for a correction? It has been called to my attention that the amendment now reads, "Strike out the amount of $425,000,000."

Mr. ALLOTT. That should be $445 million.

Mr. CHURCH. Yes. The proper figure should be $445,000,000. I ask that the amendment be modified.

The PRESIDING OFFICER. The amendment will be so modified. Who yields time?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Who has the time in opposition?

The PRESIDING OFFICER. The Senator from Arkansas has the time in opposition.

Mr. JAVITS. Mr. President, I yield myself 5 minutes from the time in opposition.

It is absolutely amazing to me that the United States has now come to the point where an attempt is made literally to dismember the Development Loan program of our foreign aid program, which has gone on since 1948, to my knowledge, because I have personally participated since then; and there is not a soul on the floor of the Senate to defend it—not the manager of the bill, not the ranking minority member. I am a member of the Committee on Foreign Relations, and I am going to defend it, but it is unbelievable to me that we have gotten to this pass.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet. When I have finished my thought, I shall be happy to yield.

The vote is going to be juxtaposed to the vote just taken by which, just like that, we punched in $90 million for military operations in Cambodia, and we lay this cut of 60 percent—that is what they are cutting; they are cutting the heart completely out of the Development Loan Fund, and we will find out in a minute who is getting it. Some of these bloated rich are getting it; we will find out who they are.

I have sat for 22 years and heard about Greek drivers of hearses in tuxedos as a reason why we should not engage in a foreign aid program, and lots of other things of the same size—the sewage problems in Arkansas or some other place, and the narcotics problem and other unbelievably towering problems in New York.

Yet, when the votes are counted for foreign aid, they come through every time. Why? Because the American people have more sense than to believe that they can live in a world where they are relatively well off—that is all you can say—and most of the rest of the world is on its knees. Yet we are going to be the great moralists; we are not going to add to the burdens of the taxpayers of the United States by an additional $160 million here, when we are already spending a budget of over $220 billion, and spending, of that, over $70 billion for war. It is absolutely unbelievable. This $70 billion represents the bloated rich and if we allow the gap between the have and have-not nations to widen, this gross figure may double.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I thank the Senator from New York. I just wanted him to know that my presence in the Chamber at this particular moment was to let this body know and the Senator from New York know that he is not alone. I believe that the development loan fund is necessary. I think it is a distinct contribution to all we say we aspire to in this country, namely, peace. I am reminded of what Pope Paul had to say a few years ago, when he said the new name for peace is development. Or, to put it conversely, development is the new name for peace.

I do not believe we have overextended ourselves in this area. As a matter of fact, the Pearson report on world development and the amount of assistance given by respective countries indicates that our percentage of gross national product and our percentage of budget going to development purposes on the international scene is smaller now than it has ever been, far below what it was in more difficult days, and surely far below what is needed.

So I commend the Senator from New York. I think that his position is sound and his vision on this matter, as well as many others, is just what this country needs. I support his argument, and shall surely vote against the amendment.

Mr. JAVITS. I thank the Senator. I appreciate his support.

Mr. President, just to demonstrate what I mean about the 60-percent cut, the request of the administration was for $400 million. Let us lay aside this population control proposition, which was added on. Our Committee on Foreign Relations reported it out at $320 million, which is a 20-percent cut, because we recognized that in this day and age and given the President's remarks recutting foreign aid by 10 percent we had better make some kind of decent cut, or we would be hit with much worse on the floor.

Now here we are, hit with the worst, to wit, the cut down to $160 million, which is 50 percent of what the committee allowed after cutting it 20 percent. So overall, it is a 60-percent reduction from what the administration asked for—it is also a $240 million cut from the House approved figure.

A good share of it goes to India. We just gave India $250 million for Pakistani relief, because we are so worried about her economic condition as the democratic linchpin of the East against Communist China. They are the people who are going to be hit the hardest by this cut and will any one deny that the economic condition of India is a most important factor in determining whether there will be war between India and Pakistan. And a war is threatening.

After that, let us see what other bloated aristocrats are going to share in this money. After India comes Pakistan, which is a very poor nation, after having terrible trouble, which we are not anxious to see driven to the wall, lest we have an even more barbaric foreign situation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 2 additional minutes. An even more barbaric foreign situation regarding East Pakistan.

The next one after that is Turkey, where we have, again, a very delicate situation for the free world, probably the toughest nation on the borders of the Soviet Union, which we have always depended on very strongly for the security of the Mediterranean and for the security of the southern flank of NATO. Yet many who support the military assistance programs for Greece and other nations as being vital to NATO, will help undermine the economic foundations of Turkey—another vital NATO ally.

Then follows Indonesia, then Africa.

In all of these places, Mr. President, the situation is all relative, in this light: Surely, our people have their troubles, we all know that; I do and everyone else here does. But when you compare our per capita income per year of $2,300, $2,400, or $2,700, whatever the particular figure is now, with the $90 in India, the $110 in Pakistan, or the $112 in Indonesia, you get some concept of why you cannot occupy a good house on an extremely poor street and exercise this kind of parsimony.

We have cut and cut and cut this development loan figure, which is the only malleable fund that AID really has, that AID can work with in order to stimulate action, interest, and initiative in the recipient countries. We have cut it and cut it, like the Scotchman his horse, and now we are about to kill it. Mr. President, it just does not make any sense, considering what is at stake in the world, considering what we spend on the other side of the equation for war and military armament, and considering the world's needs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 2 more minutes.

One further point: The United States is now 11th on the list of nations of the world which are givers of aid, and 12th in terms of the aid which it gives. We are not at all leading the parade. We are not the big, rich, profligate Uncle Samuel, scattering our dollars all over the landscape. Mr. President, with all respect to my colleagues, who sponsor this proposal in the utmost good faith, and the arguments they make, it is demeaning for the United States, at this stage in our national life and in the life of all mankind, two-thirds of which is literally beggared, to cut not to the bone but just completely into the bone. You can forget about the development loan fund on this basis; you simply cannot stretch it to mean anything to anyone.

The committee, it seems to me, by a heavy majority, has already gone the route that needs to be gone in cutting it 20 percent, down to $320 million; and, considering the recipients, it would be a grave disservice to our country if we made this really meat-ax cut of 60 percent, Mr. President, in this development loan fund.

The PRESIDING OFFICER. Who yields time?

CONTINGENT ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that if the Senate does not complete the pending business tonight, it come in at 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes to the proponents, and 21 minutes to the opponents.

Mr. ALLOTT. Mr. President, if the opponents are ready to yield back the remainder of their time, we will yield back the remainder of ours.

Mr. JAVITS. Mr. President, I know of no other Senator who desires recognition. If there be none, I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Stafford). The question is on agreeing to the amendment of the Senator from Colorado (Mr. Allott) and the Senator from Idaho (Mr. Church). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGovern) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy), would vote "nay".

On this vote, the Senator from Louisiana (Mr. Ellender) is paired with the Senator from Washington (Mr. Jackson).

If present and voting the Senator from Louisiana would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Arizona (Mr. Goldwater), the Senator from Idaho (Mr. Jordan), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from South Carolina (Mr. Thurmond) is absent on official business.

If present and voting, the Senators from Nebraska (Mr. Curtis and Mr. Hruska), and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Ohio (Mr. Taft). If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 44, nays 35, as follows:

[No. 281 Leg.]

YEAS—44

Allen
Allott
Anderson
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Dole
Dominick

Eastland
Ervin
Fannin
Fulbright
Gravel
Gurney
Hansen
Hollings
Jordan, N.C.
Long
Magnuson
McClellan
McIntyre
Metcalf
Montoya

Packwood
Pastore
Proxmire
Randolph
Roth
Saxbe
Smith
Stafford
Stennis
Stevens
Symington
Talmadge
Weicker
Young

NAYS—35

Aiken
Baker
Beall
Bellmon
Bennett
Boggs
Brooke
Case
Chiles
Cooper
Cranston
Fong

Griffin
Harris
Hart
Hatfield
Hughes
Humphrey
Javits
Mansfield
Mathias
Mondale
Moss
Nelson

Pearson
Pell
Percy
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stevenson
Tunney
Williams

NOT VOTING—21

Bayh
Cotton
Curtis
Eagleton
Ellender
Gambrell
Goldwater
Hartke
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McGovern
Miller
Mundt
Muskie
Taft
Thurmond
Tower

So the Church-Allott amendment was agreed to.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 555

Mr. BROCK. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 51, strike out line 9 and insert in lieu thereof the following:

"LIMITATIONS ON USES OF FUNDS"

On page 51, line 13, strike out "section" and insert in lieu thereof "sections".

On page 52, line 4, strike out the quotation marks.

On page 52, between lines 4 and 5, insert the following:

"SEC. 659. LIMITATIONS ON AVAILABILITY OF FUNDS TO CERTAIN FOREIGN COUNTRIES.—None of the funds appropriated to carry out the provisions of this Act shall be made available to any foreign country which the President determines has failed to support actively the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war."

Mr. MANSFIELD. Mr. President, will the Senator from Tennessee yield?

Mr. BROCK. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, the purpose of the distinguished Senator from Tennessee in laying down his amendment is to have some pending business available at about the hour of 4 o'clock.

To repeat the unanimous-consent agreement, the distinguished Senator from Idaho (Mr. CHURCH) has permission of the Senate to proceed now for not to exceed 1 hour, with the time to come out of the time on the bill.

The PRESIDING OFFICER (Mr. BEALL). Under the previous order, the distinguished Senator from Idaho (Mr. CHURCH) is now recognized for 1 hour.

FAREWELL TO FOREIGN AID: A LIBERAL TAKES LEAVE

Mr. CHURCH. Mr. President, we stand in this year 1971 at the end of one decade of disillusion, with no good reason to believe that we are not now embarked upon another. Ten years ago, the leaders of the United States—and to a lesser degree the American people—were filled with zeal about their global goals. With supreme confidence both in our power and capacity to make wise and effective use of it, we proclaimed the dawning of a new era in which America would preserve world peace, stem communism and lead the impoverished masses of mankind through the magic point of "takeoff" into a "decade of development." To bring these glories to pass—so we allowed ourselves to believe—we had only to recognize the simple, central fact which Prof. Walt Rostow assured us would bring victory in Vietnam and success in all our other foreign enterprises, "the simple fact that we are the greatest power in the world—if we behave like it."

Looking back on the sixties, no one can deny that we were indeed "the greatest power in the world" and that we surely did "behave like it"—if throwing our might and money around is the correct measure of "behaving like it." Nonetheless, we not only failed to accomplish what we set out to accomplish 10 years ago; we have been thrown for losses across the board: In the name of preserving peace, we have waged an endless war; in the guise of serving as sentinel for the "free world," we have stood watch while free governments gave way to military dictatorship in country after country, from one end of our vast hegemony to the other. Today, confidence in American leadership abroad is as gravely shaken as is confidence in the American dollar. As for the "decade of development," 10 years of America foreign aid spread far and wide, not only has failed to narrow the gap between rich nations and poor; the gap between the small, wealthy elites and the impoverished masses in most underdeveloped lands has also widened.

Against this backdrop of general failure, the Senate is again being asked to authorize yet another year of foreign aid, as usual. For fiscal year 1972, President Nixon has asked for a foreign aid authorization of more than $3.5 billion, as compared with $3.1 billion appropriated last year, which included $500 million added on for Israel. Clearly, the administration seeks not just to sustain, but to increase, the level of spending.

The annual foreign aid authorization bill, however, is no more than the visible tip of the iceberg. It constitutes only about two-fifths of a total foreign aid program of over $9 billion proposed for this fiscal year by the executive branch.

The magnitude of the foreign aid program can be better grasped by projecting its costs over the period of the next 5 years. Calculating these costs on a conservative basis, estimating on a projection of existing, not hypothetical, spending levels, the staff of the Senate Foreign Relations Committee forecasts that foreign assistance for the 5-year period, fiscal years 1973–77, will exceed $50 billion. Less than half of the 5-year total will result from programs authorized in the regular foreign assistance and military credit sales bills. Thirteen billion dollars will be attributable to programs now funded through the defense appropriation bill, and the Public Law 480 program will account for an additional $7 billion.

Staggering as these totals seem, it is probable that they fall short of the mark. In calculating the estimates, the committee staff used only the most reliable and restrictive of available guidelines. For example:

First. Regional and country economic aid estimates were based on the projection of the average of the programs for fiscal years 1970, 1971, and the amount requested for fiscal year 1972.

Second. Regional and country military aid and credit sales estimates were based on the average of the program for fiscal year 1971 and that planned for fiscal year 1972, except in the case of countries such as Korea and Cambodia, where special circumstances apply, or in the cases of Africa and Latin America where higher ceilings are now being proposed.

Third. An inflation factor of only 3.5 percent was used to calculate projections for all programs except those for ship loans and excess defense articles, which were calculated at one-third of acquisition cost.

Fourth. It was assumed that programs related to the Vietnam war will continue at the fiscal year 1972 level on the theory that if the shooting war stops, there is likely to be a corresponding increase in economic aid for reconstruction purposes and the total U.S. assistance will not decline.

Fifth. Contributions to international lending organizations were based on a continuation of present levels or scheduled contributions without accounting for the impact of inflation.

Sixth. No costs were included for a possible residual military assistance advisory group in Vietnam.

The 5-year projection probably falls short in still other ways. It is impossible to estimate with any precision the future size of certain programs, such as that for the distribution of excess defense articles. As the war in Vietnam continues to wind down, and our Armed Forces are restructured, the quantity of excess weapons and war materials is bound to increase way above the $660 million planned for distribution outside Vietnam this year. The prodigious turnover of military equipment to the Vietnamese just does not show up on the books, nor does the value of American bases being transferred to them. Furthermore, the number of ships available for giving or lending to foreign countries is also likely to increase substantially as our Navy's participation in the Vietnam war diminishes and its modernization program expands.

For all of these reasons, the staff projection of the cost of foreign aid to the United States for the next 5 years, which totals $51,024,050,000, is probably too low. That, in itself, should give us pause. No Senator should vote to approve this year's authorization bill, without looking ahead. Perpetuating foreign aid through this annual ritual is a salami-slicing tactic. Only by studying the projections over the next 5 years, is it possible to appreciate what a tremendous outlay of this country's financial resources is actually entailed. Accordingly, I ask unanimous consent that the committee staff charts, showing requested totals of foreign aid for fiscal year 1972, and estimated levels for the next 5 years, be printed at this point in the RECORD.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

OTHER FOREIGN ASSISTANCE PROGRAMS—NOT INCLUDED ON REGIONAL CHART[1]

[In thousands of dollars]

	Estimate fiscal year 1972	Estimate fiscal year 1973–77
Economic:		
1. U.S. contributions to international financial institutions:[2]		
(a) International Development Association	320,000	1,600,000
(b) Inter-American Development Bank	575,000	2,300,000
(c) Asian Development Bank	60,000	240,000
(d) African Development Bank	15,000	15,000
Total U.S. contributions	970,000	4,155,000
2. Export-Import Bank—long-term loans to developing countries	[3]501,100	[3]3,060,600
Total economic	1,471,100	7,215,600
Military:		
1. Public Law 480 grants for defense purposes	116,600	699,600
2. MAAG's, Milgroups—expenses paid out of DOD budget (excluding Vietnam, Thailand, and Laos)	[4]46,400	278,400
3. International military headquarters	31,400	188,400
4. NATO infrasturcture	20,000	120,000
Total military	214,400	1,286,400
Total—other foreign assistance programs	1,685,400	8,502,000
Estimates from regional chart	7,590,845	42,522,050
Grand total—foreign assistance	9,276,245	51,024,050

[1] Except where noted programs are projected on the basis of the fiscal year 1972 estimate, plus an inflation factor of approximately 3.5 percent.

[2] Represents a continuation forward of present levels or scheduled contributions; does not include an inflation factor.

[3] 1968–70 average.

[4] Fiscal year 1971.

ESTIMATED LEVELS OF FOREIGN ASSISTANCE, FISCAL YEARS 1973–77[1]

[In thousands of dollars]

	Military programs						Economic programs	
		Grant military assistance					AID programs	
	Foreign military credit sales	MAP	Excess defense articles	Ship loans	Military Aid-now funded by DOD	Total military	Development assistance	Supporting assistance
East Asia and Pacific—Regional	$423,000	$3,096,000	$525,000	$15,250	$13,380,000	$17,439,250	$2,358,000	$4,188,000
Selected countries:								
Korea	90,000	1,400,000	250,000		488,000	2,228,000	216,000	
Cambodia		1,200,000	55,000			1,255,000		660,000
Indonesia		150,000	50,000			200,000	456,000	
Thailand	42,000		50,000		264,000	356,000		240,000
Republic of China	246,000	126,000	264,000			636,000		
Vietnam					10,698,000	10,698,000		3,390,000
Near East and South Asia—Regional	1,800,000	978,000	452,000	25,000		3,255,000	2,340,000	
Selected countries:								
India	30,000					30,000	1,276,200	
Greece	315,000	120,000	210,000	5,200		650,200		
Turkey		583,800	292,000	10,000		885,800	310,800	
Europe—Regional		50,000	18,000	10,000		78,000		
Africa—Regional	195,000	92,500	12,500			300,000	861,600	99,600
Selected countries:								
Ethiopia		60,100	4,000			64,100	91,800	
Nigeria							152,800	
Latin America—Regional	671,000	50,000	25,000	4,000		750,000	2,311,200	21,000
Selected countries:								
Argentina	150,000	4,000				154,000		
Brazil	195,000	4,500				200,700	443,600	
Columbia		5,000				5,000	465,000	
Summary—All programs	3,089,000	4,266,500	1,032,500	54,250	13,380,000	21,822,250	7,870,800	4,308,600

[1] Inflation factor of 3.5 percent used to calculate projections for all programs except those for ship loans and excess defense articles.

Note: Average program for fiscal years 1970–72 used to project economic programs; fiscal year 1971–72 used as base for projecting military programs in most cases. It is assumed that Vietnam war related programs will continue at fiscal year 1972 rate. Does not include U.S. contributions to international financial institutions.

ESTIMATED LEVELS OF FOREIGN ASSISTANCE, FISCAL YEARS 1973–77[1]

[In thousands of dollars]

	Economic programs						Total		
	AID programs			Other economic programs					
	Administrative expenses	Contingency fund	Total AID programs	Peace Corps	Public Law 480	Total economic	Foreign Assistance Act, Military credit Sales, DOD Military Aid	Military and economic, fiscal year 1973–77	Military and economic, requested, fiscal year 1972
East Asia and Pacific—Regional			$6,546,000	$78,000	$2,610,000	$9,234,000	$23,970,000	$26,673,250	$4,379,599
Selected countries:									
Korea			216,000	10,000	684,000	910,000	2,444,000	3,138,000	771,834
Cambodia			660,000		120,000	780,000	1,915,000	2,035,000	341,009
Indonesia			456,000		870,000	1,326,000	656,000	1,526,000	267,065
Thailand			240,000	8,000	126,000	374,000	596,000	730,000	139,423
Republic of China					48,600	48,600	636,000	684,600	117,000
Vietnam			3,390,000		495,600	3,885,600	14,088,000	14,583,600	2,436,750
Near East and South Asia—Regional		$200,000	2,540,000	45,000	2,930,000	5,515,000	5,770,000	8,770,000	1,574,508
Selected countries:									
India			1,276,200	21,000	1,248,000	2,545,200	1,306,200	2,575,200	419,752
Greece							645,000	645,000	117,875
Turkey			310,800		224,400	535,200	1,186,300	1,421,000	242,571
Europe—Regional					66,000	66,000	68,000	144,000	86,650
Africa—Regional			961,200	108,000	592,200	1,661,400	1,261,200	1,961,400	325,237
Selected countries:									
Ethiopia			91,800	8,400	4,800	105,000	155,900	169,100	31,871
Nigeria			152,800		35,400	188,200	152,800	188,200	34,380
Latin America—Regional			2,332,200	114,000	817,200	3,263,400	3,082,200	4,013,400	661,824
Selected countries:									
Argentina							154,000	154,000	15,897
Brazil			443,600	17,400	326,400	787,400	644,300	988,100	153,509
Columbia			465,000	7,800	136,000	608,800	470,000	613,800	110,293
Summary—All programs	$360,000	800,000	13,339,400	345,000	7,015,400	20,699,800	35,107,400	42,522,050	7,590,845

[1] Inflation factor of 3.5 percent used to calculate projections for all programs except those for ship loans and excess defense articles.

Note: Average program for fiscal years 1970–72 used to project economic programs; fiscal year 1971–72 used as base for projecting military programs in most cases. It is assumed that Vietnam war related programs will continue at fiscal year 1972 rate. Does not include U.S. contributions to international financial institutions.

Mr. CHURCH. Mr. President, a perusal of these charts will reveal that foreign aid, in all its forms, is costing the United States approximately $10 billion a year. This country simply cannot afford to sustain such an outlay out of habit, especially when in terms of its stated objectives—the containment of communism, the promotion of economic development, and the advancement of freedom—the program is on the whole a proven failure, whose termination is warranted on these empirical grounds alone.

It seems important, however, if we are to learn something from the experience, to consider why our aid programs have failed to achieve their objectives and whether, indeed, these objectives were sound to begin with. The technicalities have been examined and reexamined; every few years a new commission conducts a new study resulting in a new report and a new recommendation for a new reorganization—and nothing else. Never yet have we considered in full measure the possibility that the failure of aid is not technical and administrative but conceptual and political, and that it can only be understood as an aspect of the larger failure of American foreign policy over the last decade. If that is the case, as I have come to believe, it is futile to continue reevaluating and reorganizing the aid program. Even the most efficient organization and the most competent management must fail if the program itself is rooted in obsolete conceptions of the national interest and if the objectives meant to be achieved are unsound or unattainable, or both.

On the basis of our experience over the last decade in dealing with the third world—unquestionably the "disaster area of our foreign policy"—John Kenneth Galbraith suggests four lessons that we should have learned:

First, it now seems clear that the "Marshall plan syndrome"—the belief that American capital, energy, and know-how could not fail to work economic wonders in any country on whom these blessings might be conferred—has turned out to be largely irrelevant and unworkable in the poor countries which lack Europe's preexisting organizational, administrative, and technical capacities.

Second, it is evident now, if it was not before, that in the poor rural societies of the third world the concepts of "communism" and capitalism are of little more than "terminological" significance. The fact that these countries are poor and rural has vastly greater meaning than the fact that such little enterprise as they have may be "socialist" or "free."

Third, in the course of discovering that the inner life and development of the third world lie beyond the reach of external control, we have also discovered that the futile effort to shape another country's development calls into being an enormous, intrusive civilian and military bureaucracy. Whereas colonial power was exercised directly, Professor Galbraith observes, through a simple line of command, our campaign to win the hearts and minds of foreign populations requires "a much more massive table of organization." Indeed, in the course of recent hearings on Brazil in the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee, the fact came out that, relative to population, we have twice as many American officials administering our aid program in Brazil today as the British had in India governing that country before independence.

Finally, Professor Galbraith notes, we have seen how an overseas bureaucracy acquires a life and purpose of its own, only tenuously controlled by the Executive in Washington and effectively beyond the reach of Congress and the American people. Like any bureaucracy—especially a colonial service far removed from its home base—the American aid and Military Establishment abroad are motivated by one simple unshakable ambition: To survive and perpetuate their species.[1]

Finally, I would suggest a fifth lesson to be drawn from the experience of the sixties: that, even with enormous power and the best of intentions, there are some things we cannot do, things which are beyond our moral and intellectual resources. If we learn nothing else from the experience of the sixties, it will profit us immeasurably to have learned that being richer and stronger than everybody else has not made us wiser. When it comes to wisdom, we are part of the pack; just knowing that will be wisdom enough.

I. THE PHANTOM OF IDEOLOGY

It is astonishing in retrospect how little we questioned the seeming verities of the cold war during the fifties and sixties. Conservatives railed against "international communism" and prescribed military aid; liberals, believing themselves more sophisticated, spoke of the "Sino-Soviet bloc" and the greater usefulness of economic aid. Neither questioned the premises of the cold war or the purposes of aid. China and Russia alike were perceived as implacable enemies of the "free world"; if they differed, it was only on the most efficient means of "burying" us. Aid—both military and economic—was conceived primarily as an instrument of containment, a weapon in the cold war, and if some Americans favored military assistance and others economic, that too was a matter of tactics, if not of how to "bury" the Communists, then at least of how to contain them.

Like most shibboleths, the trouble with containment is not that it was illusory in its original formulation but that it was subsequently elevated to the status of a universal truth, which it is not, and applied in areas where it had no bearing. Vietnam is the principal case in point: we supported the French, then supplanted them, and finally plunged into a war in which we are now still engaged because we had persuaded ourselves that Ho Chi Minh was the puppet of the Chinese, who in turn, at least until the mid-fifties, we regarded as puppets of the Soviet Union.

When the cold war philosophy developed, back in the late forties and early fifties, the Soviet Union had indeed represented a military threat to Western Europe. Extrapolating from that quite plausible threat, we came to suppose that we were confronted with a ruthless, coordinated global force to which we gave the name of "international communism." By the time of the Johnson administration, the cold war outlook had been refined to take account of the Sino-Soviet split, so that Mr. Rusk raised the specter not of "international communism" but of a "world cut in two by Asian communism." Still this outlook was the direct descendent of the Acheson view of 1949 when the then Secretary of State proclaimed the Chinese Communists to be "a party in the interest of a foreign imperialism," led by men who "have foresworn their Chinese heritage and have publicly announced their subservience to a foreign power, Russia. . . ."[2]

Foreign aid, which had worked so well in Western Europe through the Marshall plan, was conceived thereafter as one of the arsenal of weapons to be employed in the grand, global strategy of containment. Military assistance, starting with the Truman doctrine, was designed to bolster the armed forces of the arc of nations along the periphery of the "Sino-Soviet bloc"; it was soon extended to support shaky regimes beyond the periphery of the "bloc," in Asia and Latin America, against the danger of foreign sponsored subversion. Economic assistance, it was thought, would serve the same purpose by promoting development and prosperity, by robbing subversion of its appeal to the masses. Liberals and conservatives within the United States debated the proper mix of economic and military support; neither questioned their purpose nor underlying premise.

The premise, however, was open to question from the outset. As early as January 1945—so the Foreign Relations Committee was recently told by one of our leading China experts—Mao Tse-tung and Chou En-lai secretly informed President Roosevelt that they were willing to meet with him in Washington for exploratory talks as leaders of a Chinese political party.[3] Soon thereafter—so reported an American Foreign Service officer named John Stewart Service—Mao outlined a plan for postwar Chinese-American economic cooperation.

Mao told Service:

> America is not only the most suitable country to assist the economic development of China: she is also the only country fully able to participate. For all these reasons there must not and cannot be any conflict estrangement or misunderstanding between the Chinese people and America . . ."[4]

Again, in 1946, Chou En-lai made it clear to President Truman's special Ambassador, General Marshall, that the Chinese Communists had no wish to be totally dependent on Stalin.

He said:

> Of course we will lean to one side, but how far we lean depends upon you.[5]

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[1] John Kenneth Galbraith, *Economics, Peace and Laughter* (Boston: Houghton Mifflin Co., 1971), pp. 170–175.

[2] *United States Relations with China*, Department of State, August 1949.

[3] Allen Whiting, on June 28, 1971.

[4] *Foreign Relations of the United States, Diplomatic Papers, 1945, Vol. VII, The Far East, China*, Washington, 1969, p. 274.

[5] Whiting, *ibid.*

It has also become apparent that the notion of "Asian communism with its headquarters in Peking" has been more myth than reality. China had little or nothing to do with North Korea's attack on South Korea in 1950, and entered the war reluctantly only to counter General MacArthur's reckless thrust to the border of Manchuria. China also had little to do with the Vietminh insurrection in Vietnam; indeed, the first Indochina war began 3 years before the Chinese communists won their own civil war in China.

Just as China had no wish to rely exclusively on the Soviet Union, Ho Chi Minh had no wish to be a satellite of China. According to an article of last June 30 in the Christian Science Monitor drawn from previously unpublished Pentagon papers, the United States "ignored eight direct appeals for aid from North Vietnamese Communist leader Ho Chi Minh in the first 5 winter months following the end of World War II." Even more astonishing, according to this account:

> Ho also sent several messages through secret channels even earlier, in August and September of 1945, proposing that Vietnam be accorded the "same status as the Philippines"—an undetermined period of tutelage preliminary to independence.

If there is any truth in this version of events—and the evidence of much truth in it is overwhelming—we are forced to the conclusion that American foreign policy since World War II has been based in large part on a false premise: the myth of the Communist monolith. This is not to say that either of the great Communist powers has been benign and friendly but only that they have not been consistent in their hostility, which in part has been provoked by our own; that they have seldom acted in concert; that both have influenced but neither has ever really dominated the Communist movements of Southeast Asia; and that both of the large Communist states and certain of the small ones—including North Vietnam—have on certain occasions been willing and even eager to come to terms with the United States.

For reasons ranging from our dismay with Stalin's Russia after World War II to the intimidating effects of the ensuing anti-Communist hysteria at home, American policymakers clung tenaciously through the fifties and sixties to the myth of the Communist monolith. It was in that frozen frame of reference that our foreign aid programs were designed, along with an unprecedented array of alliances and a massive buildup of American military power, as part of a grand strategy for the containment of "international communism." Well over a half of our aid to the so-called developing countries has been military and paramilitary assistance. Foreign aid, economic as well as military, was sold to Congress as a national security measure. The developing countries were portrayed as cold war battlegrounds which would become vulnerable to communism if we did not sustain them. The undeveloped countries, John J. McCloy wrote in 1960, promise to be "the principal battleground in which the forces of freedom and communism compete—a battleground in which the future shape of society may finally be tested and determined."[6]

Even if the premise of a unified aggressive "international communism" had been sound, the strategy for countering it with foreign aid was not. Experience has shown that, although military assistance can be a potent factor in counterinsurgency, it is by no means a reliable one, while American economic support has almost no influence whatever on whether a country "goes Communist," as Cuba and Chile have shown. This is not for lack of skill or technical know-how on the part of those who administer the AID program, but it is because of the irrelevance of the instrument to the objective. The countries of Asia and Africa—I must here exclude Latin America—which have remained non-Communist have done so not because the United States has succeeded in buying their allegiance or in launching them toward "takeoff" and self-sustaining economic growth, but because they have not wished to become Communist, regarding communism as an alien ideology, or because their populations have been too poor and illiterate to be interested in such sophistications as ideology or revolution.

Revealingly, the Russians have had no greater success in buying ideological converts with aid than we have had in trying to head them off. In one or two instances, small African countries have unceremoniously packed off their Russian aid technicians when their presence became too intrusive. Egypt, which has been the largest single recipient of Soviet foreign aid for the last 15 years, has rigorously suppressed its internal Communists and repeatedly warned the Russians against meddling in internal Arab affairs. In July of this year, President Sadat responded to a Soviet appeal for Egyptian pressure against the crackdown on Communists in the Sudan, with an angry address before the Arab Socialist Union in which he declared that Egypt would never become Communist or recognize an Arab Communist government—although, President Sadat added, Egypt would remain friendly to the Soviet Union, even after a possible settlement with Israel.[7] Occurrences such as this suggest the advisability of giving credit where it is due: when it comes to using aid for political purposes, the Russians have a greater talent for alienating people from communism that we do.

Nonetheless, our administration persists in the delusion that it can buy influence with aid. So President Nixon seems to believe in his insistence on letting military and economic aid filter through to the Government of West Pakistan, even though American arms may be used to carry out the savage suppression of the people of East Pakistan. When the House of Representatives voted in early August to suspend aid to the West Pakistani regime, except for relief assistance in East Pakistan and for East Pakistani refugees in India, President Nixon expressed his disapproval on the ground that an aid cutoff would jeopardize the Pakistani Government's ability to create "stability" and would undermine our own ability to "influence the course of events * * *."[8] In terms of the realpolitik of which this administration seems so fond, our continuation of aid "already in the pipeline" to Pakistan is supposed to buy us influence with the ruling generals in Islamabad and help offset the influence of Communist China. The cost of this "influence"—such as it may be—is the loss of our influence with India, which has now concluded a friendship treaty with the Soviet Union. Worse still, as the New York Times put it in a recent editorial, our continuing support of the Pakistani Government "has put the United States in the position of subsidizing, and thus seeming to condone, crimes against humanity unequaled since Hitler's time."[9]

While experience has shown that our aid programs have little if any relevance either to the deterrence of communism or the encouragement of democracy, they have been effective in certain instances in keeping unpopular regimes in power. They have certainly contributed to that end in the cases of the Greek colonels, the Pakistani generals, and the Brazilian junta. All of these regimes are dictatorships, but they are anti-Communist and therefore pass our eligibility test for membership in the "free world." A government may torture and terrorize its own population but—from the standpoint of our policymakers—as long as it remains anti-Communist, provides "stability," generally supports American foreign policy, and is hospitable to American investment, it qualifies, for purposes of aid, as a "free country."

"Stability" is an antiseptic word; it reveals nothing about how individual people live and die. "Stability," as Richard Barnet points out, "is an antidevelopment goal in countries where the established institutions perpetuate poverty and the ruling elites show no serious commitment to change."[10]

As the czars of Russia and the sultans of Turkey understood very well, there is no better defense against radical revolution, no greater assurance of "stability," than an ignorant and inert population. Traveling in Latin America several years ago, a staff member of the Committee on Foreign Relations noted repeatedly in his diary the gentleness, submissiveness, and conservatism of the campesinos in one country after another. He noted:

> Like the peasants of northeastern Brazil the Indians in the barriadas of Lima are not revolutionary; they are too humble and ignorant and are therefore subrevolutionary or prerevolutionary. That, however, is not necessarily going to be the case with their prodigal offspring, many of whom are getting a little schooling and a little view of the world beyond the sierra and the bar-

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[6] Quoted in Richard J. Barnet, *Intervention and Revolution* (1968, p. 27).

[7] *New York Times*, August 6, 1971.

[8] Press Conference of August 4, 1971.

[9] " 'Stability' in Pakistan," New York Times, August 6, 1971, p. 30.

[10] Richard J. Barnet, "Can the United States Promote Foreign Development?" unpublished paper, p. 17.

> riada. Some of them are going to get ideas and it only takes a few who are smart and tough to make a revolution.[11]

II. AN OBJECTIVELY IMPERIALIST SYSTEM

When revolution comes—as it likely will in many of the still "stable" countries of the third world—it will bear no resemblance to the kind of benign, gradual "takeoff" into self-sustaining growth envisioned by American aid officials and private investors. The notion that a stable, nonrevolutionary social structure is the essential condition of economic development is a self-serving rationalization. It enables American policymakers to believe that the interests of the United States, as they conceive them, are identical with the social and economic interests of the poor countries. "Stability," they insist, is not only essential for the exclusion of communism and the preservation of American influence; it is also in the best interests of the developing countries themselves, because—so the argument runs—revolution means violence, disruption, inefficient management, and the loss of investment capital as well. In this way, we rationalize our support for regimes whose very existence is the principal barrier in their countries to real economic development and social justice.

The conditions essential for development are not so much economic and technological as they are psychological and political. No infusion of capital and know-how from without can galvanize a society in which the rewards of development are grabbed up by a small privileged caste while the majority of people are left hopeless, debilitated, and demoralized. As the Brazilian Bishop Dom Antonio Batista Fragoso put it:

> We do not need paternalistic redemption. We need conditions so that those who are now abandoned may free themselves from their own underdevelopment with their own united force . . . the poor have no hope in those who still have economic power. And the poor are those who struggle for justice. If those who fight for justice are called subversive, then subversion is their hope.[12]

In countries long under the domination of corrupt oligarchies nothing less than a radical redistribution of political power may be the essential precondition for economic development. If the bulk of the people are to make the concerted effort and accept the enormous sacrifices required for lifting a society out of chronic poverty, they have got to have some belief in the integrity of their leaders, in the commitment of those leaders to social justice, and in the equality of sacrifice required of the people. Reactionary regimes have neither the ability nor the interest to foster such a conception of social justice. They value aid from the United States as a means of maintaining, not of abolishing, inequalities of wealth and power. The lipservice paid to reform is a crumb for their benefactors; it helps to make the Americans feel good and it costs them nothing. In fact, American economic aid is commonly used to promote industrialization programs which generate a high level of consumption for the privileged, with little, if any, trickle-down benefit for the dispossessed. At the same time, American military assistance, and such para-military programs as the training and equipping of a country's police force, help such regimes as those of Brazil, Greece, and Pakistan to suppress reformist movements. In this way, American aid is being used not to promote development but for the quite opposite purpose of supporting the rule of corrupt and stagnant—but vociferously anticommunist—dictatorships.

Even if we should succeed in purging our minds of the anti-Communist obsession which has driven us into league with military dictatorships and oppressive oligarchies all over the globe, it would still be all but impossible for us to promote radical reform in the countries of the third world. Even indeed if we were a revolutionary society ourselves and were committed to a revolutionary conception of development—as most assuredly we are not—there is still very little we could do to foster social revolution in alien societies. The catalyst of radical change in any society must be an indigenous nationalism giving rise to a sense of community, commitment and shared sacrifice. Can anyone seriously believe, for example, that the United States, through massive infusions of aid, could ever have persuaded, inspired or cajoled the demoralized Chiang Kai-shek regime of the late forties into generating the kind of collective spirit which the Chinese communists have generated? Here is how James Reston describes it from Peking in August 1971:

> Whatever you think of their political system, they are consciously engaged these days in the common life of rebuilding the nation and even in reconstructing themselves. This country is engaged in one vast cooperative barn-raising. They work at it night and day with a pride and persistence that are astonishing. . . ."[13]

I do not suggest that the United States prefers or admires the dictatorial regimes it subsidizes, but only that there is little we can do with our aid to change them, all the more since these regimes can blackmail us so easily with the threat of communism if they should fail. The Kennedy administration did make an effort to encourage democratic and progressive policies in countries to which it extended aid, especially in Latin America, but that effort was a failure and the reasons for that failure are instructive. We failed because we had neither the ability to impose reform from outside nor the will to pursue it from within. The one was simply impossible; the other went against the priority of our own interests as we conceived them. However much we may have wanted reform and development, we wanted "stability," anticommunism and a favorable climate for investment more. The experience of 20 years of aid shows that we can neither bring about fundamental reform in tradition-encrusted societies nor prevent revolution in those countries where the tide of change runs deep and strong; all we can really do is to service the status quo in countries where it is not strongly challenged anyhow.

U.S. foreign aid certainly was unable to win us support at the time of the recent two votes at the United Nations relating to the admission of the People's Republic of China.

As you recall, the first vote was an important procedural one, as a result of which member-states defeated the United States resolution declaring that expulsion of Nationalist China was an "important matter" and, consequently, required a two-thirds vote rather than a simple majority for passage. Fifty-nine nations voted against our resolution and 15 abstained.

The foreign assistance bill, now before us, contains authorizations totaling approximately $1.5 billion in military and economic aid for 42 of the 74 member-states that either opposed our position or abstained on this key vote.

Correspondingly, the bill contains aggregate authorizations of approximately $2.4 billion for 55 member-states that either voted against our position, or abstained, on the second question that admitted the People's Republic to the United Nations and expelled Nationalist China.

If our long-term loans, made in the name of nourishing development abroad, serve neither to deter communism nor strengthen democratic government, and if they do so little to furnish the destitute with a broader measure of social justice wherever they may live, why do we persist in making them? To find the answer to that question, one must begin the search here at home, in the land of the lender.

There is abundant evidence that our foreign aid program is much less philanthropic than we have cared to portray. Indeed, the figures suggest that it is patently self-serving. Former AID Director William Gaud discloses that, as a result of tied loans—

> Ninety-three percent of AID funds are spent directly in the United States * * * Just last year some 4,000 American firms in fifty states received $1.3 billion in AID funds for products supplied as part of the foreign aid program.

Similarly, George D. Woods, former President of the World Bank, has observed that—

> Bilateral programs of assistance have had as one of their primary objectives helping the high-income countries themselves; they have looked toward financing export sales, toward tactical support of diplomacy, toward holding military positions thought to be strategic.[14]

The oft-asserted lament that our foreign aid program lacks a constituency in the United States is just another of those myths we hold dear. Actually, our bilateral aid program is, in effect, the soft-loan window of the Export-Import Bank; it is the source from which foreign governments borrow money on easy terms with which to buy goods and services from within the United States. As such, it enjoys a lively constituency which exerts steady pressure on the Government to keep the program going.

In addition to financing American exports, our foreign aid, both economic and military, has encouraged relationships of sustained dependency on the United States. In many underdeveloped countries, repressive governments draw reassurance from the arms we furnish and the military training we supply. As the source of money and weapons for their armies and police forces, the U.S. Government acquires a certain leverage over these regimes, while they last. Enticed by attractive credit terms, by growing familiarity with American equipment, reliance on American replacement parts, by bargain prices on obsolete equipment, training programs for their soldiers and police, and the sales promotion techniques of our military advisory missions, these governments soon enough learn to think American.

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[11] Seth Tillman, *Diary of a Trip and Visits to the Peace Corps in Latin America*, Senate Foreign Relations Committee, March 16, 1967, pp. 16, 24, 33.

[12] Quoted by Barnet, ibid., p. 12.

[13] "Letters from China, V," *New York Times*, August 18, 1971, p. 37.

[14] Quoted by Barnet, ibid, p. 7.

No less than military aid, our economic assistance creates and perpetuates relationships of dependency. The law requires, for example, that aid shipments be carried only in American ships and that purchases be made only in the United States. Because of these and other requirements, the Peterson report estimates that U.S. aid costs recipients about 15 percent more than world market prices.[15]

Surplus food shipments under Public Law 480, on its face the most philanthropic of aid programs, in fact have served to unload costly surpluses, at virtually no economic cost to the United States, according to Economist Michael Hudson, a former balance-of-payments analyst for the Chase-Manhattan Bank. At the same time, Hudson points out, the Public Law 480 program has put the aid-receiving countries in debt to us to the extent of some $22 billion, thereby tying them to the pursestrings of the State Department and the U.S. Treasury for nearly 20 years to come.[16]

Dependency on the United States grows steadily, too, with the mounting burden of servicing past debts. The Peterson report acknowledges that mounting debts, which must be continually refinanced on an emergency basis, keep the poor countries on a "short leash."[17] As grace periods end on loans falling due in the 1970's the poor countries find themselves paying out ever greater amounts to finance past debts, new loans will be effectively neutralized and the poor countries will be threatened with economic paralysis.

The upshot may well someday be a general default on debt payments to the United States reminiscent of the defaults on war debts which complicated and disrupted our relations with European countries in the thirties and helped to drive us deeper into the isolationism of that era.

Nowhere have we seen more clearly the ineffectiveness of aid as a deterrent to revolutionary pressures and as an instrument for the reconstruction of traditional societies than in Latin America. The Alliance for Progress represents the high water mark of our innocence in supposing that we could liberate traditional societies from their centuries-long legacy of tyranny and stagnation with a little bit of seed capital and some stirring rhetoric. It is the conclusion of one recent author on Latin America, who spent 3 months last year in search of "Latin American reality," that, despite the Alliance for Progress, "things are getting worse, not better, that each year more people are poorer, hungrier, less clothed, less sheltered than the year before, and that all the indexes project a continuation of this negative trend for the foreseeable future. Life is barely tolerable for 80 percent of Latin America's 275 million people, and it will be unspeakably worse for the 600 million projected for the year 2000."[18]

It is true that the per capita income of Latin American countries has risen during the years of the Alliance for Progress, but it has risen in so unbalanced and inequitable a way that the gains have gone almost entirely to the 20 percent of the population who live within the modern economy. The benefits accruing to the lower 80 percent have not even kept up with population growth, so that they have become both relatively and absolutely poorer. Progress, though visible, is illusory. Shining modern cities have arisen and the Alliance for Progress has brought roads, transistor radios, and Coca-Cola to the Latin American countryside, but their social impact is negative and disruptive. Labor-saving devices make life more comfortable for the affluent few, but they do not add to per capita output and they add to unemployment where there were labor surpluses to begin with. Indeed, the effect of this distorted and inequitable development, which widens the gap between rich and poor, is deeply demoralizing to the poor and therefore detrimental to genuine development. As Erich Fromm and Michael Maccoby have shown in their study of a Mexican village, the impact of the "developed" ideology of "consumerism" and waste on a traditional society is to destroy social cohesiveness, undermine personal psychological strength, and rob the people of joy in their lives.[19]

The distortions of public aid to Latin America are heightened by the impact of private investment. Although U.S. direct investment in Latin America grew from $8 billion to $15 billion during the 1960's and continues to grow at the rate of $1 billion a year, according to Gary MacEoin, the author of "Revolution Next Door," U.S. companies withdraw $2 in dividends, royalties, and other payments for every new dollar they invest. U.S. private companies exercise a "double negative impact": at the same time that they decapitalize Latin America by the withdrawal of profits, they plow back a part of their profits to gain increasing control of the mineral assets, industry, and production of Latin American countries.[20]

Under this devastating North American onslaught, resentment of the United States has grown apace and increasing numbers of Latin Americans have become convinced that they are the victims of a virulent new imperialism. As one Chilean political scientist commented on the experience of the 1960's, "If that is what one decade of development does for us, spare us from another. Foreign aid has been used, not to develop us, but to achieve the political purposes of the donors, to smother us in debt, to buy up our most dynamic productive assets."[21]

In both Latin America and the rest of the third world the conviction is taking increasing hold that the poverty of the poor countries is not the result of imperfections in the old "models" of development but rather the inevitable result of the policies and practices of the rich countries. In his recent book, "The Challenge of World Poverty," Gunnar Myrdal describes how the reforms promised in the Alliance for Progress were "rapidly emasculated by interaction between the holders of power in Latin America, including the American corporations working there, and the U.S. Government and Congress." The resulting economic and social relationship, not only between the United States and Latin America but generally between the rich and poor countries of the world, may not be one of deliberate, malicious exploitation, but we can hardly deny the name given to it by the Brazilian economist Helio Jaguaribe. It is, he says, "an objectively imperialist system."

III. TOWARD A CONSTRUCTIVE AID PROGRAM

I can no longer cast my vote to prolong the bilateral aid program, as it is now administered. I could understand—though perhaps not condone—a foreign aid program that is essentially self-serving. We live, after all, in a selfish world. But the present program is designed primarily to serve private business interests at the expense of the American people. In far too many countries, as in the case of Brazil, we poured in our aid money for one overriding purpose, to furnish American capital with a "favorable climate for investment." The search for foreign investment opportunities by the largest American corporations is relentless and irrespressible, as the biggest profits are to be found abroad, where the tax bite can frequently be reduced or averted.

Moreover, the risk of loss due to political instability, riot, revolution or expropriation, has been largely lifted from the investor and shifted to the U.S. Government. OPIC, the Overseas Private Investment Corporation, backed by the Federal Government, readily insures American companies against risks abroad for which no comparable insurance is available at home. The multimillion-dollar losses incurred by American copper companies, resulting from the nationalization of their holdings by Allende's Marxist regime in Chile, are likely to be borne—not by the companies that eagerly invested there—but by the American taxpayer. Our foreign aid program has become a spreading money tree under which the biggest American businesses find shelter when they invest abroad. Small wonder that the crumbling ghettos in our cities, along with our declining rural communities, have to beg and scrounge for new capital.

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[15] *United States Foreign Assistance in the 1970's: A New Approach*, Washington, D.C., March 4, 1970, p. 32.

[16] Denis Goulet and Michael Hudson, *The Myth of Aid.*

[17] *United States Foreign Assistance in the 1970's*, p. 33.

[18] Gary MacEoin, author of *Revolution Next Door: Latin America in the 1970's*, in "Latin America: Who Is to Blame?" *Commonweal*, June 25, 1971, p. 331.

[19] *Social Character in a Mexican Village* (1970).

[20] MacEoin, "Latin America: Who Is to Blame?", p. 332.

[21] Quoted by MacEoin, *Ibid.*, p. 334.

As my service in the Senate amply demonstrates, I am not a foe of a genuine foreign aid program, having long since acknowledged that any country as advantaged as ours should do what it can to help other people improve their lot. But no longer will I endorse with my vote a foreign aid program which has been twisted into a parody and a farce.

The major preoccupation of the present foreign aid program is the massive disbursement of munitions, which we either give away or make available at bargain basement prices. We ply half a hundred foreign governments with our weaponry. Most of the world has become a dumping ground for ships, tanks, and planes, which we label as excess to our needs. Easy credit is available at interest rates well below the cost of money to the U.S. Government. The military assistance program has become a preposterous scandal. It should be drastically curtailed, not enlarged.

As for our long-term bilateral loans made in the name of promoting economic development, it is long past time that this function were passed over entirely to the World Bank, the Asian Bank, the Inter-American Development Bank, and other multilateral lending agencies, which were set up for this purpose. I am prepared, now and in the future, to support substantial U.S. contributions to these agencies. In this manner, we could set a worthy example of international responsibility and beckon other rich nations to share the load with us.

I would confine our bilateral aid in the future to technical assistance grants, administered, where feasible, by the Peace Corps. It was through technical assistance—the successor to Harry Truman's original point 4—that the "green revolution" was achieved in Asia and the hand of famine stayed. This aspect of our foreign aid, involving outright grants, not loans, has constituted the worthiest part of the program. On account of it—and in hopes that the objectionable parts would be whittled down and ultimately displaced—I have tarried too long as a suporter and indulged in too much wishful thinking.

Events of the past few weeks on Capitol Hill have finally dispelled my illusions. Instead of cutting back on the foreign aid package, Congress is about to enlarge on it. We are in the process of doing the same with the gigantic military budget, approving more money for the Pentagon this year than we spent at the height of our involvement in Vietnam in 1967–68. Incredible, but true.

The acquiescence of Congress to these money demands of the Nixon administration make it clear that we have no disposition, despite all the pious talk, of changing our spending habits. The "new priorities" promised the American people will not and cannot be realized, as long as we refuse to cut our huge foreign and military spending. The long-neglected problems of crime, drugs, poverty and pollution, which afflict so many of our people here at home, will continue to fester and grow.

Shifting the necessary resources back to the solution of these problems does mean we must chuck all foreign aid or turn our backs upon calamity elsewhere. We can still afford to make generous donations when disaster strikes in other lands.

Finally, I would advocate, as an alternative to the palliative of aid, that we lend positive support to developing countries by entering into commercial arrangements that redress the terms of trade which are now rigged against them.

As with so many of the difficult questions that divide and agitate our society, the answer to the dilemma of aid lies not abroad, not in the slums of Calcutta or in the rural backlands of Brazil, but within ourselves. Essentially, the question is whether we are prepared to recognize the limits of our own capacity—the moral and political as well as the technical and economic limits—and allow nature to take what may well be an uncongenial course in many countries of the third world. The question, to put it another way, is whether we can recognize that there are some things we simply cannot do—such as restructuring another country through our own efforts—and other things that we cannot permanently prevent—such as social revolution, where and when its time has come.

The dilemma of aid is not fundamentally different from the dilemma of Vietnam. It is a problem of power—our own power, the uses to which we wish to put it, and the moral and intellectual limitations which have resulted in such wide discrepancies between our intentions and our accomplishments. The dominant political attitude of the sixties was one of extravagant self-confidence. We were filled up and infatuated with the "simple fact"—again to quote Professor Rostow—"that we are the greatest power in the world—if we behave like it." Now, in the wake of sobering tragedy, a new outlook begins to take shape, and one may hope that it will affect our thinking in matters ranging far beyond Vietnam. As Gary MacEoin writes with reference to our excessive meddling in Latin America:

> As with the pacification programs in Indochina, the more total the penetration, the more negative the result. Political scientists must, in the future, cite this experience as no less significant than that of the Vietnam war when they discuss the limits of power of the great.[22]

Having concentrated for a decade and more on the growth and uses of power, we may now perhaps be willing to cultivate other national attributes—such as prudence and commonsense. If so, we may be prepared to come to terms with such conditions of our time as the following: That our social engineering, as applied to the poor countries of the world, has shown itself to be irrelevant and disruptive; that the threat of communism in the third world is exaggerated and, in any case, beyond the lasting reach of our aid programs; that for many countries radical revolution is the only real hope for development and the single most helpful thing we can do is to leave them alone.

Contrary to the development "models" worked out in the sixties by our Agency for International Development, it now appears that thoroughgoing social revolution is the necessary prerequisite for the development of much of the third world. There is nothing the United States can or should do to promote revolution—to do so indeed would violate the United Nations Charter and sound traditional standards of diplomacy. What we can and should do is to stop promoting counterrevolution. Or, as Richard Barnet has succinctly put it,

> As long as the United States views the successes of revolutionary governments as foreign policy defeats, we will continue to be an enemy of development.[23]

Our aid policy is not only an aspect of our total foreign policy, it is also a reflection of the life and values of our society. As long as power and the application of power are our dominant preoccupations, as to a great extent they have been in the years since World War II, our impact upon the third world will be exploitative and damaging. But if, as a result of the sobering experience of Vietnam, we are disposed to revive more traditional American values, we may devise a constructive foreign aid program designed to really help the struggling poor of the world. After all, one of the most deeply rooted of all American political attitudes is the mistrust of power. Can a people who have found it wise and necessary to check and balance the powers of their own Government as applied to themselves find it any less wise and necessary in their dealings with others?

Several years ago, Alan Moorhead wrote a book called "The Fatal Impact," in which he recounted the disastrous and largely unintended effects upon the Tahitians and Australian aborigines of the diseases, alcohol, firearms, laws, and concepts of morality brought to the South Pacific by the early European explorers and colonists. Reflecting on his own voyages to Polynesia, Captain Cook, himself, later wrote:

> It would have been better for these people never to have known us.[24]

It would represent a noteworthy advance in the standards of international relations if the United States, profiting from its own experience as well as that of others, could lift its well-intentioned but no less fatal impact from the face of the third world, so that in time it may appear that it was not so bad after all for them to have known us.

Mr. BYRD of Virginia. Mr. President, will the distinguished Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President,

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[22] *Revolution Next Door*, p. 12.

[23] "Can the United States Promote Foreign Development?", p. 37.

[24] Alan Moorehead, *The Fatal Impact* (1966), pp. 61, 80–81.

I was very much impressed with the speech by the distinguished Senator from Idaho. I know how conscientious and sincere he is, and that was reflected throughout his address.

I think the Senator from Idaho has made many strong points in his speech in the Senate today as to why the foreign aid program should be terminated. He pointed out that not only is the proposal before the Senate today not a termination of the program but, indeed, is an expansion dollarwise as to what had been spent in the last few years.

I do not think this country can continue indefinitely so many of these new and expanded programs. The program to which the able Senator from Idaho addressed himself is a very old one. It goes back many, many years. The United States has already put into foreign aid through the years some $130 billion, since World War II.

I was interested in the figures on the first page of the speech by the Senator from Idaho, in which he brought out that the staff of the Foreign Relations Committee forecasts that foreign assistance for the 5-year period fiscal years 1973 through 1977 will exceed $50 billion.

As the Senator from Idaho pointed out in his address today, no Senator should vote to approve this year's authorization bill without looking ahead. That is what the Senator from Idaho has urged be done, that we look ahead and consider not just what the bill is going to cost this year—it is going to cost plenty this year, approximately $3.5 billion for this particular phase of foreign aid—but that we need as well to look ahead, if we continue this program, as to what the costs will be next year and the year after that and the year after that. The figures submitted by the able Senator from Idaho show that over the next 5 years the American taxpayers will be called upon to put up some $50 billion.

Is the Senator from Virginia correct in that figure?

Mr. CHURCH. The Senator is correct. The cost to date has been averaging close to $10 billion a year over the past decade. The projections of the Foreign Relations Committee staff are conservative, intentionally so. The likelihood is, if Congress continues to endorse this program, that the cost will grow well above $50 billion. The probability is that it will run closer to $60 billion, in the coming 5 years. But the staff intentionally made its projection on a most conservative basis. For example, they figured an inflation factor of only 3.5 percent. The Senator knows that is a pretty conservative figure in the light of our recent experience.

Mr. BYRD of Virginia. I think it is conservative.

Mr. CHURCH. So I do not mislead the Senate in any way when I ask Senators to look ahead. It will cost us at least $50 billion, but more likely $60 billion, in the next 5 years, if we go on giving our support to this program.

Mr. BYRD of Virginia. Now is the time, it seems to me, for the Senate—and Congress as a whole—to make a decision as to whether this is not the time to terminate this program. As the Senator from Idaho pointed out, if we do not terminate it now, we must be prepared for many additional billions of dollars, estimated by the committee at $50 billion over the next 5 years.

I submit, Mr. President, that the financial condition of the United States today is such that this seems a logical time to terminate our foreign aid program. The Senator from Idaho, in his address to the Senate today, made many compelling arguments as to why it should be terminated. I feel that the arguments made by the Senator from Idaho are just reasons for terminating the program now.

There is another reason, which the Senator from Idaho did not go into, and that is the overall financial condition of the United States. That is an additional reason, as I see it, why this program should be terminated.

During the last fiscal year, the Federal funds deficit was $30 billion. In this fiscal year, it is estimated that the Federal funds deficit will be $35 billion. So we have back-to-back deficits in 2 years of $65 billion. That is a gigantic sum.

Mr. CHURCH. In addition to that, may I suggest to the Senator that this massive foreign spending through the years, in all its forms, has resulted in such enormous balance-of-payments deficits for the United States that the dollar has cracked under the pressure and is, even now, in the process of being devalued vis-a-vis foreign currencies. So the Senator is quite right, our fiscal condition is precarious, yet we go on supporting this lavish program.

I should like to stress, if I may, that if the program were accomplishing its purposes, if it were deterring communism, if it were closing the gap between the destitute and the privileged elite in the underdeveloped lands, if it were advancing and strengthening free government in the world, if it were accomplishing any of these things, I would be willing to spend the money, even if it is a great deal of money, and even if our own financial condition is precarious. It would be worth it.

But, as I have tried to point out in this address, the foreign aid program has not proved to be an effective deterrent to communism anywhere. It has not helped to restructure or reform of traditional societies in the underdeveloped world. It has not promoted the cause of freedom in that great area. In other words, the objectives for which we appropriate and spend this money are not being achieved by this program, not at all.

We must recognize its failure, a failure written large in our experience during the past 10 years.

Mr. BYRD of Virginia. Mr. President, I thank the distinguished Senator from Idaho. He is completely correct in that assertion and it is well documented throughout his speech today.

He has been a friend of the program in the past. He wanted to accomplish the goals which Members of Congress and the American people sought. He, along with Congress and the American people, wants to help other nations

We want to play our part in helping our neighbors, so to speak; but, as he points out, the mere expenditure of tax money and distributing it all over the world has not accomplished the purpose for which it was appropriated.

It is for that reason the distinguished Senator from Idaho—who has, through the years, been a friend of the program—has now reached the conclusion, because it has not accomplished its purposes, that it should be brought to a conclusion.

I believe that the distinguished Senator from Idaho has made a powerful argument in opposition to continuance of the program.

Looking at some of the figures while we have been discussing this matter, I note that for fiscal 1970, only a year and a half ago, Congress appropriated $1,885 million, but this bill, as requested by the administration, is $3.552 billion—almost double. The bill actually before the Senate today as approved by the committee is $3.2 billion. There again, almost double the amount of money appropriated just under 2 years ago.

I do not see how we can justify that. I do not see how we can justify it to the taxpayers of this Nation when we are running a smashing deficit and when we have a debt of $409 billion.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Idaho has expired.

Mr. BYRD of Virginia. I want again to commend the distinguished Senator from Idaho for the position he has taken today.

Mr. CHURCH. I thank the Senator from Virginia very much.

Mr. MANSFIELD. Mr. President, I do wish to commend the distinguished Senator from Idaho, and welcome him to the club, which was in existence before the vote in the United Nations on Monday evening last.

I know that this has been the result of a good deal of troubled thought on his part. I happen to sit next to him in the Committee on Foreign Relations so I know what he has gone through, and I know what a difficult decision it was for him to make.

But, in view of the fact that we have spent $143 billion, which is what the President indicated in his speech to the Nation in mid-August, on foreign aid during the postwar period, and in view of the fact that this bill before us is now being increased and being ridden through with gifts and grabs, I think the only solution is to bring an end to a program which has outlived its usefulness, and keep the good parts and get away from the discrepancies which have come into existence, and the kind of aid which has been so prevalent and so profligate.

Again, I commend the distinguished Senator from Idaho for a magnificent speech.

Mr. BROCK. Mr. President——

Mr. MANSFIELD. May I say, before the distinguished Senator from Tennessee starts, if he will allow me to yield myself 1 minute, that as of now, we have 10 amendments still to be considered if they are all called up.

Mr. BROCK. Mr. President, I shall not take much time. I have an amendment which is not difficult to understand. It is not complex, but to me it is very important. Knowing that the clerk read it some time ago, I should like to repeat it now—just the two key sentences:

> None of the funds appropriated to carry out the provisions of this Act shall be made available to any foreign country which the President determines has failed to support actively the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war.

Mr. President, I have proposed this amendment for a very simple reason; namely, this Nation does not like indecision. It does not like a situation that cannot be resolved by a specific act.

I know of no greater frustration in my entire life than the feeling I have over my inability—and the inability of this body—to effect, in some positive manner, the release of our American prisoners of war in prison camps in Cambodia, Laos, and North Vietnam.

The fact that North Vietnam and its people have no regard for human life is amply evidenced by the fact that they refuse to recognize the fact that their own people are being held prisoners in South Vietnam.

As I go about this country, having the opportunity, time and again, to meet the brothers, sisters, wives, mothers, fathers, and children of the American men who have been imprisoned, for 4 or 5 years in prison camps in North Vietnam, I cannot help marveling at their integrity, their courage, their strength, the abundant love they have for their relatives in those camps—or for this country, for that matter. They have shown a courage that should be an example to all of us, a nobility that it would be well for the world to behold.

Mr. President, in that spirit and in that sense I ask the Senate to evidence its continuing commitment to those men by the passage of the pending amendment, just as one further illustration of the desire and the commitment of the Members of the assistance to stand with those men until they receive not only humane treatment, but also return home to this country and their families.

The PRESIDING OFFICER. Would the Senator from Tennessee ask unanimous consent that the amendments be considered en bloc?

Mr. BROCK. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have had a chance to look over the pending amendment offered by the distinguished Senator from Tennessee. I think it is a very interesting amendment. The committee would be willing to accept the amendment and take it to conference.

Mr. BROCK. I am very grateful to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

Mr. BROCK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 29, 1971, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; and

S.J. Res. 167. Joint resolution to extend the authority by the Export Administration Act of 1969.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 556

Mr. STEVENS. Mr. President, I call up my amendment No. 556.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 20, between lines 14 and 15, insert the following:
>
> (1) Section 201(d), which relates to general authority, is amended to read as follows:
>
> "(d) Funds made available for this title shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower and in no event shall such funds (except funds loaned under section 205 and funds which prior to the date of enactment of the Foreign Assistance Act of 1971 were committed to be loaned upon terms which do not meet the minimum terms set forth herein) be loaned at a rate of interest of less than the rate which the Secretary of the Treasury determines to be equal to the current available interest rate, as of the last day of the month preceding the making of such loan, that the United States paid on its outstanding marketable obligations of comparable maturities."
>
> On page 20, line 15, strike out "(1)" and insert "(2)".
>
> On page 21, line 3, strike out "(2)" and insert "(3)".
>
> On page 21, line 6, strike out "(3)" and insert "(4)".

Mr. STEVENS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. Mr. President, the other day when we were discussing the amendment that would prohibit the use of development loan assistance funds for loans to Korea for the use of building fishing vessels or fish processing facilities, the Senator from Arizona raised a question concerning our policy with respect to the interest charged on loans from the Development Assistance Loan Fund.

At that time, I agreed to offer—and the Senator from Arizona agreed that he thought it was a fairly good idea—an amendment to require that the loans made on a unilateral basis by this country out of funds made available under this act would be made on the basis of the interest rates that we are paying to borrow money, since we are obviously in a deficit situation at the present time.

Mr. President, we checked with the Treasury Department this morning, and on 15-year obligations, we have just issued one series of notes that bear 6.157 percent interest.

In August we issued 10-year obligations at 7.11 percent.

The Treasury note obligations with maturity on February 15, 1975, were issued at 5.58 percent.

Notwithstanding that, the money under the pending bill would be—unless the amendment were agreed to—loaned to recipient governments on a 40-year term, including a 10-year grace period at 2 percent interest charged during the grace period and 3 per cent during the remainder of the 40 years.

The amendment that the Senator from Arizona and I have offered is very simple. It provides that the moneys will not be loaned at excessive or unreasonable rates of interest for the borrower but will be loaned at a rate of interest of not less than the rate which the United States has paid on its outstanding marketable obligations of comparable maturities.

Mr. President, I believe the amendment consists of more than one amendment. I therefore ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is to ordered.

Mr. STEVENS. Mr. President, unless the majority leader has some comment, I have no further comment to make. I think it is a very simple proposition. At a time when we have an economy that is overheated by inflation, we have wage and price controls and people talking about restraint. I cannot understand why we should lend money to the other countries to finance schools, clinics, roads, dams, and irrigation facilities and factories and the import of a wide range of products such as fertilizer, farm equipment, chemical products, iron and steel products, motor vehicles, industrial and electrical machinery, petroleum, and other products at such low rates of interest when we ourselves are borrowing this money at a considerably higher rate.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, I recall the colloquy on the floor of the Senate the day before yesterday, I believe, when this matter was discussed, at which time the distinguished Senator from Alaska, the author of the amendment, along with the distingushed Senator from Arizona (Mr. GOLDWATER), the cosponsor, went into some detail.

At that time, the distinguished chairman of the Foreign Relations Committee indicated that he was interested and he thought that the Senators who were making remarks at that time had a point.

So, on that basis, the committee would be prepared to accept the amendment and to take it to conference and see what it can do on its behalf.

I am prepared to yield back the remainder of my time.

Mr. STEVENS. Mr. President, I am happy to do so with one reservation, and that is that if I have my way, the bill will not get to conference. However, in case it does, I would like to have the amendment in the bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

AMENDMENT NO. 548

Mr. DOMINICK. Mr. President, I call up my amendment No. 548.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 57, after line 24, add the following new subsection:

(e) Section 8 of the United Nations Participation Act of 1945 is amended—

(1) by inserting immediately after "Sec. 8." the subsection designation "(a)";

(2) by striking out "for the payment by the United States of its share of the United Nations as apportioned by the General Assembly in accordance with article 17 of the charter, and" and

(3) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, no appropriation shall be made for the payment by the United States of its share of the expenses of the United Nations, as apportioned by the General Assembly in accordance with article 17 of the charter, or for the payment of any amount to any organization, program, fund, or activity of the United Nations, unless such payment has been previously authorized by legislation hereafter enacted by the Congress. Any such authorization shall not be given for a period exceeding one fiscal year."

Mr. DOMINICK. Mr. President, I yield myself 10 minutes which I may not even need.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, for a long period of time now we have been having more or less annual authorizations to voluntary U.N. programs that have been looked at in some detail by the Foreign Relations Committee.

Some of them have been on more than a 1-year authorization, but in general the Foreign Relations Committee has been able to keep up with them.

Insofar as our mandatory assessments are concerned, however, the authorization was a continuing one under the United Nations Participation Act. The committee in order to try to do something about this included section 701 which said that there have to be prior authorizations to appropriations to the State Department, the theory of this being that all of these funds would run through the State Department and, therefore, they would have a chance to take a look at them.

However, since the committee bill was reported, there have been two things adopted here on the floor. One was the Buckley amendment this morning by voice vote, which urged the President and the executive department to try to get our mandatory assessments down. Also, we have a resolution which is a separate one from that of the distinguished Senator from California (Mr. Cranston), that is designed to make charter changes. This is the only way really that we could do anything about mandatory assessments.

Why is this important? Over a period of time—in fact, almost from the very beginning of the United Nations itself—we have been paying in mandatory assessments about one-third of the fixed charges of the United Nations organizations, the specific agencies which are mentioned in the charter. We have come down now to about 31.57 percent, I beleve. However, it is still pretty high.

The effort of the Senator from New York (Mr. Buckley) was to try to get the Executive to move it down to 25 percent. The fact of the matter is that under section 17 of the charter, all mandatory assessments are determined by the General Assembly. There are no guidelines set out, no laws set out, and no regulations set out in the charter itself as to how those assessments will be made.

Mr. President, a committee has worked on this in the United Nations and they have set up some guidelines more or less based on the per capita income of the various countries, and that has been the result of our having a 31.57-percent share in the mandatory expenses at this time.

It seemed to me that in order to make sure we are following this and that the United States is not being asked to be more of a Santa Claus than it has been over the last 25 years, we should have the right in Congress to take a look at what our mandatory assessments will be on a year-to-year basis. I have discussed this with the distinguished chairman of the Committee on Foreign Relations (Mr. Fulbright), and it is my understanding that he thinks this would be a pretty good idea.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the distinguished Senator from Montana.

Mr. MANSFIELD. If the Senator will look at page 56 of the bill he will find section 405 having to do with annual authorization for the State Department and USIA, so far as this bill is concerned. As I gather what the distinguished Senator has in mind, it is his intention to do away with the open-ended appropriation approach and substitute a yearly "look-see" approach, so to speak. The committee thinks that is a pretty good idea and would be prepared to accept the amendment.

Mr. DOMINICK. I thank the distinguished Senator and on that basis I am ready to yield back the remainder of my time.

Mr. COOPER. Mr. President, I just came into the Chamber. What is the matter that is pending before the Senate?

Mr. DOMINICK. I have proposed an amendment that would provide that we should have a right in the Committee on Foreign Relations to be able to look over the annual appropriations for mandatory expenses for the United Nations. In other words, we would have to have authorizing legislation before there would be an open-ended appropriation.

Mr. MANSFIELD. We have something of that nature under section 405 of the bill, as it affects the State Department and the USIA.

Mr. COOPER. This would not reduce the funds for the United Nations?

Mr. DOMINICK. This would not do a thing in that regard.

Mr. COOPER. The amendment provides only for review?

Mr. DOMINICK. The Senator is correct.

Mr. MANSFIELD. I want it understood that this is not an anti-United Nations amendment. It is not based on the vote taken in the United Nations on Monday evening last. This is something that was faced up to by the committee and complements what the committee unanimously agreed to.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. COOPER. I understand the proposal of the Senator and I would like to say I know how everyone feels about the recent vote in the United Nations.

Mr. MANSFIELD. This has no connection with it.

Mr. COOPER. I know, but I think all of these amendments will be so considered, whether they do or not. In one respect, it is a good principle, but at this time all these amendments are affected by that recent vote. I want to be recorded as opposing it.

Mr. MANSFIELD. This would restore the authorizing authority to the Committee on Foreign Relations.

Mr. SCOTT. I would like it understood that I agree with the acceptance of the amendment. It is not in any sense an anti-United Nations amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. DOMINICK. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado—putting the question.

The amendment was agreed to.

AMENDMENT NO. 549

Mr. DOMINICK. Mr. President, I call up my amendment No. 549.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 40, line 17, strike out the quotation marks.

On page 40, between lines 17 and 18, insert the following new subsection:

"(y) Notwithstanding any other provision of law, the monetary contributions (other than assessed costs) of the United States to the United Nations, and to each organization, program, fund, and activity of the United Nations for each year shall not exceed an amount which is in the same ratio to all such contributions to be made to the United Nations, or to each such organization, program, fund, or activity for that year, as the case may be, as the total amount of all assessed costs to be paid by the United States to the United Nations for that year is to the total amount of all assessed costs to be paid by all members of the United Nations to the United Nations for such year."

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, this is

a different type amendment than the last one. Some Senators may think this has been generated out of anger at the United Nations for what it did last Monday evening. In fact, it is not. If this bill had come up 3 weeks ago. I would have offered the same proposal.

What would the amendment do? We are now paying, as I just announced in connection with my previous amendment, approximately 31.57 percent of the fixed cost of the United Nations under the mandatory assessment. In figures, it looks as though the percentage is a little less than that, because our budget for the United Nations is approximately—and these figures are not totally accurate—but we will pay $100 million in all mandatory assessments and they are expecting $400 million from the total membership, which would indicate that we are paying only 25 percent.

The fact of the matter is, however, that the $400 million never comes in, because these are anticipated receipts and the other countries do not pay their mandatory dues in full. They pay just enough so that they will not be in arrears for 2 years. They do not get the whole amount in, so in round figures we pay about one-third of the fixed cost of the United Nations.

The voluntary programs are different and this amendment deals only with the voluntary programs. It does not in any way affect mandatory assessments. There is no effort made to cut back on those mandatory assessments and there is no effort made to cut back, except the effect of the amendment will have.

Now, what would the amendment do? The amendment simply states that we will not pay a larger ratio of any one of these programs than we are paying toward fixed costs of the United Nations. In other words, if we are paying 33 percent this year we will pay 33 percent maximum in any one of these voluntary programs. If we are paying 40 percent of the fixed costs, because of the change in the assessment rate, we would go to 40 percent. It would put the mandatory and voluntary costs in balance. To me it makes a lot of sense. Why does it make a lot of sense? It makes a lot of sense, because we find in some programs we have been paying as much as 97 percent of the total voluntary programs. In some of them we have been paying less than 30 percent, and it seems to me that if we are going to do anything about this we should put these on a par and have other nations participate, because the more we can get other nations actively involved in the volunteer programs the more support we will have on a worldwide basis and the more good it will do in each of the countries in which operates and the more effective the United Nations will become.

One of the things that disturbed me about the decision last Monday in connection with the United Nations vote was that it reduced the effectiveness of the United Nations and it reduced the effectiveness sharply and drastically. This would increase the effectiveness of the United Nations rather than decrease it by getting other countries to come into these programs on an active basis instead of expecting the United States to pick up the tab.

Let me give examples. We have a program on drug abuse control. This is an extremely important program and on a unilateral basis we are making steps all over the world. The program of the United Nations is very small. There is not much going on in it and we are paying 97.2 percent of that total fund.

It seems to me that when we look at this there is no need for it. What we are trying to do in drug abuse control is to get the cooperation of other nations. They are not going to cooperate as long as we are the only country picking up the tab and I do not think we should be doing it that way. I say this as a member of the Subcommittee on Alcoholism and Drug Abuse of the Committee on Labor and Public Welfare, and having worked actively and very hard on this for a long period of time. I am trying to find out exactly the amount of money that is involved in this and I will be able to give that to the Senate in just a moment. It is approximately $2 million, which comes to 97.85 percent of the total amount of the program.

So I think it can be seen that there is not much left to that program other than what we put in it. To the extent that the drug abuse control program is going to affect other nations, there is no reason in the world why they should not be participating in it.

On the other hand, we are only paying into the world health organization, which is extremely important around the world—and I refer to the World Health Organization International Agency on Cancer—11.1 percent. This would give that particular agency, which is of enormous significance, the opportunity to have us substantially increase our contribution to that program. But it does keep things in balance all the way around so that we are going to be paying no more than a fixed ratio into any one of these volunteer programs, and thereby get a large number of other nations actively involved in them.

Over the past few days we have had a considerable degree of discussion on the floor about the fact that we are trying to do something punitive. I must say, for the life of me, I cannot see anything punitive about this. What we are doing is working for a system which has nothing to do with changing the Charter of the United Nations, which has nothing to do with decreasing its effectiveness, but which has a great deal to do with how we are going to expand our own programs.

I do not think any Senator here who has worked in a community situation fails to recognize that the more people one can get financially involved in a community affair, the more likely it is to be effective, whereas if one person gets into it and picks up the tab, the other people are going to say, "Oh, well, you are going to do all this. Go ahead. We are not very interested in it." If we can get more nations into these programs—and there are many involved—and get them to contribute more to them, we are going to be way ahead.

For example, with respect to drug abuse control, there are just as many problems in England as there are in the United States. There are many problems throughout all of Europe. Yet the total that the 130 nations are putting into the drug abuse control program is 2.15 percent. It just does not make any sense to me at all. If the figure is $3 million, 2 percent of that is $60,000. I am not very good at mathematics, but I think it comes out to around that. It just seems to me that a bare amount of money should be contributed by those 130 countries to support this kind of program.

Insofar as the international world health program on cancer is concerned, I think we could put more money into that. It is certainly a very, very important program. If they want to increase the total amount of that program, we can increase our contribution. If they decide the figure of 11.6 percent we are putting up is sufficient, that is all right and we can leave it there, but it would give discretion, within the overall limitation, to make participations where they are needed.

I think this proposal establishes a precedent. I think one of the things we can do as a body is to try to show the American taxpayer that we are making more sense about the way the money is being used in this body than we have in the past. Having said that, I sincerely hope we can get agreement on this amendment from the distinguished members of the Foreign Relations Committee. If we cannot get it, I guess I am going to have to take it to a vote.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I have a good bit of sympathy for the objective of the Senator from Colorado. I doubt very seriously, though, that this is the way it ought to be handled. An amendment has already been agreed to setting these special funds on an annual basis hereafter.

This year we did not have before us to be considered the different activities, because we were not working it in the same way that we will be with the amendment that has already been adopted. So next year we can easily take up these programs one by one and examine them.

I feel confident that there are volunteer programs to which we can reduce our portion of the contribution. On the other hand, I am quite certain there are programs to which we do not want to make such a drastic cut as this.

If we consider all the programs, according to the list I have, and it goes through 1970, there are widely varying amounts. I think we can certainly observe that there are widely varying interests so far as the different programs are concerned. For instance, we have one of these special volunteer programs which involves a contribution from us of 21 percent. I notice another one that goes as high as 80 percent. I do not know what damage we would do if we made it possible to increase the 21 to 31.2 percent, which is the amount of our contribution to the regular budget. I do not know what damage it would do or how badly it would hurt us if we cut the 80.3 to 31 percent.

I think we can do a better job—and I

am in sympathy with this being done—when we have the opportunity next year to take the different programs up one by one—something we have not done in the past—and study them and decide what our voluntary contribution ought to be.

I hope the Senator will not insist on his amendment, because I believe it would work havoc with some programs in which we are vitally interested and would not render aid in some of the others in which we have a very low percentage of contribution already.

Among some of the high percentages that we pay is included one called special contributions from Vietnam. We pay 83 percent of that. Not many other nations are going to be willing to participate in that. In fact, they were not willing. An effort was made to get a program in the U.N. of that kind, and not many nations were willing to contribute to it. We pay 83 percent of that. Perhaps next year that can be greatly reduced.

In the World Health Organization special program we pay 80 percent. We pay some that are that high and then we pay some that are low. The average for all the special programs comes to under 40 percent, even though we have the Vietnam program, which is a sizable program, of 83 percent.

I think we ought to let this proposal go over until next year, when we can go to work on an individual program basis.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. AIKEN. As I look at the amendment offered by the Senator from Colorado, there are some remarkable possibilities in it which will perhaps solve all our problems. For example, if we wipe out the FAO, we can let famines take over the countries of Asia and let them go over the hill into the camp of the Communist philosophy.

If we wipe out or wreck the World Health Organization, we can let malaria and other diseases, which have been largely conquered by the efforts of this world organization, take over again. Think how that would reduce the population of the world. We would not even need the $125 million for population control, if we could let starvation and disease again take over. I do not think that Russia or any other Communist countries would contribute as we have to these organizations.

We can let the International Labor Organization go to pieces, and of course then people can go back to working for 10 or 12 cents a day in other countries. That would enable the wealthy people of this country to live more cheaply on imports, but it would not help our industrial concerns one little bit.

We can let the Children's Fund go down, though I do not know what we would do then with the milk we send to those countries. We could let the millions of children who have been saved through this combined effort die. That would help control the population of the world, too.

But let us not be stupid. Let us not be cruel. We can cut the amount we pay to the United Nations itself, the main organization, to 25 percent without hurting it at all; and that is what the President's United Nations commission appointed last year has recommended. But let us not take it out on sick people, on hungry people, on children, and on the laboring people of other countries. I do not want to live on even 50-cents-a-day labor. I think people are entitled to more than that. And I am amazed that we are even considering doing these things.

Cut the U.N. itself back to 25 percent from 31.7 percent, which I believe is our present dues.

Mr. SPARKMAN. It is 30.2 percent.

Mr. AIKEN. But let us not say to the world, "We don't care about poor people or hungry people, or people who work for a few cents a day."

Mr. SPARKMAN. Our present rate is 30.2 percent.

Mr. AIKEN. Yes. I think this is a shocking proposition, and we are getting this bill into shape where we will, in all decency, have to kill it on the floor of the Senate, if we go on any farther with this stuff.

Mr. SPARKMAN. I am glad the Senator from Vermont brought in the matter of population control. With reference to population control, our Nation took the lead in that, in getting it going, and we now contribute 50 percent to that. This amendment would cut it down to 31 percent.

Mr. AIKEN. Speaking of population control, do Senators know that when they approved the Allott amendment a short time ago, they cut that development loan funds 50 percent, and not 25 percent, as they might have been led to believe? Because by earmarking $125 million of that total for population control, the result was that out of all of the money left for the development loans, the Allott amendment cut out 50 percent.

How are we going to look in the eyes of the world? How are we going to look in the eyes of our own people? They will be ashamed of us.

Mr. SPARKMAN. The Senator mentioned the Children's Fund.

Mr. AIKEN. I cannot vote for this bill if it carries these provisions.

Mr. SPARKMAN. We contribute 40 percent to the Children's Fund. The amendment would cut it to 30 percent.

Mr. AIKEN. Mr. President, are we going to neglect the kids of other countries? Are we going to say we do not care about them?

Mr. SPARKMAN. Let me check that percentage again. It would cut it down to 30.2 percent from 40 percent.

We contribute to all of these agencies in varying amounts. There is one, for instance, as low as 11 percent, one 21 percent, another 26 percent.

Mr. AIKEN. In every previous session of this Congress, we have increased our contribution to the Children's Fund, until it is what?

Mr. SPARKMAN. It is $13 million.

Mr. AIKEN. It is $13 million, now?

Mr. SPARKMAN. We did not increase it this year. It is the same as last year.

Mr. AIKEN. I have never had one complaint from the people of this country because we cared for the children of the world.

Mr. JAVITS. Mr. President, will the Senator yield to me, in opposition to the amendment?

Mr. SPARKMAN. I yield.

Mr. JAVITS. Mr. President, no one could improve on the quality of indignation of so revered a Member of this body as Senator AIKEN. Everything he has said should stand uncontradicted and unimproved by anyone. His words were spoken from the heart of a very decent man.

That is what this is all about: Common decency Mr. President, I rise for only two purposes: First, to reiterate again what I said last night about the great inadvisability, in the interest of our country, of taking on the world. The world may be willing to be taken on, much to our detriment, if we act out of petulance and resentment because of a vote in the United Nations which we did not like, and which we properly did not like. This is the wrong way to seek redress

Second, Mr. President, I point out two factual considerations. Let us understand that the long knives are out here. We have now adopted an amendment that it is the sense of the Senate that the support of the United Nations organization should come down to the 25-percent figure, allegedly as recommended by the Commission which made this report which has been so very, very much spoken about, the Lodge Commission. Let me say that those Senators who are trying to use the Lodge report against the U.N. are seriously misrepresenting its basic thrust.

Mr. SPARKMAN. If I may interject right at that point, the Senator from Vermont if I recall correctly, the chairman of our committee (Mr. FULBRIGHT), I believe there were one or two other Senators, and I were members of that Commission that made this report.

Mr. AIKEN. We were; and we recommended a cut to 25 percent. That is for the United Nations itself.

Mr. JAVITS. Exactly right. And the commission reported also exactly the corollary to the 25 percent it wanted—namely an increase in the U.S. voluntary contributions.

The exact words of the Commission were:

> With respect to multilateral instrumentalities for international assistance, the commission recommends that the United States increase its contribution . . .

For example, to the biggest one, the U.N. development program, the administration asked for $100 million. The Commission recommended $200 million, and so on down the line.

Now, Mr. President, to use a piece of the report for one purpose and then not to invoke the other part of the report is certainly not giving to the Senate everything the Senate is entitled to know. When you invoke the single authority that the Commission recommended that we try to get down to the 25 percent level, they did that provided we materially—and I have given one example, the largest of all—increased our contributions to exactly the policy organizations which this amendment would affect.

Finally, Mr. President, I heard with great interest what the Senator from

Colorado said about the U.N. fund for drug abuse control. By the way, we contribute not 98 percent, but 78 percent to that. But be that as it may, he said there are lots of other nations that are heavily impacted by drugs.

Nonsense. We are the Nation most heavily impacted by drugs in this world. I wish and pray there were other nations so heavily impacted. Great Britain, with 55 million people, has 3,000 addicts. The United States, with 200 million people, has an estimated 300,000 addicts. And where are they? Half of them, at least, are in the greatest city in the country, which is being strangled and brought to its knees by narcotics. What would we not pay, above the $2 million recommended? We would gladly pay $200 million, or $2 billion, if we could thereby eliminate the drug traffic.

I understand my friends. I have no quarrel with their intentions or their purposes. I know how they feel about foreign aid and have for years. But I hope there is a residual of what Senator AIKEN so aptly and feelingly called decency left among us, and that in our contributions to these voluntary organizations we will not tie them to the standard of participation in U.N. administration, but that we will tie them to the decent, humanitarian instincts in ourselves and the rest of the world, and that we will resist the temptation, as we did last night, to legislate out of resentment, petulence, or anger.

I hope the Senate rejects the amendment.

Mr. DOMINICK. I yield myself an additional 10 minutes.

Mr. President, I have sat here in total amazement listening to the Senator from Vermont, the Senator from New York, and the Senator from Alabama start talking as though I was trying to kill all the children, murder all the people, ruin the U.N., and do it in petulance. I never heard so much perfect baloney in my life—and I hope that goes in the RECORD just that way.

What I have said here is that we are trying to get our participation in these voluntary programs in line with our mandatory assessments. All you have to do is look at the figures, and you will find that there is no more than a $20 or $25 million cut, if any, in the programs at the present level. But if the other nations put more money in, our money is going to go up, and we will not save anything. What you have is a total budget reorientation, but you do not necessarily have any savings in money at all. It depends upon what the size of the program is going to be.

I do not like to be accused of being a child murderer any more than anybody else does, and I will say so very frankly. So let us put some figures out here in the open.

We are paying approximately 37.19 percent of the IAEA operational program. We are paying 34.67 percent of the children's fund. So if the other nations will not put up any more money, we will probably cut down our contribution by 2 percent, which, according to the figures I have here, is going to amount to approximately $260,000. That is not going to be murdering all the people of India or Pakistan or any other place. It is simply going to be trying to get things in line so that we know what we are doing.

The Senator from Alabama said we are paying 80 percent of the special program of the World Health Organization. For 1971, we are paying 28.36 percent, not 80 percent. We paid 80 percent in 1970. In 1971, we paid 28.36 percent, and they can increase the amount of that fund if they want to do so.

In the research on cancer, I already pointed out that we are paying 11.11 percent. If they want to bring it up to 30 percent and pour a lot more in to try to do something about cancer, they can do so.

In answer to the Senator from New York (Mr. JAVITS), who talks about the problems of his city, he has problems, and I know it. I know it full well. We have them in my own town of Denver in drug abuse. We have them all over this country. But the U.N. agency does not put up any programs to operate in this country. What we need to do is to achieve some progress by operating in other countries, if we are going to contribute to it, and get those countries to contribute, and not have us put up 98.58 percent for the drug abuse program someplace else. So we will have a community organization working. That is what the United Nations is supposed to be—to work together—not have Uncle Sam pick up every nickel there is in each one of these programs. This may cost us a great deal more money before we are through. I do not know. It could result in getting more countries in and getting larger financial support for those programs. Our percentage there would then rise, and in terms of total dollars we would be putting in more, but we would not ask to be the major participant in every one of these programs.

I could go on down the line. The U.N. Institute for Training and Research—we are paying 33.33 percent. It is going to be a cut of approximately 1 percent. We are contributing to 17 different programs, and in nine of them we are putting in a million dollars or more. The total we are putting into voluntary programs this year, including the special force fund on Cyprus—our share of that—is $223 million, and we are only paying a little more than $100 million in terms of mandatory assessments.

Why can we not bring these proportionately in line? Why can we not do something about this? Why can we not bring a flat proportion across the board?

I must say that to try to get this into an emotional context, so that someone who offers an amendment to try to rebudget what we are doing in this is accused of trying to murder everybody, is a little more than my stomach can stand.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining.

Mr. DOMINICK. I yield 5 minutes to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from Colorado.

Mr. President, I, too, could not help share the Senator's feeling of indignation at some of the casual remarks that were thrown around a little while ago.

In the past, this country has been extraordinarily generous, and I do not resent a nickel of that. We have done more than any other nation in the history of the world to contribute to the needs of our fellowmen around the world, but there is nothing magic about doing this through the instrumentality of the United Nations.

Frankly, in some of these programs there is evidence that they are not handled as well as we might like to see, that they are not as effectively handled. Just the other day, Jack Anderson pointed out in his column that the drug control operation under the United Nations sponsorship was scandalous in its inefficiency.

I do not think anyone is suggesting that any needed help from the United States in terms of food or money should be withdrawn and pocketed and saved if that need for help exists around the globe. But what we are trying to do—and I am a cosponsor of this amendment—is to bring some sort of balance in American participation in the world body which, in terms of philosophy of the report issued by the Lodge commission, is designed to spread the burden more equitably around the globe, to bring more nations into active participation, so that these agencies will work more effectively. This is all we are trying to do, and I think it makes good sense.

So far as this business of petulance is concerned, there is no element of that in my motivation; there is none in the motivation of Senator DOMINICK. We certainly were disappointed with the action taken last Monday, but that has nothing to do with these programs. It is just that the time has come for a more thoughtful consideration of how the United Nations functions, of whether these agencies are acting as effectively as they can, and whether or not the United States should take action which would induce others to shoulder a larger portion of the global burden.

In deciding what action is appropriate, I do not think this body should be paying attention to what the newspaper headlines will be telling us is world opinion. We need to act responsibly, as we see our responsibilities, to act thoughtfully in accordance with our own realities. Certainly, the Soviet Union has never been bothered by the sensitivities of world opinion when she has acted in her self-interest—not that I am suggesting that anything either Senator DOMINICK or I have suggested in any way remotely represents the kind of thinking that the Soviet Union has indulged in time and time again.

But I will say that the nations of this world will respect another nation, a large nation which acts like a large nation, which assesses its responsibilities and lives up to its responsibilities in the light of its own experience and its own needs. I, frankly, will not tailor my vote to satisfy the so-called world opinion, because the reaction of world opinion will blow over tomorrow. I think that if the United States continues to exercise leadership, continues to act morally, continues to be responsive to the needs of others through its own generosity, we will retain that respect. What we need is respect, not love.

I submit, Mr. President, that the amendment offered by Senator DOMINICK is one which is not callous; it is one which is not punitive; it is one which is not designed to starve the young. It is one which is, if anything, going to have the effect of inducing other nations in the world to contribute more of their own aid through the channels of the United Nations and, therefore, involve them in a more active way in the administration of the agencies.

I urge my colleagues to support the amendment.

Mr. DOMINICK. Mr. President, I want to thank my colleague from New York very much. Since we seem to be having substantial argument on this point, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland (Mr. MATHIAS).

The PRESIDING OFFICER (Mr. BEALL). The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, the amendment of the Senator from Colorado commends itself to a sense of neatness and a sense of balance in bookkeeping, that the ratio of the voluntary contribution should be the same as that of the mandatory assessment; but I do not know that it commends itself in any other way.

What I hope the Senator from Colorado will bring out in this discussion is, what is the magic relationship between the amounts which may be assessed for the institutional operation of the United Nations and the works the United Nations does.

I do not see that there is any rationale which ties these two together, any more than there is any rationale to what is contributed by the States of this Union to the running of Congress and the other branches of the Government and the actual substantive work which the Federal Government does for people.

We are paying on the one hand for an institution and, on the other hand, we are paying for the end product of that institution, which is the work of government, in schools, public health programs, and the various other activities of government.

Mr. President, I think that we have to take a conservative, hard headed, businesslike look at what we would be doing here. Even if we accepted the figures of the Senator from Colorado, that there will be only a minute difference in current appropriations, it may make more difference in the future, if the Lodge Commission's report is accepted and if, in fact, we do reduce our mandatory assessment to about 25 percent of the total United Nations budget. It could have a greater impact.

Personally, I hope that we can achieve that, but if we do that, then we go deeply into a program which the Lodge Commission found, on the basis of testimony, was highly rewarding to the United States.

Let me quote from the commission report in this respect which states:

> Every dollar of input by the United States to the UN Development Program helps to generate more than six dollars of actual development work by other nations. Aid through multilateral institutions has the added advantage of neutralizing the political aspects of economic assistance and reducing the resentment of some developing nations to bilateral programs.

It seems to me, in light of that finding, it is extremely unwise, from an old Yankee hardheaded business point of view, to say that we are putting a halter on an investment which has been found to be one of the most productive investments made in the field of international assistance. I think it is wrong in principle and I think it would be wrong in practice.

I think, of course, that this is an unhappy time to do it. The United Nations has taken an action which I do not believe makes any Member of the Senate happy. We are all shocked and disappointed.

However, an interesting letter published in the Washington Post today from former Secretary of State Dean Rusk states in part:

> On the immediate horizon are important tasks which the U.N. has undertaken, which could make an important contribution to the possibilities of peace and, perhaps, to human survival. I have in mind the 1972 Conference in Stockholm on the Human Environment, a 1973 Conference on the Law of the Sea and the dedication of 1974 as U.N. Population Year.

Mr. President, these are matters in which every one in the world has an interest. These are matters to which this amendment addresses itself, I think, in a prejudicial way. This is where we are getting the best return for the money we spend outside our country by all accounts.

The ratio of 6 to 1, I suppose, is a subject of disagreement, but even with a ratio of 3 to 1, 4 to 1, 5 to 1, or 6 to 1, it is a valuable investment, and I hope that the Senate will not see it cut down.

Mr. SPARKMAN. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I want to commend the Senator from Vermont (Mr. AIKEN) for his wise and humane views, and I wish to associate myself with his remarks.

I shall vote against the amendment. I do not doubt the motive of its sponsors. They have explained their position quite well but I think it is an amendment which should be rejected.

I had the opportunity to serve on the Lodge Commission, along with the distinguished Senator from Vermont (Mr. AIKEN), the distinguished Senator from Alabama (Mr. SPARKMAN), and other Senators.

The distinguished Senator from New York (Mr. JAVITS) is absolutely right, that while the commission recommended that we should reduce our mandatory contribution to the United Nations proper, in doing that the commission recommended that we should raise our voluntary contributions to support its humane activities all over the world. I think that is a duty and an obligation the United States should continue to undertake. These are agencies that have done much to help people throughout the world.

I must say this—and again I make my own judgment—I voted against all amendments to reduce contributions to the United Nations at this time, because I think, no matter what we say—they will be considered, I think inevitably, as a reaction to the vote in the United Nations last Monday.

I am one of those who felt badly about the vote. I think it was a mistake. The U.N. should have voted to sustain the membership of Nationalist China in the U.N.; but, nonetheless, I think a great nation should not show itself as wanting to take any retaliatory action because of that vote.

Mr. President, unfortunately, I will not be able to be here at the time of the final vote on the bill. I have always voted for foreign aid bills. If I were here, I would vote for it again, even though I think it has been badly damaged on the floor of the Senate. Some of the votes on amendments were by voice vote, with few Senators in the Chamber at the time.

But, be that as it may, perhaps we can work out something in conference.

I also note that the Mansfield amendment to end the war is in the bill. That is worth supporting.

Although I will not be here, Mr. President, I want to be recorded as being in favor of the bill.

Mr. SPARKMAN. Mr. President, I now yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I have delivered a copy of my remarks to the distinguished Senator from Idaho (Mr. CHURCH), which is a commentary on the speech he just recently delivered today. My remarks are not critical. There is a good deal of philosophy implied in them.

I have entitled my remarks "How To Make Isolationism Respectable."

HOW TO MAKE ISOLATIONISM RESPECTABLE

The distinguished Senator from Idaho has told us, after the poet, that "the world is too much with us." How comforting is the thought. How nice it would be to be able to declare, unilaterally, a generation of peace simply by telling the world to stop because we want to get off.

His lengthy catalog of our past sins has not missed a single one so far as I can tell. He chastises us for having been too bold—and too timid; for having been too generous and too self-serving; for having exercised our power unwisely; and for not having exercised our power enough.

I sympathize with the Senator's dilemma. We all share it. It can be just as immoral to fail to exercise power as it can be to exercise it with too much abandon.

The moral trappings of isolationism, so often voiced by another great Senator from Idaho, head of the Foreign Relations Committee in his time, did not help to prevent World War II. The moral pretensions of the 1960's did not prevent war in Vietnam.

Where I cannot agree with the Senator is when he implies that our past failures were moral failures, rather than rational failures. We may have sinned against reason, but I do not think we have sinned against God.

President Nixon, of course, is committed to a very different foreign policy in the 1970's than that which prevailed in the 1960's. Now, changing foreign policy is not like changing a suit of clothes; the President has to start with the way he found things, not where he wanted to end up.

One of the instruments he is using to change our foreign policy is this foreign aid legislation.

In the first place, instead of pretending to decide for other countries what they should spend on defense, security assistance is now going only to countries that have made that decision themselves.

That nations, poor nations like Cambodia or Korea, are willing to take up arms in a cause that involves our vital interests as well as their own should be a sign of hope. We ought to be grateful, for our security is involved, too. Surely, in these cases it is far more immoral to deny help than to give it. For to deny help is to deny hope in these countries.

As with security assistance under the Nixon doctrine, so with development assistance. We are not trying to program the development of other countries as happened in the 1960's. We are responding to requests for help from people and governments anxious to do something about their dire problems.

And why should not we? These people are now, and are going to be, somebody's customers if they are not ours. What kind of a policy is it that says we do not want them as customers or cannot afford to treat them that way?

Either more and more people in this world become good customers, or there will be more and more wars and killings. We have serious development problems here at home that are of exactly the same kind as exist the world over. To deny one set of problems in the name of the other is to leave the fate of the world for others to decide.

If the Senate defeats this bill, as the Senator from Idaho evidently wishes, it will serve only one objective: that of making isolationism respectable again in the United States.

The Senate will be listening, not to the voices of the future, but to the voices of the past. We will bring back the high moral tones of our isolationist days—and isolationism was a moral matter with Senator Borah and others—because the hard tasks of participation will have been too much for us.

The new isolationists remind me of Britannicus in Shaw's "Caesar and Cleopatra." You will remember that he painted his body blue so that when all else was gone he would still have his respectability. Are we to become a nation of blue-bodies?

No. It is not the world that is too much with us; it is the recent past. Living down that past is apparently just too much for some people.

I say we should give aid—that is, aid toward peace—a chance, and not hamstring the implements of its execution.

I say we should have done with feckless moralizing about our past mistakes and get on with the very reasonable changes that the President wants to make.

I say that we should not apologize for strengthening foreign policy by stressing more our rational, national interests than was true in the past. And I say we should continue to hold out a helping hand to those who come to us for help in causes, like development, that we now know are our causes as much as theirs.

The world is not really divided into rich nations and poor nations. It is people who are so divided. We can expect revolution upon revolution in the years ahead in many nations simply over the division of the wealth available. We cannot conduct those revolutions. We can either offer the insult of lectures from afar or participate modestly in the hope that they will turn out in ways compatible with our own interests and ideals.

The ways in which we can participate effectively are limited. It is quite true that there are times and places where we have done too much and with too little wisdom. President Nixon is well aware that we need to improve our methods of operation in administering security assistance and development assistance. But there cannot be improvement if we continually have to rake over the coals of the past and debate anew the virtues of isolationism versus internationalism.

The Nixon Doctrine is something new. To deprive it now of one of its major instruments of implementation is simply to deliver a vote of no confidence at the doorstep of the White House. I do not think the Senate wants to do that. We have not so treated the foreign policies of other recent Presidents.

Why start now?

Why indeed?

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS Mr. President, I rise to deal with the term petulance which I used, and I used it advisedly, and it has been challenged.

The thing that affected me very deeply concerning this is that 20 or 21 Senators gave notice to the UN members that if they did not behave the way we wanted them to behave, we would cut the funds. We are now doing that within 2 days.

I remind Senators that in law, we say that the facts are what the judge thinks they are. What are the nations who think they are so threatened to think other than that we are now trying to carry out our threat? It seems to me that this is so clear.

If for no other reason, including that of decency of which the Senator from Vermont has spoken, we should turn down this kind of approach in favor of a humanitarian approach.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 4 additional minutes remaining.

Mr. HUMPHREY. Mr. President, will the Senator from Alabama yield me 1 minute?

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. Mr. President, I shall oppose this particular amendment. I think it is untimely. I think it is unwise. I think it would be most unfortunate if the Senate were to adopt it.

The particular contributions to which the Senator referred in his amendment perform a very vital service. It would strike at the very heart of the purpose of the United Nations if the amendment were to pass.

I would like to remark once again that the new name for peace is development, and many of these services outside of the United Nations are directed toward development.

The United Nations is an imperfect instrument in an imperfect world. Our task is to improve it and not to weaken it. There is a great deal that can be done to improve it.

Some days ago I had printed in the RECORD what I thought might be done, as the views of one Senator. Since I might not be here for the final vote, I want to make it clear that I support the bill. I want to be on record as supporting the bill and opposing this particular amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I want to comment again, perhaps in a somewhat quieter way, on the comments made by the Senator from Minnesota and the senior Senator from Maryland.

I doubt if either one of them heard my total argument. I think it is worthwhile to repeat it again.

I am trying to get some balance here between what our mandatory assessments are and what our voluntary contributions are. This is not a dollar cut in any way whatsoever. I say to my friend, the Senator from Minnesota, that it is a ratio cut, if, as, and when we can get the other countries to follow these programs and to put their money into the programs.

We have to have a broad community of interest, which we do not have, when we are doing major financing. And to the extent that we can get a broader community of interest and a larger participation, the actual total amount of any one of these funds may go up so much that we will be, as the Lodge Commission said, putting more money into it instead of less. However, we would still be paying only our ratio, either 30 or 33 percent, whatever it might be. It seems to me that with the United States putting up one-third of the cost of the program, the other nations could find it in their hearts to put up two-thirds or 66⅔ percent.

I do not think that is unreasonable. We have the whole European Common Market which, economically, is at least as strong as the United States. That is not talking about the other nations in the United Nations.

Whenever we try to cooperate in a community affair in our own locality—and the distinguished Senator from Minnesota used to be a mayor and knows full well—if we are going to get something done in that locality, we will have to get as many people interested in it as we can. To the extent that we can get more nations interested financially in it, to that extent we will improve the ability of the United Nations to perform successfully these very important programs.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I thank the Senator from Colorado. I am familiar with the sequence of his argument and what he believes to be the logic.

As I look at an audit of the U.S. contributions to the United Nations, I see here that in fiscal year 1965 our voluntary contributions, exclusive of the peacekeeping, ran about $141,450,000.

The total outside contributions—that is, the contributions of the other members—ran $235,700,000.

We were paying at that time well over 50 percent. The request for fiscal year 1972 is $141,135,000, which is about $215,000 less than in fiscal year 1965. That does not, of course, even relate to what has happened to the purchasing power of the dollar.

I do not object to what we call the assessed reductions on the assessments that are made for what we call the U.S. contributions. They relate to the regular dues and fees of the United Nations. The Lodge Commission hoped that they would come down to 25 percent in the years ahead. We presently pay about 31.5 percent.

What I do feel is important is to keep in mind what the Lodge Commission related, namely; that if their assessment came down, we increase or put into proper balance our voluntary contributions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I had not anticipated that the Senator from Minnesota was going to use up so much of my time.

Mr. HUMPHREY. Mr. President, may I ask a question of the Senator?

Mr. DOMINICK. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 additional minute.

Mr. HUMPHREY. Mr. President, does the Senator from Colorado believe the record shows that we are increasing the amount of our voluntary contributions as they relate to what other countries are doing, or does the record show that our contributions have been rather steady and that for several years have declined and right now are up to about the 1965 level and are strongly related to what other countries are doing?

Mr. DOMINICK. Mr. President, it is very difficult to answer that question. It varies so much. Earlier, mention was made that last year we paid 86.3 percent of the WHO special programs. This year we will pay 28.6 percent. So, I think we are putting in more money. This is a point I am making. We are putting more money into the program, but other nations are putting in a lot more money. So that our percentage, the total amount of money we put in, goes up.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I would like to get an additional 5 minutes on the bill to take care of the time I extended to the Senator from Minnesota.

Mr. AIKEN. Mr. President, I yield 5 minutes on the bill to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I want to repeat once again what I am trying to do. Some Senators seem to have the feeling that has been expressed here that somehow or other we are out to gut the United Nations. I am trying to do the opposite. I am trying to make it effective and have more participation in these programs and show the world that although we support the programs we will not be Santa Claus for the rest of the world.

It makes more sense to do it this way than to chop program after program because it does not make any difference which one is picked, someone will say that that program is the most dramatic program we have and it has to be maintained. So we would do it this way. It gives the opportunity for programs to be more effective and it gives the opportunity for other nations to come in. It says to the world that we are not going to be Santa Claus for each of these programs. It provides an opportunity for an increase in contributions in many of these programs beyond what we now have with the authorization system we have developed in this bill.

Hopefully the Committee on Foreign Relations will, as the Senator from Alabama said, have a chance to go into each one of these next year to determine if we should raise our amounts on a program-by-program basis or give the appropriation to the State Department to provide it in a way they think effective. Either way is all right as long as they do not have more than one-third for each of the programs.

It seems to me this makes for a far better approach than to try to do something else that other nations might think is direct retribution. This is not retribution.

I thank the Senator for yielding.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining on the amendment and 2 minutes remaining on the bill.

Mr. DOMINICK. I reserve that time in the event anyone wants to discuss the amendment.

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I hope this amendment is defeated this afternoon. I do not think this is the time or the place for us to try to establish these percentages in terms of the United Nations. Those matters should be handled in the appropriate committees. This matter was not given the attention it should have, as the Senator from New York pointed out. In the wave of recrimination that has taken place after the vote on Monday night in the United Nations, this cutback would have extreme implications on our commitment to the United Nations.

Finally, I have had intimate involvement in some of these programs in the United Nations, as other Senators have had. I have seen the effectiveness of the World Health Organization in attempting to meet problems of disease in many developing countries, including Southeast Asia. I have seen the work of the UNICEF program in India and Pakistan. I have seen the effect of the U.N. relief efforts, particularly the Biafran, East Pakistan, and Peruvian situation.

These are perhaps the most effective programs in meeting human needs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPARKMAN. Mr. President, I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. KENNEDY. Mr. President, I think the record of these programs is a strong record. They benefit people in the most dramatic way we could possibly imagine.

I hope this amendment which would, in effect, cut the life and heart out of these specialized programs of the United Nations, will be defeated.

Mr. SPARKMAN. Mr. President, another agency that the Senator from Massachusetts did not include is Food and Agriculture, the FAO. He mentioned, I believe, UNICEF, the children's program. Mention has been made of the fact that with the adoption of an amendment to this bill giving us the right to make annual authorizations we will have the chance to examine these matters item by item next year and not take this haphazard way of making the cuts.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado has 2 minutes remaining.

Mr. DOMINICK. Mr. President, I will take the remaining time to repeat once again the purpose of the amendment. I will be brief. I think most Senators understand it.

If this amendment is agreed to, it is probable that the total amount of the cut—we cannot be sure what it will be—should not be more than $25 million out of $100 million. Certainly, that is not gutting the bill.

Second, it is possible we will have to have more money in a supplemental rather than less money because of the other countries coming into the program and thereby cutting the total dollar amount. That is a possibility in the future.

Third, I would say the main thing about the amendment which I think is helpful is that it will increase the effectiveness of the United Nations. This is so in every organization with which I have been associated. The broader sweep there is in an organization, the larger participation there is in it, the more likelihood there is of success in that organization.

This is what I am trying to do in the amendment.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Wyoming (Mr. MCGEE).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Wyoming would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 28, nays 52, as follows:

[No. 282 Leg.]

YEAS—28

Allen
Allott
Baker
Bennett
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gurney
Hansen
Hollings
Jordan, N.C.
Jordan, Idaho
McClellan
Smith
Stennis
Stevens
Talmadge
Young

NAYS—52

Aiken
Anderson
Bayh
Beall
Bellmon
Bentsen
Boggs
Brooke
Burdick
Case
Chiles
Church
Cooper
Cranston
Fulbright
Griffin
Harris
Hart
Hatfield
Humphrey
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Sparkman
Spong
Stafford
Stevenson
Symington
Taft
Weicker
Williams

NOT VOTING—20

Cotton
Curtis
Eagleton
Ellender
Gambrell
Goldwater
Gravel
Hartke
Hruska
Hughes
Inouye
Jackson
McGee
McGovern
Miller
Mundt
Muskie
Thurmond
Tower
Tunney

So Mr. DOMINICK's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 32, line 11, strike out "$565,000,000" and insert in lieu thereof "$452,000,000".

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, in order to accommodate three Senators, the Senator from New Jersey (Mr. CASE), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Mississippi (Mr. STENNIS), I have agreed to yield briefly, with the consent of the Senate, provided I do not lose my right to the floor.

[Disturbance in the galleries.]

The PRESIDING OFFICER. The galleries will be in order. The Sergeant at Arms will see that order in the galleries is restored.

The Chair recognizes the Senator from New Jersey.

Mr. FULBRIGHT. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Jersey may proceed.

Mr. CASE. Mr. President, I call up an amendment affecting page 34 of the bill, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, even though the amendment of the Senator from Idaho is the pending business, the Senate will proceed to consider the amendment of the Senator from New Jersey.

Mr. CASE's amendment is as follows:

On page 34, lines 13 and 14, strike out "South Vietnam, North Vietnam, Thailand, Cambodia, or Burma" and insert in lieu thereof "North Vietnam, or Thailand".

Mr. CASE. I thank the Senator from Idaho for his consideration, and, pursuant to my assurance, I shall delay him only slightly, I am sure there will be no difficulty about this amendment.

Mr. President, on page 34 of the bill, the committee added a provision to the effect that no funds authorized or appropriated under any provision of law should be made available by means of any officer, employee, or agency of the United States to finance military operations by foreign forces in six countries—Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma— unless Congress specifically authorizes the use of such funds for that purpose, and designates the area where they will be used.

I have received from the chairman of the Armed Services Committee an expression of concern about the breadth of this amendment, and after discussions with him, we have arrived at the understanding that——

Mr. STENNIS. Mr. President, will the Chair maintain order? I think this is an important matter, and the Senator ought to be heard, in view of a possible agreement on the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend his remarks until order has been restored.

The Senator may proceed.

Mr. CASE. Mr. President, the chairman of the Armed Services Committee, the distinguished Senator from Mississippi (Mr. STENNIS) and I have discussed this matter. His concern about the number of countries affected by the amendment as reported by our committee was one that I recognized with respect. Pursuant to an understanding that we have arrived at, I now offer this amendment to eliminate from the effect of the bill three of the six countries, leaving in Laos, North Vietnam, and Thailand. That is the whole amendment.

The Senator from Mississippi has been gracious enough to say that while he wants to consider this matter further at a later stage in the legislation, for the purposes of the consideration of the bill in the Senate at this time, such an amendment is satisfactory.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. CASE. I am happy to yield.

Mr. STENNIS. Mr. President, as I have understood, now, the Senator proposes that in section 513 on page 34 of the bill, the words "South Vietnam, Cambodia, and Burma" be stricken out of lines 13 and 14, as they appear.

Mr. CASE. That is right.

Mr. STENNIS. That would leave, of course, then, the words "Laos, North Vietnam, and Thailand," as they appear now in the bill.

Mr. President, the Senator from New Jersey has correctly stated the understanding that we have had about this legislation, and we have agreed, for the purpose of this legislative step, that this modification of section 513 will put the section where it may stay in the bill in that form, and we can move forward with the bill without any further amendment being filed or brought up by the Senator from Mississippi.

I do make the point, as the Senator has implied, that this is done without prejudice to a full consideration of the matter in conference, based on the facts as they may exist at that time.

Is that the Senator's understanding?

Mr. CASE. The Senator has stated correctly what his position is, and the basis on which his agreement not to oppose this amendment or to offer another amendment to this section is based.

Mr. STENNIS. I thank the Senator, and I wish to make this further explanation: I think leaving the word "Laos" in here——

Mr. CASE. That is another section.

Mr. STENNIS. I beg the Senator's pardon?

Mr. CASE. I thought the Senator was talking about another section.

Mr. STENNIS. No, I am talking about the same section. I think that leaving the word "Laos" in the bill as now written is perhaps a contradiction of a provision on the same subject in the military procurement bill we passed 2½ weeks ago. However, I think that to get all the real facts on this matter before the Senate now would require a closed session. There is hardly time for that now, and I do not think there is any mood for it, either. So, as an original proposition, and without prejudice, we agreed to let this matter go as has already been outlined, and then in conference there will be a chance to really consider and discuss any facts that might be relevant; and I would rest on the decision that is made by the conferees.

Under those circumstances, I hope that the modification will be acceptable to the Senate. I have talked with some Senators about supporting my position in this matter, and I now withdraw the request because I believe this meets the situation.

Mr. CASE. Mr. President, I yield to the chairman, if he wishes to make comment.

Mr. FULBRIGHT. I am in full agreement with that.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. I want the record to show that I consider this an important matter and that I am free to follow it up, as is the Senator from New Jersey, of course, or anyone else—the chairman of the committee or anyone else—and get the facts together and get it before the conference.

Mr. CASE. The situation is that the matter will be in conference, because the House bill does not contain any provision on this subject.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho, by unanimous consent, yielded to three Senators in order, the first of those Senators being the Senator from New Jersey.

Mr. FULBRIGHT. Mr. President, under the agreement, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 34, line 4, strike out the words ", Laos, or South Vietnam."

The PRESIDING OFFICER. Without objection, the amendment will be in order.

Who yields time?

Mr. FULBRIGHT. I yield myself 2 minutes.

Mr. President, this is exactly the same circumstance as the previous one, by agreement with the Senator from Mississippi. We have discussed this matter. This involves the return to the Committee on Foreign Relations of jurisdiction over military assistance to Laos, South Vietnam and Thailand.

We have agreed to strike out South Vietnam and Laos but to retain Thailand. The Senator from Mississippi does not disagree, I may say, with the return ultimately of the jurisdiction over Laos and South Vietnam, but he thinks it is premature to put it in this bill at this time. Therefore, by mutual agreement, I have agreed to this modification.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from Arkansas has correctly stated the matter. Thailand is left in the bill; and military assistance hereafter, if this becomes law, will be handled by the Committee on Foreign Relations. I am willing that, in the future, jurisdiction with respect to Southeast Asia be returned to the Committee on Foreign Relations. I think that while we are there and our men are there and the activities are going on, we ought to keep it where it is, because they have to be considered together. I appreciate the Senator's position.

With that, I am satisfied with the section as modified.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. Who is acting for the minority leader? Does the minority leader yield back the remainder of his time on this amendment?

Mr. GRIFFIN. I yield back the remainder of the time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I have a technical amendment that does not affect the bill at all, except to clear up a typographical error.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 20, line 18, after "1969,", insert the following: "$350,000,000 for the fiscal year 1970, and".

The PRESIDING OFFICER. Without objection, the amendment is in order. Who yields time?

Mr. FULBRIGHT. I yield myself 1 minute.

Mr. President, this has no effect upon the bill at all. It is a mistake, a typographical error, on the part of the staff in preparing the bill. They did not make many errors, but this is a hard bill to keep straight. This amendment has no effect on anything substantive in the bill.

I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

AMENDMENT NO. 546

Mr. STENNIS. Mr. President, I send to the desk an amendment on which we have agreed. I do not think it will take more than a minute or minute and a half.

Mr. CHURCH. Mr. President, I have no objection, on the basis of the same qualification.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 57, line 7, after the word "responsibilities" insert the following words: "within the jurisdiction of these committees", and on line 11, after the word "information" insert the following words: "within the jurisdiction of these committees".

The PRESIDING OFFICER. Without objection, the amendment is in order. Who yields time?

Mr. STENNIS. I yield myself 1 minute.

Mr. President, this is another amendment on which we worked out an agreement with the Senator from Arkansas. It relates to reports being made by the Department of State to the Committee on Foreign Relations, and we are in favor of that. The language was so broad, however, that we thought it would include some items over which the Committee on Armed Services has primary jurisdiction. These words merely correct and clarify that point, and I hope the amendment will be adopted.

Mr. FULBRIGHT. Mr. President, I wish the Record to show that that is exactly what we agreed. There was no intention of the committee to usurp any jurisdiction of the Armed Services Committee. This amendment clarifies the intention of the committee.

I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

The PRESIDING OFFICER. In accordance with the previous order, the Chair recognizes the Senator from Utah (Mr. Moss).

ESTABLISHMENT OF ARCHES NATIONAL PARK, UTAH

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 30.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendment of the House of Representatives to the bill (S. 30) to establish the Arches National Park in the State of Utah, which was to strike out all after the enacting clause, and insert:

That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "'Boundary Map, Proposed Arches National Park, Utah," numbered RPSSC–138–20, 001E and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Sec. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

Sec. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Sec. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purpose of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $125,000 for the acquisition of lands and interests in lands and not to exceed $1,031,800 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reasons of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Mr. MOSS. Mr. President, the purpose of this bill is to establish Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership. Arches National Park is carved out of a larger area consisting of 82,952 acres which is presently being administered as Arches National Monument under Presidential proclamation.

The House amended the Senate bill in several particulars, and I would like to describe briefly the difference between the two bills.

The House deleted 160 acres from the Senate version to perfect the boundary in accordance with recommendations of the National Park Service, Department of the Interior.

Both bills recognize that abrupt termination of grazing rights within the area of the new park could work undue hardship on individuals who hold these grazing rights. The Senate bill provides that a grazing permit might be extended for 25 years from the date of enactment, or even beyond under certain conditions. The House version of the bill provides that persons holding such grazing privileges now, or their heirs, may hold the permit for the remainder of its term, and one period of renewal thereafter.

The Senate bill allows owners and operators of cattle and sheep herds to continue to trail these herds on traditional courses used by them prior to enactment of the bill. The House bill gives the Secretary of the Interior the right to designate these driveways and to promulgate reasonable regulations providing for the use of such driveways.

The Senate bill directs the Secretary of the Interior to study proposed wilderness areas within Arches National Park and to submit recommendations to Congress. The House bill provides that such a study must be made but requires that a report be submitted to Congress within 3 years.

The Senate bill provides for a study of road alinements within and adjacent to the national park, to be made by the Secretaries of Interior and Transportation, in consultation with the other Federal departments involved, and with the State of Utah. The House bill makes the Secretary of Interior mainly responsible for the study, eliminating the Department of Transportation, and provides that not only the State of Utah but its political subdivisions shall be consulted.

And, finally, the House wrote into the Senate-passed bill a limitation of $25,000 for future land acquisition costs and $1,031,000 for development of Arches National Park. This is the amount in each instance, estimated by the National Park Service.

Mr. President, although I preferred some parts of the Senate version of the bill, particularly with respect to the duration of grazing privileges and the trailing of herds in the park, I do not wish to delay any further this legislation which will establish a new national park for Utah. Moreover, I welcome the inclusion of the counties for consultation on roads.

Mr. President, I move that the Senate agree to the amendments of the House to S. 30.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho (Mr. Church).

Mr. CHURCH. My amendment reads as follows:

On page 32, line 11, strike out "565,000,000" and insert in lieu thereof "$452,000,000".

I yield myself such time as I may require.

Mr. President, this amendment would reduce the authorization for military grant aid from $565 million to $452 million, a 20-percent reduction.

In the 1970 fiscal year, Congress appropriated only $350 million for military grant aid and the same amount was authorized for fiscal 1971. But late last year the administration submitted a supplemental request which doubled the amount Congress originally authorized—making a total of $690 million for fiscal 1971. My amendment would authorize $102 million more than Congress provided in fiscal 1970 and also in fiscal 1971, before the supplemental was added on.

The amounts for military aid to be authorized by this bill is only a fraction of the total military aid proposed to be provided to some 50 countries this year. Actually, the grand total comes to some $5 billion—my amendment amounts to only one fiftieth of this and that does not include the total—the Defense Department's cash sales of arms or commercial sales.

The generosity with which we dispense arms around the world is illustrated by the fact that in the supplemental last year—in the House bill—the United States gave Lebanon $5 million which they did not even ask for.

How many Senators in this Chamber now would like to receive $5 million, without having asked for it, for public works or other projects in their States? But, apparently, military aid to foreign governments is conceived and administered on a different basis.

I believe that the times call for trimming our foreign aid sails—military and economic. This amendment would reduce the authorization for military grant aid by $113 million.

The House bill, as contrasted with the Senate bill, authorizes $705 million for military grant aid, so that even if the amendment is adopted, when the difference is split in conference, the reduction will be very modest within a total package of $5 billion.

It seems to me that so modest a reduction could easily be absorbed, and on that basis, I hope the Senate will adopt this Church amendment.

Mr. FULBRIGHT. Mr. President, we dealt with this matter in committee. I voted to cut the item. I am in favor of the Senator's amendment, and if there is someone opposed to it, I would be pleased to give them time if they require it.

Mr. JAVITS. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I am happy to yield. How much time does the Senator wish?

Mr. JAVITS. Five minutes.

Mr. FULBRIGHT. I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. Allen). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I understand that this amendment appears—if the author would advise me on what page?

Mr. CHURCH. If the clerk will read the amendment again.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 32, line 11, strike out "$565,000,000" and insert in lieu thereof "$452,000,000".

Mr. JAVITS. Mr. President, I believe—and I will stand corrected if I am wrong because I have got into this thing suddenly with the distinguished Senator from Vermont (Mr. Aiken) leaving the Chamber—but I believe this also includes the figure for military sales, does it not?

Mr. CHURCH. Just military grant aid.

Mr. JAVITS. Just military grant aid. I thank the Senator.

Mr. President, the best argument with respect to this matter is that the committee, with full cognizance of the details and recognizing the responsibilities which the United States carries for its own security—which is often very much more intelligently and inexpensively dealt with through other countries—has provided for a figure which was 20 percent less than the figure chosen by the administration.

After extensive debate in committee, with all the facts and figures before us, including the recipient countries, we decided to cut 20 percent. There were views in committee, and the Senator from Idaho and the Senator from Arkansas have already made those views clear, relating to a cut which would be in excess of that. As I figure the difference, the cut which the Senator from Idaho wishes to make would make the total cut somewhat in excess of one-third.

There was a prospective cut in committee of 40 percent. With an opportunity to vote on it, we rejected it out of hand, because we thought it was unwise in the interest of the various tasks which we had to perform around the world.

I hope very much that the Senate will reject the cut endeavored to be made here on the floor. I say that for this reason: I am not a devotee of military aid programs. I am also deeply mortified and concerned that the economic aid programs which suffered so severely at the hands of those who would cut them—and it is interesting to me that the same Senator, in the utmost good faith, who cut specific aid, should now be also cutting military aid, because underlying this whole proposition on the drastic cuts is a serious question in the minds of the Senator from Idaho (Mr. Church) and other Senators, I am sure, who support that position, that, really, the whole foreign aid program should be discontinued and we should work through multilateral organizations.

Mr. President, unfortunately for us, especially in the military field, the world situation does not allow us that latitude. We have, for, example, a nettling and deeply troubling problem of what we should do with regard to the Americas, what about the need to supply them with military material or whether we should, as some in committee would have us do, completely eliminate any military materiel support for the countries of the Americas. We have sharply limited it, anyhow, but most members of the committee felt that we would rather maintain a degree of coordination in relationship between military establishments which do and are bound to exist and which, if they did not buy from us would buy from European countries or other countries, including the Soviet Union, rather than relinquish that part of the relationship which is so, still—because of imperfections found all over the world—critically important with other nations, including those in Latin America.

For that complex of reasons, Mr. President, I hope very much that the Senate will not do what the committee refused to do by a majority of its Members, that is, to take the drastic cut in general in the military assistance provision which is here recommended; but will, rather, back the majority of the committee in limiting the cut to the 20 percent figure which the committee itself, in an honest desire to bring to the floor a bill which would have material reductions, felt it needed to bring to the floor.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes to make this comment, the vote in the committee was not by a large majority. There were many votes trying to arrive at an amount for this item. There was, for example, a vote on $500 million and the vote was 7 to 8. Then a 15-percent cut was voted on and it was 6 to 6. It was a closely divided vote on the subject.

I want to make it clear that there was not any overwhelming vote in the committee for the amount in the bill. I do not want to have the impression that there was.

The other point I want to make is that this amount will be in conference. The House has authorized a much larger amount. Traditionally, whether we like it or not, we will split the difference with the House. In order to give the Senate conferees an opportunity to make some cuts, I think the amendment of the Senator from Idaho is in order. That was one of the reasons, of course, why I voted that way in committee. I believe the Senator will agree that this was a close matter in committee.

Mr. JAVITS. Mr. President, in the first place, I said, when I spoke, that when a majority had voted—I did not say a great majority——

Mr. FULBRIGHT. A bare majority.

Mr. JAVITS. Yes, but I do think—with all respect to my distinguished chairman whom I most always do my utmost to follow when I can humanly do so—the fact that there was a small majority on so many votes, and that after all there were conflicting opinions which were unraveled, we did come to what seemed to be the consensus conclusion. It seems to me rather sustained and does not invalidate the thesis which I espouse.

In other words, a hardened, total, finally compromised result deserves to be sustained by a deliberative body more than one which is swept through by a huge majority, the presumption being that no one thought about it too seriously or was motivated by the deep and extensive arguments made so thoroughly in our committee.

I agree that there were many votes. There were narrow majorities. However, I think that buttresses rather than destroys the thesis which I espouse.

Mr. CASE. Mr. President, will the Senator yield me 1 minute?

Mr. AIKEN. Mr. President, I yield time to the Senator from New Jersey.

Mr. CASE. Mr. President, I do not want to prolong the debate.

But I feel a certain responsibility in this matter, since mine was the swing vote in committee on whether or not an additional 20 percent cut should be made in military assistance. I voted against making such a cut, for I believed that sufficient reductions had already been made in this program.

I wish only to add that the bill as reported out by the committee contains a good deal tighter system of controls on military spending than we have ever had before. Because we have made considerable progress in closing many of the loopholes in the Foreign Assistance Act, I feel that we should avoid any further cuts.

Mr. AIKEN. Mr. President, some members of the committee wanted no cuts at all. Others wanted a 40-percent cut. The majority felt that a 20-percent cut would be adequate, and that is what we agreed on.

I have talked with the State Department and found that they had no serious objection to a 20-percent cut. I thought that their cooperation was a lot better than opening any further controversy between us and the administration.

I hope we can hold the 20-percent cut in conference. However, we know how the House conferees are. So I think we should stick to that 20-percent cut.

I am not going to vote for the amendment offered by the Senator from Idaho, much as I admire him and much as I have so often chose to work with him.

Mr. CHURCH. Mr. President, this amendment is limited only to military grants in aid. It does not affect any credit sales program; it does not affect aid that is funded through other bills. In fact, this bill encompasses a small part of the total military assistance package, the total package approaching $5 billion.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. FULBRIGHT. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think it is very important as we vote upon this proposition that we understand the matter very clearly.

In the first place, the amount authorized here has been cut 20 percent. The Senator from Idaho (Mr. CHURCH) wishes us to assume that, notwithstanding the nature of our cut, we are going to cave in in conference.

I hope that we will not make an across-the-board deal in conference to the effect that each item will be cut by so many percentage points.

The President requested for the military assistance program $705 million. The committee granted $565 million.

Here is the place where the burden of the cut will fall. It is very important that we know what we are doing. We have just, by a record vote, voted to increase the ceiling for Cambodia by $90 million. $200 million of the aggregate $565 million voted by the Foreign Relations Committee goes to Cambodia under that ceiling.

It seems strangely anomalous that we should on the other hand by divided vote raise the Cambodian ceiling, bearing in mind that the Foreign Relations Committee provided only $250 million in that ceiling, and I voted for that. However, now that the Senate has expressed its willingness to raise that ceiling, the Senator from Idaho has proposed his amendment.

The next largest amount is for Korea, $239 million. Again we have to ask ourselves whether we want to impose yet an additional cut in that particular situation at this time. And, incidentally, these three figures, $239 million, $200 million, and the figure for Turkey, which is $100 million, takes up the whole sum. Everything else is small. Turkey gets $100 million. These are the three principal recipients—Cambodia, where we ourselves set a higher ceiling, Korea, where we have a very serious situation in terms of security, and Turkey which is one of the bulwarks in the NATO.

I shall vote against the amendment.

We should consider seriously whether this represents a provident and consistent policy in view of what we have done about Cambodia, which is one of the principal recipients of the amount provided.

I have a real sense of fidelity to the degree of danger involved in this matter. I hope very much that the Senate will give it the respect and the weight which it deserves.

The Senator from Idaho certainly is acting within his right and duty if he feels that we should reverse the committee and accept the position which represented the minority rather than the majority position of the committee.

I hope very much that the Senator will not go along.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Idaho because I believe that our military assistance program is the worst aspect of the bill now before us, contaminating what remains by its very presence.

First, it is the clearest example of how this Nation has overreached itself. The cut of $113 million from the $565 million now in the bill is really a most modest reduction in the role of the United States as the world's foremost Santa Claus of guns, planes, and tanks. Our image in other nations is dressed in khaki and carrying a rifle. The administration has requested more than $4 billion—I repeat $4 billion—for military assistance for fiscal 1972.

I ask unanimous consent for a table showing these requests to appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Military assistance funding—comparative data

Fiscal year 1970 appropriation	$350,000,000
Fiscal year 1971 appropriation	[1] 690,000,000
Fiscal year 1972 authorization request	705,000,000
House action:	
Fiscal year 1972	705,000,000
Fiscal year 1973	705,000,000
Committee recommendation	565,000,000

[1] Plus $60,000,000 in funds transferred from supporting assistance.

Military assistance and related programs—proposed fiscal year 1972 levels

[In millions of dollars]

Military Assistance Service Funded	$2,230.8
Military Assistance Program	731.5
Foreign Military Credit Sales	582.0
Excess Defense Articles [1]	324.0
Ship loans [2]	90.1
Total	3,958.4

[1] Valued at approximately one-third of acquisition cost.

[2] Valued at acquisition cost.

PROPOSED MILITARY ASSISTANCE AND RELATED PROGRAMS FOR FISCAL YEAR 1972, BY REGIONS AND MAJOR RECIPIENTS

[In millions of dollars]

Region/country	Regular MAP	Other military programs	Total
East Asia and Pacific	$501.1	$2,523.0	$3,024.1
Cambodia	200.0	11.0	211.0
Indonesia	24.9	3.0	27.9
Korea	239.4	402.9	642.3
Laos		125.8	125.8
Taiwan	19.5	93.0	112.5
Thailand		77.2	77.2
Vietnam		1,789.1	1,789.1
Near East and South Asia	167.0	533.8	700.8
Greece	19.8	98.0	117.8
Turkey	99.7	71.8	171.5
Latin America	9.8	73.8	83.6
Africa	19.0	18.6	37.6
Europe	14.0	57.6	71.6
Other	20.4	20.0	40.4
Total	731.5	3,226.9	3,958.4

This bill simply deals with a small portion of the total military aid package. Is it not time to reduce this unwise expenditure of funds?

Second, while this program allegedly helps the recipient nations to defend against attack, in fact it is used all too often to bolster regimes against political opposition.

We find ourselves supporting counterinsurgency efforts that result in the preservation of authoritarian regimes. I would mention only Greece, Pakistan, Brazil, and Cambodia to indicate the kinds of regimes that we are supporting with military assistance. And I would call attention to testimony before the Subcommittee on Western Hemisphere Affairs which indicates quite clearly that our military assistance program frequently works against our own interest. When students at the University of Brazilia found themselves under attack by police they discovered the police were carrying equipment labeled U.S.A. These kinds of incidents convince me that our military assistance program can be reduced and reduced substantially without detriment to our interests.

And in terms of our priorities, the expenditure of more than $4 billion in military assistance abroad represents a gross distortion in the use of our national resources.

I therefore would urge that the Senate support the amendment to reduce the military assistance program by 20 percent.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, let us not misunderstand the Cambodia situation. We did not raise the ceiling for military spending above the level the President planned all along. We set it at that level, and the President himself looked at the whole grant aid program and the whole foreign aid package and said he would reduce it 10 percent.

If we do not agree to this amendment, the likelihood is that in conference we will come out, after splitting the difference with the House, with a figure that exceeds the amount the President himself intends to spend.

Mr. President, that is the anomaly.

So I suggest if we want to affect any savings at all, however modest, it is necessary to agree to the amendment.

Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I do not think anything is to be gained by more discussion. If I have time remaining, I yield it back.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly?

Mr. AIKEN. I yield.

Mr. JAVITS. Mr. President, in adopting an amendment with respect to American schools and hospitals, which cut the amount in half, I feel, and the Senator from Vermont (Mr. Aiken) agrees—it was his amendment—that the intention was that there should be a fair distribution based on merit of whatever was ultimately appropriated among all the schools and hospitals listed in the Senate committee report and the House committee report, or others they might add, and all the money should not be used for the first chosen schools and hospitals of the State Department.

To carry out that intention, I have a letter from John A. Hannah, of the Agency for International Development of the State Department, dated October 29, 1971, which confirms that.

Mr. AIKEN. Mr. President, the Senator is correct. The bill as it stands now calls for a 50-percent increase in funds for American supported hospitals and schools.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record the letter from Mr. John A. Hannah, Administrator of the Agency for International Development.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C., October 29, 1971.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: We very much appreciate your continuing interest in our American Schools and Hospitals Program.

Within the funds ultimately appropriated by the Congress, if we are given discretionary authority in making fund allocations, it is our intention to weigh all qualified applications on the basis of merit and in accordance with A.I.D.'s criteria for such assistance.

All of the institutions listed on page 16 of the Report of the Foreign Affairs Committee of the House, and all of the institutions listed on page 23 of the Report of the Foreign Relations Committee of the Senate, will be given consideration on the same basis as the institutions listed by A.I.D. on page D 90 of the 1972 Program Request to the Congress.

Sincerely,

John A. Hannah.

Mr. AIKEN. Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER. All time is yielded.

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho (Mr. Church). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPARKMAN. Mr. President, on this vote I have a live pair with the senior Senator from Louisiana (Mr. Ellender). If he were present and voting, he would vote, "yea." I have already voted, "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. Mondale), the Senator from California (Mr. Tunney) and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Washington (Mr. Jackson).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. Tunney), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from New Hampshire (Mr. Cotton), the Senator from Kentucky (Mr. Cooper), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Arizona (Mr. Goldwater), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Carolina (Mr. Thurmond) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senators from Nebraska (Mr. Curtis and Mr. Hruska) and the Senator from Texas (Mr. Tower) would each vote "nay."

On this vote, the Senator from New York (Mr. Buckley) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from New York would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 47, nays 27, as follows:

[No. 283 Leg.]

YEAS—47

Allen
Anderson
Baker
Bayh
Bentsen
Bible
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cranston
Dole
Dominick
Ervin
Fannin
Fulbright
Harris
Hart
Hatfield
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
McIntyre
Metcalf
Montoya
Moss
Nelson
Pastore
Pell
Proxmire
Randolph
Roth
Saxbe
Spong
Stevens
Stevenson
Symington
Talmadge
Weicker
Williams

NAYS—27

Aiken
Allott
Beall
Bellmon
Bennett
Boggs
Brooke
Case
Eastland
Fong
Griffin
Gurney
Hansen
Humphrey
Javits
Mathias
Packwood
Pearson
Percy
Ribicoff
Schweiker
Scott
Smith
Stafford
Stennis
Taft
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, against.

NOT VOTING—25

Buckley
Cooper
Cotton
Curtis
Eagleton
Ellender
Gambrell
Goldwater
Gravel
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Long
McGee
McGovern
Miller
Mondale
Mundt
Muskie
Thurmond
Tower
Tunney

So Mr. Church's amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GURNEY. Mr. President, I have an amendment at the desk, which I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GURNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Gurney's amendment is as follows:

On page 29, line 22, after "Sec. 108." insert the following: "(a)".

And on page 32, between lines 5 and 6, insert the following:

"(b) (1) There is established a Joint Committee on the United Nations to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

"(2) The Joint Committee on the United Nations shall make a study of the financial and political participation of the United States in the United Nations and of the effectiveness of that international organization as it is presently constituted, and shall make necessary recommendations as to the future participation by the United States of America in the United Nations. Furthermore, the Committee shall recommend necessary modifications to the existing structure of the United Nations, and, with the approval of the Congress, these recommendations shall be presented to the President of the United States. The Committee shall submit its report containing said recommendations to the Congress no later than July 1, 1972 and shall terminate thirty days thereafter.

"(3) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a chairman and a vice chairman from among its members. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

"(4) In carrying out its duties under this chapter, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and time, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary; Provided, however, that no measure of recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The Joint Committee may use a committee seal. The provisions of sections 192–194 of Title 2, shall apply in case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section. The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers by the chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the Joint Committee. Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

"(5) The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

"(6) The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information.

"(7) The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committees records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct.

"(8) There is authorized to be appropriated to the Joint Committee on the United Nations a sum not to exceed $250,000, to carry out the purposes of this subsection."

Mr. GURNEY. Mr. President, the amendment establishes a joint committee of 9 members each from the Senate and the House and charges it to study the financial and political participation of the United States in the United Nations, make recommendations for our further participation politically and financially, and report back by July 1, 1972, with recommendations.

If one thing has been apparent in the debate which we have had there this week on the Senate floor, it has been that, regardless of what one feels about the United Nations, its usefulness, its effectiveness, and our participation in it, our financial commitment is too high—last year being $317 million—and that the charter itself needs substantial revision in order that larger nations with great populations, which make large contributions, have more weight in the voting and affairs of the United Nations than some of the smaller nations, many of them with less than 1 million in population. One nation has only 200,000. All of these factors were apparent and were outlined in the Lodge Commission report which was rendered this past year.

It seems to me the only way we are going to come to grips with this problem is for the Congress itself to go ahead with specific recommendations and enact legislation on the ways for us to participate in the United Nations.

That is the reason that I have offered this amendment, which would accomplish that purpose. I would hope the committee would look favorably upon it.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I have discussed this matter with the distinguished Senator from Florida. I am very sympathetic to the objectives of his proposal, but it has not been submitted prior to just a few moments ago. The committee has not had an opportunity to consider it. It involves not only the substantive question, but the question of jurisdiction of committees and the method of appointing the joint committee. It is the kind of subject, it seems to me, that ought to be presented in a separate resolution, so that the proper committees could consider it.

I say to the Senator that I am sympathetic with the objectives. The committee has often discussed the question of what to do with mini-states issue, and the difficulties of responsible legislation in the United Nations.

But I submit that at this late date, I just could not accept it. I will commit myself, at the proper time, as soon as the committee can hold a hearing on it, if the Senator will submit it as a resolution.

The Committee on Foreign Relations has specific jurisdiction over this subject, and while I will have the hearing, I cannot assure the Senator that we will approve it, or that I will approve it. But I just could not accept a matter of this consequence at this late date.

I shall make only one other point: It is true that Congress ought to express itself, but we cannot by law change the Charter of the United Nations. All we can do is recommend that our representatives in the United Nations seek to do certain things, and that is what I think we should do, in due time. I am for that, and I am certainly for improvements in the way the United Nations operates.

This is not new. There ought to be some committee system, in which there is jurisdiction given to certain committees for specific purposes, in order to make their procedures more effective. But I just could not take the Senator's amendment at this late date.

I will say the committee will have a hearing on whatever resolution involving this matter is presented, and we will give the Senator an opportunity to appear, if he wishes to, and to present some witnesses.

Mr. GURNEY. I thank the distinguished chairman of the Committee on Foreign Relations. It is a fact, as he has pointed out, that we did not discuss this matter prior to the submission of the amendment. I agree that it is a drastic approach to the problem of the United Nations and our participation in it, and I think it should receive the consideration of the committee.

So, with the assurance of the chairman that he will hold hearings, I will introduce the proposal as a separate resolution, and express the hope that he will hold hearings as conveniently as possible. With that statement, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. FULBRIGHT. Mr. President, I yield one-half minute to the Senator from Nevada.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have a situation to present to the Senate, in which I will be very brief:

At approximately 4:15 p.m. today, an amendment proposed by the Senator from Alaska (Mr. STEVENS) for himself and the Senator from Arizona (Mr. GOLDWATER) was adopted, which stripped the power of the AID administration to make loans at rates of interest less than the Treasury of the United States had to pay for money. It is the so-called concessional terms amendment. This amendment had been briefly eluded to in an earlier days debate in rather eliptical terms in a brief colloquy between Senator GOLDWATER and Senator FULBRIGHT.

That is a very serious and damaging amendment to the bill, and had I been here, I would have violently opposed it. But at that particular time, many Senators were hearing President Tito.

The matter does fall between two stools. We were assured that there would be no votes on amendments until 4 p.m. by the distinguished majority leader. President Tito stayed later. This was 4:15; he was still there, and we could not leave. It would have been very discourteous to a respected and honored visiting head of state to leave. However, during this very time interval a sweeping amendment was passed by voice vote by a nearly empty Senate Chamber.

Mr. President, I would move to reconsider the vote on the amendment, since it was adopted on a voice vote accepted by the temporary manager of the bill. Therefore, I could move to reconsider.

However, I understand the condition and mood of the Senate, so I simply say this, that I hope—and I know the conferees are men of conscience—that they will take into consideration the conditions under which this amendment was adopted, as it will be in conference in connection with what is to be its disposition in our arrangement with the House of Representatives, bearing in mind that had it not fallen in this rather unfortunate vacuum it would have been strongly opposed on the floor.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. STEVENS. I would like to make certain that the Senator understands I had no notice that he had raised any objection to this amendment. It is an amendment which was discussed on the floor at some length 2 days ago, and I had no notice that the Senator had any objection to it.

I still strenuously believe it is a good amendment, and I hope the record will stand for itself.

Mr. JAVITS. The record will stand for itself. That is why I made the statement that I did. I ask unanimous consent that statements prepared to show how seriously harmful this amendment is be printed in the RECORD as a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

INCREASE IN INTEREST RATES

A.I.D. strongly opposes any amendment to increase the minimum interest rates on A.I.D. loans.

The less developed countries cannot afford to meet their development needs without loans on truly concessional terms. If they could afford to borrow money at commercial or near-commercial terms, there would be no need for foreign assistance.

An increase in interest rates would reduce the value of American aid, cut down the amount of foreign exchange available to less developed countries to procure U.S. products and services, and encourage other developed nations to reverse their recent trend toward lower interest rates.

Most aid to the less developed countries in Asia, Africa and Latin America has been financed by loans that must be repaid in hard currency with interest. Instead of reinvesting their gains in activities to support further growth the less developed countries have had to divert a considerable share of these gains into payments on foreign debts. The result of high cost aid is a staggering debt burden for the world's poorest nations.

The total public external debt of less developed countries reached about $59.3 billion at the end of 1969 compared with about $10 billion at the end of 1955.

The annual cost of servicing these debts has climbed from less than $1 billion in 1955 to $5.1 billion in 1968.

In 1969 49% of total aid from the rich to the poor countries of the free world is offset by reverse payments from the poor to the rich countries in service of past debts. In some countries the net transfer is approaching zero.

An increase in A.I.D. loan interest would add to that burden and tend to reverse the whole thrust of U.S. aid policy.

Since 1960, the U.S. has pressed other aid donors to improve the terms of their aid.

The United States set the example with its Development Loan program. Large-scale U.S. capital aid was financed by dollar-repayable loans to insure financial discipline but nominal interest rates and very long maturities in view of the limited ability of the poorer countries to service debt.

Other aid donors have responded to U.S. leadership. Between 1964 and 1969:

Canada dropped its average loan interest rate from 4.7% to 0.3%.

The United Kingdom dropped rates from 4.1% to 1.2%.

Japan dropped from 5.8% to 3.7%.

Denmark moved from 4% to interest free loans.

In contrast the terms of U.S. aid have hardened steadily since 1961.

Today nine other DAC countries provide aid on better terms than the United States—Australia, Denmark, Norway, Sweden, Belgium, The Netherlands, Canada, France and the United Kingdom. So does the Soviet Union.

Interest rates on A.I.D. loans have been raised four times since 1961 when A.I.D. Development Loans were made repayable in dollars at a minimum interest of ¾ of 1%.

In 1964 the minimum interest rate was raised to 2% following the 10-grace period.

In 1965 it was raised to 1% during the grace period and 2½% thereafter.

In 1967 the rate during the grace period was raised from 1% to 2%.

In 1968 the rate was raised from 2½% to 3% following the grace period.

The higher interest rate would apply not only to Development loans and Alliance loans, but also to convertible currency credit sales of American agricultural products under P.L. 480. Under P.L. 480 all credit sales must be for dollars or convertible currency by the end of 1971. Higher interest rates may raise the cost of American food above the level hungry countries can afford.

Any interest rate increase would make U.S. economic assistance more costly than the DAC average. It would encourage other DAC members to reverse the progress of the past five years and harden their aid terms.

The goal of the A.I.D. program is to deliver the maximum in American equipment, training and technical skill for every appropriated dollar. Higher interest rates divert more into debt service at the cost of actual delivered assistance, diluting the value of our aid and producing less real growth per dollar.

THE 1970 REVIEW—DEVELOPMENT ASSISTANCE

(Report by Edwin M. Martin, chairman of the development assistance committee)

III.—TERMS AND CONDITIONS OF ASSISTANCE

1. Recent trends in financial terms policies

(a) The overall position in 1969

For DAC Members as a group, commitments of official development assistance in 1969 amounted to $7.75 billion, a decline of $350 million from 1968. Loan commitments fell by $730 million while grant commitments increased by $380 million. As a result the share of grant commitments rose from 58 per cent to 66 per cent.

On the other hand, the terms of official development loans hardened a little for DAC Member countries combined. The average interest rate rose from 2.7 to 2.9 per cent, and maturities and grace periods fell slightly, from 31 and 7.2 years, respectively, in 1968 to 28 and 6.7 years in 1969. This was mainly due to a lower volume of commitments by the most concessional lenders and increased commitments by countries having harder programmes, notwithstanding the improved terms of the latter.

However, despite these slightly harder terms, the increase in the grant share of commitments was enough to increase the overall concessional element of official development assistance[1] from 80 to 85 per cent.

(b) Individual country positions in 1969

As in the past, the *Australian* official development assistance commitments in 1969 consisted entirely of grants the multilateral portion of which increased significantly.

The *Austrian* programme was notable for a general softening of terms. The grant share rose from 51 to 69 per cent and the grant element of loans from 25 to 33 per cent. The combined effect was an increase in the total grant element from 64 per cent in 1968 to 79 per cent in 1969.

For *Belgium* the grant share in official development commitments remained almost unchanged at around 94 per cent, but the average terms of official development assistance loans improved markedly and reached almost the new "DAC average" terms of 61 per cent grant element, as set out in the 1969 Supplementary Recommendation.

The *Canadian* programme showed a marked increase in the volume of both grants and loan commitments but the grant share in total official development assistance dropped from 83 to 60 per cent. The grant element of loans decreased slightly from 91 to 88 per cent although virtually all loans were extended at the Canadian standard terms of zero interest, 50 years maturity and 10 years grace period. Given this extremely soft loan programme, the drop in the grant share did not significantly affect the overall grant element of official development assistance which decreased only slightly from 97 to 95 per cent.

The structure of *Denmark's* aid programme was characterised by an increase in the grant share from 57 per cent in 1968 to 78 per cent in 1969. A significant rise in both bilateral and multilateral grants more that offset the decline in development loans, the financial terms of which remained unchanged. This led to an increase in the total grant element of development assistance from 90 per cent to 95 per cent.

In the *French* programme, the grant share increased from 72 in 1968 to 75 per cent in 1969. Since the relatively hard loan terms remained unchanged with a grant element of only 35 per cent, the grant element of total official development assistance rose from 81 to 84 per cent.

For *Germany*, the average terms of official development lending showed a slight improvement due to the lengthening of both maturities and grace periods. The grant share remained unchanged at 51 per cent so that the overall grant element rose from 74 to 77 per cent.

The overall grant element of the *Italian* programme declined from 50 per cent in 1968 to 43 per cent in 1969 due to the combined effect of a decrease in the grant share and a hardening of loan terms which remained at the harder end of the terms spectrum.

Japan's aid programme in 1969 saw a sharp rise in total official development assistance commitment, resulting from a significant increase in both loans and multilateral grants including capital subscriptions to multilateral agencies. This increase in volume, however, no more than put the Japanese programme back on the trend of recent years. The most notable feature in 1969 was the extension of two large rice loans at soft terms to Korea and Pakistan. The resulting increase in loan commitments, however, led to a marked drop in the grant share from 62 to 42 per cent. As a result, despite a slight improvement in loan maturities and grace periods, the overall grant element fell from 80 to 68 per cent.

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[1] The "concessional element" is found by subtracting the present value of scheduled future debt service payments (using a discount rate of 10 per cent) from the face value of a commitment; for a grant, the concessional element is 100 per cent, for a loan at 10 per cent it is zero.

The *Netherlands* average official development loan terms showed some improvement in 1969. At the same time, however, the volume of loan commitments decreased sharply. The grant volume also fell, but less markedly so that the grant share in the total programme increased from 52 to 70 percent. The combined effect was an increase in the overall grant element from 74 to 87 percent.

For *Norway*, the terms of official development loans, which account for less than 10 percent of the total programme, showed some significant softening, but the total grant element remained at 97 percent.

The terms of *Portugal's* official development assistance remained virtually unchanged as compared with 1968. A slight increase in the grant share led to an increase in the overall element from 73 to 74 percent.

The *Swedish* official development assistance programme in 1969 was characterised by a decrease in the volume of loan commitments only partially offset by an increase in grants. Average loan terms improved with respect to both interest rates and maturities resulting in an increase of their grant element from 73 to 82 percent. Since the share of grants rose from 75 to 85 percent, there was an increase in the total grant element from 93 to 97 percent.

For *Switzerland*, neither the size structure nor terms of official development assistance commitments changed appreciably in 1969. The overall grant element rose slightly to 93 per cent.

Terms and structure of the *United Kingdom*'s official development assistance commitments, whose volume continued to decline in 1969, remained unchanged as compared with 1968. The grant share amounted to 47 per cent, the grant element of loans to 66 per cent and the overall grant element to 82 per cent.

The *United States* official development assistance commitments declined by some 16 per cent, but this is mainly the chance result of the different recording basis used (fiscal year in the US against calendar year in DAC statistics). Loans dropped by almost 50 per cent, but there was a marked increase in the volume of grants, in particular multilateral contributions. The result was an increase in the grant share from 54 to 70 per cent. The overall grant element rose from 84 to 89 per cent, despite a slight hardening in loan terms.

(c) Performance under the 1969 supplement

The 1969 Terms Supplement was adopted only in February 1969 and the resulting policy changes, if any, could not have become effective in most countries until later in the year or in 1970. Nevertheless, DAC countries' terms performance in 1969 is now for the first time being evaluated under the new norm.

It is recalled that the 1969 Supplement covers official development assistance commitments only, i.e. that part of the official flow which is under the direct control of donors' aid administrations and is intended to promote development and to be concessional in character. Furthermore, a condition of the 1969 Supplement is that the volume at qualifying terms as a percentage of GNP is not significantly below the DAC average.

Under the *grant test* which requires that a minimum of 70 per cent of total official development assistance be in the form of grants, Australia, Belgium, Denmark, France, the Netherlands, Norway, Sweden, Switzerland and the United States qualified in 1969. However, because of the low volume of official development assistance committed, Switzerland cannot be considered as having complied with the 1969 new norms.

Under the *minimum concessional element test* ("A-route") which provides for transactions having *each* a minimum grant element of 61 per cent to reach at least 85 per cent of total official development assistance, Canada and the United Kingdom have qualified with a sufficiently large volume. Switzerland would have qualified if the corresponding volume had been large enough. Moreover, of the countries which qualified under the grant test, all, except France and the Netherlands, also qualified under the "A-route".

Under the *average concessional element test* ("B-route"), which provides for an average grant element of at least 85 per cent for the softest 85 per cent of official development assistance, Austria would have qualified if the corresponding volume had been sufficiently large. In addition, all the countries which qualified either under the grant test or under the "A-route" also qualified under the "B-route".

Six countries did not qualify at all under the 1969 Supplement: Germany, Italy, Japan and Portugal because their terms did not meet any for the three routes available, and Austria and Switzerland because, although having met the terms standards, they failed to commit a large enough volume.

As far as Germany is concerned, its terms performance shows up most favourably under the "B-route." While the norm requires that the softest 85 percent of official development assistance have an average grant element of at least 85 percent, in the case of Germany a grant element of only 84 percent was reached. Hence, only a minor further effort is needed to qualify fully under the 1969 terms standards. It now seems likely that this will be possible in 1970.

In contrast, Italy, Japan and Portugal must make further progress to come within striking distance of the terms provisions as well as, with the exception of Portugal, of the required volume at qualifying terms.

(d) Performance under the 1965 terms recommendation

Although attention now focuses on the 1969 Supplementary Recommendation, this Recommendation itself urges those Members who "are still far from the standards of the original 1965 Recommendation . . ., while keeping the new objectives in mind, to concentrate their efforts on first meeting the original objectives."

In 1969 nine DAC countries were in full compliance with the 1965 Terms Recommendation. Australia, Belgium, Denmark, France, Norway, Sweden and Switzerland complied with the grant test, i.e. they provided more than 70 per cent of their total official commitments in the form of grants. Canada and the Netherlands complied with the three alternative provisions: *i*) at least 81 per cent of total commitments as grants and loans at 3 per cent interest or less, *and ii*) 82 per cent as grants and loans with a maturity of 25 years or more, *and iii*) a weighted average grace period of at least 6.4 years.[2]

Among the other countries, two fell short of compliance only by a very small margin: The United Kingdom failed to comply under the grace period provision, and the United States under the maturity provision.

The remaining five countries—Germany, Austria, Italy, Japan, and Portugal—were not in compliance with any of the provisions of the 1965 Recommendation. While the German performance indicates some progress towards meeting this goal, the latter four countries were not yet within striking distance of it.

In 1965 eight countries were in compliance with the grant test in contrast to seven in 1969. However, two qualified under the alternative test in 1969, but none in 1965. Thus, eight countries were not in compliance with any of the 1965 provisions against seven in 1969. However, since 1965 six countries have improved their grant element in official flows appreciably against only 3 countries for which it has worsened. It would not appear that the pressure exercised by the 1965 Recommendation on the terms policies of donors has caused major improvements, although it is not possible to know how much worsening of terms it may have prevented.

2. *Financial terms and problems of indebtedness*

Donors' terms policies can only be fully evaluated in the context of the growing debt difficulties of developing countries. The paragraphs which follow are designed to throw some light on recent trends of the indebtedness position of the developing countries and the increasing burden of service payments for at least a number of them. In Annex II of this report some of the statistical relationships between the developing countries' debt servicing capacity and the donors' terms response are examined.

The data collected by the IBRD on indebtedness show that for the 81 developing countries for which such information is available, public and publicly-guaranteed debt outstanding amounted to some $47.9 billion at January 1st 1968 and to about $53.4 billion at January 1st 1969. Comparing these figures with earlier IBRD estimates—$42.7 billion at January 1st 1967, $37.8 billion at January 1st 1966 and $22.0 billion at January 1st 1962—one arrives at annual rates of increase of 13 per cent between 1966 and 1967, 12.2 per cent between 1967 and 1968 and 11.5 per cent between 1968 and 1969; between 1962 and 1968, the developing countries' indebtedness rose at a compound rate of 13.8 per cent per year (and 13.5 per cent per year between 1962 and 1969). A provisional estimate reveals an increase of over $6 billion in the external public debt in 1969, which would bring total indebtedness at January 1st 1970 to a level of almost $60 billion. All these figures include roughly one-quarter of debt undisbursed.

Eight countries account for half of the total debt, as well as for half of the total GNP of the developing countries: India, Brazil, Pakistan, Mexico, Indonesia, Argentina, Turkey and Iran. Debt service payments by the 81 reporting countries have been estimated at roughly $4.7 billion for 1968—$3.3 billion as amortisation and $1.4 billion as interest. The following table illustrates the trend of indebtedness and debt serving between 1962 and 1969.

During the period 1962–1968, the debt service burden for the developing countries has risen by 10.4 per cent per annum, i.e. at a slower pace than the volume of total debt outstanding. In fact, terms softened during the years 1962–1964 whereas in the latter part of the period they became again somewhat harder. Furthermore, the debt relief operations which have taken place in a number of large debtor countries during this period, led to a slower growth of service payment than would otherwise have been the case.

Moreover, the average annual growth rate of 10.4 per cent is considerably higher than that of the export earnings of those countries for the same period. From 1962 to 1968, their export earnings rose at an average annual rate of 7.2 per cent. More recently, however, there was a more vigorous increase: 10 per cent from 1967 to 1968 and 9 per cent from 1968 to 1969. The total figures conceal a wide disparity among individual countries.

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[2] The initial 7 years grace period as defined in 1965 is now equal to 6.4 years under the revised DAC statistical definition.

For example, the figure of 10 per cent is reduced to 6.5 per cent if the oil-exporting countries are excluded, though it must be noted that much of the increase in export credits has gone to these countries.

An important factor in aggravating the total debt service burden of developing countries has been the very substantial rise in export credits in recent years. While the net amount of official bilateral development loans was more or less stationary between 1967 and 1969 and net multilateral loan disbursements increased only modestly, export credits doubled during the same period. This is shown in the table below. To a large extent it is the responsibility of recipients to limit the volume of their export credit obligations to their debt servicing capacity. But it is also true that pressures to accept export credits become almost inevitable when donors cannot offer sufficient volumes of grants or loans at concession terms to finance capital goods imports believed to be needed to maintain planned rates of growth.

It is important to keep in mind that aggregate data on debt and debt service conceal the great variety of different situations in the individual developing countries. This is shown in the following table, in which the amounts of debt and of debt service payments in 1968 are compared for a number of countries. The ratio of debt service payments to debt itself is used in this context as an indicator of overall hardness of the composite flow of borrowing received by each country.

For all the developing countries as a group, their total debt service in 1968 was equivalent to 13.3 per cent of their debt outstanding, of which 9.4 per cent was accounted for by amortisation (corresponding to an average maturity period of 10.6 years) and 3.9 per cent by interest payments. As is shown in the table, these indicators differ considerably from country to country. For example, the indicators for India and Pakistan are significantly below the average, which suggests that the terms of debt outstanding for these two countries are relatively soft. However, if compared with the relevant indicator of debt servicing capacity, i.e. export earnings, the true burden becomes apparent.

Since 1956, eight developing countries—India, Brazil, Indonesia, Argentina, Chile, Turkey, Peru and Ghana—have negotiated 18 multilateral debt relief operations involving the consolidation of some $5 billion. Five other countries—Liberia, Yugoslavia, the United Arab Republic, Uruguay and Mali—had to negotiate similar bilateral agreements. While up to 1965 debt renegotiation arrangements concerned almost exclusively supplier credits, thereafter it has been necessary to include also government loans in these agreements for such countries as Turkey, India and Indonesia. This points to both the increasing seriousness and variety of debt problems.

On the donors' side, there has been a growing awareness of the debt problems of developing countries. Some DAC Members have made a deliberate effort to meet this situation by easier terms on new lending or by a higher grant share in their programmes. Where, in spite of these measures, balance-of-payments crises could not be headed off, the donors concerned have used other formulae to help the developing country out of its payments difficulties and to re-establish its credit-worthiness.

Notwithstanding the goodwill shown by both developed and developing countries, the basic problem persists: for the developing countries to acquire as much foreign capital as possible to accelerate their growth process without creating a viciously-cumulative indebtedness situation; for the donor countries to adjust the composition and the terms of their official assistance to the requirements of the individual recipients, taking full account of the need for terms harmonisation among them.

TABLE III-1.—THE STRUCTURE OF OFFICIAL COMMITMENTS—1969 COMPARED WITH 1968

[In million of U.S. dollars]

Country	Total ODA			Grants						ODA Loans			OOF Loans		
				Multilateral			Bilateral								
	1968	1969	Percent change	1968	1969	Percent change	1968	1969	Percent change	1968	1969	Percent change	1968	1969	Percent change
Australia	219	217	−0.9	18	27	50.0	201	190	−5.5	0	0	0.0			
Austria	22	21	−4.5	9	11	22.2	3	3	0	11	6	−45.5	6	7	16.7
Belgium	116	121	4.3	38	23	−39.5	72	87	20.8	6	10	66.7			
Canada	186	344	84.9	60	68	13.3	95	138	45.3	31	139	348.4	19	85	347.4
Denmark	81	89	9.9	32	47	46.9	14	21	50.0	34	21	−38.2			
France	1,305	1,285	−1.5	83	74	−10.8	851	887	4.2	370	323	−12.7		1	
Germany	607	642	5.8	144	138	−4.2	165	192	16.4	298	312	4.7	216	152	−29.6
Italy	193	244	26.4	25	33	32.0	37	33	−10.8	131	177	35.0	51	75	47.1
Japan	329	564	71.4	69	107	55.1	128	127	−.8	132	330	150.0		595	
Netherlands	[1] 250	173	−30.8	20	37	85.0	108	77	−28.7	121	59	−51.2		14	
Norway	27	30	11.1	15	14	−6.7	13	13	30.0	2	3	50.0			
Portugal	33	33	0				10	10	0	23	24	4.3	15	25	66.7
Sweden	105	99	−5.7	48	58	20.8	31	27	−12.9	26	15	−42.3			
Switzerland	35	33	−5.7	7	8	14.3	18	18	0	10	7	−30.0			
United Kingdom	560	487	−13.0	81	66	−18.5	176	162	−8.0	303	255	−15.8		1	
United States	4,032	3,371	−16.4	447	608	36.0	1,676	1,763	5.2	1,909	1,000	−47.6	797	592	−25.7
Total DAC	8,100	7,753	−4.3	1,096	1,320	20.4	3,595	3,748	6.9	3,407	2,680	−21.5	1,104	1,548	40.2

[1] Including multi-year commitments to Surinam and Antilles totalling $100,000,000.

TABLE III-2.—THE FINANCIAL TERMS OF OFFICIAL DEVELOPMENT ASSISTANCE COMMITMENTS IN 1968 AND 1969

Country	Grants as percent of total ODA commitments		Loans								Total	
			Weighted average						Grant element as percent of ODA loan commitments		Total grant element as percent of total ODA commitments	
			Maturity (years)		Interest rate percent		Grace period (years)					
	1968	1969	1968	1969	1968	1969	1968	1969	1968	1969	1968	1969
Australia	100	100	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	100	100
Austria	51	69	11.9	15.2	5.1	4.4	1.9	4.2	25	33	64	79
Belgium	95	92	21.9	27.2	3.2	2.6	6.1	8.3	49	60	98	98
Canada	83	60	50.0	48.5	.0	.3	10.0	9.8	91	88	97	95
Denmark	57	78	24.9	25.0	.0	.0	7.0	7.0	77	77	90	95
France	72	75	17.6	17.0	3.7	3.7	1.7	1.9	34	35	81	84
Germany	51	51	23.4	26.0	3.0	3.2	7.1	7.6	50	53	74	77
Italy	30	27	12.3	10.9	4.7	5.3	2.3	2.2	28	22	50	43
Japan	62	42	17.9	19.5	3.7	3.7	5.6	6.1	42	45	80	68
Netherlands	52	[2] 70	27.9	28.6	3.8	3.1	6.4	8.1	45	56	74	87
Norway	92	91	23.0	36.0	2.2	1.7	5.5	7.9	56	68	97	97
Portugal	30	31	31.7	30.1	2.4	2.3	8.4	8.0	63	63	73	74
Sweden	75	85	34.0	47.2	1.5	0.9	9.6	10.0	73	82	93	97
Switzerland	75	78	32.9	34.9	2.2	2.1	7.7	7.4	64	65	90	93
United Kingdom	46	48	24.0	24.1	1.0	1.2	5.6	5.6	67	66	82	82
United States	54	70	38.0	37.1	2.6	3.0	9.0	8.7	66	64	84	89
Total DAC	58	66	30.7	28.4	2.7	2.9	7.2	6.7	58	56	80	85

[1] No loans.

[2] For terms purposes $5,500,000 of budgetary appropriations for the FMO are treated as a grant.

TABLE III-3.—PUBLIC AND PUBLICLY GUARANTEED DEBT OUTSTANDING AND DEBT SERVICE PAYMENTS FOR 81 DEVELOPING COUNTRIES

[In billions of U.S. dollars]

Year	Debt outstanding (beginning of the year)		Debt service payments		
	Including undisbursed	Excluding undisbursed	Total payments	Amortization	Interest
1962	22.0		2.6		
1966	37.8	28.4	3.9		
1967	42.7	32.0	4.2	2.9	1.3
1968	47.9	36.0	4.7	3.3	1.4
1969	53.4	40.0	(5.3)		
1970	(60.0)				

TABLE III-4.—OFFICIAL BILATERAL DEVELOPMENT ASSISTANCE LOANS, MULTILATERAL LOANS AND EXPORT CREDITS BY DAC MEMBERS, 1962-69—NET DISBURSEMENTS

[Million U.S. dollars]

Year	Bilateral development assistance loans	Loans by multilateral agencies [1]	Private export credits [2] (net changes in amounts outstanding)
1962	910	194	571
1963	1,473	383	660
1964	1,761	469	860
1965	1,802	583	750
1966	1,994	537	1,106
1967	2,291	706	988
1968	2,302	474	1,579
1969	2,343	(850)	2,040

[1] Gross loans less capital repayments, capital subscriptions and multilateral portfolio transactions.

[2] Mainly officially guaranteed credits, but also including estimates for nonguaranteed credits and the nonguaranteed portion of guaranteed credits. Reporting coverage of this category of transaction is, however, far from complete.

TABLE III-5.—SOME INDICATORS OF DEBT STRUCTURE FOR SELECTED DEVELOPING COUNTRIES

Country	Debt outstanding as of Jan. 1, 1968 (disbursed only) (millions)	Debt service payments in 1968			
		Amount (millions)	As a percentage of total debt outstanding	Of which— Amortisation (percent)	Of which— Interest (percent)
Mexico	$2,162	$626	28.9	22.3	6.6
Argentina	1,781	478	26.9	20.8	6.1
India	[1] 5,604	357	6.4	3.7	2.7
Yugoslavia	1,157	256	22.2	17.0	5.2
Chile	1,117	171	15.4	11.5	3.9
Pakistan	1,893	153	8.4	5.2	3.2
Colombia	796	102	12.7	9.2	3.5
Spain	$408	$72	17.5	10.5	7.0
Tunisia	416	50	14.5	11.1	3.4
Morocco	[2] 481	48	10.8	6.6	4.2
Nigeria	[2] 403	41	10.2	6.5	3.7
81 countries	36,000	4,700	13.3	9.4	3.9

[1] As of Jan. 4, 1968.

[2] As of Jan. 7, 1968.

Source: IBRD.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Florida (Mr. CHILES).

Mr. CHILES. Mr. President, I have approached this vote on the Foreign Assistance Act of 1971 with a great deal of concern. I believe in foreign aid. I do not think that the United States can allow itself the luxury of living in a world in which a majority of mankind is poor without making some financial commitment to help meet this growing problem. But it makes a great difference how we lend financial air, what our policies are toward the poorer parts of the world, and how we organize ourselves for such an effort.

There are many aspects about the present bill that I am against, others that I have reservations about, and yet others that I favor. I could vote for this bill hoping that the much-needed change and redirection will evolve over a period of time, but the history of the foreign assistance program impresses upon me the fact that such change is unlikely.

I see no evidence in this bill, nor do I find any effort on the part of the administration, to provide the substance, understanding, and direction to our foreign assistance program. But for us to even attempt this we must understand a few things first.

First, we must know what we mean by aid. We cannot confuse economic and military security assistance as does the current legislation. Economic and military aid serve dramatically different purposes, and a clean separation between them in conception, in legislation, and in organization must be made.

Second, aid policy must be flexible. With the great changes occuring in Latin America and elsewhere in the world, we cannot assume a uniform policy can be applied across the board in all situations regarding such complex matters as expropriation. The Peruvian expropriation of IPC and the Chilean copper expropriation are quite different. We have to be in a position to respond creatively not rigidly to such circumstances. Neither do I think that Congress should allow the President unlimited authority in foreign policy matters nor do I think that the President's hands should be unduly tied. We have to seek some middle ground which the present legislation has failed to formulate.

Third, my feeling is that there is something of a vacuum in our foreign policy toward poor countries. In this vacuum old procedures and programs continue without the essential vitality provided by the continual definition and redefinition of basic policy guidance. Our foreign aid is now a program without a policy framework to give it purpose and relevance to our current understandings of national interests. We have no understanding of why or how much aid we give to other countries, it seems that we select random countries and amounts without determining the countries that need our aid. Until we have a better sense of where we are going in our relations with developing nations, I don't think we should keep the vestige of a worn-down program.

Fourth, the important matter of how we organize ourselves for a development program has been totally ignored by the present legislation. The institutional changes required to correct past deficiencies in our aid operations have been the subject of several high level study commissions. There has been general agreement among these studies as to what needs to be done and the President's message to the Congress last April reflected this consensus. Nevertheless, the present legislation would leave the old organizational structure untouched, and continuing the kinds of programs, technical assistance and others, that have built up vast bureaucratic structures that feed upon themselves without any evaluation of what needs to be accomplished and what is actually being accomplished. We cannot continue our foreign assistance program without addressing ourselves to the need for institutional change.

Fifth, this particular bill has become a shadow of what it was to have been. It has become a Christmas tree adorned with ornamental amendments representing the frustrations of individuals or groups. Furthermore, the focus of the debate has been on these amendments, on the peripheral problems, and not on the purpose, direction, and substance of foreign assistance. We literally cannot see the tree for the ornaments.

Finally, the scope of our foreign aid program must be viewed in consideration of domestic priorities. Without an understanding of the importance of pushing back the tide of inflation, securing the U.S. dollar and addressing the vital domestic needs we cannot but continue to increase the disenchantment and frustration here at home.

Significantly, I feel that these issues

have not been sufficiently discussed in the body of the Senate. There have been few if any substantive proposals that would redirect our foreign asistance program nor much toward understanding why we would even want to maintain our present program. The change that must come about in our complete approach toward foreign assistance will not come about if we maintain our present course, and pass this bill. Because I feel that we have to reach certain basic understandings about the policies, programs and procedures of our asistance before this country goes much further, and because I feel that the only way this can happen is to bring about an abrupt halt to the present undirected and unpurposeful bill that is now before us. I intend to cast my vote against this bill.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the pending bill would authorize the expenditure of $3.2 billion in foreign aid. This figure compares with the 1970 appropriation for similar items of $1.885 billion. Thus, it is nearly double the amount that was appropriated in 1970.

Besides that, last week, the Senate approved the expenditure of $2 billion for international financial institutions.

Thus, if this bill is passed tonight, the Senate will have approved more than $5 billion in foreign aid during the course of just 1 week.

Mr. President, I shall vote against this bill.

Mr. NELSON. Mr. President, the foreign aid bill is now before us for final passage, and even though it contains a number of appropriations that I support, I am going to vote against the bill because it contains $341 million for military and economic aid to Cambodia.

Like the military authorization bill which I opposed because it contained $252.1 million for that ever-expanding, secret war in Laos, this bill also further deepens our military involvement in Southeast Asia, and it does this in spite of all the administration assurances we are given that we are ending our military involvement.

The Pentagon planners are now talking about expanding the Cambodian military and paramilitary units to such a point that by 1977, about 10 percent of the nation's 7 million population, nearly half of the adult male population, will be armed and the United States is bankrolling the operation.

It is superfluous, but necessary, to point out again that we have not learned from our military adventure in Vietnam. An adventure that has taken the lives of more than 50,000 Americans, seriously injured tens of thousands more, and cost over $100 billion, all to no avail.

And it was lives and money squandered to support military and political leaders who show no discernible interest in establishing a free society or a democratic form of government.

The recent elections in Vietnam and the recent public statements of Cambodian Prime Minister Lon Nol emphasizes that fact.

In an October 16 public address, Lon Nol effectively muted its opposition in the Cambodian National Assembly by turning it into a Constituent Assembly to rewrite the country's constitution.

Nol attacked his critics and those who wrote articles defaming the prestige of the Cambodian Army. And then in what must have been an embarrassing observation for administration apologists, he said:

> We now reach the turning point in the history of our fatherland as we have to choose between the following two paths: whether we keep on playing the game of fruitless democracy—freedom which will inevitably lead us towards a certain fall, or whether we curtail the anarchist democracy for the sake of victory.

We cannot in good conscience continue our massive financial involvement in Cambodia and the public would not support it either if the issue were understood. But, unfortunately, our involvement is mostly secret and, like Laos, not widely discussed or understood.

Mr. TUNNEY. The Saxbe-Church amendment in the bill is not only the first essential step we must take toward restoring some balance of justice, sanity, and peace to the turbulent region of East Pakistan, but can also mark the dawn of a new era of rationality and good sense in U.S. policy toward South Asia.

The misguided premises of the cold war, which gave birth to our post-1954 policy of providing guns instead of butter to Pakistan's impoverished population, on the assumption that such military assistance would bolster all of South Asia's northern perimeter against potential Communist assault was an appropriate policy. It was shattered in 1962, and again in 1965, and has by now surely lost the last shreds of whatever credibility it may once have possessed.

Pakistan has never used a single U.S. bullet, tank, or plane against any Communist invader, but instead has turned those weapons which we have so lavishly provided her against her neighbor India in 1965, and, since March of 1971, against her own people in East Bengal. The American people should no longer abide such brashly cynical, unconscionably destructive, and totally wasteful use of our national resources.

The United States must stop seeking to purchase the friendship of nations in Asia, and elsewhere, by military bribery. The failure and perversity of our Pakistan policy to date is most glaringly obvious when we consider how much damage it has done to our relations with India. We have forgotten that India is a truly democratic friend of our country; and that she has been deeply wounded by our military aid to Pakistan, both in 1965 and throughout the past 7 months. India now bears the burden of an estimated 9 million refugees on her soil, and daily confronts Pakistani troops, tanks, and guns on her borders, West as well as East. It is easy enough, from this distance, for our State Department to counsel restraint to New Delhi as well as to Islamabad. Let us rather first restrain ourselves, by ceasing all further shipments of arms of any kind of Pakistan. Let us exercise such vital restraint here and now.

Let us forthrightly admit that the era of Dulles diplomacy is dead, and that nations who are militarily with us may often be morally and practically against us; while others, like India, who prefer to walk an independent path, may indeed be moving in the same directions as ourselves, toward the same goals of peaceful development for all mankind, within political structures based on social equity as well as freedom, dedicated to the raising of living standards, and the lowering of human death rates.

The time has come to rethink our entire policy in Asia, to reject the false security of military alliances that prove inadequate when needed and of negative value the rest of the time, when they serve only to bolster their own dictatorial regimes. Let us rather return to the fundamental principles that made America man's best hope, and work with other great democracies such as India, our natural allies, who share our high ideals and aspirations for the achievement of world peace and prosperity.

Mr. KENNEDY. Mr. President, once more, we stand to express the opinion of the U.S. Senate as to whether this Nation should support a military government that has demonstrated disdain for both the institutions of democracy and the rights of individuals.

And let me say at the outset, the opinion of the Senate cannot be determined by the actions of the Vice President. His decision to embrace the military rulers of Greece and to laud their accomplishments violates the traditional respect of both the United States and Greece for freedom and democracy.

For the past 4 years, this regime of generals has ruled by fiat and turned so far from its ancient heritage that it has become a pariah in the councils of Western Europe.

The Council of Europe has condemned the Greek junta for the systematic use of torture as a part of its policy to prohibit political dissent.

The Common Market Commission has denounced the unending political arrests and has concluded that there has been no evidence in Greece of "a return to normal democratic life."

Only last month, the North Atlantic Assembly, representing the parliaments of the Western Alliance, urged Greece "to end the political injustice which characterizes Greece's internal situation."

The current repression in Greece is particularly tragic when we recall that nation's historic role as the originator of the democratic ideal and when we remember that Greece lost over 20 percent of its population in the struggle for freedom during World War II.

It was in recognition of that history that the Foreign Relations Committee decided to suspend military and economic assistance to Greece, over the administrations objections. However, the committee permitted the President to waive that restriction if he determines that security requirements demand it. I oppose even that discretion being given the President after the recent trip by the Vice President. His actions demonstrate that this administration finds nothing to criticize in the behavior of the Greek Government. I find much to criticize in that behavior.

Now the Senator from Alabama has proposed that all restrictions on military or economic aid to Greece be removed. I find that amendment particularly inappropriate when we look at the authoritarian and repressive regime that now rules Greece.

We should not continue to send weapons to a military regime which uses those weapons principally against its own citizens.

Our indifference to the denial of political liberty to the people of Greece is neither in our national interest nor in the interest of freedom and justice throughout the world.

It is time for this Nation to turn away from the security of traditional habits and attitudes and accept the challenge of leadership by bringing our actions into accord with our ideas. I urge the Members of the Senate, as I urge the President of the United States, to use our influence for the cause of freedom in Greece. The clearest expression of that influence would be a refusal to send to Greece the weapons that the junta demands, weapons that could be used to deny political freedom to the people of Greece. Let us act because it is the right thing to do; let us act because it is in the interest of freedom, and let us act because it is unconsciousable to remain silent in the face of political repression.

Mr. HATFIELD. Mr. President, the bill contains funds for continuing the war in Indochina.

In its present form, it includes about $341 million dollars in aid to Cambodia, our latest client state in the war that we hear is winding down.

The bill contains funding for military aid programs in Laos, Thailand, and South Vietnam after July 1 of 1972.

Although it also contains the Mansfield amendment, there is no provision in the bill for cutting off the funds which support the war.

Furthermore, this bill contains at least $1.7 billion in military and military related aid.

The trend that this suggests disturbs me deeply. As the distinguished chairman of the Foreign Relations Committee has pointed out, in the past year, besides the mammoth aid program instituted in Cambodia, the executive branch has reversed a longstanding ban on arms to Indonesia, doubled our aid to Korea, and waived the congressional ceiling on arms to Africa and Latin America.

Furthermore, as a result of action on the floor, the regime in Greece now qualifies as a recipient of our military aid.

I trust that the "Nixon doctrine" means something other than supplying the American arms and the money, rather than the American lives, for the regimes we want to survive.

I am most deeply disturbed by the thought that we are relying more on military hardware given to other countries as a primary means for pursuing our foreign policy objectives and working for some kind of peace in the world. Further, it is the moral insensitivity of this approach that I cannot accept. It is suggested that our hardware, our ammunition, our planes, our bombs, and our ships can all be used as long as it is not our men—but rather theirs—that will have to sacrifice their lives. Thus, I question the increased degree that we are using military aid as an instrument of our policy, and cannot support the amount of funds in this bill that authorizes that military aid.

The Foreign Relations Committee has done a superb job in its efforts on the Foreign Assistance bill. Their hearings, and the measures they have written into the bill have been significant steps in beginning to reassert simple, reasonable congressional controls and checks on the executive branch's use of foreign aid funds.

But in its present form, authorizing massive amounts of military aid and not bringing a halt to the funds spent in Indochina, I cannot support the bill. Therefore, I shall vote against the Foreign Assistant Act.

Mrs. SMITH. Mr. President, in view of the vigorous complaints by some members of the Committee on Foreign Relations against the Committee on Appropriations during the past 2 years on the charge of invasion of committee jurisdiction, I note with interest the current invasion by the Committee on Foreign Relations into the jurisdiction of the Committee on Appropriations.

In this bill, the invading section is 514 (d) under which the foreign currency generated under section 514 would be available for expenditure without any further action by the Appropriations Committee of the Congress.

On its face, subsection (d) is an attempt to oust the Appropriations Committees of their jurisdiction and to bypass the appropriations process.

In effect, subsection (d) authorizes backdoor financing of the foreign currencies cost of all Government operations overseas, particularly, international educational and cultural exchange activities, without further review by the Congress of the need for such expenditures.

Apparently, Mr. President, it depends on who wears the shoe as to the discomforting fit.

Mr. TUNNEY. Mr. President, only the most drastic of circumstances would force me to vote against a foreign aid authorization bill. Yet that is exactly the situation we currently face.

In the past 3 days, the country has watched the tragic spectacle of the U.S. Senate emasculating the premises upon which every constructive development policy in this country has been founded.

The Senate Foreign Relations Committee after weeks of hearings and careful consideration, submitted to the Senate a comprehensive and constructive foreign aid bill. It no longer resembles anything which could be called constructive. It is now merely a vehicle for the most antiquated, unrealistic and untenable positions.

The Senate yesterday deleted a provision of the bill which would have repealed the 1955 Formosa resolution. That resolution allows the President to employ unilaterally the Armed Forces of the United States to protect Taiwan and the Pescadores and, in connection therewith, the offshore islands referred to in the Formosa resolution. The repeal of the Formosa resolution would not have affected the validity of the Mutual Defense Treaty of 1954 between the United States and the Republic of China.

Under that treaty, however, any action by the United States in the event of an armed attack directed against Taiwan or the Pescadores must be taken in accordance with our constitutional processes.

So, the Senate determined that our constitutional processes were insufficient. Even after Vietnam, the U.S. Senate yesterday determined that the President—on his own—can intervene again in the Far East. By 1971, we should know that that result is intolerable.

After the Senate told the President that he could ignore the Constitution in Taiwan, it then eliminated the Cooper-Church amendment and accordingly, refused to affirm the statement that "it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all U.S. Armed Forces."

The Senate also refused to restrict to withdrawal purposes those funds which we have authorized for use by our Armed Forces in Indochina, except for actions necessary to protect these forces against eminent danger as they are withdrawn.

Just to be sure that no one had any doubts as to its mood, the Senate also: first, sliced by 50 percent for each of the fiscal years 1972 and 1973 the authorizations for American supported schools and hospitals abroad; second, urged the President to restrict the percentage contributions which the United States could make to the United Nations; third, refused to provide $200 million for the relief of East Pakistani refugees who are starving in India, while at the same time; fourth, raised the ceiling on funds to Cambodia by close to 40 percent; fifth, slashed $160 million in loans to developing nations, none of which was slated for military assistance; sixth, cut the loan development fund in half; and seventh, restored military assistance to Greece.

Mr. President, this body has taken the guts out of this bill. It has eliminated the policies of the 1970's and inserted instead outdated policies of the 1940's and 1950's

I cannot support the bill in this form. I wish that I could, Mr. President, because I believe in constructive foreign assistance.

I believe that developing countries deserve and require our assistance. I believe that free societies and societies that are struggling to become free should be assisted—economically and socially. I believe that our Nation must lend an economic hand in the quest for democracy and development.

But this bill does not do that. This bill continues to provide military aid where it should not be provided. It refuses to provide economic assistance where it is desperately needed. It reverses and misplaces our priorities.

Mr. President, some of the countries who are assisted in this bill must receive our aid. Israel, for example, and India, and the developing countries of Africa and Latin America require economic and technical assistance. I believe that separate legislation must, therefore, be enacted in order to provide that assistance. I shall support that legislation.

But I cannot lend my support to this emasculated bill which passes itself off as foreign aid. I cannot ignore all of the lessons of our tragic experience in Indochina. And I cannot, in this week of frenzy because of a hasty and ill-considered United Nations decision, allow that mistake to overshadow all of the constructive purposes our aid program can serve.

Accordingly, Mr. President, I must vote "no" on the Foreign Assistance Act of 1971, as amended on the floor of the Senate.

As I state my position, Mr. President, I assume that if this bill is defeated, a continuing resolution will be passed to maintain ongoing foreign aid programs. This will give the Foreign Relations Committee a chance to rework and improve the foreign assistance bill.

Mr. COOK. Mr. President, the foreign assistance authorization bill now before this body is another episode in the continuing story of misguided American efforts to aid the peoples of the world. Although an increasing number of our colleagues has begun to recognize the futility of our efforts, the Congress seems determined to toss American resources to the wind.

Foreign assistance has always been viewed as the best means of fulfilling the obligations which a wealthy nation owes to its less fortunate neighbors. It is a humanitarian ideal, and certainly a commendable one. Too often, however, our aid is diverted, misappropriated, and otherwise disposed in manners contrary to its purpose. Sometimes this fate is unavoidable; but more often it is due to our failure to insure the proper applications of the aid, and the desire of foreign governments to convert this aid to their own malicious and deplorable activities. Until these abuses cease, our foreign assistance programs are doomed to be ineffective and wasteful.

Foreign aid is designed to promote the health and welfare of foreign peoples, whose countries do not possess adequate resources to provide a decent standard of living for those people. When that goal is also the goal of the government officials, our assistance can be most beneficial. When, however, the interests of those governments become separated from the interests of their people, our aid serves only to strengthen the tyrannies which our way of life holds so abhorrent. In East Pakistan, our efforts to feed a starving people served only to provide energy for an oppressive military regime. In many other areas of the world, our "aid for peace" has become "arms for war." If we do not desire a world in which governments control their people rather than serve them, we must drastically alter the course which our foreign assistance programs have taken. We must place the governments of the world on notice that the United States will not support the welfare of governments, for governments are merely threads in the fabric of a people. It is the welfare of man, not his institutions, that should be the object of our efforts.

Mr. President, the proposal before us does nothing to remedy this shameful situation; for that reason, I shall cast my vote in opposition to the measure.

Mr. SPONG. Mr. President, on October 21 I submitted to the Committee on Foreign Relations some supplemental views on the foreign aid authorization bill, and these were printed in the committee report. Since these views cover my principal concerns over the pending legislation, I ask unanimous consent that they be printed at this point in the RECORD:

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF SENATOR SPONG

I voted against reporting the Foreign Assistance Act of 1971 favorably. I believe it should have been reported without recommendation. My vote against reporting the bill favorably was cast with reluctance, because while there are authorizations and approaches to which I object, there is much in the bill I support.

These supplemental views are, therefore, filed as a protest, a general protest against the entire approach to foreign aid and a specific protest against three aspects of the foreign aid authorization process which have presented particular problems this year. First, I am opposed to the consideration of security assistance, i.e., military assistance, foreign military sales and economic supporting assistance, in the same legislation in which economic and development assistance is considered. These two general categories of foreign spending have different goals and objectives and should be separated. Furthermore, almost two-thirds of the Administration's request in this legislation was for military and security assistance rather than for economic and development assistance, a factor which should be more fully evident but which is obscured when the two are considered together. Secondly, I am opposed to increased authorizations at a time when the United States must combat inflation and make new moves to re-secure the dollar and when there are so many pressing domestic needs. I am aware that the previous authorization bill was one of the lowest in the history of the foreign aid program and that argument can be made for increases, but I believe our economic situation dictates that we restrict government spending at this time. Thirdly, I am opposed to trying to draft foreign aid legislation on the basis of the limited information which has been available to the Committee. This problem has been documented in a report prepared by the General Accounting Office and issued on September 20, and it has received widespread press coverage during recent months. It should be obvious that it borders on the impossible to draft good legislation without the pertinent background material and that it is unreasonable to expect a Congressional committee to authorize expenditure of the American taxpayers' money without adequate information.

Consequently, I am hopeful that these supplemental views will contribute in some small way to achieving a new approach to foreign aid.

Mr. SPONG. Mr. President, I believe it important to observe that the Senate Foreign Relations Committee completed action on H.R. 9910 prior to the vote Monday night at the United Nations. Consequently, my opposition to the bill does not derive from those activities, despite my belief that the United Nations acted unwisely on the China question.

Furthermore, my opposition to the bill does not relate to the elimination of a policy statement on Southeast Asia. I have always had great sympathy for the President on the difficult matters related to Southeast Asia and applaud his efforts at disengagement. At the same time, I believe that the war power is a shared power, that both the executive and legislative branches of Government have responsibilities in this area. That is why I support war powers legislation. That is why I have supported the Mansfield and Church-Cooper amendments. I view these amendments as an exercise of co-operative responsibility for ending American participation in the hostilities in Indochina while assuring protection of our troops during the period of disengagement.

The formation of war policies, from this period on, must, of necessity, involve mutual and cooperative efforts on the part of the legislative and executive branches. And, I perceive the Mansfield and Church-Cooper amendments as simply that.

Finally, in voting against this legislation, I am not advocating a move toward the dangerous policy of isolationism. I have consistently supported our commitment to NATO and sought to see that our Nation maintains the necessary defense posture. I voted recently for U.S. contributions to the multinational Asian Development Bank, Inter-American Development Bank and International Development Association. Even during consideration of this bill, I have opposed certain attempts to restrict development and nonmilitary aid. On the other hand, our Nation cannot and should not be the world's policeman or the world's sugar daddy. As a result we must seek a balance in which we shoulder our share of world responsibility without overcommitting and overextending ourselves. In view of our Nation's economic difficulties at home and abroad, however, I do not believe that the bill as it now stands should be passed, for I believe that it proposes to do more than we should and more than we need to in order to carry out our responsibilities.

FOREIGN ASSISTANCE ACT OF 1971 MUST BE BASED UPON WORLD REALITIES AS THEY EXIST

Mr. BYRD of West Virginia. Mr. President, the judgment which we are called upon to make with respect to the Foreign Assistance Act of 1971 must be based upon world realities as they exist, not upon any outmoded concepts, not upon any wishful thinking about the effectiveness of our foreign aid program in recent years.

I was struck by the candor in the committee report on this bill.

> There is—general agreement among members of the committee that the aid program as constituted must be drastically altered and reshaped—For the last several years Congress has allowed it to continue more by sufferance—than through true support. In view of the dearth of enthusiasm for the existing program, the government's fiscal crisis, and the state of our economy and our society, it is remarkable that there is a foreign aid bill at all this year.

This disillusioned, but realistic, view certainly does nothing to win my support for the program, and I shall vote against the bill.

If there were any lingering misconceptions about the wisdom and value of much of our foreign aid efforts, the action of U.S. "friends" during the past week should dispell them once and for all.

I do not say that this bill should be opposed or defeated in any spirit of retribution for U.S. setbacks in the U.N., for I oppose our foreign aid mish-mash before these recent events occurred.

What I do say is that these diplomatic setbacks ought to open our eyes to the general failure of our foreign aid programs to attain objectives in recent years beneficial to our own best interests.

The American people have traditionally been generous to other peoples in times of distress and disaster. It is one thing to help suffering people such as the Pakistani refugees—and we should do that. But it is something else again to provide American resources to help nations which are not suffering such distress and which may, in fact, be well off economically and pursuing ends inimical to our own.

The first duty of the Congress is to the American people. There can be no question about what we have done for other nations in the period since the end of World War II. History has never recorded a greater concern on the part of one nation to see that other nations less fortunate were given a helping hand. The total of U.S. foreign aid since World War II is now near the $140 billion mark. But the altruistic aims which prompted this spending in behalf of others have not always had good results to us, and the time has long since passed for decisions affecting the future of the program to be based on what is best for our own country.

We simply cannot afford, with so many of our own people out of work and with our own economic future hanging in the balance, to continue to pour out more than $3 billion a year in a worldwide giveaway. It is time to quit temporizing and bring this illogical squandering of U.S. resources to a halt. Both the changing world situation and the uncertainty of our own domestic situation indicate to me the utter folly of continuing our foreign aid program on anything like the present basis.

I am constrained to say that our foreign-aid program has actually contributed to our own economic difficulties. We have lavishly poured funds into projects in foreign lands while withholding funds from urgently needed projects at home—funds which could have provided the stimulant to make our economy soar. And our largess has strengthened those abroad who now compete with us.

Seldom has one nation done so much for so many and received so little in return. Our tradition of generosity has clouded our vision, and now the day of reckoning has come.

I do not see a vote against this bill as in any way a vote for repudiation of American commitments, promised or implied. I see it instead, as recognition of the fact that we have reached a point of diminishing returns in what we have sought to do abroad. I see it as recognition of the fact that programs do outlive their usefulness. A vote against $3 billion more for foreign aid means to me a vote for a return to hard-headed Yankee realism where America's interests are concerned—a realism that has almost been lost in the fuzzy thinking which has, too long, kept this program alive.

Human nature operates in the foreign-aid program just as it operates in welfare programs. As long as the Government gives money away there will be those who will eagerly take it.

We have an obligation to help those who cannot help themselves, of course. We should be generous to those in real distress at home and abroad.

But the United States has no obligation that I know of to help any and all nations regardless of their attitude toward us. It is distressing to me to know that this bill proposes the authorization of more than two-thirds of its $3.2 billion total for 58 nations which abstained or voted to expel Tiawan from the United Nations and to bring Communist China in.

I repeat that my vote against this bill will not be in retaliation for any recent action of any nation. But I think it behooves us to act upon this measure with a clear knowledge of whom we propose to help and why.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the committee amendment as amended and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9910) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time on the bill?

Mr. FULBRIGHT. I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY (when his name was called). On this vote I have a live pair with the Senator from California (Mr. TUNNEY). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. NELSON (when his name was called). On this vote I have a live pair with the Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. SCOTT (when his name was called). On this vote I have a live pair with the distinguished Senator from New Hampshire (Mr. COTTON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SPARKMAN (when his name was called). On this vote I have a live pair with the senior Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. METCALF (after having voted in the affirmative). On this vote I have a live pair with the Senator from Georgia (Mr. GAMBRELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

On this vote, the Senator from Minnesota (Mr. MONDALE), is paired with the Senator from South Carolina (Mr. HOLLINGS).

If present and voting, the Senator from Minnesota would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Wyoming (Mr. MCGEE) is paired with the Senator from South Dakota (Mr. MCGOVERN).

If present and voting, the Senator from Wyoming would vote "yea," and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from New Hampshire (Mr. COTTON), the Senator from Kentucky (Mr. COOPER), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Carolina (Mr. THURMOND) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), and the Senator from Texas (Mr. TOWER) would each vote "nay."

If present and voting, the Senator from New York (Mr. BUCKLEY) would vote "yea."

The pair of the Senator from New Hampshire (Mr. COTTON) has been previously announced.

On this vote, the Senator from Kentucky (Mr. COOPER) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from South Carolina would vote "nay."

The yeas and nays resulted—yeas 27, nays 41, as follows:

[No. 284 Leg.]

YEAS—27

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Brooke
Case
Fong
Griffin
Harris
Hart
Javits
Mathias
McIntyre
Moss
Packwood
Pearson
Percy
Proxmire
Ribicoff
Schweiker
Stafford
Stevenson
Taft

NAYS—41

Allen
Bayh
Bentsen
Bible
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cranston
Dole
Dominick
Eastland
Ervin
Fannin
Fulbright
Gurney
Hansen
Hatfield
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
Montoya
Pastore
Pell
Randolph
Roth
Saxbe
Smith
Spong
Stennis
Stevens
Symington
Talmadge
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Kennedy, for.
Nelson, against.
Scott, for.
Sparkman, for.
Metcalf, for.

NOT VOTING—27

Buckley
Cooper
Cotton
Curtis
Eagleton
Ellender
Gambrell
Goldwater
Gravel
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Long
McGee
McGovern
Miller
Mondale
Mundt
Muskie
Thurmond
Tower
Tunney
Williams

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 27, and the nays are 41. The bill is not passed.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the bill was rejected be reconsidered.

Mr. BYRD of Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, an event of unusual occurrence has just taken place in the Senate this evening.

What the Senate in its wisdom has done has been possibly, to mark the end of the foreign aid program as it has been enunciated since the period following the Second World War, beginning primarily with the Marshall plan in 1948 and extending down to the present.

During that period, in the President's own words as he addressed the Nation in mid-August on the economic situation which confronted this Nation, I believe he used the figure that we had spent, in the postwar period in the area of foreign aid, $143 billion.

Now we all know, of course, that there are a certain number of millions of dollars still in the foreign aid pipeline, so that the program itself will not die suddenly but very likely will die a lingering death.

That is the reality which confronts the Congress today because there is no bill to go to conference.

Senators have expressed their opinions as they saw fit and as they have done down through the years. Some have put in amendments of their own liking and got them accepted, and then voted against the bill. Others have done likewise.

So, the day of judgment is at hand.

I would hope, Mr. President, that there would be no continuing resolution seeking to continue the foreign aid program. As we all know, the continuing resolution now in effect covering appropriations expires on November 15.

What the Senate has done, I think, is to issue a clear signal, separate and apart from what occurred at the United Nations on Monday evening last, that it is time to put into operation—if there is going to be any foreign aid program—a new foreign aid concept which will take the burden off the shoulders of this Nation, which will distribute it more equally, which will do away with the grab bag and the gift gimmick which has become all too prevalent. This new program must stand on its own two feet and not be subject to the whims of various Senators and individual Senators or various groups or individual or various countries.

So, I say in all seriousness that after $143 billion, this may well mark the end of the foreign aid program which this Government has undertaken since the end of the Second World War, and perhaps it is part of the changing situation which is becoming so evident throughout the world.

In the early years of the 1970's, perhaps it is the time to develop new ideas, to get away from old ones, and get away from practices which no longer seem to serve the interest of this people, either domestically or in its relation with others.

So, may I say that this is a moment of consequence and that I would express the hope that if there is a continuing resolution on appropriations which has not yet been attended to, that the foreign aid appropriation will be an exception.

I would point out that if it is not an exception, it is subject to debate.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I point out that I have taken the time of the distinguished Senator from North Carolina.

Mr. SYMINGTON. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, there is $4.7 billion in the foreign aid pipeline. I hope that will be considered when the continuing resolution comes up.

Mr. ERVIN. Mr. President, during the 25 fiscal years antedating June 30, 1971, the United States scattered $138.4 billion among 127 foreign nations in various foreign aid assistance programs.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. Will the Senate please be in order?

Mr. MANSFIELD. Mr. President, may I say that the distinguished Senator from North Carolina has gone out of his way to accommodate himself to the Senate and the very least he deserves is our attention.

The ACTING PRESIDENT pro tempore. The Chair will attempt to keep order. The Senate will be in order. The Senator may proceed.

Mr. ERVIN. Mr. President, during the 25 fiscal year antedating June 30, 1971, the United States scattered $138.4 billion among 127 foreign nations in various foreign aid assistance programs.

Virtually the entire disbursement represented deficit spending and now requires additional expenditures for interest on the amount expended.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. TALMADGE. Mr. President, I received a statement from the distinguished chairman of the subcommittee that handles foreign aid in the House, Representative PASSMAN, who has worked diligently in this vineyard.

He pointed out that since the end of World War II, in principal and interest—and we had to first borrow money from our American people before we could disburse it—we have paid interest on the borrowed money in the amount of $212 billion according to Representative PASSMAN.

Mr. ERVIN. Mr. President, I thank the Senator from Georgia for his contribution.

Prior to the defeat of the bill, the policy makers of the Federal Government in the foreign area were demanding that Congress appropriate an additional $13.5 billion for foreign aid assistance for fiscal year 1972, notwithstanding the fact that unexpended balances of $24.5 billion from prior appropriations are still available for these purposes, and notwithstanding the fact that the national debt of the United States exceeds the combined national debt of all other nations on the earth by $109 billion.

If an individual were to borrow money for the purpose of giving it away, his family and friends would institute an inquisition in lunacy and procure the appointment of a guardian to govern his affairs.

The Senator from North Carolina, who has been opposing this very foolish and frustrating policy for many years, rejoices in the fact that at long last the Senate has stated that no longer, so far as foreign aid is concerned, should the United States imitate the example of a demented fool and borrow money for the purpose of giving it away.

I hope that some day the Federal Government will learn the truth which Polonius proclaimed in Hamlet: "Loan oft loses both itself and friend."

I think this is a very sane action which the Senate has taken, because the Federal Government is going to take the deepest dive into the sea of financial responsibility that it has ever taken.

The Senator from Georgia indicated a while ago that the distinguished Representative from Louisiana, Representative PASSMAN, has been a profound student of the fiscal policies of the United States in the field of foreign aid.

I hold in my hand a statement he made to the American taxpayers on July 1, 1971. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TO THE AMERICAN TAXPAYER

The attached fact sheets should have your close scrutiny. Our government is continuing to dissipate your resources and wealth in foreign nations all over the world. This unconscionable practice is destroying our world markets, destroying the value of the American dollar and placing an unbearable public debt upon the shoulders of unborn generations. This practice of giving away your wealth is creating inflation and reducing the purchasing power of your dollar which is the equivalent of confiscating your savings. I must speak out again and say forthrightly that the good claimed for this program is not supported by facts.

Our fiscal irresponsibility is so obvious that many foreign nations are again demanding our diminishing gold for the surplus dollars they hold, thus further depleting our limited gold stocks. In some countries, businesses will accept dollars only at a discount. This uncontrolled dissipation of our wealth is pricing us out of world markets. We may well finish this year with a true trade deficit of a billion dollars.

There are approximately Fifty Billion U.S. Dollars floating around in foreign countries. We do not have the gold to redeem these dollars, so they are surplus to the needs of foreign nations for commerce. Do not blame the present Administration for this unbelievable situation because it has been building up for 25 years. The habit of giving away our wealth is so ingrained in the minds of the bureaucrats who give away this money that they cannot overcome the addiction. So, those of us who know the facts must now spread this news throughout the nation and plead for support so as to bring this outlandish, wasteful, ever-growing addiction under control, or else someday surely regret our neglect.

The attached sheets establish beyond any doubt that this program could be termed frustrating, fanatical, frightening and foolish. I am going to expose the wastefulness of this program to the Nation even if it requires substantial use of my personal resources. This is an obligation I owe to the American people.

May I explain the attached fact sheets briefly before you read them:

(1) New budget requests for additional authorizations and/or appropriations for foreign assistance, fiscal year 1972, covering loans, grants and credits—thirteen billion, five hundred twenty-eight million, six hundred twenty-eight thousand dollars.

(2) Unexpended balances in pipeline from prior years—twenty-four billion, five hundred sixty-seven million, fifty-five thousand dollars, including appropriated funds and borrowing authority.

(3) If all new requests are approved by the Congress, the grand total funds available, new and from prior years, will amount to thirty-eight billion, nine hundred fifty-six million, eight hundred and thirty thousand dollars.

(4) Net cost of the foreign assistance program (1946–71) including interest on what we have borrowed to give away, amounts to two hundred twelve billion, eight hundred eighty million dollars. Many billions of the dollars we pay out in interest on what we have borrowed to give away go to foreign nations and foreign nationals.

(5) During this world-wide spending spree, our gold holdings have been reduced from twenty-two billion, eight hundred seventy-nine million dollars to ten billion, seven hundred thirty-two million dollars.

(6) Since the inception of the world-wide spending spree, short-term dollar claims against the United States (due now) have increased from eight billion, six hundred forty-five million dollars to forty-one billion, six hundred sixty-six million dollars, plus other United States indebtedness abroad which amounts to twelve billion dollars. If we should be called upon to pay off these short-term IOU's, we could not meet the demand.

(7) Our balance-of-payments situation, since this world-wide spending spree started, has placed our fiscal affairs in a grave position. We have paid to foreign nations forty-eight billion, eight hundred nineteen million dollars more than they have paid to us. This situation will continue to worsen until we bring the Aid program under control. As you know, this is what has created such a tremendous dollar surplus in the hands of foreign nations and nationals.

(8) The freewheeling spending program covering the face of the earth has helped push the U. S. Public debt to a figure eighty-seven billion dollars above the combined public debt of all the other nations of the world.

(9) Can it be denied that our country has substituted dollars for a sound foreign policy, aid for trade, appeasement for firmness? We have become so addicted to this formula that it is no longer even suggested that it be stopped. Only the American taxpayers have the power to stop it.

(10) Until this Administration came into power, we had been borrowing money from the American people to pay for commodities and services which were given free to foreign nations, and then borrowing dollars from foreign nations in order to make our balance-of-payments situation look better than it was.

(11) In the main, the foreign aid program is administered by patriotic Americans, but they are almost completely without banking and business experience. It has been established that it is the fourth and fifth echelon bureaucrats who are involving us in these foreign entanglements. During 1972 alone, some portion of the aid program will be operating in 98 nations of the world, with 54,599 individuals on the payroll. This includes U.S. personnel, foreign personnel and participants. There are now 4,416 projects and subprojects scattered all over the world. While many similar projects in America cannot go forward because of lack of funds, not a single foreign aid project has ever been stopped or slowed down for lack of funds.

Please analyze the attached sheets. They convey a significant message. A careful scrutiny may prompt the overburdened American taxpayer to take the necessary steps to bring this world-wide free spending program under control. Bureaucratic estimates are so unrealistic and unconvincing that the Congress has been able to reduce the budget requests by twelve billion, three hundred forty-three million dollars in sixteen years. The total reduction was limited to this amount because of the selfish interests of thousands of lobbyists and the scares peddled by bureaucratic personnel. Yet even after the reductions, the foreign aid program was still greatly overfunded.

Aid should be limited to agencies such as the Export-Import Bank with the disguised credit and grant portion being curtailed and eliminated at the quickest possible date. We should make sure that any aid extended is on a loan basis with reasonable maturity dates and at the same rate of interest we have to pay on the money we borrow to lend.

With my knowledge of this program, if I did not furnish the facts as I have in this report, I would be derelict in my obligation to the American people. I shall do my part to awaken the American people to this sad state of affairs. I hope that I may have the support of the Congress in my efforts.

Sincerely yours,

OTTO E. PASSMAN,
Chairman, Foreign Operations Subcommittee on Appropriations.

July 1, 1971, new requests for authorization and/or appropriation for foreign aid and assistance—Fiscal year 1972

[In thousands]

Foreign Assistance Act (including military assistance)	$3,313,000
Overseas Private Investment Corporation (OPIC)	25,000
Inter - American Development Bank	500,000
Inter - American Development Bank (supplemental)	486,760
International Bank for Reconstruction and Development (supplemental)	246,100
International Development Association	320,000
Asian Development Bank	40,000
Asian Development Bank (supplemental)	60,000
Expanded multilateral assistance	35,000
Receipts and recoveries from previous programs	370,310
Military assistance (in defense budget)	2,250,800
International military headquarters	74,400
Economic assistance (in defense budget)	90,900
MAAG's, missions and milgroups	262,600
Permanent military construction—Foreign nations	106,000
Export-Import Bank, long-term credits	2,445,000
Export-Import Bank, regular operations	1,195,639
Peace Corps	82,200
Ryukyu Islands	4,450
Migrants and refugees	8,650
Public Law 480 (agricultural commodities)	1,320,400
Contributions to international organizations	160,680
Education (Foreign and other students)	51,000
Trust Territories of the Pacific	59,739
Latin American Highway (Darien gap)	20,000
Total new requests, foreign aid and assistance, fiscal year 1972	13,528,628

July 1, 1971, unexpended balance for foreign aid and assistance in pipeline from prior years for appropriation and authorization

[In thousands]

Foreign Assistance Act (including military assistance)	$4,403,985
Export-Import Bank, uncommitted borrowing authority	5,230,600
Export-Import Bank, long-term credits	2,937,800

[in thousands]

Export-Import Bank, regular operations	$624,600
Export-Import Bank, export expansion program	295,000
Inter-American Development Bank	2,304,051
International Bank for Reconstruction and Development	5,715,000
International Development Association	460,000
Asian Development Bank	150,000
Foreign military credit sales program	290,000
MAAG's missions and milgroups	10,000
Military assistance (in Defense budget)	945,000
International military headquarters	18,000
Economic assistance (in Defense budget)	15,000
Permanent military construction overseas	210,000
Overseas Private Investment Corporation (OPIC)	203,538
Public Law 480 (agricultural commodities)	664,439
Peace Corps	24,077
Contributions to international organizations	5,808
Education exchange	28,397
Ryukyu Islands	1,740
Migrants and refugees	2,264
Inter-American Highway	6,100
Trust Territories of the Pacific Islands	21,656
Total	24,567,055

July 1, 1971, total net foreign assistance to 127 nations of the world, fiscal years 1946 through 1971, the five f formula: frustrating, fanatical, frightening, foolish, and factual

[In thousands]

Afghanistan	$373,800
Albania	20,400
Algeria	176,100
Argentina	341,100
Australia	594,400
Austria	1,218,400
Barbados	700
Belgium-Luxembourg	1,742,200
Bolivia	532,000
Botswana	19,100
Brazil	2,738,200
Burundi	7,800
Burma	158,600
Cambodia	613,700
Cameroon	33,500
Canada	46,500
Central Africa Republic	5,600
Ceylon	176,600
Chad	9,800
Chile	1,281,800
China, Republic of	5,096,500
Colombia	1,119,400
Congo (B)	4,000
Congo (K)	456,000
Costa Rica	188,200
Cuba	43,700
Cyprus	22,400
Czechoslovakia	189,500
Dahomey	12,900
Denmark	873,300
Dominican Republic	483,400
East Germany	800
Ecuador	296,700
El Salvador	145,400
Equatorial Guinea	300
Ethiopia	394,100
Finland	10,300
France	7,059,700
Gabon	7,600
Gambia	3,300
Ghana	264,800
Germany and Berlin	3,652,400
Greece	3,681,900
Guatemala	355,300
Guinea	$113,000
Guyana	69,900
Haiti	117,200
Honduras	122,800
Hungary	13,300
Iceland	59,800
India	8,003,600
Indochina	1,535,200
Indonesia	1,343,800
Iran	1,945,700
Iraq	90,600
Ireland	105,700
Israel	992,000
Italy	5,528,500
Ivory Coast	80,000
Jamaica	92,400
Japan	3,419,900
Jordan	710,000
Kenya	77,100
Korea	10,059,500
Kuwait	29,500
Laos	1,449,500
Lebanon	98,000
Lesotho	12,100
Liberia	217,100
Libya	221,600
Malagasy Republic	14,100
Malawi	26,400
Malaysia	72,600
Mali	30,000
Malta	8,300
Mauritania	5,000
Mauritius	6,100
Mexico	451,600
Morocco	731,800
Nepal	157,600
Netherlands	2,033,300
New Zealand	58,800
Nicaragua	165,600
Niger	18,900
Nigeria	383,600
Norway	1,127,100
Pakistan	4,484,100
Panama	242,300
Paraguay	131,100
Peru	465,200
Philippines	1,938,600
Poland	437,300
Portugal	432,900
Rumania	10,000
Rwanda	8,000
Saudi Arabia	178,800
Senegal	40,000
Sierre Leone	44,100
Singapore	31,300
Somalia	79,300
South Africa, Republic	33,300
Southern Yemen	200
Spain	2,028,400
Sudan	91,000
Swaziland	4,900
Sweden	135,300
Switzerland	45,300
Syrian Arab Republic	56,700
Tanzania	73,400
Thailand	1,592,400
Togo	17,300
Trinidad and Tobago	49,700
Tunisia	699,400
Turkey	5,640,500
Uganda	42,500
United Arab Republic	759,900
United Kingdom	7,209,100
U.S.S.R.	186,400
Upper Volta	18,500
Uruguay	184,900
Venezuela	317,600
Vietnam	15,213,700
Western Samoa	2,500
Yemen	45,300
Yugoslavia	2,515,600
Zambia	6,100
Bahamas	31,800
British Honduras	5,900
Brunei	14,000
Southern Rhodesia	1,500
Surinam	9,200
West Indies	8,900
Hong Kong	44,700
Papua and New Guinea	$23,700
Ryukyu Islands	403,300
Trust Territory of the Pacific	284,200
CENTO	54,700
W/W Regional	15,907,600
Total net disbursements to foreign nations, 1946–71	138,446,200
Total net interest paid on what we have borrowed to give away, 1946–71	74,434,597
Grand total, cost of foreign assistance, 1946 through 1971	212,880,797

(Of the 3½ billion people of the world, all but 36 million have received aid from the United States.)

Gold holdings, July 1, 1971

[In thousands]

Gold holdings, United States, Dec. 31, 1950	$22,879,000
Gold holdings, United States, Dec. 31, 1970	10,732,000
Gold holdings, other countries of the world, Dec. 31, 1950	10,935,000
Gold holdings, other countries of the world Dec. 31, 1970	26,108,000

FOREIGN SHORT-TERM DOLLAR CLAIMS AGAINST UNITED STATES

Short-term dollar claims against United States, Dec. 31, 1950	8,645,000
Short-term dollar claims against United States, Dec. 31, 1970	41,666,000

U.S. BALANCE OF PAYMENT

1950 net deficit	−1,912,000
1951 net deficit	−578,000
1952 net deficit	−1,100,000
1953 net deficit	−2,100,000
1954 net deficit	−1,500,000
1955 net deficit	−1,100,000
1956 net deficit	−1,000,000
1957 net surplus	+500,000
1958 net deficit	−3,400,000
1959 net deficit	−3,700,000
1960 net deficit	−3,800,000
1961 net deficit	−2,400,000
1962 net deficit	−2,200,000
1963 net deficit	−2,660,000
1964 net deficit	−3,006,000
1965 net deficit	−1,306,000
1966 net deficit	−2,077,000
1967 net deficit	−3,650,000
1968 net surplus	+93,000
1969 net deficit	−7,208.000
1970 net deficit	−4,715,000
Net U.S. balance-of-payments deficit (21 yrs.) 1950 through 1970	−48,819,000

GROSS PUBLIC DEBTS

Public debt, United States, December 31, 1970	391,626,290
Public debt, all other nations of the world (est.), December 31, 1970	304,160,241
Public debt, United States exceeds combined public debt of all other nations of the world by	87,466,049

The above statistics cover (1) Gold Holdings, (2) Short-term Dollar Claims against United States, (3) United States Balance-of-Payments Positions, 21 years, (4) Public Debt of the United States, (5) Public Debt of all other nations of the world, and (6) Amount by which our public debt exceeds combined public debt of all other nations of the world. These statistics should be of interest to every American, conservative or liberal.

MUTUAL SECURITY PROGRAM (FOREIGN AID)—ANALYSIS ON CONGRESSIONAL ACTION, 16-YEAR PERIOD, 1956–71 INCLUSIVE

Fiscal year	Budget estimate	Appropriation	Reduction below estimate	Percentage below budget estimate
1956	$3,266,641,750	$2,703,341,750	−$563,300,000	17.24
1957	4,859,975,000	3,766,570,000	−1,093,405,000	22.50
1958	3,386,860,000	2,768,760,000	−618,100,000	18.25
1959	3,950,092,500	3,298,092,500	−652,000,000	16.51
1960	4,429,995,000	3,225,813,000	−1,204,182,000	27.18
1961	4,275,000,000	3,716,350,000	−558,650,000	13.07
1962	4,775,500,000	3,914,600,000	−860,900,000	18.03
1963	4,961,300,000	3,928,900,000	−1,032,400,000	20.81
1964	4,525,325,000	3,000,000,000	−1,525,325,000	33.70
1965	$3,516,700,000	$3,250,000,000	$−266,700,000	7.58
1966	3,459,470,000	3,218,000,000	−241,470,000	6.98
1967	3,385,962,000	2,936,490,500	−449,471,500	13.27
1968	3,250,520,000	2,295,635,000	−954,885,000	29.38
1969	2,920,000,000	1,755,600,000	−1,164,400,000	39.88
1970	2,710,020,000	1,812,380,000	−897,640,000	33,12
1971	2,200,500,000	1,940,185,000	−260,315,000	11.83
Total	59,873,861,250	47,530,717,750	−12,343,143,500	20.62

Mr. ERVIN. Mr. President, I would like to note that the foreign aid program which has just been defeated by the Senate proposed to make appropriations of $2.3 billion to 55 nations which have been receiving foreign aid from us and which either voted against us in the United Nations the other day on the Taiwan issue or refused to vote for us. That is an indication that gives me some hope that sooner or later those who manage the fiscal policies of the Federal Government will have sufficient intelligence to learn that Polonius told the truth when he said: "Loan oft loses both itself and friend."

I rejoice in the news that at long last the American taxpayer will be given some consideration in the Capital of this Nation.

THE MARSHALL SPACE FLIGHT CENTER

Mr. SPARKMAN. Mr. President, just recently a release from the Marshall Space Flight Center in Alabama told of some of the missions that had been assigned to that center. It is a very interesting release made by Dr. Eberhard Rees, Director of the Marshall Space Flight Center.

I want to point out that the Marshall Space Flight Center is one of the best, most effective, and most efficient operations in the entire space industry. It was there that the equipment was developed which launched the first free world flight. It was there that the various vehicles were built that put our various missions in orbit, including the mighty Saturn that put the men on the moon.

Mr. President, I ask unanimous consent that this release be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

MARSHALL SPACE FLIGHT CENTER, ALA.

The NASA-Marshall Space Flight Center has been assigned the lead responsibility for the National Aeronautics and Space Administration's Space Tug activities.

Dr. Eberhard Rees, MSFC director, announced last week he had received a letter from Dale Myers, head of NASA's Office of Manned Space Flight, assigning this new role to Marshall.

"The Space Tug is vitally important to the NASA concept of the total Space Transportation System, and offers great potential for use in conjunction with the Shuttle," Dr. Rees said.

The Space Tug would operate in Earth orbit, transferring payloads between orbits of varying altitudes and planes, and performing other transportation functions.

Presently the tug is in a very early study phase (pre-Phase A). NASA, the Department of Defense and the European Launcher Development Organization (ELDO) have each conducted studies, resulting in a number of different concepts and projected performance capabilities.

Marshall will take the lead in NASA "in-house and contracted activities" as well as in providing liaison with the Defense Department and the European group which is interested in participating in the development and use of the vehicle, Dr. Rees said.

"In this role we intend to press forward with additional in-house studies to assure that in the near future the Tug concept is sufficiently well defined to support realistic Shuttle and payload planning."

Marshall was assigned the lead or integrating role in two other Earth orbital projects in July—the Space Station and the Research and Applications Module (RAM) project. All three of these, along with the Space Shuttle are elements of an integrated space program planned for the U.S. during this decade and the next.

Regarding the Tug assignment, Dr. Rees announced that a small Space Tug Project Group will be established within the Advanced Systems Analysis Office of Program Development. Bill Huber will head the Tug office in addition to his duties as director of the Advanced Systems Office.

Mr. SPARKMAN. Mr. President, I have today, for the first time in my life, voted against passage of the foreign assistance authorization bill. I have done so for several reasons.

The primary reason, however, is that I believe the final version of the bill, with the amendments adopted on the floor, is not a good bill. From the viewpoint of our national interest, the bill contains more bad provisions than good ones.

The bill has been stripped of most of the provisions which I supported in the Foreign Relations Committee, designed to end as quickly as possible our tragic military involvement in Southeast Asia. Instead the bill contains additional hundreds of millions of dollars for continued indirect involvement in the battles raging in Southeast Asian nations.

The bill places an undue and unwise emphasis on bilateral, nation-to-nation military and economic assistance—the kind of aid that has led our country in the past to deepening military involvement where our vital interests were not at stake. This kind of involvement and entanglement would be avoided if we channeled justified aid through multilateral programs.

Further, the bill is built on a premise that the United States will give military assistance to almost any nation as long as its government is not Communist. The total military assistance in the bill exceeds the total for economic assistance, and the military assistance is more than than five times the total for technical assistance to nations for economic development. It raises the question of whether we are trying to improve the world or arm the world.

There is provided in the bill some $85 million for little, beleaguered Israel. I believe we should provide that assistance, but let us provide in it a separate bill.

In summary, I disapprove or have deep doubts about the purposes for which two-thirds of the money provided in this bill would be used.

And in view of the very hard economic conditions which face our country today, and the already heavy burden on our taxpayers, I believe fully two-thirds of the money authorized in this bill would be better saved or spent here at home to help our own citizens.

I believe, rather than approving this bill, we would do far better to come up with a new measure, written either by the Congress or the administration, that would use the taxpayers' money more wisely, in ways more beneficial to the welfare of our country and the world.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 565

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted amendments, intended to be proposed by him, to the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

AMENDMENTS NOS. 506 THROUGH 569

(Ordered to be printed and to lie on the table.)

Mr. STEVENS (for himself and Mr. GRAVEL) submitted four amendments, intended to be proposed by them, jointly, to Senate bill 35, supra.

AMENDMENTS NOS. 570 AND 571

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL (for himself and Mr. STEVENS) submitted two amendments, intended to be proposed by them, jointly, to Senate bill 35, supra.

RECISION OF ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the Senate to adjourn until 9 a.m. tomorrow be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished majority leader, and after having cleared the following matters with the minority leadership and with managers of the various bills and authors of various amendments thereto, I make the following unanimous-consent requests.

EXTENSION OF DUTY-FREE STATUS OF CERTAIN GIFTS BY MEMBERS OF THE ARMED FORCES—H.R. 8312

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at such time as H.R. 8312 is called up and made the pending business there be a time limitation thereon of 1 hour on the bill, 1 hour on any amendment thereto in the first degree, and one-half hour on any amendment in the second degree and on any motion or appeal, except nondebatable motions; and that Senators in control of time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of nondebatable motions.

I ask unanimous consent that no amendment not germane be received.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. Reserving the right to object, what bill is the Senator getting the request on at this time? I was interested in the request as to nongermaneness.

Mr. BYRD of West Virginia. I am referring to H.R. 8312, an act extending for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones.

Mr. ALLEN. I have no objection.

The ACTING PRESIDENT pro tempore. The unanimous consent is agreed to, no objection having been heard.

CONSUMER PRODUCT WARRANTY BILL—S. 986

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following disposition of the water quality bill on Tuesday next, the Senate proceed to consider S. 986, the consumer product warranty bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate has disposed of the consumer product warranty bill the Senate then proceed to the consideration of the military construction appropriation bill and that time on that bill be limited to 4 hours, that time on any amendment in the first degree be limited to 1 hour, that time on any amendment in the second degree and any motion or appeal, except a nondebatable motion, be limited to one half-hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with further reference to that bill, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, motion or appeal, except nondebatable motions, and that no amendment not germane may be received.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the bill be equally divided and controlled by the manager of the bill and the minority leader, or his designee, and that time on any amendment, motion, or appeal may be divided between and controlled by the mover of such amendment, motion, or appeal, and the manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL FINANCIAL ASSISTANCE FOR RECONSTRUCTION OF PRIVATE NONPROFIT MEDICAL FACILITIES—S. 1237

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate has disposed of the military construction appropriation bill it take up S. 1237, which deals with the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on that bill of 1 hour, with a time limitation on any amendment in the first degree of one-half hour and a time limitation on amendments in the second degree of 20 minutes, and that time on any motion or appeal, except a nondebatable motion, be limited to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that in connection therewith no amendment not germane may be received.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTOR VEHICLE SAFETY BILL—S. 976

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate has completed its action on S. 1237 it then proceed to take up S. 976, the motor vehicle safety bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on that bill be limited to 2 hours, the time on any amendment in the first degree be limited to 1 hour, that time on any amendment in the second degree or any motion or appeal, with the exception of nondebatable motions, be limited to one-half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask that no amendment not germane be in order with respect to that bill, and that time on the bill be equally divided between the manager of the bill and the distinguished minority leader or his designee; that time on any amendment, motion, or appeal be equally divided between the mover of such amendment, motion, or appeal, and the manager of the bill; and that time on the bill may be yielded by Senators in control thereof to any Senator on any amendment, motion, or appeal, excepting a nondebatable motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VACATING OF ORDER RECOGNIZING SENATOR BYRD OF WEST VIRGINIA AND RECOGNIZING SENATOR GAMBRELL ON TUESDAY, NOVEMBER 2, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered for Tuesday next recognizing the junior Senator from West Virginia for 15 minutes be vacated and that in lieu thereof the distinguished junior Senator from Georgia (Mr. GAMBRELL) be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, will the Senator yield so I may ask a question?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. How far in advance were the unanimous-consent requests to cover? I did not hear that.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry by the very distinguished Senator from Arkansas, according to the program that has been outlined here and cleared with the minority leadership, the measures that have been agreed to here with respect to time limitations would carry us through next Wednesday and possibly into early Thursday.

Mr. FULBRIGHT. I appreciate that. I would like to request that in view of the very efficient efforts to move toward an early adjournment, if it is feasible, that we have, in advance, if we could, some outline, if the majority whip can give it, of what the program will be. I have in mind one or two things. For example, the Okinawa treaty which I expect to come out of the Committee on Foreign Relations in the very near future. I want to make sure we make provision for debate. If the Senate is going to go beyond 2 or 3 days I would have no objection. I did not want to let it go to the point where I would be negligent in providing time for legislation which may come out of the committee.

Mr. BYRD of West Virginia. Let me respond briefly to the distinguished Senator from Arkansas. Once the Senate has disposed of the measures which have been mentioned here this evening, the leadership proposes to attempt to complete business on certain "must" legislation which would include the Okinawa treaty to which the Senator just referred; the two Supreme Court nominations; the President's economic tax package—Phases 1 and 2; the fishing inspection proposal; the Department of Defense, foreign aid, District of Columbia, and supplemental appropriation bills; conference reports; and the equal employment opportunity bill. I believe that is about it.

We hope we will be able to express thanks on Thanksgiving Day for having completed our work for this session.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator for yielding and for his consideration and that of the minority leadership, and for apprising me of their intention to make the unanimous-consent request on nongermane items and the limitation of germaneness.

As a result of that courtesy, a number of bills have been brought to my attention, and I have not objected to the inclusion of nongermane requirements in orders tonight. I also agree I would not object to certain other measures in that respect, including EEOC, which is a week from Monday. I point out I am not prepared to go beyond that and to serve notice that it is my intention to object to any request for a limitation of germaneness beyond that.

Mr. BYRD of West Virginia. The Senator is within his rights. He has stated the case correctly. He has been very cooperative and courteous in working with the leadership on both sides of the aisle in attempts to hammer out these agreements, and any further agreement will certainly be brought to his attention and he will have the opportunity to object or to agree as to germaneness.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SPARKMAN. We are starting hearings Monday on the President's economic package in the Senate Committee on Banking, Housing and Urban Affairs. I presume we ought to be able to report a bill within a week, or certainly not over 10 days. The Senator mentioned that as one of the "must" programs. The program will not be arranged in such a way as to preclude us from getting quick action on that measure, I am sure.

Mr. BYRD of West Virginia. I am sure it will not be. I had not realized the distinguished majority leader was again in the Chamber, and perhaps he would like to respond to the distinguished Senator from Alabama. May I say I am confident——

Mr. SPARKMAN. While the majority leader is engaged in another matter, may I ask one other thing? In order to get this legislation to the floor, our committee is going to have to sit very steadily. Would it be too much to ask at this time unanimous consent that the committee be allowed to sit during the sessions of the Senate next week?

Mr. BYRD of West Virginia. Why does not the Senator make that request at this time?

AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO MEET DURING SESSIONS OF THE SENATE NEXT WEEK

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate Committee on Banking, Housing and Urban Affairs be allowed to sit during the sessions of the Senate next week.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished Senator from West Virginia a question on a point raised by the distinguished Senator from Tennessee (Mr. BAKER) as to his understanding that the EEOC bill had been set for Monday a week. The junior Senator from Alabama is not under the impression that any agreement had been made to set the bill for consideration.

Mr. BYRD of West Virginia. Would the Senator allow the request of the senior Senator from Alabama to be acted on?

The ACTING PRESIDENT pro tempore. May the Chair put the request of the senior Senator from Alabama that his committee be allowed to sit during the sessions of the Senate next week?

Mr. ALLEN. Mr. President, I have no objection. I did not understand that the Senator had made that request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. SPARKMAN. Now, with reference to the question the Senator asked, I am simply asking that no program be arranged within a week or more ahead——

Mr. ALLEN. Mr. President, I apologize. I thought that matter had been disposed of. I would not have broken into the colloquy otherwise.

Mr. BYRD of West Virginia. Mr. President, in response to the able junior Senator from Alabama, the equal employment opportunity bill has not yet been scheduled. The able senior Senator from Tennessee was under the impression that there were plans to schedule it, and so there were, but having discussed the matter earlier with the junior Senator from Alabama, I have not yet made such a request. I was just getting around to that——

Mr. ALLEN. I have not yet interposed an objection.

Mr. BYRD of West Virginia. No. As soon as I make the request, the Senator may wish to object or he may not wish to object.

Mr. SPARKMAN. Mr. President, before the Senator continues, I wonder if I may complete what I started with the majority leader.

If I may have the attention of the majority leader, I just propounded a query to the Senator from West Virginia (Mr. BYRD), assistant leader, that he asked be referred to the majority leader. I said that starting on Monday we are going to begin hearings on the President's economic program, and I think it will take us all week, and probably part of next week, before we have a bill. I believe that we could take that long. I was just asking if we could be assured that the program would not be arranged in such a way as to preclude very expeditious action on that bill, because it is urgent that we finish it. In fact, I believe the President counts on its going into effect on November 15.

Mr. MANSFIELD. Yes.

Mr. SPARKMAN. The House will act on it. I do not know whether we will have a conference on it.

Mr. MANSFIELD. Mr. President, may I say that I appreciate what the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs has just said. All I can do is reiterate what the distinguished acting majority leader said when I recently came into the Chamber, when he said that bill was on the "must" legislation list, and that we will try to give it as expeditious consideration as possible. The Senator has the assurance on both sides of the joint leadership that that will be done.

Mr. SPARKMAN. I thank the Senator.

Mr. GRIFFIN. Mr. President, will the acting majority leader yield to me?

Mr. BYRD of West Virginia. I yield to the Senator.

Mr. GRIFFIN. I want to commend the distinguished Chairman of the Banking, Housing and Urban Affairs Committee for his statement and for the assurance the majority leader has given with respect to the President's economic package, because it is very important, and I am glad we will get to it in this session before we adjourn.

A point of clarification: The distinguished acting majority leader indicated that he announced a program up to Wednesday, but it is not true that with respect to the consumer product warranty bill, there has been no time limitation agreed to and that we would have to make some assumptions as to a probable timetable on that bill?

Mr. BYRD of West Virginia. The Senator is correct. It is hoped that the Senate will be able to complete action on that bill Tuesday afternoon. It is anticipated that the Senate will take up the bill on Tuesday afternoon. All indications are to the effect that action can be completed that afternoon. However, it may spill over into the next morning for final disposition.

Mr. GRIFFIN. That was my understanding—that there was no time agreement.

UNANIMOUS-CONSENT REQUEST FOR TIME LIMITATION ON EQUAL EMPLOYMENT OPPORTUNITY BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, circa 12 o'clock noon Monday, November 8, the Senate proceed to the consideration of S. 2515, the equal employment opportunity bill, with a time limitation of 10 hours on the bill, 3 hours on an amendment by Mr. DOMINICK, 5 hours on an amendment by Mr. GAM-

BRELL, 1 hour on any other amendment in the first degree, one-half hour on any amendment in the second degree, or motion, or appeal with the exception of nondebatable motions; that time on the bill be equally divided between and controlled by the manager of the bill and the minority leader or his designee; that time on any amendment, motion, or appeal with the exception of nondebatable motions be divided between the mover of such amendment, motion, or appeal, and the manager of the bill; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of nondebatable motions; provided further, that no amendment not germane be in order; and provided further and finally, that if the manager of the bill is in favor of any such amendment, motion, or appeal, time in opposition thereto may then be under the control of the minority leader or his designee.

Mr. ALLEN. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLEN. No; I am reserving the right to object.

The ACTING PRESIDENT pro tempore. The unanimous-consent request is now before the Senate.

Mr. ALLEN. I would like to state that I do not regard S. 2515 as, in any sense of the word, "must" legislation, and we do have so much "must" legislation that has already been scheduled, so much more standing in the wings ready to come to the arena for consideration, that with the President's new economic package in the offing, with two confirmations of nominees for Supreme Court Justices to be considered, with appropriation bills yet to be considered, it is the opinion of the junior Senator from Alabama that there is enough true "must" legislation before the Senate, and soon to come before the Senate, that there is no occasion at this time, by unanimous consent, for taking up that measure.

So the junior Senator from Alabama does feel constrained to interpose an objection to the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, the junior Senator from Alabama is acting clearly within his rights, and I respect him for the position he has taken. I appreciate his explanation for the objection.

I felt duty bound to make the request, in view of the fact that it had been discussed and cleared with various Senators, including the able Senator from New Jersey (Mr. WILLIAMS), the able Senator from Minnesota (Mr. MONDALE), and the various other Senators on both sides of the aisle.

I thank the Senator.

Mr. ALLEN. Could I make on further inquiry of the Senator from West Virginia?

Mr. BYRD of West Virginia. I yield for that purpose.

Mr. ALLEN. In view of the objection interposed at this time to bringing the bill up by unanimous consent, what is to be the policy of the leadership with respect to making subsequent requests in this connection? The junior Senator from Alabama would like to be present if at all possible when such request is made.

Mr. BYRD of West Virginia. I am sure I can state for the leadership on both sides of the aisle, and for the distinguished majority leader in particular, that no unanimous consent request with respect to this bill will be submitted without its having been first discussed with the able junior Senator from Alabama.

Mr. ALLEN. I am indeed grateful to the distinguished acting majority leader for his kindness and his courtesy, with which he always treats the junior Senator from Alabama.

Mr. BYRD of Virginia. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. BYRD of Virginia. May I ask the Senator from West Virginia if I might be put in the same category with the distinguished Senator from Tennessee, who would like to be notified before additional unanimous consent requests are made beyond next week?

Mr. BYRD of West Virginia. Yes.

Mr. BYRD of Virginia. There are several measures in the list enumerated by the Senator from West Virginia that the Senator from Virginia has an interest in, and I would like to be present, if possible, when that unanimous-consent request is made.

Mr. BYRD of West Virginia. The request of the distinguished senior Senator from Virginia (Mr. BYRD) will be honored.

Mr. BYRD of West Virginia subsequently said: Mr President, just to be certain that nothing has been overlooked in connection with the various unanimous consent agreements already entered into, I ask unanimous consent that time on all bills be equally divided between the manager of the bill and the minority leader or his designee; that time on all amendments, motions, or appeals, except nondebatable motions, be equally divided between and controlled by the mover of such amendment, motion, or appeal and the manager of the bill, or, if the manager of the bill is in favor of such amendment, motion, or appeal that the time in opposition thereto be under the control of the minority leader or his designee.

Provided further, That with respect to all bills, Senators in control of time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of nondebatable motions.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I assume that the absence of a quorum, which I am about to request, will result in the final quorum call of the day.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. BYRD of West Virginia. May I inquire of the Acting President pro tempore as to whether or not there is an order previously entered for the recognition of the distinguished junior Senator from Alabama (Mr. ALLEN) on Monday, immediately following the recognition of the two leaders, and if so, is that to be followed by morning business not to extend beyond 10 o'clock?

The ACTING PRESIDENT pro tempore. I am so advised.

Mr. BYRD of West Virginia. I thank the Acting President pro tempore.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 35. I do this so that the bill will become the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Alaska Native Claims Settlement Act of 1971".

DECLARATION OF POLICY

SEC. 2. (a) Congress hereby finds and declares that there is an immediate need for a fair, just, and final settlement of all land claims of Alaska Natives, Native Villages and groups; that the claims of Alaska Natives to the lands of Alaska, because they have not been judicially or legislatively determined, constitute a cloud on the title to lands in Alaska; that the best interests of the Alaska Native people, the State of Alaska, and the Federal Government are served by a prompt and final legislative settlement; and that the purpose of this Act is to effect such a settlement by providing—

(1) a grant to each Native Village which qualifies under the requirements and procedures set forth in this Act of title to the village site and additional lands adjacent thereto for community use and expansion;

(2) for the organization of Native corporations and, in order to promote economic self-sufficiency as well as enhance the Natives' present and future welfare, for a transfer of lands, rights, and revenues to such corporations;

(3) a payment of $500,000,000 over a period of twelve years as compensation for lands taken in the past for Federal purposes or conveyed by patent or otherwise to the State of Alaska or to other third parties and for the extinguishment by this Act of all remaining claims or aboriginal rights;

(4) a right to receive a portion of the revenues from the leasing and sale of minerals on certain lands in Alaska, subject to the limitations of this Act, as compensation for lands taken in the past and for the extinguishment by this Act of all remaining aboriginal rights;

(5) authority for individual Natives to acquire ownership of the lands which they use and occupy for homes, businesses, fishing, hunting and trapping camps, and for reindeer husbandry;

(6) a grant to the Alaska Native Services and Development Corporation of the right to select certain lands for their economic potential and to avoid cases of undue hardship;

(7) protection of Native subsistence hunting, fishing, trapping, and gathering rights and, where it is within the power of the Federal Government, measures for the conservation of subsistence biotic resources;

(8) for the establishment of a Joint Federal-State Land Use Planning Commission to undertake a process of statewide land use planning;

(9) a directive to the Secretary to conduct a detailed study of all public lands in Alaska for their suitability for inclusion in the national park system, the national forest system, or the national wildlife refuge system; and

(10) for the exercise of self-determination by the Alaska Native people in choosing which of the land-grant proposals provided for in this bill they want to apply.

(b) The Congress further finds and declares that the legal settlement provided in this Act constitutes compensation for the extinguishment of claims to land and does not and will not constitute a precedent for reopening, renegotiating or legislating upon any past settlement involving land claims or other matters with any Native organization or any tribe, band, or other identifiable group of American Indians.

(c) It is the intent of Congress to carry out the terms of this settlement promptly, with certainty, and in conformity to the real economic and social needs of Alaska Natives by avoiding litigation, by maximizing participation and self-determination by Natives in decisions affecting their rights and property and by vesting in them as rapidly as prudent and feasible control over the land set aside and the corporations organized pursuant to this Act, without: (1) establishing any permanent racially defined institutions, rights, privileges, or obligations; (2) creating a reservation system or lengthy trusteeship; or (3) ultimately adding to the categories of property and organizations enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska.

(d) No provision of this Act shall be construed to replace, diminsh or otherwise modify any right, privilege, or obligation of Alaska Natives as citizens of the United States and the State of Alaska, nor to relieve, replace, or diminish any obligation of the United States or the State to protect and promote the rights and welfare of Alaska Natives as citizens of the United States and of the State of Alaska. The payments and grants authorized under this Act constitute compensation for the extinguishment of claims to land, and shall not be deemed a substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska, nor to effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of title 10 of the United States Code except as specifically provided in this Act.

(e) No provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(a) "Commission" means the Alaska Native Commission established by this Act;

(b) "Fund" means the Alaska Native Compensation Fund in the Treasury of the United States established under the terms of this Act;

(c) "Investment Corporation" means the Alaska Native Investment Corporation authorized to be established pursuant to this Act under the laws of the United States;

(d) "Municipal Corporation" means any Native Village incorporated as a general unit of municipal government under the laws of the State of Alaska;

(e) "National Corporation" means the Alaska Native National Corporation established pursuant to this Act;

(f) "Native" means a citizen of the United States who is an Alaska Indian, Eskimo, or Aleut of one-fourth degree or more Alaska Indian, Eskimo, or Aleut blood, or a combination thereof, including any Native as so defined whose adoptive parent is not a Native, and, in the absence of proof of a minimum blood quantum, also any citizen of the United States who is regarded as an Alaska Native by the Native Village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by such village or any other Native Village eligible for land under this Act;

(g) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska;

(h) "Native Village" means any Native group which is composed of at least twenty-five or more Natives and which meets the requirements set forth in section 13 or 22 of this Act;

(i) "Planning Commission" means the Joint Federal-State Land Use Planning Commission established by this Act;

(j) "regional corporation" means a corporation organized to hold, invest, manage and/or distribute lands, property, funds and other rights and assets for and on behalf of the Natives of a specified region of Alaska in accordance with the terms of this Act:

(k) "public lands" means all Federal lands and interests therein situated in Alaska as of the effective date of this Act, except: (1) the smallest practicable tract (but not less than forty acres), as determined by the Secretary, enclosing improved land actually used in connection with the administration of any Federal installation, and (2) land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act as amended (72 Stat. 341, 77 Stat. 223);

(l) "Secretary" means the Secretary of the Interior;

(m) "Services Corporation" means the Alaska Native Services and Development Corporation established pursuant to this Act under the laws of the United States;

(n) "State" means the State of Alaska;

(o) "Village Corporation" means an Alaska Native Village Corporation organized under the laws of the State of Alaska to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native Village in accordance with the terms of this Act; and

(p) "Urban Corporation" means the Alaska Native Urban Corporation established pursuant to this Act.

DECLARATION OF SETTLEMENT

SEC. 4. (a) The provisions of this Act shall constitute a full and final settlement and extinguishment of any and all claims against the United States, the State and all other persons which are based upon aboriginal right, title, use, or occupancy of land in Alaska (including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist) by any Native, Native Village, or Native group or claims arising under the Act of May 17, 1884 (23 Stat. 24), or the Act of June 6, 1900 (31 Stat. 321), or any other statute or treaty of the United States relating to Native use or occupancy of land, including all claims based upon aboriginal right, title, use or occupancy pending before any court or the Indian Claims Commission on the effective date of this Act. All prior conveyances of public land and water areas in Alaska, or any interests therein, pursuant to Federal law, including tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of any and all Native claims thereto.

(b) The Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Alaska Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of the date of enactment of this Act.

ALASKA NATIVE COMPENSATION FUND

SEC. 5. (a) There is hereby authorized to be appropriated $500,000,000 as compensation to the Natives for lands and interests in lands taken in the past or to which their rights and claims are extinguished by this Act, such compensation to be paid to the Alaska Native Compensation Fund in accordance with the following twelve-year payout schedule:

(1) $20,000,000 during the fiscal year in which this Act becomes effective, of which $2,500,000 shall be set aside in the Fund for the purpose of paying attorneys' fees pursuant to section 26 of this Act, and $350,000 shall be set aside in the Fund for the purposes set out in subsection 5(g) hereof;

(2) $50,000,000 during the second fiscal year;

(3) $70,000,000 during the third, fourth, and fifth fiscal years;

(4) $40,000,000 during the sixth fiscal year; and

(5) $30,000,000 during each of the next six fiscal years.

(b) As additional compensation to the Natives for lands and interests in lands taken in the past or to which their rights and claims are extinguished by this Act, there shall be paid into the Fund all revenues derived from revenue sharing pursuant to section 18 of this Act and the limitations therein.

(c) No interest shall be paid on the unappropriated or unaccrued balance of the compensation under subsections 5 (a) and (b) of this section: *Provided*, That annual payments or portions of annual payments which are due under the schedule set out in subsection 5(a), but which have not been appropriated within six months after the end of the fiscal year in which payable, shall draw interest at the then current rate on short term treasury obligations.

(d) All moneys paid into the Fund shall bear interest from the date of deposit at the rate of 4 per centum per annum until paid to the Services Corporation or its successor and the Investment Corporation or its successor. Until incorporation and formal organization of the corporations pursuant to sections 8 and 10 of this Act, the Secretary may temporarily withdraw moneys from the Fund for investment in short-term obligations of the United States or for deposit with financial institutions qualified to receive and hold public funds of the United States: *Provided*, That any such investment or deposit made by the Secretary shall be at the highest current rate obtainable.

(e) (1) Moneys paid or deposited into the Fund shall be paid or distributed for the benefit of the Natives in accordance with the provisions of this Act. The Secretary of the Treasury shall make such payments and distributions pursuant to the following payment schedule to the Services Corporation and to the Investment Corporation:

Fiscal year (commencing in the fiscal year of the 1st appropriation)	Alaska Native Investment Corp. (percent)	Alaska Native Services & Development Corp. (percent)
1st	20	80
2d	25	75
3d	30	70
4th	35	65
5th	40	60
6th	45	55
7th	50	50
8th	50	50
9th	55	45
10th	55	45
11th	60	40
12th	60	40

(2) For the first five fiscal years from the date of enactment of this Act, prior to making the payments and distributions required by subsection (e) (1) hereof, the Secretary of the Treasury shall pay from the Fund to the Investment Corporation the difference between the Investment Corporation's current earnings on its investments and $4,000,000. Moneys paid to the Investment Corporation pursuant to this subsection shall be used to pay shareholders a minimum quarterly dividend pursuant to the provisions of subsection 10(a) (1).

(f) All moneys paid or deposited into the Fund after the twelfth fiscal year from the date of enactment of this Act shall be distributed to the Services Corporation and the Investment Corporation or their successors on the same basis as in the twelfth year in the payment schedule set out in subsection (e) (1) hereof.

(g) (1) Up to $350,000 of the moneys paid or deposited into the Fund in the first fiscal year shall be paid by the Secretary of the Treasury upon certification by the Commission to recognized Associations of Alaska Natives to reimburse them for actual costs incurred in filing protests, preserving land claims, advancing land claim settlement legislation, and presenting testimony to the Congress on the Alaska Native land claims. Moneys paid pursuant to this subsection shall be paid first to the recognized Statewide association, and then, to the extent funds are available, to regional Native Associations as determined by the Commission. The determination of the Commission shall be final without regard to subsection 6(j) of this Act. Such moneys shall not be used to pay any attorney's fees or expenses.

(2) Up to $2,000,000 of the moneys paid or deposited into the Fund in each fiscal year for a period of ten years shall be paid by the Secretary of the Treasury upon certification of the Commission, until its termination, or the Secretary of the Interior after the Commission's termination, to assist in the development and operation of borough and municipal government in areas of the State which do not have formally organized borough or municipal government. The funds shall be distributed pursuant to the Commission's certification and may be applied to assist in funding the costs of governmental administration, the training of governmental employees, and to improve the quality of municipal and borough government.

(h) None of the funds paid or distributed pursuant to this section to any of the Corporations established pursuant to this Act shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than twelve months, or both.

ALASKA NATIVE COMMISSION

SEC. 6. (a) The Alaska Native Commission is hereby established. The Commission shall be in existence for seven years from the date of its first meeting, or for less than seven years if its duties under this Act are completed. The Commission shall be composed of five members to be appointed by the President with the advice and consent of the Senate, within six months of the date of enactment of this Act. Not more than three members of the Commission shall be members of the same political party, and at least two of the members appointed by the President shall be Natives who are residents of the State. Upon assuming office, each member of the Commission shall become a full-time Federal employee. The Federal laws and regulations on conflicts of interest applicable to other Federal employees shall be applicable to the members of the Commission, but this provision shall not be deemed to preclude a Native from serving as a member: *Provided*, That such Native Commissioner shall not participate in any proceeding before the Commission in which his participation would be in conflict with section 208 of title 18, United States Code.

(b) The term of office of members of the Commission shall be for four years for the first three members appointed, and three years for the remaining two members. Thereafter the terms shall be until the Commission expires: *Provided*, That any member appointed to fill a vacancy on the Commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member of the Commission shall continue to serve until his successor has been appointed and has qualified to take office. The President shall choose a Chairman from the Commission's membership, and the Commission may elect by a majority vote of its membership other officers, such as a Vice Chairman, as it may find necessary to perform its functions. A member of the Commission may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(c) The Chairman shall initially receive compensation at the rate of $32,500 per year. The other four Commissioners shall receive compensation at the rate of $30,000 per year. The salaries of the Commission members and the Chairman may increase at the same rate as general salary increases for classified Federal employees. No member of the Commission's staff shall be compensated at a rate in excess of that paid to members of the Commission.

(d) The principal office of the Commission shall be in Alaska. Whenever the Commission deems that the convenience of the public or the parties may be promoted, or delay or expense may be minimized, or at the request of any party, it may establish other offices, hold hearings, or conduct other proceedings at any other place, including other States, for the convenience of the parties involved, that a majority of the Commission shall direct. The Commission shall have an official seal which shall be judicially noticed, and which shall be preserved in the custody of the Secretary of the Commission.

(e) The Commission shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Commission and such legal counsel as it deems necessary. Subject to the civil service laws, the Commission shall appoint such other employees as it deems necessary in exercising its power and duties. The compensation of all employees appointed by the Commission shall be fixed in accordance with chapter 53 of title 5, United States Code, subject to the provisions of subsection 6(c) hereof.

(f) (1) For the purpose of carrying out its functions under this Act, three members of the Commission shall constitute a quorum and official action may be taken only on the affirmative vote of at least three members, but a special panel composed of one or more members upon order of the Commission may conduct any hearing or other proceeding provided for in this Act and submit the record of such hearing or proceeding to the entire Commission for its action thereon. Such record shall be made available to the parties, and they shall be afforded an opportunity to comment thereon, before any final action of the Commission.

(2) The Commission shall give reasonable notice to the interested parties and an opportunity for them to appear and be heard, and shall afford the parties an opportunity to present evidence before making a final determination upon any protest, claim, or other contested matter.

(3) A party to any proceeding before the Commission may appear on his own behalf or be represented by counsel of his own choice.

(g) The Commission shall have power to establish its own rules of procedure to carry out its duties under this Act. Except where inconsistent with this Act the Federal Administrative Procedure Act (5 U.S.C. 500 et seq.) will apply. Each official action of the Commission shall be entered in writing, and its hearings and records thereof shall be open to the public.

(h) (1) Any member of the Commission may sign and issue subpenas for the attendance and testimony of witnesses and production of relevant papers, books and documents, and may administer oaths. Witnesses, other than direct parties in interest, summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Any person who fails to comply with a Commission subpena shall be subject to punishment in accordance with section 104 of title 43, United States Code. The Commission may order testimony to be taken by deposition in any proceeding before it and in any stage of such proceeding after reasonable notice is first given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition.

(2) The Commission shall have the power to call upon any of the departments or agencies of the United States for any information it may deem necessary for carrying out its functions under this Act.

(3) In any hearing or other proceeding before the Commission, letters, papers, documents, maps, transcripts, or records of any executive agency or court of the United States (or a certified copy thereof) may be used in evidence insofar as relevant and material. Every executive agency of the United States having possession thereof shall make available for copying and inspection such letters, papers, documents, maps, transcripts, and records bearing upon matters before the Commission to any interested Natives, Native group, Native Villages, or Native corporations, or their representatives as provided by section 552 of title 5, United States Code.

(i) Each decision made by the Commission shall show the date on which it was made, and shall bear the signatures of the members of the Commission who concur therein and, upon issuance of a decision under this Act, the Commission shall cause a true copy thereof to be sent by certified mail to all parties and their attorneys of record. When appropriate, each decision also shall include the findings of fact upon which the Commission's conclusions are based, and a statement of its reasons for such findings and conclusions. The Commission shall cause each decision to be entered on its official record together with any written opinion prepared by any members in support of, or dissenting from, any decision.

(j) Except where otherwise provided, decisions issued by the Commission shall be subject to judicial review by the appropriate United States District Courts upon the filing in such court within sixty days from the date of such decision of a petition by any person aggrieved by the decision praying that the action of the Commission be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to any party to the proceeding and to the Commission, and thereupon the Commission shall certify and file in such court the record upon which the decision complained of was based. The court shall hear such appeal on the record made before the Commission. The findings of the Commission, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceeding to the Commission for such further action as it directs. The judgment of the court shall be subject to review by the United States Court of Appeals for the Ninth Circuit, and by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28, United States Code.

(k) The duties and responsibilities of the Commission shall include during the period of its existence—

(1) the issuance of rules and regulations for preparing a final membership roll of Natives and a roster of Native Villages qualified for benefits under this Act;

(2) the determination of eligibility for inclusion on such roll and roster, respectively, and of protests with respect thereto;

(3) the hearing of, and decision upon, any appeal from a refusal of the Services Corporation to approve a village plan for the management and expenditure of funds, as provided in section 11(e);

(4) the determination of Village land entitlement, the determination of regional boundaries under section 9 (a), the determination of land disputes between Native Villages, the determination of disputes relating to land patents, and the certification of eligibility for patents under this Act;

(5) the approval of land transactions as provided under this Act; and

(6) such other duties and responsibilities as are provided under this Act.

(l) During the same period of time no person may serve in more than any one of the following capacities:

(1) as a member of the Commission;

(2) on the board of directors or as an officer of the Services Corporation;

(3) on the board of directors or as an officer of the Investment Corporation.

(m) Upon termination of the Commission's existence or upon completion of its duties under this Act pursuant to subsection 6(a) hereof, any pending business, any uncompleted matters, or any duties required to be performed by the Commission shall be performed by the Secretary in accordance with the provisions of this Act insofar as is practicable, and the Secretary, in consultation with the Commission and the General Services Administration, shall provide for the disposition and preservation of the Commission records: *Provided*, That such records shall remain available for public inspection, copying, and other appropriate use.

ENROLLMENT

SEC. 7. (a) (1) In order to facilitate the selection and management of lands, the use of funds and the organization of corporations in furtherance of this Act, the Secretary shall prepare within six months after the effective date of this Act, pursuant to such rules and regulations as he may prescribe, a temporary census roll of all Natives born on or before January 1, 1972, and living on the date of enactment of this Act. Such roll shall show with respect to each Native, insofar as is practicable, his name, date and place of birth, date and place of parents' birth, degree of Native blood and the Native Village or Native group of which he is a member. The decision of the Secretary regarding the eligibility of any person for inclusion on the temporary census roll shall be final: *Provided*, That any person listed on an existing membership roll of any Native Village or group pursuant to requirements similar to those set out in subsection 3(f) shall be presumed to be eligible for enrollment.

(2) Any person listed on the temporary census roll who is eighteen years of age or over at the time of voting shall be entitled to vote in the election of directors for the Corporations, as provided in this Act, and in the election for the Land Selection Committee of the village, if any, of which he is a member, as provided in sections 11, 14, and 23. The population of each Native Village which meets the requirements set out in, as is appropriate, section 13 or 23 of this Act, as shown on the temporary census roll and as corrected at the time of determination, shall be the basis for determining the number of acres of land to which the Native Village Corporation is entitled pursuant to this Act. Except as provided in this subsection, however, the temporary census roll shall not be used as a basis for determining the right of any Native, any Native Village Corporation, or any other corporation to receive funds and property or otherwise to share in the benefits accorded the Native people of Alaska under this Act.

(b) (1) The Commission shall prepare, in accordance with such rules and regulations as it may prescribe: (A) within five years after the effective date of this Act a final membership roll of all Natives born on or before January 1, 1972, and living on the effective date of this Act, including a separate listing and designation of the membership of each Native Village Corporation, the Urban Corporation and the National Corporation; and (B) a roster of all Native Villages which meet the requirements of section 13 or 23 and are eligible for benefits hereunder, within three years after the effective date of this Act. Before any such roll or roster is finally approved by the Commission, it shall be published in the Federal Register and in such other manner as the Commission shall find practicable and effective (including posting in each Native Village listed in the roster and in each village which was denied inclusion in the roster). Any applicant denied enrollment or any village omitted from the roster shall be notified by the Commission in writing of the Commission's action and of his or their right to protest such action.

(2) Within three months after notice of the Commission's action, any person denied enrollment or any Native group whose village is omitted from the village roster, as the case may be, shall have the right to protest such denial or omission to the Commission, and within three months after publication in the Federal Register, the Secretary or any Native Village eligible under section 13 or 23 or the Urban and National Corporations shall have the right to protest to the Commission the inclusion of any individual on the membership roll or any village on the roster of Native Villages. Any Native Village shall have the right, for three months after publication of the membership roll in the Federal Register, to protest designation of membership therein by a Native on behalf of himself or his children below the age of eighteen under subsection (c) hereof. Such protests shall be the subject of a hearing by the Commission and judicial review as provided in section 6(j) of this Act. The membership rolls and village roster prepared by the Commission, as modified after any hearing or judicial review, shall be final and shall be promulgated by publication in the Federal Register.

(c) Each Native shall have the right to designate the Native Village in which he and his children under the age of eighteen years are to be listed as members and, in the absence of a protest by the named village pursuant to subsection (b) (2) hereof, such designation shall be final. In the event a Native Village does protest a designation of membership, the Commission shall determine the Native Village or villages, if any, of which the Native and his children under the age of eighteen are members, and the burden of proof of membership shall be upon the individual. In making its determination, and subject to the provisions of subsections (d) and (e) hereof, the Commission shall give priority to villages in the following order: (1) to the Native Village where the Native resides on the effective date of this Act, if such residence has continued without substantial interruption for a period of more than two years; (2) to the Native Village where the Native previously resided for a period or periods which aggregate ten years or more; (3) to the Native Village where the Native was born; (4) to the Native Village where either parent of such Native was born; (5) to the Native Village where the Native resides on the effective date of this Act; and (6) to a Native Village from which an ancestor of the Native came: *Provided*, That the Commission, upon the request of any Native, shall have discretion to deviate from the foregoing priorities and declare such person and/or his child under the age of eighteen to be a member of a Native Village from which he otherwise would be excluded in order to avoid hardship (such as the division of a family) or any other unreasonable classification.

(d) Natives who do not meet the requirements to qualify as members of a Native Village set out in this section or Native residents of urban areas who do not indicate or state their intention to return to a Native Village shall be enrolled as members of the Urban Alaska Native roll and shall be enrolled as members of the Urban Alaska Native roll and shall be entitled to receive benefits under this Act through the Urban Corporation established pursuant to section 12.

(e) Natives living outside the State and who do not meet the requirements to qualify as members of the Native Village or who do not indicate or state their intention to return to a Native Village shall be listed as members of the Alaska Native National roll and shall be entitled to receive benefits under this Act through the National Corporation established pursuant to section 12.

(f) In preparing the final membership roll the Commission shall insure that each Alaska Native is designated a member of an eligible Native Village or a member of either the Urban or the National Corporations established pursuant to section 12.

(g) Any person who gives false information to qualify himself or any other person for inclusion on the temporary census roll or upon a Native membership roll, willfully and with knowledge that such information is false, shall be guilty of perjury and, upon conviction, shall be fined not more than $1,000 or imprisoned not more than a year, or both.

(h) The provisions of Revised Statute 452 (43 U.S.C. 11) shall not apply to any land grants or other rights granted under this Act.

ALASKA NATIVE SERVICES AND DEVELOPMENT CORPORATION

SEC. 8. (a) (1) There is hereby established the Alaska Native Services and Development Corporation as a nonprofit membership corporation which shall have the powers hereinafter granted. The Services Corporation shall be a federally chartered corporation but shall not be an agency or establishment of the United States Government and shall cease to be in existence after twelve full fiscal years from the date of enactment of this Act

(2) The members of the board of directors appointed by the President shall serve as the incorporators and shall prepare the original articles of incorporation for the Services Corporation in a form consistent with the provisions of this section, and shall serve as the initial board of directors until the Native members of the board are elected. The incorporators shall file the articles of incorporation with the Secretary within six months after their appointment as members of the board of directors, and the Services Corporation shall be deemed to be incorporated and formally organized as of the date of such filing. The incorporators also shall transmit a copy of the articles of incorporation to the Commissioner of Commerce of the State. The Secretary of the Treasury is authorized and directed to advance from the Services Corporation's share of moneys in the Fund such sums as may be reasonably necessary for the organization of the Services Corporation.

(b) (1) The management of the Services Corporation shall be vested in a board of directors, which shall consist of twelve members:

(A) three members of which shall be appointed by the President within six months of the date of enactment of this Act, and each member shall serve a term of one, two, or three years. Members so appointed shall serve until their successor has been appointed; and,

(B) nine members of which shall be elected by the voting members of the Services Corporation on the following basis:

(i) one member representing and elected by each of the seven regions of Alaska as determined by section 9 of this Act;

(ii) one member representing and elected by the members of the Urban Alaska Native roll; and

(iii) one member representing and elected by the members of the Alaska Native National roll.

Members of the board so elected shall serve for terms of four years or until their successors have been elected and qualified: *Provided,* That among the directors first elected, one shall serve for a term of one year, two shall serve for terms of two years, three shall serve for terms of three years, and three shall serve for terms of four years: And provided further, That the directors who serve the shorter terms shall be determined by a drawing of lots conducted by the initial board. Any director elected to fill a vacancy shall serve only for the period of the unexpired term of the director whom he succeeds. Election for membership on the board of directors shall be conducted in accordance with procedures set forth in the articles of incorporation or bylaws of the Services Corporation: *Provided,* That the first such election shall be held not less than six months nor more than one year after the effective date of incorporation of the Services Corporation.

(2) The board of directors shall elect a chairman annually from among its own membership. The board also may appoint a member of the Services Corporation to fill a vacancy within its membership, but such appointed director shall serve only until the next regular election of directors.

(3) Notwithstanding any other provision of this Act or the articles of incorporation to the contrary, the initial board of directors of the Services Coropration appointed by the President shall exercise only the following corporate powers: (A) completion of the organization of the Corporation and qualifying it to do business, including, but not limited to, the adoption of a corporate seal, the opening of bank accounts, the establishment of a place or places of business and the rental or acquisition of all necessary offices, furnishings, equipment, and supplies related thereto, subject to the condition that no lease shall be for a period in excess of one year; (B) approval of amendments to the articles of incorporation; (C) the appointment of officers of the Corporation, the hiring of other employees and the employment of consultants, accountants, and other professional or financial advisers, subject to the condition that no contract of employment shall be for a period in excess of one year; (D) the receipt, investment, and distribution of moneys from the Fund in accordance with subsections 8 (e) and (f) hereof; (E) the expenditure of corporate funds to pay for or carry out the activities authorized under this section; (F) the conduct of the first election for membership on the board of directors; and (G) take any actions necessary to organize the Urban and National Corporations.

(c) The Services Corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board and serving at the pleasure of the board. The president and other officers of the Services Corporation may, but need not, be members of the board. No officer of the Services Corporation shall receive any salary from any source other than the Services Corporation during the period of his employment by the Corporation. The president shall be responsible for conducting the business and affairs of the Services Corporation in a manner consistent with the provisions of this Act, the articles of incorporation, and the policies of the board of directors, and shall appoint such other employees as the board deems appropriate.

(d) (1) Until publication of the membership roll in accordance with subsection 7 (b) (1) of this Act, the members of the Services Corporation shall consist of all Natives shown on the temporary census roll prepared pursuant to section 7(a). After publication of the membership roll in accordance with subsection 7(b) (1) and before such roll becomes final in accordance with subsection 7(b) (2), the members of the Services Corporation shall consist of all Natives shown on the temporary census roll, and any other Native whose name is listed on the membership roll except an individual whose inclusion thereon is the subject of appending protest. After promulgation of the final membership roll in accordance with subsection 7(b) (2), the members of the Services Corporation shall consist of all Natives listed upon such roll, as amended to reflect the death of any individuals so listed.

(2) The right to vote for directors and on such other matters as properly may be placed before the membership for decision shall be limited to members of the Services Corporation eighteen years of age or over at the time of voting.

(e) As soon as the Services Corporation is incorporated and formally organized in accordance with subsection (a) hereof, the Secretary of the Treasury shall pay to the Services Corporation all moneys deposited in the Fund to which the Services Corporation is entitled up to the date of such incorporation, together with any accrued interest. Thereafter, on January 1, April 1, July 1, and October 1 of each calendar year, the Secretary of the Treasury shall pay to the Corporation additional moneys deposited in the Fund to which the Services Corporation is entitled up to the date of payment, together with any accrued interest. The Secretary of the Treasury shall also furnish to the Services Corporation each month a statement showing the amount and source of moneys on deposit in the Fund.

(f) (1) Except as otherwise provided in this section and pursuant to the provisions of subsection 11(e), the Services Corporation shall distribute moneys paid to it out of the Fund after the receipt thereof to the Native Village Corporations, to the regional corporations, and to the Urban and National Corporations in accordance with the provisions of this Act. The amount of money distributed shall, except as provided in section 9 (j) (1), be apportioned in direct proportion to the membership of each of the Village Corporations, the Urban Corporation and the National Corporation as shown on the final membership rolls promulgated in accordance with section 7: *Provided, however,* That, prior to making any payments to the Village Corporations, the Services Corporation shall pay to each of the regional corporations established pursuant to section 9, 20 per centum of the funds apportioned to each of the Village Corporations within the areas encompassed by each such regional corporation. Each of the Village Corporations shall then be paid the remaining 80 per centum of the funds apportioned thereto. Moneys received from the Fund which the Services Corporation must distribute in accordance with this subsection shall not constitute income to the Services Corporation for any purpose.

(2) Until the membership roll becomes final in accordance with subsection 7(b) (2) of this Act, the Services Corporation shall distribute only 80 per centum of all moneys paid to it out of the Fund. The amount of money distributed to each Native Village Corporation, to each regional corporation, and to the Urban Corporation and the National Corporation shall be apportioned in direct proportion to the Native population before publication of the membership roll in accordance with subsection 7(b) (1) as shown on the temporary census roll prepared in accordance with section 7(a), and after publication of the membership roll in accordance with subsection 7(b) (1) as shown thereon. Appropriate adjustments shall be made in actual distributions to reflect any prior advances, and the relative rights of the beneficiaries under this paragraph: *Provided,* That all distributions made pursuant to this paragraph shall be deemed advances of moneys to which the beneficiaries will become entitled upon promulgation of the final membership roll in accordance with section 7(b) and shall not constitute a determination of their relative rights to receive funds or property under this Act. Moneys paid to the Services Corporation out of the Fund, which are withheld by it pursuant to this paragraph, shall be invested by the Serv-

ices Corporation for the benefit of the beneficiaries as their interests therein ultimately are determined.

(3) After promulgation of the final membership roll in accordance with subsection 7(b)(2), the Services Corporation shall distribute all moneys withheld under subsection (f)(2) hereof (adjusted to reflect earnings or losses from investment), after appropriate adjustments in the amounts of actual distributions also to reflect prior distributions and their respective rights in moneys derived from the Fund, to the beneficiaries as provided in subsection (f)(1) hereof.

(4) The Services Corporation shall withhold and invest any moneys due a Native Village Corporation, a regional corporation, or the Urban or National Corporations until such corporations are organized and qualified. The Services Corporation may withhold and invest in trust any moneys due a Native Village Corporation, a regional corporation, or the Urban or National Corporations if it is found that a corporation is violating any provision of this Act or of its articles of incorporation. All moneys so withheld (adjusted to reflect earnings or losses from investment) shall be paid over to the affected corporation upon a determination that the violations have been corrected or upon termination of the Services Corporation.

(5) The Services Corporation shall prepare and distribute to the regions set forth in section 9(a) and to the Native Villages proposed articles of incorporation and other appropriate forms necessary to their organization and shall provide funds to the regions and to the Native Villages for organization of the regional and Village Corporations.

(g) The Services Corporation shall retain out of moneys paid to it out of the Fund: (1) such amounts as are necessary, but not in excess of 5 per centum for carrying on the business and affairs of the Services Corporation; and (2) 5 per centum as a contingency fund to be used for purposes specified in the articles of incorporation: *Provided*, That payments to the contingency fund shall not exceed a total unused balance of $5,000,000 and moneys in the contingency fund shall be prudently invested.

(h)(1) The Services Corporation shall be considered a public instrumentality eligible for grants and contracts for planning and development programs under any Federal law which will assist Natives, Native Villages, and Native Village Corporations. For a period of twelve fiscal years after the date of its formal organization, the Services Corporation shall be subject to audit by the General Accounting Office. Copies of such audits together with a report of the Administrator shall be filed with the appropriate committees of Congress. At the end of twelve fiscal years, and after a final audit by the General Accounting Office and the filing of a final financial report with the Congress, the limitations established and the powers granted under this Act for the Services Corporation shall terminate.

(2) Upon expiration of the charter of the Services Corporation, the assets and liabilities of the Services Corporation may, at the option of its membership:

(A) be transferred to the Investment Corporation or the successor to the Investment Corporation;

(B) be transferred to a new corporation organized pursuant to subsection 8(h)(3) hereof; or

(C) be liquidated and distributed among the members in any form permitted by law.

(3) In the event that the members of the Services Corporation, pursuant to subsection 8(h)(2)(B) hereof, elect to establish a new corporation to succeed the Services Corporation, the directors of the Services Corporation shall appoint the incorporators of a new business-for-profit corporation (hereinafter called the successor to the Services Corporation), to which the assets and liabilities of the Services Corporation shall be transferred. Ten per centum of the total number of shares issued and outstanding shall be reserved for the Foundation established pursuant to section 25 of this Act. The remaining number of shares shall be distributed equally among Natives on the final roll and to those who have succeeded to their interest by bequest or pursuant to the statutes of descent or distribution. The successor to the Services Corporation will not be an agency or establishment of the United States and shall be governed entirely by the Federal and State laws ordinarily governing business corporations of the same type, and shall not be governed by the terms of this Act, except as follows:

(A) payments from the Fund to the Services Corporation or its successor as provided in subsection 5(f); and

(B) shares of stock in the successor to the Services Corporation shall not be alienable for twenty years from the date of enactment of this Act, and shall be subject to the provisions of subsection (h)(4) hereof.

(4) Any shares of stock held by Alaska Natives under any successor corporation established pursuant to this section for the benefit of Alaska Natives shall be inalienable and many not be pledged, subjected to a lien or judgment execution or assigned for a period of twenty years from the date of enactment of this Act. No contract to sell, pledge, or otherwise alienate such stock during this period of time shall be of any validty or enforceable in any court. Any person who knowingly seeks to acquire from an Alaska Native such stock in violation of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(i) The Services Corporation shall have and may exercise all rights and powers vested in a nonprofit membership corporation under the laws of the State. In addition, and without limitation upon any of the powers so conferred, or the powers conferred elsewhere in this Act, the Services Corporation shall have the following powers—

(1) to maintain an appropriate staff to provide professional, technical, engneering, social services, and financial assistance and advice to Natives, Native Villages, and Native Village and regional corporations: (A) in the selection, use management, leasing, and disposition of lands or interests therein; (B) in the development of comprehensive land use plans; (C) in the use, investment, and expenditure of funds; and (D) in the acquisition, use, and disposition of other property;

(2) to assist Native Villages and Native Village and regional corporations in the planning and execution of programs for community development, including, but not limited to, housing, the establishment of local industry and the construction of public works;

(3) to enter into contracts with Natives, Native Villages and Native Village and regional Corporations, where appropriate, for the use, management, investment, economic development or disposition of lands, interests in lands, funds and other property for the benefit of such Natives and Native organizations;

(4) to provide loans and grants for the education and relief of distress of individual Natives, or their descendants and subject to the provisions of this Act, make distributions of funds to regional corporations, Native Village Corporations, and to municipal corporations in predominantly Native areas;

(5) to exercise authority to conduct the business and affairs of any regional or Native Village Corporation shown to be violating any provision of this Act or of its articles of incorporation;

(6) to carry out any and all activities directed toward promoting the health, welfare. education and social and economic development of Natives and their descendants; and

(7) to provide any advice or assistance requested by the Urban and National Corporations.

(j) The internal affairs of the Services Corporation shall be governed in accordance with the laws of the State relating to nonprofit membership corporations, except to the extent inconsistent with the provisions of this Act; and except that—

(1) amendments to the articles of incorporation and annual reports shall be filed with the Secretary and certified copies thereof shall be transmitted to the State Commissioner of Commerce;

(2) the Services Corporation shall not be subject to any State licensing requirements, incorporation fees or other corporate charges, except the designation of a registered office and registered agent, and nominal fees for the filing of corporate papers, or to the imposition of State taxes as provided in this Act; and

(3) the Services Corporation shall not be subject to any State law which places a burden or duty upon it greater than is placed upon any other nonprofit membership corporation, or, unless the Corporation so consents, to any State corporate law which is in effect applicable only to the Services Corporation.

NATIVE REGIONAL CORPORATIONS

SEC. 9. (a) For purposes of this Act, the State shall be divided by the Commission within one year after the effective date of this Act into seven geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, the seven regions shall approximate the areas covered by the operations of the following existing Native associations:

(1) Arctic Slope Native Association (Barrow, Point Hope);

(2) Bering Strait Association (Seward Peninsula, Unalakleet, St. Lawrence Island) and the Northwest Alaska Native Association (Kotzebue);

(3) Association of Village Council Presidents (southwest coast, all villages in the Bethal area, including all villages on the Lower Yukon River and the Lower Kuskokwim River) and the Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);

(4) Tanana Chief's Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);

(5) Aleut League (Aleutian Islands, Pribilof Islands, and that part of the Alaska Peninsula which is in the Aleut League);

(6) Tlingit-Haida Central Council (southeastern Alaska); and

(7) Cook Inlet Association (Kenai, Tyonek, Eklutna, Iliamna), the Chugach Native Association (Cordova, Tititlek, Port Graham, English Bay, Valdez, and Seward), the Kodiak Area Native Association (all villages on and around Kodiak Island); and the Copper River Native Association (Copper Center, Glenallen, Chitina, Mentasta).

Any dispute over the boundaries of any region or regions shall be determined by the Commission and, without regard to subsection 6(j), shall be final: *Provided, however*, That the boundaries of the regions shall be drawn so that the lands granted to each Native Village shall not lie within the area of more than one regional corporation.

(b)(1) There are hereby authorized to be incorporated under the laws of the State a regional corporation for each of the regions defined under subsection (a) hereof, which regional corporations shall have the powers hereinafter granted.

(2) The regional corporations established under this subsection shall not be agencies or establishments of the United States Gov-

ernment. The regional corporations shall be considered political subdivisions of the State solely for the purpose of being eligible for grants, loans, and contracts for planning, housing assistance, economic development, public works, construction, and other programs which will assist Natives, Native Villages, and Native Village Corporations under any Federal law.

(c) (1) Each regional corporation established pursuant to subsection (b) hereof shall have five incorporators. The incorporators of the regional corporation for each of the seven regions specifically named in subsection (a) shall be appointed by the Commission after consultation with the officers of the Native associations named in subsection (a) of this section, within six months of the date of enactment of this Act.

(2) The incorporators shall prepare the original articles of incorporation for the regional corporations in a form consistent with the provisions of this section, subject to the approval of the Commission as provided in section 6 and shall serve as the initial boards of directors until the members of such boards are elected. The incorporators shall file the articles of incorporation for their respective regional corporations with the Services Corporation and the Secretary within eighteen months after the effective date of this Act, and the various regional corporations shall be deemed to be formally organized as of the date of such filings; certified copies of such articles of incorporation also shall be transmitted by the incorporators to the Commissioner of Commerce of the State.

(3) Notwithstanding any other provisions of this Act or the articles of incorporation to the contrary, the initial boards of directors of the regional corporations shall exercise only the corporate powers enumerated in subsection 8(b) (3) and the power to receive, invest, and distribute moneys received from the Services Corporation in accordance with subsection (f) hereof.

(d) The management of each regional corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders in the corporation over the age of eighteen. The number, terms, and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the regional corporation.

(e) (1) Each regional corporation shall be authorized to have five million shares of common stock, having a par value of 1 cent per share. Each regional corporation shall issue and have outstanding one hundred shares of stock for each Native enrolled in the region represented by such corporation as hereinafter provided.

(2) Until publication of the membership roll in accordance with subsection 7(b) (1) of this Act, the stockholders of each regional corporation shall consist of all Natives enrolled in the region represented by such corporation, as shown on the temporary census roll prepared pursuant to section 7(a). After publication of the membership roll in accordance with subsection 7(b) (1) and before such roll becomes final in accordance with subsections 7(b) (2), the stockholders of each regional corporation shall consist of all Natives enrolled in the region represented by such corporation as shown on the temporary census roll, and any other Native whose name is listed under such region on the membership roll except an individual whose inclusion thereon is the subject of a pending protest. Stock held pursuant to this paragraph shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, and the right to file a stockholder's derivative suit, but shall not vest in the holder any right to dividends or other distributions from the corporation. The parent or guardian of any Native under the age of eighteen on the date of voting shall have the right to vote the stock of such child held under this paragraph or under paragraphs (3) and (4) hereof.

(3) (A) Upon promulgation of the final membership roll in accordance with subsection 7(b) (2), all stock issued pursuant to paragraph (2) hereof shall be deemed canceled, and thereafter the stockholders of each regional corporation shall consist of all Natives enrolled in the region represented by such corporation, as shown on the final membership roll. Except as otherwise provided in subparagraph (B) hereof, stock held pursuant to this paragraph shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska: *Provided*, That the stock and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwse alienated for a period of twenty years after the date of enactment of this Act. Any person who knowingly seeks to acquire from a Native such stock in violation of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than twelve months, or both.

(B) Upon the death of any stockholder holding stock in a regional corporation pursuant to paragraphs (2) and (3) (A) or (B) hereof, ownership of such stock shall be transferred in accordance with his last will and testament or under the laws of intestacy: *Provided*, That, during the twenty-year period after the date of enactment of this Act, such stock shall carry voting rights only if the holder thereof through inheritance also is a Native: *And provided further*, That in the event the deceased stockholder fails to dispose of his stock in a regional corporation by will and has no heirs under the laws of intestacy, such stock shall escheat to the regional corporation.

(4) On January 1 of the twentieth year after the date of enactment of this Act, all stock issued pursuant to paragraph (3) hereof shall be deemed canceled, and shares of stock of the appropriate class shall be issued without restrictions to each stockholder share for share: *Provided*, That the stock of every indivdual under the age of eighteen, and any dividends paid or distributions made with respect thereto before he reaches the age of eighteen may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated (except through inheritance).

(f) (1) Each regional corporation shall set aside, and thereafter report on its financial records and accounts, the first $50,000 it receives from the Services Corporation as paid-in capital.

(2) (A) Each regional corporation may organize under Alaska State law an affiliated non-profit-membership corporation, which shall be devoted to promoting the health, welfare, education, and economic and social well-being of the Natives of the region and their descendants, and which shall be authorized, among other purposes, to construct, operate, and maintain public works and community facilities, to engage in medical, educational, housing, and charitable programs, to make loans and grants consistent with its corporate purposes, to foster industrial and economic development, and to distribute funds to individual Natives and their descendants in furtherance of family plans. The members of each such affiliated nonprofit corporation shall be the shareholders of the regional corporation which organizes it.

(B) Each regional corporation may distribute to its affiliated nonprofit corporation not more than 50 per centum nor less than 10 per centum of (i) all moneys received by it which are derived from payments under section 5 and (ii) all its other net income.

(C) Notwithstanding any other provision of law or of its articles of incorporation to the contrary, a nonprofit corporation organized under this paragraph may distribute to eligible Natives and their descendants in furtherance of family plans not more than 20 per centum of the moneys paid to it by a regional corporation established under subsection (b) (1) hereof.

(D) The provisions of this paragraph (2) shall be enforceable by the Commission or the Services Corporation.

(3) Moneys which a regional corporation receives from the Services Corporation pursuant to section 8(f) (1) shall not constitute income to such regional corporation for any purpose.

(g) Subject to the provisions of subsection (f), each regional corporation shall retain the moneys paid to it by the Services Corporation for carrying on the business and affairs of such regional corporation.

(h) For a period of twelve years after the date of its formal organization, each regional corporation shall be subject to audit by the General Accounting Office, all amendments to its articles of incorporation must be approved by the Commission, and its annual budget shall be subject to review by the Commission.

(i) Each regional corporation shall have and may exercise all rights and powers vested in a business corporation under the laws of the State. The internal affairs of such corporations shall be governed in accordance with the laws of the State relating to business corporations, except to the extent inconsistent with the provisions of this Act, and except that—

(1) amendments to the articles of incorporation, articles of merger or consolidation, and articles of dissolution shall be filed with the Secretary and certified copies thereof shall be transmitted to the State Commissioner of Commerce;

(2) annual reports shall be filed with the Secretary and, for a period of ten years after formal organization of the regional corporation, also with the Commission, and certified copies thereof shall be transmitted to the State Commissioner of Commerce;

(3) the regional corporation shall not be subject to any State law which places a burden or duty upon it greater than is placed upon any other business corporation, or, unless the regional corporation so consents, to any State corporate law which is in effect applicable only to one or more regional corporations.

(j) (1) In addition to moneys received pursuant to section 8(f) (1) each regional corporation shall be entitled to 50 per centum of the net proceeds derived from the sale, lease, permit, development, use or other disposition of lands, interests in lands, and minerals located within that region to which the Services Corporation acquires a patent under sections 15(c) and (d), 19 and 23(m) of this Act. The remaining 50 per centum of such net proceeds shall be distributed among all the other regional corporations and the Urban and National Corporations in direct proportion to their membership as shown on the final membership roll promulgated in accordance with subsection 7(b) (2). Revenues derived from commercial timber operations whether conducted by Village corporations, regional corporations or the Services Corporation shall be divided and shared on the same basis.

(2) Moneys distributed pursuant to paragraph (1) hereof shall not constitute income of the Services Corporation, but shall constitute income of the receiving regional corporations and the Urban and National Cor-

porations and shall be subject to taxation on the same basis as like income is taxed when received by any corporation of the same legal character.

ALASKA NATIVE INVESTMENT CORPORATION

SEC. 10. (a) (1) There is hereby established the Alaska Native Investment Corporation as a business for profit corporation, which shall have the powers and duties hereinafter granted. The Investment Corporation shall be subject to the provisions of this Act and, to the extent consistent with subsection (i), to the Investment Company Act of 1940, as amended (11 U.S.C. 72a, 107f; 15 U.S.C. 80a–1 to 80a–52 et seq.). The Investment Corporation shall be a federally chartered corporation, but shall not be an agency or establishment of the United States Government.

(2) The directors appointed by the President pursuant to subsection (b) (1) (A) hereof shall serve as the incorporators and as the initial board of directors, and shall take whatever actions are necessary to formally establish the Investment Corporation, including the preparation of the original articles of incorporation in a form consistent with the provisions of this Act. The incorporators shall file the articles of incorporation with the Secretary within six months after their appointment, and the Investment Corporation shall be deemed to be incorporated and formally organized as of the date of such filing. The incorporators also shall transmit a copy of the articles of incorporation to the Commissioner of Commerce of the State and to the appropriate office of the state designed pursuant to subsection (e) hereof. The Secretary of the Treasury is authorized and directed to advance to the incorporators from the Investment Corporation's share of moneys in the Fund such sums as are reasonably necessary for the organization of the Investment Corporation.

(b) (1) The management of the Investment Corporation shall be vested in a board of directors, which shall consist of twelve members:

(A) five members of which shall be appointed by the President of the United States, within six months of the date of enactment of this Act: Provided, That no more than three members of the initial board shall be members of the same political party;

(B) four members of which shall be elected by Alaska Natives as provided in subsection (b) (6) hereof; and

(C) three members of which shall be elected by the nine directors named in subsections (b) (1) (A) and (B) hereof.

(2) Directors appointed by the President pursuant to subsection (b) (1) (A) hereof, and directors elected pursuant to subsection (b) (1) (C) hereof, shall, insofar as is possible, be persons who have demonstrated business ability and who have displayed a high degree of expertise in national and international investments or corporate enterprise.

(3) Members of the board of directors shall serve for terms of six years or until their successors have been elected and qualified: Provided, That among the directors first appointed and elected, two shall serve for terms of six years; two for terms of five years; two for terms of four years; two for terms of three years; two for terms of two years; and two for terms of one year. The directors who serve the shorter terms shall be determined by a drawing of lots conducted by the initial board, except that the member appointed by the President to serve as the initial Chairman of the board of directors pursuant to subsection (b) (4) hereof shall serve for a full six-year term. Elections for membership on the board of directors shall be conducted in accordance with procedures set forth in the articles of incorporation or the by-laws of the Investment Corporation. Any director elected to fill a vacancy shall serve only for the period of the unexpired term of the director whom he succeeds. Upon the expiration of each director's term of office the shareholders of the Investment Corporation shall elect a new director to serve a term of six years, or until reorganization of the Investment Corporation as required in subsection (l) hereof.

(4) The President of the United States shall appoint one of the members of the initial board of directors to serve as Chairman of the board. The member appointed shall serve as Chairman for a three-year term. Thereafter, the board of directors shall elect a Chairman annually from among its own membership. The board also may appoint persons to fill vacancies within its membership, but such appointed directors shall serve only until the next regular election of directors.

(5) Notwithstanding any other provision of this Act or the articles of incorporation to the contrary, the initial board of directors appointed pursuant to subsection (b) (1) (A) hereof shall exercise only the following corporate powers: (A) completion of the organization of the Corporation and qualifying it to do business, including, but not limited to, the adoption of a corporate seal, the opening of bank accounts, the establishment of a place or places of business and the rental or acquisition of necessary offices, furnishings, equipment and supplies related thereto, subject to the condition that no lease shall be for a period in excess of one year; (B) approval of amendments to the articles of incorporation; (C) the appointment of officers of the Corporation, the hiring of other employees and the employment of consultants, accountants, and other professional or financial advisers, subject to the condition that no contract of employment shall be for a period in excess of one year; (D) the receipt, investment and distribution of moneys from the Fund in accordance with the provisions of this Act; and (E) the expenditure of corporate funds to pay for or carry out the activities authorized under this paragraph.

(6) Within ninety days after the filing of the articles of incorporation of the Investment Corporation, the initial board of directors shall organize and conduct an election for the four directors named in subsection (b) (1) (B) hereof.

(c) The Investment Corporation may establish such executive committees as are necessary for the conduct of business and may have a president and such other officers as may be named and appointed by the board, at rates of compensation to be fixed by the board and serving at the pleasure of the board. The president and other officers of the Investment Corporation may, but need not, be members of the board. No officer of the Investment Corporation shall receive any salary from any source other than the Investment Corporation during the period of his employment by the Corporation. The executive committee or committees or the president, as determined by the board, shall be responsible for conducting the business and affairs of the Investment Corporation in a manner consistent with provisions of this Act, the articles of incorporation, and the policies of the board of directors, and shall appoint such other employees as the board deems appropriate.

(d) (1) The board of directors of the Investment Corporation shall contract with a Business Management Group or groups to manage and advise upon the conduct of the affairs of the Investment Corporation, subject to the terms of this Act and the policies established by the board. The Business Management Group or groups to the extent consistent with this section and subsection (i) hereof shall be subject to the terms of the Investment Advisers Act. The Business Management Group or groups may, if the board of directors so decides, have a power of attorney for the sale, purchase, exchange, and transfer of securities of the Investment Corporation. The terms of the original contract between the Investment Corporation and the Business Management Group or groups shall be no longer than a renewable term of one year, and the contract shall be subject to review and comment by the Securities and Exchange Commission as provided in subsection (i) hereof.

(2) At the end of any year or upon cancellation of a contract the Investment Corporation may:

(A) award new contracts to the Business Management Group or groups;

(B) award contracts to another Business Management Group or groups; or

(C) at the end of three years establish an in-house management and investment capacity and staff to manage the affairs of the Investment Corporation.

The Investment Corporation through the board of directors and the Business Management Group or groups shall, to the extent consistent with sound management practices and the provisions of this section and the policies of the board, train and employ Alaska Natives in executive, management, and staff positions.

(3) The board of the Investment Corporation and the Business Management Group or groups shall manage the Investment Corporation's assets in such a manner as to maximize the financial interests of the shareholders, by investing in a balanced and diversified portfolio of:

(A) national and international public and private securities ("securities" as used in this section shall have the same meaning as defined in the Investment Company Act of 1940, as amended) (11 U.S.C. 72a, 107f; 15 U.S.C. 80a–1 to 80a–52);

(B) enterprises based in, or doing business in Alaska;

(C) enterprises having an impact on sectors of the economy especially important to Natives; and

(D) enterprises wholly or partially owned by Natives.

Neither (B), (C), nor (D) of this subsection shall be construed as obliging or authorizing the board of the Investment Corporation or the Business Management Group to make any investment which does not meet prudent investment standards and which is not in the best financial interests of the shareholders.

(e) The Investment Corporation shall have and may exercise, in addition to the powers and rights granted by this Act, all rights and powers vested in a business-for-profit corporation under the laws of any State which the board of directors designates in the articles of incorporation as the State whose law is to be applied in resolving legal questions arising from the corporate activities of the Investment Corporation. In addition, and without limitation upon any of the powers so conferred, the Investment Corporation may—

(1) make any lawful investments in local, national, and international business enterprises and securities which the board of directors determines would yield an acceptable return; and

(2) make loans and investments in such a manner as to maintain a creditor's protected interest which may, at the option of the board of directors, be converted into an equity interest: *Provided*, That, notwithstanding any other provision of this Act, no more than 20 per centum of the assets of the Investment Corporation may at any time be invested in venture capital situations.

(f) (1) As soon as the Investment Corporation is incorporated and formally organized in accordance with subsection (a) (2) hereof, the Secretary of the Treasury shall pay to the Investment Corporation all moneys deposited in the Fund to which the Investment Corporation is entitled up to the date of such incorporation and formal organization, together with any accrued interest. Thereafter, on January 1, April 1, July 1, and October 1 of each calendar year, the Secretary of the Treasury shall pay to the Investment Corporation or its successor additional moneys deposited in the Fund to which the Investment Corporation is entitled up to the date of payment, together with any accrued interest. The Secretary of the Treasury also shall furnish to the Investment Corporation or its successor each month a statement showing the amount and source of moneys on deposit in the Fund.

(2) The board of directors may retain out of moneys paid to the Investment Corporation such funds as are necessary for contingency funds, for the payment of dividends and for the administrative costs and the business expenses of the Corporation: *Provided*, That the compensation to be paid to the Business Management Group or groups during any year shall not exceed $250,000 or not more than one-half of 1 per centum of the invested assets of the Investment Corporation.

(3) The Investment Corporation and the Business Management Group shall be subject to periodic audits by a qualified group of certified public accountants to be selected by the board of directors. Such audits as are in accord with standard business practice shall be made at least once a year.

(g) (1) The Investment Corporation shall issue and have outstanding not more than one hundred shares of no par common stock for each Native.

(2) Until publication of the membership roll in accordance with section 7(b), the stockholders of the Corporation shall consist of all Natives shown on the temporary census roll prepared pursuant to section 7(a). After publication of the membership roll in accordance with section 7(b) (1) and before such roll becomes final in accordance with section 7(b) (2), the stockholders of the Corporation shall consist of all Natives shown on the temporary census roll, except an individual whose inclusion thereon is the subject of a pending protest. Stock held pursuant to this paragraph shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, and the right to file a stockholder's derivative suit, but shall not vest in the holder any right to dividends or other distributions from the Corporation, except as provided in subsection (h) hereof.

(3) Upon promulgation of the final membership roll in accordance with section 7(b) (2), all stock issued pursuant to section 10 (g) (2) shall be deemed canceled, new shares shall be issued and thereafter the stockholders of the Corporation shall consist of all Natives shown on the final membership roll. Stock held pursuant to this paragraph shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State designated pursuant to subsection (e) of this section.

(4) Upon the death of any stockholder holding stock in the Corporation pursuant to section 10(g) (2) or (3), ownership of such stock shall be transferred to natural persons in accordance with his last will and testament or under the laws of intestacy: *Provided*, That such stock shall carry voting rights only if the holder thereof through inheritance also is a Native: *And provided further*, That in the event the deceased stockholder fails to dispose of his stock in the Corporation by will and has no heirs under the laws of intestacy, such stock shall escheat to the Corporation.

(5) (A) In the event that a Native under the age of eighteen shall become entitled to shares of stock in the Investment Corporation pursuant to section 10(g), such shares shall be issued to that member of such Native's family who is highest in the order of priority set forth in section 10(g) (5) (B) who shall agree, within thirty days of his receipt of notice of eligibility, to accept such shares as custodian for such Native. If a person designated as custodian or successor custodian under this section dies, resigns, is removed, or becomes legally incapacitated before such Native attains the age of eighteen, there shall be designated as successor custodian that member of such Native's family who is next highest in the order of priority set forth in section 10(g) (5) (B) who shall agree, within thirty days of his receipt of notice of eligibility, to accept such shares as successor custodian for such Native. In the event that no member of the Native's family accepts such shares as custodian (or successor custodian) pursuant to this section, such shares shall be held by the Secretary as custodian for such Native.

(B) The order of priority in which members of the family of a Native under the age of eighteen shall be eligible to receive shares of stock in such business corporation as custodian for such Native is the following:

(i) the father;
(ii) the mother;
(iii) a brother;
(iv) a sister;
(v) an uncle;
(vi) an aunt;
(vii) a grandparent.

If more than one individual shall occupy any of the foregoing priority categories, the individuals within such category shall have priority in accordance with date of birth, with the individual having the earliest date of birth being assigned the highest priority.

(C) The custodian or successor custodian for a Native under the age of eighteen appointed pursuant to subsection (5) (A) hereof shall have the rights and obligations of and be subject to the terms and conditions applicable to, custodians under the Alaska Gifts of Securities to Minors Act (Alaska Stat. Ann. § 45.60.010 et seq.), or corresponding provisions of subsequent law, except where inconsistent with the foregoing provisions of this subsection.

(6) The stock issued pursuant to this section and the right to any dividends paid pursuant to section 10(h) may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated. Any person who knowingly seeks to acquire from a Native such stock in violation of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than twelve months, or both.

(7) Contemporaneous with any issuance of stock pursuant to this Act, each stockholder shall receive a report which shall contain the type of information similar to that normally contained in a prospectus of a corporation subject to the provisions of the Investment Company Act of 1940. Such additional information shall be included as the board of directors may require.

(h) (1) Commencing no later than eighteen months from the date of its incorporation, the Investment Corporation shall pay to its shareholders a quarterly dividend. Regardless of the current or cumulative earnings on the investments of the Investment Corporation, the total cash dividends paid in any quarter shall not be less than $1,000,000 for the first five fiscal years after enactment of this Act: *Provided, however*, That dividend payments prior to the first distribution of stock shall be made only subject to the provisions of subsection (g) hereof.

(2) The Investment Corporation shall pay out in dividends to holders of stock issued pursuant to section 10(b) (2) no more than 80 per centum of the moneys available in any quarter for payment of dividends. The Investment Corporation shall retain in a reserve account sufficient moneys to pay dividends, plus interest at 4 per centum, to persons not listed on the temporary census roll who are later determined to be eligible for benefits under this Act and enrollment on the final membership roll.

(3) The Investment Corporation may withhold any dividends due to a person eligible to receive stock pursuant to section 10(g) (2) whose eligibility for inclusion on the final membership roll is subject to a pending protest or is subject to substantial doubt, until such time as the stockholder's eligibility for benefits under this Act has been determined. Any stockholder who receives dividends and who is later determined to be ineligible for enrollment on the final membership roll shall repay the amount of those dividends, plus interest at 4 per centum to the Investment Corporation.

(i) (1) The provisions of the Investment Company Act of August 22, 1940 (54 Stat. 789), as amended; the Investment Advisers Act of August 22, 1940 (54 Stat. 847), as amended; the Securities Act of May 27, 1933 (48 Stat. 74), as amended; and the Securities Exchange Act of June 6, 1934 (48 Stat. 881), as amended, relating to public disclosure, reporting, and protection of the interests of stockholders shall, to the extent consistent with the purposes of this Act, be applicable to the activities of the Investment Corporation for a period of twelve full fiscal years after the date of enactment of this Act.

(2) The Investment Corporation and its duly authorized representatives may, by application to the Securities and Exchange Commission, in accord with the procedures of section 6(c) of the Investment Company Act of 1940, request appropriate waivers and exemptions from any of the provisions of the Acts referred to in subsection (1) hereof if necessary to accomplish the purposes of this Act or to avoid hardship. This provision shall apply only to the Investment Corporation and only during its period of existence as a federally chartered corporation under this Act.

(3) The Securities and Exchange Commission is authorized, should it prove necessary to provide business certainty, to prepare rules and regulations which identify those provisions of applicable law or existing regulations of the securities law which, consistent with the purposes and provisions of this Act, may be applied to the Investment Corporation. Rules and regulations prepared pursuant to this subsection may be waived or exemptions made thereto in accord with subsection (2) hereof. Such rules shall be prepared and issued according to the procedures set forth in section 4 of the Administrative Procedure Act, section 553 of title 5, United States Code, and shall be subject to judicial review only as rules issued in such manner are normally reviewed.

(j) The Directors shall annually prepare and cause to be deposited with the Securities and Exchange Commission a report or reports which shall include information and data required under the provisions of the Investment Company Act of 1940 and such additional information and reports as the Securities and Exchange Commission and the Investment Company Act of 1940 may require. Copies of the report or reports herein required shall be made available for public inspection at the chief offices of the Investment Corporation and a summary shall be furnished upon request to any shareholder of the Investment Corporation. The report herein required shall be in addition to, and not in lieu of, any other report or disclosure required by law.

(k) The internal affairs of the Investment Corporation shall be governed in accordance with the laws of the state designated by the board of directors pursuant to subsection (e) hereof, except to the extent inconsistent with the provisions of this Act, and except that—

(1) amendments to the articles of incorporation and annual reports shall be filed with the Securities and Exchange Commission and certified copies thereof shall be transmitted to the appropriate office of the state referred to in subsection (e) hereof; and

(2) the Investment Corporation shall not be subject to any state law which places a burden or duty upon it greater than is placed upon any other similar corporation, or, unless the Corporation so consents, to any state corporate law which is in effect applicable only to the Investment Corporation.

(l) (1) At the end of the twelfth full fiscal year commencing with the fiscal year in which this Act becomes effective, by operation of law all of the assets of the Investment Corporation shall be transferred to and all of its liabilities assumed by a new business for profit corporation (hereinafter called the Successor Corporation) established pursuant to this subsection, and the Investment Corporation shall terminate.

(2) During the fiscal year preceding the date specified in section 10(l) (1), the directors of the Investment Corporation shall draft the articles of incorporation for the Successor Corporation, appoint incorporators, and take all other steps necessary to create the Successor Corporation under the laws of any State selected by the directors. The Successor Corporation will not be an agency or establishment of the United States, and shall not be governed by the terms of this Act, except as follows:

(A) payments from the Fund to the Investment Corporation provided in section 5(f);

(B) limitations on disposition of shares within twenty years of incorporation of the Investment Corporation in section 10(g); and

(C) merger of the Services Corporation with the Successor Corporation to the Investment Corporation as allowed pursuant to subsection 8(h).

(3) The stock in the Investment Corporation issued pursuant to section 10(g) (3) shall be deemed canceled on the date specified in section 10(l) (1), and shares of stock in the Successor Corporation shall be issued in replacement to all stockholders in the Investment Corporation on that date.

(4) The Successor Corporation shall also issue shares of stock to the Foundation established pursuant to section 25 in such number that the Foundation shall hold 10 per centum of stock issued and outstanding under this section.

NATIVE VILLAGE CORPORATIONS

SEC. 11. (a) The Native members of each Native Village entitled to receive lands and benefits under this Act shall organize as a nonprofit membership corporation under the laws of the State before the Village Corporation may receive patent to lands or benefits under this Act except as otherwise provided. The initial articles of incorporation for each Village Corporation shall be subject to the approval of the Services Corporation. Amendments to the articles of incorporation and the annual budget of the Village Corporations shall, for a period of five years, be subject to review by the Services Corporation. The Services Corporation shall assist and advise Native Villages in the preparation of articles of incorporation and other documents necessary to meet the requirements of this subsection.

(b) Native Villages which are qualified under Alaska State law to organize as Municipal Corporations are encouraged to do so to be eligible for Federal grant-in-aid programs. In Native Villages which do not meet the population and other requirements of the State to organize as Municipal Corporations, and only for so long as they do not meet these requirements, the Village Corporations required to be established pursuant to this section shall be considered political subdivisions of the State solely for the purpose of being eligible for grants, loans, and contracts for planning, housing assistance, economic development, public works, construction, and other programs under Federal law which will assist Natives and Native Villages.

(c) Each Village Corporation shall have five incorporators. The incorporators shall be the Village Land Selection Committee as elected by the Native Village members pursuant to subsection 14(c) of this Act. After promulgation of the final membership roll in accordance with subsection 7(b) (2), the board of directors shall be elected by the Natives shown on the final membership roll in accordance with the articles of incorporation and the bylaws of the Village Corporation.

(d) Each Village Corporation shall be devoted to promoting the health, welfare, education, and economic and social well-being of its members and their descendants, and shall be authorized by its articles of incorporation, among other purposes, to construct, operate, and maintain public works and community facilities, to engage in medical, educational, housing, and charitable programs, to make loans and grants consistent with its corporate purposes, to foster industrial and economic development, to lease, sell, and manage real property and to distribute funds to its members and their descendants in furtherance of family plans.

(e) The Services Corporation shall not distribute more than the reasonable sums required for planning and administrative purposes and to deal with any pressing health and social problems to a Village Corporation until the Village Corporation has developed an initial program for the management, investment, and expenditure of such funds, and such program has been approved by the Services Corporation: *Provided*, That a failure or refusal of the Services Corporation to approve a Village program within ninety days after its receipt may be appealed to the Commission, and the Commission's decision thereon shall, without regard to subsection 6(j), be final. After approval of its initial program, each Village Corporation shall be entitled to distributions from the Services Corporation in accordance with this Act. The Services Corporation may invest for the benefit of a Village Corporation all moneys, withheld under this paragraph until the Village program is approved.

(f) The articles of incorporation for each Village Corporation shall include the following provisions—

(1) all persons shown as members of the Native Village on the final membership roll prepared in accordance with section 7(b) of this Act shall be entitled to membership in the Village Corporation;

(2) for a period of at least twenty years after the effective date of this Act, membership in a Village Corporation shall be limited to Natives and their descendants.

(g) (1) In any Native Village which is now organized or which becomes organized as a Municipal Corporation under State law within five years from the effective date of this Act, the Municipal Corporation shall be entitled to receive title to the surface estate of the land on which the village is located and as much additional land as is necessary for community expansion. Prior to the transfer of lands from a Village Corporation to a Municipal Corporation, lands shall be granted to occupants pursuant to section 15(b) (2) (A), (B), and (D) and section 23 (m) (2) (B) (i), (ii) and (iv). The average limitations in section 15(b) (2) (C) and section 23(m) (2) (B) (iii) shall apply to the transfer.

(2) In addition to the land grants referred to in subsection (1) hereof, Village Corporations shall also grant to Municipal Corporations or, where appropriate, to the State, title to existing rights-of-way necessary for public use, airport sites, and such other interests in land as are reasonably necessary for public use and benefit: *Provided*, That this subsection does not require the creation of floating easements or right-of-way unless the Village Corporation decides to grant such rights-of-way for future use and expansion.

(3) The Alaska Native Commission shall settle any disputes with respect to the land transfers required under subsections (1) and (2) hereof and the Commission's decision shall, without regard to subsection 6(j), be final.

URBAN AND NATIONAL CORPORATIONS

SEC. 12. (a) (1) There shall be established two nonprofit, membership corporations as follows:

(A) Alaska Native Urban Corporation; and

(B) Alaska Native National Corporation.

(2) The Urban Corporation shall be incorporated under the laws of Alaska. The Natives listed on the temporary census roll under section 7(a) (1) who are listed as residents in Alaska but not as members of any Native Village shall be its temporary members and the Natives listed as members of the Urban Alaska Native roll under subsection 7(d) of this Act shall be its permanent members.

(3) The National Corporation shall be incorporated under the laws of any State other than Alaska determined by the Secretary to be the most appropriate. The Natives listed on the temporary census roll under section 7(a) (1) who are listed as not resident in Alaska and not members of any Native Village shall be its temporary members, and the Natives listed as members of the Alaska Native National roll under subsection 7(e) of this Act shall be its permanent members.

(4) The Secretary shall, within sixty days after the effective date of this Act, appoint five incorporators for each of the corporations established under this section and shall select as such incorporators persons whom the Secretary deems to be knowledgeable in the needs of, and benefits desired by, the respective members of each corporation. The incorporators of each corporation shall, within sixty days after their appointment, prepare and submit to the Secretary articles of incorporation and bylaws for the government of their respective corporations not inconsistent with the provisions of this Act. When the articles of incorporation and bylaws of either of such corporations are approved by the Secretary, or if they shall not have been disapproved by the Secretary within thirty days after they have been received, the articles of incorporation shall be filed with appropriate authorities in the state of incorporation and all other actions necessary to establish corporate existence shall be performed.

(5) The Urban and National Corporations shall be managed by their respective boards of directors, each of which boards shall be comprised of not less than five members.

(A) The incorporators shall constitute the initial board of directors to hold office until their successors are elected. They may engage such legal counsel, advisers and employees and perform such further acts as may be required to carry out the purposes of this Act. Any contract or other obligation of the corporation existing upon the date of the first election of directors shall be terminable at will by the corporation at any time within ninety days thereafter.

(B) All directors other than the initial board of directors shall be elected by the members of the respective corporations who are eighteen years of age or over at the time of voting. The first election shall be held within four months following

(i) completion of the temporary census roll under subsection 7(a) of this Act, or

(ii) commencement of the existence of the corporation under the laws of its state of incorporation, whichever occurs later.

(6) The articles of incorporation and the bylaws of the Urban Corporation and the National Corporation may be amended from time to time. Such amendments made during the first five years after the effective date of this Act shall be filed with the Secretary and the Services Corporation.

(7) The Urban Corporation and the National Corporation shall manage and use the funds distributed to them in accordance with this Act to serve the needs of their members and members' descendants. They shall have all of the powers granted to nonprofit corporations under the laws of their respective states of incorporation, except as such powers may be limited by their articles of incorporation and bylaws; and they shall carry out activtties, either directly or through other instrumentalities, directed toward promoting the health, welfare, education, and cultural, social and economic development of their members and members' descendants.

(8) The National Corporation shall maintain an office or offices in its state of incorporation and in such other location or locations as will best serve the needs of its members.

(b) The provisions of subsection 11(e) of this Act relating to the distribution, withholding, and investment of sums to, and for the benefit of, Village Corporations shall apply also with regard to sums received by the Services Corporation for distribution to the Urban and National Corporations.

(c) The Urban and National Corporations shall be entitled in proportion of their memberships to the total final membership roll to receive distributions from the Services Corporation on the same basis as Village Corporations, including, prior to completion of the final membership roll, advances for organizational, planning, and administrative purposes and to deal with pressing health and social problems.

(d) The Urban Corporation and the National Corporation shall be entitled to a share, in proportion of their respective memberships to the total final membership roll, of the funds, retained pursuant to subsection 8(g), for administrative expenses and for contingency purposes.

(e) The Urban Corporation and the National Corporation shall be considered public instrumentalities eligible for grants, loans, and contracts for planning, housing assistance, economic development, and other programs under Federal law which will assist their members and members' descendants.

(f) Upon termination of the Services Corporation pursuant to subsection 8(h) the limitations established and the powers granted under this Act for each of the corporations established under this section 12 shall terminate, and by vote of not less than a majority of its members casting votes in accordance with its articles of incorporation and bylaws, the members of the Urban and National Corporations shall elect to reincorporate either as a nonprofit corporation or a business corporation for profit, or to merge or consolidate with other corporations or otherwise reorganize or liquidate as the members deem appropriate. If either such corporation fails for any reason to make such election and carry it into effect within one year after the Services Corporation shall have gone out of existence, it shall be dissolved and liquidated in accordance with the provisions of its articles of incorporation and bylaws and applicable State law.

WITHDRAWAL OF PUBLIC LANDS

SEC. 13. (a) Public Land Order Numbered 4582, 34 Federal Register 1025, as amended, is hereby revoked.

(b)(1)(A) There are hereby withdrawn, subject to valid existing rights, from selection by the State under the Statehood Act (72 Stat. 341, 77 Stat. 223) and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, (1) all public lands in each township, which encloses all or part of any Native Village listed in subsection (c) hereof, plus (2) all public lands in each township which is contiguous to or corners upon the townships withdrawn under clause (1) hereof, except lands withdrawn or otherwise reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4, plus (3) all public lands in each township which is contiguous to or corners upon the townships withdrawn under clause (2) hereof, or which would have been withdrawn if not for the limitation contained therein, except lands withdrawn or otherwise reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4, as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State where protraction diagrams of the Bureau of Land Management are not available.

(B) There are hereby withdrawn, subject to valid existing rights, from further selection, tentative approval or patent by the State under the Statehood Act (72 Stat. 341, 77 Stat. 223) and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, (1) all public lands and also all lands which have been selected and tentatively approved for patent to the State under the Statehood Act, but which have not been patented on the date of enactment of this Act, in each township which encloses all or part of the following Native Villages:

Dot Lake.
English Bay.
Klukwan.
Manley Hot Springs.
Minto.
Ninilchik.
Port Graham.
Seldovia.
Tanacross.
Eklutna.
Lake Minchumina.
Mentasta Lake.
Nenana.
Ouzinkie.
Port Lions.
South Naknek.

plus (2) all public lands and also all lands which have been selected and tentatively approved for patent to the State under the Statehood Act, but which have not been patented on the date of enactment of this Act, in each township which is contiguous to or corners upon the townships in which such Native Villages are located, except lands withdrawn or otherwise reserved for defense purposes other than Naval Petroleum Reserve Numbered 4, as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State where protraction diagrams of the Bureau of Land Management are not available.

(2) At the time any Native Village not listed in section 13(c) is approved for benefits under this Act by the Commission pursuant to section 13(e), there shall be withdrawn, subject to valid existing rights, from selection by the State under the Statehood Act and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, all public lands in each township which encloses all or part of the Native Village, plus all public lands in each township which is contiguous to or corners upon the township in which the Native Village is located, plus all public lands in each township which is contiguous to or corners upon the township in which the Native Village is located, except lands excepted from withdrawal under section 13(b)(1).

(3)(A) In the event that any Native Village referred to in subsections (b) (1) and (2) hereof is so located that less than twenty-five townships of lands are available for withdrawal as therein provided, there shall be withdrawn, subject to valid and existing rights, from selection by the State under the Statehood Act and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, from among the available public lands, except lands excepted from withdrawal under section 13(b)(1), in order of their proximity to the center of the village, as much land of at least an equal character and value as the land upon which such Village is located as may be necessary for a withdrawal of an acreage equivalent to twenty-five townships of public lands for such Native Village.

(B) The land exchange authority granted pursuant to section 16(a) of this Act may be exercised to make land exchanges with the State or other parties for the purpose of making lands in the townships on which villages referred to in subsection (b)(3)(A) hereof are located, or in the contiguous and cornering townships, available for selection: *Provided*, That the Secretary shall classify those public lands suitable for exchange under this section before any exchanges are made.

(c) The following Native villages are qualified for land withdrawals under the provisions of subsection (b)(1) hereof:

NAME AND PLACE AND REGION

Akiachak, Southwest Coastal Lowland.
Akiak, Southwest Coastal Lowland.
Akutan, Aleutian.
Alakanuk, Southwest Coastal Lowland.
Aleknagik, Bristol Bay.
Alatna, Koyukuk-Lower Yukon.
Allakaket, Koyukuk-Lower Yukon.
Ambler, Bering Strait.
Anatuvuk Pass, Arctic Slope.
Andreafsey, Southwest Coastal Lowland.
Aniak, Southwest Coastal Lowland.
Anvik, Yoyukuk-Lower Yukon.
Arctic Village, Upper Yukon-Porcupine.
Atka, Aleutian.
Atkasook, Arctic Slope.
Atmautluak.
Barrow, Arctic Slope.
Beaver, Upper Yukon-Porcupine.
Belkofsky, Aleutian.
Bethel, Southwest Coastal Lowland.
Bill Moore's, Southwest Coastal Lowland.
Biorka, Aleutian.
Birch Creek, Upper Yukon-Porcupine.
Brevig Mission, Bering Strait.
Buckland, Bering Strait.
Candle, Bering Strait.
Cantwell, Cook Inlet.
Canyon Village, Upper Yukon-Porcupine.
Chalkyitsik, Upper Yukon-Porcupine.
Chanilut, Southwest Coastal Lowland.
Chefornak, Southwest Coastal Lowland.
Chevak, Southwest Coastal Lowland.
Chignik, Kodiak.
Chignik Lagoon, Kodiak.
Chignik Lake, Kodiak.
Chistochina, Copper River.
Chitina.
Chukwuktoligamute, Southwest Coastal Lowland.
Circle, Upper Yukon-Porcupine.
Clark's Point, Bristol Bay.
Copper Center, Copper River.
Crooked Creek, Upper Kuskokwim.
Deering, Bering Strait.
Dillingham, Bristol Bay.
Eagle, Upper Yukon-Porcupine.
Dot Lake, Tanana.
Eek, Southwest Coastal Lowland.
Egegik, Bristol Bay.
Eklutna, Cook Inlet.
Ekwok, Bristol Bay.
Elim, Bering Strait.
Emmonak, Southwest Coastal Lowland.
English Bay, Cook Inlet.
False Pass, Aleutian.
Fort Yukon, Upper Yukon-Porcupine.
Gakona, Copper River.
Galena, Koyukuk-Lower Yukon.

Gambell, Bering Sea.
Georgetown, Upper Kuskokwim.
Golovin, Bering Strait.
Goodnews Bay, Southwest Coastal Lowland.
Grayling, Koyukuk-Lower Yukon.
Gulkana, Copper River.
Hamilton, Southwest Coastal Lowland.
Holy Cross, Koyukuk-Lower Yukon.
Hooper Bay, Southwest Coastal Lowland.
Hughes, Koyukuk-Lower Yukon.
Huslia, Koyukuk-Lower Yukon.
Igiugig, Bristol Bay.
Iliamna, Cook Inlet.
Inalik, Bering Strait.
Ivanof Bay, Aleutian.
Kaktovik, Arctic Slope.
Kalskag, Southwest Coastal Lowland.
Kaltag, Koyukuk-Lower Yukon.
Karluk, Kodiak.
Kasigluk, Southwest Coastal Lowland.
Kiana, Bering Strait.
King Cove, Aleutian.
Kipnuk, Southeast Coastal Lowland.
Kivalina, Bering Strait.
Kobuk, Bering Strait.
Koliganek, Bristol Bay.
Koghanok, Bristol Bay.
Kongiganak, Southwest Coastal Lowland.
Kotlik, Southwest Coastal Lowland.
Kotzebe, Bering Strait.
Koyuk, Bering Strait.
Koyukuk, Koyukuk-Lower Yukon.
Kwethluk, Southwest Coastal Lowland.
Kwigillingok, Southwest Coastal Lowland.
Larsen Bay, Kodiak.
Levelock, Bristol Bay.
Lime Village, Upper Kuskokwim.
Lower Kalskag, Southwest Coastal Lowland.
McGrath, Upper Kuskokwim.
Makok, Koyukuk-Lower Yukon.
Manokotak, Bristol Bay.
Marshall, Southwest Coastal Lowland.
Mary's Igloo, Bering Strait.
Medfra, Upper Kuskokwim.
Mekoryuk, Southwest Coastal Lowland.
Mentasta Lake, Copper River.
Minchumina Lake, Upper Kuskokwim.
Minto, Tanana.
Mountain Village, Southwest Coastal Lowland.
Nabesna Village, Tanana.
Naknek, Bristol Bay.
Napaimute, Upper Kuskokwim.
Napakiak, Southwest Coastal Lowland.
Napaskiak, Southwest Coastal Lowland.
Nelson Lagoon, Aleutian.
Newhalen, Cook Inlet.
Nenana, Tanana.
New Stuyahok, Bristol Bay.
Newtok, Southwest Coastal Lowland.
Nightmute, Southwest Coastal Lowland.
Nikolai, Upper Kuskokwim.
Nikolski, Aleutian.
Ninilchik, Cook Inlet.
Noatak, Bering Strait.
Nome, Bering Strait.
Nondalton, Cook Inlet.
Nooiksut, Arctic Slope.
Noorvik, Bering Strait.
Northeast Cape, Bering Sea.
Northway, Tanana.
Nulato, Koyukuk-Lower Yukon.
Nunapitchuk, Southwest Coastal Lowland.
Ohogamiut, Southwest Coastal Lowland.
Old Harbor, Kodiak.
Oscarville, Southwest Coastal Lowland.
Ouzinkie, Kodiak.
Paradise, Koyukuk-Lower Yukon.
Paulof Harbor, Aleutian.
Pedro Bay, Cook Inlet.
Perryville, Kodiak.
Pilot Point, Bristol Bay.
Pilot Station, Southwest Coastal Lowland.
Pitkas Point, Southwest Coastal Lowland.
Platinum, Southwest Coastal Lowland.
Point Hope, Arctic Slope.
Point Lay, Arctic Slope.
Portage Creek (Ohgsenakale), Bristol Bay.
Port Graham, Cook Inlet.
Port Lions, Kodiak.
Port Heiden (Meshick), Aleutian.
Quinhagak, Southwest Coastal Lowland.
Rampart, Upper Yukon-Porcupine.
Red Devil, Upper Kuskokwim.
Ruby, Koyukuk-Lower Yukon.
Russian Mission (Kuskokwim) (or Chauthalue), Upper Kuskokwim.
Russian Mission (Yukon), Southeast Coastal Lowlands.
St. George, Aleutians.
St. Mary's, Southwest Coastal Lowland.
St. Michael, Bering Strait.
St. Paul, Aleutians.
Salamatof, Cook Inlet.
Sand Point, Aleutians.
Savonoski, Bristol Bay.
Savoonga, Bering Sea.
Scammon Bay, Southwest Coastal Lowland.
Selawik, Bering Strait.
Shakeluk, Koyukuk-Lower Yukon.
Shaktoolik, Bering Strait.
Sheldon's Point, Southwest Coastal Lowland.
Shishmaref, Bering Strait.
Shungnak, Bering Strait.
Slana, Copper River.
Sleetmute, Upper Kuskokwim.
South Naknek, Bristol Bay.
Squaw Harbor, Aleutians.
Stebbins, Bering Strait.
Stevens Village, Upper Yukon-Porcupine.
Stony River, Upper Kuskokwim.
Takotna.
Tanacross, Tanana.
Tanana, Koyukuk-Lower Yukon.
Tazlina.
Telida, Upper Kuskokwim.
Teller, Bering Strait.
Tetlin, Tanana.
Togiak, Bristol Bay.
Toksook Bay, Southwest Coastal Lowland.
Tuluksak, Southwest Coastal Lowland.
Tuntutuliak, Southwest Coastal Lowland.
Tununak, Southwest Coastal Lowland.
Twin Hills, Bristol Bay.
Tyonek, Cook Inlet.
Ugashik, Bristol Bay.
Unalakleet, Bering Strait.
Unalaska, Aleutian.
Unga, Aleutian.
Uyak, Kodiak.
Venetie, Upper Yukon-Porcupine.
Wainwright, Arctic Slope.
Wales, Bering Strait.
White Mountain, Bering Strait.

(d) Within three years from the date of enactment of this Act the Commission shall review all of the villages listed in subsection (c) hereof and a village shall not be eligible for benefits under this Act if the Commission determines that—

(1) less than twenty-five Natives are residents of the village; or

(2) the village is of a modern and urban character, that the majority of the residents are non-Native, and that the best interests of the Native residents would be served if they derived benefits through the Urban Corporation and other land provisions of this Act rather than as a Native Village; or

(3) the village was not in existence on the date of enactment of this Act: *Provided*, That this provision shall not be used to exclude any Native Village otherwise eligible which has been required to move to a new location because of a natural disaster or the actions of any governmental agency.

(e) Native Villages not listed in subsection (c) hereof shall be eligible for land and benefits under this Act and added to the village roster if the Commission, within three years from the date of enactment of this Act, determines that—

(1) twenty-five or more Alaska Natives are residents of an established village; and

(2) the best interests of the Native residents would be served if they derived benefits under the Act as a Village Corporation; and

(3) the village would not be disqualified by the provisions of subsection (d) hereof.

(f) In making the determinations required pursuant to subsections (d) and (e) hereof, the Commission shall review all relevant evidence offered by the members of the concerned Native group or their representatives and shall review any recommendations of the State and the Secretary. In this review, the Commission shall be particularly cognizant of the loss of land by the Kenetize Indians and is hereby directed to determine an equitable and reasonable in-lieu land right from vacant, unappropriated and unreserved public lands in Alaska within the framework of the discretion and land distribution authority accorded the Commission by this Act. The Commission's determination shall, without regard to section 6(j), be final.

(g)(1) In addition to determining which villages are entitled to land and other benefits under the terms of this Act, the Commission shall determine the total land acreage which each eligible Village Corporation shall be entitled to select under the alternatives set out in section 14(a). Except as provided in subsection (g)(3) of this section and in section 14(h), the maximum grant of land which the Commission *initially* may award to an eligible Village Corporation shall be twenty-three thousand and forty acres for those Villages having an enrollment of less than four hundred Natives and an additional twenty-three thousand and forty acres for each additional four hundred Natives enrolled as members of the Village as follows: four hundred to eight hundred enrolled Natives, forty-six thousand and eighty acres; eight hundred to one thousand and two hundred enrolled Natives, sixty-nine thousand and one hundred twenty acres; one thousand and two hundred to one thousand and six hundred enrolled Natives, ninety-two thousand and one hundred sixty acres; one thousand and six hundred to two thousand enrolled Natives, one hundred and fifteen thousand two hundred acres; and two thousand to two thousand four hundred enrolled Natives, one hundred and thirty-eight thousand two hundred forty acres. In making determinations pursuant to this subsection the Commission shall consider the following factors:

(A) the Native population of the Village;

(B) the nature of the use, both historic and present, of the lands surrounding the Native Village including the carrying capacity of the surrounding lands and biological community in relationship to the village population and subsistence use patterns of the Native residents therein;

(C) the amount of land needed for prospective community expansion, the area to be granted in Municipal Corporations or to the State, and the area to be granted for access, rights-of-way, and other public services and facilities;

(D) the nature and economic value of the lands surrounding the village (without regard to the mineral estate) for the purpose of insuring some degree of comparability in value as between Native Villages; and

(E) the comprehensive land use plan prepared by the Village Corporation with the assistance of the Services Corporation staff pursuant to subsection (8)(i) hereof.

(2) Land acreages equal to the difference between the maximum grants of land which the Commission may award pursuant to subsection (g)(1) and the actual amounts awarded to eligible Village Corporations, together with land in the amount of one million and five hundred thousand acres, shall be granted by the Commission upon application, as follows:

(a) to any Village Corporation which received the maximum grant the Commission may award, but which needs additional lands to maintain historic subsistence use patterns, but not to exceed the balance of the acreage withdrawn for that Village Corporation;

(b) to any Village Corporation which demonstrates that the nature, amount, and economic value (without respect to the mineral estate) of the lands granted pursuant to subsection (g) (1) do not result in comparable values with the lands granted to other Village Corporations, but not to exceed the balance of the acreage withdrawn for that Village Corporation; and

(c) any remaining lands shall be granted to the Services Corporation.

In making the determinations required by this subsection the Commission shall consider the geographical relationship of individual villages to the lands in question and should avoid determinations which result in land grants that are separated by large bodies of water unless one of the above factors or the operation of section 13(b) (3) makes such a determination reasonably necessary. The Commission's determinations under this subsection shall, without regard to section 6(j), be final.

(3) If the Natives in an election called for such purpose decide to accept land selection rights pursuant to section 14(a) (1) of this Act, the Commission promptly shall determine the total acreage available to Native Villages, the Arctic Slope Regional Corporation, and the Services Corporation pursuant to section 13(g) (1) and (2), section 14, section 19, section 22, and section 23 of this Act. From the lands withdrawn in accordance with subsection (b) hereof, and as a supplement to the lands selected by Native Villages in accordance with section 14(b) of this Act, the Commission shall select for the benefit of the Native Villages listed in subsection (c) hereof an amount of land equal to the difference between the total available acreage under other provisions of this Act and forty million acres. In making land selections pursuant to this paragraph, the Commission shall be governed by the following standards:

(A) The lands selected shall be allocated by the Commission among the regions defined in section 9 of this Act, excluding the region of southeastern Alaska, in the same proportion as the total acreage within each region bears to the total acreage of Alaska, excluding the region of southeastern Alaska.

(B) The lands allocated to each region shall be divided by the Commission among the Native Villages therein on the basis of the factors set forth in subsections (g) (1) (A) through (E) and (g) (2) of this section: *Provided*, That none of such lands shall be granted to the Services Corporation.

(C) The lands shall be selected in accordance with section 14(b) as if the Commission were a Village Corporation and, to the extent feasible, shall be contiguous to the lands selected by the respective Native Villages which are the beneficiaries thereof.

(D) The lands shall be selected by the Commission within eighteen months after the election held pursuant to section 14(a).

(h) (1) The Secretary, after consultation with the Commission and, where appropriate, with the Secretary of Agriculture or the Secretary of Defense, is authorized to withdraw, subject to valid existing rights, from all forms of appropriation under the public land laws any public lands reasonably necessary to protect: (A) any settlement of a Native group established as of April 15, 1969, and not otherwise eligible for lands under this Act; (B) any historic Native village from which the population has been required to move, because of either direct or indirect actions of the Federal, State, or local government, and to which twenty-five or more adult Natives wish to return and reside; (C) any place which constitutes a new Native village location to which by virtue of natural phenomenon, or direct or indirect governmental actions, twenty-five or more adult Natives wish to relocate; or (D) any land occupied by a Native as a primary place of residence on May 1, 1970, and continuing on the effective date of this Act: *Provided, however*, That any withdrawal made pursuant to this subsection shall not exceed twenty-three thousand and forty acres.

(2) The Commission shall determine the amount of land to which any Native group or individual is entitled under paragraph (1) hereof. The decision of the Commission shall, without regard to subsection 6(j), be final. Lands granted to Native groups or individuals pursuant to this subsection shall not exceed five thousand seven hundred and sixty acres under subsections (1) (A), (B), and (C) hereof nor more than one hundred and sixty acres under subsection (1) (D) hereof. Any lands granted under this subsection shall be patented by the Secretary on the basis of the Commission's decision and shall be deducted from the five hundred thousand-acre "miscellaneous" selection right created by subsection 19(a) (2) (B). Patents issued pursuant to this subsection shall not include the leasable or locatable mineral estate and the provisions of section 15(1) shall apply to such patents.

(3) Where the lands referred to in subsection (h) (1) hereof are located within the national park system, the national forest system or the national wildlife refuge system the Secretary in withdrawing lands, and the Commission in granting lands pursuant to this subsection, may reduce the amount of lands withdrawn and granted to insure that the purposes for which these lands were reserved by the United States may be achieved with a minimum of interference.

(i) If the Secretary determines that a substantial dispute is involved or that the best interests of justice would be served he may direct that a public hearing be held in accordance with such rules as he shall prescribe prior to making any of the withdrawals permitted by subsection (h) hereof. Any hearings held pursuant to this subsection shall be held within five years of the date of enactment of this Act. The Commission shall consider, in any contested case, any hearing record prepared by the Secretary as well as his recommendations in making its determinations. The actions of the Commission under this subsection shall, without regard to section 6(j), be final.

(j) Pending the disposition of any lands withdrawn under this section, the Secretary is authorized to take such actions as may be necessary to administer, manage, and protect the withdrawn public lands for the benefit of the potential beneficiaries and the United States in accord with section 16 of this Act.

(k) To insure that the Native Village at Dutch Harbor, if found eligible for land grants under this Act, has a full opportunity to select lands within and near the Village, no federally owned lands, whether improved or not, shall be disposed of pursuant to the Federal surplus property disposal laws for a period of two years. The Native Village at Dutch Harbor may select such lands and receive patent to them pursuant to sections 14 and 15 of this Act. In making determinations as to the total land acreage which the Native Village at Dutch Harbor may be entitled to select, the Commission shall take into account the value of any improvements on lands granted by this section.

SELECTION OF PUBLIC LANDS

SEC. 14. (a) Within one year after the date of enactment of this Act, the members of the Native Villages listed in section 13(c), and any Native Village outside the region of southeast Alaska which is not so listed, but which has then been approved for benefit under this Act by the Commission pursuant to section 13(e), who is eighteen years of age or over, as shown on the temporary roll prepared pursuant to section 7(a), shall vote, under procedures established by the Secretary, for either of the following alternatives:

(1) to be eligible for and accept lands, interests in lands and other land rights in accordance with section 13(g), section 19(a) and section 21(a) of this Act; or

(2) to be eligible for and accept lands, interests in lands and other land rights in accordance with subsection (h) of this section, section 19(b) and section 21(b) of this Act. The vote of a majority of the Natives who vote at the election authorized under this subsection shall be binding upon all Natives, for purposes of this Act.

(b) Native Villages found eligible for land selections pursuant to section 13 of this Act are hereby granted and shall be entitled to select, within one year after the election authorized under subsection (a) of this section, either (1) that amount of land to which the Native Village is found entitled by the Commission pursuant to the procedures set out in subsection 13(g) of this Act if the Natives decide to accept land grants under subsection (a) (1) hereof, or (2) that amount of land to which the Native Village is declared entitled pursuant to subsection (h) of this section if the Natives decide to accept land grants under subsection (a) (2) hereof. In exercising their selection rights, Native Villages and Village Corporations shall select from among the public lands withdrawn pursuant to section 13, and all such selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than one thousand two hundred and eighty acres. In the event the public lands withdrawn pursuant to section 13 are not sufficient in amount to satisfy the entitlement of any Village Corporation, as determined by the Commission, such Corporation may select noncontiguous tracts from among the vacant and unappropriated public lands, without regard to section 24(c), in order of their proximity to the center of the village until the Village Corporation's selection rights are exhausted.

(c) Within two months after a determination by the Commission that a Native Village is eligible for a grant of land pursuant to subsections 13 (d) and (e), the Secretary shall conduct an election for the village, under such rules and regulations as he may prescribe, to choose a five-member Village Land Selection Committee. The committee so elected is hereby authorized to exercise the land selection rights of the village pending organization of the Village Corporation. The persons entitled to vote in the election or serve on the Land Selection Committee shall be the members of each Native Village eighteen years of age or over, as shown on the temporary census roll prepared pursuant to section 7(a).

(d) Notwithstanding any other provision of law or of this Act, the Native Villages listed in section 13(b) (1) (B) may select, in addition to the township or townships in which the village is located, not more than sixty-nine thousand one hundred and twenty acres of land which has been selected and tentatively approved for patent to the State under the Statehood Act, and must select the remainder of its entitlement, if any, from among the public lands. In the event the public lands withdrawn pursuant to section 13 are not sufficient in amount to satisfy the remaining entitlement of the village, the village may select noncontiguous tracts from among the vacant and unappropriated public lands in order of their proximity to the center of the village until its selection rights are exhausted.

(e) (1) Where two or more Native Villages, because of proximity in location, are entitled to select lands in the same townships and actually select the same lands, their Village Corporations, or if not yet organized, their Land Selection Committees, shall be authorized to settle the overlap by negotiation and, in furtherance of any such settlement, to release selected lands to each other. If Native Villages making overlapping selections do not reach agreement within six months after the date such conflict arises, the controversy may be referred to the Commission by the Village Corporation or the Land Selection Committee for decision in accordance with section 6 of this Act. The Commission shall award the land, or portions thereof, to the Native Village or Villages shown historically by a preponderance of the evidence to have made greater use and occupancy thereof, or in such manner as will do substantial justice. The decision of the Commission shall without regard to subsection 6(j), be final.

(2) A Native Village which releases selected lands in order to settle an overlap, or which loses selected lands under a Commission award in accordance with subsection (e) (1) hereof, shall be entitled to select additional public lands pursuant to subsection (b) hereof, until its selection rights are exhausted.

(f) Upon application of the Services Corporation, if the Natives decide to accept land grants under subsection (a) (1) hereof, and upon certification thereof by the Commission, and after survey of the areas involved, the Secretary shall issue patents, without payment therefor, to the Services Corporation for lands to which it is entitled pursuant to subsection 13(g) (2) (c). The Services Corporation shall select such lands from among the lands withdrawn for Native Villages pursuant to section 13 which remain after Native Village selection rights are exercised as provided in this section. All such selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection and shall be in whole sections and, wherever feasible, in units of not less than one thousand two hundred and eighty acres.

(g) Except as otherwise provided in subsection (e) (2) hereof, all public lands withdrawn pursuant to section 13, which have not been selected by a Land Selection Committee or Village Corporation or by the Services Corporation under this section, shall eighteen months after the date of the election authorized under subsection (a) hereof or nine months after the election required under subsection (c) hereof, whichever later occurs, be placed in the status provided for by section 24(c) of this Act: *Provided*, that lands withdrawn around a Village whose eligibility for land selection has not been finally determined by the Commission within eighteen months after the date of the election authorized under subsection (a) hereof shall remain withdrawn until six months after the Commission makes the determination required pursuant to subsection 13 (d) through (g).

(h) If the Natives decide to accept land grants in accordance with subsection (a) (2) hereof, each Native Village listed in section 13(c), and any Native Village outside the region of southeast Alaska which is not so listed, but which has been approved for benefits under this Act by the Commission pursuant to section 13(e), is hereby granted and, except as otherwise provided in section 22, shall be entitled to select lands in accordance with the following table:

Native population	*Average*
25 to 99	92, 160
100 to 199	115, 200
200 to 399	138, 240
400 to 599	161, 280
600 or over	184, 320

The population of each Native Village and its land entitlement shall be certified to the Secretary by the Commission on the basis of the temporary census roll prepaid in accordance with section 7(a).

The Commission shall have the authority to modify the above grants pursuant to the procedures and standards provided in subsections 14(g) (1) and (3) and shall select such lands as are necessary for the benefit of the Native Villages to insure that a total of twenty million acres is granted pursuant to this subsection.

SURVEY AND CONVEYANCE OF LANDS

SEC. 15. (a) The Secretary shall promptly survey the township withdrawn under section 13 and the areas selected for conveyance to Village Corporations and to the Services Corporation pursuant to section 14 of this Act, but need monument only the exterior boundaries of these townships or areas. He also shall promptly survey: (1) within the townships withdrawn or areas selected all lands occupied as a primary place of residence, a primary place of business, subsistence campsites, reindeer grazing grounds, and for other purposes as required under subsection (b) (2) hereof; and (2) any other land to be patented under this Act.

(b) (1) After certification of a Native Village's land entitlement by the Commission and upon completion of the survey of lands selected pursuant to section 14, the Secretary shall issue a patent or patents to the Village Corporation, or, if not yet incorporated, in trust to the Services Corporation for the benefit of the Native Village pending its incorporation as provided in section 11 to the land and all interests therein, except minerals covered by the Federal mineral leasing laws, subject to valid existing rights and subject to the provisions of paragraph (2) hereof.

(2) Upon receipt of a patent or patents to selected lands, Village Corporations or the Services Corporation on their behalf—

(A) shall issue deeds to the occupants, without payment of any consideration, to the surface estate for any tracts occupied by Natives as a primary place of residence, as a primary place of business, or used for subsistence campsites or for reindeer husbandry, subject to valid existing rights;

(B) shall issue deeds to the occupants, either without consideration or upon the payment of an amount not in excess of fair market value for such property, determined as of the date of initial occupancy and without regard to any improvements thereon, to the surface estate for any tracts occupied by non-Natives as a primary place of residence or a primary place of business, subject to valid existing rights: Provided, That all occupants of the same general character shall be accorded similar treatment with respect to any payment for land;

(C) shall issue deeds pursuant to subsection 11(g), without payment of any consideration, to any Municipal Corporation in the Native Village or to any Municipal Corporation established in the Native Village within five years of the date of enactment of this Act, to the surface estate of the improved land on which the village is located and of as much additional land as is necessary for community expansion for appropriate rights-of-way for public use, airport sites, and such other interests in land as are reasonably necessary for public use and for foreseeable community needs: Provided, That prior to the transfer of lands from a Village Corporation to a Municipal Corporation, individuals shall receive patent to any lands used for residences and businesses: And provided further, That the amount of lands to be transferred to the Municipal Corporation shall be no less than one hundred and sixty acres;

(D) shall issue deeds to the occupants, either without consideration or upon payment of an amount not in excess of fair market value for such property determined as of the date of initial occupancy and without regard to any improvements thereon, to the surface estate for any tracts occupied by nonprofit organizations for the purposes for which such organizations were established, subject to valid existing rights: *Provided*, That all nonprofit organizations of the same general character shall be accorded similar treatment with respect to payment for land; and

(E) may issue deeds, subject to valid existing rights, to all others.

Any dispute over the boundaries, use, occupancy, or value of any tract which is covered by this paragraph may be submitted by any party to the dispute to the Commission for decision. The decision of the Commission, without regard to subsection 6(j), shall be final.

(c) Upon completion of the survey of lands selected by any Village Corporation, as provided in subsection (a) hereof, and contemporaneous with the issuance of patents to Village Corporations as provided in subsection (b) (1) (A) and (B) hereof, the Secretary shall issue a patent or patents to all minerals in such village lands covered by the Federal mineral leasing laws, subject to valid existing rights, to the Services Corporation. At the time of such conveyance, the Services Corporation shall succeed and become entitled to any and all interests of the United States, as lessor, contractor, or permitter, in any mineral leases, contracts or permits covering lands selected by any Village Corporation as provided in subsection (1) of this section.

(d) (1) Upon completion of the survey of lands selected by the Services Corporation, as provided in subsection (a) hereof, the Secretary promptly shall issue a patent or patents to the Services Corporation to the land and all interests therein, subject to valid existing rights.

(2) Upon completion of the survey of lands selected by the Commission for the benefit of a Native Village pursuant to section 13(g) (3), as provided in subsection (a) hereof, the Secretary promptly shall issue a patent or patents to the Village Corporation, or, if not yet incorporated, in trust to the Services Corporation for the benefit of the Native Village pending its incorporation as provided in section 11, to the land except minerals covered by the Federal Mineral Leasing Act, subject to valid existing rights.

(e) Notwithstanding any other provision of this Act, every patent issued by the Secretary pursuant to this section, except subsection (h) hereof, which covers lands lying within the boundaries of a Federal wildlife refuge on the date of enactment of this Act shall contain a provision that such lands remain subject to the laws and regulations governing use and development of such refuge as long as the lands continue within its boundaries.

(f) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years from the effective date of this Act, issue a patent, without payment therefor, to any Native or Native group, subject to all valid existing rights, to the surface estate of any public land located in Alaska, outside of areas selected pursuant to this Act, except land within the national park system, national wildlife refuge system, national forest system, or land withdrawn or reserved for national defense purposes, other than Naval Petroleum Reserve No. 4, which has been used by such adult Native or Native group for a period of more than three years immediately prior to the effective date of this Act as a campsite for the harvesting of fish, wildlife, berries, fuel, or other products of the land. Such patents shall be issued—

(1) for five-acre tracts for each subsistence use campsite separate from the campsite of any other applicant;

(2) for forty-acre tracts where the campsites of several applicants are in such proximity to each other as to make it not feasible to patent individual five-acre campsites; or

(3) for larger tracts, not to exceed sixty acres, where individuals can establish, un-

der such rules and regulations as the Commission may prescribe, historic occupancy and use of the larger tracts.

Applications for patents under this subsection must be filed with the Commission within five years after effective date of this Act. Pending the issuance of a patent for campsites under this subsection the Secretary is authorized to permit the use of such lands, upon which applications have been filed, as campsites. The Secretary is authorized to apply the rule of approximation with respect to acreage limitations set forth in this subsection.

(g) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years after the effective date of this Act, issue a patent, without payment therefor, for the surface estate of up to two thousand five hundred and sixty acres to each bona fide reindeer husbandryman, family, or Native group who on the effective date of this Act was practicing reindeer management. Patents issued under this subsection may cover any public lands in Alaska outside the areas selected pursuant to this Act, subject to all valid existing rights, that on the effective date of this Act are leased, permitted, or used for reindeer management purposes, including summer and winter range facilities and intervening line camps. Lands granted pursuant to this subsection shall not include any lands selected pursuant to section 14 and shall not include lands within the national park system, national wildlife refuge system, national forest system or land withdrawn or reserved for national defense purposes, other than Naval Petroleum Reserve No. 4. The Secretary is authorized to apply the rule of approximation with respect to acreage limitations set forth in this subsection.

(h) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years after the effective date of this Act, issue a patent without payment therefor, for up to, but not to exceed, one hundred and sixty acres of land and interests therein, except the minerals covered by the Federal mineral leasing laws, and subject to all valid existing rights, from any public lands within the areas withdrawn for Natives under section 13, but not patented pursuant to section 15 of this Act to any Native occupying land within such one hundred and sixty acres on the effective date of this Act as a primary place of residence. The Secretary is authorized to apply the rule of approximation with respect to the acreage limitations set forth in this subsection.

(i) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years after the effective date of this Act, issue a patent without payment therefor, of up to, but not to exceed, one hundred and sixty acres to the surface estate of any public land located in Alaska, subject to all valid existing rights, except land within the national park system, national wildlife refuge system, and national forest system, and land withdrawn or reserved for national defense purposes, other than Naval Petroleum Reserve No. 4, to any Native eighteen years of age or older occupying such lands as a primary place of residence on the effective date of this Act and whose residence is outside the areas withdrawn for the benefit of Native Villages by section 13 of this Act. The Secretary is authorized to apply the rule of approximation with respect to acreage limitations set forth in this subsection.

(j) Notwithstanding the provisions of subsections (f) and (g) hereof any adult Native or Native group may apply for and shall receive special use permit for lands within any national wildlife refuge for the purposes set out in such subsections: *Provided further*, That notwithstanding the provisions of subsection (i) hereof any Native eighteen years of age or older whose primary place of residence or business is outside the areas withdrawn by section 13 of this Act, but within the national wildlife refuge system, shall be entitled to a patent of up to eighty acres of land. Such patent shall be issued pursuant to the procedures set forth in subsection (i) hereof.

(k) In carrying out the provisions of this section, patents shall be issued by the Secretary in accordance with the following priorities:

(1) Within the areas withdrawn pursuant to section 13 of this Act—

(A) lands selected by Native Village Corporations;

(B) lands for the Services Corporation pursuant to subsection 13(g) (2) (C);

(C) lands selected by the Commission pursuant to section 13(g) (3);

(D) land for individual places of residence; and

(E) land for subsistence campsites and reindeer management areas.

(2) Outside the areas withdrawn pursuant to section 13 of this Act—

(A) land for individual places of residence;

(B) land for subsistence campsites; and

(C) land for reindeer husbandry.

(l) Where, prior to patent of any land or minerals under this section, a lease (including a lease issued under section 6(g) of the Alaska Statehood Act), contract, or permit (which term for the purposes of this Act shall include rights-of-way and easements) has been issued for the utilization of surface or mineral resources covered under such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of the patent, the patentee shall succeed to and become entitled to any and all interests of the United States or the State as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the estate patented, and a lease issued under section 6(g) of the Alaska Statehood Act shall be treated for all purposes as though the patent had been issued to the State. The administration of such lease, contract, or permit shall continue to be by the United States or by the State. In the event that the patent does not cover all of the land embraced within any such lease, contract, or permit, the patentee shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, or permit by the United States or by the State which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, or permit which is included in the patent and the denominator is the total acreage contained in such lease, contract, or permit.

(m) The Secretary shall require as a condition to the granting of each permit to prospect, or to the granting of each lease to mine or drill for minerals covered by the Federal mineral leasing laws, on lands patented pursuant to subsections (f) through (j) of this section, and are not covered by such patent, that the permittee or lessee shall provide a bond, satisfactory to the Secretary, to indemnify the surface patentee for any damages which such permittee or lessee may cause in connection with the development of such permit or lease, and further the Secretary shall include provisions in such lease or permit which will protect the surface patentee against unreasonable interference in the use of his land.

ADMINISTRATION OF LANDS

SEC. 16. (a) Natives, Village Corporations, and the Services Corporation may exchange lands and interests in lands with each other, or with the State or the United States and the Secretary, the Secretary of Agriculture, and the Secretary of Defense, under such rules and regulations as they respectively may prescribe, may exchange land and interests in lands under their jurisdiction and classified as suitable for exchange with Village Corporations, the Services Corporation, and Natives, for the purpose of effecting land consolidations or to facilitate the management or development of land. Exchanges of land and interests in lands hereunder shall be made on the basis of equal value, and the value of improvements on lands shall be given due consideration and allowance made therefore in any valuation: *Provided*, That either party to an exchange under this subsection may pay or accept cash in order to equalize the values of the properties exchanged.

(b) Pending the patenting to a Village Corporation pursuant to section 15 or 23 of public lands withdrawn pursuant to section 13 or 23 or the restoration of such lands to the status in which they had been placed pursuant to section 24(c), the Secretary may take such actions as shall be necessary to administer, manage, and protect such withdrawn public lands: *Provided*, That the Secretary shall not sell or otherwise permanently dispose of lands or interests therein, except as provided in this subsection: And provided further, That the Secretary shall not, without the consent of the Services Corporation, issue or enter into any lease, contract, or permit covering lands withdrawn pursuant to this Act which will be in effect more than eighteen months after the effective date of this Act. The Secretary may renew existing leases which would be in effect more than eighteen months after the effective date of this Act only if the basic lease provides for a right of renewal and then only on the terms provided in the basic lease. The Secretary, with the approval of the Commission, and in accordance with such rules and regulations as he shall prescribe, may grant an easement or right-of-way for a public purpose over, across, under, or through withdrawn public lands on condition that the grantee of such easement or right-of-way (1) shall provide a bond, satisfactory to the Secretary, in an amount sufficient to pay the fair market value of any interest the grantee acquires in lands which may be subsequently selected by a Village Corporation, and (2) shall agree to conserve the natural resources of the land and the environment, including fish and wildlife, and to protect the surface owner from unreasonable interference in the enjoyment of his land. All payments or revenues attributable to the use or other disposition of withdrawn lands later selected by a Village Corporation, after deducting the cost of administration thereof, shall be paid to the Village Corporation, or to the Services Corporation, as appropriate: *Provided*, That if the selected land does not include all of the land covered by a particular lease, contract, or permit, the amount of the revenues therefrom to be paid to such Village Corporation, or to the Services Corporation, as appropriate, shall be the proportion which results from multiplying the revenues attributable to such lease, contract, or permit (after deducting the cost of administration thereof) by a fraction in which the numerator is the acreage of such lease, contract, or permit which is included in the selected land and the denominator is the total acreage contained in such lease, contract, or permit.

(c) After lands are patented pursuant to sections 15 and 23 of this Act, Village Corporations and the Service Corporation may hold, manage, lease, or dispose of such lands and interests therein in accordance with the laws of the State: Provided, That for a period of twenty fiscal years after the effective date of this Act, any sale (other than a sale or grant under section 15(b) (2) or 23(m) (2) (B)), mortgage, surface lease from a term (including renewals) of more than twenty years, grant of a permanent easement or right-of-way, or gift of such lands, or interests in lands by a Village Corporation shall require the approval of the Services Corporation in order to be valid: Provided, further, That easements or rights-of-way for public purposes may be acquired within such lands by condemnation in accordance with the laws of the State without any necessity for approval of the Services Corporation.

MINERAL LEASING ACT

SEC. 17. Disposition of all minerals included under the Federal mineral leasing laws including but not limited to deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur located in public lands in Alaska and of all deposits of any other minerals located in such lands, which the Congress may hereafter authorize to be disposed of by sale or lease, after the effective date of this Act may, where there is competitive interest shown in a particular tract of land, be under such competitive bidding procedures, as the Secretary may prescribe by regulation. Such regulations shall include provision for bidding by bonus bid, by a percent of royalty, or by a stated bonus and a percent of royalty, and such other means of competitive bidding procedures, which will insure that the Federal Government receives fair market value for public resources and that individuals and small businesses have an opportunity to compete when there is competitive bidding for mineral leases. All leases, whether issued competitively or otherwise, shall include rental provisions which may be offset by exploration and development expenditures at such rates and over such periods of time as the Secretary determines are required to assure timely exploration and development and to prevent the holding of leases for speculative and unproductive purposes. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437, 30 U.S.C. 181 and following), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) shall apply to the extent that such provisions are not inconsistent with this Act. Leases issued competitively under this section for lands which are not within any known geologic structure of a producing oil or gas field shall be for the same term of years and shall cover the same amount of acreage as is provided for in the Mineral Leasing Act for leases covering such lands. Where such competitive interest has not been displayed the provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437; 30 U.S.C. 181 and following), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) shall apply.

REVENUE SHARING

SEC. 18. (a)(1) Disposition of all deposits of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur located in public lands in Alaska and of all deposits of any other minerals located in such lands which the Congress may hereafter authorize to be disposed of by sale or lease, after the effective date of this Act shall be made only pursuant to the terms of this Act and shall be subject to the provisions on revenue sharing as provided in this section. The provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (41 Stat. 437; 30 U.S.C. 181 et seq.), and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) shall apply to the extent that such provisions are not inconsistent with this Act.

(2) All revenues derived by the United States from rentals and bonuses upon disposition of such minerals during the period beginning January 1, 1969, and ending on the effective date of this Act, shall be distributed as provided in the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), except that, prior to calculating the shares of the State and the United States as set forth in such Act, 2 per centum of such proceeds shall be deducted and paid into the Fund. From the royalty derived by the United States from the disposition of such minerals during the same period, an amount equal to 2 per centum of the gross value of the minerals (as the gross value thereof is determined for royalty purposes under the lease involved) shall be deducted and paid into the Fund, and the respective shares of the State and the United States in such royalty shall be calculated on the remaining balance.

(3) All leases or other disposition of such minerals made after the effective date of this Act shall provide that prior to calculating the respective shares of the State and the United States in such proceeds under the Statehood Act: (A) a royalty of 2 per centum upon the gross value of any minerals produced (as that gross value is determined for royalty purposes under such lease or other disposition) shall be paid into the Fund; and (B) 2 per centum of all revenues derived from rentals and bonuses shall be deducted and paid into the Fund.

(b) Should the United States ever dispose of deposits of minerals referred to in subsection (a)(1) of this section located within Naval Petroleum Reserve No. 4, such disposition shall be made only under such competitive bidding procedures as the Secretary shall prescribe by regulation. The provisions of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181 et seq.), as amended and supplemented, shall apply to the extent that such provisions are not inconsistent with this Act. Leases issued competitively under this section for lands which are not within any known geologic structure of a producing oil or gas field shall be for the same term of years and shall cover the same amount of acreage as is provided for in the Mineral Leasing Acts for leases covering such lands. Any leases or other dispositions of such minerals shall be made in accordance with this subsection and shall provide: (1) that a royalty of 2 per centum upon the gross value of any minerals produced (as that gross value is determined for royalty purposes under such lease or other disposition) shall be paid into the Fund from the royalties derived by the United States; (2) that 2 per centum of all revenues derived from rentals and bonuses upon disposition of such minerals shall be deposited in the Fund; and (3) that the remaining proceeds from the disposition of such minerals shall be deposited as miscellaneous receipts to the Treasury of the United States.

(c) The royalties provided under this section shall not operate to exclude lands subject thereto from selection by the State under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), if such lands otherwise are available for selection. Every patent of public lands issued to the State under the Statehood Act after the effective date of this Act, however, shall expressly reserve for the benefit of the Natives: (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any lease or other disposition by the State) of the minerals referred to in subsection (a) hereof produced on or removed from such lands from the royalties payable to the State; (2) a right to receive 2 per centum of all revenues derived by the State from rentals and bonuses upon disposition of such minerals. Until such time as the reservation required in patents by the preceding sentence becomes operative with respect to a particular lease or sale there are also reserved for the benefit of the Natives from and after January 1, 1969, an amount equal to a like royalty and other revenues from rentals, royalties, and bonuses payable to the State under (i) leases of the United States which are or may be assumed by the State under section 6(h) of the Alaska Statehood Act, and (ii) under conditional leases and sales made pursuant to section 6(g) of the Alaska Statehood Act in the case of lands heretofore or hereafter selected by the State, the selection of which is or was tentatively approved by the Secretary, but as to which patents had not issued to the State by January 1, 1969: Provided, however, That the bonus revenues received by the State at the September 1969, sale of lands tentatively approved under the Statehood Act shall not be subject to the 2 per centum revenue sharing provisions of this section, nor shall rentals received pursuant to such sale up to the date of April 15, 1970. Any royalty, and rentals received pursuant to such sale after April 15, 1970, shall be subject to the revenue sharing provisions of this section.

(d) Revenues received by the United States or the State as compensation for estimated drainage of oil and gas shall, for purposes of this section, be deemed to be revenues from the disposition of oil and gas and the appropriate payments shall be paid into the Fund on account thereof. All royalty and other revenues required to be paid under this section shall be paid into the Fund promptly after the expiration of the fiscal year in which they accrue by the Secretary of the Treasury or the State, as the case may be, and shall be distributed or withdrawn therefrom only in accordance with this Act. In the event the United States or the State elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.

(e) The payments required pursuant to this section shall continue only until $500,000,000 has been paid into the Fund. Thereafter the provisions of this section shall not apply and the reservation required in patents under subsection (c) of this section shall be of no further force and effect.

(f) The provisions of this section requiring revenue sharing by the State shall be enforceable by the United States on behalf of the Natives but this shall not preclude the Services Corporation, or its successor, from pursuing any remedies available to it in the event of default by the State. In the event of default by the State in making any payments due under this section, and in addition to any other remedies provided by law, there shall be deducted annually and deposited in the Fund the amount of any underpayment, to be taken from the share of mineral revenues from public lands in Alaska which would otherwise be paid to the State pursuant to Federal law.

(g)(1) The provisions of this section requiring revenue sharing by the State and the United States are enacted pursuant to the authority reserved by the United States in section 4 of the Alaska Statehood Act to determine the disposition of lands used and claimed by Natives and as to which the State was, by the Alaska Statehood Act, required to and did disclaim all right and title. Therefore:

(A) in the event that the State initiates litigation to contest in any manner the operation of this section 18 all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary as chiefly valuable for mineral development, timber or other commercial purposes, and no selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands during the pendency of such litigation; and

(B) in the event that the State contests in any manner the operation of this section and the provisions of this section providing for revenue sharing are judicially determined to be inapplicable to the State, such suspension and prohibition on the granting of tentative approvals and issuance of patents shall continue for as long as may be necessary, but not in excess of two years, to allow the Services Corporation or its successor an opportunity to select, out of lands described in section 19(a)(1), in addition to the selection rights provided for in that section, the mineral estate of one million acres of land in noncontiguous block of four townships, half of which must be south of the Brooks Range. The Secretary upon application therefor filed by the Services Corporation or its successor shall issue to the Services Corporation or its successor, without payment, a patent to the mineral estate in the lands selected, subject to all valid and existing rights. Where, prior to such patent, a lease, contract, or permit has been issued for the utilization of the mineral resources covered under such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of such patent, the Services Corporation shall succeed and become entitled to any and all interests of the United States as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the minerals patented. The administration of such lease, contract, or permit shall continue to be by the United States. In the event that the patent does not cover all of the land embraced within any such lease, contract, or permit, the Services Corporation shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, or permit by the United States which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, or permit which is included in the patent and the denominator is the total acreage contained in such lease, contract, or permit.

(2) Any civil action commenced to contest in any manner the purpose and the substantive operation of this section 18 shall be barred unless the complaint is filed within one year of the date of enactment of this Act, and no such action shall be entertained by any United States court unless it is commenced by a duly authorized official of the State of Alaska. Exclusive jurisdiction to test the purposes and the operation of this section 18 shall be vested in the United States district courts. The purpose of this limitation on suits is to insure that, after the expiration of a reasonable period of time, the right, title, and interest of the United States, the Natives, and the State to share in revenues will vest with certainty and finality and may be relied upon by all other parties in their dealings with the State, the Natives, and the United States.

(3) In the event that rights of land selection granted to the State by the Alaska Statehood Act should ever be suspended pursuant to the provisions of subsection (g)(1)(A) hereof, the State's right of land selection pursuant to section 6 of the Alaska Statehood Act, Act of July 7, 1958 (72 Stat. 341, 77 Stat. 223) shall be extended for a period of time equal to the period of time as the selection right was suspended pursuant to the provisions of subsection (g)(1)(A).

(h) The respective shares of the United States and the State with respect to payments to the Fund required by this section shall be determined pursuant to this subsection and in the following order:

(1) first, from sources identified under subsection (c) hereof;

(2) then, from sources identified under subsection (a) hereof; and

(3) then, subject to the provisions of subsection (b), from sources identified in subsection (b) hereof,

(i) The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf.

LAND SELECTION FOR ECONOMIC POTENTIAL

SEC. 19. (a) If the Natives decide to accept land grants in accordance with section 14(a)(1) of this Act, the provisions of this subsections (a) shall apply.

(1) Upon application filed by the Services Corporation with the Commission and upon certification thereof, the Secretary shall issue a patent, without payment therefor, to the Services Corporation, subject to all valid and existing rights, to the appropriate interest in any public lands located in the State as provided in subsection (2) hereof. Any lands within the national park system, national wildlife refuge system, and national forest system, and lands withdrawn or reserved for national defense purposes including Naval Petroleum Reserve No. 4, shall be excluded from the selection rights granted to the Services Corporation by this subsection (a).

(2) The Service Corporation is granted the right to select, subject to paragraph (1) hereof, lands in the amounts set out below and subject to the limitations of this subsection:

(A) the surface estate of one million acres of public land for timber and forest products potential, to be selected in noncontiguous tracts of two to four townships; and

(B) the surface estate of five hundred thousand acres of public land which the Services Corporation will select, administer, and grant to Natives and Native groups to avoid undue hardship; to provide protection for cemeteries, abandoned villages, and areas of historical and cultural significance to Natives; and for such other equitable purposes as the Services Corporation deems appropriate: Provided, That tracts selected pursuant to this paragraph shall, insofar as possible, conform to township survey designations and shall be no larger than eight sections nor smaller, insofar as practicable, than one hundred and sixty acres.

Patents issued to the Services Corporation by the Secretary pursuant to this subsection shall cover only the interests in land designated in paragraph (2) (A) and (B) hereof. The remaining estate shall be held by the United States and shall be subject to the applicable public land laws of the United States.

(3) Lands granted pursuant to this subsection are granted to provide the Services Corporation with a diversified land resource base, to avoid hardship, and to create opportunities for Natives to enter commercial enterprises not otherwise readily open to them. The Secretary and the State may submit comments upon the Services Corporation's applications for proposed land selections. The decision of the Commission in certifying applications shall, without regard to section 6(j), be final.

(4)(A) Lands selected and granted pursuant to this subsection 19(a) must be at least ten miles outside the boundaries of any city organized as a municipal corporation under State law. Lands granted pursuant to paragraph 2(A) shall be managed in accordance with sustained yield principles of forest management.

(B) "Noncontiguous" for the purposes of this subsection means that any tract selected under paragraph (2) (A) and (B) hereof must be separated from any other tract selected by an area at least twice as large as the largest of the areas selected.

(C) All selections made pursuant to this section shall be surveyed by the Secretary and shall conform to township survey designations.

(5)(A) Lands granted pursuant to paragraph (2)(A) hereof shall be selected within two years of the date of the election held in accordance with section 14(a). In the event that the Services Corporation, the State, and the Secretary are unable to agree upon a mutual plan for the selection of these lands, the Services Corporation shall select four townships, then the State may identify four townships to be reserved for State selection under the Statehood Act (72 Stat. 341, 77 Stat. 223). The Services Corporation then shall select four more townships and the State shall identify until the Services Corporation's selection rights are exhausted. State identification acts only as a withdrawal for purposes of this subsection and does not grant any rights nor does it interfere with any other selection rights granted by this Act. In the event of any overlap or conflict with the selection rights granted to Village Corporations, the village selection right shall have priority.

(B) Lands granted pursuant to subsection (2)(B) hereof shall be selected within ten years of the date of the election held in accordance with section 14(a). In the event of conflict, lands selected pursuant to subsection (b)(2) shall have priority over selections by the State pursuant to the Statehood Act (72 Stat. 341, 77 Stat. 223). At the end of ten years the right of selection shall terminate and any remaining right of the Services Corporation to select additional lands shall revert to the United States.

(b) If the Natives decide to accept land grants in accordance with section 14(a)(2) of this Act, the provisions of this subsection (b) shall apply.

(1) Upon application filed by the Services Corporation with the Commission and upon certification thereof, the Secretary shall issue a patent or patents, without payment therefor, to the Services Corporation, subject to all valid and existing rights, to the appropriate interest in any public lands located in the State as provided in paragraph (2) hereof. Any lands within the national park system, national wildlife refuge system, and national forest system, and lands withdrawn or reserved for national defense purposes including Naval Petroleum Reserve Numbered 4, shall be excluded from the selection rights granted to the Services Corporation by this subsection, except as provided in paragraph (2)(D) hereof.

(2) The Services Corporation is granted the right to select, subject to paragraph (1) hereof, lands in the amounts set out below, subject to valid existing rights, and subject to the limitations of this subsection:

(A) the surface estate of two million five hundred thousand acres of public land for timber and forest products potential, to be selected in noncontiguous tracts of four to eight townships in size: *Provided*, That not more than a total of thirty townships may be selected in any one of the regions defined in section 9;

(B) the surface estate of two million five hundred thousand acres of public land for recreational potential, to be selected in noncontiguous tracts of four to eight townships in size: *Provided*, That not more than a total of thirty townships may be selected in any one of the regions defined in section 9;

(C) two million five hundred thousand acres of public land and all interests therein, subject to valid existing rights, which the Services Corporation will select, administer, and grant to Natives, Native groups, Native Village, or Village Corporations to avoid hardship, to provide protection for cemeteries, abandoned villages, and areas of historical, cultural, and economic significance to Natives, to supplement the land entitlement of Native Villages pursuant to section 14(h), and for such other equitable purposes as the Services Corporation deems appropriate: *Provided*, That not more than a total of twenty-four townships may be selected in any one of the regions defined in section 9, and such tracts shall be selected in noncontiguous tracts no larger than one township nor smaller, insofar as practicable, than six hundred and forty acres: *Provided further*, That tracts selected pursuant to this paragraph to supplement the entitlement of Natives Villages shall, insofar as possible, be contiguous to the lands selected by such villages; and

(D) all minerals covered by the Federal mineral leasing laws in two million five hundred thousand acres of public lands, except that for the purposes of this subsection 19 (b) (2) (D) lands within Naval Petroleum Reserve Numbered 4 are included, to be selected in noncontiguous tracts of four townships in size: *Provided,* That not more than a total of twenty-four townships may be selected in any one of the regions defined in section 9. Patents issued to the Services Corporation by the Secretary pursuant to this subsection shall cover only the interests in lands designated in paragraphs (A), (B), (C), and (D) hereof. The remaining estate shall be held by the United States and shall be subject to the applicable public land laws of the United States.

(3) Lands granted pursuant to this subsection are granted to provide the Services Corporation with a diversified land resource base, to avoid hardship, and to create opportunities for Natives to enter commercial enterprises not otherwise readily open to them. The Secretary and the State may submit comments upon the Services Corporation's applications for proposed land selections. The decision of the Commission in certifying applications shall, without regard to section 6(j), be final.

(4) (A) Lands selected and granted pursuant to this subsection 19(b) must be at least ten miles outside the boundaries of any city organized as a municipal corporation under State law other than a Village Corporation. Lands granted pursuant to paragraph (2) (A) shall be managed in accordance with sustained yield principles of forest management.

(B) "Noncontiguous" for the purposes of this subsection means that any tract selected under paragraph (2) (A), (B), (C), and (D) hereof must be separated from any other tract selected under such paragraphs by an area at least twice as large as the larger of the areas selected.

(C) All selections made pursuant to this subsection shall be surveyed by the Secretary and shall conform to township survey designations.

(5) (A) Lands granted pursuant to paragraphs (2) (A) and (B) hereof shall be selected within two years of the date of the election held in accordance with section 14 (a). In the event that the Services Corporation, the State, and the Secretary are unable to agree upon a mutual plan for the selection of these lands, the Services Corporation shall select four townships, then the State may identify four townships to be reserved for State selection under the Statehood Act (72 Stat. 341, 77 Stat. 223). The Services Corporation then shall select four more townships and the State shall identify until the Services Corporation's selection rights are exhausted. State identification acts only as a withdrawal for purposes of this subsection and does not grant any rights nor does it interfere with any other selection rights granted by this Act. In the event of any overlap or conflict with the selection rights granted to Village Corporations, the village selection right shall have priority.

(B) Lands granted pursuant to paragraph (2) (C) hereof shall be selected within ten years of the date of the election held in accordance with section 14(a). In the event of conflict lands selected pursuant to subsection (2) (C) shall have priority over selections by the State pursuant to the Statehood Act (72 Stat. 341, 77 Stat. 223). At the end of ten years the right of selection shall terminate and any remaining right of the Services Corporation to select additional lands shall revert to the United States.

(C) Lands granted pursuant to paragraph (2) (D) hereof shall be selected within five years of the date of the election held in accordance with section 14(a). In the event that the Services Corporation, the State, and the Secretary are unable to agree upon a mutual plan for the selection of such lands in any area which is then also subject to State selection, the Services Corporation shall select four townships, then the State may identify four townships to be reserved for State selection under the Statehood Act (72 Stat. 341, 77 Stat. 223). The Services Corporation then shall select four more townships and the State shall identify until the Service Corporation's selection rights are exhausted. State identification acts only as a withdrawal for purposes of this subsection and does not grant any rights nor does it interfere with any other selection rights granted by this Act. In the event of any overlap or conflict with the selection rights granted to Village Corporations, the village selection right shall have priority.

(D) The provisions of section 15(1) shall apply to all patents issued under this section 19.

(c) (1) Upon application filed by the Arctic Slope Regional Corporation with the Commission and upon certification thereof by the Commission, the Secretary shall issue a patent, without payment therefor, to the Arctic Slope Regional Corporation, subject to all valid and existing rights, to the land and all interests therein of any public lands located in the State of Alaska as provided in subsection (2) hereof. The Arctic Slope Regional Corporation shall be entitled to retain 50 per centum of revenues derived from the sale, lease, permit, development, use or other disposition of the mineral estate of the land to which it acquires a patent under section 19(f) (1). The remaining 50 per centum of such net proceeds shall be paid to the Services Corporation for distribution in accordance with the formula set forth in section 9 (d) (1) of this Act. Any lands within the National Wildlife Refuge system and lands withdrawn or otherwise reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4, shall be excluded from the selection rights granted to the Arctic Slope Regional Corporation by this subsection (c).

(2) The Arctic Slope Regional Corporation is granted the right to select, subject to subsection (c) (1) hereof, five hundred thousand acres of land and all interests therein, subject to all valid and existing rights. Lands granted by this subsection shall be selected from the geographic region designated by the Commission pursuant to subsection 9(a) (1) and shall be within or contiguous to the areas withdrawn pursuant to section 13(b) (1) respecting any of the Native Villages named in section 13(c) that are located in such region. All selections made pursuant to this subsection shall be surveyed by the Secretary, shall conform to township survey designations, and shall be in tracts of two to four townships.

(3) Lands granted pursuant to this subsection shall be selected within two years of the date of enactment of this Act. In the event of any overlap or conflict the priority of land selections shall be as follows:

(A) The Village Corporations;

(B) The Arctic Slope Regional Corporation; and

(C) The State of Alaska.

(4) Prior to certifying applications under subsection (c) (1) hereof, the Arctic Slope Regional Corporation shall prepare and submit to the Commission a comprehensive land-use plan for the lands designated in the application.

REVOCATION OF INDIAN ALLOTMENTS IN ALASKA

SEC. 20. (a) No Native covered by the provisions of this Act may hereafter avail himself of an allotment under the provisions of any Indian allotment Act including the Act of February 8, 1887, as amended and supplemented (24 Stat. 389; 25 U.S.C. 334, 336), or the Act of June 25, 1910 (36 Stat. 363; 25 U.S.C. 337). Further, the Act of May 17, 1906, as amended (34 Stat. 197), is hereby repealed.

(b) Native persons who have deeds to lands granted by the United States pursuant to the Acts referred to in subsection (a) hereof or any other public land laws which have restrictions upon the sale, use, or disposal of such lands shall, upon application to the Secretary, be granted unrestricted deeds.

PROTECTION OF SUBSISTENCE RESOURCES

SEC. 21. (a) If the Natives decide to accept land grants in accordance with section 14(a) (1) of this Act, the following provisions shall apply:

(1) The Secretary is authorized and directed to classify, in accordance with appropriate ecological criteria, varying environmental circumstances and varying subsistence needs, public lands surrounding any or all of the Native Villages and groups for which lands are withdrawn under sections 13 through 15 and under section 23 as Subsistence Use Units.

(2) The Secretary in preparing such classifications shall hold public hearings concerning the proposed classifications units and shall consult with the State and other appropriate departments of the Federal Government and invite the comments of all parties concerned. Upon determining the land and resources required for subsistence use in each area, the Secretary shall publish notice in the Federal Register of a proposed classification. Classification of an area as a Subsistence Use Unit shall not prevent disposal of such lands under the public land laws in conformity with subsection (a) (1) hereof.

(3) After an area has been classified as a Subsistence Use Unit and final notice thereof has been published, the Secretary may, upon petition by residents of, or request by a local governing body within the unit, and upon the concurrence of the State, determine that the health, welfare, or livelihood of residents of the unit are threatened by the depletion of subsistence resources. Upon such a determination, the Secretary may close the area to entry by persons for the purpose of fishing, hunting, and/or trapping other than by residents of the unit for subsistence purposes.

(4) The maximum duration of such emergency closure shall be two years unless, after a public hearing, the Secretary determines the closure should be extended for an additional two-year term.

(5) Any person who knowingly enters upon lands within a subsistence-use classification unit closed under the provisions of this section, for the purposes of hunting, fishing, or trapping in violation of said closure, shall be guilty of a trespass against the United States and shall be subject to a fine of $1,000 or one year imprisonment or both. Complaints may be issued and arrests may be made under this subsection by Department of the Interior personnel designated by the Secretary to enforce this section.

(b) If the Natives decide to accept land grants in accordance with section 14(a) (2) of this Act, the following provisions shall apply.

(1) Within eighteen months after the date of the election held pursuant to section 14(a), the Village Corporations or, pending their organization, the Village Land Selection Committees chosen pursuant to section 14(c) shall designate the areas surrounding the lands which they have selected in accordance with section 14 which (A) historically have been used for subsistence purposes by their members, and (B) still are necessary, desirable and in use for such purposes.

(2) Within six months after the last designation by a Village Corporation or Village Land Section Committee pursuant to para-

graph (1) hereof, or two years after the date of the election held pursuant to section 14(a), whichever earlier occurs, the Commission shall determine and the Native Village shall designate the amount of subsistence use permit lands which shall be granted each Native Village within the area it designated, based upon need and present use by its members: *Provided*, That the total amount of land determined and set aside for subsistence use by the Commission under this subsection shall be twenty million acres.

(3) Upon certification by the Commission, the Secretary promptly shall issue to the Native Village or Village Corporation a permit covering its subsistence use area as determined by the Commission. Such permit shall contain provisions providing for the closure of subsistence use permit lands to entry by persons for the purpose of fishing, hunting and/or trapping other than by residents of the unit for subsistence purposes when the Secretary finds that the biotic resources of the area are threatened by depletion. Closure of such areas shall be the responsibility of the Secretary. The permit shall not prevent disposition of the lands covered thereunder pursuant to the public land laws, including selection by the State: *Provided*, That if any such lands thereafter are included within a Federal wildlife refuge or national park, the permit rights shall not be disturbed except as provided in sections (b) (4) and (5) of this section.

(4) Five years after issuance of a subsistence use permit and every five years thereafter, the Secretary shall review the question of whether the area still is being used for subsistence purposes. If the Secretary finds, after notice to the Natives affected and a subsequent hearing, that the area is not being so used in whole or in part, he shall terminate the permit with respect to the unused lands. In the absence of such action by the Secretary, the permit shall continue in full force and effect for an additional five-year period.

(5) In the event lands covered by a subsistence use permit are selected by the State or disposed of under the public land laws, the Native Village or Village Corporation involved shall be entitled to just compensation from the United States for its loss. The amount of such compensation shall be determined by a Federal hearing examiner appointed by the Secretary and acting in accordance with the Administrative Procedure Act: *Provided*, That the decision of the hearing examiner shall be final. In determining just compensation the examiner shall value the Natives' subsistence use rights on the nature and the extent of the use (whether hunting, fishing, or other subsistence activity) made of the lands lost. The examiner's award shall be paid to the Native Village or Village Corporation on the same basis as a judgment against the United States in the Federal courts.

REVOCATION OF RESERVATIONS; EXCEPTIONS

SEC. 22. (a) Notwithstanding any other provisions of law, and except where inconsistent with the provisions of this Act, the various reserves set aside by legislation or by Executive or Secretarial Order for Native use or for the administration of Native affairs, including reserves created under the Act of May 31, 1938 (52 Stat. 593), in Alaska are hereby revoked, subject to any valid existing rights: *Provided*, That this subsection shall not apply to the reserves described in subsections (c), (d), and (e) hereof unless the Native beneficiaries of such reserves so vote.

(b) Notwithstanding any other provision of law, lands within the various reserves described in subsection (a) hereof are hereby withdrawn from selection by the State and all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, until the Native groups that are the beneficiaries of such reserves have selected lands to which they are entitled under section 14 and until the Secretary issues a patent pursuant to section 15. The requirement set forth in subsections 13 (d) through (f) shall not apply to any Native group settled as a village or community within the various reserves described in subsection (a) hereof, and lands shall be patented to the Village Corporation representing any Native group whose reserve was revoked pursuant to this section without regard to subsections 13 (d) through (f)

(c) Notwithstanding any other provision of law, the Tanina Indians, the beneficiaries of the Moquawkie Reservation (hereinafter referred to as the Tyonek Indians), shall vote, within one year of the date of enactment of this Act, under procedures established by the Secretary, whether their tribe:

(1) shall accept abolition of the existing reservation and a grant to an appropriate entity of which they are the members, stockholders or owners, of twenty-six thousand nine hundred and eighteen acres of such reservation lands, subject to the condition that the mineral estate underlying such lands may not be sold by the Tyonek Indians to anyone other than the United States or the State: *Provided*, That the Tyonek Indians may lease such lands; or

(2) shall accept abolition of the existing reservation and be entitled to full benefits under the terms of this Act.

In the event the Tyonek Indians decide to acquire title to the Moquawkie Reserve set aside by Executive order of February 27, 1915, in accordance with subsection (1) hereof, the Secretary shall issue a patent to the appropriate entity referred to in subsection (1) hereof to all lands and interests in lands (including oil, gas, and other minerals) within such Reserve, subject to valid existing rights, and the Tyonek Indians shall not be eligible for benefits under this Act. Where, prior to such patent, a lease, contract, or permit has been issued for the utilization of surface or mineral resources covered by such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of such patent, the appropriate entity referred to in subsection (1) hereof shall succeed and become entitled to any and all interests of the United States as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the surface or minerals patented. The administration of such lease, contract, or permit shall continue to be by the United States.

(d) Notwithstanding any other provision of law, the enrolled members of the Metlakatla Indian Community eighteen years of age or over shall vote, within one year after the date of enactment of this Act, under procedures established by the Secretary, for one of the following alternatives:

(1) The Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 1101), as further defined by Presidential Proclamation of April 28, 1916 (39 Stat. 1777), shall be excluded from and shall not be affected by the terms of this section and the terms of this Act; or

(2) The Annette Islands Reserve shall be abolished, and the Secretary, prior to such abolition, shall issue a patent to a Village Corporation, of which the members of the Metlakatla Indian Community are members, stockholders, or owners, to the land and all interests in lands within such reserve, subject to valid existing rights.

If the members of the Metlakatla Indian Community decide to acquire a patent to the Annette Islands Reserve under paragraph (2) hereof, and prior to such patent, a lease, contract, or permit has been issued for the utilization of surface or mineral resources covered by such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of such patent, the Village Corporation shall succeed to any and all interests of the United States or the Metlakatla Indian Community as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the surface or minerals patented, but the United States shall continue to administer any such lease, contract, or permit which it is then administering.

(e) Notwithstanding any other provision of law, the members of the Native Villages within the boundaries of any Reservation in Alaska except those referred to in subsections (c) and (d) eighteen years of age or over, as shown on the temporary roll prepared pursuant to section 7(a), shall vote, within one year after the date of enactment of this Act, under procedures established by the Secretary, for either of the following alternatives:

(1) That their reservation shall be revoked, and the Natives and the Native Villages of which they are members shall be entitled to select and receive patents to lands under the terms of this Act; or

(2) That their reservation shall be revoked, and the Secretary, prior to such abolition, shall issue patents to the Village Corporations of which the Natives are members to the lands within the Reservation, except that the leaseable mineral estate shall be patented to the Services Corporation, subject to valid existing rights.

If the Natives decide to acquire a patent to their reservation under paragraph (2) hereof, and prior to such patent, a lease, contract, or permit has been issued for the utilization of surface or mineral resources covered by such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of such patent, the appropriate legal entity referred to in paragraph (2) hereof shall succeed and become entitled to any and all interests of the United States as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the surface or minerals patented, but the administration of such lease, contract, or permit shall continue to be by the United States.

(f) Nothing in this Act shall repeal, modify, or otherwise affect the right of the Secretary to establish a townsite on Saint Paul Island or the right of Natives of the Pribilof Islands to acquire title to tracts therein pursuant to the Act of November 2, 1966 (80 Stat. 1094), and to participate in the benefits under this Act.

TLINGIT-HAIDA SETTLEMENT

SEC. 23. (a) (1) (A) There are hereby withdrawn, subject to valid existing rights, from selection by the State under the Alaska Statehood Act (72 Stat. 341, 77 Stat. 223) and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, all public lands, including lands in the Tongass and Chugach National Forests, in each township, which encloses all or part of any Native Village listed in subsection (b) hereof, and any Native Village not listed, but which are located in southeast Alaska and which are approved by the Commission pursuant to this section, plus all public lands in each one-quarter township which is contiguous to or corners upon the townships in which such Native Villages are located, except lands withdrawn or otherwise reserved for national defense purposes, as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the State where protraction diagrams of the Bureau of Land Management are not available.

(B) At the time any Native Village not listed in subsection (b) hereof is approved for benefits under this Act by the Commission pursuant to this section, there shall be withdrawn, subject to valid existing rights, from selection by the State under the Statehood Act and from all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, all public lands, including lands in the Tongass and Chugach National Forests, in each township which encloses all or part of the Native Village, plus all lands in each one quarter township which is contiguous to or corners upon the township in which the Native Village is located, except lands excepted from withdrawal under subsection (a)(1)(A) hereof.

(2) Any and all claims of the Tlingit and Haida Indians to the two and six-tenths million acres of land in southeast Alaska referred to in the Court of Claims case of "Tlingit and Haida Indians of Alaska against United States," jacket number 47900, are hereby extinguished.

(3) The benefits provided for in this Act and the lands granted pursuant to this section are in addition to the judgment award received by the Tlingit and Haida Indians of Alaska in the Court of Claims and constitute full and final compensation for the extinguishment of title made in subsection (a)(2) hereof, and are in lieu of the additional land selection rights granted Village Corporations outside of southeast Alaska by sections 13 to 15.

(b) The following Native Villages are qualified for withdrawals under the provisions of subsection (a) hereof:

Angoon, Southeast.
Craig, Southeast.
Hoonah, Southeast.
Hydaburg, Southeast.
Kake, Southeast.
Kasaan, Southeast.
Klawock, Southeast.
Klukwan, Southeast.
Saxman, Southeast.
Tatitlek, Gulf of Alaska.
Yakutat, Southeast.

(c) Any of the villages listed in subsection (b) hereof shall not be eligible for land or benefits under this Act if the Commission determines, within three years from the effective date of this Act, that—

(1) less than twenty-five Alaska Natives are residents of the village;

(2) the village is of a modern and urban character, that the majority of the residents are non-Native, and that the best interests of the Native residents would be served if they derived benefits through the Urban Corporation and other land provisions of this Act rather than as a Native Village; or

(3) the village was not in existence as of the date of enactment of this Act: Provided, That this provision shall not be used to exclude any Native Village otherwise eligible which has been required to move to a new location because of a natural disaster or the actions of any governmental agency.

(d) Native Villages located within southeast Alaska and not listed in subsection (b) hereof shall be eligible for land and benefits under this Act and added to the village roster if the Commission determines that—

(1) twenty-five or more Alaska Natives are residents of an established village; and

(2) the best interests of the Native residents would be served if they derived benefits under the Act as a Village Corporation; and

(3) the village would not be disqualified by the provisions of subsection (c) hereof.

(e) In making the determinations required pursuant to subsection (c) and (d) hereof, the Commission shall review all relevant evidence offered by the members of the concerned Native group or their representatives and shall review any recommendations of the State, the Secretary or the Secretary of Agriculture. The Commission's determination shall, without regard to subsection 6(j), be final.

(f) In addition to determining which villages are entitled to land and other benefits under the terms of this section and this Act, the Commission shall determine the total land acreage to which eligible Village Corporations shall be entitled to select pursuant to this section. In no event shall any Village Corporation be awarded a grant of more or less than twenty-three thousand and forty acres. In making determinations pursuant to this subsection the Commission shall consider the following factors:

(1) the National population of village;

(2) the nature of the use, both historic and present, of the lands surrounding the Native Village including the carrying capacity of the surrounding lands and biological community in relationship to the village population and subsistence use patterns of the Native residents therein;

(3) the amount of land needed for prospective community expansion, the area to be granted to Municipal Corporations or the State, and the area to be granted for access, rights-of-way, and other public services and facilities:

(4) the nature and economic value of the lands surrounding the village (without regard to the mineral estate) for the purpose of insuring some degree of comparability in value as between Native Villages; and

(5) the comprehensive land use plan prepared by the Village Corporation with the assistance of the Services Corporation staff pursuant to subsection (8) (i) hereof.

In making the determinations required by this subsection the Commission shall consider the geographical relationship of individual villages to the land in question and should avoid determinations which result in land grants and are separated by large bodies of water unless one of the above factors makes such a determination reasonably necessary. The Commission's determination under this subsection shall, without regard to section 6(j), be final.

(g) If the Secretary determines that a substantial dispute is involved or that the best interests of justice would be served, he may direct that a public hearing be held in accordance with such rules as he shall prescribe prior to making any of the withdrawals he is required to make by this section. Any hearings pursuant to this subsection shall be held within one year of the date of enactment of this Act. The Commission shall consider, in any contested case, the hearing record prepared by the Secretary as well as his recommendations and the recommendations of the Secretary of Agriculture in making its determination. The actions of the Commission under this subsection shall, without regard to subsection 6(j), be final.

(h) Pending the disposition of any national forest lands withdrawn under this section, the Secretary of Agriculture is authorized to take such actions, subject to existing rights, as may be necessary to administer, manage and protect such lands for the benefit of the potential beneficiaries and, insofar as is consistent with this section, in accordance with the laws, rules, and regulations applicable to the national forests and to permit access or grant easements, rights-of-way, or other interests in lands for the purpose of administration, use, or development of contiguous or adjacent national forest lands not withdrawn.

(i) Upon application of any Native Village found eligible for land selections pursuant to this section and upon certification thereof by the Commission, and after survey of the area selected pursuant to subsection (m)(1) the Secretary shall issue a patent, without payment therefor, to the Village Corporation, or, if not yet incorporated, in trust to the Services Corporation for the benefit of the Native Village pending its incorporation as provided in section 11, for that amount of land to which the Native Village is found entitled by the Commission pursuant to the procedures set out in this section. Lands to be patented may be selected, subject to all valid existing rights, from any public land within areas withdrawn for each Native Village under the provisions *of this section*.

(j) In exercising selection rights pursuant to this section, Village Corporations shall select from among the public lands withdrawn pursuant to this section and all such selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than six hundred and forty acres. In the event the public lands withdrawn pursuant to this section are not sufficient in amount to satisfy the entitlement of any Native Village Corporation, as determined by the Commission, such Corporation may select noncontiguous tracts from the Tongass National Forest in order of their proximity to the center of the village until the Native Village Corporation's selection rights are exhausted.

(k) Within two months after a determination by the Commission that a Native Village is eligible for a grant of land pursuant to this section, the Secretary shall conduct an election for the village, under such rules and regulations as he may prescribe, to choose a five-member Village Land Selection Committee. The committee so elected is hereby authorized to exercise the land selection rights of the village pending organization of the Village Corporation. The persons entitled to vote in the election or serve on the Land Section Committee shall be the members of each Native Village eighteen years of age or over, as shown on the temporary census roll prepared pursuant to section 7(a).

(l) All public lands withdrawn pursuant to this section, which have not been selected by a Village Corporation, shall be restored eighteen months after the effective date of this Act, or six months after the election required under subsection (k) hereof, whichever later occurs, to the status in which such lands have been placed pursuant to section 24 of this Act: *Provided*, That lands withdrawn around a village whose eligibility for land selection has not been finally determined by the Commission within eighteen months after the effective date of this Act shall remain withdrawn until six months after the Commission makes the determinations required pursuant to this section.

(m)(1) The Secretary shall promptly survey the townships withdrawn under this section and the areas selected for conveyance to Native Villages pursuant to subsections (i) to (l) of this section, but need monument only the exterior boundaries of such townships or areas. He also shall promptly survey within the townships withdrawn or areas selected all lands occupied as a primary place of residence, a primary place of business, subsistence campsites, and for other purposes as required under subsection (2) (A) hereof, and any other land to be patented under this section.

(m)(2)(A) Upon completion of the survey of lands selected by a Village Corporation, as provided in subsection (m)(1) hereof, the Secretary promptly shall issue a patent or patents to the Village Corporation to the land and all interests therein, except minerals covered by the Federal mineral leasing laws, subject to valid existing rights, and subject to the provisions of subsection (m)(2)(B) hereof, and the provisions of subsection (i) hereof: Provided, That any conveyance of national forest lands under the provisions of this section shall be subject to reservations in the United States af easements, rights-of way, or other interests in land necessary for access to or for administration, use, or development of contiguous or adjacent national forest lands not conveyed. Such easements, rights-of-way, and interests shall be based upon existing and planned roads and trails as depicted on national forest transportation system plans and related resource plans available for public inspection at the office of the Regional Forester and at the office of the Forest Service in Washington, District of Coumbia: *Provided further,* That in any conveyance of national forest lands under this section the Secretary shall consult with the Secretary of Agriculture and, where possible without working a hardship on a Native Village, shall exclude areas, now used or planned to be used for the following purposes:

(i) national forest administrative sites;

(ii) airfields;

(iii) recreation sites necessary to serve visitors to national forest lands not conveyed; and

(iv) public service or other sites necessary to facilitate administration of national forest resources.

The Secretary shall, where he deems appropriate, reserve interests in land recommended by the Secretary of Agriculture as necessary for continued access to such areas. Such excluded areas shall be administered by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to the national forests.

(B) Upon receipt of a patent or patents to selected lands, Village Corporations or the Services Corporation on their behalf—

(i) shall issue deeds to the occupants, without payment of any consideration, to the surface estate for any tracts occupied by Natives on September 1, 1969, as a primary place of residence, as a primary place of business, or used for subsistence campsites, subject to valid existing rights;

(ii) shall issue deeds to the occupants, either without consideration or upon the payment of an amount not in excess of fair market value for such property, determined as of the date of initial occupancy, and without regard to any improvements thereon, to the surface estate for any tracts occupied by non-Natives on September 1, 1969, as a primary place of residence or a primary place of business, subject to valid existing rights: *Provided,* That all occupants of the same general character shall be accorded similar treatment with respect to any payment for land;

(iii) shall issue deeds, pursuant to subsection 11(g), without payment of any consideration, to any Municipal Corporation in the Native Village or to any Municipal Corporation established in the Native Village within five years of the date of the enactment of this Act, to the surface estate of the improved land on which the village is located and of as much additional land as is necessary for community expansion, for appropriate rights-of-way for public use, airport sites, and such other interests in land as are reasonably necessary for public use and for foreseeable community needs: *Provided,* That prior to the transfer of lands from a Village Corporation to a Municipal Corporation, individuals shall receive deeds to any lands used for residences and businesses: *And provided further,* That the amount of lands to be transferred to the Municipal Corporation shall be no less than one hundred and sixty acres;

(iv) shall issue deeds to the occupants, either without consideration or upon payment of an amount not in excess of fair market value for such property determined as of the date of initial occupancy and without regard to any improvements thereon, to the surface estate of any tracts occupied on September 1, 1969, by nonprofit organizations for the purposes for which such organizations were established, subject to valid existing rights: *Provided,* That all nonprofit organizations of the same general character shall be accorded similar treatment with respect to payment for land; and

(v) may issue deeds to all others subject to valid existing rights.

Any dispute over the boundaries, use, occupancy, or value of any tract under this subsection may be submitted by any party to the dispute to the Commission for decision. The decision of the Commission, without regard to subsection 6(j), shall be final.

(m) (3) Upon completion of the survey of lands selected by any Village Corporation, as provided in subsection (m) (1) hereof, and contemporaneous with the issuance of patents to Village Corporations as provided in subsection (m) (2) (A) hereof, the Secretary shall issue a patent or patents to all minerals in such village lands covered by the Federal mineral leasing laws, subject to valid existing rights, to the Services Corporation. At the time of such conveyance, the Services Corporation shall succeed and become entitled to any and all interests of the United States as lessor, contractor, or permitter in any mineral leases, contracts, or permits covering lands selected by any Village Corporation as provided in subsection (r) of this section.

(n) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years from the effective date of this Act, issue special use permits, without payment therefor, to any Native or Native group, subject to all valid existing rights, to the surface estate of any public land located in the Chugach or Tongass National Forest, but which has been used by such Native or Native group for a period of more than three years prior to the effective date of this Act as a campsite for the harvesting of fish, wildlife, berries, fuel, or other products of the land. Such permits shall be issued—

(1) for five-acre tracts for each subsistence use campsite separate from the campsite of any other applicant;

(2) for forty-acre tracts where the campsites of several applicants are in such proximity to each other as to make it not feasible to patent individual five-acre campsites; or

(3) for larger tracts, not to exceed sixty acres, where individuals can establish, under such rules and regulations as the Commission may prescribe, historic occupancy and use of the larger tracts.

Applications for permits under this subsection must be filed with the Commission within five years after the effective date of this Act. Pending the issuance of a permit for campsites under this subsection the Secretary is authorized to permit the use of such lands, upon which applications have been filed, as campsites. After five years after the effective date of this Act permits may be issued pursuant to the laws and regulations on the administration of the national forests.

(o) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years after the effective date of this Act, issue a patent of up to, but not to exceed eighty acres of land and interests therein, except the minerals covered by the Federal mineral leasing laws and subject to all valid existing rights, from any public lands within the areas withdrawn for Natives under this section, but not selected pursuant to subsections (i) to (l) of this section without payment therefor, to any Native occupying land within such eighty acres on the effective date of this Act as a primary place of residence.

(p) Upon application filed with the Commission and certification thereof, the Secretary shall, for a period of seven years after the effective date of this Act, issue a patent of up to, but not to exceed, forty acres to the surface estate of any public land, in Southeast Alaska including the Chugach and the Tongass National Forest, subject to all valid existing rights, without payment therefor, to Natives nineteen years of age or older occupying such land whose primary place of residence, on January 1, 1970, and continuing to the date of enactment of this Act is outside the area withdrawn for the benefit of Native Villages by this section.

(q) In carrying out the provisions of this section, patents shall be issued by the Secretary in accordance with the following priorities:

(1) Within the areas withdrawn pursuant to this section—

(A) lands selected by Native Village Corporations;

(B) land for individual places of residence; and

(C) land for subsistence campsites.

(2) Outside the areas withdrawn pursuant to this section—

(A) land for individual places of residence; and

(B) land for subsistence campsites.

(r) Where, prior to patent of any land or minerals under this section, a lease, contract, or permit has been entered into or issued for the utilization of surface or mineral resources on land covered under such patent, the patent shall contain provisions making it subject to the lease, contract, or permit and the right of the lessee, contractee, or permittee to the complete enjoyment of all rights, privileges, and benefits granted him by such lease, contract, or permit. Upon issuance of the patent, the patentee shall succeed and become entitled to any and all income from the patented land and all interests of the United States as lessor, contractor, or permitter, in any such leases, contracts, or permits covering the estate patented. The administration of such lease, contract, or permit shall continue to be by the United States. In the event that patent does not cover all of the land embraced within any such lease, contract, or permit, the patentee shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, or permit by the United States which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, or permit which is included in the patent and the denominator is the total acreage contained in such lease, contract, or permit.

(s) The Secretary shall provide as a condition to the granting of each permit to prospect, or to the granting of each lease to mine or drill for minerals covered by the Federal mineral leasing laws, which minerals are situated in lands patented pursuant to subsections (o) and (p) of this section, and are not covered by such patent, that the permittee or lessee shall provide a bond, satisfactory to the Secretary, to indemnify the surface patentee for any damages which such permittee or lessee may cause in connection with the development of such permit or lease, and further the Secretary shall include provisions in such lease or permit which will protect the surface patentee against unreasonable interference in the enjoyment of his land.

(t) Notwithstanding the provisions of existing national forest timber sale contracts extending for a period more than three years from the date of this Act and directly affected by conveyances authorized by this Act, the Secretary of Agriculture is authorized to modify any such contracts with consent of the contractor to adjust the areas to which it or they apply for the purpose of avoiding hardship to Natives, unnecessary conflicts, and of offsetting the impacts of conveyances or special use permits authorized by this Act on national forest lands which are subject to any such contracts. Wherever possible such contracts shall be modified to avoid any overlap or conflict with lands withdrawn and lands selected and patented pursuant to this section.

(u) Notwithstanding the provisions of existing national forest timber sale contracts which are directly affected by conveyance of land to Villages or authorized by this section, the Secretary of Agriculture is authorized and directed, upon request of the appropriate Native Village or the contractee, to modify any such contract by substituting from contingent or additional allotment areas described in the contract or other areas not subject to the contract, timber in place of and equal to the volume, species, grade, and accessibility of the timber standing on any land affected by such conveyances or permits.

(v) Any patent of lands under this section which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that:

(1) the sale of any timber from such lands shall, for a period of twelve years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and

(2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Sec. 24. (a) (1) The purposes of this section are:

(A) to establish institutions and procedures to improve the planning and management capacity of the State and the Federal Government with respect to resources and lands in Alaska;

(B) to provide Federal financial and other assistance in planning for the use of Alaska's land and water resources;

(C) to insure that economic growth and development is orderly, planned and compatible with national environmental objectives, the public interest in the public lands, parks, forests, and wildlife refuges in Alaska, and the economic and social well-being of the Native people and other residents of Alaska;

(D) to improve coordination and consultation between the State and the Federal Government in making resource allocation and land use decisions;

(E) to avoid conflict between the State and the Native people in the selection of public lands;

(F) to furnish the State an opportunity to review, comment upon, and make recommendations with respect to the management of and proposed additions to federally reserved lands in Alaska;

(G) to establish a means to protect important ecological, cultural, historic, and esthetic values;

(H) to insure that key developmental facilities such as major airports, transportation facilities, utility corridors, or major industrial activities are properly planned;

(I) to provide proper protection for areas of critical environmental concern and areas impacted by major developmental facilities;

(J) to develop a coordinated Federal-State inventory of Alaska's land and water resource base;

(K) to provide for the transitional operation of the public land laws during the implementation of the settlement provided for by this Act;

(L) to establish a North Slope Corridor under Federal jurisdiction which shall provide for environmental controls, rights of access, recreation, and public safety;

(M) to authorize and direct a study, with recommendations to the Congress on areas in Alaska suitable for status as part of the national park, national forest, or national wildlife refuge system; and

(N) to provide for the reservation of easements for public use and enjoyment.

(2) There is hereby established the Joint Federal-State Land Use Planning Commission for Alaska (hereinafter referred to as the "Planning Commission"). The Planning Commission shall be composed of fourteen members as follows:

(A) The Governor of the State of Alaska (or his designate) and six members who shall be appointed by the Governor. During the Planning Commission's existence at least two members appointed by the Governor shall be Natives as defined by this Act.

(B) One member appointed by the President of the United States who shall serve as the Federal cochairman and six members who shall be appointed as follows: one by the Secretary of the Interior, one by the Secretary of Agriculture, one by the Secretary of Housing and Urban Development, one by the Secretary of Transportation, one by the Secretary of Commerce, and one by the Secretary of Defense.

(3) The Governor of the State of Alaska and the member appointed by the President pursuant to subsection (a) (2) (B) of this section, shall serve as cochairmen of the Planning Commission. The initial meeting of the Commission shall be called by the cochairmen. All decisions of the Commission shall require the concurrence of the cochairmen.

(4) Nine members of the Planning Commission shall constitute a quorum. Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) Except to the extent otherwise provided in subparagraph (B) of this subsection, members of the Planning Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(B) Any member of the Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State of Alaska shall serve without compensation in addition to that received in his regular employment. The member of the Commission appointed pursuant to subsection (a) (2) (B) of this section shall be compensated as provided by the President at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code.

(6) Subject to such rules and regulations as may be adopted by the Planning Commission, the cochairmen, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as they deem necessary, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(7) (A) The Planning Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, print or otherwise reproduce and distribute so much of its proceedings and reports thereon, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. The cochairmen, or any other member authorized by the Commission, may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(B) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by a cochairman, such information as the Commission deems necessary to carry out its functions under this section.

(8) The Planning Commission shall—

(A) undertake statewide land-use planning, including the identification of areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses, areas of Federal and State lands to be made available for disposal, and uses to be made of lands remaining in Federal and State ownership;

(B) subject to the provisions of subsection (a) (9) of this subsection, make recommendations with respect to proposed land selections by the State under the Alaska Statehood Act and by Native villages and regional corporations under this Act;

(C) subject to the provisions of subsection (a) (9) of this section, assist in the development and review of land-use plans for lands selected by the Native villages and regional corporations under this Act and by the State under the Alaska Statehood Act, whether or not such State selections have been tentatively approved;

(D) review existing withdrawals of Federal public lands and recommend to the President of the United States such additions to or modifications of withdrawals as are deemed desirable;

(E) establish procedures, including public hearings, for obtaining public views of statewide land-use planning and of planned actions or programs of the State and Federal Governments on lands under their administration;

(F) establish a committee of land-use advisers to the commission, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, and other citizens; and provide procedures for meetings of the advisory committee at least once every six months;

(G) make recommendations to the President of the United States and the Governor of Alaska as to programs and budgets of the Federal and State agencies responsible for the administration of Federal and State public lands;

(H) make recommendations from time to time to the President of the United States, Congress, and the Governor and legislature of the State of Alaska as to changes in laws, policies, and programs that the Planning Commission determines are necessary or desirable to meet the objectives set forth in this section.

(9) The following procedures shall be applicable to the functions of the Planning Commission pursuant to subsection (8) (B) of this section with respect to proposed land sections by Native villages, corporations, and by the State:

(A) each Native village, each corporation and the State shall notify the Planning Commission of each proposed land selection and the uses proposed to be made of the land;

(B) within six months after receiving such a notice, the Planning Commission shall advise the Native village, the corporation, the

State, or the Alaska Native Commission, as the case may be, in writing with respect to the compatibility of the proposed selection with the objectives set forth in this section;

(C) within six months thereafter, the Native village, the corporation, the State, or the Alaska Native Commission, as the case may be, shall notify the Planning Commission of its decision whether to retain the selection as originally proposed, to revise the proposed selection, or to make an alternate selection;

(D) no patent shall be issued or, in the case of a State selection, tentative approval given, until the foregoing procedure has been followed; and

(E) notwithstanding any of the provisions of this or any other Act, no selection right shall be lost by reason of compliance with the time requirements established by the provisions of this subsection (a)(9). Any time periods established for selections shall be deemed to be extended to the extent appropriate for compliance with this subparagraph.

(10) (A) Proposed uses of all lands selected by Native villages and corporations pursuant to this Act and by the State pursuant to the Alaska Statehood Act, whether or not such State selections have been tentatively approved, shall be compatible with the objectives of this subsection and land-use plans when promulgated and amended by the Planning Commission after notice and opportunity for hearing by the Planning Commission. Such plans shall be applicable notwithstanding the issuance hereafter of patents for the lands affected. The United States District Court for the District of Alaska shall have jurisdiction, upon application of the Department of Justice, to issue such orders as may be appropriate to secure compliance with such land-use plans.

(B) The authority of the Planning Commission shall cease to be applicable as to any area concerning which the Planning Commission determines, after notice and opportunity for hearing, that there are in effect Federal, State, or local zoning regulations and planning and enforcement provisions adequate to meet the objectives set forth in this section.

(C) In carrying out its functions pursuant to this subsection, the Planning Commission shall be deemed to be an "agency" for purposes of sections 500–559 and 701–706 of title 5, United States Code.

(11) (A) On or before January 31 of each year, the Planning Commission shall submit to the President of the United States, the Congress, and the Governor and legislature of the State of Alaska a written report with respect to its activities during the preceding calendar year, together with its recommendations for programs or other actions which it determines should be taken or carried out by the United States and the State of Alaska.

(B) The Planning Commission shall keep and maintain accurate and complete records of its activities and transactions in carrying out its duties under this Act, and such records shall be available for public inspection.

(C) The principal office of the Planning Commission shall be located in the State of Alaska.

(12) (A) The United States shall be responsible for paying for any fiscal year only 50 per centum of the costs of carrying out this section for such fiscal year.

(B) For the purpose of meeting the responsibility of the United States in carrying out the provisions of this section, there is authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year.

(C) No Federal funds shall be expended for the provisions of this section for any period unless prior to the commencement of such period the Secretary of the Interior has received reasonable assurances that there will be provided from non-Federal sources amounts equal to 50 per centum of the total funds required to carry out such provisions for such period.

(13) On or before May 30, 1976, the Planning Commission shall submit its final report to the President of the United States, the Congress, and the Governor and Legislature of the State of Alaska with respect to its planning and other activities under this Act, together with its recommendations for programs or other actions which it determines should be taken or carried out by the United States and the State of Alaska. The Commission shall cease to exist effective December 31, 1976.

(b) (1) There is hereby established the "North Slope Recreation and Transportation Corridor" (hereinafter referred to as the "North Slope Corridor"). The North Slope Corridor shall consist of lands within the utility and transportation corridor which are described in the notice of proposed modifications of classification of lands for multiple use management (serial numbers AA2779 and F–955) and the notice of proposed classification of lands for multiple use management (F–12423) published in the Federal Register on January 1, 1970 (35 Fed. Reg. 16–17), as corrected on February 4, 1970 (35 Fed. Reg. 2537). The Secretary is directed to review this classification of lands and to designate the boundaries of the North Slope Corridor. The designation of the boundaries shall be made within one hundred and twenty days of the enactment of this Act.

(2) The North Slope Corridor shall be managed for recreation and, if a transportation system should be established to the North Slope, for transportation purposes. The Secretary, after consulting with the State and the Planning Commission, is directed to establish regulations:

(A) to provide control over the types of activities which may take place in the Corridor and on the adjoining public lands;

(B) to insure that all appropriate environmental and game management standards are complied with;

(C) to designate any necessary or appropriate restrictions on the right of access from the North Slope Corridor to the adjoining public lands to protect these public lands;

(D) to insure the widest possible public right, consistent with public safety and environmental safeguards, to use any transportation facilities which may in the future be established within the North Slope Corridor;

(E) to protect the North Slope Corridor and adjoining public lands from fire and unnecessary environmental degradation; and

(F) to insure that any future commercial transportation activities which may take place within the North Slope Corridor are conducted in a manner that is compatible with the purposes of this subsection and with a quality environment.

(3) The Secretary is directed to establish appropriate recreational facilities within the North Slope Corridor and to provide any health, communications or other service facilities as are reasonably necessary to insure the safety of visitors to the North Slope Corridor. Such facilities may be made available by contract, lease, or in any other manner acceptable to the Secretary.

(4) The designation of the boundaries by the Secretary pursuant to subsection (b)(1) hereof shall not include any areas selected by and patented to Native villages pursuant to this Act.

(c) (1) Except as otherwise provided in this Act, all unreserved public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The Secretary of the Interior is hereby authorized, at his discretion, and after consulting with the State and the Commission to classify any lands withdrawn by this section or previously classified and to open to mineral leasing, entry, selection, or location for disposal in accordance with applicable public land laws, or for other uses not inconsistent with this Act, such lands as he determines are chiefly valuable for the purposes provided for by such laws.

(2) Upon the application of any applicant qualified to make entry, selection or location, under the public land laws, on lands not classified for entry under subsection (a) hereof, the Secretary shall examine the lands described in the application and if he classifies them as suitable for the purpose described in the application and opens them to entry, said applicant shall be entitled to enter, select, or locate, such lands.

(3) Nothing in this section shall restrict the land selection rights of the State under the Statehood Act (72 Stat. 341) except as provided in subsection (a) hereof, or restrict the acquisition or granting of permits, or rights-of-way under existing law, except that rights-of-way under Revised Statutes section 2477 shall take effect only under such terms and conditions as the Secretary may establish.

(4) In making the classifications required by subsection (c)(1) hereof the Secretary shall, after consultation with the Planning Commission, conduct detailed studies and investigations of all unreserved public lands in Alaska, and of Naval Petroleum Reserve No. 4 and the Rampart Power Site Withdrawal, which are suitable for inclusion as recreation, wilderness, or wildlife management areas within the National Park, National Forest, and the National Wildlife Refuge Systems, and shall advise the Congress within three years of the date of passage of this Act of the location, size, and values of such areas, his recommendations with respect to such areas, and shall simultaneously with notification to the Congress withdraw these areas from any appropriation under the public land laws, including application of the mining and mineral leasing laws, until such time as the Congress acts upon the Secretary's recommendations, but not to exceed two years.

(5) The Secretary is directed to promptly issue patents to all persons who have made entry on the public lands in compliance with the public land laws for the purpose of gaining title to trade and manufacturing sites or homesteads, and who have fulfilled all requirements of the law prerequisite to obtaining a patent.

(d) (1) As a part of the Planning Commission's review of land selections by the State, by Native Villages or by corporations pursuant to section 24(a)(9) the Planning Commission shall identify public easements across such lands and at periodic points along the courses of major waterways which are reasonably necessary to guarantee a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important.

(2) In identifying public easements the Planning Commission shall consult with appropriate State and Federal agencies, shall review proposed transportation plans, and shall solicit and receive statements and recommendations from interested organizations and individuals on the need for and proposed location of public easements: *Provided*, That any valid existing right recognized by this Act shall continue to have whatever right of access as is now provided for under existing law and this subsection shall not operate in any way to diminish or limit such right of access.

(3) Prior to granting any patent under this Act the Secretary shall consult with the Planning Commission and shall reserve such public easements as the Planning Commission has identified and recommends. The responsibilities granted to the Planning Commission under this section shall be transferred to the Secretary upon termination of the Planning Commission.

ALASKA NATIVE FOUNDATION

SEC. 25. (a) (1) There shall be created an Alaska Native Foundation during the ninety-day period prior to the dissolution of the Services Corporation as provided in subsection 8(h) of this Act. The Foundation shall be a nonprofit membership corporation with the powers hereinafter granted.

(2) The Foundation shall not be an agency or establishment of the United States Government.

(b) (1) The board of directors of the Services Corporation on the date specified in subsection (a) hereof shall act as the incorporatiors of the Foundation.

(2) The incorporators shall prepare the original articles of incorporation and bylaws for the Foundation, subject to the approval of the Secretary of the Treasury, in a form consistent with the provisions of this section and in a form that shall qualify the Foundation for tax exemption under section 501(c)(3) of title 26, United States Code or any successor provisions thereto.

(3) The incorporators shall serve as the initial board of directors until permanent directors are appointed as provided in subsections (c) and (e). The incorporators shall file the articles of incorporation with the Secretary within thirty days, and the Foundation shall be deemed to be formally organized as of the date of such filing. The incorporators also shall transmit a copy of the articles of incorporation to the Commissioner of Commerce of the State.

(c) (1) The management of the Foundation shall be vested in a board of directors which, with the exception of the initial board, shall consist of the members of the Foundation as selected in accordance with subsection (e).

(2) The board of directors shall elect a chairman annually from among its own membership.

(d) The Foundation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board and serving at the pleasure of the board. The president and other officers of the Foundation may, but need not, be members of the Foundation.

(e) (1) There shall be twelve members of the Foundation, nine of whom shall be initially elected by the voting members of the Services Corporation on the following basis:

(A) one member representing each of the seven regions as determined by section 9 of this Act;

(B) one member representing the members of the Urban Alaska Native roll;

(C) one member representing the members of the Alaska Native National roll; and

(D) three members shall be appointed by the Governor of the State.

(2) Members of the Foundation shall be entitled to reasonable fees and shall serve until their death, resignation, retirement, or removal for cause. A member may be removed only by a two-thirds vote of the members of the Foundation (without the participation of the affected member) upon a showing of physical disability or mental impairment preventing the reasonable performance of his duties, or upon a showing of a willful failure to perform his duties in a reasonable manner.

(3) Upon the death, resignation, retirement, or removal of a member, the remaining members shall elect a new member by a majority vote.

(f) (1) The purposes of the Foundation shall be to engage exclusively in charitable, educational, and scientific activities for the benefit of individuals of Native background.

(2) In furtherance of the purpose set forth in subparagraph (1), the Foundation may carry out such charitable, educational, or scientific projects as may be consistent with its status as an organization exempt under section 501(c)(3) of title 26, United States Code, or any successor provisions thereto.

(g) (1) The Foundation shall have and may exercise all rights and powers vested in a nonprofit membership corporation under the laws of the State.

(2) The Services Corporation, before its dissolution pursuant to section 8(h) of this Act, shall distribute to the Foundation and its incorporators sufficient funds to meet the necessary costs of the Foundation's organization and initial operation.

ATTORNEY AND OTHER FEES AND EXPENSES

SEC. 26. (a) The chief commissioner of the United States Court of Claims, or his delegate(s), is authorized to receive, consider, determine, and settle in accordance with the provisions of this section and rules and orders promulgated thereunder, all unreimbursed claims submitted to him for attorneys' and other fees, and out-of-pocket expenses incurred or committed by attorneys exclusively for services rendered, on or before the date of the enactment of this Act, on behalf of any Native, Native Village, statewide or Regional Native Associations or other Native tribe, band, or group (1) in the actual prosecution pursuant to any authorized contract, of a claim pending before any Federal or State court or the Indian Claims Commission which is dismissed pursuant to this Act, or (2) for legal representation with respect to the preparation and passage of this Act and previously proposed legislation to settle claims against the United States or the State or territory of Alaska based upon aboriginal right, title, use, or occupancy of lands by Natives, or with respect to litigation (other than litigation covered under clause (1)) involving the validity of or otherwise affecting such claims. At the earliest practicable date subsequent to enactment, the Secretary of the Interior shall cause this section to be published in the Federal Register, in accordance with the provisions of chapter 15, title 44, of the United States Code, and such publication shall constitute reasonable notice to all persons having such claims.

(b) Any claim made pursuant to subsection (a) of this section must be filed with the clerk of the Court of Claims within one year following the date of enactment of this Act, and shall be in such form and contain such information as the chief commissioner shall prescribe by regulation, and such regulations shall be published in the Federal Register not later than six months after enactment of this Act. Claims not so filed shall be forever barred.

(c) Upon the filing of a claim, the clerk of the Court of Claims shall forward a copy of such claim to the individuals or entities on whose behalf services were rendered or fees and expenses were allegedly incurred as shown by the pleadings to the Attorney General of the United States, to the Attorney General of the State of Alaska, to the Secretary of the Interior, and to any other person or persons who appear to have an interest in the claim, and shall give such individual or entity ninety days within which to file an answer contesting the claim.

(d) The chief commissioner may designate a trial commissioner for any claim made under this section and a panel of three commissioners of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding commissioner of the panel.

(e) Proceedings in all claims under this section shall be pursuant to rules and orders prescribed for the purpose by the chief commissioner who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Claims insofar as feasible. Claimants may appear before a trial commissioner in person or by attorney, and may produce evidence and examine witnesses. Hearings may be held in the county or borough where the claimant residents if convenience so demands, in the discretion of the chief commissioner or his designate.

(f) Each trial commissioner and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, including the power of subpoena, the power to order audit of books and records, and the power to administer oaths and affirmations. Any sanction authorized by the rules of practice of the Court of Claims, except contempt, may be imposed on any claimant, witness, or attorney by either the trial commissioner, review panel, or chief commissioner. None of the rules, regulations, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(g) The trial commissioner to whom a claim is assigned by the chief commissioner shall proceed in accordance with the applicable rules to determine the claim on a quantum merit basis, taking into consideration the nature of the service rendered, the time and labor required, the existence of a bona fide attorney-client relationship with an identified client, the nature and length of the professional relationship with the client, the need for providing the service, whether the service was intended to be a voluntary public service or compensable, and the relationship of the service rendered to the enactment of proposed legislation. The amount allowed shall not be controlled by any hourly charge customarily charged by the claimant, and contingent fees shall not be allowed. The commissioner may consider, but is not bound by, any contractual arrangements relating to the claim under consideration. Out-of-pocket expenses shall be approved for payment pursuant to this section only if the trial commissioner and the panel have determined that such expenses were unreimbursed and were necessary, reasonable, and actually incurred or committed.

(h) (1) No more than $1,000,000 in the aggregate shall be available for the payment of claims for attorneys' fees (exclusive of services (referred to in subsection (a)) rendered prior to January 1, 1969. In the event that the amounts to be determined by the trial commissioner or review panel to be payable as attorneys' fees for such services rendered prior to such date exceeds the aggregate $1,000,000, the review panel shall authorize, in accordance with subsection (j), payment of each such claim for such fees on a pro rata basis so that the aggregate amount authorized therefor does not exceed $1,000,000.

(2) No more than $1,500,000 in the aggregate shall be available for the payment of attorneys' and other fees (exclusive of approved out-of-pocket expenses) for such services referred to in subsection (a) of which not more than $100,000 shall be available for the payment of fees other than attorney's fees rendered during the period commencing January 1, 1969, and ending on the date of enactment of this Act. In the event that the amount determined by the trial commissioner or review panel to be payable as attorneys' and other fees for such services rendered during such period exceeds in the aggregate $1,500,000 the review panel shall authorize, in accordance with subsection (j), payment of each such claim for such fees on a pro rata basis so that the aggregate amount authorized therefor does not exceed $1,500,000, of which not more than $100,000 shall be authorized for the payment of fees other than attorneys' fees.

(i) The findings and conclusions of the trial commissioner shall be submitted by him, together with the record in the case to the review panel or commissioners for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the decision of the trial commissioner to the claimant and any party contesting the claim for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the trial commissioner.

(j) The chief commissioner of the Court of

Claims shall certify to the Secretary of the Treasury, with respect to each such claim, the name and address of the claimant and the amount determined by the reviewing panel, to be payable to such claimant under this section for attorneys' fees and out-of-pocket expenses. The Secretary of the Treasury, upon receipt of such certification, shall pay to each such person named therein the amounts so certified. Any amounts so certified as attorneys' or other fees shall be payable from moneys in the Fund set aside pursuant to section 5(a)(1) of this Act. Such amounts so certified as out-of-pocket expenses shall be payable from other moneys in such Fund. No award under this section shall bear interest.

(k) No remuneration on account of any such services referred to in subsection (a) of this section and for which a claim is made pursuant to this section shall be accepted by any person for such services in addition to the amount paid in accordance with this section, and any contract or other agreement to the contrary shall be void. Whoever accepts, on account of such services, any remuneration in addition to the amount paid in accordance with this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

(l) The Court of Claims is hereby authorized and directed, under such conditions as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of claims made pursuant to this section and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of its auditors and the commissioners serving as trial commissioners and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries, reporters, auditors, and law clerks).

TAXATION

SEC. 27. (a) The compensation paid to Natives pursuant to section 5(a) of this Act, and any interest earned with respect thereto while such funds are deposited in the Fund or are invested by the Secretary pursuant to section 5, shall not be subject to any form of Federal or State taxation either (1) at the time of receipt, or (2) upon distribution to any Native corporation or individual Native, whether directly by a per capita payment or indirectly through such corporation or corporations. For purposes of this subsection, the first dividend payments or other cash distributions made by any Native corporation shall be deemed to be distributions out of its share of funds derived from section 5(a), including interest, until such share has been fully distributed.

(b) The compensation paid to the Natives pursuant to section 5(b) of this Act, and any interest earned with respect thereto while such funds are deposited in the Fund, shall not be subject to any form of Federal or State taxation either (1) at the time of receipt, or (2) upon distribution to any Native corporation or individual Native, whether directly or by a per capita payment or indirectly through such corporation or corporations. For purposes of this subsection, the first dividend payments or other cash distributions made by any Native corporation, after the distribution of compensation paid pursuant to section 5(a) in accordance with subsection (a) hereof, shall be deemed to be distributions out of its share of funds derived from section 5(b), including interest.

(c) The receipt of shares of stock in the Investment Corporation or its successor by or on behalf of any Native pursuant to section 10(g) or (l) or pursuant to section 8 (h) by a successor to the Services corporation shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of any shares in the successor to the Investment Corporation issued pursuant to section 10(l) or in any successor to the Services Corporation issued pursuant to section 8(h) shall be the fair value of such shares at the time of receipt.

(d) The receipt of money or other property pursuant to section 8(h) or 10(l) by the successor to the Investment Corporation or pursuant to section 8(h) by a successor to the Services Corporation shall not be subject to any form of Federal, State or local taxation. No money or property so received shall be treated as a contribution to capital for purposes of section 362(c) of the Internal Revenue Code, title 26, United States Code. The basis for computing gain or loss on subsequent sale or other disposition of any property so received by the successor to the Investment Corporation, for purposes of any Federal, State, or local tax, shall be the fair market value of such property at the time of receipt.

(e) The receipt of land or any interest therein pursuant to sections 13, 14, 15, 16, 19 or 23 or of cash in order to equalize the values of properties exchanged pursuant to section 16(a), shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of such land or interest in land for purposes of any Federal, State or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt.

(f) Real property interests conveyed, pursuant to this Act, to a Native individual, group, village, corporation, or any other Native organization, which are not developed or leased to third parties, shall be exempt from State and local real property taxes for a period of twenty fiscal years after the effective date of this Act: *Provided, however,* That municipal taxes, local real property taxes, or local assessments may be imposed upon leased or developed real property within the jurisdiction of any governmental unit under the laws of the State: *And provided further,* That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds, derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

(g) Real property interests conveyed, pursuant to this Act, to a Native individual, group, village, corporation, or any other Native organization, shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23 of the United States Code, as amended and supplemented, and so long as there are also no substantial revenues from such lands, continue to receive forest fire protection services from the United States at no cost.

(h) The Foundation established pursuant to section 25 shall be treated as a private foundation for purposes of applying the taxes and restrictions on self-dealing provided for in section 4941 of the Internal Revenue Code, title 26, United States Code, and on expenditures for political purposes described in section 4945(d) (1) and (2) of the Internal Revenue Code, title 26, United States Code, or corresponding provisions of subsequent law, but otherwise shall not be treated as a private foundation.

REVIEW BY CONGRESS

SEC. 28. On or before March 1 of each year during the thirteen years following the effective date of this Act, the Commission, until its termination, and the Secretary, respectively, shall submit reports to Congress concerning the operation and implementation of this Act during the previous calendar year. Within ninety days after the end of each five-year period following enactment of this Act, the Commission and the Secretary also shall submit to Congress, through the President, a joint report on the status of the Natives and their organizations, a summary of actions taken under this Act, and their respective recommendations as may be appropriate for extension, amendment, or clarification of any provisions of this Act. This joint report and the Commission's annual report shall include as an appendix all statements, memorandums, reports, and other written comments presented to the Commission for forwarding to Congress by any Native Village, corporation, or association.

APPROPRIATIONS

SEC. 29. (a) There are authorized to be appropriated to the Alaska Native Commission such sums as are necessary to carry out the functions and responsibilities it is required to perform under the provisions of this Act.

(b) There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to prepare the temporary roll, to survey lands to be granted pursuant to this Act, to classify lands and to carry out other functions and responsibilities required to be performed under the provisions of this Act.

(c) The President of the United States is requested to advance from the contingency fund established for his office such sums as the Director of the Office of Management and Budget determines to be necessary to defray the initial organizational and administrative expenses of the corporations to be established pursuant to this Act, pending the availability of moneys in the Fund. Such advances shall be reimbursed to the President's contingency fund from the Fund when sufficient moneys become available therein.

PUBLICATIONS

SEC. 30. The Secretary of the Interior and the Commission are authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C. 500 and following) such regulations as may be necessary to carry out the purposes of this title.

SAVING CLAUSE

SEC. 31. Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of Federal law applicable to Alaska. To the extent that there is a conflict between any provision of this Act and any other Federal laws applicable to Alaska, the provisions of this Act shall govern.

PROGRAM FOR MONDAY

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 9:30 a.m. Immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Alabama (Mr. ALLEN) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes—the period therefor not to extend beyond 10 a.m.

At 10 a.m., the Senate will take up S. 35, a bill to provide for the settlement of certain land claims of Alaskan Natives, under a time limitation of 4 hours on the bill, 1 hour on each amendment in the first degree, one-half hour on any amendment in the second degree, motion, or appeal with the exception of nondebatable motions, and it is expected that there will be one or more rollcall votes in connection with that bill.

It is also anticipated that other legislation will be cleared and ready for action on Monday afternoon, following the disposition of the Alaskan Natives land claims bill. Rollcall votes are possible on such legislation.

The Senate can expect long sessions daily next week.

ADJOURNMENT UNTIL 9:30 A.M. MONDAY, NOVEMBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. on Monday next.

The motion was agreed to; and *(at 7 o'clock and 52 minutes p.m.)* the Senate adjourned until Monday, November 1, 1971, at 9:30 a.m.

EXTENSIONS OF REMARKS

SALVADOR DALI JEWELS IN GREENWOOD, S.C.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DORN. Mr. Speaker, the Salvador Dali Art-in-Jewels are on display in my hometown of Greenwood through November 7. Greenwood is one of four cities in the world where this magnificent work of art is being shown in 1971—in Rome, London, Paris, and now Greenwood. Mr. Speaker, and my colleagues, you are cordially invited to visit with us in the next few days to see this only American showing for 1971. Following is my newsletter to my constituents about this great event in my hometown:

ART-IN-JEWELS

You may view one of the most superb creations of art in modern history now on display daily at the Greenwood County Courthouse. Time has been extended, and through November 7 you will have this rare opportunity. You will be inspired by Art-in-Jewels. Your creative imagination will be stimulated. Art-in-Jewels is a great sermon, a beautiful poem, a love story, thoughts on immortality, history and prose all in one viewing.

Salvador Dali's paintings and jewel creations are viewed annually by million in the National Art Gallery in Washington, the Metropolitan Museum of Art and the Modern Museum of Art in New York, in Glasgow, Scotland, and in private collections throughout Western Europe. Art-in-Jewels, a $5½ million collection, was a feature attraction at the World's Fair. South Carolina and the Southeast are fortunate to have the opportunity to view this famous, imaginative creation of the most provocative art genius of modern times. The Dali jewels will be shown to the public in only four cities in 1971—Rome, Paris, London, and now in Greenwood.

Salvador Dali was born in Spain in 1904. Early in life Dali helped develop surrealism as art of revolution and embraced Dadaism and Cubism. He first became known for eerie, often bizarre paintings which reproduced the nightmare vision of an irrational and maniacal subconscious world. However, by 1941 Dali wrote that he was forsaking surrealism as an art of revolution. He wrote that revolution was bankrupt, along with the collectivist, atheist and neo-pagan utopias which he had studied in the philosophy of Karl Marx and Hitler's Nazi philosopher Rosenberg. After studying theology Dali became devoted to more traditional art forms with emphasis on the constructive and positive aspects of spiritual forces in the reconstruction of devastated Europe. This was a Europe destroyed by revolutions and paranoiac hallucinations as manifested by the demented collectivist Stalin and the maniacal Hitler and by some today in America who preach anarchy and chaos. In 1954 at the request of Chester Dale, then President of the National Gallery of Art, Dali created "The Sacrament of the Last Supper." We viewed the Sacrament this morning at the National Gallery here in Washington. It is undoubtedly one of the masterpieces of all time, which uses traditional art methods to reach out and deeply involve the viewer. Dali's Art-In-Jewels vividly portrays the sacrifice and love of Christ, peace, and the compassion, virtue and love of womanhood.

Salvador Dali himself said of his own fantastic, unique and magnificent creation: "Without an audience, without the presence of spectators, these jewels would not fulfil the function for which they came into being. The viewer, then is the ultimate artist. His sight, heart, mind—fusing with and grasping with greater or lesser understanding the intent of the creator—gives them life."

South Carolinians have long had an appreciation of art and culture, dating back to the first theater in America at Charleston and the fabulous gardens and architecture of that charming city. Art and cultural circles in South Carolina are virtually unanimous in their opinion that the Salvador Dali jewels are perhaps the superlative works of art ever shown in the Palmetto State. It is as if the most famous art of Rembrandt, Michelangelo, Leonardo da Vinci, and Raphael were on display in South Carolina.

Now America is developing an appreciation of art and a vibrant, dynamic culture distinctively its own. In supporting the National Foundation on the Arts and Humanities and the Kennedy Center for the Performing Arts, we in the Congress believe this legislation will further the development of a unique cultural heritage in America.

Art-in-Jewels in Greenwood was made possible by the Owen Cheatham Foundation. The Owen Cheatham Foundation was established in 1934 to assist religious, cultural and educational institutions. The Foundation acquired the Salvador Dali jewels in 1958 and now makes available a display of the jewels for selected charitable, religious, and philanthropic causes.

The late Owen Cheatham was born in Virginia and founded the great Georgia Pacific Corporation. For many years he was its president and chairman of the board. Owen Cheatham, who was awarded a Doctor of Science degree by Clemson University, married Celeste Wickliffe from Walhalla (Garden of the Gods) and West Union. Celeste Wickliffe developed an early appreciation of upcountry culture as manifested by the cultural circles of the Pendleton Area, High Hampton and Sapphire Valley. Mrs. Cheatham is a talented, attractive and charming lady who epitomizes the charm of Southern womanhood. Mrs. Cheatham has two lovely daughters, Mrs. Roland R. Comerford and Mrs. Albert Kennerly. Mrs. Kennerly and her husband, who is a distinguished architect in New York City, attended the preview in Greenwood. It will be recalled that Mrs. Kennerly was born in Augusta, where Mr. Cheatham founded Georgia Pacific, and she has many friends in the beautiful Aiken-Augusta area.

Mrs. Cheatham has been most gracious in permitting a display of Art-in-Jewels in Greenwood, as the Foundation receives more than 1000 requests annually from throughout the world.

The proceeds of the Dali showing will go to restore the Old Cokesbury College. Cokesbury College was built in 1854 as a Masonic Female College and was later acquired by the South Carolina Methodist Conference. The College building and the Formal Garden are now almost completely restored and work is progressing to develop the cultural and recreational potential of the historic Cokesbury community, which once rivaled Charleston as a social and cultural center. Mrs. Sterling Graydon of Greenwood, author, lecturer, and patron of the arts, is Chairman of the Cokesbury Historical and Recreational Commission. Mrs. Graydon is providing the outstanding leadership and tireless energy necessary to accomplish this restoration. In viewing Art-In-Jewels special rates are available for students and there is a nominal charge for adults.

While in Greenwood to view the Salvador Dali jewels we recommend the Railroad Museum and the Greenwood Museum, which has one of the finest collections of Indian relics in the Southeast and a splendid rock and gem collection. Nearby in Abbeville you will find of great interest the restored Abbeville Opera House, historic Trinity Episcopal Church and the Stark House. In the Abbeville Courthouse there is a painting of John C. Calhoun which Arthur Conrad was selected to paint by the Washington Commission of Fine Arts. Among other points of historical interest in the immediate area are Edgefield, home of ten South Carolina governors, and Newberry, where the historic Old Court House now is the Newberry Community Hall.

When in Greenwood you are cordially invited to visit our home Barratt House, which was designed in 1850 by Dr. John P. Barratt, a noted scientist and artist.

TOM STEED'S GRANDDAUGHTER IS OKLAHOMA'S TEENAGE MISS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. EDMONDSON. Mr. Speaker, the judges at the Miss Teenage Oklahoma City Contest Monday evening were obviously people of perception and wisdom.

When they announced the winner, they had chosen the lovely and talented granddaughter of one of our outstanding colleagues, the Honorable Tom Steed.

I know every Member of this body will want to read the newspaper account from the Daily Oklahoman of Tuesday morning, and I would like to have it appear in the Record. I only regret that the picture of Marguerite Steed cannot appear with the story.

Miss Steed is 16 years old, a high school junior at Shawnee, Okla., Congressman Steed's hometown.

I know all our colleagues will have home State favorites when they watch the Miss Teenage America contest from Fort Worth December 3, but I also hope that deep in their hearts they will be pulling for Marguerite Steed, of Oklahoma.

Shawnee Dancer Wins City Title

Marguerite Steed, a pretty, pert teenager from Shawnee, was crowned Miss Teenage Oklahoma City Monday night in a televised pageant held at the Oklahoma City University Auditorium.

Miss Steed, a 16-year-old high school junior, won out over 12 finalists. She will compete in the Miss Teenage America contest to be held in Fort Worth, Tex., Dec. 3.

She is the daughter of Mr. and Mrs. Richard Steed, Shawnee, and granddaughter of Oklahoma Rep. Tom Steed.

First runner-up for the title was Deborah Hoke, of Stillwater. Gloria Parker, of Guthrie was second runner-up. A pair of honors was bestowed on Kim Russell, of Duncan, who won both the talent award and Miss Congeniality.

Miss Steed was crowned by last year's Miss Teenage Oklahoma City, Martha Schroeder.

The contestants were judged in evening gown and talent competition and on their ability to answer questions.

Miss Steed, who has been taking dance lessons since the age of three, performed a ballet number based on music from the movie "Dr. Zhivago."

Her prizes include a $200 scholarship to the college of her choice, a trophy, crown, cosmetic travel kit, piece of luggage and portrait.

As she was crowned, Miss Steed bubbled, "I'm so happy. This has been the most wonderful experience of my life. I wish every girl could enter so they could all have this wonderful experience."

The question she was asked in the final phase of the competition was, "What would you do if you and your date were going to a movie rated GP, and your parents objected?"

She answered, "If my parents objected, I would say they didn't have much faith in me. I would try to explain to them I'm mature enough to see this movie, and I'm sure they'd understand."

SCHOOL PRAYER IS HISTORICAL

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. WYLIE. Mr. Speaker, on October 25, 1971, I received from Mr. George W. Archambo, of Mount Pleasant, S.C., correspondence concerning House Joint Resolution 191.

This correspondence deals with the history surrounding the adoption of the first amendment provision on freedom of religion and I commend it to the attention of my colleagues:

Mount Pleasant, S.C.,
October 25, 1971.

Representative Chalmers P. Wylie,
House of Representatives,
Washington, D.C.

Dear Congressman: I am sorry that I was not aware of your fight to put prayer back in school. As it is, I am attempting to contribute a little information, which I hope may be useful. The enclosure should speak for itself, and more in this letter.

In an old history book: Eggleston, Edward, *A History of the United States and Its People;* ca. 1890 (title page missing), p. 209:

"Before the Revolution, the Episcopal Church of England was established in the Southern Colonies, while the Congregational churches were supported by law in all the New England colonies except Rhode Island. During the Revolution, Thomas Jefferson led a movement in favor of religious freedom. Now there is no religious establishment in any part of the country, but all are free to worship in their own way. The Constitution provides that Congress shall not interfere with religious freedom. . . ."

The U.S. Supreme Court removed prayer and Bible reading from the public schools at the urgency of an atheist. Yet, this decision should not have been made, if the Supreme Court had considered the situation properly.

The above quote from Eggleston's history book shows that Jefferson led in a movement for religious freedom; and "the Constitution provides that Congress shall not interfere with religious freedom."

"Article I. Congress shall make no law respecting an establishment of religion. . . ." The question is, "Why?" Why should such a thought have occurred in the mind of Jefferson? Simple.

Religious conditions today are similar, but probably less so, than they were some two hundred years ago. In most Latin countries the *national* religion is Roman Catholic. In most North European countries the *national* religion is Lutheran. In England the *national* religion is Episcopal; in Scotland the *national* religion was Presbyterian. In other countries around the world, *national* religions of various lands is Moslem, Hindu, Buddahist, Shinto, etc.

Thomas Jefferson's influence was apparently illustrated in the composition of the First Amendment, and this expression was that Congress was in no position to have a hand in the establishment of a *national* religion. Likewise, "Congress shall make no law prohibiting the free exercise thereof."

It should be obvious to any intelligent person that prayer and Bible reading was the accepted thing in the public schools at the time that the Amendments were ratified and adopted, November 1791. Otherwise that First Amendment would have had the effect of removing prayer and Bible reading from the school system then and there. We would not have had prayer and Bible reading in the schools during the years I attended some forty years ago. But it was the accepted thing. And there were some great Justices in the Supreme Court in those days.

To refer again to the excerpt from Eggleston's history book, it relates that before the Revolution, the Episcopal Church of England was established in the Southern Colonies, and Congregational Church was supported by law in the New England colonies except Rhode Island. This seems to manifest a *national* recognition of particular denominations. Then Jefferson stepped into the picture and "led a movement in favor of religious freedom." "*Now* there is no religious *establishment* in any part of the country."

For any person to show some sort of allegiance to God and Christ, yet manifest an interest in not wanting prayer and Bible reading in the school program, as it had been for some two hundred years, that person's religion is faulty, and certainly not that of a Bible-believer.

I hope this letter and enclosed excerpt of my paper relative to the history of Christian education will be of some value to your fight to have prayer returned to the school system. Without it the result is already manifest: degeneration of good morals, respect for law and order, respect of the young toward their elders and their parents and teachers.

Feel free to reproduce any or all of this material if you think it worthy.

Yours for prayer in the schools,

George W. Archambo.

(This is an extract from a paper I did in a course, Christian Education, at Bob Jones University. I hope it may be of some interest. George W. Archambo, October 23, 1971.)

The first schools in America were similar to the schools in the days of the Reformation. A knowledge of the Bible and an interpretation of its contents was felt necessary for salvation. This meant that children had to be taught to read. Schooling was conducted, but there was little difference between the secular and the religious.

The Massachusetts Bay Colony passed a law in 1642 to enforce the education of children. Children were to learn to read and understand the principles of religion and the capital laws of the country. The education was for the benefit of the state more than for the child, for as the child grew to manhood and became eligible for public office, he must be educated.

The first schools were called Dame Schools, being taught by the responsible women of the town. Generally, these women had some education, enough to prepare the pupils for the next school, called the "School of the Three R's." This was the common school, teaching reading, writing, and arithmetic. From here the student could go on to the Latin grammer school, which was preparation for college. This school was the forerunner of our high school.[1]

In the year 1636 the first college was established in America. A young minister died leaving 750 pounds ($3600) and a library of 300 volumes to help men for the Christian ministry. This man's name was John Harvard, the college becoming Harvard College in his honor. As time and conditions permitted, other Church sponsored colleges appeared, Yale in 1701; Princeton, 1747; Kings College (Columbia) in 1754; Rutgers, 1766; and Charity Academy (University of Pennsylvania) in 1740.

Textbooks of this era were mainly the Catechism, the psalter, and the Bible as found in the home. In 1690, the New England Primer came into existence. This was one of the greatest of published books, contributing "perhaps more than any other book except the Bible, to the molding of those sturdy generations that gave to America its liberty and its institutions." It consisted of the alphabet, the Lord's Prayer, the Apostles Creed, the shorter Catechism, an account of the martyrdom of John Rogers, and a dialogue between Christ, youth and the Devil. Eighty-seven percent of the book was made up of selections from the Bible.[2]

The First Amendment of the Constitution prohibited the federal government from establishing a national religion, therefore allowing freedom of worship. The Constitution also made no allowance for education, and since the Tenth Amendment passed on to the states such powers as were not delegated to Congress, the states assumed the power for educating its people.[3]

As the frontier moved westward, educational facilities moved with it. Most of the

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Footnotes at end of article.

public schools at the first taught the Bible, but as the need for better textbooks was felt, the Bible was gradually substituted by books with portions of Scripture, and with time, the Scripture gradually disappeared.

The *Dillsworth Guide to the English Tongue* was introduced into the Colonies in 1750. It was less religious than the *New England Primer* but provided for advanced pupils as well as for the beginners. In 1783, Noah Webster presented his *Spelling Book*, which was still more secular, but more American than the Dillsworth book, and which, by 1890, was the best seller next to the Bible.[4] During the following years more textbooks appeared until now one can find many varieties from extremely Biblical to extremely secular.

FOOTNOTES

[1] Clarence H. Benson, History of Christian Education, p. 105.

[2] Benson, *op. cit.*, pp. 108, 109.

[3] *Ibid.*, p. 110.

[4] Benson, *op. cit.*, p. 110.

Benson, Clarence H., *History of Christian Education*. Chicago, Moody Press. 1943.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

GEORGE J. BURGER, SR., VICE PRESIDENT OF NATIONAL FEDERATION OF INDEPENDENT BUSINESS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. GROSS. Mr. Speaker, there is probably no representative of any organization better known to Members of Congress than Mr. George J. Burger, Sr., senior vice president of the National Federation of Independent Business.

For a quarter of a century or more, George Burger has been found daily in the Capitol, the congressional offices, and committee rooms representing the interests of independent business.

Through the years he has waged an unrelenting campaign, in addition to making known the views of his organization on specific legislative proposals, to obtaining permanent legislative status for the Senate and House Committees on Small Business—a campaign to which I have been glad to lend support.

In this connection I am pleased to insert in the RECORD at this point an article on this subject which was recently released by the National Federation of Independent Business:

GEORGE J. BURGER, SR.

WASHINGTON.—George J. Burger, Sr., senior vice president of the National Federation of Independent Business, continued today to push vigorously for enactment of S. Res. 38, which would give legislative status to the Committee on Small Business in the Senate.

Mr. Burger, who is nationally known for his untiring efforts on behalf of Independent Business, sent special delivery letters to all Members of the Senate Rules Committee, urging that they report favorably S. Res. 38 for action on the Senate floor. Such legislation has been bottled up before the Rules Committee for eight years.

Burger cautioned that failure to report the Resolution would mean that the Senate was unwilling "to give due recognition to small business in the Nation in the same capacity extended to organized labor and organized farm groups."

The National Federation of Independent Business is the largest organization representing the small businessman. Its membership consists of almost 300,000 firms in all 50 states.

Burger, in his letter, said that it appeared "history is repeating itself." He referred to Senate action in 1949, when that body failed to act favorably on legislation that would have given legislative authority to a then special committee.

"An important reason why I am bringing this to your personal attention," Burger wrote the Senators, "is to the credit of Federation members." He pointed out that Federation members in 49 of the 50 states had already contacted their Senators urging them to support immediate action on S. Res. 38.

"One member," Burger continued, "in an important letter to his Senator asked the question, 'When is the Senate Rules Committee going to lift the eight-year prison sentence and release the Resolution to the floor of the Senate for a vote?"

Burger emphasized the writer said "prison sentence." "This certainly has the earmarks of the present inaction of the Rules Committee. It is our hope that the continual reports received from the Committee in its Executive Sessions—the usual, consistent answer of 'No Quorum',—will be no more."

He pointed out that other legislative matters were acted upon by the Committee, despite the "No Quorum" reports. "Is small business called or looked upon as second-class citizens by the Rules Committee and its members?" he asked.

Burger said it was his honest opinion that if S. Res. 38 were to be reported by the Rules Committee to the Senate floor, "communications received by Federation members from their respective Senators that such action has taken place could result in a major victory for the future of small business."

Burger enclosed with his letter a memorandum of a telephone conversation on Good Friday, April 1949, with former Senator Carl Hayden, then Chairman of the Rules Committee, in which Hayden described the Senate's attitude on the problems of small business as "lackadaisical."

There are some 5½ million small businesses in the United States today, employing some 60 per cent of the country's non-government and non-agricultural work force, and accounting for more than 37 per cent of the gross national product, Burger said.

The removal of Rules Committee recalcitrance and successful passage of S. Res. 38 would therefore be a boom not only for small business, but for the Nation as well, Burger explained. Such action would instill more confidence within the small business community throughout the U.S.

And, considering the fact that small business employs such a high percentage of the American work force, a Committee with legislative authority could be the catalyst for a nationwide small business spurt, leading to increased employment opportunities and a reduction in unemployment, he stated.

"The action of the Rules Committee confirms what former chairman Senator Carl Hayden said 22 years ago—that there is a lack of interest in small business. In fact, I would say that the future of small business looks very dismal as far as the U.S. Senate is concerned," Burger said after today's Executive Session of the committee.

"This inaction will probably set a pattern on the House side, where similar legislation is pending," Burger pointed out. "Apparently the 'prison sentence' still holds.

"Is it possible that there is a hidden hand of power somewhere helping to keep this legislation bottled up?" he questioned.

"This places a real responsibility for action on the present sponsor of the legislation, Senator Stevens (Alaska), and the co-sponsors in the Senate—including Senator Bible (Nevada), chairman of the Small Business Committee, and Senator Jacob Javits (New York), ranking minority member—for a definite showdown with Rules. This is a time for action that will speak louder than words," Burger concluded.

Mr. Burger has been vice president and a member of the Board of the National Federation of Independent Business since 1947, and has represented small businessmen in the Nation's Capital for more than 30 years.

DETROIT'S SCHOOLBUSING PROBLEM

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SCOTT. Mr. Speaker, a recent Roanoke Times editorial commenting on Detroit's schoolbusing problem makes the point that no one could wish any more trouble for the motor city, which has had more than its share in recent years.

I am convinced my colleagues share with me concern that any American city or locality, whatever it may be, would be crippled fiscally and spiritually by court-directed busing plans. I do believe it is time, Mr. Speaker, for Congress to take the advice of the editorial and "do its duty and establish a national policy."

The editorial from the Roanoke, Va., newspaper follows:

AND NOW IT'S DETROIT

No one in his right mind could wish any more troubles for Detroit, Michigan. Its downtown almost died, and remains badly crippled, after the racial riots of 1967. Like other large cities, it has much heroin addiction, crime in the streets, a weakening tax base—whatever a big city ought not to have, Detroit has it. Now Detroit has a federal judge's finding that it has segregation by law (de jure) and, like some Southern cities, must resort to large-scale busing to achieve racial balance in schools.

Detroit must prepare a busing plan; the State Board of Education has been directed to prepare a plan to include the suburbs of Detroit. In the words of the usually calm Associated Press, the possibility "has generated more tumult in the Detroit area in the last two weeks than any other issue in modern times."

The problem will be more acute in Detroit (as in Indianapolis) than it has been in Atlanta, Richmond and Norfolk. For all the ancient racial disabilities in the South, blacks and whites in the South have a personal relationship. It may be limited but it exists, whereas in the large Northern cities the invisible wall is harder to break through than the more visible Southern one.

If anything good is to come from Detroit's ordeal, it may be another shock to the nation to realize that the South alone is not filled with sinners; that de jure and de facto distinctions are meaningless in history and at present. It might bestir the Congress at last to do its duty and establish a national policy.

FOOD STAMPS FOR DRUG TREATMENT PROGRAMS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. BADILLO. Mr. Speaker, I am pleased to reintroduce for myself and 21 of my colleagues an amendment to the Food Stamp Act that would extend its benefits to narcotic addicts participating in drug treatment and rehabilitation programs run by private, nonprofit organizations.

On July 29, when I first introduced the measure on behalf of myself and the four sponsors, the gentleman from California (Mr. HAWKINS), the gentleman from Hawaii (Mr. MATSUNAGA), the gentleman from Massachusetts (Mr. MORSE), and the gentleman from Illinois (Mr. RAILSBACK), I stated that it was our plan to circulate the measure among our colleagues on both sides of the aisle with the hope of obtaining broad, bipartisan support.

I am very pleased that a number of Members have seen fit to join us in this effort. My mail indicates that such an approach is needed and welcomed. In addition to hearings from my own constituents on this, I am happy to say that a number of the States have also endorsed the measure and have urged their congressional delegations to give it their support.

Our society is presently paying a tremendous price for drug addiction. We need all the help we can get in this area. Significant contributions are made and an impressive percentage of successful rehabilitations are achieved by the small, community-based groups that this measure is designed to assist. These groups categorically state that to carry on their work they must have food to give their participants. Passage of this measure would give them the assistance they so desperately need.

THE GREEKS HAD A WORD FOR IT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DERWINSKI. Mr. Speaker, all of us are familiar with the expression "the Greeks had a word for it." Thirty-one years ago today the word was "No."

On October 28, 1940, Benito Mussolini sent an ultimatum to Joannes Metaxas, demanding the use of Greek bases. Fascist Italy, of which Mussolini was dictator, had entered World War II on the side of National Socialist Germany but a few months earlier. Metaxas, himself a dictator, had been walking a tightrope, trying to get along with Germany and Italy on the one hand and Great Britain and France on the other.

Because of Greece's geographical location, with then powerful Italy not very far away and with neighboring Albania in Italian hands, it took tremendous courage for General Metaxas to defy Il Duce. His answer to the latter-day Caesar was "Ochi," the Greek word for "No."

Mussolini responded by sending troops to Greece by way of Albania, but the Greeks, led by Alexander Papagos, fought back bravely to repel the invaders. The Italians were in full retreat by November 10 and on December 3 the Greeks broke through their defenses in Albania. Several key points were captured and it was not long before one-fourth of Albania was overrun.

Greece might have won her battle with Italy, as British reinforcements had arrived in Crete and other Greek islands and 134 fighter planes had been delivered to Greece by the Soviet Union. Victory, however, was denied when Nazi Germany sent 50,000 troops to reinforce the Italians.

The Nazis invaded Greece on April 6, 1941, with the Bulgarian army right behind them. Greek resistance, faced with overwhelming enemy opposition, soon collapsed, an armistice was signed, and the king and government fled, first to Crete and later to Egypt. The Germans entered Athens on April 27 and the National Socialist swastika flew over the Acropolis. It was not hauled down until October 13, 1944, when the Allies once more occupied the capital.

Although the courageous warriors of Greece were outnumbered and doomed to defeat, their brave resistance at the outset of the struggle may have helped to pave the way for the eventual defeat of the Nazis. Had the Greeks said "Yes!" to Mussolini instead of "No!", the liberation of their homeland might have been delayed even further into the future than it was.

Greece's difficulties did not end with the collapse of National Socialism and Fascism. The Communists also had to be driven from its soil, but this was accomplished, with help first from Great Britain and then from America.

Mr. Speaker, today Greece is still beset by problems, but I believe they will be solved in due time. As she seeks workable solutions, let us hope and pray that the Greeks will always reject communism and kindred tyrannies with a deafening "No."

SIDNEY LOMAN—A GOOD SCOUT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. VAN DEERLIN. Mr. Speaker, last week a signal tribute was paid to one of my San Diego constituents, Sidney Loman, who is 91 but has the outlook of a man half his years.

Mr. Loman was honored for his services, extending back nearly half a century, to Boy Scouting. A plaque reading "Sidney Loman Conference Hall" was prominently affixed at the Boy Scout Service Center, in San Diego's Balboa Park, as the highlight of the tribute.

Mr. Loman's extraordinary career began with his birth in the little town of Rosebud, Tex., the 17th of 19 children. Both his parents had been slaves. During World War I service with the Army, he was first struck with concern about the handicaps of undereducated youth—and resolved to do something about it.

He organized his first Boy Scout troop shortly after moving west to Imperial County, Calif., in 1921. Other Loman-inspired troops were to follow, including the first for blacks in San Diego. A son, Army Sgt. Earl B. Loman, became, in 1945, the city's first black Eagle Scout.

In addition to the principles of Scouting, Mr. Loman always tried to imbue in his young charges certain other ideals, including the importance of education and the willingness and ability to work together.

As another way of helping youngsters, he also spent 10 years as a reserve officer with the San Diego Police Department.

Mr. Loman, who is still active as Scoutmaster of Troop 420 in San Diego, hears frequently from the young men, black and white, with whom he had worked over the years. Typical of recent communications was a letter from an Army man who noted, in gratitude, that this is one white boy you left a great mark upon.

It is my deep personal pleasure to add this tribute of my own to the accolades so well earned by this outstanding citizen.

STATE DEPARTMENT'S INCONSISTENCIES IN GRANTING VISAS TO COMMUNISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. RARICK. Mr. Speaker, 22 Cubans from Havana who wanted to attend a sugar cane convention were given clearance to land their Russian built turboprop airplane at the Moisant airport in New Orleans. The State Department has refused to issue visas to attend the sugar cane meeting, perhaps for security reasons, although no one seems to worry about the admittance of the Russian airplane and the proven vulnerability of our air defense.

And while the State Department is so adamant at refusing the Cubans visas to attend their sugar convention in New Orleans, here in Washington visas were issued to a cultural exchange group which included a three-star Russian general, to speak to a student group at Georgetown University.

The American people must consider it strange that our State Department can grant Russian three-star generals visas to appear on U.S. campuses but refuses to do so for a handful of Cubans. After all, if it is a matter of military security, most Americans are aware that it is the Russians who build and supervise the missile bases in Cuba, it is the Russians who have the nuclear marine base in Cuba, it is the Russians who supply the Mig fighters to the Cuban air force, and it is the Russians who also supplied the turbo-jet airplane which still sits at the New Orleans airport.

At the same time that we are admitting Russians but excluding their Cuban stooges, Soviet Premier Alexei N. Kosygin is being feted by Castro in Cuba.

Why are any of these Communist agitators and military brass allowed to enter the United States—visa or no visa?

I include several related newsclippings:

[From the Washington Post, Oct. 27, 1971]

CUBAN FLIGHT ENDS WITH U.S. SEIZURE

NEW ORLEANS.—Twenty-two Cubans who unexpectedly landed in a Russian-built turbo-prop airplane at the New Orleans airport were put up in a hotel after the pilot refused to fly them back to Havana as ordered by U.S. officials.

The group came to the United States early today to attend a sugarcane meeting, a spokesman said, but the U.S. government ordered them home immediately. The pilot replied that he would not fly back without instructions from his government, the State Department said in Washington.

The group—19 passengers and three crewmen—was taken from customs offices at the airport where it was locked up for more than six hours, to a hotel.

Meanwhile, a State Department spokesman in Washington said officials were in contact with the Cuban government through the Swiss Embassy in Havana "in an attempt to work out arrangements for their departure."

A State Department press officer, Charles W. Bray, did not identify the pilot, but a government official here said he was Ray Morina.

He had flown the group to New Orleans to attend a meeting of the International Association of Sugar Cane Technologists.

Their sudden arrival caught New Orleans officials off guard. The State Department said the Cubans had filed a flight plan about 8 a.m. with the Houston, Tex., Air Traffic Control for a morning flight from Havana to New Orleans. Officials said the flight was so quick that New Orleans authorities were not notified.

The State Department had denied a Sept. 24 request for visas for the group to attend the sugarcane conference.

[From the Washington Post, Oct. 27, 1971]

SHOUTS BY JEWS STOP MEETING WITH REDS

(By William Holland)

A cultural exchange program at Georgetown University featuring a group of Soviet professors and scientists was abruptly canceled last night after several members of the militant Jewish Defense League shouted down the guests before they could speak.

The meeting, sponsored by the Georgetown Foreign Service School, was halted by Dean Peter Krough shortly after it began when it became clear that neither he nor student organizers could control the loud shouting of the five or six demonstrators.

The JDL members interrupted the meeting because several of the Russians, including a three-star general who did not appear as scheduled, are Jews who, the demonstrators said, have not helped in the fight to end the persecution of Jews in Russia.

DEBATE

As soon as the Soviet panel moderator introduced the 10 men who came to the meeting and announced that the 11th guest, Colonel-General David Dragunsky, would not be present, the shouting started.

"Where is he? Where is the traitor?" a protester yelled out. "Let the Jews stand up," yelled another.

A student organizer, Rob Chaykin, 18, who was trying to get the demonstrators to come to a microphone and address the visitors in "a reasonable fashion," finally told one of the female JDL members: "Lady, quit shooting off your mouth—you'll have a chance to talk."

The woman, Charlotte Levin, continued to shout: "Let the Jews in. Where are the Jews?"

"I'm Jewish, lady," Chaykin said.

"What kind of Jew are you?" Mrs. Levin asked derisively.

"A Jew-Jew," Chaykin replied. He later said he was a third-generation Russian Jew. The audience of nearly 200 laughed at the exchange, and several of the Soviet panel onstage stifled grins.

However, the shouting continued and neither Krough nor Chaykin and other students could stop the shouts of demonstrators. Finally the dean canceled the meeting.

The Russians were invited to Krough's office, where he apologized to them. "Evenings of this kind show that reaction to our differences are often worse than the differences themselves," Krough said.

REGRETTABLE, HE SAYS

Samuel Zivs, spokesman for the Soviet professionals, said the Russians had wanted to talk with students. "But this incident over the so-called 'Jewish problem' is regrettable," he said.

Before the auditorium was cleared, JDL area coordinator William Perl said that having the Jewish members of the Soviet tourist group speak was "like Tokyo Rose addressing an American audience."

He also said Dragunsky had turned Russian Jews over to the KGB, secret police.

The Soviet tourists later spoke to a delegation of foreign service students at a private reception.

Georgetown officials said there also had been a bomb threat at 8:15 p.m. connected with the meeting. Several D.C. policemen were present, as well as 14 campus security guards.

The only other incident occurred when the Russians arrived for the meeting and a cherry bomb, thrown from a dormitory window, exploded near them. No one was injured.

[From the New York Times,
Oct. 27, 1971]

NINETEEN CUBANS FLY IN FOR SUGAR TALKS DESPITE U.S. BAN

(By Roy Reed)

NEW ORLEANS.—Nineteen Cubans aboard a Russian-built plane flew into New Orleans without United States authorization today to attend an international meeting on sugar cane production, then rejected a State Department order that they immediately return to Havana.

They spent the day on United States soil and finally won permission to stretch their visit overnight at a motel.

Harried State Department officials in Washington had no assurance that they would be able to persuade the Cubans to go home tomorrow.

The Cubans came to attend a conference of the International Society of Sugar Cane Technologists. The State Department had told them Sept. 24 that they could not come because the conference was not sponsored by an official international body.

[The return of a Boeing 747 hijacked to Cuba Monday night was delayed Tuesday by airport restrictions imposed in connection with the arrival in Havana of Soviet Premier Alexei N. Kosygin.]

AN UNEXPECTED ARRIVAL

About 10 this morning the pilot of the Cuban plane carrying the sugar experts radioed from over the Gulf of Mexico. He said he was approaching the Louisiana coast and wanted clearance to land. The astonished air traffic controllers at the New Orleans International Airport brought the plane in.

Once on the ground, the Cubans not only declined to be sent home, the pilot also refused even to allow his plane, a twin-engine turboprop, to be refueled for a return flight without direct orders from the Cuban Government.

Late this afternoon the State Department asked the Czechoslovak Embassy in Washington to ask the Swiss Embassy in Havana to ask the Cuban Government to send word to the pilot to take the Cubans home.

The department said the visitors—three crew members and the 19 passengers—could leave the airport customs area and spend the night in a motel near the airport under the supervision of the Immigration Service.

When the Cubans first requested permission to come to the conference, they relayed the request through the Czechoslovak Embassy in Washington, which handles such matters for the Cubans in the absence of regular diplomatic channels between the United States and Cuba. The Swiss perform the same service for the United States in Havana.

After the State Department refused permission, nothing more was heard of the Cuban sugar delegation until 8 A.M. today.

At that hour, the Federal Aviation Administration in Houston received a flight plan for an inbound Cuban plane on its Telex equipment. The flight plan said the plane planned to leave Havana at 9 A.M. and arrive at New Orleans about 11 A.M.

The Houston F.A.A. office asked Havana for more details but was told the plane had already taken off.

Houston notified the State Department at 8:45 A.M., and the department asked the Swiss Embassy in Havana to find out what was going on. The Swiss checked and reported that the Cuban Foreign Ministry knew nothing about it.

About 10 A.M. the air traffic control tower at New Orleans received a radio message from the pilot saying he was over the Gulf and would arrive at the New Orleans airport in a few minutes.

"So the tower brought them in," said the airport manager, Paul Stoulig. They landed about 10:20 A.M. and were promptly ushered into the Customs office. The plane was placed under guard.

"The Government's got guards all around it," Mr. Stoulig said. "We can't get near it."

PRESIDENT OF SOUTH KOREA

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. BROOMFIELD. Mr. Speaker, at a time when our foreign policy is undergoing dramatic change, our alliance with the Republic of Korea remains a uniquely strong bond forged from mutual trust and cooperation. Those are rare qualities in international relations these days and ones which cannot be taken

lightly. Under the leadership of President Park Chung Hee, South Korea has risen from the devastation of the Korean war to a place among Asia's most self-sufficient nations economicaly and militarily. She has used our foreign assistance carefully and wisely in building a strong and thriving economy. And, the South Korean Government has remained ready and willing to come to our side whenever we have asked for support. For many years 50,000 of South Korea's finest fighting men have stood beside ours in Vietnam. Proportionately, it was a contribution even greater than our own. And, recently, South Korean graciously and voluntarily agreed to quotas on textiles despite serious repercussions on its own economy. In his inaugural address a few months ago, President Park set forth the past accomplishments of his administration along with his plans for the future. Among these, I was pleased to note, is a continued determination to work for a peaceful reunification of the two Koreas and improved stability throughout Northeast Asia. President Park's remarks bear reading by anyone concerned with the future of Asia and I commend them to the attention of my colleagues.

The remarks follow:

FULL TEXT OF PRESIDENT'S INAUGURATION SPEECH

My fellow countrymen here and abroad, distinguished visitors and guests:

A quarter of a century has passed since the guns of the Second World War fell silent.

We stand today on the threshold of a new era that seems to promise peace and prosperity—the goals of all mankind.

I believe this ought to be a new era for all mankind to live and prosper together, and to build together a new, peaceful world order based on respect for the moral imperative of mutual dialogue and cooperation;

A new era of mutual exchange and cooperation for the peoples of Asia, so that they may achieve regional harmony founded upon the diversity of Asia's unique traditions; and

A new era of national unity for the Korean nation, to consolidate the work of modernizing our fatherland, and to put an end to the tragedy of national territorial division.

Conscious of the grave and heavy responsibilities incumbent upon me to serve my country and the community of men as this historic new era unfolds, I pledge before history and the nation that I shall do my utmost to vindicate the trust which the people have placed in me, always putting courage before vacillation, duty before comfort.

My beloved fellow countrymen!

For the world, the 1960s were a decade of development and of struggle for growth. For us, Revolution of May 16, 1961 provided the initial thrust to strike off the shackles of past dependence upon others, arousing the country from stagnation. We have now built a solid foundation upon which to erect a new Korea, revitalized and self-sustaining.

Through the experience of this decade, we have proved to ourselves, and to others, that democracy can flourish only upon an economically fertile soil.

And we have recorded a victory for the liberal ideology by demonstrating that a democratic system is far more effective than, and superior to, a Communist one in the area of development and growth.

We can take pride in the fact that the decade just past was a period of inner growth and maturing for our country.

With this foundation, the time has come for us actively to participate in the channeling of the new international currents of the will to peace. It is within these currents that we must seek ways to achieve our national goals.

A great change is taking place around us, as indicated by the rise of a so-called mood of thaw between East and West, and the initiation of efforts for rapproachment between the United States and Communist China.

Hopefully, these changes may dispel the dark clouds of aggression that hang over Asia. And let us take this opportunity to reiterate to the entire world our firm determination to reunify our divided fatherland through peaceful means at the earliest possible time.

But my fellow countrymen!

A cold fact which we cannot evade is that tension still exists in the Korean peninsula; and that, so far, our prayers for peace and our magnanimity of attitude have not been reciprocated.

The Communists in the northern zone of Korea are not only ignoring our peace proposals, but have gone so far as to take it upon themselves to export the so-called "people war" to countries in other regions of the world. They have not abandoned their anachronistic and fanatic revolutionary dogmatism.

It is because of this that we are forced to withhold our decisions and actions that could be based upon greater optimism and more positive hope for peace.

We must therefore remain firm in our untiring pursuit of international peace, while strengthening the ideals and practices of freedom and democracy at home. Our endeavors for security and national unification must be courageous but prudent, positive but flexible. We will advance ever forward step by step.

My fellow countrymen!

Times of great historic change are almost always times of great challenge. It was because our country at the turn of the century had not cultivated sufficient national capabilities to face up to the challenges of that time that we lost our nationhood.

We face such challenges today. We must learn anew from history the stern lesson that fundamentally our own destiny depends on our own capability.

Should we of this generation fail once more to cultivate our national potential. I can predict with certainty that not only this generation but also our posterity will be doomed forever to stray from the ranks of progressive nations of the world.

We must surmount our national trials. In our progress toward the freedom and prosperity of our fatherland, there can be no delay; we cannot afford to stop even for a moment.

I am convinced that the unification and rebirth of our nation can be achieved in our time, and I emphasize that the key to success lies in the cultivation of our national capabilities, that is to say, with our own hands.

I believe that by the mid-1970s we should have become strong enough to achieve unification, and no effort will be spared to increase our capabilities in all fields to achieve this goal.

The success of the Third Five-Year Economic Development Plan is vital to the development of our democracy, and the creation of a democratic society is in turn vital to the eventual achievement of unification.

In the years ahead, I shall usher in the age of heavy and chemical industries in Korea, reenact the "Miracle on the River Han" on our four other great rivers, send waves of Korean exports across the five oceans, and place Korea in the upper ranks of the intermediate advanced countries by modernizing the nation's agricultural and fishing communities.

Through balanced growth of urban and rural areas, the relative income gap between them will be reduced gradually but steadily. I shall see to it that our farmers, fishermen and industrial workers are adequately compensated for their strenuous toil in construction and production.

And, confident as I am of the further growth of the potential of our national human resources, and always keeping in mind the heritage of civilization which we have received from our forefathers, I shall encourage the development of our national culture, the arts and the sciences. I shall give special attention and support to the cultural aspects of the great work of revitalizing Korea.

Thus, with the passage of time, our national life will certainly become richer and more dignified. In this more fertile national soil, democracy will take firmer root, and the positive traits of self-discipline and cooperation will emerge even more strongly as manifest virtues of an open society. We shall have then build a society that guarantees happiness and welfare of all the people.

In the meantime, I here clearly state my intention to correct the unsoundness still existing in parts of our society. These unhealthy phenomena have been observed before in societies in the earlier stages of democratic and industrial development, and I shall deal with these social ills not with stop-gap measures, or merely to achieve a demonstration effect. Nor will this problem be handled for the sake of expediency. The dominant objective of my measures will be to prevent and cure these social ills through a succession of broad and systematic improvements in rules and practices.

Before we point an accusing finger at others, we should rectify our own faults. We should attack waste and excess luxury just as vigorously as we accuse falsehood and injustice.

The virtues of diligence, frugality, honesty and sincerity must be made to permeate our society, and in order to bring about this social reform, those in the leading positions must initiate a quiet spiritual revolution, setting examples by deeds, not by words.

These ideals in the life of a modern citizen must become the guiding principle in our homes, in our places of work, and in our society. I give my pledge to stand at the forefront of this campaign against social ills, and I appeal to all of my countrymen for their support and participation.

My fellow countrymen!

Now is the time for us to formulate new ideas for the next stage of national development. We are called upon to forge a national consensus to set the direction of our future.

Let us not be idle bystanders. Let us actively share in the life and growth of our nation. Let us think together and share our responsibilities and duties as a sovereign people.

It is because of your overwhelming support that I have been able to devote myself wholeheartedly to the difficult task of managing the affairs of this state. I cannot reflect upon those past years without renewing my fervent hopes for my beloved country.

Born into a poor farming family and living through the tragic days of the fratricidal war, I have constantly yearned to see poverty driven out of my country, and to see the sundered families of north and south share the joy of reunion.

My most fervent hope is for our nation to be united in this land of ours in freedom, prosperity and peace. This goal is far more than merely my personal wish. No matter where they live—north or south, or far away in foreign lands—it should be the burning desire of all Koreans who love their people and their fatherland.

Let us unite and march on!

When this desire, this aspiration is transformed into the toil and sweat of our confident endeavors, I believe with all my heart that there will come a day of national celebration, when the torch of a Great Korea will be raised on high to shed light throughout the world.

EXPULSION OF NATIONALIST CHINA FROM THE UNITED NATIONS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. COLLIER. Mr. Speaker, the unprecedented action of the U.N. in expelling Nationalist China from the world body marks October 25 as a tragic day in the history of the organization. It should be obvious to most of us in the Congress that expulsion of Taiwan to make room for Communist China was a callous stroke of power bloc politics which is certain to backfire in obliterating the original purpose and goals of the United Nations.

Since the establishment of the U.N., the United States has borne the brunt of its financial operations. While that burden has been reduced somewhat in recent years, U.S. contributions still represent more than one-third of its operating expenses. Despite our excessive contribution to the maintenance of peacekeeping forces of the U.N., Congress saw fit to approve a $200 million bond issue back in 1962, even though there were 134 of us who opposed the action for reasons which have now become more obvious than ever. It is encouraging to note that there are many who supported taking on this additional financial burden who are now calling for a sharp reduction in U.S. contributions to the world body.

Several nations, including the Soviet Union, are still in arrears in paying their assessments. Yet their representatives voted to rebuff an honorable founding member of the organization which kept faith with its purposes. It is time for the Congress to serve notice that we no longer intend to pursue the foolish course of the past.

INCREASE DOMESTIC PRODUCTION OR GO DOWN THE DRAIN

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DENT. Mr. Speaker, as further evidence of the serious attention being given to the problems in the American economy and the reasons for them. I take this time to give you some opinions from one of the greatest experts of our day on the causes and effects of our international trade agreements. President Abel of the United Steelworkers of America has laid it right on the line. Either we create an atmosphere which will step up future domestic production or we will go down the drain. It is not a question of being mean to the other person, it is a question of survival.

Today, statements were made on this floor by eminent Members of Congress calling attention to the fact that we should be spending more expediently for future education. How can we tell the taxpayers we do not have the money to educate their children.

In order to produce, we must put prices and wages at a compatible level, but our working people can not hope to compete in a world filled with misinformation by self-serving import-export groups as well as the top leaders in our country. These workers must compete with other workers with other standards of living, but they are being sold down the river by their own representatives. Most Members of Congress either do not understand the problem, choose not to understand the problem, or are just plain naive. What they do not understand is that they are expected to represent the American people.

Mr. Abel's remarks which follow will show that we are not competing against nations, but against great men. We can no longer produce goods which our economy cannot afford to buy.

I am calling for a 10-year reduction of imports in every line of production in this country that has underemployment in that particular field of endeavor. We cannot take a long period of time to do what has taken a short period of time to do. We cannot afford to be charitable unless we protect industry by industry against the effects of imports. We must have an escape clause whereby importation of a product will cease when an industry realizes an impact from that import to the tune of 5 percent or more. We can do this with my legislation which I hope to bring before you next week.

President Nixon has stated that he would alleviate this country from the impact of foreign imports. This country cannot survive in a free trade world nor can it survive with the number of able-bodied people drifting to relief. There is no dignity in relief. Their is no dignity in being a recipient of charity, public or private.

Management and workers, whoever provides for the needs of our people, fulfills his hopes, and such is the American dream. If every nation lowered its exports to us by the required percent, we could then increase production to meet employment needs.

The only way it can be done is to follow Henry Ford. Mass production cannot be effective without wages which will permit the worker to purchase what he produces. However, we are to be criticized for allowing our State Department to mix diplomacy with economics and allowing nations to be underproductive; thus being kept by exporting their products.

Abraham Lincoln said:

> If we produce goods and sell to foreign countries, they have the goods and we have the money. If we produce goods, and sell to ourselves, we have the goods and we have the money.

Certainly there will be exchanges as there always have, but they will be for products which we need and do not have or products which they need and do not have.

I attach at this time the latest information I have on the employment lag. Following that is President Abel's statement to the House.

Next week I intend to provide further examples of the definite impact of imports on the American economy. We can no longer satisfy ourselves as Members of Congress unless we take the time to read and understand the two following statements which so vitally effect our Nation's economic future.

EMPLOYMENT LAG IN IMPORT-STRICKEN INDUSTRIES

The population of the United States grew from 179.3 million in 1960 to 203.1 million in April 1970. This was an increase of 13.3%. However, the civilian labor force grew from 72.1 million to 85.9 million in the same period. This was an increase of 19.1%. The discrepancy is accounted for by the "war babies" who joined the labor force in the 1960–70 decade. The growth in the work force exceeded the population growth.

During the same decade (1960–70) employment in manufacturing grew from 16.79 million to 19.39 million, or 15.4%. This was 24% less (15.4% compared with 19.1%) than the growth in the civilian labor force. In August 1971 the employment in manufacturing was 18.5 million, or 890,000 fewer than the average for 1970. Meantime the total labor force had risen to 88.4 million in August 1971, an increase of 2.8 million since January 1, 1971. Seasonal work accounted for the great expansion.

If you wish to weigh the prospects of employment in this country in the years ahead we must keep in mind the growth in the labor force and the growth or loss of employment in manufacturing. Then we can measure the trend of employment in individual industries, particularly those that are beset by important competition.

IMPORT-BESET INDUSTRIES

Textiles and apparel

Textile mill products and apparel are among the industries that suffer from import competition. Total employment (office and factory) in these industries was 2.157 million in 1960 and 2.009 million in August 1971. This was a decline of 145,000 workers.

Had employment in the textile industry kept pace with the growth of the civilian labor force from 1960 through August 1971, employment should have increased by 22.6%, i.e., the percentage increase in the labor force during that period. Such an increase would have brought employment in textiles and apparel from 2.157 million in 1960 to 2.644 million in August 1971.

Since the actual level stood at 2.295 million, the deficiency was 349,000 workers compared to the level it would have been had textile and apparel employment kept pace with the increase in the civilian labor force.

Even if employment in textiles and apparel had grown no faster than the growth in manufacturing employment, or 15.4% from 1960 to 1970, employment should have risen from 2.157 million (the 1960 level) to 2.489 million. The deficiency would then have been 194,000 workers (i.e., 2.489 million less 2.295 million).

It is true that employment in the manufacturing industries as a whole grew less rapidly than the growth in the labor force, as noted above, but employment in textiles and apparel fell well behind the level of total manufacturing employment.

While there was an actual decline of 116,000 in the employment in textiles and apparel from 1969 to August 1971, this decline is not the whole measure of the deficiency. As employment in this industry fell behind the total manufacturing employment the lag meant that other industries or service employment would have had to make up the deficiency or overall unemployment would have increased. This is, of course, what actually happened. Total unemployment did increase.

Steel

Employment in the steel industry (listed as "Blast Furnace and Basic Steel Products" in the Statistical Abstract of the United States, 1971) was 651,000 in 1960. In

1970 it had declined to 629,000. In 1971 there was a further average decline of roughly 10,000 (the 7-month average for 1971 having been 618,000). Here was an actual average decline of 33,000 workers at the end of the first seven months of 1971 compared with the average for 1960. In 1970 the decline had been only 22,000.

Had employment in steel kept pace with manufacturing employment since 1960 employment would have been 651,000 plus 15.4% in 1970 or 751,000 instead of 651,000.

In other words, here were another 100,000 jobs that were not filled. Other industries must pick up the slack or unemployment in the manufacturing industries would rise by the amount of the lag.

Leather footwear

Employment in footwear, except rubber, stood at 243,000 in 1960. It declined to 219,000 in 1970, a loss of 24,000 jobs. In 1971 the employment trend continued downward, reaching 201,000 in July. The average employment during the first seven months of 1971 was, however, 206,000.

Had employment in the shoe industry kept pace with the increase in manufacturing employment from 1960–70 the level should have reached 280,000 in 1970. Actually it reached only 219,000 in that year and went on down to 206,000 in 1971. Therefore employment in this industry fell short by 74,000 workers in 1971 of keeping pace with manufacturing on the 1970 base. Once more, other industries would have had to pick up another 74,000 jobs if greater industrial employment was to be avoided.

Stone, clay, and glass

The stone, clay and glass industry employed 604,000 workers in 1960. This level rose to 638,000 in 1970, a gain of 34,000. However, if employment had kept in step with total manufacturing employment it should have risen to 697,000 (i.e., 604,000 plus 15.4%). The deficiency was therefore 59,000 jobs, assuming, as we have, that employment in this industry had kept pace with manufacturing employment in general.

Indeed several of the component products in the stone, clay and glass group suffered an actual decline in employment during the 10-year period of 1960–70. For example flat glass suffered a decline of 9,000 workers, or 2% of the work force.

Employment in structural clay products dropped by 18,000 workers or by 23%. Employment in hydraulic cement and pottery also declined.

These reductions all contributed to the general unemployment in manufacturing.

COMMENT

The total lag of the four industries examined here was 427,000 workers who would have been hired had employment in these industries kept pace with manufacturing employment in general. Each of them is faced with strong import competition.

If we are to assess the full impact of employment lag in these industries we must keep in mind that each of them depends in varying degress on yet other industries for raw materials or components and parts.

For example, the footwear industry other than rubber looks to tanneries for leather. Fortunately we have available the employment level of the leather tanning and finishing industry. In 1960 the industry employed 34,000. By 1970 this number had dropped to 27,000, a loss of 7,000 workers, or 26%

Had the tanning industry added 15.4% to its employment during this period, thus keeping pace with manufacturing employment in general, its employment would have reached 39,000 in 1970. Instead, the level fell to 27,000 or 12,000 less.

Other sources of material supply, including those that sell to the tanners themselves, looked to by the footwear industry, were similarly affected.

The same observation may be made with respect to the steel industry, which supplies a substantial market for the coal industry, no less than iron ore, fluospar, petroleum and industrial chemicals.

The lag in steel employment compared with total manufacturing employment is only a part of the total lag. Since for example, in the "steel industry" only 43% of the total value of shipments in 1969 was produced in the steel mills, or $11.2 billion of a total value of $26.3 billion in steel shipped, the supplying industries, such as ore, coal, industrial chemicals, etc., shared in varying degrees in the employment lag in the steel industry itself. It would seem safe to say that the 100,000 worker lag in the steel industry was at least matched by that of the supplying industries, thus raising the total lag to 200,000 workers.

Similar observations could be made with respect to the lag in the stone, clay and glass and the textile industries.

In the stone, clay and glass group the value added by manufacture in the industry itself in 1969 was $10.04 billion of a total value of shipments of $17.07 billion, or a higher percentage than in steel. Virtually 60% of the wholesale value of shipments in this group was accounted for in the industry itself. Therefore it could reasonably be concluded that the lag of 59,000 jobs in this industry reached a magnitude of about 100,000 when the supplying industries are taken into account.

The textile industry's share of the final wholesale value of the product accounted for by the textile mills themselves in 1969 was 42%. With respect to apparel the share was 48%, expended in the final manufacture in shops and plants devoted to turning cloth into wearing apparel.

Since the lag in these two industries combined was 194,000, as previously recorded, the total lag throughout all the steps from raw material, including cotton-growing, manufacture of man-made fibers, yarn, etc., and cloth weaving, could be estimated as near 400,000.

It seems safe to say then that the lag of 427,000 jobs attributed here to the four industries examined would grow to at least 850,000, if we go all the way back to raw-material production, processing and semi-manufacture that precedes the final stage known as the "industry," such as steel, textiles, etc., not to mention the cost of fuel, power and collateral supplies (chemicals, etc.) used in the processing on the way.

CONCLUSION

Unless the import-sensitive industries are assured a proper share of our domestic market, they will continue to lag in employment.

Some of them may, of course, follow the lead of scores of other industries that have gone abroad to gain the competitive advantage of low wages. This course, however, dooms prospects of full employment in this country. It leaves behind labor, not only in the final stages of manufacture but all the way back to the raw materials. It reduces the market for producers of raw materials and supplies and the many small manufacturers whose principal market consists of the domestic manufacturing industries that make finished products.

This is heavy economic balance indeed to leave behind.

SPEECH OF PRESIDENT ABEL OF UNITED STEELWORKERS OF AMERICA

My informers keep reporting on the hour that you have been having a most instructive conference here since I was in yesterday morning; that you have had many good questions and that you have been getting pretty good answers. In fact, I have even been told that you came up with some questions that nobody could answer, so that's doing all right.

It reminds me of the fellow that was getting a little senile, getting up in years, and he started to ask himself questions. He didn't mind that too much, but one day he started answering his own questions, and that disturbed him.

Maybe, Joe, what you will have to do with some of these questions, if the fellows can't handle them, is to ask the guy that asked them to answer them.

Frankly, I came over to talk to you a little bit this afternoon about a real problem that we have. Some people think that it might be an unpopular one, so I want to speak on it myself. That's what the President is for, to take care of the unpopular problems. The Vice President is to take care of the popular ones, that you just promise solutions for.

You are familiar with the problem I want to talk to you about. We cannot have been associated with the steel industry for any length of time without having some knowledge of this problem. It's a problem of the future of the industry, and it's a problem of the future of those of us who rely on the steel industry for a livelihood. There can be no two ways about it.

Many of you are aware that following our problems in 1959 there commenced quite an influx of imported steel into this country. There began the stimulation of not only expansion but overexpansion of steel facilities in other countries, notably in Japan. This accelerated and grew until in 1966 approximately eighteen million tons of finished steel came into this country. With eighteen million tons of finished steel coming in, it meant that roughly twenty percent of the American market was going to foreign producers. It meant, likewise, that twenty percent of the jobs of the steelworkers in the basic steel industry had gone down the drain.

Then in later years, of course, began the increase in the importation of finished goods and products, mainly automobiles, motorcycles, bicycles, this sort of thing. With each automobile that is imported we must realize that an additional ton of steel has been brought into this country.

This has developed into quite a problem. Your Officers several years back faced it, again assuming perhaps an unpopular posture. In fact, in the labor movement it was unpopular, because it traditionally had been the policy of the American labor movement to be great and staunch free traders. For some reason or other we prided ourselves on being able to expound that slogan. In view of that tradition and that policy, it was the decision of your Officers to join with the leaders of the steel industry to try to cope with this problem, and we jointly went to the leaders of Congress, and to the Administration (then the Johnson Administration). We went to the President himself, and to Vice President Hubert Humphrey, at that time, with our problem, and asked that the government give consideration to ways and means of alleviating this condition.

After many meetings with members of Congress, the House and the Senate, and many meetings with the President himself, we were successful in getting, through the good offices of Vice President Humphrey, action with the State Department that brought into being what has become known as the quota arrangement. The voluntary quota arrangement, with the Common Market countries and with Japan as participants, reduced the importation of steel from roughly eighteen million tons as I told you to a figure approximating fourteen million tons a year. But this agreement also had an improvement factor, agreeing to allow an improvement in that importation figure in the amount of five percent each year. This meant that if our demand for steel only grows to the point of 700,000 tons, all of the improvement would go to the importers of steel and none of the improvement would be enjoyed by the American steel industry and the American steelworkers.

So we have lived with that kind of an arrangement. And this, for your information, exempted steel coming from Great Britain and our neighboring country of Canada, so that these imports were in addition. As an example, last year one-and-a-half million tons of steel was imported from our neighboring country of Canada.

We went, then, to the AFL–CIO convention held that year in the City of Miami, and there submitted resolutions seeking to change the policy of the AFL–CIO with regard to this problem. At first we met great opposition, but we did submit our resolution and, serving as Chairman of the Resolutions Committee, I saw to it that it went through the Resolutions Committee. When it hit the floor, Vice-President Molony spoke on it. This was the thing that triggered a complete change in the policy of the labor movement, because once our problems were aired on that convention floor by Vice-President Molony, other people who were encountering similar problems were encouraged to take the floor and convey to the delegates assembled the problems encountered by the electrical appliance industry, as an example, the problems encountered by the rubber industry, and on down the line of the many products, and goods, and equipment that are made and used by the people of this country. So we have developed quite an awareness of this problem and its impact on American industry, and American jobs, and the American economy.

You perhaps have heard many pros and cons dealing with this question. You are aware of the attitude of a great segment of our society that says, "We ought to either compete or we should quit and become a service nation." Well, now, this is a very stupid, nearsighted approach to serious problems, because you and I know full well, and they know full well, if they stop to realize it, that this country of ours can't long exist as a service nation.

When it comes to the point that we have to sell ice cream cones to each other, we are in a terrible shape. When it comes to the time that we have to serve as room clerks for each other at motels, we are in a terrible shape. This country can only survive so long as we produce products not only for the use of the people but for an improved standard of life for the people.

I want you to know that we have worked diligently at this. When we got into recent negotiations we talked more about these problems confronted by steel labor and confronted by the steel industry. I don't have to remind you, I am sure, that we of the labor movement and we who work for a living will have the standard of life that the industries for whom we work can provide. We are tied together, and we either sink or we swim together. You know as well as do I that you can't go to a well that has gone dry and get a bucket of water, nor can you go to an industry nor a company and demand and receive improvements in the way of wages and benefits unless first that industry is a stable industry and a profitable industry.

In spite of the feeling that a lot of us might have which would say, "To hell with the company," or "To hell with the industry," we have to be realists when we get down to the line where decisions have to be made concerning our own individual welfare. We reach what is commonly termed "the law of the jungle"—the law of the jungle, which dictates to all of us that we take certain actions in self-preservation. That's our first responsibility, to preserve our own well-being and that of those who depend upon us.

When we came to these negotiations I don't mind saying to you, and I have said it to you on several occasions as recently as a week or two before we were successful in achieving a settlement, that we were confronted with many problems, including the import problem, which is tremendous. During and preceding the negotiations we saw the importation of steel being accelerated. We saw in the remaining few weeks before the termination, as one example, pictures in the Buffalo papers and a story depicting the members of our Union employed at Republic Steel being laid off in the City of Buffalo. As they took their clothes under their arm or in their shopping bags and left the mill to begin their unemployment, across the way there were docked two Swedish ships loaded with steel from France and consigned to the Ford Motor Company right next by.

I don't know what kind of an impression that picture has on you, but I know what kind of an impression it had on me and my associates. It had a greater impact because we knew of the many other places where similar actions were taking place. We knew, too, that this was part of the problem that confronted us. If we were going to survive and expand and be able to continue to improve our conditions, we had to do something about it and do it jointly.

We came out of these negotiations with a terrific settlement. It doesn't take me to tell you that, or anybody else. You know it. As a matter of fact, as the old fellow said years ago, we got a darn sight more than we might have expected, and we got it out of a hurting industry. When industry is hurt, just as when people hurt, its resistance is stronger. So it wasn't easy. It wasn't easy to extract that from the industry. I speak not just of the steel industry, but of all the industries we have been dealing with. It wasn't easy to extract that kind of an improvement in this year 1971.

Realizing that, your officers and our associates were mindful of the need on the part of this Union, on the part of all of us, to join with the leadership of our industry in a conscientious, honorable attempt to improve as best we could our mutual condition.

You hear much talk about productivity improvement factors and the improvement in productivity of a given industry from year to year. I remind you that over the past ten years the steel industry has enjoyed approximately a two percent per year improvement factor. Two percent. I know that you don't want to settle, and I don't want to settle, for that kind of improvement in our standard of life as we go down the road.

Well, I'm taking a long time to say to you, in the way of background explanation, that in the first part of your green book you will find a new section, and that section is devoted to this problem. I know there has been some talk in the field about this and there has been some speculation and there have been some fears, so I wanted to talk to you about it today and set your minds at ease and enlist your cooperation. This is all anybody wants is to enlist the cooperation of all of us.

Let me, for the benefit of all of us who haven't had the opportunity, read the section that was inserted. In it we say:

"The parties recognize that for their joint belief, increases in wages and benefits should be consistent with the long-term prosperity and efficiency of the steel industry.

"The parties are concerned that the future for the industry in terms of employment and return on substantial capital expenditures will rest heavily upon the ability of the parties to work cooperatively to achieve significantly higher productivity trends than have occurred in the recent past. The parties are acutely aware of the impact upon the industry and its employees of the sizable penetration of the domestic steel market by foreign producers. The parties have joined their efforts in seeking relief from the problem of massive importation of foreign steel manufactured in low-wage countries. Thus, it is incumbent upon the parties to work cooperatively to meet the challenge posed by principal foreign competitors in recent years. It is also important that the parties cooperate in promoting the use of American-made steel.

"In order to implement this expression of purpose, a joint advisory Committee on Productivity shall be established at each plant. The Union representation on this Committee shall be two members of the Union in addition to the Local Union President and the Chairman of the Grievance Committee. The Union members shall be certified to plant management by the Union and a corresponding number of Company members shall be certified to the Union. The Company and Union members of the Committee shall meet at mutually agreeable times, but no less than once a month. The function of the Committee shall be to advise with plant management concerning ways and means of improving productivity, and developing recommendations for stimulating its growth so as to promote the purpose of the parties as set forth above and also promote orderly and peaceful relations with the employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the Company and its employees."

Now, let me repeat there, the purpose is to "stimulate the growth of the industry," so as, "to promote the purposes of the parties as set forth above and also promote orderly and peaceful relations with the employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel, and to achieve the desired prosperity and progress of the Company and its employees."

"The General Superintendent or the Local Union President may from time to time suggest to the Committee areas of special concern consistent with the purposes of this Committee and the provisions of this Agreement."

Now, mark this and mark it deeply. "The functioning of this Committee *shall not affect the existing rights of either party under any other provision of this Agreement.*"

What we are saying, quite frankly, is that we jointly recognize we have a problem, but that we as the Union are big enough to sit with our counterparts and analyze these problems and see what it is we can do together to solve our problems, and while doing that keep in mind that we are to preserve all the rights of everybody involved that has an interest in this Agreement.

So I say to you that if you have visions of our shop stewards and our committee men carrying blacksnake whips and special clubs, you can forget about it. This Union is not in existence for that purpose. For those of you that have visions of a revival of an old argument of 2(b), forget about it. 2(b) is in this Agreement. It is in full force and effect. It shall remain in this Agreement in full force and effect. These management people that might have other ideas have a few things to learn, and they will learn them.

Again I say we enlist your cooperation. I have asked that Jim Griffin and Bruce Thrasher assume the responsibility of implementing this phase of the Agreement, for the Union. Jim and Bruce have spent considerable time with your Officers discussing our respective ideas, have had some discussions with the industry leaders, and for your information their counterparts from the industry at top level will be Warren Shaver from The Corporation and Jack O'Connell from Bethlehem. It is our hope that we will be able, at the district and local plant level, to sit down with each of you over the months to come and not only develop, but implement and put into action, a program.

Jim and Bruce have set forth some guidelines. I don't want to belabor you with this, but let me just give you some of our thinking thus far with respect to administrative procedures for implementing the program, the guidelines that we are recommending to the industry. We say:

JOINT UNION-INDUSTRY COMMITTEE STRUCTURE

"1. It shall be the responsibility of the Joint Union-Industry Committee at the In-

ternational Office—Company level to install the guidelines and oversee their operation.

"2. The Joint Union-Industry Committee at the International Office—Company level shall meet at mutually agreeable times. The Joint Committee shall review matters relating to improving productivity and advise with the Plant Committees on productivity. The Joint Union-Industry Committee is authorized to call and convene industry-wide, company-wide or regional meetings of the joint plant committees on productivity for the purposes of:

"A. Assuring continuity.

"B. Administration.

"C. Disseminating information and data relating to improving productivity.

"D. Reporting outstanding plant achievements on productivity.

"The Joint Union-Industry Committee shall determine the date, time, place, and agenda of any such meetings.

THE PLANT COMMITTEE STRUCTURE

"1. The Union representation on the Plant Committee on Productivity shall be the Local Union President, Chairman of the Grievance Committee, Secretary of the Grievance Committee, and a rotating Grievance Committeeman. The recommendation for a rotating Grievance Committeeman is based on the fact that Plant Committee discussions will be confined to special areas and/or departments. For this reason it is important that the Grievance Committeeman from that area and/or department be in attendance at the monthly meeting when matters are discussed that might possibly affect their area of representation.

"2. The Company representation on the Plant Committee on Productivity shall be the Plant Superintendent, Manager of Labor Relations, Department Superintendent, and a representative of the Industrial Engineering Department.

"3. The Local Union Staff Representative shall advise and consult with the Local Union Committee on Productivity. Upon request of the Local Union Committee on Productivity the Staff Representative shall be permitted to attend the monthly meeting of the Joint Committee on Productivity as an observer, for the purpose of being informed as to particular matters discussed at such meetings.

"4. In the implementation of the provision on improving productivity, it is recognized that the Joint Plant Committees on Productivity shall meet at mutually agreeable times, but no less than once each month. It is recommended that prior to any such meetings the parties submit in advance an agenda of the matters to be discussed at such meetings.

"5. Any item on either the Company or Union proposed plant agenda which either party believes constitutes a deviation from the recommended guidelines shall be communicated to the top Joint Committee for its evaluation before the Plant Committees proceeds to consider.

"6. As reflected in the Agreement, the functioning of the Plant Committees on Productivity shall not affect the existing rights of either party under any other provision of the Agreement. Thus it should be clearly understood that these Committees cannot be used by either party separately or by the parties jointly to circumvent or abrogate rights established under the Agreement. Rather the Committees are to function in concert and consistent with the established terms of the Agreement."

This, my friends, is pretty much our thinking and the outline for our procedure in this regard. I would just make a few more observations. You are aware, as I am aware, of what has been happening in recent years. People say the industry hasn't kept up-to-date. Well, I am not here, believe me, as a pleader for the industry. I am here as a pleader for the members of this Union, and I don't think we have to apologize for the kind of pleading we have been doing. But in giving, as they say, the devil his due, you and I must acknowledge that in the past ten years the steel industry has invested over 15 billion dollars in new facilities and modernization of their old facilities. That is a tremendous amount of money. Still we haven't been able to make a go of it.

I have talked to many of you and you have told me of many of the shortcomings of the industry and the nearsightedness of some of management. You have ideas, you have knowledge of ways to improve. You know ways of reducing costs of operation, and consequently increasing production. I say to you that here is a true instrumentality that for the first time gives this Union a voice in the operations of the plants of this industry. It provides, for the Local Union President, the Chairman of the Grievance Committee, and several other Committee members, an opportunity for the first time to be able to sit down and register constructive criticisms of the methods of operation.

It affords this Union as well as management, an opportunity to sit down for the first time and agree in an honest-to-goodness fashion, on constructive criticisms from some of our fellows who may be entitled to that kind of constructive criticism. It provides us all with an opportunity to share in the responsibility of our own future. I don't think anybody in their right mind can quarrel with that.

As a matter of fact, I think we all should take a measure of pride in the fact that we have reached that stage of life, we of the United Steelworkers of America and the leaders of the giant basic steel industry, that we have developed a mutual understanding and acceptance of each other, such that we can sit down and confront this kind of a task in a mutual effort.

I happen to think that a lot of good can come of it. I think we can accomplish a lot, and we can at the same time preserve and protect our individual rights and the rights of all of us.

I would like at this meeting to suggest that you give a lot of serious thought; that you go back home and talk to your fellows about it, that you talk to your fellows about these other things—not just productivity. It's the problems of the steelworker and the steel industry—the problem of advancing our products and our jobs. I think there's been too little of our own assuming of a responsibility.

I trust that you will observe the number of foreign cars that are in your parking lots—and, when you see them point out that there isn't a pound of steel in any one of them that you have produced.

It ill behooves a Steelworker, in my judgment, to look for more wages, look for more benefits, and buy an imported car, or a motorcycle that you can't even buy an American-made tire for. It might be fun to have all these gadgets and gizmoes that are imported, but it's time that we understand we make our living by producing products and developing industries that are profitable and that can give us the high standard of living we enjoy in this country.

If we want to live like those who work in Taiwan for 15 cents an hour, then all well and good, let's buy our products from Taiwan. But if we want to live like Americans, enjoy the standards we now have, and fight to improve them, then let's put some input into it. Let's not be backward about telling those who are undermining our standard of life, through this nearsightedness. I say to you that you could all pull off your shoes here this afternoon and there would be very few of you with a pair of union-made American shoes on your feet. More than 200 million pairs of shoes were imported into this country last year—200 million pairs—and no less than eight shoe factories up in New England states went out of business.

The same is true with your radios, your television sets. I could go on and on. We should do like they're doing over in Cleveland, Ohio. Our good Director and Staff and local unions over there are already on the ball. They've gotten out a bumper sticker that goes on the bumpers of American-made cars, utilizing American-made steel, that says "United Steelworkers say buy Union-made, buy American."

This Union of ours has gone to great lengths to develop a good, recognizable union label. We have been fighting with a lot of companies to use that union label; and we should be starting—it's pretty late in the day, but better late than never—to talk to our guys who are union guys about the union label and about union-made goods and products. That's the way we maintain our standards. We don't maintain them, you know, demanding and demanding and demanding from our employers, and then patronizing the employers that use scab labor and pay scab wages.

So I say to you in all sincerity, we do have serious problems. We want your cooperation, because I want, and I know every one of you—if the good Lord permits you to participate in the next negotiations—that you want to go back and secure further improvements. Nobody wants to go to the bargaining table to fight to save what he has. Nobody wants to go to the bargaining table to come back empty handed. We all want more. In order to get more, we have to produce more, you see. Here is an opportunity, in our judgment, wherein we can make a special effort. If we do we can then feel more within our right, going to the bargaining table next time and saying we have some interest coming due, and payable—that we want to improve the standards here, there and elsewhere; we want to improve them because we have made it possible. I am sure that can be done.

Now, we are not going to jump into this thing half-heartedly, or go off half-cocked. You and I know, and the industry knows, that we are operating at the present time at about 60 per cent of capacity. When you are operating at about 60 per cent of capacity there is little use of talking about some of these things. But I am hopeful, and I am sure you are, that next month and the month following there's going to be a decided change in the operating level of our mills in this country.

I am hopeful that along about the first of the year Jim and Bruce will have had the time to get around to you and perfect our program. Hopefully by the time the first of the year rolls around you will have had time to analyze and talk with your fellows and prepare to join wholeheartedly in the kind of a program I have talked to you about this afternoon. If we can do it, I think we have a tremendous opportunity. I say to you again—I give you all the assurance that I can give you—and the words are here in the book, you see—that this program will not be advanced to the detriment of our membership. This program is designed to improve the status of our membership. We will certainly, all of us, be on our toes to see that it doesn't react to the detriment of the membership but that it is directed to the improvement of all of us.

I say again it provides a tremendous opportunity, and I ask your cooperation. I hope that from time to time we can have conferences across the country, if not here in the City of Pittsburgh, to sit down and compare notes, and exchange ideas, and take some satisfaction out of our contributions.

I have taken perhaps a little more time talking about this than I should have, but I did want to come over and allay the fears that I have been hearing expressed. They emanate, you know, from a little understanding or lack of understanding of the problem. I wanted to have the opportunity to tell you personally of the thinking behind this step and this movement, and ask personally for your understanding and your cooperation.

If we all approach it in that spirit I feel it will redound to the benefit of all of us and pay big dividends in the future.

Thanks an awful lot for this opportunity to talk to you about this important problem.

JANUARY 15 AS MARTIN LUTHER KING DAY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. FAUNTROY. Mr. Speaker, today I have introduced a joint resolution that designates January 15 of each year as Martin Luther King Day and authorizes the President to issue a proclamation to commemorate the life and service to his country of this martyred American.

I believe that it is of the greatest importance that the profound contributions of Martin Luther King be recognized and kept before cur attention. His absolute dedication to the achievement of civil rights and human dignity through nonviolent means has left an imprint upon the history and the conscience of our Nation.

Martin Luther King lived but 39 years; but, in all that he did, in this short time, he never failed to recognize and realize that the goals and concerns he expressed were for the benefit of a whole people and a whole nation. When he stood at the Lincoln Memorial on August 28, 1963, the dreams he articulated in his famous speech were not just his. These dreams were the dreams of our Founding Fathers, the same men who wrote in the Declaration of Independence the resounding words:

> We hold these truths to be self-evident; that all men are created equal.

They were the dreams of Franklin Delano Roosevelt who laid before this great Nation, blessed with tremendous natural resources, the challenge of feeding the hungry, educating the illiterate, housing the unsheltered, clothing the naked, and uplifting the oppressed.

In a sense, it was as though Dr. King had taken upon himself the great unfinished tasks of our society. He took the yoke upon himself just as Isaiah in response to the call from God when he asked, "Whom shall I send, and who will go for us?" In the decade of the sixties, the man who went for us was Martin Luther King.

Never did he waiver in his allegiance to nonviolence. The recipient of the 1964 Nobel Peace Prize, he spoke out against the senseless war in Southeast Asia long before it became popular to do so. He foresaw the violence that was to be wreaked upon this Nation by this torturous war.

He was never content to sit back with his recognitions and bask in the requests for conferences by heads of state; but he felt compelled to always justify the faith trusted to him by this and many other awards. His organization of the Southern Christian Leadership Conference, his leadership in the moving Freedom March in Washington, his appeals for unity, understanding, and equal opportunity in Chicago in 1966 and Memphis, where his life was snuffed out on an April night in 1968, testify to his genuine concern for all people and for all phases of their life.

King was a civil rights leader in the broadest and highest sense of the word. He articulated the hopes and aspirations of peoples throughout this Nation and the world. He set the stage for achieving social, political, and economic civil rights for blacks and other deprived peoples.

It remains for us to carry out and to finish the task that he set before us. And, as the Nation prepares for its bicentennial, and its reaffirmation of the dignity and freedom of all men, it seems to me that we can begin by giving positive recognition to the accomplishments of Martin Luther King.

PERSONAL EXPLANATION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. JAMES V. STANTON. Mr. Speaker, I note that the CONGRESSIONAL RECORD of October 27, erroneously omitted my name as one of the cosponsors of House Resolution 668, which urges the sale of F-4 Phantom jet aircraft to Israel. I am a cosponsor of this resolution, and I strongly support all actions on the part of this Government necessary for Israel's protection.

WHO CAN SET A DATE FOR PEACE?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ASHBROOK. Mr. Speaker, during the recent national convention of the American Legion in Houston, Tex., the National Americanism Commission of that organization was addressed by my colleague on the House Internal Security Committee, Congressman ROGER ZION of Indiana. The many organizations and activities of the leftists and radicals present a real problem in day-to-day coverage for the average citizen. Roger's brief but valuable rundown before the Legion members put into focus the current extent and diversity of the activities of two leading radical organizations; namely, The National Peace Action Coalition—NPAC—and the Peoples Coalition for Peace and Justice—PCPJ. His remarks were especially pertinent because both of these groups plan an agitating long into the future.

The American Legion News Service, in its press release highlighted the contents of Congressman ZION's message, and I include the release and the text of his address in the RECORD at this point.

AMERICAN LEGION NEWS SERVICE RELEASE

HOUSTON, TEX.—"The Communists in Hanoi, who run the offensive teams in Vietnam, also call the shots here," U.S. Rep. Roger H. Zion (Ind.) charged during The American Legion's 53rd National Convention here.

Speaking to the Legion's Americanism Commission, Congressman Zion said, "While they run up our casualties over there, they run down our country over here through their second frontiers."

Comparing the Communists' tactics to football offensive and defensive plays, the Indiana congressman pointed out that "the head coaches in the Kremlin and their assistants throughout the world have synchronized the defensive weapon of 'peace' for the purpose of disarming our team, psychologically, with a full complement of offensive moves in the diplomatic, economic, cultural and military sectors designed ultimately to overwhelm us."

The speaker, a member of the House Committee on Internal Security, noted that "on Feb. 27, 1971, Kuan Thuy, chief North Vietnamese negotiator in Paris, issued a strong appeal for unity in the American peace movement and called on 'the progressive American people and all anti-war organizations in the United States to unite closely,' in order to create a wide and strong movement against alleged American aggression in Southeast Asia."

Describing the National Peace Action Coalition and the Peoples Coalition for Peace and Justice as "communist-infiltrated," Congressman Zion said the "Joint Treaty of Peace Between The U.S. and The Vietnamese People" was a sham treaty perpetrated by anti-American Vietnamese and pro-Viet Cong Americans for the purpose of undermining United States policy in South Vietnam and American support for that policy at home.

He called attention to one aspect of the document that declared that "The Americans agree to immediate and total withdrawal from Vietnam and to publicly set a date by which all American forces will be removed." Congressman Zion pointed out to the Legion delegates that the treaty did not call reciprocally for the withdrawal of the tens of thousands of North Vietnamese Army regulars who had crossed the internationally-recognized borders of Laos, Cambodia and Vietnam.

He added, "Noteworthy is the fact that Article I of the treaty uses the phrase 'set a date.' This has no reference to someone's wedding date and, hopefully, not to the date for some nation's funeral." He said he called attention to this factor because the term "set a date," has become a household slogan to the Communists.

"The Trotskyist and orthodox Communists and other leaders of the peace movement desire much more than merely a U.S. pull out—they seek a Communist victory throughout Southeast Asia, and anticipate that an American withdrawal will precipitate such a takeover," the Legionnaire congressman declared.

"The stock in trade for many so-called peace-loving demonstrators today is division, disruption, dissension and destruction," he warned. "We are sorely pressed at home and abroad by deceptive but disciplined antagonists; yet we search, frequently in vain, for allies whose words of assurance far outpass their performance. For this reason, we have no choice but to remain strong but only in the knowledge that that strength is sponsored by a search for a just, decent and honest peace at a price deserving of such a peace," he explained.

WHO CAN SET A DATE FOR PEACE?

If Spring is the time of year when, as the saying goes, a young man's fancy turns to a young woman, then Fall is the season when men become passionately preoccupied with football. While I am proud of the football teams produced in Indiana, with whom some Texans last year had had some acqaintance, it is well known that Texas breeds excellent teams herself. A sound football team is one which is skilled on both offense and defense, that is, in the jargon of the student of the sport, one that has balance.

In a sense, the grave situation in which the American "eleven" finds itself today is not dissimilar. Its opponent is balanced or skilled, as no other team in history has ever been, in the art of coordinating his defensive and offensive capabilities. The head coaches in the Kremlin and their assistants throughout the world have synchronized the defensive weapon of "peace" for the purpose of disarming our team, psychologically, with a full complement of offensive moves in the diplomatic, economic, cultural and military sectors designed ultimately to overwhelm us.

Offensively the Communist movement requires us to commit men and materiel to virtually every quarter of the globe. By proxy—wars, first in Korea and then Vietnam, it has tested its "running game" against our defensive line while it buys time to improve, and hopefully to surpass, our aerial offense in missilry. In a sense, these proxy wars are, to the Kremlin, but exhibition games, in which only its reserves are committed. In fact, V. I. Lenin himself in his discourses on foreign affairs, had occasion to refer to the working class "reserves" in what is now called the "Third World."

The House Committee on Internal Security, of which I am a member, has been carefully scrutinizing the peace movement here at home during this past Spring and Summer, to determine if its credentials are genuine or false or a combination of both.

The Committee held hearings on two organizations—or rather two coalitions composed of many organizations—which form the backbone of the peace movement. These groups are:

(1) The National Peace Action Coalition known as N–PAC and

(2) The Peoples Coalition for Peace and Justice, or P–C–P–J.

It was not the Committee's purpose to determine how many individuals or organizations belonging to these two groups were not Communists or did not have Communist ties. We were aware that many if not most of the individuals who attended the major demonstrations promoted by these groups were not subversive. As you may recall, during the Spring demonstrations in Washington from April 24 to May 5, several Congressmen and Senators as well as other prominent, peace-loving personalities supported these activities.

But does not the doctor, who is concerned with the overall health of his patients, concentrate his full attention, however, on finding and isolating that portion of his patient's infirmity which is diseased or injured. And isn't the doctor alarmed if he finds that the affected area is in his patient's head.

This is precisely what the Committee found out in its hearings on NPAC and PCPJ; that is, that the brains behind the movement were not what they pretended. True, there were pacifists, dissenters, and the like, numbering into the thousands. But the leadership was another matter.

NPAC: The Committee hearings revealed that the National Peace Action Coalition was not merely subject to Communist influence, but that it was an out-and-out front for the Socialist Workers Party (SWP), a Trotskyist organization which promoted the violent overthrow of the U.S. Government. To say, as its leaders did, that there are non-Communists in the coalition and therefore that it was not under Communist influence, was a deceptive ruse.

Of course, there are non-Communists in NPAC but that is after all one of the ingredients of a front, by definition. Were it otherwise, it would be an obviously wholly-owned subsidiary of SWP instead of the wholly-controlled branch it is now.

How does one tell the difference? The historically proven test is whether the predominant influence in setting policy and programs in the group is exercised by Communists. In NPAC's case there was no question. It was formed in June, 1970, at a conference in Cleveland, Ohio. The meeting was hosted by the Cleveland Area Peace Action Council, itself controlled by the SWP through two other fronts. Policies adopted by the Cleveland conference followed the line supported by the Trotskyist Press concerning the issue of organizing mass anti-war protests and the withdrawal of all American forces from Southeast Asia.

Next, the leadership of NPAC reflected the Trotskyist domination of the coalition because, of its five coordinators, the two leading spokesmen for the coalition were Donald Gurewitz and Jerry Gordon, the former an SWP member, the latter a former member of the CPUSA, and currently an active participant in SWP affairs.

Finally, who alone was authorized to draw checks on NPAC's bank account, totaling $160,000, and earmarked for the Spring demonstrations in Washington. Only Syd Stapleton and Patricia Grogan, both SWP members.

PCPJ: The Peoples Coalition for Peace and Justice, while not locked up to the degree that the Trotskyists controlled the NPAC front, was dominated more by the Communist Party, USA, than any other group in that coalition. PCPJ was the direct descendant of the Communist-dominated, New Mobilization Committee to End the War in Vietnam, itself the successor to several other so-called anti-war coalitions. The name changed, but the players remained the same.

Among PCPJ's leaders may be found Professor Sidney Peck, who has called for a Viet Cong victory in Vietnam. Peck was a member of the Wisconsin State Committee of the CPUSA. Other so-called, peace-loving personalities found among PCPJ's leadership are: Dave Dillenger, self-professed Communist; Gil Green, a top CPUSA leader; Terence Hallinan, CPUSA member; Sylvia Kushner, member of the Illinois State Committee CPUSA; Irving Sarnoff, leader of the Southern California District CPUSA; Jack Spiegel, CPUSA member; Jarvis Tyner, CPUSA national committeeman, and Rennie Davis, avowed supporter of the Viet Cong cause, to mention but a few.

Professor Peck, as acting chairman, was cosigner of checks drawn on PCPJ's Washington demonstration account, which totaled $113,000 for the peace movement's Spring offensive. Of this amount about $110,000 was expended.

Adding NPAC's expenditures to that of PCPJ's, the total was approximately $270,000. Considering the fact that the damage inflicted to the nation's Capital was $7,500,000 for the period April 24–May 8, one must concede that the NPAC–PCPJ outlay realized a fairly lucrative return on its investment which was only one twenty-seventh of the destruction to the city of Washington.

But let me back track for a moment to a significant development which transpired about two months before those major, so-called peace demonstrations, in Washington in April.

Since 1928, when the Trotskyist Communist Party or the SWP was formed, the two major Communist Parties have vied for the leadership of the so-called American working class movement, and now, as well, the peace movement. Prior to the acceptance by the CPUSA-influenced PCPJ to co-sponsor the Trotskyist-controlled, NPAC April demonstrations, this bitter competition was reaching a high pitch. Suddenly it ceased. Why?

On February 27, 1971, Xuan Thuy, chief North Vietnamese negotiator in Paris, issued a strong appeal for unity in the American peace movement. His appeal called on (quote) "the progressive American people and all anti-war organizations in the United States to unite closely" (Unquote), in order to create a wide and strong movement against alleged American aggression in Southeast Asia. He concluded by wishing the peace movement in the United States every success in its Spring offensive.

Meanwhile, meeting on this same date, February 27, in Stockholm, was the executive committee of the Communist-run Stockholm Conference on Vietnam. PCPJ national coordinator, William Douthard who was present, subsequently announced that PCPJ's Spring action program would be worked out that same weekend in Washington. On February 27–28, the PCPJ continuation committee did meet in Washington and resolved that it would support the program of the NPAC. One month later, March 17, the Stockholm Conference announced that it remembered that PCPJ was a member, had "decided unanimously to conform its proposals for action to the lines of the decisions to be taken in Washington."

Clearly, this must have been hard for the CPUSA segment of PCPJ to swallow because the old line Communists had, decades ago, purged the Trotskyists from their ranks.

On March 6, the Communist newspaper Guardian conceded that Xuan Thuy's urgent plea had been instrumental in convincing the participants that "the need for unified action was paramount."

Also, on March 2, PCPJ leaders, Sidney Peck and Dave Dellinger held a press conference in the Rayburn House Office Building to announce this newly-discovered unity between PCPJ and NPAC, two age-old enemy organizations.

Present at the press conference also was David Ifshin, president of the left-leaning National Student Association, who had led a delegation of American students to Hanoi, there to participate in the co-signing of a so-called Peoples Peace Treaty with student front groups of the Communist Party of North Vietnam. This Communist-serving propaganda document had been drafted in Hanoi, where Ifshin had met with North Vietnam's government officials in preparing the project which PCPJ actively supported.

The true feelings of the youthful American treaty negotiators in North Vietnam was succintly conveyed over Radio Hanoi by Mark Wefers when he instructed American soldiers fighting in the South that:

(Quote) ". . . when you think the time is right for some kind of massive sitdown or refusal to fight or turning your guns round the other way and getting . . . real pigs, then you should do it." (Unquote)

This sham treaty was entitled the "Joint Treaty of Peace Between The U.S. and The Vietnamese People." It was not authorized by the American people, the South Vietnamese people, or; for that matter, the North Vietnamese people. It was merely another ruse perpetuated by anti-American Vietnamese and pro-Viet Cong Americans for the purpose of undermining United States policy in South Vietnam and American support for that policy at home.

I would call your attention to but one aspect of this document, Article I. It declared that "The Americans agree to immediate and total withdrawal from Vietnam and to publicly set a date by which all American forces will be removed." Before moving on to my point, it should be noted parenthetically that the treaty does not call reciprocally for the withdrawal of the tens of thousands of North Vietnamese Army regulars who had crossed the internationally-recognized borders of Laos, Cambodia and Vietnam.

Noteworthy is the fact that Article I of the treaty uses the phrase "set a date." This has no reference to someone's wedding date and, hopefully, not to the date for some Nation's funeral. I specifically call your attention to this factor because the term has now become a household slogan to the Communists. Our recent hearings on the peace movement revealed that during the week of May 10, meetings were held in Paris attended by active organizers of the Washington disruptions such as Sidney Peck, Robert Greenblatt, and Jack Davis, as well as two North Vietnamese representatives and Madame Binh, the Vietcong delegate. The Americans were told by the Vietnamese officials that they wanted the slogan, "Set the Date" to be the focal point around which the American peace movement activities should rally during the next few months. Moreover, whatever date was set by the U.S. Government, it had to be before the end of 1971. The Vietnamese Communists further demanded that the pro-Vietcong supporters in the peace movement here, stop their feuding and rally around the new slogan.

The Vietnamese made additional criticisms of the way the Washington demonstrations had been handled. They were critical of one of the demonstrator's themes, (quote) "if the government does not stop the war, we will stop the government" (unquote). It was too militant for the times and, therefore, would not draw Americans to the movement, Hanoi's delegates advised.

The Vietnamese also chastized the inference contained in Mayday propaganda that the Vietnamese Communist might lose if the war did not end soon. Madame Binh said that instead, they should have demanded that the United States pull out from Vietnam because the Communists were winning.

Because of the tactics employed by the peace movement, she said, the press failed to cover the major issue of the war and stressed instead that alleged violations of the civil rights of the activists. Moreover, the demonstrators had failed to achieve their stated objective because the Government was not stopped, as had been threatened.

The Vietnamese' final criticism was that American demonstrations should be organized on short notice instead of taking six months as had been required in the Washington protests. Madame Binh also explained to the Americans in Paris that she had refused to send a letter or greetings to the Mayday group because the last one which she had sent had fallen into the hands of Senator Scott who had used it against them in the Foreign Relations Committee.

Before leaving Madame Binh, I think you might be interested in a cynical remark which she had made to American radicals in May. She told them not to worry about the fate of the American POWs in North Vietnam because most of them were "Air Force officers who come from ruling class families." Mark Wefers' broadcast over Radio Hanoi referred to the American POWs as pirates and murderers.

Following the Paris meeting, the Americans went to Budapest and attended a conference of the World Peace Council, one of Moscow's major international fronts. It was at this meeting that plans were laid to organize demonstrations at U.S. Embassies around the world on the fourth of July.

During a three-day conference of the National Committee of the CPUSA, in July, general secretary Gus Hall declared that:

"We are at an historic moment. This war can be brought to an end this year. Total, forced withdrawal is an absolute possibility."

The party's policy to press for a U.S. pull-out this year was given high precedence. On this, he said, we cannot wait until our next convention.

In a special statement, the Party's national committee endorsed the latest proposals of the Paris representatives of North Vietnam and of the Communist-controlled Provisional Revolutionary Government of South Vietnam.

On June 19, Gil Green, chairman of the peace commission of the CPUSA and its representative in the National Coalition for Peace and Justice wrote that:

"It is clear that the main peace slogan that should unite the movement is 'set the date for total withdrawal.' This is the demand of the Indo-Chinese people and the slogan of the world peace movement."

Green then explained that the slogan was appropriate for the peace movement in the United States because it would expose the alleged hypocrisy of President Nixon by showing that his refusal to set a withdrawal date meant that he was against total withdrawal at any time. Green continued:

"It is this slogan that also helps best to organize pressure upon Congress for the setting of a Congressional cut-off date such as is called for in the McGovern-Hatfield amendment. It is also important that unity be sought in support of the People's Peace Treaty. The significance of this treaty is its educational value."

One should read "educational value" to mean propaganda value in the above context.

Naturally, the Communist Party official neglected to commit to print in his article, that Madame Binh had demanded of Green's PCPJ contacts in Paris that they should adopt this slogan, or that the so-called Peace Treaty which contained a date-setting article was drafted in Hanoi under Communist suppression.

However, on one occasion the bond between the Communist leaders in the peace movement and their foreign Communists contacts was clearly revealed. Mrs. Pauline Rosen, member of the CPUSA, and prominent activist in the former New Mobilization Committee, PCPJ's predecessor, had attended the Fifth Stockholm Conference on Vietnam in March 1970, a gathering attended by 35 so-called peace activists from the United States. The Stockholm Conferences are blatantly Communist-oriented and keyed openly to the American anti-war movement. She was interviewed after her return and her remarks were printed in the May 21st issue of the CPUSA's Daily World.

You Legionnaires should be particularly interested in the following candid comment made by Mrs. Rosen:

"There was great appreciation of the U.S. peace forces at Stockholm, especially among the Vietnamese, who call our movement the "Second front" of the Vietnam war."

This is the "balance," the beauty if you will, of the Communist defensive and offensive teams of which I spoke before. The Communists in Hanoi, who run the military offensive in Vietnam, also call the shots here. While they run up our casualties over there, they run down our country over here through their second frontiers.

The National Peace Action Coalition, as I mentioned previously, to which the Trotskyist Communists own title, through the agency of the Socialists Workers Party, and which with the PCPJ, is a leading force in the peace movement, has had a running feud with the orthodox Communists in the latter group over, among other things, the "set the date" slogan. NPAC's own slogan has been "out now." James Lafferty, a national coordinator of NPAC wrote an article in the Guardian of August 4, which exposes the arrogance of the modern lovers of peace. Lafferty wrote:

"First, when the movement was much smaller we marched and said 'out now,' and the warmakers said, 'we'll stop bombing.' But we were not satisfied and we came back a bit larger and said, 'out now.' And the warmakers said, 'we negotiate.' Still we were not bought off and we came back again . . . and said again, 'out now.' And the warmakers said, 'we will Vietnamize the war and withdraw some troops.'

"Were we satisfied then? No, we came back and on April 24 . . . said 'out now' and now the warmakers say, 'we'll get out by the end of the year. We'll set the date.' "

Actually, no specific date had been set as the Trotskyist faction in the peace movement is aware. Lafferty concluded by saying that even if a date was set, the peace movement would not be satisfied until all U.S. forces were withdrawn.

The Trotskyist and orthodox Communists and other leaders of the peace movement desire much more than merely a U.S. pull out—they seek a Communist victory throughout Southeast Asia, and anticipate that an American withdrawal will precipitate such a takeover. For example, the so-called pacifist, Stewart Meacham, a leading activist in the peace movement indicates where his so-called pacifism lies regarding in Vietnam. He said:

"It's quite likely, if we get out, that the government that would come into power in South Vietnam would be a Communist government of some sort."

Fred Halstead, a top national official of the SWP-dominated NPAC stated:

"Yes, frankly, I am, as a revolutionary socialist, I'm much more sympathetic . . . I've not been uncritical of the government of Hanoi of the NLF, but I certainly am sympathetic to them."

Douglas Dowd, another top leader in the peace movement from its inception in 1966, who should know how the leadership feels vis-a-vis the Viet Cong stated,

"The people who are doing the organizing for this kind of thing, almost all of them, really feel that not only the war should end but if there had to be a side in that war I think most of us feel we would be on the other side."

What do we have in Hanoi to match the demonstrations in Washington in April and May which has enticed so many well meaning Americans? There is nothing; nor, I can assure you, are there any pacifists—open pacifists in Hanoi, or Peking, or Korea or Moscow.

Many in the top echelon of the so-called peace movement consider themselves to be patriotic revolutionaries equating their role in principle, with that of the colonialists. They spout the Declaration of Independence as readily as they can hoist a clenched fist. The U.S. Government, which they call fascists, imperialist, racist, etc., is, likened to Hitler's Third Reich. The term genocide frequently floats from their lips in characterizing Uncle Sam.

The stock in trade for many so-called, peace-loving demonstrators today is division, disruption, dissention and destruction; anathema to them is genuine harmony, unity, cooperation and true brotherhood.

Some radical elements in the peace movement would "off the establishment." Yet in both the private and public sectors of the "establishment," are to be found the genuine but responsible rebels. Yes, the real radicals in this great Nation are those who create, who initiate, who innovate, who eduate, who administrate, who communicate, who adjudicate and yes—even those who legislate.

These are the men and women of the "establishment" who day in, day out, bear the endless frustrations and failures in order to keep America an honest and honorable community. Meanwhile, we are sorely pressed at home and abroad by deceptive but disciplined antagonists; yet we search, frequently in vain, for allies whose words of assurance far outpace their performance.

For these reasons, we have no choice but to remain strong but only in the knowledge that that strength is sponsored by a search for a just, decent and honest peace at a price deserving of such a peace.

"MOTHER EARTH"

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ASPIN. Mr. Speaker, the plane that brought the cast of "Mother Earth" to this city descended through slate grey skies choked with man's discarded chemical crud. It passed over the proud Potomac, once renowned for its beauty and historical association, now an open depository for man's filth.

In our Nation's Capital the symptoms of diseased urban America manifested themselves in the stench and accompanying blue haze of motor vehicle emissions, the steady din of jackhammers and roar of diesel engines at construction sites, and the ever-present cleanup-defying street litter that is the trademark of throw-away America.

And that is what "Mother Earth," which is having its east coast premiere at Ford's Theatre is all about—man's unthinking, uncaring, rape of the world in which he is a guest.

I think everyone connected with bringing this superb lesson in ecology to Ford's is to be congratulated.

With book and lyrics by former social worker Ron Thronson and music by composer/actress Toni Shearer, "Mother Earth" made the long trek to the Nation's Capital from southern California, Costa Mesa, to be exact, with successful long-run stops in Los Angeles and San Francisco. The Bay Area run, under the aegis of American Conservatory Theater, is continuing with a second company. The Los Angeles and San Francisco successes followed a capacity 4-month run at "Mother Earth's" home base, the South Coast Repertory Theater.

With negotiations currently underway to take the show to New York, what began as a community enterprise in Costa Mesa is well on its way to becoming an international smash. Its steadily widening success is a turn of events never seriously considered at the outset by Thronson/Shearer, who wrote the original musical review simply "to give us the experience of collaborating on a show." Doing what comes naturally, they translated a longstanding concern for the environment into an oblique look at man's seeming propensity for turning everything he touches into trash.

The show touches the wide range of environmental pollution, air, water, noise, sight, and the peculiar mental aberration underlying man's matter-of-fact decimation of whole animal species.

Its darts are flung from sketches, vaudeville turns and one-liners, carried to the bulls-eye on a contemporary musical score incorporating gospel, rock and country and western.

"Mother Earth's" wise satire and high spirits glove a subliminal jab with a critical message—"The earth is worth saving, but it's later than we think." As Los Angeles Times theater critic Dan Sullivan put it:

> "Mother Earth" manages to turn the very difficult double-trick of jabbing you in the social conscience at the same time it is sending you off into a fit of perfectly irresponsible laughter . . . a remarkable show!"

Ecology theater could be somewhat heavy and dull, but "Mother Earth" has escaped those tags. Hal Walker of CBS noted:

> "Mother Earth" is a fun show, wrapped around a message—treat "Mother Earth" as though it were the only planet you have—it is. The message and the medium are both rated G—and they could offend only the most hardened anti-ecologist.

Tom Donnelly of the Washington Daily News said that "Mother Earth" was not monotonous, and does not have the plodding earnestness one tends to associate with propaganda designed to promote an indisputably worthy cause.

> In songs and sketches and dances and one-liners, performed by a likable, talented, and youthful cast of 10, "Mother Earth" contemplates endangered species (wild animals and the one called human), the grisly fads of an over-commercialized society, the lethal games people play, and the poisoned foods they eat.

Richard L. Coe of the Washington Post said that Ford's Theatre, controlled through the National Park Service, could not have a more appropriate tenant than this mock-humorous essay on ecology. Coe said:

> Though humor is the approach to its theme of what humans have been doing to beautiful "Mother Earth," the effect is soberingly earnest.

Coe noted that prompted by an editorial page letter to the Post from John Czebonski, about beer cans and debris littering the Reflecting Pool, one might even suggest that everyone who enters the city must see "Mother Earth" before his sightseeing.

> As the above indicates, one must say of "Mother Earth" that the flavor lasts. "Roses are red, violets are blue," says the Talking Lady, and adds: "Not anymore." Three billboards group up close to hide the Grand Canyon and a talking plastic tree replaces the last two California redwoods. Against screen projections of automobile graveyards, a used car salesman boasts: "We've just taken over a small South American country for a parking lot."

And I think pertinent as well the comments of our colleagues in Government, for whom the message that we bear a special responsibility for cleaning up the ecological mess in which we find ourselves is clear. Senator JACOB JAVITS commented:

> It's this kind of anti-establishmentism that stimulates adults to action, and expresses the frustrations of youth.

I think "Mother Earth" demands our attention, and again would like to congratulate the cast, composer/actress Toni Shearer and lyricist Ron Thronson and director Sid Grossfeld, the Ford's Theater staff, and everyone connected with the Washington run for calling to our attention, in an entertaining yet meaningful way, the vast amount of work to be done by those within Government, the Nation's business community, and private citizens alike, if we are to save our planet for future generations.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—V

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point part V of Dr. Robert E. Beerstecher's thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

This portion of his excellent study goes into some detail on Communist antimilitary work carried out in the year 1927 against nations in Europe, Asia, and South America. It also analyzes the program of the Sixth World Congress of the Communist International held in the summer of 1928, paying particular attention to the emphasis given antimilitary work at this meeting. The Sixth Comintern Congress reaffirmed the Clausewitzian conception adopted by Lenin that war was the continuation of politics by other means and, conversely, politics, Communist style, is the continuation of war by other means. It is interesting to note in this regard that Lenin had written in his copy of Karl von Clausewitz' epic "On War" the words "shrewd and clever" next to Clausewitz's dictum that, "In general, the best key to the country lies in the enemies army."

Part V of Dr. Beerstecher's study follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—V

(By Robert E. Beerstecher, Ph. D.)

VIII. THE YEAR OF STRUGGLE

An unreasoned fear of imperialist encirclement provided the impetus which sparked the renaissance of soviet antimilitarism in Europe. Analysis of communist directives issued after May, 1927, reveals an obsession on the part of the soviets with the idea that the imperialistic interests working under British direction had selected eastern Europe as one of the major centers of the armed counterrevolution against Russia. Communist propagandists pictured Poland, the Baltic states and the Balkans as important links in an armored ring which the imperialist were forging around the Soviet Union in their attempt to contain and smother the spirit of the proletarian revolution.

No country in eastern Europe offered greater resistance to the inroads of communism than Poland, but the stringent measures employed in the suppression of communist subversion resulted in driving the hard-core of the Communist Party of Poland completely underground. However, its status as an illegal, underground organization did not prevent the Polish communists from carrying on "anti" work or from making the "struggle against the war danger" the center of their action program. In addition to organizing strikes and street rallies, the Polish communists extended their agitational appeals throughout the country through the covert distribution of propaganda leaflets which popularized armed revolutionary action. Although the Polish communists could boast of successful accomplishments in the field of antiwar and revolutionary propaganda, prior to 1927 there was not a single communist faction in any of the organizations for military training, even though such organizations presented a combined membership of over one million people.[1]

In 1927, organizational work in the ranks of the organized military forces became one of the primary tasks of the Communist Party of Poland. Focal point for the work were the soldiers who belonged to the national minorities. National minorities constituted approximately thirty per cent of the Polish army, and in some units, represented the majority of assigned personnel. Little attention had been devoted previously to the problems of these minorities in service. Propaganda in the army had been directed primarily at the partial demands of immediate interest to the average soldier, e.g., pay increases, furloughs for holidays or farm work, service in garrisons close to home, etc., and to supporting the political and economic campaigns of the Polish communist movement.[2] However, the reorientation of effort towards the partial demands of soldiers belonging to the national minorities was motivated by the realization that such demands had to be formulated taking their special interests into consideration.[3]

Antimilitarist work in Denmark, Norway, Sweden and the Baltic states blossomed during 1927 under the aegis of the Federation of Scandinavian Parties. The communists considered Denmark to be the "key" to the Baltic.[4] Although the Danish communist movement numbered less than a thousand dues-paying members throughout the 1920's, the communist party and its youth league supported an active antimilitarist program aimed at the demoralization of the naval forces of the major European powers operating in the Baltic. British, Polish, Italian and Dutch naval units which periodically visited Danish ports were flooded with propaganda leaflets and agitational appeals while local comrades carried out covert "educational" work among their crews.[5]

Norwegian communists also carried out systematic antimilitarist work. Frequent visits to Norwegian harbors by elements of the Baltic squadron of the British fleet provided Scandinavian communists with numerous opportunities to duplicate the demoralization work carried out by their Danish comrades. However, the Norwegian communists were less successful in their efforts. Publication of a joint manifesto by the Communist Party of Norway and the Young Communist League during the summer visit of the British fleet in 1927 resulted in a police raid on party headquarters, the confiscation of a large amount of propaganda and agitational material, and the arrest of a number of the leading comrades. The manifesto contained an inflammatory appeal to the British sailors to desert and go over to the side of the Soviet Union in the event of war.[6] Antimilitarist activities of the Norwegian communists were not confined solely to agitational work against visiting naval forces. The Communist Party of Norway directed its members to penetrate into the Norwegian armed forces for the purpose of rendering them ineffective in the event of war. It also conducted a mass propaganda campaign against the League of Nations. Norwegian communists recognized that the success of a mass boycott by the workers of the armed forces, i.e., a military strike, would deny to the communist the leverage potential which a class-conscious group in the army provides. Therefore, in their antiwar propaganda, the Norwegian communists were careful to avoid discouraging the working class from joining the army, rejecting in principle the concept of a military strike which was actually considered admissible and useful in special situations by many communists.[7]

Demoralization work inside of the army and navy was also carried out by the Young Communist League of Sweden.[8] While the work of the communist youth emphasized the disintegration of the existing military establishment, the Communist Party of Sweden concentrated its efforts against the naval preparedness program of the Swedish Government.[9] Swedish communists began a "Fleet Campaign" during the winter of 1926–1927.[10] The campaign involved the organization of protest meetings, the mass distribution of literature and widespread use of verbal propaganda calculated to rally the Swedish workers against the Government's naval expansion program. A recurring theme in the literature which the Swedish comrades distributed was that the Swedish Government was a tool of Great Britain, which was developing armaments for use against the Soviet Union.[11] One of the primary weapons of Swedish communists were the special military newspapers published for the men in the armed forces. *Manskapabladet* (*The Soldiers' News*) was published for dissemination in the army, while a separate publication called the *Torpedo* was circulated among the men of the Royal Swedish Navy. Members of the Young Communist League handled the distribution of these newspapers, and used them to recruit men of the armed forces into the communist movement.[12]

In 1927, an alternate headquarters of the Balkan Communist Federation was established in Constantinople for the purpose of providing closer support to the local separatist organizations which had become increasingly active in Rumania and the southern Balkans.[13] Similar methods have since provided the communists with an effective weapon of disruption and disintegration wherever racial or national minorities exist. However, in few places have the communist encountered more fertile conditions for such work than in the Balkans where many small but comparatively strong nationalist movements flourished in Macedonia, Montenegro, Bessarabia, the Dobrudja and in similar territories. In Serbia, the communists encouraged the Montenagrians, the Croats and the Slovaks; in Bulgaria, the Macedonians and Thracians; and in Rumania, the Bessarabians, the Transylvanians, the Dobrudjans and the Bukovinians.[14] In each instance, communist support was calculated to achieve some specific end. Thus, for example, communist activities among the Bessarabians were designed to develop forces which could be used to impede the strategic deployment of the Rumanian army in case of war.[15]

Prior to 1927 Rumania was subdivided into seven independent communist regions. In each region, a three section committee had controlled party activities, with separate sections assigned responsibility for work in the local military units, for work among the laboring class, and for work among the peasants and farmers.[16] Under the decentralized system, the Rumanian communists had made little headway in organizing or taking over control of the minority movements. After 1927, however, with the work in each of the local regions coordinated by the Constantinople center of the Balkan Communist Federation, the military sections began to achieve success in establishing cells in both the Rumanian army and in the separatist movements.[17]

The Greek communist party was the strongest and best organized of the Balkan parties, so it had less requirement for support from the Constantinople center. Nevertheless, under its aegis, party members carried out large scale agitation and propaganda work against the Greek armed forces. Communist youth organizations were also extremely active in promoting antimilitarism, and were responsible for the intensified program carried out in the Greek army.[18] Revolutionary antimilitarism was made a continuing, systematic every day task by all Greek communists.[19] In Czechoslovakia, the communists through their youth league affiliates began a propaganda campaign to convince the soldiers that they should not let themselves be used to put down strikes or to settle internal disorders. Emphasis was placed on the Czech soldier's duty to defend the Soviet Union.[20]

The "urgent" question

In June, 1927, a special plenary session of the Young Communist International was held in Moscow, to discuss what the communists described as the "urgent" question of the danger of war.[21] Its real purpose, however, was to provide rubber stamp approval for a special resolution which had previously been prepared and adopted by the plenum of the Comintern.[22] This resolution called for the initiation of "practical" work among the armed forces outside of Russia. It subsequently became a directive to young communist leagues throughout the world to concentrate their efforts on the struggle against militarism and imperialist war.

The plenum of the Young Communist International emphasized that although the work of the French, British, Scandinavian and Baltic youth leagues in the army and navy had brought many soldiers and sailors under the influence of communism, in many other countries the leagues had committed a "gross" error through their failure to carry out adequate "practical" work in the armed forces.[23] In this regard, the plenum cited the antimilitarist work of the Young Workers' League of America as having displayed "dangerous pacifist" tendencies.[24]

Young communist leagues were directed to consider the initiation of "intensified" work in the army and navy as their most important task: "In every regiment and on every ship there must be a nucleus of at least one reliable comrade." [25] League work in other spheres or youth activity e.g., labor, education, etc., was to continue, but was to be conditioned by the central task. Work in the army and navy, the leagues were told, must be carried out systematically. Such work required the establishment of a well-organized apparatus and an illegal organization, for "one nucleus within an army section is more useful than many leaflets." [26] Leagues which did not already possess an apparatus and an organization for antimilitarist work were directed to set them up immediately. The plenum also decreed other immediate tasks for the leagues in their antimilitarist work. These included the defense of the Soviet Union and the Chinese revolution, and the improvement of the content of their antiwar propaganda. The first of these immediate tasks was to be accomplished through the "mobilization of the masses . . . by the application of united front tactics mainly from below." [27] The improvement of the antiwar propaganda, it explained, necessitated a "systematic, planned, thorough and immediate concrete exposure of the propaganda of the bourgeoisie and social democracy." [28]

No country, regardless of size was immune to the new music of revolutionary antimilitarism. The communists even had a modest program under way in Neuchatel, Switzerland in 1927. However, their appeal to the peaceful Swiss not to pay military taxes and to refuse to carry out military service obligations achieved little success.[29] Elsewhere, however, the communists recorded minor successes. In Syria, during the 1927 uprisings, the communists were active in carrying on antimilitarist work among the French troops.[30] In Palestine, propaganda and agitation against the war danger was made the basis for several major campaigns, including mass demonstrations among the unemployed in Haifa.[31] In Turkey, communist trade union activity centered around agitation against the building up of the Kemalist navy.[32] In the Far East, Korean communists conducted an active program among the troops aimed at securing the withdrawal of the Japanese army from Korea.[33]

In August, 1927, the Communist Party of China issued a circular letter to all party members criticizing its central committee for

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having failed to submit to the instructions of the Comintern and for having "tried to deal with the generals and the officers" of the Kuomintang army instead of "engaging in agitation among the men and the junior officers."[34] Nothing had been done, it stated, about the "urgent" task of arming the workers and peasants. "We must do everything possible," the party told its followers, "to get hold of arms and arm the worker and peasant masses."[35] The party warned that only if the scattered armed units of workers and peasants were organized according to a single, uniform plan would they be a real supporting force for the revolution when it came. As later events in Canton were to prove, the warning went unheeded.

In the fall of 1927, the Communist Party of Germany began a major propaganda and agitation campaign against the announced plan of the German government to begin construction of armoured cruisers for the navy.[36] The German naval construction program became the local point for the overt antimilitarist program publicized in the pages of *Rote Fahne*, the illegal central organ. "Fight against the war policy of the new German imperialism" proclaimed widely disseminated slogans sponsored by the party.[37] The German communists proposed taking the matter to the people in the form of a plebiscite. Instead of building armored cruisers, the communists said, feed the school children.[38] However, their campaign failed to arouse any widespread public support, and they were unable to get the number of signatures required by the Weimar Constitution for the initiation of a referendum.[39]

As part of the mass antimilitarist campaign conducted by the French communists, clandestine nuclei were formed in military units at Coetquidan, Chalone, Grenoble, Nimes, Siesonna, Brest, Cherbourg, Toulon, and elsewhere throughout France. Illegal barracks papers, like *L'eclaireur rouge* (*The Red Scout*) at Bourges and *La sape rouge* (*The Red Mine*) at Versailles, began to appear.[40] Every opportunity to foster dissension among the armed forces and extend their authority in the army and navy was seized by the French communists.

In September, 1927, sailors at Toulon mutinied because of allegedly poor food. Communist reports of the events which transpired indicated that the sailors sang the *Internationale*, an act without which no military uprising could be complete.[41] The mutiny was allegedly premature, having been organized by the communists for early October.[42]

In addition to the continuing campaign against intervention in China, French communists also conducted several major campaigns against the preparation of new imperialist wars. Their most important mass movement was the "bolshevik struggle against war" in Morocco. It culminated on October 12, 1927, with a general strike which the communists claimed involved more than one million Frenchmen. The most important feature of this campaign was the unrest created inside the army and navy, and the numerous instances of fraternization betwen the French soldiers and the insurgent Riffs.[43]

On November 21, 1927, the fifteenth party congress of the Communist Party of the Soviet Union convened in Moscow. Although the agenda was devoted primarily to internal problems within Russia, the antimilitarist work which had been carried out in the armies and navies of other countries was also discussed. In the discussions, the soviets singled out for praise the activity of the French and British sections of the Comintern for its "openly revolutionary and very dangerous nature."[44]

A serious outbreak occurred in the French fleet in December, 1927, when sailors in the naval detention barracks at Calvi went on a hunger strike. *L'Humanité* and the international communist press alleged that many of the sailors involved in the strike had been transferred to Calvi from fleet units because of their pro-communist leanings.[45] Shortly afterwards the French fleet held a naval review at Le Havre. The international communist press coverage of the event claimed that the French sailors were being "compelled to participate in a political demonstration which reeked of war."[46] Flexing its muscles, the communist party warned that—

"French imperialism may boast of the power of its fleet, but not of its sailors. For the latter will not permit themselves to be misused in fresh adventures. They are the brothers of the rebels of Calvi and of the Black Sea Fleet. Upon them relies the French party which is working for unity against imperialism."[47]

Without sailors, the communist observed, all ships are mere scrap iron.[48]

The Harvest of Fleas

On December 11, 1927, the Chinese communists raised the banner of insurrection in Canton.[49] The decision to establish a soviet government of workers', peasants' and soldiers' deputies had been made the previous month at a special conference of the Communist Party of China. At the conference, demands had again been raised for an agrarian revolution and a struggle to create disaffection in the armies of Chiang Kai-shek.[50] Reaction against the communist uprising at Canton was immediate, and bloody street fighting broke out everywhere. On December 14, the Comintern issued an appeal calling on the workers, peasants and soldiers to support the Canton commune:

"Hasten to assist the revolution! Help the Chinese soviets! Prevent the transport of soldiers and sailors, of canons and rifles to crush the Chinese revolution! Refuse to load munitions! Mobilize your forces! Demand the immediate withdrawal of the imperialist troops from China! Long live the soviet power in China! Long live the world revolution!"[51]

The uprising lacked organization and direction. Prior preparation in the form of providing weapons to workers' detachments or carrying on intense demoralization work among the opposing military forces was inadequate.[52] The Canton insurrection failed, and with it vanished any immediate hope the Comintern had for the success of the Chinese revolution. The communists later reviewed the events which occurred to identify the decisive factor in their defeat. Their answer: the Chinese navy! In the first hours of the Canton insurrection, they noted, the Chinese navy "wavered" but finally decided to support the "white" forces. Their decision decided the issue. From this the communists drew an important lesson. "This points," they stated "to the absolute necessity for regular work in the navy and armed forces of the enemy a long time prior to an uprising."[53] There was also a second important lesson to be learned from the Canton uprising: "For the prolatariat of every country it is not sufficient to be thoroughly acquainted with the political doctrines of the revolution; it must also have a thorough mastery of the techniques of revolt."[54]

In January, 1928, a special Antimilitarist Commission was established by the Young Communist International. The commission was to draft detailed plans for intensified organizational work in the armed forces of all countries outside of the Soviet Union. Antimilitarist experts representing communist groups throughout the world were called to Moscow to take part in the prolonged deliberations. The American representative to the Antimilitarist Commission was Paul Crouch, a former soldier who had been court-martialed at Schofield Barracks, Hawaii, in 1925 for communist activities. After his release from prison, Crouch had been drafted into the antimilitarist work of the communist party where he soon became recognized as the party's foremost expert in this type of work. By the end of 1927, he had become head of the newly established joint antimilitarist department of the Communist Party and Young Communist League in the United States. Crouch arrived in Moscow in December, 1927, before the deliberations of the Antimilitarist Commission began. On his arrival, he was informed that the decision had already been made to infiltrate the armed forces actively, but that the tactics which were to be employed still had to be worked out. That was the task assigned to Crouch. Some of the methods formulated by the Commission during the period were described in documents sent by special couriers to the central committees of communist parties and young communist leagues throughout the world with the directive that they be destroyed immediately after reading. Other instructions were incorporated into documents which were considered so sensitive that they were never allowed outside of Russia, but were kept in Moscow for the instruction of visiting communist leaders.[55] Guidance for the Antimilitarist Commission was provided by Marshall Tukhachevsky and other officers of the general staff of the Red Army. Tukhachevsky has been described as "perhaps the most original military thinker of communism."[56] In his talks with Crouch, Tukhachevsky emphasized the necessity for concentrating on strategic military objectives. Rather than dissipate effort through the random scattering of forces, communist antimilitarist activities in the army and navy were to be concentrated on selected targets.[57] The soviets were extremely interested in the Panama Canal from a military point of view, and wanted antimiltarist work in the American armed forces stationed there to be carried on simultaneously with the strengthening of the civilian communist party in Panama and the Canal Zone. The soviets also urged that on his return to the United States, Crouch initiate work in the American armed forces stationed in Hawaii.[58]

Crouch was also instructed by members of the Soviet general staff to concentrate work inside the American navy by selecting a single ship as the initial focal point.[59] Once a communist nuclei had been formed aboard the ship selected, its members were to recruit others into their group. The pattern of agitation to be carried out aboard naval vessels was a simple one suitable for application in any military organization. Petty grievances were to be magnified into major issues. Primary target for agitation was the quality of the food served in the mess. Revolutionary slogans supporting the partial demands of the enlisted men, e.g., demands for higher wages, demands for improved working conditions, demands of any type which could be exploited to turn the enlisted men against their officers, were to be chalked on the bulkheads and in the passageway of the ship.[60]

Crouch reported that the Soviets also emphasized the necessity for communists in the armed forces to become leaders and influence the men around them. Sports clubs, study clubs, or any type of apparently harmless group or organization, no matter what it might call itself, were to be sponsored by the communists if it permitted them an opportunity to strengthen their personal influence over their comrades in arms. It was, Crouch asserted, the decision of Moscow that the schools of the young communist party should not provide any type of military training, but should be reserved for more important work.[61] Select members of the party were to be encouraged to get their military training inside of the armed forces at government expense.[62]

In February, 1928, the ninth plenum of the Comintern met to consider the failure of the Canton insurrection. It concluded that there had been "insufficient preliminary work among the workers and peasants, and among the enemy armed forces."[63] The plenum reiterated the tasks which the Communist Party of China had to accomplish, emphasizing the necessity for carrying on work in the

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armed forces. "The communist task of disintegrating the armies of the bourgeoisie and the militarist," it reaffirmed, "must become part of the daily work of the party." [64] The failure of the Canton uprising was interpreted by the Soviets as evidence of the growing danger of war in the Far East. They concluded that they could no longer count on the Chinese revolution as a source of reserve strength. Their concern was heightened by events in Japan.

The growing influence of Japan in the Far East had not escaped the notice of the Soviets who were determined to avoid a war "at all costs." [65] Renewed Soviet support to Japanese communism resulted in the rejuvenation of the communist party. One of the first tasks undertaken by the revitalized party was the initiation of a major propaganda campaign against militarism and war. In the accomplishment of this task, the party press was assigned a major role. On February 1, 1928, the Communist Party of Japan began publication of an official newspaper, *Sckki* (*Red Flag*). *Sekki* appeared every fifth day, furnishing its readers with the communist interpretation of both national and international events. In addition, *Sekki* featured a special section which published letters from Japanese servicemen describing the problems and "hardships" of military life. This section educated communists and sympathizers alike in the basic fundamentals of antimilitarism.

On February 15, 1928, the soviets extended their attack against the armed forces of the major powers into the field of international politics. Maxim Litvinoff was sent to Geneva to deliver to the League of Nations a soviet draft proposal for an international disarmament agreement. Although Russia was not herself a member, and had made the League of Nations the "whipping boy" for all international ills, the soviets recognized that membership in the League offered great propaganda potential. The soviet draft provided that during the first year, half of the total officer and enlisted strength of the armed forces of all countries would be disbanded. In addition, military schools and institutions would be closed. With regard to naval forces, the draft provided for the destruction of all capital ships, cruisers and aircraft carriers. Naval artillery, mines and torpedo equipment would be dismantled and destroyed. "The armies and fleets," the soviet proposal concluded, "will thereby be brought into a condition which will render difficult their employment by one state to attack another." [66] The draft made little headway in the council halls of the League, as few members were convinced of soviet sincerity in offering a plan under which they had everything to gain and nothing to lose. The soviet failure to get favorable consideration for their draft disarmament proposal at Geneva provided them with another argument for their propaganda campaign against the danger of war, i.e., that the major powers refused to disarm, thus indicating their intent to start another world war.

In April, 1928, the plenum of the Young Communist International convened in Moscow to review the report of its presidium on the work which member leagues had achieved in the army and navy. It noted that unrest among servicemen, recruits and reservists had become an "international phenomenon," but had not yet awakened sufficient response among the working classes.[67] The plenum called on the member leagues to increase their agitation against intervention in China and Nicaragua. It also directed that agitation against the attack on the Soviet Union be "concretized and enlivened," cautioning against monotony and the repetition of general phrases.[68]

Special emphasis was placed by the plenum on organizational work inside the armed forces. "The movement within the army," the plenum stated—

"Must be accorded maximum attention: it must be revived and raised to a higher organizational stage. Before all, however, its active support by the working class by means of meetings, demonstrations, etc., must be secured. Wherever it is possible or where it can help to mobilize the masses of soldiers and sailors, the question of the formation of legal or semi-legal mass organizations of soldiers and sailors both in the regular as well as in the mercenary armies shall be raised. These organizations shall bear a semi-vocational character and the communist leadership of them must be secured." [69]

In countries where legal forms of antimilitarist work were possible, the communist-dominated trade unions were to be used in gaining active support of the working class. The plenum also stated that it considered it "admissible and necessary" to form revolutionary soldiers' and sailors' circles under our leadership on a local scale or within individual sections of the troops. It must, however, not be forgotten that the apparatus for the illegal work in the army must be uniform.[70]

The plenum declared that the chief task for all countries remained the establishment of communist nuclei and apparatus in the army. This work, it stated, had to be carried out with increased vigor in Germany, Sweden, Italy, Czechoslovakia, Rumania, Yugoslavia and in other countries where the communist party had failed to assume an active share in the antimilitariet work or provide leadership for the movement. The plenum also called for an increase in work among colonial troops ("both among the white troops in the colonies as well as among the troops consisting of the natives in the colonies"); for the continuation of international collaboration between the leagues ("agitation among the sailors of the Baltic squadron of the British fleet in the Scandinavian countries, among the sailors of the French fleet in England"); for the elaboration of the demands for recruits, reservists and demobilized soldiers; and for mobilization of the masses in the fight against the war danger.[71]

The April plenum issued a special resolution setting forth the immediate tasks facing the Young Communist League of China. The resolution stated that although the Chinese communist youth movement had sent hundreds of its members into the National Revolutionary Army, little organization and propaganda work had been carried out there. Instead, league members had been allowed to disperse throughout the army without being combined into groups or nuclei. This resulted, the plenum noted, from the "resistance" of the Communist Party of China to the league.[72] The plenum reminded all communist youth leagues that they had to pay special attention to "the creation of organizations within all the reactionary armies, seeing that the disintegration of the military forces of the reaction is one of the most important tasks of the Chinese revolution." [73]

Later in the spring of 1928, a clandestine conference was held in Kassel, Germany, to discuss implementation of the recent Comintern directive that work in the army and navy, in Germany and throughout the world, be intensified. German communists were host at this congress. Representatives from sixteen communist parties attended, including an eight-man soviet delegation.[74] Decisions reached at this conference were later promulgated at the sixth world congress of the Comintern in Moscow.

In response to the directives of the April plenum, the young communist movement in the United States intensified its defeatist campaign against American intervention in Nicaragua. Demonstrations were organized in the Boston, New York and Philadelphia Navy Yards and in the ports of embarkation. Pamphlets, leaflets and letters disseminated to the sailors, soldiers and marines emphasized defeatist slogans. Propaganda attempted to mobilize sentiment for the victory of Sandino's forces against the American marines, who were called upon to desert.[75] The communist party issued the following statement in connection with these demonstrations: "We urge all American workers, soldiers and sailors to organize for struggle against American imperialism, the common enemy of all exploited and oppressed within and without the borders of America." [76] To assist in the propaganda work, the communists established an antiwar department in the *Daily Worker*, the daily central organ of the American party. Through publication of a special servicemen's column in the *Daily Worker*, the communists developed a mailing list of soldiers and sailors to whom they began sending weekly news letters and propaganda leaflets.[77] The *Daily Worker* featured articles against American intervention in Nicaragua and China, and on the danger of war against the Soviet Union. As part of the intensified agitational program conducted by the American communists prior to 1928, special appeals had been directed to the unemployed workers warning them not to become "tools of the imperialists" by enlisting in either the army or the navy.[78] However, in 1928 a change of policy occurred, and the communists no longer attempted to "boycott" the armed forces.[79]

An insight into communist doctrine governing antimilitarist work in the United States during this period was provided by Benjamin Gitlow in his autobiography, *I Confess*. Gitlow was the communist candidate for Vice President of the United States in 1924 and 1928 and a member of both the executives committee and the presidium of the Communist International. "We communists," Gitlow wrote:

"Always considered the antimilitarist work of the party from two distinct angles. On the one hand, we considered that it was necessary systematically to work to undermine the military structure of the capitalist class. We believed that if the military power of the capitalist governments was not undermined, it would not be possible to dislodge the capitalists from power. But we were not pacifists. We did not decry the use of force and violence. Quite the contrary. We firmly believed that without the use of force and violence it would not be possible to carry through the overthrow of capitalism and the seizure of power." [80]

Communist policy governing antimilitarist work in the United States was divided into two parts, one positive, the other negative. Of the negative policy, Gitlow had this to say:

"Our negative policy consisted in criticizing all the military activities of the government, opposing expenditures for armaments, characterizing the army and navy as weapons of imperialism and in attempting to create hostility between the population and the military power of the government." [81]

According to Gitlow, most of the early antimilitarist work carried out in the United States was of the negative type. In contrast, however, the positive policy of the communists was somewhat more subtle. "It was our duty," Gitlow asserted, "to penetrate the armed forces and win the support of the enlisted men." [82] Only minor success was achieved in infiltrating the armed forces of the United States before 1928. Real success did not occur until the party—

"Decided upon 'colonizing' the armed forces, in order to establish contact with the man in the service, propagandize them, learn about their conditions and grievances, and finally, learn military tactics for future use in the event of a revolution." [83]

The decision was made early in 1928. The communist technique of "colonizing" consisted of designating specially trained party members to join the organized military forces. Gitlow revealed that in the beginning, only a small number of men were ordered to enlist in the army, but that a much larger number of the selected party members were ordered into the Citizens' Military Training Corps and the National Guard.[84] "We did

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not hesitate to send scores of selected young men into these camps," Gitlow admitted;

"Even though we had been most outspoken in branding the National Guard as the most vicious strike breaking agency. As for the Reserve Officers Training Corps, in many colleges a compulsory course, we continually fought against it as a military organization. However, we also sent all young communists in college into the R.O.T.C. to learn military tactics."[85]

The National Guard proved to be a fertile field for communist propaganda. Numerous communist nuclei were formed in the Guard which worked to weaken it from within as members of the Communist Party and the Young Communist League continued to attack it from without. Propaganda pamphlets issued by the Young Communist League called on National Guardsmen to turn their guns on their officers.[86]

Gitlow emphasized the conspiratorial nature of communist antimilitarist work in the armed forces:

"We realized that in carrying on this work, the greatest precautions had to be taken not to involve the party, because we were sufficiently aware that in very dangerous activity, which, if discovered, would have probably resulted in serious prosecution of the party and its leaders."[87]

This work was not carried out solely on the initiative of the American communists, but, Gitlow revealed, was motivated by "direct instructons of the Communist International which insisted that that kind of work be done."[88]

The spring of 1928 was a period of comparative calm on the international scene. For the soviets in Moscow, however, it was a period of feverish preparation. Four years had passed since the Communist International had convened its last world congress. The time had come, the soviet hierarchy decided, to call a new congress, the sixth world congress of the Comintern, to align the international forces of revolution for the coming war.

IX. THE SIXTH WORLD CONGRESS

The sixth world congress of the Communist International convened in Moscow between July and September, 1928. At the congress the soviets reaffirmed that the Comintern and its sections were committed to carrying on organized work in the army and navy as part of the systematic preparation for "the struggle against the danger of imperialist wars."[89]

Antagonisms and conflicts between imperialist states, the ferment among the vast masses in the colonial countries, the action of revolutionary proletariat in the centers of imperialism—these, the Communist International stated, were all clear symptoms of the rise of a new revolutionary tide, of the development of the international revolution. Against this revolution, it noted, the forces of imperialism were being gathered; new expeditions against the colonies were being outfitted, a campaign against the Soviet Union was being planned, a new world war was in the making. War would unleash all the forces of the international revolution, leading to the inevitable destruction of the capitalist state and the achievement of the dictatorship of the proletariat.[90]

"All our parties," said Vassiliev, the soviet spokesman on the executive committee of the Comintern:

"Must employ the whole of their bolshevist courage and the whole of their revolutionary energy and persistence to overcome the difficulties as regards penetrating into the big factories and the army at all costs, in order to transform the army and the factories . . . into the reliable supports of the revolution."[91]

Vasailiev went on to decry the weakness of the effort which had been carried out in developing the apparatus for activity in the armed forces. "If we should go on neglecting this work," he warned, "we shall be unable to carry out the instruction of the eighth plenum or of this congress, and to fulfill our bolshevist, communist duty before the international proletariat and humanity at large."[92] Reports made by several of the other delegates to the congress confirmed that antimilitarist activities in many communist parties were still at a very low ebb. Seigen Taraka, the Japanese delegate to the sixth congress, admitted that the propaganda effort of the Japanese communist party had been weak. Taraka also recognized the inadequacy of the antimilitarist work among the youth, stating that in Japan communist "organization activities were not systematically directed to the revolutionary aim of the disintegration of the bourgeois army and the formation of a proletarian militia."[93]

Baltic communists acknowledged that their revolutionary work in the organized military forces required greater impetus. Reorientation of their propaganda and agitational appeals to "enlighten" the soldiers about the "aims" of the coming war against the Soviet Union was also required. "We must do our utmost," they said, "for the disintegration of the bourgeois army."[94] Sirola, the Finnish delegate to the congress, stressed this fact when he said: "It is the task of the proletariat to unmask the war policies of the burgeois and the social democrats. This must particularly be carried on in the army."[95]

Although the communists recognized that England's main strength in the sphere of war was its sea power, representatives of the Communist Party of Great Britain admitted at the congress that prior to 1928, the party had failed to conduct work among British sailors on other than a limited basis. Touchstone of the navy campaign had been a somewhat modified form of the *Soldiers' Immediate Demands* called *The Sailor's and Marines' Progress*.[96] "We must intensify our work in the navy," they said:

"And do everything in our power to build up communist groups there, carrying on systematic agitation amongst the sailors to develop a real ferment so that in the event of war we can look to the navy as well for definite fighting action against the attempts of the capitalist class to plunge the British workers into another capitalist war."[97]

The British communists also announced at the congress that they had a separate action *Program* for British airmen under development.[98] However, they admitted that although emphasis had been placed on making disintegration and demoralization work in all the armed forces a routine activity to be undertaken by every member of the communist movement, this work was still generally considered to be something "outside" of the daily party and league routine. The average English communist, party officials complained, did not understand the "urgent necessity" for carrying on such work.[99]

The discussions carried on throughout the congress attempted to pinpoint the cause of past failures in the Comintern's antiwar campaign. During the crisis in the Orient, it was noted, not a single ship had been prevented from sailing out of European or American ports. To the Comintern this suggested that there was a lack of attention to work in the seaport towns:

"It is a fact that at the present time, while none of our parties have big sections and exercise influence in many industrial centers, there are many harbor towns and sea port towns where party organizations do not exist or where their influence is nil or infinitesimal. It is necessary, if we are seriously going to make the revolution against the imperalists, that we pay more attention to the local organization of the party in such a way that the party's influence will be felt, not only in the industrial centers, but also in the harbor and seaport towns, where they may be great potentialities for work among the sailors, which is an essential part of our antiwar work."[100]

It was also suggested that the scope of antimilitarist work had been too narrow, and that the antiwar campaign should have placed greater emphasis on work in the trade unions:

"Unless we find a way to go to the workers we too may be responsible for a certain passivity which may lead the workers into the camp of the fascists. Therefore it is necessary not only to carry through antiwar propaganda inside the armies, inside the air forces, and in the navy, but also among the broad masses of the workers."[101]

The manner in which the communist parties treated partial demands also received severe criticism from the congress. Among other tasks, it was concluded, the communist parties still had to learn how to bring forward the partial demands for the men in the fighting forces and this is coincident with the failure of many sections to undertake systematic anti-war work of a mass character. It is not sufficient simply to send one or two young communists in the bourgeois armies for the purpose of spreading propaganda but we have to learn how to link up the grievances of the sailors, soldiers, recruits and those in the air forces with the demands of the industrial workers outside the forces and conduct the mass propaganda in the army.[102]

Lenin once expressed the opinion that the creation of illegal organizations afforded the communists the only possible way of continuing their revolutionary work after the outbreak of war. The sixth congress enlarged on this theme, stressing that illegal organizations were particularly necessary in the antiwar struggle before war began:

"We cannot speak about bringing about the disintegration of the bourgeois armies until we know how to penetrate the bourgeois armies, how to conduct the propaganda within them in the most skillful way . . . it is fundamental for a Leninist party that we should have parallel with our legal organizations, which we must never voluntarily abandon, our *illegal apparatus*."[103]

If war came, the Comintern reasoned, it would be difficult for communist parties to insure the continuation of their illegal activity:

"Unless we strengthen our illegal apparatus many of our parties will be found sadly wanting the day war is declared, and cease to function as communist organizations. During a war, outside the Soviet Union, we shall all be under conditions of illegality. It is therefore necessary that we prepare our apparatus now."[104]

Bukharin, as spokesman for the Comintern, also emphasized the importance of building a strong foundation for underground organizations in the armed services. He noted that considerable experience in organizing clandestine military apparatus had already been gained in Italy where fascism forced the communists to work under conditions of complete illegality.[105] Communist determination to undermine Italian military power found its impetus not so much in the threat which fascism posed to communism internally within Italy as in the fear that Italy, the only major force in southern Europe, had Balkan aspirations contrary to the interests of the Soviet Union. The establishment of communist nuclei for work in the armed forces thus became the chief task of the Communist Party and Young Communist League of Italy.

In Bulgaria, the antimilitarist work of the military section of the Balkan Communist Federation was carried out under the personal cognizance of Georgi Dimitrov who later became general secretary of the Comintern. Speaking at the sixth congress, Dimitrov said:

"The work in the army, particularly among the recruits, naturally acquires special significance. This work must be conducted with

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the aim of disintegrating the capitalist armies in order that in the event of war breaking out, the soldiers shall turn their weapons against the dominant class."[106]

This theme reoccurs frequently in the agitational appeals, leaflets and pamphlets which the Balkan Communist Federation issued in the name of its participating parties. But Bulgarian communists did not depend on agitational appeals and propaganda leaflets alone to create support for their program in the armed forces.[107] The Bulgarian antimilitarist program received broad support from the central organ of the local communist party, *Rabotnicheski Vestnik*. In addition, a special antimilitary newspaper, the *Red Soldier*, was widely disseminated among the Bulgarian soldiers and sailors.[108] Communist youth leagues were also active in promoting dissension among the national minorities in the Bulgarian armed services.[109]

Although the sixth congress recognized the growing importance of nationalist movements, the Balkan Communist Federation considered that insufficient attention had been devoted by the Comintern to defining the character of the national liberation wars in capitalist countries. Bulgarian communists interpreted mobilization as an attempt on the part of the bourgeoise to paralyze the national revolutionary movements. Once nationalist forces had been absorbed into the armed forces, they lost their natural cohesion, and could easily be disrupted and scattered throughout the country. Mobilization, then, should be the signal for communist action. Although the general situation might not be openly revolutionary, the Balkan Communist Federation counseled its members, certain slogans addressed to the minority groups and separatist organizations should be raised whenever a general mobilization was decreed: "Do not go into the barracks, but take to the mountains! Organize yourselves and start the national guerrilla war in the rear of the army!"[110] Thus even as early as 1928 the concept of guerrilla warfare as a basic communist technique was firmly established in the Balkans.

An obscure communist story features a revolutionary sailor who keeps insisting that "things" be carried out "on an international scale."[111] Bukharin drew laughter at the sixth congress when he referred to this story. "In this comical characteristic: 'on an international scale,'" Bukharin observed, "there is nevertheless great revolutionary pathos, the expression of which is already moving great masses of the international working class."[112] However, when the delegate of the Communist Party of China raised the same argument at the congress, there was no laughter. The main tasks of the international proletarist, he insisted, were to oppose the sending of gunboats and the transportation of imperialist troops to the colonies . . . to send capable party members to the imperialist armies and navies in the colonies to do organizational and propaganda work, and to send comrades to the brother parties in the colonies to help them do antiimperialist work in the armies.[113]

"From the experience of our work in the armies," the Chinese delegate continued, "we feel that . . . our brother parties in the west . . . should intensify their work in the armies."[114] The five main points of antimilitarist work, he continued, were—

(a) To send systematically organized party members and proletarian groups into the army (this is easier in countries where there are voluntary and mercenary armies); we must especially enter the strategic departments of the army;

(b) If we cannot become soldiers, we should apply for canteen work or odd jobs in the army which are particularly fit for propaganda work;

(c) Party nuclei and soldiers' committees should be set up in the army;

(d) Much emphasis should be placed on creating and developing similar organizations in the navy;

(e) Propaganda and agitation in the army should be considered as continuous and every day work.[115]

The Chinese delegate also stated that the illegal party nuclei, which were essential "so as fundamentally to shake the foundations of the imperialist army," should propagate defeatism among the soldiers.[116]

Emilyan Yaroslavsky, one of the soviet's foremost theorists on revolutionary antimilitarism, attended the sixth congress as the representative of the Communist Party of the Soviet Union. On August 6, 1928, at the twenty-third session of the congress, Yaroslavsky spoke at length concerning the basic communist doctrine governing work in the armed forces under both legal and illegal conditions. His over-all remarks, as well as his description of bolshevik work in the Russian army before the October revolution, paralleled the statement of antimilitarist doctrine which he had set forth in his earlier pamphlet on the same subject. However, his observations on the winning over of the soldiers, on the necessity for communist work among the colored troops, and on the situation in Germany were new.

Lenin, Yaroslavsky pointed out, had insisted on the necessity for winning over the soldiers. "To win over the army," Yaroslavsky explained, "does not merely mean to carry on propaganda and agitation but it means also than an organized force must be established in the army which will be able to win over the wavering soldiers at the necessary moment."[117] Communist parties engaged in such work, Yaroslavsky noted, were doing it "somewhat timidly" and without sufficient "boldness to be able to create the revolutionary feeling which would stimulate the masses to comeover to our side."[118] There was, he noted, a correlation between the revolutionary spirit of the troops and the revolutionary spirit of the masses:

"The awakening of a revolutionary spirit among the troops has a very good effect upon the masses of the peasantry and particularly among the masses of the workers. There is hardly a greater revolutionary factor than a mass movement among the troops. Such movements revolutionize the masses of the workers. When the proletariat begins to realize that although it is unarmed as yet it has the sympathy of the troops, that it has the support of the army or at least a part of it, it more boldly sets out to achieve its revolutionary tasks and aims."[119]

In his writings, Yaroslavsky had previously pointed up the necessity for exploiting the national and religious differences which existed within the armed forces. At the sixth congress, he stressed the potential offered by racial differences. The idea was not original. Lenin, speaking at the second congress of the Comintern, had noted that colored soldiers from the colonies had been used by France during the war of 1914–1919.[120] The opportunities which racial differences among the troops provided for agitation had also been discussed in the theses on tactics adopted by the third congress in 1921.[121] "In view of the danger of war," Yaroslavsky said:

"It seems to me that we must devote more attention to the colored troops. There is not the slightest doubt that if we have another war, even if only on the scale that commenced 14 years ago, it will affect the broad masses of the peoples inhabiting the lands oppressed by imperialism. Troops will be brought from Africa and Asia for the purpose of suppressing the proletarian masses of Europe and of the Soviet Union. We are confronted by a great task. We must develop our work in these countries to such a level that these people even now, before the decisive moment arrives, before they are called upon to suppress the labor movement in Europe and the proletariat in the Soviet Union, shall emancipate themselves from their slavery in their own country. We must make them understand that when they will be called upon to shoot down the workers they must not only refuse to do so but that they shall use the weapons that are being given them to help the revolution against the imperialists."[122]

Pride of authorship, even in old bolsheviks, cannot be dimmed. Yaroslavsky voiced his regret that the experience and activities of the bolsheviks before the October revolution had not been widely studied by all the communist parties. Perhaps the blame, he suggested, rested on the bolsheviks because they had not carried on sufficient propaganda to make their experience known. Yaroslavsky therefore recommended that the sixth congress direct the executive committee of the Comintern to publish the necessary literature on this subject, particularly literature that will acquaint the communist parties with the experience of the bolsheviks in their revolutionary work among the armed forces and also literature dealing with the manner in which propaganda among the troops was carried on during the imperialist war. A whole series of pamphlets for the various countries must be published in order to make this work among the armed forces a very serious matter, for without it real preparations for the fight against imperialist wars are impossible.[123]

Throughout his speech, Yaroslavsky emphasized the necessity for systematically organized work within the armed forces. In particular, he singled out for comment the German communists for the recent organizational advances which they had made:

Notwithstanding the fact that many communist parties are today in much better circumstances than we were placed at the time, we have to admit that up till now only a few communist parties have established any kind of military organization similar to the one our party had in the period of the first revolution and particularly in the period of the second revolution. Our party certainly did not have an organization like the *German Red Front Fighters*. An organization of such dimensions and such possibilities of development has not existed hitherto and certainly could not be established in conditions of illegality.[124]

"Nevertheless," Yaroslavsky cautioned, "even the German communist party must seriously take up the question of organizing its work in the *regular* army."[125]

Ernst Schneller, the communist publisher, represented the Communist Party of Germany at the sixth world congress. In his remarks to the congress, Schneller stated that the forces of reaction were attempting to prohibit the antimilitarist work of the German communists. These same forces, he said, were working against communist activity in the police and in the Reichswehr.[126] Schneller asserted that it was much more difficult to carry on antimilitarist work in Germany than elsewhere. This was due, he explained, to the system by which the military forces in Germany were recruited. However, he continued, there absolutely exists a possibility of working even in a mercenary arm like the German Reichswehr, although this work is very difficult, if there is the proper attitude towards the army as well as towards the militarized police forces—among the party generally and among the proletariat outside of the party.[127]

The importance of developing organizations which could be adapted to various situations was also stressed by Schneller: "Comrades, we must certainly take advantage of the different possibilities arising in connection with war conflicts. We cannot rely entirely upon one particular situation, we must adopt our organizations to the different possibilities.[128] Schneller noted that in previous congresses, the "fraternization of the imperialist armies with the Red Army in the shape of going over to the Red Army, was

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represented as one of the most essential tasks. Let us work in this direction throughout our whole activity." [129] Communist doctrine stressed the importance of organization in carrying out both legal and illegal work against the armed forces. Schneller emphasized that both forms of work were being combined in Germany in order to arouse the revolutionary initiative of the proletariat.[130]

At the sixth congress, the agitation and propaganda work of the Communist Party and Young Communist League of France in the French navy was described as a "serious struggle" carried out on a "large scale." [131] This work, it was prophesized, would probably be the most important weapon of the Comintern for the disintegration of the armed forces when the "inevitable" war came.[132] According to Henri Barbé, the French communists based their antimilitarist policy not only on work for the disintegration of the armed forces but also on a special policy and tactics of disintegration of the vast cadre military force which was being developed by France.[133] Their antimilitarist work carried on inside and outside of the French armed forces had been successful, he said, and basic *amicales* (i.e., organizations of sympathizers) had been created in both the army and navy.[134] Barbé also stated that among the broad masses in France there existed no activity which was not based on general agitation and propaganda in combination with what he described as "the most difficult revolutionary work in the imperialist army and navy.[135] He explained:

"In this mass work our party has not contented itself with this general agitation against the military laws of French imperialism. The most important part of the work, which has given the best results, was the propaganda of our party in the army and in the navy. This struggle is based not only upon the general discontent of the soldiers and sailors, and it is not directed merely generally against the military laws, but also above all on a combination of partial demands of the soldiers and sailors with the slogans of our party in the struggle against imperialist war." [136]

In 1928, the communists organized 60 demonstrations in the barracks and aboard ships of the French navy.[137] The communists asserted that these demonstrations among the sailors were not the result of opportunism but represented carefully planned manifestations carried out by the mixed commissions of the party and league.[138]

One of the more important subjects discussed at the sixth congress was the adoption of a new program for the Comintern. French communists were influential in securing a stronger formulation of the passage on antimilitarism than had appeared in the original draft of the proposed program. Stressing the fact that antimilitarism and antiwar work had been very much underestimated by all of the communist parties, the French communists moved for a definite statement in the program recognizing that antimilitarist work implied not only a question of propaganda in the armed forces but also of revolutionary organizational activity as well.[139] They also emphasized the concept that work against military organizations had to combine both political and economic demands.[140]

The program of the Communist International

Many authorities consider that the *Program* adopted by the Communist International at its sixth world congress on September 1, 1928, constitutes the preamble of the *Mein Kampf* of communism.[141] However, there was little in the *Program* that had not been promulgated previously in the platform, theses and resolutions adopted by earlier congresses of the Comintern. What makes the *Program* important is its positive reaffirmation of the fundamental doctrine underlying communist strategy and tactics for the world proletarian revolution. Few documents of modern history have been so outspoken in espousing violence.[142] Certainly none has greater import for the world in which we live today, for the *Program* has not been superseded and presumably still guides the international communist movement in its quest for power.

The fundamental thesis offered in the introduction to the *Program* of the Communist International was that imperialism, the "epoch of moribund capitalism," accentuated all the contradictions of capitalist society. This intensification of the struggle between capitalist states would "inevitably" give rise to international wars which in turn "inexorably" would lead to the world proletarian revolution.[143] In the communist world governed by "inevitably" and "inexorably," revolutionary antimilitarism was still the primary motivating force of the historical imperative.

The *Program*, in keeping with the precedent established in the original platform adopted by the first congress of the Comintern on March 4, 1919, was explicit on the point that the conquest of power required the disintegration of the organized military forces of the state:

"The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus (*bourgeois armies, police,* bureaucratic hierarchy, the judiciary, parliaments, etc.), and substituting in its place new organs of proletarian power, to serve primarily as instruments for the suppression of the exploiters." [144]

The *Program* also described the new organ of proletarian power which was to replace the military pillar of the capitalist state:

"The soviet state completely disarms the bourgeoisie and concentration all arms in the hands of the proletariat; it is the *armed proletarian state.* The armed forces under the soviet state are organized on a class basis, which corresponds to the general structure of the proletarian dictatorship, and guarantees the role of leadership to the industrial proletariat. This organization, while maintaining revolutionary discipline, insures to the warriors of the Red Army and Navy close and constant contacts with the masses of the toilers, participating in the administration of the country and in the work of building up socialism." [145]

In the event of a revolutionary upsurge, the *Program* stated, all branches of the communist party must concentrate their agitation and propaganda in support of a mass action. This mass action, it indicated, would begin with a combination of strikes and demonstrations, and would progressively pass through a stage of strikes and armed demonstrations into a condition of general strike and armed insurrection against the power of the state. Armed insurrection, the *Program* reiterated, was the supreme form of struggle, which must be conducted according to the rules of military science, it presupposes a plan of campaign, offensive fighting operations and unbound devotion and heroism on the part of the proletariat. *An absolute essential prerequisite for this form of action* is the organization of the broad masses into militant units, which by their very form, embrace and set into action the largest possible number of toilers (councils of workers' deputies, soldiers' councils, etc.) and *intensified revolutionary work in the army and the navy.*[146]

The fundamental task of antimilitarist strategy and tactics in relation to the colonial question were summarized in precise terms:

> The communist parties in imperialist countries, while supporting the struggle preceding in the colonies, must carry on a campaign in their own respective countries for the withdrawal of imperialist troops, conduct propaganda in the army and navy in defense of the oppressed countries fighting for their liberation, mobilize the masses to refuse to transport troops and munitions and, in connection with this, to organize strikes and other forms of mass protest.[147]

The importance of the struggle against imperialist war, itself the subject of a separate resolution adopted at the sixth congress, was also re-emphasized in the *Program*:

> The Communist International must devote itself especially to the systematic preparation for the struggle against the danger of imperialist wars. Ruthless exposure of social-chauvinism, of phrasemongering intended to camouflage the imperialist plans of the bourgeoisie; propaganda in favor of the principal slogans of Communist International; everyday organization work in connection with this, in the course of which legal methods must unfailingly be combined with illegal methods; *organized work in the army and navy*—such must be the activity of the communist parties in this connection.[148]

The *Program* also rededicated the Communist International to the support of the revolutionary struggle in colonies, semi-colonies and "dependencies." The "dependencies" was a new one which the Comintern had coined to describe countries that were financially tied to imperialist countries, but which were politically separate entities. The example cited by the *Program* was Latin America.[149]

The sixth world congress was the first party congress at which Latin American countries were widely represented. A new area of conflict had been brought into the "orbit of influence" of the Comintern. At the congress, the Comintern declared that turning Latin America into a "reserve force of the proletarian revolution" was one of the most important tasks facing the communists.[150] Communism has existed in Latin America almost since the founding of the Third International. Communist parties and illegal communist groups began making an appearance there in 1920. However, the native communist movement developed slowly, receiving but little support from the Comintern which apparently attached only minor significance to Latin America as a potential arena for proletarian revolution. Even Lenin, whom little escaped, seemingly ignored the area in his writings on the national question, while Stalin, the Comintern's expert on national and colonial problems, made only cursory remarks about Latin America during this early period. Moreover, although Spanish-speaking communists repeatedly complained of the Comintern's failure to assist them in gaining theoretical knowledge of communism through literature printed in their own language, even the more important directives of the Comintern were not printed in Spanish until after 1928.[151]

In its theses on the revolutionary movement in the colonies and semi-colonies, the sixth world congress further declared that American imperialism was transforming Latin America into "one of the most important junction points of the antagonisms of the whole imperialist colonial system." [152] Latin America had become the "hinterland" of American imperialism, and it was here that the United States was most vulnerable, for "without a 'quiet' hinterland it is impossible for the imperialists to wage war:" [153]

> The masses of the workers in Latin America at the present are in a general stage of unrest and demand an improvement in their economic conditions. Our task is to rouse these masses for a fight for the improvement of their economic conditions and also to get them interested in the war problem. By this we shall create concrete possibilities for resisting the imperialist war against the U.S.S.R.[154]

Therefore, all communist parties were directed to participate actively in all revolutionary mass movements against imperialism, for, the theses predicted, Latin America was on the brink of a series of proletarian wars

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Footnotes at end of article.

and rebellions against American imperialism.[155] Slogans for the coming battle against imperialism in Latin America were to emphasize the following themes: confiscation of foreign enterprises; expropriation without compensation of the big plantations and ranches; repudiation of state debts; liquidation of imperialist controls; introduction of the eight hour day; the arming of the workers and peasants; the conversion of the army into a workers' and peasants' militia; and the establishment of Soviet power of the workers, peasants and soldiers in place of the class rule of the church. The fundamental prerequisite for the success of the whole revolutionary movement in Ltain America, the theses added, lay in the ideological and organizational strengthening of the communist parties and in their connection with the toiling masses through the mass organizations.[156] This meant an intensification of antimilitarist work in the armed forces of all the Latin American countries. "Our work in the army," said Peluso, the spokesman for the special secretariat which had been established in April, 1925, to coordinate the activities of the Federation of Latin American Communist Parties, "must be carried on more intensively than before and directed along antiwar lines." [157]

Responsibility for the direction of the antimilitarist program was divided between the Caribbean and the South American bureaus, the two permanent organizations especially established by the Comintern to monitor all communist activities in Latin America. The Caribbean bureau exercised control over all countries of Central America, including the Panama Canal Zone and the islands of the Caribbean, while the rest of Latin America was under the cognizance of the South American bureau which had its headquarters in Buenos Aires. The Caribbean bureau received active support for its work from the Communist Party of the United States in the form of funds and equipment. Although one of the tasks assigned to the Caribbean bureau was the development of strong communist parties in the Central American countries nearest the strategically important Panama Canal, subsequent events indicate that its primary effort was actually concentrated on the raising of the revolutionary standard in Cuba.[158] The prospect of a communist victory in Cuba was doubly attractive to the Comintern. Victory there would have meant the establishment of a secure base for future operations of revolutionary activity throughout Spanish-speaking Caribbean America. It would also have been an important blow against the United States which held strategically important naval base rights at Guantanamo Bay. The South American bureau of the Comintern was also active during this same period in an attempt to achieve a victory for communism in Latin America. Its activities were carried out on a somewhat broader scale than those of the Caribbean bureau, and reflected a more thorough organizational approach to the problem. Although it subsequently carried on antimilitarist work with minor successes among the armed forces of Brazil and Colombia, its primary effort was concentrated in Argentina and Chile where some preliminary ground work had already been carried out prior to the sixth congress.

Blueprint for action

Although the sixth congress has generally been published for its codification of the *Program* of the Communist International, its real significance derived from its adoption of revolutionary antimilitarism as a means for achieving the conquest of power by the proletariat. How this was to be accomplished was detailed in the Comintern's resolution on *The Struggle Against Imperialist War and the Tasks of the Communists*.[159]

The resolution provided the most authoritative and detailed statement of communist war strategy and tactics ever promulgated by the Communist International. It was the communists' blueprint for action during and preceding the revolutionary crisis. No other single document has played such an important role in the formulation of the communist antimilitarist program.

The resolution followed Clausewitz's thesis that war is the continuation of the politics of certain classes by "other" means. Marxian analysis of war clarified the position of the revolutionary proletariat, in principle and in tactics, towards various types of wars. Three types of wars were defined: wars between imperialist states, of which the world war of 1914–1918 was a classic "example"; wars of imperialist counterrevolution against the proletarian revolution, or against countries in which socialism was being built, e.g., the wars of intervention against the Soviet Union after the October Revolution; and national revolutionary wars, especially of colonial countries against imperialism, e.g., the Chinese revolution.[160] The proletariat should fight against the wars of the first type using defeatism and the slogan "transform imperialist war into civil war." This same position, in principle, was also to be taken on the second type. However, the proletariat should support and conduct the third type of war, the national revolutionary war. Although the proletariat championed the "abolition" of war, it could not be against every war. War was inseparable from capitalism, but the "abolition" of capitalism was impossible "without force, without armed uprising and proletarian wars against the bourgeosie." [161]

The communist struggle against imperialist war was inseparable from the proletarian struggle for the overthrow of the bourgeoisie. Although the communists accepted that imperialist war was inevitable under the rule of the bourgeoisie, they were committed by the resolution to persist in their fight against it and in their attempt to prevent it. If unable to prevent the outbreak of imperialist war, the communists were to work for its transformation into civil war.

The resolution defined the first duty of the communist in his struggle against imperialist war before its outbreak as the waging of "a determined political and ideological fight *against pacification*." It also outlined a number of fundamental agitational and educational tasks which were to be closely linked up with the revolutionary work of the communists among the masses, e.g., antimilitarist activity and work in the army and navy. These included the consideration of labor activity in those industries which supported the war effort; the linking of the imperialist war danger to agrarian and national revolutionary movements; the conduct of special antiwar work among the peasants who constituted the bulk of the armed forces in most countries; the conduct of work among the youth, especially among the working youth, and against their militarization; the conduct of work among women in industry and among the wives of the workers.[162]

The resolution quoted Lenin's dictum that "the only possible way of continuing revolutionary work after the outbreak of war is the creation of an illegal organization," but emphasized that an illegal organization was also necessary in the anti-war struggle before war broke out.[163] Preparations for transfer to underground conditions were to be made before the need arose; otherwise it would be too late. The necessity for communists to link legal with illegal work, and to establish illegal organizations before the outbreak of war had been emphasized by Bukharin in an address to the sixth congress: "It is necessary now to law the foundation of our underground organizations, *particularly in the army and navy, etc.* Otherwise, events will take us by surprise and because of lack of preparations we will suffer great losses." [164] Bukharin warned that the question of illegal organizations, including the question of legal and illegal connections in the army and navy, was an acute one:

> This task must be brought to the forefront of our attention and dealt with thoroughly. We cannot confine ourselves to generalities. We must work out concrete instructions for our daily practical work and these instructions must be registered.[165]

"You will understand why," he concluded, "I cannot go into details, give advice and instructions here.[166]

The revolution emphasized five main points in the communist political program which governed propaganda and mass action work during imperialist wars. These were rejection of the catchword expression "national defense" used by the "petty bourgois" to justify imperialist war, work for the defeat of the home imperialist government, revolutionary defeatist work on an international scale in all belligerent countries, transformation of the imperialist war into a proletarian civil war, and the use of the slogan "proletarian revolution." [167] In wars staged by the proletarian state against imperialism, the proletariat was to defend its socialist fatherland just as it defended its country in national revolutionary wars; but in an imperialist war, it was to reject the expression of "national defense" because "the proletariat has no country until it has captured political power and has taken the means of production from the exploiters." [168]

The transformation of the imperialist war into civil war required revolutionary mass action both in the rear and at the front. Mass action in the rear included demonstrations and partial strikes; and presupposing the existence of a revolutionary crisis, it might involve transition to armed uprising through the use of the supreme form of mass strike movement, the general strike. Mass action at the front required fraternization of the soldiers in the opposite lines of trenches which would inevitably lead to class differentiation in the armies, to certain forms of soldiers' and sailors' strikes, and to armed conflicts between the officers and their men.[169] The central slogan during an imperialist war was to be "proletarian revolution" because a "just" peace could not result from an imperialist war without the overthrow of the bourgeoisie and the seizure of power by the proletariat. It was for this same reason that the proletariat were to work for the defeat of the home imperialist government, and for the overthrow of the bourgeoisie in all belligerent countries.[170]

Systematic revolutionary work in the army was one of the most vital tasks in the struggle against imperialist war. But this work, the resolution pointed out, would be impossible if the workers refused to enter military service. Therefore, the communists were to fight against such "stupid" slogans as "boycott the war" and "strike against war," combatting them with propaganda urging the necessity for carrying on persistent revolutionary work in the bourgeois forces. Communists were not to "boycott" bourgeois armies, but were to enter them for the purpose of taking control, for in the words of Engels, "mass militarization results in the disintegration of all armies from within.[171] In countries where strong national revolutionary movements existed, the communists were to form guerrilla forces, and on the outbreak of war, raise the slogan of rebellion against imperialist war.[172]

Proletarian uprising were to be studied by the masses for the important lessons they contained. These lessons defined the determination, the conditions, and the preparations requisite for rebellion. Rebellion presupposed the existence of a revolutionary situation. The government had to be in a state of crisis, e.g., as the result of a military defeat. In addition, the masses had to feel so oppressed that they were willing and ready to take part in revolutionary mass action for the armed overthrow of the government.

Footnotes at end of article.

Rebellion was primarily a political problem. It required the leadership of a revolutionary party capable of subordinating its whole activity to the struggle. There had to be a "tried and tested" communist party possessing decisive influence over the masses. But rebellion was not based solely on the communist party. It also had to be based upon the active participation of the working masses, particularly in the trade unions. The workers had to create special organizations for rebellion. They had to take part in the "persistent and intensified" work carried out for the purpose of "disintegrating" the armed forces of the bourgeois state, for the rebellion, from its onset was to be a struggle for the army. *Finally there was to be no playing with rebellion.* Once launched, the rebellion was to be vigorously prosecuted until the enemy had been destroyed. The revolutionary proletariat were to exert their main force against the main forces of the enemy from the very beginning. Any hesitation or lack of determination could only result in their own utter defeat. The rebellion was also to be extended immediately over the widest possible area, but efforts should be made to insure "the superiority of the proletarian forces at the decisive moment at the decisive place.[173]

The communists were to advance a revolutionary military policy which served the interest of the international proletarian revolution, but no hard and fast rules were to be laid down as to the position to be adopted in regard to all armies in general. The attitude towards the army was to be in accordance with the class and policy the particular army serves: "It is not the military system, or the form of organization of the army in any given state that matters so much as the political role that army plays." [174] In an imperialist state, armies, regardless of what form their organization took, were considered to be a constituent part of the bourgeois state apparatus, and were to be destroyed.

Communists were to advance the slogan "Arm the proletariat." At the same time, they were to advance and support those partial demands which stimulated the class struggle inside the armed forces and strengthened the alliance between the servicemen and the masses. Among the partial demands which had to be supported were those relating to the defense system: dissolution of mercenary forces, standing armies, police, fascist leagues and other special armed forces for repression of civil war; reduction of the length of the military service period; abolition of compulsory residence in barracks; the right to form committees; the right of labor organizations to train their members in the use of arms; the introduction of the territorial military service system; and the right of a soldier in a volunteer, mercenary army to terminate his service whenever he desired. In addition, there were many demands associated with the legal rights and economic position of the soldiers and sailors which were also supported. These included increased pay, maintenance and family allowances; abolition of compulsory saluting and disciplinary punishments; the right to get married, to wear civilian clothes while off duty, to be absent from barracks, every day, to subscribe to newspapers, to organize in trade unions, to vote, and to attend political meetings; furloughs, and extra pay while on furlough. Special demands corresponding to the particular needs and interests of racial or national minorities in the armed forces, e.g., the use of native language in drilling instructions, military service in the home district for colonal troops, etc., were also to be advanced when appropriate.[175]

The resolution stated that communist parties would be making a serious mistake if they regarded war questions "from the abstract, purely propagandist and agitational point of view," and failed to devote sufficient attention to their work in the army, for the army was the decisive factor in all wars.[176] It also noted that only a few sections of the Comintern had taken the necessary organizational measures for conducting systematic antimilitarist work. In some countries, it stated, no attempt had been made to establish an adequate organizational base among the masses of the soldiers, while work among the youth was conducted on too restricted a basis. Nowhere had systematic use been made of family influence upon the men serving in the armed forces. Work among seamen was particularly unsatisfactory: "The fact that work among sailors is not carried on with sufficient energy in imperialist countries shows that the role of the navy in a future war is underestimated.[177] In discussing the resolution, Comintern representatives emphasized the necessity for intensifying work in the navy, and directed that sailors' programs be developed in all countries possessing naval forces.[178]

One of the last acts of the sixth world congress of the Comintern was to issue a manifesto addressed to the soldiers and sailors of "the capitalist armies and navies." "The Communist International," it stated:

"Appeals to all toilers to arise in their own defense. Now at once, day for day, the ranks of the fighters must be set up, the masses of the toilers must be mobilized, loyal messengers of the working class sent into the armies and the fleets of capitalism to prepare the soldiers and sailors to turn their guns, in the hour when imperialism calls upon them to slaughter each other, against the imperialists themselves, the best target during the imperialist war." [179]

FOOTNOTES

[1] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1076–77.

[2] *Ibid.*, p. 1068.

[3] *Ibid.*, p. 1070.

[4] *Ibid.*, No. 62 (September 14, 1928), 1112.

[5] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 210; *International Press Correspondence*, VII, No. 47 (August 17, 1927), 1063; *Ibid.*, No. 48 (August 18, 1927), 1081.

[6] *Ibid.*, VIII, No. 61 (September 11, 1928), 1097.

[7] The principle of the military strike was formally rejected at the sixth world congress of the Comintern in 1928. (*Ibid*).

[8] *Ibid.*, p. 1078.

[9] *Ibid.*, VII, No. 13 (February 10, 1927), 268; *Ibid.*, No. 17 (March 3, 1927), 349.

[10] *Ibid.*, No. 39 (July 7, 1927), 885.

[11] Even as late as 1934, Swedish communists were claiming that in the event of war against the Soviet Union, their country would be the arsenal. (*Ibid.*, XIV, No. 15 (March 5, 1934), 391.)

[12] The recruitment of espionage agents for Russia has frequently been accomplished initially through recruiting for the young communist league or the communist party. The case of Engineer Warrant Officer Ernest H. Andersson, Royal Swedish Navy, illustrates the process. Andersson was recruited into the young communist league shortly after joining the navy. In 1929, he began writing unsigned articles for publication in the *Torpedo*. He also distributed copies of the *Torpedo* among his shipmates. From this he graduated into the communist party, and eventually into espionage for the Soviet Union. (Francis Noel-Baker, *The Spy Web* (New York: The Vanguard Press, 1955), pp. 187–98).

[13] *La vague rouge*, No. 7 (July, 1927), 48.

[14] *Ibid*, No. 5 (May, 1927), 48.

[15] *La revue antibolchevious*, No. 3 (September, 1926), 17.

[16] *Ibid.*, (August, 1926), p. 16.

[17] *La vague rouge*, No. 6 (June, 1927), 28.

[18] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1110.

[19] *Ibid.*, No. 42 (August 1, 1928), 743.

[20] *La vague rouge*, No. 9 (September, 1927), 30.

[21] *International Press Correspondence*, VII, No. 48 (August 18, 1927), 1080.

[22] "Y.C.I. and the Struggle Against Imperialist War," *Ibid.*, No. 45 (August 4, 1927), 1014–1017.

[23] *Ibid.*; *Ibid.*, VII, No. 48 (August 18, 1927), 1081.

[24] *Ibid.*, No. 45 (August 4, 1927), 1015. The plenum of the Young Communist International later issued a special resolution warning the Young Workers' League of America that they must check their pacifist tendencies "at all costs." (*Ibid.*, No. 46 (August 11, 1927), 1037–1039).

[25] *Ibid.*, No. 48 (August 18, 1927), 1081.

[26] *Ibid.*, No. 45 (August 4, 1927), 1015.

[27] *Ibid.*, No. 48 (August 18, 1927), 1081.

[28] *Ibid.*

[29] *La vague rouge*, No. 12 (December, 1927), 24–26.

[30] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 414.

[31] *Ibid.*, p. 418.

[32] *Ibid.*, p. 404.

[33] *Ibid.*, p. 461.

[34] Brandt, Schwartz and Fairbank, *loc. cit.*, p. 116.

[35] *Ibid.*, p. 123.

[36] *La vague rouge*, No. 11 (November, 1927), 37.

[37] *International Press Correspondence*, VIII, No. 57 (August 31, 1928), 993.

[38] The plebiscite was to be held in symbolic October, 1928. (*Ibid.*, No. 51 (August 17, 1928), 901–802).

[39] *Ibid.* No. 75 (October 26, 1928), 1372.

[40] Francois Coty, *Centre le communique* (Paris: Bernard Grasset, 1927), pp. 239–99, inc., provided a detailed listing of the communist nuclei known to exist in the French armed forces in 1927.

[41] *La vague rouge*, No. 11 (November, 1927), 3–4.

[42] *Ibid.*, No. 12 (December, 1927), 2–3.

[43] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 148.

[44] *International Press Correspondence*, VIII, No. 1 (January 5, 1928), 16.

[45] *Ibid.*, No. 27 (May 17, 1928), 504–505.

[46] *Ibid*,, No. 38 (July 19, 1928), 698.

[47] *Ibid.*

[48] *Ibid.*

[49] Meins Neumann, the German communist and expert on armed uprising, was reported to have been the "prime mover" in the Canton insurrection.

[50] *The Communist International Between the Fifth and the Sixth World Congresses*, p. 452.

[51] Rudin and North, *loc. cit.* p. 384.

[52] *The Communist International Between the Fifth and the Sixth World Congresses*, pp. 452–56.

[53] Harry Joven, "The Lessons of the Canton Uprising," *The Communist*, VII, No. 1 (January, 1928), 24.

[54] *Ibid.*

[55] U.S., Congress, House, Committee on Un-American Activities, *testimony of Paul Crouch*, 81st Cong., 1st Sess., (May 6, 1949), p. 185.

[56] Possony, *op. cit.*, p. 110. Possony provides an interesting summary of Tukhachovsky's contribution to communist doctrine.

[57] *Testimony of Paul Crouch*, p. 186.

[58] During the early 1930's, several communists who joined the army managed to be assigned to Panama and Hawaii where they engaged in the special disintegraion work which the Soviets had directed. (*Iibd*).

[59] The ship selected was the *U.S.S. Oklahoma*. The communists were successful in their attempts to get selected party members into the navy and on board the *Oklahoma* during 1929 and 1930. (*Ibid.*, p. 188).

[60] *Ibid.*

[61] A special course in antimilitarist work within the armed forces was given at the Workers' School in New York. This course, which was taught by the leading experts of the party, included instruction on how to do cipher work so that members in service could send coded communications back to communist party headquarters in New York without detection.

[62] *Ibid.*

[63] Budin and North, *loc cit.*, p. 310.

[64] John Pepper, "After the Canton's Uprising," *The Communist*, VII, No. 3 (March, 1928), 159.

[65] According to David Dallin, "at all costs" including the sacrificing of everything, including the Chinese revolution, if need be, to preserve the Soviet Union. (*The Rise of Russia in Asia*, p. 235).

[66] *International Press Correspondence*, VIII, No. 11 (March 1, 1928), 239.

[67] *Ibid.*, No. 23 (April 12, 1928), 434.

[68] *Ibid.*

[69] *Ibid.*

[70] *Ibid.*

[71] *Ibid.*

[72] Friction between the communist youth league and the parent communist party in various countries has been noted, but this is the first indication that it was a serious problem in the Chinese communist movement. (*Ibid.*, p. 448).

[73] *Ibid.*, p. 450.

[74] *La vague rouge*, No. 18 (June 1928), 35.

[75] *International Press Correspondence*, VIII, No. 57 (August 31, 1928), 1024.

[76] *Ibid.*, No. 8 (February 16, 1928), 174–75.

[77] *Ibid.*, No. 58 (September 1, 1928), 1024.

[78] *Ibid.*, No. 46 (August 8, 1928), 811.

[79] *Ibid.*, No. 58 (September 1, 1928), 1024.

[80] Benjamin Gitlow, *I Confess* (New York: E. P. Dutton & Co., Inc., 1940), p. 473.

[81] *Ibid.*

[82] *Ibid.*

[83] *Ibid.*, p. 474.

[84] *Ibid.*

[85] *Ibid.*

[86] U.S., Congress, House, Special Committee on Communist Activities in the United States, *Investigation of Communist Propaganda*, 71st Cong., 3rd Sess., (January 18, 1931), p. 34.

[87] Gitlow, *op. cit.*, p. 474.

[88] *Ibid.*

[89] *Program of the Communist International* (New York: Workers' Library Publishers, 1936), p. 84.

[90] Chamberlin, *loc. cit.*, pp. 177–78.

[91] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1081.

[92] *Ibid.*

[93] *Ibid.*, p. 1083.

[94] *Ibid.*, p. 1092.

[95] *Ibid.*, p. 1081.

[96] Kenneth Edwards, *The Mutiny at Invergordon* (London: The Camelot Press, Ltd., 1937), pp. 87–88.

[97] *International Press Correspondence*, VIII, No. 61 (September 11, 1928), 1069.

[98] *Ibid.*

[99] *Ibid.*

[100] "Methods of Struggle Against the Danger of Imperialist War," *ibid*, No. 58 (September 1, 1928), 1009.

[101] *Ibid.*, p. 1008.

[102] *Ibid.*, p. 1010.

[103] *Ibid.* Italics in original.

[104] *Ibid.*, p. 1011.

[105] *Ibid.*, No. 41 (July 30, 1928), 737.

[106] *Ibid.*, No. 64 (September 19, 1928), 1144.

[107] *Ibid.*, IX, No. 35 (July 24, 1929), 767.

[108] The communist press reported the existence of a Bulgarian government decree of death for military men caught with the *Red Soldier* in their possession as evidence of the success of their antimilitarist program. (*Ibid.*, XIV, No. 8 (February 9, 1934), 219).

[109] *Ibid.*, No. 12 (February 26, 1934), 318.

[110] *Ibid.*, VIII, No. 61 (September 11, 1928), 1073.

[111] *Ibid.*, No. 67 (September 28, 1928), 1209.

[112] ***Ibid.***

[113] *Ibid.*, No. 64 (September 19, 1928), 1147.

[114] *Ibid.*, p. 1149.

[115] *Ibid.*

[116] *Ibid.*

[117] *Ibid.*, p. 1152.

[118] *Ibid.*

[119] *Ibid.*

[120] Lenin, *Selected Forks*, X, 198.

[121] *Theses and Resolutions Adopted at the III World Congress of the Communist International*, p. 29.

[122] *International Press Correspondence*, VIII No. 64 (September 19, 1926), 1152.

[123] *Ibid.*

[124] *Ibid.*, p. 1151.

[125] *Ibid.*

[126] *Ibid.*, No. 58 (September 1, 1928), 1016.

[127] *Ibid.*, p. 1019.

[128] *Ibid.*

[129] *Ibid.*

[130] *Ibid.* p. 1018.

[131] *Ibid.*, No. 42 (August 1, 1926), 743.

[132] *Ibid.*

[133] *Ibid.*, No. 58 (September 1, 1928), 1027.

[134] *Ibid.*, No. 44 (August 3, 1928), 771.

[135] *Ibid.*, No. 58 (September 1, 1928), 1027.

[136] *Ibid.*

[137] Antimilitarist work against the French naval forces in the years immediately after the sixth congress become progressively more important in the communist program. According to communist records, in 1929, 110 demonstrations were organized; in 1930, over 150 demonstrations; and in the first two months of 1931, over 34. (*Ibid.*, XI, No. 36 (July 6, 1931), 660).

[138] *Ibid.*, VIII, No. 61 (September 11, 1928), 1087.

[139] *Ibid.*, No. 66 (September 25, 1928), 1198.

[140] *Ibid.*, p. 1221.

[141] Possony, *op. cit.*, p. 138.

[142] "The communists disdain to conceal their views and aims. They openly declare that their aims can be attained only by the forcible overthrow of all the existing social conditions." (*Program of the Communist International*, p. 85, quoting *The Communist Manifesto*).

[143] Chamberlain, *loc. cit.*, p. 149.

[144] *Program of the Communist International*, p. 37. Italics added.

[145] *Ibid.*, p. 39. Italics in original.

[146] *Ibid.*, p. 81. Italics added.

[147] *Ibid.*, p. 84.

[148] *Ibid.* Italics added.

[149] *Ibid.*, p. 83.

[150] *International Press Correspondence*, VIII, No. 46 (August 8, 1928), 820.

[151] *Ibid.*, p. 821.

[152] "Theses on the Revolutionary Movement in the Colonies and Semi-Colonies," *International Press Correspondence*, VIII, No. 88 (December 12, 1928), 1675.

[153] "The Struggle Against Imperialist War and the Tasks of the Communists," *ibid.*, No. 84 (November 28, 1928), 1584.

[154] *Ibid.*, No. 64 (September 19, 1928), 1151.

[155] *Ibid.*, No. 84 (November 28, 1928), 1591.

[156] *Ibid.*, No. 88 (December 12, 1928), 1675.

[157] *Ibid.*, No. 64 (September 19, 1928), 1151.

[158] *El martido communista y las problamas de la revolucion en Cuba.* (Comité Central del Partido Comunista de Cuba, n.d.), p. 7.

[159] *International Press Correspondence*, VIII, No. 84. (November 28, 1928), 1583–99.

[160] *Ibid.*, P. 1585.

[161] *Ibid.*

[162] *Ibid.*, pp. 1586–87.

[163] *Ibid.*, p. 1587.

[164] *Ibid.*, No 41 (July 30, 1928), 737.

[165] *Ibid.*

[166] *Ibid.*

[167] "The Struggle Against Imperialist War and the Tasks of the Communists," *ibid.*, VIII, No. 84 (November 28, 1928), 1588.

[168] *Ibid.*, pp. 1585–86.

[169] *Ibid.*, p. 1588–89.

[170] *Ibid.*

[171] *Ibid.*, p. 1592.

[172] *Ibid.*, pp. 1588–89.

[173] *Ibid.*, p. 1589.

[174] *Ibid.*, p. 1582.

[175] *Ibid.*, p. 1593.

[176] *Ibid.*, p. 1592.

[177] *Ibid.* p. 1597. Italics in original.

[178] *Ibid.*, No. 64 (September 19, 1928), 1156.

[179] *Ibid.*, No. 60 (September 6, 1928), 1047–1049.

FREEDOM OF RELIGION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DRINAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

FREEDOM OF RELIGION

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."—First Amendment, The Constitution of the United States of America.

". . . it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried out by government."—Justice Hugo Black, U.S. Supreme Court.

DEAR FRIEND: In 1976 our nation will be celebrating her 200th birthday. For all of the 195 years since the founding of this country, freedom of religion has stood as an unchallenged birthright of every American.

Now a serious challenge to this freedom has arisen. On November 8 the Congress will be asked to tamper with the fundamental freedoms in our Bill of Rights. I will oppose this effort.

"Now a serious challenge to this freedom (of religion) has arisen."

The pretext for this unprecedented attack on religious freedom is the so-called "school prayer amendment." Sponsors of the amendment claim that it would "restore" the right to pray in our public schools. If this were the case, I would support the amendment. I support voluntary school prayer. But I oppose compulsory school prayer.

The fact is that the right to pray in our schools does not need "restoration" because it has never been taken away. As of today, any child may pray to his God at any time in any public school in the United States. This is as it should be.

What is now prohibited, and what should remain prohibited, is for public officials to establish a state-sponsored prayer and ask teachers in tax-supported schools to lead your children in reciting that prayer. This is what the so-called "school prayer amendment" would do.

I feel very deeply that the only real prayer is voluntary prayer. Whether it is in school, or anywhere else, the real prayer is the one that is offered freely, with conviction. When prayer is simply mouthed, at the teacher's direction, it becomes nothing more than a pious duty which degrades religion in the eyes of the child, and is soon forgotten.

"I support voluntary school prayer."

Even more important than the unfortunate effect of unmeant state-sponsored prayer on children is the extremely dangerous precedent that would be set if Congress approves the first abridgment of our Bill of Rights in the nation's history. To tamper with the First Amendment's guarantee of Religious Freedom is inevitably to call into question the inviolability of the entire Bill of Rights. If the First Amendment can be so lightly discarded, what about the Second, which we have counted on to protect our right to bear arms . . . or the Fourth, which has always protected us from unreasonable search and seizure . . . or the Seventh, which we had thought secured our right to trial by jury.

These Amendments, which together make up the Bill of Rights, lie at the very heart of our democratic system. To gut one of them is to jeopardize them all. And to jeopardize them all is to remove the thing which distinguishes our great nation from the scores of hapless countries around the world where freedom is but a prayer in the minds of oppressed citizens.

"When prayer is simply mouthed, at the teacher's direction, it becomes nothing more than a pious duty . . . and is soon forgotten."

I believe that the so-called "School Prayer Amendment" is one of the worst pieces of legislation to be proposed in Congress in my memory. I join with religious leaders and educators from South Dakota and across the nation in pledging to oppose it with all the energy at my command. I hope that you will add your voice to mine by sending me a note indicating your opposition to any change in the First Amendment which has guaranteed our religious freedom for nearly 200 years.

You have my thanks for your support.

Sincerely,

JAMES ABOUREZK.

The following is a partial list of clergymen and educators who have stated their independent opposition to the so-called "school prayer amendment."

SOUTH DAKOTA RELIGIOUS LEADERS

Rev. E. O. Gilbertson, District President, American Lutheran Churches.

Bishop James Armstrong, Dakota Areas, The United Methodist Church.

Bishop Harold J. Dimmerling, Rapid City Diocese of the Roman Catholic Church.

Bishop Walter H. Jones, Episcopal District of South Dakota.

Rev. Curtis P. Winkle, President, United Presbyterian Synod of South Dakota.

Rev. Roger Fredrikson, Pastor, First Baptist Church of Sioux Falls.

Reverend Ed Novak, First American Lutheran Church of Sioux Falls.

Dr. Ralph J. Hoffman, South Dakota Conference Superintendent, United Church of Christ.

Reverend John J. McEneaney, St. Joseph's Cathedral.

Rev. Wesley Hunter, Exec. Dir., South Dakota Council of Churches.

NATIONAL RELIGIOUS LEADERS

Reverend Richard J. Niebanck, Lutheran Church of America.

Mrs. Marcus Rohlfs, Pres., American Baptist Convention.

General Board of Christian Social Concerns, The United Methodist Church.

Executive Council of the Episcopal Church.

National Council of the Churches of Christ in the U.S.A.

Joint Advisory Committee of the Synagogue Council of America and the National Jewish Community Relations Advisory Council.

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.

SOUTH DAKOTA EDUCATORS

Dean James Adams, School of Law, University of South Dakota.

Mr. Robert D. Williams, Educator, Rapid City.

Mr. David Smith, Past Pres., SDEA, Educator, Aberdeen.

A SALUTE TO NIGERIAN INDEPENDENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. CONYERS. Mr. Speaker, on October 1, and throughout this month, the Federal Republic of Nigeria is proudly celebrating the 11th anniversary of its independence from British colonial rule. The Nigerian people have a great deal in which to take pride. Their Republic has shown great resilience and fortitude in its quest to build a nation from profound regional disparities in tradition, culture, and tribal experience. It is with great pleasure that I heartily congratulate the Federal Republic on the anniversary of her independence. I wish Nigeria and her wonderful people continued success in the preservation of that independence.

Of the many African states, Nigeria is the one I know best. I had the pleasure of visiting there in March. I was impressed and delighted to see the tremendous progress which our Nigerian brothers have made in nation-building. My conversations with their great leaders gave me a new understanding of the realities which an African nation faces. It is sometimes caught between the devil and the deep blue sea of international politics. That the Nigerian ship of state still plies these waters is testimony to its strength and perseverance.

Having achieved political independence, Nigeria is now pursuing economic independence and long-term economic diversification. As one of the world's top 10 oil-producers, her bright economic future is greatly boosted by rapidly growing oil revenues. The low sulphur content and light gravity of Nigerian oil, as well as its proximity to European and American oil markets make it a very desirable product. Nigeria's economy is also assisted by her rank as the world's sixth largest tin producer, the largest in Africa, and as the most important producer of colombite, supplying approximately 95 percent of the world's industrial requirements.

Nigeria's foreign trade has risen steadily since 1945. The external trade balance has consistently registered a surplus. More recently, the export volume has increased, the value of merchandized exports has gone up, and the quantity of imported consumer goods has diminished. These signs indicate that Nigeria's manufacturing industries are rapidly expanding. While it is true that industrial activity is still relatively small, it will provide the dynamism necessary to economic growth because of its potential impact on the character and quality of business expansion and labor skills.

Independence has also brought growth to the field of higher education. Five new universities have been founded with a total enrollment of nearly 11,000 students since 1960. Scholarships for higher education are provided for the majority of university students. These new universities are Ahmadu Bello University, the University of Ibadan, the University of Ife, the University of Lagos, and the University of Nigeria.

Steadfastly, the Nigerian star continues to rise, burning throughout Africa as a beacon of leadership and nationalism. Some in the world would see that star fade, just as others of ill-will would see the sun set on equal opportunity and justice for blacks and other minorities in America. Though the experience of black Americans and Nigerians is diverse, we nonetheless share a common African heritage. With our brothers, we share a common struggle for freedom and justice. We will pursue that struggle as people of two great but different nations. And we will persist until we achieve the political and economic emancipation of all our citizens from neocolonialist oppression and racism.

Africa's new nations have awakened black hopes everywhere. African-Americans in particular have been encouraged and inspired by Nigeria's achievements in nation building. It is our sincere desire that Nigeria continue to remain strong and free. It is our firm wish that in the future the international political community would assure the rights of this nation to pursue its own course.

Nigerian achievements have appropriately become a subject of study and emulation throughout the free world. Courage, dignity, perseverance, the appreciation of an indigenous culture—these have been the hallmarks of Nigerian independence. We see through your example the potential for a better life for all men in a world of peace. I am certain that my black colleagues in the Congress and your African-American friends and admirers everywhere share these sentiments. We salute you and wish you continued success.

THE SLUM PREVENTION ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. MIKVA. Mr. Speaker, in my district, there is a neighborhood just a few miles south of Chicago's Loop known as Woodlawn. Like most neighborhoods in modern urban America, Woodlawn has a set of statistics attached to it. The statistics about Woodlawn, compiled in a series of investigative reports on the community by the Chicago Daily News, are dramatic and compelling. Since January 1970, almost 400 buildings have been abandoned, burned, or demolished in Woodlawn. Last year alone, there were 1,600 separate fires in the community. Six people died in those fires. In the last 4 years, 30,000 people have left Woodlawn—or been driven out by fires, fears, or frustration—and now, with the critical housing shortage in the country, 2,000 living units stand empty in Woodlawn. Only 35,000 residents remain.

All of this physical destruction and social devastation has happened in a relatively short period of time to one relatively small community—Woodlawn is just 1 square mile out of the whole city of Chicago. It is the final result of an unchecked cycle of urban decay that began in the mid-1950's with overcrowding. The process usually starts with an absentee landlord who has bought an apartment building to make a quick profit. He cuts maintenance costs and increases the number of apartment units to make money as quickly as possible. With tenant services and maintenance reduced, the building begins to deteriorate, and it can decay from shoddy to uninhabitable in a short time.

Building codes are supposed to prevent this kind of negligence, but codes and most other regulations rarely work according to theory. By the time the code violations are caught, by the time the landlord or apartment owner is taken to housing court, the building is a shambles. Tenants begin moving out or stop paying their rent. By then, the landlord cannot afford the necessary repairs, so he abandons the building. Mysteriously, some of the buildings catch fire.

Two weeks ago, a number of public officials, community representatives, and residents joined me for a walk through Woodlawn. The senior Senator from Illinois, Senator PERCY, and the Assistant Secretary for Housing and Urban Development, Mr. Floyd Hyde, were two of the people with me who saw the tragic evidence of what can happen to part of an American city in 1971. If anything, the newspaper's statistics do not come close to conveying the devastation and the sense of despair that permeate Woodlawn.

Mr. Speaker, the real tragedy is that Woodlawn is not unique. There are neighborhoods like it in every major city in this country, and it is incredible that we allowed it to happen. On every block, there is evidence that society and the government—local, State and Federal—have failed the cities for the last 10 or 15 years. In too many instances, government programs and policies not only have failed to prevent tragedies like Woodlawn, they unwittingly have contributed to them.

The most glaring example of Federal malfeasance is the manner in which the tax law has actually encouraged speculative investment by slumlords, granting substantial tax incentives to slumlords and encouraging them to purchase rental housing, reap the tax benefits of accelerated depreciation, and then sell the property after permitting it to deteriorate, taking capital loss benefits in the process. The result has been to discourage long-term investment in housing, undercutting an important stabilizing influence in the community. Even worse, if the owner completely milks the property and then abandons it, he gets a bonus under present law by getting a tax writeoff for his efforts.

With the hope of discouraging this and ending the Federal Government's complicity in the deterioration of urban housing, I have introduced legislation which would take the tax incentive out of slumlord speculation. I introduced similar legislation in 1969—in connection with the Tax Reform Act—and again in 1970. Regrettably, the need for such tax reform is even greater now than it was in 1969 and 1970.

The Slum Prevention Act which I have introduced today, and which will be introduced next week in the other body by Senator PERCY, could become a major tool in the battle against slums in our large cities. The proposal would cost the taxpayers no money—unless they were slumowners—and might even bring in some revenue to the Treasury—a feature which may make it unique among those that seek to remedy our urban ills. The proposal is to withdraw tax depreciation allowed under existing law from real property which fails to comply with the health and safety provisions of local housing and building codes. A complementary provision would disallow a capital loss writeoff for abandonment of property which is in violation of such codes at the time it is abandoned. These two provisions could put the Federal income tax laws on the side of slum prevention instead of on the side of slum promotion.

Mr. Speaker, we do not allow a criminal depreciation on the gun he uses to break the law; to my mind there is no reason to allow depreciation to a slum landlord on his noncomplying slum property. The slumlord causes far more social harm than the common thief; but he has the law on his side when he files his income tax return. The owner of urban property which is in violation of local housing and building codes endangers the health and safety of not only the residents of that building, but of hundreds, perhaps thousands, of residents in neighboring buildings.

For this reason it seems to me that we can no longer afford to do without the powerful stimulus which depreciation withdrawal would provide to maintenance of urban property in compliance with local law.

The need for an approach to real estate depreciation allowances such as I propose, Mr. Speaker, can no longer be seriously questioned. In speaking of a special report to the National Commission on Urban Problems, of which he was chairman, former Senator Paul Douglas noted:

> Tax provisions not only provide little encouragement for repair but actually may tend to discourage improvements by investors. . . . As the Federal income tax is now constituted, the profitable course for real estate investors is to take accelerated depreciation after purchase, avoid repairs, and sell off their properties within a decade before their tax shelter fades. Continuity of ownership and sound maintenance are inhibited by opportunities for fast gains in this cycle of constant trading.

The conclusion is buttressed by the statements of many noted experts in the field of Federal treatment of real estate taxation. As one expert, cited in the report to the Commission on Urban Problems, put it:

> Uncle Sam is a principal cause of the phenomenon known as the slumlord . . . no matter how many violations have been lodged the slumlord may file his depreciation . . . even in an old-law tenement he may take it on an accelerated basis.

Certainly no one would argue that the Federal tax structure is designed to encourage speculation in slum property, but nevertheless that is its result. We must face up to the fact that the income tax laws are to a large extent responsible for the enormous profitability of speculation in substandard urban real estate. Thus, it is tax benefits which are already available to owners of substandard urban property which make it so highly profitable for them to continue to speculate—and to avoid maintaining their properties in accordance with even the minimum health safety standards of local law. We must do something to put the tax laws on the side or urban residents and city governments rather than on the side of the slumlords.

This brings me to another important point about my proposal—it creates no special exemptions, gives no tax breaks, contributes to no tax shelter. Former Assistant Secretary of the Treasury Stanley Surrey often argued that it was not sound, as a matter of tax policy, to use the Federal income tax laws to accomplish other social or humanitarian goals—however worthy they may be. Such practice, he felt, often resulted in dislocations and inequities in the tax laws which far surpassed in seriousness the original problems sought to be solved. But Mr. Surrey never argued, Mr. Speaker, that the tax laws should create social problems. That is, in fact, what has happened with the depreciation allowances now available on substandard urban property. My bill would not create special tax categories to accomplish slum prevention, but would deny to owners of slum property a tax break which would otherwise be theirs. When the Federal Government is bending every resource to solve the problems of decaying cities, I think we can do no less. It is time to write tax laws which help prevent slums rather than help promote them.

Some proposals have been made to withdraw only accelerated depreciation from urban property. The sponsors of such proposals say that this would slow down the turnover rate—a factor which contributes mightily to slum conditions. But this would still leave the Federal Government in the position of subsidizing slum property owners. I maintain that we should withdraw all depreciation allowances from property which does not meet the minimum health and safety requirements of local law. It has been said that such a rule would put a powerful weapon in the hands of local code enforcement authorities. I say this is a weapon they should have had years ago. It might have helped them enforce health and safety provisions of their codes which under present circumstances are frequently completely ignored. Under most local building codes, violators can even go to jail for their serious violations. They ought not be able to take a depreciation allowance with them.

Mr. Speaker, I should emphasize that I am not advancing the slum prevention act as a panacea which will solve all the problems of slum housing and substandard urban property. As Senator Douglas observed:

> Slum housing problems are too complex to be resolved solely or primarily by income tax changes.

The point is that my proposal can help arrest the growth of the slum cancer. At that moment of truth when a property owner can still opt for property maintenance rather than property milking, he ought to know that the risks of milking include loss of a meaningful tax deduction. The decay of our inner city areas is the most pressing domestic problem facing this Nation. In my opinion we cannot afford not to effect this realinement of Federal tax law. It may well be the strongest possible action the Congress could take to show the cities that we do care. At the very least it will put the tax laws where they should be, on the side of slum prevention instead of slum promotion.

The analysis follows:

ANALYSIS OF SLUM PREVENTION ACT

Section 2 of the bill provides that "No deduction shall be allowed (for depreciation) for a taxable year with respect to noncomplying residential property if any part of the violation period for such property falls within the taxable year." The bill then defines "noncomplying residual property" as any residential property which has been determined to be in violation of state or local laws relating to health or safety.

Section 4 disallows any tax deduction for a capital loss "recognized upon the disposition (whether by sale, abandonment or otherwise) during a violation period." This would prevent recapture as a capital loss write-off of depreciation which was not taken before abandonment.

Section 5 of the bill would deny a charitable deduction for gifts of property "donated" to state or local governments if the property was in violation of housing or building codes at the time of the transfer.

The depreciation withdrawal provision applies only to residential property, and only to residential property which is at least ten years old. This latter requirement was inserted in order to exempt buildings which contained structural defects at the time they were built. It was felt that it would not be fair to hold a new owner responsible for these to the extent of forfeiting his depreciation deduction, although of course he would be responsible for repairing them under most local building codes. By the time a building is ten years old, most of the original structural defects will have been found and corrected.

The type of code, the violation of which will result in loss of depreciation allowance, is not limited—building codes, housing codes, electrical codes, plumbing codes, etc., are all included. Only those provisions, however, which affect health and safety will count for purposes of the Act. The taxpayer's determination that a violation for which he has been cited is not a "health and safety" violation will, of course, be reviewed by the IRS and will have to be acceptable to it. Ultimately it is foreseeable that local code enforcement authorities will probably begin to specify which provisions of their codes *they* feel affect health and safety. Thus it might happen that when a property owner receives notice of a violation from a local housing or building code enforcement agency, the notice would contain the statement "This violation affects health and safety within the meaning of the Internal Revenue Code." Such a determination by the local enforcement authority should carry great weight with the IRS when auditing the taxpayer's return.

If a property owner lost depreciation on one piece of property, he would not necessarily lose his depreciation on all other property owned in the same city, or even the same block. Other property, even if next door, which has regularly been reported as separate property for the purposes of the depreciation allowance would be considered separate property for the purposes of depreciation withdrawal.

Finally, in order to make the depreciation denial sanction meaningful, the Act would require an adjustment to the property's "basis" *as if* all the depreciation otherwise allowable on the noncomplying property had been taken. Thus the basis of the noncomplying property would be adjusted just as if all the allowable depreciation had been taken, even though it was not taken because of the property's noncompliance. This safeguard is necessary in order to keep an owner whose property is perennially in noncompliance from gaining the advantage of depreciation by putting his property in compliance immediately before sale, and taking the unused depreciation in the form of a capital loss on sale.

GOOD RELATIONSHIP IN OKLAHOMA

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. CAMP. Mr. Speaker, I want to share with all of my colleagues an article written by Mrs. Phillys Hunter which appeared in the October 21 edition of the Oklahoma Hornet located in Waukomis, Okla.

Mrs. Hunter, a constituent of mine, in writing of a personal experience has brought home a point which I think each American should reflect on more often and that is the debt we owe each man in the service of our country.

The article follows:

ARTICLE BY MRS. PHILLYS HUNTER

It flew low o'er the house, I heard the chop! chop! of its motor, I went on with my work, I'd heard it so often before! Then it returned, and this time it seemed to grow louder! I ceased with my labors and went to look out my front door!

Close to our road, in the pasture, had landed a chopper! Its red light was flashing and the blades were rotating quite slow! There must have been some urgent warning in their helicopter! A green-suited man walked my way and soon I would know!

He knocked on my door, and said, "Pardon me, Ma'am, we're in trouble! May I please use your phone to call in to Vance, my home base?" He relayed where he was to Headquarters—help came on the double! Soon a second chopper had landed near the other ones place!

They stayed for an hour until they had righted the trouble, Revved up the motor to see if again it would fly! Put on their white helmets and seated themselves in the bubble—The blades whirled much faster and they shot up into the sky!

I stood there and watched as the chopper grew fainter and smaller! It had almost returned to its base; I could see it no more. Since their lives had touched mine, I seemed a bit taller! I went back inside, my mood thoughtful as I closed the door!

I pictured the same situation in another far setting, Where in green Asian jungles, they're fighting a terrible war! Where this is a daily occurence; let's not be forgetting—to rescue those down in the jungle, is a job they're trained for!

For our lives and our very existence, to them we are thankful! The sound of their planes should remind us while they're up above. No nation on earth can invade us and we should be grateful to those who defend, even die for the country they love!

When you meet these brave men on the highways, in homes of this nation, give them a salute and a smile; stop and visit a while. Some day your son may be there in the same situation! Far from his loved ones and someone will give him a smile!

This incident took place on Wednesday afternoon, on the 22nd shortly after 3:00. On Thursday, Sept. 30th, I received the following letter from the Commander of Vance, Colonel Charles E. Woods:

DEAR MRS. HUNTER: The hospitality and generosity you extended to the crew members when one of our helicopters was forced to land in your pasture is genuinely appreciated.

It is the cooperation we receive from "Oklahomans" such as yourself that is the foundation of the friendship and compatibility between local citizens and the people at Vance Air Force Base.

I have not seen a better relationship between military installation and nearby communities than the one we enjoy here. This relationship is more than exemplified by your kind acceptance of an unavoidable situation. You have our most sincere "Thanks."

Sincerely,

CHARLES E. WOODS,
Colonel, USAF, Commander.

INDEPENDENCE FOR CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DERWINSKI. Mr. Speaker, today is the anniversary of the declaration of independence for Czechoslovakia on October 28, 1918, the first law passed by the Czechoslovak National Council. The council had been established somewhat earlier, with Tómas Masaryk, Josef Durich, and Eduard Benes, Czechs, as president, vice president, and general secretary, respectively. Gen. Milan Stefanik, a Slovak aviator who had fought for France during World War I, also served on the council.

Prior to the declaration of independence, Czechoslovakia had been part of the huge Austro-Hungarian empire. Its collapse began when it became obvious that the central powers were doomed to defeat as the first global conflict hastened toward its end.

Austria fell during the night of October 27 and 28 and several new countries came into being as the conglomeration of territories that had been ruled for centuries by the Habsburgs disintegrated. One of the new nations was Czechoslovakia.

On October 30 a manifesto of the Slovak National Council declared that Slovakia would unite with the Czechs. Masaryk, Benes, and Stefanik proclaimed the republic of Czechoslovakia the same day.

From 1918 to 1935, Masaryk served as president and Benes as foreign minister of the infant republic, the latter becoming president in 1935. National socialism, a satanic force that had gained power in neighboring Germany 2 years earlier, soon took over Czechoslovakia, along with other nations that had emerged from the ashes of World War I. While allied success in the Second World War brought about the annihilation of nazism, a brief interval of freedom ended with the communization of Czechoslovakia.

The oppression and the monumental failure of the Soviet imposed Communist government was so great that a pragmatic group of Communists attempted to readjust the economy and government structure of Czechoslovakia from within, recognizing that only by disposing of the dogmatic marxist structures and returning to a Western-oriented economy could they improve the living standards of the people. This limited attempt to institute non-Communist reforms was unacceptable to the Soviet Union, and on August 20, 1968, the Russians and the troops of the German, Polish, Hungarian, and Bulgarian puppet regimes forcibly occupied Czechoslovakia and reinstalled Moscow Communist loyalists in the government and the Communist party in Czechoslovakia.

Mr. Speaker, the spirit of Masaryk, Benes, Stefanik, and other lovers of liberty lives on in Czechoslovakia, even though the nation that they established has become one of the numerous colonies of the imperialists in Moscow. The forces that labor in the cause of human freedom will not be denied forever. Let us hope and pray that on some October 28 in the near future the people of Czechoslovakia will be able to look, not backward to the nightfall that marked the destruction of their freedom by Godless communism, but forward to the inevitable sunrise that will herald the return of freedom and independence to their country.

PHASE II AND NEW YORK'S ECONOMY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. HORTON. Mr. Speaker, I applaud the steps taken by President Nixon to curb inflation in our Nation and to set straight the balance between the American economy and that of our trading partners abroad. At the same time, I am concerned that the special problems besetting New York State might require special attention and solutions. I dealt with the economy of New York State and, particularly, of my 36th Congressional District, in a speech I presented earlier this month to a group of businessmen in Rochester, N.Y., and I insert the text of my remarks at this point:

TEXT OF CONGRESSMAN HORTON'S REMARKS AT MEETING OF THE HELMSMEN'S CLUB, VALLE'S RESTAURANT, ROCHESTER N.Y., OCTOBER 8, 1971

With the hectic Washington schedule of Congress these days. I don't get the chance often enough to speak to groups of businessmen in the 36th District. The last time I made a formal address to business executives was in late August when I addressed a meeting of the Newark Chamber of Commerce in Wayne County.

I spoke there about the history of the world economy since World War II, and about the President's new economic policies which were announced on August 15th.

Tonight, I would like to speak primarily about the industrial economy of the Rochester area and New York State, and to touch briefly on the announcements that have been made so far about Phase II of the Nixon economic program. I said in my Newark speech that while the national economic policies were directed at setting straight the balance between the American economy and that of our trading partners abroad, we in New York State have a special, and more serious problem. For we not only have difficulty competing with imported goods, which have had a devastating impact on local area industries, we also are rapidly losing any competitive advantage over other states and regions of the United States.

This week, I attended a meeting in Washington which was called by representatives of the International Union of Electrical Workers, the Amalgamated Clothing Workers, the Optical Workers and other unions in the New York-New Jersey area whose memberships are dwindling because competition from imports has drastically affected their employers' ability to compete.

The representative of the Electrical and Machine Workers made the point that typewriter plants in the northeast are either closing or laying off substantial portions of their work force due to foreign competition. This added another dimension to the already serious problems of those workers who have already taken the brunt of heavy import competition in the electronic and electrical industries. These, of course, include many product lines in your own company (Singer-Friden).

The clothing workers and optical workers said they too were hard-hit by imports. Their common message was, and I quote: "We don't want unemployment checks, and we don't want welfare checks, we want jobs." And as they spoke, many thousands of their members who have lost jobs after decades of service to their employers could be counted among welfare and unemployment rolls.

Rochester, of course, has been a major producer of clothing, optical goods, electrical and electronic products and others which are feeling this serious pinch from abroad. Names like Fashion Park, General Dynamics and others have already passed from the Rochester scene. Civic-minded investors are now engaged in trying to save 300 of the clothing jobs here that were almost lost when Timely Clothes nearly closed its doors several months ago. Beech-Nut, Mixing Equipment, Sage Electronics are closing plants here, with at least one of these, Sage, moving to the Carolinas. R. T. French just announced it would cease its production operations in Rochester and is building a new facility in Springfield, Missouri. The status of Hickok is still in question, although the firm's new owner has already closed the company's plant in Lyons in Wayne County.

Since 1969 14 companies of major size have closed in the Greater Rochester area. At one point this year, we had a net loss of over 17,000 manufacturing jobs in the Rochester area. As of August of this year, there were 124,300 persons employed in manufacturing in our area, compared with 137,200 in August of 1969. Since the low point in November, 1970, the area has regained only 2,000 industrial jobs.

While the Rochester area unemployment rate does not rank with those of San Diego, Seattle, Buffalo and other hard-hit cities, I feel that the long-term problem we face here is an extremely serious one. Rochester has a history of being almost immune to fluctuations in the national economy and national unemployment. In 1969, we boasted an unemployment rate of under 2%. And at that time, thousands of Rochester workers were earning substantial overtime pay, and many had more than one job. Thus, in effect, the increase in our unemployment rate to close to 5% means a tripling in the unemployment picture in our area.

The problem here is that the kind of unemployment we have experienced is not the kind which will easily bounce back when the national economy heats up again. Layoffs will, hopefully, be called back to work, but those who lost their jobs due to plant closings must depend on attracting new firms to Rochester, and on the expansion in Rochester of existing firms. This, then, is the serious question.

Even if the new Nixon policies are successful in improving the competitive position of American industry in world-trade—and I firmly believe we will be successful—will conditions in New York State and in the Rochester area be such that we can expect to share in the benefits of this new international economic balance? Or will U.S. industries, including some that are now located here, be drawn to the south, the midwest and the far-western region of our country?

You gentlemen can perhaps answer this question better than I can. As businessmen, you know what objective and subjective factors other business executives will weigh in making decisions about the location and expansion of facilities. If the criteria of low-tax rates and lower wage rates are given substantial weight in these decisions, then we in New York, and in other northeastern industrial States, may be in for a long, long economic winter.

Let us, for a few moments, examine the economic, social and political conditions in New York which must be understood before we can tackle this problem. New York has a history of tremendous industrial success. As a State we have given birth to some of the great industrial giants of America: Kodak, Xerox, General Electric, IBM, General Foods, and countless other giants have made our State their major home. The State has a long history of inventiveness, of productivity and of overall prosperity. Just as America today has become a victim of the fact that she fed and nursed, for 25 years, the war-torn and underdeveloped countries of the world since World War II, countries like Japan, Germany, Italy and France which have now become serious and major industrial competitors, so has New York become the victim of national policies since the Great Depression, which have been designed to encourage industrial development, education, transportation and prosperity in the States of our own country which, compared to New York, were poorer States.

While we from New York have been striving to bring national policies around to the fact that States like our own are now in need of help, and have been striving to bring back to our own State a fairer share of the Federal tax dollars we send to Washington. Many Federal programs are still tied to formulas which distribute the tax dollars of New York and other wealthy States, to areas of the country that are still catching up with us.

As you know, there are other side-effects of this problem that are more serious than the mere destination of federal tax dollars. Because we have been a prosperous State, and a State with a social conscience, concerned about good education and about help for the poor, tens of thousands of poor families from the south and from Puerto Rico have flocked here to take advantage of better job opportunities, higher wages and more humane welfare and social policies. Prosperity and high-productivity have also brought New Yorkers a higher standard of living, and with it, a higher cost of living—thus feeding demands for wage rates that will enable New York workers to keep up with these costs.

The fact that New Yorkers are better educated, and are living at a higher standard, together with the migration of poor and unskilled persons to our borders has meant that the demand for services from our State and local governments has also run very high, compared even with neighboring States. Thus, wages rise, taxes rise, government services increase, and the demand for more of everything gets even greater.

We in New York have our own spiral of inflation, and it is a very serious one which may not be licked at the same time that national inflation is licked. This inflation is making it very attractive for companies whose profits are down because of the economic slowdown, of whose profits have completely evaporated. To consider relocation to areas of our country which have not yet caught up with the living standards, the wages and the taxes of New York State.

This situation sounds pretty bleak, but there is one added factor which, in the short-run, makes it even bleaker than it sounds. In a State like New York, a recession places extremely heavy demands on State and local government. When formerly productive workers are on unemployment and welfare rolls, the cost of those porgrams is added on to the already high costs of state and local government. In the welfare program particularly, the burden on state and county governments is unbearable. For Monroe County alone this year, the welfare budget is expected to equal or exceed $100,000,000—and the county government pays only 25% of overall welfare costs, with 25% coming from the state and 50% coming from the federal government.

During a recession, when companies profits are down and when they are likely to be looking around for better and more economical facilities and locations, the last thing that will persuade them to stay in New York State is higher tax rates. But, under our State constitution, the Governor really has no alternative. At least his options are so limited as to make higher taxes inevitable. This is because the State Constitution requires, absolutely requires that each year's state budget be in balance. Thus, during a year when tax receipts are down, because of lower profits and higher unemployment in the state, the demand for tax dollars skyrockets because of the costs of added welfare, unemployment, medical assistance and manpower training programs brought on by the slower economy.

Since the Depression on America, the principle has been well established that when the economy slows so that the private sector cannot provide adequate income to large numbers of people, this burden is temporarily shifted to the public sector—to government and to tax dollars. With this added burden, even a state government which cuts non-essential expenses to the bone—can hardly avoid an increase in tax rates, or levying of new taxes and revenue sources—on order to keep up with added demands for tax dollars, and to meet the constitutional requirement of a balanced budget. Of course, once backed into this corner, and once taxes are increased, the state, almost without alternatives, has made the economic and business climate and the prospect for attracting more companies and more jobs even worse.

I say there must be a better way to finance state government—not only in New York but elsewhere. In the Federal government, as you know, economists have long urged and have succeeded in getting Presidents, Senators and Congressmen to realize that government stimulation is needed for periods of sagging economy.

President Nixon, after his first year in office in which he sought a balanced Federal budget, announced last January that he would adopt the concept of a full-employment budget. During recession periods, this means that the Treasury will borrow enough money to bring Federal receipts up to the level they would reach if we had a full employment situation. By another name, this is deficit spending. Hard as this may be to swallow, deficit spending during periods when the private sector is unable to carry the full weight of supporting our population is a virtual necessity in today's complex economy. Of course, during periods of prosperity, deficit spending can be devastating in its inflationary effects, as was shown during the hardest years of the Vietnam War in the late 1960's.

My point is this. If state governments and, in some cases, county governments are forced to pick up some of the burden of welfare and other programs during a recession, why should they be forced to adopt policies that will make the recession conditions in their area even worse. Why should they be forced, while marching to the tune of balanced budgets, to raise taxes at the very time when people and businesses are least able and least willing to pay them—when, in fact, higher taxes for the short run will drive out jobs and job opportunities in the long run?

There are other ways of solving this problem. I have thought of three which should be considered.

First, and this has already been proposed, is the short-run solution of federal revenue-sharing. The Federal government has more and better revenue sources than states and localities. The only problem with revenue-sharing as a overall solution to this problem is that it will provide the states with more money in prosperous years than in recession years. The other problem with revenue sharing is that despite very strong support from the Administration, by state and local government leaders, by myself and hundreds of other Congressmen and Senators, it has yet to be reported out of Committee to the House of Representatives. It looks like the delay in passing revenue sharing will stretch well into next year, so that immediate help for near-bankrupt states and localities seems very dim from this source.

Second, is a solution which only the states themselves can accomplish. That is to remove prohibitions on deficit spending from State Constitutions so that in lean years the states will be able to assist themselves without raising taxes at the worst possible time. Funds borrowed during lean years should of course be paid back to the maximum possible extent during years of higher tax revenues. As it stands now, the only way New York State can borrow major amounts of money is to go to a voter referendum. I commend Governor Rockefeller on the fact that he has been able to convert major transportation and anti-pollution programs to bond-financed programs. This is the only way the State can continue to afford progress and leadership in these important areas without launching into even higher and more unbearable increases in state taxes. While taxes must eventually pay back the bonds, the burden is spread far more evenly and equitably over a period of several years under these bonding programs—particularly during recession years.

Third is a proposal for what I would call an Intergovernmental Reserve Bank, established by the Federal Government. This bank could receive support from Federal appropriations, and from state governments themselves during prosperous years, and could be a source of emergency slow-interest loan funds to state and local governments during lean years. This would be a kind of revenue sharing which could have tremendous impact on state and local budget problems when additional funds are needed most, and it could, if established on a large enough scale, eliminate most of the need for increases caused by increased demands for government services which are related to slowdowns in the economy. It may not, of course, eliminate increases in certain tax rates due to inflation.

As a Federal legislator, I support a program of revenue sharing even larger than sought by the President. I also support the longer-term solution of an Intergovernmental Reserve Bank. I leave it to state officials and to state voters to determine whether or not they want to permit state government borrowing as an alternative to tax increases in years when they are most unbearable and destructive, for this decision is not strictly within my purview as a Congressman.

We must take a serious look at the longer term implications of our economic situation here in New York State. We must move now to make the climate here, for industry, to the extent that government can influence this climate, a healthy and an attractive one.

The march of manufacturing firms out of this state has already gone too far, and Rochester, Monroe County and New York State are already suffering from this exodus. At the beginning of my talk, I said that the real and serious question we must face is whether our state will be in any position to benefit from the rebalancing of the international economy that the President is seeking to bring about through his new economic program. Right now, the answer to that question is a doubtful one for New York State. Businessmen, workers and government leaders have much to lose, and much to gain, depending on how this question is answered in the long run.

As we enter Phase II of the President's program, it is none too early to examine these questions, and to begin to make some hard decisions concerning them. Having reviewed what has been announced so far about Phase II, I think it will be marked by public participation in decision-making, and by fairness, I welcome this. The price, wage and other commissions and councils the President is setting up provide the necessary opportunity for an ongoing input from different sectors of the economy and the public as to what future economic policies should be. It is my hope that all of the inequities that are inevitable in a wage price *freeze* can be smoothed out and eliminated in the coming period of wage-price *restraints,* since the very definition of restraint allows for more flexibility than a freeze. I hope particularly that small businessmen, labor and the consumers as well as large firms will be given a fair voice in the decisions that will be made during Phase II. I think the President has been responsive to his critics, and that the structure of Phase II is such that he deserves support from every sector of the economy and the political spectrum.

I, for one, will try to see to it that there is at least some attention directed, during Phase II, to the problems I have spoken of here tonight. For in the long run, while it is the job of the President and Congress to worry about the *National* economy and the *National* picture. No policy can be called successful if it does not foster economic improvement in the north as well as the south, and in New York as well as the rest of the country. In addition to policies that will control the rate of inflation, and permit fairer competition with countries abroad, the federal government must be concerned that the slow process of evening out the levels of prosperity among the states does not deal a devastating blow to states like New York, which have a history of industrial productivity, and which have become the victims of their own prosperity and success.

The problems we face economically are so serious that government alone cannot solve them. However, these are problems which cannot be solved without the help of government.

This is the message I wanted to leave with you tonight, and this is the message I am bringing to Administration and Congressional policymakers in Washington. I hope I can count on your support and your own efforts to breathe new life into the economy of the Rochester area and of New York State.

Thank you.

Mr. Speaker, I pledge to do all I can to make sure that attention is directed to the problems detailed in the foregoing speech, for no economic policy can be termed successful if it does not deal with economic problems in all areas of the country. I hope that my colleagues in Congress will join me in this effort.

COMMANDER IN CHIEF JOSEPH L. VICITES APPROVES VETERANS OF FOREIGN WARS PRIORITY LEGISLATIVE PROGRAM FOR 1971–72

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. TEAGUE of Texas. Mr. Speaker, last month the National Legislative Committee of the Veterans of Foreign Wars of the United States met here in Washington. This key committee of the 1,700,000 member veterans organization drew veteran leaders from throughout the Nation to review scores of resolutions approved by delegates to the Dallas, Tex., national convention last August. It was during the convention that the more than 12,000 delegates elected Joseph L. Vicites of Uniontown, Pa., as their national commander in chief.

This young, energetic VFW leader, known to his friends and comrades as "G.I. Joe," has a long and enviable record of service to our country, his community, and to those who have taken up arms in our defense. In his acceptance speech at Dallas, the newly elected VFW commander in chief said veterans benefits will be the battle cry of his organization during the coming year. Surely, this is a crusade worthy of the VFW's ever-increasing membership. There can be little doubt in anyone's mind that the now vibrant VFW will be an even better organization under his dynamic leadership during the coming year.

The main purpose of the meeting of the national legislative committee was to recommend a priority legislative program for this year. The distinguished committee members during the 2-day session greeted such notables as Donald E. Johnson, Veterans Administrator; Dr. Marc J. Musser, VA Chief Medical Director; Ralph T. Casteel, VA Executive Assistant; Olney B. Owen, VA Chief Benefits Director; John J. Corcoran, VA General Counsel; Gus Wallace, VA confidential assistant; Oliver E. Meadows, staff director of the House Veterans Affairs Committee, and Frank J. Brizzi, staff director of the Senate Committee on Veterans Affairs.

Members of the VFW National Legislative Committee are all prominent Americans from various parts of the country. They include: James E. Van Zandt, chairman; Ted C. Connell, Robert E. Hansen, Charles C. Ralls, Heyman Rothbart, vice chairmen; Ray R. Allen, Vern Anderson, William P. Beane, Robert J. Bowers, Ray H. Brannaman, Mark D. Buchheit, Dr. John C. Cavender, Cleo G. Clayton, Jr., Jerry Cooper, Arthur J. Fellwock, Ernest D. Ferguson, Leonard E. Friedlander, Morton Fromm, Edgar L. George, Frank G. Hahn, Olen E. Holmes, Joseph Kovac, W. Leroy Maddox, John W. Mahan, Allen J. Martin, Telfair J. Mashburn, Franklin W. Morton, Jr., Timothy J. Murphy, John Redick, Richard E. Ress, Frank H. Rice, Richard L. Roudebush, Robert Secrest, Jay Stewart, Ernest Stratychuk, Gene Walker, Joseph R. Walsh, E. Spencer Walton, Charles A. Whiteacre, and Joe T. Wood, members.

The leadership and support of the Veterans of Foreign Wars has been crucial in helping to obtain congressional approval of a large number of veterans measures, and especially additional funds and personnel for VA hospitals.

Mr. Speaker, the Veterans of Foreign Wars priority legislative program for 1971–72 recommended by its national legislative committee and approved by Commander in Chief Vicites include a representative list of the concerns and goals of this great organization, as approved by the delegates to its recently concluded national convention in Dallas, Tex., and I commend my colleagues' attention to this program.

The VFW legislation program follows:

VFW PRIORITY LEGISLATIVE PROGRAM FOR 1971–1972

TO INSURE BEST HOSPITAL AND MEDICAL CARE

A. No reduction in average daily patient load in VA hospitals.

B. Eliminate pauper's oath requirement for admission to a VA hospital.

C. Immediate full resumption of long-range construction and modernization program to keep VA hospitals second to none.

D. Drug treatment and medical and employment rehabilitation by VA for all drug dependent veterans.

TO PREVENT VA HOSPITALS FROM BECOMING SECOND RATE OR BEING CLOSED

A. Oppose any merging of VA hospitals or facilities in proposed National Health Insurance Plan.

B. Operate Congressionally authorized 125,000 hospital beds.

C. Repeal existing law which requires the Veterans Administration to gain prior approval of the Office of Management and Budget before proceeding with any VA hospital or construction project.

D. Support legislation to provide that the establishment of new VA hospitals and medical facilities or substantial renovation, alteration or modernization of VA medical facilities may proceed when approved by House Committee on Veterans Affairs.

FOR DIGNITY AND SECURITY OF WORLD WAR I AND OLDER VETERANS

A. Minimum pension payment of at least $125 a month for a veteran alone and $150 a month for a married World War I veteran.

B Both hospital and outpatient medical care for all medical needs of veterans 70 or older.

C. Presumption that older veterans are service connected for entitlement to drugs and medicines by VA.

D. Greatly expanded hometown nursing care for older veterans to prevent separation from their families and loved ones.

REVISIONS OF PENSION AND COMPENSATION PROGRAMS

A. Increased pension rates and income limitations to assure no veteran suffers loss of VA pension because of social security and equivalent increases in retirement income.

B. Cost of living increases for the millions of veterans and their families who receive disability compensation, pension and dependency and indemnity compensation payments from the Veterans Administration.

C. Dependency and indemnity compensation payments to widows of veterans who were 100% service connected disabled at the time of their death.

D. Continue the statutory award for veterans suffering from arrested tuberculosis.

E. Disregard income of wife in determining VA pension entitlement and adequate pensions for widows of veterans.

EXPANDED GI EDUCATION AND TRAINING BILL

A. Increased GI Bill assistance to include the cost of books, tuition, and fees.

B. More funds for stepping up on-the-job training for the hundreds of thousands of unemployed veterans who do not want to go to college or desire institutional training.

C. Cost of living increase in GI Bill training rates.

D. Advance educational payment and increase entitlement to 48 months.

MORE MEANINGFUL ASSISTANCE FOR RETURNING VIETNAM VETERANS

A. Expanded contact and outreach program to insure that every Vietnam veteran knows of his veterans rights and benefits.

B. Complete support of a cash program to provide jobs for the hundreds of thousands of unemployed veterans.

C. More job training programs with extra emphasis on veterans with no civilian employment skills or experience.

D. Establish low cost life insurance program for Vietnam veterans similar to NSLI program for World War II and Korean veterans.

JOBS AND JOB SECURITY

A. Total support of President Nixon's Jobs for Veterans program and related programs which carry out the President's six-point program to obtain employment for veterans.

B. Urging the Department of Labor to provide preference for veterans in all employment programs, especially veterans without employment skills or job experience.

C. Adequate staff and funds for Veterans Employment Service of the Department of Labor.

NATIONAL CEMETERIES AND BURIAL ALLOWANCES

A. Transfer jurisdiction of national cemeteries to the Veterans Administration.

B. Increase veterans burial allowance to at least $750.

C. Oppose annual recommendation of Office of Management and Budget to eliminate veterans burial allowance where veterans are also entitled to lump sum social security death benefits.

VETERANS PREFERENCE FOR VETERANS EMPLOYED BY ALL GOVERNMENT AGENCIES AND U.S. POSTAL SERVICE

A. Preserve and continue Veterans Preference for all veterans employed by the Federal Government.

B. Call upon the U.S. Postal Service to provide Veterans Preference to all veterans in the Postal Service, as provided in the Postal Reform Act of 1970.

FOR IMPROVED PROGRAMS FOR MILITARY RETIREES AND THEIR FAMILIES

A. Eliminate present requirement that a military retiree must forfeit VA compensation payment to which he may be entitled if his military retired pay is a greater amount.

B. Support legislation to provide equitable survivor benefits for the military retiree who dies after he has retired from military service.

Restore Veterans Day to November 11.

WALTER TROHAN SETS RECORD STRAIGHT ON GREECE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. PUCINSKI. Mr. Speaker, Walter Trohan, one of America's most highly respected journalists and dean of the Washington press corps, has written an excellent article about his presonal observations in Greece which I recommend to my colleagues.

Mr. Trohan properly points out some of the pseudoliberal press maintains a double standard in reporting about Greece. He also puts into proper perspective the true situation in Greece.

I am pleased to read Mr. Trohan's excellent article because Greece is America's most trusted and reliable ally in NATO.

It is my hope Mr. Trohan's observation will convince our colleagues of the importance of this brave nation and slow down those who are determined to drive Greece out of NATO.

Mr. Trohan's article follows:

GREECE GIVEN UNDESERVED IMAGE

(By Walter Trohan)

ATHENS.—"Police state" is a horrid and even a frightening phrase in America. It conjures up visions of concentration camps, salt mines, wholesale arrests, and police brutality.

Yet things are seldom what they seem to be and quite often aren't what they are said to be. So it is with the military regime in Greece.

The morning after the arrival of Vice President Agnew on his good will mission to Greece, the Athens News, one of the city's two English language newspapers, carried a headline which read: "Noticeable Lack of the Comman Man, Bombs, Recruited School Children Greet Agnew." The paper was not closed down. In fact, there was no government action whatsoever, altho the story was obviously out of focus, if not downright untrue.

For example, the story itself didn't mention school children altho the headline did. School children were given the day off and urged to do what they obviously wanted to do: take a look at a son of Hellas who made it big in America. But school children had been given the same sort of holiday to greet President Eisenhower, the late French leader Charles de Gaulle and even the Yugoslav Marxist leader Marshal Tito without any mention of recruitment in the newspapers.

Two mysterious explosions damaged two American cars near the airport, before the Vice President's arrival, but there was no evidence that these incidents had any connection with the Agnew visit. Finally, crowd pictures showed many common men and women along the parade route, altho some of the reporters dismissed the throngs as "sparse" or "thousands" when the number was clearly in the hundreds of thousands.

Another Athens English newspaper reported that unusual protective precautions were taken because police feared an outbreak. Yet Byron Stamapopoulos, undersecretary of information for the prime minister, assured this commentator that the protection was no more extensive than that used during other visits of important persons.

At the Athens Hilton, where the Vice President was lodged, a group of young people passed many police on their way into the hotel to present a petition against the regime of the colonels. They were stopped on their way to the Agnew suite by a Greek policeman, who asked what they wanted.

They explained they wanted to deliver a protest. He said they would not be permitted to deliver any message, even one of support, and they left satisfied. The policeman didn't even take their names, explaining he didn't want to spoil their Sunday.

Yet many American writers indicate that life here is one long spasm of fear of brutality and arrest. Many of the same writers have long been saying the same thing about Spain, but curiously enough they say nothing about Russia, where such an effort of protest would have brought prompt imprisonment.

In Iran a wire service reporter solemnly swore he knew from actual experience that one of his service's men was arrested and thrown into jail because he described the Agnew visit to the country's 2,500th anniversary as a journey into Arabian nights instead of Persian nights. He refused to accept evidence that this same commentator used the same phrase the same night [because Arabain nights is the more familiar figure] without the slightest reproof.

Evidently the police state you don't like is a menace to all mankind while the police state that actually exists and operates in terror is to be accepted if you are a pseudoliberal.

TITO

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SCHMITZ. Mr. Speaker, we have the distinct dishonor of having Josip Broz Tito visiting our Nation this week. To attempt to offset the disinformation which is being circulated in some quarters to the effect that Mr. Tito is some type of outstanding world statesman, as opposed to an old Stalin henchman, I would like to make the following comments and insert a short biography of Mr. Tito into the CONGRESSIONAL RECORD.

Yugoslavia is still well within the Communist orbit. Tito is still a devoted Communist. Some people seem to think that if the various Communist leaders disagree on little things this is a big thing and that if they agree on a big thing, namely the destruction of the free world, this is a little thing. Many of us who are interested in the survival of the Nation are more concerned with the common end these fellows have of replacing all non-Communist governments with Communist dictatorships than with factional disputes concerning the exact means by which the well struck blow can be brought about.

It is not that we fail to recognize differences, and indeed no two things in the world are exactly identical in all respects, but it would not seem wise to make a fetish of characterizing our enemies according to the degree with which they differ from one another and ignore that great object, fatal to ourselves, upon which they all agree. Neither is it helpful to our national security to develop amnesia about the past activities of the various Communist tyrants.

For these reasons I would like to insert into the RECORD at this point a short biography of Tito which was prepared by the House Committee on Un-American Activities in 1957 as a portion of a committee document entitled, "Who Are They?"

Congressman Francis E. Walters, Chairman of the House Committee on Un-American Activities at the time this study was published, prefaced the biography of Tito with a short quote from Ralph Waldo Emerson which is appropriate today:

"Don't Say Things. What You are Stands Over You the While, and Thunders So That I Cannot Hear What You Say to the Contrary."—Ralph Waldo Emerson, Essay on Social Aims.

The biography of Tito follows:

JOSIP BROZ TITO: PRESIDENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA

"I am a Communist, and nothing but a Communist"—thus Josip Broz Tito sums up his philosophy of life. A professional revolutionary, a dedicated Communist whose thoughts and actions—indeed his entire life—have always been devoted to the cause of world communism, Tito has never altered his steadfast conviction that communism will utlimately rule the world.

Tito does not fit the image one usually draws of a hardened Bolshevik. Even his severest critics have observed that he is an affable man, with "devastating" personal charm, magnetism, and a ready wit. His hair is gray-blond; his face has strong regular features and is bronzed from the sun; his eyes are light blue, alert, always in motion and alive with curiosity; his hands, stubby and square, the hands of a worker, are ever active. Tito, who is fond of splendid uniforms replete with medals and braid, resembles the late Nazi leader Hermann Goering in what one writer termed "an altogether astounding fashion." An athletic type, proud of his personal physical power—he once boasted that "no one in my army can outwalk me, young or old!"—Tito does not look his sixty-five years.

Born into a poor, peasant family, the seventh of fifteen children, the Yugoslav dictator is largely a self-educated man. When a prisoner of war in Russia during World War I, he learned Russian; and, in addition, he speaks Serbo-Croatian, German, Czech, Kirghizian, some French and Italian, and has an understanding of English. He knows a great deal about art and possesses some Rembrandts formerly owned by the Yugoslav royal family.

Tito is a proletarian with the tastes of a bourgeois. A worldly man, who thoroughly enjoys worldly pleasures, he lives in splendor and elegance reminiscent of the court of a potentate. At his palatial country residence, Tito lives, as one writer put it, like a "wealthy sportsman." He enjoys good, rich food, and is partial to rakija, the 120-proof native brandy.

Tito is a man consumed by personal ambition, a man driven on by a singleness of purpose, a man who by brutal force reached the height of Chief of State. As a partisan leader in World War II, Tito was tireless, crafty, and effective; as the Communist dictator of Yugoslavia, he is ruthless and uncompromising; and, as an international statesman, he is shrewd, guileful, and brazenly opportunistic.

Years of partial reconciliation with the West, following the break with Stalin in 1948, have tended to blur the harsh lines of Tito's character and the cruelty of the Communist regime which he has imposed upon Yugoslavia. Tito's life has been steeped in subversion and deceit. He fought in the ranks of the Red Guard in the Russian Civil War; in the twenties he attended the secret Lenin School in Moscow for training in subversion and sabotage, and later was engaged in underground work in Yugoslavia; he was appointed to the Politburo of the Yugoslav Communist Party in 1934, and worked in the Balkan Secretariat of the Comintern at Moscow; he returned to Yugoslavia at the end of 1936 and organized Yugoslav volunteers to fight in the International Brigade during the Spanish Civil War; in 1937, he became Secretary General of the Yugoslav Communist Party at its headquarters in Paris. When the Nazis invaded Yugoslavia in April 1941, Tito and the Yugoslav Communists, following the Moscow line during the period of Nazi-Soviet cooperation, did not even cock a gun in the defense of their native land. Only when Hitler attacked the Communist Motherland, the U.S.S.R., in June 1941, did Tito react against the Germans.

The German invasion of Yugoslavia did not arouse the Communists, because to Tito and his force, the Soviet Union was the Motherland. This essential point was openly proclaimed again and again by Djilas, Kardelj, and by Tito himself. Even when the partisans entered the war against Germany, their participation was guided by political considerations. The Communist partisans fought mostly in areas where invader strength was not great. Also in line with Communist disregard for human life, they were not adverse to bringing about Nazi reprisals which would arouse the population and swell the Communist ranks. It was not Tito but Col. Draza Mihailovich who fought the Germans for patriotic reasons.

The first clash between the Chetniks of Mihailovich and the Nazi troops occurred on May 18, 1941. By November of that year, Mihailovich knew that coordinated effort between the Chetniks and the partisans of Tito was not possible, since Tito fought primarily for Communist dictatorship and furtherance of Soviet political ambitions. Mihailovich therefore issued a proclamation to this effect, and the split of Yugoslav resistance was brought into the open.

In the next 2½ years, it was Mihailovich who was repeatedly commended by the Western Powers for Yugoslav resistance. General Eisenhower, the allied Supreme Commander, sent Mihailovich a message from North Africa in 1943, which commended "these brave men * * * fighting with complete devotion and sacrifice for the mutual cause of the United Nations. May this struggle bring them complete success."

General de Gaulle, the French Commander, and senior British military leaders in the Middle East, sent equally inspiring messages at various times. Even more important tribute was paid by German General Jodl and Adolf Hitler himself, who credited the Chetniks with tying down major German forces in Yugoslavia. During this period (1941–44) the Chetniks received practically no military assistance from the Allies, although Tito and his partisans received more than 100,000 rifles, 50,000 light machine guns, 700 radio-wireless sets, 260,000 pairs of boots, and nearly 100,000,000 rounds of small arms ammunition.

The Teheran Conference between the Allied Powers decided, at Russian insistence, that Tito would be given full support and on October 20, 1944, when Soviet troops entered Belgrade, Tito became the absolute ruler of Yugoslavia. Stalin's protege had fought a political war and his reward was power.

With the full support of Stalin and the Red Army, Tito established in Yugoslavia a Communist dictatorship accompanied by a reign of terror. He ruthlessly wiped out his opponents, including his chief rival, Draza Mihailovich. Following the tenets of Marxism-Leninism to the letter, Tito transformed Yugoslavia into what was essentially a miniature model of the Soviet Union, characterized by a one-party system, socialization of industry, suppression of religious liberties, and general deprivation of freedom.

Communism in action is searchingly analyzed in a new book by Milovan Djilas, formerly a close associate of Tito and now in prison. His remarks, directed toward the entire Communist system, have special applicability to Tito's Yugoslavia. There, a new exploiting class has foisted a self-perpetuating rule upon the majority of the people, using methods of control which represent "one of the most shameful pages in human history." This class has arrogated a monopoly over all phases of economic, social, and cultural life. Its record is such, Djilas says, that "there will be less sorrow over its passing than there was for any other class before it."

Tito is a part of the world Communist movement. The clash with Stalin in 1948, it is true, forced Tito's reorientation in foreign affairs (reconciliation with Greece, acceptance of military and economic aid from the Western Powers, etc.), but in no fundamental way did it alter his political faith. This dispute with Stalin was primarily a personal affair, a power struggle between two dictators, and not a disagreement on the general tenets of Marxism-Lenism. Tito never denied the "validity" and "truth" of Communist doctrine, but he contested Stalin's right to impinge upon his own domain and Stalin's refusal to tolerate "little Stalins."

Tito's steadfastness to communism is clearly shown in his reactions to the moves made by Nikita S. Khrushchev, the new Soviet dictator, in his efforts to reestablish "unity in the socialist camp." Recognizing Stalin's mistake, Khrushchev accepted Tito's claims to be commissar in his own house. Conferences between Tito and Khrushchev in 1955, 1956, and 1957, established the basis for reconciliation, even though the Hungarian revolution threw a pall over the negotiations for a while. The latest conference, held in Rumania, went a long way toward reestablishing harmony between Moscow and Belgrade. As a result of this conference, agreement was reached on "concrete forms of cooperation" between the Soviet Union and Yugoslavia, as well as on "basic problems of the present international situation." Tito also agreed that there was "special significance" to the "general strengthening of the unity and brotherly cooperation" of all Communist parties and Communist-dominated states.

While Tito acknowledged, in a recent interview, that there was "some difference" between communism in Yugoslavia and the U.S.S.R., he has hastened to add that "there are not big, ideological differences," not "too big," and that "we have the same aim—that is to say—the building of socialism and communism."

Nor are the differences "too big" in the realm of foreign policy. Recent Yugoslav statements in this field have conformed to the broad outlines of world Communist policy. Tito's neutralism has always been a qualified one. But more recently, he has come closer to the Moscow line, as shown by his pledge at the Rumanian conference with Khrushchev to cooperate with the Soviet Union in "basic problems of the present situation," as well as by his attacks on the Baghdad Pact and the Eisenhower doctrine, and Tito's claims that it was "absurd" to speak of a Communist danger in the Middle East.

At the end of his recent conferences with Premier Gomulka of Poland, Tito and the Polish dictator again reaffirmed their ties to Moscow without reservation. When the United Nations General Assembly voted overwhelmingly to condemn Russia for the bloody reprisals against the Hungarian patriots, both Poland and Yugoslavia dutifully voted against such condemnation. The Moscow-Belgrade axis is once more firmly intact.

Before, during and after World War II, Tito has invariably shown himself to be a dedicated Communist. A powerful ideological affinity binds him firmly to his Communist brethren. During the last few years, in fact, he has clearly moved closer to a political alignment with Moscow. Tito's general philosophy of life, the nature of his own regime, and his inflexible commitment to communism all militate against a lasting rift with the Kremlin.

VIETNAM ON ITS OWN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. HAMILTON. Mr. Speaker, Daniel Southerland of the Christian Science Monitor has just written a comprehensive, three-part report on the future of South Vietnam. In the series, which ended today, he notes that "despite all the years of effort that have gone into computerized techniques of measuring "progress," South Vietnam's future remains highly uncertain."

I recommend this series to my colleagues.

The series follow:

As the United States Withdraws From Vietnam, What About . . . Pacification

Saigon.—The withdrawal of United States combat troops from South Vietnam is far advanced now, but the so-called Vietnamization program has yet to be severely tested and may not be for some time to come.

Despite all the years of effort that have gone into computerized techniques of measuring "progress," South Vietnam's future remains highly uncertain.

These are the conclusions one comes to after trips to several of the key provinces of South Vietnam and interviews with a number of the most experienced observers of the Vietnam scene.

There now is considerable confidence here that President Nixon can withdraw down to a "residual" force of less than 50,000 men by the middle of next year—as he appears to be aiming to do—without risking serious setbacks in South Vietnam.

In fact, many U.S. officials now believe the President should greatly step up the pace of withdrawals in the next phase. They contend that inactive, and therefore increasingly undisciplined, American troops are becoming "more of a liability than an asset" in some areas of South Vietnam.

A POLITICAL NONISSUE

If there is anything approaching a consensus here, it is that President Nixon can probably succeed in maintaining a low level of U.S. Casualties throughout the withdrawal, thus making Vietnam a nonissue in the politically sensitive period leading up to next year's presidential election in the United States.

For one thing, many sources believe the North Vietnamese do not want to do anything to disrupt the U.S. withdrawals, which have been proceeding steadily.

Although the Communists can be expected to make some attacks in order to encourage antiwar pressure in the United States, Hanoi's main emphasis seems to be on preserving its forces. There is a growing feeling here that the real showdown for the Saigon government may not come until long after most of the Americans are gone—perhaps in 1973, perhaps even later.

But while there is confidence in the possibility of continuing a steady and relatively unmolested U.S. withdrawal down to the small technical and advisory force level, there is much less confidence as to the future after that level is reached.

Although the war may be "winding down" for the Americans, the recent casualty figures show, as one American general put it, that "there is still a very significant war going on in this country."

In one recent week, five Americans were reported killed in combat—the lowest toll in six years. But in the same week, the South Vietnamese command reported 391 Vietnamese soldiers killed and 991 wounded. While the end of the war may be in sight for the American foot soldier, many Vietnamese wonder if there will ever be an end of it for them.

OUTLOOK IMPROVES

Currently though, things look far better for the Saigon government at this advanced stage of the American withdrawal than most observers expected. It had been generally accepted that some setbacks were in store for the South Vietnamese Government once American troop strength dropped radically.

The American troop strength in Vietnam has dropped from a peak of more than 540,000 to 200,000 men. And while there apparently has been some "slippage" in security in a few provinces where American troops have withdrawn, the Saigon government appears to be tightening its hold in most.

The American-backed government still may not have won the loyalty of the people in most areas, but it has advanced to the point of attaining a military occupation of the countryside.

This occupation has brought some benefits to the countryside—particularly in the Mekong Delta south of Saigon, where one-third of South Vietnam's people live. The government has opened up new areas to trade and cultivation. Rice farmers have been getting a good price for their rice for some time now. Next year, for the first time in five years, South Vietnam is expected to produce enough rice to start meeting its own needs again.

In the delta, as well as in some of the provinces surrounding Saigon, one now can get a tantalizing glimpse of what peacetime might be like in Vietnam. Roads and canals that had been cut off for years in the delta have been busy with traffic for more than two years now without any significant interruptions. The war is still there, but the level of fighting has been comparatively low in the southern half of the country since 1969. Some of the heaviest fighting has been occurring outside South Vietnam's borders—in Cambodia.

The real turning point came with the Tet offensive in 1968 when the Viet Cong lost a staggering number of their finest troops and small-unit leaders.

After an initial period of shock, retrenchment, and indecision, the Saigon government, under American prodding, pushed back into the countryside. The government drive went virtually unchallenged by the Viet Cong. Viet Cong plans for a comeback in the southern half of the country were severely disrupted by the loss of Sihanoukville supply route, which followed the overthrow of Cambodia's Prince Sihanouk in the spring of last year.

American sources now estimate that the port of Sihanoukville was providing as much as 90 percent of the supplies and ammunition reaching the Viet Cong in the southern half of South Vietnam. Cut off from their traditional supply routes and bases during the Cambodian invasion of 1970, many main-force North Vietnamese and Viet Cong units moved across the border into Cambodia, where they have been largely occupied with rebuilding their supply system.

CONTROL DEMONSTRATED

While most observers considered South Vietam's recent one-man presidential election a debacle in the political sense, it did serve to demonstrate that the Saigon government now has a military and administrative presence in place throughout the populated areas of South Vietnam.

While the election turnout figures were undoubtedly padded—particularly in the cities—there was, according to most witnesses, a huge turnout in the countryside, even in many villages formerly under firm Viet Cong control.

The turn out had nothing to do with "voter confidence" in President Thieu. Most people voted because they wanted to stay out of trouble with the authorities. But the election did amount to an impressive demonstration of administrative control over large numbers of people.

The absence of these main-force units has given the Saigon government forces a relatively quiet period in which to train and expand in places such as Hau Nghia Province to the west of Saigon, home of nearly a quarter of a million people.

When the U.S. 25th Infantry Division set up its headquarters in Hau Nghia six years ago, it had to fight its way in. When the division left at the end of last year, there was widespread apprehension among those committed to the anti-Communist side that all the gains in security would be lost.

An old carpenter in one of the district towns of Hau Nghia said he was certain that the Viet Cong would start coming back into the town again to propagandize and collect taxes. He had little confidence in the South Vietnamese Army and even less confidence in the militia, called the People's Self-Defense Force, to which he himself belonged.

VIET CONG FADING?

"The Viet Cong have passed the word that they'll eat the marrow of our bones if they ever get ahold of us," he said when asked his opinion of the strength of the People's Self-Defense Force.

But the Viet Cong did not come back to his town, at least not in strength; and Hau Nghia, always considered "one of the worst provinces" in South Vietnam, is showing signs of increasing prosperity—despite the fact that the Viet Cong continue to collect taxes from most farmers. Farmers are starting to cultivate some long-abandoned and devastated areas. Some are doing well enough to build new stucco houses. There is even talk of reopening a sugar mill that was shut down several years ago because of the fighting.

An American Army officer recalled that if one visited the provincial capital of Hau Nghia four or five years ago and spent more than 48 hours, "you were pretty likely to come under a mortar attack."

"You flew around the province," he said. "You didn't drive."

"If you wanted to go from the province capital to the airfield in those days, you had to take two companies of troops along with you."

Now American advisers find themselves driving all over that same province unarmed.

Fewer attacks and ambushes, roads open, trade increasing, and greatly expanded numbers of government troops and militiamen—this is the sort of thing you can see with your own eyes, and these are factors that are reflected in the computerized statistics which are supposed to tell how the war is going. The statistics say that most of the country is under government control.

The trouble with the statistics is that they do not measure the political and psychological factors which are so important in Vietnam. How much weight does one give, for instance, to the widespread corruption and injustice which many Vietnamese feel characterize the Saigon government?

And what is going on under the surface in those areas which are seemingly calm?

This appears to be a "lie low" period for the Viet Cong. They seem to be concentrating on rebuilding their weakened political infrastructure and infiltrating cadres into "legal" positions in government controlled areas.

Allied intelligence officers are often frank to admit that they have no idea how much success the Viet Cong are having in this quiet, underground task of reindoctrination and infiltration.

Where the Viet Cong are still collecting taxes—as in Hau Nghia—the collections at least are more irregular than they used to be because of tightened government control. But in most areas the Viet Cong still are collecting much greater sums than the government is.

All this raises an even more difficult question: How much latent support remains for the National Liberation Front in those once "insecure" areas that now are ostensibly under firm government control? Vietnamese farmers, even in some of the most "secure" provinces of the country, still talk of being caught in the middle or "being squeezed from two sides."

SUPPORT ASSESSED

The peasant gives the impression of wanting to be left alone by both sides so that he can get on with his farming. He appears to recognize neither the Viet Cong claim nor the government claim to legitimacy. But in former Viet Minh stronghold areas, some experts feel that there is a lot of latent support for the National Liberation Front.

Students of recent Vietnamese history note that the Viet Cong already have made a number of comebacks. They were set back at first by the strategic-hamlet program and by the newly introduced helicopter tactics of the early 1960's. But they managed to learn how to cope with these.

They were dealt a severe setback by the introduction of American combat troops in the mid-1960's but managed to bounce back for the big Tet offensive of 1968.

It also is probably worth recalling that the French had the Mekong Delta "pacified" by 1952 during the Indo-China War. The Viet Minh, predecessors of the Viet Cong, were the first to admit this. But by 1954, the Viet Minh had made such a comeback in the delta that French officers were admitting that they would have to start all over again with their efforts there if they hoped to regain control.

COLLAPSE DOUBTED

But the majority opinion here is that the Army is by no means destined simply to fall apart, even after the complete pullout of American combat troops, apparently planned for mid-1972.

The prevailing feeling is that if the United States continues to give the Saigon government heavy economic and logistical aid, as well as considerable air support, the war may drag on for several more years before the North Vietnamese reach the stage where they can pose a serious threat again to the entire Saigon government structure.

Even then, Hanoi will probably have to rely on economic and political turmoil, combined with military pressure, to achieve its aims rather than relying solely on an attempt at a conventional military victory.

All the evidence is that Hanoi is still following the "economy of force" strategy it adopted more than two years ago after evaluating the losses suffered in the Tet offensive. The North Vietnamese are still putting a tremendous effort into developing new supply bases in Cambodia to offset the losses caused by the cutting of the Sihanoukville supply route.

GOAL UNCHANGED

But there is no evidence that they have given up their aim of eventually winning the war "step by step," as one Communist directive advises. The Communist timetable has been set back several times, but the goal apparently remains the establishment of a coalition government to replace the Thieu regime.

Meanwhile, by the time the showdown stage comes—and most observers believe it will have to come—economic and political problems may grow into as big a threat to Saigon's survival as the North Vietnamese and Viet Cong Army battalions.

SAIGON LOOKS STRONG

Right now, the government position in the rich and populous delta in most of the provinces surrounding Saigon looks stronger than it has in several years. But while obviously weakened, the Viet Cong have not been eliminated. Very tough and very dedicated political cadres are still going about their work, trying to lay the foundation for a comeback.

"In most areas of the delta, the Viet Cong political apparatus is larger than the military apparatus," said one experienced U.S. official.

"These political cadres are so well hidden that nobody knows who they are," he said. "These legal cadres run IV Corps [the delta] now."

"We're not going to kill them, and we're not going to get them to surrender," he said. "And it doesn't take many people to start a revolution all over again."

In the northern half of South Vietnam, the North Vietnamese and Viet Cong threat is much more apparent. In fact, one sometimes has the impression that there are two distinct wars going on in South Vietnam—one is in the south, the other in the northern provinces. Binh Dinh Province on the central coast, for instance, is described by some officials as being "more than two years" behind some of the delta provinces in terms of security.

If the five northernmost provinces of the country, where the North Vietnamese have the advantage of shorter supply lines, they are capable of launching bigger attacks than elsewhere. The controversial Laos invasion last spring was supposed to reduce the North Vietnamese threat in the northern provinces. Some American generals insist that it did prevent an offensive.

MERIT UNRECOGNIZED

This would be difficult to prove. At any rate, the South Vietnamese Army got through the dry season just ending in the northern provinces in fairly good shape. But the South Vietnamese forces are going to be spread thin with the departure of the rest of the U.S. Americal Division this year and the U.S. 101st Airborne Division next year.

Some experts believe that the South Vietnamese Army will begin to collapse under increased North Vietnamese pressure by the end of next year. The Army is still beset by desertions and corruption. There has been some gradual improvement in the Army's leadership, but this is still probably its weakest point. In the view of U.S. officers, the number of men being promoted from the ranks in the Vietnamese armed forces on the basis of merit rather than connections and formal education is far too small.

AFTER THIEU'S ELECTION: APATHY—AND NONCREDIBILITY

SAIGON.—As President Nguyen Van Thieu prepares to begin a new four-year term, he seems firmly in control. The period of political turmoil that erupted before his reelection on Oct. 3 now appears to be over.

Most of the Saigon politicians who cried the loudest in protest over the one-man election now are silent. Tenuous alliances that had formed to oppose the election are already falling apart only weeks after their formation. One of these is the People's Committee to Fight Dictatorship, sponsored by Vice-President Nguyen Cao Ky.

The opposition politicians are squabbling among themselves again. Some of them are accusing one of the most influential groups of having been "too moderate" in its opposition to the one-man election. Hopes that the opposition groups would somehow unite over the election issue have proven illusory.

Although the opposition politicians, religious leaders, and retired generals agree that they don't like President Thieu, they have failed signally to agree on an alternative.

One of President Thieu's biggest problems is that most South Vietnamese believe 'it's Nixon who decides'—not Thieu. Thus, many of the nation's most talented people—who could serve as a loyal opposition—refuse to get involved with the problems of governing that war-torn land.

AGREEMENT DIFFICULT

Everybody wants to be a leader. Yet, the potential leaders, prime ministers, and presidents don't trust each other. When it comes to trying to agree on what sort of action to take against Mr. Thieu, they simply don't agree.

A handful of militant student activists claim to be carrying on the fight, and every other day or so they burn an American vehicle. (Occasionally they make a mistake: They firebombed a twiwheeled minibus used by the United Nations Children's Emergency Fund recently.)

But the students admit privately they don't hope to have any direct influence on President Thieu. Their main target is the United States. They hope to have an effect on U.S. policies in South Vietnam by gaining the attention of American newsmen in Saigon.

But aside from the occasional firebombings, Saigon seems to have slipped into a new period of political apathy and exhaustion. The intensity of feeling against President Thieu over his preelection maneuvering has died down.

Even the Americans seem to share in the apathy. American diplomats who saw some of their last illusions shattered by the one-man election would rather talk about anything but Vietnamese politics for a change.

CORRUPTION PROBLEM

Four years ago, at the time of President Thieu's first inauguration, the Americans spoke hopefully of possible moves by the new South Vietnamese President to create a political and social revolution and to "civilianize" and broaden the base of the government's support. Now there is renewed talk about bringing more civilians into important positions and broadening the base, but there is less hope in the voices this time.

There is also renewed talk about how President Thieu "must tackle" the corruption problem in his new four-year term if he hopes to survive. But the Americans add that they really don't have the leverage to do anything about this now that most of the U.S. combat troops are pulling out.

"The time for major American-sponsored reforms is past," said a Rand Corporation analyst in a report on Vietnam.

But while the Americans claim to be lacking in leverage these days, most Vietnamese see it another way. Like the students who are trying to get on American television in order to make their point, they are inclined to believe that the Americans decide everything that happens in Vietnam. This is one of President Thieu's biggest problems. While he claimed to have gotten a huge "vote of confidence" in an "election"—which actually amounted to an administrative exercise—real confidence in him is sorely lacking.

Time and time again, one hears from Vietnamese: "It's Nixon who decides."

U.S. ROLE ASSUMED

The Vietnamese expect the Americans to have all the answers at precisely the time when the Americans are starting to say: "We've done all we can. It's up to the Vietnamese now."

The Vietnamese detect what the Saigon newspapers like to call the "hairy hands" of the Americans in everything. This is an understandable attitude for a small country which was overwhelmed by the American presence, American ideas and American armed force. Withdrawals or no withdrawals, the thing that is apparent to most Vietnamese is that their country is terribly dependent on the United States.

A poll taken by American-trained poll takers in five areas of South Vietnam earlier this year indicated that a large majority of the Vietnamese believe that the U.S. has complete control over the Saigon government. Most also apparently believe that it will be the big powers, including the U.S., who decide the outcome of the war, and that President Thieu will have little to do with it.

All of this is a terrible handicap for the Saigon regime. Many of the most talented people in Vietnam sit on the sidelines, refusing to get involved. One reason for this is that they feel they have little to do with the fate of their own country:

The big powers will decide, they insist. Why cooperate with President Thieu? Or why even cooperate with each other?

OPPOSITION HAMPERED

This often infuriates Americans, who throw up their hands at the fragmentation of the non-Communist political and religious groups in Vietnam. The Americans had hoped that the U.S. troop withdrawals might force a "sense of urgency" on these groups, convincing them that they must pull together to survive against the Communists. But the squabbling, the intrigue, and the maneuvering go on as though nothing had ever really happened. Politicians sometimes end up dissipating their energies simply trying to figure out what the Americans are up to—after all, the Americans will decide.

American hopes that a "loyal opposition" would somehow develop are also hampered by this attitude. Quite a few of President Thieu's opponents are saying that whatever they do at the moment will not make much difference anyway, because President Nixon is probably going to settle the war through his forthcoming trips to Moscow and Peking. President Thieu will be dumped anyway as a result of the settlement, they say.

In the view of most diplomats here, this is purely wishful thinking. But it is an indication of the difficulty President Thieu faces in establishing his credibility with his own people.

Mr. Thieu's one-man "election" didn't help matters for him.

When election officials announced that more than 87 percent of the registered voters participated in the election and that more than 95 percent cast "votes of confidence" for Mr. Thieu, the announcement was greeted with derision by many Saigonese.

Actually, all the evidence indicates that there actually was a huge turnout in the rural areas. And because of the pressures involved, most people there unquestionably cast valid ballots—meaning "votes of confidence" for Mr. Thieu.

STUFFED BALLOT BOXES

But overzealous officials probably stuffed the ballot boxes in the cities, where people are less easily intimidated and more likely to refrain from voting or to cast protest votes. Some diplomats now estimate that officials may have boosted figures in the cities of Saigon, Danang, and Hue by as much as 30 to 40 percent.

At any rate, the election did little to boost Mr. Thieu's credibility among the city people or the relatively small number of Vietnamese who think much about politics.

"Better even than the Communists," said one oposition newspaper after the election figures were announced.

The prevailing feeling is that if election officials had settled for a lower set of figures the whole exercise would have been a bit more credible.

Mr. Thieu argues that his credibility problem is mainly in the cities, where most Vietnamese newspapers are quite clearly against him. In fact, he long ago seemed to write off Saigon and all its squabbling as a political loss to him. In his first four years in power he concentrated on trying to build support in the rural areas through the "pacification" program, land reform, and economic benefits to the farmers.

ACCEPTANCE SEEN

Some diplomats now feel that although President Thieu is not a popular figure—and probably never will be—he has gained a measure of acceptance among many of the country's farmers because of an obvious increase in prosperity in many rural areas.

But this is a highly debatable point. Most observers detect nothing more than indifference to Saigon politics among the peasants, along with a very definite penchant on their part to stay neutral in order to survive. Taking sides, they have learned, can only get them into trouble. They would like to be left alone, and they would like to have peace.

Even where there have been undeniable economic improvements, many Vietnamese still seem to consider their government to be corrupt. Whether they are right in some cases may be less important than the fact that they believe this to be true.

While the world denounces the Saigon government for its failure to be "democratic," many Vietnamese are more concerned about questions of social justice and corruption. "Democracy" and elections still have little meaning for many of them.

When one Vietnamese farmer was asked during the recent election whether any of the elections he participated in had been of any use or help to the people, he replied:

"Well, they must be of some use, because the government keeps holding them."

Another farmer remarked with relief that the one-man election was "much easier" to go through than some previous multicandidate elections.

It was simply a matter of dropping the Thieu ballot in an envelope this time, he said.

The American concern is that as long as a majority of the South Vietnamese are unwilling to commit themselves, the efforts of small but dedicated groups of Communist political cadre may prove more decisive in the long run than the efforts of the much more loosely organized government cadre.

BATTLEFIELD VICTORY

At the moment, President Thieu seems firmly in control. His non-Communist opposition is divided. But what if it ever came to a real political struggle with the National Liberation Front as part of a settlement of the war? Many sources feel that without an organized base of mass support, Mr. Thieu's government will be in real trouble in any political contest with the highly motivated Communists.

But President Thieu seems convinced that the war will be decided on the battlefield, not at the negotiating table or in a political contest. He has predicted that there will be a "major confrontation" between North and South Vietnam in one "last bloody battle" in 1973, that the north will lose, and that the war will then fade away.

Yet there is one other thing that worries him greatly: the economic situation. The soldiers who are supposed to win that battlefield victory have been squeezed by relentless inflation. Not to have them turn against him, Mr. Thieu must do something to improve their lot as well as that of others who have been hit hard by war-induced inflation. With the election behind him, President Thieu is turning more and more of his attention to proposals for major economic reforms.

Target for Hanoi: Despite Saigon Reforms and Stabler Prices, a U.S. Economic Shield Remains a Necessity

SAIGON.—The military and political struggles in Vietnam usually dominate the headlines. But another critical battle is being fought on the economic and financial front.

If this battle is lost, it could undermine Washington's Vietnamization program and everything that has been fought for.

More than a year ago, with the political situation apparently "stabilized" and government gains in the country side apparently sticking, officials here started talking about the war-shaken economy as the "single most critical problem" confronting South Vietnam.

The recent political crisis in Saigon altered that judgment somewhat. But once President Thieu pushed through his one-man "election" with less trouble than expected, attention started switching once again to the country's formidable economic and financial problems.

All this should be of interest to American taxpayers, because U.S. and South Vitenamese economic officials are saying that they are going to need a high level of U.S. economic aid for a few more years if South Vietnam is to win its battles on this front.

AID REDUCTION ESTIMATED

At the same time, they contend that if major reforms now under consideration are successful, it should be possible within two years or so to start reducing the flow of economic aid to South Vietnam.

This has been the largest American economic aid program since the Marshall Plan of more than 20 years ago.

American assistance currently provides for about half of South Vietnam's war-swollen budget. An aid-appropriation request for Vietnam valued at nearly $550 million now is before the U.S. Congress, and economists here are worried about possible congressional cuts.

This is a particularly critical time. With the U.S. troops pulling out, American military spending in Vietnam is dropping off, and the Saigon government is suffering losses in foreign exchange. This is happening at a time when the government's expenditures are rising to help pay the costs of a greatly expanded Army. South Vietnam is a small country of only 18.5 million people, but it is maintaining one of the largest armies in Asia.

INFLATION A MAJOR PERIL

Inflation is always the biggest worry. Economists here consider it to be an enemy only slightly less dangerous than the Viet Cong. Following the big American troop buildup here in 1965, prices in one year skyrocketed more than 100 percent. In 1969–70 retail prices climbed more than 50 percent.

Inflation has taken a terrible toll among the more than 1.5 million underpaid soldiers and civil servants. These are people whom the Saigon government can ill afford to alienate if it wants to keep fighting.

Last October, the government instituted a series of reforms which appear to have been quite successful. In fact, they were a dramatic success when one considers the inflation speculation and hoarding of previous years. The U.S. aid retail price index shows that the reforms held prices down to an overall increase of less than 10 percent over the past year.

OTHER INDICATORS CITED

There are some other happy indicators that mean a lot to economists:

Interest rates are higher, savings and time deposits have tripled, windfall gains have been substantially narrowed, and the flight of capital has been cut back to near zero.

The currency black market has remained quite stable and appears to be much less of a factor than it used to be.

On the production side, the country now appears to be self-sufficient in rice for the first time in years. Thanks to the introduction of new "miracle rice" strains and an expansion of the land under cultivation, rice imports have ceased.

In the words of one American economist, quite a few farmers in the Mekong Delta are now "making out like bandits"—which means growing increasingly prosperous. They have been getting a good price for their rice for several years now.

The trouble with all this is that most of it doesn't make too much sense to the average Vietnamese city dweller, who knows only that he is still being squeezed by inflation and sees no end to it.

MORE REFORMS WEIGHED

For the economists, considering some of the economic and financial nightmares of the past, it has been a good year.

Now the economists are considering another set of reforms, which the South Vietnamese Economics Minister, Pham Kim Ngoc, says will "reach for the stars."

"So far we have only tackled the stabilization of the economy," he said. "Now we are going to try to overhaul the whole system."

"Vietnam must begin to take measures to face up to the possibility of reduced American aid," he said.

The economists are, of course, wary about going into details of the new reform package before working it all out. But there are plenty of hints to indicate that it will be quite sweeping.

While he is reluctant at the moment to get into details about future reforms, Mr. Ngoc is quite candid about the problems that confront his country, including that of corruption.

He outlined the situation this way to a group of American businessmen earlier this year:

"More than a million men are in the armed forces from a population of 18 million. In the U.S., you would have to have forces of more than 11 million to be in this proportion.

"Among other things, this means that I, as a Cabinet minister have to get along with the staff that I have. You tell me that Mr. So-and-So is too old, or not well enough educated, or dishonest, or that I should fire him.

"You will want me to replace him with a fine, intelligent young man, right? Well, that young man is abroad or he is a captain on the Army general staff, or he is in Laos, or, too often, he is dead.

"So Mr. So-and-So will have to do. That is the way it is in every ministry and in every agency of this government.

"The income of Vietnamese government employees has fallen in real purchasing power by something like 75 percent during the last five years.

"This means that the typical official of a government agency cannot live and support his family on his government salary.

"In many cases he is able to survive because he works in a second job, or because other members of his family work.

"In other cases, he survives by taking bribes.

"We cannot handle the problem of corruption by picking out those who are corrupt and punishing them. Police methods are of no use in this situation, because the problem is widespread and because the small fry—who are the most apt to be caught—literally cannot help being corrupt.

"The inevitable element of political uncertainty created by the war probably makes people more venal, more determined to hang onto their slice of the pie, than would be the case in peacetime."

After all these years of war, "uncertainty" still seems the word which best sums up the situation as one looks at the military, political, and economic aspects of the war, and then tries to answer the question: "Whither Vietnam?"

There is a feeling among some sources that the economic aspect will be more critical than any other in the year ahead. But no one pretends to know for sure. Much still depends on the North Vietnamese and the Viet Cong. For them, this is a total war in which the economy is a prime target—along with everything else.

And the Communists are expected to concentrate more and more on stirring up unrest in South Vietnam's neglected cities, where the economic squeeze is most acute.

As American officials see it, a little luck would be helpful at this point.

"The two critical years for the economy are going to be 1972 and 1973," said a senior U.S. official.

"With a little luck on the political side and a little on the military side, we could really see some dramatic improvement in the economy.

"Then at the end of two years, we could talk about reducing economic assistance."

Maybe.

ONE MORE STRAW FOR SAIGON

Last weekend's Typhoon Hester is the type of unexpected financial burden the Saigon government can do without.

Yet President Thieu, meeting in emergency session with his Cabinet, ordered $725,000 made available for disaster relief in the country's five northern provinces.

Government figures indicated several hundred thousand of the northern region's three million people were at least temporarily homeless after the typhoon struck. A spokesman for the Social Welfare Ministry said at least $1.5 million would be needed for civilian relief.

Officials said at least 40,000 persons were homeless in Quang Ngai Province alone, and that refugee camps and schools were wiped out.

FEDERAL RULES OF EVIDENCE FOR U.S. COURTS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. HOGAN. Mr. Speaker, in March of this year the Committee on Rules of Practice and Procedure of the Judicial Conference of the Supreme Court of the United States released the revised draft of the proposed Federal rules of evidence for the U.S. courts and magistrates. The Judicial Conference returned the revised draft to the Committee on Rules of Practice and Procedure for further consideration of all suggestions referred to it. This consideration by the committee is presently going on.

The proposed rules are comprehensive and codify much of the law of evidence. Many of its sections will alleviate complex problems now the subject of conflict among the courts. It includes provisions on presumptions, their scope and use; privileges and limitations thereon; handling of witnesses and codification of the use of prior inconsistent statements made by witnesses. The revised draft is set forth at volume 51 FRD 315–473.

Mr. Speaker, the provisions included in this revised draft have caused much discussion and disagreement within the legal community. As the author of H.R. 15340, the bill relating to the competency of witnesses which was included as a provision of the District of Columbia Court Reform and Criminal Procedures Act of 1970, I am particularly concerned about rule 609(a) concerning impeachment by evidence of commission of crime. Because this provision of the District of Columbia Crime Act is based in large part on the version of rule 609 originally tendered by the Advisory Committee on Rules of Evidence, I find the amendment to rule 609(a) of the revised draft particularly objectionable. I have addressed my objections to this rule to the chairman of the Committee on Rules of Practice and Procedure in the hope that the committee would consider my recommendations before reporting another draft.

Similarly, the Department of Justice and the U.S. attorney for the District of Columbia addressed their objections to several provisions of the revised draft to the chairman of the committee, Judge Albert B. Maris.

Mr. Speaker, I include the following documents in the RECORD at this point:

First, my letter of July 29, 1971, to Judge Maris;

Second, a letter from Deputy Attorney General Richard G. Kleindienst to Judge Maris, dated August 9, 1971. The Department of Justice's lengthy comments which accompanied this letter are not here included but can be found on pages 33649–33657 of the September 28, 1971, CONGRESSIONAL RECORD.

Third, a letter from Thomas A. Flannery, U.S. attorney for the District of Columbia, dated August 6, 1971, to Judge Maris.

The documents follow:

JULY 29, 1971.

Hon. ALBERT B. MARIS,
Chairman, Committee on Rules of Practice and Procedure, Judicial Conference of the United States, Supreme Court Building, Washington, D.C.

DEAR JUDGE MARIS: I am writing to urge that the Committee on Rules of Practice and Procedure amend Rule 609(a) of the proposed Federal Rules of Evidence, which concerns Impeachment By Evidence of Commission of Crime, so that it conforms to the recently enacted § 14–305 of the District of Columbia Code. I am urging this action by the Committee because the proposed rule is sharply at odds with the legislation passed by Congress last week—legislation based in large part on the version of Rule 609 originally tendered by your Advisory Committee on Rules of Evidence—and because there is good reason to believe that the proposed rule will have an undesirable and burdensome impact on federal criminal proceedings.

As now formulated, Rule 609(a) embodies the requirement that evidence of a prior conviction for attacking the credibility of a witness be excluded if the judge determines that its probative value is substantially outweighed by the danger of unfair prejudice. The Committee's note to this section correctly states that "The provision finds its genesis in *Luck v. United States,* 121 U.S. App. D.C. 151, 348 F.2d 763 (1965)."

A few words of background are in order with respect to the *Luck* case. In *Luck,* the U.S. Court of Appeals construed 14 D.C. Code § 305 (1961). That provision read in part as follows:

"No person shall be incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of crime, *but such fact may be given in evidence to affect his credit as a witness,* either upon cross-examination of the witness or by evidence aliunde; and the party cross-examining him shall not be concluded by his answers as to such matters . . . (Emphasis added.)"

The court, over the strong dissent of Judge Danaher, construed the underlined language of the statute to mean that evidence of a prior conviction "may" be admitted to impeach the credibility of a witness in the discretion of the trial court. The Court of Appeals declared that:

"Section 305 is not written in mandatory terms. . . . W(e) think the choice of words in this instance is significant. The trial court is not *required* to allow impeachment by prior conviction every time a defendant takes the stand in his own defense." 348 F.2d at 767–768.

Judge Danaher answered this contention as follows:

"When our statute says that the 'fact' of previous conviction 'may be given in evidence,' to me it is speaking of an option open to 'the party cross examining' the witness. *I think my colleague has misconstrued the language and its objective.* The language tells the trier the fact of conviction *is* evidence, and it *is* to be received. *Of course, a party is not bound thus to impeach a witness. That is why the word 'shall' is not used.*" (Emphasis added.) 348 F.2d at 771.

Although the question of interpretation is now moot, I am persuaded by Judge Danaher's dissent that, apart from the merits of the *Luck* rule, the *Luck* decision plainly misconstrued the stated objective of Congress in the old Section 305. I recite this history as background, because it is manifest that the currently proposed Rule 609(a) would again contravene the will of the Congress, as evidenced in the DC Code provision adopted last year. That new section was specifically designed to overturn the *Luck* decision. (This provision of the original legislation was passed by the House of Representatives by a 2–1 vote margin.)

I believe this unequivocal expression of public policy by the Congress, which came after thorough study and consideration, is entitled to great weight in the deliberations of your Committee. And I must say, with all due respect, that I find somewhat disingenuous the Committee's failure to advise the Bench and Bar in the comments to proposed Rule 609(a), that Congressional policy is contrary to the rule and that the *Luck* case was specifically repudiated by the Congress a year ago.

Congress rejected the *Luck* rule for several reasons. First we agree with the statement accompanying the original rule proposed by the Advisory Committee on Rules of Evidence that:

"Disallowing the conviction evidence enables an accused to appear as a person whose character entitles him to credence, when the fact is to the contrary. . . ."

The very reason for permitting impeachment evidence in these instances is to aid the fact-finder in assessing the credibility of witnesses in the search for truth. As one court has wisely put it:

"No sufficient reason appears why the jury should not be informed what sort of person is asking them to take his word. In transactions of everyday life this is probably the first thing that they would wish to know."

The Committee notes in connection with the proposed rule that, "There is little dissent from the general proposition that at least some crimes are relevant to credibility." These relevant crimes include not only *crimen falsi* but also those felonies which demonstrate a conscious, deliberate willingness to engage in conduct which entails substantial injury to and disregard of other persons or the public at large. In my view, criminal, antisocial behavior per se reflects on credibility. A Superior Court judge in the District of Columbia recently observed that evidence of this kind

". . . is material and relevant because prior convictions can be illustrative of one's attitude toward society and its rules, including the oath to speak truthfully from the witness stand."

Unfortunately, the rule proposed by the Committee will have the effect of aiding a deceitful defendant in misleading the jury, and I cannot view that as sound public policy.

Second, Congress rejected the *Luck* rule last year because it had proved unworkable and burdensome in practice in the District of Columbia. According to evidence gathered by the House District Committee early in 1970, the *Luck* rule had spawned vast amounts of litigation. The House report on the District of Columbia crime legislation stated:

"Since the *Luck* decision in 1965, there have been over thirty appellate opinions discussing the application, plus innumerable other cases in which the issue was raised on appeal but the case was decided without opinion." H. Rep. No. 907, 91st Cong., 2d Sess. 63 (1970).

Both the House and Senate District Committees found that appellate courts in the District of Columbia, though they tried, were unable to establish meaningful and workable criteria to guide trial judges in the exercise of their discretion. The Committees found that neither trial nor appellate judges could agree among themselves about the application of the rule in similar circumstances. New interpretations of the rule seemed to lead to an even greater encroachment on the prerogative of the prosecutor to employ probative impeachment evidence; indeed, some trial judges, fearing reversal by an appellate panel, allowed no impeachment evidence at all. Thus, in cases where impeachment evidence was permitted, an appeal often followed, adding to the workload in the appellate courts.

One legal writer declares that cases like *Luck* "evidence a trend, that may have far-reaching implications, by which the admissibility of all prior convictions evidence may be prohibited when the defendant testifies in his own behalf." This "trend" should not be encouraged in federal courts. A rule excluding all convictions evidence when the accused testifies was considered by the Advisory Committee in 1969 and vigorously rejected. Although such a rule would answer the problem of the vague and confusing standards inherent in *Luck*—the problem which inspires so many pretrial hearings and post-trial appeals—the problem can be solved better, without damaging our system of justice, by making convictions evidence admissible unless it fails to satisfy the clear limitations set out in the other subsections of the proposed rule.

During the debate on the District of Columbia crime bill last year, I alerted the House to a murder case in which the trial judge excluded all prior convictions of the defendant but told the defense counsel he could use prior convictions on the part of the prosecution witnesses to impeach *their* credibility. This case is symbolic. I believe a defendant ought to have the opportunity to challenge the credibility of those who testify against him. But I also believe that a defendant should not be able to attack the credibility of others while misrepresenting his own credibility.

This murder case illustrates what I fear will become commonplace if the *Luck* rule is adopted, namely, that the rule will be construed so liberally in favor of the defendant that it will unbalance and taint the process of justice. The substantiation of this fear may be found not only in the actual experience in the District of Columbia, but also in the Committee's latest note accompanying the rule: While Rule 9(a) itself speaks of admitting convictions evidence unless "the probative value of the evidence of the crime is substantially outweighed by the danger of unfair prejudice," the Committee's note drops the key adverb "substantially" from its explanation of the rule and refers to "balancing probative value against prejudice," dropping the adjective "unfair."

Proposed Rule 609(a) is clearly at odds with the present law in most jurisdictions throughout the country. Inasmuch as the new Federal Rules of Evidence will serve as a model for many states in their efforts to reshape local evidentiary rules, your Committee has a special responsibility to provide wise guidance for them as well as for our federal judicial system.

I earnestly hope, for the reasons set out here, that Rule 609(a) will be made to conform to the policy of Congress.

Sincerely,

LAWRENCE J. HOGAN.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 9, 1971.

Hon. ALBERT B. MARIS,
Chairman, Committee on Rules of Practice and Procedure, Judicial Conference of the United States, Supreme Court Building Washington, D.C.

DEAR JUDGE MARIS: Attached are the Department's comments on the Revised Draft of the Proposed Rules of Evidence for the United States Courts and Magistrates. These comments detail the Department's serious reservations concerning certain of the rules contained in the Revised Draft.

As you know, a Committee appointed by the Attorney General submitted comments to the Preliminary Draft. The Revised Draft indicates that many of the Departmental Committee's recommendations were rejected by the Advisory Committee. Moreover, the Revised Draft contains many important provisions which were not included in the Preliminary Draft and upon which the Department had no opportunity to comment. In these circumstances, we deem it imperative to place the Department's views before the Advisory Committee.

Several of the problems detailed in the attached report are of such overriding importance that they should be stated at the very outset.

1. RULE 509 MILITARY AND STATE SECRETS

This rule fails to recognize that the Government has a privilege not to disclose official information if such disclosure would be contrary to the public interest. See *Davis* v. *Braswell Motor Freight Lines,* 363 F.2d 600 (5th Cir. 1966); *Kaiser Aluminum & Chemical Corp.* v. *United States,* 141 Ct. Cl. 38, 157 F. Supp. 939 (1958).

By requiring that the Government must substantiate its claim of state secrets privilege by showing the likelihood of a danger that disclosure will result in detriment or injury to the national defense or international relations, the Rule fails to reflect the present state of the law as enunciated in *United States* v. *Reynolds,* 345 U.S. 1 (1953). A Governmental showing of a reasonable possibility that military or state secrets are involved would be consistent with *Reynolds.* Instead, the Revised Rule raises the possibility that in order to sustain its claim, the Government may be required to disclose the very information claimed as privileged.

The Revised Rule is also deficient in that it fails to authorize a procedure whereby the Government can make an *in camera* submission of information to the trial judge to enable him to make an informed judgment as to whether or not the claim should be sustained.

2. RULE 510 IDENTITY OF INFORMER

Rule 510(a) limits the Government's identity of informer privilege to the identity of persons furnishing "information purporting to reveal a violation of law." Because informers provide intelligence information on a continuing basis, their value extends far beyond providing information purporting to reveal a violation of law. The privilege should be extended accordingly.

Under Proposed Rule 510(c)(1), the Government's privilege would be lost even if the informer was called as a witness by the defendant, thereby motivating a defendant to call witnesses primarily to ascertain those who may have been government informers.

In an attempt to accommodate the Rule to civil cases, the drafters, in subsection (c)(2) changed the test of dismissal for failure to reveal an informant's identity from the Preliminary Draft's "the issue of guilt or innocence" to a "material issue in the case." Yet, this accommodation requires a departure from the test outlined in *Roviaro* v. *United States,* 353 U.S. 53 (1957).

Subsection (c)(2) is also defective in that it fails to provide an adequate procedure for handling defense requests to learn the identity of informers. There is no reason why the Government cannot submit to the trial judge *in camera* the information needed to determine whether fairness requires that the Government be ordered to reveal the identity of the informer.

Subsection (c)(3) of the Rule, concerning the legality of evidence obtained on the basis of information received from an informer, narrows the test to one of the reliability of the informer. The correct test is one of credibility or reliability. *Aguilar* v. *Texas,* 378 U.S. 108, 114 (1964); *United States* v. *Harris,* 91 S.Ct. 2075 (1971).

3. RULE 609 IMPEACHMENT BY EVIDENCE OF CONVICTION OF A CRIME

By giving the trial judge discretion to permit defendants in criminal cases to testify without being impeached with prior convictions, the revised draft adopts the rule derived from *Luck* v. *United States,* 121 U.S. App. D.C. 151, 348 F.2d 763 (1965). The *Luck* rule is not only inconsistent with the law in almost 90 percent of the states, but was overturned by the Congress in the District of Columbia, the only federal jurisdiction in which it existed. See District of Columbia Court Reform and Criminal Procedure Act of 1970, Pub. L. No. 91-358, § 133. In rejecting the *Luck* rule, the Congress found persuasive the fact that it had proved completely unworkable in the District of Columbia, as evidenced by the fact that the Bar Association of the District of Columbia in a 1970 membership-wide referendum supported the elimination of the rule.

4. The other rules commented upon raise, in total impact, significant problems in the fair and orderly procedures at trial and at pretrial hearings. In our view their adoption, without significant amendment, would impede the effective administration of justice.

We trust that our comments will prove helpful to the Committee.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C., August 6, 1971.

Hon. ALBERT B. MARIS,
Chairman, Committee on Rules of Practice and Procedure, Judicial Conference of the United States, Supreme Court Building, Washington, D.C.

DEAR JUDGE MARIS: I am writing to register my objections to a number of the Proposed Rules of Evidence for the United States Courts and Magistrates contained in the Revised Draft released in March of this year. My objections are based not only on my experience as United States Attorney for the District of Columbia, but also on my experience for many years as an Assistant United States Attorney and a trial attorney in private practice.

I have been advised that the Department of Justice is preparing a more comprehensive report setting forth the most serious objections it has to the proposed rules. My failure to comment on all the rules discussed by the Department should not be construed, however, as indicating any disagreement on my part with its objections.

I shall discuss those rules to which I object as they appear in sequence in the Revised Draft.

1. PROPOSED RULE 104(D). PRELIMINARY QUESTIONS

The second sentence of Rule 104(d) provides:

> Testimony given by him [an accused] at a hearing in which he is asserting any constitutional right, or any right to have evidence suppressed or excluded, is not admissible against him as substantive evidence but may be used for impeachment if clearly con-

tradictory of testimony given by him at the trial.

I recommend that this sentence be deleted. This rule excludes as substantive evidence testimony given by an accused in open court while represented by counsel. Such an exclusion is clearly inconsistent with the function of a trial as a truth-seeking process.

The Advisory Committee's Note to this rule indicates that this exclusion is based on *Simmons* v. *United States,* 390 U.S. 377 (1968). In my view, however, the proposed rule goes far beyond *Simmons.* First, it extends the *Simmons* exclusion to testimony to assert *non*constitutional rights whereas *Simmons* involved only constitutional rights. Second, although the formulation of the rule in the Preliminary Draft of March, 1969, excluded such testimony only "on the issue of guilt at the trial,"—the language of *Simmons*—the Revised Draft extends the exclusion to use "as substantive evidence." This would apparently prohibit the use of such evidence in prosecutions for perjury and other similar offenses, a clearly objectionable result. Third, the proposed rule limits the use of the testimony as impeachment only if it is "clearly contradictory" of the accused's testimony at trial. I am aware of no rule which limits impeachment by use of prior statements or testimony to material that is "clearly contradictory." The standard test is whether or not the prior statement or testimony is inconsistent. *E.g.,* McCormick, *Law of Evidence,* § 34. I see no reason to depart from this standard test.

The above paragraph contains my objections to the rule as presently drafted. I also wish to bring to your attention a more fundamental objection, an objection which warrants deletion of the rule in its entirety. In May of this year, in *McGautha* v. *California,* the Supreme Court questioned the validity of the rationale of the *Simmons* case—that is, the concept that a "tension" between constitutional rights may justify on Fifth Amendment grounds exclusion of an accused's testimony to assert a constitutional right. Since this rationale, basic to the proposed rule, is now considered by the Supreme Court as open to question as a matter of constitutional law, it is, in my view, an inopportune time to try to codify the *Simmons* rationale. I therefore recommend deletion of the second sentence.

2. RULE 404. CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE CONDUCT; EXCEPTIONS, OTHER CRIMES

Rule 404(b) provides that while evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person to show that he acted in conformity therewith, it "may" be admissible for other purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

The use of the word "may" indicates that the admissibility of such evidence is purely discretionary with the court and no guidance is provided to trial judges for the exercise of their discretion. As both 1 Wigmore, *Evidence,* § 216, and McCormick, § 157, make clear, however, if relevant to proof of motive, intent, knowledge, etc., evidence of other crimes *is admissible.* The only limitation placed upon the admissibility is that the person against whom the evidence is introduced is entitled to an instruction explaining the limited purpose for which the evidence is admitted.

A rule which makes evidence admissible only in the discretion of the court, with no guidelines for the exercise of discretion, can be expected to operate in such a way as to deprive a party to litigation of evidence which is highly probative of such critical issues as motive, intent, knowledge, etc. This is particularly so because judges, for obvious reasons wishing to avoid appellate reversal, will understandably be inclined to exercise their discretion to exclude the evidence, particularly in criminal cases in which the Government has no right of appeal. I recommend that the second sentence of proposed Rule 404(b) be redrafted to read as follows:

> It [proof of other crimes, wrongs, or acts] is admissible, however, if relevant to prove such matters as motive, opportunity, intent, preparations, plan, knowledge, identity, or absence of mistake or accident.

There is no need to add the right to a limiting instruction since that is provided for in Rule 106.

3. RULE 405. METHODS OF PROVING CHARACTER

Proposed Rule 405(a) and also Rule 608 (a) permit proof of character, where relevant, to be by personal opinion in addition to reputation. Use of personal opinion to prove character is not permitted in the federal courts. *Michelson* v. *United States,* 355 U.S. 469 (1948). As McCormick observes (p. 334–35):

> Reputation evidence, though muted and colorless, is thought to have the advantage of avoiding side-issues as to particular acts and incidents in the past life of the accused.
>
> Opinion testimony, however, would inevitably lead to the introduction into a case of collateral issues which can only result in confusion and distraction of the jury from the main issues in dispute. Moreover, particularly as to moral traits of character, individual opinion is easily fabricated and difficult to cross-examine.

It can be persuasively argued that proof of character is both uncertain and distracting and, consequently, should not be allowed at all. If, however, character evidence is to be permitted, I oppose expanding the methods of proof and departing from the procedure set forth by the Supreme Court in *Michelson.*

4. RULE 505. HUSBAND-WIFE PRIVILEGE

Rule 505 authorizes a person to prevent his spouse from testifying against him in a criminal proceeding even if that spouse is willing to testify. I agree with the following comment about this privilege by McCormick (p. 145):

> The privilege has sometimes been defended, after the manner in which we find reasons for inherited customs generally, as protecting family harmony. But family harmony is nearly always past saving when the spouse is willing to aid the prosecution. The privilege, in truth, is an archaic survival of a mystical religious dogma and of a way of thinking about the marital relation, which are today outmoded.

Congress has previously provided by statute that in the District of Columbia a person has a privilege to refuse to testify against his spouse but that spouse cannot claim the privilege; only the spouse called to testify can. D.C. Code, § 14-306(a). This rule has operated fairly and effectively in the District of Columbia for over fifty years. I agree with this resolution by the Congress and recommend its adoption as the rule for the federal courts.

5. RULE 510. IDENTITY OF INFORMER

With the widespread growth of organized crime, the need for law enforcement authorities to have access to inside information and to preserve these sources of information makes it more imperative than ever that the law provide adequate procedures for protecting the identity of these sources. Disclosure of identity should be required, particularly in criminal cases, only when the strong public interest in the flow of information is substantially outweighed by the right of an accused to present his defense as to guilt or innocence.

While the case law as developed by the Supreme Court and the federal courts of appeal provides adequate safeguards for protecting the identity of informers, proposed Rule 510, in my view, would place some of these safeguards in jeopardy.

A. Rule 510(a) extends the informers' privilege only to informers who furnish information purporting to reveal a violation of law. There are other informers, however, who provide information concerning organized crime which does not specifically relate to a crime or violation of law. The information may relate only to investigation involving a suspected violation of law. Such an informant's identity should not be disclosed. Section 510(a) should be redrafted, accordingly, to extend the privilege to informers who provide this kind of information.

B. Furthermore, proposed Section 510(c) (2) provides that if "circumstances indicate a reasonable probability that the informer can give testimony or information necessary to a fair determination of a material issue in the case," the informer's identity must be revealed upon pain of dismissal of criminal proceedings. The language used in *Roviaro* v. *United States,* 353 U.S. 53, 60–1 (1953) pertaining to disclosure of an informant's identity in criminal cases is whether disclosure "is relevant and helpful to the defense of an accused." This has been consistently construed by the federal appellate courts to limit disclosure to those situations, relating only to guilt or innocence of an accused, in which the informant has been an actual participant in or a witness to the offense charged, the factual situation in *Roviaro.* See *e.g., Rocha* v. *United States,* 401 F. 2d 529 (5th Cir. 1968), *cert. denied,* 393 U.S. 1103 (1969); *Churder* v. *United States,* 387 F.2d 825, 831–32 (8th Cir. 1968); *Lannom* v. *United States,* 381 F.2d 858, 861–2 (9th Cir. 1967), *cert. denied,* 389 U.S. 1041 (1968); *Garcia* v. *United States,* 373 F.2d 806, 808 (10th Cir. 1967); *United States* v. *Pitt,* 382 F.2d 322 (4th Cir. 1967).

The proposed rule, in covering both civil and criminal cases, is too broad. In line with the above-cited cases, I therefore recommend that as to criminal cases disclosure be required only when relevant and helpful to the defense as to guilt or innocence, that is, when the informant is an actual participant in or a witness to the offense charged.

Section 510(c) (2) also fails to set forth an adequate procedure by which a trial judge can determine whether the test requiring disclosure has been met. A procedure must be set forth by which the judge can determine whether there is a reasonable probability that the informer can give the necessary testimony. This should be by an *in camera* proceeding in which the information is submitted to the court in written form. No counsel should be present unless all counsel are present. Moreover, disclosure must be based on facts, not speculation. *Lannom* v. *United States, supra,* at 861. As the Court of Appeals for the Fifth Circuit observed in *Miller* v. *United States,* 273 F.2d 279, 281 (5th Cir. 1959), *cert. denied,* 362 U.S. 928 (1960):

> "If the informer's relation to the acts leading directly to or constituting the crime may be assumed from a fertile imagination of counsel, the Government in practically every case would have to prove affirmatively that the informant had not done any such likely acts. Having done that, all would be revealed and the informer privilege, deemed essential for the public interest, for all practical purposes would be no more." 273 F.2d at 281.

Finally, the proposed rule is subject to the interpretation that if the Government refuses to disclose an informant's identity in a multiple-defendant case, the proceedings to be dismissed as to all defendants even if the anticipated testimony of the informant is not necessary to the defense of all the defendants. The rule should be redrafted to avoid this result.

C. Rule 510(c) (3) sets forth those circumstances in which the informer's identity must be revealed when the issue is not guilt or innocence, but the legality of the means by which evidence was obtained. The cases I have cited above indicate that disclosure is *not* required when an informer's information relates only to establishing probable cause, a holding consistent with prior decisions of the Supreme Court. *Rugendorf* v. *United States,* 376 U.S. 528 (1964); *McCray* v. *Illinois,* 386 U.S. 300 (1967). As the Supreme Court observed in *McCray,* 386 U.S. at 309 at 311–12:

> What *Roviaro* thus makes clear is that this Court was unwilling to impose any absolute rule requiring disclosure of an informer's identity even in formulating evidentiary rules for federal criminal trials. Much less has the court ever approached the formulation of a federal evidentiary rule of compulsory disclosure where the issue is the preliminary one of probable cause, and guilt or innocence is not at stake . . .

In sum, the court in the exercise of its power to formulate evidentiary rules for federal criminal cases has consistently declined to hold that an informer's identity need always be disclosed in a federal criminal trial, let alone in a preliminary hearing to determine probable cause for an arrest or search.

I therefore question the desirability of any rule permitting disclosure of an informer's identity when his information is unrelated to guilt or innocence. This is particularly so when the challenged evidence was obtained pursuant to a warrant.

If there is to be such a rule, I have the following comments. Under the proposed rule, if the Court is not satisfied as to the reliability of an informer whose information is used to establish probable cause, he may require disclosure of the informer's identity. The rule states only that disclosure "may" be *in camera*. I recommend that disclosure, if required, should *only* be *in camera,* with additional information establishing reliability or credibility provided in writing. The purpose is to satisfy the judge. When disclosure is unrelated to guilt or innocence, there is no justification for disclosure of identity to an accused.

This section as drafted also appears to permit the court to require disclosure without an alternative to the Government to decline and face dismissal. The availability of this alternative should be made clear, as it is in the preceding section.

Finally, Rule 510(c)(3) should be amended to make clear that information from an informer to establish probable cause is sufficient if the informer is reliable *or* credible. *Aguilar* v. *Texas,* 378 U.S. 108 (1964); *McCray* v. *Illinois, supra* at 311; *United States* v. *Harris,* — U.S. —, decided June 28, 1971.

6. RULE 608. EVIDENCE OF CHARACTER AND CONDUCT OF WITNESS

Although proposed Rule 608(a) makes inadmissible evidence of the truthful character of a witness unless the character of the witness for truthfulness has been attacked, it provides an exception with respect to an accused in a criminal case who testifies in his own behalf. To my knowledge, this exception is without precedent. It was not included in the Preliminary Draft of March, 1969.

The only explanation provided for this addition is that merely being the accused in a criminal case "is an attack on character." I respectfully disagree with this explanation. A mere indictment is simply not an attack on the truthfulness of the accused as a witness. It may constitute an attack as to a particular character trait based on the nature of the offense charged, i.e., peacefulness in a charge of homicide honesty in a charge of fraud. And in those situations, the defendant may, of course, defend with character evidence under Rule 405. But, except for a charge such as perjury, an indictment is unrelated to the accused's truthfulness.

I see no justification, therefore, for departing from the accepted rule that until the truthfulness of a witness is attacked, evidence of truthful character is inadmissible.

For the same reasons set forth in my comments on proposed Rule 405, I consider it unwise to depart from the federal practice of limiting proof of character to reputation. I oppose use of opinion testimony, particularly to establish a moral trait such as truthfulness.

7. RULE 609. IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME

Rule 609(a) provides that a court may prohibit impeachment of a witness by proof of conviction of a crime if it finds that the probative value of the evidence is substantially outweighed by the danger of unfair prejudice. As the Advisory Committee's Note makes clear, this "provision finds its genesis in *Luck* v. *United States,* 121 U.S. App. D.C. 151, 348 F. 2d 763 (1965)" a case which has given rise to a rule known as the *Luck* rule.

The operation of the *Luck* rule in the District of Columbia—the only District in which it has been in full force and effect for a substantial period of time—was intensively studied by the Congress in 1969 and 1970. Both the Senate District Committee and the House District Committee independently concluded that the *Luck* rule should be abolished. The recommendations of each of these committees that a judge should not have discretion to limit or exclude impeachment by proof of prior convictions was not challenged on the floor of either House of Congress and became law on July 29, 1970, and effective February 1, 1971. Public Law 91–358, Sec. 133.

Proposed Rule 609(a), therefore, is wholly inconsistent with recent legislation of the Congress which was enacted for the specific reason of overturning a decision which the rule attempts to reinstate. The proposed rule included in the Revised Draft is also wholly inconsistent with the conclusion arrived at by the Advisory Committee in the Preliminary Draft. As the Note to the Preliminary Draft makes clear, the Advisory Committee thoroughly considered and specifically declined to follow the *Luck* rule. It is also, in my view, highly significant, that the Bar Association of the District of Columbia, in a referendum participated in by nearly 1,400 lawyers, in February, 1970, voted to overrule the *Luck* decision. The Department of Justice recommended abolition of the *Luck* rule and I testified in favor of eliminating it before the Senate District Committee.

Since it became law in the District of Columbia, my office has found the rule to be wholly impractical and unworkable. This is so despite the attempt in *Gordon* v. *United States,* 383 F.2d 936 (1967) two years after *Luck* of then Circuit Judge Burger to set some guidelines for the exercise of the discretion given trial judges by the *Luck* rule and thereby bring some order out of the confusion that existed. Not only do judges vary tremendously in their application of *Luck,* but also the hearings required by *Luck* are time-consuming and increase the excessive congestion of the Courts. Furthermore, because the judges are aware of the close scrutiny their exercise of discretion receives on appeal whenever they permit impeachment, they tend to avoid the problem by excluding impeachment altogether. This result, as observed by the Advisory Committee in its Note to the Preliminary Draft, "enables an accused to appear as a person whose character entitles him to credence, when the fact is to the contrary." The *Luck* rule, as I testified before the Senate District Committee, impedes the pursuit of truth.

As was noted in the Report of the House District Committee, the rule is so unworkable that even appellate judges cannot agree among themselves. A rule which in five years has resulted in over thirty written appellate opinions, a significant number of them being split decisions, hardly merits the label of a rule.

For these reasons I recommend that with respect to impeachment by proof of prior convictions, the committee adopt the legislation enacted by the Congress in 1970 in the Court Reform and Criminal Procedure Act for the District of Columbia now found in D.C. Code, §14–305 (Supp. IV, 1971).

8. RULE 611. MODE AND ORDER OF INTERROGATION AND PRESENTATION

Proposed Rule 611(b) departs from the rule in the Federal courts and the majority of the states which limits the scope of cross-examination of a witness to matters reasonably related to those testified to on direct examination. McCormick, *Law of Evidence,* § 21. The proposed rule is also inconsistent with the proposal contained in the Preliminary Draft which limits cross-examination "to the subject matter of the direct examination and matters affecting the credibility of the witness."

The Preliminary Draft proposal and the Federal Rule permit an orderly, logical presentation of evidence, first by the plaintiff or prosecution, then by the defendant. There are many situations, particularly with the expansion of immunity provisions (Title II of the Organized Crime Control Act of 1970, Public Law 91–452) in which a hostile witness is called to the stand by the prosecution for a limited purpose. Despite his limited direct testimony, the proposed rule would permit him to be cross-examined by leading questions on matters wholly unrelated to his direct examination or his credibility. This is not only unfair to the party calling him but is also disruptive of an orderly presentation of a case. For it permits an astute opposing counsel to interrupt a party's presentation of its case and thereby confuse and distract the jury.

The only limitations on the operation of this rule is the phrase in 611(b) which permits a judge "[I]n the interests of justice" to limit cross-examination and the word in 611(c) "Ordinarily", which is intended to limit the right to ask leading questions on cross-examination. These limitations are, in my view, wholly inadequate to avoid the dangers I have specified in the preceding paragraph. The Advisory Note indicates that the existing rule creates excessive bickering in the courtroom as to what is the scope of the direct. With all respect, this has not been my experience based on many years trial experience in the courtroom. I believe far more harm will be done to the orderly presentation of evidence in both civil and criminal trials and the manner in which testimony is elicited by the proposed rule with its virtual unlimited right of cross-examination.

If there is a compelling need for a witness called for a limited purpose to complete his testimony in one trip to the witness stand, the judge can allow him to be examined as if on direct by opposing counsel, even though this interrupts the presentation of its case by the party calling him. The Preliminary Draft proposal authorizes it. I recommend that the Preliminary Draft Rule be retained and that proposed Rule 611 be modified accordingly.

9. This concludes my presentation of objections to particular rules of the proposed rules of evidence. Though an appropriate ruling on the admissibility of evidence depends on the facts and circumstances of the particular case, I support the attempt to codify rules of evidence in order to promote uniformity and certainty in the administration of justice in the courts. Nevertheless, the objections I have to the proposed rules, when considered together, are so substantial, that I feel obliged to observe that unless changed I am unable to support adoption of these rules.

Thanking you in advance for the consideration you have given my comments, with best regards,

Sincerely yours,

THOMAS A. FLANNERY,
U.S. Attorney.

SGT. HARRY CHINN OF HPD WINS NEW HONOR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. MATSUNAGA. Mr. Speaker, for the second time in a period of a little more than 30 months, I have found good reason to comment on the unusual professional achievements of a certain member of the Honolulu Police Department. On March 25, 1970, I caused my remarks entitled "Sgt. Harry Chinn of HPD—A New Kind of Cop" to be spread across the pages of the CONGRESSIONAL RECORD. I said on that occasion:

> Too little attention has been focused on the many responsible and dedicated policemen who are quietly working in communities throughout the Nation in efforts to strengthen the forces of justice, law, and order.
>
> One such policeman is Sgt. Harry Chinn of the Honolulu Police Department. For some time now Sergeant Chinn has been teaching an experimental "law and justice awareness" class at the Waianae Intermediate School, on the leeward side of the island of Oahu, and the response from the students has been enthusiastic.

Today, I would like to bring to the attention of my colleagues and to other readers of the CONGRESSIONAL RECORD the latest honor that has been bestowed upon this unusual officer who, I am privileged to say, is a personal friend of mine. Sergeant Chinn was selected for honorable mention in the National Outstanding Policeman of the Year competition by Parade magazine and the International Association of Chiefs of Police.

The best accolade to Sergeant Chinn's important contributions to the community he serves so well is found in Parade's own terse description: "A policeman with imagination."

Mr. Speaker, the story of Sergeant Chinn's most recent honor is told by Mike Keller in the Honolulu Advertiser of September 27, 1971, and I would now like to submit that article for inclusion in the CONGRESSIONAL RECORD.

[From the Honolulu Advertiser, Sept. 27, 1971]

HONOLULU POLICEMAN WINS NATIONAL HONOR

(By Mike Keller)

Police Sgt. Harry J. Chinn Jr. somehow doesn't seem like a policeman.

And in the performance of his daily duties, the 19-year veteran of the Honolulu Police Department doesn't act like the typical policeman.

For his efforts, Chinn was selected for honorable mention in the National Outstanding Policeman of the Year competition by Parade magazine and the International Association of Chiefs of Police.

Chinn for years has been concerned about the widening gap in confidence between the community and police.

So, in 1969, as part of the police community relations division, he devised and implemented an imaginative curriculum which is now part of the social studies program in several Waianae Coast intermediate schools.

"At first, some of the teachers were suspicious of our intent. I suppose they thought we were going to try to recruit for the police department," Chinn said.

"But that wasn't the idea at all. We are trying to get kids to understand the policeman's role in society and, hopefully, some of our officers will develop a better feel for what is going on in the minds of our kids today."

For his part, Chinn spends virtually all his time these days teaching the eight-week course and taking part in other community activities on the Waianae Coast.

"We do a lot of role-playing," Chinn said. "We get some kids to play the role of trouble makers and others to play the role of police officers. Pretty soon the kids come to realize how really tough a job it is for a policeman to do his job and to be a nice guy at the same time."

Chinn said the program also attempts to get youngsters to realize why there are police officers in the first place.

"So much of the hostile feeling towards policemen today is a result of a young person's resentment of authority. I try to get the kids to imagine what life would be like if there weren't any laws and anyone around to enforce them. People want and need policemen, I tell them.

"Then I point out that enforcement of laws isn't necessarily a bad thing. It can be good as well, like enforcement of ecology laws and other things," Chinn said.

"I rap with the kids and they feel comfortable with me. And I feel comfortable with them. Sometimes they tell me: 'You don't act like a cop.'

"And I always tell them: But I am a cop. I'm no different. Cops are people, just like you."

Chinn says his program is in keeping with good police work.

"The best way to lower the crime rate is to work to prevent youngsters from becoming criminals in the first place."

However, Chinn admitted his ideas are not totally accepted by all police officers. "But Chief (Francis) Keala is behind the program 100 per cent."

And the program itself is in very high demand, Chinn said. "We keep getting more and more requests from schools to teach the program. It's gotten to a point where we need more officers to teach the course," he said.

Chinn said he felt "very honored" to get the national award.

"But it really belongs to every officer on the beat. It represents what we are all working for, the direction police work in Hawaii is heading in. And I think the people of Hawaii can be proud, because it is to their credit that this program exists," Chinn said.

Chinn was featured in yesterday's Parade Magazine, the Sunday newspaper supplement which boasts a circulation of more than 16.7 million nationwide. It normally appears in The Sunday Star-Bulletin & Advertiser but the dock strike has delayed its delivery for the past few weeks.

Parade perhaps best summed up Chinn's contributions in only four words: "A policeman with imagination."

THOMAS CONSIGLIO: DISTINGUISHED CITIZEN AWARD BY ITALO AMERICANS OF CALIFORNIA CIVIC ORGANIZATION

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, October 29, 1971

Mr. TUNNEY. Mr. President, tonight, in Los Angeles, Mr. Thomas Consiglio will receive the distinguished citizen award from the Italo Americans of California Civic Organization.

Tommy Consiglio is a friend of mine. He is a friend of the working man in California. For nearly 20 years, Tommy was the legislative representative for the United Steelworkers of America, Western District No. 38. He is presently serving as a Steelworkers Representative on assignment to the Huntington Park, California office.

During all of his years of service, Tommy has exhibited the kind of leadership and compassion that have been aimed at bettering the lives of the people he represents.

Tommy Consiglio is a man who has stood for justice and for jobs. He has fought for the right to work for all men; for the right to earn a decent living. He has fought for better wages and improved working conditions. He has involved himself in campaigns that have meant progress for California and progress for America.

Tonight, in honoring Tom Consiglio, the Italo Americans of California have honored themselves.

Mr. President, in order that Tommy Consiglio's accomplishments might be recognized by the United States Senate, I ask unanimous consent that a resolution in his honor be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A COMMENDATORY RESOLUTION

Whereas, Thomas Consiglio, honored with the First Annual Distinguished Citizen Award by Italo-Americans of California Civic Organization, rendered outstanding service as Legislative Representative for United Steelworkers of America, Western District 38, for almost 20 years, and now is serving as a Steelworkers' Representative on assignment to the Huntington Park office; and

Whereas, Mr. Consiglio, who was born on September 28, 1917 in Detroit, Michigan, and received his education in both parochial and public schools, was the recipient in 1969 of the Gold Star of the Government of Italy for promoting the welfare and advancement of the Italian community in the southland; and

Whereas, in 1937 he became active in the Labor Movement and three years later, in 1940, Mr. Consiglio earned an appointment to the International Staff of the United Automobile Workers; and

Whereas, in 1947 Mr. Consiglio migrated to California where he secured employment at a Steel Products company in Long Beach and helped to establish a Local Union of the United Steelworkers of America; and

Whereas, Mr. Consiglio's ability was soon recognized by the leadership of the Steelworkers Union, and he was appointed to lead its political arm in 1951; and

Whereas, Mr. Consiglio was a strong proponent of Citizen Participation in the processes of government and soon became a confidant of Governors, State Legislators and key Congressional Leaders; and

Whereas, Mr. Consiglio cherished his Italian Culture and willingly served on committees that aided in maintaining the ethnic identity of Italian-Americans, and in 1962 was elected to the presidency of the Italo-Americans of California Civic Organization, a position he still occupies;

Now, therefore, be it resolved that the United States Senate, by the adoption of this resolution, does hereby commend Mr. Consiglio for his outstanding contributions to his Community, State and Nation on the occasion of receiving this Distinguished Citizen Award; and

Be it further resolved, that Mr. Consiglio be also commended for his selection as the first American Labor Representative to be awarded the Gold Star of Italy.

U.S. REFUSAL TO COLLECT EARNINGS TAX ASSAILED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. CLAY. Mr. Speaker, a recent article by Louis J. Rose in the St. Louis Post-Dispatch points up the necessity for Congress to pass legislation providing for the withholding of city earnings taxes.

The city of St. Louis is now spending an extra $100,000 a year in seeking out and bringing to court those who have been delinquent in paying this tax to the city. These offenders number about 6,500.

The problem stems from the fact that present law forbids deduction from Federal employees except for the Federal income tax and contributions to such groups as the United Fund. These workers are, therefore, presented with a burden of having to pay the city earnings tax in one lump sum at one time. Many Federal employees have taken it upon themselves to ease this burden by not paying this earnings tax. The result is that the city of St. Louis is now losing a great deal of its revenue.

St. Louis collector of revenue John Travers, who has been fighting for passage of such national legislation, said that:

> The Federal government was indirectly encouraging several thousand of its employees to become tax delinquents by refusing to authorize either a mandatory or voluntary withholding program.

Travers also believes that a majority of these individuals would rather have this tax deducted each pay period as opposed to paying it in one lump sum.

Unfortunately, when Congress was given the opportunity to pass a bill to remedy this problem the required number of votes could not be obtained even for its consideration. This matter could be resolved quite easily if Congress would only approve a bill providing for the withholding of the city earnings tax from each paycheck. As Travers states:

> Such a program would save us (the city) money and be a great convenience to federal employees as well as eliminating the possibility of their being brought into court for tax delinquency.

I commend Mr. Rose's article to the attention of my colleagues and I urge Congress to act on this legislation. The article follows:

[From the St. Louis Post-Dispatch,
Sept. 15, 1971]

U.S. REFUSAL TO COLLECT EARNINGS TAX ASSAILED

(By Louis J. Rose)

St. Louis is being forced to spend an extra $100,000 a year on collections because of the Federal Government's refusal to withhold city earnings taxes owed by federal employes here, a city official said today.

John K. Travers, collector of revenue, said that the Federal Government was indirectly encouraging several thousand of its employes to become tax delinquents by refusing to authorize either a mandatory or voluntary withholding program.

"This is ridiculous," Travers said. "We have to withhold federal taxes and the Federal Government says it is OK to withhold for union dues, Blue Cross payments, state taxes and other items for its employes, but it is the one employer who fails to help the cities help themselves."

Traver's office is preparing to file suit against about 6500 St. Louis firms and individuals who did not pay last year's 1 per cent city earnings tax. The deadline was April 15.

Of the 6500 delinquents, Travers estimates that 4500 are employes of 70 federal agencies.

Over the years, Congress has refused to impose a mandatory withholding program for federal employes subject to municipal earnings and income taxes. Reports circulated last fall, however, that a voluntary program might be authorized by the United States Civil Service Commission for federal workers in cities of 60,000 or more population.

The Civil Service Commission acknowledged that it was studying such a proposal and wanted to get the views of employe associations.

Travers said he had been told that a decision probably would be reached by last July 1.

"That date has come and gone and frankly I am very pessimistic about chances of a voluntary plan being set up. After striving all these years and achieving nothing, it is hard to be optimistic."

He said that since becoming revenue collector in 1964, he had made at least six trips to Washington and had worked closely with Missouri's congressional delegation in an unsuccessful attempt to get approval for some type of withholding program.

Because there is no withholding program, Travers said, the more than 30,000 federal employes subject to the city's earnings tax must file individual returns.

He said he was convinced that the overwhelming majority would prefer to have the taxes deducted each pay period, rather than have to make a lump-sum payment.

"Such a program would save us money and be a great convenience to federal employes, as well as eliminating the possibility of their being brought into court for tax delinquency," Travers said.

His office has prepared the first group of summonses for services next week by the city marshal. Special City Court sessions will be scheduled next month and November to handle the cases.

Fines for most first offenders are $50, with an additional $8 in court costs assessed. This is in addition to payment of the taxes due. Most second offenders are fined $100. Last year, more than 2000 delinquent taxpayers were fined.

Any person employed in the city is subject to that tax, as are city residents employed outside St. Louis.

Travers estimated that when he took office seven years ago, only about one-fifth of the 25,000 or more federal employes subject to the tax were paying it.

"We have vigorously sought to enforce the law by hauling thousands of delinquents into court and seeking widespread voluntary compliance," Travers said. His office, he said, is given copies by the Federal Government of all W-2 forms of federal employes.

He said that in the last few years his office had written to all business firms and employers in St. Louis County asking them to furnish the names and residences of their employes who live in St. Louis.

In addition, he said, his office constantly checks the city directory to determine where St. Louisans are employed.

Strict enforcement of the earnings tax law, together with inflationary pressures on salaries, has increased the total revenue from the tax from $24,700,000 his first year in office to $33,900,000 for the fiscal year that ended early this March, Travers said.

He said he considered the increase particularly significant in view of the city's population loss during the last decade and the decline in over-all business development.

Receipts from the earnings tax are expected to total about $35,000,000 this year. The tax is the city's single largest revenue source.

FOOTBALL'S UPSET OF THE CENTURY—CENTRE COLLEGE CONQUERED HARVARD 50 YEARS AGO

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Friday, October 29, 1971

Mr. COOK. Mr. President, the New York Times of October 24 featured an incident of 50 years ago regarding Kentucky's extraordinary Centre College, and also looks at the pleasant side of this institution's existence today.

Mr. President, I ask unanimous consent that the article be printed in the RECORD, so that Senators may enjoy reading about one of the greatest moments of Centre College.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOOTBALL'S UPSET OF CENTURY TOOK PLACE 50 YEARS AGO

(By George Vecsey)

DANVILLE, KY., October 23.—They no longer call themselves the Prayin' Colonels and they probably couldn't beat Harvard today. But Centre College has a tradition, a magnificent burst of greatness after World War I that culminated in the football game that captivated the country:

The date was Oct. 29, 1921.

The score was Centre 6, Harvard 0.

What made the score so stunning was that Harvard was national champion, unbeaten in five seasons, and Centre was then—as it is now—a tiny liberal arts college in central Kentucky. But for a few glorious autumns, Bo McMillin and a nucleus of outstanding athletes were able to beat the toughest teams in the country.

It couldn't happen today, not with huge universities recruiting hundreds of giants on full scholarships and getting into the "show biz" aspects of the game. Harvard long ago stopped trying to compete with the "factory" colleges.

And Centre? It is doing fine. It tied for the conference championship this fall, after the big game with Sewanee. Its academic standards remain so high that the president, Dr. Thomas A. Spragens, compares the college with Williams or Swarthmore in the Northeast.

And its lush, green campus, uncluttered by high-rise dormitories, sits just a few steps from this picture-postcard town, the kind a producer would build if he dared present fiction like the story of Bo McMillin and the Prayin' Colonels.

Danville was also pleasant and sleepy 50 years ago, but Centre was much closer to the mainstream of American colleges then. Founded under Presbyterian auspices in 1819, it received a boost from the president of Princeton University, Woodrow Wilson, who talked about the little school west of the Alleghany Mountains that had produced more great men than Princeton (Centre boasts of two Vice Presidents and one Supreme Court Justice, Fred Vinson).

But Alvin Nugent McMillin did more to publicize Centre than any dozen public servants.

The golden era started with a couple of policemen chasing a tough little kid around the schoolyard in Fort Worth, Tex. The boy was Bo McMillin and everybody said he was destined for trouble unless somebody straightened him out. A Centre alumnus, Robert L. (Chief) Myers, talked the police into letting Bo enroll at Northside High, where he became a quarterback under Myers.

Myers then arranged for five of Northside's top players to matriculate at Centre. But Centre's entrance requirements were as high then as they are now, and Bo couldn't get in. So he and Red Weaver spent a year at nearby Somerset High gaining some credits and keeping themselves in money by pressing clothes. Bo also contributed to the communal fortune by playing pool or poker or craps, the only things he did better than play football.

At Somerset, Weaver and McMillin were paired with Red Roberts, giving the little high school three future all-Americans at the same time. By 1918 all three were enrolled at Centre, with financial aid from friendly Centre fans. Chief Myers had become the Centre coach with Uncle Charlie Moran, later to become a famous baseball umpire.

Up to that time, Centre was known merely as The Colonels, which is not such an unusual nickname in this state, where your fried-chicken maker, governor or bookmaker may be a real or imaginary Kentucky Colonel.

However, the nickname expanded during a 3–0 victory over the University of Kentucky when Uncle Charlie suggested a half-time prayer.

"Coach, let me do the prayin!" blurted Bob Mathias, another of the Fort Worth bunch. And after that, they were the Prayin' Colonels.

They gained the first major notice out of their area with a 14–6 victory over West Virginia in 1919, as they went undefeated for a second straight season. This prompted a visit by Harvard scouts who were looking for opponents the following year (schedules were not drawn a dozen years in advance, as they are today). With the scouts watching, Centre trampled nearby Georgetown (Ky.), 77–0, and was invited to visit Harvard in 1920.

It is hard to conceive in this era, but the Northeast was then considered the hotbed of college football. And Boston grew excited as the little school from the South, with a 22-game winning streak, arrived by train at South Station the Friday before the game.

"The Centre team was greeted like a Presidential candidate," said the Boston Post. "There was a mob of several hundred that rushed down the platform to see them as they got off the train. The crowd was all for them.

"The Centre boys and their followers made an odd sight for the Boston streets. Several of their players, including their captain, Bo McMillin, wore khaki trousers and blue flannel shirts. They were off the fancy stuff for fair.

"Out at Harvard, the Centre College group is being feted with the hospitality akin to the Southern brand. That's something new for Harvard, too. Customarily, the Harvard youths do no more than rise an eyebrow when an invading host approaches the door. But they seem to realize at Cambridge that this is a gala event for Centre, and they are doing their darndest to make it such."

The teams ate dinner together the night before the game, but the hospitality ended on Saturday. Centre took a 14-7 lead. But Harvard used three teams of bigger players and some sophisticated tactics (discreet holding was alleged to be one of them) and bounced back for a 31-14 victory.

The 16 weary Centre players were not embarrassed, even though they had lost their rent money by betting on themselves. Besides, they were invited back for 1921.

While waiting for the rematch, Centre ripped off nine more victories. It also hired a line coach, Tiny Thornhill, from the professional Pittsburgh Steelers, who rearranged the line.

With revenge on their minds, the 1921 players delegated McMillin to scout Harvard. Bo returned 15 pounds lighter (after one of his rare gambling losses and a subsequent enforced diet), but was so confident Centre would win that he came up with fresh money and sent it North with a friend for investment in scalping tickets and betting on Centre.

Then it was time for the return trip to Cambridge. Again Boston received Centre with great hospitality, producing tickets to the "Ziegfield Follies" for the players, holding a Friday night dinner for both squads at a country club.

Amid all the festivities, the Centre players evolved a plan. They had gone down to defeat in 1920 trying to match Harvard's stylish play; this year they would be more conservative.

With 50,000 fans watching, the teams ground out the first half with no score. But early in the second half, a piling-on penalty gave Centre the ball on Harvard's 32-yard-lin. On the next play, McMillin followed Red Robert's block off right tackle, cut to his left, then snaked his way toward the goal line. He slowed down around the 10 to fake a few Harvards out of their crimson socks, then dashed across the goal just before he was tackled from behind.

It was the only score of the game, although Centre had one touchdown called back and the battle ended with the visitors on Harvard's 4.

Harvard's five-year winning streak ended with Cambridge fans mobbing the visitors, cheering McMillin and his teammates. That evening, and when people read the Sunday papers, Centre College was truly at the center of the football universe.

The season was only half over, however, Centre was so popular that it played Kentucky at Danville, Auburn at Birmingham, Washington and Lee at Louisville, Tulane at New Orleans, Arizona at San Diego and Texas A. & M. at Dallas.

The Colonels were equal to the task for a while, scoring five straight shutouts despite side trips to Hollywood (where Bo was photographed "tackling" Gloria Swanson). But the players were not happy with the extra game Jan. 2 against Texas A. & M., particularly after Bo got married several hours before the kickoff. They lost, 22–14, after 10 straight victories that season.

The 1921 season was the high-water mark. Most of the good players began graduating after that year and Centre could no longer compete for the prime beef. It had an 8–2 record in 1922 then 7–1–1 and 5–1–1 and 3–6–0. The golden era was over.

McMillin played pro ball only briefly before coaching Centenary, Geneva, Kansas State, Indiana and the Detroit Lions. He died of cancer in 1952 at the age of 57. It is the consensus that he was the leading force of the Prayin' Colonels, the natural leader of an extraordinary group of men who later became successful in many fields.

"Bo was extremely superstitious," recalls Norris Armstrong, the center on the 1921 team, now a sturdy and charming retired businessman in Danville. "He would have hunches and he just had to carry them out.

"One time he had a hunch that he had to place a trophy on top of a three-story building. The only way he could get up there was to climb the drainpipe. We tried to talk sense to him but he said he had to do it or we wouldn't win the next day. So he did it—and we won."

Although Bo was skillful with cards and dice, he occasionally returned money or shared it generously. His scholarship was not overwhelming. He used to say he studied "the ABC course—Athletics, Bible and Chapel."

In other ways he was ahead of the morality of his time, or any other time. Armstrong and others insist that Bo never swore, drank, smoked or dated in his year at Centre.

Vice would not seem to be a promising pursuit in this quiet little town. Danville has old tree-lined streets, rambling old homes with porches and gables, a clean Main Street with attractive churches (one designed by Christopher Wren) and parks, including an old pioneer stockade.

It is a town where almost anybody would love to live, if there was something for him to do. But there is little noise or night life. The students cut out to Lexington, half an hour to the north, when they want to swing.

The school has "boomed" from the 200 enrollment of Bo's time to 726 today. It has saved the expansive green in the middle of the campus and preserved its high standards.

Freshmen had a combined score of 1127 on the Scholastic Aptitude Test, which is higher than many schools, certainly higher than any others in Kentucky. And a progressive fine-arts center is growing in a corner of the campus.

McMillin might have blinked at the women walking around the campus (the school went coed a decade ago) and he might also have been surprised at the number of blacks. The school integrated in the decade, so comfortably that it hardly seems an issue. The football team has a black quarterback, Harry Sykes Jr. A rugged, middle linebacker, Anthony Olinger is a black pre-med student from Hazard who was elected by students to head the prestigious Judiciary Committee.

"We don't talk too much about the old days," Olinger said. "But we all know about it, sure."

Centre, which once played in the most famous stadiums, now plays before a thousand fans in its modest cement grandstand. The field is so intimate that you can almost hear the players talking or laughing during a time-out.

The fans all seem to be alumni, students and somebody's relatives or friends. There are few outsiders rooting for the point spread or attending the games as a reasonable alternative to pro football.

But Norris Armstrong, who played when Centre had all-Americans, sits in the grandstand with pride.

"This is the way it should be," he said the other day. "We don't give any athletic scholarships. We make our boys go to classes and labs. We had a good college when I was in school. I'm glad they kept it just the way it was."

NATIONAL SPANISH-SPEAKING COALITION CONFERENCE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues last weekend's national Spanish-speaking coalition conference held in the Nation's Capital. This historic unity conference was attended by nearly 2,000 Spanish-speaking Americans representing national and community groups throughout the country.

The purpose of the conference was to develop national strategies and priorities, and explore the formation of a nationwide coalition of all Spanish-speaking groups. Cosponsoring this meeting were Senator JOSEPH MONTOYA, Representatives EDWARD R. ROYBAL, HERMAN BADILLO, and MANUEL LUJAN.

As keynote speaker, Senator MONTOYA presented the theme for this conference: unity. I am inserting into the RECORD the Senator's statement. I ask my fellow Congressmen to reflect seriously on the issues raised in his speech.

The speech follows:

UNIDOS! UNIDOS! UNIDOS!

(Remarks of the Honorable JOSEPH M. MONTOYA)

I welcome *all* of you.

In the name of our common *Cause*.

In the name of our common *brotherhood*.

In the name of our *people*.

In the name of the unity which brought us all here. Unidos! Unidos! Unidos!

We are here as founders whose forebears settled America before the Pilgrims began their voyages. The Spanish peseta financed Columbus, The cross blazed the trail.

This is a momentous occasion in the history of our people. Never before have we come together in such a manner for such goals. Never before have so many differences been bridged in pursuit of commonly held ideals and commonly sought fulfillments. It is fitting that we should meet in the shadow of the Capitol of the United States. Our business today is *with* the United States. We have much to say and *even more* to do.

We assemble because we retain faith in this country, its ideas and institutions . . . in spite of what we have suffered at its hands.

We have come to belabor the conscience of America . . . to awaken it to injustices prevailing even as we speak here. Our people are victims of a series of evils that can only be termed the degradation of the United States.

Let America contemplate this gathering and know it for what it truly is . . . the cementing of a new alliance of brothers, united in a desire for full freedom, liberty, justice, and opportunity.

We have come to recite grievances that have never been redressed. And to advocate fresh solutions for old problems we still must live with. We come to remind America of our presence and plight; that we are almost 12 million strong in all States of this Union.

Whatever our past differences have been, let them be buried with the sadness and broken dreams of yesterday. Let America hear our message.

Nor do we come as supplicants, with hats in hands and eyes cast down, as did our forebears. Rather, we are here today as equals, unafraid of no man; determined to settle for full equality and nothing less.

We seek no special favors. Only a fair chance at a decent life for all our people. We ask for no handouts. Just for a real opportunity to join the mainstream of American economic life.

Our people have earned and fully paid for such equality. On a thousand desolate battlefields. In ten thousand squalid barrios. In a million windswept farm fields. In five million decrepit shacks and tenements. At ten million store counters and back doors . . . as well as in the Constitution of this country and its Bill of Rights.

We have come to remind America of her obligation to ALL her citizens . . . of unkept promises . . . of closed institutions.

Since the Mexican War, many of our people have lived as second-class citizens in a nation whose watchword is liberty. Since the Spanish-American War, others of them have led lives distinguished solely by economic exploitation and denial of equal opportunity.

Even now, most are still relegated by today's society to dusty fields, overcrowded barrios and crammed tenements, where children die young and lives are stunted by an unheeding society dangling a golden dream before their eyes. In cities, they occupy areas long since abandoned by earlier groups of immigrants. Used and abused by a system seeking to exploit labor and votes, they are enticed here, squeezed of the juices of life and cast aside. Let America know they came seeking jobs, not welfare, as some heartless critics have claimed.

Hispano, Chicano, and Boricua communities will not tolerate such treatment any longer. Our presence and unity today testifies to our determination. For too long we have been the "Silent People", quietly enduring a second class role delineated for us. No longer. *Ya basta*. We say this with one mighty voice, and *we shall be heard*.

America has had all the ugly facts laid before her. The U.S. Civil Rights Commission, headed by Father Hesburgh of Notre Dame University, spoke about administration of justice in the Southwest. The Commission said our people are subject to widespread patterns of discrimination and denial of equal protection of laws in administration of justice.

The Commission told the nation Mexican Americans in the Southwest are often subjected to excessive police violence, discriminatory treatment and abuse of the arrest power. Also, that they are grossly underrepresented on State and local juries. That bail abuses, especially excessive bail, are too often found applied to them.

It revealed there are too few interpreters to explain to those arrested what their rights are. That same Civil Rights Commission recommended that legislation to be enacted to correct the worst of such evils. Little has been done to implement these recommendations.

We *still* must come up with higher bail. Justice in this nation *still* reflects the economic status of its citizens—and our people receive a lesser quality of justice. We *still* are on the receiving end of continuing abuses on the part of certain well-known law enforcement agencies or personnel. These agencies STILL maintain one standard of Law Enforcement for our people and another for Anglos. I do not hesitate to name the FBI and the Texas Rangers. How many of our people are employed by either of these groups of elite agencies?

What about the Rodriguez case? And what about the murder of Rueben Salazar? What about Judge Chargin?—He is still on the bench. And what about the Boricuas who have been killed and abused? The cases are as terrible as they are many.

I shall not make misleading statements in general about the vast majority of decent, honest American law enforcement people. But it is time for those sadists who have perpetrated such heinous crimes against innocent people to be exposed, taken to court and driven completely out of law enforcement.

Such men should know before they pull another trigger that a unified Hispano, Chicano and Boricua community will have them in court before they can reload if cases continue to proliferate.

We need less trigger pulling and further efforts to understand and deal fairly with those who run afoul of the law. We require greater realization of attitudes engendered in barrios and tenements by such happenings. Experience of injustice leads to suspicion and dislike of ANY symbols of authority. When justice is unevenly administered, faith of our people in the entire system is eroded. American society has a long tiresome road to travel to make *our* people regain significant faith in administration of justice. United, we can bring the country to an understanding of what motivates us.

We must register protests with utmost vigor in the courts through the legal process. We must let the entire nation know in this manner that the days are finally over when one of us could be killed with impunity or deprived of his rights. We shall *live* in court if necessary to prove our point. Pitiless exposure without letup; relentless publicity and constant legal action is our unified theme.

The same applies to publicly-licensed mass media that still persist in allowing demeaning stereotypes of our people to be placed on TV screens, over radio waves and on newspaper pages. No more Frito Bandidos. No more Elgin Watch campaigns on Emiliano Zapata. No more lazy, dirty villains taking siestas, making revolutions or acting as foils for dashing cowboy heroes. No more hat-in-hand types happy to be portrayed as lovable mascots. We are men, not dogs. We are people, *not* public relations foils. We are individuals, not advertising themes.

It is our unshakeable intention to *expose* perpetrators of such mass media portrayals, be they immediate sponsors, advertising agencies or media outlets. We intend to haul Madison Avenue copywriters, advertising managers and account executives out from behind screens of anonymity, to let the country see who is really responsible. We serve notice upon them *today*. We shall name names and complain formally and bitterly to all appropriate Federal agencies licensing publicly-owned airwaves until we are either portrayed fairly or not at all.

Further, people who control mass media must realize that newsrooms which do not include our people can never report accurately on our doings.

More minority group members in media with new perspectives can work wonders. I call upon media operations of our nation to hear us and act accordingly. No one up to now has even known who we are.

We are tired of being America's best kept secret. Who has a better claim to recognition on the basis of prior occupancy than we do? Only the Indian was here before us. No one else. Yet where is there any evidence of national recognition paid our culture and heritage? In enchiladas? In sombreros? Together we must awaken America to recognition of our scholars, poets, composers, philosophers, scientists and writers. Our government can and should invest a significant sum of money in helping to create such programs. The Office of Education can and should be active in this area.

It can create courses on our history and culture with little difficulty, if motivation is there. Today, we are supplying just that. Let us have action in this area now.

And what about bilingual education programs in cities and counties where we are a majority? We had to fight bitterly to obtain the Bilingual Education Act. Even to maintain its funding or increase it modestly has required all-night struggles and arguments.

Yet wherever such a program is instituted, dropout rates sink. People discover that our children are not retarded after all. Rather, they are bright and well able to compete, once working with a language spoken daily at home. We must stubbornly complain to as many school boards as possible, and to as many governmental agencies as necessary to correct these situations.

We must assure that Title I monies are used for the poor. Often such monies are diverted into local general education funds. We must legitimately monitor such money to insure that our children are receiving the benefits.

Wherever a teacher punishes or ostracizes a youngster because he or she speaks Spanish rather than English as a primary language, we must take action, if necessary in court, to halt this. Wherever the government is spending one dollar on bilingual education, it must spend three. And government must insist that every cent be spent directly for the children.

One thousand new residents pour into the barrios weekly. The same number enters tenements in the East. Yet together, more than half our children drop out before 8th grade. We need not wonder when these youngsters fall behind the first day and never have the chance to catch up.

We are so sick of high school counselors constantly encouraging our young people to not even consider a higher education alternative. As one result, our young men consistently seek out the armed services option first. We end with more Congressional Medals of Honor proportionately than any other group in the United States. We are first in the infantry, first in janitors, but last in equal opportunity and college graduates.

Across America, our young men return from the Indochina adventure. All have given their share and more. What rewards and responses do they find? Minimal ones. Frustrating ones. Grudging ones. They were adequate for utilization as cannon fodder in Asia, but are rarely considered good enough to qualify for equal treatment back home. Government has *not* acted to set up special programs to aid the Hispanos, Chicanos and Boricua veterans in making the transition from service to civilian life. How much would it cost to gather Spanish-speaking advisors to inform these men of their rights and choices? What is spent and wasted in South Vietnam in a day could finance a meaningful effort.

Are we not entitled to such consideration?

Yet in town after town, the establishment rests secure in power, rarely suspecting the frustration such a state of affairs engenders in the Hispano, Chicano, and Boricua mind. The status quo is regarded as non-political. Traditional arrangements of control by a resident majority are thought of as non-racist.

We seek to sensitize our Anglo fellow citizens to our desire to enter the economic mainstream of society. Yet, we have no intention of giving up our uniqueness. The nation can adapt to our individuality as it has to so many other groups.

That housemaid or laborer; what are they thinking? The people in jobless lines; what goes on behind their faces? The Hispano, Chicano or Boricua man or woman denied promotion in government, private industry or a union; what goes through their minds? How about people in migrant labor camps forced to live in squalor? How happy are they?

When one of our young men graduates from a school, functionally illiterate in two languages . . . when he is selected by a draft board that does not represent or emphasize with him . . . when he is given a uniform made by a mill that wouldn't employ him . . . when he is sent to fight in wars that mean nothing . . . when he returns to a decrepit VA hospital requiring an 8-hour wait for a simple ear examination . . . when no job or job training awaits . . . what do Americans expect him to feel?

Statistics are devastating. Hispanos, Chicanos, and Boricuas comprise 15% of all Americans under age 25, but account for only 6.2% of college enrollment. Chicanos from the Southwest account for more than 20% of all dead in Asia. Yet only 6% of all draft boards in that area are made up of Chicanos. Only 1.2% of all Boricua students on the mainland enter college, compared to 50% of students from America's total population.

Chicanos account for more than 40% of so-called "mentally handicapped" in California. Our disease rate for tuberculosis is 31.6% in East Los Angeles compared to 20.6% for the entire county.

Using a yardstick of one person per room, over 35% of all housing in the Southwest is substandard. In New York, living conditions for an average Boricua family in a tenement are disgusting. Cold and wet in Winter. Leaky and steaming in Summer.

Our jobless rate is 1.7 times greater than any other group in the labor force. 17% of all households headed by a Chicano, Hispano or Boricua report incomes of less than $3000 annually, compared to 10% of other households.

These are random samples of tragedy. In light of such facts, is it difficult to understand frustrations rife in our communities? A mother does not care for humanistic Americanism and democracy 20 or 100 years from now. Her children are hungry. Her son is in trouble with the law. Her husband needs a job. All these are NOW, not in any great time to come.

The Hispano, Chicano and Boricua now possesses an aggressive identity. He is spiritually armed with La Causa. He wants action, progress, self-determination, true equality and justice, betterment and first class citizenship . . . now!! Here is true expression of ourselves. We shall do this without giving up our heritage, customs, culture or language. This theme we sound with one united voice.

How common it is, for example, to see a special kind of progress barge into our self-contained communities. When a highway slices through a neighborhood, it wipes out institutions, threatening to destroy an entire way of life. By such a stroke, it indicates the utter contempt society has for us and for our ways. It annihilates our only sources of community life and self-consolation. Yet we possess little dollar power with which to fight back. Before urban renewal projects tear into or across our neighborhoods, we must be consulted and given a voice in planning and carrying through the work.

We own but three small banks out of the nation's total of 1300. Our commerce is too often restricted to one Hispano, Chicano or Boricua selling tacos to another. We own so few non-ethnic businesses that a recent grant of MacDonald's franchise to one of us in San Antonio qualified as a genuine breakthrough. While around us, gargantuan profits are squeezed from the sweat of our brothers and sisters in agribusinesses and sweatshops.

Aid from private Anglo business groups is close to non-existent, and must increase. Where are investors?

Where are major banks with seed money to get us started?

Banks have failed to recognize our initiative. Commonly held assumptions that we are poor risks persist. Banks must do more.

Once again, we raise a single voice to call upon wealthy private interests, presently enjoying huge profits, to investigate prospects of putting some resources into Hispano, Chicano and Boricua businesses and people. It would be simple indeed for them to send representatives regularly to us to set programs in motion. We shall give them an excellent reception.

Yet of all the second class treatment inflicted upon our communities, the worst has come from the national government itself. The Federal Medical Center at Springfield, Missouri, responsible for treatment of Federal prisoners, has no member of its psychiatric staff who is Spanish-speaking. In higher government pay-grades, we are virtually ignored and unrepresented. The facts are there for anyone to obtain and study. In grades 16 through 18, we are almost totally excluded in agency after agency. Here is a true national disgrace. We qualify to die for America and be mentioned in holiday speeches, but not to rise near the top by merit in our government's Civil Service.

Again, Unidos, we speak with one voice to the government, and to the Civil Service Commission in particular. Such a situation is intolerable. One of the most grotesque frauds and failures is the Equal Employment Opportunity Program, which is usually an empty shell and sham in most agencies.

Let us reveal names of high-ranking men and women who are responsible for lack of progress by our qualified people. Haul them out to public view and inspection. What are their excuses? Why are there so few promotions and appointments?

Let a special investigating commission be appointed to set up procedures to correct this imbalance. What shall be done to prevent repetition of a situation prevailing in agency after agency of a government we pay taxes to and serve in so many ways? It is time to throw open the doors and let fresh air into offices.

Politically, we are the most underrepresented group in the country Except for Indians, we are people with the least voice in the governmental process. With the honorable exception of my home State of New Mexico, we hold few positions of real power and decision making. How many of us are governors and mayors? How many sit in legislatures of major states?

Yet in one Congressional District after another we are a significant portion of the electorate without power or voice. Decisions are made affecting us. We are not party to them. We can hold a balance of power in dozens of Congressional districts and many states. Systematically, our people have been gerrymandered out of any meaningful voice in local, county, city, state and national elections.

City Councils, school boards, state senator and state representatives and on a Federal level as well; in each area we are euchred out of power. A time has come for reapportionment of such districts to reflect the realities of population distribution, rather than to preserve power of a privileged, and often bigoted few. This is especially true of such states as Texas and California, although no state where we are concentrated can escape guilt completely.

For years we have been taken for granted by both political parties. We have heard more promises than a drunkard's wife. Almost all have been broken. It is time we make it known to *both* political parties that we are gathered to inform them of the following facts:

Unidos, we represent a potent, growing and *aroused* political force.

Unidos, we intend to nominate and elect more of our people to represent us.

Unidos, we shall not tolerate or accept meekly any further lack of political representation, particularly in places where we represent a majority of the population.

It is up to all of us to go home and vote out of office those who have opposed equity in representation.

Dr. Martin Luther King, Jr., stated again and again . . . "The ballot . . . the ballot . . . give us the ballot!"

We have the votes. We must and shall use them. We have numbers and intend to make their weight felt. Gently by preference, but bluntly where necessary. In every election where our interests are at stake, from local school board to President of the United States, we must make our presence and influence felt. The elective process is open. Wherever established authority seeks to prevent us from exercising a Constitutionally-guaranteed franchise, we shall immediately and forcefully go to the courts. Every one of our people shall be able to go to the polls. Again we speak with one voice, Unidos, to say no obstacles will be tolerated again . . . anywhere in the nation.

If there is a closed political caucus, and we are not allowed to participate, let us make it known that we *shall* enter it and join in its deliberations. No small clique or group of vested interests and their political tools can withstand an aroused demand by a majority to share in deciding their fate. Wherever a local power structure seeks to slam the door in our faces as in the past, we shall utilize our own attorneys to take them directly to the courts. Nor shall we rest until we have secured a favorable decision.

This highlights another factor; one I term a cornerstone of the structure we build. An end to *patronismo* by the Anglo community towards us and our goals. We seek our *own* leaders, our *own* professionals, our *own* businesses and our *own* successes. A time when we were led by the hand of another down the road *HE* determined for us to take is *over*! If nothing else, this unified coming together here signifies such a truth.

We will listen . . . and accept what we *choose* to accept. . . . We shall never again be told just what road to take.

We shall battle within this gathering. Our differences are great, even enormous. Many of us differ significantly on methods and goals.

Hispanos, Chicanos and Boricuas will struggle against one another. Chicanos will disagree vehemently among themselves. So will Boricuas.

Still, we shall emerge as we commenced . . . united. *United* in seeking full participation in *all* benefits of American life. *United* in our determination to exercise every option open to us in this society. *United* in our desire to realize full enjoyment of ALL rights guaranteed us as citizens of this country. *United* in our efforts to make institutions responsive. *United* in our desire to rouse the consciences of our compatriots and fellow citizens. United in striking bigotry and at those still seeking to retain chains binding our people.

There is growing evidence that this nation can move away from the old melting pot ideal, under which all ethnic groups at some point are expected to conform to a single, presumably WASP ethnic. *Our* watchword is diversity and cultural pluralism.

Most important, this unified gathering should send a series of messages to America. If ten to twelve million persons are prevented from achieving half or more of their original potential, unintended, latent consequences to our society are almost unbelievable. Certainly they are greater than any nation can afford.

Where prejudice and discrimination are directed against cultural differences in a minority, the majority has its cultural and national potential narrowed. America must realize what it does to itself by doing damage to us. America must see that the concept of a whole man has emerged from barrios and tenements to enter our national arena. All America can benefit from it.

So far, we have shown forbearance. I know well of voices among our peoples which cry out for militant, even destructive action. While I understand why they say certain things, I do not feel we must resort to antisocial or devisive actions in order to attain our goals.

We have watched carefully as others pounded upon portals of American life with gun butts and clenched fists. This has been their choice. I put such an option aside and decry negativism. Too much violence has been perpetrated upon us. Too many murderers walk the streets of too many places in this country today, secure in the knowledge they will never be prosecuted for killing a Chicano or Boricua.

It is for us to show our culture, heritage and maturity by calmly and unitedly calling upon the American people for full justice. We do not say this today as a frightened group of immature people. We ask in tones of stern moderation for understanding, progress and elementary justice.

Let us also resolve to leave behind us a permanent presence and statement of purpose. Unity sounds wonderful, but it must be backed up by something tangible. Within the institutional framework of this nation we must construct a new path. Previously we have walked the darkened side streets of American life. Now we emerge upon the main street of our national lifestream. We seek admittance as equals to inner sanctums created with our labor from which we have hitherto been barred.

We should declare it our purpose to establish an office here with the following functions:

Create a permanent legal defense presence available to any of our people victimized and helpless or to fight any cause in our name.

To create and maintain a brain and skills bank of prominent and qualified people who can step forward and fill positions when we are challenged to produce them.

To create a national presence to see what happens to government aid funds appropriated and supposed to go to help the poorest of our people.

To create a national presence to lobby in Washington and in state capitols on behalf of our political goals, especially equal representation and voting rights.

To bring into being another, allied presence to work on bilingual programs, and to make our feelings known wherever our people and a program affecting them are involved.

To create a permanent liaison group to bring all elements sharing our language and culture ever closer, so they may cooperate in the future.

To bring into being a nationally representative element to study our educational needs, staffing, curriculum and facilities as they affect our people. Such a group would also be charged with responsibility of implementation.

To create and maintain a group to investigate the entire situation regarding our people and draft board representation, specialized training, assignment to combat arms and programs aimed at assisting them in transition to civilian life, veterans benefits and programs.

To create a group designed to accelerate the flow of venture capital into businesses owned or about to be started by our people.

In closing, I wish to remind America of one other historical truth. To deny freedom . . . the fullest freedom . . . to any of our people, is in effect to deny it to all. Every person in this land is less free because of lives now being led by millions of our brothers and sisters in America's barrios and tenements. The burden of conscience is far heavier than the greatest stone. America has much upon her conscience these days.

Yet she has always sought to redeem herself. We are children of the Great Dream, too. We seek, just as have the 29 million refugees who have emigrated here over the centuries. We seek no dominion over Anglos. We seek only that dignity and self-respect any man and woman has a right to expect in his or her lifetime.

Abraham Lincoln, spiritual companion of Benito Juarez, said in his second inaugural . . . "In giving freedom to the slave we assure freedom to the free—honorable alike in what we give and what we preserve."

The only way America can survive and grow is to rid herself of the last vestiges of forceful dominion over lives, persons, aspirations and cultures of other human beings. We shall, in unity, be free. Unidos!

DR. JOHN G. BARKER INAUGURATED AS NINTH PRESIDENT OF MARSHALL UNIVERSITY IN HUNTINGTON, W. VA.

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, October 29, 1971

Mr. RANDOLPH. Mr. President, on October 23 Dr. John G. Barker was inaugurated as the ninth president of Marshall University in Huntington, W. Va.

The formal academic inaugural ceremony was the first in the 134-year history of Marshall University and was attended by 1,500 persons.

I was privileged to participate in the program, representing the U.S. Government. In my remarks I noted that Dr. Barker has been a leader in education innovation to marry future needs with the traditions of the past, and I said:

> Let us pledge ourselves to that future and bend every effort to keep faith with the expanding demand for better higher education. Marshall University and her sister institutions will, with our support, give West Virginia the fullest use of its greatest resources, namely, a mature, educated and dedicated citizenry.

The Honorable Arch A. Moore Jr., Governor of West Virginia, spoke on behalf of the State government. Other greetings were presented by Dr. Prince B. Woodard, chancellor of the West Virginia Board of Regents; Lake Polan Jr., president of the Marshall University Foundation; Dr. James E. Phipps, president of the Marshall University Alumni Association; Dr. Sam E. Clagg, representing the university faculty.

Amos A. Bolen, president of the board of regents, presented the new president, and the oath was administered by the Honorable Dennis R. Knapp, judge of the U.S. district court.

Orin E. Atkins, chairman of the Marshall Advisory Board, presided.

David Cook, president of the student body, spoke for the thousands of young men and women enrolled for work.

The Reverend Aldred P. Wallace delivered the invocation and Father Robert T. Scott the benediction. Music was provided by the university symphonic band, conducted by Robert R. Clark, the university choir conducted by Dr. Paul A. Balshaw and soloists Norman Dello Poio, Dr. C. E. and James Haworth.

In the inaugural address, Dr. Barker presented a thoughtful and challenging review of his educational philosophy, a set of beliefs that will guide his administration of Marshall University in the years ahead. David commended President Barker for his steadfast purpose.

Mr. President, I ask unanimous consent that the texts of the addresses of Dr. Barker and Mr. Cook be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MARSHALL UNIVERSITY INAUGURAL ADDRESS BY JOHN G. BARKER

On such an occasion one cannot help being impressed with the color and pageantry we have seen here today. At the very outset I want to thank all of you for coming to this program and helping to make this a memorable day in the life of Marshall University. I am grateful that there are in this audience members of my family, old friends, students, respected colleagues from the faculty and staff and many new friends and neighbors, I am especially pleased that many delegates from professional societies, colleges, and universities have honored us with their presence.

Marshall originated in 1837 "on the eminence overlooking the broad bottomlands of the Ohio valley just west of the mouth of the Guyandotte." John Laidley, of Scottish descent, a soldier and attorney was largely responsible for the institution's establishment and through his influence it was named Marshall Academy for Chief Justice John Marshall.

In its early years Marshall Academy was operated by or received support from Presbyterians then Methodists. It was renamed

Marshall College by action of the Virginia General Assembly in 1858. In 1863 it was sold to private individuals for $1,500 to satisfy its debts The struggles to operate continued until in 1867 a state-local subscription of $30,000 established it as the state normal school at Marshall College an agency of the State of West Virginia.

In 1961 it was renamed Marshall University. At no time prior to the turn of the century did Marshall enroll more than 250 students yet it had an enrollment of 1,700 at the time of its one hundredth anniversary in 1937.

During the life of Marshall University, American educational programs have evolved from the narrowly based classical to the first struggling efforts in research until in the pre World War I era one foreign visitor wrote "an American college or university is a great athletic association and social club in which provision is made, merely incidentally, for intellectual activity on the part of the physically and socially unfit."

There is much in this statement for us to ponder even a half century after its author wrote it. We still have a minority of students who consider their college years primarily intended for big times with little responsibility. Their credo seems to be live it up—you're only young once. Oh, I know their attitudes have been explained as a by-product of the uncertainty engendered by world chaos and a feeling of helplessness. After all (so the explanation goes) how would you like to be stuck with a ruthless, materialist, inhuman world you did not create? You would reject it too! To this I can only say that each of us has inherited this world from his forebears. In it there is good and bad, and it will never improve if each of us waits for someone else to do it. Fortunately there are increasing evidences that university students are sensitive to the needs of their fellow humans and willing to make sacrifices for them.

But what of the majority of students who come to our doors? How do they fare? Not well enough. Too many are searching for inspiration and finding it not, too many are academic nomads wandering from one major to another, too many are dropping out.

We need to know more about our students. Who are they before they come to Marshall? Are they first generation college students? To what do they aspire, and how strongly motivated are they? How did they select the college interest they enter on registration blanks?

During his college career the principal continuous record we keep of a student's progress is a transcript of his courses, credits, and grades. Ah how mighty is that page, so carefully updated, interpreted, calculated each term. It bears a name, an address, a major, and so many little ciphers which taken all together spell success or failure. How sad it is that this alone so often represents our highest regard for a student's life. No wonder our students cry out against being folded, spindled, mutilated. Where can we record the fact that a student dropped English 214 because the teacher was boring him to death, or that one winter his mother was dangerously ill and his grades declined because he worried about her. How can we make known a student's sudden discovery that philosophy gave wings to his mind, or that the precision of a master mathematician filled him with a new sense of the possible if the only indicator is a capital A? We must do better, and we must stop talking about the need to individualize—we must act with sensitivity and with courage.

And what are we to do about the dropout? You know, I have some skill in this matter. I dropped out of three high schools. It took perseverence, and pluck and guile to frustrate the efforts of two middle-aged people who knew I needed to stay there. We often pride ourselves on increasing enrollments, on open-door admissions, on offering something to everybody. The educational supermarket approach. Come on in, shop around. If you want it, we have it! But do we really? Do we really have it if we admit those who think they want a bachelor's degree, but soon discover they cannot keep up with the pace? Do we have it when we fail to offer the occupational programs in which many could find ready application of their capabilities? Do we have it if students of low ability or motivation crowd our classrooms and burden our efforts and we have no effective means of discovering their needs and redirecting their efforts?

Lest we feel reassured by the fact that thousands have received Marshall degrees, I must ask, where are they today? What are they doing, and how well did we prepare them? What would they have us do differently to improve their educational experience? How are we helping them to make continual adjustment to a world in which change and complexity are accelerating? Precious few of these questions can be answered affirmatively.

There is much to be done for our students before they arrive on campus, while they are here, and after they depart. And it is not only a matter of increased money, or more buildings, or new supportive facilities. These are the tools of education, we are the designers, we are the movers, and we can do much if we will realize anew our capabilities and apply our talents with freshened vigour.

To my faculty colleagues I want to address a few comments. Quite rightly you wonder what this administration stands for and what it will lead to. As perhaps never before you are sensitized to any indicator which will permit you to judge my attitudes toward academic freedom, faculty participation in university decision making, and curriculum development.

Traditionally, the university faculty has controlled or strongly influenced admission standards, what is taught and how it is taught, and requirements for graduation. In addition, our strongest institutions have developed procedures whereby the faculty have a major voice in determining who is to join them and upon what basis he will be retained and rewarded. The exercise of these prerogatives in a balanced manner undergirded by a crucial concern for the student has always resulted in strong academic programs. This is what I believe in, and this is the objective toward which I will bend my efforts. But just as you are watching me, I am watching you and I do not hesitate to become an interventionist—by indentifying and urging the imperatives which we must face if we are to attain institutional goals and serve a society which needs our efforts.

In the past we have compartmentalized our programs. Often without realizing it, we have assumed that faculty were hired to teach, students were there to learn, and "the administration" were to run everything. I cannot conceive of this being an effective formula except, perhaps, in pioneer circumstances or in educational institutions with an extremely narrow focus. Where, as in this institution, a broad spectrum of programs is involved and a heterogeneous student body is served we must not waste the opportunity to use all the talents at our disposal. Yet I realize there are those who will question the inevitable erasure of long secure dividing lines and the crumbling of protective barriers. Flux and change are upon us and some of us will feel threatened without the security of long existent sinecures.

At the other extreme there will be those who, impatient with the rate of change, become strident in their demands for a "piece of the action." All of you will find me ready to listen, ready to make reasoned and needed change but insistent that we provide the safeguards of apportioned responsibility and systems for critical review, evaluation and redirection. You will find too, that I have some pet ideas which I am anxious to apply, and that I have sat in enough faculty committee meetings to be impatient with the sometimes glacial movement of academe.

I accept the charge delivered to me today by each of the speakers you have heard. I am encouraged by their confidence and strengthened by their hopes.

To the Board of Regents I pledge unstinting effort in developing the role and mission of Marshall University. They have demonstrated their determination that this institution will receive the support it needs to realize its potentialities, and they may depend upon me to make full use of the resources they provide.

I pledge to the students and faculty of this institution my full energies in providing them the setting in which sound educational programs may be developed or enhanced. Not only will I strive to provide the material resources needed, but fully realizing that this is not a one man show, I will join my efforts with theirs to develop more fully an atmosphere of free inquiry in which we retain the best of the past, discover the new, and run the inevitable risks of joining them.

Already my family and I are at home in Huntington. Townspeople, faculty, students and staff have generously welcomed us with demonstrations of warm friendship and concern. We thank you for all your kindness, and we look forward with pleasure to living among you for many years.

In closing I ask of the citizens of West Virginia a new recognition of the value which our colleges and universities contribute to our society. Through their dedicated faculties and staffs these institutions help our young people realize their dreams and aspirations, and the investment we make in dollars is returned many times over in richer, fuller lives. Jefferson stated it well when he wrote, "if a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Address by David Cook, President, Marshall University Student Body

On January 13th, 1971—a man visited our campus with a dream of a university with unrestricted potential and the enthusiasm to make that dream work. He remarked at that time, and I quote, "Marshall ought to be the best university it can possibly be, regardless of what the other state institutions have or are. It is the responsibility of a college president to go after the things his university needs. A president should be willing to stick his neck out."

The man was John Grove Barker and what followed was the making of a president.

The challenge which lay ahead was great! Because never before had a university been faced with such an overwhelming sense of tragic loss and confusion.

The response, however, was even greater. For out of this loss there arose a re-dedication within our university to stand true to the ideals for which Marshall had been so long known. Across our campus, there appeared a unified spirit of action that could be sensed in every area of campus life—be it in or out of the classroom experience. A spirit of action which needed only direction. Dr. Barker provided us such direction.

Within the past year, he has provided Marshall with the security and direction to which every university is entitled. The right to *grow*, in both academic accomplishment as well as inter-personal maturity.

He has remained steadfast in his purpose and faithful to his goals. For these reasons, he has gained the admiration and respect of the university's more vocal wing-her students.

I greet you, therefore, Dr. Barker, not as David Cook, but as the embodiment of every student at Marshall who has been honored to work with you as an *individual* and to whom you have made the name of Marshall University one of proud association.

Ralph Waldo Emerson once said, "The only way to have a friend is to be one." If this is true, then the dream of Marshall has no better friend to guide her than Dr. John G. Barker.

CONGRESSMAN JAKE PICKLE EXPLAINS THE INTERNATIONAL MONETARY CRISIS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. REUSS. Mr. Speaker, one of the hardest things for a layman to do today is sift through all the complicated terminology, rhetoric, and issues surrounding the current international economic situation.

Realizing the importance of the current negotiations, our colleague from Texas, Mr. JAKE PICKLE, has done just that—composing a newsletter to his constituents, which discusses the current monetary situation in plain back-home language.

He sums up well the importance of the current negotiations when he terms this the beginning of "a new era in international trade" and notes that:

> In the long run it will have at least an equal and perhaps a greater effect on our take-home pay, on whether we have a job at all, on whether we can lick inflation and restore a healthy prosperity, than anything we are doing here at home.

I commend the newsletter to my colleagues:

FROM BARTER TO GOLD—FROM GOLD TO???

Phase I. . . . Phase II. . . . the freeze. . . . devaluation. . . . floating dollar. . . . you almost need a dictionary these days to figure out what's happening to your pocketbook.

Our nation is in a difficult time, but I have faith that we will dig in and that we will reach the goal President Nixon has set—no more than a 2–3% inflationary rate by the end of 1972 and the restoration of a healthy international trade. It will be tough, but this nation has faced tougher trials.

A new era in international trade is beginning. To most of us it is far away, little understood, confusing and full of unfamiliar and even more confusing terms. But the fact is that in the long run it will have at least an equal and perhaps a greater effect on our take-home pay, on whether we have a job at all, on whether we can lick inflation and restore a healthy prosperity, than anything we are doing here at home.

That is why this newsletter is devoted to a single issue—the economy. It's not a white paper or a primer—instead, it's an attempt to discuss our complicated international monetary system using everyday language.

There's an old saying that if you laid all the economists end to end, they still couldn't reach a conclusion, and if that is true on the domestic front, it is even more true on the international front.

The surprising thing about the present international monetary situation is that almost everyone is in general agreement about what has happened, about where the flaws in the present system are, and about what needs to be done to correct them.

The problem is the mechanics of getting to the solution—not *what* to do but *how* to do it. And the key to those mechanics is politics.

The present world economy is a highly interlocked one, with almost $300 billion in goods and services now passing from country to country in international trade. But it is still an economy composed of separate and independent countries—each of whom naturally wants to run her own domestic economy and find a place on the international scene of maximum personal benefit.

The dangers and possibilities lying ahead are very real, very dramatic, and at times even a bit frightening. I am not whistling in the dark when I say that the prospects of an international trade war and an accompanying world-wide recession such as racked the decade of the 1930's is very real to those delegates of the 118-country International Monetary Fund who are continuing to meet in various places around the world

At the same time, based on the lessons we have learned in the past century or so, we have a chance to create a strong international monetary system which will restore and even expand the general prosperity the world has enjoyed for the past 25 years.

The center of any international monetary setup is the monetary standard. From the early 19th century to the early 1930's we were on the "Gold Standard"—How many dollars, or pounds, or francs would buy an ounce of gold varied from time to time, but everything was always pegged to gold.

In the 1930's, however, the gold standard broke, and for 10 years we had no standard—there was no system, just a daily jumble of exchange rates between the various countries.

The lack of a system was disastrous for international trade. Constantly fluctuating rates produced chaos. You can imagine trying to prepare an international contract to sell wheat, build a factory, or whatever, even six months ahead if you had no idea what the exchange rates would be at that time.

And to this chaos was added the continual threat of uncoordinated national policies—each country unilaterally manipulating its own money value and trade policies in efforts to make the foreigner pay more. Call it beggar-my-neighbor, kill or be killed, an economic law of the jungle, or what you will, the effect was the same—international trade was virtually wiped out and depression hung over this country and the world in spite of all that was done domestically to set things going again.

In 1944 the trading nations of the world tried to get right side up again with a meeting at Bretton Woods. There delegates set up a system, a machinery of international trade, which worked almost until the 1960's, hung on until the 70's, but now virtually has collapsed.

Right now we, in essence, again have no international monetary system. The task before us is, as in 1944, to create one, or to face upon trade war much like we had in the 1930's.

Throughout the world, delegates are meeting at the International Monetary Fund conferences to try and work out a solution. As those experts wrestle with our pocketbooks, let's look briefly at the system which stood up pretty well for the last 25 years—the Bretton Woods system.

A MEETING IN NEW HAMPSHIRE

Basically the Bretton Woods system (named for the meeting site in New Hampshire was a "modified gold standard". It was a gold standard except that everything was pegged not to gold itself, but to the U.S. dollar. The U.S. agreed to pay $35.00 for an ounce of gold, and that was to remain constant. Other countries then stated the exchange rates of their currencies in terms of dollars—and they agreed to keep these rates within a narrow set of boundaries.

The International Monetary Fund was to be policeman—and, importantly, in addition could make emergency loans of dollars or gold or both to nations that ran short. This was important because it meant that a country which had what it called a deficit in its balance of payments could now take several years to make up the difference.

That is to say, if a country had a "bad year" and couldn't pay the bills on all its imports or keep up with payments on loans it had made, it could now get a low-interest loan from the IMF to tide her over until the next, hopefully more prosperous, year.

This was a far cry from previous practice under the old gold standard, where nations that ran a deficit often had been forced to get high interest, short-term loans wherever they could, cut down on imports and jump up unemployment, default on their obligations, or just go bankrupt.

Compared to what went on before, Bretton Woods worked great. After all, in 1944, the dollar looked like the Rock of Gibraltar, the U.S. economy was booming while the rest of the world faced the tatters of war—and the U.S. held the lion's share of the world's gold.

With stability at hand and dollars pouring out in trade, investment, and aid, international trade boomed as it never had. Almost unintentionally, many international barriers fell and a world of separate and sovereign nations drifted into an economy as highly interlocked in some ways as some of the old empires. And the world launched into 25 years of prosperity the like of which it had scarcely dreamed.

THE FATAL FLAWS

The Bretton Woods system did work—at least it worked until the tail end of the 1950's and the beginning of the 1960's. What happened then will be argued, I am sure, for quite some time to come, but some factors do stand fairly clear.

First, the supply of dollars abroad, especially as other countries began to build up their own economies, began to loom entirely too large. The dollar "glut" began. And there simply wasn't enough gold in the U.S. to back it all. The more dollars held abroad, the less likely the U.S. would be to swap them for gold. Even at the high point of 1949, the U.S. held only $25 billion in gold. Today it holds less than $10 billion—while foreign governments alone hold 30 billion in U.S. dollars.

Second, adjustments in the values of various currencies were slow in coming, due, ironically, to the extra leverage given by the IMF loans—and, importantly, the dollar couldn't change at all. By 1960, it was more than evident that many of the world's currencies were drastically out of line with each other. But instead of realigning them, governments, including the U.S., placed more and more controls on the movement of capital.

You may remember the series of "international monetary crises" throughout the 1960's—each one resulting in a meeting of high finance leaders who worked together and somehow managed to calm things down—to pull the Bretton Woods system along for a little longer.

But the out-of-line exchange rates continued to crop up at an accelerating rate. Then in November 1967, Britain devalued the pound. In 1967 and 1968 gold speculation became so rampant a new gold system was set up—a "two tier" system whereby official, or government, gold was to remain the same in amount at $35.00 an ounce, like steam in a radiator, while the free market "speculative" gold was turned loose to go where it would. In addition, the U.S. asked other countries not to redeem their dollars in gold but simply to "hold" them as was.

In early 1969, the franc devalued. Later in 1969 the mark went up, and earlier this year you may remember the "floating" of the mark to let it find its true value.

The dam really broke wide open this year when it became apparent that the United States faced a negative balance of trade.

The expected deficit in the trade balance wasn't a cause—but it was a clear-cut symptom that things are not healthy. For many years we have on purpose been a country which exported more capital than we have brought in—and we have therefore endured a deficit in our balance of payments almost every year since 1950. To maintain a going operation, we needed to have a surplus in our balance of trade to offset this deficit in our payments.

When that surplus had evidently disappeared, something had to be done—and on August 15, President Nixon broke the link between the dollar and gold, allowed the dollar to "float"—and Bretton Woods ended. Since the dollar was the touchstone of the system, there will be no going back, no patching up.

DOWN THE ROAD

What lies ahead no one knows. But there are some things everyone seems to agree we must do.

We must have a general realignment of currency values world-wide.

We must find something other than the dollar and gold to be used as an international reserve, or the hub of the system—something not tied to one nation (as is the dollar) or found in an arbitrary and fixed quantity, such as gold. Many economists are suggesting the International Monetary Fund's "SDR's"—a new form of "paper gold" created in 1970 and which the IMF regulates and generates from all sorts of money and reserves placed in its hands.

This, importantly, would give the U.S. the same opportunity as all other countries to determine a proper exchange rate for its currency.

We must find a mechanism which will allow, perhaps even force, currency realignments when they are needed—and a mechanism which will adapt to a changing future. Bretton Woods was too brittle. It was not adjusted as we went along. It was good and read like the Bible for a long time, but it wasn't the "good book" we thought it was.

The United States has taken a tough stand in negotiations. This country has asked for a swing of $13 billion in the balance of payments to counter the advantage fast-rising countries have taken of the huge U.S. market—a request that means other countries will have to put themselves in a deflationary squeeze in order to give us some relief. Consequently there is a natural tendency to accuse the U.S. of causing the inflationary problems herself, of reducing the value of the dollar through poor economic policies at home.

Other countries will ask that the United States remove the 10% surcharge on imports. And we likely will counter that other countries are keeping their exchange rates low and have set up a wall of non-tariff barriers which have resulted in a trade situation far from a picture of fair competition.

We will ask them to remove these barriers and to revalue their money to its true international worth, and they will want us first to "devalue" the dollar in terms of gold.

And here it looks like a dispute may wage inside our own country before we take a final stand on the international scene.

Opponents of devaluing the dollar in terms of gold say that gold speculators will be rewarded if we take this step. But those in favor of the move point out that the request is to up the price from $35.00 to about $38.50 an ounce, while the free market gold price is already $43.00 an ounce—so speculators will get no windfall here.

Opponents of devaluation point out that we'll be hurting our friends who have not cashed in their dollars for Fort Knox gold, but proponents of the move note that these very friends are the ones asking us to devalue.

Opponents wonder if countries with gold mines (primarily South Africa and Russia) wouldn't benefit unjustly from devaluing the dollar, and proponents say not unless there is a drastic increase in the world's potential gold supply in those areas.

Opponents point out that such a move would only serve to resolidify the old links between the dollar and gold—links the President is trying to break. Proponents fear instead a still worsening trade situation, possibly even a world-wide trade war, and believe the old links will be broken in time anyway.

I do not know what will happen. I don't think anybody does at this point. But, while there is much danger, there is also reason for much hope.

We have learned an inordinate amount about international monies and about the wealth and prosperity that they can bring. We have made great strides toward learning what types of reserves can make a good, sound international monetary system that will work for a long time. We have learned many valuable lessons on the need for flexibility in certain areas and about how we might go about providing that flexibility.

The financial leaders of the world's many free nations are continuing to meet at the International Monetary Fund. They know the stakes.

Basically politics is now the crux of the matter. For meeting together are not the board of directors of a single corporation but the financial leaders of many separate and independent nations—and each delegate must go home with something his own country can swallow.

Hopefully, there will be enough spirit of cooperation and good will to pull us through . . . a little bending here and there can begin to forge a new international economic system for the next decades and beyond.

ON THE HOME FRONT

President Nixon, like every other national leader, must also come home with something this country can live with. And he must stabilize our own internal economy while he is facing this crisis on the international front as well. It would be so easy to take shots at the methods he tries, but I think more than anything else we must give him a chance. The stakes are incredibly high.

The President has recently taken the next step toward preparing us for the post-freeze period here at home—he has named the members of the new Pay Board to guide wages and the new Price Commission to guide prices.

And he has sent to the Congress legislation to flesh out the Economic Stabilization Act under which he instituted the freeze.

In addition to extending this Act, which gives him authority over wages, salaries, prices, and rents, the President has asked in the new legislation for authority over interest rates and dividends, new fines for violators and new subpoena power to demand records, witnesses and other information to find violators, new power to require violators to make refunds to their customers, and a new emergency appeals court to consider cases after they have been ruled upon by a federal district court.

Hearings began October 27 in the House Banking and Currency Committee on these proposals. I hope the Congress will be able to give them a good, open, and speedy review.

SOME KEY WORDS

Monetary standard.—The center of any monetary setup—A set medium, be it gold, paper, beads, dollars, doorknobs, or whatever, that is used to pay off debts, buy articles, etc. On the international scene, the key is to have a "universal" monetary standard—one to which all the other types of money in the world can peg their own worth.

The gold standard.—In use from the early 19th Century until the 1930's, and used gold as that "universal" medium. Anything else used for money in international trade had an established value in gold first.

Modified gold standard.—The most common example is the situation we are all used to. U.S. dollars have a set value in terms of gold, but all other forms of money establish their value in terms of dollars, not gold.

Balance of trade.—This is the list of goods (cars, refrigerators, peanuts, catfish, wheat, etc.) and services (insurance, shipping costs, etc.) which go in and out of a country, A surplus in the balance of trade means that you sent more out than you brought in; a deficit means the opposite—you brought more in than you sent out.

Balance of payments.—Although it includes other things, most importantly, this is the list of capital (interest payments, loans, investments) which goes in and out of a country. A surplus in the balance of payments means you brought more in than you sent out; a deficit means again the opposite—you sent more out than you brought in.

Bretton Woods.—An international conference of national financial leaders who met in Bretton Woods, New Hampshire, in 1944 to set up a uniform international monetary system to handle the post-war world.

International Monetary Fund (IMF).—118 countries belong to this organization of national monetary leaders of non-communist countries who have banded together to increase trade among themselves and to maintain a uniform international monetary system.

SDR's.—A new form of "paper gold" created in 1970 and which the IMF generates and regulates from all sorts of reserves placed in its hands. They are a true international money and a possible eventual replacement for gold and dollars as the international monetary standard currency.

Devalue.—This means you make it take more units of your money to equal someone else's money units. This makes his imports more expensive for you and your exports less expensive for him.

Revalue.—This is the opposite of devalue—it makes his imports less expensive for you and your exports more expensive for him.

Export.—To send out of the country.

Import.—To bring into the country.

Exchange Rate.—A term referring to the amount of one country's currency it takes to make an equal amount of another country's currency.

FAVOR MEDICAL TAX CREDIT PLAN

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. GRIFFIN. Mr. Speaker, health costs are of grave concern to all Americans. The solution to this problem has been the subject of serious examination but a single plan with unified support has not materialized. Many of us feel that health insurance based on tax credits offers the best hope of curing this problem.

I invite the attention of the House to an editorial dealing with this subject which appeared in the Clarion Ledger on April 26, 1971. It follows:

[From the Jackson, Miss., Clarion-Ledger, Apr. 26, 1971]

FAVOR MEDICAL TAX CREDIT PLAN

Proposals that the federal government pay individual medical bills have had strong support from liberal groups including top union leaders, but a majority of the nation's independent business owners favor a minimal plan of government aid—"a tax credit, not a takeover."

As an alternative to proposed multi-billion dollar health care programs, paid out of tax revenue, a tax incentive for the individual to "do it himself" appeals to most of the businessmen polled by the National Federation of Independent Business including those in Mississippi.

Enactment of a major tax credit on the cost of all-inclusive health insurance from private insurers has been endorsed by 54 per cent of the independent owners and opposed by 39 per cent, with 7 per cent undecided. The American Medical Association's "Medicredit" health proposal includes such tax credits, scaled to income.

Responses from Mississippi business owners showed 57 per cent in favor, 37 per cent opposed and 4 per cent undecided.

Soaring medical costs endanger the financial security of millions of families, and the feeling in Congress has been that some form of health legislation is imperative.

Medical costs have risen 170 per cent in 10 years, and are now estimated at $70 billion yearly, of which the federal government bears about $21 billion.

PROPERTY TAX REFORM

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, Oct. 29, 1971

Mr. MOSS. Mr. President, in the last few months the issue of property tax reform has captured the interest of large groups of Americans in all sectors of the country. I have collected a number of recent important articles and documents on this subject and believe they should be made available for review by Senators. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 15, 1971]

FISCAL FEUD: HOMEOWNERS CHALLENGE BUSINESS TAX BREAKS IN SOME COMMUNITIES

(By Danforth W. Austin and Jack Kramer)

AUGUSTA, GA.—When the local Committee of 100 talks, county and city officials here usually listen. But sometimes they don't listen close enough. Then that arm of the local Chamber of Commerce flexes its civic muscle.

A year ago, for instance, a new napery maker in town, Paper Products, Inc., got a 1969 property tax bill for $3,539.64. That was based on a state requirement that assessments on property should equal 40% of its market value. But that was $2,879.98 more than the Committee of 100 had recommended Paper Products be charged. Told about it, the Augusta-Richmond County board of assessors agreed on a refund, and the check was written out.

Next time it won't be easy. A passel of angry individual taxpayers has gone to court and got an injunction to stop 26 such informal tax breaks for new and established businesses here.

Once widely tolerated, tax breaks for business and industry are coming under sharper attack all over the country. Hard pressed individual taxpayers complain that those breaks can't help but boost their own taxes, for the money to meet public budgets has to come from somewhere. And breaks to lure new industry are doubly unfair, they say, because new industries often increase school crowding, road damaged and water pollution, all of which in turn balloons the cost of public services.

THE BUSINESS VIEW

Corporate managers argue that tax breaks help promote prosperity by luring industry, thus boosting local payrolls and retail sales. Even with the breaks, they argue, businesses still pay plenty of taxes and are under no obligation to pay more than they legally are required to. In fact, they can use any legal means to reduce their burden.

So here in Augusta and elsewhere, citizens increasingly are responding by tryng to change or more strictly enforce existing tax laws and procedures. They're challenging a variety of practices that tend to undervalue property for tax purposes and create a supposedly unfair gap between rates paid by business and by individual property owners. And they're questioning the aggressiveness of local tax assessors and collectors who seem willing to accept the business view.

In Gary, Ind., Calumet Township assessor Tom Fadell says his biggest customer in effect presents its own tax bill. That customer is U.S. Steel Corp., which supplies its own evaluation on its taxable property there, $540 million, on which it pays taxes of $21 million a year. U.S. Steel won't furnish the township figures on capital investments or depreciation schedules used to arrive at that value because, the company says, such data would aid competitors.

All this is no small fiscal issue in Gary, whose schools get half their budget revenue from property taxes and now are nearly $9 million in debt. The issue is naturally political, as well. Some people in Gary don't think assessor Fadell is pressing U.S. Steel hard enough.

WE COMPLY WITH THE LAW

One of those people is Mayor Richard Hatcher, a reform Democrat who politically is at odds with the assessor. Two years ago, Mayor Hatcher sent an aide to examine U.S. Steel's books. The company got a court injunction against an examination on the ground that Indiana law allows only tax assessors access to its books.

And the assessor in Gary is Mr. Fadell. "I sent a CPA to Pittsburgh (U.S. Steel's headquarters)," he says, "and when he asked to see a capital investment breakdown for Gary, they told him they don't break down figures by location."

To make the matter murkier, there's Los Angeles County, Calif., where assessor Philip Watson says U.S. Steel does make such a breakdown. U.S. Steel explains the apparent inconsistency simply: "We comply with the law in both states."

Another figure in the controversy is Gary finance adviser Arnold Reingold. He says his own admittedly crude, indirect calculations show U.S. Steel has undervalued its Gary property by at least $110 million. He figures that 14% of U.S. Steel's employes are in Gary, and if the ratio of employes to taxable assets in Gary is just average, then 14% of U.S. Steel's plant, equipment, parts, supplies and inventories are there, too. Basing his calculation on balance-sheet figures for those items from the 1969 annual report ($4.6 billion), he arrives at a value of $650 million on U.S. Steel's property in Gary.

PLANT DEPRECIATION AND LAND

Moreover, Mr. Reingold says, U.S. Steel's balance sheet (its statement of assets and liabilities) values some assets at less than a tax assessor would value them. Land is carried on the books at its original cost. In Gary, he says, "Land bought in 1900 is carried at its 1900 price." Tax assessors, on the other hand, attempt to base assessments on current estimated market value.

The balance sheet shows plant and machinery at its depreciated value. Depreciation in theory reflects an asset's loss of value due to its wearing-out in use. But standard accounting requirements determine depreciated values, and those requirements don't necessarily correspond to price trends. For example, plant and machinery that may be fully depreciated on the company's books could have considerable economic, or market, value. In reply to all this, U.S. Steel reiterates that "we comply with the law."

Depreciation accounting also is at issue in a tax hassle in Savannah, Ga. So is low-tax industrial zoning. One Savannah industrial zone, created by special act of the 1950 Georgia legislature, gives its chief occupant, a Union Camp Corp. paper mill, fire protection and water from the city at a yearly rate of 5 mills (a mill is equal to one-tenth of a cent) per $1 assessed valuation. Other city property owners pay 26 mills, or 2.6 cents.

That has angered some individual taxpayers. The furor grew when they found evidence that Union Camp had been getting other tax breaks. A local newspaper disclosed that Chatham County had valued 109 acres of Union Camp land at $6 an acre. In theory that was the 40% of fair market value required by state assessment rules. To fuel the furor, the disclosure came about when Union Camp sold the parcel to the state parks department for $1,949 an acre.

G. Miner Peagler, Chatham County's chief tax assessor, raised the assessment on Union Camp's remaining 6,000 acres to $2.6 million from $119,330. The company objected, and the assessment so far has been arbitrated down to $744,655.

Union Camp denies it enjoyed preferential tax treatment and warns that higher taxes could hurt the company and the local economy. "It doesn't take much more tax to bring things to a point where they've not profitable anymore," warns P. J. McLaughlin, the company's comptroller.

Union Camp's troubles are far from over in Chatham County. "There's not much we can do about that (industrial) zone," says Richard Heard, an industrial developer who heads the Chatham County Taxpayers Association, "but we can sure put an end to any other tax breaks given Union Camp."

Even Ralph Nader is thrusting himself onto the scene. He charges that Union Camp and others have benefited from "tax bunco" conjured up by Chatham County officials to create a favorable climate for business. Specifically, a Nader-sponsored group attacks depreciation accounting at Union Camp. Though the company pays taxes on a valuation of no more than $90 million for its Chatham County facilities, the group says, estimates obtained from other paper companies put the current replacement value of those facilities at $375 million to $550 million.

LARGE LANDHOLDING

Across the country in California, The 100,000-member California Homeowner's Association is attacking the assessment on 400,000 acres near Bakersfield owned by Tenneco Inc., a major oil concern. Tenneco got the land in 1967 when it took over Kern County Land Co., and at that time the land was valued for tax purposes at $280 an acre. Even then, however, it was worth 10 times that, argues John Nagy, president of the association.

Some other citizens think so, too. "Roughly speaking, Kern was putting 1913 sales values on that land," says Howard Hawkins, then a Kern vice president, now a partner in Dean Witter & Co., the San Francisco-based securities firm. According to Kern's former public relations chief, Robert W. Jackson, the land was valued privately at $2,500 an acre by Dwight M. Cochran, then Kern's president.

Mr. Cochran declines to discuss the matter. So does Tenneco. "Now you're getting into one of those areas where we can't comment," says a spokesman.

Kern, however, did discuss the matter publicly in 1967. Faced with what turned out to be an unsuccessful takeover attempt by another company, Kern ran an advertisement in this newspaper saying that the other company "fully appreciates that our 1.8 million acres of land are carried on our books at a fraction of their market value." (Besides the 400,000 acres near Bakersfield, Kern owned large holdings elsewhere.)

VALUATION IS TRICKY

Researchers for the homeowners' association say an analysis of tax records indicates that the Bakersfield land now is valued at $265 an acre—about $15 an acre less than in 1967. They say their analysis discounts the effect of reduced assessments on land that California law, since 1967, has permitted to be placed in low-tax "agricultural preserves." Kern County tax assessor Herbert Roberts says he'll "bet a steak dinner" that assessments actually have increased on that land, but he says he doesn't have the figures at hand.

Assessors point out that determining the value of large tracts is tricky because they don't change hands often and, consequently, a recent market price isn't available. Also, they say, lower valuations on large tracts that haven't been subdivded (surveyed and mapped lot by lot) are justified because subdivision costs money and because the land isn't readily marketable until it is subdivided.

Many small taxpayers are unsatisfied by such explanations.

[From the Atlanta Journal and Constitution, June 6, 1971]

Richmond County's Lure—Tax Break for Business

(By Ken Boswell)

Augusta, Ga.—More than 10 years ago, a group of Augusta's leading citizens looked around themselves and saw that their city—once a thriving business community—was in danger of becoming economically stagnant.

The Savannah River Plant, located across the Savannah River in Aiken County, S.C., had brought on a booming economy for the Augusta area a few years earlier. But, since then, nothing had happened to maintain the forward motion.

New industry, the leaders decided, would provide the necessary shot in the arm. It would bring new jobs, increase the economic level, boost the tax income and, in turn, elevate the activity for businesses already located in Augusta and Richmond County.

But how, they asked, could they bring industrial expansion to their town? Other cities, with just as much to offer, also were competing for new firms.

What Augusta needed was a little something extra to attract new members to their industrial community.

The "little something" turned out to be tax breaks.

Let the industrialist know that, if his firm built a new plant in Augusta, the tax rate will be as low as as he would find anywhere, the local leaders said.

And so, the Committee of 100 was formed as an industry-seeking group.

A formula, contrary to state law, was worked out so that incoming industry would be taxed at 12½ per cent of the normal rate for the first five years. The Committee of 100 was authorized to negotiate with the firms and to offer the tax concessions—with the approval of city and county governments.

It didn't take long for the word to spread. Soon, industries were flocking to Augusta and Richmond County. An industrial park, the Miracle Mile, was established to give additional incentive.

Multi-million-dollar factories were built in Richmond County at an astonishing rate. There were Continental Can Co., Procter & Gamble and Columbia Nitrogen Corp., to name a few.

But somehow, the tax concession policy got out of hand. Before long, businessmen already in Augusta were asking for the same consideration given to the newcomers who were locating in the area.

One of the first local groups to receive a tax concession was National Hills Shopping Center on Washington Road.

Chief Tax Appraiser Robert N. Brown, who was the city-county tax assessor at the time the shopping center went on the tax books in 1966 received a letter from the county's board of tax assessors, authorizing the 12½ per cent concession "for at least the first five years after completion of construction."

Brown received another letter from the Committee of 100, giving the group's approval to the tax shelter.

Another Augusta group built The Five Hundred Building, an office facility, within sight of the city-county building a few years later.

A different type of concession was given for the multistory building.

Gorham Boynton is listed as president of the Five Hundred Building, Inc., and William A. Garrett, a member of the local Board of Tax Assessors, is secretary and treasurer.

The Five Hundred Building was constructed on the corner of Greene and Fifth streets, on property which had been a near-slum area. It replaced several dilapidated buildings.

Under the tax shelter agreement, which was just for the year 1968, the owners of the building paid taxes based on the value of the land and buildings which were on the lots before the office structure was built.

In that year, The Five Hundred Building's tax assessment was $31,900, and the owners paid $1,180.30 in property taxes.

The following year, The Five Hundred Building was valued at $556,000, with a standard 40 per cent tax assessment of $222,400.

But, again, the owners asked for some help on their taxes, and the value was reduced to $400,000 with an assessment of $160,000. They paid $6,240 in property taxes.

In 1970, the owners asked for the same assessment, but the tax value went up to $170,000, and a tax bill for $6,800 was mailed to them.

But the Five Hundred Building, the shopping center and all the industries aren't doing so well with their tax situation any longer.

In fact, many of the sheltered firms are now faced with astronomical increases in their taxes—thanks to a group of homeowners who took the county to court.

As a result of the suit, some of the 1970 tax bills were for 10 and 12 times as much as the firms had paid the year before.

But that doens't mean that the industries are giving up their money wtihout a fight.

[From the Atlanta Journal, June 7, 1971]

Richmond County Taxpayers Fought Over Tax Break

(By Ken Boswell)

Augusta, Ga.—Sometimes, the taxpayer is apathetic about his money.

Such was the case in Augusta and Richmond County for years.

Despite news stories in which local officials readily admitted that several large industries and businesses were receiving tax concessions, the public failed to act, until 1970.

In September, a group of taxpayers finally took the county to court to contend that almost every major industry which had come into the community in recent years was paying less than its fair share of the tax burden.

All of the county's superior court judges disqualified themselves, and Judge Walter C. McMillan Jr. of the Middle Judicial Circuit was called in to hear the case.

According to Georgia law, taxes must be assessed at 40 per cent of the fair market value of a piece of property. Many industries in Richmond County were paying 12½ per cent of the "normal computed tax," according to City-County Tax Appraiser Robert N. Brown.

In other words, the normal taxes due on a $1 million industry, assessed at 40 per cent of the market value and based on a 40-mill tax rate, should be $16,000.

But, using the formula outlined by the industry-seeking Committee of 100 and supported by local government, the $1 million firm would pay $2,000. The concession usually was granted for a five-year period.

The same formula was applied to any later expansion projects at the plant.

Brown said that, at the time the suit was filed last year, 32 industries and businesses were receiving tax concessions.

On Sept. 23, 1970, Judge McMillan ordered all tax shelters removed from the tax books.

On Feb. 2, 1971—more than four months later—the Richmond County Commission approved a state and county tax refund of $1,402.58 to Paper Products, Inc., in compliance with a tax concession agreement with the Committee of 100.

The Richmond County Board of Education received a similar request for a $1,476.40 refund to the same company, but county Treasurer Moye L. Daniel said the school board refused to pay.

The total refund—requested by W. Roscoe Coleman, chairman of the Augusta-Richmond County Board of Assessors—would have come to $2,878.98. If both refunds had been approved, Paper Products would have paid $660.66 in state, county and school board taxes for the year.

County Attorney Franklin H. Pierce explained that the refund was for 1969 taxes and, therefore, represented a commitment made before the court ruled against tax concessions.

But tax concessions were illegal before the court ruling was issued.

When Judge McMillan issued the order, the city-county tax office began work immediately to eliminate the discrepancies from the assessment records.

But very little of the tax money came into the tax commissioner's office as a result.

Brown said 28 of the 32 firms receiving tax concessions applied for arbitration as soon as they received their revised tax bills in 1970.

The reason for the challenges becomes obvious upon examination of the new taxes:

Columbia Nipro Corp.'s property tax bill increased from $2,386.02 in 1969 to $16,447.20 in 1970, a hike of 585 per cent.

Cox Newsprint paid $2,076.75 in 1969 taxes and was billed $24,201.20 for 1970, representing an increase of more than 1100 per cent.

The Kendall Co.'s tax bill went up 720 per cent, from $4,484.22 in 1969 to $36,792 in 1970.

But Continental Can Co. probably the county's largest industry, did not challenge its 1970 tax bill, according to records in Brown's office.

Continental Can paid $74,866.35 in property taxes in 1969, and the firm's 1970 bill for property came to $105,606.80—an increase of only 41 per cent. The company's total tax bill, including machinery and equipment, was $142,160.40 in 1969 and $305,241.60 in 1970, for a percentage of increase of 114 per cent.

Brown contends that the tax concessions "never cost the taxpayers a penny." He explained that the taxes paid by the industries were "many times more than the land was bringing in before they came in."

While the county residents were successful in defeating the tax concessions for industry in Richmond County, they paid little attention to several pieces of property owned by individuals and smaller businesses in the county.

For example, four Richmond countians—including behind-the-scenes political leader R. W. Best and Richmond County school board member John Fleming—paid $33,000 for about 26 acres of land on Scott Nixon Memorial Drive in 1968.

A year and a half later, they sold 1.85 acres of the land for $14,000 to Southern Roadbuilders, Inc.

But the fair market value of the entire 26-acre tract was according to the official Richmond County tax appraisal was $1,190 in 1969, and in 1970, it went down to $300.

The Mid-South Corp. paid $41,500 for a 37.5-acre tract off Powell Road in November, 1967. The 1968 city-county appraisal on the property was $17,980.

Claussen-Lawrence Construction Co. bought 30.5 acres of land on Interstate 20 in 1967 and paid at least $76,500. The land was appraised by the city-county appraisers the following year at $30,510.

In January, 1968, Janka, Inc., paid $48,300 for two tracts of land on Old Savannah Road. The appraised value of the two pieces of land came to $11,340.

City-County appraiser Brown said property cannot always be appraised at the price for which it was sold. He said that comparative prices for land in the same area must be considered when setting a value on a piece of land.

And Peter Drost, chairman of the Augusta-Richmond County Board of Tax Assessors agrees.

"It's an educated guess," he said.

[From the Atlantic Journal, June 8, 1971]

FACTORY-HOME TAX GAP SEEN

(By Ken Boswell)

SAVANNAH, GA.—Georgia cities often are bidding for new industry against stiff opposition from other U.S. cities and that's how things got started with the Union Camp Corp., Savannah's largest industrial complex.

Many years ago, Savannah and Chatham County made an offer to what was then the Union Bag Co.

If the firm would build a large plant in the county, in an industrial zone adjacent to the city of Savannah, the city government would provide fire protection, water and other services for a 5-mill annual tax levy.

And, the local leaders provided additional insurance to the firm through a legislative act which prohibits annexing the Union Camp property into the city.

In 1970, city taxpayers paid taxes at the rate of about 26 mills for the same services Union Camp is getting for a 5-mill rate, according to Richard Heard, president of the Chatham County Property Owners association.

Heard also said that the tax levy on Union Camp—and other firms located in the industrial zone—includes only "the land and the four walls" of the plant, and that machinery, equipment and inventory are excluded.

In the mid-1960's, a Florida-based valuation firm conducted a revaluation program in Chathan County.

"They gave up on doing (revaluation) on industry, and said, 'just take Internal Revenue Service values,' which mean nothing," Heard said.

Heard contends that Union Camp's taxable values dropped about $300 million because, under the IRS taxing system, depreciation of industrial equipment would have reduced the firm's worth by that much over a 10-year period.

After an industry has been on the federal tax books for 10 years, Heard said, "the (machinery) taxes have been written off."

Heard and his organization contend that industries in Chatham County are paying taxes on "about 20 to 22 per cent of their values," while homeowners are paying on between 100 and 160 per cent.

Union Camp owns several thousand acres of land on Skidaway Island, some of it valued on Chatham County tax books as low as a dollar an acre and some as high as $250 per acre.

But, when the Ocean Science Center of the Atlantic wanted to buy land on the island, Union Camp offered it at an appraised value of about $2,000 per acre, Heard said.

Basically, the same appraisal figures were used when the State of Georgia needed about 100 acres for a state park, Heard said.

When the sales were made public, Heard said local tax officials set a new value of about $428 per acre for the Union Camp property.

According to tax records, the Skidaway Island property was revalued several times in 1970.

The original appraisal for that year was $115,400 for the land, but that was reduced later to $113,260. Then, after the re-appraisal, the land value jumped to $2,573,690.

But Union Camp requested arbitration, and the value was reduced to $770,465—an increase of $655,065 over the original appraisal.

Tax officials, dissatisfied with the arbitrated figure, took Union Camp to court, and the case is tentatively scheduled to be heard late this month in superior court.

Union Camp and other Chatham County firms also benefit from a value reduction procedure for "low" land.

On the 1970 tax books, Union Camp is reported to have paid taxes on 21 pieces of land. There were value reductions—ranging from five to 65 per cent—on 19 of the tracts.

The reductions totaled $364,000.

Largest single reduction was on a 2,442-acre tract of land on U.S. Highway 17 South.

On the property tax card, the land is appraised at $100 an acre for a total value of $244,210.

The card also contains an appraisal of $550 for "added timber value" and another tract of land valued at $4,740, for a total appraisal of $249,400.

But, at the bottom of the itemized list, there is another entry, "Less 50 per cent low—$122,100."

With the deduction, the company paid taxes on a reduced appraisal of $127,400 on the two pieces of land and the timber, all valued at $249,400.

J. W. Neal, supervisor of the Field Appraisal Section of the county's tax assessing office, said the reductions do not represent tax concessions to the industries which have the "low" deductions.

He said that the reduced values "weren't reductions as such. They were what you'd call a method of arriving at land value."

Neal said some of the reductions were authorized by the board of tax assessors and others were okayed by Hunnicutt and Associates, the firm which conducted the revaluation.

If any appraisal were changed, Neal said, "the man had a legitimate complaint."

"Why were there more value reductions on Union Camp property than on other taxpayers' land?," Neal was asked.

"I didn't say there were more," he replied.

Neal explained that, while Union Camp is one of the county's largest land-owners, much of the land is so useless "the only thing it can be used for at the present is to raise trees."

Union Camp employs about 5,200 persons in the production of kraft paperboard, bags and containers and chemicals, according to the Georgia Department of Industry and Trade.

"Why use two sets of figures, one giving the full value and another giving the reduced value?," he was asked.

"If you cure your ills with drainage, then what is the land worth?" Neal said "How much good would one ditch do to it? You treat land the same way you treat houses. If you cure your ills, then you have the value. If you don't cure your ills, there is no value."

That, apparently, is why some of Union Camp's property is worth only $1 per acre—for tax purposes.

[From the Atlanta Journal, June 9, 1971]

TAX BREAKS EVAPORATE

(By Ken Boswell)

Last month, Procter & Gamble's Paper Paper Products Division announced plans for a $50 million plant near Albany.

According to Mayor Eugene Clark, the city and county government's only contribution to the firm is the providing of utilities to the site.

"We didn't have to offer Procter & Gamble anything," Clark said. "They came to us. We just happened to have what they wanted, and we were located in the right place at the right time."

"What kind of arrangements did you make with them for payment of local taxes?" a reporter asked.

"You won't believe me," the mayor replied. "There were none. Of course, we did agree to run the necessary utilities to them."

Albany and Dougherty, like many other Georgia communities, have thus utilized a legal method of obtaining some industries in the past.

But never, according to Clark, has the city offered a tax concession to an incoming industry.

Under the Payroll Development Authority, created by an act of the Georgia General Assembly, the city and county have helped several industries, including a large Firestone tire plant and a textile firm.

The authority issues revenue certificates to purchase land for industry, then leases the land to various firms at an equitable rate, which pays off the certificates over a given period of time, according to Clark.

Upon retirement of the certificates, the firm has the option to purchase the land.

During the period of the lease, the factory pays taxes on its machinery and equipment.

"This would be the only way they (industry), could get a tax break through us," Clark said.

Macon operates under a similar system, according to Delbert Leggett, chairman of the Macon-Bibb County Board of Tax Assessors.

The Bibb-Macon Industrial Authority, operating with city and county funds, may own land and sell or lease it to incoming industries. The leases are based on the local tax rates, according to Leggett.

Columbus, like Macon and Albany, has refused to give illegal tax concessions to industries, the way Augusta and Richmond County did until they were stopped in court last year.

Until a superior court judge ordered the change last September, 32 Richmond County industries were paying taxes on 12.5 per cent of the normal computed tax on their properties, in an industry-attracting endeavor which started more than 10 years ago.

"I hope now the race is over, this competing for industry," said Clark.

"Macon may be way down the totem pole in getting industry," said Leggett, "and it may be because we don't give them any concessions. You find any concessions to any industry in our books, and I'll eat it.

"If you give a concession to an industry," Leggett continued, "then you ought to give a concession to a mill hand."

Myron Hamilton, property appraisal director for the City of Columbus. agreed with Clark and Leggett.

"It would be very difficult to treat a new industry different from an old industry," Hamilton said. "If we should treat them differently, then we would have a bad situation on our hands.

"And," Hamilton added, "it's a lot safer to follow the law."

While some of Georgia's major cities have used tax concessions to bring in industry—Savannah and Augusta in particular—Columbus has taken a different view.

The city is proud of its newest major industry, a $7 million Dolly Madison bakery, although the size is small compared to the $30 million—plus Continental Can Co. plant in Richmond County.

Local industrial leaders are quick to admit that they let Savannah and Augusta get ahead in the industrial race, and now they're ready to do something about it—almost anything, short of offering tax breaks.

"We let Augusta get the jump on us," said Andrew Speed, a former Augustan who is immediate past president of the Columbus Chamber of Commerce.

"We just don't have any land under our control," added Joe J. Flowers, the new chamber president.

"Many of our competing cities and many of our competing states already have industrial authorities in being," Flowers said, adding that the Columbus chamber can show a prospective industry an available piece of land, then tell the industry, "You'll have to make you a deal with the owner of the property."

Speed readily admits that communities offering tax concessions have taken the initiative.

"This town has not been in a progressive, or an aggressive mood, except in the last four or five years," he said.

Speed said the birth of a "Build Columbus Plan," a few years ago, has pumped new life into the city.

With a $200,000 budget ($100,000 of it for industry-hunting) Columbus should be on the move soon, Speed said.

Speed said Augusta's Committee of 100, the organization which coordinated the tax concession negotiations with prospective industries, was one of the prodding factors in Columbus' present industrial drive, although he and Flowers attributed most of the motivation to new executive leadership in the chamber at the beginning of the "Build Columbus Plan."

Speed, who is employed by Georgia Power Co., expressed a resentment for the tax concession as an inducement to industry:

"If we could all play by the same ground rules, it would be all right . . . If each (city) would fight on equal grounds, then the concessions should be out of the window and each would pay his own way. My company pays (its fair share of taxes), and so should everybody else's."

But Peter Drost, chairman of the Augusta-Richmond County Board of Tax Assessors, doubts that other communities could get new industry without some inducement:

"I don't care how they do it," he said "They've got to give them (industry) something. They may not give concessions, but they have to lower the property value or something."

Many tax officials throughout Georgia feel that the solution to the industrial tax problem should come through a totally new assessment program under state officials.

Under the present system, county governments make their own assessments, and the county collects state taxes—a fourth of a mill—in addition to its own taxes.

Such a system, argue some tax experts, is unfair, since property values may be on a lower scale in one county than in another. The result is that an industry in one community pays less proportionately, than a similar industry in another community.

By turning tax assessment powers over to state department, a more uniform taxing system for industry would result, the fiscal officials say.

"Tax concessions to industry, and low property values, are costing this state millions of dollars a year in county and state taxes," said one official.

[From the Chicago Daily News, May 18, 1971]

A $16 Million U.S. Steel "Tax Break" Charged

An antipollution group charged Tuesday that the Cook County assessor's office has given the U.S. Steel Corp.'s giant South Works plant a tax break for 1970 of $16.5 million.

The Campaign Against Pollution (CAP) said new tax figures for the plant show it to be assessed at $15.7 million, paying taxes of $5 million for 1970.

CAP contends the plant should be assessed at $195.3 million, paying a tax of $21.5 million.

CAP's formula for reaching its assessment of the South Works—a complicated procedure based on a number of studies and analyses—has not yet been challenged by U.S. Steel.

CAP last month charged—in an exclusive story in The Daily News—that County Assessor P. J. Cullerton had underassessed U.S. Steel in 1969 by some $120 million, giving it a tax break for that year of $12 million.

CAP spokesman Paul R. Booth and other members of the organization presented the new tax figures to the county assessor's office Tuesday. They are demanding that the assessor "reassess the steel company immediately."

The group also is demanding that Cullerton and his chief aide, Thomas M. Tully, discharge Real Estate Research Corp. as chief consultant to the assessor on industrial matters.

The group says Cullerton's hiring of the real estate firm constitutes a "gross conflict of interest."

Booth pointed out that Gordon Metcalf, board chairman of Sears Roebuck & Co., is both a director of U.S. Steel and of the First Chicago Corp., which owns the real estate firm.

Booth said Cullerton's assessment of South Works is "totally unfair," pointing out that a new steel-making process, which was in operation throughout 1970, is assessed at only $1.1 million.

He said CAP studies show it is worth at least $70 million and should be assessed at half that figure or $35 million.

A spokesman for U.S. Steel said the company will have no immediate comment on the new CAP charges.

CAP leaders were scheduled to meet with U.S. Steel president Edgar B. Speer later Tuesday at 208 S. La Salle.

Speer came to Chicago from his Pittsburgh home office for the meeting, which was requested several weeks ago by CAP.

Main topic to be discussed was advances in pollution control procedures at the South Works. A U.S. Steel spokesman said, however, that the question of taxes certainly would be raised.

Cullerton said Tuesday that the South Works property will be reassessed this year as part of the regular quadrennial assessment program. He said the plant, and all others in the area, will be given "physical inspections" to determine valuation.

[From the Chicago Today, July 13, 1971]

Charge Loop Bank Gets Big Tax Break

(By Michael Hirsley)

Campaign against Pollution leaders have charged that the First National Bank Building, owned by the company which helped the county assessor's office reassess city property, is getting a $2.1 million tax break.

A C.A.P. contingent took its study today, showing how C.A.P. figured the bank building is underassessed by $19.4 million to County Assessor P. J. Cullerton's office.

Paul Booth, C.A.P. cochairman, said, "This is a building that Cullerton theoretically reassessed, but he missed by a country mile."

After Booth and The Rev. Leonard Dubi of C.A.P. met with Cullerton last month, they said he told them Real Estate Research Corp. was "participating" in reassessing city property.

Real Estate Research is a wholly owned subsidiary of the First National Bank of Chicago, and First Chicago Corp. is the parent company of both.

"Despite all the gestures as if Cullerton is reforming his office," Booth said, "this shows that favoritism to the rich is still the rule.

"It is also clear that Real Estate Research Corp., hired to help in all the reassessment, has a vulgar conflict of interest."

Booth explained how the C.A.P. researchers computed the under-assessment and tax break.

A figure of $110 million for the building's fair market value was taken from a bank publicity pamphlet. Computations were made using the $110 million value; assessing it at 45 per cent, which is the county assessor's standard policy; and taking a 89.5 "condition factor;" before applying a 10.9 per cent tax rate.

A condition factor is a percentage used by the assessor to allow for depreciation and building space which is not rented and brings in no income.

The bank is two years old. Booth said its own literature states it has been fully occupied since Dec. 1, 1969. Yet, *he said*, the county assessor has allowed it a 65 [per cent] condition factor.

Thru its computations [taking 45 per cent of $110; 89.5 per cent of the result; and 10.9 per cent of the result], C.A.P. reports the 60-story bank building should be assessed at more than $44 million and pay $4.8 million in taxes.

C.A.P. reports the county treasurer's records show the building is assessed at $25 million and is paying $2.7 million taxes.

Tuesday, C.A.P. members are planning to demonstrate at the county assessor's office and in the Civic Center Plaza, to protest assessment practices. Thursday is the deadline for first installments of property tax payments.

[From the Chicago Free Press, Oct. 19, 1970]

Games Companies Play: A Taxing Look at U.S. Steel

(By Marco Trbovich)

United States Steel, a company worth more than five billion dollars, is getting richer than ever in Gary, Indiana, thanks to the gaping loopholes in existing tax laws. With the aid of regulations tailored to the needs of industry, the mammoth steel company has maintained and in some cases reduced its property taxes, while Gary's steelworkers and small businessmen have seen theirs rise at an alarming rate.

The people of Gary don't like it. They never have. "I'm looking for a place outside of Gary," said one homeowner whose taxes have skyrocketed from slightly over $400 in 1960 to more than $1,200 in 1969.

Gary's Mayor Richard G. Hatcher recognizes the seriousness of the problem. Failure by a company like U.S. Steel to pay its proper share in taxes could prove devastating to the city's economy, which depends upon the property tax for 80% of its revenue.

"I have to look at their rate of assessment," says Mayor Hatcher, "and that raises some very serious questions. It is my feeling that U.S. Steel is not paying its fair share. Were it not for the fact that we've had some massive federal grants, we'd be in serious trouble financially."

Recently it appeared for the first time there was some hope for relief from this situation when consumer crusader Ralph Nader announced he would delve into the declared exemptions of U.S. Steel's Gary plant, which he called "unjust." It is fertile ground for investigation. U.S. Steel has consistently used the favorable laws to hold down the lid on its taxes. In 1961, the company's personal business property was assessed at $107 million. At no time before 1968 did the assessment increase by more than $9 million and in 1967 it actually sank to an anemic $100 million. During the entire 10-year period since 1960, U.S. Steel's taxes have increased less than one-third while individual taxpayers have seen theirs triple.

From these figures it would appear that U.S. Steel made little or no improvement in its property during those years. However, reports in the company-published U.S. Steel News reveal that costs for improvements in the Gary plant for that period totaled almost $400 million. But instead of U.S. Steel's taxes being raised, they dropped $7 million. It boggles the mind to think that during a period of unparalleled economic growth a major steel company had its tax assessments lowered.

This unusual disparity may have been managed through the use of building permits which allowed U.S. Steel to build for a year at a time without specifying the particulars of what was being constructed. This is unlike the average citizen who must be very specific about the building his permit will cover when he applies for it, sometimes being required to provide plans and specifications for the construction involved.

"For many years U.S. Steel simply paid a lump sum for building permits at the end of each year," explained Mayor Hatcher. The mayor returned U.S. Steel's annual check for such a lump sum in his first year in office and told the steel company that the practice would have to be stopped. U.S. Steel resisted.

"The whole argument over building permits was really one of their autonomy," said the mayor, suggesting that the steel company would operate as autonomously as the city administration would allow.

U.S. Steel is not as anxious as the mayor to make its views known. Thomas E. Ward, assistant to the director for public relations, was tight-lipped when asked about the apparent disparity in tax figures over the past decade.

"It would be improper to make any statement," said Ward, "since the matter is still in the courts." He was undaunted by the news that Ralph Nader might be investigating his company's taxes. "He's a nice fellow," Ward said.

The autonomy Mayor Hatcher spoke of is achieved in more ways than through influence and pressure at a local level. U.S. Steel, along with Inland Steel, and Youngstown Sheet and Tube, manage their legal tax dodges in Lake County by exercising considerable clout downstate. Some observers insist there is outright collusion between the steel companies and the State Tax Board.

"Their lawyers have written regulations for the state board," an angry Gary tax official charged. "And if you got one of those guys on the witness stand, he'd have to admit it."

Other critics' explanations of how the tax regulations work certainly encourage skepticism. Leslie O. Pruitt, former Lake County treasurer and currently the Democratic candidate for sheriff, contends that the fault lies in the legal formulas used to determine property depreciation. According to Pruitt, the steel companies' taxes "are eaten up by the formula in a couple of years. Over a period of time," he adds, "the depreciation outweighs the increases from investment."

Depreciation "write-offs" are not the only adjustments available to the steel companies. The law also provides write-offs that amount to nothing less than subsidies for new construction. One such method, cloaked in vague legal language, is called "appreciation." When a company builds a new production facility in its plant, it estimates at what level the new machinery should perform. If the equipment fails to produce at the predicted level, a handy 60% write-off is available to soothe the "disappointment" of company officials.

With the steel industry setting the estimated levels of production for the new equipment, the possibilities for such "disappointments" are infinite. U.S. Steel can build a new rolling mill, for example, and estimate that the mill should roll 100 feet of steel per minute. If upon completion the mill rolls only 80 feet per minute, the company can write off 60% of the new mill's cost under existing tax laws, even though it may produce steel at a higher rate and profit than the old mill it replaced.

Of course the company's figures are subject to review, but township assessors have neither the knowledge nor the manpower to break down the estimates and projections on the complex machinery involved. It's an old story: the steel companies have more time, more money and better engineers.

It is a story familiar to Mayor Hatcher, who explained how the mills operate. "I was dealing with the plant superintendent on a matter of air pollution," the mayor explained. "I called him and we agreed to get together. It was very amiable and I even agreed to go to the plant to meet with him.

"When I arrived there—I only had an aide with me at the time—I walked into the office and there were four or five New York lawyers, accountants and plant engineers. They started firing facts and figures at us and there wasn't much you could say to defend yourself. They can just overwhelm you with expertise."

Not only is the average taxpayer without such legal and technical expertise, he is also without the adjustments and depreciations afforded the steel companies. If a man builds a new addition on his home and it doesn't turn out to his liking, there is no "disappointment" write off available to him. He is saddled with an increase in taxes on his improved property.

If a woman is suddenly widowed and her income drops appreciably, there is no adjustment provide in the regulations. If a steelworker retires after years of hard work in the mills, he must pay his personal property taxes without regard to the reduction in his annual income. To a man who retires with four or five years left to pay on a mortgage, this inflexibility in the tax regulations proves unfair and oppressive. As Leigh S. Plummer, publisher of the Gary-based Herald newspapers concluded in a series of articles on the Gary tax issue: "It ain't right!"

Plummer claims the situation has improved somewhat during the past two years, though not significantly. In 1968, the State Tax Board tacked on approximately $30 million to tax assessments of the steel mills in Lake County. The reasons for this abrupt about-face are not clear. The possibility exists that the change from a Democratic to a Republican governor brought about the sudden hike in assessments, though it is unlikely that this came about through any reform sentiment within the new administration.

"I think the situation just smelled so bad the Republicans felt they had to do something about it," Plummer speculates.

Most seasoned observers concede, however, that attempts to wring money from the hands of tight-fisted steel compaines are not likely to succeed. They quickly point to an attempt made in 1968 by Mayor Hatcher to bring U.S. Steel under investigation and reassessment. Arnold Reingold, Hatcher's deputy controller at that time, discovered a 1902 statute which empowered the mayor of Gary to contest the township assessor's figures. U.S. Steel was able to thwart Reingold's efforts, however, with a restraining order that prevented the city from opening the company's books until the statute had been tested in the courts.

The matter was dropped for two years during Reingold's absence from the Hatcher administration. His recent return has sparked talk of further prosecution of the case, although skepticism over the ultimate success of court action appeared to cause some foot shuffling at city hall. Then last week a court date was finally set for the two-year-old case. There is still little reason for optimism, though. As Plummer explains, "They (the mills) have better lawyers than the state and I think that fundamentally the judges are sympathetic to their point of view."

There is considerable evidence to support this contention. The ultimate effect of increases levied by the state board in 1968 has been minimal. In North Township, the state board upped the assessed valuation for Inland Steel $30 million. The following year North Township Assessor John F. Pers reduced the assessment by almost $29 million.

Asked why he knocked the assessment figures back down after the state board had raised them so handsomely, Pers explained that the board had given him nothing to substantiate its claims; therefore, he reverted to the same methods of assessment used prior to the state board's intervention.

Pers further blamed the state board for much of the problem in establishing regulatory practices. "They've had four state tax chairmen in six years," he complained. "Three of them were neophytes and one of them came out of the ranks of the office." Why this apparent lack of professionalism on the state board prevented Pers from pressing the mills for more money was never made clear. Nor is he likely to initiate any radical changes in assessment figures in the future.

"I nailed them (Inland and Youngstown) time and time again in the past, and it ended up with the state board going against me," he added. What seems apparent from these remarks is that the buck will once again be passed to the already beleaguered taxpayers of Lake County.

Ironicaly, it is the working man who can least afford such treatment, for Labor Department statistics show clearly that the average working man with three dependents now makes less in real earnings than he did in 1965.

For steelworkers the problem has been heightened by their failure to bargain for an "escalator clause" in their contracts. Such a clause provides for automatic increases of one cent in hourly wages whenever the consumer price index rises four-tenths of a point. From 1965 until July of this year, the index has risen 25.8 points. This means that steelworkers have sacrificed wage increases totaling more than 64 cents an hour. With property taxes tripling in some cases and the inflationary spiral continuing, many rank-and-file caucuses and local unions want the clause put back into future contracts. Without it, they will likely find themselves once again the middlemen between uncontrolled inflation and undertaxed industries.

To date, there has been little to suggest they will escape this middleman syndrome. Their taxes will be higher again this year. In Lake County property taxes will rise eight and one-half million dollars above last year's figure of over $150 million—an increase of almost six percent.

What perplexes the working man is that in spite of this increase, the cities' financial cupboards are bare. In Hammond, the superintendent of schools insists there isn't enough money in the budget to meet the agreement reached with striking teachers. In Gary, the school board has budgeted a $9.2 million deficit. And in East Chicago, a city of only 46,000 that houses two of the nation's largest steel mills, residents continue to pay property taxes at a rate of $10 per 100. It is this contradiction between what is paid and what is received that angers the working taxpayer.

Anger alone will not solve the problem. A little more public information on the subject might help. The news of Ralph Nader's speech declaring his interest in investigating U.S. Steel's taxes was carried on a few local radio broadcasts in Gary, but somehow never managed to make its way into the *Gary Post Tribune*. An editor at the paper admited having seen the item on the wire service but did not pick it up for use in the paper. This seems a peculiar practice for an item concerning the paper's hometown and one of the country's most newsworthy men, especially since the item was picked up and printed in newspapers as far away as Buffalo, N.Y.

"The *Gary Post Tribune* has a very interesting way of selecting who they attack," Mayor Hatcher said when asked how such an oversight might occur. He hinted that a kind of "corporate brotherhood" existed between the newspaper and the steel mill that kept the paper less than aggressive in its attacks upon industry.

A serious tax reform movement would appear to be the only viable answer to the problem at present.

Unless public pressure is brought to bear on politicians to stop the steel industry from declaring "disappointments" and "write-offs" under the profitable aegis of present tax laws, it is unlikely that the steel mills can be made to pay their fair share. Meanwhile, individual taxpayers in Lake County will greet the winter and November's personal property tax bill with bitter discontent.

[From the Chicago Free Press, Oct. 5, 1970]

Perils of P. J.

Chicago has always been a real estate town. Real estate is where the big money is made and those who make it inevitably have close ties with the political party in power. In Chicago that means the Democrats.

One of the good Democrats for real estate men to know is P. J. Cullerton, who has been the Cook County assessor since 1958. It is Cullerton's office which determines how much property tax realtors pay for their land or buildings. Periodically, a disgruntled property owner has suggested that the best way to deal with Cullerton's office is through the use of the kickback—a little money for the assessor's office and a little money for the Democratic Party, and it is possible to get a favorable assessment.

But nothing serious ever developed from such suggestions and Cullerton, 73, who has not lost an election since entering politics in 1932, has remained a top vote getter. Not given to public statements nor displays of affection, Cullerton wins on his name alone and a billboard campaign that displays the letters in that name as pillars supporting a Supreme Court-looking building.

But lately the Cullerton name has been taking a few lumps. The first sign of trouble actually came eight months ago when Philip Armento, a 54-year-old former supervisor of individual personal property assessments, was indicted for income tax evasion. The federal government accused Armento of failing to pay a $53,000 tax on money allegedly acquired for setting low tax assessments. Then, Benjamin Adamowski, the volatile former state's attorney who is running against Cullerton for the assessor's job, began leaking hints to the newspapers that Internal Revenue Service agents were poking around the affairs of Cullerton's office.

What followed was several stories detailing a land development project Cullerton and some aides started in McHenry County. The implication of the stories was that investors were attracted to the project because they feared if they did not invest they would get unfavorable assessments.

Last week the Chicago Daily News ran a series of well-researched stories linking some of the most powerful and connected realtors in the city with suspiciously low property taxes. Among the big names involved were Arthur Rubloff, the big developer who has long been a heavy contributor to Cullerton's campaigns; Charles Swibel, head of the Chicago Housing Authority and operator of Marina City; Jerrold Wexler, chairman of the Jupiter Corp., which developed the Outer Drive East apartments, 400 E. Randolph; and the late Frank Whiston, the former head of the Chicago Board of Education whose real estate firm operated the Pittsfield Building at 55 E. Washington.

According to the News, the big operators, all free with their money for Democratic causes, received tax breaks in two ways. First, their property was assessed at a much lower valuation than the assessor's own guidelines called for—sometimes 40 percent or more below the standard valuation. Second, the insiders get a further break by automatically appealing for even lower assessments and having their appeals automatically approved by the assessor's office itself.

Together, the two tax ploys cost the county millions of dollars in revenue each year. Cullerton, forced for the first time in memory to abandon his low political profile, denied any hint of wrongdoing. But he refused to disclose why his office gave 10 extremely lucrative real estate properties (including the Merchandise Mart, Marina City, Outer Drive East, the Brunswick Building, a Sandburg Village high-rise and the Pittsfield Building) lower than standard valuations. The information was confidential, he said.

"I am in much the same position as the commissioner of internal revenue in that he, too, is the recipient of much confidential information," Cullerton said in a written statement. "It has been the policy of the assessor's office—over the last 40 years—to give assurance to taxpayers that their confidence will not be breached.

"It is only through the observance of such a commitment," the statement continued, "that the assessor will continue to have access to information which is necessary to the intelligent administration of the office. Pursuant to this policy and because I question the legality of such a disclosure, if I were to make one, I have repeatedly asserted this policy and intend to continue to honor my obligations thereunder."

That did not impress Adamowski.

"There is nothing in the statutes which gives the assessor's office the power to create secret files," he said. "How in the world can you have secret files in an assessor's office? There is a formula for taxing property and that's it. All of the records belong to the county."

Adamowski announced he was going to reveal the results of his own private investigation of the assessor's office on Oct. 13. That did not impress Cullerton.

"My opponent should be ashamed to submit his name for any office, because of the way he conducted himself as state's attorney," Cullerton told a luncheon rally for Democrats, including Mayor Daley. "He had the largest contingency fund in history, about $800,000. He was unable or unwilling to account for much of it and destroyed thousands of records, including cancelled checks. He and his chief investigator, Paul Newey, who is still with him, refused to testify before the grand jury and in effect took the 5th Amendment."

By week's end Illinois Senate Majority Leader W. Russell Arrington, the Autocratic Evanston Republican who rarely misses an opportunity to twit the Democrats, ordered a legislative investigation of Cullerton's office. Arrington said the Senate Municipal Government Affairs Committee has the power to subpoena the records of the assessor's office.

So P.J., whose name has already been dropped from the top spot on the county ballot to number two, is under attack from several different fronts, and, although still holding a lead over Adamowski, might be in for the toughest political fight of his undefeated career.

[From the Gary (Ind.) Post-Tribune, Apr. 28, 1971]

Assessor Pers Explains: CCC, Inland Argue "Tax Break" Charges

(By George Chile)

Inland Steel Co.'s East Chicago plant is receiving a yearly tax break of $20 million, the Calumet Community Congress (CCC) charged today.

The CCC released the results of a two-month study of the East Chicago steel mill's assessment to The Post-Tribune this morning.

Representatives of the CCC's taxation committee said they would make these charges in person this afternoon at Inland's annual shareholder's meeting in Chicago.

The steel company today rejected the CCC conslusions in a statement by its chairman, Philip D. Block Jr.

John Sargent, a veteran employe of Inland and the first president of Steelworkers Local 1010 (in 1937) will read off the results of the CCC's investigation at the meeting. Sargent is a member of the organization's tax committee which conducted the assessment probe.

North Township Assessor John Pers is charged with the responsibility for assessing Inland's East Chicago plant. But Pers refers questions to the State Tax Board.

"They have assumed the responsibility," he told The Post-Tribune. "We've raised the mill's assessments in the past, but they always finalize it against our wishes."

State Tax Board President Carleton L. Phillippi, saying he didn't have "all information available," declined to comment immediately on Pers' statement or on the board's role in assessing the steel mill.

The CCC's $20 million figure was computed with the use of a formula for determining the net worth of steel mills. The formula, published by Fortune magazine, is used by insurance companies to determine the replacement value of capital equipment needed to produce certain volumes of steel.

The insurance company formula calls for $350 of capital equipment to produce one raw ton of steel. Another formula, given by an executive of Republic Steel Corp. to a Chicago newspaper recently, put that figure at $300. It is this figure that the CCC used.

The Harbor Works produced more than seven million tons of raw steel in each of the last three years, and according to Inland's 1970 stock prospectus, the company's East Chicago plant has an annual steel making capacity of about 7,700,000 tons.

Applying the more conservative $300 a ton figure to the more conservative output figure of seven million tons, the CCC came up with a true cash value for the Harbor Works, before depreciation, of $2,100,000,000.

From this total, the CCC then subtracted $100 million for write-offs on such expenditures as antipollution equiment, and allowed a depreciation figure of $1 billion, or 50 per cent of the company's capital investment.

The assessed valuation then, under state law according to the CCC, should be $330,000,000.

This contrasts with Inland's $105 million assessment for 1970.

Block's answer said in part:

"Our Indiana property assessments are made by the statutory government agencies, namely the township assessor, the county board of review and the State Tax Board, which makes the final determination of proper assessed value. In doing so, the board is legally entitled to audit Inland's books and records to verify the return. . . .

"The Calumet Community Congress has on several occasions alleged that Inland's Indiana Harbor Works at East Chicago is underassessed. Yesterday, while its representatives were meeting with company officials to inform themselves on how Inland's tax assessment was made, and to seek answers to a series of questions in this respect, their allegations were being distributed to the news media.

"We reject their assertions, which are grossly erroneous and naive. They are based on inaccurate interpretations of state regulations governing property taxes and the use of completely inapplicable figures.

"In referring to the cost of recent property additions, as well as theoretical plant values, as their suggested basis for determining the assessment, they do not give proper recognition to these pertinent factors:

"First, that book value is the starting basis used for determining business property assessment, and not replacement cost or other theoretical valuations.

"Second, that there is then deducted federal income tax depreciation, which in Inland's case is greater than book depreciation.

"Third, that real property and personal property are assessed under different procedures.

"And fourth, under Indiana laws and regulations certain adjustments are allowed including the exclusion of air and water purification facilities, adjustment for economic obsolescence and a 60 percent reduction on assessed value for new facilities in the initial year of operation."

Inland's tax bill is arrived at by applying East Chicago's tax rate, which was a little under $10 per $100 of assessed valuation, to the plant's assessed valuation.

This results in a CCC-computed tax bill of $30 million, as opposed to Inland's actual tax tab of approximately $10 million.

Sargent is expected to call for the corporation to pay $100 million in unpaid back taxes.

The CCC committee membership is made up predominantly of steelworkers with a few students and teachers. Staughton Lynd, a well known historian and a former Yale University professor is also a member of the committee.

[From the Chicago Daily News, Apr. 28, 1971]

INLAND STEEL ASSESSMENT UNDER ATTACK

(By Charles Nicodemus)

A community group charged Wednesday that the Inland Steel Co.'s huge Indiana Harbor Works is underassessed by some $200 million.

Spokesmen for the Calumet Community Congress (CCC) planned to level the charges at the steel company's annual stockholders meeting Wednesday afternoon in Chicago.

The CCC—a 6-month-old confederation of 42 community groups in the Lake County (Ind.) area—said the steel plant is assessed for tax purposes at one-third the level at which it should be valued.

The community organization said tax records show that the company's assessment for business tangible personal property and real estate is only $105 million.

Standard economic analysis procedures used by the steel industry itself indicate, however, that the assessment actually should be more than $300 million, the CCC contended.

More important, the group charged, the company's own estimate of $59,735,673 for the 1969 value of that property—which Indiana review officials later raised to $74,062,280—came during a year when Inland president Philip D. Block said the company had made "a record high $148 million capital investments."

CCC pointed out that the Indiana Harbor Works, in East Chicago, is Inland's only steel works. And, according to company publications, the plant received most of the capital investment.

Yet during that year, the valuation set by North Twp. Assessor John Pers actually decreased by $9.5 million, from the $83,538,630 total set by the Indiana Board of Review for 1968.

CCC spokesmen further pointed out that for 1969, Inland dropped its own estimate of its business tangible personal property from $70,475,305 to $59,735,673, despite the huge new capital investment.

Pers was not available for comment on the CCC charges.

And a spokesman for Inland Steel said the company would not comment until it had a chance to study in detail the CCC charges.

Lake County (Ind.'s) system for assessing real estate and personal property differs significantly from the system used in Cook County, where Assessor P. J. (Parky) Cullerton's practices have been under fire since last fall.

In Cook County and elsewhere in Illinois, the bulk of an industrial plant's assessment falls in the category of "real estate" which deals with the land value, the buildings and much of the stationary heavy equipment such as blast furnaces and rolling mills.

But in Indiana, real estate taxes cover only land value and a building's structural shell. All other construction is covered as business tangible personal property.

CCC said that during the last eight years, records show that Inland's real estate assessment and its own estimate of the increase in its business personal property assessment have increased less than $40 million.

Yet during the last five years alone, CCC said, the company has installed, and now has in production:

An 80-inch hot strip mill valued at $125 million.

An 80-inch cold strip mill valued in excess of $125 million.

Its number 4 Basic Oxygen Furnace, valued in excess of $70 million.

A new electric furnace, valued at $32 million.

If just these new facilities had been properly assessed, their total cost of $352 million—assessed under Indiana's one-third-of-fair-value formula—should have boosted the plant's assessment by at least $116 million, CCC contended.

The community group's officials plan to offer their critique through a series of questions at the stockholder meeting, asking Inland officers what value they place on various parts of the plant.

The CCC charges represented the second attack this month by a citizens organization on the assessment of a major Chicago-area steel plant.

Two weeks ago, the Chicago-based Campaign Against Pollution (CAP), presented a detailed economic analysis charging that the U.S. Steel Corp.'s South Works, at 87th St. and Lake Michigan, has been undervalued by Cook County Assessor Cullerton by more than $118 million.

[From the Louisville Courier-Journal & Times, Sept. 26, 1971]

TENNESSEANS DEMAND ACTION FROM STATE BOARD TO ORDER MORE TAXATION OF COAL FIRMS

(By David Ross Stevens)

Thirteen residents of coal-producing counties in Northeast Tennessee have filed a formal complaint charging that coal companies are not paying their fair share of property taxes.

In a petition to the Tennessee Board of (Tax) Equalization, the residents call for a reassessment of land and minerals in five Tennessee counties to equalize property-tax payments.

If successful, small Tennessee landowners and the coal-producing counties could reap tax benefits unheard-of in Appalachia, whose coal counties have long been some of the richest and poorest in the nation—richest in natural resources and poorest in personal income.

The reform attempt might be copied in Kentucky, where some conservationists are studying the Tennessee project.

The Tennessee petitioners, who last week asked the equalization board to take administrative action, will be heard Wednesday and Thursday at a Knoxville meeting of the board.

If no satisfaction is received from the board, the taxpayers said they are prepared to sue the state and county officials. Suits against governmental units are not valid until administrative remedies have been exhausted.

Marie Cirillo, Clairfield, Tenn., one of the 13 petitioners, said that a readjustment of county property taxes could bring in money for much-needed local health services and possibly for public housing.

The petition is based on a three-month study by three Vanderbilt University students, one of whom is John Gaventa of Louisville. It is described as the most comprehensive mineral-tax study ever done in Tennessee or Kentucky. The college students did it for the Student Health Coalition, a mountain group sponsored by the Appalachian Research Commission.

The report cited nine large, landholding companies, which own land ranging from 20,000 to 64,000 acres. Two of the companies are Kentucky-based. The Stearns Coal and Lumber Co., owned by a Stearns, Ky., family controls 26,390 acres in Scott County, Tennessee, and the American Association, a British corporation with a Middlesboro, Ky., office, owns 50,661 acres in Claiborne and Campbell Counties, also in Tennessee.

The study covered the five largest coal-producing counties in Tennessee, accounting for 77 per cent of the state's coal production. The petitioners live in all five counties.

A press release from the complaining citizens claimed that the large companies own more than one-third of the land area in the five counties of Anderson, Campbell, Claiborne, Morgan and Scott, but they accounted for only 4 per cent of the 1970 property-tax revenue.

The citizens say the major landholding companies own more than 75 per cent of the minerals in the five counties and have accounted for 80 per cent of the land scheduled for strip mining since the spring of 1970.

The complainants said that Tennessee state law requires taxing minerals as part of the property value. However, the petition asserts that the State Equalization Board and local assessors have failed to comply with the law.

They contend that the small landowner, farmer, homeowner and businessman—who can least afford to pay—has to pay more taxes because the large landowner who controls most of the wealth is not paying.

The taxpayers group also charged that several millions of dollars worth of mining equipment has been appraised only nominally, or not at all, depriving local governments of additional revenues in violation of the law.

An example of alleged unfair tax assessment cited by the taxpayers involves the American Association, which owns 44,000 acres of coal-bearing land in Claiborne County. Complainants say the company earns an average of $4,500 a week (or $234,000 a year) in royalties from only one mine in that county, yet pays taxes on property valued at only $20 to $25 an acre, the same value set for unused woodland and less than one-fourth the value set for farmland.

The figures were compiled from known royalty-payment leases and from production data supplied by the Southern Railway. Al E. Funk, Middlesboro, agent for the American Association, said that the royalty figures "sound about right."

According to the Vanderbilt students' study, an estimated $350,000 in potential revenue was lost last year in the five counties because of the alleged tax inequities.

Because some 660 million tons of recoverable still remains in these counties, "this loss of revenue will continue in the future unless coal is included in the tax base as required by law," says the report.

The study was conducted under the direction of Prof. Lester Salamon of the Vanderbilt political-science department by Gaventa, Ellen Ormond and Bob Thompson. Gaventa is now at Oxford University in England on a Rhodes Scholarship.

The taxpayers' complaint was filed by Gilbert S. Merritt, a former U.S. district attorney and now a member of a well-known Nashville law firm. It requests that:

The State Board of Equalization order the valuation and assessment of coal reserves and mining equipment at the same ratio to fair market value as other property.

The board and the Division of Property Assessments provide manpower and guidance to county tax assessors to carry out valuation of minerals and mining equipment.

The state board call upon the State Department of Geology and the chief mine inspector to help in the evaluation.

Kentucky's property-tax law also requires consideration of minerals as part of the land value. However, the application of this law varies widely among the coal-bearing counties—from small mineral assessment to virtually none.

Although no broad-based movement to reform property-tax assessment is under way in Eastern Kentucky, conservationists and politicians have been calling for a tax on the extraction of coal and other minerals. Three of Kentucky's four gubernatorial candidates already have publicly supported some form of severance tax.

[From the Kentucky School Journal, January 1971]

An Embarrassment of Riches in Eastern Kentucky

(By Harry Caudill)

As a lifelong Kentuckian, and as one who obtained all of his education in Kentucky schools, I have long been weary—almost unto death—of the failure of this state year-after-year, and generation-after-generation, to build a decent and genuinely good school system when it possesses the financial potential to do so.

Until I went to the University of Kentucky in 1941, I had the distinction—of a sort—of never having had a school teacher who was paid more than $85 per month as a salary. We are doing somewhat better than that in Kentucky now, but in those days—in the 1930's—$75 or $60 or $80 per month in Kentucky was regarded as adequate pay for school teachers.

We might say that the education that was given to people of my generation was donated to them by men and women who were willing to stay in the teaching profession practically without compensation.

As a Kentucky school boy, I sat in a dilapidated school house, year after year, and watched the trainloads of wealth rolling by the windows of that school house, wealth of a character without which this nation could not have operated for one hour or for one day.

If you go to the Department of Health, Education and Welfare in Washington and talk to some of the people in charge, they will show you maps of the United States with the social and educational trouble spots marked in black. You will see that practically all of Central Appalachia—including Eastern Kentucky—is marked in black. They would say it is an impoverished area.

If, on the other hand, you go to the Department of the Interior, which keeps a record of the natural resources of this nation, you will find again that Eastern Kentucky—and the rest of Central Appalachia—is marked in black on the map.

We have in Eastern Kentucky the curious situation—the curious contradiction—of one of the richest lands on the face of the earth inhabited by what are probably the poorest predominantly white people in the United States.

I might point out that Eastern Kentucky is almost exactly the size of Switzerland, and they both are mountainous regions.

Switzerland has practically no minerals of any consequence, with the exception of stones in the mountains and the brine beds deep within the earth. Twenty-one per cent of Switzerland is barren and will grow nothing.

Eastern Kentucky, on the other hand, doesn't have a barren acre in it. In fact, it has some very rich agricultural land. Also, we have tremendous mineral deposits in Eastern Kentucky, and brine beds that vastly exceed those of Switzerland.

Yet, the Swiss today have a population of 6 million people; in our Eastern Kentucky we have three-quarters of a million. The Swiss maintain the world's strictest immigration laws because they have made it such a pleasant place in which to live that millions of people would like to flock there.

Eastern Kentucky has the nation's highest out-migration rate, as people flee from poverty, from poor schools, and from many other things, and move into the cities. The Swiss have brought in more foreign laborers to work there than there are people in Eastern Kentucky.

The Swiss are a people who have grown rich on a very poor land; and we Kentuckians in the mountains are people who have grown poor on a very rich land. We have done that with the help, I might point out, of the Kentucky state government through many years.

Switzerland has 22 institutions of higher learning, including five great medical schools. And Switzerland spends more money on armaments, for example, per person than any other country in the world.

The people who control Switzerland have invested heavily in education. They have built a fair tax system. We have failed to tax in Kentucky; we have failed to build a decent tax system, and we have wasted our human resources

I think we have come to a time when it is very essential to us that we understand the possibilities of the Kentucky mountains, and of the rest of Appalachia, and do something to reverse this deplorable and totally unnecessary situation.

This is a colonial territory, and its colonial character is the origin and main source of most of its trouble. The people who own the real wealth of Appalachia should have been its leaders down through the years in building a great school system, and in building a fair and equitable tax system. If we had had that kind of leadership, we could have built in Eastern Kentucky a new Switzerland.

We might say, "What does this have to do with Kentucky as a whole?"

Eastern Kentucky is about one-third of Kentucky, and it is an albatross hung around the neck of the rest of the state. The point I want to make is that Kentucky cannot solve its educational problems until it solves the problems of East Kentucky and of the West Kentucky coal fields.

The rest of the state cannot carry the burden of these mineral fields; and the whole state will eventually become bankrupt, or come to some kind of very serious grief, unless it faces the problem of these great colonial territories existing within the framework of the state.

Something can be done to change these things: We are going to have reapportionment this year, before the next legislature convenes. If the people of Kentucky are made aware of the things that have been happening to them and to their pocketbooks, we can get the kind of taxes on the books of this state at the next session of the legislature that will do justice to every Kentuckian.

At the present time, approximately one-third of the revenue spent by the state comes from grants in one form or another from Washington. Another third is raised from the taxpayers of Louisville and Jefferson County. The remainder comes from the other 119 counties.

After reapportionment, Jefferson County, and the other urban areas of Kentucky, are likely to have the capacity to pass just about any kind of legislation they deem necessary for the welfare of this state. If they think we need tax reform in the mountains of East Kentucky, or in the coal fields of West Kentucky, they can enact it.

Let me call to your attention a two-year-old publication from the US Department of Interior, entitled "The Mineral Resources of the Appalachian Region." It is tremendously important because it refutes an old legend—an old myth—about the Kentucky mountains. It refutes, once and for all, the idea that this is a region that cannot help itself because of its great basic poverty.

This publication points out that Southern and Central Appalachia probably is the richest resource region on the face of the entire planet. It notes that the single most valuable mineral deposit on earth is not the diamond fields of Africa, or the iron fields of South America, or the oil fields of Arabia or Libya. Rather, the single most valuable mineral deposit on earth is a rich seam of coal that starts in Pennsylvania, and extends across West Virginia and Western Virginia, into Eastern Kentucky.

Coal is the industrial muscle, the power, that has run this country for more than 100 years. The modern industrial American state was built on Appalachian coal; this coal powered the arsenal of democracy that won World War II. We must learn that the Appalachian mountains are now, have been for many years past, and will be for the foreseeable future, absolutely indispensable to the industrial well-being of the United States.

As this book points out—citing both European and American economies—the mineral resources of the Appalachian region are absolutely indispensable. They are not valuable; they are priceless. If the country cannot dispense with them, no price can bo placed on these resources.

In Eastern Kentucky there still are some 35 billion tons of highgrade coal. Some 22 billion tons of that coal can be recovered under conventional methods of mining. In Western Kentucky, there are about two-thirds of that much more—of lesser quality, but still very excellent coal.

The question we come to next is whether the people who control these coal deposits—and the other great mineral resources that are lying alongside and over and under them—are paying their fair share of taxation to this state.

Many people have seen the better schools we have in Eastern Kentucky after some 15 years of steady improvement. But that's not to say they are good, or decent, or that they are beginning to approach an acceptable standard. They are not beginning to approach an acceptable standard because the people of this state cannot pay enough money in sales tax levies to support them at a decent level.

We must make the great land owners, and the owners of the great wealth of this state, pay their fair share.

Who are the great land owners in Eastern Kentucky? You will find they are the great names in American industry—Bethlehem Steel, Republic Steel, United States Steel, International Harvester, and the Ford Motor Company, to name just a few. You will find such lesser known companies as the Big Sandy Corporation, the Kentucky River Coal Corporation, and the Penn-Virginia Company.

These latter companies are almost unknown to the people of this state. They operate quietly, and very much in the background, but they have one distinction which very rarely reaches public attention: They are the nation's biggest profit earners.

The people of Perry County, Kentucky, have two distinctions. They have the distinction of making what I believe is the smallest contribution to the support of their school system of any county in the state. At the same time, this county has within its boundaries what are probably the two biggest earners of all investor-owned corporations in the United States.

This county pays about 3½ or 4 per cent of the cost of running its schools. Operating within the county are the Kentucky River Coal Corporation and the Penn-Virginia Company, which own enormous tracts of territory and lease coal and other minerals for extraction. These two companies clear, after taxes—according to their own stockholders' reports—some 60 to 61 cents out of every dollar taken in.

Back in 1965, the president of the Penn-Virginia Company consented to an interview with a reporter for a business magazine. The things he said then are very valid today.

He pointed out that East Kentucky suffers from "an embarrassment of riches"—that a tract of land in Pike County, for example, will have one lessor, one lessee mining coal, another taking out oil and gas, another taking out limestone or sandstone, and still another one taking off the timber.

The president of this company pointed out that more than half of their operating expenses are paid from their smallest source of income, the timber stumpage. The way the tax laws of this country are written, some 85 per cent of their money is retained. In other words, about 75 per cent of all their income is tax exempt through a combination of depletion allowances, long-term investments, etc.

They are able to pay out 45 per cent of gross receipts annually to their stockholders, and still put about 15 per cent away into stocks of companies with which they do business—power companies, rail companies, and others. Eighty-five per cent of the dividends they collect, then, are tax exempt.

They are literally "rolling in the dough." They have money pouring out of the ground by day and by night. Imagine what it is to be in a company that takes in an enormous flow of money, and has—as this company does—a total of 17 employees. About all they have to do is check on the payments to be certain they are being paid properly, take the money to the bank, divide it, and invest what they don't pass out to the stockholders.

You won't see "an embarrassment of riches" on the school grounds of East Kentucky, because these companies, and the people who serve them in the courthouses of Eastern Kentucky and in the capital of Kentucky, have learned long ago to spare these people the inconvenience of having to pay taxes.

Not only the great landowners and leasing companies are exempted largely from taxation, but the great operating companies, to a very large extent, escape taxation at the local level.

Let us compare, as an example, the tax burden of a certain copper company in Arizona with the burden borne by the United States Steel Corporation in Harlan County. US Steel operates a very large mine there through the US Coal and Coke Company.

The copper company, in 1967, had listed for taxation in the state of Arizona, property worth $49,457,000. It paid property taxes in the sum of $1,727,000. That means it would require 28½ years to pay that state in taxes an amount equal to the appraised value of its property.

If we look at the US Steel mine, we find it had an appraised value of $9,300,000, on which it paid Harlan County taxes amounting to $34,500. This means it would require 270 years for US Steel to pay Harlan County an amount equal to the assessed value of its property. There is a difference.

Recently, there was a story in the Hazard paper telling about the opening of a giant new mining complex in Knott County: 14,200 acres of coal were going to be developed; 1,250,000 tons a year were going to come out of the ground; 250 people were going to be employed.

What is that coal property paying the people of Knott County? A total of 22 cents an acre.

The sales tax doesn't apply to them, either. If you buy concrete blocks to build a house, you pay sales tax on them. If you are a big coal company operating under the mining laws, these same concrete blocks would be exempt from the sales tax. The same is true about drills: The dentist pays sales tax on a drill to use on teeth; the mining company pays none on a drill to use in extracting coal.

We need a state severance tax. Every ton of coal, every comparable measure of natural gas, every barrel of oil, all the limestone and other minerals, including ball clay and zinc, ought to pay the state of Kentucky at least the price of a new brick or two. That money ought to be translated into new schools, into laboratories, into libraries and all the things that are necessary to teach.

Secondly, we need to see that this property is properly assessed, that it is put on the books, and that it is taxed. I would agree that you cannot get fair, full market value on the tax books, because this property is invaluable. You can't get its true value but you can get a great deal more than you are getting now.

Third, I think support should be given at the national level to Senator Lee Metcalf's bill, which would levy a federal severance tax under circumstances that would let the states keep the money. That would bring into Kentucky an estimated $28–30 million each year.

Finally, we need to split the depletion allowance. If the depletion allowance is reasonable and fair and just for the company, on the ground that its reserves are being depleted, then it is fair also for the counties which are dependent on those reserves.

What we need is a bill that would raise the depletion allowance—perhaps to 30 per cent or so on all of these minerals. Let the company take off the first 30 cents, and then let the federal government levy a tax at the rate of 50 per cent of the money that the company keeps by virtue of the depletion allowance.

Let that money be put in a trust fund, and then be fed back in to the counties from which it comes. If they could be cut in on this kind of sharing of depletion allowance benefits, they could within a few years build the libraries, build the schools, pay the teachers, build the industrial sites, build the sewage facilities, and do all the other things necessary to build a viable economy.

[From the St. Louis Post-Dispatch,
Nov. 20, 1971]

KENTUCKY'S METHOD OF TAXING COAL LANDS IS WOEFULLY INADEQUATE

(By James C. Millstone)

From Kentucky Labor News: When one ton of coal is mined from Kentucky, Kentucky is poorer—forever—by one ton of coal!"

HARLAN, KY.—Ted R. Turner has been tax commissioner of Harlan county for 10 years. It is his job to place assessments on all county property. Now he was seated in his office pondering an unanswerable question: How does it happen that the land is so rich and the people so poor?

"It's hard to put your finger on," he said.

We have the best grade of coal found anywhere. It's high priced, has low sulfur content. We've got enough coal here to operate all our mines 24 hours a day for the next 100 years."

Furthermore, Harlan county has a couple of prosperous residents. The county's largest coal mine is operated by the United States Steel Corp. at Lynch. Its second largest mine is run by the International Harvester Co.

County coal production is at record high. In 1965 the county produced 5,634,624 tons valued at $29,000,000. Last year it moved from third to second among eastern Kentucky coal producers with 6,263,082 tons worth more than $30,000,000.

Yet in neither year—nor in 1904 for that matter—did the county manage to raise enough money in taxes to pay even 10 per cent of the costs of running its school system.

Notwithstanding the riches beneath the magnificent mountains that cover Harlan county, the signs all point to an area sliding downhill swiftly. The population has dwindled from 71,751 in 1950 to 41,000 last year. Projections for 1970 shrink it further to 33,200.

Office of Economic Opportunity figures show that of the 9231 families in the county last year, 3687—or 40 per cent—had incomes below the poverty level. In 1960, Harlan county had proportionately more poor people than 86 per cent of all counties in the United States. Last year it was worse off than 92 per cent of all other counties.

Times are not so hard for U.S. Steel and International Harvester, The nation's Number One steel producer had sales of 4.3 billion dollars last year and an income of $249,200,000.

Turner's tax books showed that last year U.S. Steel's two productive mines in Harlan county, including property valued at $9,300,000, were taxed at $34,500. The books did not indicate the amount of an additional sum paid by the company to support a small independent school district at one end of the county.

International Harvester, operator of the second largest mine in the county, paid $27,000 in taxes to Harlan's county on property valued at $2,800,000.

"The only interests U.S. Steel and International Harvester have in Harlan county," Turner said, "is to pull out the coal to operate their mills.

"U.S. Steel had a town of 9000 people at Lynch at one time," Turner recalled. "They had the largest coal tipple in the world there then. Now they're producing more coal than ever before, but the population at Lynch is probably no more than 2000. Where their mine had thousands of employees, I doubt if they have 400 now.

"Every lump of coal they get goes out to their mills. They won't even send it around for use of the people who live at Lynch."

The experience of Harlan county is repeated again and again in every one of the great coal-producing counties of eastern Kentucky. Although coal is becoming, producing greater wealth than ever, the people in the counties are poorer and more miserable than ever.

In Knott county last year, 1665 of the 2900 families—more than 57 per cent—had income under the poverty level. That meant that they were in the lower 1 per cent of all American counties in the magnitude of poverty. From a population of 20,000 in 1950, the county has dropped to 16,200 and expects to have no more than 13,600 residents by 1970.

Out-of-state coal companies own an extensive portion of Knott county land. One is the Elk Horn Coal Corp., with headquarters at Charleston, W. Va. For the mineral rights to 15,107 acres of Knott county coal property this year, Elk Horn was charged $2750 in taxes. The company leases coal lands for a living and in 1965 reported a gross income of close to $1,000,000,000. It netted $506,367 on that amount and paid its stockholders $424,840 in dividends.

Other owners of Knott county coal lands include Kentucky River Coal Corp. and Virginia Iron, Coal and Coke Co., two of the most profitable operations in the coal business today. They paid the county $1985 and $306, respectively, in taxes on their properties for 1966.

"The coal companies pretty much set their own assessments," Knott county tax commissioner Delmar Draughn confided. "We pretty much have to work with them. We have no system for finding out what they own. Like they may tell us they own 50 acres at a certain place when actually they own 500 acres.

"As far as mineral rights are concerned, we can't tell what's under the ground. If a company says an area is barren or mined out, we have to accept it."

The valuation on land that is barren or mined out, of course, will be far less than that known to possess good coal seams.

Draughn said that in his 10 years as tax commissioner he had become convinced that "most of these companies come in here with a straight and honest list."

His confidence in the companies was not shared by some Kentuckians. A study by the Louisville Courier-Journal in 1965 concluded that "coal has been a reluctant taxpayer." The newspaper said that "the industry has been able to get rockpile assessments on land loaded with black wealth."

"Thousands of acres of coal land worth $200 to $300 an acre get on the assessment books at $2 an acre," the newspaper said. "Other thousands of acres are literally hidden from the assessor."

In Leslie County's courthouse at tiny Hyden, tax commissioner John D. Muncy described his yearly bouts with the Fordson Coal Co., a subsidiary of the Ford Motor Co. Fordson has held mineral rights to large areas in Leslie county for years. Consistently, Muncy said, the company submits valuation figures that are inaccurate and just as consistently he places a higher assessment. On appeal, Fordson invariably wins.

Last year, for example, Fordson managed to lower Muncy's valuation by 25 per cent from $880,000 to $660,000. This year the company tax bill totaled $5189. Just for the record, Leslie county is the most impoverished of the eastern Kentucky coal producers, with two-thirds of its families having incomes below the poverty line. Ford Motor Co., on the other hand, reported record sales of 12.2 billion dollars last year and net income of $621,000,000.

If any further evidence is needed that something is wrong with the Kentucky taxing system, consider Pike county. Long the major producer of coal in eastern Kentucky, Pike in 1965 accounted for more than 15,000,000 tons valued at almost $61,000,000. Last year its production went up to 16,300,000 tons worth about $65,000,000.

But although it is one of the nation's richest coal counties, Pike county could raise only 18.3 per cent of the $4,100,000 needed to operate its schools last year also, 45.3 per cent of its people subsisted on incomes below the poverty level.

To a few Kentuckians, notably lawyer-historian Harry M. Caudill of Whitesburg, the exploitation of the state's resources by outside investors, and the traditionally inadequate local tax rates have been galling for years. Caudill is particularly impatient when local or state officials defend the coal interests as paying their proportionate share of the tax load.

E. D. Ballard, director of the property tax division of the Kentucky Department of Revenue, told the Post-Dispatch that a recent state-sponsored revaluation of property in eastern Kentucky showed that "the coal industry was not the poor taxpayer people had thought it to be." In fact, he said, other classes of property were found to have been further off base in assessments than coal property.

"The point Ballard misses," Caudill responded, "is that other taxpayers are not hauling Kentucky away. The coal industry's whole business is doing that very thing. My house will stay here for generations, but their property will be sucked completely dry."

Caudill, who fought a lonely fight against the coal exploitation for years, is beginning to attract a few allies among elements opposed to the rising amount of strip-mining that is further scarring and gouging the mountains. The Kentucky League of Women Voters, whose project for the year is natural resources, has taken an increasingly critical look at the relationship between coal wealth and eastern Kentucky poverty. A study, by the league's Lexington chapter found that the coal industry had been "very successful at avoiding taxation of their properties and their operations."

One subject that the league is looking into is the possibility of a tax on production of coal, known as a severance tax. As Caudill sees it, under the long-standing system, Kentucky receives nothing in return for the wealth drained from her hills. A tax of 10 cents a ton, for instance, on each ton of coal mined would have raised $9,000,000 for the state last year.

Politically, imposition of such tax would appear impossible, however, particularly under newly elected Gov. Louie Nunn, a Republican. Caudill had prepared proposed legislation for a severance tax for the Democratic candidate, Henry Ward, under the conviction that Ward would have sponsored it. Caudill said that Nunn's election would prove to be "an historical tragedy for eastern Kentucky."

Caudill also has helped organize and is chairman of the Congress for Appalachian Development, a group seeking to promote creation of public corporations to buy up the coal lands from the wealthy land-holding companies, by the power of eminent domain, if necessary. The public agencies then would turn their efforts to area development.

Calling Appalachia "the last bastion of colonialism," Caudill said, "we think the great wealth that was pilfered from our ancestors by shrewd and unprincipled men should be returned to the people of the mountains.

"It is certain that Appalachian fossil fuels will power much of the nation in the future. The coal and water will be turned into electricity and will be sold at a profit.

"Whether these profits will go out as dividends to distant stockholders, or stay behind to finance the institutions our people need so desperately and have been promised for so long is the question that we in the mountains must answer."

[From the Appalachian Lookout, October 1969]

KENTUCKY COAL: OWNERS, TAXES, PROFITS

(By Richard Kirby)

The data on mineral assessments which forms the meat of this report were collected in the summer of 1968 from the tax records of the eleven major coal producing counties in Eastern Kentucky. It was felt that this would be the best way of getting a coherent picture of both ownership and taxation of east Kentucky's coal. The only other sources, hearsay and title searches, are either too spotty or too tedious to be useful. Still, the source of the information requires some comments reliability. Counties vary greatly in their approach to assessing minerals. Some counties make a conscientious effort to separate surface from minerals, even where the same person owns both. Others make no attempt to separate the two, or even to give acreage figures in many cases. Nevertheless, the results of this 1968 study are probably the best figures presently available on mineral ownership in this region.

MINERAL OWNERS: WHO THEY ARE, AND HOW THEY GREW

When the various county records are cross-referenced and the totals added, the result is the "biggest holders" list on the next page. It contains every mineral owner in the eleven counties whose total stated assessment exceeds a quarter-million dollars. From the proportion of the assessments on the list to the total, it appears that the thirty-one people and corporations listed there own between them about four-fifths of East Kentucky's coal.

This, without more, should serve to establish that the process which began with the widespread use of broad form deeds to sever minerals from surface ownership has ended in extreme concentration of mineral ownership and its systematic exploitation by outsiders.

While absentee ownership is the hallmark of coal today, it all began with local people—at least they didn't become absentee until after making their fortunes. The first and biggest operator, John C. Mayo, came from Paintsville and a very old Kentucky family. Mayo seems to have realized the value of the coal some years ahead of everyone else and bought as much of it as he could. For this purpose he invented the broad form deed and the "bond deed." This latter was an ingenious device whereby the purchaser of the coal (Mayo) took title at once, pledging to pay the purchase price in gold on presentation by the seller of a survey and abstract of title. By an odd coincidence, every surveyor and lawyer in the area was on Mayo's payroll and couldn't be bothered—until Mayo had mined enough coal to pay off the deeds. Thus Mayo, who was always short of cash, was able to acquire many of the huge tracts Kentucky River Coal Company now owns.

The present ownership of Kentucky River Coal is a history of Mayo's subsequent trials. The Clay family owns a good deal (Catesby Clay, of Runnymede Farm, Paris, is now president) because Mayo needed a good many private bills passed to clear up title ambiguities; the Clays dominated the legislature and were able to deliver. (These title confusions were and are incredible, going back to overlapping and inconsistent eighteenth-century patents, and based in part on an early and thoroughly incompetent survey by George Washington.) A good deal of Kentucky River Coal is owned by the Westerfields, a Virginia family who were then the prime railroad builders in the mountains; they were given stock in the company in return for bringing railroad spurs into areas which Mayo wished to open to mining. The same is true for the C & O Railroad, which also owns part of Kentucky River Coal.

Much the same could be said for the other owners of mineral rights. During the early years of the coal industry a large number of companies were formed, which merged split, and eventually went under in the depression, so that a given tract of minerals may have had a dozen owners since it was severed. Title questions are invariably substantial.

These title difficulties explain why there must always be an element of guesswork in finding out what minerals are whose. Kentucky River Coal for example, has only a general idea of what it owns in a given area; a typical lease will give the miner the right to extract all of whatever the company owns in the land covered, leaving the miner with the responsibility of finding out actual ownership. It often turns out that a block in the midst of a Kentucky River Coal tract is owned elsewhere, often by persons unknown—in which case there is no choice but to mine around it. Thus while mineral owning companies do occasional core drillings and surveys, the mining company has the burden of making extensive title searches; in Pikeville there are thirty lawyers who do nothing else. Even big operators know only who owns the coal right in front of their drills.

In specific reference to the list of biggest holders, Tom Gish says that the only reason Bethlehem Mines is first is because it wants to be: the company has a long-term commitment to the Jenkins area, and *wants* to support the Jenkins school district. Without such support, it would be hard to persuade managerial personnel to stay in an area with such terrible schools. It sums up the whole situation to note that the amount of money involved, means almost nothing to the company. Similarly, U.S. Steel makes voluntary payments to an independent school district in the Lynch area of Harlan county.

AND HOW THEY STAY THAT WAY

Concentrated mineral ownership not only exists, it is highly profitable. This is so for two reasons: low overhead and significant tax advantages.

Mineral owning companies do nothing in particular but own minerals. We have seen that virtually all phases of exploitation are carried out by the miners; companies like Penn-Virginia which own other companies do so out of boredom, and a desire to keep their money in useful persuits. As a member of the Appalachian Group to Save the Land and People put it, "Anyone can run a mineral company. All they do is cash checks." James Millstone found that in 1965 Kentucky River Coal, with earnings of $11.17 per share, paid out $8.70 in dividends. The company has 17 employees, headquartered in Lexington. A total of 258 shareholders own its approximately 100,000 shares of stock. Other companies have a less spectacular earnings ratio because they retain more earnings for investment purposes.

But the real fat in coal royalties comes in its tax treatment. We have seen that the counties themselves have cooperated magnificently in sparing the mineral owners from burdensome levies, and the state itself has done equally well—there is a negligible corporation tax and a severance tax of 1½% of market value laid on oil and gas.

Far more significant, however, are two features of the Federal tax treatment: cost depletion and capital gains. Cost depletion is similar in effect and rationale to the percentage depletion allowed in recovering oil and other minerals, except that instead of a percentage of income, the cost depletion allowance is based on the original cost of the property to its owner. Thus if one-third of the minerals in an acre are mined in a year, the owner can deduct one-third of the original cost from his gross income. The effect of this is negligible if the acre is still held by the company that paid fifty cents for it in 1900; but many properties have changed hands often since then. In fact the cost depletion allowance seems to be an incentive to sell, even if only to one's self via a subsidiary. An acre bought for 50¢ could be sold in the year of mining for perhaps $5000, increasing the cost depletion allowance by ten thousand times.

Whereas cost depletion makes some sense (for minerals, unlike real property in general, depreciate to worthlessness as they are used), the treatment of royalty income from coal as capital gains is out-and-out favoritism. In effect it means that owners of such property pay a maximum rate of 25% on income. As an admiring article, "The Investment Nobody Knows," in *Dun's Review and Modern Industry* for April 1965 put it, a "royalist" who bought land with 50,000 tons of coal for $5,000 and leased it out for a 2000-ton mining year would get $500 at 25¢ a ton. He has exhausted 4% of his coal, so he can deduct 4% of the purchase price, or $200. The remaining $300 pays capital gains at 25%, or $75, for an effective tax rate of 15%.

If he is "one of the small band of financiers who are reaping golden profits from the investment nobody knows about," this should make him happy indeed. *Dun's* talked to one of the golden band. "Says he, grinning: 'The rich get richer, et cetera.' "

MINERAL TAXATION IN PRACTICE

The official responsible for the raising of revenue for the operation of Kentucky counties is the county tax commissioner. Officially a divisional officer of the state Department of Revenue, he is in fact a county officer, an integral part of the courthouse power structure and a part of the coalition which includes the county judge and the fiscal court, which decides how much money the county will raise and how it will be spent. Before taking office he must pass an examination given by the state Department of Revenue, which makes him the only county official (apart from the county and commonwealth attorneys, who must be lawyers) to have to demonstrate any competence at all. Like the county judge, he is required to have at least an eighth-grade education.

The law which he administers requires that all property be assessed at one hundred percent of fair cash value. Like many requirements, this was commonly ignored and each county assessed at a level of its own choosing until 1965. In that year the Court of Appeals declared that the law meant what it said and that officials must follow it. The resulting upheaval has made analysis of tax policy considerably easier.

It hardly needs explaining that coal is the major resource of most Eastern Kentucky counties, and as such could be the principal source of revenue for the county government. This is not the case. Although taxes paid are not public record, it is clear from aggregate figures that mineral assessments play a relatively small part in raising revenue. In Letcher County, for example, minerals are assessed at five million dollars out of a total assessment of twenty-four million. In a practical sense it is ridiculous that a county which, like Letcher, produced more than $25 million worth of coal last year cannot raise the money to educate miners' children without help from the rest of the state. In a broader sense, it is highly important that an area exercise basic control over its resources, else it is no better than a colony of the outside world.

The method used in valuing mineral deposits in Eastern Kentucky is admirably simple: upon request, coal companies declare what they own and what it is worth. The tax commissioner glows with pride and astonishment at the self-sacrificing honesty of American industry. Nowhere else is a person's statement so eagerly sought and so uncritically accepted as the sole basis for establishing his legal liability.

Unfortunately, at present there is little else a tax commissioner, however good his intentions, can do. He has few or no resources with which to try a systematic evaluation of mineral properties in his jurisdiction. Indeed in most cases he lacks the power or resources even to find out what tracts there are and what they contain.

Letcher County will serve as a good example. It is something of a model among Eastern Kentucky counties in this respect, because in the 1950's an aerial survey was made and the photographs correlated with tax rolls to make sure each tract in the county was covered. Yet even here there is no systematic knowledge of mineral ownership. Companies report each year that they own so much in the aggregate, and that it is worth some specified amount. But where in particular this acreage is located is not disclosed, nor has the county ever attempted to force such disclosure. Although each tract has its file card complete with aerial coordinates, boundaries, description, and owner's name, for most such tracts the mineral ownership is listed as "unknown." Undoubtedly most of these "unknowns" are covered in the acreage totals given by the companies, but there is no way to pin down a particular tract short of a title search. Even then, whoever turns out to be the owner will claim that the tract is included in his aggregate figure. Since the mineral-owning companies themselves often have only a vague idea of what they own, the only way to get accurate, organized data would be a county-wide title search.

If the county cannot find out who owns a particular tract of minerals, it can hardly be expected to learn what coal seams may be present, what the mineral owner proposes to do with the coal and when, what the cost of mining it would be, what the selling price of the coal would be, whether the mineral owner is in a good bargaining position, and so on to make a technically correct assessment of value. And of course the county does no such thing. In general, assessments are based on the owners' own statements, and county tax commissioners have no choice but to accept them at face value. He can compare a return to others or to those filed in previous years, meaning that while no one taxpayer can cheat the county by himself, as a class they can get away with a good deal. It would seem to be a collective conscience, rather than the tax commissioner or any objective standard, which provides the limiting factor to tax avoidance.

And if Letcher County, whose tax commissioner is as conscientious as any, is haphazard in its assessments, most of the other mountain countries make no pretense at all to accuracy. Besides the obvious fact that the office of tax commissioner is a prime target for political influence, few if any of these men realize the importance of taxation policy. Property taxes are part of the cost of living, and a good tax commissioner is one who can be fair and equitable in spreading this burden as justly as possible—among the ordinary people, who simply do not recognize the extent of the wealth going untaxed beneath their feet. Probably the best indication of the state of mind in the tax offices comes from Clay County, where the tax commissioner described the coal taxation situation as follows: "People just paid what they thought they should. Still do, mostly."

It should be noted that even the apparent certainty of sale prices are not much help in valuing minerals. Such property changes hands only infrequently, and often the sales are made after the land in question has been mined. Moreover, not until April 1968 were transfers of real property required to be recorded with the tax commissioner of the county in which the property lay. One must rely on hearsay for information on what sales had taken place. Consensus among tax commissioners seems to be that even under the new law they will not receive accurate information as to sale prices.

Coal pervades every sector of Eastern Kentucky's political life, and it is not surprising that tax officials are no exception. In addition to the influence they have with the tax commissioners, the producers and mineral owners have another safeguard against irksome taxes: the county's Board of Tax Supervisors, which hears appeals from the tax commissioner's assessments. The Board is appointed by the county judge, and Harry Caudill tells of the traditional practice of appointing an official of the country's biggest coal company as chairman. James Millstone, in his articles on Kentucky coal taxes for the St. Louis Post-Dispatch tells of the yearly ballet between the tax commissioner of Leslie County and Fordson Coal Company, a subsidiary of Ford Motors. The result is what would be expected in such a contest: Ford always wins.

Assessment of minerals is not completely without method. Some ten or more years ago the technique of "zoning maps" was introduced. The county is divided into zones according to its different coal seams, and each zone receives an average per acre valuation. After the Russman case in 1965, the Department of Revenue produced such maps for any county which wanted its help in moving to full-value assessments. The maps are now used in most counties.

The maps, prepared by the state "in cooperation with coal owners, operators, and county officials," are highway maps with coal seams marked, and with per acre valuations indicated. For example, the northern end of Perry County is shown to hold Hazard #4 coal, which is said to be worth $105 an acre.

These maps are probably a good technique, in the abstract. If they are accurate they can be used by anyone to set a fair valuation. The question is, what information do they contain? They could hardly have been prepared without the cooperation of owners and miners, apart from a Minnesota style program of extensive surveying and core drilling by the state. The basic premise, that owners and operators are willing to place a substantial tax on themselves, is open to question. The maps, for one thing, do not contain any indication of the numerous instances in which the land is underlain by more than one seam, as the valuation purports to be only for the principal seam at any one spot. In addition, the degree of refinement seems to be rather coarse; the maps distinguish only among different seams, with no account taken of the variations within a single seam. No coal operator in his right mind would open a mine on such general information. And enough has been said to suggest that the valuations indicated on the maps are likely to be on the low side.

The counties have shown some originality in dealing with the maps. It was intended by the Department of Revenue that land be carried at its zone valuation until the year of mining. In that year the valuation is to be increased ten times, and thereafter the assessment will be nominal or nonexistent. This practice is followed in many places. In Perry County, for example, valuations run from $5 to $105 per acre. Letcher County has tried to move away from the rigidity of the maps and get a little closer to the actual value of the mineral. Its map, which originally ranged from $25 to $200, has valuations up to $592 in some areas. In Knott County, on the other hand, where valuations range from $5 to $60, the tax commissioner goes by the map even in the year of mining; afterwards the land is dropped from the records.

A MODEST CONCLUSION

The difficulties in setting a fair valuation of mineral properties are enormous. This presents a strong argument for a severance tax as the most fair and rational way to tax minerals. The major point in its favor is that the tax is virtually self-administering, given detailed production figures (which are now kept by the state Department of Mines and Minerals, by the U.S. Bureau of Mines, and by the coal-hauling railroads). Every ton of coal mined would result in a tax liability of, say, ten cents to the state or county, payable at the time of mining. Its one drawback is that, being imposed on gross revenue, it would be treated as a cost of production and hence tend to delay mining. A significant property tax would have the opposite incentive, to mine sooner than is optimum.

The case of a severance tax does not rest only on the grounds of simplicity of administration. There is also an equity argument that has two parts. First, the public should be sure to get an adequate return for the loss of its irreplaceable natural resources. Second, when the usual economic factors producing free flow of capital and people do not operate, when the region is both isolated and depressed, the citizens of the region cannot afford to allow anyone to profit from its resources who does not contribute to their orderly development. Mineral owners do not make such a contribution. They perform no labor, provide no service; their profits come simply from the fact of ownership. The least the region can afford is to levy a systematic tax on their wealth.

The inner logic of a more adequate mineral tax, be it severance or property, lies in the proposition that the region should create and exercise control over the use of its own resources.

EASTERN KENTUCKY MINERAL OWNERSHIP

[Assessed value, owner, and counties]

1. $5,305,813, Bethlehem Mines, Letcher, Pike, Knott, Floyd.
2. $5,152,690, Kentland Coal & Coke, Pike.
3. $3,567,951, Kentucky River Coal, Perry, Letcher, Leslie, Knott, Harlan, Breathitt.
4. $3,121,652, Ashland Oil, Pike, Knott, Floyd, Clay, Breathitt.
5. $2,575,319, Fordson Coal, Pike, Leslie, Harlan, Clay, Letcher, Perry.
6. $1,961,810, Elkhorn Coal, Floyd, Letcher, Knott, Pike.
7. $1,789,749, Virginia Iron, Coal & Coke, Pike, Perry, Leslie Floyd.
8. $1,572,441, Southeastern Gas, Floyd, Knott, Pike.
9. $1,546,500, International Harvester, Harlan.
10. $1,542,420, Big Sandy, Pike.
11. $1,438,550, U.S. Steel, Harlan, Letcher.
12. $1,253,888, National Mines, Knott, Floyd.
13. $925,980, J. M. Huber, Knox, Bell, Leslie.
14. $788,422, Island Creek, Floyd, Knott, Pike.
15. $711,840, Western Pocahontas, Pike, Knott, Floyd.
16. $681,118, Kycoga Land, Leslie, Letcher, Knott, Perry, Breathitt.
17. $639,121, W. W. Lindsay, Pike, Knott, Letcher.
18. $599,790, Peabody Coal, Harlan, Leslie.
19. $592,858, Penn-Virginia, Letcher, Harlan, Knott.
20. $588,000, C. A. Lee, Leslie, Knox.
21. $511,350, Bringardner Lumber, Leslie, Clay, Harlan.
22. $473,950, N.Y. Mining & Mfg., Harlan, Knott.
23. $451,400, Blackwoods Land, Letcher, Harlan.
24. $439,032, Columbian Fuel, Floyd, Knott, Pike, Perry, Letcher.
25. $368,133, Mary Helen Coal, Harlan.
26. $356,490, Asher Coal Mining, Bell, Leslie, Perry.
27. $325,000, Harkins Mineral, Floyd, Knott.
28. $317,847, Lawrence Tierney Land, Pike.
29. $284,380, Pocahontas Land, Pike, Floyd.
30. $280,305, Republic Steel, Pike.
31. $259,000, Morely H. Ringer, Knott.

[From the San Gabriel Valley Daily Tribune, Feb. 27, 1968]

REAGAN HIT WITH HUGE BOOST IN LAND VALUES—VALLEY MAN'S SUIT FORCES TAX INCREASE

(By Pete Searls)

County Assessment Appeals Board One today ordered a seven-fold increase on Gov. Reagan's property taxes for a 54-acre Malibu Canyon holding.

The board's decision came as a victory for Valinda resident Bryan Stevens, on whose petitions the taxes were raised.

The board also substantially boosted assessed values on the 236-acre "Yearling Row Ranch" sold by Reagan to Fox Movie Studios in December 1966.

On the Reagan property, Board Chairman Thomas G. Neusom ordered the market value raised from $30,000 to $216,400.

LESS THAN ASKED

This will increase the assessed value from $7,500 to $54,100. Stevens had asked that the assessed value be raised to $87,500.

The market value of the Fox property was raised from $916,800 to $1,459,200, resulting in an increase in assessed value from $229,200 to $364,800.

Stevens had asked that the assessed value on this property be raised to $430,000.

Following the board's brief announcement, a jubilant Stevens declared he was "extremely happy, extremely happy. It's obviously a victory for the little taxpayer."

ATTORNEYS STUNNED

Attorneys John Endicott and George Hadley, representing Reagan and Fox respectively, were visibly stunned by the board's announcement and Hadley, asked if he were surprised by the decision, snapped, "You're damn right!"

Both indicated the case would be appealed to the Superior Court, and, according to Alex Early of the county counsel's office, representing County Assessor Philip Watson, there is a possibility that the county will join with the property owners, rather than uphold the assessment appeals board's ruling.

Immediately following the board's announcement, County Assessor Philip Watson demanded that the board review and reevaluate assessments throughout the entire Malibu Santa Monica mountain area, charging that all would have to be raised substantially to match the Reagan and Fox assessment increase.

NOTES ON PROPERTY TAX AND LEGAL REMEDIES

(By Prof. Ferdinand P. Schoettle)

The following notes have been prepared for use in connection with an afternoon workshop concerning reform of the property tax. Source materials have been grouped under headings so that participants in the workshop can be spared the chore of taking notes.

I. PROBLEMS OF VALUATION

Most state statutes specify that property shall be valued for purposes of taxation at "market value", "fair market value", "true value", or use similar language.

Whatever the statutory language, value is a necessary element in any property tax assessment. The courts normally define market value as the price at which the property to be valued would be sold by an owner willing but not compelled to sell to a buyer willing but not compelled to purchase. The following materials explicate some of the difficulties presented in proving the price which would have been paid in this hypothetical sale.

1. J.C. Bonbright, "The Valuation of Real Estate for Tax Purposes," 34 Columbia L. Rev. 1397 (1934). In addition Professor Bonbright's two volume treatise, *The Valuation of Property* (1937), is still the most comprehensive and lucid exposition of problems of valuation.

2. Assessed value not equivalent to price received in recent sale. *Bliss Hotel v. Thompson*, 378 P.2d 319 (Okl. 1962) (actual sale accepted as "substantial evidence of value").

Great Plains Supply Co. v. County of Goodhue, 268 Minn. 407, 129 N.W.2d 335 (1964).

3. The relevance of reproduction cost.

Florida East Coast Railway Company, 178 S.2d 355 (Fla. 1965) (*held* not to have been given undue weight).

People v. Miller, 38 NE2d 465 (N.Y. 1941) (reproduction value less depreciation as a ceiling).

Joseph E. Seagram & Sons, Inc. v. Tax Commissioner, 231 N.Y. Supp.2d 228 (1963), affirmed, 251 N.Y. Supp.2d 460 (1964) (building which had recently been built at a cost of $36 million was assessed at $20.5 and $21 million for the years involved. The owner argued that an income approach dictated a valuation of $17.8 million).

4. Special uses.

C. C. Anderson Stores Co. v. State Tax Commission, 337 (Idaho 1967) (garage adjacent to department store).

People ex rel. New York Stock Exchange Bldg. v. Cantor, 223 NYSupp. 64 (1927) (court approves use of reproduction cost minus depreciation).

II. ADMINISTRATION OF THE TAX ON REAL PROPERTY

Unlike the income tax and sales tax which are self administered, the real property tax is administered by the state which places a value on the property through its assessment procedure. Although almost all states require that property be assessed by full value, the invariant practice of assessors seems to have been to assess property at some figure less than fair market value.

One of the problems which arises in connection with the tax is to determine the quality of the job being performed by local assessors. Even if assessors were diligent in once valuing every property at some figure approximating fair market value, inflation, alterations in the property, changes in the neighborhood and changing patterns of demands make it likely that the fair market value once established would not remain constant. The relationship between the fair market value and the assessed value is known as the "assessment ratio" and is typically determined by dividing the assessed value by the fair market value. Thus a house which had a fair market value of $10,000 and was assessed at $4,000 would be said to have an assessment ratio of 40%.

In order to determine whether real property tax assessments are being fairly administered it is necessary to determine relative assessment ratios. For example, if a $20,000 house were valued at $6,000 and a $10,000 house at $3,000 we might find that because both houses had the same 30% assessment ratio there was no inequity in the tax system; as the relative tax burdens between the owners of the two houses remained the same.[1] If though the $20,000 house were valued at $6,000 and the $10,000 house at $6,000 there would be an obvious inequity; the owner of the less expensive house has been unfairly overassessed.

There are a number of studies which attempt through statistical means to present a picture of what sort of a job the assessor is doing. Typically such statistical studies use word and concepts with which the lawyer is not ordinarily familiar. Unfortunately, a fairly good grasp of these materials may be essential if the lawyer is to convince a court that administration of the real property tax system may be so bad that the court should grant extraordinary relief. Furthermore, proof of an assessment ratio is an important element of most modern cases involving the property tax.

The essential truth of the modern real property tax system is that it is being unfairly administered. Owners of inexpensive houses are paying too much tax relative to other homeowners. Furthermore, because the system is not well administered taxpayers are able to enjoy special advantages pursuant to "private" understandings with public officials. The materials which follow illustrate the current picture concerning administration of the tax on real property.

1. *Baldwin Construction Co. v. Essex County Board of Taxation*, 16 N.J. 329, 108 A. 2d 598 (1954); *Dalton Realty, Inc. v. State*, 270 Minn. 1, 132 N.W. 2d 394 (1965).

2. U.S., Bureau of the Census, 1967 Census of Governments, Vol. 2, *Taxable Property Values* (1968).

3. F. L. Bird, *The General Property Tax: Findings of the 1957 Census of Governments* (1960) (explains the census figures. The theoretical explanations are applicable to the 1967 Census).

4. O. Oldman and H. Aaron, "Assessment-Sales Ratios Under the Boston Property Tax," 18 National Tax Jour. 36 (1965) (an excellent study of Boston).

5. U.S. Department of Commerce, State and Local Government Special Studies No. 52 *Property Assessment Ratio Studies*, (1969) (reviews procedures and gives a bibliography of state studies of assement ratios).

6. A. D. Lynn, Jr. (ed.), *The Property Tax and Its Administration* (1969).

7. H. F. McClelland, "Property Tax Assessment" in *The American Property Tax: Its History, Administration and Economic Impact* (1965).

III. PROOF OF ASSESSMENT RATIOS IN COURT

One of the serious problems confronting a taxpayer attempting to show overvaluation is proof of the assessment ratio or ratios which may prevail for the relevant taxing jurisdiction. A number of options confront the litigant. One approach is for the litigant to introduce evidence he has developed for the purpose of proving the relevant assessment ratios. Proof of such a ratios may entail substantial expense. Furthermore, unless care is taken the court may reject the entire procedure adopted by the litigant.

A second approach is for the taxpayer to attempt to introduce into evidence assessment ratios which have been developed by various government bodies. Most states make equalizing payments to school districts. One purpose of such payments is to help those school districts which have a lower than average tax base. As we have seen, assessed value will not ordinarily give a true picture of a school district's wealth for one does not know whether the property has been assessed at 10% or 100% of market value. Thus for purposes of distributing state equalizaton payments to school districts it is necessary for the state to develop an equalization ratio which will allow the state to convert assessed value to market value. For the litigating taxpayer such ratios, if accepted by the court as proof of assessment ratios, can be quite useful. Finally, some states have provided by statute for the proof of assessment ratios.

A. *Proof of Assessment Ratios by the Taxpayer.*

1. *Deitch Company v. Board of Property Assessment*, 417 Pa. 213, 209 A.2d 397 (1965).

2. *In re Brooks Building*, 391 Pa. 94, 137 A.2d 273 (1958) (taxpayer held to have satisfied burden of proof by evidence of assessment ratios of 3 or 4 similar buildings.)

3. *Atlantic Richfield Company v. Warren Independent School District*, 453 S.W.2d 190 (Texas 1970) (it is not unusual to lose in the lower court).

4. *In Re Shope*, 214 Pa. Super. 315, 257 A.2d 635 (Pa. Super. 1969).

B. *Introduction into Evidence of Equalization Ratios.*

1. *Schenley Land Company v. Board of Property Assessment* 205 Pa. Super. 577, 211 A.2d 79 (Pa. Super. 1965).

2. *In re Appeals of Kents 2124 Atlantic Avenue, Inc.*, 34 N.J. 21, 166 A.2d 763 (1961).

C. *Statutes Concerning Assessment Ratios.*

1. Oregon Revised Statutes, Chapter 309 (requires the assessor to make a publicly available statistical study of assessment ratios).

2. New York, Real Property Tax Law Section 720 (as amended) (provides for selection of properties by the litigants).

3. Rosett, "Inequity in the Real Property Tax of New York State and the Aggravating Effects of Litigation," 23 Nat'l Tax Jour. 66 (1970). (This volume of the National Tax Journal contains a valuable symposium on Problems of State and Local Government Finance.)

4. Minnesota Statutes Section 273.11 provides as follows:

"Each assessing officer responsible for the determination of adjusted market value shall annually file with the county auditor the ratio which he has used of adjusted market value to market value of all the taxable personal and real property within the taxing district, except property which by law, custom or practice is valued by the commissioner of taxation."

IV. LEGAL ENTITLEMENT TO A PARTICULAR ASSESSMENT RATIO

Once the litigant has somehow presented the facts concerning existing assessment practices, there still remains the problem of determining to what assessment ratio taxpayers are entitled. Suppose, for example, that assessment ratios are almost randomly distributed from 60% to 10% of fair market value. To what assessment ratio is a taxpayer entitled? Should the taxpayer be entitled to have an assessment at the mean (average), median (the middle item of a series), mode (that point about which the most assessments are clustered) or at some other point? The courts have not resolved this question. Justice Roberts opinion in *Deitch Company v. Board of Property Assessment*, 417 Pa. 213, 209 A. 2d 397 (1965), presents some of the possibilities. After indicating that the taxpayer was entitled to have his assessment set at the "common level" the Justice went on to say:

"Of course, the question arises as to the definition of the term "common level." Where the evidence shows that the assessors have applied a fixed ratio of assessed to market value throughout the taxing district, then that ratio would constitute the common level. However, where the evidence indicates that no such fixed ratio has been applied, and that ratios vary widely in the district, the average of such ratios may be considered the "common level" . . . Furthermore, it may be that the evidence will show some percentage of assessed to market value about which the bulk of individual assessment tends to cluster, in which event such percentage *might* be acceptable as the common level."

Other cases are no more helpful. However the following materials will at least provide some enlightenment, if not answers.

1. Cheng, "The Common Level of Assessment in Property Taxation," 23 Nat'l Tax Jour. 50 (1970)

2. *In re Dulton Realty, Inc.*, 270 Minn. 1, 132 N.W. 2d 394 (1964)

3. The Supreme Court provides no clear guidance for making such interstitial choices:

Sunday Lake Iron Co. v. Township of Wakefield, 247 U.S. 350 (1918)

Sioux City Bridge Company v. Dakota County, 260 U.S. 441 (1923)

Cumberland Coal Co. v. Board of Revision of Tax Assessments, 284 U.S. 23 (1931)

Nashville, Chattanooga & St. Louis Ry. v. Browning, 310 U.S. 362 (1940)

Township of Hillsborough v. Cromwell, 326 U.S. 620 (1946)

V. CHOICE OF AN ACTION

The citizens group contemplating property tax reform may find that state laws concerning "standing" determine litigation strategy. If the law does not permit a taxpayer to complain about the particular assessments of others it may still be possible to bring an action seeking reform of the entire system. Such matters vary from state to state; the statutes of some states specifically accord standing to all taxpayers, in others standing to complain about an assessment has been held to be limited to the complainant's property.

The trend of the decisions over the past decade, or so, has been toward more active judicial review of the decisions of taxing authorities. In a number of cases, the courts have considered and granted petitions that assessors be compelled to perform their statutory duties. The following materials may be helpful.

1. Annotation, "Who May Complain of Underassessment or Nonassessment of Property for Taxation," 5 A.L.R.2d 576 (1949)

2. In the following cases taxpayers sought and were granted a remedy to compel taxing officials to improve their assessment practices.

***Pierce* v. *Green*, 229 Iowa 22, 294 N.W. 237 (1940)**

***Bettingale* v. *Assessors of Springfield*, 343 Mass. 223, 178 N.E. 2d 10 (1961)**

***Russman* v. *Luckett*, 391 S.W.2d 694 (Ky. 1965)**

3. New Jersey started the property tax revolution.

***Baldwin Construction Co.* v. *Essex County Board of Taxation*, 16 N.J. 329, 108 A.2d 598 (1954)**

***Switz* v. *Township of Middletown*, 23 N.J. 580, 130 A.2d 15 (1957)**

***Village of Ridgefield Park* v. *Bergen County Board of Taxation*, 31 N.J. 420, 157 A.2d 829 (1960)**

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[1] Even when assessment ratios are the same though relative burdens may be shifted, for example, an exemption stated in absolute terms may have more relevant importance when applied against a lower assessment ratio. For example, suppose the law were to state that every homeowner was entitled to a $4,000 "homestead exemption". If a $30,000 house were assessed at a 40% assessment ratio and had an assessed value of $12,000, the homestead exemption would seemingly relieve the homeowner of about 33% of his taxes rather than the 13% which would have been the case had the property been assessed at its fair market value. The net effect of under assessment with such a flat exemption can be to extend benefits to higher income groups at the expense of lower income groups which the legislature intended to benefit.

4. Note, "Inequality in Property Tax Assessments: New Cures for an Old Ill," 75 Harv. L. Rev. 1374 (1962)

CITIZENS PETITION OF SEPTEMBER 1971

To the Board of Equalization of the State of Tennessee:

Mr. Fred Jones, Mr. and Mrs. Doyle Burns, Miss Marie Cirillo, Mrs. Vercie Norton, Mr. Millard Ridenour, Mr. James S. Hatmaker, Mr. Clarence Hackler, Mr. J. W. Bradley, Mr. Ronnie H. Beck, Mr. Bill E. Christopher, Mr. Sherman Fetterman, Mr. Cedric Jurgens, Petitioners, Ex Parte in re assessment of coal reserves and mining equipment.

PETITION

1. Each of your petitioners, whose names, addresses and counties of residence and occupations are set out below, is an owner of real property taxed in his respective county:

Name, Address, County, and Occupation

Mr. Fred Jones; Briceville, Tenn.; Anderson; Machinist.

Mr. and Mrs. Doyle Burns; White Oak, Tenn.; Campbell; Supt., Machine Shop and Machine Operator.

Miss Marie Cirillo; Clairfield, Tenn.; Campbell; Community Development.

Mrs. Vercie Norton; Duff, Tenn.; Campbell; Textile.

Mr. Millard Ridenour; White Oak, Tenn.; Campbell; Miner, retired.

Mr. James S. Hatmaker; Eagan, Tenn.; Claiborne; Equipment Operator.

Mr. Clarence Hackler; Clairfield, Tenn.; Claiborne; Truck Driver.

Mr. J. W. Bradley; Petros, Tenn.; Morgan; Electrician.

Mr. Ronnie H. Beck; Coalfield, Tenn.; Morgan; Instrument Mechanic.

Mr. Bill E. Christopher; Petros, Tenn.; Morgan; Instrument Mechanic.

Mr. Sherman Fetterman; Oneida, Tenn.; Scott; College Student.

Mr. Cedric Jurgens; Oneida, Tenn.; Scott; Marine Officer, retired.

2. This petition is filed under Tennessee Code § 67-821 granting to any property owner in the State of Tennessee "the right to a hearing and determination by the State Board of Equalization of any complaint he may make on grounds that other property than his own has been assessed at less than the actual cash value thereof, or at a less percentage of value than his own property." The general purpose of this petition is to request the State Board of Equalization and the Comptroller and the Division of Property Assessments which operates under the supervision of the Comptroller and the State Board of Equalization to exercise certain duties respecting the appraisal and assessment of real property containing coal reserves and personal property in the form of mining equipment in the aforesaid five counties as required by Tennessee Code § 67-242 and § 67-245 and § 67-822 establishing the procedures by which these agencies shall "supervise and direct all reappraisals and revaluation programs" and "shall equalize, compute and fix the value of all such properties within its jurisdiction."

3. County tax assessors in the aforesaid counties have failed properly to assess the value of coal in land in the aforesaid five counties or the value of expensive equipment used in mining coal despite the requirements of the due process and equal protective clauses of the Federal constitution and Article 2, §§ 28 and 29 of the Tennessee constitution requiring the taxation of all real and personal property "according to its value . . . so that taxes shall be equal and uniform throughout the state," and the provisions of Tennessee Code §§ 67-605, 67-606(5) and 67-607 requiring county tax assessors to assess for taxation mineral interests including coal. This failure has caused a significant loss of revenue for the local governments in these counties and caused your petitioners and other owners of property not containing mineral interests to bear an unfair percentage of the property tax burden. The time has come for the State Board of Equalization to deal with this problem and to exercise its powers as the statewide administrative agency in charge of directing the activities of local tax assessors.

4. The Tennessee Department of Geology, supported by information from the United States Bureau of Mines and the Tennessee Valley Authority, reports that these five counties in the year 1970 accounted for approximately 6 million tons or 77% of Tennessee's coal production. Not less than 660,000,000 tons of recoverable coal reserves remain in the land of these five counties. This coal wealth is controlled by a few large coal companies and landowners with four companies owning more than 55,000 acres each. These few large landowners control almost all of the land within the coal fields in these counties. Of the 1,480,160 acres which constitute the area in these five counties, 504,440 are owned by large land companies. Out of a total property valuation of approximately $400,000,000, these companies which own over 33⅓% of the land make up less than 4% of the assessment figure because the coal interest is not being valued in the assessments as required by law. Most of the companies are not local, and as a result of the failure to assess and tax this coal wealth in any form whatever at the local or state level the economic benefits of the coal accrue primarily to large outside interests with little benefit to the local population. Six million tons a year are being trucked or shipped by rail out of these counties which are getting nothing in return for giving up their resources. The small landowner, farmer, homeowner and businessman, who can least afford to pay, has to pay more because the large landowner who controls most of the wealth in the counties is not paying.

5. The state reassessment and reappraisal program initiated by the Tennessee General Assembly in 1967 vests supervision of the program in the State Board of Equalization and the Division of Property Assessments under its control under Tennessee Code § 67-1706, providing for technical assistance contracts with reappraisal experts, and §§ 67-242, 67-605 and 67-822 providing for the duties of the State Board of Equalization under the reappraisal and reassessment program; and the State Board of Equalization is required to see that coal lands and mineral interests are properly valued and assessed. The reapprasial contracts entered into by the five counties aforesaid under the direction of the State Board of Equalization, however, not only do not provide for the appraisal and assessment of coal interests but specifically exclude the reappraisal and assessment of such interests. This special treatment of coal wealth and mining equipment violates the equal protection and due process clauses of the federal constitution, the uniformity requirement of the Tennessee constitution and numerous Tennessee statutes requiring uniform property tax assessment and § 67-606 (5) specifically requiring the assessment of minerals including coal. Moreover, under Tennessee Code § 67-242 the State Board of Equalization is required to provide official assessment manuals to local tax assessors for determining assessments of particular classes and parcels of property. Such manuals do not, however, give directions and specify procedures for the valuation of mineral interests including coal and mining equipment in the counties aforesaid, and valuation procedures relating to coal have not been observed by local tax assessors. In addition no agency of state or local government has made use of the professional assistance of the Chief Mine Inspector of the State and the State Geologist in valuing coal wealth and mining equipment as provided in § 67-607 of the Tennessee Code, a necessary step for properly determining the location and value of coal reserves and developing a fair method of assessment.

6. In summary it is the petitioners' position that it is the duty of the State Board of Equalization under Tennessee Code § 67-822 and other sections heretofore cited to direct the equalization of values of property throughout the state and require the proper assessment of coal wealth and mining equipment. Petitioners recognize that devising a fair procedure for assessing the values is a difficult task and that any formula must take into account (1) the fact that the coal industry performs a vital and necessary function in our society and is entitled to a fair return on its investment, (2) placing an unreasonable tax burden on the industry will be detrimental to the interests of coal miners and other employees in the area, and (3) the fact that ecological factors must be considered, so that hasty extraction by strip mining of coal will not be further encouraged.

These considerations do not, however, provide an argument that coal values should not be assessed and taxed at all or only at an unreasonably low rate, as is presently the case; and it is the State Equalization Board's duty now to undertake to correct present inequities in the tax structure relating to coal. The failure to exercise such duty will perpetuate the existing unjust situation in these counties where petitioners and others least able to pay bear an unreasonable tax burden and will violate the federal and state constitutions and state statutes, cited above, which require equal and uniform tax valuation and the assessment of coal wealth and mining equipment.

Wherefore, petitioners seek the following relief:

1. That the Governor, as Chairman of the State Board of Equalization, convene a special session pursuant to Tennessee Code § 67-202 or at a regular session not later than October 15, 1971, set this petition for hearing for the purpose of enabling complainants to prove their allegations.

2. That the State Board of Equalization order and effectuate the valuation and assessment of coal reserves and mining equipment in the above mentioned counties on the same basis and at the same ratio of fair market value as other property is assessed.

3. That the State Board of Equalization and the Division of Property Assessments under its jurisdiction provide assistance, manpower and guidance to county tax assessors and county boards of equalization to carry out mineral and mining equipment valuation as aforesaid and provide specific direction in manuals written for such local officials as to the methods and techniques of valuing such assets.

4. That the State Board of Equalization call upon the State Department of Geology and the Chief Mine Inspector to assist to the end that such value of such mineral interest be accurately assessed.

Citizens from Tennessee's five largest coal-producing counties today filed a complaint with the State Board of Equalization charging that local tax assessors and the State Board of Equalization now directed by Mr. Freeley Cook, have violated the requirements of state law, the Tennessee state Constitution, and the United States Constitution, by failing to tax the vast coal resources in these counties. As a result, the citizens charged in their complaint, their counties are losing several hundred thousand dollars yearly in property tax revenues, a significant loss of needed revenues for these rural Tennessee counties. Furthermore, the citizens said, the small, non-mineral owner has been forced to bear an unfair burden for local services like education and health care because the mineral holders are not paying their fair share of taxes on the coal wealth which they control.

The complaint filed by these citizens today represents one of the most significant recent citizen challenges to the large mining interests that have exploited the resources of the Appalachian region of the U.S. for years, leaving behind ruined lands and widespread poverty. It comes at a time when coal field owners in the Appalachian region are making extraordinary profits from mining activities, and when coal production including extensive strip mining, is at an all-time high.

The complainants, all residents of the Appalachian areas of Anderson, Campbell, Claiborne, Morgan, and Scott counties in Tennessee, include two young miners recently fired for signing UMW union cards, several working men employed in Oak Ridge plants, a former county weight inspector who quit his job in protest against the failure to prosecute overweight coal trucks, a local college student, a community worker, and several local women. The citizens call upon Tennessee Governor Winfield Dunn as chairman of the State Board of Equalization to set a date before October 15 for a hearing on their complaint and to take appropriate action to make sure minerals are taxed as required by law.

The five counties in which these citizens reside accounted for approximately 6 million tons of coal, or 77 percent of Tennessee's total coal production, in 1970. Nevertheless, these counties are among the poorest in the Nation, with per capita incomes less than half the United States average.

One important reason for the local poverty, the citizens pointed out, is that virtually all of the coal wealth is controlled by a few, large, outside corporations which reap handsome profits on royalties from coal operations, yet escape local taxation, in violation of state law, because the coal has not been assessed as part of property value. Although these large companies own over 33⅓ percent of the land area of these five counties, they accounted for less than 4 percent of the property tax revenue in 1970.

One example of how this works is provided by the American Association, a British-based corporation that owns more than 44,000 acres of rich, coal-bearing property in the coal field of Claiborne County. Although the American Association earns an average of $4,500 a week (or $234,000 a year) in royalties from only one of the mines on its Claiborne County land, its property is valued at only $20–25 per acre, the same value used for unused wood land in the county, and less than ¼ the value used for farm land.

The following is a list of the large land owners that control the coal fields in these five counties yet escape taxation:

Coal Creek Mining and Manufacturing Company, along with its affiliates Poplar Creek Coal and Iron Company and Winters Gap Coal Company owns 64,199 acres in Anderson, Campbell, Morgan, and Scott Counties. The company is controlled by 165 shareholders throughout the United States.

Tennessee Land and Mining Company, a family trust, managed by E. L. Spetnagel of New Preston, Connecticut owns 50,940 acres in Anderson, Campbell, Morgan, and Scott Counties.

Koppers Company, a multimillion dollar Pittsburg Corporation, controls 50,771 acres in Campbell and Scott Counties. Tennessee Valley Authority owns the mineral rights beneath.

American Association, a British limited corporation owned by the London Foreign and Colonial Securities, Limited owns 50,661 acres in Claiborne and Campbell Counties.

Ford, Faust, and Cheely, a family trust of Knoxville, Tennessee owns 37,206 acres in Morgan and Scott Counties.

Payne-Baker lands, managed by U.S. Senator Howard Baker, whose mother owns one-ninth interest. The rest is owned by the Paynes of Pennsylvania, relatives of Mrs. Baker. Together they own 27,206 acres in Morgan and Scott Counties.

Stearns Coal and Lumber, owned by a family from Stearnes, Kentucky retains 26,390 acres in Scott County.

Francis Brothers, the only locally owned land among the largest company holdings is owned by a family in LaFollette, Tennessee. They own 23,676 acres in Campbell County.

Blue Diamond Coal Company which has been a coal owner and operator for many years throughout Appalachia is headquartered in Knoxville, and owns 20,131 acres in Campbell, Claiborne, and Scott County.

Other major land of the area owners include Consolidation Coal, a subsidiary of Continental Oil, and Hiwassee Land Company, a subsidiary of London's Bowater Paper Company. These landowners own over three-fourths of the mineral wealth of the five county area, and accounted for 80% of the land scheduled for strip mining since the spring of 1970.

All of the companies enjoy ample returns on their coal properties in these counties, yet the coal in these lands is in no way being taxed. Tennessee does not have a severence tax, but state law does require taxing minerals as part of property value. However, the complaint pointed out, local assessors and the State Equalization Board have failed to comply with the law and have systematically excluded minerals from property value for tax purposes. As a result, the complaint argues:

Six million tons a year are being trucked or shipped by rail out of these counties which are getting nothing in return for giving up their resources. The small landowner, farmer, homeowner, and businessman, who can least afford to pay, has to pay more because the large landowner who controls most of the wealth in the counties is not paying.

According to a conservative estimate, using present tax rates and established methods for coal valuation, the failure to assess the coal reserves in these five counties resulted in a revenue loss of approximately $350,000 in 1970 alone. Since not less than 660 million tons of recoverable coal reserves remain in the land of these counties, this loss of revenue will continue in the future unless coal is included in the tax base as required by law.

In addition, the citizens charged, several millions of dollars worth of mining equipment has been appraised only nominally, or not at all, depriving local governments of additional revenues in violation of the law.

The complaint was based on extensive research conducted during the summer of 1971 by three Vanderbilt University students with the assistance of a Vanderbilt professor. It was filed on behalf of the East Tennessee citizens by their attorney, Mr. Gilbert Merritt, of the Nashville law firm of Gullett, Steele, Stanford, Robinson, and Merritt.

More specifically, the complainants maintain, the failure to appraise minerals is in violation of:

Due process and equal protection clauses of the Federal Constitution.

The Tennessee Constitution. [Article 2 § 28 and 29] which requires the taxation of all real property "according to its value."

And Tennessee statutes [Tennessee Codes §§ 67–605, 67–606(5) and 67–607] requiring county tax assessors and the State Board of Equalization to assess mineral interests.

In 1967, the Tennessee General Assembly made provisions for a reappraisal of "all real property" in the state and vested responsibility for this assessment in the hands of the State Board of Equalization and its Division of Property Assessment.

However, the citizens' complaint and supporting research point out that despite the intent and letter of the law, the State Board of Equalization failed to carry out its responsibilities in several ways:

1. In contracts entered into with the counties under the direction of the State Board, the appraisal companies were not instructed to appraise mineral value—in fact, the contracts specifically *excluded* such mineral value.

2. Although Tennessee law (Sections 67–607 of the Tennessee Code) instructs the Board of Equalization to make use of the professional advice of the Chief Mine Inspector and the State Geologist in assessing minerals, the Board has failed to avail itself of these services—in fact, Mr. Freeley Cook, Executive Secretary of the State Board is quoted as saying "You mean that law is still on the books?"

3. Although the Board of Equalization is required by law (Section 67–242) to provide official assessment manuals to local tax assessors, the manuals have failed to give directions for valuation of mineral property—or, if directions have been given, they have not been observed by local tax assessors in the valuation of coal.

4. As a result, the counties have lost an immense amount of much-needed revenue while primarily outside landholders generously benefit.

To correct this situation, the citizens called upon Governor Winfield Dunn and the State Board of Equalization to:

1. Set a date before October 15, 1971 for a hearing on their complaint.

2. Provide for the valuation and assessment of coal reserves and mining equipment so that the coal owners and mining companies will bear their fair share of the property tax burden in each county.

3. Call upon the State Department of Geology and the Chief Mine Inspector to assist to the end that the value of mineral interests may be accurately assessed,

4. and, make provision for assistance to local assessors in valuing minerals in the future.

As one of the complainants said, "My granddaddy paid the taxes that those companies should have paid, my daddy paid them, and now I'm paying. But, now we're going to start changing things."

APPENDIX I

Contacts: For Information:

John Gaventa, 615–322–4614 or 615–424–6832.

Ellen Ormond, 615–322–7805.

Professor Lester Salamon, 615–322–2461.

A. Complainants:

NAME AND OCCUPATION

Anderson County

Mr. Fred Jones, Briceville, Tennessee, Machinist.

Campbell County

Mr. & Mrs. Doyle Burns, White Oak, Tenn., Supt., Machine Shop & Machine Operator.

Miss Marie Cirillo, Clairfield, Tenn., Community Development.

Mrs. Vercie Norton, Duff, Tenn., Textile.

Mr. Millard Ridenour, White Oak, Tenn., Miner, retired.

Claiborne County

Mr. James S. Hatmaker, Eagan, Tenn., Equipment Operator.

Mr. Clarence Hackler, Clairfield, Tenn., Truck Driver.

Morgan County

Mr. J. W. Bradley, Petros, Tenn., Electrician.

Mr. Ronnie H. Beck, Coalfield, Tenn., Instrument Mechanic.

Mr. Bill E. Christopher, Petros, Tenn., Instrument Mechanic.

Scott County

Mr. Sherman Fetterman, Oneida, Tenn., College Student.

Mr. Cedric Jurgens, Oneida, Tenn., Retired Marine Officer.

B. Resource Personnel: The research and organization was done in the summer of 1971 for the Vanderbilt Student Health Coalition by:

John Gaventa, recent Vanderbilt graduate to be attending Balliol College, Oxford, beginning October 1 on a Rhodes scholarship.

Ellen Ormond, junior philosophy major; Vanderbilt University.

Bob Thompson; recent Vanderbilt graduate beginning at University of Virginia Law School this fall.

Professor Lester Salamon of the Vanderbilt Political Science Department advised on the research and writing.

Heleny Cook, a Sarah Lawrence College student, will remain in the five-county region doing follow-up work. Contact at 615-424-6832.

C. Mr. Gilbert S. Merritt of the Nashville law firm of Gullett, Steele, Sanford, Robinson and Merritt is serving as lawyer for the complainants. He is a former United States District Attorney for Middle Tennessee.

D. State Officials:

1. Mr. Freely Cook, Executive Secretary, State Board of Equalization, Nashville, Tennessee.

2. Mr. William Snodgrass, Comptroller, State of Tennessee, Tennessee.

E. Local Officials:

1. Mr. Carl Irwin, Tax Assessor, Anderson County.

2. Mr. J. P. Ayers, Tax Assessor, Campbell County.

3. Mr. John Greer, Tax Assessor, Claiborne County.

4. Mr. Dudley Freels, Tax Assessor, Morgan County.

5. Mr. Frank Phillips, Tax Assessor, Scott County.

F. "Company" Representatives:

1. Coal Creek Mining & Mfg. Co.: Warren Hayden, Bank of Knoxville Building, Knoxville, Tenn.

2. Tennessee Land & Mining Co.: E. L. Spetnagle, New Preston, Connecticut.

3. Koppers Co., Inc.: Parker W. Finney; Manager of Real Estate Service; Pittsburgh, Pennsylvania.

4. American Association: Al E. Funk, Agent, Middlesboro, Ky.

5. Ford, Faust & Chuly: Hugh Faust, Hamilton Bank Building, Knoxville, Tennessee.

6. Payne and Baker: Senator Howard Baker, Huntsville, Tenn.

7. Stearns Coal & Lumber Co.: Baker, Worthington, Crossley and Stansberry, Attorneys, Knoxville, Tenn.

8. Francis Brothers: J. P. Van Huss, Lafollette, Tenn., agent.

9. Blue Diamond Coal Co., Robert Watson, VP for Operations, 6305 Kingston Pike, Knoxville, Tenn.

APPENDIX II

COUNTY DESCRIPTION

The five counties are located north and northwest of Knoxville, Tennessee, in the mountains and foothills of Appalachia. In one sense, they are a "forgotten area" of Appalachia, having received far less national attention than their Kentucky, West Virginia and Pennsylvania counterparts.

Only part of each county is within the mountainous coal region and even within the county these areas often receive less than their full share of services.

The per capita incomes of four of the counties are among the 20 lowest in the state, well below Tennessee's average of $2038:

Morgan County, 7th lowest, $982.

Claiborne County, 10th lowest, $1,030.

Scott County, 15th lowest, $1,091.

Campbell County, 20th lowest, $1,355.

Anderson County's $2,479 per capita income is high only because of Oak Ridge and it seems safe to say that the northwestern mountainous part of the county is much more closely kin to the other counties than to Oak Ridge.

APPENDIX III.—SUMMARY OF "COMPANY" OWNERSHIP AND PERCENTAGE OF TAXES

County	Total acreage	Company acreage as percentage of total [1]	Total property appraisal (1970)	Company appraisal as percentage of total (1970)
Anderson	214,400	30	$211,097,990	1.05
Campbell	288,640	43	65,226,670	7.33
Claiborne	284,160	17	50,272,000	2.38
Morgan	344,960	38	37,373,620	6.45
Scott	348,160	41	34,963,950	10.5
Total	1,480,160	34	398,680,272	3.6

[1] Most of the company land is in the coalfield, and 80 percent of the coalfield is owned by 9 companies.

APPENDIX IV.—COAL RESERVES AND PRODUCTION

	Recoverable reserves of the 5-county area			
	Measured (millions)	Indicated	Inferred (millions)	Total (millions)
Anderson	44,734	43,876,000	38,138	128,748
Campbell	62,089	93,098,000	135,435	288,622
Claiborne	15,642	15,234,000	49,961	80,767
Morgan	18,732	18,732,800	40,094	84,641
Scott	25,156	25,361,000	29,233	79,750
Total				662,528

From "Coal Reserves of Tennessee, 1959," State Division of Geology; repeatedly this report maintained that "It should be emphasized that the estimates in this report should be considered as the *minimum* known recoverable reserves in Tennessee in 1959."

*Production of the five-county area, 1970**

	Tons
Anderson	1,732,557
Campbell	1,563,147
Claiborne	1,893,000
Morgan	452,246
Scott	547,049
Total	6,187,998

*Department of Labor reports.

COAL RESERVES AND PRODUCTION

An as yet unpublished report of the Tennessee Department of Geology entitled "Strippable Reserves of the Northern Plateau Area of Tennessee" gives this projection for coal production in the five-county area (based on GNP, U.S. population and industrial population):

By 1985 annual coal production is expected to reach 8.8 million tons with strip-mined coal contributing 2.9 million tons. By the year 2000 total annual production will have reached between 15.9 and 20.3 million tons and strip-mined coal between 5.3 and 6.8 million tons. At these rates of production, the available supply of strip-mined coal should last 60 years.

APPENDIX V.—COMPANY LANDHOLDERS BY COUNTY AND APPRAISED VALUES

Company	Acreage	1970 appraisal [1]	Value per acre
Anderson County: [2]			
Coal Creek Mining & Manufacturing	34,083	$1,295,280	$37
Tennessee Land & Mining Co	21,428	607,670	32
Poplar Creek Mining & Manufacturing (same owners as Coal Creek)	6,759	207,770	31
Consolidation Coal	1,420.5	42,620	30
Total	63,690.5	2,153,340	34
Campbell County: [2]			
Koppers Co	49,400	1,500,000	30
Coal Creek Mining & Manufacturing	23,676	730,075	31
Tennessee Land & Mining Co	11,170	449,000	40
American Association	6,637	393,550	59
Lindsay Land Co	4,033	264,380	65
Elk Valley Coal	3,638	91,000	25
Westbourne Land Co	2,982	116,000	54
Clear Fork Coal Co	2,249	59,400	26
Blue Diamond Coal Co	2,200	120,425	59
Canyon Enterprises	1,128	14,050	11
Consolidation Coal	813	91,150	110
Northumberland Co	691	35,975	52
Hiwasee Land Co	667	33,100	50
Total	122,927	4,774,405	39
Claiborne County: [2]			
American Association	45,331	1,133,290	25
Clearing Fork Mining Co	590	29,400	50
Harris Branch Coal Co	180	6,000	32
Blue Diamond Coal Co	145	2,000	14
Hiwasee Land Co	1,537	32,000	21
Total	47,783	1,202,690	25
Morgan County: [3]			
Coal Creek Mining & Manufacturing	6,416	64,687	30
Poplar Creek Mining & Manufacturing	2,437	29,560	36
Ford, Faust & Cheely	37,702	369,216	29
Winters Gap Coal Co	1,372	22,407	48
Morgan County—Continued			
Tennessee Land & Mining	295	$2,450	$25
Plateau Properties	[4] 12,040	[5] 129,162	32
Walls Properties	2,048	18,497	27
Hiwasee Land Co	4,650	43,284	28
Payne & Baker	1,162		
Travelers Insurance	2,913	36,390	39
Northumberland Corp	627	7,524	36
Subtotal	74,592		
Plus State land	52,017		
Total	126,609		
Scott County: [3,6]			
Payne & Baker	35,935	324,315	27
Stearns Coal & Lumber	26,390	243,280	28
Blue Diamond Coal Co	19,177	173,165	27
Tennessee Land & Mining	17,941	161,460	27
G. C. Pemberton	7,864	34,030	13
Rivermost Farms	7,587	68,275	26
Kyanite Mining Corp	5,000	45,000	27
Russell Land Co	3,257	30,450	28
Northerland Corp	2,612	23,510	27
Oneida Wood Co	2,602	23,610	27
Rugby Land Co	2,499	22,490	27
Swain Lumber Co	2,284	18,043	27
Go-Ray Realty Co	2,273	20,455	27
Ford, Faust, & Cheely	1,504	13,535	26
Koppers Co	1,371	12,335	26
Tennessee Wesleyan College	1,266	11,395	27
Bowater Paper Co	1,204	10,835	27
Elk Valley Coal & Iron	1,047	9,510	27
Plateau Land Co	1,055	23,440	67
Meadow Brook Farms	900	10,750	36
Codity Bros	541	24,690	136
University of Tennessee	300	2,700	27
Hiwasee Land Co	101	1,200	35
Total	142,459	1,401,323	30

[1] The value reflects valuation of any improvements and farmland as well as the woodland.

[2] 1970 appraisal 100 percent.

[3] 1970 appraisal 30 percent.

[4] 4,829 minerals.

[5] 6,283 minerals.

[6] The reappraisal program has not been completed.

A MOTHER'S OPINION OF THE COMPREHENSIVE CHILD DEVELOPMENT ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. RARICK. Mr. Speaker, in reading the hearings on the Comprehensive Child Development Act, I am awed by the overwhelming volumes of favorable testimony and the almost total lack of any testimony in opposition.

Typical of the many persons testifying for the child development programs were directors of day care facilities, directors of welfare councils, representatives of League of Women Voters' groups, professors of psychology and education, and the president of the joint commission on the mental health of children. Also notable among those testifying in favor of this type of legislation were the Governors of Delaware, Pennsylvania, Tennessee, Utah, and West Virginia.

Apparently the presumption is that those not testifying against must be considered for the legislation. Everything else is upside down these days.

Unrepresented at the hearings were the millions of mothers and fathers who want to rear their children without interference by the Federal Government as well as representatives of taxpayers' groups representing many citizens who will have to pay the billions of dollars in taxes to support the programs—unless deficit financing fiat money is resorted to in order to pay the costs.

No measure of more widespread significance has passed this House during the 92d Congress than S. 2007, as amended, and few, if any, have received less attention from the mass news media. Nevertheless, word about the comprehensive child development programs is beginning to reach American parents and they do not like what they are hearing. I am now receiving more mail—not only from my constituents but also from concerned parents in various parts of America.

So that my colleagues may know the thinking of many concerned parents with regard to the comprehensive child development programs, I insert in the RECORD at this point a letter from a Lakeland, Fla., housewife, Mrs. James Correll, president of Polk County, Fla., PTA and the mother of 3 boys, ages 10, 12, and 14.

LAKELAND, FLA.

To: The Conference to consider Senate Bill 2007 and House Bill 10351

Honorable Senators and Representatives: I am in opposition to the passing of either of these bills. They are an insult to the intelligence and performance of parents, both of today's generation and the generations which precede us. It is an assumption that they are either unwilling or unable to provide the proper physical and mental needs of their children. I think this is baloney! In even the most trying days of depression parents provided for us, both our physical and emotional needs . . . giving us love that no governmental agency can do. If the logic promulgated by the experts relied upon for this legislation were true, all of those who were raised during the depression years and without the benefit of "governmental services" would be suffering high rates of retardation. We could not with this type of handicap have evolved to the world power we are.

These bills are not the type of legislation which will perpetuate the free society that we know today. These bills allow for the collectivization of our children. You legislators took an oath as representatives of the people of the United States to uphold the Constitution and protect the rights of its people . . . how in good faith can you pass such legislation with a clear conscience?

These bills cover too broad a base to be considered as one bill. Each of its many areas should be considered separately on its own merit.

The extension of O.E.O. The first thing discussed should be is the OEO deserving of renewed funding. I think not. From its beginning it has been abused and misused. Millions of Americans living on average and below average incomes have been cheated of their income tax monies to support what they were told were poverty groups, but in reality amounted to support of radicals, troublemakers, Black Panthers subversives and communists. The welfare complex does not need further funding, it needs immediate investigation and abolishment. According to Representative Fisher in the September 30, 1971 Congressional Record "The news reports of OEO scandals during the past 7 years would fill a book. Much of this was confirmed by a GAO Study." and "The fact is that in terms of long-term solution of problems which are associated with poverty, this program has been a colossal flop." To continue to fund this is a folly that the American people cannot afford.

The child development program is not simply a day care center. I'm sure that there are areas of legitimate need for this. But many factors emerge. First of all is the wisdom and ethics of a federal government program during the child's most formulative years. The dangers inherent for evil here are endless. Second we find practically every need met one could think of—from physical, educational, nutritional, emotional, and even prenatal care. This may sound good, as I am sure motivations should be. But this is the most far reaching plan ever promulgated for the Sovietization of American youth. The raising of our children is a God given right . . . not to be interferred with by governmental agencies either with or without the proper motivations. For state controlled communes of our children is to open the door directly to the type of program of Nazi Germany and Russia today. This is to destroy America we know today.

On page 42 of the Committee on Labor and Public Welfare Report on S. 2007 "As Dr. Reginald Lourie, Director of the Joint Commission on the Mental Health of Children testified:

"The United States has a higher percentage of retardation than almost any other country in the civilized part of the world—3 to 4 percent. * * * In every other country where there are programs for early child care, only about one-tenth of 1 percent of the population is retarded."

I am afraid I would have to challenge those figures. First of all what would constitute mental retardation? And what other countries are we referring to? Might one's wishes and desires to be independent of the probing and manipulation of government be a factor in your mental outlook? I believe a nation so grossly disabled as 30 to 40 times the retardation rate as its competitors could not long retain its position as a world power . . . and would indeed have had problems ever getting there. The assumption that if we do not turn our children over to governmental child care centers that they will be subject to 30 to 40 times the retardation rate has a very socialistic ring to it.

In the area of Prime Sponsors I was amazed at the people that may qualify for Nongovernmental Prime Sponsors. Section 513(f) states that Prime Sponsors may include Community Action agencies, single purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, organizations of Indians, labor unions, employers or public or private nonprofit agencies or organizations. Visions of Cesar Chaves teaching our little kiddies the fine arts of his knowledge dance in my head. The area of research and development is another area that *just plain stinks!* It states that there is a need to focus more attention on the areas of moral development, of the use of aggression, the development of creativity, emotional development, socialization with particular reference to the recognition and respect for individual differences, appropriated identification with male and female roles and development of identity and self esteem.

After you have taken all of these areas into account . . . then I ask you what have you left out? Is there nothing left sacred to the people of this Nation? Must you mold the physical as well as the emotional side of our children? You even discuss teaching a mother how to talk, play and teach her child . . . fiddle! Mothers don't need you now and never have to teach their children how to do these things. Don't you believe the American Women are born with any sense of their own? The depression years of this nation were real poverty years . . . all of this talk today does not really impress me as valid. During those times children were reared and have offered contributions to their nation as no nation before them. Poverty does not really offer the stigma mentioned. Abraham Lincoln is a good example. Moreover the vast amounts you take from the low middle class in taxes produces even more poverty in these classes. You do not give anything to the American people unless you take it from them first . . . and what percentage is returned?

In discussing Regional Demonstration Centers you will see the statements that a new kind of Change Agent must be developed and the use of feedback discussed. These words are very often used in connection with the use of Sensitivity Training (a method of thought reform.) How very convenient they happen to fall into the same research area where we will consider the development of the Identity and moral values of our children. Perhaps you should also be aware that values more often go down and not up during sensitivity training. I am opposed to using the children of our Nation for experimentation in research and development . . . to turning them over to any system of child advocacy. Page 46 of the report on S. 2007 states that "Preschool efforts should resemble free public education philosophy and tradition of this country so that they will be available to all Americans."

This does not indicate an intent to serve just the needy . . . it is an intent to expand these services. One need only remember that right today in this country we are being forced to send our children to public school, even though we may object to course content, location of the school etc., if we cannot afford private school or pay the consequences *for violating the law.* On page 54 the report asks "when should a child be removed from the natural home and placed in foster care and what kind of family is the best kind of family for that child?" The only way a child can or should be removed from the home is under the jurisdiction of the local authorities . . . the Federal Government has no authority in this area. This is a clear-cut statement of intrusion beyond federal authority.

The following are my objections to 10351: "Until such time as such programs are expanded to become available to all children, priority must be given to preschool children with greatest economic and social need."

This again contains intent for expansion of program to cover all children. "No mother may be forced to work outside the home as a condition for using child development." Why should we provide these services for a child where the mother is in the home to provide these services? "Pilot programs to test the effectiveness of new concepts, programs and delivery systems." This opens the door to experimentation on children . . . and what is desired to be delivered? "A program of daily activities designed to develop fully each child's potential." What daily activities are you discussing? The Child's daily activities are none of the federal government's business. Is there no end to the amount of intrusion into our privacy that you will contrive? "Other specifically designed health and social and education programs including after school, summer, weekend, vacation and overnight programs." This again is just not any of your business . . . none!

"Medical, psychological, educational, and other appropriate diagnosis and identification of visual, hearing, speech, nutritional and other physical, mental and emotional barriers *to full participation in child development programs* with appropriate treatment to overcome such barriers." Participation in the programs here is the key word.

I could go on and on the description of a parent being one who has day to day care of the child with no mention of natural parent . . . although there is no difficulty in using the natural parent to discuss removing the child from its family, the crippling of already overcrowded courts with legal services offered . . . the funding of such absolute failures as Vista, Headstart and OEO in general and the many, many more vast welfare programs which need proper individual consideration. I am heartsick with the loss of individual freedoms that our Senators and Representatives have given so little thought to . . . to the closed press on this very important matter . . . and I am ashamed of this process you have taken advantage of . . . I pray that God will give you the strength to take the steps that men and women of good intelligence and motivation and do everything in your power to delete this monstrous bill from record . . .

And that you, Mr. President, will veto this bill immediately.

Sincerely,

SHIRLEY CORRELL.

MRS. MILTON SEELEY, WONALANCET, N.H., DOG BREEDER

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Friday, October 29, 1971

Mr. COTTON. Mr. President, recently a New Hampshirite who is known throughout the world for her activities in the fields of dog breeding and dogsled racing, Mrs. Milton Seeley, of Wonalancet, N.H., was honored at a testimonial dinner in Philadelphia, Pa.

The tribute offered to Mrs. Seeley on that occasion is most interesting, fitting, and well deserved. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

The many friends of Mrs. Milton 'Short' Seeley are honoring her for the more than 40 years of service to her country and the world of sled dog racing and breeding.

Mrs. Seeley was one of the earliest breeders of Siberian Huskies and worked diligently to produce true-to-type Siberians. She succeeded in getting the American Kennel Club to recognize and register the Alaskan Malamute. Dogsled teams for Admiral Byrd's polar expeditions were trained at her Chinook Kennels, Wonalancet, New Hampshire. Also assembled there in 1942 were the army dogs to be trained for search and rescue. This operation was undoubtedly one of the greatest contributions to the war effort.

"Short" Seeley organized the Alaskan Malamute Club, the Carrol County Kennel Club, and the Siberian Husky Club of America and the New England Sled Dog Club, Inc. in official capacities. She received awards from the Dog Writers Association and the Alaskan Malamute Club for her work in furthering Northern breeds.

In addition to these activities, she devoted time to taking an active part in local, State, and national political campaigns.

DEPUTY SECRETARY OF DEFENSE DAVID PACKARD ON THE STRATEGIC BALANCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. FRASER. Mr. Speaker, on Thursday, October 21, Deputy Secretary of Defense David Packard met with the Aviation Space Writers Association at the National Press Club.

I requested and received from the Department of Defense an unedited transcript of the Secretary's session with this group. Many matters were discussed but I was especially interested in Mr. Packard's comments on the strategic nuclear balance with the Soviets, the Strategic Arms Limitation Talks—SALT—and strategic matters generally.

Rather than reprint the entire transcript, Mr. Speaker, I have extracted in sequence Mr. Packard's remarks on the strategic matters I mentioned previously. I am also including, after these excerpts, news reports of this session and a report dealing with the new missile Secretary Packard mentioned at the press club breakfast. These materials follow:

DEPUTY SECRETARY OF DEFENSE DAVID PACKARD MEETS WITH AVIATION SPACE WRITERS ASSOCIATION

Q. Are you going to be making any trips soon?

A. Yes, I'm going to the Pacific to see a Safeguard shot and then to Australia. The Safeguard program is going very well; we've had 18 shots now and 14 of them have been successful, two partially successful and only two failures. So, the actual performance is coming along well, and they've been intercepting targets that have been sent from Vandenberg, and the last one was a low intercept with a Sprint, which is one of the toughest ones. So the whole testing system is coming along very well.

Q. Are you going to watch it from Kwajalein?

A. Yes, they are going to have a shot the same day I'm supposed to be there.

Q. Have all the intercepts been a single warhead intercept?

A. Basically single interception.

Q. (unintel).

A. There's one test of targeting or tracking more than one target, but I don't believe they've intercepted more than one yet. In fact, they can't.

Q. How long are you going to be gone on this trip and how long do you intend to stay in Australia? Are you going to make some tours at defense establishments or what?

A. I'm going to spend four or five days there. I don't know exactly what the schedule is. In fact, I may change the schedule *before I'm* through.

Q. And you will be there early November?

A. Early November. I've been to Australia several times and I like the country and I'll try to get out to the center of the country and not just spend time in Canberra.

Q. What's going on up there in (unintel) or wherever it is out there in the center of the country? Aviation Week just put out a book called "Spy Satellites" and there's a chapter in there that deals with some of the capabilities being installed in this Australian (unintel).

A. I haven't seen that book so I don't know what's (unintel).

Q. Can you respond to what's going on at Alice Springs or what kind of station is it?

A. No, I couldn't talk about that subject.

Q. Does your visit have anything to do with our increase in our interest in the Indian Ocean?

A. It does indirectly. I don't have any specific programs or projects in that regard but obviously it's important for us to maintain a relationship with Australia in terms of its strategic position in the Indian Ocean. It's a subject of general interest but I've heard no specific (unintel).

Q. Without being specific could you be a little more specific?

A. No, I really can't because I will want to express the general view that we are anxious to maintain a close relationship with Australia and particularly with out Navy (unintel) Indian Ocean.

Q. I wonder if you would talk to them about combined patrols in the Indian Ocean or any specific kinds of things.

A. I don't plan to cover that subject. If they raise it we may have a general exchange of views but—

Q. In other words, it's not like Secretary Laird's visit to Japan where he talked about Japan having to increase their own defense.

A. No, this meeting is more in terms of discussing some of the logistics problems, the Australians are very anxious to have us buy things that can be made in Australia. As you know, they have been helpful in providing us with trucks for Cambodia and have done some other things. They would like to find some areas, as would a lot of other friends, in which they can get a little of the defense business. Of course, we are in a position now where we don't have enough to go around at home so I'm not going to be able to go very far on specific items.

Q. Speaking of Safeguard, what's the status of the (unintel).

A. We just have a new contract negotiated and ready to go on that (unintel).

Q. Is that effectively lost of construction (inaudible).

A. That was simply negotiation of the construction contract and the price came in considerably higher than we had anticipated, and it was largely because of the labor negotiation and they were able to work out a better negotiation of (unintel) prices. That will be announced shortly. I don't even remember the figures.

Q. Can you tell us anything about the progress of the Warner talks over in Moscow? How are they going, and are they optimistic? What about naval air harassment?

A. The talks are in my view going along well. I'm encouraged by the attitude in the SALT talks, that's a much more complicated subject than this. All of those discussions went along with a very serious vein and an intent to get out the issues and this same attitude is prevailing in these talks that John Warner has been involved in. I can't give you any details of the outcome but I can certainly say that I've been very encouraged by the fact we've been able to have constructive talks, and I think there will be a useful outcome of the meeting.

Q. Why are you encouraged about the SALT talks?

A. I'm encouraged about the SALT talks because I think the SALT talks are really just one part something that's going on our overall relations with the Soviet Union which I think is encouraging. It really gets back to the fact that during the past two and three-quarter years since I've been here that we have seen, in my view, a great deal of progress in our relationship with the Soviet Union and of course with the Chinese and progress in a number of areas. I think the President's goal to move from an era of confrontation to an era of negotiations has really begun to be realized. We have a new agreement on the "hot line" which, while it's not a substantial element, it could in fact be a critical element in terms of avoiding a nuclear confrontation.

Q. Are we going to buy a (unintel) receiving station or (unintel) end of the "hot line?"

A. I don't know. We haven't gone into the details.

Q. In reverse of that, are they going to have to buy one of our (unintel) stations over there to receive our signals?

A. Well, it will probably be possible to use—it's technically possible to use (unintel) satellite. I don't know whether we are going to do that or not. We've not gotten into the negotiations on precisely how this will be implemented. That will be the job of the DoD but we have not yet talked about this (unintel)

Q. I was unaware that (unintel) on our COMSAT or TELSAT systems were compatible. Are they?

A. I don't know much about it.

Q. (unintel) buy or swap (unintel) at the moment?

A. This isn't any very great problem. The differences in frequencies in the type of modulation (unintel) both the sending and receiving end can handle, but I can't give you any details on how that's going to be worked out because we just haven't addressed them.

Q. You had left the thought incomplete a little bit ago on the encouragement you found in the improvements in relations between us and the Russians and the Chinese. You talked about the "hot line" and then went on to other things. Could you complete the thought?

A. I see this really in a larger sense. We are at the end of one of the very important eras in recent history and we're just now going through a very major change. The affairs of the world after WWII were dictated by the absolute dollars of the U.S. from the military standpoint and from an economic standpoint also. During this period, the last two or three decades now, this has changed and I think the things that we see here, while the last two or three years are certainly the result of the President's leadership. I think they simply in a more significant way reflect the fact that we are going through a significant change. Things in the future are not going to be the way they have been in the past.

So I think the environment for the kinds of negotiations that we're having with the Soviet Union is here today; these are issued—the two-China issue up at the UN for example—is a matter that's of long standing in terms of attitudes and feelings, but the fact that the U.S. is going to sponsor two Chinas in the UN is something that couldn't have been done two years ago. No president at that time could have done it. Now, I do see this as reflecting what I think to be great leadership by the President in international affairs, but I also see it in terms of the environment and the changing attitude in the world. So I think the fact that we can have SALT negotiation, the fact that we can have discussions such as Secretary Warner is engaged in, we have a number of areas which has been, in my view, enough progress to point out that some things can be done in terms of calming this whole situation down.

Now, there are (unintel) inside the Soviet Union just the way they are in the U.S. I'm sure there are doves and hawks there and these pressures will go on on both sides of the negotiation table. I think one of the things this points out or one of the things it indicates is it's going to take some time; we are talking about the SALT negotiations; sure we'd hoped they would go along sooner but I think we are facing such a significant change in the way we've been thinking of these matters that it's going to take time to get some of these things done, but I think they will move ahead.

Q. On that same subject, how do you go about just the sheer fact that the Soviets, at what seems to be a very surprising time and not in keeping with the (unintel) announced that kind of an arms agreement with the Egyptians. It just seems to come like a big surprise to a lot of people and it was not in keeping with the SALT talks and the Warner talks and everything else.

A. I think there's an explanation for that which is quite logical, and it has to do with the Arab nations announced anti-communist attitude—I don't remember exactly what the details were—as evidence that they are not too happy about having the Soviets involved as heavily in their country as come along. I think this can be explained as a move by the Soviets to bolster their relationship with Egypt. I don't think it has to be interpreted as any move that's directed at anything else. They are just trying to reinforce their position and influence with the Egyptians; I think that's all there is to it.

Q. Are there any indications along this line that the Soviets may be taking over more of a leadership rather than an advisory role in Egypt or in the Middle East as far as military affairs are concerned?

A. Of course, the thing that we're most worried about as far as that part of the world is concerned is that the Soviets would get involved in the actual fighting and then that could escalate. I don't think the situation has changed significantly in that regard; they've been advising the Egyptians on some of the SAMs and helping in the training and I would suspect they would continue that, but I'm sure they want the Egyptians to be involved if anybody is involved. I think it would be dangerous for them to be involved.

Q. You are saying you don't think they would be involved if it came (unintel)?

A. I don't think the Soviets want to be involved directly any more than we want them to be involved directly.

Q. In our relations with the Soviet Union and the change in the situation, how do you reconcile what appears to many people in this country to be a major buildup in arms on their side during these negotiations?

A. I really think that gets back to what I intimated earlier that there are doves and hawks so to speak in the Soviet Union and I think some of the people are essentially moving ahead with programs that were underway. One of the things that we often overlook is that you don't go out and start tomorrow on a new program if you are going to replace some of your older missiles with some new ones; several years of work that goes ahead. We sometimes misinterpret these moves as being things that were done on a short-term basis and they're generally not a short-term basis. I think these things are primarily evidences that they're continuing with things they had planned. The Soviet submarine buildup is a good example of that; you don't decide you are going to build twice as many submarines and start working on them months from now; you've got to do the planning. They have long lead time problems the same as we do. There's no question that they have a very substantial buildup underway in the strategic arms area and our position has to be that if we are not able to agree on a limitation to this buildup, we will have to do some things here in the U.S., but I don't see that we have reason to do anything today; we have a number of programs underway. We don't want to overlook the fact that we are now equipping our Polaris fleet with Poseidons; we're improving our Minuteman capability; we've got the B–1 bomber that's in development; we've got an ULMS program which we have just looked at and moved ahead on and which will provide us with the capability of strengthening our Polaris Poseidon fleet in a shorter time period if that's necessary and at the same time enable us to replace it or do whatever is necessary for the decade of the '80s, so, that in a sense, we're not sitting still either.

I think we have to be prepared in what we do for whatever the outcome in SALT is. I personally am very hopeful and I believe it's important for us to come to some agreement here. We have to have an agreement which will be acceptable in terms of our security and the security of our allies, and at the same time if for some reason we are not able to reach an agreement we have to be in a position to go ahead in whatever way is appropriate. I really think this in terms of what I've said is the overall situation here that we are moving into a period in which we can at some point get this problem under control and I think we are approaching it in a realistic and objective way. I've been very close to this from the beginning and I take some satisfaction in seeing that the situation is greatly improved today from the way in which we saw it in the Spring of 1969.

Q. Are we really that close to losing our strategic superiority to the Russians?

A. When you are talking about strategic superiority this is a complex question. We had strategic superiority at the beginning of the early '60s, in the sense that we had a substantially larger number of weapons and of sufficiently larger number that an outcome of a nuclear exchange might have been reasonably livable; it wouldn't have been very good for the world, but it would have been livable. I think we're in a situation today that almost any conceivable nuclear exchange is going to be almost unlivable for both the Soviet Union and the U.S. So, when you talk about superiority in terms of nuclear war, the question of whether you have a few more or a few less is not really the issue.

Both the U.S. and Soviet Union have adequate number of weapons that a nuclear war is unthinkable today, particularly in terms of what it was 10 or 15 years ago; it was unthinkable then, but it's just completely unthinkable today.

Now, that, of course, says that in a sense there probably isn't any such thing as a nuclear superiority in terms of any ability to use them. There are some things, however, that you'd have to keep in mind here. The first place, the fact that we both have a very-high-level nuclear capability and hopefully both have enough sense to know that it isn't any possible exchange that would be acceptable, this then puts the military situation in terms that we have a great deal more need to look after our general-purpose force capability; that confrontations on that plane are much more likely to be the problem than a nuclear exchange. So, this situation does make a change in terms of what we have to think about in our military planning.

There's another aspect and that's simply the psychological aspect in terms of our ability and the Russians' ability to influence negotiations vis-a-vis each other and a third party. If the Russians can go around and brag that they have 50% more missiles than we have, their missiles are bigger, and they have 50% more submarines than we have, although it is not necessarily a disaster in terms of the likelihood of a nuclear war, it can make them look physically stronger and more impressive that they can increase their influence in many ways. I think that their naval buildup is very much directed at that concept; I don't think they see that they, certainly not in short term, are not going to build up a naval capability in terms of the likelihood of a confrontation with us in the real sense, but it certainly gives them the ability to show the flag around the world and result in influence they have in their negotiations. I think really we've got to keep in mind that may be the more important aspect of these things that's going on.

Q. On the SALT situation, a lot of people seem to think now that the only thing that's going to come out of this is some sort of very limited agreement on the ABMs, the kind of thing that was suggested in the President's statement earlier. I gather from what you say that you are hopeful of a more comprehensive agreement.

A. I hope we can have something somewhat more comprehensive than a limited agreement on ABMs as the first step in the agreement, but I see this SALT problem as one in which whatever agreement we have we can get out of it as a result of these first series of rounds is only the beginning. I think these discussions will have to continue, probably continue for a number of years, and I would see the distinct possibility if we can just stay with it that we can eventually get to the place we could agree on some reductions. I think that has to be the ultimate aim of these negotiations, but I think we have to have patience and recognize that we are dealing with a difficult subject and a changing environment. When people face a new situation it takes them a little time to change their attitudes to accommodate those; I think that's one of our problems.

Q. I gather that your feeling on this is based not simply on wishing but on your reports from what's going on at Helsinki?

A. This is based on first hand information about what is going on. Now what is wishful, that's another question.

Q. Did I understand you correctly when you were talking about ULMs and such that you were talking about looking at some methods that might speed up the availability of the system as a supplement to Polaris as well as the possibility of going the normal course and getting ULMs in the 1980s as a substitute for?

A. Maybe I can just go through that program because we have addressed that recently and what we are doing is this: The objective of the ULMs program is twofold; one is to provide a larger operating area for our missile-carrying submarines. This relates to our concern about their possible survivability there, the area over which they can operate is determined primarily by the range of their missiles; they have to stay within range of whatever targets they are involved in. So you can now increase the operating range and thereby improve the survivability simply by—well you have to have long-range missiles, it doesn't make any difference what else you do. In addressing the situation, we've concluded that we should undertake and we are proposing to undertake development of a new missile, using the latest technology.

Q. (inaudible) finds it necessary, we might also build more Polaris/Poseidon type holes that could take this new missile; that might be an option also.

A. That's an option. So we've looked at this whole program and I think it's configurated in a very objective way to give us a capability to respond in whatever way is necessary.

Q. When you talk about a new missile, does that mean something other than an improved Poseidon missile?

A. It would simply be a longer range Poseidon missile, it would be one embodiment of it. You might want an even longer range missile which you could have if you had a bigger boat. You can add the stages; you can do various things that would increase your range in increments.

Q. So you may be talking about two separate, new missiles?

A. You may be talking about two separate new missiles and what we want to do is move on in the technology and the development and then be in a position to move in whichever way is dictated by the development of events.

Q. In this first missile will you be reducing the payload?

A. Reducing the payload is one option; that's one of the things that was considered in this so-called EXPO program.

Q. Isn't that what this first missile is, with the name expunged from on the record?

A. No, it's close to it. Let me just say this. You can increase the range of the present missile by downloading it and that's one option. We still have that option in case we want it. That, in my view is not a very satisfactory option and we think we can with some improvement in our propulsion technology, increase the range without having to download the payload. So the original EXPO program was in some way the more of a short range approach. It combines the development for what use to be called the one possible version of the EXPO with the ULMs program. I look at it as a single integrated program.

Q. How vigorously then will you move ahead now with the ULMs program as such? (unintel).

A. The program will have two phases at this time. We've got about $110 million in the '72 budget request so that dictates the level of effort and that will include work on the missile development and it will include some work on the nuclear reactor and the propulsion designed for any larger submarine.

Q. Will a new missile be completed?

A. I can't answer that question; I don't know what the plans are. We have a very good team and despite all of the criticism that Lockheed has, that part of the program has been a good one; it has been under good management, I wouldn't rule out the possibility, we'll just stay with the people involved. It will be great pressure to complete it. I can't tell you whether it will come out; we'll have to assess it.

Q. A number of people have rediscovered the Soviet bomber this year. Could you give us your personal assessment of whether this plane is in production and two, whether you expect the Soviets to produce any more than it takes to make it (unintel.)?

A. I don't know that I can give you any very useful assessment on those specifics. This plane does give the Soviets the ability to expand their bomber force if they wish to do so. I don't think we see evidence of a big program in that direction; I think it's too early to know what the intent is, I don't think we have enough information to assess that. Whether they will want to supplement their nuclear forces with a bomber, I think gets back in part to this matter we were talking about earlier. I don't think there are any great needs for them to do so; they have a very good land-base missile force and they are building up as you know a very substantial submarine missile force. I think it's just a question of prestige if you want to put it that way. They may want to have a bomber force, too, so they can look as though they're at least our equal in every aspect. It's too early to assess that question. One of the troubles I'm sure you all recognize we have is we are worrying about certain things that happen but nobody yet figured out how to assess the intent, and as you look back over the years people thought the Soviets were going to build up to a land-base missile level about ours and level off; that was the general theory, but there was no way in the world to know what they were going to do. It turned out that wasn't what they did. So it's very difficult for us to project these things out in the future.

Q. Is there any evidence that the plane is gone beyond the development phase and is actually in production?

A. I just can't give you any very substantive answer to that point at this time. It looks as though they may be starting some production but I wouldn't assess this as anything that would be indicative of whether they are going to build up a big force or not. I think we'll get some better indications of this during the next few months, during the next year. I don't see this as a requirement for us to make a major change at this time in our planning for our U.S. air defense. We may have to do that in the future; that's about all you can say at this time.

Q. On air defense, the AWACS is coming up for DCARC consideration and several more programs. Could you give us some idea of what you'll be looking at in the next couple months or so before the '73 budget?

A. I can't give you any very definitive program; I don't know precisely what the schedule is. The AWACS will be coming up; I think we'll be looking at the radar situation on that AWACS. I don't know the time schedule. Maybe it would be better rather than for me to try and guess these things to give you a little indication in advance.

Q. Just a moment ago you said there was once a thought that the Russians would level off when they came even with us on missiles and this moves me to ask you if you aren't caught with a misjudgment of the Soviet Union and your rather sanguine view to the prospects for peace. I'd like to ask this question: Have you decided now whether the Russians will be satisfied with parity and whether they have any concept for a nuclear balance as remotely similar to ours?

A. Let me just make a comment about your first point first. While I am perhaps optimistic, hopeful in terms of what can be done, I want to emphasize that in terms of our defense planning, we are trying to do everything we can to be prepared for a less optimistic outcome if that should be the results. I don't want anyone to think that we are not planning to be protected in case the outcome is not as optimistic as I expressed it here. I think we have a responsibility to (unintel) the security of the country if we fall back off the present plane of negotiations. What was the other one?

Q. I just wonder if you think that the Soviets look at the nuclear balance the way we do and have thought they did or whether parity is of no interest to them whatsoever?

A. Two things I would like to say about that. I believe that these SALT talks have been useful in giving us a better understanding of how they look at the nuclear situation and in giving them a better understanding of about how we look at it, and I think there are some people on both sides that look at it about the same way. Now, I get back again to the point I made earlier that I'm sure the people in the government of the Soviet Union are not thinking all in the same vein; I think you've got some divergence of opinion within each government; I think there is a very good chance that we are close enough together in the way we look at this situation that some viable agreement is possible. If we don't have confidence and we're looking at this thing the same way, then it's going to be very difficult to come out of it with any good. I think that the talks themselves have been helpful in bringing a better understanding by both sides about how we're thinking and about how they are thinking.

Q. But have they influenced either side very much in general plans? Are they going for a first strike capability as your chief suggested a couple years ago?

A. Again, the only thing I can say is that we can't tell what their intent is; we are very much concerned about their capability and that's why we have placed so much emphasis on their buildup of these large missiles. I can say further that if they are going for a first strike capability I think we'll know it fairly soon and they'll not be interested in containing the levels they are talking about.

Q. They'll what?

A. If they continue to buildup these large missiles, I think that will be additional evidence that will support the possibility; they may not want to level off; they may be concerned about building up a first strike capability, but they don't have that at the present time. I think we've said many times when we talk about this, we're talking about what's going to happen several years from now, and we have to watch this matter very carefully.

Q. How near are they to the point where you would say they. . . .

A. I don't think I'd want to try and make an assessment of that.

Q. This assessment has been made throughout the hearings on the ABM making all due allowance for the reaction of the scientific community of both sides testimony there seem to be some agreement that about 500 SS-9s would be a pretty lethal threat.

A. Our concern was that the SS-9 buildup would continue at that range. There was some difference of opinion on whether 500 or 600 would be enough or some other number. There was some difference of opinion as to whether the MIRV program was in the direction of giving them an additional number of warheads. I don't think there's been any change in the final aspect of the matter. We were talking in those terms about what could happen in the mid-70s, there were various dates projected on this and if they do continue their buildup I think the concerns we expressed at that time will be very real and very serious. On the other hand, if we can work out an agreement whereby the offensive buildup is restricted then we have I think, a livable situation. I don't think our concern has changed very much except that we now have some hope that this buildup can be limited through our negotiations.

Q. Would this country conceivably accept an ABM only agreement?

A. I think we've got to be careful about saying whether to accept an ABM agreement only or not. The President has said everything is negotiable and that means that under the right circumstances you might consider such a thing. I, myself, believe it is very important to keep these talks on the basic problem which has to be to contain the offensive buildup. Whether an interim ABM agreement would be acceptable depends upon whether we think it would be a useful step towards the more important, longer-term objective.

Q. Would you help us make a journalistic guess as to whether there is indeed a new system or this is a simply wider-bore Scrag—these new tubes we seem to have discovered? Is this because they are relining the tube with some new kind of hardening process or is this indeed a whole new system that's going into these new holes?

A. I would not want to at this time try and make any definite analysis of that question; we're looking at it very carefully. We have some ideas of various things it might be, we haven't seen in my view the development go far enough to be able to come up with a precise answer to that question.

There are a couple of other subjects that I thought might be of interest to you here today. In some ways they're related to the subject we're talking about. I've been giving a good deal of attention here the last month or so to this whole question of our command/control capability.

A good many of you will recall that during the Mediterranean incident a few years ago; the Pueblo incident; the EC-121 incident; there were problems in getting the messages back and forth. I've been assessing this in part in relation to our program where we've had this Assistant to the Secretary for Telecommunications, but also on a broader basis on these terms that our nuclear capability is dependent not only on the number of missiles we have but on the viability of our command and control situation. We're making some changes which will in effect centralize and improve the management of WWMCCS system (World Wide Military Command and Control System) but more important that portion of the world-wide military command and control system that is called NMCS (National Military Command System). Just as a matter of definitions, the WWMCCS is a term we use to describe all of the command and control systems of all of the Unified and Specified Commands in the Services and everybody else. In other words, anybody that has a command and control system that is necessary for the command or the management of their forces.

The directives that established this concept in the early 60s gave the Specified and Unified Commands the authority to buildup their own command and control systems in terms that were expressed about in terms of their prerogatives and in terms of the requirements of their mission. So, each commander had the responsibility to buildup his command in a way that he thought would be most responsive to his mission. For instance, SAC is a good example. SAC did an excellent job in building up a command and control system that was related to the command and control of the forces under his command. Navy has done likewise in certain areas. The original directive said that it's important to have a National Command and Control System that supported what we call the national command authorities—The President and the Secretary of Defense. What is needed here is two things, warning and intelligence that is necessary for the President to make a decision and second, a capability to transmit that decision in whatever way is decided to the military forces that are necessary.

The general guidelines were, as I've said, that each one of these commands in the various areas were designed to meet the requirements of their mission and to interface in putting in a way that would provide the national command authority. One of the problems that occurred in these cases were communications didn't work, that the messages generally got mixed up in coming out to field, to the local command, and in some way didn't get into the central communications system, which in fact works very well.

What I'm doing is two things: One is to designate the Chairman as the one person responsible for the operation of the overall national military command system. In a sense that is what he has been and the Joint Chiefs have had a responsibility here but I lean very strongly in the direction that I think you've got to have one guy that's responsible and certainly for an important element of our whole capability. The second thing we're doing is to designate the National Military Command System portion of WWMCCS, as the first priority. In other words, instead of the local commanders now having as their first priority to design their command system to meet the requirements of their mission, they first have to have a design to meet the requirements of the national command system and second, to meet the requirements of their mission.

Now this in itself won't necessarily change anything but it will focus the attention on the problem and then we're doing two other things which are again directed at streamlining the management of the command and control system. We have, as you know, plans to have an assistant secretary for intelligence, that's Al Hall's appointment announced yesterday by the White House subject to confirmation on the Hill. We have this office of Assistant to the Secretary for Telecommunications and we hope to upgrade that to a full assistant secretaryship. We're designating the Chairman and these two assistant secretaries and deputy secretary as a council responsible for the operation of national military command system, so we have a smaller number of people in the decision making process and with the expertise that is critical to the satisfactory operation of this system, being telecommunications and warning and intelligence. So that those two are the experts that will be the advisors to the Secretary on this subject. I believe this will enable us to move ahead with some of the programs which are on the books, for example, this airborne command post that is now in being and is planned to be upgraded. This then will be managed with a focal point at the top rather than the focal point out in the commands. I'm very confident this will enable us to make some important improvements in the operation of our world system.

Q. You were talking about the Chairman of JCS?

A. Chairman of the JCS.

Q. He will have a strengthened role as the head of NMCC?

A. He is the person through which the orders of the President and the Secretary are transmitted to the forces. That's actually the way it's working now but this part had to do with just clarifying the directives and instructions so there was no misunderstanding about who was responsible and that in my view was a first step to take if you want to improve the management of any particular operation.

Q. Does the directive now say the orders have to go through JCS? Are you saying just the Chairman rather than the whole JCS?

A. The JCS has very specific responsibilities. They have the responsibility for planning; they have the responsibility for preparing the orders for the use of the Secretary; their role will not be changed but we are identifying the chairman as the person who is responsible to see that the system is operating effectively on a world-wide basis.

Q. This is somewhat like the Blue Ribbon recommendation?

A. In some ways it is, the Blue Ribbon Committee proposed a Deputy Secretary and a Chief of Military Operations and quite a complex hierarchy and I've concluded that we do not need to make any substantive changes except these ones that I'm making—the Assistant Secretary for Intelligence and Assistant Secretary for Telecommunications—who will have responsibility for communications, warning and intelligence of the command system. So, in a sense, this will do some of the things that Blue Ribbon Panel recommended, but in my view in a much more straightforward way that keeps everybody on board.

Q. Who will be the members of this Council?

A. Assistant Secretary of Intelligence; the Assistant Secretary for Telecommunications, when we get him; Deputy Secretary and Chairman, JCS.

Q. What will this be called?

A. WWMCCS Council.

Q. The WWMCCS Council will not only be responsible for making the improvements in the existing system but also in an operational capacity for advising the Secretary?

A. Let me give you a specific example. It specifies in this directive that the system be tested on a realistic basis. This council has the responsibility to review these tests and determine if the system is working properly. So in that sense they have a responsibility to double check and be sure that things are going. The Chairman will be responsible for the military operation procedures of command, etc. The two assistant secretaries will be responsible for the technical aspects of the system, so that is the division of responsibility within the council.

Q. You mentioned the two assistant secretaries. Where stands the proposal to create a second, Mr. Packard?

A. That's before the Congress now. We have a bill which includes the creation of the Office of the second deputy and an additional assistant secretaryship. Let me go back and talk about the Assistant Secretary for Intelligence. The announcement came out yesterday from the White House that Al Hall was being appointed Assistant Secretary for Administration. What we are going to do is to transfer the administrative office from administration to intelligence, but I did not want to make that transfer until we got the fellow approved. So, the office is still officially Administration. As soon as Al is confirmed then we'll make the official transfer, which will involve taking some of the administrative functions, moving most of them over under the Comptroller. We'll provide the details on this for you in due course. Then designating this office and establishing it with the chief responsibility to the Secretary for Intelligence.

Q. Do you expect any serious opposition in the proposal for a second deputy?

A. I don't think so. Right now the most important move in my view is to get the Assistant Secretary for Telecommunications established because as you can see I'm a little ahead of myself here because I have this national command management system set up requiring that.

Q. Do you have anything else to tell us?

A. I just want to touch on the status of the Assistant Secretary for Telecommunications. You know we had a man named Louis DeRosa in an office that was designated as Assistant to the Secretary, that kind of an office can be created without legislation. I think it's very important that we have that office elevated to a full assistant secretary. We'll be able to attract a better person and that person in the long-run will have more influence and doing the things that need to be done. The manner of influence is determined primarily, in the final analysis, by whether he is backed by the Secretary or the Deputy. It doesn't make much difference what the office is as long as he has the backing of the Deputy. Any actions can be done in my name and it'll get done regardless of his position, but looking down the line at a longer term aspect he will be able to operate more independently and more effectively from a full assistant secretary office. So, I'm very anxious that we get that office approved. I don't see any opposition to this; it's just a matter of trying to get our friends on the Hill to fit that in with all the other problems they're addressing these days.

Q. Mr. Laird said several times that he will leave the Pentagon at the conclusion of the first term of the Administration. Are you willing to make the same statement or might we see you around for another four years?

A. I think I can say almost categorically you will not see me for another four years. I've found this a very interesting assignment but I'm neither a politician or bureaucrat by temperament and that puts me at something of a disadvantage.

Thank you very much.

[The New York Times, Oct. 22, 1971]

Pentagon Merges Two Missile Plans

(By William Beecher)

Washington.—Deputy Defense Secretary David Packard announced today a decision to combile two proposed missile development programs to make possible earlier deployment of the missiles aboard nuclear submarines currently available.

At the same time, Mr. Packard expressed optimism that talks with the Soviet Union would result in agreements to limit, and eventually to reduce, the arsenals of strategic offensive and defensive weapons on both sides.

He nonetheless insisted that the United States must take steps to hedge against either outright failure or less than complete success in the talks.

Mr. Packard spoke at a breakfast arranged by the local chapter of the Aviation Space Writers Association. He said that the new long-range missile might be installed on existing submarines to increase their patrol areas substantially and thus decrease their vulnerability.

OTHER POSSIBLE USES

The missiles could also be installed on additional submarines of current design if the Polaris fleet were expanded beyond 41, or they could serve as a component of a still longer range missile for an entirely new submarine, he said.

Pentagon sources said that some weapons specialists had urged two separate development programs in the submarine field. One would have sought to increase the nearly 3,000-mile range of the Poseidon missile with better propellants. The other would have developed the so-called underwater long-range missile system (ULMS), made up of very large new submarine-carrying missiles with a range of about 6,000 miles.

The decision announced by Mr. Packard today will combine the two efforts. The Navy, sources say, has been instructed to develop a new missile of about 4,500 to 5,000 miles that could be fitted into present Polaris-type submarines.

It has also been told to try to design the missile so that, with an additional stage, it could have a range of about 6,000 miles and be employed on the ULMS submarine.

By combining the two efforts, it will be possible to complete development of the compromise missile program earlier than would have been possible under either of the plans previously proposed.

There is $110-million in the present defense budget for the new missile submarine effort Mr. Packard said.

ASSIST FOR POLARIS

Pentagon officials said that if an agreement should be reached that forbids construction of new missile submarines but permits the installation of modernized missiles on the existing fleet the new effort should allow the Polaris fleet to perform its mission even if the Soviet Union increases the size and capability of its antisubmarine warfare forces.

This is based on the theory that the longer the missile range is, the larger is the area of the oceans in which the submarine can hide.

If the two nations should fail to agree on a limited missile submarine force, the sources continued, the United States would be in a position to expand its Polaris fleet, with increased capability.

And if, in 1980 or beyond, the United States should want to replace its older Polaris vessels, the ULMS submarine should then be available.

While the tenor of Mr. Packard's remarks was to accentuate the positive—the move toward a whole range of negotiations on weapons limitations, troop reductions in Europe, improvement in hot line techniques, and discussions to reduce mutual harassments at sea—he also discussed two areas of concern over the Soviet strategic and conventional force build-up.

The decrease in the likelihood of a nuclear war, because of the vast number of missiles on both sides, makes confrontations between the two countries with non-nuclear forces "more likely," he said. He urged greater American attention to bolstering its general purpose forces.

CONCERN OVER RUSSIANS

He also worried lest the Soviets try to take political advantage of comparatively larger strategic forces. If the Russians obtain 50 per cent more land-based and sea-based missiles, he said, they might expect the psychological impact of this fact to give them the edge both in confrontations with the United States and with smaller powers.

[From the Evening Star, Oct. 21, 1971]

Packard Hopeful of Chance for Soviet-United Stated Arms Accord

(By Orr Kelly)

Deputy Defense Secretary David Packard said today he is hopeful that an acceptable agreement between the United States and the Soviet Union will emerge from the strategic arms limitation talks between the two countries.

His optimistic statement to reporters at a breakfast meeting was in contrast to a growing sense of alarm in some quarters over the continuing Soviet nuclear arms buildup and an air of pessimism about the outcome of the talks.

Packard said he hoped the current round of the negotiations, which began two years ago, would result in an agreement covering more than a simple limitation on the deployment of antiballistic missile systems. But an ABM-only agreement could be useful, he said, if it contributed to movement toward a more comprehensive agreement limiting offensive weapons.

"I see these first talks as only the beginning," he said. "I see the talks continuing for a number of years and I see that we can, if we stick with it, reach agreement on some reduction in nuclear arms."

Packard was asked whether his optimism was based on his own personal hopes or on his knowledge of Soviet attitudes expressed in the talks now under way in Helsinki.

"This is based on a good deal of first-hand information on what is going on," he replied.

Packard seemed much less alarmed than some other officials about the Soviets' surface and submarine ship construction program and their continued deployment of large ballistic missiles.

"Several years' advance work goes into this kind of thing," he said. "We tend to interpret these developments as something done on a short-term basis. I think what we have seen indicates they are going ahead with things they have already planned.

POINTS TO SUBMARINES

"Their submarine construction is a good example. You don't decide to double the number of submarines overnight," he added.

The United States may, if the talks do not reach an acceptable agreement, have to react to the Soviet arms buildup, Packard said.

"But I don't think we have to do anything today," he said.

In a sense, he added, the United States is not sitting still either. He cited the deployment of multiple warhead missiles, the development of a new bomber and plans for a new type of ballistic missile submarine.

Packard said he has decided on a phased development of both a new undersea-launched missile and, possibly, later development of the new submarine, known as ULMS, for Undersea Long Range Missile System.

PRIORITY CITED

Priority will be given, he said, to develop a new missile that can be carried by the existing Poseidon submarines. The new missile would have longer range, thus giving the submarines a larger operating area and making them more difficult to find.

If necessary, he said, additional submarines could be built using the basic Poseidon design, and carrying the new missile.

Development also will continue, he said, on the new ULMS design, possibly with a separate new missile, if needed to replace the present fleet in the 1980's.

[From the Washington Post, Oct. 22, 1971]

Packard Is Optimistic About SALT Chances

(By Michael Getler)

Deputy Secretary of Defense David Packard—in one of the most optimistic appraisals of U.S.-Soviet relations to come out of the Pentagon in some time—said yesterday that he was encouraged about the prospects for an initial agreement on limiting the arms race and even about eventually reducing the nuclear arsenals of both countries.

As a defense planner, Packard said, he still has considerable concern over the continuing Soviet weapons buildup and over Russian intentions, which remain unclear.

Nevertheless, the thrust of his remarks at a wide-ranging breakfast meeting with newsmen yesterday was clearly optimistic. His assessment of the buildup of Soviet ICBMs, submarines, surface ships and possibly a new bomber was considerably less alarming than that given by many officials both in and out of the Pentagon in recent months.

The Pentagon's No. 2 man also took a calm view of the Middle East situation and, when asked if the Nixon administration's "era of negotiations" extended to Castro's Cuba, said that this, too, "would be a logical move at some point."

On U.S.-Soviet relations and the arms race, Packard said this country has "come to the end of a very important era," and that it now appears "that some things can be calmed down."

But he cautioned that nuclear arms control is a complicated matter, and in the changing international political climate, it will take time and patience to accomplish. "When people face a new situation," he said, "it takes a little time to change their attitude in accommodating to it."

Packard said construction of new Soviet ICBM silos and submarine building facilities now going on had obviously been planned some time ago. He warned against "misinterpreting" this, implying that the construction did not necessarily reflect a recent decision by the Soviets to seek nuclear superiority over the United States.

The recent Soviet navy buildup, he said, "certainly gives them a capability to show the flag and that may be the more important aspect of what's going on, rather than for a military confrontation in the real sense."

As for development and testing of a new Soviet bomber, which has been widely known about in Western circles for two years, Packard said, "I don't think we see evidence now of a big program." If the Soviets decide to build a new bomber, he added "it is just a question of prestige. They may want a bomber force so they can look like our equals in all respects."

Packard also was optimistic about progress at the talks now going on in Moscow between U.S. and Soviet officials over a possible agreement to avoid harassment of each other's naval forces at sea.

And, asked if the recent Soviet pledge to supply still more arms to Egypt did not mar the picture of improved Soviet-U.S. relations, Packard said he thought "there is an explanation which is quite logical." It relates, he said, to "the announced Arab unhappiness over heavy Soviet involvement" in their affairs. Packard said he viewed the arms pledge as "a move by the Soviet government to bolster its relationship and influence with Egypt."

The Defense official also appeared interested in waiting to see how much and what kind of new Soviet arms come into the Middle East. "Some significant increase in arms at some time might hurt," he said, "but now the object is to keep talking and keep the fighting from breaking out."

He was cautiously optimistic on both counts.

Packard also praised President Nixon's efforts in dealing with the Soviets.

"I feel there will be a useful outcome" of the strategic arms limitation talks which reopen in Vienna next month, he said. "I'm encouraged about SALT because I think it's really just one part of something that's going on with our overall relationship with the Soviet Union that's really encouraging.

"There are holes (for ICBMs) and hulls (for submarines) and hawks and doves inside the Soviet Union just as there are here, and these pressures will go on. But we are facing such a significant change in the way we've been thinking about these matters. It will take some time, but things will move ahead."

Packard made it clear that he hoped that an initial agreement at SALT would cover offensive weapons as well as a limit on rival antiballistic missile defense networks. However, he pointed out that the President said "everything is negotiable and that means under the right circumstances the United States might consider an ABM-only agreement "if we considered it a useful interim step toward a longer-term deal."

Packard said the hoped-for initial agreement was only the first step in talks that could go on for years. "If we stay with it, I see the distinct possibility that we can get some reductions, and that has to be the ultimate goal."

Packard said, "We now have some hope that this (offensive) buildup can be limited by negotiations." In any event, he said, the United States would soon find out whether the Russians will agree to limits on the big SS–9 ICBM which is a potential threat to U.S. Minuteman missiles in a surprise attack.

If there is no limit on the offensive buildup, Packard warned that "we will have to do something here. But I don't see that we have to do anything today. In a sense," he said, "we are not sitting still either."

Packard pointed out that the United States is converting its missilesubs to the more advanced Poseidon missile; strengthening the silos of Minuteman ICBM; developing, if not producing, a new bomber, and developing a still better and longer-range submarine-based missile to go in current U.S. subs or eventually to go in an entirely new type of undersea vessel.

Packard said nuclear war today "is completely unthinkable. The question of a few more or a few less weapons is not really the issue. Both of us have enough."

But, he said, the nuclear stalemate has made conventional forces more important since that type of fighting was still a possibility.

And, stressing a theme that several officials have warned about recently, Packard said that the nuclear balance is important for "psychological" reasons.

"If the Russians can go around bragging that they've got 50 per cent more missiles and subs and bigger ICBMS then, although it may not mean much militarily, it may be influential in a number of other ways." Packard said he viewed the Russian naval buildup as "very much directed at that concept."

The Defense official also announced that he will visit Australia and New Zealand in mid-November and also witness a test of the U.S. Safeguard ABM from Kwajalein Island in the Pacific.

[From the Christian Science Monitor, Oct. 21, 1971]

New—and Cheaper—U.S. Missile

(By George W. Ashworth)

Washington.—The United States Navy has made a dramatic shift in its approach to strategic missiles.

The Navy leadership, with the approval of the defense hierarchy, now is moving to develop a new missile that could eventually supplant the multiwarhead Poseidon missile currently being installed in 31 of the nation's 41 missile-bearing submarines.

The new missile, known for a brief period as Expo, for extended-range Poseidon, is to be designed with an eye to eventual use in a new submarine that may be built in the late 1970's or '80's.

The effect of this new shift is to give the U.S. a cheaper alternative to a rush toward development of a completely new missile and new submarine together.

Thus, if the strategic moves made over the next several years by the Soviets allow, or if the SALT negotiations on the limitation of strategic arms dictate, the U.S. may be able to avoid the tremendous expense entailed in the development of an entirely new fleet of submarines.

On the other hand, Pentagon sources say, the current decision will keep the U.S. in position to go ahead with the new submarines if warranted.

The present fleet of Polaris/Poseidon submarines is generally considered the most survivable of U.S. strategic weapons. This means that, in a nuclear exchange, the submarines are thought to be the weapons system that will come through with the least damage and the greatest certain capability to mount a U.S. second strike in retaliation. As a result, the submarines are often though of as the keystone of U.S. deterrence.

It may develop, as Soveit strategic capabilities incerase, that still greater reliance will be placed for deterrence upon the submarine portion of the strategic triumvirate of land-based missiles, sea-based missiles, and bombers.

Aware of these possibilities, defense planners have placed heavy emphasis upon steps to make sure that the submarine fleet remains secure.

So far, Soviet antisubmarine warfare capabilities seem to be such that there is no immediate threat to the Polaris/Poseidon fleet. But a new submarine system to replace the present fleet has been thought of as a potential hedge in the event the Soviets do smashingly well in coming to grips with the tremendous problem of submarine detection.

As of this point, defense officials believe that, in an all-out effort, the Soviets probably could not find and destroy more than one or two of the missile submarines on station.

But that could change, given the technological progress being made by the two superpowers. In such an event, U.S. strategists believe, the submarine fleet would have to be improved.

The new missile is designed to give that improvement to a certain degree. The new missile in the present submarines would not be nearly as good as a new missile and submarine together. This is largely because the submarine fleet, which was built as a crash program in the early and mid-1960's, will face block obsolescence in the 1980's. And a newer system may well be needed to keep ahead of improved Soviet detection and destruction capabilities.

MULTIBILLION COST

But the new submarine system, known as ULMS, would cost a great deal of money. Current estimates put fleet costs of over a 10-year period at as much as $15 or $25 billion, depending upon characteristics and numbers built.

That is a lot of money by anybody's terms, and the present defense hierarchy would rather not spend such a vast sum if it can be avoided.

That concern over money may be the main reason for the shift to a new missile as a possible solution rather than a new missile and submarine as envisioned but a few months ago.

Already money is being shifted around so that more can be spent on the missile. A portion is being set aside for a new reactor research and development, and what is left over will be spent in research on the submarine.

DELAYED DECISION

In all, the Navy has planned to spend $111 million on the whole ULMS program this fiscal year. The Navy now is working with defense scientists and analysts to set funding charges in line with the new change in emphasis.

With the SALT issue still up in the air and no one certain how it will all work out, the Navy will move along fairly rapidly with research and development on the missile, while continuing work on the reactor and submarine.

Given the present state of Soviet development, officials believe it may be possible to wait another year or more before making a definite decision to go ahead with the missile alone or in conjunction with the new submarines. This will allow resolution of SALT talks and will allow more time in order for it to be seen just how capable the Soviets will be in terms of ability against missile submarines.

If the Soviets are seen to be good, but not alarmingly so, it will be possible to go ahead with the missile at a much lower cost than a missile and submarine combination. The bill would be in the hundreds of millions, rather than tens of billions.

INTERIM MEASURE

If the concerns deepen, the submarine could be built. If it were a crash program, a fleet could be constructed in as little as five years or so, but at greater cost than a more leisurely program.

And the same missile now being envisioned for use later could be used as an interim measure in the new submarines. A sleeve would be used in the tubes of the new submarine to hold the missile. Without the sleeve, the new submarine would be capable of carrying still larger and more capable missiles without heavy conversion costs.

Technological improvements will give the new missile a range about halfway between the Poseidon's 3,000 or less nautical miles and the ultimate ULMS missile's 5,000 or more.

With just the new missile, or the new missile in a sleeve in ULMS submarines, range would be substantially improved. This would compound detection problems and add to time on station.

With a larger, still more capable missile in ULMS, range would be broadened to a point at which the Soviet Union could be targeted from anywhere and submarines could be on station immediately upon departing the U.S. This improvement and a new degree of quietness that would be built in the new submarine could dramatically increase the U.S. military deterrent to potential foes.

RED CHINA AND THE DRUG TRAFFIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. ASHBROOK. Mr. Speaker, on October 13, on page 36153 of the CONGRESSIONAL RECORD, there appeared an extensive article from Human Events on the involvement of Red China in the exportation of drugs to other countries. As I noted at that time, the various Federal agencies who would be in possession of information on this subject claim that there is now no evidence that Red China is currently engaged in such traffic. On August 4, Congressman SCHMITZ inserted in the CONGRESSIONAL RECORD statements by the former Commissioner of Bureau of Narcotics, Harry P. Anslinger, which charged that Red China was extensively engaged in the dope business. At one point he stated: That this trade was a formidable and far-reaching plot to gain foreign exchange and at the same time to demoralize the people of the free world.

If Red China, as is generally conceded, dealt in drugs in the 1950's, the logical question arises as to when this policy stopped and when did the U.S. Government last have evidence that Red drug trade was still in progress.

As to the use of drugs as a weapon of demoralization, the Londary Daily Telegraph of October 24, 1971, carried an excerpt from a forthcoming book by an Egyptian newspaper publisher and close friend of the late Egyptian President Nasser. The excerpt from the book is headlined in the Telegraph thus: "How Chou Fights America With Drugs."

It describes a meeting that Chou Enlai had with President Nasser in 1965:

> One of the remarkable things Chou said that night when talking about the demoralization of the American soldier was that "some of them are trying opium, and we are helping them. We are planting the best kinds of opium especially for the American soldiers in Vietnam."

Another interesting article on this issue of the Chinese Reds and the drug trade appeared in the Scott report, the nationally syndicated column by Paul Scott on September 2. In his account Mr. Scott cites a North Vietnamese defector as stating that North Vietnam is raising massive quantities of raw opium for export to mainland China and the Soviet Union where it is processed for distribution throughout the world.

The above-mentioned sources throw an interesting light on this issue when contrasted with the lack of evidence position that one receives from Federal sources. I insert these two items in the RECORD at this point:

THE SCOTT REPORT

WASHINGTON.—Two recent developments in widely separated areas of the world should cause the Nixon Administration to review its estimates on the sources of illegal heroin now flooding the free world.

The first is the eye-witness account of opium production in North Vietnam and China furnished to American and South Vietnamese intelligence officials in Saigon by a high-ranking Hanoi defector.

The second is a sworn statement furnished federal authorities in Virginia by a "king pin" in the hard narcotics traffic on the East Coast who identified Cuba as his main source of heroin.

The reports from these "insider sources" raise serious questions about the accuracy of recent information on illegal heroin the Administration has supplied to Congressional Committees studying the growing drug problem in the U.S. and among American servicemen in South Vietnam.

Prepared by the Justice Department in cooperation with the government's intelligence agencies, these official estimates all stress that there is no evidence that Communist China or Cuba are major sources of heroin now endangering the free world.

These preconceived estimates on which the Nixon Administration's world-wide drug control effort is now being based, singles out Turkey, Laos, Thailand, and Burma as the main sources of illegal heroin.

The new evidence seriously questions this finding. Most of the heroin now being seized in South Vietnam and the U.S. is so pure that the U.S. narcotics experts say privately that it could only be produced in the most modern plants and by highly trained personnel.

These experts claim it is highly unlikely that the pure heroin could have been produced in the mountains and jungles of Laos and Thailand or even the hidden laboratories in France as Administration estimates would indicate.

Only in a country like Communist China, where there are large opium refineries under government control, could the massive amount of pure heroin now flooding the free world be produced without detection.

EYE-WITNESS REPORT

The information from Nguyen Ngoc Mai, the North Vietnamese defector, tends to support this belief.

A ranking communist party propagandist and journalist for the Hanoi newspaper, Tien Phong, Mai revealed that North Vietnam is producing massive quantities of raw opium for export to mainland China and the Soviet Union where it is processed for distribution throughout the world.

Mai reported that poppy fields were so large in North Vietnam that it took one tractor an entire day to make a round trip from one end of a field to the other. He told interrogators that the raw opium is transported to Hanoi, then flown to China to be processed into heroin and sold in Hong Kong and Japan.

The raw opium is also shipped to Haiphong and loaded on Soviet ships and transported to Russia for further processing, Mai said. Although Hanoi publicly denies that it is growing poppies or producing opium, records of the United Nations indicate otherwise.

In 1962, Russia reported to the World Opium Council in Geneva that it had imported 29,000 pounds of North Vietnamese opium for medicinal purposes. That is the same year that Mai watched more than 100 times that amount of opium being loaded aboard Soviet ships for transport to Russia.

The link between Communist China and North Vietnam confirms information gathered by the Chinese Nationalists' government on Formosa that Peking is operating a number of heroin refineries in Southern China near the North Vietnamese border.

In the coming United Nations debate on Peking's admission bid, the government of Chiang Kai-shek will present evidence showing that Communist China now operates more than thirty heroin refineries on the mainland, including a large one located at Kunming near the North Vietnamese border.

Peking will be described by the Chiang government as "the biggest dope producer and pusher in the world". Under the Mao regime, it will be pointed out, more than ten thousand tons of opium poppies are being produced yearly with a value of $800,000,000.

THE CUBAN STORY

The other recent development that raises serious questions about the accuracy of Administration estimates of the sources of illegal heroin is the sensational report furnished U.S. prosecutors by Jose Luis Zayas, a Cuban refugee who lives in Miami.

His statement put into federal court records in Alexandria, Va., revealed that his supply of heroin came from the Castro government through Carlos Ferret, a Cuban who recently fled the country.

It has been the practice of the Justice Department's Bureau of Narcotics and Dangerous Drugs to play down or dismiss all reports from Cuban Refugees that the Castro government is an important source of illegal heroin.

The Zayas report should force these officials to restudy past refugee warnings of the drug threat from Cuba. The same should be true for the heroin threat coming from Communist China.

Failure of top level government policymakers to accurately evaluate this two-prong drug threat could endanger the security of the U.S. far more than the nuclear weapons superiority the Soviets are building.

The flood of heroin threatens both the body and the soul of America and the free world. It could be our enemies ultimate weapon, for it comes quietly into homes and destroys our children.

HOW CHOU FIGHTS AMERICA WITH DRUGS

(By Mohammed Heikal)

Nasser's friendship with Chou En-lai was particularly intimate. They used to enjoy each other's company and they would sit for hours talking of many things. They were relaxed with one another, and Nasser especially admired Chou's determination and completely organized way of approaching anything he wanted to do.

I calculate that they actually spent 74 hours sitting together and talking. During one visit when Chou spent 12 days in Cairo they came together 16 times for discussions.

The two met for the first time at Rangoon on their way to the Bandung Conference of non-aligned nations held in Indonesia in April, 1955. The Chinese were very keen to make contact. Egypt was beginning to emerge as the leader of the Arab world and the Chinese were watching Egypt's behavior very closely, for Egypt's attitude towards China meant a whole area's attitude, not just her own.

Nehru performed the introductions at Rangoon airport, saying: "Do I need to introduce you to each other?"

It was very hot, and they stood together for some time, drinking fresh coconut milk and being sprinkled with perfumed water by people celebrating the Shai Gan—the Burmese Water Festival. One got the impression that Chou was looking at Nasser with some admiration. And that evening the two men held the fateful discussion which ultimately led to Egypt's first arms deal with the Soviet Union, the deal which itself was to have so many consequences for Egypt, the Middle East and the world.

In Bandung itself they had two meetings at which they talked of many things—Afro-Asian solidarity, the need for contacts, common endeavor against imperialism—but one felt that Chou was more interested in listening than in talking. They dined together and Chou talked about the birds' nest soup they were then eating. Saleh Salem, the so-called "Dancing Major," who was at the dinner, asked what was in the soup. "Bird's nests," said Chou. "Just as they are?" asked Saleh Salem. "Yes," said Chou, and the interpreter explained about the dish to Saleh Salem. He began to feel ill, shouted a protest and rushed from the room to be sick. Nasser signalled the interpreter not to translate what Saleh Salem had said. And Chou viewed the scene with astonishment.

THE WEST'S CONTEMPT

Chou visited Cairo in December, 1963. He insisted on the week of talks being informal. He went to the Egyptian Museum and was greatly impressed by what he saw. It seemed to spark the theme for him for his second meeting with Nasser. He talked about the ancient civilisations of the East and their struggle for the future. He was bitter about the contempt the West showed for the countries of the East: "With all our centuries of civilisation, with all our contributions to the human race, all we get from the West is humiliation."

His theme throughout the day was:

1: We must have independence.

2: The meaning of independence, and this is the only meaning, is that we will be our own masters.

3: If we are our own masters, we can equal the West.

4: If we can equal, we can surpass.

When we could do that, he argued, when we surpassed the West, we should shift the world's centre of gravity back to the East.

He talked for an hour on this theme and he used the Suez Canal as an example. "What is the lesson to be learnt from your nationalisation of the Canal? It is that we of the East can run things as well as the West." He kept hammering away at this theme, that the East is as good as the West. "They have always tried to fill us with complexes and convince us that we are not as good as they are, that we are poor, low-grade material. Your management of the Suez Canal is not important financially, it is important only in proving that what they can do, we can do."

Equality in all things with the West was his watchword. Egypt had just signed the nuclear non-proliferation treaty, but Chou told Nasser that China would not sign it because either there had to be complete nuclear disarmament and destruction of all the weapons, or China would have to make its own nuclear weapons, for it could not leave the Big Powers with a nuclear monopoly.

Chou returned to Cairo for one long day of talks in April, 1965, and the friendship grew between himself and Nasser. Then in June of that year he arrived in Egypt to spend 12 days with the President. This was a most important visit. So many events were on the boil. Khruschev had fallen. China had exploded its first atom bomb. Chou had been to Moscow in a last attempt to patch up China's differences with Russia.

Nasser was worried by this Sino-Soviet quarrel because he thought that it was hindering all the national liberation movements and was harming the people of Asia and Africa. Nasser had, in fact, sent a message to Chou when the Chinese Premier was in Moscow in 1964. The message was conveyed by the Egyptian Defense Minister, Marshal Amer, who was also in the Soviet capital, and it started by congratulating Chou on China's achievement on building its own atomic weapons.

Nasser was enthusiastic about China's atomic success. He looked on it as a triumph for the East.

He then went on to plead with Chou to reconcile his differences with the Soviet Union because of the harm the quarrel was doing to the liberation movements.

Chou saw Amer and sent a message in return thanking Nasser for his message of congratulation and said that China would not be like others and try to keep a monopoly on its scientific achievements but would throw its knowledge open to everyone.

He replied to Nasser's plea for a reconciliation with the Russians by saying that he was trying, and that that was why he had gone to Moscow. Khrushchev had forced the quarrel and now that Khrushchev had gone he was attempting to work out an agreement with the new leaders. But, he said, he did not think he would succeed because the "Russians are Europeans and the Europeans, the whites, are alike and they look on us as inferiors."

He was correct in his pessimistic approach. There was no reconciliation and when Chou came to Cairo for his next visit in June, 1965, China's dispute with Russia was one of the two main topics of his conversation with Nasser.

The other main topic was Vietnam. American involvement in Vietnam was growing under Johnson and the whole world was concerned with the dangers of the situation. The non-aligned nations played a large part in expressing the world's concern. Nasser, Nehru and Tito all called attention to Johnson's folly and spoke long and often about the danger in which he was putting the world. Nasser wanted the Americans to withdraw and allow the people of Vietnam to settle their own fate. But Nasser had a surprise in store for him.

When he and Chou dined together in Alexandria on June 23, Chou said that he did not want Johnson to withdraw any American soldiers. On the contrary, he wanted the United States to send more and more of its young men to Vietnam. "We are afraid that some American militarists may press for a nuclear attack on China and we think that the American involvement in Indo-China is an insurance policy against such an attack because we shall have a lot of their flesh close to our nails.

"So the more troops they send to Vietnam, the happier we shall be, for we feel that we shall have them in our power, we can have their blood. So if you want to help the Vietnamese you should encourage the Americans to throw more and more soldiers into Vietnam. We want them there. They will be close to China. And they will be in our grasp. They will be so close to us, they will be our hostages."

A LEAK TO HARRIMAN

One of the remarkable things Chou said that night when talking about the demoralisation of the American soldiers was that "some of them are trying opium, and we are helping them. We are planting the best kinds of opium especially for the American soldiers in Vietnam."

President Nasser looked at him in some disquiet, but Chou went on: "Do you remember when the West imposed opium on us? They fought us with opium. And we are going to fight them with their own weapons. We are going to use their own methods against them. We want them to have a big army in Vietnam which will be hostage to us and we want to demoralise them. The effect which this demoralisation is going to have on the United States will be far greater than anyone realises."

Nasser felt that possibly Chou was exaggerating a little. But Chou had his plan absolutely clear in his mind. There was no doubt that he intended to do exactly as he said.

When Johnson called his bombers off North Vietnam at the end of 1965, he sent a number of emissaries round the world telling the leaders of other countries what he hoped to gain by the pause. Averell Harriman came to Egypt on this mission and saw Nasser on January 4, 1966.

The bombing pause had been accompanied by a great propaganda campaign from the Americans and so, when Harriman arrived, Nasser expected to hear something important. But the meeting lasted for two hours with nothing positive emerging from it, Harriman had come with nothing new. He had no suggestions. And there were silences during the talks which lasted for several minutes at a time.

Eventually Nasser said to Harriman: "Do you really think you are going to defeat them? If you increase your troops in Vietnam, you are only going to play into your enemy's hands. Strangely enough, I've heard something from Chou En-lai, and you are carrying out the Chinese plan precisely." And he went on to tell Harriman what Chou had told him about wanting more and more American soldiers to be sent to Vietnam. But he did not tell Harriman about Chou's plan to fight the American Army with opium.

That was the only time during the whole of that two-hour meeting that Harriman showed any real interest in the proceedings.

Afterwards Nasser felt that possibly he ought not to have told Harriman about Chou's plans, so he sent messages to Chou and to Ho Chi Minh about the meeting. As a matter of fact Chou had cabled Nasser asking him not to meet Harriman because his mission was only a manoeuvre, but the cable had arrived too late and Nasser could not have refused to see the American in any case.

Nasser told Chou about the meeting and explained that there was nothing new in it, "but I must confess to you that I did something which I hope you will not consider a mistake. I told him what I heard from you about the American troops in Vietnam and that they were falling into your trap."

Chou replied that he knew Harriman's visit was only propaganda and he did not mind Nasser telling the Americans of his plans because: "They are not going to learn anything. They are set on a certain course and nothing is going to change their minds."

During the Nasser-Chou talks in June, 1965, both Ayub Khan and Soekarno passed through Cairo. The four of them met one night and discussed international affairs. Ayub Khan left first, then Soekarno said: "Enough of politics. I'm going to leave," and he looked at Nasser and said: "Brother Nasser, I know you have good intelligence men, and they will follow me to find out what I am going to do. I am going to see a belly dancer. So they need not follow me and write reports about it tomorrow."

He then asked Chou if he would like to go with him to see the belly dancer, but Chou replied: "No, the intelligence reports tomorrow will say either that I stayed with President Nasser or I spent the night working."

There was not much light-heartedness about Chou on that visit. He was bitter to the core about the Russians. Nasser told him that the Soviet Union was helping Egypt, but Chou insisted: "They are not going to help you. They are only interested in helping themselves."

He told story after story about the way the Russians withdrew their technicians and their aid from China about the unfinished factories and industrial projects abandoned by the Russians and how they tried to cripple China's atomic progress by calling their scientists home. "Yet," said Chou, "we did it ourselves." His bitterness was complete.

It was this bitterness that led to the first lasting dispute between Nasser and Chou.

At the end of 1964 preparations were being made for the second Afro-Asian Conference and the Soviet Union asked to take part as an Asian country. The Chinese were vehemently opposed to the Russians' participation, believing that they would try to take over leadership of the Afro-Asian movement, a position which Chou felt belonged to China.

Nasser wrote to him pointing out that the Soviet Union included vast areas of Asia and that the Afro-Asian nations would benefit from the Russians' presence at the conference. But Chou had an entirely different point of view. He argued first of all that all Russia's Asian territories were grabbed from China. Secondly, he said, the Russians would bring one bloc of the cold war into the conference.

The Chinese were so against Russian participation that they wrecked the conference. It was first postponed, then cancelled three days before it was due to open in Algiers, where a beautiful new auditorium had been built for the conference. It has never been reconvened. And the Afro-Asian movement was killed.

In a letter to President Nasser, Chou left no doubt about China's position: "If the conference should be forcibly convened as scheduled in violation of the principle of consensus through consultation in spite of the opposition of China, the kingdom of Cambodia and other countries, the Chinese Government will be compelled to absent itself from such a conference which will lead to a split."

CHINESE "OPPORTUNIST"

The Sino-Soviet quarrel left its scars on everybody involved in it. President Nasser once made a speech in which he talked about the Cultural Revolution in China and said that: "One day we must have a Cultural Revolution to knock the rust off our political organisation and political thinking."

Later, when he was visiting Moscow, one of the Russian leaders referred to his speech, saying: "I have noticed that you are friendly with Chou En-lai. Why do you have such admiration for them?" And the President replied that: "For a movement to change a country like China and to build its own atomic weapons is a very great achievement. To rid China of famine, to get China moving, to make China one of the superpowers, to move into the atomic era, is a great achievement for an Asian country and I think that the men who have done this, especially Mao, must be great."

The Russian sprang to the attack: "No! He is only an opportunist. He profited from the circumstances and the events but he never created them. In the war against the Japanese he left all the fighting to Chiang Kai-shek and he did not fight himself. He left Chiang to do the fighting and he fled to Yenan.

"And then, when the Japanese withdrew, we ordered Malinovsky to enter China with an army that encircled half a million Japanese soldiers and opened the road to Peking. So Mao Tse-tung sent to Stalin and asked for permission to march on Peking. And Stalin gave him permission. It was then and only then that he came out of hiding.

"Do you know," said the Russian, "that his two sons were living in the Soviet Union? One of them even had a Russian name, Yuri, but he did not care for them. We gave them a good education, but Mao was so ungrateful that when the boys returned to China after Mao had entered Peking he had them brought to his office and asked them what they had learnt. They told him. And he said that it was all nonsense and they had learnt nothing. And he sent them to a commune.

"That was an insult to the Soviet Union because we had done our best for his sons."

Nasser replied that if that was the case, if the capture of Peking had been made easy for him, even so he had gone on and ruled China and achieved great things.

They argued that he had the backing of a very powerful party and things were easy for him. Nasser countered this by saying that Mao had even fought the party during the Cultural Revolution. And the Russian said: "Yes, but he used the Army against the party."

MAO'S PLAN FOR GUERRILLAS

There was no easy way out of the argument. From the Chinese one would hear only the worst things about the Soviet Union and from the Russians only the worst things about the Chinese. It was an impossible situation for someone who was a friend of both sides.

In 1967 the Chinese took a very strong attitude against Egypt's acceptance of the cease-fire with Israel. Both Mao Tse-tung and Chou En-lai wrote to President Nasser urging him not to accept but to fight on.

Nasser replied, explaining that Egypt had lost its Army, and that not to accept the cease-fire would only be giving the Israelis the opportunity to destroy Egypt piecemeal without Egypt being able to do anything about it.

Mao then sent Naser a military plan of action. The basis of it was the breaking up of the Army into independent brigades which should lose themselves in the population in guerrilla fashion. They would depend on the people and strike out at the Israelis when and where they could.

Nasser had to enlighten him by sending back a complete description of the Sinai. "It is a desert and we cannot conduct a people's liberation war in Sinai because there are no people there." There were no more than 30,000 people in the whole of Sinai, he told the Chinese, the whole area was arid and you could see for 30 or 40 miles. The independent brigades would stand no chance. But still the Chinese were not convinced.

At this time the Israelis were making threats that they would develop atomic weapons—and use them if the Arab countries did not do as they wished. So the President wrote to Chou one day reminding him of his promise to share China's nuclear knowledge, and he sent a delegation from Egypt's nuclear authority to China to ask for help in making a break-through in nuclear techniques.

Chou received them kindly. But his advice to them was simple and he said, he wanted it conveyed to President Nasser. Self-reliance was his message. Nobody was going to give anybody anything as a gift. If the Egyptians wanted to step into the atomic field they would have to do it themselves. This was the way China did it and it was the best way.

So the delegation came home empty-handed, and, while there were no hard feelings against the Chinese, there was disappointment that they had not helped Egypt with their nuclear knowledge.

The differences between China's leaders and Nasser over the cease-fire and the nuclear knowledge were differences between friends, and there was a basic understanding of each other's position. But soon afterwards there was a crisis between Egypt and China in which Chou and Nasser completely failed to understand each other.

For an Afro-Asian Solidarity meeting in Peking a young Chinese called Kwan Yu-shin was a member of the reception committee for the delegations arriving in China.

A Japanese delegation member who was leaving handed his passport to Kwan Yu-shin and asked him to complete some formalities for him before he left. The passport was already stamped with an exit visa and the delegate's airline tickets were tucked inside.

Kwan Yu-shin peeled off the passport photograph of the Japanese, stuck in his own and caught the only plane out of Peking airport that day. By ill-luck it was coming to Cairo. So Kwan Yu-shin arrived in Egypt and asked for political asylum.

CHINESE FURIOUS

There was an immediate uproar. Everybody jumped in. Chou sent a personal letter to the President asking for the young man to be put on the next plane to Peking. The Americans claimed he had contacted a Western Embassy and asked for asylum in the United States. They wanted him. The Russians claimed that he had contacted the Soviet Embassy and asked to be flown to Moscow. They wanted him, too. Quite innocently Egypt was in the middle of a great international quarrel.

There were further complications because the tradition of asylum is very strong in Egypt. This tradition dates from the time after Napoleon's invasion of Egypt when the country was virtually independent of the Ottoman Empire and many political refugees came to Egypt from the Arab East.

So, when Chou demanded the return of Kwan Yu-shin, it put Nasser in an appalling dilemma. He had no wish to offend Chou, but he could not break a tradition as sacrosanct as that of political asylum.

Kwan Yu-shin was by now asking to leave Egypt. The Russians wanted him. The Americans wanted him. And the Chinese were furious. So the compromise that Nasser worked out was that he would put Kwan Yu-shin in prison indefinitely. The Chinese were still unhappy; they wanted him back. But Kwan Yu-shin was put into Cairo prison, where he stayed for a year and a half before being let out. The last definite news of him was that he had left Cairo on an SAS plane for Brussels.

This disagreement left relations strained between Chou and Nasser, and they were not improved by a problem Egypt had concerning the Palestinian Resistance. The Resistance, like the Vietnamese, had an admiration for the Chinese ideas on guerrilla warfare. But Nasser had his reservations about the possibilities of a People's War in the Middle East. He had already pointed out to Mao and Chou that such a war was impossible in the Sinai.

However, the Chinese were hammering their theories of a People's War into the guerrillas, who were making their way from Palestine to China, where they had a special camp for training in guerrilla warfare. They came back to the Middle East full of the Chinese theories and thought they could apply them to the Middle East.

So Nasser was obliged, when he was talking to the guerrillas, to criticise the Chinese methods. He told them they were wrong because of several factors. In the first place, nowhere in the Middle East was the population dense enough for the guerrillas to move among the people, unlike the situation in Algeria, where there were 10 million Algerians compared with an occuping force of only half a million, or in Vietnam with 40 million Vietamese and a foreign army of only half a million.

In the second place, Nasser told them, they had no real sanctuaries. In both Algeria and Vietnam there were areas, beyond the reach of the enemy where the guerrillas could retire to lick their wounds, rest and train, and plan before coming out to fight at their own time and on ground of their choosing. There were no such sancuaries in Israel. Everywhere was within the enemy's reach.

All this was in direct contradiction to what the Chinese were teaching the guerrillas. He further annoyed the Chinese, who wanted a monopoly over helping liberation movements, by taking Yasser Arafat, the guerrilla leader, to Moscow, where he introduced him to Kosygin, Brezhnev and Podgorny. The Russians had had reservations about the guerrilla movement, but were now starting to have some contacts with its members.

Nasser heard that the Chinese were telling the guerrillas that he was selling them to the Soviet Union, and it was his turn to be annoyed. He told Arafat to tell Chou that he was not selling anyone to the Soviet Union, but that he was doing what he saw as best for the general Arab movement.

BLAMED THE RUSSIANS

Arafat brought back a message from Chou saying that he was very sorry for the misunderstanding with President Nasser and that Chou En-lai looked to President Nasser as the leader of the national liberation movement in the Arab world. However, Chou added, he was afraid for Nasser because the Soviet Union was not going to help him and in fact was trading the Arab problem as part of its overall deal with the United States.

Nasser took advantage of the friendly tone of this note to write back in an attempt to rebuild their bridges. But it was too late. He died before it could be done.

But Chou remained true to form, he blamed the Russians for Nasser's death.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VI

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point, part VI of Dr. Robert E. Beerstecher's fascinating thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

The section of Dr. Beerstecher's study begins with the 1928 meeting of the Young Communist International. The general thrust of the Communist attitude toward youth was summed up in the last sentence of the program adopted at this meeting of the Youth Communist International:

> He who has the youth has the future. He who has the youth has the army.

Communist disintegration tactics were being applied with some degree of frequency and success in the South American countries during the early thirties. In light of the current situation in Chile, it is interesting to read about the Communist influence in the mutiny of the Chilean fleet and the slogan championed by the Communist Party of the United States at the time to forestall U.S. aid to the Government of Chile. The CPUSA responded to the revolt in the Chilean fleet in 1931 by popularizing the slogan, "Hands Off Chile." It seems that old slogans never die, nor do they fade away, if useful to the Leninists.

Dr. Beerstecher also covers the mutiny of the British fleet at Invergordon in 1931 and points out that the immobilization of the British fleet provided reassurance for the Japanese invasion of Manchuria, which took place at the same time.

Part VI of Dr. Beerstecher's study follows:

REVOLUTION ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VI

A Dissertation submitted to the Faculty of the Graduate School of Georgetown University

(By Robert E. Beerstecher, Ph.D.)

I. THE STRUGGLE AGAINST IMPERIALIST WAR

The importance attached to the sixth world congress of the Comintern has tended to obscure the fact that two other significant events took place in Moscow during the same period. Both marked important turning points: one for youth, the other for the Chinese revolution. In August, 1928, the YoYung Communist International held its fifth world congress. This was followed in September, 1928, by the sixth national congress of the Communist Party of China. As at the sixth congress of the Comintern, the discussion at both centered around the war danger and the tasks facing their members in the struggle against imperialist war.[1]

The struggle for the youth

When the opening session of the fifth world congress of the Young Communist International convened on August 20, 1928, the delegates took an oath "to mobilize the working class and peasant youth all over the world for an irreconcilable struggle against the imperialists of all countries, and to work to secure that in the coming war the soldiers of all countries use their weapons to defend the Soviet Union, to protect the oppressed peoples, to overthrow the bourgeoisie and to win victory for the working class and the world revolution."[2]

The growing danger of war, the delegates were told, had made the struggle against war and militarism the main task of the Young Communist International and its sections. Prime importance was to be attached in all young communist leagues to "the *fight against militarism* in all its forms (especially by means of work is the army and military organizations.)[3] Youth would play an important role in the fight against militarism, because it was from the ranks of youth that the military reserves for the bourgeois army were drawn:

"In most countries we witness a reorganization of the bourgeois arm which brings up the numerical strength of the standing army to the standard of a capable fighting cadre which is to be supplemented through a system which implies the militarization of the whole nation. This militarization of the whole nation is to provide the necessary reserves for the well-trained cadre army. These reserves come first of all from the ranks of youth, and therefore we see that in individual countries various forms are being or have already been adopted for the militarization of the youth."[4]

Lenin, the delegates were reminded, upheld the viewpoint on the question of the military training of youth which all communists were to follow:

"We struggle against the military training of the youth as carried on by the bourgeoisie, but not in a pacific sense, only because of its class substance. We set against it the necessity of military training for the proletariat as demanded by Lenin: voluntary military training of the working class and the establishment of proletarian military organizations."[5]

"We must also carry on within bourgeois organizations for the military training of the youth," the young communists were told, "disintegrating work which must be adapted to conditions prevailing in individual countries. We will make it a practice of inviting youth workers not to refuse military service, to join the army in order to learn, in the interests of the proletariat, the art of war and to carry on disintegrating work there in the interests of communism."[6]

The same tactic, it was pointed out, could not be applied in voluntary military organizations, but "as a general rule, disintegrating work must be carried on in all of them. We will send communists to do work there but we will abstain from urging the mass of the working youth to join these organizations. We will limit ourselves to encouraging (apart from communists) also young workers who are already in the ranks of these organizations, to carry on their revolutionary agitation, and we will endeavor to popularize and organize proletarian defense and other military organizations."[7]

The coming war, it was asserted, would be a technical war, which made the work among the young workers in industry of special importance. Youth occupied a new importance in the process of production, and were in a position to directly influence the war effort.

The main guide lines for antimilitarist work at the last congress, the official report of the Young Communist International stated, were:

"(1) Bolshevik treatment of all questions appertaining to war and militarism, and disassociation from pacifism;

"(2) Closely linking up the work in the army and navy with the general work of the leagues;

"(3) Concentration of antimilitarist work in the direction of establishing organizational supports in the army and the navy, and the awakening of the class struggle in the barracks on the basic of special soldiers' and sailors' demands of a political, economic, and service character."[8]

For the present congress, it continued, the most important tasks in the sphere of antimilitarist work was the carrying on of systematic propaganda in the army "for the raising of its political level," the strengthening of "our organizational work" inside the army and navy, and the drawing of the communist parties into systematic antimilitarist work.[9] On this later task, i.e., gaining the support of the communist parties, the young

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Footnotes at end of article.

communists could anticipate little direct assistance from the Comintern, even though one member of the French delegation at the sixth world congress had complained bitterly that frequently "communist parties look upon the young communist league as the antimilitarist section of the party; they do not sufficiently realize that they must be the political leaders in the antimilitarist work and must not rest content with only helping the young communist league." [10]

Moreover, it was pointed out, the communist parties showed little interest in carrying on organizational work in the army, leaving this work mostly to the youth.[11]

Reports on the antimilitarist activities of the various sections of the Young Communist International delivered by the delegates to the fifth world congress revealed that agitation and propaganda was carried out on a large scale in some of the more important countries, but was being neglected in others. The best work, it was reported, had been done in France and Greece. The French communists were praised for their activities in Morocco and Syria, and for their work among the reservists. The special demands which they had raised in behalf of the reservists, e.g., "Struggle against service in the reserve army and against the periodical services of the reservists," "Inclusion of the reservists into the local original territorial units of the reserve army," "Continued payment of full wages by the employers during the period of service," were recommended for adoption by other youth leagues.[12] Recognition was also given to the growth of the French antimilitarist press. Each issue of *La caserne*, it was reported, reached between sixty-eight and eighty thousand soldiers. From 1924 when only 6,000 copies per issue were printed, the circulation of *La caserne* had grown to 12,000 copies in 1925; 16,000 copies in 1926; 18,000 copies in 1927; and over 21,000 copies in 1928. In 1928, four thousand copies of each issue of the special newspaper for the navy, *La page de Jean-le-Gouin*, were printed. The circulation of *Conscrit*, the special newspaper for new recruits, which was published only twice during the year, was also reported to have doubled from 30,000 copies in 1925 to 60,000 copies within two years.[13] Antimilitarist work in the Greek army had been increased, it was also reported, and efforts to strengthen the work continued.[14] In Bulgaria, primary emphasis in antimilitarist work had been placed on the winning of peasant youth, as the army consisted primarily of peasants.[15] Elsewhere in the Balkans, however, the picture was not so promising. In Czechoslovakia where there was no tradition of bolshevik antimilitarist work, the youth league had failed to link the campaigns against the war danger and for the defense of the Soviet Union with the organized work inside the army. Some hope of improvement was noted, however, in the fact that the Czech league had completely redrafted its soldiers' program.[16]

However, the Czech youth had not been able to establish illegal military newspapers.[17] The antimilitarist work in Rumania was very weak.[18]

Systematic work was reported from Poland where the illegal youth organization had a detailed soldiers' program under way and published a special antimilitarist paper for Polish soldiers.[19] The representative of the Young Communist League of Holland explained that the league had "fair success" in antimilitarist work, particularly in the harbor areas, but that its relations with the revolutionary movement in Indonesia were very weak.[20] From the illegal Spanish youth league came the news that it was having "good success" in its antimilitarist work.[21]

Reports from the Baltic states and Scandinavia varied. The work of its youth league had been good, Estonia's delegate stated, adding that it was increasing its antimilitarist activities. In addition, groups had been founded in the Estonian army to carry on the struggle against imperialist war.[22] Norway's representative spoke on the need for improved cooperation between leagues for antimilitarist work.[23] In Norway, no stable organization had been created in the army or navy, in spite of the campaign which had been conducted. The fact that the Norwegians were required to spend only 48 days a year in military service also made work in the army more difficult.[24] From Denmark and Sweden came the declaration: "We must strengthen our antimilitarist work." [25] A lack of organizational work in Finland was also reported.[26]

The congress was critical of the antimilitarist work of the Young Communist League of Germany. It charged that the German youth paid "insufficient attention to revolutionary work in the army and police." This was, it suggested, a holdover from an earlier period when it had been more difficult to conduct propaganda and agitation inside those organizations.[27] Antimilitarist work in Italy, which was carried on under illegal conditions, was good, but still weaker than the work carried out by the Italian youth in other spheres.[28] A start in antimilitarist work was reported by the representative of the Young Communist League of Japan. In spite of numerical weaknesses, the communist youth movement in Japan, he said, had conducted work inside the army, and had developed a detailed program of soldiers' and sailors' demands.[29] The Indian delegate indicated that an antiwar campaign had been launched in his country.[30]

A progress report was received from the Americas. Successful work in the armed forces was reported from Canada.[31] The Young Workers' (Communist) League of the United States reported on the methods it was employing in the organization of factory circles and clubs for sailors, soldiers and marines.[32] It described how leaflets had been distributed among the soldiers and sailors sent to China and Nicaragua. "We must now commence the work in the Philippines," the American delegation stated.[33] Attention was also focused on Latin America and the American possessions: "The South American states have a colonial character and are therefore important in case of war. . . . We must perform antimilitarist work in the army and particularly amongst the troops in Hawaii and Cuba.[34] The antimilitarist movement in Latin America was primarily directed against North American capitalism.[35] The Latin American delegate declared that they had already undertaken the systematic "reinforcement" of antimilitarist work as their chief task.[36] Argentina was singled out for having conducted several "good" campaigns against militarism and among the navy recruits.[37] "The connection with the soldiers in the colonial formations," the delegates to the fifth world congress of the Young Communist International were further reminded, "and the regular propaganda work in the troops sent from the motherlands into the colonies are of paramount importance. The antimilitarist work must be carried on with regularity." [38]

The work of the Antimilitarist Commission of the Young Communist International was described by Henri Barbé, the French communist. "We must work energetically," he stated, "to gain supporters in the army and to organize the broad masses." [39] He presented the theses on antimilitarist work which were adopted without discussion.[40]

The program

Soviet influence on the work of the Antimilitarist Commission was readily evident in another important document adopted by the Young Communist International at its fifth world congress. This document is little known and seldom quoted, but it provided the doctrinal basis for much of the antimilitarist work carried out by the communist youth after 1928. It is the *Program* of the Young Communist International.[41]

The *Program* described the Young Communist International as a "school of communism" which was based upon the Marxist-Leninist concept that there is no separation between theory and practice and no contradiction between education and struggle.[42] Therefore, it was in terms of struggle that the *Program* defined the primary task of the Young Communist International. Communist youth, it stated, had "to wage a tireless struggle against militarism, and to develop energetic antimilitarist activity among the masses of the working and peasant youth both inside and outside of the army." [43]

The *Program* recognized that the work of the communists against militarism and inside the armed forces might not prevent or even delay the outbreak of the imperialist war. Nevertheless, it required them to strive for the transformation of the imperialist war into a civil war in order to achieve the victory of the proletarian revolution.[44]

The *Program* stressed the revolutionary importance of the following basic tasks: defense of the Soviet Union, work in the armed forces, work in the war industries, struggle against the militarization of youth, struggle for the political and economic rights of soldiers and sailors, struggle for the liberation of oppressed peoples, and struggle against bourgeois military organizations established to oppress the proletariat.[45] Foremost among these tasks to which all other tasks were to be subordinated was the defense of the Soviet Union.[46] The Communists recognized no *fatherland* other than the "revolutionary socialist fatherland," the Soviet Union. Therefore, they were to repudiate the bourgeois slogan "defense of the fatherland," and propagate revolutionary defeatism in war. "In a struggle between the imperialist powers and the socialist soviet republics, or a war against a nationalistic revolutionary movement of the oppressed peoples," the *Program* stated, "the working class must fight for the victory of the revolutionary side, and work not only for the fraternization but for the going over of the troops of the imperialist powers to the side of the revolution." [47]

Throughout the *Program* considerable importance was attached to the carrying on of both legal and illegal work inside the armed forces. Even in a state of illegality, the young communist leagues were to remain mass organizations; they were to retain contact and influence over the masses. For this purpose, the leagues were to create various legal organizations for the youth, but they were never to lose sight of the fact that these were only legal forms for the accomplishment of the work of the illegal league.[48]

Lenin's story of the proletarian mother's advice to her son was quoted in the *Program* to illustrate the communist attitude towards military service:

"You will soon be grown up. They will give you a gun. Take it and learn how to use it. This knowledge is necessary for the proletariat: not in order to shoot down their brothers, the workers of other countries, but in order to fight against the bourgeoisie of their own country, in order to put an end to exploitation, poverty and war, not by means of pious wishes, but by victory over the bourgeoisie and by disarming it." [49]

The communist attitude towards both voluntary and compulsory military training of the youth by the bourgeoisie was the same as the communist attitude towards military service itself. Young workers who called up for service or training were to join such organizations and carry on educational and disintegration work *from within* under the direction of the young communist leagues which simultaneously were also to carry on disintegration work on the *outside*. "It is inadmissible," stated the *Program* of the Young Communist International, "to renounce in-

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ternal disintegration work in military training organizations for the youth." [50]

The *Program* rejected the concept of the strike against military service.[51] The effect of individual refusal to enter military service or take military training was "to free the army from precisely the revolutionary elements of the working class, and thereby to prevent the influencing of the masses of toilers in the army by means of revolutionary explanatory work and organization." [52]

In addition to fighting against militarism in principle, the *Program* directed that communists also fight for the realization of the immediate partial demands of the soldiers and sailors just as they did for the young workers and peasants in the factories and fields. The struggle for partial demands was to be linked up with the struggle for the ultimate victory of the proletarian revolution. For example, the demand for a reduction in the length of the military service period could be used as a "lever" for the disintegration of the military system. Among the partial demands enumerated in the *Program* were the following: full political rights for soldiers and sailors, frequent vacations, the rights to wear civilian clothes off duty, higher service pay, the right to elect their own officers, the abolition of court-martial, and the right to form special committees of their own.

The special committee concept was important as a means of rallying the broad masses of the troops to the struggle for power. Where such committees were not permitted by the bourgeois authorities, they were to be created illegally.[53] The *Program* also recognized the need to formulate special demands for soldiers and sailors drawn from racial or national minorities.[54]

The *Program* concluded by presenting a two sentence "nut-shell" summary of the philosophy of the Young Communist International: "He who has the youth has the future. He who has the youth has the army.[55]

The Chinese hold a congress

In September, 1928, the Communist Party of China convened its sixth national congress in Moscow. The Chinese delegate to the Comintern denied that the influence of the party had waned in China since the Canton revolt, but the selection of Moscow as the site for its national congress suggested otherwise. There was, however, no denial that the Chinese revolution had failed.

The Canton insurrection had failed, the congress stated, because of "inadequate work among the workers, peasants, and the reactionary armed units." [56] But there were other objective causes for the over-all failure of the Chinese revolution. These included the superior strength of the war lords and imperialists, the betrayal by the Kuomintang through its withdrawal from the revolutionary front, the vacillation of the petty bourgeoisie, putschism and opportunism, and the uneven development of the revolutionary movement among the workers and peasants.[57]

At the sixth world congress of the Comintern, the Communist Party of China had been directed to "lead the mutinies in the army, endeavoring to develop them into a progressive economic movement, into an open alliance of the soldiers with the revolutionary workers and peasants." [58] The military question and the soldiers' movement in China, therefore, were among the most important subjects considered by the Chinese communists at their congress. The political resolution adopted by the Communist Party of China summarized the most important tasks of the party in both military and antimilitary work:

"(a) to extend the movement against warlord wars; to break up the armies of the warlords; to bend all efforts towards winning their soldiers for the revolutionary camp; to raise such slogans as "soldiers should get land or work," "improve the livelihood and treatment of the soldiers," and to stir up mass struggles of the soldiers.

"(b) to establish revolutionary armies of workers and peasants in the soviet areas; to expand the regular army of the revolution; and to consolidate the party's leadership of the army.

"(c) to intensify the military training of workers and party members as much as possible, and to establish, with utmost effort, secret military units for workers' self-defense (pickets, etc.).

"(d) to train military personnel in the party and to raise the most reliable officers from workers and party members.

"(e) to intensify (party) work among workers (in establishments) connected with military affairs (such as munition factories, etc.), and among transport and communications workers. Systematically coordinate the above work with that in the armies.

"(f) to begin systematic work of sabotage among the imperialists' naval and land forces stationed in China. Special attention should be paid to the soldiers' movements among the Indian and Indo-Chinese soldiers.[59]

The political resolution also considered the problem of liaison between the Communist Party of China and other sections of the Comintern. It was necessary, it declared, to tighten liaison with the Communist Party of Japan, and to oppose jointly with it Japan's military intervention in China. It was also considered necessary "to sabotage Japanese army units stationed in China, to stir up Japanese soldiers to join the revolution, and to decide jointly on practical methods for carrying on the labor movement in Japanese enterprises in China." [60] The communist parties in England, France and the United States it continued, must be "requested" "to step up their antimilitarist activities, to send an adequate number of agents to China for sabotage work among the foreign troops stationed there, to intensify propaganda for support of the Chinese revolution in various countries, and to expose the aggressive plots of their respective imperialist governments." [61]

In addition, it directed closer coordination by the Communist Party of China with the communist parties in Indochina and Indonesia, and with the Chinese workers' movements in the Dutch East Indies.[62]

The political resolution established ten major slogans for the Chinese revolution. These included the overthrow of Kuomintang, warlord and imperialist rule; confiscation of foreign land and capital; unification of China; the establishment of soviets of workers, peasants and soldiers' deputies; institution of social and tax reforms; improvement of the livelihood of the soldiers by allotting them land and work; and uniting China with the world proletariat and the Soviet Union.[63]

The political resolution also advanced the slogan of armed insurrection. Only advocacy of armed insurrection on a national scale was needed to raise a new revolutionary rising tide in China, it predicted. The slogan of armed insurrection, it stated, could be turned into direct, practical action.[64] The preparation for armed insurrection, and its accomplishment against the Kuomintang and the imperialists were declared to be immediate "practical" tasks for the party.[65] The resolution warned against the danger of putschism. Putschism, it stated, served only to alienate the party from the masses. It was often due, it noted, to overestimating the rate and degree of disintegration in the enemy forces, and to neglecting all the prerequisites for insurrection.[66]

The communist party, the resolution stated, must fight for the active leadership of all anti-imperialist, guerrilla and antimilitarist movements.[67] The subject of guerrilla warfare played an important role at the sixth national congress. In the resolution on the peasant movement adopted by the congress, it was stated that the party must actively take the lead in fostering guerrilla warfare, as it was to become the chief instrument of struggle in China. In the past, guerrilla warfare had been characterized by a lack of close liaison with the masses, by wanton killing and destruction of villages and towns. These weaknesses were to be remedied. The party was to lead local revolts. Antimilitarism also had its part to play, for the party was to publicize the land policy among the militia corps, establish secret party cells and cadres within them, and absorb their members. Armed groups were to be alienated from the hegemony of the gentry and the warlords.[68] "We must lead the guerrilla warfare," the resolution stated, and "we must accelerate the militarization of our party members, and set up organizations for the military training of the masses, as part of the preparation for armed insurrection." [69]

Ten months later, in July, 1929, the Communist Party of China held a special plenary session. The plenum declared that there had been a lack of positive direction in the party's work in the soldiers' movements.[70] We must strengthen our movement among soldiers," the plenum resolved, for "without the participation of vast numbers of soldiers, the final victory of the Chinese revolution can neither be achieved nor be assured.[71] The movement among the soldiers in the past, the plenum noted, had been neglected on the ground that "it was the particular duty of the agents in the military forces.[72] Propaganda and agitation among the soldiers, it declared, was the duty of every party member. The party could neither rely on *putschism* nor "deny the need for a daily economic struggle among the troops of the warlords." [73] An intensification of agitation and propaganda among foreign troops stationed in China was also directed.[74] It was predicted that the Communist Party of China would be able to organize broad labor demonstrations and carry on extensive work among the soldiers and sailors on August first.[75]

On August 1, 1929, the member parties of the west European bureau of the Comintern joined in proclaiming that "the soldiers and sailors of the armies and fleets of the imperialist countries must be made to realize that they are to be misused against their brothers." [76] August first had been designated by the Comintern as the first International Antiwar Day. Communist parties throughout the world were directed to organize demonstrations against war on this day and to attempt to enlist the support of the broad masses of the soldiers and sailors. American communists conducted a demonstration before the gates of the Brooklyn Navy Yard, but accomplished little actual work inside of the armed forces.[77] Everywhere the results of the first International Antiwar Day were the same. What occurred in England was typical of reaction elsewhere—huge quantities of agitational literature were circulated among the men of the armed forces, but no open fraternization between them and the communists took place.[78] Further, the demonstrations and rallies organized by the communists failed to attract any broad popular support to the antiwar movement. Typical of the appeals which had been issued was one by the Balkan Communist Federation:

"Soldiers, Sailors, do not obey the ruling class, do not shoot your brothers, the workers and peasants, who are demonstrating on August 1st . . . Proclaim . . . that you are resolved to turn your weapons against your own exploiters and masters . . . You will be the first to be used as cannon fodder for imperialism" [79]

Pravda attributed the failure of the International Antiwar Day to the fact that the communists had approached the problem of antimilitary work with what it described as "the greatest irresolution." [80] Communists,

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Pravda complained, entrenched themselves behind general phrases instead of performing practical revolutionary work. The follow-comments leave little room for question that the soviets considered work within the organized military forces to be of the utmost importance to the Soviet Union.

"By now according the first place in the activity of the communist parties to work in the imperialist armies, we sever the last tie connecting the communist parties with the legalist position. To the bourgeoisie, the imperialist army is its "holy of holies," to be carefully protected against any breath of communist influence. Communists working in the barracks draw down upon themselves the severed penalties for the indictment against them is "high treason." [81]

The development of the economic crisis throughout the wo[illegible]fter the stock market crash in 1929 was cited as proof by the Comintern that the theses of the sixth world congress were correct. The general contradictions of the capitalist system were being deepened and sharpened, it asserted, bringing closer to realization the danger of a new war.[82] The dominating imperialist rivalry, communists were told, was between American and British imperialism: the London naval conference showed that the preparations for armed conflict between the United States and Great Britain was the fundamental consideration in imperialist policy. The capitalist solution for an outlet from the world economic crisis, the Comintern predicted, would be a new imperialist war.[83]

American imperialism was playing an increasingly aggressive role in Latin America, the Philippines, in China, and throughout the entire colonial world. Not only was it directing the war preparations against Russia, but it was also "feverishly working to build a militarist wall" around the boundaries of the Soviet Union.[84] To combat this new danger, the Comintern directed all its sections to make revolutionary antimilitarism the center of all their action campaigns.

L'antimilitarisme révolutionnaire

The mass character of disintegration work in the armed forces is a basic precept governing all communist antimilitarist activity. It was repeatedly emphasized at the sixth world congress, and formed the dominant theme of *L'antimilitarisme révolutionnaire,* the basic Comintern handbook on revolutionary antimilitarism. This handbook was written by L. Alfred, J. Dupont and Kurt Fischer.[85] It was first published by the Communist Party of France in 1929, and received wide dissemination through the distribution outlets of *L'Humanité,* the central party organ, which offered it for public sale at the modest price of five *francs.*[86] Disintegration work within the French armed forces frequently had been held up by the Comintern as a model on which other communist parties were to pattern their own revolutionary antimilitarist activities. It was only natural, therefore, that the handbook drew heavily on the antimilitarist experiences of French communists, and that the responsibility for editing it fell to the Communist Party of France.

The handbook stressed the necessity for the "persistent and systematic propaganda and agitation" which all communist parties agreed to carry out in the armed forces as one of the conditions of admission in the Communist International.[87] The army, navy and aviation forces were still, it acknowledged, the most important factors in war.[88] To emphasize the point that disintegration work in the armed forces must be carried out on a broad scale, the handbook quoted Lenin's dictum that "there can be no question of a serious battle if the revolution does not become a revolution of the masses, and does not touch the military." [89]

In modern warfare, the communists were told, the boundary between the battle front and the rear tended more and more to become obliterated.[90] As the distinction between front and rear disappeared, so dependence on labor, industry and transport to support the war effort increased. Mobilization of cast segments of the population also contributed to the mass character of the modern army.[91] Although efforts were made to insure the political *development* of the armed forces, it was impossible to determine the reliability of each and every soldier.[92] These fundamental characteristics of modern militarism dictated that the foundation for revolutionary antimilitarism be laid in work among the masses.

Fraternization was listed in the *Resolution* of the sixth world congress as the most important action slogan at the front because it served to unite the worker and peasant soldiers in the opposing trenches.[93] According to *L'antimilitarisme révolutionnaire,* mass fraternization between the soldiers and the people was also an indispensible action even before the war breaks out. Through their support of the slogan of mass fraternization, the communists seek to establish a close connection between the daily demands of the soldiers and the general revolutionary struggle of the people. It was therefore essential, the handbook explained, that soldiers become cognizant of the problems of the workers and peasants, just as it was important for them to understand his problems.[94] Several methods contributing to improvement of the soldier-worker relationship were suggested by the handbook. The most effective method was the collection of the "soldier's sou." The practice of the "soldier's sou" persisted in France as a communist device in much the same form as it had when Lenin described it in 1908.[95] A special factory committee was created to collect a small, fixed donation from each worker every payday. The money collected was then sent to men in service as a reminder of their working class origin.[96] Another method suggested by the handbook was the practice of factory groups adopting whole regiments or ships, to send gifts and presents to the men of these units, and to exchange mass visits with them.[97] The handbook cited several instances in which soldiers refused to permit themselves to be used as strike breakers as evidence of the effectiveness of such techniques.[98]

The handbook contained a primer of antimilitarist propaganda and agitation themes. It listed approximately one hundred basic demands and slogans developed by the mixed antimilitarist section of the Communist Party of France for use in the armed forces.[99] In addition to the more familiar "central" slogans (e.g., For the defense of the U.S.S.R. by all means; Join the workers, peasants, reservists, soldiers and sailors in the fight against imperialism; Organize soldiers' and sailors' committees in the barracks and aboard ship, etc.), and these basic partial demands based on legal rights and economic considerations (e.g., increased pay, the right to organize committees, the right to hold political meetings, the right to read and distribute in the barracks and aboard ship "proletarian" literature, etc.), the handbook listed demands which appealed to special groups, (e.g., reservists, colonial troops, national minorities, etc.). One of these special appeals was headed "For Alsace-Lorraine," and called for the use of German for instructional purposes among the troops recruited from that area.[100] The importance which communists placed on carrying on demoralization work among such linguistic minorities was indicated by the fact that the Communist Party of France translated L'antimilitarisme révolutionnaire into German. The German edition was published at Metz, France, in 1929 under the title *Revolutionarer Antimilitarismus, aus der Geschichte der Antimilitaristischen Arbeit.*[101] This edition served Comintern requirements for such a handbook in both Alsace-Lorraine and in Germany.[102]

The handbook further emphasized the necessity for developing a special antimilitarist press to compliment the workers' press.[103] It directed that special newspapers which adapt propaganda to the conditions found in the barracks be published. Soldiers were to be encouraged to write for these newspapers. A soldier-correspondence cadre was to be developed. The antimilitarist press of France was cited as an example of the degree to which specialization could be achieved.

In addition to separate newspapers for soldiers, sailors, airmen, conscripts, reservists and for ex-servicemen, the French communists published numerous garrison and regimental newspapers, and distributed pamphlets, leaflets, illustrated throw-aways and "butterflies" (i.e., small strips of paper on which propaganda slogans were published).[104] Other specialized literature was also prepared for guidance of communists working among the sailors in France. In addition to André Marty's *la révolte de la Mer Moire,* French communists issued a pamphlet called *Contre le militarisme naval, pour la defense des matelets* (*Against Naval Militarism, For the Defense of the Sailors*). Authorship of this pamphlet was indicated only by "X".[105] A French translation of Yaroslavsky's work, selling for one franc, was also widely disseminated in France under the title *Le travail des boleshéviquses dans l'armée* in 1929.[106] Distribution of this work was carried out by the Communist Party of France through the circulation outlets of *L'Humanité.* In the United States, the growing need for specialized instruction material on revolutionary antimilitarism, was recognized by the publication of a whole antimiliarist page the publication of a whole antimilitarist page as a regular weekly feature of the *Daily Worker.*

In Argentina, the communist party began publication in 1929 of *Lamparo* (*Swab*), as the official organ of the communist soldiers and sailors. It appeared somewhat irregularly before a monthly schedule was fixed. Although designed to represent the interests of all branches of the armed forces, the first few issues of *Lamparo* consisted primarily of letters from soldiers stationed in the Buenos Aires area, seemingly ignoring the interests of units located elsewhere in the country and the existence of the sailors in the navy. The situation reflected both the relatively minor importance which members of the Communist Party and the Young Communist League of Argentina still attached to antimilitarist work during that period, and the general lack of practical military experience and knowledge possessed by those assigned to direct the organizational work in the armed forces.

In addition to *Lamparo,* individual communist cells in the armed forces published newspapers, e.g., La fajim (*Bugle Call*) of the 12th Infantry at Santa Fe, *Soldado rojo* (*Red Soldier*) of the 1st Artillery, etc., while various factory newspapers contained special columns devoted to printing letters from servicemen and popularizing their partial demands and slogans. By early 1930, communist press effort in Argentina became a mass effort. Literally hundreds of individual pamphlets and publications, both in Spanish and in the language of the individual minority groups, flooded Argentina from abroad, primarily from Spain and the Soviet Union.[107] And these, in turn, were further disseminated throughout Latin America under the direction of the South American bureau of the Comintern. Among the pamphlets known to have been introduced from Spain was Yaroslavsky's *El trabajo de los bolshevioues en el ajévcito antes de la revolusión de octubre.*[108]

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In 1929, the central bureau of the Communist Party of Germany ordered increased activity by party members among the soldiers of the national defense forces and the police. The order unleased a flood of propaganda pamphlets and booklets for dissemination within the German army. Included in this propaganda barrage were such provocative titles as "Reichswehrsoldaten! Menschen-2nd-Klasse!" (*Soldiers! Second Class Citizens!*), *Die Kaserne* (*The Barracks*), *Der Gute Kamerad* (*The Good Comrade*), *Seldat und dosh Revolutionär* (*Soldier, yet Revolutionary*), etc. In addition to the numerous leaflets and handbills distributed in the army, the communists also developed special garrison journals to satisfy the specialized requirements of the illegal cells in the navy. These periodicals included *Die Rote Flotte* and two papers called *Die Reichmarine* serving the naval garrisons at Kiel and Luebeck.[109]

The communist party, the young communist league, and most of their affiliated groups in Germany had started to adopt illegal methods, and were creating conspiratorial organizations, complete with cipher systems, assumed names, courier services, and a clandestine press.[110] All disintegration work served as preparation for the armed uprising and for the coming German revolution. During this period, a close correlation existed between the party organizations for disintegration work in the army and navy and for military espionage.[111]

In November, 1929, the Young Communist International held a special plenary session in Moscow to consider the results of the work of its sections among the masses. The plenum again declared that it was necessary to begin a systematic buidling up of nuclei in the army and navy and in the industrial enterprises supporting the war machine.[112] Special work in the armed forces, it stated, had been inadequate. Many communists who entered the army, the plenum noted, had been lost to the party because of the lack of organization in party work.[113]

The May Day slogans issued by the agitprop departments of the Comintern in 1930 emphasized the slogan: "Soldiers and sailors of the capitalist armies, do not let yourself be misused against your class brothers! Join the revolutionary struggle of the toilers against capitalism.[114] In the United States, the May Day celebration was marred by a special agitational campaign among the soldiers and sailors. Pamphlets distributed among servicemen in the New York area proclaimed:

"You are fed rotten food. You drill long hours, and besides made to do all the dirtiest work. You are not allowed sufficient passes, and in colonial lands are often kept in restricted areas. Your officers bulldoze you at every occasion, and for the slightest thing you are put in the brig." [115]

The pamphlets went on to suggest to the servicemen that they support partial demands in their own interest. Those included a raise in minimum pay, an eight hour limitation on daily duty, the right to resign from service at any time, a fifty percent increase in rations allowance, the right of enlisted men to elect officers, no restriction of passes to men off duty, and unlimited right to organize into unions.[116]

At the sixth world congress of the Comintern in 1928, one of the American delegation announced that a part of the strategy of the communist party, work in the military and naval force had been combined with the activities among the broad masses.[117] In 1930, however, the Communist Party of the United States was criticized for its failure to create an illegal apparatus in the army and navy. Party members were told to be more aggressive, to establish closer connections with the revolutionary elements, and to create communist nuclei in the army and navy.[118] There had been, it was asserted, too much "passivity" in regard to the work in the armed forces, which accounted for an almost complete lack of progress in this type of work.[119]

The new rising tide of revolution in China which had been predicted at the sixth national congress of the Communist Party of China in September, 1928, failed to develop. In June, 1930, the Chinese communists declared that there had been no soldiers' mutinies: without support of the armed forces, the revolution could not succeed. It was necessary, they said, to step up the organization of the masses for the political struggle, and make technical preparations for the future.[120] A major policy change was also announced: the tactics of guerrilla warfare were declared to be the tactics of the past. Instead, the Red Army was to be expanded.[121] The mission of the soldiers' movements was redefined as "not only to incite the soldiers in the warlords' armies to mutiny, and to bring them into the red army, but to organize the soldiers' antiwarlord mutinies as a central strategy. That is to say, not only to incite small scale, scattered mutinies, but also to raise the banner of antiwarlord warfare and of the liquidation of warlords in an organized and planned manner, and in coordination with other revolutionary forces. Thus, after a mutiny, the tactic of resolute attacks should be adopted to route the warlord troops. The past tactics of fleeing after the uprising must be effectively corrected." [122]

On September 24, 1930, Chou En-lai, one of the leading Chinese communists, reported to the third plenum of the Communist Party of China "the soldiers in the warlord armies have been made revolutionary and are inclined towards agrarian revolution.[123] Expansion of the Red Army, he also stated, had overcome the "guerrilla fixation" which had previously weakened the Chinese revolutionary effort.[124] He noted, however, that in the two attacks which had been unsuccessfully attempted against Changana in July and September, the communist party had exercised no direct command, had failed to work among the enemy soldiers, had failed to consolidate the rear, and had not mobilized the masses to the maximum extent possible.[125]

The Comintern also launched a program to secure greater support for the Chinese revolution. The building of a strong "Hands off soviet China" movement was declared to be an immediate task of all communist parties, especially the Communist Party of the United States. "Hands off soviet China" committees, it directed, were to be organized "in the ships and factories, and among the army, navy and air forces, particularly those that are detailed for 'service' in the Far East." [126] It must not be forgotten, the communists were reminded, that "revolutionary activities among the imperialist troops and militant resistance of soldiers and sailors in imperialist forces against the policy of intervention also contributed to breaking the backbone of the intervention in Russia." [127] The "glorious histories" of the French Black Sea fleet mutiny, the rebellion of British troops at Archangel, and the disintegration of American and Japanese troops in Siberia, the Comintern declared, must always remain "sources of inspiration" for the international proletariat.[128] The "Hands off soviet China" campaign was also carried on among the foreign servicemen stationed in the China area. Slogans were chalked on the walls along the streets of Shanghai. Posters were nailed to telephone poles. Handbills printed in English were distributed among the British and American sailors stating—

"You should tell your comrades in arms, all of them, not to fire at the masses in soviet districts and red soldiers, to demand the withdrawal of warships from China as well as yourselves, to ask for the recall of military advisers with the National Government, to press for the abrogation of imperialist privileges, unequal treaties, as well as the rendition of concessions, settlements, etc." [129]

Leaflets printed in Annamite were also left in the French barracks where the Annamite soldiers were housed, calling on them to rise against French imperialism and to defend the Chinese soviets and the Red Army.[130]

The Comintern initiated a major campaign to weaken British influence in Asia. The focal point of this campaign was India. In 1930, the Communist Party of India issued a "draft program of action" which stated that the only means of achieving Indian independence was through "the path of the revolutionary struggle of the widest possible mass of the people, developing into a general national armed insurrection against the British exploiters and all their allies." [131]

"Expulsion of the B[illegible]h troops, abolition of the police and general armament of the toilers" was the first general demand contained in the draft program.[132] In addition, the Communist Party of India outlined certain specific demands which were to be made in behalf of the soldiers:

"I. In the struggle for the emancipation of our country, the Communist Party of India calls for the spreading of revolutionary propaganda among the soldiers and police, and the explanation of the necessity for their armed insurrection together with the toiling masses of the country, against British rule.

"II. The Indian soldiers and police are socially in the main poor peasants who have been forced to seek employment in the army by poverty, landlessness, and hunger. The Communist Party of India fights for the allotment of land to the soldiers equally with all the other toiling peasants. The Communist Party of India calls upon its supporters to explain to the soldiers and ex-soldiers that the only means of acquiring land, abolishing indebtedness and getting work is the revolutionary overthrow of British and feudal supremacy.

"III. The Communist Party of India calls upon its organizations and class-conscious workers and revolutionaries to begin organizing revolutionary groups among the soldiers. The aim of these groups must be to persuade and prepare the soldiers to take action in support of a general armed insurrection of the people for liberty, land, and a workers' and peasants' government. It is necessary to explain to the soldiers from concrete examples drawn from their daily lives (arbitrary action by the officers, shooting down of demonstrations, workers' strikes—worse food, clothes, allowances, etc.) that Indian soldiers are only a blind tool in the hands of the British robbers, who use them to maintain the national and social oppression of the toiling masses of our country.

"IV. The Communist Party of India calls upon its supporters to organize the ex-soldiers, who have had practical proof of the swindling and exploiting character of British rule, and to build up revolutionary ex-soldiers' organizations among them and, wherever possible, fighting detachments to prepare and support the future national insurrection and agrarian movement under the leadership of the Party.

"V. The Communist Party of India calls upon the class-conscious workers to organize fraternization with the Indian soldiers, with the object of establishing the solidarity of the interests of workers, peasants and soldiers in the fight, for freedom and the abolition of all forms of exploitation." [133]

In addition, work among the soldiers and the police was also included among the specific demands made on the youth:

"The Communist Party of India calls upon the honest revolutionary youth to help in spreading political propaganda among the soldiers and police. The Communist Party of India considers that the call of the "left" nationalists to the soldiers to leave the army and take their discharge, in accordance with Gandhi's philosophy of non-violence, is a

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mistake. The task of genuine revolutionaries is to persuade the soldiers, while staying in the army, to prepare and raise, when the time is ripe, the banner of armed insurrection and, shoulder to shoulder with the toiling people, overthrow British rule."[134]

The chief and basic task of the Communist Party of India, the draft program concluded, was the building of a "contralized, disciplined united, mass underground" party.[135]

XI. MUTINY IN PRIMER AND PRACTICE

During the congressional hearings on communist propaganda in the United States in January, 1931, two significant conclusions were drawn with reference to the consequences of successful communist infiltration of the armed forces. These conclusions were especially pertinent to communist activities inside the naval forces.

First, "one man, if he possesses even a small amount of technical knowledge, could destroy at least temporarily, the combat efficiency of any naval ship."

Second, "revolutionary propaganda takes hold more quickly among the naval forces than in the military."[136] Although the first quarter of 1931 was a period of comparative calm on the international scene, any doubt which may have existed as to the validity of these two conclusions vanished before the year's end, for 1931 was a year of revolutionary action and decision.

The eleventh plenum of the Comintern convened in Moscow in April, 1931, to consider "the imperative necessity for a determined change in the direction of intensifying the antimilitarist work of the communist parties, and especially of the communist leagues, as an integral part of the struggle against the danger of war and the menace of intervention."[137]

Marcel Cachin, the French communist leader, made one of the primary reports to the plenum. Cachin had been an outspoken critic of French measures to strengthen its own armed forces, interpreting everything in the light of preparations by France for a war against the Soviet Union. "Antimilitarist work," said Cachin, "must be intensified everywhere. The workers' and peasants' organizations must everywhere establish permanent contact with the soldiers, sailors and reservists."[138]

Within the ranks of the communist movement, the plenum stated, there had been a tendency to underestimate the war danger. This same defect had also been commented at the sixth congress. Not only had antimilitarist work not increased, but in some cases, e.g., in France, antimilitarist work had "retrogressed."[139] The Communist Party of the United States later admitted that the words of the eleventh plenum were also "fully applicable" to the American party, as there had been an almost complete lack of progress and too much "passivity in regard to work in the army."[140]

The principal task of the communist parties, the plenum declared, remained "the winning of the bulk of the working class and their preparation for the decisive battles for the dictatorship of the proletarist."[141] The communist parties of all countries, it continued, "must increase their work in the capitalist armies."[142] The plenum also reminded all communist parties of their agreement to observe the fourth condition for admission to the Comintern adopted at the second congress in which Lenin emphasized the necessary for carrying on systematic propaganda and agitation in the armed forces under both legal and illegal conditions.[143]

During the discussions at the eleventh plenum of the Comintern, it was noted that the prerequisites of a revolutionary crisis were rapidly developing in Spain where a major propaganda and agitation campaign was being carried out by the Spanish communists in connection with the April municipal elections. Leaflets in favor of the republic and of "liberal communism" were scattered in the army barracks with some adverse effect on military discipline, but they failed to undermine the loyalty of the army towards Alfonso XIII, even though he subsequently abdicated on April 14, 1931, when the republicans gained majorities in the larger cities throughout Spain. The Communist Party and the Young Communist League of Spain also issued joint appeals to the men in the armed forces to set up soldiers' and sailors' councils in the barracks and elect their own officers.[144] "Of special importance is the drawing of the soldiers into the soviets," the Spanish communists were told, because "the winning of the masses of the soldiers for the revolution is one of the means of arming the revolution."[145] Assistance and support for the Spanish communist movement came from the neighboring Communist Party of France which sent André Marty to Barcelona to speak at one of the more important rallies. Although he was arrested and expelled from Spain. Marty's influence remained behind in the form of a condensed Spanish version of his book called *La sublevacién de la flota del sar negro* (*The Revolt of the Black Sea Fleet*).[146]

Handbooks, pamphlets, and manuals

Marty's book was one of three important works on antimilitarist tactics published by Edeya, the main communist publisher in Barcelona, in 1931. Edeya also published a revised edition of Taroslavsky's book under the title *El trabajo de los bolchevicues en el ejército antes de la revolución de octubre.*[147] Copies of the Edeya edition of Yaroslavsky's pamphlet were sent to Latin America for use in communist antimilitarist work.

The third important antimilitarist work published by Edeya was A. Kamatchikov's pamphlet, *The Revolt on the Armoured Cruiser "Potemkin."*[148] This study of naval revolt in the Black Sea during the revolution of 1905 was also published in English during the same period.[149] In the United States, Kamatchikov's pamphlet was advertised as one of a group of pamphlets published by the Workers' Library Publishers of New York under tht caption: *"Learn how the Russian workers did it!* No worker should fail to read these most interesting and instructive pamphlets.[150] The appearance of this pamphlet simultaneously in Spain, England and the United States suggests the scope of the Comintern's program in 1931 to provide instruction manuals on the methods and techniques of revolutonary antimilitarism to the masses. Kamatchikov's pamphlet alleged to describe what actually occurred aboard the *"Potemkin"* during its stormy passage to the side of the revolution in 1905 as told by one of its leaders, Afanasy Matushenko, the torpedo quartermaster. Kamatchikov stated that the bolsheviks were in contact with the sailors of the Black Sea Fleet and had made preparations for a general mutiny in the navy during the maneuvers later in the year. However, the "incredibly hard and oppressive conditions of life, and the inhuman and humiliating treatment of the sailors by the naval officers," he stated, caused the revolt on the *"Potemkin"* to break out prematurely.[151]

"The revolt on the cruiser *'Potemkin'* in 1905." Kamatchikov wrote, "was one of the object lessons of the revolutionary struggle in which the broad masses of the workers and peasants and particularly the sailors and soldiers, learned the lesson of revolutionary struggle nad the concrete tactics of armed revolt. The bolsheviks generalized those concrete lessons and drew the necessary conclusions with regard to the further preparations for the overthrow of tsarism."[152]

Kanatchikov lists two fundamental causes for the failure of the revolt.

The first reason, he asserted, was lack of preparation:

"The masses of the soldiers and sailors were not class-conscious, were ignorant and had no experience whatever of revolutionary struggle. They were easily roused to hatred and anger against their oppressors, and were easily roused to spontaneous protests and mutinies. They were easily fired by the flames of revolt, but they had no revolutionary solidity, firmness, reliability and determination, no planned preparation. In short, they had none of those qualities which are given by a long political revolt in the process of the revolutionary class struggle and which are so necessary for a victorious armed rebellion."[153]

The second reason for the collapse of the "Potemkin" revolt was lack of leadership:

"The leadership of this revolt was weak and incapable, not understanding the seriousness of the situation. Without wasting valuable time, they should have immediately used their arms to catch the enemy unprepared and disorganize them. But the leaders did not make a unanimous decision on a single question. The social-democratic organization of Odessa, consisting of bolsheviks and mensheviks was not prepared and did not show sufficient activity and determination. It did not even set up a leading military center. At the moment when rapidity, decision and boldness were necessary, as one of the contemporaries bitterly states, in reality there was only a foolish, helpless and mistaken attitude of waiting for 'something.'"[154]

Neither the leaders of the workers' organizations nor the sailors, Kanatchikov wrote, had heard of Marx's "golden rule" on how an armed revolt should be organized:

"Revolt, like war, is a science," said he, "and therefore we should never play at rebelling," but once we have commenced, we should know thoroughly that we have to carry it through to the end.

"It is necessary to collect a great superiority of forces at the decisive spot, at the decisive moment, otherwise, the enemy, who has better organization, will destroy the rebels.

"Once the rebellion has commenced, it is necessary to act with the great determination and immediately take up the offensive. Defense is the death-blow to an armed rebellion.

"We must try to catch the enemy unaware. Everyday some successes, however small, must be obtained, so as to maintain the moral superiority at all costs."[155]

There were also other mistakes which contributed to defeat. The united commission of bolsheviks and mansheviks erred, Kanatchikov stated, by trying to direct the activity on the cruiser from the shore.[156] They also "foolishly" permitted the sailors to release the arrested officers who subsequently obtained reinforcements and put down the mutiny.[157]

Lenin, Kanatchikov pointed out, drew similar lessons from his evaluation of the events at Odessa. "From the troops themselves," Lenin wrote:

"Detachments of the revolutionary army are formed. The business of these detachments is to declare a rebellion, to give military leadership to the masses, which is necessary for civil war as for every other war, to form base points for an open struggle throughout the country, to transfer the revolt to neighboring districts, to assure complete political freedom—even if only on a small part of the territory of the country at first—to commence the revolutionary reconstruction of the decayed system of the monarchy, to develop the creative efforts of the rank and file to the full."[158]

Lenin also wrote that a revolutionary army was necessary because great historical questions could be settled only by force, but, he reminded, "the organization of force in a modern struggle is a military organiza-

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tion."[159] Lenin's words, Kanatchikov emphasized, were "so modern and so obviously applicable to current situations."[160]

The American communist movement contributed to the growing body of pamphlets and manuals for use in instructing party personnel on antimilitarist tactics in the armed forces. Walter Trumbull, who succeeded Paul Crouch as director of the joint antimilitarist department of the Communist Party and Young Communist League of the United States, wrote and published an autobiographical pamphlet in 1931. His pamphlet was called *Life in the U.S. Army*.[161] Like Crouch, Trumbull had been a soldier at Schofield Barracks, Hawaii, and was court-martialed for communist activities in 1925. Upon his release from prison, Trumbull had toured the United States under the sponsorship of young communist groups lecturing on his experiences in the army. The communist press advertised Trumbull's forty-eight page pamphlet as "a vivid description by an ex-soldier of the life of the soldier in the U.S. Army and a program of action for servicemen.[162] Trumbull's pamphlet was widely distributed among communist party members in the United States and its overseas territories and possessions.

In May, 1931, the *Partido Komunista sa Filipinas* (*Communist Party of the Philippine Islands*), which had been organized illegally the preceding November by the communist-inspired *Katipuoan ag nem Anais-Pawis sa Filipinas* (Association of the Sons of Sweat of the Philippine Islands), held its first national congress.[163] In a manifesto issued at the congress, its central platform was declared to be the "immediate complete and unconditional independence (removal of all military and naval forces of the imperialists)."[164] The Philippine communists later declared that their party had been formed to free the islands from the "yoke of American imperialism" and in order "to destroy American imperialism's naval base in the Pacific, which is a direct menace to the Soviet Union."[165] The Communist Party of the Philippines combined "legal" and "semi-legal and illegal" methods of work in achieving its antimilitarist work against the American military forces deployed throughout the islands.[166] *Titis*, the propaganda organ of the party, also served as the agitational and organizational center for the communist movement in the Philippines.[167] *Titis* is the Tagalog word for "Spark," the English equivalent of the Russian *Iskra* which Lenin chose as the name of his own revolutionary newspaper.[168] The same printing presses which published *Titis* turned out communist propaganda leaflets and pamphlets aimed at the disintegration of military discipline and morale. These and other propaganda tracts found their way into the American barracks and aboard ship. However, they had little impact on morale.

The fight for the streets

In July, 1931, the Comintern issued instructions to its sections describing the tactics of street fighting, the use of barricades, and the method of arming the masses in coming insurrections. The instructions provided for the expansion of the illegal organization which existed parallel to the party apparatus, for the establishment of secret printing presses and archives, and for special training of small groups who were to actively lead strikes, demonstrations and street fights. The instructions specifically directed armed fighting, pointing out the necessity for arming the masses before the outbreak of the battle. If guns were not available, weapons were to be fashioned from paving stones, clubs, lead pipes or clubs. Every demonstration, it was stated, was to be used as a movement for the revolutionary mobilization of the masses.[169] Broad dissemination of selected portions of these instructions was also achieved through their publication in the *Communist International*, the official organ of the Comintern, under the caption, "The fight for the Streets."[170] The author of the article was given as "L. Alfred."[171] Extracts of the article were reprinted in such party organs as the *Party Organizer*, which was disseminated by the central committee of the Communist Party of the United States for party functionaries.[172]

"The worst thing that can happen to a communist," Alfred wrote as a preface to his remarks on street fighting, "is for him to look on at the fight of the masses and not to fight actively with them."[173] Alfred stated that the old tactics which were used in organizing demonstrations were no longer valid, and that a new "elastic tactical method" was required. "The fighting demonstration of today," Alfred reminded his readers, "is not a political procession, but a real means of exerting revolutionary mass pressure."[174] Unlike in the past when demonstrators marched outside of town or to a park to hold their meeting, demonstrations were to be held in the center of town, on street corners or in public squares. Alfred stated that illegal mass demonstrations could not be organized merely by issuing a leaflet. It was necessary to undertake preparatory work in the factories and in the working class districts. After this had been done, he said, the workers could be assembled, and a push attempted into the center of the town.

The assembly points for demonstrations were always to be located in the workers' quarters of the city, the place least accessible to the police. Alfred recommended the adoption of the "partisan" method of assembling as a means of misleading the police. Small groups of persons were to form individually, and then come together at a predetermined location from where the move towards the real object of the fight would begin. This, Alfred noted, generally would be located in a non-proletarian area. "A hunger march from districts of the poor to the districts of the rich," Alfred stated, "is in our opinion one of the most successful forms of fighting demonstration."[175] In an armed revolt, an attack at all costs was essential. However, he noted, "anyone who tries to apply this rule also to physical resistance in the current class battles is guilty of a sectarian interpretation of the class battle."[176] Lenin emphasized, he reminded, that strikes and demonstrations were "schools of war." In themselves they did not lead to a decisive result: they were only preparatory training. In most European countries, Alfred asserted, the broad masses were not ready to join in an armed attack. The slogan of an armed demonstration, he continued, meant the arming of the proletariat; but "to raise the slogan of an armed demonstration without any attempt for a speedy transformation into an armed revolt, and before the preconditions for a successful revolt exists, is to be guilty of playing with revolution."[177]

There were also other overt signposts indicating an intensification of soviet interest in educating communists in the strategy and tactics of street fighting and insurrection. Simultaneous publication in German, French and Russian of the standard communist casebook on insurrection, *The Armed Uprising*, also occurred in 1931.[178] It was written by A. Neuberg.[179] If Langer was the theorist of the armed uprising, Neuberg was its tactician.[180] Neuberg's book rapidly became the basic communist manual on armed uprising, street fighting and the tactics of insurrection. According to Dimitrov, the general secretary of the Comintern, it could be found "in the library of every revolutionist."[181] Neuberg's book contained case history studies of insurrections at Reval, Hamburg, Shanghai and Canton. It also discussed in detail communist disintegration work in the armed forces, the arming of proletarian forces, the elements of timing and surprise, and the general principles of street fighting. Although Neuberg's book was a classic on tactics, it also had special importance for the emphasis it placed on the doctrine of revolutionary antimilitarism. Neuberg developed the thesis that antimilitarist work prepared the way for the armed uprising which was the highest form of the political struggle:

"The entire activities of the revolutionary party, the fight for peace, against the imperialistic intervention in Soviet Russia, China, etc. (against the coming imperialistic war between Europe and America, etc.), against capitalistic rationalization, for the raising of wages, for social insurance, for a higher standard of life of the proletariat as a whole, for the nationalization of the soil, the parliamentary struggle, etc., etc., all that must be regarded from the perspective point of view of the preparation and mobilization of the masses for the highest form of struggle at the moment when the revolution is ripe—for the rising."[182]

All communist activities, Neuberg said, served as preparation for armed uprising. This was especially true of all phases of antimilitarist work, even if only the simple act of distributing propaganda pamphlets in the army were involved. The disintegration of the enemy military organization was the first step in the preparation for an uprising, albeit, according to Neuberg, a negative step. The preparation became positive only with the organization, training and recruiting of a mass organization. Neuberg maintained that the armed uprising began in the period of immediate preparation, i.e., before the outbreak of street fighting. "One must remember," he stated, "that, in the widest sense of the word, the rising does not begin with the attack of the fighting organization of the proletariat (Red Guard), but rather some days, even weeks, before. It begins when the time for the general attack has been fixed and when the party is working at feverish speed to win over the troops, to arm the proletariat and the semiproletarian elements for the decisive struggle for power. It begins when the masses take up the fight of their own initiative against the forces of counter-revolution."[183]

During such a period, Neuberg concluded, antimilitarist work assumed even greater importance:

"In this period which begins with the approach of the general battle, in the period of preparation for the attack on the state, the party must concentrate its attention on the task of subverting and winning over the troops."[184]

The necessity of actually working inside the armed forces was repeatedly emphasized by Neuberg who stated:

"The attitude of the revolutionary proletariat to the imperialistic war in keeping with Lenin's principle is the transmutation of this war into civil war. Towards the army, which is the most important factor of the imperialistic war, the attitude of the party and of the whole revolutionary proletariat must be such that they work for the complete subversion of the imperialistic army and the going over of masses of soldiers to the side of the revolutionary proletariat. That is the aim and object of the work of the party in the army, but it is achievable only with the complete victory of the proletarian revolution. As long as the power is in the hands of the bourgeois state, the bourgeois army will remain one of the decisive components of the state."[185]

No matter what the political situation may be, Neuberg warned, the task of the proletarist remained the subversion and the "revolutionizing" of the army.[186]

Communist instruction on the strategy and tactics of revolutionary antimilitarism was

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not restricted to books and pamphlets. It was also carried on in the daily party press and in periodic party organs like Tokensetsusha (*Party Construction*), the monthly magazine of the Communist Party of Japan.[187] *Tokensetsusha,* which began publication in June, 1931, was devoted to communist theory and the interpretation of revolutionary doctrine. It also played an important part in educating the party faithful in Japan on the strategy and tactics of revolutionary antimilitarism. Its masthead proclaimed the slogan "For the bolshevisation of your revolutionary practice, for the strengthening and consolidation of Leninist leadership in the . . . barracks and battleships.[188] The August, 1931 issue of *Tokensetsusha* featured a detailed description of methods for use in organizing communist cells in the Japanese navy.[189] This article was one of the few appearing in Japanese party organs which published the communist organizational methods within the armed forces, although articles on propaganda and agitational activities were relatively common.[190]

Mutiny in the Americas

In August, 1931, units of the Cuban fleet declared their solidarity with the revolutionary elements in an abortive uprising against the Machado dictatorship. Their action was hailed by Cuban communists as evidence of the success of their antimilitarist programs. However, what occurred in the Cuban navy was spontaneous, and was apparently unrelated to either direct or indirect communist influence.[191] Although the Communist Party of Cuba had carried on illegal work since its founding in 1925, it enjoyed little success, growing too slowly to play any decisive part in internal Cuban politics until later in the 1930's. Conditions in Cuba with its one crop sugar economy were extremely sensitive to the periodic fluctuations in the world market, and what little influence the communist movement exerted was insignificant in comparison to the revolutionary ferment engendered by the severe economic distress which followed each major market decline. Communist work in Cuba was financed by the Communist Party of the United States. When news of the anti-Machado uprising reached its headquarters in New York, the party issued instructions to all members to agitate in favor of the withdrawal of all American naval and military personnel, vessels, and equipment from Cuba.[192]

On September 1, 1931, the communist movement in Latin America made its most important bid for power. Earlier in 1931, a special meeting of communist waterfront functionaries from Argentina, Chile, Peru and Ururguay had been held in Montevideo for the purpose of drafting "action programs" for both the civilian maritime industry and the military personnel of the South American navies. In attendance was a special delegate from the Maritime Section of the Comintern. He had been sent to the meeting especially for the purpose of citing details of the mutiny of the German fleet in 1918 to "impress the Latin Americans with the importance of building up communist units in every navy."[193] The "action programs" first bore fruit in the form of a communist bid for power in Chile where the communist party had been illegal since 1927.

One of the consequences of the acute economic crisis which gripped the world in the early 1930's was the necessity for many governments to retrench on military expenditures. The government of Chile attempted to do so by cutting the service pay of its naval forces by thirty per cent. The announcement of this drastic reduction in service pay resulted in a mutiny of the Chilean fleet. The mutineers demanded that the Chilean Government withdraw the pay reduction order. While there is little doubt that the discontent stemming from the thirty percent reduction was widespread, there is nothing to substantiate the claims in the international communist press accounts of the mutiny that all crews in the Chilean navy, numbering some 18,000 men, took part in the revolt.[194]

The revolt in the Chilean fleet began on the first of September. In the beginning, it was a spontaneous uprising, but the communist nuclei in the crews rechanneled the dissension of the seamen into a revolutionary movement. Headquarters for the revolt was the Chilean battleship, *Almirante Latorre.* Representatives of the other ships' crews met aboard the *Almirante Latorre* as a "committee of action." On orders from this committee, all officers aboard ship were taken prisoner. However, instead of keeping them in safe custody on board as hostages in anticipation of using them to establish a bargaining position with the government forces, the communists released the majority of the officers and permitted them to go ashore. This, it was later concluded, had been a serious tactical mistake, as these same officers became the most active participants in crushing the uprising.[195]

The communist movement in Chile was quick to seize upon the economic demands of the sailors as a battle slogan calculated to win the sympathy of broad sections of the working masses. On the day after the start of the uprising the Communist Party of Chile which had actively infiltrated the Chilean trade union movement called a general strike. Trade union delegates acting upon communist discipline were sent by the part, to all important working districts to proclaim the slogan of solidarity with the fighting sailors, and to secure support for the strike call. Within twenty-four hours, the general strike had spread throughout Chile.

The communists also attempted to take over leadership of the naval mutiny by sending delegates of workers aboard the warships to work with the communist nuclei already active there. The communists formed workers' councils, and called for the establishment of armed workers' defense corps in the industrialized suburbs of Santiago. Weapons and provisions were seized by the workers' defense corps during the rioting which spread throughout Santiago. An intensified demoralization program was also launched by the communists within the police and army garrisons throughout Chile. The program achieved some success, as segments of the military garrison at Valparaiso, together with elements of the coastal artillery, supported the general strike movement.

To put down the uprising in the navy the Chilean government mobilized the armed forces and declared martial law. The communist press reported that the sailors had been promised that the pay cut would be cancelled and that no punitive action would be taken against the mutineers, but all negotiations between the insurgents and the government failed. The communist leadership of the naval revolt rejected all government offers. The general strike lost its force rapidly after the first day, for the communist organization in Chile was too small and too poorly organized to effectively sustain and control the strike movement. On Monday, the seventh of September, after holding out against the government forces for a week, the mutinous fleet units began to surrender. The decisive factor was the heavy damage inflicted on several of the ships by government aircraft. The mutineers had been easy targets, for through error of the leaders, or indecision, their ships had remained anchored in the bay. The last ship to surrender was the battleship *Almirante Latorre.*[196]

The revolt of the Chilean fleet did not end victoriously for the communists, but it provided them with another practical lesson in how not to conduct a naval revolt. The insurgents made several serious tactical errors. These were noted by the communists in their later analysis of the Chilean revolt. In a situation which called for action, the fleet had adopted a "tactic of waiting" which rendered defeat inevitable. Further, the insurgents failed to make use of those decisive factors which would have permitted extensions of the revolt. These factors were the confusion prevailing in government circles, the irresolution in the army and air force, and the growing mob-psychology of the masses. Instead of taking to the open sea and sailing to Valparaiso where the trade union's general strike could have been expanded into a major revolutionary uprising, the insurgents permitted their ships to remain at anchor in the harbor, making it relatively easy for the government forces to bomb them using both coastal artillery and aircraft. The chief and immediate cause of their defeat, therefore, was passivity.[197]

News of the revolt in the Chilean fleet was headlined by newspapers throughout the world. The Chilean sailors were praised in the communist press for their revolutionary action. For the Communist Party of the United States, the rising in Chile served as an excuse to intensify agitation within the American navy. Even though there was no serious thought being given by the government to the possibility of intervention in Chile, the communists appealed to American servicemen to resist any effort by the United States to intervene there. "Hands off Chile" became the communist slogan of the day.[198]

In Great Britain, the communists interpreted the events which had transpired in the Chilean navy as a tribute to the effectiveness of their antimilitarist campaign. Earlier in the year the Comintern had directed them to "considerably increase" their propaganda activities in the armed forces, particularly in the British navy.[199] As part of their campaign, the crew of the Chilean battleship, *Almirante Laterro,* which in the uprising had served as the headquarters for the mutineers, had been cultivated by the British communists while their ship was undergoing an extensive refit in the Devonport dockyards, England.[200]

Incident at Invergordon

The Comintern directive to the British communists to intensify their antimilitarist activity coincided with its initiation of a program to achieve maximum exploitation of the growing world financial crisis. Unemployment was on the increase everywhere. International trade was in the doldrums, and governments throughout the world made futile attempts to balance national budgets. In Great Britain, the economy campaign involved pay reductions for employees in all branches of government service. By September, 1931, newspapers throughout Great Britain reported proposed pay cuts for teachers, police, and post office workers. Reductions in unemployment compensation followed. However, it was not until decreases in the pay of the fighting forces were announced in the press that serious repercussions occurred. Due to an unfortunate breakdown in communication procedures, the official Admiralty explanation of the naval pay reductions failed to reach elements of the Atlantic Fleet anchored off Invergordon before the public press announcements, a fact which contributed to the growing apprehension already prevalent among the men.

On September 15, 1931, the British Admiralty announced that promulgation of "reduced" rates of naval pay had led to unrest among some of the enlisted men in the Atlantic Fleet. As a consequence, the Admiralty stated it had been considered desirable to suspend the programmed fleet exercises and recall the ships to harbor.[201] Through this terse announcement the British Government admitted to the world that its Atlantic Fleet had mutinied off Invergordon.

There is considerable disagreement as to what actually transpired at Invergordon. Kenneth Edwards, in his detailed study of the events preceding Invergordon, presented a convincing case for those who contended

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that instigation of the mutiny was by communist elements who had seized upon the opportunity afforded by the inept handling of the pay question by the Admiralty.[202] Edwards claimed that the years of communist agitation and propaganda directed against the British armed forces contributed to the development of an environment favorable to dissension and disaffection. He charged the communists with direct complicity in the mutiny of Invergordon. A somewhat different position was taken by Fred Copeman, one of the British seamen dismissed from naval service because of their part in the Invergordon affair. Years later, after his break with communism, Copeman attributed the Invergordon mutiny to spontaneous reaction by the men of the fleet. They rebelled, he held, against what they believed to be an "unjust" pay reduction. Copeman disavowed communism involvement in the mutiny, stated that he was never able to find any evidence that the communist party had anything to do with inciting it.[203] Copeman revealed that the communists themselves had not denied the part popularly ascribed to them in the Invergordon mutiny because it was party policy to claim responsibility and leadership for any movement associated with the righting of "injustices." This policy, he stated, had proved successful in building up good will toward the communists.[204]

In support of his position, Edwards indicated that the British communists, determined to make the pay reduction a *cause célèbre*, had decided to concentrate their campaign on the British navy. To prepare for the propaganda offensive, representatives of the London *Daily Worker*, the central organ of the Communist Party of Great Britain, had gone to Invergordon on Sunday, September 13. Recognizing that professional agitators would be unsuccessful in any direct approach to naval men, the communists called upon various members from within the naval ranks to exercise their influence over the sailors.

Sunday evening, the communist cell members held a mass meeting ashore involving more than 600 sailors from the fleet units anchored off Invergordon. Taking advantage of the dissension which had been kindled among the enlisted ranks by the unexpectedly large reduction in pay which had been revealed earlier that same day in the Sunday newspapers, and playing on the natural fears of the sailors as to what the consequences of the severe cuts would be on their families, communist agitators promoted the idea that the sailors should undertake "collective strike action" in an attempt to get the government to reconsider its action. All reference to "mutiny" was carefully avoided. One of the principal organizers was Able Seaman Len Wincott of the *H.M.S. Norfolk*, who called for volunteers to act as representatives of each ship on a "sailor's soviet." The representatives were directed to sound out and organize their shipmates.

A second meeting was scheduled ashore for the following evening. On Monday, September 14, the *Daily Worker* featured the naval pay cuts on its front page. Copies of the paper were widely circulated among naval personnel ashore and afloat in the Invergordon area. Primary emphasis in the *Daily Worker* articles was on the generalization that the pay of the enlisted man would be cut 25 percent while that of the officers would be reduced by only 9 percent. In presenting possible extreme conditions under the pay bill as a generalization, the *Daily Worker* poured salt on the already festered wound of dissension. Monday evening, the final plans for the strike action were completed at the scheduled meeting of the ship's representatives. A cheering code was adopted similar to the one which communist elements in the mutiny of the German fleet had used so successfully thirteen years previous as a signal that the strike had begun.[205] Following a pre-arranged plan, elements in the crews of the battleships *H.M.S. Rodney* and *H.M.S. Valiant* refused to turn to for work when called to duty on Tuesday morning when the ships began preparing to put to sea. Cheering broke out, signaling from one ship at anchor to another that the "strike" had commenced.[206] The refusal to turn to work spread throughout the Atlantic Fleet, involving, among others, the crews of the heavy cruisers *Hood* and *Repulse*, the battleships *Nelson, Warspite* and *Malaya*, and the cruisers *Dorsetshire, Norfolk, Exeter* and *Adventure*. The mutiny ended with the announcement of the Admiralty's decision to cancel the fleet exercises. This act by the Admiralty was more of a precautionary measure than a necessity, for nowhere did violence actually break out.

The mutiny at Invergordon cost the British Government heavily in lost prestige throughout the world, a fact that the Comintern capitalized upon. The British revolutionary movement was directed by the Comintern to "mobilize the widest possible support for the sailors and assist them to take advantage of the present moment" by expanding the scope of the struggle. Specifically, demands for full political rights, for marriage allowances for all ratings, for improved food and against compulsory religious instruction, as outlined in the soldiers' and sailors' programs of the Communist Party and the Young Communist League, were to be utilized.[207] British communists were quick to respond to the opportunity which Invergordon presented. Within a week, revolutionary communist propaganda flooded the naval ships and barracks throughout Britain. Bundles of agitational pamphlets were thrown over dockyard walls or scattered where sailors congregated. Typical of such pamphlets was one signed "Council of Communist Sailors" which urged the British sailors to hold out against the pay reductions, warning them not to place any reliance on the promises of either trade union leaders or the labor members of Parliament.[208] This propaganda had little effect on the British naval men.

German communists celebrated the outbreak of the Invergordon mutiny by sending the British sailors a telegram congratulating them on "their courageous action against the British government and reactionary officers corps.[209] The telegram was signed by both the Young Communist League and the Red Front Fighters' League of Germany. It advised the British sailors to disarm their officers, elect sailors' councils on all vessels, and establish a central council for the fleet.[210] The Young Communist League of the United States also sent revolutionary greetings to the British sailors of Invergordon. At the same time, it issued an appeal to American servicemen to organize regimental and ships' committees for the purpose of resisting any attempt on the part of the American government to lower their pay.[211]

In the Far East, the arrival of the news of the mutiny at Invergordon coincided with beginning of Japan's invasion of Manchuria. The war plan and the order for its execution had been drawn up and signed before Invergordon, but the immobilization of the British fleet provided unexpected reassurance to the Japanese that their plans could be carried out without interference from Great Britain. Britain's most important dominion in the Pacific, Australia, was also crossed off as a threat.

The Australian navy experienced a series of minor incidents at almost the same time and for almost the same basic causes as the British fleet mutiny at Invergordon. Communist sympathizers had been active in Australia since the acceptance of their party into the Comintern in August, 1922, but significant progress in developing a militant party was not registered until the early 1930's when they began to "colonize" the Australian navy.

News of the mutiny at Invergordon, and resentment over their own recent wage cuts, resulted in isolated cases of insubordination by sailors aboard the *Penguin* and the cruiser *Canberra*. Communist literature had also been brought abroad the Australian navy ships in quantities large enough "to equip a public library."[212] The communist press labeled it a "widespread revolt" and reported that the sailors had held shipboard meetings and hoisted red flags aloft. However, the situation lacked any real revolutionary implications for communist agitation was less a contributory cause for the unrest than was the poor quality of food served in the Australian navy.

FOOTNOTES

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[1] *International Press Correspondence*, VIII, No. 60 (September 6, 1928), 1055.

[2] *Ibid.*

[3] *Ibid.*, No. 80 (November 16, 1928), 1508. Italics in original.

[4] *Ibid.*, No. 42 (August 1, 1928), 742–43.

[5] *Ibid.*

[6] *Ibid.*

[7] *Ibid.*

[8] *The Communist Youth International—Report on Activity Between the Fourth and Fifth Congress: 1924–1928* (London: Published for the Young Workers' (Communist) League of America by the Communist Party of Great Britain, 1928), pp. 24–25.

[9] *Ibid.*, p. 32.

[10] *International Press Correspondence*, VIII, No. 55 (August 25, 1929), 959.

[11] *Ibid.*, No. 61 (September 11, 1926), 1061.

[12] *The Communist Youth International*, pp. 26–27.

[13] *Ibid.*, p. 178.

[14] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1110.

[15] *Ibid.*, p. 1112.

[16] *The Communist Youth International*, pp. 197–98.

[17] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1109.

[18] *The Communist Youth International*, p. 222.

[19] *Ibid.*, p. 30.

[20] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1110.

[21] *Ibid.*, p. 1113.

[22] *Ibid.*, pp. 1110–11.

[23] *Ibid.*

[24] *The Communist Youth International*, p. 210.

[25] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1110–11.

[26] *The Communist Youth International*, p. 224.

[27] *Ibid.*, p. 30.

[28] *Ibid.*

[29] *Ibid.*, p. 31.

[30] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1111.

[31] *Ibid.*

[32] *Ibid.*, p. 1114.

[33] *Ibid.*, No. 65 (September 21, 1928), 1172.

[34] *Ibid.*, p. 1173.

[35] *The Communist Youth International*, p. 228.

[36] *International Press Correspondence*, VIII, No. 62 (September 14, 1928), 1113.

[37] *The Communist Youth International*, p. 31.

[38] *International Press Correspondence*, VIII, No. 65 September, 1928), 1172.

[39] *Ibid.*, No. 67 (September 28, 1928), 1221.

[40] Unlike other important documents adopted by the Young Communist International at its fifth world congress, the theses on antimilitarism were neither published nor discussed in the communist press. The theses apparently fell into the category of "privileged" documents which were limited in dissemination to league and party officials.

[41] *Programme of the Young Communist International*. (London: Dorrit Press, Ltd., for the Young Communist League of America, 1929).

[42] *Ibid.*, p. 15.

[43] *Ibid.*, p. 42.

[44] *Ibid.*, p. 45.

[45] *Ibid.*, pp. 45–49.

[46] "Resolution of the Fifth World Congress of the Y.C.I.," *International Press Correspondence*, VIII, No. 80 (November 16, 1928), 1508.

[47] *Programs of the Young Communist International*, p. 46.

[48] *Ibid*, p. 41.

[49] *Ibid.*, p. 46.

[50] *Ibid.*, pp. 47–48.

[51] *Ibid.*, p. 46.

[52] *Ibid.*

[53] *Ibid.*, p. 48.

[54] *Ibid.*, p. 70.

[55] *Ibid.*, p. 78.

[56] Brandt, Schwartz and Fairbank, *loc. cit.*, p. 139.

[57] *Ibid.*, p. 136.

[58] *International Press Correspondence*, VIII, N–o. 74 (October 5, 1928), 1345.

[59] Brandt, Schwartz and Fairbank, *loc. cit.*, p. 154.

[60] *Ibid.*, p. 155.

[61] *Ibid.*

[62] *Ibid.*

[63] *Ibid.*, p. 132.

[64] *Ibid.*, p. 144.

[65] *Ibid.*, p. 143.

[66] *Ibid.*, p. 145.

[67] *Ibid.*, p. 152.

[68] *Ibid.*, pp. 161–64.

[69] *Ibid.*, pp. 173–74.

[70] *Ibid.*, p. 167.

[71] *Ibid.*, p. 173.

[72] *Ibid.*

[73] *Ibid.*

[74] *Ibid.*

[75] *International Press Correspondence*, IX, No. 35 (July 24, 1929), 768.

[76] *Ibid.*, No. 37 (August 2, 1929), 791.

[77] *Ibid.*, No. 45 (August 30, 1929), 961.

[78] *Ibid.*, No. 42 (August 23, 1929), 897.

[79] *Ibid.*, No. 36 (July 26, 1929), 785.

[80] *Ibid.*, No. 47 (September 6, 1929), 1001.

[81] *Ibid.*

[82] U.S., Congress, House, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda*, Part 5, Vol. 4, 71st Cong., 2nd Secs., 1930, p. 395.

[83] *Ibid.*, p. 396.

[84] *Ibid.*, p. 399.

[85] These names are probably pseudonyms. Possony, *op. cit.*, p. 167, suggested the possibility that L. Alfred stands for Alfred Langer.

[86] In-text data suggests that publication occurred after May 1, 1929. Possony, *loc. cit.*, reported that it was also distributed by the Comintern to the higher echelons of the various communist parties, including the communist hierarchy in the United States. Possony asserted that this handbook was not for public sale, but the price on the cover suggests otherwise.

[87] U.S., Congress, House, Special Committee on Un-American Activities, *Investigation of Un-American Propaganda Activities in the United States*. Appendix, Part I, 76th Cong., 1st Sess., 1940, p. 122.

[88] Alfred, Dupont and Fisher, *loc. cit.*, p. 31.

[89] *Ibid.*, p. 29. Cf. Langer, *op. cit.*, p. 40.

[90] Alfred, Dupont and Fischer, *loc. cit.*, p. 5. This same point was also covered in the *Resolution* of the sixth world congress.

[91] *Ibid.*, p. 5.

[92] *Ibid.*, p. 67.

[93] *International Press Correspondence*, VIII, No. 84 (November 28, 1928), 1589.

[94] Alfred, Dupont and Fischer, *loc. cit.*, p. 40.

[95] Lenin, *Selected Works*, IV, 331.

[96] Alfred, Dupont and Fischer, *loc. cit.*, pp. 89–90.

[97] *Ibid.*, pp. 91–92.

[98] *Ibid.*, p. 33.

[99] *Ibid.*, pp. 46–55.

[100] *Ibid.*, p. 51.

[101] (Imprimeris Populaire de Lorraine). The appearance of identical graphic plates in both the French and German editions suggests the degree of interest which the Communist Party of France had in publishing the German edition.

[102] The handbook itself took cognizance of the fact that many of the tactics which it described based upon French experience with obligated service forces might not be practical in Germany with its mercenary, selective recruitment system. It stated, however, that even in Germany effective antimilitarist work in the armed forces could be accomplished. (Alfred, Dupont and Fischer, *loc. cit.*, pp. 67–68). Comparison with Schneller's remarks at the sixth world congress on the possibility of carrying on antimilitarist work in Germany suggests that L. Alfred, Alfred Langer and Ernst Schneller may well have been one and the same person. Other substantive similarities tend to support this conclusion.

[103] *Ibid.*, pp. 57–65.

[104] *Ibid.*, pp. 60–63.

[105] Advertised on back cover of *L'antimilitarisme révolutionnaire* as one of the "recommended works" for party members.

[106] Yaroslavsky's pamphlet was another of the works on the communists' "recommended" reading list.

[107] For an extensive listing of such documents, see Carlos M. Silveyra's *El comunismo en la Argentina*. (Buenos Aires: 1947), pp. 42ff.

[108] *Ibid.*, p. 463.

[109] Adolf Ehrt, *Communism in Germany* (Berlin: General League of German Anti-Communist Association, 1933), pp. 95–97.

[110] *Ibid.*, pp. 31–43.

[111] *Ibid.*, p. 64.

[112] *International Press Correspondence*, II, No. 15 (March 21, 1930), 309.

[113] *Ibid.*, p. 285.

[114] *Ibid.*, No. 20 (April 24, 1930), 366.

[115] U.S. Congress, House, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda*, Part 3, Vol. 1, 71st Cong., 2d Sess., 1930, p. 201.

[116] *Ibid.*

[117] *International Press Correspondence*, VIII, No. 72 (October 17, 1928), 1320.

[118] U.S., Congress, House, Special Committee to Investigate Communist Activities in the United States, *Investigation of Communist Propaganda*, Part I, Vol. 2, 71st Cong., 2d Sess., 1930, p. 85.

[119] *The Communist*, X, No. 9 (October, 1931), 821.

[120] Brandt, Schwartz and Fairbank, *loc. cit.*, p. 191.

[121] *Ibid.*, p. 197.

[122] *Ibid.*, p. 198.

[123] *Ibid.*, p. 201.

[124] *Ibid.*, p. 203.

[125] *Ibid.*, p. 204.

[126] R. Doonping, "The Bourgeois-Democratic Revolution and Soviet Power in China," *The Communist*, IX, Nos. 11–12 (November-December, 1930), 1029.

[127] *Ibid.*, p. 1030.

[128] *Ibid.*

[129] *International Press Correspondence*, XI, No. 21 (April 23, 1931), 400.

[130] *Ibid.*

[131] *Ibid.*, X, No. 58 (December 18, 1930), 1219.

[132] *Ibid.*, p. 1220.

[133] *Ibid.*, pp. 1221–22.

[134] *Ibid.*

[135] *Ibid.*

[136] U.S., House of Representatives, Special Committee on Communist Activities in the United States, *Investigation of Communist Propaganda*, Report No. 2290, 71st Cong., 3d Sess. (January 17, 1931), p. 35.

[137] *The Communist*, XI, No. 1 (January, 1932), 96.

[138] *International Press Correspondence*, XI, No. 34 (June 30, 1931), 639.

[139] *The Communist*, X, No. 9 (October, 1931), 782.

[140] *Ibid.*, p. 821.

[141] *Ibid.*, No. 8 (August, 1931), 699.

[142] *Ibid.*, p. 702.

[143] *Ibid.*

[144] *International Press Correspondence*, XI, No. 28 (May 28, 1931), 518.

[145] M. Majority, "The Spanish Revolution," *ibid.*, No. 26 (May 21, 1931), 483.

[146] The abridged version was designed to provide in pamphlet form a glorification of the art of naval mutiny. The English edition was published under the title *The Epic of the Black Sea Revolt* (New York: Workers Library Publishers, Inc.). The only copy of the English edition that I have been able to identify was published in 1941, but it was believed that an earlier edition was circulated in the United States and Great Britain as early as 1931.

[147] Some authorities, e.g., Possony, *op. cit.*, p. 167, have generally programed that the Edeya edition was published sometime after 1935 during the Spanish civil war. I have reconstructed the 1931 date given above through an analysis of the publisher's advertisements on the back cover. Several of the publications offered for sale in the cover advertisement were translations of theses or resolutions adopted by the Comintern at the eleventh plenum in April, 1931. Comparison of communist propaganda organs of the period indicates that those documents were published only until the twelfth plenum was held in September, 1932, after which an entirely new series of documents were published. Although publication might have occurred as late as 1932, I hold for the earlier date.

[148] Edeya advertised the pamphlet during the preparatory stage as *El acorazado "Potemkin"* (*The Cruiser "Potemkin"*), but the title on the published pamphlet became *La sublovacion del "Potemkin"* (*The Revolt of the "Potemkin"*).

[149] (Leicester, England: The Blackfriars Press, Ltd., 1931).

[150] The title advertised was *The Revolt of the Armoured Cruiser "Potemkin,"* varying from the published title by the use of the "of" for "on" (*The Communist*, XI, No. 4 (April, 1932), inside cover).

[151] Kanatchikov, *op. cit.*, p. 5.

[152] *Ibid.*, p. 26.

[153] *Ibid.*, p. 23.

[154] *Ibid.*, p. 24.

[155] *Ibid.*

[156] *Ibid.*, p. 25.

[157] *Ibid.*, pp. 27–28.

[158] *Ibid.*, p. 26. Italics in original.

[159] *Ibid.*

[160] *Ibid.*

[161] (New York: Workers' Library Publishers, 1931).

[162] It was offered for sale at the price of ten cents. (*Party Organizer*, IV, No. 6 (July, 1931), cover advertisement).

[163] Philippines, Congress, House, Special Committee on Un-Filipino Activities, *Report on I, The Illegality of the Communist Party of the Philippines. II, The Functions of the Special Committee on Un-Filipine Activities* (Manila: Bureau of Printing, 1951), pp. 52–53.

[164] *International Press Correspondence*, II, No. 33 (June 25, 1931), 604.

[165] *Ibid.*, XII, No. 45 (October 13, 1932), 964.

[166] *Ibid.*, XI, No. 64 (December 17, 1931), 1156–57.

[167] *The Communist*, XI, No. 12 (December, 1932), 1126.

[168] The symbolism of this name derives from the Russian insurgent slogan "the flame will sprout from the spark."

[169] William Green, *Report on Communist Propaganda in America as Submitted to the State Department, United States Government* (Washington: American Federation of Labor, 1935), pp. 18–21.

[170] The Russian edition of June 30, 1931, carried this article. (*Ibid.*, p. 22). It appeared in the English edition on September 1, 1931.

[171] This is probably the same "L. Alfred" as

the author of the classic *L'antimilitarisme révolutionnaire* which appeared in 1929.

[172] *Party Organiser,* IV, No. 11 (December, 1931).

[173] *Ibid.,* p. 18.

[174] *Ibid.,* p. 20.

[175] *Ibid.,* p. 21.

[176] *Ibid.,* pp. 23–24.

[177] *Ibid.*

[178] Ehrt, *loc. cit.,* reports that the German language edition, *Der bewaffuete Aufstand,* was "said" to have been published in 1928 by Otto Meyer, Zurich. From an examination of other materials, I have concluded that the publication date of the Zurich edition was probably 1931, rather than 1929 as reported by Ehrt. From 1928 to 1930, the clandestine communist press was still active in Germany. Not until 1931 did Zurich become the printing center for German communism. The communist practice of simultaneously publishing basic original theoretical documents in various foreign language editions further supports the later date, as Neuberg's book was published in Russian as Voorushamoya vogstaniya (Moscow) and in French, *L'insurrection armée* (Paris: Bureau d' editions), possibly also in English, in 1931. Ehrt himself contradicts his own 1928 date by citing an intext reference from Neuberg to 1929.

[179] Neuberg's true identity has never been fully confirmed. In 1933, Adolf Ehrt established the pattern since followed by most authorities when he recorded then current hearsay in Germany that Neuberg was the psudonym of the notorious communist terrorist and expert in subversion, Heins Neumann. Inclusion of the details of the Canton insurrection in the book, an event on which Neumann had first-hand knowledge, strengthens his candidacy as its author. Neumann's wife, Frau Margarethe Buber-Neumann, once denied any knowledge of Neumann's purported authorship of this work, but she later advised Dr. Stefan Possony that she had subsequently learned her late husband had, in fact, written it.

[180] For a comparative analysis of their respective work, see Possony, *op. cit.,* pp. 178–88.

[181] Possony, *loc. cit.,* quoting the *International Press Correspondence,* XIII (October 13, 1933), 993.

[182] Neuberg, quoted by Ehrt, *op. cit.,* p. 10.

[183] *Ibid.,* p. 112.

[184] *Ibid.,* p. 118.

[185] *Ibid.,* p. 157.

[186] *Ibid.*

[187] The title of this publication has also been referred to in English language literature as *Party Builder,* but the communist press translated the title as given, i.e., *Party Construction.*

[188] *International Press Correspondence,* XII, No. 56 (December 15, 1932), 1215.

[189] *Ibid.,* p. 1216.

[190] In commenting upon the Japanese communist press, the official organ of the Comintern stated: "As regards the organizational work of the communist party in the army and navy, very little is mentioned due to the particularly conspirative nature of this work." ("Some Experiences from the Activity of the C.P. of Japan in the Army," *The Communist International,* XI, No. 14 (July 20, 1936), 481).

[191] *International Press Correspondence,* XI, No. 44 (August 20, 1931), 811–12.

[192] *The Daily Worker* (New York), August 13, 1931, p. 5.

[193] Valtin, *op. cit.,* pp. 236–37.

[194] *International Press Correspondence,* XI, No. 66 (December 31, 1931), 1194.

[195] J. Montenes, "On the Events in Chile," *ibid.,* No. 52 (October 8, 1931), 943.

[196] *Ibid.*

[197] G. Sinani, "The First Lessons of the Revolt in Chile," *ibid.,* No. 50 (September 24, 1931), 910–11.

[198] *The Daily Worker* (New Yorker), September 5, 1931, p. 5.

[199] *International Press Correspondence,* II, No. 32 (June 18, 1931), 587.

[200] Davenport was also the home port of *H.M.S. Rodney,* the British battleship which the mutineers called the "directing ship" of the sailors' soviet during the mutiny of Invergordon. (**Kenneth Edwards,** ***The Mutiny at Invergordon*** (London: The Camelot Press, Ltd., 1937), pp. 115–16).

[201] *The Times* (London), September 16, 1931, p. 12.

[202] Edwards, *loc. cit.*

[203] *Reason in Revolt* (London: Blandford Press, Ltd., 1948), pp. 52–53.

[204] *Ibid.*

[205] Wincott, who became active in the Communist party's militant front, the International Labor Defense, immediately after his discharge from the Royal Navy, had been in contact with the Communist Party of Germany two months before Invergordon in July, 1931, when units of the British Atlantic Fleet visited Kiel. (Edwards, *op. cit.,* pp. 117–21).

[206] *The Daily Worker* (New York), September 17, 1931, p. 5.

[207] *International Press Correspondence,* IX, No. 50 (September 24, 1931), 911–12.

[208] *The Times* (London), September 22, 1931, p. 9.

[209] *The Daily Worker* (New York), September 17, 1931, p. 1.

[210] *Ibid.*

[211] *Ibid.,* p. 5.

[212] *International Press Correspondence,* XI, No. 59 (November 19, 1931), 1057.

PRAYER AMENDMENT — THREATENED WITH DEFEAT BY ORGANIZED CHURCH GROUPS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. RARICK. Mr. Speaker, tentatively, the vote on House Joint Resolution 191, the Wylie prayer amendment, will be held on November 8, 1971.

House Joint Resolution 191 reads:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

With full recognition to the gentleman from Ohio (Mr. WYLIE) for his untiring efforts, it was the activity of grassroots American people who by letters and personal contact influenced 218 Congressmen to sign the discharge petition. The victory in achieving a record vote belongs only to the people.

Tragically, those many dedicated Americans who gave so unselfishly of their time to force the prayer amendment to a vote in the House underestimate the present situation or have been induced to believe that the battle is over. Nothing could be further from the truth, for while the original impetus has slacked off, the powerful forces of organized opposition to the prayer amendment are now in full swing using every advanced lobbying technique and distortion to sway Members, including some of the original discharge signers.

In contrast to the original supporters of the prayer amendment who were mostly individual citizens, the prayer opponents use organization stationery and appear as spokesmen of national groups claiming to represent large memberships. The American people will be shocked to realize that the powerful force lobbying against the prayer amendment comes from the organized church leaders of our Nation.

Some of the opposition letters suggest that organized clerical leaders have dropped preaching against sin to sermonize against the prayer amendment. These letters impugn the integrity and intelligence of those of us who signed the discharge petition and who will support the prayer amendment on the record vote. The most frequent statement in opposition is that we should be intelligent enough to know that children now have the right to pray in school—that the Supreme Court only outlawed State-prepared or State-led prayer, but in no way affected the right of any individual to pray anywhere.

If these contentions are correct, one questions why the clerics are so vocal in their lobbying against the prayer amendment which only protects this right.

Is it really fear of the effect of the prayer amendment, which our religious leaders say the people already have, or is it rather a massive organized fear by the minority that makes up the controlling mechanism of our country now being reflected through the politico-clerical lobbyists, that the American people have awakened and made their Representatives in Congress listen to them?

Is it a fear over the prayer amendment or a fear that once the people realize that they can reach into this Chamber and influence their Congressmen to bring the prayer amendment for a vote, then the people will realize that they are the power of this country and can also compel their Representatives to take similar action with other unwanted laws as well as unjust Supreme Court rulings such as busing, tax-free foundations, subversion and excessive taxation.

Is it fear over the prayer amendment which concerns the opposition—or a fear that the Congress will awaken to the realization that the true power in our country is not in political parties and pressure groups, but the people at home?

When the Members of this body fear and respect their constituents more than they do the manipulated leaders and controlled bureaucrats in Washington, those presently all-powerful will be reduced to the level of other struggling dedicated Americans who are trying to save our country and teach their children reverence to a Supreme Being, respect for their parents, and love for their country.

Barring resumption of renewed vitality and activity by the prayer enthusiasts, the prayer amendment will fail to receive the required two-thirds vote on November 8.

Should the prayer amendment be defeated, I am reluctant to speculate on public reaction when the people learn that their prayer amendment was defeated by a concerted lobbying effort by the overwhelming majority, if not all, of the organized religious bodies in our country. Should this happen, it would not be unrealistic for the people to then hold their church leaders and their Congressmen, as well as the Supreme Court, responsible for suppression of prayer. This is an issue of faith, not of detailed explanations. The American people want their children to pray in schools. The organized churches are trying to stop them.

James Madison, a principal architect of the Constitution, pointed out early in our history that "It is proper to take offense at the first experiment on our liberties." The American people have rightfully responded to his counsel and have worked tirelessly to correct the evil and encroachment precipitated by Supreme Court decisions. Those learned in the law realize that the Bill of Rights was adopted to protect the people and the States from Federal usurpation of their powers. The 1st amendment was never intended to apply to the States.

There are independent and fearless religious spokesmen who support the Wylie prayer amendment, and who have taken the time to answer the confused charges and misinterpretation of their fellow men of the cloth. These men realize the true meaning of our constitutional protection of the people's right to pray.

Examples of such support for the prayer amendment have been in letters from a pastor, Dr. Samuel A. Jeanes, and excerpts of a statement by Rabbi Menachem M. Schneerson, which I insert in the RECORD at this point.

The material follows:

FIRST BAPTIST CHURCH,
Merchantville, N.J. October 27, 1971.

Re HJR 171.
Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WYLIE: It is time that the muddled confusion created by court rulings on prayer in tax supported schools be ended. The polls that are taken clearly indicate that the American people, in overwhelming numbers, want to permit voluntary prayer in their schools.

Perhaps, the confusion has been caused because there are those who believe that the courts have said more than they really said and have hastily rushed us into a "prayer vacuum" in public education. The United States Supreme Court in the Board of Regents case ruled against the use of a prayer that was officially recommended by that Board with a directive that it be recited aloud in the presence of a teacher. In a second decision the United States Supreme Court, in the Abingdon, Pennsylvania School District case ruled against a Pennsylvania law requirement that ten verses be read from the Bible without comment at the opening of each school day. A third case never reached the United States Supreme Court but the U.S. District Court of Appeals for New York State ruled that little children could not recite a simple ancient prayer with their morning milk and cookies which went as follows:

"God is great, God is good,
And we thank Him for this food."

All the American people want is the opportunity for their children to offer voluntary prayer in their schools which was the practice for many, many years. The passage of HJR 191 could grant this permission and certainly bring an end to the misunderstandings which have led to many excesses.

It is unfortunate that some religious bodies have been mounting pressure upon the Congress to thwart the will of the majority of the people. My attention has been called to statements from the American Baptist Convention of which I am a member. Such statements of opposition to voluntary prayer in our tax support institutions supposedly are based upon resolutions passed by the Convention itself. May I call your attention to the fact that such resolutions are followed by a statement of explanation which says:

WHAT DO AMERICAN BAPTIST RESOLUTIONS REPRESENT?

"American Baptist resolutions are the attempt to help Baptists express a Christian view of crucial issues. To be sure resolutions passed by the American Baptist Convention cannot be said to represent the conclusions of all American Baptists or even all the American Baptists attending the Convention. They do, however, represent the careful thinking of a large number of people."

To illustrate the limited extent of representation reflected by such resolutions let me quote from the June 4, 1971 issue of Christianity Today which says:

"During debate over a controversial statement on non-traditional 'family life styles' that could have been interpreted as endorsing pre-marital sex and homosexual practices, ABC Treasurer, Milton Bennett—a Toledo restaurant operator—invoked the parliamentary law requiring that a majority of delegates be present when business is transacted. Only a fourth of the 2,800 were on hand, bringing automatic adjournment . . . Bennett's ploy was the first such call in the memories of ABC officials. It will not be the last; delegates spoke privately of using it next year (many of the ABC's most controversial resolutions over the years have been passed by a fraction of a quorum."

The American Baptist Convention claims about 6,100 individual churches with an approximate total membership of 1,500,000 people. There is no reason to believe that even half of the churches had delegates at the Convention session when this resolution against prayer in the schools was adopted. Furthermore, as a rule the delegates who do go to Convention sessions have no authority whatsoever to commit their congregations on any issues. Neither are any scientific efforts made to poll the thinking of the churches or their membership on such questions.

I trust that the members of the Congress will exercise seasoned judgment by accepting such sweeping statements from large organizations for what they are . . . expressions of men based upon very incomplete findings and voted, often by bodies that do not represent even a very small fraction of their total constituency.

The proposal before you does not require prayer, but it certainly does not prohibit it. Neither does it grant authority of any official body to determine the form or content of the prayer.

It should be remembered that the prayer decision of the Supreme Court was based upon their interpretation of the Constitution. However, the Constitution is an instrument ordained, not by the courts, but by the people. The courts may interpret it, but the people have a right to amend it. It should say clearly what the people want it to say.

If public prayer can be offered in the Halls of Congress at each opening session, in military camps and on board ship for our service men, at the inauguration of the President of the United States, at national political conventions, at social, civic and public functions, and even in our penal institutions, why should prayer be banned from the lips of our children and young people in the schools of the nation?

The passage of HJR 191 will give the world a moral witness that declares that for Americans God is important. And it will reaffirm what the Supreme Court itself has said that "we are a religious people whose institutions presuppose a Supreme Being."

Sincerely yours,
SAMUEL A. JEANES, *Pastor.*

CONGREGATION MISHKAN
ISRAEL NUSACH H'ARI,
LUBAVITCHER CENTER,
Oak Park, Mich., October 10, 1971.

HONORED CONGRESSMAN: H.J. Res. 191, the amendment concerning non-denominational prayer in the public schools, has been discharged from the Judiciary Committee through petition, and will come before the House for a vote.

We respectfully bring to your attention the views on this matter of Rabbi Menachem M. Schneerson (the Lubavitcher Rabbi), world Jewish leader.

Sincerely yours,
J. N. KRANZ,
Rabbi.
Y. M. KAGAN,
Associate Rabbi.

EXCERPTS OF A LETTER BY THE LUBAVITCHER RABBI, RABBI MENACHEM MENDEL SCHNEERSON

On the contrary, if there could have been any change at all (in my views), it was to reinforce my conviction of the vital need that the children in the public schools should be allowed to begin their day at school with the recitation of a *non-denominational* prayer, acknowledging the existence of a Creator and Master of the Universe, and our dependence upon Him. In my opinion, this acknowledgment is absolutely necessary in order to impress upon the minds of our growing-up generation that the world in which they live is not a jungle, where brute force, cunning and unbridled passion rule supreme, but that it has a Master Who is not an abstraction, but a personal G-d; that this Supreme Being takes a "personal interest: in the affairs of each and every individual, and to Him everyone is accountable for one's daily conduct.

Juvenile delinquency, the tragic symptom of the disillusionment, insecurity and confusion of the young generation, has not abated; rather the reverse is the case. Obviously, it is hard to believe that the police and law-enforcing agencies will succeed in deterring delinquency and crime, not to mention completely eliminating them at the *root,* even if there were enough police officers to keep an eye on every recalcitrant child. Besides, this would not be the right way to remedy the situation. The remedy lies in removing the cause, not in merely treating the symptoms. It will not suffice to tell the juvenile delinquent that crime does not pay, and that he will eventually land in jail (if he is not smart enough). Nor will he be particularly impressed if he is admonished that lawbreaking is an offense against society. It is necessary to engrave upon the child's mind the idea that any wrongdoing is an offense against the Divine authority and order.

At first glance this seems to be the essential function of a house of prayer and of the spiritual leaders. However, anyone who does not wish to delude himself about the facts of house of prayer attendance, both in regard to the number of worshippers and the frequency of their visits, etc., etc., must admit that shifting the responsibility to the house of prayer will not correct the situation. Nor can we wait until the house of prayer will attain its fitting place in our society, and in the life of our youth in particular, for the young generation will not wait with its growing-up process.

Children have to be "trained" from their earliest youth to be constantly aware of "the Eye that seeth and the Ear that heareth". We cannot leave it to the law-enforcing agencies to be the keepers of the ethics and morals of our young generation. The boy or girl who has embarked upon a course of truancy will not be intimidated by the policeman, teacher or parent, whom he or she thinks fair game to "outsmart". Furthermore, the crux of the problem lies in the success or failure of bringing up the children to an awareness of a Supreme Authority, Who is not only to be feared, but also loved. Under existing conditions in this country, a daily prayer in the public schools is for a vast number of boys and girls the only opportunity of cultivating such an awareness.

On the other hand, as I have emphasized

on more than one occasion, only a strictly non-denominational prayer, and no other, should be introduced into the public schools. Any denominational prayer or religious exercise in the public schools must be resolutely opposed on various grounds, including also the fact that this would create divisiveness and ill-feeling. Likewise must Bible reading in the public schools be resolutely opposed for various reasons, including the obvious reason that the reading of Koran and the New Testament will arouse dissention and strife. Moreover, the essential objective is a religious expression that would cultivate reverence and love for G-d, and this can best be accomplished by prayer, while Bible reading is not so important in this instance.

1. It has been argued that the child attending public school is in the category of a "captive", since his refusal to participate in a prayer would "stigmatize" him. His participation would therefore be involuntary and an encroachment on his freedom.

In my opinion, the notion of "capacity" as applied in this case should lead to a conclusion which is quite the reverse, for the following reasons:

The child attending public school knows that his attendance is compulsory, because his parents and the government consider his education of the utmost importance. Together with this comes the recognition that what is really important and essential to his education is taken care of in the school. The child's instinctive feeling and inference from this is that anything that is not included in the school curriculum is of secondary importance if, indeed, of any importance at all. Hence, if religion (prayer) is excluded from the school, the child would inevitably regard it in the same category as an extra foreign language, or dancing, or music lessons, which are not required by the school but are left to the parents' free choice, and which the child, not illogically, considers a burden or even a nuisance. In other words, the present system of the public school education is such that it *impresses* upon the pupil the belief that everything connected with religion, such as knowledge of God's existence, etc., is of little consequence, or of no importance whatever.

It will neither interest nor impress the child if he were told that the exclusion of prayer from the school is due to the principle of the separation of State and Church, or to a constitutional technicality. The reasons or explanations, even if they be actually conveyed to the child from time to time will not nearly impress him as much as the plain fact itself, which reasserts itself *each and every day*, that nothing can be very important to his education if it is not included in the school program. Such a situation can only reinforce the child's attitude of indifference, or even disdain, to any religious beliefs.

The above would be true even in the case of a child who comes from a religious home and background. How much more so in the case of children whose parents and homes are not permeated with the religious spirit, or where religion is something which is practiced once a week, on the day of rest, or only on holidays and special occasions. This, after all, is the kind of home from which the vast majority of the public school children come, inasmuch as the truly religious parents make every sacrifice in order to provide their children with the religious education and environment of a parochial school.

2. To oppose non-denominational prayer "on constitutional grounds" is, in my opinion, altogether a misunderstanding or misrepresentation of the problem.

The issue is: Whether a non-denominational prayer wherewith to inaugurate the school day is, or is not, in the best interests of the children. If the answer is "yes", then obviously it should be made constitutional, for there can be no difference of opinion as to the fact that the Constitution has been created to serve the people, not vice versa.

It may be pertinent to add here that the approach that the Constitution of the U.S.A. must not be touched or amended under any circumstances, is in itself a flagrant violation of the letter and spirit of the Constitution, which has its own built-in machinery for future amendments that may be required in the public interest; machinery which has been used in the past to incorporate into the Constitution a number of amendments.

3. It is argued that the principle of separation of Church and State is the only safeguard for freedom of religion, equal rights for minorities, etc.

Without going into the question whether there actually exists a strict separation between State and Church in this country (for there are undeniable facts to the contrary, e.g. the institution of Chaplaincy in the armed forces; the opening of Congress with a prayer; the motto "In G-d we trust" on American currency, the emphasis on Divine Providence in the Declaration of Independence; etc., etc.), I submit that the validity of the argument is contingent upon the question who is behind this principle, and how is it to be interpreted and applied? Suffice it to cite an illustration from two representative States now in existence, in one of which the said principle is in full operational force, while in the other it is not. In the first, as the daily press reports, there is a calculated war on religion and religious practices, with the suppression of all religious freedom, etc. Incidentally (and perhaps it is quite relevant to our discussion) it all started there with a ban on religious instruction to young children. In other countries, for example England, there is no separation of Church and State, there is religious instruction in the public schools, yet you find there complete religious freedom for all religious denominations.

4. Some argue further that the principle of separation of State and Church must be maintained at all costs, in order to prevent a resurgence of religious persecution so prevalent in the Middle Ages, when an established state-religion denied equal, or any, rights to other religions, etc.

The fallacy of this argument should be quite obvious. By way of illustration: Suppose a person was ill at one time and doctors prescribed certain medication and treatment. Suppose that years later the same person became ill again, but with an entirely different, in fact quite contrary, malady. Would it be reasonable to recommend the same medication and treatment as formerly?

In Medieval times the world suffered from an "excess" of religious zeal and intolerance. In our day the world is suffering from an excessive indifference to religion, or even from a growing materialism and atheism. Even where religion is practiced, it often lacks depth and inspiration. (The subject is too painful to discuss in detail). Thus, if separation of Church and State was necessary, it is *not at all* the answer to the problems of our contemporary youth. Besides, the preservation of the principle is not at stake here, and the introduction of a non-denominational prayer in the public school will not endanger it in the least. Moreover a special clause to this effect can be included in the amendment.

5. It has also been argued that if a non-denominational prayer were permitted and left to the discretion of every school board in the country, this practice could lead to abuse.

I do not consider this a valid argument. Firstly, we are talking here about a *strictly non-denominational* prayer, and agreement should not be difficult on this point. Nor could there be room for any undercover abuse, since prayer would be recited openly in the school. Besides, a proviso could be made which would require the unanimous approval by the representatives of religious denominations before the particular non-denominational prayer is introduced into the school. Moreover, there is no need to compose new non-denominational prayers, as there are already such.

6. The argument that a short non-denominational prayer would have no effect on the child reciting it, could not be considered as a serious argument by anyone who has knowledge or experience in child education. On the contrary, the fact that prayer will be recited in the school and classroom, and day after day, will *inevitably* become an integral part of the child's thinking and is bound to be a factor which could be further cultivated to the child's advantage in terms of spiritual and psychological development.

Summarizing the above-said, my standpoint indicates the following course:

a. All efforts, petitions, etc., should be brought to bear towards the introduction of a constitutional amendment which would permit the recitation of a strictly non-denominational prayer in all public schools.

b. At the same time it should be clearly emphasized that any other kind of prayer or religious exercise, including Bible reading, is not desirable in the public schools because of the friction and divisiveness which such a practice would inevitably entail. It would surely be detrimental to introduce an amendment which would do just that.

c. I am gratified to see that there are representatives in Congress who expressed their support for an amendment that would permit a non-denominational prayer in the public schools, while opposing sectarian prayer and Bible reading.

d. The whole controversy as to the constitutionality of such a non-denominational prayer is of little, if any consequence to the problem itself. The crucial problem is how to build the ethical and moral fibre of the young generation which is educated in the public school system: Is the American child to grow up under an educational system which excludes all mention of the Divine Name, so that he (or she) will inevitably regard the world around him (or her) as a Godless jungle; or is he (or she) to be encouraged to think that there is a Supreme Being, the Creator and Master of the World, Who ordains justice and liberty for all, and Who is the source of true blessing.

Certainly a non-denominational prayer in the public schools will not, in itself, provide an adequate basis for the right and complete world-outlook, but it is an indispensable first step in this direction, considering the state of our society as it is at present, and as it is likely to remain for quite a long time, insofar as it can be judged from the prevailing conditions and factors.

ARMS LIMITATION—THE PREREQUISITE OF JUSTICE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 28, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a most significant statement in which John Cardinal Krol, of Philadelphia, speaking in the name of the Episcopal Conference of the United States, urges in the strongest terms the limitations of the arms race.

Never before has a spokesman on behalf of the more than 200 Roman Catholic bishops in America spoken so strongly about the supreme tragedy of the arms race.

I commend this moving and enormously significant statement, made at the Bishops Synod in Rome, by Cardinal Krol:

Arms Limitation—The Prerequisite of Justice

(Remarks of John Cardinal Krol)

I speak in the name of the episcopal conference of the United States. The opening synodal report dealing with justice in the world mentions many instances of injustice. It explains the Church's role in the struggle to right them and suggests radical means of self-defense which the natural law allows. Warning that progress will come only through sacrifice and suffering it notes that the word of hope is more than purely descriptive. It is provocative and is not heard or followed without some danger.

While speaking of all this, that report omits explicit reference to a serious cause of injustice, namely the stockpiling of arms that grows year by year. Precisely why this is omitted is not clear since conciliar and papal documents and the synodal *lineamenta de justitia in mundo* deals with the present state of affairs in whch immense sums of money are spent to initiate or repel the hostilities of war, while much smaller amounts are allocated for the alleviation of hunger and other human miseries.

I am speaking of course of the arms race which threatens mankind with universal devastation of the earth.

This race is unjust for three reasons:

(1) First, it violates the rights of citizens of the nations that are involved in it because of the heavy burden of taxation they must bear.

(2) It has adverse effects on the citizens of other nations who are thereby deprived of the aid and assistance required for economic and social progress.

(3) It offends against the rights of all men who may as a result become the victims of some unforeseen disaster and who live always in the fearful shadow of the third world war.

Moreover, the armanents race violates the rights of the world's poor in a way that is fruitless and intolerable. The reason is that it is not the way to protect human life or foster peace but on the contrary the causes of war are thereby aggravated little by little.

Disarmament is a continuing imperative—an indispensable prerequisite of justice. Current directions must be reversed. New attitudes must be developed. A relentless effort must be made to promote reciprocal and collective disarmament at an equal pace, by agreement, with authentic and workable safeguards. The strategic arms limitation talks deserve greater interest, encouragement and support.

Peace is no excuse for the arms race for it cannot be built or maintained by violence or terror. That contemporary human spirit which rejects the use of violence is permeated with the charity of the Gospel. In its light, war or recourse to physical force in solving international problems is seen as an exercise of futility. For the Prince of Peace affirmed that those who live by the sword will die by it as well.

The right to legitimate self-defense, once all means of peaceful settlement have been exhausted, cannot be denied. Peace cannot be invoked to give permanence and respectability to the violation of human rights and human dignity. The genuine convictions of persons who insist on the principles of nonviolent solutions of conflicts among nations must be respected, regardless of whether their conscientious objection is total or selective.

According to the *World Military Expenditures 1970* report of the United States Arms Control and iDsarmament Agency, world military expenditures reached a peak record of $204 billion. This amount is equivalent to the total annual income of the 1.8 billion people in the poorer half of the world population and 6.4 percent of the world gross national product.

In the United States, military expenditures were $80.5 billion; expenditures for education was $46.5 billion for a total of $127 billion. This disproportionate spending for military purposes took place in an affluent society in which nevertheless some 34 million people or 10.5 million families received an income less than the government-designated poverty level of $4,000.

The tragedy of military expenditure is that developing nations are suffering most from the arms race. While military spending during the past six years increased 50 percent in the world, the percentage of increase in developing nations was 145 percent. From 1964 to 1968, the percentage of military spending increased 36.6 percent in the world, 57 percent in the United States, but in a number of developing countries the increase ranged from 100 to as high as 333.3 percent. In 1966 one of the developing nations which has an 80 percent illiteracy rate, spent $103 million on military and only $99 million on education.

The rate of increase in military spending in developing countries since 1964 exceeds the advance in the gross national product at the expense of populations (73 percent of the world), whose average income per capita is still barely $200 a year.

The arms race is indeed a plague to all humanity in both developed and developing nations. The supreme tragedy of the race is that it is irrational as well as unjust. Today strategic arsenals are loaded with nuclear power capable of destroying all life with the over-kill equivalent of 15 tons of dynamite for every human person.

The two major powers have sufficient power to destroy each other five or six times over. We are told that in an all-out missile attack, some 120 million people in the United States might die. Even the ABM Safeguard System would at best reduce the casualties to from 40 to 60 million people. Current production of the MIRV (Multiple Independently-Targeted Reentry Vehicles) is supposed to increase the striking power of the major nuclear nations up to 20 fold.

The irony of it all is that even today we read arguments why it is necessary to increase military expenditure to maintain a balance of power. The fact is that *the* destructive power in the arsenals of the world cannot prevent mass destruction of life. It can at best retaliate causing a greater loss of life. Even after such a destructive exchange, the problem of negotiating a just and lasting peace by removing the injustices which led to war would be as urgent as ever.

What can the Church do in a practical and positive way to retard and reverse the accumulations of armaments—to develop new attitudes and directions?

The Church does not exericse direct power over nations, over political and economic life within nations nor over the military-industrial complex, which promotes arms production. The mission of the Church is to teach the social principles of the gospel and apply those principles to existing nations.

The Church should find no difficulty in finding a benevolent audience. Reasonable men are opposed to wars and to the enormous taxes imposed for military expenses. The Church should find no trouble in convincing the audience that all the stockpiling of armament did not preclude the 40 wars that have occurred since 1945, or that in the 5,560 years of recorded history, some 14,000 wars have taken place with only 292 years of relative peace.

The Church should be relentless in its efforts to shape public opinion and to create a climate in which theology and not technology would give directions to the course of human events. Then men would understand why arms limitation is a necessary step to general disarmament, which is a prerequisite to international justice, in which men, convinced that the arms race is a treacherous trap and war a tragic folly, would direct their efforts and resources toward removing the causes of war—injustice.

In 1968 the bishops' conference of the United States issued an urgent call for international peace and questioned the values of the policy of maintaining nuclear superiority. This voice together with many others including the World Council of Churches led to the ABM debate of 1969—the ABM was in doubt for some time and was approved by a margin of one vote. Since then the percentage of increase of military expenditures has levelled off. Let the Church proceed proclaiming the gospel tirelessly against efforts to develop new weapons of destruction. In this way it will do what it can to remove the causes of war and serious injustice.

SENATE—*Monday, November 1, 1971*

The Senate met at 9:30 a.m. and was called to order by Hon. John V. Tunney, a Senator from the State of California.

PRAYER

The Reverend George L. Fletcher, pastor, First Baptist Church of Grady, Ark., and chaplain, the American Legion, Arkansas, offered the following prayer:

Our Father, help us this day to realize that You have blessed our Nation with a double portion of Thy Holy Spirit. Because of this we are ever mindful that You want us to put love before hate, humility before pride, and You before all things.

Thank You, Our Father, for freedom. Bless, O God, these leaders with the knowledge to carry out Your purpose.

Make this God's country by making us to live like people of God. We ask these things in the name of Jesus Christ, our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter.

U.S. Senate,
President pro tempore,
Washington, D.C., November 1, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. John V. Tunney, a Senator from the State of California, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 29, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the calendar under rules VII and VIII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with "New Reports."

The motion was agreed to; and the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. Glenn A. Kent to be a lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The second assistant legislative clerk proceeded to read the nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc, and, without objection, they are confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk read the nomination of Rear Adm. Kent L. Lee to be a vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The Second Assistant Legislative Clerk. Nominations placed on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc, and without objection, they are confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

DISPOSITION OF JUDGMENT FUNDS TO THE PUEBLO OF LAGUNA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 406, S. 2339.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2339) to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission, docket No. 227, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 1, line 4, after the word "the", where it appears the third time, strike out "pueblo" and insert "Pueblo"; and, on page 2, line 1, after the word "the", where it appears the second time, strike out "pueblo" and insert "Pueblo"; so as to make the bill read:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Pueblo of Laguna that were appropriated to pay a judgment by the Indian Claims Commission in docket numbered 227, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended or invested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior, including the transfer to the unrestricted funds of the Pueblo of Laguna.

Sec. 2. Any part of such funds that may be distributed to members of the pueblo shall not be subject to Federal or State income tax.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission docket numbered 227, and for other purposes."

THE SENATE'S ACTION LAST FRIDAY ON THE FOREIGN ASSISTANCE ACT

Mr. SCOTT. Mr. President, out of a melange of motives, late on Friday afternoon the Senate attempted to repeal the second chapter of the Book of Genesis and decided that, indeed, we were not our brother's keeper.

We have had much discussion for 25 years about this subject in this country, and the action of this body on Friday, in my opinion, was gravely unfortunate. The action did not represent a theme. It did not represent a rationalized reason for the abandonment of a foreign policy which this Congress has unhesitatingly agreed upon with previous Presidents of the United States for 2½ decades. It represented many others things—resentments, genuine concern over the course of foreign aid, a desire to have a different approach, or a desire to have no approach at all. As a result, we pulled down around our heads the structure of foreign assistance, and in the eyes of the country I think we looked very badly off indeed. The Washington Post editorial of yesterday is only one example. There will be more. There will be a continual drumfire of criticism of a Senate which would do this unfortunate thing.

People say, "Why don't we do something better about foreign aid?" I agree. We have often spent too much. We have often spent it unwisely. We have often proliferated programs. And we have mixed in the foreign assistance bag all sorts of purposes and intentions. But the President has offered a solution, which this Congress has cavalierly ignored. He offered it on September 15, 1970, when he transmitted his recommendations for reform of U.S. foreign assistance programs. On the 21st of April 1971 he sent a reminder message that the Congress had done nothing about it. This is the beginning of November 1971. We have still done nothing about it except to deny to this President what we have accorded to all previous Presidents in this regard.

That is in itself a strange thing. Does the Senate intend, without regard to the other body and without regard to the President, to structure the foreign policy of the United States? We are hardly equipped to do so. We have seen for quite a long time the Senate wear epaulets, and now the Senate puts on striped trousers——

THE ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. SCOTT. I am sorry that both my 3 minutes and the Foreign Assistance Act have expired.

THE COMPULSORY EMPLOYMENT BILL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 15 minutes.

Mr. ALLEN. Mr. President, on last Friday evening, following the vote on the foreign aid bill to which the Senator from Pennsylvania, the distinguished minority leader, has referred, the junior Senator from Alabama objected to unanimous consent that S. 2515 be given a special setting and that a time limitation be placed on that bill. He made that objection, because he felt that there was, and there is, much "must" legislation which should be considered ahead of the EEOC bill, S. 2515.

The whip notice of October 30, 1971, lists a few of those important matters: The President's economic tax package, phase I and phase II proposals, and so forth; two Supreme Court nominations; the Okinawa Treaty; voter registration; narcotics; fish inspection proposals; Department of Defense, District of Columbia, and supplemental appropriations bills.

Already this week there have been set for consideration the Alaska Natives' claims bill, the water quality bill, the consumer product warranty bill, and the military construction appropriation bill; and now, somewhere between this time and the recess of the Senate over until next year, we will be faced several times, I dare say, with the problem of the foreign aid bill.

Mr. President, the junior Senator from Alabama not only feels that S. 2515 should not have special consideration, but feels that it should have the lowest possible priority. In fact, he hopes that it does not come up for consideration in the U.S. Senate at all.

This bill is, in truth one of the most dangerous and most indefensible legislative proposals presented in this Chamber in the short time I have been in the Senate. We are being asked to endorse a blank legislative check to vest in an agency of the Federal Government, the Equal Employment Opportunity Commission, totalitarian authority over employment practices of free enterprise, labor unions, and State and local governments. This bill is deliberately designed to deny basis rights of the American people and to grant special privileges to a few. If enacted, the measure would in fact, cripple, and in some instances, destroy the very institutions which brought this Nation into being and helped to make it great.

I wish to discuss briefly a few of the ways in which this bill would do violence to our American way of life.

First, the bill brings within its scope all State and local government employees. This is not only an arrogant attempt further to dilute the rights of the States, their institutions and their sovereignty, but the conclusion is inescapable that the measure is aimed at destroying our dual form of government.

If enacted, this bill would permit an agency of the Federal Government and the Federal courts to enter the political field in the appointment of State and local government employees. It is true that many State and local job requirements are in part unrelated to the job. But it is wholly in keeping with our political traditions to give our State and local leaders, and our national leaders for that matter, the discretion to give reasonable weight to factors other than job fitness in filling jobs.

Frankly, it is difficult to imagine a more intolerable interference by the Federal Government with the rights of the States than to dictate their employment practices. The States' power over employment practices is basic and essential to the very existence of State sovereignty and, consequently, to our Federal system which was devised by our forefathers and which they intended to be held forever sacrosanct by the Bill of Rights. If we deprive the States of their basic functions, it is pointless to maintain that we have a dual form of government.

The bill contains a self-starter provision vesting the Commission with the authority to initiate investigations and inquiries, either on its own motion or whenever an anonymous person or organization merely requests the filing of a charge that an unlawful employment practice has occurred.

There is no requirement of "reasonable cause" as a condition precedent to the filing of a charge; therefore, the Commission is given carte blanche authority to conduct roving inquiries into the private books and records of a company or labor union regardless of whether there is any preexisting cause for believing there has been a violation of the law.

Under the bill, employers, labor unions and State and local governments would be subject to the issuance of cease-and-desist orders by the Commission. The broad powers sought under the measure represent a radical departure from the concept of American jurisprudence and our cherished legal system of checks and balances. The legislation seeks to make the Commissioner accuser, prosecutor, judge, and jury all in one.

But this is not all. The bill could also punish first and prove the offense subsequently. It would permit a Federal judge—a single judge acting without a hearing and without any showing by the Government of irreparable injury—to issue a temporary restraining order against the respondent for an alleged unlawful employment practice. We thus see a reversal of the age-old maxim that a man is presumed to be innocent until he is proven guilty.

Under these provisions of the bill, it would be possible, Mr. President, for an American to be imprisoned if he disagreed with the order of a Federal judge, without the benefit of trial by jury.

The rights which the provisions of S. 2515 seek to deny cannot be dismissed as mere legal technicalities. They are rights indispensable to freedom. They are rights which distinguish a free society from tyranny.

Mr. President, S. 2515 does not create one new job. Other than the additional army of bureaucrats that would be set up, it does not create one new job in private employment. Yet, it is presented to us when unemployment is consistently ranging in the area of 6 percent. At a time when we are desperately trying to fight inflation and keep our economy strong, this bill would create fear and uncertainty, friction and division in the business houses, plants, and factories of America.

Labor organizations would be subject to interference and supervision of their internal affairs. Their cherished programs of seniority and apprenticeship would be destroyed. And the law which tells the employer who his workers shall be today can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Mr. President, there are other sections and purposes of S. 2515 equally obnoxious as those I have just discussed. For example, the provisions relating to the appointment of attorneys, attorneys' fees, and precomplaint expenses of the aggrieved person are shocking.

This legislation would also create a vast new bureaucracy, inasmuch as the Commission does not now have the manpower, so it says, to carry out the programs called for under the legislation. I would like to have some figures presented to the Senate as to how many lawyers, hearing examiners, investigators, and supporting staff would be added to the Commission to enable it to develop and exercise the quasi-judicial functions under the bill and how much it would cost the taxpayers of this country.

Mr. President, this is a force bill, pure, and simple. Its sole purpose is to gain legislative sanction to the establishment of percentages or quotas in employment on the basis of race. Some people may think that such a requirement would never be imposed on business and labor, because of the patent absurdity involved. Less than a decade ago, however, the idea of a racial balance in a public school would have seemed too ridiculous to consider. Yet, today we see schoolchildren in the South and other parts of the country being lugged all over cities and towns to achieve what is considered to be a mathematically satisfactory racial mixture in public schools. The so-called Philadelphia plan, which the Nixon administration put into effect last year, is a flagrant abuse of the provisions of the Civil Rights Act of 1964. This represents the first move toward racial balance in industry and labor.

So, Mr. President, this bill should not be passed by the U.S. Senate. It is a bill that would further break down our federal system. It is a bill which would seek to destroy the concept of States' rights. It is a bill which goes contrary to our Anglo-Saxon principle of justice that a man is presumed to be innocent until he is proved guilty. It opens to Federal bureaucracy an entirely new field—that is, to control the employment practices of State and local governments.

How arrogant can the Federal Government become, to seek to take over the employment practices of State and local governments and to enlarge the field of operations that it already has in private employment, to give itself the power to regulate the employment practices of employers of as few as eight people and their employees? This does not hit just the large companies, the large corporations throughout the land. It hits small business—small businesses that are seeking to survive in these critical times.

Mr. President, this legislation is not needed. It is legislation that should not pass. In this time of economic crisis, should we not seek to make things just a little bit easier for employers and employees alike, at a time when unemployment has risen to 6 percent or above? Should we impose this additional burden on employers and employees, and on labor unions? Because this measure would result in taking over the hiring practices of companies, and the seniority rights that exist in our labor unions.

Mr. President, the junior Senator from Alabama did object to a special setting for this bill. He will object to a special setting. He will object to any time limitation on the bill, because he expects to be heard from on a number of occasions if this bill is called up for consideration in the Senate.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with a limitation of 3 minutes on statements therein.

DEATH OF ELDER RICHARD L. EVANS

Mr. MOSS. Mr. President, it is with a heavy heart that I announce to the U.S. Senate the death, just after midnight last night in Salt Lake City, of Elder Richard L. Evans of the Church of Jesus Christ of Latter-day Saints. He was a member of the council of 12, and one of the most widely known and beloved leaders of the church.

During the 40 years he conducted the broadcasts on radio and TV of the Mormon Tabernacle Choir, Elder Evans had what has been called the "largest pulpit in the world." His sermonettes, "The Spoken Word," were heard each Sunday by millions who were inspired and comforted by them. He was able to say so much in a few well chosen words that these small sermons became classics in their own time. They have been compiled and published in seven volumes. For them he was given the Freedom Foundation Award.

Elder Evans was also a civic and educational leader as well as a church leader. He traveled widely, and in 1966 and 1967 went throughout the world as president of Rotary International. However, wherever he traveled, he always prepared in advance and left behind him a tape of "The Spoken Word" to accompany the Sunday broadcasts of the choir.

Elder Evans was a member of the Utah State Board of Higher Education, of the Brigham Young University Board of Trustees, a former member of the University of Utah Board of Regents, and a former editor of the Improvement Era the monthly LDS church magazine. He was also the recipient of a doctor of letters degree from the University of Utah.

Richard L. Evans was born in Salt Lake City on March 23, 1906. His name will long be remembered. He was my friend—my good friend—since college days, and I join with the millions who mourn his passing. He was a great church leader, a great American, and a great human being.

WELFARE REFORM

Mr. BYRD of Virginia. Mr. President, I rise to again invite the attention of the Senate to our Government's very serious financial situation.

In the fiscal year which just ended, the Federal Government had a Federal funds deficit of $30 billion. It is projected that in the current fiscal year, the Federal funds deficit will be $35 billion.

With those figures in mind, I was both disappointed and astonished to read that the Secretary of Health, Education, and Welfare, Mr. Richardson, is expected to advocate an expansion of his own new welfare proposal, which proposal the Secretary himself termed "revolutionary and expensive." The proposal advocated and supported in committee by the Secretary of Health, Education, and Welfare provides for a guaranteed annual income of $2,400. This would double the number of persons on the welfare rolls.

The newspapers now indicate that Mr. Richardson has made a deal, so to speak, with so-called liberals whereby he wants now to raise that figure to $3,000.

Mr. President, I wonder where all this money is coming from. There is only one place it can come from, and that is out of the pockets of the taxpayers, out of the pockets of the wage earners of this country.

Mr. Richardson's original plan would cost $5.5 billion more than the present program; the expanded program would add another $5 billion to the cost.

The original proposal of Mr. Richardson, in his own words, is "revolutionary and expensive." Those are the words he used.

Now he is proposing to go far beyond his original proposal. So I think it probably would be fair to say that the new proposal he plans to support will be extremely revolutionary and extremely expensive.

Mr. President, I point out that if the original HEW proposal is enacted, the number of welfare recipients in Texas will go from 600,000 to 1,600,000; in North Carolina, from 200,000 to 800,000; in Puerto Rico, from 300,000 to 1 million; and in my State of Virginia, from 140,000 to 566,000.

The total number of welfare recipients in the Nation as a whole will increase from 12 million in 1970 to 26 million in 1973.

This is not welfare reform, but rather welfare expansion.

A RESPONSIBILITY TO BE RESPONSIBLE

Mr. PERCY. Mr. President, the complete rejection of foreign aid by the United States is, to my mind, an abdication of responsibility which can adversely affect peace, security, and development in many areas of the world. It cannot be justified by reason, only by emotion. It blurs the image and damages the reputation of our country.

Understandably, there were aspects of the foreign aid bill unsatisfactory to each of us in the Senate. But must we destroy what we deem to be desirable in order to destroy what we deem to be undesirable? Can any among us say that the bill was all wrong, that all military and economic aid should be eliminated, that we should turn our backs on Israel, or that we should show indifference to the plight of 9 million Pakistani refugees?

Can we say that the Nixon doctrine, which seeks to minimize U.S. military action abroad by providing aid to nations willing to defend themselves, should be abandoned? Can we say "no" to further help for needy children, world health, and economic development?

Whether we as individuals favor or oppose military aid to Greece, whether we wish to sustain or forget any particular country, whether we wish to strengthen or weaken the United Nations, I maintain that there was much of importance and value in the foreign aid bill which should have been retained. No one of us can have it all his own way, especially in a bill so far-reaching and complex as this one.

Moreover, the United States cannot and must not be a world drop-out. As still the most powerful and richest Nation on earth, we have the responsibility to be responsible. If our share of the costs of the United Nations agencies is greater than that of the other major powers, it does not mean that we should do less, but that they should do more; we need not share their irresponsibility.

I intend to offer bills to provide for military credit sales to Israel, to provide food and other assistance to refugees from Pakistan, and to support the specialized agencies of the U.N. dealing with relief for children, health, and economic development.

Following World War II, a Republican Congress and a Democratic President fashioned a program of economic assistance to nations crippled by that war and to newly independent nations. Subsequently many nations were given military assistance to help them cope with possible aggression and insurgencies. The programs were often controversial, sometimes counterproductive, often poorly administered, sometimes wasteful. But the overriding result was the revival of Western Europe, the rebuilding of Western Germany and Japan as democracies, and substantial economic development in Asia, Africa, and Latin America.

Of course the goal of peace and prosperity for all the recipient nations was never reached. It was a goal worth establishing as a beacon toward which we might sail, but rational men, both policymakers and taxpayers, knew that it could not be reached. The progress with which we have had to be satisfied came often very slowly. We do know that much stability was achieved, that millions received educations that would not have been possible otherwise, that hundreds of thousands of clean wells were dug, that modern medication reached the most remote peoples, and that technical assistance led to new industries and new jobs throughout the world.

The goal will never be reached, but it should be pursued. In recent years we have learned that the work of aid can be done better and with fewer political complications if it is done multilaterally in concert with other nations. Yet multilateral aid was defeated in the Senate last week, along with bilateral aid, and now the future of aid of any kind is bleak.

I say to the 26 of my colleagues who voted as I did to sustain the foreign assistance bill that we must now find ways to restore funds in support of the Nixon doctrine and the important humanitarian aspects of that bill. I will do what I can, and I will support my 26 colleagues in new legislation to accomplish those ends.

To those colleagues who voted against the bill, I urge that—having made their point—they correct those aspects of the bill that need correction, and that we do this now, even if it takes us through the Christmas holidays to do so. Another vote simply to kill the entire concept of foreign aid would not do justice either to America or to the world.

It is incumbent on all of us to make more determined efforts, now and in the future, to eliminate the dollar and the human drain of wasteful wars and financially disastrous projects such as the F-111, the C-5A, and extravagant farm subsidies, so that we can do more for the needy in our own country while abandoning constructive enterprises abroad.

We cannot take leave of the world. While our first duty must always be to our own people, we should so conduct our affairs that we may continue to contribute to peace, security, and development in the wider world of which we are a part. Isolationism of the spirit, born out of the tragedy of Vietnam, must not be allowed to consume our better natures.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following letters, which were referred as indicated:

PROPOSED CONTINUANCE OF INCENTIVE PAY TO CERTAIN MEMBERS OF THE UNIFORMED SERVICES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 525(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (with an accompanying paper); to the Committee on Armed Services.

PROPOSED AMENDMENT TO CONCESSION CONTRACT WITHIN SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIF.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract within Sequoia and Kings Canyon National Parks, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL COSTS OF LAND ACQUISITION FOR THE NATIONAL PARK SYSTEM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for additional costs of land acquisition for the National Park System (with an accompanying paper); to the Committee on Interior and Insular Affairs

PROPOSED MODIFICATION OF PROVISIONS RELATING TO PAYMENT OF PENSIONS FOR VETERANS

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to modify the provisions relating to payment of pensions, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. LONG), from the Committee on Commerce, with amendments:

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel (Rept. No. 92-417).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. KENNEDY:

S. 2779. A bill authorizing assistance for East Pakistan and refugees therefrom. Referred to the Committee on Foreign Relations.

By Mr. CURTIS (for himself, Mr. ALLEN, Mr. BELLMON, Mr. DOLE, Mr. SPARKMAN, and Mr. TALMADGE):

S. 2780. A bill to amend section 103 of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2781. A bill to amend section 404(g) of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2779. A bill authorizing assistance for East Pakistan and refugees therefrom. Referred to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, earlier today I released excerpts from a report I am filing with the Senate on the crisis in South Asia. The report consists of findings and recommendations based on my visit to India in August and public hearings before the Judiciary Subcommittee on Refugees, which I serve as chairman.

The report documents in considerable detail the deteriorating situation in South Asia, especially as it concerns the people of the area. I shall not burden the record with lengthy comment at this time—but I do want to underscore the urgent need that the Congress—and the administration—act immediately to provide a reasonable contribution to the international relief effort currently underway.

The distressing condition among the growing number of Bengali refugees in India is best symbolized in the fact that the mortality rate is at least five times greater than among other migrant populations in India. The number of children dying from malnutrition is by far the largest category. No accurate count is available. But the descriptive terms used by experts to describe the situation from the earliest days of the refugee influx, has escalated from hundreds, to thousands, to 1,500 per day, to 4,300 per day. Unless emergency measures are taken now, up to 200,000 young children will have died by the end of 1971.

Little information is available about the condition of the people remaining in East Bengal. But the record is clear that severe food shortages and the threat of famine continues in many areas. In fact, recent field reports to the subcommittee on refugees indicate growing edema rates among new refugees in India coming out of the northern districts of East Bengal.

The Congress, no more than the administration, can shirk its responsibility to act. It is imperative we do so at an early date—not only because of urgent human need, but to lend credibility to our national commitment before the aid consortium in Paris last week, and to our traditional leadership in humanitarian affairs.

To this end, I am introducing today a bill to authorize $250 million to assist the international relief effort in South Asia. This is the bare minimum, and more may be needed.

Mr. President, I ask unanimous consent that the text of the bill and excerpts from my report on South Asia be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000 to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan in India and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

CRISIS IN SOUTH ASIA

Excerpts from a report by the Chairman, Senator Edward M. Kennedy, of the Subcommittee To Investigate Problems Connected With Refugees and Escapees of the Committee on the Judiciary, United States Senate, November 1, 1971

PREFACE

On the evening of last March 25, the Army of Pakistan launched a systematic campaign to suppress political opposition in East Bengal.* The details of what has followed have been blurred by press censorship and deception. But the heart of the story has become clear to the world: the soldiers of Pakistan have moved so brutally against their nominal countrymen that hundreds of thousands have died and over nine million more have fled across the borders into India. Each day the flow of Bengali refugees continues—spilling into India towards the disease and hardships of inundated, makeshift camps, while the Pakistani government blandly announces that everything is under control and appeals for the refugees' return.

It is time—it is past time—for Americans to understand what has produced this massive human tragedy and to recognize the bankrupt response of our government. It is time for Americans to understand that we must rescue the ideals of our foreign policy from cold calculations that have not only shaken and demoralized South Asia, but many other parts of the world as well.

The issue from the beginning in East Bengal has been self-determination and democratic principle. After two decades of political and economic domination by West Pakistan—after years of martial law and unfulfilled election promises—a free election was finally conducted throughout Pakistan last December 7. The election was administered by martial law authorities and, at the time, was loudly proclaimed fair by the government of President Yahya Khan. It produced in East Bengal an overwhelming mandate—almost 90 percent of the vote—for the Awami League party and its leader, Sheikh Mujibur Rahman.

The Awami League was thus given a majority in the promised Pakistan National Assembly charged with drafting a new constitution for returning the nation to civilian, democratic rule. But what happened next formed a pattern of delay and deception, followed by the invocation once again of martial law. Negotiations between Sheikh Mujib and President Yahya Khan over the party's six point proposal for regional autonomy dragged on and deteriorated—erupting in terror and bloodshed suddenly on the night of March 25. For while the East Bengalis negotiated for democracy and autonomy, the West Pakistan army prepared for repression and organized terror. What I saw recently in India was the human debris from that night of terror and the subsequent months of violence.

The brutal suppression in East Bengal is the third disaster to befall that area in little more than a year. In the summer of 1970, floods destroyed crops and killed thousands of people. In November, a cyclone hit the coastal region and killed an estimated 400,000 people. Now comes a man-made disaster, whose fury is producing even greater death and widespread misery among those who survive. And unlike the natural disasters, the current suppression has cemented the traditional bitterness of the Bangalis toward the Pakistani government. Many Bengalis now reason that if there were ever a time to push toward independence, that time is now. And, apparently a majority of the refugees in India are determined not to return home until this goal or some form of autonomy is achieved.

Those who flee from East Bengal do not expect to find a promised land over the border as they trek into the camps around Calcutta and the other border areas—by and large the poorest of India. Even in normal times, the poverty in these areas is among the most depressing in the world. And despite enormous efforts by the Indian government, the refugees find cholera, malnutrition, dysentery, and over exposure. They find all the ways to die that poor, spent people experience when they are heaped together with inadequate food, shelter, medical care, or sanitary facilities. The refugees do not walk to India out of hope of a better life. They flee because of the immediate threat of terror and death at the hands of the Pakistani soldiers. Added causes in recent weeks are growing food shortages and the threat of famine, especially in the rural areas.

Although the plight of the refugees has been a source of urgent concern for many in the Congress—and especially for members of the Subcommittee on Refugees—it was not until I saw their plight first-hand that I could begin to understand the immensity of the suffering. For only by visiting the refugee camps and by talking with their hapless inhabitants, can one sense the feelings of the people and better recognize the forces of violence which continue to push new arrivals from the East Bengal countryside.

I and those who travelled with me were unable to see the source of the refugee flow because the government of Pakistan suddenly cancelled visits to East Bengal and Islamabad, the capital of Pakistan. In India, however, we visited refugee areas along the entire border of East Bengal—from Calcutta and West Bengal in the west to the Jalpaiguri and Darjeeling districts in the north, to Agartala in the State of Tripura in the east. We listened to scores of refugees, struggling to survive in flimsy shelters in open fields or behind public buildings—or trudging down the roads of West Bengal after days and even weeks of desperate flight.

We found that conditions varied widely from one camp to another. But they varied around a rather general level of misery, for many of the camps defy description. Those who suffer most from the hunger, the congestion, the lack of medical supplies, and the frightful conditions of sanitation are the young and the very old. Many of the infants and aged have already died. And it was possible—as we picked our steps among the others—to identify those who would be dead within hours, or whose lives surely would end in a matter of days.

We saw children with legs and feet swollen with edema and malnutrition, limp in the arms of their mothers. We saw babies going blind for lack of vitamins or covered with sores that would not heal. We saw in the eyes of their parents the despair of ever having their children well again. And, most difficult of all, we saw the corpses of the children who died just the night before. When we looked up, of necessity, from the eyes of refugees who were mourning their family and we saw similar men and women and children packed together as far as the eye could see, then we had an inkling of what was meant by the phrase "seven million refugees." Today there are more than nine million.

The story was the same in camp after camp. Compounding this misery was the growing number of civilian casualties that were swamping India's already overburdened hospital system. As we walked through hospitals in Tripura and elsewhere we saw children who had been shot through the side. Most of the refugee casualties were being brought across the border by their friends or relatives. And each day the toll mounts as border villages are subjected to shelling from both sides. Inevitably, untold numbers have remained unattended and unaccounted in East Bengal.

The refugees come from all kinds of backgrounds. One 55-year-old civil servant among the civilian casualties, a railroad official with 35 years of service told us of an inexplicable assault on his railroad station by the Pakistani army. "I do not know why they shot me," he said, "I don't belong to any political party. I was just a railway clerk." Most of the refugees, however, are poorly educated villagers—the people who make up the bulk of the population in East Bengal. We talked with dozens of such people on the Boyra-Bongaon Road north of Calcutta, on a day when at least 7,000 new refugees had crossed the border. Nearly all were farmers. Most were Hindus, from districts south of Dacca, on the fringe of the area affected by last fall's cyclone. Many of these people were still in visible stages of shock, sitting listlessly by the roadside or wandering aimlessly. They told stories of atrocities, of slaughter, of looting and burning, of harassment and abuse by Pakistani soldiers and their collaborators. Monsoon rains were drenching the area, making it difficult for the refugees to walk and adding to the despair on their faces. To those of us who went out that day to visit refugee areas, the rains meant no more than a change of clothes. But to those refugees it meant still another night without rest, food, or shelter.

It is difficult to erase from our minds the look on the face of a child paralyzed from the waist down, never to walk again; or a child quivering in fear on a mat in a small tent still in shock from seeing his parents, his brothers, and his sisters executed before his eyes; or the anxiety of a 10-year-old girl out foraging for something to cover the body of her baby brother who had died of cholera a few moments before our arrival. When I asked one refugee camp director what he would describe as his greatest need, his answer was a "crematorium." He was in charge of one of the largest refugee camps in the world. A camp which was originally designed to provide low-income and middle-income housing for Indians, but has now become the home for some 170,000 refugees.

What has been America's response to this man-made disaster?

Incredibly, we have been unconscionably silent. Neither the President nor the Secretary of State nor any high official of our government has made a single public statement condemning the Pakistan government's policy of violence and repression. Not until late in the summer—months after the tragedy began—did the President publicly comment on the situation in South Asia. In fact, there is enough evidence to suggest that our government has sought to minimize, in public at least, the massive human needs and serious threat to peace posed by the extraordinary flow of Bengali refugees into India. We have, moreover, consistently down played the chaotic conditions within East Bengal, and their cause. And we have understated the supportive, although symbolic, role of American military shipments to Pakistan in our relations with Islamabad.

The implication for American foreign policy of the human and political tragedy of East Bengal should now be clear.

First, we must do an about-face in our supportive relations with the nations in this area. We must understand that the face of America today in South Asia is not much different from its image over past years in Southeast Asia—even though a main difference between our involvement in Vietnam and that in Pakistan is that in Pakistan we have made no pretense of acting in support of principles, so that, in effect, no principles can be violated. America's image in South Asia is one of comfortably consorting with an authoritarian regime—of servicing with diplomacy and money and military supplies a junta that violently suppresses change, and all but ignores people's aspirations.

The situation in East Bengal should be particularly distressing to Americans because the leaders of East Bengal—now constituting themselves as the government of Bangla Desh—have not come to America for assistance. As one Awami League official said to me in Calcutta: "Many nations and people come to America to ask for billions of U.S. dollars for more guns, more supplies. We Bengalis ask only that you provide nothing—no guns, no money to either side—that you simply remain neutral."

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*East Bengal is the eastern province of Pakistan.

If we chose, rightly or wrongly, not to involve ourselves in support of self-determination, then the advice of neutrality not only avoids compromising the principles for which we stand, but also is sound foreign policy. For rather than the mindless and fruitless practice of following old habits in our dealings with military cliques in South Asia, neutrality may in fact provide us with leverage that is real and effective.

Secondly, Americans must realize that we are failing in our job as humanitarians. Somehow, our government has almost managed to sleep through a nightmare in East Bengal that should have spurred us into action immediately. For over three long months, after six million refugees had streamed across the border into India, our government offered less than $3 million in aid. Seven long months later, the Administration has contributed less than $240 million in humanitarian aid to both India and Pakistan, with an additional request for $250 million sent to Congress only last month. All this is still far less than required. Our government knows from its own reports that India alone will need at least $800 million over the next several months just to maintain the refugee camps. So far, our contribution has been some $83 million, plus $20 million in related developmental loans.

To be sure, as the Administration has pointed out with pride, we have contributed the largest share of the total humanitarian aid India has thus far received. But the pride is quickly dispelled when we see the vast dimension of the burden being carried by the government and people of India. Simple humanity demands that America and the United Nations accept the truth that this heavy burden should be shared more fully by the entire international community.

If America, is to fulfill its traditional role as the leading humanitarian nation of the world community, then America must take the lead in bringing international aid and relief to the millions of refugees and other victims of this international tragedy. Our leaders should begin to use every forum in this country, and every forum in the world, to focus attention on the inhumanity now being perpetrated in East Bengal, and on the urgent need to bring peace and relief to that troubled area.

Finally, we must ask serious questions about what our attitude toward the tragedy of East Bengal says of our new "pragmatic" foreign policy—a policy which too often makes moral and humanitarian principles expendable. I, for one, believe that these considerations—elusive though they may be—still matter. In the long run, the practice of such principles shape international esteem and goodwill, and they represent those important foreign policy variables which diplomats may try to, but cannot really, ignore in the treaty rooms. Further, our actions abroad cannot help but be affected by what we think of ourselves, and our self-esteem must sink with every revelation about our government's policy towards the military regime of Pakistan. Our actions toward East Bengal have demonstrated a largely mechanistic and insensitive calculation of what is within our national interest and tradition.

If South Asia today is on the brink of war and even greater tragedy, our government's policy bears a special responsibility. For our continued military and economic support of the military regime in Islamabad has encouraged Pakistan intransigency and fed frustrations in India and East Bengal. It is long overdue for us to rescue our foreign policy from a course that has been disastrous both to our best traditions and interests in South Asia.

The report that follows is part of a continuing effort to underscore the most appalling tide of human misery in modern times, and to make the case again that the problem of refugees in India and the plight of the people in East Bengal must become a matter of vital concern to the American people and their government.

INTRODUCTION

On April 1, just a week following the outbreak of overt repression and major violence in East Bengal, the Chairman expressed the Subcommittee's initial concern for the plight of the people in the area, and the direction of U.S. policy and actions. In the weeks and months that followed—as a tide of human misery engulfed the area—the massive flow of refugees into India and the plight of the people remaining in East Bengal became a matter of primary concern to the Subcommittee. In addition to a field study conducted by the Chairman, the Subcommittee has held extensive consultations with experts in this country and overseas, as well as public hearings on June 28, July 22, September 30, and October 4, 1971.

Throughout these activities, the Chairman and members of the Subcommittee have offered their help and suggestions to officials in the executive branch and others, in a diligent effort to help find reasonable and humane solutions to the tragic human and political problems resulting from the repression and subsequent civil war in East Bengal. The Subcommittee fully recognizes that some progress has at least been made in meeting humanitarian needs; but it regrets that whatever priority our own Government has attached to these needs, has been measured more by the degree of Congressional and public pressure, than by an active moral and political concern at the highest levels of our national leadership.

As suggested in the Chairman's preface, this report—based mainly on a recent field study—is part of a continuing effort to underscore the most appalling human tragedy in modern times, and to make the case that the problem of refugees in India and the plight of the people remaining in East Bengal must become a matter of vital concern to the American people and their Government.

The field study was conducted by the Chairman. He was accompanied by two special consultants—Dr. John Lewis, Dean of the Woodrow Wilson School of International Affairs, Princeton University, and former USAID director in India; and Dr. Nevin S. Scrimshaw, Head of the Department of Nutrition and Food Science, Massachusetts Institute of Technology, as well as by Dale S. de Haan, Counsel to the Subcommittee and Jerry Tinker, Staff Consultant. Part of the team arrived in India on August 2. The remainder, including the Chairman, arrived on August 10. The team left India on August 17 after visiting refugee areas in three states, Calcutta and New Delhi. During part of the field study, the team was accompanied by Mr. Alan Leather, then a field representative of OXFAM, who had general experience in India and expert knowledge of the refugee relief problem.

In addition to visiting refugee areas in the immediate vicinity of Calcutta, the Chairman and his team drove north in the state of West Bengal to visit refugee reception centers and camps in the areas of Barasat, Kilyani, Bongaon, and Moyra. By aircraft from Calcutta, the team traveled east to Agartala in the state of Tripura—and north to Bagdogra, Siliguri, and Jalpaiguri. The visits to these representative refugee areas along the entire perimeter of East Bengal amply illustrated the vast dimension of the refugee influx and the truly massive human needs generated by the repression across the border.

The Chairman and other members of the team talked with literally hundreds of refugees, representing a broad spectrum of social and economic backgrounds and scores of cities and towns and villages in East Bengal. These conversations with refugees included talks with the Prime Minister and Foreign Minister of Bangla Desh, as well as other representatives of the exile government. Additionally, conversations were held with the Prime Minister of India, Indira Gandhi, Foreign Minister Sadar Swaran Singh and other members of the Indian cabinet, and officials of the Indian government, Dr. Ramalingaswami of the All India Institute for Medical Sciences, U.S. Ambassador Kenneth B. Keating and members of his staff, representatives of the United Nations and its specialized agencies, foreign diplomats, representatives of foreign and Indian voluntary agencies, journalists, students, and Peace Corps volunteers. After leaving India, Dr. Scrimshaw, Mr. de Haan, and Mr. Tinker traveled to Geneva, Switzerland for extensive conversations with representatives of international private and public organizations, including the United Nations High Commissioner for Refugees who is serving as the "focal point" for refugee relief assistance contributed to the Government of India by the international community.

The anticipated itinerary of the Chairman included scheduled visits to Dacca, Chittagong and other areas in East Bengal, as well as to Islamabad, Pakistan for talks with President Yahya Khan and other representatives of his government. Regrettably—at the last minute and through rather unorthodox channels—the President of Pakistan cancelled these talks and the Chairman's visit to East Bengal. The Chairman issued the following statement in Calcutta after learning of this development:

"I greatly regret to learn tonight that my mission to understand the humanitarian problems confronting the people of the subcontinent has been severely restricted by the Government of Pakistan's decision to cancel our scheduled visit to West and East Pakistan.

"As I said this morning upon arrival, I am here to attempt to further understand, and to find constructive suggestions, on the massive problems confronting millions of homeless and dislocated people throughout the region—dislocated first by the terrible cyclone that struck East Pakistan last fall, and, now, made refugees by the unconscionable suffering caused by the civil war.

"Although I recognize the sovereign right of any nation to control entry into its territory, I regret that such restrictions should be invoked against those who seek to encourage and support humanitarian programs that can help meet the human needs of a troubled area.

"Tomorrow we will continue on our schedule in the refugee camps, and we will continue during the next six days to talk and listen to refugees, and to seek ways to help bring peace and relief to the people of Bengal."

To supplement this report, related studies are currently in progress by the General Accounting Office. These studies, requested by the Chairman, will be filed with the Subcommittee at later dates.

SUMMARY OF FINDINGS

India

A. The continuing flow of Bengali refugees into India is without parallel in modern history. In little less than 200 days—from April 1 to the end of October—more people have found it necessary to flee their homes and lands in East Bengal, than the total number of refugees generated by the Indochina war, or the millions of displaced by the natural disasters which have struck East Bengal over the past decade. In this short period, 9,544,012 refugees crossed into India. Additional hundreds of thousands have been uprooted and victimized within East Bengal.

B. A traveller today in eastern India cannot help but see, smell, and feel the misery of the refugees. To drive the roads of West Bengal is to tour a huge refugee camp. For miles along the old Jessore Road, north from Calcutta towards the border of East Bengal, literally millions of refugees sit huddled together waiting for food, or lined up in endless queues for innoculations and registration cards, or simply encamped on the roadside in make-shift shelters. And an end to this torrent of hopeless people is nowhere in sight.

C. Today, as in the beginning, the mounting influx of refugees continues to outpace the best efforts of the Indian government to cope with refugee needs. Some two-thirds of the refugees live in organized camps, with the remainder camping along roadsides or living with relatives and friends.

1. The most common shelter in the camps is made from simple bamboo frames with thatch, tarpaulin, or polyethylene covering. Most camps are congested and so are most shelters. One often sees 4 to 6 families—at least 20 people—in a single shelter. With the approach of winter, providing adequate shelter for the refugees is a critical problem.

2. Another critical problem for nearly every camp is sanitation, even though the monsoon season—which made most camps a floating sewer—has now ended. The disposal of dead bodies poses a very serious sanitation problem.

3. With poor sanitation, getting clean water has become one of the principal problems in the daily life of the refugees.

4. Most refugees cross the border with nothing more than the clothes on their back, plus a bed roll and a mat, and perhaps a few cooking utensils. With the coming of the winter season, when the temperature will get as low as 45 degrees, with a high humidity rate, the supply of adequate clothing, as well as blankets, is critical in order to prevent respiratorial diseases.

5. Fuel is in very short supply. In most areas, refugees have to forage for their own fuel. The local trees have become the first target. The trunks of roadside trees in West Bengal are stripped of bark and often of branches.

6. The bulk of the refugees sit idle and hopeless in the camps. Some filter into the local labor market, which can only result in conflict between the refugees and the local population. Even without the refugees, unemployment and underemployment are major problems.

7. In many areas, there is growing friction between the refugees and the local population. Among other things, the massive presence of refugees is feeding inflation and causing sharp increases in food prices.

8. All refugees suffer from being displaced out of the traditional life and social fabric of their home areas. There is much despair and hopelessness in the refugee camps. Experience in the Mddle East and elsewhere ought to serve as a strong warning of the consequences of maintaining refugee status too long.

D. The nature of the refugees' nutritional and health problems is familiar to many parts of India and Pakistan, but the extent and severity of these problems among the refugees are wholly without precedent. The problems endemic in the bulk of the local population is concentrated and enormously magnified in the refugee camps.

1. The mortality rate among the refugees is at least 5 times greater than among other migrant populations in India.

2. The prescribed basic refugee diet—even when available—does not provide enough protein, especially for children.

3. As a result, severe forms of malnutrition have developed with very high frequency among the refugees children—edema, marasmus, and Kwashiorkor.

4. As of early October, at least 300,000 refugee children were in very urgent need of nutritional rehabilitation, and another million were in danger of falling into this category.

5. The general death rate in refugee camps is very high. But experts agree that the number of children dying of malnutrition is by far the largest category. No accurate count is available. But the descriptive terms used by experts to describe the situation from the earliest days, has escalated from hundreds, to thousands, to 1,500 per day, to 4,300 per day. Unless emergency measures are taken now, up to 200,000 young children will have died by the end of 1971.

6. Immunizations have been effective in controlling cholera outbreaks. But other epidemics, notably of diphtheria, whooping cough, and measles, are likely to strike at some point with a devastating effect on children.

7. Lack of trained personnel, shortage of funds, red-tape, and just the massive dimension of the refugee problem, have prevented the widespread implementation of nutritional rehabilitation programs finally approved by the Government of India in September. These programs—Operation Lifeline—are now in the early stages of implementation, in cooperation with UNICEF.

E. A mounting toll of civilian war casualties are filling the hospitals of Indian towns along the East Bengal border.

1. Accurate statistics are difficult to obtain or even estimate.

2. August visits to district hospitals around the entire perimeter of East Bengal showed that surgical wards were filled with civilians, including Indians living near the border, wounded by gun-shot or shrapnel or artillery fire. Hundreds of civilian casualties, including many children were observed by the Subcommittee team.

3. Violence continues unabated—not only from the Pakistan army and its collaborators, but also from the activities of the Bengali guerrillas, the *Mukti Bahini*, and from the growing number of shelling incidents by forces on both sides of the India-East Bengal border.

4. More Bengali refugees will flee, wounded, across the border to India, and countless others will remain wounded and unattended in the rural areas of East Bengal. Countless thousands have died, and will die.

F. Refugee Relief Program—the costs to India:

1. The estimated direct cost of coping with the massive influx of refugees will have exceeded $800 million by the spring of 1972. This figure represents up to one-fifth of the total outlay that India spends annually on development programs. It is equivalent to nearly one-third of the country's total imports. It almost matches the annual gross non-food aid that the dwindling "Aid-India Consortium" has been able to give in recent years. Maintaining the refugees for one year will directly cost India $500 million more than the net foreign aid it normally would receive from all Western nations.

2. The distraction of Indian resources and effort because of the refugees has come at a time when India had achieved her best hope for material and social progress in 24 years. The refugees pose a staggering economic burden for India—let alone their social and political impact.

3. The crisis of Calcutta was created in part by the arrival of refugees two decades ago following the partition of British India. Its further descent into decay and death may be brought by the arrival of the latest refugees, unless outside resources are mobilized to resave it and all of eastern India.

G. The international community's response to the refugees has been unconscionably lethargic and wholly inadequate. It is characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times.

1. The United Nations High Commissioner for Refugees (UNHCR) serves as the "focal point" for the international refugee program.

2. As of October 19, only $210,200,000 had been contributed to the "focal point".

3. Of this some $12 million had been in cash and transmitted to the Government of India. Another $26 million worth of goods had been delivered.

4. The rest—nearly $172 million, or over 75% of the total pledged so far—is still to be delivered. These goods are somewhere in the pipeline. Meanwhile, seven months after the crisis began, India is carrying the burden almost alone—and the refugees are paying heavily in life and spirit in the squalid, death-ridden camps which they now call home.

5. The American record is little better than the rest of the international community. Although the United States has to date pledged $89,200,000, it has come inexcusably slow and long after the full needs were known. Regrettably, refugee needs far outpace our country's traditional leadership and concern in humanitarian affairs.

East Bengal

A. Evidence from the field as well as official reports to our government continue to document the fact that, contrary to official Pakistani statements, conditions remain not only far from normal in East Bengal, but are deteriorating every day. Repression and violence by the Pakistan army continues, the refugees flow goes on, governmental services are in chaos, and civil war confrontations between Bengali guerrillas and the Pakistan army escalate daily.

B. Emphasis by the U.S. government and others on the Indo-Pakistan aspects of the situation have calculatedly ignored the root cause of the problem in East Bengal and the crisis in South Asia. This root cause is Islamabad's intransigent policy of repression and violence towards legitimate political forces in East Bengal.

C. Nothing is more clear, or more easily documented, than the systematic campaign of terror—and its genocidal consequences—launched by the Pakistan army on the night of March 25th. Field reports to the U.S. government, countless eye-witness journalistic accounts, reports of international agencies such as the World Bank, and additional information available to the Subcommittee document the continuing reign of terror which grips East Bengal. Hardest hit have been members of the Hindu community who have been robbed of their lands and shops, systematically slaughtered, and, in some places, painted with yellow patches marked "H". All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad. America's heavy support of Islamabad is nothing short of complicity in the human and political tragedy of East Bengal.

D. American military supplies have continued to flow to Pakistan. As of March 25, an estimated $27,400,000 worth of equipment was in the pipeline with validated shipping licenses. Nothing has been done to embargo this equipment. In fact as late as mid-June the Department of Defense initiated new offers of equipment for Pakistan. The known offers totalled some $10 million. The GAO (General Accounting Office) is investigating American arms aid to Pakistan and will file a report with the Subcommittee within the near future.

E. American economic aid to Pakistan continues unabated. In fact, the Administration has requested substantial additional amounts for the current fiscal year—this despite reports to our government and the World Bank that conditions in Pakistan are not suitable for general economic development.

F. Severe food shortages and the threat of famine continues in many areas. Food production and reserves, and the *distribution* of food imports, remain at an alarmingly low level. The 1971–72 food gap in East Bengal is some 2,100,000 tons, considerably higher than any year in recent history. Filed reports to the Subcommittee indicate growing edema rates among refugee coming out of the northern districts, mainly Sylhet, of East Bengal.

G. The United Nations relief plan in East Bengal remains more a hope and aspiration than a functioning field operation. Even if fully implemented, the U.N. plan can only transport up country from coastal ports less than half of the overall food requirement.

U.N. personnel currently in East Bengal are not stationed in the field, nor are they in sufficient numbers to monitor the small amounts of food that are being moved toward rural distribution points.

H. A September report to our government on "Contingency Planning for East Pakistan Food Shortages" makes three points:

1. ". . . areas of East Pakistan will experience acute food shortages between mid September and the end of the year." Approximately one-half of East Pakistan's subdivisions fall into this category. "Rapid identification of localized problem areas is critical."

2. Implementing plans to head off food shortages and possible famine will succeed only if "none of the participants in the current civil strife . . . actively pursue a policy of preventing the transportation and distribution of food to the people." Without this assumption, states the report, planning and field efforts are "virtually meaningless."

3. The civil war since March has severely reduced the effectiveness of East Bengal's normal governmental administration structure. UN field staff can augment this structure. However, "attempts to fill this vital role by sending staff from Dacca to the field for short periods of time would be ineffective." The report goes on to say that the success of any humanitarian effort in East Bengal "depends heavily on the support of UN field personnel. Anything short of this will seriously jeopardize the success of the undertaking." Permanent U.N. support of any food program is "essential".

4. ". . . An effort must be made to measure malnutrition in specific areas and use that measure as an important consideration in deciding food priorities."

5. "Movement of food grains is basic to the humanitarian effort. However, it is a means rather than an end. The ultimate objective is to prevent people from dying. This objective cannot be satisfied by simply compiling impressive statistics about food shipments."

I. As of mid-October, "statistics about food movements" were impressive. Less impressive are the actions being taken in the field "to prevent people from dying."

RECOMMENDATIONS

Over the coming weeks and months—as they have since April 1—the Chairman and the Subcommittee as a whole will continue to be as tenacious in their concern and suggestions for action as they feel the important situation in South Asia warrants.

For the purpose of this report, however, the Chairman makes the following recommendations:

(1) *The International Committee of the Red Cross (ICRC) Mission in Pakistan should visit Sheikh Mujibur Rahman.*

Our Government should take initiatives to facilitate an immediate visit with Sheik Mujibur Rahman by representatives of the ICRC Mission in Pakistan. Such a visit falls within the expressed mandate of the Mission's program currently underway in Pakistan and East Bengal. Positive information relating to the welfare and fate of Sheikh Mujib—and the many others held in detention—will contribute to a reduction of tension throughout the area. Sheikh Mujib's only crime was the winning of a free election sponsored by a military regime that later refused to abide by the election's mandate. Sheikh Mujib's symbolic leadership of political forces opposing the present government in Islamabad, makes his just treatment and personal safety a matter of greatest importance in any efforts to encourage and accomplish a political settlement between Islamabad and its Bengali opposition.

(2) *The tragedy of East Bengal should be brought before the United Nations.*

Our government, in cooperation with others, should encourage current initiatives to include the tragedy of East Bengal in the debate of the Third Committee of the United Nations General Assembly. America's representatives at the United Nations should participate in this debate, and actively support reporting to the floor of the General Assembly a resolution noting the tragedy in East Bengal, calling on all parties concerned to seek a political settlement, and calling on the international community to contribute generously for the relief of the millions of men, women, and children in need.

Simultaneously, our government should support the efforts of the Secretary General in bringing to bear the peace-keeping machinery of the United Nations on the threat to peace posed by the actions of the Pakistan army in East Bengal, and the resulting confrontation between India and Pakistan. In a definitive memorandum of July 20th, the Secretary-General sought the involvement of the Security Council, saying: "The United Nations with its long experience in peace keeping and with its varied resources for conciliation and persuasion must and should now play a more forthright role in attempting both to mitigate the human tragedy which has already taken place and to avert the further deterioration of the situation."

The time is long over-due for our government, in cooperation with others to respond positively to the Secretary-General's recommendation to activate the peace-keeping function of the U.N. Over three months have passed since this appeal, and time is not on the side of peace in South Asia today.

(3) *Our government must come to grips with the root cause of the crisis in South Asia.*

The massive flow of refugees into India, the appalling plight of the people in East Bengal, and the threat of war in South Asia are symptoms of a policy of violence and repression the government of Pakistan has been carrying out towards the people and political leadership of East Bengal. Regrettably, our national leadership's policy of "preventive diplomacy" has all but ignored this fundamental cause of the crisis in South Asia. In fact, our national leadership has deliberately minimized this dimension of the crisis—apparently out of deference to the sensitivities of the military regime in Islamabad.

Nothing has come to symbolize more the intransigency of American policy of supporting Islamabad, than the shipments of military supplies. And nothing has come to symbolize more the bankruptcy of this policy—carried out in the name of "leverage"—than the simple fact that the repression of East Bengal and the flow of refugees into India continues.

The time is long overdue for our national leadership to change the course of its policy in South Asia. Even at this late stage, we must publicly recognize that, in addition to the urgent need for lessening tensions between India and Pakistan, there is the even greater need for encouraging a political settlement between Islamabad and the political leadership of East Bengal. Such a settlement holds out the best hope of braking a new arms race in the area and of bringing peace and relief to South Asia.

(4) *The President should appoint a special, high-level representative to South Asia.*

To emphasize the urgency of our government's concern over the deteriorate situation in East Bengal and South Asia, the President should appoint a special representative to communicate with the President of Pakistan, and other parties in the area. Given the long friendship between the United States and Pakistan, and the very substantial diplomatic and material support we have given—and continue to give—to Pakistan, our country has a unique opportunity for offering leadership to help encourage the attitudes needed for achieving a political settlement between Islamabad and its Bengali opposition, and for bringing peace and relief to a troubled area.

(5) *The United States must escalate humanitarian aid to South Asia.*

Our government—both the Executive Branch and the Congress—should escalate its concern and efforts on behalf of relief programs among the refugee in India and among the people remaining in East Bengal.

New estimates of our government now put the total cost to India of caring for the refugees at the staggering total of more than $800,000,000 during the current fiscal year—a cost more than equal to the annual contribution India receives from the Aid Consortium for economic development. In addition humanitarian needs within East Bengal call for an estimated $150,000,000 in relief for this year. Simple humanity demands that our nation and the international community must do more to share the refugee burden now carried by India, and to support the humanitarian programs now being launched by India, and to support the humanitarian programs now being launched by international agencies within East Bengal.

Although our nation cannot assume the sole responsibility for meeting all these costs, we nonetheless have a heavy obligation to do whatever we can. The Congress, no more than the Administration, can skirh its responsibility to act—to provide the appropriations necessary to support the international aid effort in South Asia.

Unless this support is forthcoming, the already massive human tragedy in South Asia will reach unparalleled dimensions as the spectre of famine hangs heavy over East Bengal and malnutrition and death stalk the refugee camps of India.

(6) *The President should establish a Bureau of Humanitarian and Social Services within the Department of State.*

The President, in consultation with appropriate committees of the Congress should issue an executive order establishing a Bureau of Social and Humanitarian Services within the Department of State. This Bureau should be headed by an Assistant Secretary of State. The time is long overdue to raise the level of responsibility and encourage stronger national leadership in international humanitarian and refugee affairs.

There continues to be no administrative unity among the various departments and bureaus of the executive branch which are presently concerned with refugee and humanitarian affairs. There is no single office to give guidance and impulse, no regularized decision making process, no ready mechanism to quickly evaluate and respond to frequent emergencies, no central office controlling and weighing overall allocations of resources, and little high-level interest and concern in the effective operation of the various humanitarian programs.

Nothing illustrates more the shortcomings in this significant area of public policy, than recent developments involving America's response to humanitarian needs in South Asia, the uncoordinated response to the human need produced by last year's earthquake in Peru, our ambivalent and tardy response to the massive human tragedy produced by the Nigerian civil war, and our early failure to anticipate and identify the very serious problems of displaced persons and civilian casualties in South Vietnam and Laos, which even today are not being accorded the priority they so rightly deserve.

(7) *The United States should strongly support establishing a United Nations Emergency Service (UNES).*

There is today no broadly based and continuing mechanism to render massive emergency assistance to populations ravaged by conflict and oppression or natural disaster. Although a large number of international public and private organizations—including those within the United Nations—exist for this purpose, the fact remains that these organizations are too often limited in what they can do, by their individual mandate, tradition, political or regional association, and small resources.

In light of distressing developments in recent times involving humanitarian aid, new initiatives must be taken within the United Nations to establish UNES, supported, perhaps, by a Declaration on Humanitarian Assistance to Civilian Population in Armed Conflicts and Other Disasters. Such a service would exist purely for humanitarian purposes. It would function as a separate office within the United Nations—responding to a call from the Secretary General to mobilize and coordinate the vast resources of the United Nations and its specialized agencies. In this connection, the pattern of procedures and activities developed by the United Nations High Commissioner for Refugees (UNHCR), offers some guidelines for the operations of the Emergency Service.

The Service would be headed by an impartial diplomatic leadership for negotiating mercy agreements and consent for the deployment of relief corps. The relief corps would consist, in part, of nationally financed technical units, organized on a standby basis and equipped for use in combat zones, famine-stricken areas, flooded provinces, refugee camps, and devastated cities. The national units would be placed under international direction in the event of an emergency. Along with personnel resources from other offices and agencies—the national units would be deployed with maximum speed to stricken areas. The Emergency Service would have the authority to call for and receive contributions in funds and kind from public and private sources within the international community. It would supervise and coordinate emergency relief efforts under its umbrella.

To establish UNES is a logical extension of United Nations activities in humanitarian questions—and, hopefully, it would also be a means to blunt and overcome some norms of international conduct, bureaucratic inertia, and diplomatic complexities reflected in the erratic and timed international response to massive human suffering in so many troubled areas. Experiences in South Asia today should compel all men of good will, to do all they can to enlist the support of their governments in accomplishing this objective in the current session of the United Nations General Assembly.

By Mr. CURTIS (for himself, Mr. Allen, Mr. Bellmon, Mr. Dole, Mr. Sparkman, and Mr. Talmadge):

S. 2780. A bill to amend section 103 of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. CURTIS. Mr. President, on behalf of myself and Senators Allen, Bellmon, Dole, Sparkman, and Talmadge, I introduce a bill to amend section 103 of the Internal Revenue Code of 1954. I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2780

A bill to amend section 103 of the Internal Revenue Code of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(c)(4) of the Internal Revenue Code of 1954 (relating to certain exempt activities is amended—

(1) by striking out in subparagraph (E) "energy, gas, or water, or" and by inserting in lieu thereof "energy or gas,";

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(G) facilities for the furnishing of water, whether or not to the general public."

(b) Section 103(c)(6) of such Code (relating to exemption from industrial development bond treatment for certain small issues) is amended—

(1) by striking out "$5,000,000" in the heading of subparagraph (D) and by inserting in lieu thereof "$10,000,000";

(2) by striking out "$5,000,000" in subparagraph (D)(i) and by inserting in lieu thereof "$10,000,000"; and

(3) by striking out "$250,000" in subparagraph (F)(iii) and by inserting in lieu thereof "$500,000".

(c) The amendments made by this Act shall apply with respect to obligations issued after the date of enactment of this Act.

By Mr. BAYH:

S.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT LOWERING THE AGE OF ELIGIBILITY FOR SERVICE IN THE HOUSE AND SENATE BY THREE YEARS

Mr. BAYH. Mr. President, today I am introducing—together with Congressman Drinan—a proposed constitutional amendment to lower the age of eligibility for the Senate and House by 3 years, the same reduction as the lowering of the voting age ratified this year as the 26th amendment. In the 9 years I have served as chairman of the Senate Subcommittee on Constitutional Amendments, I have seen few proposals supported by such compelling logic and reason as this one.

These young people are mature enough and well-educated enough to serve in the Congress. They have earned the right to serve by their participation in all aspects of today's society—from paying taxes and the draft to responsible political and community activity. And perhaps most important, they have something constructive to offer by serving in the Congress—courage and energy, creativeness and idealism—attributes always in short supply anywhere in our society.

Despite the fundamental recognition in our Declaration of Independence that all men are created equal, we know that our Constitution was not so egalitarian. Many others were not deemed to be citizens. Many others were barred from voting—or from holding office—for reasons totally unrelated to their talents and abilities. We have done much already to remedy this problem. Indeed, the most common subject of constitutional amendments since the Bill of Rights is expansion of the democratic process. The 14th amendment made all native born persons citizens. The 15th amendment outlawed racial discrimination in voting. The 19th amendment granted the franchise to women. The 24th amendment struck down the poll tax. And just this year, the 26th amendment reduced the voting age in all elections to 18.

Now is the appropriate time to look to the question of eligibility for service in the Congress. By enfranchising 11 million younger voters, we have shown them that we have confidence in them. We have said that they deserve to participate fully in the political process. But one vitally important part of that process remains constitutionally out of their grasp; none of them can become a Congressman until age 25 nor a Senator until age 30. We tapped a vast reservoir of talent and initiative, industry and imagination, by lowering the voting age. But unless Federal elective offices themselves are opened up to younger people, I feel we will not gain the full benefit we can realize from their talents.

Of course, relatively few people actually have the honor of serving in the Congress. And I suspect that relative few younger people would be elected because of this amendment. But that is beside the point. Younger citizens ought to have the constitutional right to try for Federal office.

This proposal lowers but does not totally eliminate the constitutional age barrier. A cogent argument can be made for the proposition that we should eliminate all such barriers; if the voters feel that a 15-year-old is the candidate best qualified to represent them, they should be allowed to select him to serve. But I am not now prepared to say that the Founding Fathers were wrong when they established a minimum age for Members of Congress higher than the minimum age of those entitled to vote for those same Members. All age limits—be they for voting or for holding office—are arbitrary. But there is logic and reason in requiring some additional maturity of those we elect to the Congress.

For these reasons my proposal lowers the existing age limitations—30 for the Senate and 25 for the House of Representatives—by 3 years, just as we lowered the generally prevailing voting age by 3 years in ratifying the 26th amendment.

This proposal—like the 26th amendment—is fully justified by physical and intellectual changes since the Constitution was first written. For example, physical maturity now comes much earlier. Less than a century ago, men tended to reach their full height at age 26; now most American males are fully grown at 18 or 19. The distinguished anthropologist Margaret Mead testified before my subcommittee that the age of maturity has declined by 3 years over the past century. Young people are much better educated today: In 1920 less than 20 percent graduated from high school; now almost 80 percent graduate—and more than half of these go on to at least a year of college. The simple fact is that our younger citizens are mentally and emotionally capable of full participation in all aspects of our democratic form of government.

We cannot afford the luxury of barring highly qualified people from serving in Congress. The interesting fact is that, despite the bar, at least four men have been elected to the Senate before their 30th birthday. Henry Clay was actually 5 months short of age 30 when he took his seat in the Senate—apparently in violation of the constitutional limitation. It is likely that even more Members of the House were elected at age 25 or below. The youngest ever to serve in the House was elected at the age of 22. Surely these figures indicate that the existing age limits are too high.

Moreover, the great majority of our States and a number of the major countries of the world have taken steps to lower the age of eligibility for legislative service, and this trend has greatly accelerated in the 20th century. If the membership age for the House were decreased by 3 years, as we are today proposing, there would still be 18 States in which even younger citizens could serve in either house of the legislature, and 42 States in which younger citizens would be eligible to serve in the lower house. Individuals below the age of 22 may serve in the legislatures of many of the leading nations of the world, including, for example, Australia, Canada, the People's Republic of China, Great Britain, Indonesia, New Zealand, Switzerland, Costa Rica, Finland, Sweden, and Denmark.

This year we set a new record in ratifying an amendment to the Federal Constitution. The 26th amendment became effective just 100 days after it was sent to the States by the Congress. I believe that the incredible speed of this ratification and the enthusiasm with which the proposed amendment was met in Congress and in the States demonstrates the trust and confidence Americans across the land have in our younger citizens. I plan to do all that I am able, as the chairman of the Subcommittee on Constitutional Amendments and as one Member of the Senate, to make sure that this proposal gets a fair hearing and prompt action.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks the text of the joint resolution I am proposing today together with some analytical material on the minimum age for service in State legislatures and in legislatures of foreign countries.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 170

Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. No person who shall have attained to the age of twenty-two years shall be disqualified to be a Representative on account of age.

"Sec. 2. No person who shall have attained to the age of twenty-seven years shall be disqualified to be a Senator on account of age."

Fact Sheet on Proposed Amendment To Lower the Age of Eligibility for Service in Congress

Younger citizens are better educated today than ever before:

High School graduates: 1910, 13.5%; 1970, 75.4%.

One or more years of College: 1970, 39.5%.

College graduates: 1910, 2.7%; 1970, 16.4%.

These youths are receiving more education than their parents; of those enrolled in college 61% of the whites and 71% of the blacks came from families whose head had never been to college.

Most younger citizens are holding down jobs and contributing to our society. In 1969, 65% of the men between the ages of 20 and 24 were working in the civilian labor force; 22% were serving their country in the armed services; of the young women in this age category, 57% were in the civilian labor forces; 34% were keeping house as a prime activity. Most of these young people, 95% of the men and 77 percent of the women, were earning an income.

The median age of Members of Congress has tended to increase over the years—

Median Age

Year	Senate	House
1790	46.7	
1850	50.5	
1900	57.7	
1950	58.5	51
1970	56.4	52

Number of younger citizens who would be made eligible to serve in Congress by this amendment: House, 9,400,000; Senate, 7,900,000.

This proposed amendment is consistent with practices in the State legislatures, and in other countries. Eighteen States allow those under 22 to serve in both houses of their legislatures; 42 allow these younger citizens to serve in the lower house. Many foreign countries have minimum age requirements lower than those proposed by this amendment. (See the attached list of minimum age requirements in the States and in selected foreign countries).

MINIMUM AGE REQUIREMENTS FOR SERVICE IN STATE LEGISLATURES

State	Age: House	Age: Senate
Alabama	21	25
Alaska	21	25
Arizona	25	25
Arkansas	21	25
California	21	21
Colorado	25	25
Connecticut	21	21
Delaware	24	27
Florida	18	18
Georgia	21	25
Hawaii	25	30
Idaho	18	18
Illinois	21	21
Indiana	21	25
Iowa	21	25
Kansas	18	18
Kentucky	24	30
Louisiana	18	25
Maine	21	25
Maryland	21	25
Massachusetts	(1)	(1)
Michigan	21	21
Minnesota	21	21
Mississippi	21	25
Missouri	24	30
Montana	21	24
Nebraska	18	(2)
Nevada	18	18
New Hampshire	21	30
New Jersey	21	30
New Mexico	21	25
New York	(1)	(1)
North Carolina	18	25
North Dakota	21	25
Ohio	21	21
Oklahoma	21	25
Oregon	21	21
Pennsylvania	21	25
Rhode Island	21	21
South Carolina	21	25
South Dakota	25	25
Tennessee	21	30
Texas	21	26
Utah	25	25
Vermont	21	30
Virginia	18	18
Washington	18	18
West Virginia	21	25
Wisconsin	18	18
Wyoming	21	25

[1] Constitution gives no age requirement.

[2] Unicameral legislature.

Source: Citizens Conference on State Legislatures, State Constitutional Provisions Affecting Legislatures; updated by information from the Library of Congress.

MINIMUM AGE REQUIREMENTS FOR SERVICE IN LEGISLATURES OF SELECTED COUNTRIES

	Lower house	Upper house
Australia	21	21
Austria	25	
Belgium	25	40
Burma	21	21
Cambodia	25	40
Canada	18	30
China (mainland)	18	18
China (Formosa)	23	
Costa Rica	21	
Denmark	21	
Ecuador	25	35
Finland	20	
France	23	35
West Germany	25	
Great Britain	21	21
Honduras	18	
Iceland	21	
India	25	30
Indonesia	21	21
Italy	25	40
Japan	25	30
Korea	25	
Laos	30	
Luxembourg	25	
Malaysia	21	30
New Zealand	20	
Netherlands	25	25
Norway	20	
Philippines	25	35
Singapore	21	
Sweden	20	
Switzerland	20	
Thailand	30	40
North Vietnam	21	
South Vietnam	25	30

LEVEL OF SCHOOL COMPLETED BY PERSONS 25 YEARS OLD AND OVER AND 25 TO 29 YEARS OLD, BY COLOR—UNITED STATES, 1910 TO 1969

Color, age, and date	Percent, by level of school completed: Less than 5 years of elementary school	Percent, by level of school completed: 4 years of high school or more	Percent, by level of school completed: 4 or more years of college	Median *school* years completed
1	2	3	4	5
WHITE AND NONWHITE				
25 years old and over:				
1910[1]	23.8	13.5	2.7	8.1
1920[1]	22.0	16.4	3.3	8.2
1930[1]	17.5	19.1	3.9	8.4
April 1940	13.5	24.1	4.6	8.6
April 1950	10.8	33.4	6.0	9.3
April 1960	8.3	14.1	7.7	10.5
March 1964	7.1	48.0	9.1	11.7
March 1966	6.5	49.9	9.8	12.0
March 1969	5.6	54.0	10.7	12.1
25 to 29 years old:				
April 1940	5.9	37.8	5.8	10.4
April 1950	4.6	51.7	7.7	12.1
April 1960	2.8	60.7	11.1	12.3
March 1964	2.1	69.2	12.8	12.4
March 1966	1.6	71.0	14.0	12.5
March 1969	1.3	74.7	16.0	12.6
WHITE				
25 years old and over:				
April 1940	10.9	26.1	4.9	8.7
April 1950	8.7	35.5	6.4	9.7
April 1960	6.7	43.2	8.1	10.8
March 1964	5.8	50.3	9.6	12.0
March 1966	5.2	52.2	10.4	12.1
March 1969	4.5	56.3	11.2	12.2
25 to 29 years old:				
1920[1]	12.9	22.0	4.5	8.5
April 1940	3.4	41.2	6.4	10.7
April 1950	3.2	55.2	8.1	12.2
April 1960	2.2	63.7	11.8	12.3
March 1964	1.6	72.1	13.6	12.5
March 1966	1.4	73.8	14.7	12.5
March 1969	1.2	77.0	17.0	12.6
NONWHITE				
25 years old and over:				
April 1940	41.8	7.7	1.3	5.7
April 1950	31.4	13.4	2.2	6.9
April 1960	23.5	21.7	3.5	8.2
March 1964	18.6	27.5	4.7	8.9
March 1966	18.0	29.5	4.7	9.2
March 1969	15.2	34.5	6.0	9.8

Color, age, and date	Percent, by level of school completed			Median school years completed
	Less than 5 years of elementary school	4 years of high school or more	4 or more years of college	
1	2	3	4	5
25 to 29 years old:				
1920[1]	44.6	6.3	1.2	5.4
April 1940	26.7	12.1	1.6	7.1
April 1950	15.4	23.4	2.8	8.7
April 1960	7.2	38.6	5.4	10.8
March 1964	5.3	48.0	7.0	11.8
March 1966	3.3	50.4	8.3	12.0
March 1969	2.4	57.5	9.1	12.1

[1] Estimates based on retrojection of 1940 census data on education by age.

Note: Prior to 1950, date exclude Alaska and Hawaii.

Source: U.S. Department of Commerce, Bureau of the Census, 1960 Census of Population, vol. 1, pt. 1, Current Population Reports, Series P-20, Nos. 139, 168, and 194; Series P-19, No. 4; and 1960 Census Monograph, Education of the American Population, by John K. Folger and Charles B. Nam.

Analysis of Minimum Age Requirements for Service in Foreign Legislatures, Prepared by the Foreign Law Division of the Library of Congress

AUSTRALIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be 21 years of age.

Section 34 of the Commonwealth of Australia Constitution Act, 1900[1] states the qualifications required for a member of the House of Representatives as being 21 years of age and an elector entitled to vote at the election of the House of Representatives and with three years minimum residence within the Commonwealth at the time he is chosen. There are other requirements.

Section 16 of the same Act provides that the qualifications for a senator are the same as those for a member of the House of Representatives.

No acts can be found which change the age of majority from 21 to 18 years.[2]

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[1] 63 & 64 Vict., c. 12, as amended to Dec. 31, 1967, Acts Com. Austl., 1901–1966, 1st Perm. Supp. 1 (1967).

[2] Year Book of the Commonwealth, 1971, at p. 58, states the qualifications for both Houses of Parliament identically as provided above.

AUSTRIA

(Prepared by George Jovanovich, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

There are two distinctive periods in the constitutional development in Austria. The first is up to the end of World War I when Austria was a monarchy and the second, the post World War I period, when Austria was a parliamentary republic, with the exception of the time of the German occupation[1] when the Constitution was suspended in 1938 and reintroduced by the Law of May 1, 1945.[2]

During the first period there were several constitutions and constitutional amendments. The first direct right to vote was introduced by the Law of January 26, 1907, as an amendment to the Constitution of 1867, as amended in 1896.[3] The amendment provided for the voting right at the age 24 for Austrian citizens with residence of at least one year in the electoral district, as well as the age requirement of 30 years for election to office (Sec. 7). The passage of this Law was due to workers' demonstrations and the fear of a revolution inspired by that in Russia in 1905.[4]

The Republic came into being with the enactment of the Constitution of October 1, 1920, several times amended,[5] which is now known as the Austrian Constitution of 1929, as amended.

Article 26 of the Constitution provides for the equal, direct, secret, and personal right to vote of all male and female citizens over 21 years of age, the right to be elected at the age of 29,[6] as well as certain restrictions on the right to vote.

The Law Concerning Election to the *National Assembly* of May 18, 1949, contains a constitutional amendment reducing the voting age to 20 (Sec. 22) and the right to be elected to 26 (Sec. 46).[7] The amendment of 1957 did not affect the voting age or the age for being elected.[8]

The last *amendment* of the Law, known as the Law Concerning Election to the National Assembly of 1968,[9] incorporated in the revised text of 1970,[10] reduced the voting age to 19 (Sec. 24) and the right to be elected to *25* (Sec. 47).

The Library of Congress collection has no stenographic record of the sessions at which the above amendments were passed, and therefore no justification for such amendments can be cited.

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[1] Karl Braunias. *Das Parliamentarische Wahlrecht* (Parliamentary Electoral Right). Berlin, 1932. p. 406–434.

[2] *Das Osterreichische Bundesverfassungsrecht*. v. 1. Mans ed. Wien, 1961. p. 20.

[3] *Das Reichsgesetzblatt*, No. 15/1907. Law of January 26, 1907.

[4] Braunias, *op. cit.*, p. 410.

[5] *Das Osterreichische Bundesverfassungsrecht, op. cit.*, p. 60.

[6] Amas J. Peaslee, *editor. Constitutions of Nations*. v. 3. Europe. The Hague, 1966.

[7] K. Fritzer. *Das Bundesgesetz über die Wabi des Nationlrates*. Wien, 1949.

[8] W. Fritzer. *Das Wahlgesetz*. Wien, 1957.

[9] *Bundesgesetzblatt* No. 413/1968, Law of November 13, 1968.

[10] *Amtliche Sammlung* 6, Nationalrats-Wahlordnung 1970, *Wiederveriaubarter Usterreichischer Rechtsvorschriften.*

BELGIUM

(Prepared by Dr. Virgiliu Stoicoiu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Among the conditions of eligibility to be elected for the Belgian Parliament, the Constitution of 1831 states that candidates for the Chamber of Deputies be at least 25 years of age (Art. 50, par. 3), and for the Senate, at least 40 years of age (Art. 56, par. 4).

These age requirements are still in force (Les Codes Belges, *Constitution de la Belgique*. Bruxelles, 1969). Research of the history of the above constitutional provisions revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the two chambers in Belgium.

BURMA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, Washington, D.C. October, 1971.)

The Constitution of Burma was enacted in 1947 on attaining independence from Great Britain. By the terms of the Constitution, the legislature consists of a Parliament formed of two chambers, the Chamber of Deputies and the Chamber of Nationalities. Members of both chambers are elected.

Article 76(1) of the Constitution states as follows:

> Every citizen who has completed the age of twenty-one years and who is not placed under any disability or incapactiy by this Constitution or by law, shall be eligible for membership of the Parliament.

In 1962, there was a military coup d'état, Parliament was dissolved, and no elections have been held since.

CAMBODIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Although Cambodia made a declaration of independence in 1945 while still under Japanese occupation, in actual fact it was not until 1946 that the country achieved autonomous status within the French Union, while complete independence was not won until 1953. The present Constitution was enacted in 1947.

According to the Constitution, the national legislature consists of two chambers: the Council of the Kingdom, and the National Assembly. Part of the Council of the Kingdom is formed of appointed members, and the rest are elected. All the members of the National Assembly are elected members.

By the provisions of Article 74, members of the Council of the Kingdom cannot be less than forty years of age. According to Article 50, only persons not less than twenty-five years of age are eligible for election to the National Assembly.

Although the Constitution has been amended from time to time, these age limitations have remained unchanged since 1947.

CANADA

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Commons must be eighteen years of age.

Canada passed a new elections law known as the Canada Elections Act[1] in 1970. Section 20 provides the qualifications of a candidate for election and states they are the same as those specified for an elector or one deemed to be qualified as an elector by subsection 14(3). Section 14(1) provides that every man and woman who is eighteen and is a Canadian citizen is qualified as an elector. Section 14(2) permits any person who will be eighteen by the time of the election to register. Section 14(3) permits a British subject other than a Canadian citizen who was qualified as an elector on the 25th of June 1968, and who has continuously resided in Canada from July 26, 1970 until June 16, 1975, to qualify as an elector.

2. A member of the Senate must be at least 30 years old, possess property worth $4,000, and be a resident of the province for which he is appointed by the Governor.[2] He must retire at seventy-five years of age.

3. At the turn of the century a member of the House must have been twenty-one years old.

The British North America Act, 1867,[3] provided in section 41 that any member of the House of Commons should be a male British subject, aged twenty-one years and a householder until such time as the Parliament of Canada provides otherwise. Section 69 of the Dominion Elections Act[4] removed the property qualification and provided that any British subject may be a candidate for a seat in the House of Commons. It should be noted that section 10 stated that the qualifications for any person to vote at a Dominion election should be those established by the laws of that province as essential to enable such a person to vote in the same part of the province at a provincial election. In the same act, section 32 establishes the qualifications for voting in several provinces as these: male British subject; twenty-one years old; a resident of the province for the last twelve months; and a resident of the electoral district where he wishes to vote for three months immediately preceding the issue of the writ of election; and is not an Indian.

4. Senators were appointed for life before

NOTE.—Footnote at end of each country.

the passage of the British North America Act, 1965.[5]

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[1] Can. Rev. Stat. c. 14 (1st Supp.) (1970).

[2] British North America Acts, 1867–1865, § 24 (1967).

retire at seventy-five years of age.

[3] 30 & 31 Vict. c. 3 (1867).

[4] Can. Rev. Stat. c. 6 (1906).

[5] Can. Stat. 1965, c. 4, § 1.

CHINA

(Prepared by Tao-tai Hsia, Chief, and Kathryn Haun, Research Assistant, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The most marked difference in the age of enfranchisement in twentieth-century China is that between the required age under the Republic of China and the required age under the People's Republic of China. Article 130 of the Constitution of the Republic of China, effective from December 25, 1947, provides as follows:

Article 130: Any citizen of the Republic of China who has attained the age of twenty years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of twenty-three years shall have the right of being elected in accordance with law.[1]

Article 4 of the Electoral Law of the People's Republic of China for the National People's Congress and Local People's Congresses of All Levels, promulgated by the Central People's Government on March 1, 1953, specifies that "all citizens of the People's Republic of China who have reached the age of eighteen shall have the right to elect and to be elected. . . ."[2]

The lowering of the age of enfranchisement which occurred after the Communists established the People's Republic of China on mainland China on October 1, 1949, accords with the Communist Chinese policy of attempting to give the government the broadest possible base among the national citizenry. Two groups which have been singled out for special attention in the pursuit of this policy are women and youth. The Peking regime places a high value upon the support of Chinese youth, whose typical enthusiasm, vigor, and activism are much in the image of the ideal Communist Chinese citizen which the regime portrays in its propaganda and upon whose actual existence hinges the success or failure of the regime's activist domestic policies. The regime also doubtless has a profound appreciation of the stumbling block to the realization of its policies which disaffected youth would constitute.

Youth is given a special place in the Draft of the Revised Constitution of the People's Republic of China, which is being circulated in the West and which is widely believed to be authentic. Article 11 of this draft, which is not now in effect on mainland China, provides that "all state organs must practice the principle of simplified administration; their leadership organs must practice the revolutionary three-in-one combination of army personnel, cadres and masses, and of the old, the middle-aged and the young."[3]

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[1] *A Compilation of the Laws of the Republic of China,* Volume 1, Taipei, 1967, pp. 31–32. The main exception provided for in the Constitution is the requirement of Article 12 that the President and Vice President of the Republic must have attained forty years of age. *Ibid.*, p. 12,

[2] *Fundamental Legal Documents of Communist China,* edited by Albert P. Blaustein, South Hackensack, New Jersey: Fred B. Rothman & Co., 1962, p. 194.

[3] For the text of an English translation of the Draft of the Revised Constitution of the People's Republic of China, see Background on China, B. 70–81, November 4, 1970. The Chinese text of the draft constitution appears in *Chung yang jih pao* [Central Daily News], November 5, 1970.

FRANCE

(Prepared by Dr. Domas Krivickas, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Jean-Paul Charnay in his capital work on French elections observed that "the age of eligibility, under democratic pressure, has undergone a constant decrease."[1]

This decrease was the following:

(a) for the lower house: under the Charter of 1814—40 years of age, under the Charter of 1830—30 years, from 1848 to 1940—25 years, and under the IVth Republic—23 years.

(b) for the Senate: under the IIIrd Republic—40 years, and under the IVth Republic (The Council of the Republic)—35 years of age.

At the present time, the age requirements for candidates are the following: to the National Assembly—23 years of age (Art. L. 45), for the Senate—35 years of age (Art. L.O. 296),[2] and for a departmental and municipal councillor—21 years of age.[3]

No upper age limit has been found which would bar candidates or incumbents to be elected or hold office because of advanced years.

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[1] Jean-Paul Charnay. *Le suffrage politique en France.* Paris, Mouton & Co., 1965. p. 338.

[2] *Code electoral.* Paris, Journal officiel, 1969. p. 11 and 73.

[3] Law of December 23, 1970. *Journal officiel,* Dec. 25, 1970. p. 11956.

GREAT BRITAIN AND NORTHERN IRELAND

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be at least 21 years of age.

The Parliamentary Elections Act, 1695, 7 & 8 Will. 3, c. 25, § 7,[1] limits persons under the age of 21 years (minors) from serving in any future Parliament.

The Parliamentary Elections (Ireland) Act, 1823, § 74, places similar limitations on minors' rights to serve in Parliament.

Although in general a person now attains the age of majority in England at eighteen under the Family Reform Act, 1969,[2] this does not permit anyone under twenty-one to sit as a member of Parliament.

Section 13 empowers Northern Ireland to make laws similar to its provisions in Part I of the Family Law Reform Act, 1969 (to reduce its age of majority).

The Age of Majority Act (Northern Ireland), 1969, c. 28, amends the law relating to the age of majority, and reduces the age of majority from 21 to 18. Schedule 2 thereof lists the statutory provisions unaffected by the Section providing for such reductions in the age of majority. Section 7 of the Parliamentary Elections Act, 1695 remains in effect which requires members of Parliament to be at least 21 years of age.

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[1] The whole Act, except § 7 was repealed by the Representation of the People Act, 1948, 11 & 12 Geo. 6, c. 25, § 80 and Sch. 13, and the Electoral Law Act (Northern Ireland) 1962, c. 14, § 131 and Sch. II.

[2] The Family Law Reform Act, 1969, c. 46, § 1(4) refers to Schedule 2 which lists the statutes which are unaffected by Section 1 which reduces the age of majority from 21 to 18. Schedule 2, para. 2, states: "The Representation of the People Acts (and any regulations, etc.), section 7 of the Parliamentary Elections Act, 1965, section 57 of the Local Government Act, 1933 and any statutory provision relating to municipal elections in the City of London within the meaning of section 167(1)(a) of the Representation of the People Act, 1949."

INDIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October 1971.)

Members of Parliament must be 30 years of age to sit in the Council of States and not less than 25 years of age to sit in the House of the People.

The Constitution of India, art. 84,[1] states the qualifications for a person to fill a seat in Parliament. They must be citizens of India and thirty years of age to hold a seat in the Council of States and twenty-five years of age to sit in the House of the People.

Other qualifications must be met.

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[1] India (1970) (as printed in II A.I.R. Commentaries (2d ed. 1970).

ITALY

(Prepared by Kemal Vokopola, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

I. *Historical background*

Italy has enjoyed a parliamentary system similar to those of other Western European countries, and especially that of England, since its unification in 1870.[1]

The legislative branch of the government was based on the Constitution of King Carl Albert (1848) (Statuto Albertino), first adopted for the Kingdom of Piedmont and Sardinia and, after the unification, extended to the entire Italian peninsula and islands.

Under the provisions of this Constitution and the laws enacted for elections (of both the active and passive electorate) in 1848, 1860, 1870, 1882, 1912–1913, and 1919 (as well as those of 1923 and 1926 enacted by the Fascist Regime) to the House of Representatives, or Lower House, and the Law of 1848, to the Senate, there was some continuity in the parliamentary system for over three quarters of a century.

Under the above-mentioned laws, the House was a popularly elected political representative body. Elections were held every five years. The members of the Senate, or the Upper Chamber, were appointed by the King.

Members of the House had to have reached the age of 30. In order to vote, illiterates were required to have reached the age of 30, and men who had attended grammar school or had served in the armed forces, 21 years. The Law of 1882 reduced the entire voting age to 21.

For appointment to the Senate a person had to have reached the age of 40 and belong to one of the 21 categories of citizenry such as nobles, high Church dignataries, important political figures, men of science and education, and captains of industry. In other words, he had to have distinguished himself in some way and rendered great service to the nation. Appointment was for life.

There were also *de jure* members of the Senate. This category included all the princes of the Italian royal family.

With the advent of Fascism in 1922, the Italian parliamentary system was replaced by the Camera delle Corporazioni (Corporative Chamber) which was not an elected body but was selected by the Grande Consiglio del Fascismo (Great Council of Fascism).[2]

II. *The Italian Republic*

The end of World War II marked not only the defeat of the Fascist Dictatorship, but brought about basic structural changes in the State. Italy was proclaimed a republic and reacquired a parliamentary system where both houses of Parliament were elected by the people. Moreover, the Constitution of 1947 granted the right to vote (active and passive) to women. It established the voting limit at 21 years of age to elect a member of the Lower House and 25 years to vote for a member of the Upper House (a senator).

To run for elective offices, the Republican

Constitution fixed the age for the Lower House at 25 and that for the Senate at 40, with the election being held for both of these bodies every five years. The Constitution, however, granted the right to the President of the Republic to appoint 5 senators out of a body of 315 for life. No upper age limit was found for tenure in or appointment to an elective office.

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[1] Emilio Crosa. *Diritto costituzionale*. 3rd ed. Torino, 1951. p. 292 ff; Carlo Cereti. *Diritto costituzionale*. 6th ed. Torino, 1963. p. 392 ff; Ciro Conte. *L'Ordinamento elettorale italiano*. 3rd ed. Torino, 1959. p. 292 ff; *Novissimo digesto italiano*. Torino, 1958. v. 2, p. 787 ff and v. 12, p. 400 ff; *Enciclopedia del diritto*. v. 5. Varese, 1959. p. 1011 ff; *Grande dizionario enciclopedico*. v. 7. Milano, 1964. p. 210 ff; *Leggi e decreti*: years 1958 to 1926.

[2] Cereti, *op. cit.*, p. 395.

JAPAN

(Prepared by Sung Yoon Cho, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Article 10 of the Public Office Election Law[1] established the age limit for members of the House of Representatives and the House of Councillors as follows:

Article 10: Japanese nationals shall possess the right to be elected members of the Diet . . . according to the distinction prescribed under each of the following items:

(1) With respect to members of the *House of Representatives*, persons who are full *25* years or more of age;

(2) With respect to members of the *House of Councillors*, persons who are full *30* years or more of age.

(3)–(6) [Omitted].

The Lower House

The *original House* of Representatives Election Law of 1889 set the age limit for members of the lower house at *30* years old. In spite of major revisions of this Law which took place in 1900, 1919, 1928, and 1934, [the age qualification remained the same until December, 1945 when it was finally lowered by five years to 25.] During this long period, however, numerous legislative proposals were made to reduce the age limit to 25 for various reasons. For example, the bill introduced in 1919 stated, *inter alia*, one reason as follows: "as it is reasonably expected that man is likely to attain his maximum growth potential . . . in the age between 25 and 50 years of age, it is deemed necessary to elect representatives from much wider age groups by reducing the present age limit to 25 years old."[2] Other reasons stated for reducing the age qualification were: (1) the same age limit as certain classes of the upper house members (counts, viscounts and barons) who are qualified to be members at the age of 25 should be maintained; (2) the present age should be lowered so as to conform to the voting age of 25 and (3) more countries limited the age of qualification to 25.[3]

Several bills were also introduced in 1919 and thereafter in an effort to reduce the age limit to 20 years old without much success. The major reasons for these attempts appeared to have been based on the considerations that younger representatives by adapting themselves to rapidly changing social needs would be of better service to the country, and that the majority and conscription ages were 20 years old.[4]

In December, 1945, the House of Representative Election Law was amended for the first time to reduce the age for eligibility for membership to 25 years old. At the same time, the voting age was lowered to 20 from the previous 25 years old. The Japanese Government spokesman explained the reason for the amendment in part before the Diet: "In light of the improved social and political status of women and male youth, it is appropriate to lower the voting age as well as the candidate's age, while granting equal rights to both sexes."[5]

The new Constitution of 1946 declares that "universal adult suffrage is guaranteed with respect to the election of public officials" (Article 15). Finally, in 1950, the House of Representatives Election Law was without any change, incorporated into the aforesaid Public Office Election Law, which is in force today. Since then no further efforts were made to lower the age qualification.

The Upper House

The origin of the House of Peers, predecessor to the House of Councillors, was peculiar. No provision was made for such a body by the Meiji Constitution or by statutory law. It owed its existence solely to an Imperial Ordinance promulgated on the same day as the Meiji Constitution, February 11, 1889.[6]

The membership of the House of Peers consisted of six classes usually appointed by the Emperor: (1) princes of the blood; (2) princes and marquises; (3) representatives of the three lower orders of the nobility such as counts, viscounts and barons; (4) imperial nominees selected for service to the state; (5) and representatives of the Imperial Academy.

The lower age limit for members was, in general, 30 years, with the following exceptions: princes of the blood may enter the house upon attainment of majority (20 years old); counts, viscounts and barons at 25; while the high taxpayers' representatives must have attained the age of 40.[7]

The House of Councillors Election Law of 1947, which came into force in August 1948, stipulated the same voting qualifications as the statute governing the House of Representatives, but the age of the candidacies was set at 30. In 1950 the basic principles of the above law were codified into the present Public Officials Election Law mentioned above.

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[1] Law No. 100, April 15, 1950, as amended by Law No. 127, 1970.

[2] *Shugi-in giin senkyōhō ni kansuru chōsa shiryō* [Research Materials Relating to Amendments to the House of Representatives Election Law], vol. 1, p. 3. (Author, publisher and date unkown).

[3] Shōtarō Miake and others, *Futsu senkyōhō shakygi* [Commentaries on the Popular Election law], Tokyo, Shōkadō, 1927, p. 63.

[4] *Ibid.*

[5] Japan, House of Representatives, *Dai hachijū kyū kai Teikoku Gikai tsūka hōritsu shingi yōroku* [Excerpts of Deliberations of Laws Passed in the 89th Session of the Diet], 1945, p. 2.

[6] *Political Reorientation of Japan, September, 1945, to September, 1948,* Report of Supreme Command for the Allied Powers, Washington, D.C.: U.S. Government Printing Office, p. 181.

[7] Harold S. Quigley, *Japanese Government and Politics,* New York, The Century Co., 1932, pp. 166–167.

THE REPUBLIC OF KOREA

(Prepared by Sung Yoon Cho, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

During the Japanese Occupation of Korea from 1910 to 1945, the Korean peoples were denied political rights. The new democratic Constitution that adopted a unicameral assembly was promulgated in 1948. The National Assembly Election Law of 1950, enacted pursuant to the constitutional provisions, set age limits for candidates at 25 years. The constitutional amendment of 1954, however, provided for the creation of a bicameral assembly. Therefore, the Election Law was revised in June, 1960, so as to incorporate a new provision requiring the age qualification for members of the upper house to be set at 30 years old. The general elections of July 29, 1960, were the first in which members of both lower and upper houses were elected.

Immediately after the Military Revolution of May 16, 1961, the Election Law of 1960 was repealed and the upper house was suspended indefinitely after a nine-month existence. Under the new National Assembly Election Law of 1963,[1] which is in force today, the country again returned to the unicameral system of the assembly. The age qualification for the National Assemblymen under the present law is 25 years old (Article 9).

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[1] Law No. 1256, January, 1963, as amended by Law No. 2088, January 23, 1969.

LAOS

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

By the terms of its Constitution, promulgated in 1947, the legislature of Laos consists of the National Assembly, whose members are elected.

According to the Ordinance-Law No. 14 of February 5, 1960, relative to the election of Deputies to the National Assembly, candidates must be at least thirty years old as of January 1 of the election year. This age must be verified, according to Article 13, by the presentation of a judgment, a birth certificate, or an "acte de notoriété" (certificate of identity), these documents to date at least one year before the closing date for candidacies.

LUXEMBOURG

(Prepared by Dr. Virgiliu Stoicolu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

In Luxembourg, the Constitution of 1868, as amended, requires that candidates for the Chamber of Deputies be at least 25 years of age ((Art. 52) Grand-Duché de Luxembourg, *Constitution du 17 octobre 1868 Revisée.* Luxembourg, 1968).

Research of the history of the above constitutional provision revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the Chamber (there is no Senate) in Luxembourg.

MALAYSIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The present Constitution is the federal Constitution of 1957, as amended from time to time up to 1970. The legislature of Malaysia is a Parliament, consisting of the Yang di-Pertuan Agong (Head of State) and two Majlis (Houses of Parliament), known as the Dewan Negara (Senate) and the Dewan Ra'ayat (House of Representatives).

Article 47 of the Constitution states as below:

Every citizen resident in the Federation is qualified to be a member—

(a) of the Senate, if he is not less than thirty years old;

(b) of the House of Representatives, if he is not less than twenty-one years old.

unless he is disqualified for being a member by this Constitution or by any law made in pursuance of Article 48.[1]

This article has remained unchanged since its inclusion in the Constitution of 1957.

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[1] *Malaysia, Federal Constitution, Incorporating all amendments up to 1st June, 1970,* Kuala Lumpur; 1970, p. 56.

NEW ZEALAND

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Representatives must be twenty years old. New Zealand

only has one house in its legislature since the passage of the Legislative Council Abolition Act[1] in 1950.

Until the passage of the Electoral Amendment Act, 1969[2] twenty-one was the age used in the New Zealand definition of "adult" in section 2(1) of the Electoral Act, 1956.[3] Now twenty is the age of majority for an adult. Sections 25 and 30 of the principal act, as amended, state the qualifications for a member of Parliament and for an elector, respectively. The word "adult" is used to describe the required age instead of a statement of the age requirement in numbers.

2. At the turn of the century, a member of the House of Representatives had to be twenty-one years old.

The Electoral Act, 1893[4] which permitted women to vote for the first time, if twenty-one and possessed of a freehold estate of twenty-five pounds, specifically stated in section 9 that no woman could be a member of the House of Representatives. Section 75 stated that any man who qualified as an elector who was twenty-one or over could be nominated with his consent for election to the House of Representatives.

3. In 1900, a member of the Legislative Council had to be twenty-one years old to be appointed a councillor.

The Legislative Council Act, 1891[5] provided in section 2 that the Governor could appoint as councillors persons over twenty-one years. As indicated earlier, this Council was abolished in 1950 by the Legislative Council Abolition Act.[6]

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[1] N.Z. Stat. 1950, No. 3.

[2] N.Z. Stat. 1969, c. 19.

[3] N.Z. Stat. Reprint 1908–57, No. 107.

[4] N.Z. Stat. 1893, No. 18.

[5] N.Z. Stat. 1891, No. 25.

[6] N.Z. Stat. 1950, No. 3.

THE NETHERLANDS

(Prepared by Dr. Armins Rusis, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

The Parliament or States-General of the Netherlands is divided into a First Chamber and a Second Chamber (Art. 89 of the Netherlands Constitution of August 24, 1815, as amended). To be eligible as a member of the Second Chamber, a Netherlander must have reached the age of twenty-five years (Art. 94 of the Constitution). To be eligible as a member of the First Chamber, the same requirements must be fulfilled as for membership of the Second Chamber (Art. 100 of the Netherlands Constitution).

There exist no maximum age limitations for election or appointment to legislative bodies in the Netherlands.

SINGAPORE

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Singapore's legislature consists of a unicameral Legislative Assembly, whose members are elected. Age limitations for candidates standing for election thereto were introduced by the Singapore Legislative Assembly Elections (Amendment) Ordinance, No. 26 of 1959, which inserted a new Section 5A into the main Ordinance. According to this section, no person will be qualified to be elected as a member of the Legislative Assembly unless he is of the age of twenty-one years or upwards on the day of nomination.

SWITZERLAND

(Prepared by Dr. Alois Bohmer, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

The age limit for exercising the right to vote and the right to be elected to the legislative bodies of the Swiss Confederation (*Bundesversammlung*) was first mentioned in the first proposal of the Constitution, the text of which was adopted on March 19, 1948, by the majority of the Commission of the representatives of the cantons.[1] Its Article 5 gave the right to vote to the citizens 21 years of age and Article 6 gave the right to be elected to citizens of 25 years of age. An upper age limit was not stipulated.

Shortly after, on April 8, 1948, in the "second reading" (*zweite Lesung*), the Commission adopted the text of Articles 58 and 59 of the Constitution which spelled out the age limits for voting. These provisions are almost identical with Articles 74 and 75 of the Federal Constitution of May 29, 1874, now in force.[2] They read as follows: [3]

Art. 74. Every Swiss aged 20 or more, and not otherwise disqualified for active citizenship by the legislation of the canton where he has his place of residence, has the right to vote at elections and votations.

Federal legislation may regulate in a uniform manner the exercise of this right.

Art. 74. (1) In elections, all Swiss citizens, male and female, have equal political rights and duties.

(2) Every Swiss, male and female, aged twenty or more, and otherwise not disqualified for active citizenship by the law of the canton where he has his place of residence, has the right to vote at such elections.

(3) The Confederation may lay down uniform regulations in the way of legislation on the election and voting rights in confederate matters.

(4) The cantonal right concerning elections and voting of cantons and communities shall be reserved.

Art. 75. Every lay Swiss citizen possessing the right to vote is qualified to be elected as a member of the National Council.

These regulations apply only to federal elections. The cantonal election laws may have different provisions as, for instance, the Canton Zug Constitution which gives the franchise to 19-year-old citizens.

The present Swiss Constitution or other legislation does not have any upper age limit as far as the right to vote or to be elected is concerned. Nor is there a limitation of the right to be reelected to the National Council. In 1942, on the basis of a national initiative (*Volksinitiative*), a proposal was introduced to make legislators ineligible for legislative bodies after 12 years of service. This proposal was, however, defeated on May 3, 1942, as the electors did not want their choice to be limited. It was suggested that the ability of a candidate should be judged in each case according to circumstances and that an experienced representative is often better than a novice full of new ideas.[4]

The above-mentioned rights of the Constitution of 1874 are granted to men only and woman were excluded from the federal political rights. This was changed by the referendum of February 7, 1971, which gave the right to vote at elections to women as well. Article 74 in its present form reads as follows: [5]

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[1] William Emmanuel Rappard. *Die Bundesverfassung der Schweizerischen Eidgenossenschaft 1848–1948*. Zürich, Polygraphicher Verlag A.G., 19481948, p. 158.

[2] *Id.*, p. 166.

[3] *The Federal Constitution of Switzerland.* Translation and Commentary by Christopher Hughes. Oxford, Clarendon Press, 1954.

[4] Jean François Aubert. 2. *Traité de droit constitutionnel suisse,* Neuchatel, Editions Ides et Calendes, 1967. p. 463.

[5] *Amtliche Sammlung der eidgenössischen Gesetze und Verordnungen,* 1971. p. 325.

THAILAND

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Thailand's first Constitution was passed in June, 1932, and since then there have been seven more Constitutions, the last of which was promulgated in 1968. At the present time, the legislature of Thailand consists of a National Assembly, made up of the Senate, whose members are appointed by the King, and the House of Representatives, whose members are elected.

According to the 1968 Constitution, the age limit for candidates for election to the Senate is a minimum of forty years, while that for candidates to the House of Representatives is thirty years. These age limits have been in force since they were stipulated in the Constitution of 1949. Previously, the Constitution of 1947 had set the age limit of thirty-five years for members of the House of Representatives, who were elected, but none for members of the Senate, who were appointed. No reason for the lowering of the age limit for candidates to the House of Representatives has been found in the sources available.

DEMOCRATIC REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The Constitution of the Democratic Republic of Vietnam (North Vietnam) was adopted in 1959. Article 23 of the Constitution states that citizens who have reached the age of twenty-one have the right to stand for election, whatever their nationality, race, sex, social origin. etc., to the National Assembly which is the only legislative authority of the country.

REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shina, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October 1971.)

The 1956 Constitution of the Republic of Vietnam (South Vietnam) provided for the legislative functions of the government to be exercised by a National Assembly, whose members were to be elected by the people. Article 50 of this Constitution stipulated that candidates for election to the Assembly had to be fully twenty-five years of age before election day.

After the coup d'état of 1963, no elections were held until 1966. In September of that year a Constituent Assembly was elected and charged with the task of drawing up a new Constitution. The new Constitution was promulgated on April 1, 1967. It calls for legislative power to be vested in the National Assembly, consisting of an Upper House or Senate and a Lower House or House of Representatives.

According to Article 32 of the "Constitution" of 1967, to run for the House of Representatives citizens must be at least twenty-five years of age on the day of the election, addition to possessing the other qualifications called for. Similarly, Article 34 states that candidates for the Senate must be thirty years of age by election day and must meet all other prescribed conditions.

SCANDINAVIAN COUNTRIES

(Prepared by Finn Henriksen, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

I. General remarks

It may be stated, in general terms, that the Scandinavian trend in this country has been to lower the age limit for eligibility to be elected to legislative bodies to the age when a person reaches full majority and obtains the right to vote, i.e., twenty years of age. The decision to lower this age from 21 to 20 years originated in an agreement of December 18, 1967, between the Ministers (or Secretaries) of Justices from each of the Nordic countries, Denmark, Finland, Iceland, Norway, and Sweden.[1]

Sweden has gone one step further and has lowered its voting age to 19 years, but it does not seem likely that this will set a new Scandinavian trend. The Nordic Council, at its 1970 meeting in Reykjavik, rejected rather summarily a proposal from one member, probably Sweden, to lower the voting age to 18 years.[2]

The very low legal age requirements for eligibility to be elected to Scandinavian legislative bodies does not mean that these bodies, as a practical matter, have many young members. The scandinavian political parties have considerably more influence than have political parties in the United States. A leading Swedish writer claims that it is virtually impossible for a Swedish politician to be elected without being supported by a political party,[3] and this statement can very well be extended to all of the Nordic countries. This attitude of the Scandinavian political parties does not represent any distrust of the young. However, any Scandinavian political party would probably require either substantial experience in lower political offices, or very substantial personal achievements, before it would endorse a candidate for an important legislative body. Very young legislators are consequently uncommon, but they are not excluded per se. For instance, the youth of the brilliant lawyer, Orla Lehmann, who practically drafted the Danish Constitution of 1849 singlehanded,[4] is supposed to be one of the reasons why Denmark for many years had an age limit for eligibility for election to the Lower Chamber of its Parliament which was lower than the voting age.

In none of the countries is there a legal upper age limit to being elected to or holding an elective office, but retirement around the age of 70 is very common.

II. Denmark

The Danish Constitution of 1849 established a bicameral legislature with an Upper and a Lower Chamber.[5] The age limit for election or appointment to the Upper Chamber was 40 years, while the corresponding age limit for the Lower Chamber was only 25 years. The voting age for both Chambers was 30 years, but the right to vote in elections for the Upper Chamber was somewhat restricted in favor of the propertied classes. The Constitution of 1866 lowered the age limit on eligibility to both Chambers to 25 years, while the voting age for both Chambers remained 30 years. However, the 1866 Constitution was also more specific about the restrictions in favor of the propertied classes in elections for the Upper Chamber.[6] It was not until the Constitution of 1915 became effective that the right to vote in elections to the Upper Chamber was extended to most voters. However, the age limit for election or appointment to the Upper Chamber was raised to 35 years at the same time, as was the voting age. The age limit on eligibility to the Lower Chamber, and the voting age in 1915 was established as 25 years.[7] The purpose of these Constitutional limits was undoubtedly to secure an Upper Chamber which was more conservative, or mature than the Lower Chamber.

The Danish system of a bicameral legislature never worked very well, and it was abolished by the present Constitution of 1953,[8] which established a unicameral legislature. The voting age, and the age limit for eligibility to this new legislative body were lowered at the same time to 23 years, and both age limits were, in 1966, reduced to 21 years.[9] In 1970, Denmark lowered the age when a person reached full majority from 21 to 20 years.[10] This strongly indicates that the age limit for eligibility for election to the legislature, and the voting age, will be brought down to 20 years in the foreseeable future. These age limits are, to the Danish way of thinking, an integrated part of the concept of granting a person full majority.

III. Finland

The present Finnish State dates back to 1919 when it declared its independence from Russia. The age limit for election to the Parliament, and the voting age, was originally 24 years.[11] This was lowered in 1944 to 21 years,[12] and, in 1969, to 20 years.[13] The age at which a person reached full majority was, at the same time, lowered from 21 to 20 years.[14]

IV. Iceland

Iceland gained considerable independence when it became united with Denmark in 1904, and became an independent country in 1944.[15] The voting age, and the age limits for eligibility to be elected to the Icelandic Parliament were similar to the Danish age limits of 25 and 35 respectively until 1934. However, a constitutional amendment of March 24, 1934, lowered the voting age, and the age limit for eligibility to the Parliament, to 21 years.[16] This age limit was incorporated in the Icelandic Constitution of 1944.[17] It is likely that it has been, or will be, lowered to 20 years.

V. Norway

The Norwegian Constitution of 1814 established a voting age of 25 years and an age limit of 30 years for election or appointment to the Parliament.[18] The voting age was reduced in 1920 to 23 years and in 1946 to 21 years, while the age limit for eligibility for election to the Parliament was reduced to 21 years in 1948,[19] and finally, in 1967, to 20 years.[20] The age for general majority was lowered from 21 to 20 years in 1969.[21]

VI. Sweden

Substantial parts of the present Swedish Constitution date back to 1809, and the recently abolished bicameral legislature established in 1866. The age limit for election or appointment to the indirectly elected Upper Chamber was, at the beginning of this century, 35 years, while the age limit for eligibility to the directly elected Lower Chamber was 23 years.[22] The voting age was lowered, in 1945, from 23 to 21 years, and the age limit for election or appointment to both Chambers was reduced to 23 years in 1949.[23] Sweden passed, on June 17, 1971, a constitutional amendment which abolished the Upper Chamber of its legislature.[24] The age limit for election to the new unicameral legislature is 20 years,[25] while the voting age has been lowered to 19 years.[26] The age for a person to reach full majority was lowered from 21 to 20 years in 1969.[27]

FOOTNOTES

[1] *Tillaeg 1969 til Karnovs Lovsamling*. 7th ed. Copenhagen, Karnov, 1970. p. 7469, *see also* note 2.

[2] 55 *Svensk Juristtidning* (October, 1970). p. 691.

[3] Nils Bertel Einar Andren, *Modern Swedish Government*. Stockholm, Almquist & Wiksell, 1961. p. 23.

[4] *Danske Forfatningslove 1665–1953*. Copenhagen, J. H. Schultz, 1958. p. 58–59.

[5] *Id.*, Junigrundloven af 5. juni 1849, Sections 34–44. p. 65–66.

[6] *Id.*, Den Gennemsete Grundlov af 28. juli 1866, Sections 29–40. p. 117–119.

[7] *Id.*, Grundloven af 5. juni 1915, Sections 29–39. p. 137–139.

[8] *The Constitution of the Kingdom of Denmark Act, 5th June 1953*. Copenhagen, J. H. Schultz, 1958. Sections 28–34. p. 4–5.

[9] Bekendtgórelse Nr. 366 af 10. august 1970 af Lov om valg til folketinget, *in* 1970 *Lovtidende A* p. 1035–1068. (Sections 1–2, p. 1035).

[10] Bekendtgórelse Nr. 141 af 24 marts 1970 af Myndighedslov, *in* 1970 *Lovtidende A* p. 397–404. (Section 1, p. 397).

[11] *Suomen Tasavallan Perustulait*. Helsinki, Werner Söderström, 1938. p. 378–399.

[12] Parliament Act of January 13, 1928, Articles 6–7, as amended, *in: Constitution Act and Parliament of Finland*. Helsinki, Ministry of Foreign Affairs, 1959. p. 30–31.

[13] Lag Nr. 341 av 30. maj 1969 om ändring av riksdagsordningen och Lag Nr. 342 av samme dag angaende ändring av lagen om Riksdagsmannaval, *in* 1969 *Finlands Författningssamling*, p. 629–630.

[14] Lag Nr. 343 av 30, maj 1969 on ändring av lagen angaende förmynderskap, *in* 1969 *Finlands Författningssamling*, p. 631.

[15] Lester Bernhard Orfield. *The Growth of Scandinavian Law*. Philadelphia, University of Pennsylvania Press, 1953. p. 110.

[16] Jens Peter Jensen-Stevns. *Grundlovaendring*. Slagelse, Denmark, ASAs Forlag, 1939. Appendix p. 2 ["p. 30"].

[17] *The Constitution of the Republic of Iceland*. Reykjavik, Ministry of Foreign Affairs, 1948. Sections 33–34, p. 10.

[18] The Fundamental Act of the 17th of May 1814 Sections 50 and 61, *in The Constitution of Norway and Other Documents of National Importance*. Oslo, Norwegian Academic Press, 1951. p. 54–56.

[19] *The Growth of Scandinavian Law*, p. 177. *Supra* note 15.

[20] Kongerigets Norges Grundlov av 17de Mai 1814, as amended, *in Norges Lover 1682–1969*. Oslo, Grondahl, 1970. Sections 50 and 61, p. 54–56.

[21] Lov Nr. 3 av 22. april 1927 om vergemal for umyndige, as amended, *in id.*, p. 1025 (Sections 1 and 2).

[22] *The Growth of Scandinavian Law*, p. 262. *Supra* note 15.

[23] *Sveriges Grundlager och tillhörende Färfattninger*. Stockholm, Norstedt, 1957. p. 140.

[24] *Riksdagsordning*, dat. Stockholm den 22 juni 1866, med de därefter, och sist vid riksdagen i Stockholm ar 1971, av Konungen och riksdagen antagna förändringar, *in* 1971 *Svensv Författningssamling*, Nr. 272 (SFS 1971: 272, June 17, 1971).

[25] *Id.*, Section 26.

[26] *Id.*, Section 14.

[27] *Föräldrebalk*, Chapter 9, Section 1, as amended by Lag av 23. maj. 1969, *in Sveriges Rikes Lag*. 91st ed., Stockholm, Norstedt. 1970. p. 77.

AGE LIMITATION FOR ELECTION TO LEGISLATIVE BODIES—HISPANIC NATIONS

(Prepared by Dr. Rubens Medina, Chief, and Armando E. Gonzalez and David M. Valderrama, Senior Legal Specialists, Hispanic Law Division, Law Library, Library of Congress, October 1971.)

Before considering the specific provisions concerning age limitation for election of citizens to the legislative bodies, this office considers it necessary to indicate that in a number of instances, constitutional changes have occurred under extra-legal circumstances not always very well documented. The study of those jurisdictions where more constitutional changes have taken place, seems to suggest that even though the adoption of the new charters may have been promulgated with all due legal formalities, the processes through which the changes occurred may not be found completely recorded; and only very brief and general remarks were offered as introductory statements, usually in the form of "proclamas" or "preámbulos." The demand of present needs, more just organization and adjudication, response to the nation's reality, and a better preservation of the country's traditions and common objectives are among the reasons most frequently offered as justification for the changes introduced.

A deeper search for supporting arguments would require an exploration of nonlegal sources which this office can undertake if more time is made available.

The age limitation predominant among the Hispanic nations is 25 years of age for the members of the House of Representatives (Chamber of Deputies) and 35 years for members of the Senate. Changes concerning the above limitation have been introduced in the following countries:

1. Costa Rica

The Constitution of June 8, 1917, established the age limit of 40 years for election as a Senator, and 25 years for the members of the Chamber of Deputies. These provisions were changed by the Constitution of November 7, 1949, which established the age of 21 years or more as a requisite for eligibility to the Legislative Assembly (Article 108).

2. Cuba

The Constitutional Law of the Republic adopted on June 11, 1935, established 30 years of age as a minimum for election of members of the House of Representatives, thus lowering the previous age requirement for the corresponding legislative bodies set forth by the Constitution of 1901, of 35 and 25 years of age for the respective chambers. This change was allegedly introduced, "complying with the will of the people, with the spirit of the Fundamental Charter of 1901, and with the conquests of the revolution."[1]

The Fundamental Law of Cuba enacted in 1959 by the Castro regime simply suppressed Congress. This office has been unable to locate any useful material in this regard.

3. Ecuador

The Constitutions of 1906 and 1929 maintained the same age limitations for both Chambers: 30 and 21 years of age for Senators and members of the House, respectively (Article 44, Section 2, and Article 51; Article 36, Section b) and Article 43, respectively).

The Country adopted the unicameral system by virtue of a new Constitution adopted in 1945, which established the age limit of 25 years for members of the then-called National Assembly. The new charter was in force slightly over one year.

Another Constitution adopted in December 1946, reestablished the two chambers setting the age limits at a minmum of 25 years for the members of the House, and 35 years for the Senators. These provisions have remained unchanged in spite of the adoption of two more Constitutions (1960 and 1967).

4. Guatemala

The age limit of 21 years was maintained from the Constitution of 1879 as a requisite for those elected as Deputies to the General Assembly, to the Constitution enacted on September 15, 1965, whereby the minimum age was established at 30 years for Deputies to the Congress (Article 163).

5. Honduras

This country, which has a unicameral system, established the minimum age of 25 years for members of Congress. This limit was apparently lowered by the Constitution of 1965 which contains no provisions concerning age, but grant political rights only to citizens who are 18 years of age and over (Article 34). Again, no specific arguments were offered in any legal document or related literature to support such change.

6. Nicaragua

The age limits of 40 and 25 years were maintained for the House and Senate, respectively, up to the Constitution of November 1, 1950, by which the age limit for senators was changed to 35 years (Article 154). No supporting arguments are available at this time.

7. Venezuela

The first change was introduced by the Constitution of 1904 which established the age limits of 21 and 30 years for members of the House and for the Senate, respectively, from 25 and 30 years of age previously required by the Constitution of 1901. This limit was maintained until the Constitution of 1936 which reestablished the limit set forth by the Constitution of 1901 (25 and 30 years of age).

The Constitution of April 11, 1953, again changed the limit to 21 and 30 years of age, respectively. No special reasons appear to be available.

8. Philippines

There are constitutional age limitations for election to the legislature of the Philippines. Under the Constitution of 1935, as originally adopted, the legislature consisted of a unicameral body called the National Assembly, the age qualification for which was 30 years.[2]

Professor Aruego, a leading Filipino constitutionalist, states that the age or membership in the National Assembly was fixed at 30, . . . to insure the presence in that body of men of experience and maturity of judgment for legislative work.[3]

In 1940, the National Assembly was replaced by a bicameral Congress of the Philippines consisting of a Senate and a House of Representatives. The qualifying age for members was fixed at 25 and 35, respectively.[4] No treatise or record of any debate in the former National Assembly has been located explaining the change.

FOOTNOTES

[1] Introductory statement. Carlos Mendieta, provisional President and his Cabinet.

[2] Constitution of the Philippines adopted by the Philippine Constitutional Convention at the City of Manila . . . on the 8th day of February 1935. Washington, 1935. p. 17 p.

[3] Aruego, Jose M. *The Framing of the Philippine Constitution* Manila University Publishing Co., Inc., 1949. pp. 250–251.

[4] Constitution of the Philippines, as amended . . . Manila, Bureau of Printing, 1949. 39 p.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2416

At the request of Mr. MONTOYA, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 2416, to provide improvements in Indian Education.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 572

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CURTIS. Mr. President, on behalf of myself and Senators ALLEN, BELLMON, DOLE, SPARKMAN, and TALMADGE, I submit an amendment, intended to be proposed by us, jointly, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes. I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 572

At the appropriate place in the bill, insert the following new section:

INDUSTRIAL DEVELOPMENT BONDS

SEC. —. (a) Section 103(c)(4) of the Internal Revenue Code of 1954 (relating to certain exempt activities) is amended—

(1) by striking out in subparagraph (E) "energy, gas, or water, or" and by inserting in lieu thereof "energy or gas,";

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(G) facilities for the furnishing of water, whether or not to the general public."

(b) Section 103(c)(6) of such Code (relating to exemption from industrial development bond treatment for certain small issues) is amended—

(1) by striking out "$5,000,000" in the heading of subparagraph (D) and by inserting in lieu thereof "$10,000,000";

(2) by striking out "$5,000,000" in subparagraph (D)(i) and by inserting in lieu thereof "$10,000,000"; and

(3) by striking out "$250,000" in subparagraph (F)(iii) and by inserting in lieu thereof "$500,000".

(c) The amendments made by this section shall apply with respect to obligations issued after the date of enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 541

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Missouri (Mr. EAGLETON) be added as cosponsors to the Stevenson-Pearson amendment No. 541, to increase the Federal income tax personal exemption to $700 retroactive to January 1, 1971. This amendment is to H.R. 8312, a bill which would increase the personal exemption to $675. H.R. 8312 was reported out of committee October 20 and may be considered by the Senate Tuesday, November 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION ON DISTRICT OF COLUMBIA REVENUE NEEDS—ANNOUNCEMENT OF HEARINGS

Mr. EAGLETON. Mr. President, it is my understanding that the House of Representatives will complete action on the revenue measure by the beginning of next week. Accordingly, I wish to announce that the District of Columbia Committee will hold hearings on the District of Columbia revenue measure at 10 a.m. on November 10, 1971, in room 6226, New Senate Office Building. Immediately after completing that hearing it is my intention to call an executive session of the committee for the afternoon of November 10 in order to mark up and hopefully report out a bill.

In view of the need for speed—one-third of the fiscal year is already passed—and the desire of the leadership to complete the Senate's business by the end of November, I think it is in the interests of the District of Columbia and of all its citizens that hearings be confined to the morning of the 10th.

All persons wishing to inform the committee as to their views on fiscal matters of the District of Columbia are strongly urged therefore to submit their comments in writing to the committee no later than noon on November 9, so that the committee may have them available for consideration during its executive session.

NOTICE OF WITNESS LIST FOR HEARINGS ON NATIONAL FUELS AND ENERGY POLICY

Mr. JACKSON. Mr. President, the Senate Committee on Interior and Insular Affairs will hold a hearing on November 3, 1971, to explore the short- and long-term energy policy implications of the Calvert Cliffs court decision. Recent court decisions, notably the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Calvert Cliffs Coordinating Committee and others versus Atomic Energy Commission, have directly affected the interface between public policies on energy and the environment. This hearing, which I announced on October 19, is part of the national fuels and energy policy study authorized by Senate Resolution 45. The committee will explore the Atomic Energy Commission's implementation of the court's recommendations to determine:

Any potential immediate reduction in the adequacy and reliability of electric service;

Any reduced capability for carrying the electric loads of dependent industrial, commercial, and residential users;

The economic implications of requiring those facilities with operating licenses to delay operation;

The effect of new requirements on overall licensing procedures;

The adequacy of the decision and AEC's rules to implement the decision to protect environmental values;

The potential long-term conflicts between licensing procedures and other statutory policies regarding energy, the environment, and powerplant siting; and

Whether the decision is consistent with the intent of the Congress as expressed in the National Environmental Policy Act of 1969.

The hearing will be convened at 10 a.m. in room 3110 of the New Senate Office Building.

The witnesses include the Honorable MIKE GRAVEL, U.S. Senator from Alaska; Hon. Russell E. Train, Chairman, Council on Environmental Quality, Executive Office of the President; Commissioner William O. Doub, U.S. Atomic Energy Commission, accompanied by Commissioner James Ramey; Charles F. Luce, chairman of the board, Consolidated Edison Co., New York, N.Y.; Edward Berlin, partner of Berlin, Roisman, and Kessler on behalf of the Sierra Club, accompanied by Oliver A. Houck, counsel, National Wildlife Federation; William R. Gould, chairman, Western Systems Coordinating Council, appearing as vice president, Atomic Industrial Forum; Don G. Allen, president of Yankee Atomic Electric Co., on behalf of the Edison Electric Institute.

EXTENSION FOR PERIOD OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN AID

Mr. BYRD of West Virginia. Mr. President, it has been implied, or stated from time to time since last Friday, that the United States has turned its back on the rest of the world by virtue of the dramatic and historic vote which occurred on last Friday evening.

It should be noted again and again that about $2 billion in authorizations have been enacted by the Senate within the past fortnight as additional contributions by the United States to the International Development Fund of the International Bank, to the Inter-American Development Bank, and to the Asian Development Bank.

Thus, it is not our world responsibilities which have been rejected. It is the grab bag approach—if I may borrow the term used, quite aptly, by the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT)—into which the aid program has degenerated.

That is what the Senate rejected on Friday last.

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 3 minutes.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

FOREIGN AID

Mr. ALLEN. Mr. President, the vote last Friday evening in the Senate, in which the foreign aid bill was overwhelmingly defeated, is a constructive development in the judgment of the junior Senator from Alabama.

It may help to bring a little reason and reality into the never-never land of Washington. It may not signal an end of all foreign aid, but it does show that after dumping $143 billion overseas in foreign aid while so many domestic needs of this country go unmet, the American people are fed up and want to see an end put to foreign giveaways.

Mr. President, our national debt of over $400 billion is more than the national debts of all the other countries of the world combined.

It costs more than $21 billion a year just to pay the interest on this tremendous national debt.

As the distinguished senior Senator from Virginia (Mr. BYRD), who is now presiding over this body, stated a moment ago, we are operating our National Government with a deficit of more than $30 billion a year. So why should we borrow money to give to unappreciative people who say, in response to our generosity, "Yankee go home."

Mr. President, I noticed in the newspaper this morning the suggestion that the foreign aid authorization bill might yet pass in some form by dropping from the bill the military assistance aspects of the bill.

Well, Mr. President, that will not solve the problem because, in the judgment of the junior Senator from Alabama, those were the most worthwhile provisions of the bill.

So, let those who feel that the matter can be solved by dropping the military assistance aspects from the bill be not deluded because that will not solve the problem.

I believe that we are entering a new era of placing of priorities on meeting domestic needs and not seeking to support the entire world.

Surely, after the 25 years following the end of World War II, these nations should be able to stand on their own two feet.

I believe that the vote last Friday was a most healthy and constructive development.

ADDITIONAL STATEMENTS

A U.S. VIEW OF UNITED STATES-CHINA RELATIONS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech prepared for delivery at the opening session of the Third National Convocation on the Challenge of Building Peace, at the Americana Hotel, New York City, October 27, 1971, 9 a.m.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A U.S. VIEW OF UNITED STATES-CHINA RELATIONS

(An address by Senator JAVITS)

The objective of this portentous gathering, according to the Statement of Convocation Purpose, is " . . . to focus the attention of the American people on the prospects for cooperation between the United States and the People's Republic of China." As a United States Senator and member of the Senate Foreign Relations Committee who has taken a particular interest in this subject, I have been asked to present "A United States View" at the opening of this convocation.

Unquestionably, 1971 has already proven to be the most pivotal year in U.S.-China relation—and in mainland China-world relations—since 1949 when the forces of Mao Tse-tung won final victory in the civil war and established the People's Republic of China.

The U.N. General Assembly's decision to seat the People's Republic of China as China's representative in the Security Council and in the Assembly brings to a close one long and contentious chapter in Sino-American relations. The decision to bring the People's Republic into the U.N. is a proper and constructive measure—broadly supported by the American people and the Congress, as well as by the President and Secretary of State; but the concurrent decision to expel the Republic of China on Taiwan is regrettable and is bound to cause general disapproval and even resentment in some quarters in the United States. Already there have been efforts initiated in the Congress to reduce the U.S. financial contribution to the United Nations in "retaliation" against the expulsion of Taiwan. I oppose punitive cuts in our support of the U.N. and its agencies and Secretary Rogers has made it clear that the Administration "will not support a reduction of funds for the United Nations in retaliation for this vote." There will, of course, continue to be a most careful scrutiny in the Congress of all requests for funds, including those for United Nations programs. This is the constitutional duty of the Congress. But I do not think that the issue of U.S.-China relations, and the issue of U.S. support for the United Nations will be determined out of petulance or resentment.

What are the common interests which have brought about the rapid changes in U.S.-China relations after 20 years of deep freeze—and give hope for even larger changes in the future? How are these common interests perceived in Washington? To what extent are the gains already achieved attributable to the political personality and style of President Nixon? To what extent are they attributable to broader and deeper trends of policy within the two countries? And what does the future hold now that the People's Republic has China's seat in the U.N. and the Republic of China on Taiwan is expelled?

It is on these and related questions that I wish to present "A United States View", as Mr. Lin presented "The View from China".

From the U.S. perspective, the ending of the Vietnam war is seen as the necessary cause, and the fitting occasion, for a fundamental reappraisal and change in U.S.-China relations within the broader context of U.S. policy in Asia and the world. Within China, the ending of the Cultural Revolution—with its extraordinary attendant militancy and turmoil—may well also be seen as an equally necessary and fitting occasion for a fundamental reappraisal and change in U.S.-China relations. During the period of U.S. preoccupation and agony centered on Vietnam and during China's period of preoccupation—and perhaps anguish, too—centered on the Cultural Revolution, the Soviet Union was accorded an unparalleled opportunity to advance its interests in the world—often to the detriment of the separate interest of the United States and China. To protect and advance their own interests, to the extent that they conflict with the interests and objectives of the Soviet Union, the United States and China clearly have a mutual interest in working out arrangements which will reduce their bilateral posture of confrontation during the past twenty years, which has claimed so much of the energy and resources of both countries.

Whatever its other results may have been—and the price has been frightful for America and the world—the Vietnam war has taught a valuable lesson to the U.S. and to China. The United States has seen that its conception of the People's Republic as a militarily expansionist power—upon which the policy of "containment of China" and close-in military encirclement was built—is a misconception born out of the Korean war. In addition to the unmistakable military prudence and restraint exercised by China throughout the Vietnam war, we have now come to learn from Khrushchev's memoirs and other diplomatic revelations that the genesis of the Korean war did not have as its basic cause Chinese expansionism or military adventurism.

Conversely, the Nixon administration policy of withdrawal from Vietnam appears to have persuaded Peking's leadership that the U.S. is not following a policy of military enroachment on China's borders—or of encirclement. The promulgation of the Nixon Doctrine, the reduction of other U.S. forces in Asia, and the agreement to return Okinawa to Japan must surely have made it clear to Peking, as further evidence, that the U.S. has no predatory intentions toward China—or Asia.

From Peking's perspective, the focus of military tension along its borders has shifted from Indochina and the Taiwan Straits to the Sino-Soviet border in northeastern Asia. From the U.S. perspective, the focus of military danger has shifted to the eastern Mediterranean and Mideast, where the Soviet Union has established a major new military and diplomatic presence on NATO's southern flank.

While the Soviet Union is the coincidental factor in the shifting focus of concern in both Washington and Peking, the U.S. has most properly taken great pains to emphasize that the lessening of U.S.-China tensions is not a guise for the pursuit of an opportunistic policy of collusion with Peking against Moscow. President Nixon's announcement of his visit to Moscow, the important progress being made in the SALT, the Berlin and other negotiations with the USSR are tangible evidences of the sincerity of U.S. intentions in this respect.

These are fundamental considerations which transcend the factor of the personalities and styles of President Nixon and Premier Chou En-lai in the current opening of U.S.-China discussions. They are, if you will, fundamental elements of *realpolitick*, from the perspective of Washington—and perhaps of Peking, too. The speed, and the so-far flawless manner, in which these considerations of *realpolitick* have been translated into concrete steps to reduce Sino-American tensions and initiate a constructive dialogue on the whole range of issues of mutual concern, clearly owes much to the personality, sophistication and finesse of President Nixon and Premier Chou En-lai. The inspired initiative of premier Chou to the U.S. table tennis team has been reciprocated in an equally inspired manner by the Kissinger trips of preparation to Peking and by the President's forthcoming visit.

With title to China's U.S. seat now out of the way, clearly, Vietnam and Taiwan will head the list of agenda items to be discussed by President Nixon with Premier Chou and perhaps Chairman Mao. These are the most immediate and visible issues of contention between Washington and Peking. However, in my judgment, the issue of most crucial importance between the U.S. and China, as it could affect the prospects for peace and stability in Asia for the remainder of the century, is likely to be some understanding on the nature of Japan's role in post-Vietnam Asia and the Pacific: and the purpose and design of the U.S.-Japan Partnership which is the keystone of the Nixon Doctrine and U.S. policy in Asia in shaping that role.

In his extraordinary interview of August 9 with James Reston of the *New York Times*, Chou En-lai used the language of challenge solely on the question of Japan and U.S.-Japan relations. Because this was so clearly intentional, it is of particular significance. Speaking on Japan, Chou said:

" . . . when they have developed to the present stage they are-bound to develop militarism . . . the U.S. has promoted the development of Japan toward militarism by the indefinite prolongation of the Japan-U.S. security treaty . . . economic expansion is bound to bring about military expansion. And that cannot be restrained by a treaty."

In my judgment, if the leaders of the People's Republic are seriously interested in securing peace and stability in Asia in the decades ahead, they would be better advised to forge a realistic understanding instead of a polemical approach to the vital question of Japan's role in post-Vietnam Asia and the Pacific—and the U.S.-Japan tie.

The prime task in Asia in the 1970's will be the productive channeling of Japan's economic "miracle" and productivity. This amazing thrust represents and expresses an extraordinary national drive, discipline, capacity for organization and irrepressible determination to excel and to enjoy a place in the sun.

Informed observers in Washington are inclined to believe that the Chinese approach indicated in Chou's interview with Reston represents an effort by Peking to drive a wedge between Washington and Tokyo for the ultimate purpose of securing an isolated, flabby, neutralist and pacifist Japan. In my judgment, a policy such as this one—if, indeed, it is what Peking has in mind—is doomed to failure and fraught with grave dangers and risks. It is a policy approach which ignores realities and places a premium on ideology, polemics and wishful thinking more reminiscent of Peking's diplomacy of the 1960's than its diplomacy of the 70's.

I can foresee a genuine community of interest between Peking and Washington with respect to Japan's role in Asia based on quite a different approach. A major challenge for the U.S. and industrialized Europe is to devise means for a mutual agreeable channeling and absorption of Japan's fantastic productive capacity. Clearly, the upper limits of absorption of Japanese exports into the U.S. economy have been reached—and Europe is not anxious to increase its role as a trading partner for Japan. On the other hand, China's economy is hungry for credits and industrial imports—as are the economies of most other Asian nations, including even Australia and New Zealand.

The ingredients are present for a grand concert in Asia, in which China could play a leading role—for the purpose of channeling and absorbing the great thrust and productive capacity of Japan's ever-growing economy for the benefit of the development of Asia. There lies a true community of interests. And, it does not mean excluding Western Europe or the U.S.—or self-help by a dynamic and developing Asia, it means only a theater for Japanese effort.

The other direction—that of isolating Japan and thwarting Japan's capacity and determinination to excel—is the route best calculated in my judgment to bring about the very results which Peking—and Washington—have been the greatest interest in preventing. A Japan which is isolated and thwarted is a Japan likely to become vengeful and militantly nationalistic. Such a seething and rootless Japan could turn to the path of militarism, which it followed so disastrously in the 1930's and 1940's. This time a militaristic Japan would be equipped with a nuclear capacity.

We have seen two faces of Japan in the past 40 years. The ugly and menacing face of extreme nationalism and militarism of the 1930's and the 1940's is a memory which should be burned deeply into the psyche of both China and the United States. Japan's peaceful and democratic face of the 1950's and the 1960's is one of those great transformations which seem at times almost miraculous. The close U.S.-Japan tie of the past two decades has been a vital factor in this transformation. I believe that a continuing close U.S.-Japan tie is a precondition to the security of Asia and the world—that Japan remains dedicated to peaceful productivity.

Recent Chinese statements have indicated that Peking regards Vietnam as the most "urgent" issue in contention between the U.S. and China, while Taiwan remains as the most "important" issue in contention. While Vietnam may be the most "urgent" issue, it is also the one which will be most quickly resolved in my judgment. A number of residual problems will remain following the U.S. withdrawal and some degree of political contention between Washington and Peking in Southeast Asia—over Taiwan, Korea or other issues—may be expected for many years to come. But I see no reason to fear that the residual Sino-American rivalry in Southeast Asia will boil over again into any serious military confrontation.

The question of Taiwan is likely to prove more difficult—though probably no more incendiary—than Vietnam.

We must recognize that while neither Mainland China nor the Republic of China on Taiwan is a democracy in our sense of the word, resulting from the self-determination of its people, the Republic of China on Taiwan is party to a mutual defense agreement with the U.S., was the last elected government of China and runs an open not a closed society and has been an international cooperator, not an international belligerent. We will, I am sure, maintain our engagements with and recognition of the Republic of China on Taiwan.

I feel that the latest developments will accelerate the move there for the establishment of a true democracy—and that Taiwan as a nation may seek UN membership. Our aim must be to let this process develop in peace. The legal title to Taiwan of whatever regime governs China is tenuous. Taiwanese self-determination is the right policy for us and for Taiwanese integrity. This needs to be constantly affirmed.

For most of the past 20 years, the U.S. has appeared to go along with the contention of the Chiang Kai-shek government that it enjoyed control of Taiwan on the basis of its claim to sovereignty over the whole of China. Indeed, both Taipei and Peking have been firm in their insistence that Taiwan is a province of an indivisible China.

Beneath this diplomatic stand of apparent acquiescence in Generalissimo Chiang Kai-shek claims, however, the U.S. has consistently maintained a quite distinct legal position. With respect to the issue of sovereignty over Taiwan, President Truman declared on June 27, 1950:

"The determination of the future status of Formosa must await restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."

On April 28, 1971, the State Department spokesman of the Nixon Administration declared:

"In our view sovereignty over Taiwan and the Pescadores is an unsettled question subject to future international resolution."

The spokesman went on to say:

"We regard the Republic of China as exercising legitimate authority over Taiwan and the Pescadores by virtue of the fact that the Japanese forces occupying Taiwan were directed to surrender to the forces of the Republic of China."

In testimony before the Symington Subcommittee, of which I am a member, on November 24, 1969, the State Department made it explicitly clear that the U.S. does not consider the question of sovereignty over Taiwan to have been settled either by the U.S.-Japan Peace Treaty of September 8, 1951, or by the Japan-Republic of China Peace Treaty of April 28, 1952. The U.S. position with respect to those treaties was stated as follows:

"In neither treaty did Japan cede this area to any particular entity. As Taiwan and the Pescadores are not covered by any existing international disposition, sovereignty over the area is an unsettled question subject to future international resolution."

For background purposes, it is important to recall that Taiwan was ceded "in perpetuity" by China to Japan by Treaty in 1895. At the time it was ceded to Japan in 1895, Taiwan had been a "province" of China only for eight years. Previously it had been claimed as a dependency, under frequently tenuous or questionable control by Peking since 1683. Except for the personnel of a garrison government, there was an official ban on Chinese migration to Taiwan, lifted only in 1875.

The people of Taiwan deserve the right to determine their own future, a right which under circumstances created by admission of Peking to the U.N. they need now more than ever.

Over the perspective of a decade, the greatest benefit likely to flow from Peking's participation in the U.N. will be the engagement of Peking in the international nuclear arms control negotiations and agreements conducted under U.N. auspices. I feel that there are now mutually compelling reasons for Washington and Peking also to work together in the international arms control field. China's attitude toward SALT ought to be a benign one. Like Washington and Moscow, Peking too stands to gain from a SALT agreement restraining the nuclear arms race, for superpower nuclear might is as great a potential threat to China as it is to the U.S. or Russia—and in recent years Peking has been on different occasions in a posture of confrontation with both superpowers. Even if relations between Peking and Moscow continue to deteriorate, a SALT agreement could nonetheless benefit Peking by reducing the chances that the USSR could acquire a strategic posture allowing it the option of a preventive nuclear first strike against China.

The U.S. has a particular incentive in bringing China into nuclear arms control arrangements because, even under the Nixon Doctrine, the U.S. is pledged to provide a "nuclear shield" to our Asian friends and allies along China's periphery. Thus, under the Nixon Doctrine, the chances of nuclear embroilment with China might be greater than conventional embroilment of the Vietnam or Korea varieties. Accordingly, a key element in the success and viability of the Nixon Doctrine strategy could be the achievement of nuclear arms control arrangements with China.

Peking too has a special incentive to support international nuclear arms control agreements in the post-Vietnam period. The Non-Proliferation Treaty is central in this respect, for the two nations generally deemed most likely to "go nuclear" are India and Japan—the counterweight to China in Asia. China clearly has a major incentive in preserving the inhibitions against India or Japan "going nuclear"—for China's strategic position would be gravely deteriorated if Peking were faced not only with a nuclear USSR and USA but also close neighbors of such consequence as India and Japan.

Peking's diplomacy in 1971 indicates that Chairman Mao and Premier Chou have launched upon a course of "Westpolitick" which could be as portentous for Asia as Willy Brandt's "Ostpolitick" is for Europe. With the People's Republic now in the United Nations, the door of opportunity has been opened wide to regional organizations, economic integration and new security arrangements in Asia. The integration of China, as well as Japan, into a stable, prospering and peaceful Asia is not only a possibility—it is now the prime challenge of international diplomacy.

Conditions may soon be ripe for convening an Asian Security Conference to secure the peace in post-Vietnam Asia. In this regard, the Nixon Doctrine projecting a new military posture for the United States in Asia offers a fitting basis for the construction of an Asian "concert of nations" in which China and Japan, as well as the Soviet Union, would have important roles to play.

Over the past decade, the non-communist nations of Asia have made considerable progress in developing and strengthening regional institutions and cooperation. The "thaw" in Sino-American relations opens the door for a new relationship of America's traditional friends and allies in Asia with Peking. A new interest in this direction is detectable in South Korea, Thailand, the Philippines, Australia and New Zealand.

India and Indonesia also may find it easier to reestablish normal relations with China through revitalized and expanded regional institutions. Certainly, a much greater role is now open to the Asian Development Bank, and perhaps the time has come for preliminary discussions concerning Asian free trade zones or common markets.

The overriding objective of President Nixon's diplomacy is to achieve a modus vivendi—if not an actual "concert of nations"—among the five major power centers of the world in the final third of the twentieth century. These five major power centers will be the U.S., the U.S.S.R., the expanding E.E.C., Japan, and the People's Republic of China. A prerequisite to the achievement of a global system of coexistence among the great powers is the institutionalization of channels of communication, of consultation and of negotiation among them. In a global sense, this provides the best hope for moving from the era of confrontation to the era of negotiation. In this effort there is no more important task than the reintegration of China into the world community and the reestablishment of a friendly and stable U.S.-China relationship.

BILINGUAL EDUCATIONAL PROGRAM

Mr. MONTOYA. Mr. President, I have taken great pride in the development of the bilingual education program established in 1967. These amendments to the Elementary and Secondary Education Act have produced an exceptionally fine and workable program for youngsters of families whose primary language is not English.

This year, the appropriation for the Office of Education included an increase from $25,000,000 to $35,000,000 over last year. It is my most fervent hope that these funds will be as wisely and productivity spent as in the past.

In the current issue of The Inter-American Scene, an article appears which reflects the sweep of the Bilingual Education Act of 1967 which I had the privilege of cosponsoring. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILINGUAL EDUCATION FOR NATION'S SPANISH SPEAKING

(By D. Eric Black)

(NOTE.—*Many developments have taken place over the last 12 years at all levels and in all sectors of our national community to focus public attention on and to win support for bilingual education. For instance, Tricia Nixon recently visited an elementary school in El Monte, California, to observe its bilingual program for children. An enquiry revealed the Shirpser School's program for the non-English speaking (most Mexican Americans) had opened another chapter on bilingual education (BE) in the United States, and that more than 50,000 students were enrolled in comparable programs in 29 states.*

Miss Nixon provided comments on her visit to El Monte or the Inter-American Scene. Robert Rodriquez, Project Director for El Monte's Bilingual-Bicultural program, who initiated the White House interest, furnished a project summary; Dora Kennedy, a Ph.D. candidate at the University of Maryland, sent a copy of her report "Bilingual Education in the U.S.A.;" and the U.S. Office of Education's Bilingual Programs Branch provided project statistics—all cooperating in this effort on what bilingual education means to the Hispanos and to our national community.)

MELTING POT VERSUS CULTURAL PLURALISM

The extreme ethnocentric attitude that existed among educators in the United States prior to 1959, owing to their adherence to the "melting pot" concept of Anglicizing all Americans, gave way in the '60's to a movement toward cultural pluralism—a movement to conserve the cultural identity of the non-English speaking minorities while helping to raise their level of living.

Who are the non-English speaking minorities? You know them as the American Indians (e.g., Navajo, Cherokee, Ute), the French, Germans, Portuguese, Chinese, and other linguistic groups. However, our focus here is on the Spanish-speaking people, for example, Americans of Mexican descent, Puerto Ricans, Latin American immigrants, and Cuban refugees. Of an estimated 10 million in the continental United States, the Mexican Americans represent the majority with about 6 million.

FACTORS AFFECTING CHANGE

Castro's Cuba provided the first breakthrough for bilingual education (BE) in the United States. Cuban political refugees streamed into Miami, Florida, in the early '60's creating a massive educational problem for the community, adding as many as 9,000 children to the public school rolls in a month. The Dade County School Board responded to this crisis by arranging a Ford Foundation grant in 1963 to cover a pilot project at the Coral Way Elementary School to teach Cubans in Spanish with English as a second language.

Special curriculum materials were developed and bilingual teachers were employed. Anglo pupils soon joined the Cubans—in a 50-50 ratio—to study Spanish as a second language. The mixed classes were conducted half a day in English and half a day in Spanish (English studies reinforcing Cuban studies and vice versa). This permitted the children to grow in both cultures. Today, the Coral Way Elementary School is famous for its innovative bilingual and bicultural program.

The 1960 census, a second factor, triggered a serious look into the educational system of our country. It revealed that Spanish-surnamed students in the five Southwestern States (Arizona, California, Colorado, New Mexico, and Texas) had a high "dropout" rate, i.e., had completed on the average 8.1 years of formal education compared to 12.1 for Anglo students of comparable age.

Mexican American children traditionally have attended schools designed primarily to fulfill the "melting pot" concept of the Anglo majority culture. From the first grade, teachers have discouraged and sometimes severely punished young Chicanos for speaking their mother tongue. Living at the poverty level, unable to read Spanish or understand English, Spanish-speaking children have been at a disadvantage in relation to the English-speaking. In a sense, they have been deprived of an opportunity for an equal education. The Mexican American psyche and community life have also been damaged by the labeling of the Chicanos as "slow" because they couldn't keep up with the Anglos.

Those Chicanos willing to persist until graduation from high school as the only way up and out, have become Anglicized and left their communities—the "educated" have moved on. The "dropouts" who rejected school because it did nothing to help them grow as Mexican Americans, returned to the barrio and the old life, perhaps, ironically, to become a financial burden on the community and to bring up their own children as "dropouts" for the next census.

In 1963, a Conference of the President's Committee on Equal Employment Opportunity, chaired by then Vice-President Lyndon Johnson, stressed the need for the schools in the Southwest to capitalize on their bicultural situation. The National Education Association (NEA) sponsored a conference in 1966 on the "Spanish Speaking Child in the Southwest School." This conference generated a publication entitled *The Invisible Minority* which forcefully presented the problems of the non-English speaking child in a monolingual school. The study recommended bilingual education as one of the major means of alleviating this educational crisis.

Other studies and efforts by educators, labor and civil rights leaders, and members of Congress emphasized the necessity of recognizing as a national problem the near eradication of the Mexican American minority culture—by a seemingly unaware society.

CONGRESS APPROVED BILINGUAL EDUCATION ACT

The Congress responded to this movement for educational reform and in 1967 amended the Elementary and Secondary Education Act of 1965 to include Title VII, the Bilingual Education Act. Senator Ralph W. Yarborough (D-Tex.) and Senator Joseph M. Montoya (D-N.M.) co-sponsored the bill for Title VII.

To get the program moving, the Congress appropriated $7.5 million for 1969–70 and $21.5 million for 1970–71, funding 131 projects operating in 29 states, representing 8 languages, and serving 52,000 children. Of the 131 projects, 45 are in California, 32 in Texas and the rest of the Southwest, 14 in the Northeastern states for Puerto Ricans, and 7 in the Midwest for Puerto Ricans, Mexican Americans, and Cubans. There are an estimated 5 million school children with limited English speaking ability, and realizing this, Congress is expected to increase appropriations for the BE program.

EL MONTE: A MODEL BE COMMUNITY PROJECT

Under Title VII, the U. S. Office of Education's Bilingual Education Programs Branch in 1968 approved El Monte School District's request that the Shirpser Elementary School be designated a five-year pilot project, one of the first in the nation.

El Monte, located some 25 miles east of Los Angeles, at one time an agricultural area and now in transition to an industrial community, has a population of 65,000 comprised of all socio-economic and ethnic groups. The Mexican Americans number about 21,000. The average income is $5,500 per year, and about 18,000 persons receive public assistance.

The Shirpser School is attended by 387 children of whom 50 per cent are Mexican Americans. The kindergarten class with 28 children and the first grade with 27 were singled out as the model BE project.

All are from low-income families and the classes are about evenly mixed with Anglos and Chicanos. They receive Spanish and English language instruction daily. Mexican American studies are used to reinforce English studies and vice versa and are taught in both languages. This procedure strengthens their cognitive ability and greatly improves the self-image of Mexican American children as they learn from books telling of their history, culture, and family life.

After the first year, tests revealed that students achieved high proficiency in the program's bicultural objectives. The program's success was attributed to teachers who knew the psychology to learning, were capable of instructing in two languages, and who were sensitive to the needs of students. Also, to community involvement wherein parents contributed to the program by meeting with teachers to discuss the students' progress, by attending bilingual plays performed by the students, and by taking them on field trips.

NATIONAL COMMUNITY LEADERS

What has been going on in El Monte and hundreds of other localities in the United States reflects a general political stirring in the Spanish-speaking community. Especially in the Mexican American areas you constantly hear the phrase, La Raza, to signify a loosely knit but nevertheless determined political-economic and pride-in-heritage movement.

César Chávez, Senator Joseph M. Montoya, and Vicente T. Ximenes are leaders who have successfully used non-violent and legal means to focus public attention on the problems and aspirations of the nation's second largest minority. César Chávez won wage increases for striking farm workers and recognition of the National Farm Workers Association as the first Mexican American trade union. Mr. Montoya is active in sponsoring legislation creating educational and job opportunities for the minorities. Vicente T. Ximenes, Commissioner, Equal Employment Opportunity Commission, has constantly involved himself in development of equal opportunity for all people. He is a co-founder and former chairman of the President's Inter-Agency Committee for Mexican American Affairs, the predecessor of the present Cabinet Committee on Opportunity for the Spanish Speaking.

Among Puerto Ricans, Representative Hermán Badillo (D-N.Y.) and Resident Commissioner Jorge L. Córdova of Puerto Rico have particularly distinguished themselves as leaders. Congressman Badillo of New York City is the first person of Puerto Rican birth who has been elected as a voting member of the Congress of the United States. Mr. Badillo is active as a member of the National Development Committee of Aspira, Inc., which assists Puerto Rican youths in furthering their education. Congressman Córdova, a former Justice of the Supreme Court of Puerto Rico, was elected as a non-voting member of the U.S. House of Representatives in 1968. Mr. Córdova is responsible for an amendment to the Legislative Reorganization Act permitting a non-voting delegate to vote in Committee. He has since prevailed on his colleagues to extend the Food Stamp Act to include the nearly 3 million Puerto Ricans on the Island, and he was instrumental in having Puerto Rico included in the provisions of the Family Assistance Plan.

TURNING POINT

The Congress' passage of the Bilingual Education Act, while extending official recognition of the need for BE in the nation, was a turning point in reducing, if not eliminating, the impact of the "melting pot" concept among writers, educators, and public schools. For example, a special issue of National Elementary Principal for November 1970 underlined this theme and featured an article ("Education of the Spanish Speaking: Role of the Federal Government") by Sen. Walter F. Mondale (D-Minn.), Rep. Henry B. González (D-Tex.), and Rep. Edward R. Roybal (D-Ca.).

The Executive Branch's commitment to the nation's second largest minority is made chiefly through the Cabinet Committee on Opportunity for the Spanish Speaking. Presently headed by A. F. (Tony) Rodriguez, the Committee tackles the issues in administering to the need of upgrading Spanish Americans within the federal, state, and local governments as well as private business. The most significant undertaking to date is President Nixon's 16 Point Program announced last November and aimed at providing job opportunity for Spanish-surnamed Americans within the Federal government.

In addition, the Office for Spanish-Speaking American Affairs, located within the U.S. Department of Health, Education, and Welfare, and headed by Gilbert Chávez, advises the Department on policy, channels federal funds, and assists the state and local education departments with problems on BE.

WRITERS AND UNIVERSITIES

Over the last five years, writers have responded to this upsurge of interest in the Spanish community with a variety of books and articles. *Mexican Americans in School: A History of Educational Neglect* by Dr. Thomas P. Carter, University of Texas at El Paso; and *La Raza—the Mexican Americans* by Stan Steiner are examples. Similarly, many universities and colleges have established minority study programs or are contemplating doing so. The University of Texas offers a B.A. in Bilingual Education and Georgetown University an M.A.T. in Bilingual Education.

THE WHITE HOUSE,
March 3, 1971.

Mr. D. ERIC BLACK,
The Inter-American Scene,
National Press Building,
Washington, D.C.

DEAR MR. BLACK: It was my pleasure recently to have an opportunity to visit a bilingual education program in a California elementary school.

I was delighted to meet and talk with the children in the program, for they are bright, eager, and interested in everything which goes on about them. The bilingual education program has obviously succeeded in preserving the joy with which all children begin school, but which can so easily be dampened, particularly if a child is immediately confronted by an unknown language in addition to the new school environment.

Both English and Spanish-speaking children may benefit immeasurably from this program, which offers study in each culture as well as each language. I am encouraged by this important experiment, for it can only result in better understanding and greater cooperation between all the people of our Nation.

Sincerely,

TRICIA NIXON.

RICHARD L. EVANS

Mr. BENNETT. Mr. President, last night the world was made poorer by the death of Richard L. Evans.

The voice of the famed Mormon Tabernacle Choir for more than four decades, the religious commentator brought comfort to the hearts of millions throughout the world with his "Spoken Word" which each week edified its listeners, made life's trial easier to bear, and its joys easier to appreciate.

Elder Evans' wisdom which knew no sectarian bounds, was reflected on virtually every topic affecting the welfare of the human soul. In one sermonette on facing problems, for example, he said:

> In any year, in any day, we are given to worry about much that has happened, much that hasn't happened, and much that doesn't happen. With problems, with disappointments, and sometimes in sorrow, the question comes to troubled hearts: 'What am I going to do now?' The answer inevitably is, continue to do what needs to be done, what can be done; to do the necessary thing, and have the faith that life will unfold, as it always has, as it continues to do.

Richard Louis Evans was born on March 23, 1906, in Salt Lake City. His education included two degrees at the University of Utah, which also awarded him an honorary doctorate of letters in 1956. His first full-time service to his church began on a mission to England from 1926–29, during which he was associate editor of the British Mission magazine, the Millenial Star, and secretary of the European LDS Mission.

He was appointed to the ruling councils of the Mormon Church at the relatively young age of 32, when he became a member of the First Council of Seventies. Fifteen years later, in 1953, he was selected as one of the Twelve Apostles of the LDS Church.

Elder Evans was the recipient of many honors and awards for his church, educational and civil work. His most notable civic activities were those with Rotary International which he headed as its president in 1966–67.

But it was in the art of communicating that Richard L. Evans was to have his most profound effect upon his admirers throughout the world. A gifted writer, his sermonettes have been compiled in seven books to be read, reread and enjoyed by generations to come.

Matching his command of the English language was a rich and resonant voice that was peerless in his field. It was the voice which, for 41 years, offered a message of inspiration in the "Spoken Word" prior to the weekly nationwide broadcasts of the Mormon Tabernacle Choir. Elder Evans became the program's commentator in June 1930—1 year after the choir began the broadcast series which today is the longest continuous radio series in the United States.

Mr. President, I am sure I speak for all citizens of Utah as well as all Members of the Senate in expressing our deepest sympathy to Elder Evans' wife and four sons, to members of the Church of Jesus Christ of Latter-day Saints whom he served so faithfully, and to the untold number of persons who looked for and found personal solace and comfort in his calm voice.

FOREIGN AID

Mr. KENNEDY. Mr. President, I am sure that as the Senate returns to business today there has been time for much reflection over the weekend at our action last Friday night. It seems clear today that no one expected the defeat of the foreign aid bill.

It occurred in part because many conservatives, reacting with more heat than light to the United Nations vote a week ago, believed they were following the lead of the President by voting against a United Nations contribution.

It occurred in part because the foreign aid program which had been conceived as a vehicle for humanitarian relief and social and economic development had become weighted down with the excesses of militarism, with more than half of the bill devoted to military assistance in one form or another.

It occurred in part because there are many who cannot cope with a changing world that no longer is totally dependent on this Nation and therefore is not totally responsive to decisions made in Washington.

It occurred in part because the economic crisis here at home has given longtime foreign aid opponents an opportunity to argue again that the United States cannot afford to meet its responsibilities to the developing nations.

It occurred in part because the President decided to use the foreign aid bill as a mechanism to further his Southeast Asian policies, setting aside 10 percent of the entire bill as a payment to Cambodia's client military dictatorship.

So now we have had a weekend to reflect. There is a growing recognition, even by many who were willing on Friday to turn their backs on humanitarian relief in exchange for making their point about the distortion of the aid program, that we must act quickly to put together a new foreign aid bill.

First, I would urge the Foreign Relations Committee to give the highest priority to the humanitarian programs that feed the starving, bring health care to the sick, and clothe the children of the world. The United Nations special programs—UNICEF—the World Health Organization, the World Food program, the United Nations Development Fund—these must be funded.

Second, at least $250 million in emergency relief to the refugees from East Pakistan must be provided along with continued support to other refugee programs through the United Nations Relief and Works Agency.

We cannot turn our backs on the 100 million refugees who are barely surviving in improvised camps strung along the India-Pakistan border. Not only do we have a responsibility out of humanitarian concerns to ease their plight; but we also cannot ignore the fact that the weapons of the Pakistani military who drove them from their homes were largely United States supplied.

Third, any interim foreign aid package must of course contain the essential authorization of military assistance to Israel. For more than a year, Israeli requests for Phantom jets have been denied. Yet, Soviet arms shipments to Egypt have continued unabated. I am convinced that a strong consensus exists in the Senate to assure Israel the necessary weapons to enable it to offset the increased offensive prowess of Egypt.

Fourth, despite my own preference for the multilateralization of much of our economic development aid, we cannot expect to accomplish it overnight.

I find it particularly distressing that the Alliance for Progress, which still offers some remaining benefits to Latin America, would be unceremoniously dissolved without any alternative offered.

A much more intelligent and compassionate way to achieve the goal of channeling more of our development loans and technical assistance into international agencies would be to adopt the Foreign Relations Committee proposal for a 3-year phaseout. That would give all nations an opportunity to make the transition in a way that would neither disrupt their economies nor foment political crises.

It is illusory to suggest that the money now in the pipeline is sufficient to provide for a transition.

Those funds have been committed, and almost nothing is available to meet current needs. Finally, a phaseout period would permit the multinational agencies to gear up for their expanded responsibilities.

Fifth, the authorization for voluntary population control and family planning programs should not be allowed to die. We would be almost criminally negligent if we were to deny assistance to those nations who are trying to cope with the population explosion.

As the U.N. and other multilateral agencies expand their activities, a substantial portion of these funds can and should be channeled through those institutions.

Finally, I would urge the Foreign Relations Committee to assure the continuation of some of the smaller, less well-known programs that may represent the best in our foreign assistance package.

For example, within the Overseas Private Investment Corp., there is an agricultural and community self-help credit program for Latin America. On a pilot basis, it now operates in three countries and it enables Campesinos to obtain credit from banks for the first time. Community groups are obtaining loans for seed, for building water supplies, and for building roads.

The viability of the community group is being accepted as an alternative to the collateral that banks normally demand and that poor families never can supply.

Programs such as this, programs such as the worldwide housing guarantee, programs such as the Indus Basin project, small though they may be, should not be excluded from an interim foreign aid program.

I believe that a consensus would exist within the Senate to permit these programs to continue in some form, while we are developing a new mechanism to assist other nations in their social and economic development.

It should be noted that the programs I have cited reflect approximately half of the funds recommended by the Foreign Relations Committee in its original bill. I would hope that these programs would form the bulk of an interim measure.

The remainder of the foreign aid program which I have not mentioned encompasses the military assistance and security supporting assistance programs. Except for the authorization to the Government of Israel, I believe there is no overriding national interest that would prohibit deep cuts in these programs.

And I would hope that the military portion could be considered separately from the humanitarian and development package.

The original years of the foreign aid program from 1945 to 1950, found a ratio of perhaps 25 to 1 between economic and military assistance. Today, when all of our military assistance efforts are considered—more than $4 billion—the ratio is at least one to one and even slightly more money is spent on the military side of the ledger.

As the Senate decides whether to take a second look at foreign aid, I would urge the Members to ponder the comments of former Ambassador Sol Linowitz. He said of the under developed world:

> During the next sixty seconds, two hundred human beings will be born on this earth. One hundred sixty of them will be colored—black, brown, yellow, red. About half will be dead before they are a year old. Of those who survive, approximately half will be dead before they reach their sixteenth birthday. The survivors who live past sixteen will have a life expectancy of about thirty years.
>
> They will be hungry, tired, sick most of their lives. Only a few of them, if that many, will learn to read or write. They will till the soil, working for landlords, living in tents or mud huts. They—as their fathers before them—will lie naked under the open skies of Asia, Africa, and Latin America—waiting, watching, hoping.

I hope the Senate will not disappoint them.

Mr. President, I ask unanimous consent to have printed in the RECORD a report by AID on the immediate consequence of terminating the Foreign Aid program on November 15, and a series of news editorials on the Senate action last week.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IMMEDIATE CONSEQUENCES OF NOVEMBER 15 TERMINATION OF ASSISTANCE: LATIN AMERICA

Apart from broader, profound political and developmental consequences, the immediate effects will be as follows:

I. FEEDING PROGRAMS

As a result of AID's inability to administer these important PL 480 Title II humanitarian programs, feeding programs would abruptly terminate which now reach approximately 16.6 million persons—normally daily—in 21 countries.

No. of persons, 1,710,000; programs, maternal and child care, recipients, new borns and mothers.

No. of persons, 12,375,000; programs, school programs, recipients, children.

No. of persons, 2,515,000; programs, work front, recipients, grossly impoverished workers.

Totaling, 16,600,000.

II. LENDING PROGRAM—IMPLEMENTATION AND MONITORING

Of the approximately $4 billion in lending in recent years to Latin America, some $1 billion in firmly committed "pipeline" remains undisbursed in some 226 yet active projects in education, agriculture, housing, health, etc.

The immediate effect of cessation of AID would require "walking away" from the 1 billion dollars in pipeline investments, since we could no longer administer or monitor the course of project implementation.

In the case of more than a quarter of these loans, integrally related technical assistance grant projects would be cut off. Force to renege on these supporting grant projects, the U.S. would deprive the countries involved of the ability to assure that the loans would continue to serve their developmental purposes.

III. HOUSING GUARANTEES

There are currently over $300 million in ongoing housing guarantees projects in Latin America. These projects require continuing U.S. monitoring and technical inputs in their construction phases supervision. The impact of the cessation of AID would be that the U.S. will "walk away" from this major investment.

IV. TECHNICAL ASSISTANCE

There are currently some 235 technical assistance projects in Latin America aimed at increasing agricultural productivity and rural equity, improving education and health system, strengthening family planning services, and enhancing the ability of the Latin American governments to bring the benefits of development to their peoples. These would terminate; e.g.,

45 agricultural projects (credit, coops, research marketing, etc.)

40 educational projects—(education planning, curriculum reform, education administration and budgeting research, etc.)

41 Public Administration projects (tax administration, budget system modernization training facilities etc.)

18 Labor Development projects (collective bargaining, labor economics, union organizations, etc.)

20 Cooperatives and Community Development (rural and urban housing coops, workers savings coops, community leadership training programs, etc.)

41 Population and health projects (demonstration clinics, research, immunization and vaccination, clean war and sewerage management, and planning, etc.)

More than a quarter of the above projects provide essential technical assistance in support of loan projects.

To implement these AID finances contracts with:

38 U.S. Universities.

6 U.S. Cooperative Associations.

26 U.S. Non-Profit Organizations.

40 U.S. Private contractors.

12 Other U.S. Government agencies such as IRS, Agriculture, HEW, etc.

The contracts and agreements with cooperating Latin American institutions will terminate.

V. POPULATION

At least one million women and men in Latin America are totally dependent for contraceptives and family planning counselling on programs which are heavily (40–90%) supported by AID. Bilateral programs in 16 countries financed at an annual rate of approximately $7 million will terminate within the next 60 to 150 days. Region-wide programs with groups such as the International Planned Parenthood Federation, the Population Council, Pathfinder, Pan American Federation of Associations of Medical Schools, and the Pan American Health Organization will also terminate abruptly. These programs depend upon AID financing at a current annual rate of about $7 million. New programs already planned for population motivation and training of family planning personnel will not get off the ground.

VI. TRAINING

As a major part of the technical assistance program AID provides training to nearly 5,000 Latin Americans each year. Of the 5,000 now receiving training, some 1,000 will be required to terminate training in midstream, without completion of their course of study. Thousands already selected to commence training this year will not receive these developmentally significant opportunities.

VII. IMPACT ON MULTILATERAL PROGRAMS

On-going OAS technical assistance, research and training programs (science and technology, education, expert development, natural resources, capital markets, tax policy, etc.) currently are budgeted at approximately $25 million a year. Some 66% of their budget, approximately $16 million, is financed directly through U.S. contributions from AID appropriated funds. These valuable multilateral activities, as well as special U.S. support for the Inter-American Committee for the Alliance for Progress (CIAP) will be abruptly halted by the termination of AID funding.

VIII. PERSONAL IMPLICATIONS

Cessation of AID funding November 15 would have the following consequences:

540 direct hire U.S. government employees (and their families) stationed in Latin America would be unemployed and stranded without salaries overseas.

1147 foreign nationals would be abruptly dismissed.

236 AID/W employees would be abruptly dismissed. These persons—plus the large number of affected contractor employees (U.S. Universities, Foundations, consultants) constitute the largest single extant source of expertise in Latin American development problems. As a group, it represents a major U.S. foreign policy asset. This asset will be lost to the U.S. and Latin America as of November 15.

[From the New York Times, Oct. 31, 1971]

THE NEW CLASS WAR

(By James Reston)

WASHINGTON.—The Senate vote to kill the foreign aid bill is more symbolic than real. It will be revived in some other form long before the $5 billion in the pipeline runs out, but it is one more dramatic illustration of how quickly the world is being transformed.

Almost every week now for over a year there has been some startling evidence that the postwar era of Soviet-U.S. domination in the world is over and that new centers of power and new relationships between nations are reshaping world politics.

In our own hemisphere, Prime Minister Trudeau of Canada has taken a more independent line in his policies toward Moscow and Peking, and for the first time in the history of the hemisphere a Marxist government has been voted into office in Chile.

In Europe, Chancellor Willy Brandt of West Germany has established a much more open and friendly relationship with the Soviet Union and the other Communist nations beyond the Berlin wall, and the British House of Commons has finally accepted the principle of joining the European Common Market by a very large vote.

For 25 years, Washington and Moscow were so strong that the nations allied to them or beholden to them for military and economic security felt obligated to go along with them on major questions of foreign policy, often against their better judgment, but this is no longer true.

General de Gaulle started the drift away from Washington when he took his naval forces out of the North Atlantic Treaty Command, and this trend has continued steadily until the other day, when Britain, France and finally the U.N. itself defied Washington by bringing Communist China into the United Nations.

Even Rumania on the Soviet border does not go along with Moscow's foreign policy line, and while the United States is still the main source of Israel's weapons, the Israeli Government follows its own independent policy.

It would be wrong to say the old alliances are breaking down, but it is obvious that the old blocs, separate and largely out of touch with one another, are finished.

Ten years ago or even five, it would have been unthinkable for a West German Chancellor to establish an independent policy with Moscow, or for an American President to launch a secret mission to Peking without advance consultation with Japan, but this criss-cross diplomacy is now quite common.

For there are not only two power centers in Washington and Moscow now but three others developing in Japan, China, and the new Europe, and we are likely to see much more independent crisscrossing.

In the light of all this, it is scarcely surprising that the United States, frustrated abroad and tormented over social and economic problems at home, should revise its programs of aid to foreign nations—especially since the other industrial nations are in a position to do more than they have been doing. But to kill the foreign aid bill after an emotional debate in the Senate with a quarter of the members absent is scarcely the way to do it.

In fact, as new power centers develop, it is going to be increasingly difficult for the U.S. to maintain its influence and defend its interests abroad when it lunges around as it has been doing lately at the U.N., in the economic and financial debates of the world, and in the Senate on foreign aid.

Besides, the main consequences of the U.S. import surtax and the killing of the foreign aid bill is not to hurt the nations Washington is angry at—Japan and the Common Market countries can take care of themselves—but to hurt the poor, underdeveloped countries that are likely to be the unintended casualties of the surtax and the foreign-aid decision.

The gap between the rich and the poor nations of the world is getting wider with every passing year. This is not only a human tragedy but a danger to the peaceful development of the changing world.

For there is now a kind of class war developing in the world between the rich nations and the poor nations, and this is likely to get increasingly worse unless all the power centers in the industrial northern hemisphere revise their programs of aid to the underfed majority of the human family now living below the equator.

[From the New York Times, Oct. 31, 1971]

A Failure of Leadership

The Senate defeat of the foreign aid bill was, as President Nixon promptly observed, "a highly irresponsible action." But the retreat from responsibility was abetted by Mr. Nixon himself. It was a failure in Presidential leadership that finally broke the coalition of conflicting interests that has sustained this vital program of constructive international cooperation for more than two decades.

Foreign aid legislation has always depended on the support of lawmakers with widely differing views of the proper role of the United States in world affairs. Basically, there are those who would rely primarily on military measures to secure American interests in a chaotic world and those who believe the best hope for American security lies in cooperative programs of economic, social and political development aimed at eliminating the underlying causes of instability and conflict.

The views of most members of Congress lie somewhere between these positions—or combine them. Presidents in the past have mustered majorities for foreign assistance by striking a balance.

President Nixon's recent actions, however, have helped to polarize Congressional sentiment on foreign aid. White House expressions of pique over the American defeat on the Taiwan issue in the United Nations reinforced the vengeful mood of Senate conservatives who sought to punish offending members of the world organization by cutting United States contributions to that body in particular and economic aid in general. The President's stubborn pursuit of a military solution in Indochina, moreover, and his as well as his predecessors' support to authoritarian regimes in many lands have deeply offended Senate liberals and fostered a growing disillusionment with American foreign policy. That disillusionment found expression in an indiscriminate attack on the whole foreign aid concept.

Although Mr. Nixon did not lift a finger to defend endangered American commitments to the financially pressed United Nations, the Administration fought tenaciously to eliminate a ban on military aid to Greece, to bar restrictions on the use of funds in Indochina, and to restore a $341-million authorization for an expanding involvement in Cambodia, an amount which alone exceeds total United States contributions to the United Nations.

In the light of such Presidential leadership one of the few hopeful aspects of the foreign aid debate was the decisive manner in which the Senate rejected efforts by Senators Buckley and Dominick to slash United States contributions to special agencies of the United Nations. Members of Congress and President Nixon himself have long urged that a greater proportion of American foreign assistance be channeled through such international institutions. It is a process that should now be rapidly accelerated in order to reduce those political pressures implicit in bilateral aid that have created so much resentment and discord at home and abroad.

[From the Washington Post, Oct. 1, 1971]

The Senate's Blind Vote on Foreign Aid

The Senate's vote to kill foreign aid was capricious and blind. It resulted—or so it seems at first look—not from a deliberate plan, still less from an intelligent one, but from a fluke political mood in the Senate, the absence of a third of its members and perhaps even the lateness of the week and the hour. That "the world's greatest deliberative body" should in this sudden and shoddy manner decide to end a program of historic dimensions—a program which, in our first judgment, remains essential to the American interest in a peaceful world—must sadden anyone who respects democratic institutions.

To be sure, the fault is not entirely the Senate's. Fifteen Republicans, including the GOP National Chairman joined 26 Democrats in rejecting the program. In the final showdown the President confined his own counsel to a message issued *after* the vote. His earlier criticisms of the motives and manners of states which voted to expel Taiwan from the United Nations doubtless contributed to the Senate's already strong inclination to punish such states by cutting off aid. Nor did Mr. Nixon help the cause by including in the bill an inflated $341 million item for Cambodia. Inclusion of the item gave the whole bill the character of a referendum on the Indochina war, and Mr. Nixon's hard fight for that item consumed much of the political energy he was willing to expend on the bill.

Still, it was the Senate that voted. Those senators with a record of opposition to effective (and ineffective) aid programs were at least being consistent in rejecting this bill. The same cannot be said for such previous advocates of enlightened internationalism as Senators Bayh, Church, Cranston, Fulbright, Mansfield, Pell and Symington. Mr. Church delivered himself of a brilliant critique of aid, that is, of aid as it existed ten years ago before the experience of Vietnam and before the influence of Congress began to force important changes—such changes as the declining American share in the developed world's aid load, the quickening trend towards funneling aid through international agencies, and more effective congressional oversight. Mr. Mansfield, equally impervious to these developments, declared airily that a "new foreign aid concept" is required.

What is required, of course, is not a new concept of aid but a willingness to cope with the real world. For the Senate to pass so casually from close debate of particular items in the bill to a sweeping assault on the whole program is unconscionable. The isolationist "signal" to the world is disastrous. Fortunately, there is probably enough previously appropriated aid money in the pipeline to keep actual aid operations going reasonably smoothly until the Senate recovers its balance and, through a continuing resolution or another appropriate legislative device, puts at least a minimal program back on the track.

China, the United Nations and Foreign Aid

Even before Monday night's vote at Turtle Bay, many if not most Americans were angry at the United Nations, our "allies" or both. There also was plenty of disillusionment, on and off Capitol Hill, about the Vietnam war and our support of military establishments in Southeast Asia and elsewhere. Such negative thoughts about longstanding American policies backing various friends abroad came together on Friday in the Senate's shocking vote to kill the entire foreign aid bill.

The U.N. defeat, in which the admission of Communist China was accomplished only with the expulsion of the Nationalists, was largely of our own making. The foreign-aid turndown in the Senate while affected marginally by the U.N. experience, resulted from the accumulation of our own confusions, disagreements and disappointments.

While the balloting in New York on October 25, and in Washington four days later unquestionably will have its place in the history of our times, a date far more destiny-freighted was that of July 25, 1969. On that day, on the remote Pacific island of Guam, President Nixon held a backgrounder for newsmen at the Top of the Mar Hotel. At that seemingly informal, spur-of-the-moment affair, the President enunciated what he modestly refers to as the Nixon Doctrine.

The kernel of that doctrine, as explained to Congress by the President on February 18, 1970, is that

> ". . . the United States will participate in the defense and development of allies and friends but that America cannot—and will not—conceive *all* the plans, design *all* the programs, execute *all* the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest."

Another President, on the occasion of his inauguration, had stated on January 20, 1961, that every nation should know.

> " . . .whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Brave words and noble ones. And yet in the event, the price had proved too high, the burden too heavy, the hardship too severe. Economically weakened by the Vietnam war after two decades of profligate spending at home and abroad, emotionally spent by the divisive nature of the Southeast Asian conflict, the nation and its people simply were neither able nor willing to make good on John Kennedy's words.

And so what Richard Nixon had to say at Guam in a very real sense reflected the hard realities of the present decade as opposed to the optimism of 1961. As such Guam signaled recognition of the fact that a new era in world history was upon us and that nothing ever again could be the same. All else since then, including Monday's vote at the United Nations, has flowed from the Guam proclamation.

For it was clear that, if the United States was no longer to function as the world's policeman, old arrangements would have to be molded and new alignments sought. There thus was ushered in a period of international fluidity in terms of diplomacy, monetary policy and trade. In such an uncertain period of resurgent nationalism and xenophobia, both here and abroad, it was unrealistic to think the United States could emerge with all its former pride and prestige intact.

On the specific question of the China vote, the pattern of voting in previous years indicated that at best the United States could expect to delay the expulsion of the Nationalists for another year. Had Taipei been willing to drop its claim of sovereignty over the mainland, contenting itself with membership in the U.N. as the government of Taiwan, the situation would have been different. But that was not the case and, with Dr. Kissinger in Peking to arrange details of the President's visit, other nations were in no mood to compromise their future relations with Peking by enlisting in an obviously losing cause.

The Senate's rejection of the foreign aid bill was preceded by balloting that opposed cuts in American contributions to United Nations agencies, showing that the China vote has not blinded all our legislators to the U.N.'s basic value to the world.

For the organization itself did nothing to humiliate either us or the Nationalist Chinese. Individual governments can, of course, be held accountable for their public acts. But the institution itself, for all its imperfections, remains a force for peace in a dangerous world and it would be folly for the United States to weaken it out of pique.

With the retreat (for that is what it is) of American power from the mainland of Southeast Asia and the watering down of our overseas commitments elsewhere, what we are witnessing is the end of a bipolar power structure in which world hegemony was loosely divided between Moscow and Washington. In Asia, Communist China, with its huge population and primitive atomic weapons, and Japan, with its limitless economic strength coupled with military weakness, are emerging as rival centers of power. It will be the task of this administration and of subsequent ones to maintain the closest of relations with Tokyo while seeking to improve links with Peking, and this will be no easy task.

Thursday night's vote in the House of Commons means that Britain, Ireland, Denmark and Norway soon will join—and strengthen—the already-powerful six-nation European Common Market. Europe's economic and political integration long has been a major foreign-policy objective of the United States.

Speculative attacks on the dollar, halted only by the President's closure of the gold window, coupled with rising competition from European products in our domestic markets, ending with the imposition of the 10-percent surcharge, have generated a good deal of anti-European feeling in this country, non of which was dispelled by the fact that only three NATO members (Greece, Luxembourg and Portugal) supported the United States on the China question.

But it would be folly to forget that our political interests are so intertwined with those of Western Europe as to be virtually indistinguishable. A strong Western Europe is essential to the security of the United States and, despite all the hokum of American protectionists, is vital as well to our economic prosperity: Overall, the United States runs a surplus on its balance of trade with the EEC, which in 1970 amounted to about $1.8 billion.

Insofar as Europe is concerned, our bilateral relations with West Germany are as vital to our interests as are our relations with Japan in Asia. Because Russia and only Russia can give her what she wants in terms of German reunification, Germany at times in the future may be tempted to cast her lot with the East rather than the West. It must be one of the foremost goals of American policy to see to it that this never happens.

It will require the better part of a decade for the new shape of the world around these five power centers to emerge. There will continue to be dangerous powderkegs such as the Indian subcontent and the Middle East to trouble the uneasy peace of the world, with Southern Africa perhaps soon to follow. In Latin America, the prospects for progress, stability and democracy remain as uncertain as ever.

In short, we are entering a new epoch which is as promising as it is dangerous. Mr. Nixon has vowed to give us an era of negotiation rather than confrontation and his visits to Peking and Moscow will be earnests of that pledge. But the American people have to realize that there can be no return to isolationism, to "normalcy," to "America First." While there can be a limitation on armaments, there can be no disarmament. While there can be a limitation on armaments, there can be no disarmament. While there can be a diminution of the U.S. military presence, there can be no total withdrawal to our own shores. We can encourage American industry but we cannot build tariff walls around ourselves and expect to prosper while others starve. We need not have enemies but we must have friends. While there undoubtedly are expendable items in the rejected foreign aid bill, there are essential provisions that must be revived in some legislative form before Congress adjourns.

In the bitterness of the aftermath of the China debacle, we would do well to remember that America cannot live in isolation if it expects to live in peace. As Mr. Nixon once put it, "the only issue before us now is how we can be most effective in meeting our responsibilities, protecting our interests and thereby building peace."

PUBLIC INVOLVEMENT IN C. & O. CANAL PARK PLANNING

Mr. MATHIAS. Mr. President, one of the major themes in the long battle to establish the Chesapeake & Ohio Canal National Historical Park was the involvement of concerned citizens and citizens' groups. It was, in fact, the interest and perseverance of growing numbers of citizens which spurred the last Congress to enact Public Law 91–646, providing for the preservation of this great natural resource and the development of its full recreational potential.

As the language and legislative history of Public Law 91–664 clearly show, the act is grounded on the concept of continuing communication between the National Park Service and the canal's many friends and neighbors in the Potomac Basin. In addition to general provisions toward this end, the act established a citizen's advisory commission to serve as a bridge between the National Park Service and the general public.

I am very much pleased to inform the Senate today that the National Park Service has now established specific procedures for public review and discussion of the proposed master plan for the preservation and development of the park. All construction work along the canal has been suspended until this detailed review has been completed.

These actions are in accord with recommendations which Senator J. GLENN BEALL, JR., Representative GILBERT GUDE, and I made on October 6 in a letter to the Director of the National Park Service. Our letter was prompted by public concern about construction work on several segments of the canal which had been undertaken without prior public notice or consultation, and which raised serious questions about the maintenance of a proper balance between historic preservation and recreational development along the canal.

In his response of October 27, the Acting Director of the National Capital Parks, Mr. Manus J. Fish, Jr., reaffirmed the Department's commitment to carrying out the full intent of Public Law 91–664. He outlined the specific steps which will be taken to make full information available to the public in a timely and constructive way, in accord with the intent of the act and the dictates of the National Environmental Policy Act of 1969 and the National Historic Preservation Act of 1966.

Mr. Fish's letter shows a very commendable degree of responsiveness to public concern about the implementation of Public Law 91–664 and a real recognition of the contributions which informed citizens can make to the process of defining the future of the C. & O. Canal as a national historical park. I look forward to working with citizen groups, the National Park Service, and my colleagues in the Senate and House throughout the period of planning and review which we are now entering.

For the information of the Senate and the public, I ask unanimous consent to include in the RECORD at this point copies of the joint letter of October 6 and the National Park Service response of October 27.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Park Service,
National Capital Parks,
Washington, D.C., October 27, 1971.
Hon. Charles McC. Mathias, Jr.,
U.S. Senate,
Washington, D.C.:

We are most pleased to have your views and those of Senator Beall and Congressman Gude, as expressed in your jointly signed letter to Director Hartzog, relative to recent activities at the Dam 4 area of the C & O Canal. As you will recall, at our recent meeting with you and members of your staff regarding the proposed land acquisition program for the park, we actively sought your advice and are most anxious to work with you and your staffs to see that the intent of the Congress is followed in any developmental work. We are in complete agreement with your counsel that it is in the best interest of the park to have the proposed Master Plan reviewed by the Secretary's Citizens Advisory Commission and be available for public discussion.

As you may have learned, the National Park Service has, as you requested, stopped all construction work on the C & O Canal. We have agreed to this step pending detailed review of historic restoration and enironmental protection policies in compliance with Section 102(2) (c) of the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966.

This review will comprise the following actions:

1. A park-wide environmental impact statement will be prepared for inclusion in the Master Plan for the C & O Canal National Historical Park.
2. The proposed Master Plan will be presented to the Secretary's C & O Canal Advisory Commission (as yet not named) for its review of environmental impact, recreation development, and restoration/preservation policies.
3. The Plan will then be presented to the Advisory Council on Historic Preservation for comment in accord with the above mentioned National Historic Preservation Act.
4. Using the park-wide environmental impact statement as a foundation stone, detailed impact papers will be prepared for specific work projects to be programmed in the future.
5. Interested governmental agencies and citizens groups will review the environmental impact statements in accord with specified procedures.

The criticism of current projects will result, I assure you, in a redoubling of our efforts to meet the high standards required for this type of project. Where construction is required, methods must be adapted to minimize the scarring effects. In our stewardship of this national historical and recreational resource, we are dedicated to carrying out the mandate and intent of Congress as you quoted in your letter:

". . . to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed."

Again, thank you very much for your comments, and please be assured that we will continue to work with you.

Sincerely yours,

Manus J. Fish, Jr.,
Acting Director, National Capital Parks.

October 6, 1971.

Hon. George B. Hartzog, Jr.,
Director, National Park Service,
Washington, D.C.

Dear Mr. Hartzog: A number of concerned citizens have raised serious questions about some of the National Park Service's recent activities in the Dam No. 4—Big Slackwater area of the Chesapeake and Ohio Canal National Historical Park. The particular projects involve widening the towpath, apparently to accommodate official vehicles, and providing new facilities for power boating on this section of the Potomac River.

In the absence of a published master plan for the National Historical Park or clear public understanding of the purpose of these specific projects, it has been alleged that these activities signal a general Park Service intent to "improve" the towpath at the expense of its rustic character and historic integrity, and to promote mass recreation on the river at the cost of the area's serenity. We believe that it would be in the best interests of the National Historical Park to come to grips with such questions at this early stage, so that apprehensions which are unjustified can be dispelled and the wide public support enjoyed by the park will not be dissipated.

Public Law 91–664 established the National Historical Park "in order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the Canal for public recreation, including such restoration as may be needed." The goals of historic preservation and recreational use are not necessarily incompatible. To the contrary, both can be served by a progarm of sensitive, imaginative action which provides inobstrusive public facilities at a series of points along the Canal, emphasizes the restoration of Canal features such as the recently-damaged Seneca Aqueduct, and recognizes that some stretches of the towpath are best preserved by simply being left alone. The language and legislative history of P.L. 91–664 certainly support this approach rather than either indiscriminate bulldozing or neglect.

As the implementation of P.L. 91–664 proceeds, there will inevitably be occasional controversies over particular steps. To minimize such controversies and promote constructive public involvement in park planning, we believe it would be extremely helpful for the National Park Service to refrain from any further construction along the Canal until the master plan for the National Historical Park has been made available for public discussion and has been reviewed by the citizen's advisory committee established under the Act.

Specifically, regardless of ultimate court action on the subject, we urge you to maintain the current suspension of the projects in the Dam No. 4 area until the Congress and concerned citizens have had an opportunity to assess these projects in the context of the master plan. Any short delays resulting from such a moratorium will be more than compensated for, in our judgment, by gains in public understanding of and support for the administration of this important new park.

With best wishes.

Sincerely,

Charles McC. Mathias, Jr.
J. Glenn Beall, Jr.
Gilbert Gude.

U.N. VOTE—FAILURE FOR NIXON ADMINISTRATION

Mr. MOSS. Mr. President, the U.N. General Assembly vote of last week to expel Nationalist China and seat the People's Republic of China was a devastating diplomatic failure for the Nixon administration, particularly in light of U.S. efforts around the world to prevent that outcome.

In the Washington Post, October 31, 1971, Stanley Karnow and Anthony Astrachan detail the divergent explanations as to what went wrong with the White House strategy. Such explanations range from the mechanical failure of the State Department bureaucracy to the ambiguity of the U.S. strategy and the White House tardiness in promoting it. Some analysts even are reported to express the opinion that the entire U.N. exercise was in actuality an administration charade staged to fend off the President's conservative critics. Such commentators consider it significant that the President refrained from deploring the vote and instead merely denounced delegates who cheered that vote.

I recommend this enlightening and revealing article to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.N.—What Went Wrong?—Postmortems Fault U.S. Envoys, Taiwan Stand

(By Stanley Karnow and Anthony Astrachan)

> *Q. Mr. Secretary, why do you think we lost?*
>
> *A. We didn't have the votes.* (*Laughter*)
>
> *Q. Seriously, I mean . . .*
>
> —Secretary of State William Rogers' News Conference, Oct. 26, 1971.

Last Monday night, the United States met a stunning diplomatic defeat as a majority of the General Assembly voted to expel Nationalist China from the United Nations and seat the Chinese Communist regime in the international organization.

The U.S. setback appeared to be devastating because so many American officials in Washington, New York and around the world had worked so hard to prevent that outcome.

Early this month, for example, Secretary of State Rogers talked with a total of 92 foreign ministers and other foreign delegates in an effort to persuade them to support the U.S. position, which favored the entry of Peking without ousting Chiang Kai-shek's Nationalists. George Bush, the chief American representative at the U.N., lobbied like a Texas politician to swing votes behind the "dual representation" proposal.

Meanwhile, U.S. envoys in places as familiar as London and as exotic as the Trucial Coast were striving to sway kings, dictators, presidents, premiers and lesser foreign dignitaries into backing the American stance.

What went wrong? Or was the result of the U.N. vote really a failure for the Nixon administration?

In the post mortems that follow such historic episodes, versions of what, how and why the event unfolded inevitably differ according to the viewpoint of the participant involved. In this case, accounts fall into two broad categories.

There are those, particularly inside the official U.S. foreign policy apparatus, who see it largely as a mechanical failure sustained by the bureaucracy. They contend that the day could have been saved had the United States had more time to sell its position and, among other things, had certain American ambassadors abroad performed better.

Many of these officials also argue that the administration's "dual representation" proposal was inherently contradicted by the presence of Henry Kissinger, President Nixon's national security adviser, in Peking just as Washington was urging nations to support a U.N. position virulently opposed by the Chinese Communists.

On the other side, several analysts in and out of the government express the opinion that the entire U.N. exercise was actually a charade stagged by the administration for two essential motives—to fend off the President's conservative critics at home and to assure America's conservative allies abroad that the United States does not betray its friends.

Partisans of this thesis consider it significant that the President carefully refrained from deploring the adverse U.N. vote itself but instead denounced delegates who cheered the final score. Informants with access to Kissinger also now recall that he treated the U.N. issue "as if it didn't matter."

Straddling these divergent explanations, some sources point out that the choice facing the administration was never as clearcut as it seemed to be—and that, in reality, the White House preferred to shroud its strategy in ambiguity.

"From the President's perspective there were risks and gains in either result, and he was prepared to accept both," says one of these sources. Says another, "The White House would have won either way, since Peking had agreed to the President's visit whatever the outcome at the U.N."

In terms of energy expended for results attained, then, the real American loser at the U.N. seems to have been the State Department. Its setback appears to reinforce the prevailing Washington view that its role in foreign affairs is negligible compared to the power wielded by the President, and Kissinger.

Preparations for the General Assembly vote that occurred on Monday night reach back to the U.N. debate on China that took place nearly a year ago.

For two decades before then, the United States had systematically rejected the idea of bringing the Chinese Communists into the international organization in any shape or form. But on Nov. 12, 1970, there was a hint that the old U.S. line was shifting.

Ambassador Christopher H. Phillips, the deputy chief of the American mission to the U.N., asserted in a speech that day that the United States hoped to see Communist China "play a constructive role among the family of nations."

Phillips implied in the same speech that the United States would invoke Article 6 of the U.N. Charter to block the ouster of Nationalist China. The article stipulates that a member nation can only be expelled by a two-thirds vote.

Although it was not entirely clear at the time, the Phillips statement signalled that the United States was edging towards the "dual representation" position it would later put forth. This new approach was prompted by the 1970 vote on China.

For the first time since the U.N. struggle over Chinese representation had begun, the perennial Albanian appeal calling for Peking's entry and the expulsion of the Nationalists carried a simple majority. It failed of adoption, however, because the United States had won its motion to make the issue an "important question" requiring a two-thirds margin.

The narrowness of that victory made it plain to the White House that the United States urgently needed a new policy lest it suffer a defeat on the next round on China. On Nov. 19, 1970, consequently, Kissinger sent a National Security Memorandum to Secretary Rogers requesting the creation of a special committee to review the Chinese representation issue and to recommend a fresh strategy.

Headed by Assistant Secretary of State Samuel de Palma, chief of the Bureau of International Organization Affairs, the committee comprised about 15 State Department and Central Intelligence Agency specialists. Its task was to draft a paper to be sent to the National Security Council, which in turn would advise the President.

As it held its deliberations, the committee gradually became polarized between members who favored all-out support for Peking's admission to the U.N. and advocates of both Communist and Nationalist representation in the international body. Nobody believed, in short, that the Communists could be kept out.

In February, after examining a wide assortment of notions, the committee presented the White House with two principal options available.

One of these, favored by those who wanted to see only the Communists in the U.N., became known in State Department jargon as the "sink with the ship" gambit. It recommended that the administration continue to back the Nationalists exclusively—but with a full awareness that they would lose and thus open the way for Peking's entry.

Conceding that this proposal was rather devious, its exponents contended that it would shield the President from domestic right-wing criticism and simultaneously provide him with ammunition to affirm to conservative U.S. allies abroad that he had done his best to protect the Nationalists.

The committee's other option was for the "dual representation" posture that the administration would afterwards put forth. As it turned out, the result of the U.S. vote this week unwittingly combined both tactics. Or as one official put it: "We went in with dual representation and sank with the ship."

Looking back on the fate of the U.S. policy, some American officials attribute its failure to the White House's tardiness in promoting the strategy. Missing from this analysis, however, is a sharp understanding of the President's objective.

Meeting in March, the President and his National Security Council reviewed the options sent in by the State Department. Although Mr. Nixon made no decision during that session, it was anticipated that he would choose to advance the "dual representation" strategy.

* * * over, that he would announce this policy in May. But two elements intervened to stay his hand.

The first of these was the problem of the Chinese Nationalists, whose initial resistance to Peking's admission to the U.N. under any circumstances was fierce.

To prevent them from stomping out of the U.N. and mobilizing protests among their American sympathizers, the White House was therefore compelled to proceed cautiously in persuading the Nationalists that the "dual representation" approach was in their own best interests.

This was a slow process, but the Chiang Kai-shek regime gradually came to realize that it had no alternative. Nationalist officials further calculated that Peking would reject "dual representation," refuse to enter the U.N. and thus leave them in sole possession of China's seat.

But as the Nationalists underwent an evolution in their attitude, a sensational event intruded to complicate the President's delicate operation. In early April, the Chinese Communists invited an American Ping-Pong team to China. Soon afterwards, the American writer Edgar Snow was authorized by Peking to publish an interview citing Mao Tse-tung as saying that Mr. Nixon would be welcome to China.

The Communist overture confronted the President with a dilemma. He had been working since he took office in January 1969 for a reconciliation with Peking. Hence he could not announce his U.N. policy until his invitation to Peking became official.

At the same time, however, a long delay in publicizing his position would make it difficult to line up support for the U.S. strategy. As it happened, this delay was crucial.

Not until Aug. 2, nearly a month after Kissinger visited Peking and arranged the President's forthcoming trip to China, did Secretary Rogers publicly disclose that the United States would propose "dual representation" at the U.N. Only then were U.S. envoys around the world—and the American mission in New York—given the green light to begin their salesmanship.

Since U.N. sentiment was running strong for some kind of China settlement, State Department strategists perceived that the United States had to perform as well or better than it had in 1970.

They feared, for example, that the defeat of both the pro-Peking and pro-Nationalist positions would bring in the Communists through another maneuver, such as a fight by Peking's supporters to withdraw the Nationalists' credentials.

Lobbying for the U.S. proposal began in foreign capitals, in Washington and at the U.N. itself, and it was complicated by an assortment of factors.

Several African states, for instance, were turned off by Sen. Harry F. Byrd's efforts to break the U.N. embargo against Rhodesia by permitting imports of chrome from that country. Some small nations simply felt that the China issue was none of their business and, the State Department calculated, their abstention would work against the United States.

There was the problem as well of generating fervor among American envoys abroad to promote the U.S. position. A few reportedly treated the issue casually. In one unnamed country, the U.S. ambassador opened his pitch by asking the country's President how he would vote. The President replied that he would oppose the United States, leaving the ambassador with the almost impossible job of changing the leader's decision. Commenting on that particular episode, one Washington official said: "That's just not the way to sell vacuum cleaners."

Meanwhile, precious time was lost in disputes between the State Department bureaucracy in Washington and the U.S. mission to the U.N. in New York. One of these disputes developed over the substance of the American resolution.

The U.S. mission argued that it could not persuade Australia, New Zealand and other countries to cosponsor the "dual representation" resolution unless the proposal specified that the Security Council seat go to Peking. The State Department insisted on leaving that question unmentioned to avoid offending the Nationalists.

As a consequence, the final draft of the U.S. resolution was not completed until mid-September with the decision to give the Security Council seat to Peking. The delay, however, prevented U.S. officials from clarifying the American positions to the nations they were seeking to win over.

Many countries were also confused by Kissinger's second trip to Peking, which came as an indication that the U.N. debate was of only minor importance to the White House. As these countries saw it, there was no compulsion for them to follow the U.S. lead when President Nixon's priority was his reconciliation with Communist China.

The tangle was compounded at the same time by divergences within the positions of certain states. Archbishop Makarios, the president of Cyprus, had pledged to back the United States, but his foreign minister and U.N. delegate took a different tack. In the end, Cyprus abstained, thereby undermining the U.S. stance.

The episode was also clouded by the sheer incapacity of countries to reach decisions under fierce pressure from both sides. The two tiny Persian Gulf states of Oman and Qatar had initially opted for the United States. But under heavy pressure from Syria and Iraq, which favored Peking, they began to flounder. Qatar finally abstained and, according to reliable sources, the Oman delegate locked himself in his hotel room and avoided the vote.

Amid this confusion, the U.S. representatives at the U.N. were unable to keep track of the count. Moreover, observers in New York suggest, there may have been excessive optimism on the part of the chief U.S. representative, Ambassador George Bush.

Widely touted as a prospective Republican candidate for Vice President in 1972, Bush's hopes had been punctured when he lost the Texas senatorial race last year. His appointment to the U.N. presented an opportunity to regain his prestige. He was determined to win on the China issue—and, it is believed, perhaps oversold himself on his chances.

Until the actual day of the vote, for example, the American mission was apparently convinced that the Belgians would back the United States even though Belgium was then negotiating to recognize Peking. But at noon, Belgium notified the U.S. mission that it would abstain on the ballot to make the ouster of the Nationalists an "important question."

The Belgian switch—or at least its revelation—unleashed a torrent of queries from other countries seeking to determine which way the wind was blowing. The fence-sitters began to sway, the the U.S. delegation rushed back to the General Assembly in a last-minute effort to reverse what now looked like an incipient anti-American tornado.

But the U.S. effort came too late. The American attempt to uphold the "important question" was defeated by 59 to 55, with 15 crucial abstentions. That opened the way for an overwhelming vote to seat Peking.

When the electric scoreboard at the General Assembly flashed the news of the U.S. setback, delegates cheered and Tanzanian delegates jumped up to dance a jig on the floor in front of the rostrum. Reflecting the Soviet Union's equivocal attitude towards Peking, a Russian diplomat quipped: "We have just suffered a massive victory."

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that according to current Census Bureau approximations, the total population of the United States as of today is 208,259,635. This represents an increase of 170,369 since October 1, or roughly the size of Kansas City, Kans. It also represents an addition of 2,128,810 since November 1 of last year, an increase which is approximately three times the size of San Francisco.

SENATOR PROXMIRE NOTES CONTINUING CONCERN FOR FEDERAL ECONOMIC INFORMATION PROGRAM

Mr. PROXMIRE. Mr. President, on October 27 the Joint Economic Committee, of which I am chairman, heard testimony by the Office of Management and Budget—OMB—on the status of the reorganization of the Federal statistical program. We had asked OMB Director George Shultz to testify, but regrettably he was unable to appear. Instead, he asked Dr. Julius Shiskin, Chief Statistician of OMB to present the Office's views on the recent disquieting events and rumors suggesting that appointed policy officials in the executive branch are attempting through the reorganization to control the flow of information to suit their own ends rather than allowing the technical experts to explain economic developments in an objective fashion.

I must say I am not reassured by OMB's explanation. For the most part, it was couched in broad generalities. When asked about demotions of technicians at the Labor Department's Bureau of Labor Statistics, the Office of Management and Budget disclaimed all responsibility. Even though morale of technicians up and down the line was shaken, not only by the reorganization itself, but by the highly secretive fashion in which it was carried out, it was claimed this was a problem for the Department not for OMB. What an attitude by an Executive agency which is supposed to provide oversight of the whole Federal economic information program.

I am glad to report that this neglect is not shared in the private community of economists and statisticians. Mr. President, I am unanimous consent to have printed in the RECORD letters from the academic community. One of them is signed by 32 economists expressing their concern. As will be recalled, I recently—October 12—received and placed in the RECORD a similar expression of concern from economists at the University of Wisconsin.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MARYLAND,
College Park, Md., October 13, 1971.

Senator WILLIAM PROXMIRE,
Chairman of Joint Economic Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am writing to express my concern over recent personnel changes, and a related reorganization of duties, at the Bureau of Labor Statistics. It is obviously essential that the integrity of government statistics be beyond question. Up to now, I think, it has been, at least at the three major branches with which I am closely familiar—the Bureau of Labor Statistics, the Census Bureau, and the Office of Business Economics. By linking policy considerations with the production and interpretation of basic data, I fear, a new precedent is being established that may expose BLS data in the future to suspicion. I therefore warmly support your personal efforts, and that of the Joint Economic Committee, to combat this unwholesome alliance and hope they will continue.

With best wishes,
Sincerely yours,
MELVILLE J. ULMER,
Professor of Economics.

BUREAU OF ECONOMIC AND
BUSINESS RESEARCH,
Urbana, Ill., October 19, 1971.

Senator WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Stories in the press call attention to the Administration's efforts to line up all branches of the federal service to create in the public mind an appraisal of economic events that they think will be favorable to their own interests. We recognize that this kind of public relations effort is not unique, but it is many years since it has been carried to the extreme of removing qualified professional personnel from their posts for refusing to make biased reports of the kind desired.

Our concern leads us to appeal to you for an investigation of these matters, and we therefore submit the enclosed petition.

Sincerely,
V. LEWIS BASSIE, *Director.*

Enclosure.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essential for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

Peter Schram, Economics Department.
Fred Gottheil, Economics Department.
Rene Vanderdries, Economics Department.
George Provenzano, Economics Department.
Charlie Carter, Economics Department.
R. E. Anderson, Economics Department.
Robert W. Gillespie, Economics Department.
R. G. F. Spitze, Economics (Ag.) Department.
Case M. Sprenkle, Economics (Ag.) Department.
Joseph D. Phillips, Bureau of Econ. & Bus. Research Department.
Ruth Birdzell, Bureau of Econ. & Bus. Research Department.

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SIGNATURES

James R. Millar, Economics Department.

Paul Wells, Economics Department.

Stephen Forbes, Finance Department.

Lawrence Weiser, Economics Department.

Marianne A. Ferber, Economics Department.

Franklin Shupp, Economics Department.

Patrick Yeung, Economics Department.

V. Lewis Bassie, Bureau of Econ. & Bus. Research Department.

Robert W. Harbeson, Economics Department.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essential for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

Robert W. Herdt, Agricultural Economics Department.

Earl R. Swanson, Agricultural Economics Department.

Wesley D. Seitz, Agricultural Economics Department.

Raymond M. Lenthold, Agricultural Economics Department.

Earl D. Kellogg, Agricultural Economics Department.

James W. Gruebele, Agricultural Economics Department.

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SIGNATURES

Milton Deber, Labor & Indust. Relations Department.

W. H. McPherson, Economics Department.

Martin Wagner Labor & Indust. Relations Department.

Walter Franke, Labor & Indust. Relations Department.

Paul F. Gerhart, Labor & Indust. Relations Department.

IMPROVEMENT OF HEALTH CARE DELIVERY SYSTEM

Mr. DOMINICK. Mr. President, Senators who are concerned with finding ways to improve our health care delivery system may be interested in a recent analysis in Group Practice magazine. The article, entitled "Areas of Inefficiency in Medical Practice," was written by W. Grayburn Davis, M.D., medical director of the Denver Clinic, in Denver, Colo.

He outlines the potential, as well as the limitations, of group practice in reducing inefficiencies. He points out that prepaid group practice is not necessarily the best method of delivering medical care to all population groups, and that fee-for-service practitioners are better equipped to deal with certain inefficiencies. He also suggests that a substantial portion of medical costs is not controllable by individual physicians, whether practicing individually or in groups. He is critical of Government regulations, particularly with regard to medicare, which have contributed to inefficiency and high costs.

I think Dr. Davis' views are imaginative, balanced, and particularly valuable, because of his extensive experience in the actual practice of group practice medicine.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AREAS OF INEFFICIENCY IN MEDICAL PRACTICE

(By W. Grayburn Davis, M.D.)

A practicing physician steps on some toes while evaluating a range of problems universal to the delivery of health care.

Although the very idea of group practice tends to reduce the inefficiencies of health care delivery, let us admit there is plenty of room for improvement.

I shall not be so parochial as to suggest that group practice is a complete answer. We in group practice have solved some of the problems, perhaps better than the solo practitioner. On the other hand, the solo man may better solve some of the inefficiencies of medical practice.

In general, however, a group practice can reduce inefficiencies and improve the delivery of health care through these inherent strengths:

Management of cost effectiveness.

Provision for continuous peer review.

Promotion of preventive medicine.

Control of hospital use.

Reduction of patient cost through good central management.

Before getting into specifics, let me clarify a basic point: You cannot significantly change physician efficiency by speeding up his rate of production. Instead, you increase his efficiency by freeing him of nonmedical problems so that he has more time to see patients.

SUBJECT TO SOME CONTROL

Some areas of inefficiency can be influenced positively without radically changing the basis of health care delivery.

First in mind would be the increased use of medical support personnel—central appointment clerks, insurance billing clerks, medical records librarians, and physician assistants—including the surgical and orthopedic assistant and the pediatric practitioner. These functions are certainly not unique to group practice. But perhaps they are somewhat more highly developed in groups.

In addition, an efficient medical records system and a single record for each patient make consultation available at lower cost than if such records are duplicated and scattered among a number of specialists and institutions in the community.

Another method of reducing inefficiency entails peer review. When well controlled, this function enhances outpatient diagnosis through increased efficiency and reduced costs. Parenthetically, the American Association of Medical Clinics, through its accreditation program, is using its peer review mechanism to convince third parties, such as the Blues, Medicare, and private carriers, to recognize the increased efficiency and resultant lower cost of well-controlled outpatient diagnostic work.

This same peer review mechanism in the group practice accreditation program has an effect on hospital use. Figures from a large private hospital in Denver indicate that hospital utilization is lower for staff members engaged in group practice than for comparable solo specialists in the same geographical area.

On the other hand, physicians engaged daily in fee-for-service or prepayment practices agree that these two types of group practice cannot be compared on a hospital utilization basis because they treat entirely different medical populations.

LITTLE OR NO CONTROL

Some areas of inefficient medical practice are subject to little or no control by the practicing physician.

Quite obvious is labor cost. In Denver, we compete for employees with many federal agencies—most of them on a five-day week with elaborate fringe benefits. Private practitioners in general lack the means to match these.

Another area over which we have little control is the mountain of paperwork. Insurance claims for patient medical services must be moved regularly by practicing physicians. Throughout the years, the burden of handling the growing number of claim forms has fallen on the physician or his staff and the cost of this service is reflected in higher medical fees.

In my opinion this cost is the responsibility of the insurance carrier. At least, the carrier should help the physician lower his cost.

A new system in Colorado involves a number of clinics who rely on a sophisticated medical computer service to provide the patient with a computerized bill listing individual services, relative value codes, ICDA diagnosis, diagnostic code and fee. This hard copy bill provides all the information any carrier needs to reimburse the patient.

This system works successfully with Medicare and most private insurance carriers. But our own Blue Shield plan in Colorado so far has been unable to adjust its claim system to pass the savings to all member-physicians and subscribers. By the way, private capital entirely financed development of this program.

GOVERNMENT INSENSITIVITY

One major area of inefficiency over which the physician has little or no control is the growing volume of federal regulations. This shows up in many variations. But the common thread is the regulation dictated largely by authorities who know little about the daily practice of medicine or who little appreciate the effect the regulation may have on patients.

For example, recent regulations published in the Federal Register indicate the intention of the Social Security Administration to provide Part A Medicare reimbursement for outpatient diagnostic procedures when performed in a hospital outpatient department. This, in effect, shoves the practice of medicine under the hospital roof. It is a threat to all group practice, but particularly the prepayment groups—and these folks are the darlings of HEW.

Another example of unfortunate federal regulation involves the payment of reasonable and customary fees by Medicare carriers under Part B reimbursement. Although the Medicare carrier raises the cost of medical care through required increased paperwork and through the handling of claims on an individual basis, the Medicare carrier at the same time arbitrarily pays less than 100 percent of what it established as a reasonable and customary fee. Experience indicates that this altered fee then becomes a new and phony standard for a given physician, creating a growing deficit position which can only be made up from non-Medicare patients if the practice is to remain solvent.

Still another area of inefficiency might be labeled "oppressive regulations from the Food and Drug Administration." The FDA has set back the practice of medicine in this country via its regulations associated with the Kefauver-Harris amendments. Physicians find themselves capriciously interrupted by the FDA after investing considerable sums in time, equipment and material. FDA policy, which translates into "today you can, tomorrow you cannot," can only be expensive and frustrating.

Finally, government policy toward health care in general is far from logical. HEW induces the public to seek comprehensive care by group practice, favoring prepaid in hospital plans. At the same time, HEW spawns regulations destructive to group practices and to prepayment groups in particular.

This is in the face of general agreement among group practices that prepayment of health care delivery is not necessarily the best for all population groups. It would make sense for some of the HEW grants, which study various aspects of group practice, to be awarded to practicing groups or to their representatives, rather than almost entirely to university community health planning, departments, sociologists, economists and the like.

SOME IDEAS

Lest I leave you with the idea that I am hypercritical and, at the same time, nonconstructive, a few suggestions follow.

Group practice conceived, tested and produced the working model of multiphasic health screening. With the help of consumer groups and available capital, private medical foundations or clinic groups could make such services available to many people in rural and inner city areas who are deprived of adequate health care—all at reduced cost.

This is a difficult situation because private physicians, whether group or solo, cannot realistically provide physical relief for their brother physicians in rural or inner city areas. They can provide a type of backup, however.

For example, the Denver Clinic, in cooperation with St. Joseph Hospital, is developing a straight-line relationship among four rural communities, the Denver Clinic and the hospital. The rural physician becomes a member of the hospital staff, permitted to admit patients directly to the hospital on the clinic service. This means the patient has only one record—free from duplicate tests and charges from three different examinations when one is adequate. The hospital and Denver Clinic also consult administratively and medically with the rural community in strengthening this relationship.

Another positive approach to reducing inefficiencies of health care delivery suggests increased use of social service where someone other than a physician is equally effective. The Denver Clinic has had a social service department for more than two years, providing ancillary medical services without exhausting the valuable time of physicians.

One fire-breathing dragon which directly affects the efficiency of medical practice is the malpractice suit and insurance rates. For those who can get insurance, rate increases of more than 100 percent in a single year causes the efficiency and cost effectiveness of any practice to suffer. A continuing threat from the opportunistic patient or attorney induces many physicians to engage in excessive procedures as an attempt to head off that dark day in court. Hope for legal reform is not promising since our legislatures are heavily populated by attorneys. But some effort to reduce exhorbitant premiums is underway from the insurance industry itself, in cooperation with the medical profession.

ONE BASIC SOLUTION

One final area of inefficiency, about which something is being done but subject to considerably more effort, involves the education of medical students and house officers. A proper approach might be the single, most significant activity possible, to ameliorate inefficiencies and high costs!

It is my judgment that medical students are almost totally oriented toward caring for patients lying in a bed. They don't know how to approach, much less handle, patients, who are walking about and who may not be entirely certain that they are ill.

If the Federal Government is seriously interested in developing more physicians for private and group practices, it should recognize a golden opportunity to support programs for inducing group practices or even solo physicians to provide preceptorship training in private practice settings. In this way, medical students and house officers might discover what the practice of medicine is truly about.

Many group practices with associated education foundations are both qualified and eager to provide such experiences if some funds are made available. Large amounts of private capital already finance such programs at certain large clinics, but this is a drop in the bucket compared with what the government can and should be doing.

CONCLUSION

Every thriving group practice represents a successful effort in identifying and dealing with many of the inefficiencies in the delivery system in its own Trusteeship for Health. Thus each is unique to the patient population it serves. Each can testify to the *real* needs in its own trusteeship and the *real* obstacles to its growth and economic survival. Is there anyone in the government with the willingness to listen, or the ability to comprehend?

ACTIVITIES OF INTERNATIONAL OIL COMPANIES

Mr. MONTOYA. Mr. President, on October 4, Mr. A. H. Massad addressed the New Mexico Oil and Gas Association in Santa Fe, N. Mex. In his remarks Mr. Massad, who is the executive vice president of the International Division of the Mobil Oil Corp., gave a lucid description of our national needs for oil presently and in the future. He also describes the difficulties and complexities involved in guaranteeing that those needs will be met. He includes a description of the technological advances and international arrangements necessary to the achievement of that goal.

It is my thought that this description of the activities of international oil corporations might be of interest to Senators. I, therefore, ask unanimous consent that Mr. Massad's comments be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A LOOK AT INTERNATIONAL OIL

(By A. H. Massad)

When Pete called to see if I could be here with you today, it was difficult to understand why I had been so honored. I now find my arrival in New Mexico comes halfway between the Ruidoso Downs horse race and the celebration of the 50th anniversary of the discovery of oil in New Mexico. So I guess they asked me out to fill in the slump period.

Seriously, I can quickly think of many good reasons why I'm pleased to be here. Let me mention a few.

It's an honor to speak to the first joint meeting of your new organization. Having previously worked in one of the original groups, I am pleased to see the merger come about. I know that for 43 years the New Mexico Oil and Gas Association has played a strong and effective role in oil affairs. The new, combined group promises to do even better.

Second, I'm delighted you chose a Mobil man to talk with you—especially when I see certain of my competition in the audience. Mobil has enjoyed a long and rewarding association with New Mexico. We opened our first service station in Tucumcari in 1920 and have been marketing here ever since. We brought in our first well in the Vacuum field northwest of Hobbs in 1929. We presently have an interest in some 500,000 acres in this beautiful state.

Third, it's good to be back in the Southwest. Much of my life has been spent in this part of the world. You might say most of what I have learned in the oil business I acquired in this neck of the woods. Some of my best memories are of the Southwestern States. And those best memories are a part of my association with what I believe to be the finest people and industry going today—"the Oil Business."

Actually, until a year ago, my experience was primarily as a domestic oil man. I spent some 24 years working on Mobil's U.S. exploration and producing jobs, mostly in the Southwest. But on October 1, 1970, I was handed a new job: all of Mobil's exploration and producing activities outside the United States and Canada.

It was well known to me the oil business had some tough problems here at home, because I had come face to face with them over the past years. But after a year's exposure to foreign operations, let me tell you the oil business overseas is an even bigger snake pit.

However, this past year has been fascinating for me, and it's also been quite a learning experience. Today, I would like to share with you some of the impressions gained in this short period. I promise not to pontificate on the wide variety of problems facing the international oils. But let me give you a feeling for my side of the oil business—and it has made a great impact on one Southwesterner—namely me.

Let's begin by taking a fast tour of current happenings on the world oil scene.

First: Latin America, where there are several important areas of oil production, namely, Colombia, Peru, Ecuador, Brazil, But Venezuela continues to be the petroleum pacesetter in the lower half of the western hemisphere, with production averaging more than 3.7-million barrels per day.

Venezuela posed certain difficulties for the international oils. For several years, the government has not granted traditional oil concessions. Instead, they elected to issue "service type" agreements under which the company acts as a contractor and crude lifter for the government and then shares in the production with the government itself.

Prior concessions of the conventional type will begin to revert to the Venezuela Government in 1983, with the future role of producing companies uncertain. For this reason, Mobil and others are hopeful service contracts in Lake Maracaibo may form a new pattern for future operations in Venezuela.

The Caracas Government has taken a number of other legislative actions in recent years. These included substantial increases in government take, and greater government control over production of oil and gas. However, government intervention is nothing new in Latin America, or elsewhere for that matter. We have lived with it for years. We can and will take it in our stride as we move into the future.

Moving to Europe, the bright spot at present is the North Sea. The waters off Norway, the United Kingdom, Denmark and The Netherlands give the greatest promise. With some partners, we were recently awarded an exploration and development license in this area, where significant finds have been made. We are certainly hopeful of big rewards for the investment we made. Oil and gas output from the North Sea region is expected to spurt upward and contribute importantly to easing the supply-demand squeeze in Western Europe.

But oil is not easily come by. While the political climate surrounding North Sea production is comparatively placid, the geographic setting offsets an otherwise tranquil scene. Violent winds, surging seas and inclement weather characterize the area.

Exploration and production in the North Sea calls for ingenuity, new technology, and plenty of heavy duty equipment, when compared with the relatively serene waters of the Gulf of Mexico.

Western Europe is a prime example of imbalance between centers of production and consumption. Europe uses some 12-million barrels of crude daily but produces only half a million. Most of the crude arriving in Europe comes from the prolific oil fields of the Middle East. As you might expect, the Middle East, which yields roughly 15-million barrels daily consumes less than one million barrels.

North Africa, as well as Equatorial Africa, holds great promise as suppliers of crude oil to Europe and other markets.

One of the bright spots is Nigeria. This nation has emerged rapidly as a major source of crude oil. Production there stood at about half a million barrels a day in 1969, doubling to slightly over a million barrels a day last year. Predictions of two million barrels a day output by 1975 are proving conservative. These have been recently revised upward to three to three and a half million barrels by mid-1970's.

As an example of what's happened in Nigeria, Mobil's production which started only a year and a half ago, now averages 85,000 barrels a day. This should reach 120,000 barrels a day when two new fields come on production in the next few months.

But Nigeria is not without its political thorns for foreign oil producers. Following the examples set by other major producing nations, Nigeria has now established a state oil company to participate fully in all aspects of the business, from exploration to marketing.

For its part, Libya presents a different set of problems to the foreign producer. This nation has been engaged in a production control program for the past year. This, coupled with increased government take, makes operations there very difficult indeed.

Libya's stance on production cutbacks recently was driven home dramatically to Mobil. Our Libyan affiliate made a discovery this summer which produced about 6,000 barrels a day. The government ordered the well shut in and refused to grant an allowable. After considerable "tooing and froing" we were permitted to go on stream at a rate of 2,000 barrels a day. The imposition of special "rules," such as this one, clearly can hamper the industry from meeting the growing demand for oil.

Among the producing countries in Africa, however, Algeria stands out as the prime example of what a government can do when it mixes politics with oil.

Algeria, situated close to the vast European market, produces a high quality crude oil, and has estimated reserves of about 10 billion barrels. It also has vast natural gas resources which have barely been tapped.

Production in Algeria was increasing steadily until the time of the most recent Arab-Israeli conflict. At that time the Algerian Government embarked on a politically inspired course of nationalization. This involved French, British, American and other foreign oil companies. While the situation in Algeria is still confused, production in that country has declined and exploration practically come to a standstill. The outlook for the future is cloudy indeed.

Moving Eastward, we find the world's richest oil area—the fabulous Middle East. It has been said with respect to some parts of the Middle East—oil fields there are measured not in miles but in degrees of latitude! Others see the Middle East as an inexhaustible supply from an unlimited source.

The Middle East holds 58 percent of the entire world's proved reserves. Mobil is a partner in the major enterprises in the area, such as Aramco and the Iranian Consortium. These countries are still looking for new exploration plays. We were recently granted offshore Iran acreage, for example.

After all is said and done, the Middle East will continue for the foreseeable future to be the heart and the arena of the international oil business. It will also be the focus of our most difficult problems with governments, as I will point out later.

On around the globe, we come to the Far East.

Here we find another example of the disproportion between supply sources and markets. On the one hand, there is Japan, which consumes more than 4-million barrels daily but produces virtually none. To the south of Japan lies Indonesia, one of the world's oldest oil-producing areas. International oil companies of every nationality have moved into this area in the last two years.

In Indonesia, the focus in recent years has been moving offshore. Mobil has acreage both on and offshore. Also, earlier this year, we were granted the first west-coast offshore agreement by the Malaysian Government. Seismic studies are scheduled to begin there shortly. This Malaysian acreage, incidentally adjoins our tract off the Indonesian island of Sumatra.

This quick review of the world oil scene may make you ask: Why then does Mobil, and the other international oil companies, persist in searching out new oil in the four corners of the earth? The answer is simple: The industry must find and develop these new reserves to feed the world's insatiable appetite for oil.

Demand for energy—in all forms—has far exceeded the predictions made in the sixties. And oil has assumed a much stronger role in the energy picture than anyone ever expected.

Free World demand in 1970 rose 9 percent over 1969. This may not seem like much, until you think about the volumes of oil involved. It comes out to an increase of nearly 3.5 million barrels a day. We now estimate Free World demand will rise to 50 million barrels daily in 1980, an average annual increase of 7.5 percent. This means finding two more "Venezuelas" every year.

In the United States and Canada, oil demand is reaching 16.7 million barrels a day for 1971. By 1980, this should hit 23 million barrels daily, an average annual increase of 3.5 percent.

Projected a bit further, we believe over the next three decades, the United States alone will require more than *twice* the oil and natural gas consumed during the entire 112 years since the birth of the oil industry in 1859.

From where are these tremendous amounts of oil and gas to come? Definitely, a large part of it must come from domestic sources. In some ways, our country has been lucky indeed to be relatively self-sufficient in the raw materials it needs for energy. Last year, for example, U.S. crude demand was 14.4 million barrels daily, of which we produced 11.3 million barrels right here at home. But in the next decade this level of self-sufficiency is going to be harder and harder to maintain.

This was borne out by a recent study published by the National Petroleum Council, an industry advisory board reporting to the Secretary of the Interior. The report concluded by indicating a continuation of present U.S. Government policies will lead to significantly increased U.S. dependence on foreign energy resources, mostly in the form of oil from eastern hemisphere countries.

Clearly this is reason enough for Mobil and other international oil companies to seek new sources of supply overseas. Other alternatives are not viable at this time. We must meet the challenge to find the huge volumes of oil required during the 1970's and beyond, not just for our own country but the rest of the Free World as well.

I submit the international oil business is uniquely equipped to do this job—despite the many problems involved. For one thing, such tremendous demand growth calls for equally large economies of scale. The private international oil company has been, and still is, the most effective mechanism ever developed for finding, producing, moving, refining, and marketing large quantities of crude oil and petroleum products.

No country in the world, and the United States is no exception, produces exactly the right amount or the right types of crude to meet all its own domestic requirements. Only large, efficient, international oil companies can "balance the barrel," matching various crude sources with the differing demand patterns of the countries where oil is refined and products sold.

Also, every oil company must make a heavy and continuing investment in technology and research in order to develop new products, new processes, and new ways to increase its efficiency.

Technological knowhow will be a crucial factor in the years ahead as oil becomes harder to find and develop. We will need every bit of this technical expertise, not only to penetrate new areas hostile to man, but in geological and geophysical exploration as well. I'm thinking about places such as the Arctic zones of Alaska and Canada, offshore Brazil, and the Caribbean, the North Sea Basin, the desert areas of North Africa, the tropical waters of Equatorial Africa, the seas surrounding South-East Asia, Australia and New Zealand. These are tough areas, demanding a high degree of innovation and new technology.

The job we face is not an easy one, but it can be handled. We know how to balance the barrel. We can develop the necessary technology. We can continue to provide economies of scale.

The real problem in years ahead lies in the relationships maintained with governments of the countries in which we operate. This is just as true in the United States as it is overseas. Each of you in this audience is highly aware of the environmental problems we have at home. For example, the delay in the Alaska pipeline; the controversy over natural gas prices; the curtailment of offshore drilling; and many others. I would like to believe these problems will be settled with some common sense on both sides—but I'm beginning to wonder.

In the international arena, there were long, hard negotiations in early 1971 between the industry and the oil-producing countries. These negotiations, mainly with member governments of OPEC—The Organization of Petroleum Exporting Countries—were just about at the time of Governor King's inauguration. I want to assure the good Governor—the international companies played no part in creating the fuel shortage that kept you from taking up residence in the executive mansion here in Santa Fe!

We had enough troubles of our own! What came out of the OPEC settlement were firm agreements on tax rates and on posted prices, which are the basis for taxes and royalties paid to local governments. The industry also obtained assurances of stability for the five-year period covered by the agreements.

As a result of the OPEC settlement, the day has now passed when we can speak of "cheap" foreign oil. Crude oil everywhere has become much more expensive in recent months, largely for political reasons. And the cost of oil will rise still further during the five-year life of the agreements.

In 1975, the average posted price of oil in OPEC countries will be more than a dollar a barrel higher than in mid-1970. Taking into account royalties and the net tax rate of 55% in most oil-producing countries, revenues to those governments will approximate $1.50 a barrel.

Okay. Where do we go from here? It's difficult to predict future relationships with the producing countries. Clearly, an era is over as far as traditional relationships go. Hopefully, we gained stability for five years at least. I truly believe the governments of the countries involved wish to honor the agreements they signed. To breach them would invite a substantial loss of confidence by the rest of the world.

But who can predict with any accuracy in the world in which we live today!

Our latest problem concerns recent demands by the OPEC countries for what they call "participation" in existing oil concessions. It could better be called partial nationalization or a stake in the equity of our producing operations. Clearly, OPEC's latest demand appears to be firmly in the direction of state ownership and control of the concessions held by the international oil companies. *And I once thought there was nothing more troublesome than state and federal controls right here in New Mexico!*

It is too early to speculate on the outcome of the "participation" problem. But obviously this is a demand quite different in principle from the claim for higher royalties or taxes. It is a demand for a change in the basic relationships between governments and companies as written into existing agreements, including the ones we signed just a few months ago.

Still, I am optimistic even this problem can be resolved satisfactorily and the international oil companies will continue to play a vital and important role in the years ahead.

There is at present no viable alternative to the functions performed by part of the industry. With sources of crude oil on every continent, huge tanker fleets, modern refineries and distribution facilities in nations around the world, the international companies alone have the resources, skill and flexibility needed to insure an adequate supply of energy in the decades ahead. Their continued existence is in the best interests of all concerned, especially that of the United States of America.

GENOCIDE: INTENT TO DESTROY

Mr. PROXMIRE. Mr. President, genocide is an action or group of actions taken against a racial, ethnic, or religious group with the express intent of destroying that group. The intent to destroy is very important here. Too often the opponents of the Genocide Convention over look this fact. It is argued that any action taken which is detrimental to the welfare of a minority group is to be considered genocide. This is not so. If the intent to destroy the entire group is not present, then the actions are not genocide.

Article II of the Convention has enumerated five actions which are to be considered genocidal. In defining these actions, the framers of the Convention made it clear that they were not genocide if done as ends in themselves. Rather, to be genocide, they had to be done with the intent to destroy the entire group.

Mr. President, how long must the American people wait? Surely 22 years is long enough. The time for action has come. The Senate should ratify the Genocide Convention without delay.

CONSUMER SPENDING—KEY TO ECONOMIC RECOVERY

Mr. MOSS. Mr. President, recently I stated my belief that consumer spending is the real key to a broad-based economic recovery. National programs which ignore the importance of increased consumer purchasing power and confidence will continue to fall short of expectations.

We are now less than 2 weeks from the beginning of the second phase of the President's economic stabilization program. Conflicting statements by organized labor and administration leaders as to the actual workings of the phase II machinery have left just about everyone uncertain as to the economic future. This absence of a clearly stated national policy on wage and price increases has made consumer and business planning almost impossible. The resulting uncertainty can only serve to damage national hopes for a speedy economic recovery.

In a penetrating analysis published in the Washington Post, October 31, 1971, Hobart Rowan, assistant managing editor and economic columnist, called attention to the economic impact of consumer uncertainty with regard to phase II. He stresses that the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

I ask unanimous consent that Mr. Rowan's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Business, Consumers Edgy About Impact of Phase II

Spokesmen for the Nixon administration are trying to suggest that the recent bear market in Wall Street can all be attributed to "uncertainty" over the Phase II controls operation; that once the new rules are published and understood, the stock market—and the economy—will resume an upward march.

But this is not the whole story. There is, indeed, uncertainty over the nature and the functioning of the wage-price controls system, involving a Pay Board and a Price Commission. There is even a chance that in mid-November, the AFL-CIO will walk off the Pay Board if the board fails to approve substantial wage increases in 1971 and 1972 provided in existing contracts.

And that's just the domestic side of the New Economic Policy announced on Aug. 15. Throughout the free world, there is great concern that Mr. Nixon has touched off a protectionist tide that may envelop everybody in a recession.

But with or without the New Economic Policy, there is growing concern among business and academic economists that underlying trends here show weakness.

I think there is little mystery about the situation: the administration, at every opportunity, stresses that no big bureaucracy is needed to police price increases, because there is now no excess demand in the economy, hence no threat of a black market, as in World War II or Korea.

Hence, they say, if care is taken not to push monetary and fiscal policy too far, the risk of excessive purchasing power can be averted.

But that's a declaration that the economy will be kept under wraps, below capacity, with excessive unemployment. It contradicts the whole rationale for an "incomes policy," which was belatedly adopted to allow for the stimulus necessary to get back toward full employment.

On "Meet the Press" two weeks ago, Walter W. Heller, who has a knack for putting things succinctly, observed that the President "sounds as though Phase II is designed to make the world safe for profits, rather than for jobs, and I think there has been an imbalance there . . . The rhetoric has been going the wrong way, and I have found too little attention to that four-letter word, 'jobs.'"

Former Economic Council Chairman Arthur M. Okun told the National Economists Club the other day that even assuming that the President is successful in his attempt to cut the level of inflation in half, the unemployment rate will range well over 5 percent in 1972, with Gross National Product running $50 billion below capacity.

Now, officially, this is not the way the administration sees the picture. The President, in his address of Oct. 8 announcing the Pay Board and the Price Commission, said:

"Let us look into the future.

"I have said that 1972 will be a very good year for the American economy. Let me broaden that estimate tonight.

"The coming year can be more than a very good year for the American economy, it can be a great year for America and the world.

"It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace."

There should be evidence, fairly soon, whether the President has called the turn, or whether Okun is right in saying that the nation is "two years away" from prosperity.

By the 4th quarter of the year, if consumers haven't shaken their doldrums, there is little change that the current "consensus" forecast among economists for a 9 per cent GNP gain to about $1,150 billion can be achieved. And there would be zero chance for Mr. Nixon's "great" year, meaning unemployment moving down toward 4 per cent.

The nation has an enormous stake in the psychological attitudes of business, labor, and the consumer toward the prospect of controlling inflation.

In recent years, the consumer has demonstrated that his reaction to inflation prices is to quit spending—where he can—and to save more. The pocketbook doesn't get unbuttoned until there is some assurance of stability.

Thus, the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

People seem skeptical of the Price Commission's ability to control prices with only a limited number of agents. Checks in retail stores by The Washington Post and New York Times show widespread violations during the freeze, with mere wristslapping efforts at compliance.

Labor, meanwhile, seems destined to "get theirs," almost certainly through the validation of existing contracts.

Herbert Stein, Presidential economist and one of the chief designers of the Phase II Operation, said last week that the government, labor and business would have to evolve a satisfactory relationship because "no one (group) can be in a position of being responsible for tearing it (the system) down."

That's certainly logical. But whether logic will prevail remains to be seen. There is a danger that Mr. Nixon's Phase II will fall apart, and as Heller said, in that case the President will have to set up a government wage-price board to concentrate on what Okun calls the "whales" in the economy, or slap direct controls on everybody.

It would be much better if Phase II is moved smartly into place with a decent wage yardstick—5 to 6 percent, if the Price Commission holds a tough line on prices, with adequate enforcement personnel; and if Congress speeds up and improves the expansionary elements in the tax program.

As Heller suggested, everyone—and that includes George Meany—ought to re-focus attention on that four-letter word: JOBS.

SCIENCE, RESEARCH, AND OUR HERITAGE OF PROGRESS

Mr. MONTOYA. Mr. President, whether characterized by ourselves or viewed by others, a traditional aspect of our national image is derived from a belief that progressive enterprise will lead to a benevolent future. This country evolved with an implicit faith in man's ability to secure from science a seemingly boundless variety of rewards which contribute to his comfort, defense, and well-being. No people in history have inbred the maxims of progress to a greater degree; indeed we rate other societies according to the extent of their enterprise, productivity, and innovative talent. From Plymouth Rock to Tranquilllity Base the American adventure has been an investment in tomorrow, and the benefits which we have drawn from this investment produce the strongest testimony in its behalf. Where science has nurtured industry, society has flourished; where science has impeded, society has grown stifled and stagnate.

These thoughts should come as no surprise to the vast number of researchers and scientific technicians whose professional lives have been devoted to the cause of advancing their individual disciplines. Yet today it is surprising to note the weakening of those attitudes which brought America its technological preeminence by what I consider to be a dangerous phenomenon of disregard. While the vexing facts of our environment remain unchallenged for no other reason than a lack of inspired direction, then we can offer little applause to our leadership.

THE R. & D. PROFESSIONAL IN 1971

No level of unemployment is acceptable; however, the Nation is now confronted with the highest rate of unemployed R. & D. professionals in its history. Scientists with advanced degrees and years of experience find themselves standing in unemployment lines or seeking jobs in unrelated fields. Sadder perhaps is the prospect facing recent graduates searching for a position within their scientific discipline; after preparing for a place on the frontier of American progress these individuals find that the frontier in 1971 has over it a pall of confusion and disappointment.

When one considers the open-ended nature of general research programs it should be expected that an ever increasing demand for scientists would be a natural occurrence. However, a reverse trend is being realized: although large numbers of worthwhile programs in both civilian and defense research areas are waiting active support, we find that this support is withheld and often withdrawn from programs already initiated.

To what can we attribute such a dilemma? I believe there are several dominant considerations. First, a recent myth has developed which holds that a fully expanding economy must, of course, produce an intolerable level of inflation. In this regard a school of economic thinking has evolved around the notion that a means of preventing this inflation occurs when one "cools" or takes the "steam" off the entire economy. In carrying out this theory a national policy has developed which maintains reduced levels of project growth at a number of critical research facilities. The fallacy of this thinking has been exemplified by the fact that, although a vast number of projects have been terminated with a resulting high level of unemployment, a strong tendency toward inflation still remains. In a sense this approach to fiscal management seeks to cure the ill by killing the patient.

Now, I am not suggesting that reckless expenditures be made where technical efficacy and impact have been ignored. Quite the contrary, my intentions have never been to support programs which are shown to be of questionable technical value. However, I believe there are well-advised occasions for Government support and coordination within the scientific community.

CURRENT ATTITUDES IN DEFENSE RESEARCH

A second consideration regarding the dilemma of the R. & D. professional in 1971 involves the immense impact which the Department of Defense has in this community. The value of research in pursuit of defense goals has become an axiom of our age—at least in defense management rhetoric. However, the story of some current weapons systems buys reveals that this recognition is often downgraded by the pressures for production. Too often we have witnessed a rush to the "next generation" weapons system whose specifications are projected from a postulated threat estimate which may largely disregard current technological capability. When the time comes to turn concepts into functioning weapons it is found that the original specifications were not compatible with the state of the art in basic structures and components—often because of a lag in research. Subsequently an effort is made by the weapons development managers to reduce the specifications in order to meet the criteria of existing technology.

The net result shows a cost overrun for a weapons system which often does not function up to the specifications which were originally outlined and for which appropriations were originally justified. This phenomenon has a very profound effect in legislative attitude toward such weapons systems as the TFX, the F–111, the C–5A, the MBT–70, main battle tank, the Cheyenne helicopter, the B–1, and the F–14.

To compound this dilemma, when the services compensate for these overruns or the cutbacks in funding which often accompany the controversy of an overrun, they tend to do so in an across-the-board manner, with adjustments in funding carried out proportionately against both the research and production phases of a particular command responsibility. While producing a temporary fiscal advantage, this budget approach ultimately leads to the sort of reduced technology base which once again makes subsequent program development all the more expensive in both time and money. There are indications that a recognition of this error prompted our weapons systems planners to increase the R. & D. budget for fiscal year 1972 by as much as 12 percent, while the overall defense budget request will represent increases of only 2 percent. I personally believe this is a step in the right direction, and will provide support to see that it is carried out.

The predominate effect which defense research has on the larger scientific community, and the reciprocal value which these areas offer each other is again axiomatic, but again perhaps rhetoric has overtaken reality in this regard. Interservice rivalry, "empire building," and the unnecessary use of security classifications as a bureaucratic tool cause a considerable reduction in the net value to the public of that research which the public has funded. At the same time the lack of communication and cohesive management of research data from private sectors only serves to compound the redundancy and waste. These various arenas of technical interest must be wrought into as singular a vehicle as their divergent natures will allow.

RECOMMENDATIONS

In line with my recommendations calling for a cabinet level office for the management of scientific research there are several suggestions which I believe would assist this community of interests:

The gaps which occur due to program fluctuations must be supplanted by proper phasing of projects where sufficient time is given the research community to allow for the most efficient allocation of teachnical resources—elimination of crash programs.

We in the legislative branch must determine that our appropriations foster a sound and steady growth in those research areas to which we provide support.

Defense planners must realize that they are continually risking the wrath of those who administer the public moneys when they permit production of inadequately researched weapons systems. At the same time, compensating for weapons overruns or budget reductions by cutting back on R. & D. can only lead to a subsequent fiasco in the weapons development cycle. This must be avoided.

Greater effort must be made to develop effective means of sharing and coordinating all research whether performed by the Government, private enterprise, or in the academic world.

Greater recognition must be given the benefits which the Nation derives from the research which it funds. Progress reports on the products, byproducts, and fundamental breakthroughs should be made a matter of national pride.

Finally, I believe that we in New Mexico must maintain a clear cognizance of the role which we have traditionally played in spearheading so many of the projects now synonomous with the nuclear age. Nothing has been given to us that we have not earned through immense diligence and unfailing responsibility. Nor will the future offer scientific dividends where the necessary technological investment has been declined. I believe that as a community we understand our responsibilities and that we stand together in support of our mutual goals for New Mexico's and the Nation's research capability.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Senate will now proceed to the consideration of S. 35, which the clerk will state by title.

The assistant legislative clerk read as follows:

> A bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time is under control. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield 30 seconds to the distinguished Senator from Alaska (Mr. STEVENS), from time on the bill.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the privilege of the floor be permitted to staff members who have worked on the pending bill durings its consideration in the Senate.

They are: William J. Van Ness, Jr., Charles F. Cook, Jr., Joseph M. Rothstein, Douglas Jones, John W. Katz, and Max Gruenberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. JACKSON. Mr. President, the purpose of S. 35, the Alaska Native Claims Settlement Act of 1971, is to provide for a just and final legislative settlement of the longstanding claims of the Alaska Native people to the lands which now comprise the State of Alaska.

The bill as reported by the committee is very long and very complex. This measure is the product of 4 years of hearings and countless executive sessions which were dedicated to the preparation and drafting of a settlement package which provides legal justice to all of the parties involved—the Native people, the State of Alaska, the Federal Government—and opens the door of opportunity to the Native people of Alaska.

S. 35, as ordered reported by the committee with an amendment in the nature of a substitute, is based upon the language of S. 1830 as passed by the Senate in the 91st Congress. The major changes adopted by the committee this year would:

First, provide for the establishment of regional corporations;

Second, insure that villages located on lands tentatively approved for transfer to State of Alaska receive title to those lands;

Third, give the Native people the option of choosing one of two land-grant proposals;

Fourth, increase the amount of land to be granted to 40 million acres under one option, and 30 million acres, plus 20 million acres of permit lands under the second option;

Fifth, give the Native people in Alaska now living on reservations the choice of acquiring title to their reservation lands;

Sixth, establish a joint Federal-State Land Use Planning Commission;

Seventh, create a North Slope Corridor to be reserved under Federal jurisdiction and to be managed for recreation and transportation purposes; and

Eighth, reserve and classify public land areas of potential national significance and require the Secretary of Interior to make recommendations to the Congress with respect to the suitability of these areas for additions to the national park and wildlife refuge systems.

There have, in addition, been a great many changes made in the bill to deal with specific problems or potential inequities which were brought to the committee's attention during the hearings on this measure in the current Congress.

The bill, as amended by the committee and as ordered reported to the Senate, represents a fair and a just settlement. It accommodates the major interests and objectives of the Native people, the State of Alaska, the Federal Government, and the general public in a manner that is reasonable.

Mr President, I want to commend the members of the Interior and Insular Affairs Committee for the time, the effort and the care they have devoted both in this and in the 91st Congress in developing this bill. I also want to note that this bill represents a compromise in many respects: a compromise among the interests and the desires of many of the parties involved and also a compromise among the views of many of the members of the committee. The bill recommended by the committee reflects a willingness on the part of individual members—after careful study of the issues involved—to concur in the clear necessity for adoption of a settlement package while reserving their right to debate further, at another time and in connection with other legislation, their individual views on some of the specific policies which are of necessity incorporated in this complex omnibus settlement measure.

BACKGROUND

The legal history of the Alaska Native land claims is a one of inaction and postponement. In part, this history of delay results from the absence of treaties between Alaska Natives and the Federal Government. In larger measure, however, the delay has been due to the complex social, legal, and institutional problems which are involved in a settlement of this magnitude.

The essential points in the history are as follows:

First, since the acquisition of Alaska from Russia in 1867, the Federal Government has consistently recognized that the Alaska Natives should not be disturbed in the possession of lands actually being used by them, and that Congress has reserved to itself the determination of their title.

Second, the Alaska Native people have no clear legal remedy or recourse to advance their claims except as is specifically provided by Congress.

Following passage of the Alaska Statehood Act, the State of Alaska began to select land from the generous 103-million-acre land grant that had been accorded by the Congress. These State land selections together with private development under the public land laws brought increased pressures on the Native people. Beginning in 1961, a series of Native protests based upon the doctrine of aboriginal rights were filed with the Bureau of Land Management protesting the granting away of lands claimed by Native groups to the State and to others. In November of 1966 the Secretary of the Interior announced that no further mineral leases would be issued or lands granted until the Native protests were resolved. By April of 1968, 296 million acres were subject to Native protest.

Following a period of time during which the Department of the Interior imposed an administrative land freeze, on January 17, 1969, the land freeze was formalized with the issuance of Public Land Order No. 4582. This order, amended and extended to the end of the first session of the 92d Congress, withdraws all unreserved public lands in Alaska until the Native land claims are resolved.

The legal issues involved in the land claims controversy are complex. The unresolved status of the claims creates difficult problems concerning Native livelihoods and opportunity, the fiscal and economic vitality of the State, and the proper conservation and development of Alaska's resources. The urgency and complexity of these issues require the certainly, the flexibility, and the detail of a legislative settlement.

MAJOR PROVISOS OF S. 35

A major purpose of the legislative settlement proposed by S. 35 is the final extinguishment of all Native claims to lands in Alaska. As compensation for the extinguishment of these claims the bill provides for substantial land grants to both individuals and to Native village corporations, the organization of modern and democratic corporate enterprises to administer funds granted by the bill, a Federal appropriation of $500 million to be paid over a 12-year period, a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received, and protection of subsistence resources used by Native people.

A. PERSONS ELIGIBLE

Persons eligible for benefits under the act are Alaska Indians, Eskimos, and Aleuts of one-fourth degree or more blood who are citizens of the United States. Native people living in urban areas of Alaska or living in other States are entitled to benefits under the act and special provisions have been made in the bill for them.

B. MONETARY COMPENSATION

First. Appropriated funds. An authorization for $500 million of Federal funds to be paid over a 12-year period is provided. These funds are paid to the Alaska Native Investment and to the Alaska Native Services and Development Corporations. These corporations receive and distribute moneys to the Native people in the form of shares of corporate stock, dividend payments to individuals and cash distributions to regional and village corporations and the urban and national corporations.

Second. Revenue sharing. In addition to the federally appropriated funds, the Native people of Alaska are granted the right to receive 2 percent of the revenues derived from the disposition of leasable minerals on the public lands in Alaska until a total of $500 million has been paid. The bulk of these revenues—99.5 percent—will come from funds which would otherwise go to the State of Alaska.

C. COMPENSATION BY LAND GRANTS

To maximize the opportunity for the Alaska Native people to play a major role in shaping the destiny for present and future generations, the committee has provided a procedure whereby the Native people themselves may choose which of two optional land-grant proposals they wish to apply as a part of the legislative settlement process.

Under the bill as reported by the committee, the Alaska Native people make this choice in a statewide election to be held within 1 year of the date of enactment of this act. The options are as follows:

OPTION I—40 MILLION-ACRE GRANT OF LANDS CONTIGUOUS TO ALASKA NATIVE VILLAGES

Option I provides for a total land grant of 40 million acres of lands, the bulk of which would be contiguous to the Native villages. The lands granted under option I are set out below:

First. Village lands grants. Villages with a population of less than 400 eligible Natives will be entitled to select up to 23,040 acres of land or one full township. Villages having a population of more than 400 would be entitled to receive up to an additional township of land for each additional 400 Native residents.

To prevent major changes in management, in recognition of the previous judgment awarded the Tlingit-Haida Indians by the court of claims, and primarily in view of the higher value of forest lands when compared with most other land areas in Alaska, villages located in the Tongass and Chugach National Forests would be entitled to receive one township only regardless of their eligible Native population.

Second. Land selection for economic potential. The Services Corporation is granted the right to select 1 million acres of public lands for their timber potential. one-half million acres to be used to avoid The Services Corporation also may select an additional one-half million acres to be used to avoid hardship to Native groups and individuals and to protect areas of unique cultural and historical significance.

Five hundred thousand acres of land are granted to the North Slope Native Corporation in recognition of the fact that on the North Slope larger areas of land are needed for subsistence.

Third. Balance of lands to total 40 million acres. Following the land grants noted above, the Commission determines the difference between the lands granted and 40 million acres. The balance is then selected by the Commission from lands withdrawn around the villages and awarded to the villages.

OPTION II—20 MILLION-ACRE GRANT OF LANDS TO VILLAGES; 10 MILLION ACRES FOR ECONOMIC POTENTIAL LAND; AND 20 MILLION ACRES OF PERMIT LANDS

Option II provides for a total land grant of 20 million acres of lands to the villages; 10 million acres to be selected from public lands in Alaska for their economic potential as mineral, timber, recreational and other lands; and 20 million acres of land for use for subsistence purposes.

First. Village land grants. Villages with a population of less than 100 eligible Natives will be entitled to select 92,160 acres or four full townships. Villages having a population of more than 100 would be entitled to select up to an additional township of land for each additional 100 Native residents up to a population of 600.

Following the initial village land selections, the Commission would make any necessary adjustments to insure that 20 million acres of lands are granted to the villages.

Second. Land selection for economic potential. The Services Corp., is granted the right to select 10 million acres of public lands for their economic potential. These lands are divided into four categories: Timber, mineral, and recreational lands and lands granted to avoid hardship or inequity to any Native individual or group. Two and one-half million acres of land would be granted in each category.

Third. Permit lands. Villages entitled to benefits under the bill are entitled to receive permits to appropriate shares of 20 million acres of lands needed and used by the villages for subsistence use purposes.

D. INSTITUTIONS ESTABLISHED

First. Alaska Native Commission. An Alaska Native Commission is established to perform a number of quasi-judicial functions in the administration and implementation of the provisions of the bill.

The Commission will consist of five members, at least two of whom must be Alaska Natives. Commission members will be appointed by the President, subject to Senate confirmation, and will be compensated by the Federal Government.

Second. Alaska Native corporations. The bill would establish two statewide corporations. The first, the Alaska Native Investment Corp., will engage exclusively in investments and business for profit activities. The second, the Alaska Native Services Corp., will perform needed social services and distribute funds made available under the bill. Eligible Native villages are required to estabish nonprofit membership corporations under Alaska State law to hold title to lands granted by the bill and to distribute benefits to individuals. An urban corporation and a national corporation will be established to perform similar functions for Natives living in urban areas of Alaska and for Natives living outside the State of Alaska. Seven regional corporations would also be estabished to assist village corporations, make investments, and distribute funds.

E. LAND USE PLANNING

One of the most important problems facing the State of Alaska and the Federal Government in connection with the settlement of the land claims issue and the gradual lifting of the administrative and secretarial order "land freeze" is the development of rational and coherent land use planning provisions. These provisions must operate to preserve the environment and protect the public interest in the Federal lands in Alaska without, at the same time, frustrating the reasonable expectations of the Native people and the State to exercise, in a rational manner, the rights granted to them by this act and by the Alaska Statehood Act. New provisions have been added to S. 35 to address this problem:

First. Joint Federal-State Land-Use Planning Commission. The bill establishes a Joint Federal-State Land Use Planning Commission. The Commission would have Federal, State, and Native membership and is charged with: Undertaking a process of statewide land use planning; reviewing and making recommendations with respect to proposed State and Native land selections; reviewing Federal withdrawals; and making recommendations to the Federal and State government with respect to needed changes in laws, policies, and programs.

Second. North Slope recreation and transportation corridor. The bill establishes a North Slope recreation and transportation corridor. The corridor will insure that if any major transportation facility or facilities are ever constructed across the now roadless area north of the Yukon River, they will remain under Federal jurisdiction and all applicable Federal laws and standards with respect to the protection of fish and wildlife and the environment will continue to apply to the construction and operation of such facility or facilities.

Third. Transitional operation of the public land laws and a study of all areas of potential national park, forest, or wildlife refuge status. The committee has detained and expanded upon the provisions of section 24 of S. 1830 as approved by the Senate in the 91st Congress. These provisions provide for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. These provisions also direct the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in or additions to the national parks, the national forests, and the national wildlife refuge systems.

Fourth. Reservation of public easements. In view of the large land grants provided for in both land grant options the committee has provided that, prior to the issuance of patents to lands selected by Native people, the Planning Commission shall identify public easements across lands selected and at periodic points along the courses of major waterways crossing these lands which are reasonably necessary to guarantee a full right of public use and access for recreation, hunting, transportation, utilities, docks, and other public uses.

NEED FOR SETTLEMENT

S. 35 as reported by the committee will go far toward providing the Alaska Native people the means for correcting and improving many of the conditions under which they live. The measure is not, however, in any sense to be considered as social welfare legislation. The bill provides compensation for the taking and extinquishing of legitimate Native claims to land.

The Alaska Native people as a group are among the most disadvantaged citizens of the United States in terms of income, employment, educational attainment, life expectancy, health, nutrition, housing, and every important indicator of social welfare.

These conditions will not be resolved alone by the opportunities which would accrue to them by the funds and the certainty in land tenure made available by a settlement. The unresolved status of those lands has, however, subverted both traditional livelihoods and the possibility of social and economic progress on a modern footing. Without title to the lands they use and occupy, Alaska Natives are defenseless against commercial development which changes the character of, and sometimes depletes, subsistence resources, and against the population influx which disorganizes indigenous ways of life. At the same time, the Native people have no usable property rights in the commercial resources of the lands they have historically used and occupied. As a consequence, they have lacked real property assets to develop or to use as security for loans for some improvement or entry into commercial enterprise.

The bill approved by the committee will correct many of these conditions and will provide the resources and the institutional framework for dealing with other problems.

Mr. President, I urge the adoption of the committee's amendment to S. 35. Mr. President, I ask unanimous consent that selected portions of the committee report on S. 35 be printed in the Record.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

I. INTRODUCTION

1. GENERAL

The Committee on Interior and Insular Affairs has, over a period of five years, heard many witnesses and compiled a voluminous hearing record concerning the long standing claims of the Indian, Eskimo, and Aleut people of Alaska to the lands which now comprise the State of Alaska.[1] Some of this testimony was conflicting on important legal, social, and economic issues that are involved in bringing about a just resolution and settlement of this issue.

In spite of the differences in point of view in this and in the 91st Congress on many of the particular issues involved there has been a remarkable unity of purpose on the goals sought and the principles to be advanced by this settlement. The goals and principles sought to be achieved by the Committee in this legislation are stated as well as they can be stated in the preamble to the *Official Constitutions and Bylaws* of the Alaska Federation of Natives, the Statewide Association of the Native people of Alaska:

"We, the Native People of Alaska, in order to secure to ourselves and our descendants the rights and benefits to which we are entitled under the laws of the United States, and the state of Alaska; to enlighten the public toward a better understanding of the Native people; to preserve the Native cultural values; *to seek an equitable adjustment of Native affairs and Native claims;* to seek, to secure, and to preserve our rights under existing laws of the United States; to promote the common welfare of the Natives of Alaska and to foster the continued loyalty and allegiance of the Natives of Alaska to the flag of the United States and the state of Alaska, . . . (emphasis supplied)[2]

The land claims of the Native people of Alaska are the main remaining body of unresolved claims by aboriginal peoples in the United States. They are not encumbered with a history of conquest or of treaties between tribal groups and the United States, and with minor exceptions no wardship or reservation system has been imposed either on the Natives or on the lands they use and occupy.[3] The Congress has an opportunity in this last major settlement between the United States and the Native peoples of America to arrive at a more just and hopefully, a wiser resolution than has been typical of our country's history in dealing with Native people in other times and in other states.

This Committee believes that doing justice to Alaska's Native people and acting in the larger national interest both demand a prompt settlement of these claims. Their unresolved status threatens Native livelihoods and opportunity, the fiscal and economic viability of the State of Alaska[4] and the proper conservation and development of Alaska's resources. Moreover, the Committee is convinced that the urgency and the complexity of these issues, the need for statewide joint Federal-State land use planning, and the necessity of reviewing all public lands in Alaska to determine which areas should be made a part of the National Park, National Forest, and National Wildlife Refuge Systems especially the urgency of the Natives' need for better living conditions—requires the certainty, the flexibility and the detail of a legislative settlement rather than a judicial settlement. This is a position shared by all of the parties involved—the Native people, the State of Alaska, the Administration, the Nation's major conservation organizations and the Committee.

The measure reported by the Committee reflects an exceptional degree of agreement among the representatives of the Alaska Native people, the responsible agencies of the United States government, and the State of Alaska. All three parties concur in the main facts, principles of law, justice, and public policy involved, and in the main structural elements of the settlement proposed. The presentations of the parties have, of course, differed in emphasis and detail and this legislation is not based preponderantly upon the recommendations of any one of them, but draws selectively from each and contains many new major innovations and refinements. Like any "out of court" settlement, this bill is in many respects a compromise, and it will not be wholly satisfactory to any of the major concerned groups. (For example, some members of this Committee feel that the amount of land granted under either of the land grant options proposed is too large, while others feel that both are too small; some of the Native people continue to press for the 60 million acre proposal they presented in this Congress [S. 835], while many conservation and environmental organizations argue in favor of a much smaller and a delayed land grant. Members of the House Interior and Insular Affairs Committee apparently feel that the "checks and balances" provided for in the Statewide Corporation provisions are too complex, while some Members of this Committee feel that additional provisions to guard against poor business judgment, individual incompetence, and fraud are desirable.) Nevertheless, the areas of agreement are outstanding and provide the background for this measure and for a final settlement of this long standing, long neglected issue.

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[1] During the 91st Congress the Committee, after long and careful evaluation of this testimony and the issues presented, ordered S. 1830, Report No. 91–925, the Alaska Native Claims Settlement Act of 1970, reported favorably to the Senate. The Senate, with minor amendments, passed S. 1830, but no action was taken by the House of Representatives in the 91st Congress.

[2] Portions of the *Official Constitution and Bylaws* together with a history of the Alaska Federation of Natives and other Native organizations are found in *Alaska Natives and the Land* at page 27.

[3] See Chapter 5 of *Alaska Natives and the Land*, page 429 for a discussion of the Native land claims and their background.

[4] For a discussion of the impact of the Native claims on Alaskan development see *Alaska Natives and the Land,* pages 519–528.

A major question which some have sought to associate with the legislation involves the proposed trans-Alaska oil pipeline. The Committee—both in the 91st Congress when S. 1830 was adopted, and in this Congress—did not receive testimony upon nor address this question in connection with this legislation, nor was it prominently addressed nor raised in testimony received by the Committee in this Congress. It is the Committee's view that these two issues—the long-standing claims of the Alaska Native Eskimo, Aleut and Native people and the proposed trans-Alaska pipeline—are separate issues. Their relationship should not be confused and the reasonable and long delayed expectations of the Alaska Native people for a settlement of their land claims should not be further frustrated by efforts to address the questions raised by the pipeline proposal, simply because this measure deals in a very important way with Alaska and with the hopes and aspirations of the Native people of Alaska.

At the present time the issues posed by the proposed trans-Alaska oil pipeline are before the Federal District Court in a number of pending law suits, and before the Secretary of the Interior in connection with his responsibilities in the preparation of the environmental impact statement required by Section 102(2)(C) of the National Environmental Policy Act. It is the Committee's view that the procedures established by the National Environmental Policy Act for review of the environmental ramifications of this proposed project and the available alternatives is a process which should be allowed to operate before Congressional intervention is contemplated.

2. OUTLINE OF THE MAJOR PROVISIONS OF THE ALASKA NATIVE LAND CLAIMS BILL

Outlined below are the major provisions of the Alaska Native Claims Settlement Act of 1971 as ordered reported by the Committee.

Title

"Alaska Native Claims Settlement Act of 1971."

Declaration of policy

This bill provides for a final legislative settlement to the long standing and long ignored claims of the Alaska Native people to the lands which now comprise the State of Alaska.

The bill extinguishes all Native claims to lands in Alaska. As compensation for the extinguishment of these claims the measure provides for substantial land grants to both individuals and to Native Village Corporations; the organization of modern and democratic statewide and regional corporate enterprises to administer funds granted by the bill; a Federal appropriation of $500 million to be paid over a twelve year period; a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; and for protection of subsistence resources used by Native people.

Persons eligible

Persons eligible for benefits under the Act are Alaska Indians, Eskimos and Aleuts of one fourth degree or more blood who are citizens of the United States. Native people living in urban areas of Alaska or living in other States are entitled to benefits under the Act and special provisions have been made in the bill for them.

Monetary compensation

1. Appropriated funds:

An authorization for $500 million of Federal funds to be paid over a twelve year period is provided. These funds are paid to the Alaska Native Investment Corporation and to the Alaska Native Services and Development Corporation. These Corporations receive and distribute moneys to the Native people in the form of shares of corporate stock, dividend payments to individuals and cash distributions to regional and Village Corporations and the Urban and National Corporations.

Funds are paid pursuant to the following schedule:

Year:	*Millions*
1	$20
2	50
3	70
4	70
5	70
6	40
7 to 12 ($30 million annually)	180
Total	500

2. Reserve sharing:

In addition to the Federally appropriated funds the Native people of Alaska are granted the right to receive two percent of the revenues derived from the disposition of leaseable minerals on the public lands in Alaska until a total of $500 million has been paid. Lands patented to the State under the Statehood Act are excluded, but lands tentatively approved to the State and lands selected by the State are included to insure that the State makes a contribution to the settlement.[5]

3. Division of revenues:

The Services Corporation receives 80 percent of the funds made available in the first year and the Investment Corporation receives 20 percent. These figures change yearly, and by the end of twelve years, the Services Corporation receives 40 percent and the Investment Corporation receives 60 percent of the funds available from Federal appropriations and revenue sharing. This formula will insure that in early years the larger share of available funds will be devoted to dealing with the pressing social and economic problems facing individual Natives and Villages. In later years a larger share of the funds are dedicated to long term investments which will result in larger dividend payments and a substantial increase in the value of the stock held by each Alaska Native.

Of the funds granted to the Services Corporation, 80 percent are directly distributed to the Village Corporations for distribution to the residents or investment in community projects, or both, while 20 percent is distributed to the seven Regional Corporations. All revenue distributions are made on a basis that is directly proportionate to the population to insure equal and fair treatment.

Compensation by land grants

To maximize the opportunity for the Alaska Native people to be active participants in the legislative process and in the development of legislation, and to play a major role in shaping the destiny for present and future generations, the Committee has provided a procedure whereby the Native people themselves may choose which of two optional land grant proposals they wish to apply as a part of the legislative settlement process. This unique and unprecedented opportunity for "self-determination" is, in the Committee's view, consistent with and responsive to the desire of Native people in Alaska and all across the nation for greater voice, independence, participation, and responsibility in ordering their affairs.

Under the bill as reported by the Committee, the Alaska Native people would determine which of the two proposed land grant provisions would apply as a part of the settlement in a Statewide election to be held within one year of the date of enactment of this Act. The options are as follows:

Option "A"—40 million-acre grant of lands contiguous to Alaska Native villages

Option "A" provides for a total land grant of 40 million acres of lands, the bulk of which would be contiguous to the Native Villages. The lands granted under Option "A" are set out below:

1. Individual Land Grants:

Individual Natives who have a residence, business or a hunting, fishing or trapping campsite will receive title to the land occupied or used by them for these purposes.

2. Village Land Grants:

Villages which are believed to be entitled to select lands are listed in the bill. The bill also provides a procedure for adding Villages not listed in the bill if they meet certain requirements.[6]

Villages with a population of less than four hundred eligible Natives will be entitled to select up to twenty-three thousand and forty acres of land or one full township. Villages having a population of more than four hundred would be entitled to receive up to an additional township of land for each additional four hundred Native residents. The exact amount of land granted to each eligible Village will be based upon the population of the Village, the historic and present uses of the land, foreseeable needs, and the value of the lands. The acreage determinations will be made by the Commission following a review of the recommendations of the members of the Village, the Secretary of the Interior, and the State of Alaska.

To prevent major changes in management, in recognition of the previous judgment awarded the Tlingit-Haida Indians by the Court of Claims, and primarily in view of the higher value of forest lands when compared with most other land areas in Alaska, Villages located in the Tongass and Chugach National Forests would be entitled to receive one township only regardless of their eligible Native population.

3. Land Selection for Economic Potential:

The Services Corporation is granted the right to select one million acres of public lands for their timber potential. The Service Corporation also may select an additional one-half million acres to be used to avoid hardship to Native groups and individuals and to protect areas of unique cultural and historical significance.

500,000 acres of land is granted to the North Slope Native Corporation is recognition of the fact that on the North Slope larger areas of land are needed for subsistence.

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[5] The legal issues posed by revenue sharing are discussed in the section of this report on "History of the Problem," and briefs and rebuttals on the questions involved are printed in the Committee hearing record from the 91st Congress on the Alaska Native Land Claims.

[6] Information on the number of villages in Alaska and their population is found in the Committee hearing record from the 91st Congress at page 555.

4. Balance of Lands to Total 40 Million Acres:

Following the land grants noted above, the Commission determines the difference between the lands granted and 40 million acres. The balance is then selected by the Commission from lands withdrawn around the Villages and awarded to the Villages.

Option "B"—20 million-acre grant of lands to villages; 10 million acres for villages; and 20 million acres of permit lands

Option "B" provides for a total land grant of 20 million acres of lands to the Villages; 10 million acres to be selected from public lands in Alaska for their economic potential as mineral, timber, recreational and other lands; and 20 million acres of land for use for subsistence purposes. Title to the last category of lands would remain with the Federal Government, but Native Villages would have property rights in a permit to use these lands. The lands granted under Option "B" are set out below:

1. Individual Land Grants:

Individual Natives who have a residence, business or a hunting, fishing or trapping campsite will receive title to the land occupied or used by them for these purposes.

2. Village Land Grants:

Villages which are believed to be entitled to select lands are listed in the bill. The bill also provides a procedure for adding Villages not listed in the bill if they meet certain requirements.

Villages with a population of less than one hundred eligible Natives will be entitled to select 92,160 acres or four full townships. Villages having a population of more than than one hundred would be entitled to select up to an additional township of land for each additional one hundred Native residents up to a population of six hundred. For Villages over six hundred population the maximum land grant would continue to be six townships.

Following the initial Village land selections, the Commission would make any necessary adjustments to insure that 20 million acres of lands are granted to the Villages.

Because of the factors noted in the discussion under Option "A" the Southeast Villages located in the Tongess and Chugach National Forests would be entitled to receive one township regardless of the eligible Native population.

3. Land Selection for Economic Potential:

The Services Corporation is granted the right to select ten million acres of public lands for their economic potential. These lands are divided into four categories: timber, mineral and recreational lands and lands granted to avoid hardship or inequity to any Native individual or group. Two and one-half million acres of land would be granted in each category, and appropriate limitations are placed on the grants to insure that there is a degree of equality between regions and between Native interests and State interests.

4. Permit Lands:

Villages entitled to benefits under the bill are entitled to receive a permit to an appropriate share of 20 million acres of lands needed and used by the Villages for subsistence use purposes. The permit right is a compensable property right if the Native people should be displaced for any purpose while the lands are needed and still in use.

Alaska Native Commission

An Alaska Native Commission is established to perform a number of quasi-judicial functions in the administration and implementation of the provisions of the bill. These duties include the preparation of a final membership roll of all eligible Native people, preparation of a final village roster, the determination of boundary questions and disputes, and the review and approval of certain land transactions.

The Commission will consist of five members, at least two of whom must be Alaska Natives. Commission members will be appointed by the President, subject to Senate confirmation, and will be compensated by the Federal government. The Commission is authorized to have a small legal staff, hearing examiners if necessary, and a clerical staff. The Commission will terminate at the end of seven years or earlier if its duties under the bill have been completed.

Alaska Native Corporations

The proposed bill would establish two Statewide Corporations. The first, the Alaska Native Investment Corporation, will engage exclusively in investments and business for profit activities. The second, the Alaska Native Services Corporation, will perform needed social services and distribute funds made available under the bill. Seven Regional Corporations would be established to undertake business for profit activities, to assist Village Corporations and to distribute benefits granted under the bill. Eligible Native Villages are required to establish non-profit membership corporations under Alaska State law to hold title to lands granted by the bill and to distribute benefits to individuals. An Urban Corporation and a National Corporation will be established to perform functions similar to Regional and Village Corporations for Natives living in urban areas of Alaska and for Natives living outside the State of Alaska.[7]

1. Alaska Native Services and Development Corporation:

The Alaska Native Services and Development Corporation would be established as a nonprofit membership Corporation to administer and disburse appropriated funds and funds received from revenue sharing to Native Village Corporations and to the Urban and National Corporations.

The Services Corporation will have a twelve member board of directors, seven of whom will be elected on a regional basis by Alaska Natives. The Corporation will have an appropriate staff with the necessary legal, financial, social and public works expertise to provide any needed advice and assistance to the Village and Regional Corporations and to the Alaska Native people.

The Services Corporation would be in existence for twelve fiscal years. At the end of twelve years the Services Corporation's Federal charter would expire and, at the option of the Native members, the Services Corporation would be merged into the Investment Corporation, liquidated or reorganized as an ordinary business for profit corporation under State law.

2. Alaska Native Investment Corporation:

The bill authorizes the establishment of an Alaska Native Investment Corporation. The Investment Corporation is to be organized as a regulated business investment corporation and in many respects is similar in corporate organization to a modern mutual fund.

The Investment Corporation will have a twelve member board of directors and will handle investments and engage in business for profit activities. The Committee has by establishing these two Statewide Corporations, purposely kept the business for profit activities and social services activities separate. While this has required the creation of two statewide corporations rather than one it avoids any confusion of activities, guidelines and personnel. Without this separation it would be difficult if not impossible to evaluate the performance of the investment and business for profit functions.

The board of directors in the early years of operation would award a contract to a "Business Management Group" which would be responsible for managing the Investment Corporation's assets, subject to the terms of the bill, the Investment Company Act of 1940, and the policies established by the board. At the end of three years the board, at its option, may develop an in-house management and investment capacity and terminate any existing management contracts.

The board is charged with the responsibility of making balanced and prudent investments in:

(i) a portfolio of sound national and international investments;

(ii) business activities having an impact on sectors of the economy especially important to the State of Alaska and Alaska Natives; and

(iii) enterprises wholly or partially owned by Alaska Natives.

The Investment Corporation would issue shares of stock to all Alaska Natives on the final membership roll. The stock would be inalienable for a period of 15 years. Dividends would be paid quarterly to the stockholders.

3. Native Regional Corporations:

The bill authorizes the establishment, under the laws of Alaska, of Seven Regional Corporations. The boundaries of the Regional Corporations are to be established by the Native Commission subject to guidelines which direct the Commission to be guided by the boundaries of areas covered by existing Native Associations designated in the bill.

Eligible Native members of each of the designated regions would be a stockholder in a Regional Corporation. Each Regional Corporation would receive 20 percent of the funds otherwise available from the Alaska Native Compensation Fund for the Village Corporations within that region. In addition, each Regional Corporation would receive from the Services Corporation 50 percent of the proceeds derived from mineral or other development of lands or subsurface estate of lands within that region held or managed by the Services Corporation. All other Regional Corporations and the Urban and National Corporation would share equally on a proportion of population basis in the remaining 50 percent of the proceeds.

4. Village Corporations:

Each Native Village eligible for benefits under the bill is required to organize as a non-profit membership corporation to hold title to lands granted under the Act and to distribute moneys granted by the Act.

Parallel corporations, the Alaska Native Urban Corporation and the Alaska Native National Corporation, are established under the bill to perform similar functions for Natives in urban areas of Alaska and for Natives living outside the State of Alaska.

Alaska Native Foundation

At the end of twelve years a charitable foundation, the Alaska Native Foundation would be established. The Foundation would receive 10 percent of the stock of the successor or successors to the Investment Corporation and the Services Corporation. The Foundation's purposes would be educational and charitable, and would carry on the social betterment functions previously performed by the Services Corporation.

Land use planning

One of the most important problems facing the State of Alaska and the Federal Government in connection with the settlement of the land claims issue and the gradual lifting of the administrative and Secretarial Order "land freeze" that has operated in Alaska over the past five years is to develop rational and coherent land use planning provisions which will operate to preserve the environment and protect the public interest in the Federal lands in Alaska without, at the same time, frustrating the reasonable expectations of the Native people and the State to exercise, in a rational manner, the rights granted to them by this Act and by the Alaska Statehood Act.

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[7] The need for management organizations is discussed in *Alaska Natives and the Land* at pages 545–546.

S. 1830, as approved by this Committee and passed by the Senate in the 91st Congress, dealt with this problem by legislatively withdrawing, for a period of five years, all unreserved public lands in Alaska and setting up a system for opening these lands to entry after they have been appropriately classified as chiefly valuable for the specific purposes provided for under the public land laws.

S. 1830 also directed the Secretary of the Interior to make a detailed study of all unreserved public lands in Alaska which would be suitable for inclusion in the National Park or Wildlife Refuge Systems. The Secretary to make recommendations to the Congress on these areas within three years.

This year, building upon the experience gained from two intensive years of consideration and many hearings on legislation to establish a National Land Use Policy, it is the Committee's view that additional actions should be taken to insure that the land resource base of Alaska is properly planned for and managed.

To achieve this goal the Committee has adopted Section 24.

1. Joint Federal-State Land Use Planning Commission:

Section 24(a), based upon an amendment introduced by Senator Gravel, establishes a Joint Federal-State Land Use Planning Commission. The Commission would have Federal, State and Native membership and is charged with: undertaking a process of Statewide land use planning; reviewing and making recommendations with respect to proposed State and Native land selections; reviewing Federal withdrawals; and making recommendations to the Federal and State government with respect to needed changes in laws, policies and programs.

2. North Slope Recreation and Transportation Corridor:

Section 24(b) establishes a North Slope Recreation and Transportation Corridor. The boundaries of the Corridor would be established by the Secretary within the lands now proposed for classification as a utility and transportation corridor. Designation of the corridor will assure the accomplishment of a number of major public objectives which the Committee views to be necessary and in the national interest.

Establishment of the Corridor will insure that if any major transportation facility or facilities (pipelines, roads, railroads, etc.) are ever constructed across the now roadless area north of the Yukon River, they will remain under Federal jurisdiction and all applicable Federal laws and standards with respect to the protection of fish and wildlife and the environment will continue to apply to the construction and operation of any facility or facilities which may be established in the future.

Any transportation facility which may be authorized in the future may open vast areas of public lands adjoining the corridor to relatively easy access. The public interest requires that entry into this great wilderness be regulated and controlled and that the environmental abuses on the Nation's public lands—whether by commercial interests, careless recreationists, or others—be avoided.

Finally, any facility which may be authorized in the future for this area—whether constructed and maintained by private interests, State or Federal government—should, in the view of this Committee, not be closed to the public. The great wilderness of the interior, the beauty of the Brooks Range, and the unique arctic ecology of the North Slope should, subject to proper guidelines and regulation, be accessible for appropriate public use and enjoyment.

Maintaining Federal jurisdiction over the Corridor will make the attainment of all of these objectives possible. Also, it will insure that whatever activities may take place in the Corridor in the future will be compatible with public recreation and stringent environmental controls.

While the Committee believes that prudent and long-range policy in the overall public interest requires that special arrangements be made for the apparently inevitable day *when* transportation facilities in one or more forms cross the great land mass north of the Yukon, the Committee does not by the approval of this section or of this Act take any formal position with respect to the application now pending before the Secretary of the Interior for a right-of-way permit to construct the proposed trans-Alaska oil pipeline. This matter is pending before the Secretary and the Federal Courts and, pursuant to the National Environmental Policy Act which was developed by this Committee, the Secretary is charged with the duty of preparing a final environmental impact statement. This impact statement will provide the Secretary and the President, the courts and the public with all of the relevant scientific, ecological, engineering, economic and other data necessary for a rational decision on this matter.

3. Transitional Operation of the Public Land Laws and a Study of All Areas of National Park, Forest or Wildlife Refuge Status:

The Committee has retained and expanded upon the provisions of Section 24 of S. 1830 as approved by the Senate in the 91st Congress. These provisions provide for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. These provisions also direct the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in existing areas of the National Park System, the National Forests, or the National Wildlife Refuge System or their establishment as new areas within these systems. The Secretary is to report his recommendations to the Congress and complete the study within three years.

4. Reservation of Public Easements:

In view of the large land grants provided for in both land grant options under other provisions of this Act the Committee has provided that, prior to the issuance of patents to lands selected by Native people, the Planning Commission shall identify public easements across lands selected and at periodic points along the courses of major waterways crossing these lands which are reasonably necessary to guarantee a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important and in the public interest.

Attorney's fees and expenses

Compensation of attorneys for fees and expenses incurred in connection with the Alaska Native land claims legislation, or in connection with claims pending before the Indian Claims Commission which have been dismissed by the terms of the Act, would be set by the Chief Commissioner of the Court of Claims. The bill provides that the fees shall be paid on a quantum meruit basis for services actually performed.

Mr. GRAVEL. Mr. President, in 1884, the Congress of the United States made a solemn promise to the Native people of Alaska.

It said that the Native people would not be disturbed in the possession of lands they used and occupied. It said further, that some future Congress would determine the means by which the native people of Alaska would gain title to their lands.

That was a pledge of Congress. That pledge has gone unredeemed as yet.

For the 104 years Alaska has flown the American flag, its original inhabitants have neither had their rights to land confirmed or been compensated for the land that was taken.

Eighty-seven years have passed since Congress made its pledge to frame a just settlement.

For the past 13 years, since passage of the Alaska Statehood Act, doubt and uncertainty have attached to most Alaska land transactions.

The native people have watched increased activity and economic development on land they always considered theirs, without having part of it.

For the past 5 years, Alaska's land selection program has been at a standstill. Homesteaders have been denied patents. Promising economic activity has been diverted elsewhere. The Federal Government torn between the claims of the natives and the State's right to select land, put a freeze on all transactions.

It is time to settle the Alaska Native land claims issue. It is time to do this today, and we can do it.

One hundred and four years have gone by since Alaska was purchased by the United States. Eighty-seven years have passed since the congressional promise of settlement. The time to settle is now. The 92d Congress is the Congress that must redeem that longstanding pledge.

It is time because the native people of Alaska, speaking through their own representatives, have agreed upon a common settlement that approximates what Congress apparently is prepared to offer.

It is time because all the people of Alaska, speaking through their elected Governor, favor a just and speedy congressional settlement.

Without settlement, the Native people face continued uncertainty. The land on which they live and from which they gain subsistence is not legally theirs.

Until a settlement is reached, Alaska will be economically stagnant, as it is even today.

While there may be differences of opinion among Alaskans about the nature of the settlement, there can be no doubt that most Alaskans want to see the question resolved in an equitable and timely manner. There is no organized, active opposition from Alaska against a settlement.

On the contrary, there is more unity in Alaska today than there was in 1970, when the Senate passed S. 1830.

In most respects, the bill presented to the Senate today is similar to the one the Senate overwhelmingly approved last year. S. 35 contains very important changes, and, I believe, significant improvements over last year's legislation. But basically, it is the same document in structure and concept.

As outlined in the report, the legislation has five important characteristics.

First, it provides a means for confirming title to land by Native Alaskans. At long last, they will have ownership to land on which they live. Land which surrounds their villages. Land upon which they subsist by hunting, fishing, trapping, and other means.

Second, S. 35 compensates the Native people for land already taken from them through various Federal withdrawals, State selections and private property transactions.

Third, it provides a means whereby the Natives will have a continuing right to share in the income derived from the development of Alaska's natural resources. This will provide a long-term income from which then Native economy can develop.

Fourth, the bill provides the corporate structure for receiving and disbursing income and land allocated by the measure. That structure represents an excellent mix of responsible management, sound investment policy, self-determination, and the means by which the people will secure maximum advantage from this settlement.

Finally, since we are determining the future of Alaska's land use, the committee has established machinery to properly and responsibly allocate and classify land. Through joint State and Federal cooperation, the bill's land use provisions give us assurance that land will not indiscriminately be released for uses not compatible with the environment or desirable from the standpoint of human activity.

These are the key elements of the legislation. It is excellent legislation, the product of many public hearings, both in Alaska and in Washington, D.C., and the product of 25 separate executive sessions of the Interior Committee.

The distinguished chairman of the committee, the Senator from Washington (Mr. JACKSON), entered this effort with full appreciation of the time and resources it would consume, because of the complexities involved. He has relentlessly and diligently pursued the effort, because of his belief that the time for settlement is now and that the final product must do justice to the claims without working an injustice on other Americans.

This legislation is complex because the problem is complex.

Alaska's Natives were never "conquered," in the sense that other aboriginal Americans were "conquered." No peace treaties were ever signed. No settlements ever were made.

Further complicating the issue is the fact that all Alaska Natives are not alike. They have varying interests. Their use of land varies from region to region.

In southeast Alaska, the Tlingits and Haidas and Tsimpsians have been close to non-Native culture for decades.

Their lives have been affected by this close contact. Their region is rich in valuable forests and salmon-rich streams.

In southwest Alaska, tens of thousands of Eskimos live largely as they have for hundreds of years. There has been little contact with Western culture. Many of the people do not speak English. The people survive by crossing vast extents of land in search of game, or risking their lives fishing and hunting off the coast.

From region to region, throughout Alaska, one finds people who have different needs, different interests, different concerns. Yet, as one people, the Natives have had the political maturity to speak with a single voice and agree to a single settlement.

They have done their part. The committee has performed its work in an admirable manner. The State of Alaska agrees with the terms of settlement. The people of Alaska are overwhelmingly in favor of a settlement.

It is time to settle, Mr. President. We made a promise as a nation, a promise that it is time to redeem.

By its redemption, with this legislation, the Congress will be acting in a responsible way, directly affecting the lives of tens of thousands of people who can look only to Congress for fairness and justice.

In committee, Mr. President, I moved for this bill's adoption. I do so again, on the floor of the Senate. Its passage will be an act of justice.

The Native people of Alaska—all of the people of Alaska—will discharge with responsibility the trust that this legislation conveys.

Mr. STEVENS. I yield myself 20 minutes.

Mr. President, the bill before the Senate today is one that, for the first time, is oriented toward the people of Alaska, the original people of Alaska. Over a period of years, we have set aside a considerable portion of our State for those interests which have been prominent in the past for the national parks, the wildlife areas, the preservation of natural beauty, and for the protection of the flora and fauna of Alaska. In doing so, we have not been stingy at all.

I recall, when I was the assistant to the Secretary of the Interior, participating in setting aside 9 million acres of the Arctic for the Arctic wildlife range. This is now the Arctic wildlife refuge. More than 141 million acres of the 374 million acres in Alaska have been set aside for Federal purposes, primarily for wildlife and national park purposes.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the figure "B–9" which appears on page 447 of the very significant document known as the "Alaskan Natives Land," so that all may see what we have done in the past to assist in preserving the natural beauty of Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. The critical problem before the Senate is to determine, really, what is right and what is fair in regard to our native people. As has been pointed out, this is the last group of aboriginal claims of a native people of the United States. Our Alaska people were never the subject of negotiations of the type that led to the treaties in the West with the Indian people. Our Alaska people have never been the subject of settlement, with the exception of the Tlingit-Haida claims which were authorized to go to court in 1934 and were litigated for some 35 years; and the native people of southeastern Alaska succeeded in establishing their right to compensation for the taking of Tongass National Forest.

Always, in the past, the claims of the Alaskan Native people have been postponed. They were postponed in 1867, when the United States bought sovereignty over Alaska from Russia. They were postponed in 1884, when Congress said that the Alaska Native people would not be disturbed in their use and occupancy of the land. They were postponed in 1900, when we had the first Organic Act. They were postponed in 1919, when we had the Organic Act which created the territory of Alaska. They were postponed again in 1958, when, in section 4 of the Statehood Act, Congress once again determined that at a later date it would decide the nature and extent of the claims of the Alaska Native people.

Basically, what this bill seeks is, at long last, to do equity and justice for these people, who have such a great need. No other people under the American flag have the need that the Native people of Alaska have. They have no capital base, and they have no land base.

They are among those who are in the worst poverty cycle of our Nation. This poverty cycle is one that has been repeatedly referred to on this floor, and I have often referred to some of the statistics concerning the Alaska Native people. But so that we can put this bill back into perspective, I think we should keep in mind what has happened to these people, who have been denied their inheritance for so many years.

They are, as I have said, incredibly poor, undernourished, and diseased, on the average. They have very little chance for the future, because they have little chance of escaping a cycle of poverty and disease which no other portion of our population faces. This group has a per capita income of between $500 and $600 a year, while the per capita income for non-Native Alaskans is somewhere near $3,700 a year. It is a group that, without claim to the land, without title to the land, has been denied the financing that is necessary to build homes or to initiate enterprises which would give them either decent housing or a decent income to provide the kind of standard of living other Americans have throughout our country.

Even those in the ghetto areas that are referred to as being in the poverty cycle are not in a poverty cycle such as the Alaskan Natives, because in the ghettos they at least have the opportunity in some way to spin out from the poverty cycle. A person in one of the Native villages, notwithstanding all the attempts of the Federal Government in the past, has little opportunity to spin out. That is shown by statistics in terms of the unfortunate dropout rate from both high schools and the colleges—when opportunity to go to college does come to the Alaskan Native people.

This bill presents for the first time the right for these people not only to come into their inheritance but also to manage it.

It presents an opportunity for development and an incentive for development that, I think, was unheard of in the past in regard to former Indian claims in the South 48.

The Alaskan Native people are seeking an original settlement. That is what the bill offers them.

It has been mentioned by the Senator from South Dakota that we have two options in the bill which are unique. The first option is that of the chairman of the committee in regard to land. It really offers a control for an indefinite period of 50 million acres of Alaska's 375 million acres. Under the approach of the Senator from Washington, it would be 20 million acres adjacent to the villages, 10 million acres that would be in economic selection units, and an additional 20 million acres given to the Alaska Native people under subsistence use permits.

Under the option that I presented, the 40-million-acre option, all of the lands would have to be adjacent to existing villages. There are some 200 villages in Alaska, spread out all over the State. I believe in the option that I presented, because it is what the village people seek. They seek title to their land. They do not want Congress to decide what is their land. They do not even want the leaders of the Alaskan Federation of Natives to decide what is their land. They want the land around their villages which they have claimed as theirs for centuries. This is what the 40-million-acre option would provide. It would provide that the land would be located where they, in fact, have already located their villages. Most of the villages are on rivers. Only five or six are above the 3,000-foot mark. The bulk of them are in areas which have been located for reasons connected with their livelihood in the past—timber, fishing, hunting. Somehow, they have been located where the people living in them could, in fact, make their way in the hostile Arctic climate.

There has been considerable history to the bill. Anyone who really looks into the history will find there was a significant change and that significant change, in my opinion, although some people may differ, came about when our former Governor, Secretary of the Interior Hickel, took an interest in this subject. At the time he was Governor, the State legislature passed an act whereby the State of Alaska offered to contribute $50 million toward the total settlement as an incentive to the Federal Government to get on with the job and lift the land freeze which was and is still there, delaying development of our State.

That bill never became effective, because the land freeze was never lifted, and for 5 whole years there have been no lands going out of Federal ownership in our State, not to any private individual or to the State under the Statehood Act selection.

Some people may say, "What is wrong with that?" but few people realize that less than 2 percent of the State of Alaska is private land, that Alaska itself has acquired only 10 percent of the lands which the Federal Government acquired and gave to the State at the time it was admitted to statehood.

The important thing to keep in mind about the bill is that it is one which requires considerable negotiation with the other body. I hope that all Members of this body will keep in mind that we are in a position where the bill passed the other body is not like ours. Their bill does not contain the procedural aspects for management or settlement that this bill does. Their bill does not provide for per capita payment of a small amount per year for the first 5 years, which ours does.

Their bill provides for $425 million, and ours for $500 million out of the Federal Treasury. They are comparable, because their payments are more accelerated than ours. But there are basic differences between the two bills.

If, as the Senator from South Dakota requested, we are to have an opportunity really to get down and bargain for a middle ground, or if not a middle ground, at least for acceptance of some of the provisions that we consider to be better than the House bill, then, for certain, we are going to have to maintain the provisions in the bill that we have as it comes out of committee.

Particularly I point to the option provision on the land. I think that the existence of that option provision is one that most certainly will give us the flexibility to deal with the land provision in conference that we will need.

Mr. President, there has also been another significant change in regard to the history of the bill, and I think a significant development, and that was that in the last Congress the Department of the Interior, through the Bureau of the Budget clearance, maintained approximately the position the Department of the Interior had maintained in the past. There was an increase which former Secretary of the Interior Hickel was able to raise up to $500 million, but that did not endorse future revenue sharing and it did not endorse the land settlement needed in order to get accord on the bill.

During the past year, the president of the Alaska Federation of Natives, Donald Wright, has negotiated not only with the Secretary of the Interior, but also met with representatives of the President and, in fact, with the President himself.

As a consequence of the negotiations that took place on a basis of sincere recognition of the problems of the Alaskan Native people, the administration this year sent up to Congress a bill which recommended 40 million acres and recommended the $500 million from the Federal Treasury. It is a significant thing that we are now in accord, almost, among House, Senate, and the administration.

The framework of the settlement has been formed. The problem is how to put the total framework together so that we will all agree.

We have basic agreement on the amount of money. We also have basic agreement on the amount of the land, and we have basic agreement on the fact that the Alaskan Native people themselves should have the right of self-determination. This is consistent with the President's policy of self-determination without termination.

I believe that this is the kind of bill anyone who participates in it can be proud of having dealt with.

As has been pointed out by the Senator from Colorado, the Senate Interior Committee spent more time on this bill than any other bill, with perhaps the possible exception of the controversial Colorado River legislation. That is significant, that a problem of this magnitude has received the attention of the people who have been living with Alaskan problems for many years.

I recall that the Senator from Montana was a part of Congress at the time we got statehood, the distinguished Senator from Montana (Mr. METCALF), as well as the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Idaho (Mr. CHURCH) and his colleague Mr. JORDAN, the Senator from Colorado (Mr. ALLOTT), and the Senator from Wyoming (Mr. HANSEN), people who have been on our committee for years who have been familiar with Alaskan problems for years, have recognized that this, indeed, was one of the significant problems of our State and one that required resolution, a resolution by people of good will, people with a new approach to settling Indian problems in this country.

If there ever was a new approach to settling Indian problems, it is certainly reflected in the pending bill. We have a series of amendments that are being worked out on the basis of agreement. I share the feelings of the chairman that we should, if at all possible, not provoke prolonged debate and conflict in regard to the bill. I am hopeful everyone will recognize that the differences in the bill, if they are such that they must be changed, may be changed in the committee. And there are differences not only between those of us on the Senate floor but also between the Members of the House.

I look forward to the conference committee as a very historic opportunity—and I hope that I will be able to participate in it—to write the final chapter for a real need, a true and equitable settlement.

As I have said many times, I remember the statement made in connection with Alaskan statehood. It was that statehood was a matter of simple justice. I think that statement applies to the Native land claims also. This bill is also a matter of simple justice.

Mr. President, we sometimes get into complications in terms of what we do to allow these people to take care of themselves. They have the ability to manage their own affairs. They demonstrated that ability before our committee and have demonstrated it whenever they have been given the opportunity to do so. I would hope that everyone who addresses this problem will address it in the way we have addressed the other problems of Alaska.

We have taken care of those items which are of national significance in our State. I know the Senator from Nevada (Mr. BIBLE) has another amendment along that line. I am hopeful that we can come to an accord on that. We have previously taken action as to what part of Alaska needs to be set aside for the benefit of the United States. We have never taken into consideration the problems of these Alaskans that also ought to be recognized in the national interest.

If there is any one thing this country is dedicated to, it should be the protection of public rights—nothing is more basic to the bill—there are people rights we are trying to recognize and bring into our system—they are the property claims of those people who were in Alaska before our Nation acquired sovereignty over Alaska from Russia.

I am hopeful that we will be able to secure early passage of this bill and that we will be able to come to accord with our colleagues from the House.

Mr. President, if I have any time remaining, I yield back my remaining time.

EXHIBIT 1

WILDLIFE RESERVES WHICH PROHIBIT ABORIGINAL HUNTING, FISHING, AND TRAPPING

Reservation	Order No.	Date
Bering Sea	E.O. 1037	Feb. 27, 1909
Tuxedni	E.O. 1039	Do.
Saint Lazaria	E.O. 1040	Do
Yukon Delta	E.O. 1041	Do.
Pribilof Island	E.O. 1044	Do.
Bogoslof	E.O. 1049	Mar. 2, 1909
Forrester Island	E.O. 1458	Jan. 11, 1912
Hazy Islands	E.O. 1459	Do.
Chamisso Island	E.O. 1658	Dec. 7, 1912
Semidi Island	E.O. 5858	June 17, 1932

Source: Copies of Executive orders and public land orders supplied by U.S. Fish and Wildlife Service, Kenai, Alaska.

Approximate acreages of various major withdrawals in Alaska

Area or title	*Acres*
Department of Defense:	
Pet 4	23,000,000
Point Lay	3,000
Point Spencer	3,000
Galena	2,500
Indian Mountain	3,000
Clear	34,000
Eielson Air Force Base	655,000
Fort Wainwright	256,000
Test Range*	607,800
Fort Greely-Granite	623,500
McGrath	4,000
Unalakleet	8,000
Cape Romanzof	5,000
Mount Spur	1,000
Middleton Island	5,500
Cape Newenham	2,500
Adak	61,000
Attu	12,000
Fairbanks area	7,000
Anchorage area	70,000
Bureau of Indian Affairs, U.S.D.I.:	
Chandalar N.R	1,408,000
Kobuk (Noorvik) N.R	144,000
Little Diomede N.R	3,000
Wales N.R	7,000
Norton Bay N.R	316,000
Tetlin N.R	768,000
St. Lawrenie R.S	1,205,000
Akiak N.R	1,500
Eklutna N.R	2,000
Tyonek N.R	27,000
Karluk N.R	35,000
Akutan N.R	72,000
Annette Island (Metlakatla)	115,000
Cape Denbigh Reindeer Stn	48,000
Copper Center School	1,000
Tatilek N.R	1,000
Mountain Village N.R	1,000
White Mountain School	1,000
Point Hope School	6,500
Angoon Administrative Site	1,000
Miscellaneous School Sites	500
Misc. Administrative Sites	500
Other Miscellaneous	500
Fish and Wildlife Service, U.S.D.I.:	
Chamisso N.W.R	1,000
Arctic, N.W.R	8,900,000
Bering Sea N.W.R	41,000
Nunivak	1,109,500
Hazen Bay N.W.R	7,000
Rhode N.W.R	1,870,000
Izenbek N.W.R	415,000
Tuxedni N.W.R	6,500
Kenai Moose Range	1,730,000
Semidi N.W.R	8,500
Forrester Island N.W.R	3,000
Kodiak Bear Range	1,815,000
Simeonof N.W.R	10,500
Aleutian Island N.W.R	2,720,000
Bogoslof N.W.R	500
Pribilof Islands	50,000
Miscellaneous	200
National Park Service, U.S.D.I.:	
McKinley N.P	1,939,000
Glacier Bay N.M	2,826,000
Katmai N.M	2,698,000
Alaska Power Administration, U.S.D.I.:	
Eklutna Project*	5,000
U.S. Forest Service, U.S.D.A.:	
Chugach N.F.*	4,726,000
Tongess N.F	16,015,904
U.S. Geological Survey, U.S.D.I.:	
Power Site Reserves*	80,000
Power Site Classifications*	9,280,000
Federal Power Commission Power Projects*	?
Bureau of Land Management, U.S.D.I.:	
Montague Island Abandoned Military Reserve	1,000
Paxson Lake Classification*	8,000
Cascade Creek Timber Reserve	2,000
Muddy River Timber Reserve	2,000
Portage Classification*	500
Taiya Inlet Classification	7,500
Broad Pass Material Site*	500
Lake George Recreation*	5,000
Miles Lake Recreation*	1,000
Eagle Recreation*	1,000
Clear Creek Recreation*	2,000
Miscellaneous Abandoned Military Reserves	1,000
Miscellaneous Administrative Sites	1,000
Miscellaneous Recreation*	2,000
Miscellaneous Patented and Unpatented Townsites	26,500

Footnote at end of table.

*These withdrawals are open for mineral leasing.

Source.—U.S. Department of the Interior, Bureau of Land Management, Anchorage, Alaska.

Patented Lands: Lands are transferred from the United States by patent, quitclaim deed, or legislative act usually followed by confirming patent or deed. It is estimated that less than 50,000 acres have been transferred by quitclaim deed. Most of these are in the areas of population concentration and along the highway network. School lands and those specific grants at the time of statehood[1] illustrate grants by legislative action. The state may request a confirming patent of the school grant lands which total approximately 100,000 acres. These are located primarily in the Matanuska-Susitna and Tana Valley areas. Except for lands selected by the state upon which patents will be issued, other transfers to the state have been by quitclaim deed.

Mr. STEVENS. Mr. President, I would like to yield such time as he may need to the Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, I invite the attention of my colleagues to a very important aspect of the Alaska Native claims legislation dealing with the leasing of land for oil exploration and development in Alaska.

Section 17 of the bill before us would alter the basic Federal mineral leasing law as it applies to Alaska.

At the present time, the 1920 Mineral Leasing Act provides for leasing by a system of priority filing.

Under this method, land is leased to an individual or company if that individual is the first applicant. The only exception to leasing by this method is if there is a producing well in the immediate area, in which case, the lease is awarded by competitive bonus bidding.

Under the provisions of section 17 of S. 35, the 1920 mineral leasing law would be altered as it applies to Alaska in that the Secretary of Interior could adopt a system of competitive leasing of oil and gas lands for that State only.

Mr. President, I have taken the floor of the Senate several times to try to alert my colleagues to various issues threatening this Nation's energy supply.

The time has come when this Nation must face up to a very real fact of life: Our country has before it an energy crisis which threatens to make us dependent on foreign sources and which seriously challenges our ability to meet our basic energy needs.

On May 3 of this year, the Senate passed Senate Resolution 45, which authorized the study of a national fuels and energy policy.

As that legislation pointed out, it is estimated that by the year 2000 consumption of fuel and energy resources may increase over 200 percent.

Further, the resolution cited the fact that the maintenance of adequate energy and fuel supplies at reasonable price levels is essential to the well-being of this Nation.

It is important to note in this regard that when we talk of energy we are talking mainly about oil and gas, because oil and gas provides 75 percent of this Nation's energy supply.

Mr. President, in the separate views beginning on page 217 of the committee report on the Alaska Native Claims bill, I, along with seven other members of the Interior Committee, expressed our grave concern about the mineral leasing provisions of the Alaska Native Claims legislation.

At this point, I request that the full text of these views be inserted in the RECORD following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, during regular committee hearings, as well as in Executive Session, concern was expressed about singling out Alaska for revision of the Mineral Leasing Law.

As expressed by Governor Egan, of Alaska, the same mineral leasing law which applies to all the other States should also apply to Alaska.

Section 17 of S. 35 would initiate a system of competitive bidding by a combination of bonus and royality bidding.

As pointed out in our separate views, the problems with administering such a program are almost insurmountable.

The confusion that would arise from this type of bidding procedure would make it extremely difficult, if not impossible, for anyone to have a clear view of what was taking place.

But equally as important as the problems of trying to administer this type of competitive leasing provision, is the effect it would have on the discovery and development of oil in Alaska.

When S. 35 speaks of a system of bonus bidding it ignores the small, independent oil company.

Once a lease is put up for bid on bonus system, the large oil company is put at a tremendous advantage.

The small independent simply cannot compete on an economic basis with the larger oil conglomerates. In this regard it is important to remember that 80 percent of the wildcat wells have been drilled by small independent producers.

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[1] Section 6(c), Act of July 7, 1958, 72 Stat. 339, and Section 45, Act of June 25, 1959, 73 Stat. 141.

It is the small operator who has historically made the discovery in the oil industry. It is the independent that has been willing to take the chances that have eventually led to the big find. The independent has to develop a lease; he does not have the resources to just sit on a plot of ground or hold it in reserve.

It is important for the small oil company to keep moving.

A system of royalty bidding adds another operating cost to a producing well.

This means that with this additional operating cost the point at which the well becomes uneconomical to operate is reached much sooner.

Present recovery rates for oil and gas wells run only between 30 to 40 percent of the oil in place.

While secondary recovery methods and technology have improved substantially in recent years, royalty bidding would mean more oil will be left in the ground. Basically, royalty bidding is an anticonservation measure.

Mr. President, industrial plants will likely shut down this winter simply because there is not enough natural gas to go around to all of our consumers.

This Nation needs more, not less, oil exploration and discovery work.

The United States has serious energy needs which have to be met and it is the domestic oil company that must be given the incentive necessary to induce it to fulfill these needs.

Oil and gas exploration is not keeping up with demand.

Recent actions such as lowering of the depletion allowance for oil has made it all the more difficult for the local independent to survive.

As a result, mineral exploration activity has fallen dramatically. The most striking example of this is the decline in land under oil and gas lease, which has declined from 424 million acres in 1959 to 333 million acres in 1970.

Mr. President, this Congress should be doing everything in its power to stimulate energy discovery, not diminish it.

The Senate version of the Alaska Native claims bill handicaps the small, independent oil company.

I would hesitate to start a debate here on the floor which would delay further, or hamper in any way, consideration of the Native claims legislation, so I will not propose an amendment to delete section 17.

However, I must reiterate that this provision should be recognized for what it is: a step in exactly the wrong direction if we are to maintain a healthy domestic energy picture.

Inasmuch as the bill passed by the other body does not include this change in mineral leasing procedures, I hope the conferees will agree with the eight of us who signed the additional views in the report and delete this section.

I thank the distinguished Senator from Alaska for yielding to me, and I yield back the balance of the time yielded to me.

EXHIBIT 1: ADDITIONAL VIEWS ON SECTION 17 OF S. 35

While we are in accord with the urgency of settling the claims of the Alaskan Natives, and while the terms of the settlement as set forth in this bill (S. 35) are not wholly satisfactory to all of the members of the Committee but constitute a compromise, the purpose of these additional views is to take exception to a provision of the bill which, in our view, bears no relationship to the terms of the settlement and therefore should not be a part of this important legislation.

We object to the inclusion of section 17 which provides that the Secretary of the Interior may, when a "competitive interest is shown", dispose of minerals subject to disposition under the Mineral Leasing Act by such competitive bidding procedures as the Secretary may prescribe by regulation. The section further provides that the regulations shall provide for bonus bidding, royalty bidding, or a combination thereof. In recognition of the likelihood that such competitive bidding on "wildcat" leasing areas would freeze out the individuals and small companies, the section further requires that the Secretary provide an opportunity for them to compete. Also, the section directs the Secretary to include rental provisions" . . . to be offset by exploration and development expenditures at such rates and over such periods of time as the Secretary determines are required to assure timely exploration and development and to prevent the holding of leases for speculative and unproductive purposes".

We are completely at a loss to understand how such provisions would work in actual practice, and we sincerely doubt that there is any administrator wise enough to create a fair and honest leasing system under these directions. Further, no hearings were held on this latter provision and no departmental reports were requested.

PROSPECTING PERMITS

It should be pointed out that at the present time, this section applies to oil, gas, coal, phosphate, sodium, potassium, oil shale, and sulphur. We assume this provision also applies to potash, although it is not listed. It should also be noted that all of the minerals listed above, except oil, gas and oil shale, are subject to provisions authorizing prospecting permits. Under present law, if the lands to be made available for lease are known to contain minerals subject to the Mineral Leasing Act, the Secretary must lease the land by competitive bidding.

This being so, the question then becomes: "at what point should competitive bidding take place?" Does this mean that prospecting permits should be issued on a competitive bid basis? Or, does this mean after a prospecting permit has been issued and the permit holder has made a discovery, then the lease must be issued under a competitive bid procedure? Under the latter procedure, it is doubtful that anyone would apply for a prospecting permit knowing that after he had gone out and spent his money to explore the land that he would be required to bid against major companies, which had spent nothing on exploration, to obtain a lease to mine the commodity. Under the former procedure, that is of having competitive bidding for a prospecting permit, two possible situations are likely to exist: there will be no competitive interest since it is truly land with no known geologic indications of mineralization, or one or more of the potential bidders have already been in the field prospecting without a permit. If there is no competitive interest, the provision does not apply and the revenue to the United States would not be affected. But, if a competitive situation exists, then has the requirement for competitive bidding for a prospecting permit invited and encouraged prospecting without a permit? Should the Secretary encourage prospecting with out a permit in order to increase the chances of there being a "competitive interest" at the point of issuance of the prospecting permit? These are questions which have not been aired in a hearing nor considered by the Committee.

COMPETITIVE INTEREST

The next question is: "What constitutes a competitive interest?" Does a competitive interest mean that if there are only two applicants for a prospecting permit on a tract of land that a competitive bid sale must be held? What if only one bid is subsequently received? Would it be the "winning" bid? Or, would the Secretary have to reject the bid and then grant a permit on a non-competitive basis? If the competitive interest is based upon a knowledge of the existence of minerals subject to the leasing act, would the Secretary be performing his duty to ". . . insure that the Federal Government receives fair market value for public resources . . ." by authorizing a competitive sale on the prospecting permit; or should he authorize non-exclusive prospecting permits prior to a scheduled competitive lease sale; or, should he encourage prospecting without a permit?

COMBINATION BIDDING

Section 17, as stated earlier, requires the Secretary to establish a system of comeptitive bidding which would include bonus bid, percent of royalty, or a combination thereof.

With respect to bonus bid, the Secretary would have no difficulty in establishing a procedure, since one already exists.

With respect to the royalty bid, a procedure could be devised, and probably without too much difficulty; however, royalty bidding can lead to substantial waste of natural resources, and these consequences will be discussed in greater detail later.

With respect to a combination of bonus and royalty bidding, it is unclear as to how such a system could be established whereby an administrator could evaluate a "combination" bid. For example, assume that as a result of a lease offering the administrator received bids, respectively, of $10 acre bonus plus a 50% royalty, $200 per acre bonus plus 25% royalty, and $1,000 per acre bonus plus 12½% royalty. Which of the three bids is the highest and represents the "fair market value" for the resources? In the case of a coal bed which had been pretty well explored and the Geological Survey had a fairly clear idea of the quality and quantity of coal in place, an analyst could make a reasonable judgement as to which was the better bid. This would also be true of other known mineral deposits such as oil shale, sodium, etc. But how could an analyst determine which was the better bid in the case of oil and gas lease, even if it were known that oil and gas did in fact exist upon the tract? The analyst would have to know the extent of the recoverable reserves, and such estimates cannot be made until the field is fully developed. Even then, the estimates of proven reserves in a field are constantly being adjusted—both upward and downward—depending upon the production characteristics of the particular field.

In the case of the wildcat area, the analyst would know that, as a minimum, the odds are 10 to 1 against obtaining production, since 9 out of 10 wells drilled are dry holes, and the expectation of reasonably significant production from a well is about 1 out of 50. Should he weight the bids on the basis of those in favor of a high bonus on the theory that "a bird in the hand is worth two in the bush?" The analyst would have an omnipresent realization that if a major discovery is made he will be subject to severe criticism for not having taken the low bonus bids with the high royalty. Also, if he weighs the bids in favor of the high bonus, which would be immediately payable to the treasury, he may be subject to the criticism that he has stacked the deck against the small company or individual, since they may not have the cash available to make a large bonus bid and still have sufficient funds to finance the drilling. As noted earlier, section 17 requires that the Secretary afford an opportunity for individuals and small businesses to compete when there is competitive bidding for mineral leases.

We believe that combination bidding, that is both bonus and royalty, presents to the administrator an unresolvable problem, which is further complicated by the lack of definition of key terms. Such key terms as "competitive interest" should be defined so that the Secretary will have specific statutory guidance. The Secretary needs guidance in including ". . . rental provisions to be offset by exploration and development expenditures at such rates . . . and over such periods of time as the Secretary determines are required to assure timely exploration and development . . ." Webster defines "timely" as "happening, done said, etc. at a suitable time; well time; opportune." As further defined under synonyms: "Timely applies to that which happens or is done at an appropriate time, especially at such a time as to be of help or service: opportune refers to that which is so timed, often as if by accident, as to meet exactly the needs of the occasion." What, then, does "timely" mean in this connection? Does it mean "early" development, or does it mean at a time which the Secretary deems to be "opportune"? If it is the intent of the section to encourage early development, then why not use the word "early"?

In any event, the intent of Congress needs to be more clearly expressed, not only for the guidance of the Secretary but also for the benefit of the public who must manage their affairs accordingly.

ROYALTY BIDDING

At first impression, royalty bidding appears to be a simple solution to the conflicting objectives of maximizing Federal revenues while at the same time encouraging competition by affording the smaller companies an opportunity to compete in obtaining mineral leases. Unfortunately, not only is this not necessarily true, but royalty bidding can have anti-conservation effects.

To understand how these effects can occur one needs some basic knowledge of the economics of oil leasing and production. The decision to produce, or not to produce a well is not based upon the prospects of recovering the full investment plus operating costs and some profit. The capitalized costs such as the cost of the lease (including the bonus paid) and the cost of drilling the discovery well are set aside in the decision making process, because those costs are already expended. Rather, the decision to produce or not to produce is based upon an analysis of the comparative costs of further development of the field including, drilling and production equipment, and the comparative expected revenues based upon the quantity of expected production and its value. Many small fields have been produced even though the producer never expected to receive full return of all of his costs, including the cost of the lease and drilling. But a well will not be produced if development and operating costs will exceed expected revenues, which is the essence of the phrase included in most leases providing for continuance of a lease so long as oil and gas are produced in "paying quantities."

Likewise, a producing field will be closed when production costs exceed revenues.

The royalties paid to the lessor are a significant part of the operating costs. The higher the royalty the smaller the margin between operating costs and revenues to the producer. Premature abandonment of such wells would leave unrecovered oil in the ground, which probably will never be recovered due to the high costs of reopening a field. And this is especially an economic deterrent in light of the known marginal productive capacity of the field. Hence, recoverable reserves are wasted and an energy resource is not conserved.

In some instances, the field may not be produced in the first instance because operating costs including a high royalty rate as compared to revenues, exceed the break-even point. In those cases the Government has foregone a reasonably higher bonus payment for a higher royalty rate on nothing.

Royalty bidding may attract irresponsible bidders who will bid high royalties to win leases, later to be bought and sold for speculation rather than for bona fide exploration and development. Such speculators would intend to sell the lease to a major company who would then develop the tracts, and the bona fide small company or individual producer would not necessarily be placed in a better competitive position vis-a-vis the major producer. However, unless the field is a large producer, the high royalty may prevent production, as previously explained.

Our purpose in pointing out the many pitfalls and unknowns, and the foregoing is certainly not to be considered an exhaustive enumeration, is to demonstrate the complexity of mineral leasing and its attendant economic forces, deserving of more than casual or cursory examination.

ENERGY SHORTAGE

The United States has not been blessed with massive oil fields of 20 to 60 billion barrels such as dominate the Middle East. Our largest discovery has been Prudhoe Bay in Alaska with 10 billion barrels, and the second largest, which is nearing depletion, is the East Texas field with 6 billion barrels. Despite the fact that the discovery of the East Texas field occurred nearly one half century ago, its total reserves would not supply U.S. needs for one and one half years under current consumptive conditions. Our oil supply has come from thousands of stratigraphic traps and small anticlines, and more importantly, from the hundreds of small companies and individuals who have risked their capital and know-how to search out these small fields. We know that throughout history, most of the exploration (80 percent of the wildcat wells) have been drilled by small independent producers. The oil industry in the United States is unique in the world because it is the only one made up of thousands of business units, individuals, partnerships, companies—small, medium and large—drillers, producers, refiners, distributors, wholesalers, retailers, service companies, and pipeline companies. The continuance of the small producer and the marginal field is of concern to the Nation, because some 350,000 marginal and stripper wells now produce 15 percent of U.S. production and account for about 20 percent of U.S. reserves, including Alaska—approximately 8 billion barrels.

Present recovery rates run between 30–40 percent of the oil in place, While secondary recovery methods and technology have improved substantially in recent years, we are concerned over countervailing forces, such as royalty bidding, which may reverse the trend towards higher ultimate recovery. Not only are such forces anti-conservation in effect but they tend to diminish our ability to respond to emergencies, such as the Six Day War of 1967, when the U.S. was called upon to supply not only its own needs but also much of the needs of our NATO allies.

One of the most serious challenges facing America today is that of structuring sound, consistent policies which will assure the availablity, through development of essential energy resources. This Committee and the Senate have recognized the significance of energy to our security and economic progress through the adoption of S. Res. 45, providing for the most extensive and through-going fuels and energy study ever conducted by the Senate. Since oil and gas provide 75 percent of America's energy requirements, any new policy affecting it in an area of potential production as vast as Alaska, requires exhaustive hearings and careful analysis. We are not persuaded that the present leasing system has not served the nation well, but if modification or amendment of the system is indicated, and in light of our present energy crisis situation, the democratic process commands more than cursory discussion without the benefit of expert testimony.

Gordon Allott, Paul Fannin, Alan Bible,
Ted Stevens, Clifford P. Hansen, Mark
O. Hatfield, Len B. Jordan, Lee Metcalf.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I want to get some time yielded to me.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington, I shall be glad to yield such time as the Senator may require.

Mr. ALLOTT. Mr. President, if the Senator will suspend just a moment, I will yield myself 1 minute on the bill.

First of all, I want to support the statement of the distinguished Senator from Wyoming. He is eminently right. It is the position we have taken steadfastly during the 3 years of negotiations on the bill. At a later time, I expect to discuss other parts of the bill, but I think he is correct. There is no justification for having one set of laws to govern the mineral resources in Alaska and another set of laws for the other 49 States.

Second, I would like to announce at this time that during the remainder of the consideration of this bill the time of the minority which would ordinarily be in the control of the minority leader will be under the control of the Senator from Alaska (Mr. STEVENS).

Mr. BYRD of West Virginia. Mr. President, I yield 10 minutes to the Senator from South Dakota (Mr. McGOVERN).

Mr. McGOVERN. Mr. President, S. 35, as reported by the Interior Committee, contains two options on land selection. The first grants fee title to 40 million acres, but is limited to the area immediately surrounding native villages. The second, for which we are indebted to the distinguished Senator from Washington (Mr. JACKSON), the chairman of the committee, who has provided constructive leadership on this issue for many months, provides 20 million acres in fee bordering on the villages, plus 10 million acres of economic potential land partially in fee title, but partially in surface or subsurface rights only, and an additional 20 million acres for subsistence purposes only. the Natives would choose between the options in a statewide referendum.

As the Senator from Washington has said, this is not a welfare bill, and the Federal Government is not really giving anything to the Natives. Instead, it is a proposal to compensate for and to extinguish legal claims against the United States. It is an alternative to going through the courts.

The claim originates in both the acquisition of Alaska from Russia and in the Organic Act of 1884, which provided that the Natives "shall not be disturbed in their possession of any lands actually in their use or occupation or now claimed by them."

The Senate bill is a reasonable settlement, and, if anything, Mr. President, it is too modest, because the Natives are now using as much as 80 million acres. They could make a claim to more than 300 million acres out of the 375 million total. Yet the bill as it now stands would require them to choose between, first of all, 40 million acres contiguous to their villages, or, second, full title to only 20 million acres and partial title to 10 million more with economic potential, and subsistence rights on the remaining 20 million.

It is also worth noting that S. 35 is a vast improvement over the bill which passed the Senate in the last Congress, but died when no action was taken by the House of Representatives. That proposal included only 10 million acres of land, and now both the House and Senate are agreed that the Natives are entitled to some title to at least 40 million acres.

The broad question involved in the bill is whether Congress will at least change its heretofore narrow approach to the country's Native population, which in the past has been one of the basest chapters in American history. We are trying to undo some of that damage, and it is a difficult task, indeed. But, in Alaska there is a Native culture not yet destroyed, and a chance to avoid the mistakes of the past if we start moving on the basis of equity and justice.

I think this applies with especial force to the question of priority of selection, whether the Natives will have a chance to choose land with genuine economic potential. Those who are concerned about creating new Indian reservations in Alaska can find a solution to this problem by assuring an opportunity for the Natives to secure productive and promising lands.

Mr. President, the Senator from Alaska (Mr. GRAVEL) and I several days ago drew up an amendment that would be somewhat more precise on this point than the options contained in the bill as now before us. The amendment would be, in effect, a merger of the two options in S. 35.

It would provide 40 million acres in fee simple, but would provide that of that total, only 30 million acres would be in the areas contiguous to Native Villages. The remaining 10 million acres would be selected by a statewide Native controlled corporation on the basis of economic potential, 2½ million acres each for timber, recreation, hardship, and minerals. However, full fee title would be conveyed on that 10 million acres, and the Natives would have a priority right of selection. Selections to the 10 million acres would be made from the remaining public lands in Alaska, but could not be taken from the 50 million acres of national forests, national parks, or other dedicated areas except from Naval Petroleum Reserve No. 4. The subsistence allotment, as worked out by the Senator from Washington (Mr. JACKSON), would also be retained.

Mr. President, I really think that this amendment, authored by Senator GRAVEL and me, is the formula we ought to be acting on here today, but I recognize it is not possible to get everything some of us would like in this settlement. I called the chairman of the committee, and he has very carefully evaluated what it is possible to achieve in the conference, in view of the various points of view on the other side of the issue.

I should like to ask the Senator from Washington, the chairman of the committee, if he thinks it is possible to come back from conference with a compromise provision embracing some of the best features in the option that he has authored in the bill, as well as some of the features that are contained in the option of which Senator STEVENS was one of the principal authors. More specifically, what I mean by this compromise proposal is that Senator GRAVEL and I would not call up our amendment, but I would ask the Senator if he could consider increasing the 20 million acres in full title to 30 million acres, and changing the grant of 20 million acres of economic land to full title instead of the partial title that is now contained in the language of the Senate bill.

Does the Senator think it would be possible to get that kind of improved language through the conference?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. JACKSON. I commend the Senator from South Dakota and the Senator from Alaska for their deep interest and concern to improve, as best we can, the land provisions in the bill. It is my judgment that the Senate bill—and I know the Senator agrees—is far better than the House-passed bill.

Mr. McGOVERN. There is no question about that.

Mr. JACKSON. I want to go to conference with the idea of achieving the best possible land settlement, taking into consideration the provisions of the House bill and the two optional provisions in the Senate bill. These options give us a lot of leeway, so that we have an opportunity to improve upon the title status of the land provisions of the bill. As the Senator has pointed out, one option in the bill involves 20 million acres in fee title, 10 million acres in economic development title in the sense of surface rights and mineral rights, and permit subsistence rights to another 20 million acres.

This option, together with the second land option in the Senate bill and the language of the House-passed bill, I believe that we have an opportunity in conference, to improve upon the bill as it is now before the Senate.

I regret that I cannot take to conference any amendments of this kind, because with a rollcall vote we may tie our hands in conference, and I would not want to do that.

I can only assure the Senator that I will go to conference with the idea in mind of trying to improve upon the Senate version of the bill, and in the light of the Senate bill and of the House-passed bill, we have that opportunity under the rules of the conference.

Mr. McGOVERN. I know the Senator from Washington is a very formidable conferee.

The PRESIDING OFFICER. The 10 minutes allocated to the Senator from South Dakota have expired.

Mr. JACKSON. I yield 5 more minutes.

Mr. McGOVERN. I am pleased to hear the Senator say that he thinks there is a good possibility that in conference we may improve on the existing Senate bill.

Mr. JACKSON. I shall do everything I can to improve upon it. I do not know what kind of opposition we will face in conference. But, as both Senators from Alaska will be conferees, I believe we will have formidable support on the Senate side for an improvement in the land provisions of the bill.

I believe this is the only real area that remains where there is any substantial controversy.

Mr. McGOVERN. There is no question that the Senator is right in saying that the Senate bill is superior to the one passed in the other House. The Senate bill is considerably better now than it was in the form that it passed in the last Congress.

But I do hope, as the Senator has said, that every effort will be made—and I know it will be made—by him and the other Senators on the conference to see if we can strengthen it even further.

On the basis of those assurances, I would not press for a vote on any amendment here.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GRAVEL. In pursuing the goal that the Senator from Washington talks of, I hope that we are in agreement that the goal would be 30–10 in fee. I realize that it is a goal, but with a group on the conference committee committed to that goal, I think we stand a good chance of success. I would hope that the Senator from South Dakota would be a member of the conference committee.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. ALLOTT. I do not want to be committed personally to anything other than what is in the bill. If we are going to rewrite the bill on the floor of the Senate, we should rewrite it. But I do not want these statements to be considered as binding upon me personally.

Mr. McGOVERN. No. I was really addressing them to the Senator from Washington.

Mr. ALLOTT. This may be the view of the Senator from Washington.

I might say that I recall no bill, except perhaps the Colorado River project bill, upon which the Committee on Interior and Insular Affairs has spent more time. I would say that, after taking testimony many times, we have spent literally dozens of sessions, each one consisting sometimes of 3, 4, 5, or 6 hours, trying to work out this bill.

I doubt that the entire committee can be brought closer to an agreement than they are now on this bill.

The bill does not make every member of the committee happy in every respect, and I certainly am not happy about certain aspects of it. I say that very frankly.

During conference I do not want to be locked in by statements that other people have made on the floor. What the chairman says for himself or his colleagues is one thing. But, personally, because I know the feeling of the people on the other side, I want to be left the greatest possible latitude when we go to conference.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. GRAVEL. I want to make clear that we will be pursuing a goal in conference and that it will be a 30–10 goal in fee, which I think would be a very adequate settlement. Certainly, it does not bind any member of the committee or the conference, but it does give testimony that a segment of the conferees—a sizable segment—under the leadership of the junior Senator from Washington, will be pursuing very vigorously in conference this very proper goal.

Mr. ALLOTT. Just so that when the Senator says "we," he does not include everybody on the conference committee.

Mr. GRAVEL. We would wish to include everybody who would come forward and want to be included.

Mr. McGOVERN. Mr. President, on the basis of those assurances from the Senator from Washington and the Senator from Alaska, I will not press for the amendment; but I do hope that the 30–10 formula is the one that the Senate will press.

Mr. HARRIS. Mr. President will the Senator yield me 5 minutes?

Mr. STEVENS. I am happy to yield 5 minutes to the Senator from Oklahoma from the time on the bill.

Mr. HARRIS. Mr. President, I rise to compliment the distinguished Senator from Alaska (Mr. STEVENS) for his excellent statement here. I also compliment his colleague, the junior Senator from Alaska, for the outstanding and dedicated work that he and his colleague have done on this measure. I compliment also the other members of the committee for the work they have done on this bill which I hope will be passed by the Senate today.

Mr. President, I join with them in rejoicing that we are so much further down the road because of this bill toward final settlement of the Alaskan Native claims which have so long been a matter of dispute in this body and elsewhere.

A great deal of the credit for this is due to the good work of the Senators whom I have named as well as other Senators who have worked so diligently on this matter.

I also compliment Mr. Donald R. Wright, President of the Alaskan Federation of Natives, who has worked so hard on the bill to get an equitable settlement for the people he officially represents.

I have discussed with him and with the other representatives of the Alaskan Federation of Natives this matter, as well as with friends of mine, such as Charles Edwardson, and the Honorable Willie Hensley, all of whom feel that there are very practical reasons why we must pass the legislation.

I hope we can get the bill through the Senate today. We ought to get the bill to conference and try to get an early agreement on the final bill.

The Senators will recall that I was very worried, as were most of the Alaskan Natives, last session of the Congress, over three particular aspects of this settlement matter.

One was the amount of land involved. I said last year that I felt the land was really the crucial issue involved. I am very pleased that there has been a substantial increase of the land that will be provided.

Second, I was also one of those worried last year about the provisions in the bill which would have effectively terminated the Bureau of Indian Affairs services for the Natives receiving this settlement. I am informed that that matter has been substantially altered.

Third, I was very concerned that the Alaskan Natives have the right of self-determination and that the decision with regard to this settlement, now and in the future, be made by Natives. I understand that substantial improvements have been made in that provision as compared to last year's bill, as well.

As I have said Mr. President, one of the most important responsibilities of the 92d Congress will be the passage of legislation to settle the Alaska Native land claims. The crucial issue in the passage of this legislation is the amount of land that will be provided to the Natives.

The Natives of Alaska have historical claim to nearly all of the State's 375 million acres of land. The purpose of the bill we have before us today is not to determine what they will receive from a benevolent government in Washington, but rather how much land they will be allowed to keep from what was theirs from time immemorial.

Mr. President, the land is the source of sustenance for the Native peoples of Alaska. If we are sincere about preserving the right of self-determination for Alaska Natives we must guarantee that sufficient lands are provided in their claims settlement. Many of the Eskimos, Indians, and Aleuts of Alaska depend upon the land and the inland and coastal waters for their livelihood. Vast amounts of land are needed for support. We must not destroy the culture of these people by failing to provide an adequate land settlement.

The Alaska Federation of Natives reached the conclusion that a fair settlement would include confirmation "of title to 60 million acres of land in the Native villages and regions over which the Native people have asserted dominion through use and occupancy from time immemorial."

The figure of 60 million acres was not one arrived at capriciously. It is unchallenged that the Natives are now using a minimum of 60 million acres, which is less than 17 percent of the lands to which they have valid claim.

It is unfortunate that the Interior Committee could not report out a bill, such as S. 835, which I introduced, that would have provided a 60-million acre settlements—in particular the fact that the improvements made in the committee bill over last year's bill. These improvements—in particular the fact that the Natives can receive 40 million acres—are all the more important in view of the provisions of the bill passed by the House of Representatives. Under that bill, the Natives would select 18 million acres, limited to townships surrounding their Native villages. The State would then have until 1984 to select the remainder of its 103 million acres. After completion of the State selections, the Natives would take 22 million acres from what was left.

This is clearly unacceptable to the Alaska Natives, as they could be left with land that is worthless.

Mr. President, the Nation's treatment of our Native peoples has long been a national disgrace. The treatment of Alaska's natives has been no exception.

Today, after nearly a century of American control, the contrast between the two Alaskas—urban and rural—could scarcely be greater. The 80 percent of Alaska's population that is non-native lives primarily in the cities—in places such as Anchorage, Fairbanks and Juneau. The life style of this majority could be easily interchanged with that of Americans elsewhere. Most are regularly employed, though, even in the cities, unemployment is double the national level. The education level is high and per capita income is among the highest in the Nation—$4,200.

But about 70 percent of the native population still lives in outlying areas. They live, substantially, by subsistence hunting and fishing, just as they have for centuries. Few are employed fulltime. Health is poor. And educational facilities are inadequate.

We owe them more. At a minimum, we owe them adequate land so that they can continue their traditional way of life. It is essential, therefore, that the Senate not waiver in its commitment to provide an equitable settlement for the Alaskan Natives.

The battle cry of the natives—"Take our land, take our life"—Must not go unheeded.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 547

Mr. METCALF. Mr. President, I call up my amendment No. 547 and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment as follows:

On Page 267, Line 22, strike out "section" and insert "Act".

On page 268, line 2 strike out all after the word "refuge" except the period and insert the following:

The exchange authority granted in section 16(a) shall apply to all lands within the boundaries of a unit of the National Wildlife Refuge System, and the Secretary shall have a right of first refusal in future sale of such lands.

Mr. METCALF. Mr. President, before I direct myself to the amendment, I want to congratulate the chairman of the committee, the Senator from Washington (Mr. JACKSON), for the way in which this bill has been brought out. This is truly landmark legislation and he, more than any other man in the Congress of the United States, is responsible for one of the fairest judgments that I have ever known.

It was my privilege to participate in some of the hearings in Alaska, and it was a challenging and warming experience to have Natives come down from the Arctic Circle to testify as to their way of life, their need for the land and their need for this kind of legislation.

As has already been pointed out, some of these people are among the most deprived people in America. This is a step toward giving them equality of opportunity that all Americans deserve and that we desire to give them.

The two Senators from Alaska, and I refer to Senator STEVENS and Senator GRAVEL, have been outstanding in their work, attention, and dedication to the Alaskan Natives. I think the three men I have mentioned, Senator JACKSON and the two Alaskan Senators, are responsible more than thousands of other people for getting this bill before us.

Essentially, as I see the bill, it gives the Alaskan Natives a substantial amount of land. It has been my experience, in working with the Indians both in the lower part of the United States and in Alaska, that there is a special affinity, a spiritual affinity, of Alaskan and other Indian Natives, to the land on which they were born and on which their tribal organizations. exist. We have recognized that spiritual affinity by giving them an opportunity to accept this land in and around their tribal communities.

We have also recognized the need of Alaskan Natives for a substantial amount of capital and have given them substantial capital.

The third important part of the bill is that we have recognized that the vast natural resources of Alaska are open to development. They are in the period that we in the American West were in at the turn of the century. In the vernacular of the day, we are giving them a piece of the action. We are saying to the Alaskan Natives, "You, too, will share in the assets you own. You are going to share in the development of your natural resources. You are going to participate in the growth and development of your great State."

With these three major issues in a rather complex and involved bill, the Committee on Interior and Insular Affairs has brought out a piece of legislation that I think will be a model for many years to come.

It is with some trepidation that I come before the Senate, as a member of the committee and as one who did some work on the bill, even to offer a minor amendment. My amendment, however, has been developed because of some of the concern of conservationists, hunters, and wildlife enthusiasts and people who are worried about the perpetutation of some of the species that may be lost and who are concerned about what is going to happen to the wildlife and waterfowl refuge system.

My amendment has the purpose of giving the Nation's sportsmen and wildlife enthusiasts congressional assurance that the settlement reached under the terms of this bill will deal fairly and wisely with the National Wildlife Refuge System. Alaska contains some of the most prized units of the National Wildlife Refuge System—Kodiak Island, Clarence Rhode, Izembek, Arctic Game Range, and others—and correspondence I have received from conservationists in Montana and elsewhere shows that the public is concerned about the future of these dedicated areas.

I share that concern and I know from many years' service as a member of the Migratory Bird Conservation Committee, from both this body and the House, the important contributions wildlife refuges in Alaska are making to our ducks, geese, and other migratory birds. Many of the wildlife refuges there provide important nesting and brooding habitat for millions of migratory birds, many species of which the United States shares joint responsibility with Canada and Mexico under the terms of the migratory bird treaties. To permit serious disruption of the habitat in some of the refuges would be to disregard our international commitments under the treaties with these countries.

Alaska contains some 65 percent of all of the acreage of the National Wildlife Refuge System. But this statistic has been used incorrectly in my opinion, because it has been offered in an effort to suggest that this is too great a burden to be borne out of the hundreds of millions of acres of public lands in Alaska.

A few minutes ago I was talking with the distinguished Senator from Nevada. He reminded that we could divide the great State of Alaska into two parts and each part would be greater than the State of Texas. It is hard for some of us down here, even one who comes from a State with the large acreage of Montana, to realize the vast acreage of the State of Alaska.

My colleagues should understand that wildlife and waterfowl refuges cannot simply be placed upon the land in some haphazard manner, a manner possibly that responds more to human whims than to biological necessity. Wildlife refuge locations are chosen because of the utility of the land for the wildlife species the areas are designed to protect.

For example, untold numbers of ducks, geese, and other migratory birds nest and rear their young in the Clarence Rhode National Wildlife Refuge, on the great delta of the Kuskokwim River, because the character of the terrain favors this critical period of the birds' life cycle. The terrain offers the birds satisfactory nesting places and wetlands on which to raise their young, obtain food, find shelter from predators and the elements, and finally to get their young to wing so that they may migrate south with winter and return the following spring. This annual cycle cannot be perpetuated if the very habitat required by the birds is destroyed. The birds use the area because it furnishes their needs; they will not succeed elsewhere unless much the same variety and complex of wetlands are present. In short, national wildlife refuges cannot be moved about like blocks on a drafting board.

It has been pointed out that the State of Minnesota brags, on its license plates, that it is the land of 10,000 lakes, but Alaska can say that it is the land of 10 million lakes. It is those millions of lakes that furnish the nesting and brooding habitat with wetlands necessary to preserve the waterfowl that fly down the Midwest flyways and from Alaska and Canada east and west of the Mississippi and to Mexico.

The same situation persists with some of our most outstanding nonmigratory species, such as the giant brown bear that inhabits the Kodiak Island National Wildlife Refuge. The brown bear occurs and persists there because its life requirements are tied closely to the island's wilderness and to the yearly salmon spawning runs in its streams. Fracture that wilderness, as might be possible under the House bill, and the bear is sure to come into an abrupt and disastrous confrontation with civilization. We know who would be the loser, because wildlife invariably comes off second best to commercialization and development. By the same manner, pollute or obstruct the streams or otherwise diminish their suitability for salmon spawning and the bears will lose their main source of food, which by nature's design, carries them through a part of the year.

It is for this reason, too, that I offer an amendment to assure all sportsmen and wildlife enthusiasts that the national wildlife refuges in Alaska will not be treated unfairly under the terms of this bill.

In brief description, my amendment expands section 15 paragraph (e), which under the terms of the committee's recommendation requires that any patent issued to lands within the boundaries of a national wildlife refuge "contain a provision that such lands remain subject to the laws and regulations governing use and development of such refuge as long as the lands continue with its boundaries."

It expands the paragraph by adding that—

> The exchange authority granted in Sec. 16(a) shall apply to all lands within boundaries of a unit of the National Wildlife Refuge System, and the Secretary shall have a right of first refusal in future sale of any such lands.

The effect of the amendment, Mr. President, would be consistent with the committee's recommendation. I have discussed my concern with the chairman, the distinguished gentleman from Washington (Mr. JACKSON) and have found him sympathetic to what I propose. In my opinion, the language that I would add to the paragraph in no way would be injurious to the interest of the natives, while at the same time it offers the assurance that many of our fellow Americans are seeking with respect to existing wildlife refuges in Alaska. By authorizing the exercise of exchange authority, which under the committee bill already would pertain in the case of other affected public lands in Alaska, the Secretary is given the option to offer other available lands for those whose alienation from a refuge may severely jeopardize the habitat base of wildlife species that the refuge was designated to protect in the first place. And second, by having the right of first refusal in the case of selected lands that ultimately may be offered for sale, the Secretary will be able to move to protect the integrity of lands whose exclusion from a refuge also may be damaging to the national wildlife interest.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. GRAVEL. Time is on the amendment at this point.

Mr. STEVENS. I know; will the Senator from Montana yield me 2 or 3 minutes on the amendment?

Mr. METCALF. I am delighted to yield.

Mr. STEVENS. Mr. President, I think the Senator has raised a very important question, and one we should take care of. His is a protective amendment; and I agree that we should protect the rights of the Native people if they desire to exchange this land.

Though I am not sure many people even know about it, back at the time when I was solicitor, when some of these refuges were created, we specifically provided for this. Let me read from Public Land Order 2213, dated December 6, 1960, dealing with the Kuskokwim National Wildlife Refuge and Public Land Order 2216, dealing with the Izembek National Wildlife Range.

> This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

In other words, these people have been within some of these areas, and have been resident there, for many years. If, as we create these new rights, they desire to exchange those lands they may do so. As I understand the amendment, the discretion is theirs: if they wish to move, they may transfer their lands; and, if they ever decide to sell their lands, they must offer them to the Secretary of the Interior on a right of first refusal basis, so that we may preserve these lands for wildlife refuge purposes.

Mr. METCALF. It is specifically designed for the needs of the wildlife involved.

Mr. STEVENS. I think it is a very significant amendent, and it is one that I support.

I ask unanimous consent that the two orders to which I referred be printed in the RECORD at the conclusion of the remarks on the Senator's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. METCALF. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, on this particular amendment, I am authorized by the chairman of the committee, who is just coming into the Chamber, to state that I have discussed the amendment with him. He shares the concern which the Senator from Montana has so well expressed, and I am in a position, speaking for him—he can now speak for himself—to say that we are perfectly willing to accept the amendment and, before yielding the floor or yielding to the chairman of the full committee, I simply want to take this opportunity to compliment in the highest terms possible the many years of service that the Senator from Montana (Mr. METCALF) has given on this migratory bird conservation committee, both on the House side and then, since he has been here, on the Senate side.

He has made many contributions to the wildlife refuges in Alaska, in the areas of preserving the duck population, the goose population, and the other migratory birds, and I can testify to this firsthand, Mr. President, because I serve as chairman of the Interior Appropriations Subcommittee, and every time a request comes in that appears to be inadequate or under the authorized amount provided for in the authorizing legislation, Senator METCALF is always first to say, "This is not enough; we have to have some more to do the job." I compliment him on it, and I am happy to yield at this point to the chairman of the full committee.

Mr. JACKSON. Mr. President, I associate myself with the remarks of the Senator from Nevada. I know of no one in the Senate or the House of Representatives who has spent more time or devoted more time to the problems of migratory birds and wildlife refuges and their support than the distinguished junior Senator from Montana. He has made it his business to see to it that there are adequate wildlife refuges throughout the United States. He has worked constantly to improve those refuges. I know of no one who can speak in a more qualified way than the junior Senator from Montana at this point. I completely respect his judgment in this matter. He is a member of our committee.

Mr. President, I believe that the amendment is in order. It is an appropriate one, and we are in his debt for having called the situation to our attention.

Mr. METCALF. I thank the chairman. Again I reiterate that this legislation would not even have been before us had it not been for the tireless activity of the Senator from Washington. The Senator from Washington has also been outstanding in his work for conservation of wildlife, and in other areas. Then, of course, the distinguished Senator from Neveda is almost "Mr. National Parks" in this country. As I understand, he will offer an amendment to which mine is complementary.

I want to say to both of my colleagues that work on the Migratory Bird Conservation Commission has been a most rewarding and challenging job, but one that has brought me more benefits and more actual rewards than all the effort I have spent on it, and I am grateful for the kind words of my friends.

EXHIBIT 1

[Public Land Order 2213, Fairbanks 012151]

ALASKA—ESTABLISHING THE KUSKOKWIM NATIONAL WILDLIFE RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 2, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Interior as a refuge, breeding ground and management area for all forms of wildlife, to be known as the Kuskokwim National Wildlife Range: *Provided,* That the reservation made by this order shall not prohibit the hunting or trapping of game animals and game birds or the trapping of fur animals in accordance with the provisions of applicable law and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto:

"AREA I

"Beginning on the shore of Bering Sea at the line of mean high tide and at the south side of the entrance to Hooper Bay near latitude 61°31′ N., longitude 166°12′ W., from Greenwich; thence southeasterly with the line of mean high tide on the south side of the entrance to Hooper Bay and along the south side of said Bay, 16 miles to the mouth of Askinuk River (Kleoklevuk River) near latitude 61°26′ N., longitude 165°48′ W.; thence easterly up the left bank of said river 22 miles to its source at the Kashunuk River near latitude 61°24′ N., longitude 165°26′ W.; thence easterly up the left bank of Kashunuk River, 12 miles to its junction with a channel "A" flowing to the south, near latitude 61°23′ N., longitude 165°11′ W.; thence southerly down the right bank of the last aforesaid channel "A" 1½ miles to a point near latitude 61°21′ N., longitude 165°10′ W., about one-half mile south of the mouth of an unnamed stream coming into said channel on the left bank side; thence due east approximately 38.6 miles to the volcanic cone in the Ingakslugwat Hills near latitude 61°21′ N., longitude 164°00′ W.; thence due south approximately 10 miles to the north shore of a lake "B"; thence southerly around the easterly side of the last aforesaid lake "B" one mile to a point on the southeast side of said lake "B"; thence south 63° east four miles to a point near latitude 61°10½′ N., longitude 163°56′ W., on the northwest shore of Aropuk Lake opposite the center of an island; thence southerly with the western shore of the said lake and a chain of lakes 45 miles to a point of land near latitude 60°50½′ N., longitude 163°57′ W., on the north side of Baird Inlet; thence westerly along the north side of Baird Inlet 50 miles to a point of land near latitude 60°54′ N., longitude 165°02′ W., at the mouth of Baird Inlet and at the line of mean high tide on the shore of Bering Sea; thence northwesterly at the line of mean high tide of Bering Sea eight miles to the point of a headland near latitude 60°58′ N., longitude 165°12′ W., at the south side of Hazen Bay; thence north 38° W., eight miles across the mouth of Hazen Bay to the point of a headland at the west side of Hazen Bay; thence northwesterly with the line of mean high tide of Bering Sea 50 miles to the place of beginning, containing approximately 1,870 square miles of lands and waters, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301).

"AREA II

"Beginning on the shore of Bering Sea at the line of mean high tide and on the north side of the mouth of Kinia River, near latitude 60°11′ N., longitude 164°30′ W.; thence northwesterly with the line of mean high tide of Bering Sea 8½ miles to the headland at the mouth of a stream "C" separating Nelson Island from the mainland; thence northeasterly up the left bank of the last aforesaid stream "C" 46 miles to a point near latitude 60°39′ N., longitude 164°12′ W., at the south end of the southwest bay of Baird Inlet; thence easterly, northerly, easterly and southerly along the south shore of Baird Inlet 35 miles to the mouth of a small stream "D", near latitude

60°33½′ N., longitude 163°43′ W., at the south end of the east bay of Baird Inlet; thence southwesterly up the left bank of the last aforesaid small stream "D" four miles to the head thereof; thence south 10° E., 4½ miles to the head of a stream "E" draining to the south, near latitude 60°28′ N., longitude 163°46′ W.; thence southerly down the right bank of the last aforesaid stream "E" four miles to the mouth thereof in the north shore of Dall Lake; thence westerly, southerly, easterly and southerly around the west shore of Dall Lake 75 miles to the most southerly point of said lake near latitude 60°08½′ N., longitude 163°47′ W.; thence south 30° W., 1½ miles to the head of the Kukuklik River: thence southwesterly with the right bank of the aforesaid Kukuklik River 19 miles to the mouth thereof at the line of mean high tide of Bering Sea, near latitude 59°49′ N., longitude 164°07′ W.; thence northwesterly with the line of mean high tide 20 miles to the place of beginning, containing approximately 1,054 square miles of lands and waters, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301)."

The descriptions above are based on Alaska Reconnaissance Topographic Maps designated Baird Inlet, Hooper Bay, Marshall and Nunivak Island, Editions of 1951.

This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

Fred A. Seaton,
Secretary of the Interior.

December 6, 1960.

[F.R. Doc. 60–11518; Filed, Dec. 8, 1960; 8:53 a.m.]

[Public Land Order 2216—Anchorage 023347]

Alaska—Establishing the Izembek National Wildlife Range

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described areas of public land and water in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601604), as amended, and reserved for use of the Department of the Interior, as a refuge, breeding ground, and management area for all forms of wildlife, to be known as the Izembek National Wildlife Range: *Provided*, That the reservation made by this order shall not prohibit the hunting or trapping of game animals and game birds or the trapping of fur animals in accordance with the provisions of applicable law, and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto:

"Beginning at corner No. 1, from which U.S.C. & G.S. station 'COW', located on the edge of Cold Bay at latitude 55°12′10.71″ N., and longitude 162°41′57.76″ W., bears N. 85°52′50″ E., a distance of 1.34 miles (7,086.5 feet), thence with two (2) courses of the westerly boundary of Air Navigation Site Withdrawal No. 176, S. 15°30′ W. 1.61 miles (8,500.00 feet) to corner No. 2; thence due south 1.0 mile (5,280.00 feet) to corner No. 3, which is the southwest corner of Air Navigation Site Withdrawal No. 176; thence leaving said Air Navigation Site southwesterly along the crest of a spur ridge of Frosty Peak with three courses, approximately, S. 41°00′ W.—2.05 miles (Elev. 1300′) to a point; S. 68°30′ W.—0.55 mile (Elev. 2000′) to a point; S. 34°30′ W.—1.35 miles (Elev. 4200′) to corner No. 4, an angle point at forks of spur ridge leading to Frosty Peak; thence with two courses, approximately, S. 30°30′ E.—1.20 miles (Elev. 4000′) to a point; S. 19°45′ W.—2.28 miles (Elev. 6600′) to corner No. 5, the summit of Frosty Peak; thence leaving Frosty Peak along the crest of a spur ridge, with three courses approximately S. 83°30′ W.—1.12 miles (Elev. 4000′) to a point; S. 64°00′ W.—2.04 miles (Elev. 1600′) to a point; S. 76°30′ W.—4.0 miles to corner No. 6, at the mouth of an unnamed stream at the intersection of the line of mean high tide on the east side of Morzhovoi Bay, approximately at latitude 55°03′, longitude 162°59′; thence northerly, westerly, and southwesterly with the line of mean high tide of Morzhovoi Bay approximately 14 miles to corner No. 7, at the mouth of an unnamed stream at the intersection of the line of mean high tide on the west side of Morzhovoi Bay, approximately at latitude 55°02′40″—longitude 163°13′30″; thence westerly with the north bank of said stream and with the north shore of two (2) small unnamed lakes 2.10 miles, to a point on the west shore of the most westerly lake at approximate latitude 55°02′45″; thence due west—1.00 mile to corner No. 8, at the intersection of an unnamed stream with the line of mean high tide on the east side of Bechevin Bay at approximate latitude 55°02′45″—longitude 163°17′30″; thence northwesterly, northeasterly, and southwesterly with the line of mean high tide of Bechevin Bay, 8.86 miles to a point on the most westerly extremity of the Alaska Peninsula-Bering Sea shore at approximate latitude 55°05′50″—longitude 163°21′30″; thence notheasterly with the line of mean high tide of Bering Sea, 18.20 miles to the most northerly point of Cape Glazenap, approximate latitude 55°15′—longitude 163°00′; thence N. 52°30′ E.—1.28 miles across the Cape Glazenap inlet to Izembek Bay. to a point at the line of mean high tide of Glen Island, one of the Kudiakof Islands; thence northeasterly with the line of mean high tide of Bering Sea, 4.90 miles to a point on the northern shore of Glen Island at approximate latitude 55°19′—longitude 162°54′20″; thence N. 35°15′ E.—2.52 miles, across an inlet to Izembek Bay, to a point on the line of mean high tide of Operl Island, one of the Kudiakof Islands; thence northeasterly with the line of mean high tide of Bering Sea, 8.10 miles to the most northerly point of Operl Island at approximate latitude 55°24′30″—longitude 162°42′; thence due east 3.22 miles, across an inlet to Izembek Bay, to a point on the southern shore of Neumann Island; thence northeasterly with the line of mean high tide of Bering Sea, 3.38 miles to the most northeasterly point of Neumann Island at approximately latitude 55°26′50″—longitude 162°34′50″; thence N. 71°00′ E.—0.22 mile, across an inlet to Moffet Bay, to Moffet Point on the Alaska Peninsula; thence northeasterly with the line of mean high tide of Bering Sea, 8.40 miles to corner No. 9, at approximately latitude 55°32′10″—longitude 162°26′; thence three courses with the boundaries of the watershed of Moffet Bay, southeasterly approximately 17.40 miles to the summit of the Aghileen Pinnecles, southerly approximately 19.60 miles to the summit of Mt. Dutton, westerly approximately 10.20 miles to corner No. 10, at the line of mean high tide on the east side of Cold Bay at approximate latitude 55°10′22″; thence northerly, northwesterly, and southwesterly with said line of mean high tide approximately 13.10 miles to corner No. 11, at the line of mean high tide on the northwest side of Cold Bay, approximate latitude 55°15′30″—longitude 162°40′30″; thence due west, 1.5 miles to corner No. 12, which is the northeast corner of Air Navigation Withdrawal No. 176; thence with two (2) courses of Air Navigation Site Withdrawal No. 176 boundary; due west 2.50 miles (13,216.8 feet) to corner No. 13; thence S. 24°57′30″ E., 4.28 miles (22,530.0 feet) to corner No. 1, the point of beginning containing approximately 500 square miles of land and 149 square miles of water area, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301)."

This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

Fred A. Seaton,
Secretary of the Interior.

December 6, 1960.

[F.R. Doc. 60–11521; Filed Dec. 8, 1960; 8:53 a.m.]

Mr. JACKSON. Mr. President, we are willing to accept the amendment. It is entirely in order.

I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I wonder if the manager of the bill would be kind enough to yield 15 minutes on the bill to me.

Mr. JACKSON. I yield 15 minutes to the senior Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, over a year ago a bill proposing to settle the claims of the Eskimos, Indians, and Aleuts of Alaska was debated on the floor of the U.S. Senate. That bill provided for extinguishment of native rights to all but less than 10 million acres of land.

I had proposed to the Senate in December of the previous year that a minimum settlement must comprise 40 million acres in fee. I said, on December 19, 1969, that the central feature in any fair settlement—and I emphasize the word fair—was the amount of land confirmed in Native ownership; and I further observed:

> In approaching the question of what constitutes an honorable settlement, I think we should give first consideration to what the native people themselves consider fair and reasonable.

The figure considered "fair and reasonable" by the natives was 40 million acres.

Thus, on July 15, 1970, when the Senate voted on a claims bill providing an inadequate settlement, I voted an emphatic "No." In explaining this vote I indicated:

> Basically, the Natives do not seek charity, they do not ask to be given lands or money. They merely ask to retain a portion of the 350 million acres of land to which they believe they have a valid claim, and they ask just compensation for that portion of the land which is taken from them. . . .

Mr. President, those words apply today. Fortunately, in the past year the administration, the House, and the Senate have come a long way from the 10 million-acre settlement proposed last year. At last there appears to be a glimmer of recognition that the native claims settlement, in the words of Alaska State

Senator Willie Hensley, is indeed a test of "the American political system." As Mr. Hensley observed:

> We know the history of our country in dealing with the American Indian and we want to see a final chapter not written in blood or in deception or in injustice.

Clarence Pickernell, a native American, wrote a poem a couple of years ago entitled "This Is My Land." This poem is both moving and pertinent to today's deliberations:

This is my land
From the time of the first moon
Till the time of the last sun
It was given to my people.
Wha-neh Wha-neh, the great giver of life.
Made me out of the earth of this land.
He said, "You are the land, and the land is you."
I take good care of this land,
For I am part of it.
I take good care of the animals,
For they are my brothers and sisters,
I take care of the streams and rivers,
For they clean my land.
I honor Ocean as my father,
For he gives me food and a means to travel
Ocean knows everything, for he is everywhere.
Ocean is wise, for he is old
Listen to Ocean, for he speaks wisdom
He sees much and knows more.
He says, "Take care of my sister Earth,
She is young and has little wisdom, but much kindness."
"When she smiles, it is springtime."
"Scar not her beauty, for she is beautiful beyond all things."
"Her face looks eternally upward to the beauty of sky and stars,
Where once she lived with her father, Sky."
I am forever grateful for this beautiful and bountiful earth.
God gave it to me.
This is my land.

Alaska Natives know this. Their watchword has been "Take our land, take our life." Don Wright, president of the Alaska Federation of Natives, has often said:

> The most crucial aspect of this lengthy and complex legislation is its recognition of the supreme importance of land to the Natives—lands which they have used, occupied, and cherished from time immemorial, and which the great majority of natives continue to depend upon for life-giving sustenance.

It has been estimated that 90 to 100 percent of most Native villages' living comes from the land. Natives are presently using between 80 and 100 million acres in Alaska. And approximately half the Native households, a recent report recited, indicated that they depended on hunting and fishing for most of their meat supply. Land, in short, is the singly greatest economic resources for Alaska Natives. But it is more than a matter of economics.

"If we lose the land, we will lose our people," said Margaret Nick Cooke, AFN secretary. "Our culture is tied to the land, and if the land is taken from us our culture will be killed."

Farm AFN president Emil Notti put it succinctly:

> The feeling in the villages is very strong. They want their land.

Land, observed Alfred Ketzler, an Athabascan Indian from Alaska, "is a basic part of our identity—it makes us feel who we are, and without it we have been cut off and bewildered."

It is my judgment, and it is the firm position of the Native leadership, that anything less than a legislative settlement confirming fee title to 40 million acres in Native ownership is unacceptable.

Alaska Natives have specifically and purposefully refused to make an issue out of the cash settlement contained in the bill. A million dollar settlement may sound like a lot to many people, but then $24 sounded like a lot for the Indians who sold Manhattan Island. Alaska Natives will not make that same mistake. Over a billion dollars have already been paid by oil companies in Alaska for the privilege of exploring small areas of the State for oil. Considering the natural resources beneath the tundra—beneath much of the land now claimed by the Natives—$1 billion will seem little more than the beads, hand axs, trinkets, and blankets of the past. The cash settlement means little to Natives who will lose land rich in minerals. But more importantly, money cannot compensate a people for giving up the land upon which their lives and culture depend.

The Natives of Alaska, unfortunately, have been at the bottom of the list of Americans when it comes to education, housing, health, employment. But they are proud, and their pride in great part stems from their relationship to their land. If we take away their land, we not only take away the only chance for long-range material advancement, but we deprive them of their culture and their identity and, ultimately, their future.

The Alaska claims settlement is certainly not a welfare bill. It does not reflect generosity on the part of the Congress in giving something to the Native people of Alaska. It is merely a compromise by both the United States and the Alaska Natives, in recognition that the legislative process is better suited to settling the claims dispute than the judicial process.

The Senate Interior Committee report indicates that the legal foundation for the Natives' claims is aboriginal use or occupancy, and that the Alaska Organic Act of 1884 and the Statehood Act of 1958 recognized and left undisturbed Native title and rights. In determining what constitutes an honorable settlement, we should give first consideration to what the Native people themselves consider fair and reasonable.

The Alaska Natives are not a conquered people. They have never signed treaties. They have refused to sell lands. In this legislative settlement it is Congress who is asking the Natives to give up a large part of the land. The Natives are not asking for money; they do not want to sell the land; they do not want to give up the land. Thus it is imperative that a final settlement contain the 40 million acres which the Natives feel at this time is the minimum necessary for present subsistence and future economic security and development.

S. 35 reflects in many respects the desires of the Native people. Its monetary provisions come close to the position of the Alaska Federation of Natives with the exception that the Natives had asked for an overriding royalty on land resource revenues in perpetuity, while the bill provides for a maximum of $500 million from the royalty. Many of AFN's specific goals have been adopted into the legislation as now written.

But the land provisions in S. 35 are unacceptable to the native leadership, in that they provide for an option arrangement which has been rejected outright and they do not guarantee 40 million acres in fee ownership to the native people of Alaska. Nevertheless, within the options presented, the Senate bill does contain the basic elements of an acceptable settlement for Alaska Natives.

The Natives do not oppose S. 35 only because, in conference with the House of Representatives, the Senate conferees are expected to bring back a bill containing the same basic elements of S. 35 but combining them into a solid, guaranteed, immediate 40-million-acre package. Delayed vesting, junior priorities, split fees, use rights, and other lawyerlike slights-of-hand that undercut the nature of full native title and render large chunks of acreage aberrational and ephemeral will not be tolerated.

I do believe, Mr. President, that the Alaska Natives will have vigorous and dedicated advocates in the conference. I know that the chairman of the Interior Committee, Senator JACKSON, has spent hundreds of hours working on this legislation over the past few years and is fully committed to seeing through the kind of just and equitable settlement that the Native people expect and hope for. I also believe full recognition should be given to the hard work and dedication of Senators from Alaska, who have shown themselves to be extraordinarily responsive to the needs and wishes of their Native constituency. These three distinguished colleagues of ours have certainly guided the pen in writing this important chapter in the history of our Government's relationship with this country's Native peoples.

A final settlement of the Alaska Native claims which reflects the desires of the Natives should give new hope to other Native groups and causes. The Alaska Federation of Natives, and its former President Emil Notti brought this issue to national attention and prepared Congress and the public for the monumental task of legislating an honorable final claims settlement. AFN's perseverence over the past year, under the able leadership of Don Wright, has brought us from a time when a Senate-passed bill provided for a 10 million-acre settlement, the House had not considered any bill at all, and the administration was unhappy about the generosity of even the Senate's meager settlement, to where we are now—with House and Senate bills and administration support encompassing the major elements of the AFN position. The achievements of the AFN should serve to encourage Indian leadership to organize and to press their views in Washington, having seen firsthand that justice can be achieved here.

Of course, as important as this settlement is to the Alaska Natives, it certainly does not mark the end of the United States' concern for Native Americans. It should, in fact, be viewed as the beginning of a movement to right old wrongs and to prevent contemporary and future injustices. The protection of Indian resources; the establishment of new Indian education programs and the guarantee of Indian community control of educational programs; the delivery of health care to Indian communities; the construction of adequate housing for Indian families; the reduction of the incredibly high Indian unemployment rate—these should all be priority items on our national agenda.

As I mentioned earlier, Mr. President, the passage of S.35 does not mark the end of the Senate's responsibility in completing action on Alaska Native claims. There will be a House-Senate conference, and it is my hope, and the firm expectation of a number of Members of this body, that the final bill will more closely reflect the wishes and respond to the needs of the Native people than either of the bills going into conference. As I said almost 2 years ago:

> Time is running out for the Alaska Natives and for the Congress. The Senate has an opportunity to make a fair settlement in accordance with our Nation's high ideals. It is perhaps the Nation's last, best chance to close with dignity and justice one of the sordid chapters in our history—our shocking treatment of America's first inhabitants in disputes over land.

Mr. JACKSON. Mr. President. will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JACKSON. Mr. President, I compliment the senior Senator from Massachusetts for a very fine statement. He has been in the forefront in attempting to obtain a fair and equitable settlement for the Alaska Natives. He did an outstanding job as chairman of the Special Subcommittee on Labor and Education dealing with Natives' and Indian problems, not only as they pertained to Alaska but also throughout the United States.

I want to assure the Senator from Massachusetts that we shall do everything we can, as we go to conference, to obtain the best possible settlement.

I think that the provisions of the Senate bill are far more equitable than those of the House bill. I want to assure the Senator that I will do everything I can to further improve our bill. And I deeply appreciate the Senator's statement on and support for the position of the Senate and further improvement thereof.

Mr. KENNEDY. I thank the distinguished Senator from Washington for his comments. I have enjoyed the opportunity, both on and off the floor, to have a chance to exchange ideas on this and other measures which affect the lives and well-being of the Alaskan Natives and our Indians. I appreciate his commitment on this matter in trying to assure the Alaskan Natives—not only them but also all Americans—that we in Congress can act fairly and with justice to the individuals who will be affected.

I appreciate the Senator's kind remarks.

Mr. GRAVEL. I, too, would like to associate myself with the comments of the distinguished Senator from Massachusetts and thank him on behalf of all Alaskans. Certainly, his trip to Alaska focused on this problem as well as broadly on the plight of the Alaska Natives. It follows in the great tradition of the Kennedy family, especially with his late brother, Robert, who brought to the attention of the Nation the terrible treatment the Indians of this country have received at the hands of the white man.

I believe that we can say here, in all candor, that, through the strong position taken by the Senator from Massachusetts, we were able to broaden the parameters of a possible solution. Had it not been for this we would not be here today with this generous settlement that we seek.

I agree with the Senator that we can never be sufficiently generous in this regard, but I believe that the Senator from Massachusetts has played an unusual role in the history of Alaska and, for that, Alaskans will forever be in his debt.

Mr. KENNEDY. I thank the Senator from Alaska for his very generous and kind remarks.

Mr. President, I yield back to the remainder of my time.

Mr. JACKSON. Mr. President, I call up an omnibus amendment which is a technical and conforming amendment, and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Spong). Without objection, further reading of the amendment will be dispensed with, and without objection the amendment will be printed in the Record.

The text of the amendment is as follows:

Technical and Conforming Amendment

At page 163, line 6, strike "is" and insert "its".

At page 163, line 13, strike "Treasury" and insert "Treasury".

At page 164, line 18, strike "22" and insert "23".

At page 165, line 2, strike the colon ":" and insert a semicolon ";".

At page 165, line 13, strike the number "(1)" and insert the letter "(l)".

At page 167, line 10, strike the second "to" and insert "into".

At page 168, line 4, strike "ofthis" and insert "of this".

At page 170, line 20, strike "attorney's" and insert "attorneys' ".

At page 173, line 20, strike "States" and insert "states".

At page 174, line 5, strike "power" and insert "powers".

At page 179, line 2, strike "Corporation." and insert "Corporation; or".

At page 179, after line 2, insert "(4) as a member of the Planning Commission."

At page 186, line 5, strike "successor has" and insert "successors have".

At page 195, line 10, insert "Government" after "States".

At page 197, line 4, strike "Corporations" and insert "corporations".

At page 204, line 3, strike "of Alaska".

At page 211, line 6, strike "an-" and insert "ap-".

At page 213, line 21, insert "the" before "provisions".

At page 216, lines 7 and 8, strike "States" and insert "states".

At page 217, line 23, strike "Corporation." and insert "Corporation, whichever is greater."

At page 219, line 9, strike "State" and insert "state".

At page 221, line 8, insert a comma at the end of the line after "of".

At page 224, line 18, strike "Directors" and insert "directors".

At page 226, line 10, strike "State" and insert "state".

At page 226, line 12, insert "Government" after "States".

At page 229, line 9, strike "Corpoartion" and insert "Corporation".

At page 229, line 20, strike the comma.

At page 230, line 17, strike "average" and insert "acreage".

At page 231, line 2, strike "right-of-way" and insert "rights-of-way".

At page 231, line 22, strike "State" and insert "state".

At page 236, line 4, strike "State" and insert "state".

At page 236, line 13, delete comma after "township".

At page 240, line 24, delete "Atmautluak." and insert "Atmauluak, Southwest Coastal Lowland."

At page 241, line 20, delete "Chitina." and insert "Chitina, Copper River."

At page 243, line 21, strike "Kotzebe" and insert "Kotzebue".

At page 246, lines 15, 18, 20, strike "s" on "Aleutians".

At page 246, line 16, insert comma after "Mary's".

At page 246, line 25,, strike "Shakeluk" and insert "Shageluk".

At page 247, line 8, strike "s" on "Aleutians".

At page 250, line 7, strike "s" on "Corporations".

At page 251, line 2, after "subsection" insert "and subsection 14(h)".

At page 252, line 6, strike "(a)" and insert "(A)".

At page 252, line 11, strike "(b)" and insert "(B)".

At page 252, line 18, strike "(c)" and insert "(C)".

At page 255, line 21, strike "miscelleaneous" and insert "miscellaneous".

At page 257, line 21, strike "is" and insert "are".

At page 259, line 12, strike "24(c)" and insert "24(c)(1)".

At page 261, line 22, strike "(c)" and insert "(C)".

At page 263, between lines 3 and 4, strike "Average" and insert "Acreage".

At page 263, line 10, strike "14" and insert "13".

At page 263, line 10, strike "select such" and insert "allocate such amounts of".

At page 266, lines 22 and 23, strike "(A) and (B)".

At page 267, between lines 20 and 21, insert:

"(3) Upon completion of the survey of lands selected for the benefit of a Native Village pursuant to section 13(g)(3), as provided in subsection (a) hereof, and contemporaneous with the issuance of patents to Viliage Corporations as provided in the foregoing paragraph (2), The Secretary shall issue a patent or patents to all minerals in such lands covered by the Federal mineral leasing laws, subject to valid existing rights, to the Services Corporation. At the time of such conveyance, the Services Corporation shall succeed and become entitled to any and all interests of the United States, as lessor, contractor, or permitter, in any mineral leases, contracts, or permits covering such lands as provided in subsection (*1*) of this section."

At page 270, line 17, strike "patented" and insert "selected".

At page 270, line 17, strike "15" and insert "14".

At page 272, line 7, strike "Corportion" and insert "Corporation".

At page 274, line 16, strike "land" and insert "lands".

At page 274, line 21, strike "land and" and insert "lands and".

At page 276, line 25, strike "Service" and insert "Services".

At page 277, line 6, strike "from" and insert "for".

At page 277, line 24, strike comma after "procedures".

At page 281, line 4, strike "section" and insert "subsection".

At page 285, line 18, strike "block" and insert "blocks".

At page 287, lines 3 and 4, strike "of Alaska".

At page 288, line 12, strike "subsections" and insert "subsection".

At page 288, line 18, strike "subsection" and insert "paragraph".

At page 288, line 25, strike "Service" and insert "Services".

At page 289, line 20, strike "pursaunt" and insert "pursuant".

At page 290, line 21, strike "section" and insert "subsection".

At page 291, line 16, strike "subsection" and insert "paragraph".

At page 291, line 19, strike "subsection (b) (2)" and insert "paragraph (2) (B)".

At page 293, line 11, strike "Village" and insert "Villages".

At page 296, line 11, strike "subsection" and insert "paragraph".

At page 297, line 3, strike "Service" and insert "Services".

At page 297, line 10, strike the number "(1)" and insert the letter "(l)".

At page 297, line 18, strike "of Alaska".

At page 297, line 18, strike "subsection" and insert "paragraph".

At page 297, line 23, strike "section 19(f) (1)" and insert "this subsection 19(c)".

At page 298, line 25, strike "of Alaska".

At page 299, line 8, strike "Act" and insert "act".

At page 300, line 25, strike "purpose" and insert "purposes".

At page 302, line 2, after "or two" strike "two".

At page 302, line 16, strike "purpose" and insert "purposes".

At page 303, line 2, strike "sections" and insert "subsections".

At page 303, line 18, after "acting" and before "in", insert "after notice and an opportunity for a hearing".

At page 305, line 24, strike "subsection" and insert "paragraph".

At page 306, lines 2 and 14, strike "subsection" and insert "paragraph".

At page 308, lines 6 and 19, strike "Reservation" and insert "reservation".

At page 309, line 25, after "township" delete the comma.

At page 310, lines 2, 3, and 7, strike "are" and insert "is".

At page 310, line 6, strike "townships" and insert "township".

At page 310, line 6, strike "Villages" and insert "Village".

At page 313, line 8, strike "con-".

At page 313, line 19, strike "In".

At page 313, strike lines 20 through 25.

At page 314, strike lines 1 through 22.

At page 317, line 20, strike "section" and insert "subsection".

At page 317, line 21, after "24" insert "(c)".

At page 318, line 11, after "subsection" and before "(2)", insert "(m)".

At page 319, line 11, strike "purposses" and insert "purposes:".

At page 324, line 15 strike the comma.

At page 324, line 15, strike "Southeast" and insert "southeast".

At page 324, lines 17 and 18, strike "nineteen" and insert "eighteen".

At page 324, line 21, strike "withdrawan" and insert "withdrawn".

At page 330, line 14, strike "of Alaska".

At page 330, line 20, after "States" insert "with the advice and consent of the Senate,".

At page 331, line 2, after "Defense.", add a new sentence to read as follows:

"Appointments pursuant to this subsection shall be made within six months of the date of enactment of this Act."

At page 331, line 3, strike "of Alaska".

At page 332, lines 2 and 3, strike "of Alaska".

At pages 333, lines 24, strike "subsection" and insert "section".

At page 334, lines 1 and 5, strike "villages" and insert "Villages".

At page 335, line 7, strike "of Alaska".

At page 335, line 13, strike "sections" and insert "selections".

At page 335, line 14, strike "villages" and insert "Villages".

At page 335, lines 15 and 20, strike "village" and insert "Village".

At page 335, line 25, strike "vil-" and insert "Vil-".

At page 335, line 19, strike the period "." and insert a comma ",".

At page 336, line 17, strike "villages" and insert "Villages".

At page 337, lines 17 and 21, strike "of Alaska."

At page 338, lines 2, 21, and 24, and page 339, line 1, strike "of Alaska".

At page 341, line 5, strike "villages" and insert "Villages".

At page 341, line 17, strike the word "chiefly".

At page 347, line 3, strike "purpose" and insert "purposes".

At page 348, line 6, strike "State" and insert "state".

At page 348, line 8, after "tion" and before "with" insert "or other professional services".

At page 349, line 8, strike "of Alaska".

At page 351, line 25, after "(a)", insert a comma ",".

At page 352, line 2, strike "attorney's" and insert "attorneys'".

At page 352, line 2, after "fees" insert a a comma ",".

At page 359, line 24, strike "Procedures" and insert "Procedure".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON).

The amendment was agreed to.

Mr. BIBLE. Mr. President, I send to the desk an amendment on behalf of myself and, I understand, it is one that will be approved by the Senator from Washington (Mr. JACKSON), and I ask that it be read. It is not a printed amendment, but I have several copies available for any Senator who wishes to look at it. I think it is a reasonable and noncontroversial amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIBLE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

Beginning at page 342 strike all of subsection 24(c)(4), lines 10 through 24, and at page 343 strike lines 1 and 2, and insert the following new subsection:

"(4) In making the classifications required by subsection (c)(1) hereof the Secretary shall, after consultation with the Planning Commission, conduct detailed studies and investigations of all unreserved public lands in Alaska, including classified lands, and of Naval Petroleum Reserve No. 4 and the Rampart Power Site Withdrawal, which are suitable under existing statutory and administrative criteria for inclusion as recreation, wilderness, wild rivers, or wildlife management areas within the National Park and the National Wildlife Refuge Systems, and every six months shall advise the Congress for a period of three years from the date of passage of this Act of the location, size, and values of such area, his recommendations with respect to such areas, and shall simultaneously with notification to the Congress withdraw these areas from any appropriation under the public land laws, including application of the mining and mineral leasing laws, until such time as the Congress acts upon the Secretary's recommendations, but not to exceed five years. In making the detailed studies and investigations and in identifying such areas, the Secretary shall consider areas recommended to him by the Planning Commission. Notwithstanding any other provision of this Act, initial identification of lands desired to be selected by the State pursuant to the Alaska Statehood Act and by the Commission pursuant to sections 13(g)(3) and 19 of this Act may be made within any area withdrawn pursuant to this paragraph, but such lands shall not be tentatively approved or patented so long as the withdrawal of such areas remains in effect: *Provided*, That selection of lands by Native villages pursuant to sections 13(g)(1) and 14(h) and rights granted pursuant to section 21 of this Act shall not be affected by such withdrawals and such lands may be patented and such rights granted as authorized by this Act. In the event Congress enacts legislation setting aside any areas withdrawn under the provisions of this paragraph which the Natives or the State desired to select, then other unreserved public lands shall be made available for alternative selection by the Natives and the State. Any time periods established by law for Native or State selections are hereby extended to the extent that delays are caused by compliance with the provisions of this paragraph."

Mr. BIBLE. Mr. President, I yield myself such time as may be required. I do not anticipate that I will take the full 30 minutes which I believe I am allotted. Is 30 minutes correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. Mr. President, section 24(c) of S. 35, the Alaska Native Claims Settlement Act of 1971, provides for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. This section also directs the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in, or their establishment as new areas of, the national park system or the national wildlife refuge system. The Secretary is to report his recommendations to the Congress and to complete the study within 3 years.

I endorsed and supported this provision when the matter was considered in committee in both this Congress and in the 91st Congress.

Since S. 35 was ordered reported by the committee on September 15, the leaders of several conservation organizations have raised a number of questions with respect to the operation of this subsection of the bill. I have carefully reviewed these questions as well as their suggestions for dealing with the potential problems that are of concern to the leaders and members of these organizations.

As a result of this review I am persuaded that some clarifying language and a number of minor changes in subsection 24(c)(4) would serve to resolve these questions and would insure that what I understand to be the committee's intent is made perfectly clear in the language of the bill. I have had the appropriate language drafted as an amendment and will later move for its consideration. The amendment does the following things:

First, provides that the Secretary shall review "classified lands" as well as unreserved public lands.

Second, provides that the Secretary shall report to the Congress on the status of his review and his recommendations every 6 months for a period of 3 years.

Third, provides that where the Secretary recommends to the Congress an area for inclusion in the national park or wildlife refuge system the area recommended will remain withdrawn for a period not to exceed 5 years to allow Congress an opportunity to consider and act on any proposed legislation. The withdrawal period under the bill as reported by the committee is 2 years.

Since I have handled national park and recreational area matters for many years, I think that the 2-year period is too short a time. I have obtained the recommendations from the Secretary so that Congress, on both sides of the Hill, might complete their action, and that is the only reason for the expansion from 2 years to 5 years.

Fourth, provides that the Secretary shall consider in his review those areas recommended to him by the Planning Commission.

Fifth, allows State identification of withdrawn areas for purposes of State selection, but does not allow tentative approval or patenting of such lands until Congress has had an opportunity to act on the Secretary's recommendations.

Sixth, provides that withdrawal of lands will not delay or frustrate the granting of patent to lands selected by Native villages even though they may be located in a withdrawn area; and

Seventh, provides that the State and Natives shall have an alternative selection right to other unreserved public lands if Congress enacts legislation setting aside any of the withdrawn areas recommended for inclusion in the park or wildlife refuge systems.

Mr. President, the purpose of the amendment is to insure that areas suitable for inclusion in the national park or wildlife refuge systems are protected for a reasonable period of time so that Congress may consider legislation on this subject. The amendment does not in any way effect the proposed Trans Alaska oil pipeline. It is, in my view, compatible with Native land-selection rights. The amendment does, however, mean that the State will not be able to select lands in those areas which the Secretary recommends for addition to, or inclusion in, the park or wildlife refuge system. The amendment does not effect in any way the status of lands to which the State has selected and which have been tentatively approved.

The purpose for which these lands would be withdrawn is a national purpose and it is my view that the national interest requires that the Congress be given a full and fair opportunity to review the Secretary's recommendations.

I have discussed the amendment with the chairman of the committee and he supports it and has aksed to be made a cosponsor.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks some language from the committee report explaining the operation of the present provisions of section 24(c).

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, I believe that I have discussed this matter with everyone who has expressed an interest in it. I have discussed it with the ranking minority member of the full committee and the minority counsel. I have also discussed it with both Senators from Alaska and have furnished them with additional copies of the amendment.

EXHIBIT 1

Section 24(c)—This subsection establishes a transitional program for the operation of the public land laws and the classification and, where appropriate, the orderly disposal of public lands in Alaska. This provision will insure that public lands in Alaska may be retained or disposed of in the light of changed circumstances brought about by the passage of time and the operation of the Act. The Committee adopted these provisions to provide for an orderly termination of Public Land Order No. 4582, as amended, and to provide an orderly procedure whereby public lands may, in the future, be appropriated under the public land laws. Absent such a procedure it appears very likely that there would be a rush by people to file mineral leases, homestead entries and mining claims.

Section 24(c)(1)—This subsection would effectuate a legislative withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of all unreserved public lands in Alaska. The Secretary is authorized to classify any lands so withdrawn or previously classified and, after consultation with the State of Alaska and the Planning Commission, to open the entry, selection or location for disposal in accordance with applicable public land laws such lands as he determines are chiefly valuable for the purposes provided for by such laws. He may also classify lands for retention should he conclude that the public interest would be better served thereby. Lands classified for retention will remain in that status, unless reclassified by the Secretary or unless the Congress modifies the classification.

Section 24(c)(2)—This subsection requires the Secretary or his designee to examine the lands covered by any application under the public land laws and, if appropriate, to classify them as suitable for the purposes described in the application. This subsection also provides a means whereby entry may be made on lands which have not yet been appropriately classified under subsection (a).

Section 24(c)(3)—The legislative withdrawal accomplished by this subsection, except as provided in subsection (a) will not affect any discretionary authority of the Secretary with respect to the issuance of leases, permits, or rights-of-way in accordance with existing law. Nor will it restrict the State's selection rights or the availability of rights-of-way expressly granted by law except that rights-of-way for highways under Revised Statutes 2477 (43 U.S.C., S. 932) will in the future take effect only under such terms and conditions as the Secretary may establish. In the event the Secretary concludes that a right-of-way under Revised Statutes 2477 is incompatible with other uses to which the lands involved should be put or with values for which such lands should be retained or reserved, the Secretary is authorized to refuse to permit such a right-of-way to take effect.

Section 24(c)(4)—Subsection (4) provides that in making classification under this section the Secretary shall, after consultation with the Planning Commission, make a detailed study of all public lands in Alaska which are suitable for inclusion in the National Park, Forest or Wildlife Refuge Systems. The Secretary is required to report to the Congress on such areas within three years.

The Committee is concerned that, absent the survey and identification of scenic, historical, recreational and wildlife areas required by this section, incompatible uses could become established. In Alaska there still remains an opportunity to set aside a portion of the public lands at no cost for the enjoyment of present and future generations. In other States this was not done, and as a result the American public must now pay the price of reacquiring and setting aside lands which were once in public ownership.

The Secretary is not required by subsection 24(c)(2) to open lands to entry if the lands in question are suitable for inclusion in either the park or wildlife refuge system.

Section 24(c)(5)—This subsection directs the Secretary to promptly issue patents to all persons who have made entry on the public lands in compliance with the public land laws for the purpose of gaining title to a trade and manufacturing site or homestead.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. JACKSON. Mr. President, I merely want to say that I associate myself with the remarks of the senior Senator from Nevada. He is quite familiar with this problem, both in his capacity as chairman of the Appropriations Subcommittee handling all of the funds for the Department of the Interior pertaining to parks, wildlife areas, wilderness areas, and all other matters within the jurisdiction of the Department of the Interior, as the able chairman of the Subcommittee on Parks and Recreation.

Mr. President, I wish to commend the Senator for offering the amendment in which I am very delighted to join as a cosponsor. I do feel that it helps to clarify an area where there might be some ambiguity.

This language should be helpful in connection with this aspect of the bill.

Mr. STEVENS. Mr. President, will the Senator from Washington yield me 5 minutes for the purpose of a colloquy with him.

Mr. JACKSON. I am delighted to yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Nevada. He has in fact discussed this matter with us and has made several perfecting changes in the amendment. I would like to clarify some things.

Mr. President, as I understand it, the Secretary of the Interior does, in fact, have the authority today to classify lands. He has classified the Central

Brooks Range area. He has classified the Iliamna area and the Cooper River area for some time.

It is my understanding that the Senator from Nevada seeks to establish a procedure under this amendment whereby there will be an orderly review of the lands of Alaska to determine what land should be added to the national parks and national wildlife and refuges. That is the intent of the amendment.

Mr. BIBLE. The Senator is correct. There will be an automatic review. The Secretary has to report every 6 months. He has to make his final recommendation to the Congress of the United States within 3 years after the final recommendation. At the end of 3 years, or any time within that 3 years, Congress must act affirmatively one way or the other within that additional period if additions to a national park or a new national park is proposed.

That is the intent of the measure. I know of the Senator's interest in a number of the national park areas. He mentioned the Central Brooks Range area. Certainly the Gateway to the Arctic is involved. There have been proposals that that be made a national park.

This makes it abundantly clear that for a period of 3 years the Secretary would be permitted to study the matter. Then, if he wants to recommend it as a national park or a recreation area, he would report back to Congress and Congress would have 5 years to act on it.

The Senator recalls recently that I was lucky enough to be able to get to his rather sizable State north of our State during our recent recess. I noted there at Mount Kennedy that all of the land around there was not completely within the national park. There is a possibility of that being added.

The same is true of the Mount McKinley National Park. There should be some slight increase in the size.

The same is true of the Glacier National Monument. I know that there are others.

Mr. STEVENS. Mr. President, I know of the Senator's great interest in our State. I am aware also of his trip this past summer to our State. We appreciate his interest in our park and wildlife areas.

I want to make certain that this amendment provides that if there is to be any additional land added to these areas—and some of them I do support—it will be done by an act of Congress under this amendment.

Mr. BIBLE. The Senator is correct.

Mr. STEVENS. Also, Mr. President, with respect to the lands that have presently been tentatively approved by the State on selections made prior to the so-called freeze—which has been in effect for some time—these tentative approvals that have been given before that date would not be affected by the amendment. This is a prospective amendment.

I appreciate the Senator's comment in that regard.

Mr. BIBLE. The Senator is correct. If they have been tentatively approved either by the Department or the Secretary of the Department or the Bureau of Land Management, they are in no way affected by the amendment.

Mr. STEVENS. Mr. President, I am grateful to the Senator for explanation of his amendment. The amendment is in the same direction as the Kyl amendment. However, I think the Senator has come up with an automatic review provision which puts the burden on the Secretary to come forth and puts the burden on Congress to act within a specific period of time.

While, if I had my druthers, I would not have them in the bill.

I understand the Senator's great interest and the interest of many other people in seeing that there is an orderly transition of 3 years. I am grateful to the Senator for presenting the amendment in the way in which he has.

Mr. BIBLE. Mr. President, I appreciate the statement of the Senator from Alaska.

Mr. JACKSON. Mr. President, the Senator from Wisconsin (Mr. NELSON) is unavoidably detained in the Senate Finance Committee. He had some questions that he wished to ask the author of the amendment. In his behalf, I shall propose the questions that he has prepared.

The Senator's amendment directs the Secretary of the Interior to "conduct detailed studies and investigations" of several categories of public lands in Alaska. Not only does this specifically include two areas of technically reserved Federal lands—namely, Pet 4 petroleum reserve and the Rampart Power Site Withdrawal—but all unreserved public lands and two areas which have heretofore been "classified" under the authority of the now terminated Classification and Multiple Use Act of 1964—namely, Copper River Classification and Iliamna Classification.

Now, I wish to ask the distinguished Senator from Nevada about one particular area in Alaska: the Central Brooks Range. As the Senator knows, some 24 million acres in the Central Brooks Range was proposed by the Secretary of the Interior to be classified under the authority of the Classification and Multiple Use Act of 1964. That proposal was formalized by publication in the Federal Register, but was never actually finalized because the authority of the Classification and Multiple Use Act terminated.

The Senator would agree, would he not, that this Central Brooks Range area—which he visited in detail during the recent recess—has enormous potential national interest and significance? This area as proposed in the published classification documents in the Federal Register, encompasses much of the heart of the Central Brooks Range, a pristine wilderness of enormous value for its natural beauty, wildlife, and wilderness character. This area, as the Senator knows, encompasses the area long proposed to be set aside as the Gates of the Arctic National Park.

My question to the Senator is this: would it be the intent of your amendment that this particular area, the Cenral Brooks Range, would be studied for possible recommendation by the Secretary under the provisions of the pending amendment?

Mr. BIBLE. The answer to the question the Senator proposed on behalf of the Senator from Wisconsin (Mr. NELSON), who is unavoidably detained, is yes. I covered that in my earlier statement. In response to Senator STEVENS I indicated that one of the proposed areas we would hope would be studied—and I might add, studied at an early date—by the Secretary of the Interior would be the Gates of the Arctic National Park.

I had the good fortune in August to fly to Anaktuvuk and the proposed Gates of the Arctic. It is an area of spectacular beauty. I would hope the Secretary and his people would study it at an early date and make their recommendations well within the 3-year study period which is authorized in my amendment. As the Senator knows, we will not do anything until the recommendation is made, but the amendment would protect the area during that period of time. I think it should be protected, and I hope the Secretary of the Interior will give this high priority in his study.

I am immensely impressed by the area's rugged beauty and natural values, its wildness, and its obvious national significance. I am familiar with the longstanding proposition that the heart of this area be added to our national park system as a magnificent new Gates of the Arctic National Park. The Department of the Interior and the National Park Service, as well as Alaskan and national conservation groups, have this proposal high on their list of priorities.

Now, technically speaking, this Central Brooks Range area is not classified under the now-defunct Classification and Multiple Use Act. It very nearly was so classified, and is presently in a temporary holding category owing to the fact that the classification proposal did get as far as publication in the Federal Register. But it is the definite intent of my amendment to assure that this area—and I mean the full area as proposed for classification—be studied for the various kinds of potentials outlined in my amendment. This land is all technically within the category of "unreserved public lands" which the Secretary is directed to study under the language of my amendment. It is my intention in this amendment to specify that this area be studied. Indeed, the long record of interest in this area and the possibility that it may otherwise quickly be endangered by alternative disposition or development make it requisite that it receive very high priority as the Secretary proceeds to carry out the duties assigned him by this amendment.

I thank the Senator for raising this point, and my response is affirmative, that the Central Brooks Range should receive priority study under the procedures of this amendment. It is my hope to see recommendations covering this area come up to the Congress in the first 6 month reporting period under this amendment, for this priority reporting will be the surest means of guaranteeing the interim protection this area so clearly requires until Congress has decided its ultimate best protection in the public interest.

Mr. JACKSON. I thank the Senator from Nevada on behalf of the Senator from Wisconsin who is not able to be here.

Mr. BIBLE. Mr. President, I do not

know if there are any further questions in connection with the amendment.

I am not necessarily soliciting questions, but unless there are other questions, I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's last unanimous consent request with regard to his amendment is agreed to.

Does the Senator from Washington yield back his time?

Mr. JACKSON. If I have any time to yield back, I am prepared to do so. I am a cosponsor of the amendment.

Mr. BIBLE. There does not appear to be any opposition.

Mr. JACKSON. I yield back whatever time I have authority to yield back.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Nevada (putting the question).

The amendment was agreed to.

Mr. BIBLE subsequently said: Mr. President, since calling up the amendment which I called up earlier, and which has been acted upon, I have been requested by the Senator from Wisconsin (Mr. NELSON), to add his name as a cosponsor of the amendment. I ask unanimous consent that the name of the Senator from Wisconsin (Mr. NELSON), be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 567

Mr. GRAVEL. Mr. President, I call up my amendment No. 567.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 164, line 3, insert the following: after "thereof," "including Tsimshians,".

Mr. GRAVEL. Mr. President, this amendment would include the Tsimshians, whose origins are from Canada, but who truly are Alaskan Natives. I believe there is no objection to the amendment on the part of the chairman. We are all in agreement on this amendment. I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I have discussed this amendment with the minority side and we have no objection to the amendment. We are glad to accept it.

Mr. STEVENS. Mr. President, is this my amendment No. 567?

Mr. GRAVEL. Our amendemnt.

Mr. STEVENS. Very well. I would like to make a little legislative history in connection with this amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Tsimshians are a group of Natives who were adopted, more or less, into the Alaskan Native group. We do have a provision in this bill that deals with Metlakatla. There are a great many of Tsimshians who do not live on Metlakatla. It is the intent of this amendment that those who do not reside on Metlakotla are included in the definition of Alaskan Native people even if Metlakatla decides not to be included under this bill. I want everyone to understand that is the total impact of the amendment. If Metlakatla decides to be included, all Tsimshians are included. If Metlakala decides not to be included, then all Tsimshians not residents of Metlakatla are included anyway.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senators from Alaska.

The amendment was agreed to.

AMENDMENT NO. 569

Mr. STEVENS. Mr. President, on behalf of my colleague (Mr. GRAVEL) and myself, I call up my amendment No. 569.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read the amendment, as follows:

On page 163, between lines 7 and 8, insert the following:

(f) No provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89-136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as these lands retain an exemption from State property taxes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum——

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold that?

Mr. STEVENS. I withhold it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 5 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC BUILDINGS AMENDMENTS OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 409, S. 1736. This has been cleared on both sides.

The PRESIDING OFFICER. The clerk will state the bill by title.

The second assistant legislative clerk read the bill by title, as follows:

A bill (S. 1736) to amend the Public Buildings Act of 1958, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment on page 1, after line 4, strike out:

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479) as amended (40 U.S.C. 601), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "SEC. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,";

(7) in sections 11 and 12, delete "(a)" after "Section 7";

(8) in paragraph (1) of section 13 redesignate clauses (x) and (xi) as (xii) and (xiii), respectively and insert immediately after "facilities," the following: "(x) Federal parking facilities, (xi) parking areas."; and

(9) insert at the end of section 13 the following:

"(8) the term 'Federal parking facilities' means any structure designed for parking or a parking lot that has been acquired or constructed pursuant to this Act for the express purpose of providing off street parking for official, employees', or visitors' vehicles, for Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or the government of the District of Columbia.

"(9) the term 'parking areas' means those grounds, areas, courtyards, or spaces within, adjacent to, around, near, or beneath buildings occupied either by Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or by the government of the District of Columbia, or any site owned or leased by the Federal Government suitable for parking which is specifically identified and designated by the Administrator for use for off street parking for official, employees' or visitors' vehicles."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby authorized to be established by the Secretary of the Treasury, a Federal building fund. Such funds shall be composed of (A) the assets of the buildings management fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1969, and the construction services fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended, and the fund shall assume all the liabilities, obligations, and commitments of the said buildings management fund and the said construction services fund; (B) any unexpended balances of funds appropriated to General Service Administration under the headings 'Operating Expenses, Public Buildings Service', 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Payments, Public Buildings Purchase Contracts', 'Additional Court Facilities', and 'Expenses, United States Court Facilities', in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970, or prior year appropriations; (C) the estimated fair market value as determined by the Administrator of Government-owned buildings or facilites carried in the active inventory of General Services Adminstration; and (D) such sums as may be appropriated thereto.

"(2) The fund shall be credited with (a) advances, reimbursements, and payments, including payment of charges made in pursuance of subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), and (b) all other reimbursements and refunds or recoveries resulting from operation of the fund, including receipts from carriers and others for loss of, or damage to property.

"(3) The fund shall be available without fiscal year limitations for use by and under the direction and control of the Administrator for (a) public buildings construction, acquisition, or alteration projects: *Provided,* That such fund may be used for any individual project estimated to involve an expenditure in excess of $500,000 only when authorized by appropriation Acts, and (b) the performance of all other real property management and related activities, including personal services and administrative operations, and authorized by law in amounts not exceeding limitations imposed in appropriation Acts. The construction, acquisition, and operation of Federal parking facilities and parking areas shall be financed solely from the revenues derived from such parking facilities and parking areas and accounted for separately within the fund.

"(4) The Administrator shall prepare annually and submit to the Bureau of the Budget a business type budget in accordance with section 847 of title 31, United States Code, and the rules and regulations established by the President pursuant thereto."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding a new subsection reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any Federal agency, including General Services Administration, mixed ownership corporation (as defined in the Government Corporation Control Act), and the Government of the District of Columbia. Federal employee, private person, or organization furnished services, space, quarters, maintenance, repair, or other facilities, including parking, fees therefor at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. In establishing such rates and charges, the Administrator shall give consideration to the costs of providing space, services, or other facilities and shall provide for reserves for replacement and expansion: *Provided,* That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such services. Funds available to any such agency shall be available to defray such rates and charges;

"(2) to operate by lease or otherwise Federal parking facilities and parking areas, and to issue all needful rules and regulations in connection therewith;

"(3) to alter Federal buildings;

"(4) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(5) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(6) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code."

SEC. 5. (a) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency the services set forth in subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490), shall charge the eligible agency to which such services are furnished fees therefor at rates determined by the head of the agency furnishing the services in the manner provided in subsection (j)(1) of section 210 of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 490), or, at the election of such agency head, at rates determined by the Administrator of General Services and charged by him for comparable services. Funds available to occupying eligible agencies shall be available to defray such rates and fees. Moneys derived by other agencies from such rates or fees may be credited to the appropriation or fund initially charged for providing the service, except that amounts included for replacement and expansion shall be credited to the fund created by subsection (f)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490).

(b) As used in this section, the terms "eligible agency" or "eligible agencies" shall have the same meaning as the term "Federal Agency" as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, Federal employees, private persons, or organizations.

(c) As used in this Act, the term "real property management and related activities" and similar terms shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies.

SEC. 6. This Act shall become effective upon enactment. The effective date of the rates to be charged pursuant to the regulations to be issued under subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, and section 5 hereof, shall be on the date of the beginning of the second fiscal year subsequent to enactment hereof.

And, in lieu thereof, insert:

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word ", maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (c) and (d);

(6) delete in subsection (a) of section 12 the following: ", as he determines necessary,"; and

(7) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design.".

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(i) User charges made pursuant to subsection (j)(1) of this section payable in advance or otherwise.

"(ii) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(iii) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts and for such purposes as specified in annual appropriation Acts: *Provided,* That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; (C) any funds appropriated to General Services Administration under the headings 'Repair and improvement of Public Buildings', 'Payments, Public Buildings Purchase Contracts', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational; and (D) such sums as may be appropriated thereto. *Provided,* That fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: Provided, That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum: And provided further, That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations, and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: Provided, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 14(5) of the Public Buildings Act of 1959 (73 Stat. 49), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies, may be exempted from the charges provided by this subsection, if the President of the United States determines that such charges would be infeasible or impractical. To the extent, any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demotion and improvement with respect to site authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170.

"(k) Any other executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j) (1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

"(l) As used in this section—

"(1) The terms, 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3(b) of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

SEC. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

"(a) Whenever the Administrator determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210(1)) of the Federal Property and Administrative Services Act of 1949, as Amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(b) Each such purchase contract shall include such provisions as the Administrator, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

"(1) amortize the costs of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

"(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

"(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

"(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose may be utilized by the Administrator to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

"(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

"(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: Provided, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), and in which no substantial change in scope has been made, and for which the estimated cost of construction has not increased by more than an average of 10 per centum per year, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes be considered as prospectuses for the purchase of space.

"(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

"(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment."

SEC. 6. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary.

SEC. 7. Funds available to any eligible agency may be used to pay user charges established under section 210(j) and (k) of the Federal Property and Administrative Services of 1949, as amended.

SEC. 8. The Public Buildings Act (73 Stat. 479), as amended (40 U.S.C. 601 et seq.) is amended by adding at the end thereof a new section 19, as follows:

"SEC. 19. Prior to the acquisition of real property for the construction or alteration of any Federal building under this Act:

(a) The Administrator of General Services shall file a statement with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration detailing—

(1) the total number of residential and small business units and structures to be demolished or removed by such alteration or construction;

(2) the measures taken to assure compliance with all provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

(b) The Secretary of Housing and Urban Development and the Administrator of the Small Business Administration shall justify to the Administrator that the measures taken in conjunction with the proposed construction or alteration are consistent with the Federal policy of assuring that, prior to displacement of any person or business, there be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the persons and businesses displaced, decent, safe, and sanitary housing and small business units and structures equal in number to the number of and available to such displaced persons or businesses who require such units and reasonably accessible to the dwelling places or places of employment of such displaced person or businesses.

SEC. 9. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) (1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Amendments of 1971".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479) as amended (40 U.S.C. 601), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "SEC. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,";

(7) in sections 11 and 12, delete "(a)" after "Section 7";

(8) in paragraph (1) of section 13 redesignate clauses (x) and (xi) as (xii) and (xiii), respectively and insert immediately after "facilities," the following: "(x) Federal parking facilities, (xi) parking areas."; and

(9) insert at the end of section 13 the following:

"(8) the term 'Federal parking facilities' means any structure designed for parking or a parking lot that has been acquired or constructed pursuant to this Act for the express purpose of providing off street parking for official, employees', or visitors' vehicles, for Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or the government of the District of Columbia.

"(9) The term 'parking areas' means those grounds, areas, courtyards, or spaces within, adjacent to, around, near or beneath buildings occupied either by Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or by the government of the District of Columbia, or any site owned or leased by the Federal Government suitable for parking which is specifically identified and designated by the Administrator for use for off street parking for official, employees' or visitors' vehicles."

Sec. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 490(f)) is amended to read as follows:

"(f) (1) There is hereby authorized to be established by the Secretary of the Treasury, a Federal building fund. Such funds shall be composed of (A) the assets of the buildings management fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1969, and the construction services fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended, and the fund shall assume all the liabilities, obligations, and commitments of the said buildings management fund and the said construction services fund; (B) any unexpended balances of funds appropriated to General Services Administration under the headings 'Operating Expenses, Public Buildings Service', 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Payments, Public Buildings Purchase Contracts', 'Additional Court Facilities', and 'Expenses, United States Court Facilities', in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970, or prior year appropriations; (C) the estimated fair market value as determined by the Administrator of Government owned buildings or facilities carried in the active inventory of General Services Administration; and (D) such sums as may be appropriated thereto.

"(2) The fund shall be credited with (a) advances, reimbursements, and payments, including payment of charges made in pursuance of subsection (j) (1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), and (b) all other reimbursements and refunds or recoveries resulting from operation of the fund, including receipts from carriers and others for loss of, or damage to, property.

"(3) The fund shall be available without fiscal year limitations for use by and under the direction and control of the Administrator for (a) public buildings construction, acquisition, or alteration projects: *Provided*, That such fund may be used for any individual project estimated to involve an expenditure in excess of $500,000 only when authorized by appropriation Acts, and (b) the performance of all other real property management and related activities, including personal services and administrative operations, as authorized by law in amounts not exceeding limitations imposed in appropriation Acts. The construction, acquisition, and operation of Federal parking facilities and parking areas shall be financed solely from the revenues derived from such parking facilities and parking areas and accounted for separately within the fund.

"(4) The Administrator shall prepare annually and submit to the Bureau of the Budget a business type budget in accordance with section 847 of title 31, United States Code, and the rules and regulations established by the President pursuant thereto."

Sec. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding a new subsection reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any Federal agency, including General Services Administration, mixed ownership corporation (as defined in the Government Corporation Control Act), and the Government of the District of Columbia. Federal employee, private person, or organization furnished services, space, quarters, maintenance, repair, or other facilities, including parking, fees therefor at rates to be determined by the Administrator from time to time and provided for in the regulations issued by him. In establishing such rates and charges, the Administrator shall give consideration to the costs of providing space, services, or other facilities and shall provide for reserves for replacement and expansion: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612 (5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such services. Funds available to any such agency shall be available to defray such rates and charges;

"(2) to operate by lease or otherwise Federal parking facilities and parking areas, and to issue all needful rules and regulations in connection therewith;

"(3) to alter Federal buildings;

"(4) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(5) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(6) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code."

Sec. 5. (a) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency the services set forth in subsection (j) (1) of section 210 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490), shall charge the eligible agency to which such services are furnished fees therefor at rates determined by the head of the agency furnishing the services in the manner provided in subsection (j) (1) of section 210 of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 490), or, at the election of such agency head, at rates determined by the Administrator of General Services and charged by him for comparable services. Funds available to occupying eligible agencies shall be available to defray such rates and fees. Moneys derived by other agencies from such rates or fees may be credited to the appropriation or fund initially charged for providing the service, except that amounts included for replacement and expansion shall be credited to the fund created by subsection (f) (1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490).

(b) As used in this section, the terms "eligible agency" or "eligible agencies" shall have the same meaning as the term "Federal Agency" as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, Federal employees, private persons, or organizations.

(c) As used in this Act, the term "real property management and related activities" and similar terms shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies.

Sec. 6. This Act shall become effective upon enactment. The effective date of the rates to be charged pursuant to the regulations to be issued under subsection (j) (1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, and section 5 hereof, shall be on the date of the beginning of the second fiscal year subsequent to enactment hereof.

Sec. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word ", maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (c) and (d);

(6) delete in subsection (a) of section 12 the following: ", as he determines necessary,"; and

(7) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design.".

Sec. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (f)), is amended to read as follows:

"(f) (1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(i) User charges made pursuant to subsection (j) (1) of this section payable in advance or otherwise.

"(ii) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(iii) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts and for such purposes as specified in annual appropriation Acts: Provided, That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; (C) any funds appropriated to General Services Administration under the headings 'Repair and improvement of Public Buildings,' 'Payments, Public Buildings Purchase Contracts', 'Construction, Public Buildings Projects,' 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational; and (D) such sums as may be appropriated thereto, *Provided*, That the fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: *Provided*, That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum: *And provided further*, That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations, and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: *Provided*. That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 49), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies, may be exempted from the charges provided by this subsection, if the President of the United States determines that such charges would be infeasible or impractical. To the extent, any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170.

"(k) Any other executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j)(1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

"(l) As used in this section—

"(1) The terms, 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3 (b) of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

SEC. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

"(a) Whenever the Administrator determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210 (1)) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(b) Each such purchase contract shall include such provisions as the Administrator, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

"(1) amortize the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

"(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

"(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

"(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

"(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

"(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), and in which no substantial change in scope has been made, and for which the estimated cost of construction has not increased by more than an average of 10 per centum per year, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes be considered as prospectuses for the purchase of space.

"(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

"(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment."

SEC. 6. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary.

SEC. 7. Funds available to any eligible agency may be used to pay user charges established under section 210 (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 8. The Public Buildings Act (73 Stat. 479), as amended (40 U.S.C. 601 et seq.) is amended by adding at the end thereof a new section 19, as follows:

"SEC. 19. Prior to the acquisition of real property for the construction or alteration of any Federal building under this Act:

(a) The Administrator of General Services shall file a statement with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration detailing—

(1) the total number of residential and small business units and structures to be demolished or removed by such alteration or construction;

(2) the measures taken to assure compli-

ance with all provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

(b) The Secretary of Housing and Urban Development and the Administrator of the Small Business Administration shall justify to the Administrator that the measures taken in conjunction with the proposed construction or alteration are consistent with the Federal policy of assuring that, prior to displacement of any person or business, there be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the persons and businesses displaced, decent, safe, and sanitary housing and small business units and structures equal in number to the number of and available to such displaced persons or businesses who require such units and reasonably accessible to the dwelling places or places of employment of such displaced persons or businesses."

SEC. 9. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j)(1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, we are taking up this bill in the interim——

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Senate will proceed to act on passage of the bill.

Mr. BYRD of West Virginia. Mr. President, the Senator wishes to speak on the bill.

Mr. GRAVEL. Mr. President, I wish to speak prior to the passage of the bill.

The PRESIDING OFFICER. On the pending bill?

Mr. GRAVEL. Yes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRAVEL. Mr. President, the Senate this afternoon has the opportunity to set aright, for the first time in many years, the Federal Government's public buildings program.

For the past few years, as many Senators know who have been concerned about the postponement of public buildings in their home States, fiscal conditions have made it all but impossible to carry forward this program in a timely and efficient manner.

The General Services Administration, which under the authority of the Public Buildings Act of 1959 has charge of the construction, alteration, acquisition, maintenance, and operation of public buildings, has reported to the Committee on Public Works that no fewer than 63 public buildings are unconstructed today although their designs have been completed and their land acquired. Some of these buildings have been authorized for as long as 10 years.

Mr. President, these 63 buildings are in addition to many others which as yet have received no appropriations. They are to be constructed throughout the Nation and are located in nearly every State. Because of the chronic unavailability of funds for this program, other structures, such as the needed Federal buildings at Fairbanks and Anchorage in my own State of Alaska, have not even been considered for authorization.

If sufficient funds for the 63 buildings were available, their construction could begin promptly.

Together, they amount to nearly $1 billion in unconstructed public buildings. To give a more concrete example of their value, I have been informed that based on the present annual appropriation to the GSA for the construction of public buildings—some $115 million each year since 1959—it would require 10 years to clear the present backlog alone, much less to keep pace with the developing office needs of the executive branch.

No one doubts the fact that the continued delay of these projects is enormously costly to the Government. First, of course, whenever such a building is delayed, there is an inevitable rise in construction costs. That escalation was estimated at around 1-percent per month immediately prior to the wage-price freeze.

Then, adding further to the original cost, there is the fact that for every day that land for a building lies idle in the possession of the Federal Government, local jurisdictions are deprived of needed property tax revenue without enjoying the benefits of increased payrolls.

A further expense is entailed, Mr. President, if the plans for the public building itself become outmoded in the intervening period, as they often do. Next, there is the cost of the commercial rent paid to landlords by Federal agencies which are forced to scatter their personnel around in rented quarters rather than occupying a Government-owned facility. That situation also tends to breed inefficiency in an agency, which is a further drain on the Treasury.

Last, by not acting to overcome the backlog, the Government is leaving thousands of persons unemployed who might otherwise find work as part of an aggressive Federal building program.

The Public Buildings Amendments of 1971, reported last Friday by the Committee on Public Works, seek to put an end to those problems by greatly reducing the inflationary delay in the construction of Federal office buildings.

To summarize its provisions briefly, S. 1736 would create in the Treasury a new Federal buildings fund, to be composed primarily of rental equivalents paid into it by the various departments and agencies. These rental equivalents would be accounted for in the individual budgets of the departments and agencies, a radical departure from present practice, under which the General Services Administration bears the budgetary responsibility for the cost of most of the office space occupied by the executive branch. These rental equivalents, or "user charges," would be paid into the fund at rates established by the GSA, and would be based on the kind and location of office space which a department or agency occupies.

The committee anticipates that with the creation of this fund, it will be possible to have one-step financing of public buildings, rather than a continuation of present policy, under which the GSA must come before the Congress once for site and design money, and once again for appropriations to construct a building.

Further, since individual departments and agencies, instead of the GSA, would be assessed for the value of the space which they occupy, S. 1736 represents a significant step toward performance budgeting. Unless the entire cost of a Federal agency or program is reflected in its budget, including the cost of housing that agency or program, a valid performance budget is defeated.

The committee also expects that this provision will result in a substantial savings in office costs for the executive branch. Under present policy, since departments and agencies escape paying for the cost of their space, they have little incentive to conserve.

On the contrary, history shows that they tend to request from the GSA more space than they legitimately need, and then to hoard it. However, once these departments and agencies are required to pay rental equivalents into the Federal building fund, and to justify those sums to the Committees on Appropriations, they may well become more conservative in their demands for room. As it was brought out in the Subcommittee on Buildings and Grounds' hearings on S. 1736, a mere 1-percent reduction in the space demands on GSA-controlled buildings would result in an annual savings of more than $9 million for the Government.

In addition, Mr. President, S. 1736 would revive the Purchase Contract Act of 1954 for a 3-year period in order to enable the GSA to clear the present backlog in unconstructed buildings. Under this law, the Government would make installment payments to private contractors for buildings which would become the property of the United States at the conclusion of the contract term. Although the committee recognizes that in the short run, this method of acquisition is more expensive than direct construction by appropriation, it is felt that it will more than make up the additional expense by eliminating further inflationary delay.

Next, Mr. President, the Public Buildings Amendments of 1971 would update certain technical and limiting provisions contained by the Public Buildings Act of 1959 in order to make that law more attuned to today's conditions. I will discuss those revisions later in my remarks.

S. 1736 will also require the Administrator of General Services, in developing plans for future public buildings, to give due consideration to excellence in architecture and design. This provision was initiated in committee by the distinguished Senator from Delaware (Mr. BOGGS) and by the committee's distinguished chairman, Mr. RANDOLPH.

Last, the bill contains a provision, initiated by the distinguished Senator from Connecticut (Mr. WEICKER) to insure that the General Services Administration, in acquiring real property for the construction or alteration of public buildings, will adhere to all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

Mr. President, before I provide an analysis of the bill for the Senate, let me make a general statement about its effect.

As I have said, the purpose of S. 1736 is to expedite the construction of public buildings under the jurisdiction of the General Services Administration. However, let me state that in no respect does this legislation relax congressional oversight in this field. Under S. 1736, the GSA still has the responsibility to seek approval for individual prospectuses from the Committee on Public Works of the Senate and the House of Representatives. Neither does this bill relieve the GSA of the requirement that it seek appropriations for public buildings on a project-by-project basis. The amount of revenue which can be released from the fund in any fiscal year is subject to specific limitations in the annual appropriations acts of Congress. So the present safeguards are retained.

Far from diminishing oversight, Mr. President, I believe that by requiring each eligible department and agency to account for the value of the office space which it occupies, S. 1736 actually enhances congressional control.

As far as the individual sections of the bill are concerned, section 2 of S. 1736 makes the revisions in technical and limiting provisions of the Public Buildings Act of 1959 which I referred to earlier.

Limitations on the expense of work which may be undertaken by the GSA without congressional authorization would be raised to $500,000 by this bill. At present, those limitations are $100,000 in the case of construction and acquisition, and $200,000 in the case of alteration. The committee feels that these existing limits, which were set in 1959, have become outdated because of the rise in construction costs since that time, and that the $500,000 limitation would restore the degree of flexibility for the GSA originally contemplated in the law.

Otherwise, section 2 of the bill makes several technical changes in the Public Buildings Act of 1959, strikes the authority of the Committees on Public Works to rescind the approval of prospectuses which have not been funded within 1 year of their authorization, and lifts the 30-project ceiling on authorized but unappropriated public buildings. It also contains the provision I mentioned earlier concerning excellence in architecture and design.

Section 3 of S. 1736 amends the Federal Property and Administrative Services Act of 1949 to establish in the Treasury a new Public Buildings Fund, composed of user charges from the various departments and agencies together with appropriations and other funds now designated for the GSA.

Section 4 provides that the Administrator of General Services may assess user charges against the various departments and agencies and enables him to construct improvements on private property which are appropriate for the U.S. Secret Service in fulfilling its protective mission. In addition, other Federal agencies providing space are authorized to do so at rates approved by the Administrator of General Services.

Section 5 of the bill revives the Lease-Purchase Act of 1954, for a 3-year period in order to clear the existing backlog.

The maximum leasing period under the 1954 act is increased from 25 to 30 years. This section further provides that in the case of previously authorized public buildings whose construction cost has not increased by more than an average of 10 percent per year, the GSA may enter into purchase contracts without seeking new authorization from the Committee on Public Works.

Section 6 authorizes the Administrator of General Services to issue such regulations as he deems necessary to effect the provisions of S. 1736.

Section 7 specifies that the funds available to any eligible agency may be used to pay user charges established under this bill.

Section 8 requires that the GSA inform the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration of the measures it will take to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. In turn, the Secretary of Housing and Urban Development must certify to the Administrator of General Services that the measures contemplated by GSA are consistent with that law.

The final section, section 9, fixes the effective date of the Federal Buildings Fund at not later than the beginning of the third full fiscal year following its enactment.

As the committee stated in its report on the bill, Mr. President, although the deadline for the inauguration of this fund is set at the beginning of the third full fiscal year following the enactment of S. 1736, we hope that the GSA will be able to bring it into operation far sooner than that deadline.

The committee feels that this is critically needed legislation, both from the standpoint of matching the office needs of the executive branch and from the standpoint of moving toward true performance budgeting. I strongly recommend its enactment this afternoon.

Mr. President, I ask unanimous consent to insert some data at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE—APPROVED PROJECTS, POTENTIAL PURCHASE CONTRACTS

States, cities, and buildings	Estimated direct Federal construction cost
Arizona: Tucson—FOB	$5,533,000
Arkansas: Batesville—PO, CT, FOB	2,192,000
California:	
Los Angeles—PF	8,125,000
San Diego—CT, FOB, PF	44,955,000
Santa Ana—FOB	13,900,000
Santa Rose—FOB	4,502,000
Van Nuys—FOB	8,521,000
Connecticut: New Haven—PO, FOB	8,675,000
Delaware: Dover—FOB	1,577,000
Florida: Orlando—CT, FOB	8,555,000
Georgia:	
Athens—PO, FOB	1,868,000
Atlanta—CT, FOB	51,976,000
Griffin—PO, FOB	1,690,000
Rome—PO, CT	3,703,000
Waycross—PO, CT, FOB	3,946,000
Hawaii: Honolulu—CT, FOB	44,184,000
Idaho:	
Moscow [1]—PO, CT	$1,340,000
Sandpoint—FOB	2,168,000
Illinois:	
Chicago—GSA Federal Records Center	6,946,000
Mount Vernon—FOB	975,000
Indiana: Indianapolis—FOB	19,219,000
Iowa: Iowa City—PO, FOB	4,497,000
Louisiana: New Orleans—CT, FOB	27,533,000
Maine: Waterville—PO, FOB	2,152,000
Maryland: Baltimore—CT, FOB	19,541,000
Massachusetts:	
Fitchburg [1]—PO, FOB	4,438,000
New Bedford—PO, FOB	1,731,000
Michigan:	
Ann Arbor—FOB	4,167,000
Detroit—P.V. McNamara, FOB	48,224,000
Saginaw—FOB	2,625,000
Mississippi: Hattiesburg—CT, FOB	2,636,000
Nebraska: Lincoln—CT, FOB, PF	21,307,000
New Hampshire: Manchester—PO, FOB	6,563,000
New Mexico: Las Cruces—CT, FOB	3,146,000
New York:	
Albany—FOB	12,636,000
Auburn—PO, CT, FOB	4,589,000
Hempstead—FOB	74,342,000
New York [1]—CU, CT, FOB, Annex	58,740,000
Syracuse—CT, FOB	19,087,000
North Carolina: Winston-Salem—CT, FOB	12,144,000
Ohio:	
Akron—CT, FOB	16,168,000
Dayton—CT, FOB	8,890,000
Oregon:	
Eugene—CT, FOB	4,923,000
Portland—FOB	19,667,000
Pennsylvania: Williamsport—PO, CT, FOB	3,983,000
Puerto Rico: San Juan—CT, FOB	20,471,000
Rhode Island: Woonsocket—PO, FOB	2,041,000
South Carolina: Florence—PO, CT, FOB	5,192,000
South Dakota:	
Abderdeen—FOB	8,000,000
Huron—PO, FOB	7,645,000
Rapid City—CT, FOB	3,728,000
Tennessee: Nashville—CT, FOB	12,211,000
Texas:	
Denton [1]—PO, FOB	2,527,000
Fort Worth—FOB, PF	4,425,000
Houston—Federal motor vehicle facility	1,240,000
Pearsall—PO, FOB	347,000
San Agnello—PO, CT, FOB	4,209,000
Vermont: Essex Junction—PO, FOB	268,000
Virgin Islands: Charlotte Amalie—PO, CT, FOB	5,248,000
Virginia: Roanoke—FOB	11,169,000
Washington: Wenatchee—PO, FOB	4,489,000
Wisconsin.	
Madison—FOB	8,123,000
La Crosse—PO, CT	6,097,000
Total	735,709,000

[1] Amount as required by increase.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–412), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Committee Amendments

S. 1736, as reported, is a composite bill containing the essential features of S. 1736 and of S. 2479, a related bill. Purchase-contract authority for the accelerated construction of public buildings, which was a part of S. 2479 alone, is included in the reported version of S. 1736.

SUMMARY OF THE LEGISLATION

S. 1736, as reported, amends the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), to:

(1) update certain limiting and technical provisions in the public buildings law;

(2) require individual Federal departments and agencies to account in their annual budgets for the approximate commercial value of the office space which they will occupy during that fiscal year;

(3) create in the Treasury of the United States a new Federal buildings fund, to be composed primarily of rental equivalents

paid into that fund by departments and agencies at rates established by the Administrator of General Services, together with certain other revenues, collections, and money appropriated to the General Services Administration;

(4) issue to the General Services Administration for 3-year period authority to enter into purchase contracts in order to assist in clearing the existing backlog in the construction of public buildings;

(5) direct that in developing plans for future public buildings, the Administrator of General Services shall give due consideration to excellence of architecture and design; and

(6) insure compliance by the General Services Administration, in the acquisition of real property for the construction and alteration of public buildings, with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

NEED

In recent years, fiscal conditions have made it all but impossible to sustain a timely, efficient Federal building program. As a result, the General Services Administration often has been unable to supply the space demands of Federal agencies in Government-owned buildings.

The GSA has reported to the committee that no fewer than 63 public buildings, some of them authorized as long as 10 years ago, remain unconstructed today although the land for these facilities has been acquired and their designs completed. These 63 buildings are in addition to many other public buildings projects which as yet have received no appropriations. If sufficient funds were available, construction of the 63 could begin promptly. Clearly, their continued postponement is costly to the Government, and not simply in terms of the rise in construction costs which occurs as the years drag on.

For every year that these parcels of land lie idle in the possession of the Federal government, local jurisdictions are deprived of needed property tax revenues without experiencing the benefit of increased payrolls. The plans for the buildings themselves often become outmoded. The Federal agencies which are scheduled to occupy the facilities are forced to scatter their personnel around in rented quarters, an arrangement which is expensive both because of the rent paid to landlords and because of the inefficiency which may result when an agency's staff is badly dispersed. Moreover, by not acing to overcome this backlog, the government leaves thousands of persons unemployed who might otherwise have found work as part of an aggressive Federal building program.

The procedures now in effect for the funding of authorized public buildings only contribute to the delays in construction time. Under them, the G.S.A. must come before Congress two separate times in order to obtain, first, appropriations for the site acquisition and design of a public building, and second, appropriations for the actual construction of the facility.

Since this method has been in effect, the backlog of projects has risen to the point that based on the average annual appropriation to the G.S.A. for the construction of Federal buildings since 1959—$155 million per year—it would require 10 years to overcome the present backlog alone, much less to keep abreast of the developing office needs of the Executive branch.

Last, it is apparent to the committee that, at least in part, the government's current space problem may be attributed to a misallocation of existing office space among the Federal agencies. The G.S.A. presently bears the budgetary responsibility for the cost of the office space occupied by most of the Executive branch. Since the departments and agencies themselves are not assessed in their individual budgets for the value of the space which they occupy, they have little incentive to conserve. Instead, the tendency is for agencies to request from G.S.A. more space than they legitimately need, and then to hoard it. Aside from the fact that an accurate performance budget is defeated unless agencies are held accountable for all of their costs, the diseconomies of the present arrangement are clear.

HEARINGS

On September 28, 1971, the Subcommittee on Buildings and Grounds of the Committee on Public Works held hearings on S. 1736 and S. 2479, a related bill. Witnesses who testified at that time were Robert L. Kunzig, Administrator of the General Services Administration; Gregory J. Ahart, deputy director of the civil division, United States General Accounting Office; William Marshall, Jr., vice president of the American Institute of Architects; and Harold G. Tufty, vice president for communications of the American Society of Value Engineers. Each of these witnesses testified favorably as to the value of this legislation.

GENERAL STATEMENT

Legislation pertaining to public buildings has consisted of various measures going back to 1902, when the first general Act was passed. At the beginning of World War I, the entire government building program was suspended, and was not reinstated until the enactment of the Public Buildings Act of 1926. Under that Act, which until 1959 provided the basic authority for direct construction by appropriations of the Federal government, a total of some $620 million was authorized and appropriated.

In 1949, the Congress enacted the Public Buildings Act of 1949, known as Public Law 105 of the 81st Congress. In essence, P.L. 105 provided an authorization of $40 million for the acquisition of sites and preparation of plans for Federal public buildings outside the District of Columbia, and $30 million for improvements of existing buildings. Also during 1949, the Congress enacted Public Law 152, which created the General Services Administration.

In 1954, the Lease-Purchase Act became law (P.L. 519, 83d Cong.). That Act authorized a program for the acquisition of title to real property and construction of buildings by the G.S.A. and the Post Office Department through lease-purchase agreements, and also provided an expansion of authority for term-leasing agreements, not to exceed 30 years, for the accommodation of activities of the Post Office Department. Under the provisions of this Act, buildings were financed by private capital and installment payments on the purchase price were made by the government in lieu of rent. Title to the property vested in the United States at the end of the contract period, not less than 10 nor more than 30 years.

The authority for lease-purchase contracts pursuant to P.L. 519 expired on July 22, 1957. During the years of its operation, some Post Office Department buildings and 29 other public buildings had been placed under construction through lease-purchase agreements.

The Lease-Purchase Act was followed by the Public Buildings Act of 1959, which turned again to direct Federal construction of public buildings by appropriation. In the years since 1959, a considerable backlog of authorized but unconstructed public buildings has come into being, largely as a result of fiscal restraints. It is at this backlog which S. 1736 is directed.

COMMITTEE VIEWS

The committee believes that passage of this legislation will enable the General Services Administration to act promptly to clear the present backlog of unconstructed public buildings. Although this legislation would become operative not later than the beginning of the third full fiscal year following its enactment, it is desired that the Federal buildings fund be inaugurated in advance of that deadline if at all possible.

It must be noted that while S. 1736 is intended to expedite the construction of public buildings, in no respect can it be considered as a relaxation of Congressional oversight in this field. Under this legislation, the G.S.A. retains the responsibility to seek approval for individual prospectuses from the Committees on Public Works of the Senate and the House of Representatives. Neither does S. 1736 relieve the G.S.A. of the requirement that it obtain appropriations for public buildings on a project-by-project basis. The amount of revenue which can be released from the fund in any fiscal year is subject to specific limitations in the annual appropriations Acts of Congress.

Far from diminishing oversight, by requiring each eligible department and agency to account in its individual budget for the value of the office space which it occupies, S. 1736 enhances Congressional control. It represents a significant step toward performance budgeting. No longer will the G.S.A. carry in its budget the office expense of most of the Executive branch. The committee feels that once Federal agencies are held accountable for the expense of their own office space, they may well become more conservative in their demands for room.

One further point must be made concerning section 4 of S. 1736, which provides that the rates charged to eligible agencies "shall approximate commercial charges for comparable space and services." The General Accounting Office has estimated that between $760 million and $800 million each year will be generated through this provision. However, in adopting this clause, the committee is not encouraging the G.S.A. to establish its rates so high as to produce an inordinate surplus of monies in the fund. On the contrary, the committee desires that the rates charged pursuant to section 4 be sufficient only to defray the cost of constructing, maintaining, and replacing public buildings and facilities, and to provide related services.

In conclusion, the committee believes that S. 1736 is economical legislation which is consistent with sound budgetary principles and recommends its enactment.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1736) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE DEFEAT OF THE FOREIGN AID BILL

Mr. JAVITS. Mr. President, in connection with the problems we are dealing with today in respect of the Alaska Natives bill, developing country problems are not very different. U.S. bilateral involvement with these problems could could have terminated here in what the world considers to be a debacle Friday night regarding the foreign aid bill.

The Committee on Foreign Relations met this morning to consider what should be done. I participated in that discussion.

I said Friday I considered the Senate defeat of the foreign aid bill to be a black day for the United States. The reason I said that was that I felt that it would create a vacuum in the world. The theory that the other friendly western, industrialized nations would take care of what we relinquish is bound to be frustrated and defeated because it is my judgment that the other super power, the Soviet Union, with its own methods and the force and the way it uses its resources, and the way it uses its military, and so forth, will take over tthe prime position in a major part of the world, if a vacuum is left.

It is infinitely more in the interest of the world that the kind of approach we have had be the dominant approach, one that is conducive to freedom and peace, and the integrity of nations.

Let me set forward my concerns which extend beyond the AID program, since the defeat of the AID bill is only one step of many that has contributed to a deterioration of the relations between the United States and the developing world. Other important developments which contributed to this situation were:

First, the gap between rhetoric and action in attempting to secure congressional passage of the generalized preferences scheme particularly after this scheme was adopted by the Common Market and Japan. I recognize fully that the protectionist sentiment in the Congress contributed to the administration's decisions on this issue—but it is also my view that this was never given the priority attention it deserved.

Second, the application of the 10-percent import surcharge to the products of the developing world caused wide resentment. The United States continues to enjoy a large balance of trade surplus with the developing world and they viewed the application of the surcharge as an unnecessary punitive measure that would have an adverse effect on their plans for economic development and human betterment.

Third, the efforts to prevent the multilateral lending institutions from making loans to countries in which there were outstanding investment disputes have had an adverse effect. Again this seemed to contravene administration philosophy which held that moneys channeled through the international banks and multinational lending institutions should be used for long-term development purposes and the criteria of eligibility of such loans should be divorced from the immediate political conflicts of the day.

Fourth, the monetary instability triggered by the events of August 15 have had a seriously detrimental effect on primary commodity prices and in turn, export earnings of the developing world.

It was against this backdrop that the drama of the China vote in the U.N. was played and the AID bill defeat adds an additional major element.

Given this series of actions tremendously adverse to the aspirations of the developing world, James Reston's words of warning are well taken. Mr. Reston wrote in Sunday's New York Times:

> The gap between the rich and poor nations of the world is getting wider every passing year. This is not only a human tragedy but a danger to the peaceful development of the changing world.
>
> For there is now a kind of class war developing in the world between the rich nations and the poor nations, and this is likely to get increasingly worse unless all the power centers in the industrial northern hemisphere revise their programs of aid to the underfed majority of the human family now living below the equator.

Mr. President, let me outline very briefly the effects of the November 15 termination of assistance of one area of the world—Latin America.

Apart from the profound political and developmental consequences, the following immediate effects will include:

First, Public Law 480 feeding programs reaching 16.6 million persons daily in 21 countries will terminate—the most of these people being children;

Second, cessation of AID would require "walking away" from the $1 billion in pipeline investments in education, agriculture, health, housing, and so forth since AID could no longer administer or monitor the course of project implementation;

Third, 235 technical assistance projects in Latin America aimed at increasing agricultural production and rural equity, improving education and health systems, strengthening family planning services, and enhancing the ability of Latin American governments to bring the benefits of development to their people would terminate;

Fourth, population planning programs would be affected and at least 1 million women and men in Latin America are totally dependent for contraceptives and family planning counseling on programs heavily supported by AID;

Fifth, the multilateral programs going on under the auspices of the AOS and the CIAP would be adversely affected.

The gap between the less developed countries and the developed countries is widening, it is not narrowing. If there is one thing we do not want in the world it is a vacuum in which headlines evidence the fact that people hate us. Some people always argue that whether they like us or not we are not worried.

But, Mr. President, the feeling that we are opting out of the world, notwithstanding our resources and our authority and power, is very dangerous, especially with the developing countries. It can be very harmful to our country and cause an enormous increase in our defense budget, as well as grave jeopardy to the peace.

It is for that reason that I shall do my utmost to continue with a furtherance of the policy of the United States in respect to aid until we come up with a more creative—and I thoroughly agree with that—and more constructive approach, phasing out development aid loans, but phasing in multinational lending, which is more effective, institutionalizing bilateral technical assistance, rationalizing our military aid so that it coordinates soundly and directly with the alliances and regional arrangements and responsibilities which we have.

Mr. President, as we consider the future, I think that the recommendations of the Presidential Task Force on International Development which resulted in the legislative proposals the President sent to the Congress earlier this year be given our close attention. The key recommendation was that:

> U.S. international development programs should be independent of U.S. military and economic programs that provide assistance for security purposes. Both types of programs are essential, but each serves a different purpose. Confusing them in concept and connecting them in Administration detract from the effectiveness of both.
>
> All types of security assistance—military assistance grants, use of surplus military stocks, military credits, economic assistance in support of military and public safety programs, budget support for political purposes, and the contingency fund—should be covered in one legislative act. The State Department should exercise firm guidance over these programs.

Mr. President, it could be strongly argued that one of the reasons the AID program went off the track this year was through the failure of the Congress to act on the widesweeping reform proposals put forward by the administration.

I would support a proposal to separate security assistance programs from development assistance programs.

Turning to security assistance programs, it is my view that the position of the administration during the past floor debate on the AID bill may not have reflected fully the implications on our Southeast Asia policy or the administration's new China policy. Could it not be argued, for example, that the high Cambodia ceiling of $341 million is obsolete given the President's upcoming visit to the People's Republic of China? Again, in an era of policy transition, perhaps too much emphasis was placed by the administration on the policies of the past, rather than on the hopes of the future for better relations between the United States and China.

I think we need to follow much of the Peterson commission report in that regard.

I close as follows: We are facing a very grave crisis in our time. This crisis shows a very grave fissure in the outlook of some toward our relationships with the world. It could teach us a great deal or could hurt us in a way that presently is beyond comprehension.

I myself feel, and I believe a majority of the Senate feels, that this vote will, like an apocalptic vision, be the occasion for enabling us to do a better job in restructuring our future developmental and security assistance programs which remain an important part of our Nation's foreign policy, our Nation's relations with the rest of the world—factors which form an integral part of our national security and economic well-being.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This order was subsequently changed to provide for the Senate to convene at 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR ALLEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following recognition of the two leaders tomorrow, the distinguished Senator from Alabama (Mr. ALLEN) be recognized first in the list of Senators who are to be recognized under special orders for 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 569, offered by the Senator from Alaska (Mr. STEVENS) for himself and Mr. GRAVEL.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quroum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi be recognized for not to exceed 20 minutes, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi is recognized.

DEATH OF FORMER SENATOR A. WILLIS ROBERTSON, OF VIRGINIA

Mr. STENNIS. Mr. President, I have learned, within the last few minutes, of the passing of one who was a very dear friend to many of us and who was a beloved and outstanding Member of this body for a great number of years—former Senator A. Willis Robertson, of Virginia. He passed away approximately an hour and a half or 2 hours ago at Lexington, Va., his home.

Mr. President, on the floor of the Senate, in the Council Chambers, in the committee rooms, and at work and in his recreation, he was always interesting, likeable, attractive and gave everything and every moment his very best. I have never had a finer friend or finer associate, or one who I appreciated more. I loved him most dearly and esteemed him highly.

Senator Robertson was a man of extraordinary ability. He served his State for more than 50 years in public service, beginning as a member of the assembly of his State. Later he was a district prosecuting attorney, a Member of the House of Representatives, and then he served in the U.S. Senate for more than 20 years.

He had a very refreshing outlook on life. He was a man of fine spirit, with a good sense of humor, and be believed in the wholesome things of life. He put true values first, including high spiritual values. He had a true, firm, solid belief in God. No man could have had a higher purpose in his approach to public affairs, as the Senator Robertson I knew, and his record will reflect that. His record also shows he stood for principles and that he worked hard and conscientiously. He was a rugged individualist and a great debater, with a fine sense of fairness. He represented those things in public life that I think a man should represent. I shall always cherish his memory and his noble life of service and friendship.

I will have more to say about Senator Robertson's passing and his life, as I am sure others will, at a later time.

The Senator from Virginia (Mr. SPONG) is in the Chamber; and, under the time of the special arrangement, I yield such time to him as he may desire. The senior Senator from Virginia (Mr. BYRD), is on his way to the Chamber and I know he will have some remarks to make.

Mr. SPONG. Mr. President, I appreciate the Senator from Mississippi yielding to me. I think it is appropriate that he should announce to the Senate the passing of former Senator A. Willis Robertson. Senator STENNIS and Senator Robertson were devoted friends.

As Senator STENNIS has said, Senator Robertson served the Commonwealth of Virginia for half a century. He was a diligent member of our State Senate. I believe he served as Virginia's first Commissioner of Game and Inland Fisheries. He represented the Seventh Congressional District of Virginia, the area that encompasses the beautiful Shenandoah Valley, and he served Virginia with great distinction in this body.

It was my privilege to succeed Senator Robertson. He was a man of deep spiritual conviction, a dedicated public servant, a clean political opponent.

I join the Senator from Mississippi in grieving at Senator Robertson's passing and in announcing his death to the Members of the Senate.

I thank the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from Virginia (Mr. BYRD) is on his way to the Chamber. I am sure the assistant majority leader would like him to have the floor shortly. I yield back the remainder of the time I have.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes and that the time not be charged against either side on the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the distinguished senior Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, I was very distressed to learn a few moments ago of the death of a distinguished former Member of this body, the Honorable A. Willis Robertson. Former Senator Robertson died at his home in Lexington this morning.

Senator Robertson served in the U.S. Senate with distinction for 20 years. Prior to that, he served the Seventh Congressional District of Virginia in the House of Representatives for 14 years.

The people of the Shenandoah Valley knew Willis Robertson long and well, and throughout his distinguished and long political career he had the firm support of his fellow citizens in the valley of Virginia.

Prior to being elected to the House of Representatives in Washington, Willis Robertson served as a member of the Virginia Senate, and he also served as chairman of the Fish and Game Commission of the State of Virginia.

The people of Virginia held Willis Robertson in great esteem and honored him many times when his name was on the ballot for public office.

I knew Senator Robertson from my childhood. He and my father went to the Virginia Senate on the same day in 1916. Both, incidentally, were born in West Virginia. Both were born in the city of Martinsburg. Both were born in the same year on the same street. So they became close friends.

Both came to Washington, D.C., on the same day, March 4, 1933—Willis Robertson to the House of Representatives and my father to the Senate.

Thus, I have had a long and affectionate relationship with the splendid resident of Lexington, Va., in Rockbridge County.

I regret his passing this morning. I feel that he rendered his State and Nation fine and valuable service over the years.

During the 20 years he served in the Senate, he was held in high esteem and with great affection by all of his colleagues here.

The people of Virginia will miss this fine son of hers who served Virginia so well, and who served the Nation so well.

Mr. SPARKMAN. Mr. President, I have heard with great sorrow of the death of our late colleague, former Senator Willis Robertson of Virginia.

I feel this loss very keenly. Willis Robertson came to the House of Representatives 2 years before I did. He and I came to the Senate on the same day—November 6, 1946.

During the entire time he was here in the Senate, I sat next to him on the Senate Banking and Currency Committee. During the last several years he was a Member of the Senate, he was chairman of that committee. I ascended to the chairmanship of the committee following his departure from the Senate.

Willis Robertson was one of the finest men that I have ever known. He was equal to all occasions, in seriousness and in fun, when that was called for. He was a great storyteller. He had a great rich store of Southern stories, Confederate stories, and stories of every kind. He was a man who worked hard in all of his committee assignments. He was a great manager of legislation on the Senate floor.

I enjoyed my years with him. I lament his passing, and I extend to all of his loved ones my deepest sympathy.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time on the pending amendment, which is amendment No. 569?

Mr. STEVENS. Mr. President, I have a modification at the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The legislative clerk read as follows:

On page 163, between lines 7 and 8, insert the following:

(f) No provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89–136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as such lands remain subject to the restrictions on alienation provided in the Act.

Mr. STEVENS. Mr. President, I yield myself such time as I may require.

The purpose of the amendment is to make certain that the activities of the Federal Government, such as the Economic Development Administration and other entities of the Federal Government which are conducting loan and grant programs in Alaska, particularly before the Alaskan Natives people, will continue to have the authority to do so during the period of the settlement as provided under the act. EDA, for instance, deals with restrictions on Indians owning land. There are restrictions on land which the Alaskan Natives will own pursuant to the act.

The purpose of the amendment is to assure that the Economic Development Administration, the Farmers Home Loan Administration, and other Federal entities will understand that this is restricted Indian land as long as the restriction on alienation provided in the act remains in effect.

At present, it will be 20 years under the bill. The worst thing we could do to those people would be to withdraw the authority of the agencies to continue to assist the Alaskan Native people at a time when they are getting the ability to participate under some of the programs.

I have talked the amendment over with the chairman, and I am sure that although it is an amendment which is technical in nature, it is necessary in order to be assured that the land owned by the Alaskan Natives, as long as there is a restriction on alienation, will be treated as restricted Indian land for the purpose of Federal primary loan programs.

Mr. President, I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, the amendment has been agreed to by the chairman of the committee and by myself and I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, offered by the Senator from Alaska for himself and Mr. GRAVEL.

The amendment, as modified, was agreed to.

Mr. GRAVEL. Mr. President, I send an additional amendment to the desk on behalf of my colleague (Mr. STEVENS) and myself and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 240, after line 8, insert "Afognak." and on the next line insert "Akhiok."

Mr. GRAVEL. Mr. President, I yield myself such time as I may need to explain the amendment.

This is an amendment agreed to by the chairman of the committee. It has the cosponsorship, of course, of both Senators from Alaska.

Simply put, the two Native villages in the Kodiak area, Afognak and Akhiok were inadvertently left off the list.

We are including them by this amendment.

I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I call up my amendment No. 565.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 342, between lines 2 and 3, insert the following:

"(3) Nothing in this section shall prohibit the search for, acquisition of, and application for mineral properties under procedures now set forth in general mining laws, except that the Secretary must approve and classify the land for mining or mineral leasing prior to production from such properties."

On page 342, line 3, strike "(3)" and insert "(4)".

On page 342, line 10, strike "(4)" and insert "(5)".

On page 343, line 3, strike "(5)" and insert "(6)".

Mr. STEVENS. Mr. President, I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The legislative clerk read as follows:

On page 342, between lines 2 and 3, insert the following:

Provided, That notwithstanding the provisions of this Act, so long as any lands are withdrawn or classified under the authority conferred on the Secretary under this Act as not available for patent under the general mining laws, an applicant under (c) (2) may locate and evidence his claim to metalliferous deposits but such claim shall not be valid and shall create no rights as against the Federal Government until the Secretary classifies land as suitable for mineral location.

Mr. STEVENS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. Mr. President, the amendment as originally introduced was prepared by the Alaska Miner's Association. Under the so-called freeze that has been in effect for 5 years, location of metallifersus claims under the mining laws has been possible. Under the bill and particularly the amendment offered this morning, there is a procedure which requires classification of land before it can be available for final disposition under the public land laws, including the mining laws.

Alaskan miners have in fact been searching for metal-bearing deposits in the last 5 years and they have, in fact, found claims that they would have staked. They have not done so because once they stake them, they create a land rush. Knowing that they had an exception under the land freeze, they have not staked them.

The amendment will provide that they can establish rights as against any other person, other than the Federal Government, prior to the time that the lands are classified as being available for mining.

I would much rather have the original provisions of the amendment I offered. However, after consultation with other members of the committee and with the chairman of the committee and with people involved in the bill, the amendment has been modified. We have also consulted with representatives of the Alaskan Miners Association. While they would prefer the original version, under the circumstances we are faced with a proposition of taking what we can secure in terms of protection for mining claims at this time and I believe this will protect the priorities of the claimants and give our Alaskan miners the opportunity of searching for and locating mining claims. However, the validity of the claims as against the Federal Government will not be determined until the Secretary of the Interior determines that they are suitable for mining.

Mr. GRAVEL. Mr. President, I agree with my colleague. I have reservations. My reservations will be addressed to the conference committee. We have no provisions to protect companies. Companies can expend sums of money and, at the whim of the Secretary of the Interior, be denied any rightful return on the money or the money itself. However, we cannot solve this problem at this point in time.

Mr. STEVENS. Mr. President, if the amendment is agreed to, we would have an opportunity in the conference to work out a provision which is in the best interest of the miners.

Mr. President, I yield back the remainder of my time.

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 311, strike line 25 and on page 247, after line 14, insert "Tatitlek, Gulf of Alaska."

Mr. GRAVEL. Mr. President, I yield such time as I require in which to explain the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, Tatitlek is a village of some 110 Natives located near the Gulf of Alaska and should be treated in the bill in the same way as other Native villages outside of southeastern Alaska.

Inadvertently it has been listed in the southeastern villages which participated in the Tlinget-Haida settlement and therefore would have been barred from certain benefits of S. 35 for villages located elsewhere.

Tatitlek was not a part of that settlement, and therefore should be dropped from this list and added to the general list of eligible villages on page 247.

Mr. President, I yield back the remainder of my time. The chairman is in agreement with the amendment. The amendment is offered by myself and my colleague, the senior Senator from Alaska.

Mr. STEVENS. Mr. President, on behalf of the chairman of the committee, I send an amendment to the amendment to the desk. This matter has been discussed with my colleague.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. STEVENS. It has not.

The PRESIDING OFFICER. The amendment is not in order until all time has been yielded back. If the Senator offers it as a modification and if the junior Senator from Alaska agrees to it, it is in order. It is his amendment.

Mr. GRAVEL. Mr. President, I accept it as a modification of my amendment.

The PRESIDING OFFICER. The amendment is accordingly modified.

The clerk will read the modification.

The legislative clerk read as follows:

On page 257, after line 14, add a new subsection 13(1) as follows:

"Any Native Village found eligible for land grants under this section which is located in a National Forest may select and receive patent to no more than forty six thousand and eighty acres of such lands."

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. STEVENS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 170, line 7, strike "$350,000" and insert "$600,000".

Mr. STEVENS. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. Mr. President, this is an amendment to increase the amount that can be repaid by the Alaskan Native people for work performed on the land claims bill prior to the enactment of the bill, without the prior consent of the beneficiaries. Of the total settlement, we previously provided $350,000, which we considered to be sufficient.

It has been pointed out that the Indians at Yakima and the Tlingit-Haida Indians and the Tyonek Indians have, in fact, advanced money to the Alaskan Federation of Natives that would exceed the limit.

The purpose of the amendment is to increase the amount to $600,000 so that the money advanced by these Indians or guaranteed by those three organizations may be paid by the excess.

Mr. President, I yield back the remainder of my time. The amendment has been discussed with the chairman of the committee and in our conference prior to deliberations on the floor. He was not opposed to the amendment that I know of.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment was agreed to.

AMENDMENT NO. 571

Mr. GRAVEL. Mr. President, I call up my amendment No. 571 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On pages 170 and 171, strike subsection 5(g)(2) in its entirety and on page 197, line 24, strike the period, insert "; and" and thereafter insert a new paragraph as follows:

"(8) Upon the establishment by local option or State legislative action of borough or municipal governments in areas of the State which do not have formally organized borough government, to make grants to assist in funding the costs of governmental administration, the training of governmental employees, and to improve the quality of municipal and borough government."

Mr. GRAVEL. Mr. President, this is an amendment that I initiated in the committee. As I said, there is $20 million to pay costs of initiating training and operating of local governments in the rural areas of Alaska.

This amendment modifies that concept to permit the local option by Natives if they decide to undertake this type program and requires the State legislature to pass appropriate legislation in this regard.

The amendment is agreed to by the chairman of the committee and also my colleague, the senior Senator from Alaska.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

AMENDMENT NO. 568

Mr. STEVENS. Mr. President, I call up my amendment No. 568.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 327, line 24, strike "12" and insert "5".

Mr. STEVENS. Mr. President, I yield myself 2 minutes.

This is the provision of the bill that requires that timblerlands in the Tongass National Forest be managed in accordance with principles set for the forest and prohibits the exportation of round logs.

The time in the bill is 12 years. This would make it 5 years. The intent is to be sure there will be time to set up a management pattern on the lands in the forest that are needed by the Native villages of southeastern Alaska.

There is some controversy about the amendment in respect of changing the years from 12 to 5. The matter has been discussed with the members of the committee.

I urge that the amendment be agreed to.

Mr. GRAVEL. My colleague and I have a difference of opinion on the concept. In a spirit of compromise, he made it 12 years to 5 years. We find ourselves in agreement.

I wonder if we could dot the "i," and provide the 5 years would run from enactment of this legislation. Would my colleague agree on that point?

Mr. STEVENS. This would make it 5 years. That could be discussed in conference.

Mr. GRAVEL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At page 321, after line 22, insert a new paragraph (v) to read as follows:

"(v) shall issue deeds, without payment of any consideration, to the State or to the appropriate municipal corporation, if such lands are within the boundaries of a municipal corporation, to existing airport sites together with such additional acreage as is necessary to provide related services and to insure safe approaches to the airport runway; and"

At page 321, line 23, strike "(v)" and insert "(vi)".

Mr. GRAVEL. Mr. President, I yield myself as much time as I may need to explain the amendment.

I have two amendments in tandem. This is one amendment and I will send another amendment to the desk shortly.

There are many airports around various villages which were acquired under verbal agreement. This gives title for the airports and airways so that title can be vested with the State of Alaska, so that these services can continue. It is in the best interest of the State and the individual villages in question. That is why I have offered the amendment.

The chairman is in agreement with the amendment and I offer it on behalf of myself and my colleague from Alaska.

The second amendment would do the same thing. The amendments are in tandem.

I yield back the remainder of my time on the bill and I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send the tandem amendment to the last amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At page 266, after line 11, insert a new paragraph (E) to read as follows:

"(E) shall issue deeds, without payment of any consideration, to the State or to the appropriate municipal corporation, if such lands are within the boundaries of a municipal corporation, to existing airport sites together with such additional acreage as is necessary to provide related services and to insure safe approaches to the airport runway; and"

At page 266, line 12, strike "(E)" and insert "(F)".

Mr. GRAVEL. Mr. President, I yield back all my time on the amendment. The chairman is in agreement. This is offered under the cosponsorship of the senior Senator from Alaska and myself.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At page 294, line 16, strike "States," and insert "including the selection rights of the State under the Alaska Statehood Act."

Mr. STEVENS. Mr. President, I yield myself 2 minutes to explain the amendment.

This is an amendment suggested by the Attorney General's Office of the State of Alaska to make certain if there remain at the time this bill is enacted a reservation of any surface rights those rights may be selected by the States under the Alaska Statehood Act.

This is a perfecting amendment and it has been discussed with the counsel in this regard and with the committee chairman.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield back the remainder of my time.

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Alaska.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 249, line 22, after "Kenetzie Indians" insert "and the Natives of Sitka, Juneau, and Kodiak."

Mr. GRAVEL. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, just as we provide for the Tsimshians Indians to make land selections elsewhere where there is a hardship, we should make the same exception for the Natives of Sitka, Junaeu, and Kodiak.

The chairman is in agreement with the amendment. I offer the amendment for myself and the senior Senator from Alaska.

I yield back the remainder of my time.

Mr. STEVENS. Mr. President, this is the same as the other amendment. The Natives of these areas do not have a recognized village site. There is under this bill a section on hardship land which may be made available from Federal lands in the vicinity of these villages of Sitka, Juneau, and Kodiak to give these people a land base so that they may have a portion of the land settlement under this bill.

I yield back the remainder of my time.

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the junior Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. GRAVEL. Mr. President, I send to the desk one final amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 284, line 23, strike "in any manner the operation" and insert "the legality or constitutionality"; on page 285, lines 7 and 8, strike "contests in any manner the operation" and insert "initiates litigation to contest the legality or constitutionality".

Mr. GRAVEL. Mr. President, this is an amendment that goes to the issue of what we call the blackmail provision of the bill. It limits the type of actions initiated by the State of Alaska which would trigger a punitive feature on selection rights.

The amendment is agreed to by the chairman of the committee. It is offered on behalf of myself and the senior Senator from Alaska.

It is an amendment that has been discussed with the State administration. They are in full accord with it.

I yield back the balance of my time.

Mr. STEVENS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from Alaska (Mr. GRAVEL).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes on the bill.

There may be other matters that will come up as a result of the conferences that we have had in the various rooms surrounding the Chamber this morning to arrive at various points of agreement on the bill.

One point I feel very strongly about that I had to compromise on I feel compelled to address myself to. That is the question of changing the Commission from a membership of two Natives to three Natives. As the language is now written, it cannot be fewer than two Natives. Of course, if the President so desires, he can select more than two Natives for the Commission. It was felt that, in order to arrive at an agreement and not force any rollcalls on any amendment today, this amendment not be offered.

I hope to take this concept to the conference committee. I would hope that in the conference if this is not accepted, another area of compromise will be. That is that the names submitted to the President for selection on the Native Commission would be names submitted by the Natives themselves. Both Natives and whites, or anybody else who was not a Native, would have to have his name submitted on a list of the various regional corporations to the President of the United States, and if those names were not satisfactory to the President, he could reject them. I would hope we could achieve that as a compromise in conference.

However, I would like to make clear that those discussions were held in private with the chairman and members of the committee and that there was some receptivity to the concept that the Natives would submit the names to the President for selection on the Commission.

This is not unlike the system we employ for the selection of judges in Alaska. The Judicial Conference selects a list of names and submits them to the Governor, and the Governor selects from that list those who will serve on the bench of Alaska. It has stood us in good stead in Alaska. We would hope we could do it with respect to the Native Commission so that we could at least guarantee that the Natives and those who are non-Natives who would serve on this particular Commission could be named by them.

There are other compromises that we reached. However, I think I will wait on the chairman of the committee before discussing those, particularly one with reference to PET-4 and the allocation of North Slope lands to the Natives.

In this regard, I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GRAVEL. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. CANNON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 162, line 23, add a period after "Alaska" and delete the remainder of the sentence.

Add new subsection 2(f) as follows:

"(f) No provision of this act shall be construed to effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of Title 10 of the United States Code and any conveyance of lands located within Naval Petroleum Reserve Numbered 4 shall convey the surface estate only."

On page 251, line 24, add the following:

"(F) the selection of lands located within Naval Petroleum Reserve Numbered 4 will involve the conveyance of the surface estate only."

On page 292, line 14, change the comma after the word "subsection" to a period and delete the remainder of the sentence.

On page 294, lines 5 through 7, delete the words "except that for the purposes of this subsection 19(b)(2)(D) lands within Naval Petroleum Reserve Numbered 4 are included."

On page 298, line 3, delete the words "other than" and substitute therefor the word "including".

On page 342, line 14, delete the words "of Naval Petroleum Reserve No. 4 and".

Mr. CANNON. Mr. President, the amendment is designed to protect the Government's interests in the mineral rights in over 1 million acres of Naval Petroleum Reserve No. 4.

Section 19(b)(2)(D) of the bill permits the selection of minerals in 2.5 million acres of public lands in Alaska. Approximately 550,000 acres of this total—24 townships—can be selected from Naval Petroleum Reserve No. 4. A maximum of six noncontiguous tracts of four townships in size could be selected within the reserve.

In addition, section 19(c) of the bill authorizes the Arctic Slope Regional Corporation to select 500,000 acres within Naval Petroleum Reserve No. 4, including both surface and mineral rights. The bill would, therefore, divest the reserve of 1 million acres of mineral rights.

Jurisdiction and control of the naval petroleum and oil shale reserves is vested in the Secretary of the Navy by statute (10 U.S.C. 7421). His trusteeship of the reserves is monitored by the Committees on Armed Services of the Senate and the House of Representatives in accordance with 1C U.S.C. 7431. The bill before us, S. 35, would modify the statutory purpose of the reserve, which is to conserve oil in the ground for future use when needed.

Now, Mr. President, even though the Department of the Navy has jurisdiction and control over this important oil reserve, it is my understanding that they were not consulted or asked to testify concerning the effect this legislation might have on Naval Petroleum Reserve No. 4, and they were not aware of the proposals contained therein until the bill was reported. I might also state that, as chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves of the Senate Armed Services Committee, I did not hear of the details of the matter until this morning.

Naval Petroleum Reserve No. 4 is situated on the arctic slope of Alaska. It is approximately 50 miles west of the gigantic Prudhoe Bay oil field. It is estimated that this reserve may contain up to 33 billion barrels of recoverable oil which is almost the equivalent of the current total U.S. proved reserve. Dollarwise, the market value would amount to somewhere between 60 and 100 billion dollars.

While divesting ourselves of the mineral rights in 1 million acres out of some 23,680,000 acres comprising the reserve may not seem great, I should like to point out that it is conceivable that the number of tracts authorized to be selected by the Natives could encompass the principal reservoirs underlying Naval Petroleum Reserve No. 4. Even if the tracts contain only a portion of such reservoirs, they would be capable of draining them unless offset protection was undertaken by the Navy.

As custodian of the reserves, the Secretary of the Navy is required by 10 U.S.C. 7422 to protect them from drainage, even though a protective production program would defeat the statutory purpose of the reserve and would require the expenditure of millions of dollars by the Navy.

In conclusion, I might state there is absolutely no objection on the part of the Navy or the administration to the granting of surface rights to certain lands within Petroleum Reserve No. 4. This was provided for in the administration's proposal, S. 1571, and is also provided for in the House-passed bill, H.R. 10367, but mineral rights are specifically excluded.

Now, Mr. President, in the best interests of the Government, and to avoid any possibility of the ruination through depletion of this vast oil reserve, I hope that the amendment I have offered will be agreed to.

Mr. JACKSON. Mr. President, I rise in opposition to the amendment. This is a question of doing justice to the Alaska Natives who have resided in this area covered by Navy Petroleum Reserve No. 4 for centuries.

A number of Native villages are located within the boundaries of Naval Petroleum Reserve No. 4 and because other villages are located near Naval Petroleum Reserve No. 4 in areas where there are little or no available public lands to be granted to them, the committee faced a difficult choice of granting some lands out of Naval Petroleum Reserve No. 4 or denying the Native people who have always lived on Naval Petroleum Reserve No. 4 any right to the lands they and their ancestors have historically used and occupied. The committee chose to grant a small portion—approximately 3 to 4 percent of the reserve's 27 million acres—to the Native people as part of the settlement for the final extinguishment of their land claims. These claims cover all of the 27 million acres in Naval Petroleum Reserve No. 4 as well as most of the land in Alaska.

Mr. President, I emphasize that the Natives' land claim has some legal justification, to all of the land in the reserve amounting to almost 23 million acres. The committee decided to grant only 3 to 4 percent of that in Naval Petroleum Reserve No. 4.

The reserve is treated no differently under the terms of S. 35 than is any other federally reserved area in Alaska. National parks, national forests, and wildlife refuge areas, for example, have all been made subject to lands grants for Native villages and Native people. It was the committee's view that all federally reserved areas should be treated in a like manner and that all Native people in Alaska, regardless of where they live, should receive uniform and just treatment in this settlement of the Alaska Native land claims.

One alternative form of settling the Alaska Native land claims that has been proposed is to let the Federal courts adjudicate the question. This could result in one of two determinations: One, that the claims are invalid; or two, that the claims are valid. If they are valid, the Congress would have to either one, grant all of Naval Petroleum Reserve No. 4 to the Native people, or two, compensate the Native people for the Federal Government's taking of the land for use in connection with the Nation's defense and national security policies.

It was the committee's view that sound public policy and the best interests of all the parties—Natives, the State of Alaska, the Federal Government—are not served by such an approach. It was the committee's view that this settlement required the certainty, the detail, and the equity of a legislative settlement. To cite only one example which bears on the Nation's natural security and defense posture, it is clear that the tremendous petroleum reserves of Prudhoe Bay in Alaska cannot be developed unless a pipeline or other transportation facilities are constructed to deliver the oil and gas. Yet, however badly this petroleum may be needed as an alternative source to Mideast supplies, the necessary transportation facilities probably cannot be developed until there is a settlement of the Alaska Native land claims.

Mr. President, it seems to me that the committee's legislative adjudication of this claim involving Naval Petroleum Reserve No. 4 is a wise one, a prudent one, and in the best interests of the Natives themselves. It is also in the best interest of the Federal Government.

We have to look at all aspects of this problem. We came to the conclusion that this solution, involving only the disposition of 3 to 4 percent of this huge reserve, was a wise one. It was under those circumstances that we made the decision we did, after very careful consideration.

I would point out that the Senate approved the bill last year that contained a large part of the land in fee simple that is included in this measure. We added to it in the committee. However, the Senate last year, by the final approval of the bill to settle the Alaska Native claims, did make provision for the conveyance of a portion of the land involved in the Naval Petroleum Reserve.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. CANNON. Mr. President, I ask the distinguished Senator from Washington whether the committee has complied with the provisions of title 10 of the United States Code, section 7431, which provides in part as follows:

> The Committees on Armed Services of the Senate and the House of Representatives must be consulted and the President's approval must be obtained before any condemnation proceedings may be started under this chapter and before any of the following transactions authorized by this chapter may be effective:
>
> (2) A contract to alienate from the United States the use, control, or possession of any part of the naval petroleum or oil shale reserves (except that consultation and Presidential approval are not required in connection with the issuance of permits, licenses, easements, grazing and agricultural leases, rights-of-way, and similar contracts pertaining to use of the surface area of the naval petroleum and oil shale reserves).

Mr. President, I ask the Senator that question because, to the best of my knowledge, the Armed Services Committee has never been notified nor consulted with respect to this matter. I am advised by the chief counsel of the Subcommittee on National Stockpile and Naval Petroleum Reserves that we have not been consulted nor received any notification in accordance with subparagraph (1) of section 7431.

Mr. JACKSON. Mr. President, the statutory provision, in my judgment, to which the Senator refers, has nothing to do with the legislative procedures of the Senate or House of Representatives.

I would point out that those procedures are constitutional in that we could not by statute attempt to change the constitutional rights of Congress to enact appropriate legislation.

I would point out that the Navy has been on full notice regarding this matter. They reported on both bills, and they did not ask to testify.

We have had hearings on this for the last 4 years. The Navy has never requested an opportunity to be heard that we did not grant them that right. However, the statute the Senator refers to could not change the constitutional procedures of the Congress.

Mr. CANNON. The answer to the question is that the Armed Services Committee of the Senate has not been considered or notified.

Mr. JACKSON. Mr. President, the point I want to make is that the Senate approved the bill last year which provided for a conveyance in fee of approximately 800,000 acres out of the reserve. So there has been ample notice and I know the Department of Defense or the Navy, in its report, addresses itself to the administration bill, but they also allude to S. 35, the bill now before us.

The Navy had an opportunity to make it clear and to be completely explicit at that time that they objected specifically to the provisions in S. 35 providing for a conveyance of the land in Naval Petroleum Reserve No. 4. They failed to do so. I am amazed they did not comment on it. Their responsibility ran specifically, it seems to me, to the question of the Naval Petroleum Reserve No. 4. They did not do so.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GRAVEL. The Navy was silent on the subject. If one reads the record he will find they skirt the issue. Now they come on at the 11th hour on the day of passage. One can come to only one conclusion. Their objection is technical and they do not have any logic on it.

In a conference a little while ago I asked a representative of the Navy what reason they have. The reason is simple: It has been that way all along.

What we are confronted with is bureaucratic inertia inherent to Parkinson's principle. A few people are tied to a function and they cannot come forward with the light of day as to why these should continue. They just object.

The Natives of Alaska were there a long time before the Navy. If there is reason to have custodianship, it should be in the Department of the Interior and not in the Navy Department. It might be worthwhile to find out why Warren Harding, years ago, in order to make brownie points, turned over the reserve to the Navy. He could not turn it over to the Interior at that time, because that is where the scandal was. The record of the Navy in Alaska in this area is terrible. In fact, is it inhumane. The representatives of Alaska had to fight tooth and toenail to get this. The Navy wanted to sit on that gas while people froze to death. How unconscionable, how bureaucratic.

I will tell the Senator today that the Navy is not making any friends in this situation. The situation is simple. We have a lot of Federal land in Alaska. It is the Federal Government, not the State government that is speaking today. It is the Federal Government saying here that we are going to settle these claims for the people of Alaska. The U.S. Navy is a part of that Government, just as the U.S. Forest Service is. These segments are giving up their Federal proprietorship to settle these claims. There is no reason why the Navy should not do the same thing.

We are talking about a miniscule parcel of ground and land that will not deplete resources that belong to the Federal Government and not to the Navy. I understand the Navy is very much a part of the Federal Government. We here make policy. We can make policy today or cop out because a person at flag level or under flag level says, "We need this."

Are we here to make our own decisions or just to say because somebody said we need it, we adhere to it.

I wish to quote from the "Alaska Land Study" of the Public Land Law Review Commissioon where it considers the issue of the Navy's role in Pet. 4:

> The present treatment of naval Petroleum Reserve No. 4 appears to be more like a complete lack of policy than the existence of a policy. At present resources are tied up, serving no real purpose.

That is what we have here; resources tied up with no logical plan of development or use. The Navy has it and therefore the Navy keeps it. This makes no sense.

I plan to offer legislation to take Pet. 4 out of the stewardship of the Navy and place it in the Interior.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. CANNON. The Senator stated exactly the action that should be taken. The Navy did not ask to be awarded this. This was done by Congress. They were prescribed as custodians by Congress. The Senator's argument is not with the Navy. He should offer legislation to change it rather than try to castigate the Navy or someone who is trying to carry out responsibilities vested with them by law.

Mr. GRAVEL. They see their responsibilities one way and we see them another way. Since we are the higher body we can establish it the way we see it. Congress gave it to them and Congress can take it away. We are talking about taking it away and giving some of it to the people it belongs to, the Alaskan Natives.

Mr. STEVENS. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I would like to put this matter in historical perspective. I respect the feelings of the chairman of the committee that has jurisdiction over these reserves. I think we should keep some things in mind. In the first place—and I have a map over here if anyone cares to see it—we are dealing with a small little segment of Arctic coastline and the question of confirming the claim to a portion of the land that the descendents of the people who resided there for centuries have asserted. This is a two-way street. I would urge the Senate to consider the facts. We are not only confirming title to a portion of this land and extinguishing the balance of the claim, but also, we are clearing title of the Federal Government to the balance of the 25 plus million acres in Naval Petroleum Reserve No. 4. When the courts decided the question of title to the Tongass National Forest after 35 years it was determined the Tlingit-Haida people did have a valid claim.

In this circumstance what we are saying is if these people do not get the subsurface rights here they will get them elsewhere. If we are talking about the value question, that is really immaterial, because if they do not get valuable rights here they will have to get them somewhere else.

The real question is: Are we going to be responsive to the request of these people who have claimed this land as theirs for centuries, to confirm to them a portion of the land that they claim, rather than making some decision that, "You can have the surface here, but the subsurface somewhere else."

I am willing to see whatever action taken that is necessary to protect the primary purpose of this area. We have done this in connection with the forest area. We have done it in connection with the wildlife reserve areas and we could do it here. But I urge the Senator to follow through with the concept here that we are dealing with confirming title in some areas and compensating for extinguishment of the claim in other areas. We seek to confirm subsurface rights in this area, notwithstanding the fact that the President in 1926 created this area for the Navy petroleum reserve. He did that notwithstanding the title—we are trying to clear that title. It has always been subject to these overriding claims of title. These claims have been to the Supreme Court, and the Supreme Court said Congress has the right to determine the nature and extent of these rights. All we are asking today is a settlement of this matter. We are extinguishing the claim to the total reserve—they claim the whole reserve—and we are going to confirm to them title to six to eight to 10 townships.

Mr. CANNON. I am quite happy to see them try to settle the entire matter and get it resolved and disposed of.

The problem I find as chairman of the subcommittee is this. Suppose these selections are made and drillings are made and they tap the vast pool of oil covered by Naval Petroleum Reserve No. 4.

Would the Senator not admit that it would be possible for them, under such circumstances, to go ahead and deplete the reserves in Pet. 4?

Mr. STEVENS. No. As the Senator knows, I do have the background of being Solicitor of the Interior Department. Any Secretary of the Interior would be derelict if he permitted that to happen, because he has a duty to stop drainage whenever there is drainage from a Federal reserve. The Secretary of the Navy still has the same duty with reference to naval reserves.

We are willing to enter into any limitation in conference to prevent drainage from the lands that are under the portion of the reserve that are owned by the Federal Government. There is no problem there. We can clear up this matter in conference and take care of the reserve the Senator is concerned about. The real point here is: Are we going to adhere to the principle of providing these people at least a portion of the claim they are entitled to?

Mr. CANNON. My subcommittee or committee have not received any notification in accordance with the provisions of the United States Code.

I would like to ask the distinguished Senator and the distinguished Senator from Washington if I could have the assurance that, if this amendment were adopted and if a resolution were worked out in conference, it would contain adequate protection for the U.S. Government? I feel that under the bill as it is now written there is not adequate protection as required by law for the interest of the Government of the United States in and to those oil reserves in Pet. 4.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. JACKSON. I would make it very clear, speaking for myself as chairman of the committee, that the oil reserves in this area which the Natives would be entitled to under the bill should be administered in such a way as to be consistent with the provisions of the declared statutory policy of the Congress making this reserve available for strategic purposes. I cannot see any reason why that cannot be done and, at the same time, convey the property interest to the Natives as part of a settlement, with the Federal Government reserving the right to determine as to when and how that property, namely, the leasable mineral interest, is to be administered so as to insure the protection of our national security.

I would assure the Senator that I would take a very strong position in conference, and to the extent that I could be influential in that regard, to fully insure the security interests of the United States.

I would address myself primarily to the

property right here, that is, to giving the Native people of Alaska the leasable mineral estate as a part of the settlement, but the final overall administration of the disposition of the assets would have to be handled in such a way as not to do violence to the security reserve.

In light of the international situation we face today in the petroleum area, this reserve may have to be developed in the very near future.

I would point out that we are now importing 25 percent of our petroleum products, and by the end of this decade we will be importing 50 percent. The oil reserves for North America are going to be of crucial importance.

It is my understanding that, with the developments that are taking place in the Middle East, we could be facing a critical situation, as far as our own country is concerned, in trying to provide just for our domestic needs, let alone what reserves might be required for the national security forces of the United States.

I do believe that this area is affected with the interest that we are talking about. It is unique. It is different. I would go to conference on that line of reasoning, so that nothing would be done to in anyway interfere with the national security requirements of our Government.

The only element would be the conveyance of a property right—the leaseable mineral estate—subject to the national security requirement.

Mr. CANNON. Mr. President, of course, I may say to the Senator, he well knows, that traditionally in the Western States, where the Government owns huge portions of real property, it is customary and regular procedure for the Government to retain mineral rights. That is done. It is almost impossible for anyone to get mineral rights without a lease or purchase method from the Government on the properties underlying the public domain. So the reservation of mineral rights is nothing startling or new here.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. If I have the floor.

Mr. ALLOTT. Mr. President, will the Senator yield to me for just a moment?

Mr. STEVENS. Certainly.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. STEVENS. I will yield the Senator from Colorado such time on the bill as he may need for this colloquy.

Mr. ALLOTT. Mr. President, following the line of reasoning of the Senator from Alaska, may I say that for each Member there is a different approach to this bill. Personally, I believe the amounts granted in this bill are excessive and not justified by the historical or legal precedents in the case.

Having said that, I want to follow what the distinguished Senator from Washington has just said by saying simply that, as far as this Senator is concerned, if the 550,000 acres under section 19 stays in—and it is my personal hope it will not, but if it does—then I would want to reinforce the statement of the chairman of the committee by saying that, as far as I am personally concerned, as ranking Republican member of the Committee on Interior and Insular Affairs, there would be no bill if in any way the protection of the Federal Government in is open to further amendment. If there be no further amendment to be proposed, the Naval Reserve is not secured. In other words, any development of those lands shall be under the rules, regulations, and criteria of what now is the management of the Navy, they being empowered, as the Senator pointed out, to do this by act of Congress.

People get off the track when they talk about Navy oil. It is not Navy oil. It is oil for all of us. The Navy is the custodian of it for all the people of the United States. The Senator understands that well.

I want to assure him that I personally would do everything I could to see that what causes him great concern does not occur, and that is that the actual oil reserves of the naval petroleum reserve be drained away into the hands of Native individuals without the full protection of the Government in being able to call to terms the development, drilling, and exploitation.

Mr. CANNON. I thank the Senator.

Mr. JACKSON. Mr. President, will the Senator yield to me?

Mr. STEVENS. I am glad to yield, if I have the time.

Mr. JACKSON. I will yield myself some time.

I just wanted to say to the Senator from Nevada that I would undertake, as chairman of the committee and, of course, the senior Member on the Senate side, to confer and meet with the Senator from Nevada and the ranking member on the committee or subcommittee before we do anything, and work with them in trying to work out a solution in conference.

Mr. CANNON. I thank the Senator for that assurance.

Mr. JACKSON. I will definitely make that commitment, and I am confident that we can resolve this rather complicated problem, at least along the lines I have previously indicated in my statement, and any other approaches that would be necessary to protect the country's national security interests. Being a member of the Committee on Armed Services myself, I feel a special responsibility to see that that is done, and I give that assurance.

Mr. CANNON. I thank the Senator for that assurance, and I am willing to yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. Does the Senator from Washington yield back his time?

Mr. JACKSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nevada (Mr. CANNON).

The amendment was rejected.

The PRESIDING OFFICER. The bill the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 35) was ordered to be engrossed for a third reading, and was read the third time.

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 10367.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I ask unanimous consent that the Senate proceed to the immediate consideration of that bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. JACKSON. Mr. President, I move that all after the enacting clause of H.R. 10367 be stricken, and that the language of S. 35, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10367) was read the third time.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Do we have the yeas and nays?

The PRESIDING OFFICER. We have them on the Senate bill, but not on the House bill.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, before the final rollcall vote, I ask unanimous consent to have printed in the RECORD, for comparison purposes, a tabulation of awards by the Indian Claims Commission over a period of years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AWARDS BY THE INDIAN CLAIMS COMMISSION AS OF MAY 25, 1969

Docket Nos.	Tribe or claimant	Amount claimed	Acres recovered	Amount of final award	Date funds appropriated	Disposition legislation and citation	No. of participants
22-B	Apache, Mescalero		18, 860, 000	$8, 500, 000. 00	May 29, 1967	Mar. 12, 1968 (82 Stat. 47)	1, 740
329-D	Arapaho, Northern		[1] 51, 210, 240	3, 230, 000. 00	Jan. 6, 1964	Aug. 8, 1958 (72 Stat. 541)	2, 635
279-A	Blackfeet and Gros Ventre		13, 970, 008	8, 679, 814. 92	Oct. 21, 1968		[2] 12, 763
31, 37	California	$126, 240, 000	64, 425, 000	29, 100, 000. 00	Oct. 7, 1964	Sept. 21, 1968 (82 Stat. 860)	[2] 75, 000
80, 80-D	Mission						
347	Pit River						
333	Shasta						
215	Yana						
176	Yokiah						
237	Chehalis	45, 658, 000	838, 200	754, 380. 00	June 9, 1964	Oct. 24, 1967 (81 Stat. 335)	1, 370
351, 351-A	Chemehuevi		3, 600, 000	996, 834. 81	Apr. 30, 1965		[2] 1, 000
173	Cherokee, Oklahoma		6, 022, 745	14, 364, 476. 15	Sept. 30, 1965	Oct. 9, 1962 (76 Stat. 776)	41, 824
329-C	Cheyenne, Northern		[1] 51, 210, 240	4, 360, 886. 19	Jan. 6, 1964	Sept. 1, 1964 (78 Stat. 768)	2, 906
329-A, B	Cheyenne-Arapaho, Southern		[1] 51, 210, 240	15, 000, 000. 00	Oct. 31, 1965	Oct. 31, 1967 (81 Stat. 337)	5, 229
23	Chickasaw, Oklahoma	2, 355, 674	1, 214, 888	902, 008. 11	Jan. 6, 1951	May 24, 1949 (63 Stat. 76)	10, 966
269	do	190, 000	266, 433	190, 934. 78	Mar. 31, 1961	Sept. 28, 1968 (82 Stat. 883)	5, 250
18-B	Chippewa, Mississippi		[1] 10, 333, 726	1, 671, 262. 18	Oct. 31, 1965	Sept. 27, 1967 (81 Stat. 230)	14, 647
18-B	Chippewa, Pillager, Lake Winnibigoshish		[1] 10, 333, 726	2, 260, 942. 90	do	do do	6, 340
18-A	Chippewa, Pembina		[1] 7, 488, 280	237, 127. 82	June 9, 1964	Oct. 13, 1964 (78 Stat. 1093)	[2] 14, 566
18-A	Chippewa, Red Lake		[1] 7, 488, 280	1, 797, 761. 74	do	do	4, 663
16	Choctaw, Oklahoma	7, 067, 024	3, 374, 663	2, 587, 835. 47	Jan. 6, 1951	May 24, 1949 (64 Stat. 76)	26, 828
81	Coeur d'Alene	4, 250, 000	3, 347, 663	4, 342, 778. 03	Aug. 27, 1958	July 17, 1959 (73 Stat. 221)	582
181	Colville		1, 729, 761	1, 000, 000. 00	Apr. 13, 1960	Apr. 24, 1961 (75 Stat. 45) Sept. 26, 1961 (75 Stat. 639) Aug. 31, 1964 (78 Stat. 755).	5, 187
181-A, 181-B	Colville		2, 416, 600	3, 500, 000. 00	June 19, 1968	Sept. 28, 1968 (82 Stat. 882)	5, 187
222, 224, 161	Colville-Yakima		8, 176, 000	3, 446, 700. 00	Apr. 30, 1965	Mar. 30, 1968 (82 Stat. 69)	[2] 13, 000
1	Creek, Loyal	690, 000	(3)	600, 000. 00	June 5, 1952	Aug. 1, 1955 (69 Stat. 431)	[2] 1, 158
276	Creek, Oklahoma		2, 037, 414	1, 037, 414. 62	Oct. 27, 1966	Sept. 21, 1968 (82 Stat. 859)	[2] 35, 000
21	Creek Nation as of 1814	29, 084, 500	8, 986, 653	3, 913, 000. 00	Apr. 30, 1965	Sept. 21, 1968 (82 Stat. 855)	[2] 40, 000
54	Crow	29, 530, 764	30, 530, 765	10, 242, 984. 70	Sept. 30, 1961	June 20, 1936 (49 Stat. 1543)	4, 343
337	Delaware		3, 859, 000	1, 627, 244. 64	Oct. 7, 1964	Sept. 21, 1968 (82 Stat. 861)	[2] 7, 500
109	Duwamish	30, 000, 000	54, 790	62, 000. 00	June 9, 1964	Oct. 14, 1966 (80 Stat. 910)	1, 093
61	Flathead (Salish and Kootenai)	18, 445, 039	12, 005, 000	4, 431, 622. 18	Oct. 27, 1966	Apr. 22, 1967 (81 Stat. 13)	5, 477
90, 122	Hualapai		4, 459, 500	2, 950, 000. 00	Oct. 21, 1968		[2] 950
79	Iowa		(4)	11, 394. 67	Oct. 27, 1966	Dec. 14, 1967 (81 Stat. 583)	[2] 2, 087
79-A	do		99, 249	[1] 1, 367, 701. 90			2, 087
138	do		[1] 10, 380, 000	1, 372, 267. 50	Apr. 30, 1965	Dec. 14, 1967, (81 Stat. 583)	[2] 2, 087
94	Kalispel		2, 373, 000	3, 000, 000. 00	May 17, 1963	Aug. 10, 1964 (78 Stat. 387)	167
33	Kaw	10, 930, 018	4, 559, 040	1, 600, 220. 02	Apr. 22, 1955	Aug. 9, 1955 (69 Stat. 559)	249
35	do	2, 289, 000	2, 000, 000	798, 000. 00	do	do	249
145	Kickapoo		(4)	11, 511. 53	Oct. 27, 1966		[2] 1, 500
193	do		1, 868, 500	540, 000. 00	July 9, 1968		[2] 1, 500
316	do		618, 000	771, 441. 26	June 19, 1968		[2] 1, 500
32	Kiowa, Comanche, Apache	14, 268, 664	2, 033, 583	2, 067, 166. 00	May 20, 1959	Sept. 21, 1959 (73 Stat. 598)	7, 669
258. 259	do		(3)	6, 000, 000. 00	June 19, 9168	Sept. 28, 1968 (82 Stat. 880)	13, 640
100	Klamath		5, 020, 000	2, 500, 000. 00	June 9, 1964	Oct. 1, 1965 (79 Stat. 987)	2, 133
154	Kootenai		1, 160, 000	425, 000. 00	Sept. 8, 1960	Dec. 23, 1963 (77 Stat. 472)	67
124-A	Miami, Indiana		(3)	64, 738. 80	Sept. 30, 1961	Oct. 14, 1966 (80 Stat. 909)	3, 066
124-D, E, F-256	Miami		239, 588	1, 373, 000. 10			4, 292
124-C, 255	do		64, 038	66, 966. 00			4, 292
251-A	Miami, Oklahoma		10, 000	10, 000. 00			814
251	do		254, 158	349, 193. 59	Sept 30, 1961	Oct 14, 1966 (80 Stat 909)	814
67, 124	Miami Nation as of 1818		4, 291, 500	4, 647, 467. 67	May 17, 1963	Oct 14, 1966 (80 Stat 909)	4, 292
98	Muckleshoot	3, 500, 000	101, 620	80, 377. 00	May 29, 1967	Sept 28, 1968 (82 Stat 882)	253
175-A	Nez Perce		6, 932, 270	4, 157, 605. 06	Sept 8, 1960	Apr 24, 1961 (75 Stat 45)	2, 097
180-A	do		(6)	3, 000, 000. 00	do	Apr 24, 1961 (75 Stat 45)	2, 097
46	Nooksack	3, 375, 600	80, 590	49, 383. 50	Apr 30, 1965	Oct 14, 1o66 (80 Stat 906)	682
138	Omaha		[1] 10, 380, 000	1, 750, 000. 00	June 9, 1964	Nov 2, 1966 (80 Stat 1114)	3, 088
225-A, 225-B, 225-C, 225-D	do		4, 982, 098	2, 900, 000. 00	Apr 13, 1960	Sept 14, 1961 (75 Stat 508)	2, 660
75	Oneida (emigrant New York)		4, 037, 000	1, 313, 472. 65	May 29, 1967	Sept 27, 1967 (81 Stat 229)	7, 100
9	Osage	3, 480, 627	844, 633	864, 107. 55	Aug 4, 1955	June 28, 1955 (34 Stat 539)	2, 229
11-A	Otoe-Missiouria		10, 380, 000	1, 750, 000. 00	June 9, 1964	Oct 14, 1966 (80 Stat 911)	1, 378
11	Otoe-Missouria		1, 879, 893	1, 156, 034. 35	May 19, 1956	May 9, 1958 (72 Stat. 105)	1, 987
40-K	Ottawa, Grand River		1, 140, 740	932, 620. 01	Oct. 21, 1968		[2] 2, 000
303	Ottawa, Oklahoma		20, 642	406, 166. 19	Apr. 30, 1965	Aug. 11, 1967 (81 Stat. 166)	630
17	Paiute, Malhuer	3, 500, 000	1, 449, 305	567, 000. 00	Apr. 13, 1960	Aug. 20, 1964 (78 Stat. 563)	892
87	Paiute, Northern:						
	Area I		3, 188, 000	935, 000. 00	Oct. 21, 1968		[2] 3, 000
	Area II		11, 614, 726	15, 790, 000. 00	do		
	Area III		10, 500, 000	3, 650, 000. 00	Sept. 30, 1961		
88, 330, 330-A	Paiute, Southern		26, 400, 000	7, 253, 165. 19	Apr. 30, 1965	Oct. 17, 1968 (82 Stat. 1147)	[2] 1, 200
10	Pawnee	30, 503, 697	23, 067, 219	7, 316, 097. 70	May 17, 1963	Aug. 21, 1964 (78 Stat. 585)	1, 897
65	Peoria		(4)	[1] 1, 133, 404. 97			1, 040
324	Ponca		(4)	2, 458. 30	May 13, 1966		1, 906
71-A	Potawatomi, Citizen		[1] 5, 909, 566	2, 112, 185, 60	Sept. 8, 1960	Sept. 6, 1961 (75 Stat. 474)	10, 077
96	do		362, 832	797, 508. 99			10, 077
111	do		[1] 338, 127	233, 154. 36	July 27, 1956	July 17, 1959 (73 Stat. 221)	7, 777
15-B	Potawatomi, Prairie	1, 212, 100	[1] 338, 127	126, 306. 24	July 27, 1956	July 17, 1959 (73 Stat. 221)	2, 128
15-J	do	2, 057, 564	[1] 5, 909, 566	1, 176, 789. 30	Sept. 8, 1960	Sept. 6, 1961 (75 Stat. 474)	2, 128
14	Quapaw	56, 724, 320	1, 161, 285	927, 668, 04	Aug. 26, 1954	July 17, 1959 (73 Stat. 221)	1, 144
319	Quechan		1, 549, 188	520, 000. 00	Oct. 31, 1965	Sept. 28, 1968 (82 Stat. 881)	[2] 1, 200
155	Quileute and Hoh		197, 660	112, 152. 60	Jan. 6, 1964	Oct. 14, 1966 (80 Stat. 905)	507
242	Quinault and Queets		369, 900	205, 172. 40	do	May 27, 1965 (79 Stat. 118)	950
138	Sac and Fox—Oklahoma, Kansas, Iowa		[1] 10, 380, 000	1, 096, 533. 42	Apr. 30, 1965	Aug. 31, 1967 (81 Stat. 193)	2, 889
143	do		2, 294, 400	1, 789, 201. 45	Oct. 31, 1965	do	2, 889
158, 209, and 231	Sac and Fox		7, 256, 000	3, 530, 578. 21			2, 889
219	do		418, 376	899, 408. 54	Oct. 21, 1968		2, 889
195	Sac & Fox, Missouri		96, 000	192, 000. 00			227
220	Sac & Fox, Oklahoma		391, 188	692, 564, 15	June 19, 1968		1, 883
150	Seminole, Oklahoma	1, 050, 000	320	34, 053. 66	Sept. 29, 1959	Oct. 17, 1968 (82 Stat. 1148)	7, 000
248	do		(7)	63, 680. 00	May 13, 1966	do	7, 000
334	Shawnee, Absentee, Shawnee, Cherokee, Shawnee, Eastern.		1, 404, 764	1, 269, 338. 02	Sept. 30, 1961	Aug. 20, 1964 (78 Stat. 555)	1, 421 3, 475 813
326-D, E, F, G, H 366,367	Shoshone-Bannock		38, 703, 864	15, 700, 000. 00	June 19, 1968		5, 588
63	Shoshone, Wind River	6, 118, 840	700, 642	433, 013. 60	June 21, 1967	Aug. 8, 1958 (72 Stat. 541)	1, 959
157	do	2, 643, 130	(8)	120, 000. 00	Apr. 30, 1965	do	1, 959
279-A	Sioux, Fort Peck		2, 955, 271	1, 161, 354. 41	Oct. 21, 1968		[2] 3, 600
142	Sioux, Eastern		[1] 22, 971, 200	5, 079, 575. 00	June 19, 1968		[2] 18, 000
359	do		2, 243, 200	1, 552, 929. 00			
360	do		3, 778, 700	1, 129, 359. 00			
361	do		155, 520	64, 680. 00			
362	do		[1] 22, 971, 200	4, 338, 517. 00			
363	do		275, 800	66, 940. 00			

AWARDS BY THE INDIAN CLAIMS COMMISSION AS OF MAY 25, 1969—Continued

Docket Nos.	Tribe or claimant	Amount claimed	Acres recovered	Amount of final award	Date funds appropriated	Disposition legislation and citation	No. of participants
332–A	Sioux, Yankton		2,200,000	$1,250,000.00			[2] 4,000
92	Skagit, Upper		453,000	385,471.42	Oct. 21, 1968		[2] 2,000
296	Skokomish		355,800	373,577.00	Jan. 6, 1964	Oct. 14, 1966 (80 Stat. 913)	206
125	Snohomish	$30,000,000	164,265	136,165.79	May 29, 1967		[2] 2,400
93	Snoqualmie		361,000	257,698.29	Oct. 21, 1968		[2] 2,000
331, 331–A	Spokane		2,140,000	6,700,000.00	May 29, 1967	June 10, 1968 (82 Stat. 175)	1,646
239	Tillamook (Siletz)	8,000,000	191,799	416,240.85	Aug. 27, 1958	Sept. 9, 1959 (73 Stat. 477)	929
240	Tillamook (Nehalem)	50,000,000	233,750	72,162.50	May 17, 1963	Aug. 30, 1964 (78 Stat. 639)	251
240	Tillamook, Tillamook			97,025.00	do	do	251
264, 264–A, B	Umatilla	20,200,000	3,559,000	2,450,000.00	May 13, 1966		1,393
327	Ute, Confederated		3,766,636	7,908,586.16	Apr. 30, 1965	Aug. 1, 1967 (81 Stat. 164) June 7, 1968 (82 Stat. 171).	3,13
44, 45	Ute, Uintah		7,613,017	7,700,000.00	Sept. 8, 1960	Aug. 21, 1951 (65 Stat. 193) Aug. 28, 1954 (68 Stat. 868).	1,273
349	Ute, Uncompahgre		([8])	300,000.00	Apr. 30, 1965	Aug. 21, 1951 (65 Stat. 193) Aug. 28, 1954 (68 Stat. 868).	1,273
314	Wea (Peoria)		815,000	876,477.30	July 29, 1963		1,040
314–E	do		27,331	33,262.92	June 19, 1968		1,040
47, 164	Yakima		27,648	2,100,000.00	Nov. 14, 1968		5,627
47–A	do		17,669	61,991.40	Oct. 31, 1965		5,627
162	do		23,000	49,000.00	do		5,627
22–E, F	Yavapai-Apache		9,238,600	5,010,000.00	Mar. 13, 1969		[2] 1,000

[1] Tribe had less than full interest in acreage shown.
[2] Rough estimate.
[3] Accounting claim.
[4] Accounting.
[5] Plus interest.
[6] Gold claim.
[7] Gas and oil claim.
[8] For reservation never created.

Mr. STEVENS. I would also like to go on record as thanking the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. ALLOTT) for their leadership in guiding this bill through. I think, after going to conference, we will end up with a bill that will really represent a fair and equitable settlement of these claims.

The PRESIDING OFFICER (Mr. STAFFORD). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER) and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Kentucky (Mr. COOPER). the Senator from Florida (Mr. GURNEY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) and the Senator from Nebraska (Mr HRUSKA) are detained on official business

On this vote, the Senator from New York (Mr. BUCKLEY) is paired with the Senator from New Hampshire (Mr. COTTON). If present and voting, the Senator from New York would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Tennessee (Mr. BROCK). If present and voting, the Senator from New York would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced—yeas 76, nays 5, as follows:

[No. 285 Leg.]

YEAS—76

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Young

NAYS—5

Fannin
Goldwater
Roth
Saxbe
Thurmond

NOT VOTING—19

Baker
Brock
Buckley
Case
Cooper
Cotton
Eastland
Ellender
Gurney
Hruska
Humphrey
Inouye
Javits
Mansfield
Mundt
Muskie
Pell
Weicker
Williams

So the bill (H.R. 10367) was passed.

Mr. JACKSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. STEVENS and Mr. GRAVEL moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I move that S. 35 be indefinitely postponed.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees.

The motion was agreed to; and the Chair appointed Messrs. JACKSON, BIBLE, CHURCH, METCALF, GRAVEL, ALLOTT, FANNIN, and STEVENS conferees on the part of the Senate.

Mr. JACKSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical changes and corrections in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, a word is in order with respect to the efforts of the distinguished Senator from Washington (Mr. JACKSON) who has performed yeoman service in the interest not only of the Alaskan Natives but of the entire Alaskan community as well.

On this specific legislation, the Committee on Interior and Insular Affairs spent more time than it has on any other issue in its entire history. I rise to commend the distinguished chairman and his able staff, including Bill Van Ness and Jerry Verkler, and other members of the committee staff, as well as the membership of the committee, who performed so well in this task. It should go on the record that the chairman asked the Federal Field Committee some years back to make a study of this subject matter; and, with that one act, the chairman showed that he had the vision to see the need for a definitive study and that document—Alaska Natives and the Land—brought the entire matter into focus.

This was done under the able leadership of Mr. Joseph Fitzgerald and Dr. Douglas Jones, now a member of my staff, and others, but the real leadership for this whole area must be placed at the doorstep of the very distinguished Member of this body, the Senator from Washington (Mr. JACKSON), whom I count my friend. I speak on behalf of the entire Alaskan Native community. Thank you, Senator, very much, from the bottom of our hearts.

Mr. JACKSON. Mr. President, I thank the distinguished Senator from Alaska very much. I want to express my deep appreciation to him and to his colleague, Mr. STEVENS, and to all the Native groups who worked with us on this very difficult task.

There were differences of opinion within the committee. In the end, however, we were able to hammer out what I believe to be the most generous settlement that has ever been made to a Native group in our history. I say generous in the sense of doing justice and trying to be fair.

I also want to express my deep appreciation for the undivided support given me in the final and difficult decisions which we had to reach. As we went along we had our differences, but we were able in the end to come together and bring forth as good a bill as we possibly could.

I thank the two Senators from Alaska very much for their support and help on this very important measure.

MESSAGE FROM THE HOUSE—ENRCLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 30) to establish the Arches National Park in the State of Utah.

THE 25TH ANNIVERSARY OF THE STUTTGART ADDRESS OF SECRETARY OF STATE JAMES F. BYRNES

Mr. MOSS. Mr. President, on the 17th day of October 1971, I participated in a ceremony held at the Opera House in Stuttgart, Germany, to commemorate the 25th anniversary of the Stuttgart address of Secretary of State James F. Byrnes. It was a most impressive occasion and I was pleased to have a part in the ceremony.

The address of welcome was delivered by the Minister President of Baden-Wurttemberg, Dr. Hans Filbinger, and the principal address was made by Dr. Walter Hallstein, Member of Parliament, entitled "American Peace." Both were significant speeches and I think of considerable interest to the members of the Senate. I therefore ask unanimous consent that they be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

WELCOMING REMARKS OF THE MINISTER PRESIDENT OF BADEN-WUERTTEMBERG, DR. HANS FILBINGER

Honored guests, Ladies and Gentlemen: Twenty-five years ago the stage of this Opera House was the platform for a declaration by the then American Secretary of State, Mr. James F. Byrnes. It is to commemorate this highly significant event that we have met here today.

In view of the large number of representatives from American and German public life I would ask you to forgive me for not naming you individually. May I extend to you all a most cordial welcome in the name of the Government of Baden-Wuerttemberg.

When we were planning this ceremony we hoped that we would be able to have Mr. Byrnes himself in our midst as our most distinguished guest of honor. But the delicate state of health of Mr. Byrnes, who can look back upon 92 years of active life, has dashed these hopes.

With your permission I should like to read out the message which we shall send today to the man whom we have come to remember and to honor with deep gratitude at this hour:

OCTOBER 17, 1971.

"Dear Mr. Byrnes: It is a quarter of a century since you delivered your Stuttgart Speech which made history as the turning point of post-war policy, as the silver lining on the horizon of German despair, and as the prelude to friendship between Americans and Germans.

"In commemoration of this event and in deep gratitude for what you have initiated for the benefit of the German people and the future of Europe, a German-American assembly in the Stuttgart Opera House sends you its cordial greetings and sincere wishes for your good health!

THE MINISTER PRESIDENT OF
BADEN-WUERTTEMBERG".

Ladies and Gentlemen: Skeptics maintain that the study of history yields little more than the recognition of how little we have learned from history. Nevertheless we must not forget that only the knowledge of the past gives us a reasonably reliable yardstick for judging the present.

In view of the speed at which the kaleidoscope of contemporary history is changing we easily overlook and forget the patterns of events leading up to the present day.

This is the reason why the Government of the State of Baden-Wuerttemberg has considered it appropriate to commemorate the speech which State Secretary Byrnes gave in Stuttgart on September 6, 1946; to commemorate how the political structure, which determines our life today, was begun. This commemoration ceremony is also designed, however, to give a glimpse into the past for those for whom the fateful years between 1945 and 1949 are no longer fresh in mind.

For the darkest hour of German history was also the time when vital decisions affecting the present day were taken. It is not true that the history of our democracy began only with the creation of the Federal Republic in 1949.

At zero-hour in 1945, when the guns ceased firing, the German Reich was at war with 58 countries. To the bitterness of the military collapse, with its death and terror, were added hunger and distress, the hard fight for survival, the misery of the refugees in the greatest migration of people in history—and this against the background of the total collapse of national life. The collapse of civic life and the complete loss for many people of their homes and very livelihood were followed by a searing of our hearts and minds when it became fully apparent what had been done in the name of this people.

In that darkest hour, we owe our thanks today to those men who did not succumb to despair and numbing hopelessness. How complete the confusion was is clearly shown by the words of General Lucius Clay. In his book "Decision in Germany" he writes: "In retrospect I believe that we would have certainly considered our task hopeless if we had had at that time a complete picture of the chaos."

We Germans are grateful that men of the stamp of a General Clay, who later initiated the Berlin airlift, took responsibility in Germany on behalf of the USA. But our gratitude is not something we have only recently learned. The same is true of the Head of the Stuttgart Military Government, Colonel Dawson, who was far more sympathetic to the Germans than was officially permitted so shortly after the capitulation.

The general attitude of the American victors in their zone was laid down—couched in hard, but correct terms—by Directive No. 1067 of the US General Staff ICS dating from April 1945, which stated: "It must be made clear to the Germans that Germany's ruthless waging of the war and the fanatical resistance on the part of the Nazis have destroyed German industry and made chaos and suffering inevitable and that they cannot escape responsibility for what they have brought upon themselves. Germany will be occupied not for the purpose of being liberated but as a conquered enemy country. More tersely—and just as unequivocally in spite of the ostensibly milder tone—the Allied Commander-in-Chief, General Eisenhower, had stated in his first proclamation to the Germans: "We come as conquerors, not as oppressors."

So much, Ladies and Gentlemen, for our flash-back to the past: a healthy memento for us Germans and a reminder of the months preceding the speech which State Secretary Byrnes delivered here in Stuttgart 16 months after the end of hostilities.

Perhaps the Stuttgart Opera House owes the honor of being chosen as the platform for an epoch-making speech to the fortunate fact that it was one of the very few buildings of its kind in Germany that had survived the war undamaged. Stuttgart was moreover the seat of the Laender Council. State Secretary Byrnes readily agreed to a suggestion—coming doubtless from General Clay—that he should make his pronouncement in Stuttgart. He came here from the Conference of Foreign Ministers in Paris, after making a short stop in Berlin.

The Secretary of State had been engaged on thorny—and unsuccessful—negotiations on the subject of Germany's future and her unity. The knot had only become increasingly tighter. President Truman and his Secretary of State considered that the time had come to cut the knot in classic fashion and to announce a new turn in American policy towards Germany.

On September 6, 1946 the Opera House was full a quarter of an hour before the meeting began, when the convoy of the Secretary of State was still driving through the ruin-lined streets of Stuttgart. Popular feeling might well have been divided: "Yet another speech!" People showed the same apathy as towards the Nuremberg trials which were drawing to an end during these very weeks. And yet many people had the vague feeling that something new was about to happen. The fact that the foreign minister of a victorious country was visiting the vanquished country to deliver a politically highly important speech in the assembled presence of representatives of the occupying powers and no fewer than 150 Germans from the regional government authorities was of itself a novelty.

The stage of the Opera House was decorated with flowers. There were four chairs on it for Senators Connally and Vandenberg, for Ambassador Murphy and for General McNearney, the Military Governor. General Clay sat in the orchestra pit behind Dr. Reinhold Maier, the Minister-President of the then "Land" Wuerttemberg-Baden, who was sitting with the heads of the Laender governments of Bavaria, Hesse and Bremen. As Secretary Byrnes stepped onto the stage a military band played a piece of music called "Stormy Weather." In his memoirs Mr. Byrnes writes that he hadn't yet been able to figure out whether General Clay's protocol had also taken account of the symbolism of the music. The Military Governor introduced the Secretary with brevity: "Ladies and Gentlemen, the Secretary of State, the Honorable James F. Byrnes."

What followed was described by Josef Eberle in the "Stuttgarter Zeitung" of September 7, 1946 as follows: "The speaker, a grey-haired gentleman of medium height in a simple blue suit spoke without exaggerated emotion and pose. Markedly sparing of gesture and yet speaking with urgency, he immediately won the attention of the assembly not only by *what* he said (very likely not all present were able to follow his English) but *how* he said it. For all his impulsiveness, which could certainly be felt, his tone of voice was moderate and balanced and his style relaxed and reflecting human warmth.

This manner which was so new to us in a high-ranking member of a government, the manner of a free citizen among his equals, was expressed most forcefully at the end of his speech when Mr. Byrnes acknowledged the applause with a laugh and a casual wave of the hand." Ladies and Gentleman, there are not many speeches that have truly made history, but the Stuttgart speech of State Secretary Byrnes is one of them. It is a historic turning-point—not only for German history.

The subject of the speech was Germany. The vanquished received but little comfort; it was indeed no soft, indulgent speech. Mr. Byrnes did not hesitate to speak his mind when he came to apportion responsibility. The Germans had perforce to listen to bitter words, yet these words were no longer hostile. The tone of condemnation was absent. Mr. Byrnes instead pointed to a constructive goal: "The American people will help the German people to find its way back to an honored place among the free and peace-loving peoples of the world."

This closing passage had an electrifying effect on the German audience and on the German public listening over the radio. A shimmer of hope that a new epoch would come appeared on the horizon: it was now time, the Secretary had said, that the Germans should have a government of their own; Germany must not be allowed to become a poorhouse. What words for the German people in the midst of their ruins—Germany must not be allowed to become a poorhouse!

Ladies and Gentlemen, in the atmosphere of our affluent society today, we Germans must not underestimate the chance of a new beginning that was offered us in those days. It behooves us today to remember with gratitude this turning-point in our national fortunes. To my fellow countrymen I feel constrained to say that we should not take it for granted today that a victorious country—calling for great sacrifices from its taxpayers—should begin with such energy to help the vanquished enemy. It was, indeed, as ex-President Hoover remarked, "something new in the history of mankind for the victor to do such a thing . . ."

The Byrnes speech led further both to the creation of the bi-zone and to the Marshall Plan. In its effectiveness this program of aid became *the* model of development aid in the world at large. For the Marshall Plan brought not only economic relief but economic recovery. Continuing the policy initiated by Mr. Byrnes in Stuttgart, his successor, General George Marshall, said: "Governments and parties that seek to preserve human misery in order to profit from them politically will meet with the opposition of the USA."

Thus precautions were taken against attempts to bolshevise the free part of Germany in terms of Marx's theory of the impoverishment of the masses—witness the Soviet Union, which pursued its expansionist policies everywhere in the east by using trained, native communists. The logical conclusion, which came out of the Byrnes Stuttgart speech, was the recognition that starvation and unemployment—and also the withering of national self-confidence—are the best aids to communist imperialism.

Immediately after the speech of the American Secretary of State in this Opera House, a number of questions were put to the South German minister-presidents by the German and foreign press. Quite spontaneously Dr. Reinhold Maier seized upon the two crucial points referred to in the section of the speech devoted to foreign policy.

The first point was that the USA would not return to a policy of isolationism. This was announced in clear terms to the world. Byrnes said: "I do not wish to be misunderstood . . . we shall abide by our duty . . . we shall not withdraw . . . we shall stay here . . ." Up to then the Germans had been unable to obtain a final answer on this point. The fear that the Americans might one day tire of their position was thus removed. Here, too, we must acknowledge our gratitude for a quarter of a century of vigilant presence by the American forces that has given the German security of peace in freedom.

The second important element that Dr. Maier seized upon was the statement that Germany's eastern frontier was not final. The Secretary of State, who had taken part in the Yalta and Potsdam meetings, quoted the minutes of the Potsdam Conference, according to which the heads of government had not agreed to the cession of Silesia and other eastern territories and that the extent of the cession would be reserved for a final settlement.

This, too, is the purpose of our commemoration today: to reflect upon the past—an activity so necessary in the hectic atmosphere of day-to-day politics. And in doing so we shall not only become patently aware of the advantage of a quarter of a century of the Federal Republic's Western policy; the thoughtful among us will also recognize—bearing in mind the permanent obstruction from the east—the necessity and logical inevitability of this Western European policy.

Let us briefly review the stages of Soviet expansionist policy, from the Prague coup in February 1948 to the Hungarian Revolution, from the Seventeenth of June 1953 to the Berlin Wall and the invasion of Czechoslovakia—a chain of violence. It is this power politics that has stood in the way of German reunification and is the real cause of political tensions in Europe. Not the policy of former Federal German governments, as Soviet propaganda would like to suggest—not quite unsuccessfully—to the German public.

To recall and reflect on Byrnes' speech with its consistent refusal to continue a policy of appeasement vis à vis the Soviet Union may be particularly interesting today in view of the change of America's attitude to China—this change is, after all, the decisive geopolitical fact of the last twenty-five years of our century.

In those days the "Pravda" abused Mr. Byrnes as "the protector of the Germans" after he had for the first time, with his speech in Stuttgart, abandoned the disruption and hopelessness of the cooperation between the Western allies and the Soviet Union and officially named the constructive aims of the "New Look" of American policy.

From Geneva Mr. Byrnes received a spontaneous and cordial telegram of congratulation from Winston Churchill, who in his speech a week later in Zurich took up Mr. Byrnes' leitmotif of reconciliation—this time stressing a fundamental change in Franco-German relations as a prerequisite for the creation of a "United States of Europe." May I mention with gratitude that European efforts towards unity have always and from the very beginning enjoyed the disinterested good wishes of our American allies.

Honored guests, Ladies and Gentlemen,

Twenty-five years ago was a beginning. This beginning was heralded, in this House, by words of reconciliation and has been followed by friendship. To remember these words in gratitude is the purpose of our gathering here today.

AMERICAN PEACE

(Remarks by Professor Dr. h.c. Walter Hallstein, Member of Parliament)

What was completed? What was begun? What still remains? Those are the three questions which must be answered if we are to give this speech of James Byrnes on September 6, 1946 the status of a historical event. The content of the speech itself provides the answer to our questions.

But it is not only the substance of the speech which impresses us. We were summoned hastily from the various parts of the American zone—a group of Germans who had begun to take responsibility again for German affairs. I myself took part as Chancellor of the University of Frankfurt and as President of the first freely elected Conference of Chancellors of German universities. The day is particularly memorable to me because in the morning I visited and got to know the then Minister of Culture for Wuerttemberg, Theodor Heuss, not knowing that very soon I would be spending years—decisive years—in his presence.

Following the introduction by the Commanding General of the American Forces in Europe, General McNearney, James Byrnes spoke. He spoke impressively, but simply and winningly, yes, with warmth, with few gestures, without heroics, He spoke as one citizen to another.

Should I sketch in the gloomy background once again?

Germany had just suffered a defeat which was as total as the war itself. It was no longer a country of Germans. It seemed to be snuffed out. Would it be the Carthage of the 20th Century? There were some plans to graze sheep in the Ruhr where previously chimneys belched smoke. Millions of houses and factories and means of communication were destroyed. Wrecking of the rest had begun. The people were starving and looking for work.

There was no longer any German executive power. The enemy of yesterday had installed himself, as an occupation power and as executive government. The allied coalition first had to reach agreement about its opinions on aims and methods of its occupation policies. In addition, peace had to be prepared. Finally, reparations were wanted. Only partial decisions for all this had been made in Yalta.

At the meeting on the highest level in Potsdam on July 17, 1945—no longer Roosevelt, but Truman for the United States, no longer Churchill, but Attlee for Great Britain—this was the climax of the wartime coalition; little of the euphoria of the alliance would be felt again. Some principles were confirmed—the decentralization of the political structure, local self-administration, representative system in country, province and regional administration, no central government for the time being, but administrative authorities for finance, traffic and communications; industry and foreign trade as part of the Allied Control Council.

One year had passed since then. It had been full of efforts to end the war in a formal way, too, by peace treaties with Italy, Rumania, Bulgaria, Hungary, and Finland and with the preparation of peace regulations with Germany and Austria. James Warburg had called 1946 the "Year of Uncertainties." It is true: predecisions, especially the provisions of the Potsdam Agreement of August 2, 1945 on the political and economic treatment of Germany as a whole became more and more questionable; the outlines of future organization of Germany, which were to form from 1947 on, could already be seen. The wartime alliance of the western powers with the Soviet Union broke down quickly. There were still common texts, especially those of the Potsdam Conference, but they were interpreted and applied in different ways. The revolutionary turnover of the social and economic conditions in the East of Germany by the Russian occupation could not be stopped any more by peaceful means. The Allied Control Council for the coordination of the administration of the zones became more and more incapable of functioning. Especially the question of reparations aroused sharp differences of opinion: the Soviet Union did not stick to the agreement that no reparations should be taken out of the current production.

Thus it became especially apparent that there was no longer any agreement about the maintenance of the unity of Germany. The experienced and far-sighted American historian and diplomat George Kennan raised his warning voice: "What the Russians want in Germany is to be the dominating power in the country—to possess the power to control the internal affairs as well as Germany's foreign policy." He doubted the further usefulness of the Potsdam Agreement. However, the American and also British diplomacy still found it difficult to admit this to themselves; at first they energetically defended themselves against the threatening division of Germany into the zones. Economic and financial arguments stood in the foreground, the draft of a four-power contract on Germany was submitted. The discussion was raised to the level of the Foreign Ministers in the summer of 1946; but it ended without results, with a postponement, as called for by the Soviets who were supported in this request by the French.

All this was reflected in the speech of Byrnes and made again clear to us the almost unlimited degree to which we depended on the insight, but also on the generosity of the victor. What the Secretary of State explained in its outlines was a new program of the American European policy. The author, the American Military Governor Lucius Clay—a statesman who was given us by fate at a time when there was no German to do this and who has the merit to lead us on our way out of nowhere into a free German state. General Clay, whom I just met in Washington for a few days, has asked me to assure the Stuttgarters, the country and its government of his friendly remembrance and of his friendship and attachment.

The unity of Germany was the unchanged aim as it was already in Potsdam. Economic and political unity was closely linked with it. The borderlines were to fall. On the day before the Byrnes speech Generals Clay and Robertson had signed the American-British agreement on the establishment of an Allied Two-Power Office. Common politics should be made. Central authorities should be established. At the top was a central government for all of Germany. Germany should have a constitution again. The German people should itself take over the responsibility for its fate. It should be free, not the tool of foreign power. It should be able to take care of itself, at first in a modest way, but with the chance of improvement which should not be limited by reparations.

As for the frontiers, there should be the principle that a peace treaty would decide about them; that was especially said about the Oder-Neisse line. This Germany was understood as part of Europe, and—so it was said—the resources of the Ruhr area should be used "for the construction of a free and peaceful Europe." Above all: America declared to stand for this policy. Byrnes said: "We have learned whether we like it or not that we live in one world from which world we cannot isolate ourselves. We have learned that peace and well-being are indivisible and that our peace and well-being cannot be purchased at the price of the peace and well-being of any other country. . . . We intend to continue our interest in the affairs of Europe and of the world." It was a sober pathos which accompanied these statements, but they contained the natural force and decisiveness of a clear conviction, and they were honest and did not hide the many knots of the net which had to be disentangled. Ambassador Murphy, the diplomatic adviser of the general and soldier, who had our destiny in their hands, the "diplomat among the warriors," as he called himself, he sat in this House behind his Secretary on that day. Later on, Robert Murphy wrote in his honoring of the bi-zone, which was the first concrete realization of this program: ". . . no one of us foresaw which decisive role the bi-zone would play in Europe. Basically, it laid the foundation for the most powerful state in Europe, for the Federal Republic, without which a strong non-communist Europe would not have been possible."

But what became visible here, went much farther than our own personal destiny. It was more than occupation policy, more than German policy, more than European policy. It was a fundamental turning-point in American foreign policy altogether. When President Roosevelt died on April 12, 1945, an epoch came to an end. With solid public support, he had pushed for the establishment of the United Nations in order to introduce a new epoch. The United Nations would form a world regime of five Powers, with right of veto, to secure the status quo, which clearly did not yet exist. The usual methods of foreign policy—spheres of influence, alliances, balance of power—would be superficial in the organization of "One World." It was a piece of idealistic, Wilsonian tradition, which once again came to life in this plan. Its authors were blind to the contradictions between the key powers of the new institutions, which were already visible at Yalta. The Americans, thinking statically of maintaining the wartime coalition, were over-trumped by the goal-oriented dynamics of the Soviets who only paid lip service to the words of alliance. The Americans were neither prepared nor aware of the enormous power which the explosion of the atomic bomb conferred on them.

So, in 1945, we saw the powerful drive of th Soviets on the West, especially the enclosure of Eastern and Central Europe in their sphere of domain. But they grabbed even further—toward Central and Western Europe. Consequently, it was the Central European showplace where confrontation occurred. Few recognized it so quickly and clearly and reacted so consequently and firmly as General Clay. As early as May 4, 1946 he ordered a halt to dismantling of industry in his Zone. But even in China, the success of the Communists was obvious at latest by the beginning of 1947. It caused an enormous shock.

The disillusionment of the Americans and of the political world was complete, even if it took some time. (It didn't even leave such idols as Thomas Jefferson unaffected, to whom the realist Alexander Hamilton was preferred). For 17 months, the interpretation of the Potsdam Agreement was negotiated, but once the sobering effect had been accomplished, the construction of a new policy was started with unexcelled adaptability. The Truman Doctrine, promulgated a few months after the Byrnes speech, was the basis. The elementary vital interests of the United States, the President declared, were affected wherever freedom was at stake. Therefore, the United States should do its part to help the free peoples to protect their institutions and national integrity. The security of the United States depended on whether it was possible to contain direct or indirect totalitarian aggression. That was the transformation of the Monroe Doctrine. The advancing of the Soviets toward Iran, Turkey and Greece had given the last push.

It was on this basis that the strategy of containment came about. It was first realized in Europe. After military aid for Turkey and Greece, economic aid came along, with the Marshall Plan which was promulgated in June, 1947, which was followed by the OEEC as European recipient. More than 12 billions of Dollars were appropriated for European reconstruction in three years. The success was great. It also comprises the beginning of European economic integration. In the field of politics, the establishment of a West German state was prepared. The Soviets replied with the blockade of Berlin, but it broke down in May, 1949. The victory of Truman in the presidential elections of November 1948 was deserved. He extended his program by a plan of technical aid for developing countries, the so-called Point Four Program. But finally, it proved necessary to secure the eastern border of the political and economic area. For our continent this was the last of the actions which were based on the plan of One World, a world reigned by the United Nations and which knew only collective security.

All this was contained in the logic of the program which was developed here on that day in September, 1946. We were made an offer and it contained nothing less than the American peace—durable peace, guaranteed and secured by the United States. For 25 years we have lived off it in the literal sense of the word:

That strong political centers and potential partners in West Europe and Japan have emerged;

That new nations have been founded in the world which, increasingly, stand on their own feet;

That the Communist world has suffered a loss, not only because of Soviet-Chinese competition;

That relative to each other, the USA and USSR have achieved military parity, with the USSR ahead in certain sectors;

That there are not only two, but many poles in world politics; and

That entirely new problems have created inter-dependence of nations without regard to ideologies, for example the opening of space, the deep oceans, and the environment, above all, however, that the dominating role of the United States, militarily and economically, is an event of the past.

From this flow two basic consequences. First, the proposition that national interests as criteria for foreign policy decisions must be more narrowly defined; and, secondly, the readiness to share world-wide political objectives with others, on the basis of partnership. What that means concretely was best explained by American Secretary of State William Rogers on August 15: "The time is past when we must carry the main burden of defense for our friends and allies; the time has arrived when the load can be distributed more broadly. The time is past when we should take on the dominate role in the solution or the responsibility for all the problems of the Western world. The time has arrived when we must share leadership with allies and friends. The time is past when America's overwhelming economic strength permitted us an unequal generosity. The time has come when strong economics elsewhere in the world should take on a fairer share of the load."

That is dramatic speaking. What has happened?

Changes have been in the offing for a long time. The foreign policy of John Kennedy—the image of an interdependent world—showed the development of basic considerations. But, with hindsight, it was more a change of style by the young and energetic President than the setting of new goals. The economic assistance program was broadened and encouraged, a "grand design" was drafted for Europe, Latin America, for the Atlantic Community's trade policy (Kennedy round with the European Economic Community), plans for closing the missile gap and for the Peace Corps were implemented, nuclear defense was redefined to mean flexible response instead of massive deterrence—just to cite a few points. The expectations were large everywhere, but the judgment of the results is very skeptical, especially in the USA. That the intervention in Vietnam was among the Presidential initiatives may well have contributed a good deal to the judgment.

Under President Lyndon Johnson, difficulties increased. The race problem was a heavy burden on domestic policies. The difficulties of the big cities, inflation, the overwhelming questions in education, and unemployment all added to the picture. Once again, disillusionment seized the people—a disillusionment no less deep and no less inclusive than at the end of World War II, but this time with exactly the opposite symptoms.

Disengagement, disentanglement from the chains of the links that have become too heavy, from the overcommitment, retrenchment, those are the calls. Don't the Germans show us that we have to cut back our aims? That's what you hear the Americans say. On the other hand, the wish for disengagement produces a dangerous wishful thinking.

With such a public opinion, the President is looking for the consensus, which he needs, to stabilize and extend his government. The massive retreat from Vietnam has begun; also troop reductions in South Korea, Thailand, Okinawa and Japan. Military and foreign aid have been curtailed. In such soil, the demand for retreat of the troops from Europe thrives, which would be fatal. Spheres of interest are being recognized in the Far and Middle East. We already hear warning voices. Is the status quo in the East of Europe also being silently legitimated, including the permanent division of Germany? Will even the central demand of the Soviets for the European Security Conference be accepted and European integration be stopped, especially in the political field and in defense policies? It is obvious that the military force of the Eastern Bloc is constantly growing, that it reaches the limit of the balance of power in a threatening way, and that the Brezhnev Doctrine openly justifies the use of military power for the support of Russian foreign policy.

Indeed, the question of the foreign policy content of the Nixon Doctrine is especially vital for Free Europe. Nixon has answered it unambiguously in his congressional message: "If we want to base the building of peace on the cooperation of many nations, then our relations to Western Europe must doubtlessly be the pillar . . . Western Europe is—among other reasons—in the center, because its nations are rich in traditions and experience, because they are economically strong and full of dynamics in the field of diplomacy and culture. Thus they are able to take over an essential part in the construction of a world of peace." Thus the priority of Europe in the American foreign policy, which had been lost to Asia for some years, has been restored. We owe the President our thanks for it.

This is not yet a formula for the Europeans which would allow them to look forward in self-satisfaction to the further achievements of their great ally. For an undifferentiated guarantee of security and protection by the Americans for all those whose freedom is at stake—putting a little in each pot—this system is gone. It would be careless and unfair not to hear the new tougher tone, to interpret it only as a momentary neurosis of public opinion or the need of a government to get profile by heavy propaganda for its policy. However, then what is new? It certainly is not the return to isolationism. No word has been said which would allow this interpretation, and the experience of the 20s and 30s is still too close when this mistake was made and ended in terrible crisis. Those who like Hegel's formula will be tempted to say: Between the thesis of isolationism and the antithesis of globalism there is the synthesis of conditional globalism. It is the continued readiness to cooperate in the community of world politics with an adequate contribution, but only under three conditions and qualifications. Participation, firstly, is not arbitrary, but selective, and national interest decides more about the selection. Secondly it demands an adequate participation of the recipient himself to contribute his own adequate share; "burden sharing" is a condition. Thirdly, there is an American readiness to enter into foreign policy partnership with the recipient whose own accomplishment is a matter of record. Nothing of this is completely new; but there is no change in politics which brings only completely new things. What is new is the stronger categorical character of the demand.

For Europeans, who are again and again confronted with these demands of the American side, the new Doctrine is reason for serious contemplation and effort. We will not get along with the Americans if we do not satisfy their newly accentuated expectations. This, by the way, is also true for the side show of development and reconstruction in our relationship with the United States: for the American-European foreign economic policy, where difficult questions keep a controversy alive which should not last too long—I mean the reproaches which are directed against our agrarian trade policy and our association policy especially with a view to the Mediterranean countries.

The solution of all that which worries us on both sides of the Atlantic in our relationship, should not be so difficult. We should finally really recognize that the basis of all that seems to separate us or really separates us lies in the disappointment of the Americans that the political unification of Europe still has not been achieved. In it they have always seen the real pay-off from Europe for all their achievements and advancements, and they still do so. Even more: achieving European self-reliance, which is no longer thinkable without economic and political unity, means the great, even if never the full relief of America from its European responsibility and thus the highest form of "burden sharing." But there are no reasons for omitting political unification and thus no excuse—not even for ourselves.

The European peace has brought us thus far. Will it be strong enough for the future?

Peace is no static expression, no dogma. It is a political word and thus full of life, a part of life itself, subject to the change of conditions, of powers, of the intellectual and psychological and moral motivations which keep politics flowing constantly; the change which makes of politics the fascinating phenomenon which it is. For peace is more than the absence of war, and it is this "more" which allows us to distinguish between several kinds of peace, e.g., the Soviet peace from the American. The American peace has been a secure peace for us. In the protection of this peace we have worked ourselves up from the depth of the defeat to material riches; we have created a responsible national order; we are reintegrated in the family of peoples from which we were separated; we have started the secular work of European unification and brought it halfway to completion; we have made efforts for an adequate contribution to the defense of the free world.

It has been a peace in freedom, without force. We were not subject to any other will. But the security we reached came from the American guarantee and from the ability and readiness of the United States to fulfill this guarantee. No matter what may change—it is too early to say anything exact about it—we will rely in the future on this security which no other power of the world can give us in a comparable way. We will ourselves have to do more for it than hitherto, but that is no surprise for anyone who has followed the development within our alliance with care. In any case, the goal is worth the effort: the maintenance of the American Peace.

FEDERAL WATER POLLUTION CONTROL ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 411, S. 2770. I do this for the purpose of making it the pending business. I also ask unanimous consent that time under the agreement not start running on the bill today.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered, and the clerk will state the bill.

The legislative clerk read as follows:

S. 2770, to amend the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REVISION OF ORDER FOR RECOGNITION OF SENATORS TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I want to revise the order in which certain Senators will be recognized on tomorrow, each for not to exceed 15 minutes.

I ask unanimous consent that, immediately following the recognition of the two leaders under the standing order, the Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes and that he be followed by each of the following Senators, each to be recognized for not to exceed 15 minutes: Senators MCCLELLAN, RIBICOFF, PERCY, GURNEY, and ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, it is my understanding that an order has been previously entered for the transaction of routine morning business tomorrow morning for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the Senate the unfinished business, presently the pending business, Calendar No. 411.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, there will be no additional rollcall votes today. The leadership had intended to call up one or two other bills this afternoon which had been cleared for action. However, the leadership has now been notified that the senior Senator from Kentucky (Mr. COOPER) cannot be on the floor for the consideration of one of these measures that it was thought could be called up at this time. The other measure has been postponed for similar reasons.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER RECOGNIZING SENATOR GAMBRELL ON WEDNESDAY, NOVEMBER 3, 1971, INSTEAD OF TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished junior Senator from Georgia (Mr. GAMBRELL) for 15 minutes on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the recognizition of the two leaders, the distinguished Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I announce the following program for tomorrow. The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. MCCLELLAN, Mr. RIBICOFF, Mr. PERCY, Mr. GURNEY, and Mr. ALLEN.

Following the recognition of the foregoing Senators, there will be a period for the transition of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business—the so-called water quality bill, S. 2770.

There is a time limitation of 4 hours on the bill, 2 hours on the Proxmire amendment, 2 hours on the Nelson amendment, 1 hour on any other amendment in the first degree, 30 minutes on any amendment in the second degree, any motion or appeal, with the exception of nondebatable motions. Undoubtedly there will be one or more rollcall votes on that bill tomorrow.

After the disposition of the water quality bill the Senate will take up S. 986, the consumer product warranty bill. It is hoped that action will be completed on that bill tomorrow, but in the event action is not completed thereon the measure will be resumed and completed on Wednesday morning. Rollcall votes are expected on the consumer product warranty bill.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, there being no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 28 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 2, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 1971:

U.S. NAVY

Adm. Jackson D. Arnold, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Arthur R. Gralla, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Herbert, Anthony B., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate on November 1, 1971:

DEPARTMENT OF DEFENSE

Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense.

U.S. AIR FORCE

Maj. Gen. Glenn A. Kent, [redacted], Regular Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Arthur William Oberbeck, 081-32-7478, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. William Allen Knowlton, 031-30-1059, Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

Rear Adm. Kent L. Lee, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The nominations beginning John C. Aarni, Jr., to be captain, and ending George W. Ziegler, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 1971.

IN THE ARMY

The nominations beginning Norbert E. Touchette, to be lieutenant colonel, and ending Randall R. Miller, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 29, 1971; and

The nominations beginning Bruce H. Bailey, to be major, and ending Robert A. Ellis, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1971; and

The nominations beginning Jerome Aaron, to be colonel, and ending Edward Kurlansik, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 1971.

IN THE NAVY

The nominations beginning Brian David Aaronson, to be lieutenant, and ending Farrell D. Warren, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the Congressional Record on September 29, 1971; and

The nominations beginning Drexel M. Ace, Jr., to be ensign, and ending William A. Ingram, to be lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1971.

IN THE MARINE CORPS

The nominations beginning James W. Abraham, to be colonel, and ending Hensley C. Williams, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1971.

HOUSE OF REPRESENTATIVES—*Monday, November 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be not overcome by evil, but overcome evil with good.—Romans 12:21.

O God and father of us all, Ruler of the world, by whose law the gates of morning are opened and the shades of evening fall, we thank Thee for the day in which to work and for the night in which to rest.

May the worship and work of this day strengthen our faith in Thee and increase our concern for our fellow men. Let not the wrongs of others make us do wrong. Let us not meet evil with evil but by patience and understanding and self-control help us to overcome evil with good. May the good live forever in our hearts and in the heart of our Nation.

In all our activities may Thy guiding hand lead us and Thy love lift us to nobler effort.

In the spirit of Him who went about doing good we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 30. An act to establish the Arches National Park in the State of Utah.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 861. An act to designate the Federal office building and U.S. courthouse to be constructed in Atlanta, Ga., as the Richard B. Russell Federal Building".

S. 1273. An act to amend Public Law 89–701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes.

S. 2687. An act to authorize the acquisition of certain real property in square 724 in the District of Columbia, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House:

WASHINGTON, D.C.,
October 29, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to the authority granted by the House on October 28, 1971, the Clerk received today the following message from the Secretary of the Senate:

That the Senate agreed to the House amendment on S.J. Res. 167, to extend the authority conferred by the Export Administration Act of 1969.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair desires to announce that pursuant to the authority granted him on Thursday, October 28, 1971, he did, on Friday, October 29, 1971, sign the following enrolled bill and joint resolution of the Senate:

S. 137.—An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

S.J. Res. 167.—Joint resolution to extend authority conferred by the Export Administration Act of 1969.

CONSENT CALENDAR

The **SPEAKER**. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING THE ESTABLISHMENT OF A NATIONAL GUARD UNIT IN THE VIRGIN ISLANDS

The Clerk called the bill (H.R. 3817) to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DEFERMENT OF CONSTRUCTION CHARGES PAYABLE BY WESTLANDS WATER DISTRICT

The Clerk called the bill (H.R. 1682) to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That construction charges payable by the Westlands Water District to the United States pursuant to contract number 14–06–200–2020A, dated April 1, 1965, or as it may be amended, between the United States and the district entered into under the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), attributable, as determined by the Secretary of the Interior, to lands of the United States Naval Air Station, Lemoore, California, as are included in the Westlands Water District shall be deferred except as hereinafter provided, and no assessments shall be made on behalf of such charges against such lands until the Federal title thereto shall have been extinguished, and such lands become subject to assessment.

SEC. 2. All rentals and other payments received by the Navy in connection with the leasing of lands for agricultural and/or grazing purposes at the Naval Air Station, Lemoore, shall be and remain available to the Department of the Navy for payment to the Westlands Water District of charges for operation and maintenance and for water: *Provided, however,* That after *payment of* such charges for a given year any accumulation of rentals in excess of estimated requirements for the following two-year period shall be covered into the reclamation fund and credited to the construction charges attributable to the aforesaid lands.

With the following committee amendments:

On page 2, line 6, strike "assessment." and insert "assessment, whereupon such deferred charges shall be repaid by the Westlands Water District in not more than 40 years from such date."

On page 2, line 7, strike Section 2 in its entirety and substitute a new Section 2 reading as follows:

SEC. 2. Lands of the Naval Air Station, Lemoore, California, irrigable through facilities constructed for the Westlands Water District, when offered for lease for agricultural or grazing purposes, shall be offered competitively on such terms as the Secretary of the Navy, or his designee, determines will provide the highest return to the United States consistent with sound land management practices. Such leases shall provide for payment by the lessees to the Department of the Navy of an amount sufficient to provide repayment to the United States of construction charges attributable to such lands which would be applicable if such lands were not owned by the Federal Government. The proceeds from the leases shall be paid by the Department of the Navy to the Department of the Interior and shall be covered into the reclamation fund and credited to the construction charges attributable to such lands until such construction charges are fully paid. The leases shall also be offered subject, insofar as practicable, to acreage limitations of the Federal reclamation laws. Direct charges for water shall be paid by lessees to the Westlands Water District and shall be not less than the cost of such water service plus the District's operating and maintenance costs of delivering water. The leases may contain such provisions as to cancellation, use of land, term, and other matters as the Secretary of the Navy may determine are necessary to assure that national defense purposes are served.

The committee amendments were agreed to.

Mr. **ASPINALL**. Mr. Speaker, H.R. 1682 is a bill designed temporarily to relieve the Westlands Water District of an obligation which it has no ready means to meet while at the same time assuring that maximum public benefits will be realized from the construction and operation of the San Luis unit of the Central Valley project in California.

The need for this legislation, for the information of Members, is found in the fact that the United States has acquired a substantial body of irrigable land within the boundaries of the Westlands Water District for use by the Lemoore Naval Air Station. Being in public ownership, these lands are exempt from assessment and there is, accordingly, no way for the Westlands District to collect money with which to repay the construction charge assessments owing to the United States for having constructed the irrigation distribution system for service to the lands of the district.

The bill provides that such charges may be deferred for as long as the lands remain in public ownership, after which such charges must be met by the district in not to exceed 40 additional years from that date.

The bill contemplates that the Navy Department will lease these lands from time to time to private citizens for agricultural and grazing purposes, and in so doing will minimize public expense of their maintenance and upkeep. H.R. 1682 provides that the lands will be leased under terms and conditions that will promote sound land management practices and that the proceeds from such transactions will be turned over to the Secretary of the Interior for credit against the construction charge obligations against such lands.

It is conceivable, Mr. Speaker, that the lease operations I have described will return enough revenue to substantially repay the outstanding obligations during the period that the lands are in Navy ownership. To the extent that this occurs, deferred charges will be reduced and the implied cost of the measure will be minimized. I speak of the costs as being "implied" as distinct from "direct" for the reason that any delay in repayment, however slight, might be construed by some as a public cost.

As I pointed out initially, this bill provides fairness to the local water group in that it will not be penalized for its association with a defense program and provides a reasonable degree of protection for the Government. I, therefore, unhesitatingly, commend it to the House and recommend its passage.

Mr. SISK. I appreciate the opportunity to submit this statement on behalf of H.R. 1682. The bill would permit the deferral of construction costs which would be assumed by Westlands Water District for extending water distribution facilities to agricultural lands of the Lemoore Naval Air Base.

A portion of the capacity of the Westlands distribution system will be used to deliver Federal Central Valley project water to 13,000 acres on the air base. But because these lands are owned by the Federal Government, the Westlands district cannot assess the land for taxes to pay for distribution facility construction as it would for systems to deliver Federal water to private land within the district.

Thus private owners of land in Westlands would be asked to assume a greater portion of the taxes assessed for the distribution construction which actually is being performed for and benefits the Government.

The bill would defer payment of construction costs that Westlands would owe to the Bureau of Reclamation until such time as the lands are assessable for taxes.

I would like to add one more statement, Mr. Speaker, so that the obligations of Westlands are clearly understood. Westlands is not obligated to construct distribution facilities for the Navy. It would have no such obligation unless district officials agreed to it in a contract.

If the district refused to build the distribution system, the Navy would have to build duplicate facilities. Thus, the inclusion of the capacity to serve the Navy lands in the present system is actually a saving to the U.S. Government in that it avoids the construction of more expensive duplicate facilities by the Navy.

The Navy has asked the water district to include this capacity in its system and the district is willing to comply. It asks only the deferrance of costs—which I think is a reasonable request.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL MORATORIUM ON KILLINGS OF CETACEA

The Clerk called the concurrent resolution (H. Con. Res. 387) requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin—comprising the order of cetaceans.

The **SPEAKER.** Is there objection to the present consideration of the concurrent resolution?

Mr. HALL. Mr. Speaker, reserving the right to object, I would very much like to inquire as to whether or not there have been any departmental views offered in connection with this concurrent resolution submitted by the Committee on Foreign Affairs?

I will be glad to yield to the gentleman from Minnesota for that purpose.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

The **SPEAKER.** This concludes the call of the eligible bills on the Consent Calendar.

COMMENDATION FOR U.N. AMBASSADOR GEORGE BUSH

(**Mr. MONTGOMERY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I would like to join with those of my colleagues who have stood in this well to commend U.N. Ambassador George Bush for his tremendous efforts of recent days in the United Nations. We who knew him as a colleague in the House always found George Bush to be an effective and dedicated legislator. He has continued to exhibit these traits in the performance of his duties as U.N. Ambassador. In reference to the explusion of Nationalist China, Ambassador Bush is quoted as saying:

> Obviously, I did not do a good job.

Mr. Speaker, I do not believe even King Solomon would have been able to save Nationalist China from losing its U.N. seat. George Bush, unfortunately, was battling against insurmountable odds. He was also battling against a growing hostility against America. A hostility that was even evidenced by some of our so-called allies. I commend Ambassador Bush for putting up a good fight. He will continue to perform well.

EMERGENCY SCHOOL AID ACT OF 1971

Mr. PUCINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2266) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1971".

FINDINGS, PURPOSE, AND POLICY

SEC. 2. (a) The Congress hereby finds that the process of establishing and maintaining stable, quality, integrated schools and eliminating or preventing racial minority group isolation improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) It is the purpose of this Act (1) to encourage comprehensive planning for the elimination of racial minority group isolation in school systems throughout the Nation, (2) to provide financial assistance to encourage the establishment and maintenance of stable, quality, integrated schools throughout the Nation serving students from all backgrounds which offer enriched educational opportunities derived from the presence of children from diverse backgrounds in an environment sensitive to the potential contribution of each child to the education of all, through the use of modern educational methods, practices, and techniques, including, where appropriate, programs of integrated bilingual, bicultural education, (3) to assist in eliminating racial minority group isolation in school systems throughout the Nation, and (4) to aid schoolchildren in overcoming the educational disadvantages of racial minority group isolation.

(c) It is the policy of the United States that guidelines and criteria established pursuant to this Act shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Notwithstanding subsection (a) of this section, for the fiscal year ending June 30, 1972, and each subsequent fiscal year, no funds are authorized to be appropriated to carry out the provisions of this Act for any fiscal year in which the funds appropriated for any program authorized by the Elementary and Secondary Education Act of 1965 and Public Law 81–874 are not at least equal to the funds appropriated for such program for the fiscal year immediately preceding.

(c) Funds appropriated under subsection (a) shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

(d) From the sums appropriated under

subsection (a) for each fiscal year there shall be reserved to the Secretary, an amount equal to not less than 4 per centum of the sums so appropriated for the purpose of carrying out bilingual education programs in accordance with section 5(e).

ALLOTMENTS AMONG STATES

SEC. 4. (a) From the sums appropriated pursuant to section 3(a) for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to 90 per centum among the States by allotting to each State $100,000 plus an amount which bears the same ratio to the balance of such 90 per centum of such sums as the aggregate number of children aged five to seventeen, inclusive, in the State who are Negroes, American Indians, Spanish-surnamed Americans, or members of other racial minority groups (such as Orientals, Alaskan natives, and Hawaiian natives) as determined by the Secretary, bears to the aggregate number of such children in all of the States. The remainder of such sums (other than sums reserved under section 3 (a) may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in section 6 and in accordance with the other provisions of this Act) for grants or contracts to carry out the purpose of this Act stated in section 2(b). The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

(b) (1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this Act, the Secretary shall not fix a date for reallotment, pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any allotment to a State for a fiscal year shall be available for reallotment pursuant to this subsection unless the Secretary determines that the applications for assistance under this Act which have been filed by eligible applicants in that State for which a portion of such allotment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this Act, as set forth in sections 6, 7, and 8, or which set forth programs or projects of such insufficient promise for achieving the purpose of this Act stated in section 2(b) that their approval is not warranted.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

SEC. 5. (a) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with this Act to a local educational agency—

(1) which is implementing a plan—

(A) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of racially segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of racial isolation in such schools; or

(B) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of racially segregated students or faculty in such schools;

(2) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan for the complete elimination of racial isolation in all the racially isolated schools in the school district of such agency;

(3) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(A) to eliminate or reduce racial isolation in one or more of the racially isolated schools in the school district of such agency.

(B) to reduce the total number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 4(a), who are in racially isolated schools in such district, or

(C) to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children;

(A) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing racial isolation in one or more of the school districts to which such plan relates; or

(5) which, upon a determination by the Secretary—

(A) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 4(a), and

(B) that such local educational agency has applied for and will receive at least an equal amount of assistance under subsection (b),

has established or will establish one or more stable, quality, integrated schools. For the purposes of this paragraph, an integrated school shall be a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Secretary determines that the number of children who are not in groups described in clause (A) constitutes that proportion of the enrollment which will achieve stability, in no event more than 70 per centum thereof, and (ii) a faculty which is representative of persons who are Negroes, American Indians, or Spanish-surnamed Americans, or members of other racial minority groups as determined by the Secretary under section 4(a) and persons who are not members of such groups in the population of the larger community in which it is located, or, whenever the Secretary determines that the local educational agency concerned is attempting to increase the proportions of racial minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the racial minority group and nonminority group faculty employed by the local educational agency.

(b) The Secretary is authorized to make grants to local educational agencies, which are eligible under subsection (a)(5), for unusually promising pilot programs or projects designed to overcome the adverse effects of racial isolation by improving the academic achievement of children in one or more racially isolated schools, if he determines that the local educational agency had a number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 4(a) enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, which is at least 15,000.

(c) In cases in which the Secretary finds that it would effectively carry out the purpose of this Act stated in section 2(b), he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan or activity described in subsection (a).

(d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after the date of enactment of this Act—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination by such agency that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from racial minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in this section, had in effect any procedure for the assignment of children to or within classes which results in the separation of racial minority group from nonminority group children;

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of racial minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) All determinations pursuant to this subsection shall be carried out in accordance

with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(3) All determinations and waivers pursuant to this subsection shall be in writing.

(e)(1) The Secretary shall carry out a program to meet the needs of children who are from an environment in which the dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity. From the amount reserved pursuant to section 3(d) the Secretary is authorized to make grants to and contracts with—

(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more local educational agencies which are eligible for assistance under this section, designed to meet the special educational needs of children who are from environments in which the dominant language is other than English for the development of reading, writing, and speaking skills in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the groups of which such children are members;

(B) local educational agencies eligible for assistance under this section for the purpose of engaging in such activities;

(C) local educational agencies eligible for assistance under this section for the purpose of carrying out activities authorized under section 6 of this Act to implement curricula developed under clause (A) or (B) or curricula otherwise developed which the Secretary determines meets the needs described in clause (A).

In making grants and contracts under this paragraph, the Secretary shall assure that sufficient funds from the amount reserved pursuant to section 3(d) remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Secretary determines meet the needs described in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Secretary shall take whatever action is necessary to assure that the implementation plan includes provisions adequate to insure training of teachers and other ancillary education personnel.

(2)(A) In order to be eligible for a grant or contract under this subsection—

(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Secretary that it has the capacity to obtain the services of adequately trained and qualified staff.

(B) A program or project committee or board established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the group, the educational needs of which the program or project is intended to meet.

(3) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under this section. The Secretary shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

AUTHORIZED ACTIVITIES

SEC. 6. Financial assistance under this Act shall be available for programs or projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this Act stated in section 2(b), including—

(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or activity described in section 5 or a program described in section 9(2), when such services are deemed necessary to the success of such plan activity, or program;

(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(3) comprehensive guidance, counseling, and other personal services for such children;

(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

(5) educational programs using shared facilities for career education and other specialized activities;

(6) innovative interracial educational programs or projects involving the joint participation of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under section 4(a), and other childern attending different schools, including extra-curricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(7) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(8) community activities, including public education efforts, in support of a plan or activity described in section 5 or a program described in section 9(2);

(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan or activity described in section 5 or a program described in section 9(2);

(10) planning and evaluation activities; and

(11) other specially designed programs or projects which meet the purpose of this Act stated in section 2(b).

CRITERIA FOR APPROVAL

SEC. 7. (a) In approving applications submitted under this Act (except for those submitted under sections 5(e) and 9(2)), the Secretary shall apply only the following criteria;

(1) the need for assistance, taking into account such factors as—

(A) the extent of racial isolation (including the number of racially isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan or activity described in section 5 in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan or activity described in section 5, and the program or project to be assisted, are likely to effect a decrease in racial isolation in racially isolated schools, or in the case of applications submitted under section 5(a)(3)(C), the degree to which the plan and the program or project, are likely to prevent racial isolation from occurring or increasing (in the absence of assistance under this Act);

(3) the extent to which the plan or activity described in section 5 constitutes a comprehensive districtwide approach to the elimination of racial isolation, to the maximum extent practicable, in the schools of such school district;

(4) the degree to which the program or project to be assisted affords promise of achieving the purpose of this Act stated in section 2(b);

(5) that (except in the case of an application submitted under section 9(1)) the amount necessary to carry out effectively the program or project does not exceed the amount available for assistance in the State under this Act in relation to the other applications from the State pending before him; and

(6) the degree to which the plan or activity described in section 5 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(b) The Secretary shall not give less favorable consideration to the application of a local educational agency (including an agency currently classified as legally desegregated by the Secretary) which has voluntarily adopted a plan qualified for assistance under this Act (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

ASSURANCES

SEC. 8. (a) An application submitted for approval under this Act shall contain such information as the Secretary may prescribe and shall contain assurances that—

(1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary:

(2) the applicant has adopted effective procedures, including provisions for such objective measurement of educational and other change to be effected by this Act as the Secretary may require for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

(3) the applicant will provide such other information as the Secretary may require to carry out the purpose of this Act stated in section 2(b);

(4) the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made; and

(5) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administration level, will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to their membership in a racial minority group, except that no assignment pursuant to a court order

or a plan approved under title VI of the Civil Rights Act of 1964, or otherwise adopted under section 5, will be considered as being in violation of this subsection.

(b) An application for assistance under this Act submitted by a local educational agency shall, in addition to meeting the requirements of subsection (a), contain satisfactory assurances that—

(1) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this Act stated in section 2(b) or, in the case of an application under section 5(e), would assist in meeting the needs described in paragraph (1)(A) of that subsection, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(2) such agency has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this Act to less than that of the second preceding fiscal year;

(3) the current expenditure per pupil (as defined in section 11(a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under this Act will be made available to such agency is not less than the current expenditure per pupil such agency made from such revenues for (A) the academic year preceding the academic year during which the implementation of a plan or activity described in section 5 or in section 9(2) was commenced, or (B) the third academic year preceding the academic year for which such assistance will be made available, whichever is later;

(4) the plan with respect to which such agency is seeking assistance (as specified in section 5(a)(1)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(5) for each academic year for which assistance is made available to the applicant under this Act, such agency has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner of Education;

(6) such agency will not institute or have in effect any practice, policy, or procedure prohibited by clause (B), (C), or (D) of section 5(d)(1);

(7) such agency will not engage in a transaction described in clause (A) of section 5(d)(1); and

(8) such agency will carry out, and comply with, all provisions, terms, and conditions of any plan or activity as described in section 5 or section 9(2) upon which a determination of its eligibility for assistance under this Act is based.

(c) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency without first notifying the local educational agency of the specific reasons for his disapproval and without affording the agency a reasonable time to modify its application.

(d) The Secretary may, from time to time, set dates by which applications shall be filed.

(e) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5(a) or (e) or section 9 and any one or more of such agencies joining in such application may be authorized to administer such program or project.

SPECIAL PROGRAMS

SEC. 9. From the funds available to him under the second sentence of section 4(a) the Secretary is authorized to make grants—

(1) to eligible local educational agencies to carry out model or demonstration programs related to the purpose of this Act stated in section 2(b) if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate racial segregation or to eliminate, reduce, or prevent racial isolation in elementary or secondary schools; and

(2) to local educational agencies to carry out programs for children who are from environments where the dominant language is other than English and who, (A) as a result of limited English-speaking ability, are educationally deprived, (B) have needs similar to the needs of other children participating in programs or projects assisted under this Act, and (C) attend a school in which they constitute more than 50 per centum of the enrollment.

PAYMENTS

SEC. 10. (a) Upon his approval of an application for assistance under this Act, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefor the amount fixed for such application.

(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

(c)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (1) of section 8(b), the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this Act stated in section 2(b) or in the case of an application under section 5(e) would assist in meeting the needs described in paragraph (1) (A). The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application. The Secretary shall pay the cost of such arrangements from such State's allotment or, in the case of an application under section 5(e), from the funds reserved under section 3(d), or in case of an application under section 9, from the sums available to the Secretary under the second sentence of section 4(a).

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this Act by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by paragraph (1) of section 8(b), he shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

(d) After making a grant or contract under this Act, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

(e) The amount of financial assistance to a local educational agency under this Act may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by him, to be the result of the implementation of a plan or activity described in section 5 (a), (b), or (e), or of the operation of a program under section 9(2).

DEFINITIONS

SEC. 11. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which Negro, American Indian, or Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary under section 4(a), constitute more than 50 per centum of the enrollment of a school.

(g) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(h) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(i) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(j) The term "State" means one of the fifty States or the District of Columbia, and for purposes of section 9, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be deemed to be States.

EVALUATION

Sec. 12. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him under the second sentence of section 4(a) for evaluation (directly or by grant or contract) of the programs, activities, and projects authorized by this Act.

JOINT FUNDING

Sec. 13. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced.

NATIONAL ADVISORY COUNCIL

Sec. 14. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of racial minority groups, appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by this Act, including the preparation of regulations and the implementation of the criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving the purpose stated in section 2(b), and (B) with respect to the Secretary's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized and submit through the Secretary to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

REPORTS

Sec. 15. The Secretary shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this Act in achieving the purpose of this Act stated in section 2(b). Such reports shall contain such information as may be necessary to permit adequate evaluation of the program authorized by this Act, and shall include application forms, regulations, program guides, and guidelines used in the administration of the program. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than two times annually.

GENERAL PROVISIONS

Sec. 16. (a) The provisions of parts B and C of the General Education Provisions Act shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1971;" after "the International Education Act of 1966;".

ATTORNEY AT FEES

Sec. 17. Upon the entry of a final order by a court of the United States in litigation against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), seeking compliance with any provision of this Act or alleging discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the cost upon a finding that the proceedings were necessary to bring about compliance. Where the prevailing party is the defendant and is a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), the court, in its discretion, may allow such prevailing party a reasonable attorney's fee as part of the cost upon a finding that the proceedings were unnecessary to bring about compliance.

The SPEAKER. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

Mr. ASHBROOK. Mr. Speaker, I demand a second; I am opposed to the bill.

The SPEAKER. Is the gentleman from California (Mr. Bell) opposed to the bill?

Mr. BELL. No, I am not, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 328]

Abernethy
Abourezk
Ashley
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Caffery
Chamberlain
Clark
Clay
Collier
Colmer
Conyers
Cotter
Culver
Daniels, N.J.
Danielson
Delaney
Dent
Derwinski
Diggs
Dow
Drinan
Eckhardt
Edmondson
Edwards, La.
Eilberg
Findley
Fish
Galifianakis
Gallagher
Gaydos
Giaimo
Goldwater
Grasso
Gray
Gubser
Halpern
Hanley
Hanna
Hastings
Hathaway
Hawkins
Hays
Hillis
Hogan
Holifield
Jacobs
Jarman
Karth
Kee
Keith
Koch
Long, La.
McClure
McEwen
McFall
McKay
Madden
Mathias, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Patman
Pickle
Pike
Pirnie
Price, Ill.
Quillen
Railsback
Rangel
Rees
Robison, N.Y.
Rooney, N.Y.
Rousselot
Roy
Roybal
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Shipley
Skubitz
Stanton, J. William
Stanton, James V.
Steele
Stokes
Stubblefield
Talcott
Teague, Calif.
Terry
Tiernan
Veysey
Wampler
Whalley
Whitten
Wilson, Charles H.
Young, Tex.

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY SCHOOL AID ACT OF 1971

The SPEAKER. A second has been demanded by the gentleman from Ohio; and therefore the gentleman from Illinois (Mr. Pucinski) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. Ashbrook) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the bill under consideration today is basically the same bill that the House adopted last December by a two to one majority. In fairness to the House, I would point out that the bill before us today does not have the same amendment dealing with busing of students as last year's bill had, but this bill does have a prohibition that nothing in this law can be construed to require the busing of teachers or students to overcome racial imbalance.

The authorized appropriations are $500,000,000 for the fiscal year 1972 and $1,000,000,000 for the fiscal year 1973.

Ninety percent of these funds are allotted to the States according to a formula which considers each State's percentage of the number of minority children in the country.

Mr. Speaker, I should like to call to the attention of the House that this is a voluntary bill. There is nothing in the bill that requires a school district to seek assistance under this act. No school district can be forced to seek assistance, nor can any school district be compelled to participate in the assistance provided under this act.

Under this act, no school district can be forced to do anything that it otherwise does not wish to do.

I would like to make that point very clear because there seems to be some misunderstanding that there is some compulsion in seeking assistance under this act.

Under the act there are five broad categories of eligibility for grants with the highest priority going to school districts under court order. In other words, a school district under a court order would qualify first for such assistance if it desired to get such assistance. The others are those meeting standards approved by the Department of Health, Education, and Welfare; school districts voluntarily integrating their schools; school districts voluntarily integrating some of their schools but not all of their schools; and school districts trying to save their schools from resegregation.

Remember, however, in any case the school district must voluntarily seek assistance if it qualifies.

The funds available under this bill may be used to hire additional teachers for remedial services, reducing class sizes, hiring guidance counseling officers, new instructional techniques and materials, and for repair and minor remodeling.

Mr. Speaker, this bill specifically prohibits any Federal control over educational systems that benefit under this bill. It also specifically provides that nothing in this bill may be construed to require the assignment of or transportation of teachers or students in order to overcome racial imbalance.

This is written into the bill and so there will be no question about forcing anyone to bus children under this act. It specifically prohibits any such requirement under this act.

I know there is a strong feeling in this House about busing and I share that feeling with my colleagues. I am opposed to busing too. My record is clear on that both in committee and in public office. I supported every amendment in committee to prohibit the use of funds under this bill for payment of busing.

But I submit to you that those of you who are opposed to busing are in the right church but the wrong pew, when you try to do something about it in this bill.

In a recent study we found that in most cases, most school districts are being ordered to bus youngsters to overcome racial imbalance on constitutional grounds. There is no legislative act involved but the courts are ordering busing because of constitutional requirements as the courts interpret the constitution. I do not agree with these interpretations. But if you really want to address yourself to the problem of busing and do something to stop the courts, I suggest that you come up here and sign the discharge petition on the Speaker's desk. I signed it and I hope you will sign it because that is the way to deal with this problem. The discharge petition would permit a rule so the House could consider a constitutional amendment barring busing to overcome racial imbalance.

Most of our problems come about because of constitutional requirements as the courts interpret them and not because of legislation in this bill. So if you really want to do something about busing, I suggest you sign the discharge petition. You will be on solid ground because the Gallup poll shows 76% Americans oppose busing; 47% black people also oppose busing.

The need for this bill is even more grave today than it was last year. In the hearings and investigations conducted since last December, the committee has learned of the impending breakdown of public education in certain areas of our country due to court-ordered school desegregation.

Since the end of the school term in June 1970, the Norfolk public schools have lost some 7,000 white children. This represents an incredible loss of 20 percent of the white students in less than 16 months. South Holland, Ill., lost 1,200 white children.

Within the last 2 years Atlanta has lost almost a quarter of its white pupils through a flight to the suburbs by many white families and an exodus to private schools by the children of many other white families. Shreveport, La., and San Antonio, Tex., have lost almost 20 percent of their white pupils within the last 2 years. And my fear from the reactions to the court orders in Detroit and San Francisco is that this white flight will not be limited to the South.

So the question before us really is what can we do to save public education in many parts of the country. I believe that this bill, the Emergency School Aid Act, can provide the financial assistance to help many local school districts survive court orders imposed on them against their will.

This bill, for example, makes eligible for funds those districts which have plans to prevent racial isolation from happening in "tilting schools," which are defined as those with at least 10 percent, but no more than 50 percent, minority enrollment. These eligible school districts can submit projects for concentrating on such schools as part of overall desegregation or integration plans or as single projects to be funded.

It does not make much difference whether schools are located in De Kalb County, Ga., or on the fringes of the ghettos in Detroit, witness after witness told the committee that unless schools are stabilized in enrollment and the quality of education is maintained or hopefully improved, integrating schools will tilt to almost total minority enrollments. Once this tilting point is reached, Dr. James Coleman told the committee, "achievement benefits that ordinarily occur through school integration do not occur."

May I then repeat that, first of all, this is a voluntary bill. There is not a single school district in the country that has to apply for assistance under this act. But if, indeed, a school district is under a court order and ordered to do certain things against the will of the community, the parents and the teachers, at least you would provide some financial assistance here to meet the crisis of such desegregation.

I also stress that this bill does provide that nothing in this legislation can be construed to require the transportation of teachers or students to overcome racial imbalance.

The committee has made an honest effort to bring to this floor a bill that will meet the needs of those communities that are undergoing integration, in most instances against their will, and I say those of you who feel as strongly against busing as I do, come up here and sign the discharge petition, and then vote for this bill.

There are those who will argue that if funds are not made available somehow communities will not have to bus students. This is a fallacious argument. This bill does not require busing and the Secretary said he will not release any Federal funds for this purpose. But this will not stop the courts. In a number of communities which claimed they had no funds for busing, the court has ordered local councils to levy the necessary local additional taxes to pay for busing. So you see, you do not stop anything by trying to use a vote against this bill to show your opposition to busing. But you are denying schools, under court orders, an opportunity to improve the quality of their education to hopefully stop the tragic trend toward resegregation.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I am voting against this so-called Emergency School Aid Act, because it would represent a total surrender on the part of Congress to the Supreme Court in the Court's efforts to act as a school board for every district in the Nation. The Supreme Court has ordered school busing in many cases where it is against the best interests of all the children and certainly against the best interests of a better education for all Americans.

As an earlier American President said:

> They have made their decision, now let them enforce it.

I do not propose to involve the American taxpayer in financing every school bus route proposed by the U.S. Supreme Court. The decision on these matters should be left in the local school districts.

By refusing to appropriate and levy taxes for these millions of dollars, these funds can thereby remain in the local districts, and if the local officials who are more responsive to local needs see the need to bus more children, they can then levy the taxes and spend the money. I do not think anyone in Washington should force these actions on them.

Mr. ASHBROOK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I rise in support of the Emergency School Aid Act of 1971.

This legislation has received thorough consideration over the past 18 months.

It was approved by this House last December.

Similar legislation was overwhelmingly passed by the other body this year.

And it has the strong support of the administration.

This measure represents the support of

this Congress for stable, quality education for all American youngsters.

It treats alike all areas of our Nation.

It provides the funding for voluntary efforts to eliminate racial isolation by any local educational agency in the country.

And it would relieve the untenable position in which some "court order" districts have found themselves.

Districts which have been ordered by the courts to comply with the law, but which are without the financial resources necesary for compliance and are, thus, placed in a position of "damned if they do, and damned if they do not."

And I would like to point out that assistance to such school districts has absolutely nothing to do with whether we as individuals might agree or disagree with the reasoning of the court which handed down the order.

The simple fact is, that it is the law; and they must comply, or be in contempt of court.

Now—some specific points about this legislation:

First, the funds provided by H.R. 2266 are needed by school districts in every geographic region of our Nation.

The emergency $75 million so far appropriated this year was inadequate to cover the 1,100 school districts eligible to apply.

Of these districts, 910 submitted applications amounting to more than $135 million.

The demand for funds should be obvious therefore, when we consider the remaining 17,000 school districts which will become eligible for assistance under this legislation.

Second, unlike many other education bills we have considered, the President is standing ready to request full funding for this measure as soon as he signs it into law.

The funds are in the budget and a supplemental appropriation will be requested as soon as the authorization is approved.

Mr. Speaker, despite assertions to the contrary, this legislation does not require any school districts to do anything.

It does, however, provide the resources to allow school districts to comply with the requirements of the Constitution and other laws.

And it also provides assistance to those school districts which, on their own initiative, voluntarily implement a plan to reduce or eliminate the facial isolation which is taking a disastrous human toll.

Funding will be allocated for every State: Louisiana and Michigan, for example, would each receive about $48 million.

New York would receive about $115 million. And Texas would receive about $148 million. A particularly important provision in the pending bill is that which provides $60 million for purposes of bilingual education.

The more than 2 million children of Spanish-speaking backgrounds from New York City to the Southwestern United States are among those who have experienced the most severe educational disadvantage of racial—and linguistic—isolation.

These children must be helped if they are ever to realize what the goals of equal opportunity in this country really mean.

Another critical problem addressed by this measure is that of the "tilting school"—that is, a school located in a racially integrating area.

The concerns of parents whose children are attending a school which is rapidly increasing in minority enrollment would be greatly alleviated if there were some assurance that the quality of education provided by that school were not diminished.

The instability caused by the "flight to the suburbs" and its attendant actions and reactions must cease.

Children cannot be expected to learn in an environment of turmoil and emotional upheaval.

That is really what this bill is all about.

We want our children, all of our children, to receive the best possible education our national resources can provide.

Simultaneously, we want to see the requirements of our Constitution respected.

This legislation is aimed at meeting both of these goals.

I urge my colleagues to support it.

Mr. PUCINSKI. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of the legislation. Mr. Speaker, as in any controversial bill no Member is completely happy with the legislation. This legislation does address itself to a very serious problem in this country.

If I were to have my way with respect to this legislation I would have taken a different approach than the administration took. I would have doubled the funds in title I of ESEA. Such funds would have been available in every section of the country—distributed to those schools where not only do minority groups have educational needs but also other disadvantaged school systems.

Notwithstanding my viewpoint the President has suggested that we take another approach and the will of the committee has been worked in the legislation requested by the President and the legislation has been brought to the floor today for the consideration of all Members.

I hope the membership of this body will approve it so that we can get this bill behind us and enable us to turn to other important legislative matters.

Mr. Speaker, the bill that the House of Representatives is considering today, H.R. 2266, is a bill to assist school districts to meet the special problems incidental to desegration and to the elimination, reduction, and prevention of racial isolation.

When the President sent a bill to the Congress in March of 1970 proposing $1½ billion for the desegration and integration of school districts, he said:

> Nothing is more vital to the future of our Nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and equality of that opportunity.

The bill before us today authorizes appropriations of $500 million for fiscal year 1972 and $1 billion for fiscal year 1973 as requested by the administration. It will be recalled that in the last Congress, the House passed H.R. 19446, a similar bill, in December of 1970 by a vote of 159 to 77. That measure was never acted upon by the Senate and expired at the end of the 91st Congress. The basic thrust of the legislation passed by the House in the last Congress remains intact, however, and the original purpose to provide for substantial funds to assist school districts to afford their minority children equality of educational opportunity is preserved and maintained.

The bill was designed to assist school districts operating elementary and secondary schools. There are a number of broad categories of school districts eligible for grants under this bill:

Those districts implementing plans to desegregate or integrate under an order from a Federal or State court or from the Department of Health, Education, and Welfare operating under title VI of the Civil Rights Act. Local educational agencies implementing plans to desegregate or integrate pursuant to orders issued by State agencies or officials are also eligible under this category.

School districts which have voluntarily adopted and are implementing, or which will voluntarily adopt and implement, plans for the complete integration of their schools.

School districts which have adopted and are implementing, or which will adopt and implement, plans for the elimination, reduction, or prevention of racial isolation.

School districts which voluntarily carry out plans to enroll and educate in their schools children who would not otherwise be eligible for enrollment because they reside outside the school district so long as that process has the effect of significantly reducing racial isolation in one or more of the districts affected.

School districts which have an attendance of more than 50 percent minority children and which have applied for and will receive at least an equal amount of money for compensatory education under this bill.

The eligible applicant school districts may use the funds received for the following purposes: first, remedial services; second, additional staff and the training and retraining of staff; third, guidance and counseling; fourth, new instructional techniques and materials; fifth, shared facilities; sixth, interracial educational programs; seventh, repair and minor remodeling; eighth, community activities; ninth, special administrative services; 10th, planning and evaluation; and 11th, other specially designed programs.

In connection with consideration of applications under this act the Secretary of Health, Education, and Welfare, who is the authorized administrator, is limited to six specific criteria which include the school district's need for assistance and the degree to which the program to be funded is likely to effect a decrease in racial isolation. For the Secretary to refuse an application the school district must be notified of the reason for his disapproval and it must be allowed an opportunity to revise and resubmit its application.

The application of each school district must be submitted to the appropriate State educational agency for comments. No school district which might otherwise be eligible will be eligible for funds if it transfers property or provides services to private segregated schools or discriminates against its minority faculty members or students after the date of enactment of this bill.

Finally, the bill authorizes the Federal courts to allow payment of reasonable attorneys' fees to successful litigant, whether plaintiff or defendant, in suits brought for violations of this act, title VI of the Civil Rights Act, or the 14th amendment of the U.S. Constitution.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman from Kentucky for yielding.

I wish to commend the distinguished gentleman and his committee for having brought this bill to the floor and especially for including within the racial minority groups covered by this act the orientals, Alaskan Natives, and Hawaiians. The needs of these minority groups have been too long neglected. While the needs of the blacks, the Spanish surnamed and American Indians have been well established and are beginning to be met, the needs of orientals, Hawaiians, Samoans, and Alaskan Natives have hardly been recognized. For example, during the last 3 fiscal years, the Spanish surnamed were allocated $7,500,000 and the blacks $2,301,377 under HEW's community grant projects for the aged, while the orientals received not a single penny.

I do hope that upon the passage of this bill, equitable attention will be devoted to "other racial minority groups," as defined in section 4(a).

Mr. ASHBROOK. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I am going to support this bill today. I believe we have written a fairly good piece of legislation, and I should like to see it enacted.

In so stating, I do not want the Members to gain the impression that I like the way the leadership brought up this bill. I wish those who disagree with the way the bill is written had an opportunity to offer amendments. I believe that is the proper way to do it.

I opt for trying to pass the legislation, because I believe this is an equitable piece of legislation for making aid available to schools which are forced by the courts to desegregate. The schools may gain some assistance, which voluntarily want to desegregate, also.

If a school district wants to voluntarily desegregate, it seems to me that is their business. The school board is elected by the local officials. They are elected by the citizens. If the voters want to change the school board all they have to do is to change them at the next election.

Here we have an opportunity to use some Federal money the President has promised to make available, $1.5 billion, for aiding schools with the increased cost of desegregation. Whether the segregation was de jure or de facto, the assistance would be made available to them.

On the question of busing, I would say I should like to leave this to the local school district, to make that decision, rather than to have us prohibit the use of any money for busing.

The Department of HEW cannot require any school district to bus or to use money for busing. The $75 million appropriated heretofore, saw none of the money used for busing.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Because of the limited time, I will just ask one question. At the very top of page 35 of the bill the following language appears: "in which the dominant language is other than English." Does the term "dominant language" include pidgin English, as used in Hawaii and other areas of the Pacific region?

Mr. QUIE. I imagine it does. It does not mean people who have a different accent of English in this country, but I imagine it would include pidgin English, which surely is a different language from English.

Mr. MATSUNAGA. I thank the gentleman for helping to establish this piece of legislative history.

Mr. PUCINSKI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HAWKINS) a cosponsor of the bill.

Mr. HAWKINS. Mr. Speaker, H.R. 2266 strikes at the very heart of education, that of providing quality and equal educational opportunities for all. Were busing not interjected as an emotional distraction this bill would be approved almost unanimously.

The issue is clear: Is the basic law to be upheld even though some aspects of it may be unpopular and are we to provide Federal aid to uphold the law?

In meeting this challenge well may we consider why busing has become the overriding and emotional issue beclouding all other considerations. Why 17 years after the 1954 Supreme Court school desegregation decision this issue has emerged and then as a judicial mandate and not as an educational problem?

Why did most educators and public officials leave this problem and the leadership in seeking solutions to the courts?

Instead of good faith efforts to comply with the decision many school districts openly defied the courts and employed gimmicks to avoid compliance: private academies, "freedom of choice" plans, track systems, token integration, and compensatory education in segregated schools.

In the meantime the courts patiently deferred to local leadership in the execution of plans which might meet constitutional tests with due diligence and speed. It has in recent years become clearer that as school administrators have refused to equalize educational opportunities among schools, as a final resort such equalization depends on transporting students from inferior to better schools.

Until recently the courts did not order or suggest busing, but merely directed school boards to adopt, in good faith, integrated or quality education, with due diligence and speed, leaving the manner, means, mechanics, and techniques to local people.

It is the failure of local school boards that has brought on the issue of busing. A variety of options could have achieved feasible integration, including:

First, a regional approach; second, development of educational parks; third, redrawing of attendance-area boundaries and selection of alternate sites for new buildings; fourth, pairing of schools; fifth, reevaluation of transfer policies; sixth, establishment of model schools, and seventh, equalizing educational opportunities so that the inferior schools would have been upgraded.

Particularly on this last point the emergency school bill addresses itself to creating quality education for all children, thereby achieving equality of excellence and not of inferior education. And the way it does this is by making Federal assistance available for improving the curriculums, strengthening the teacher personnel, modernizing textbooks, materials, and school facilities, establishing model schools, increasing bilingual programs, use of educational television, and intercultural enrichment.

Those who oppose this bill have created the evil image of "forced busing." Actually they fear racial mixing in our schools, not the simple act of riding a bus to school which 60 percent of children do already.

Our schools have an historic role to play in this world today as the recent vote in the United Nations indicated. We had better learn to live and go to school together, otherwise the United States can be reduced to a minor world power. This American education can prevent by positive and creative leadership.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I find some interesting language on page 5 of the report accompanying this bill. It says:

> All of these things cost money.

That is the understatement of the year.

Continuing to read from the report:

> Witnesses from Miami, Florida, Houston, Texas, and Cook County, Ga., told of the all too frequent defeat of bond issues and tax referenda that might have provided the money.

That is the money to fund the activities under this bill, the $1.5 billion.

Where in the name of all that is holy is it proposed to get the $1.5 billion if not from the taxpayers of Houston, Tex., Cook County, Ga., and Miami, Fla., and all of their counterparts across the country? Where is the $1.5 billion going to come from, I would like to ask the gentleman from Illinois?

Mr. PUCINSKI. The President has recommended and intends to ask the appropriate committees for this money.

Mr. GROSS. If the counties across the Nation refuse to vote bond issues to finance activities under this bill, then you have to go out and borrow it, do you not, and pay 6-percent interest on it?

Mr. PUCINSKI. I can only tell the gentleman that the President has budgeted all this money for this bill.

Mr. GROSS. He has budgeted something that does not exist, and the gentleman knows it. There is no money. If they are turning down bond issues all over this country, as your report says they are, then there is only borrowed money or printing press money to finance this monstrosity.

Let me ask another question. The report says:

> Finally, the bill authorizes the Federal courts to allow payment of reasonable attorneys' fees to successful litigant, whether plaintiff or defendant, in suits brought for violations of this act, title VI of the Civil Rights Act, or the 14th amendment of the U.S. Constitution.

What is this? A lawyers' bonanza? Why should the Federal Government pay for the legal services of a plaintiff or defendant under the terms of this bill?

Mr. PUCINSKI. The Government would also pay the legal fees of school boards which must defend themselves if their defense prevails. These legal fees are a two-way street.

Mr. ASHBROOK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I support the principle of this bill. I voted for the bill when it was reported from our committee, but I am not for the procedure that is being used today; bringing a bill of this nature with this amount of controversy connected with it on the floor through the process of suspension of the rules. I will vote today against the bill.

I think that there may be some antibusing amendment that I might support, although generally I believe these funds should be available to take care of those necessary expenses occasioned by court order or voluntary compliance which requires a school district to bus children. I think very clearly nothing in this bill should require busing for the purpose of achieving racial balance.

I do not believe anything in the bill does so require, but the whole issue of busing ought to be heard in a regular manner and a bill should be before us which would allow those who want to offer amendments to do so.

Mr. ASHBROOK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. PUCINSKI. Mr. Speaker, I yield the gentleman from Michigan (Mr. WILLIAM D. FORD) 1 additional minute.

Mr. WILLIAM D. FORD. Mr. Speaker, today we are considering the Nixon administration's, so-called desegregation bill, and in the 7 years that I have served on the Education and Labor Committee, this is the first time I voted against a bill brought to the floor from that committee dealing with education. I should like to say that this is a bill with which I have had difficulty ever since the administration first sent it up to us about a year and a half ago.

I might point out the fact that I led a fight to make changes in it when it was before us late one afternoon last December.

The basic deficiencies in this bill have not been corrected, although in its present form, it is much better than the original version, sent to us by the administration.

Mr. Speaker, the basic weakness of the bill is that it was fathered by hypocrisy. You will notice that the proponents of the bill including the gentleman from Illinois, all assure you that nothing is going to happen as a result of the passage of this bill to encourage desegregation. They have dressed it up in other language but what they are talking about is its effect on busing. The fact of the matter is that they are advocating that we pass a $1.5 billion desegregation bill that will not compel nor aid in the desegregation of schools. I am prepared to take the issue on that basis, because I can see the fundamental needs in our schools, and believe equality of educational opportunity to be a fundamental need.

I am prepared to support a bill that will encourage desegregation of the schools in this country and one which will help school districts that are undertaking desegregation. I am not however, at the same time prepared to say to the people of this country that the only problem facing the schools is the single problem of racial balance or desegregation. I am not prepared to say that to my school districts, that they must continue to struggle with half-day sessions and double sessions, as well as the many other problems that plague our high schools and actually threaten some of the high schools in Michigan with loss of accreditation because of lack of funds. What we are talking about here today is a Nixon administration proposal to spend an amount of money equal to the total of title I, for this one very narrow purpose.

What this bill amounts to is either a general purpose or general aid proposal for that minority of American school districts claming a need for extra funds because of the presence of minority students or worse yet a billion dollar "slush fund" to be granted where, when and in amounts at the whim of an administration with the worst record for support to public schools or equal treatment for minorities in several decades.

I will vote against this bill today and ask you to consider my minority views in the committee report, starting at page 28, as follows:

DISSENTING VIEWS OF MR. O'HARA AND MR. FORD ON EMERGENCY SCHOOL AID ACT OF 1971

From time to time we have joined a majority of our colleagues in supporting education measures containing some provisions which had less than our enthusiastic support. For the first time the Education and Labor Committee has reported a measure which prompts our vigorous dissent.

The Emergency School Assistance Act, sometimes referred to as the Desegregation bill, recommended by President Nixon to the Congress more than a year ago was initially pressed upon the Congress as a means of relieving those heavy financial burdens placed upon communities who were changing from a dual segregated school system to an integrated school system pursuant to orders of the Secretary of Health, Education and Welfare or the courts.

That this Administration recognized the financial plight of any school system was indeed heartening to us at that time. But, as this legislation developed through the hearing processes of the Committee it became quite apparent that the Administration intended that funds provided under the authority of the legislation would be used primarily for the purpose of relieving school districts of the cost of transporting students in compliance with such orders. When this became apparent and the legislation came to be known as the "busing bill" we suddenly had an Administration disavowal that this was the purpose of the legislation at all. It came in the form of an announcement by the President that none of the Emergency School Assistance funds could be used for transportation followed shortly by a request from the Secretary of Health, Education, and Welfare that an amendment be included in the bill prohibiting the funds from being used for this purpose. It is clear now that these Federal dollars will not be used to bus but will replace local dollars which HEW is requiring to be expended to transport pupils. Thus, the Administration's bill emerges as the "Back Door School Bus Financing Bill of 1971."

We are at a loss to account for the reason the Administration chose to call this the Emergency School Assistance Act. If, in fact, desegregating school situations pose national emergencies requiring the immediate expenditure of another Billion and a half dollars, then the Administration would have had to simply budget funds for expenditure under provisions of the Elementary and Secondary Education Act. This law is in existence. It stands ready to be used. It would have provided an immediate means of pumping dollars into school districts heavily burdened with an array of emergency conditions. Perhaps the word "emergency" was chosen in an effort to expedite the legislation—legislation which would give the Administration authority to allocate One and a half Billion Dollars not according to a formula establishing an entitlement for each school district, but according to the almost unlimited discretion of the Secretary of Health, Education, and Welfare.

However, our major point of dissent with this legislation is even more fundamental and basic. The educational needs of our children are not being met in any of our schools—North, South, East, or West—not in our rural areas; not in the inner city; not in our suburban areas; not in our small towns; not in our ghettos.

Already the local property owner is taxed beyond his ability to respond. Yet, classrooms are overcrowded, teachers are underpaid, and facilities, textbooks and materials are obsolete.

Rather than abandon this Nation's traditional concept of the neighborhood school and embark upon the expensive, burdensome, awkward, and inconvenient transportation of children out of their neighborhoods, let us re-think our educational needs and priorities. Let us commit sufficient financial resources to assure that every child will have an opportunity for a high quality education in his own neighborhood school.

JAMES G. O'HARA.
WILLIAM D. FORD.

Mr. ASHBROOK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, as I pointed out here on the floor last Thursday, in my judgment Congress can ill afford to embrace highly expensive and expansive new legislation at a time when the Government is running into the red in Federal funds to the tune of at least $35 billion, as it is in the current fiscal year. We were in a deficit position last year, fiscal 1971, in Federal funds in the sum of $30 billion, and the year before to the extent of $13 billion. The deficit is deepening.

The pace of deficit spending is quickening. The Nation and the Government are in acute financial distress.

Mr. Speaker, in the circumstances, it seems to me that as a general proposition we ought to proceed with these authorization bills at not greater than the current levels. To launch into this 2-year, $1.5 billion probusing program—just from the standpoint of commonsense—would be very ill advised at this time. It would help create more inflation and more difficulty on all sides and undoubtedly contribute to making the dollar worth less. This would in turn create problems for education, for the economy, and for the Government.

Mr. Speaker, one of the reasons I am glad to have this opportunity to say a few words on the bill is that I am unalterably opposed to the provision on page 25, specifically, section 3(b). Section 3(a) proposes to authorize the appropriation of $500 million for fiscal 1972 and $1 billion for the fiscal year 1973. But then section 3(b) immediately follows and reads:

> (b) Notwithstanding subsection (a) of this section, for the fiscal year ending June 30, 1972, and each subsequent fiscal year, no funds are authorized to be appropriated to carry out the provisions of this Act for any fiscal year in which the funds appropriated for any program authorized by the Elementary and Secondary Education Act of 1965 and Public Law 81–874 are not at least equal to the funds appropriated for such program for the fiscal year immediately preceding.

This provision, in subsection (b), seems to me to be somewhat of a blackjack approach, an effort to undertake to force the hand of the appropriations process to appropriate not less than certain amounts for programs not related to this emergency assistance bill.

What earthly rhyme or reason is there in trying to say in this bill, how much we will or will not appropriate at some future date for other programs authorized in other bills? Such a provision crosses the borders of absurdity.

I hope this bill will be voted down, and voted down by a resounding vote. As I indicated, I am opposed to the bill on other grounds . . . not just because of this indefensible provision in section 3(b). This provision makes the measure all the more unacceptable.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I would like to say to the gentleman from Texas that I thoroughly agree with the gentleman as to the invasion of the prerogatives of the Committee on Appropriations and in the Congress, by setting up now what we must appropriate in other sections of other bills in the next year. And I will oppose this bill on that ground.

Mr. MAHON. I thank the gentleman from Ohio.

Let me say that I do not look upon the provision as an attack upon the Committee on Appropriations per se. It is an affront to the entire appropriations process. It seeks to pledge what we are going to do toward funding other legislation in both fiscal years 1972 and 1973, and this I believe is indefensible and improper. I have never known anything like this to appear in any other bill. Let us set the record straight, and let us not start this practice in the House of Representatives.

Mr. PUCINSKI. Mr. Speaker, I yield one minute to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, let me explore the point that the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, has just made, a little further.

In the event that we were to strike the section that the gentleman from Ohio (Mr. Bow) has referred to in his colloquy with the gentleman from Texas, could we then have any meeting of the minds in support of this legislation? Without committing myself to supporting such a deletion, I am just wondering about that. I would like to ask the gentleman from Texas if that provision were out of the bill, and I know that we cannot get it out of the bill here, but if it were taken out later could we have the support of the gentleman from Texas and the gentleman from Ohio for this legislation?

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. PUCINSKI. Mr. Speaker, I yield 1 additional minute to the gentleman from Kentucky (Mr. PERKINS).

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I might say to the gentleman from Kentucky that what the gentleman has suggested is one more reason why this bill should not be brought up under a suspension of the rules. The gentleman has just suggested that if one of the deficiencies now in the bill could be stricken out, that perhaps we could agree to support the bill. I would state to the gentleman from Kentucky that if that had been taken out of the bill then my position might have been different, but since it is in the bill then I still will oppose the bill, because I think the gentleman from Kentucky has just made it clear as to why we should have the bill here in the regular order instead of under a suspension of the rules.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. ASHBROOK. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, the gentleman from Illinois, who has been a tireless exponent of this bill, denies that it is a busing bill. I would have to agree. When it started out it was a busing bill, but after the gentleman's subcommittee got through with it it was a busing bill plus more besides, and the more besides consists of a program of general aid to education that in my opinion is distributed in the wrong way, and with the wrong emphasis. That is the greatest criticism of this bill.

It is not true that the only school districts that need help are those that have problems of racial segregation or of racial balance.

For instance, in the metropolitan area that I represent, the largest share of the racial problems are in the city of Detroit. Yet, the city of Detroit is able, with less tax effort, to spend more per child than almost every one of the 21 school districts in my congressional district. These other districts also need help. They get no help from this bill.

Mr. Speaker, I hope the bill will be defeated on suspension, or defeated if it is later brought up in the regular order.

Mr. PUCINSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker and Members of the House, the purpose of this legislation is understandable. The bill itself however is defective in several respects. Through the years some of us have tried to talk commonsense to you people about the problems of the public schools. But you have been sitting back there with cotton in your ears paying no attention to us. You thought this was only a Southern problem and you were immune. The only thing I can say today is that circumstances are finally changing and now when the shoe is on the other foot, it certainly makes a lot of difference in the attitudes of some of you about the approach to public education in this country. It is no fun to say "I told you so" but you brought the problem on yourselves. The experience we have had with the bill prior to now has not been very satisfactory. It has not been satisfactory because ample safeguards were not written into the law to assure compliance with the congressional intent. The administrative guidelines have been devastating.

If we do not do anything else today, we ought to vote this bill down, because under suspension it cannot be amended and bring it back when we can consider amendments and when we can do something that assures compliance with congressional intent so we can write some safeguards into it to be sure that what the Congress wants done can be done.

Let me tell you something—we have had all kinds of unnecessary trouble down south, but you have more troubles up north than we have now. You have not seen anything yet. The new shoe has just started to pinch. You can talk about busing all you want to, but busing problems are now not nearly so much our problem as your problem. But you had better listen to us this time. You had better consider this bill when you can amend it. You had better be sure you write language in it which will protect you against the Singleton court decision having to do with the ratio of teachers by race and you had better be sure regardless of what the administration has said that you have language in here that will require when the guidelines are written down at HEW that busing cannot occur unless you want to lend credence to it and you had better write language in which provides for neighborhood schools with certainty if you want to do something about salvaging public education. You had also better get rid of all language on appropriations limitations and attorneys fees.

Vote this bill down here today and bring it back when you can amend it.

Mr. ASHBROOK. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, this bill is nothing but a carrot bill, a bait bill. Under this bill the Federal Government offers schools money to integrate more than they have by busing, of course, they will bus. Those of you who up until now have advocated busing should read the Gallup poll that came out this morning—74 percent of the American people are opposed to busing.

The Senator from one northern State recently came out proposing busing and it is on the new ticker now—his constituents nearly have enough names on a petition to recall him. You can bet he will be recalled.

Mr. Speaker, you had better vote against this bill.

Mr. PUCINSKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I am supporting this bill.

However, I think it should be clearly understood that there are many of us who are equally unhappy about the way this bill has been brought up before the House—but for different reasons. Some of us are unhappy because we feel this bill does not go far enough toward ending segregation. It should be clear to all of us that busing alone will not end segregation, nor will our limiting the scope of our efforts to de jure segregation.

I want to advise my colleagues that if this bill is defeated today, I will offer in the House the same amendment that Senator RIBICOFF introduced in the Senate, so that we can have a test in this Congress as to whether this Congress is, in 1971, going to uphold the Supreme Court decision of 1954. This amendment has support in the House and we intend to have a record vote on it.

Mr. Speaker, it is unfortunate that we are taking up this important legislation under suspension of the rules. The Emergency School Aid Act should have been granted a rule and brought up under regular order. I agree with those who maintain that this is a major bill that deserves full and fair debate.

On the other hand, the House enacted a similar bill last December and the major issues involved in the legislation before us today are basically the same as they were then. I think the bill approved by the General Subcommittee on Education, on which I am proud to serve, and the full Committee on Education and Labor is a better bill than the one passed by the House last year. One of the improvements—an amendment I sponsored in committee—establishes a 3-percent set-aside for bilingual programs—an important tool in breaking down the barriers of segregation and racial isolation which plague our educational systems.

This is a good bill that deserves our full support. It would be unfortunate indeed, if it failed to achieve the necessary two-thirds vote today and instead became entangled in an already-complex higher education bill later this week. I urge my colleagues to vote for the bill reported by the Education and Labor Committee so that we can go to conference with the Senate without further delay.

At the same time, I want to point out that while this bill may prove extremely helpful in relieving racial isolation in many areas, it will not get at the real roots of both de jure and de facto segregation throughout our Nation. It was for this reason that I sponsored last April a companion measure in the House to Senator ABRAHAM RIBICOFF's Urban Education Act of 1971. This legislation, which I am prevented from introducing today because of the rule, takes the same direction as a number of recent court decisions, attacks the problem of school segregation and racial isolation in terms not of individual school districts but in terms of entire metropolitan areas. At the heart of this bill is a requirement that each State prepare and file a plan under which each of its standard metropolitan statistical areas, as defined by the Office of Management and Budget, will reduce minority group isolation in the schools. The plan must insure that, no later than July 1, 1983, the percentage of minority group children enrolled in each school of the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

This legislation does not mandate any particular plan or set of plans to be imposed from community to community across the country. Instead it leaves great flexibility to those involved at the local level, including parents and community members as well as educators and school officials.

A number of possible techniques are contemplated by this bill, including construction of magnet schools and educational parks together with school redistricting, pairing and transportation. But I want to emphasize that this is not primarily a busing proposal. It seems clear that if we have to depend solely on busing children from one area to another on a metropolitanwide basis to achieve integration, we will not succeed.

Success will come only if we open up the suburbs for housing and employment as well as education. Experience demonstrates that we will never have truly integrated schools until we have an integrated society. Schools have borne the burden of integration alone too long.

This does not mean we should not continue to attack the problem of school segregation. We must.

But we must go beyond that. For too long we have allowed race to be pitted against race, region against region, and class against class. The result has been inevitable. Anger, distrust, and suspicion infect the relationships of millions of Americans. Whites fear blacks and blacks distrust whites; southerners are bitter about the North, which continually castigates the South; and the lower middle class are encouraged to take out their frustrations on the poor, the young and the black.

We cannot allow this to continue if our Nation is to survive. Millions of Americans realize this and are looking to us for leadership. We simply cannot refuse their mandate.

Mr. Speaker, I present for inclusion in the RECORD at this point a section-by-section analysis of H.R. 7212, the House version of the Urban Education Act authored by Senator RIBICOFF. I commend this to the attention of our colleagues with the notice that they might well have an opportunity to vote on it as an amendment later this week should the Emergency School Aid Act before us today fail to achieve the necessary two-thirds vote.

URBAN EDUCATION ACT OF 1971 (H.R. 7212): SECTION-BY-SECTION ANALYSIS

Sections 201 and 202: State that the purpose of this Act is to end minority group isolation in the public schools of our Nation's metropolitan areas regardless of the origin of such isolation.

Section 301: Provides definitions of terms used throughout the Act. The term "minority group children" includes Negro, American Indian, or Spanish-surnamed Americans, and, as determined by the Secretary, children from environments where the dominant language is other than English. "Minority group isolation" is a situation where minority group children in a school constitute more than 50% of the average daily enrollment of that school. "Standard Metropolitan Statistical Area" or "SMSA", as defined by the Office of Management and Budget, is the area in and around cities of 50,000 inhabitants or more.

Section 401: Requires each state to prepare and file an acceptable plan pursuant to which it will establish and supervise the operation of an SMSA agency, within each SMSA, to develop with local educational agencies a plan to reduce minority group isolation in their schools.

Section 402 (generally): Sets forth the requirements of the plan to be prepared.

Section 402(b): The plan must insure that, no later than July 1, 1983, the percentage of minority group children enrolled in each school of the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

Section 402(c): As appropriate in local circumstances the plan must use such techniques as redrawing school boundaries, creating unified districts, and establishing magnet schools and educational parks so as to end minority group isolation in all schools within the SMSA.

Section 402(d): Local committees of parents, teachers, and students representative of minority and majority groups and the geographical areas within the SMSA agency in open consultation regarding the development of the plan and must report periodically to the Secretary on the extent of compliance with the requirements of this Act.

Section 402(e): Provides that parents of the children and representatives of the areas must be consulted and involved in the operation of the proposed programs.

Section 402(f): Substantial progress toward the goal must be demonstrated in each year of operation of the plan.

Section 402(g): Per pupil contributions of the State to any minority-group isolated school shall not be less than per pupil contributions to non-minority group isolated schools.

Section 403: Requires submissions of the plan and approval by the Secretary no later than July 1, 1975.

Section 404: Allows the Secretary in extreme and unusual cases to exempt portions of an SMSA from the plan where necessary because of the size, shape, or population distributions of an SMSA.

Section 405: Each SMSA agency must file an annual report setting forth the results achieved under the plan. The Secretary must assure the ready availability of the plan to the public and the local committees.

Section 406: The Secretary must review

each plan and report for each SMSA agency annually and require revised plans where necessary.

Section 407: Provides that the District of Columbia SMSA shall include those parts of the metropolitan areas lying in Virginia and Maryland.

Section 408: Prohibits the formulation or administration of a plan in any way that will result in separation of minority group children within a school or a classroom.

Section 501: Provides Federal funds for each SMSA agency for development of the plan required by this Act.

Section 502 (generally): Provides Federal financial assistance for implementation of an approved plan. No Federal funds are to be used to supplant funds, equipment, or services that are used to assist any private school. The Secretary is given power to file suit for restitution of any funds used for these purposes.

Section 502(d): Describe the purposes for which funds provided may be used including, among others, establishing and constructing magnet schools and educational parks, providing additional staff members, and the necessary counselling, retraining and guidance for those working with minority group children, furnishing transportation where necessary (provided that any burden of transportation shall fall equitably on both minority and majority group children) and expanding or altering facilities to accommodate students transferred.

Section 502(e): Prohibits the supplanting of State or local educational agency funds presently being expended.

Section 601: Any local educational agency in an SMSA refusing to cooperate in the formulation or implementation of a plan shall not be entitled to receive any Federal educational funds. Likewise, any State failing to participate in the preparation, submission, revision or implementation of any plan required by the act and any State continuing to provide State funds to any non-cooperating local educational agency shall not be entitled to receive Federal educational funds. The presence within an SMSA of a non-cooperating local educational agency does not affect the eligibility for Federal funds of the remaining cooperating local educational agencies.

Section 701: Provides $25 million for each of two years for SMSA's to develop and promulgate the plans required.

Sections 702 and 703: Authorizes $2 billion a year for each of ten years to implement the plans developed pursuant to this Act.

Section 801: Provides for expedited hearings by the Secretary for complaints concerning the enforcement or nonenforcement of provisions of the Act. Review of the Secretary's final decision lies with the United States Court of Appeals for the District of Columbia Circuit.

Section 901: Repeals those provisions of law which would interfere with the operation of this Act, particularly those forbidding the use of Federal funds to overcome racial imbalance.

Mr. ASHBROOK. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Speaker, I want to join the lengthy list of my distinguished colleagues here in the House who have expressed themselves as being firmly opposed to the Emergency School Aid Act of 1971.

It was over a year ago that the so-called emergency school assistance bill was first suggested. Perhaps at that moment there seemed to be a desperate financial need, particularly among those school systems operating under court-ordered desegregation mandates. However, the fact is that the schools have been adequately funded in most cases through legislation already enacted, such as the Elementary and Secondary Education Act, the Civil Rights Act, and others, and, therefore, the emergency as presently described is nonexistent.

Whatever emergency there may be is largely the responsibility of the bureaucrats at the Department of Health, Education, and Welfare, whose notorious reputation for social experimentation is all too well known. It is ironic that HEW, whose "guidelines" and dictates on busing have been largely responsible for many of the present dislocations within our Nation's schools, is the strongest proponent of aid for an emergency largely its own making.

It is increasingly clear that unless the U.S. Supreme Court appreciably widens the ban on school desegregation to the point of including de facto segregation brought on by housing patterns, and so forth, the likelihood of further massive upheavals in our education system are rather unlikely. Therefore, the need to meet an alleged "emergency" to the tune of one and one-half billion additional dollars boils down to a back-door attempt to provide massive new funds for the busing and redistribution of school students. Furthermore, attempts to prohibit the use of these assistance funds for busing are futile, since local funds would pay for busing with the Federal "emergency" funds merely offsetting these costs. In effect, it is simply a question of which hand would provide the money for busing.

Mr. Speaker, we must use all of our resources to protect and improve our Nation's schools and not to destroy them. Funds made available under this proposed act would be used for purposes inimicable to the very heart of America's unique system of education, and to the individualism it fosters.

Mr. Speaker, I believe in the neighborhood school and will oppose any Government funds for busing. I am unalterably opposed to the Emergency School Aid Act of 1971.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I rise in opposition to this bill. In the past I have supported emergency Federal aid for schools to assist in making desegregation a reality. But, this bill goes too far in initiating a new massive federally aided busing program.

The schools' needs would be better met, in my view, under Federal revenue sharing where priorities could be established at the local level rather than in Washington, D.C.

Mr. ASHBROOK. Mr. Speaker, in closing the debate on this side, I would like to straighten out several things that have been said. I think probably in the heat of the moment a few mistakes were made.

For example, the gentleman from Illinois started the debate by saying that except for the busing provision this is precisely the same bill as we had before us last December. It is not. The statement of purpose is totally different from the statement of purpose that was in the bill last December.

The important matter of attorneys' fees has been inserted since then. So do not be deluded that your vote today is on the same measure as we had before us last December.

Second, it has been said time and time again that this bill does not require busing. You note how carefully they have used the word "require." It has been repeated a minimum of five times. Of course, this bill does not require busing. This bill encourages busing. Draw that very close distinction, whether or not you want to be on record for encouraging busing. The carrot of $1.5 billion is extended to districts. We all know how HEW guidelines operate, so do not be fooled.

Do not be deluded when someone tells you this bill does not require busing. That is not the point.

The gentleman from Kentucky (Mr. PERKINS) said the administration has made it perfectly clear, I think he said crystal clear, that it will not use funds for busing. That is not correct either. The administration made it crystal clear that it would not use funds under existing bills for busing. It has not made that statement regarding this bill.

The American people will be closely watching this vote today. They will be calling all of us to account for our actions. Just what is involved in this vote?

A "yes" vote on this legislation will simply mean that you do not want any restrictions which would control busing placed on this legislation. It would not be fair to say that a "yes" vote means you favor busing, but it clearly means you do not want any restrictions on busing.

Those who vote "yes" on this legislation should never be heard to complain about busing schemes in their own States or home areas. They should not stand before any PTA or parents' group and express their concern about plans to bus students out of their neighborhood schools. On the record, they will have given up their only opportunity to legislate restrictions in this vital area of national concern.

Mr. Speaker, I opposed this bill in committee and I would oppose it if it came before the House under a regular rule. But even if I supported this bill—and I think that many of my colleagues on both sides of the aisle who do support this bill will agree—I would not, and in good conscience could not, vote for it under a suspension of the rules.

This is a totally inappropriate method for the consideration of any bill carrying a $1.5 billion authorization. It is a totally inappropriate method for the consideration of this particular bill, because this bill has more flaws, more matters in controversy, than virtually any bill reported from our committee in the past 5 years. I need not remind Members of this

House how controversial this bill is; you know. Take a close look at this bill and see if you want to vote for it under a procedure that permits neither amendment nor points of order.

This is a busing bill. Even the President of the United States has asked that this bill be amended to prohibit the use of funds for busing, and that amendment was offered and defeated in our committee. It should be offered here on the floor of the House; not only because the President has requested it, but because the amendment is desperately needed.

But without amendment this is a busing bill. It will not only permit the use of funds for busing children whether or not their parents wish to have them bussed, it will positively encourage both State and Federal courts and all sorts of State agencies to order massive busing on the assumption that this bill will provide funds for it.

Even with an antibusing amendment this bill would be seriously defective and unacceptable to many Members. For example, it clearly invades the jurisdiction of other standing committees of the House. Section 3(b) on page 25, if you read it carefully, clearly attempts to dictate to the Committee on Appropriations regarding the level of funding they must approve for other education programs before they can fund this one. In effect, it fixes a condition precedent to future appropriations bills and in my judgment is subject to a point of order as a violation of clause 4 of rule XXI of the House prohibiting appropriations language in an authorization bill.

An even more flagrant example of a provision which is not within the jurisdiction of the Committee on Education and Labor and ordinarily would be subject to a point of order as to germaneness is section 17, which authorizes Federal judges to award attorneys' fees as a part of costs to the prevailing party in school desegregation cases. The scope of costs and the circumstances under which they can be awarded are spelled out in the Federal Rules of Civil Procedure under rule 54—title 28, United States Code—and in chapter 123, sections 1911 through 1929, title 28, United States Code. Clearly, any proposed changes in the Federal rules governing such matters should come from the Committee on the Judiciary. Furthermore, under normal procedure this provision obviously is subject to a point of order on germaneness since it deals not with schools or school systems, but with the authority of judges and the rights of litigants in the Federal courts.

The substantive issue on attorneys' fees is whether the House wants to stir up endless litigation on the issue of racial balance in the schools and ask your constituents—the taxpayers of this country—to pick up the costs. Such a provision might well be a bonanza for lawyers specializing in civil rights—on both sides—but it is scarcely a bonanza for the taxpayers. In any event, the provision is not subject to objection or amendment under a suspension of the rules.

There are all sorts of questions which ought to be raised about details of this bill which cannot even be mentioned in the few minutes allotted for debate, and not one detail can be altered under this procedure. For example, this bill encourages planning for the busing of children not only within school districts but between school districts—if you carefully read section 5(a)(4) beginning at the bottom of page 29 and continuing through pages 30 and 31. This could end up being unbelievably expensive. It might be good for General Motors and other manufacturers of buses, but there is a question whether it would be good for American education.

Some of the most telling arguments against this bill and against considering it under this procedure have been made by the chairman of our committee, Mr. PERKINS, and the chairman of the General Subcommittee on Education, Mr. PUCINSKI.

Last year, Mr. PERKINS pointed out numerous times—and I believe accurately—that almost everything sought to be accomplished under this bill can be done under existing Federal legislation such as special remedial programs under title I of the Elementary-Secondary Education Act and bilingual education programs under title VII of that act.

The only thing that cannot be done under existing law is to finance extensive busing and cross-busing of students.

Mr. PUCINSKI has many times asserted that once this legislation is enacted it will be continued for many, many years. He is, of course, correct if we are to judge by the history of other education legislation labeled "emergency assistance." That means that we are embarking on a long and dubious trip down a road strewn with explosive issues, but without full debate over or opportunity to amend the trip plan.

I urge the House not to approve this bill for busing, particularly under this procedure. It ought not be before us under a suspension of the rules, and we should discourage any repetition of this performance.

Mr. PUCINSKI. Mr. Speaker, in closing the debate, I would like to point out one thing. I am as much opposed to the procedure that we are following today as any other Member. I did not want to bring this bill up on suspension if we could have brought it up in an orderly manner by obtaining a rule. But I might point out to Members that if we fail to pass this legislation here today, it will be right back to confront you Wednesday, because we will be back here Wednesday with this bill as an amendment to the Higher Education Act. Federal courts are imposing impossible demands on school districts all over this country. School districts are faced with bankruptcy because they cannot meet the court orders. They need help under this bill most desperately.

It follows, then, that if you are going to have Federal courts setting down certain rules and regulations and demands on these districts, the Federal Government ought to help these districts carry out financial requirements imposed by the Federal court orders.

I said in my opening remarks that if you want to do something about busing, this is not the place to do it. There is nothing in this bill that requires busing, and the administration has told all of us that they are not going to use any of the money in this bill for busing.

But if any Member really wants to do something about busing, he should go and sign that discharge petition and encourage a constitutional amendment, because that is the only way we can deal with this problem.

There is no other way. We can pass all the amendments around here we want, and we will not change one Federal court order until we sign that discharge petition and get the constitutional amendment.

There is no question about it. We have a crisis in America. Schools are becoming resegregated, because the courts have imposed certain demands on school systems and they do not have the resources to meet these court ordered demands.

We can sit here and argue all we want, but the fact of the matter is that there are children in the school systems who urgently need help. I am opposed to busing probably as much as anybody in this Chamber. I have signed that discharge petition. I wonder if others who are making these statements around here have signed that discharge petition.

But I do not believe that your opposition to busing should prevent us from passing this bill which has nothing to do with busing. We are talking about a program of help to assist schools in developing programs which will improve the quality of education; reduce unnecessary tensions in integrated schools; keep the white children from leaving the school system because their families feel there shall be some diminution in quality of education in integrated schools; help school administrations hire additional personnel to reduce the incidence of violence between students in schools undergoing integration; and in general, help save our public school system from becoming resegregated.

That's what this bill is all about. The busing issue does not belong here because busing is not involved in this bill. In the name of America's children who are caught in the crossfire of court orders and hostile communities, I urge you to approve this bill and let us get on with the job of saving the Nation's public school system.

Mr. DELLENBACK. Mr. Speaker, the Emergency School Aid Act of 1971 gives the House an opportunity to take a giant step toward a goal we all support: Quality education. I concur wholeheartedly with what President Nixon said in his education message to Congress on March 3, 1970, about the relationship between quality education and desegregation:

> Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.
>
> We must not permit controversy about the progress toward desegregation to detract from the shared purpose of all—better education, and especially better education for the poor of every race and color.

It has been 17 years since the Supreme Court in Brown against the Board of Education unanimously struck down the separate but equal doctrine as being inherently unequal and in violation of the 14th amendment to the Constitution. In the years since then, study after study has shown that the Court was right: Racial isolation results in inferior education for minorities, and ending racial isolation results in improved educational quality. Desegregation and quality education do go hand in hand.

There has been some progress since 1954 toward the goal of equal educational opportunity that is commendable. Yet obviously there is still a long way to go before we reach that goal. Our committee found that almost one-third of the 9.4 million minority students in elementary and secondary schools throughout the Nation are in schools with student populations of 95 percent or more minority students.

I believe that Congress could have been helping over the years to make the road toward desegregation smoother, and I believe further that we will be evading a very great responsibility if we do not take steps now to make that road smoother in the future.

Congress has approved bill after bill intended to help improve education in this country, but we have pointedly ignored the question of desegregation. There is no question that desegregation, whether achieved under court order or on a school district's own initiative, can be costly. For many school districts which are already hard pressed financially, the costs of desegregation can be a very great burden indeed.

What H.R. 2266 does is to say to these school districts that Congress is committed to helping them realize the goal of quality education and that we recognize they are encountering financial difficulties, some of them extremely serious difficulties, in establishing and maintaining quality integrated schools in eliminating racial isolation and in establishing and maintaining quality integrated schools.

Finally, H.R. 2266 does not alter in any way the legal aspects of desegregation. Its purpose is to help school districts see that existing law is enforced.

Mr. Speaker, I think Congress has been badly remiss in its responsiiblity to help schools achieve desegregation. The Emergency School Aid Act of 1971 would put Congress squarely on the record in favor of quality education. I strongly urge its passage today.

Mr. MONAGAN. Mr. Speaker, I have introduced legislation identical to the Emergency School Aid Act before us today, and I urge my colleagues to suspend the rules and approve the bill H.R. 2266.

The major purpose of this legislation is to provide Federal financial aid to assist local school systems with the large-scale problems of desegregation. The bill authorizes for this purpose appropriations of $500 million for fiscal year 1972 and $1 billion for fiscal year 1973, for a total package of $1.5 billion. Ninety percent of these funds would be prorated among the States according to their numbers of minority children. The remaining funds would be allocated to bilingual and special education programs.

The need for Federal assistance for school desegregation has become urgent and necessary. Desegregation suits are presently pending in lower courts across the country, and based on Supreme Court cases as early as the 1954 Brown case and as recent as the Pontiac, Mich., case this year, it is safe to predict that the courts would require many communities to rearrange their public school systems. Desegregation plans would demand substantial sums of money, money which many localities find difficult to raise.

I am particularly interested in this legislation, because the city of Waterbury, Conn., the largest urban area in the congressional district which I represent, falls into this category. Waterbury was the target of the first Federal desegregation suit in the entire Northeast. Regardless of the merits of this suit, it has placed Waterbury under great pressure to take immediate action to revise its minority student enrollments. The outcome of the suit could produce further strain, and Waterbury, already hard pressed to meet current expenditures, would be forced to find yet new sources of income. The financial burden would be a difficult one to bear.

The legislation before us today would provide Waterbury, and other communities involved in court cases, with advance financial insurance that they would be able to meet the costs of desegregation. Under the terms of the bill, Connecticut would receive an estimated $3,638,133 during fiscal 1972 and $7,216,824 during fiscal 1973. The total Connecticut allotment would thus come to $10,854,957. Such assistance would help Waterbury to meet the extraordinary expenses which may become necessary as a result of the Federal desegregation suit. It guarantees that Waterbury would have the necessary financial resources in the event that the presently pending court suit demands further desegregation efforts.

I originally introduced emergency school aid legislation in the 91st Congress and I have reintroduced it in the 92d Congress, with specific emphasis on the urgency of constructing new schools as a key to the solution of the problem. I feel that this proposal would significantly broaden the educational opportunities for all children, and ultimately raise the quality of education throughout the country. On a short-term basis, it would fund the desegregation efforts of those school boards who only recently have had to consider the problems of financing such efforts. I, therefore, urge passage of this vital education legislation.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of H.R. 2266, the Emergency School Aid Act of 1971. This bill authorizes $1.5 billion in fiscal 1972 and 1973 to assist school districts implementing ordered or voluntary desegregation plans. I realize that there are some who object to bringing a bill of this import to the floor under a suspension of the rules, and under ordinary circumstances, I would probably object as well. But this bill is surrounded by extraordinary circumstances which I feel justify its consideration under the suspension procedure. First, the Rules Committee, of which I am a member, has twice refused to grant this bill a rule, despite the protestations of myself and my Republican colleagues. And second, this is an emergency measure which our Nation's school systems have been counting on for a year and a half now. And make no mistake about it—there is an urgent and desperate need for these funds now.

Our public schools today are having enough trouble in making ends meet to cover normal operating expenses and provide basic educational services. A recent survey by the National Education Association of 63 of our Nation's largest school systems reveals that all have had to cut back on personnel, enlarge class size, or eliminate special programs because of lack of money. The biggest cuts have come in teaching personnel. Of the 63 systems surveyed, 23 have eliminated some 4,388 teaching positions.

Now add to this financial crisis the additional expenses involved in carrying out voluntary or ordered desegregation plans and I think you can begin to comprehend just how serious the current crisis really is. I fully agree with the committee that the Federal Government has an obligation to assist these districts in their integration efforts. In the words of the committee report:

> It is time for the rhetoric of the Federal Government calling for the integration of our schools to be backed up by sufficient funds to assist them in striving for this goal.

President Nixon put it most eloquently in his school desegregation message of March 1970, when he said:

> Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and the equality of that opportunity.

And his message accompanying this legislation a month later, the President said:

> Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding. The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

In conclusion, Mr. Speaker, we are in the midst of a difficult and costly transition process, our school systems urgently need the financial assistance provided in this legislation, and it is incumbent upon us to get these emergency funds to the schools as soon as possible.

Mr. BROOMFIELD. Mr. Speaker, I must object most strenuously to the Emergency School Aid Act of 1971 or as it is commonly called, the school desegregation act. Call it what you will, this is clearly a busing bill. Passage of this legislation will allocate $1.5 billion to aid school districts in their desegration plans.

I am not opposed to desegregation. I am proud of my support for civil rights legislation during my years in the House. But I am against forced busing to achieve racial balance in our schools. Let me add that this view is shared by a majority of Americans both black and white. At a time when we are striving to erase all vestiges of racial consciousness, when the goal is to treat all people as Americans rather than blacks or whites, I find the imposition of artificial racial quotas to be inconsistent with that trend.

At a time when our schools have demonstrated a desperate need for so many valid educational programs, for more teachers, smaller classrooms, and teaching aids, I must question the priority that busing should receive. These needs, Mr. Speaker, plague our entire school system without regard to racial composition. City, suburban, and rural schools are all waging a battle to deliver quality education to their children.

In the face of so many underfinanced educational programs, this bill will operate to spend $1.5 billion to facilitate desegregation. It has become quite clear that "facilitate" in this context means busing. I propose that our emphasis should be aimed at assuring quality education in all schools rather than on transporting, at a great expense of time and money, students from one school to another. There is so much in terms of money that we can do to improve the education of our children once they are inside the classroom that I wonder if we afford the luxury of $1.5 billion merely to get the child to school.

Mr. Speaker, this is hardly an emergency education bill; it is a mass transportation bill. This measure leads us down a new avenue of educational policy and carries an enormous price tag to boot. Nonetheless, it has been placed on the Consent Calendar and is impossible to amend.

Busing is a most controversial issue; one which deserves to be fully debated. Therefore, I strongly object to its placement on the Consent Calendar and urge my colleagues to vote in the negative.

Mr. SIKES. Mr. Speaker, take away the window dressing and we have before us another bill for forced busing. Remove the sugar coating and under the terms of this bill Federal agencies will again be imposing impossible requirements on school officials and school systems.

It should be very clear that the American people want no part of forced busing. They recognize it for what it is—the substitution of social experiment for orderly processes of education. This meassure should not have come to the floor under conditions which prevent reasonable amendment. It should be defeated and defeated soundly.

In case there are those who are wavering in their loyalty to the doctrine of forced busing, let me remind my colleagues that the Gallup poll published today shows that 74 percent of the American people are opposed to this abominable practice and that opposition to it is solid in all parts of the Nation.

I doubt seriously that any issue now before the American public is more emotion laden or has more potential for destruction of community stability than forced busing of America's schoolchildren. It was mandated by the courts—despite recent denials—and these rulings have in effect taken it out of the hands of the lawmakers and the school executives. The result has been to create one of the greatest social and educational crises of our times. It is helping to destroy the neighborhood school system which we recognize as one of the basic foundations of America's greatness. The present situation must be resolved outside the courts. The Supreme Court apparently is trapped in the quicksands of its own confusion. It has substituted social experiment as the goal for the Nation's schools rather than education, and in doing so, it has lost sight of the very purpose for which school exist. It ignores the fact that orderly integration already has been accomplished in nearly all schools. Forced busing compounds the problems of education and makes it almost impossible for school heads to return to sound and effective education as the real goal of the schools.

In forced busing the children lose, the schools lose, and the Nation loses. The parents and the school officials are frustrated but they are not helpless. There are ways to get action if the people want it enough. One way is to defeat this bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House suspend the rules and pass the bill, H.R. 2266, as amended.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 222, not voting 72, as follows:

[Roll No. 329]

YEAS—135

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Badillo
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Celler
Chisholm
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Davis, Wis.
de la Garza
Dellenback
Dellums
Donohue
Dorn
Drinan
Dwyer
Edwards, Calif.
Esch
Evans, Colo.
Fascell
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Frenzel
Gonzalez
Grasso
Green, Pa.
Gude
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hillis
Horton
Hosmer
Howard
Johnson, Calif.
Kastenmeier
Koch
Leggett
Lujan
McClory
McCloskey
McCormack
McFall
McKinney
Mailliard
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Moorhead
Morse
Mosher
Moss
Nelsen
Obey
O'Konski
O'Neill
Patten
Pepper
Perkins
Podell
Pucinski
Quie
Railsback
Rangel
Reid, N.Y.
Reuss
Riegle
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Ryan
Schwengel
Seiberling
Sisk
Smith, Calif.
Staggers
Symington
Thompson, N.J.
Thomson, Wis.
Udall
Van Deerlin
Vanik
Waldie
Whalen
Wolff
Wydler
Yates
Yatron
Zwach

NAYS—222

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bennett
Betts
Biaggi
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Cabell
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Dennis
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fisher
Flood
Flowers
Flynt
Ford, William D.
Forsythe
Fountain
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Harsha
Harvey
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
McCollister
McCulloch
McDade
McDonald, Mich.
McKay
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Mollohan
Montgomery
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
O'Hara
Passman
Patman
Pelly
Pettis
Peyser
Pike
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roush
Runnels
Ruth
St Germain
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thone
Tiernan
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Zablocki
Zion

NOT VOTING—72

Abernethy
Abourezk
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Caffery
Chamberlain
Clark
Clay
Colmer
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Fish
Gallagher
Gaydos
Giaimo
Goldwater
Halpern
Hanley
Hanna
Hays
Holifield
Jacobs
Jarman
Karth
Kee
Keith
Long, La.
McClure
McEwen
Madden
Mathias, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Pickle
Pirnie
Price, Ill.
Rees
Robison, N.Y.
Rooney, N.Y.
Rousselot
Roy
Roybal
Ruppe
Sandman
Saylor
Scheuer
Shipley
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Veysey
Whalley
Whitten
Wilson, Charles H.
Young, Tex.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Charles H. Wilson and Mr. Price of Illinois for, with Mr. Abernethy against.

Mr. Diggs and Mr. Clay for, with Mr. Baring against.

Mr. Monagan and Mr. Pickle for, with Mr. Burleson of Texas against.

Mr. Stokes and Mr. Rees for, with Mr. Eilberg against.

Mr. Barrett and Mr. Abourezk for, with Mr. Blanton against.

Mr. Daniels of New Jersey and Mr. Clark for, with Mr. Bevill against.

Mr. Rooney of New York and Mr. Roybal for, with Mr. Caffery against.

Mr. Nix and Mr. Gallagher for, with Mr. Whitten against.

Mr. Madden and Mr. James V. Stanton for, with Mr. Rousselot against.

Mr. Halpern and Mr. Holifield for, with Mr. Pirnie against.

Until further notice:

Mr. Young of Texas with Mr. Whalley.
Mr. Shipley with Mr. Derwinski.
Mr. Hanley with Mr. Fish.
Mr. Stubblefield with Mr. Chamberlain.
Mr. Hays with Mr. Keith.
Mr. Hanna with Mr. McClure.
Mr. Morgan with Mr. Minshall.
Mr. Murphy of Illinois with Mr. William J. Stanton.
Mr. Scheuer with Mr. McEwen.
Mr. Dow with Mr. Veysey.
Mr. Colmer with Mr. Skubitz.
Mr. Dent with Mr. Talcott.
Mr. Jacobs with Mr. Goldwater.
Mr. Jarman with Mr. Mathias of California.
Mr. Kee with Mr. Robison of New York.
Mr. Karth with Mr. Terry.
Mr. Eckhardt with Mr. Ruppe.
Mr. Giaimo with Mr. Sandman.
Mr. Gaydos with Mr. Saylor.
Mr. Danielson with Mr. Roy.

Mr. DELANEY changed his vote from "yea" to "nay."

Mr. O'KONSKI changed his vote from "nay" to "yea."

Mr. STRATTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CREDIT UNION SHARE INSURANCE AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9961), to provide temporary insurance for the member accounts of certain Federal Credit Unions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (d) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781(d)) is amended by striking out "one year" and inserting in lieu thereof "three years".

SEC. 2. Subsection (c) of section 201 of the Federal Credit Union Act (12 U.S.C. 1781 (c)) is amended by adding at the end thereof the following new paragraph:

"(3) With respect to State credit unions which are authorized by State law to receive demand deposits, the Administrator shall approve the application of any such State credit union for insurance of its member accounts if (A) such State credit union otherwise meets the requirements for insurance established under this Act, and (B) in the event of liquidation of such State credit union, the claims with respect to demand deposit accounts shall be subordinate to the claims with respect to member accounts. For purposes of this paragraph and for purposes of determining the extent of insurance coverage under this Act, demand deposit accounts shall not be considered member accounts and shall not be insured under the provisions of this Act."

SEC. 3. Section 208(a)(2) of the Federal Credit Union Act (12 U.S.C. 1788(a)(2)) is amended by—

(1) striking out "assumption of its liability by another insured credit union" and inserting in lieu thereof "assumption of its liability by another person";

(2) striking out "may guarantee any other insured credit union against loss by reason of its" and inserting in lieu thereof "may guarantee any person against loss by reason of his"; and

(3) adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'person' means any credit union, individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity."

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, H.R. 9961 was originally considered by this body under suspension of the rules earlier this month, but failed by a slim margin to gain the necessary two-thirds vote for passage. In order to make certain that this much needed legislation is enacted this year, the bill has been put back on the Suspension Calendar with an amendment that will eliminate the objection raised by those who voted against this legislation when it was first on the House floor.

As reported from the committee, the bill would have granted temporary insurance for 2 years for Federal credit unions whose insurance applications had been denied by the National Credit Union Administration. It was felt by some Members that the automatic granting of such insurance might cause a financial hardship on the insurance fund and therefore, opposed the legislation.

In the amended version of the legislation, which is before the House today, the automatic insurance provision has been removed. In its place, an extension of the time limit for securing the insurance has been inserted. This is the version of the legislation that was reported overwhelmingly by the Bank Supervision and Insurance Subcommittee.

Under the original share insurance legislation passed in the 91st Congress, Federal credit unions whose insurance applications were denied were given 1 year to obtain such insurance or be forced into liquidation. It was estimated at that time that only a few hundred credit unions would not meet the insurance requirements. However, as a result of what I consider unnecessarily harsh administrative guidelines set down by the National Credit Union Administration, some 1,400 credit unions have been rejected for insurance, and unless the deadline for such insurance is extended, the liquidation of these credit unions will begin early next year.

The amended version of H.R. 9961 would extend from 1 to 3 years the period within which a Federal credit union would have to meet the insurance requirements. The credit union would not be insured during this period but would be allowed to continue its operations.

Mr. Speaker, I know of no objection to the bill in its present form. Certainly, no one wants to see a credit union put out of business because it could not meet an administrative guideline. The legislation in this form has been discussed on a bipartisan basis, and no one has raised an objection. There are two other sections of H.R. 9961 and they are identical to the bill that was originally brought up under the Suspension Calendar.

Section 2 of the legislation clarifies the authority of the administrator of the National Credit Union Adminstration to insure State-chartered credit unions who accept demand deposits.

Last year, the State of Rhode Island enacted legislation that would allow State chartered credit unions to accept demand deposits. The National Credit Union Administration ruled that it did not have the authority to insure such deposits. Following this, Rhode Island Legislature passed a new bill that permitted the Rhode Island credit unions to have demand deposits but did not require that they be insured. Still, the National Credit Union Administration refused to insure share accounts in Rhode Island credit unions excepting demand deposits.

Under section 2 of H.R. 9961 the National Credit Union Administration must insure a State-chartered credit union accepting demand deposits if it meets all of the criteria set down by the act. In short, the Administrator cannot deny the insurance solely because the credit union accepts demand deposits. As a further condition, the legislation makes it clear that the demand deposits of such a credit union will not be insured, and, in order to obtain the insurance the claims of the demand depositors must be subordinated to the claims of the shareholders in the event of a liquidation.

Let me make it clear that this section in no way authorizes Federal credit unions to accept demand deposits, nor is it designed to encourage or discourage State credit unions from gaining demand deposits authority. At the present time, only one State, Rhode Island, authorizes credit unions to accept demand deposits, and this was done only after a similar type of authority was granted to other types of thrift institutions. In addition, Rhode Island officials felt that the Federal share insurance law would cover demand deposits. Thus, section 2 of H.R. 9961 is designed to clear up a specific point and does not grant any new authority to either State or Federal credit unions.

Section 3 of the bill gives the Administrator more authority in liquidating a credit union or trying to shore up a credit union with financial problems.

Under present law, if the Administrator wants to merge an open or closed credit union, his only choice is to do so with another insured credit union. Also, if he wants to guarantee the obligations of a credit union to a third party, that third party can only be an insured credit union.

Under section 3, the Administrator is given a wide choice in electing other financial institutions, government bodies, or even private corporations, both profitmaking and nonprofitmaking for the purposes of guaranteeing to them the payment of obligations originally held by the failing credit union. This is merely permissive legislation and has the support of the National Credit Union Administration.

In closing, let me point out that Congress cannot stand by and let 1,400 credit unions go by the wayside without action. Therefore, it is imperative that this bill be passed as quickly as possible.

Mr. WIDNALL. Mr. Speaker, today there is brought before the House a bill which has caused quite some confusion among the Members. Although I could not support the version of H.R. 9961 that was brought to the floor under suspension 2 weeks ago, I find the provisions of H.R. 9961 brought before the House today to be entirely consistent with the needs and objectives of the credit union movement and its members.

As you will recall, the problem involved is that of some 1,400 Federal credit unions which have been rejected by the National Credit Union Administration as not qualifying for insurance. Under the present law, at the expiration of 1 year from the time of the original rejection, the Administrator must liquidate those credit unions which still do not qualify. Of the 1,400 credit unions affected by these provisions, it is estimated that half will meet the standard before this year has run; and another 350 will be able to come up to snuff given additional time.

There are five general requirements set out in the Federal Credit Union Act, requirements that are used by the Administrator in determining whether or not a given credit union shall become insured. These criteria are:

First, the adequacy of the credit union's reserves;

Second, the soundness of its financial condition and policies;

Third, the fitness of its management;

Fourth, the possibility of undue risk to the fund; and

Fifth, the consistency of its powers and purposes with the promotion of thrift among its members.

Certainly these standards are not unreasonable, and they should be maintained if the insurance program for credit union shares is to be kept on a sound basis. As the House wisely decided 2 weeks ago, insurance should not be provided automatically to those credit unions which are in violation of one or more of these standards.

However, it is equally undesirable that many credit unions be liquidated involuntarily because they are not able to meet a time limit which experience has now proven to be too stringent. Therefore, the provision before us today would extend the period from 1 year to 3 years for a rejected credit union to qualify for insurance. This middle course, between automatic insurance and forced liquidation, has been approved by the National Credit Union Administration as a desirable solution to the problem facing those credit unions whose year for qualification is running out.

I shall not elaborate on sections 2 and 3 other than to mention that there is substantial accord within the committee as well as the credit union community that these two provisions will give needed authority to the Administrator in dealing with State-chartered credit unions and those credit unions which are in need of assistance with their financial problems or in liquidation.

Mr. Speaker, I can wholeheartedly commend to my colleagues H.R. 9961 as it is brought before the House today. I am most hopeful that the expeditious action of the House will encourage the other body to act in a similar manner so that the uncertain future of these credit unions may be resolved promptly and favorably.

Mr. ST GERMAIN. Mr. Speaker, in October of last year Public Law 91-468, passed by Congress on the recommendation of the Banking and Currency Committee, was signed. This law provided mandatory share insurance for Federal credit unions. Such insurance had never before been made available and was considered to be a reward for the excellent safety record of the credit unions in the past years.

Federal credit unions were required to meet certain management and financial standards within 1 year of disapproval by the administrator of an application for insurance or be forced to liquidate. Today, there are roughly 11,000 federally chartered credit unions covered by Federal insurance and some 1,400 that are not covered, or about 11 percent of the total left uncovered. Of these, about 1,100, or 80 percent, have been rejected for share insurance because of insufficient reserves.

In many cases, however, the NCUA has gone beyond the reserve requirements set by Congress and established special reserve requirements. This clearly contradicts the intent of the law and has brought us to the present situation.

H.R. 9961 merely extends from 1 to 3 years the time limit under which Federal credit unions have to obtain the insurance before they would be required to liquidate. They will not be insured during this period, but they will be able to operate and hopefully, correct the administrative deficiencies.

There is an amendment to this bill which I sponsored and should like to explain. In my own State of Rhode Island, the State legislature passed a law which allowed credit unions, upon meeting certain reserve and other requirements, to accept demand deposit accounts. For example, total shares must exceed $1 million. A reserve of 20 percent must be maintained in cash or equivalent against the outstanding checking account balances, and no overdrafts will be allowed. Of great importance is that member shares and deposits, excluding demand deposits, must be insured.

However, General Nickerson refused to insure the savings accounts of over 200,000 Rhode Islanders who are members of State chartered credit unions, because he said the Federal Credit Union Act did not authorize insurance for those demand deposit accounts permissible under State law.

Further, the Administrator refuses such insurance on the grounds that demand deposit accounts will be paid out first in event of liquidation, and the insurance fund will have to pay out to savings depositors. This would place an unfair burden on the fund.

Therefore, I have proposed an amendment which the committee approved to provide insurance for the savings accounts of credit unions of all States who are permitted by State law to accept demand deposit accounts, so long as these savings accounts are placed ahead of the demand deposit accounts in the case of liquidation; moreover, these demand deposits may not be insured with Federal insurance.

Admittedly this is a Rhode Island States rights amendment. It would apply solely to State chartered credit unions and in fact only to Rhode Island, the only such State at present, but in time there will be others. My amendment is for all States present and future.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am most pleased in the passage in the House today of the credit union share insurance amendments. The approval of this measure will underpin the foundations of the credit union movement in America, all the more a timely need, in this period of uncertain economic growth. As one who played a major role in the establishment of the National Credit Union Administration, I have supported this legislation, realizing its benefits and worth for the many thousands who save in credit unions, and whose deposits, without any possible question, are deserving of insurability. The fine work that the many credit unions located within my 10th Congressional District in Massachusetts, in Fall River, Attleboro, North Attleboro, Taunton, and many other cities do, attests to the success of the credit union movement.

For the Federal credit unions located throughout all of the United States, whose operations and efficiency can progress to the standards of insurability under the provisions of the mandatory share insurance program established within the National Credit Union Administration, this measure we have approved today will allow the time for the credit unions to strengthen themselves, and continue to serve as a vital and needed community service. This measure is equally worthy in that it presents a solution to the difficult problem faced by many credit unions, whose temporary noninsured standing diminishes the incentive necessary to attract added share deposits, thus strengthening itself, to better and more efficiently serve its clientele.

The provision of this measure to amend the Federal credit union legislation so that a period of 2 years, rather than 1, is afforded credit unions now lacking insurability, but coverable, is indeed wise.

The administrator has stated this himself in his testimony before the Banking and Currency Committee, in which appearance he attested to the large number of credit unions which could well qualify for coverage in an extended time period.

It is a pleasure to take cognizance of this forward step in economic service to the many Americans who participate in the credit unions throughout the Nation.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 9961, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 0, not voting 79, as follows:

[Roll No. 330]

YEAS—350

Abbitt
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dickinson
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Rangel
Rarick
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—79

Abernethy
Abourezk
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Chamberlain
Clark
Clay
Colmer
Daniels, N.J.
Danielson
Dent
Derwinski
Devine
Diggs
Dingell
Dow
Eckhardt
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fish
Foley
Gaydos
Giaimo
Goldwater
Griffiths
Halpern
Hanley
Hanna
Harrington
Hays
Holifield
Jacobs
Jarman
Karth
Kee
Keith
Kuykendall
Long, La.
McClure
McEwen
Madden
Mathias, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Pickle
Pirnie
Price, Ill.
Purcell
Quie
Rees
Robison, N.Y.
Rooney, N.Y.
Rousselot
Roy
Roybal
Sandman
Saylor
Shipley
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Veysey
Whalley
Whitten
Wilson, Bob
Wilson, Charles H.
Young, Tex.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Price of Illinois with Mr. McClure.
Mr. Abernethy with Mr. Keith.
Mr. James V. Stanton with Mr. McEwen.
Mr. Hays with Mr. William J. Stanton.
Mr. Blanton with Mr. Chamberlain.
Mr. Daniels of New Jersey with Mr. Pirnie.
Mr. Dent with Mr. Sandman.
Mr. Madden with Mr. Minshall.
Mr. Barrett with Mr. Saylor.
Mr. Abourezk with Mr. Veysey.
Mr. Hanley with Mr. Fish.
Mr. Shipley with Mr. Skubitz.
Mr. Bevill with Mr. Terry.
Mr. Eilberg with Mr. Whalley.
Mr. Gaydos with Mr. Dow.
Mr. Giaimo with Mr. Robison of New York.
Mr. Rooney of New York with Mr. Halpern.
Mr. Hanna with Mr. Goldwater.
Mr. Holifield with Mr. Mathias of California.
Mr. Karth with Mr. Eckhardt.
Mr. Kee with Mr. Murphy of Illinois.
Mr. Charles H. Wilson with Mr. Rousselot.
Mr. Whitten with Mr. Monagan.
Mr. Young of Texas with Mr. Morgan.
Mr. Stubblefield with Mr. Roy.
Mr. Baring with Mr. Stokes.
Mr. Pickle with Mr. Nix.
Mr. Rees with Mr. Talcott.
Mr. Diggs with Mr. Derwinski.
Mr. Roybal with Mr. Evins of Tennessee.
Mr. Jacobs with Mr. Esch.
Mr. Jarman with Mr. Kuykendall.
Mr. Burleson of Texas with Mr. Quie.
Mr. Clark with Mr. Clay.
Mr. Colmer with Mr. Devine.
Mr. Danielson with Mr. Bob Wilson.
Mr. Foley with Mrs. Griffiths.
Mr. Purcell with Mr. Harrington.

Mr. ANDREWS of Alabama changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended so as to read "To provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have the privilege preceding the vote of extending their remarks and including related extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NARCOTIC TREATMENT IN CORRECTIONAL INSTITUTIONS

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8389) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities, as amended.

The Clerk read as follows:

H.R. 8389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 453 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating paragraph (9) as paragraph (10), by striking out "and" at the end of paragraph (8), and by inserting immediately after paragraph (8) the following new paragraph:

"(9) provides necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation and other supervisory release programs for all persons, incarcerated and on parole, who are drug addicts and or drug abusers; and".

(b) Section 454 of title I of such Act is amended by adding at the end thereof the following new paragraph:

"In addition, the Administrator shall issue such regulations as may be necessary concerning the standards that shall be met by drug treatment programs in State and local prisons and those to which persons on parole are assigned."

(e) The amendment made by this Act shall take effect with respect to the comprehensive State plans filed with the Law Enforcement Assistance Administration on and after January 1, 1972.

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point.)

Mr. EDWARDS of California. Mr. Speaker, H.R. 8389 provides that States, in order to get funds from the Law Enforcement Assistance Administration for correctional institutions and facilities under the Omnibus Crime Control and Safe Streets Act of 1968, include in their comprehensive State plans "necessary arrangements for the development and operation of narcotic treatment programs in correctional institutions and facilities and in connection with probation and other supervisory release programs for all persons, incarcerated and on parole, who are drug addicts and drug abusers."

Under the Omnibus Crime Control and Safe Streets Act of 1968, States that wish to participate in grants for law enforcement purposes which are administered by the Law Enforcement Assistance Administration must establish a State planning agency and submit a comprehensive State plan to the Law Enforcement Assistance Administration. The act (18 U.S.C., sec. 3733) sets forth specific requirements for inclusion in the State comprehensive plan.

In 1970 the act was amended to provide for grants through LEAA for correctional institutions and facilities. States who desire grants for this purpose must incorporate in their comprehensive plans an application containing eight specific requirements:

First, that the plan set forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and policies throughout the State;

Second, that it contain satisfactory assurances that grants received for correctional institutions and facilities will be administered by and for the purposes of a public agency;

Third, the plan must provide satisfactory assurances that funds received specifically for correctional institutions and facilities will not result in a decrease of funds which the State would otherwise apply to such facilities from its grants received for general law enforcement purposes from the Law Enforcement Assistance Administration;

Fourth, the plan must place satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including halfway houses, diagnostic services, probation, and other supervisory release programs;

Fifth, it must propose advanced techniques in the design of correctional institutions and facilities;

Sixth, it must propose, where feasible, the sharing of correctional facilities on a regional basis;

Seventh, the plan must provide satisfactory assurance that personnel standards of correctional institutions and facilities reflect advanced practices;

Eighth, the plan must show that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities; and

Ninth, the State plan for correctional institutions must comply with the general requirements set forth for the comprehensive State plan required for eligibility for grants from the Law Enforcement Assistance Administration.

The Koch bill—H.R. 8389—adds a ninth requirement—that the application incorporated the State comprehensive plan provide for adequate drug treatment programs for prisoners and parolees in the State corrections system.

H.R. 8389 as originally submitted further amends the Omnibus Crime Control Act of 1970, by providing that the Attorney General shall issue regulations governing the standards to be met by drug treatment programs established in State and local prisons and for addicted persons on parole. Under the act as presently written, the Law Enforcement Assistance Administration, after consultation with the Federal Bureau of Prisons, prescribes regulations governing the correctional programs and facilities which qualify for LEAA grants.

The Judiciary Committee has amended H.R. 8389 to conform it to the existing law. It was decided that the regulations governing drug treatment programs in the correctional system should spring from the same authority as regulations governing other correctional programs covered under the act.

Mr. Speaker, grants for correctional institutions and facilities are authorized as a result of the Omnibus Crime Control and Safe Streets Act Amendments of 1970, which added a new subpart specifically relating to such grants.

The Congress provided a supplemental appropriation of $47.5 million for grants for correctional institutions and facilities for fiscal year 1971. Under the act, as amended, 50 percent of these funds were to be made available for grants to State planning agencies and 50 percent were to be made available for distribution within the discretion of LEAA. Congress has appropriated $97.5 million for grants for correctional institutions in fiscal 1972.

Under the amended act—section 7(8) of Public Law 91–644—it is provided that the money appropriated for grants to correctional institutions and facilities be at least 20 percent of the money appropriated for grants for law enforcement purposes. Thus if the Congress appropriates $400 million to LEAA for grants for law enforcement purposes, it is required that at least $80 million be appropriated for grants for correctional institutions and facilities.

Mr. Speaker, H.R. 8389 will be of considerable assistance in combating narcotics addiction, one of the most serious problems with which our country is faced. I urge that we give this measure our full approval today.

In concluding, Mr. Speaker, I want to commend my colleagues and good friend Representative KOCH for initiating and drafting this legislation. Representative KOCH is one of our Nation's foremost authorities on the subjects of both narcotics addiction and penal reform. He testified eloquently before our committee and we all owe him a debt of gratitude for his wisdom and foresight in fashioning this proposal.

(Mr. WIGGINS asked and was given permission to extend his remarks at this point in the RECORD).

Mr. WIGGINS. Mr. Speaker, I urge the House today to take a relatively simple but potentially very significant step in dealing with the problem of drug addiction and abuse which has spread across our land so alarmingly in recent years, by enacting H.R. 8389.

The purpose of this legislation is to require each State which applies for special part E grants for correctional institutions and facilities under the block grant program administered by the Law Enforcement Assistance Administration to include in the application accompanying the annual comprehensive State plan, and as a prerequisite to that State's receipt of such a grant, a statement of the State's provision for the necessary arrangements for the development and operation of narcotic treatment programs for inmates of the State's correctional institutions, probation and parolees who are either drug addicts or drug abusers.

In other words, by passing this bill the Congress would be saying that special grants for correctional purposes cannot be made to States which fail to make adequate provision for the treatment of drug addicts and drug abusers who have been placed in the actual or constructive custody of the State through involvement in the criminal process. I believe that this is a perfectly appropriate and justifiable string for the Congress to attach to the Federal funds being disbursed by LEAA under this particular grant program, for it serves to spotlight the belief and intent of Congress that efforts toward the rehabilitation of drug addicts and drug abusers among the prisoners, probationers, and parolees of the several States should be an integral part of the nationwide attack upon the drug problem.

The Federal Government must emphasize and encourage this type of effort through its own example, where persons under Federal custody or restraint are concerned, and through restrictions on Federal funding grants, such as that contained in this bill, where Federal aid to State and local efforts regarding their own prisoners is concerned.

Under section (b) of the bill, the Administrator of LEAA is directed and empowered to prescribe the standards to be met by State and local drug addiction and drug abuse treatment programs and proposals in order for a State to be able to file an application for a subchapter IV–A grant which complies with the requirements imposed by section (a) of this bill.

Mr. Speaker, I join with my good friend, the distinguished chairman of the subcommittee which initially considered this legislation (Mr. EDWARDS) in asking for favorable House action on this bill today.

Mr. BROOMFIELD. Mr. Speaker, drug addiction has proven to be a most persistent and frustrating problem in our society. There are over 40,000 known heroin users, a mere fraction of an estimated 300,000 addicts. More than any other disease, drug addiction reaches out to affect each and every citizen. It is reflected in the wasted lives of those who subsist on heroin, their families, and most of all our rising crime rates which subsidize the tremendous cost of this terrible drug.

These two bills, H.R. 8389 and H.R. 9323, work in conjunction to facilitate and expand the treatment of this perplexing social ill.

Mr. Speaker, the causes of drug abuse are multidimensional. As such, we know that our response to it, if it is to be successful, must recognize each ingredient of its cause. Treating drug addiction as a criminal problem will never completely eradicate this horrible habit. To achieve complete success, it is imperative that we also treat addiction as a medical problem.

These bills realize that fact and open the way for Federal assistance to State correctional systems that develop programs of drug rehabilitation. Faced with inadequate funds and a minimum of trained medical personnel, State prisons have not been able to respond properly to the growing number of inmates that are addicts. Second, the use of methadone, a noneuphoric drug which blocks the craving for heroin, would be allowed as proper treatment under the Narcotic Rehabilitation Act. Of course, since this is only a control type drug as opposed to a cure, its use would be authorized only as a last resort and at the direction of medical authorities.

In conclusion, Mr. Speaker, these measures represent a significant step forward in the battle against drug abuse. They operate to bring vital aid to the afflicted addicts and add another weapon, in the form of methadone, which doctors can employ as they try to bring these people back on the road to recovery.

Mr. KOCH. Mr. Speaker, as the original sponsor of the bill we are considering, I rise to say that this is a simple measure but one that should go a long way in encouraging States and localities to provide drug treatment programs that are so needed in their prisons. H.R. 8389 is designed to provide the basis for tackling one of the principal causes of crime in our cities: drug addiction.

In 1970 the Omnibus Crime Control Act was amended to establish a program for the improvement of State and local correctional facilities. Under this law grants for the upgrading of correctional facilities are made upon the submission and approval of a plan, meeting certain minimum requirements, by a State. H.R. 8389 adds a new requirement—that States make necessary provisions for the establishment and development of narcotic treatment programs in their correctional facilities and in their probationary and parole programs.

In the city I come from, New York, 50 percent of the street crime is attributable to drug addiction—perpetrated by addicts needing money to support their habits. And yet, little is being done in our prisons to treat this identifiable cause of crime. Offenders are brought into the jails and generally detoxified. But, then they are left to sit in their cells without treatment for the drug problem which in most cases was the core of their crime problem. Consequently, when they are released from prison, most immediately return to their drug and criminal habits.

An addict or drug abuser when imprisoned is easily identified, isolated and available for regular treatment. It is tragic that we are wasting this opportunity to provide such men and women treatment, particularly when most have so little else to do to fill their time.

It is estimated that of the 300,000 heroin addicts in the United States, only 40,000 are being treated. This lack of treatment is in great part due to cost, particularly when the addict must be institutionalized. With an imprisoned addict, we are already paying the institutional costs. The additional investment should be made to provide these people with therapy.

On January 30, 1970, I visited the Manhattan House of Detention for Men commonly referred to as the "Tombs." This prison is under the jurisdiction of the New York City Commissioner of Corrections. Subsequent to my first visit to the Tombs, I distributed a questionnaire among the 1,750 men incarcerated; 907 prisoners responded to the questionnaire and returned them in sealed envelopes. Of these responding, 38 percent said that they were on drugs upon entering the Tombs. In the past year this percentage has increased, with some estimates going as high as 80 percent, as the city's drug problem has become more acute.

If we are really intent on dealing with the problem of street crime, making us prisoners in our very homes, we must start by treating the drug addict now in prison. After all, the purpose of prison is not merely punitive; indeed, even more important is its function of rehabilitating the prisoner so as to make him a contributor to society instead of a recidivist. In the case of the imprisoned drug addict, this can only be done if his drug problem is dealt with.

To suggest the dimensions of the drug problem and the costs it is placing on the community today, one can look at the situation in one hotel in my congressional district that houses some 750 former convicts, many of whom are now living on welfare. It was estimated by the community planning board that approximately 400 of these people are drug addicts who received no therapy in prison and whose habits now cost an average of $50 a day per individual.

This means that $7 million a year must be raised by the drug addicts in this single hotel; and because stolen goods are fenced at approximately 20 percent of their value, this necessitates some $35 million worth of goods being stolen annually; $35 million a year for just 400 addicts—one can begin to understand the magnitude of the cost for 200,000 addicts.

There are some addicts who will respond to medical and psychiatric therapy and completely kick the habit. There are others who need methadone as a substitute for the rest of their lives. Everyone acknowledges that no one has the answer to drug addiction, but we must at least employ whatever methods are now known, recognizing their inadequacy. The prisoner drug addict needs help after he leaves prison. Some need the security of halfway houses—but all need help with their drug problem while in prison. We must provide that help and the options for continued treatment after a prisoner leaves the correctional facility.

I urge the passage of this bill. It provides a mechanism through which we can come to grips with this major problem of drug addiction that has reached epidemic proportions and is undermining strength of our society.

Mr. RARICK. Mr. Speaker, the bill H.R. 8389, amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers confined to or released from correctional institutions and facilities and directs the LEAA administrator to issue necessary regulations concerning the standards to be met by programs in State and local prisons and those to which persons on parole are assigned.

My main objection to this amendment is on constitutional grounds as was my reason for opposing the 1970 amendments and the basic legislation of 1968. No where in the constitutional contract is the Federal Government delegated the power to control or regulate State or local police, prisons, or jails.

In fact, article IV, section 4 stipulates that the Federal Government shall protect each of the States against domestic violence but only on application of the legislature or the executive when the legislature cannot be convened. By no stretch of the imagination can this provision be logically interpreted to allow the Federal Government to set standards which States must meet in programs to rehabilitate drug addicts among prisoners or parolees. According to the 10th amendment, the regulation of State prisons and local jails is reserved to the States and the people thereof.

Another objection to the amendment is predicated on lessons learned from past experience with Federal grants. As surely as night follows day, Federal control will follow Federal grants. As Federal aid increases to State and local law enforcement agencies, the Federal influence in the area of local law enforcement and prisons will evolve into Federal controls. At the end of that road are the instruments for total control that all police states require—a national police force and a national prison system.

I am aware that drug addicts require treatment and that a humane society should help those unfortunate persons who are unable to care for themselves. But the problem should be solved at the State and local levels according to their standards and their regulations. I believe the people in my State of Louisiana, have more understanding of their problems and just as much intelligence to handle this drug crisis as do the bureaucrats in Washington. In many instances they have shown more commonsense.

For the reasons given, I must cast my people's vote in opposition to H.R. 8389.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the bill H.R. 8389, is amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 2, not voting 77, as follows:

[Roll No. 331]

YEAS—350

Abbitt
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Meeds
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—2

Rarick
Schmitz

NOT VOTING—77

Abernethy
Abourezk
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Chamberlain
Chappell
Clark
Clay
Collins, Tex.
Colmer
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Evins, Tenn.
Fish
Gaydos
Giaimo
Gibbons
Goldwater
Halpern
Hanley
Hanna
Hastings
Hawkins
Hays
Heckler, Mass.
Holifield
Jacobs
Jarman
Karth
Kee
Keith
Long, La.
McClure
McEwen
Madden
Mathias, Calif.
Miller, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Pickle
Pirnie
Price, Ill.
Rees
Robison, N.Y.
Rooney, N.Y.
Rousselot
Roy
Roybal
Sandman
Saylor
Seiberling
Shipley
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Veysey
Whalley
Whitten
Wilson, Charles H.
Young, Tex.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Price of Illincis with Mr. McClure.
Mr. Abernethy with Mr. Keith.
Mr. James V. Stanton with Mr. McEwen.
Mr. Hays with Mr. J. William Stanton.
Mr. Blanton with Mr. Chamberlain.
Mr. Daniels of New Jersey with Mr. Pirnie.
Mr. Dent with Mr. Sandman.
Mr. Madden with Mr. Minshall.
Mr. Barrett with Mr. Saylor.
Mr. Abourezk with Mr. Veysey.
Mr. Hanley with Mr. Fish.
Mr. Shipley with Mr. Skubitz.
Mr. Bevill with Mr. Terry.
Mr. Eilberg with Mr. Whalley.
Mr. Gaydos with Mr. Dow.
Mr. Giaimo with Mr. Robison of New York.
Mr. Rooney of New York with Mr. Halpern.
Mr. Hanna with Mr. Goldwater.
Mr. Holifield with Mr. Mathias of California.
Mr. Karth with Mr. Eckhardt.
Mr. Kee with Mr. Murphy of Illinois.
Mr. Charles H. Wilson with Mr. Rousselot.
Mr. Whitten with Mr. Monagan.
Mr. Young of Texas with Mr. Morgan.
Mr. Stubblefield with Mr. Roy.
Mr. Baring with Mr. Stokes.
Mr. Pickle with Mr. Nix.
Mr. Rees with Mr. Talcott.
Mr. Diggs with Mr. Derwinski.
Mr. Roybal with Mr. Evins of Tennessee.
Mr. Jacobs with Mrs. Heckler of Massachusetts.
Mr. Jarman with Mr. Collins of Texas.
Mr. Burleson of Texas with Mr. Hastings.
Mr. Clark with Mr. Clay.
Mr. Colmer with Mr. Chappell.
Mr. Danielson with Mr Seiberling.
Mr. Miller of California with Mr. Gibbons.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks prior to the vote on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TEMPORARY ASSIGNMENT OF MAGISTRATES

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9180) to provide for the temporary assignment of a U.S. magistrate from one judicial district to another.

The Clerk read as follows:

H.R. 9180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 636 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) In an emergency and upon the concurrence of the chief judges of the districts involved, a United States magistrate may be temporarily assigned to perform any of the duties specified in subsection (a) or (b) of this section in a judicial district other than the judicial district for which he has been appointed. No magistrate shall perform any of such duties in a district to which he has been temporarily assigned until an order has been issued by the chief judge of such district specifying (1) the emergency by reason of which he has been transferred, (2) the duration of his assignment, and (3) the duties which he is authorized to perform. A magistrate so assigned shall not be entitled to additional compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in accordance with section 635."

SEC. 2. The section heading of section 636 of title 28, United States Code, is amended to read as follows:

"§ 636. Jurisdiction, powers, and temporary assignment."

SEC. 3. The item relating to section 636 in the section analysis of chapter 43 of title 28, United States Code, is amended to read as follows:

"636. Jurisdiction, powers, and temporary assignment.".

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, the bill H.R. 9180 would authorize temporary assignment of magistrates from one district to another "in an emergency and upon the concurrence of the chief judges of the districts involved." Under present law a U.S. magistrate is authorized to perform official duties only within the territorial jurisdiction to which he is appointed (28 U.S.C. 636). He may not be assigned temporarily to another district.

A magistrate assigned temporarily to another district would not receive extra compensation, but would be reimbursed for expenses incurred in the performance of his duties.

As the Judicial Conference, the Department of Justice, and several magistrates pointed out at our hearing, the transfer provision would provide great flexibility to the magistrate system. Cited particularly in our hearings were metropolitan areas such as New York City-northern New Jersey, Philadelphia-Camden, N.J., Kansas City, Mo.-Kansas City, Kans. where under present law there can be no assistance given from one city to the other because of State and judicial boundaries involved. Under the proposed bill, magistrates could be assigned to cover for each other in the event of an emergency situation, or the temporary illness or absence from his official duty station of one of the magistrates in the other district.

The wise policy of providing flexibility for the court system to handle a sudden influx of cases in one jurisdiction or court is presently codified in 28 U.S.C. 297, which permits the temporary assignment of district judges from one district to another, and the temporary assignment of judges from the U.S. district court for the District of Columbia to the Superior Court of the District of Columbia.

Mr. Speaker, H.R. 9180 is a measure which will both improve the administration of justice in the Federal court system as well as result in a net financial savings for the Federal Government. It is a measure which fully warrants the approval of this body today.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. GROSS. Does this mean that magistrates might be transferred or moved from New York City to Louisiana; to other such distant points—or anywhere in the country?

Mr. EDWARDS of California. From a practical standpoint that probably would not happen. It would only take place where it would be convenient, and it would have to have the concurrence of the chief judges of each district. I would imagine that the chief judge in Louisiana would make an arrangement with the chief judge from an adjoining district close to Louisiana and not one in New York.

Mr. GROSS. But the gentleman is not saying there is anything in the bill that would prevent that kind of movement of magistrates back and forth across the country? He has not said that; has he?

Mr. EDWARDS of California. Only good sense would prevent it and I just do not think that it would happen.

Mr. GROSS. The judges as a rule, I suppose, have good sense, but they might be swayed by other considerations. I assume that this could take place in the event of a need where vacations are being taken; is that correct? And how about judges who like to get out on the golf course early in the day or for a longer period of time?

Mr. EDWARDS of California. I would point out to the gentleman from Iowa that on page 1 of the bill, line 5, it is provided that:

> In an emergency and upon the concurrence of the chief judges of the districts involved, a United States magistrate may be temporarily assigned * * *

Mr. GROSS. Of course, it could be construed that there was an emergency to get a golf game or a vacation started early.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. WIGGINS. Mr. Speaker, I would like to answer or attempt to answer the proper concern of the gentleman from Iowa.

The order as to the transfer must also state and specify the nature of the emergency which justifies the transfer.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I want to thank the gentleman for yielding in the first instance.

I want to thank the gentleman for taking a couple or 3 minutes to explain this bill.

There should have been questions asked and answered concerning the preceding bill that just passed as to what encouragement there was in that bill—encouragement upon the States to do certain things and how that encouragement works. Again, I want to thank the gentleman for taking a couple of minutes to explain some of the provisions of this bill.

Mr. EDWARDS of California. I would point out that we did have the report available 3 days in advance and I am sure the gentleman from Iowa with his usual scholarly bent would have read the report.

Mr. WIGGINS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of the bill H.R. 9180, to authorize the temporary assignment of U.S. magistrates from one judicial district to another.

In my view, this bill corrects an unfortunate omission from the original Federal Magistrates Act passed in 1968. Quite simply, the bill would authorize the temporary transfer of otherwise duly appointed Federal magistrates to perform specified magisterial duties to districts wherein a special need for additional judicial manpower has arisen from districts wherein such need is not at that time so pressing.

At the hearings held on the bill in September, no opposition was expressed toward its provisions, and both the Judicial Conference of the United States and the Department of Justice supported its enactment.

Since no transfer could occur without the concurrence of the chief judges of the districts involved, the bill's authorization of intercircuit transfers appears to me to be a very desirable feature of the legislation from the standpoint of districts like those in and around metropolitan areas like Washington, D.C., where a compact population center may be subdivided by circuit, as well as district, lines.

I join with the chairman of our subcommittee, the distinguished gentleman from California (Mr. EDWARDS) in urging favorable action on H.R. 9180.

Mr. RARICK. Mr. Speaker, we are now called upon to suspend the rules and vote up or down H.R. 9180 the bill to provide for the temporary assignment of a U.S. magistrate from one judicial district to another, yet I wonder how many Members of this body know what a magistrate—formerly called commissioner—is or what duties he may perform.

Page 26 of the committee hearings is quite clear on this. Reading from the hearings we find that a magistrate performs important judicial duties in connection with the administration of justice in the U.S. district courts. The hearings list several types of duties he may perform:

> Functions previously performed by U.S. commissioners:
>
> (a) Disposition of petty offense cases.
> (b) Complaints issued.
> (c) Bail hearings.
> (d) Full preliminary hearings.
> (e) Search warrants issued.
> (f) Removal hearings.
>
> Additional duties under the Magistrates Act (October 17, 1968):
>
> (a) Disposition of minor offense cases.
> (b) Prisoner petitions screened.
> (c) Pretrial conferences (civil and criminal).
> (d) Motions considered.
> (e) Special master reports.
> (f) Petitions under N.A.R.A.
> (g) Social security reviews
> (h) Post-indictment arraignments.

It is clear, then, that a magistrate is, in fact, a judge of limited powers qualified to perform certain key functions in the judicial system.

Of particular interest to the people of my State is the provision that a magistrate can serve as a special master. Page 28 of the committee hearings continues and defines this particular function. It states that a magistrate can serve, under 28 U.S.C. 636(b)(1), as a special master, "supervising discovery in connection with special aspects of patent and antitrust cases, especially where there are a great many issues, claims, documents, or in multiple disaster or class action cases where there are numerous claimants or diverse claims."

This provision is extremely relevant because a special master appointed by the chief judge of the eastern judicial district of the State of Louisiana recently redistricted the Louisiana Legislature. It just so happens that the special master appointed in the Louisiana case was a resident of the State for at least several years; if this bill is passed, it will allow the chief judge of the Federal district court of any State in the Union to invite a special master from another State or section of the country to draw up the plan for redistricting the State legislature or congressional districts. Certainly this is not beyond the realm of possibility; the only provision included in this legislation is that the chief judge of the district to which he is assigned must state the emergency necessitating the transfer. The term "emergency" is not defined and therefore open to judicial discretion. It would be logical for a chief judge seeking some degree of objectivity in redistricting State legislatures and congressional districts to seek assistance from a magistrate from another State or section of the country.

The people of my district would neither condone nor support this. I intend to cast our vote against this legislation that would, in effect, provide for the busing of U.S. magistrates solely on the request of the chief judge of a Federal district court proclaiming some emergency—the extent or type of which is not limited by this bill.

I include the complete statement of Rowland F. Kirks, Director, Administrative Office of U.S. Courts, before Subcommittee No. 4, of the Committee on the Judiciary, as follows:

STATEMENT OF ROWLAND F. KIRKS, DIRECTOR, ADMINISTRATIVE OFFICE OF THE U.S. COURTS

Mr. Chairman and Members of the Committee: I am Rowland F. Kirks, Director of the Administrative Office of the United States Courts. I appear to support the bill, H.R. 7375, to remove the statutory ceiling on salaries payable to United States magistrates, as recommended by the Judicial Conference of the United States.

Under existing provisions of law the salary of a full-time United States magistrate is fixed by the Judicial Conference of the United States, up to a maximum of $22,500 per annum. Salaries of part-time magistrates are fixed by the Conference in amounts not to exceed $11,000 per annum. When the Magistrates Act was first considered, it was anticipated and intended that the salaries of United States magistrates should be on a parity with salaries payable to referees in bankruptcy. Through an unusual combination of circumstances (over which no one had control) the ceiling on salaries payable to United States magistrates has remained the same.

In the same year that the Magistrates Act was passed, and before it became fully operative, the Commission on Executive, Legislative and Judicial Salaries recommended that the ceiling on the salaries of full-time referees in bankruptcy be increased from $22,500 per annum to $36,000 per annum and that the ceiling on salaries payable to part-time referees in bankruptcy be increased from $11,000 per annum to $18,000 per annum.

These new ceilings became effective in January 1969 upon Presidential approval of the report of the Commission. Acting under this new authority the Judicial Conference of the United States in March 1969 increased the salaries payable to full-time referees in bankruptcy to a maximum of $30,000 per annum, $6,000 less than the statutory ceiling. At this same session the Conference expressed its view that the maximum salaries payable to United States magistrates should be on a parity with salaries payable to referees in bankruptcy.

Mr. Chairman, magistrates are now performing important judicial duties in connection with the administration of justice in the United States district courts. They try persons accused of violating federal penal statutes and may sentence persons convicted of crime of imprisonment up to one year and assess fines up to $1,000. They may decide, or make recommendations regarding the decision to be entered, in a variety of pretrial matters arising in civil and criminal cases. They are subordinate judicial officers with responsibility for the hearing and trial of issues of fact and law, just the same as referees in bankruptcy. The original concept, that their compensation should be commensurate with their responsibility and comparable to salaries payable to referees, is sound. The existing and continuing disparity in the salary structure, which is not justifiable as a matter of equity, is beginning to cause unrest among the new magistrates at the very outset of the system so recently authorized by the Congress.

I believe, Mr. Chairman, that the salaries of United States magistrates thus far approved by the Judicial Conference of the United States, have been fixed in accordance with the criteria set forth in the statute and in accordance with the intent of the Congress expressed in the legislative history of the Act. Full-time magistrate positions have been authorized in 47 of the 90 districts—a little more than one-half of the districts. Full-time positions total 83. There are 463 part-time positions authorized at salaries ranging from $100 per annum to $11,000 per annum. Only 30 part-time magistrate positions have thus far been authorized at a maximum salary of $11,000 per annum.

Removal of the statutory ceilings on magistrate positions would enable the Judicial Conference, subject to the appropriation of necessary funds, to fix salaries of magistrates in accordance with the range of salaries paid to referees in bankruptcy.

Mr. Chairman, the Judicial Conference of the United States recomemnds this legislation very strongly. Many full-time magistrates have accepted positions with the hope and expectation that salaries would be adjusted very soon. It is a matter of fairness that this be done.

ASSIGNMENT OF MAGISTRATES FROM ONE JUDICIAL DISTRICT TO ANOTHER

The Judicial Conference of the United States has not had an opportunity to consider H.R. 9180, which is the bill to authorize the temporary assignment of a magistrate from one judicial district to another. At its meeting on August 27th the Judicial Conference Committee to Implement the Federal Magistrates Act voted to recommend this bill for the favorable consideration of the Conference. The Administrative Office of the United States Courts sees no administrative difficulty with the procedure contained in the bill and has so advised the Judicial Conference Committee.

The bill provides an easy method for the temporary assignment of a magistrate upon the concurrence of the chief judges of the districts concerned. A safeguard written into the bill requires that an order be entered in the transferee district specifying the nature of the emergency, the duration of the assignment, and the duties which the magistrate serving on assignment is expected to perform. This order would serve as a public record of the assignment and an official notice of the authority of the magistrate so assigned to perform duties under the Magistrates Act in the transferee district. The bill does not provide for any increase in compensation to a magistrate so assigned, but does authorize reimbursement of expenses.

It is not expected that this authority to assign magistrates from one judicial district to another would be exercised very often, but the ability to so act would give flexibility to the system in the event of an emergent situation.

Mr. Chairman, thank you for the opportunity to appear today and testify. I will be glad to answer any question which you or any member of the subcommittee may have about either bill.

SUPPLEMENTAL STATEMENT OF ROWLAND F. KIRKS

This memorandum is submitted in accordance with the request for statistical and other information regarding (1) the matters actually being handled by United States magistrates, particularly with respect to duties assigned by the district courts from the regular civil and criminal dockets of the courts; and (2) any economic benefit that may accrue to the United States by the assignment of duties to magistrates pursuant to 28 U.S.C. 636(b).

Because the new magistrates system became fully effective in the district courts only on July 1st of this year, statistical reports on the work of magistrates are fragmentary, except for five districts where the system has been in operation for two years on a pilot basis. The information contained in this statement has been compiled primarily from the reports submitted by the magistrates working in these five districts. Magistrates were appointed in the following district courts during the months of May and June 1969 in accordance with Judicial Conference authorization: District of Columbia, District of New Jersey, Eastern District of Virginia, District of Kansas and the Southern District of California.

I. DUTIES PERFORMED IN FIVE PILOT DISTRICTS

The district judges in the courts participating in the pilot program undertook to assign as many duties as possible to full-time magistrates on a gradual basis. Initially they took over all duties previously performed by United States commissioners. In three districts magistrates were immediately assigned the function of screening prisoner applications and in four districts they began trying minor offenses. Thereafter, the magistrates in three districts were given responsibility for the conduct of pretrial conferences and other duties in both civil and criminal cases including the consideration of discovery motions, the conduct of the post-indictment arraignments and the taking of not guilty pleas, etc. In the District of Columbia, however, pretrial conferences in civil cases continued to be handled by the pretrial examiners which have been authorized for that court for a number of years.

The following table, summarizing the work performed in the five pilot districts during the fiscal years 1970 and 1971, shows a progressive assignment of duties to be performed.

SUMMARY OF STATISTICAL REPORTS FROM PILOT DISTRICTS

Types of duties	Number of matters Fiscal year 1970	Fiscal year 1971
Functions previously performed by U.S. Commissioners:		
Disposition of petty offense cases	4,715	6,734
Complaints issued	8,605	12,289
Bail hearings	8,001	9,325
Full preliminary hearings	1,208	1,613
Search warrants issued	1,633	1,363
Appointments of counsel	[1] 4,381	[1] 5,680
Additional duties under the Magistrates Act:		
Disposition of petty offenses which could not be tried by Commissioners	[1] 1,215	[1] 3,563
Disposition of other minor offenses	418	880
Prisoner petitions screened	1,081	1,003
Civil pretrial conferences	432	642
Criminal pretrial conferences	1,081	2,907
Discovery motions	[1] 44	[1] 171
Lineup orders	322	908
Postindictment arraignments		897

[1] Information on these items is incomplete.

The nature of the caseload varies among the five courts participating in the pilot program. In the Eastern District of Virginia, magistrates have been most effective in rendering assistance to the court by screening 1,342 prisoner petitions in two years. In this period these 1,342 prisoner cases accounted for one-third of all civil filings in that court.

In the Southern District of California, the magistrates in two years have disposed of 4,778 petty offense cases (most illegal entry from Mexico) which formerly were handled by judges. They have also taken over 3,249 pretrial conferences or "omnibus hearings" in criminal cases, which were formerly handled by judges.

In the District of New Jersey, the additional duties performed by magistrates have not developed as expected partly because of understaffing of magistrate positions. That situation has now been remedied. In the District of Columbia, as pointed out above, magistrates have not been assigned additional duties because of the heavy volume of preliminary hearing work and the availability of pretrial examiners for civil cases.

The fullest use of magistrates in regard to the types of duties performed has occurred in the District of Kansas. Magistrates in that jurisdiction are considering motions, conducting pretrial conferences, trying minor offense cases and screening prisoner petitions. In two years they have screened 635 prisoner applications, representing one-third of all civil cases filings in that court during the biennium.

Tables I and II, attached to this statement, show the types of duties performed in each of the five pilot districts during the fiscal years 1970 and 1971.

Based upon the experience in the pilot program, the Judicial Conference Committee to Implement the Federal Magistrates Act in October 1970 issued a Jurisdictional Checklist of duties which might appropriately be considered for delegation to magistrates. For the information of the Congress a copy of that checklist is attached as Appendix A.

II. DUTIES PERFORMED IN OTHER DISTRICTS

Appointments to magistrate positions in district courts other than the pilot districts commenced late in November 1970 and continued through June 1971. The following table shows the number of matters handled by 31 full-time magistrates appointed in 24 district courts who furnished complete monthly statistical reports for the 5-month period from April through August 1971.

Summary of statistical reports from 31 full-time magistrates for the 5-month period—April through August 1971

Types of duties:

Functions previously performed by U.S. Commissioners:

	Total matters handled
Disposition of petty offense cases	2,689
Complaints issued	5,677
Bail hearings	4,913
Full preliminary hearings	1,017
Search warrants issued	635
Removal hearings	136

Additional duties under the Magistrates Act:

Disposition of minor offense cases	584
Prisoner petitions screened	1,056
Pretrial conferences (civil and criminal)	414
Motions considered	1,086
Special master reports	615
Petitions under N.A.R.A.	122
Social security reviews	12
Post-indictment arraignments	635

III. ECONOMIC BENEFIT ACCRUING TO THE UNITED STATES

a. An economic benefit potentially accrues to the United States upon the assignment of duties to a magistrate which would otherwise be performed by a district judge. The annual cost of maintaining a district judge in office, together with a staff consisting of a law clerk, secretary, court reporter, court crier, and courtroom deputy clerk, is approximately $119,400 per year. The cost of maintaining a full-time magistrate in office, together with a staff of a secretary and clerical assistant, is $47,400 per year. Raising the salary of a full-time magistrate to that of a full-time referee in bankruptcy would increase this cost to $55,400, less than one-half of the cost of maintaining a district judgeship.

As indicated above the courts are indeed assigning new, important duties to magistrates sitting as subordinate judicial officers in the district courts.

b. The advent of the United States magistrates system in the pilot districts has also been accompanied by an increase in the collection of fines. Overall collections in 1971 in four pilot districts, excluding the District of Columbia (where petty offenses are handled in a local court) doubled over 1969 as shown below:

District	Fiscal year 1969	Fiscal year 1971
New Jersey	$151,183	$267,264
California, southern	96,865	508,469
Virginia, eastern	302,770	400,792
Kansas	[1] 38,911	76,353
Total	589,729	1,252,878

[1] Figure is for the fiscal year 1970. The collections in the district of Kansas in 1969 included extraordinary items making the total in excess of $100,000.

While these figures include collections of fines, forfeitures and penalties from all sources, they represent in large part collections from fines imposed by magistrates in petty or minor offense cases, including collections made by forfeiture of collateral. A new forfeiture of collateral system, permitting persons receiving notices of the violation of certain petty offenses to elect to forfeit an amount set by order of the district court, now accounts for a large segment of all collections. In some courts the forfeiture system is operated through the office of the United States magistrate, but in most courts the system is operated directly through the clerk's office. Those who wish a hearing in these cases are brought before the United States magistrate and a summons or warrant is issued for the appearance before the magistrate of a person who fails to respond to the violation notice.

Specifically the collection of fines by magistrates in Kansas was $33,600 in 1971 including forfeitures, compared with collections by commissioners of $23,200 in 1968. In a ten month period from October 1970 through June 1971, magistrates at San Diego assessed fines exceeding $143,000. This is a far greater amount than ever before assessed. The magistrates, of course, are handling a larger caseload.

In the Eastern District of Virginia, the collection of fines imposed by magistrates or collected through the forfeiture system aggregates about $400,000 annually. In New Jersey magistrates collected $18,164 in fines in 1971 and an additional $49,500 in forfeited collateral was collected by the clerk of court. The total was over $67,600 for the year.

The collection of fines in minor offense cases is expected to increase sharply during the first few years of operation under the magistrates system because of increased activities by federal law enforcement agencies.

APPENDIX A

JURISDICTIONAL CHECKLIST

DUTIES WHICH DISTRICT COURTS MIGHT ASSIGN TO UNITED STATES MAGISTRATES

The range of duties which United States magistrates may perform and the authority which they may exercise are set forth in the Federal Magistrates Act, but the actual assignment of duties is left to the discretion of each district court. The following suggestions of tasks which may be delegated to magistrates are furnished as a guide to the courts in developing appropriate local rules and orders of court delegating functions to magistrates. The list has been compiled from experience gathered during the pilot program in five districts and from the comments and suggestions received from judges around the country.

I. Jurisdictional provisions

The jurisdiction and duties of United States magistrates are set forth in 28 U.S.C. 636 (a) and (b), which read as follows:

§ 636. *Jurisdiction and Powers:*

(a) Each United States magistrate . . . shall have within the territorial jurisdiction prescribed by his appointment—

(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

(2) the power to administer oaths and affirmations, impose conditions of release under section 3146 of title 18, and take acknowledgments, affidavits, and depositions; and

(3) the power to conduct trials under section 3410, title 18, United States Code, in conformity with and subject to the limitations of that section.

(b) Any district court of the United States, by the concurrence of a majority of all the judges of such district court, may establish rules pursuant to which any full-time United States magistrate, or, where there is no full-time magistrate reasonably available, any part-time magistrate specially designated by the court, may be assigned within the territorial jurisdiction of such court such additional duties as are not inconsistent with the Constitution and laws of the United States. The additional duties authorized by rule may include, but are not restricted to—

(1) service as a special master in an appropriate civil action, pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts;

(2) assistance to a district judge in the conduct of pretrial or discovery proceedings in civil or criminal actions; and

(3) preliminary review of applications for posttrial relief made by individuals convicted of criminal offenses, and submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be hearing.

II. Service as a special master

[28 U.S.C. 636(b)(1)]

Under Rule 53(b) of the Federal Rules of Civil Procedure: "A reference to a master shall be the exception and not the rule." See *LaBuy* v. *Howes Leather Co.,* 352 U.S. 249 (1957). Within the limitations of the rule, a magistrate might be assigned the following tasks:

(1) Determining valuation in land condemnation cases, or serving as a commissioner in land condemnation cases;

(2) Supervising discovery in connection with special aspects of patent and antitrust cases, especially where there are a great many issues, claims, and documents, or in multiple disaster and class action cases where there are numerous claimants or diverse claims; or

(3) Hearing testimony and submitting a

report and findings in nonjury, or jury-waived, cases in matters of account and the difficult computation of damages.

III. Assistance in the conduct of pretrial and discovery proceedings

[28 U.S.C. 636(b)(2)]

The following general principles are suggested as a guide in determining the nature and extent of pretrial and discovery duties to be assigned to a magistrate:

(1) Under Article III of the Constitution, the actual trial and ultimate adjudication of a case are entrusted to the district judge having jurisdiction over the case. The role of a magistrate, as specified in 28 U.S.C. 636(b)(2), is to provide "assistance" to the judge in the performance of his judicial duties.

(2) A magistrate may hear arguments on specified types of motions and discovery matters and render a recommended decision on them, but the parties should have an opportunity to see the magistrate's report and findings and an absolute right to make objections to the judge assigned to the case.

(3) As a general rule, a magistrate should not be assigned the duty of considering motions and other matters which would require for their disposition an intimate knowledge of the trial proceedings or a possible overruling of a previous order of the court.

A. Civil Cases

In civil cases a magistrate might be authorized to assist the court in performing a number of pretrial and discovery duties, among them:

(1) General supervision of the civil calendar, including the handling of such matters as calendar calls and motions to expedite or postpone the trial of cases;

(2) Conducting pretrial conferences and related hearings; and

(3) Considering discovery motions and conducting hearings thereon, as may be required.

Among the pretrial motions which a magistrate might be authorized to consider are:

(1) All motions relating to discovery under Rules 26–37, such as objections to interrogatories, objections to requests for admissions, motions concerning the taking of depositions, motions for discovery, inspection, or production of documents or other materials, and motions for physical examinations or for investigations;

(2) Motions relating to security for costs;

(3) Motions to extend the time for pleading;

(4) Motions for leave to amend pleadings or to file amended pleadings;

(5) Motions for substitution of counsel or parties;

(6) Motions to add parties, to intervene, or to file third-party complaints;

(7) Motions to sever or to consolidate; and

(8) Motions to set aside default judgments.

B. Criminal Cases

In criminal cases a magistrate might be authorized to assist the court in such functions as:

(1) General supervision of the criminal calendar, including calendar calls and motions to expedite or postpone the trial of cases;

(2) Conducting pretrial conferences, omnibus hearings, and related proceedings; and

(3) Considering discovery motions and conducting hearings thereon, as may be required.

Among the pretrial motions which a magistrate might be authorized to consider are:

(1) Motions relating to depositions, discovery, and inspection;

(2) Motions relating to subpenas;

(3) Motions for mental or other examinations;

(4) Motions for appointment of interpreters or expert witnesses;

(5) Motions for a bill of particulars;

(6) Motions for continuances; and

(7) Motions for release or substitution of counsel.

A magistrate might also be assigned to hear post-trial motions and related matters arising after trial which would not require for their disposition an intimate knowledge of the trial proceedings or a possible overruling of a previous order of the court.

IV. Review of prisoner petitions

A. Post-Trial Relief

[28 U.S.C. 636(b)(3)]

A magistrate might be authorized to review and make recommendations with regard to petitions filed by federal and state prisoners seeking relief from their conviction, including the following:

(1) By federal prisoners under 28 U.S.C. 2255;

(2) By federal prisoners to review United States Parole Board decisions; and

(3) By federal or state prisoners for writs of habeas corpus or mandamus.

B. Other Matters

A magistrate might also be authorized to review and make recommendations in connection with other applications filed by federal or state prisoners.

V. Other duties under 28 U.S.C. 636(b)

A magistrate might be authorized to review and submit a report and recommendations on the following types of cases which come before the court on a developed administrative record:

(1) Actions to review administrative determinations under the Social Security Act and related statutes;

(2) Actions to review the administrative award of licenses and similar privileges; and

(3) Civil Service cases involving such matters as adverse actions, retirement questions, and reductions in force.

B. Narcotic Addict Cases

A magistrate might be authorized to review petitions and submit recommendations to the court in civil commitment cases arising under title III of the Narcotic Addict Rehabilitation Act of 1966.

C. Miscellaneous Matters

A magistrate might also be authorized to:

(1) Conduct voir dire examinations and select juries in civil cases, by agreement of the parties;

(2) Administer the court's Criminal Justice Act plan, by supervising attorney lists, appointing attorneys and examining vouchers;

(3) Conduct research for the court in specific areas of the law or on individual projects; and

(4) Coordinate the court's efforts in such fields as rules and procedures, facilities and arrangements, or post-conviction matters.

VI. United States Commissioner Duties

[28 U.S.C. 636(a)(1)]

Duties which may by law be performed by United States commissioners, and now by magistrates include:

(1) Processing complaints and issuing appropriate summonses or arrest warrants (Rule 4);

(2) Issuing search warrants (Rule 41);

(3) Conducting initial appearance proceedings (Rule 5(a) and (b)): informing the defendant of the complaint against him and of all his rights;

placing the defendant in custody, admitting him to bail, or imposing conditions of release under 18 U.S.C. 3146; and

appointing counsel (18 U.S.C. 3006A);

(4) Conducting preliminary examinations (Rule 5(c));

(5) Administering oaths and taking bail, acknowledgments, affidavits, and depositions (28 U.S.C. 637 (1964); 28 U.S.C. 636(a)(2) (1968));

(6) Setting bail for material witnesses (18 U.S.C. 3149);

(7) Holding to security of the peace and for good behavior (Rule 54(b)(3); 18 U.S.C. 3043);

(8) Conducting removal hearings and recommending issuance of warrants or removal (Rule 40);

(9) Conducting extradition proceedings (18 U.S.C. 3184);

(10) Discharging indigent prisoners or persons imprisoned for debt under process or execution issued by a Federal court (18 U.S.C. 3569; 28 U.S.C. 2007);

(11) Instituting proceedings against persons violating certain civil rights statutes (42 U.S.C. chapter 21–I);

(13) Issuing an attachment or order to enforce obedience to an internal revenue summons to produce books and give testimony (26 U.S.C. 7604(b));

(13) Settling or certifying the nonpayment of a seaman's wage (46 U.S.C. 603–604); and

(14) Enforcing awards of foreign consuls in difference between captains and crews of vessels of the consul's nation (22 U.S.C. 258(a)).

VII. Trial of minor offenses

[28 U.S.C. 636(a)(3)]

The statutes, 28 U.S.C. 636(a)(3) and 18 U.S.C. 3401, relating to the trial jurisdiction of magistrates provide as follows:

"28 U.S.C. § 636. *Jurisdiction and Powers:*

(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

* * * * *

(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section."

"18 U.S.C. § 3401. *Minor Offenses; . . .:*

(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, and under such conditions as may be imposed by the terms of the special designation, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses committed within that judicial district."

The definition of "minor offenses" (which now includes petty offenses as well) "means misdemeanors punishable under the laws of the United States, the penalty for which does not exceed imprisonment for a period of one year, or a fine of not more than $1,000, or both," with a few exceptions. 18 U.S.C. 3401 (f).

Among the categories of cases which would fall within the potential jurisdiction of a magistrate are the following:

(1) All "petty offense" cases committed on Federal enclaves and heretofore triable by United States commissioners (18 U.S.C. 3401(a) (1964));

(2) Miscellaneous offenses under the Assimilated Crimes Act committed within any place under the exclusive or concurrent jurisdiction of the United States (18 U.S.C. 7, 13); and

(3) Most other misdemeanors, wherever committed, including: Migratory Bird law cases; illegal entry cases; theft of United States property or interstate shipments under $100 in value; some Food and Drug Act violations; first violations of the Motor Carrier Act; some fraud and forgery cases; some liquor law violations; and cases involving general obstruction of the mail.

TABLE I.—SUMMARY OF MONTHLY STATISTICAL REPORTS

5 PILOT DISTRICT COURTS—FISCAL YEAR 1970

	District of Columbia	New Jersey	Eastern Virginia	Southern California	Kansas [3]	Total
Number of magistrates:						
Full time	2	1	2	1	2	8
Part time		5	3	2	10	20
TYPES OF DUTIES						
Functions previously performed by U.S. Commissioners:						
Petty offenses [4]		693	2,142	1,428	452	4,715
Complaints issued [5]	1,553	326	1,042	4,828	856	8,605
Bail hearings	1,277	461	459	5,331	373	8,001
Full preliminary examination	648	88	131	209	132	1,208
Search warrants issued [5]	1,407	68	58	74	26	1,633
Counsel appointments [6]	2,262	(7)	(7)	[8] 2,119	(7)	4,381
New duties under the Magistrates Act: [9]						
Petty offenses [10]		(7)	(7)	1,215	(7)	1,215
Minor offenses [11]		7	221	150	40	418
Prisoner petitions	11	43	706	----------	321	1,081
Civil pretrial conferences		79	5	----------	348	432
Criminal pretrial conferences				742	339	1,081
Discovery motions	(7)			(7)	44	44
Lineup orders	322					322
Postindictment arraignments						

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[1] Includes 40 of 60 monthly reports from part-time magistrates.

[2] Includes 25 of 29 monthly reports from part-time magistrates.

[3] Includes 55 of 120 monthly reports from part-time magistrates.

[4] Except for Southern California, where separate figures are available, these totals include a few types of petty offenses which could not in fact have been tried previously by U.S. Commissioners because of territorial limitations upon their jurisdiction.

[5] Includes only process actually issued, and not the total number of applications presented to magistrates.

[6] Includes appointments of counsel after indictment.

[7] Not available means that work has been performed by magistrates, but separate statistics have not been reported.

[8] Only full-time magistrates included in the total.

[9] A great variety of additional duties have been performed by magistrates in these 5 districts, but only major categories of functions have been included in the table.

[10] Includes only those petty offenses which could not have been tried by U.S. commissioners, such as illegal entry under 8 U.S.C. 1325.

[11] Includes only minor offenses other than petty offenses.

TABLE II.—SUMMARY OF MONTHLY STATISTICAL REPORTS

5 PILOT DISTRICT COURTS—FISCAL YEAR 1971

	District of Columbia	New Jersey [1]	Eastern Virginia	Southern California	Kansas [2]	Total
Number of magistrates:						
Full time	2	[3] 2	2	[4] 2	2	10
Part time		5	3	2	10	20
TYPES OF DUTIES						
Functions previously performed by U.S. commissioners:						
Petty offenses [5]		1,090	3,432	1,757	455	6,734
Complaints issued [6]	2,473	401	891	7,618	886	12,269
Bail hearings	2,715	476	540	5,052	542	9,325
Full preliminary examinations	1,016	75	199	283	40	1,613
Search warrants issued [6]	1,122	61	115	32	33	1,363
Counsel appointments [7]	3,508	(8)	(8)	[9] 2,172	(8)	5,680
New duties under the Magistrates Act: [10]						
Petty offenses [11]		(8)	(8)	3,563	(8)	3,563
Minor offenses [12]		4	462	350	64	880
Prisoner petitions		53	636	----------	314	1,003
Civil pretrial conferences		11	----------	----------	631	642
Criminal pretrial conferences				2,507	400	2,907
Discovery motions	(8)			(8)	171	171
Lineup orders	908					908
Postindictment arraignments				897	----------	897

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[1] Includes 13 of 16 monthly reports from full-time and 31 of 56 monthly reports of part-time magistrates.

[2] Includes 43 of 120 monthly reports of part-time magistrates.

[3] Second full-time magistrate appointed Mar. 22, 1971.

[4] Second full-time magistrate appointed Sept. 15, 1970.

[5] Except for Southern California, where separate figures are available, these totals include a few types of petty offenses which would not in fact have been tried previously by U.S. commissioners because of territorial limitations upon their jurisdiction.

[6] Includes only process actually issued, and not the total number of applications presented to magistrates.

[7] Includes appointments of counsel after indictment.

[8] Not available means that work has been performed by magistrates, but separate statistics have not been reported.

[9] Only full-time magistrates included in the total.

[10] A great variety of additional duties have been performed by magistrates in these 5 districts, but only major categories of functions have been included in the table.

[11] Includes only those petty offenses which could not have been tried by U.S. commissioners, such as illegal entry under 8 U.S.C. 1325.

[12] Includes only minor offenses other than petty offenses.

The **SPEAKER**. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill H.R. 9180.

The question was taken.

Mr. **RARICK**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 10, not voting 75, as follows:

[Roll No. 332]

YEAS—344

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Haley
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Tex.

Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—10

Ashbrook
Gross
Hagan
Hall
Rarick
Satterfield
Scherle
Schmitz
Snyder
Steed

NOT VOTING—75

Abernethy
Abourezk
Alexander
Ashley
Baring
Barrett
Bell
Bevill
Blanton
Burleson, Tex.
Chamberlain
Clark
Clay
Colmer
Conyers
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Evins, Tenn.
Fish
Foley
Gaydos
Giaimo
Goldwater
Gubser
Halpern
Hanley
Hanna
Hays
Hébert
Hicks, Mass.
Holifield
Jacobs
Jarman
Karth
Kee
Keith
Lent
Long, La.
McClure
McEwen
Madden
Mathias, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Pickle
Pirnie
Price, Ill.
Rees
Robison, N.Y.
Rousselot
Roy
Roybal
Saylor
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Veysey
Whalley
Whitten
Wilson, Charles H.
Young, Tex.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. J. William Stanton.
Mr. Abernethy with Mr. Keith.
Mr. James V. Stanton with Mr. Fish.
Mr. Barrett with Mr. Saylor.
Mr. Blanton with Mr. Rousselot.
Mr. Madden with Mr. Halpern.
Mr. Dent with Mr. Robison of New York.
Mr. Gaydos with Mr. Minshall.
Mr. Monagan with Mr. McClure.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Bevill with Mr. Skubitz.
Mr. Clark with Mr. McEwen.
Mr. Daniels of New Jersey with Mr. Talcott.
Mr. Danielson with Mr. Mathias.
Mr. Eilberg with Mr. Terry.
Mr. Price of Illinois with Mr. Pirnie.
Mr. Rees with Mr. Veysey.
Mr. Morgan with Mr. Whalley.
Mr. Murphy of Illinois with Mr. Eckhardt.
Mr. Young of Texas with Mr. Giaimo.
Mr. Karth with Mr. Kee.
Mr. Holifield with Mr. Jacobs.
Mr. Hanley with Mr. Jarman.
Mr. Abourezk with Mr. Baring.
Mr. Burleson of Texas with Mr. Stubblefield.
Mr. Dow with Mr. Clay.
Mr. Roy with Mr. Nix.
Mr. Roybal with Mr. Stokes.
Mr. Hanna with Mr. Colmer.
Mr. Whitten with Mr. Pickle.
Mr. Diggs with Mr. Derwinski.
Mr. Evins of Tennessee with Mr. Foley.
Mr. Ashley with Mr. Conyers.
Mr. Hébert with Mr. Gubser.
Mr. Alexander with Mr. Chamberlain.
Mrs. Hicks of Massachusetts with Mr. Bell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS TO THE NARCOTIC REHABILITATION ACT

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9323) to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

The Clerk read as follows:

H.R. 9323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Narcotic Addict Rehabilitation Amendments of 1971".

SEC. 2. Section 2901(d) of title 28, United States Code, is amended to read as follows:

"(d) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 3. Section 4251(c) of title 18, United States Code, is amended to read as follows:

"(c) 'Treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 4. Section 301(b) of the Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1444; 42 U.S.C. 3411(b)) is amended to read as follows:

"(b) 'Treatment' includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction."

SEC. 5. This Act shall take effect immediately upon enactment. Sections 2 and 3 shall apply to any case pending in a district court of the United States in which an appearance has not been made prior to the effective date.

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, H.R. 9323 amends the Narcotic Addict Rehabilitation Act of 1966 by altering the definition of the word "treatment" in the act to include the concept of control of narcotics addiction.

This bill, which is proposed by the administration, was introduced by Chairman CELLER and by Representative POFF. In the legislative message which accompanied the bill the Attorney General explained that the purpose of the proposed amendment was—

> To provide for a more comprehensive effort towards solving the problem of addiction. This would be achieved by providing for treatment which controls, as well as that which terminates, addiction. Essentially, the use of methadone would be authorized.

The new definition of "treatment" is as follows:

Treatment includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by eliminating his dependence on addicting drugs, or by controlling his dependence, and his susceptibility to addiction.

H.R. 9323 as approved by the Judiciary Committee will take effect immediately upon enactment. The amended act will apply to any case pending in a district court of the United States in which an appearance has not been made prior to the effective date of the amended act.

Mr. Speaker, H.R. 9323 will bring about a significant improvement in the Federal program for the treatment and rehabilitation of narcotics addicts. I, therefore, urge its adoption.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, the report states that this bill broadens the Narcotic Addiction Rehabilitation Act and, yet, there is a statement that it will result in very little, if any, cost. How does the gentleman reconcile those two statements—that it is a broadening of the act and, yet, that it will result in practically no increased cost?

Mr. EDWARDS of California. It would result in no particular increase in the existing patient load in Federal installations. It is a very low-cost program, that is, the methadone treatment program, if that is the one used.

Mr. GROSS. But the bill goes beyond medical treatment. It states many other things that this bill will do by way of broadening the Narcotic Addiction Rehabilitation Act program. I do not understand how it is possible to broaden the program without increasing the cost. I would not want to awaken some fine day in the near future and find that this requires a couple of hundred million dollars.

Mr. EDWARDS of California. The committee does not feel that it would increase the cost.

We have a letter from the Deputy Attorney General Richard Kleindienst which states specifically that during the current fiscal year and during the next 5 fiscal years the legislation have no appreciable cost effect.

Mr. GROSS. I hope the Deputy Attorney General is correct, and that the gentleman from California is correct.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. FREY. My understanding is that this will allow the use of methadone under the 1966 act, which has not been allowed before.

Mr. EDWARDS of California. That is correct.

Mr. FREY. I might add that this is a good thing for a certain limited number of addicts. But one of my questions about this is that I notice there are no controls whatsoever on the use of methadone. Was this discussed by the committee as how they intend to act on this problem?

Mr. EDWARDS of California. It was discussed by the committee.

Mr. Speaker, I would point out to the gentleman from Florida that the intent of the committee is pointed out in the report as follows:

> It is therefore the Committee's intent that the use of methadone as a treatment device for the control of addiction should generally be limited to those situations in which the addict patient is free of custody and not confined in a drug-free institution. If the addict is confined, methadone should only be used as an aid to the initial detoxification of the addict and not for maintenance purposes.

In other words, the committee felt that the entire spectrum of treatment should be offered to the patient and we are not limiting it only to the use of the methadone treatment.

Mr. FREY. I would certainly agree that there should be different or alternative forms of treatment.

In your own State of California, regarding the use of methadone, I believe there is an age factor—limited to 21 years of age, and there is a requirement that the individual using methadone have tried to come off heroin at least twice.

Does the gentleman feel that this type of restriction on the use of methadone should be included in this legislation?

Mr. EDWARDS of California. That is presently the California law, as the gentleman knows. I cannot predict what specific regulations or restrictions will be applied to the use of methadone if, in fact, they begin to use it. But I am sure they will do it in a responsible manner.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Florida.

Mr. ROGERS. I am somewhat concerned about establishing a congressional intent that methadone should be used in a widespread manner. As I understand from the gentleman's statement, that is not the intent of the committee. Also I presume that those who would be subjected to such treatment would fall under the NARA Act and would be first subject to voluntary confinement.

Mr. EDWARDS of California. Yes, of course.

Mr. ROGERS. In that treatment they would, I presume, be treated in a drug-free environment, basically—although I realize they might use some drugs for detoxification.

Mr. EDWARDS of California. Yes. In the event the hospital at Fort Worth reopened or the hospital at Lexington accepted a heroin addict in need of detoxification, I am sure the gentleman would agree that it would be perfectly appropriate to use methadone detoxification. However, in the treatment itself we pointed out in the report we certainly would not encourage any kind of maintenance program while in a drug-free atmosphere or while in confinement, because from the medical point of view I understand that is not necessary.

Mr. ROGERS. Yes. Also under the wordage of the language of your bill I am somewhat concerned that heroin could be used to maintain heroin addicts, under the actual wordage of the language of the bill, and I am not sure that this judgment should be made at this time in this legislation. I presume that is not the intent of the committee.

Mr. EDWARDS of California. It is certainly not the intent of the committee. If in fact there is ever that kind of program on a limited scale in the United States, we hope that it is a long way off, because it is certainly not required at this time.

Mr. ROGERS. Also I would like to be sure that it is very clear that in the treatment of those who have been confined, hopefully they will be drug-free and will have no need of methadone when they come out. I understand the NARA program would allow jurisdiction for what—2 to 3 years?

Mr. EDWARDS of California. That is correct.

Mr. ROGERS. So that, as I understand, the intent of the committee was that if they came out and they should have a relapse or something, then the drug could be used, but it is not really the intent to use this bill to support the use of the maintenance drug, methadone, which, of course, is an addicting drug, too.

Mr. EDWARDS of California. No, the committee certainly would hope not. The committee's main thrust is the same as that of the administration and the Attorney General and Dr. Jaffe, and that is that more people can be helped to live some kind of a normal life. At the present time the Federal programs are offering only partial help, and we feel, and the administration feels, that the full spectrum should be available.

Mr. ROGERS. Also I feel it should be pointed out that methadone is presently in the investigational status. It is not yet an approved drug. The language of this bill does not mean that the committee has approved it as a new drug. It is still in an investigational status, and until the necessary steps are taken, this language would not have any effect in that regard as well.

Mr. EDWARDS of California. That is correct.

Mr. ROGERS. I thank the gentleman for yielding.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New Jersey.

Mr. HUNT. The gentleman mentioned, I believe, a federally connected heroin addict. What is a federally connected heroin addict?

Mr. EDWARDS of California. A federally committed heroin addict.

Mr. HUNT. Oh, a federally committed heroin addict. I am pleased that my colleague from Florida raised the question on the status of methadone. Nothing has appeared so far in the tests to indicate that methadone will not be harmful to the human body. As we see it now, use of the drug would be nothing more than continuation food for the habit that was contracted in the heroin field, and it continues the habit for an indefinite period, affording no hope for rehabilitation in the final stages. Is that correct?

Mr. EDWARDS of California. That is correct. It is still in the experimental stages. It has been found very useful in some cases, very helpful to some addicts.

Mr. HUNT. How would the gentleman consider it to have been found useful in some stages when we know it just prolongs the addiction? All we are doing now is to bring in the heroin addict and continue him on methadone as long as he wants to stay on it.

Mr. EDWARDS of California. The testimony before the subcommittee was that the hopeless heroin addict often gets help or sometimes gets help from a methadone maintenance program that allows him to have a job at least 50 to 60 percent of the time and to lead some kind of normal life. I believe for some addicts that is the generally accepted preliminary medical opinion.

Mr. SATTERFIELD. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. Mr. Speaker, I have grave questions about the application of this language to title 18 when a person submits to treatment in lieu of prosecution for commission of a Federal crime, but I would like to direct my question to title 28 which provides that an addict may be committed to the Secretary of Health, Education, and Welfare who shall confine him. I am a little bit concerned about how this language will be applied with respect to the language of title 28, since the Secretary of Health, Education, and Welfare no longer has one of the two facilities in this country that were used for that purpose—and insofar as the remaining facility at Lexington, Ky., is concerned, there has been a marked reduction in the number of beds available to the Secretary of Health, Education, and Welfare.

Mr. EDWARDS of California. In reply to the gentleman, even though the facility at Fort Worth has been closed, the act provides for the use of other facilities, facilities that can be made available in the localities where the addict might be living, and also the act provides for outpatient care. A civil commitment does not necessarily mean confinement at all times.

Mr. SATTERFIELD. This is what disturbs me. I have heard suggestions that we may be moving toward a situation where people in this circumstance are going to be treated in community mental health centers where confinement facilities are not available. My question is, Whether we are taking a first step here toward commitment under title 28, which will not be commitment in the true sense, since there will not be a confinement?

Mr. EDWARDS of California. It certainly was not the intention of the committee. That subject did not even come up.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I want to commend the gentleman and his subcommittee for making some progress in this critical area. In the first place, this bill relates only to those who are committed to institutions under the NARA approach.

Mr. EDWARDS of California. That is correct.

Mr. PEPPER. It does not purport to affect the great mass of some 250,000 to 300,000 addicts who are in the country.

Mr. EDWARDS of California. That is correct.

Mr. PEPPER. In addition to that, I believe the only amendment to the existing law is with respect to the definition that has to do with treatment, and it was suggested by the gentleman from Virginia a moment ago that it does not provide any additional facilities and no additional funds, I believe, are suggested. I have heard the complaint that the U.S. district attorneys find it very difficult to get addicts into these institutions, because there is not enough space or adequate facilities for them. Did the gentleman's committee give any consideration to the desirability of increasing the capacity of the facilities to which these people might be committed?

Mr. EDWARDS of California. The administration asked for no further amendments to the 1966 act or further provisions to this particular amendment. We did have testimony with regard to the facilities at Lexington and Fort Worth and found out in the testimony that they were not being used to their full capacity.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield for one other question, I notice on page 1 of the report the language:

> The drug which will be used in the control of addiction is Methadone.

There are a great many people who believe methadone is highly desirable and it does seem to be the best drug we have at the time, but doctors say it is appropriate for only about one-third of the heroin addicts. I was a little disturbed, as was the gentleman from Florida (Mr. ROGERS) about the legislative history of this measure which might leave the impression here that methadone will be used for treatment of heroin addiction, yet I believe it is the general medical opinion that methadone is still in an investigative stage, and it should be left to the people knowledgeable about it to determine the cases in which methadone may be and should be used.

Mr. EDWARDS of California. I certainly would agree with the gentleman. Perhaps a better expression would be "may be" or "can be" used.

Mr. PEPPER. I thank the gentleman.

Mr. WIGGINS. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this legislation. At the outset let me inform my colleagues that the Judiciary Committee has had the Narcotic Addict Rehabilitation Act under consideration for nearly 2 years. The bill before us certainly is not the final result of our deliberations. It represents only one modest amendment which had been relatively noncontroversial.

Its purpose is not to mandate any type of treatment. Its purpose is not to compel an individual addict to submit to a methadone maintenance program or to any other type of treatment. Its purpose solely is to give that option in appropriate cases, and obviously should be used only in very limited and appropriate cases.

This is not a bill which will expand or enlarge in any significant way the treatment of addicts under the Narcotic Addict Rehabilitation Act. If that recommendation comes from our committee, it will be at a later time and after a more comprehensive review of the subject.

This is very limited in scope, intended to give one additional modality available for the treatment of addicts who happen to be subject to Federal control and jurisdiction.

I urge the passage of the bill.

Mr. Speaker, I join with my good friend and colleague from California (Mr. EDWARDS) in urging the House today to pass H.R. 9323, which was introduced at the request of the Department of Justice.

In essence, this bill amends the definition of the word "treatment" contained in each of the first three titles of the Narcotic Addict Rehabilitation Act of 1966 so as to encompass modes of therapy which are designed to control, but not necessarily eliminate, a narcotic addict's dependence on addicting drugs.

In practical terms, this means that programs for narcotic addict rehabilitation conducted by the Surgeon General under the act may now include the maintenance of certain addicts on heroin-substitutes such as methadone. In hearings held on this and related bills this past June, Dr. Jerome H. Jaffe, special consultant to the President for Narcotics and Dangerous Drugs, and various high officials of the Department of Health, Education, and Welfare assured the subcommittee that methadone maintenance will in fact be utilized only sparingly, under carefully controlled and supervised conditions.

We were also assured that Dr. Jaffe and the Department of Health, Education, and Welfare share the general view of the subcommittee members that maintenance on addicting drugs is rarely an appropriate form of treatment for persons who are confined in a drug-free environment, such as a prison. Accordingly, I recommend passage of this bill on the assumption and understanding that the clear intent of those who are charged with the responsibility of implementing NARA is in harmony with the intent of those in the House who have introduced and backed this bill: Methadone maintenance will be a cautiously used supplement to, rather than substitute for, present modes of drug therapy, and its use in an institutional setting will be confined to the relatively narrow confines of cases of addicts who clearly need maintenance after release being stabilized on an appropriate dosage before their release, and cases of a voluntary experimental nature.

In granting the Surgeon General greater flexibility in the choice of treatment modality for each individual addict entrusted to his care, the passage of this bill will symbolize a recognition on the part of the Congress that the rehabilitation of narcotic addicts is essentially a medical problem, and legislators should refrain from imposing arbitrary restrictions upon the ability of skilled physicians to practice their healing arts in the manner which conscience and training convince them to be in the best interests of their respective patients.

(Mr. WIGGINS asked and was given permission to revise and extend his remarks.)

Mr. POFF. Mr. Speaker, I am pleased to rise in support of H.R. 9323. I joined with the distinguished chairman of the Committee on the Judiciary (Mr. CELLER) in sponsoring this bill at the request of the Department of Justice.

This bill is intended to provide the Surgeon General with greater flexibility in the utilization of varying modalities of treatment of narcotic addicts committed to his custody and supervision under the provisions of titles I, II, and III of the Narcotic Addict Rehabilitation Act of 1966.

The bill accomplishes this purpose by amending the definition of the word "treatment" contained in each of the cited titles to comprehend rehabilitative programs designed to control narcotic addiction as well as to eliminate it. Such programs are commonly called maintenance programs, and they involve the stabilization of a given addict at a medically indicated dosage of some drug other than heroin—usually methadone. An addict who is thus maintained may then function relatively normally in the community by holding a job, participating in normal family life and otherwise behaving in socially approved, rather than antisocial, ways.

Experience in the treatment of narcotic addicts has proved that some individuals become so dependent upon their particular drug of addiction that they cannot realistically be expected to withdraw completely from use of the drug and remain in a state of total abstinence for any considerable period of time. For such addicts, maintenance on methadone can be a valuable and effective halfway measure which mitigates many of the most harmful side effects of addiction, not the least of which is an unmaintained addict's tendency to resort to criminal activity to obtain the funds necessary to support an expensive illicit drug habit.

Mr. Speaker, we have every reason for confidence that the Surgeon General intends to employ methadone maintenance as a narcotic addiction treatment modality only when sound medical judgment dictates that other, more strictly "curative" approaches have failed, or clearly will fail, in the rehabilitation of specific patients.

H.R. 9323 will also authorize reasonable research use of drugs which, like methadone, tend to "control," rather than to eliminate, addiction and drug dependency.

I urge the House to provide our public health professionals with the enhanced flexibility in their treatment of narcotic addicts entrusted to their care which this bill provides, by passing H.R. 9323.

The SPEAKER. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill H.R. 9323.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 354, nays 0, not voting 75, as follows:

[Roll No. 333]

YEAS—354

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Moss
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—75

Abernethy
Abourezk
Alexander
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Chamberlain
Clark
Clay
Colmer
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Fish
Gaydos
Giaimo
Goldwater
Gubser
Halpern
Hanley
Hanna
Hawkins
Hays
Hébert
Hicks, Mass.
Holifield
Jacobs
Jarman
Karth
Kee
Long, La.
McClure
McEwen
Macdonald, Mass.
Madden
Mathias, Calif.
Miller, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Murphy, N.Y.
Nix
Pepper
Pickle
Pirnie
Price, Ill.
Rees
Robison, N.Y.
Rousselot
Roy
Roybal
Ruth
Saylor
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Veysey
Whalley
Whitten
Widnall
Wilson, Charles H.
Young, Tex.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. J. William Stanton.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Blanton with Mr. Chamberlain.
Mr. Burleson of Texas with Mr. Derwinski.
Mr. Holifield with Mr. Mathias.
Mr. Dent with Mr. Saylor.
Mr. Price of Illinois with Mr. McClure.
Mr. Gaydos with Mr. Fish.
Mr. Monagan with Mr. Halpern.
Mr. Madden with Mr. McEwen.
Mr. Karth with Mr. Minshall.
Mr. Hébert with Mr. Pirnie.
Mr. Hanna with Mr. Rousselot.
Mr. Abernethy with Mr. Ruth.
Mr. Barrett with Mr. Widnall.
Mr. Bevill with Mr. Schmitz.
Mr. Daniels of New Jersey with Mr. Robison of New York.
Mr. Eilberg with Mr. Terry.
Mr. Giaimo with Mr. Veysey.
Mr. Rees with Mr. Talcott.
Mr. Nix with Mr. Eckhardt.
Mr. Miller of California with Mr. Gubser.
Mr. Whitten with Mr. Whalley.
Mr. Stubblefield with Mr. Morgan.
Mr. James V. Stanton with Mr. Macdonald of Massachusetts.
Mr. Hanley with Mr. Kee.
Mr. Abourezk with Mrs. Hicks of Massachusetts.
Mr. Baring with Mr. Stokes.
Mr. Clark with Mr. Clay.
Mr. Young of Texas with Mr. Jarman.
Mr. Jacobs with Mr. Hawkins.
Mr. Alexander with Mr. Colmer.
Mr. Diggs with Mr. Dow.
Mr. Murphy of New York with Mr. Pepper.
Mr. Pickle with Mr. Murphy of Illinois.
Mr. Danielson with Mr. Roy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 9323).

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NORTH SIDE PUMPING DIVISION EXTENSION, MINIDOKA PROJECT, IDAHO

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2299) to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the North Side Pumping Division extension, Minidoka project, as amended.

The Clerk read as follows:

H.R. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resources development projects:

(a) North Side Pumping Division Extension, Minidoka project, Jerome and Minidoka Counties, Idaho.

(b) Dickinson Unit, Pick-Sloan Missouri River Basin program, North Dakota.

(c) Upper John Day project, on the John Day River in Grant and Wheeler Counties, Oregon.

(d) A plan to rehabilitate the distribution system of the Red Bluff project, Texas.

(e) Rogue River Basin project, Grants Pass Division, Josephine and Jackson Counties, Oregon.

(f) Central Valley project, Delta Division, Montezuma Hills unit in southern Solano County, California.

(g) Gallup project in McKinley, Valencia, and San Juan Counties in New Mexico.

(h) Modification of the Seminoe Dam, Kendick projects, Wyoming.

(i) Butte Valley division, Klamath project in the Klamath River Basin, Klamath County, Oregon, and Siskiyou County, California.

(j) Billings Municipal Water Supply Unit, Yellowstone Division, Pick-Sloan Missouri River Basin program, Montana.

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL), chairman of the full committee.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 2299 as recommended to be amended by the Committee on Interior and Insular Affairs. This measure is the fourth in a series of bills to grant specific authority for the Secretary of the Interior to engage in feasibility investigations of potential projects which may later be before the House for authorization under reclamation law.

Members will recall that prior to 1966, the Secretary of the Interior was empowered to initiate feasibility investigations of potential reclamation projects subject only to having funds appropriated for that purpose. Our committee and the companion committee in the other body then determined that the feasibility study program was, to all intents and purposes, out of hand.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, the gentleman is making an important statement. I make a point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Roll [No. 334]

Abernethy
Abourezk
Ashley
Badillo
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Cabell
Celler
Chamberlain
Clark
Clay
Colmer
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Fish
Gallagher
Gaydos
Giaimo
Goldwater
Gray
Gubser
Halpern
Hanley
Hanna
Hawkins
Hays
Hébert
Hicks, Mass.
Horton
Ichord
Jacobs
Jarman
Jones, Ala.
Karth
Kee
Long, La.
McClure
McDade
McEwen
Madden
Mathias, Calif.
Miller, Calif.
Minshall
Monagan
Morgan
Moss
Murphy, Ill.
Nix
Patman
Pirnie
Rees
Robison, N.Y.
Rousselot
Roy
Roybal
Saylor
Seiberling
Skubitz
Smith, Calif.
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Teague, Tex.
Terry
Veysey
Whalley
Whitten
Widnall
Wilson, Charles H.

The SPEAKER. On this rollcall 348 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NORTH SIDE PUMPING DIVISION EXTENSION, MINIDOKA PROJECT, IDAHO

The SPEAKER. The gentleman from Colorado has the floor.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Louisiana.

CHANGE IN LEGISLATIVE PROGRAM

Mr. BOGGS. I appreciate the gentleman's yielding.

Mr. Speaker, I take this time to announce to the House that, in view of the lateness of the hour and the fact we have a number of suspensions still pending, it is our intention to shift the International Coffee Agreement from today until Thursday, to be considered in place of H.R. 10729, the Environmental Pesticide Act, which will not be considered this week.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding. I would like to inquire of the majority leader, might we expect to get the environmental pesticide bill scheduled in a firm fashion within the following week?

Mr. BOGGS. I would hope so, depending on the wishes of the chairman of the committee.

Mr. ASPINALL. Mr. Speaker, so there will be no misunderstanding, we shall be able to explain the purposes of the next two pieces of legislation within a 15- to 20-minute period for both of them.

Mr. Speaker, when the no quorum point of order was made, I was at that time speaking about the former method of handling the feasibility reports and the difficulty we were having.

More than 100 individual investigations were underway, which, if completed, would result in requests for authorization of two or three times as much work as the Bureau of Reclamation had installed since 1902. These studies were being started without any knowledge or approval of the legislative committees, and resulted in an almost total loss of control by Congress over the direction and emphasis of the program.

Beginning with 1966 and the passage of the Federal Water Projects Recreation Act, we have considered new investigations in alternate years. This procedure has been shown to be workable, not particularly burdensome, and contributive of a much higher degree of oversight over program trends than was possible previously.

One of the things we must always balance in our committee is the need to preserve our capability to perform investigations of badly needed programs against the tendency to expand the program beyond any hope of timely implementation.

In seeking to preserve this balance, we must take note of the large backlog of authorized programs and the reluctance of the executive branch to afford them a sufficient priority to bring them to completition. At the present time, we note somewhat less rigidity in the administration's attitude toward water resources, and this leads to some guarded optimism that the action programs will be permitted to go forward. If this trend should continue, we may look forward to some construction completions in the near future; this opening an opportunity to approach some of the more pressing needs that are now apparent.

It is with these factors in mind that our committee has brought out H.R. 2299. It contains authority to start 10 new studies in eight of the reclamation States. If these studies prove tc be favorable, they could result in proposals aggregating about $250 million coming to the Congress for authorization over a period of several years. We should not expect any of these programs to be back before us in less than 3 years and some of them will require 6 to 8 years to complete and process, if they indeed all prove to be favorable. I give the House these estimates to illustrate that these new studies do not actually imply a buildup in program activity by the Bureau of Reclamation, which is reducing its authorized backlog of construction authorizations by about $250 million per year and is also liquidating its authorized investigations backlog at the rate of some $5 million per year. At the latter rate, H.R. 2299 actually authorizes less than 1 year of study by the Bureau of Reclamation planning organization.

Other members from the committee will discuss in more specific terms some of the program implications of this bill, Mr. Speaker. I simply want to assure the Members by way of conclusion that this is actually quite a modest program, that it is restrictive on the agency program, that it has had a great deal of study within our Subcommittee on Irrigation and Reclamation and within our Committee on Interior and Insular Affairs, and for these reasons has my total endorsement. I, therefore, unhesitatingly, recommend that we suspend the rules and pass the bill.

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 2299, a bill which, if the amendments recommended by the House Committee on Interior and Insular Affairs are adopted, would authorize the Secretary of the Interior to engage in feasibility investigations of 10 potential water resource projects for development under reclamation law in eight States.

The Committee on Interior and Insular Affairs has used H.R. 2299 as a vehicle for an omnibus bill and amended that bill to include nine other bills, separately considered by the committee, that would authorize like feasibility studies.

The purpose of the bill is self-evident. The necessity of the bill was brought about by section 8 of the Federal Water Project Recreation Act of July 9, 1965. Prior to that act, the Bureau of Reclamation utilized its general authority to conduct such investigations. Since that act, it has been necessary to obtain specific statutory authority prior to requesting funds for such investigations. This bill provides that statutory authority for each of 10 projects. The bill does not authorize the projects. Authorization of specific projects requires separate legislation that will follow if these feasibility studies prove that the projects are indeed worth while.

Each of these 10 projects have received sufficient preliminary investigations, either separately or in conjunction with other projects, to reveal a reasonable degree of probable feasibility. And in general, each project enjoys good local support.

The combined costs of the 10 studies is estimated at $3,022,000 and will be incurred over 4 years. The costs per study range from $100,000 to $501,000. The average cost per study is about $302,200.

Two of the projects included in this omnibus bill are the recommendations of the Bureau of Reclamation, Department of the Interior. They are the Central Valley project, Delta Division, Montezuma Hills unit in southern Solano County, Calif., and the Gallup project in McKinley, Valencia, and San Juan Counties in northwest and west-central New Mexico. The other eight projects—North Side Pumping Division Extension, Minidoka project, Jerome and Minidoka Counties, Idaho; Dickinson Unit, Pick-Sloan Missouri River Basin program, N. Dak.; Upper John Day project, on the John Day River, Grant and Wheeler Counties, Oreg.; Red Bluff project, Tex., rehabilitate the distribution system; Rogue River Basin project, Grants Pass Division, Josephine and Jackson Counties, Oreg.; Kendrick project, Wyo., modification of Seminoe Dam; Butte Valley division, Klamath project, Klamath River Basin, Klamath County, Oreg. and Siskiyou County, Calif.; and Billings Municipal Water Supply Unit, Yellowstone Division, Pick-Sloan Missouri River Basin program, Mont., have been reported upon by the Department of the Interior.

In all instances but one, the reports have been favorable. In one instance, the report by the Department of the Interior did not support passage of the bill authorizing the feasibility study of a plan to rehabilitate the distribution system of the Red Bluff project, Tex. Testimony presented by the Bureau of Reclamation and by others to the Committee on Interior and Insular Affairs was, however, favorable and the committee has recommended that the study take place.

As in the case of most good things, there is little controversial about this bill and the study projects it authorizes. Water resource development today is as important to the West as it was when settlement of the West became a reality. To keep abreast of the ever-increasing need for development, agricultural, municipal and industrial and fish and wildlife enhancement, studies must be made, new projects must be authorized and constructed and old projects must be repaired and modernized. I urge the passage of H.R. 2299 as amended by the Committee on Interior and Insular Affairs and the support of my colleagues to that end.

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN), the author of the legislation.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of H.R. 2299 to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the North Side Pumping Division Extension, Minidoka project.

As cosponsor of this bill, along with my good friend and colleague, JIM McCLURE, I strongly urge its passage so that the study of the 12,000 acres of dry land would then be A. & B. Irrigation District in Jerome and Minidoka Counties, Idaho, may be conducted. The Bureau of Reclamation's preliminary reconnaissance report indicated a fantastic benefit-cost ratio of 3.2:1 based on a 5⅛-percent interest rate. Much of the extension was originally scheduled for development in the unit B—the ground water unit—of the existing Minidoka North Side Pumping Division. Because funds were insufficient and ground water cables were apparently declining, development of these lands was deferred and available funds were used for rehabilitation and deepening of wells in the previously developed area.

The original project was authorized by the act of September 30, 1950, and construction of the initial phase of the project is now complete, with about 78,000 acres of irrigation. Provisions were made in the authorizing legislation for progressive stages of development, but as the money expended on the project has already reached the ceiling provided in the original authorization this subsequent authorizing legislation is necessary.

As is indicated by the impressive benefit-cost ratio, Mr. Speaker, the lands covered by this bill are potentially as productive as those now developed in the Minidoka North Side Pumping Division, and they share the same characteristics which have made the Upper Snake River Valley one of the most successful irrigation developments in the United States. The completed development of these lands would expand the area within the A. & B. Irrigation District to its full irrigation potential.

Additionally, it should be noted that the district has experienced difficulty with its drainage system that should be corrected. The feasibility study authorized by this bill would cover all aspects of both the dry lands and the drainage problem.

For these reasons, Mr. Speaker, I urge that H.R. 2299 be passed without further delay.

Mr. HOSMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill. I would like to express my great concern over the need for the proposed feasibility studies for two Bureau of Reclamation projects on the Rogue River in Oregon included as a single item which is part of H.R. 2299.

The first of these studies involves the critical fisheries problem existing at the Savage Rapids Dam in Jackson County. The dam, which was constructed in 1921, does not provide adequate facilities for the passage of anadromous fish during either upstream or downstream migration. The passage facilities are in such a state of disrepair that the valuable salmon are suffering tremendous losses in numbers during their annual trips up and down the river. Federal and State fish and wildlife agencies have indicated their own deep concern about this problem and their strong support of rehabilitation measures designed to solve this emergency situation. A feasibility study of the problem is an immediate necessity.

The second project involves a feasibility study for the rehabilitation of the facilities of the Grants Pass Irrigation District in Josephine County. The general obsolescence of this system, which was designed and directed 50 years ago, has resulted in a high cost of maintenance, and considerable seepage and evaporation. The rapidly increased population in the area has increased pressure on the facilities so as to further exaggerate the inadequacies of an outdated and rapidly deteriorating gravity distribution system, badly in need of rehabilitation.

Particularly because of these projects I would like to indicate my own strong support for H.R. 2299 which incorporates the provisions of two separate bills I introduce earlier this year authorizing these important feasibility studies.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2299. The chairman of our full committee gave an explanation of the purpose of the legislation. There was no opposition to it in the subcommittee or in the full committee.

Mr. Speaker, I should like to discuss the merits of H.R. 2299, a bill which will authorize the Secretary of the Interior to engage in the feasibility investigation of ten specific potential water resource programs. A feasibility investigation is defined by statute as any work leading to the preparation of a report which is intended to be used as the basis for requesting authorization of the proposal.

As the chairman of the full committee has pointed out, specific approval of studies of this character is required in advance of the request of funds. This requirement is the outgrowth of a feeling that there should be a congressional input into the decisionmaking process at an early stage in the evolution of a project plan. Prior to the requirement for specific authorization of feasibility studies, it was found that much work was done and proposals gained considerable political momentum before the legislative committee of the House and the Senate became aware of the pending proposals.

The array of programs included for study authority in H.R. 2299 have been given sufficient preliminary reconnaissance study to afford assurance that the feasibility findings will be favorable. The thing that characterizes this bill, as distinct from previous study authority bills, is the diversity of the programs that will be studied. For instance, one-half of the projects have as their central emphasis the provision of municipal and industrial water supply. In fact three of them are almost exclusively for this purpose. Two of the studies contemplate enlargement of existing storage reservoirs to more adequately regulate the streams on which they are located, and two of the programs are in the nature of rehabilitating or rescuing privately financed projects which are in distress. Actually only two of the studies for which authority will be granted by H.R. 2299 are on behalf of predominantly irrigation projects, and one of them is for supplemental service and the other is for groundwater development. I mention these trends, Mr. Speaker, to illustrate the manner in which the reclamation program is moving away from new land irrigation projects at this time.

I would also like to point out that the works authorized by this measure is of minimal fiscal impact. The estimated cost of all 10 studies aggregates only slighty more than $3 million. This sum will be expended, depending upon rate of appropriation, over a minimum of 5 years So this is not a tremendously expensive bill, but one which is of great importance and meaningfulness to the communities of the West in which these programs will be located.

It is important to note that water resources development is not as glamorous as it once was. It is not as easy to support programs of this character as once was the case. This, in my opinion, is not because the subject is any less vital—it is because its relevance has been submerged by issues that are more easily pushed politically. Mr. Speaker, our water programs are not any less important to our long-term economic health and well-being than they ever were. We just hear less about them.

Our committee believes that these programs must go forward in a timely manner; that our regional survival depends on it; and that we will, one day soon, have a water crisis of similar proportions to the widely heralded environmental crisis if we do not proceed in a moderate way to develop our water resource potential.

In conclusion, let me say that this is a good bill. It has been carefully studied and investigated. It deserves the support of all Members. I therefore earnestly recommend that the House suspend the rules and pass it at this time.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from California (Mr. Waldie) for a question.

Mr. WALDIE. I am reading the Secretary's letter, which is included in the report beginning on page 7, and I make particular reference to the portion of that letter on page 9, describing the Central Valley project, Delta division, Montezuma Hills unit in southern Solano County, Calif.

It alludes to a justification for the project as being that justification stemming from projected upstream water diversion from the Sacramento water system which will increase the duration of high salinity levels in waterways of the marsh with a resultant decrease in waterfowl food production on the land areas.

The question I have for the gentleman is, What will be the source of those diversions, and what will be the extent percentagewise of those diversions, from the present outflow of that water system by the year 2020, which are the conditions and the year the Secretary has reference to as requiring this project?

Mr. JOHNSON of California. I would say, in response to the gentleman's question, the Bureau of Reclamation has had the matter under study for some time, so far as the Montezuma Hills unit is concerned. It has been under a general reconnaissance study. That study was completed in October 1971.

That was the justification for asking for the feasibility study.

Now, the feasibility study that would be made involves the waters of the Central Valley project. They are found in the delta of California, eventually. Many of the projects in place now are releasing water into the delta, and it is not being used. At later dates there will be a certain amount of water diverted out of projects that are in place now at a higher elevation, probably prior to the delta and in the delta itself. This water will be Central Valley water that will be brought in overland to irrigate a sizable amount of acreage. It will also furnish municipal and industrial water. It will also supply a very substantial amount of water for maintenance of the marsh, to make certain that the conditions in the marsh will be protected.

Mr. WALDIE. I thank the gentleman for his answer.

May I say, I am not opposing the bill, but my concerns with the bill stem from my belief that so many projects involving upstream diversion of these waters are presently being considered and presently being undertaken, and are underway, without a full knowledge as to what their consequences will be.

One of the most important consequences of this upstream diversion will be precisely what happens to this marsh. It is the belief of many people, myself included, that this marsh will be destroyed if the diversions contemplated by the year 2020 are in fact concluded. Those diversions represent 80 percent of the present flow of water into that system that sustains the marsh. I do not believe the marsh can in fact be sustained by an overland water supply.

I believe the only answers that will be accepted by the committees considering approval or disapproval of these projects committing diversion of upstream waters will be answers that this study will provide. For that reason, I am in support of these studies.

I add for the record just a caveat, that projects already under consideration—one such project is the peripheral canal offered by my good friend and colleague from California (Mr. Hosmer)—are predicated upon conclusions that this report will ultimately sustain or deny, but are, in fact, at this point not determined.

Those projects, in my view, should be cautiously examined until these answers are found.

I thank the gentleman for yielding.

Mr. WHITE. Mr. Speaker, I rise in support of H.R. 2299, a bill authorizing various feasibility reports on irrigation projects in the arid sections of the American West. I believe it is essential that this Nation continue with the development and rehabilitation of the irrigation projects that are essential to maintaining the well being of the rural West.

The bill before us would authorize feasibility studies on 10 water resource development projects in eight States. I would especially like to comment on the project in my district which would be studied under this legislation.

This is a rescue project, to rehabilitate the agricultural economy of the historic Pecos River Basin of west Texas. At one time, the Red Bluff project served a thriving agricultural area with as much as 46,000 acres under cultivation, irrigated from water stored in Red Bluff Reservoir on the Pecos River. But, through the years, canals, laterals, and other irrigation works have deteriorated. Severe droughts have aggravated the problem, and in some recent years there has been no water at all for use by irrigators along the Pecos.

Farmers have resorted to deep wells, and have greatly depleted the ground water as a result. It is hoped that the feasibility report authorized in this bill will find that it is practical to establish an efficient irrigation system which would provide dependable irrigation, every year, for 22,000 acres in Reeves, Loving, Pecos, and Ward Counties, all in the 16th Congressional District which I serve.

These counties all need a dependable agricultural economy to balance an uncertain future of major dependence on oil and gas revenues.

The lands along the Pecos had been cultivated for hundreds of years before the area became a part of the United States. I believe that a rehabilitation program to assure the continuation of an agricultural economy will serve this Nation well by helping an important rural area to survive and prosper, and thereby curb the migration to overcrowded cities, which has become a major national problem.

Mr. Speaker, all 10 of the projects in H.R. 2299 would help to curb this trend. I respectfully ask the House to suspend the rules and approve this important contribution to our Nation's well being.

Mr. McCLURE. Mr. Speaker, I am fully in support of this bill, as are virtually all of the people of Idaho. The proposed extension of the North Side Pumping Division, Minidoka project, has the endorsement of the entire Idaho delegation, and it comes before us with the blessings of the Interior Department and the Office of Management and Budget.

In the statement of my colleague (Mr. HANSEN) today, the need for and the benefits to be derived from this measure are fully explained. I merely want to point out that it is noncontroversial and to express my personal gratitude to all of those who have helped speed this measure through the committee.

The SPEAKER. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill (H.R. 2299) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The title was amended so as to read: "An Act to authorize the Secretary of the Interior to engage in certain feasibility investigations."

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2248) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2248

An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

1. Central Valley Project, Delta Division, Montezuma Hills Unit in southern Solano County, California.
2. Gallup Project in McKinley, Valencia, and San Juan Counties in northwest and west-central New Mexico.
3. North Side Pumping Division Extension, Minidoka Project in Jerome and Minidoka Counties, Idaho.
4. Rogue River Basin project, Grants Pass division, in Josephine County, southwestern Oregon, adjacent to the city of Grants Pass.
5. Dickinson unit, municipal and industrial water facilities, of the Pick-Sloan Missouri River Basin program, North Dakota.
6. Seminoe Dam, a feature of the Kendrick project, Pick-Sloan Missouri River Basin project, Wyoming.

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California:

Strike out all after the enacting clause of S. 2248 and insert in lieu thereof the provisions of H.R. 2299 as passed.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inqury.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Is this a committee amendment?

The SPEAKER. This is simply perfecting the procedure of the two houses by striking out all after the enacting clause in the Senate bill and inserting the provisions of the House bill as passed.

The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to authorize the Secretary of the Interior to engage in certain feasibility investigations."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2299) was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Califorina?

There was no objection.

AMENDING THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7854) to amend the Small Reclamation Projects Act of 1956, as amended, as amended.

The Clerk read as follows:

H.R. 7854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, is amended as follows:

(1) Subsection (d) of section 2 of such Act is amended to read as follows:

"(d) The term 'project' shall mean (i) any complete irrigation project, or (ii) any multiple-purpose water resource project that is authorized or is eligible for authorization under the Federal reclamation laws, or (iii) any distinct unit of a project described in clauses (i) and (ii), or (iv) any project for the drainage of irrigated lands, without regard to whether such lands are irrigated with water supplies developed pursuant to the Federal reclamation laws, or (v) any project for the rehabilitation and betterment of a project or distinct unit described in clauses (i), (ii), (iii), and (iv): *Provided,* That the estimated total cost of the project described in clauses (i), (ii), (iii), (iv), or (v) does not exceed $15,000,000.

Nothing contained in this Act shall preclude the making of more than one loan or grant, or combined loan or grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.".

(2) The first sentence of section 4(e) of such Act is amended by deleting ", whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

(3) Paragraph (a) of section 5 of such Act is amended by deleting "$6,500,000 or" and inserting in lieu thereof "$10,000,000 or".

(4) Section 5(b)(2) of such Act is amended to read as follows: "(2) one-half the costs of acquiring lands or interests therein to serve exclusively the purposes of fish and wildlife enhancement or public recreation, plus the costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation;"

(5) At the end of subsection 5(b)(5), delete the word "projects" and the semicolon, and add the following: "projects: Provided, That the cost of constructing the project as used in this subsection shall be exclusive of the cost of lands and interests in land;"

(6) Subsection 5(c)(3) of such Act is amended to read as follows: "(3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;"

(7) Section 10 of such Act is amended by deleting "$200,000,000" and inserting in lieu thereof "$300,000,000".

(8) The Small Reclamation Projects Act of 1956 is amended by adding at the end thereof a new section 13 as follows:

"SEC. 13. A loan contract negotiated and executed pursuant to this Act may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 17(b) of the Reclamation Project Act of 1939, as amended (73 Stat. 584, 43 U.S.C. 485b–1).

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, my colleagues: I take this time in support of H.R. 7854, a bill to amend the Small Reclamation Projects Act, as amended. This legislation accomplishes two general goals:

First, to extend the program by authorizing additional appropriations; and

Second, to modernize and update the program in the light of changing economics and changing needs in the Western United States.

The small reclamation projects program was initiated about 15 years ago as a supplement to the Federal reclamation program. It was the basic intent at the time to simplify the authorizing process for smaller irrigation projects; thus to cut down the overhead costs involved in authorizing water resources projects. It was also intended that the program impart a greater degree of local, or grassroots, control over plan formulation, design, construction, and management. Both of these objectives have been well served.

The record shows that the Small Projects program has been used in 54 separate instances by irrigation districts and other qualified applicants throughout the Reclamation territory to obtain loans and grants aggregating $144 million, with an additional $22 million in applications now in the review stage by the Department of the Interior. The record further shows that repayment by the applicants is on schedule, there having been only two instances where deferment of payments for 1 year was sought because of extraordinary circumstances beyond the control of the borrowing agent.

It is also significant, Mr. Speaker, that this program has been achieved with probably the lowest executive branch overhead of any similar program. At no time since the original passage of the act has there been more than three full-time professional employees involved in the administration of the Small Projects program. Surely this record of efficiency and accomplishment furnishes ample justification for continuation of the program for the period of time involved in the obligation of the additional $100 million which H.R. 7854 will authorize.

Like all other effective programs, Mr. Speaker, the Small Reclamation Projects Act can only continue as a viable policy vehicle if we take steps to keep it on all-fours with our changing economic and social environment. When the program was first enacted, there was a requirement included in the law that projects must be primarily for irrigation. The use of the word "primary" has caused a considerable amount of trouble and perplexity. For instance, it has been interpreted to mean that more than one-half the water produced or conveyed by project facilities must be used for irrigation for the entire life of the contract. Such a rigid construction, of course, is not consistent with the changing patterns of water use in the Western States where we see more and more demand for our resources to be used for multiple purposes.

It is in this area that H.R. 7854 makes one of its major effects on the program. Specifically, this bill redefines and clarifies in specific terms the nature of projects which may now be eligibly considered for loan assistance. The new definition eliminates the term "primarily for irrigation" but retains an irrigation emphasis by providing that the only single-purpose, water use, program which may qualify is an irrigation project. The bill also enables multiple-purpose water use projects and single-purpose irrigation drainage programs to qualify; thus adapting the statute to the problems and situations actually being encountered in the contemporary West.

Other desirable changes are also being accomplished by this legislation, and are being discussed by other members of the Committee on Interior and Insular Affairs. They, together with the point I have enumerated will make the Small Reclamation Projects Act an ever more useful instrument of public policy and amply justify my recommendation that the House suspend the rules and enact the bill.

Mr. HOSMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7854, as reported out by the Committee on Interior and Insular Affairs, and I urge the support of my colleagues for its passage.

H.R. 7854 would amend the Small Reclamation Projects Act of 1956. That act, the product of the sponsorship and guidance of the late Clair Engle, former chairman of the House Interior and Insular Affairs Committee, provides a program through which grants or loans may be made to qualified public entities for the construction of small irrigation projects which in fact have irrigation as the primary purpose. Presently a small irrigation project is defined by the law as one costing no more than $10 million. Grants and loans are limited to $6.5 million. Application of the law is limited to the 17 western reclamation States and Hawaii. Since 1956, more than $200 million have been authorized and appropriated for use. Some 54 applicants have received more than $144 million since 1956 under this program and applications for about $22 million are presently under review. One need only travel through the States that have used this program to better their lands to see and understand the importance of this legislation to the 17 Western States and Hawaii. It is noteworthy that the overhead and administrative costs of this program within the Department of the Interior's Bureau of Reclamation are very small.

As I have stated, the amounts authorized to be approved for grants and loans under this law are about used up. That means that this program is going to expire unless my colleagues join me in supporting the passage of this bill and increasing the financial limits of the act by $100 million.

As my colleagues all know, and have experienced, there has been increasing inflation in the country. The effect of inflation upon this program has been to erode the purchasing power of the present $10 million per project ceiling and $6.5 million loan or grant ceiling in terms of what can be accomplished within these ceilings. In my estimation, there is a present need to raise these ceilings as the bill would do.

H.R. 7854 would increase the limit on the size of projects defined as "small projects" from $10 million to $15 million. It would increase the ceiling on loans or grants to $10 million per project. These two changes would bring the definition of this law within the parameters of today's economic realities.

As both urban and rural areas have become more populated, the uses of water and the priorities of water users have changed. The need for more water for industrial and municipal uses is increasing in the 17 Western States and Hawaii. And the need for vehicles, both legislative and physical, to provide that water is increasing. As the law is presently written, the moneys appropriated for projects under the Small Reclamation Projects Act cannot be used for industrial and municipal purposes. As a matter of fact, a strict interpretation of the law would prohibit as a purpose of any project financed under this law, other than as an incidental one, fish and wildlife enhancement or recreation. Both of those purposes today are extremely popular and of great importance. It, therefore, makes good sense to alter the statutory purpose of this law to include as the purposes of projects financed thereunder industrial and municipal water uses, fish and wildlife enhancement and recreation, along with irrigation as primary purposes.

The bill, H.R. 7854, also makes some minor changes in the Small Reclamation Projects Act to bring the law up to date with current reclamation law and to clarify the intent of the act.

The small reclamation projects program has been successful to date—so successful as one witness testifying before the Committee on Interior and Insular Affairs said, it has consumed itself. It is now time to extend the life of the program, update the program and move forward with this aspect of irrigation and reclamation. The bill is a good bill. It will fulfill the needs for which it was designed. I urge my colleagues to join with me in voting aye on the question of passage of H.R. 7854.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, I rise in support of H.R. 7854 which provides several needed changes in the Small Reclamation Projects Act of 1956.

Since its original enactment, 54 small irrigation projects in the 17 Western reclamation States and Hawaii have been approved for loans and grants totaling $144 million.

At a minimal cost in terms of administrative overhead by the Bureau of Reclamation, it has been possible for smaller districts to move forward with many betterment programs to make the land as productive as possible.

Because the present maximum authorization for the program, $200 million, soon will be exhausted, it is necessary to seek an increase. The measure under consideration would boost the limitation to $300 million, which certainly is a reasonable figure.

Other recommended changes would increase the amount of loans and grants which may be made for any single project from $6.5 million to $10 million and the limit on the size of a project which may be assisted would be boosted from $10 million to $15 million. Inflationary pressures of recent years have made these increases essential.

I was particularly glad to receive acceptance by the Interior and Insular Affairs Committee of another important change in the law which was recommended by Congressman B. F. Sisk and myself in our bill H.R. 8052, also considered during hearings on H.R. 7854 by Congressman Harold T. Johnson, chairman of the Subcommittee on Irrigation and Reclamation. This proposal, which is vital to a large area of the San Joaquin Valley of California, will make drainage districts eligible for long-term Federal loans.

Congressman Sisk and I have worked together for the last 5 years to make drainage projects eligible for the assistance program because of discontinuance of Federal aid under another program for projects principally designed for drainage.

In mid-1967, the House Agriculture Committee adopted new guidelines for proposed projects submitted for consideration under the Watershed Protection and Flood Prevention Act administered by the Department of Agriculture. The committee's new rules require flood control to be the principal purpose of such projects.

As a consequence, nearly 1 million acres of agricultural land in the western portion of the San Joaquin Valley are deteriorating because of saline alkali conditions. Flood control is not a vital need in the area, but rising water tables and increased salinity are endangering large acreages.

Department of Agriculture scientists estimate an annual crop loss of $20 million resulting from the lack of adequate drainage installations along the west side of the valley.

In all these areas, irrigated farming operations are conducted. Rising water tables in many locations date back to the increase of irrigation water made available by the Bureau of Reclamation's Delta Mendota Canal, which began operations along the west side in 1952.

The bill under consideration, H.R. 7854, is a worthwhile investment to help smaller irrigation districts composed primarily of small land owners who have been particularly hard hit by the cost-price squeeze. I wholeheartedly recommend its enactment.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may require to speak on behalf of H.R. 7854, as proposed to be amended by the Committee on Interior and Insular Affairs. This measure was considered fully by the Subcommittee on Irrigation and Reclamation, and after hearing from the administration witnesses, Members of Congress, and representatives of the public sector, a number of amendments were adopted to make this a truly useful measure.

The chairman of the full committee (Mr. Aspinall) has summarized the accomplishments and value of the small reclamation projects program to the reclamation States and very effectively explained the justification for its continuation for the foreseeable future. I agree that the program has been well received, has met the expectations of its original supporters, and should be updated and refined to meet the changing economic and social needs of the Western States.

H.R. 7854 accomplishes these objectives to the maximum practicable extent. In addition to authorizing an additional $100 million for appropriation and clarifying and redefining the nature and character of eligible projects, the bill accomplishes other important changes in the act.

At the present time, Mr. Speaker, the program is limited to projects having a maximum estimated cost of $10 million and the amount of the loan and grant is limited to $6 million. These amounts were established several years ago and were selected as arbitrary definitions of a "small" as distinct from a "regular" water resource development program. The passage of time and erosion in the value of the dollar has meant that the size of eligible programs has become progressively smaller when measured in physical terms. H.R. 7854 rectifies this problem by increasing the maximum size of the project to $15 million and increasing the maximum amount for loan and grant to $10 million. This change will have the effect of restoring the physical size to approximately the same level that was originally set up in 1956.

Another important provision of H.R. 7854 is to conform the small projects program with other water resource development programs in the field of cost sharing by project beneficiaries. The changes that are necessary are in the area of fish and wildlife and recreation cost sharing where general provisions were adopted by the Congress by passage of the Federal Water Projects Recreation Act of 1965. H.R. 7854 will require that local beneficiaries repay one-half the separable cost of fish and wildlife and recreation measures at the rates of interest established for other interest-bearing water resource purposes. This aspect of the bill will make a major contribution to the reduction of confusion and misunderstanding within the water resources community that has existed for a number of years. The impact of this legislation will be to secure a greater percentage of return from the beneficiaries and will assure that programs are not loaded with fish and wildlife and recreation gimmicks unless there is a sincere desire on the part of local interests to bear an appropriate part of the cost at interest.

In summary, Mr. Speaker, it is my view that the bill we have reported here will make an already good program even more valuable and useful and it clearly merits support of all friends of balanced and even-handed resource utilization development. I, therefore, urgently recommend that the House suspend the rules and pass the bill as recommended to be amended by the committee.

The SPEAKER. The question is on the motion offered by the gentleman from California that the House suspend the rules and pass the bill H.R. 7854, as amended.

The question was taken.

Mr. BIAGGI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 7, not voting 76, as follows:

[Roll No. 335]

YEAS—346

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDonald, Mich.
McFall
McKay
McKevitt

McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—7

Ashbrook
Crane
Gross
Hall
Rarick
Schmitz
Wydler

NOT VOTING—76

Abernethy
Abourezk
Alexander
Badillo
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Cabell
Celler
Chamberlain
Clark
Clay
Colmer
Conyers
Daniels, N.J.
Danielson
Dennis
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Fish
Fulton, Tenn.
Gaydos
Giaimo
Goldwater
Halpern
Hanna
Hawkins
Hays
Hébert
Hicks, Mass.
Jacobs
Jarman
Karth
Kee
Long, La.
McClure
McDade
McEwen
Madden
Mathias, Calif.
Miller, Calif.
Minshall
Monagan
Morgan
Murphy, Ill.
Nix
Patman
Pepper
Pirnie
Rees
Robison, N.Y.
Rooney, Pa.
Rousselot
Roy
Roybal
Saylor
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Thompson, N.J.
Veysey
Whalley
Whitten
Widnall
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Hays with Mr. J. William Stanton.

Mr. Hébert with Mr. Pirnie.

Mr. James V. Stanton with Mr. Chamberlain.

Mr. Celler with Mr. Halpern.

Mr. Rooney of Pennsylvania with Mr. McDade.

Mr. Monagan with Mr. Fish.

Mr. Daniels of New Jersey with Mr. Robison of New York.

Mr. Dent with Mr. Rousselot.

Mr. Gaydos with Mr. Derwinski.

Mr. Giaimo with Mr. Dennis.

Mr. Morgan with Mr. Saylor.

Mr. Nix with Mr. Pepper.

Mr. Burleson of Texas with Mr. Goldwater.

Mr. Blanton with Mr. McClure.

Mr. Fulton of Tennessee with Mr. Mathias of California.

Mr. Eilberg with Mr. McEwen.

Mr. Bevill with Mr. Minshall.

Mr. Barrett with Mr. Talcott.

Mr. Abernethy with Mr. Skubitz.

Mr. Colmer with Mr. Veysey.

Mr. Madden with Mr. Terry.

Mr. Miller of California with Mr. Whalley.

Mr. Karth with Mr. Roybal.

Mr. Hanna with Mr. Roy.

Mr. Abourezk with Mr. Murphy of Illinois.

Mr. Alexander with Mr. Cabell.

Mr. Baring with Mr. Clay.

Mr. Jarman with Mr. Danielson.

Mr. Charles H. Wilson with Mr. Patman.

Mr. Whitten with Mr. Kee.

Mr. Stubblefield with Mrs. Hicks of Massachusetts.

Mr. Clark with Mr. Stokes.

Mr. Rees with Mr. Conyers.

Mr. Jacobs with Mr. Badillo.

Mr. Diggs with Mr. Dow.

Mr. Eckhardt with Mr. Hawkins.

Messrs. ASHBROOK and SCHMITZ changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1026) to amend the Small Reclamation Projects Act of 1956, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1026

An act to amend the Small Reclamation Projects Act of 1956, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amend, is amended as follows:

(1) Subsection (d) of section 2 of such Act is amended to read as follows:

"(d) The term 'project' shall mean (i) any complete water development having irrigation as a purpose, including features thereof, authorized to be constructed pursuant to the Federal reclamation laws and (ii) any similar undertaking proposed to be constructed by an organization. The term 'project' shall not include any such undertaking, unit, or program the estimated cost of which exceeds $10,000,000 (January 1956 prices) plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the type involved as shown by engineering cost indices determined by the Secretary to be applicable on January 1 for the year in which the application is filed. No loan, grant, or combination thereof for any project shall be in excess of 65 per centum of the maximum allowable estimated project cost as set forth above. Nothing contained in this Act shall preclude the making of more than one loan or grant, combined loan and grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.".

(2) The first sentence of section 4(e) of such Act is amended by deleting ", whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

(3) Paragraph (a) of section 5 of such Act is amended by deleting "$6,500,000 or" and inserting in lieu thereof "65 per centum of the maximum allowable estimated project cost as set forth in section 2(d) or".

(4) Paragraph (3) of section 5(c) of such Act is amended to read as follows: "(3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or outdoor recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;".

(5) Section 10 of such Act is amended by deleting "$200,000,000" and inserting in lieu thereof "$300,000,000".

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 1026 and insert in lieu thereof the provisions of H.R. 7854, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7854) was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

FARM CREDIT ACT OF 1971

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11232) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Credit Act of 1971".

POLICY AND OBJECTIVES

SEC. 1.1. (a) It is declared to be the policy of the Congress, recognizing that a prosperous, productive agriculture is essential to a free nation and recognizing the growing need for credit in rural areas, that the farmer-owned cooperative Farm Credit System be designed to accomplish the objective of improving the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit and closely related services to them, their cooperatives, and to selected farm-related businesses necessary for efficient farm operations.

(b) It is the objective of this Act to continue to encourage farmer- and rancher-borrowers participation in the management, control, and ownership of a permanent system of credit for agriculture which will be responsive to the credit needs of all types of agricultural producers having a basis for credit, and to modernize and improve authorizations and means for furnishing such credit and credit for housing in rural areas made available through the institutions constituting the Farm Credit System as herein provided.

SEC. 1.2. THE FARM CREDIT SYSTEM.—The Farm Credit System shall include the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, and such other institutions as may be made a part of the System, all of which shall be chartered by and subject to the supervision of the Farm Credit Administration.

ASSOCIATIONS

PART A—FEDERAL LAND BANKS

SEC. 1.3. ESTABLISHMENT; TITLE; BRANCHES.—The Federal land banks established pursuant to section 4 of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this title, as may be necessary or expedient to implement this Act. Unless an existing Federal land bank is merged with one or more other such banks under section 4. 10 of this Act, there shall be a Federal land bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 1.4. CORPORATE EXISTENCE; GENERAL CORPORATE POWERS.—Each Federal land bank shall be a body corporate and, subject to supervision by the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, accept advance payments, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice president, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; it officers, employees, and agents are elected or provided for; its property acquired, held and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, terms, conditions, and rates of interest as may be determined.

(11) Accept deposits of securities or of current funds from its Federal land bank associations and pay interest on such funds.

(12) Participate with one or more other Federal land banks in loans under this title on such terms as may be agreed upon among such banks.

(13) Approve the salary scale of the officers and employees of the Federal land bank associations and the appointment and compensation of the chief executive officer thereof and supervise the exercise by such associations of the functions vested in or delegated to them.

(14) Desposit its securities and its current funds with any member bank of the Federal Reserve System and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(15) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency, and make such other investments as may be authorized by the Farm Credit Administration.

(16) Conduct studies and make and adopt standards for lending.

(17) Delegate to Federal land bank associations such functions vested in or delegated to the bank as it may determine.

(18) Amend and modify loan contracts, documents and payment schedules, and release, subordinate, or substitute security for any of them.

(19) Perform any function delegated to it by the Farm Credit Administration.

(20) Require Federal land bank associations to endorse notes and other obligations of its members to the bank.

(21) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 1.5. LAND BANK STOCK; VALUE; SHARES; VOTING; DIVIDEND.—(a) The capital stock of each Federal land bank shall be divided into shares of par value of $5 each, and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the Federal land bank associations and direct borrowers and borrowers through agents who are farmers or ranchers, which stock shall not be transferred, pledged, or hypothecated except as authorized pursuant to this Act.

(c) The board of each bank shall from time to time authorize the issue or increase of its capital stock necessary to permit the issuance of additional shares to the Federal land bank associations so that members of such associations purchasing stock or participation certificates therein may be eligible for loans from the bank.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration, and may also be issued to Federal land bank associations in amounts which will permit the bank to extend financial assistance to eligible persons other than farmers or ranchers. Participation certificates with a face value of $5 each may be issued in lieu of nonvoting stock when the bylaws of the bank so provide.

(e) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration. Noncumulative dividends may be payable on other stock and participation certificates of the bank. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

SEC. 1.6. REAL ESTATE MORTGAGE LOANS.—The Federal land banks are authorized to make long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, and continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.

SEC. 1.7. INTEREST RATES AND OTHER CHARGES.—Loans made by a Federal land bank shall bear interest at a rate or rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserves and expenses of the banks and Federal land bank associations, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

SEC. 1.8. ELIGIBILITY.—The services authorized in this title may be made available to persons who are or become stockholders or members in the Federal land bank associations and are (1) bona fide farmers and ranchers, (2) persons furnishing to farmers and ranchers farm-related services directly related to their on-farm operating needs, or (3) owners of rural homes.

SEC. 1.9. SECURITY.—Loans shall not exceed 85 per centum of the appraised value of the real estate security, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration. The value of security shall be determined by appraisal under appraisal standards prescribed by the bank and approved by the Farm Credit Administration, to adequately secure the loan. However, additional security may be required to supplement real estate security, and credit factors other than the ratio between the amount of the loan and the security value shall be given due consideration.

SEC. 1.10. PURPOSES.—Loans made by the Federal land banks to farmers and ranchers may be for any agricultural purpose and other credit needs of the applicant. Loans may also be made to rural residents for rural housing financing under regulations of the Farm Credit Administration. Rural housing financed under this title shall be for single-family, moderate-priced dwellings and their appurtenances not inconsistent with the general quality and standards of housing existing in, planned or recommended for the rural area where it is located: *Provided, however,* That a Federal land bank may not at any time have a total of loans outstanding for such rural housing to persons other than farmers or ranchers in amounts exceeding 15 per centum of the total of all loans outstanding in such bank: *Provided* *further*, That for rural housing purposes under this section the term "rural areas" shall not be defined to include any city or village having a population in excess of 2,500 inhabitants. Loans to persons furnishing farm-related services to farmers and ranchers directly related to their on-farm operating needs may be made for the necessary capital structures and equipment and initial working capital for such services. The banks may own and lease, or lease with option to purchase, to persons eligible for assistance under this title, facilities needed in the operations of such persons.

SEC. 1.11. SERVICES RELATED TO BORROWERS' OPERATIONS.—The Federal land banks may provide technical assistance to borrowers, members, and applicants and may make available to them at their option such financial related services appropriate to their on-farm operations as determined to be feasible by the board of directors of each district bank, under regulations of the Farm Credit Administration.

SEC. 1.12. LOANS THROUGH ASSOCIATIONS OR AGENTS.—(a) The Federal land banks shall, except as otherwise herein provided, make loans through a Federal land bank association serving the territory in which the real estate offered by the applicant is located. If there is no active association chartered for the territory where the real estate is located, or if the association has been declared insolvent, the bank may make the loan through another such association, directly, or through such bank or trust company or savings or other financial institution as it may designate. When the loan is not made through a Federal land bank association, the applicant shall purchase stock in the bank in an amount not less than $5 nor more than $10 for each $100 of the loan and the loan shall be made on such terms and conditions as the bank shall prescribe.

PART B—FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.13. ORGANIZATIONS; ARTICLES; CHARTERS; POWERS OF THE GOVERNOR.—Each Federal land bank association chartered under section 7 of the Federal Farm Loan Act, as amended, shall continue as a federally chartered instrumentality of the United States. A Federal land bank association may be organized by any group of ten or more persons desiring to borrow money from a Federal land bank, including persons to whom the Federal land bank has made a loan directly or through an agent and has taken as security real estate located in the territory proposed to be served by the association. The articles of association shall describe the territory within which the association proposes to carry on its operations. Proposed articles shall be forwarded to the Federal land bank for the district, accompanied by an agreement to subscribe on behalf of the association for stock of the land bank equal to not less than $5 nor more than $10 per $100 of the amount of the aggregate loans desired or held by the association members. Such stock may be paid for by surrendering for cancellation stock in the bank held by a borrower and the issuance of an equivalent amount of stock to such borrower in the association. The articles shall be accompanied by a statement signed by each of the members of the proposed association establishing his eligibility for, and that he has or desires a Federal land bank loan; that the real estate with respect to which he desires a loan is not being served by another Federal land bank association; and that he is or will become a stockholder in the proposed association. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for the proposed association in order to adequately serve the credit needs of eligible persons in the proposed territory and a statement as to whether or not the territory includes any territory described in the charter of another Federal land bank association. The Governor for good cause shown may deny the charter applied for. Upon the approval of the proposed articles by the Governor and the issuance of such charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have power, in the terms of the charter, under rules and regulations prescribed by him or by approving bylaws of the association, to provide for the organization of the association, the initial amount of stock of such association, the territory within which its operations may be carried on and to direct at any time changes in the charter of such association as he finds necessary in accomplishing the purposes of this Act.

SEC. 1.14. BOARD OF DIRECTORS.—Each Federal land bank association shall elect from its voting shareholders a board of directors of such number, for such terms, in such manner, and with such qualifications as may be required by its bylaws.

SEC. 1.15. GENERAL CORPORATE POWERS.—Each Federal land bank association shall be a body corporate and, subject to supervision of the Federal land bank for the district and of the Farm Credit Administration, shall have the power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Acts of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real estate and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act; define their duties; and require surety bonds or make other provision against losses occasioned by empolyees. No director shall, within one year after the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association of the board of which he served.

(8) Prescribe by its board of directors its bylaws, not inconsistent with law, providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers and employees elected or provided for; its property acquired, held, and transferred; its general business conducted; and privileges granted it by law exercised and enjoyed.

(9) Accept applications for Federal land bank loans and receive from such bank and disburse to the borrowers the proceeds of such loans.

(10) Subscribe to stock of the Federal land bank of the district.

(11) Elect by its board of directors a loan committee with power to elect applicants for membership in the association and recommend loans to the Federal land bank, or with the approval of the Federal land bank, delegate the election of applicants for membership and the approval of loans within specified limits to other committees or to authorized employees of the association.

(12) Upon agreement with the bank, take such additional actions with respect to applications and loans and perform such functions as are vested by law in or delegated to the Federal land banks as may be agreed to or delegated to the association.

(13) Endorse and shall become liable to the bank on loans it makes to association members.

(14) Receive such compensation and deduct such sums from loan proceeds with respect to each loan as may be agreed between the association and the bank and may make such other charges for services as may be approved by the bank.

(15) Provide technical assistance to members, borrowers, applicants, and other eligible persons and make available to them, at their option, such financial related services appropriate to their operations as it determines, with Federal land bank approval, are feasible, under regulations of the Farm Credit Administration.

(16) Borrow money from the bank and, with the approval of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institutions.

(17) Buy and sell obligations of or insured by the United States or any agency thereof or of any banks of the Farm Credit System.

(18) Invest its funds in such obligations as may be authorized in regulations of the Farm Credit Administration and approved by the bank and deposit its securities and current funds with any member bank of the Federal Reserve System, with the Federal land bank, or with any bank insured by the Federal Deposit Insurance Corporation, and pay fees therefor and receive interest thereon as may be agreed.

(19) Perform such other function delegated it by the Federal land bank of the district.

(20) Exercise by its board of directors or authorized officers or agents all such incidental powers as may be necessary or expedient in the conduct of its business.

SEC. 1.16. ASSOCIATION STOCK; VALUE OF SHARES; VOTING.—(a) The share of stock in each Federal land bank association shall have a par value of $5 each. No person but borrowers from the bank shall become members and stockholders of the association. If an application for membership is approved and if the applied-for loan is granted, the member of the association shall subscribe to stock in the association in an amount not less than 5 per centum nor more than 10 per centum of the face amount of the loan as determined by the bank. Stock shall be paid for in cash by the time the loan is closed. The association shall then purchase a similar amount of stock in the land bank. Stock shall be retired and paid at fair book value not to exceed par, as determined by the association, upon the full repayment of the loan and if the loan is in default may be canceled for application on the loan, or under other circumstances, for other disposition, when approved by the bank. The aggregate capital stock of each association shall be increased from time to time as necessary to permit the securing of requested loans from the bank for the association's members.

(b) The stock issued by an association may be voting stock or nonvoting stock of such classes as the association determines with the approval of the bank under regulations prescribed by the Farm Credit Administration. Each holder of voting stock shall be entitled to only one vote, and no more, in the election of directors and in deciding questions at meetings of stockholders. Participation certificates may be issued in lieu of nonvoting stock when the bylaws of the association so provide.

PART C—PROVISIONS APPLICABLE TO FEDERAL LAND BANKS AND FEDERAL LAND BANK ASSOCIATIONS

SEC. 1.17. LAND BANK RESERVES; DIVIDENDS.—(a) Each Federal land bank shall, at the end of each fiscal year, carry to reserve account a sum of not less than 50 per centum of its net earnings for the year until said reserve account shall be equal at the end of such year, after restoring any impairment thereof, to the outstanding capital stock and participation certificates of the bank. Thereafter, a sum equal to 10 per centum of the year's net earnings shall be added to the reserve account until the account shall be equal to 150 per centum of the outstanding capital stock and participation certificates of the bank. Any amounts added to the reserve account in excess of 150 per centum of the outstanding capital stock and participation cerificates may be withdrawn from such reserves with the approval of the Farm Credit Administration.

(b) Any bank may declare a dividend or dividends out of the whole or any part of net earnings which remain after (1) the maintenance of the reserve as required in subsection (a) hereof, (2) the payment of the franchise tax as required by section 4.0 for any year in which any stock in the bank is held by the Governor of the Farm Credit Administration, and (3) with approval of the Farm Credit Administration.

Sec. 1.18. Association Reserves; Dividends.—(a) Each Federal land bank association shall, out of its net earnings at the end of each fiscal year, carry to reserve account a sum not less than 10 per centum of such earnings until the reserve account shall equal 25 per centum of the outstanding capital stock and participation certificates of such association after restoring any impairment thereof. Thereafter, 5 per centum of the net earnings for the year shall be added to such reserve account until it shall equal 50 per centum of the outstanding capital stock and participation certificates of the association. Any amounts in the reserve account in excess of 50 per centum of the outstanding capital stock and participation certificates may be withdrawn with the approval of the Federal land bank.

(b) Any association may declare a dividend or dividends out of the whole or any part of its net earnings which remain after (1) maintenance of the reserve required in subsection (a) hereof and (2) bank approval.

(c) Whenever any association is liquidated, a sum equal to its reserve account as required in this Act shall be paid and become the property of the bank in which such association is a shareholder.

Sec. 1.19. Agreements for Sharing Gains or Losses.—Each Federal land bank may enter into agreements with Federal land bank associations in its district for sharing the gain or losses on loans or on security held therefor or acquired in liquidation thereof, and associations are authorized to enter into any such agreements and also, subject to bank approval, agreements with other associations in the district for sharing the risk of loss on loans endorsed by each such association.

Sec. 1.20. Liens on Stock.—Each Federal land bank and each Federal land bank association shall have a first lien on the stock and participation certificates it issues, except on stock held by the Governor of the Farm Credit Administration, for the payment of any liability of the stockholder to the association or to the bank, or to both of them.

Sec. 1.21. Taxation.—Every Federal land bank and every Federal land bank association and the capital, reserves, and surplus thereof, and the income derived therefrom shall be exempt from Federal, State municipal, and local taxation, except taxes on real estate held by a Federal land bank or a Federal land bank association to the same extent, according to its value, as other similar property held by other persons is taxed. The mortgages held by the Federal land banks and the notes, bonds, debentures, and other obligations issued by the banks or associations shall be deemed and held to be instrumentalities of the Government of the United States and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742(a)).

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

Part A—Federal Intermediate Credit Banks

Sec. 2.0. Establishment; Branches.—The Federal intermediate credit banks established pursuant to section 201(a) of the Federal Farm Loan Act, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration not inconsistent with the provisions of this title as may be necessary or expedient to implement this Act. Unless an existing Federal intermediate credit bank is merged with one or more other such banks under section 4.10 of this Act, there shall be a Federal intermediate credit bank in each farm credit district. It may include in its title the name of the city in which it is located or other geographical designation. When authorized by the Farm Credit Administration, it may establish such branches or other offices as may be appropriate for the effective operation of its business.

Sec. 2.1. Corporate Existence; General Corporate Powers.—Each Federal intermediate credit bank shall be a body corporate and, subject to supervision of the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or other Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make and discount loans and commitments for credit, and provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice president, a secretary, and a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act; define their duties and require surety bonds or make other provision against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents elected or provided for; its property acquired, held, and transferred; its loans and discounts made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually, or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Purchase nonvoting stock in or pay in surplus to, and accept deposits of securities or of current funds from production credit associations holding its shares and pay interest upon such funds.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent, of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Delegate to the production credit associations such functions vested in or delegated to the intermediate credit bank as it may determine.

(15) Approve the salary scale of the officers and employees of the association and the appointment and compensation of the chief executive officer thereof and supervise the exercise by the production credit associations of the functions vested in or delegated to them.

(16) Amend and modify loan contracts, documents, payment schedules, and release, subordinate, or substitute security for any of them.

(17) Conduct studies and make and adopt standards for lending.

(18) Enter into loss sharing agreements with other Federal intermediate credit banks and production credit associations.

(19) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

(20) Participate with one or more other Federal intermediate credit banks or production credit associations in the district, in loans under this title on such terms as may be agreed upon among such banks and associations.

(21) Perform any function delegated to it by the Farm Credit Administration.

Sec. 2.2. Federal Intermediate Credit Bank Stock; Value; Dividend; Additional Stock; Retirement.—(a) The capital stock of each Federal intermediate credit bank shall be divided into shares of par value of $5 each and may be of such classes as its board of directors may determine with the approval of the Farm Credit Administration.

(b) Voting stock of each bank shall be held only by the production credit associations which stock not be transferred, pledged, or hypothecated except as provided in this title or as authorized under regulations of the Farm Credit Administration.

(c) The Board of each bank shall from time to time increase its capital stock to permit the issuance of additional shares to production credit associations in such amounts as shall be determined by the board.

(d) Nonvoting stock may be issued to the Governor of the Farm Credit Administration. Nonvoting stock may also be issued to production credit associations in such amounts as will permit the association to extend financial assistance to eligible persons other than farmers, ranchers, and producers, or harvesters of aquatic products. Participation certificates, with a face value of $5, may be issued in lieu of such nonvoting stock when the bylaws of the bank so provide.

(e) Participation certificates also may be issued by a bank to financing institutions other than production credit associations which are eligible to borrow from or discount eligible paper with the bank.

(f) Dividends shall not be payable on any stock held by the Governor of the Farm Credit Administration other than the tax imposed by section 4.0(c) but noncumulative dividends may be payable on other capital and participation certificates in an amount not to exceed a per centum permitted under regulations of the Farm Credit Administration, in any year as determined by the board of directors. Such dividends may be in the form of stock and participation certificates or, when the Governor of the Farm Credit Administration holds no stock in the bank, in cash. The rate of dividends may be different between different classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the bank by such classes and issues, but otherwise dividends shall be without preference.

(g) Each Federal intermediate credit bank, with the approval of the Farm Credit Administration, may determine the amount of the initial or additional stock in the bank to be subscribed for by the production credit associations in the farm credit district served by the bank in order to provide capital to meet the credit needs of the bank. The amount so determined shall be allotted among the associations in the district upon such basis that, as nearly as may be practicable, the sum of the stock already owned and the additional amount to be subscribed for by each association will be in the same proportion to the total amount of stock already owned and to be subscribed for by all of the associations in the district that the average indebtedness (loans and discounts) of each association to the bank during the immediately preceding three fiscal years is of the average of such indebtedness of all associations to the bank during such three-year period. Each association shall subscribe for stock in the bank in the amount so allotted to it. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such amounts as may be determined by the bank.

Whenever the relative amounts of stock in a bank owned by the associations differ substantially from the proportion indicated in the preceding paragraph, and additional subscriptions to stock through which such proportion could be reestablished are not contemplated, the bank, with the approval of the Farm Credit Administration, may direct either separately or in combination such transfers, retirements, and reissuance of outstanding stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Outstanding stock which is retired for this purpose, except as otherwise approved by the Farm Credit Administration, shall be the oldest stock held by the association and the bank shall pay the association therefor at the fair book value thereof not exceeding par.

The banks may issue further amounts of participation certificates with the same rights, privileges, and conditions, for purchase by institutions other than production credit associations which are entitled to receive participation certificates from the bank as patronage refunds. Participation certificates held by other financing institutions may be transferred to other such institutions upon request of, or with the approval of the bank.

After all stock held by the Governor of the Farm Credit Administration has been retired, the bank may retire other stock at par and participation certificates at face amount under regulations of the Farm Credit Administration. Such other stock and participation certificates shall be retired without preference and in such manner that, unless otherwise approved by Farm Credit Administration, the oldest outstanding stock or certificates at any given time will be retired first. In case of liquidation or dissolution of any production credit association or other financing institution, the stock or participation certificates of the bank owned by such association or institution may be retired by the bank at the fair book value thereof, not exceeding par or face amount, as the case may be.

(h) Except with regard to stock held by the Governor, each Federal intermediate credit bank shall have a first lien on all stock and participation certificates it issues and on all allocated reserves and other equities for any indebtedness of the holder of such capital investments to the bank.

(i) In any case where the debt of a production credit association or other financing institution is in default, the bank may retire all or part of the capital investments in the bank held by such debtor at the fair book value thereof, not exceeding par or face amount as the case may be, in total or partial liquidation of the debt.

SEC. 2.3. LOANS; DISCOUNTS; PARTICIPATION; LEASING.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to and discount for, or purchase from, any production credit association with its endorsement or guaranty, any note, draft, or other obligation presented by such association, and to participate with such association and one or more intermediate credit banks in the making of loans to eligible borrowers, all the foregoing to be secured by such collateral, if any, as may be required in regulations of the Farm Credit Administration. The banks may own and lease or lease with option to purchase, to persons eligible for assistance under this title, equipment needed in the operations of such persons.

(b) The Federal intermediate credit banks are authorized to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, and any association of agricultural producers engaged in the making of loans to farmers and ranchers, with its endorsement or guaranty, any note, draft, or other obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose, including the breeding, raising, fattening, or marketing of livestock; and to make loans and advances to any such financing institution secured by such collateral as may be approved by the Farm Credit Administration: *Provided*, That no such loan or advance shall be made upon the security of collateral other than notes or other such obligations of farmers and ranchers eligible for discount or purchase under the provisions of this section, unless such loan or advance is made to enable the financing institution to make or carry loans for any agricultural purpose.

(c) No paper shall be purchased from or discounted for any national bank, State bank, trust company or savings institution under subsection (b) if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or twice the paid-in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes including the raising, breeding, fattening, or marketing of livestock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the lower of the amount of such liabilities permitted under the laws of the jurisdiction creating the same, or ten times the paid-in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (b), to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitations herein contained.

SEC. 2.4. TERMS.—Loans, advances, or discounts made under section 2.3 shall be repayable in not more than seven years from the time they are made or discounted by the Federal intermediate credit bank, and shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration, but the rates charged financing institutions other than production credit associations shall be the same as those charged production credit associations. In setting the rates and charges, it shall be the objective to produce *provided* the types of credit needed by eligible borrowers, at the lowest reasonable costs on a sound business basis taking into account the cost of money to the bank, necessary reserves and expenses of the bank and production credit associations, and providing services to borrowers from the bank and associations. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank. No obligation tendered for discount by a financing institution, without the approval of the Farm Credit Administration, shall be eligible for discount upon which the original borrower has been charged a rate of interest exceeding by more than 1½ per centum per annum the discount rate of the bank.

SEC. 2.5. SERVICES RELATED TO BORROWERS' OPERATIONS.—The Federal intermediate credit banks may provide technical assistance to borrowers, members, and applicants from the banks and production credit associations, including persons obligated on paper discounted by the bank, and may make available to them at their option such financial related services appropriate to their on-farm operations as determined to be feasible by the board of directors of each district bank, under regulations of the Farm Credit Administration.

SEC. 2.6. NET EARNING—DETERMINATION; ANNUAL APPLICATION; SURPLUS ACCOUNT; ABSORPTION OF NET LOSS.—(a) If, at the end of a fiscal year a Federal intermediate credit bank shall have stock outstanding held by the Governor of the Farm Credit Administration, such bank shall determine the amount of its net earnings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such net earnings as follows: (1) to the restoration of the impairment, if any of capital stock and participation certificates, as determined by its board of directors; (2) to the restoration of the amount of the impairment, if any, of the surplus account or allocated reserve account established by this subsection, as determined by its board of directors; (3) 25 per centum of any remaining net earnings shall be used to create and maintain an allocated reserve account; (4) a franchise tax shall be paid to the United States, as provided in section 4.0 of this Act; (5) reasonable unallocated contingency reserve account may be established and maintained; (6) dividends on stock held by production credit associations and on participation certificates may be declared as provided in section 2.2(f) of this title; and (7) any remaining net earnings shall be distributed as patronage refunds as provided in subsection (b) of this section.

Amounts applied to reserve account as provided in (3) above, either heretofore or hereafter, shall be allocated on the same patronage basis and have the same tax treatment as is provided in subsection (b) of this section for patronage refunds. At the end of any fiscal year that the allocated reserve account of any bank exceeds 25 per centum of its outstanding stock and participation certificates, such excess may be distributed, oldest allocations first, in stock to production credit associations and participation certificates issued as of the date of the allocations.

If and when the relative amounts of stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such stock owned by each association, as provided in the first or second paragraphs of section 2.2(g) of this title, amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of stock.

No part of the surplus account established by a Federal intermediate credit bank on January 1, 1957, consisting of its earned surplus account, its reserve for contingencies, and the surplus of the production credit corporation transferred to the bank, shall be distributed as patronage refunds or as dividends. In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves), such loss shall be absorbed by: first, charges to the unallocated reserve account; second, impairment of the allocated reserve account; third, impairment of the surplus other than that transferred from the production credit corporation of the district; fourth, impairment of surplus transferred from the production credit corporation of the district; fifth, impairment of stock and participation certificates held by production credit associations and participation certificates held by other financing institutions; and sixth, impairment of nonvoting stock.

(b) If at the end of a fiscal year a Federal intermediate credit bank shall have outstanding capital stock held by the Governor of the Farm Credit Administration, patronage refunds declared for that year shall be paid in stock to production credit associations and in participation certificates to other financing institutions borrowing from or discounting with the bank during the fiscal year for which such refunds are declared. The recipients of such patronage refunds shall not be subject to Federal income taxes thereon. All patronage refunds shall be paid in the proportion that the amount of interest earned by the bank on its loans to and discounts for each production credit association or other financing institution bears to the total interest earned by the bank on all such loans and discounts outstanding during the fiscal year. Each participation certificate issued in payment of patronage refunds shall be in multiples of $5 and shall state on its face the rights, privileges, and conditions applicable thereto. Patronage refunds shall not be paid to any other Federal intermediate credit bank, or to any Federal land bank or bank for cooperatives.

(c) If, at the end of a fiscal year a Federal intermediate credit bank shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net earnings of such bank shall, under regulations prescribed by the Farm Credit Administration, continue to be distributed on a cooperative basis with an obligation to distribute patronage dividends and with provision for sound, adequate capitalization to meet changing financing needs of production credit associations, other financial institutions eligible to discount paper with the banks, and other eligible borrowers, and prudent corporate fiscal management, to the end that the current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves. Such regulations may provide for the application of less than 25 per centum of net earnings after payment of operating expenses to the restoration or maintenance of the allocated reserve account, additions to unallocated contingency reserve account of not to exceed such per centum of net earnings as may be approved by the Farm Credit Administration, and provide for allocations to patrons not qualified under the Internal Revenue Code, and the payment of patronage in stock, participation certificates, or in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the Governor of the Farm Credit Administration, provision will be made for the payment of the franchise tax required in section 4.0.

(d) Such allocations of reserve account shall be subject to a first lien as additional collateral for any indebtedness of the holders thereof to the bank and in any case where such indebtedness is in default may, but shall not be required to, be retired and canceled for application on such indebtedness, and, in case of liquidation or dissolution of a holder thereof, such reserve account allocations may be retired, all as is provided for stock and participation certificates in section 2.2(g) of this title.

SEC. 2.7. DISTRIBUTION OF ASSETS ON LIQUIDATION.—In the case of liquidation or dissolution of any Federal intermediate credit bank, after payment or retirement, as the case may be, first, of all liabilities; second, of all stock held by the Governor of the Farm Credit Administration at par; third, of all stock owned by production credit associations at par and all participation certificates at face amount; any remaining assets of the bank shall be distributed as provided in this subsection. Any of the surplus established pursuant to section 2.6 (excluding that transferred from the production credit corporation of the district) which the Farm Credit Administration determines was contributed by financing institutions other than the production credit associations discounting with or borrowing from the bank on January 1, 1957, shall be paid to such institutions, or their successors in interest as determined by Farm Credit Administration, and the remaining portion of such surplus (including that transferred from the production credit corporation of the district) shall be paid to the holders of voting and nonvoting stock pro rata. The contribution of each such financing institution under the preceding sentence shall be computed on the basis of the ratio of its patronage to the total patronage of the bank from the date of organization of the bank to January 1, 1957. The allocated reserve established pursuant to section 2.6 shall be paid to the production credit associations and other financing institutions to which such reserve is allocated on the books of the bank. Any assets of the bank then remaining shall be distributed to the production credit associations and the holders of participation certificates pro rata.

SEC. 2.8. TAXATION.—Every Federal intermediate credit bank and the capital, reserves, and surplus thereof and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation except taxes on real estate held by a Federal intermediate credit bank to the same extent, according to its value, as other similar property held by other persons is taxed. The obligations held by the Federal intermediate credit banks and the notes, bonds, debentures, and other obligations issued by the banks shall be deemed to be instrumentalities of the Government of the United States, and, as such, they and the income therefrom shall be exempt from all Federal, State, municipal, and local taxation, other than Federal income tax liability of the holder thereof under the Public Debt Act of 1941 (31 U.S.C. 742(a)).

SEC. 2.9. [Vacant.]

PART B—PRODUCTION CREDIT ASSOCIATION

SEC. 2.10. ORGANIZATION AND CHARTERS.—Each production credit association chartered under section 20 of the Farm Credit Act of 1933, as amended, shall continue as a federally chartered instrumentality of the United States. Production credit associations may be organized by ten or more farmers or ranchers or producers or harvesters of aquatic products desiring to borrow money under the provisions of this title. The proposed articles of association shall be forwarded to the Federal intermediate credit bank for the district accompanied by an agreement to subscribe on behalf of the association for stock in the bank in such amounts as may be required by the bank. The articles shall specify in general terms the objects for which the association is formed, the powers to be exercised by it in carrying out the functions authorized by this part, and the territory it proposes to serve. The articles shall be signed by persons desiring to form such an association and shall be accompanied by a statement signed by each such person establishing eligibility to borrow from the association in which he will become a stockholder. A copy of the articles of association shall be forwarded to the Governor of the Farm Credit Administration with the recommendations of the bank concerning the need for such an association in order to adequately serve the credit needs of eligible persons in the proposed territory and whether that territory includes any area described in the charter of another production credit association. The Governor for good cause shown may deny the charter. Upon approval of the proposed articles by the Governor and the issuance of a charter, the association shall become as of such date a federally chartered body corporate and an instrumentality of the United States. The Governor shall have the power, under rules and regulations prescribed by him or by prescribing in the terms of the charter or by approval of bylaws of the association, to provide for the organization of the association, the initial amount of stock of the association, the territory within which its operations may be carried on, and to direct at any time such changes in the charter as he finds necessary for the accomplishment of the purposes of this Act.

SEC. 2.11. BOARD OF DIRECTORS.—Each production credit association shall elect from its voting members a board of directors of such number, for such terms, with such qualifications, and in such manner as may be required by its bylaws.

SEC. 2.12. GENERAL CORPORATE POWERS.—Each production credit association shall be a body corporate and, subject to supervision by the Federal intermediate credit bank for the district and the Farm Credit Administration, shall have power to—

(1) Have succession until terminated in accordance with this Act or any other Act of Congress.

(2) Adopt and use a corporate seal.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Operate under the direction of its board of directors in accordance with this Act.

(7) Subscribe to stock of the bank.

(8) Purchase stock of the bank held by other production credit associations and stock of other production credit associations.

(9) Contribute to the capital of the bank or other production credit associations.

(10) Invest its funds as may be approved by the Federal intermediate credit bank under regulations of the Farm Credit Administration and deposit its current funds and securities with the Federal intermediate credit bank, a member bank of the Federal Reserve System, or any bank insured under the Federal Deposit Insurance Corporation, and may pay fees therefor and receive interest thereon as may be agreed.

(1) Buy and sell obligations of or insured by the United States or of any agency thereof or of any banks of the Farm Credit System.

(12) Borrow money from the Federal intermediate credit bank, and with the approval

of such bank, borrow from and issue its notes or other obligations to any commercial bank or other financial institution.

(13) Make and participate in loans, accept advance payments, and provide services and other assistance as authorized in this title and charge fees therefor.

(14) Endorse and become liable on loans discounted or pledged to the Federal intermediate credit bank.

(15) Enter into loss sharing agreements with the Federal intermediate credit bank and other production credit associations.

(16) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired, its officers and employees elected or provided for, its property acquired, held, and transferred, its general business conducted, and the privileges granted it by law exercised and enjoyed.

(17) Elect by its board of directors a manager or other chief executive officer, and provide for such other officers or employees as may be necessary, including joint employees as provided in this Act, define their duties, and require surety bonds or make other provisions against losses occasioned by employees. No director shall, within one year after the date when he ceases to be a member of the board, be elected or designated a salaried employee of the association on the board of which he served.

(18) Elect by its board of directors a loan committee with power to approve applications for membership in the association and loans or participations or, with the approval of the bank, delegate the approval of applications for membership and loans or participations within specified limits to other committees or to authorized officers and employees of the association.

(19) Perform any functions delegated to it by the bank or the Farm Credit Administration.

(20) Exercise by its board of directors or authorized officers or employees, all such incidental powers as may be necessary or expedient to carry on the business of the association.

SEC. 2.13. CAPITAL STOCK; CLASSES OF STOCKS; TRANSFER; EXCHANGE; AND DIVIDENDS.—(a) A production credit association may issue voting stock, nonvoting stock, preferred stock, participation certificates, and provide for an equity reserve. Holders of stock, participation certificates, and equity reserve shall have such rights, not inconsistent with the provisions of this section, as are set forth in the bylaws of the association. Stock shall be divided into shares of $5 par value each, and participation certificates shall have a face value of $5 each.

(b) Voting stock may be purchased only by farmers and ranchers, or producers or harvesters of aquatic products, who are eligible to borrow from the association. Each holder of voting stock shall be entitled to no more than one vote except as otherwise provided in subsection (d) hereof. No voting stock or any interest therein or right to receive dividends thereon shall be transferred by act of the parties or by operation of law, except to another person eligible to hold voting stock, and then only as provided in the bylaws.

(c) Nonvoting stock may be issued to the Governor of the Farm Credit Administration and to other investors.

(d) Preferred stock, which shall be nonvoting, may be issued to the Governor and to other investors when authorized by a majority vote of the outstanding shares of voting stock, by a majority vote of the outstanding shares of the nonvoting stock, and by a majority vote of the outstanding shares of preferred stock, except that all stock held by the Governor shall be excluded from voting hereunder. For the purpose of this subsection only, the holders of such stock shall be entitled to one vote, in person or by written proxy, for each share of stock held. The authorization to issue preferred stock shall state the privileges, restrictions, limitations, dividend rights (either cumulative or noncumulative) redemption rights, preferences, and other qualifications affecting said stock, and the total amount of the authorized issue to which it belongs.

(e) Participation certificates may be issued to persons eligible to borrow from the association to whom voting stock is not to be issued.

(f) Each borrower from the association shall be required to own at the time the loan is made voting stock or participation certificates as provided in the bylaws of the association, in an amount equal in fair book value (not exceeding par or face amount, as the case may be), as determined by the association, to $5 per $100 or fraction thereof of the amount of the loan. Such stock and participation certificates shall not be canceled or retired upon payment of the loan or otherwise except as may be provided in the bylaws. Notwithstanding any other provision of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Federal intermediate credit bank or another production credit association, the requirement that the borrower own stock or participation certificates shall apply only to the portion of the loan which is retained by the association.

(g) Voting stock shall, within two years after the holder ceases to be a borrower, be converted into nonvoting stock at the fair book value thereof, not exceeding par. Consistent with the provisions of this part, and as provided in the bylaws of the association, each class of stock and participation certificates shall be convertible into any other class of stock (except preferred stock) and into participation certificates.

(h) As a further means of providing capital, an association may, as provided in its bylaws, and with the approval of the bank, require borrowers to purchase stock or participation certificates in addition to that required in subsection (f) hereof, or invest in the equity reserve, in an aggregate amount not exceeding $5 per $100 or fraction thereof of the amount of the loan. Any portion of the amounts invested under this subsection which is no longer required for the purposes of the association may be returned to the owners thereof by revolving or retirement in accordance with its bylaws.

(i) Dividends shall be paid on preferred stock in accordance with the authorization of the stockholders to issue such stock. Dividends on stock, other than preferred stock, and on participation certificates may be paid by an association as provided in its bylaws at such rate or rates as are approved by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, and may be paid, upon such approval, even though the amount in the surplus accounts is less than the minimum aggregate amount prescribed by the bank as provided in section 2.14.

(j) Except with regard to stock held by the Governor, each production credit association shall have a first lien on stock and participation certificates it issues, allocated surplus, and on investments in equity reserve, for any indebtedness of the holder of such capital investments and, in the case of equity reserve, for charges for association losses in excess of reserves and surplus.

(k) In any case where the debt of a borrower is in default, the association may retire all or part of the capital investments in the association held by such debtor at the fair book value thereof, not exceeding par or face amount, as the case may be, in total or partial liquidation of the debt.

SEC. 2.14. APPLICATION OF EARNINGS; RESTORATION OF CAPITAL IMPAIRMENT; AND SURPLUS ACCOUNT.—(a) Each production credit association at the end of each fiscal year shall apply the amount of its earnings for such year in excess of its operating expenses (including provision for valuation reserves against loan assets in an amount equal to one-half of 1 per centum of the loans outstanding at the end of the fiscal year to the extent that earnings in such year in excess of other operating expenses permit, until such reserves equal or exceed 3½ per centum of the loans outstanding at the end of the fiscal year, beyond which 3½ per centum further additions to such reserves are not required but may be made) first to the restoration of the impairment, if any, of capital; and, second, to the establishment and maintenance of the surplus accounts, the minimum aggregate amount of which shall be prescribed by the Federal intermediate credit bank.

(b) When the bylaws of an association so provide, available net earnings at the end of any fiscal year may be distributed on a patronage basis in stock, participation certificates, or in cash, except that when the Governor holds any stock in an association the cash distribution shall be be such percentage of the patronage refund as shall be determined under regulations of the Farm Credit Administration. Any part of the earnings of the fiscal year in excess of the operating expenses for such year held in the surplus account may be allocated to patrons on a patronage basis.

SEC. 2.15. SHORT- AND INTERMEDIATE-TERM LOANS; PARTICIPATION; OTHER FINANCIAL ASSISTANCE; TERMS; CONDITIONS; INTEREST, SECURITY.—(a) Each production credit association, under rules and regulations prescribed by the board of directors of the Federal intermediate credit bank of the district and approved by the Farm Credit Administration, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to (1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural purposes and other requirements of such borrowers, (2) rural residents for housing financing in rural areas, under regulations of Farm Credit Administration, and (3) persons furnishing to farmers and ranchers farm-related services directly related to their on-farm operating needs. Rural housing financed under this title shall be for single-family, moderate-priced dwellings and their appurtenances not inconsistent with the general quality and standards of housing existing in, planned or recommended for the rural area where it is located. The aggregate of such housing loans in an association to persons other than farmers or ranchers shall not exceed 15 per centum of the outstanding loans at the end of its preceding fiscal year except upon prior approval by the Federal intermediate credit bank of the district. The aggregate of such housing loans in any farm credit district shall not exceed 15 per centum of the outstanding loans of all associations in the district at the end of the preceding fiscal year. For rural housing purposes under this section the term "rural areas" shall not be defined to include any city or village having a population in excess of 2,500 inhabitants. Each association may own and lease, or lease with option to purchase, to stockholders of the association equipment needed in the operations of the stockholder.

(b) Loans authorized in subsection (a) hereof shall bear such rate or rates of interest as are determined under regulations prescribed by the board of the bank with the approval of the Farm Credit Administration, and shall be made upon such terms, conditions, and upon such security, if any, as shall be authorized in such regulations. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers, at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the association, necessary reserves and expenses of the association, and services provided to borrowers and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan in accordance with the rate or rates currently being charged by the association. Such regulations may require prior approval of the bank or of Farm Credit Administration on certain classes of loans; and may authorize a continuing commitment to a borrower of a line of credit.

SEC. 2.16. OTHER SERVICES.—Each production credit association may provide technical assistance to borrowers, applicants, and members and may make available to them at their option such financial related services appropriate to their on-farm operations as is determined feasible by the board of directors of each district bank, under regulations prescribed by the Farm Credit Administration.

SEC. 2.17. TAXATION.—Each production credit association and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such associations shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, territorial, or local taxing authority. Such associations, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such associations shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such associations shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the production credit associations is held by the Governor of the Farm Credit Administration.

TITLE III—BANKS FOR COOPERATIVES

SEC. 3.0. ESTABLISHMENT; TITLES; BRANCHES.—The banks for cooperatives established pursuant to sections 2 and 30 of the Farm Credit Act of 1933, as amended, shall continue as federally chartered instrumentalities of the United States. Their charters or organization certificates may be modified from time to time by the Farm Credit Administration, not inconsistent with the provisions of this title, as may be necessary or expedient to implement this Act. Unless an existing bank for cooperatives is merged with one or more other such banks under section 4.10 of this Act, there shall be a bank for cooperatives in each farm credit district and a Central Bank for Cooperatives. A bank for cooperatives may include in its title the name of the city in which it is located or other geographical designation. The Central Bank for Cooperatives may be located in such place as its board of directors may determine with the approval of the Farm Credit Administration. When authorized by the Farm Credit Administration each bank for cooperatives may establish such branches or other offices as may be appropriate for the effective operation of its business.

SEC. 3.1. CORPORATE EXISTENCE; GENERAL CORPORATE POWERS.—Each bank for cooperatives shall be a body corporate and, subject to supervision by the Farm Credit Administration, shall have power to—

(1) Adopt and use a corporate seal.

(2) Have succession until dissolved under the provisions of this Act or order Act of Congress.

(3) Make contracts.

(4) Sue and be sued.

(5) Acquire, hold, dispose, and otherwise exercise all of the usual incidents of ownership of real and personal property necessary or convenient to its business.

(6) Make loans and commitments for credit, provide services and other assistance as authorized in this Act, and charge fees therefor.

(7) Operate under the direction of its board of directors.

(8) Elect by its board of directors a president, any vice presidents, a secretary, a treasurer, and provide for such other officers, employees, and agents as may be necessary, including joint employees as provided in this Act, define their duties and require surety bonds or make other provisions against losses occasioned by employees.

(9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, or agents elected or provided for; its property acquired, held, and transferred; its loans made; its general business conducted; and the privileges granted it by law exercised and enjoyed.

(10) Borrow money and issue notes, bonds, debentures, or other obligations individually or in concert with one or more other banks of the System, of such character, and such terms, conditions, and rates of interest as may be determined.

(11) Participate in loans under this title with one or more other banks for cooperatives and with commercial banks and other financial institutions upon such terms as may be agreed among them.

(12) Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; may be employed as a fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under the provisions of this subsection shall be invested in loans or bonds or other obligations of the bank.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, or securities backed by the full faith and credit of any such agency and make such other investments as may be authorized by the Farm Credit Administration.

(14) Conduct studies and adopt standards for lending.

(15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(16) Perform any function delegated to it by the Farm Credit Administration.

(17) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the bank.

SEC. 3.2. BOARD OF DIRECTORS.—(a) In the case of a district bank for cooperatives, the board of directors shall be the farm credit district board and in the case of the Central Bank for Cooperatives shall be a separate board of not more than thirteen members, one from each farm credit district and one at large. One district director of the Central Bank Board shall be elected by each district farm credit board and the member at large shall be appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) For the purposes of this section the provisions of sections 5.1 (b) and (c), 5.4, 5.5, and 5.6 shall apply to and shall be the authority of the Central Bank for Cooperatives the same as though it were a district bank.

SEC. 3.3. BANK FOR COOPERATIVES STOCK; VALUE; CLASSES OF STOCK; VOTING; EXCHANGE.—(a) The capital stock of each bank for cooperatives shall be in such amount as its board determines, with the approval of Farm Credit Administration, as required for the purpose of providing adequate capital to permit the bank to meet the credit needs of borrowers from the bank and such amounts may be increased or decreased from time to time in accordance with such needs.

(b) The capital stock of each bank shall be divided into shares of par value of $100 each and may be of such classes as the board may determine with the approval of the Farm Credit Administration. Such stock may be issued in fractional shares.

(c) Voting stock may be issued or transferred to and held only by (i) cooperative associations eligible to borrow from the banks and (ii) other banks for cooperatives, and shall not be otherwise transferred, pledged, or hypothecated except as consented to by the issuing bank under regulations of the Farm Credit Administration.

(d) Each holder of one or more shares of voting stock which is eligible to borrow from a bank for cooperatives shall be entitled only to one vote and only in the affairs of the bank in the district in which its principal office is located unless otherwise authorized by the Farm Credit Administration, except that if such holder has not been a borrower from the bank in which it holds such stock within a period of two years next preceding the date fixed by the Farm Credit Administration prior to the commencement of voting, it shall not be entitled to vote.

(e) Nonvoting investment stock may be issued in such series and in such amounts as may be determined by the board and approved by the Farm Credit Administration and, except for stock held by the Governor, may be exchanged for voting stock or sold or transferred to any person subject to the approval of the issuing bank.

SEC. 3.4. DIVIDENDS.—Dividends may be payable only on nonvoting investment stock, other than stock held by the Governor of the Farm Credit Administration, if declared by the board of directors of the bank.

SEC. 3.5. RETIREMENT OF STOCK.—Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0 (b) before any other outstanding voting or nonvoting stock shall be retired except as may be otherwise authorized by Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock retired in response to a call, reserving the right to have such stock included in the next call for retirement. When the requirements of section 4.0(b) have been met, voting stock may also be retired at fair book value not exceeding par, on call or on such revolving basis as the board may determine with approval of the Farm Credit Administration with due regard for its total capital needs: *Provided, however,* That all equities in the district banks issued or allocated with respect to the year of the enactment of this Act and prior years shall be retired on a revolving basis according to the year of issue with the oldest outstanding equities being first retired. Equities issued for subsequent years shall not be called or retired until equities described in the preceding sentence of this proviso have been retired.

SEC. 3.6. GUARANTY FUND SUBSCRIPTIONS IN LIEU OF STOCK.—If any cooperative association is not authorized under the laws of the State in which it is organized to take and hold stock in a bank for cooperatives, the bank shall, in lieu of any requirement for stock purchase, require the association to pay into or have on deposit in a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund account of the borrower, a sum equal to the amount of stock which the association would otherwise be required to own. Each reference to stock of the banks for cooperatives in this Act shall include such guaranty fund equivalents. The holder of the guaranty fund equivalent and the bank shall each be entitled to the same rights and obligations with respect thereto as the rights and obligations associated with the class or classes of stock involved.

SEC. 3.7. LENDING POWER.—The banks for cooperatives are authorized to make loans and commitments to eligible cooperative associations and to extend to them other technical and financial assistance, including but not limited to discounting notes and other obligations, guaranties, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives, under such terms and conditions as may be determined to be feasible by the board of directors of each bank for cooperatives under regulations of the Farm Credit Association. Such regulations may include provisions for avoiding duplication between the Central Bank and district banks for cooperatives. Each bank may own and lease, or lease with option to purchase, to stockholders eligible to borrow from the bank equipment needed in the operations of the stockholder.

SEC. 3.8. ELIGIBILITY.—Any association of farmers, producers, or harvesters of aquatic products, or any federation of such associations, which is operated on a cooperative basis, and has the powers for processing, preparing for market, handling, or marketing farm or aquatic products; or for purchasing, testing, grading, processing, distributing, or furnishing farm or aquatic supplies or furnishing farm business services or services to eligible cooperatives and conforms to either of the two following requirements:

(a) no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

(b) does not pay dividends on stock or membership capital in excess of such per centum per annum as may be approved under regulations of the Farm Credit Administration; and in any case

(c) does not deal in farm products or aquatic products, or products processed therefrom, farm or aquatic supplies, or farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members, excluding from the total of member and nonmember business transactions with the United States or any agency or instrumentality thereof; and

(d) a percentage of the voting control of the association not less than 80 per centum, or such higher percentage as established by the district board is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;

shall be eligible to borrow from a bank for cooperatives.

SEC. 3.9. OWNERSHIP OF STOCK BY BORROWERS.—(a) Each borrower at the time a loan is made by a bank for cooperatives shall own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan. Such additional ownership requirements may be based on the face amount of the loan, the outstanding loan balance or on a percentage of the interest payable by the borrower during any year or during any quarter thereof, or upon such other basis as the bank, with the approval of the Farm Credit Administration, determines will provide adequate capital for the operation of the bank and equitable ownership thereof among borrowers. In the case of a direct loan by the Central Bank, the borrower shall be required to own or invest in the necessary stock in a district bank or banks as may be approved by the Farm Credit Administration and such district bank shall be required to own a corresponding amount of stock in the Central Bank, but voting stock shall be in the one district bank designated by the Farm Credit Administration.

(b) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan made by a bank for cooperatives which it sells to or makes in participation with financial institutions other than any of the banks for cooperatives. In such cases the distribution of earnings of the bank for cooperatives shall be on the basis of the interest in the loan retained by such bank.

SEC. 3.10. INTEREST RATES; SECURITY; LIEN; CANCELLATION; AND APPLICATION ON INDEBTEDNESS.—(a) Loans made by a bank for cooperatives shall bear interest at a rate or rates determined by the board of directors of the bank from time to time, with the approval of the Farm Credit Administration. In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the net cost of money to the bank, necessary reserves and expenses of the bank, and services provided. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the bank.

(b) Loans shall be made upon such terms, conditions, and security, if any, as may be determined by the bank in accordance with regulations of the Farm Credit Administration.

(c) Each bank for cooperatives shall have a first lien on all stock or other equities in the bank as collateral for the payment of any indebtedness of the owner thereof to the bank. In the case of a direct loan to an eligible cooperative by the Central Bank, the Central Bank shall have a first lien on the stock and equities of the borrower in the district bank and the district bank shall have a lien thereon junior only to the lien of the Central Bank.

(d) In any case where the debt of a borrower is in default, or in any case of liquidation or dissolution of a present or former borrower from a bank for cooperatives, the bank may, but shall not be required to, retire and cancel all or a part of the stock, allocated surplus or contingency reserves, or any other equity in the bank owned by or allocated to such borrower, at the fair book value thereof not exceeding par, and, to the extent required in such cases, corresponding shares and allocations and other equity interests held by a district bank in another district bank on account of such indebtedness, shall be retired or equitably adjusted.

SEC. 3.11. EARNINGS AND RESERVES; APPLICATION OF SAVINGS.—(a) Each bank for cooperatives, at the end of each fiscal year when said bank shall have stock outstanding held by the Governor of the Farm Credit Administration, shall determine the amount of its net savings after paying or providing for all operating expenses (including reasonable valuation reserves and losses in excess of any such applicable reserves) and shall apply such savings as follows: (1) To the restoration of the amount of the impairment, if any, of capital stock, as determined by its board of directors; (2) 25 per centum of any remaining net savings shall be used to create and maintain a surplus account; (3) it shall next pay to the United States a franchise tax as provided in section 4.0 of this Act; (4) reasonable contingency reserves may be established; (5) dividends on investment stock may be declared as provided in this title; and (6) any remaining net savings shall be distributed as patronage refunds as provided in subsection (c) or (d) of this section: *Provided*, That any patronage refunds received by a district bank from any other bank for cooperatives shall be excluded from net savings of the district bank for the purpose of computing such franchise tax. Amounts applied as provided in (2) above after January 1, 1956, shall be allocated on a patronage basis approved by the Farm Credit Administration. At the end of any fiscal year any portion of the reserve established under (4) above which is no longer deemed necessary shall be transferred to the surplus account and, if the surplus account of any such bank for cooperatives exceeds 25 per centum of the sum of all its outstanding capital stock, the bank may distribute in the same manner as a patronage refund any part or all of such excess which has been allocated: *Provided*, That any surplus and contingency reserve shown on the books of the banks as of January 1, 1956, shall not be distributed as patronage refunds. In making such distributions except as otherwise provided in section 3.5 and distributions by the Central Bank, the oldest outstanding allocations shall be distributed first. Whenever used in this title, the words "surplus account" as applied to any bank for cooperatives shall mean any surpluses and contingency reserves shown on the books of the bank as of January 1, 1956, and any amounts accumulated as allocated or unallocated surplus after said date. Said surplus account shall be divided to show the amounts thereof subject to allocation as provided in this subsection and may be further subdivided as prescribed by the Farm Credit Administration.

(b) Whenever at the end of any fiscal year a bank for cooperatives shall have no outstanding capital stock held by the Governor of the Farm Credit Administration, the net savings shall, under regulations prescribed by the Farm Credit Administration, continue to be applied on a cooperative basis with provision for sound, adequate capitalization to meet the changing financing needs of eligible cooperative borrowers and prudent corporate fiscal management, to the end that current year's patrons carry their fair share of the capitalization, ultimate expenses, and reserves related to the year's operations and the remaining net savings shall be distributed as patronage refunds as provided in subsections (c) and (d) of this section. Such regulations may provide for application of less than 25 per centum of net savings to the restoration or maintenance of an allocated surplus account, reasonable additions to unallocated surplus, or to unallocated reserves of not to exceed such per centum of net savings after payment of operating expenses as may be approved by Farm Credit Administration, and to provide for allocations to patrons not qualified under the Internal Revenue Code, or payment of such per centum of patronage refunds in cash, as the board may determine. If during the fiscal year but not at the end thereof a bank shall have had outstanding capital stock held by the United States, provision will be made for payment of franchise taxes required in section 4.0.

(c) The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsections (a) or (b) of this section whichever is applicable, shall be paid in stock or in cash, or both, as determined by the board, as patronage refunds to borrowers of the fiscal year for which such patronage refunds are distributed. Except as provided in subsection (d) below, all patronage refunds shall be paid in proportion that the amount of interest and service fees on the loans to each borrower during the year bears to the interest and service fees on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

(d) The net savings of the Central Bank for Cooperatives after the earnings for the fiscal year have been applied in accordance with subsections (a) or (b) whichever is applicable, shall be paid in stock or cash, or both, as determined by the board, as patronage refunds to the district banks on the basis of interests held by the Central Bank in loans made by the district banks and upon any direct loans made by the Central Bank to cooperative associations, or on such other proportionate patronage basis as the Farm Credit Administration may approve. In cases of direct loans, such refund shall be paid to the district bank or banks which issued their stock to the borrower incident to such loans, and the district bank or banks shall issue a like amount of patronage refunds to the borrower.

(e) In the event of a net loss in any fiscal year after providing for all operating expenses (including reasonable valuation reserves and losses in excess of any applicable reserves), such loss may be carried forward or carried back, if appropriate, or otherwise shall be absorbed by charges to unallocated reserve or surplus accounts established after the date of enactment of this Act; charges to allocated contingency reserve account; charges to allocated surplus account; charges to other contingency reserve and surplus accounts; the impairment of voting stock; or the impairment of all other stock.

(f) Nothwithstanding any other provisions of this section any costs or expenses attributable to a prior year or years but not recognized in determining the net savings for such year or years may be charged to reserves or surplus of the bank or to patronage allocations for such years, as may be determined by the board of directors.

(g) For any year that a bank for cooperatives is subject to Federal income tax, it may pay in cash such portion of its patronage refunds as will permit its taxable income to be determined without taking into account savings applied as allocated surplus, allocated contingency reserves, and patronage refunds under subsections (a) or (b) of this section.

Sec. 3.12. Distribution of Assets and Liquidation or Dissolution.—In the case of liquidation or dissolution of any bank for cooperatives, after payment or retirement, first, of all liabilities; second, of all capital stock issued before January 1, 1956, at par, any stock held by the Governor of the Farm Credit Administration at par, and all nonvoting stock at par; and third, all voting stock at par; any surplus and reserves existing on January 1, 1956, shall be paid to the holders of stock issued before that date, stock held by the Governor of the Farm Credit Administration, and voting stock pro rata; and any remaining allocated surplus and reserves shall be distributed to those entities to which they are allocated on the books of the bank, and any other remaining surplus shall be paid to the holders of outstanding voting stock. If it should become necessary to use any surplus or reserves to pay any liabilities or to retire any capital stock, unallocated reserves or surplus, allocated reserves and surplus shall be exhausted in accordance with rules prescribed by Farmer Credit Administration.

Sec. 3.13. Taxation.—Each bank for cooperatives and its obligations are instrumentalities of the United States and as such any and all notes, debentures, and other obligations issued by such bank shall be exempt, both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any State, territorial, or local taxing authority. Such banks, their property, their franchises, capital, reserves, surplus, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, territorial, or local taxing authority; except that interest on the obligations of such banks shall be subject only to Federal income taxation in the hands of the holder thereof pursuant to the Public Debt Act of 1941 (31 U.S.C. 742(a)) and except that any real and tangible personal property of such banks shall be subject to Federal, State, territorial, and local taxation to the same extent as similar property is taxed. The exemption provided in the preceding sentence shall apply only for any year or part thereof in which stock in the bank for cooperatives is held by the Governor of the Farm Credit Administration.

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

Part A—Funding

Sec. 4.0. Stock Purchased by Governor; Retirement; Franchise Tax; Revolving Fund.—(a) The Federal land banks, the Federal intermediate credit banks, the banks for cooperatives, and, subject to section 2.13(d), the production credit associations may issue stock which may be purchased by the Governor of the Farm Credit Administration on behalf of the United States as a temporary investment in the stock of the institution to help one or several of the banks or associations to meet emergency credit needs of borrowers. The ownership of such stock shall be deemed to not change the status of ownership of the banks or associations, but, during the time such stock is outstanding, the pertinent provisions of the Government Corporation Control Act shall be applicable.

(b) The Governor shall require the retirement of such stock at such time as in his opinion the bank or association has resources available therefor and the need for such temporary investment is reduced or no longer exists. If the Governor determines that a production credit association does not have resources available to retire stock held by him, but in his judgment, the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of nonvoting stock of said association and the association then shall retire the stock held by the Governor.

(c) For any year or part thereof in which the Governor holds any stock in a bank of the System, such institution after complying with sections 1.17, 2.6, 2.14, 3.11, respectively, shall pay to the United States as a franchise tax a sum equal to the lower of 25 per centum of its net earnings for the year before establishing any contingency reserves or declaring any dividends or patronage distribution, not exceeding a rate of return on such temporary investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of three hundred and sixty-five days. Such payments shall be deposited in the miscellaneous receipts in the Treasury.

Sec. 4.1. Revolving Funds and Government Deposits.—(a) The revolving fund established by Public Law 87–343, 75 Stat. 758, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any Federal intermediate credit banks or production credit associations as provided in section 4.0 and for any other purpose authorized by said Act. Funds received from the partial or the full retirement of such investments shall be deposited in this revolving fund.

(b) The revolving fund established by Public Law 87–494, 76 Stat. 109, as amended, shall be available at the request of the Governor of the Farm Credit Administration for his temporary investment in the stock of any bank for cooperatives as provided in section 4.0 of this Act. Funds received from the partial or full retirement of such investments shall be deposited in this revolving fund.

(c) The Secretary of the Treasury is authorized, in his discretion, upon the request of the Farm Credit Administration, to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated. Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by bonds or other collateral, to the satisfaction of the Secretary of the Treasury. Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury. The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

Sec. 4.2. Power To Borrow; Issue Notes, Bonds, Debentures, and Other Obligations.—Each of the banks of the System, in order to obtain funds for its authorized purposes, shall have power, subject to supervision of the Farm Credit Administration, and subject ot the limitations of paragraph (e) of this section, to—

(a) Borrow money from or loan to any other institution of the System, borrow from any commercial bank or other lending institution, issue its notes or other evidence of debt on its own individual responsibility and full faith and credit, and invest its excess funds in such sums, at such times, and on such terms and conditions as it may determine.

(b) Issue its own notes, bonds, debentures, or other similar obligations, fully collateralized as provided in section 4.3(b) by the notes, mortgages, and security instruments it holds in the performance of its functions under this Act in such sums, maturities, rates of interest, and terms and conditions of each issue as it may determine with approval of the Governor.

(c) Join with any or all banks organized and operating under the same title of this Act in borrowing or in issuance of consolidated notes, bonds, debentures, or other obligations as may be agreed with approval of the Governor.

(d) Join with other banks of the System in issuance of System-wide notes, bonds, debentures, and other obligations in the manner, form, amounts, and on such terms and conditions as may be agreed upon with approval of the Governor. Such System-wide issue by the participating banks and such participations by each bank shall not exceed the limits to which each such bank is subject in the issuance of its individual or consolidated obligations and each such issue shall be subject to approval of the Governor: *Provided, however,* There shall be no issues of System-wide obligations without the concurrence of the boards of directors of each of the 12 districts and the Central Bank for Cooperatives and the approval of the

Governor for such issues shall be conditioned on and be evidence of the compliance with this provision.

(e) No bank or banks shall issue notes, bonds, debentures, or other obligations individually or in concert with one or more banks of the System other than through their fiscal agent under any provision of this Act except under subsection (a) of this section: *Provided,* That any bank or banks may issue investment bonds or like obligations other than through the fiscal agent if the interest rate is not in excess of the interest allowable on savings deposits of commercial banks of comparable amounts and maturities under Federal Reserve regulation on its member banks.

SEC. 4.3. AGGREGATE OF OBLIGATIONS; COLLATERAL.—(a) No issue of long-term notes, bonds, debentures, or other similar obligations by a bank or banks shall be approved in an amount which, together with the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, exceeds twenty times the capital and surplus of all the banks which will be primarily liable on the proposed issue, or such lesser amount as the Farm Credit Administration shall establish by regulation.

(b) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations and at all times thereafter maintain, free from any lien or other pledge, notes and other obligations representing loans made under the authority of this Act, obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by the Farm Credit Administration, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the bank is primarily liable.

SEC. 4.4. LIABILITY OF BANKS; UNITED STATES NOT LIABLE.—(a) Each bank of the System shall be fully liable on notes, bonds, debentures, or other obligations issued by it individually, and shall be liable for the interest payments on long-term notes, bonds, debentures, or other obligations issued by other banks operating under the same title of this Act. Each bank shall also be primarily liable for the portion of any issue of consolidated or System-wide obligations made on its behalf and be jointly and severally liable for the payment of any additional sums as called upon by the Farm Credit Administration in order to make payments of interest or principal which any bank primarily liable therefor shall be unable to make. Such calls shall be made first upon the other banks operating under the same title of this Act as the defaulting bank, and second upon banks operating under other titles of this Act, taking into consideration the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

(b) Each bank participating in an issue shall by appropriate resolution undertake such responsibility as provided in subsection (a), and in the case of consolidated or Systemwide obligations shall authorize the Governor to execute such long-term notes, bonds, debentures, or other obligations on its behalf. When a consolidated or System-wide issue is approved, the notes, bonds, debentures, or other obligations shall be executed by the Governor and the banks shall be liable thereon as provided herein.

(c) The United States shall not be liable or assume any liability directly or indirectly thereon.

SEC. 4.5. FINANCE COMMITTEE.—There shall be established a finance committee for the banks organized and operated under titles I, II, and III, respectively, of this Act, composed of the presidents of each bank. Each such committee may have such officers and such subcommittees for such terms and such representation as may be agreed upon between the banks. When appropriate to the performance of their function the subcommittees, or representatives thereof, of the various banks shall constitute such subcommittees in connection with System-wide issues of obligations. The finance committees and subcommittees acting for the banks of the System shall, subject to approval of the Governor, determine the amount, maturities, rates of interest, and participation by the several banks in each issue of joint consolidated, or System-wide obligations.

SEC. 4.6. BONDS AS INVESTMENTS.—The bonds, debentures, and other similar obligations issued under the authority of this Act shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits.

SEC. 4.7. PURCHASE AND SALE BY FEDERAL RESERVE SYSTEM.—Any member of the Federal Reserve System may buy and sell bonds, debentures, or other similar obligations issued under the authority of this Act and any Federal Reserve bank may buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under section 355 of title 12, United States Code.

SEC. 4.8. PURCHASE AND SALE OF OBLIGATIONS.—Each bank of the System may purchase its own obligations and the obligations of other banks of the System and may provide for the sale of obligations issued by it, consolidated obligations, or System-wide obligations through a fiscal agent or agents, by negotiation, offer, bid, syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate.

SEC. 4.9. FISCAL AGENCY.—A fiscal agency shall be established by the banks for such of their functions relating to the issuance, marketing, and handling of their obligations, and interbank or intersystem flow of funds as may from time to time be required.

PART B—DISSOLUTION AND MERGER

SEC. 4.10. MERGER OF SIMILAR BANKS.—Banks organized or operating under titles I, II, or III, respectively, may upon majority vote cast by their voting stockholders and contributors to their guaranty funds in accordance with the voting strength provisions of section 5.2(c) of this Act relating to elections of directors of the district boards, and with the approval of the Farm Credit Administration, merge with banks in other districts operating under the same title of *this* Act.

SEC. 4.11. BOARD OF DIRECTORS FOR MERGED BANK.—In the event of merger of two or more banks to serve borrowers in more than one farm credit district, a separate board of directors shall be created for the resulting merged bank. The board thus created shall be composed of two directors elected by each of the district boards involved, at least one of which from each district shall have been elected by the eligible stockholders of or subscribers to the guaranty fund of the merging banks, and one director appointed by the Governor with the advice and consent of the Federal Farm Credit Board. Notwithstanding the foregoing, the bylaws of the merged bank may, with the approval of the Farm Credit Administration, provide for a different number of directors selected in a different manner. The board so constituted shall have such separate and distinct powers, functions, and duties as are normally exercised by a district board related to the operations and policies of the banks which were merged.

SEC. 4.12. DISSOLUTION; VOLUNTARY LIQUIDATION; MERGERS; RECEIVERSHIPS; AND CONSERVATORS.—(a) No institution of the System shall go into voluntary liquidation without the consent of the Farm Credit Administration and with such consent may liquidate only in accordance with regulations prescribed by the Farm Credit Administration. Associations may voluntarily merge with other like associations upon the vote of a majority of each of their stockholders present and voting or voting by written proxy at duly authorized meetings, and with the approval of the supervising bank and the Farm Credit Administration. The Federal Farm Credit Board may require such merger whenever it determines, with the concurrence of the district board, that an association has failed to meet its outstanding obligations or failed to conduct its operations in accordance with this Act.

(b) Upon default of any obligation by any institution of the System, such institution may be declared insolvent and placed in the hands of a conservator or a receiver appointed by the Governor and the proceedings thereon shall be in accordance with regulations of the Farm Credit Administration regarding such insolvencies.

PART C—RIGHTS OF APPLICANTS

SEC. 4.13. NOTICE OF ACTION ON APPLICATION.—Every applicant for a loan from an institution of the System shall be entitled to prompt notice of action on his application, and, if the loan applied for is reduced or denied, the reason for such action.

SEC. 4.14. RECONSIDERATION.—Any applicant who has reason to believe that the action on his application by an association failed to take into account facts pertinent to his application, or has misinterpreted or failed to properly apply the applicable law or rules and regulations governing his application, may, if he so requests in writing within thirty days of the date of that notice, request an informal hearing on his application and the action of the association in reduction or denial thereof, or the reason for such action, in person before the loan committee or officer or employee thereof authorized to act on applications under section 1.15(11) or 2.12(18). Promptly after such a hearing, he shall be notified of the decision upon reconsideration and the reasons therefor.

SEC. 4.15. NOMINATION OF ASSOCIATION DIRECTORS; REPRESENTATIVE SELECTION OF NOMINEES.—Each production credit association and each Federal land bank association shall elect a nominating committee by vote of the stockholders at the annual meeting to serve for the following year. Each nominating committee shall review lists of farmers from the association territory, determine their willingness to serve, and submit for election a slate of eligible candidates which shall include at least two nominees for each elective office to be filled. In doing so, the committee shall endeavor to assure representation to all sections of the association territory and as nearly as possible to all types of agriculture practiced within the area. Employees of the association shall not be eligible to be nominated, elected, or serve as a member of the board. Nominations shall also be accepted from the floor. Members of the board are not eligible to serve on the nominating committee. Regulations of the Farm Credit Administration governing the election of district directors shall similarly assure a choice of two nominees for each elective office to be filled and that the district board represent as nearly as possible all types of agriculture in the district.

SEC. 4.16. PROHIBITION AGAINST TAX-EXEMPT GUARANTEES.—Notwithstanding any other provision of this Act, no guarantee shall be made on any instrument of indebtedness the income from which is exempt in whole or in part from Federal taxation.

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

PART A—DISTRICT ORGANIZATION

SEC. 5.0. CREATION OF DISASTER—There shall be not more than twelve farm credit districts in the United States, which may be designated by number, one of which districts shall include the Commonwealth of Puerto Rico. The boundaries of the twelve farm credit districts existing on the date of enactment of this Act may be readjusted from time to time by the Federal Farm Credit Board, with the concurrence of the district boards involved. Two or more districts may be merged as provided in section 5.18(2).

Sec. 5.1. District Boards of Directors; Membership; Eligibility; Terms.—(a) There shall be in each farm credit district a farm credit board of directors composed of seven members. Each farm credit district board may include in its title the name of the city in which the banks of the System for the district are located or other geographical designation.

(b) To be eligible for membership on a farm credit district board a person must be a citizen of the United States for at least ten years, and a resident of the district for at least two years.

A person shall not be eligible who—

(1) is or has, within one year next preceding the date of election or appointment, been a salaried officer or employee of the Farm Credit Administration or of any institution of the System;

(2) has been convicted of a felony or adjudged liable in damages for fraud; or

(3) if there is at the time of his election another resident of the same State who was elected to the district board by the same electorate, except where a district embraces only one State.

No director of a district board shall be eligible to continue to serve in that capacity and his office shall become vacant if, after his election or appointment as a member of a district board, he continues or becomes a salaried officer or employee of the Farm Credit Administration, of any institution of the System, or a member of the Federal Farm Credit Board, or if he becomes legally incompetent or is finally convicted of a felony or held liable in damages for fraud. In any event, no director shall, within one year after the date when he ceases to be a member of the board, be elected or designated to serve as a salaried employee of any bank or joint employee of the district for which he served as director.

(c) The terms of district directors shall be for three years, except that the terms of appointed directors may be for a shorter or longer term to permit the staggering of such appointments over a three-year period but in no event shall such appointed director be eligible to serve for more than two full terms.

Sec. 5.2. Same; Nomination; Election; Appointment.—(a) Two of the district directors shall be elected by the Federal land bank associations, two by the production credit associations, and two by the borrowers from or subscribers to the guaranty fund of the bank for cooperatives. The seventh member shall be appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

(b) At least two months before an election of an elected director the Farm Credit Administration shall cause notice in writing to be sent to those entitled to nominate candidates for such elected director. In the case of an election of a director by Federal land bank associations and borrowers through agencies, such notice shall be sent to all Federal land bank associations and borrowers through agencies in the district; in the case of an election by production credit associations, such notice shall be sent to all production credit associations in the district; and in the case of an election by cooperatives which are voting stockholders or subscribers to the guaranty fund of the bank for cooperatives of the district, such notice shall be sent to all cooperatives which are eligible, voting stockholders or subscribers to the guaranty fund at the time of sending the notice. The notice in the case of associations shall state the number of votes the board of each association is entitled to cast for nomination and election based on the voting stockholders of the association as determined by the Farm Credit Administration as near as practicable to the date of the notice. After receipt of such notice those entitled to nominate a director shall forward nominations to the Farm Credit Administration. The Farm Credit Administration shall, from the nominations received within sixty days after it sends such notice, prepare a list of candidates for such elected director, consisting of the three nominees receiving the highest number of votes, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than sixty days but not less than thirty days.

(c) At least one month before the election of an elected director, the Farm Credit Administration shall mail to each person or organization entitled to elect the elected director a list of the three candidates receiving the highest number of votes from those nominated in accordance with subsection (b). In the case of an election of a director by the Federal land bank associations, the directors of each land bank association shall cast the vote of such association for one of the candidates on the list. Each association shall be entitled to cast the number of votes specified in the notice prior to the nomination poll as determined by the Farm Credit Administration to be the number of voting stockholders of each association, and each direct borrower and borrower through agent shall be entitled to cast one vote. Each production credit association shall be entitled to cast the number of votes specified in the notice of nomination poll as determined by the Farm Credit Administration to be equal to the number of voting stockholders of such association. Each cooperative which is the holder of voting stock in or a subscriber to the guaranty fund of the bank for cooperatives shall be entitled to cast one vote except as provided in subsection 3.3 (d). The votes shall be forwarded to the Farm Credit Administration and no vote shall be counted unless received by it within sixty days after the sending of such list of candidates, except that for elections to fill vacancies the Farm Credit Administration may specify a shorter period than sixty days but not less than thirty days. In the case of a tie another runoff election between those tying shall be held.

(d) Any vacancies in the board of directors shall be filled for the unexpired term in the manner provided in sections 5.1 and 5.2 for the selection of such directors.

Sec. 5.3. District Directors Constitute Boards of Directors for Federal Land Banks, Federal Intermediate Credit Banks, and District Banks for Cooperatives.—The members of each farm credit district board of directors shall be and shall have all the functions, powers, and duties of directors for the Federal land banks, the Federal intermediate credit banks, and the district banks for cooperatives in their respective districts.

Sec. 5.4. District Board Officers.—Each farm credit district board shall elect from its members a chairman and a vice chairman and shall appoint a secretary from within or without its membership as it may see fit. The chairman, vice chairman, and secretary shall hold office for a term of one year and until their successors are selected and take office.

Sec. 5.5. Compensation of District Board.—Members of each farm credit district board shall receive compensation, including reasonable allowances for necessary expenses, in attending meetings of the board as district board and as directors of the district banks including travel time. The compensation shall not be in excess of the level set by the Farm Credit Administration. In addition to attending said meetings, a director may not receive compensation and allowances for any services rendered in his capacity as director or otherwise for more than thirty days or parts of days in any one calendar year without the approval of the Farm Credit Administration.

Sec. 5.6. Powers of the District Farm Credit Board.—(a) Each farm credit district board shall have power to—

(1) Act as the board of directors for the district and of the several banks of the System in the district.

(2) Provide rules and regulations, governing the banks and associations in the district, not inconsistent with law.

(3) Elect or provide for joint officers and employees for the banks in its district which are institutions of the System or, upon agreement with banks in other districts, joint officers and employees of institutions in more than one district. The salary or other compensation of all such joint officers and employees and the allocation thereof between the banks shall be fixed by the district farm credit board. Officers and employees elected or provided for by the district farm credit board, whether separate officers and employees of the institutions or joint officers and employees, shall be officers and employees of the district institutions served by them. Employment, compensation, leave, retirement, except as provided in subsection (b) of this section, hours of duty, and all other conditions of employment of such joint officers and employees and of the separate officers and employees of the institutions in the district provided for by the board of directors shall be without regard to the provisions of title 5 of the United States Code relating to such matters, but all such determinations shall be consistent with the law under which the banks are organized and operate. Appointments, promotions, and separations so made shall be based on merit and efficiency and no political test or qualification shall be permitted or given consideration. The limitations against political activity conflict of interest of such officers and employees shall be in accordance with rules and regulations prescribed by the Farm Credit Administration.

(4) Authorize the acquisition and disposal of such property, real or personal, as may be necessary or convenient for the transaction of the business of the banks of the System located in its district, upon such terms and conditions as it shall fix, and to prorate among such banks the cost of purchases, rentals, construction, repairs, alterations, maintenance, and operation in such amounts and in such manner as it shall determine. Any lease, or any contract for the purchase or sale of property, or any deed or conveyance of property, or any contract for the construction, repair, or alteration of buildings, authorized by a district farm credit board under this subsection shall be executed by the officers of the bank or banks concerned pursuant to the direction of such board. No provision of law relative to the acquisition or disposal of property, real or personal, by or for the United States, or relative to the making of contracts or leases by or for the United States, including the provisions set out in titles 40 and 41, and including provisions applicable to corporations wholly owned by the United States, shall be deemed or held applicable to any lease, purchase, sale, deed, conveyance, or contract authorized or made by a district farm credit board or the banks of the System under this subsection.

(5) Authorize agreements for the provision of joint services between institutions in the System and between districts for those banks' and associations' functions and for those services to borrowers which can most effectively be performed by the joint undertakings of the district or districts, all of such activities to be subject to the same supervision of the Farm Credit Administration as is applicable to such institutions under this Act.

(6) Formulate broad policy considerations concerning the funding operations of the banks in the district and, in concert with the other district boards, furnish unified long-range policy guidance for the funding of the System.

(b) The provisions of subsection (a) of this section are qualified as follows:

(1) Each officer and employee of the banks of the System who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, shall continue so during his continuance as an officer or employee of any such banks or of the Farm Credit Administration without break in continuity of service. Any other officer or employee of such banks and any other person entering upon employment with any such banks after December 31, 1959, shall not be covered under the civil service retirement system by reason of such employment, except that (1) a person who, on December 31, 1959, was within the purview of the Civil Service Retirement Act, as amended, and thereafter becomes an officer or employee of any such banks without break in continuity of service shall continue under the civil service retirement system during his continuance as an officer or employee of any such banks without break in continuity of service and (2) a person who has been within the purview of said Act as an officer or employee of such banks and, after a break in such employment, again becomes an officer or employee of any of such banks may elect to continue under the civil service retirement system during his continuance as such officer or employee by so notifying the Civil Service Commission in writing within thirty days after such reemployment.

(2) Each of the banks of the System shall contribute to the civil service retirement and disability fund, for each fiscal year after June 30, 1960, a sum as provided by section 4(a) of the Civil Service Retirement Act, as amended, except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of said banks who are covered by that Act, the per centum rate determined annually by the United States Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in such section 4(a). Each bank shall also pay into the Treasury as miscellaneous receipts such portion of the cost of administration of the fund as is determined by the United States Civil Service Commission to be attributable to its employees.

Part B—Farm Credit Administration Organization

Sec. 5.7. The Farm Credit Administration.—The Farm Credit Administration shall be an independent agency in the executive branch of the Government. It shall be composed of the Federal Farm Credit Board, the Governor of the Farm Credit Administration, and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration by this Act.

Sec. 5.8. The Federal Farm Credit Board; Nomination and Appointment of Members; Organization and Compensation.—(a) There is established in the Farm Credit Administration a Federal Farm Credit Board. The Board shall consist of not more than thirteen members, one of whom shall be designated by the Secretary of Agriculture. The remainder of the Board shall be appointed by the President, with the advice and consent of the Senate, one from each farm credit district, to be known as the appointed members.

(b) In making appointments to the Board, the President shall have due regard to a fair representation of the public interest, the welfare of all farmers, and the types of institutions constituting the Farm Credit System, with special consideration to persons who are experienced in cooperative agricultural credit, taking into consideration the lists of nominees proposed by the Farm Credit System as hereinafter provided.

(c) Each appointed member of the Board shall have been a citizen of the United States and shall have been a resident of the district from which he was appointed for not less than ten years next preceding his appointment, and the removal of residence from the district shall operate to terminate his membership on the Board. No person shall be eligible for nomination or appointment if within one year next preceding the commencement of his term he has been a salaried officer or employee of the Farm Credit Administration or a salaried officer or employee of any institution of the Farm Credit System. Any person who is a member of a district farm credit board when appointed as a member of the Federal Farm Credit Board shall resign as a member of the district board before assuming his duties as a member of the Board. No person who becomes an appointed member of the Board shall be eligible to continue to serve in such capacity if such person is or becomes a member of a district farm credit board, or an officer or employee of the Farm Credit Administration, or director, officer, or employee of any institution of the Farm Credit System. No director shall, within one year after the date when he ceases to be a member of the Board, be elected or designated to serve as a salaried officer or employee of any bank, joint officer or employee, or officer or employee of the Farm Credit Administration.

(d) The Secretary of Agriculture shall designate one member of the Board to serve at the pleasure of the Secretary. He shall be known as the Secretary's representative on the Board. He shall be a citizen of the United States and shall have been a resident of the United States for not less than ten years preceding his designation on the Board. No person shall be designated by the Secretary if such person is a member of a farm credit district board, an officer or employee of the Farm Credit Administration, or an officer or employee of any institution operating under the supervision of the Farm Credit Administration. The Secretary's representative shall not be eligible to serve as Chairman, Vice Chairman, or Secretary of the Board but shall otherwise possess all the rights and privileges of membership on the Board.

(e) The term of office of the appointed members of the Board shall be six years and such members shall serve until their successors are duly appointed and qualified. No appointed member of the Board shall be eligible to serve more than one full term of six years and, in addition, if he is appointed to fill the unexpired portion of one term expiring before his appointment to a full term, he may be eligible thereafter for appointment to fill a full term of six years.

All vacancies for the offices of appointed members shall be filled for the unexpired portion of the term upon like nominations and like appointments: *Provided, however,* That the district board of directors may select a representative to meet with the Board, without the right of vote, prior to the filling of a vacancy occasioned by death, resignation, disability, or declination in the office of member from that district, under rules and regulations prescribed by the Board.

(f) A list of nominees for appointment as an appointed member of the Board shall be presented to the President for consideration in the filling of any office of Board member. The list shall be composed of one selected by each voting group in the district in which the member's term is about to expire or in which a vacancy occurs, determined in accordance with the procedure prescribed in section 5.2 of this title for the nomination and election of members of a district farm credit board, except that the list of candidates for the Board for final election in the district shall be the two nominees of each voting group receiving the highest number of votes.

(g) The members of the Board shall meet and subscribe the oath of office and annually organize by the election of a Chairman and Vice Chairman. The Board shall appoint a Secretary from within or without the membership. Such officers of the Board shall serve for one year and until their successors are selected and take office. The Board may function notwithstanding vacancies exist, provided a quorum is present. A quorum shall consist of a majority of all the members of the Board, for the transaction of business. The Board shall hold at least four regularly scheduled meetings a year and such additional meetings at such times and places as it may fix and determine. Such meetings may be held on the call of the Chairman or any three Board members.

(h) Each of the Board members shall receive the sum of $100 a day for each day or part thereof in the performance of his official duties at regular and special meetings of the Board and regular and special meetings of district boards. In addition to attending said meetings, members may receive compensation for services rendered as member for not more than thirty days or parts of days in any calendar year, and shall be reimbursed for necessary travel, subsistence, and other expenses in the discharge of their official duties without regard to other laws with respect to allowance for travel and subsistence of officers and employees of the United States. The Secretary's representative if he is a full-time officer or employee of the United States shall receive no additional compensation for his official duties on the Board, but may receive travel and subsistence and other expenses.

(i) The Board shall adopt such rules as it may see fit for the transaction of its business, and shall keep permanent records and minutes of its acts and proceedings.

Sec. 5.9. Powers of the Board.—The Federal Farm Credit Board shall establish the general policy for the guidance of the Farm Credit Administration and approve the necessary rules and regulations for the implementation of this Act not inconsistent with its provisions; may require such reports as it deems necessary from the institutions of the Farm Credit System; provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in each such institution, and for the performance of all the powers and duties vested in the Farm Credit Administration or in the Governor which, in the judgment of the Board, relate to matters of broad and general supervisory, advisory, or policy nature. The Board shall function as a unit without delegating any of its functions to individual members, but may appoint committees and subcommittees for studies and reports for consideration by the Board. It shall not operate in an administrative capacity.

Sec. 5.10. Governor; Appointment; Responsibilities.—The Governor of the Farm Credit Administration shall be appointed by and serve at the pleasure of the Federal Farm Credit Board. He shall be responsible, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory, or policy nature, for the execution of all of the administrative functions and duties of the Farm Credit Administration. During any period in which the Governor holds any stock in any of the institutions subject to supervision of the Farm Credit Administration, the appointment of the Governor shall be subject to approval by the President and during any such period the President shall have the power to remove the Governor.

Sec. 5.11. Compensation; Salary and Expense Allowance.—The compensation of the Governor of the Farm Credit Administration shall be at the rate fixed in the Executive

Pay Schedule. The Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

Sec. 5.12. Compliance With Board Orders.—It shall be the duty of the Governor of the Farm Credit Administration to comply with all orders and directions which he receives from the Federal Farm Credit Board and, as to third persons, all acts of the Governor shall be conclusively presumed to be in compliance with the orders and directions of the Board.

Sec. 5.13. Farm Credit Organization.—The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him by the Act and acts supplementary thereto, to establish and to fix the powers and the duties of such divisions and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. The Governor shall appoint such other personnel as may be necessary to carry out the functions of the Farm Credit Administration: *Provided,* That the salary of positions of Deputy Governors shall not exceed the maximum scheduled rate of the general schedule of the Classification Act of 1949, as amended. The powers of the Governor may be exercised and performed by him through such other officers and employees of the Farm Credit Administration as he shall designate.

Sec. 5.14. Seal.—The Farm Credit Administration shall have a seal, as adopted by the Governor, which shall be judicially noted.

Sec. 5.15. Administrative Expenses.—The Farm Credit Administration may, within the limits of funds available therefor, make necessary expenditures for personnel services and rent at the seat of Government and elsewhere; contract stenographic reporting services; purchase and exchange lawbooks, books of reference, periodicals, newspapers, expenses of attendance at meetings and conferences; purchase, operation, and maintenance at the seat of Government and elsewhere of motor-propelled passenger-carrying vehicles and other vehicles; printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as it may from time to time find necessary for the proper administration of this Act.

Sec. 5.16. Allocation of Expenses for Administrative Services by the Farm Credit Administration; Disposition of Money.—(a) The Farm Credit Administration shall prior to the first day of each fiscal year estimate the cost of administrative expenses for the ensuing fiscal year in administering this Act, including official functions, and shall apportion the amount so determined among the institutions of the System on such equitable basis as the Farm Credit Administration shall determine, and shall assess against and collect in advance the amounts so apportioned from the institutions among which the apportionment is made.

(b) The amounts collected pursuant to subsection (a) of this section shall be covered into the Treasury, and credited to a special fund and, without regard to other law, shall be available to said Administration for expenditure during each fiscal year for salaries and expenses of said Administration. As soon as practicable after the end of each such fiscal year, the Administration shall determine, on a fair and reasonable basis, the cost of operation of the Farm Credit Administration and the part thereof which fairly and equitably should be allocated to each bank and association as its share of the cost during the fiscal year of such Administration. If the amount so allocated is greater than the amount collected from the bank or other institutions, the difference shall be collected from such bank or other institutions, and, if less, shall be refunded from the special fund to the bank or other institutions entitled thereto or credited in the special fund to such bank or other institutions for use for the same purposes in future fiscal years.

Sec. 5.17. Quarters and Facilities for the Farm Credit Administration.—As an alternate to the rental of quarters under section 5.15, and without regard to any other provision of law, the banks of the System, with the concurrence of two-thirds of the district boards, are hereby authorized—

(1) To lease or acquire real property in the District of Columbia or elsewhere for quarters of the Farm Credit Administration.

(2) To construct, develop, furnish, and equip such building thereon and such facilities appurtenant thereto as in their judgment may be appropriate to provide, to the extent the Federal Farm Credit Board may deem advisable, suitable, and adequate quarters and facilities for the Farm Credit Administration.

(3) To enlarge, remodel, or reconstruct the same.

(4) To make or enter into contracts for any of tho foregoing.

The Board may require of the respective banks of the System, and they shall make to the Farm Credit Administration, such advances of funds for the purposes set out in this section as in the sole judgment of the Board may from time to time be advisable for the purposes of this section. Such advances shall be in addition to and kept in a separate fund from the assessments authorized in section 5.16 and shall be apportioned by the Board among the banks in proportion to the total assets of the respective banks, and determined in such manner and at such times as the Board may prescribe. The powers of the banks of the System and purposes for which obligations may be issued by such banks are hereby enlarged to include the purpose of obtaining funds to permit the making of advances required by this section. The plans and decisions for such building and facilities and for the enlargement, remodeling, or reconstruction thereof shall be such as is approved in the sole discretion of the Board.

Sec. 5.18. Enumerated Powers.—The Farm Credit Administration shall have the following powers, functions, and responsibilities in connection with the institutions of the Farm Credit System and the administration of this Act:

(1) Modify the boundaries of farm credit districts, with due regard for the farm credit needs of the country, as approved by the Federal Farm Credit Board, with the concurrence of the district boards involved.

(2) Where necessary or appropriate to carry out the policy and objectives of this Act, issue and amend or modify Federal charters or the bylaws of institutions of the System; approve change in names of banks operating under this Act; approve the merger of districts when agreed to by the boards of the districts involved and by a majority vote of the voting stockholders and contributors to the guaranty funds of each bank for each of such districts, voting in the same manner as is provided in section 4.10 of this Act; approve mergers of banks operating under the same title of this Act, merger of Federal land bank associations, merger of production credit associations and the consolidation or division of the territories which they serve; and approve consolidations of boards of directors or management agreements. Such mergers shall be encouraged where such action will improve service to borrowers and the financial stability, effect economies of operation, or permit desirable joint management, or consolidation of territories and office quarters.

(3) Make annual reports directly to the Congress on the condition of the System and its institutions and on the manner and extent to which the purposes and objectives of this Act are being carried out and, from time to time, recommend directly legislative changes.

(4) Except for associations, approve the salary scale for employees of the institutions of the System, and approve the compensation of the chief executive officer of such institutions.

(5) Coordinate the activities of the banks in making studies of lending standards, including appraisal and credit standards; approve national and district standards, procedures, and appraisal forms; prescribe price and cost levels to be used in such standards, appraisals, and lending; supplement the work of the district under the foregoing where necessary to accomplish the purposes of this Act.

(6) Prescribe loan security requirements and the types, classes, or number of loans which may be made only with prior approval.

(7) Conduct loan and collateral security review.

(8) Approve the issuance of obligations of the institutions of the System and execute on behalf of the banks consolidated and System-wide obligations for the purpose of funding the authorized operations of the institutions of the System, and prescribe collateral therefor.

(9) Approve interest rates paid by institutions of the System on their bonds, debentures, and similar obligations, the terms and conditions thereof, and interest or other charges made by such institutions to borrowers.

(10) Make investments in stock of the institutions of the System as provided in section 4.0 out of the revolving fund, and require the retirement of such stock.

(11) Regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System.

(12) Coordinate and assist in providing services necessary for the convenient, efficient, and effective management of the institutions of the System.

(13) Undertake research into the rural credit needs of the country and ways and means of meeting them and of the funding of the operations of the System in relation to changing farming and economic conditions.

(14) Prepare and disseminate information to the general public on use, organization, and functions of the System and to investors on merits of its securities.

(15) Require surety bonds or other provision for protection of the assets of the institutions of the System against losses occasioned by employees.

(16) Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act.

(17) Exercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of this Act.

Sec. 519. Delegation of Duties and Powers to Institutions of the System.—The Farm Credit Administration is authorized and directed, by order or rules and regulations, to delegate to a Federal land bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal land bank or Federal land bank associations, their officers and employees, in the farm credit district wherein such Federal land bank is located, as may be determined to be in the interest of effective administration; and, in like manner, to delegate to a Federal intermediate credit bank such of the duties, powers, and authority of the Farm Credit Administration with respect to and over a Federal intermediate credit bank or production credit associations, their officers and employees, in the farm credit district wherein such Federal intermediate credit bank is located, as may be determined to be in the interest of effective administration; to authorize the redelegation thereof; and, in either case the duties, powers, and authority so delegated or redelegated shall be performed and exercised under such conditions and requirements and upon such terms as the Farm Credit Administration may specify. Any Federal land bank or Federal intermediate credit bank to which any such duties, powers, or authority may be delegated or any association to which any power may be redelegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

Sec. 5.20. Examinations and Reports.—Except as provided herein, each institution of the System, and each of their agents, at such times as the Governor of the Farm Credit Administration may determine, shall be examined and audited by farm credit examiners under the direction of an independent chief Farm Credit Administration examiner, but each bank and each production credit association shall be examined and audited not less frequently than once each year. Such examination shall include objective appraisals of the effectiveness of management and application of policies in carrying out the provisions of this Act and in servicing all eligible borrowers. If the Governor determines it to be necessary or appropriate, the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, and in accordance with generally accepted auditing standards. Upon request of the Governor or any bank of the System, farm credit examiners shall also make examinations and written reports of the condition of any organization, other than national banks, to which, or with which, any institution of the System contemplates making a loan or discounting paper of such organization. For the purposes of this Act, examiners of the Farm Credit Administration shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

Sec. 5.21. Conditions of Other Banks and Lending Institutions.—The Comptroller of the Currency is authorized and directed, upon request of the Farm Credit Administration to furnish for confidential use of an institution of the System such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which such institution of the System has made or contemplates making discounts or loans and to make such further examination, as may be agreed, of organizations through, for, or with which said institution of the Farm Credit System has made or contemplates making discounts or loans.

Sec. 5.22. Consent to the Availability of Reports and to Examinations.—Any organization other than State banks, trust companies, and savings associations shall, as a condition precedent to securing discount privileges with a bank of the Farm Credit System, file with such bank its written consent to examination by farm credit examiners as may be directed by the Farm Credit Administration; and State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

Sec. 5.23. Reports on Conditions of Institutions Receiving Loans or Deposits.—The executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Reserve banks are severally authorized under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to it or to any institution of the System in confidence all reports, records, or other information relating to the condition of any organization to which such institution of the System has made or contemplates making loans or for which it has or contemplates discounting paper, or which it is using or contemplates using as a custodian of securities or other credit instruments, or a depository. The Federal Reserve banks in their capacity as depositories, agents, and custodians for bonds, debentures, and other obligations issued by the banks of the System or book entries thereof are also authorized and directed upon request of the Farm Credit Administration, to make available for audit by farm credit examiners all appropriate books, accounts, financial records, files, and other papers.

Sec. 5.24. Jurisdiction.—Each institution of the System shall for the purposes of jurisdiction be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any production credit association upon the ground that it was incorporated under this Act or prior Federal law, or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against such association except in cases by or against the United States or by or against any officer of the United States or against any person over whom the courts of the State have no jurisdiction, and except in cases by or against any receiver or conservator of any such association appointed in accordance with the provisions of this Act.

Sec. 5.25. State Legislation.—Whenever it is determined by the Farm Credit Administration, or by judicial decision, that a State law is applicable to the obligations and securities authorized to be held by the institutions of the System under this Act, which law would provide insufficient protection or inadequate safeguards against loss in the event of default, the Farm Credit Administration may declare such obligations or securities to be ineligible as collateral for the issuance of new notes, bonds, debentures, and other obligations under this Act.

Sec. 5.26. Repeal.—(a) The Federal Farm Loan Act, as amended; section 2 of the Act of March 10, 1924 (Public Numbered 35, Sixty-eighth Congress, 43 Stat. 17), as amended; section 6 of the Act of January 23, 1932 (Public Numbered 3, Seventy-second Congress, 47 Stat. 14), as amended; the Farm Credit Act of 1933, as amended; sections 29 and 40 of the Emergency Farm Mortgage Act of 1933; Act of June 18, 1934 (Public Numbered 381, Seventy-third Congress, 48 Stat. 983); Act of June 4, 1936 (Public Numbered 644, Seventy-fourth Congress, 49 Stat. 1461), as amended; sections 5, 6, 20, 25(b), and 39 of the Farm Credit Act of 1937, as amended; sections 601 and 602 of the Act of September 21, 1944 (Public Law 425, Seventy-eighth Congress, 58 Stat. 740, 741), as amended; sections 1, 2, 3, 4, 5, 6, 7, 8, 16, and 17(b) of the Farm Credit Act of 1953, as amended; sections 2, 101 and 201(b) of the Farm Credit Act of 1956 are hereby repealed. All references in other legislation, State or Federal, rules and regulations of any agency, stock, contracts, deeds, security instruments, bonds, debentures, notes, mortgages and other documents of the institutions of the System, to the Acts repealed hereby shall be deemed to refer to comparable provisions of this Act.

(b) All regulations of the Farm Credit Administration or the institutions of the System and all charters, bylaws, resolutions, stock classifications, and policy directives issued or approved by the Farm Credit Administration, and all elections held and appointments made under the Acts repealed by subsection (a) of this section shall be continuing and remain valid until superseded, modified, or replaced under the authority of this Act. All stock, notes, bonds, debentures, and other obligations issued under the repealed acts shall be valid and enforceable upon the terms and conditions under which they were issued, including the pledge of collateral against which they were issued, and all loans made and security or collateral therefor held by, and all contracts entered into by, institutions of the System shall remain enforceable according to their terms unless and until modified in accordance with the provisions of this Act; it being the purpose of this subsection to avoid disruption in the effective operation of the System by reason of said repeals.

Sec. 5.27. Amendments to Other Laws.—(a) The Executive Schedule of basic pay (80 Stat. 458, 5 U.S.C. 5311–5317), as amended, is further amended by striking from positions at level IV the "Governor of the Farm Credit Administration." (5 U.S.C. 5315(51)) and inserting in positions at level III the additional position "(58) Governor of the Farm Credit Administration." (5 U.S.C. 5314).

(b) The third paragraph of section 15 of the Federal Reserve Act (12 U.S.C. 393) is amended to read as follows:

"The Federal Reserve banks are authorized to act as depositaries for and fiscal agents of any Federal land bank, Federal intermediate credit bank, bank for cooperatives, or other institutions of the Farm Credit System."

Sec. 5.28. Separability.—If any provision of this Act, or the application thereof to any persons or in any circumstances, is held invalid, the remainder of his Act and the application of such provision to other persons or in other circumstances shall not be affected thereby.

Sec. 5.29. Reserve Right To Amend or Repeal.—The right to alter, amend, or repeal any provision or all of this Act is expressly reserved.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 11232 brings together under one roof all of the various statutory references to the Farm Credit System. It also updates and makes the system more flexible in order that it can better serve the needs of rural America.

I will not take the time of my colleagues to review the history of the Farm Credit System. That information is found on the first two pages of the report which you have before you. I would like to mention only two points about the System's background.

First, the Farm Credit System is no newcomer. The Federal land banks were established in 1916. The Federal Intermediate Credit Banks were created in 1923 and the Production Credit Associations and the Banks for Cooperatives were born in 1933. Therefore, the System is seasoned and soundly established.

Second, every cent of Federal investment in the System has been repaid in full. The System is now borrower owned, but the Congress still retains the right to constantly review and revise by legislation the System and its operations.

Just as is virtually every sound piece of legislation, H.R. 11232 is the result of hard work and constructive compromise. Seldom have I seen more diligent and sincere "give and take" on the part of those who originally shared different viewpoints.

On April 1, the vice chairman of our committee, Mr. McMILLAN, introduced H.R. 7138, the first version of this legislation, with a number of cosponsors. On July 12, our committee began 2 weeks of hearings on this legislation. Many days we met both morning and afternoon to be sure that all interested were given an opportunity to testify. These 2 weeks were interspersed in our extensive rural development hearings because, certainly, the Farm Credit Administration has played and will continue to play a vital part in rural development.

These hearings, however, brought out the fact that there were deep and longstanding differences of opinion within the Farm Credit System on various parts of H.R. 7138. We discovered that the Farm Credit District Boards did not see eye to eye. Our committee recognized that every effort should be made to develop a bill that the entire system could support, because it is so essential that every bill dealing with rural America must have unified support among those it affects. We did not want to come to the floor of this House divided, so we went to work.

Congressman TEAGUE of California and I introduced a new bill which reflected our feelings and those of one faction of the Farm Credit District Boards. As a result we had two bills which represented the basic differences of opinion within the System. It was at this point that the sincere effort began to reach unanimity of opinion on a compromise bill. We arranged for a series of informal meetings with the goal of obtaining a good bill. Mr. TEAGUE and I met with Mr. McMILLAN, who introduced the first bill, a representative of Governor Jaenke's office, and two gentlemen who each represented one of the two differing factions of the district boards. These meetings led to the introduction on October 13 of H.R. 11232 which we are considering today. I was indeed honored to have as cosponsors of H.R. 11232 Mr. BELCHER, our distinguished ranking minority Member, Mr. McMILLAN and Mr. TEAGUE.

We then presented this bill to our committee, and on October 21, the bill was ordered reported to the House by a vote of 28 to 0.

I again do not want to take the time of my colleagues to go into the major points of compromise. They are discussed in detail on page 12 through 15 of our report. I would not mention that perhaps the single most controversial point of the bill involved the authority to make loans for nonfarm rural housing. H.R. 11232 limits this authority to not more than 15 percent of total dollar volume of all loans outstanding of the Land Bank or the Production Credit Association. In addition the loans may be made only for moderate-priced, single family units in rural areas. For this purpose our committee amendment defines a rural area as areas which are not a part of a city or village having a population of more than 2,500.

Some of us would have preferred to have no loans for rural housing, but we had to recognize that there were many others, just as sincere as we, who wanted no limit at all on rural housing loans. Therefore, we all compromised, and this is the theme of this bill—compromise.

A number of our colleagues have expressed themselves on the housing matter by submitting separate views in the report, and I want to say that I welcome their comments and fully appreciate their feelings.

Some Members will note that the report does not comply with clause XIII of the House rules, the Ramseyer Rule. To have printed all existing law, simply noting that it was being repealed, and then to have printed the text of H.R. 11232, would have cost approximately $1,950. This seemed a foolish waste of money to our committee, and we trust that the Members will agree.

Finally, the question may arise as to why we did not request a rule. Actually we have, but we have taken full notice of the fact that the distinguished Committee on Rules did announce, several weeks ago, that it would cease granting rules for other than emergency legislation this session. We do not quarrel with that announcement, because we recognize that the date is late. However, the Senate passed similar legislation on July 29. The Farm Credit Administration has advised us that certain provisions of this legislation are urgently needed to assist in dealing with pressing problems in their System. In addition, this legislation releases the Farm Credit Administration from present statutory provisions that require it to be housed in the Department of Agriculture. It is my understanding that the Office of Management and Budget has recommended such transfer to other quarters as soon as possible. This legislation would permit this long overdue move.

Mr. Speaker, this bill, while not perfect, is sound. I urge my colleagues to support it today because it will help immensely to keep our rural people out of the cities by making for a better life in the countryside. It represents a great step forward in rural development—a step we must not fail to take.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I become increasingly amazed to discover the power of a few letters from home. I feel that following these letters in too many cases principle then gives way to expediency. That has occurred in connection with this bill.

Farm credit loans were originally designed to serve the credit needs of farmers and farmer-owned cooperatives.

There are three components to the farm credit system, Federal Land Banks, to provide real estate mortgage loans for farmers; the Production Credit Associations, designed to provide sources of short- and intermediate-term credit for farmers. Banking cooperatives came into being to serve the needs of farmer-owned cooperatives.

The farm credit system is unique in that historically it allowed farmers to combine in a joint effort to solve their own credit needs. It has now become one of the largest credit systems in the entire country. In spite of that, its lending capacity is not sufficient to meet the ever-increasing legitimate needs of active farmers. This is especially evident in the case of young couples attempting to get a start in farming.

Credit today is as important to the farmer as is his machinery and his land. Capital requirements during this decade are increasing tremendously, because of the escalating costs of production, with a corresponding reduction in net income per farmer.

Testimony before the Committee on Agriculture indicated total credit needs could be $120 to $140 billion by 1980. When we think of credit requirements of this magnitude we must guard against farm credit system funds being siphoned off for nonfarm uses.

Let me point out that at present the Farm Credit Administration has authority to make loans to farmers for constructing farm homes. This right must not be restricted. I cannot, however, see any justification to expand this authority to include rural housing for nonfarmers. The Farmers Home Administration has a very active program in this field. HUD also makes available funds for suburban housing. In addition, many private lending institutions are financing housing needs. This is also true of commercial banks.

There are many who oppose sections 1.10 and 2.15(a) which for the first time authorize loans to nonfarmers for financing rural housing. This definitely was not the original intent when the farm credit system was first established by act of the Congress.

It is also additional proof positive that, once established, bureaucracy——

Mr. BRASCO. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I would yield to the gentleman just as soon as I complete my statement.

Mr. Speaker, as I started to say, it is also additional proof positive that, once established, the bureaucracy inevitably grows and grows and grows.

I trust the House in its wisdom will vote not to suspend the rules and pass the bill, but will insist that it be brought to the floor under normal procedures, and that is under a rule.

I am certain I can assure the membership of this House that there is sufficient interest in this bill to have it reported under a rule when an effort can be made to amend the bill, deleting the one undesirable feature.

I am in complete support of this legislation, with the exception of the two classes.

In my opinion, a bill of this importance and of this nature should not be considered under a suspension of the rules, the procedure that we are using today.

Here is a copy of the bill. There are 116 pages, yet we are bringing this to the floor under a suspension of the rules.

I want the RECORD to show that the first incident when nonfarm housing loans are made, and then denied to farmers, because of lack of funds, those who support this questionable section today will be here shedding crocodile tears, and offering amendments to correct the mistake of November 1, 1971. I trust that at that time I will be in a position to say "I told you so."

Mr. BRASCO. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. BRASCO. Mr. Speaker, as a member of the Committee on Banking and Currency, which has jurisdiction over housing, I was interested to note that in the report on page 12, as I understand it, that this is the first time the land banks will be involved in making mortgages for rural housing. Is that correct?

Mr. GOODLING. That is correct.

Mr. BRASCO. May I ask what the interest rates will be on those mortgages?

Mr. GOODLING. That is the responsibility of the Farm Credit Administration.

Mr. BRASCO. Do you have any idea on that subject?

Mr. GOODLING. I do not have any idea, but I will be happy to yield to the chairman of the committee if he has any comment.

Mr. POAGE. The present interest rate is just about 8 percent. It was 7½ to 8 percent during the year 1969. It was 8 to 9 percent last year. It is just about 8 percent.

Mr. BRASCO. So they will be charging 8 percent?

Mr. POAGE. Roughly. It may be a little less. This rate is normally about 1 percent above what the banks have to pay on their debentures. They have to sell their debentures in the public market. I believe they are now paying about 6½ percent.

Some Members do not understand that there is no Government money involved here. There is not $1 of Government money—this is all private money. It is the money that banks raise through the sale of their own debentures which I think are now going as low as 6½ percent, and they add about 1 percent to that.

Mr. BRASCO. Mr. Speaker, will the gentleman yield for an additional question?

Mr. GOODLING. I yield to the gentleman.

Mr. BRASCO. I would like to ask the chairman whether or not there are any commercial banks that appeared before his committee, either in opposition or as being for this particular aspect of the bill?

Mr. POAGE. The representatives of several banking associations did appear. None of them expressed any very strong opinion one way or the other on the bill. They showed that they were concerned—they do not want to see these institutions go into general lending of funds for housing in rural or other areas.

But this bill does not do that—this bill limits any bank to 15 percent of its loans for this type of loan.

Mr. GOODLING. If I may comment on that, as I recall the hearings, most of the commercial banks are opposed to this particular section of the bill.

Mr. BRASCO. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. BRASCO. I understand, and I see here in the report, it says there will be no "credit elsewhere" requirement. I understand that to mean, and you stop me if I am not correct—the borrower would not have to go to a commercial bank before he could get his mortgage from the land bank; is that correct?

Mr. GOODLING. That is correct.

Mr. BRASCO. The gentleman referred before to the Farmers Home Administration as being a program that was superior to this. In the Farmers Home Administration program for housing, is it not a fact that we appropriate the money for that program?

Mr. GOODLING. That is correct.

We appropriate it, but it is returned when the mortgage is paid.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. POAGE. By far the larger part of the Farmers Home Administration loans—in fact, nine-tenths of them or more—are made in the form of guarantees and not from direct appropriations. I think it is only $50 million or something of that kind that was loaned from direct appropriations this last year. By far the larger part of it is made through private money with the Farmers Home Administration guaranteeing the loan, and in that way using private money. There is only a very small part of it that is appropriated funds.

Mr. BRASCO. But my point is that we have no such program for city dwellers as we have set up for the Farmers Home Administration.

Mr. POAGE. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. POAGE. This is a privately owned system. Every dollar of the money in the farm credit system is the money of the farmers. There is no Government money in the farm credit system.

Mr. BRASCO. I understand that in the Farmers Home Administration program there is Government money.

Mr. POAGE. We are not at the present time legislating in regard to the Farmers Home Administration, which is a Government agency. This is not the Farmers Home Administration; this is the Farm Credit Administration that we are legislating on.

Mr. BRASCO. Thank you. Will the gentleman yield for one last question?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. BRASCO. Is there any emergency causing this bill to be brought up under suspension of the rules rather than in the regular order of business?

Mr. GOODLING. I am sorry. I did not understand the question.

Mr. BRASCO. Is there any emergency that the gentleman knows of to indicate why the bill should be brought up today under suspension of the rules rather than in the regular order of pending business?

Mr. GOODLING. No. I wish I knew the answer to that question myself. I was amazed when I saw it being brought up under suspension of the rules.

Mr. BRASCO. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I think the record ought to be made clear at this point. The Federal Housing Administration guaranteed loans have been for city dwellers. They are not available to people in rural areas. Housing programs have not been available to people who prefer to live in a small city or rural area. That has been one of the great faults of the legislation that has come from the Banking and Currency Committee. If a young married couple want a house and have only enough cash for a low downpayment on a house, if they want to live in a rural area, it is just too bad. They have been told they get a guaranteed loan only if they go to the city, where they should not be going anyway. People have been driven into densely populated areas. That is one of the reasons why we have so many social problems in this country. It is time we have at least a small program available so people who want to live in rural areas can buy a house with a low downpayment.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. TEAGUE of California. In response to the question as to why the bill is brought before the House under suspension—of course, I had nothing to do with that decision, being no part of the leadership on either side—but, as it has been pointed out, the bill came out of the committee by a vote of 28 to 0. We were not aware of any opposition. Most of us support the bill. Rather than read the wording to you, I call your attention to the very strict limitations on housing loans which appear on page 12 of the committee report. I urge support of the bill and suspension of the rules.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Iowa.

Mr. KYL. So there is no misunderstanding either because of the additional views in the bill, I want to make this brief statement. There were a number of us who would have liked to offer an amendment on the floor if it had been presented under a rule, so that we all could give total consideration to this one section concerning housing. The provisions have been tightened up a great deal by the committee. Not more than 15 percent of the total loans can be for nonfarm rural homes. That includes only communities up to 2,500 individuals. These are single-family dwellings. No one may have more than one such dwelling. We are not financing any developments outside cities. I did want to say that even though I was one of those who signed the additional views hoping we would have an opportunity to amend the bill, I will support the bill with this provision in it. I thank the gentleman for yielding.

Mr. THOMSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. THOMSON of Wisconsin. I rise in support of the bill.

Mr. Speaker, I want to emphasize my continuing support for H.R. 11232, the Farm Credit Act of 1971. Earlier this year I testified before the House Agriculture Committee on its behalf and subsequently urged both verbally and in writing that the bill be brought to the House floor. I am, therefore, most pleased the Members of this body will have an opportunity to act favorably on this legislation.

There are four major reasons the Farm Credit Act of 1971 is a good bill and merits passage: an obvious recognized need for additional farm credit; the use of an established and proven organization to administer it; no expense to the taxpayer; and the need to modernize and update an old law.

I have received considerable and continuing correspondence from my farm constituents. They are virtually unanimous in their support of H.R. 11232. Since this legislation in no way damages the interests of the public or other groups, the farmers' wishes should be paramount.

Mr. Speaker, I urge passage of the Farm Credit Act of 1971.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the ranking minority member of the committee.

Mr. BELCHER. I think this is a good bill. We had an agreement on the bill, and I support it.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Speaker, I rise in full support of this legislation and associate myself with the remarks made in its favor.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, I support H.R. 11232, the Farm Credit Act of 1971, which is before the House for consideration today. This far-reaching and comprehensive measure provides for extensive modernization and consolidation of existing farm credit laws to meet expanding needs for farm credit.

The farm credit system is one of the largest credit systems in the Nation. It provides more than 20 percent of the credit used by farmers and 60 percent of the credit used by farmer-owned cooperatives. In the calendar year 1970, farmers and their cooperatives borrowed $12.4 billion from the banks and associations operating under the Farm Credit Administration.

This independent Government agency supervises and coordinates a cooperative credit system for agriculture. This system is designed to provide credit to farmers and their marketing, purchasing, and business service cooperatives at terms best suited to their individual businesses at the lowest possible cost by using investment funds in the Nation's financial centers. Farmers now own all of the capital stock in the system, totaling more than $1 billion.

During the decade of the 1970's, the capital requirements for agriculture are expected to increase tremendously. Many experts believe that by 1980 the total credit needs of farmers may well be in the area of $120 to $140 billion. It is therefore important that we act now to provide a financial structure to meet these greatly expended farm credit needs.

The purposes of this bill are to modernize, correlate, and remove some outdated restrictions in the authority of the Cooperative Farm Credit System in order to assure an adequate supply of funds to rural areas to meet the credit needs of farmers, ranchers, and cooperatives. This complex measure modernizes and expands the authority granted to the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, farm credit district organizations, and the Farm Credit Administration.

Because the farm credit system is a farmer-owned and financially self-sustaining credit institution, it is estimated that there will be no cost incurred by the Federal Government as a result of the passage of this bill.

The House Agriculture Committee has held extensive hearings on this legislation and has given it thorough study. On July 29, the Senate acted to pass a similar bill. I urge that the House demonstrate its continued concern in the vital field of farm credit by passing this bill to streamline, modernize, and expand present farm credit programs.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. McMILLAN).

Mr. McMILLAN. Mr. Speaker, I rise in support of this legislation. I am confident that this legislation should be enacted into law, so we will be able to help thousands of young farmers remain on the farm who otherwise would leave the farms and further congest the overcrowded cities. I was one of the original authors of this legislation, and I was for it 100 percent in its original form and will give the compromise my full support.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, I rise to speak in favor of the Farm Credit Act of 1971 which was introduced by the distinguished chairman of the House Committee on Agriculture, Mr. POAGE, along with the vice chairman, Mr. McMILLAN, and the two ranking minority members of the Committee, Mr. BELCHER and Mr. TEAGUE.

The primary purpose of this bill is to make more credit available to the struggling farmers and ranchers in this country along with those nonfarmers living in rural areas. Let me remind the Members of this House that any reasonable assistance we may give to those living in rural America will benefit the country as a whole. If we can do something to stop the trend of migration from the farm to the city, and hopefully to reverse the trend, we will actually be helping to solve both rural and urban problems. The fact that we have half as many farms in America today as we did in 1950 with 74 percent of our population now living on 2 percent of our land certainly should give us some insight into one of the causes of the overcrowded conditions in the urban areas. Certainly the 25 million young Americans who moved from rural to urban areas in a 25-year period from 1945 to 1970 should explain a part of the problems of overpopulation in urban areas. If the estimates that another 100 million Americans will move from the farm to the city in the next 30 years are correct we will face more and more urban problems.

It is incumbent on this Congress to make every effort to reverse the population imbalance for the sake of both rural and urban America. Rural development and improvement is dependent upon the availability of credit. It is understandable that the private lending institutions are concentrating the vast majority of their funds in the urban areas where there is a constant demand for loans and a great deal more security for repayment. However, the future of this country is directly related to the development of rural America.

Specifically, the bill before this House, the Farm Credit Act of 1971, will reorganize and streamline the legislative authority of the Federal farm credit system. The present limitation on rural loans of 65 percent of the appraised value of the farm or ranch will be raised to 85 percent. This 20-percent increase in borrowing ability for the farmer and rancher will enable them to make many needed improvements in living conditions and production capability and, in some cases, will enable the farmer or rancher to continue in his chosen profession rather than being forced to close down the farm or ranch and head for the overcrowded urban areas.

In the same manner, I believe that the provision of this bill to allow nonfarm rural housing loans to people living in communities of 2,500 or less will contribute to the living conditions and the stability of these communities. The private lending institutions are not eager to venture into these areas and the loan programs available through the Farmers Home Administration and the HUD agencies are totally inadequate. The fact that this bill would prohibit any Federal farm credit system from investing more than 15 percent of funds for nonfarm rural housing loans provides adequate safeguards against abuse. Mr. Chairman, this is a timely and needed bill for rural development.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Speaker, I support H.R. 11232, the Farm Credit Act of 1971. I represent a largely rural congressional district, and this legislation shows to me, and will reaffirm to my constituency, a renewed interest by Congress in the economic well-being of our Nation's family farmer.

During the last 55 years, since the inception of the Farm Credit Act of 1916, the system has proven itself one of efficiency and dependability. The Congress has periodically attempted to update and to streamline the credit system to more adequately meet the financial problems of the family farms of this Nation, but it has become apparent that a piecemeal approach to change in the existing law is inadequate. The Farm Credit Act we are considering today will strengthen, through consolidation and expansion of existing laws, an already valuable program, so that it can meet today's needs.

Originally this was a Federal loan program, but the borrower-owned banks and credit associations have faithfully repaid all Federal loans and are now debt free. Although the agriculture community is caught in a cost-price squeeze and bedeviled more than urban dwellers by high interest rates, I am proud to observe that the Farm Credit System is a free man's honest answer to these threats.

The Farm Credit System has always been a dependable defense for the farmer, no matter what the financial temperament of the Nation has been. Rural communities are not now going to forsake their small local banks and lending institutions just because this bill becomes law. Master John Scott of the National Grange spoke to this point:

> We have always relied heavily on the commercial banking institutions, the small country banks and other lending institutions and we still desperately need their services.

This legislation also directs itself to what I believe to be one of America's first priorities—the retention of the youth of our rural areas in their home farming communities to insure the perpetuation of the family-farm traditions. This act is stating for the first time what we of rural America have always been aware: agriculture is not limited to the land utilized, it is a major integrated element in our economy, including the many farm-related services in our rural communities. These rural communities depend upon the family farmer, and the family farmer depends on them.

When this legislation is passed, it will be with a renewed feeling of hope and accomplishment that I will report to my constituents that a bold step has been taken by the Congress, consistent with traditional characteristics of integrity and industry that have made the American farmer great and have given him an opportunity to stand on his own two feet.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I rise in support of the bill as written.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I am glad to join the able chairman of the House Committee on Agriculture (Mr. POAGE) and his committee in support of this farm credit legislation. It has been a privilege to work for this legislation and I believe it will serve the best interest of agriculture and the Nation.

Mr. ALEXANDER. Mr. Speaker, I have been asked by officials of the Farm Credit Administration in the St. Louis district to include in our discussion today the remarks on farm credit made by Congressman WILBUR D. MILLS of Arkansas at the annual stockholders meeting of the Federal Land Bank Association at Searcy, Ark.

Congressman MILLS gave this address on August 25, 1971. He is one of the leading authorities in the Nation on economic and financial matters. His thoughts on the subject before us today are further evidence of the need for reform within the Farm Credit Administration.

Congressman MILLS' speech follows:

TALK BY CONGRESSMAN WILBUR D. MILLS AT THE ANNUAL STOCKHOLDERS MEETING OF THE FEDERAL LAND BANK ASSOCIATION OF SEARCY, ARK., AUGUST 25, 1971

President Willie Wyatt, members of the board of directors, stockholders, wives, many guests, ladies and gentlemen:

It is always good to get to be home with neighbors and friends and certainly I welcome this occasion to share a few thoughts with you at this your annual meeting of the Federal Land Bank Association of Searcy.

It is a great pleasure to be here, and I want to congratulate the members of this association for the excellent record of this past year in providing much of the long-term credit needs of our farmers in this seven-county area. It is my understanding that the loan volume of your association, at the fiscal year ending June 30 of this year, was almost $9½ million. This is a 65 percent increase over the loan volume of just five years ago. I do not know whether it denotes the condition we farmers are getting into or not, but it is a remarkable increase. Despite this increase in activity, the number of loans outstanding has been decreasing over the years. This decline is, of course, part of the national trend toward larger farms and fewer farmers that many of us regret to see happening. I am told also that the association is continuing its fine record regarding delinquent loans and that only about one in 100 loans are delinquent at any one time. And most of those are delinquent for less than a six-month period. In these days of cost-price pressures, I am sure that few of our financial institutions are able to achieve such sound results. Of course, I would expect such a record of accomplishment and service to the farmers of this area from the men who have for years been connected in some way or other with the Searcy Land Bank Association.

Rural Adjustment Problems. Now most speeches on farming and other matters these days mention the decline in our farm population, and in our number of farms. Of course, you do not have to look up the statistics, all you have to do is to drive down any road through a farming area; all you see are a few houses still being occupied and a great number of houses that have been abandoned. I say we do not need to look at statistics to know that there are fewer farmers and fewer farm operations. And, while we hear a lot about the problems that have been created in our cities by the migration of our farm population to urban centers, we hear a lot less about the adjustment problems of our rural areas, stemming from this loss of population and the decline in the general level of economic activity in our small towns, cities and villages.

Self-Help Among Farmers. Nevertheless, there is a new and growing attitude of self-help—cooperation in our farm communities—that is making itself felt in national policies. This is evident in the strengthening of the commodity oriented organizations. Through such organizations, farmers are developing programs of their own and assuming the responsibilities of supply management and a disposition of surplus production to maximize returns to producers and to avoid the age-old problem of imbalance in supply and demand. This growing emphasis on restoring more freedom of choice to farmers is evident in our overall farm policy. And while it is too early to completely write off the necessity of production control in certain circumstances, the new commodity programs provided in the Agricultural Act of 1970 are providing farmers a much greater latitude in their planning of production and marketing. Nowhere in agriculture is this attitude of self-help among farmers more important than in the farmer-owned and operated Farm Credit System, of which this association is a part.

Changes in Agriculture. Today we marvel at the revolutionary changes which have taken place in agriculture, not merely in the last five years, but over the last ten, fifteen and twenty years even. Just over the past decade, output per man hour in the agricultural sector has increased 82 percent, largely due to strides, of course, in research, science, technology, pesticides, increased production from farm equipment, and fertilizers which we use in greater amount. Now during this same period, however, food prices have increased only three-fourths as much as the prices paid for other consumer products. This is a remarkable fact, one which I doubt is fully understood and realized by most of our consumers.

Farm Credit Needs Soar. It has long been beyond the means of the individual farmer to set aside the capital needed to remain competitive, and this, of course, was recognized in the first Farm Credit Act passed by the Congress in 1916. Agriculture uses around $60 billion annually of credit to support farm credit needs. Think of that figure: $60 billion of credit annually. Experts of the Federal Reserve System project this amount will reach anywhere between $90 and $140 billion by the year 1980, less than ten years from now. The history of our farm operations has been one of fewer, but larger farms. Farmers of today produce 20 percent more on 6 percent fewer acres than but one decade ago. One farmer can produce food and fibre for 45 mouths, compared to just 23 ten years ago.

Credit to Preserve the Family Farm. American farm policies have long recognized that a great deal of the strength of our farming system has been the family farm. More and more individual farmers are having to compete with well organized and well capitalized corporate farming organizations. If we are to preserve the family farm, we must make it possible for the individual farm operator to secure the needed credit. Without it, there will be fewer ten years from now.

Farm Credit System. No program can do more in the future for the American farmer at the least cost—and this is important, at the least cost to the general taxpayer—than the Farm Credit System of which your association is such a vital part. I mentioned how farming and the farm debt have changed over the years. The role the Farm Credit System has played is just as demonstrative of change. The System's share of farm loans in 1959 was 17 percent of the total. In 1970, it had risen to almost one-fourth of the total. Thus, the future role of the Farm Credit System is soundly based on its past performance, and an excellent performance. One million individual farmers and 4,000 cooperatives fully own the entire System, having paid back in 1968, in full. the Federal Government's initial investment. You are no longer owned by the public. You are owned by your own individual members. At the end of 1970, the System's net worth was $2.2 billion, of which $1.1 billion represented stock and investment by farmers and their cooperatives. In fiscal year 1971 alone, the System closed loans worth $13.6 billion and had $16 billion in loans outstanding. Think of that growth.

Farm Credit Act of 1971. I am sure you are aware that the Senate has passed the Farm Credit Act of 1971; and that the House Agriculture Committee will consider its version of the legislation after the current recess of the Congress. This legislation is, in the opinion of many agricultural experts, landmark legislation, providing for the extension and improvement in a credit system which already has an excellent record. To me, I think it is the greatest proposed change in the Farm Credit System since its inception in 1916.

From my perusal of H.R. 7138, the House's version of the Farm Credit Act of 1971, I can see that the legislation does four broad things to the existing Farm Credit System. Now, I am not talking about the Senate passed bill, I am talking about the bill as it was initially introduced in the House.

1. Young Farmers. First, it will allow younger farmers greater access to sound credit. Is that good or bad? If we are to sustain our farming operations and especially our family farms, the young men who display managerial and operating ability but lack the needed and necessary capital, must have access to the capital they need to get themselves started in the farming industry. If we permit the well to dry up, I do not know what will happen in the future, not only to the public, but to farming in the United States. One of the most serious things is the fact that the average age of the American farmer is rising annually. We must make an effort to get younger men into the field of agriculture if agriculture in this country is to survive, and I think this one provision alone of the Farm Credit Act of 1971 would justify its adoption.

2. Farmers' Credit Needs. Second, the legislation will allow more flexibility in tailoring credit to the individual farmer's needs and operations. We have been needing this for a long time.

3. Non-Farm Rural Homes. Third, it provides for credit to be extended to rural dwellers, other than those who actually own farms, to finance low and moderate non-farm rural housing. We are trying to use the Farm Credit System to do more than just provide credit for farmers. We are trying to use it in the forward movement of the development of the entire rural area of the United States, and to make it possible for people who desire to live in rural areas, even though they do not farm but may work in the farm community, town, or city, to have access to credit which they too find very difficult to obtain. Now, while our urban areas are in the limelight as far as housing programs are concerned, this is a most important point: Two-thirds of our sub-standard housing is not in the urban areas; it is in the rural areas of America. We hear about the problems in the urban areas. But we cannot overlook the problem of sub-standard housing in the rural areas of this country. Now the pleas for urban housing have all but ignored the conditions that exist in rural areas. For the first time, credit will be authorized for rural housing. Moreover, Farm Credit housing would be run at absolutely no cost to the Federal Government and, therefore, at no cost to the taxpayers of this country.

4. Farm-Related Businesses and Leasing. Fourth, the legislation would authorize credit to farm-related businesses. And I think there is a great need for this provision, when we recognize that some farm machinery can cost, for example, up to $80,000 for one piece of equipment. How can a commercial family farmer purchase such equipment as a $24,000 combine? Or a $20,000 to $25,000 picker—is not that about what you pay for a cotton picker these days? Is not it about $80,000 for a vegetable harvester? Now, I am not accusing these dealers of being too high priced, I am just stating facts. How can a single, family-size farm pay those prices for that kind of equipment? The only way they can do it today is to pay it, or go in the hole and perhaps go broke in the process. Now most just cannot do it. What do they do? They quit the farm. They go to the city, looking for jobs where in some places already up to 20 percent of the people are unemployed. Thus, if the legislation becomes law, credit can be extended to certain businesses which could purchase one or more of each necessary piece of equipment for leasing and renting to the family-size farmer, and he could pay the lease price. He could pay the rental price, whereas he cannot pay the entire cost. The Production Credit Associations, and, in some cases, the Federal Land Bank Associations, would be able to finance these much needed farm-related businesses.

Now, are not these four things good? Are not these four things in the interest of American agriculture and, therefore, in the interest of all American citizens? I think undoubtedly they are. These, as I see them, are the basic broad provisions of the new legislation.

Change the 65 Percent Limitation. It is too early to discuss in detail how this legislation will affect the Land Bank Associations one by one. It is clear, however, that the Farm Credit Act of 1971 would enable the Federal Land Banks and the Land Bank Associations to make loans to farmers beyond the present 65 percent limitation. That is also a necessary change.

Participation in Lending. For the first time, one Federal Intermediate Credit Bank would participate with another Federal Intermediate Credit Bank and Production Credit Associations in making loans, joint loans, because of the increased demands for more credit. The Farm Credit System must have broader access to more credit. Thus, the legislation would provide for participation of the cooperative Farm Credit System with commercial banks—cooperative credit banks working with commercial banks in supplying credit to the farmers. This you cannot do now.

Responsive to Rural Development and Agriculture. In a word, the Farm Credit Act of 1971 would improve the current Farm Credit System to assure that it is responsive to all types of rural development and agriculture that have a sound and real base for credit. Now, this does not mean under this bill that a local board is going to make a loan where there is not sufficient collateral or justification for the loan. But, they are going to be able to take care of more applicants where there is justification and a justifiable basis for a loan. With the credit needs of agriculture for the future ever increasing, this legislation would permit the fully farmer-owned cooperative credit system to adapt its program to serve, in full, these increased needs.

I am sure that the Federal Land Bank Association of Searcy, all of its members as well as its board and officials, will take advantage of the increased flexibility which will be available when the Farm Credit Act of 1971 becomes law and continues to provide a sound source of needed capital for the farm communities in this seven-county area.

Now this Act has not been passed by the House. It has passed the Senate with some amendments, some of which I do not like. They are not too important. But this legislation will be considered in the House sometime this Fall after the House Committee on Agriculture reports it with whatever amendments it may see fit to add.

Let Us Pass This Legislation. This bill is not without opposition. There are letters coming in opposing it, asking for this amendment or that amendment, not from this State necessarily, but from some other States. You do have two Farm Credit Districts, one in Texas and one in California, that are actively opposing certain parts of it, asking for certain amendments of the legislation. They are making known to Congress their views. Those of you who are for the legislation, if you want it, better make your views known. Let us pass this legislation as it should be passed in the form that it should, in order that we may take care of the credit needs of the great rural agricultural area of this country, because those needs for credit are going to rise.

It has been a real pleasure for me to get to be with you tonight. Thank you so much.

Mr. RARICK. Mr. Speaker, the Farm Credit Act of 1971, H.R. 11232, is much needed by the agricultural segment of our society and for the most part is sound legislation.

As a member of the committee and one of the signers of the separate views, my objections are to two sections of the bill, one of which may in itself constitute a threat to the entire farm credit system. I refer to sections 1.10 and 2.15(a) which would authorize loans to nonfarmers and nonfarm home financing in rural areas.

The farm credit laws were designed to fulfill the credit needs of farmers and farmer-operated industries. The entire farm credit system is unique in that it is today entirely farmer owned and farmer operated.

While there is a vacuum and a need for nonfarm home financing in rural areas, like some members on the committee, I would have much preferred that this nonfarm credit come from changes in the present FHA legislation or through one of HUD's other programs rather than through a farm-oriented credit system.

The farm credit system as herein sought to be expanded is meritorious but the system should be restricted to the purpose for which it was organized; that is, to supply credit needs for farmers. We are in effect being asked to increase farmer credit and at the same time plow back up to 15 percent of the expansion back into nonfarm uses.

Additionally questionable, under section 1.10 is the intent that authority be granted to authorize the Federal Land Bank and the Production Credit Association "to own, lease, or lease with option to purchase facilities and equipment needed by eligible borrowers * * *" the same authority is extended to sections 2.3(a), 2.15(a), and 3.7. Clearly, these new authorizations to financial institutions would authorize them to purchase and rent farm equipment and other related facilities which they feel might be needed by their eligible borrowers—even airplanes.

We can visualize vacant lots around the land banks and PCA's with tractors, cornpickers, and the like, owned by the bank and used to encourage prospective customers.

With exception of these two provisions I could support the bill on passage but inasmuch as the matter comes up under suspension, with no opportunity for amendments, I must register opposition by voting in the negative.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 11232, as amended.

The question was taken.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred seventy-nine Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 331, nays 19, not voting 79, as follows:

[Roll No. 336]

YEAS—331

Abbitt
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gettys
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Helstoski
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDonald, Mich.
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Addabbo
Buchanan
Clawson, Del
Crane
Dellenback
Erlenborn
Goodling
Grover
Heckler, Mass.
Landgrebe
Peyser
Rarick
Rosenthal
St Germain
Schmitz
Schneebeli
Van Deerlin
Wolff
Wydler

NOT VOTING—79

Abernethy
Abourezk
Anderson, Ill.
Badillo
Baring
Barrett
Bevill
Blanton
Burleson, Tex.
Byrne, Pa.
Celler
Chamberlain
Clark
Clay
Colmer
Conte
Daniels, N.J.
Danielson
Dent
Derwinski
Diggs
Dow
Eckhardt
Edwards, La.
Eilberg
Fish
Garmatz
Gaydos
Giaimo
Goldwater
Halpern
Hanna
Hawkins
Hays
Hébert
Hicks, Mass.
Jacobs
Jarman
Karth
Kee
Long, La.
McClure
McCulloch
McDade
McEwen
Madden
Mathias, Calif.
Miller, Calif.
Minshall
Monagan
Morgan
Moss
Murphy, Ill.
Nix
Patman
Pirnie
Rees
Robison, N.Y.
Roe
Rooney, Pa.
Rousselot
Roy
Roybal
Saylor
Skubitz
Stanton, J. William
Stanton, James V.
Stokes
Stubblefield
Talcott
Terry
Thompson, N.J.
Veysey
Whalley
Whitten
Widnall
Wiggins
Wilson, Charles H.
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Robison of New York.
Mr. Hays with Mr. J. William Stanton.
Mr. Hébert with Mr. Pirnie.
Mr. Abernethy with Mr. Chamberlain.
Mr. Blanton with Mr. Talcott.
Mr. Bevill with Mr. Minshall.
Mr. Burleson of Texas with Mr. McClure.
Mr. James V. Stanton with Mr. Fish.
Mr. Colmer with Mr. Skubitz.
Mr. Monagan with Mr. Conte.
Mr. Miller of California with Mr. Veysey.
Mr. Rooney of Pennsylvania with Mr. Terry.
Mr. Garmatz with Mr. McEwen.
Mr. Dent with Mr. McDade.
Mr. Gaydos with Mr. McCulloch.
Mr. Daniels of New Jersey with Mr. Widnall.
Mr. Giaimo with Mr. Goldwater.
Mr. Celler with Mr. Halpern
Mr. Barrett with Mr. Whalley.
Mr. Byrne of Pennsylvania with Mr. Saylor.
Mr. Karth with Mr. Wiggins.
Mr. Charles H. Wilson with Mr. Rousselot.
Mr. Whitten with Mr. Jacobs.
Mr. Madden with Mr. Anderson of Illinois.
Mr. Eilberg with Mr. Jarman.
Mr. Danielson with Mr. Mathias of California.
Mr. Clark with Mr. Stokes.
Mr. Abourezk with Mr. Hawkins.
Mr. Baring with Mr. Badillo.
Mr. Dow with Mr. Clay.
Mr. Diggs with Mr. Derwinski.
Mr. Nix with Mr. Eckhardt.
Mr. Hanna with Mr. Murphy of Illinois.
Mrs. Hicks of Massachusetts with Mr. Morgan.
Mr. Wright with Mr. Moss.
Mr. Kee with Mr. Roy.
Mr. Roybal with Mr. Roe.
Mr. Stubblefield with Mr. Rees.

Mr. SMITH of New York changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of a similar Senate bill (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

CALL OF THE HOUSE

Mr. DELANEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 337]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Ashley
Aspinall
Badillo
Baring
Barrett
Bevill
Blanton
Broomfield
Burleson, Tex.
Burton
Byrne, Pa.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clay
Colmer
Conte
Cotter
Daniels, N.J.
Danielson
Davis, Ga.
Dent
Derwinski
Diggs
Donohue
Dow
Dwyer
Eckhardt
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flynt
Ford, Gerald R.
Garmatz
Gaydos
Giaimo
Goldwater
Gude
Halpern
Hanna
Harsha
Harvey
Hawkins
Hays
Hicks, Mass.
Howard
Jacobs
Jarman
Karth
Kee
King
Landrum
Leggett
Lennon
Long, La.
Lujan
McClory
McClure
McCulloch
McDade
McEwen
Macdonald, Mass.
Madden
Mailliard
Mathias, Calif.
Miller, Calif.
Mills, Ark.
Minshall
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Patman
Pelly
Pepper
Pike
Pirnie
Pryor, Ark.
Quillen
Rees
Roberts
Robison, N.Y.
Roe
Rooney, Pa.
Rosenthal
Rousselot
Roy
Roybal
Runnels
Saylor
Scherle
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Talcott
Terry
Thompson, N.J.
Udall
Veysey
Whalen
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Zwach

The SPEAKER. On this rollcall 299 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FARM CREDIT ACT OF 1971

The SPEAKER. The Clerk will read the title of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill.

AMENDMENT OFFERED BY MR. POAGE

Mr. POAGE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE: Strike all after the enacting clause of S. 1483 and insert in lieu thereof the provisions of H.R. 11232, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11232) was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

INTERNATIONAL MORATORIUM ON KILLINGS OF WHALES

Mr. FRASER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 387) requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin—comprising the order of cetaceans.

PREFERENTIAL MOTION

Mr. ANDREWS of Alabama. Mr. Speaker, I have a preferential motion.

The SPEAKER. The gentleman will state the preferential motion.

Mr. ANDREWS of Alabama. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ANDREWS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred and eighty-four Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 51, nays 255, answered "present" 1, not voting 122, as follows:

[Roll No. 338]

YEAS—51

Abbitt
Addabbo
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashbrook
Blackburn
Byron
Chappell
Clawson, Del
Daniel, Va.
Dennis
Devine
Dickinson
Dowdy
Downing
Flowers
Griffin
Gross
Hall
Harsha
Hastings
Heckler, Mass.
Hicks, Wash.
Landgrebe
Lent
Lloyd
McKinney
Martin
Mayne
Michel
Miller, Ohio
Montgomery
Myers
Nelsen
Nichols
Quie
Railsback
Rarick
Sandman
Schmitz
Schwengel
Shipley
Snyder
Spence
Steiger, Ariz.
Teague, Tex.
Thompson, Ga.
Waggonner
Wydler
Young, Fla.

NAYS—255

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Baker
Begich
Belcher
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Clancy
Clausen, Don H.
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Corman
Coughlin
Crane
Culver
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dingell
Dorn
Drinan
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Fascell
Findley
Fisher
Flood
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gettys
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Link
Long, Md.
McCloskey
McCollister
McCormack
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Morse
Mosher
Natcher
Nedzi
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Ruppe
Ruth
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Schneebeli
Scott
Sebelius
Seiberling
Shoup
Shriver
Sisk
Slack
Smith, Iowa
Springer
Staggers
Steed
Steele
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
White
Whitehurst
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

ANSWERED "PRESENT"—1

Collier

NOT VOTING—122

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Aspinall
Badillo
Baring
Barrett
Betts
Bevill
Blanton
Burleson, Tex.
Byrne, Pa.
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clay
Colmer
Conte
Conyers
Cotter
Daniels, N.J.
Danielson
Davis, Ga.

Dent
Derwinski
Diggs
Donohue
Dow
Dwyer
Eckhardt
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flynt
Ford, Gerald R.
Garmatz
Gaydos
Giaimo
Goldwater
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hawkins
Hays
Hébert
Hicks, Mass.
Jacobs
Jarman
Karth
Kee
King
Landrum
Leggett
Lennon
Long, La.
Lujan
McClory
McClure
McCulloch
McDade
McEwen
Macdonald, Mass.
Madden
Mathias, Calif.
Melcher
Miller, Calif.
Mills, Ark.
Minshall
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Patman
Pelly
Pepper
Pirnie
Pryor, Ark.
Quillen
Rees
Roberts
Robison, N.Y.
Roe
Rooney, Pa.
Rousselot
Roy
Roybal
Runnels
Saylor
Scherle
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Talcott
Terry
Thompson, N.J.
Udall
Veysey
Whalen
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Zwach

So the motion was rejected.

Mr. TEAGUE of Texas changed his vote from "nay" to "yea."

Messrs. BELL, HAGAN, and LATTA changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

INTERNATIONAL MORATORIUM ON KILLINGS OF WHALES

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 387

Whereas the blue whale, the largest creature on earth, has been reduced by the whaling industry to a point of near extinction, and

Whereas despite the fact that the International Whaling Commission has placed it in a totally protected category, numbers of these and other endangered species of whales continue to be taken in error by whalers, and

Whereas the severely endangered gray whale has increased its numbers successfully after years of protection, and

Whereas much remains to be learned about these unique creatures through scientific study of their behavior, and

Whereas it is the intent of the Endangered Species Act to prevent conditions that could lead to the extinction of animals, and

Whereas even those species of whale, porpoise, and dolphin (comprising the order of cetaceans) which are not in imminent danger of extinction will become so if present hunting pressures are continued, and

Whereas whales (cetaceans) form a resource which may prove of importance to mankind in the future if their numbers are not decimated now, and

Whereas the United States of America has led the world in placing the baleen and sperm whales on the endangered species list so that products made from these and other endangered species may not be imported, and has also moved to end the last whaling by its nationals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Secretary of State is requested to call for an international moratorium of ten years on the intentional killing for commercial purposes of all species of whales (cetaceans).

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, House Concurrent Resolution 387 deals with a simple issue about which I am sure most of us are in agreement. Furthermore, the approval of this resolution will not cost any money.

The resolution merely requests the Secretary of State to call for an international moratorium of 10 years on the intentional killing for commercial purposes of all species of whales, porpoise, and dolphin—comprising the order of cetaceans.

There is in existence already an International Whaling Commission—to which the United States belongs—which deals with matters involving whales. It will not be necessary to set up an organization to do what this resolution requests.

The problem as far as the United States is concerned is strictly an ecological one. Whale products are of very limited importance to the United States and by the end of this year, imports of products derived from whales will be prohibited. Also, by the end of this year, the United States will be out of the whaling business.

The problem is that whales are becoming extinct and some of the larger species—namely the blue whale—are virtually extinct now.

The U.S.S.R. and Japan are the two countries that continue actively to kill whales and the purpose of this resolution is to request the Secretary of State to take up this problem with these and other governments in an effort to obtain action before it is too late.

I believe that most Members of the House were visited by representatives of various organizations urging that something be done to conserve the whale population. This resolution is our effort to deal with the problem.

Mr. GROSS. Mr. Speaker, I support the resolution for whatever it may be worth.

Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, every 12 minutes, another whale is slaughtered on the high seas, a total of over 42,000 of these magnificent animals last year alone. The blue whale, largest mammal on earth, has been relentlessly decimated to the point that perhaps only 1,000 roam the seas today. Similarly, the humpback, right and bowhead species among others, have been virtually exterminated. As each particular species is depleted, the whaling industry turns to another which is more plentiful, so that the entire race of whales, not just several breeds, is on the verge of extinction.

This resolution is designed to protect the whale from complete annihilation, if the hour is not too late already. It calls upon the Secretary of State to declare a 10-year moratorium on the intentional killing for commercial purposes of all whales, dolphins, and porpoises. The restriction is limited to commercial interests because, it is recognized that Eskimos depend upon whale meat as a source of food. Furthermore, the measure has been expanded to include the dolphin and porpoise since, it is feared that with a prohibition against whales, the industry will turn its attention toward these smaller members of the whale family. Indeed last year alone, it was estimated that as many as 200,000 of them were killed by the Japanese whaling industry.

There are several reasons for protecting the whale over and above the esthetic beauty of these mammoth creatures and the possible ecological consequences resulting from their loss. There is evidence that they possess a highly complex and sophisticated intelligence quotient that is worthy of further scientific study. A 10-year moratorium, providing the bare minimum time estimated for them to recover sufficiently, will at least allow scientists to study and explore the whale's habits and capabilities.

But, time is rapidly running out in the fight to save the whale. Granted, this is a last ditch effort, but apparently, it is the only option left to us. The International Whaling Commission was founded in 1946 to regulate the annual catch of whales to maintain them in sufficient numbers that they remain commercially viable as well as to protect those species on the verge of extinction. It has failed miserably in both regards.

Recently, this Commission set quotas that were 20 percent higher than the projected catch as estimated by its own scientific advisory committee. Rather than protecting breeds which have dangerously decreased in size, its neglect has caused an actual increase in the number of species that require our aid. Evidently, the IWC has become more interested in the short-run commercial exploitation of whales. Let me emphasize short run because at present catch rates, there will be no long run—no whales will survive.

The whaling industries have made their intent clear. In the face of smaller and smaller schools, they have redoubled their efforts to kill those remaining. They have started to harvest breeds previously considered too small to be worthwhile financially such as the sei, sperm, and now dolphins and porpoises. Last year twice as many whales were killed as in 1933 to produce less than one-half as much oil.

They have used sophisticated technology such as radar, sonar, and helicopters to increase their efficiency in wiping the sea clear of these mammals. They have demonstrated that instead of giving these animals the time needed to replenish their numbers, that they consider it more economical to hunt those few that still exist.

Mr. Speaker, we in the United States have learned only too harshly that the sacrifice of ecology in exchange for economy is a decidedly bad bargain.

In point of fact, economically speaking, the whaling industry is a small business, earning approximately $150 million annually for participating nations. All the products derived from the carcass of a whale, save for the meat itself, are easily replaced by substitutes. Dog food, cosmetics, margarine, and sun tan oil are hardly necessities which warrant the extermination of an entire race of animals.

Realizing this fact, the United States has taken steps within the past year to ban the importation of any whale products and has halted all whaling by its nationals. However, the hunt continues. Two nations, the U.S.S.R. and Japan account for 85 percent of the annual kill and without their cooperation there is little hope of survival for these creatures.

Despite our unilateral actions therefore, the whale still faces extinction. The concept of "res nullius," which holds that those things belonging to no one are the responsibility of no one, has been proven inadequate. Rather these areas, such as the seas, the atmosphere, and even outer space are "res communus" and belong to the world community at large. Thus, no nation has the right to take actions detrimental to these areas which are by definition the property of all.

This resolution will serve to generate a multinational effort to protect the whale. No one nation can do the job by itself. The Russians have indicated that they would cease their whaling activities if all other nations followed suit. This is then, no idle gesture, but rather a genuine opportunity, perhaps our last, to rescue the whale.

Mr. REID of New York. Mr. Speaker, I rise at this time to express my strong support for House Concurrent Resolution 387, requesting that the Secretary of State call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin—comprising the order of cetaceans.

I have long been concerned over the sudden and massive disappearance from our oceans of many species of cetaceans, and strongly commended ex-Secretary of the Interior Hickel for adding many of the more endangered species of whale to the endangered species list.

I have also discussed in some detail with Christian A. Herter, Jr., Director of Environmental Affairs for the Department of State and Ambassador Donald L. McKernan, Special Assistant to the Secretary on Fisheries and Wildlife and Coordinator of Ocean Affairs, the possibility of the United States convening a world conference on the protection of wildlife, a major objective of which would be to conclude a treaty to protect our world's cetaceans. The International Union for the Conservation of Nature and Natural Resources, a respected scientific organization headquartered in Switzerland, has prepared a draft convention for this purpose in consultation with many governments, including the United States. I was most disappointed, along with many of our most eminent conservationists, that the International Whaling Convention failed to impose more rigid quotas for member countries to adhere to; however, I can understand the reason for this failure since it is almost impossible to determine whether the quotas are being violated without placing IWC observers on all whaling ships, a measure that many member countries would not agree to.

After the Senate passed a resolution calling for a 10-year moratorium on the killing of all species of whales, I was most alarmed to learn of the fear of Dr. Kenneth Norris, one of the most knowledgeable men in the world on the problems the cetaceans are facing, that the Senate-passed resolution by stringent definition would only call for a moratorium on species of whales, and not of porpoises and dolphins which are also members of the cetacean family but not whales. For example, the killer and pilot whales are called whales but are species of porpoises. After discussing the possible recriminations of such an omission with many experts in this field such as Dr. Arthur C. Clark; Dr. Carlton Ray of the Smithsonian Institution; Mr. Phil Roedel, Director of the National Marine Fisheries Service, NOAA; and Dr. Kenneth Norris, editor of Whales, Dolphins and Porpoises; I decided it would be necessary to introduce a resolution calling for a 10-year moratorium on the killing of all species of dolphins and porpoises, and I was most pleased that the House Foreign Affairs Committee acknowledged this omission and incorporated my resolution into House Concurrent Resolution 375 before reporting it to the House for consideration.

I am inserting into the RECORD at this time my remarks of August 4 upon introducing House Joint Resolution 836, in case they did not come to your attention and to give you some background on the need for the inclusion of porpoises and dolphins in House Concurrent Resolution 375:

> I rise at this time (August 4, 1971) to introduce legislation calling for a 10-year moratorium on the willful killing of porpoises and dolphins, and to instruct the Secretary of State to encourage the development and implementation of international controls to minimize the incidental killing of porpoises and dolphins in conjunction with the catching of tuna. Some 40% of the world's yellowfin tuna and almost 50% of the world's skipjack tuna are caught in the company of porpoises and dolphins.
>
> There is evidence, according to Dr. Kenneth Norris—a participant in the International Symposium on Cetacean Research and editor of *Whales, Dolphins, and Porpoises*—with whom I have conferred while preparing this legislation, that these friendly and intelligent mammals are being decimated because of commercial fishing practices, particularly in the eastern inter-tropical Pacific area. The problem is that many commercial fishermen now use highly efficient purse seines (nets) to catch schools of tuna which swim behind and underneath the porpoise schools, perhaps to take advantage of the porpoise's ability to locate bait fish by natural sonar. These seines are 4 to 5 times more efficient than using lines and bait, but they encircle porpoises as well and too many die before they can be released. I have been informed by Dr. Carlton Ray of the Smithsonian Institution that well over 200,000 common dolphin (Delphinus delphis), spinner (Stenella longirostris) and spotter (Stenella graffmani) porpoises die each year in the purse seines of the United States, and when one considers that Japan takes as many tuna, and France over twice as many tuna by the same method as the U.S., the probable figure of porpoise kills per year becomes staggering. There is also considerable evidence that the porpoise schools are becoming smaller than their normal 1,000 animals, according to Fishery Biologist William F. Perrin, who presented a paper to this end to the 6th Annual Conference on Biological Sonar and Diving Mammals.
>
> For reasons we do not understand, porpoises caught in purse seines do not jump out of the nets. The danger arises when tuna boats "back down" to draw in the nets. The porpoises navigate by natural sonar and the proximity of the enfolding nets apparently confuses them. Once encircled, porpoises swim around wildly, and then gather together in a group and sound to the bottom of the nets where many of them drown. Others become so frightened that they go into shock and rigor and also drown. These animals become highly distressed when a fellow-cetacean becomes injured, and will not leave it, which is a possible explanation as to why some porpoises will not jump out of the nets while others are still trapped.
>
> Many marine scientific groups, including the National Oceanographic and Atmospheric Administration, have cooperated in the development of new nets with a smaller mesh for tuna fishing, so that the porpoises do not catch their snouts, as is presently the case. These new nets will be implemented by yellowfin-tuna fleets when the new season gets underway next January 1st, and the boats begin to gather the United State's annual quota of 140,000 tons. The purpose of the international efforts I have requested would be to help N.O.A.A. through its component, the National Marine Fisheries Service, to develop and implement nets with two other safety features—an escape hatch, and and an acoustic device in the net to emulate killer-whale calls. The killer whale is a natural enemy of the porpoise, and many scientists, including Dr. Alan Longhurst, Director of the Fishery-Oceanographic Center, N.M.F.S., feel that devices emitting killer-whale calls should be run down lead-lines into the purse seines, thus stimulating porpoises to avoid the nets. In behalf of tuna fishermen, it must be granted that they frequently try *not* to fish on porpoise schools, and, as a rule, do not do so on the traditional fishing grounds, where they look for a "breezing school" of tuna which may hold up to 10,000 fish. Breezing schools of tuna feed just below the water's surface, sweeping through small bait fish so swiftly that the ocean appears to be ruffled by the breeze itself.
>
> The Japanese slaughter annually some 20,000 porpoises for human consumption by driving them out of the water onto land. I fear that without international controls, areas where porpoises are trapped may spread to the Western Pacific, off Samoa, and perhaps to the Indian Ocean and African coasts. Porpoises of the "Flipper" variety (Tursiops Truncatus) used to be killed off the coast of Cape Hatteras in order to make high quality lubricating oil, such as that used for watches, but this practice ended some 50 years ago. This oil is now imported from the West Indies, and is a by-product of the pilot whale which is killed there for food. However, should a moratorium on the killing of whales go into effect, as is being considered by the House Foreign Affairs Committee, a new source of lubricating oil must be found and I fear that manufacturers will again turn to killing porpoises to obtain this oil.
>
> There also has been some speculation that, since a 10-year moratorium on whales would mean that pet food products containing whale meat could not be imported into or sold in the United States, pet food manufacturers may turn to the harvesting of porpoises to make their products. This does not mean that I oppose a 10-year moratorium on the killing of whales. I support it most strongly, but feel that porpoises and dolphins, which are also members of the cetacean family, should be given equal protection.
>
> Porpoises normally exercise nurturant and succorant behavior similar to human beings, and as Aristotle has stated, "this creature is remarkable for the strength of its parental

affection." Females exhibit great care for their young, nursing them until they are about 18 months old, and the mother-young relationship lasts an impressively long time. At around four to six years of age, young dolphins born in captivity have been known to seek out their mothers from the group when they become tired, sleepy or alarmed. A pertinent example of their succorant behavior was recorded by Drs. J. B. Siebenaler and D. K. Caldwell in 1956:

"When a charge of dynamite was exploded in the neighborhood of a school of dolphins, one of the school was stunned by the shock. Two adults immediately swam to its assistance and supported the injured animal. When the two assisting dolphins left to breathe, they were relieved by what apparently were different animals. The supporting behavior continued until the injured animal recovered completely, then the entire school left the area. Again it is note worthy that the school remained intact and stayed in the danger area until the disabled animal had recovered, instead of obeying what must have been a strong impulse to leave the area of the explosion. Such a quick mass departure occurred on another occasion when dynamite was exploded and none of the dolphins was injured."

There are no accurate figures available as to the number of porpoises and dolphins in our oceans; only the knowledge that the schools are becoming smaller and wilder, and that the population structure is changing. This is due to a different sex-ratio, apparently because commercial nets primarily kill older animals, females and calfs, leaving the younger and wilder males in greater proportion than is normal. It is my feeling that until studies now underway on porpoise feeding, mating habits, life expectancies and travel habits are completed, a moratorium is the only way to ensure that disaster does not await the porpoise and dolphin in the future."

Mr. BINGHAM. Mr. Speaker, I urge passage of House Concurrent Resolution 387, a bill which requests the Secretary of State to seek a 10-year international moratorium on the intentional killing of all species of whales for commercial purposes. The Senate has already passed a similar bill, in the form of a joint resolution, which was introduced in the Chamber by Minority Leader HUGH SCOTT.

We are in a period of worsening ecological crisis which reaches far beyond the borders of the United States, menacing the balance of nature around the globe. Air pollution, water pollution, and destruction of forests, farmlands, and wildlife habitats are problems which confront virtually all nations. This bill is a response to one facet of this worldwide ecological crisis.

Testimony before the House Foreign Affairs Subcommittee on International Organizations and Movements this past July presented vivid evidence of the annihilation by man of one more species of living creatures. I am speaking of the incredible destruction of whales, dolphins, and porpoises. It is in the direct interest of the United States, as well as in the interest of all other nations, to bring a halt to the senseless slaughter of the whale family which now threatens the largest of all mammals with rapid and irreversible extinction.

Statistics prepared by the Fish and Wildlife Service indicate the terrible decline in population which the whale family, whose scientific name is "cetaceans," has suffered during the last 40 years. In the period 1930–40, the blue whale, largest of all mammals, numbered about 100,000. Today fewer than about 3,000 of these mighty creatures remain alive. The finback whale population has plunged from 400,000 to about 100,000, and the massive sperm whale has declined in number from 600,000 to about 250,000. The humpback whale population now numbers 2,000, a drastic drop from 100,000. Of the right and bowhead whales, longtime victims of commercial whalers, a mere handful exist, probably fewer than 200 of each species. Only the grey whale has managed to increase its population, and that was achieved by the joint efforts of the United States and Mexican Governments to protect it from total extermination. Extremely rare in the 1930's, the grey whale today numbers around 10,000. But, had no protective measures been taken, it would doubtless long ago have gone the way of the passenger pigeon.

Despite the existence and activities of the International Whaling Commission, a body which began functioning in 1948 supposedly to guarantee the conservation and sensible utilization of the world's whale resources, the plight of the whale has become desperate. Modern whaling fleets, chiefly Russian and Japanese, prowl the seven seas, exacting their deadly toll from the world's waters, working inexorably toward the day when the last whale finally disappears into the hatch of a factory ship to be ground into fertilizer and pet food. Nations long associated with whaling, such as the Netherlands, have given up whaling and no longer send fleets to sea because of the increasing difficulty of locating whales to kill.

It is not only the great whales, the mammoths of the sea, which face extinction, but also their smaller brothers, the porpoises and dolphins, who are endangered. Some losses of these creatures are caused by fishermen who trap them in their nets unintentionally. Moreover, as the larger whales are wiped out, these smaller mammals face the increasing peril of replacing the whale as candidates for conversion into catfood, cosmetics, and motor oil. Japanese whaling interests have started the ball rolling toward annihilation. They killed an estimated 200,000 dolphins and porpoises last year.

It is pathetic testimony to man's shortsightedness and greed that there is not a single product extracted from whales which could not be obtained from an alternate source, but it appears that the principal remaining whaling nations—Japan and the Soviet Union—are nevertheless determined to wring every last drop of profit out of their whaling investments even if that means biological disruption of the ocean's ecology and extinction of the whale family.

In response to this plea for an end to the appalling massacre of whales, the question might be posed, "what value does it have for man to preserve the whale, and what possible use can there be for such a creature?" The question is a fair one. It requires a careful reply.

First, as world population grows, man must constantly seek and utilize additional sources of protein. The whale is a creature which feeds on a number of nutrients which man cannot use in their present forms. Plankton and deepwater squid are examples. The whale is able to convert these creatures into animal protein usable to man. Were world whale stocks intelligently preserved and conserved, that protein would be available to help alleviate hunger through rational, planned harvesting of world whale stocks intelligently preserved and conserved, that protein would be available to help alleviate hunger through rational, planned harvesting of world whale stocks. The whale might then become to the sea what the beef steer is to the plains.

No rancher in his right mind would annihilate his whole stock of cattle, massacring his bulls, breedings cows, and calves indiscriminately. But this is precisely the situation that prevails today with many of the world's whales.

Second, the whale family offers valuable creatures for medical and scientific research of great potential benefit to man. Whales, porpoises, and dolphins are creatures with large and complex brains which are far heavier in proportion to their body mass than is the human brain to the human body. Cetaceans have been shown to possess high intelligence in addition to their ultrasensitive auditory capacity, and both of these aspects of the whale warrant further study by man. Many a blue whale was slaughtered to provide lamp oil and dog food, but scientists have noticed that not one blue whale was ever shown to have had a malignant tumor. It is possible that a valuable key in man's battle against cancer might lie in the endocrine system of the blue whale. But we may never really know, for there are no longer enough blue whales left to study.

Third, porpoises and dolphins have proved themselves to be gifted and versatile creatures, capable of actually working with man for our benefit. In the days of ancient Greece, fishermen located schools of fish through the presence of scout porpoises, which were rewarded with a share of the catch and with bread soaked in wine. Porpoises were thought to be reincarnations of sailors lost at sea, and it was considered unconscionable to refuse to give payment to the porpoises for their valuable services.

Porpoises and dolphins are still utilized by commercial fishermen to locate schools of tuna, but unlike the example of ancient times, their modern reward is frequently death due to carelessness and indifference of the fishermen.

Inhabitants of India have long prized porpoises for the protection they offer in rivers from man-eating fish, and in South America natives have learned to summon porpoises as fishing companions through a code of knocks on the sides of their canoes. Porpoises and dolphins are renowned for their antipathy toward sharks, and many a case has been recorded of porpoises and dolphins rescuing swimmers and fishermen from shark attacks.

The U.S. Navy has trained porpoises and dolphins to recover torpedoes, mines, submarines, and even aircraft lost at sea, as well as to perform various other underwater tasks. The communicative capacities of porpoises and dolphins are amazing, and they seem to have an inbred affection for man and a desire to cooperate with him. Their natural sonar offers modern science a model for mechanical imitation, and we may some day be able to chart the ocean depths through knowledge gained from them, just as our first steps toward flight and ultimately to the moon were based on the model of the bird. In light of these considerations, it would appear that the porpoise and dolphin are of far greater value to man alive and abundant in the oceans than served up as canned catfood on a supermarket shelf.

In view of the rapid disappearance of the whale family from the world's oceans and the impending doom which confronts these valuable creatures, House Concurrent Resolution 387 proposes a 10-year international moratorium on the commercial killing of any member of the cetacean family, in order that whales, dolphins, and porpoises may regenerate unhampered by marauding whaling fleets.

During this time, international accord on future conservation and utilization of the world's whale stocks could be pursued.

It may very well be that for some species of whales, this moratorium will come too late, for the ravages of the whaling industry have perhaps already sounded the trumpet of extinction for the blue, humpback, right, and bowhead whales, a trumpet which tragically may never blow retreat.

Despite the fact that the United States was once heavily involved in the whaling industry, this Nation has shown leadership in attempting to rebuild the world's whale population, leadership which would be further emphasized by a congressional request to the Secretary of State to negotiate a 10-year moratorium on all intentional commercial killing of whales, including dolphins and porpoises. Together with Mexico, the United States engineered the survival of the grey whale by protecting it within territorial waters.

The State of Florida has enacted legislation forbidding the molesting of porpoises and dolphins in Florida waters. Last November, the Department of the Interior placed all the great whales on the endangered species list, including the commercially hunted Finback, Sei, and Sperm whales. This action prohibits the importation of whale products into the United States. Prior to that time, the United States had consumed 20 percent of the world's whale products. This past April, the Department of Commerce followed the Interior Department's actions by terminating the whaling license of the last remaining whaling station in the United States. In light of these events, it would appear that the time is ripe for Congress to raise its voice on the subject and to make clear to the executive branch that unilateral U.S. action is not enough to save the whale. Rather what is needed is international negotiation leading to an absolute 10-year moratorium on all commercial whaling. Only by such action can the senseless extermination of a valuable international resource be brought to a halt and the first tentative steps be taken toward a program of development rather than destruction.

If the International Whaling Commission has failed adequately to protect whales to date, and the Japanese and Soviets seem determined to continue their whaling activities until they have wrung the last bit of profit from their fleets, what is the use of the United States proposing a 10-year moratorium to the Commission? Would not such a proposal simply be ignored by the Japanese and Soviets, and perhaps even harden their position?

I do not believe so, Mr. Speaker. The Soviets, in particular, have shown willingness in the past to take international leadership to protect other endangered species. They have, for example, unilaterally banned killing of polar bears and dolphins by their own citizens, and have publicly stated that they will consider stopping whaling when other major nations do so. The United States has now stopped whaling, and it is in a good posture from which to urge the Soviets to follow their commendable efforts on behalf of polar bears and dolphins by banning whaling.

The chances of influencing the Japanese are perhaps less promising. But a major environmental conservation movement is underway in Japan similar to the movement that is occurring in this country, raising the possibility of strong support for a whaling moratorium in that country, where the whaling industry has long dominated Japan's position in the International Commission.

Finally, the Commission itself has displayed increased vigor and effectiveness in recent years. The 1971 meetings produced a tentative agreement to station observers on the ships of major whaling nations to assure compliance with international quotas—a measure which conservationists have been urging for more than 20 years. While that agreement came too late to get observers on the ships now at sea for this whaling season, international observers are expected to be on the ships when they sail for the next whaling season in the spring of 1972.

I introduced this bill in the form of a concurrent resolution rather than a joint resolution because a concurrent resolution does not require the signature of the President, and the Department has indicated that a concurrent resolution is acceptable in that it will not raise problems over congressional intrusion into the prerogatives of the executive branch.

The time is now ripe for congressional action. Instead of permitting this matter to end in another grotesque and disgraceful example of mankind killing the goose that lays golden eggs, let us heed the lessons of our past ecological failures and avoid the disaster the whale's extinction would represent. It is crucial that we learn to coexist with the other living creatures of this planet in a framework which will guarantee us the continued use of the fruits of the earth rather than the total disruption of the natural chain of living things, a chain upon which man is dependent for his own survival.

Mr. **DELLUMS**. Mr. Speaker, I am a cosponsor of this resolution because I am fully committed to insuring stronger efforts for the continued existence of whales, porpoises, and dolphins.

When a species dies, it is unlikely that the universe will ever see its like again. After we lose one of them, no congressional appropriation, no crash program of research by industry, no new chemical synthesized in a laboratory will ever give us back this living, breathing, procreating, strange, and silent beast.

There are plenty of medical and economic reasons for keeping the whale around—but the most important reason for supporting this resolution is to get us back in the business of preserving life for its own sake, and not destroying it for the sake of a profit for a few people.

Perhaps we will stop destroying not only for the negative reason of stopping wastefulness, but for positive reasons that we enjoy creating and preserving.

We have to start somewhere. This is one positive step.

The **SPEAKER**. The question is on the motion offered by the gentleman from Minnesota that the House suspend the rules and agree to the concurrent resolution House Concurrent Resolution 387.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **FRASER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

NATIONAL GUARD UNIT IN THE VIRGIN ISLANDS

Mr. **FISHER**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3817), to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands, as amended.

The Clerk read as follows:

H.R. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 10, United States Code, is amended by inserting "Except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States," before "'Territory' means".

SEC. 2. Section 101(1) of title 32, United States Code, is amended by adding the following new sentence at the end: "However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, 'Territory' includes the Virgin Islands."

SEC. 3. Clauses (7) and (9) of section 101 of title 37, United States Code, are each amended by inserting "the Virgin Islands", after the words "the Canal Zone", in each of those clauses.

The SPEAKER. Is a second demanded?

Mr. BRAY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FISHER. Mr. Speaker, H.R. 3817 is relatively simple. It authorizes the establishment of a National Guard unit on the Virgin Islands. Under existing law such units are limited to the several States, Puerto Rico, the Panama Canal, and the District of Columbia. I will add, however, that although presently authorized, there is no National Guard in the Canal Zone.

The Governor of the Virgin Islands feels very strongly the need for a National Guard down there. The National Guard favors it. The Office of Budget and Management has no objection. The Virgin Islands legislature has endorsed it. The Armed Services Committee unanimously approved it.

If a Guard unit is authorized by this bill, total strength would be about 460. We are assured that number of eligible men would promptly join. This number would be absorbed in the total National Guard strength, and the cost would be accommodated by the present budget. Existing Reserve headquarters on St. Thomas would be utilized, and there would be no immediate construction cost to the Federal Government.

Now, what about the need? Veterans of four wars, now residing on the Virgin Islands, total 4,600, in a total population of 70,000. There are at present three U.S. Army Reserve Military Police units, totaling 69 men. They cannot be called to active duty by the Governor. The Virgin Islands police force comprises about 300 men distributed among the three islands.

The thinly spread police force and the military police units are not well equipped or prepared to perform air-sea rescue missions, for which I understand there is an increasing need. A National Guard unit could serve a very useful purpose in this respect.

In case of civil disorders or a disaster, the Governor could make immediate use of the National Guard. Otherwise any Federal help would have to come from the States, and this would, of course, be expensive and far too slow to effectively deal with an emergency.

Since the Virgin Islands lie in a so-called hurricane belt of the Atlantic and Caribbean, there is a continuing danger of a major disaster.

Although there have been no significant civil disorders in the islands, such disturbances have occurred in other Caribbean islands. The very presence of the National Guard would help deter any possible difficulty, and if needed could be called up by the Governor without delay.

Inhabitants of the Virgin Islands have always been loyal. They have done their share in time of war. In fact, at the commencement of World War II, those islands sent a delegation to Congress petitioning to be included in the draft. Percentagewise, their casualties in four wars have been equal to those suffered in any of the States.

In addition, the existence of a National Guard would provide a convenient vehicle for reserve training for quite a number of reservists.

Mr. Speaker, responsible authorities in the Virgin Islands want a National Guard. I think this is a modest request and I would hope the House will promptly approve this bill.

Mr. BRAY. Mr. Speaker, I support the bill.

I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I am not at all convinced that we should embark at this time upon the supplying of the Virgin Islands with National Guard units. This bill provides, as I understand it, for two companies of National Guards and a battalion headquarters. No one knows what the costs may be. There is no cost given in the bill, nor is there an estimate of cost in the report accompanying the bill. This is going to cost some money despite the fact that the report says that it can be absorbed in the Department of Defense. I have no doubt that the cost can be absorbed, but I would have to say at the same time that if the Department of Defense is capable of taking care of the expense of establishing new National Guard units in other countries and areas, that the Department is oversupplied with money.

Mr. Speaker, there are already 350 police in the Virgin Islands. There are some 80,000 or 90,000 persons in the Virgin Islands, and I see no reason whatever for the creation of a National Guard which will require, as I said before, equipment, barracks, and all that goes with the maintenance of a National Guard unit. There have been no hurricanes, no disasters for several years, and there have been no civil disorders in the Virgin Islands up to this point and, so far as I know, no disorders are anticipated. The establishment of a National Guard in the Virgin Islands may be a status symbol for the Governor of that territory; otherwise I do not know the reason for it, and I would be glad to have someone give me a real valid reason for the establishment of National Guard units in the Virgin Islands.

In the meantime, I am opposed to this bill.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRAY. The Virgin Islands are in the "Hurricane Belt." There has been no great disaster there for some time. It has been very free from the violence that has plagued many of the islands and territories in that part of the world, and yet it is necessary to have a small National Guard contingent there, even though the Governor may never call them out. It would be just as unreasonable to say that they do not need a small National Guard unit in the Virgin Islands as it would be to say that you do not need one in the State of New Mexico for there have been no hurricanes there, either.

We have a unit in Puerto Rico. We do not have one in the Canal Zone although one is authorized. As far as the cost being taken care of by the Defense Department, there is a certain total number of Guard units authorized. This one would be within that number. The number of units will not be increased. It means some other place may not have as many guardsmen as it might have otherwise.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House suspend the rules and pass the bill H.R. 3817, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read:

To amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands.

A motion to reconsider was laid on the table.

GAS IN THE SWAMP

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, last Wednesday, October 27, I called attention to the incredible boondoggle the Postal Service made of a project near Jersey City, N.J.

This project involves the construction of a huge bulk mail processing plant in a swamp.

It started out to cost the taxpayers an estimated $62.3 million, but the cost is now estimated at $130.1 million. That is an increase of 109 percent.

Mr. Speaker, it is bad enough to throw the taxpayers' money into a swamp, but I have just learned of a hazardous situation that has resulted from the hell-bent decision to build this "showcase" mail handling plant there.

The plant is being built on a gigantic concrete slab. Underneath that slab an accumulation of highly explosive methane gas is reportedly building up, generated by the swamp, and fear has been expressed that the entire project could be blown sky high if this gas is ignited.

Mr. Speaker, I call for an immediate explanation from the Postal Service as to what steps will be taken to assure the safety of those involved on this construction project. There is no need for a tragedy to be added to the sorry history of this fiasco.

EXPORT EXPANSION—THE MOORHEAD-BROOMFIELD BILL

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, today, as one result of many years of foreign aid programs, the United States owns more than $2 billion in excess, virtually useless, foreign currency.

Today, the United States faces the prospect of the first trade deficit since 1893.

Today, the gentleman from Michigan (Mr. BROOMFIELD) and I are introducing a bipartisan bill to enable the United States to use these excess and other foreign currencies to expand U.S. exports and this will mean more American jobs, more American profits, an improved balance-of-payments situation and higher U.S. Government revenues.

Today, we are introducing a bill to boost American exports by utilizing U.S. owned foreign currencies to pay foreign import duties charged on American goods, thus making them much more competitive in price with European and Japanese products.

Under our proposal, foreign buyers, in countries where we have excess and other foreign currency, could buy American products duty free.

The multiplier effect of this proposal is potentially fantastic—about 10 to 1.

We own more than $2 billion of this virtually useless paper and assuming that foreign tariffs average 10 percent of the cost of the item, the United States—if it used foreign currencies to pay the import duties on American goods—could bring about the sale of $20 billion worth of goods overseas to foreign importers because the purchases would be duty free to the foreign buyers. There is already a built-in consumer preference for American manufactured goods in many countries, but at present they simply cost too much compared to Western European and Japanese products.

With this additional incentive coming on top of the de facto devaluation of the dollar now occurring because of our Government's decision to let the dollar float, the cost of American goods overseas will be truly competitive.

The benefits to the United States are obvious and enduring. Increased exports will give our own economy a shot in the arm. Industry will profit—higher employment will result—and our Government will reap increased taxes in the form of dollars from both.

At the same time, foreign governments will benefit three ways—first, no import duty revenues will be lost to their national budgets: if anything they are likely to go up because of increased American imports; second, more machinery, tools and other development items will be imported to establish and improve income-producing industries and agricultural activities creating new wealth and jobs for the country involved; and third, over a period of time—transitionally—these foreign currencies will be taken out of American hands and returned to that country's economy, thus erasing a drain on their resources in a totally antiinflationary manner.

All of this can be accomplished without the loss of a single real penny to the U.S. Treasury.

The United States owns more than $2 billion in excess and near excess currencies which are rapidly deteriorating in value because of devaluations, inflation, and exchange rate adjustments. Since 1954, the United States has lost—without receiving anything whatsoever—the staggering sum of $2.1 billion worth of foreign currencies. The purpose of this legislation would be to put our excess and other foreign currencies to work for America so they will not melt away with no benefit to the American taxpayer.

Now comes the real shocker—the U.S. Government can double its money. How is this possible? It is possible because of the multiplier tax revenue factors built into increased U.S. exports. American corporations boost their earnings thus paying more taxes.

Dividends to stockholders also are increased resulting in additional tax revenues. And, of course, employment is kept high and new jobs are created which will funnel a steady flow of individual income taxes to the Government.

Thus, if we used U.S.-owned foreign currencies to pay a 10-percent average tariff for the foreign importer, our Government would receive a 20-percent tax return. These computations were made by the international trade and finance experts of the Library of Congress, who obtained their basic data from the Departments of the Treasury and Commerce.

You may be interested to know that in addition to the more than $2 billion in foreign currencies we now own, an additional $6 billion payable in foreign currency is owed to the United States. But based upon our studies—even if the United States did not own a nickel's worth of foreign currency—it would make economic sense to spend U.S. dollars for this purpose because of the profitable return to the U.S. Treasury and the return over and above that to the entire American economy.

The gentleman from Michigan (Mr. BROOMFIELD) and I seek cosponsorship and support for this bill which we sincerely feel can turn the tide on the trade deficit our Nation faces—the first one since 1893.

It is a bill which labor, industry, and Government can all support with vigor and good conscience. There are no tax loopholes, windfall profits or low-cost-benefit ratios involved. It is not a subsidy. It is an investment which will pay off in more jobs, higher Government revenues and increased profits.

The beauty of this idea is that we are using funds which are virtually useless to us to increase the export of American produced goods and the financial burden on the U.S. Treasury of this entire program is not one real penny but on the contrary will result in increased revenues to the U.S. Government.

The text of the bill and a report from the Legislative Reference Service entitled, "Estimate of Federal tax revenues to be derived from $20 billion of foreign sales," follow:

H.R. 11508

A bill to amend the Foreign Assistance Act of 1961 to expand American exports by utilizing U.S.-owned foreign currencies to pay import duties on such goods, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 612 of the Foreign Assistance Act of 1961 (22 U.S.C. 2362), relating to the use of foreign currencies, is amended by adding at the end thereof the following:

"(e) (1) Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized to negotiate and/or carry out agreements with any foreign country in which the United States owns foreign currencies to use such foreign currencies——

"(A) to pay duties imposed by such foreign country on the importation of commodities manufactured or grown in the United States and its possessions as an official government obligation; and

"(B) to pay local costs incurred by any United States private enterprise under any personal service contract for the performance of services in such foreign country as an official government obligation.

"(2) Each agreement entered into under paragraph (1) of this subsection shall—

"(A) provide that any reduction in the aggregate cost of any commodity imported into such foreign country from the United States resulting from any payment made by the United States under such agreement shall be passed on to the ultimate consumer;

"(B) prohibit any payment by the United States with respect to arms, ammunition, or implements of war, or with respect to any commodity imported into such foreign country from the United States at the expense of or on congressional terms by the United States or any agency thereof;

"(C) prohibit payment by the United States with respect to any commodity at a rate of duty in excess of the rate of duty in effect with respect to such commodity on August 1, 1971;

"(D) apply with respect to commodities imported into such foreign country from the United States under contracts or new orders entered into after October 31, 1971; and

"(E) prohibit payment by the United States of local costs incurred by any United States private enterprise under a personal service contract in an amount which exceeds 5 per centum of the total contract price for the services actually performed.

"(3) In carrying out the provisions of this subsection, the President shall give priority to the negotiation of agreements with foreign countries with respect to which the President determines that the foreign currencies owned by the United States are excess, or near-excess, to the needs of the United States.

"(4) In any case in which a foreign country agrees to relieve the United States from liability to pay any amount otherwise payable under an agreement entered into under this subsection, the President is authorized to take such steps as may be necessary to grant such country a credit, in an amount equal to the aggregate amount of any payment from which the United States is relieved of liability, against any debt owed by such foreign country to the United States.

"(5) The authority contained in the foregoing provisions of this subsection shall expire on June 30, 1974.".

THE LIBRARY OF CONGRESS,
Washington, D.C., October 15, 1971.

To: The Honorable William S. Moorhead, Chairman, Subcommittee on Foreign Operations & Government Information. Attention: Mr. Norman Cornish.
From: Economics Division.
Subject: Estimate of Federal tax revenues to be derived from $20 billion of foreign sales.

In response to your original inquiry on the above subject and subsequent telephone conference, we wish to make certain clarifications in order to place the contents of this memorandum in a proper perspective in respect to what information is wanted and how valid our estimates are.

First, your question relates to tax revenues by the Federal government from *export* sales. Since data available relate to corporate domestic transactions, the computations supplied below should be assumed to have a negative bias; i.e., they tend to understate the tax revenues because foreign commercial transactions are generally more profitable and thus are subject to higher tax rates.

The basic statistical information was obtained from the July 1971 issue of the *Survey of Current Business* with supplementary information or data received from the Departments of Treasury and Commerce. Assumptions and simplification of calculating processes were required, given the approximate knowledge of certain areas involved, as well as the fact that the results are to be used in terms of magnitude and not absolute quantities.

The data on corporate profit, tax, dividend, employment and employee's earnings experience relate to manufacturing as a whole and assume an average contribution from all industries toward total sales. In order to improve the estimation of performance factors for 1971 we have examined the various series for several years back and have applied the best currently known information in all developments relating to the basic question.

For 1971 we expect the corporate Federal tax rate to be 43 percent of profits, which in turn are expected to amount to 11 percent of all transactions. On total sales of $20 billion, corporate profits before taxes thus would be $2.2 billion with a resulting Federal tax liability of $946 million. (State tax liabilities are estimated at 5.3 percent of total profits.)

Given the variability of components we would project the Federal corporate tax revenues for 1971 at $950 million (plus or minus 5 percent).

Additionally, on after tax profits of $1.188 million (with Federal and State taxes paid) distributed dividends are expected to be 65 percent or $772 million. The individual income tax liability on dividends is estimated at 40 percent resulting in a Federal tax revenue of $309 million.

For the purposes of this report we will assume it to be $310 million (plus or minus 5 percent).

In the area of personal income tax revenues the situation is more complicated. Based on a BLS estimate for 1969 and taking into account the impact of inflation and productivity we estimate that for 1971 $1 billion of export sales is produced by 62,000 workers. Average earnings for all employees in manufacturing for 1971 is projected at $9,910 per person. Moreover, assuming that the average worker is a head of household with three exemptions, for tax rate purposes, and adjusting the tax rate for the period in question in line with the proposed changes in tax rates affecting individual taxpayers we arrive at a tax liability per worker of $1,-240 on an income of $9,910. This situation combined results in a Federal personal income tax revenue of $1,538 million or for our purposes $1,550 (plus or minus 5 percent).

In this process we have not considered the impact of the pending tax credits to business now being considered in the Congress.

With the latter exclusion the total picture emerges as follows:

Federal corporate tax revenues, $950.

Federal revenues from distributed dividends, $310.

Federal revenues from personal incomes, $1,550.

Totaling, 2,810 or 14.0 percent of sales of $20 billion.

If we add to this situation State and local taxes and the usual multiplier effect inherent in incremental export sales (higher employment, higher income and expanded supporting and periferal services) we can well reach the area where U.S. tax revenues constitute 20 percent of sales, or roughly $400 million on an increment of $2 billion of exports. The current employment factor for such an increment is estimated at about 125,000 jobs.

The above conclusion is pretty much in line with a statement by John S. Nolan, Deputy Assistant Secretary for Tax Policy, Department of the Treasury, made to the Williams Commission. See Commission on International Trade and Investment Policy, Papers, Part II, p. 575.

Dario Scuka, analyst in International Trade and Finance.

EXPORT EXPANSION—THE MOORHEAD-BROOMFIELD BILL

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, I am pleased to coauthor a piece of legislation—a bipartisan proposal—which I believe is an innovative and dynamic 21st century concept on foreign trade.

I must congratulate the gentleman from Pennsylvania (Mr. MOORHEAD), for it has been 6 years of effort by the House Subcommittee on Foreign Operations and Government Information, which he now chairs, in its studies of better utilization of U.S.-owned foreign currencies and debts owed to the United States which motivated the concept which he and I are jointly presenting today.

Our national economy is undergoing an unparalleled readjustment to both domestic and world economic conditions—a readjustment which has been painful but necessary, if the economic status and health of the Nation is to be preserved and strengthened. The legislative proposal which my colleague (Mr. MOORHEAD) and I offer today will significantly bolster the economic strength of America. It is a proposal purely of congressional initiative and, I might add, that, aside from a handful of staff consultants and economic experts, has been closely guarded to assure the integrity of the concept, free from pressures from any parties with special interests. As it progresses through the legislative process, we hope and we urge that it receive a hard-nosed, pragmatic, and constructive review. We welcome amendments which will strengthen the concept, that will add to its swift implementation, and most importantly to its effective operation.

My colleague and I have written this bill with one sole purpose in mind, that of making American products and services competitively marketable throughout the world.

This proposal would not only increase U.S. sales abroad and increase the output of U.S. business, but it will provide for more jobs for American workers. It will provide for increased revenues for local and State governments through increased taxable incomes, and it will also make a profitable return to the U.S. Treasury from the investment required to implement the program.

My colleague (Mr. MOORHEAD) has outlined some of the aspects of this bill. I would like to stress a few more. The bill is designed to stimulate new American sales abroad, to provide an incentive for American producers to seek out and compete for new market opportunities throughout the world. Simply stated, we want to significantly increase U.S. exports over their present levels. I might add that with a wider market for U.S. goods abroad one can expect an increased opportunity for follow-on services in such areas as spare parts, maintenance contracts, education and training programs, or in engineering and economic consulting. Because we are vitally interested in the expansion of U.S. technological and consultant services abroad, our bill contains a provision that will permit a payment of up to 5 percent of a consulting contract to cover local currency expenses. This offers the foreign consumer an incentive to hire American consultant services which one would expect to have a preference for the application of American goods and services in its studies and recommendations.

Mr. Speaker, we have been concerned that the savings on American products sold abroad under this program will be directly passed on to the foreign consumer. Our proposal, would require that maximum tariff rates charged against U.S. products sold abroad be those rates in effect as of August 1, 1971, nearly 2 weeks prior to the President's announcement of his new economic policies.

While our bill is mainly directly toward utilizing U.S. owned foreign currencies, we have provided in this bill an opportunity for foreign governments indebted to the United States to reduce these debts by crediting their account with those amounts that would otherwise be charged as an import tariff on U.S. goods.

Mr. Speaker, we introduce this bill today with the intention that it will spur on initiatives to sell U.S. products abroad. And with the intent that if the program is adopted, it would be effective retroactively to the date of introduction, November 1, 1971. The retroactive date is written to assure that there will be no holding back by foreign importers in anticipation of a windfall of any sort at a later date should this proposal be enacted. The approach in this case is much akin to that of the retroactive effectiveness of the proposed repeal of Federal excise tax on automobiles. The provision for retroactive effectiveness, I believe, counters any argument that trade could be seriously impeded prior to the implementation of this proposal. And finally, we propose that this program be authorized for a period of 2 years, that it be closely scrutinized in its operation, improved as needed, and thoroughly evaluated by the Congress 2 years hence in order to determine its success or failure and its continuance or elimination.

I am sure that every Member of this body represents a district in which there is some foreign export income—export income which could be significantly increased under this proposal.

This is a bill which will benefit the economic health of the Nation but most importantly this is a bill that will benefit the economic well-being of the American people.

BIOGRAPHICAL SKETCH OF WILLIAM S. BROOMFIELD, MEMBER OF CONGRESS, 18TH DISTRICT OF MICHIGAN

William S. Broomfield, Republican, of Royal Oak, Michigan. Born in Royal Oak on April 28, 1922. Son of Dr. S. C. and the late Fern Taylor Broomfield. Attended the public schools of Royal Oak and Michigan State University. Awarded honorary Doctor of Law, Dongguk University, Seoul, Korea, November 1968. In 1951 married Jane Smith Thompson of Oak Park, Illinois; three daughters: Nancy, Barbara, and stepdaughter Susan Thompson. Member of the First Presbyterian Church of Royal Oak.

Elected to Michigan House of Representatives in 1948 for three terms, and elected Speaker Pro Tem in 1953. Elected to Michigan Senate in 1954. Elected to the 85th Congress on November 6, 1956; re-elected to the 86th, 87th, 88th, 89th, 90th, 91st, and 92nd Congresses. Elected President of the Capitol Hill Club April 1969 (the National Republican Club); Vice Chairman and member of the Executive Board of the National Republican Congressional Committee.

Member of Committee on Foreign Affairs; ranking Republican on Asian and Pacific Affairs Subcommittee; member of the National Security Subcommittee, and the Africa Subcommittee.

INTERNATIONAL ORGANIZATIONS

United States Delegate to the NATO Parliamentarians' Conference held in Paris, 1960. U.S. Delegate to United States-United Kingdom Parliamentary Conference, Bermuda, 1962. U.S. Delegate to Canada-United States Interparliamentary Conference each year from 1961 through 1964, and from 1967 through 1969. Congressional Delegate to the U.S. National Commission for the United States Education, Scientific, and Cultural Organization, Boston, 1961–1962. On September 12, 1967, received Presidential appointment at the recommendation of House Republican leadership to serve as U.S. Ambassador to the 22nd United Nations General Assembly. Appointed Congressional Adviser to the Conference of the Committee on Disarmament in Geneva, Switzerland, March 1970. Officer, Michigan Chapter of the American Red Mogen David for Israel Committee.

FRATERNAL ORGANIZATIONS

Honorary and charter member of Greater Farmington Shrine Club; North Woodward Shrine Club; Berkley Lodge No. 536, F. & A. M.; Royal Oak Chapter No. 167, R.A.M.; Pontiac Commandery No. 2, Moslem Temple of Detroit. Independent Order of Odd Fellows, Berkley Lodge No. 436 IOOF; Fraternal Order of Elks, Clawson-Troy Lodge No. 2169.

SERVICE ORGANIZATIONS

Life member of Optimist International; Greater North Woodward Optimist Club; Royal Oak Hi-Twelve Club; Berkley Lions Club. Honorary member of Royal Oak Kiwanis Club and the Metropolitan Club of America, Spirit 22; Royal Oak Chamber of Commerce (1968 received distinguished service award for being appointed U.S. Ambassador to the UN 22nd General Assembly from the Chamber); Young Men's Christian Association, South Oakland Branch; Michigan Cystic Fibrosis Association; Charter member of Boy Scouts of America, Royal Oak Troop 1607.

VETERANS ORGANIZATIONS

American Legion, Frank Wendtland Post 253. Life membership in American Legion, John F. Kennedy Memorial Post 109.

OPINIONS OF CONSTITUENTS IN SOUTHWEST MISSOURI

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, on August 15, 1971, I mailed 171,000 questionnaires to the people of the Seventh Congressional District of Missouri. It was my desire to ascertain their opinion on some of the important issues of the day. I am pleased to report that more than 25,000 returned their ballots.

This past week we completed our tabulation, and I offer herewith a summary of the opinions of my constituents in southwest Missouri, for general information:

OPINIONS OF CONSTITUENTS IN SOUTHWEST MISSOURI

Congressman Durward G. Hall today released the results of the national affairs questionnaire that he mailed to every resident of the Missouri Seventh Congressional District last August 15th.

The Congressman said that he was gratified by the response in that 25,885 persons participated in the poll and shared with him their views on many of the important issues of the day, some of which will be brought up for debate and subsequent vote in the House of Representatives.

The opinion cards were designed as to permit two members of a household to participate and the returns indicated that 70 percent of the cards were utilized by more than one person. Male participation ran slightly ahead of female participation by 51 percent to 49 percent.

The largest number of ballots (34 percent), were returned by those who checked the 45 to 64 age bracket. Individuals age 65 and over accounted for 23 percent of the returns. The lowest percentage (3%), was in the 18 to 20 age group.

53 percent of the participants declared their political preference to be Republican. 18 percent said they were Democrat, and 23 percent listed themselves as independents. 6 percent of the returned cards gave no political preference.

The poll indicated that Southwest Missourians are *strongly* opposed to the *guaranteed annual wage provision* contained in the Welfare Reform bill (H.R. 1), recently passed by the House. The legislation, which is now before the Senate Finance Committee, states that a family of four will receive an annual income of $2,400 ($800 for the first two members of a family, $400 for the next three) *whether a member of that family works or not.* 70 percent of those polled said they were against such legislation.

The President's temporary 90 day *wage and price freeze* was announced at the end of the polling period. Almost all of the cards had been returned prior to his nationwide TV broadcast. Be that as it may, on the economic question, 49 percent favored wage and price controls. 41 percent thought the Government should *reduce* spending (many indicated they like a combination of both), and only 4 percent said they preferred that the Government *increase* spending.

Mr. Nixon's Vietnam policy received solid support. 56 percent of those who returned opinion ballots approved of the President's phased withdrawal plan. 26 percent said they would like immediate and complete withdrawal, while 14 percent checked that they would prefer for Mr. Nixon to set a future date for total troop withdrawal. Although the question was not asked, a considerable number of people wrote on their cards that they would like the United States to make an all out effort to win the war in Vietnam.

Seven District residents showed that they harbor a considerable amount of suspicion in regard to trade relations with Red China and other Communist nations. Only 35 percent favored such trade while 48 percent said they would rather not. 16 percent of the people said that they were undecided on the question.

A federally operated catastrophic health insurance program received less than favorable reaction. 49 percent of those who returned the questionnaires said that they did not approve of such a program, financed by employer and employee contributions. 33 percent indicated that they liked such a plan. 16 percent were undecided.

An interesting divergence to the health question was in the 18 to 20 year old group. 57 percent of that age bracket said that they approved of such a program.

The opinion poll question that received the strongest reaction dealt with permitting persons on strike to receive Federal food stamps. 86 percent replied no! Only 10 percent showed approval and 4 percent were undecided. Opposition to this question ranged from 95 percent disapproval by those age 65 and over, to 68 percent of those in the 21 to 24 year old group.

To help determine what residents of the Seventh Congressional District considered the order of importance of our national priorities to be, the question was asked: Should Federal spending be increased, decreased, or kept as is on a specified list.

Crime and drug control received the most favorable response with 79 percent indicating that they thought spending should be increased in both categories. Third ranked was pollution control (65 percent), followed by education (40 percent), national defense (30 percent), 40 percent wanted defense spending kept as is, housing was next with 21 percent, and space and welfare came last. Only 9 percent of those who answered the poll indicated that spending should be increased for either space exploration or welfare payments. 67 percent of the replies stated that spending should be decreased for welfare. 61 percent thought spending should be decreased for space exploration.

Many who replied to the questionnaire said that they thought that it was not how much money was spent for a given project—rather how it was spent. Many others said that they did not think that the Federal Government should involve itself in housing.

Congressman Hall said, "In addition to the opinion cards, I received a substantial number of letters from individuals who wished to further expand their views. Some wrote lengthy letters. They indicated that some of the questions were too complex to be answered by a simple yes or no. However, it must be remembered, when it comes time for me to cast my vote in the House of Representatives, I must either vote yea, or nay. I cannot vote "Yes, if," or "No, unless!" in each piece of legislation, I must weigh the good against the bad, and then vote accordingly."

Congressman Hall continued, "I am certainly grateful to the almost 26,000 residents of the seventh congressional district who replied to my questionnaire. This is truly the representative process, communication between the electorate and the elected, the sharing of views with the common goal, a greater republic."

MISSOURI 7TH CONGRESSIONAL DISTRICT PUBLIC OPINION POLL—(TOTAL NUMBER OF PARTICIPANTS, 25,885)

[In percent]

Age of participants:	
18 to 20	3
21 to 24	7
25 to 34	16
35 to 44	15
45 to 64	34
65 plus	23
No answer	2

Participants grouped by sex:	
Male	51
Female	49
Political preference:	
Republican	53
Democrat	17
Independent	23
No answer	8

PARTY PREFERENCE BY AGE AND SEX

Age	Republican	Democrat	Independent	No answer	Male	Female
18 to 20	39	9	48	4	39	61
21 to 24	31	14	49	7	41	59
25 to 34	45	21	29	4	54	46
35 to 44	50	19	26	5	55	45
45 to 64	50	21	21	8	49	51
65 plus	75	13	9	3	54	46

GENERAL QUESTIONS

1. One of the provisions of the welfare bill recently passed by the House of Representatives guarantees an annual income of $2,400 per year to a family of 4. Do you agree with this provision?

	Total	Republican	Democrat	Independent	Male	Female
Yes	21	19	24	27	20	22
No	70	71	68	62	72	67
Undecided	8	8	8	9.	8	10
No answer	1	1	0	2	1	1
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
Yes	35	42	23	18	17	21
No	57	49	71	73	77	64
Undecided	9	8	6	8	6	12
No answer	0	0	0	1	0	4

2. In order to help the U.S. economy, what should the Federal Government do? Impose wage and price controls; reduce Government spending; increase Government spending.

	Total	Republican	Democrat	Independent	Male	Female
Impose controls	49	51	50	48	52	46
Reduce spending	41	43	34	41	38	45
Increase spending	4	1	8	7	3	4
No answer	6	5	8	5	7	5
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
Impose controls	57	49	50	47	49	49
Reduce spending	39	36	41	42	41	45
Increase spending	4	7	4	5	5	1
No answer	0	8	5	6	5	5

3. What do you think the United States' course of action should be concerning the Vietnam conflict? Continue with President Nixon's Vietnamization and phased withdrawal; immediate and complete withdrawal of all U.S. troops; publicly set a future date by which all U.S. troops will be withdrawn?

	Total	Republican	Democrat	Independent	Male	Female
President's policy	56	68	39	43	54	56
Immediate withdrawal	26	19	41	30	28	26
Publicly set a date	14	11	18	20	14	14
No answer	4	2	2	7	4	4
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
President's policy	39	41	48	58	55	72
Immediate withdrawal	39	22	22	27	31	18
Publicly set a date	13	36	22	12	12	9
No answer	9	1	8	3	2	1

4. Do you think that the United States should expand its domestic and trade relations with Communist countries including Red China?

	Total	Republican	Democrat	Independent	Male	Female
Yes	35	37	35	29	40	30
No	48	45	51	54	46	50
Undecided	16	18	14	16	13	19
No answer	0	0	0	1	1	1
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
Yes	48	39	24	29	37	40
No	39	41	60	55	49	38
Undecided	13	20	16	15	13	22
No answer	0	0	0	1	1	0

5. Would you favor a Federally operated catastrophic illness and injury program financed by employer and employee contributions?

	Total	Republican	Democrat	Independent	Male	Female
Yes	33	31	32	41	34	32
No	49	52	46	39	49	48
Undecided	16	16	19	18	14	19
No answer	2	1	3	2	3	1
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
Yes	57	39	29	28	33	34
No	26	41	54	53	5	45
Undecided	17	20	16	15	10	19
No answer	0	0	1	4	5	2

6. Should persons who voluntarily strike be entitled to Federal food stamps?

	Total	Republican	Democrat	Independent	Male	Female
Yes	10	3	23	15	9	10
No	86	95	74	78	87	86
Undecided	4	2	4	7	3	4
No answer	0	0	1	0	1	0
ANSWERS BY AGE GROUP	18-20	21-24	25-34	35-44	45-64	65 plus
Yes	9	25	14	12	9	2
No	87	68	82	85	87	95
Undecided	4	7	4	3	4	3
No answer	0	0	2	0	0	0

7. To help determine what you think our national priorities should be indicate whether you thin that Federal spending should be increased, decreased, or kept as is in the following categories.

	Increased	Decreased	Kept as is	No answer
Crime	79	7	12	7
Drug control	79	5	14	2
Pollution	65	8	24	3
Education	40	16	41	3
National defense	30	27	40	8
Housing	21	39	36	3
Space	9	61	27	2
Welfare	9	67	22	2

LYNDON BAINES JOHNSON—PRESIDENT OF THE UNITED STATES, AND AUTHOR

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, as time goes by those of us who knew L. B. J. best during his years of service to the American people have come to a keener realization that his courage, skill, and wisdom were superlative to an extent probably not yet fully appreciated by the man in the street. His book that goes on public sale today entitled, "The Vantage Point: Perspectives of the Presidency, 1963–69," further illuminates the excellence of the Johnson administration. But the President does not presume to write the definitive history of his period, he tells us only how it looked from his very special vantage point. President Johnson's book should indeed be a reference work in every library in the land and on the bookshelves of every studious American. To give a balanced picture, I am setting forth here two opinions, the first by James MacGregor Burns—Washington Post, October 28, 1971—a prominent historian, and the second, by John P. Roche—Book of the Month Club Review—a no less distinguished professor of history. We are all indebted to President Johnson for his meticulous, sincere, and forthright exposition of his years in the Presidency.

Lyndon Baines Johnson has been, all of his life, a dedicated, patriotic, civic-minded American, loyal to family and friends.

The articles follow:

THE PRESIDENCY AS L. B. J. SAW IT

(Reviewed by James MacGregor Burns*)

(The Vantage Point: Perspectives of the Presidency, 1963–1969. By Lyndon Baines Johnson.)

This is Lyndon Johnson's book. He makes no pretense to objectivity—this is the presidency as he saw it during the turbulent Sixties. It is the memoir one hoped he would write—candid, intensely personal, sometimes passionate. While he seems to hold himself on a short tether, with praise for many and blame for few, both the exultation and the bitterness break to the surface as he portrays the triumphs and frustrations of his five years in the White House.

As a personal document it is also a tribute to Lady Bird, who on this showing (and others) emerges as the most effective and important First Lady in this century, save for Eleanor Roosevelt. Anyone who doubts her influence on her husband need only consult on page 93, the remarkable memorandum she gave him in May, 1964, on the question of whether he should run for a full term. Her conclusion: "Stay in." She warned him that the going would be rough, that he must pace himself, that after another term he would still be only a "mellow 60," and if he lost in November "it's all settled anyway"—and pretty soon they would have grandchildren.

Doubtless Johnson would have run in any event since he was absolutely committed to a big domestic program. Perhaps the most eloquent two pages in the book are not in the words of Lyndon Johnson but a list, in the front end pages, of the "landmark" legislative achievements of his presidency. "I remember all 207 of those laws," the former President now writes, "and the work and the worry that went into them . . . They were the tools with which we cleared up the old agenda and began work on the agenda of the future . . ."

If these constituted the triumph of his administration, Vietnam certainly was the tragedy. Johnson does not slight this part of the story; it runs like a dark skein all through the book. He describes day by day, sometimes hour by hour, the stupendous pressures that mounted on him as the nation became more and more fixed in the quagmire. Much of this he reports with an air of incredulity and of indignation—incredulity that Hanoi could continue to reject his peace offers with such implacable hostility (in an appendix he lists 72 peace initiatives that he accuses Hanoi of rejecting), and indignation that American doves could follow a "double standard" in assessing American and Communist behavior. That double standard, the former President argues, decisively impaired the possibility of real negotiation and thus lengthened the war.

Like other controversial Presidents, Lyndon Johnson says that he is willing to await the verdict of history. How will historians of the future rate this leader? They will, I think, puzzle over the difference in the strategy of Johnson the domestic reformer and Johnson the foreign and defense policy maker.

The first Johnson was the brilliant legislative leader fighting at the head of his troops. "A President cannot ask the Congress to take a risk he will not take himself," Johnson says in his book. "He must be the combat general in the front lines, constantly exposing his flanks." He gave the fight for his domestic program everything he had, he says, in prestige and power. On the civil rights bill especially he decided to "shove in all my stack," despite the advice of some of his advisers and staff members. During the middle years of his presidency he found that to exert leadership did not mean using up the resources of leadership; on the contrary, he went on from victory to victory, shoving in all his stack each time.

The basis of this success lay in the majority that Johnson planned to mobilize in 1964 and in the power that was his after the majority had been mobilized and a decisive victory scored over Barry Goldwater. While the President courted and played with politicians all across the political spectrum, and while he paid obeisance to "bipartisan politics," in fact he depended on a broad coalition of liberals and laborites bunched toward the left end of the continuum. Like Jefferson and other strong Presidents, he was essentially a partisan, appealing to a huge constituency of the poor, labor, Negroes, and others who needed his leadership and his help.

The second Johnson was the bipartisan mobilizer of consensus. One of the troubles with the politics of consensus is that the idea is not very clear. Does it mean trying to represent all the people, or both parties, or all the major groups, or the combined congressional and executive leadership in Washington? Does it mean one cannot act without clearing policy with all the major leaders, in both parties? Or is it essentially symbolic, a kind of rallying cry for patriots or a comfortable banner for those who hate the divisiveness of democratic politics? Johnson feels that his approach to consensus was misunderstood. It was not, he said, a search for the lowest common denominator, for that almost invariably would lead to inaction. Rather consensus meant deciding what needed to be done, "regardless of political implications," and then convincing a majority of Congress and the American people of the necessity for doing what needed to be done.

Now that is a definition of leadership, not consensus. In fact the President followed that policy in domestic policy-making, but not in foreign, especially in Vietnam. As foreign policy maker he made a fetish of clearing decisions with Everett Dirksen and a wide range of congressional leadership. In his Vietnam policy particularly he followed a kind of lowest common denominator. He pursued a middle way between doves and hawks, between those demanding escalation and those endlessly calling for bombing halts and negotiations. The middle way failed to work against the set strategy of Hanoi. And most ironic of all, the consensus strategy of this President who wanted to represent all the people left the nation more divided than it had been since the days of Bryan or perhaps even Lincoln.

One trouble with the strategy of bipartisan consensus is that it can inhibit policy rather than widen options. The most poignant aspect of this book is its portrait of a desperate, well-meaning man trying every tactical method, every channel of communication, every kind of minor concession, to win Hanoi's agreement to some kind of negotiations. The President never seemed to recognize that it was just as impossible for the North Vietnamese to give up the struggle in South Vietnam as it was for the Americans to quit the struggle and go home. Hanoi had a public opinion problem too; after countless years of battle and bloodshed the Communists could not give up their effort to take over South Vietnam through invasion or subversion.

Johnson perceived quite rightly that any kind of coalition government that Hanoi would accept was bound to deliver the South Vietnamese into its hands sooner or later. But the President did not seem to feel that he had the latitude to try in his Indo-China policy the kinds of imaginative and daring alternatives that he had employed so successfully on the domestic front. Some observers, for example, had been urging for years that the United States foster a repartition of South Vietnam, yielding the Communists northern, upland and inland sectors, so that Hanoi might conclude that it could give up the struggle and still claim victory. There is no indication in this volume that the President tried this or other possible alternatives. Rather he was stuck with the policies of repeated bombing pauses, efforts to get negotiations started, and other tactical ploys that—we know now, and many knew at the time—never had a chance of succeeding.

It is largely because of Vietnam, I think, that the President concludes his book with the query as to whether he got too far out ahead of his troops, tried to move too far and too fast, gave the American people insufficient breathing spells. He even comes out for a six-year, nonrepeatable term for Presidents, as though he had concluded that a President of all the people could do best if he did not have to win the endorsement of a majority of the people. He believes that he would have won re-election if he had stood again in 1968—but concedes that he would have lacked the kind of broad support necessary to an effective presidency.

One thinks of Harry Truman, who did not let his minority status and powerful enemies stop him from undertaking audacious aid programs abroad and civil rights efforts at home. Perhaps the chief lesson of Lyndon Johnson's book for Democrats in the 1970s is that the next Democratic President should take a partisan stance in both his domestic and foreign policies. Bipartisanship is essentially another form of gradualism and easily leads to paralysis of politics and policy. The tactics of consensus may sometimes help gain support for policies, but it should not be followed as an end in itself.

Still, there is much more in this book than the agony of Vietnam and the dilemmas of democratic politics. A picture emerges of a dedicated, compassionate and committed President—a portrait that I think will long survive the distortions of the last decade. Two of the author's observations will stick in my mind for a long time. One is his conclusion that "Politics goes beyond the art of the possible. It is the art of making possible what seems impossible." In domestic affairs and in many foreign accomplishments the President embodied that notion. The second is his reflection, on returning home for good to his beloved hill country, that he could hardly believe that he had shared the power and splendor of the presidency. "But on this night I knew I had been there. And I knew also that I had given it everything that was in me." And he had.

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*Note.—The reviewer is professor of political science at Williams College and author of "Roosevelt; The Soldier of Freedom."

LYNDON BAINES JOHNSON

(By John P. Roche)

For about three years now—ever since he left the White House—the decisions of President Lyndon Baines Johnson have been the subject of intensive amateur research and polemical dispute. The focus has, of course, been Vietnam, and the purpose has been to make it possible for liberal Democrats to escape responsibility for an unpopular, protracted war. The main theme, especially since the publication in various newspapers of the so-called Pentagon Papers, has been that Lyndon Johnson, with superhuman cunning and diabolical design, tricked everybody. It is hard to go anywhere in Washington these days without encountering a Senator announcing to all and sundry that he was just a poor, barefoot innocent who was gulled by that Machiavelli in the White House.

Those of us who respect the wisdom of the American voter may wonder how the electorate will respond to these advertisements of alleged incompetence by its spokesmen, but far more important for our purposes here is the fact that there have been three huge gaps in all the published accounts to date: the views of the President, of the Secretary of State and of the Secretary of Defense. The publication thus resembles a performance of *Hamlet* without the Prince, Laertes and King Claudius. The Pentagon Papers under close analysis turn out to be mostly the memoranda of lower-echelon advisers and bureaucrats. A number of bureaucrats have on occasion thought they were President of the United States, but the cold truth is that there is only one President in town. And nobody makes his decisions for him.

This was particularly true of Lyndon Johnson. As one who watched him at close range for more than two years, I never ceased to wonder at his mastery of intricate detail. Indeed, much of his reputation for imperiousness arose, in my judgment, from the fact that he knew too much. Watching him go through a budget briefing with a Cabinet Secretary was an amazing experience. One striking instance comes to mind: a Secretary was due to testify before the Senate Appropriations Sub-Committee in charge of his budget, and Johnson had him over to discuss the presentation.

After half an hour it was clear that the Secretary had only the vaguest notion of what was in the budget, who was on the Sub-Committee and, perhaps most important, what hobbies the latter cherished. For three hours the President led his Cabinet member through the budget, pointing out which Senators were particularly concerned about various sections, what bean-balls might be thrown, and how to take a polite dive on unresolved controversies. The Secretary went back to his barony and denounced the President as a bully. The President sadly suggested to the Director of the Bureau of the Budget that the Secretary's next budget include a Seeing-Eye Dog.

Fortunately for posterity President Johnson had a strong sense of history and a profound distrust of memory as a source of fact. From the outset of his Congressional career he therefore saved everything—documents, transcripts of meetings, records of vital phone conversations and a wide array of less useful materials. This aroused a certain amount of genial amusement among his staff (one wit mounted and sent to the archives a toothpick the President used to spear an hors d'oeuvre), but in overall terms Johnson's passion for the record will provide an invaluable source for historians attempting to make sense out of the turbulent 1960s.

The first installment of Lyndon Johnson's commentary on his political world certainly confirms his wisdom as a collector of primary sources. *The Vantage Point: Perspectives of the Presidency, 1963–69* provides a remarkable, if not unique, inside view of the work, the joys, the complexities and the frustrations of the man in the Oval Office. As the title indicates, it does not pretend to be a definitive history of the period, but it will be indispensable for anyone who tries to come to grips in a clear-eyed, systematic fashion with the Era of Dissensus. If one looks at the 1960s in a clinical fashion, he finds that the United States was shaken by three simultaneous, major political earthquakes: the civil rights movement, the upsurge of youth and antiwar militance. The fault-lines of these three quakes intersected under the White House.

To put it another way, it was Lyndon Johnson's fate to be President at a time when the remarkable consensus that dominated American politics from the end of World War II through the Eisenhower years began to come apart at the seams. To say this is not to suggest that one should feel sorry for him—the Presidency, after all, is a job limited to volunteers. It is rather to indicate that Johnson became President just as the principles that had dominated American political life for a generation began to be challenged. And the conditions under which he assumed the job were hardly auspicious—one of the most gripping chapters in *The Vantage Point* deals simply and movingly with that baleful day in Dallas.

Now the time has perhaps come to make a critical distinction. What the former President has done in this book is set out with convincing documentation his responses to the crises of his Administration. It is a book by a strong man with vigorous convictions who tried to do, as he would put it, "what was right." Obviously one may disagree with any number of his conclusions: segregationists will denounce his civil rights initiatives; the new isolationists will scorn his opposition to aggression in Vietnam; conservatives will deplore his war on poverty, aid to education, and Medicare; and pro-Arabs will excorciate his support for the Israelis.

But before the critics get too far into their act (and it might be noted that this is the only volume in history that had seven adverse reviews before the first chapter was written) they had better do their homework. It is one thing to attack Johnson for what he did; it is quite a different matter when he is assaulted for fictitious offenses. One hates to dwell on Vietnam—particularly when there are so many other fascinating topics in the book—but it does present the classic example of historical misrepresentation confronted by mere facts. There are five chapters in *The Vantage Point* on the course of our intervention in Southeast Asia, and it is fair to say that they make mincemeat out of the demonologists who have dominated the bookstalls these last few years.

Ironically, in the light of later events, Johnson's problem was that in 1964–65 he refused to fly with the hawks, while in 1967–68 he would not coo with the doves. At a time when all hands were gung-ho (in 1965 David Halberstam of *The New York Times*, later an ardent dove, wrote that South Vietnam was "perhaps one of only five or six nations in the world that are truly vital to U.S. interests," and Neil Sheehan, also of *The New York Times*, had already announced that the "fall of Southeast Asia because of an American defeat in Vietnam would amount to a strategic disaster of the first magnitude"), the President was extremely cautious. As *The Vantage Point* amply documents, he, Dean Rusk and Robert McNamara were trying to maintain a low silhouette, doing everything in their power to avoid a great power confrontation.

However, by 1967, partly because the President had never built Vietnam into a major crisis, the American people and a number of their elected spokesmen began to tire of a long march. Johnson, who had been preparing his defenses against a right-wing attack for what they called his "No Win" strategy—Goldwater had received 27 million votes in 1964—suddenly found himself flanked on the left by a weird combination of authentic pacifists, Hanoi hawks (who were rooting for the Communists), liberal isolationists who wanted to save the ghettos at the cost of abandoning the world, upper-middle-class college students who felt that the authority principle was a violation of their uniqueness, and a few Southern Democrats who simply extrapolated their view of the Negro upon the non-whites of Southeast Asia.

What did the great "wheeler-dealer" do? Find out where the crowd was going so he could lead it? No. In a way that would be described as doggedly idealistic in another man, and which certainly can be designated non-political in the usual sense of the term, Lyndon Johnson stuck to his convictions. He was not going to start a general war; he was not going to "tuck tail and run." Between these two polar positions he labored—and anguished—day and night trying to end a war he never wanted in such a way that he could still look at himself in the mirror. He failed to find the solution—perhaps because it never existed.

Like most of us, President Lyndon Johnson could not walk on the water. Unlike his critics, who specialize in 20-20 hindsight, he was approaching history head-on in search of decisions, not footnotes. *The Vantage Point* is the narrative of his journey, the candid analysis of a trip through the rapids by one of the most complex, most intelligent men I have ever known. The ultimate historical verdict on Johnson's stewardship is hidden in the future, but his book provides intriguing insight into the decisions and policies of a decade. At the fundamental level it is, paradoxically enough, the autobiography of a man who would rather be right than President.

SUSAN B. ANTHONY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I rise in support of my bill, to provide congressional recognition of the American woman's role in our Nation's history. Specifically, my bill calls for the issuance of a new Federal Reserve note to be graced with the portrait of Susan B. Anthony, one of the great champions of women's rights and an active pre-Civil War abolitionist.

Backing this proposal is no less than 25 women's organizations representing some 50 million women in this country, 32 of my colleagues here in the House and 17 State Governors.

I expect there may be some who will charge that this bill represents a patronizing attempt on the part of 32 Members of Congress to produce a milksop for satisfying the demands of many millions of American women who are challenging the very basic concepts of their role in society.

Mr. Speaker, nothing could be further from the truth. This bill was introduced for the same reason that any similar legislation is brought before this body—to honor a person who deserves national recognition.

Despite the fact that there have been thousands of women who have served their country officially and unofficially, including the position of Treasurer of the United States, it struck me that only one woman—Martha Washington—has ever been honored formally by having her portrait on the Nation's currency.

After extensive research, I was surprised at the number of women who have made major contributions to our society. Indeed, I would have been hard pressed to prepare as long a list of men who have made major contributions to our Nation.

I took my list around to my colleagues and to many who are in the front line of women's rights advocacy and I asked them "Who shall we pick?" The answers were varied but it became very clear to us that Susan B. Anthony holds a special position—she represented all women who either had contributed or wanted to contribute to our Nation's wellbeing.

Inasmuch as we now see modern woman taking her rightful place next to modern man in all segments of society, Susan B. Anthony seemed an even more appropriate symbol of women's role, women's rights, and women's liberation.

I have heard among my male counterparts a great number of quiet comments about women's liberation. As with any movement that has not reached a popular peak, these comments dwell on the extremes, without considering the true basis. It is great sport to discuss the burning of bras and the humorous aspects of a sexless society. But these same comments are to me on an identical level with comments of past years—comments directed at the "Black Sambo" and "Aunt Jemina" before the civil rights revolution, comments directed at the "Abbies" and the rabbis before Auschwitz and the Nazi extremes.

Yes, gentlemen of this distinguished body, we are all guilty of our subtle comments. But do we look to see if one of our able distaff colleagues is present before we make them? Did you use your Black Sambo jokes in the presence of a black man? Your talk about Abbie and rabbi in the presence of your Jewish colleagues? And so on.

We, too, are guilty of treating today's woman with the same subtle—or not so subtle—humor that we have treated most of our Nation's minorities. But is it less funny? Indeed, it has become crude in most circles, just as "Abbie" and "Black Sambo."

One of the reasons why I applauded the demise of TV cigarette commercials is that I no longer had to see and hear the ad which said "You've come a long way, Baby!" While I think this is a true conclusion, as applied to the external habits and dress of modern American women, I could not help but feel that it was a patronizing and a very surface conclusion.

Yes, today's female in our society can dress and act pretty much as she wants. But this begs the real question. Can she earn what she's worth? Can she get the job in the first place? Can she avoid the stereotypes put on her by society in her youngest years? These are the basic questions and I must agree with my friends in the movement when they say "No." Even today's woman cannot really do what she is able to do. Like the discrimination against the Jews, against Negroes, and against other segments of this society the woman is faced with barriers.

We in the Congress must take affirmative steps to overcome these stereotypes and barriers. For example, why should not women constitute one-half of the delegates in the convention nominating our Presidential candidates? Why is not this Congress composed of more representatives who truly reflect 53 percent of our society?

I am sure that Susan B. Anthony would be asking the same questions today, because she was asking them many decades ago. This is why I am proposing that she be honored by the Congress. This is why it is fitting and proper. But such recognition is only that. It cannot replace the affirmative actions which still remain for us to support and enact if true equality for all Americans is to exist.

The items follows:

H.R. 11515

A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to such other currency as he is authorized to issue on the date of enactment of this Act, the Secretary of the Treasury is directed to issue United States currency in the denomination of two dollars and bearing the portrait of Susan B. Anthony in such form and design as the Secretary may determine appropriate.

COSPONSORS OF TWO-DOLLAR BILL

1. Shirley Chisholm (D-N.Y.).
2. Louise Day Hicks (D-Mass.).
3. John Duncan (R-Tenn.).
4. Brad Morse (R.-Mass.).
5. Augustus Hawkins (D-Calif.).
6. Les Aspin (D-Wis.).
7. Michael Harrington (D-Mass.).
8. Claude Pepper (D-Fla.).
9. Frank Horton (R-N.Y.).
10. Spark Matsunaga (D-Hawaii).
11. Mario Biaggi (D-N.Y.).
12. Bella Abzug (D.-N.Y.).
13. Benjamin Rosenthal (D.-N.Y.).
14. James Burke (D-Mass.).
15. John Dow (D-N.Y.).
16. Bill Ryan (D-N.Y.).
17. Ed Koch (D-N.Y.).
18. George Collins (D-Ill.).
19. Walter Jones (D-N.C.).
20. Ray Madden (D-Ind.).
21. Edward Roybal (D-Calif.).
22. William Andersen (D-Tenn.).
23. Bill Alexander (D-Ark.).
24. William Hathaway (D-Maine).
25. Peter Rodino (D-N.J.).
26. Nick Begich (D-Alaska).
27. Donald Fraser (D-Minn.).
28. Robert Nix (D-Pa.).
29. James Scheuer (D-N.Y.).
30. Larry Coughlin (R-Pa.).
31. Frank Brasco (D-N.Y.).
32. Romano Mazzoli (D-Ky.).

GOVERNORS WHO SUPPORT PROPOSED BILL

1. Dale Bumpers—Arkansas.
2. John Burns—Hawaii.
3. Milton Shapp—Pennsylvania.
4. Milton Hathaway—Wyoming.
5. Kenneth Curtis—Maine.
6. Robert Docking—Kansas.
7. Wendell Anderson—Minnesota
8. William G. Milliken—Michigan.
9. Francis W. Sargent—Massachusetts.
10. Russell W. Peterson—Delaware.
11. Preston Smith—Texas.
12. Jimmy Carter—Georgia.
13 Calvin Rampton—Utah.
14. John C. West—South Carolina.
15. Patrick Lucey—Wisconsin.
16. Arch A. Moore, Jr.—West Virginia.
17. Nelson Rockefeller—New York.

WOMEN'S ORGANIZATIONS WHO SUPPORT THE PROPOSED BILL

1. National Council of Women (23 million women.
2. American Business Women's Association.
3. National Federation of Republican Women.
4. Federation of Jewish Women's Organizations.
5. National Council of Catholic Women.
6. American Baptist Women.
7. National Association of Women Artists.
8. Women United for the United Nations.
9. American Association for Health, Physical Education & Recreation.
10. National Council of Administrative Women in Education.
11. Women World War Veterans (2nd).
12. Association for Women's Active Return to Education.
13. International Association of Women Police.
14. Chinese Women's Association, Inc.
15. American Mothers' Committee, Inc.
16. Federation of Women Shareholders in American Business.
17. Women Strike for Peace.
18. National Association of Negro Business and Professional Women's Club, Inc.
19. B'nai B'rith Women
20. American Medical Women's Association, Inc.
21. Association of American Women Dentists.
22. Unitarian Universalist Women's Federation.
23. Women's Overseas Service League.
24. National Women's Conference of the American Ethical Union.
25. National Association of Women Deans and Counselors.
26. Women's Veterinary Medical Association.

A TRIBUTE TO SUSAN B. ANTHONY

The struggle for equality under law in the United States has never had a stronger champion than Susan B. Anthony, one of the outstanding American reformers of the nineteenth century. Born in Massachusetts, during the administration of James Monroe, she moved with her family to Rochester, New York, and there, in her adult years, made the acquaintance of numerous social and political reformers of the time.

Rochester was the place of publication of *The North Star,* an anti-slavery journal edited by Frederick Douglass, a former slave and the best known abolitionist in all America. *The North Star* had the backing of one of the most effective Female Anti-Slavery Societies in existence. The so-called "Rochester Group," formed in 1835, included such outstanding Abolitionists as Elizabeth Cady Stanton, Sojourner Truth, Sallie Holley, Amy Post, and Mrs. Samuel D. Porter. All were militant reformers, but none more so than Susan B. Anthony, who became their leader.

In those times "that try women's souls," as she wrote in a letter to a friend, Susan Anthony was soon driving herself hard, accepting chairmanship of the American Anti-Slavery Society in New York State, and speaking to audiences everywhere, many of them hostile to her cause. In the fight against slavery she made the acquaintance of William Lloyd Garrison and Wendell Phillips, and took their slogan as her own "No Union with slaveholders."

Following the Civil War, she was one of the first to advocate Negro suffrage, and when the Fourteenth Amendment came up for consideration, she took the position that women, too, should have the franchise. When this was not provided for, under the terms of the Amendment, she assisted in organizing the National Woman Suffrage Association, dedicated to securing voting rights for women, and agreed to serve as Chairman of the organization's Executive Committee.

Any chronological record of Susan Anthony's life would be largely one of lecture tours and the direction of campaigns in one State after another. But she was not merely an orator or an executive. Testing the validity of the voting laws of 1872, she and 50 female associates voted in the Presidential election of that year and were arrested for breaking the law. In a staggering display of male chauvinism, the judge in her case delivered a written opinion, drawn up *before* the trial had taken place, which directed the jury to bring in a verdict of guilty. In the face of objections on the part of Miss Anthony's counsel, the judge also refused to permit the polling of the jury, and decided the case on his own, imposing a fine of $100, which Miss Anthony flatly refused to pay.

In 1892, Miss Anthony was elected President of the National American Woman Suffrage Association, which post she held until her 70th year. Throughout the many years of her strenuous career, she was ever in the forefront of the struggle for equal rights and equal opportunity. An outstanding American reformer in every meaning of the term, she deserves the compliment implicit in the printing of her portrait on American currency.

END OF THE FREE ECONOMY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, there has been increasing discussion in our country about the need for governmental controls upon the economy. These policies have been urged by many who previously opposed every concept of a regimented economy, and in many instances businessmen, those who might be expected to oppose such control and regimentation, have either silently accepted such control or have vocally endorsed and supported it.

Few of those who have endorsed a Government-controlled economy seem to have considered the intrinsic link between economic freedom and political freedom. Many seem to believe that it is possible to lose our economic freedom while remaining free in other aspects of our lives. Such a view is illogical, and seems contrary to the facts of history.

In his important volume, "Capitalism and Freedom," Prof. Milton Friedman points out:

> The kind of economic organization that provides economic freedom directly; namely, competitive capitalism, also promotes political freedom because it separates economic power from political power and in this way enables the one to offset the other.

Professor Friedman notes:

> Political freedom means the absence of coercion of a man by his fellow men. The fundamental threat to freedom is power to coerce, be it in the hands of a monarch, a dictator, an oligarchy, or a momentary majority. The preservation of freedom requires the elimination of such concentration of power to the fullest possible extent and the dispersal and distribution of whatever power cannot be eliminated—a system of checks and balances. By removing the organization of economic activity from the control of political authority, the market eliminates this source of coercive power. It enables economic strength to be a check to political power rather than a reinforcement.

Many Americans are concerned with the apparent drift of our economy toward one of governmental control. In a recent letter Mr. John R. Montgomery III, president of the Lakeside Bank in Chicago pointed out:

> I was very disappointed with President Nixon's announcement of Phase II of his Economic Game Plan; maybe frightened would be a better word. Kiplinger and the president of the First Pennsylvania Bank have both said recently to prepare ourselves for controls which will last for "the rest of our natural lives." The prospect of long-term controls over our free market economy is repugnant. Such an extension of governmental bureaucracy would effectively throttle business' interest in risk-taking. History has proven that the most rapid technological advances occur in a free market economy where the prospect of reward is commensurate with the magnitude of risk undertaken.

Mr. Montgomery writes:

> Looking at controls from a short-range vantage point only, there would appear to be an undeniable hypocrisy underlying this economic scheme. Business, labor and consumers generally are being asked to sacrifice in the name of patriotism to combat inflation. This is certainly a worthy goal and there is no question but that increases in wages and in some prices have clearly fueled the fires of inflation. However, the root cause of inflation has been excessive government spending at a time when the economy was at full employment. Now we are all being asked to pay the price for that excess and restrain ourselves while at the same time the Federal Government is preparing to run a deficit in the current fiscal year to exceed $30 million. This will be the largest peacetime deficit in our history, a deficit that can no longer be rationalized on a full employment concept, but which has to be considered clearly inflationary. Add to this the expansionary monetary policy being pursued coincidentally by the Federal Reserve and the prospect for significant future inflation is assured. Thus, we are being asked to restrain ourselves throughout the country in the name of patriotism to forestall inflation while the government is free to continue creating the very inflationary pressures that it is asking us to reduce.

Mr. Montgomery concludes:

> The fear we all have to feel is that of knowing that these controls will not be effective in the face of continued excessive government spending. The failure of controls to mitigate inflation will lead government, unless they engage in self-incrimination, to more pervasive and obligatory controls on the supposition that these will be more effective.

Today there are many who would eliminate the checks and balances to which Professor Friedman referred and provide Government with the power to set the wages of workers and prices of businessmen—thereby giving Government total power of the economic life of the Nation. In a recent editorial, the Wall Street Journal stated:

> Without wanting to sound apocalyptic, we find rather dismaying the ease with which the business community and a Republican administration have accepted—and often welcomed—the prospect of a controlled economy.

The Journal reminded its readers of the larger questions which too many tend to forget:

> Beyond all that is a question of politico-economic philosophy. We see a free economy (and we would have assumed most businessmen and supposedly conservative government officials do likewise) not only as something good and marvelously productive in itself. It is also part and parcel of the whole broader concept of individual freedom. This is what has made the U.S. pre-eminent, both economically and as a political model. But at root individual freedom is a moral issue.

I wish to share with my colleagues this Wall Street Journal editorial of September 27, 1971, and insert it into the RECORD at this time:

END OF THE FREE ECONOMY

Without wanting to sound apocalyptic, we find rather dismaying the ease with which the business community and a Republican administration have accepted—and often welcomed—the prospect of a controlled economy.

Thus the board of directors of the National Association of Manufacturers has just voted strong support for President Nixon's economic program, "temporarily" suspending its long opposition to wage-price controls. Numerous individual business executives from their own various vantage points, echo the pro-Nixon sentiment.

One executive, White Motor's Semon E. Knudsen, sounds a note of grim resignation as he contemplates the future. Quoted by John S. Knight in The Detroit Free Press, Mr. Knudsen says America's traditionally free economy may become a thing of the past.

He contends that the whole international economic picture has changed; for example, industrialists in other countries have not only learned everything we knew about management but are also in a position to teach us a few things about productivity. Partly for this reason, Mr. Knudsen suggests that the old way of life, with prices and wages set by the free-market forces of supply and demand, is now disappearing.

"I don't like it, you don't like it," he observes. "But if you look at the alternatives—continuing inflation, instability, loss of foreign markets and deteriorating public confidence—we know the course is clear."

(It should be noted that a good many working men are growing increasingly disenchanted with the President's policies. Not, it would seem, out of any great dedication to the philosophy of economic freedom but out of a feeling that they are being unfairly asked to bear the brunt of the burden.)

Certainly Mr. Nixon and his advisers are doing little to diminish the prospect of a controlled future. Although the President has said he doesn't want controls permanently, he also talks of the post-freeze program as one with teeth in it. And the other night he declared that Phase Two of his economic blueprint would cover the whole economy and last indefinitely. "Indefinitely" strikes us as pretty ominous.

Now we ourselves will concede that the old, abandoned policy of gradually reducing inflation and unemployment without controls was proceeding slowly. It may be that Mr. Nixon did have to take temporary measures, if only for their psychological effect. We do not particularly fault the 90-day freeze simply as a way of, so to speak, catching breath.

All the same, the old plan was working, however slowly. Inflation was being curbed, and the outlook for cutting unemployment further was promising; at the same time, an economic upswing was under way. The Nixon aides were right when, denouncing the control-type approach they have now embraced, they claimed that gradualism was bearing fruit.

So it might have been more logical, and more productive, to have fought inflation more vigorously through fiscal and monetary policies. We thought throughout the period that the administration, the Federal Reserve and Congress should have taken stronger steps to replace reckless policies with responsible ones.

If, in any event, the nation is now headed down the control road "indefinitely," it ought to be a cause of very considerable concern instead of acceptance, resigned or otherwise.

It's not just, as we believe, that alternate courses were available. Or that the historical record of the workability of controls—whatever they may be called—is fairly dismal. Or even as we have written countless times over the years, that controls do not attack the source of inflation in government finance but only its symptoms in a wage-price spiral.

Beyond all that is a question of politico-economic philosophy. We see a free economy (and we would have assumed most businessmen and supposedly conservative government officials do likewise) not only as something good and marvelously productive in itself. It is also part and parcel of the whole broader concept of individual freedom. This is what has made the U.S. preeminent both economically and as a political model. But at root individual freedom is a moral issue.

We are not yet prepared to insist that the new control mentality is necessarily a precursor of wider regimentation. Perhaps all of us, including all those willling businessmen, will find it possible to live with the post-freeze constraints, whatever they may be. But it would be hard to argue that the new economic policy reinforces the traditional American ideal of individual liberty.

ENVIRONMENTAL PROBLEMS AND DETERGENTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, on September 15, the Council on Environmental Quality, the Department of Health, Education, and Welfare, and the Environmental Protection Agency jointly announced a number of conclusions regarding health and environmental problems associated with detergents.

First. These agencies concluded that nitrilotroacetic acid—NTA—should not be used in detergents at this time because of unresolved questions concerning its possible longterm effects on health and the environment.

Second. These agencies concluded further that the health hazards of increasing use of highly caustic substitutes for phosphates in laundry detergents is a cause for serious concern.

Third. The Administrator of the Environmental Protection Agency has announced an intensive study to identify those bodies of water in the country that have a potential or actual eutrophication problem due to phosphates and will assist State and local governments in reducing phosphates to the extent necessary through the treatment of municipal wastes.

Some of the nonphosphate detergents now available contain ingredients which, if accidentally eaten, breathed in, or introduced into the eyes, may be extremely hazardous, especially to children. One child recently died because she accidently ate a laundry product in which caustic materials had replaced phosphates.

There have been other tragic accidents involving no-phosphate detergents in recent months. Children have been severely burned by no-phosphate caustic detergents; a child in California was blinded by a similar type of product; and one child has had to undergo repeated surgery for burns on his esophagus.

Although Food and Drug Administration officials report that there has never been a single death or injury from a phosphate-based detergent in 25 years, we must not forget the impact upon the environment of detergent phosphates.

An estimated 370 million pounds of phosphorus finds its way into our Nation's waters from washing machines each year. Figures vary, but detergents may contribute 50 percent of the phosphorus reaching Lake Erie, 40 percent entering Lake Ontario, and 70 percent entering the Potomac River.

Lake Erie is said to have aged 15,000 years in the last 50. We know that the phosphorus content of the lake's western basin has more than tripled since detergents with phosphorus were introduced in the 1940's.

Obviously, steps must be taken to prevent this source of pollution—but our efforts must not stop there.

It is vital that we remember that any substitute that is used in place of phosphates will also be flowing into our waters and used in our homes and we must be sure that we are not trading one evil for another.

Mr. Speaker, earlier this year I contributed testimony to the Federal Trade Commission concerning phosphates and other substances in detergents and recommended several courses of action.

At that time I stated that I believed that tests should be established—with all possible speed—to determine the effects, on the consumer and on the environment, of all present and proposed ingredients of detergents, cleansers, and other products. The best and surest way to accomplish the removal of contaminants is not to introduce them at all.

Mr. Speaker, I am cosponsor of a bill—H.R. 10840—the Toxic Substances Control Act, which would offer this protection to both the consumer and the environment. No legislation now exists that requires biological testing to assure that man or the environment is safeguarded against adverse effects of products that reach the market place.

In order to prevent future tragedies—both human and environmental—it is my hope that early hearings will be held and prompt congressional action taken concerning this vital legislation.

Mr. Speaker, the residents of my District, the 39th in New York State, are very fortunate in having a number of articulate and effective spokesmen for environmental programs. Today, I would like to call attention to the outstanding work concerning water pollution and the Great Lakes which has been accomplished by Dr. Robert A. Sweeney, director of the Great Lakes Laboratory of the State University College at Buffalo, and Mrs. David Phillips and Mrs. Edward Massaro of the Buffalo metropolitan area organization, Housewives to End Pollution—HEP.

I would also like to mention at this time that the Great Lakes Laboratory is located at the State University College at Buffalo, which is, despite the similarity in names, completely separate from the State University of New York at Buffalo.

Dr. Sweeney and Mrs. Phillips, accompanied by Mrs. Massaro, testified last week before the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations concerning detergent phosphates and their effect upon our lakes and waterways.

I commend Mrs. Phillips, Mrs. Massaro, and Dr. Sweeney for their timely statements and I include them now, along with related materials, for the attention of my colleagues:

HOUSEWIVES TO END POLLUTION

Statement before the House of Representatives Conservation and Natural Resources Subcommittee, October 29, 1971

Mr. Chairman and Members of the Committee:

My name is Mrs. David Phillips and I am accompanied by Mrs. Edward Massaro. We are chairmen of the detergent task force of a Buffalo metropolitan area organization called Housewives to End Pollution (HEP). While HEP now has several task forces studying problems that affect the housewife and her environment and making recommendations for possible solutions to these problems, a brief summary of how this organization began should illustrate our interest in these hearings.

HEP is an organization of housewives formed in April, 1970, as a result of the International Joint Commission report which included information that detergent phosphorus was contributing to the excess algae growth in Lakes Erie and Ontario. Since housewives, by their use of phosphate-based detergents, were contributing to the eutrophication of these lakes, we began a public information campaign. Meetings were held with the Buffalo Food Council and the detergent manufacturers, signs were posted in stores listing detergent phosphorus percentages, and research begun to determine the cause of the problem, the solutions offered, and the agencies responsible for the administration of those solutions. We found the recommendations of your committee and the phosphorus percentages which appeared in the House Report on Phosphates in Detergents and the Eutrophication of America's

Waters a valuable guide in assessing progress on this matter and in making our own recommendations. HEP's goals regarding detergent products are to: 1) reduce the phosphorus content of detergents immediately; 2) require labeling of all detergent ingredients; 3) establish standards for detergent ingredients that will protect the consumer and the environment.

Since April, 1970, Mrs. Massaro and I have been advisors to our County Legislature regarding a local law, now in effect, prohibiting the sale of detergents containing greater than 8.7% phosphorus and banning phosphorus-based detergents as of January 1, 1972. We also expressed our recommendations to our state legislators regarding a New York state law, similar to our local law, to become effective on January 1, 1972. I also testified in April before the Federal Trade Commission regarding the proposed rule on the labeling and advertising of detergents.

It is our understanding that the purpose of these hearings is to discuss our reactions to statements made by government officials on September 15 regarding the detergent issue. We believe that a closer examination of remarks made that day reveals that little has changed regarding government policy or action. Therefore, we would like to discuss what industry and government have failed to do and recommend actions we feel are necessary to protect the consumer and the environment.

Manufacturers of phosphorus-based detergents have labeled their products according to phosphorus percentages and in some communities products sold contain no greater than 8.7% phosphorus. However, manufacturers have not taken these actions voluntarily. Since the detergent industry resisted placing phosphorus information on the packages and lowering phosphorus content in their products, many communities found it necessary to legislate such actions and many more communities were considering such legislation. In an effort to maintain uniformity, the manufacturers labeled their products' phosphorus percentages and lowered the phosphorus content to 8.7% where required by law.

We feel that the detergent industry has not shown what your committee called "good faith efforts" in trying to solve the problems created by the products they sell for public use. They have used the phosphorus issue as a "soapbox" to divert the public's attention from the fact that independent scientists studying the phosphate issue have almost unanimously recommended an immediate reduction and eventual removal of phosphates from detergents. While calling the issue of phosphates in detergents a "case history of how confusion and misunderstanding can sweep the country," this industry has fed and thrived upon the confusion. They have promoted the impression of concerned consumers and scientists as being unnecessarily harsh and restrictive toward their industry. We would like to point out that only when manufacturers have failed to provide proper and necessary information to the public and only when they have failed to accept their responsibilities to consumers, have legislative actions been necessary.

The introduction of phosphate-free detergents on the market has prompted consumer complaints of poor cleaning power, gritty-feeling clothes, residue remaining in laundry tubs and washing machines, burning hands and rashes upon contact and excessively heavy packaging. Further investigation of these products reveals that claims of being pollution-free seldom, if ever, can be substantiated, ingredients are unavailable to the public (as is the case with the phosphate-based detergents), and too many manufacturers are using hazardous substances without properly labeling their products until caught in the act. These manufacturers have seized upon the opportunity to jump on the bandwagon of confusion and have presented the public with products which there is question as to their effectiveness and human and environmental safety.

Three government agencies share the primary responsibilities for the administration of regulations involving the detergent industry. They are the Food and Drug Administration (FDA), the Federal Trade Commission (FTC), and the Environmental Protection Agency (EPA).

The FDA has the authority to regulate formulations, labeling and packaging under the provisions of the Hazardous Substances Act and the Poison Prevention Packaging Act. The FDA has tested phosphate-based and phosphate-free detergents and has required the relabeling of some of these products as to the hazards involved in their use. The fact that 25 of 39 products tested required relabeling illustrates the need for further testing by this agency of all detergent products presently on the market. We are unaware of any action by this agency to prevent the marketing of detergent products packaged in unsafe containers.

The FDA is currently working with the detergent industry on product reformulation, adequate labeling and child-proof packaging. Yet, according to the Surgeon General, only where it is believed that a warning label and child-proof packaging do not provide sufficient protection from hazardous materials, will the FDA consider banning the material from interstate commerce under the provisions of the Hazardous Substances Act.

There are clearly two faults in the handling of the problems posed by these hazardous ingredients: 1) FDA too frequently reacts after a problem has arisen with products already marketed, thus allowing seriously hazardous situations to exist in the homes of unsuspecting consumers; and 2) FDA, under the present system, must prove that an already-marketed product is unsafe in order to remove it from interstate commerce.

As consumers, we insist that the burden of proof must be borne by the manufacturer. Unsafe products should not be on the market in the first place. A positive approach, whereby manufacturers must submit pretesting results to the FDA proving their products safe, must replace the present negative approach requiring FDA to prove products unsafe that are already for sale to the public.

Only after such authority is provided to the FDA can the consuming public's confidence in this agency's decision-making policies be restored.

The FTC has the authority to regulate the labeling and advertising practices of the detergent industry. Using this authority, they are presently considering a proposal requiring detergent manufacturers to list all ingredients and warn of the environmental impact of phosphates. We have recommended the following to the FTC: (1) label all detergent ingredients and their percentages; (2) place an environmental caution statement on the packages; (3) adopt a prove-it or don't-claim-it policy. We have suggested that the FTC consider each proposal on its own merits and not rely upon the acceptance or rejection of another.

Since other government agencies are faltering while attempting to find solutions, ingredient information becomes an absolute necessity. Potential health hazards, potential pollution problems and possibly irresponsible manufacturers can all be restrained if there is a "truth-in-labeling" regulation. Such labeling would also satisfy the public's right to know what is in the products they use.

The issue of a caution statement may perhaps be more complex. In light of statements made by other agencies, it is difficult to determine what warnings to issue and to whom. However, since consumers can be made aware of health hazards and precautions involved with a product's use, they should also be informed of environmental hazards and precautions regarding the products they use.

Unless manufacturers can prove their products to be pollution-free, they must be restricted from so claiming. Since tests have yet to be devised to determine the capabilities of some ingredients, the term pollution has not yet been defined to the satisfaction of industry, government or scientists.

We have urged the FTC to take the lead and show that some actions can and will be taken to give the public adequate information upon which to base decisions while the long-range and more permanent goals are being pursued.

The EPA is responsible for assessing the nation's requirements for water pollution control, determining the most cost-effective methods of achieving waste reduction and allocating funds for approved projects.

This agency has revealed that studies are underway to determine those areas affected by nutrient enrichment. EPA, therefore, does not favor a national law limiting the phosphorus content in detergents, but, has decided to pursue a phosphorus-reduction program through waste treatment facilities.

However, advanced sewage treatment facilities will not be available in our community for at least 5 years. There will also be some communities in New York state not required to have phosphorus removal because they will not treat the required one million gallons daily of sewage.

If one uses the most conservative estimates supplied by the Soap and Detergent Association on the cost of phosphorus removal, the city of Buffalso, which will handle 180 million gallons of waste water daily, will have to pay $5400 daily or approximately 2 million dollars annually to remove phosphorus from its sewage. While 200 million dollars has been earmarked for advanced sewage treatment facilities in the Great Lakes region, this money will go to construction only. Operation and maintenance costs, according to EPA, ought to be borne by the individual who is creating the waste.

Therefore, in order to assist government agencies in encouraging a phosphorus reduction in detergents and safe phosphate-free products, we suggest that industry pay its fair share of the expense for phosphorus removal at waste treatment facilities. We propose that a tax be assessed to detergent manufacturers based upon the quantity of phosphorus they use and the average cost of removing phosphorus from sewage. Enabling legislation must prohibit detergent manufacturers from passing this tax on to consumers in the form of added cost of their products and that all money derived from such a tax be returned to municipal sewer authorities or their equivalent for the express purpose of operating and maintaining a facility for phosphorus removal.

We have presented in our formal statement those considerations which we feel to be most outstanding. We believe that there are many more aspects of the entire detergent issue that are equally important and are prepared to discuss any of these with you.

Consumers must be offered suggestions for actions that can be taken now, while the more permanent solutions of sewage treatment and pretesting are being sought.

HOUSEWIVES TO END POLLUTION, BUFFALO., N.Y.—POSITION REGARDING DETERGENTS

On Wednesday, September 15, representatives from various federal agencies requested communities having legislation regarding phosphorus in detergents to reconsider that legislation. Erie County is among those communities since it will be unlawful to allow for sale in this County a detergent containing any phosphorus, as of January 1, 1972.

However, Dr. Jesse Steinfeld (Surgeon General), Dr. Charles Edwards (FDA), Mr. William Ruckelshaus (EPA), and Mr. Russell Train (CEQ) have, as a result of their remarks that day, raised further questions which must be answered before any action should be taken in Erie County. Statements attributable to Dr. Steinfeld have caused a great deal of controversy and have managed to inject further confusion into the detergent issue rather than clarify the situation. He has neglected to offer all possible solutions and alternatives to the public in such a manner that may be easily understood and readily acted upon.

The above-mentioned considerations have prompted Housewives to End Pollution to present at this time our present position on this issue as it relates to Erie County.

We continue to support legislation that will accomplish the following goals:

1. Reduce the phosphorus content in detergents.

2. Require the labeling of all detergent ingredients and phosphorus percentages in grams per washload.

3. Establish standards for detergent ingredients that will protect the consumer and the environment.

We support the continued vigorous enforcement of that part of the County law already in effect requiring that detergents sold here not exceed 8.7% phosphorus content.

We continue to support improved sewage treatment facilities.

We make the following recommendations to area homemakers:

1. Use soap. It is a safe and can be an effective cleaner.

2. Keep *all* household cleaning products out of the reach of children.

3. Measure. Do not use an amount of soap or detergent in excess of what is needed.

4. Read all *labels* before buying.

We reiterate our statement of April 1, 1971 delivered before County Executive Tutuska regarding the Erie County legislation. At that time, Housewives to End Pollution stated that "we cannot allow more harmful substitutes for phosphorus to enter Lake Erie from detergent sources. A further evaluation of this ban will be made later this year."

Finally, the issues of eutrophication, phosphates and detergents are Erie County problems which must be solved. Since many questions remain unanswered, we wholeheartedly support the hearing to be held here on November 11. Further decisions regarding the Erie County law cannot be considered, in our opinion, until all available information is re-examined. The November hearing will allow all involved an opportunity to review the problems.

We urge all area residents to join with our legislators and support this hearing.

HOUSEWIVES TO END POLLUTION,
Buffalo, N.Y., October 10, 1971.

Mr. WILLIAM DIXON,
Division of Industry Guidance, Federal Trade Commission, Washington, D.C.

DEAR MR. DIXON: This letter represents the opinions of Housewives to End Pollution regarding the FTC proposal on the labeling and advertising of detergents. Enclosed are some additional materials regarding this issue. I hope you will review my testimony of April 26 while considering this statement.

A number of actions and reactions have taken place since the FTC labeling proposal was announced early this year.

The detergent manufacturers finally put phosphorus percentages on their packaging and these labeled products finally reached the marketplace. However, we do not believe these actions were an effort on the part of the manufacturers to voluntarily present this information, as they claim. It was, we believe, a reaction to a New York State law effective January 1, 1971, requiring a form of phosphate labeling and a concern that other communities would be requiring some form of phoshate labeling. In order to ensure uniformity, the detergent manufacturers found it necessary to label all their products as to the phosphorus percentages.

In many communities, including Erie County, detergent products sold contain no greater than 8.7% phosphorus. We have been told many versions of how this figure was derived, however, it is only necessary to recognize that this 8.7% phosphorus figure is accepted by Canada, many U.S. communities and the manuufacturers. Again, we do not believe that manufacturers have lowered the phosphorus percentages willingly. Legislation requiring such a reduction has been appearing throughout the country. In order to maintain uniformity, the manufacturers began lowering the phosphorus percentages to 8.7. This was not voluntarily done, but an action that was required by law in many communities and being considered by many others.

Meanwhile, some industrious manufacturers seized the opportunity to place on the market detergent products containing no phosphorus. Housewives, eager to "do their part" for the environment, started using these products in increasing numbers. However, complaints of poor cleaning power, gritty-feeling clothes, residue remaining in laundry tubs and washing machines, burning hands and rashes upon contact, and excessively heavy packaging prompted many to question these phosphate-free products' ingredients. A careful examination of the detergent product containers revealed that most claimed to contain no phosphates, no enzymes, and no NTA. Many also claimed to be non-polluting or pollution-free. As has been the case with phosphate-based detergents, housewives knew what the phosphate-free products did not contain. But, what did they contain?

For any number of reasons, the manufacturers of Ecolo-G have the singular distinction of being the first to be required by the FDA to relabel their products. From this starting point, under provisions established by the Hazardous Substances Act, the FDA has tested no less than 39 products and has required the labeling of at least 25 products as to the hazards that may result from their use. Some products actually state the hazardous substance to be soda ash, sodium metasilicate, or sodium carbonate. Antidotes are listed on many packages. However, in our opinion, FDA too frequently reacts after a problem has arisen. This agency must use authority it may already possess and seek authority it may not already possess to ensure that hazardous products are properly labeled before marketing and that highly hazardous products be kept off the market. We realize that it is a complex problem with no easy solutions, but solutions must be sought and found.

On September 15, the grand finale to date on this issue took place in the form of a press conference. The participants were Dr. Jesse Steinfeld, Dr. Charles Edwards, and Mr. William Ruckelshaus. The object was to clarify the Administration position on detergent products and phosphates. In our opinion, the participants in this conference only succeeded in further confusing the public and this entire issue. According to a 23 page unofficial transcript of the conference, apparently compiled by Dr. Ian Mitchell (we understand he is in the Dept. of HEW), Dr. Steinfeld stated that the Administration position is to handle the phosphate problem through sewage treatment facilities. Our questions are: when will these plants be ready and what do housewives do in the meantime? There were many contradictory statements made by these Administration representatives at this conference (we think it would be advisable for you to secure a copy of the conference and read these for yourself), but the following did emerge:

1. Mr. Ruckelshaus stated that the phosphorus content of the detergents should be lowered and in those communities where eutrophication is a problem, limiting phosphorus at its source (detergents) would be helpful in assisting the advanced sewage treatment facilities in alleviating the problem.

2. Dr. Edwards stated that the problems posed by "potentially" hazardous products could be handled by proper formulation, packaging and labeling.

3. Dr. Steinfeld indicated that testing for health hazards and environmental safety should be stepped-up.

So, despite all the confusing and contradictory statements made and all the reports that the Administration position had changed, a closer examination of these gentlemen's remarks reveals that things really have changed little. We will have improved sewage treatment plants *someday*, packaging will improve *someday*, and some sort of improved testing will appear *someday*.

However, phosphate-free detergents, phosphate-based detergents, and soap are marketed *today*. Eutrophication and health hazards exist *today*. Housewives must wash clothes *today*. And the FTC proposal must be considered *today*.

In light of the previously-mentioned considerations and realizing that the decision made will possibly be contested by detergent manufacturers, we would like to recommend that the FTC consider three separate proposals. Each of these must be considered on its own merits and not rely upon the acceptance or rejection of another. We are limiting our suggestions to proposed detergent labeling. While there are many aspects of the entire detergent problem, it is our understanding that the FTC jurisdiction extends only to labeling and advertising. We will attempt not to stray too far from these considerations and confuse the issues, as we feel others have done. Therefore, we recommend the following:

1. All detergent ingredients and their percentages must be labeled.

2. A caution statement should appear on detergent packages.

3. A prove-it or don't-claim-it policy should be adopted by the FTC.

Since other government agencies are faltering while attempting to find solutions, ingredient information becomes an absolute necessity. Potential health hazards, potential pollution problems and possibly irresponsible manufacturers can all be restrained if there is a, shall we say, "truth-in-labeling" regulation. Testimony submitted to the Commission has raised many questions regarding meaningful labeling. A similar situation existed a year ago when manufacturers were stating that the phosphorus percentages could not be lowered. Yet, today, as a direct result of increased legislation, phosphorus percentages are on detergent packages and phosphorus percentages are lower where required by law. The manufacturers are even claiming that these 8.7% phosphorus-based detergents are "even better". When legally required to do so, detergent manufacturers can somehow accomplish the impossible.

The issue of a caution statement may perhaps be more complex. In light of statements made by other agencies, it is difficult to determine what warnings to issue and to whom. Congressman Jack Kemp has told you that your warning proposal regarding the environment is unique and unparalleled by other agencies. Here, however, your actions must, in part, be determined by what the other agencies involved do. Let us assume that all detergent ingredients and percentages will appear on the packages. The FDA can still require caution labels singling out a particular hazardous ingredient (soda ash, sodium metasilicate, sodium carbonate) and stating necessary antidotes, as is presently required. They can continue to add or eliminate ingredients from this list as new ingredients appear or old ones disappear. Therefore, the FTC, using information supplied by EPA, can require cautions on potential environmental hazards (phosphorus) and state precautions to be taken (avoid excessive use). This list can also be altered, when necessary.

Unless manufacturers can prove their products to be pollution-free, they must be restricted from so claiming. Few consumers are aware that little, if any, proof is required by any government agency regarding polluting ingredients. Tests have yet to be devised to determine the capabilities of some ingredients. The FTC must increase its surveillance and protect the right of consumers to receive accurate information based upon proven fact.

While sewage treatment is the ultimate and necessary goal, these facts still remain:

1. Sewage treatment with phosphorus removal will not exist in most communities where it is needed for many years.
2. Bodies of water affected by phosphorus and other nutrients still need to be determined.
3. According to existing plans, some communities will not be required to remove phosphorus at the sewage treatment plant.
4. Cost to taxpayers will be less if there is less phosphorus to remove. (This is also true of other possible nutrients that can be controlled at their source.)
5. Methods can and must be found to determine and properly inform consumers in those communities where phosphorus is not the limiting nutrient, but where other pollution problems or no pollution problems exist from using detergents.

Having read some statements presented to you, we are of the opinion that your original proposal would be forgotten and confused were it not in writing. The manufacturers used the hearings as a "soap box." The issues were so frequently confused that many concerned individuals questioned what you really had proposed. We find it disappointing that Mr. Russell Train, while presenting the Administration point of view to you in September, neglected to address the issue of listing all detergent ingredients.

If this reads as a critique of lack of action on the part of some government agencies and detergent manufacturers, it is because we believe this to be true. The issues have become confused. There has been a lack of information giving the public alternatives that may be acted upon while we wait for the studies, proper packaging, proper labeling and sewerage treatment facilities.

By proposing this regulation, the FTC has shown that its members recognize that something must be done in the interim while the more long-range goals are sought. We feel that a necessary first step would be the *labeling of all detergent ingredients.*

We feel that the FTC must now take the lead and show that some actions can and will be taken to give the public adequate information upon which to base decisions while the long-range and more permanent goals are being pursued.

Consumers and ecologists have been accused of contributing to an eventual collapse of the free enterprise system. We are told that laws protecting the public are unnecessary and restrictive.

We would like to point out that only when manufacturers have failed to provide proper information to the public and only when they have failed to accept their responsibilities to consumers, have legislative actions been necessary.

We look forward to a favorable decision from the members of the Commission in the near future. Please keep us informed of your actions regarding this matter.

Sincerely,

BONNIE PHILLIPS,
Chairman, Detergent Task Force.

PRELIMINARY SUMMARY ON PHOSPHATES IN DETERGENTS

"Phosphates are considered to be the most significant single factor in the excessive proliferation of algae in lakes and streams and in the resultant eutrophication and 'aging' of lakes.

"Detergents alone represent approximately one-half of the phosphorous content of waste water discharges. The phosphate in detergents dissolves in the water and is discharged into the sewers after laundering. Because most conventional sewage treatment plants remove little, if any, phosphates, they eventually find their way into our rivers and lakes." (Nelson A. Rockefeller, May 19, 1970.)

Within the past year, there have been several lists published by various groups, including state and federal legislators, listing the phosphate or phosphorous content in detergents. Few of these lists have in agreement.

Since the capability of a detergent to stimulate algal growth is proportional to the phosphorous it contains, we recommend that phosphorous percentages be used for future listings. Phosphorous figures will be lower than phosphate figures because the element phosphorous (P) is measured. Phosphate figures are higher because the element phosphorous and oxygen are measured (ex. PO_4). Phosphate figures vary from list to list because there are six phosphate compounds, each with its own chemical formula. There appears to be disagreement as to which compound to measure, how to measure it, etc. The Federal Water Quality Administration uses the compound sodium tripolyphosphate (STPP) as its standard, explaining that this is the most commonly used compound. Yet, a New York State law, that is to go into effect January 1, 1971, will require the labeling of soaps and detergents sold in this state of the phosphate percentage, calculated as tri-sodium phosphate (TSP). To avoid future confusion on the phosphate vs. phosphorous percentages, it is believed that the better way would be to measure the element basic to all six phosphate compounds and the element causing excess algal growth in America's waters—phosphorous.

Recommendations regarding phosphates in detergents have been made by the International Joint Commissioon, the Federal Water Quality Administration, the Committee on Governmental Operations which produced House Report No. 91–1004, "Phosphates in Detergents and the Eutrophication of America's Waters—April 14, 1970," the Council on Environmental Quality, the Office of Science and Technology, Consumer Reports and many scientific groups studying the problem. The suggestions of most of the above-mentioned groups are best outlined on pages 65–67 of House Report 91–1004.

The principal recommendations of the committee are:

1. Reduce phosphorus in detergents immediately.
2. Ban enzyme pre-soaks.
3. Abolish the Joint Industry-Govern-Task Force.
4. Formulate detergents for hard and soft water areas.
5. Require labeling of ingredients. (FTC–FDA).
6. Inform the public through continuing education. (FWQA).
7. Encourage research and development. (FWQA).
8. Ban detergents containing phosphorus by 1972.

The following actions have been taken on these recommendations:

1. Canada has ordered a reduction in phosphates in detergents to 20%.
2. There has been no ban on enzyme pre-soaks. The FTC's Division of Scientific Opinions is studying possible harm to handlers of detergents containing enzymes.
3. The Joint-Industry Government Task Force still exists.
4. At least Electrosol and Finish are formulated for hard and soft water areas. However, this was prior to the House Report.
5. The FTC's Division of Industry Guidance is considering holding public hearings regardiing the labeling of detergents sold in interstate commerce as to their phosphate content. (Note there is no mention of a requirement to list the other ingredients in detergents.) For further information the FTC suggests that the FWQA be contacted.

The FDA has some jurisdiction over the soap and detergent companies under the Hazardous Substances Act. Recently, the FDA tested the arsenic content in detergents and found between 5 and 59 parts per million to be present in the detergents tested. Under the provisions of the Hazardous Substances Act, arsenic, as found in the detergent packages in the quantities tested, does not constitute a hazardous substance, and therefore, does not fall under the jurisdiction of the FDA. However, arsenic, when released in America's waters, is another matter. To determine these effects, different tests are required regarding arsenic in our waters from those performed by the FDA and these tests related solely to water quality. The FDA recommends that the FWQA be contacted regarding these standards.

Thus, the FTC and the FDA point to the FWQA.

6. The FWQA has continued to release phosphate percentage figures.
7. The FWQA has granted an 18 month contract to the Gillette Company Research Institute in Rockville, Md., for the purpose of producing phosphate-free detergents. The Gillette Company is to determine the biodegradability, the stimulatory effects, and the laundering characteristics of the products produced. A sub-contract has been awarded to the Academy of Natural Sciences in Philadelphia, Pa. Under the direction of Dr. Ruth Patrick in the Department of Limnology, the Academy will determine the toxicity of the products.
8. Canada has banned phosphates in detergents by 1972. Beyond what it has already done, the FWQA represented here on June 24, 1970, stated that a stronger stand against the Soap and Detergent companies is a matter of "congressional prerogative."

Thus, the FWQA points to Congress. There are at least four bills before Congress which have been referred to the Committee on Public Works. They have been sponsored by Congressman Richard McCarthy, Roman Pucinski, and Henry Reuss and by Senator Gaylord Nelson. All recommend the removal of phosphates from detergents by specific dates, depending on the bill. They also suggest that standards be set to determine the effects of the detergent ingredients on the environment and human health, and encourage financial support for research efforts.

Stalling tactics have been used by the Soap and Detergents companies to slow action on the recommendations of the House Report and on the bills before Congress. The following points are presently being debated:

1. The eutrophication of America's waters is not necessarily due to phosphorus but rather to carbon or nitrogen. However, sufficient information exists which points to phosphorus as the limiting nutrient in controlling excess algal growth in many bodies of water including Lake Erie and Ontario.
2. Sewage treatment plants should remove all the phosphorus going into the waters. The detergent companies should not have to remove the phosphorus from their products. However, sewage treatment facilities will not be modernized for quite a while and there is evidence which indicates that they will still

have more than enough phosphorus from other sources to remove. In the meantime, phosphorus can be limited in detergent formulations.

3. Phosphorus comes from sources other than detergents. This is true. However, detergents contribute over 50% of the phosphorus in municipal sewage. Detergents are the largest single source of phosphorus and the easiest to control.

4. The cleanliness standards which we now have cannot be maintained without the phosphorus in detergents. The only case where this appears to be true at present is in automatic dishwashers, which have been manufactured to use phosphorus-based detergents. However, with regard to clothes washing, we have proven that clothes can be cleaned with low-phosphorus detergents or soap and washing soda.

While the debates go on, HEP recommends that there be an *immediate* reduction in the phosphorus levels in detergents.

While admitting the possible hazards to a phosphorus substitute, NTA, the Soap and Detergent companies have gone ahead and put NTA into some detergents already. Our greatest concern about NTA is that there is not sufficient knowledge as to its environmental or health effects. Yet, it is presently being used in detergent formulations with the explanation that if you take out the phosphorus, you must put in a substitute. We disagree with this way of thinking, since *we have used* low-phosphorus detergents or soap and washing soda and find that we can get our clothes clean. Admittedly, there is an intial difficulty (lasting about four weeks) in removing built-up detergent residue. However, after this time there appears to be little difficulty.

Therefore, since we wish to use detergents free of possibly harmful phosphorus substitutes and detergents low in phosphorus, HEP recommends the labeling of detergent packages as to their ingredients and to their new phosphorus percentages in grams per washload. Phosphate-free and NTA-free do not tell us the ingredients in a detergent.

Finally, we should move with all possible speed to establish tests that will determine the effects of detergent ingredients on the consumer and on the environment. Until these standards are established, the FWQA and the Soap and Detergent companies should wage an *active* campaign to inform the public of the pollution problems involved and of steps that can be taken in the interim to maintain cleanliness standards and protect the environment.

Housewives to End Pollution supports legislation that will accomplish these immediate goals:

1. Reduce the phosporous content in detergents immediately.
2. Require the labeling of all detergent ingredients and new phosphorous percentages in grams per washload.
3. Establish standards for detergent ingredients that will protect the consumer and the environment.

We also support long range, more permanent actions that will protect the consumer and the environment.

HOUSEWIVES TO END POLLUTION.
September 23, 1970.

CLEANING WITHOUT HIGH-PHOSPHATE PRODUCTS, APRIL 1971

Recognizing the extent to which the nutrient phosphorus is contributing to the pollution of Lakes Erie and Ontario and that detergents are the largest single source of phosphorus entering these waters, Erie County has approved a ban on the sale and distribution of cleaning products containing more than 8.7% phosphorus effective April 30, 1971. Laws, such as the one passed in Erie County restricting the sale of high phosphate products, are already in effect in Canada and Chicago; and other communities across the nation are contemplating similar action.

A wide variety of cleaning products, including soap, low phosphate and phosphate-free detergents will still be available to the consumer in Erie County. The following information is presented to aid in the selection and use of these products.

Soap under soft water conditions is a superior, safe cleaner, frequently preferred over synthetic detergents by laundries and hospitals. In areas with medium hard water such as in Erie County, the addition of a water softening agent such as washing soda is recommended. Clothes that have been washed consistently in high phosphate detergents may require "stripping," a separate washing in washing soda to remove detergent residues, before the soap and washing soda combination can be used effectively.

Low-phosphate and phosphate-free products rely on chemical compounds in addition to or other than phosphates to soften water, control alkalinity, and to keep dirt particles in suspension. Because standards for detergent degradability, toxicity and growth-stimulating effects do not exist, and because manufacturers are not required to disclose the ingredients of their cleaning products, consumers are rightly concerned about the human and environmental safety of phosphate substitutes. It should be noted that some phosphate substitutes now being used are compounds present in many phosphate-based detergents, but in smaller quantities. Also, many detergent ingredients, including phosphates, are classified as moderately toxic to man upon ingestion and should be recognized by the consumer for their potentially harmful properties.

NTA, nitrilotriacetate, considered the "most promising replacement for phosphates', has been used in some detergents (Cold Water All, Cheer, Gain) in the United States since 1967. However, the Safety of NTA has been questioned by some researchers. In December 1970 the Environmental Protection Agency and the Surgeon General suggested discontinuance of its use pending further study. The presence of NTA in detergents is not considered an immediate health hazard and existing stocks of products containing this compound can be sold.

Borates (*Borax*), is present in approximately ¼ of phosphate based detergents constituting about 10% of the detergent when present. Borax is also sold in pure form and in combination with other compounds as a water softening agent. It has little effect when used as an antiseptic in washing diapers and infants' clothes. Borates are toxic to plants and are used in some herbicides; and, for this reason, they are not considered a suitable general substitute for phosphates.

Silicates are present in almost all detergents as corrosion inhibitors. Increased quantities of sodium metasilicate in detergent formulas greatly increases the alkalinity. Contact with such substances has been found to cause skin irritations and dermatitis in some individuals. Detergents containing this substance in sufficient quantity are required to carry a hazardous substance warning. (Ecolo-g, containing a large quantity of soduim metasilicate, was removed from the market by the FDA because the label did not include a proper warning.)

Carbonates (*Washing Soda*), was the commonly used water softening agent before synthetic detergents came into use. Since phosphates have been discredited, its popularity and use as a substitute is increasing. (Sears no phosphate detergent contains 64% washing soda, and Shakless Basic L is 73% washing soda.) Like silicates, carbonates are strongly alkaline and can cause skin irritations.

SUGGESTIONS FOR USE OF LOW PHOSPHATE AND PHOSPHATE-FREE DETERGENTS

1. Because many of the phosphate substitutes now being used must first precipitate hardness salts, it is recommend that the detergent be added to the wash before clothes are added.
2. To obtain good cleaning results, wash water should be hot (140° F.)
3. These granular detergents are strongly alkaline and the alkalinity increases rapidly as the concentration increases. Care should be taken to avoid excessive skin contact. If collars or cuffs are to be scrubbed by hand, protective gloves are recommended.
4. Alkaline residues on clothing can cause fabric deterioration. In some cases an additional rinsing may be desirable.

It is suggested that questions or comments as to the ingredients, the safety and the efficacy of particular detergent products be directed to the manufacturer, the Federal Food and Drug Administration and the Federal Trade Commission.

The residents of Erie County are being asked to make some minor changes in their washday practices, but these changes are a small price for improving the quality of the lake upon which we all depend for our livelihood, our recreation, and our supply of pure drinking water. It is hoped that other communities will take similar action.

REFERENCES

Bulletin No. 111 (W) Phosphate-free Detergents, The Rochester Committee for Scientific Information, P.O. Box 5236, River Campus Station, Rochester, New York 14627.

Clinical Toxicology of Commercial Products, Gleason, Gosselin, Hodge and Smith, Third Edition.

Bailey's Industrial Oil and Fat Products, Daniel Swern, Editor, Third Edition.

STATEMENT ON LOCAL LAW NO. 5-8—RETRICTION OF THE SALE OF PHOSPHATE-BASED DETERGENTS

Housewives to End Pollution is appearing here today to lend its support to this proposed local law. We congratulate our legislators for recognizing the problems posed by detergent phosphates used in our community and in the Lake Erie region and for taking this action aimed at lowering and eventually eliminating the amount of phosphorus entering our waters from detergent sources.

Alerted by the International Joint Commission report on the pollution of Lakes Erie and Ontario published early in 1970 which stated that not only are municipal wastes the largest contributors of phophorus entering into these waters, but that detergents are by far the greatest source of the total phosphorus input into the lakes, Housewives to End Pollution has embarked on a continuing study to determine just how much we, as homemakers, are directly contributing to this problem and what solutions are available. Of the extensive government, trade, scientific and consumer groups publishing information on this matter, most agree that phosphorus is the limiting nutrient in controlling the excess algal growth in many bodies of water including Lakes Erie and Ontario and that detergents are the largest single source of phosphorus and the easiest to control. Recommendations regarding prosphorus in our waters suggested by the above-mentioned sources include:

1. Reduce the phosphorus in detergents immediately.
2. Remove phosphorus from detergents as soon as possible.
3. Improve sewage treatment facilities.

We believe that the problem of what to do about the phosphorus in detergents requires a two step attack similar to actions already implemented in Canada, as of August, 1970, and in Chicago, as of February, 1971. *The phosphorus content in detergents should be lowered immediately.* Since this has not been accomplished on the manufacturing level, local governments must mandate that only low-phosphorus detergents may be sold in their communities. We see no reason why the 8.7% phosphorus level used by Canada and Chicago should not be the guideline, since the detergent companies are complying with this standard in these communities and Erie County's acceptance of this standard would foster cooperation among all parties involved.

The second step of phosphorus legislation should be to *specify a date for removal of this ingredient*. This has also been done in Chicago and Canada. However, it appears that communities differ on a specific date for phosphorus removal from detergent products. We suggest that since the federal government has awarded a contract requiring the Gillette Company Research Institute in Rockville, Maryland to produce a phosphorus-free detergent that is safe for consumers and the environment by December, 1971, the January 1, 1972 ban on phosphorus-based detergents in Erie County is not, at this time, unreasonable. County legislators and agencies, Housewives to End Pollution and all others concerned with this problem recognize that we cannot allow more harmful substitutes for phosphorus to enter Lake Erie from detergent sources. A further evaluation of this ban will be made later this year. A congressional report allows for the possibility that manufacturers may not be able to produce an acceptable substitute by recommending that an extension may be granted after good faith efforts have been made by detergent companies to find a substitute. Should an extension be granted, we must have step one of this legislation to rely upon to allow only low-phosphorus detergent products on the market.

We suggest that the real key to the situation appears to be the "good faith efforts" on the part of the manufacturers. Their efforts are not as strong as they would have the general public believe. Until detergent manufacturers are able to convince those involved with this particular matter that they are sincere in their research for an answer, they will be subject to the attacks they have been receiving. Efforts to balance what we feel as taxpayers and consumers with the realities of the detergent industry are extremely difficult since we cannot find the reality for the propaganda.

Dissenting voices to legislation such as this are heard primarily from those who are directly associated with the soap and detergent industry. We are told that the industry in committed to an all-out effort to reduce phosphorus and eventually eliminate it from their products. We question just how committed when it is suggested on packages of presoaks and general purpose cleaners that ½ cup or so will aid the cleaning power of a regular detergent. What is not stated is that an additional ½ cup usually carries with it an additional and unnecessary higher phosphorus content.

The industry also continually states that sewage treatment plants will remove most of the phosphorus and other nutrients at a reasonable cost. Again, industry spokesmen fail to include that in our community these plants will not be available until 1975–76, that the cost will be more reasonable if we remove a major source of the phosphorus (detergents), and that some communities will not be required to have phosphorus removal systems since they do not handle the necessary one million gallons daily of sewage.

According to industry spokesmen, compliance with this type of legislation will deprive the housewife of useful and essential cleaning products. We have found this not to be so. One of our projects has been to use soap, washing soda, low-phosphorus products and phosphorus-free products. We accept suggestions, comments and criticisms on these products from those who use them and find that most housewives are willing to experiment until they find an acceptable product and that they are satisfied with the product they use. Soap does get clothes clean.

Detergent makers were granted a preliminary injunction restraining Akron, Ohio from enforcing on February 1, 1971 phase one of an ordinance similar to Erie County's proposed law. Arguments given supporting this injunction include manufacturers' claims that no way is known to make additional substantial reductions or to eliminate by the dates set the phosphorus in detergents and that compliance will cause immediate and irreparable harm to the manufacturing, marketing, and distributing process. Yet, in Chicago, where legislation identical to Akron's went into effect on February 1, 1971, the detergent manufacturers are complying with the law stating that reductions to 8.7% phosphorus can, are and will continue to be met. Manufacturers have also stated that sufficient supplies of the products falling into the acceptable phosphorous range will be available. If Chicago's 8.7% phosphorous limitation can be met, so can Akron's and, more important to us, so can Erie County's.

Finally, industry spokesmen state that legislation such as this will hinder their efforts to phase out phosphorous. We contend that we are aiding their efforts. We are using soap and low-phosphorous products and are willing to share our knowledge of their cleaning power. We are informing the public of the pollution problems involved and what they, as individuals, can do. In January, we contacted the eleven major retailers in our area and made them aware of this proposed law. We are working with the county health department regarding public information programs. Since we, too, are committed to clean waters and clean clothes, we are encouraging the use of soap and low-phosphorus products.

Housewives to End Pollution urges support of this legislation. Passage of this law will enable us to further illustrate to our representatives in Albany and Washington that local legislators and citizens recognize the need for action in this area of pollution and that we have provided an example which we suggest they follow.

A Statement Presented Before the Conservation and Natural Resources Subcommittee, Committee on Governmental Operations

(By Dr. Robert A. Sweeney, Director, Great Lakes Laboratory, State University College in behalf of The Environmental Defense Fund, October 28, 1971)

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting the Environmental Defense Fund (EDF) to discuss some matters related to phosphates, detergents and eutrophication; topics of considerable confusion during the past few weeks. However, before discussing these subjects, I believe that a statement concerning the Environmental Defense Fund is in order. EDF is a non-profit, public-benefit membership corporation organized under the laws of the State of New York, with its principal office located in Stony Brook, New York. EDF's membership is composed of scientists, educators, lawyers and other citizens dedicated to the protection of our environment and the wise use of our natural resources. By its activities, EDF seeks the preservation and restoration of environmental quality on behalf of the general public. Its objectives include combining "the best scientific findings with the most appropriate social action discovered by the social sciences and legal theory in order (to) . . . best promote a quality environment."

I have been privileged to have been associated as a scientific advisor with EDF shortly after it was incorporated.

For the past ten (10) years, I have been studying algae and the factors which affect their growth. The initial phase of my investigations were largely confined to the laboratory. For the past five (5) years, I have been examining the growth of these plants in Lakes Erie and Ontario. My remarks today will be confined to the Great Lakes and their eutrophication. These five (5) lakes contain more than a third of the available freshwater in the world. I do not believe that it is necessary for me to elaborate on their importance to the United States and Canada.

One important lesson that I have learned is that algae respond quite differently in the field than they do in a test tube in a laboratory. Much of the confusion of late has been caused by those who have yet to learn this fact.

In order to grow, algae requires large quantities of five (5) elements—carbon, hydrogen, oxygen, nitrogen and phosphorus. To control the growth of these plants, it has been suggested that the quantity of one or more of these elements be limited. Everyone agrees that it is not possible to limit either hydrogen or oxygen. However, there is considerable disagreement regarding the other elements. Many suggest limiting phosphorus; others, who are primarily financially supported by the detergent industry, suggest reducing other elements.

One theory that has been projected by those who do not believe that it is necessary to limit the input of phosphorus into natural waters, particularly by reducing the phosphate content of detergents, is the carbon theory. . . . A major proponent of this theory, Dr. L. E. Kuentzel, is employed by the leading manufacturer of phosphates for detergents. . . . Proponents of the carbon theory believe that we must limit the amount of carbon, principally by constructing sewage treatment plants. . . . I also favor the erection of new and the modernizing of existing sewage treatment plants. However, the fact that these plants may lower the organic carbon entering our lakes and rivers will not slow population explosions of algae. . . . I believe that the carbon theory was finally laid to rest by Dr. Claire Sawyer*, a noted sanitary engineer, in an address to the Phycological Society of America. I believe his conclusions are worth entering in the record:

1. Inorganic fertilizers have been used successfully to increase phytoplankton growths in lakes and ponds where greater production of fish was desired. No supplementary source of carbon dioxide or organic matter was found necessary.

2. Cultural eutrophication of lakes and reservoirs has occurred in numerous instances even when high degrees of secondary treatment (carbonaceous removal) was accomplished.

3. Carbon dioxide is always present in the atmosphere and enters the water at increasing rates as pH levels rise above 8.0 moreover, pH levels in excess of 10 have been measured in natural waters where algae are active.

4. Generation of algae tissue produces organic matter which upon death becomes subject to bacterial action and release of carbon dioxide within the ecosystem. In deep lakes, carbon dioxide is stored in the hypolimnion along with other nutrients, and is released gradually to the epilimnion by transport through the thermocline as it descends during the late summer and fall.

5. All natural waters of concern are buffered by the carbon dioxide-bicarbonate-carbonate complex. In all but acid and very low alkalinity waters this constitutes a tremendous storehouse of carbon dioxide.

My observations in the Great Lakes and their tributaries support Dr. Sawyer's conclusions.

It is also important to note that D. L. King,[1] another noted scientist, has demon-

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*Dr. Sawyer's speech "ABC's of cultural eutrophication and its control" was reprinted in the September 1971 issue of *Water and Sewage Works*.

[1] King, D. L. 1971. The role of carbon in eutrophication. Journal of the Water Pollution Control Federation. 42:2035.

strated that blue-green algae, the plants which cause some of the most severe taste and odor problems in the waters of the Great Lakes, are capable of proliferating at much lower carbon content than the green algae. Hence, if the carbon content of natural waters were reduced and all the factors remain unchanged, the least desirable plants may become dominant.

Nitrogen also is an important nutrient whose reduction may result in a lessening of algal problems. However, in most lakes and rivers there are species of bacteria and algae which are capable of removing nitrogen from the atmosphere, of which this element comprises nearly eighty percent (80%), converting the nitrogen to ammonia and nitrates and making it available to other plants in the water. Hence, to artificially limit the nitrogen going into the Great Lakes in order to control algal growth appears to be wasted effort.

The one element that is required in relatively large quantities by algae and whose input into the Great Lakes can be limited by man is phosphorus. It has been demonstrated by Vallentyne and others that reducing the quantity of this element can limit the undesirable growth of algae in Lakes Erie and Ontario.

The sources of phosphorus, which generally is found in nature in various combinations with oxygen in the form of phosphates, are varied. However, a significant source is in detergents. For example, in Erie County, New York, detergents account for more than fifty percent (50%) of the phosphates entering the natural waters. Hence, the phosphorus pollution can be reduced by lowering the content of this element in cleaning products. In the case of the Lake Erie drainage basin, it is imperative that this be done as soon as possible.

A Canadian-American study—Project HYPO—which was conducted during 1970, showed that Lake Erie was on the brink of an ecological disaster.

To better understand the problem, some knowledge of limnology (science of freshwater) is necessary. . . Each summer most lakes, including Erie, become temperature stratified. . . The warm upper layer of water is termed the epilimnion; the cooler, deeper layer the hypolimnion. . . Most algal production occurs in the epilimnion where sunlight is abundant. The algae continue to grow until most of the available phosphorus is incorporated in these plants. Algae reach large numbers in Lake Erie because of the high inputs of phosphates from the communities surrounding this relatively shallow lake. . . When the algae become crowded, these cells frequently poison one another, die and sink to the bottom. On the bottom, they decay—an oxygen consuming process. Low dissolved oxygen results in the death of fish and other desirable organisms.

Once most of the available phosphorus is used-up, the algae cease to grow until the Lake becomes equal in temperature from top to bottom. This occurs each fall. At this point, the lake turns-over and phosphate rich bottom water is brought to the surface. The problem that is becoming critical concerns the quantity of phosphates being added and then redistributed in the autumn.

Scientists from the Environmental Protection Agency, U.S. Bureau of Commercial Fisheries and the Canada Centre for Inland Waters demonstrated that since 1953 the decay of algae on the bottom of the lake during the summer has reduced the oxygen levels in these water to near zero over an increasingly larger area and for a longer period of time. Under these conditions, greater quantities of phosphates, which had accumulated on the lake bottom through the death of algae, are converted from an organic to an inorganic form. Organic phosphates are largely insoluble and cannot be used by algae. Inorganic phosphates are largely soluble and are readily used by algae. . . . In the absence of dissolved oxygen, the conversion of organic to inorganic phosphate on the bottom of the lake takes place eleven (11) times faster than when free oxygen is present. When mixing of the lake water occurs, the phosphates promote the growth of more algae. These plants increase until they reach a certain concentration at which they poison themselves and die. On the bottom, they decay—an oxygen consuming process. In the absence of oxygen, phosphates are released from the bottom to perpetuate the vicious cycle.

If something is not done in the near future to reduce the quantity of phosphates initially fertilizing the algae, the system may become self perpetuating. The quanties released from the sediment during the summer may be sufficient to sustain massive algae production year round. Therefore, even if we add no more phosphates, amounts in the surface waters may be sufficient to create a perpetual algal bloom. If this occurs, there is little that we can do to rejuvenate the lake. All the efforts by industry, governments and private citizens to turn the lake from a liability to an asset will be for naught.

I urge your Committee to take all necessary steps to see that this does not occur. It is insufficient to solely remove the prosphates by the construction of new and up-grading of old municipal sewage treatment plants. Even if the money was available today, it would take more than ten (10) years to adequately treat most of the sewage entering Lake Erie. This would be too late. We must reduce at least part of the phosphate loading by 1974. The only logical alternative appears to be to reduce or eliminate the phosphates in detergents used in the Lake Erie basin.

If the leading detergent manufacturers in the United States can meet the Canadian phospate standards at their Canadian-based factories, then they can achieve these objectives on our side of the border. I ask that your Committee promote such an end.

Dr. Robert A. Sweeney is the Director of the Great Lakes Laboratory and Professor of Biology at the State University College at Buffalo. A graduate of The Ohio State University (M.S. and Ph.D.) and the State University of New York at Albany (B.S. cum laude), he has written two (2) books on the chemistry and biology of Lakes Erie and Ontario, as well as numerous articles on algal ecology. Dr. Sweeney is a consultant to the U.S. Army Corps of Engineers, New York State Departments of Environmental Conservation and Health and the International Field Year on the Great Lakes.

In his five (5) years as head of the Great Lakes Lab, he has directed applied research on water pollution for numerous governmental and private agencies. Neither he nor the lab has ever received funds from any manufacturer of detergents, phosphates or phosphate substitutes.

NEW YORK TIMES DISTORTS PLAN FOR PANAMA CANAL GIVEWAY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, a page 1 news story by Benjamin Welles in the New York Times of October 19, 1971, announced that the United States is preparing to cede substantial territory of the U.S.-owned Canal Zone to Panama and that "steady progress" is being made toward a new canal treaty to replace the 1903 Hay-Buneau-Varilla Treaty. In the latter Panama granted a concession of sovereign rights, power, and authority en bloc for the great purpose of the construction, maintenance, operation, sanitation, and protection of the Panama Canal. The authority under this grant includes the right for "expansion and new construction," such as the major modernization of the existing canal.

For those seeking detailed information in the premises attention is invited to my address in the CONGRESSIONAL RECORD of September 23, 1971, quoting my testimony on September 22 before the House Subcommittee on Inter-American Affairs, a 1971 memorial to the Congress by the Committee for Continued U.S. Control of the Panama Canal, a State Department paper that clearly outlines its policy for surrender at Panama, and the 1971 American Legion resolution on sovereignty and modernization of the Panama Canal.

The indicated New York Times news story is without question one of the most anti-American, misleading and inaccurate pieces of propaganda that I have yet encountered on a matter of such grave importance.

As to its inaccuracies, I shall quote and comment on certain parts of the article:

> The United States will insist on its rights either to improve the existing canal with a third set of locks or to build a new sea-level canal.

COMMENT

The United States under existing treaty provisions has the right to provide for "expansion or new construction" for the existing canal. Why should we negotiate for authority that our country already has? As to a sea-level canal, even its own advocates have publicly admitted that it may never be constructed, that it is not economically warranted and that its main purpose is to secure better treaty relationships with Panama.

In any event, the extravagant sea-level project across the Isthmus is being strongly opposed not only by informed engineers and other experts but also by marine biologists because of the danger of a biological catastrophe. Yet the article does not mention this important new angle in the interoceanic canal problem.

> Panama . . . did not give the United States "sovereignty" over the Canal Zone. It leased to the United States for the building of a canal a strip 10 miles wide and 50 miles long.

COMMENT

The facts are that Panama granted to the United States the "use, occupation and control" of the Canal Zone in perpetuity for the "construction, maintenance, operation, sanitation and protection" of the Panama Canal with all the "rights, power and authority within the zone * * * which the United States would possess and exercise if it were sovereign" and "to the entire exclusion of the exercise by * * * Panama of any such sovereign rights, power or authority." In addition, the United States acquired ownership of all privately owned land and property in the zone by purchase from individual owners. Yet the article does not give these crucial facts.

> The rental price to Panama at the time was $10,000,000 down and $250,000 a year.

COMMENT

This is contrary to facts. The Canal Zone is not rented. The $250,000 annual payment was the annual obligation of the Panama Railroad to Colombia which obligation was assumed by the United States in the 1903 treaty.

> Secretary of State, John Hay, is said to have remarked that the United States had obtained a treaty very satisfactory to the United States and we must confess not so advantageous to Panama.

COMMENT

He made this statement in a personal letter to a Senator at the time the 1903 Treaty was under consideration, but he also said much more and this was to the effect that U.S. authority in the Canal Zone was that of complete sovereignty. (Foreign Relations, 1904, pages 598–607.)

> We're going to turn unused area in the Zone and lots of commercial operations—piers, movie houses, commissaries, and so forth, over to Panama.

COMMENT

A loose statement. President Taft, by Executive order in 1912, declared that all land in the zone is necessary for canal purposes. Moreover, more is needed now than at that time. Piers are major operational parts of the canal enterprise and the suggestion for their cession is utterly ridiculous.

> Senator Alan Cranston recently called in Congress for a restoration of full Panamanian sovereignty over the Canal Zone with the United States retaining responsibility for operating and defending the waterway as a "world facility."

COMMENT

This reveals an ignorance of Isthmian history and facts that is pathetic. Panama was never a really effective sovereign over the Canal Zone except for a few months (Nov. 3, 1903–Feb. 26, 1904). Until November 3, 1903, the sovereign of the Isthmus was Colombia. If there is to be a cession of sovereignty it should be to Colombia.

Responsibility for operating and defending the canal without sovereign control would saddle the United States with a grave burden without adequate authority and invite the inevitable recriminations that always accompany intra-territorial rights.

In general the article is wholly inadequate. It—

First. Ignores the provision in article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in Congress.

Second. Fails to prevent the importance of the Panama Canal as the key to Western security.

Third. Treats the Canal Zone territory as a disposable piece of real estate without regard to its purpose as the protective frame of the Canal Zone, indispensable for canal defense, operation, and modernization.

Fourth. Fails to consider the long-range Soviet plan for control of the Panama Canal as a key objective for encirclement of the United States with satellites.

Fifth. Disregards the probability of Panama becoming another Cuba astride the world's last great interoceanic link.

Sixth. Understates the amount of the total net investment of the United States in the canal enterprise, which, including defense, is more than $6,000,000,000.

Seventh. Minimizes the cost of a sea-level project, which in addition to the 1970 estimated initial cost of $2,880,000,000 would have to include the amounts of a huge indemnity to Panama and the cost of acquiring the right-of-way.

The indicated article is important not for its intrinsic merits but as a tipoff for what is being planned by certain elements in our Government as regards the Panama Canal. As such it should serve as a warning to all citizens to write the President, and Members of the Congress, especially Senators, in opposition to any surrender at Panama. It also serves to emphasize the importance of immediate favorable action by the House on pending Panama Canal sovereignty resolutions on which hearing were held on September 22 and 23, 1971.

Mr. Speaker, as I have stated on other occasions should the President send the projected treaty to the Senate for approval, my distinguished and able colleague from Missouri (Mr. Hall) and I stand ready to lead all Members of the House of Representatives interested in saving the Panama Canal in a march four abreast to the office of the chairman of the Senate Committee on Foreign Relations to request time for each to oppose the treaty. Based upon a large correspondence, I do not believe that the people of our country will support any administration, no matter what it is or any President or any Secretary of State who attempts to surrender U.S. sovereignty over the Canal Zone and Panama Canal.

In order that the full text of the indicated article may be available to all Members of the Congress and the Nation at large, I quote it as part of my remarks:

[From the New York Times, Oct. 19, 1971]

U.S. Concessions to Panama Seen—Ceding of Land Expected in Move for New Canal Pact

(By Benjamin Welles)

Washington, October 18.—The United States is preparing to cede to Panama substantial territory, commercial concessions and some legal jurisdiction in the 500-square-mile Panama Canal Zone, according to American and Latin diplomats.

After 17 meetings since June 29, United States and Panamanian negotiators here are reported to be making steady progress toward a new canal treaty to replace the 1903 accord that gave the United States a lease on the canal zone "in perpetuity."

The United States is reported eager to shed its "colonialist" image in Panama—and throughout much of Latin America—by making concessions on all but two key issues.

First is the right to operate and defend the strategic waterway, built by the United States for $387-million and opened to world traffic in 1914. Second, the United States, given Congressional approval, will insist on its right either to improve the existing canal with a third set of locks at an estimated cost of $1.5-billion or build a new sea-level canal across Panama for an estimated $3-billion. The latter would take 15 years to build and 60 years to amortize.

A Presidential panel has recommended that either one course or the other be adopted before the year 2000.

In the background is a sense of rising expectation in Panama, spurred by anti-United States riots in 1956, and 1964. Four Americans and 22 Panamanians were killed in the 1964 riots. Panama broke off diplomatic relations with the United States in protest.

The panamanian goal, according to well-informed Latin sources, is to leave the United States with full rights to operate and defend as well as improve or supplement, the canal—although not necessarily the full 500-square-mile zone around it—in a treaty with a fixed time limit. This would end the exclusive United States rights "in perpetuity." Panama also is demanding increased economic returns from the canal fees.

UNITED STATES DID NOT GET SOVEREIGNTY

The 1903 treaty, signed two weeks after the Republic of Panama had broken away from Colombia and had been recognized by the United States, did not give the United States "sovereignty" over the Canal Zone. It leased to the United States for the building of a canal a strip 10 miles wide and 50 miles from the Atlantic to the Pacific. The rental price to Panama at the time was $10-million down and $250,000 a year.

The 1903 treaty gave the United States the "power and authority" within this zone "which the United States would possess and exercise as if it were the sovereign of the territory."

At the time, the United States Secretary of State, John Hay, is said to have remarked that the United States had obtained a treaty "very satisfactory to the United States and we must confess not so advantageous to Panama."

Now the United States and Panamanian Governments are reported agreed in principle that the 1903 "in perpetuity" provision must be dropped. They are said to have agreed also that the total United States jurisdiction—including commercial monopolies—in the Canal Zone deprives Panama of needed income and violates her sovereignty.

CONTROLS TO BE RETAINED

"We're going to turn unused areas in the zone and lots of commercial operations—piers, movie houses, commissaries and so forth—over to the Panamanians," said one United States source. "But we're going to retain control of what we need to operate and defend the canal—or a new one if it gets built—for a very long time; maybe 50, 60 years."

This source said that under the new treaty the United States would gradually cede to Panama legal jurisdiction over many United States private activities inside the Canal Zone that now are exempt from Panamanian laws.

Panamanian regimes have long complained that the zone is a "government within a government" in which Americans with no direct contact either with the operation of the canal itself or with the United States military forces guarding it enjoy extraterritorial privileges. Neither the Panamanian police nor legal authorities have jurisdiction in the Canal Zone.

Senator Alan Cranston, Democrat of California, recently called in Congress for a restoration of full Panamanian sovereignty over the Canal Zone with the United States retaining responsibility for operating and defending the waterway as a "world facility."

A "COLONY" OF 40,000

In testimony Sept. 27 before a House Foreign Affairs Subcommittee, Mr. Cranston cited a "colony of 40,000" mostly white Americans who reside in the Canal Zone year after year, and some, generation after generation. He described "nicely paved roads, lovely suburban homes and the 15 percent differential on top of an inflated pay scale to entice people to come down from the States."

Of the 15,000 workers employed in the Canal Zone, he said, 4,000 are Americans. Of these 4,000, he said 1,289 work on the canal while the majority are employed in "schools, movie theaters, bowling alleys, commissaries, golf courses and a zoo."

The continuing presence of the Canal Zone, bisecting Panama and pre-empting its two main ports—Colon on the Atlantic and Balboa on the Pacific—provides fuel, Mr. Cranston said, to "militant factions in Panama and elsewhere." They point to the Canal Zone, he said, as a "colonialist outrage fenced apart from the horrible slums which neighbor alongside."

While the negotiations, headed for the United States by Robert B. Anderson, a former Secretary of the Treasury, and for Panama by Ambassador Fernado Monfredo Bernal have made headway, informants say, differences remain over the extent of United States military and economic concessions to Panama.

According to Senator Cranston, the Canal Zone "has little to do with protecting the canal from invasion." Of the 40,000 United States military officers, men and dependents in the Canal Zone, he said the combat forces consisted of "one infantry battalion on the Atlantic end and one mechanized infantry battalion on the Pacific end."

Mr. Cranston cited Maj. Gen. Donnelly P. Bolton of the Army as having said that "no significant Navy or Air Force high-performance combat units are based in the zone." In the event of trouble, General Bolton is said to have stated, reinforcements would have to come from Florida or Virginia.

Panamanian officials say that the 1903 treaty did not give the United States the right to use the Canal Zone for such activities as jungle training for Vietnam.

Gen. Omar Torrijos, who seized power in Panama on Oct. 11, 1968, recently called on the United States to cut its large military presence in the Canal Zone on the ground that it is unnecessary. General Torrijos himself attended United States military schools in the Canal Zone, as have many thousands of Latin-American officers, and the 11,000-man Panamanian National Guard has been trained and equipped by the United States.

American sources insist, however, that the United States will retain key areas in the zone in which troops will be permanently stationed and into which others can be airlifted should trouble threaten.

The United States economic concessions to Panama have not been settled, informants say, because political concessions come first and are still being worked out.

However, Latin sources said that the Panamanians had already won in principle larger concessions from the United States than they did in the 1967 draft treaties. These, after being worked out laboriously over three years, were never ratified by Panama for domestic political reasons.

At that time the United States offered to give Panama a share in the annual $100-million in tolls. Had the treaties been ratified these would now be yielding Panama $25-million yearly. At present the United States is paying Panama $1.9-million a year from canal tolls.

However, United States officials say that the economic benefit to Panama from the presence of 40,000 Americans is approximately $160-million a year in direct spending and local employment. This is $60-million more than the United States receives in canal tolls.

UNSAFE SCHOOLBUSES IN FLORIDA

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD an article entitled "Florida Schools Cite Unsafe Bus Brakes," which appeared in the Sunday Washington Post.

This article is just one more piece of evidence that schoolbuses must be built more safely than they are at present and that Federal regulation of safety design standards for schoolbuses is long overdue.

Mr. Speaker, as you know, 52 Members of the House recently joined me in cosponsoring schoolbus legislation which would require the Department of Transportation to use the authority it now has to promulgate effective standards for the design of safe schoolbuses. With each passing day it becomes more incredible that, while Congress has regulated the safety design and manufacture of automobiles, virtually nothing has been done on the Federal level to assure that those vehicles which transport our children to and from school are reasonably safe.

What makes the present situation even more incredible is that some very excellent safety design standards have been promulgated by the Vehicle Equipment Safety Commission—an interstate compact with 46 member States. Recently, the Ward Bus Co. held a demonstration of a new prototype bus which complies with the VESC's standards. That bus is unquestionably superior in virtually every safety aspect to schoolbuses presently on the road. The cost of the very great safety improvements that the Ward Co. has designed into this prototype was only $390. Especially when compared with the average cost of a schoolbus of about $10,000, that is a very small price indeed to pay for these much-needed improvements.

Mr. Speaker, I believe that when the Congress realizes how little has been done in the area of schoolbus safety design, it will move with greater alacrity to rectify an inconsistent and intolerable situation. I hope that the Post article, which follows, will help to bring about that realization by Congress:

FLORIDA SCHOOLS CITE UNSAFE BUS BRAKES

TALLAHASSEE, FLA.—Up to 452 school buses in 40 or more Florida counties are equipped with brakes that state school officials say are subject to sudden failure.

Among the counties that have reported temporary brake failures on school buses are Sarasota, Manatee, Polk and Gadsden. A three-year-old boy was injured in Sarasota when the brakes on a school bus failed and the vehicle slammed into his grandmother's car.

"The brakes fade," said Sarasota County transportation supervisor James Hightower. "It seems like they're grabbing."

"It isn't too very often but it's enough to keep us worried," he said. "It happened twice in one week."

International Harvester, which manufactured the 1969 and 1970 model buses experiencing brake problems, sent representatives to Sarasota Oct. 5 and promised a report within a few days.

LET US NOT HOGTIE THE PRESIDENT

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am introducing a continuing resolution to provide for support of the foreign assistance program until further action is taken by the Congress on this matter.

It would be foolish, improvident, and even tragic if we were not to provide for continued support of these programs, at least on an interim basis. To allow the action of the other body taken last Friday to stand unmodified would mean the complete abolition of a program that has stood us in good stead through the whole postwar era, and moreover would mean the abandonment of multiple commitments our country has which are both political and moral. Beyond that, this action, left standing, would hogtie the President; we would not provide him any alternatives for carrying out essential programs for the security of our country, and the development of struggling nations around the world. It may be hard to conceive, but these programs range from the provision of modern weapons for the support of Israel to the simple, and nearly cost-free, task of training librarians in Nepal.

Surely bilateral assistance programs have their faults and limitations, some of them grave. Yet this does not mean that we should throw out the baby with the bathwater. We must, if we want to get out of the bilateral aid business altogether, allow time to find and forge an effective instrument for its replacement.

I hope that the Committee on Banking and Currency will soon be able to report to the House its program for a multilateral assistance package, but even if that package is adopted in its entirety, it would not allow enough resources to replace what would be lost through the action of the Senate last Friday. If we are to have multilateral aid only, we will need time to find out how much, and how to provide it, and through what international agencies. This continuing resolution would at least provide that.

We cannot act out of greed or fear or impatience. We are dealing in issues that involve more than our own destinies. We have at stake the destiny of the whole world. We are not talking about giveaway programs, or secret commitments. We are talking about ways of developing countries that need help for development, and ways of helping countries defend themselves, today no less than England needed help under the lend-lease program.

We cannot withdraw from the world; we cannot ignore all that is happening around us. We are part of it, and it is part of us.

It would be a disaster if we failed to continue support for the foreign assistance program, at least until we find some better way to accomplish the same ends. And the price we might one day pay for our failure to act, or for our temporary rage and frustration, is too fearful to contemplate. Let us not tie the hands of the President, nor of our own country, in whose name these programs exist.

LAND USE PLANNING IN ALASKA

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, during the recent debate on the floor of the House of the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives and for other purposes, some Members offered an amendment which would have established a temporary joint Federal-State natural resources and land use planning commission.

I opposed this amendment, pointing out that legislation relating to planning for the use of both public and private lands was being considered by the Subcommittee on the Environment of the Committee on Interior and Insular Affairs, and that it would include the State of Alaska as well as the other States of the Union. My opposition was not to the principle of land use planning but rather to the manner in which it was introduced:

> The amendment being offered on the Floor had not been considered in Committee and therefore had not benefited from the detailed attention the Committee had given to other parts of the native claims settlement; and
>
> The amendment, although said to be in accordance with recommendations of the Public Land Law Review Commission (PLLRC), did not appear to be compatible with the philosophy of the Commission or, indeed, of any land use policy legislation now being considered by the Subcommittee.

House deliberation of a bill has always been directed and resolved most constructively when the Members can rely upon the Committee of Reference having thoroughly considered the legislation, including amendments. I believe this is an important enough instance of the need for application of this procedure to take time to detail what I believe the facts to be.

PLLRC REPORT

The PLLRC recommended establishment of a joint Federal-State natural resources and regional planning commission for Alaska, having first reiterated that generally the public land laws should apply equally in all States, including Alaska, but finding the situation "entirely different" in Alaska because of the extensive land grants made in the Statehood Act and the need for selection of lands to fulfill such grants by 1984. PLLRC then noted that its "general recommendation for coordination . . . with local and state governments must be strengthened and the State of Alaska given a greater role in planning the future uses of the public land base, since a significant part of that land base will belong to the state in the future (PLLRC report, p. 65)."

As I understand the rationale for the PLLRC recommendation that a joint planning commission be established for Alaska, the people of that State ought to be permitted to play a greater role in planning future uses of public land than is the case in other States because a part of the Federal holdings will become State land under the selection process and, even after selections have been completed, two-thirds of the State will remain in Federal ownership.

H.R. 7211

Last April, along with my colleagues, Mr. BARING, Mr. TAYLOR, Mr. UDALL, and Mr. KYL, former members of PLLRC, I introduced H.R. 7211 as a first step toward statutory implementation of the commission recommendations. That part of H.R. 7211 dealing with regional coordination—sections 8–12—establishes Federal regional coordinating committees—composed of Federal gency representatives—interstate land use coordinating commissions—to represent regional, State, and local governments—and a joint Federal-State natural resources and regional planning commission—to coordinate use of public lands in Alaska).

Although the Alaskan commission is separately provided for in section 11 of the bill, it is similar in many respects to the coordinating committees and commissions that would operate in the lower 48 States. The separate commission for Alaska is proposed largely because of the geographic separation of Alaska from other land areas in the United States—an interstate commission here would not be very practical—and so great a percentage of Alaska is and will remain Federal public land; the problem of coordinating planning for public land with planning for other lands is compounded.

In effect, the joint Alaskan commission is a combination of the regional coordinating committees and the interstate coordination commissions established in the lower 48 States under the bill. Its recommendations would be advisory only, with both the Federal Government and the State of Alaska free to accept or not to accept the advice of the commission. The commission is directed by the bill to develop for Alaska a land management plan "in accordance with the purposes, policies, and goals and objectives of H.R. 7211." It would be a temporary commission in that, in any event, it would cease to exist no later than 1984. Authorization is made for $750,000 annually to finance the commission.

PROPOSED AMENDMENT TO NATIVE CLAIMS BILL

Section 9(g)(8) of H.R. 11305, the Udall-Saylor bill introduced October 18, on which the amendment offered October 20 during the debate on the Native claims legislation is based, establishes a temporary joint Federal-State natural resources and land use planning commission. With the exception of the word "temporary," the name given to this commission is the same as the one given to that established under H.R. 7211.

The 23 members of the H.R. 7211 commission and the 14 members of the Udall-Saylor commission would be somewhat similarly appointed but their duties would be somewhat different.

Under the Udall-Saylor proposal, the commission or any subcommittee or member thereof, would be authorized to "hold such hearings, take such testimony, receive such evidence, and sit and act at such times and places as deemed advisable." Specifically included is the holding of public hearings "both in Alaska and in other States, for obtaining public views of statewide land use planning."

The commission is directed to "undertake statewide land use planning, including recommendation of areas for permanent reservation" and for disposal. It is further directed to "promulgate land use plans" for lands selected by the Natives as well as those selected by the State as part of its statehood grant. It is to make recommendations to the President and to the Governor as to programs and budgets of both Federal and State agencies administering the public lands. To finance the commission's operations, $1½ million are authorized annually.

CONCLUSION

In summary, much more authority is spelled out by statute for the Udall-Saylor commission than is the case with respect to the one established by H.R. 7211. The most important respect in which the proposal of Messrs. UDALL and SAYLOR differs from that recommended by PLLRC and contained in H.R. 7211 is that the Udall-Saylor commission would have zoning powers, and the provisions of plans developed by it would be binding on the State as to its selections and on the Natives as to theirs. It would be a regulatory agency.

By making the plan binding on the State of Alaska, the Udall-Saylor proposal is in effect a modification of the Statehood Act under which Alaska was given unrestricted title to its grants—a matter of no little significance.

There was no opportunity to discuss this proposal in the Subcommittee on Indian Affairs, where the Native claims legislation was developed; and in the full committee, the planning amendment that was offered did not pertain to Native selections, a fact so stated by its proponent.

Certainly a difference in philosophy is apparent. Whereas, the fact that so large a percentage of Alaska is and will remain public land led the PLLRC to recommend that the citizens of that State have a greater role in planning future uses of public land—and this is reflected in H.R. 7211's joint commission—this same fact apparently leads the Members introducing the amendment to propose that future planning be done by persons outside the State—including the holding of hearings to obtain public views anywhere in the United States.

Perhaps some of the differences can be resolved as the so-called national land use planning legislation is developed. We may need to spell out in more detail than is done in H.R. 7211 what a joint commission would do in Alaska—it may need more than advisory authority in certain instances—so that it will not be too different from such commissions as are authorized to carry out planning in other States of the Union.

The point is, these matters can be resolved within a few months during the next session of this Congress in accordance with our regular procedure—after the Subcommittee on the Environment has completed its hearings on land use policy and has agreed upon legislation from among the 12 to 15 bills now before it, and after the full Interior and Insular Affairs Committee has had an opportunity to review the work of its subcommittee.

Then, and only then, I submit, is this matter before this House in the most constructive manner. I intend then to fully support land use planning in Alaska, as elsewhere, and I suspect that those Members supporting the amendment recently proposed and the majority of our committee will not be far apart. We can then confidently expect the Members of the House to be fully informed, so that this important legislation can move forward just as was the case with the Native claims bill 2 weeks ago.

SILVER ANNIVERSARY GALA, WASHINGTON CHAPTER, SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI

(Mr. SMITH of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, the Society of Former Special Agents of the Federal Bureau of Investigation has a membership of several thousand. The Washington chapter is the largest, with over 500 members.

On October 22, 1971, the Washington chapter celebrated its silver anniversary with a banquet and dinner-dance at the John F. Kennedy Center for the Performing Arts. It was under the direction of John J. Grady, chairman of the Washington chapter, and Paul E. Ertzinger, chairman-elect.

This was, indeed, an outstanding and memorable occasion. Particularly so because we were especially honored by the presence of our esteemed Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover. The Kennedy Center is limited in the number it can serve and on this occasion the room was filled to capacity. Many could not be accommodated.

Mr. Speaker, the remarks of Mr. Hoover were outstanding and an inspiration to all. I am honored and privileged to place them into the Congressional Record.

Remarks of J. Edgar Hoover, Director, Federal Bureau of Investigation, 25th Anniversary Dinner, Washington Chapter, Society of Former Special Agents of the FBI, Inc., John F. Kennedy Center for the Performing Arts, Washington, D.C., October 22, 1971

It is a pleasure to be able to participate this evening in the festivities marking the 25th Anniversary of the Washington Chapter of the Society of Former Special Agents of the FBI. It is particularly fitting that such a significant event is being commemorated in this superb setting.

As you are aware, a new Headquarters for the Bureau is very gradually emerging from the ground on Pennsylvania Avenue across the street from the Justice Building. One local newsman has compared it to the building of a "Great Pyramid." I feel I must disagree with his observation . . . I am convinced that the ancient Egyptians were able to build their pyramids in far less time than it is taking to erect our new building.

There are some who maintain that the only reason I am staying on as Director of the FBI is to be present at the dedication. This is absolute nonsense. At the rate the building is going up, *none* of us will be around by the time it is completed.

This, of course, is the fervent wish of some of my more virulent critics. One of them . . . his name escapes me for the moment . . . has apparently fallen off his merry-go-round once too often.

Last spring he spent considerable time sifting through my garbage. I'm not complaining, mind you. In fact, my only reason for mentioning it is that I understand he is becoming increasingly confused between the trash he examines and the trash he writes.

Remarkably consistent in his disregard for the truth, my personal garbage sorter recently alleged that I had censured and transferred an FBI Agent because he was not properly attired at the time he killed an armed hijacker holding a stewardess hostage at the Kennedy Airport in New York.

You may be sure that no such censure has ever included anything like the commendation and the $500 check that this cool-headed young man received for averting what could have been a real tragedy. Under the circumstances, is it any wonder that there are some who question the accuracy, no less the integrity and motives of some so-called news scavengers?

Maybe those of us in the FBI are narrow-minded when we frown on indiscretions involving unmarried couples. . . . Maybe we are intolerant when we refuse to permit our personnel to participate in the activities of groups and organizations that are hostile to our government. . . . Maybe we are old-fashioned when we frown upon extreme hair styles and wearing apparel. If we are, I am confident that you and the majority of the American people share our views.

The Bureau's achievements over the years have been the direct result of the kind of men and women who have served in the FBI . . . people like you . . . clean-cut, highly intelligent, dedicated Americans of the finest moral character who are totally loyal to their country and to the organization for which they work.

We have exacting standards in the FBI and we apologize to no one for them. We have no intention of arbitrarily compromising these standards to accommodate kooks, misfits, drunks, and slobs. . . . Were we to do so, you may be sure we would eventually merit the unwarranted criticism we now receive.

Over the years, law enforcement, including the FBI, has borne the brunt of criminal violence. Twenty-three Special Agents, whose memories we revere, made the supreme sacrifice.

I am sure there are some in this room who may have known or worked with one or several of these heroic men. All of you have shared their hardships and dangers and we can be grateful that the toll in human life hasn't been greater.

The hazards of being a law enforcement officer . . . an FBI Agent . . . continue to increase at an alarming rate as certain elements in our society are determined to defy lawful authority and are encouraged in it by some vituperative segments of the news media.

Despite the fact that FBI Agents act in self-defense and use firearms only as a last resort . . . armed criminals, displaying shocking contempt for authority and human life, have engaged our personnel in 67 gun battles since 1966. In addition . . . during a recent 12-month period, no less than 105 Bureau Agents were assaulted while fulfilling their official responsibilities.

Disregard for law and order is encouraged by hatemongers, extremists, and others who assert that revolution against society is justified and necessary . . . and that men should be permitted to murder, rob, loot, and pillage with impunity to achieve their goals.

Some of us are old enough to remember the hoarse, terrifying, mindless roars of Hitler Youth; and though it is a frightful thing to say, it must nevertheless be said: A thing not too dissimilar from Hitler Youth has been abroad upon the campuses, and elsewhere in this country.

They have twisted and perverted rights into license of intellectual terrorism, into a conscious subversion of lawful national purposes constitutionally arrived at.

The U.S. Supreme Court has said, "Civil government cannot let any group ride roughshod over others simply because their 'consciences' tell them to do so."

Disregard for law and order is the anarchistic banner of those who want the rule of no rule . . . who profanely proclaim that all of the values of the past have failed mankind and that real progress can only be achieved by discarding tradition, demolishing our democratic institutions, and ultimately destroying our existent society.

Disregard for law and order is the stock-in-trade of vicious hoodlums who are encouraged to think and act as if they are without fault, but who suffer from spiritual malnutrition.

It is the end product of a chaotic philosophy which maintains that there is no such thing as right or wrong, guilt or innocence, and which accuses responsible authority of violating rights and restricting freedom when it responds to protect society from vile depredations.

Society, to survive, must protect itself from the lawbreaker. Of course, there are some who maintain that to imprison a criminal, to place him behind bars, is to dehumanize him.

Incarceration for the lawbreaker is certainly no more dehumanizing than a rationale that would have us believe that man is without fault and should not be held responsible for his deeds . . . that he is a helpless victim of forces that he can neither master nor control . . . that he is in effect a mindless brute who, while he walks erect, is really nc different from the savage beast.

Warped and distorted concepts such as these only serve to encourage the lawless and erode the moral and spiritual strength of our Nation.

Too long we have concerned ourselves with the plight of the criminal. We have coddled him, we have shown him our compassion, our mercy and our leniency and, unrepentant, he has shown us his contempt.

Justice is not served when innocent victims and society suffer while the vicious criminal goes free.

Justice cannot be served when the rights of society are trampled in our courts by over-indulgent judges and misguided attorneys whose overriding concern for the criminal and obsession with legal technicalities have all too often distorted the true meaning and purpose of our constitutional guarantees.

Justice cannot be served as long as penal institutions fail to rehabilitate and conditions continue to exist in our revolving-door systems of parole and probation whereby convicted felons are unleashed on society, more eminently qualified to resume a life of crime than when they were imprisoned.

It is time we stopped coddling the hoodlums and the hippies who are causing so much serious troubles these days. Let us treat them like the vicious enemies of society that they really are regardless of their age. Let the punishment fit the crime, not the age.

Justice is not a separate thing—it is inherent in law and order.

Nor can justice be served as long as there are some who suggest and others who believe that law enforcement itself is a sinister threat to our free society. There are a few journalistic prostitutes who in their jaundiced outlook upon realities and truth attribute the increase in crime as somehow the fault of the FBI or the result of inadequate performance by it. They do not merely skirt but ignore completely the fact that the overwhelming part of the increase in crime has been in areas where the FBI has neither the authority nor jurisdiction, namely at the local and State level.

As Abraham Lincoln once said, "When you see a lot of different people all popping off to the same effect at the same time, you have very good reason to believe that a concerted campaign is afoot."

While intemperate voices raise cries of police brutality and police repression with little to support their contention, there are others who regard the use of science, the computer, and other technical advances as a potential threat to their freedom.

To serve the public properly in a society that grows ever more complex, to contend with the criminal who becomes ever more mobile, law enforcement, to succeed, must continue to seek improvement in its training, methods, and techniques.

I would be less than candid if I were to maintain that there are no longer incompetent policemen and abuses of police power, for the record shows otherwise. Unfortunately, the one bad police officer, the one who commits that isolated act of brutality, turns up among thousands of outstanding men, and becomes the symbol of all policemen rather than the exception that he is.

Extremists and hate groups which are committed to violence use allegations of police brutality and repression as an excuse for their malicious activities and to discredit the entire law enforcement profession.

Incredible as it may seem, there have been instances in which the news media, particularly television, have accepted without question wildly improbable allegations made by hate groups against the police and, even when the facts have been readily accessible, certain segments of the media have, for whatever reason, chosen to ignore and disregard them. Unfortunately, the truth never seems to catch up with the "big lie," and even if it does, it is too late to undo the harm that has been done in denigrating the forces of law enforcement.

The publication of drivel, while admittedly a right—is not the best way of discharging the precious responsibilities of a free press.

Criticism, of course, is essential in our democratic society . . . but criticism, to be valid, must be based on knowledge and a desire to correct deficiencies. The foundation of any news media should be truth, objectivity, and justice.

Criticism without basis is demoralizing and serves the interests of those subversives and criminals who seek to serve only themselves and not democracy. No man has the inherent right to place himself above and beyond the law, even though he may personally consider that law to be onerous.

It is time for the voices of logic and decency to be heard and to make their influence felt.

People of goodwill must rededicate themselves to building greater public respect for and confidence in law enforcement in the crucial role it plays in our survival.

We are citizens of the greatest nation on the face of the earth. We enjoy the most envied way of life known to man.

If we are to survive as a nation, we must challenge the attitude of those who have been selling America short . . . who want to destroy, who want rights without responsibilities, and who encourage disrespect for law and order.

We live in a period of stress and turmoil . . . in times that demand spiritual strength and moral fortitude. If this country is going to wage an effective war against crime, it cannot be done by lessening the severity of the present laws but by enforcing them.

This nation's greatness and our freedom are based solidly on respect for the law.

Difficult and trying days lie ahead. The FBI, undaunted and ever mindful of its obligations to the American people, faces the uncertain future with confidence and determination. This is our pledge to you who have given us your loyal support and made important contributions to the success of the FBI.

The going will be tough . . . however, when the going *gets* tough, the *tough* get going.

WOMEN SUPPORT PRAYER

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, with a vote scheduled next Monday, November 8, it seems to me pertinent to know views of a group of respected women as it relates to the proposed prayer amendment.

I invite your attention, Mr. Speaker, to the article appearing in the Columbus, Ohio, Citizen-Journal of November 1, 1971, outlining the steps taken in circulating a petition favoring Hon. Chalmers P. Wylie's valiant fight to preserve the right to pray and read the Bible in public buildings.

Women Circulate Prayer Petitions

(By Pauline Wessa)

Freedom to pray where and when one desires is the first target of a new movement which is enlisting woman power in all 50 states.

Spearheaded by Miss Martha Rountree, long-time news analyst, broadcaster and columnist, some 34 million women are becoming involved in a "Crusade Against Moral Pollution."

"We have women working at the grass roots level right now on the prayer petition," Miss Rountree said at an informal coffee Friday morning.

The prayer petition is one introduced in the U.S. House of Representatives by Ohio Congressman Chalmers Wylie in 1967.

Wylie successfully led a drive to force the proposed amendment out of the House Judiciary Committee and it will be called up on the House Floor on Nov. 8 as a privileged matter.

A two-thirds majority will be necessary to advance the proposed amendment to the Senate. The House has never before voted on the issue because of the adamant opposition of Judiciary Committee Chairman Emanuel Celler (D–New York).

Prayer in schools has been a controversial issue since 1962 when the Supreme Court decision on the Engel case stated that prayer could not be required by law.

Wylie pointed out that the Supreme Court decision did not prohibit voluntary prayers, but decisions made in the lower courts since that time were prohibiting prayer of any kind in some areas . . . and that the Stein case in New York prohibited young students from even having any voluntary prayer meetings on school property.

"And the Supreme Court has refused to hear 67 cases where a school board has been sued because they had non-denominational prayers in the school," Miss Rountree said. "When the Supreme Court refuses to hear a case, it's impossible to get a ruling."

"Separation of Church and State is the primary basis for opposition to the amendment . . . but recalling my history, the original purpose of this was to prevent the state from infringing on a person's right to worship as he wished," she continued.

"This has now been turned around and the state is telling us how and where we cannot pray. That's a complete reversal of the freedom that was intended," she said.

"This is one reason, I think, that we've had a 200 per cent increase in crime since 1962 in the age group of 15 to 24," Wylie said. "There are more 16-year-olds than any other age group involved in criminal acts. Next are 15-year-olds and next 14-year-olds. Now that ought to tell you something."

Miss Rountree, who has been in 43 states during the past 17 months and will be in another six during the next 10 days, stated, "The women of this country are very concerned about what's happening in our country. Women want prayer in our schools to give their children some degree of stability!

"That's why they're putting forth a concerted effort at the grass roots level," Miss Roundtree said. "This is above religious affiliation and party politics . . . and they're doing it in spite of opposition by many denominational hierarchies."

"A strange lobby of church leaders and members of Congress has joined in to fight this amendment," Wylie said. "I do not question the sincerity nor the motives of those who oppose it, but . . . they are misinformed about the meaning of this amendment and are guilty of not recognizing that, in a democracy, the people govern.

"I noted in the Congressional Record for Oct. 19, 1971, a statement by the Hon. J. Glenn Beall Jr., senator from Maryland, in which he publishes the results of polls on the issue beginning August 1962 through February 1971 . . . which show that from 73 to 91.5 per cent of the American people overwhelmingly favor the civil right of free school prayer, depending on the form of the question.

"In my own hometown of Columbus, said to be a typical American community, a poll taken by ABC–TV revealed that 91.5 per cent said prayer should be permitted in public schools," Wylie said.

He pointed out that since 1962, in one case after another, students have been prevented from reading a voluntary prayer, from reading prayers from the Congressional Record, from singing the last verse of "America" because it mentions God, and even from saying the Pledge of Allegiance because of the phrase, "One nation, under God."

It's the very liberals who are screaming for equal rights for all, who will not permit equal rights for all," Wylie declared.

While the National Council of Churches opposes the Prayer Amendment, not all ministers do, according to Wylie. He has been receiving support favoring the amendment from the National Association of Evangelicals, National Council of Catholic Youth, American Legion and VFW Chapters.

"That's in addition to what these women are doing," Wylie said.

More than 28,000 petitions, containing room for 20 signatures each, are being circulated in Ohio with the Ohio Federation of Women's Clubs spearheadings the effort. The petitions will be forwarded to Miss Rountree in Washington, D.C., in time for the Nov. 8 hearing.

"Prayer is not the only thing we're going to undertake, but it's a good thing to start with. Most meetings do, why not this? Everywhere I went, that's what women expressed an interest in," Miss Rountree stated.

"We are setting up a national board—Leadership Foundation Inc.,—so the work will continue month in and month out. We hope to deal with a new issue each month. Every issue will be researched and documented, the information distributed, a poll taken and results circulated to every politician governmental leader, the White House and news media.

"We have key women and key women's organizations throughout the country involved in this. Mrs. Everett Dirksen is heading up the Prayer Petition drive," Miss Rountree said.

"We have a job to do as women to uphold standards in this country, and we're not going to get that until we all work together—

until we make our representatives stand up and be counted. And if they won't do it, we'll just refuse to put them back in office.

"People sometimes ask me about women's lib," Miss Rountree said. "Well, I don't know about women's lib—but women do have the vote."

Ohians serving on the national advisory board of Leadership Foundation Inc. are Mrs. William Holub, Cincinnati, second vice president; Mrs. Donald Kidwell, 772 Latham-ct, Columbus, treasurer; Mrs. Robert E. Ernst of Lakeside, Mrs. Frank A. Grimmett of Youngstown, Mrs. Benjamin F. Roth of Youngstown, Mrs. Robert Smith of Worthington, and Mrs. Robert E. White of Proctorville, national policy board.

THE DEATH OF JOSÉ J. FÉNYKÖVI OF SPAIN, A GREAT DONOR TO THE SMITHSONIAN INSTITUTION

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOW. Mr. Speaker, not every American recognizes the name of J. J. Fénykövi, who met an untimely death in an accident in Spain recently. But millions of Americans would immediately recognize with gratitude a costly and unique gift that Mr. Fénykövi gave to the Smithsonian Institution as his tribute to the American people.

The elephant that stands in the rotunda of the National Museum of Natural History never fails to awe Smithsonian visitors. This specimen is the largest land animal ever measured by scientists in the modern world. It stands 13 feet, 2 inches high at the shoulder. It was tracked and secured for science by Mr. Fénykövi, a Hungarian-born engineer and amateur zoologist and, in his later years, a scientifically motivated conservationist who was one of the leading industrialists of Spain. He first spotted the tracks of the giant animal in 1954 while he was carrying on mammalian field studies in the uninhabited Cuando River region of southeastern Angola. The following year, he organized a special expedition and on November 13, 1955, he finally tracked the elephant down and secured it as a scientific specimen. The animal was old, and if it had not been taken in this way as a unique specimen, it would almost certainly have been lost to science. At great personal expense and by the use of elaborate engineering skill, he and the members of his expedition skillfully preserved the animal's skin which weighed many tons and trucked it over 600 miles of wild terrain to the nearest railroad. He decided to give the specimen to the Smithsonian because, as he later said:

> I thought it was time somebody gave something to the United States, instead of always taking from the United States.

He also added that the United States had been most helpful to his native country of Hungary.

His generosity did not stop with collecting the specimen. He gave personal attention to all the complex details required in processing the skin and in the elaborate taxidermic work that was necessary in mounting the specimen for its display at the Smithsonian. The exacting and expert job of preparing this largest of all land mammals in the world for exhibition was carried out by a distinguished American taxidermist, William L. Brown, of the Department of Vertebrate Zoology of the Smithsonian. Mr. and Mrs. Fénykövi flew from Spain for the unveiling in the rotunda of the Smithsonian Natural History Museum of his gift by the then Vice President of the United States and Smithsonian Regent, Richard M. Nixon.

Generation after generation of future Americans will be grateful to Mr. Fénykövi for his magnificent and to his very costly scientific gift to one of our great national institutions. It is interesting to remember that the Smithsonian itself began as a bequest to America from a citizen of another country, so it is especially appropriate that one of its most dramatic, popular and scientifically unique exhibits should also be a reminder that generosity can still flow from people to people across national boundaries.

The Smithsonian and our Nation have lost a steadfast and good friend in the death of J. J. Fénykövi. His passing also is a hard blow to the cause of African animal conservation for which he had done so much not only in Spain but also in the world at large.

Mr. Speaker, in August, through the courtesy of Dr. Leonard Carmichael, vice president for research and exploration for the National Geographic Society, Mrs. Bow and I had the pleasure and honor of lunching with Mr. Fénykövi and his gracious wife in their home in Spain. At that time Mr. Fénykövi again expressed his great admiration for the United States and his desire to return so that he could again visit with his many friends in this country. Unfortunately, his untimely death will prevent this.

Dr. Leonard Carmichael, a former Secretary of the Smithsonian Institution, was among the close and intimate friends of Mr. Fénykövi and he, Dr. Carmichael, has also made great contributions to the Smithsonian Institution.

I am sure that I express Dr. and Mrs. Carmichael's feeling of deep personal loss in the passing of their friend Mr. Fénykövi.

And I am sure that all Americans familiar with Mr. Fénykövi's graciousness to the United States join in extending to Mrs. Fénykövi our sincere sympathy.

THE HONORABLE VITO MARZULLO—DEDICATED PUBLIC SERVANT

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last night the Marshall Square Chicago Boys Club honored as their 1971 "Man of the Year" Alderman Vito Marzullo, the ward committeeman of the 25th ward, located in my own Seventh Illinois Congressional District which I have the honor to represent in the Congress of the United States.

Vito Marzullo personifies the American dream. His life is a vivid testimony that the American system works and works well. He arrived in America from Italy at the age of 12, with no money, little formal education, and few friends.

Today he is chairman of one of the most important committees in the City Council of Chicago—the committee on local transportation—and is recognized as being among the most able and qualified members of the council. He is a member of the executive and slate making committee of the Cook County central committee of the Democratic party.

Alderman Marzullo has served his city and State with exemplary conduct. He is a dedicated, honest, conscientious public servant working in behalf of all of the people of our city and our State. He served as ward superintendent for over 24 years, as a member of the Illinois Legislature for 14 years where, as a member of the house of representatives committee on municipalities, he became one of the outstanding spokesmen on pensions for municipal employees, as chairman of the Illinois Public Employees Pension Commission, and as alderman of the 25th ward since 1953.

Next year he will celebrate his 50th wedding anniversary. Joining in the anniversary celebration will be his gracious and devoted wife, Edith Cozzi Marzullo, his six children, and 19 grandchildren.

Mr. Speaker, in addition to being presented the Man of the Year Award, Alderman Marzullo was presented with the following laudatory resolutions in the form of award plaques: A resolution from the State senate, a resolution from the State house of representatives, a resolution from the City Council of Chicago, a resolution from the Cook County Board, a resolution from the Circuit Court of Cook County, a resolution from the Veterans of Foreign Wars, a resolution from the American Legion, and a resolution from the Joint Civic Committee of Italian Americans.

All of the leaders of these organizations were present to manifest their deep admiration for this humble, patient man who has worked so industriously and so diligently in behalf of all of the people of their organizations.

Mr. Speaker, all of the proceeds from the banquet last night in honor of Vito Marzullo were contributed to the Marshall Square Chicago Boys Club, located in my Seventh Congressional District. In February of 1938 the Marshall Square Chicago Boys Club was founded in the 2800 block of Cermak Road. Today it carries on a very effective program of helping the young boys and girls of our community. The club is dedicated to promoting the health, social, educational, vocational, and character development of our young people through a variety of programs including day camp—hiking, swimming, and fishing—a recreation program—golf, tennis, soccer, baseball, and softball—and a cultural arts program—marching band, dramatics, and majorettes.

The program for the banquet follows:

1971 MAN OF THE YEAR TESTIMONIAL DINNER COMMITTEE

(For the benefit of Marshall Square Chicago Boys Club)

HONORARY CHAIRMAN

Honorable Richard J. Daley, Mayor of Chicago.

CO-CHAIRMAN

Dr. Martin L. Gecht and Richard Parrillo.

GENERAL COORDINATOR

A. J. Monaco

COMMITTEE

Judge Thaddeus V. Adesko, Frank Andreas, Congressman Frank Annunzio, Thomas Baloun, Commissioner Charles Bonk, Madison Brown II, James Del Bello, William G. Clark, and State Treasurer Alan J. Dixon.

Richard Dolejs, John Domagala, President George W. Dunne, Patrick Gentile, State's Att'y Edward V. Hanrahan, Morris Kaplan, Alderman Thomas F. Keane, County Treas. Bernard J. Korzen, and Judge Anthony J. Kogut.

Stanley T. Kusper, Jr., Ludwig A. Leskovar, Robert D. Marzullo, O. Robert Nottelmann, Albert Patera, Paul Peluso, Commissioner Lillian Piotrowski, William H. Regnery, and Senator Sam Romano.

State Rep. Matt Ropa, E. John Sierocinski, Lt. Gov. Paul Simon, Alderman Frank Stemberk, Lester Trilla, Joseph Votel, Casimir R. Wachowski, Jules Wayne, and Eugene Zemsky.

1970 Man of the Year—A. J. Monaco.

PROGRAM

Dais Procession, Introductions by Hon. Lillian Piotrowski.

Words of Welcome and Introduction of Master of Ceremonies, Richard Parrillo.

Master of Ceremonies, Judge Thaddeus V. Adesko.

National Anthem, Mrs. Toni Windsor.

Invocation, Reverend Anthony Janiak.

Dinner.

Opening Remarks, Judge Thaddeus V. Adesko.

About the Marshall Square Chicago Boys Club, Stephen J. Antonik and Dr. Roger A. Nosal.

About Vito Marzullo: Hon. Richard J. Daley, Mayor of the City of Chicago; Frank Annunzio, Member of Congress, 7th Illinois Representative District; William G. Clark, Former Attorney General of Illinois; Alan J. Dixon, Illinois State Treasurer; George W. Dunne, President Cook County Board of Commissioners; Edward V. Hanrahan, State's Attorney of Cook County; Thomas E. Keane, Alderman & Ward Committeeman, 31st Ward; O. Robert Nottelmann, Chairman of the Board, Marshall Square Chicago Boys Club; Dr. Martin L. Gecht, Chairman of the Board, Metropolitan Bank and Trust Company; Richard Parrillo, President of National Republic Bank of Chicago; Sam Romano, Illinois State Senator, 20th Senatorial District; Paul Simon, Lieutenant Governor of the State of Illinois.

Presentation of the Man of the Year Award, A. J. Monao.

Acceptance, Honorable Vito Marzullo.

Presentation to Marshall Square Chicago Boys Club, Honoarble Vito Marzullo.

Acceptance, O. Robert Nottlemann, Chairman of the Board of Marshall Square Chicago Boys Club.

Benediction, Reverend Steven Nahrwold.

AMMONIATED MERCURY IN COSMETICS FOUND TO CAUSE INJURIES

(Mr. EVANS of Colorado asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, in the last few months we have all become aware of the dangers of mercury. Due to excessive residues, swordfish was completely removed from the market and millions of cans of tuna fish were forced to be recalled. FDA cautioned against indiscriminate ingestion of products containing mercury after a woman in New York was found to have mercury poisoning due to an overreliance on swordfish in her diet.

However, I have just been informed in a letter from FDA that mercury poisoning can also be caused by certain bleaching cream cosmetics containing ammoniated mercury, which cause damage, not through ingestion, but from absorption through the skin. Already injuries have been reported to FDA in which the women affected showed "signs of systematic poisoning—such as headache, lassitude, nausea, impaired vision, incoordination, speech and hearing effects, muscle twitches." FDA further informed me that one of the products implicated in causing these injuries "is still being marketed." Also, FDA noted that—

> Packaging of this material with inadequate warning labels may have been responsible for these effects.

Though fortunately the number of mercury-related injuries in cosmetics to date have been small, the danger remains and will continue to remain unless FDA more stringently regulates the whole field of cosmetics. FDA at present has no systematic way of discovering the ingredients of cosmetics, though the agency is beginning to investigate the general use of heavy metals—lead, zinc, and alumium "as related to their use in cosmetic products."

Furthermore, there are no requirements that cosmetics be tested before they are marketed. Therefore, the full burden of testing falls on FDA when dangers are uncovered after the products have been sold to the public. For example, FDA is presently testing 2,4–TDA, an ingredient of certain hair dyes, which has been reported to produce cancer when fed to rats. However, FDA's statement in their letter to me that "this ingredient is reportedly no longer used in hair dyes by most manufacturers" is so vague as to fail to be reassuring.

But far more important is the fact that hair dyes and all other cosmetic products can be sold without ever being tested for such dangers. It is for these reasons together with disclosures I have previously reported, that I again state my belief that there is a need for legislation to empower FDA to adequately regulate the cosmetic area.

TO LOWER THE AGES OF ELIGIBILITY FOR ELECTION TO CONGRESS

(Mr. DRINAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DRINAN. Mr. Speaker, today I shall introduce an amendment to the Constitution of the United States and speak about this proposal on the floor of the House of Representatives.

I am honored to be associated in proposing this amendment with Senator BIRCH BAYH, a member of the Senate Judiciary Committee and the chairman of its Subcommittee on Constitutional Amendments.

Together we propose that the Constitution be changed so that American citizens may be eligible to become Members of the House of Representatives if they have attained the age of 22, rather than 25 as the Constitution now requires, and that similarly an American man or woman may become a Member of the U.S. Senate upon attaining the age of 27 rather than the present minimum age of 30 years.

There are several reasons why I am proposing this amendment but the prime and the principal reason is to allow the young people of this Nation to participate as Congressmen and Senators in the formation of the policy by which all Americans will be governed.

The people of America took only a few months to lower the age for voting from 21 to 18. Although the Congress delayed this particular measure for not a few years the people were ready to act. They knew that young people in this country deserved the right to vote at the age of 18 because young people were adequately prepared and sufficiently mature to exercise the franchise responsibly.

I have the hope and expectation that the Congress and the people of the United States, having now lowered the voting age recognized by the Founding Fathers, will follow through and provide that the ages of 25 and 30 set forth in the Constitution as the minimum requirements for membership in the House and the Senate should be comparably lowered by 3 years.

Some might argue that any American citizen should be eligible to run for the House or the Senate if he or she has attained the age of 21 or even 18. The amendment which I and Senator BIRCH BAYH propose, however, does not seek any alteration of the logical symmetry of the constitutional pattern, but only seeks to bring the age at which a person can become a Member of Congress into line with the new age at which young people may become voters.

Nonetheless the amendment which we propose today may have a tremendous impact on the perception of millions of young people who constitute that half of the Nation whose average age is under 27 years.

This amendment is highly relevant to that vast army of 25 million young people who will be voting in presidential and congressional elections for the first time on November 7, 1972. This amendment would say to them that not merely do we want them to participate as voters but that we want them to aspire while they are still young adults to be Members of the Congress of the United States.

The proposed amendment does not seek to alter the minimum age of 35 required by article II, section 1 of the Constitution for any person to be eligible for the office of President. For several reasons Senator BIRCH BAYH and I feel that the minimum age for the Presidency is a separate question. It is our judgment that the citizens of America should be able to vote on the minimum ages required for Members of Congress without having this question joined with alteration of a constitutional prerequisite for the Presidency.

I would like to discuss briefly the legislative history of the ages of 25 and 30 as these are found in the Constitution. I would then like to discuss the age limits in the 50 States as well as in foreign nations.

WHY DID THE FOUNDING FATHERS SETTLE ON THE AGES OF 25 AND 30 FOR MEMBERS OF CONGRESS?

A search of all of the scholarly works ever written on the Constitutional Convention reveals little of the underlying reasons for the age limits prescribed in the Constitution. On May 29, 1787, it was decided that Senators should be of a definite minimum age. On June 12 a motion to strike that resolution failed by a vote of 6 to 3. Massachusetts, New York, Delaware, Maryland, Virginia, and South Carolina favored an age limitation while Connecticut, New Jersey, and Pennsylvania did not. North Carolina and Georgia were divided.

Another motion also on June 12 to establish the Senate age at 30 passed 7 to 4. Massachusetts, New York, Pennsylvania, Maryland, Virginia, North and South Carolina favored the minimum age while Connecticut, New Jersey, Delaware, and Georgia voted against it.

On June 22 a motion to set the age of 25 as a qualification for membership in the House of Representatives carried by a divided vote of 7 to 3. Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, and South Carolina favored the 25-year limitation while Massachusetts, Pennsylvania, and Georgia were against it, with New York divided.

From the foregoing legislative history it is very clear that the writers of the Constitution had no overwhelming consensus among themselves about the age limitations of 25 and 30 which finally were inserted into the Constitution. At no time during the Constitutional Convention was the idea extensively considered that either house ought to have no age limit. Nor is there any indication that the delegates to the Constitutional Convention ever debated the question whether the House and the Senate should have the same or different age limits. Similarly, the States, in their ratification proceedings, gave the matter scant if any attention.

A good deal of speculation has occurred in the course of American history with regard to the rationale and motivation for the establishment of the minimum ages in the Constitution. Since all of the pre-1789 State constitutions followed the British practice of lower house eligibility at age 21, it would appear that the delegates to the Constitutional Convention felt that a Member of the House of Representatives needed more maturity than the members of a State legislature.

The entire question is, however, filled with ambiguities and is not susceptible to any generalizations.

What is very clear and indeed amazing, however, is that until today no one in the entire history of the Congress has at any time proposed an amendment to British practice of lower house eligibility for membership in the Congress.

The amendment proposed today does not question the good judgment of those who wrote the Constitution but simply states that, in view of the fact that the voting age has been lowered by 3 years, an identical alteration in the ages of eligibility for membership in the Congress would be a logical step. I believe that a very strong case can be made that the Founding Fathers, who measured legislative eligibility in light of voting eligibility, would have supported this amendment if the voting age in 1787 had been 18.

AGE LIMITS IN STATE LEGISLATURES AND IN OTHER NATIONS

Although the ages at which citizens may become members of State legislatures are steadily decreasing in the wake of the enactment of the 18-year-old vote, at this particular time only seven States require members of the State senate to be 30 years old. Only five States require members of their lower house to have attained the age of 25. The minimum ages, therefore, which now exist in the Federal Constitution are among the very highest of all of the 50 States.

If the age limit for membership in the U.S. House of Representatives were decreased from 25 to 22 it would still be higher than the current age limit for membership in the lower house of 42 State legislatures.

What is proposed, therefore, today in this constitutional amendment would, if enacted, still leave the Congress of the United States having among the highest, if not the highest, age qualifications of any legislature in the United States.

The U.S. Constitution not merely requires congressional age limits which are substantially higher than those of the States, but also imposes a minimum age which excludes young people from Congress for a longer period than most major nations throughout the world. Individuals younger than 22 may serve in any legislative capacity in Australia, Canada, mainland China, France, Great Britain, Indonesia, New Zealand, Switzerland, Finland, Sweden, and Denmark—to name only a very small fraction of similar nations.

There has been in the 20th century a worldwide trend toward reduction of the ages of eligibility for election to the national assemblies of many nations. Research has indicated that this reduction has resulted in large part from the worldwide trend of reducing constitutional age limits for voting.

EFFORTS TO HAVE THE CONSTITUTIONAL AMENDMENT ENACTED

I have spoken with a large number of the Members of Congress concerning this proposed amendment. I have found no resistance whatsoever. In today's mail all of the Members of the House of Representatives will have from me a letter describing the basic provisions of this amendment and asking them to be cosponsors. A large number have already indicated to me that they will be cosponsors of the amendment. I eagerly seek their support.

I have spoken with the chairman of the House Judiciary Committee who indicated to me that hearings should be held on the proposal.

I have spoken to the distinguished Speaker of the House of Representatives about the proposed amendment. He has indicated no difficulty whatsoever and indeed appears to approve the resolution.

I wish to repeat the sentiments with which I opened. This amendment is proposed to young people, for young people and hopefully with young people. However, the beneficiaries will be all of the people.

I understand well the dissatisfaction which so many young people have with the world that their elders have made. I understand the voicelessness and hopelessness which so many young people feel when they realize their powerlessness to change the decisions of a Congress in whose deliberations they are not eligible to participate.

I do not want young people to withdraw from the world which they behold. I want to invite them into the process of stopping man's inhumanity to man and man's destruction of his own environment. I want to give to young people the opportunity to exemplify in their own lives and in their political careers man's humanity to man and man's reverence for the place in which he lives.

I want to say to young people of this country that they can be Members of Congress at the age of 22 and of the U.S. Senate at the age of 27.

I want to remove from young people the temptation to resist a political career on the allegation that the world they experience has been corrupted and that if they enter into it they too will be corrupted. I want to give to these young individuals the opportunity to take upon their shoulders at an early age the responsibility for man and for his destiny. They have a right not to be locked out of the decisionmaking of the Congress of the United States because of a now archaic requirement that they must have attained the age of 25 or 30 before they can be seated in this distinguished body. Many young people of America who, we are told in the volume "The Greening of America," have moved away from the material and moral assumptions of consciousness II into consciousness III, have moved from anger to alienation and finally to apathy with regard to American governmental institutions. It may be that the young people of America are on the brink of giving up on the credibility of government as they have known it. After all, no other generation in American history has been told by their President that it is necessary to invade two nations and bomb four countries in order to withdraw from one country. We can continue to hope, however, that some talented and idealistic young people will still want to work "within the system" by having a voice and a vote in the Congress of the United States.

I hope that on today, November 1, 1971, Senator Birch Bayh and I are proposing a fundamental alteration in the Constitution of the United States which will be helpful in restoring to the young people of this country their faith in our institutions and their desire to utilize their talents and their aspirations at an early age as Members of the Congress of the United States.

The text of the amendment follows:

TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT

Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"Section 1. No person who shall have attained to the age of twenty-two shall be disqualified to be a Representative on account of age.

"Section 2. No person who shall have attained to the age of twenty-seven years shall be disqualified to be a Senator on account of age."

ABUSIVE AND UNAUTHORIZED TACTICS BY FEDERAL TRADE COMMISSION DENY DUE PROCESS OF LAW

(Mr DAVIS of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAVIS of Georgia. Mr. Speaker, I rise today to inform my colleagues in the House of one of the most outrageous examples of the abuse of power by a Federal agency that has ever come to my attention. I speak of the totally unauthorized tactics being employed by the Federal Trade Commission to enforce the recently adopted carpet flammability standards.

Without warning—and without having promulgated regulations for the administration of the carpet standard—the Federal Trade Commission has launched massive investigation into every carpet mill in the United States, designed to secure samples of carpets thought by the Commission staff to be of the type most susceptible to failure under carpet flammability standards which have been in effect only since April of this year.

As all of you are aware, I am sure, the Flammable Fabrics Act, as amended in 1967, authorizes the Secretary of Commerce to promulgate flammability standards for "wearing apparel" and "interior furnishings." In April of 1971, the standard for large carpets, promulgated by the Secretary of Commerce went into effect. Until that time, the only flammability standards in existence related to wearing apparel—the necessity for which arose out of the famous "torch sweater" incidents in the early 1950's.

By the terms of the Flammable Fabrics Act, the Federal Trade Commission is charged both with the responsibility for prescribing rules and regulations for the act's administration and with its enforcement.

In adopting the Flammable Fabrics Act, the Congress expressly limited enforcement remedies to a proceeding for an administrative cease and desist order and district court proceedings for temporary injunction, seizure and condemnation, or criminal sanctions, the latter of which are authorized only in the case of a "willful" violation of the statute.

However, contrary to the intent of Congress, the Federal Trade Commission has declared that the remedies prescribed by Congress are "time-consuming and cumbersome legal procedures." In the words of its former Chairman, Caspar Weinberger, the Commission has improvised "an administrative procedure" in recognition of "inherent statutory deficiencies." This so-called administrative procedure consists of mailing press releases across the United States which assert that a named manufacturer's products are thought by the Commission to be "dangerously flammable," terms not even contained in the statute, followed by demands by the Commission's staff that the manufacturer recall all of the style in question produced since the effective date of the standard. These demands, coupled with direct intervention by the Federal Trade Commission staff in the relations of the carpet manufacturer with its customers, all precede and actually take the place of the procedures authorized by Congress which require the Commission to issue a complaint and to give the manufacturer a hearing during which he is entitled to defend himself.

As a consequence of this practice, which was begun by the Commission in midsummer and which has seen Federal Trade Commission staff investigators in virtually every carpet mill in the United States, the Commission staff now proclaims in the public media that over 100 manufacturers are making "bad" carpet. Thus far, 10 press releases of the nature described above have been issued in spite of the fact that in no instance has a complaint been issued against a manufacturer. No carpet manufacturer has been given an opportunity to establish his compliance with the statute and the standard, but his company name and product are being defamed nonetheless. I am especially concerned with this Federal agency in the face of a statute which makes the limited nature of its powers unmistakably clear. Mr. Speaker, this action threatens to destroy the good name of an industry whose annual production now exceeds $2.5 billion, a substantial portion of which is located in my congressional district in northern Georgia. The Commission's actions, its intimidation of carpet manufacturers, its interference with customers of these manufacturers, all in the face of its complete failure to issue interpretative regulations, as required by the Flammable Fabrics Act, threaten the utter destruction of innumerable small- and medium-sized carpet manufacturers located in my district and throughout the United States. Furthermore, the Commission's actions threatens equally serious damage to the larger manufacturers, who are similarly being unjustifiably attacked, and to the industry as a whole.

While I can sympathize with the FTC's desire to overcome past criticism and to polish its image as a protector of the American consumer, I am repulsed at the thought that any Federal agency can be permitted to trample roughshod over an industry which becomes subject to its jurisdiction by the use of tactics which Congress in its wisdom has refused to give that agency.

The Commission's sweeping investigation comes during the initial phases of the implementation of a new standard concerning which the affected industry is uncertain—due in large part to the Commission's utter failure to prescribe regulations clarifying the meaning of the statute, the carpet flammability standard, and the many ambiguities contained therein as it relates to carpet flammability. Such conduct on the part of a supposedly responsible Federal agency is absolutely and totally without justification.

Similarly, the Federal Trade Commission's position that carpet thought to fail the flammability standard now in effect poses the same risk of injury to the American consumer as the "torch sweater" or a cheap imported scarf is absolutely without foundation. The Commission's apparent equation of carpet with a can of soup in which botulism has been detected, is equally fantastic. The consumer who eats a contaminated can of soup will become very sick at minimum and could even die as a consequence. A consumer wearing a flammable scarf or sweater at a time when such a product is ignited by a flame source also faces a high degree of likelihood of being injured. In no sense can that be said to be true of carpet which fails to meet the newly promulgated flammability standard. The hazard upon which it is dependent is ignition in an unattended situation, where the probability of injury or property loss is quite remote.

Similarly, I object to the Federal Trade Commission's position that any failure of a manufacturer's product to comply with the Commission's tests under the carpet flammability standard represents a violation of the Flammable Fabrics Act without regard to the manufacturer's own efforts through testing and sound quality control procedures to comply with the act. I consider such an interpretation contrary to the intent of the Congress in adopting a statute which relates, as does the Flammable Fabrics Act, to products which by their very nature are variable and concerning which it is impossible to guarantee compliance in absolute terms. Finally, according to reports which I have received, the zealousness of the Federal Trade Commission and its disdain for the obvious intention of the Congress, has taken it so far as to go beyond abusive enforcement techniques to redefining the scope of the legislation itself. For example, the staff is reportedly instructing carpet manufacturers that they are not entitled to export carpet which fails the flammability tests, even though Congress expressly provided in section 15 of the act that—

> This Act shall not apply to any product which is to be exported from the United States.

Mr. Speaker, I feel that an industry which has on its own initiative taken the lead in the employment of testing procedures designed to insure that its products comply in every way with flammability standards is being abused in ways that are entirely indefensible.

EXAMPLE SET BY COMMUNITY AND SUBURBAN PRESS IN NORTHWEST SUBURBS OF CHICAGO

(Mr. CRANE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, the north and northwest suburbs of Chicago, which I am proud to represent in the House of Representatives, have been renowned for years as one of the best and most highly competitive newspaper markets in the Nation.

Currently, more than 25 daily and weekly newspapers are published in the district by owners as large at Time, Inc., and as small as the Des Plaines Publishing Co. and the Paddock Corp.

But even more important than the quantity of publications has been the quality of journalism they practice. Numerous awards and honors have been won by the local press in the 13th District and it is because of their untiring dedication to service that they have been able to survive in such a competitive field.

Recently, there have been several meetings of various press associations in Illinois and I would like to share with my colleagues the distinction the local press has earned.

The Des Plaines Herald, one of 10 daily newspapers published by Paddock Publications in Arlington Heights, Ill., was named the top daily newspaper in the State by the Illinois Press Association. The award was presented to Editor Charles E. Hayes at the 106th meeting of the Illinois Press Association and it was the second year in a row that a Paddock newspaper received the honor in competition with all other daily papers in the State, including the Chicago metropolitan papers.

At the same meeting, Herman A. Herzog, president and general manager of the Des Plaines Publishing Co., was installed as president of the Illinois Press Association.

Mr. Herzog is a past president of the Cook County Suburban Publishers Association and currently is the publisher of seven very excellent weekly newspapers.

Mr. Herzog also has been elected to the Board of Directors of the Cook County Suburban Publishers Association.

Other local news executives who were elected to positions with the Cook County Suburban Publishers Association include Joseph L. Ferstle of Lerner Home Newspapers in Skokie; John W. Carroll of Pickwick Publishing Co., in Park Ridge; and Stuart Paddock, Jr., president of Paddock Publications.

I am proud of the accomplishments of the local press in my district. I wish some of the more renowned members of the fourth estate in our country would pay closer attention to the example set by the community and suburban press.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The United States is highly regarded for its expertise in truck manufacturing.

Amid the Soviet Union's boasting of space exploits comes the news that they have failed to produce enough common commodities to develop their country. After 50 years of communism, the Soviets want to now import American capitalistic know-how, simply because socialism, attractive in theory does not work in practice. Our system works, despite the ratings and ravings of its detractors—and the Communists have asked the White Motor Co. to come over and show them how to build trucks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Carney (at the request of Mr. Teague of Texas), for November 4 and balance of week, on account of official business as member of House Committee on Veterans' Affairs.

Mr. Veysey (at the request of Mr. Gerald R. Ford), for today and November 2, 1971, on account of official business.

Mr. Aspinall, from 2 p.m. November 3 to November 8, 1971, on account of official business.

Mr. J. William Stanton (at the request of Mr. Gerald R. Ford), for today, on account of illness.

Mr. Rooney of New York, for today until 2:45 p.m., to attend a funeral.

Mr. Murphy of Illinois (at the request of Mr. Boggs), for today and November 2, on account of death in family.

Mr. Lent (at the request of Mr. Gerald R. Ford), for November 2, on account of illness in family.

Mr. Foley (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(Mr. Patman for 30 minutes today and to revise and extend his remarks and include extraneous matter.)

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 10 minutes, today.

Mr. Crane, for 10 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 15 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fisher to revise and extend his remarks on H.R. 3187

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include additional matter:)

Mr. Burke of Florida.

Mr. Steele in 10 instances.

Mr. Esch.

Mr. Springer.

Mr. Gude in five instances.

Mr. Horton.

Mr. Pelly in two instances.

Mr. Schwengel in three instances.

Mr. Anderson of Illinois in two instances.

Mr. Price of Texas.

Mr. Hosmer in four instances.

Mr. Hansen of Idaho.

Mr. Wyman in two instances.

Mr. Widnall.

Mr. Morse in two instances.

Mrs. Dwyer in two instances.

Mr. Bob Wilson.

Mr. Young of Florida in five instances.

Mr. Powell.

Mr. Schmitz in two instances.

Mr. Wylie in five instances.

Mr. Smith of New York.

Mr. Zwach in two instances.

Mr. McClory.

Mrs. Heckler of Massachusetts.

Mr. Ashbrook in two instances.

Mr. McKinney.

Mr. Erlenborn.

Mr. Scherle in 10 instances.

Mr. McKevitt.

Mr. Collins of Texas in four instances.

Mr. Landgrebe.

Mr. Bray in two instances.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include additional matter:)

Mr. Harrington.

Mr. Begich in five instances.

Mr. Mitchell in two instances.

Mr. Fraser in two instances.

Mr. Wolff.

Mr. Corman in 10 instances.

Mr. Pucinski in six instances.

Mr. Dingell in two instances.

Mrs. Hicks of Massachusetts.

Mr. Gonzalez in two instances.

Mr. Rodino.

Mr. Annunzio in two instances.

Mrs. Grasso in 10 instances.

Mr. Rogers in five instances.

Mr. Blatnik.

Mr. Celler in two instances.

Mr. Gibbons in two instances.

Mr. James V. Stanton in three instances.

Mr. Ryan in six instances.

Mr. Hagan in three instances.

Mr. Kluczynski in two instances.

Mr. FOUNTAIN in three instances.
Mr. ECKHARDT.
Mr. CAREY of New York.
Mr. OBEY in eight instances.
Mr. GALLAGHER.
Mr. BRADEMAS in eight instances.
Mr. CHAPPELL in two instances.
Mr. MAZZOLI.
Mr. HOLIFIELD in two instances.
Mr. PRICE of Illinois in two instances.
Mr. DANIEL of Virginia.
Mr. HUNGATE.
Mr. O'HARA in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 861. An act to designate the Federal office building and United States courthouse to be constructed in Atlanta, Georgia, as the "Richard B. Russell Federal Building"; to the Committee on Public Works.

S. 1273. An act to amend Public Law 89–701, as amended, to extend until June 30, 1973 the expiration date of the Act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 2687. An act to authorize the acquisition of certain real property in square 724 in the District of Columbia, and for other purposes; to the Committee on Public Works.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4590. An act to amend the Tariff Schedules of the United States with respect to the dutiable status of certain articles.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 30. An act to establish the Arches National Park in the State of Utah.

S. 137. An act to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

S.J. Res. 167. Joint resolution to extend authority conferred by the Export Administration Act of 1969.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 2, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1236. A letter from the Chairman and members, Federal Home Loan Bank Board, transmitting the Annual Report of the Board for calendar year 1970, pursuant to section 17 (b) of the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

1237. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the Annual Report of the Commission for calendar year 1970, pursuant to various provisions of law; to the Committee on Foreign Affairs.

1238. A letter from the Public Printer, transmitting the Annual Report of the Government Printing Office for fiscal year 1971; to the Committee on House Administration.

1239. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for additional costs of land acquisition for the National Park System; to the Committee on Interior and Insular Affairs.

1240. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed amendment to a concession contract for the continued provision of accommodations, facilities, and services for the public within Sequoia and Kings Canyon National Parks, California, for a two year term ending September 30, 1973, pursuant to 67 Stat. 271; to the Committee on Interior and Insular Affairs.

1241. A letter from the President, National Railroad Passenger Corporation, transmitting the first annual report of the Corporation, pursuant to section 308(a) of Public Law 91–518; to the Committee on Interstate and Foreign Commerce.

1242. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the state of rail passenger service and the effectiveness of the Rail Passenger Service Act of 1970, pursuant to section 308 (b) of the act (Public Law 91–518); to the Committee on Interstate and Foreign Commerce.

1243. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1244. A letter from the Deputy Executive Director, National Conference on Citizenship, transmitting a report of the audit of the accounts of the Conference for the fiscal year ended June 30, 1971, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1245. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Export-Import Bank of the United States for fiscal year 1971 (H. Doc. No. 92–172) to the Committee on Government Operations and ordered to be printed.

1246. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 552(a) of title 37, United States Code, to authorize continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. House Concurrent Resolution 417. Concurrent resolution to commend the Intergovernmental Committee for European Migration for successfully performing valuable humanitarian work on the occasion of its 20th anniversary (Rept. No. 92–596). Referred to the House Calendar.

Mr. WALDIE: Committee on the Judiciary. S. 996. An act relating to the transportation of mail by the U.S. Postal Service; with amendment (Rept. No. 92–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11341. A bill to provide additional revenue for the District of Columbia, and for other purposes; with amendment (Rept. No. 92–598). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOWERS: on the Judiciary. H.R. 4083. A bill for the relief of Thomas William Greene and Jill A. Greene (Rept. No. 92–595). Referred to the Committee on the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRINKLEY:

H.R. 11494. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. BURLISON of Missouri:

H.R. 11495. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON:

H.R. 11496. A bill to eliminate the provision of the National Labor Relations Act prohibiting the certification, as the bargaining representative of persons employed as guards, of a labor organization which admits to membership, or is affiliated with an organization which admits to membership employees other than guards; to the Committee on Education and Labor.

H.R. 11497. A bill to provide that nonprofit hospitals and employees of States, and political subdivisions thereof, shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. DEL CLAWSON (for himself and Mr. TEAGUE of California):

H.R. 11498. A bill to amend section 351 of title 38, United States Code, to enlarge the class of persons entitled to benefits thereunder to include veterans suffering injury or death as a result of natural disaster occurring while they undergo treatment in a Veterans' Administration facility, and the dependents of such veterans; to the Committee on Veterans' Affairs.

By Mr. DICKINSON:

H.R. 11499. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. DULSKI:

H.R. 11500. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax to a taxpayer who pays the tuition and certain related items of a student at an institution of higher education, where the taxpayer and the student agree to repay the credit (with interest) to the United States after the education is completed; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself, Mr. Mikva, Mr. Fraser, Mr. Diggs, and Mr. Dellums):

H.R. 11501. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia; to the Committee on District of Columbia.

By Mr. HALPERN (for himself and Mr. Lent, and Mrs. Hicks of Massachusetts):

H.R. 11502. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HALPERN (for himself and Mr. Roe):

H.R. 11503. A bill to establish a Commission on Penal Reforms; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 11504. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. LENNON:

H.R. 11505. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. MIKVA (for himself, Mr. Burke of Florida, Mr. Esch and Mr. Green of Pennsylvania):

H.R. 11506. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Fauntroy, Mr. Fraser, and Mr. Green of Pennsylvania):

H.R. 11507. A bill to compensate victims of crimes of violence in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORHEAD (for himself and Mr. Broomfield):

H.R. 11508. A bill to amend the Foreign Assistance Act of 1961 to expand American exports by utilizing U.S.-owned foreign currencies to pay import duties on such goods, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas:

H.R. 11509. A bill to rescind and revoke membership of the United States in the United Natons and the specialized agencies thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROE:

H.R. 11510. A bill to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 11511. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for expenses paid for care of dependents shall be fully available to both male and female taxpayers without regard to their marital status, and to increase the dollar limits on such deduction; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 11512. A bill to amend the Occupational Safety and Health Act of 1970 to exempt retail lumber dealers in States having laws regulating safety in the retail lumber business from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mrs. Abzug, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Brasco, Mr. Begich, Mr. Biaggi, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Coughlin, Mr. Dow, Mr. Duncan, Mr. Fraser, Mr. Hathaway, Mr. Hawkins, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Jones of North Carolina, Mr. Koch, Mr. Madden, and Mr. Matsunaga):

H.R. 11513. A bill to provide for the issuance of two-dollar bills bearing the portrait of ———; to the Committee on Banking and Currency.

By Mr. HALPERN (for himself, Mr. Mazzoli, Mr. Morse, Mr. Nix, Mr. Pepper, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, and Mr. Scheuer):

H.R. 11514. A bill to provide for the issuance of two-dollar bills bearing the portrait of ———; to the Committee on Banking and Currency.

By Mr. HALPERN (for himself, Mrs. Chisholm, Mrs. Hicks of Massachusetts, Mr. Duncan, Mr. Morse, Mr. Hawkins, Mr. Aspin, Mr. Harrington, Mr. Pepper, Mr. Horton, Mr. Matsunaga, Mr. Biaggi, Mrs. Abzug, Mr. Rosenthal, Mr. Burke of Massachusetts, Mr. Dow, Mr. Ryan, Mr. Koch, Mr. Collins of Illinois, Mr. Jones of North Carolina, Mr. Madden, Mr. Roybal, Mr. Anderson of Tennessee, and Mr. Alexander):

H.R. 11515. A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

By Mr. HALPERN (for himself, Mr. Hathaway, Mr. Rodino, Mr. Begich, Mr. Fraser, Mr. Nix, Mr. Scheuer, Mr. Coughlin, Mr. Brasco, and Mr. Mazzoli):

H.R. 11516. A bill to provide for the issuance of two-dollar bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 11517. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. Crane, Mr. Waggonner, Mr. Abbitt, Mr. Bevill, Mr. Buchanan, Mr. Camp, Mr. Clark, Mr. Don H. Clausen, Mr. Davis of South Carolina, Mr. Grover, Mr. Hagan, Mr. Lujan, Mr. Mathis of Georgia, Mr. Miller of Ohio, Mr. Roe, Mr. Runnels, Mr. Saylor, Mr. Sebelius, and Mr. Snyder):

H.R. 11518. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Georgia:

H.R. 11519. A bill to correct inequities in the crediting of sick leave of certain former commissioned officers of the Public Health Service who acquired competitive civil service status and transferred to classified positions in the Federal Water Pollution Control Administration subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. DONOHUE:

H.J. Res. 940. Joint resolution to authorize the President to proclaim the 7th day of August of each year as Purple Heart Day; to the Committee on the Judiciary.

By Mr. DRINAN:

H.J. Res. 941. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress: to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.J. Res. 942. Joint resolution to authorize the President to proclaim April 16, 1972, as "Jim Thorpe Day"; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 943. Joint resolution authorizing the President to proclaim September 15 of each year as "Respect for the Aged Day"; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 944. Joint resolution to extend laws relating to housing and urban development; to the Committee on Banking and Currency.

By Mr. GONZALEZ:

H.J. Res. 945. Joint resolution making continuing appropriations for the fiscal year 1972 for activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1971, and for other purposes; to the Committee on Appropriations.

By Mr. MINISH:

H. Con. Res. 442. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mr. ASPINALL:

H. Res. 676. Resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs; to the Committee on Rules.

By Mr. CELLER (for himself, Mr. Chappell, Mr. Cleveland, Mr. Culver, Mr. Davis of South Carolina, Mr. Downing, Mr. Gonzalez, Mr. Hammerschmidt, Mr. Minshall, Mr. Mollohan, Mr. Pryor of Arkansas, Mr. Slack, and Mr. Whaley):

H. Res. 677. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res. 678. Resolution expressing the sense of the House of Representatives with respect to certain matters relating to phase II of the President's current economic program; to the Committee on Banking and Currency.

By Mr. MITCHELL:

H. Res. 679. Resolution: Health Bill of Rights; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H. Res. 680. Resolution expressing the sense of the House of Representatives relative to the Pakistani Civil War and the furnishing of relief assistance to persons affected by it; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 11520. A bill for the relief of Kimiko Iwamoto Goetz; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 11521. A bill for the relief of Roy A. Harrell, Jr.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A LEGISLATOR ASSESSES THE ATTITUDES TOWARD BLINDNESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, November 1, 1971

Mr. RANDOLPH. Mr. President, last Friday afternoon I had anticipated addressing a National Invitational Symposium on Attitudes Toward Blindness, sponsored by the American Foundation for the Blind, in New York City on the occasion of the foundation's 50th anniversary.

This symposium, devoted to a discussion of attitudes on the subject of blindness, was the first such meeting of its kind to afford an opportunity for both national and regional discussion. The American Foundation for the Blind is to be strongly commended for promoting a review and analysis of this vital area. Attitudes have a very real impact on the degree of progress in resolving critical issues and I feel this is particularly true when viewed in the context of programs and opportunity for our blind citizens.

Regrettably, due to the Senate consideration of the Foreign Assistance Act, it was impossible for me to participate personally in the symposium. However, the prepared address was delivered at the luncheon session by Phil McGance, legislative assistant on our staff.

Additionally, at this session Mr. Harold Russell, Chairman of the President's Committee on Employment of the Handicapped presented on behalf of the Committee a plaque expressing appreciation and commendation to the American Foundation for the Blind for "50 years of service to persons who are blind or visually impaired." This is truly a well-deserved tribute to the foundation, an organization which has demonstrated such effective leadership in the development of policies and programs for the blind. As a member of the President's Committee, I am gratified to call attention to this award.

Mr. President, I ask unanimous consent that my remarks, together with a news release, fact sheet, and program for the symposium be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[Committee on Labor and Public Welfare, American Foundation for the Blind 50th Anniversary, National, Invitational Symposium on Attitudes Toward Blindness]

A LEGISLATOR ASSESSES ATTITUDES TOWARD BLINDNESS

(Remarks by Senator JENNINGS RANDOLPH)

I welcome the opportunity to participate in the American Foundation for the Blind's 50th Anniversary Symposium on Attitudes Toward Blindness. Yours is the first such meeting which affords an opportunity for both national and regional discussion. In a sense this occasion provides a truly new dimension to aid the vital efforts toward programs for the blind and other handicapped persons. I certainly view it as such with regard to my activities in the legislative area.

Why a symposium on attitudes toward the blind? I believe this question is answered well in an HEW paper on "The Structure of Attitudes Toward the Disabled." It states:

"Our attitudes toward the disabled are complex and less enlightened than we imagine. We need more light on the formation of such attitudes, for this can suggest points at which we can intervene to shape or alter them. Without such insight, negative rather than favorable attitudes are apt to be formed, and once formed are not only very hard to change but also quite damaging to the rehabilitation process."

Blindness is not a burning national issue; nor will it generate great national debate within the Halls of Congress, in high government circles; and among the people of our Nation. It is characteristic that issues which are not accorded a prominent position in the scheme of national debate, discussion, and decision making become obscured, little understood, and subject to misinformation and elaborate myths, with substantially poorer opportunity for effective solution. It does not follow, however, that the issue which becomes the focus of "great national debate" is assured of true understanding, followed by an affirmative remedy. The validity of this statement comes to us very quickly—poverty, hunger, racism, and Vietnam, all of which have received extensive, continuing and often volatile debate. To claim that any of these issues have been resolved would be unrealistic. But to claim that each of them has been moved significantly closer to a solution would be a fair and reasonable assertion, backed by tangible evidence. So at the very outset those of us who endeavor—and I include in this reference the blind themselves, the professional in the field of blindness, and lay persons—to foster and create a social structure under which the blind can achieve human fulfillment must realistically view the challenge as it exists. It is in this context, I believe, that we must view the critical effort to find effective methods of altering or changing attitudes toward the blind.

I certainly feel that all of us participating in this symposium accept the thesis that attitudes toward the blind have impeded the progress of blind or visually impaired persons in achieving that "human fulfillment" to which I have referred. To the extent possible, I crystallize and define what I mean by human fulfillment. My conception of this goal is embodied in the words of the famed American novelist, Thomas Wolfe, in his Promise to America. "To every man his chance; to every man, regardless of his birth, his shining, golden opportunity. To every man, the right to live, to work, to be himself, and to become whatever his vision and manhood can combine to make him. This, seeker, is the Promise of America."

That Promise of America is one toward which blind persons strive. The attitudes of our society on blindness present a very real obstacle in the path to this goal.

Clearly, the subject of attitudes toward the blind can be viewed from many vantage points. The groups I referred to earlier—the blind themselves, the professional, and the lay person—all formulate their perspectives or attitudes from differing bases of experience and impacts. It is equally clear that opinions as to what leads to certain ideas about the blind and blindness as a handicap will very sharply, even to the extent of assessing completely opposite causes. I comment on this point to emphasize that my concept of attitudes could differ from those of you who have been participating in this symposium.

I am confident, however, that my understanding is much closer to yours than that of the public generally. And from my vantage point, I may have a better grasp of the feelings of the majority of persons in our society.

I think you will be interested in knowing that the general subject of welfare reform has brought home to me a very critical deficiency in the public's understanding and attitude toward the blind and other handicapped persons, and the programs for them.

Letters to my office reflect a deep and genuine concern over existing welfare programs—and in many cases extreme opposition to these programs and all pending welfare reform proposals. Yet, the writers of many of these communications hasten to point out that they strongly support *welfare* or *income* maintenance for the blind and handicapped. While stressing the absolute requirement for job training and opportunities for welfare recipients generally, they seem to say that the blind and other handicapped persons are probably not interested in jobs or job training. We know that feeling is far from the truth. The discouraging aspect of such attitudes—and I feel they are extensive—is that these individuals are content to dismiss programs for the blind as strictly welfare-oriented.

I also sense that these persons possess the belief that an elaborate and effective system of programs supported by tremendous government and private expenditures "to take care of" the blind exists in our country today. We recognize that this is not a valid assertion. As Mr. Donald A. Schon stressed in his research report on the "Blindness System" in which he includes all the interrelated network of people, organizations, rules, and activities involving the blind: "The official blindness system provides services to only a relatively small fraction of those who are actually blind and eligible for assistance. Since the services offered are largely education, rehabilitation, and care, only about 20 percent of the total blind population are actually being served today. In general, these 20 percent are either children with the single handicap of blindness or adults of working age and potential for employment." Mr. Schon adds that: "The 80 percent who receive no services tend to be those without apparent potential for employment or educational advancement: the aged, the multiple-handicapped, the poor, and the low-skilled. Such persons are shunted off to other systems which provide minimal income-maintenance or custodial care, or are ignored. A substantial portion of the 80 percent may receive some form of support from the informal system of family, friends, and community."

Assuredly, those of us here recognize that the ability and earning power of the blind have been effectively demonstrated to counter commonly held stereotypes of abject helplessness and subsistence on welfare.

This demonstration has contributed in large measure to public and Congressional acceptance—to the degree it presently exists—of the value of rehabilitating the handicapped, not only from a humanitarian standpoint, but also from the standpoint of turning tax consumers into taxpayers through restoration of the handicapped to gainful employment. It has led to the substantial improvement in the previously dormant programs of rehabilitation. The concept of restoring the handicapped to useful, normal lives and to gainful employment is well accepted, well established, and of proven practicality for those closely involved with the handicapped. But, it is not, in my opinion, generally accepted by the public.

And we have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, are assured of adequate service. Too many blind, deaf-blind, and other severely handicapped individuals are not being served. Too many with a real potential for competitive employment are being placed in sheltered workshops when more intensive efforts by rehabilitation workers could open better job opportunities for them. We need to greatly expand the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the blind and others with severe handicaps are given the services they need and that the rehabilitation specialists who work with them are given the time necessary to provide proper service.

You are aware of my particular concern for employment opportunities for the blind. This is a task to which I have devoted effort over a period of many years.

In 1936, as a member of the United States House of Representatives, it was my privilege to coauthor with Senator Morris Sheppard of Texas the measure which established the blind vending stand program. This legislation has given the opportunity for blind men and women to become self-supporting, taxpaying citizens while demonstrating to the public that individuals with this handicap can be capable and productive workers. Congress authorized the program. Blind persons themselves did the rest. They have worked diligently as small business entrepreneurs serving Government employees and the public in snack bars and other types of vending facilities.

When the Randolph-Sheppard Act became law, employment opportunities for blind persons were severely limited and the public equated blindness with helplessness and the beggar on the street corner. I feel—and I believe you share this feeling—that blind concessionaires, now over 3,400 of them have contributed greatly to changing that image of helplessness into one of ability. Their demonstrations of ability facilitated the acceptance of all types of handicapped workers by industry and influenced the establishment of public policy to provide training and job opportunities for our handicapped citizens. Now we are embarked on a major effort to improve and expand this program—a necessary effort if it is to continue as a viable opportunity program for blind persons.

Yet, polls reveal that 50 percent of persons in a national sampling favored institutionalizing a blind young man; only 45 percent favored sheltered employment for him; and only 44 percent believed he could work side-by-side with others at a regular job. More than half the people interviewed believed that handicapped persons should not—I emphasize not—be in regular employment. Yet, the development of programs of employment must take into consideration this overwhelming need to change the attitudes of our citizenry. Despite case histories of those employing handicapped individuals replete with records of success, government and private agencies have not been fully successful in communicating the facts to the public. In all probability, those who read or hear of such successes think it is wonderful but do not see how it applies to them. Information on ability of the handicapped worker must be tailored to the specific industry and business.

I do not know whether it is symptomatic, but only a very few of the bills introduced in Congress to aid the handicapped involve job opportunities or rehabilitation toward employment. I firmly believe—and I hope you agree—that this emphasis must be altered to a better balance between direct aid and rehabilitation and employment services. Out of a total working age population of over 110 million persons there are approximately 11 million persons who are handicapped or possess a handicap serious enough to interfere with earning a living. This is an average of one out of every ten. Obviously, the segment of the population which must be reached is present—and it is high. But we can and we must bring into being an understanding of the problem and succeed in solving it—and hopefully in the near future.

The catastrophic nature of blindness—possibly the most dreaded of handicaps—results in a very complex pattern of attitudes. As I stated earlier, more complex than we imagine.

While many persons feel the needs of the blind are being fulfilled, others who might be motivated to foster the cause of the blind are impeded by the so-called "it could happen to me" anxiety. Together with this attitude, is the seeming depression which grows from close-association or continuing work with blind people. This depression, I feel exists, even when able-bodied persons are working with those handicapped individuals who "have made it" so to speak. Rather than sharing the joy of accomplishment with the blind, people tend to concentrate only on the affliction. Now, I realize that this particular attitude can be lessened by a continuing association with the blind. But, it does present a barrier to initial involvement and many concerned persons never breech this initial barrier.

At the same time, blind people are viewed as being inwardly unhappy and full of self-pity. How often have we heard the comment regarding a blind or handicapped person: "How, can he be so cheerful?" This attitude presupposes an abnormal emotional state and an inability to adjust to a severe affliction. The rejection of a "happy and fulfilled" blind individual works against normal relationships with the blind.

Possibly you will feel that my emphasis on the impact of attitudes on programs for the blind is misplaced. I am the first to acknowledge that overly stressing programs can result in damaging attitudes, particularly when such programs are formulated and dominated by those who are not blind. Even for the professional with a history of work with and for the blind, there will be many, many times when he does not know what is the most effective solution to the problem area. This, of course, is true in larger degree for the volunteer or lay person. The blind know best what their requirements, desires, and needs are and how best to secure them. This may seem self-evident, but we have not translated it into a guiding principle in the administration of programs for the blind.

Dr. Schon asks the question "Why have the design and mix of official services been so unresponsive to changes in the needs and capacities of the blind?" His response is: "That for good bureaucratic reasons, agencies tend to behave as if they believed that the blind need, or should have, the service which happen to be offered by the agencies rather than that agencies should modify services in response to changing characteristics of the blind population. This is true both of the kinds of services offered and of the methods or techniques by which such services are to be delivered."

Obviously, responsiveness to the needs of the blind is enhanced by greater input and control from the blind. Today, the issue of promoting increased client control and input strongly influences much of the discussion of government aid. It involves substantial and vital areas of public concern.

I am grateful for the opportunity to present a legislator's assessment of attitudes toward blindness. My comments certainly do not encompass even the majority of problem areas, but they do reflect those aspects which in my opinion are critical. Your symposium is investigating in depth the many complex attitudes. And I am confident that from your work will come constructive and meaningful suggestions and recommendations. You may be assured of my intense interest in your reports. We will work together to create a better life—toward a new era of opportunity for the blind.

Scientists From 12 Countries To Participate at Seminar of American Foundation for Blind on 50th Anniversary

Sixty scientists and technologists from a dozen countries will converge on New York late in October for a three-day seminar (Oct. 25–27) sponsored by the American Foundation for the Blind. The conference will be keyed to the theme "Science and Blindness: Retrospective and Prospective." The Foundation, a national, non-profit advisory agency serving the entire field of blindness, will conduct the seminar as part of a week-long series of activities marking its fiftieth anniversary.

Other major events for the week will be a two-day symposium directed towards attitudes on blindness (Oct. 28–29), and presentation of the 1971 Migel Medal to Dr. Jerome B. Wiesner, president of the Massachusetts Institute of Technology, at a banquet Oct. 27. Dr. Wiesner will receive the medal, awarded annually by the Foundation for outstanding service in the field of blindness. The medal is named for the late M. C. Migel, first president of the Foundation. The Foundation is honoring Dr. Wiesner for his efforts in fostering technological research at M.I.T. which has been designed to alleviate the problems of visually impaired persons, especially in the areas of reading and mobility. The same evening will see Lord Fraser of Lonsdale receiving the Helen Keller International Award for Outstanding Service to Blind Persons, presented by the American Foundation for Overseas Blind. The latter is an affiliate of the American Foundation for the Blind. The British industrialist, blinded in action during World War I, was cited for the Helen Keller Award because of his work as board chairman and as the inspirational leader of the famed St. Dunstan's Rehabilitation Center for the Blind in England.

All of the functions will take place at the Plaza Hotel and will be by invitation only.

John S. Crowley, president of the Foundation, will be general chairman of the science seminar. Dr. Wiesner will be honorary chairman. Joseph Kohn, executive director of the New Jersey State Commission for the Blind, will be chairman for the attitudes on blindness symposium.

Dr. Irving F. Lukoff, associate professor of social work research, Columbia University, and Oscar Cohen, national program director of the Anti-Defamation League of B'nai B'rith, will be the keynote speakers at the symposium. Senator Jennings Randolph, (D-W.Va.) will be the luncheon speaker on Oct 29.

AFB's 50th Anniversary, 2-Day National Invitational Symposium on Attitudes, Fact Sheet

A two-day symposium devoted to a discussion of attitudes on the subject of blindness. The first such meeting of its kind which will afford an opportunity for both national and regional discussion.

It is the opinion of many leaders in the field of services to people who are blind that attitudes conceived from misinformation have dogged the footsteps of progress for hundreds of years.

This symposium will in part reflect the American Foundation for the Blind's concern for the field it represents, and at a time when the exploration of attitudes in the American society seems to be so appropo.

Approximately 120 persons will be invited to attend this symposium. Attendance will be by invitation only. It is hoped that as broad a representation from throughout the country as possible can be achieved, since one of the objectives of the symposium is for the conduct of a like symposium on attitudes later within each of AFB's six regions.

Mr. Joseph Kohn, Executive Director of the New Jersey Commission for the Blind, will serve as symposium chairman. The two major speakers will be Dr. Irving F. Lukoff, Associate Professor of Social Work Research at Columbia University, and Mr. Oscar Cohen, National Program Director of the Anti-Defamation League of B'nai B'rith.

SYMPOSIUM ORGANIZATION

The morning of Thursday, October 28th, will be devoted to the presentation of two master papers by each of our two outstanding speakers. During the second half of that day each invitee will participate in a section to which he has been assigned prior to the symposium. The discussion sections will consist of approximately 30 to 35 persons each. The sections will be:

1. The role of people who are blind and their families in the development of attitudes.
2. The role of agencies and professionals in the field of services to people who are blind in the development of attitudes.
3. The role of agencies and professionals, outside the field, providing services to people who are blind in the American community, in the development of attitudes.
4. The American community, which includes media, legislation, education, etc., in the development of attitudes.

Each of the discussion sections will begin with a reactor's presentation, which would represent a prior distillation of the two morning papers as it applies to that section. The discussion will continue through Thursday afternoon and pick up again on Friday morning. There will be a general session Friday afternoon at which time the recorders of each of the discussion sections will submit their reports. On both Thursday and Friday all the invitees will be guests of the AFB's at a special luncheon.

The purpose of this symposium is twofold:

1. To bring into focus attitudes as they now exist throughout the American community related to people who are blind and blindness—to explore methods of altering or changing attitudes, should this be desirable, for the benefit of people who are blind.
2. The American Foundation for the Blind, as an expression of its intense concern for this problem, has planned to support and give leadership to a symposium, following the same format, in each of its six regions. The selection of invitees to the New York symposium, therefore, will be based partly upon geographical location, since it is hoped that these persons will be prepared to give leadership on the regional level.

The organizational format of the New York symposium should supply the field with six products—a paper from each of the two principal speakers, and a paper from each of the four reactors—which will be distributed in addition to those materials resulting from the regional symposiums.

PROGRAM, NATIONAL INVITATIONAL SYMPOSIUM ON ATTITUDES TOWARD BLINDNESS, OCTOBER 28–29, 1971, 50TH ANNIVERSARY

DEDICATION

Over the years, blindness, as a social challenge, has attracted the concern and imaginative involvement of some truly outstanding persons.

Father Thomas J. Carroll was one of those persons.

He died April 24, 1971.

His innovative leadership will be sorely missed by all of us.

His concern for "Attitudes" as a vital issue which must be dealt with had much to do with the development of this symposium.

It is indeed both fitting and proper that this symposium be dedicated to "Father Tom."

JOHN S. CROWLEY,
President, Board of Trustees,
American Foundation for the Blind, Inc.

A STATEMENT

"The great need to do away with the false notions about blindness generally current and to replace these with true ones is obvious . . . this involves doing away with the 'living in darkness' idea of blindness . . . as helpless, dependent, pitiable people who are somehow 'different' from the rest of us who make up 'normal' society . . . replacing all these misconceptions and sterotypes which result from them with accurate and concrete ideas . . it means getting across the truth that blind people are individuals who have a severe handicap certainly, but a handicap that can be overcome so as to make normal active living not the exception among blind persons but the general rule."

REV. THOMAS J. CARROLL.

Blindness (what it is, what it does and how to live with it).

PROGRAM

Thursday, October 28, 1971

General Meeting—9:00 a.m.–Noon

Symposium Chairman—Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind.)

Innvocation

Welcome

Mr. John S. Crowley—President, A.F.B. Board of Trustees.

Introduction and orientation

Mr. Harold G. Roberts (A.F.B. Associate Director for Service).

Introduction of Dr. Irving F. Lukoff (Associate Professor, Social Work—Columbia University) by Miss Elizabeth Maloney (Assistant Executive Director—The Industrial Home for the Blind).

Introduction of Mr. Oscar Cohen (National Program Director—Anti-Defamation League of B'nai B'rith) by Mr. William T. Snyder (William T. Snyder Associates—Baltimore, Maryland).

Thursday, October 28, 1971

Luncheon—Noon–2:00 p.m.

Chairman—Mr. Harold G. Roberts (A.F.B. Associate Director for Service).

Introduction of Mr. David Huffman (Broadway Production—"Butterflies are Free") by Prof. Theodore F. Childs (Director, Special Educational Services Program—Long Island University).

Introduction of Miss Gloria Swanson (Broadway Production—"Butterflies are Free") by Judge Reese Robrahn (President, American Council of the Blind) (Judge, Magistrate Court—Topeka, Kansas).

Presentation to A.F.B. by Miss Jean R. Hebeler (President, Council for Exceptional Children) (Head, Special Education Department—University of Maryland).

DISCUSSION GROUPS

Thursday, October 28, 1971

2:00 p.m.–4:30 p.m.

Group I—Blind Persons and Their Families

Discussion Leader: Mr. Donald F. Simpson, Commissioner, Region V—Social and Rehabilitation Services, Department of Health, Education, and Welfare, Chicago, Illinois.

Reactor: Dr. David Mendelson, Assistant Director, State Department of Rehabilitation, Sacramento, California.

Recorder: Miss Jessamine Cobb, A.F.B. Regional Consultant—Region III.

Group II—Agencies and Professionals in the Field of the Blind

Discussion Leader: Mr. Clay Coble, Superintendent, School for the Blind, Donelson, Tennessee.

Reactor: Dr. Charles Stewart, Dean, Graduate School of Social Work, University of Georgia, Athens, Georgia.

Recorder: Mr. Oralen E. Catledge, A.F.B. Regional Consultant—Region IV.

Group III—Agencies and Professionals Outside the Field of the Blind

Discussion Leader: Mr. Bernard Posner, Deputy Executive Secretary, President's Committee on Employment of the Handicapped, Washington, D.C.

Reactor: Mr. C. Owen Pollard, Director, State Bureau of Rehabilitation, Augusta, Maine.

Recorder: Miss A. Marie Morrison, A.F.B. Regional Consultant—Region II.

Group IV—American Community—Media, Legislation, Education

Discussion Leader: Mr. Burt L. Risley, Executive Director, State Commission for the Blind, Austin, Texas.

Reactor: Mr. Con Shea, Executive Director, State Department of Social Services, Denver, Colorado.

Recorder: Mr. Edward R. Murray, A.F.B. Regional Consultant—Region V.

PROGRAM (DISCUSSION GROUPS)

Friday, October 29, 1971

9:00 a.m.–Noon

Group I—Blind Persons and Their Families.

Group II—Agencies and Professionals in the Field of the Blind.

Group III—Agencies and Professionals Outside the Field of the Blind.

Groups IV—American Community—Media, Legislation, Education.

Friday, October 29, 1971

Luncheon

Noon–2:00 p.m.

Chairman—Mr. M. Robert Barnett (Executive Director—American Foundation for the Blind).

Introduction of Senator Jennings Randolph West Virginia (D.), by Dr. Peter J. Salmon (Administrative Vice President—The Industrial Home for the Blind).

Presentation to A.F.B. by Mr. Harold Russell (Chairman, President's Committee on Employment of the Handicapped).

FINAL REPORT MEETING

Friday, October 29, 1971

2:00 p.m.–4:30 p.m.

Symposium Chairman—Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind).

Group I—Blind Persons and Their Families

Reporter: Miss Jessamine Cobb, A.F.B. Regional Consultant—Regional III.

Group II—Agencies and Professionals in the Field of the Blind

Reporter: Mr. Oralen Catledge, A.F.B. Regional Consultant—Region IV.

Group III—Agencies and Professionals Outside the Field of the Blind

Reporter: Miss A. Marie Morrison, A.F.B. Regional Consultant—Region II.

Group IV —American Community—Media, Legislation, Education

Reporter: Mr. Edward R. Murray, A.F.B. Regional Consultant—Region V.

SYMPOSIUM PLANNING COMMITTEE

Service Advisory Committee members

Miss Elizabeth Maloney, Chairman (Assistant Executive Director, The Industrial Home for the Blind).

Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind).

Mr. Leland C. Sanborn (Former Superintendent, New York State School for the Blind).

A.F.B. staff

Mr. Robert H. Carolan, A.F.B. Regional Consultant—Region I.

Mr. Harold G. Roberts, A.F.B. Associate Director for Service.

Mrs. Doris P. Sausser, A.F.B. Director, Community Services Division.

Mr. Benjamin Wolf, A.F.B. Regional Consultant—Region VI.

Miss Marion V. Wurster, A.F.B. Director, Program Development Division.

Symposium coordinator

Mr. R. Roy Rusk, A.F.B. Director, Program Planning Department.

URGE BUFFALO HONOR PULASKI AT BICENTENNIAL FETE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DULSKI. Mr. Speaker, planning is beginning at all levels of Government for the observance in 1976 of the bicentennial of the American Revolution.

This is an important anniversary in our Nation's history and it is my sincere hope that every opportunity will be seized to make the most of the occasion. I feel we have a golden chance to rekindle our patriotic spirit in our country.

I am somewhat concerned about the seeming delay in getting some planning underway. Proper arrangements for such an important event need to be crystallized early so that every segment of our population will have an opportunity to take part, and every possible variation on an observance can be considered.

In my home city of Buffalo, N.Y., I have proposed as the key to our observance that the community erect a memorial to Gen. Casimir Pulaski, a hero and patriot of the American Revolution.

I made the recommendation in a speech recently to the Buffalo chapter, Sons of the American Revolution. I am gratified by the favorable response which my recommendation has received.

I want to compliment the organization and, in particular, its president, Mr. Chase Viele, for their support and cooperation in our effort to get Buffalo's planning for the bicentennial underway.

In suggesting the memorial to Pulaski, I feel it is most appropriate for our community, in view both of the city's large Polish-American population as well as the significant role which was played by Pulaski in the fight for independence nearly 200 years ago.

At the dinner I was pleased to receive the SAR Good Citizenship Medal. Also, honored with a similar award was Dr. Charles A. Messner, professor emeritus of foreign languages at Buffalo State University College and a former SAR chapter president.

Mr. Speaker, as a part of my remarks, I include the text of my speech at the 3d annual Victory Dinner of the Buffalo chapter.

Address by Hon. Thaddeus J. Dulski at Third Annual Victory Dinner, Buffalo Chapter, Sons of the American Revolution, October 22, 1971

Mr. President, members of the Buffalo Chapter, Sons of the American Revolution, distinguished guests, ladies and gentlemen:

It is a special honor for me to be invited to join with you at this third annual victory dinner. You are here observing the anniversaries of the British capitulations at Saratoga on October 17, 1777, and at Yorktown on October 19, 1781.

I am quite well aware of the purposes and the objectives of your organization. While fundamentally a patriotic group, your interests extend as well to the historical and educational aspects of our Nation's fight for independence 200 years ago.

Perhaps more than ever in our history, we need the active influence in the community of organizations such as yours. Many, many men—and women, too—have given up their lives over the years to protect our Nation's independence and to improve our way of life.

REASON FOR CONCERN

This is not what I came to discuss, but I do not want to pass up the opportunity to say to you that all of us have reason to be greatly concerned about some of the things which are going on in our country today.

I am an American—and very proud of it! I do not have the long line of American ancestors that all of you have. That's just the way it was to be.

But, while I may not be able to trace my ancestors back to the American Revolution, you may be assured that the United States of America is my country. There is no greater country in the world and I am thankful that my family made it possible for me to be a part of it as a native-born citizen.

What I would like to talk with you about tonight is the forthcoming bicentennial of the American Revolution. It is quite true that the bicentennial year of 1976 is still over four years in the future, but it is none too soon for adequate and appropriate planning.

Indeed, at the outset, perhaps I should explain why I feel I have reason for concern about bicentennial planning. It is not only a concern, but a sincere disappointment about the progress of bicentennial planning at the national level and elsewehre.

LACK OF ENTHUSIASM

You will not be surprised to hear that there is a problem of money. But—and far more important, I believe—there so far appears to be a vital lack of enthusiasm. I am not nearly as concerned about the funding at this point as I am about the lack of enthusiasm.

If we can trigger the enthusiasm and the inspiration at the planning level, I think we will find that the pocketbooks—public and private—will begin to open.

Let me emphasize as strongly as I can that I have not lost faith on prospects for an appropriate bicentennial observance on a national scale. I will admit that I am trying to be a realist in these matters, and I certainly would not want to mislead you in any way about the current status of national planning.

Last February President Nixon designated Washington, D.C., as the focal point for the national observance of the bicentennial. There had been five cities which had sought the designation in the original presentations two years ago.

The Washington aspect is divided into three parts. First, there is the Federal phase which will coordinate the effort of the entire Federal Government. The second phase is the special observance to be arranged on behalf of the District of Columbia as a community. The third phase—and perhaps the one which will be the most conspicuous to the average visitor—is the ceremonial and pageantry phase.

ONLY INTERIM OPERATION NOW

The original bicentennial commission in the Nation's Capital has passed out of existence and there is only an interim operation at this time. This has led to some misunderstanding that the Washington operation was faltering. In fact, the Washington operation is just about to get under way in massive fashion, and I expect that a formal announcement will be made in a matter of days on the over-all concept which has been developed for the bicentennial observance in the Nation's Capital.

As you might suspect, the civic leaders are thinking big in terms of probably 40 million visitors, including some 6 million from abroad. There are plans for an international transportation show. But there are no plans for an international exposition in Washington.

Philadelphia has been designated as the site for an international exposition in 1976 if it can muster the backing and cooperation which are necessary for such a huge undertaking.

The road toward developing Washington's role in the bicentennial has been a rocky one because of the diverse interests and the dependence upon financial support from the Federal Government. The budgetary problem has not been worked out yet but, as I said earlier, the money will come along when the enthusiasm and inspiration for the observance becomes more evident.

NEW YORK HAS STATE GROVE

Besides the planning in the Nation's Capital, there is an attempt to coordinate the efforts throughout the 50 States. The State of New York already has its own bicentennial commission—and rightly so. Historians tell me that one-third of all the battles of the American Revolution were fought here in the Empire State. Thus, there are many historic sites and much intimate relationship of New York to the American Revolution.

In its planning, the New York State Bicentennial Commission has encouraged local observance and that is where we come in here at Buffalo.

What I want to talk with you about in particular is what we might do here in our own city in 1976. It is interesting to know what others are planning to do, but what we do here will have to be done by us. It is none too soon to be making preparations.

As I indicated earlier, I feel sincerely that we have at hand a golden opportunity to rekindle our patriotic spirit in our country—an opportunity that we cannot afford to let fizzle out.

Members of the Sons of the American Revolution are perhaps more keenly aware than many other individuals of our priceless American heritage, of the sacrifices of our forefathers, of the trials and tribulations as our country grew and grew until today it is the world's greatest power.

HARDER WHEN ON TOP

As you well know and understand, the problems which we encountered on the way up the ladder are only a sample of the problems we face when we reach the top. Indeed, it is usually easier, in many respects, to climb the ladder than it is to stay on top once you reach that top rung.

There is a goal ahead and an inspired drive on the way up. When you get to the top there is so often a loss of push. There is a tendency to ease off and to let apathy set in.

That is why I am so concerned that all of us join vigorously in supporting a tremendous outpouring of national patriotism in connection with the forecoming centennial.

We cannot afford to take this occasion for granted either for our own sake or in the eyes of the rest of the world.

An interesting factor about the American Revolution was the role played by so many outsiders who were concerned with American freedom. They joined not for their own gain, but because they felt deeply in the basic issue of freedom for our people and wanted to help them in their fight.

The cause of American freedom attracted the support and help of liberals and patriots of many nationalities. These included many men of outstanding military background and training who crossed the Atlantic to join the American forces in their revolutionary struggle. And that was in the days when the trans-ocean trip was no jet flight of a few hours.

FOREIGN PATRIOTS JOIN CAUSE

From the land of my own forefathers, Poland, came Pulaski and Kosciuszko. From France came Lafayette and Rochambeau. From Prussia came von Steuben. These are just to name but a few of the great patriots in their own right who came to the aid of the American Revolutionary Forces two hundred years ago.

The first name I mentioned was Pulaski, a name very familiar to Buffalonians because of our large community of Americans of Polish descent. Each year for nearly a half century the Pulaski Day parade has been a community-wide event.

However, even with the wide local recognition of the name, I venture to guess that most people who are not students of American history probably do not realize that we honor Pulaski as one of the great heroes of the American Revolution.

It is true, of course, that Casimir Pulaski was a hero and patriot in his own native land before he came to America at the age of 29. He was a fighter for freedom in Poland, and he won wide acclaim.

The Polish rebellion of 1768 was a failure, both for the nation and for Pulaski. It resulted in the arrest and death of his father, in the confiscation of his family's property, and eventually in his own exile.

Besides his efforts on behalf of freedom in Poland, Pulaski also had joined in freedom efforts in Turkey and in France.

FIRST MET WITH FRANKLIN

Indeed, it was in Paris that it was first suggested that he go to America to the aid of the American insurgents. He was put in touch with Benjamin Franklin who wrote a letter of introduction to George Washington.

Funds were advanced for his trip, and he headed across the Atlantic to meet with Washington who, in turn, gave him a letter to the Continental Congress.

During the first 18 months of the war there had been no cavalry, but four units had been included in the proposed military reorganization. Washington wrote John Hancock and suggested that Pulaski be placed in charge of the cavalry. At about the same time, Pulaski had given Hancock plans for the organization of a corps of volunteers.

He joined Washington as a volunteer and participated in the battles of Brandywine and Germantown. Pulaski urged an expansion of cavalry and the formation of units of light cavalry. He fought at Trenton and Flemington and joined in the search for supplies for the famishing troops at Valley Forge.

The following spring, the Continental Congress, with the support of Washington, gave Pulaski permission to form an independent corps of cavalry, but he soon became frustrated by inactivity.

In 1779, Pulaski was ordered to the support of General Lincoln in South Carolina. It was during the siege of Savannah, on October 9, that he was mortally wounded. He was removed to the warship WASP in Savannah harbor, but surgeons were unable to remove the bullet that finally cost his life.

PULASKI ONE OF THE GREAT HEROES

It seems clear that Casimir Pulaski was one of the gallant heroes of the American Revolution.

Over the years—in Buffalo and other cities with large Polish-American communities—Pulaski has been honored in various ways.

I was pleased to have had a key role several years ago in doing honor to Pulaski by having the Federal Government agree to name a Navy submarine in his memory.

Last month, I introduced legislation in the House calling on the President to designate October 9 as General Casimir Pulaski Day. It was on October 9, 1779 that Pulaski was fatally wounded in the siege of Savannah.

There has been no action yet on my bill, House Joint Resolution 899, and I can't say now when it might be considered. My intention in introducing the bill was to sow the seed of interest with the hope of obtaining national recognition in the future.

Here in Buffalo, one of our great traditions is the annual Pulaski Day parade. Quite properly this is not an occasion for celebration by the Polish-Americans alone. Indeed, it is a community-wide observance.

I recall well—as probably many of you do, too—that fall day in 1962 when the late President Kennedy came to Buffalo to take part in the Pulaski Day festivities. The turnout was the biggest ever, estimated at some 400,000 persons.

Just as there were in the observance a couple of weeks ago, there were persons of all heritage taking part. There were those descended from Poles, from Italians, from the Irish, from the Germans, from the Scotch, and on and on.

FOCUS OBSERVANCE ON PULASKI

In recounting the background of Casimir Pulaski and the recognition he has received here in Buffalo, I am leading up to a suggestion that should come as little or no surprise to you.

In shaping a bicentennial observance here in Buffalo, what could be more appropriate than to center it around Casimir Pulaski?

To be specific, I propose a memorial to Pulaski here in Buffalo. In talking with several people, I have explored a number of suggestions, such as a statue, and I am sure there will be others.

Certainly, we have not locked ourselves into any conclusion at this point.

I propose that Buffalo make a bicentennial project of erecting a significant and lasting downtown memorial to Pulaski. I am prepared personally to support fully such a suggestion as a community project and the key to our local observance of the bicentennial.

First off, Buffalo should move as quickly as possible to organize a working bicentennial committee. We certainly will want to do many things. We will want to see that many activities are organized for the great year of 1976.

You have my pledge of full cooperation. I believe that your organization can have a significant role of leadership in the thorough planning for 1976 which we must get underway as soon as possible.

CONFISCATION OF AMERICAN PROPERTY BY FOREIGN GOVERNMENTS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, November 1, 1971

Mr. BYRD of Virginia. Mr. President, the Lynchburg News of October 30 included an informative article on the probable losses by U.S. taxpayers involved in confiscation of American property by foreign governments.

The article was written by Mr. James Cary, of the Copley News Service.

The liability of the taxpayers to U.S. corporations that suffered losses because of seizures abroad arises from the recent creation of the Overseas Private Investment Corp.

The article points out that the expropriation of U.S. copper mines and other property by Chile threatens to wipe out reserves of the OPIC. The attitude of OPIC toward this situation is reflected by the comment of its president, Mr. Bradford Mills, who is quoted as saying:

> If we need more money we will just go to Congress and ask for it. We have the resources of the whole U.S. Government behind us.

Because of the legislation which created OPIC, Mr. Mills' statement is correct. And that is bad news for the U.S. taxpayer, because the OPIC could be forced to pay out several billion dollars if there were to be widespread confiscations of U.S. property around the world.

I ask unanimous consent that the text of the article, entitled "U.S. Taxpayers Must Pay For Red Confiscation of Property," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LATIN AMERICAN REPORT: U.S. TAXPAYERS MUST PAY FOR RED CONFISCATION OF PROPERTY

(By James Cary)

WASHINGTON.—Chile's expropriation of U.S. copper mines and other property valued at up to $1 billion is threatening to wipe out reserves of the U.S. corporation that insures investors against such losses.

But it will in no way affect the ability of the agency, the Overseas Private Investment Corp., to function and continue to provide protection for U.S. dollars invested in developing nations.

"If we need more money we'll just go to Congress and ask for it," says Bradford Mills, OPIC president. "We have the resources of the whole U.S. government behind us."

The corporation was authorized in December, 1969, as the latest in a series of U.S. agencies established since 1948 to provide increasing protection for some U.S. foreign investments.

It was not formally organized until Jan. 19 of this year. Now, nine months later it is facing its first major crisis, precipitated by take-overs by the Marxist regime of President Salavador Allende of Chile.

The main U.S. investments there are copper mines owned by Anaconda, Kennecott and Cerro de Pasco corporations and a telephone company partly owned by International Telephone and Telegraph Co.

Charles Meyer, assistant secretary of state, has estimated the value of all U.S. investment in Chile at $960 million.

Of this total, Mills says only $331 million is covered by OPIC insurance or investment assistance. This is made up of $315,650,844 in expropriation insurance, $5,013,525 in convertibility insurance and $11 million provided as a direct investment loan.

Of the $315 million, $110 million in coverage is held by Kennecott, Anaconda and Cerro de Pasco. The remainder is a $108 million policy carried by ITT and about $97 million carried by 26 smaller companies.

ITT filed a claim in New York Oct. 14 for its $108 million but claims of the three copper companies must await several findings.

Kennecott and Cerro, for example, were carrying insurance only to protect themselves against loss of their mining properties.

This raises a still officially unanswered question whether the Chilean government will reject payment of this debt as well as refuse to compensate the companies for loss of their mining properties.

Eduardo Novoa, president of Chile's state defense council, has indicated the government will not pay the debts but his word is not final.

"If we have to make good on the full $110 million it would clean out our reserves," Mills acknowledged.

There is no explanation here why the copper firms did not carry insurance on the other portions of their heavy investments in Chile, but this is not the first time this has happened.

There was no government insurance program in the 1930s when Mexico took over U.S. oil properties. Losses up to $970 million were reported when Cuba took over all U.S. holdings there in 1960 and there have been various estimates of up to $200 million in losses when Peru took over U.S. oil properties in Peru in 1968.

The history of the government's entry into this form of insurance activity begins with the Marshall Plan in 1948. The protection provided then insured investors against the risk of not being about to convert foreign currency earnings into dollars.

In the 1950s, successor agencies added protection against war, revolution and insurrection loss, and then against expropriation. In 1961, U.S. guarantees of private loans for foreign investors were added.

In 1969, the act authorizing the OPIC, also added a direct investment loan program for small enterprises. A maximum of $2 million can be extended.

Now OPIC is working on additional various forms of limitations to its coverage under which insured companies or insurance companies other than OPIC, such as Lloyds or an affiliate of the World Bank, would carry part of the coverage.

At the present time there is approximately $12 billion in U.S. investments in developing nations—the only areas where OPIC coverage is authorized.

Of this, approximately $5 billion is covered by OPIC policies—$3.8 billion in insurance written since 1965 and $151 million in investment loan guarantees written since 1966.

This big upsurge in insurance coverage has come since 1965. None of the original U.S. copper company investments in Chile was covered.

Mills points out that regardless of what happens in Chile the trend is toward more and more U.S. investments abroad. The United States now has agreements with 90 nations permitting OPIC coverage.

He says this is good business, pointing out that development of foreign investments parallels growth in exports and will lead to an inflow of profits to the originating nation.

In the 24 years the U.S. government has developed its overseas investment insurance programs it has earned $135 million in revenues and paid out $5 million in claims—$910,000 of the $5 million to the Ford Motor Co., on Oct. 14.

This was for reconversion protection. Chile had refused to permit Ford to repatriate these earnings in dollars. A large part of $18 million in Ford property shut down by Chile is not covered by OPIC insurance.

Despite the dampening effect of Chile's expropriations, Mills thinks OPIC will earn $30 million this year and up to $500 million in the next 10 years.

He points out that some nations—particularly Korea, Indonesia and Brazil—have developed excellent programs to attract investors and that there is a rapid flow of capital into those areas.

Furthermore he does not write off the Chile investments entirely yet.

"Chile has changed its mind three times in five years on U.S. investments," he points out. "Who's to say it won't change its mind again."

Furthermore, if OPIC has to pay the full amount of the insured losses there, the U.S. government then takes over the assets of the company it reimbursed. This makes a final settlement a matter for government to government negotiation, rather than a contest between the Chilean government and a private U.S. firm.

Of its $15 billion in lending authority OPIC has used up approximately $10 billion. It is governed by a board of 11 directors, six of them selected from outside the government by the president. The other six are officials or employes of the government.

ENVIRONMENTAL PESTICIDE CONTROL ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DINGELL. Mr. Speaker, the Federal Environmental Pesticide Control Act of 1971, H.R. 10729, has been rescheduled for floor action during this week. I wish to bring to the attention of my colleagues a letter I have received from Mr. Paul J. Leach, executive director of the Michigan United Conservation Clubs outlining the objections of his organization to this bill.

The letter follows:

MICHIGAN UNITED CONSERVATION CLUBS,
Lansing, Mich., October 14, 1971.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We urgently request your attention to HR 10729, due to come before the full House for a vote momentarily. As spokesman for a State far ahead in environmental concern and protection, your vote against this legislation can insure that Michigan's pesticide standards will not be preempted by weaker Environmental Protection Agency controls.

Defense of this federal preemption asserts that state controls will only be superseded with regard to "general" use pesticides. The problem, however, lies in the fact that the EPA has yet to determine which pesticides are "general" and which "restricted." If Michigan standards classify a chemical as "restricted" and regulate it accordingly, while the EPA considers it a "general" pesticide, federal controls will prevail and state concern and protection will be negated.

The above represents the most objectionable aspect of HR 10729. In addition, the bill allows for the registration of pesticides for *both* general and restricted use. Thus, one of our biggest pesticide problems still plagues us—dangerous pesticides will contribute to be readily available under the protection of the "general use" umbrella.

Further, the bill seeks to curb judicial review by citizens following public hearings on specific chemicals. Also, it provides for an indemnity payment to the owner of the pesticide at the time of its cancellation, removing any real economic pressure on each manufacturer to make sure its pesticides are safe.

Finally, the bill prohibits the EPA from using a "lack of essentiality" as a criterion for denying registration of pesticide—potental environmental contaminants can be introduced on the market whether or not they are really needed for pest control. Also, the legislation exempts federal agencies from any and all of its provisions in times of emergency. As the National Wildlife Federation has pointed out in its *Conservation Report*, "the vagueness of the language conceivably permits controversial emergency situations to be dealt with in spite of their critical effect on the environment."

We urge you to join Representatives John Dow and Thomas Foley as they seek to have this bill amended on the floor of the House. Otherwise, this weak and watered down version of a pesticide bill that originally was strong and workable will dilute Michigan regulations and severely hamper the State's efforts to eliminate lethal and harmful materials from the State's natural environment.

Thank you for your attention.

Sincerely,

PAUL J. LEACH,
Executive Director.

UNITED CHURCH OF CHRIST OPPOSES PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, as evidenced by the following statement, the members of the United Church of Christ of this country are opposed to the proposed constitutional amendment regarding prayer in public buildings:

RELIGION AND THE PUBLIC SCHOOLS

(Adopted by the Council for Christian Social Action of the United Church of Christ, June 10, 1963)

Since the recent decisions of the Supreme Court of the United States declaring unconstitutional certain religious activities in public schools, for a long time sanctioned by law and custom, raise important questions concerning the nature of education, the place of religion in education, and the relation of the public schools to the churches; and since these questions are of great importance to parents and children and to the churches as well as to those agencies of government concerned with education, the Council for Christian Social Action of the United Church of Christ recommends the following as guiding principles in formulating policies concerning the place of religion in education and the relation of the churches to the public schools.

1. The aim of education is the fullest possible development of the person's capacities as a human being created by God.

2. The responsibility for education of the child is shared by parents, the church, and the government and, therefore, parents, church and government each have rightful interests in the education of the child.

3. The people of the United States have, as a matter of fact, various religious loyalties: Protestant, Roman Catholic, Orthodox Jewish. Some are not adherents of any religious body or do not profess any religious beliefs. The fact of this religious pluralism cannot be disregarded in formulating policies concerned with the relation of education and religion in public schools and of the churches to the public schools.

4. The religious pluralism, characteristic of the United States, and the disavowal of societal compulsion in religious activities and observances have in many communities undermined traditional relations between the public schools and the church. These facts have confronted both the church and the public school with the need to devise new ways through which their respective responsibilities for the development of children can be best discharged.

5. Recognition and awareness of the vital part played by religion in the shaping of our history and culture is an important part of education. Hence, information about religion, objectively presented, is an essential part of many school subjects and should be so treated.

6. Responsibility for religious education and worship belongs primarily to the church and to the home.

7. Devotional activities or religious teaching directed to commitment should not be included in the curriculum or program of

the public schools. In the setting of the public school, there is no satisfactory way of escaping the association of compulsion with such teaching and activities.

8. Members of the churches are encouraged to participate in efforts to strengthen and improve public education through such positive steps as:

(1) Keeping informed about the needs of the public schools and the issues relating to public education as a basis for intelligent action as citizens;

(2) Engaging in intelligent appraisal and responsible criticism of programs of public education;

(3) Supporting qualified candidates for boards of education and being willing to serve as members of such boards;

(4) Working for improved financial support of public schools;

(5) Emphasizing public school teaching as a profession through which the Christian can express his Christian vocation.

9. The churches and instrumentalities serving the churches are encouraged to explore and develop new ways to provide for children of school age adequate opportunities for worship and for instruction directed towards Christian commitment. The Christian education program carried on by the churches should be supported by such positive steps as:

(1) More adequate provision and use of facilities for Christian education;

(2) More and better qualified teachers in Christian education on part-time or full-time basis;

(3) Adequate textbooks and other teaching aids for enlarged program of Christian education;

(4) Exploration of such proposals as "shared time;"

(5) Improvement of such established means of Christian education as Sunday church schools, confirmation instruction, and pastor's membership classes along with new experimental procedures.

STATEMENT OF THE SUPREME COURT DECISION INVOLVING THE NEW YORK REGENT'S PRAYER—(ENGEL V. VITALE)

(Adopted by the Council for Christian Social Action of the United Church of Christ, July 10, 1962)

The Council for Christian Social Action of the United Church of Christ declares its support of the United States Supreme Court in its decision in *Engel v. Vitale* for the following reasons—

1. The decision upholds the principle of church-state separation. The Council for Christian Social Action believes that because the New York State Regents' prayer was created, adopted, and administered by state officials and used as a religious exercise in the public schools, it violated the Establishment Clause of the First Amendment of the Federal Constitution. The fact that the prayer was non-denominational and its recitation voluntary does not alter the fact that the State prescribed a particular form of prayer to be used as an official prayer in a program of governmentally sponsored religious activity. Thus the State was carrying out a function which is not its business to perform.

2. We believe that the responsibility for religious education and worship belongs to the church and home where it can be most effectively performed. Significant prayer is an expression of deep religious faith and conviction which cannot be appropriately expressed corporately in a public school setting where there is a wide variety of belief and non-belief.

3. There is nothing in the decision which bans private prayer. Nor is there anything in the decision which restricts teaching about the contributions religious leaders, movements, and ideas have made in the shaping of our history and culture; and we would encourage the public school to do this more effectively.

The Council for Christian Social Action calls upon the members of our churches to support the Supreme Court decision. It urges those concerned about the spiritual development of children to use and improve the opportunities for religious training in the church and the home and not to look to other agencies to do the job.

ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues in the House, a very interesting and timely statement made by Commissioner Carroll P. Sheehan of the Department of Commerce and Development, Commonwealth of Massachusetts, concerning environmental protection in the Commonwealth of Massachusetts, which he recently gave at Boston College:

A BALANCED VIEW OF ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

(By Commissioner Carroll P. Sheehan)

I appreciate the opportunity which has been extended to me today to come before you and discuss the need for a balanced program of environmental controls for our society. My colleagues in government speaking here today have specific responsibilities defined by law which they must carry out to the best of their ability. I, too, have a responsibility under the law which must be carried out.

As Commissioner of the Department of Commerce and Development, I accept the need for environmental control in this most complex society. Today I would like to review with you my experience with environmental control and attempt, if possible, to bring about a marriage between environmental control and the other needs of our society, such as the maintenance and growth of a healthy economy.

I share the fear of many of those engaged in the field of environmental control, both in and out of government, that in some instances we are bordering upon environmental control overkill with our economic well-being as the victim. I am interested in making certain that a credibility gap does not become a reality between the general public and those interested in the protection of the environment.

You who are so vitally interested in the environment must understand that the most basic parts of any man's environment, more basic even than clean air and clean water, are man's ability to feed his family and provide adequate shelter for them. It is, therefore, imperative in the equation of environmental control that the economic impact upon the individual be part of that equation. It would be tragic indeed if all of the environmentalists in our nation were eventually faced with a hostile public scorning their efforts because of their failure to take into consideration the economic impact of environmental regulations.

This does not have to be the case, but we are already seeing examples of job loss through the lack of cost efficiency methods being applied to the science of ecology.

In the case of air pollution regulations here in the Commonwealth there is no direct relationship between air quality control and the use of low sulphur fuels by the consumer. Without a program of cost efficiency being applied to air quality standards, we have brought unnecessary costs to industry, the government and the general consumer. Those with the responsibility for air pollution control within the state government have made it clear that, except in certain specific areas of the state, the standards set by the national government for SO 2 pollutants have been met prior to the imposition of new lower sulphur content in fuels beginning October 1. In spite of the overwhelming evidence to the contrary, the Massachusetts Public Health Council, without regard for the total needs of our economy, have imposed strict regulations in this matter. What are the results of this action?

In increased fuel costs alone, we in the Department of Commerce and Development say that, in the coming year in Massachusetts, consumers, whether a public utility, an industrial user of fuel or the general consumer, will bear an increased cost of more than seventy million dollars. The imposition of a 1% sulphur content outside the greater Boston area, where much of the state's industrial potential is located, has caused power companies to abandon established fuel purchase contracts, thus causing them to pay a higher price for fuel. It is estimated that power company costs passed along to the consumer will increase electrical energy bills to the consumer between 15% and 20%. These increased costs to an already overburdened industrial community will cause a number of companies to close or to remove their operation from our state.

As part of my responsibility to the people of Massachusetts, I must say that in all candor a good part of this loss of industrial employment is unnecessary. To be specific, some of the largest employers in the state have informed me that a number of their operations will be curtailed or removed from Massachusetts to areas not only in other states but throughout the world. It is a sad fact that in air quality control, without cost efficiency being applied, the greater degree of enforcement overkill which is applied the less the desired results are obtained.

I would like to cite one particular example of one industry in our state which for more than 75 years has employed upwards of 7,000 people in one location. Its present employment is 2,200. It is located in an area which for ten miles around has very little industrial activity. If we keep in mind that the desired result is to bring down the SO 2 content in the air to manageable levels, then it does not make any sense to take one industry in a very isolated area and cause mechanical compliance having nothing to do with the air pollution in the area. The cost to this company for mechanical compliance is approximately a half million dollars.

This same company has a newer and more efficient foundry unit in a southern state which can do the work being done presently in Massachusetts. The management informs me that they are coming very close to a decision which will cost the loss of jobs to 600 people employed in this Massachusetts foundry. If we multiply these 600 jobs by the thousands of others who will be affected by job losses, it will not be long before favorable public opinion is lost for the desired portions of environmental air pollution standards.

Let us consider the matter of water pollution control. I have had occasion to work very closely with the water pollution control personnel of our state government. We have considered the plight of many companies and their employees related to the enforcement of water pollution control standards. With their cooperation and that of the Legislature, we caused to have passed a twenty-five million dollar bond issue so that loans could be made to Massachusetts companies unable to finance the cost of water pollution control equipment. It is unfortunate that this legislation was found to be unconstitutional. We hope that other legislation may be passed to bring relief to some of those companies and therefore save jobs within Massachusetts.

A very important aspect of water pollution control is the regulation being established for the use of sewers in the state. It is my opinion that in the promulgation of these regulations, particularly by the MDC, inadequate consultation was held between the MDC and industry. The end result is open-ended regulations more stringent than any in the country, but more important leaving Massachusetts industry in the position where what are adequate standards today may not be tomorrow. Again we run into the problem of cost inefficiency being applied to the enforcement of water purity standards in the state.

I would like to speak for a moment about the manufacture of power within our state. Seventy percent of all the power manufactured in the United States is produced through the use of oil. It is my opinion that we in Massachusetts, being a high energy intensity state, related to industry and general consumer use have been victimized by the major oil companies of the nation. We control the level of electrical energy on both the state and national levels, and yet seventy percent of the fuel used to make that power is controlled by no one.

I note with interest a move by certain people in the environmental field to prevent the opening of atomic power energy plants in New England. At the same time there is opposition to the continued use of fossil fuels by the electrical energy business. We must agree on some form of energy which is presently available to do the job. New England, in order to remain competitive, must have oil refinery facilities. It is time that we realized the complexity of our society demands immediate decisions concerning the growth of the electrical energy business in New England.

I should like to conclude by making certain points of fact which should be obvious to all who wish to give thought to the problems of our total environment.

It is desirable that we have clean air and clean water in this nation. In this regard it is desirable that cost efficiency methods be determined prior to the enforcement of regulations. It is basic to a man's environment that he have bread on the table and a roof over his head. The most efficient method found for giving him these goods in a complex environment is his employment at the highest level of his ability in the industrial community of our state.

Based on studies and interviews with those who manage industries in Massachusetts, they will not continue to function in Massachusetts if their operations become unprofitable due, not to compliance with reasonable cost efficiency regulations in the environment, but to thoughtless actions taken by those in a position to promulgate and enforce environmental regulations. As long as industry has the right to close, move or transfer its operations to any other state or throughout the world, the bottom line of the annual statement of such companies must show a profit or they will cease to provide employment in the state.

In conclusion, I believe it is desirable that we have clean air and clean water. My reasons are very practical reasons. During the next ten to twenty years those who make decisions related to locating industrial operations will not locate in areas where clean air and clean water are not important. No responsible industrialist in this state does not desire to comply with reasonable cost efficient standards of air and water pollution standards, but he must be convinced that government, the press and the general public are treating him and his stockholders with fairness, intelligence and equity.

To me the frontier of today is not in some wilderness or in space. The frontier is all of us in government, in industry and the general public working together to solve the environmental problems which have grown so quickly in our complex society. In every crusade such as that for a clean environment there is a fringe involved in the cause which is not concerned with the just solution to problems, but in the chaos which can be created through an unintelligent approach to the problem. It is time for those who have given so much of their lives to the desire themselves from those who wish no solutions other than the total breakdown of our complex society.

I would ask you all who have engaged in this environmental crusade to act wisely during the period immediately ahead and to preserve the credibility of our effort until it has accomplished its goal.

OPPOSITION TO WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CORMAN. Mr. Speaker, 1 week from today the House is expected to vote on the prayer amendment—a vote which could easily have a greater impact on the rights of individuals than any other vote in the 92d Congress.

The Members of the House, in casting their votes, will determine whether or not we will for the first time in history tamper with the Bill of Rights which was drafted with such tremendous wisdom and forethought over 175 years ago.

Our Founding Fathers having broken away from the dominance of Great Britain made careful and deliberate efforts to include within our Constitution a Bill of Rights which would protect against any future infringement of individual liberties. The success of their efforts has been indeniable though it has been challenged repeatedly throughout history.

I trust my fellow colleagues realizing the significance of this latest threat will vote in opposition to House Joint Resolution 191 and preserve one of the most fundamental of individual rights.

A recent editorial in the Los Angeles Times reminded me of a recent court decision in which Chief Justice Berger stated that—

> The Constitution decrees that religion must be a private matter for the individual, the family and the institution of private choice, and that while some [government] involvement and entanglement is inevitable, lines must be drawn.

I trust my colleagues will not vote to erase those lines.

The complete text of the Los Angeles Times editorial of September 23 is reprinted below for the consideration of my colleagues:

PRAYER IN PUBLIC SCHOOLS

Sometime in November the House of Representatives will vote on a proposed constitutional amendment that would permit nondenominational prayers in the public schools, and, indeed, in any building supported by public funds. The legislation is intended to nullify the Supreme Court decisions in 1962 and 1963, which held that organized prayers and Bible reading in the public schools were violations of the First Amendment's guarantee against government establishment of religion and the 14th Amendment's edict against state infringement on individual constitutional rights.

The Supreme Court has since reasserted the fundamental importance of keeping government and religion as separate as possible. In a decision earlier this year on state aid to parochial schools Chief Justice Warren E. Burger said, for the 8-1 majority: "The Constitution decrees that religion must be a private matter for the individual, the family and the institution of private choice, and that while some [government] involvement and entanglement is inevitable, lines must be drawn."

In the case of prayers in the public schools that line has been drawn. Now an effort is being made to erase it. "Nothing contained in the Constitution," says the proposed amendment, "shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through expenditure of public funds, to participate in nondenominational prayer." It all seems simple enough, innocent enough, an assertion of the right to pray. Certainly that is a right, firmly set forth in the First Amendment. But in the context of the proposed amendment it becomes one of those individual rights that runs head on into other individual rights, and the resulting conflict would invite exactly the kind of state interference in religious affairs that this nation has so wisely sought to avoid ever since 1791.

Disputes and divisiveness would be made inevitable under this amendment, and whatever values it is meant to encourage would likely be negated by the angry passion that has always marked religious quarrels. Is there such a thing as a "nondenominational prayer," acceptable to all, including atheists and agnostics who see no purpose in prayer, and who have their rights too? Who would determine when the "right" to "participate" in prayer would be exercised, and what of those who invoked the equal right not to participate? What social penalties would fall on children who chose not to pray, what economic penalties on teachers who did the same?

Proponents of school prayer have deep and sincere convictions. But their efforts, if successful, could result in exactly the kind of bitter and perilous conflicts the Constitution and Supreme Court have sought to avoid. And what would our children, and the nation, gain by that?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SAYLOR-UDALL AMENDMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, on October 19, 1 day before the House of Representatives passed the Native Land Claims bill, the New York Times printed an editorial in support of the Saylor-Udall amendment that contained some inaccuracies as well as a failure to comprehend the full nature of the settlement.

I attempted to correct the Times editorial by writing to the publisher in hopes that he would afford me the opportunity to be heard on this issue. To this date, my letter has yet to be published. Because of the debate and vote in the Senate today on the Native Land Claims bill, I think it is important that the issue of land planning be discussed and examined fully. For this reason, I am inserting in today's RECORD the New York Times editorial of October 19, 1971, as well as my response to their position.

[From the New York Times, Oct. 19, 1971]

A PIECE OF AMERICA

With the public and most members of Congress paying no attention, the Federal Government is about to give away a piece of America. The land is some of the most rugged and picturesque and richly endowed with animals as any on this continent. If it were in Connecticut or Colorado, this handout of 50 million acres would evoke an outcry that would shake the Capital.

But Alaska is very far from Washington, D.C., and from most of the centers of population and power in this country. What goes on there seems remote. Too often, Congressmen and citizens alike find it difficult to get interested in Alaskan issues and turn away, barely suppressing their yawns. Will this tragic history of boredom and irresponsibility be repeated when the House of Representatives meets today?

* * * * *

The question before the House is an amendment to the Alaskan Native Land Claim Bill offered by Representatives John Saylor, Republican of Pennsylvania, and Morris Udall, Democrat of Arizona, two of the foremost conservationists in Congress. The substance of the bill is not in dispute. It would confer long overdue justice upon the Aleuts, Indians, and Eskimos of Alaska by granting them $925 million in cash and title for 40 million acres of Federal land. The measure would put to rest a long-simmering dispute between these natives and the state of Alaska.

What the Saylor-Udall amendment seeks is justice also for all of the American people. It would put into timely practice some of the environmental lessons learned at great cost from this nation's reckless past. Because the settlement of the native claims combined with the recent discovery of oil and natural gas is expected to set off an enormous economic boom in Alaska in the very near future, it is now or never to protect the potential national parks and the best wildlife habitat and wilderness in America's largest state.

The amendment directs the Secretary of Interior to choose within six months up to 50 million acres of Federal land which has the greatest ecological significance. He would then have five years to make final recommendations to Congress as to the use of these lands. This amount of time is essential because in most of Alaska careful land surveys and scientific field studies have not been done in many areas which are, however, known to be prime habitat for vanishing threatened species such as the wolf and the caribou or to have exceptional recreational potential or wilderness values. The amendment also designates five areas for particular study, including a section of the Brooks Range which could become a magnificent Gates of the Arctic National Park.

During the five-year study period natives could proceed with the selection of their lands. If any of the lands which they chose were within the 50 million acres to be studied and if such lands were ultimately protected by Congress as a park or wildlife refuge or wilderness area, the natives would receive an equivalent amount of land elsewhere.

* * * * *

When the land claims bill was under consideration by the House Interior Committee, Representatives Saylor and Udall offered a much more comprehensive proposal calling for submission to Congress of a land plan for Alaska's entire 375 million acres. The committee, responsive to the hectic pressures for fast economic development of Alaska, unwisely rejected this far-seeing proposal. The new amendment is much more modest in scope. *It is the minimum which can be enacted if Congress is to protect posterity's interest in the Nation's last frontier.*

Once a state is developed, empty land becomes its most precious resources. If 19th Century New Yorkers had not had the wisdom to set aside Central Park and the Adirondacks, does anyone suppose they would exist today or could be recreated at less than fantastic cost? The same question can be asked about the heart of Alaska's natural heritage. It is the last great unspoiled piece of America still within man's saving. No explanation will satisfy the Americans of the 21st Century if Congress fails its responsibility today.

OCTOBER 20, 1971.

EDITOR OF THE NEW YORK TIMES,
New York, New York.

DEAR EDITOR: The passage of the Alaska Native Land Claims bill in the House today by an overwhelming vote of 334 to 63 is now past history. The House has done the job it can do when it is put to the task. And we now look to the Senate.

But because of the New York Times editorial yesterday morning, I would like to offer what I feel is necessary to clarify this important matter. "A Piece of America" failed to examine the basic thrust of H.R. 10367, the Native Land Claims Bill. The issue before the Congress is whether the Congress and the Nation are willing to come to grips with the issue of Native rights. As you pointed out in your editorial, "justice is long overdue," but the Saylor-Udall amendment is not germane to the issue at hand.

You implied that if the Saylor-Udall amendment was defeated, ecological chaos will overtake Alaska. Let me state emphatically that this is not true. Alaska is the most conservation minded State in the union. The city of Anchorage has the most stringent air pollution laws in the country. Generally, there are tougher pollution laws in Alaska than there are in most states. And there has been more study on Alaska's environment, including its wildlife in the past year by the oil companies alone than has ever been done before for the entire country.

Let me assure you Alaskans are keenly aware of the ecological devastation of the "lower 48." Not one of our estuaries is as polluted as the Potomac River, nor is any part of Alaska as debris filled as the Mojave desert. To be against the Saylor-Udall amendment is not to be against land planning. There is no doubt in my mind that what the United States needs is comprehensive land planning, but this must be done so as not to interfere in long-standing human rights issues.

I am surprised that The Times would publish on the day of the vote an article which disregarded, and could possibly prejudice, the major issue mentioned only in passing. The real issue is a human one, dealing with alleviating the huge problems of poverty, unemployment, deplorable housing and sanitary conditions, inadequate medical facilities and limited educational opportunity. The problems experienced by Alaska's Native people are many more, and they are as huge as the dimensions of our State.

You are quite right that Alaska is very far away from Washington. But it is not so much a lack of interest that distance creates, as a lack of opportunity to know of these issues and these problems.

The Alaska Native Land Claims has passed the House. My colleagues who supported the bill knew the issues involved and voted to settle a long overdue injustice. It is the closest we have come, and it is entirely right.

Sincerely,

NICK BEGICH,
Member of Congress.

MEDICAL HELP FOR THE ELDERLY IN FOUR COMMUNITIES IN CONNECTICUT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. GRASSO. Mr. Speaker, there is no question but that this Nation and, indeed, this Congress must do much more to provide adequate income assurance, health care, nutrition, housing and transportation for older Americans.

I have given my strong support for legislation, presently before the Select Subcommittee on Education of the House Education and Labor Committee, to establish comprehensive nutritional services and inexpensive public transportation for the elderly.

In the area of health care, the needs of senior citizens are critical—particularly since minimal social security and pension payments, as well as inadequate medicare coverage, place severe limitations on the full and secure retired life older Americans deserve. While government at all levels has great health care responsibilities to fulfill, it is heartening to learn of the very commendable health care program for the elderly now underway in four Sixth District communities.

Known as the "Fall Tune-Up," the program provides free medical tests for people 55 years of age and older in the communities of Farmington, Canton, Avon and Plainville. Through the cooperation of a number of local health agencies, five tests to check for the major illnesses among older persons will be offered: glaucoma eye test, diabetes—blood sugar, T.B. Tine test, oral cancer examination and hearing. The tests are being held on November 3 and November 4 from 2 to 6 p.m. at the St. Matthew's Lutheran Church on Route 177—224 Lovely Street—in Avon.

This opportunity for free testing is certainly welcome news to the area's elderly citizens. They have given a lifetime of energy, strength and commitment to our Nation and too often meet with unnecessary suffering and misfortune in the twilight of their lives.

I heartily commend the generous and thoughtful efforts of the communities of Farmington, Canton, Avon and Plainville. This is a superb program—one which all cities and towns should establish for the benefit of their older citizens.

DISBAR KUNSTLER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYMAN. Mr. Speaker, in a recent column appearing in the Washington Star, William F. Buckley, Jr., has asked "Why Not Disbar Attorney William Kunstler?", a question I have been asking and action I have been pressing for ever since Kunstler's extremism surfaced. As officers of the court, attorneys at law are sworn to uphold the Constitution and the courts. If they want to remain attorneys entitled to practice before our courts they do not go around preaching revolution, inciting violence and advocating virtual insurrection, whatever the reason. Should they engage in this type of conduct it cannot and should not be as a member of the bar in good standing.

Such advocacy, such conduct, is not a first amendment issue. On the contrary it is a disciplinary one. It comes right down to a question of whether the Bar Association of the city of New York is going to allow advocates of violence, blatantly contemptuous of judges, courts, and the bar itself, to willfully and publicly bring all lawyers into disrepute without petitioning for their suspension, and upon proof of such conduct acting to disbar.

Surely the New York City association is not afraid of the William Kunstlers among its membership. Surely it is not reluctant to face a confrontation with those who bring the bar into disrepute, make a mockery of the judicial system, and openly seek to incite jungle law on the streets of the Nation.

America is watching, and wondering—as well it should.

Additional indication of Kunstler's activity appears in an article by Arthur C. Egan, Jr., appearing in the Manchester (N.H.) Union Leader of October 8, 1971.

The articles follow:

[From the Washington Star, Oct. 13, 1971]

WHY NOT DISBAR MR. KUNSTLER?

(By William F. Buckley Jr.)

The problem of William Kunstler extends now beyond the bounds of legal propriety. But pause there for a minute.

William Kunstler is a practicing lawyer, and the question before the house is—ought he to be permitted to practice law? The general assumption is: Why not, it's a free country, isn't it? To which the answer is that we are a country that seeks to be free. But in order to achieve that objective, it is required that we enforce certain rules, for instance thou shalt not murder, thou shalt not steal.

In order to enforce those laws, we set up a court system. That system depends, for its effective functioning, on the behavior of people, who play a role in it—judge, prosecutor, defense counsel, juror.

You can make an abstract case for permitting anybody to practice medicine provided that person's client knows full well that he is talking to somebody who never went through medical school. The transaction affects, alone, the client himself.

But where a trial is concerned, the defense attorney is only one of the moving parts. If he orbits about totally out of control, the result is that the coordination necessary to the approximation of justice is simply impossible. That's why there are rules for lawyers. Such rules used by William Kunstler, given to contumely in the courtroom, and to the disparagement of judges and indeed of the system, in that acid-rock rhetoric that is his trademark, contribute to chaos in the courtroom.

The reason (the lawyers will tell you this discreetly) that they don't go ahead and disbar him is not because he hasn't violated the canons of the profession, but because they fear to make a martyr out of him.

A prudential judgment.

The trouble with it is that, widely applied, it is a ticket to immunity. Don't go after the Mafia boss, or you will make him a martyr in the eyes of the Italian community. Don't execute Manson, or you will give rise to a Cult of Manson. Don't exact justice, when the consequences of doing so, carefully weighed, could mean a net worsening of the situation. It doesn't take much imagination to recognize that the results of that line of reasoning include: Don't pass civil rights laws, because that will encourage lawlessness in the South.

William Kunstler should be disbarred, or the canons of legal behavior should be picked and sent to the Smithsonian as antiquarian relics of another civilization. But I pause now not to consider Kunstler the lawyer, but Kunstler the polemist.

I have reference to an appearance he made recently at Colgate University. He was in good voice. He told the students that the dead there had been "murdered in cold blood in your name and my name." Cold blood? Why would police murder in cold blood, eight of their brothers, who were being held hostage?

They were murdered in cold blood by a "horde of racist state troopers."

Later, at a press conference, Kunstler, to quote the student newspaper, "supported the idea of prisoners taking hostages to accomplish their goals." Kunstler, in other words, urges the violation of the law, the kidnapping of officials, and presumably, their execution if their demands are not met—the term "hostage" having no other meaning.

About Nelson Rockefeller, Kunstler said that he "deserved to be ruled out of the human race." He called for an indictment of Nelson Rockefeller for murder.

One notes that the rhetoric has become, well, rabid. Rockefeller is a murderer. The state police murderously and intentionally killed not only the prisoners but the guards. All American justice is a travesty. Prisoners should take the law into their own hands. Prisoners should kill guards if their demands are not accepted.

Let madmen be madmen. Eventually the froth turns off the listeners, and the madmen go off to live and sweat in the fever swamps. But I think the time is overdue for sane members of the community, left and right, to draw the line.

I have not often had good words for Nelson Rockefeller. But out of respect for him, and in protest against the slander of him, I hereby resolve not to share a public platform again with William Kunstler—not until he has shown, by act or deed, the contrition that is appropriate when he assigns evil, murderous, sadistic motives to someone who seeks to do his duty. Never mind that he may do it clumsily or make mistakes.

I do not wish Kunstler to be put in jail unless that is what the law of criminal libel requires. But I do wish that he should experience the isolation which he has earned from the civilized community.

[From Manchester (N.H.) Union Leader, Oct. 8, 1971]

KUNSTLER SEES COURT AS ENEMY

(By Arthur C. Egan, Jr.)

WASHINGTON.—Left wing lawyer William Kunstler, defender of persons preaching violence and revolution in the United States, yesterday told a group of 20 newsmen he looked upon every court in this country as "an enemy."

"Any criminal trial in ths country is an oppression," Kunstler told the reporters and editorial writers adding, "the state is an enemy" of the poor white, the blacks, Puerto Ricans and Chicanos.

Asked to comment on his disruptive antics in the courtroom, Kunstler said he "would use every dirty delaying tactic possible" if his defendant was one of the minorities.

Speaking to newsmen attending a week-long seminar on "Crime and Justice" at the Washington Journalism Center, Kunstler said every move he made in a courtroom was designed for disrupting normal procedures. "I trade for delay—I fight for delay—this is what I want to do," said Kunstler.

Referring to the era when he was attorney for the late Dr. Martin Luther King, Kunstler said "every move Dr. King planned was designed to make an abrasive confrontation between blacks and whites."

The radical attorney said Dr. King deliberately manipulated events in Birmingham and other cities so as to cause an open "abrasive confrontation" between the two races.

When asked if he would defend a white man Kunstler said "not unless he was a radical" but conceded he might consider defending a poor white if he, Kunstler, could make the defendant's plight into a social or political issue.

"I wouldn't defend a middle class or rich white man accused of a criminal act," Kunstler told the group. However, Kunstler said he would readily defend any member of a minority race in any criminal trial.

Under questioning by newsmen Kunstler said social changes in the country can only be brought about by confrontation even if it's meant plunging the nation into civil war.

END SYSTEM

"We have to bring an end to the economic system in this country," said Kunstler who admitted under questioning that he had no substitute plan to offer in place of the present system.

Kunstler conceded that he "wasn't sure if anything could cure poverty," but reiterated his previous statement that the present economic system in the United States had to be destroyed.

The left-wing lawyer charged that President Johnson was "afraid for his life" and that is why he chose not to seek reelection. "Johnson was afraid of the confrontation in this country—Congress is afraid of abrasive confrontation—that is why we get what we want," said Kunstler.

Referring to President Nixon, Kunstler labeled him a "beast" but went on to say, "at least Nixon is an honest beast," in referring to the president's views on national affairs.

"Anyone with power can't be trusted," said Kunstler emphatically but when asked if he, by his courtroom actions, wasn't gaining power himself, he admitted that maybe even he couldn't be trusted.

COURTS "OPPRESSIVE"

Asked if any other country in the world had an honest court, Kunstler said "all courts everywhere in the world is oppression" and said he included Soviet Russia, China, Cuba, and every other nation that now exists on the globe.

In keeping with his past accusations, Kunstler said every black man killed by a law enforcement officer was "Murdered" and cited his most recent crusade for George Jackson, a negro killed in a California prison incident.

Kunstler also charged that the lawyer sought for smuggling a gun to convict Jackson, would be "killed by authorities" if he surrendered to police.

Bringing the Attica prison riot into discussion, Kunstler accused all persons connected with putting down the riot with "Murdering" the convicts. However, Kunstler expressed no grief for the guards who also lost their lives in the same confrontation.

Kunstler said both sides should have continued talking even if it meant dragging out the negotiations for days or weeks.

FIDDLIN' JOHN'S LEGACY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HAGAN. Mr. Speaker, country music has grown into a multi-million-dollar industry and is enjoyed by millions of Americans. Rock music shows some sign of fading from the scene, but real country music is apparently here to stay.

When Willis Page arrived in Nashville several years ago to direct the Nashville Symphony, he told the Nashville Kiwanis Club that the people of Nashville, "Music City, U.S.A." should be proud of being the center of country music because it was also music and could not be ignored.

The southern Appalachians have been the spawning ground for the leading country music artists. A part of these mountains are in Georgia and the State has made some major contributions in music writers and performers.

Fiddlin' John Carson, a Georgian, was the real pioneer according to an editorial in the Savannah Press, October 23, 1971, entitled "Fiddlin' John's Legacy." As a 23-year-old member of the Georgia Legislature it was my privilege to know Fiddlin' John personally and to enjoy hearing him play frequently. The editorial follows:

FIDDLIN' JOHN'S LEGACY

While Georgians are joining with folks the world over in celebrating Country Music Month (country picking and singing is very big in Japan, you know, as well as in other exotic spots outside the U.S.A.) we ought to at least give a hoot and a holler for Fiddlin' John Carson.

A lot of folks think country music got its start, as far as recording is concerned, when the legendary Carter Family and blues yodeler Jimmie Rodgers made some waxings in Bristol, Tennessee, back in 1927. Not so, historic though that recording session was. Old Fiddlin' John, a Georgian who used to play at Gene Talmadge's political rallies, made the first country music record in the South in mid-June of 1923. Ralph Peer, who recorded him, wasn't quite sure the recording would sell. He recognized Fiddlin' John as an instrumental artist of special gifts, but he didn't quite understand the attraction of John's singing. When the record sold well, John signed the first real country music recording contract.

Atlanta was the center of country music for the first few years of its climb toward national recognition. Besides Fiddlin' John, the first major recording stars in country music—a lot of people called it hillbilly music in those days—were Gid Tanner of Dacula, Georgia, Riley Puckett of Alpharetta, banjoist Fate Norris and Clayton McMichen and a group called the Georgia Wildcats. Gid Tanner's Skillet Lickers were probably the best known string group.

With the historic Bristol recording date, country music began its move that eventually made Nashville "Music City, U.S.A.," but maybe it wouldn't have happened if Fiddlin' John and other Georgians hadn't paved the way.

REMEMBERING THE HUNGARIAN REVOLUTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RODINO. Mr. Speaker, before October 23, 1956, the concept of socialism to the Hungarian citizen was an idea devoid of the ideals of truth, justice, and freedom. The word "socialism" was associated only with the realities of foreign occupation and control, of regimentation, of the curbing of liberties, and of an abnormally low standard of living. A man could not believe in the possibility of gaining social justice nor hope to bring an end to his exploitation. No room was allotted for criticism. Hungary was a country in which intellectuals were schooled in the joys of freedom of thought while every original idea was denounced as heresy, a country in which phrases stressing "this land is rightfully every man's land" were constantly reiterated yet after each harvest, its people were left with hardly enough grain to last until the next sowing.

Unexpectedly, late in 1953, Imre Nagy, former vice president of the Hungarian Council of Ministers, was suddenly elevated to the position of Hungary's premier. Unlike his predecessors, Nagy did not look upon himself as a weak servant of the Soviet Union. By being the only Communist leader who dared to say "no" to his party superiors, he became the first and only one to whom the Hungarians said "yes." His strength lay in his ability to truly listen to the heartbeats of his people. He traveled his own course, step by step, solving each problem, probing each question. In his program, he called for equality of political and economic rights, for a revision of the economic structure by specialists in conformance with Hungary's needs and peculiarities, for a higher standard of living, for a more tolerant attitude toward questions of religion for a new level of esteem for intellectuals, and for more humane treatment of workers. For the first time, if a peasant wished, he could leave the cooperative. Nagy closed the internment camps, proclaimed a broad political amnesty, suppressed blacklists, dissolved political tribunals, and began rehabilitation of the victims of past prefabricated trials. He set forth five basic principles, principles which are universally embraced by men everywhere who seek freedom, principles recognizing national independence, national sovereignty, national equality, territorial inviolability and noninterference in internal affairs.

Suddenly, the very party leaders who had expressed confidence in Nagy, who had brought Nagy to power, and who had a year and one-half earlier refused to allow Rakosi, the former premier, to speak, met with Nagy and by unanimous consent, "for his rightest deviationism, for his divisive actions, for surrounding himself with antiparty groups which had become the rallying point of the enemies of socialism," dismissed him from his position and expelled him from the party. Nagy's efforts of defense and of refutation fell upon deaf ears. Obviously, the men whom he addressed were not free men. Their instructions as to the disposition of the Nagy case had been sealed well in advance.

Nagy, unlike the Rakosis before him, refused to recant his views and confess his errors, so convinced was he in the validity of his decisions.

The revolt itself began as a peaceful student demonstration. The demands made were nationalist, not anti-Communist in nature, yet the 13 days between October 23 and November 4, 1956 will stand aside as separate and distinct from all the days of Hungary's thousand years of history. It is important to note that Nagy's supporters were not men on the fringes of party life or men who had tossed aside party doctrine. Nagy dreamed of a humanist socialism—a socialism which would respect individual freedom as well as national independence. Those who supported him did not want to change the existing system. They wanted only to improve it, to reform it. Yet, they all condemned one element deeply embedded in the system—the practice of inhumanity.

The Hungarians wanted more than merely a reinstatement of Nagy. Among their demands, they called for a multiparty system and for the removal of all Soviet troops from their soil.

> For us, there is no choice. Either we win or we fail. There is no third possibility—we will stay here and die, if necessary until the Russians agree to leave our homeland.

In the eyes of the Hungarian people, it could not be conceived that after so many words of ardent praise, the West could abandon Hungary and allow its quest for liberty to be crushed. The people of Hungary were convinced that the world could not be disinterested in their struggle. Their deep confidence in the West and their hope for U.N. action was perhaps their greatest source of strength.

The outcome of the Hungarian Revolution requires little reiteration. The Russians, who had agreed to begin troop evacuation on October 30, with no explanation, made an about face and returned en masse to a complete occupation of Hungarian soil. What had become of the solemn promise that no further Soviet units would enter Hungary? No answer came for Nagy—no answer from Russia, but more important, he received no response from the free peoples of the world.

Washington announced "a State Department spokesman refused comment for the time being on the message of the Hungarian Government relayed by the United States Embassy in Budapest."

The U.N. Security Council, which had, on Saturday night, resumed its debate on the Hungarian situation, decided unanimously to adjourn until Monday morning.

No promises were kept. The newborn independence and sovereignty of Hungary lasted only a few days. Those who participated in the revolutionary struggle were subjected to pitiless persecution. Nagy was brought to trial, accused of high treason and sentenced to death.

Fifteen years after these events, Hungary has not forgotten the impact of those 13 days. According to the Hungarian writer Michael Polanyi in his "message of the Hungarian revolution:"

> Since October 23, 1956 ideas have never ceased to circulate freely in Hungary. Those who still hotly profess the Marxist interpretation of history, who proclaim the surpassing achievements of revolutionary socialism and predict the proximate coming of communism—these people are increasingly looked upon as ignorant fools . . . the young are immune to their teaching.

The Hungarian revolutionaries of 1956 revived the ideas of truth, justice and liberty and were resolved to fight for these ideals. Their taste of justice and of freedom, however brief, remains dear to them, be it expressed in a scream, a whisper or in an unuttered phrase.

FROM "ONE SENTENCE ON TYRANNY"

(By Gyula Illyes)

Where tyranny is,
There is omnipresent
In all things, as your very God was not
In days gone by

There tyranny is
In the nursery schools,
In the father's advice,
The mother's smile,
In children's
Answers to strangers;

Not only in barbed wire,
In slogans in lines of print,
More than barbed wire
Dulling the brain;

It is in
The farewell kiss,
As the wife says,
"When will you be home, dear?"

In how-are-you's exchanged
Every day in the street,
In the suddenly looser
Grip of a handshake,

As all at once
Your love's face freezes,
It is there
In all trysts,

Not only in grilling
But in the declaration
In the sweet ecstasy of words,
Like a fly in your wine,

Because not even in your dreams
Are you alone, . . .

PROCLAMATION: NAVY DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, William A. Egan, Governor of Alaska, has proclaimed Wednesday, October 27, 1971, as Navy Day. He has done so in an effort to bring to the attention of all Alaskans the vital importance of our Nation's Navy and Marine Corps in maintaining a strong national defense.

I am bringing this proclamation to the attention of the Congress so the Nation will know of Alaska's support and pride in our Navy and Marine Corps and the job they have done in securing our national defense. The following is a copy of the Governor's proclamation:

PROCLAMATION: NAVY DAY

It is of vital interest to all citizens of the United States of America that we possess a sound national defense.

It is well-known that our strong Navy and Marine Corps are making great contributions to the security of our Nation and free men everywhere.

The mobile forces of the Navy, manned by highly trained and dedicated personnel, are a deterrent force virtually free from surprise attack.

Since 1922, October 27 has been celebrated nationally and locally as Navy Day, a day on which it is only fitting and proper that the citiezns of this great Nation give well deserved honor and recognition to the achievements of our mighty Navy and particularly to its heroic men and women—living and dead—all over the world, for their patriotism, loyalty, efficiency, and devotion to duty.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim Wednesday, October 27, 1971, as Navy Day and call upon all citizens of Alaska to take part in appropriate observance of this day through the many channels open to them.

Dated this 11th day of October, 1971.

OUR LIVING LAND

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. McKEVITT. Mr. Speaker, I wish to commend the Department of the Interior on the recent publication of "Our Living Land." This is the type of publication which encourages interest in government, and increases public understanding of the complexity of natural resource issues.

"Our Living Land" explores the Nation's land heritage and Government effort to conserve our fragile earth.

In summarizing the thrust of the Conservation Yearbook, Secretary of the Interior Rogers Morton says:

> We must learn to help our communities develop in harmony with their environment rather than allow communities to damage the environment through over-development. This is the heart of sound land management, whether it be the management of public lands, which comprise about one-third of this Nation's territory, or whether it be the management of privately owned acreage.

"Our Living Land" greatly enhances an understanding of what Government is doing to provide for the wise use of the country's natural resources.

I am most pleased to see such a positive and realistic statement of accomplishment produced by the Interior Department. I congratulate the Department for outlining environmental challenges which we must solve while providing for our future resource needs.

THE ROLE OF PROFITS IN THE AMERICAN ECONOMY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WIDNALL. Mr. Speaker, this past Friday the Banking and Currency Committee, which is holding hearings on H.R. 11309 to extend and amend the Economic Stabilization Act of 1970, was treated to one of those feats of statesmanship which, regrettably, is too rare. I refer to the testimony given by our associate from Illinois, Representative JOHN B. ANDERSON.

I ask unanimous consent that his testimony be appended to these remarks because they are deserving of the attention of all the Members of this body who will soon be called upon to vote on this measure.

The gentleman's statement is a well documented and informative treatise tracing the record of corporate profits through a series of economic cycles. I think it will shed new light on the subject of equity between wages and prices for many among us. In my 21 years in the Congress I have rarely seen a Member step forward voluntarily, or demonstrate so convincingly, his belief in our free enterprise system.

I commend the statement to your attention.

STATEMENT BY CONGRESSMAN JOHN B. ANDERSON, BEFORE THE HOUSE COMMITTEE ON BANKING AND CURRENCY, FRIDAY, OCTOBER 29, 1971

Mr. Chairman: It is a great privilege and pleasure for me to have this opportunity to appear before your distinguished Committee on Banking and Currency. I would like to second the remark of Secretary Connally on Tuesday when he commended you for so swiftly responding to the Administration's request for hearings on H.R. 11309 to provide for an extension of the legislative authority needed to carry on Phase II of the President's New Economic Policy.

Since I know this committee is anxious to expedite these deliberations, I will limit my comments to two brief matters. The first concerns the adequacy of authority to control profits in the legislation requested by the Administration, and the second concerns some important issues that we ought to be looking at in preparation for the day when Phase II ends.

Mr. Chairman, same critics of the President's anti-inflation program—both Phase I and Phase II—particularly the labor movement, have charged that it is unfair and inequitable because it does not provide adequate control over profits, interest rates, and dividends. On the first score, I think Secretary Connally provided ample evidence in his statement on Tuesday that interest rates on a broad range of financial instruments—Treasury bills, corporate bonds, agency issues and the like—have declined considerably since the President's announcement of August 15. Since these rates are generally the most sensitive to market pressures, there is strong reason to believe that this downward trend will soon be reflected in rates on other types of loans as well—the prime rate as you know was lowered last week by a number of major banks. So I think rather than taking the real risk that mandatory interest rate ceilings will become a floor, it might be wiser to let market forces continue their downward pressure and provide reserve authority for the government to intervene as the Administration has requested in the event that this trend should reverse itself.

I: AGGREGATE PROFITS

My real concern, though, is that this committee not go beyond the authority requested by the Administration to control profits and dividends. I make this point because profits are now rising in their normal cyclical pattern—projections indicate that they may be up to $46 billion on an after-tax basis during the third quarter from a low of $39 billion in the fourth quarter of last year—and a continuation of this trend may lead to strong pressure to establish some kind of ceiling or excess profits tax. I believe this would be extremely unwise and would like to take a few minutes of your time to explain why I hold this position. I would make clear from the outset, though, that I fully share the view that the stabilization program must be as fair and equitable as possible if we expect it to succeed. But I do not believe that equity demands that we arbitrarily place a ceiling on profits; moreover, doing so might well undermine the very objective of stable economic growth that we are trying to achieve.

The first point that must be made very clear about profits is that they are one of the most volatile and cyclically sensitive economic indicators we have. When the business cycle turns down, profits drop more steeply than most other measures of economic activity and by the same measure they rise more swiftly on the upswing.

Let me give a couple of example to illustrate this important point. During the 1958 recession, real GNP and the index of industrial production declined 3% and 11% respectively during the four-quarter period prior to the low point of that cycle; however, profits declined almost 24%. Similarly during the four quarters following the low point—during the upswing—real GNP rose by 9%, the index of industrial production by 21%, but after-tax profits by nearly 53%.

If we take the 1961 recession which was shallower and hence more like the one we recently experienced, the same pattern holds true. During the four quarters preceding the low point, real GNP declined 2%, the index of industrial production dropped 7%, and profits were down by nearly 17%; during the upswing in the four quarters following the low point real GNP was up 8%, the index of industrial production rose by 12% and profits increased by 28%.

Now I make this point because we are currently in the upswing of a business cycle and profits will be rising, if past patterns hold true—much more rapidly than other measures of economic activity including fundamental indicators like the index of industrial production and real GNP. But this should not lead to the conclusion that profits are out of control or that business is experiencing a windfall from the stabilization program; rather we should interpret it as a part of the normal and necessary process of economic adjustment.

Mr. Chairman, I would like to include in the record at this point a chart which demonstrates this cyclical volatility of aggregate profits for each of the five recessionary cycles we have experienced in the post-war period. They all show extreme swings from the peak of the cycle down to the trough and then back up to the new peak, although the magnitude, of course, depends on the severity of the downturn. Moreover, it is not difficult to understand why this extreme fluctuation occurs. As production is cut back, aggregate profits decline because of reduced sales volume and because margins per unit are also reduced as fixed overhead costs must be allocated to fewer units of output; on the upswing, of course, the opposite phenomenon occurs.

TABLE I.—CYCLICAL CORPORATE PROFIT TRENDS (1948-71)

[In percent]

Cycle	Peak to trough	Through to 2d quarter	Through to 4th quarter	Through to 6th quarter
I (1948 II-1950 IV)	−24.4	2.3	27.7	71.2
II (1953 II-1955 II)	−23.4	18.7	35.5	59.6
III (1957 I-1959 II)	−28.0	15.2	41.4	55.6
IV (1960 I-1962 III)	−16.6	15.4	27.4	30.7
V (1968 IV-1972 IV)	−19.2	13.7		
To equal average recovery trend (percent)			33 ($52.1)	54 ($60.4)
To equal IV recovery (percent)			27.4 ($49.9)	30.7 ($51.2)

Source: Business Conditions Digest (Historical data for Selected Series).

I would also point out that this exaggerated profits recovery in relation to other economic measures does not provide opportunity for business to increase the profits share of national income as might be expected. Corporate profits as a percentage of GNP—both on a before and after tax basis—have remained steady for most of the postwar period and if anything, have shown a tendency to decline during recent years. By contrast, the share of wages and salaries has steadily risen, moving from about 55% of GNP in 1948 to over 61% in 1970. I would ask that a table showing these trends be included at this point in the record.

TABLE II.—RELATION OF CORPORATE PROFITS TO GNP (SELECTED YEARS, 1948-70)

[In percent]

Year	Wages and salaries as percent of GNP	Corporate profits as percent of GNP		Return on equity	Return on sales
		Before	After		
1948	54.8	13.7	8.8	16.0	7.0
1952	56.5	11.2	5.7	10.3	4.3
1956	57.8	11.6	6.5	12.3	5.3
1960	58.4	9.9	5.3	9.2	4.4
1964	57.8	10.6	6.1	11.6	5.2
1968	59.4	10.2	5.6	12.1	5.1
1970	61.4	8.4	4.5	9.4	4.1

Source: Economic Report of the President, 1971.

Mr. Chairman, the essential point I would like to make is this: we may have great disagreements as to whether national income is now properly allocated among the various claimants, and as to whether the profits share should be greater or less. But during a period of national emergency, when a stabilization program will succeed or fail largely on the basis of broad support, we must put aside differences of this sort and agree that a fair and equitable program is one that will preserve income shares at the same relative distribution that has prevailed for a couple of decades now. Since profits in 1970—at 4.5% of GNP on an after-tax basis—were well below their post-war average of 5.8%, we simply must accept the fact that they will have to rise substantially over the next year or so just to restore the status quo. To be specific, we have computed that in order to equal the average recovery trend for previous post-war business cycles, profits will have to rise by nearly 54% in the six quarters following the November 1970 low point, or to an after-tax level of $60 billion by the end of next year. If we use the 1961 recession as a base, as it was most nearly identical to the recent one, profits will have to rise by over 31% to an after-tax level of $52 billion.

Finally, this need for recovery in the level of aggregate profits is not merely a matter of abstract equity. It has very real implications for the success of the current recovery and the Phase II program on which we are about to embark. I would like to point out that there has been a very disturbing decline over the last decade in the relationship of corporate cash flow (retained earnings plus capital consumption allowance) to new fixed investment. In 1962 corporate cash flow was 113% of new fixed investment. Since then it has steadily declined to less than 79% last year. What this obviously means is that corporations are increasingly being forced into external finance—going to the capital markets—to fund their new investments. And this, of course, only puts pressure on interest rates and tends to reduce the funds available for housing, local and state government finances and the like.

Since most projections show a strong revival of capital spending next year due to the investment tax credit and general upturn of the economy, I think it is especially important that we do not arbitrarily impede the profits recovery and thereby diminish corporate cash flows and force them into heavy external financing in competition with other sectors that have an equally important role to play in our national stabilization and recovery program. I would like to include in the record a table which shows this decline in the relationship of corporate cash flows to new fixed investment.

TABLE III.—RELATIONSHIP BETWEEN CORPORATE CASH FLOW AND NEW FIXED INVESTMENT, 1962-70

Year	Cash flow	Fixed investment	Cash flow as percent of new fixed investment
1962	$41.8	$37.0	113.0
1963	43.9	38.6	113.7
1964	50.5	44.1	114.5
1965	56.6	52.8	107.2
1966	61.2	61.6	99.3
1967	61.3	62.5	98.4
1968	62.5	67.5	92.6
1969	62.5	76.9	81.3
1970	61.8	78.7	78.5

Source: Economic Report of the President, 1971.

II: PROFIT MARGINS

Mr. Chairman, a more sophisticated approach to profits controls centers on profits margins rather than aggregate levels. This makes better economic sense as obviously when thinking about wage controls, for instance, we do not focus on the aggregate national wage bill but on relative wage rates. While I am sympathetic to this approach, I think again we should not lose sight of the cyclical factors I mentioned earlier. If we look at the record for previous business cycles we see that not only do aggregate profits recoup dramatically during the upturn, but also profit margins rise as fixed costs are spread over a larger volume of production. And again, this does not lead to a change in national income shares but merely a return to the equilibrium level. I would like to include at this point a table which shows the change in profit margins—as measured by after-tax profits per dollar of sales—during each of the post-war business cycles. It shows that margins decline during the downturn and then rise for anywhere from two to five quarters after the low point. There is strong evidence that this is occurring in the current upswing and may continue to do so well into next year. But again, I do not think this normal recovery pattern should be a cause for arbitrary intervention or controls.

Moreover, there is little evidence that this recovery pattern is inflationary. In the eight quarters following the low point in 1961, for instance, profit margins increased from 3.8¢ on each dollar of sales to 4.7¢, a gain of 23%. However, the decline in the wholesale price index for manufacturing of 0.7% was almost identical to the decline of 0.9% for the index of manufacturing unit labor costs. So it is clear that rising profit margins in the early recovery period do not result from prices that are out of line with unit labor costs, but from the reduced production costs of expanding volume.

TABLE IV.—CYCLICAL TREND OF PROFIT MARGINS (PROFITS (AFTER TAX) PER DOLLAR OF SALES)

[In cents]

	1948 II (P)	1948 III	1948 IV	1949 I	1949 II	1949 III	1949 IV (T)	1950 I	1950 II	1950 III	1950 IV	1951 I	1951 II
I	6.4	6.3	6.2	5.6	4.7	5.5	5.5	5.6	6.7	6.9	6.3	5.7	5.1
	1953 II	1953 III (P)	1953 IV	1954 I	1954 II	1954 III (T)	1954 IV	1955 I	1955 II	1955 III	1955 IV	1956 I	1956 II
II	4.3	4.4	4.0	4.3	4.6	4.5	4.7	5.2	5.4	5.5	5.6	5.4	5.4
	1957 I	1957 II	1957 III (P)	1957 IV	1958 I	1958 II (T)	1958 III	1958 IV	1959 I	1959 II	1959 III	1959 IV	....
III	5.3	4.9	4.7	4.3	3.6	3.7	4.4	4.8	5.0	5.3	4.6	4.4	....
	1960 I	1960 II (P)	1960 III	1960 IV	1961 I (T)	1961 II	1961 III	1961 IV	1962 I	1962 II	1962 III	1962 IV	1963 I
IV	5.0	4.4	4.3	3.9	3.8	4.2	4.4	4.7	4.6	4.4	4.5	4.7	4.4
	1969 III	1969 IV (P)	1970 I	1970 II	1970 III	1970 IV (T)	1971 I	1971 II	1971 III	1971 IV	1972 I	1972 II	
V	4.8	4.5	4.1	4.3	4.0	3.6	4.0	....	....	....	....	....	....

Note: (P) equals peak of cycle; (T) equals trough.

Source: Business Conditions Digest (Historical Data for Selected Series).

Mr. Chairman, having said this I would also point out that after the initial stages of recovery and after most of the slack in the economy has been taken in, expanding profit margins may well indicate something is out of line. We had a good example of this during the 1962–1965 period of the Kennedy-Johnson guidelines and this may explain in part why labor is so concerned that the President's program does not adequately provide for "equality of sacrifice."

During the first two years of that period—1962 and 1963—profit margins climbed by almost 10% over the 1961 level, but at the same time, both the wholesale price index and the unit labor cost index for manufacturing declined in about equal proportion. So this gain can be attributed to the phenomenon associated with recovery I mentioned above. However, during the next two years with employment heading toward the full employment target and utilization of plant capacity approaching optimum, profit margins increased nearly 20%, but this time unit labor costs declined while the wholesale price index rose over 2%. The obvious implication is that this continued rise in the profit margin was not due so much to the economics of expanded production as to a growing spread between unit labor costs and price levels. Labor spokesmen, therefore, probably had some justification for feeling that the guideline program was discriminating against their interests.

Mr. Chairman, it is obvious that we must prevent this kind of outcome if Phase II is to be successful. But the point is we can avoid this without any arbitrary across-the-board profit controls or even indirect controls on dividends and the like. The real need will be to have sufficient coordination between the decisions of the price board and the pay board so that unit labor costs and price levels move as nearly in tandem as possible. To be sure, even if we accomplish this, aggregate profit levels and profit margins will rise for a time. But this should in no way be considered a violation of the principle of "equality of sacrifice" or preserving the equilibrium status quo in national income shares. When the President spoke of preventing "windfall profits," I believe it was just this sophisticated approach to profit controls that he had in mind. Since there is ample authority to control prices in the legislation before you, it seems to me that nothing further need be done directly about profits.

TABLE V.—RELATIONSHIP BETWEEN UNIT LABOR COSTS, PRICES, AND PROFITS MARGINS IN MANUFACTURING, 1962-65

Year	Unit labor cost	Wholesale price index	Profit margin: Cents per dollar of sales	Profit margin: Percent change from previous year
1962	0.1	0.1	4.6	7.0
1963	—.7	—.2	4.7	2.2
1964	.1	.5	5.2	10.6
1965	—.6	1.9	5.6	7.7

Source: Business Conditions Digest (Historical Data for Selected Series).

III: BEYOND PHASE II

Mr. Chairman, in concluding let me just mention a second concern of mine that does not pertain directly to the legislation before you.

I think we all view this coming period of direct government economic controls as something inherently undesirable but nevertheless necessary because as Federal Reserve Board Chairman Arthur Burns has observed, "the old rules no longer seem to be working."

The old rules prescribed a period of demand restraint through aggregate fiscal and monetary tools to wind down the inflation that afflicted our economy when the Nixon Administration took office. This approach did not achieve the desired results in part, of course, because the inflationary psychology that had gripped the nation just wouldn't be dislodged without more stringent measures. If the inflationary psychology were the whole explanation; however, a period of direct controls might be enough to do the job and allow us to return to a free market without undue difficulty or delay.

But I am afraid the current inflation is rooted in more than just our minds. In fact, over the years changes have been shaping up in our economy and market—undermining practices by business, labor and government alike have accumulated to such a degree that we might be destined for permanent high levels of inflation or direct controls to contain it unless we make some fundamental structural reforms.

I do not wish to impose upon your time to enumerate these structural sources of inflation, as they are well-known to most of us—government interferences with market forces like the Davis-Bacon Act or excessive regulation in transportation for instance, restrictive union work rules which retard productivity growth, excess concentration and market power in many of our industries, and a national manpower policy which is not geared to matching skills with the changing needs of the economy, are all part of this cumulative burden on the market mechanism that increases costs and perpetuates inefficiencies. If we ever hope to get out from under the heavy hand of government controls, we are going to have to begin to seriously take up this long avoided agenda of market reform. While this committee obviously does not have legislative jurisdiction in all of these specific areas, it does have broad responsibilities for economic stabilization. Therefore, once the authority for Phase II has been provided, I hope you will consider undertaking a broad ranging review of the economy with an eye to recommending the changes and structural reforms that need to be undertaken in order that those same controls may be phased out without a renewed bout of sustained inflation.

AMCHITKA NUCLEAR TEST

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the November 1 issue of the Republican Congressional Committee Newsletter carries a perceptive viewpoint on the upcoming nuclear test at Amchita Island over the byline of our colleague from California (Mr. HOSMER). The article follows:

CANNIKIN IS VITAL TEST FOR DEFENSES

(By Representative CRAIG HOSMER)

(Hosmer is the ranking GOP member of the Joint Congressional Committee on Atomic Energy.)

President Nixon is to be commended for his decision to go ahead with the Cannikin test in Alaska's Aleutian Islands.

Without this test, the United States could not know whether the atomic warhead for its Spartan missile—an integral part of our anti-ballistic missile system—would function effectively. Spartan is designed to intercept hostile intercontinental ballistic missiles many hundreds of miles distant and high in the upper atmosphere. The ABM's warhead for the lower-yield, shorter-range Sprint missile has already been tested. Both missiles are vital to our national security.

It should be recalled that earlier this year the United States and the Soviet Union both announced their intention to agree on a limitation of ABM deployment as well as other controls on strategic nuclear arms. It was an easy decision for the Soviets—they had already set up a tested and proven ABM system. Until Cannikin is tested, the U.S. will not have its share of the bargain to seal the pact. (The Soviet Union recently conducted an underground test of an atomic warhead for its ABM system.)

The President's decision is based on the sound thesis that peace is the product of strength, not weakness.

The Alaskan tests will take place 6,000 feet below the earth's surface, a depth greater by far than most of our underground atomic tests, which was chosen to assure safety.

With the completion of this final test of a vital element of our ABM system, an important milestone toward stabilizing the strategic nuclear equation will have been reached, bolstering the President's hope for a "generation of peace."

WHEN PRINCIPLES COUNT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CHAPPELL. Mr. Speaker, America is now experiencing another instance of paying the piper while somebody else calls the tune.

The tune called this week by 76 nations was to oust Nationalist China from the United Nations and accept the regime of the Communist.

America's investment of approximately a third of the expenses of the United Nations seems to matter little when the charter itself becomes meaningless to the body that is supposed to uphold it. I question most emphatically whether we should continue such monumental expenses if these nations are calling tunes that are not even in the book.

The very purpose for the existence of the United Nations is written in the charter. It reads in part:

> To reaffirm faith in fundamental human right, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .

The Red Chinese regime has no intention of embracing the purpose of the United Nations. How in the name of heavens can we credit these people with having faith in human rights when we start trying to count their murdered victims? Does a death toll of between 10 and 15 million people sound as if they have the "dignity and worth of the human person" in mind?

Admission of any country should follow the rules that were laid out in the charter, else we weaken the principles upon which the United Nations was founded, yet the United States joined with others to welcome the Red China Government into the United Nations.

Recognition by many members in the U.N. of a one China policy—that one China being Communist China—leaves the United States little alternative to removing our bases and troops from Taiwan. What a vulnerable position this puts those valiant people in—and what similar position do we see in Burma, Thailand, Malaysia, Singapore, and all of Indonesia. Perhaps the incredible purges of lives within China will halt, but what assurance do we have that this same tactic will not be applied to other lands and other people?

The time has arrived for America to revaluate its position in the United Nations. Certainly, we should remain a member nation as long as hope holds out for the settling of disagreements between nations throughout negotiation rather than war, but maneuvers such as the one we have just witnessed leaves strong questions in my mind about how much we can depend on this organization to live up to its principles—and how much they depend on the United States to foot the major share of the bills of the organization. It is time to cut back to our fair share of the cost of the United Nations instead of continuing to foot the bill out of taxpayers' money for an organization whose members play follow-the-leader to whatever power they feel most affects their own political and economic needs at the moment. As prime patsy of the world, the United States too often gets bypassed as leader, because nations are pretty sure we will keep the handouts coming whether they befriend us or not.

A little backbone and shoring up of funds is badly needed in America today. The vote in the United Nations earlier this week proved the point fully.

DR. PAUL SHARP TAKES HELM AT UNIVERSITY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. EDMONDSON. Mr. Speaker, after an extensive, year-long search, the University of Oklahoma found a new president, who took reins at the beginning of this fall semester.

He is Dr. Paul Sharp, a native Oklahoman who most recently served as president of Drake University in Des Moines, Iowa.

Dr. Sharp has brought a sound philosophy of education to the university, and I predict this year is the beginning of another long era of growth and development for that fine institution.

Dr. Sharp's point of view was commented on in an editorial in the Daily Oklahoman on Monday, October 25, 1971, and I include the editorial in the RECORD:

HOPE FOR EDUCATION

If the attitudes expressed by Dr. Paul Sharp as he begins his tenure as president of the University of Oklahoma should become widely accepted, a new hope would arise for higher education.

At a time when many college and university administrators seem to be confused by pressures from within and without, Dr. Sharp has set out a positive plan to emphasize the primary mission of an educational institution. He says it is to educate and to generate new ideas; not to determine what is truth by parliamentary action of faculty and students.

Dr. Sharp does not minimize the problems that universities face, and he agrees that significant changes may be needed. He indicates that some regulations and certain parts of the curricula of the past may not be applicable today, and that the universities need to be less impersonal in dealing with students. His statements and administrative actions suggest that disruptive actions often can be resolved satisfactorily by isolating the problems.

Although budgets are tight and costs are rising, the new OU president seems to think that there are other things just as important as more money. He asserts that "ideas fuel our society," adding that better communication is needed between the university and decision makers. "Today's research is tomorrow's action," he says.

These are positive approaches to problems that have been plaguing our campuses for years. They certainly will be accepted by a large proportion of the citizenry. It has been pointed out that the rioters and demonstrators on campuses actually have consisted of only a small fraction of student bodies. Never has it been established that such action has had widespread public support. Parents and taxpayers, as well as most students, seem to be in agreement that discipline is a good thing.

The road back to academic stability will not be a smooth one. Much that has been changed or eliminated may not be restored, but with effort, our educational system may overcome forces that have threatened to destroy both the institutions and the people connected with them. We have come dangerously close to disaster, but there still is hope.

A change in attitude of university administrations will not be enough by itself. Public support will be needed when crises arise, so that vocal minorities may not be able to overwhelm authority. As evidence increases that universities and colleges are fulfilling their academic missions, it is reasonable to assume that adequate financial provision will be made. People usually will support what they really believe in.

Equally important is the need for understanding on the part of students concerning the purposes of the educational institution and their own reasons for being on the campuses. Wide gaps have occurred in a number of instances, contributing to the breakdown of effective faculty-student relationships. This in turn has resulted in lowering of standards required for grades, credits and degrees, seriously damaging the meaning and value of such accreditation.

It is encouraging to note the returning trend toward recognition of education for its true values, both as a cultural asset and as a means of material advancement. These essential elements have contributed much to this nation's progress, and can do even more to bring us out of our present confused situation.

THE U.N. VOTE: TAKING REPRISALS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FRASER. Mr. Speaker, two of the better reasoned comments on the China vote in the United Nations appeared Friday, October 29, on the editorial pages of the Washington Post. One was the lead editorial, the other a letter from former Secretary of State Dean Rusk.

They are welcome additions to a debate in which many participants fail to recognize, in the words of the Post editorial, that the vote was:

> An open vote of the member states on a raw issue of international politics. It was not some institution called the U.N., but rather the government-instructed delegates of 74 nations (59 votes 15 abstentions) who refused to support the crucial U.S. resolution that might have preserved the Taiwan government's seat.

The two items follow:

The U.N. Vote: Taking Reprisals

Four days after the General Assembly of the United Nations voted to admit China to the U.N. and to expel the representatives of the government of Taiwan, the talk continues apace of punishing "the U.N." Indeed, even though some drastic Senate attempts at action have been defeated, current Senate votes—either way—cannot be expected to end the matter. The idea seems to be that the United States should withhold or reduce its financial contribution to the world organization in retaliation for the defeat of our position in the vote of the General Assembly membership Monday night. It is an odd idea, something in the nature of a wild pitch—and not just because this notion of reprisal against and withdrawal from the functioning of the U.N. for reasons of political displeasure is one so intimately associated with Soviet behavior over the years, as distinct from the U.S. government's approach. Are we now to go in for tantrum diplomacy? Is Ambassador Bush in a way to receive new instructions from Congress: take off your shoe and beat the desk?

The point—the more immediate one—has to do with the wild pitch quality of all this muttered threat and intimidation. It is directed against the wrong target, a nontarget in fact. For the United Nations *as an institution* can hardly be separated out from its general membership for punishment in this connection. It is not as if the Secretariat under the direction of U Thant had committed U.N. funds and influence to an operation to which the critics might object (Dag Hammarskjold's role in the Congo would be an example). Nor are we talking about hocus pocus in the Security Council. This was an open vote of the member states on a raw issue of international politics. It was not some institution called the U.N., but rather the government-instructed delegates of 74 nations (59 votes and 15 abstentions) who refused to support the crucial U.S. resolution that might have preserved the Taiwan government's seat. Fifty-four nations, presumably also at their government's instructions, voted with the United States.

Taking already appropriated funds for the U.S.'s dues to the U.N. and pledges to its specialized agencies, plus certain earmarked amounts in the foreign aid bill now under consideration in the Senate and a few items of separate assistance, total U.S. funds for the U.N. for fiscal '72 would come to about $317 million. A retaliatory cut in such funds, now or in the future, could affect, among other things, the functioning of the World Health Organization, the U.N. Children's Fund, its U.N.-FAO joint world food program and its refugee assistance programs. Is there some way in which the hardship that would ensue might be spared the children, let us say, or the hungry who are nationals of those member states that voted with us? (The question presupposes, of course, that the reliatory fund-cutters would be prepared to hold the children of those countries that voted against us accountable for our humiliation.) What about funds for the U.N.'s drug-abuse control effort? What about the U.S.-inspired peacekeeping force in Cyprus? Are we prepared to reduce funds for an operation we have found to be so thoroughly in our interest—and almost everybody else's? Even if you support the idea of financial retribution for what happened in the General Assembly Monday night—and we most assuredly do not—it would seem, at a minimum, irrational to go about it in this way.

Included among the 74 governments that declined to support the U.S. resolution Monday night were those of Britain, Canada, Denmark, France, Iceland, Iran, Ireland, Norway, Belgium, Italy, the Netherlands and Turkey—not exactly a collection of mad-cap new nations or nations known for their hostility to us. Most are our NATO partners, and these represent the majority of NATO, since only three members (Greece, Luxembourg and Portugal) voted for the U.S. resolution. Surely if spite and reprisal were in order, they would be in order against the governments of these countries, not against the U.N. Or consider the government of Laos. In a contest on which a handful of votes might have made the difference, the Laotian delegate abstained. It is interesting in this connection to remark that the current foreign aid bill which has funds for the U.N.'s special agencies also has an appropriation of $178 million in aid for Laos. Does not the crazy logic of reprisal require that we cut out these funds which amount *to more than half our total annual contribution to the U.N.*—never mind that the administration regards them as necessary to the pursuit of its policy in Indochina?

Candor, courage and elementary reasoning, none of which has been much in evidence among the retribution seekers, would surely dictate that they face up to and pursue these implications of their position. The fact is that the 74 nations that refused to go along with us on Monday night—whether Communist, neutral or allied—were voting the urgencies and imperatives, as they saw them, of their governments' own relationships to China in the newly emerging diplomatic world that Mr. Nixon has done so much to bring about. Especially it should be noted that numerous small countries felt they were being requested by the U.S. to make a record (and perhaps costly) show of hostility toward Peking, even as we, secure in our distance and power, were busily patching things up on our own account. It should also be noted that the outcome of Monday night's vote was always an implicit risk of Mr. Nixon's daring venture in opening up relations with the government of China and endorsing its entry into the U.N. If the administration is to bask in the glory of that initiative, it should also accept responsibility for the risks that attend it, rather than encourage the reprisal talk now under way as it has been doing. It is really a bit much for the U.S. to be threatening to renege on our previously made pledges in consequence of an event we had a large part in bringing about—and to be threatening the wrong people at that.

Former Secretary of State Rusk on the U.N.

To say that the writer has played a certain role in assuring the United Nations membership of the Republic of China on Taiwan since 1949, would perhaps be an understatement. I yield to no one in sadness and chagrin that the U.N. General Assembly has voted, in effect, to expel a loyal U.N. member and a friend of the United States.

I am deeply disturbed, however, by many suggestions, particularly in the Congress, that the United States should now sharply curtail its support for and participation in the United Nations. Calm and sober reflections surely would indicate that a vigorous and effective U.N. is in the deepest national interest of the United States. Tens of millions of lives were lost to give us a chance to pick ourselves up out of the catastrophe of World War II and start over again. The charter of the U.N. profoundly reflects the simple and decent purposes of the American people with regard to our relations with the rest of the world. Although disagreements among the great powers have at times frustrated the Security Council in carrying out its assigned mission, there have been many occasions when the U.N. has served effectively to prevent, limit or end outbreaks of armed conflict. The United Nations, and its specialized agencies are making a tremendous contribution, day by day and week by week to the necessary work of the world which affects in constructive ways the daily lives of our citizens.

On the immediate horizon are important tasks which the U.N. has undertaken which could make an important contribution to the possibilities of peace and, perhaps, to human survival. I have in mind the 1972 Conference in Stockholm on the Human Environment, a 1973 Conference on the Law of the Sea and the dedication of 1974 as U.N. Population Year. The record of the U.N. in deepening and strengthening international law is not perfect, but is encouraging; there remains, however, much unfinished business in that direction which can only be accomplished by the nations of the world in concert rather than by unilateral, bilateral or even regional action.

Diplomacy has striven for centuries to find ways to reduce the role played by anger, affronted dignity or desire for revenge in the relations among states. What was once a constructive object of diplomacy has now become a sheer necessity in a period when thousands of megatons are lying around in the hands of frail human beings.

It is too frivolous to say that we should pick up our marbles and go home just because others are not willing to play the game our way. The real issue is whether the human race, infinitesimal mites on a speck of dust in the universe, can find a way to live in peace. The harshest realist must now acknowledge that the family of man has come into being because we are at long last faced with certain problems which we must solve together or go down together. In this effort, the U.N. must play an indispensable role. Of course, it needs reform, improvement, more efficiency, a deeper sense of responsibility and changes in a number of directions which need not be detailed here. But all this means that we should support it and improve it—not abandon it.

We have not yet seen the end of the painful experience which we witnessed last Monday night. When the delegation from Peking arrives, its members will be lionized by our news media and may do and say a good many things which we shall not like. It behooves a great nation like ours to conduct itself with dignity, to remain true to our own purposes and to continue to work toward that consensus in the U.N. which is required if the Charter is to succeed and we are to build a world of peace.

Dean Rusk.

Athens, Ga.

THROWAWAY STEEL BARRELS ADD TO SOLID WASTE POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MIKVA. Mr. Speaker, numerous proposals have been introduced for the purpose of taxing one-way or "throwaway" containers. These proposals are in response to a problem that has increased in recent years, and has constituted one of the most important sources of solid waste pollution today. Society has grown accustomed to the luxury of "throwaway" containers, and finds it difficult to move back to containers that can be returned in order to be reused.

After introducing H.R. 6975, which was directed toward the use of returnable and nonreturnable beverage containers, I became aware of another type of one-time container which poses an equal obstacle to our efforts to clean up the environment: The steel barrel.

Fifty-five gallon oil drums are a serious litter problem. Over a year ago, the New York Times carried a story entitled "Oil Drums Litter Coast in Alaska," pointing out that 48,000 metal barrels were lying about in the tundra. In the winter, they freeze into the earth. Each spring, the earth thaws and thousands of drums settle into the soggy countryside. As they rust and decompose, they create a long term health hazard as well as an environmental eyesore. The Chicago Sun Times recently carried a dramatic picture of rusting oil drums creating a similar eyesore in the Little Calumet River in Illinois. These stories, and others like them, have begun to make the public more aware of the pollution problem involved in the disposal of the millions of drums that enter the market each year for industrial use.

One organization makes recycling and reusing barrels its business. The National Barrel & Drum Association—Nabada—represents over 150 drum reconditioners throughout the United States. Recently, representatives of the association have brought to my attention the parallel between reusable beverage containers and reusable oil drums.

Proposed legislation has been directed primarily toward encouraging the use of returnable soft drink bottles. But consideration has not been given to returnable steel drums. The normal commercial 55-gallon steel drum is made of 18-gage metal. Technically, this means that its sidewalls have a nominal thickness of 0.0478 inch, and a minimum wall thickness of 0.0428 inch. These drums are used throughout industry and once used, they are picked up by the reconditioners who clean them and make them available for reuse. The average 18-gage steel drum, according to those in the reconditioning business, makes an average of 10 cycles through the reconditioner.

The steel industry has seen fit to introduce a lighter weight 20/18 gage drum. These drums are thinner, and can only be used two or three times before being discarded. Even then, they have less scrap value than the heavier version, and are less likely to be melted down for further recycling. Recently an even lighter drum has been developed which cannot be reused at all, and is discarded after its first use.

It is readily apparent that the utilization of these lighter weight drums produce an increased burden on our environment. Such lightweight drums are discarded and left to become a burden on society. Cost figures show that the slight saving in buying the lightweight drums is more than offset when the barrel's shorter life is taken into account. Reconditioners readily purchase and redeliver the 18-gage drums, whereas the lighter weight varieties pile up in the backyards of factories, without value, creating an enormous disposal problem.

No one stands to gain from the use of these lightweight drums, except the manufacturers who obviously profit from their planned obsolescence. I, therefore, intend to amend H.R. 6975 in order to provide financial incentives, comparable to those applied to soft drink containers, to promote the use of returnable steel barrels. It is my hope that Congress will give prompt consideration to such legislative efforts which will help stem the tide of increasing solid waste pollution generated by the use of throwaway containers of all kinds.

EFFORTS TO PROVIDE SERVICES TO MIGRANT WORKERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD a copy of an article from the Elkhorn Independent of Elkhorn, Wis., entitled "KTI Brings Class to Students," which appeared on Thursday, September 23, 1971. This article speaks of the efforts of the Kenosha Technical Institute in teaching conversational English to Spanish-speaking migrant workers. The article tells of difficulties in finding bilingual teachers, providing easily accessible classrooms obtaining teaching aids and materials, and teaching students who are unable to write the Spanish language, let alone English. Despite these problems the Kenosha Technical Institute has, with some real success, brought the classroom to some migrant workers.

Mr. Speaker, the Kenosha Technical Institute should be praised for responding to the migrant workers' expressed desire to learn English. I think that we should consider this program to be only a start in providing needed services to migrant workers and others. More importantly, we should also consider what we here in Washington can do to encourage programs such as this, which provide an invaluable service to those migrant workers who take advantage of such programs, and to the community in general.

The article follows:

TURTLE VALLEY MIGRANTS: KTI BRINGS CLASS TO STUDENTS

If the students won't or can't come to the classroom, then the only alternative is to take the class to them.

That's the premise that Kenosha Technical Institute is working under in their efforts to teach conversational English to Spanish-speaking migrant workers in Walworth county.

Migrant workers in the Turtle valley area of the county expressed a desire of learning English to KTI and Gilmore White, chairman of adult basic education for VTAE district 6, set about the task of making that possible.

He was confronted with two problems initially, that of bringing the classroom to the students because of transportation problems and finding a bilingual teacher for the class.

In the first instance he had to seek out vegetable and truck farmers in the area to see if there was some kind of a building available in which to hold evening classes. He found one at the Horner sod farm off of Island road, and despite pesky mosquitoes that fly in the open doorways and water that remains on the floor from the day's operation of washing celery, it is serving as the classroom for the Tuesday and Thursday night classes.

The bilingual teacher is Mrs. Rosalia Quintana de Hachmeister, of Powers Lake, who works for the state employment service here in Elkhorn. She began classes two weeks ago with some difficulty since she had no blackboard and was forced to use the paper inside the covers of packing crates to write English words that many were already familiar with along with their Spanish counterpart. Added to this is the fact that some students cannot write the Spanish language either, so Mrs. Hachmeister will be teaching some of them two languages at the same time.

When one night's class was washed out by a large amount of standing water, the instructor visited the homes and trailers of her students to find out what use they intended to make of the language once it was learned. Most of them wanted it so that they could deal with their practical problems of housing, employment, health, schooling and nutrition.

KTI feels that this is just a start in providing services to the migrants and other Spanish-speaking peoples of this county. When the students indicate other areas of needed help, programming will be developed for that as well and if it means taking the classroom to them, that will be done also.

BOYS CLUBS ENDORSE THE DANIELS YOUTH CAMP SAFETY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, on Wednesday, the House of Representatives will resume consideration of H.R. 7248, the Higher Education Act of 1971. Title XIX of that act, the Youth Camp Safety Act, introduced by Representative PETER PEYSER and myself in the Committee on Education and Labor, would establish minimum Federal safety standards in children's camps. On August 6, the Senate attached a youth camp safety provision to the Higher Education amendments. Therefore, I introduced my bill, which had received comprehensive hearings in the 90th, 91st and 92d Congresses, to the House education bill in order that this body would have the opportunity to express its will on camp safety legislation.

Title XIX of the Higher Education bill has received the official support of various national organizations responsible for the health and welfare of children. The Salvation Army, the YMCA, the American Camping Association, the Boy Scouts of America, the National Catholic Camping Association have not only endorsed my bill but have also stated their disapproval of any substitute measure.

Support for this legislation is growing. The Boys Clubs of America, active in the development of young boys since 1906, have also endorsed title XIX, the Daniels-Peyser amendment. With approximately 300 camps in the country, the Boys Clubs appreciate the importance of effective safety standards.

As I have done in the past, I would like to place on record the telegrams of support from the national headquarters and the Chicago branch of the Boys Clubs of America. I am hopeful that the support given by these organizations will encourage my colleagues to pass the Youth Camp Safety Act. The passage of this act will ensure that next summer adequate protection will be afforded young children.

CHICAGO, ILL.,
October 19, 1971.

Representative DOMINICK V. DANIELS,
Washington, D.C.:

I commend you on H.R. 7248 on behalf of camping, I have read the bill and heartily approve.

ROBERT H. CHORLEY,
Director of Camps,
Chicago Boys Clubs.

NEW YORK, N.Y.,
October 28, 1971.

Representative DOMINICK V. DANIELS,
Select Committee on Labor,
House of Representatives,
Washington, D.C.

DEAR MR. DANIELS: Boys' Clubs of America is in favor of the intent of the Youth Camp Safety Act amendment to H.R. 7248, in its present form, as a means of helping to provide safe camping to the Nation's children.

A. BOYD HINDS,
National Director.

DISTRICT OF COLUMBIA ECONOMIC DEVELOPMENT BANK BILL INTRODUCED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FAUNTROY. Mr. Speaker, I am introducing today a bill that would establish in the District of Columbia an Economic Development Bank.

Under the terms of the bill, a District of Columbia Development Bank would be created by Congress as a private, limited-profit but still profit-oriented entity to assist economic development projects that have difficulty in obtaining necessary financial resources or other support from the usual private or public sources. The bank would not be an agency of the U.S. Government. However, a 13-man board of directors would include three officers or employees of the U.S. Government, as well as the Commissioner of the District of Columbia and the Chairman of the City Council, together with eight directors elected by the shareholders of the bank.

The development bank is designed to participate in the financing of economic development projects embracing housing, commerce, and industry by mobilizing the capital and expertise of the private sector. Too often, that part of the private sector which would be willing to attempt some form of investment in economic development projects within the city is so fragmented, so lacking in startup funds, and so lacking in technical and financial expertise that it simply cannot get a project started. This is especially true for large projects or those which are innovative, involving special-risk situations or would be feasible only if funds were fully committed in advance.

The District of Columbia Development Bank would provide the now missing capacity to encourage and promote such projects having a promise of high economic benefits. It would determine the feasibility of a proposed project, organize the sponsors—who could not take on the project individually—into a cohesive group, mobilize and harmoniously combine the private, Federal, and municipal planning and resources.

Priority would be given to urgently needed, economically viable and potentially profitable undertakings in order to increase employment in the city, broaden its tax base, and in general, improve the condition and quality of life in the Nation's Capital. The bank would play a unique and essential role in pulling together the many separate public, commercial, technical and financial elements necessary to get any major development project "off the ground." The bank will be able to supply the missing capital and expertise that has prevented so many vital District of Columbia projects from moving beyond the planning stage to actual development.

The bank would be authorized to purchase, service, or sell any debt obligation or equity instrument, and to guarantee any debt obligation issued to finance projects deemed by the bank to be consistent with its purpose. The bank would also be authorized to provide technical assistance and training required to accomplish comprehensive development projects and programs. Loans and equity investments by the bank would be made in accordance with sound and prudent development banking principles, and would be made with the objective of assuring a reasonable return on the funds invested, consistent with the achievement of economic development goals.

The bank's capital would consist of privately subscribed common stock, one half of which amount would be paid into the bank at the time of subscription with the remainder to be paid within 2 years after the subscription. The bank would be authorized to issue and have outstanding obligations in amounts not to exceed 15 times the amount of its subscribed capital and surplus. The bank's obligations would not carry a U.S. Government guarantee. However, the bank would be authorized to issue up to $10 million of obligations to the Secretary of the Treasury and the Secretary would be authorized to purchase such obligations in amounts specified in appropriation acts. No obligations could be purchased by the Secretary until not less than $2 million in capital of the bank have been paid in. Interest on such obligations would be paid into the Treasury by the bank at a rate consistent with the Treasury's standing regulations.

No dividends could be declared or paid if the bank had outstanding borrowings from the Treasury or if the declaration or payment of dividends would impair the capital account of the bank. Net earnings and dividends of the bank would be subject to local, State, and Federal taxes.

Some illustrative examples of the types of projects the development bank might finance are: Leased department shopping centers, housing developments particularly in high-risk areas, an international trade and cultural center, and financing developments around major subway stops.

HEAD OF FTC BACKS BILL ON CREDIT CARDS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WOLFF. Mr. Speaker, in our electronic age, the computer has been a great technological advance, and has meant speed and convenience in countless areas of our lives. However, computers, like any machine, are subject to error, and in the field of computerized credit and billing, there exists a considerable danger that the computer, with one slight mistake, can bring disaster to the individual who is faced with the necessity of proving himself wronged.

Not too long ago, I was the victim of a dunning attack by a computer, which demanded payment for a bill I had taken care of months before. In addition to its failure to register my payments, the computer also charged me more than once for the same item, and for months ignored my written pleas for a correction of my account. I am sure that many of my colleagues, as well as countless private citizens, have experienced similar frustrations, and often are not as successful as I was in resolving the problem without permanent damage to their credit rating.

The credit card industry, which relies exclusively upon computers to do its business, should be held accountable for its actions and should be required to protect the individual against the prospect of faulty information concerning his credit. The growing impersonality in our society means that more and more often, the individual is at the mercy of a machine where matters of credit are concerned.

It is important that while relying upon the computer to retain and analyze the great quantity of information that is needed, we also provide real human beings instead of machines to deal with customers. People problems should be solved by people, and I think the following article from the New York Daily News suggests a plan we might use to insure that the individual is not forgotten:

[From the New York Daily News, Oct. 28, 1971]

HEAD OF FTC BACKS BILL ON CREDIT CARDS

(By David Breasted)

WASHINGTON.—Federal Trade Commission Chairman Miles W. Kirkpatrick said today that there is a "compelling need" to protect millions of credit card-holders from cancellation through negligence in the computerized credit industry.

Kirkpatrick deplored "the failure on the part of creditors to respond to inquiries concerning an amount shown in a bill which the consumer believes to be in error."

The commission chairman, testifying before a Senate Banking subcommittee, firmly supported a bill which would require creditors to acknowledge or explain the alleged error within 30 days.

Failure to comply would mean forfeiture of the right to collect the disputed amount, including any finance charge. In addition, an erroneous creditor would be liable for damages of $100 or three times the disputed amount and attorney's fees.

Kirkpatrick suggested stiffening the bill's prohibition against threats by creditors by also forbidding them to hire a collection agency to make the threats instead.

GONE ARE THE DAYS * * * THE IMPROVING RACIAL CLIMATE IN THE DEEP SOUTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MAZZOLI. Mr. Speaker, I think it is most important nowadays that we study the history of our country and learn the lessons it teaches. And, I think that one of the most important chapters to be studied today is the one which has been written in recent years in the "Deep South" States of the Union.

I would commend to the attention of my colleagues the observations of two Louisville, Ky., journalists, one white and one black, who have written recently on the subject of the changes in racial relations which have transpired in the Deep South during the span of their careers.

It is my hope that those of us outside the Deep South will profit by these observations and address ourselves to the task of securing similar improvements in the racial climates of our own communities. The Deep South has shown us that the task is not an impossible one.

I therefore wish to insert into the RECORD the following articles by Mr. James C. Hutto and Mr. Clarence Matthews, which appeared in the Courier-Journal & Times magazine of October 24, 1971. The articles appear jointly beneath the title: "Gone are the Days * * *":

GONE ARE THE DAYS

(By James C. Hutto)

"I wish I was in de land of cotton, old times dar am not forgotten. . . ."

Things aren't what they used to be down in Dixie. Not at all. There where once upon a time "White Supremacy" was the official motto of the one and only political party, and where a visiting member of the U.S. Senate, though a Democrat, could get arrested for going through the wrong door of a Negro church—well, it's not like that anymore, my friend.

I know. I saw it like it was and I've seen it like it is. I lived in Alabama before the sit-ins and freedom marches, followed by an outpouring of federal legislation and court rulings, began altering the Old South's face forever. Now when I go back I see changes I didn't believe possible when I was gathering news for a Birmingham paper in the lean, hungry, Depression years before Pearl Harbor.

I had left there by the time Sen. Glen Taylor, an Idaho cowboy turned statesman, ran afoul of Birmingham's stern Jim Crow ordinance in his haste to get into a biracial political meeting that was obliged to observe segregated access and seating arrangements. It cost the senator, a white man, $50 to learn that laws against racial mixing could cut two ways. That was in 1949.

But I was there when hell broke loose in the Magic City earlier because some damyankee in the newly established federal relief bureau didn't know any better than to hire a black girl as a stenographer. Nowhere was Franklin D. Roosevelt's New Deal more loved than in that hard-hit industrial metropolis, but this was too much. The uproar sent the poor girl scurrying back to the kitchen "where she belonged."

I was there when Bull Connor, transformed by fate from a happy-go-lucky radio announcer into a blustery police commissioner, declared, hell no, "they're not going to segregate together," and by gum they didn't. "They" were a large gathering of notables and plain folk, white and black, who had come from far and wide to hear Eleanor Roosevelt speak on human rights.

This was the Bull destined to make national headlines years later when his braves in blue would turn dogs and fire hoses on peaceful demonstrators, among them women and children—a display of "massive resistance" as futile as it was brutal. The civil-rights movement of the 1960s just kept rollin' along. Ask at City Hall today, and they'll tell you Mr. Connor doesn't work there anymore.

His entire regime was swept out of office in a mid-term revolt at the polls eight years ago. Thus began a municipal new deal, leading to the re-election earlier this month of progressive Mayor George Seibels Jr. by an overwhelming biracial majority. Race wasn't even an issue in the five-man nonpartisan contest.

Bull wouldn't like it at City Hall today. Why, they've got "uppity" blacks in there pushing pencils instead of brooms! They've got blacks on Bull's old police force. Blacks in the fire department. They've even got a Negro on the City Council. He's Arthur D. Shores, attorney, battle-scarred veteran of the civil-rights wars, counsel to the late Dr. Martin Luther King Jr. in the Montgomery bus boycott, unfrightened target of a bombing attack that wrecked his $75,000 home in 1963.

Do I remember Arthur Shores? The spunky little lawyer who used to be around the Courthouse always butting his head against hopeless causes? Sure I remember him. Used to wonder why a fellow with all his energy and ability wanted to stay in a town where all the odds were against him.

Nowadays in Birmingham—other Deep South cities, too, of course—you see black salespeople in stores and shops they once weren't welcome to shop in. You see them punching typewriters in offices their parents couldn't have entered except to dust and mop.

This does not mean the South doesn't share in this great nation's disgracefully high rate of Negro unemployment. It does. But you measure progress in distance traveled, and the South has had to come from far behind. Its own fault? I wouldn't deny it.

But it is making progress now. A lot of progress by past standards.

I remember when Birmingham's only day-to-day, full-time practicing integrationist, to the best of my knowledge, was an elderly white man with a peg leg who operated the "Colored Only" elevator in the stately temple of justice. You don't think any Courthouse politician in his right mind was going to give a good job like that to a black man, do you?

Driving through the Deep South today, it is not uncommon to see salt-and-pepper groups of children playing happily together on schoolyards. This is a hopeful sign. Sure, it took the Supreme Court and a lot of pushing and shoving to get 'em into the same classrooms. But the court has no jurisdiction over youngsters' "druthers" at playtime. No law in the land can make them play together if they don't want to.

Anyhow, what's so unusual about black and white kids playing together? We did it all the time when I was growing up on a South Alabama farm. Never gave a playmate's skin color much thought. It was only on the school grounds we couldn't play together.

In Montgomery two years ago, just a whoop and a holler from where George Wallace stood shouting "Segregation forever" a while back, I watched two integrated teams of spirited high-schoolers mixing it up on a football field, urged on by beat of drums and blare of horns from biracial bands. It was a clean, though hard-fought, game.

One of the teams, incidentally, was from Tuscaloosa, home of the University of Alabama, where dark-skinned Autherine Lucy's trail-blazing enrollment set off a riot in 1956 and where a few years later another dark-skinned lass was one of three finalists for homecoming queen. That isn't progress?

Not that the job of dismantling the Old South's dual school system is by any means complete. It's not. But it is moving along. And with more acceptance, apparently, than seemed likely a few years ago. Oh, they still have their segregation academies here and there, but that won't last forever. Sooner or later they, too, will have gone with the winds of change.

Busing currently is still stirring up some fuss, true. But where in this wide land isn't it? According to news accounts, busing got off to a calmer start this fall and with fewer absentees in Jackson, Miss., than in Boston, Mass., proud Cradle of American Liberty and birthplace of Abolition. It's true Mississippi's lame-duck Gov. John Bell Williams is trying to break it up, but he knows he won't. He's got to go through the motions—just like neighbor Wallace. The old Dixieland script calls for it.

Their kind is waning. A new political climate is developing across a wide area where not so long ago the massive-resisters were whooping it up for old John Calhoun and his beloved Interposition as if they had never heard of Appomattox. The climate's been changing steadily in the six years since Congress struck down Dixie's ancient barriers to Negro voting. Increasingly, voices of moderation are being heard and heeded at polling places once reserved for noisy segregationists.

There's no doubt about it: Blatant racism is fast going the way of the Confederate dollar as a political currency.

Georgia and South Carolina gave impressive testimony to this overdue devaluation last fall by electing racial moderates to governorships—Jimmy Carter in Georgia, John West in old Calhoun's erstwhile bailiwick, hard by old Ft. Sumter. Both made appointment of Negroes to important state positions a first order of business. And Carter, in his inaugural address, proclaimed for all to hear: "The time for racial discrimination is over."

Now from Mississippi, of all places, has come the latest evidence of the new look: Voters there, maybe you heard, rejected two diehard segregationists in favor of an avowed moderate in choosing the Democratic nominee who is opposing Charles Evers, the black civil-rights leader, in the Nov. 2 gubernatorial election.

Evers, who two years ago cracked the color line in Fayette by getting elected mayor, is running as an independent. His only opponent (the Republicans decided to skip this one) is William Waller, a comparative newcomer to state politics who won the Democratic nomination openly promising a better deal for blacks, including state jobs for the first time since Reconstruction.

His forthrightness brings to mind something a black member of the Georgia legislature, Leroy Johnson, said in reference to Gov. Carter's air-cleansing inaugural speech last January: "He's done what no other Georgia governor has ever done. He has attacked head on the question of racial discrimination. We are accustomed to hearing this kind of talk from white politicians behind closed doors before an election, not out in public after an election."

This may seem small potatoes to anyone who never spent much time down South in days gone by, but to me it spells real progress. I can remember only too vividly when even pre-election promises behind closed doors were beyond the hopes of all but a select few Negroes here and there. If a candidate had no prejudices of his own, he was enslaved by the prejudices of those he depended upon for election.

Sometimes the frustrations over race became almost comical if one could overlook the harsh injustice. I remember Birmingham's perennial "Smithfield Problem" and the "gentlemen's agreement" that kept it from driving local candidates mad with quandary. Smithfield in those days was unique. It was where the black votes were concentrated—what few black votes there were. Here dwelt "the better colored folks"—school teachers, mail carriers, undertakers, Pullman porters, preachers, railroad firemen, etc., homeowners all. Birmingham's total population was one third Negro, but if there was another all-black precinct anywhere around, I never heard of it—and politics was my beat.

Now a vote is a vote, as everybody knows. It loses its color in the ballot box. Naturally every candidate wanted the Smithfield vote like any other. He surely didn't want his opponent to have it. The problem was how to get it and not risk being branded a "nigger lover." Tradition, happily, provided a solution.

As a Courthouse veteran explained it to me: "In every campaign there's a general understanding—a sort of unwritten law, you might say—that each candidate can slip down to Smithfield after dark for one speech and nobody will tell on him. But he better not get greedy. If he goes there twice in the same campaign, he's fair game for his opponent."

Men of goodwill unfettered by any political ambitions of their own often were caught in the trap. A matter concerning the most elemental justice for blacks, if it were to require any political or legislative action, had to be discussed guardedly and usually behind closed doors.

I remember being collared by a well-meaning churchman as I was leaving what had started as a routine weekly meeting of Protestant ministers. Unaware a reporter was present, he had delivered a blistering indictment of Alabama's cumulative poll tax for its gross injustice in robbing thousands of poor whites and blacks, but mostly blacks, of their God-given right to a voice in government. He went on to say in the strongest words he could find that it was a Devil's scheme, devised for the evil purpose of perpetuating "white supremacy." He urged the men of God to join him in working for repeal.

When at the end of his remarks he spotted me leaving, notebook in hand, he came running. He caught be at the door. "You aren't going to put what I said in the paper?" he asked. I told him that was my intention unless my editor said otherwise. "You musn't," he pleaded. "Any publicity will just destroy all we're trying to do. . ."

He was right. He had made the grievous mistake of linking the poll tax with Negro privation, and slurring "white supremacy!" Others who dared speak out against the price tag on votes in those days carefully avoided the poisonous "race issue." At my suggestion he called my editor and there was no story.

I remember, too, a group of distinguished Birmingham citizens (all white) that worked in utmost secrecy for months trying to bring about justice in the notorious Scottsboro case, a *cause celèbre* that was giving Alabama a black eye around the world. Already it had sent one fair-minded Alabama judge into political and social exile for doing what his conscience—and the law—told him was right.

The case of nine black youths charged in 1931 with raping two white female hoboes (one of the girls later testified the charge was false) was getting nowhere when the Birmingham group stepped in. The case traveled back and forth between Alabama and the Supreme Court. Its ramifications extended to New York and Moscow.

A committee of Northern liberals headed by the Rev. Allan Knight Chalmers of New York City is largely credited in recorded accounts for the compromise that saved the defendants' lives. However, there was never any doubt in my mind that the local group's co-operation in negotiating directly with state authorities was an important factor.

The prosecution finally dropped charges against the four youngest and let the others off with prison sentences. It wasn't much of a compromise, but it was better than the electric chair.

Few Alabamians ever knew of the local group's participation, and probably even fewer knew that one of Birmingham's most popular churchmen, pastor of an elite Presbyterian congregation, was its dedicated leader. Nobody in the group feared daylight. It was simply that, as a practical matter, they had to respect the mores and fears of others. Some big political ambitions were riding on the Scottsboro case.

Today, race relations in Birmingham are under the watchful eye of a biracial Community Action Committee that operates in full view, ready to move in the moment signs of community tension threaten.

Its black and white members meet regularly once a week. Their motto: Head off trouble before it gets here.

Louisiana blacks old enough to remember still speak fondly of Huey Long for repealing that state's poll tax and otherwise bettering the lot of the poor, white and black alike. Yet even with all his tyrant's power over a puppet legislature, the Kingfish found it expedient to keep race in the background. "A lot of guys," he once boasted, "would have been murdered politically for what I've been able to do quietly for the niggers."

I was in New Orleans when school desegregation made its first timid appearance in 1960. Five dark-skinned little girls, all first-graders, were "integrating" two almost empty schoolhouses, amid the jeers and taunts of a mostly female mob of adults. A local black veteran in civil rights who had helped them get passes from the Supreme Court chuckled as he told me how Huey Long, years before, got the first black nurses into New Orleans' state-operated Charity Hospital, at the urging of local black leaders.

"He strode into the hospital with some reporters one day like he was on a routine inspection tour," he explained. "When they got to the Negro men's ward, Huey pretended to be shocked at the presence of white nurses there. He turned to the surprised superintendent and demanded to know, 'How come these white ladies waiting on these big black bucks?' Next day Charity Hospital began recruiting black nurses."

In Clarksdale, Miss., a while back, my wife and I encountered a remarkable example of enlightened self-interest. We had stopped off, en route to the Louisiana 'Cajun country, to say hello to a former Louisville neighbor teaching school down there as a nun. She urged that we tarry long enough to meet this wonderful man who was doing so much to help the poor blacks who abound in that poverty-ridden Delta region, and to improve black-white relationships in general.

He was, I soon learned, no meddlesome "outsider" but a well-to-do local landowner, a man in his early 40s who had returned home from a stint in the Navy (he was an Annapolis grad) to carry on the family's extensive agricultural operations. Right now he was spending a lot of time with NAACP leaders and others setting up federally aided anti-poverty projects and the like.

He had just come from a biracial caucus of some sort when he greeted us late that evening at his manor residence, a replica out of "Gone With the Wind." Sitting there in the comfort of his living room, he shared some of his philosophy: What he was doing (and trying to get others to do) was more than a matter of simple Christian duty; it was a matter of survival. "Times have changed and we've got to realize it and change ourselves," he said. "Whites and blacks have lived peacefully here together for years, but under a system that is no longer acceptable. I tell friends and neighbors, "We can go on living together peacefully, under the new terms, or the white people can prepare to move out of Mississippi. The old days are gone.' "

A few neighbors, old acquaintances, weren't speaking to him anymore. But maybe they have begun to listen, even if they still don't say "Howdy." The signs suggest it.

James Meredith, you know, has moved back to his home state from New York, convinced in his own mind that the racial climate has improved considerably since his enrollment as the University of Mississippi's first black student in 1962 set off a bloody war. As he sees it now, "On a person-to-person, day-to-day basis, the South is a more livable place for blacks than any other place in the nation. The racial atmosphere in the Northern cities is becoming extremely tense. And it's going to increase. . . ."

You can, if you prefer, read this as not so much a compliment to the South as an indictment of the Northern cities and their teeming ghettoes. Whatever the case, other blacks than Meredith (as a recent national telecast brought out) are beginning to reverse the route of the freedom riders of a decade or so ago—Southern expatriates coming home to a land that, whatever else, is not what it was when they left it.

Mutual goodwill is no stranger among the Southland's two-tone population. Not by any means. The rupture of change may have frightened it at first, but that is changing, too. Acceptance is easier for some than others. There's an element, of course, that will never accept change, but its kind, alas, is everywhere in this not yet perfect world. For the rest, I like to believe there are seeds of hope in flowers that bloomed in the past.

I remember Lucia and her beloved Aunt Fanny. ("Man, here comes that old Jemima jazz again. Listen to Mister Charlie!") Gentle Lucia was education editor on the paper I worked for. She had come up from Alabama's loamy and aristocratic Black Belt, fetching Aunt Fanny with her. She wasn't really Lucia's aunt, of course—more like a mother, even though their skins didn't match. Things went well for a while. But by and by the aging lady came ailing. As Aunt Fanny's miseries increased, our saddened education editor took a leave of absence to become a full-time nurse. Weeks went by (or was it months?) and then one day Lucia called in to report that Aunt Fanny had gone to her Maker. Of course, they couldn't bury the poor old soul in the white folks' cemetery. But she did have an integrated funeral. Lucia's friends saw to that.

I remember a death in another family. At my mother's bedside when she passed away in the wee cold hours of a January night (I was very young) was a gaunt, grief-stricken black woman. She'd been there through four long, sleepless nights. She wasn't a hired servant. We couldn't afford that. Just a dear friend expressing gratitude for past kindnesses. . . .

I'm aware, of course, that one fool with a fistful of hate, regardless of race or color, can make trouble for everybody, whether he's acting under nighttime's sinister influences or venting his passion in broad daylight. But this kind of threat, unfortunately, may be found anywhere, at any time. It never was exclusive to the South, any more than individual kindnesses were.

More important is the general atmosphere, and I agree now with the description Birmingham's Arthur Shores expressed in reporting on the racial climate down his way: "There has been a phenomenal change. . . . It is almost unbelievable the progress Birmingham has made, even though there is still a ways to go."

Soon after the Supreme Court handed down its earthshaking school desegregation decision in 1954 a book came out: "The Deep South Says Never." That was a long, long time ago.

(By Clarence Matthews)

"Black men have stood so long in such peculiar jeopardy in America that a 'black norm' has developed suspiciousness of one's environment which is necessary for survival.

"Black people, to a degree that approaches paranoia, must be ever alert to danger from their fellow white citizens. It is a cultural phenomenon peculiar to black Americans. . . ." From "Black Rage," a study of the phychological implications of racial discrimination by Dr. William H. Grier and Dr. Price M. Cobb.

A friend who heard that I intended to travel behind the "Cotton Curtain," a name jokingly but pointedly used by black people to describe the states of the Deep South, said: "You ought to take a gun along with you."

I assured him there was no need for such precautions, and that if the South was as bad as he believed it to be, I would be in more danger if I had a gun in my possession.

I had been invited to attend the first reunion of the Whetstone and Taylor families on Sunday, Aug. 22, in Montgomery, Ala. We would also visit Autaugaville, Ala., not far from Selma and other communities where violence had erupted during the civil-rights and voter-registration campaigns of the late 1950s and the early and middle 1960s.

Not far away is where the Rev. James J. Reeb, a minister of the Unitarian Church, was beaten to death. Also close by is U.S. Highway 280 where Mrs. Viola Liuzzo was fatally shot after taking part in the 1965 Selma-to-Montgomery march and where hundreds, black and white, were beaten and teargassed when they attempted to march earlier from Selma to Montgomery.

Had the region changed much in the short decade or less since these violent occurrences? I wondered about this as my wife, our daughter and I prepared to leave Louisville on Aug. 21 for the reunion, a little more than 400 miles away. The trip would be our first extensive foray into the Deep South, although my wife and I had driven through Tennessee, Alabama, Mississippi and Louisiana, without lingering, en route to New Orleans in 1968 to attend a convention.

During the 1968 trip, as in our most recent journey, we noticed that many black families were traveling South earlier for visits or longer stays "back home." On both occasions, cars of all descriptions with black occupants frequently passed us on the highway. The vehicles appeared like so many homing pigeons struggling to reach their destination in a pre-determined travel plan.

But this time was to be different for us. We would be staying for several days in Montgomery, the Alabama capital, and the first capital of the old Confederate States of America. I wondered again about motel reservations and how we would be treated in seeking various public accommodations during our stay in Montgomery and other parts of Alabama and the South.

Was there, I finally asked myself, really any danger to a black family, such as ours, visiting in the South in the 1970s?

I recalled Montgomery's role in the Civil War as we drove across the bridge over the Alabama River leading into the city in the early afternoon of the Saturday before the reunion. Montgomery, I remember, is where Jefferson Davis took the oath of office as president of the Confederate States of America. From here also had come the order to remove all federal troops from Ft. Sumter, S.C., precipitating the war.

Montgomery today is emerging as a manufacturing center and is already recognized for its cotton, dairy and agricultural products. Most of its 145,000 residents, about 50,000 of them black, work in agriculture-related industries, for the state government, or at nearby Maxwell Air Force Base, the site of the important Air University. The predominantly black Alabama State College also is in Montgomery.

The first Montgomery resident, black or white, I talked with was a white service-station attendant. He was big, weighing well over 200 pounds and about 6 feet, 2 inches tall. His face was a huge, peeling-skin oval and he talked with a syrupy drawl that reminded me of the television commercial with the Southern sheriff who spends most of his time giving traffic summonses to suspected hot-rodders.

When the attendant had finished servicing our car, I asked him for directions to Union Street, the site of the family reunion. After giving us the instructions, he said gently: "Thank you, and y'all come back now, real soon, you hear!" Somewhat taken aback by this outward display of friendlniess, I simply replied that I would return.

Upon leaving the service station, I was again surprised. As I stopped for a traffic signal, a black bus driver came into view, guiding his vehicle, loaded with black and white passengers, through the busy downtown Montgomery traffic.

Isn't Montgomery, I mused, the city where took place the lengthy bus boycott that gave impetus to the modern civil-rights movement and catapulted the late Dr. Martin Luther King Jr., into worldwide acclaim? Black people, who once were restricted to the rear of the bus as passengers, have now moved to the front as drivers, I marveled. I glanced at my wife, and she smiled. We were both having similar thoughts.

We drove on through a predominantly black business section only a few blocks from the seat of the Alabama state government. Many of the former black residents of the area who now lived in a nearby public-housing project and other sections had been uprooted by urban-renewal and new highways.

Once through the downtown area, we suddenly found ourselves in front of the Dexter Avenue Baptist Church at the east end of Dexter Avenue and literally a stone's throw from the gleaming white Alabama State Capitol and government complex across the street. The church, which was once pastored by Dr. King, was where much of the strategy and decisions had been made during the bus boycott.

Our destination, a social-service agency building whose owners had agreed to rent its meeting rooms for the reunion, was only a few blocks from the capitol in a black neighborhood. After greeting relatives, we proceeded across the city to arrange our accommodations for the stay in Montgomery. We had advance reservations at the Holiday Inn Midtown, but decided to switch to the Holiday Inn Southwest to be near my sister and her family who had come to the reunion from Chicago.

The front-desk personnel were friendly and polite. They managed to arrange our switch in accommodations speedily and with little trouble. We noticed that many other black travelers were staying in the motel. Outside, two black children were swimming in the motel swimming pool. There was one black waitress, a light-complexioned young woman, on duty when we arrived. However, most of the black employees appeared to work as maids or as laundry and kitchen helpers.

During our meals at the motel, my wife and I noticed that whites seemed to be unconcerned over the presence of black families. We thought this was significant in a city of a Deep South state where the governor had waged a constant, although unsuccessful, fight against what he has termed "forced" school integration.

We learned later that there is a great deal of pupil and teacher integration, including some limited busing, in Montgomery. Relatives also pointed out that some residential neighborhoods were racially integrated.

On a shopping trip, we learned that a large number of black men and women are employed as clerks and sales persons at Montgomery department stores. At one national chain store, my wife and I counted 10 black sales clerks. Although we found out later that some were part-time summer workers, we were impressed by the number of black white-collar workers at the stores.

The next day, we observed black people who appeared to be working at municipal jobs and saw one black policeman driving a police cruiser along a main city thoroughfare, away from any black neighborhood.

On our trip to Autaugaville, about 25 miles from Montgomery, we were astonished to find that black residents operated service stations and other small businesses. There are only a few hundred people in the small agricultural community.

Many of the black residents we talked with reminded us that despite the obvious gains, apparent to visitors, there still remain problems of unemployment, housing and racial discrimination. However, they admit that many of the smouldering and long-term tensions now present in many Northern cities scarred by riots are absent in the Montgomery area.

Some had lived in the North for varying lengths of time and had returned to the land of their births to make their homes. Many had found the harshness of urban life and the bitter Northern winters were not to their liking.

"You make a lot of money," observed a relative who once lived in the North, "but it doesn't go far. I can do more with less here." He now lives in a pleasant, quiet, integrated neighborhood of neat homes near the Montgomery suburbs.

Many black residents have no desire to leave the city as they might have at one time. They remain because of increased job opportunities, civil-rights gains and a feeling, that we now share, that Montgomery and the South have changed.

The change is evident in some of the little things, such as The Montgomery Advertiser carrying photographs and marriage announcements of black newlyweds on the social pages, the presence of blacks on the staffs of white-owned newspapers and radio stations, and the improved general outlook of most black residents.

As one black resident put it: "We go anywhere. There is no trouble downtown or at any of the hotels or motels." She added that the school-busing controversy is the only issue that threatens the peace between blacks and whites.

NBC DOCUMENTARY ON BLOOD BANKING—PART II

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. VEYSEY. Mr. Speaker, on October 28, I inserted in the Congressional Record the first half of the important documentary on blood banking recently broadcast by NBC News. The script of this program provides as complete a review of this field as I have been able to find, and yet it is very readable and relatively short.

I urge my colleagues to read this frightening report on how blood is collected and dispensed in the United States today. The need for adequate supervision in this field has become painfully evident. Within the next 2 weeks I will introduce legislation to provide some assurance of safety to blood recipients for the first time.

The item follows:

NBC Documentary on Blood Banking

Announcer. It's difficult to put a value on a human life, but is it worth 30 minutes of your time. Thirty minutes is all it takes to give blood. Thirty minutes and you may help save a life. Several times each year, blood supplies dwindle to dangerously low levels. Don't let a few minutes be the difference between a life and a death. Contact your local blood bank today. This message a public service of the American Medical Association.

Nurse. Here's your five dollars in your pocket.

Jordan. The rather universal appeal to most people in the American public seems to be money. Certainly this offers an attractive motivation, if you please.

Pettit. That was blood banker Quinn Jordan, who believes there would be a critical blood shortage unless some people were paid like this. The usual fee is five to seven dollars. Nobody knows for sure how much of America's blood supply is obtained this way, but it is probably at least twenty percent.

Jordan. I am firmly convinced after a good many years that any blood bank needs a whole host or variety of forms of motivation. And we've even contemplated the question of green stamps. We have a large industry here and we probably, it was, what, a 150 million dollar a year industry.

Pettit. The United States government is the biggest single buyer of blood in the country. The blood is used in Veterans Administration hospitals. Last year, the V–A bought more than 2½-million dollars worth of blood from the Red Cross, and almost that much from private companies, which submitted low bids for contracts with individual hospitals.

V–A Employee. The time has arrived for the bid opening by the Veterans Administration on this 22nd day of June, Solicitation No. 601–32–72. Invitation to bid on citrated whole blood and bloodcomponents, human, for delivery F.O.B. destination within consignees premises. The apparent low bidder is the Regional Blood Components, Incorporated. With a bid of $24,710.00. Thank you.

Pettit. Regional blood components buys its blood in Oceanside, California. The people who line up to sell it are off-duty marines from nearby Camp Pendleton.

WHY NOT BAN PAID DONORS?

It is a common practice for companies to buy blood from young servicemen. If Viet Nam veterans are excluded, there is some evidence that well-fed, healthy recruits have safer blood than either skid row or red cross donors in big cities. Dr. Redeker says the safest blood comes from small towns, where there are fewer hepatitis carriers.

Redeker. Now if a donor, if a commercial source were collecting its blood from a population of donors in whom the carrier state was extremely rare, even though they were being paid and even though the blood were being sold for profit, the blood would be quite safe. On the other hand, there is no guarantee whatsoever, anyplace in this country, that Red Cross blood is absolutely safe, none at all. It does carry a distinct small incidence of hepatitis after its use. We do have a test today that does identify one of the hepatitis viruses, that's being currently applied throughout the country.

Pettit. The new test detects a specific blood particle which is usually found in people who carry one of the viruses. The drawback is that it cannot identify carriers of the other hepatitis viruses. So its use will eliminate some cases, but only about thirty percent of them.

Redeker. Seventy percent or so of cases of transfusion related hepatitis will still appear and, I think they will be distributed as before between commercial and Red Cross blood. Q—Dr. Redeker, if commercial blood, despite testing, carries this inherently greater risk that you've described, why not just ban, bar, prohibit blood sold for profit? A—Well, that would be a simplistic solution, I grant. But I think not a practical solution, not today. We couldn't possibly thru volunteer donations from the Red Cross and so on accommodate the transfusion needs of this country, it would be absolutely impossible. Q—Do you view commercial blood then as a necessary evil in today's medicine? A—Oh, I do very much, yes, yes. Both necessary and evil.

ROLE OF THE RED CROSS

Utley. In any analysis of the blood business several key facts must be kept in mind: Blood cannot be synthesized. It has a short life-span outside the human body: 21 days. After that time, the red cells lose so much oxygen-carrying capacity that the blood can no longer be used in a direct transfusion. And the American Red Cross serves only part of the country from its 59 blood banks, even though it pioneered blood collecting on a national scale.

Pettit. The American Red Cross began collecting blood in February, 1941—before Pearl Harbor. By the end of the war, the Red Cross had collected more than 13-million pints of blood. The blood program cost the Red Cross 15-million dollars. It cost the federal government an additional eight and a half million dollars. Nearly all the blood was turned into dried plasma for shipment overseas. Throughout the war, the Red Cross was plagued by rumors that it was selling plasma to the wounded. The rumors were not true, But they aggravated the problem of recruiting blood donors.

Lowell Thomas. War death and destruction are upon this earth. Our men are fighting and dying for us at the front. A pint of your blood will give them a fighting chance to live. Will you give them that chance? They need not die.

Pettit. The Red Cross today retains its World War Two image. This year's National Convention in May displayed all the old-time pageantry and uniforms. The Red Cross is a quasi-governmental agency—tax-exempt, chartered by Congress, its governing board appointed by the President of the United States. One man has been chairman of the Red Cross since 1954. He is financier E. Roland Harriman, now 75.

Harriman. As you know the demand for good clean blood is increasing dramatically. And we must do all we can in behalf of the national interest.

Pettit. Over the years, the Red Cross has been closely identified with blood—both for military and civilian needs.

Greenwalt. The stimulus of World War Two and the Red Cross program for the government for World War Two led to the Red Cross getting into the blood programs. Now the Red Cross was willing in the early days, the early part of the Red Cross civilian program was geared to become a national blood program.

Woman. Goodbye Mr. Peck and remember, this year the Red Cross will make no collections in theaters.

Gregory Peck. Thank you, Miss Sylmar, goodbye. I'd like to talk to you about something vital to all of us. The work of the Red Cross. Today the Red Cross has undertaken a vast new program, the collecting of blood to save civilian lives. Scores of blood centers will be established across the country. Red Cross plans to make blood available free to anyone, anywhere.

Greenwalt. It's hard, it's hard to say why it didn't happen, but the local community leaderships and in many of the large communities where Red Cross went in and tested the temperature of the water, and suggested and made recommendations for establishing a blood program, but they didn't want it.

Pettit. As a result, the American Red Cross last year provided less than half the blood used in the United States. And it is no longer free; below cost, but not free. The patient pays up to 20 dollars a pint. The Red Cross failed to establish a national blood program in 1948 because it could not or would not resist opposition from other blood banks—many of them owned by doctors or set up by other non-profit agencies. Today there exists a chaotic patchwork of local and regional blood baronies, which are powerfully opposed to Red Cross expansion. One example is the Irwin Memorial Blood Bank (here) in San Francisco.

Volunteer. This is the Irwin Memorial Blood Bank calling.

Volunteer. Good afternoon, could I speak to Mr. William Pasadel please?

Volunteer. Yes, and we have need of your wife's blood again.

Volunteer. All right, fine. Thank you. I'll call back.

Volunteer. About 2:30 today? Oh, that would be just wonderful.

Pettit. The director of this blood bank had been fighting with the Red Cross for over 20 years.

Mrs. Hemphill. We supply 2,000,000 units of whole blood and other blood components and derivatives per year to patients in 59 hospitals in 9 countries. So this is a large service and operation. Our budget this past year is about a million, five hundred thousand dollars.

Pettit. This tax-exempt Arizona corporation runs twenty-seven blood banks in twelve states.

Jordan. Today we serve one-fifth of the continental land area of the United States. I'd like to think of blood services as a business operation with humanitarian and social overtones.

Dispatcher. Good morning, blood services. How you doing, Chuck? How's everything in Pecos? What do you need, Chuck? You just need restock. What did you have, a bleeder out there or what, what's going on? Yeah, I remember the guy. Yeah, fellow had seven stab wounds. Back in January it was, yeah, that's right, I remember. He's got an ulcer now?

Pettit. Blood in this country is routinely shipped hundreds, even thousands of miles—by bus, truck, and airplane. In broad terms, blood shipments go from the southwest and deep south to the big cities of the north and east. One of the largest chain distributors is headquartered in Birmingham, Alabama. Community Blood and Plasma sells 160-thousand pints of blood a year.

Richard Dice. No one can exist on a negative basis. You have to pay salaries. I think if the profits of the markups are legitimate and reasonable I think they're a necessary entity. And after all, this is the United States. You don't have monopoly, you have a somewhat competitiveness in philosophy and I think it's, I think it's necessary that you, that you, that we have this in this country.

Pettit. Another large company is headquartered in Memphis. It markets about 170-thousand pints of blood per year.

Man. Interstate Blood Bank. Yes Maam. Ship 30 C's and ten A's. Yeah, that's right. Be sure and put notify on arrival, and tell them to hold it at the airport.

Technicians. 84, ABPOS; 85–O–POS. 69–A Pos. 70–O–Pos. 71–A–Pos. 72–A–Pos. 73–B–Pos. And 74–O–Pos.

ALTERNATIVES TO RED CROSS BLOOD

Greenwalt. You can't blame the commercial blood banks for anything that's happened in this country. They were needed to fill the gap. The gap that wasn't filled in a total program by the Red Cross.

Pettit. Here in Los Angeles, commercial blood banks supply 40 to 50 percent of the total demand. Even some of the finest, most exclusive hospitals cannot get enough blood from the Red Cross. Some of it comes from right here. And hospitals for charity patients have to buy most of their blood with tax money. But the Red Cross is doing better in Los Angeles than in New York, Chicago, Philadelphia, or Detroit. The simple fact is that in most major American cities, the Red Cross cannot supply all the blood that's needed. More than a quarter century after World War Two, the Red Cross method of operating is essentially unchanged: mass collections by bloodmobiles at churches, schools, factories and offices. This method still gets a lot of blood. But because the Red Cross does not turn anybody away, this means periodic surpluses of certain blood types—huge surpluses of some types, and shortages of others. And the National Red Cross is cutting back its financial support of its Regional blood banks. This comes just when local chapters are trying desperately to increase their collections to combat commercialism.

Mrs. John Fanucane. If we have sufficient volunteer blood donors, it will not be profitable for the commercial blood banks to stay in business.

Pettit. But in Los Angeles today, even if you donate blood to the Red Cross, when you need blood, it may come from skid row. Ironically the Red Cross pays less than half its own blood budget and patients pay the rest. It is short of money and blood.

Mrs. Fanucane. I feel that we have to use and utilize the talents of many more volunteer recruiters and if we can sell the volunteer recruiters to recruit the volunteer donors, perhaps we'll be well on our way to reaching our goal. If you think it's difficult to get a dollar from a person, try getting their blood.

Donor. A neighbor of mine is going to have open heart surgery and needs sixteen pints of blood and I thought that I would give him a hand.

Pettit. But Mrs. Keaster's blood was never used in a transfusion. It got too old.

Donor. Oh I'm sure that they'll put it to good use. Somebody will be able to use it.

Pettit. Mr. Salisbury's blood was never given in a transfusion. It gets "too old."

Donor. Well I hope it goes to some needy person that really has to have it. I don't know, maybe it's sent to Viet Nam, for all I know.

Pettit. Mr. Yesmy's blood was not used in a transfusion, either. The truth is that from 10 to 25 percent of the blood given to the Red Cross gets "too old." After 21 days, it simply cannot be used. When that happens, the plasma is extracted and used to make plasma products or fractions, which are sold by the Red Cross at reduced prices. Last year, the Los Angeles Red Cross reported 25,000 units of blood had been permitted to get out-dated. Last year, the Red Cross nationally reported that more than a third of a million pints of Red Cross blood outdated. The plasma is saved, but since the red cells have lost their ability to carry enough oxygen, they have no further use.

Mrs. Fanucane. We would take the outdated blood and fractionate it. And we have to have raw material for those fractions so this is very important. We would not waste their blood. And if they go away with the feeling that even if their blood is not used as whole blood that that blood is going down the drain, we have done a bad job public relationswise with that donor.

Announcer. Open your heart. Empty your hands. And roll up your sleeves with the American Red Cross.

Pettit. After working ten months on this assignment, perhaps some observations are in order. First of all, the Red Cross is widely regarded by other blood bankers as inefficient, wasteful and arrogant. They told me that, but they are afraid to say so in public. The Red Cross seems to work best in small towns, where it has a monopoly.

OTHER COUNTRIES

In Canada, the Red Cross has a national monopoly—subsidized by the federal and provincial governments to supply free blood and inexpensive blood products, such as plasma derivatives. But at least 30 percent of the blood collected in Canada gets outdated and the red cells thrown away. The British National Blood Transfusion Service is often cited as the best in the western world.

Montgomery. Giving blood—not selling—is a well established British tradition dating back half a century. It is not perfect however. Occasional shortages of blood do develop largely because blood cannot be stored for more than 3 weeks and unexpected big disasters like train wrecks use up a lot of it. The Transfusion Service always needs new volunteers. They are screened carefully, so serum hepatitis is not a big problem. The service operates as part of Britain's all embracing tax supported system of socialized medicine. To most observers this is the key to its success.

Pettit. Because there is very little hepatitis in Britain to begin with, the British can collect safe blood from almost anybody—including convicts. The worst example of commercialism and hepatitis is usually said to be Japan, but that is no longer true.

Rich. Blood banks were a postwar development in Japan. They started during the American occupation and by the early 1960's were a thriving if hazardous operation. Thirty percent of this blood carried hepatitis. Ironically, the stabbing of American Ambasador Edwin Reischauer publicized the shocking state of Japan's blood collection system. After the attack, the Ambassador was given commercial blood at a nearby hospital. A few weeks later Mr. Reischauer came down with hepatitis. During the ensuing expose of the blood gathering system, the Japanese government stepped in. It gave its support to the Red Cross, which was made the major blood collecting agency.

Pettit. However, post transfusion hepatitis rates remain high in Japan, even with Red Cross blood because hepatitis is rampant in the big cities, just as in the United States.

WHAT WE DO NOT KNOW

We Americans have a lot of misinformation about blood and there are many things we simply don't know: Nobody knows how much blood is collected or how much is used. Nobody knows how much is needed or how much is wasted. Nobody knows for sure what blood prices or profits are. Nobody knows how many doctors own commercial blood banks. Nobody knows how much hepatitis is directly related to blood transfusions because nobody keeps track of that information either. There are no national statistics because there is no national policy. In a real way, the vested interests in blood have a vested interest in secrecy. The blood products industry has such a cozy relationship with the government, that when I was shown N–I–H records, many of the company names were covered up with masking tape. But this much is clear: what we do have new works and what we now have is pure laissez-faire, pure capitalism—with absolutely no economic regulation. So in fact we DO have a policy—no policy at all, totally unlike Britain or Japan.

Rich. In Japan blood has always had a sacred concept. That's one reason why it has been designated as a national resource, not to be traded in the market place.

Montgomery. Health in Britain is run as a social service and not for profit. There is an altruistic atmosphere that makes a million and a half people willing to give away something very valuable—their own blood.

Pettit. While we in this country pay lip service to altruism in trying to recruit donors, ultimately we have to pay cash on the line to supply the need. We can develop cheap frozen TV dinners, but we cannot develop cheap frozen blood, which would solve every problem we now have in the blood field. As it is now, the wealthy and those with health insurance get blood with little inconvenience. The poor and those without insurance not only supply much of our blood, but they also have the hardest time paying for it. . . . America's blood industry brings together in the market place 3 groups of people: —those who buy blood with money; —those who buy money with blood; —and a very small group, the people who give their blood for nothing.

SUPPOSE A PRESIDENT NAMED KENNEDY DID THIS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BURKE of Florida. Mr. Speaker, the results of the latest Gallup poll, released over this past weekend show that President Nixon's approval among the voters now stands at 54 percent. He enjoys solid support in all four major areas of the country and from all key groups of the populace.

Yet, were one to ask the opinion moulders of "academia" or some of the news media for assessment of the Nixon administration, can there be any doubt about how it would be traduced?

It often appears that no one supports the President except the people. This curious disparity between the people and their self-styled thought shapers is pointed out in an essay by Mike Royko of the Chicago Daily News Service that appeared in the Miami Herald on October 12, 1971. The article follows:

> Imagine for a moment what the public's feelings might be for a President named Kennedy—any first name will do—we managed to accomplish the following by the end of his third year in office:
>
> Took a full-blown war left over from two previous administrations and whittled it down, with a possible end in sight.
>
> Came to grips with an inflation left over from two previous administrations by imposing the most far-reaching government controls since the days of F.D.R.

Tried to improve relations with China by sending an emmisary there and planning to make a visit himself.

I imagine that if a President named Kennedy had done these things, his followers would be singing songs from "Camelot," while the workmen began carving his handsome likeness into Mt. Rushmore.

On the other hand, try to imagine how people would feel about a ski-nosed President named Nixon if he did any or all of the following:

Back an invasion of Cuba that was foolish in the first place, and fell flat on its face in the second place.

Sent troops in growing number to take part in a civil war in Southeast Asia.

Appointed his own brother as U.S. Attorney General.

If someone named Nixon built that kind of record, his name might not even show up in the polls.

As it is, he is not doing very well, despite a suprisingly good three years. (They must have been fairly good, because the right wing is upset with him.)

His support has fallen since the beginning of this year, and he was barely getting by even then.

At the same time, Sen. Edward Kennedy has taken the lead in the polls as the Democrats' choice to run for the Presidency next year.

Mr. Nixon's problem has never changed. He is still the man who can't be trusted, regardless of what he does. Only this week, a new book came out, written by Phillip Roth, the author of "Portnoy's Complaint."

The book, a satirical study of somebody known as "Trick E. Dixon," is called "Our Gang," and the dust jacket says:

"The hero—or villain—of 'Our Gang' is Trick E. Dixon, self-pronounced legal whiz, peace-loving 'Quaker,' and somehow President of the United States. 'Tricky,' as imagined by Roth, is a hypocritical opportunist . . ."

Which the real Trick E. Dixon may well be. It is hard to forget that he made it into Congress through scurrilous campaign tactics, built his name in the Senate by Red-baiting and has gone in for such things as a "Southern Strategy."

Presumably, he has never changed, because a man never changes, unless his name is Kennedy, in which case he can change faster than Clark Kent.

Thus, John F. Kennedy, a lazy, girl-watching senator, whose only known position on most issues was to be absent from roll call, suddenly was trotted out as a tower of statesmanship as he used his old man's dough to blitz one state primary after another.

His brother, Robert, whose Red-baiting credentials included a stint working for Sen. Joe McCarthy, didn't have the stomach to take on President Johnson until Eugene McCarthy landed the first blow. Then Robert Kennedy became an instant symbol of courage and hope.

And now we have Sen. Edward, and he appears to be another in the line of late-blooming Kennedys.

In 1968, when he hadn't really done anything except sit there and look handsome, he could have had the Democratic nomination for the asking. That might be the situation again in July of next year.

Unlike Mr. Nixon, Edward Kennedy is considered capable of great change and growth.

Mr. Nixon has been viewed with more contempt for having been an eager, but incompetent, football player at Whittier College, than Edward Kennedy has for cheating in some of his college exams.

And you still hear some people asking if you would buy a car from somebody like Nixon.

I wish that the same people, just once, would ask if you would ride in a car with Edward Kennedy.

THE SITUATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BIAGGI. Mr. Speaker, the reports of the problems affecting the citizens of Northern Ireland in the American press do not cover the very serious problem of refugees.

A short while ago, I called on the President to provide emergency refugee aid to the citizens of Northern Ireland who have fled to the south and are now living in refugee camps. We responded to the needs of refugees the world over in the past. We must do the same here.

To keep my colleagues fully informed on these problems, I am including in today's CONGRESSIONAL RECORD an article from the Sunday Times of Dublin dated August 15, 1971:

REFUGEES: THE BITTER EXODUS

(By Philip Jacobson)

Just before midnight last Tuesday a tiny baker's van rattled through the main gate of the Gormanston army camp, biggest of the eight refugee centres opened by the Irish Government last week. As incredulous sentries looked on, 23 young children and two women tumbled from the back, like something out of a Keystone Cops movie.

The van had left the Falls Road where it had been part of a barricade almost five hours earlier. Its cramped passengers were the advance guard of a flood of refugees which now threatens to overwhelm the brave but inexperienced efforts of the Irish Government to cope with a problem which has rapidly assumed far greater proportions than anyone had planned for.

Twelve hours after the van arrived there were 1,600 refugees in Gormanston, which is a small training camp 25 miles north of Dublin that normally reckons to handle about 308 people. The Irish Army has about 100 men on duty there, helped by some young cadets doing their annual camp.

Most of the refugees came in the first official train from Belfast. Others arrived in clapped-out vans and cars, smoke blackened coaches and open lorries. A party of 17 mentally retarded and spastic children came in a mini-bus and two cars shepherded by a couple of nurses and two 15-year-old boys. A stray CS canister had hit the bus when it was leaving Belfast and some of the children were still coughing and rubbing inflamed eyes.

By Friday some 5,000 refugees had crossed the border. Gormanston was bursting at the seams with more than 3,000 people, and the Irish Army was losing the battle to keep them moving on to other permanent camps farther south.

About threequarters of the Gormanston refugees are children, the majority under 12. The rest are women and old people. There are no grown men—drivers and escorts invariably went straight back to Belfast, some to fight but most to hang on to their jobs. There are very few teenage boys around and those you see complain bitterly of being forced to leave the fighting to bring younger brothers and sisters out.

There is little evidence of any cohesive central organisation behind the refugee movement. What seems to have happened in the Falls Road and Ballymurphy districts—from which most of the Gormanston refugees come—was a spontaneous community decision that the fighting had become just too bad and that women and children had to be sent away. Most women I spoke to said their "man" had simply told them to pack a few things and leave.

Virtually all of them brought other people's children out too. "The men decided we had to go and my husband told me to help collect the rest of the young kids in our street," one woman said. She brought out 16 children all told. Like most of the refugee women, she refused to give her name—"My husband's still there."

A teenage girl from the Lower Falls explained how her husband had moved herself and his seven young brothers and sisters to the South. "The shooting was going on everywhere," she recalled. "We ran two miles to the Parish Church and then a priest wangled us on a train for Dublin." There was, not surprisingly, overwhelming cynicism among refugees at Friday's call by the Chief Constable of Belfast for the RUC to "identify persons responsible for intimidation or arson and bring them to justice."

The vast majority of refugees are, naturally, Catholics but a few hundred Protestants have come out too. "I've had enough," a mother of five said wearily. "We're going to relatives in London." The Irish Army scrupulously refrains from asking incoming refugees about their religion.

The refugees expressed bitter hostility towards the British Army, with what justification it was impossible to tell. Many women insisted they had been shoved, sworn at and generally harassed by soldiers when they were leaving with the children. Some claim that troops ignored Protestant crowds threatening them on the journey out of Belfast and that the trains were stoned. A Dutch television crew at Gormanston eagerly filmed a distraught woman who alleged that a soldier had deliberately shot the family's labrador dog. "The soldiers were all drugged and drunk," she kept repeating. "All drugged and drunk."

The Irish soldiers, too, came in for abuse. "You've got plenty of guns," a young woman screamed, "why aren't you fighting for us in Belfast like our husbands?"

The hatred and contempt for British soldiers is not confined to adult refugees. Young children have inevitably, acquired depressing command of the rhetoric of the crisis, talking viciously of "murdering British bastards," and solemnly relating hair-raising rumours of the troops' conduct in their area. The merits of petrol and nail bomb are discussed with apparent seriousness.

This is, to some extent, a natural reaction to the terrifying events that have become part of everyday life in Belfast and Derry. But it is also very plain that a whole new generation of potential street fighters is being shaped in the refugee camps of Southern Ireland.

While the weather stayed dry, physical conditions at Gormanston were not too bad. The ancient Nissen huts are fairly grim accommodation but, early in the week, there were at least enough beds to go round if several children slept together. The hard pressed cookhouse was just about coping, though you had to queue for a couple of hours or more for a breakfast of cereal, bacon and eggs and tea.

There's plenty of open space and grass where the younger kids can play. The older girls—often carefully made up and fashionably dressed—flirted with the young cadets and consumed innumerable soft drinks from the equivalent of the NAAFI. The women sat around anxiously listening to transistor radios and scanning the few newspapers available. One suddenly burst into tears after hearing of the death of a cousin, shot in a gun battle at Whiterock.

All the time, a regular shuttle service of Dublin city buses was moving the refugees on to permanent camps farther South. As soon as the really heavy flow began, however, Gormanston took on the depressingly familiar appearance of any refugee camp anywhere.

The children suddenly looked like all refugee children—dirty, exhausted, frightened and uncomprehending. Tired women with plastic bags full of clothing hastily snatched up were huddle on chairs in the persistent rain, arguing, abusing and pleading with the harassed soldiers. As food ran short and the mess-hall queue got longer, even the miraculous patience and good humour of the Irish soldiers was cracking.

With long delays developing before the move to another camp, the refugees' morale reached rock bottom. Late on Thursday about 1,000 people who had arrived that day from Belfast demanded to be returned. The Army patiently took them to the station and put them on a special train heading back North. When they reached Belfast's Great Victoria Station, they were turned round again, and trekked back to Gormanston.

There has been much less pressure on the three main camps set up to receive refugees from Derry and other West Coast districts. By Friday fewer than 600 people had crossed to the South from this area, passing through the Finner transit camp in Donegal to well prepared permanent quarters farther South.

The Irish Government has done its best to cope with the refugees. It never expected so many and it simply has not got the capacity to handle them, particularly the heavy proportion of young children. It is opening every army camp it can find, clearing schools and hospitals and desperately improving conditions at existing camps. But if the flow continues, and some officials fear another 5,000 may cross in the next few days, the situation would become impossible. At that point, some Government sources suggest there would have to be international action.

LAW PROFESSORS OF THE UNIVERSITY OF CHICAGO LAW SCHOOL OPPOSE PRAYER AMENDMENT, AS DOES THE AMERICAN FEDERATION OF TEACHERS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CELLER. Mr. Speaker, unless the House of Representatives is aware of the strength of the opposition to the proposed prayer amendment, it cannot vote intelligently when this measure comes to the floor. Thus, I believe it is my responsibility to direct the attention of the Members of the House of Representatives to a telegram received by me from law professors of the University of Chicago Law School and to the letter and resolution received by me from the American Federation of Teachers.

The texts follow:

CHICAGO, ILL.

Hon. EMANUEL CELLER,
House of Representatives, Committee on Judiciary, Washington, D.C.:

We wish to register our unalterable opposition to the proposed school prayer amendment H.R. Joint Resolution 191 because it is destructive of religious freedom and will contribute to religious divisiveness.

Walter J. Blum, Gerhard Kasper, Frank L. Ellsworth, Richard S. E. Johns, Harry Kalven Jr., Stanley Kaplan, Stanley Katz, Philip B. Kurland, Bartholomew Lee, Hans Zisel, the Law School University of Chicago, Chicago, Ill.

OCTOBER 28, 1971.

DEAR CONGRESSMAN: The American Federation of Teachers wishes to advise you of our position in regard to the "Non-Denominational Prayer Amendment." I am enclosing for your information a Resolution passed by the 1963 Convention of the American Federation of Teachers.

Pursuant to the position taken by our organization, I strongly urge that you uphold freedom of religion and the separation of church and state by voting against the proposed Constitutional Amendment.

Sincerely,

DAVID SELDEN, *President.*

FREEDOM OF RELIGION

Whereas, freedom of religion and the free exercise thereof is a fundamental tenet of the American way of life, deeply embedded in our history and heritage and affirmed by our institutions; and

Whereas, this freedom has been interpreted to imply the freedom not to express religious beliefs or to participate in religious activities; and

Whereas, the forcing of affirmation of religious beliefs or participation in religious exercises constitutes an invasion of the individual's freedom of conscience; now therefore be it

Resolved, that the American Federation of Teachers affirm its belief and support for the above principles and its condemnation of any policy contrary thereto, whether applying to staff or student and whether involving the required affirmation of religious belief or participation in religious activities or exercises.

THE SECRETARY OF THE INTERIOR HAS CONFIDENCE IN THE VAST MAJORITY OF CITIZENS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CARTER. Mr. Speaker, recently, the Secretary of the Interior, the Honorable Rogers C. B. Morton, spoke at a meeting of the Interstate Mining Commission in Lexington, Ky.

Secretary Morton has the confidence of the vast majority of the people of the United States. I include his remarks for the RECORD:

REMARKS BY ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, AT A MEETING OF THE INTERSTATE MINING COMMISSION, LEXINGTON, KY., OCTOBER 21, 1971

It was a most fortunate day . . . April 27th of this year . . . when officials from Kentucky, North Carolina, Oklahoma, and Pennsylvania met at Raleigh to create this interstate body that is committed to improving surface mining and other practices of mineral extraction.

The Interstate Mining Commission came about because of initiative exercised by these states.

While the powers of the Commission are of a recommendatory, consulting nature, its very existence can foster many needed changes in the practices and conditions of the mineral industry.

The membership of your Commission seems likely to increase . . . and I sincerely hope that it will. I know during your founding meeting at Raleigh, you urged all other states that have surface mining operations to give serious consideration to joining your compact. Keep after them.

The increasing demand for coal and other minerals and the industry's improved recovery ability have increased mining activity, especially in strip mining. This industry is an important link in our economy, but we must realize that it is capable of disastrous effects upon the environment.

It is the surface mining industry that, in the future, will provide a strong domestic mineral supply base and prevent our dependence on foreign sources of mineral raw materials from becoming dangerously large or prohibitively expensive.

Surface mining in 1969 accounted for 94 percent of all domestic production of crude metallic and nonmetallic ores: 2.45 billion tons compared with 165 million tons from underground mines.

Approximately 38 percent of all coal in 1969 came from surface mines. Preliminary data for 1970 indicates that this figure has risen sharply to 44 percent.

On a comparison basis, surface mines in 1969 produced 218 million tons and 269 million tons in 1970. Underground mines produced 347 million tons in 1969 compared with 338 million tons in 1970. Only the sharp increase in surface-mined coal enabled the industry to meet demand last year.

Many in the coal industry are saying that surface mining in 1971 will overtake underground mining and that—for the first time in history—more coal will come from above ground than below.

That prediction could very well come true. If surface mining doesn't overtake underground mining in 1971, it seems bound to occur soon.

While we find ourselves in a period of expanded reliance on surface mining, we are also, in 1971, facing an environmental imperative.

More than three million acres of land have been disturbed by surface mining and approximately 150,000 acres are added each year. If the trend continues, by 1980, some 5 million acres will have been affected by mining activity. Much of this acreage has been rendered inaccessible, unsightly and disgraceful.

Drainage is one of the terrible penalties of surface mining. Our lakes and streams become polluted when acid mine drainage, leaching liquors, processing plant chemicals and mine waters with high iron content are released untreated to local water systems.

Runoff from denuded surface-mined land and mine waste accumulations cause siltation of stream channels and possible flooding in affected drainage basins.

Stagnant water in strip pits is a breeding ground for insects and a hazard to public safety.

As of 1967, surface and other forms of mining had adversely affected fish and wildlife habitat in 13,000 miles of streams . . . 281 natural lakes . . . and 168 reservoirs and impoundments.

In 1969, the stripping of overburden and the removal of ore by surface mining in 20,314 active surface mines disturbed an estimated 193,000 acres of land. About 38 percent—73,000 acres of this land—was disturbed as the result of coal mining activity. It is estimated that coal mining disturbed 90,000 acres in 1970.

This is an absolutely abhorrent form of land use which should not be tolerated.

The land is our greatest resource. We are merely temporary tenants upon a good earth which will remain a hundred thousand years after we're gone. A lot of folks will want to use it in that time, so, while we are in custody of it, nothing but the highest forms of stewardship should be acceptable.

I believe, in 1971, that the environmental disturbances engendered by unrestrained mining practices are neither inherent in the mining process, or an economic necessity. I also know that, with proper controls and enforced reclamation, adverse environmental effects can be minimized and held well within acceptable limits.

I urge each of you to support the President's mined land reclamation proposal. Senator Cooper, the senior Senator from this great state, is a co-sponsor of the legislation.

The Mined Area Protection Act of 1971 is designed to avoid or correct the adverse environmental effects resulting from the production of coal and other hard minerals.

In keeping with the philosophy of this Administration, the bill carefully protects the states.

It would do this by regulating present and future exploration, mining and mineral-related activity in a manner to strongly encourage maximum use of known techniques of environmental protection and reclamation.

Coverage under the Act would extend to all surface and underground mines and adjacent loading, cleaning, concentrating, and other processing operations.

The bill establishes basic environmental protection criteria and provides an advisory committee to develop those criteria into workable national guidelines.

Each state will have the opportunity to develop legislation, subject to approval by the Secretary of the Interior, which will conform to the national guidelines.

To effectively prevent future damage, all forms of mining and processing activity would be included under the law. For this reason, both surface and underground mining, as well as processing activities, are included. The problem will not be solved by attacking only a portion of it. All mining activity contributes to environmental degradation and, therefore, must come under the law.

The Federal Government will develop, administer, and enforce environmental regulations for mineral production activities within any state which does not have approved legislation within the time limit set by the bill.

I repeat: The emphasis of the Act is on state—rather than federal—control.

Furthermore, the Act provides financial and technical assistance to the states for the development and enforcement of appropriate state regulations.

When the state's program is approved by the Secretary of the Interior as meeting the requirements of the Act, federal grants will be authorized to cover up to 80 percent of the state's program development costs.

Today we have a multiplicity of state laws and ordinances which attempt in their own individual ways to cope with some of the adverse environmental effects of mining.

Where adequate state mining laws exist, they exert a tangible influence over the actions of mineral producers—but only within their selective jurisdictions.

At present, however, only 27 states have enacted some form of legislation relating to the conduct of surface mining operations and the reclamation of surface-mined lands.

Among the state statutes, there is disparity between license, bond, reclamation requirements, penalties, and commodities covered. Three of the states regulate coal extraction only, one the mining of coal and barite only, and two the production of metallic minerals only.

A major objective of The Mined Area Protection Act is to make as uniform as possible environmental laws and regulations governing mining operations. The establishment of equitable national principles, applicable in all 50 states, would contribute significantly to this purpose.

Passage of The Mined Area Protection Act would confront operators everywhere with similar general requirements for these activities. Each would then have a strong incentive to emphasize more efficient mining practices and develop more effective reclamation technologies in order to reduce overall costs and remain competitive.

One important benefit of these efforts undoubtedly would be the adoption and application of "full cost accounting" in the mining industry.

The cost of environmental protection would become an accepted part of mining operations.

I want to point out certain areas that would *not* be covered by The Mined Area Protection Act. They include:

(1) *Federal public lands and Indian lands.* While those lands must be environmentally protected, turning them over to a state agency or to another federal agency would lead to useless duplication of the present management system and confusion for all concerned.

(2) *The extraction of minerals via wells or pipes.* Except in situ distillation on retorting, or the smelting of ores.

The President recognizes that the initial responsibility for developing and enforcing regulations should rest with the states. He has also seen wisely, that the effort must be nationwide and based to the fullest extent possible on national standards so that the mining industry will be placed on an equal footing in every state.

I must tell you that the President of the United States and the Secretary of the Interior mean business on the issues of surface mining and the environment.

This legislation is very important . . . it is critical . . . and it is long overdue.

The initiative has been given to the states for they are closer to the problem but let it be clearly understood that we will take the ball if you don't.

The President has said:

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all people of this country. It is of particular concern to young Americans—because they, more than we, will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later."

The effort you give to protect the environment in future mining operations is extremely important. It will behoove us to join together to insure surroundings that will assure cleaner, healthier, happier lives for all Americans.

THE 33D ANNUAL MASONIC COMMUNION SERVICE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HORTON. Mr. Speaker, yesterday morning I had the privilege to attend the 33d annual Masonic Communion Service under the auspices of the Masonic Service Bureau for the Masons of the First and Second Monroe Districts in Rochester, N.Y. Communion services were held at St. Paul's Episcopal Church with Rev. Robert M. Wainwright officiating and at the Lutheran Church of the Incarnate Word with Rev. Robert F. Fisher officiating.

The communion services were followed by a breakfast at the Masonic Temple in Rochester. Past Grand Master of Masons of the State of New York, Most Worshipful Clarence J. Henry, presided over the meeting. The main speaker for the occasion was Most Worshipful William R. Knapp, present Grand Master of Masons of the State of New York, who gave an inspiring message. Also present was a large delegation of the Knights of Columbus from the Monroe County area who recently celebrated their 75th anniversary.

Mr. Speaker, it was a special honor for me to present the 12th annual distinguished community service award to Illustrious and Right Worship Odell B. Kelly. Having served as president of the Masonic Service Bureau when Odell Kelly was selected our executive director, I am particularly proud of the outstanding work he has done with the bureau. The citation which accompanied his award reads as follows:

> Citing the constantly upward thrust of his accomplishments—as a civic leader and attentive Councilman of the Town of Irondequoit; as a stalwart ever willing to accept and bear responsibility in the affairs of his Church; as a compassionate, understanding, efficient and effective guiding hand, and core, of the Masonic Service Bureau for many years; as a bountifully contributing member of numerous worthy organizations; indeed, as an exemplary member of this Fraternity in all facets of his life—the Masons of Rochester and Monroe County have discovered compelling reasons for reaching an exception to their historic reticence toward selecting one closely woven into the fabric of their leadership, and proudly present the Twelfth Annual Distinguished Community Service Award to Ill. and R.W. Odell B. Kelly.

In attendance for the award ceremony were members of Odell Kelly's family, his wife, Rose; daughters, Helen Kelly and Mrs. Patricia Merkle; Mrs. Merkle's husband, John, and two children, David and Steven. Also present were Mr. Kelly's sister and her husband, Dr. and Mrs. Paddock of Bath, N.Y.

At this point, Mr. Speaker, I feel it is appropriate to include an article which details Odell Kelly's record of leadership and community service. Written by Barton Baker, the article is entitled "The Kelly Years Since 1956":

MASONIC SERVICE AND CHARITY—CHAPTER 10

Odell B. Kelly has served the Masonic Service Bureau of Rochester, N.Y. Inc. as its executive director since 1956. That is a record not equalled in years of performance by any other Director. This Chapter of Masonic Service and Charity is issued to commemorate the 150th Anniversary of Monroe County celebrated in 1971.

Chapter 1 appeared in 1967 and chronicled the founding of the Bureau in 1810 by Brother John Ray. Masonic charity continued unbroken since that date through the Bureau and the other names by which it was known. These names included Masonic Employment Bureau and joint activities by Masonic groups since 1810 as described in Chapter 6.

Masonic meetings and ritual went underground during the Morgan episode of 1826 referred to in Chapter 1. The help, aid and assistance from brother to brother increased rather than diminished during days of persecution. The 150th Anniversary Arrangements Committee was listed in the September–October Empire State Mason as Dr. Barton Baker, John M. Biggs, R. Kenneth Crawford. Odell B. Kelly, Charles H. McCracken, Fred Neilson, Sidney O'Dell, Herman Sarachan, Anthony Schatzlein, Norman H. Selke, George Wetzel and Myron E. Wilkes.

Masonic service beyond the call of duty too often goes unnoticed, but the 150th Anniversary of the founding of Monroe County was selected by his brothers as an appropriate time to add Odell B. Kelly to the winners' list of the Distinguished Community

Service Award. From 1947 the Award was first limited to the following members of the Craft: Henry C. Taylor, William H. Craw, Theodore T. Benz, Dr. Elmer Seel, Nathan Morrell, Henry G. Meacham, William F. Strang and Herman A. Sarachan. In 1960 the Masonic Service Bureau Board voted to remove the Craft limitation and the following have since been honored: David Harvard, Henri P. Projansky, Gilbert J. C. McCurdy, Dr. Samuel J. Stabins, Albert W. Skinner, Lennarth, C. Anderson, Morrie E. Silver, Mrs. Frank E. Gannett, Mrs. F. Hawley Ward, Major Ralph R. Leidy, Rev. Dr. Thomas B. Richards and Odell B. Kelly.

We will record news and facts about Brother Kelly and some of the accomplishments of his administration. Odell B. Kelly was born November 7, 1902 in Stephens Mills, Steuben County, New York. He graduated from Haverling High School, Bath, New York in 1919, and from Rochester Business Institute in 1921. He was married in 1924. Odell and his wife, Rose, have two daughters, Helen Kelly and Patricia Kelly Merkel. Patricia has two sons, David and Steven Merkel. Odell was raised in Corinthian Temple Lodge in 1938, became Master in 1949 and served as Secretary from 1950 to 1960. He is an active member in the Rochester Consistory (now Treasurer), Damascus Shrine Temple and Royal Order of Scotland.

Brother Kelly was awarded the honorary Legion of Honor of the International Supreme Council, Order of De Molay. He became a 33° Mason in 1963. He was elected Grand Sword Bearer of Masonic Grand Lodge, President of Masters and Wardens Association, Bureau of Masonic Education (now Treasurer) and Secretary of Masonic Secretaries Association.

Congressman Frank Horton was President of the Masonic Service Bureau in 1956. A special committee consisting of Barton Baker, C. H. Holt, Leonard Parker and William Oliver interviewed many candidates for the office of executive director and Odell was the unanimous recommendation of the committee, concurred in by the Board.

Director Kelly's performance and experience outside the Masonic Service Bureau has also been successful and impressive. He was a Councilman of the Town of Irondequoit for eight years. Republican Committeeman for thirty-five years, Treasurer of the Irondequoit Town and County Committee for over ten years, and elder of the Summerville Presbyterian Church, member of the Presbytery Committee and Pension Board. He says that he saw people at their best and worst as an insurance adjuster for twenty-five years. He came to the Bureau from the insurance field and loves the opportunity to help all who need his help.

The Kelly participation in other organizations is very helpful to the Masonic Service Bureau including his services as Chairman of the Friendship Committee of Rochester Rotary. He is active in the Sons of Union Veterans of the Civil War, Abraham Lincoln Camp #6.

The Bureau issued an "Encyclopedia of Activities" as Chapter 3 of this History. The Encyclopedia lists over fifty activities, all of which have been actively supported and promoted by Brother Kelly. He is sympathetic masonry in action, his consultations and phone calls number three thousand a year. These include marital and money problems of the callers and Lodge advice to Masters of Lodges. Prospective donors ask for the legal titles of Masonic bodies.

At regular intervals he arranges visits to Masonic War Veterans and receives the cooperation of Kodak Square Club and other organizations in this endeavor. For over twenty years the Masonic Service Bureau has entertained the international students in a record and talk-a-letter home dinner. These students are tomorrow's world leaders and they feel more kindly towards America because of this kind of treatment by Masons in Rochester.

Each year one hundred children are given a picnic at the Salvation Army Camp with gifts from the Bureau. The Masonic Service Bureau arranges Christmas dinners for worthy families, names being audited by the Christmas Bureau. Kelly arranges carol singing at Christmas time and is Santa in a red suit every Christmas upon the bus pilgrimage to the Masonic Home in Utica.

Odell encourages and supports the Endowment Committee. Barton Baker, Chairman of the Committee reported recent gifts to the Masonic Home from the Lillian Bornkessel Estate of over $50,000.00 as well as $10,000.00 to the Shriners Hospital for Crippled Children. Her son, Frank Higgins and Barton Baker were co-executors of the Estate.

Frederick Minett was a member of Kelly's Lodge and died in 1971. He provided a fund of over four million dollars for the Rochester Institute of Technology, including the establishment of the Barton Baker Youth Center at the Monroe County Fairpark containing the Minett ice rink. Through Barton as Trustee, generous gifts were provided for the Shriners Hospitals, Salvation Army, Truth For Youth, Inc., Volunteers of America and the Community Chest. Each day the Bureau encourage charitable generosity through Wills.

The Masonic Service Bureau is loved at the Canandaigua Veterans Hospital because Kelly arranges the visits of volunteers every month on the second Sunday from October to May, inclusive. He is Chairman and Treasurer of the Christmas Planning Committee for about one thousand patients. Patients are discharged faster now and their numbers are decreasing. Often the Order of Eastern Star furnishes cookies, thirty-eight dozen per month as well as 300 cups of ice cream for just one Masonic Service Bureau trip.

Chapter Eight of Masonic Service and Charity is an illustration of the regular Masonic Service Bureau practical aid to Eastern Star and Masonic bodies. This Directory, complemented by the Grand Master contains thirty-six pages of names and facts about officers and committees and the Monroe Masonic News, the regular publication of the Service Bureau. Hundreds of telephone numbers are included. Do you need a Masonic organist in an emergency? The Directory lists six names and phone numbers on page 34. Kelly cheerfully complies and distributes all this essential encyclopedic information every year. Herman Sarachan's History of Masonry in Monroe County is another product of the Mason Service Bureau. Without the business backing of the Bureau and Herman's devotion to research, this treatise would never have been possible. "Masonic Service and Charity" is intended to illustrate the faith, hope and charity of our Order, really the heart of Masonry and includes the story not covered by the scope of Herman's History. It is appropriate that the issuance of Herman's book coincides with the day of the Masonic Distinguished Service Award to Kelly, as the book is another recognition of Odell's endeavors.

POWERPLANT SITING

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. PRICE of Illinois. Mr. Speaker, last week the Joint Committee on Atomic Energy's Subcommittee on Legislation, which I am privileged to chair, announced that it will not report AEC proposed legislation to amend certain of the existing provisions of the Atomic Energy Act of 1954, as amended, which concern the licensing of nuclear power facilities to the full committee during this session. A summary of the objectives of the AEC's legislation and the reasons for the decision not to report the AEC legislation are stated in the press release which I will place in the Record at the end of my remarks.

Mr. Speaker, extensive public hearings were held by the Subcommittee on Legislation on the AEC's proposed legislation in June and July 1971, and the four-part record of these hearings is now available. I shall place in the Record at the end of my remarks a staff analysis of the hearing record. Although the testimony at the hearings supported the objectives of the AEC's proposed early site legislation to provide for early resolution of environmental issues, it was abundantly clear that overall procedures are needed to resolve those matters in an orderly and timely basis. Overall, powerplant siting legislation, now before other committees of the Congress, is needed to provide for a coherent and rational plan for the consideration and resolution of environmental issues at an early date, with appropriate opportunity for public participation and complete public disclosure of environmental and safety matters, without causing undue construction and operating delays. I urge the support of the efforts by other Members who have labored long to develop realistic overall powerplant siting legislation which would be acceptable to all of the various elements involved.

At the same time, AEC should take steps to insure that its procedures are adequate to assure that there is appropriate public participation in AEC licensing and that the process is handled effectively and expeditiously. I note that AEC Commissioner Doub, in a recent speech, supports changes in AEC hearing procedures and expressed the view that there can be substantial progress through changes which are within AEC's present capabilities. I am pleased to include the Commission's speech in the Record and my letter to Chairman Schlesinger which urged that priority attention be given to the procedural changes which have objectives such as the ones covered by Commissioner Doub.

Chairman Schlesinger also gave a major speech last week which I commend to the attention of all interested in the actions which must be taken to deal with problems which now exist in the licensing of nuclear powerplants. Chairman Schlesinger's address in addition to placing in proper perspective the role of AEC and the responsibilities of the nuclear industry also underscores the obvious—fundamental questions of national policy must be decided with the framework provided by the Congress. As of now, no framework exists to provide overall guidance for the orderly and timely resolution of environmental issues associated with power generating facilities. A piecemeal legislative solution to the existing problems should only be attempted as a last resort and in the long term would probably be counterproductive. What is needed is a cooperative effort by all concerned to help in the development of a sound framework and institutions implementing it. Neither AEC, industry, public interest groups nor the Congress can sit on the sidelines and hope that somehow these problems will be resolved satisfactorily. I am pleased to include Dr. Schlesinger's speech in the RECORD:

Joint Congressional Committee on Atomic Energy Announces That the Atomic Energy Commission's Regulatory Legislation Will Not Be Reported This Session

Vice Chairman Melvin Price of the Joint Committee on Atomic Energy and Congressman Craig Hosmer, ranking minority member, announced today that the Subcommittee on Legislation, of which Congressman Price is Chairman, will not report the AEC proposed legislation (H.R. 9285, S. 2151, and H.R. 9286, S. 2152) concerning the licensing of nuclear power facilities to the full Committee during this Session. (A summary of the objectives of these is attached.)

Extensive public hearings were held by the Subcommittee on Legislation on these bills in June and July, 1971, and Mr. Price announced that the four-part record of these hearings is now available. ("AEC Licensing Procedure and Related Legislation")

Mr. Price, in announcing the decision not to report the legislation to the full Committee this Session, stated:

"The testimony presented at the hearings emphasized the need for procedural changes to improve the licensing process for nuclear power reactors. Although the objective of the AEC's proposed early site legislation of providing for early resolution of environmental issues was generally viewed favorably by the witnesses, numerous valid questions were raised regarding its practicability. Such matters as the relationship between the early site and construction permit proceedings, the relationship of the early site authorization proceeding to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), requirements under water quality legislation, and the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony of the siting provisions in H.R. 9286 with general power plant siting legislation currently pending before other committees were not thoroughly developed in the testimony. Furthermore, considerable doubt has been expressed as to whether sufficient information could reasonably be made available at the early site authorization stage to settle with finality all significant site-related environmental matters.

"In view of such questions and in the absence of any clear showing by the AEC that the proposed legislation would resolve any short-term problem even if enacted this Session, it would appear more prudent for legislative action to await further developments on overall power plant siting legislation currently pending before other committees. An objective of overall power plant siting legislation should be to recognize the AEC's responsibility for all radiological considerations associated with nuclear plants, and to place in State and regional authorities the general responsibility for deciding other environmental matters. It is hoped that such legislation, which is vitally needed to provide our nation with a coherent and rational power plant siting policy, will soon be enacted. In the meantime, the Commission is urged to work with States, such as Maryland, which have recently enacted power plant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals."

Congressman Hosmer commented on what the AEC could do but has not done under its present authority to improve the efficiency of its licensing operations. He said:

"A substantial number of comments at the hearings indicated that most of the present difficulties in the licensing of nuclear power reactors might be resolved by selective changes in AEC's administrative procedures for the conduct of its public hearings. These comments addressed such diverse matters as a need for early public access to information concerning the application, revised procedures to require a reasonable initial showing to support matters which are alleged to be in dispute and therefore properly the subject of an evidentiary hearing, additional guidance to presiding Licensing Boards, more judicious use of the AEC's rule making authority, possible prohibition of site construction prior to issuance of a license, and the use of legislative-type hearings where there are no intervenors. Similar views have been expressed in Committee correspondence to the Commission, in the Committee's report authorizing AEC appropriations for fiscal year 1972, in a study by the staff of the Administrative Conference of the United States, and by others. The pertinent language in the Committee's authorization report for fiscal year 1972 warrants repetition:

"In view of the increased regulatory work load, the recent additions to the staff which have accompanied that increase, and the further increase in the regulatory work load which is expected to result from the growing utilization of nuclear energy for power generation, the committee is compelled to state the obvious: It is essential for the Commission to assure the maximum in efficient and effective utilization of personnel who are available. Too much of the valuable time of technical experts is being dissipated, perhaps unnecessarily, because of prolonged contested hearings for which these experts must prepare as well as participate. The committee most strongly recommends that the Commission promptly consider the need for further revision in its procedures for contested licensing hearings so that these hearings are not diverted, through innocence or by design, from their basic goal—the resolution of specific matters properly in issue. This move should be made on a priority basis to restore vitality and balance to the contested hearing phase of the licensing process.'"

Congressmen Price and Hosmer added:

"No real hope is seen for the needed improvement in the licensing process until more effective procedures are developed by the AEC to identify at the outset the specific issues properly in dispute thereby preventing every contention, regardless of its reasonableness, from being considered in an evidentiary hearing. It seems elementary to the restoration of a viable administrative licensing process that procedural inadequacies must be corrected in the interest of both meaningful public participation and licensing efficiency. Once again, the Commission is urged to act on a priority basis under the broad rule making authority bestowed by the Atomic Energy Act of 1954, and to use the services of the Administrative Conference of the United States and interested members of the legal community for constructive ideas and assistance to alleviate the current problem. Implementation of recommendations for procedural changes in a timely manner would be a significant step to be responsive to those concerned with the need for protecting the environment while at the same time assuring a means by which an adequate supply of clean electrical energy may be realized, both of which are of great import to the public interest.

"Further, should it develop that any needed procedural reforms will require legislation, the Committee stands ready upon request to consider such legislation."

CALVERT CLIFFS DECISION

Congressmen Price and Hosmer stated that a major influence upon the licensing process was the *Calvert Cliffs* decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit on July 23, 1971. They stated that practically all of the basic problems raised by that decision stem from interpretation of NEPA and the Water Quality Improvement Act of 1970. Corrective legislation, if needed, would be under the cognizance of the committees responsible for NEPA and water quality legislation and could address the problems involved which are not concerned directly with the licensing of nuclear power plants—they affect all Federal activity within the scope of those basic Acts. In this regard, they noted that the Senate Interior and Insular Affairs Committee will hold hearings on November 3 on the impact of the *Calvert Cliffs* decision. In addition, the Senate Public Works Committee is presently considering a substantial revision of the Federal Water Pollution Control Act to consolidate several diverse water quality Acts.

If it is demonstrated that the corrective legislation needed is not forthcoming from others, the Subcommittee will give careful consideration to any proposal relating to the implementation of NEPA in the limited sphere of licensing of nuclear power plants. It is noted that the Commission has published regulations which it believes will be adequate to meet the dual challenge of environmental protection without undue delay which would threaten the vitality of regional power supplies.

OTHER MATTERS FOR CONSIDERATION

During the hearings held in June and July, it was announced that additional hearings might be held later during this Session to receive testimony from interested members of the public on matters associated with nuclear power plant licensing other than in connection with H.R. 9285 and H.R. 9286. Congressmen Price and Hosmer said that these additional hearings also should await the corrective action taken under existing authority, and a reasonable opportunity will be given for the Commission to act in that regard.

Congressman Price said that in addition to the major issues already identified, other matters affecting the nuclear power reactor licensing process which should be the subject of additional consideration are:

The organizational structure and management techniques used for licensing and regulating nuclear facilities.

The role of the States in setting radiation standards.

The question of whether independent hearing examiners or Atomic Safety and Licensing Boards should conduct licensing hearings.

The extent to which legislative-type public hearings in lieu of the Administrative Procedure Act evidentiary hearings should be used to consider complex issues in a contested licensing proceeding and in rule making proceedings.

PUBLIC PARTICIPATION

Congressman Hosmer stressed the importance of pointing the hearings more specifically at the problem areas involved in building power plants. He emphasized the need to facilitate public participation, and to focus it upon the specific areas of significance in the siting and bulding of power plants. He explained his views as follows:

"H.R. 9286 would not solve the fundamental problems which exist in the licensing of nuclear power reactors. More viable licensing procedures are needed which afford interested members of the public an opportunity to express their views prior to the commencement of construction; require evidentiary hearings only on issues which the Commission determines a reasonable showing has been made that they are properly in dispute; and give meaningful opportunity for public participation in rule making proceedings on both procedural and generic technical matters. The AEC licensing process should complement and harmonize with overall power plant siting legislation which recognizes AEC's radiological role and the role of State and regional bodies in all other non-radiological environmental matters. Overlapping, repetitive and uncoordinated public hearings on environmental matters must be avoided.

"Effective and meaningful public participation in matters of radiological safety always has been and should continue to be emphasized as a matter of great importance. AEC's regulatory procedures should be designed to achieve complete disclosure to the public of the environmental impact of a proposed nuclear power plant and to provide for appropriate participation by interested members of the public. These objectives, however, should be achieved without cumbersome administrative requirements resulting in unnecessary delays in allowing completed plants to go into operation."

H.R. 9285 (S. 2151) would amend the existing requirement in the Atomic Energy Act for mandatory review by the Advisory Committee on Reactor Safeguards (ACRS) of each application for licenses for commercial nuclear facilities. As amended, such applications would be reviewed by the ACRS if specifically requested by the Commission or, in the absence of a Commission request for review, if the ACRS notified the Commission in writing the ACRS review is deemed warranted.

H.R. 9286 (S. 2152) would require a site authorization from the AEC prior to the clearing of the proposed site and commencement of construction activities on nuclear power plants. A mandatory public hearing would be required before a site authorization could be issued and there would be a thorough review and full public exploration of all aspects—radiological and non-radiological—of the site's suitability for a nuclear power plant.

Under H.R. 9286, once a site authorization had been issued, the utility then would apply for a construction permit for the plant. The application for a construction permit would contain the technical details on the reactor being proposed. Once the AEC is satisfied that the proposed reactor meets the Commission's safety requirements, notice would be published that the Commission plans to issue the construction permit. No public hearing would automatically be held at the construction permit stage, but persons whose interest might be affected would be afforded the opportunity to request a hearing. A person who sought to intervene at the construction permit stage would be required to raise an unresolved question significantly affecting the health and safety of the public. H.R. 9286 would not provide for a hearing at the operating license stage.

Under the present Atomic Energy Act, determinations of the suitability of the site is a part of the construction permit proceeding which is the subject of a mandatory public hearing. The Commission has by regulation permitted some work on the proposed site before the construction permit is issued, and has provided for exemptions from the requirement of a construction permit to allow more extensive site preparation work to be conducted prior to the issuance of the construction permit. Also under the present Act opportunity for hearing must be afforded at the operating license stage, or the Commission can at its own initiative decide to hold a hearing.

A fundamental objective of H.R. 9286, according to AEC, is to provide through the mechanism of an early site hearing for earlier and more effective public participation in the most fundamental decisions respecting the construction and operation of nuclear facilities.

JOINT COMMITTEE ON ATOMIC ENERGY STAFF ANALYSIS OF TESTIMONY PRESENTED AT REGULATORY HEARINGS IN JUNE AND JULY 1971

I. PRINCIPAL PROBLEMS IN NUCLEAR FACILITY LICENSING

The principal impact of all the testimony presented at the hearings was to emphasize the need for procedural changes to improve the licensing process for nuclear facilities. A variety of views were expressed concerning the Commission's proposed legislative changes; although some of the concepts involved were generally viewed favorably, numerous questions were raised concerning the practicality of the Commission's proposals. Alternatively there was general agreement that the Commission, under its existing legislative authority, could take many procedural steps to improve the licensing process.

Major issues identified that affect needed changes in Commission procedures were:

(a) The degree of public participation that is desirable in the licensing process for nuclear facilities.

(b) The need for and utility of an early site authorization procedure.

(c) The adequacy of Commission procedures and policy direction governing the conduct of hearings.

II. BASIC PHILOSOPHY OF PUBLIC PARTICIPATION IN THE NUCLEAR POWER PLANT LICENSING AND ASSOCIATED PROCESSES

It is clear from the testimony presented at the hearings that there is sufficient public concern to affect significantly the nuclear facility licensing process and that this concern must be dealt with in a rational way. On the one hand, some witnesses stated that intervenors in the licensing hearings were unnecessarily and seriously delaying the availability of needed electric generating capacity as well as adding to its cost without contributing to safety; on the other hand, others maintained that, in spite of the fact that current licensing procedures prevent effective public participation in hearings, such participation had made substantive contributions to safety. There is clearly some degree of merit in both these viewpoints. Multi-million-dollar plants already completed and ready to go into operation should not be delayed without substantial reasons. At the same time, if the licensing procedures which were in fact created to permit the public to participate adequately are somehow not fulfilling this objective, then some changes are obviously needed.

In essence, effective and meaningful public participation in matters of radiological safety affecting the nuclear industry has always been and should continue to be emphasized as a matter of great importance. There are recent factors which emphasize this need to a degree greater than ever before. The rapid growth of electric power that has been experienced and which is projected to occur will result in the installation and use of large numbers of nuclear power plants and their associated facilities.

The passage of NEPA, affecting as it does the major Federal action of the licensing of nuclear facilities by the Atomic Energy Commission lends emphasis to the need for even broader based public participation in these endeavors. Furthermore, proposed legislation now before Congress is related to the need to establish coherent power plant siting procedures for all types of power plants and further attests to the need for meaningful opportunity for public participation in this important matter.

Under the provisions of the Atomic Energy Act of 1954, as initially enacted, there was no mandatory hearing requirement. The Commission was required to hold hearings only on those applications for which a hearing was requested by any interested party. The Act was amended in 1957 to provide for mandatory hearings at both the construction permit and operating license stage for nuclear power and testing facilities. After extensive consideration, the Act was amended in 1962 to require mandatory hearings only at the construction permit stage. The Committee report on the 1962 amendment stated;

"This amendment, although relaxing the mandatory hearing requirement, should not prejudice the public interest in reactor safety determinations. A mandatory hearing will still be held at the critical point in reactor licensing—the construction permit stage—where the suitability of the site is to be judged. Succeeding regulatory actions will take place only upon publication and sufficient advance notice to afford an interested party the opportunity to intervene. In these succeeding stages, if a hearing is not held, the decision would still be on the public record and if an important safety question was involved, could be made by the Board.

"The Committee is cognizant of the provisional construction permit procedure which allows the issuance of a permit, subject to further research and development work, before becoming final. When this research and development work is directed toward the resolution of a difficult safety problem of unusual public importance, it is expected that the Commission, on its own motion, would order a hearing before significant amendments or authorization for the final construction permit were issued. In any event, under the provisions of this section, an aggrieved party would be given the opportunity to intervene.

"Finally, it is expected that the authority given AEC to dispense with notice and publication would be exercised with great care and only in those instances where the application presented no significant hazards consideration."

It was recognized at the time of the 1962 amendments that the regulatory procedures authorized by them would require subsequent evaluation with the ultimate objective of further relaxing the requirement for the mandatory construction permit hearing and mandatory referrals to the ACRS. The sought after goal in 1962 and now is a flexible statutory framework for the AEC licensing process which will facilitate safety determinations, recognize the public interest in reactor safety determinations, and further enhance the public confidence in the regulatory process and in the Commission's determinations which are a vital part of that process.

In view of this history, a fundamental question exists as to whether the legislation proposed by the AEC (H.R. 9286 and S. 2152 (identical) represents a logical extension of the body of existing thought that went into creating current licensing procedures, and at the same time, takes into account any new significant factors affecting the AEC licensing procedures. H.R. 9286 and S. 2152 proposed adding an early site authorization stage to existing construction permit and operating license stages. They also included provisions for mandatory public hearings at the site authorization stage, the opportunity for public hearings at the construction permit stage; it permitted no opportunity for public hearing at the operating license stage. As the following discussion will show, although AEC's proposed legislation does offer some advantage in providing some potential for earlier public participation in the nuclear licensing procedure, there are valid questions as to whether this potential can be realized. At the same time, it does not provide an opportunity for public hearing at the operating license stage. In balance it appears to represent a reduction rather than an enhancement in opportunity for effective public participation.

III. NEED FOR EARLY SITE AUTHORIZATION PROCEDURE

Since the early site authorization represented the most significant change contemplated in nuclear facility licensing procedures in the Commission's legislative proposal (H.R. 9286 and S. 2152), the bulk of the testimony in the hearing was devoted to this aspect of the legislation. This proposed change is clearly attuned to the environmental needs of the nation in regard to the necessity for early and meaningful public participation in power plant site selection, and, more specifically, to the need, as stated earlier, to develop a more coherent and rational power plant siting policy at the State and regional levels. Presumably the primary function of an early site authorization would be to settle questions relating to the environmental adequacy of the site and the proposed plant in terms of their acceptability to the surrounding population and to applicable Federal, State and local agencies; the acceptability of the plant design from nuclear safety viewpoint would be left almost entirely to the construction permit stage.

However, questions were raised by witnesses regarding the relationship between the early site authorization and construction permit proceedings and the relationship of the early site authorization to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), water quality legislation, the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony between the siting provisions of H.R. 9286 and overall (i.e., nuclear and fossil plants) plant siting legislation. There also appears to be a very real question as to whether sufficient information could reasonably be made available to satisfy all the groups involved so that the early site authorization procedure would be regarded as dispositive for all the groups involved. In some cases, especially where a particular facility is proposed that is essentially a duplicate of one previously built and where sufficient site information relevant to environmental considerations can also be made available at this early time, the early site authorization would appear to have a good chance of being useful in regard to resolving environmental issues. In other cases, if the plant has enough new features about which the requisite degree of information may be lacking, or if there are unusual or difficult features about the site that require extensive investigation, early site authorization procedure may not be useful and have less than salutory results.

Thus there appear to be a number of fairly complex matters that can affect the need for and utility of employing an early site authorization procedure. In view of such questions and in the absence of any demonstrated need for any legislation dealing with AEC site authorization during this session, it would appear highly desirable for it to be deferred until overall power plant siting legislation is enacted. An objective of overall power plant siting leigslation should be to recognize the AEC's responsibility for all radiological considerations associated with the nuclear plant to be licensed and state and regional authorities should have the responsibility for finally deciding all other environmental matters in accord with applicable law. It is hoped that such legislation which is needed now to provide our nation with a coherent and rational power plant siting policy will soon be enacted. In the meantime, the Commission should be urged to work with States, such as Maryland and others, which have enacted power plant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals.

IV. THE ADEQUACY OF AEC POLICY DIRECTION AND PROCEDURES RE PUBLIC HEARINGS

A substantial number of comments were made by witnesses in the hearings to the effect that most of the difficulties in nuclear facility licensing process did not require changes in legislation but were matters that could be improved under existing legislation by changes in AEC's policy direction and procedures governing the conduct of nuclear facility public hearings. These comments address such matters as the need for rule making hearings, need for evidentiary-type mandatory hearings, basis for interventions, early public access to application information, and the need to prohibit commencement of plant construction prior to issuance of an AEC construction permit.

A. Rulemaking proceeding to consider general policy issues

Perhaps one of the most significant problems that has developed in nuclear power plant public hearings is that many of the issues being raised in individually contested hearings relate more appropriately to the general issue of the degree of safety being provided in nuclear power plants. Issues are also being raised that relate to other elements of the nuclear fuel cycle (such as spent fuel transportation, high-level waste storage, fuel reprocessing, safeguarding of nuclear materials, etc.) rather than to the nuclear power reactor. These types of issues are not readily amenable to complete coverage in a nuclear power plant hearing because they are beyond the scope of the particular applicant's responsibility and of the regulatory assessment of his application. However, other than the submission of written comments on proposed AEC rules, there is no other available forum provided by the AEC in which the public can participate with regard to these broader elements of nuclear safety. It would seem desirable to have such discussions occur in a forum more suitable to meeting this need than that of an individual nuclear power plant hearing in which the AEC regulatory staff and the ACRS have already certified that the plant meets an acceptable degree of safety. Furthermore, it would probably be more fruitful to have a forum which would permit a more complete interchange of ideas on AEC's proposed rules rather than the formal and somewhat sterile written comments that are submitted on the equally formal and sterile language of the rules. These functions can probably be improved by the use of rule making proceedings with legislative-type hearings as deemed useful.

Under the existing Atomic Energy Act, in the performance of its functions the Commission is authorized to "make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of the Act" (42 U.S.C. 2201(p)). Also under the present Act, the provisions of the Administrative Procedure Act (APA) applies to all agency action as that term is defined in the APA (42 U.S.C. 2231). Thus, the Commission already has broad rule making authority which must be exercised in accordance with APA procedural safeguards. In using this authority, the Commission should be urged to adopt innovative procedures which are more responsive to meaningful participation in rule making proceedings to cover issues of the type mentioned above as well as such others as may appear appropriate. More meaningful opportunities can be given to the public to participate in rule making proceedings under informal procedures which would involve the use of such devices as the presentation of oral testimony, cross-examination of witnesses and recommended actions by an expert panel used in an advisory capacity.

B. Mandatory evidentiary-type hearings

The logic of continuing to have mandatory evidentiary-type public hearings at the construction permit stage appears to be questionable. If the objective of such a procedure is to assure public participation and there are, however, no issues in controversy between intervenors, the applicant and the regulatory staff, this objective cannot be achieved because of the questionable adequacy of public participation in a hearing conducted where only the applicant and the staff are parties, and they are in fact already in agreement. Hearings conducted under these circumstances lead to the further difficulty that the presiding Atomic Safety and Licensing Board may find itself to be somewhat at a loss as to what function it has to perform in the absence of contested issues.

Furthermore, it appears that the public education value that was in past years anticipated through the use of mandatory hearings has not fully materialized. It is more likely that current AEC public hearing procedures may have contributed more to damaging AEC's credibility with the public than to improving its education regarding nuclear facilities. By the time the AEC public hearing is held, the applicant and the staff have, in almost all cases, already resolved their differences and the regulatory staff is in the position of supporting the application. Members of the public attending such a hearing can be left with the erroneous impression that the regulatory review has not been adequate and that the regulatory agency is concerned with matters other than regulating.

Since public education concerning nuclear facilities is a desirable goal, it can be accomplished in other ways than through the use of evidentiary-type public hearings. Informal meetings, encouraging an exchange of views with residents and others in the vicinity of the plant, the involvement of Federal, State and local officials as well as industry representatives would, for instance, be one way in which this could be done. It would also seem, with the large number of nuclear facilities to be constructed in the coming years that the electric utility and nuclear industries have the burden for establishing and conducting responsible, thorough and responsive programs for public education. Further where mandatory hearings are required and there is no public intervention, it would seem suitable to use a legislative, informal type of hearings rather than evidentiary-type hearings.

C. Basis for interventions

Implementation of the concept of allowing meaningful public participation in the nuclear facility licensing process should mean that when there are points at issue between the public and the applicant or the regulatory staff, an opportunity for an evidentiary-type public hearing should be afforded. This approach would appear to be generally, but not necessarily uniformly, applicable at the construction permit stage, the operating license stage and, indeed, at any time during the life of the facility.

The hearing record reflects a wide range of views on the subject of interventions in nuclear facility licensing procedures. At the one extreme is the position that interventions have not contributed to nuclear safety and that questions of nuclear safety might better be resolved in some forum other than an adversary proceeding. At the opposite extreme is the view that adversary proceedings of extremely broad scope should always be permitted to explore every question raised about nuclear safety no matter how improbable or imponderable the question might be. However, the fact remains that the open hearing of adversaries, fact finding upon these open records and dispositions based upon facts thus found represent the best known method yet conceived to resolve factual matters properly in dispute.

The Commission for many years has permitted interventions in public hearings for construction permits and operating licenses almost automatically and very broad and generally stated grounds. While it is clear that interventions must be permitted when justified, it must be recognized that an evidentiary adversary hearing to be meaningful and efficient must necessarily focus on the specific issues that are in controversy. Thus, it would seem sensible that the AEC's rules of practice should require intervenors to show good cause that there are specific issues to be contested, rather than to have the Commission: (1) measure the validity of an intervenor's contentions against the generally stated findings that the Commission itself is required to make before issuing a license; or (2) equate standing to intervene and the showing in that regard with the necessary showing that there are specific matters properly in dispute for adjudication. Standing to intervene and intervention is one thing; the issues to be adjudicated as a result of a proper intervention are another. AEC's rules of practice should recognize that distinction.

It also seems necessary and logical that the good cause requirement by intervenors could be different depending upon the state of the facility. For instance, at the construction permit stage, where specific aspects of the facility are being considered for the first time, that requirement could be somewhat less stringent to help assure that there is adequate public participation so that as few issues as possible remain unresolved prior to the commencement of construction. On the other hand, it would seem appropriate considering the potential that interventions have to delay operation of already completed multimillion dollar facilities—that intervenors requesting a hearing at the operating license stage be required to demonstrate that substantive, specific issues exist before the Commission determines that a hearing is needed.

D. Early public access to application information

Intervenors in several proceedings for the licensing of nuclear power plants have stated the need for and made extensive use of "discovery" procedures both before the AEC public hearing commenced as well as during that hearing. The stated basis for this has been that the amount of material filed by an applicant in the course of AEC's review is extremely voluminous. Intervenors have claimed that, whereas AEC has on the order for a year or more to review this information, the intervenors cannot in the short period of time between publication of the notice of AEC's hearing and the start of the hearing, thoroughly examine this mass of material. Thus, they are forced to engage in extensive "discovery" procedures in the hope of reducing the amount of time required for their review.

It was also suggested by several witnesses that the public be given early and easy access to the application and other key documents generated during the course of the regulatory review as a means of providing potential intervenors with sufficient time for thorough examination of the documents and thus helping to eliminate what was purported to be the principal cause for the use of extensive discovery procedures. This appears to be an eminently sensible suggestion and the AEC should be urged to develop procedures, including a general description of the documents to be so treated for accomplishing this objective.

E. Possible limitation of on-site construction prior to determination of site suitability

Under present AEC regulations, determination of site suitability is made by the Commission as part of its review of the application for a permit to construct the nuclear power plant. Some work on the proposed site is permitted under AEC regulations before an AEC construction permit is issued; and additional work can be authorized under an AEC exemption from the requirements of a construction permit (1C CFR 50.10 and 50.12). By the time a utility has applied to the AEC for a construction permit, it could have constructed foundations for the nuclear plant and made a substantial investment.

An objective of the Commission's early site authorization legislative proposal is to provide for a regulatory review of site suitability, including opportunity for public hearing, before there is an irrevocable change in the landscape at the proposed site. During such early site review all environmental matters would be considered and the public would have full opportunity to participate in the site authorization proceedings. The important objective is also one of the goals of overall power plant siting legislation now before other committees of both bodies.

It would appear that this objective, which is consistent with the policy objectives of the National Environmental Policy Act of 1969, could be achieved in large measure under existing authority. As noted above, the existing pre-construction permit activities are authorized pursuant to Commission regulations issued under the rule-making authority bestowed by the Atomic Energy Act of 1954, as amended.

"THE RIGHT TO BE HEARD"—LAYING IT ON THE LINE

(By Commissioner William O. Doub)

It is a distinct honor and pleasure for me to be here today. The Forum brings together an unusually stimulating and perceptive segment of the nuclear community, and I look forward to meeting many of you personally.

The topic for your symposium session is "The Crisis in the Licensing and Regulation of Nuclear Power Plants." While there may be divergent viewpoints as to the aptness of the word "crisis" for describing the present situation, there is an undeniable and widely shared concern as to the ability of the nuclear licensing process to cope with the demands which are being placed upon it—a problem to which I am devoting a substantial amount of my time together with my fellow Commissioners.

At a time when the Nation is demanding more electrical power and when nuclear facilities are being called upon to meet a constantly mounting share of that energy demand, we have been encountering vexing—and frankly untenable—delays in completing the licensing consideration of nuclear power plants.

There is, to be sure, a complex mix of factors which enter into the overall "delay" picture. A full survey of these matters is plainly not feasible within the scope of my brief remarks this afternoon. Instead, following the enjoinder to "particularize," which I hope will soon become the hallmark of our licensing hearings, I am going to focus one one element in this mix, that of public participation in decision-making on nuclear plant siting, construction, and operation. This is not to imply that other important parts of the regulatory program are not receiving vigorous review, and I intend to comment briefly on some of these aspects also.

So that there will be no mistaking the guiding premise in my approach to this subject, let me state my basic and fundamental belief at the outset. In my judgment there are sound practical and social reasons why the public properly claims and is afforded the right to be heard in our licensing proceedings. Public participation is a cornerstone of administrative law and is an inherent and necessary factor in the regulatory processes of a public agency such as the Atomic Energy Commission. As far as I am concerned, this right of the public to be heard is non-negotiable and should not be the subject of time-consuming debate. For in the final analysis, it is the public which derives the very real benefits from the safe operation of well designed and constructed nuclear power plants and which must as a corollary of that benefit shoulder the associated environmental costs.

I recognize that many thoughtful observers are disquieted by the fact that the systematic environmental inquiry, which is an integral part of the nuclear licensing process, is singularly absent (at least at the Federal level) when it comes to the construction of fossil-fueled plants which concededly have appreciable environmental consequences of their own. Some environmentalists and other concerned groups are seeking to fill this "gap," using legislation such as the National Environmental Policy Act (NEPA) to require broad-gauged environmental reviews in individual cases, like that of the Four Corners project in the Southwest. More broadly, power plant siting legislation now pending in the Congress would provide a national structure for thermal plant environmental reviews on an across-the-board basis.

But whatever the future may hold in the non-nuclear sphere, in the nuclear area we are presently operating within the demanding framework of existing law, and of court decisions applying that law. The *Clavert Cliffs* decision,[1] regardless of individual personal opinions as to its merits, leaves no doubt as to its "holding" and I believe that the AEC is being responsive to its clear definition of the agency's responsibilities under NEPA. Nuclear plants are now subject to a plenary environmental review prior to the issuance of a construction permit—and then again before operation—and at each stage affected segments of the public have the legal right to be heard in a quasi-judicial proceeding.

Of course, as I am continually discovering, stating these obvious requirements is one thing; translating them into a viable regulatory process—one which keeps step with a dynamic technology and equally dynamic social patterns—is quite another matter. And nowhere is this more evident than with the hearing phase of the process. We are confronted today with formidable problems in restructuring our hearing procedures so as to meet not only our obligation to the participating public but also our responsibility to the general public—a responsibility to arrive at sound decisions in a timely fashion. This present broad-gauged AEC responsibility demands a total in-depth review of the AEC licensing program with equal attention to the past approach of industry intervenors, and the utilities in the process. My initial reaction—which is more than just an impression—is that there is need for considerable improvement across the board.

The dimensions of problems are reflected in the increasingly lengthy proceedings which we are seeing in plant licensing. In some instances, hearing times are beginning to be measured in years—not simply weeks or even months. Parenthetically, as we all know, the time factor between the filing of an application and the granting of a construction permit or operating license has been increasing in recent years on the average of something in excess of 20% annually. And a look to the future with the additional review responsibilities stemming from the Calvert Cliffs decision, serves only to underline the potential scope and the seriousness of these matters.

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[1] *Calvert Cliffs' Coordinating Committee, Inc., et al.* v. *United States Atomic Energy Commission, et al.* (Nos. 24839 and 24,871, D.C. Cir., July 23, 1971).

What are some ways that the hearing procedures and the actual conduct of the hearings can be improved? This is the focus of our attention this afternoon.

In approaching the matter, I should like to put to one side the legislative proposals affecting plant siting—nuclear and otherwise—now before the Congress. We have whatever their outcome, an independent administrative obligation to act now with the means we presently possess.

Moreover, I am not disposed to be pessimistic about the possibilities for substantial progress through changes which are within our present capabilities: changes which build on concepts which have been subjected to intensive reexamination in recent months by the Commission. I would like to share with you some of these possibilities this afternoon. While the majority of my suggestions—particularly the ones for procedural change—are within the domain of the AEC, before I conclude these remarks I should like to discuss several suggestions for changes which the industry itself might undertake and also some observations for those environmental groups which have taken an active interest in our licensing proceedings.

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Let me turn first to the licensing hearing itself, the ground rules under which it is conducted, and the role—and responsibilities—of the respective parties in a contested proceeding.

I see no inconsistency between active public participation in the decision-making process and the legal prerequisite that this participation take place in a reasonably ordered manner. Indeed, if it cannot, the concept of public participation will be on a collision course with another concept—that of the necessity for the administrative process to permit decision-making on a basis timely enough to serve vital public needs.

I am not willing to concede that there is any inherent incompatibility between these two concepts. Hearings, of course, take time; but agencies, like courts, are not without means to so structure a proceeding as to accomplish its purpose with the maximum possible dispatch. The Commission recently issued proposed amendments to its procedural guidelines (Appendix A to Part 2) which were designed to take account of the fact that reactor licensing had passed from an era of essentially uncontested hearings, where public education was a primary function of the licensing proceeding, to one of contested hearings, where the settlement of disputed matters was the central purpose of our adjudicatory process.

The recent *Calvert Cliffs* decision clearly called for a reexamination of the matters dealt with in those proposed guidelines; and we are now in the process of recasting them—as well as some of the basic procedural rules in Part 2 itself—to take account of *Calvert Cliffs* and also of suggestions received from industry, environmental groups, and some further thoughts of our own. I might add that we expect shortly to complete a new draft issuance of Part 2 and its appendix and that we plan to discuss our proposals with representatives of industry and environmental organizations and to assess their further comments prior to adoption of new procedures.

As to our present thinking, let me outline briefly some of the procedural changes we are considering. Functionally, these changes are built around two objectives, which I view as being mutually complementary: First, to provide for earlier public participation in licensing proceedings, within a context of maximum and convenient public access to facility licensing information; and, second, to demand a sharper focus on matters which are actually in controversy, and a greater discipline in dealing with those matters, during the hearing phase of the licensing process.

To be more specific about the direction the thoughts of some of us are taking:

In the sphere of earlier public participation, consideration is being given to allowing intervention in licensing proceedings at a much earlier point in time than is now permitted—even under our early notice procedure. This is a step which some environmentalists have been urging the AEC to take to facilitate public participation and to expedite the conduct of the later hearing—and I believe it makes sense.

As a correlative step, we would plan to assure that the application and all of its amendments, the staff-applicant correspondence, the safety review and NEPA documents, and the like, would be conveniently accessible to the public as they become available from the date of the filing of the application onward. We have just recently moved in this area by establishing a public document room at each site locality.

As an additional measure in pursuit of this objective, we are considering liberalizing further our rules dealing with availability of AEC records by eliminating certain of the present privilege exemptions for internal documents. This would not only broaden information access to the public—desirable in and of itself—but could also appreciably lessen the time loss involved in licensing proceedings through protracted arguments over document production.

Early, readily available access to all of the foregoing information, and a forthright approach in the manner and attitude of applicants with regard to the production of information—about which I'll say more in a moment—could make early intervention a highly useful step. It is painfully apparent to me that a considerable, and to a large degree unnecessary, amount of time is expended by concerned parties in simply trying to acquire what I believe should be readily available information regarding the proposed plant.

Let me add one further thought on the matter of early public participation. 1 can well understand the concern—if not the sense of frustration—of local citizens and civic and environmentally minded groups who observe site preparation and construction to grade of a proposed plant prior to an opportunity to be heard. I believe constructive steps are needed to come to grips with this problem, and we will be giving this additional attention.

Turning to the matter of providing a sharper focus and a more orderly process for the contested hearing, we are looking at the following steps:

Early identification of the issues to be considered in operating license hearings and restriction of testimony to those matters which are actually in controversy;

Greater utilization of the prehearing mechanism for the purpose of showing substantiality of issues both in construction permit and operating license proceedings, as a prerequisite to the raising of radiological safety or NEPA contentions;

Greater utilization of prehearing conferences and procedures to better define and narrow controverted issues and to deal with related discovery matters; and

Recognition of the authority of the licensing boards to impose limitations, where appropriate, on the time within which a hearing or any part of it may be completed. This last point, as some of you will recall, is in line with the provisions of our revised NEPA regulations in Appendix D to Part 50.

I believe, moreover, that our procedures should contain some express recognition of the role which can properly be played by party settlements of disputed matters in contested licensing proceedings. Settlement by mutual agreement of all parties is an accepted aspect of judicial proceedings and, as a practical matter, it is an essential ingredient in day-to-day business and personal affairs. There are sound public interest considerations for encouraging this kind of settlement of disputed matters in our licensing proceedings and our procedures should not only reflect this but also provide mechanisms which take into account of productive party settlement efforts.

Beyond these and other measures which might be adopted, a cardinal objective on our part will be to set the tone for the conduct of hearings by our presiding officers—a tone which while demanding recognition of legitimate party rights would also require the shouldering of corresponding responsibilities. The boards would be urged in this regard to use the tools given them by our rules and in principal accepted by the courts as precepts of effective administrative law—for control of prehearing and hearing schedules, for preventing abuse of discovery mechanisms and for maintaining rein over hearing examination and cross-examination—to move the parties to completion of the decisional record as expeditiously as possible consistent with the right of all parties to be heard.

Having said all this, I want to emphasize that a licensing hearing is obviously not an opportunity for a free-for-all nor is it a Hyde Park where unlimited oratory can be practiced. Such a hearing functions—or should function—within reasonably defined sensible and logical rules. Intervenors, equally with the staff and applicant, must be required to respect the rights of all participants. Hearing boards are obliged to consider all timely presented, relevant evidence, but should not unduly accord special privileges to any one participant. In practical terms and putting it bluntly, this means that no one has the right nor should be permitted to use a hearing simply as a device to delay a decision on construction or operation of a plant.

In advancing these suggestions, I would not want to appear the pollyanna or to profess to believe that licensing miracles can be wrought with these or any other rules changes. But I do believe that earlier, informed, public participation can only help the licensing process; and, further, that such participation provides the most viable framework for subsequent adherence to firm procedural groundrules.

As to the efficacy of those groundrules, we must, of course, recognize their practical, and proper, limits. We do know, however, that our country's judicial system has been able to achieve similar goals within the framework of procedural rules roughly parallel to our own; and I know from my own experience as People's Counsel before, and then as Chairman of the Maryland Public Service Commission, that fair and well-defined rules administered by tough, impartial and fair-minded hearing officers can do a great deal to move a proceeding forward to its conclusion.

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I promised earlier that I would have a few thoughts regarding changes in approach on the part of the industry which could help in the amelioration of hearing delays.

At the outset, let me remind you that the hearing is only the capstone of an overall process which begins with utility planning and ends with governmental licensing. The public's disposition to raise contentions for governmental consideration at the relatively late adjudicatory stage is, more often than you may care to acknowledge, a byproduct of a utility-applicant's failure to do its "homework" with its constituency in the earlier phases of the process. In all too many cases a frustrated, confused, and often alarmed citizenry has no other recourse than to contest an application—if initially only to acquire information.

I am speaking now of early, open and full communication of utility plans for facility siting and construction. I recognize that some utilities have been established a fairly impressive track record in this regard of late, and that others are improving on past performance. But we still see instances of plant construction plans that are disclosed relatively close to, if not contemporaneous with, the filing of governmental licensing requests. And we also know that public information programs, when they have been mounted—as they increasingly are these days—have ofttimes been found to be superficial by responsible environmental groups; and that some utilities may not be prepared to give these groups the hard information they are seeking. This old-line, close to the vest approach is a residual byproduct of a philosophy of managerial prerogatives that is not viable in an economy such as this where electricity plays such a significant role.

Moreover, the impact of delays that occur at the hearing stage cannot be divorced from events within a utility's control that occurred much earlier: less than adequate plans for load growth; indecisiveness in making basic determinations, such as whether to go fossil fuel or nuclear; woefully incomplete initial construction permit applications; failure to develop in-house quality assurance expertise; not pressing for licensing hearings as early as one might because of what may be termed "local resistance" factors. These are only the examples that most readily come to mind.

In another vein, the industry has quite rightly urged the Commission to utilize rulemaking for the establishment of generally applicable design and other standards, rather than leaving matters to *ad hoc* facility reveiew and adjudication. The Commission has, in fact, been moving in this direction but our pace is in no small measure influenced by the degree of standardization which obtains among the equipment vendors and particularly the architect-engineers. Reading some of Craig Hosmer's comments in this year's Joint Committee hearings on the regulatory program, I am convinced that there is considerable room for improvement on this score. Whereas there appears to be a gradual and encouraging trend toward limiting the types of nuclear steam supply systems being offered by the vendors, the non-nuclear portions of the plants (by far the largest fraction of the investment made by the utilities) change from one plant to the next. In my own mind, this seems to be an unnecessarily expensive approach and there is no question that it complicates the regulatory process when the interaction between the nuclear and non-nuclear portion of each plant must be exhaustively studied in a safety context.

In terms of the hearing itself, the most useful step I could urge upon the utility-application is maximum openness with information in its possession. Proprietary information may present special problems but, with limited exceptions such as that, I frankly believe that a license applicant is best advised to make available to a requesting intervenor the greatest amount of information possible. And I include within the "availability" category information which may only be arguably relevant. The hearing boards, after all, will ultimately determine the evidentiary admissibility of any information furnished. The dividends realized in enhanced communication—and in simple savings in hearing time—make this, to my thinking, the eminently sensible course.

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Since I am being liberal with my advice today, it is only appropriate that I save a few words for the representatives of environmental organizations. I hope you will be frank and recognize that these organizations have been instrumental in rightfully bringing to light a national lack of concern about the environment. As a result, a striking and irreversible change in the outlook of policy makers has occurred and "concern for the environment" is no longer a catch phrase but a mandate that we must follow and enforce. As in most matters involving radical change, adaptation has been accompanied by the need to resolve practical as well as legal and administrative problems. For example, in the past, a primary complaint of a number of the environmentalists was the jurisdictional refusal of the AEC to consider the full environmental impact of proposed nuclear plant licensing actions. The grounds for that complaint went by the boards, so to speak, with the enactment of NEPA, the subsequent *Calvert Cliffs* decision and our recent procedures implementing that decision. We now have a system, and scope of review, which is truly unique insofar as environmental examination of industrial undertakings is concerned.

The basic question confronting us now is whether this system can be made to work in a fashion timely enough to serve essential public needs—or whether it will be overwhelmed, as some are fearful. I can only assume that it is in the best interest of environmentalists to help us make the new system work, as they have repeatedly stated in the past that it could be made to work. *Responsible* participation in our proceedings and a recognition of the practical limits of the new system—particularly at this early stage—will be key elements in this regard.

I would hope also that the emotionalism which has marked the approach of some to the question of nuclear plant environmental impact will be tempered in the cold light of the NEPA review process. The Commission fully intends, as Chairman Schlesinger has stated, to be responsive to the conservation and environmental concerns of the public. But we would be serving no sound public purpose, and defeating NEPA's ends, if we were to deal with these matters other than through the process of dispassionate and balanced assessment.

CONCLUSION

Let me add a concluding observation on the licensing "crisis" we are examining this afternoon.

I harbor no illusions as to the magnitude of the task facing the Commission as we move forward into what, in a very real sense, is a new era of licensing responsibility. We are called upon to match the capabilities of a dynamic and complex technology to the urgent energy and environmental needs of the country, and to accomplish this within a legal and social framework which calls for the most sophisticated type of decision-making.

But meeting the challenge which change poses is hardly a novel experience for either the Commission or you members of the nuclear community. The Commission's licensing program and the industry it covers never have been static. They are today the end-product of evolvement and of adaptation to the constantly changing circumstances of the past 15 or so years.

Without pretending to special insights—only a willingness to tackle the problems—I am cautiously optimistic for the future. We have available the talents of an unusually gifted group of people, both in the public and the private sectors, and the pressing needs of our country provide an unremitting reminder that we have no choice but to succeed.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 19, 1971.

HON. JAMES R. SCHLESINGER,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR DR. SCHLESINGER: I am enclosing a copy of a press release which I have authorized for release this afternoon. The press release states that the Subcommittee on Legislation which I chair will not report the AEC's bills on early site (H.R. 9286) and ACRS (H.R. 9285) to the full Committee during this session. The reasons for that decision are set forth completely in the press release.

The press release also reiterates several earlier suggestions by the Committee that the Commission act under the existing authority bestowed on it to make procedural changes in the licensing hearing powers which are long overdue. I am pleased to note that Commissioner Doub in his recent speech believes that corrective action is necessary.

Although these matters have been discussed and considered for some time, the remedial action has been slow. It would be very much appreciated if the Commission would advise me of the specific procedural changes which are being considered, and the target dates for their implementation. I would also like to know the extent to which the services of the Chairman of the Administrative Conference of the United States and other interested persons will be used in this effort. I would like to be informed of any obstacles which are foreseen to implementing the procedural changes which may be needed to provide for more effective public participation in the licensing process and to restore vitality to the administrative licensing process.

I close in noting that the press release also stated that if it develops that needed procedural changes will require additional legislative authority, the Committee stands ready upon request to consider carefully any proposal which the Commission forwards to the Congress.

I very respectfully urge that this matter be given priority attention.

Sincerely yours,

MELVIN PRICE,
Chairman, Subcommittee on Legislation.

EXPECTATIONS AND RESPONSIBILITIES OF THE NUCLEAR INDUSTRY

(By Dr. James R. Schlesinger)

It is a privilege for me to be with you this evening at the Joint Meeting of the Atomic Industrial Forum and the American Nuclear Society. I trust that my remarks will be useful to you in casting some light on the environment in which you will be operating in the years ahead. It has been suggested to me that there is some curiosity, even eagerness, regarding my attitudes and what I might say in my first formal expression of views before a large segment of industry. Consequently, if you will permit, I shall dispense with the barrage of compliments, reminiscences, anecdotes, and clumsy jests, which are customary on such occasions. Since I wish to limit my remarks to a reasonable time, I shall turn right to the substance.

Despite the wide span of interests in the audience, the focus of my remarks this evening will be nuclear power. Initially, I shall concentrate on my impressions regarding the status of the nuclear industry. Later I shall indicate my views regarding the responsibilities of that industry—and the quite separate responsibilities of the Atomic Energy Commission. Together these should provide a framework of expectations regarding the future. And—hopefully—an understanding of the interplay of rights and responsibilities that should govern our activities.

You will appreciate that I have been in my present position for only two months, so that much of what I will say could be classified under the heading of early impressions rather than a complete and systematic treatment. Nonetheless you should not take these comments lightly on that score. You will also appreciate that I come to the AEC with a primary background in the national security end of AEC's responsibilities. So I am prepared to look for those things that are given emphasis in the weapons program: safety, predictable performance, high reliability, thorough and painstaking component testing, and an extensive program dedicated to quality assurance. With respect to nuclear power these objectives carry clear and necessary implications in regard to the reliability and maintainability of plants, the security of electric power supply, the long-run costs of electric energy. Above all, they relate strongly to the safety of those plants, which continues to be our primary responsibility to the public. The theme of quality assurance is one that you have heard discussed in the past; you will be hearing more about it in the future—and I shall return to it in a few minutes' time.

I. WHAT IS THE PRESENT STATUS OF THE INDUSTRY?

When I met with some of you in Geneva, my assessment regarding the future of the nuclear industry was optimistic. It continues to be. Some of you may find it difficult to share that optimism—particularly in the atmosphere that has hung over the industry since Calvert Cliffs. Indeed, I can fully understand why many of you are distressed. Still it should be difficult to be other than bullish about the long-run future.

The development and the expected growth of this industry are simply remarkable. What other industry can look forward with the same degree of confidence to a growth rate of roughly 15% per annum. The future is spectacular—the ultimate future. The pace of achievement, however, will depend heavily on two provisos: first, provision of a safe, reliable product; second, achievement of public confidence in that product. Satisfying these provisos will be a demanding task. But it can be done, if we recognize that it is imperative to provide the determination, the resources, and the organization to meet the challenge.

There are two problem areas: first, a set of difficulties, probably unavoidable, reflecting the "growing pains" of the industry, and, second, the state of congestion in the review process. It may be natural to ask who or what is to blame. But that is useless. All bear some degree of responsibility—in failing to take the necessary actions in the light of persuasive evidence of trouble ahead.

Yet, if you are inclined toward gloom, think for a moment about the truly remarkable achievements of the industry in a brief span of time. It is just 18 years since construction started at Shippingport. It is under 17 years since President Eisenhower's Atoms for Peace Message. It is but 15 years since the Commission inaugurated its Power Reactor Demonstration Program. It is but 8 years since Oyster Creek. It is just 5 years since the first order was placed for a 1000 MWe power reactor. In a four-year period, 1963–1967, capacity on order from the industry increased fifteen fold. These are spectacular developments. To draw an analogy, it is similar to the entire history of commerical aviation from Kitty Hawk to the Boeing 747 being compressed into less than a score of years. And in the commercial breeder and the fusion reactor we look forward to, as it were, the veritable space age of nuclear energy.

Perhaps in some respects the pace has been too swift. In any event, no one should be surprised if there is evidence of growing pains. Inevitably there has been a shortage of experienced personnel—eased by the supply provided adventitiously from Admiral Rickover's naval reactors program. It was not inevitable that the shortage be permitted to persist. Some utilities have purchased power plants based on financial considerations, paper designs, and paper calculations—without adequate technical knowledge as to what they were buying. Over time, new paint designs have been based upon large engineering extrapolations.

Many of the architect-engineering firms appear not to have assembled the needed resources of qualified personnel to carry a large number of power reactors through to the operational stage. This is the more significant since these firms may be attempting to substitute for designers, and for customers are not sufficiently knowledgeable or demanding to cope with many first-of-a-kind items and within an expanding program. A consequence has been a wide spectrum of uncertainties in costs, schedules, and plant performance—and the need for prolonged test and shakedown periods.

Under these circumstances one should hardly be surprised that there are growing pains, but rather that the industry is already so far ahead. In this connection, neither should you be surprised if the Commission lays stress on dsciplined engineering and on quality assurance. This is essential to the long-run success of the industry—and to satisfy the legitimate public concern, which the AEC represents. We will need to be assured that piping is of the highest quality, that pumps work, that values are properly designed and operate reliably, that welding has been done in accordance with specifications and that radiography confirms this fact. Those in industry who have chided us—quite properly—about the AEC regulatory process, know full well that you have reason to blush regarding some of these aspects of quality assurance. Gentlemen, these engineering details are not peripheral; they are the heart of our problem.

The focus of concern should be the likelihood of small accidents, small spills, unplanned shutdowns, power interruptions and associated higher construction and maintenance costs. Potentially these could be the source of far more trouble over the long run than the possibility of hypothetical disasters.

We must of course give careful consideration to these hypothetical accidents, even though their occurrence may have virtually zero probability. But we must insure that such consideration does not unduly divert our limited resources in management and technical personnel from adequate attention to the unglamorous engineering tasks that constitute the heart of the safety problem—and the heart of your commitment to produce reliable power. We regard it as vital that purchasing utilities acquire trained personnel and technical expertise, that they become knowledgeable and demanding customers—to insure that they receive full value for the dollar expended, to avoid power interruptions, to insure that plants can and will be properly maintained, and, among other things, to avoid relying on the Atomic Energy Commission to perform this critical task. Moreover, we are confident that reliable power reactor vendors want nothing more than a knowledgeable and demanding customer.

II. WHAT IS THE AEC'S ROLE?

There is another aspect to growing pains which casts light on the relationship between the industry and the Commission. Some of you may feel that Calvert Cliffs was a watershed event in other respects—that the Court's decision should have been fought, that by failing to appeal the decision and by issuing regulation in conformity with the court's decision the Atomic Energy Commission was admitting that it was wrong, that the whole set of events was tantamount to the AEC's abandoning the industry. In light of the historical climate in the industry, this is an understandable response. From its inception the Atomic Energy Commission has fostered and protected the nuclear industry. Looking back one can, I think, say that this was the right policy for that historical epoch. The policy permitted a new and vital technology to be exploited; it created an industry and then protected the industry as it grew to relative maturity. But that industry, insofar as it involves the exploitation of light water reactor technology, should now be on a self-sustaining basis. Those of you who regard the response to the Calvert Cliffs as indicating a climatic change in the relationship between the industry and the AEC could well be right, though perhaps for the wrong reason. The move toward greater self-reliance for the industry had a certain historic inevitability. Such a process is always painful. It is, however, necessary. One result will be that you should not expect the AEC to fight the industry's political, social, and commercial battles. These are your tasks—the tasks of a self-reliant industry.

The logic is, I think, quite clear. This is no longer an infant industry; it is rapidly approaching mature growth. The history of the tariff is replete with brawling, vigorous industries continuing to demand protection appropriate to the years of early growth, when the stage of infancy had long since been passed.

In this regard the thrust of the Atomic Energy Act of 1954 can readily be misconstrued. The concept of "promoting," implicit in the act, is an elastic one. It can be interpreted, quite properly, to mean that the AEC has responsibility aggressively to develop new or improved technical options which may be exploited for public use. It can be interpreted, quite improperly, I believe, to suggest that the Atomic Energy Commission should indulge in promotional activities on behalf of well-established industrial sectors. Perhaps the phraseology is obsolescent. In any event the word "promotional" has served to confuse some sections of the government, the industry, and the public regarding the proper role of the Atomic Energy Commission in this mature stage of the industry's development.

It is the responsibility of the Atomic Energy Commission vigorously to develop new technical options and to bring those options to the point of commercial application. It is not the responsibility of the Atomic Energy Commission to solve industry's problems which may crop up in the course of commercial exploitation. That is industry's responsibility, to be settled among industry, Congress, and the public. The AEC's role is a more limited one, primarily to perform as a referee serving the public interest. I might add that it is to industry's long-run advantage that the public has high confidence that the AEC will appropriately perform its role in this regard.

In the weeks since I came into this job I have been impressed on a number of occasions by the failure in the industry and in-house properly to distinguish between the role and responsibilities of industry and the separate role and responsibilities of the AEC. In the future I trust the distinctive responsibilities of a government agency will become more sharply etched in the minds of all of us. I have suggested some of my concerns, let me be more precise.

The Atomic Energy Commission does not sell power reactors. We are a by-stander, sympathetic I trust. The selling of power reactors is a concern of the vendors; the decision to buy that of the utilities. The Atomic Energy Commission has issued projections indicating 150,000 MWe installed by the end of 1980. We are interested, of course, but it is a projection not a target of the Atomic Energy Commission. If it turns out to be a 130,000 rather than 150,000, or 160,000 for that matter, that reflects, quite properly, the decisions of industry. They are not our decisions. The AEC's primary responsibility is to assure expeditious reviews of applications—a subject which rightly concerns you and to which I will return.

Again, it is not a responsibility of the AEC to supply power, even nuclear-generated power. I recently read an EEI study seemingly based on the premise that the AEC has a responsibility for power production. I question that premise. Utilities sell power. The Federal Power Commission is the primary agency concerned with power supply. Congress provides the framework. Unquestionably it is the AEC's responsibility to take local power supply conditions into account when an application lies before the AEC. Our new regulations specifically recognize this responsibility, but I underscore that in the existing statutory framework our responsibility is not the overall power supply situation, but rather providing technical options and seeing that the technology is appropriately and safely utilized.

You have every right to demand that the AEC perform its duties efficiently. If extraordinary costs are incurred because of the unduly slow functioning of AEC procedures, that is our problem and our responsibility to solve it. It is not our responsibility, however, if a utility encounters unanticipated costs because of a failure to do its job properly, failure to comply with the procedures, or because of a change in the law. We are sympathetic; we understand your problem, but it is your problem.

Finally—and let me underscore this point—it is not the AEC responsibility to ignore in your behalf an indication of Congressional intent, or to ignore the courts. We have had a fair amount of advice on how to evade the clear mandate of the federal courts. It is advice that we did not think proper to accept. If you regard the legislative or judicial framework as extreme or unworkable, you have a clear remedy through the seeking of legislative relief. We sympathize with the difficulties that you are facing, but we have no intention of evading our responsibilities under the law.

Since these difficulties stem from the enhanced concern about the environment, let me say a few words on that subject. Environmentalists have raised many legitimate questions. A number have bad manners, but I believe that broadside diatribes against environmentalists to be not only in bad taste but wrong. I believe that we shall receive from the responsible environmentalists considerable assistance in resolving our present difficulties. Take air pollution. It is my personal judgment that when all environmentalists, including ourselves, have a chance to assess the contribution of nuclear power to the reduction of sulphur and nitrogen oxides and particulates, that all environmentalists will appreciate the advantages of nuclear power in relation to the real alternatives. I believe the argument over radioactive discharges is pretty well off the boards. Good answers will still have to be provided regarding safety, transportation, and waste management. Moreover, the responsible environmentalists are keenly aware that the present situation can boomerang. If there are power interruptions, brownouts, and blackouts, the environmental movement will pay a severe price along with the rest of us—and that is the situation the environmentalists wish to avoid.

Dealing with intervenors is a time-consuming process. Most intervenors ask appropriate questions, albeit somewhat repetitiously. Some intervenors are deliberately exploiting existing procedures in order to cause delay. To the extent that delaying tactics have been used as a tool to force the provision of information that the intervenors may feel that they have been improperly denied, it is understandable. There is a direct way of dealing with this problem. To the extent that delaying tactics have been employed sheerly for the purpose of delay, to put off month-by-month or year-by-year the operation of plants and imposing costs on industry and the public, it cannot be condoned.

Environmentalists have also been raising questions that transcend the issues involved in individual plants. The question has been raised, by Michael McCloskey of the Sierra Club among others, whether our society for environmental reasons viewed broadly ought not curb its appetite for energy and for electric power. It is a legitimate social question. It is not unreasonable to question whether neon signs or even airconditioning are essential ingredients in the American way of life. More fundamentally it is not unthinkable to inquire whether energy production should be determined solely in response to market demand. Some of you I suspect have strong views on this matter. You should be prepared, whenever the necessity arises, to present your position to the public just as the Sierra Club does—and I suspect that at this reading you are likely to have the public with you.

Whatever the private views of the Commissioners, it would seem to me inappropriate for the Atomic Energy Commission to take a position on this issue. The AEC should be officially neutral. It is the AEC's mission to provide energy options that will serve public needs—in whatever manner the public prescribes those needs. The AEC lacks authority and consequently should avoid becoming entangled in the determination of broad social issues of this type.

III. FUTURE PROSPECTS

Let me address one more issue as I draw to a conclusion. In the reaction to Calvert Cliffs it has been remarkably clear that the utility industry does not relish operating in the spotlight of public attention. The traditional ways of doing business seem preferable. A utility could get on with the job of installing a 100 or 200 megawatt fossil-fueled plant and nobody really needed to be consulted save for the property owners and the local authorities, who could be dealt with on a private basis. Nowadays every plant seems to be drawn into public controversy. I can understand the nostalgia. The old ways were neater and more efficient, at least in a limited sense. But this is 1971. We are more crowded. There is a heightened public sensitivity on environmental issues—an insistence by the public that it be consulted. We shall all have to learn to operate under these changed conditions. You will not only have to operate in the glare of publicity, you will have to take your case to the public. Do not expect us to do this for you.

I have heard the charge that the AEC has been "over-reacting." The new regulations are tough; you will agree, however, that they comply with the spirit of the court's decision. While they are tough, they are workable. I am surprised and concerned therefore by the attitude of discouragement to which I referred previously. These new regulations present no insuperable difficulties, if you will get on with your part of the job and we get on with ours. For our part, we shall make every effort to minimize the time to be absorbed in the review process. Some components of the review can be carried on in parallel rather than in series. A suitable cost-benefit study can normally be developed on the order of two months, particularly if there is a suitable format. There are scores of qualified individuals who can do the requisite work. The cost will be miniscule in relation to the total cost of a plant—or in relation to the cost of delays. You will need guidelines for such studies and you shall have them.

If there are endless conversations about one or even two years delay and we all sit on our hands, the delays will be endless. Let us not sit back and fail to take the steps indicated in the regulations—and take them as expeditiously as possible. In this respect I can assure you the AEC will make every effort to move the paper and proceedings along quickly. But in some situations we can only follow your lead. For example, how many of you have filed show-cause orders with regard to ceasing construction on your plants? We are still awaiting requests to go to one percent power or twenty percent which is permitted under the regulations.

We can never act on requests that are not transmitted to us. Handwringing will serve no purrpose. As I suggested earlier, a great deal can be accomplished within the framework of the regulations. Self-help is the best help. In the absence of adequate response from the industry the question of just who it is that is "over-reacting" will be more readily resolved.

Now, some of my words have been strong and some of my message has not been easily palatable. You may have concluded that I have spent too much time discussing why your expectations may be pitched too high and why your actions have been pitched too low. You may also have felt that I have spent too little time discussing the responsibilities of the AEC. You are right. But you should also understand that we have a full appreciation of the formidable job ahead of us. I have indicated the respects in which the responsibilities of the Commission and industry should be viewed and emphasized. A government agency has separate responsibilities, distinct from those of industry. What are those responsibilities? The first is to conduct its business in an efficient manner, so that we are not the source of delay. The second is to avoid changing the rules of the game for other than sound reasons. You have every right to demand that of us.

You have a right to demand that licensing reviews be expeditiously carried out. Improvements clearly are needed. But this is a task which requires action on both our parts. For example, in 1969, the Internal Study Group, established by the Commission to review its Regulatory Program, after consulting at length with all segments of the nuclear industry, reported that:

"The lack of a comprehensive set of regulatory safety criteria and industry codes and standards relating to the safety of nuclear power plants contributes to the uncertainty concerning regulatory requirements and to the length of time required to conduct regulatory safety evaluations."

It concluded that:

"There is an urgent need for substantially increased participation and support of these efforts by all segments of the nuclear industry, especially the utilities."

While some improvements have been made, it is nonetheless clear, that the need in this area has not been met, and that greatly intensified effort—on both our parts—is needed to develop nuclear industry criteria and standards.

In this and other respects I have cited a determination to do our job better. In many areas we have already taken or initiated the actions necessary to strengthen and augment our capabilities to do this. We intend to redouble our efforts, firm in the view that we can best be of help to the nuclear industry and the public by carrying out our own responsibilities effectively. I think the more you reflect on the matter that is really all that you require from a government agency with regard to your well-established programs.

Let me reiterate: the Atomic Energy Commission, like any government agency, exists to serve the public interest. The public interest may overlap, but it is not coincident with private interests. Private interests may, and indeed through the operation of the well-known invisible hand are likely to, serve the public interests. The motivation is different. The role of a government agency, designed to achieve and enforce public goals, is distinct. Yet, as the Atomic Energy Commission performs its public role, I believe that it will help you to achieve your legitimate and long-run objectives.

Thank you very much.

IRISH FREEDOM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. KOCH. Mr. Speaker, the continuing turmoil in Northern Ireland is deeply depressing. The bloodshed there is the bitter harvest of years of deliberate discrimination against a Catholic minority, it is an echo of earlier violent aspects of Irish history when Irishmen rose up to protest the cruel penal laws which for centuries denied the rights of Irish Catholics. It is the obligation of public officials to speak out against such discrimination whenever and wherever it occurs.

Ever since the treaty of 1921 which officially marked the separation of the six counties from the rest of Ireland, Catholics in the north have been denied the most basic civil rights. The Cameron report, a 1969 official document of the British Government, cites examples of this discrimination in the areas of local government appointments, local government electoral boundaries, housing allocations and employment. While some measures of reform have been implemented in a belated effort to end these injustices, the Faulkner government's sudden revival last August of internment policies under the Special Powers Act is a monstrous step backwards that has only inflamed longstanding animosities.

The present violence and state of military occupation which prevails in Northern Ireland cannot solve the problems there. In the face of the British Government's inability to restore an atmosphere of stability and justice, it is imperative that our Government use all possible powers of diplomacy to insure democratic self-determination for all the people of Northern Ireland.

Accordingly, I have cosponsored a resolution in the House, H.R. 653, initially introduced by Representative HUGH CAREY, which would request the U.S. Government at the highest level to urge implementation of the following:

First, termination of the current internment policy and simultaneous release of all persons detained thereunder.

Second, full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.

Third, implementation of the reforms promised by the Government of the United Kingdom since 1968 including those reforms in the field of law enforcement, housing, employment, and voting rights.

Fourth, dissolution of the Parliament of Northern Ireland.

Fifth, withdrawal of all British forces from Northern Ireland, and the institution of law enforcement and criminal justice under local control acceptable to all parties.

Sixth, convening of all interested parties for the purpose of accomplishing the unification of Ireland.

This resolution has also been introduced on the Senate side by Senators EDWARD KENNEDY and ABRAHAM RIBICOFF.

Throughout the history of Ireland's struggle for independence one notes that the leaders of that struggle were Catholic and Protestant alike. There is no irreconcilable friction between these groups. The issue at stake in Northern Ireland is not a question of religious preference, but of the freedom for self-determination. This freedom should pose no threat to Protestant or to Catholic, it is a goal that can only be achieved through the cooperation of both sides. Of the present violence one must ask in the words of Yeats:

> Was it for this the wild geese spread
> The grey wing upon every tide;
> For this that all that blood was shed,
> For this Edward Fitzgerald died,
> And Robert Emmet and Wolfe Tone,
> All that delirium of the brave?
> —(September 1913).

ECONOMIC UNCERTAINTIES PROLIFERATE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BLATNIK. Mr. Speaker, it is now less than 2 weeks until the end of phase I—the wage-price freeze part of the new economic policy. On that date the lid will come off suppressed economic forces and there will be a scramble by each sector of the economy for rectification of real or alleged injuries suffered as a result of the freeze.

The scramble will be unlike any we have ever seen in this Nation's history. And it will be compounded by the inevitable uncertainties about the effectiveness and legality of the Pay Board and Price Commission decisions.

Mr. Speaker, I dislike dragging the word "priorities" into my remarks. But the economic policies of phase I and phase II are a direct reflection of this administration's political philosophy of total expediency. In my judgment the economic priorities of this country should be first—jobs; second—stable economic recovery and growth; third—a balance of reasonable wage and price increases that support those priorities.

In other words, Mr. Speaker, the first economic priority of this Nation is not to squeeze our economic lifeblood by reducing, almost overnight, an average 4.5 percent rate of inflation to 3 percent or less, jeopardizing our health and well-being to insure the reelection of the President in 1972. This line of reasoning also applies to the impounding of $12 billion in funds Congress has appropriated for fiscal 1972.

If the President is really interested in creating jobs and getting America back to work, I urge him to fund in full the accelerated public works program. This would demonstrate more than anything else this administration's commitment to stimulate expansion and growth in the economy, and create the millions of jobs the Nation's unemployed need right now.

The economic indicators for the third quarter were dismal and the President knows it. They will remain so until the administration decides to spend the $12 billion of appropriated funds presently impounded and instill confidence in the American working consumer by programs and policies designed to create jobs.

Mr. Speaker, I have been calling for this type of economic policy for over 3 years. I have been joined by many of my colleagues. Many of the most distinguished economists in this country have been calling for this type of economic policy. Guidelines should have been sufficient to keep the lid on wages and prices in a time of gradually dissipating inflation and we would have been able to stimulate sound expansion of the economy, bring plant utilization up to a more healthy figure, induce consumer confidence and spending, and, above all, take the blatant politics out of our economic policies. This administration must begin to place first things first.

Mr. Speaker, two eminent students of the economy have written articles which appeared in the Sunday Washington Post of October 31. I urge my colleagues to read these articles by Hobart Rowan and James Tobin. They represent the most incisive descriptions of the very risky uncertainties we are facing as we embark on the uncharted economic seas of phase II and beyond.

Mr. Speaker, I include the articles in the RECORD:

BUSINESS, CONSUMERS EDGY ABOUT IMPACT OF PHASE II

Spokesmen for the Nixon administration are trying to suggest that the recent bear market in Wall Street can all be attributed to "uncertainty" over the Phase II controls operation; that once the new rules are published and understood, the stock market—and the economy—will resume an upward march.

But this is not the whole story. There is, indeed, uncertainty over the nature and the functioning of the wage-price controls system, involving a Pay Board and a Price Commission. There is even a chance that in mid-November, the AFL-CIO will walk off the Pay Board if the board fails to approve substantial wage increases in 1971 and 1972 provided in existing contracts.

And that's just the domestic side of the New Economic Policy announced on Aug. 15. Throughout the free world, there is great concern that Mr. Nixon has touched off a protectionist tide that may envelop everybody in a recession.

But with or without the New Economic Policy, there is growing concern among business and academic economists that underlying trends here show weakness.

I think there is little mystery about the situation: the administration, at every opportunity, stresses that no big bureaucracy is needed to police price increases, because there is now no excess demand in the economy, hence no threat of a black market, as in World War II or Korea.

Hence, they say, if care is taken not to push monetary and fiscal policy too far, the risk of excessive purchasing power can be averted.

But that's a declaration that the economy will be kept under wraps, below capacity, with excessive unemployment. It contradicts the whole rationale for an "incomes policy," which was belatedly adopted to allow for the stimulus necessary to get back toward full employment.

On "Meet the Press" two weeks ago, Walter W. Heller, who has a knack for putting things succinctly, observed that the President "sounds as though Phase II is designed to make the world safe for profits, rather than for jobs, and I think there has been an imbalance there . . . The rhetoric has been going the wrong way, and I have found too little attention to that four-letter word, 'jobs'."

Former Economic Council Chairman Arthur M. Okun told the National Economists Club the other day that even assuming that the President is successful in his attempt to cut the level of inflation in half, the unemployment rate will range well over 5 per cent in 1972, with Gross National Product running $50 billion below capacity.

Now, officially, this is not the way the administration sees the picture. The President, in his address of Oct. 8 announcing the Pay Board and the Price Commission, said:

"Let us look into the future.

"I have said that 1972 will be a very good year for the American economy. Let me broaden that estimate tonight.

"The coming year can be more than a very good year for the American economy, it can be a great year for America and the world.

"It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace."

There should be evidence, fairly soon, whether the President has called the turn, or whether Okun is right in saying that the nation is "two years away" from prosperity.

By the 4th quarter of the year, if consumers haven't shaken their doldrums, there is little chance that the current "consensus" forecast among economists for a 9 per cent GNP gain to about $1,150 billion can be achieved. And there would be zero chance for Mr. Nixon's "great" year, meaning unemployment moving down toward 4 per cent.

The nation has an enormous stake in the psychological attitudes of business, labor, and the consumer toward the prospect of controlling inflation.

In recent years, the consumer has demonstrated that his reaction to inflated prices is to quit spending—where he can—and to save more. The pocketbook doesn't get unbuttoned until there is some assurance of stability.

Thus, the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

People seem skeptical of the Price Commission's ability to control prices with only a limited number of agents. Checks in retail stores by The Washington Post and New York Times show widespread violations during the freeze, with mere wristslapping efforts at compliance.

Labor, meanwhile, seems destined to "get theirs," almost certainly through the validation of existing contracts.

Herbert Stein, Presidential economist and one of the chief designers of the Phase II Operation, said last week that the government, labor and business would have to evolve a satisfactory relationship because "no one (group) can be in a position of being responsible for tearing it (the system) down."

That's certainly logical. But whether logic will prevail remains to be seen. There is a danger that Mr. Nixon's Phase II will fall apart, and as Heller said, in that case the President will have to set up a government wage-price board to concentrate on what Okun calls the "whales" in the economy, or slap direct controls on everybody.

It would be much better if Phase II is moved smartly into place with a decent wage yardstick—5 to 6 percent, if the Price Commission holds a tough line on prices, with adequate enforcement personnel; and if Congress speeds up and improves the expansionary elements in the tax program.

As Heller suggested, everyone—and that includes George Meany—ought to re-focus attention on that four-letter word: Jobs.

ADMINISTRATION'S GAMBLE WITH NATION'S ECONOMY

(Dr. Tobin Sterling, Professor of Economics at Yale University, was a member of the Council of Economic Advisers in 1961–62.)

In imposing wage and price controls, the Nixon Administration is taking an enormous and reckless gamble with the American economy. Never before in peacetime has an American government subjected virtually every price and wage in the country to legally enforceable ceilings. How will a private enterprise economy perform under such sweeping regulation? Economists do not know, and neither does the Administration.

The immediate danger is that the controls will prolong and deepen the subborn business recession that has characterized our economy throughout 1970 and 1971. In terms of unemployment and utilization of capacity, no perceptible recovery has yet begun. Recovery won't occur until consumers and businessmen increase the rates at which they invest in houses, consumers' durables, and business plant and equipment.

Will consumers spend more when they don't know what their wages and salaries will be next month and next year, when they are still in the dark whether they will receive wage increases already promised or agreed by their employers? Will businessmen commit themselves to further expansion when they don't know what past and future cost increases they will be allowed to cover in their prices? It is no answer to say that most economic units in the country will be subject only to very loose surveillance or self-policing. Everyone legally bound by the controls will need to be sure that his actions will be defensible if challenged.

The uncertainties and confusions are probably at their peak right now. The President promised that the freeze would end on November 14, and then delegated the design of Phase II to a Pay Board and Price Commission which was not even appointed until October 22. The members of these two bodies must now agree on general standards, and on procedures for translating them into specific rules that can be applied to the incredibly diverse transactions by which Americans earn their livelihood and conduct their affairs. It will be entirely understandable if it takes the able and dedicated citizens who have consented to serve in these agencies a long time to agree among themselves and to spell out their policies with reasonable clarity. The blame will not belong to them but to an Administration that acted with decision and drama but without foresight and preparation.

When and if the new control apparatus matures, workers and businessmen will still have plenty of reason for uncertainty and caution. Meanwhile economic activity is in special peril of receding further from its current state of recession, the more so because the tax reductions that are supposed to stimulate demand have yet to be enacted and to take effect.

The possibility that controls are per se deflationary is not commonly appreciated. The reason is that wartime controls were always associated with insatiable excess demand and over-full employment. Any deflationary by-products of wage and price regulation were welcome though fruitless. But now this is definitely not the case.

The Administration wants to reduce unemployment, and its tax reductions will give the economy considerable stimulus, although the corporate tax cuts are weak so long as there is so much excess capacity. The standard forecast for 1972 is for a GNP gain over 1971 of $90–100 billion, 9–9½ per cent in dollars, perhaps 5–5½ per cent in constant dollars. The coming tax cuts are responsible for only a part of the optimism of these forecasts. They also depend on the debatable assumption that wage and price controls will boost consumer and investor confidence and increase spending. So far neither securities markets nor surveys of attitudes and intentions support this assumption. Much more than usually, forecasters are groping in the dark.

Another reason for pessimism about recovery in employment and production is the priority the President now gives to his anti-inflation objective. The only definite thing about Phase II is the firm commitment of the Administration to reduce the rate of inflation below 3% by the end of 1972. This commitment is necessary to motivate and justify the revolutionary extension of federal power and bureaucracy. We will be hearing a lot in the months to come about the importance of not overloading wage and price controls by excess demands in labor and product markets. The viability of the controls will become an end in itself. Monetary policy will be very cautious. The Federal Reserve Board is of course constrained not to let interest rates rise. But that should be no problem in a sluggish economic environment. The Fed will have several reasons to lean against expansion: to make the lives of the wage and price controllers easier, to assure the achievement of the inflation objective, to avoid large declines in interest rates that might be politically difficult to reverse.

I have argued that wage and price controls in Phase II are an immediate threat to recovery and prosperity. In the longer run they will impair the efficiency of the economy. The sheer administrative load on government, business firms, accountants, unions, and lawyers will be formidable—determining what is legal, obtaining interpretations and rulings, seeking exceptions, holding hearings, enforcing the rules, keeping records, and so on. Energy and ingenuity will be devoted to maneuvering around the rules—for example, inventing new jobs and new products to dodge ceilings on the wages and prices of the old one. Even more important in the long run, the controls will impede efficient reallocations of productive resources. The story of economic progress is one of wages and prices of the old one. Even more important in the long run, the controls will impede efficient reallocations of productive resources. The story of economic progress is one of endless shifting of labor and capital from obsolescent to dynamic industries. Wages and profits must rise in the growing sectors, relative to those elsewhere, to induce these movements. A control system will almost inevitably limit changes in relative wages and prices. The controllers' main concern is bound to be equity, and their conception of equity will necessarily be to keep all groups as close as possible to relative standings of 1970–71 before the freeze.

Wage and price controls will overload politics as well as administration. The businessman or labor leader with a grievance or petition will turn to his congressmen and Senators, who already have more "ombudsman" business than they can handle. An immense new area of economic activity will be politicized. Anyone who thinks his wages or prices are unfair will have a visible and personal target. There are some advantages to the anonymity and impersonality of a market economy.

And why are we embarking on this risky course? Before August 15, the Consumers' Price Index was rising at a rate of 4.4 per cent per year (January-July 1971). Increases over the same month of 1970 have been 4.5% in June, 4.4% in July, 4.5% in August, 4.25% in September. As the Administration itself told us, there are signs that the inflation has been gradually decelerating. It would have been possible for the Administration to rely on voluntary guideposts, to continue the wage stabilization effort in the construction industry, and to adopt an agricultural policy that would convert the year's bountiful harvest into lower food prices.

Instead, the Administration has undertaken an adventure in a controlled economy designed to diminish the rate of inflation from 4 plus to 3 minus per cent per year! What are the great benefits of so modest a difference in the speed of inflation? The Administration has not told us. The evils of inflation are universally deplored but almost never described. One may sympathize with the quandary of Judge Boldt after his appointment as Chairman of the Pay Board, when he said "Every American, however sophisticated, knows that inflation, by whatever name you call it, is a very bad thing, and that somehow or other we must find ways to control it. If we do not, disaster will certainly follow in *perhaps forms that we cannot presently understand or contemplate.*" (My italics.) To mitigate slightly an undefined future contingent evil, the Administration has decreed the most drastic change in the nation's peacetime political economy since the late unlamented NRA. The NRA also subjected prices and wages to legal control, although the purpose was to raise them rather than to keep them down. It was one of Franklin Roosevelt's errors, ironically one from which he was rescued by a conservative Supreme Court. Nixon will probably not be so lucky; unlike FDR, he has his own men on the Court.

For at least a quarter of a century, economists have known that a modern industrial democracy cannot simultaneously achieve more than two of the following three goals; full employment, price stability, uncontrolled and decentralized determination of wages and prices. In desperate search of the second, this country has now given up the third. Many who rightly or wrongly attributed their economic disappointments and misfortunes to inflation are going to discover that controls are no picnic. The frightening prospect is that we will not achieve even two of the goals; we may end up with only the anti-inflation goal, and really only half of that. The chances are that we will not soon get full employment in return for submitting to controls.

Priorities have been distorted once again. Maintaining and increasing the purchasing power of workers' time is ultimately much more important than the purchasing power of green paper notes.

BAPTIST GENERAL CONVENTION OF TEXAS OPPOSES ERRONEOUSLY LABELED PRAYER AMENDMENTS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ECKHARDT. Mr. Speaker, the House will soon be called upon to vote on House Joint Resolution 191, commonly called the prayer amendment. The Baptist General Convention of Texas messengers—delegated—met in Houston, Tex., last week. The issue, House Resolution 191, was opposed by this group. For the information of my colleagues, I submit the following wire service report of the action by the Baptist General Convention of Texas:

> The 1.0 million Baptist General Convention of Texas reaffirmed Thursday its "opposition to the constitutional amendments erroneously labeled in some channels as 'prayer amendments,' now being considered by the Congress of the United States, which would revise or supercede the First Amendment." The resolution said any amendment would weaken the First Amendment's strength "and open the way to further revision and modification in the future and therefore endanger our precious freedom of religion and religious liberty." The Convention's Christian Life Commission report stated that authorizing participation in nondenominational prayer "opens the door for government to determine what is acceptable prayer. . . . No government has the right to determine either the place or the content of prayer. To authorize government to intervene in the sacred privilege of prayer makes government a judge of theology and an administrator of religions practices. The amendment would enable government to impose the limits of 'nondenominationalism' on religious practices in any building built in whole or in party by public funds."

WORLD AFFAIRS REPORT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BOB WILSON. Mr. Speaker, the shameful ouster of Nationalist China from the United Nations shocked all of us and brought into sharp focus the need for improved relations within the world community.

For several years, Robert Letts Jones, president of Copley Newspaper, has traveled throughout the world meeting with political leaders and newspaper editors of many countries and discussing the role of the United States in world affairs. Tragically, he has found that our esteem has been on a steady decline and many things must be done to prevent the United States from being pushed into a second-class status within the world community. I include the report on world affairs, which was presented recently before the San Diego Kiwanis Club, in the RECORD so that our colleagues can have the benefit of Mr. Jones valuable observations:

WORLD AFFAIRS REPORT: FALL, 1971

As we enter the final months of 1971, we find our nation in peril.

Under such state of stress, the burden we carry might be considered a dismaying one. Throughout the 20th Century, we of the United States of America have been looked upon by the oppressed as their hope for survival. Always we have responded to the call of those who asked for help. Always we have been the protector of the peoples of the world who seek to live their lives in peace, free of outside interference.

However, in the past 15 years we have witnessed a gradual decline of the esteem we once held in the eyes of all nations, friend or enemy.

We are part of a new American society which appears ready to permit our nation to withdraw from responsibilities in our own hemisphere, as well as those abroad. We are watching our once respected protective military establishment wither as our enemy grows stronger and more belligerent. We are experiencing a trend, which continued, will fade us into second class status.

In early June it was my privilege to address the 24th Congress of the International Federation of Newspaper Publishers in Zurich, Switzerland.

Impressions gained on my European visit left me with a deep feeling of uneasiness, not only for the declining image of the United States, but for the unfavorable change in the balance of power between the free world and the aggressive Communist world. A global confrontation could unexpectedly smash the fragile relationship between the West and the Russian imperialists. Meanwhile, Communist-backed "local wars" continue to sap the strength of America and our allies, while Russia and China sit smugly but uneasy on the sidelines, supplying their satellite fighting forces with arms—all in the pattern of "protracted conflict."

The balance of military power between our nation and the Communist bloc has become uncertain as the United States has moved from the clear military superiority of the 1950's to bare parity in many categories of forces today, bordering on a secondary position.

Europe's economic situation tends to be critical, as does ours. War in the Middle East smolders dangerously. Everywhere there exists a resistance to established order.

Europeans are deeply concerned over the United States' inability to handle our own internal affairs. Europe fears the withdrawal consequences of our world-wide commitments. Our nation is developing the image of a major power so obsessed with peace and problems at home that it no longer is favorable toward, or concerned with, protecting its rights and interests abroad.

How can we avoid second-class status?

Respect for authority is respect for the ultimate goals of American society. To rekindle this respect, it will be necessary to look with reasonable, studied optimism to the future, to our ability to adjust to changes in the basic way of life that has made America great, and to the innate potential for creativity and greatness of the individual. There can be no progress in the nation or the world without law and order.

I am proud to state that Copley Newspapers have contributed significantly to encouraging such a needed, positive approach to our current problems.

President Nixon is quietly but competently disengaging U.S. military forces from Southeast Asia. At the same time, he stands resolutely against the outcries directed toward shattering United States foreign policy by precipitous actions which would cause us to experience further loss of face in the Orient.

The President has expressed concern, also, for our obligations in other parts of the globe:

"The day the United States quits playing a responsible role in the world, in Europe or the Middle East, or gives up or recedes from its efforts to maintain an adequate defense force—on that very day, this will become a very unsafe world to live in." I fear we may have almost reached that day. How can we continue to cut our forces on which our credibility in world affairs rests so importantly?

As I have cautioned our Copley Newspapers executives in the past, the sinister objectives of communism reach deep into the Western Hemisphere.

Preoccupation with efforts to end one war in Southeast Asia and avert the renewal of another in the Middle East could leave the United States of America vulnerable to a new crisis in this hemisphere.

Negotiations are to begin soon between the United States and Panama over the future of the Panama Canal, our military bases in the Canal Zone and plans for the new sea-level canal that must be built to accommodate increasing maritime traffic across the isthmus.

Prospects for these negotiations are not promising. The canal represents a potentially explosive emotional issue among Panamanians, an issue that will be exploited by anti-American propagandists throughout Central and South America.

A renewed wave of student unrest is sweeping through Latin America. This is not foreign to that part of the world, however. This period of student unrest began in Cordoba, Argentina, in 1918, immediately after the outbreak of the Russian Revolution the prior year. The goal then and now was that university students must be agents of political change and must acquire the right to administer, as well as determine policies for, the universities. Unfortunately, too many professors and instructors foster these concepts.

As an aside, may I urge a group as influential as you to communicate with our youth with a positive approach.

The South American Andean nations—including Chile, Peru and Ecuador—seem to be working aggressively to put the United States out of business in their countries. The respect for our nation there fades as our global stance wavers. We have not come to the defense of U.S. companies which have had their facilities expropriated.

In March a Soviet plot to train insurgents was smashed by the Mexican government. Venezuela, too, has been a target for subversion, financed partly through Eastern European Soviet satellites. At the same time, Russia is bolstering its foothold in Cuba and, reportedly, integrating Castro's armed forces into satellite status.

Soviet diplomats assigned to Chile's new radical-left government are quietly sounding out the possibility of building new port facilities at Valparaiso for the Chilean fishing fleet. This would be a likely prelude to establishing way-points for Soviet naval power on South America's Pacific Coast. According to Eduardo Frei, Chile's last anti-Communist president, that country faces a "fatal dictatorship" of the Marxists.

Evidence of these ominous designs emphasizes the worldwide pattern of Communist subversion and a growing Soviet power determined to excel that of the United States.

In the past eight years alone, for instance, the Soviet Union has transformed a small border fleet into the world's largest naval force. Only recently, the authoritive Jane's Fighting Ships reported that the size of the Soviet Navy has now surpassed that of the United States.

In an interview, the American editor of Jane's Fighting Ships, in commenting on growing Soviet naval power, said, "What is particularly frightening is that every year we see a new type of surface warship, a new class of submarine, a new missile, a new electronic system or a new radar."

As the result of the U.S. Navy's being temporarily relegated to a second-rate sea power, dangerous political and strategic implications threaten our country and other free nations of the world.

As Congressman F. Edward Hébert, chairman of the House Armed Services Committee, recently warned in a San Diego speech, "The day we lose control of the seas, the security of our nation is a myth."

Encroaching Communism persists, too, as an acute menace to the peoples of West Germany, particularly West Berlin. Chancellor Willy Brandt's re-election was slim indeed in the divided city's March election where his wooing of the Soviet Union was a major issue. Bickering over the meaning of clauses in the recently much-heralded four-nation agreement over Berlin emphasizes the fragile nature of the situation there.

Yugoslavia, under the defiant rule of Marshall Tito, has been a Communist fence-straddler for 25 years. Russia's Brezhnev and Tito agreed over this past weekend, however, to "intensify" cooperation in both foreign policy and the economic field. Yugoslavia's right to control its internal affairs was acknowledged, as well as that nation's status as a nonaligned nation outside the Soviet bloc.

By this agreement, Moscow blocked Tito from becoming an ally of Red China.

If the United States continues to move toward a philosophy of isolation, it can be only a matter of time until we withdraw substantial numbers of troops from the Continent.

The reality of this isolationist attitude in our country can be seen in our moves to pull away American forces from Japan, Okinawa, Korea, the Philippines and, of course, Southeast Asia. Our ability to hold on to bases in the Orient is thus weakened, as is our diplomatic image.

Recently, the world was surprised by President Nixon's announcement of plans to visit Communist China before next May. When the President embarks on this intended "Journey of Peace," he does so against the backdrop of a quarter-of-a-century of almost barbaric behavior on the part of Mainland China's leadership.

The President will be forced to exercise diplomacy on such a high plane if he is to escape the Communist wiles so artfully detailed by Chairman Mao Tse-tung in 1940 when he wrote:

"Our tactics are guided by one and the same principle: To make use of contradictions, win over the enemy, oppose the few and crush our enemies one by one."

Only a month ago Adm. John S. McCain, chief of the U.S. Pacific Command, warned that the United States must not relax its guard despite hopes for improved relations with Red China and other Communist countries.

"Without doubt, the leaders of Communist China, North Korea and North Vietnam are the most formidable problem Free World diplomacy has ever faced."

Many Americans have deep concern about the Red Chinese meeting us halfway. If better relations can be achieved, if tensions in Asia can be reduced and if the threat of Chinese nuclear capability can be diminished, then the statesman-like move of the President will be more than justified.

Although the long-term effects of this meeting may be unpredictable, the short-term effects already are numerous and manifest.

Immediately following the President's announcement of his decision, Red China began to be touted by some news media as a "giant power." Conversely, the stature of the United States has been reduced in the eyes of many Asiatics and of all Communists, who regard overtures toward negotiation as evidence of weakness.

In the meantime, something seems to be afoot in Red China with reports that Chinese soldiers have been called back from home-leave in recent days.

Turning to another part of the world, foreign diplomats and military sources stationed around East and Central Africa say the Dark Continent soon will become another scene of sharpened, not blurred or softened, cold-war confrontations.

Russia and China have footholds throughout Africa. Anti-Communist statesmen are worried, some more by Red China, particularly in the Persian Gulf area. Red Chinese have secured a position of military influence in South Yemen, whose capital is Aden. That strategic geographical position controls the sea route from Suez to India.

The Soviets, after a 10-year Russian buildup and gradual British withdrawal, are moving toward gaining a dominant position in the Indian Ocean, which has become one of the crucial bodies of water in the world.

Russia's foothold in the Indian Ocean received major strengthening last month when she signed a 20-year peace treaty with India. The pact aligns Russia on the side of the Indians in their still smouldering dispute with Pakistan, a country receiving military aid from both the United States and Red China.

If the Suez Canal is reopened, the Soviets will be able to transfer warships back and forth with ease, thereby maintaining a commanding naval presence in the Indian Ocean without establishing too many costly base facilities. Thus, for the first time, it is in the interests of the United States to keep a major seaway closed.

A nation that is willing to test a nuclear showdown over Berlin or Cuba is not likely to rule out Berlin-type confrontations anywhere.

As the threat of world conflagration lingers in Eastern Europe and Asia, so it does, also, in the Middle East and the Mediterranean.

The forces of the belligerent Arab nations and Israel are experiencing a precarious truce.

War clouds darkened when Syria's strong man, Lt. Gen. Havez Assad, called recently on the Arab world to mobilize for war against Israel.

Another Arab strong man, President Sadat of Egypt, has been equally emphatic. He has repeatedly warned that he will not let 1971 end without resolving the Middle East crisis, either diplomatically or by force of arms. Sadat has also stated that, if necessary, he is prepared to sacrifice the lives of one million Egyptians to liberate Israeli-occupied Arab territory.

Israel's first priority is to have a defensible frontier, which means holding on to the Sinai Desert strip and the Sharm El-Sheikh position.

But, in reality, how can a frontier of Israel ever be truly defensible while the Soviets actively expand their military capabilities in Egypt? Today Red troops assume combat roles and man land-based airfields on the southern shores of the Mediterranean. Meanwhile, the newest Russian fighter, capable of outperforming the American F-4 Phantom used by Israel, is now operational in Egypt.

The Soviet's growing foothold in the Middle East is further evidenced in Sudan by Jaafar Numeiry's charge that the Russians had masterminded an abortive coup against him in July.

With a formidable Soviet presence in the Middle East, Israel's frontiers, whatever they may be, can be defensible only if the United States stands ready to challenge any Soviet attempt to force its will by military blackmail. But with the state of mind of our nation today, are we ready to guarantee such a positive armed response in the Mediterranean?

Trouble, too, seems to be stirring again on the island of Cyprus.

Implicit in the inflamnable condition of the Middle East and Mediterranean is the challenge to the Western World's dominant interest in oil. Two-thirds of the world's oil reserves are reportedly in the semi-circle of states bordering the Persian Gulf. That area supplies 77 per cent of the oil for Europe and 80 per cent of the oil for Japan. In a time of international crisis, control of those oil reserves and supplies could be of utmost strategic significance.

The balance of power in the Mediterranean and the Mideast is swinging dangerously to the East. Little is being done to counter that development by the West.

At the same time the Mediterranean could become a Soviet lake. Our Sixth Fleet now comprises some 35 to 40 vessels, all but nine dating from World War II. In contrast, the Soviet Mediterranean fleet frequently consists of up to 62 vessels, all modern, with two guided missile cruisers and two guided missile destroyers. It also has 14 submarines, three of which are nuclear.

Tending to worsen our situation, the liberals' drive for still further defense economies means that, instead of laying keels for modern ships, we are forced to mothball existing ones.

Re-establishment of the strongest possible American naval presence in the Mediterranean is an urgent necessity today.

The turning point in current history can come when the Soviet Union achieves a military force sufficiently superior to that of the United States to force a global showdown by nuclear blackmail. Determination by the Soviets to do so is well established.

In this regard, Senator Henry Jackson bluntly warned that the Soviet build-up of nuclear power soon will have the capability of destroying the United States if that Red build-up goes unmatched.

Because of this calculated military build-up by the Soviet Union, Senator Barry Goldwater believes that the United States has already become a second-rate power.

At best, America faces a withdrawal from commitments and from a position as a first-class power unless the United States' over-all military weakness, particularly as concerns our Navy, is corrected immediately and vigorously. Failure to do so would be the worst kind of fiscal and national irresponsibility.

Unless we face up to our immediate national obligations, we can expect an acceleration of the backing-down process in which we now are engaged, as the country's will is eroded by divisiveness at home and by the enemy abroad. The cold war will turn increasingly warm as a result, until the challenge of power will offer the United States the choice of war or surrender. In my opinion, however, the Cold War has never let up since the end of World War II.

Unless we respond with determination to meet the challenge of today, we could well have to learn to live tomorrow with the consequences of becoming a second-class power—second to a nation sworn to eliminate us as threat to its avowed objective of world domination. The alternative to the latter consequence is positive action now to rebuild and modernize our defenses. But the level of funding must, likewise, be increased.

In our situation, the parallels of history are distressing.

It was an isolationist mood in the 1930s that deprived the United States of effective defense forces and installations in the Pacific. In the 'Thirties, too, popular and governmental divisivenes paralyzed France in the face of Hitler's avowed aim to conquer that nation. The French would not listen to the warnings or heed the pattern of aggression of the Nazis.

The outline of world domination set forth by the late Nikita Khrushchev is moving closer to possible reality than most Americans and Western political leaders will allow themselves to believe.

Is the unfolding of the mounting crisis so surprising? In the middle 'Fifties Khrushchev referred openly to "our certainty of victory."

His formula, as outlined in the U.S. News & World Report in 1956 was:

Lull Russia's enemies with talk of peace.

Infiltrate foreign governments and trade unions; seize powers from the inside.

Win weak nations with trade and aid.

Foment revolutions in "colonial" areas, agitate race hatreds, make trouble everywhere, then turn it to Communist advantage.

If fighting becomes necessary, let satellite armies do it.

To this strategy, Mao Tse-tung urged the addition of terror.

We were reminded again over the weekend of the disturbing scope and size of Russia's infiltration and espionage system when Great Britain ordered 105 Soviet officials expelled. They were only part fo Moscow's global spy network, one element in the tactics aimed at world conquest.

In summary, the world and the United States in particular are entering dangerously crucial times.

In previous crises, allies, time and our country's resources and power have permitted us a grace period to meet major national emergencies. In this nuclear age, how can we believe we would be allowed the benefit of time to marshal forces to respond with confidence to an attack or the threat of nuclear annihilation?

As the United States faces these ominous trends and realities of the 1970s, we must draw upon, and inspire, an effective demonstration of our country's basic strengths which have been fundamental to our nation's progress and global stature.

We still have an abundance of natural and human resources, much of which remain unused or undirected. We still have a technological base which remains the envy of the world, although some Americans would choose to relinquish this great asset.

I believe we are willing to pay the price to remain free. The alternative is slavery.

And, finally, I believe we have the natural vitality and innate confidence to meet successfully the challenges implied.

Paraphrasing the famous words of Sam Foss in his poem "Bring Me Men To Match My Mountains," I suggest the United States of America today truly needs men to match the problems threatening our survival in this increasingly dangerous world of the 'Seventies.

I don't stand alone when I warn as I do. Only this morning columnist Henry Taylor wrote in The San Diego Union: "Our distracted country now stands at the absolute mercy of the U.S.S.R.—on land, on sea and in the air. And unless we face up to this overwhelming fact, God help the United States."

Thank you.

THE DR. T. E. MUSSELMAN AUDUBON SOCIETY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HUNGATE. Mr. Speaker, one of my earliest recollections of conservationists and lecturers on the Audubon Society came from hearing Dr. T. E. Musselman when he spoke annually at the Bowling Green High School. I am pleased to see that the citizens of his community have honored him for his work over the years on behalf of the Audubon Society.

[From the Quincy (Ill.) Herald-Whig, Oct. 22, 1971]

Society Is Named for "TE"

The Dr. T. E. Musselman Audubon Society was organized Thursday night at the Good Samaritan Home.

Named after the well known "Birdman" naturalist and educator, Dr. T. E. Musselman of 124 S. 24th, the society has 49 members.

Dr. Musselman was "quite touched" when members visited him Thursday night to tell him the society had been named in his honor.

"This is really an honor," Dr. Musselman said Friday. "I believe this is one of the first Audobon societies to be named after a person. Most are named for the city or locality," Musselman said.

Musselman has been confined to his home for the past several months, being able to take only a few car trips since spring.

President of the society is Edward Mayer. Donald Landess is vice president; Mrs. Edward Mayer, secretary, and Mrs. Richard Rakers, treasurer.

Meetings will be held the third Thursday of each month at 7:30 p.m. at the Good Samaritan Home.

Membership is open to anyone who currently is a member of the National Audubon Society. The national dues are $12 for individuals and $15 for family membership. John Piggot of 10 Ken Mar is membership chairman.

A constitution committee was formed with John Deege as chairman.

Work will start soon on the major project to restore and maintain the bluebird boxes Dr. Musselman has set up in the past throughout the country.

Next year the society hopes to set up nature trails for field trips and bird watching and to provide activities on nature and birds for youths.

Research will be conducted on stream channelization.

A 15-minute film, "SOS Galapagos," was shown at the meeting. The next meeting will be held Nov. 18 at the Good Samaritan Home.

CHILD DEVELOPMENT CONFERENCE AGREEMENT REACHED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RARICK. Mr. Speaker, the mass news media, which has never utilized its right to know facilities to tell the American people the sinister truth about the comprehensive child development programs and S. 2007, now advises that an agreement has been reached between House and Senate conferees on the federalized day care center feature—but one of many revolutionary programs.

The Comprehensive Child Development Act was not a part of the OEO bill in the House but rather was added as an amendment to the OEO bill by a 3-vote margin on September 30, 1971.

An informed people will remain a free people—which makes many wonder why our newspaper people suppress detailed information explaining the seriousness of a bill to replace U.S. parents with the Federal Government and the home with a national institution.

I insert two pertinent newsclippings in the Record at this point.

[From the Washington Post, Nov. 1, 1971]

Conferees, Nixon at Odds on Day Care

(By Nick Kotz)

On Sept. 9, 1971, the Senate approved legislation that could dramatically change the lives of American children and their mothers. The bill would provide high-quality child day care at no cost for millions of poor children and at partial cost for millions more in the middle class.

If enacted into law, this proposal would fulfill a dream of women's liberationists. It would deeply involve the country in comprehensive early education for its pre-school children. It would offer meaning to President Nixon's 1969 commitment "to provide all American children an opportunity for healthful and stimulating development in the first five years of life." It would provide significant practical advantages to about 10 million working women who could drop their young children off at day care centers.

And it would cost billions.

The proposed Child Development Act and a far more modest House-passed bill are now being considered in a House-Senate conference committee, attended by a dozen or so members of Congress.

The conference has made some progress as

Sen. Walter Mondale (D-Minn.) and Rep. Albert Quie (R-Minn.) worked out a scaled-down compromise measure.

But the conferees have made no progress with President Nixon, who has threatened to veto any child day care plan that goes beyond the administration proposal.

Mondale views day care as a problem in itself. His concept of comprehensive education, health, and nutrition care is designed to accomplish more than provide baby-sitters for working mothers. His emphasis is on "child development."

In contrast, the White House has viewed day care primarily as a way to cut the welfare rolls. The idea is to provide care for children so welfare mothers can be required to work.

The President has endorsed the broader concepts of comprehensive day care, but administration officials insist that limited funds at present must be concentrated entirely on the welfare poor.

Mondale's bill, which passed the Senate, would provide:

Free day care, with education, nutrition, and health components, to all children from families with less than $6,900 annual income for a family of four. (The $6,900 figure is what the Labor Department says an urban family of four needs to maintain a minimum adequate standard of living.) About six million children under age 6 would be eligible for free day care, and about 12 million more between ages 6 and 14 could receive free after-school care.

Middle-class children would receive partially subsidized day care, while the wealthy would pay for it.

The bill authorizes spending $2 billion a year, which would provide high-quality care to only about 2 million children. Far greater spending would be needed in future years to turn the new principle into a reality.

The first $500 million would be allocated to the poorest children in such existing programs as Head Start and $900 million would provide day care for children from families with less than $6,900 income. The other $600 million would provide day care for better-off families who would pay partial or full costs.

The Nixon administration prefers passage of no child development bill now, but would accept one that is geared entirely to its proposed revisions of the welfare laws. In the House-passed welfare bill, free day care is provided to working parents with less than $4,800 income. A welfare mother could get the day care only by taking a job. Families between $4,300 and $6,300 income could take tax deductions for amounts they spent on day care.

Mondale argues that day care is needed not only to free mothers to work, but to meet urgent needs of children, who are now receiving inadequate custodial care or no care at all.

"There are about six million pre-school children whose mothers work," says Mondale, "yet there are only 700,000 government-certified day care slots in the whole country. We don't know what happens to many of these children. But we know that hundreds of thousands are 'latch key' children, cared for by nobody. Many are in overcrowded, custodial care that is damaging children.

"In a country in which more and more mothers are working, we better start worrying about what is happening to their children."

Mondale, Quie, and other congressional proponents are strongly opposed to present quality day care programs which serve only the well-to-do and the very poor.

"Some people in the administration" said Quie, "want to run a program only for welfare mothers. You have to have an economic mix. It's just as bad to segregate people by economic level as it is by race. I know that Elliot Richardson (the Secretary of Health, Education, and Welfare) agrees with us on this."

The Nixon administration gave its philosophical support, if not its financial support, to comprehensive day care after a bruising intramural battle in which Secretary Richardson won out over the Office of Management and Budget.

However, the administration is insistent that aid be limited to families with less than $4,300 income and that priority go to welfare mothers who can't be put to work.

"We're talking about a major financial commitment," said a ranking HEW official, "doubling spending on day care from $600 million to $1.2 billion. Some experts doubt that even that much money can be utilized effectively. But even if it could, there is just no more room in the budget.

"With limited dollars, we should concentrate that money on those who are employable, the poorest welfare recipients. If we had our way, it would be spent mostly on children over six, giving them part-time day care after school, until their mothers got off work."

The facts of the case are that there are now 32 million women in the work force and their numbers are growing rapidly. The number of working mothers has increased by 800 per cent in the last 30 years and now exceeds 12 million.

More than one-half of all mothers with children between ages 6 and 17 are working and about one-third of mothers with pre-school children are working.

Many of these women have a real problem. They either have to leave their children alone, with a relative, or pay for day care or a maid they cannot afford. The average woman in the work force earns $4,000 a year, and cannot afford quality day care which costs about $1,600 per child. Few working mothers can afford a maid or baby-sitter at $50 to $80 a week.

This predicament of the working woman has contributed to a formidable coalition backing the Senate bill. Their allies include the women's liberation movement, and civil rights and social action groups concerned about the disadvantaged child.

About 25 national civil rights, religious, education, and labor groups helped push through the Senate bill, and they are now fighting to save its basic principles.

Democrat Mondale and Republican Quie have reached a compromise that Quie and Rep. Ogden Reid (R-N.Y.) will present today to Secretary Richardson.

It provides free day care to children from families with less than $5,250 annual income. Families with higher income would get benefits up to a cutoff point of about $15,000 income. A family with $6,000 would pay $75 per child per year. A family with $7,000 would pay $175, one with $8,000 would pay $412, one with $10,000 would pay $712, one with $12,000 would pay $1,350.

"Quie and I are taking heat from both the left and the right on this compromise," said Mondale. "If the administration tries to shave it further, that will be the end of the negotiations. A bipartisan majority of Congress favors providing day care for more than just the rich and the poor. If that's what the administration is going to insist upon, I guess we are going to have our collision."

If the administration turns down the compromise, Quie predicts that the Democratic Senate and House conferees will merely approve the original Senate bill, which the administration already has said President Nixon will veto.

"I expect that they'll turn it down," said Quie. "I think they'll find it too expensive for them. And they have a legitimate concern about the costs, and about not falsely raising people's expectations."

Several HEW officials said privately that they thought Secretary Richardson has little bargaining room left with the White House, and will reject the compromise plan rather than waging another fight in the administration. These officials said HEW would continue to insist on a plan that provided child care only to families with less than $4,300 annual income.

A White House source familiar with the situation said: "We want to stick at $4,300, but Richardson is calling the shots right now. If he is persuaded there should be a compromise he will discuss it further with the appropriate people at the White House and the Office of Management and Budget."

[From the Washington Star, Oct. 29, 1971]

Child-Care Subsidy for Nearly All?

(By James Welsh)

Working families with incomes of $20,000 a year and up could get partial government subsidies for day care of their children under an agreement that has been reached by powerful members of Congress.

The legislation in question is a child-development plan, part of an over-all bill to extend the life of the Office of Economic Opportunity.

Separate versions of the child-care plan have been passed by the House and Senate and, for the last month, a conference committee representing both houses has been trying to reach a compromise on questions that could affect millions of Americans and cost billions of dollars:

Who will be eligible for child care?

Who will pay the bill?

The tentative agreement reached this week—and kept under wraps—is due to be presented to the Nixon administration for comment on Monday. Congressional conferees then will complete work. The bill faces the threat of a presidential veto.

The agreement calls for free day-care for children for all families of four where parents work and annual income is less than $5,250.

In addition, according to informed sources, the compromise spells out a formula of sliding fees for families with incomes higher than that.

Maximum fees would be as follows:

Where income is between $5,250 and $7,750, the parents would pay 10 percent of their income over the $5,250 mark.

Where income is between $7,750 and $10,250, the parents would pay $250, plus 15 percent of income over $7,750.

Where income is more than $10,250, the parents would pay $625 plus up to 20 percent of income over $10,250.

In all these cases, the government would pay the remainder of the day-care costs.

It has been estimated by the Department of Health, Education and Welfare that quality day-care on an all-day year-round basis required for preschoolers of families in which both parents work or families headed by one adult who works, can be obtained for $1,600 annually. Other estimates run higher than that.

Using the $1,600-per-child figure, here is the way the formula would work for a family of four with income of $12,000 needing day-care for one child. The family would pay $975 for the child, with the government subsidizing the remaining $625.

As income rose, this family would pay more of the bill. The government subsidy would disappear when earnings reached $15,175.

The same fee schedule also would apply to a family of four with both children in full-time day-care.

With earnings of $12,000 this family still would pay $975 towards the care of the two children. The government would put up $2,225 of the $3,200 total cost.

At income of $20,000, this family would pay $2,425, the government $775. The family would continue to get a subsidy until its annual income reached $23,175.

The formula was hammered out in the last few days by Sen. Walter Mondale, D-Minn., the leader of Senate liberals on the child-development fund, and Rep. Albert Quie, R-Minn., ranking Republican on the House Education and Labor Committee.

It is certain to give pause to the administration, if for no other reason than the potential multi-billion dollar cost of the program.

The White House reluctantly supported a version of the child-development plan, but only on the basis of promising free day care for families of four whose income is below $4,320, approximately the official poverty level. That figure was contained in the bill passed by the House.

But the Senate had passed a bill with the free-care eligibility limit set much higher—at $6,950, an annual-income figure the Bureau of Labor Statistics uses to reflect what a family of four needs to maintain a minimum, adequate standard of living. Mondale and his allies in the Senate argued that children from lower-middle income families are as much in need of day care as are the poor, and that it is better to provide a mix of different economic groups in day-care centers rather than limit enrollment to children from the poorest families.

The conferees have set Wednesday as the day to complete action on the legislation.

SCHOOL PRAYER AMENDMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ROSENTHAL. Mr. Speaker, in the next week or so, this body will vote on a matter of great importance to every American in this country. I speak in reference to House Joint Resolution 191, the school prayer amendment.

I am aware of the political problems in voting against prayer and religion—it is like voting against motherhood and apple pie. But that is not the issue; rather it is whether we want to set up a direct connection between the Government and religion.

The first amendment to the U.S. Constitution protects religious freedom and gives each individual the right to decide for himself what importance he will give to religion and religious doctrine. The Founding Fathers had seen the persecutions in Europe and the establishment of mandatory faiths. They took extensive care to create a wall between church and state. This principle of separation has been a bulwark of our Nation's history.

I do not think we ought to break down, or even put a tiny crack in that wall. I cannot support any attempt to establish a direct connection, however small it may appear, between the public schools and organized religion. To do so would constitute, in my judgment, a grave mistake.

The proposed amendment refers to nondenominational prayer. What does this mean? Who can judge whether a prayer is nondenominational? This is a very personal thing, something that only the individual himself can decide. The type of prayer that might be accepted as nondenominational by one person, might be considered quite denominational by another.

Also, this amendment would be the first revision of the Bill of Rights. As such, it would set a dangerous precedent for rewriting other historical and fundamental freedoms that the American people hold so dear.

I might add, moreover, that this amendment is opposed by most major church organizations. They include the National Council of Churches, the Southern Baptist Convention, the Lutheran Church of America, the American Baptist Convention, the United Methodist Church, the Episcopal Church, the United Presbyterian Church, and the National Jewish Community Relations Advisory Council.

To add this amendment to the Constitution would not help restore the practice of religion in our people, but rather would establish a bad precedent and greatly endanger each individuals' freedoms.

Prayer is certainly an important part of life, a very personal part. It belongs in the churches and synagogues, in the parochial schools, in the home and in the soul, but not in public schools or in public policy.

PD'S CHIEF EDITORIAL WRITER RAY DORSEY CLOSES CAREER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. JAMES V. STANTON. Mr. Speaker, it was with much regret that I learned of the decision of my close friend, Ray Dorsey, to retire after 8 years of service as chief editorial writer of the Cleveland Plain Dealer. His work has always been consistent with the highest standards of journalistic excellence, and the people of Cleveland have been most fortunate to have a man of Ray's competence and ability serving them in this very influential position.

Among public officials, his understanding of the complex issues with which we have been confronted in recent years has commanded a deep respect. All of us are very much in debt to him for the wise advice and counsel he has rendered us.

I would now like to insert into the Record the following articles concerning the career of Ray Dorsey, one of the most objective and impartial newsmen it has ever been my pleasure to know.

The articles follow:

PD's Chief Editorial Writer Ray Dorsey Closes Career

Ray Dorsey, who has reported, interpreted and influenced news events here for more than 34 years, retired yesterday as chief editorial writer of The Plain Dealer.

Dorsey was a reporter, political writer, copy editor and legislative correspondent before becoming an editorial writer (associate editor) in 1963.

Less than a year later he was appointed chief editorial writer, in which post he has remained for more than seven years.

Thomas Vail, Plain Dealer publisher and editor, said:

"No person has done more to bring quality, fairness and depth to our editorial page than has Ray Dorsey.

"Having worked with him as a fellow political writer and as a publisher-editor, I came to understand why he is so respected by everyone in the newspaper profession. His judgment has been outstanding, and he has always given a fair hearing to everyone.

"Ray Dorsey has been chief editorial writer through some of our most active and controversial periods, and he has done a superb job."

Dorsey earned degrees at Dartmouth College and the Columbia University School of Journalism before joining The Plain Dealer in June 1937.

He was assigned to City Hall in 1946, after covering a variety of other beats, and remained there until appointment as political writer and legislative correspondent in 1956. For a number of years he wrote a Sunday political column.

Dorsey won a Press Club award and several Newspaper Guild awards.

Since 1956 he has interviewed candidates for political office seeking this newspaper's endorsement.

In 1967 he was appointed a member of the Pulitzer Prize jury.

Dorsey is 58. He and his wife Bettie live at 30200 Ednil Drive, Bay Village. They have a son, Michael.

A note in Dorsey's biographical file says he was once in the public relations business. A "brief and unhappy stint," he called it.

Dorsey Retires

Ray Dorsey, for almost eight years director of this page, has taken early retirement. His active association with The Plain Dealer ends today.

The association lasted 34 years and was marked by the pleasant relationship which exists when employer and employe work towards common goals. Dorsey, as a reporter and political writer before becoming editor of the editorial page, was objective and accurate. Dealing with opinions, he stressed fairness and facts.

To be objective and accurate and fair is the desire of a responsible newspaper as well as a reporter-editor. On this note of mutual satisfaction of jobs well done, The Plain Dealer wishes Dorsey health and happiness in his retirement.

COURAGE OF A HIGH ORDER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CHAPPELL. Mr. Speaker, it is always heartening to hear of the instances of courage. I know every Congressman here would like to pay tribute to several people I wish to mention who have exhibited this courage.

The people I speak of have been awarded the Red Cross Certificate of Merit, which is the highest award given by the American National Red Cross to a person saving, or attempting to save, a life by using skills learned in Red Cross courses.

Following is the list of people who were given these awards for their meritorious actions. Mr. Kent Buckley, 103 35th Avenue South, Jacksonville Beach, Fla.; Mr. Lon Chatfield, 1018 15th Avenue North, Jacksonville Beach, Fla.; Mr. John Fernsler, 1514 Arden Way, Jacksonville Beach, Fla.; Mr. Dugg Harrison, 728 Palm Tree Road, Jacksonville Beach, Fla.; Mr. James Hughes, 526 11th Avenue North, Jacksonville Beach, Fla.; Mr. Gordon O'Neill, 205 Margaret Street, Neptune Beach, Fla.; and Mr. John Snavley, 1123 Sebago Avenue South, Atlantic Beach, Fla.

In addition, Officer James B. Robertson, a Daytona police officer, has been named to receive this award. On September 16, 1971, Officer Roberston, who has been trained in the Red Cross first aid, jumped into the water fully clothed, to rescue a drowning man. On reaching shore, he administered mouth-to-mouth resuscitation to the nonbreathing victim until the man was able to breathe for himself. The victim was transported to a hospital and was later released as fully recovered.

As the Red Cross points out:

> The lifesaving actions taken by these volunteers exemplify the highest idea. of the concern of human beings for others who are in distress.

Mr. Speaker, we owe a debt of gratitude to these volunteers who have risked their own lives to save others.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HOSMER. Mr. Speaker, I am currently circulating the following materials in my congressional district:

Congressman Craig Hosmer's Washington News Notes

Taking a Chance on Big Labor—President Nixon had a tough choice to make when the AFL–CIO threatened to boycott the new Pay Board over the issue of autonomy. He could either (1) give in to George Meany and risk a runaway pay policy, ruining the Administration program, or (2) limit the Board's autonomy and use Labor's walkout as an excuse in the event the policy failed.

Nixon decided the issue was too great for playing politics and decided to take a chance that Labor would cooperate in a spirit of helping the country. I think it was the right choice. Grandstand critics usually turn into statesmen when they, personally, are on the hot seat.

Ever Hear About an Under-Run?—Several Senators seem to feel that the shortest route to re-election is blasting the aviation and aerospace companies, most of which are in Southern California, for cost over-runs. Funny, though, they didn't seem happy when North American Rockwell announced that it has scored an under-run of $10 million on the Minuteman III missile and $292 million on the B–1 bombers.

The Sands of Seal Beach—At the request of Seal Beach Mayor Harold Holden and Orange County Supervisor David Baker, I am now working with the House Public Works Committee and the Legislative Counsel to come up with draft legislation to relieve the city of the costs of replenishing sand on the beaches. Seal Beach now pays 100% of the sand replenishment costs, while other jurisdictions get Federal help. The idea is to bring Seal Beach under the same ground rules as its neighbors.

Reflections on Camelot—Suppose that a President named "Kennedy" had (1) succeeded in achieving U.S. withdrawal from Vietnam, (2) instituted the most far-reaching economic controls since FDR, (3) proposed admission to the U.N. for Red China and (4) given Okinawa back to the Japanese. That, dear friends, would be Camelot.

Now, suppose that a President named "Nixon" had (1) backed an ill-advised invasion of Cuba which fell flat on its face, (2) sent thousands of troops off to fight in Southeast Asia, (3) appointed his brother Attorney General and (4) failed miserably to get a legislative program through a "friendly" Congress. What would the press call that kind of Administration other than a disaster?

Columnist Mike Royko of the Chicago Daily News raises this very point, concluding that despite an excellent three-year record, President Nixon is still getting kicked around.

In case you missed it—Republic National Committee Chairman Robert Dole will speak in Long Beach at the annual "Lincoln Day" dinner next February 10 aboard the Queen Mary. Bob's appearance in Long Beach is expected to kick off the 1972 Presidential election campaign.

The "Nader Bag"—A National Observer reader suggests that the auto air bags be named after Ralph Nader because "The 'Nader' is a big, noisy, self-inflating gas bag which may blow up in your face on behalf of your safety very suddenly, whether you want it, or need it, or can stand it."

Incidentally, the Department of Transportation has announced that our highway fatality rate is now the lowest in U.S. history—4.9 deaths per 100 million vehicles miles, compared to 9.18 deaths in 1946.

Dollars Anyone?—Since WW II the U.S. $ has been the world's standard currency. Over a hundred nations settle their international trade accounts with it.

Recently U.S. trade balances have switched to deficits because (1) some governments established subsidies to boost sales in the U.S. market, (2) trade barriers have been newly erected against U.S. sales overseas, and (3) countries like Japan refused to revalue their undervalued money (making their autos, etc., artificially cheap to sell here).

President Nixon's international economic moves, including the 10% imports surtax, are aiming at forcing world traders to treat us fairly again and at inducing other governments to price their money at what it is really worth.

In the process, the U.S. $ also may have to be revalued from its legal price of $35 an ounce in terms of gold to around $37.50, which is about what many years of inflation have now made it actually worth.

The Cost of a Clean Environment—According to latest estimates, to do a halfway satisfactory job of cleaning up our air and water, the cash outlay will hit about $105 billion in the 1970–75 period. About 60% of this sum will be paid directly by business and consumers. In fact, about 15% of all the funds business will put out for capital investment in this period will go into anti-pollution devices. Let's not kid ourselves. We all will bear these costs. Business will pass the costs along into its products—it must to stay in business. The 40% borne by Federal, State and Local governments will come out of our pockets in the form of taxes.

Time to Recycle Democracy?—The Pacific Gas and Electric Company poses a timely thought for all Americans to ponder as we approach our bicentennial year of 1976. It reads:

The average age of the world's great civilizations has been 200 years.

These nations progressed through this sequence:

From bondage to spiritual faith—from faith to great courage;

From courage to liberty—from liberty to abundance;

From abundance to selfishness—from selfishness to complacency;

From complancency to apathy—from apathy to dependence;

From dependence back again to bondage.

In a few years the U.S. will be 200 years old. This cycle is not inevitable—it depends on you!

UNITED STATES HUMILIATED ON CHINA VOTE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SMITH of New York. Mr. Speaker, I wish to take this opportunity to add my voice to the growing expressions of deep regret over the recent United Nations vote which expelled the Republic of China from that world body.

The expulsion of the Taiwan government, as well as the tasteless display of diplomatic anti-Americanism on the floor of the General Assembly, has humiliated the efforts of the United States to seek a fair and equitable status for both Chinese nations, as set forth in the President's two-China policy.

It is this humiliation to which I address myself today. I feel my colleagues in the House will be extremely interested in the following enlightened editorial comment from the Buffalo, N.Y., Evening News printed Tuesday, October 26, 1971:

United States Humiliated on China Vote

The full damage done by and to the United Nations by last night's General Assembly vote to expel Nationalist China and seat Red China will take a while to assess. But for American diplomacy, committed utterly to the effort to save the Taiwan seat while opening the U. N. door to Peking, the effect of the vote can be characterized at once as somewhere between a humiliation and a disaster.

The American delegation had gone to the utmost lobbying lengths to avert this outcome. As late as dinner-time last night, it was apparently confident it had succeeded in mustering the votes needed to keep Nationalist China from being thrown to the wolves. But then, when the crucial vote was taken on declaring the expulsion an "important question" requiring a two-thirds vote, the U. S. position could muster only 55 votes to 59 nays. After that, the Peking bandwagon rolled to a triumphant 76-35 vote (with 17 abstaining).

The one plus in the outcome, of course, is that mainland China's representation in the U. N. is now certain. This is a result which U. S. policy also sought, but on terms which Communist China had repeatedly threatened to reject. Whether Peking actually would have refused to come in while the U. N. insisted on maintaining a seat for Taiwan as well is a question that can now be debated in endless futility, for we'll probably never know the answer.

The vote, in one sense, was a triumph of pragmatism over principle—the winning argument being that the world body needed Peking's presence more than Taiwan's, and since Peking wouldn't come in while Taiwan remained, Taiwan obviously had to go. Overruled as irrelevant, apparently, was the fact that the Nationalist regime actually governs more people (14 million) than do the majority of the U. N.'s members, as well as any concern for what this brutal and undeserved expulsion will do to the future status and security of those 14 million people.

The vote, in another sense, was an obvious and fairly deliberate kick-in-the-pants for American diplomacy. For U. S. prestige in the United Nations, the failure represents the harshest rebuke ever administered. It is magnified, moreover, by the fact that it occurs while plans for President Nixon's visit to Peking are in the final stages of preparation. For it means that he may now find his Chinese hosts arrogant and swaggering in the full flush of a Communist Chinese diplomatic triumph achieved in the course of handling the Americans a stinging humiliation. The Nixon trip, moreover, is now further handicapped by the danger of having to face a bitter right-wing domestic reaction against this U. N. response to the effort to open a new era of U.S.-China relations.

One may argue, perhaps, that the United Nations had been edging toward last night's vote for a long time, and that Taiwan's expulsion was inevitable eventually. In this view, it was the Americans who were very late—too late, as it turned out—in waking up to reality. Since even we were not pushing a two-China policy until this year, perhaps we shouldn't be surprised by our failure to persuade the rest of the membership of its logic on the first try. One suspects, however, that logic and principle had far less to do with the outcome than a combination of pure opportunism—coupled with an unexpected degree of anti-American animosity which may have been stirred as much by our recent hard-nosed world economic policy as by our own shifting policy on China.

But however the decision is viewed, it is bound to put the United Nations on a very different and decidedly uncertain course, while raising a number of serious questions about America's future role in the world body.

MORE BAPTIST SUPPORT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, pastor Samuel Arthur Jeanes of the First Baptist Church of Merchantville, N.J., has written me a letter regarding House Joint Resolution 191.

I believe that Reverend Jeanes' letter is indicative of the feelings of many Americans. In addition, I think it eloquently points out what I am trying to accomplish with House Joint Resolution 191.

I commend this letter to my colleagues' attention:

First Baptist Church,
Merchantville, N.Y., October 27, 1971.

Re: House Joint Resolution 191.
Hon. Chalmers P. Wylie,
House of Representatives,
Washington, D.C.

Dear Congressman Wylie: It is time that the muddled confusion created by court rulings on prayer in tax supported schools be ended. The polls that are taken clearly indicate that the American people, in overwhelming numbers, want to permit voluntary prayer in their schools.

Perhaps, the confusion has been caused because there are those who believe that the courts have said more than they really said and have hastily rushed us into a "prayer vacuum" in public education. The United States Supreme Court in the Board of Regents case ruled against the use of a prayer that was officially recommended by that Board with a directive that it be recited aloud in the presence of a teacher. In a second decision the United States Supreme Court, in the Abingdon, Pennsylvania School District case ruled against a Pennsylvania law requirement that ten verses be read from the Bible without comment at the opening of each school day. A third case never reached the United States Supreme Court but the U.S. District Court of Appeals for New York State ruled that little children could not recite a simple ancient prayer with their morning milk and cookies which went as follows:

"God is great, God is good,
And we thank Him for this food."

All the American people want is the opportunity for their children to offer voluntary prayer in their schools which was the practice for many, many years. The passage of House Joint Resolution 191 could grant this permission and certainly bring an end to the misunderstandings which have led to many excesses.

It is unfortunate that some religious bodies have been mounting pressure upon the Congress to thwart the will of the majority of the people. My attention has been called to statements from the American Baptist Convention of which I am a member. Such statements of opposition to voluntary prayer in our tax support institutions supposedly are based upon resolutions passed by the Convention itself. May I call your attention to the fact that such resolutions are followed by a statement of explanation which says:

"What do American Baptist resolutions represent?"

"American Baptist resolutions are the attempt to help Baptists express a Christian view on crucial issues. To be sure resolutions passed by the American Baptist Convention cannot be said to represent the conclusions of all American Baptists, or even all the American Baptists attending the Convention. They do, however, represent the careful thinking of a large number of people."

To illustrate the limited extent of representation reflected by such resolutions let me quote from the June 4, 1971 issue of Christianity Today which says:

"During debate over a controversial statement on non-traditional 'family life styles' that could have been interpreted as endorsing pre-marital sex and homosexual practices, ABC Treasurer, Milton Bennett—a Toledo restaurant operator—invoked the parliamentary law requiring that a majority of delegates be present when business is transacted. Only a fourth of the 2,800 were on hand, bringing automatic adjournment . . . Bennett's ploy was the first such call in the memories of ABC officials. It will not be the last; delegates spoke privately of using it next year (many of the ABC's most controversial resolutions over the years have been passed by a fraction of a quorum."

The American Baptist Convention claims about 6,100 individual churches with an approximate total membership of 1,500,000 people. There is no reason to believe that even half of the churches had delegates at the Convention session when this resolution against prayer in the schools was adopted. Furthermore, as a rule the delegates who do go to Convention sessions have no authority whatsoever to commit their congregations on any issues. Neither are any scientific efforts made to poll the thinking of the churches or their membership on such questions.

I trust that the members of the Congress will exercise seasoned judgment by accepting such sweeping statements from large organizations for what they are . . . expressions of men based upon very incomplete findings and voted, often by bodies that do not represent even a very small fraction of their total constituency.

The proposal before you does not require prayer, but it certainly does not prohibit it. Neither does it grant authority of any official body to determine the form or content of the prayer.

It should be remembered that the prayer decision of the Supreme Court was based upon their interpretation of the Constitution. However, the Constitution is an instrument ordained, not by the courts, but by the people. The courts may interpret it, but the people have a right to amend it. It should say clearly what the people want it to say.

If public prayer can be offered in the Halls of Congress at each opening session, in military camps and on board ship for our service men, at the inauguration of the President of the United States, at national political conventions, at social, civic and public functions, and even in our penal institutions, why should prayer be banned from the lips of our children and young people in the schools of the nation?

The passage of HJR 191 will give the world a moral witness that declares that for Americans God is important. And it will reaffirm what the Supreme Court itself has said that "we are a religious people whose institutions presuppose a Supreme Being".

Sincerely yours,
Samuel A. Jeanes,
Pastor.

CONNECTICUT: HOME OF PATRIOTS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. STEELE. Mr. Speaker, I include the following:

[Reprinted from the San Diego Union, Oct. 17, 1971]

Connecticut: Home of Patriots

(By Frank Bauer)

This is one of a monthly series of articles looking ahead to the nation's 200th birthday in 1976. The chronological stories will describe each state in the order of its admission to the nation.

The delicate spires of the familiar white churches of the Connecticut countryside are deceptive frosting for the vigorous sermonizing that goes on beneath them.

This was never truer than during Revolutionary days when the Connecticut pulpit resounded with biblical authority for the cause of freedom and heaped fiery denunciation on Tory and tyrant.

In a little church in western Connecticut, at Sharon, the Rev. Cotton Mather Smith announced the battle of Lexington, then rallied a hundred men on the green after church services, ready to march. Smith himself became a chaplain of fame.

In a small church at Poquonock, in the town of Windsor, the Rev. Dan Foster as early as 1774 was preaching a series of sermons on government, steeped in revolutionary philosophy. And in the same town, the Rev. David Sherman Rowland in 1774 was producing "a very great excitement" by comparing George III with Rehoboam, the last king of old Israel.

"Sedition flows from the pulpit," said the protesting Tories as they sat at worship and heard themselves and their king excoriated and then read the same sermons reprinted in the sympathetic Connecticut press.

George Washington's good friend and aide, "Brother Jonathan" Trumbull, Connecticut's long-term governor during the revolution, was strongly influenced by his intimate friend, Solomon Williams, for 53 years the pastor at Lebanon and an outspoken sympathizer of the rebels.

The Connecticut clergy had openly assailed the Stamp Act. They urged the Colonists to unity with the strongest overtones from the Bible. They kept their parishioners informed and aroused during the war itself and created inspiring pictures of America's coming greatness.

In parallel vigor the state responded to Washington's military needs, contributing Gen. Israel Putnam and Nathan Hale among others. In the political arena there were Roger Sherman, who signed the Declaration of Independence and the Constitution, and Silas Deane, who helped get French aid for the Colonies.

In Revolutionary times Connecticut was largely engaged in agricultural pursuits and supplied much of the beef for the Army, but the state's role in industry and finance grew rapidly in the next century.

Eli Whitney, who is remembered for the cotton gin, had his first federal musket contract in 1799 and then developed a system of interchangeable parts that became useful to many industries. Connecticut's Charles Goodyear developed the vulcanizing process. The brass industry was begun at Waterbury, and insurance companies sprang up in several cities. Noah Webster published the nation's first dictionary of consequence, and a revolver was patented by Colt.

Yale, which had opened in New Haven a half-century before the Revolution, waited a century before it was joined by Wesleyan and other Connecticut universities. Dr. Horace Welles pioneered in the use of anesthesia in Hartford in 1844, and the Coast Guard Academy was set up in New London just after the Civil War.

The first telephone exchange in the world was opened in New Haven in 1877, and the Pope Manufacturing Co. of Hartford commenced making automobiles in 1897.

Connecticut's greatest industrial organization, in aircraft engine manufacture, sprang into being after World War I and grew to rival insurance as the state's biggest employer.

Because of its jet engines and the manufacture of firearms, machine tools and explosives, the state far outranked its size as a defense contractor in World War II. Its diversified industries have international markets.

Because of its heavy involvement in defense, the state is now feeling the employment pinch of the cutback and seeking new diversification in civilian lines. Aircraft jets, for example, are being harnessed to electric generators for production of power.

The state's unusual preservation of country atmosphere amid its industrial complexity is proving a magnet for companies seeking fresh air and cultural opportunities. Several New York City concerns have announced plans to move across state line into Connecticut's Fairfield and adjacent counties.

The state had the perspicacity to acquire a discarded federal airport after World War II and has developed it into one of the best international air stations in the East. The airport serves the thriving city of Hartford and neighboring Springfield, Mass.

FULTON BIDS FAREWELL TO A FRIEND—JOHN WATTS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FULTON of Tennessee. Mr. Speaker, it is always difficult to say farewell to a neighbor. A neighbor in State geography. A neighbor in service to our country. A neighbor in work, in this case, work of the Ways and Means Committee. A neighbor—and friend—with whom many experiences were shared and from whom much knowledge was gained.

It is most difficult to choose the words of farewell equal to the stature and nature of the man in whose memory they are directed, Kentucky's distinguished son and Representative, John Watts. In my 7 years as a member of the Ways and Means Committee, 9 years in the House, and indeed, 44 years of life, I have met few men whose dedication and ability so recommended him for his honored position in life and his Nation's tribute and thanks in death.

That each of us in this House can say we served with John Watts is something for which we can be most grateful. That his memory and service to America will be cherished and preserved is something of which his family, friends, colleagues, and fellow countrymen can be assured.

U.N. DESTROYS ITSELF

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. LANDGREBE. Mr. Speaker, Publisher Eugene Pulliam's Indianapolis Star, one of mid-America's great newspapers, really hits the nail on the head with the following editorial entitled "U.N. Destroys Itself."

I wish to submit this editorial for the thoughtful consideration of all Members of Congress and to people everywhere who cherish freedom, decency, and justice.

The article follows:

U.N. DESTROYS ITSELF

By voting to seat Red China and expel Nationalist China, the 76-member majority in the United Nations General Assembly destroyed the last vestiges of the U.N. as a moral force.

The death blow did not take much effort. The U.N. long since had proven incapable of keeping the peace or defending freedom and justice.

The costly, largely American-financed yet America-hating debating society in a New York skyscraper stood idly by when Soviet armed might crushed the fight for freedom of the Hungarian people, smashed the Polish uprisings and invaded Czechoslovakia to suppress a genuine popular freedom movement. It stood idly by when Red China invaded and conquered Tibet.

It can be expected to stand idly by, if it does not try to throw a few punches of its own from the sidelines, when Red China moves to invade and conquer Nationalist China.

The indictment drawn up by the political scientist, William Henry Chamberlin, seven years ago still stands: "The U.N. has become the home of a double standard of morals, of a crooked view of world relations. And, especially in recent years, this organization has been a distinctively bad influence on American foreign policy, inducing the American government again and again to let down allies and to quarrel unnecessarily with friendly countries."

Expediency no doubt distated the votes of the United Kingdom, France, Belgium, the Netherlands, Austria, Canada and Mexico for the resolution to admit Red China and cast out Nationalist China.

Nationalist China is, after all, far away—as the appeasers said of Czechoslovakia when they sacrificed the little nation to the Nazi dictator, Adolf Hitler, on the assumption this would buy peace—one of the worst gambles in history. Moreover, there is money to be made in trade, America's warm-weather friends are well aware, as many were in that other foolish era.

American blood and treasure rescued the nations whose leaders made the mistake of thinking they could do business with the Nazi dictatorship and American money—the money of the American people—got them back on their feet and nursed them back to health when the war ended.

Perhaps they think the United States will rescue them again if they prove to have made another calamitous blunder, if, soft and fat, they prove tempting prey for the Red legions whose prophet and guide, Mao Tse-tung, has told them:

"The seizure of power by armed force, the settlement of the issue by war, is the central task and the highest form of revolution. The Marxist-Leninist principle of revolution holds good universally, for China and all other countries."

Mao declared: "Political power grows out of the barrel of a gun." Events at the U.N. this week prove it also grows out of the mouths of wishful thinkers.

As now constituted, the United Nations is a dagger at America's back. The United States should quit underwriting its own downfall. The U.S. should cut off financial aid to the U.N. to a degree commensurate with our nation's puny influence as a member. If the freeloaders who are profiting from the U.N.'s mummeries refuse to pay their share, let the whole morally defunct organization ship out.

A CHANGING LATIN AMERICA IN A CHANGING WORLD

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MORSE. Mr. Speaker, I would like to share with my colleagues an address delivered to the Inter-American Bar Association last week by His Excellency J. A. de Araujo Castro, the Brazilian Ambassador to the United States. This is one of Ambassador Castro's first major addresses since his arrival in Washington last May, and it represents what I feel is a most perceptive and forward-looking assessment of the role of Latin American nations in meeting the social, economic, and political challenges which must be squarely faced on the road to progress and development.

Ambassador Castro has long served his country as an exceptionally able and distinguished public servant, most recently representing Brazil in the United Nations, and I feel that my colleagues may benefit from an understanding of his views of Latin America in a changing society. I include Ambassador Castro's address in the RECORD:

A CHANGING LATIN AMERICA IN A CHANGING WORLD

(Remarks by Ambassador of Brazil, João Augusto de Araujo Castro, at an Inter-American Bar Association luncheon, on 12 October 1971, Washington, D.C.)

First of all, I wish to thank you, gentlemen, for your kind and generous invitation and for this opportunity to address the Inter-American Bar Association, an institution which has rendered such outstanding services to the cause of a better and closer cooperation between the jurists and lawyers of the Americas. I take it as an auspicious coincidence that my appearance among you should coincide with the celebrations of Columbus Day, a date cherished by all of us and today as always a most fitting moment for reflection on the past and for projection into the future.

I beg your leave to address you briefly on the theme "Latin America in a Changing World", or rather, "A Changing Latin America in a Changing World". Both terms of the equation are dynamic and mutable and it would be pointless and futile to try to immobilize any of the two, for the sake of clarity or in an effort towards simplification. Political and social phenomena are never simple, no matter how strongly we may be persuaded that complexity is obnoxious to the human spirit. The world is far from simple in this age of ours and Latin America is, by any standards, the quintessence of complexity as it presents a case of complexity compounded with and aggravated by underdevelopment and social turmoil. Those who adhere to simplicity and over-generalization should forego the subject Latin America. No matter how hard you may try, you will not be able to make the Latin American case a simple and clear-cut one.

This Washington Summer we have lived through may yet be recorded in history as the Summer of Transition, as it was a Summer in which many dogmas have been broken or were altogether dispelled: political dogmas, diplomatic dogmas, financial dogmas, monetary dogmas—July and August may have been little more than adjustments to realities, but it is only proper that we should strive towards defining, identifying and characterizing the realities of our present situation, the realities we are called to live in. The reasonings and assumptions of only three or four months ago are no longer valid and have been superseded by the logic, the impact or the forcefulness of events. The new policies announced in July and August will determine not only political and economic consequences, of far-reaching portent. They will precipitate—and they are already precipitating—tremendous psychological changes, attitudes postures and patterns of international behaviour. Dogmas have been broken and until new dogmas are erected, there prevails the impression that anything goes, that all is permissible and admissible in this age of transition. The world and the dollar may never be quite the same again.

This may well be the end of a post-war period which had been protracted beyond measure, beyond expectation and even beyond reason, and the re-emergence of Japan and Germany as Major Nations, although not so in a strictly military sense, may well symbolize the end of this post-war period. We may well be going through the birth-pangs of a new world and we wish to make it a world of Hope. We may well be at a new pre-Dumbarton Oaks and at a new pre-Bretton Woods stage. Power is fluid and volatile by nature and Power is still the measuring-rod and the yardstick against which people are gauging the acts of men and the acts of nations. We may be entering a period that will bear a close resemblance to the period of 1945–1948, which laid the basis for the post-war period we are just quitting. The world is changing and will never be the same again. And my question today is: "How will Latin America react to such changes"? In other words, "is Latin America prepared to play a significant role in the shaping of the world of the future?" And, still more cogently, "will Latin America show the political will to play such a major role"? For the problem is not only a problem of power. It is likewise a problem of volition and a problem of determination.

Some recent events might convince us that such political will is emerging. The position taken by the Latin American nations in Buenos Aires and in Panama vis-a-vis the new economic policies of the United States might be quoted as an example. Experience has shown however that such political will even when it asserts itself, may not be enough when confronted with hard realities in the political and in the monetary field. All the action undertaken within the UNCTAD is a case in point.

I do not know how many among you are familiar with the initiatives undertaken by the Latin American nations, with the single exception of Cuba, within the framework of the item on the "Strengthening of International Security." The joint draft presented by the Latin American nations, on that occasion, is the political counterpart of the stand taken by those same nations on economic and financial matters in the "Consensus of Viña de Mar", and yet such common stand, of high significance in the diplomatic history of Latin America, was largely ignored by the American press, by continental public opinion in general and ultimately—which is still more astonishing—by the very Governments which had authorized the opposition of their signature to the document. In other words, the ideas—and very important ones—were there but the political will was missing. It might be said that the Latin American nations are reluctant to undertake the crucial step from the orchestra to the stage where the big drama is being unfolded by a dwindling circle of *dramatis personae*. A whole continent, in a world which, after all, has only five continents, cannot resign itself to being a passive witness of history in the making.

The Latin American draft resolution became the core and the essence of the Declaration on the Strengthening of International Security finally approved by the General Assembly of the Twenty-Fifth Anniversary and this Declaration, which is the most significant document issued by the Organization since the signature of the San Francisco Charter, enunciated some principles which have a particular bearing on the fluid situation of today. I wish to emphasize the principle of the close and intimate co-relationship existing between the concepts of International Security, Disarmament and Economic Development to the extent that sensible progress in any of these fields will mean some progress made in each one of them and to the extent that a continued stalemate in any of these fields will prevent further significant progress in each one of them. The Latin American nations protested strongly against an undisguised process of the Freezing of World Power, which tends to transform the World Organization in a sort of International Institute of Technology or into an ineffective chapter of the International Red Cross. They protested against the downgrading of the great ideals and conceptions of the Charter. They saw Peace being downgraded to Détente and they saw General and Complete Disarmament being downgraded to Arms Control. They identified a trend to ignore the great issues of International Peace and Security and to concentrate United Nations efforts on the so-called "new tasks" of Science and Technology, Population, Preservation of the Environment, Narcotics et cetera. And they saw that more and more there seemed to recur an ominous and uncouth theory of limited sovereignty, which provided a convenient albeit outmoded justification for the establishment of "spheres of influence."

On that occasion the Latin American nations proclaimed their adherence to the Purposes and Principles of the Charter of San Francisco, with particular emphasis on the principle of the sovereign equality of States. Just as the defense of individual rights and freedoms is of more direct interest for individuals than for States, it can be well argued that the defense of the Purposes and Principles of the Charter is more vitally important for the Small and Medium rather than for the powerful States, which have other means at their disposal for the preservation of their national Security.

It is essential but not enough to reaffirm this principle of "sovereign equality of States". It is not enough to say that all States are equal even when the major States are willing to forego flagrant violations of such principle. Even if—and we may be still far from that goal—you put all States on an equal footing as far as legal and juridical status is concerned, it is obvious that such equal footing rests on imbalances and inequalities of fact which distort the whole legal equation. The enunciation of sovereignty is not enough, if not accompanied by the advent of conditions rendering the full exercise of that sovereignty possible and feasible. A politically independent but economically destitute nation is really entitled to little more than a sovereign right to poverty. Our purpose is to illustrate the fact that progress in the political and juridical fields may be meaningless and self-defeating if not paralleled and complemented by social and economic progress. The right to sovereignty presupposes the right to the full exercise of that sovereignty, in a real, not, not in a legal context. This was the position taken by the Latin American nations in regard to world problems less than a year ago.

Such a stand is valid and proper today. Peace is something more than "a tolerable state of warfare". Disarmament is something more than "a tolerable arms race" and Development should be more than "a tolerable state of poverty".

We have said that we may well be at a pre-Dumbarton Oaks and at a pre-Bretton Woods stage after the hectic days of the "Summer of transition". Dogmas are being dispelled and new conceptions are emerging, with vigour and impetus and not entirely immune from the concept of Power. It is imperative that the question of the planning of the future of Man be posed now with imagination and creativeness. Let us face with determination the necessity of revising the San Francisco Charter with a view to adapting it to the present needs of peoples and nations. The Charter of the Organization should be more than a Peace Treaty, which, to a certain extent, it is. It should be more than the end of a war, or even the end of a post-war period. It should be the beginning of a new Peace.

Now is the time to think and now is the time to build. It is imperative that a Revised Charter, embodying the new ideas and new concepts and benefiting from the experience and from the frustrations of those last twenty-six years, embody a principle of collective security in the economic field, which would complement the principle of equal sovereignty of States, just as within the domestic jurisdiction of each national State it is now felt that the principle of social security should complement the principle of individual freedom.

A new world is shaping up, day by day, before our very eyes and it is imperative that Latin America arise to this fact. As T. S. Eliot said,

> "In a world of fugitives
> Those taking the opposite direction
> Will appear to run away."

The only course open to Latin America is to take the opposite direction, namely the road to progress and development, to assert a political will to participate in world events, to assist in the creation of a new Charter for the United Nations and of a new international order, where men shall be entitled not only to live but also to survive. This is the challenge that has to be met in the years ahead, which will be years of change, disruptions and dislocations of Power. And there is no reason why Latin America should run away from history.

The Latin American nations can renounce many things. They cannot, however, renounce their future.

Washington, D.C., October 12, 1971.

CALIFORNIA SCHOOL TAX COURT DECISION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. McKINNEY. Mr. Speaker, the California court decision on the relationship of taxes and education could cause one of the most profound shocks ever suffered by our Nation's local communities.

At first glance, it is an enticing and most rational idea. It says that the citizens of one community should not be taxed at a higher rate, on real estate, and yet have less money to spend on education than citizens in another—and parenthetically, richer—town who spend more per pupil. It is, in other words, saying that education must be equal, therefore, the tax base must be equal. Since it would be close to impossible to increase taxes in most urban areas, it leaves to the "richer" towns the choice of either downgrading their educational systems or accepting a State tax assessment and allowing the difference to be distributed in urban areas. As equal as the idea appears, it would in fact create complete chaos across the Nation.

If one agrees that educational systems should be equal for all citizens; should this not also be true for fire, police, parks, recreation, and so forth? Such a system would effectively end all local government and cause all taxes to be collected and distributed by the State in an attempt to affect some one person's idea of equality. If this became fair for the towns and cities, would not the next step be to make it equal among the States, so that eventually the Federal Government would collect all taxes and control all aspects of human endeavor at what would obviously have to be the lowest common denominator?

If local property taxes were transferred out of local jurisdiction, it would be a clear case of taxation without representation and therefore, local elected government—without local control of the purse—would have to be declared invalid and, in fact, unconstitutional.

There is a much better solution to the educational problem than that of the California court. Every State contributes ADM funds—average daily maintenance per child—to local educational systems. These funds are usually administered under a formula so that those areas with poverty and population density problems receive more per child, leaving the richer communities to depend more on the real estate tax.

Unfortunately, under the present "crazy quilt" of differing State welfare laws, about 14 States, Connecticut included, carry the Nation's major welfare load to make up for the dereliction of others. This has left the treasuries of the responsible States in such poor condition that they have been unable to do their duty to urban education.

President Nixon has proposed national welfare reform and it has passed the House of Representatives, but it lies in limbo in the Senate. This proposal would eventually equalize welfare across the Nation, stop the flow of welfare cases to Connecticut and take the financial burden off the more responsible States. This would then enable these States, through State taxing power, to reestablish their role in bringing equal educational opportunity to the cities by using funds which now go to welfare. Passage and implementation of this program would lift a tremendous burden from all of Connecticut's towns and cities since the present State welfare load is in excess of $400 million.

Another alternative is for the Congress to enact the President's proposed revenue-sharing plan. Also based on a formula concept, this would distribute Federal funds according to need and with local jurisdiction. This, too, would go a long way toward solving many community problems.

In essence, with the President's plan for Government reorganization and with other bills under congressional consideration, I believe we have publicly recognized that the larger government gets, the larger the percentage of revenue is that does not get back to the people. We have also recognized that master Federal plans cannot possibly work in both Billings, Mont., and New York City; as they cannot work in Stamford and Darien.

It would be a terrible mistake to have this court judgment negate our new realization that government can work more effectively when it is closer to the people it serves.

What we must do instead is to enact the programs which will be necessary to insure that people in the cities and the suburbs have made available to them that which will supply both local determination and equal opportunity.

LET US DROP THE U.N.

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. PRICE of Texas. Mr. Speaker, this past Friday the U.S. Senate took an action of historical significance. In rejecting the foreign aid authorizations bill, the Members of that august body have finally acknowledged that the U.S. foreign aid program as it has dragged on for a quarter of a century has in fact proven to be a dead-end alley and bottomless pit for the siphoning off of American tax dollars.

While I am certain the reasons for voting against this bill were as numerous and as varied as the personalities of the Senators who made up the crucial majority, there can be no doubt that the widespread feeling of resentment resulting from the recent United Nations General Assembly debacle in voting to oust the Republic of China from membership certainly weighed as an important, if not deciding, factor in this action.

Mr. Speaker, that the majority of the world's nations, who have for so long stood eagerly with palms extended as "Uncle Sap" doled out countless billions in largesse, could participate in such a despicable and irresponsible sellout by voting to unseat a charter member of the U.N., and then for some to dance arrogantly in the aisles following the American defeat, ought to be clear indication to all that the United Nations as a responsible civilized world organization has ceased to exist and is therefore no longer worthy of our participation or support. It is as Vice President Agnew has recently stated:

> The U.N. has become a paper tiger and a propaganda sounding board for the left.

Knowing that our Nation is faced with the prospect of paying the cost of perpetuating this hypocritical debating society, and in view of the dramatic action taken by the Senate in rejecting the present foreign aid program as a failure, I am today introducing legislation to remove the United States from the United Nations organization and to remove the United Nations from its location in the United States. In the words of my distinguished colleague from Arizona, Senator GOLDWATER, who has succinctly expressed my own feelings in this matter:

> The time has come for us to stop acquiescing in our own trouble. The time has come to recognize the U.N. for the anti-American anti-freedom organization it has become. The time has come to cut off all financial help, withdraw as a member and ask the U.N. to find a headquarters location outside of the U.S. that is more in keeping with the philosophy of the majority of the members, someplace like Moscow or Peking.

Mr. Speaker, over the years we have heard much talk by U.N. supporters about its contributions to world peace—but I ask simply, where was the U.N. when the United States moved to stop Communist aggression in Vietnam? And while the world smolders and Communist aggressors stir up revolution and violence throughout southeast Asia, Latin America, and Africa, not to mention Soviet tanks rolling down the streets of Budapest and Prague, the United Nations is preoccupied with condemning the innocuous and perfectly peace-loving state of Rhodesia as a "threat to world peace." And while the United States continues to pour countless millions of dollars into U.N. coffers, meanwhile the U.N. do-gooders are rendering substantial financial assistance to the Castro regime in Cuba. Does this make sense?

Mr. Speaker, the United Nations is a failure—its goals, in spite of being couched in flowery language, are in fact contrary to the best interests and security of the people of the United States. I strongly urge the Congress to take quick positive action on my bill. Let us stand proudly for the American way of life—let us no longer continue to pay for its subversion.

ENVIRONMENTAL IMPACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DINGELL. Mr. Speaker, so that the information therein contained may have the widest possible distribution, I request unanimous consent that the text of the October 1971 issue of the Council on Environmental Quality's "102 Monitor" appear at this point in the CONGRESSIONAL RECORD.

The text follows:

[Environmental impact statements, 102 monitor, Council on Environmental Quality]

FEDERAL HIGHWAY ADMINISTRATION ISSUES REVISED ENVIRONMENT STATEMENT PROCEDURES

Roughly half of the environmental impact statements received by the Council involve the national highway system. The Federal Highway Administration, with its 50 division offices (corresponding to the 50 individual states) and nine regional offices,[1] has filed over a thousand draft and final statements in the year and three-quarters since the enactment of the National Environmental Policy Act. This provides a good indication of the magnitude of the highway program and its potential impact on the environment.

Under the Federal-aid highway legislation which dates back to 1916, state highway departments are responsible for highway route selection, design, construction and maintenance, subject to the approval of the Federal government. The highway program consists of the National System of Interstate and Defense Highways, the 42,500-mile network authorized by Congress; the federal-aid primary and secondary and urban systems and other highways which include forest highways, public lands highways, park roads and trails, parkways, and Indian Reservation roads.

The revised guidelines of the Federal Highway Administration, dated August 24, 1971, (Policy & Procedure Memorandum 9-1) implement the requirements of Section 102(2) (C) of the National Environmental Policy Act of 1969, Section 4(f) of the Department of Transportation Act concerning the use of certain public lands, Section 470(f) of 16 U.S. Code requiring the consideration of projects on historic sites, and Section 309 of the Clean Air Act of 1970. PPM 90-1 consolidates in one document the criteria and procedures that are to be utilized for (1) evaluating projects to determine whether a full environmental review is required; (2) setting forth at which stage in the highway project development process the environmental evaluation will be performed; (3) soliciting the review comments from Federal, State, and local governmental agencies and making environmental statements available to the general public; and (4) formalizing the review process through the Federal Highway Administration. The new guidelines require a draft and final environmental statement for all highways—

Which are classed as major actions and are also likely to significantly affect the quality of the human environment, or

Where organized opposition has occurred or is anticipated to occur, or

That significantly affect historic or conservation lands.

In determining whether a proposal to construct or improve a highway section constitutes a major action, the guidelines provide the following criteria:

1. The highway section is entirely or generally on new location.

2. There will be major upgrading of an existing highway section resulting in a functional characteristic change (e.g., four-laning, adding medians, extensive right-of-way acquisition, etc.)

In determining whether a highway significantly affects the quality of the human environment, the guidelines state that such is the case if

a) it is likely to have a significant adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b) it is likely to be highly controversial regarding relocation housing resources.

c) it will divide or disrupt an established community or disrupt orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d) it involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

SUMMARY OF FHWA PROCEDURES FOR HANDLING 102 STATEMENTS

A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State and Federal agencies.

Draft environmental statements are prepared during the location study and are circulated for comment and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing.

Commenting agencies will have not less than 30 days for return of comments on the draft environmental statement.

Final statements will include a copy of all comments received and reflect consideration of the environmental comments at the public hearing and comments received on the draft statement.

Draft and final environmental statements will be available for review by the public at the state highway department headquarters; state, regional, and metropolitan clearinghouses; FHWA division, regional and headquarters offices and at appropriate public hearings.

The full text of PPM 90-1 follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
Washington, D.C., August 24, 1971.

POLICY AND PROCEDURE MEMORANDUM

1. MATERIAL TRANSMITTED

PPM 90-1, Guidelines for Implementing Section 102(2)(C) of the National Environmental Policy Act of 1969, Section 1653(f) of 49 U.S.C., Section 470f of 16 U.S.C., and Section 309 of the Clean Air Act of 1970.

2. EXISTING ISSUANCES AFFECTED

Supersedes:

Circular memorandums

Date and subject

May 25, 1964. Consideration of the overall interests of the public in the Federal-aid highway programs for the protection or improvement of parks and other outdoor recreational and historical resources.

March 24, 1970. Preservation of Historic Sites.

FHWA notices

Date and subject

November 30, 1970. National Environmental Policy Act. Guidelines for implementation proposed by FHWA.

January 12, 1971. Preparation of Section 4(f) determinations by the State highway departments.

February 10, 1971. Preparation and processing of statements relating to Section 4(f) of the DOT Act and Section 102(2) (C) of the NEP Act.

March 10, 1971. Distribution of Draft Environmental Statements.

Instructional memorandums

Identification and subject

IM 21-5-63. Coordination of public interests of highway improvements with those of fish and wildlife resources.

Draft instructional memorandum

Date and subject

November 24, 1970. Interim guidelines for implementing section 102(2) (C) of the National Environmental Policy Act of 1969.

3. COMMENTS

The above issuances are deleted inasmuch as they either provided guidelines for implementing the acts which have now been incorporated within this memorandum or they required coordination with other agencies to assure careful consideration of the environment which is the prime substance of the National Environmental Policy Act of 1969.

F. C. TURNER,
Federal Highway Administrator.

TRANSMITTAL 202—90-1—AUGUST 24, 1971

(U.S. Department of Transportation, Federal Highway Administration, Policy and Procedure Memorandum. Guidelines for implementing section 102(2) (C) of the National Environmental Policy Act of 1969, section 1653(f) of 49 U.S.C., section 470f of U.S.C., and section 309 of the Clean Air Act of 1970)

Par.
1. Purpose
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6. Procedures

Appendix A—Procedures on Historic Preservation.

Appendix B—Example of Design Concurrence Letter.

Appendix C—Location Stage Flow Chart.

Appendix D—Design Stage Flow Chart.

Appendix E—Environmental Statements-Contents and Format.

Appendix F—Evaluating Highway Section Environmental Effects.

Appendix G—Inter-Agency Review of Draft Environmental Statements.

Appendix H—Selections from PPM 20-8, dated January 14, 1969, for use with the National Environmental Policy Act Guidelines.

Appendix I—Purchasing Copies of Environmental Statements.

1. PURPOSE

To provide guidelines to highway departments and Federal Highway Administration (FHWA) field offices to assure that the human environment is carefully considered and national environmental goals are met when developing federally financed highway improvements.

2. AUTHORITY

a. Section 102(2) (C) of the National Environmental Policy Act of 1969 (P.L. 91-190) states that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

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[1] See page 31 of this issue of the 102 Monitor for listing of FHWA Regional Offices.

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

b. *Section 1653(f) of 49 U.S.C.*[1], *Section 138 of 23 U.S.C., and Section 4(f) of the Department of Transportation Act* (all of which are hereafter referred to as "Section 4(f)") permits the Secretary of Transportation to approve a program or project which requires the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or land from an historic site of national, State, or local significance as so determined by such officials (hereafter "Section 4(f) land") only if:

(1) there is no feasible and prudent alternative to the use of such land, and

(2) such program includes all possible planning to minimize harm to the Section 4(f) land resulting from such use.

c. *Section 470f of 16 U.S.C.*[2] provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

d. *Section 309 of the Clean Air Act of 1970 (Public Law 91–604)*, as amended, provides:

"(a) The Administrator (Environmental Protection Agency) shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any . . . (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102 (2)(C) of Public Law 91–190 applies. . . . Such written comment shall be made public at the conclusion of any such review."

3. DEFINITIONS (AS USED IN THIS MEMORANDUM)

a. *Highway Section*—a substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study. (See paragraph 6).

b. *Agency Decision*—FHWA approval of the location of a highway improvement. (Subsequent approval of the design; right-of-way acquisition; the plans, specifications, and estimates (PS&E) or authorization to construct a project within the highway section is not, for the purposes of this memorandum, an additional agency decision.)

(1) A determination to prepare and process a supplemental environmental statement would be the basis for a new agency decision for either a highway location or design. (See paragraph 6p).

(2) In accordance with the Secondary Road Plan as permitted by Section 117 of Title 23 U.S.C., the approvals of the location, design, right-of-way acquisition and construction (PS&E) have been delegated to the appropriate State highway department for highway improvements on the Federal-Aid Secondary System.

c. *Environmental Statement*—a written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:

(1) assuring that careful attention is given to environmental matters,

(2) providing a vehicle for implementing all applicable environmental requirements, and

(3) to insure that the environmental impact is taken into account in the agency decision.

d. *Negative Declaration*—a written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.

e. *Highway Agency (HA)*—the agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For highway sections financed with other funds, such as Forest highways, Park roads, etc., the HA will be the appropriate Federal or State Highway agency.

f. *Human Environment*—the aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical etc.) that affect the life of a human.

4. POLICY

It is a national policy that all Federal agencies promote efforts for improving the relationship between man and his environment and to make special effort for preserving the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites.

It is also national policy that Federal agencies consult with other appropriate Federal, State, and local agencies; assess in detail the potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced, to the fullest extent practicable, and utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment. The environmental assessments include the broad range of both beneficial and detrimental effects.

5. APPLICATION

a. An environmental statement or combined environmental/Section 4(f) statement or negative declaration, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section proposed for construction with funds administered by the Federal Highway Administration, including in appropriate cases any section financed from funds transferred to the Federal Highway Administration from other agencies, which receives or received design approval (see paragraph 5e) on or after February 1, 1971.

b. An environmental statement or combined environmental/Section 4(f) statement, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section which received design approval on or after January 1, 1970, and before February 1, 1971, and which constitutes a major action significantly affecting the environment (see Appendix F, paragraphs 2 and 3) if, in the judgment of the FHWA division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and processing of an environmental statement. In making his judgment the FHWA division engineer should consider, in addition to the written reassessment prepared by the HA (see paragraph 5c) for each such highway section, the status of the design; right-of-way acquisition including demolition of improvements within the right-of-way; number of families already rehoused and those yet to be rehoused; construction scheduling; benefits to accrue from the proposed highway improvement; significant impacts; and measures to minimize any adverse impacts of the highway.

c. Highway sections which received design approval on or after January 1, 1970, and before February 1, 1971, that are classed as a major action are to be reassessed by the HA in consultation with the FHWA division engineer or his representative. The written reassessment should consider if the highway plans were developed in such a manner as to minimize adverse environmental consequences.

d. A highway section involving an historic site included in the National Register of Historic Places shall be coordinated with the State Liaison Officer for Historic Preservation and representatives of the Office of Archeology and Preservation of the National Park Service, Department of the Interior, as set forth in Appendix A. The provisions of Section 470f, 16 U.S.C. should be satisfied before submitting the final environment/Section 4(f) statement to the FHWA (see paragraph 2c).

e. Design approval may be regarded as having been obtained prior to February 1, 1971, if any one of the following conditions is satisfied.

(1) Prior to the issuance of revised PPM 20–8 dated January 14, 1969, procedures of the FHWA (then the Bureau of Public Roads) did not require a HA to receive a formally documented FHWA design approval before undertaking right-of-way acquisition and/or preparation of the plans, specifications and estimate (PS&E). Therefore, design approval was that action or series of actions by which the FHWA indicated to the HA that the essential elements of the highway as set out in paragraph 10 of PPM 20–8 were satisfactory or acceptable for preparation of the PS&E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts or reports or unconditional approval to acquire all the right-of-way for a project. The HA shall identify those projects (both Federal-aid and non-Federal-aid) in the above category which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the FHWA division engineer for his concurrence a letter similar to Appendix B of this memorandum citing the document(s) or action(s) which it believes are equivalent to design approval. The FHWA division engineer's concurrence in HA's determination will serve as verifica-

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[1] Section 1653(f) of 49 U.S.C. is identical to Sections 138 of 23 U.S.C. and 4(f) of the Department of Transportation Act as amended in Section 18 of the "Federal-Aid Highway Act of 1969."

[2] This requirement is also found in Section 106 of the National Historic Preservation Act of 1966.

tion that the previous actions or approvals were in effect design approval.

(2) Written approval by the FHWA of the design submitted in accordance with paragraph 10 of PPM 20-8 dated January 14, 1969.

(3) Similar type evidence that an official of the State highway department approved the design prior to February 1, 1971, for projects administered under an approved Secondary Road Plan. Such evidence need not be submitted to the FHWA division engineer for concurrence but shall be available in the State highway department's files.

f. A single environmental statement, or negative declaration, is applicable to jointly planned undertakings between the FHWA and other Federal agencies. The lead agency will be responsible for the appropriate document (i.e. the HA for a proposed highway section that also requires a U.S. Coast Guard action for bridge clearance over navigable water). Highway section proposals submitted for an FHWA approval shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. A highway section in this category will generally be of the nature where there is no actual transfer of funds to the FHWA and the FHWA acts only in the capacity of a review agency or consultant advisor to the other Federal agency.

g. An environmental statement shall not be required in connection with any highway section that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency. The HA may request and the FHWA may exempt such urgently needed highway sections from the environmental statement requirement after consultation with the Office of the Secretary of Transportation and the Council on Environmental Quality.

6. PROCEDURES (SEE APPENDIXES C AND D FOR A FLOW CHART)

The highway section included in an environmental statement should be as long as practicable to permit consideration of environmental matters on a broad scope. Piecemealing proposed highway improvements in separate environmental statements should be avoided. If possible, the highway section should be of substantial length that would normally be included in a multi-year highway improvement program.

a. A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State, and Federal agencies (paragraph 5a of PPM 20-8 and paragraph 4 of IM 50-1-70). Initiation of coordination at the beginning of the location study will assist in identifying natural and cultural areas of significance, agency and public concerns and help in determining the need for and preparation of an environmental statement. Existing coordination mechanisms, such as above cited, (public hearings, Office of Management and Budget Circular No. A-95 reviews) and other established procedures for coordination should be used to the greatest extent practicable. The information obtained through coordination and the highway studies (technical, engineering, social, economic, and environmental, as appropriate) should also be used in evaluating the potential environmental impact (both beneficial and detrimental) of the highway section proposal.

(1) The environmental statement and/or Section 4(f) statement may be a part of the study report for the highway location, if desired; however, if included in the study report, the statements are to be consolidated in one place in the report and in a form that can be reproduced separate from the report.

b. Draft environmental statements, when required (see paragraph 5), including Section 4(f) information, shall be prepared by the HA (see Appendix E for contents and format) and circulated for comment during the location study. The environmental statement should be prepared utilizing a systematic, interdisciplinary approach which will assure that environmental impacts are described in detail. A representative of the FHWA division office shall indicate that the draft statement has been cleared for circulation and comment by signing and dating the draft statement. An environmental statement is required only for those sections which the HA and division engineer determine that construction and operation of the highway section will have a significant impact upon the environment. Appendix F lists guidelines to assist in determining significant impacts associated with the construction and operation of a highway. In addition, the HA may wish to consult other local, State, and Federal agencies with specific impact expertise when determining the significance of an impact.

c. The draft environmental statement, including necessary Section 4(f) information when required, is to be circulated by the HA to the appropriate agencies (see Appendix G) for comment, and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing as set out in PPM 20-8 (see Appendix H). The comments as received from other agencies are to be made available at either the FHWA Division or HA office for public review and copying. If the highway section qualified for exemption from public hearings procedures (PPM 20-8) and a public hearing is not afforded a draft environmental statement if required (including necessary Section 4(f) information) is to be prepared and circulated for comment, and made available to the public as early as practicable. The HA shall request a determination of significance from the Section 4(f) lands agency and include the letter requesting such determination and the determination, if received, as exhibits to the draft statement. An additional location or design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft environmental statement for those projects which were processed in accordance with procedures in effect at the time.

d. The HA shall furnish 17 copies of each draft environmental statement to the FHWA division engineer who shall distribute 16 copies to the following recipients:

FHWA Regional Office	1
FHWA (to the Office of Environmental Policy, EV-1)	2
DOT's Office of Environment and Urban Systems (TEU)	3
Council on Environmental Quality (CEQ) (722 Jackson Place NW., Washington, D.C. 20006)	10

NOTE: The HA is to make distribution to all other required local, State, and Federal agencies (see Appendix G).

e. The HA shall announce the availability of and briefly explain the draft environmental statement or negative declaration in its presentation at the location public hearing (or at the highway design hearing when a draft statement is prepared and circulated in conjunction with design studies).

f. The HA may establish a date not less than 30 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of the comments, except 45 days plus mailing time shall be allowed for the Environmental Protection Agency (EPA) to comment. The FHWA should include a similar time period (30 days plus mailing) for return of comments from FHWA Office of Environmental Policy (EV-1), DOT's Office of Environment and Urban Systems (TEU), and the Council on Environmental Quality (CEQ). If an agency does not respond by the indicated date, the HA may assume the agency had no comments. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments unless a 45-day review period, plus mailing time, was originally established.

g. Draft environmental statements shall be available for review by the public at the HA headquarters; the State, regional, and metropolitan clearinghouses; the FHWA division, regional, and headquarters offices; and at the appropriate public hearings. The HA and FHWA may charge non-governmental individuals and organizations for copies of environmental statements in accordance with established fee schedules.

(1) The public and private organizations may also order copies of draft and final environmental statements from the National Technical Information Service, U.S. Department of Commerce (See Appendix I).

h. Similar procedures apply to highway sections which have received location approval but did not have design approval before February 1, 1971. In such instances the environmental statement, combination environmental/Section 4(f) statement or negative declaration shall be prepared and processed during the design studies. The final environmental statement or negative declaration for such highway sections shall be furnished to FHWA before or with the request for design approval. If the design public hearing was held prior to the issuance of this memorandum, an additional design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft statement. All other requirements for circulation for comment and availability to the public will apply.

i. The HA shall prepare a final environmental statement or combined environmental/Section 4(f) statement for each project for which it prepared and circulated a draft environmental statement following the format in Appendix E. The final statement shall include a copy of all comments received and reflect the HA's consideration and disposition of the environmental comments at the public hearing and comments received on the draft statement.

j. FHWA review and acceptance of the final environmental statement shall be the responsibility of the Regional Federal Highway Administrator. The Regional Federal Highway Administrator shall indicate his acceptance by signature thereon, and forward 15 signed copies of the final statement as follows:

FHWA (to the Office of Environmental Policy, EV-1)	15

A copy of a signed statement may also be returned to the originating office. The HA and FHWA may, upon request of an individual or organization, make a copy of the statement as signed by the Regional Federal Highway Administrator available, but such document should be marked "NOT Official—Subject to Approval by U.S. Department of Transportation."

k. FHWA's Office of Environmental Policy shall be responsible for:

(1) submitting the necessary copies of the final statement to TEU for concurrence,

(2) informing the Regional Federal Highway Administrator of such concurrence (at which time the final statement may be considered to be an officially approved U.S. DOT statement), and

(3) informing the Regional Federal Highway Administrator when CEQ is furnished copies of the final statement.

l. The Regional Federal Highway Administrator shall be responsible for:

(1) assuring that a copy of the final statement as sent to CEQ is furnished (by the HA when appropriate) for public inspection at the HA headquarters; the appropriate State, regional, and metropolitan clearinghouses; and the FHWA division and regional offices following TEU's approval or assumed concurrence, and

(2) assuring that the following time limitations have expired prior to FHWA's ap-

proval of the location (or design if the location was previously approved).

(a) Ninety (90) days have expired since the draft environmental statement was circulated for comment, sent to CEQ (postmarked), and made available to the public as described in 6g.

(b) Thirty (30) days have expired since the final environmental statement was made available to both CEQ and the public. This time period may run concurrently with the ninety (90) day period.

m. Negative declarations shall be prepared by the HA when the anticipated impact of construction and operation of a highway section is determined to be not significant (not of major importance). Appendix F outlines several types of highway section improvements which may warrant a negative declaration; however, each highway section should be evaluated to determine whether its impact is significant. The time of preparation outlined previously for environmental statements also apply to negative declarations. Their purpose is to include in the written record evidence that the highway section was evaluated and a determination made that it would have no significant effect upon the quality of human environment. They should be based on the information developed during the highway study and coordination with local, State, and Federal agencies.

n. A negative declaration need not be circulated for comment, but its availability should be included in the notice of the public hearing or opportunity for public hearing. The FHWA division engineer shall concur in the negative declaration before he approves the location or design, whichever is appropriate.

o. The HA or FHWA may, based upon comments at the public hearing, rescind a negative declaration and prepare and process an environmental statement if in their judgment significant impacts have been identified which were not previously considered. It would not be necessary in such instances to hold additional public hearings for the purpose of presenting the draft environmental statement.

p. The HA shall include reference to the previous environmental statement, negative declaration, or design approval exemption, if applicable, when requesting design approval, authorization for right-of-way acquisition, approval of PS&E, and construction authorization.

(1) A new environmental statement, or a supplemental statement will be necessary for a highway section when the proposal being processed introduces a new or changed environmental effect of significance to the quality of environment. The FHWA may also request an environmental statement for a highway section which received design approval before February 1, 1971, when in its judgment changes in the highway subsequent to the reassessment (see paragraph 5c) introduce significantly different impacts on the environment.

(2) A supplemental statement is to be processed in the same manner as a new environmental statement. Where the need for a supplemental statement results from the use of Section 4(f) land only, a Section 4(f) statement may be prepared in lieu of a supplemental environmental statement and coordinated with the Departments of the Interior and Housing and Urban Development by the HA. The coordinated Section 4(f) statement, with comments and suggestions and the HA disposition of same, shall be furnished to the FHWA for appropriate processing.

q. In accordance with the Secondary Road Plan, as permitted by Section 117 of Title 23, U.S.C., State highway departments operating under an approved Secondary Road Plan have the responsibility for reviewing and approving the location and design of Federal-aid secondary improvements. However, the FHWA division engineer is to concur in negative declarations, where applicable. Environmental statements are to be prepared and processed in accordance with the provisions of this memorandum.

F. C. TURNER,
Federal Highway Administrator.

PROCEDURES FOR HISTORIC PRESERVATION

1. The provisions of 16 U.S.C. 470(f) require that all proposed highway sections that are federally assisted be developed with consideration to effected districts, sites, buildings, structures, or objects that are included in the National Register for Historic Preservation. This authority derives from Section 106 of the National Historic Preservation Act. Procedures for compliance have been implemented by the Advisory Council on Historic Preservation, and the National Park Service, Department of the Interior, as follows:

a. At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, an agency should follow these steps:

(1) Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the Federal Register.

(2) Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed.

(a) *Criteria for Effect.*

1 A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

2 Generally, adverse effect occurs under conditions which include but are not limited to:

a Destruction or alteration of all or part of a property;

b Isolation from or alteration of its surrounding environment;

c Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting (i.e. introduction of a new highway or a higher type functional highway, such as a freeway for an arterial, into the environment of a historic site).

(3) If there is an effect, regional, or State officials of the agency[1] in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation shall:

(a) Determine if the effect is adverse—if not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council.

(4) Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

2. The procedures call for applying the "Criteria for Effect" to determine whether a proposed highway section will have an effect on an historic place. This determination of effect should be made by the HA in consultation with the division engineer and the State Liaison Office.[2] The State Lianson Officer should act as liaison between the HA and the Office of Archeology and Preservation of the National Park Service when this is necessary. If there is documented agreement that a project will not have an effect on the National Register Historic Site, no further review is required under the National Historic Preservation Act. However, if the highway section uses land from a historic site, a Section 4(f) review will be required.

3. If there is a finding of adverse effect, the proposed highway section is to be processed in accordance with these procedures and the Office of Environmental Policy should be notified and kept informed of further developments. If it becomes necessary to provide a written notice affording the Advisory Council on Historic Preservation an opportunity to comment in doubtful or unresolved situations of adverse effect, the Office of Environmental Policy will act as the coordinating element for the Federal Highway Administration.

EXAMPLE OF DESIGN CONCURRENCE LETTER

MR. JOHN DOE,
Division Engineer,
Federal Highway Administration.

DEAR MR. DOE: The initial phases (PE-ROW) for the proposed improvement of State Route 35 between State Route 64 and Springfield were accomplished without Federal-aid highway funds. Preliminary drawings, which include the elements outlined in paragraph 10b(1)(b) of PPM 20-8, were commented upon in your letters of August 18, 1966, and September 12, 1967. We have, therefore, determined that your review and comments were equivalent to design approval of this project.

For your convenience we have included below a space for your concurrence in our determination.

Sincerely,
Endorsement to (SHD)
Concur______________Date__________

ENVIRONMENTAL STATEMENTS—CONTENTS AND FORMAT

1. Environmental statements and combination environmental/Section 4(f) statements (draft and final) shall have a title page similar to the examples attached to this Appendix.

2. The following sections, as a minimum, are to be covered in environmental statements:

a. *A description of the proposed highway improvement and its surroundings.* The description should include the following type information: type of facility; length; termini; basic traffic data, including trips for the design year and anticipated new trips generated two years after completion of the highway section; right-of-way width (including existing ROW); lengths on existing and new location; major design features such as number of lanes, access control, location of bridges and interchanges, etc.; a general description of the surrounding terrain, existing land use and proposed land use (a map preferable), and other existing environmental features; existing highway facilities including their deficiencies; the need for the proposal; the benefits to the State, region, and community; an estimate of when the proposal will be constructed; and the current status of the proposal with a brief historical resume. Inventory of economic factors such as employment, taxes, property values, etc., should be included as appropriate. The description should also include any involvement with Section 4(f) land (Paragraph 3 of this Appendix). A vicinity map(s) shall be furnished which will show the proposed highway section and its relationship to surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways and similar features that are pertinent to a highway study. Detailed maps, sketches, pictures, and other visual exhibits should be used to show specific environmental involvements as necessary. Maps and layouts of the proposed highway/Section 4(f) land involvement should be sufficiently detailed to give a layman reviewer a reasonable understanding of the highway impact and proposed measures to minimize harm.

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[1] When the agency has no regional or State officials, the Office of Archeology and Historic Preservation will perform this service.

[2] State Liaison Officers are appointed by the Governors to be responsible for State activities under the National Historic Preservation Act.

b. *The probable impact of the proposed development or improvement.* The evaluation and discussion should specifically emphasize significant beneficial and detrimental environmental consequences upon the State or region or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway by upgrading and/or relocation.

(1) This section, for instance, would discuss and evaluate the broad impacts on the area or region such as the problems relating to anticipated increase in urbanization or the probable impact of displacing people (if these are significant elements of the highway proposal). Efforts to minimize impact should also be discussed in broad items. For example, measures necessary to insure proper rehousing should be discussed rather than evaluating specific number of people displaced by different alternatives and other differences of the alternatives. The significant environmental impacts of alternative locations and, as appropriate, designs, including a "do nothing" alternative is a proper subject for discussion under "Alternatives" paragraph 2d of this Appendix.

(2) Impacts upon the narrow band (i.e., about 1000 feet) adjacent to the highway may be included when significant to the whole of the region or community. However, the discussions under this section should address the probable significant impacts of the highway proposal (as opposed to individual alternative locations or designs) which might include the probable impact upon such elements, factors, and features listed in paragraph 3 of Appendix F.

c. *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented* such as water or air pollution, effect upon Section 4(f) land, damage to life systems, urban congestion, threats to health or other consequences adverse to the environment identified under paragraph 2b of this Appendix. Adverse effects should include those which cannot be reduced in severity and those which can be reduced (but not eliminated) to an acceptable level unless the reduction is a result of a different location in which case it should be included in the discussion of alternatives (paragraph 2d of this Appendix).

d. *Alternatives:* The locations and/or designs studied in detail by the HA are to be described (narratively and with maps and other visual aids, as necessary) and the probable beneficial and/or adverse effects of each alternate (including a do-nothing alternative) identified to the extent practicable consistent with the scale of the proposed highway improvement and significance of the impact. The exploration of alternatives should include an objective evaluation and analysis of estimated costs (social and transportation), engineering factors, transportation requirements, and environmental consequences. The description of alternatives will include information, as appropriate, similar to that suggested in Section A of this Appendix.

The discussion of environmental impacts will include more detailed impacts for each alternative than the broad environmental consequences for the corridor identified in paragraphs 2b and 2c of this Appendix. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative. Unless the final statement is included in the location study report (design report when prepared and circulated during design study), the final statement should include a brief discussion of the data supporting the selected alternative. This section should also include a discussion of alternatives to the use of Section 4(f) lands.

e. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as trees, etc., and man-made features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors).

f. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Highways require use of natural resources such as forest or agricultural land, however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportion and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area.

g. Where unavoidable adverse environmental effects are encountered, planning and measures taken and proposed to minimize harm should be identified. These include procedural and standards measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

h. *Final statements shall incorporate all comments received on the draft (including environmental comments contained in the public hearing transcript) along with a discussion of the comments and suggestions.* The HA shall describe its disposition of the comments and suggestions (e.g., revisions to the proposed development or improvement to overcome anticipated problems or objections; reasons why specific comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). This section may be added at the end of the review process in the final text of the environmental statement.

i. *Measures to minimize harm to Section 4(f) lands* should be included under a separate paragraph even though discussed elsewhere in the final statement.

j. Each copy of draft and final environmental statements should be accompanied by a summary sheet prescribed as attached to this Appendix.

3. The following information, when pertinent and available, should be included in the combination environmental/Section 4 (f) statements. (See paragraphs 2a, 2c, 2d, and 2i of this Appendix.) To the extent practicable, this information should be included in the draft to initiate the necessary interagency review.

a. The description of the project (see paragraph 2a of this Appendix) shall include information about the Section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship the highway and park and the extent of the impact, such as:

(1) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate).

(2) Type (recreation, historic, etc.).

(3) Available activities (fishing, swimming, golf, etc.).

(4) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).

(5) Usage (approximate number of users for each activity if such figures are available).

(6) Patronage (local, regional, and national).

(7) Relationship to other similarly used lands in the vicinity.

(8) Access (both pedestrian and vehicular).

(9) Ownership (city, county, State, etc.)

(10) If applicable, deed restrictions or reversionary clauses.

(11) The determination of significance by the Federal, State, or local officials having jurisdiction of the Section 4(f) land.

(12) Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(13) Consistency of location, type of activity, and use of the Section 4(f) land with community goals, objectives, and land use planning.

(14) If applicable, prior use of State or Federal funds for acquisition or development of the Section 4(f) land.

b. A description of the manner in which the highway will affect the Section 4(f) land (include within paragraph 2c of this Appendix) such as:

(1) The location and amount of land (acres or square feet) to be used by the highway.

(2) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/Section 4(f) land involvement.

(3) The facilities affected.

(4) The probable increase or decrease in physical effects on the Section 4(f) land users (noise, fumes, etc.).

(5) The effect upon pedestrian and vehicular access to the Section 4(f) land.

c. A specific statement (with supporting reasons) that there is no feasible and prudent alternative. (Include in discussion of alternatives, paragraph 2d of this Appendix.)

d. Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. (See paragraph 2i of this Appendix.) Such information should include:

(1) The agency responsible for furnishing the highway right-of-way.

(2) Provisions for compensating or replacing the Section 4(f) land and improvements thereon, including the status of any agreements. (Include agreed upon compensation, replacement acreages, and type land, etc., when known.)

(3) Highway design features developed to enhance the Section 4(f) land or to lessen or eliminate adverse effects (improving or restoring existing pedestrian or vehicular access, landscaping, esthetic treatment, etc.).

(4) Coordination of highway construction to permit orderly transition and continual usage of Section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

e. Evidence that the provisions of Section 470(f) of 16 U.S.C. (Section 106 of the Historic Preservation Act of 1966) have been satisfied when National Register Properties are involved.

Suggested Format—Draft Statement

Department of Transportation,
Federal Highway Administration.
Prepared by____________________________
(Appropriate Highway Agency.)

DRAFT

(Environmental Statement or Environmental/Section 4(f) Statement.)

ADMINISTRATIVE ACTION
For

(Brief Description of Highway Improvement: Route, Termini, County, City, etc.)

This highway improvement is proposed for funding under title 23, U.S.C. this statement for the improvement was developed in consultation with the Federal Highway Administration and is submitted pursuant to:

Section 102(2)(C), Public Law 91–190 and (when applicable) section 4(f), Public Law 89–670.

Date ----------

Signature of Appropriate Highway Agency Official.

Cleared by FHWA for circulation and comments.

Date ----------

Signature of FHWA Reviewing Official.

Suggested Format—Final Statement

Department of Transportation,
Federal Highway Administration.

Prepared by
Appropriate Highway Agency

FINAL

Environmental Statement or Environmental/Section 4(f) Statement).

ADMINISTRATIVE ACTION
For

(Brief Description of Highway Improvement: Route, Termini, County, City, etc.)

This highway improvement is proposed for funding under title 23, U.S.C. This statement for the improvement was developed in consultation with the Federal Highway Administration and is submitted pursuant to:

Section 102(2)(C), Public Law 91–190, and (when applicable) section 4(f), Public Law 89–670.

Date ----------

Signature of Appropriate Highway Agency Official.

Reviewed for content and accepted by the FHWA.

Date ----------

Signature of FHWA Reviewing Official.

(Reserve 3" x 3" space for DOT approval.)

Summary Sheet

(1) Check Appropriate Box(es)
Administrative Action
( ) Draft ( ) Final
( ) Environmental Statement
( ) Combination Environmetal/Section 4(f) Statement

(2) Brief description of highway improvement indicating route, termini, length, county, city, State, etc., as appropriate.

(3) Summary of environmental impacts (identified in paragraphs 2b and 2c, of this Appendix).

(4) Summarize alternatives considered (as described under paragraph 2d of this Appendix).

(5) (a) (for draft statements) List Federal, State, and local agencies and other organizations from which comments are being requested.

(b) (for final statements) List Federal, State, and local agencies and other organizations from which comments were requested and identify those that returned written comments.

(6) Date draft statement was made available to CEQ (date mailed) which will also be considered the date the draft statement was made available to the public.

Evaluating Highway Section Environmental Effects

1. Draft and final environmental statements should be prepared and processed in accordance with the procedures required by this memorandum for all highway sections falling under one or more of the following three categories:

a. Highway sections where organized opposition has occurred or is anticipated to occur.

b. Highway sections significantly affecting historic or conservation lands (public or private) independent or whether they are Section 4(f) cases.

c. Highway sections which are classed as major actions and are also likely to significantly affect the quality of the human environment. This category requires a two-step analysis. First, it must be determined if the proposed highway section is a major action (paragraph 2 of this Appendix); secondly, the significance of the effects upon the human environment must be determined (paragraph 3 of this Appendix).

2. The following should be used to determine whether a proposal to construct or improve a highway section is a major action.

a. Highway sections entirely or generally on new location.

b. Major up-grading of an existing highway section resulting in a functional characteristic change (e.g., a local road becoming an arterial highway). Such changes usually result by adding lanes, interchanges, access control, medians, etc., and require extensive right-of-way acquisition and construction (grading, base, paving, bridges, etc.) which have the potential of significantly affecting the human environment.

3. Any of the following highway sections should ordinarily be considered as significantly affecting the quality of the human environment.

a. A highway section that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b. A highway section that is likely to be highly controversial regarding relocation housing resources.

c. A highway section that divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d. A highway section which involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

The comments, suggestions and information obtained during the highway studies, including the coordination and evaluation required by paragraphs 5a and 4c of PPM 20–8 will in most instances supply the information necessary to make the determination required above.

4. Negative declarations shall be prepared for all highway sections which are *not major actions* and for highway sections, even though classed as major actions, where it is determined there *is no significant effect upon the quality of human environment* as a result of the study and early coordination. Highway improvements of the following types are *not* likely to have significant impacts upon the environment:

a. Signing, marking, signalization and railroad protective devices.

b. Acquisition of scenic easements,

c. Modernization of an existing highway by resurfacing; less than lane width widening; adding shoulders; auxiliary lanes for localized purposes (weaving, climbing, speed-changing, etc.)

d. Correcting substandard curves,

e. Reconstruction of existing stream crossings where stream channels are not affected,

f. Reconstruction of existing highway/highway or highway/railroad separations,

g. Reconstruction of existing intersections including channelization,

h. Reconstruction of existing roadbed (existing curb to curb for urban cross sections), including minor widening, shoulders and additional right-of-way.

i. Rural two-lane highways on new or existing location which are found to be generally environmentally acceptable to the public and local, State, and Federal officials.

Inter-Agency Review of Draft Environmental Statements

1. Draft environmental statements are to be circulated to appropriate Federal, State, and local agencies. State and local agency review comments will be solicited from State, regional, and metropolitan clearinghouses. Federal agencies are those having jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of:

Advisory Council on Historic Preservation;
Department of Agriculture;
Department of Commerce;
Department of Defense;
Department of Health, Education, and Welfare;
Department of Housing and Urban Development;
Department of the Interior;
Department of State;
Department of Transportation;
Atomic Energy Commission;
Federal Power Commission;
Environmental Protection Agency; and
Office of Economic Opportunity.

2. Also to be consulted, when a highway section affects its jurisdiction, are:

Tennessee Valley Authority;
Appalachian Regional Commission;
National Capital Planning Commission;
Delaware River Basin Commission; and
Susquehanna River Basin Commission.

3. The HA should determine which of the Federal agencies are appropriate to consult. Careful attention should be given to the selection of agencies having jurisdiction by law or special expertise in an anticipated impact to avoid the unnecessary solicitation of agencies. Appendix II to CEQ's guidelines published in the April 23, 1971, Federal Register (copy attached) lists agencies with their respective areas of jurisdiction by law or special expertise. A majority of the areas are the concern of the Departments of Housing and Urban Development, the Interior, Agriculture, and the Environmental Protection Agency.

4. The Department of Housing and Urban Development (HUD) generally deals with urban aspects of historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, noise, congestion, low-income neighborhoods, and urban planning. Draft environmental statements in urban areas and all draft combination environmental/Section 4(f) statements should be furnished to HUD for comment.

a. It is desirable to develop a written understanding with the regional office of HUD about rural statements it wishes to review.

HUD has delegated review of environmental statements to its regional offices.

5. The Department of the Interior has an interest in several environmental impact areas, including energy transmission, land use, historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, erosion, urban congestion, low-income neighborhoods, urban planning, rivers, canals, stream control, and wildlife. It may be advantageous to include the Department of the Interior in the mailing list for all draft environmental statements. The designated point of contact within the Department of the Interior for coordination is the Deputy Assistant Secretary for Programs, Washington, D.C. 20240.

6. The Department of Agriculture is oriented towards rural matters. It has an interest in rural electrical energy transmission, toxins, pesticides, herbicides, land use, flood plains, watersheds, parks, forests, outdoor recreation, erosion, rivers, canals, stream control, and wildlife. Accordingly, it should be furnished draft statements on rural highway sections. Statements should be sent to the U.S. Department of Agriculture, Office of the Secretary, Washington, D.C. 20250.

7. The Environmental Protection Agency (EPA) has jurisdiction by law or expertise in all major Federal actions significantly affecting the environment. The EPA should be furnished a copy of all draft statements. Draft statements should be sent to the regional EPA office. Comments should be solicited under both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act of 1970.

8. The Department of Health, Education and Welfare (HEW) is urban area oriented and has an interest in health and educational effects resulting from displacement of people. HEW has expressed an interest in draft statements for urban highway sections, especially those that displace people, affect schools, etc. Normally HEW will not be interested in draft statements for rural highway sections. Draft statements sent to HEW for comment should be sent to its Washington office (Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202).

9. The Department of the Army, Office of the Chief of Engineers (Corps of Engineers), is interested in land use and management (coastal areas and navigable waters), flood plains and watersheds, soil and plant life, transportation (harbors, channels, inlets, inland waterways, locks and dams, dredged spoil disposal), and water quality and pollution control. Early coordination is the best guide in determining if the Corps of Engineers has an interest in commenting on the highway section. Comments should normally be solicited from the appropriate Corps' Division or District Engineer.

10. Other agencies, that should be consulted and furnished a copy of the draft environmental statements for comment, will usually be identified during early coordination.

11. Other administrations within the Department of Transportation will need to be solicited for comment in some cases such as a proposed highway section with a bridge over navigable water that requires a permit from the Coast Guard. The administration from which comments are sought (preferably local offices) may be contacted directly by the HA.

12. In its letter asking an agency for comment on any anticipated environmental impacts for which the agency has jurisdiction by law or special expertise, it is suggested that the HA identify which impacts described in the statement the HA would specifically wish discussed. The Federal agency should be asked to comment on each alternative and if it desires, state a preference and reasons therefor. When the HA places a time limit on the commenting period, the Federal agencies are to be advised at the time comments are solicited and should be informed that if no comments are received within that time period, the HA will assume that Federal agency has no comments to offer. The HA should clearly indicate where responding agencies are to return their comments.

[From Federal Register, Apr. 23, 1971]

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT—GUIDELINES

Appendix II—Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts

Air

Air quality and air pollution control

Department of Agriculture—

Forest Service (effects on vegetation).

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—

Air Pollution Control Office.

Department of the Interior—

Bureau of Mines (fossil and gaseous fuel combustion).

Bureau of Sport Fisheries and Wildlife (wildlife).

Department of Transportation—

Assistant Secretary for Systems Development and Technology (auto emissions).

Coast Guard (vessel emissions).

Federal Aviation Administration (aircraft emissions).

Weather modifications

Department of Commerce—

National Oceanic and Atmospheric Administration.

Department of Defense—

Department of the Air Force.

Department of the Interior—

Bureau of Reclamation.

Energy

Environmental aspects of electric energy generation and transmission

Atomic Energy Commission (nuclear power).

Environmental Protection Agency—

Water Quality Office.

Air Pollution Control Office.

Department of Agriculture—

Rural Electrification Administration (rural areas).

Department of Defense—

Army Corps of Engineers (hydro-facilities).

Federal Power Commission (hydro-facilities and transmission lines).

Department of Housing and Urban Development (urban area).

Department of the Interior—(facilities on Government lands).

Natural gas energy development, transmission and generation

Federal Power Commission (natural gas production, transmission and supply).

Department of the Interior—

Geological Survey.

Bureau of Mines.

Hazardous Substances

Toxic materials

Department of Commerce—

National Oceanic and Atmospheric Administration.

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency.

Department of Agriculture—

Agricultural Research Service.

Consumer and Marketing Service.

Department of Defense.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—

Agricultural Research Service (biological controls, food and fiber production).

Consumer and Marketing Service.

Forest Service.

Department of Commerce—

National Marine Fisheries Service.

National Oceanic and Atmospheric Administration.

Environmental Protection Agency—

Office of Pesticides.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

Bureau of Land Management.

Department of Health, Education, and Welfare (health aspects).

Herbicides

Department of Agriculture—

Agricultural Research Service.

Forest Service.

Environmental Protection Agency—

Office of Pesticides.

Department of Health, Education, and Welfare (health aspects).

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Bureau of Land Management.

Bureau of Reclamation.

Transportation and handling of hazardous materials

Department of Commerce—

Maritime Administration.

National Marine Fisheries Service.

National Oceanic and Atmospheric Administration (impact on marine life).

Department of Defense—

Armed Services Explosive Safety Board.

Army Corps of Engineers (navigable waterways).

Department of Health, Education, and Welfare—

Office of the Surgeon General (health aspects).

Department of Transportation—

Federal Highway Administration Bureau of Motor Carrier Safety.

Coast Guard.

Federal Railroad Administration.

Federal Aviation Administration.

Assistant Secretary for Systems Development and Technology.

Office of Hazardous Materials.

Office of Pipeline Safety.

Environmental Protection Agency (hazardous substances).

Atomic Energy Commission (radioactive substances).

Land Use and Management

Coastal areas: Wetlands, estuaries, waterfowl refuges and beaches

Department of Agriculture—

Forest Service.

Department of Commerce—

National Marine Fisheries Service (impact on marine life).

National Oceanic and Atmospheric Administration (impact on marine life).

Department of Transportation—

Coast Guard (bridges, navigation).

Department of Defense—

Army Corps of Engineers (beaches, dredge and fill permits. Refuse Act permits).

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

National Park Service.

U.S. Geological Survey (coastal geology).

Bureau of Outdoor Recreation (beaches).

Department of Agriculture—

Soil Conservation Service (soil stability, hydrology).

Environmental Protection Agency—

Water Quality Office.

Historic and archeological sites

Department of the Interior—

National Park Service.

Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood plains and watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral land reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, forests, and outdoor recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and plant life, sedimentation, erosion and hydrologic conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

Noise

Noise control and abatement

Department of Health, Education, and Welfare (health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

Physiological Health and Human Well Being

Chemical contamination of food products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food additives and food sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and radiological health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of Interior—
Bureau of Mines (uranium mines).

Sanitation and waste systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

Transportation

Air quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (metrological conditions).

Water quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in urban areas, housing and building displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental effect with special impact in low-income neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

Water

Water quality and water pollution control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and canal regulation and stream channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

Wildlife

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

Federal agency offices for receiving and coordinating comments upon environmental impact statements

Advisory Council on Historic Preservation

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343-8607.

Department of Agriculture

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20350, 388-7803.

Appalachian Regional Commission

Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967-4103.

Department of the Army
(Corps of Engineers)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C., 20314, 693-7168.

Atomic Energy Commission

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391.

For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

Department of Commerce

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C., 20230, 967-4335.

Department of Defense

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697-2111.

Delaware River Basin Commission

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609-883-9500.

Environmental Protection Agency

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632-7719.

Federal Power Commission

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386-6084.

General Services Administration

Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405, 343-6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343-4161.

Department of Health, Education and Welfare

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963-4254.

Department of Housing and Urban Development[1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755-6960.

Alternate contact: George Wright, Office of the Deputy Under Secretary, 755-8192.

Department of the Interior

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343-6181.

National Capital Planning Commission

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382-1163.

Office of Economic Opportunity

Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254-6000.

Susquehana River Basin Commission

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, Pa. 17120, 717-787-2315.

Tennessee Valley Authority

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615-755-2002.

Department of Transportation

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426-4563.

Department of Treasury

Richard E. Siltor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964-2797.

Department of State

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632-7964.

[FR Doc. 71-5705 Filed 4-22-71;8:50 am]

SELECTIONS FROM PPM 20-8, DATED JANUARY 14, 1969, FOR USE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT GUIDELINES

5. COORDINATION

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement.

6. HEARING REQUIREMENTS

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

(1) Is on a new location; or

(2) Would have a substantially different social, economic or environmental effect; or

(3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a) (1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6.c. below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

(1) Requires the acquisition of additional right-of-way; or

(2) Would have an adverse effect upon abutting real property; or

(3) Would change the layout or function of connecting roads or streets or of the facility being improved.

7. OPPORTUNITY FOR PUBLIC HEARINGS

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

8. PUBLIC HEARING PROCEDURES

a. Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5, a will be available for public inspection and copying and shall specify where this information is available.

PURCHASING COPIES OF ENVIRONMENTAL STATEMENTS

1. A copy of any draft or final environmental statement prepared by a Federal agency can be obtained by sending order number, payment, and return address to the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

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[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617-223-4066.

S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, N.Y. 10007, 212-264-8068.

Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, Pa. 19106, 215-597-2560.

Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312-353-5680.

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817-334-2867.

Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816-374-2661.

Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303-837-4061.

Robert H. Balda, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415-556-4752.

Oscar P. Pederson, Regional Administrator X, Attention: Einvironmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206-583-5415.

2. Order numbers are found at the end of the summary of each statement in the *102 Monitor* which is published by the Council on Environmental Quality (722 Jackson Place, NW., Washington, D.C. 20006) and sent to State clearinghouses and other interested agencies.

3. Payment is normally $3.00. Copies over 300 pages require $6.00 and will be noted in the *102 Monitor.*

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

REGION 1

(Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.)

Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054. Tel: (518) 472-6476.

REGION 2

(Del., Ohio, Md., W.V., D.C., Penn., Va.)

Administrator: August Schofer, Rm. 1633, George H. Fallon, Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201 Tel: (301) 962-2361.

REGION 3

(Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.)

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd., N.W., Atlanta, Georgia 30309 Tel: (404) 526-5078.

REGION 4

(Ill., Ky., Wisc., Indiana, Mich.)

Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430. Tel: (312) 799-6300.

REGION 5

(Iowa, Neb., Minn., Mo., Ka., N.D., S.D.)

Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 Tel: (816) 361-7563.

REGION 6

(Ark., Oklahoma, La., Texas.)

Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102 Tel: (817) 334-3232.

REGION 7

(Arizona, Hawaii, Calif., Nevada.)

Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102 Tel: (415) 556-3951.

REGION 8

(Alaska, Montana, Wash., Idaho, Oregon.)

Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204 Tel: (503) 226-3454.

REGION 9

(Col., Utah, N.M., Wyoming.)

Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225 Tel: (303) 233-6721.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order Number (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record.* You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 & 3.

Congressional Record—April 28 (Extension of Remarks), page E 3607.

Vol. 1, No. 4.

Congressional Record—May 27 (Extension of Remarks), page E 5151.

Vol. 1, No. 5.

Congressional Record—June 16 (Extension of Remarks), page E 6023.

Vol. 1, No. 6.

Congressional Record—July 28 (Extension of Remarks), page E 8458.

Vol. 1, No. 7.

Congressional Record—Sept. 13 (Extension of Remarks), page E 9483.

Vol. 1, No. 8.

Congressional Record—Sept. 24 (Extension of Remarks), page E 10002.

On the following pages are environmental impact statements received by the Council from September 1 through September 30, 1971.

Note: at the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

Agricultural Research Service

Draft

Title, Description, and Date

A cooperative Federal-State Control and Regulatory Program for *witchweed.* This program to retard or eradicate witchweed was initiated in 1957 in cooperation with North Carolina and South Carolina. It involves use of the herbicides 2,4-D and paraquat on a proportion of the infested area. Applications are made with ground driven equipment. (ELR Order #820, 17 pages) (NTIS Order #PB-202 650-D) September 15.

Agricultural Stabilization and Conservation Service (ASCS)

Draft

Title and Description

Rural Environmental Assistance Program. Program calls for the Federal Government sharing the cost with farmers and ranchers for carrying out approved soil, water, woodland and wildlife conservation and pollution abatement practices. Generally, cost-sharing would be limited to an amount not in excess of 50%. Purpose: speed up or make possible the use of these measures to protect the environment and conserve the land, etc. (ELR Order #792, 6 pages) (NTIS Order #PB-202 651-D) September 16.

Consumer and Marketing Service

Final

Title and description

Proposed revisions of regulations governing the inspection of poultry and poultry products. (Some 1,200 poultry processing establishments must meet the standards of Section 21(b) of the Federal Water Pollution Control Act.) Authorities can refuse or withdraw inspection when environmental requirements are not met. Comments received stated no comment. (ELR Order #666, 10 pages) (NTIS Order #PB-202 333-F) 9/1.

Forest Service

Draft

Title and description

Waterville Valley Management Plan of the White Mountain National Forest, Grafton County, *New Hampshire.* Plan calls for continued multiple use management of timber, water wildlife and recreation on national forest lands in the Waterville Valley area. Involves some expansion of recreation facilities. The Forest Service will consider plans for enlarging the Snows Mountain ski area if certain conditions are met. Purpose: increase use of the Valley. (ELR Order #829, 49 pages) (NTIS Order #PB-202 715-D) 9/17.

Farmers Home Administration

Draft

Title and description

Insured loan of $1.9 million to Rural Water System No. 1, Hospers, *Iowa.* Loan to be used to develop a rural water system in 170-square mile area in O'Brien and Sioux Counties. (ELR Order #855, 5 pages) (NTIS Order #PB-202 790-D) 9/23.

Office of the Secretary

Final

Title and Description

Legislative proposal to establish the Oregon Dunes National Recreation Area, *Oregon* (H.R. 8763 and S. 1977). Area consists of 32,237 acres of land located along the Pacific Shoreline between Florence and Coos Bay. It would extend the boundaries of the Siuslaw National Forest to include all of the area within the National Recreation Boundaries. Would provide for increasing protection to dune area by withdrawing lands within this recreation area from mineral location, entry, patent and disposal by leasing, etc. Purpose: assure conservation of scenic, scientific, historic and other values of area. (ELR Order #772, 25 pages) (NTIS Order #PB-202 604-F) 9/13.

Soil Conservation Service

Draft

Title and Description

Eden Watershed project, Delta and Bluff Hills, *Mississippi.* Involves conservation land treatment supplemented by floodwater-retarding structure, 3 grade stabilization and sediment control structures and about 29 miles of stream channel improvement in the "Delta." Purpose: flood control. About 16 acres of woods and 50 acres of cropland will be lost for agricultural and wildlife use. (ELR Order #703, 10 pages) (NTIS Order #PB-202 301-D) 8/23.

Cameron-Creole Watershed project, *Louisiana.* Construction of 19 miles of flood prevention levee, 35 miles of multiple purpose flood prevention and agricultural water management channels and 6 multiple purpose water control structures. Purpose: to prevent excessive amounts of salt water from getting to 100,800 acres of marshland and to systematically maintain water levels. Some 600 acres of wildlife marsh will be used for this project. (ELR Order #742, 18 pages) (NTIS Order #PB-202 446-d) 9/7.

Cow Creek Watershed, project, Stephens and Jefferson Counties, *Oklahoma.* Consists of conservation land treatment supplemented by 46 floodwater retarding structures, 1 multi-purpose structure, and clearing and snagging of 2.5 miles of channel. Purpose: reduce floodwater and erosion damages. About 20 miles of stream will be inundated. (ERL Order #888, 9 pages) (NTIS ORDER #PB-202 906-D) 9/23.

Final

Title and description

Blue Eye Creek Watershed Project, *Alabama*. Involves conservation land treatment of about 4,000 acres, supplemental construction of 2 dams, channel work on 9.2 miles of stream, etc. Purpose: to reduce flooding water damage, sediment damage, etc. About 9.2 miles of low-value stream fishery will be destroyed and approximately 94 acres of bottomland woodland will be required for completion of channel work. Comments made by, Environmental Defense Fund, DOI, various State of Alabama agencies, Army COE, EPA, USDA. (ERL Order # 773, 46 pages) (NTIS Order #PB-199 875-F) 9/8.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. (202) 973-7531

Final

Title and description

Underground test programs for FY 1972, *Nevada* Test Site, covering tests of one megaton or less in the weapons and peaceful nuclear explosions programs. Statement covers need for testing, environmental setting, impact on environment (ground motion, radioactivity, hydrology) etc. Possibility exists that released radioactivity will be detectable offsite. Comments made by: USDA; HEW; Commerce; DOI, DOT, Western International Nuclear Board, Resources Agency of California. (ERL Order #774, 83 pages) (NTIS Order #PB-202 605-F) 9/15.

DEPARTMENT OF DEFENSE: DEPARTMENT OF ARMY

Contact: Colonel Wm. T. Gardiner, Chief of Construction Division, Office, Deputy Chief of Staff for Logistics, Washington, D.C., (202) 694-4380.

Draft

Title and description

Transportable Disposal System (TDS), Tooele Army Depot, Tooele County, *Utah*. Development of this on site disposal system of obsolete and unserviceable chemical warfare agents and munitions is now being carried out. TDS consists of 12 modules or subsystems. Examples of these subsystems are: the Explosive Containment Cubicle designed to remove explosives from all explosive-loaded munitions by containing the blast pressure; the Deactivation Furnace intended to burn propellant explosives and empty rocket and mine bodies, the Projectile Demilitarization Facility to be used to remove the agent from projectiles and 4.2 inch mortar ammunition and to chemically decontaminate the empty hardware, etc. The System may be used at other military installations where chemical agents are stored. (ELR Order #683, over 300 pages) (NTIS Order #PB-202 308-D) 8/31.

Minimum facilities for Air Cavalry Combat Brigade Test, Fort Hood, *Texas*. Consists of constructing helipads, maintenance aprons, storm sewers, water, sewer and gas connections, etc. at Hood Army Airfield. Also involves alteration/rehabilitation of 5 permanent buildings at West Fort Hood. Purpose: provide adequate heliport and testing facilities for 410 organic helicopters and also administrative space. Expect some increase in noise level. (ELR Order #867, 46 pages) (NTIS Order #PB-202 796-D) 9/22.

Final

Title and description

New Walter Reed General Hospital: *Washington, D.C.* Involves replacement of Several pre-WWI buildings with a single large structure and the addition of new hospital parking facilities. Discusses heating plant and 13 releases to the atmosphere; disposal of solid waste; radiological waste, water waste, impact on traffic, architectural design, etc. Comments made by: AEC; Metropolitan Council of Government. (ELR Order #751, 76 pages) (NTIS Order #PB-199 314-F) 9/9/71.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-6329.

For the readers convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title and description

Graham Burke Pumping Plant, Phillips County, *Arkansas*. The pumping plant, already in operation, evacuates impounded runoff and seepage during times when the White River will not permit gravity drainage from the area through the Little Island Bayou Outlet Structure. Purpose: flood control. (ELR Order #698, 10 pages) (NTIS Order #PB-202 305-D) 8/30.

Long Lake area, Helena, *Arkansas* (flood control project). Involves construction of a gated culvert through the main line Mississippi River levee, outlet channel, enlargement and cleanout of 5.6 miles of Long Lake Bayou, etc. Purpose: benefit farmers by reducing flood damages. (ELR Order #858, 6 pages) (NTIS Order #PB-202 803-D) 9/17.

Price Branch of Little La Grue Bayou, DeWitt, *Arkansas*. Consists of cleaning out 17,500 ft. of channel, straightening, spreading and seeding of soil along reaches within DeWitt, etc. Purpose: flood protection by providing continuous drainage. (ELR Order #895, 14 pages) (NTIS Order #PB-202 898-D) 9/22.

Bear Creek Dam and Lake, *Colorado*. Construction of a rolled earthfill dam and multipurpose reservoir with a 2,400 acre-feet capacity on Bear Creek, a left bank tributary of the South Platte River. Purpose: flood control, recreation, etc. Requires relocation of private residences, farmsteads and mobile home court and also cessation of mining operations in area. (ELR Order #661, 17 pages) (NTIS Order #PB-202 293-D) 8/27.

Inland Waterway navigation project, Delaware River to Chesapeake Bay, *Delaware* and *Maryland*. Involves enlarging the existing 27 ft. deep by 250 ft. wide canal to 35 ft. deep by 450 ft. wide, reconstructing highway and railroad bridges over the waterway, etc. Project is about 85 percent completed. Purpose: provide safer passage for marine traffic. Would increase net flow; a 3-year study has been started to determine the environmental impact. (ELR Order #762, 27 pages) (NTIS Order #PB-202 586-D) 9/9.

Longboat Pass, Manatee County, *Florida*. Involves enlarging natural Channel to 12 ft. deep by 150 ft. wide from the Gulf of Mexico to Longboat Pass bridge and to 10 ft. deep by 100 ft. wide across Sarasota Bay to the Cortez Bridge via the Intracoastal Waterway. Will use hydraulic dredge method; material will be deposited on beaches. Purpose: improve passage for commercial fishing boats and recreation craft. (ELR Order #780, 24 pages (NTIS Order #PB-202 643-D) 9/10.

Little Cedar Creek, Cave Spring, *Georgia*. Involves snagging, clearing and enlarging 3.2 miles of channel. Purpose: flood protection by improving discharge capacity of stream. Water temperature may be increased, and more sediment may be deposited in downstream reaches. (ELR Order #807, 24 pages) (NTIS Order #PB-202 739-D) 9/10.

Kawaihae Harbor Hawaii, *Hawaii*. Construction of a harbor for light draft vessels includes an access channel anchorage basin and a protective breakwater. Will accommodate 300 small craft. Involves deepening 19.8 acres of submerged reef and converting 12.2 acres of shallow reef to protective structures. (ELR Order # 710, 18 pages) (NTIS Order #PB-202 288-D) 9/2.

Vandalia Drainage and Levee District (District 21), *Illinois* (flood control project). Consists of approximately 110,000 linear ft. of earth levee, limited channel improvement along the Kaskaskia River, 2 diversion ditches totalling 11,700 linear ft., and a 200 c.f.c. capacity pumping station. Purpose: improve flood protection and interior drainage. About 3,000 ft. of natural channel will be removed by channel straightening. (ELR Order # 842, 32 pages) (NTIS Order # PB-202 910-D) 9/15.

Niblack Levee (Pumping Plants), Wabash River, *Indiana*. Involves constructing pumping facilities, power lines, etc. Purpose: flood protection by removing interior ponding from the area protected by the Niblack Levee. (ELR Order # 819, 3 pages) (NTIS Order #PB-202 655-D) 9/9.

Davids Creek Lake, Exira, *Iowa* (flood control project). Consists of constructing an earthfill dam, providing recreational areas and facilities, developing a wildlife management area, etc. Will result in loss of 3,000 acres in agricultural production. (ELR Order #841, 16 pages) (NTIS Order #PB-202 909) 9/17.

Hillsdale Lake, Big Bull Creek, *Kansas*. Involves construction of a dam with outlet works, etc. The reservoir created by the dam will have a surface area of 4,580 acres with 51 miles of shoreline. Purpose: flood control, water supply, recreation, etc. 12 miles of Big Bull and Little Bull Creeks will be inundated. (ELR Order #873, 25 pages) (NTIS Order #PB-202 917-D) 9/17.

Mill Creek (Ohio River Basin), *Kentucky*. This channel improvement project involves work on about 3½ miles of Mill Creek (Located between Cane Run Road and U.S. Highway 3100, in Southwestern Jefferson County.) Purpose: flood relief, drainage control, etc. (ELR Order #806, 19 pages) (NTIS Order #PB-202 653-D) 9/8.

Kehoe Lake, Tygarts Creek, *Kentucky*. Involves construction of a dam and other facilities, 48.5 miles upstream from the Ohio River at the Carter-Greenup County line. Purpose: flood control, recreation, etc. (ELR Order #845, 14 pages) (NTIS Order #PB-202 915) 9/16.

Taylorsville Lake flood control project, *Kentucky*. Construction of a dam and lake about 25 miles southeast of Louisville. Will inundate 7,850 acres of land. (ELR Order #856, 4 pages) (NTIS Order #PB-202 789-D) 9/22.

Point Lookout State Park, St. Mary's County, *Maryland*. Consists of making a channel 100 ft. wide by 6 ft. deep from Potomac River to park marina in Lake Conoy, constructing bulkheads along sides of inlet and a jetty. Also involves beach erosion control measures (timber bulkheads) along the Chesapeake Bay Shoreline. Purpose: improve recreation potential of the park, provide a harbor of refuge, etc. (ELR Order #866, 7 pages) (NTIS Order #PB-202 793-D) 9/17.

Goose Creek navigation project, Somerset County, *Maryland*. Involves dredging channel to a depth of 6 ft. with an additional 2 foot overdepth by hydraulic dredge methods. Begins at Manokin River and extends for 4,400 ft. to a point about 500 ft. upstream of the county wharf at Rumbley. Purpose: improve navigation for commercial fisherman. (ELR Order No. 781, 6 pages) (NTIS Order No. PB-202 642-D) 9/14.

Scituate Harbor navigation project, Scituate, *Massachusetts*. Consists of dredging 32 acres in 3 locations of the Harbor. Dredged material will be deposited in Massachusetts Bay. Purpose: provide additional moving space for commercial and recreational boats. (ELR Order No. 857, 4 pages) (NTIS Order No. PB–202 804–D) 9/17.

Andrews River navigation project, Harwich, *Massachusetts*. Consists of constructing a jetty and retaining wall at entrance, dredging and maintenance. Purpose: provide erosion control, reduce shoaling, widen beach, etc. (ELR Order No. 896, 37 pages) (NTIS Order No. PB–202 919–D) 9/21.

Alternate disposal area for Grand Haven Harbor, *Michigan*. Proposes to remove polluted dredging material by disposing of this material in a contained area rather than disposing of it in the open waters of Lake Michigan (a past procedure). Would utilize a 72-acre tract (mostly marshland) for dredged material. Purpose: reduce undesirable environmental impact while maintaining movement of waterborne commerce. (ELR Order No. 648, 15 pages) (NTIS Order No. PB–202 183–D) 8/27.

Smithville Lake, Little Platte River, *Missouri*. Involves initiating construction on recept of funds of a rolled earthfill dam and lake on Little Platte River in Clay and Clinton Counties. Purpose: flood protection, water supply, water quality control, recreational opportunities, etc. Will inundate 8,040 acres of agricultural land, streams, fish and wildlife habitat and create 175 miles of shoreline. (ELR Order No. 682, 3 pages) (NTIS Order No. PB–202 291–D) 8/30.

Blue Springs Lake, Little Blue River Lakes, *Missouri*. Involves construction of a dam and lake in Jackson County. Reservoir will be 560 acres. Purpose: provide downstream flood protection, provide open space, etc. (ELR Order #821, 7 pages) (NTIS Order #PB–202 652–D) 9/13.

Little Blue River Channel, Little Blue River, *Missouri*. Consists of channelization work on 16 miles of stream and construction of a system of levees near Kansas City, etc. Purpose: provide flood protection which will encourage more rapid industrial, commercial and residential development in the adjacent flood plain areas. (ELR Order #846, 11 pages) (NTIS Order #PB–202 916–D) 9/17.

Papillion Creek and Tributaries flood protection project, *Nebraska*. Construction of 21 dams and lakes and implementation of a flood plain management program. Purpose: provide a storage capacity of 251,600 acre-feet for controlling floods in metropolitan Omaha area. Approximately 44 miles of riparian wildlife habitat will be eliminated. (ELR Order #660, 10 pages) (NTIS Order #PB–202 292–D) 8/26.

Los Esterios Lake, Santa Rose, *New Mexico*. Involves construction of an access road, an earth and rolled rock-fill dam, a tunnel type conduit, and an uncontrolled spillway channel in Guadalupe County. Purpose: flood control, irrigation, etc. 7,360 acres of wildlife habitat will be lost, and about 14 miles of free-flowing stream will become a slack water area. (ELR Order #720, 11 pages) (NTIS Order #PB–202 431–D) 9/9.

Contentnea Creek flood control project, Lenoir and Pitt Counties, *North Carolina*. Consists of snagging and clearing such things as trees and logs along a 5 mile reach of the Creek. Purpose: reduce flooding. (ELR Order #844, 11 pages) (NTIS Order #PB–202 914–D) 9/16.

Nahunta Swamp Basin flood control project, Wayne and Greene Counties, *North Carolina*. Involves widening and deepening 19.4 miles of stream-channel and constructing a flood-storage reservoir near the upper end of the Basin. Purpose: provide flood control and drainage benefits to farmers. (ELR Order #763, 13 pages) (NTIS Order #PB–202 587–D) 9/8.

Willow Island Locks and Dam, Ohio River, *Ohio* and *West Virginia*. Involves constructing and operating a high-lift, non-navigable gated dam and 2 parallel navigation locks; removal of 3 existing locks and dams, establishment of public access areas. Purpose: make reach of river compatible with other parts of Ohio River navigation system. Will provide a connection via the Mississippi River to the Great Lakes System and the Gulf Intracoastal Waterway. Will inundate 790 acres of land. (ELR Order #696, 33 pages) (NTIS Order #PB–202 310–D) 8/30.

Salt Creek Reservoir, Salt Creek, Scioto River Basin, *Ohio*. Involves construction of a dam and reservoir in Appalachia Region. Purpose: regulate runoff from a 285 square mile watershed. (ELR Order #811, 11 pages) (NTIS Order #PB–202 654–D) 9/9.

Muddy Creek Reservoir, French Creek Basin, *Pennsylvania*. Construction of a detention type dam on Creek. This will complete the coordinated French Basin reservoir system. Project is authorized as a dry-bed reservoir. Purpose: permit realization of designed flood protection of 3 reservoir system. Part of stream will be lost and 1,210 acres of land will be subject to periodic inundation (ELR Order #900, 16 pages) (NTIS Order #PB–202 903–D) 9/17.

Laneport, North Fork and South Fork Lakes, San Gabriel, *Texas*. Construction of three dams and lakes along the San Gabriel River Watershed. Laneport Dam will inundate 6,230 acres, North Fork Dam will inundate 1,310 acres and South Fork Dam will inundate 1,160 acres. Purpose: flood control, increasing water supply to lower Brazos Valley, etc. (ELR Order #685, 9 pages) (NTIS Order #PB–202 321–D) 9/3.

Neabsco Creek navigation project, Prince William County, *Virginia*. Dredging 6,500 ft. of channel in this small tidal estuary that enters the Potomic River from the West at a point 27 river miles from Washington, D.C. Dredged material may be deposited on wetlands. Purpose: increase recreational boating, etc. (ELR Order #843, 10 pages) (NTIS Order #PB–202 913–D) 9/17.

Willapa River and Harbor navigation project, Pacific County, *Washington*. Involves annual operation and maintenance dredging of the navigation channels to maintain them at the authorized depths. Hopper dredging methods used for bar entrance. Channel and exposed area of inner channel. (ELR Order #653, 13 pages) (NTIS Order #PB–202 174–D) 8/22.

Final

Title, description and date

Park River Conduit, Hartford, *Connecticut*. Expansion of present conduit system to enclose 3,716 feet of the river and a pumping station. Also planned is a junction structure, and a headwall on the North Branch. An auxiliary conduit 9,100 feet long is proposed to extend from the junction structure to the Connecticut River. Purpose: flood control, water quality, etc. Comments made by DOI, EPA, Various State of Connecticut Agencies. (ELR Order #823, 17 pages) (NTIS Order #PB–202 722–F) 9/16.

Kaunakakai Harbor maintenance dredging project, Molokai, *Hawaii*. Involves restoring navigation depth to 23 feet within project limits. Dredged material will either be deposited at Molokai Ranchland or at sea. Purpose: to insure continued barge transportation through harbor. Comments made by DOI; U.S. Coast Guard, EPA; University of Hawaii, several local and State of Hawaii agencies. (ELR Order #790, 26 pages) (NTIS Order #PB–199 613–F) 9/17.

Clifty Creek Lake, Clifty Creek, Wabash River Basin, *Indiana*. A multipurpose project consisting of a dam located on Clifty Creek. Impoundment will inundate about 816 acres of Bartholomew and Decatur Counties, Indiana. Purpose: flood control, water quality control, recreation, etc. 4½ miles of free flowing stream will be converted to a lake. Comments made by USDA; DOI; EPA; Various State of Indiana agencies. No draft statement received. (ELR Order #803, 19 pages) (NTIS Order #PB–202 658–F) 9/17.

Saxonville, *Massachusetts,* local flood control protection project, on the Sudbury River. Project involves construction of 2,900 feet of earth dike, 750 feet of concrete floodwalls, straigthening of 1200 feet of the river channel, etc. Comments made by: EPA; DOI; Various Commonwealth of Massachusetts agencies. (ELR Order # 801, 22 pages) (NTIS Order # PB–198 702–F) 9/17.

Charles River Locks and Dams, Boston, *Massachusetts*. Earth and concrete dam downstream of existing dam with river pumping facilities, 3 navigation locks, fish ladder, etc. Purpose: to eliminate danger of flood damage to properties, particularly in Boston and Cambridge. Comments made by DOI; EPA; Several Commonwealth of Massachusetts agencies. (ELR Order # 822, 34 pages) (NTIS Order # PB–202 722–F) 9/17.

Las Cruces local flood protection project Las Cruces, *New Mexico*. Consists of a dry flood control dam with spillway structures, a diversion ditch and an open channel. The dry bed reservoir will encompass 550 surface acres. Project will require 83,000 cubic yds. of stone. Comments made by DOI, International Boundary and Water Comm., EPA, City of Las Cruces and various State of New Mexico agencies. (ELR Order # 887, 43 pages) (NTIS Order # PB–202 923–F) 9/27.

Rockfish Creek Flood Control Project, Duplin, Pender, Sampson Counties, *North Carolina*. Project includes 5.7 miles of clearing and snagging and 20.7 miles of deepening and widening (some of this on Doctors Creek). Soil will be placed on one or both banks. It will be shaped and seeded. Construction will result in loss of about 80% of the standing crop of fishes in the reaches to be excavated. Comments made by USDA, DOI, County of Duplin, North Carolina; North Carolina Dept. of Water and Air Resources. (ELR Order # 798, 12 pages) (NTIS order # PB–198 706–F) 9/17.

Shobe Canyon Channel Clearing Project, Heppner, *Oregon*. Involves clearing, snagging and channel reshaping at various intermittent locations through-out a 1-mile reach of Shobe Creek. Purpose: provide temporary solution to flooding caused by thunder storm runoff. Comments made by HEW, EPA, USDA, Commerce, HUD, DOI, City of Hippner, Morrow County Court various State of Oregon agencies. (ELR Order #748, 41 pages) (NTIS Order #PB–201 388–F) 9/9.

Elk Creek Lake, Rogue River Basin, *Oregon*. Construction of embankment dam creating a 6.2 long lake, a gate controlled spillway, an outlet conduit, etc. Purpose: flood control, water supply, recreation, etc. Will result in loss of natural streams with anadromous fish spawning and rearing areas. Comments made by EPA, Interior, USDA, DOI, and various State of Oregon agencies. (ELR Order #804, 38 pages) (NTIS Order #PB–202 670–F) 9/17.

DEPARTMENT OF DEFENSE: DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697–0892.

Final

Title, description, and date

Land acquisition for the Naval Security Group, Homestead, *Florida*. Purchase of 568 acres of swampland to be used as a buffer zone. Purpose: to prevent site degradation by industrial and commercial encroachment (facility is an electronics operation). No change in land use is expected. Comments made by EPA, DOI and city of Dade, Florida. (ELR Order #675, 13 pages) (NTIS Order #PB–202 334–F) 8/30.

Use of target-ship hulls in exercises at sea. Sinking of approximately 15 obsolete, deactivated naval ship hulls per year in ocean waters in excess of 6,000 feet deep, more than 50 miles from the nearest land and clear of shipping lanes. Possible damage to marine life from petroleum residue products in some hulls. Purpose: to evaluate weapon systems effectiveness. Comments made by DOI, Commerce. (ELR Order #676, 14 pages) (NTIS Order #PB-202 335-F) 8/30.

Proposed Navy F-14 Fighter Aircraft. Operational capability planned for mid-1970's. Discusses aircraft's turbofan engine and its effect on the atmosphere, sound level, etc. Plans for production in figures and geographical distribution still being formulated. Comments made by DOI, DOT. (ELR Order #749, 42 pages) (NTIS Order #PB-199 851-F) 9/10.

Land acquisition at the Naval Submarine Base, New London, *Connecticut*. Acquisition of 36 acres for safety zone around expanded ammunition storage site. Present land use (swamp, woods) will remain unchanged. Comments made by DOI, EPA, Several States of Connecticut agencies. (ELR Order #796, 9 pages) (NTIS Order #PB-198 690-F) 9/14.

DELAWARE RIVER BASIN COMMISSION

Contact: W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, New Jersey 08603 (609) 883-9500.

On July 12, an applicant's draft environmental statement prepared by the Philadelphia Electric Company on the Eddystone generating station in Delaware County, Pennsylvania was submitted. On September 17, a supplement, prepared by the Company, was sent. This supplement deals with the thermal effects of the proposed project. (This supplement along with the applicant's statement can be ordered as one document from NTIS—Order #PB-200 787-D).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1750 K Street, N.W., Room 440, Washington, D.C. 20460 (202) 254-7420.

Draft

Title, description, and date

Ocean Outfall Extension Project, Carmel Sanitary District, Carmel, *California*. Construction of a 895 ft. outfall sewer extension in Carmel Bay off the central coast of California. Purpose: provide an interim measure to relieve pollution problems stemming from the present sewer system. The waste water discharge will be in an area that is included in a proposed enlargement of the Pt. Lobos Underwater Reserve. (ELR Order #761, 21 pages) (NTIS Order #PB-202 585-D) 9/13.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street N.W., Washington, D.C. 20426 (202) 386-6084.

Draft

Title, description, and date

Application for major license filed by Appalachian Power Company for constructed Byllesby and Buck Hydroelectric Project No. 2514, *Virginia*. Both developments—each consisting of a dam, side-channel spillway, reservoir and powerhouse—have been in operation since 1912. Energy output of the project is about 100,000,000 kwh. Applicant proposes to alter flows to help regulate discharges from the proposed Blue Ridge Development Project No. 2317. (ELR Order No. 833, 20 pages) (NTIS Order No. PB-202 716-D) 9/21.

GENERAL SERVICES ADMINISTRATION

Contast: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD (202) 343-4161.

Draft

Title, description, and date

Disposal of the Bakalar Air Force Base and Radio Annex, Columbus, *Indiana*. Proposes to convey land consisting of 1,991 acres and buildings to the city of Columbus for public airport purposes. Will sell electrical distribution system to the Bartholomew County Rural Electric Membership Corp. (ELR Order #865; 8 pages) (NTIS Order #PB-202 792-D) 9/23.

Disposal of 7.9 acres of land comprising portion of former Tennssee Central Railway Company, *Tennessee*. Propose to sell parcel of land which is in downtown Nashville, to metropolitan government of Nashville and Davidson County, acting through the Nashville Thermal Transfer. It will be used for constructing a central heating and chilling plant. This plant will burn solid waste primarily to produce heat. (EDR Order #869; 14 pages) (NTIS Order #PB-202 797-D) 9/23.

Final

Title, description, and date

Sewart Air Force Base, Smyrna, *Tennessee*. Plans for disposal of 2,332 acres for an airport, (3) 12 acres for education, (4) 147 acres for housing, (5) 459 acres for industrial development, and (6) all utilities to Rutherford County. Comments made by DOI, HUD, Army COE, EPA, State of Tennessee off of Urban and Federal Affairs, Mid-Cumberland, Council of Government and Development District. (EDR Order #771; 23 pages) (NTIS Order #PB-202 602-F).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. George Wright, Environmental Clearance Office, Washington, D.C. 20410, (202) 382-2914.

Draft

Title, description, and date

Proposed HUD regulation on project selection criteria for priority processing under four subsidized housing programs. The four subsidized housing programs involved are: (1) Section 235(i) Interests Supplements on Home Mortgages; (2) Section 236 Interest Supplements on Rental and Cooperative Housing Mortgage; (3) Low-Rent Public Housing (including Leased Public Housing; and (4) Rent Supplement. Will provide criteria for ranking applications according to national needs, orderly urban development, equal opportunity and environmental quality. (ELR Order #753, 18 pages) (NTIS Order #PB-202 596-D) 9/13.

San Antonio Ranch New Town (new community), San Antonio, *Texas*. Proposed offer of commitment to guarantee up to $18 million for development of a new community. Over a 30-year period. To be located on 9300 acres about 20 miles from downtown San Antonio. Plan calls for an ultimate population of 87,972 residents is 28,676 housing units. (ELR Order #764, 70 pages) (NTIS Order #PB-202 588-D) 9/13.

Title, description, and date

Cedar-Riverside, proposed new community, Minneapolis, *Minnesota*. Proposed action is an offer of commitment to guarantee up to $24 million of obligations to finance the cost of land acquisition and development. The proposed will set a precedent with respect to its intention to tie new community assistance to an urban renewal plan and to provide new approaches to environmental quality. No comments received. (ELR Order #645, 57 pages) (NTIS Order #PB-200 378-F 8/30.

New Community of Flower Mound, Denton County, *Texas*. Proposed offer of commitment to guarantee up to $18 million in debt obligations for land acquisition and development over a 17 year period. The 6,156 acre site is located 4 miles north of the Dallas-Fort Worth Regional Airport. Is being planned for an ultimate population of 64,141 housed in 18,326 units. Comments made by OEO, USDA, DOT, HEW, Commerce, EPA, Army, DOI. (ELR Order #664, 119 pages) (NTIS Order #PB-202 338-F) 8/30.

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202) 343-6416.

Bonneville Power Administration

Draft

Title, description, and date

BPA FY 73 Program, Portland, Oregon, involving *Washington, Oregon, Idaho, Utah, Nevada, Wyoming* and *Montana*. Includes constructing additional transmission lines, substations, and related structures; repairing equipment, structures, aerial conductors, and access roads; and tree and brush control on transmission line right-of-way. Will divert 470 acres of timberland to other uses, introduce combustion by-products from open burning of clearing slash, and cause erosion during construction. Purposes: continued availability of reliable electric service. (ELR Order #571, 478 pages) (NTIS Order #PB-202 413-D) 8/20.

Bureau of Land Management

Final

Title, description, and date

1971 Outer Continental Shelf Oil and Gas Drainage Lease Sale. Involves offering oil and gas leases for 19 tracts of submerged lands offshore *Louisiana* in the Gulf of Mexico. It would add 59,425.45 acres to the total of 3,850,000 presently under Federal lease, offshore Louisiana. Comments made by Department of State, Council of Economic Advisors, DOT, Commerce, DOD, Army COE, AEC, HEW, Treasury, OEP, USDA, DOI, Southern Miss. Eco. Development Dist., State Clearinghouse, various agencies in Louisiana, and Texas Offshore Operators Comm., National Public Lands Task Force, Friends of the Earth. (ELR Order #677, 84 pages) (NTIS Order #PB-200 359-F) 9/2.

Bureau of Reclamation

Draft

Title, description, and date

Santa Margarita Project, Santa Margarita River, San Diego County, *California*. Involves construction of 2 earthfill dams, Fallbrook Dam and Reservoir and De Luz Dam and Reservoir. Would inundate 16 miles of the San Margarita River and De Luz Creek. Purpose: provide irrigation, water supply and flood control. About 2,400 acres (including some riparian vegetation) would be needed for the 2 reservoirs. (ELR Order #701, 14 pages) (NTIS Order #PB-202 302-D) 9/7.

Kortes Unit, Pick-Sloan Missouri Basin program, *Wyoming*. Proposes a change in operation of the Kortes Dam and Powerplant which would involve the stabilization of the water flow at not less than 500 c.f.s. Would result in loss of some power production. To be offset by utilizing other power installations. Purpose: improve a 10-mile section of the North Platte River from Kortes Dam downstream to Pathfinder Reservoir as a trout fishery. Also would contribute to the restoration of the river environment and the Black Canyon. (ELR Order #686, 16 pages) (NTIS Order #PB-202 303-D) 9/7.

Central Arizona Project, *Arizona*. General environmental statement on project to divert Colorado River water—through series of dams, pumping plants, aqueducts and reservoirs—from Lake Havasu for storage and use in central Arizona and western New Mexico. Aqueduct system, 327 miles long, will serve primarily Phoenix, Tucson, and central Arizona agricultural areas. Initially, 1.1 million acre-feet to be pumped from Lake Mead to Lake Mohave to Lake Havasu to the CAP Aqueduct. Ultimately, the CAP will divert much of Arizona's 2.8 million acre-foot entitlement under the Colorado River Compact. To meet operational power demands (561 megawatts), CAP entitled to 24.3% of capacity of Navajo Generating Station and related capacity in associated Navajo Project Transmission Systems. Separate impact statements will be filed on individual construction projects. (ELR Order #890, 83 pages) (NTIS Order #PB–202 905–D) 9/27.

Final

Title, description, and date

Monmouth-Dallas Division, Willamette River project, *Oregon*. Consists of Johnson Hill Pumping Plant, 3 relift pumping plants, 34 miles of main channel, 60 miles of unlined canal and low-lead pipe laterals, 76 miles of open ditch drains, etc. Purpose: to change present land use from production of dry land crops to higher value irrigated crops. 87,000 acre feet of the Willamette River will ultimately be diverted. Comments made by EPA, FPC, DOI, Army, COE, HEW, Coast Guard, USDA, HUD, Commerce, various State of Oregon agencies. (ELR Order #889, 50 pages) (NTIS Order #202 922–F) 9/22.

Office of Coal Research

Final

Title, description, and date

Solvent-Refined Coal (SRC) Pilot Plant, Fort Lewis; *Washington*. Testing process involving solvation of coals to produce ash free, low sulfur fuel. Product is either liquid or solid. Plant would operate for 2 or 3 years, then, if successful, scaleup to commercial plant size. Comments made by DOD, DOI and various State of Washington agencies. (ELR Order #872, 35 pages) (NTIS Order #PB–198 861–F) 9/27.

Office of Saline Water

Final

Title, description, and date

Sea Water distillation module project: Orange County, *California*. Involves construction and operation of a sea water distillation module of VTE/MSF design and approximately 3 mgd capacity. Part of development program to convert Saline Water at lower cost and produce larger quantities of it. Discusses emissions from burning natural gas in the boilers, noise produced by operating plant, presence of copper and nickel in the waste streams, etc. Comments made by: DOI; HEW; EPA; Commerce; HUD; DOT; Army; COE; USDA; State of California Agencies. (ELR Order #797, 142 pages) (NTIS Order #PB–199 850–F) 9/15.

Draft

Title, description, and date

Legislative proposal: "To authorize the construction, operation and maintenance of the closed basin division, San Luis Valley project, *Colorado* . . ." (This is a revised draft—earlier draft sent 7–15–70. *Note*: on p. 37 of Vol. 1 No. 1 it was listed as a final.) Provides for a multi-purpose water resource development. Will consist of 136 wells and pumping plants, electric transmission facilities including 110 miles of transmission lines, 55 miles of conveyance channels to collect and deliver the salvaged flows into the Rio Grande, etc. Purpose: lower water table reduce salt accumulation. Would result in loss or reduction of over 100,000 acres of waterfowl habitat. To offset loss, propose establishment of the Mishak National Wildlife Refuge. (ELR Order #880, 8 pages) (NTIS Order #PB–202 805–D) 9/21

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development (615) 755–2002.

Final

Title, description, and date

Shelby 500 kv substation and transmission line connection. Construction of 500 kv substation with interconnecting lines in eastern and northeastern portions of Shelby County and the central portion of Tipton County, *Tennessee*. Involves some 45 miles of transmission lines. Purpose: to provide adequate transmission facilities to supply summer 1972 electric requirements for consumers in Covington, Tennessee area. Comments made by USDA, FPC, HEW, DOI, State of Tennessee, Mississippi, Arkansas, Tennessee Council of Governments. (EDR Order #859; 24 pages) (NTIS Order #PB–201 385–D). 9/22.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 7th Street S.W., Washington, D.C. 20590, (202) 462–4357.

For the readers convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

Muscle Shoals Airport, Colbert County, Muscle Shoals, *Alabama*. Land acquisition for clear zones and approach, lighting system, constructing taxiway, etc. Purpose: to upgrade runway to DC–9 aircraft standards. (ELR Order #835, 21 pages) (NTIS Order #PB–202 720–D). 9/20.

Scammon Bay Airport, Scammon Bay, *Alaska*. Construction of new landing strip, new parking apron, connecting taxiway access road, etc. Purpose: to improve the transportation of the community. (ELR Order #697, 8 pages) (NTIS Order #PB–202 306–D). 9/2.

Avalon STOLport, Avalon (Catalina Is.), *California*. Construction of a new STOLport, requiring offshore fill and removal of a hill. Purpose: accommodate large-scale commuter or tourist needs. (ELR Order #838, 10 pages) (NTIS Order #PB–202 799–D). 9/20.

Jacksonville International Airport project, *Florida*. Involves acquisition of 340 acres of land, construction of 2 runways and the extension of another. Purpose: accommodate trans-oceanic aircraft flights and expanding air cargo industry. (ELR Order #770, 26 pages) (NTIS Order #PB–202 594–D). 9/13.

Logan International Airport project, Boston, *Massachusetts*. Involves construction work on the outer taxiway (Birds Island Flats). Purpose: expedite flow of taxing aircraft traffic, increase margin of operational safety, etc. (ELR Order No. 706, 34 pages) (NTIS Order PB–202 320–D). 8/31.

University Park Airport, State College, *Pennsylvania*. Construction of new 5,000 ft., runway and extension of existing runway as parallel taxiway, etc. (ELR Order No. 839, 26 pages). NTIS Order No. PB–202, 789D). 9/20.

Atlanta Municipal Airport project, *Texas*. Expansion of airport involves acquisition of land, construction of a new runway, taxiway, etc. (ELR Order No. 769, 14 pages) (NTIS Order PB–202, 593–D). 9/13.

Final

Title, description, and date

Wheaton Municipal Airport project, Wheaton, *Minnesota*. Involves surfacing runway, connecting taxiway and installing lights along runway and VASI, etc. Comments made by EPA, Army COE, USDA, various state of Minnesota agencies. (ELR No. 824, 24 pages). (NTIS Order No. PB–200 364–F). 9/16.

Grant County Airport project, Petersburg, *West Virginia*. Involves land acquisition, grading, draining and lighting installation to build a 120 ft. by 3,560 ft. landing strip, etc. Comments made by Army COE, TVA, DOT, TPC, state clearinghouse, city of Petersburg, various businesses, individuals, organizations and agencies of the state of West Virginia. (ELR Order No. 665, 30 pages). (NTIS Order PB–199 878–F). 9/1.

Federal Highway Administration

Draft

Title, description, and date

FAS Route 51–27: Montgomery County, *Alabama*. Paving and widening dirt road and replacing timber bridge beginning in Grady and ending in Dublic (4.5 miles). Highway project S–5127 (101). (ELR Order #689, 11 pages). (NTIS Order #PB–202 322–D). 9/1.

Ester Siding and Airport Spur: Fairbanks, *Alaska*. Relocation of the Nenana Highway from University Ave. College Rd. intersection west for 3 miles. Construction of a new roadway connecting Airport Rd. west with the proposed Fairbanks-Anchorage Hwy. (Ester Siding) and construction of another new roadway connecting Ester Siding South with Fairbanks International Airport Complex (Airport Spur). Highway project F–037–1 (15). (ELR Order #757, 80 pages) (NTIS Order #PB–202 597–D). 9/7.

Federal-Aid Highway project S–0525 (5): Wasilla to Fishhook Junction, *Alaska*. Reconstruction of 10.2 miles providing a 28 ft. gravel surfaced roadway. (ELR Order #863, 13 pages) (NTIS Order #PB–202 795–D). 9/23.

Naco-Don Luis Highway (Naco-North Section): Cochise County *Arizona*. Upgrading and widening road to 64 ft. One section 40 ft. includes improvement of alignment. Will be adjacent to the International Boundary between the U.S. and Mexico in Naco. Highway project S–SG–204 (4). (ELR Order #691, 16 Pages) (NTIS Order #PB–202 325–D). 9/2.

Lowell-Double Adobe-McNeal Highway: Cochise County, *Arizona*. Construction consists of widening within the existing right-of-way, surfacing, etc. between Douglas and Bisbee. Will be a total distance of 13 miles. Highway projects S–208 (2)–Prince Rd. section: S–208 (4)–Prince Rd. Double Adobe: S–490 (2)–Cochise Jr. College-Double Adobe. (ELR Order #744 15 pages) (NTIS Order #PB–202 44–D). 9/10.

FAS–274 (Willcox-Fort Grant Highway). Cochise County, *Arizona*. Construction of 2-line highway beginning in Willcox just north of I–10 and following existing Fort Grant Rd. for a distance of 9 miles. Highway project S–274 (2) (5)-Interstate 10-North. (ELR Order #782, 15 pages). (NTIS Order #PB–202 641–D) 9/14.

Topock-Kinsman Highway, McConnico Section: Mohave County, *Arizona*. Construction of two 38-ft. roadways for 6.29 miles. Highway project I–16–40–1 (27). (ELR Order #870, 11 pages). (NTIS Order #PB–202 912–D) 9/22.

Highway 9: (Morrilton) Conway County, *Arkansas*. Project consists of relocating portion of Highway 9, located between the Arkansas River and Interstate 40 (3.6. miles). Highway project U–048–1 (5). (ELR Order #724, 8 pages). (NTIS Order #PB–202 424–D) 9/19.

State Highway Route 380: San Mateo County *California*. Construction of 4.5 miles of freeway on new alignment between SR–1 in Pacifica and I–280 in San Bruno. Will pass through Crestmoor Canyon area, and the San Francisco Watershed. Highway project 04–S7–380 0.3/4.9. (ELR Order #715, 35 pages). (NTIS Order #PB–202 311–D) 8/27.

Route 101: Santa Barbara, *California*. Construction of a 6-lane freeway between Salinas St. and Carrillo St. Six alternate plans are under consideration which are the same length, 2.7 miles. Each plan involves considerable relocation of businesses and residences. Also Vera Cruz Plaza City Park and Moreta Bay Fig Tree Park may be affected. Highway project FAP–7, 05–SB–101, 730–04.8. (ELR Order #754, 72 pages). (NTIS Order #PB–202 601–D) 9/8.

I–5: San Joaquin County, *California*. Involves development of 6-lane freeway between Hammer Lane and Rt. 12 near Stockton and a 4-lane freeway between Rt. 12 and the Sacramento-San Joaquin County line (total length 17 miles). Embankment material will be obtained from the excavation within the alignment of the proposed Peripheral Canal. (ELR Order #765, 16 pages). (NTIS Order #PB–202 589–D) 9/13.

I–86: Manchester, South Windsor and Vernon, *Connecticut*. Widening segment of highway by providing 4 to 5 directional lanes and climbing lanes where required between Manchester and Vernon (2.8 miles). Will displace 77 families and 15 businesses. Highway project I-86-1(31)8; State project 76-89. (ELR Order #638, 62 pages). (NTIS Order #PB-202 182-D) 8/26.

Route 78: Stonington, *Connecticut*. Development and construction of a new 4-lane expressway. Route will implement the existing street and highway network. Connecticut highway project 137-86, 92; Federal Aid projects F-162(1), F-162(#). ELR Order # 756, 56 pages). (NTIS Order #PB-202 600-D) 9/7.

I-86 & 291: Manchester, *Connecticut*. Widening and realigning a 1.9 mile section of I-86. Work on I-291 includes a full interchange with I-86. Requires acquisition of the Antique Auto Museum and displacement of 6 businesses and 19 residences. Highway project I-IG-84-4(25)65. (ELR Order #731, 29 pages). (NTIS Order #PB-202 436-D) 9/9.

I-84: Waterbury, *Connecticut*. Relocation of I-84 extending from a point just east of South Main St. to a point approximately 300 ft. east of the intersection of Hamilton Ave. and I-84 (about 1.2 miles). Highway project I-IG-84-2(67)33; State project 151-112. (ELR Order #755, 48 pages). (NTIS Order #PB-202 599-D) 9/10.

Seminole Bridge (State Road 595): Pinellas County, *Florida*. Widening SR-595 (Alt. US-19) from the Seminole Bridge to SR-699 and constructing an interchange with SR-699 near the Bay Pines Veterans Hospital. Highway project US-219(11). (ELR Order #641, 17 pages). (NTIS Order #PB-202 170-D) 8/27.

SR-728: Alachua County, *Florida*. Widening and upgrading road to a 4-lane facility in Gainesville, between SR-24 and SR-331 (2.3 miles). Highway project US-717(1). (ELR Order #657, 14 pages). (NTIS Order #PB-202 171-D) 8/31.

State Road 5 (US-1): Duval County, *Florida*. Involves making .5 mile segment 4-lanes between Bay St. and State St. in Jacksonville. Highway project U-013-1(9). (ELR Order #655, 9 pages) (NTIS Order #PB-202 173-D) 8/31.

State Road 700 (US-98): Polk County, *Florida*. Widening and upgrading road beginning at I-4 and extending northerly to the intersection with SR-35A (5.6 miles). Will pass near Lake Gibson. Federal Aid project no. F-031-1 ( ). (ELR Order #658, 20 pages) (NTIS Order #PB-202 304-D) 9/1.

State Road 80: Palm Beach County, *Florida*. Construction of a 2-lane highway as part of a future 4-lane divided rural type highway. The purpose of the recommended corridor is to provide a location for the improvement of a segment of the principal route between the Belle Glade area and the East coast of Florida. Highway project F-024-2. (ELR Order #814, 11 pages) (NTIS Order #PB-202 644-D) 9/16.

State Road 7 (US-441): Palm Beach County, *Florida*. Construction of a 2-lane roadway adjacent to the existing 2-lane highway and resurfacing the existing pavement to provide a 4-lane rural highway (about 8.6 miles). Highway project S-12(12). (ELR Order #815, 8 pages) (NTIS Order #PB-202 648-D) 9/16.

Highway project F-114-1(5): Fulton County, *Georgia*. Construction of a multi-lane free access facility between US-19 and the North Fulton Expressway in Roswell. Involves eliminating the Holcomb Bridge Road "T" intersection. (ELR Order #681, 16 pages) (NTIS Order #PB-202 295-D) 8/30.

Georgia State Route 5: Cherokee County, *Georgia*. Relocation of route to provide portions of the bypass of Canton (4 miles). (This represents phases 2 and 3 of the "Canton By-Pass" project.) All of phase 2 is within the Etowah River Watershed. Highway project F-057-1(3). (ELR Order #897, 10 pages) (NTIS Order #PB-202 918-D) 9/28.

Farrington Highway, Makaha Section: Oahu, *Hawaii*. Realignment and initial construction of a 2-lane (ultimate 4-lane) section beginning at the base of Puu Keaau Ridge near Makaha Beach Park ending near the base of Puu Kamaileunu Ridge (2.4 miles). Highway project 93B-01-70. (ELR Order #791, 20 pages) (NTIS Order #PB-202 635-D) 9/13.

Illinois Route 127: Montgomery County, *Illinois*. Upgrading and widening highway from north of Butler to south of Taylor Springs (7.5 miles). Highway project F-237 ( ). (ELR Order No. 680, 27 pages) (NTIS Order No. PB-202 297-D) 8-23.

FAS Route 1600, Section 800: Adams County, *Illinois*. Upgrading and relocating route from 2.5 miles west of Ursa to a connection with existing FAS Route 600 (about 2.75 miles). Includes a 4-span bridge over Rock Creek. (ELR Order No. 663, 17 pages) (NTIS Order PB-202 296-D) 8-30.

Wacker Drive Extension: Chicago, *Illinois*. Construction of a three level street which will connect both upper and lower Michigan Ave. to North Lake Shore Dr. (ELR Order No. 721, 83 pages). (NTIS Order No. PB-202 432-D) 8-30.

FA Route 413: Rock Island-Mercer County Line to South of Macomb. Construction of a Supplemental Freeway approximately 75 miles in length. This project would be a segment of an ultimate Rock Island to St. Louis Supplemental Freeway. Mercer, Warren and McDonough County, *Illinois*. Highway project F-413. (ERL Order No. 723, 15 pages) (NTIS Order No. PB-202 429-D) 8-30.

FA Route 172: McCluggage Bridge over Illinois River at Peoria. Peoria County, *Illinois*. Some minor realignment of the roadway will be necessary. Highway project F-609. ELR Order No. 722, 15 pages) (NTIS Order No. PB-202 428-D) 8-30.

Illinois Route 26 (SBI Route 74-FA Route 27): Stephenson County, *Illinois*. Reconstruction and upgrading highways from just south of Cedar Creek in Cedarville north to the Wisconsin State line (9.5 miles). Will cross 3 streams and numerous small tributaries. (ELR Order No. 699, 10 pages) (NTIS Order No. PB-202 307-D) 9-1.

Supplemental Freeway 411: Williamson and Saline County, *Illinois*. Construction of a 4-lane controlled access highway on new alignment beginning at the Pittsburg Rd. in Williamson County and ending near the west corporate limits of Harrisburg in Saline County (16 miles). Will require 942 acres of right-of-way. (ERL Order No. 700, 34 pages) (NTIS Order No. PB-202 312-D) 9-2.

Illinois-43 (Harlem Avenue): Cook County, *Illinois*. Widening Harlem Ave. to a 4-lane divided facility from 119 St. to 143 St. Highway project F-4, Section 3127-5. (ELR Order #830, 49 pages (NTIS Order #PB-202 714-D) 9/13.

FA Route 142 (Illinois Route 97): Menard and Sangamon Counties, *Illinois*. Improvement of route for a distance of 9.7 miles. 5.5 miles will be widened and resurfaced on existing alignment and 4.2 miles will be relocated. Highway project F-339. (ELR Order #827, 22 pages) (NTIS Order #PB-202 712-D) 9/13.

SR-9: Shelby County, *Indiana*. Extending Harrison Ave. north from Shelbyville to an interchange with I-74 (1 mile). Involves construction 4-lane divided facility. Highway project S-296(5) P.E. (ELR Order #647, 11 pages (NTIS Order #PB-202 176-D) 8/25.

SR-450: Lawrence County, *Indiana*. Construction of 1.3 miles of 2-lane highway on new alignment near Bedford. Highway project S 798(8). (ELR Order #659, 11 pages) (NTIS Order #PB-202 289-D) 8/31.

SR-56 & SR-3 (FAS Route S-558): Scott County, *Indiana*. Replacement of bridge over the B&O Railroad .2 mile south of the junction of SR-56 and SR-3 and relocation of approaches through Morgan Trail Park. (Morgan Trail Park is owned asd maintained by the Indiana State Highway Commission) (ELR Order #688, 7 pages). (NTIS Order #PB-202 323-D) 9/1.

Freeway 549: Iowa County, *Iowa*. Construction of a 4-lane highway to serve as a connecting link between I-80 and the Amana Colonies (10.1 miles). Involves ramps, crossings, etc. 4(f) determination attached as project requires use of land owned by the historic Amana Society. Highway project F-549-1. (ELR Order #695, 15 pages) (NTIS Order #PB-202 313-D) 9/3.

Kansas Route 25: Rawlins County, *Kansas*. Improving 3 spot locations on existing K-25 north of Atwood, including replacement of 3 timber structures and improvement of grade lines at these locations. Highway project 25-77 S 253(6). (ELR Order #851, 8 pages) (NTIS Order #PB-202 788-D) 9/22.

KY 100: Franklin, *Kentucky*. Upgrading road on new align-between Main St. in Franklin and I-65 to the East (3 miles). Highway project S 253. (ELR Order #644, 11 pages) (NTIS Order #PB-202 180-D) 8/26.

US-231: Daviess County, *Kentucky*. Widening and upgrading road from the Old Hartford Rd. (KY 298) to KY 212 (Beltline) in Owensboro (1.6 miles). Highway project F-125. (ELR Order #651, 7 pages) (NTIS Order #PB-202 178-D) 8/30.

US-60: McCracken County, *Kentucky*. Widening segment of road to 4-lanes beginning just east of I-24—US 60 interchange and continuing to Thompson Ave. in Paducah (2.3 miles). A 4(f) determination is attached as project requires land from the Bob Noble Park. (ELR Order #656, 25 pages) (NTIS Order #PB-202 169-D) 8/27.

Bon-Williamsburg Road: Whitely County, *Kentucky*. Begins at the intersection of Cumberland Ave. and 2nd St. in Williamsburg and extends eastward to the junction with US-25W. Consists of replacing a bridge and upgrading approaches. Length is .16 mile. Highway project S-346(1). (ELR Order #726, 16 pages) (NTIS Order #PB-202 430-D) 9/8.

KY 70 (Arch and Center Streets): Hopkins County, *Kentucky*. Implement a plan to make one-way street pair of Arch and Center Sts. between Park Ave. and Main St. in Madisonville. Involves reconstruction, realignment and widening of Arch St. Highway project S 49. (ELR Order #760, 10 pages) (NTIS Order #PB-202 595-D) 9/13.

Bush-Sun Highway (Route La. 21): St. Tammany Parish, *Louisiana*. Adding 2-lanes to make 4-lane divided highway from 1 mile south of the Bogue Chitto River Bridge north to the village of Sun (2 miles). Involves replacement of the bridge with twin structures (40 ft. wide). Federal Aid project nos. BR-F-F-244(10) & F-244(11). (ELR Order #687, 10 pages) (NTIS Order #PB-202 324-D) 9/2.

Sunshine Bridge-Gramercy Highway (East Section), State Route La. 3125: St. James Parish, *Louisiana*. Construction of a 4-lane highway on entirely new location (14 miles). Will require 482.09 acres of land. Highway project S-6222(2). (ELR Order #779, 11 pages) (NTIS Order #PB-202 637-D) 9/13.

City Boulevard: Baltimore, *Maryland*. Design and construction of a 6-lane street from Russell St. to the I-170 spur at Franklin St. Involves displacement of 250 residential units and 50 businesses and also disruption of 10,000 square feet of cemetery. Highway project U-142-1 (25). (ELR Order #740, 17 pages) (NTIS Order #PB-202 442-D) 9/9.

I-95 (including I-70N & I-395): Baltimore, *Maryland*. Design and construction of an 8-lane expressway from Caton Ave. to Hanover St. Also includes connections to I-70N and I-395. 2000 feet of Gwyns Falls Stream will be relocated and land will be taken from Carroll Park for project (A 4(f) determination is included.) Highway projects I–95—4 (20); 170N–5(18); I–395–8(1). (ELR Order #871, 69 pages) (NTIS Order #PB–202 907–D) 9/23.

I–75: Monroe County, *Michigan*. Construction of a new interchange facility, eliminating the Elm St. interchange by the construction of a new bridge over the Raisin River. Height of new bridge will be 10 ft. less than existing bridge; may affect size and height of watercraft using river. (ELR Order #736, 9 pages) (NTIS Order #PB–202 439–D) 9/7.

M–60: Cass County, *Michigan*. Upgrading route from west of Leet Rd. near Niles to east of Cassopolis. Will require removal of 33 residential dwellings, 10 commercial developments, etc. (ELR Order #730, 13 pages) (NTIS Order # PB–202 435–D) 9/8.

M–106 Trunkline: Jackson and Ingham Counties, *Michigan*. Upgrading highway—improvements in horizontal alignment, crossroad intersections, bridge structures, etc.—between Portage River to the junction of M–52 in Stockbridge (17 miles). Highway project S 591( ). (ELR Order #767, 11 pages) (NTIS Order #PB–202 591–D) 9/9.

Michigan Route 59: Oakland County, *Michigan*. Reconstructing route to 5 lanes from proposed M–275 freeway easterly 4.4 miles to Williams Lake Rd. Will affect water table levels in swamp and low-lying areas and will affect Huron River by erosion and sedimentation. Highway project F 38–1( ). (ELR Order #847, 13 pages) (NTIS Order #PB–202 800–D) 9/15.

Route 160: Greene County, *Missouri*. Construction of 2-lane (ultimate 4-lane) facility between Willard and Springfield, partially on new location. (ELR Order #654, 7 pages) (NTIS Order #PB–202 172–D) 8/27.

Route 66; Jasper County, *Missouri*. Initial construction of a 4-lane limited access facility between the cities of Webb and Carthage. 5.9 miles will be constructed contiguous with existing road and 3.4 miles will be on new location. Involves relocation of 18 residences, 2 businesses and 1 farm unit. Highway Job nos. 7–P–66–2&3 and 7–U–66–5&6. (ELR Order #812, 8 pages) (NTIS Order #PR–202 633–D) 9/16.

Route 725: St. Louis County, *Missouri*. Construction of 8-lane freeway north to I–70 and 4-lane facility from I–70 to I–270 (4.2 miles). Project begins at the Natural Bridge Rd. Highway project U–UG–725 1(1). (ELR Order #837, 9 pages) (NTIS Order #PB–202 717–D) 9/20.

I–229: Buchanan and Andrew Counties, *Missouri*. Construction of a 11.9 mile continuation of interstate from Rte. 371 north to Rte. 29 as part of the St. Joseph West Belt Highway. Involves 11.6 acres of park lands. A 4(f) determination is attached. Highway Job Nos. 1–I–229–18, –25, –11, –19, –12, –26, and –27. (ELR Order #848, 21 pages) (NTIS Order #PB 202 787–D) 9/21.

I–90: Lodge Grass, *Montana*. Statement relates to 3 highway projects. Projects I 90–9 (13) 528—Lodge Grass South—and I–90–9 (14) 542—Wyoming Line North—involve 23 miles of highway construction, and will follow the alignment of US–87 and Little Big Horn River about 1 to 2 miles to the east. Project F–212(13) provides for a 2-lane connecting road to Wyola area and US–87. (ELR Order #679, 26 pages) (NTIS Order #PB–202 290–D) 8/31.

Highway project I–90–9(12)516: Lodge Grass North, *Montana*. Construction of 4-lane facility from 7.5 miles southeast of Crow Agency and extending southerly for 15 miles, ending 1.6 miles southeast of Lodge Grass. Highway project F 212(14)—Lodge Grass Connector—connects US–87 to I–90. (ELR Order #678, 10 pages) (NTIS Order #PB–202 294–D) 8/31.

Hardin Custer Road (Highway project F 46[7]) and Crow Agency-Hardin Road (Highway project F 188[7]): Big Horn County, *Montana*. Construction and realignment of the Hardin-Custer Rd. begins at the intersection of Center Ave. and 3rd St. in Hardin and ends at Crawford St. (1.1 mile). Work on the Crow Agency-Hardin Rd. starts at the intersection of Center Ave. and 3rd St. proceeding along 3rd St. and connecting with the interstate interchange (.9 mile). (ELR Order #786, 18 pages) (NTIS Order #PUB–202 636–D) 9/13.

A 4(f) determination to be added to draft statement sent on 5/17 on FA Route 22: Roosevelt and Sheridan Counties, *Montana*. A 4(f) determination is required since project requires use of public land from Medicine Lake National Refuge. Highway project F–193(18). (ELR Order by date of draft, 4(f)—5 pages) (NTIS Order #PB–199 250–D) 9/15.

US–6, US–34 & US–136 (Proposed Cambridge-Holdredge Expressway): Furnas, Harland and Phelps Counties, *Nebraska*. Relocation study for segments of US–6 and US–34 in order to establish an expressway between Cambridge and Holdredge. Involves an area of about 60 miles. Proposed alignments pass in proximity to a waterfowl refuge northwest of Atlanta. A (f) determination is attached since project may require land from the Oxford Golf Club, Inc. Highway project F–145(25). (ELR Order #714, 28 pages) (NTIS Order #PB–202 318) 9/7.

US–395: Douglas County, *Nevada*. Construction of an ultimate 4-lane facility from a point just north of Topaz Junction to a point about 5 miles south of Gardnerville (12.6 miles). (ELR Order #901, 26 pages) (NTIS Order #PB–202 902–d). 9/28.

US–3: Northumberland, *New Hampshire*. Rerouting of traffic from a section on Main and State Sts. in Groveton Village to Church St. Involves 0.2 mile of reconstruction on Church and State Sts. to accommodate thru traffic. Highway project F–035–2(6). (ELR Order #650, 11 pages) (NTIS Order #PB–202 179–D). 8/31.

Route 322 Freeway: Gloucester County, *New Jersey*. Construction of a limited access highway beginning at I–295 in Logan and terminating at Rte. 42 (Black Horse Pike) in Monroe. Includes a traffic collection and distribution system for a new bridge across the Delaware River, etc. A 4(f) determination is attached since project requires use of 6.5 acres from the Glassboro Wildlife Management Area. (ELR Order #705, 38 pages) (NTIS Order #PB–202 314–D). 9/7.

US–285: San Juan Pueblo Grant, the Bartolome Sanchez Grant and Black Mesa Grant, *New Mexico*. Rebuilding highway beginning at intersection with SR–74 and extending northerly 7.2 miles. Alignment corridor lies along the foothills of Black Mesa. Highway project S–1518 (10). (ELR Order #785, 5 pages) (NTIS Order #PB–202 638–D). 9/14.

Oxford-Guilford-E. Guilford, Part II: Chenango County, *New York*. Reconstruction of 4.9 miles of County Rd. No. 35. Project PIN 9026.00. (ELR Order #743, 35 pages) (NTIS Order #PB–202 445–D). 9/9.

SR–25 (Riverhead-Mattituck, Parts 1 & 3): Suffolk County, *New York*. Realignment of about 1,500 ft. of route near Aldrich Lane in Southold. Highway project PIN 0528.00. (ELR Order #768, 7 pages) (NTIS Order #PB–202, 592–D). 9/10.

Arterial Feeder Highway (Hamilton Avenue to Mamaroneck Avenue): City of White Plains, *New York*. Construction of feeder route through existing central business district of White Plains. A proposed viaduct over the Bronx River will prevent pollution to this body of water. Highway project PIN 8412.00. (ELR Order #816, 14 pages) (NTIS Order #PB–202 647–D).

A 4(f) review was sent to supplement the draft statement sent 7/6 on I–88 (Susquehanna Expressway): Oswego and Schoharie Counties, *New York*. Project requires use of land from the Richmondville Recreational area and public access easement to Schenevus Creek. Highway project PIN 9357.08–9357.17. (ELR Order #778, 17 pages) (NTIS Order # PB–200 781–F) 9/15.

New York Route 27: Southampton and East Hampton, *New York*. Extending Sunrise Highway as an expressway about 23 miles from Shinnecock Hills to link with Montauk Highway east of Amagansett. Highway projects PIN 0375.00; 0362.01; 0362.02; and 0362.03. (ELR Order # 854, 28 pages) (NTIS Order # PB–202 791–D) 9/22.

US–70: Jones-Craven Counties, *North Carolina*. Relocation of highway from the existing 4-lane facility west of Dover easterly for 19 miles through the proposed interchange with Secondary Rd. 1225. Will provide bypass of Dover and Cove City. Highway project 6.801734. (ELR Order # 707, 24 pages) (NTIS Order # PB–202 319–D) 9/7.

US–70–74 (Proposed freeway connector): Buncombe County, *North Carolina*. Construction of a 4-lane freeway from I–40 to US–70 and a 6-lane divided freeway from US–70 to the East-West Expressway in Asheville (2.9 miles). Will cut through Beaucatcher Mountain and displace 110 families and 17 businesses. Highway project 8.19014, F–34–1(6). (ELR Order # 733, 34 pages) (NTIS Order # PB–202 433–D) 9/8.

US–421: Lee-Harnett Counties, *North Carolina*. Improvement of highway involves widening to 5 lanes a 1 mile portion beginning in Sanford along alignment of NC–87 designated as Section A. From Section A, construction of Section B begins on new location and continues east for 5.9 miles to Seminole. Will be an initial 2-lane facility. Highway project 6.801741. (ELR Order # 732. 17 pages) (NTIS Order #PB–202 434–D) 9/8.

NC–62: Alamance-Caswell Counties, *North Carolina*. Construction of a 2-lane facility for NC–62 between intersection with SR–1111 in Caswell County and intersection with SR–1111 in Alamance County (10.2 miles). Purpose: replace a portion of SR–1001. Highway project 6.801769. (ELR Order #818, 15 pages) (NTIS Order #PB–202 634–D) 9/16.

County Road 18: Logan County, *Ohio*. Upgrading road with new pavement on adjusted alignment between intersection with County Rd. 11 southwest of Bellefontaine and intersection with County Road 43 (appears to be about 3 miles). Highway project S–1405(2). (ELR Order #642, 7 pages) (NTIS Order #PB–202 181–D) 8/26.

County Road 60: Washington County, *Ohio*. Replacement of the bridge across the Muskingum River and bridges across the canal. Highway project S–1577). (ELR Order #662, 9 pages) (NTIS Order #PB–202 309–D) 8/30.

SR–235: Champaign County, *Ohio*. Upgrading 16.3 miles of road from point just south of intersection with SR–41 northerly to a point north of intersection with SR–29. A 4(f) determination is attached as project requires 4.4 acres of Kiser Lake State Park. Highway project S–283(6). (ELR Order #735 16 pages) (NTIS Order #PB–202 438–D) 9/3.

SR–60. Muskingum County, *Ohio*. Widening route on new location within the City of Zanesville to a 4-lane divided highway and construction of new structure over the Muskingum River. Highway project MUS–60–16.88. (ELR Order #729, 9 pages) (NTIS Order #PB–202 425–D) 9/8.

US–50. Ross County, *Ohio*. Relocation of a portion of highway in towns of Twin and Union (2.9 miles). Consists of two 12 ft. lanes of pavement with sufficient right-of-way for future road expansion. A 4(f) determination is attached as project requires about 1.8 acres of land from the Pleasant Valley Wild Life Area. Highway project ROS–50–18.10. (ELR Order #737, 8 pages) (NTIS Order #PB–202 440–D) 9/9.

SR–122: Butler County, *Ohio*. Relocation and widening road (ultimate 4-lane) from Elk Creek Rd. to West Middletown (3.3 miles). Involves construction of a bridge over the B&O Railroad. A 4(f) determination is attached as project requires .9 acre of Weber

W. Sebald Park. Highway project S–SU–144 (10). (ELR Order #738, 16 pages) (NTIS Order #202 441–D) 9/9.

US–30: East Liverpool, *Ohio*. Extension of 4-lane expressway from Monroe St. to a connection with new bridge over Ohio River. Also includes relocation of SR–39 as a freeway from connection to new bridge to Park Way. Will displace about 400, 40 businesses, 2 churches, etc. Highway project U–457(14), U–431(21) (ELR Order #734, 9 pages) (NTIS Order # PB–202 437–D) 9/10.

Pine and Cincinnati Streets: Tulsa, *Oklahoma*. Improvement of the existing intersection of Pine and Cincinnati Sts. by widening and channelizing the approaches and by installing an upgraded system of traffic signals. Highway project T 8390(202). (ELR Order #808, 13 pages) (NTIS Order # PB–202 656–D) 9/15.

Okmulgee Urban Area Transportation Study: *Oklahoma*. The recommended plans contain 5 proposals. These proposals include the following: Refinery Access Rd., upgrading Fourth St. to a primary arterial, Thirteenth St., west extension of the Northeast Loop, and the west extension of the Southeast Loop. Discusses other alternatives. Will involve removal of some homes and businesses. (ELR Order #891, 16 pages) (NTIS Order #PB–202 897–D) 9/28.

US–101 (Oregon Coast Highway-Greentimber Road-Neskowin Section): Tillamook County, *Oregon*. Two alternative corridors considered. This statement discusses the coastal corridor which would begin about 1 mile north of Neskowin, proceed northerly passing east of Tierra Del Mar and San Lake and finally intersect with US–101 near Greentimber. (All on new location.) The other alternative is inland. (ELR Order #649, 14 pages) (NTIS Order #PB–202 175–D) 8/30.

Crile Access Road: Washington County, *Pennsylvania*. Construction of an access road to serve 5 sites at the Washington County Industrial Park. (ELR Order #694, 8 pages) (NTIS Order #PB–202 298–D) 9/3.

Legislative Route 650–Spur S, Section A 10: Jefferson County, *Pennsylvania*. Relocation of .6 mile of road to accommodate expansion plans of Falls Creek Refractories Plant. (ELR Order #693, 6 pages) (NTIS Order #PB–202 299–D) 9/3.

L.R. 10001, Section 6 (Butler County) and L.R. 04020–Spur E (Beaver County): *Pennsylvania*. Construction project to connect residential area & proposed industrial park with Traffic Rte. 19 and I–79. 2.6 miles in New Sewickley, Butler County and .3 mile in Cranberry, Beaver County. (ELR Order #898, 11 pages) (NTIS Order #PB–202 901–D) 9/29.

L.R. 1023, Section 14: Lawrence County, *Pennsylvania*. Construction of 4.9 miles of 4-lane limited access highway to provide improved access through Shenango and Beaver valleys. Will connect the area between Greater Pittsburgh Airport and I–80 at West Middlesex. Project encroaches on .16 acres of the Western Pennsylvania Conservancy, a privately owned, non-profit organization. Section 4(f) does not apply. (ELR Order #898, 10 pages) (NTIS Order #PB–202 904–D) 9/29.

Memorial Boulevard Extension: Newport, *Rhode Island*. Construction of a new secondary road from Memorial Blvd. at Long Wharf to the Newport Bridge approaches and a future L38 connection to Fall River, Massachusetts (about .6 mile). Highway project SU–0266(7). (ELR Order #783, 19 pages) (NTIS Order #PB–202 639–D) 9/10.

US–21: Richland County, *South Carolina*. Widening of 2.3 mile segment to a multi-lane facility from Fairchild Rd. to I–20 in Columbia. Highway project F–049–3. (ELR Order #692, 7 pages) (NTIS Order #PB–202 300–D) 9/2.

SR–36: Unicoi County, *Tennessee*. Construction begins on eastern side of Erwin and continues 3.8 miles ending at SR–36 on the northeast side of Erwin. Planned facility is a 4-lane divided roadway. Project requires rechanneling parts of the North Indian Creek and Nolichucky River. Highway project APD 036–1. (ELR Order #784, 8 pages) (NTIS Order #PB–202 640–D) 9/10.

SR–69: Decatur County, *Tennessee*. Replacement of 8.6 mile section between SR–20 in Parsons and SR–69 at Little Lick Creek with a 2-lane highway on new location. Highway project F–046–6. (ELR Order #817, 15 pages) (NTIS Order #PB–202 646–D) 9/16.

Tennessee Route 63: Campbell and Claiborne Counties, *Tennessee*. Statement describes 3 projects, 4 lanes from east of Lafollette to near Fincastle Rd.; 2 lanes from Fincastle to Claiborne County line; and 2 lanes from Campbell County line to Fall Branch; totaling 14.8 miles. Involves conversion of agricultural and some residential lands and will cross fish reservoir. Federal-Aid project APD–085–1(5). (ELR Order #864, 22 pages) (NTIS Order #PB–202 899–D) 9/21.

US–259: Morris County, *Texas*. Construction of a 4-lane urban type highway from south of Barnes Creek Bridge to business district of Lone Star (2.2 miles). (ELR Order #690, 10 pages) (NTIS Order #PB–202 315–D) 9/3.

Beltway 8: from SH–225, north to I–10. Harris County, *Texas*. Construction of a 4 mile portion of Beltway 8 as a controlled access freeway (8 lanes). Project includes a high level crossing of the Houston Ship Channel. Highway project F–1126. (ELR Order #739, 15 pages) (NTIS Order #PB–202 447–D) 9/9.

SH–154: Harrison County, *Texas*. Reconstruction of grading, structures and surfacing of highway from FM Rd. 2208 to Loop 390 (11.7 miles). Involves relocation of about 5.6 miles. Highway project S 646. (ELR Order #759, 21 pages) (NTIS Order #PB–202 598–D) 9/13.

US–175: Kaufman County, *Texas*. Construction of 20.7 miles of 4–lane divided expressway between Kaufman and the Henderson County line. Will be constructed along existing alignment except for relocation around Kemp and Mabank. Highway project F–136. (ELR Order # 789, 71 pages) (NTIS Order # PB–202 632–D) 9/13.

SH–53: City of Rosebud, Falls and Bell Counties, *Texas*. The facility will be a 2-lane section beginning at SH–320, extending about 10.4 miles in length following the present location except for 2.5 miles which will be on new location. Highway project S–2815. (ELR Order #836, 11 pages) (NTIS Order # PB–202 719–4) 9/20.

Salina Connection to I–70: Sevier County, *Utah*. Constructing 2 miles of 2-lane roadway. Highway project F–022–1(6). (ELR Order #853, 20 pages) (NTIS Order #PB–202 801–4) 9/13.

Vermont Route 109: Lamoille County, *Vermont*. Upgrading and paving route from point just west of intersection with Town Highway #8 in Belvidere Center to intersection with Vt. Rte. 118 and Town Hwy. # 8 (3.7 miles). Highway project S 0282(2). (ELR Order #766, 14 pages) (NTIS Order #202 590–4) 9/10.

Route 622: Amherst County, *Virginia*. Reconstruction and relocation of route beginning just east of Rte. 29 in Madison Heights and continuing northeasterly to just east of the intersection with Rte. 677 (2.1 miles). Highway project S–43 ( ); State project 0622–005–130, C–501. (ELR Order #790, 8 pages) (NTIS Order #PB–202, 316–D) 9/8.

Route 20: Albemarle County, *Virginia*. Realignment and upgrading of highway between Glendower and Keene (3 miles). Highway project S–330 [ ]. State Highway project 0020–002106, PE–101. (ELR Order #708, 5 pages) (NTIS Order #PB–202 311–D) 9/8.

SR–24: Adams County, *Washington*. Upgrading easterly segment between Sagehill Rd. to Jct. SR 26 (5.6 miles). Highway project S–1017. (ELR Order #725, 9 pages) (NTIS Order #PB–202 427–4) 9/8.

I–90: from West Shore Mercer Island to East Channel Bridge, Seattle Metropolitan region, *Washington*. Construction of a 10-lane highway, 4 lanes in each direction with a third roadway to accommodate mass transit (3 miles). In addition, a new 6-lane floating bridge will be constructed between Seattle and Mercer Island, and in the East Channel, between Mercer Island and Bellevue, a new 10-lane bridge. A 4(f) determination is attached as project requires about 2.25 acres from the Luther Burbank Park site. (ELR Order No. 860, 43 pages) (NTIS Order No. PB–202 908–D) 9/23.

SR–2: Sultan Vicinity, *Washington*. Constructing passing lanes in 2 areas, between Sultan and Startup and between Gold Bar and Index Junction. Involves cutting away portions of the hill and resulting loss of trees. (ELR Order No. 869, 18 pages) (NTIS Order No. PB–202 911–D) 9/23.

I–94–Franksville Road, C.T.H. "K": Racine County, *Wisconsin*. Construction of a rural 2-lane facility, joining northwest section of the City of Racine and surrounding urban area to I–94. Approximately 2.4 miles long and will be on new alignment except for short stretches at both the west and east ends. Highway I.D. 2804–2–00. (ELR Order No. 727, 8 pages) (NTIS Order No. PB–202 426–D) 9/2.

County Trunk Highway "D": Dane County, *Wisconsin*. Upgrading highway from its intersection with C.T.H. "M" northerly 6.1 miles to north part of Fitchburg. Involves widening and regrading along the existing route except for a short relocation south of the intersection with C.T.H. "PD". Highway project 5948–1–00, S–260(1) (ELR Order No. 810, 7 pages) (NTIS Order No. PB–202 657–D) 9/15.

Rhinelander Beltline, US–8: Oneida County, *Wisconsin*. Relocation and construction of highway in townships of Crescent, Pelican and Pine Lake. Approximately 300 acres of woodlands and urban fringe will be converted to highway purposes. Highway project F 021–1–I.D. 1593–0–00. (ELR Order No. 758, 24 pages) (NTIS Order No. PB–202 584–D) 9/9.

Pennsylvania Ave. Bridge and Approaches: Sheboygan County, *Wisconsin*. Construction of a new 4-lane bridge in City of Sheboygan crossing the Sheboygan River. Highway project T 4300(3). (ELR Order No. 834, 11 pages) (NTIS Order No. PB–202 718–D) 9/20.

Lake Freeway: Racine, Kenosha and Milwaukee Counties, *Wisconsin*. Involves 32 miles of freeway (I–794) from Layton Ave. in Milwaukee County to Ill. line to connect with proposed Ill. freeway. Will contribute to conversion from rural to urban community and will encroach on undeveloped parklands. 4(f) determination included. Highway projects ID 301–1–00, ID 1301–3–00. (ELR Order No. 886, 86 pages) (NTIS Order No. PB–202 900–D) 9/27.

Final

Title, description, and date

Slaughter Road (FAS Route 45–07): construction of a composite steel and reinforced concrete grade separation structure over Southern Railroad, approaches, etc. Madison County, *Alabama*, FAS propect SG 4507 (101). Comments made by Commerce, DOI, Army COE, USDA, HUD, FAA, various State of Alabama agencies. (ELR Order # 719, 50 pages) (NTIS Order # PB–199 257–F) 9/8.

S.R. 59: project to make most of this route (from just south of Foley to S.R. 182) a 4-lane facility (9.4 miles). New intracoastal bridge will be built. Baldwin County, *Alabama*. Project S–0222. Comments made by HUD, EPA, DOI, Commerce, Army COE, FAA, State of Alabama, Gulf Shore Tourist Assoc., and concerned citizen. (ELR Order # 717, 34 pages) (NTIS Order # PB–202 452–F) 9/8.

FAS 3704: Jefferson County, *Alabama*. Construction of a 490 foot bridge across Locust Fork of the Warrior River. Purpose: replacement of dilapidated bridge. Highway project

S–3704 (101). Comments made by EPA, DOT, DOI, Army COE, FAA, USDA, AEC, various State of Alabama agencies. (ELR Order # 711, 38 pages) (NTIS Order # PB–202 449–F) 9/8.

S.R. 20: Lawrence County, *Alabama*. Reconstruction of 6.7 miles of highway, from east of Town Creek to east of Courtland. Will be made into 4-lane facility. 36 residences will be taken for right-of-way. Project F–FG–237 (5). Comments made by HUD, DOI, TVA, EPA, FAA, various State of Alabama agencies, NAACP, concerned citizens. (ELR Order # 713, 53 pages) (NTIS Order # PB–202 451–F) 9/8.

Alabama 69: Tuscaloosa County *Alabama*. Replacement of 4.3 miles on a new alignment south of the city of Tuscaloosa. Highway project S–140–E (F–190( )). Comments made by DOI, DOT, USDA, Army COE, Commerce, Army Civil Defense, EPA, State of Alabama. (ELR Order # 880, 27 pages) (NTIS Order # PB–198 859–F) 9/24.

County FAS Route: replacement of wooden bridge over Copperas Creek in Talladega National Forest, *Alabama* with a paved facility. Purpose: to accommodate wood and timber haulers. Highway project S–0416 (102). Comments made by DOI, DOT, Army COE, USDA, various State of Alabama agencies. (ELR Order #877, 14 pages) (NTIS Order #PB–199 581–F) 9/24.

Alaska Project S–0653(1): Fairbanks, *Alaska*. Construction of a new roadway connecting Badger Rd. with Chena Hot Springs Rd., a distance of approximately 6 miles. Comments made by DOI, DOT, State of Alaska, Glacier State Telephone Company. (ELR Order #832, 87 pages) (NTIS Order #PB–199 595–F) 9/21.

Alaska Project S–0389(4): improvement from intersection of Benson Ave. and Rezanoff Dr. in northeast direction through Kodiak, *Alaska* to Mill Bay area. Project corridor utilizes Rezanoff Dr. and other roadways. Comments made by DOI, HUD, EPA, various State of Alaska agencies, city of Kodiak. (ELR Order #831, 38 pages) (NTIS Order #PB–200 031–F) 9/21.

Washintgon Avenue Extension: Craighead County, *Arkansas*. Construction of a route from Jonesboro to US–63 By-pass (1.1 miles). Highway project S–126(1), Job C–16–11. Comments made by Arkansas State Forestry Commission, Commerce, DOI, DOT, several State of Arkansas agencies. (ELR Order #788, 19 pages) (NTIS Order #PB–202 660–F) 9/14.

S.H. 7: Union County, *Arkansas*. Reconstruction of 7.6 miles of highway from Highway 335 to a point about 2.5 miles northwest of Smackover. Purpose: improve transportation between El Dorado and Camden and to bypass Smackover. Comments made by DOI and various State of Arkansas agencies. (ELR Order #799, 18 pages) (NTIS Order #PB–202 662–F) 9/17.

Route 1: San Luis Obispo County, between Baywood Park under crossing and Route 101, *California*. Construction of 7.9 miles of freeway on new alignment (most of project will consist of conversion of existing expressway to freeway). Construction planned for 1976. Project SLO–1–101–P.M. 16.4/27.9. Comments made by, State of California agencies, DOI, DOT, Audubon Society. (ELR Order #747, 29 pages) (NTIS Order #PB–202 450–F). 9/8.

Route 113: Yolo County, *California*. Construction of a freeway on same alignment between the Solano-Yolo County line and a point .7 miles south of Mullen Crossing near County Rd. 27. Will pass through the Davis Campus of the Univ. of Calif. Highway project 03–YOL–113. No draft statement received. Comments made on the project for the record at the Public Hearing or after the Public Hearing were made by concerned citizens, University of Calif., city of Davis, Chamber of Commerce, Sacramento Regional Area Planning Commission. (ELR Order No. 850, 105 pages) (NTIS Order No. PB–202 806–F) 9/21.

State Highway Rte. 4: San Joaquin County, *California*. Upgrading .6 mile to an elevated freeway between Stanislaus St. and Wilson Ave. in Stockton. Highway project FAP–39, 10–SJ–4. Comments made by HEW, DOT, AEC, FPC, DOI, Army COE, various State of California agencies, Stockton Unified School District, Pacific Gas and Electric Co., Southern Pacific Transportation Co., University of Calif. (ELR Order No. 862, 43 pages) (NTIS Order No. PB–199 008–F) 9/22.

Freeway Route 101: Humboldt County, *California*. Construction of a 4 lane facility with provision for 2 more lanes between Elk River and 1.3 miles northeasterly of Eureka Slough. Conversion of city streets in Eureka to freeway. There are 427 living units, housing about 1,000 people, within the right of way for the recommended route. Highway project FAP–001:01 HUM–101. Comments made by DOI, USDA, DOT, HUD, EPA, various State of California agencies, County of Humboldt, Univ. of Calif., City of Eureka, concerned citizens. (ELR Order No. 881 62 pages) (NTIS Order No. PB–198 687–F). 9/24.

Delaware Route 2 (Kirkwood Highway): New Castle County, *Delaware*. Improvement of intersection with Cleveland Ave. and replacement of bridge over the Baltimore and Ohio Railroad. Comments made by HUD, USDA, Delaware River Comm., State of Delaware. (ELR Order No. 876, 20 pages) (NTIS Order No. PB–199 580–F) 9/24.

US–441: Broward County, *Florida*. Extension of 4-lane road from north of Margate to the Broward-Palm Beach County line (about 5 miles). State Job No. 86100–1507, FAP S–12 (11). No draft statement received. Comments made by USDA, DOI, HUD and various State of Florida agencies. (ELR Order No. 716, 24 pages) (NTIS Order PB–202 453–F) 9/8.

SR–30 (US–98): Franklin County, *Florida*. Replacement of existing bridges over the Carrabelle River with a single concrete steel structure. Some dredging and spoiling of the Crooked and Carrabelle Rivers and marshlands. Highway project F–017–2(27). Comments made by DOI, HUD, Army COE. (ELR Order #849, 42 pages) (NTIS Order #PB–198 717–F) 9/21.

SR–76: Brooks County, *Georgia*. Relocation from SR–33 to FAS 1213 (Quitman-Morven Rd). Highway project S–055 9(3). Comments made by State Clearinghouse, HUD, USDA, EPA. (ELR Order #668, 12 pages) (NTIS Order #PB–202 337–F) 8/31.

Georgia project S–0956 (3): Chatham County line on SR–30, east and northeast to SR–21. Partly a new location. Comments made by USDA, DOI, Army COE, HUD, EPA, various State and County agencies in Georgia. (ELR Order #861, 21 pages) (NTIS Order #PB–198 832–F) 9/22.

FAS Rte. 971: Sac County, *Iowa*. Construction of a new secondary road from Lake View north for 4.5 miles. Will eventually provide direct connection between Lake View, Black Hawk State Park and US–20. Section 4(f) approval given by DOT for 1.03 acres of Tomahawk marsh required for project. Highway project S–1706. Comments made by USDA, DOI, and State of Iowa. (ELR Order #884, 18 pages) (NTIS Order #PB–) 9/24.

US–83 Bypass: Finney County, *Kansas*. Construction begins 9/24. 1.5 miles south of Garden City at US 83 and extends northeasterly and north for 3.8 miles on new location to a junction with US–156. (First stage of bypass of Garden City). Highway project 83–28 F 017–1 (23). Comments made by USDA, HEW, DOI, Commerce, Army COE, EPA, HUD, State Clearinghouse. (ELR Order #878, 24 pages) (NTIS Order #PB–199 319–F) 9/24.

I–24: Paducah, *Kentucky*. From 1000 ft. east of Kentucky Highway 994, southeasterly to 2600 ft. east of Kentucky Highway 450. Project is 4.4 miles long and will be a 4-lane road. Highway project I–24–1(3) 8. Comments made by DOT, DOI, HUD, USDA, Army COE and Kentucky, Dept. of Natural Resources. (ELR Order #670, 22 pages) (NTIS Order #PB–202 328–F) 9/1.

KY 80 (Somerset-London Rd.): Pulaski County, *Kentucky*. Construction of a 2-line (ultimate 4-lane) segment of Appalachia Development Hwy. Corridor "J" beginning at Buck Creek at Stab and extending easterly to the Pulaski-Laurel County line at the Rockcastle River. Comments made by DOI, Army COE, DOT, HUD, USDA and various State of Kentucky agencies. (ELR Order No. 704, 47 pages) (NTIS Order No. PB–202 332–F) 9/7.

Inner Loop Freeway: Shreveport, *Louisiana*. Construction of a 4-lane highway from junction of I–20 and Buncombe Rd. to proposed Industrial Loop (9.4 miles). Highway project 700–06–92. Comments made by USDA, Commerce, DOI, HEW, Army Corps of Engineers, FPC, AEC, HEW and various State of Louisiana agencies. (ELR Order No. 67, 37 pages) (NTIS Order No. PB–202 326–F) 9/1.

M–62 and M–140: Berrien and Cass Counties, *Michigan*. Reconstruction of 7.4 miles between M–140 and Dowagiac, Michigan. Widened to 24 ft. with 10 ft. shoulders on improved horizontal and vertical route. Comments made by EPA, DOI, HUD and DOT. (ELR Order No. 672, 13 pages) (NTIS Order No. PB–202 329–F) 8/31.

FAS–534: replacement of country road generally on same alignment (but would flatten curves) from a point 11.5 miles east of Dupuyer to a mile west of Conrad in Pondera County, *Montana*. One alternative route would go through bird sanctuary. Highway project S–434(1). Comments made by FPC, DOT, DOI, Post Office, Army COE, HUD, USDA, EPA, various State of Montana agencies. (ELR Order No. 746, 22 pages) (NTIS Order No. PB–202 456–F) 9/8.

New Hampshire Route 26: Colebrook, New Hampshire. Reconstruction on new location of highway from intersection with US–3 for a distance of 1.7 miles. Project S–201(1) P, 7860. Comments made by DOI, Army COE, HUD, USDA, various State of New Hampshire agencies. (ELR Order No. 787, 28 pages) (NTIS Order No. PB–199 861–F) 9/10.

US–11: Antwerp County Line-Jefferson County, *New York*. Reconstruction of a 3.9 mile segment from Antwerp Village line to the Jefferson-St. Lawrence County Line generally on existing alignment (2 lanes). Highway project PIN 7057.00. Comments made by USDA and FPC. (ELR Order No. 674, 15 pages) (NTIS Order No. PB–202 327–F) 8/31.

I–88 (The Susquehanna Expressway): construction of segment of expressway between Binghamton, *New York* and the eastern boundary of Oneonta, New York. (Some parts of this segment are not covered in statement.) Highway project PIN 9357.00, .07 and .18. Comments made by USDA, HUD, Army COE. (ELR Order #745, 29 pages) (NTIS Order PB–199 740–F). 9/8.

I–71 (Northeast Expressway): Cincinnati, *Ohio*. Construction of 8-lane freeway, necessary interchanges, ramps, etc. beginning north of Melish Ave. to point just east of Victory Parkway (.9 miles) Will complete construction project for I–71. 4(f) approval was given (5/5 for land required from Walnut Hills Playfield and Victory Park. Highway project I–71–1 (31) 04. Comments made by DOI and city of Cincinnati. (ELR Order #750, 22 pages) (NTIS Order PB–200 013–F) 9/8.

SH–144: Pushmataha County, *Oklahoma*. Development of a Secondary State Highway on new alignment from just north of Moyers northeast to north of Dunbar (12.3 miles). Comments made by University of Oklahoma, Pushmataha Soil and Water Conservation District. Highway project S–66. (ELR Order #752, 11 pages) (NTIS Order PB–200 216–F) 9/10.

SH–123: Osage County, *Oklahoma*. Consists of developing a primary state highway facility on an alignment generally offset from existing SH–123. From 10 miles north of Barnsdall, northerly for 6.6 miles. Comments made by DOT, Indian Nations Council of Governments and State of Oklahoma. Highway project S–5732. (ELR Order #825, 14 pages) (NTIS Order PB–199 238–F) 9/16.

FAS Route 6018: Payne County, *Oklahoma.* Upgrading road to 4-lanes, partially on new alignment, beginning at the intersection of SH–51 and Western Ave. and ending at US–177 in Stillwater (3.2 miles). Comments made by Oklahoma State University, DOT, and Oklahoma Office of Community Affairs and Planning and many concerned citizens. (ELR Order #802, 45 pages) (NTIS Order PB–199 615–F) 9/17.

US–62: Cherokee County, *Oklahoma.* Construction of a new 4-lane highway beginning at the east urban limits of Tahlequah and extending just east of the junction of SH–10 (1.6 miles). Highway project F–508. Comments made by Univ. of Oklahoma, State of Oklahoma, Eastern Oklahoma Development District. (ELR Order #883, 17 pages) (NTIS Order PB–199 594–F) 9/24.

FAS–4504: McCurtain County, *Oklahoma.* Construction of a 2-lane road on new alignment beginning east of Wright City and terminating 10 miles northwest of Broken Bow (3.7 miles). It will be an industrial access road. Highway project S–CS–4529. Comments made by DOI, various State of Oklahoma agencies. (ELR Order No. 875, 16 pages) (NTIS Order # PB–200 010–F) 9/24.

U.S. 76: widening from 2 to 4 lanes between Marion and Mullins, *South Carolina* (about 8.6 miles) Comments made by HUD, DOT, various State of South Carolina agencies. (ELR Order No. 776, 14 pages) NTIS Order #PB–202, 603–F) 9/10.

Railroad track removal and relocation: Greenwood, *South Carolina.* Involves tracks belonging to Seaboard Coast Line Railroad and Southern Railway Company. Comments made by HUD. (ELR Order No. 800, 14 pages) (NTIS Order # PB–199 001–F) 9/17.

Secondary Route 4431: Putman County, *Tennessee.* Construction of 1.2 miles of highway from Willow Ave. and 12th St. to SR–135 on new location. Highway project S–S)–443 (6) State Project 71027–1310–03. (ELR Order No. 673, 6 pages) (NTIS Order # PB–202 330–F) 8/31.

Secondary Route 2373: Sullivan County, *Tennessee.* Replacement of bridge over the South Fork Holston River between Caylors and Silver Grove and improvement of approaches. Highway project S–2373 (10). Comments made by DOT, TVA, HUD, Army COE, USDA, various State of Tennessee agencies. (ELR Order No. 879, 26 pages) (NTIS Order # PB–200 030–F) 9/24.

Loop 375: From I–10 to US–62–180. El Paso County, *Texas.* Involves construction of 7.3 miles of highway across desert terrain. Highway project S–615. Comments made by Commerce, HEW, City of El Paso. (ELR Order No. 718, 15 pages (NTIS Order # PB–202 454–F) 9/8.

US–67, The East-West Freeway: Tom Green County, *Texas.* Construction of a 6-lane divided facility from intersection with Loop 306 west of San Angelo to a point east of San Angelo (8.9 miles). Comments made by Commerce, OEO. (ELR Order No. 874, 53 pages) (NTIS Order # PB–202 924–F) 9/24.

Forest Hill Ave: Richmond, *Virginia.* Proposed construction of a 4-lane bridge and approaches to replace an existing coastline railroad (.2 miles). Highway project T–5502 (6). Comments made by EPA, DOI, various State of Va. agencies, several local agencies. (ELR Order #712, 12 pages) (NTIS Order #PB–199 634–F) 9/7.

US–58: 3–4 mile long by-pass of Stuart, *Virginia* on new location. Project F–024–1. Comments made by DOT, EPA, DOI, various Commonwealth of Virginia agencies (ELR Order #775, 15 pages,) (NTIS Order #PB–198 969–F) 9/10.

Route 123: Prince William and Fairfax Counties, *Virginia.* Relocation of route 123 from 3 miles south of the Prince William-Fairfax County line. Includes a new bridge over the Occoquan River. Highway project F–089–1[ ]. Comments made by the Commonwealth of Virginia Air Pollution Control Board. (ELR Order #777, 13 pages) (NTIS Order #PB–198 880–F) 9/10.

SR–101: Clallam County, *Washington.* Widening of road between Deer Park Rd. and Fairview Rd. Realignment of a small section near Bayley Creek. Highway project F–007–4. Comments made by EPA, DOI, HUD, USDA and various State of Washington agencies. (ELR Order #667, 26 pages) (NTIS Order #PB–202 336–F) 8/31.

US–14, SH–33, C.T.H "YY": La Crosse County, *Wisconsin.* Rebuilding 1.5 miles of existing road 8 miles east of La Crosse. Highway project S 1473(1), 1D 5439–1–71. Comments made by USDA, DOI, DOT, Mississippi River Regional Planning Comm. and Wisc. Dept. of Natural Resources. (ELR Order #669, 16 pages) (NTIS Order #PB–202 331–F) 8/31.

US–18 and 60: construction of a new crossing of US–18 and 60 over the Mississippi River between Marquette, *Iowa* and Prairie du Chien, *Wisconsin.* Consists of 2 large river structures over the 2 main channels, a causeway between, necessary approaches, removal of two existing bridges, etc. Length of project about 2 miles. Project will require lands from the Upper Mississippi Wildlife Refuge. 4(f) approval was given on 7/30/71 for lands required from the Upper Mississippi River Wildlife and Fish Refuge. Comments made by DOI, Army COE, HUD, DOT, USDA and various agencies in the States of Iowa and Wisconsin. (ELR Order #795, 90 pages) (NTIS Order #PB–202, 659–F) 9/16.

US–20–Thermopolis–Worland Road (Big Horn River Bridge): Washakie County, *Wyoming.* Construction of 4-lane section and new location, including a bridge over the Big Horn Rivers, will provide a more direct access to the main business district of Worland. Highway project F–034–4 (9). Comments made by HUD, Army COE, EPA, DOI and various State of Wyoming agencies. (ELR Order #805, 21 pages) (NTIS Order #PB–202 661–F) 9/17.

Urban Mass Transportation Administration

Draft

Title, description, and date

Personal Rapid Transit System in Morgantown, *West Virginia.* The Morgantown PRT will be a computer controlled transport system which will offer fully automatic service and operation. Vehicles will have an electric propulsion system. Purpose: to demonstrate the feasibility of a new system concept of public transportation. (ELR Order #828, 9 pages) (NTIS Order #PB–202 713–D) 9/15.

U.S. Coast Guard

Draft

Title, description, and date

Improvements to Point Loma Coast Guard Light Station, San Diego County, *California.* Involves installation of about 450 lineal feet of rubblemound revetment at the base of the bluff around the point. Purpose: protect the light stations from erosion to the bluff caused by waves. 8/31.

Final

Title, description, and date

Bee Line Expressway extension: construction of fixed dual highway bridges over the St. Johns River between Brevard and Orange Counties, *Florida.* Includes 2 approach causeways through St. Johns River marshlands. The major concern is the impact on the Dusky Seaside Sparrow, an endangered species that lives in the marsh. Comments made by Army COE, DOI, various State of Florida agecies and the Florida Audubon Society. (ELR Order #882, 32 pages) (NTIS Order #PB–202 920–F) 9/24.

DEPARTMENT OF TREASURY

Contact: Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220 (202) 964–2797.

Draft

Title, description, and date

Legislative proposal to repeal the excise tax on passenger automobiles. This proposal, part of the President's New Economic Policy, provides for the repeal of 7 percent manufacturers excise tax on new passenger automobiles. Would be effective as of the date of the President's address. (ELR Order #728, 16 pages) (NTIS Order #PB–202 649–D) 9/8.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH SEPT. 30, 1971

BY AGENCY

	Draft[1]	Final[2]	Total[3]
Agriculture, Department of	39	82	121
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	27	24	51
Commerce, Department of	0	7	7
Defense, Department of	3	2	5
Air Force	3	0	3
Army	5	4	9
Army Corps of Engineers	156	234	390
Navy	5	4	9
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	3	8	11
Federal Power Commission	15	4	19
General Services Administration	15	14	29
HEW, Department of	1	0	1
HUD, Department of	8	8	16
Interior, Department of	44	31	75
International Boundary and Water Commission—United States and Mexico	3	2	5
National Aeronautics and Space Administration	18	4	22
National Science Foundation	2	0	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	11	1	13
Transportation, Department of	814	322	1, 136
Treasury, Department of	1	3	4
U.S. Water Resources Council	1	0	1
Total	1, 179	755	1, 934

[1] Draft 102's for actions on which no final 102's have yet been received.

[2] Final 102's on legislation and actions.

[3] Total actions on which final or draft 102 statements for Federal actions have been received.

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

BY PROJECT TYPE

	Draft[1]	Final[2]	Total[3]
AEC nuclear development	8	7	15
Aircraft, ships and vehicles	2	3	5
Airports	27	100	127
Buildings	1	4	5
Bridge permits	14	4	18
Defense systems	2	1	3
Forestry	2	3	5
Housing, urban problems, new communities	7	4	11
International boundary	4	2	6
Land acquisition, disposal	11	19	30
Mass transit	3	1	4
Mining	5	1	6
Military installations	9	2	11
Natural gas and oil:			
Drilling and exploration	4	4	8
Transportation, pipeline	4	2	6
Parks, wildlife refuges, recreation facilities	7	12	19
Pesticides, herb cides	5	10	15
Power:			
Hydroelectric	19	3	22
Nuclear	23	16	39
Other	13	1	14
Transmission	7	5	12
Railroads	1	0	1
Roads	656	206	862
Plus roads through parks	112	9	121
Space programs	8	0	8
Waste disposal:			
Detoxification of toxic substances	3	1	4
Munition disposal	2	3	5
Radioactive waste disposal	1	1	2
Recycling	0	0	0
Sewage facilities	2	4	6
Solid wastes	1	0	1

	Draft [1]	Final [2]	Total [3]
Water:			
Beach erosion, hurricane protection	2	20	22
Irrigation	16	8	24
Navigation	38	85	123
Municipal and industrial supply	3	1	4
Permit (Refuse Act, dredge and fill)	4	0	4
Watershed protection and flood control	126	192	318
Weather modification	7	3	10
Research and development	12	6	18
Miscellaneous	8	12	20
Total	1,179	755	1,934

[1] Draft statements for actions on which no final statements have been filed.

[2] Final statements on legislation and actions.

[3] Total actions on which final or draft statements for Federal actions have been received.

A LEADING BAPTIST REPLIES TO "AMERICANS UNITED" IN SUPPORT OF PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, recently the so-called Americans United mailed to all Members of Congress a paper entitled "Fallacies and Falsehoods of the Wylie Amendment," which I regard as not accurate. Dr. James M. Bulman, parliamentarian of the Southern Baptist Convention, has responded.

I commended Dr. Bulman's letter to the attention of my colleagues:

DOCTOR BULMAN'S LETTER

A paper issued by Americans United, with headquarters in Silver Spring, Maryland, criticizes the following proposed amendment to the U.S. Constitution:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

One point particularly in the criticism is deserving of consideration. Before taking up this point, some observations will be made about the rest of the paper.

Certain alleged "fallacies and falsehoods" are set forth concerning "the drive to amend the First Amendment to the U.S. Constitution." If the prayer amendment is passed, it is claimed, "all the court decisions which have been based on the First Amendment *since the founding of this nation* will be undermined." Actually, the First Amendment has not remained inviolate throughout our republic, but was extensively changed by the Fourteenth Amendment of 1868 as the latter has been interpreted comparatively recently. Thus the Supreme Court acknowledged in Schempp case in 1963:

"This Court has decisively settled that the First Amendment's mandate . . . has been made wholly applicable to the states by the Fourteenth Amendment. Twenty-three years ago . . . this Court, through Mr. Justice Roberts, said: '. . . The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws'."

Of course, only by such inclusion of the states was it possible for the high court in 1962 to ban a prayer sanctioned by the state of New York; and the same for other decisions of recent years relating to religion. The prayer amendment sponsored by Representative Wylie would restore to some extent the original provisions of the First Amendment.

The paper put out by Americans United claims that "voluntary prayer" is still "permitted in all public places," and also even *denominational* prayer—since "voluntary prayer necessarily reflects . . . the denominational orientation of each individual."

If one believes that prayer which is both "voluntary" and "denominational" is permitted in the schools, and wants it this way, then, obviously, he must regard the Wylie amendment, in authorizing only "*non*-denominational" prayer, as taking away something which we now enjoy. But if one wants voluntary and denominational prayer to be permitted, but believes that prayer of any kind, even *non*denominational prayer, is *not* now permitted, then, just as obviously, it would seem, he will look upon the Wylie amendment as offering some change for the good.

The paper cites the 1962 decision as saying the First Amendment must "at least mean that . . . it is not part of the business of government to compose official prayers for any group of the American people to recite." It is to be noted that this is a *partial* statement of what, in the eyes of the court, is prohibited: the First Amendment is said to mean *"at least"* what the court here sets forth. That the court regarded *more* to be prohibited than official "composing" of prayer is indicated by the further statement that the "power, prestige and financial support of government" cannot be placed behind religion: this might mean that school facilities are not to be used for religious exercises, and that school employees are not to participate with students in such exercises. And this is just what was said some months later when the Schempp decision found religious services objectionable because "held in school buildings under the supervision and with the participation of teachers employed in those schools." As stated in the following summary which the late Senator Dirksen had placed in the Congressional Record (Sept. 19, 1966):

Not only did the Supreme Court in 1962 and 1963 prohibit religious services in the schools, where "in neither case was any child compelled to participate"; but since then, "a federal court has ruled, in a case arising in Whitestone, New York, that public school teachers cannot even permit pupils to recite prayers in classrooms by themselves and on their own initiative. The Supreme Court *refused* to review this last ruling."

Subsequent action by the high court has been to the same effect.

While professing to be able to see "voluntary prayer" as permitted by these court decisions, Americans United strangely are unable to see it in the Wylie amendment. This amendment, they claim, actually would not permit "voluntary" prayer, since it "doesn't even mention 'voluntary prayer'," and would even "forbid" such prayer. It is all the more improper for Americans United to try to make something out of the absence of the word "voluntary," since the 1962 decision, which they insist permits voluntary prayer, only use the word "voluntary" to say that prayer which is "voluntary" is *not* free . . . from the limitations of the Establishment Clause" of the First Amendment! But, of course, the Wylie amendment does not say that people are compelled to pray; and what it says about the "right" to pray must be understood in connection with the First Amendment's provision for the "free" exercise of religion.

It is suggested that there are sinister connotations in the amendment's reference to persons as "lawfully assembled"—as if this is somehow a threat to "freedom of assembly." Those "lawfully" assembled are to be defined in accordance with the First Amendment's provision for those "peaceably" assembled.

The question is raised whether a *church* is to be classified as a "public building," which, in the words of the proposed amendment, is one "supported in whole or in part through the expenditure of public funds." If so, it is argued, the amendment would "place in dire jeopardy the freedom and independence of all churches in America since it implies that only 'nondenominational' worship may lawfully be offered in public buildings." And it is pointed out that churches are classified as "public buildings" in the building codes and safety and fire regulations of most cities.

But what a city classifies for a particular purpose would by no means necessarily be the same as what the Supreme Court has classified in reference to such a subject as now before us. It is sufficient to say that if churches were now classified by the Supreme Court as public buildings "supported in whole or in part through the expenditure of public funds," then none of the churches could be in operation. In the Schempp case, the court cited with approval these previous judicial pronouncements:

"The effect of the First Amendment to our Constitution was to take every form of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. . . . The Amendment's purpose was . . . to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."

Clearly, then, for the churches now to exist they must, and do, come under the classification of institutions *not* "supported in whole or in part at taxpayers' expense."

By what appears to be a rather odd twist, the Americans United contention is that authorization of "nondenominational" religious exercises would prevent tax support from being withheld from *"parochial"* schools—which by definition could hardly be anything other than denominational. This does raise the question as to just what is the "nondenominational" religious exercise which the amendment would permit, and we shall go into that question after a couple of other matters are noticed.

It is claimed that the proposed amendment will not help repair the breakdown of morals within our society. Such provision for prayer is described as "like putting a band-aid on a cancer." We shall not go into the question of the objective efficacy of prayer—though it may be remarked that Americans United appear to be making rather pretentious assertions as to what might and might not be responded to by the Almighty. One man may think a prayer of no value, while another may think quite differently. Why must the latter be prevented from saying the prayer simply because it is lightly regarded by the former?

But the question of the subjective significance of prayer needs some comment, especially in view of the court's contention in 1962 that "when the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." Thus, the court meant that even though, say, a few atheistic students would not be compelled to join in a prayer, yet the government's sanction of that prayer in the classroom would exert undue influence on this minority.

By the same token, when the machinery of government, as now the case, supports the position of atheists and others who do not want prayer in the schools, then "indirect coercive pressure" is exerted against those who believe that prayer is important enough to be included in the schools. The court professes that the position of government toward religion is neutral—but "neutral you cannot be." In excluding religion from the classroom, the government is in effect inculcating the idea that religion is to be ignored in our national life. That which is ignored will easily be felt to be insignificant. Government sanction of prayer at least will not encourage the youth of today to think that religion may as well be dispensed with.

If the majority of students want to have prayer in the classroom, why should they have to submit to the will of a minority who not only do not want it for themselves but do not want others to be allowed to have it? Where a difference of opinion exists, everyone cannot have his way. Should not the majority prevail, with, of course, provision for one to be excused from participating in an observance to which he cannot conscientiously consult. Under the Wylie amendment, nobody would have to conform to the practice of those who want to pray in school; whereas as things now stand, those who want to pray must conform to the practice of those who do not want to pray.

The paper labels it a "falsehood" to think that the "promoters of this prayer amendment" are primarily interested in prayer "as an end in itself." I cannot speak for others. I can only say—as one who has tried to "promote" this amendment, not by activity in Washington, but in North Carolina—that I resent any assertion or insinuation that my efforts are not motivated by the primary concern for prayer as an end in itself.

Now for the one criticism of some merit. The criticism, to be sure, is expressed not very clearly or consistently. The upshot is that the term "nondenominational" allows of various definitions. This is true for our language in general. But what about the language of the court and the Constitution?

The 1962 decision recognized that the prayer sanctioned by New York was itself nondenominational in that it referred to "the fact the prayer may be denominationally neutral." That prayer consisted of the following words: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country." At least it would be a gain to have the Constitution changed so as to permit *this* prayer, or so I feel; for while it does not express all that I should desire, it is all right as far as it goes. This New York prayer is much like the religious sentiment of the Declaration of Independence, which is often said to be "deistic" (or "the religion of nature"); and its author, Thomas Jefferson, was rather deistic. Yet, the arch opponent of deism, John Witherspoon, signed the Declaration. The Calvinism (Presbyterianism) of Witherspoon did not exclude the concept of "nature's God" expressed in the Declaration. The religion of the Declaration was, from the standpoint of Witherspoon, true as far as it went.

But Americans United, while contending that "nondenominational might variously be defined, yet positively assert that it is definitely defined in one sense: "A prayer in the name of Jesus Christ would be forbidden in any public building by this amendment. No basis is given for this assertion. But I shall give basis for maintaining the contrary.

The Constitution must be interpreted consistently with itself. The Wylie amendment, on becoming a part of the Constitution, would mean that any religious concept authorized within the sphere of government by the Constitution is to be classified as "nondenominational." Contrary to popular claim, the existing Constitution is *not* altogether neutral in respect to religion: there is recognition of "*the year of our Lord.*" which, it cannot successfully be denied, can only refer to Jesus Christ. Thus to this extent the United States Constitution is a *Christian* document! This recognition of Jesus Christ authorized within the sphere of government by the Constitution would, by the addition of the Wylie amendment, be classified as "nondenominational." Thus prayer in reference to Jesus Christ as "Our Lord," or to the "year" of His birth, would be "nondenominational"; otherwise, the Constitution in one place would be authorizing only "nondenominational" religious concepts within the sphere of government, and then, inconsistently, in another place would be authorizing a "denominational" concept within that sphere.

NIXON LEADS IN HARRIS POLL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SPRINGER. Mr. Speaker, I know that many of my colleagues have been wondering how the various polls rate the candidates from time to time. The Louis Harris poll in the Thursday, October 28, 1971, Chicago Tribune is herewith attached and I think would be of interest to many in the Congress:

THE HARRIS ANALYSIS—MUSKIE FALLS FARTHER BEHIND NIXON

(By Louis Harris)

Sen. Edmund Muskie (D. Me.) continues to slip in the polls and now trails President Nixon by 12 points in the latest Harris Survey. In interviewing completed Oct. 1, the President leads Muskie by 47 to 35 per cent with Gov. George Wallace of Alabama at 11 per cent. A month earlier, Nixon's lead was only 43–41 per cent, with Wallace at 12 per cent.

Between September 23d and October 1st, a cross section of 1,387 likely voters 18 and older were asked questions identical to those over the past two years.

In the latest results, Nixon has opened up a wider lead over Muskie than at any time since February, 1970. He has come back dramatically from his low point of an eight-point deficit in April of this year. Undoubtedly, the President is benefiting from having seized the initiative on the pivotal issue of peace with his announced trips to Peking and Moscow and on the crucial economic issue here at home with his wage-price freeze.

Muskie's fall has been most precipitous among two of the most independent-minded segments of the electorate: young people under 30 and the most affluent group earning $15,000 a year and over.

Both had been staunch supporters of Muskie in earlier surveys, and he had registered his gains over the President over the past year primarily among these groups. Now among young people, Muskie is running no better than even and he has fallen far behind Nixon among the most affluent and best educated voters.

Whenever a sharp change as this occurs, it is always problematic whether it has been caused by an increase in the appeal of one man or a decline on the part of the other. In this situation it is entirely likely that the Nixon upward movement has been the result of his recent dramatic moves at home and abroad. By the same token, Muskie does not appear to have developed the solid base of popular appeal to withstand such a Nixon offensive.

When Wallace is eliminated from contention, Nixon holds a clear 10-point lead over Muskie in a two-way contest.

Again, the turnabout in the fortunes of the two men is apparent. Back in February, on a two-way split, Muskie led the Republican incumbent by a 48–42 per cent margin. Now, Nixon has reversed the standings and has opened a substantial gap between him and the Democratic frontrunner.

[In percent]

	Nixon	Muskie	Wallace	Not sure
Nationwide:				
Latest	47	35	11	7
August	43	41	12	4
By age:				
Under 30:				
Latest	38	38	14	10
August	35	37	11	7
30–49:				
Latest	46	40	10	4
August	43	41	13	3
50 and over:				
Latest	49	32	11	3
August	48	35	13	4
By income:				
$5,000 to $9,999:				
Latest	41	36	13	10
August	43	34	14	9
$10,000 to $14,000:				
Latest	50	39	8	3
August	48	39	11	2
$15,000 and over:				
Latest	57	34	6	3
August	49	44	6	1

THREAT TO CIVIL LIBERTIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RYAN. Mr. Speaker, on Friday, October 29, the Washington Evening Star reported that the Department of Justice is currently undertaking the development of regulations designed to eliminate automatically from their jobs Federal employees whose beliefs and associations the Government decides are "subversive."

The dangers of such actions are clear. The loss of employment because of speech, beliefs, and associations is clearly contrary to the philosophy of the Constitution and the guarantees of the first amendment.

Yet according to that newspaper account, the plan being contemplated by the Department of Justice would abolish those legal safeguards now in effect, and would set new standards which would bring dismissal of an employee if the Government felt his continued employment "would not promote the efficiency of the service."

As a Congressman who believes that the Bill of Rights provides essential safeguards which must be maintained and as a member of the Committee on the Judiciary, I am most strenuously opposed to any regulations which would jeopardize an employee's constitutional rights. Therefore, on Friday, October 29, I wrote to the Attorney General expressing my grave concern in this matter, calling upon him to insure that the rights of Federal workers not be abridged by any regulations considered by the Justice Department, and requesting a full report on this issue.

At this point, I include in the RECORD an article by Joseph Young which appeared in the Washington, D.C., Evening Star on October 29:

UNITED STATES MOVES TO FIRE "SUBVERSIVES": AUTOMATIC OUSTER CALLED FOR IN PLAN

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employees who are members of any organization the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witchhunts of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employe. The government must prove that an employe is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employe if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employe union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employe could be fired on vague charges.

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employes belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert C. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

The ideas discussed by Mardian are only "working proposals," a Justice Department spokesman said today.

"These proposals," he said, "are simply part of our current evaluation of the existing security system."

Officials have not yet decided whether it would take new legislation or only a presidential order to put the proposals into effect, if a decision is made to implement them, the spokesman added.

In his remarks to the AEC group, he described as "legalism," federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

Mardian argued that government agencies should be able to fire employees if membership in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

Queried by Jared Stout of the Newhouse News Service as to which additional organizations would be named as subversive or which kind of activities by federal employees would be regarded as subversive or revolutionary-terrorist, Justice Department spokesmen declined to do so.

A Justice Department spokesman said the proposed plan could take the form of either legislation or a presidential executive order.

A SHOT HEARD 'ROUND THE WORLD

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DANIEL of Virginia. Mr. Speaker, the decision by the United Nations to seat Communist China and expel Nationalist China may well have ramifications beyond those anticipated by our former friends who were so jubilantly celebrating the event on October 25. Even though tension had been mounting for some time over how the United Nations would resolve the question of the "two Chinas," the final tally of votes on the Albanian resolution was indeed a "shot heard 'round the world"—to borrow a phrase rooted deep in American history.

I feel those words describe appropriately the effect which that action will have in the years ahead. Those member nations whose representatives behaved in such an undignified manner will have their joy tempered, I believe, by the repercussions of that irresponsible vote. Already, sentiment has swelled in the Nation and in the Congress to alter U.S. participation in that body. Some Members advocate U.S. withdrawal from the United Nations; others favor a reduction of our contribution to that body.

I, for one, am convinced that the time has come for a long, hard look at the nature and extent of our participation in the U.N. Certainly, there is justification for some burden-sharing. Accordingly, I have joined with a number of my colleagues to introduce legislation which would require that, for any calendar year after 1971, this Nation's contribution to the budget of the United Nations shall be limited to an amount which bears the same ratio to the budget of the U.N. and its agencies as the total population of the United States bears to the total population of the U.N.'s member states.

For entirely too long, the United States has shouldered a disproportionate share of the cost of the United Nations. The American taxpayers have rescued the organization from bankruptcy time and time again. For instance, for fiscal 1971, the United States assessment on a per capita basis, amounted to 8 times the amount paid by the Russians, 2½ times that paid by the French, and 1½ times the United Kingdom's contribution. Furthermore, the United States contributes almost twice as much to the U.N. as the Russians; yet Russia—by an amazing tactic, has three votes in actuality; whereas the United States has one. There seems to be no justice.

In admitting Mainland China, the United Nations has violated its own Charter; the objectives and goals of the organization have been compromised. The American Legion, long known for its commitment to the principle of freedom, has expressed "profound dissatisfaction and disappointment" at the United Nations' decision. The response of this organization parallels my own feelings; therefore, I would like to include the fine statement of the American Legion in the Record.

The article follows:

The American Legion National Commander Expresses Legion Dissatisfaction With United Nations Action in Seating Red China—Expelling Taiwan

Washington, D.C.—The American Legion National Commander, John H. Geiger, of Des Plaines, Illinois, today expressed the "profound dissatisfaction and disappointment" of his organization with the UN action yesterday recognizing Communist China, and expelling the Republic of China from the world body. The full text of Geiger's statement follows:

"On behalf of the nearly four million members of The American Legion, its Auxiliary and affiliated organizations, I am compelled to express my most profound disappointment and dissatisfaction with the decision of the United Nations General Assembly yesterday to admit Communist China to the world body and to expel the Republic of China. The American Legion has adamantly opposed the admission of Communist China to the UN and supported the Republic of China as the sole legitimate representative of all of China in that body.

"We are shocked that the UN has deemed it appropriate to seat Chinese Communist representatives who have seldom upheld the principles upon which the United Nations was founded. We are appalled that the General Assembly voted also to expel the Republic of China which has consistently upheld the Charter and which has made many valuable contributions to peace and to the welfare of the developing nations throughout the world. I am convinced this action by the UN General Assembly can only damage the reputation and effectiveness of the world organization and all its agencies."

"This nation remains firmly committed by treaty to the defense of the Republic of China against aggression from Communist China. Our government must continue to live up to this commitment and we shall watch very closely to see that there is no weakening of our resolve to do so. I believe that our government leaders must now consider very seriously a substantial increase in military assistance to the defensive forces of the Republic of China, and that we must enhance our own military capability in that area to deter possible aggression. I am convinced that the UN actions yesterday have encouraged Communist China in the belief that it can feel free to seize Taiwan by force. We must prevent that tragedy at all costs.

"Regarding the United Nations itself, we of The American Legion are now evaluating America's relationships with that organization and will formulate new Legion policies toward it. While I do not necessarily feel that a retaliatory cut in United States contributions to the United Nations is any answer to the problem, I do feel that a thoroughgoing revision of UN structures and procedures is necessary at this time.

"In the 1971 National Convention, The American Legion announced its support for President Nixon's visit to mainland China in the interests of seeking peace and reducing tensions. We continue to support the visit but we urge the President again not to take any steps that would in any way alter our existing political, economic and military relationships with the Republic of China or otherwise damage Taiwan's national interests."

Mr. Speaker, I would like to insert at this point an editorial on the same subject which appeared in the Lynchburg News in my State of Virginia. This excellent expression needs no elaboration by a second party.

The article follows:

The Day the U.N. Died

Twenty-five years ago the editor of this newspaper wrote an essay lauding the idea of the new United Nations which won first prize at Lynchburg College. Fresh from the searing experiences of World War II, he went hook, line and sinker for the idealistic rhetoric and language surrounding the creation of the U.N. Within a decade he was disillusioned, but he still held to a forlorn hope for this organization which promised so much and which could, if properly and honorably utilized, blur the tensions of nationalism and pave the way for—if not peace, then the absence of global conflict. Few things scar a man as deeply as the betrayal of a dream. Time and again the U.N. betrayed that dream by deviating from its Charter and purpose. On Monday of this week—Oct. 25, 1971—seventy-six nations ruthlessly betrayed that Charter and for all practical purposes transformed the U.N. into an organization representing their special interests. It is no longer a world organization, but represents the Communist power bloc and its satellites, fellow-travelers and hangers-on.

Under its Charter, the U.N. cannot expel a member nation except for violations of that Charter. But it expelled the Republic of China, a founding member, which has never violated the Charter.

Under its Charter, the U.N. cannot admit a member which does not subscribe to the principles of the Charter. But it admitted the Communist Government of China which has refused to abide by Charter principles and codes of conduct and considers itself not bound by them—a government which has consistently refused U.N. membership and has never formally applied.

Under its Charter, the U.N. cannot interfere in the internal affairs of a nation. It has betrayed that principle many times, but on Monday it took unto itself the power to determine what government shall represent a nation.

It expelled a government representing 14 million people—a nation larger than all but a handful of the U.N. members. And the action was taken, largely, by nations ruled by dictatorships, military and political. They, in effect, voted for one of their kind.

And they did so with the most abusive language toward those nations which dared to defend the Charter and the Republic of China.

The United States, represented by the administration of Richard Nixon, laid the groundwork for the betrayal. The President signified that Red China would be welcome in the U.N. when he sought an invitation to visit that country. The U.N. realistically took that to mean that Mr. Nixon would not seriously object, if he would object at all, to the seating of the Communist regime as the "legitimate" rulers of their enslaved people.

This was admitted by the Pakistani ambassador who voted for the expulsion of the Republic. Said he: "I would like to acknowledge that President Nixon's new policy contributed to the victory."

Even so, the Nixon Administration could exercise its veto in the Security Council to block the General Assembly action. But Richard Nixon is going to Peking. He is not likely to veto its admission into the U.N. on the eve of his trip.

One gets the impression that the U.S. insistence on "two Chinas"—the admission of Peking while retaining Republic membership—only served as an elaborate smokescreen to cover up Mr. Nixon's decision not to oppose Red China membership—and to sacrifice the Republic if need be. Peking has maintained all along that it would not accept membership as long as the Republic remained in the U.N.

Henceforth, membership in the U.N. will depend upon those members of the Communist club and their followers who have ignored the Charter and its principles and taken unto themselves the authority to determine who shall qualify for membership—and which government shall represent a nation.

These nations have turned this last hope for peace and justice into an instrument of repression.

Their vote represented the pragmatic worst in human nature—its willingness to sacrifice principles and ideals for expediency. Their vote represented a denial of human rights. It was a ruthless betrayal of the highest ideals of humanity, for which the rest of the world eventually must pay a fearful price.

Their final gesture was fitting: when the Republic of China refused to take part in this betrayal and walked out before the final vote, those nations which betrayed it—applauded!

Applauded their own duplicity and degradation.

THE STILL SLUGGISH ECONOMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HARRINGTON. Mr. Speaker, despite official pronouncements from the White House, the statistics fail to prove that 1972 will be, as President Nixon said, a "very good year." The press is reporting that inflation has not been stopped. In New York last week, the Times reported that meat prices went up. The economy is still sluggish, and the rate of unemployment has not declined.

Except for automobile sales, consumer spending has not risen noticeably. At a meeting of the Business Council a week ago, two corporation officials said the investment credit would improve profits but would not add to employment or the gross national product.

As Hobart Rowen in the Washington Post wrote last week, the new economic program must have more than the illusion of stimulus to improve the economy. The policy, to be truly effective, must create jobs, must reduce prices, and must expand the economy. Until that occurs, there will not be much progress. At this time, I insert Mr. Rowen's article in the Record:

Goals Eluding Nixon: Third Quarter Economy "Just Plain Dismal"

(By Hobart Rowen)

The performance of the U.S. economy in the July-September quarter was just plain dismal, although the Nixon administration hasn't lost its talent for de-emphasizing bad news.

According to the Commerce Department's official data, the Gross National Product rose by a rate of only $15.9 billion, or 6.3 per cent, to a seasonally adjusted annual rate of $1,059 billion.

Since more than half the gain was due to inflation, the real rate of growth was only 2.9 per cent or well below the 4 per cent rate that the economy needs to keep up with the steady growth in the labor force; anything less simply assures higher unemployment.

The crumb of satisfaction that the administration economists wrung out of the poor 3rd quarter picture was that the GNP "deflator"—the best measure of inflation in the economy as a whole—dropped to 3.3 per cent from 4 per cent in the 2nd quarter.

But the hard real significance of the GNP numbers is that the progress of the U.S. economy in moving out of the 1969–70 recession is not satisfactory.

It is not just the certainty that the GNP will hit only about $1,050 billion for the year as a whole, and not the administration's extravagant $1,065 billion forecast; that had long since been foredoomed.

The problem is that unless the economy is pushed forward with more vigorous steps, recent ebullient forecasts (such as Walter Heller's) that GNP in 1972 will increase by $100 billion or so may also become candidates for the ash-heap. None of Heller's Democratic colleagues have gotten out on that limb with him.

Let us stop and recall for a moment the rationale behind the price freeze and the Phase II of the wage-price controls program that will begin on November 14.

The argument has been that an "incomes policy"—vaguely defined as some sort of wage-price limits—was needed because:

1. There was a unique combination of unemployment and inflation (stagflation is the word used by some) that classic monetary and fiscal policy had failed to control.

2. In order, thus, to control inflation while expanding economic activity (so as to create more jobs) wages and prices would have to be held down by the government order.

3. With a wage-price control network in effect, expansionary moves to "get the economy moving again" could safely be undertaken.

Meanwhile, while official Washington has been pre-occupied with establishing the machinery for a Pay Board and Price Commission, the expansionary phase of the program is still stuck in the congressional mill. And the effectiveness of the key measure—the 7 per cent investment credit—is highly debatable, inasmuch as the economy is operating substantially under capacity.

The key indicators at the moment are not terribly encouraging about the future. Automobile sales, it is true, have risen sharply, but largely stimulated by the prospective repeal of the 7 per cent excise tax. The auto sector, in fact, dominated whatever minimal gains there were in the 3rd quarter.

Consumer spending generally hasn't shown the response hoped—namely, a broad-scale advance predicated on the assumption that price controls would put a lid on inflation.

At the Business Council meeting a week ago in Hot Springs, the estimates of the economy for 1972 were anything but ebullient. Two of the leading corporation officials in the country said flatly that the investment credit-might improve the profits picture in 1972, but not jobs or the GNP.

Ralph Lazarus, a keen analyst of consumer trends, finds the individual keeping a tight hold on his wallet while looking for real bargains in terms of quality. The head of Federated Department Stores, Inc., Lazarus said that an additional $20 to $30 billion in purchasing power could be released "if reasonable consumer confidence" were restored. This would require, Lazarus said, "greater determination on the part of business, labor and government."

And although the average person (unless he depends a great deal on imported goods or does much travel abroad) is less aware of the international implications of Mr. Nixon's New Economic Policy, the threat of a worldwide recession triggered by a trade war may be beginning to sift into consumer consciousness.

Many officials, notably Federal Reserve Chairman Arthur F. Burns, had been counting on a psychological lift from the price freeze: if businessmen and consumers were convinced that the cycle of inflationary expectations was finally broken, then they would spend their money freely.

But there is so much uncertainty about the form and the power of the Pay Board and the Price Commission, so much a wait-and-see attitude, that both businessmen and the average consumer seem uneasy. The concessions won by George Meany and the other labor leaders, and the failure so far to establish a wage yardstick, seem to have convinced Wall Street that while corporate prices may be pinned down, wages will be controlled with a loosely-woven sieve.

This, of course, would be a disaster: there is widespread support, among ordinary citizens, for controlling out-size wages and prices. The business community and ordinary citizen were way ahead of Mr. Nixon on this one, and it will be a shame if his long-delayed action now loses its impetus. A tough program is needed to make the thing work.

Politicians are well aware that the economy—jobs and prices—has supplanted Vietnam as the key issue for next year. Mr. Nixon, when he moved to freeze wages and prices, and "float" the dollar, converted, in a single stroke, what had been a "minus" issue for him to a potential plus. But to get votes on the economic issue, he has to produce results, in terms of lower prices, reduced unemployment, and growth in the economy. So far, those real goals of his NEP have eluded him.

OPPOSITION TO TITLE X OF THE HIGHER EDUCATION BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ERLENBORN. Mr. Speaker, I announced on the floor last Wednesday my intention to offer an amendment to the sex discrimination provisions of title X of the higher education bill, H.R. 7248. My amendment will exempt the undergraduate admission policies of institutions of higher education from the provisions of title X.

I am offering my amendment because I do not believe that the Federal Government should regulate the ratio of sexes within our undergraduate institutions. It would be a dangerous precedent for us to inject the Federal Government into the internal administration of private institutions, and would create a serious threat to the autonomy of our institutions of higher education and the American higher education system as we know it.

Since announcing my intention, I have received support from numerous institutions and associations. In addition, I have noted several editorials opposing the provisions of title X in the New York Times and Washington Post. For the information of my colleagues, I would like to insert some of the letters I have received and the editorials I have noted at this point in the Record:

Harvard University,
Cambridge, Mass., November 1, 1971.
Hon. John N. Erlenborn,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Erlenborn: In response to your request, I am writing to express the views of Harvard University in regard to Section 1001 of Title X of H.R. 7248. We oppose this section in its present form for the reasons set forth below.

Although increased Federal aid to higher education will be vital in years to come, many university officials are gravely concerned that such assistance will bring restrictions that will unwisely impair the essential autonomy of their institutions. In contrast with the situation in many other countries, our system of higher education has benefited greatly from its diversity and from the autonomy given to individual institutions in matters of educational policy. It is a grave mistake to depart from this tradition and encumber Federal aid with restrictions which impose uniform requirements on matters of educational policy unless such requirements are so imperative as to leave no room for honest debate or difference of opinion. The very fact Section 1001 entirely exempts institutions of student bodies substantially of a single-sex suggests that the principal of equal admissions does not satisfy this standard. We will suggest below some further reasons why the requirement would not be beneficial for an institution such as Harvard.

1. *Effect on Harvard.* The potential effect on Harvard University stems from one aspect of the University: undergraduate education in Harvard College. All of Harvard's graduate schools admit women on a non-discriminatory basis, and have done so for a number of years.

On the undergraduate level, however, a system of coordinate education between Harvard and Radcliffe College has evolved over the years. Radcliffe is a separate corporate entity and operates its own admissions program for women, but by agreement with Radcliffe, Harvard undertakes to provide the educational system for women who are admitted by Radcliffe. It is not clear whether Section 1001 would effect this coordinate education program; for the purposes of this letter we will assume it does.

The critical problems for Harvard are primarily financial and educational. If women were added in very large numbers without decreasing the number of men, substantial costs would be incurred in housing additional students and in providing the financial aid, teaching personnel, medical and athletic facilities, etc., required to accommodate them. In addition, it is quite likely that students and faculty will object to the adverse educational effect of such a large increase in the size of the undergraduate body. If, on the other hand, larger numbers of women were admitted with compensating reductions in the number of men, the University would run educational and financial risks of a different kind. Since women have been much less inclined than men to concentrate in the sciences, a heavy substitution of women for men might under-utilize our science faculties and require expensive additions to our faculty and staff in already crowded departments in the humanities and social sciences.

In the longer run, there may be an even more serious risk of substantially impairing the level of alumni support to the University. Although Federal support has been and will continue to be vital, Harvard's quality as an institution will continue to be heavily dependent on private support. Sixty percent of all alumni gifts, which amounted to $21.5 million last year, to the *University* (not merely the College) are attributable to Harvard College alumni. The available evidence seems to suggest that alumni support their university to a degree far in excess of alumnae. For example, Harvard alumni contribute to Annual Giving at a *per capita* rate over four times that of Radcliffe graduates, and large disparities are also evident at other private universities. Although some may think it desirable to have important issues turn on such financial considerations and others may argue that different trends will emerge in the future, the fact remains that Harvard—together with other private universities—confronts a most precarious financial future. Harvard has already added to its present burdens by assuming a deficit at Radcliffe that currently exceeds $600,000 per year. While this step was highly desirable, and even necessary, we find it very difficult not to oppose any policy that would bring substantial new burdens and thus jeopardize the welfare of future generations of Harvard and Radcliffe students as well as the faculty and employees of the University.

2. *Broader Effect.* It is likely that Harvard would not be the only institution that would face serious financial and education problems. But more generally, as a matter of policy it does not seem sensible for the Congress to take a definitive stance on coeducation. This question, at least for the time being and at the undergraduate level, should be left to the individual institutions to decide. Over the past few years there has been a good deal of change and experimentation. But very few, if any, educators think that they know all the answers.

Section 1001 would impose an answer. It says, in effect, institutions must be either substantially single sex or completely equal. It says that if an institution is single sex and wants to try coeducation, it must then become irrevocably coeducational and move to complete equality in admission of both sexes. Obviously, some institutions that might wish to begin admitting students of the opposite sex will feel seriously inhibited if they cannot move in this direction without committing themselves to such a massive shift in the composition of their student body. Section 1001 expresses a certainty of knowledge that does not exist and severely inhibits change and experimentation.

Further, problems may well arise in the administration of Section 1001. Equality in admitting students is not a matter susceptible of easy demonstration, especially in institutions where many factors other than grade points, averages, and test scores are taken into account. Government officials could thus be led to engage in increasingly detailed review and regulation of admissions.

Quite apart from the specific problems inherent in Section 1001, we would emphasize once again the dangers involved in efforts by the Federal government to shape the educational policies at colleges and universities. Almost all colleges and universities are heading toward financial difficulty and only rarely can an institution remain competitive if it refuses Federal aid while other institutions accept it. As a result, it is no answer to say that Section 1001 imposes no requirements. In fact, it places very heavy pressure on institutions of higher learning to abide by its terms in order to qualify for assistance and thus tends to impose uniform requirements and an essential function of our universities. This is not the last time that Congress will be asked to regulate the activities of colleges and universities. We strongly urge you to consider what this tendency will mean for the qualities of diversity, experimentation and autonomy that we have encouraged in the past.

Sincerely,

Charles U. Daly.

Smith College,
Northampton, Mass.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

My Dearest Senator Kennedy: I am writing to express my concern with respect to

Section 1001 of Title X of H.R. 7248. Insofar as this section would apply to the admission policies of undergraduate colleges, I do not think it would be sound legislation and I ask your support in opposing it.

As you know, Section 1001 would deny Federal financial assistance to institutions of higher education that excluded persons from participating on the basis of sex. Certain exceptions are made, including one excepting an educational institution in which substantially all of the students are of the same sex. Although Smith College has a few men living on campus as guest students and a somewhat larger number taking individual courses as visitors from neighboring colleges, the proportion of men in our courses is quite small and no men are admitted as candidates for the undergraduate degree. Therefore, Smith College would not be directly affected by Section 1001.

Nonetheless, I believe that Section 1001, if it became law, would be harmful to the best interests of those it is designed to protect. There are two principle reasons for this.

First, it has by no means been demonstrated that any one form of education is best for all students. On the contrary, it is widely held that there should be a variety of options open to students. With respect to the balance between the sexes, this variety should include various alternatives ranging all the way from single-sex institutions to participation by both sexes in only a part of the college's program to full coeducation. To meet the needs of students of differing preferences and temperament and to provide that variety of institutions that will permit experimentation as to the best ways in which the goal of equality between the sexes can be achieved in American society, it is important that the intermediate options between single-sex institutions and fully coeducational ones be possible. It is precisely these options that Section 1001 would strike down. In so doing, it would impoverish American education and American society.

The second principal reason that I urge your opposition to Section 1001 is that it would tend to have a deleterious effect on women's colleges, which are the very institutions that have been established to provide for women educational opportunities equal to those available to men and to prepare and encourage women to participate fully in American society. If coeducational colleges, including those that were formerly for men, are required within a stated number of years to abandon consideration of sex when selecting candidates for admission, as Section 1001 would require, one effect might be to cause some students who would otherwise attend women's colleges, and for whom the women's colleges would actually be the most beneficial educational environment, to attend a coeducational institution. This would be a disservice both to such individual students and to the women's colleges as a group.

In summary, I feel that Section 1001 of Title X of H.R. 7248, as it refers to undergraduate admissions, should not be passed because of its prospective negative effect on the richness and variety of American higher education and on the colleges most expressly devoted to the advancement of the position of women.

Sincerely yours,

THOMAS C. MENDENHALL.

YALE UNIVERSITY,
New Haven, Conn., October 28, 1971.
Hon. JOHN N. ERLENBORN,
House Office Building,
Washington, D.C.

DEAR MR. ERLENBORN: I write in connection with the pending higher education authorization bill, and specifically about Title X, which bans sex discrimination both in the employment of faculty and the admission of students. Certainly such discrimination should not be permitted in employment matters or in academic programs leading to employment (law, medicine, and the like), but I doubt that Congress knows more than anybody else on the subject of the proper mix of sexes in undergraduate programs, and on this latter score the present diversity ought to be allowed to continue.

There is no evidence at all to support the argument that any fortuitous division of the sexes in an undergraduate student body is good and any controlled division—even 50–50—is bad, yet that is the necessary conclusion from Title X.

Proponents of the ban argue that federal tax monies should not go to an institution which admits students on the basis of sex any more than such monies should go to a college which discriminates on the basis of color. The analogy is false, because we know that racially separate education is inherently unequal, but we know no such thing concerning the separate education of boys and girls or of men and women. Title X itself concedes the falseness of the analogy, because it would permit an institution to bar all men or all women—even from graduate programs.

Only institutions which admit both male and female students come under Title X, and even then some sex quotas are permissible, for the bill (as amplified by the committee report) allows a college to decide that 90% or more of its student body, graduate or undergraduate, shall be of one sex and 10% or less shall be of the other. But Yale University, which does not permit any sex quotas in graduate admissions, whose first year undergraduate class is more than 20% female, and which is earnestly determined, for educational reasons, to increase the numbers of its women undergraduates, would be barred by Title X from exercising its own judgment and deciding its own pace in such matters. Frankly, I cannot understand why Congress would wish to condemn our present approach but would not object if Yale imposed an upper limit of 10% on the numbers of women admitted to the University. Legislation with such anomalous consequences cannot be right.

The bill would allow colleges in transition, like Yale, seven years to end numerical quotas for undergradaute men and women, but only if the U.S. Commissioner of Education approved the plan by which we were working toward the end of quotas.

I admire Commissioner Marland, but Title X contains no standards for the kind of plan he should approve or disapprove, and there is no reason to suppose his judgment about the admissions process at Yale is superior to, and certainly it cannot be informed as, that reached here on campus. If the Congress is to hand such a thankless task to the Commissioner—and you will understand that I am not recommending it do so—then Congress should not shirk its duty to prescribe the criteria by which a college is to be judged both for the benefit of the Commissioner and of the institution which has to develop and submit a plan.

It seems to me that Title X is a flawed attempt to deal legislatively with one of the unsolved, only half understood problems of our culture, namely, how to assure that there will be no arbitrary and irrelevant barriers to the full development and use of women's talents. Wisdom on this issue has come, slowly so far, and many women are understandably impatient, but impatience alone does not teach the proper remedy—as the defects in Title X demonstrate.

If the title is not stricken from the bill and returned to committee for more study, then I urge at the least it be amended to:

(a) Remove its application to undergraduate programs;

(b) Extend its application to all graduate programs, saving only those where religious tenets are involved, and

(c) Close the loophole which would permit an all male or all female institution to coeducate, while still retaining quotas, by adopting a co-ordinate program, as with Harvard-Radcliffe, Columbia-Barnard, etc.

Such changes in Title X would make it fairer, administratively workable, and limited in its scope to those aspects of the higher educational process, faculty employment and graduate study, where there can be no doubt that sex quotas ought not to be used.

Sincerely,

ALFRED B. FITT,
The Special Adviser.

PRINCETON UNIVERSITY,
Princeton, N.J., October 28, 1971.
Hon. JOHN N. ERLENBORN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ERLENBORN: Having just been informed that an amendment to H.R. 7248 to exempt undergraduate education from the provisions of Title X is under consideration, I am writing to support such an amendment. In doing this, I want to emphasize that I am an advocate of fair and equal opportunity for women, but I believe that it will be best advanced without federal regulation that interferes with the autonomy of colleges in choosing their own student bodies and works against the diversity of educational opportunities which is one of our society's great assets.

In my view, this is a case in which the effort to support a worthwhile principle by nation-wide regulation affects adversely other important principles and in the final result may also work often against the very principle the proposed legislation seeks to advance.

Thus, it is very important to maintain and advance academic standards while pursuing the goal of equal opportunity. Here at Princeton University and at other colleges and universities, the educational process could be seriously weakened by a precipitous requirement of an equal admissions policy as a condition of federal assistance. In our third year of undergraduate coeducation, we have been able to enlarge our enrollment of women faster than at first was thought possible because of the freedom we have had in planning the best use of our educational resources. If we should have to go even faster than planned, the educational strengths, of faculty and laboratories, for example, built up over the years to meet the needs of male students would have to be diluted as we were forced to add faculty and facilities in other academic fields which women generally prefer. The strain this would put on the University's finances would be very severe. In other words, Title X of H.R. 7248 would cause both academic and financial difficulties for Princeton and would weaken rather than improve the opportunity which the University so recently opened to women students.

Elsewhere, it would seem to me, Title X well may reduce rather than promote equality of opportunity for women. Single sex institutions which have considered becoming coeducational could be expected to shy away from it because of the arbitrary requirement and pacing of the transition by federal legislation.

Also, where colleges and universities are wrestling with their academic and financial problems, I believe that Title X may seriously hamper educational innovation and change. For example, Dartmouth College is considering an imaginative new academic calendar while seeking to promote the education of women by becoming coeducational. In such cases the freedom to shape the curriculum without the handicap of outside regulation concerning admissions is of the utmost importance. Title X appears greatly to restrict Dartmouth's ability to make the changes it is contemplating.

No one supports the goal of fair and equal opportunity for women more strongly than I. However, I suggest that the means proposed in this legislation are the wrong means to advance that objective in American higher education.

Sincerely,

ROBERT F. GOHEEN.

DARTMOUTH COLLEGE,
Hanover, N.H., October 27, 1971.

Hon. CLAIBORNE PELL,
Hon. WALTER F. MONDALE,
Hon. THOMAS F. EAGLETON,
Hon. JACOB K. JAVITS,
Hon. PETER H. DOMINICK,
U.S. Senate, Washington, D.C.

DEAR SENATORS: I am writing to you to express my serious concern with the provisions of the pending Higher Education bill as they pertain to admission of students to undergraduate colleges.

The Senate-passed Higher Education bill contains no provisions with respect to discrimination on grounds of sex in higher education. The House Education and Labor Committee has reported a provision (Title X) which would prohibit such discrimination in both admissions and employment.

Dartmouth would welcome a ban on sex discrimination in graduate school admissions, and in the employment, pay, and promotion of faculty and administrative employees. In both areas, the denial of equal treatment for women has an immediate detrimental effect on their professional careers. It is personally frustrating to women, and it deprives the country of their skills and productivity.

However, the House provisions, by encompassing undergraduate admissions, is in my opinion an unwise extension of Federal control. I offer the following reasons for this view:

Unlike the situation which prevailed until the mid-1960's with regard to black students, there are excellent opportunities available to women in undergraduate education. In 1970, more than 41% of total college enrollment in America was female. In the Eastern United States, there are superb all-female colleges, as well as outstanding coeducational institutions.

One of the strengths of higher education in this country is its diversity. This is particularly important to students and their families. Some students do best in an environment of their own sex; some where students of their own sex are a distinct majority of the college population, others in an equally balanced student body. Many university presidents can give you vivid examples of the way in which students perform differently in different social environments.

Many formerly single-sex schools are now changing to coeducation. For a number of these schools, it is extremely important that they be free to experiment with varying ratios of men and women on the campus. Although the House bill gives them seven years in which to establish a practice of open admissions, financial consideration may make that timetable impossible. And, as I have pointed out above, it may well be that a particular ratio of men to women is more suitable to the students in a given institution than an equal mix. Some schools, seeing that they are destined to lose control of their admissions policies at the end of the seven-year period, will doubtless elect to remain single-sex (or will accept a percentage of the other sex not exceeding 10%, the House bill's figure). Thus the effect of the provision may turn out to be the opposite of its intention.

There is no question that many schools will suffer a substantial loss of alumni contributions if they are compelled to adopt an open-admissions policy with regard to sex. It will take time and discretion if the support of many alumni is to be gained for a basic change in the character of their schools. The Congress should not, with one hand, offer new financial support for colleges, and with the other, set in motion a process that will reduce existing private resources.

There is an even more fundamental danger inherent in the House bill. It does not specify clearly defined criteria on the basis of which discrimination would be judged. During the hearings there were suggestions that they might be based purely on the basis of scores from College Board tests. If Dartmouth College were forced by the Federal government to base admissions entirely on the basis of College Board tests, it would fundamentally change the nature of the institution. For example, we could no longer continue our very substantial Equal Opportunity Program. I would consider it most unfortunate if a bill that purports to provide more opportunity for women would accidentally destroy the great progress that has been made in the admission of minority students to our major universities.

In a matter such as this, wise public policy would suggest a measured approach. Congress ought not to use Federal support—which amounts to only a small fraction of the universities' revenues for undergraduate education—as the lever by which to force extraordinary changes in operations of private institutions, where there is no compelling constitutional or social need to do so.

May I ask for your help in making sure that the Higher Education Act does not include the House provision extending the prohibition of discrimination to undergraduate admissions.

Sincerely yours,

JOHN G. KEMENY.

ASSOCIATION OF AMERICAN
UNIVERSITIES,
Washington, D.C., October 29, 1971.

Representative JOHN N. ERLENBORN,
Cannon House Office Building,
Washington, D.C.

DEAR MR. ERLENBORN: The presidents of universities which are members of the Association of American Universities (list attached) discussed at a meeting on October 27 the progress of universities in removing discrimination against women, and problems which must be solved by a number of institutions if their plans for admitting increased numbers of women are to be met. They noted the increase in enrollment of women in many institutions and reaffirmed their commitment to progress towards removal of all forms of discrimination at the maximum feasible rate.

In connection with this discussion, the universities expressed opposition to Title X of H.R. 7248 as it applies to admission of undergraduates on the ground that it would establish an undesirable degree and kind of Federal influence over the ability of institutions to select students. Maintenance of the appropriate degree of university control over selection of students, faculty and academic programs is essential to the maintenance of the autonomy of universities, which is in turn the key to the contributions which they can make to society.

The members also stressed their judgment that the enactment of Title X would tend to reduce the diversity which is a uniquely valuable characteristic of the American system of higher education.

Sincerely yours,

CHARLES V. KIDD,
Executive Secretary.

MEMBERSHIP OF THE ASSOCIATION OF AMERICAN UNIVERSITIES

Donald F. Hornig, President, Brown University, Providence, Rhode Island 02912.

Harold Brown, President, California Institute of Technology, Pasadena, California 91109.

Charles J. Hitch, President, University of California, Berkeley, California 94720.

Louis A. Toepfer, President, Case Western Reserve University, Cleveland, Ohio 44110.

Clarence C. Walton, President, Catholic University of America, Washington, D.C. 20017.

Edward H. Levi, President, University of Chicago, Chicago, Illinois 66037.

Glenn W. Ferguson, President, Clark University, Worcester, Massachusetts 01610.

Frederick P. Thieme, President, University of Colorado, Boulder, Colorado 80302.

William J. McGill, President, Columbia University, New York, New York 10027.

Dale R. Corson, President, Cornell University, Ithaca, New York 14850.

Terry Sanford, President, Duke University, Durham, North Carolina 27705.

Derek Curtis Bok, President, Harvard University, Cambridge, Massachusetts 02138.

John E. Corbally, Jr., President, University of Illinois, Urbana, Illinois 61801.

John W. Ryan, President, Indiana University, Bloomington, Indiana 47405.

W. Robert Parks, President, Iowa State University, Ames, Iowa 50010.

Willard L. Boyd, President, University of Iowa, Iowa City, Iowa 52240.

Milton S. Eisenhower, Interim President, The Johns Hopkins University, Baltimore, Maryland 21218.

E. Laurence Chalmers, Jr., Chancellor, University of Kansas, Lawrence, Kansas 66044.

Wilson H. Elkins, President, University of Maryland, College Park, Maryland 20742.

Jerome B. Wiesner, President, Massachusetts Institute of Technology, Cambridge, Massachusetts 02139.

Clifton R. Wharton, Jr., President, Michigan State University, East Lansing, Michigan 48824.

Robben W. Fleming, President, University of Michigan, Ann Arbor, Michigan 48104.

Malcolm C. Moos, President, University of Minnesota, Minneapolis, Minnesota 55455.

C. Brice Ratchford, President, University of Missouri, Columbia, Missouri 65202.

Durward B. Varner, Chancellor, University of Nebraska, Lincoln, Nebraska 68508.

James M. Hester, President, New York University, New York, New York 10003.

William C. Friday, President, University of North Carolina, Chapel Hill, North Carolina 27514.

J. Roscoe Miller, Chancellor, Northwestern University, Evanston, Illinois 60201.

Novice G. Fawcett, President, Ohio State University, Columbus, Ohio 43210.

Robert D. Clark, President, University of Oregon, Eugene, Oregon 97403.

John W. Oswald, President, Pennsylvania State University, University Park, Pennsylvania 16802.

Martin Meyerson, President, University of Pennsylvania, Philadelphia, Pennsylvania 19104.

Robert F. Goheen, President, Princeton University, Princeton, New Jersey 08540.

Arthur G. Hansen, President, Purdue University, Lafayette, Indiana 37907.

W. Allen Wallis, Chancellor, University of Rochester, Rochester, New York 14627.

John R. Hubbard, President, University of Southern California, Los Angeles, California 90007.

Richard W. Lyman, President, Stanford University, Stanford, California 94305.

Melvin A. Eggers, Chancellor, Syracuse University, Syracuse, New York 13210.

Charles A. LeMaistre, Chancellor, University of Texas, Austin, Texas 78712.

Herbert E. Longenecker, President, Tulane University, New Orleans, Louisiana 70118.

Alexander Heard, Chancellor, Vanderbilt University, Nashville, Tennessee 37203.

Edgar F. Shannon, Jr., President, University of Virginia, Charlottesville, Virginia 22903.

Charles E. Odegaard, President, University of Washington, Seattle, Washington 98105.

William H. Danforth, Chancellor, Washington University, St. Louis, Missouri 63130.

John C. Weaver, President, University of Wisconsin, Madison, Wisconsin 53706.

Kingman Brewster, Jr., President, Yale University, New Haven, Connecticut 06520.

OPPOSITION TO THE PRAYER AMENDMENT CONTINUES TO GROW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, every day more and more citizens of this Nation are coming to realize the potential harm contained in the so-called prayer amendment. Typical of this concern is that attributed to the archbishop of Atlanta, Thomas A. Donnellan, by the Atlanta Journal. The archbishop stated:

> I don't feel that the present interpretation of the Constitution on the matter of public prayer abridges religious rights.

Additional religious groups have indicated their opposition, or reaffirmed their earlier opposition. They include the following:

[National Council of Jewish Women, Inc.]

TOPICAL STATEMENT: SEPARATION OF CHURCH AND STATE

The National Council of Jewish Women is concerned and alarmed by efforts to amend the Bill of Rights to permit non-denominational prayers in our public schools and to invalidate landmark Supreme Court decisions which affirm that governmentally required prayers are a violation of the Constitution.

NCJW speaks as a denominational organization founded on religious principles and dedicated to the protection of religious belief. It holds that freedom to worship in his own way and in the place of his own choosing is the inalienable right of the individual. Separation of church and state is fundamental to freedom of religion.

For almost two centuries the Bill of Rights has served this nation in protecting the religious freedom of its citizens. NCJW opposes all proposals to modify the First Amendment in any way.

H.J. Res. 191 now pending on the Calendar of the House of Representatives poses a major threat to religious freedom in America. It gives the Government power to prescribe the kind of prayer which the individual may offer in public building—non-denominational prayers. The proposed amendment introduces a divisive element into our society and would create no end of confusion and conflict on the definition of what is "non-denominational prayer."

NCJW strongly protests this infringement on the religious liberty of all Americans. Any law concerning prayer is an intrusion upon the conscience of the individual and, per se, violates freedom of religion. It urges the members of the House of Representatives to reject this resolution, or any other which would weaken the First Amendment of the Constitution.

GENERAL CONFERENCE OF
SEVENTH-DAY ADVENTISTS,
Washington, D.C., October 7, 1971.

Representative FRED SCHWENGEL,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: The purpose of this letter is to oppose the passage of the School Prayer Constitutional Amendment. On two previous occasions, the General Conference of Seventh-Day Adventists has authorized testimony in opposition to similar bills. This position has not changed.

Seventh-day Adventists welcome the concern and the solicitude for religion which the proposed amendment represents. Prayer is an important element in the life of faith, and contributes much to the moral strength of a nation, especially the youth among us. We believe this to the extent that in addition to cheerfully supporting the public school system with our taxes, we operate the second largest Protestant parochial school system in the United States. However, the Seventh-day Adventist Church emphatically opposes this, or any other, amendment that would have the effect of altering the force and effectiveness of the safeguards and guarantees provided by the First Amendment to the Constitution.

Your opposition to the School Prayer Constitutional Amendment will help to keep this nation strong by helping to keep the First Amendment to the Constitution strong.

Very sincerely,

W. MELVIN ADAMS,
Associate Director, Department of Public Affairs and Religious Liberty.

BOARD OF CHRISTIAN
SOCIAL CONCERNS OF THE
UNITED METHODIST CHURCH,
Washington, D.C., October 22, 1971.

Re: The Prayer Amendment
To: MEMBERS OF THE HOUSE

DEAR REPRESENTATIVE: I would like to send along to you a copy of our Board's official policy statement on the Prayer Amendment. This resolution was adopted at a recent Annual Meeting held in Washington, D.C.

The statement basically opposes "nondenominational prayers" as most likely to become "meaningless petitions." Also, since undefined by the churches and synagogues, the authorization of such prayers would mean that governmental authority would have to compose and endorse these petitions for use in the classroom. This, we believe, would constitute a breach of the separation of the church and state as provided in the Constitution.

We, therefore, urge that you oppose House Joint Resolution 191 when it comes before the House on November 8th or soon thereafter, as well as any other proposed prayer amendments to the Constitution. We are, of course, unreservedly in favor of prayer but believe it should appropriately be centered in the home and in the churches and synagogues. Your prayerful consideration of this question will be greatly appreciated.

Yours sincerely,

DR. A. DUDLEY WARD,
General Secretary.

PRAYER AMENDMENT TO THE CONSTITUTION

(Statement of the Board of Christian Social Concerns of the United Methodist Church)

The Board of Christian Social Concerns expresses its grave concern over the movement for passage of the Prayer Amendment to the U.S. Constitution. We believe that such action would seriously jeopardize the traditional separation of church and state, erode the guarantees of the First Amendment, and cause substantial and unnecessary divisiveness in the religious community.

We would like to reaffirm the position of the 1968 General Conference of the United Methodist Church when it declared: "Public schools may not properly establish any preferred form of religion for common exercises of worship or religious observance or study."

The concept of government-imposed "nondenominational prayer" tends to ignore prayer as a personal communication between God and man. Such voluntary personal prayers may be offered in the public school at the present time, and are not in violation of Supreme Court decisions of 1962 and 1963.

We believe that "nondenominational prayer"—without particularized faith content and purposely intended to be inoffensive—would most likely result in meaningless petitions. Nothing could better be designed to alienate children and youth from commitment to a vigorous faith than being required to mouth meaningless prayers in the classroom.

We believe it is unlikely that the major faiths will ever agree as to the precise meaning of the phrase, "nondenominational prayer." At the same time we refuse to confer upon governmental authority either the right or the theological competency to compose prayers to be used in public schools. In no way do we disparage the sincere efforts of those who seek to extend the influence of religion in our society. However, we believe the Prayer Amendment is not the proper vehicle. Instead we reaffirm our conviction that worship should be centered in the home, the churches and synagogues, and their congregations, rather than turned over to the schools or any public agency.

We, therefore, respectfully request the Congress of the United States to retain the historic relation between church and state and to oppose House Joint Resolution 191 and any other proposed prayer amendments to the Constitution.

Approved by the Board of Christian Social Concerns on October 7, 1971; vote: 32 Yes, 0 No, 1 Abstain.

Mr. Speaker, additional editorials in opposition to the amendment follow:

[From the Catholic Times, October 10, 1971]

THE PRAYER QUEST

All of the really nifty proposals for constitutional amendments seem to come from Ohio or receive more than a fair share of support from Ohioans. It is evident that there are still many people who believe in legislated morality in our lovely state.

Back in 1917 members of the Women's Christian Temperance Union, with headquarters in Westerville, rejoiced when the Eighteenth Amendment was proposed by resolution of Congress. The Amendment was fully ratified on January 16, 1919, and by reason of its own terms became effective one year later.

It turned out to be the worst constitutional mistake in the history of the nation, but United Sates citizens suffered the effects of prohibition for more than 13 years before the Twenty-first Amendment repealed it.

The problem of prohibition came from the attempt to impose the moral views of a vocal minority on an entire populace. It made crime out of noncrime and forced the production of alcoholic beverages to go underground. Loads of good people became "criminals" and organized crime received fantastic impetus.

The most recent move for amendment action came from a petition drive in Cuyahoga Falls. This drew a response from Representative Chalmers Wylie, who obtained 218 signatures to force a prayer amendment bill out of committee. This amendment would assert that "persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds" could not be refused the right to participate in non-denominational prayer.

The bill in question had remained in committee because no one could resolve the question, "What does a non-denominational prayer look like?" The answer is, of course, no one knows, because it is impossible to compose a prayer that is not denominational.

If this amendment is proposed congressionally and ratified so that someone or some group is authorized to compose an accepted set of "non-denominational prayers," it could provoke one of the biggest controversies this country has ever witnessed. It would bring up the question of the civil government meddling in the affairs of religion.

The official recognition of certain prayer formulas would also carry the connotation of establishing a kind of religion.

We all know the reason why these petitions, legislative moves in various states and at least eighty proposed bills in both houses of Congress keep coming up—the 1963 Supreme Court decision about prayers in public schools. But the interesting thing is that the Court didn't really forbid prayers in public schools. The decision simply declared that no child could be compelled to participate in prayer against his or his parents' will.

Meanwhile, the First Amendment upholds what still seems to be an adequate defense of religious rights. The present proposal would not only confuse the issue, but actually contradict it.

[From The Baptist Record, Oct. 14, 1971]

Do We Want the Prayer Amendment

(By Joe T. Odle, editor)

As was seen in a recent Record the proposed Prayer Amendment has been forced out of committee, and will be considered in the House of Representatives sometime in November.

Do we really want and need this legislation which actually could become one of the most dangerous bills ever to be brought before Congress, as far as religious freedom is concerned?

After studying the bill carefully I am convinced that it should be defeated decisively and overwhelmingly.

Now before friends everywhere begin to jump on me, let them look at the bill for themselves and see how dangerous it is.

I am just as much in favor of the right of every individual to pray anywhere, as any proponent of this bill ever could be.

I simply do not want to receive my right to pray from the Government! That right comes from God Himself, and no Government ever should assume or be given the right to say when a person can pray!

Now, again, before crying out that the Supreme Court has ruled out praying in the school room, let me ask you to go back and see what they did rule. All that they said was that the school authorities could not set up a program of proscribed prayer for the school room.

Volunteer prayer has continued in many school rooms, and will so continue. Where it has been ruled out by individuals, that has been upon a misinterpretation of the Supreme Court ruling.

This amendment appears to be very innocent and innocuous. The truth is, however, it is very dangerous.

In the first place that is a "lawful assembly?" Does this mean that some court will have to decide whether a meeting is lawful or not? The Constitution of the U.S. does not use this term. It says "peaceably to assemble." There is a vast difference. In Russia, and in some other countries, religious services are not "lawful." Are we ready to allow the courts to say here whether an assembly is "lawful" or not?

But there is a second weakness and danger in this proposed bill.

It gives the right only for "non-denominational prayer." What is "nondenominational prayer?" Only the courts could decide. To the Jew or Moslem who does not believe in Christ, would my use of the name of Christ in prayer be considered "denominational?" Suppose that some of these unbelievers objected to my using the name of Christ in a prayer in a hospital, in a class room, in a public building or elsewhere? Would this mean that I was praying a "denominational" prayer? Who would decide? If this bill is passed, the decision would have to be made by the courts. Be sure that there would be another "Mrs. O'Hara" who would force the test.

These are just two of the dangers in this bill. Others were pointed out by Mr. Garrett of the Baptist Joint Committee in the recent issue.

I cannot see how any Baptist in the world, loving freedom as we do, could support a bill like this.

Yet, our congressmen are under pressure to pass it. They are being charged with being "against God" if they do not support the bill. They need to know that right thinking Christian citizens do not want this bill passed, and will support them in their vote against it.

I suggest that it would be well for many letters to go from responsible citizens all over this state to our representatives in Congress urging them to defeat this measure.

The first amendment to the constitution has guaranteed our liberties for nearly two centuries. Let us not allow that guarantee to be weakened and even destroyed now, by our emotional effort to get a bill passed that does not even say what we want to say.

All of us for freedom of prayer.

We want that freedom to be from God, and not by the decision of a court. We have seen enough liberties taken away by courts. The right to pray must not be placed in their hands.

[From the Minneapolis Star—Oct. 23, 1971]

A Threat, Not Aid, to Religion

The school prayer issue that should have been settled with the 1962 Supreme Court decision has cropped up again in Congress. A petition in the House signed by 218 members means that a proposed constitutional amendment to permit prayers in public schools will come to a vote next month.

This method bypasses the Judiciary Committee, and, being unusual, indicates strong pressure is at work, pressure that we find deplorable no matter how well meant.

The 1962 case produced one of Justice Black's most eloquent decisions and provided an example of "strict construction" at its best. It dealt with the nondenominational prayer prescribed for New York schools, and is therefore four square with the new proposal that also speaks of nondenominational prayers in "public buildings," though the real purpose is to reach schools as such.

Black said it is no part of the business of government to compose "official prayers." And more than that, any "union of government and religion tends to destroy government and to degrade religion." But he said nothing could be more wrong than to contend the separation indicated hostility to religion. On the contrary, history showed it strengthened religion, for when government tried to spread faith, many lost respect for religion.

Moreover, it seems to us that in a nation of many faiths, a "nondenominational" prayer that offended none would be meaningless or, more likely, contrary to many religions in form, spirit and fundamental tenet. In that sense it would not be neutral at all.

Parents who want to encourage their children to pray have endless opportunity to do so in the home, in their chosen place of worship or in religous schools. What is disturbing about the advocacy of prayers in public schools is that the goal is not only to add, uselessly, one more place of prayer for those who don't object, but to force a religious observance on those who do. We sense that the object is not so much to benefit the child in some way but to satisfy the mistaken zeal of adults who would force their concept of conventional piety on the society at large.

[The Minneapolis Tribune, Oct. 4, 1971]

Prayers In and Out of School

The issue of prayers in public schools, temporarily laid to rest by the Supreme Court nearly a decade ago, has come to life once more. By a small margin, the House has voted to bypass its Judiciary Committee and take directly to the floor a proposed constitutional amendment that would permit nondenominational prayers in any public building.

Again, the lines are forming in this controversy, which encompasses principles of religious and secular freedom and sensitivities about tradition, morality and educational values. The amendment is opposed by officials of 11 national Protestant and Jewish bodies, both liberal and conservative, who say that it would lead to government intrusion into religious affairs. Some other clergymen disagree, however, and scores of bills have been introduced in recent years in an effort to overturn the Supreme Court rulings. A few years ago, it was estimated that about 13 percent of the public schools in the country still held religious devotionals for pupils.

Both Bible reading and prayers in public schools were ruled out by the Supreme Court in 1962 and 1963 decisions. Last April, the court refused to hear a case pertaining to the reading of prayers from the Congressional Record. The case involved a New Jersey public school.

Religion—in many forms—has had a significant place in the history and culture of America. Religious beliefs and practices affects the lives of many Americans today. But free choice of religious denomination and free choice not to affiliate with any religious group or follow any set of beliefs are also basic to American democracy.

Children have ample opportunities to worship and pray in churches, in classes sponsored by religious institutions and at home. At the same time, schools can legitimately teach students such subjects as history of the great religions, the role of religious institutions in world and national history and the effects of religious thought upon literature and art.

Congress should recognize that standardized prayer has no place in public schools attended by children of diverse religions and backgrounds, and that the practice of religion elsewhere is already well protected.

THE DETERIORATION OF U.S. MILITARY CAPABILITY OVER THE PAST SEVERAL YEARS

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. POWELL. Mr. Speaker, recently I had the honor of attending the Annual Community-Military Dinner held in Dayton, Ohio. Gen. Jack G. Merrell, Commander, Air Force Logistics Command based at Wright-Patterson Air Force Base, delivered the main address of the evening. General Merrell is deeply concerned, as I am, about the deterioration of U.S. military capability over the past several years. At this time, I would like to share General Merrell's remarks with my colleagues:

Remarks of Gen. Jack G. Merrell

I would like to think that this dinner tonight not only recognizes the long and excellent relationship between the Dayton area and Miami Valley community and Wright-Patterson Air Force base, and that it not only honors those of us from Wright-Patterson, but that it has another major significance. It is altogether proper that this event be held on Veterans Day—now one of our major holidays.

For this nation, as well as much of the rest of the world, remains free today primarily because Americans have always answered the call to arms when that freedom was threatened.

Since the day when the shot heard around the world was fired, about 41 million people have served in our armed services. Twenty seven million of those are living veterans. One million have died in service in all our wars, which is a tragic loss of life, but it represents our national determination to remain free.

Today we are in a period of negotiation, rather than confrontation, with our potential adversaries. However, our aging weapon systems, the deterioration of our physical plants, and the slowdown in our research and development efforts in all our armed forces is a cause of deep concern. This can weaken our chances for successful negotiations and can prove disastrous if those negotiations fail.

We at Wright-Patterson are doing our part. Virtually every aircraft ever flown by the Air Force was developed at Wright-Patterson. Since 1921, the entire air force has been supported from Air Force commands having their headquarters at Wright-Patterson.

And, you all know the importance of Wright-Patterson to the local community. The economic impact is enormous. There are some 25 thousand military and civilian personnel at the base. The annual payroll is more than 325 million dollars. The real property of the base is worth 300 million dollars. Our people contribute generously to the combined Federal Campaign which supports the United Appeal and other charities. In this year's drive, which is not yet completed, Wright-Patterson personnel have already met 101 percent of their quota, contributing nearly four hundred thousand dollars so far.

That is evidence of Wright-Patterson's support for the community. But more important is the Dayton and Miami Valley area's long-standing support for the base. This mutual support makes Wright-Patterson and its people very much a part of the community.

And what is the importance of Wright-Patterson to the nation and the entire free world? I have already alluded to the fact that it is the Air Force's main base for research and development and for logistics. Not so well known are some other facts, such as that many materials developed in our laboratories have application in the civilian industrial economy or that complex management techniques developed at Wright-Patterson have been widely adopted by business and industry.

The list is long, ladies and gentlemen, but it is important the community realize that Wright-Patterson is not just a local asset or a local operation. The activities carried on there have worldwide impact.

Today, we are carrying out our responsibilities in a national atmosphere of anti-militarism and shrinking military budgets. Nevertheless, I am confident of our ability to do what is required of us now and what will be required in the future. Particularly with the support of people such as you.

And what about that future as it applies to Wright-Patterson? I am not clairvoyant, but it is obvious that the fortunes of the base will be influenced by such factors as changes in the military threat and the American public's understanding of that threat, by changes in our commitments to other countries, by changes for better or worse in the anti-military feeling among some segments of our population and some elements of the news media as well as the support of our elected representatives.

Specifically, however, we should keep in mind that Wright-Patterson has been here since 1917. It is a major base. It is protected from the housing encroachment that has caused the closing of other bases.

In the past year, some significant improvements have been made. The President's dedication of the new Air Force Museum was the highlight. The museum was a community project and was supported by the chamber of commerce—Another indication of the strong support for the base.

Our request for construction funds for this fiscal year is now under review in Congress. This includes a new materials laboratory, which will allow this major activity to remain at Wright-Patterson.

When I reflect upon the long history of support that the Dayton and Miami valley area has always given military aviation, and Wright-Patterson Air Force Base in particular, I am vastly appreciative and encouraged.

I am also grateful and moved that the chamber of commerce, representing the community, would again honor us from Wright-Patterson as you have done tonight.

Ladies and gentlemen, I thank you and am indeed proud to be a member of a great community.

EXTENSION OF REMARKS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ESCH. Mr. Speaker, in rising to support this bill, I should like to address the attention of my colleagues to the needs and interests of college librarians.

Just as the public library serves the entire community—the college library serves the entire institution, all of the student body, the whole research-teaching-learning community of higher education. When Congress assists in the development of college and university libraries, it is promoting the progress of every scholarly discipline and every field of research and learning. Federal assistance to college libraries is therefore by no means a matter of narrowly categorical legislation. It is more nearly general aid to higher education than any other program of Federal assistance, with the sole exception of student financial assistance.

Particularly today, when more and more college students are in programs that permit them to study independently, instead of following the centuries-old system of mass lectures and mass textbook reading, more and more emphasis is being placed on the materials found in the library and the skilled assistance of the professionally trained librarian. Many colleges are considering the enrollment of students, especially adults, who will study for the most part at home or with the aid of television, coming to the campus only rarely.

Other developments which are increasing the pressures on the resources of college libraries are the increases in the numbers of students and the development of course offerings in many new and expanding fields, including black studies, ecology, and social change.

Along with the need to increase assistance under title II–A for library resources, the training needs for librarians, as provided for in title II–B, are of great significance. Until this year, the money appropriated for training in library and information science had been divided between fellowships and institutes for use by library schools. In fiscal year 1971, fellowships were greatly reduced, and they were abandoned altogether for fiscal 1972 in favor of institutes, except for the few doctoral fellowships for which a commitment had already been made. This is a major blow to library training, and library schools everywhere are greatly concerned.

Prof. Edmon Low of the University of Michigan has called this akin to eating our seed corn, since the training of the librarians of the future depends on the continuation now of programs to encourage the preparation of qualified graduate-level teachers of library and information science.

This is an age of computers and of a galaxy of new equipment and techniques for the storage, retrieval and dissemination of information. The future leaders of the profession will need to know more than ever before, and we will need more of them than we now have. Instead of reducing the program, it needs to be continued and strengthened.

Fellowships are particularly helpful in the case of students who could not otherwise pursue graduate training. The dean of the School of Library Science at Atlanta University has called the continuation of title II–B fellowships "a very urgent need" because this private, predominantly black institution would otherwise be unable to prepare librarians to work with disadvantaged children and adults in school, public and academic libraries.

It should be noted that accredited library schools operate in a different setting from most other graduate schools in that they have no undergraduate training programs. They require a bachelor's degree for entrance. This is because they believe their training must be undergirded by a sound and broadly based education in the liberal arts. They thus try to attract the most capable students they can upon graduation from the various disciplines in the natural and social sciences and the humanities, but it is these very same able students whom the professors in each discipline—for example, mathematics, biology, or history—are urging to go on to graduate work in their fields, and usually they can offer either a fellowship or a position of a teaching fellow for undergraduates, an option that the library school does not possess. Therefore, without fellowships, a library school is at a serious disadvantage in attracting quality students for its work.

As a member of the Committee on Education and Labor, I commend these provisions of this bill to you for your favorable action.

EXECUTIVE POWER SOARS WHILE CONGRESS SINKS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MITCHELL. Mr. Speaker, I would like to share with my colleagues a column written by TRB entitled, "Executive Power Soars While Congress Sinks" that Mr. Leon Ried, one of my constitutents shared with me. The column follows:

WASHINGTON.—In the past 50 years White House power has soared while congressional power has sunk. That's America's story for half a century with no end in sight. The shift in power has been so gradual that nobody thinks much about it, and yet the change is so great that it almost amounts to a different form of government.

It began back after the first World War but in recent times Vietnam brought it to a head as L.B.J. pushed a war that Congress never got around to declaring. When he submitted the Tonkin Gulf resolution, Congress whooped it through with only two nays. Now comes Mr. Nixon, who invaded Cambodia without consulting anybody and who now on the domestic side has put the entire economy under federal control. Congress just gapes.

I look around in amazement. Congress is hardly a co-equal branch anymore; it is subordinate. If Truman had tried this a few years ago, Congress would have jumped right out of its skin. Truman sought to stop a rail strike by drafting workers and outraged everybody. Mr. Nixon has a simpler procedure; he freezes wages and prices for 90 days and then moves into a kind of modified corporate state. Part of his technique is sticking in needles and part is hypnosis; it's a kind of economic acupuncture.

I'm not saying the thing is wrong; something had to be done quick after wasting two years on a game plan that didn't work. But I don't think people have grasped yet the complexities and possible consequences of the thing.

Presidential power used to be modified or guided by the Cabinet, and often the big decisions were collectivized. In the Nixon administration the faceless Cabinet seems to have been subordinated to the inner White House staff; the President fired Interior Secretary Hickel when he pleaded merely to get to see him.

Presidential power used to be more closely circumscribed by a belligerent press, a commanding Supreme Court, and a jealous Congress. In one way or another these curbs all have been altered. As to the press, F.D.R. held two press conferences a week before the war. He was crippled but he learned what troubled the country by the reporters' questions. It was two-way communication. Mr. Nixon, by contrast, has had only 20 press conferences in two years and eight months. The press is often obnoxious and is always dreaming up mean questions. But for a leader who can't be queried in parliament, the press conference did manage to penetrate the White House shell.

Mr. Nixon has got a substitute, a one-way communication system. I mean, of course, the spot TV shows. This is government-by-surprise with sudden, startling appearances. He has been on the air 46 times, or more than Lyndon Johnson in five years (28 times) and thrice as many as JFK (15 appearances in two years, 10 months).

The Supreme Court was always there as a curb, too, and still is. Often it has served as a balance wheel, slowing an administration in too much of a hurry, or speeding it up sometimes in time of delay. The great Warren Court was "activist" largely because of a lazy Congress and a President (Eisenhower) who was neutral on civil rights. It advanced the rights of the poor and oppressed.

Everybody knows why Congress is losing power. It's because it won't reform procedures. Like feudal lords the committee chairmen, picked by seniority, run the place and are interested in their own bailiwicks and in local affairs. Congress is wildly inefficient in handling the purse-strings. When Vietnam went sour it didn't dare step in. It left the driving to Papa, and complained comfortably from the back seat.

Now comes the economic crisis which illustrates ironically how little Congress has to say and how the Democrats have tied their own hands. They pushed on Mr. Nixon an economic blank check equivalent to the Tonkin Gulf resolution. This was the Economic Stabilization Act. They voted it primarily because they didn't think the President would use it.

They wanted to embarrass him. He said he didn't want it, wouldn't use it, and would veto it except that it carried one or two technical provisions he liked. Democrats rubbed their hands at their sly trick. Then, suddenly, Mr. Nixon set up a new economic program using all the power they had given him and demanding more.

Maybe this is the wave of the future; maybe we will see a me-too Congress from now on, and even for a while a me-too Supreme Court. But three things about the new economic plan scare us. First is the huge distortion in benefits it gives to big business and to corporations, as against the poor. Second is the precedent it sets for aggrandizing the executive branch while demeaning Congress.

Third is the anxious feeling that this extraordinary extemporized move to the corporate state may not work. Seven men will decide what prices you and I pay; another group will decide our salaries and wages. Can you run America that way? It is divorced from public control. In other days an observer would simply have said no, it won't work, but today it had better work.

It would seem likely that in time Mr. Nixon will produce a boom (with a $30 billion deficit this year, and another expected next year, it would seem hard not to). But the danger comes later on from a real inflationary blow-off around 1973, after the election. And then? Well, if the thing turns into a mess there will be tougher controls, a real recession this time (to discipline labor) and probably a Congress rubbing its eyes.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VII

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point part VII of Dr. Robert E. Beerstecher's comprehensive thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

This portion of the study deals with Communist antimilitary operations during the early 1930's. Chile, Germany, Italy, Denmark, Japan, Peru, and other nations felt the effects of the Communist campaign. In 1932 the seizure of two ships of the Peruvian Navy by Communists resulted in a regular naval and air battle. Similar incidents occurred in other navies.

Communist attempts to undermine the British Navy in this period were extensive. These activities take on added significance in light of the recent expulsion of 105 Soviet agents from Great Britain and the fact that one of the charges brought by the British Government was that the Soviets were attempting to infiltrate the British Navy. The more it changes the more it stays the same.

At the 1933 plenum of the Comintern the extended scope the Communists assign to antimilitary work was reemphasized. The plenum asserted that antimilitary work was to be directed against, "the vital parts of the war machine of imperialism", and the "fate of war is determined by the large factories" and that a correct Leninist approach to antimilitary work combined direct subversion of the fighting forces with disruption of the material and technological base which supports the men in the line. Front and rear are integral parts of the whole. The whole is war, or in the present day in the United States, the whole is our ability to maintain our defenses at a level which precludes Soviet calculations of successful attack against our country. It is no accident that the secretary general of the Communist Party of the United States, Gus Hall, stresses the fact that over 20 percent of the employees in our electrical industries are women when orienting party members to the reasons for CPUSA participation in the "women's liberation movement."

Dr. Beerstecher points out that our extension of diplomatic recognition to the Soviet Union in 1933 greatly increased the prestige of the Communist Party of the United States. With Maxim Litvinov's, then Soviet Peoples Commisar for Foreign Affairs, pledge to President Roosevelt to refrain from subversive activity in the United States still ringing in the diplomatic breeze the CPUSA intensified its efforts to destroy the fighting effectiveness of our Armed Forces.

Part VII of Dr. Beerstecher's study follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VII

(A dissertation submitted to the faculty of the Graduate School of Georgetown University by Robert E. Beerstecher, Ph. D.)

XII. "PREPARE FOR POWER"[1]

The Japanese invasion of Manchuria in September, 1931, decided the fate of the Chinese revolution. Rather than sacrifice themselves in a struggle against the superior military power of Japan, the Soviets decided to pursue an overt policy of neutrality. The failure of Russia to intervene militarily in their behalf was a disastrous blow to communist prestige in China which seriously impeded the growth of communism there for several years. Although the international communist press called for an intensification of the struggle against the forces of imperialism, the Soviet press within Russia was careful to avoid making any direct provocative attack against Japan. Instead, the official party line emnating from Moscow stated that American, British and French imperialists were using Japan as a weapon against China and the Soviet Union. In order to stem the tide of anti-imperialist struggles in the Philippine Islands, Latin America and the other colonial nations, the communists asserted, the United States deemed it necessary to "smash" the Chinese revolution.[2] In the United States, the communist party urged its members to form united front committees against intervention. It also called for the formation of antiwar committees and the adoption of resolutions demanding the withdrawal of American warships from China.[3] Similar actions occurred throughout western Europe.

In October, 1931, less than a month after the end of the unsuccessful revolt in the Chilean navy, the secretariat of the South

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American bureau of the Young Communist International held its third plenary session in Montevideo. At this session a resolution was passed intended to revitalize the antimilitarist program in Chile and to initiate antimilitarist work in Peru.[4] The resolution re-emphasized the necessity for conducting mass antimilitarist work in the army and navy. It directed the young communists in Chile and Peru to begin concrete work among the sailors and soldiers. Work in the armed forces, the resolution explained, should not be considered as conspiratorial work for specialists alone, for it was fundamental mass work to be undertaken by all members of the young communist leagues as well as all working youth. This did not lessen the necessity, the resolution continued, of carrying out conspiratorial organizational work to create illegal calls in the armed forces. The resolution also stressed the necessity for popularizing the slogan of fraternization between the soldiers and the workers, and for agitating for the partial demands of the servicemen. It also accorded recognition to the need for special newspapers and periodicals in connection with the work in the armed forces.[5]

There were several other interesting sequels to the September revolt in the Chilean fleet. In the face of strong government reaction against communism, the Communist Party of Chile again began to adapt its movement and organization to illegal conditions. However, in the next parliamentary elections, the Chilean communists put forward as one of their candidates one of the leaders of the sailors' revolt who was awaiting court-martial. They also intensified their agitational activities in Chile, using the plight of the leaders of the naval revolt as the central propaganda theme. Communist parties throughout the world were ordered to assist the Communist Party of Chile in this fight by the Comintern: "The international proletariat must support the fight of the working masses of Chile to rescue the thousands of sailors and workers from the claws of military justice."[6]

On November 15, 1931, the Young Communist League of Italy convened its eleventh national congress. Antimilitarism was a major item on the agenda at this congress. Discussion of the agitational techniques associated with work in the army and navy was directed by several comrades who had recently completed their own military service.[7] Previously, communist success in penetrating the Italian armed forces and establishing an effective foundation for illegal cells had been retarded by the fact that the Young Communist League of Italy lacked members with military training or experience. Moreover, Italian military authorities had been quick both to recognize the threat which communism represented and to institute internal security measures which countered communist attempts to infiltrate the military command structure.[8]

Recognizing that its efforts to broaden the scope of antimilitarist work in the armed forces would no longer be handicapped by the inexperience of its personnel, the Young Communist League of Italy formulated "in a concrete manner" the tasks to be accomplished by working in the army and navy. It emphasized the possibilities for agitation offered by mass demonstrations to secure better food, refusals to drill, etc. The congress stated that antiwar demonstrations and strikes, unrest among the new army recruits, mutinies in the army and navy, and suspicion and discontent both within and between the paramilitary fascist youth organizations in Italy were clear manifestations of "the rapid and constant process of revolutionization of the masses"[9]

The term *revolutionization* became a part of the lexicon of communism after Yaroslavsky had used the verb *revolutionize* in a speech at the sixth world congress of the Comintern to describe the process through which the masses became imbued with the spirit of revolutionary doctrine. Movements among the troops, Yaroslavsky said, served to "revolutionize" the proletariat.[10] Yaroslavsky advanced the thesis that the proletariat was stimulated by and derived both determination and a sense of what modern "psychologists" would consider "togetherness" from the knowledge that it had the sympathy and "the support of the army or at least a part of it.[11]

The Comintern used Yaroslavsky's theses to justify its directives for an intensification of work within the armed forces. In turn, communist parties and youth leagues, like the Young Communist League of Italy, repeated it to their membership. The communist party's illegal central organ, *L'Unità* (*Unity*), issued special appeals to the Italian soldiers and sailors in which it advanced the action slogans "Down with war!" and "Against intervention in China!"[12] *L'Unità* was one of the primary vehicles for Italian antimilitarist propaganda. Almost every issue carried special columns devoted to the problems of Italian servicemen.

When Italy dispatched a naval division to Shanghai, *L'Unità* called on the Italian masses to "support the Chinese revolution in a concrete manner" by preventing the further dispatch of arms, munitions, warships and troops to China.[13] Focal point for the communist activities against the Italian navy was the important naval installation at La Spenia. More thousands of leaflets and antiwar pamphlets were distributed annually in the barracks and on board the ships of the Italian fleet. The communists conducted most of their secret meetings for the sailors in the town, but some clandestine meetings were held on board ship.[14] Revolutionary activity was most effective aboard the *Andrea Doria* and the *Trieste*, but communist propaganda leaflets discovered aboard these vessels resulted in increased vigilance on the part of naval authorities.[15]

A special antimilitarist conference was held in Germany late in 1931. The results of the conference were reported in the December, 1931, issue of *Oktober*, the German revolutionary journal edited by Ernst Schneller:

"The holding of this conference introduces a new chapter of revolutionary antimilitarist work in Germany. It is of historical importance because at it—in the words of one of its own resolutions—for the first time since 1919, numbers of the armed forces of the bourgeois state have come together in order to debate as to how they may use the weapons given them for fighting against the people, for fighting for the people."[16]

To avoid detection, German communists camouflaged their literature destined for clandestine distribution in the organized military forces. For example, *Oktober*, which could no longer be printed in Germany, was printed in Zurich, and smuggled into Germany under the false covers of the legal journal, *Neue Architektur* (*Modern Architecture*). Similarly, other communist propaganda items were concealed behind such harmless cover titles as *Cross-word Puzzle Journal*, van der Velde's *Technik der Liebe* (*Technique of Love*), or *Latest News from the Motor Show*.[17] Match boxes and cigarette packages were often used as containers for the distribution of folded leaflets and appeals among the troops. A revised German edition of Langer's *Der Weg zum Sieg* was also published in Zurich in 1931 to support the growing revolutionary movement in Germany.

Appeals by the Communist Party to Germany to the "workers, peasants, toilers, young people, soldiers, sailors" followed the international party line with reference to the prevention of the shipment of arms, munitions, airplanes and war supplies to the "Japanese warmongers." "German soldiers," one such appeal stated, "Do not fire on your fellow countrymen! Do not fire on the soldiers of other countries. Fraternize with them."[18]

Manifestos issued by the Communist Party of Great Britain called on all Englishmen to demand the withdrawal of British forces from the Orient.[19] But communist propaganda and agitation was not limited to England alone. British soldiers and sailors stationed in Shanghai and aboard British warships in the Far East were flooded with propaganda leaflets and handbills voicing communist suggestions that they agitate to be sent home. After Invergordon, the Comintern had extended its antimilitarist campaign to include subverting British influence in every area in which British servicemen were stationed. In Egypt, work against the British army and among the armed forces of the Fuad monarchy became a task of primary importance, and the cry "Away with the British armed forces in Egypt and the Sudan" was raised by the Communist Party of Egypt as a basic slogan of its action program.[20] Similar slogans were raised against the British army in India.[21]

The Comintern supplemented the action program which it had promulgated for the Communist Party of India in 1930 with a special action program for the Young Communist League of India. Communism did not emerge as a force to be reckoned with in India until after World War II, even though its existence there as an organized movement dates from the founding of the Comintern. Early soviet interest in the prospect of an Indian revolution rested less on the anticipated realization of socialism in India than on its desire to destroy the British commonwealth.[22] This motivation persisted, and became more intense as the spectre of imperialist military intervention dominated all soviet policy. "British imperialism," the young communists told their Indian audiences in the 1930's, "is preparing in our country the mailed fist for military intervention against the U.S.S.R. and the revolutionary emancipation movement in the whole of the East."[23] To meet this challenge, they said, it was necessary to spread revolutionary propaganda among the soldiers and police, for these were the forces by which British imperialism suppressed the revolutionary movement. In contrast to the nationalist appeals to the soldiers to leave the army and resign in accordance with Gandhi's teaching of nonviolence, the Young Communist League of India based its appeals to the army on the necessity for the violent overthrow of British rule. According to the young communist league, victory in India could only be achieved by "the revolutionary armed insurrection of the masses of the working classes, the peasantry, the poor of the towns, and the Indian soldiers, under the banner and leadership of the communist party."[24] Complete independence for India, the annulment of all debts, the expropriation and nationalization of all industries, and the confiscation with compensation for all property—these were the substantive slogans of the Indian revolution toward which the communists worked.[25] The Young Communist League of India realized that such slogans were less likely to rally the soldiers to the support of a revolutionary struggle than would slogans based upon their own immediate and personal demands, e.g., service in their native province, the right to select their own officers, prohibition of the use of soldiers as servants by the officers, increased pay and allowances, etc. It therefore directed as an "immediate duty" that all young communists participate in the establishment of a secret revolutionary organization in the army, the assigned task of which would be "to struggle for the daily demands of the soldiers."[26]

Detailed guidance from the Comintern as to how the Indian communists were to proceed in carrying out their work in the armed

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forces was provided by a special pamphlet covering all aspects of both tactical and organizational questions. "The army organization must be organized absolutely separately," the pamphlet admonished, explaining that if it were joined with the local workers' or peasants' organizations, the members of both might end up in jail. To reduce the risk which organizational work among the soldiers entailed, military cells were to be administered only by special representatives of the local communist committee who were specially trained for military work.[27] The pamphlet concluded that the work in the British army units would be unsuccessful if Indian communists attempted to carry it out. English communists in India, it said, should engage in this task. It also stated that native battalions frequently were billeted in areas where the local communists spoke a different language or dialect from those in the battalion. In such instances, the communist party was either to recruit someone locally who could speak the language, or get comrades from the home district of the battalion to come and assist in the work.[28] There is little to indicate, however, that the action program of the Indian communists was ever successful in creating an effective nuclei withir the Indian army.

French communists also agitated against intervention in the Far East, but of greater significance was the Comintern's antimilitarist campaign which called for an attack on French influence in Indo-China. Special instructions were issued governing communist organizational work among the Annamite units, the native and French troops. "Pay attention to the national question," the local communists were advised,[29] and compare the economic conditions, the pay and privileges of the Annamites with the French soldiers. When talking to native soldiers from peasant stock, they were told, emphasize the "intolerable conditions of peasant life." In discussions with the workers, such subjects as unemployment, low rates of pay, and the severe conditions of work were to be featured. The Indo-Chinese communists recognized the importance of establishing a small but secure organization for military work. Every soldier drawn into the movement was to be thoroughly screened and tested.

Cells were to be limited in membership from three to five; no two cells were to be connected in any manner. Cells were to be directed only by those comrades who had been specifically instructed in military work. Numbers were not considered important; loyalty was.[30] Local French communists were to be employed in the work among the French troops, as they could stress the differences which existed between the soldiers and their officers in a much more convincing manner. Communists chosen to carry on work among the organized military forces were to be provided with the special indoctrination literature which had been provided the communist party.[31] Agitational propaganda against recruiting, against the military, against militarism, against capitalism, and against the sending of soldiers to fight their families was to be emphasized.[33]

Support of the Chinese revolution as a fundamental theme of communist propaganda was repeated in every country, but the local parties did not neglect their own antimilitarist campaigns. For example, communist antimilitarist activities in Denmark were aimed at disintegration of the organized military forces. In March, 1932, the Communist Party of Denmark featured a special agitational campaign among the sailors and marines stationed in Copenhagen, as part of its antiwar week program. The communists called for a strike against the reductions in pay which had been imposed as the result of the impact of the world depression on the economy of Denmark. Propaganda leaflets were distributed calling to Danish servicemen to follow the "example" set by the British sailors at Invergordon, but the call went unanswered. In typical communist fashion, however, the local comrades reported in the party press that their action had been sympathetically received by the men and that general discontent existed. What the comrades failed to report was that the discontent was within their own ranks because of the lack of response by Danish servicemen to their agitational program.[34]

The Struggle for Japan

Inside Japan, the Comintern launched a major effort to expand the communist movement. "The ideological and organizational fight against the present war," it decreed, "must be the first and foremost task of the Japanese in the election campaign." [35] The Comintern stressed the decisive importance of conducting an antiwar campaign throughout Japan and organizing a mass struggle among the soldiers, sailors and ex-servicemen. In anticipation of communist successes during the spring elections of 1932, the Japanese communists were directed to "strengthen and enlarge nuclei in the factory, labor exchanges, villages, barracks and warships." [36] Concrete and immediate programs for the sailors and soldiers were to be developed around the central slogans: "Immediate withdrawal of all Japanese troops from the occupied territories and Chinese waters," "Fraternization of the Japanese and Chinese soldiers," "Convert this war into civil war!" [37] Other slogans raised included the following: "Not one soldier against the Soviet Union! Not one soldier against revolutionary China! Let us reply to the mobilization with a civil war." [38] Although the Japanese communists intensified the antimilitarist campaign in the armed forces, and issued a number of antiwar pamphlets, one of their leaders admitted later that "the work in the army and navy is weak and insufficiently systematic." [39] Another veteran communist, Sanzo Nozaka, who was better known in the party under the pseudonym, Susumo Okano, characterized the work in the armed forces and specialized para-military organizations as reflecting an "opportunist weakness." [40]

The failure of the Japanese communists to attract servicemen into the communist party and the young communist league, or to organize mass movements of protest among the troops did not pass unnoticed by the Comintern.[41] In May, 1932, the Comintern promulgated the famous " Theses on the Situation in Japan and the Tasks of the Communist Party."[42] The theses outlined a comprehensive militant action program designed to prepare the Japanese communist movement for the revolutionary situation which the Comintern believed was imminent, but for which it found the Japanese organization totally unprepared.[43] The theses stressed the importance of increasing both written and spoken agitation and propaganda against both "imperialist" and "counter-revolutionary" war. The war slogans and policies of the Japanese government, the communists were told, were to be "exposed," and contracted with the peaceful aims of the Soviet Union. Communists were to appeal to the troops to refuse to fight, to leave the front without giving up their arms, and to form soldiers' committees. In the event of war against the Soviet Union, the communists were to agitate among the soldiers to desert to the side of the Red Army. "In a reactionary war," the theses declared, "the revolutionary class cannot help hoping for the defeat of its own government. The defeat of the government army weakens the monarchist government of Japan and assists the civil war against the ruling classes."[44] A mass action program was to be undertaken to foment strikes in the armament factories, in the port areas and in the transport industry. The communists were directed to use all means available to them to bring about the proclamation of a general strike, and to convert it and the revolutionary antiwar movement into armed rebellion. The theses re-emphasized the necessity of supporting the partial demands of the soldiers and sailors, and of organizing mass actions among them and in the factories supporting the war effort. Special work among the youth and among women, more specifically among the wives and mothers of servicemen, was also defined as being one of the basic tasks of Japanese communism.[45]

In order to meet the growing requirements for specialized propaganda media for dissemination within the armed forces, the Communist Party of Japan began publication of a regular fortnightly paper, *Neisi no Tomo* (*The Friend of the Soldier*).[46] *Neisi no tomo* proclaimed itself as the voice of both the "revolutionary soldiers and sailors." [47] An article entitled "How the Soldiers' Committees were Created" appearing in one of the early issues of *Neisi no tomo* began with the following injunction: "Revolutionary workers and peasants who live in barracks, take a lesson from the experience of these comrades! Create soldiers' and sailors' committees in all barracks and on all ships! [48] The Communist Party also published a special naval newspaper, *The Lofty Mast*, in the port of Kure.[49] *The Lofty Mast* featured such slogans as "Defend the Soviet Union—the fatherland of the international proletariat!," "Liberation of Korea and Formosa!" and "Independence for China." [50] In addition, numerous local papers and pamphlets were published for distribution in the barracks, on board the warships, and in the port areas. All of these publicized the peace policy of the Soviet Union, and contrasted it with the militancy of Japan. Conditions back home among the dependents of the servicemen were highlighted whenever circumstances permitted. These newspapers and pamphlets all followed the pattern established by *Sokki* in reprinting letters from soldiers and sailors on the rigors of military life.[51]

In May, 1932, the first international seaman's congress was convened in Hamburg, Germany. as part of the Comintern's program to extend its influence into the maritime industry. In addition to the official open meetings of the congress, a series of secret sessions to which only communists were admitted was also held. Among the subjects discussed at the secret sessions was how disintegration work was carried on inside naval forces throughout the world. Discussion included detailed analysis of communist tactics employed in past naval mutinies, and resulted in the development of advanced techniques which were recommended for future application. Reichstag Deputy Willy Leow led the discussion on the mutiny of the Imperial Germany navy, while several foreign communist antimilitarist experts made presentations on Invergordon and other recent naval revolts.[52] The communists actively carried on disintegration work within the German armed forces. Communist cells formed in both the army and navy observed special security precautions. Because of its extremely conspiratorial nature, little overt publicity was given to this phase of the antimilitarist programs, as special police and military units to combat communism had already started to make their appearance in Germany.[53]

In May, 1932, the South American bureau of the Comintern registered its first success resulting from the antimilitarist action program which had been adopted at the third plenary session of its secretariat in October, 1931. This program aimed at the disintegration of the armed forces of all South American countries, but had emphasized the necessity for work in Chile and Peru. It was in Peru that its initial success was achieved. On May 7, the crews of the Peruvian cruisers

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Grau and *Bolognesi* mutinied and hoisted the red flag of communism. The mutiny caught the Communist Party of Peru by surprise, for it had not realized that the situation in the navy would develop as rapidly as it had. The absence of any plan doomed the mutiny to failure. The mutiny began when radical elements of the crews overpowered their officers in a "protest as victims of capitalism against the inhumane conditions of life imposed upon them.[54] The mutineers attempted to leave their ships, but they were forced to remain aboard by small arms fire from the shore units which had been mobilized by the Peruvian Government. Both cruisers were anchored alongside the quay at the time of the outbreak of the mutiny. As in the case of the Chilean mutiny in September, 1931, the ships' crews did not attempt to take them out of the harbor until it was too late. After submarines loyal to the Peruvian Government had cut off any possible exit from the harbor, the crews of the *Grau* and *Bolognesi* were called upon to surrender. The refusal of the mutineers to comply with this request was the signal for the submarines and shore units to open fire on the two cruisers. The mutineers aboard the *Bolognesi* returned the fire. Government aircraft also went into action against the cruisers. When aerial bombs scored a direct hit on the *Bolognesi*, the crews of the two ships hoisted the white flag of surrender.

August 1, 1932 marked the opening of "Navy Week" in Great Britain. The date coincided with the annual communist campaign against war. Portsmouth was selected as the target of communist activity. Overnight, the streets of Portsmouth were painted with communist antiwar slogans. Warships in the harbor area were flooded with propaganda leaflets.[55] However, the communists failed to create any unrest among the fleet, notwithstanding the fact that the communist press in Great Britain tailored its propaganda to the armed forces to an even greater degree after Invergordon than it had before. For wide dissemination among Royal Navy personnel the communists published the *Red Signal*, a newspaper which proclaimed itself to be "the voice of the Communist sailor." The *Red Signal* recommended that sailors take the guns which the government put in their hands and "study the art of war," [56] A separate newspaper, the *Soldiers' Voice*, was published for distribution among British army personnel. The *Soldiers' Voice* proclaimed that "the only way to defeat the cuts is direct action as adopted by sailors at Invergordon." [57] The *Soldiers' Voice* also stated that "the way to victory lies not through voting but through mass struggle. What is needed is a repetition of the united strike." It advised its readers: "Let us use the knowledge of arms which they give us, when the opportunity presents itself, to overthrow their rule and, in unity with our fellow workers, to establish the free socialist Britain." [58] No less than 17 different pamphlets addressed to the soldiers and sailors were disseminated by British communists in 1932.[59]

The Twelfth Plenum

In September, 1932, the Comintern held its twelfth plenary session at Moscow. The fundamental thesis advanced by the plenum was that the period of relative stabilization of capitalism was ending. The time had come, the veteran Finnish communist, Otto Kuusinen, stated, for the proletariat to "prepare for power." [60] But, he warned, there is not yet an immediate revolutionary solution in the most important and decisive capitalist countries. At the present moment, what is taking place is precisely the *transition* to a new phase of the great collisions between classes and states, to a new cycle of revolutions and wars.[61] The mutiny of the British fleet at Invergordon, Kuusinen stated, was a "symptom" of the disintegration of the forces of British imperialism. "A navy which has mutinied once," he added, "may mutiny again, and such a navy is, so to speak, a navy "without stabilization'." [62]

Similar "portents of the coming storm," it was stated, were to be observed in the state of ferment which also existed in the armed forces of other countries, e.g., France, Italy, Poland, and Greece, while advances in antimilitarist work were to be noted everywhere. In Spain, for example, the communist party, had created basic organizational "strongholds" in the army, and had elected committees of soldiers.[63] Communist antiwar work against the munitions industry and among the recruits and soldiers in Czechoslovakia was called one of the most "constructive achievements" of the European communists.[64] Throughout the twelfth plenum, the necessity for communist parties to prepare for the period of illegality was stressed.

One of the most important speeches at the twelfth plenum delivered by Okano. Okano detailed the work which had been carried out in Japan, and admitted that an intensification of work in the armed forces was necessary. "The opportunist weakness of our work," he said, "may be observed in the army, navy and special military organizations of the fascist and reactionary type. To this day, we do not carry on any active work in these military organizations.[65] Okano observed that the Japanese imperialists had set for themselves the task of occupying vast territories of the Soviet Union. The occupation of Manchuria, he stated, was "merely a prologue, a preparatory step" for the military intervention of the Soviet Union.[66] Against the backdrop of Okano's statement, the thesis which the Comintern had promulgated for Japan earlier in the year appeared in their true light as an attempt on the part of the soviets to forestall disaster by neutralizing the offensive power of Japan through the communist revolutionary antimilitarist program. The theses launched the Japanese communist movement on a massive revolutionary agitation campaign against the war. It also focused additional attention on communism which resulted in an increase in the number of communists and party sympathizers arrested annually by the government.[67]

The plenum declared that a revolutionary situation was likely to arise in Japan within a very short time. The Communist Party of Japan, it stated, "must increase its work in the army and navy, especially in Manchuria, must carry on popular agitation among the workers, peasants and the exploited urban petty bourgeois masses, in langauge that can be understood by the broad masses, in order to expose the indissoluble connection that exists between imperialist war and the direct preparations for military intervention against the U.S.S.R., on the one hand, and the strengthening of the military-police reaction and the increased plundering of the toiling masses in Japan itself, on the other hand." [68]

The plenum stated that although favorable results had been achieved by some communist parties in mobilizing the masses against imperialist war and against military intervention, no party had been successful in preventing the transport of troops to China or military supplies to Japan. The plenum criticized the Young Communist International for its "weakness and backwardness" in the struggle against imperialist war and military intervention. The antiwar work of both the communist parties and the young communist leagues "in the army, the navy and the special fascist semi-organizations." it stated, was in an "intolerably neglected condition." [69] Communist parties, the plenum continued, had not succeeded "in fulfilling the urgent task of creating legal, semi-legal or illegal control committees and illegal committees of action, based on the masses, in the factories, railroads, ports and ships, have not succeeded in mobilizing the masses of the workers in the reformist trade unions and other mass workers' organizations on the basis of the tactic of the united front from below for the purpose of preventing the transport of troops to China and munitions of war to Japan, and in developing the agitation against imperialist war and military intervention among the masses of peasants and the urban petty bourgeoisie." [70]

Furthermore, it charged, "inadequate bolshevik resistance was shown to the opportunist underestimation of the war in China and to the underestimation of the danger of imperialist war and military intervention, to the opportunist failure to understand all the pecularities of the present drift towards a new world war, to individual pacifist deviations from the Leninist teaching on war, to opportunist passivity with regard to war and to fatalistic opportunist moods.[71]

The plenum directed all communist parties to carry on extensive antiimperialist work among the soldiers and sailors, among recruits, reservists and in the special military organizations of the bourgeoisie; to strengthen the party organizations and all the revolutionary youth organizations, bearing in mind that the whole party, the whole young communist league must participate in this work; to organize the struggle of the soldiers in their every day demands and to support this struggle by the solidarity of the workers and toiling peasants; to popularize revolutionary traditions and examples of the struggle against war.[72]

The plenum directed all communist parties to undertake a "systematic ideological struggle" against nationalism and chauvinism, and to carry on propaganda for a "real proletarian internationalism." [73] The tactic of the united front from below was to be developed and applied in establishing "legal, semi-legal and illegal control committees and committees of action" for the preparation of strikes to prevent the transport of munitions and troops.[74]

The concluding remarks at the twelfth plenum were delivered by Ercoli (Palmiro Togliatti), the Italian communist. "Let us try to overcome the gap which exists between our decisions and our resolutions!" Ercoli stated, adding: "Let us take root in the factories, let us work thoroughly in the reformist trade unions, let us work among the masses of unemployed, let us penetrate into fascist trade union organizations, into the army, into the navy." [75]

Economic conditions in the United States became more acute during the fall of 1932. Unemployment steadily increased, breadlines became longer, and the gloom of the depression deepened. Racial unrest figured prominently in the news. The American communists recalled the prediction made by Stalin in a speech on May 6, 1929, that "the moment is not far off when a revolutionary crisis will develop in America." [76] "One day," the *Daily Worker* asserted, "the Negro worker and poor farmers of America, in alliance with their exploited class brothers of the white races, will win their freedom, too, through a soviet revolution. They will then be free to develop the so-called Black Belt of America, as the Ukrainians are developing theirs. . . . Only through a communist revolution will this goal be achieved." [77]

The revolutionary crisis, the communists said, had almost arrived. In bold-face type, the *Daily Worker* repeated Lenin's admonition: "The struggle against militarism must not be postponed until the moment when war breaks out. Then it will be too late. The struggle against war must be carried on now, daily, hourly." [78]

William Z. Foster, the communist candidate for President of the United States in 1928, wrote a book in 1932 which he called *Toward Soviet America*.[79] In it he discussed the role of the armed forces in a revolutionary crisis. Foster stated:

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"In measuring the potential forces for and against the revolution, naturally the question of the rule to be played by the army and navy is one of fundamental importance; for, in the final show-down, it is upon them that the bourgeoisie relies to maintain its control. If it loses the armed forces, then all is lost. Here, certainly, the revolution will recruit powerful forces, with fatal effects to capitalism." [79]

"The armed forces are not impervious to communism simply because they have patriotic propaganda dinned into their ears and are subject to a rigid discipline," Foster asserted, explaining that "the great bulk of these forces originate in proletarian or farmer families and they eventually respond to the sufferings and miseries of their close relatives. Especially is all this true of conscript armies. Besides, they have their own deep grievances in the service. Experience teaches that such worker-peasant forces are very unreliable for the bourgeoisie." [80]

As examples, Foster cited the armies of the tsar and the Kaiser, recalling that "it was only a few months ago that the capitalists of the world got a shiver of fright and a foretaste of the future by the revolts in the British and Chilean navies." [81]

Tension in Anglo-Soviet relations had increased following the Invergordon incident. A few weeks after the twelfth plenum was held, the British Ambassador in Moscow advised the British Foreign Office that the Comintern had issued specific instructions to the Communist Party of Great Britain at its plenary session to form cells in military organizations. The British Ambassador's report was closely followed by an allegation in *Izvestiya*, the official soviet newspaper, that the British Foreign Office "had instructed its agents to furnish documents, real or bogus, establishing the connection between the soviet government and the Communist International." [82] Parliamentary and public anger soared in Great Britain, but the British Foreign Secretary's demand for an apology was summarily ignored by the soviets who declared that they could not be responsible for editorial commentaries in *Izvestiya*. Discussions between the British Foreign Secretary and the Soviet Ambassador in London failed to stop communist, antimilitary agitational or propaganda activities. Communist attempts to spread disaffection among the British military forces continued. Shortly thereafter the organizing secretary of the South Wales district of the communist party was arrested and charged with the distribution of communist propaganda among the armed forces. A notebook found on him at the time of his arrest carried the cryptic remark: "must carry on work among the armed forces." The notebook also stated "we should have to join the navy, the air force and start a revolution." [83] The British revolution never materialized.

XIII. THE SECOND ROUND OF REVOLUTIONS AND WARS

De Zeven Provincian

The new cycle of revolutions and wars which had been predicted at the twelfth plenum of the Comintern began in January, 1933. The Comintern's reconstruction of the Indonesian communist movement started immediately after the failure of the November, 1926, revolution, but it was not until the depression years of the 1930's that the opportunity came to test the revolutionary organization which had been erected in the Dutch colonial forces. On January 30, 1933, the native corporals, lance corporals and marines belonging to the crews of the Dutch cruiser *Java* and the destroyers *Piet Hein* and *Evertsen* stationed at Surabaya, Dutch East Indies, mutinied.[84] Their complaint was a familiar one: pay reductions. Whereas only a ten percent reduction had been anticipated, the pay cuts announced by the Dutch Ministry of Defense added up to a minimum of fourteen percent.[85] Dissension spread rapidly among the naval ratings. The situation worsened considerably after the Dutch authorities arrested another 425 ratings for refusing to obey the orders of their officers and attend morning parade.[86]

News of the events which had taken place in Surabaya spread rapidly throughout the East Indian squadron of the Dutch fleet where it was sympathetically received by the men. Although emotions were heated, naval authorities were able to maintain control everywhere except in the port of Kotaraja, Northern Sumatra where the Dutch battleship, *De Zeven Provincien,* lay at anchor. Except for the ships' officers and a handful of European petty officers, the crew of *De Zeven Provincien* was composed of native East Indians. The officers of the *De Zeven Provincien* found it hard to communicate with the native seamen who spoke at least ten different dialects among themselves. The natives were proverbially taciturn so their mood did not betray the fact that shortly before dawn on February fifth, a mutiny would break out.[87] All but nine of the ship's officers were ashore when the mutiny occurred. They were seized at bayonet point, handcuffed, and locked in one of the cabins. However, one of the nine managed to escape by throwing himself overboard. After swimming to a nearby small boat, he rowed to shore and sounded the alarm.[88] Immediately thereafter, the order was given to up anchor, and the *De Zeven Provincien* sailed out of the port heading for Surabaya.

Some mutinies have come without warning; others, as in the case of the mutiny aboard the *De Zeven Provincien,* were preceded by events which revealed that insurrection was imminent. If the widespread disorder in Surabaya had not in itself been enough to indicate the seriousness of the situation which existed, then the warnings to the captain by the commander of the Dutch East Indian army and others regarding the hostility of his crew should have resulted in special vigilance. Instead of initiating normal precautionary procedures, the captain went ashore for the evening. Even a telephone message from one of his sailors, warning that the native crew intended to seize his ship was laughed aside by the captain, who said that the crew would be unable to weigh anchor.[89] Within hours, the threatened mutiny became fact.

Richard Krebs, a former member of the Maritime section of the Comintern, later revealed that an action committee composed of Dutch and Javanese marines belonging to a communist cell aboard the *De Zeven Provincien* was influential in instigating the mutiny. According to Krebs, their actions were carried out in response to special instructions which had been received from a courier sent by the Far Eastern section of the Comintern. They had been instructed to seize control of the ship and sail for the Java coast where they were to bombard the naval station at Surabaya with the eleven inch guns of the *De Zeven Provincien*. Their action, Krebs asserted, was to serve as the signal for a general communist inspired uprising throughout the Dutch East Indies.[90]

Although Krebs' assertion of direct Comintern complicity in the *De Zeven Provincien* mutiny cannot be validated, it is not improbable that some communist influence existed within the crew. Communist interest in the East Indian squadron of the Dutch fleet has been confirmed by other sources, a point on which Krebs shed some very interesting additional light. Krebs reported that in the middle of September, 1932, he was ordered to put eight members of the Dutch young communist league through a ten-day training course in naval disintegration tactics. This course was conducted in the special school which the Comintern had set up in Rotterdam, Holland, for training communists in naval work. Similar schools existed for the same purpose in Rouen, France, and Hamburg, Germany. Krebs stated that the eight young communists were professional seamen who were about to be called up for military service by Holland. In view of their background and experience, the trainees were scheduled to enter the navy. They were ordered to make special application for service in the East Indian squadron of the Dutch fleet where they were to apply the special training they had received.[91]

The only ship anchored in the port of Kotaraja was the small Dutch vessel *Aldenbaran*. This was the vessel which the captain of the *De Zeven Provincien* boarded and set to sea in pursuit of his ship. The *Aldabaram* was no match for the larger and speedier *De Zeven Provincien,* and was quickly outdistanced by it. Contemporary accounts of Captain Eikenboom's pursuit of the *De Zeven Provincien* contained all the humor and pathos of a chase sequence involving the Keystone cops. A squadron of Dutch cruisers and destroyers were sent from the Celebes to join the chase, but they required a three day sail through the Java sea before they reached the Sumatran coast.[92] Two days later, three Dutch flying boats, two destroyers, and a minesweeper joined the chase.[93]

The news of the mutiny of the *De Zeven Provincien* was the signal for communists in Holland, Dutch Guiana and the Indies to organize meetings protesting the pay cuts and distribute pamphlets in support of the mutiny.[94] In Berlin, Dimitrov learned of the mutiny, and he ordered the maritime section of the Comintern to issue a special manifesto addressed to the "navy men of all countries," exhorting them to "prepare to follow the glorious example of the *De Zeven Provincien* mutineers!" [95] In Holland, the daily communist newspaper, *Tribune,* drew a parallel between the action of the Indonesian seamen and the revolt of the Russian cruiser, *Potemkin*. The *Tribune* issued a special appeal calling for a joint struggle of the Indonesian masses and Dutch working class, in particular the Dutch sailors and soldiers, to join with their fellow workers against the "capitalist exploiters." [96]

A radio message from the crew of the *De Zeven Provincien* addressed to the press stated that the mutiny would soon be ended. The mutineers stated their intent to surrender to the captain and render him honors. Their mutiny, they proclaimed, was simply a protest against the pay cut and against the arrest of those who had previously protested.[97] The Dutch Ministry of Defense in the Hague announced that if the mutineers did not surrender immediately and unconditionally, force would be used.[98] A subsequent message from the mutineers asked that the naval authorities be informed that there were no communist leanings among them, and that no violence had occurred. Again they indicated their intent to surrender, but this time attached the condition that they be given an assurance of immunity, and that the wage cut would be rescinded.[99]

When the *De Zeven Provincien* was finally located at sea, it was called upon to surrender. The mutineers refused and Dutch seaplanes bombed the ship. One of the hundred pound bombs struck the deck setting it afire. Eighteen crew members were killed outright, and several others, four of whom later died, were wounded by the explosion of the bomb. In panic, the crew took to the small boats, and immediately surrendered to the warships standing by. After their release, the officers again resumed command of the ship, and with the assistance of a boarding crew from the Dutch battleship *Java,* extinguished the flames. Captain Eikenboom was put aboard his vessel. Later, however, he was relieved of command and court-martialed. All of the ringleaders of the mutineers were arrested

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and imprisoned on Onrust Island until their trials. In addition, those members of the *De Zeven Provincien's* crew who had been ashore when the mutiny occurred, but who had themselves mutinied against naval authorities on shore, were also arrested and held for trial.[100] Communist parties throughout the world organized sympathetic demonstrations both during and after the mutiny, raising the cry "Freedom for the Dutch and Indonesian sailors.[101] Dutch consulates were picketed. Slogans popularizing the plight of the *De Zeven Provincien* crew were featured in the communist press and propaganda organs:

"Protest against the murder of our Dutch sailor comrades!

"Demand the freedom of press, assemblage, release of all Dutch and Javanese seamen held in prison camps!

"Demand the freedom of press, assemblage, and the right to organize and strike for the Dutch and Javanese seamen held in prison camps!"[102]

These and similar proclamations were printed on communist underground presses throughout the world in English, Dutch, German, French and the Scandinavian languages, for clandestine distribution aboard the warships of the major European navel powers.[103] Communist agitators in Helder, the major naval port in northern Holland, distributed pamphlets inviting the sailors to form sailors' and soldiers councils.[104] Rumors that certain destroyers and cruisers based at Helder intended to imitate the action of the *De Zeven Provincien* led to the taking of extraordinary precautions to preserve order. All guards were doubled, and at least one destroyer manned by officers and trusted men kept up a full head of steam owing to the tension which followed the announcement that government forces had bombed the *De Zeven Provincien* to end the mutiny.[105] On February 8, the Dutch Ministry of Defense had issued an order prohibiting members of the armed forces from having any "labor" newspapers, pamphlets or literature in their possession, an extreme measure designed to counteract the subversive and highly inflammatory propaganda material being disseminated by the communists in Holland and the East Indies.[106] Seditious pamphlets and tracts continued to be smuggled into the naval barracks, even after seventeen communists had been arrested in Helder for their activities.[107]

For several months after the mutiny, the Comintern continued to feature the mutiny of *De Zeven Provincien* in its propaganda, comparing it with the the epic of the *Potemkin*. The bombing of *De Zeven Provincien*, the communists proclaimed, was a "bloody rehearsal for a naval air war."[108] With Comintern aid, the illegal Communist Party of Indonesia continued its work among the armed forces. In some of the army barracks of Batavia, soldiers found posters on their walls proclaiming "Long live the fleet! Follow the example of *De Zeven Provincien!*[109]

However, the Indonesian communists recognized that the weakness in their movement resulted from the lack of a determined revolutionary leadership, and acknowledged the fact that their work among soldiers, sailors and the masses had been inadequately prepared.[110] The failure of the Communist Party of Holland to campaign vigorously for the release of the mutineers brought complaints from the Indonesian communists, but without success, for the situation in Holland precluded any widespread overt agitational program.[111] Although the thirteenth plenum of the executive committee of the Comintern later defined the mutiny of the *De Zeven Provincion* and the work of the Communist Party of Holland as "good revolutionary work," the revolutionary situation had passed. With it passed the Comintern's golden opportunity to destroy Dutch control in the Indies.[112]

The spreading flames of revolt

February, 1933, marked a turning point for communism in Germany. At the twelfth plenum of the Comintern, the Communist Party of Germany had been directed "to continue the offensive against fascism and prepare the masses for the revolution, for the dictatorship of the proletariat of soviet Germany.[113] Fascism in power in Germany, the communists were warned, meant the speeding up of the preparations for imperialist war.[114] On the night of February 27, 1933, the efforts of the German communists to prepare the proletariat for "the decisive revolutionary battles" were interrupted by the burning of the German Reichstag. Even as the ruins of the Reichstag smouldered, the German national socialists began an aggressive campaign to discredit communism.

Repressive measures against the communists were swift and cruel by modern standards, but they were effctive. The national socialists who turned a propaganda barrage against the communists. Emphasis was placed on the subversive nature of communism, the foreign direction and control exercised by the Comintern over the German communists, and the threat of soviet espionage. Although the campaign often went far beyond the truth in order to discredit the communists, one fact was evident from its success. Communist disintegration work in the armed forces was ineffective since the personnel were fully informed and realized that they themselves were the target for subversion: ignorance was the best ally of communism; knowledge of its tactics its most dangerous adversary.

The rise of Hitlerism did not mean the end of antimilitarism in Germany. The greater the successes achieved by Hitler, the deeper underground went German communism. Shortly before the Reichstag fire, a special illegal organization, protection and intelligence section, otherwise known as "O.S.N.A.," had been formed by the Comintern. O.S.N.A. was an elite organization set up to work inside the German communist party. It was responsible for espionage, disintegration of political organizations and parties hostile to communism, and infiltration and demoralization of the armed forces.[115] In addition to the illegal O.S.N.A., the German communists also had the "Am" or "Antimilitarisms" organization. "Am" was the communist apparatus responsible for making antimilitarism an effective, offensive, political weapon. The organization structure of "Am" which was also known as the "M" apparatus, the "C.K.", or "Mixed Commission," consisted of both district and subdistrict committees. These committees directed the formation and work of the so-called action groups which were responsible for carrying out the dangerous and difficult tasks connected with the preparation of an armed uprising.[116] Special military courses were organized by the "Am" organization for training personnel in antimilitarist work. It is possible to gain an appreciation of the scope of instruction from the index of one such "Am" course which is reproduced below:

"Details of course for the military tasks of the revolutionary proletariat.

"I. Introduction.

"II. The army.

A. The organization of the army.

B. The importance and part played by the army.

C. Analysis of classes represented in the army and its ideology.

D. The political, official and material position.

III. The Effect of the crisis on the army.

A. Fundamental contradictions in capitalist military policy.

B. The effects of the crisis on the army.

C. The crisis and distintegration from within.

"IV. The line of propaganda.

A. General political points of view.

B. Capitalist and proletarian military policy.

C. Watchwords and paroles in the agitation.

D. Partial demands.

"V. Means of propaganda and methods of work.

A. General means and methods.

B. Special means of agitation and propaganda.

C. Methods of distribution of literature.

"VI. The forms of organization of work among soldiers.

A. The military organization.

B. The organization of the entrance of revolutionary elements into the army.

C. The work among former soldiers.

"VII. The organizing of the revolutionary work among soldiers."[17]

Separate "Am" courses were also organized for work among the police. These courses overlapped the army courses to a considerable degree:

"Details of course. The work among the police.

"I. A revolutionary task. (Fundmental attitude)

"II. The police. (History—Formation—Application—Class Warfare—Material, political and official position.)

"III. Crisis—Growth of the revolution. (Effect—the police during and after the armed rising.)

"IV. Lines of propaganda. (General points of view—political lines of demands.)

"V. Means and methods of propaganda. (Special means—methods of distribution of literature.)

"VI. How to influence the army. (The getting of agents—bases.)

"VII. Work on the masses. (The ideological struggle—mobilization of the masses).[18]

Langers' *Der Weg Sum Sieg* and Neuberg's *Der Bewaffnets Aufetand* were recommended reading for all personnel training for the armed uprising.[19] Special instructions distributed under the title *Rote Manovey-Kritik* also provided detailed directions for carrying out work in the army during military exercises. These instructions described how to establish contact with the soldiers, their organization into groups, the exploitation of incidents for agitational purposes, and the techniques for effective distribution of propaganda.[20] The importance of expanding their disintegration activities to include work among the immediate families and relatives of the men in service was also recognized by the German communists. Work in the homes was considered just as essential as work in the army. "With us," said a special circular issued by the information section of the German communist party which discussed work among the relatives of servicemen, "it is not only the task of individuals, but of the whole organization."[21]

Elsewhere in Europe, the Comintern's antimilitarist program flourished. Disintegration work was pushed in France, Italy, Greece, the Balkans, England and Spain. Work was again started even in the Swiss army.[122] In the Scandinavian countries, the communists recorded minor successes. Revolutionary unrest was prevalent in the Swedish navy during 1933. In the Swedish port of Karlskrona, communist agitation led the sailors to join with recruits in demonstrating against bad food. The unrest spread to a number of navy ships in the harbor, but the naval authorities were able to prevent the outbreak of violence or mutiny.[123] Large scale agitation and propaganda work was also carried out in Greece. In their appeals addressed to the soldiers and sailors, the Communist Party and the Young Communist League of Greece actively encouraged uprisings and mutiny.[124] Leaflets addressed to the sailors of the Greek navy

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called on them to support the wave of strikes which swept Athens and Piraeus during the winter of 1932–1933. These leaflets, and the agitational appeals published in *Rizospastis*, the daily organ of the Communist Party, led some naval units to mutiny.[125] The Greek communists also fed agitational propaganda to the men in the army and navy through special antimilitarist newspapers, *Kokinos Antaroa* (*The Red Soldier*) and *Kokinos Siena* (*The Red Flag*). These newspapers received wide circulation and were passed from hand to hand in the barracks and on board Greek naval vessels. Petty grievances were magnified, and military discipline and morale suffered. On the Isle of Poros, communist agitation among the sailors billeted in the central barracks over allegedly bad food led to near mutinous conditions.[126] By the end of the year, Greek communists were boasting that their work in the army was increasing, and pointed to the fact that *Rizospastis* daily published two columns of letters from soldiers and sailors as an indication of their rising strength.[127]

The restless Americans

In February, 1933, *Circulación Interna*, the bulletin of the central committee of the Communist Party of Chile, called for a major antimilitarist drive in the barracks and on board ship. The bulletin reminded its readers that work among the armed forces was an obligation of all militant communists.[128] This call to action coincided with the announcement by Chilean authorities that a communist plot involving an uprising in the armed forces had been uncovered. Technical command of the plot was directed from Montevideo, Uruguay.[129] The communists intended their revolution to spread to the principal Chilean provinces, with special emphasis on the involvement of the crews of the Chilean warships in the harbors of Valparaiso and Talcahuano and the lower ranks of the Chilean army. Documents captured by government authorities revealed that the communists had hoped to use the Chilean navy to establish the first soviet in South America. Only the plot's premature disclosure prevented their attempt to execute the plan.[130]

An active antimilitarist program was also carried out in the armed forces of Argentina, but a revolutionary crisis never developed. Communist organizational and disintegrational techniques employed against the Argentinian army and navy during the years between 1928 and June 1933 were described by the Communist Party and the Young Communst League of Argentina in a pamphlet, *Nvestra trabajo antimilitarista* (*Our Antimilitarist Work*).[131] This pamphlet contained a most comprehensive discussion of communist antimilitarist doctrine. It was written at the direction of the Young Communist International to provide a basis for discussion at a national "anti" conference schedule in Argentina in late 1933. It was also designed to serve as guidance for the various propaganda organs of the Argentinian communist movement. Much of the information in the pamphlet was derived from the *Program* of the Young Communist International and from Yaroslovsky's *El trabajo de los bolebeviques en el ejército de la revolución de octobre*. Although both documents were cited as the original source for various directives and techniques which it amplified, the pamphlet warrants detailed study, for it revealed not only how the communists went about their work in undermining the armed forces in Argentina, but also how their techniques could be applied against any paramilitary organization, including the police, the fire department, and the coast guard, etc.[132]

The fight against militarism was defined in the pamphlet as one of the most important tasks facing the communist; it was a task requiring the conquering of the army and navy by work carried on "tanto en el interior como fuera," i.e., as much from the inside as from without.[133] The basic organizational unit for carrying on work inside the armed forces, the pamphlet revealed, was the communist cell consisting of three or four members. Individual communist cells were to be organized in each company, battery, squadron, section, regiment and ship. Three or four cells in a regiment or aboard ship constituted a *bureau* which was to direct the work of the component cells. Antimilitarist work in the armed forces also required mass support. Therefore, in addition to the illegal communist cells, soldiers' and sailors' committees (which performed much the same function as the committees did in the factories) were to be formed where they did not already exist. The communist cells actuated and motivated these committees through the active participation of their members.

The conspiratorial nature of the cells required the adoption of illegal methods of work and the maintenance of internal security precautions. Even the general membership of the Communist Party and Young Communist League of Argentina were not permitted to become aware of the identity of the cell members.[134] Whenever direct contact was required with the local communist organization, it was to be carried out through the bureau, but never by the cell itself.[135] Cell members were to avoid becoming identified as communists. They were directed to always keep the illegal nature of their work foremost in their mind, and guard against betrayal through their own imprudence, e.g., when introducing propaganda leaflets into the barracks or aboard ship, only a few were to be distributed at a time so as not to compromise their source. Work among the recruits was never to be carried out openly. Letters were to be printed, or handwriting disguised, but were never to be mailed aboard ship or from inside the compound. Finally, members with previous police records as communists were never to be utilized in legal work, but were to be assigned to work underground within the movement so as not to compromise their associates.[136]

The pamphlet differentiated between work among officers, non-commissioner officers, recruits and reservists. Although noting that the bourgeois social origin of the officer class usually precluded its consideration as an area for active party recruiting, positive emphasis was placed on Yaroslavsky's observation that there were individual officers who might join the communist ranks, and who, by virtue of their experience and specialized military training, could provide valuable technical assistance in preparing for an insurrection in the armed forces. Individually, such officers could become party members, but consideration was always to be given to the possibility of using groups of five or six as the basis for the development of revolutionary officers' associations.[137] Except in the case of officers, the basic unit of organization was to be the committee, i.e., the non-commissioned officers' committee, the recruits' committee, and the reservists' committee. Committees were to be motivated by partial demands calculated to appeal to their own peculiar group interest, e.g., partial demands for non-commissioned officers were to emphasize the right to attend officer candidate school, while demands for increased pay or service assignments near their home were to be aimed at the recruits. The common tendency to formulate work among the conscripts on the basis of their conflict with non-commissioned officers was to be avoided. Slightly different tactics were to be applied to work among the reservists. In addition to organizing them into committees, efforts were to be made to get them to actively participate in antiwar organizations. The formation of a Red Front organization with its potential united front appeal to the youth of other ideological leanings was also directed on a national scale.[138]

The pamphlet stressed the importance of mass antimilitarist work in any industry closely associated with the production of war materials, e.g., aircraft plants, arsenals, powder plants, etc. Cells in such factories were to fight against war preparation by strikes, work stoppages, slow down techniques, and whatever else might be necessary to impede the shipment of war materials.[139] In addition, the factory committees in all industries were to maintain close liaison with members who entered the military service. The pamphlet listed several techniques which could be used to link the men in service with the workers, e.g., the sending of gift boxes of cigarettes, fruit, or money to one or two soldiers or sailors who had been "adopted" by the factory committee; group visits to the barracks or aboard ship, etc. It also defined three types of slogans suitable for disintegration work in the armed forces; those based on the immediate demands, e.g., for an increase in base pay; general agitational slogans, e.g., reduction of the length of the military service period; and political slogans, e.g., defend the Soviet Union. Reference was also made to a fourth type of slogan addressed to groups with special interests, e.g., the reservists.[140]

XIV. THE MATURING CRISIS

The Thirteenth Plenum

In December, 1933, the Comintern convened its thirteenth plenum to discuss the growing threat of fascism and its relation to the maturing revolutionary crisis which had been predicted by the twelfth plenum. In the main address to the thirteenth plenum, Kuusinen stated that all communist parties had to fight against fascist ideology and the "fascization" of bourgeois governments and organizations by instituting a 'united front" from below.[152] The imperialists, he said, were "sliding" into war at an accelerated rate.[153] Therefore, the communist parties had to begin immediate preparation "for the transformation of the imperialist war into civil war, and concentrate their forces in each country, at the *vital parts of the war machine of imperialism*." [151] Kuusinen stated that in addition to increasing their agitation, among the proletariat, the communists "by all means in their power" had to "insure the practical organization of *mass action*, preventing the shipping of arms and troops, hindering the execution of orders for belligerent countries, organizing demonstrations against military maneuvers, etc." [155] He emphasized also the necessity for intensifying *"political education* work" in the army and the navy.[156] Bolshevism, Kuusinen told his audience, could not passively wait for war. To do so, he said, would be tantamount to desertion from the field of battle. Modern war, he continued, was a war which welded the front and the rear into an inseparable whole. It was therefore necessary for all communists to learn how to properly distribute their forces, and how to concentrate their activities against the shipment and supply of war materials. "The fate of war," Kuusinen stated, "is determined by the large factories." The factories, therefore, were to be made the "strongholds" of the revolutionary struggle against war. "Work in these enterprises, as well as among the troops at the front," Kuusinen concluded, "must become the backbone of our work.[157] The "revolutionizing" of the toiling masses was also declared to be the main task of communist antiwar struggle. Kuusinen said that all workers, soldiers and recruits were to take counsel from Lenin's words:

Maos propaganda in Cuba was carried on in the central party organ, *El Trabajador* (*The Worker*). In it, and later in its successor, *Bandera Boja* (*Red Flag*), the slogan "organize soviet of workers, peasants, soldiers' and sailors' deputies," was emphasized.[146] By supporting a struggle for their own economic and political demands, the party popularized all the main slogans of communism among the sailors and soldiers, espe-

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cially the one for fraternization with the fighting workers and peasants. In those districts where guerrilla units were operating, the communists emphasized the necessity for special agitation work among the army units. The soldiers should be encouraged to refuse to fight, they said, and told to go over to the side of the partisans.[147] Whenever the armed forces showed any inclination to go over to the side of the revolutionary masses, even greater emphasis was placed on "the further deepening of the incipient process of political radicalization of the army, support of the demands put forward by the soldiers and sailors and the practical carrying out of elections of soldiers' committees and of officers, in defiance of old barracks discipline, to extend and consolidate the transition already begun in the army to the side of the revolutionary masses." [148]

However the repeated failures of the Cuban communists to gain control of the revolutionary movement brought criticism from the Comintern that work in the villages had been neglected, and that "the connection between the attitude of peasants to the proletariat and the attitude of the army to the revolution" had been forgotten.[149] Moreover, the Comintern complained, the party said nothing about the giving of land to soldiers:

"It formulates the slogans of soviets thus—soviets of workers' and peasants' deputies, *supported* by committees of soldiers and sailors, seemingly denying the soldiers and sailors direct participation in the soviets, which is absolutely impermissible." [150]

The Cuban communists were further reminded that "the disintegration of the army and the winning of it to the side of the revolutionary people" was one of the most important conditions for the victory of the Cuban revolution.[151] But the Cuban communists failed in their attempts to translate Comintern directives into a popular action program.

Even the most minor issues were to be used by the communists as a basis for disintegration work, the pamphlet revealed, citing as an example the requirement for military personnel to finish dressing within minutes after the morning bugle sounded. The demand for more time to dress, it was noted, could be made the subject for action by the cells and committees, and could be the subject for agitational posters hung on the ships' bulkheads or barracks' walls. Communists could suggest surreptitiously to the men around them that additional time was required for dressing: "A friend told me that he and several others are going to take 10 minutes extra time tomorrow morning to get dressed. Are you agreeable? O.K., then how about checking with some of the others.[141] By such indirect methods, the pamphlet stated, communists could achieve their goal of undermining the discipline of the military service without becoming identified by the authorities as the leaders of the movement. Under no circumstances, cell members were cautioned, were delegates to be sent to the officers to demand reforms, nor were elections to be held to select representatives, for such recognition only served to pinpoint the communist leadership which made it vulnerable to later retaliation by the authorities. The pamphlet stated the communist's conviction that neustra prenea es nuestra major arm," i.e., our press is our best weapon.[142] But even the best weapon was ineffective in the hands of untrained men, it stated, pointing to the early deficiencies of *Lammago*, the official communist organ for the soldiers and sailors in Argentina.

There was also a resurgence of communist activity in Cuba after the collapse of the Machado dictatorship in 1933. A series of factional Cuban governments followed the downfall of Machado. Each in turn became the target of communist propaganda and agitation, but the antimilitarist program was weak.[143] Frequent reminders were sent by the Caribbean bureau of the Comintern to the Communist Party of Cuba that it must "penetrate into the army and the fleet, to arouse the soldiers and sailors to fight, and to link up their movement with that of the proletariat and the peasantry." [144] One of the most important tasks which faced the Cuban communists, it stated, was the organization of *"sailors' and soldiers' committees*, as well as the task of strengthening them in every way and converting them into competent organs of leadership of the revolutionary struggle of the toiling masses, into organs which can be relied upon in creating soviets." [145]

"You are given a rifle and a splendid quick-firing gun built according to the last word of engineering technique—take this weapon of death and destruction, do not listen to the sentimental snivellers who are afraid of war. Much has been left in the world that must be destroyed by fire and sword for the liberation of the ruling class." [158]

In the discussions which followed Kunsinen's address, the delegates to the thirteenth plenum critically examined the results of the antimilitarist work which had been carried out in their own countries. The Chinese communist delegate admitted that "the work of the winning over of the masses of the soldiers and for spreading sedition among the enemy troops still shows serious defects. As yet this work has no systematic, deliberate character. In conditions of war, intervention and revolution, this work is naturally of first-class importance." [159]

Without "systematic, resolute bolshevik work" among the soldiers, it was pointed out, the Communist Party of China could not organize a victorious national-revolutionary war against imperialism and the Kuomintang.[160]

Okano, the Japanese representative at the thirteenth plenum, indicated that government action against communism in Japan had proven extremely effective. Moreover, he said, "our antiwar work is still insufficient. We have never stopped a single train or a single boat of soldiers and ammunition to China and the Soviet borders." [161] Okano placed great emphasis on the need for improved security. He stated: "We must strengthen our work in the army and in the navy more carefully and in a strictly secret manner." [162] Although the showing made by the Communist Party and the Young Communist League of Japan was unimpressive, and when evaluated in terms of the tasks outlined by the 1932 thesis might be considered a failure, the real significance of their efforts rested with the small but powerful revolutionary cadre which had been organized. Okano later summed it up neatly when he said: "I think that most valuable achievement of our party in the period after the sixth congress is that we trained bolshevik forces." [163]

The plenum was particularly interested in the work which had been carried out in the armed forces of countries bordering the Soviet Union. Antimilitarist work in the Rumanian army, it was reported at the thirteenth plenum, was not up to the standards of the work of the Greek or Bulgarian parties.[164] However, some successful work had been carried out in the Rumanian navy. Cells had been organised in the naval barracks and in some of the ships of the Rumanian Black Sea fleet. Rumanian sailors held shipboard meetings at which they declared their solidarity with the working classes, and demanded recognition for their sailors' committees. Agitation for such partial demands as better food, increased pay, etc., and threats to support a general strike if their demands were not met, represented the tenor of communist activity in the Rumanian navy during this period. Occurrences of insubordination were rare as subsequent disciplinary actions proved extremely severe.[165] In Bulgaria, the young communist league had continued to increase its influence in the army through its illegal newspaper, the *Red Soldier*.[166] Antimilitarist activity was also carried on in the Czechoslovakian army, but the government had initiated increased internal security measures to stamp out communism among the soldiers.[167]

The Polish representative to the plenary session described how the Communist Party of Poland carried out its propaganda campaign through a clandestine underground press which published the party's central organ, *Chervony Shtandar* (*Red Banner*).[168] A separate newspaper written in simple language for the men of the Polish armed forces, *Koszary* (*Barracks*),[169] was also published, but the problem of strengthening its work in the organized military forces continued to be one of the most pressing problems which faced the Communist Party of Poland.[170]

In Germany, antimilitarist work had all but ceased, while it was carried on in Italy on a reduced scale. In France, work continued in the armed forces, with added emphasis on the navy. In April, 1934, *Cahiers du bolshevisms* published a brief article by André Marty summarizing the lessons of the Black Sea revolt. This article was republished in the *Communist International*, the central organ of the Comintern, in English, Russian, German, French, Chinese and Spanish, the following month. "Let us utilize and apply in action the lessons of the glorious mutinies of the Black Sea," the article stated. "The uprising in the Black Sea," it continued, "show us how we can fight against anti-soviet aggression, how we can turn the imperialist war into a civil and revolutionary war." [171] Whether in home port or abroad, naval forces were the target of propaganda and agitational appeals as part of a coordinated program of the Young Communist International. For example, during a fleet visit by the Italian navy to Lisbon, Portugal, in 1934, agitational leaflets printed in Italian wore distributed aboard the warships by Portuguese communists. These leaflets called on the sailors to follow the examples set for them by British sailors at Invergordon and Dutch sailors aboard the *De Zeven Provincion*.[172] Similar work was carried on in the Scandinavian and Baltic ports.

The mutinies and uprisings in the armed forces throughout the world during the years following the sixth world congress represented for the communists "a series of links of the chain of uneven but constant maturing of the revolutionary crisis." [173] The importance of these movements to the international communist cause was summarized by Manuilsky at the thirteenth plenum:

"Comrades, let us grant that these movements have not yet led to victory. But after all without a *"Potenkin"* there could have been no *"Aurora."* By virtue of these movements the communist parties are growing and strengthening, the broad masses are learning the science of revolution, and they are learning it very quickly, for at the present time in the capitalist countries the path that leads from the *"Potenkin"* of 1905 to the *"Aurora"* of 1917 is being covered much more quickly than was the case in tsarist Russia." [174]

Toward Soviet America

The formal diplomatic recognition granted by the United States to the Soviet Union two months before the thirteenth plenum in October, 1933, greatly increased the prestige of the American communist movement. In November, 1933, Maxim Litvinov, the soviet People's Commissar for Foreign Affairs, informed the President of the United States that it would henceforth be official soviet policy "to refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control, including organizations in receipt of any financial assistance from it,

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from any act, overt or covert liable in any way whatsoever to injure the tranquility, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States.[175]

The soviet policy did not, however, extend to the Comintern or to any of its sections. The Communist Party and the Young Communist League of the United States redoubled their efforts to prepare for the still imminant but illusive revolutionary crisis which was to lead to a soviet America. Now the revolutionary overthrow of capitalism was to be accomplished in the United States was vividly described by M. J. Olgin in a pamphlet called "Why Communism?" The overthrow of state power, Olgin asserted, would grow out of the everyday struggles of the workers:

"As the organization of the workers grows, as their struggles become fiercer, while many non-proletarian elements like farmers, intellectuals, and oppressed members of the lower middle class join the revolutionary movement, the final onslaught on the fortress of captalism draws nearer. These struggles are the reaction of the masses to the misery wrought by the crisis of capitalism. The capitalists try to overcome the crisis by putting additional burdons on the shoulders of the masses, but they cannot cure the incurable disease.[176]

There would come a time, he continued, "when large sections of the population say that this simply "cannot go on." The government seems to be entirely incompetent to cope with the political and social difficulties. The belief of the population in the wisdom and all-powerfulness of the "men higher up" is shaken. These men are losing their confidence. The confidence of the masses in their own strength is growing apace. The struggles of the masses meanwhile become broader and deeper. The government tries suppression. It goes not succeed in crushing the spirit of revolt. It cannot stem the tide.[177]

Capitalism would then seek to prevent the revolution by plunging the country into war, but Olgin noted, "A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old structure of society is tottering. There are actual insurrections; the army waivers. Panic seizes the rulers. A general uprising begins.[178]

Olgin described the course which the uprising would follow: "Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles sharpened. Street fights become frequent. Under the leadership of the communist party, the workers organize revolutionary committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon, the army. The police as a rule continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers. The revolution is victorious.[179]

There was only one way to abolish the capitalist state, Olgia asserted, that was "to smash it by force." [180] It could be done; it had been done, he pointed out, in Russia during 1917. There had also been workers' revolutions in Germany during 1918, in Hungary and Bavaria in 1919, and in China in 1927, he added, but the workers had been deprived of victory by socialist betrayal. A revolution could not win, he stated, "unless the armed forces, or at least *part of them,* join the workers." [181]

After the thirteenth plenum, the American communist party called on all its sections to "check up" on whether, and to what extent, the most important decisions of the plenum, i.e., to concentrate forces in each country *"at the vital parts of the war machine of imperialism"* and to "intensify *political education work in the army and in the navy,"* were being carried out.[182] Organizational and political measures to insure that the decisions were carried out "with infinitely greater speed" than past programs had been were specifically directed. It was necessary, the party stated, "not only to clarify more sharply the political importance of the program of concentration, but also to check up the capability and fitness of our cadres in the strategic points of concentration and to make sure that the most proven, experienced and courageous mass workers and leaders occupy these positions.[183]

Unless this was done, the sections were told, they could not expect to carry on a "bolshevik struggle" against war, or prevent the shipment of munitions and troops.[184]

The years 1933 and 1934 saw an intensification of the antiwar struggle in the United States. "Only if our antiwar campaign is developed in the factories, munition plants, docks and ships can our struggle against war be effective," the party leaders told the American communists, adding: "Only by such means can we actually paralyse the war plans of the American bourgeoisie; only in this way can the Soviet Union be defended from American imperialist intervention. The factories, the places of heavy industry, will be the necessary guarantees that it will be the proletariat that will lead, which is the only class capable to lead the antiwar movements of all non-proletarian stratas of the population.[185]

"The next strategic places for the antiwar activities of the party and the young communist league," they continued, "must be within the armed forces, as well as within the various semi-military reforestation and concentration camps of adult unemployed and homeless youth." [186]

Antimilitarism played an important role in communist preparations for a soviet America. In December, 1933, the party issued a special newspaper for army men. It was called the *Soldiers' Voice.* Later, in May, 1934, it issued a similar newspaper called the *Shipmates' Voice,* the masthead of which proclaimed that it was "issued by and for sailors and marines." Both were eight page papers in tabloid form. Comparison reveals that much of the material published in both came from the same source. Many items were duplicated verbatim, with only the word "sailor" substituted for "soldier." Both papers featured the military pay cuts, the threat of war, the "failure" of the New Deal, attacks on the President and members of his staff. They also printed articles making extremely favorable comparisons of life in the soviet formed forces, and describing the mutinies in the English, Dutch and Chilean fleets.

Conspiratorial methods were employed by the American communists in making arrangements for printing the *Shipmates' Voice:* "We made sure that we didn't have it printed anywhere in any of the communist printing places. We went to a Mexican place that put out newspapers for supermarkets, and the reason we picked this Mexican place was because we decided the owner was not too well versed in the English language. He put out this newspaper. After it was finished, we destroyed the type, and we turned this—turned over this newspaper to a legal—or open member of the communist Party.[187]

The *Shipmates' Voice* was priced at two cents a copy, but was actually distributed free. Dissemination of the *Shipmates' Voice* was accomplished through the young communist leagues. Female league members mingled with the crowds that went aboard the battleships on visiting days. Copies of the *Shipmates' Voice* together with other communist propaganda, were handed surreptitiously to the sailors or were dropped in the passageways and storage areas where they would be found later. In this manner, as many as five thousand copies of the *Shipmates' Voice* were disseminated throughout the naval installations and ships on the west coast in a single day. When fleet units moved to the east coast, the American communists arranged for publication of a special edition of the *Shipmates' Voice* to be published in Cuba. The Young Communist League of Cuba distributed it inside the American naval base at Guantanamo Bay and aboard the vessels of the fleet during their stopover there. When the fleet reached New York, still another edition of the paper, printed on the presses of a local communist front organization was distributed on the docks by the female members of the local young communist league.[188] The communists also reached inside the naval establishments with special publications like the *Navy Yard Worker* which had dissemination in Washington, D.C., and *The Yard Voice* distributed in the Brooklyn Navy Yard.

Work was carried out among the soldiers, but primary emphasis was concentrated on winning adherents and establishing communist nuclei in the navy. Communist calls were organized in naval units at San Diego, San Pedro and Long Beach, California. Party and league members went abroad various warships every visiting day to make contact with the cell leaders, and to furnish them with propaganda and agitational literature. One pamphlet which was widely disseminated was a detailed account of the Invergordon mutiny.[189]

In June, 1934, the *Party Organizer,* a special organ published by the central committee of the Communist Party of the United States, for party functionaries featured a revealing article on "Work in the Armed Forces." The article was signed "I.Y., a communist soldier." "With the rapidly developing preparations for war by the United States," the article began, "it is of the utmost importance that we consider more seriously than ever before the task of work in the armed forces of the country, especially in the regular army." [190] There existed, the article continued, "great possibilities of creating a genuine revolutionary movement among the soldiers." [191] "Very concrete directives" for such work, it indicated, had been provided by the resolution of the sixth world congress of the Comintern on *The Struggle Against Imperialist War and the Tasks of the Communists.* The article listed several ways to carry on the work among the soldiers. It indicated direct contact with individual soldiers, mass distribution of party literature, formation of soldiers' clubs, and the organization of soldiers' nights in workers' clubs located near the army posts. Of these, it stated, the most important method was through direct contact with individual soldiers.[192] Study the living conditions of the soldiers, the *Party Organizer* advised its readers in order to be able to discuss intelligently their problems. Most soldiers, it noted, were willing to talk about "inside" conditions and were eager for information as to what was goin on "outside" as well. If a soldier showed any interest, his name and address was to be obtained so that party literature could be sent to him. Each communist district organization, the article recommended, should send a few "reliable, developed comrades" to enlist in the army, as "one good contact on the 'inside' can lead to any number of others." [193]

The Communist Party of the United States also issued a special discussion guide under the title "Work in the Armed Forces" for use by members assigned to antimilitarist work. The guide described the relationship of

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the armed forces to the working classes, the potential revolutionary role of armed forces, how governments used armed forces in suppressing uprisings and strikes, and factual information concerning the organizational structure of the various branches of service.[194] A separate pamphlet was prepared by the party to assist its members in penetrating the National Guard. The pamphlet contained detailed instructions on how to get into the National Guard and what to do after joining. Among the instructions provided were details on how to exploit grievances, what issue to raise, how to carry on legal and illegal agitation, how to gain the confidence of the enlisted men, and how to recruit for communist mass organizations. The pamphlet related work in the Guard with that of the young communist league, and explained how factions could be formed within the National Guard.[195]

Communists in the United States and abroad also used a special pamphlet sponsored by the Young Communist International to assist local young communist leagues in expanding their antimilitarist campaign among the socialist youth groups. This pamphlet, *Youth in the World War*, was published simultaneously in at least three different foreign language editions, i.e., English, French and German.[196] It described the antimilitarist role which youth in various countries had played during the war years of 1914–1918. Although military authorities possessed detailed knowledge of communist antimilitarist activities, they were extremely limited in what they could do to combat their demoralizing influences because in the United States communism was considered to be a "political" issue.[197] The American authorities adopted a defensive posture, but they lacked legislation which would have permitted them to institute really adequate safeguards.

Spanish October

In October, 1934, the communist parties of South and Caribbean America held its third conference in Uruguay. At the conference, the mutinies and uprisings which had occurred in the armies and fleets of Chile, Peru and Cuba since the first conference in 1929 were discussed. The conference concluded that with few exceptions, the antiwar work of the Spanish-speaking communist parties had "not yet taken on a systematic character." [198] One of the exceptions was the work which was being carried on in Cuba. The propaganda machine of the Communist Party of Cuba devoted considerable energy and attention to rendering systematic support to the antimilitarist work in the armed forces. Hardly a single manifesto of the Cuban communist party appeared which did not contain some type of appeal addressed to the soldiers and sailors. "Soldiers and sailors," the typical communist manifesto stated, "you are being used by the exploiting classes of Cuba against the toiling people and the communist party. You are being poisoned with vilest patriotism and are being sent to to shoot down workers' demonstrations. Refuse to disperse workers' demonstrations and meetings! Fraternize with the workers and peasants! Form committees of soldiers and sailors! Join the communist party! Form party cells in the barracks and on board ships! [199] During the general strike in October, 1934, Cuban communists issued manifestos calling on the soldiers to join the soviets which had been set in in Realengo and Guantanamo.[200] The communists did not restrict themselves to sending manifestos to the Cuban armed forces. They carried on daily organizational work inside various military units, forming party cells and sailors' ship committees. The party also renewed publication of an illegal organ for communist soldier and sailor cells, *Centinalla roja* (*Red Guard*), which popularized communism in the Soviet Union and emphasized the tasks of the communists in the armed forces.[201] But all efforts to bring the proletarian revolution to Cuba ended in failure.

At the thirteenth plenum of the Comintern, it was reported that a revolutionary situation existed in Spain. In October, 1934, the Communist Party of Spain had a membership of less than ten thousand; a year later it numbered its followers at more than one hundred thousand persons.[202] From a "sectarian group, consisting principally of emigree living abroad" [203] assisted by "an insignificant group of communist propagandists," [204] at the time of the sixth world congress in 1928, the Spanish party became one of the ten most important sections of the Comintern by 1935. Its sudden growth into a compact mass party and a "powerful political factor" in Spain resulted from the dominant role it displayed in the October revolution of 1934. The October revolution began as a general strike called by the forces of the left against the Spanish Republic, but communist and socialist elements soon turned the general strike into open revolt. The revolt was accompanied by bloody fighting which spread rapidly over central and northern Spain even after the center of the revolt in Madrid, the capital city, had been crushed. On October 6, 1934, insurgents in Catolonia proclaimed an independent republic which lasted only two days before it was crushed by the government forces.

The October revolution of 1934 was not a total failure from the standpoint of the communists. It had failed because it lacked control leadership, but the communists made the most of the opportunity provided by defeat to drive home to the socialists and other Spanish leftist groups the need for greater cohesion and unity of action. The lesson from the teaching of Marx and Lenin on the art of insurrection that it was "not merely a question of dying like heroes at the barricades, but one of directing the struggle of the masses as a whole, of never losing the initiative and of being able to wrest the leadership from the hands of the wavering elements," [205] had been learned well by the communists, for they survived the October revolution with their leaders, their program, and their arsenal of weapons intact. The October revolution also failed because the armed forces had been against the insurrectionists on the side of the government, which reinforced the requirement to win those elements to the side of the left if a revolution was ever to succeed in Spain. Efforts to undermine the loyalty of the military forces in Spain had never enjoyed any real widespread success because the communists, for all of their many legal and illegal propaganda organs, had been unable to put their program on a broad popular basis.

Some communist inspired revolutionary ferment in the naval forces of Spain occurred during the October revolution. In October 1934, seventeen sailors in the crew of the *Uruguay* lying off Barcelona failed in an attempted mutiny.[206] A small communist cell also existed aboard the cruiser *Liberdad*. During the fighting around Gijon, two marines from the *Liberdad* separated themselves from a landing party and made contact with the communist elements in the town. One of the marines who was a communist sympathizer, proposed an attempt to persuade the whole landing party of 70 marines to join the revolt. Instead, the communists directed him to return to his ship, form a sailors' committee, and then arrest the officers. After this had been accomplished, the red flag was to have been hoisted over the *Liberdad*. At this signal, communist representatives were then to go aboard the *Liberdad* with further instructions. If this were impossible, the marine was to attempt to stage a mutiny in order to divert as many marines as possible until help arrived. The attempt proved unsuccessful.[207]

But while the communists were growing in power in Spain, they were rapidly losing strength in Germany. Even after Hitler's decision to build a mass army provided greater opportunities for penetration into the armed forces, the communists made little headway with their antimilitarist program. Early in 1935, the central organ of the Comintern published an article discussing the tasks of the German communists. In it the German communists were told that they must "explain to the masses (who have occasionally a very unclear and schematic idea of what is meant by transforming the army as a weapon of the exploiters into a weapon of the revolution) that the decisive question is not that of arms, but of the organization of the army.[208]

Mass explanatory work among the workers and the recruits joining the army, it continued, had to be carried out to explain that "the question of their armament is not a question of building up, but one of destruction of the bourgeois-class army." [209] Workers must be made to realize, it stated, that they joined the army not only to learn how to use arms but as "organizers and agitators among the soldiers, consciously undermining the German army." [210] Their task, the article concluded, was "to undermine and destroy the organization and the ideology with the aid of which capitalists through the medium of the military barracks, transform the toilers into weapons directed against the toilers, i.e., against their own class." [211] How the German communists were to accomplish their task in the face of the conditions which existed in Germany, however, was not explained.

FOOTNOTES

[1] Otto Kuusinen, "Prepare for Power: the International Situation and the Tasks of the Sections of the Comintern," *Report of Comrade Kuusinen at the IIIth Plenum of the Executive Committee of the Communist International* (New York: Workers' Library Publishers, n.d.).

[2] M. James, "Yankee Imperialist Intervention Against the Chinese Revolution," *The Communist*, II, No. 7 (July, 1932), 621.

[3] *International Press Correspondence*, XII, No. 7 (February 18, 1932), 122.

[4] Sergio Fernandez Larrain, *Traición!* (Santiago, Chile: 1941), pp. 91–95.

[5] *Ibid*.

[6] Montenez, *loc. cit*.

[7] *International Press Correspondence*, XI, No. 64 (December 17, 1931), 1157.

[8] The stringent security precautions instituted by the Italian authorities stood in stark contrast to the disinterested official attitude which French authorities manifested during the same period. One result of these widely varying positions was the failure of communism to become more than an irritant to the Italian armed forces while at the same time in France it contributed in the ultimate downfall of the French republic.

[9] *Ibid*.

[10] *Ibid*, VIII, No. 64 (September 19, 1928), 1152.

[11] *Ibid*.

[12] *Ibid*., XII, No. 6 (February 11, 1932), 104–105.

[13] *Ibid*., No. 11 (March 10, 1932), 220.

[14] *Ibid*., No. 17 (April 14, 1932), 322.

[15] *Ibid*., No. 38 (August 25, 1932), 807; *Ibid*., No. 45 (September 29, 1932), 909.

[16] Ehrt, *op. cit*., p. 91.

[17] *Ibid*., pp. 89–92.

[18] *International Press Correspondence*, XIV, No. 67, (September 7, 1934), 1239.

[19] *Ibid*., XII, No. 5 (February 4, 1932), 79; *Ibid*., No. 10 (March 3, 1932), 203.

[20] "Draft Programme of the C.P. of Egypt," *ibid*., No. 23 (May 26, 1932), 476.

[21] The relationship of communist work in Egypt to the Indian revolution was revealed by Katayama, the veteran Japanese communist, in 1922. Speaking at the fourth congress of the Comintern, Katayama said: "A strong communist movement should be built up in Egypt in order to hold the key to the East and the Far East. In the case of revolt

in India, Egypt, by reason of the geographical position it occupies, would hold the key to the Indian revolution and could assist it by blockading the Suez Canal." (*Fourth Congress of the Communist International,* p. 287).

[22] Dallin. *op. cit.*, pp. 202–203.

[23] "Draft Platform of Action of the Young Communist League of India," *International Press Correspondence*, XII, No. 11 (March 10, 1932), 231.

[24] *Ibid.*, p. 229.

[25] *Ibid.*, p. 230.

[26] *Ibid.*, p. 231.

[27] Orgwald, *Tactical and Organizational questions of the Communist Parties of India and Indo-China* (United States: The Pan-Pacific Worker, n.d.), p. 61.

[28] *Ibid.*, p. 62.

[29] *Ibid.*, p. 88.

[30] *Ibid.*, p. 89.

[31] *Ibid.*

[32] *Ibid.*

[33] *Ibid.*

[34] *International Press Correspondence,* XII, No. 16 (April 7, 1932), 319.

[35] *Ibid.*, No. 6 (February 11, 1932), 99.

[36] *Ibid.*, p. 100.

[37] *Ibid.*

[38] Kumamoto, "The Revolutionary Example of the Japanese Toilers" *The Communist*, II, No. 7 (July 1932), 626.

[39] *Ibid.*, p. 630.

[40] "The War in the Far East and the Tasks of the Communists in the Struggle Against Imperialist War and Military Intervention," *Report of Comrade Okano* (New York: Workers' Library Publishers, 1932), p. 42.

[41] *Ibid.*, pp. 35–36.

[42] *International Press Correspondence*, XII, No. 23 (May 26, 1932), 470.

[43] Promulgated by the West European bureau of the Comintern in May, Japanese communists did not see these theses until July, 1932, when they were published in a special edition of *Sakki*. (*Ibid.*, No. 56 (December 15, 1932), 1206).

[44] *Ibid.*, No. 23 (May 26, 1932), 470.

[45] *Ibid.*

[46] The title of this publication has also been translated as *The Soldier's Friend*, but the communists themselves translated it as given, i.e., *The Friend of the Soldier*.

[47] *Ibid.*, No. 56 (December 15, 1932), 1216.

[48] "Examples of the Work of C.P. of Japan," *Communist International,* II, No. 1 (January 1, 1934), 32.

[49] This publication has also been referred to in communist publications under the title *The Main Mast*. It is identical to the publication which David Dallin refers to as *The High Mast* in his *Soviet Russia and the Far East* (New Haven: Yale University Press, 1948), p. 49.

[50] *Ibid.*, p. 50, *Communist International*, II No. 14 (July 20, 1934), 478.

[51] *Ibid.*, pp. 480–82.

[52] Valtin, *op. Cit.*, pp. 318–19.

[53] "On the question of Illegal Work," *The Communist International*, I, No. 23 (December 1, 1933), 853.

[54] *International Press Correspondence*, XII, No. 31 (July 14, 1932), 633.

[55] *Ibid.*, XII, No. 35 (August 11, 1932), 729.

[56] *Ibid.*, XIV, No. 42 (August 3, 1934) 1088.

[57] In 1933, at least 11 such pamphlets, totaling over 100,000 copies were distributed. (*Ibid*).

[58] *Ibid.*, p. 1087.

[59] *Ibid.*, No. 24 (April 20, 1934), 612.

[60] Kuusinen, *loc. cit.*

[61] *Ibid.*, p. 2.

[62] *Ibid.*, p. 5.

[63] *The Communist*, XI, No. 11 (November, 1932), 986.

[64] *Report of Comrade Okano*, p. 40.

[65] *Ibid.*, p. 42.

[66] *Ibid.*, p. 28.

[67] Between 1928 and the end of 1932, the number of communist party members arrested and held in temporary custody amounted to approximately forty thousand persons. (*Seventh Congress of the Communist International, Abridged Stenographic Report of Proceedings* (Moscow: Foreign Language Publishing House, 1939, p. 105).

[68] *International Press Correspondence*, III, No. 46 (October 20, 1932), 1006.

[69] *Ibid.*

[70] *Ibid.*

[71] *Ibid.*

[72] *Ibid.*

[73] *Ibid.*

[74] *Ibid.*

[75] U.S. Congress, House, Special Committee on Un-American Activities, *Investigation of Un-American Propaganda Activities in the United States,* Appendix—Part I, 76th Cong., 1st Sess., 1940, p. 505.

[76] *The Daily Worker* (New York), February 18, 1933, p. 1.

[77] *Ibid.*, February 8, 1933, p. 4.

[78] *Ibid.*, January 11, 1933, p. 3.

[79] (New York: Coward-McCann, Inc.).

[80] *Ibid.*, p. 228.

[81] *Ibid.*, p. 229.

[82] *The Times* (London), December 8, 1932, p. 7.

[83] *Ibid.*, February 11, 1933, p. 7.

[84] *The New York Times,* January 31, 1933, p. 10.

[85] *The Times* (London), January 31, 1933, p. 9.

[86] *Ibid.*, February 4, 1933, p. 9.

[87] *The New York Times,* December 7, 1933, p. 12; *Ibid.*, February 27, 1934, p. 29.

[88] *Ibid.*, February 6, 1933, p. 1.

[89] *Ibid.*, February 23, 1934, p. 3.

[90] Krebs' description of the events which transpired aboard the *De Zeven Provincion* lacks the ring of authenticity which his own personal observations possess. It was apparently reconstructed from contemporary newspaper accounts of the mutiny. (Valtin, *op. cit.*, p. 347).

[91] *Ibid.*, p. 346.

[92] *The New York Times,* February 6, 1933, p. 1.

[93] *Ibid.*, February 7, 1933, p. 1.

[94] *Ibid.*, February 9, 1933, p. 9; *The Daily Worker* (New York), February 11, 1933, p. 1.

[95] Valtin, *op. cit.*, p. 348.

[96] *The Daily Worker* (New York), February 18, 1933, p. 1.

[97] *The New York Times,* February 7, 1933, p. 1.

[98] *Ibid.*, February 8, 1933, p. 21.

[99] *Ibid.*, February 9, 1933, p. 9.

[100] *Ibid.*, February 10, 1933, p. 1; *Ibid.*, February 11, 1933, p. 9.

[101] *The Daily Worker* (New York), February 21, 1933, p. 2.

[102] *Ibid.*, February 15, 1933, p. 3.

[103] Valtin, *loc. cit.*

[104] *The New York Times,* February 8, 1933, p. 21.

[105] *Ibid.*, February 13, 1933, p. 31.

[106] *Ibid.*, February 8, 1933, p. 21.

[107] *Ibid.*, February 13, 1933, p. 12; *Ibid.*, February 27, 1933, p. 10; *The Daily Worker* (New York), February 14, 1933, p. 1.

[108] *International Press Correspondence,* XIV, No. 12 (February 26, 1934), 313.

[109] *Ibid.*, No. 25 (April 23, 1934), 638.

[110] *Ibid.*

[111] *Ibid.*, p. 639.

[112] *Ibid.*, No. 5 (January 30, 1934), 112.

[113] *The Daily Worker* (New York), February 11, 1933, p. 4.

[114] *Ibid.*, February 1, 1933, p. 1.

[115] F. O. Miksche, *Secret Forces* (London: Faber and Faber, Ltd., 1950), p. 114.

[116] Ehrt, *op. cit.*, pp. 53–54.

[117] *Ibid.*, pp. 79–81.

[118] *Ibid.*, p. 81.

[119] *Ibid.*, p. 133.

[120] *Ibid.*, p. 94.

[121] *Ibid.*, p. 76.

[122] *International Press Correspondence,* I, No. 2 (February 1, 1933), 53.

[123] *Ibid.*, XIV, No. 42 (August 3, 1934), 1087.

[124] *Ibid.*, XI, No. 1 (January 8, 1931), 19.

[125] *Ibid.*, XII, No. 56 (December 15, 1932), 1199.

[126] *Ibid.*, XIV, No. 42 (August 3, 1934), 1087–88.

[127] *Ibid.*, No. 25 (April 23, 1934), p. 647.

[128] Larrain, *op. cit.*, p. 108.

[129] *The New York Times,* February 28, 1933, p. 5.

[130] *Ibid.*, February 26, 1933, p. 17; *Ibid.*, April 8, 1933, p. 4.

[131] Argentina, Senate de la Nacion, *Represion del comunismo,* Vol. II. "Proyecto de ley, informe y antecedentes per el Senador Matias G. Sanchez Sorondo," (Buenos Aires, 1938), pp. 279–89, reproduced the full Spanish text of this pamphlet.

[132] *Ibid.*, p. 283.

[133] *Ibid.*, p. 281.

[134] *Ibid.*, p. 286.

[135] *Ibid.*, p. 281.

[136] *Ibid.*, p. 285.

[137] This was a deviation from Yaroslavsky's position that separate officers' associations should not be formed. (*Ibid.*, p. 282).

[138] *Ibid.*, p. 283.

[139] *Ibid.*, p. 284.

[140] *Ibid.*, p. 287.

[141] *Ibid.*, p. 284.

[142] *Ibid.*, p. 286.

[143] Even as late as April, 1934, one of the key issues at the second congress of the Cuban communist party was its failure to make only the "barest" beginning in an antimilitarist program. (*International Press Correspondence,* XIV, No. 34 (June 15, 1934), 910.)

[144] "Revolutionary Events in Cuba and the Tasks of the Communist Party," *The Communist International,* X, No. 18 (September 15, 1933), 626.

[145] *Ibid.*, p. 627. Italics in original.

[146] *Ibid.*

[147] *Ibid.*, p. 626.

[148] "A New Phase in the Revolutionary Events in Cuba," *ibid.*, X, No. 20 (October 15, 1933), 702.

[149] "The Revolutionary Battles in Cuba," *ibid.*, XI, No. 2 (January 2, 1934), 59.

[150] *Ibid.* Italics in original.

[151] *Ibid.*

[152] *International Press Correspondence,* XIV, No. 1 (January 5, 1934), 12–16.

[153] *Ibid.*, No. 5 (January 30, 1934), 107.

[154] *Ibid.*, No. 1 (January 5, 1934), 15. Italics in original.

[155] *Ibid.* Italics in original.

[156] *Ibid.* Italics in original.

[157] *Ibid.*, No. 5 (January 30, 1934), 107.

[158] *Ibid.*, p. 108. Italics in original.

[159] *Ibid.*, No. 25 (April 23, 1934), 628.

[160] Ibid.

[161] *Ibid.*, No. 15 (March 5, 1934), 380.

[162] *Ibid.*, p. 381.

[163] *Seventh Congress of the Communist International,* p. 105.

[164] *International Press Correspondence,* XIV, No. 28 (May 7, 1934), 731.

[165] *Ibid.*, No. 42 (August 3, 1934), 1088.

[166] *Ibid.*, No. 8 (February 9, 1934), 219 *Ibid.*, No. 12 (February 26, 1934), 318.

[167] *Ibid.*, No. 24 (April 20, 1934), 606, 617.

[168] *Ibid.*, No. 4 (January 26, 1934), 96.

[169] *Ibid.*, No. 42 (August 3, 1934), 1088.

[170] "Capitalist Stabilization Has Ended: Thesis of the Twelfth Plenum of the E.C.C.I. on the Report of Comrade Kuusinen," *The Communist,* XI, No. 11 (November 1932), 985.

[171] "The Black Sea Revolt," *ibid.*, XI, Nos. 9–10 (May 20, 1934), 342.

[172] *International Press Correspondence,* XIV, No. 42 (August 3, 1934), 1088.

[173] *Ibid.*, No. 16 (March 9, 1934), 417.

[174] *Ibid.*, No. 12 (February 26, 1934), 313.

[175] U.S., Congress, House, Special Committee on Un-American Activities, *Investigation of Un-American Propaganda Activities in the United States,* Appendix, Part I, 76th Cong., 1st Sess., 1940, p. 557.

[176] *Ibid.*, p. 741.

[177] *Ibid.*

[178] *Ibid.*, p. 742.

[179] *Ibid.*

[180] *Ibid.*

[181] *Ibid.* Italics in original.

[182] *Ibid.*, p. 615. Italics in original.

[183] *Ibid.*

[184] *Ibid.*

[185] *Ibid.*, pp. 937–38.

[186] *Ibid.*

[187] U.S. Congress, House, Committee on Un-American Activities, *Investigation of Communist Activities in the New York City Area*, Part 3, 83rd Cong., 1st Sess., May 6, 1953, p. 1386.

[188] *Ibid.*

[189] *International Press Correspondence*, XIV, No. 42 (August 3, 1934), 1088.

[190] *Party Organizer*, VII, No. 4 (June, 1934), 26.

[191] *Ibid.*

[192] *Ibid.*, p. 27.

[193] *Ibid.*, p. 28.

[194] U.S., Congress, House, Committee on Military Affairs, *To Make Better Provision for the Government of the Military and Naval Forces of the United States by the Suppression of Attempts to Incite the Members Thereof to Disobedience*, 74th Cong., 1st Sess., 1935, pp. 79–80, 86–87.

[195] Possony, *op. cit.*, p. 174.

[196] T. Motylewa, *Die Jugend in Weltkrieg* (Moscow: Verlagsgenossenschaft Auslandischer Arbeiter in der USSR, 1934); T. Motylva, *Les jeunes dans la guerre mondiale* (Paris: Bureau d'editions, 1934); V. Motyleva, *Youth in the World War* (New York: Youth Publishers, 1934).

[197] U.S., Congress, House, Special Committee on Communist Activities in the United States, *Investigation of Communist Propaganda*, 71st Cong., 3rd Sess., January 17, 1931, pp. 34–35.

[198] "Struggles of the Communist Parties of South and Caribbean America," *The Communist International*, XII, No. 10 (May 20, 1935), 569.

[199] Bijowsky, "Weaknesses and Mistakes of the Communist Press in Cuba," *International Press Correspondence*, XI, No. 7 (April 5, 1934), 261.

[200] *Ibid.*, XIV, No. 59 (November 24, 1934), 1572.

[201] *Ibid.*, No. 27 (May 4, 1934), 707.

[202] *The Daily Worker* (New York), July 22, 1936, p. 1. Manuilsky, speaking at the Seventeenth Party Congress of the Soviet Union early in 1934 claimed that membership in the Communist Party of Spain numbered 30,000, with some 15,000 members in the communist youth leagues. He also boasted that communist influence in the Spanish army was growing. (*International Press Correspondence*, XIV, No. 12 (February 26, 1934), 313). The real membership of the Spanish party was probably somewhere in between the two sets of figures.

[203] *Seventh Congress of the Communist International*, p. 59.

[204] *Ibid.*, p. 53.

[205] *Ibid.*, p. 449.

[206] *International Press Correspondence*, XIV, No. 54 (October 19, 1934), 1428.

[207] *Ibid.*, No. 60 (December 1, 1934), 1604.

[208] Rudolph Gerber, "Our Fight Against German Chauvinism," *The Communist International*, XII, No. 10 (May 20, 1935), 561–63.

[209] *Ibid.*

[210] *Ibid.*

[211] *Ibid.*

SOUTHERN BAPTIST SUPPORT FOR PRAYER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, the impression has been left that because of the Southern Baptist Convention opposition to House Joint Resolution 191, all Baptists are against it.

I respectfully suggest that not all Baptists feel as Dr. Carl E. Bates. I have received considerable correspondence to this effect. I call attention to a letter from Rev. Claud Logan Asbury of the Gibson Avenue Baptist Church, Wilmington, N.C.

GIBSON AVENUE BAPTIST CHURCH,
Wilmington, N.C., October 26, 1971.

DEAR CONGRESSMAN: As you know the requisite 218 signatures on Discharge Petition Number 1 concerning the proposed Prayer Amendment to the Constitution has been achieved in the U.S. House of Representatives. How grateful all Americans must be for this Victory.

It is my understanding that H.J. Res. 191 has been scheduled for consideration by the House of Representatives on November 8th. I am very hopeful that it will receive the two-thirds vote required for the passage of a Constitutional Amendment.

I believe the spiritual direction *Upward*, which Our Beloved Nation must take in the future depends, to a great extent upon the approval of A Prayer Amendment to our U.S. Constitution—this action in the U.S. House of Representatives can be the necessary *First Step*.

As you probably know, I am Sponsor of "The Asbury Resolution on Voluntary Prayer in The Public Schools", which has already been adopted by *two* Baptist State Conventions of The Southern Baptist Convention (consisting of all 50 states): the Baptist State Convention of North Carolina (which comprises 3,449 churches with a total membership of 1,023,147 people—this is the *second* largest Southern Baptist Convention State regarding churches and total membership—Texas being the largest), and the present home of Southern Baptist Convention President, Dr. Carl E. Bates, who is also pastor of the First Baptist Church, Charlotte, North Carolina—the resolution was adopted last year (1970) in the War Memorial Auditorium, Greensboro, North Carolina; and the Baptist State Convention of South Carolina (which comprises 1,599 churches with a total membership of 587,304 people)—it was adopted in 1964 in the First Baptist Church, Columbia, South Carolina, the State Capitol.

On behalf of the Baptist State Conventions of North and South Carolina (of the Southern Baptist Convention), which have adopted "The Asbury Resolution of Voluntary Prayer in the Public Schools", I deeply appreciate your vote for this Prayer Amendment to the Constitution.

With kindest regards and appreciation, I am

Very truly yours,
Rev. CLAUD LOGAN ASBURY.

WORKMEN'S COMPENSATION PROTECTION FOR FARM LABOR

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. O'HARA. Mr. Speaker, the Subcommittee on Agricultural Labor of the Education and Labor Committee is currently holding hearings on a bill that would extend the provisions of the Longshoremen's and Harbor Workers' Compensation Act to farm workers. One of the witnesses in last Thursday's hearing was Mr. James O'Brien, the very able and knowledgeable assistant director of the AFL–CIO Department of Social Security. Mr. O'Brien's recognized expertise in the field of workmen's compensation was reflected in his being appointed earlier this year to the National Commission on State Workmen's Compensation Laws that was created by the Daniels Occupational Safety and Health Act of 1970.

In a recent radio news conference, Mr. O'Brien responded to reporters' questions on a broad range of workmen's compensation matters. He made the point in the course of the interview that agricultural workers have been excluded traditionally under workmen's compensation as well as other social insurance programs, notwithstanding that theirs is one of the most hazardous occupations in the Nation. Mr. O'Brien pointed out, too, that progress in most State legislative bodies has been extremely slow in extending to farm workers the same workmen's compensation protection that the State programs have afforded to workers in other industries for decades.

Mr. O'Brien discussed several other deficiencies in workmen's compensation programs that must be corrected to provide adequate, uniform protection for all of the Nation's workers. He feels that the key to bringing workmen's compensation up to realistic current needs is minimum Federal standards for both the amount and duration of benefits for disabled workers and the survivors of workers killed in job-related accidents. The laws of only two States achieve the originally intended goal of supporters of workmen's compensation legislation to replace two-thirds of a worker's normal wage during his recovery period. Mr. O'Brien added that in many instances, benefits under State laws are so inadequate that disabled workers are forced to seek welfare and other forms of public assistance in order for them and their families to survive.

I insert the entire transcript of the interview along with the text of the AFL–CIO statement prepared for the hearing on H.R. 11007, the Farm Workers' Compensation Act, at this point in the RECORD:

LABOR NEWS CONFERENCE—MUTUAL BROADCASTING SYSTEM

Subject: Up-dating Workmen's Compensation

Guest: James O'Brien, an assistant director of the AFL–CIO's Department of Social Security

Reporters: Murray Seeger, Washington correspondent for the Los Angeles Times; Donald Finley, labor correspondent for United Press International

Moderator: Frank Harden

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is James O'Brien, an assistant director of the AFL–CIO's Department of Social Security.

Passage of the new federal Occupational Safety and Health Act reinforced this country's commitment to the right of every American worker to a safe and healthful work environment. But, while full and effective enforcement of the job safety law will cut the rate of work-related death, injury and illness, it cannot completely eliminate them. Workmen's compensation is the financial protection against wage losses stemming from job-related injuries. But, in the view of the AFL–CIO, the nation's workmen's compensation system, is badly outdated. Mr. O'Brien is a member of the National Commission on State Workmen's Compensation Laws established to investigate the shortcomings of various state workmen's compensation laws and recommend to Congress how that vital worker-protection can be brought into line with realistic needs. Here to question him about the progress and direction of the Commission's findings to date are Murray Seeger, Washington correspondent for the Los Angeles Times, and Donald Finley, labor correspondent for United Press International. Your moderator, Frank Harden.

And now, Mr. Finley, I believe you have the the first question?

FINLEY. Mr. O'Brien, just what benefits does workmen's compensation provide?

O'BRIEN. Mr. Finley, workmen's compensation is the oldest form of social insurance that we have in the United States today—it is an insurance program.

Basically, it provides wage-replacement benefits to workers who suffer injury or disease arising in the course of their employment. In addition to wage-replacement benefits, it also is intended to provide medical care. As important as these two—certainly very important—it also provides, under many state programs, rehabilitation services, or benefits to help injured workers—speed their recovery and quick return to gainful employment.

These are the basic benefits provided under the Workmen's Compensation program of this nation.

FINLEY. These programs are administered by the states. Do any of the states provide what you consider adequate benefits?

O'BRIEN. During the past 30 years, workmen's compensation programs and the benefits provided under the various state programs have deteriorated noticeably.

Today, with the exception of the Federal Employees Compensation Act—and this is a program that provides protection for federal employees—most of the state laws are deficient—they are extremely deficient or inadequate, in terms of the wage-replacement benefits provided to injured workers.

SEEGER. Are there any federal standards, Mr. O'Brien, for the state workmen's compensation laws to meet?

O'BRIEN. Mr. Seeger, workmen's compensation, since its inception, has been administered at the state level.

There are 50 state programs and two federal programs.

There is little, if any, federal involvement in workmen's compensation. When I say "little, if any," I am thinking of longshoremen, who are covered under Longshoremen and Harbor Workers Act. That is a federal program. Longshoremen, for instance, who work in the Port of New York, would be covered by that federal program. But, that is the only relationship that the federal government has to workmen's compensation.

SEEGER. Is it possible then that, say, a steelworker can be injured in a plant in Ohio—suffer a certain kind of injury—and a steelworker in Illinois and suffer the same kind of injury, and yet, they would get considerably different benefits?

O'BRIEN. Not only is it possible, this is exactly what would happen.

For instance, take the example of a steelworker who might suffer a work-related injury in Pennsylvania. He would receive, as his protection, those benefits provided under the Pennsylvania law. On the other hand, for a steelworker in Texas, protection is whatever is provided by the program in Texas.

And among the states, the protection provided varies. We have 50 states—we have 50 variations.

FINLEY. Let's take the specific example of a man making $150 a week—normally—he is injured and off the job for six months. What can he expect to receive in the way of benefits under workmen's compensation—in the average state?

O'BRIEN. Mr. Finley, in the average state, an injured worker earning in the neighborhood of $150 a week would be fortunate if the benefits he received, in terms of wage-replacement, were equal to 40% of his former average weekly wage.

Under many state programs, he would be entitled to full medical care. In many states, he would also have rehabilitation services, if they were necessary.

However, for the temporary disability—short-term disability—workmen's compensation is far from its originally intended goal of providing the worker, who is off during this period of healing, a benefit equal to 66⅔% of his average weekly wage.

In the case of a worker earning $150 a week, the benefit would have to be $100 a week, to replace two-thirds of his average weekly wage. There are today, perhaps one or two states that have a benefit structure that would provide this type of benefit to an injured worker.

FINLEY. What about cases of permanent disability or death?

O'BRIEN. In cases of permanent disability or death—and let's talk about permanent disability first, Mr. Finley—separate the two types of injuries—many state programs today provide an inadequate weekly benefit amount for a certain period—let's say 400 or 500 weeks. This will be provided in the law.

Not only is the weekly benefit amount inadequate, but at the end of the period specified in the law, a permanently and totally disabled worker just might be thrown on the shoulders of the community. His only source of income, after this specified period of time expires, would be his relatives, his savings—if he had any—or public welfare.

In terms of fatal cases, the problem is somewhat similar, in that many states provide an aggregate amount of workmen's compensation that's payable to the widow and dependent children. When the end is reached, either in terms of time or money—the limits set in the program—this family—perhaps a young mother with two or three small children—this family's protection under the workmen's compensation program ends.

The only appeal then is to the widow's family, or her husband's family, if the families do not have the resources, to public assistance.

SEEGER. Where does the money that pays those workmen's compensation benefits come from?

O'BRIEN. Basic and fundamental to workmen's compensation is the concept that the consumer pays for the protection of this program in the price of the goods and services he purchases.

It's true that the money does flow through the hands of the employer, but the cost of workmen's compensation was originally—and is now—expected to be reflected in price of the goods or services produced.

SEEGER. Is this in the form of an insurance premium that the employer pays?

O'BRIEN. The employer may secure protection against his liability through the purchase of insurance from a private carrier, or he may self-insure. Some large employers do self-insure, rather than purchase insurance protection from a private carrier.

SEEGER. And in some instances, the states operate an insurance pool, don't they?

O'BRIEN. In six states, at the present time, the States operate what we call an "exclusive state fund"—they insure all workmen's compensation risks.

In 12 other states, there is a "competitive state fund"—which means that private carriers and a state fund compete for the insurance business in workmen's compensation.

SEEGER. The benefit levels are the same though, aren't they?

O'BRIEN. Yes, the insurance mechanism really can be separated from the benefits structure of the program.

An insurance carrier functions as an insurance carrier, whether it's a state fund or a private company. The benefits are set through legislative action.

FINLEY. Is a worker eligible for benefits, Mr. O'Brien, even if he is injured through his own negligence—eligible, regardless of who is at fault?

O'BRIEN. Another basic concept of workmen's compensation is that it is a no-fault system, in the sense that when workmen's compensation programs were first enacted, workers surrendered—gave up—their right to sue their employers for injuries—whether or not the employer was negligent—and the employer accepted a limited liability.

FINLEY. In other words, the worker could not go to court later and collect further damages?

O'BRIEN. That's right—it's an exclusive remedy.

SEEGER. When workmen's compensation was first initiated, it was considered a great reform—a great social break-through. Why have the benefit levels fallen so far behind, as you say?

O'BRIEN. There are, I suppose, many, many reasons why the benefit levels and the other aspects of workmen's compensation have fallen so far behind.

But, if one wants to be objective, we must think about the load that state legislators face every legislative session.

Workmen's compensation is one of only many issues that are before state legislators. In some states—quite a few—the legislators simply do not have the time to devote to workmen's compensation—the time it properly deserves. As a result, workmen's compensation has deteriorated.

Then, there are, at the state level, people who are hostile to the entire concept of workmen's compensation—hostile, in the sense that inadequate benefits, slowness in payment and other deficiencies in the system, work to their advantage. They are not anxious—and they're certainly not aggressive in their efforts to improve the programs.

SEEGER. In other words, it takes the vote of a state legislature to determine how much a worker is going to be paid for an injury, or for his lost time?

O'BRIEN. Well, Mr. Seeger, every element of workmen's compensation is established through state legislative action.

SEEGER. Is that a good idea?

O'BRIEN. We feel, in the AFL–CIO, Mr. Seeger, that without a greater federal voice in this program, we feel, at the very minimum, we need minimum federal standards, to modernize and improve workmen's compensation, and to make sure that in the future, the state legislatures will give workmen's compensation the attention it deserves during their sessions.

FINLEY. Has Congress ever had the chance to vote on whether or not to have federal standards? What's being done right now about that?

O'BRIEN. There was a bill in the last session of Congress that would have provided minimum federal standards for state workmen's compensation—the bill was introduced by Congressman Perkins (D) from Kentucky.

It would have required the states to meet the standards of the Longshoremen and Harbor Workers Compensation Act. If the state programs did not meet the standards of that Act, employers would have had to provide this protection at the level of the Longshoremen and Harbor Workers Act, through private insurance arrangements.

FINLEY. What happened to that bill?

O'Brien. Hearings were never held on the bill.

And, in response to your previous question, Congress hasn't voted on this particular issue, as yet.

However, Mr. Finley, there are a number of pieces of legislation I could call to your attention that indicate congressional interest in this matter.

First, is the establishment of the National Commission on Workmen's Compensation laws that was provided under Section 27 of the Occupational Safety and Health Act of 1970. Prior to that, we had the Coal Mine Health and Safety Act. It provided a type of workmen's compensation benefits for miners suffering from "black lung."

Even earlier, legislation was passed that extends the protection of the Federal Employees Compensation Act to local law enforcement officers—a piece of legislation that many people are not aware of. It was in 1969, I believe, that Congress enacted that legislation.

So, we have local police officers, who, under some circumstances, are covered under the Federal Employees Compensation Act.

Seeger. You mentioned a few minutes ago that there are certain elements in the country, or certain groups, who are hostile to workmen's compensation laws—and who have opposed improvements. Who are these groups? And, what is their hostility?

O'Brien. Mr. Seeger, I used the expression "hostile," because I work with the various state AFL–CIO organizations, on a continuing basis, to try to upgrade and improve state workmen's compensation laws and see it.

Spokesmen for national organizations will appear before committees of Congress, and before state legislatures and indicate that they have an interest in the program—are interested in improving it.

However, at the state level, the affiliates of these organizations and their spokesmen consistently and regularly oppose improvements in workmen's compensation.

Employer spokesmen, for the most part, oppose our efforts to improve state workmen's compensation laws.

Some insurance carrier representatives oppose our efforts to improve state workmen's compensation laws. Now, I do not want to say that in recent months, some national spokesmen for insurance carriers have been showing an interest—in fact, have taken a definite position—toward improving some areas of workmen's compensation.

In some states, we also have a situation—it's an unfortunate situation, but we should recognize it—in which the state agency that's responsible for administering the workmen's compensation program, does little, if anything, to guide the legislature, in terms of proposals that would modernize and improve the state program.

Seeger. In my own experience, Mr. O'Brien, it seems a lot of people confuse unemployment compensation with workmen's compensation. Yet, these are two distinctively separate programs, aren't they?

O'Brien. Mr. Seeger, I'd like to mention a recent incident that was called to the attention of the National Commission on State Workmen's Compensation laws' hearing here in Washington, D.C.

A witness before the Commission, who is responsible for the direction of the program in one of the states here on the East Coast, indicated to the Commission members that many state legislators do not know the difference between these two programs.

But, again, it may be that the press of their legislative work simply does not permit the time to treat these programs in detail.

In most state legislatures, the committee members who deal with labor problems certainly know the differences between these two programs—and the purposes that each program is supposed to serve.

Finley. Mr. O'Brien, just who is covered by workmen's compensation laws? Are all workers, or, are some excluded?

O'Brien. Reliable estimates—and these are estimates that have been made by the Department of Health, Education and Welfare—indicate that perhaps 75% of the American work force is covered by workmen's compensation.

The ideal situation would be to have 100% or universal—coverage. However, 20% of the labor force is not covered, at the present time.

And, unfortunately, some of the most hazardous occupations are excluded from the program. For instance, agricultural workers have been excluded, traditionally, under workmen's compensation and other social insurance programs.

But although agriculture is one of the most hazardous occupations in this country little progress has been made toward extending workmen's compensation coverage to these workers.

I do want to say that there's a bill pending in Congress now—introduced by Congressman O'Hara (D-Mich.) that would extend workmen's compensation protection to agricultural workers.

Finley. Well, are workmen's compensation benefits nullified, if the union worker has private insurance that provides other benefits?

O'Brien. Most private insurance policies or contracts exclude the payment of benefits, if the injury or disease is covered by workmen's compensation—so there is no overlap or double-recovery.

Seeger. Is it permissible for the recipient of workmen's compensation to get other public help? Can he go on welfare, if his workmen's compensation isn't generous enough?

O'Brien. Unfortunately, he may have to go on welfare, if the benefit is not adequate.

The point is, the system was designed and intended to take this burden from the shoulders of society, and place it—the cost of these injuries—into the goods or services that are produced.

It was never contemplated that an injured workman would have to appeal to public relief or public assistance, during a healing period needed to get him back to work.

Seeger. Does the new federal safety and health law have any effect on the workmen's compensation laws?

O'Brien. Immediately, it does not—but it certainly will in the future.

The record-keeping—the safety provisions of the Act—the inspections required—all of these strong safety elements provided under the Occupational Health and Safety Act, will certainly have an impact on workmen's compensation, in the sense that they will reduce accidents.

Certainly, they should lower insurance premiums—the cost of workmen's compensation.

And they should make employers and also workers conscious—more conscious, let's say—of safety in the plant.

Finley. Well, now that the Congress has passed the Occupational Safety and Health bill, what are the prospects of getting improvements in workmen's compensation?

O'Brien. The AFL-CIO has, for many years, advocated greater federal participation in the program.

We intend to encourage Congress to take a look at workmen's compensation, and, to enact minimum federal standards for workmen's compensation—that would require the states to maintain a modern workmen's compensation program.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was James O'Brien, an assistant director of the AFL–CIO's Department of Social Security. Representing the press were Donald Finley, labor correspondent for United Press International, and Murray Seeger, Washington correspondent for the Los Angeles Times. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL-CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, OCTOBER 28, 1971

Mr. Chairman, on behalf of the AFL–CIO, I wish to thank you for the opportunity to present the views of organized labor on H.R. 11007. This bill is designed to furnish agricultural workers and their families with workmen's compensation protection in the event of work injury or disease. In addition it provides agricultural workers with workmen's compensation protection if they incur an occupational injury or illness arising out of an unsafe, defective or unhealthful condition or inadequate sanitation facility or housing provided as an incident to their employment.

H.R. 11007 would also provide victims of economic poisoning—illness or injury stemming from the use of toxic pesticides—with benefits under the Federal Employees' Compensation Act. However, the farm employer would not be required to finance this protection.

H.R. 11007 also modifies the exclusive remedy concept of workmen's compensation. The bill would permit a worker to sue his employer if his disability or illness arises out of the gross negligence of his employer. Gross negligence is defined as the failure of the employer to comply with a provision of federal, state, or local law concerning occupational health and safety or applicable to housing provided the worker.

Mr. Chairman, the AFL–CIO is convinced, through bitter experience at the state level, passage of this legislation is essential if agricultural workers are to receive the protection of our oldest form of social insurance. The AFL–CIO as a matter of policy has advocated the extension of workmen's compensation protection to agricultural workers for many years. A copy of organized labor's 1967 resolution on workmen's compensation is attached.

In our opinion, workmen's compensation coverage for agricultural workers has been shamefully ignored at the state level despite the recognized hazardous nature of employment in agriculture.

During the month of August 1971, the Occupational Safety and Health Administration (OSHA) announced its intention to focus its safety and health efforts on five target industries. This program has been referred to, in terms of work injuries, as the "worst first program." Agriculture was not one of the target industries, but a review of National Safety Council data indicates agriculture belongs in this classification.

Table I reveals the injury frequency rate in agriculture to be higher than one of the target industries and well above the all industry injury rate. However, accident frequency reflects only a part of the problem. The severity rate, or the seriousness of the injury in terms of lost productive manpower, in agriculture is one of the highest in any industry. As compared with the target industries, the severity rate in agriculture is exceeded only by the lumber industry.

The victims of these work injuries, farm workers and their families, are, for the most part effectively, denied workmen's compensation protection under the provisions of existing state programs. One of the major reasons for the denial of workmen's compensation coverage to farm workers is their lack of representation in the state legislatures. Agricultural employers, on the other hand, are usually well represented in the state legislatures.

Agricultural employers have, unfortunately for many years, encouraged great numbers of people to maintain a sentimental but false image of the traditional family farm worked by one man and a team of mules. In this day of factory farms and vast agricultural holdings by corporations, of combines, automatic loaders, mechanical seeders, and power-driver corn pickers, agricultural work has become one of the nation's most hazardous occupations.

Table II indicates the extent to which the hazardous nature of agricultural work has changed as the nature of agricultural business has changed. Approximately 5 percent of the nation's work force is engaged in agricultural work, but this element of the work force accounts for approximately 10 percent of work related disabling injuries.

This situation can be expected to continue as long as agricultural workers are denied the basic protection of workmen's compensation. Agricultural employers under existing arrangements have no incentive to minimize work hazards or reduce accidents. Workmen's compensation protection would help to remedy this situation. However, unless the federal government takes firm steps to provide workmen's compensation protection to agricultural workers this remedy will remain unused.

The states have had over one-half century of experience with workmen's compensation programs. The states can, and a handful of states—a total of 17 states—have, as indicated in Table III extended workmen's compensation protection to agricultural workers and their families. However, as long as agricultural employers, similar to those discussed in the attached article oppose extension of workmen's compensation to agricultural workers at the state level, the great majority of these workers will continue to be denied the protection of state programs. The strength of this opposition is shown in the article I have attached to my testimony from the October 3, 1971, issue, of the "Washington Post." I respectfully request that this article be included in the record.

Mr. Chairman, many responsible organizations interested in workmen's compensation matters have taken a public position in favor of extending workmen's compensation protection to agricultural workers. These organizations include: the United States Department of Labor, the Council of State Governments, the organization representing state workmen's compensation administrators, the International Association of Industrial Accident Boards and Commissions (the IAIABC), and the AFL–CIO. In addition to these organizations the 1967 *Report of the National Advisory Commission on Food and Fiber* recommended extending workmen's compensation protection to agricultural workers in the following language:

"There seems to be no justification for treating farm labor differently than other workers in the labor force. Therefore, the Commission recommends that farmworkers should not, by Federal or State exemption, be denied the benefits of policies and standards that are deemed to be in the interest of other wage earners.

"Rural workers should have protection equal to that of urban workers in such important areas as workmen's and unemployment compensation . . ."

Any objective review of the state's legislative response to repeated urging to extend the protection of state workmen's compensation programs to agricultural workers must, we think, recognize the response has been negative.

Mr. Chairman, fifty years is long enough to wait, this nation has a national economy in which some existing problems can only be solved by national action. The Congress of the United States declared in Section 27 of the Occupational Safety and Health Act of 1970 that:

"the vast majority of American workers, and their families are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; . . ."

Past experience should make it apparent that agricultural workers will only achieve the basic protection of workmen's compensation and an effective program of occupational health and safety if the Congress furnishes it. The inability or unwillingness of the states to provide these basic protections demonstrate the need for much greater federal participation in workmen's compensation matters. An agricultural worker injured in Texas with no coverage for farm workers has the same need for workmen's compensation as an agricultural worker in California, Hawaii, Pureto Rico, or Alaska which are among the few states that do cover farm workers. There is no valid reason, in our opinion, why injured agricultural workers should be protected by the workmen's compensation program in one state and forced on the public assistance rolls in another. This is not only inequitable, as to the worker and his family; it places an unjust burden upon the general public. Lack of workmen's compensation protection for agricultural workers shifts a recognized industry cost of production and an employer responsibility onto the shoulders of the general public.

Enactment of H.R. 11007 would remedy this situation by extending basic workmen's compensation and occupational health and safety protection for agricultural workers. At the same time, it recognizes the state's responsibility in this area. It permits those states that have met their workmen's compensation responsibilities toward agricultural workers to retain their jurisdiction in these matters. It permits other states to assert their jurisdiction if they wish to do so, and it provides federal workmen's compensation protection for agricultural workers in those states that are unwilling or unable to extend protection under their own state program.

The AFL–CIO has long urged Congress to assert a larger federal role in workmen's compensation matters. H.R. 11007 is a step in this direction for agricultural workers. We hope this Committee will report favorably on this bill and the Congress will enact this much needed legislation at a very early date.

TABLE I.—*3-year injury rates,*[1] *1967–69*

	Frequency	*Severity*
All industries:	7.56	659
Lumber:	16.44	2054
Meat Packing:	24.66	504
Sheet Metal Products:	5.60	494
Wood Product:	13.39	913
Agriculture:	11.38	1876

[1] Reporters to National Safety Council.

Source: *Accident Facts,* 1970 Edition, National Safety Council, Chicago, Illinois.

Frequency Rate: number of disabling work injuries per 1,000,000 employee-hours exposure.

Severity Rate: total days charged for work injuries per 1,000,000 employee-hours exposure.

TABLE II.—WORK ACCIDENTS, 1969

Industry group	Number of workers	Disabling injuries, 1969	Percent of total	
			Agricultural workers	Agricultural injuries
All industries	79,000,000	2,200,000		
Agriculture	3,800,000	210,000	4.8	9.5

Source: Accident facts, 1970 ed., National Safety Council, Chicago, Ill.

Table III.—Coverage of agricultural workers

Some steps toward specific inclusion of agriculture under workmen's compensation laws have been taken as shown by the following table. Twenty-four States and Puerto Rico now have some coverage of agricultural workers. Only seventeen of these laws (those of Alaska, California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Vermont, Washington, Wisconsin and Puerto Rico) cover agricultural workers in approximately the same way as other workers.

Some of these laws carry limitations not applicable to other covered employees.

The New York law applies to farm laborers if the employer's total cash wage payments during the preceding calendar year amounted to $1,200 or more. In Michigan, regularly employed farmworkers are covered if their employer employs 3 or more regular employees 35 hours a week for a period of 13 or more weeks during the preceding 52 weeks. Maryland extends coverage to farm employees if the farm employer has three or more full-time employees or a yearly payroll for full-time employees of $15,000; non-machine operating migratory farm laborers and office workers are exempt.

The New Hampshire law applies to farmworkers working for an employer who employs more than 2 employees. (There is no numerical exemption for other covered employment.) In Wisconsin, a farm employer becomes subject to the act 10 days after he has employed six or more employees on 20 or more days during the calendar year; any employee he hires after that is immediately covered. In Colorado farm and ranch workers are covered if they are employed more than 6 months during any 12 month period by an employer who employs 4 or more such workers. Maine exempts seasonal or casual farmworkers and those whose employers carry employers' liability insurance with specified limits.

Florida exempts "agricultural labor performed on a farm in the employ of a bona fide farmer or association of farmers who employs 9 or less regular employees and who employs less than 20 other employees at one time for seasonal agricultural labor that is completed in less than thirty (30) days, provided such seasonal employment does not exceed sixty (60) days in the same calendar year." All other farmworkers are covered on the same basis as other workers, including those employed by commercial grove caretaking organizations; fruitpickers employed by packinghouse operators who purchase fruit on the trees, fruit or vegetable harvest workers employed by labor contractors, and the like.

In the remaining six States, Arizona, Kentucky, Louisiana, Minnesota, South Dakota, and Wyoming, only agricultural workers engaged in certain mechanized or power occupations are covered.

In the 27 jurisdictions not specifically providing for compulsory or elective coverage of agricultural workers, the employer may nevertheless choose "voluntary" coverage in at least 24. The Alabama and District of Columbia laws expressly prohibit voluntary coverage, while the Tennessee law is silent on this subject. Of the States permitting voluntary coverage, it must be by the joint action of both the employer and employee in Georgia; in the remaining 23 coverage may be accepted by the farmer employer.

JURISDICTIONS IN WHICH WORKMEN'S COMPENSATION LAWS APPLY TO FARMWORKERS[1]

State	Farmworkers covered	Type of coverage	Workers exempted if employers have fewer employees than number indicated. (However, such workers may be brought under the act voluntarily.)
Alaska	Agricultural employees, except those employed on a part-time basis	Compulsory	No numerical exemption.
Arizona	Workers employed in the use of machinery	do	3 employees.
California	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Colorado	Farm and ranch workers employed more than 6 months during any 12 month period	Elective	4 employees.
Connecticut	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Compuslory	No numerical exemption.
Florida	All agricultural workers except those performing agricultural labor on a farm in the employ of a bona fide farmer or association of farmers, employing 9 or less regular employees and who employs less than 20 other employees at one time for seasonal employment as defined.	do	See col. 2.
Hawaii	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Kentucky	Workers engaged in the operation of threshing machines used in threshing or hulling grain or seeds	Elective	3 employees.
Louisiana	Workers engaged in the operation of harvesting machinery and threshing machinery	do	No numerical exemption.
Maine	Agricultural workers, except seasonal or casual	do	4 employees.
Maryland	Agricultural employees covered if the farm employer has 3 or more full-time employees or a yearly payroll for his full-time employees of $15,000. Nonmachine-operating migratory laborers and office workers exempt from coverage.	Compulsory	See col. 2.
Massachusetts	No express provision exempting farmworkers; therefore, farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Michigan	Farmworkers working for an employer who employs 3 or more regular employees 35 or more hours a week for a period of 13 or more weeks during the preceding 52 weeks. Coverage applies only to such regularly employed employees.	do	See col. 2.
Minnesota	Workers engaged as commercial threshermen and commercial balers	do	No numerical exemption.
New Hampshire	Farmworkers working for an employer who employs more than 2 employees	do	See col. 2.
New Jersey	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Elective	No numerical exemption.
New York	Requires workmen's compensation coverage of farm laborers for 12 months from Apr. 1, if the farmer's total cash wage payments during the preceding calendar year amounts to $1,200 or more; farmworkers supplied to farmer by a farm labor contractor would be deemed to be employees of the farmer.	Compulsory	Do.
Ohio	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	3 employees.
Oregon	do	do	No numerical exemption.
Puerto Rico	Farmworkers are covered specifically in the same manner as other workers	do	Do.
South Dakota	Workers engaged commercially in the operation of threshing machines, grain combines, corn shellers, cornhuskers, shredders, silage cutters, and seed hullers for profit.	do	Do.
Vermont	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Elective	3 employees.
Washington	All agricultural employees except those who earn less than $150 per calendar year from one employer	Compulsory	No numerical exemption.
Wisconsin	Farmworkers working for an employer, who become subject to the act 10 days after he has employed 6 or more employees, whether in one or more locations on 20 or more days during the calendar year.	do	See column 2.
Wyoming	Workers engaged in power farming when 1 or more are employed for an average of 6 months each year. "Power farming" means work on a farm, livestock ranch, or poultry farm, which uses in connection with its operation any power-driven equipment, such as a pickup truck, feed grinder, stacking machinery, tractor, mower, baler, or road grader.	Elective	No numerical exemption.

[1] The remaining jurisdictions do not have compulsory or elective coverage of agricultural workers, but in most of them employers of farmworkers may bring such workers under the act voluntarily.

Source: U.S. Department of Labor, Employment Standards Administration.

WORKMEN'S COMPENSATION

Resolution No. 251—Adopted by the Seventh Constitutional Convention, AFL–CIO, Bal Harbour, Fla., December 1967

Workmen's compensation, our oldest form of social insurance, is now approaching its 60th anniversary. Our system is based on the principle that since accidents are attributable to production, their costs should be borne by the society that benefits from the production. Our workmen's compensation system is also based on the principle that by providing prompt monetary and medical benefits to injured workers, it will not only benefit them and their families but the cost to society is less, because it reduces to a minimum the loss of the injured worker's productive services and the burden of supporting the workers and his family.

Defects were recognized in the early laws, right from the start, but future legislative action was expected to correct many of these deficiencies. We regret that, in the main, these hopes have not been realized in state legislation.

The United States Congress took steps to correct deficiencies in the Federal Employees Compensation Act in 1966. The Congress passed a number of amendments to this Act that substantially improved the workmen's compensation protection provided for federal workers and their families.

The President, at the time he signed the amendments into law, urged the other jurisdictions to examine their laws in the light of the amendments to the Federal Act. At the same time, he urged them to take the action necessary to assure all American workers and their families adequate workmen's compensation protection. Congress is now giving consideration to the President's recommendation in pending legislation which would substantially improve the Longshoremen's and Harbor Workers' Act. The proposed amendments would enhance workmen's compensation protection for longshoremen, workers in the District of Columbia, and other workers covered by this Act.

Unfortunately, despite the persistent efforts of the AFL–CIO state labor bodies, few state legislatures have demonstrated a similar concern for injured workmen.

Compulsory coverage, without numerical exemptions, is still the exception rather than the rule. Coverage for agricultural workers has been shamefully ignored despite the recognized hazardous nature of employment in agriculture.

The original goal of workmen's compensation legislation was to restore to injured workers at least two-thirds of their wage losses due to industrial injuries. The gap between this objective and what the law actually provides for injured workers reflects one of the most serious inadequacies of our present system. In cases of temporary total disability, maximum benefit amounts in the majority of states deny many workers a benefit equal to two-thirds of their average weekly wage.

In many states the statutory maximum weekly benefit level is less than 50 percent of the statewide average weekly wage. The inadequacy of benefits for more serious injuries resulting in permanent disability is even worse, since these inadequate benefits can result in a lifetime of deprivation for workers and their families.

Only 20 states provide cash benefits to a widow until her death or remarriage, and for children until they reach 18 years of age. Only a very few states continue benefits to dependent children continuing their education beyond the age of 18.

One-third of our states fail to cover all occupational diseases. In addition, workers are frequently denied compensation under existing occupational disease coverage because of restrictive time limits within which they must file a claim.

Because 22 states still fail to provide full medical benefits, a worker in any one of these states may have to bear a portion of the medical cost for occupational injury or disease.

Rehabilitation programs are provided in only about one-half of our workmen's compensation laws and even many of these are not fully satisfactory.

The poor administration of some laws is another burden the present system has placed upon injured workers. Greater attention should be given to the collection and distribution of information concerning the operation of the system, investigation and enforcement of coverage, closer supervision of claims settlements, adjudication of contested claims, supervision of rehabilitation and medical care, safety promotion, and statistical analysis of the work of the state agencies.

These glaring inadequacies are but a few of the many problems that exist within our present system of workmen's compensation. They reflect the need for greater federal participation in the system and the need for minimum federal standards if injured workers and their families are to receive adequate workmen's compensation protection. Despite valiant efforts by AFL–CIO state central bodies which have for years been leaders in the struggle to improve existing laws, the results have been all too meager. We are convinced that lasting improvement in workmen's compensation can be achieved only by a determined effort at the federal level including the establishment of federal minimum standards respecting the main features of state laws. Therefore, be it

Resolved: That the AFL–CIO continues to recognize that our workmen's compensation laws must be overhauled if they are to fulfill the needs for which they were originally designed, and to meet the challenges of our rapidly changing industrial society; and calls upon all of our affiliated unions to give increased support to state central bodies in their efforts to obtain the following minimum standards in state laws:

1. Compulsory coverage with no numerical exemptions.

2. Coverage of agricultural workers in the same manner as other employes.

3. Benefit levels sufficient to maintain a decent standard of living for injured workers and their dependents, with weekly benefits of not less than two-thirds of the injured worker's average weekly wage.

4. Reciprocity of benefit rights between jurisdictions.

5. Time limits within which an employe must file a claim for occupational disease should be at least one year after the date when employe has knowledge of the nature of his disability and its relation to his job and until after disablement.

6. Full statutory coverage of all occupational diseases.

7. Coverage of diseases caused by ionizing radiation.

8. Full medical benefits for job-incurred personal injuries and occupation diseases.

9. Full compensation protection under second injury funds.

10. Free choice of qualified physician by injured workers.

11. The workmen's compensation agency to have the authority to supervise and control medical care of injured workers.

12. The workmen's compensation agency to include a rehabilitation division which should promote full utilization and development of rehabilitation facilities for the benefit of injured workers.

13. Maintenance benefits during rehabilitation.

14. Administration under a state agency rather than by the courts.

15. An exclusive state compensation fund.

16. Benefits for the totally disabled for the period of disability.

17. In case of death, benefits to be paid to the widow until her death or remarriage, and to children at least during their minority, and to other dependents during the period of their inability of self-support.

18. Minors under 18 who are injured on the job if employed in violation of any state law to be paid benefits double those otherwise payable.

19. Prohibition of special contracts with employers whereby a worker with a specific physical defect waives his right to compensation in the event of a subsequent injury.

20. Prohibition of lump-sum settlements and compromise of rights to full medical care under compromise and release settlements unless the workmen's compensation agency approves such a settlement on the advice of the appropriate state rehabilitation unit or agency.

21. Judicial review to be limited to consideration of the record of the workmen's compensation agency on questions of law only without trial de novo. In addition, there should be an appeals board which has no administrative responsibilities and from which appeal on matters of law only can be made to the highest court in the state (this standard is based on the assumptions that the administration of the state law is of a quality that assures adequate protection to injured workmen, and that jury trials and trials de novo will continue until administration of state laws reaches a level that fully protects the rights of all injured workers and their families).

Resolved: That the AFL–CIO urge the Congress to enact without delay the pending amendments to the Longshoremen's and Harbor Workers' Act.

Resolved: That we reaffirm our request to the Department of Labor to upgrade its efforts to improve workmen's compensation laws by developing and sponsoring legislation establishing minimum federal standards for workmen's compensation.

Resolved: That this convention renews its pledge to support the enactment of a Federal Workmen's Compensation Act. But, short of this, we urge the Congerss of the United States to enact legislation establishing federal minimum standards that will provide meaningful protection to injured workers and their families.

[From the Washington Post, Oct. 3, 1971]

CONGLOMERATES RESHAPE FOOD SUPPLY

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil. Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.3 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and, 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated, market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.'" Corporate farming has not lowered prices, the question is whether large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce porduction. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which control 1.8 million acres of land in California and other states. J. I. Case Co., a manufacturer of farm machinery. Packaging Corp. of America which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don's want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

MARKETING FIRM

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piece-work bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A fullscale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the growers' grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the water project an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesistant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

SMALL FARMERS

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the market place and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

NUCLEAR PERSPECTIVE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HANSEN of Idaho. Mr. Speaker, on October 21 the Casper, Wyo., Star-Tribune took editorial account of the excellent safety and health record of the nuclear industry. The Star-Tribune deplored the "black superstition exhibited in much of the unreasoning opposition to nuclear power development." The editorial is based largely on comments made by our colleague from California (Mr. HOSMER) who is the ranking minority member of the Joint Committee on Atomic Energy. The editorial follows:

THE NUCLEAR WITCH HUNT

Astounding tales of primitive superstition, from witch burning in New England to Indian folklore of the West, are usually received by the sophisticated of today with a sort of "it couldn't have happened" disbelief. Yet, in recent years, the same sort of black superstition has been exhibited in much of the unreasoning opposition to nuclear power development.

Craig Hosmer, U.S. Representative from California and a member of the Congressional Joint Committee on Atomic Energy has spiked the guns of the atomic witchcraft cult with facts that will make sense to most people.

1. The Atomic Energy Commission, the Joint Committee, and the nuclear industry have demanded and achieved a level of public safety never before attained in any industry, at anytime, at anyplace.

2. The procedures and protections developed and enforced by the AEC are such that atomic energy is recognized by the National Safety Council as one of the safest fields in American industry.

3. We have been designing, building, and operating commercial nuclear power plants in this country for 17 years, and no member of the public has ever been killed or even injured as a result.

4. Malfunctions and breakdowns have occurred in nuclear plants—just as they occur in any industrial operation—but built-in, in-depth safety features have prevented harm from happening either to the public or to atomic industrial workers.

5. In its radiation control systems, AEC has developed the world's first comprehensive and effective environmental protection program. As a result, there is more detailed scientific knowledge about radiation than any other environmental pollutant.

In the opinion of Congressman Hosmer, 25 years of experience with atomic energy has shown that it is ". . . safer than going to church, particularly if you drive your car."

DID PROTECTIONISM CREATE HITLER?

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. GIBBONS. Mr. Speaker, we are today facing trade and employment problems which are indeed serious and must be dealth with effectively if we are to survive as a Nation and a community of nations.

However, as we seek solutions to these problems it should be apparent to us from our disastrous experience of the 1920's and 1930's that unnecessarily protectionist measures which bring retaliation from the rest of the world can ony serve to hurt all of us and provide only cruel and illusionary solutions to these problems.

Numerous expressions of concern have been heard in recent months about the protectionism which has begun to pervade this country and spread to the rest of the world. As just one example of the warnings on this issue which are emanating from reputable sources, I would like to insert in the RECORD a recent editorial from the Wall Street Journal.

In the coming weeks I intend to join with a number of concerned Members of Congress in bringing to the attention of the House information which will lead to a much more constructive solution to our international trade and monetary problems than the dangerous protectionist schemes which have been proposed as an overreaction to these problems.

The editorial follows:

DID PROTECTIONISM CREATE HITLER?

The quick answer to that question is obviously no. Yet protectionism helped; it watered the soil that could nurture a Hitler—and other disasters. It is more than a little disheartening that so many in Washington and in the country's executive suites seem to have such short memories.

Granted, the roots of the Hitler phenomenon are gnarled and stretch far back, directly to World War I and even farther into the past of a Germany with little experience in democracy. On the economic side, the hideous post-World War I German inflation was followed by bitter depression, facilitating the rise of a dictator. And of course depression was a general condition in those days, in the U.S. as elsewhere.

The stock-market crash of 1929 heralded the onset of depression in the U.S., but it was less its cause than the result of previous profligacy. Certainly one tangible cause of the protracted nature of the great depression was the Smoot-Hawley tariff legislation of 1930, the very symbol of extreme protectionism. It set in motion a series of international moves that seriously inhibited the movement of trade and money.

As Lewis Douglas, former ambassador to Great Britain, recently recalled in a letter to The New York Times: "Foreign trade withered, prices fell precipitately, all values plummeted; (U.S.) unemployment rose from approximately 5.5 million to 11 million in the short span of about six months. The world was plunged into the deepest depression of which there is any known record.

"These events identify the cause of the economic anguish through which the United States and the entire Western world passed during the Thirties and which was not alleviated until World War II."

The abiding vice was economic nationalism, and it is not at all difficult to fathom why it should have had such dire results. Have our officials and too many of our executives forgotten the meaning of the word autarky, the notion that a country could be economically self-sufficient? In Nazi Germany it was personified in Hitler's financer Hjalmar Schacht.

The policy is almost by definition regressive. It portends the diminution of healthy relations among nations. Hence, apart from its direct economic consequences, it breeds suspicion and hatred and can become a cause of war.

After World War II the statesmen of the Western world read the record aright. With the U.S. far in the lead, they set about freeing the international movement of men, capital and commerce from the abnormal restrictions of the past. Undoubtedly they could have done more, but they accomplished much. It is no coincidence that the post-war years by and large, for Americans and their counterparts in the other advanced nations, have witnessed mass prosperity unparalleled in history.

For just as economic nationalism—protectionism—is a divisive and depressive influence, so the liberalization of international economic relationships is a powerfully uplifting, broadening and wholesome force. Men do want to be free; it is innate, and a large part of that sense is the freedom to cross borders with one's person, investment and goods as little as possible bothered by the pesky functionaries of economic nationalism.

Why, then, should the U.S. and other nations want to turn back down that dismal road? The U.S. government has taken steps in that direction, and even more ominous is the impression that protectionist sentiment generally is probably stronger today than at any time since before World War II.

Well, as far as the U.S. is concerned, it is true that other countries have been taking advantage of it in recent years. Some more than others, they have imposed a variety of trade restrictions that have the effect of making the U.S. a freer market for their goods than their markets are for America's. This circumstance has enabled the hard-line protectionists, who have never given up, to rehearse their dreary pleas with more impact than heretofore.

But the U.S. ought to be sufficiently grown up to avoid the petty path of trade retaliation, which naturally prompts retaliation against it. We believe Washington had far from exhausted the resources of negotiation to get its trading partners to dismantle their impediments to American exports. Even failing that, the fact remains that protectionism is simply not a viable course.

We do not necessarily contend that unbridled protectionism would bring on political and economic horrors similar to those of the Thirties (although if it is indeed unbridled we would not bet that it wouldn't). We merely say that the liberating history of freer trade is as clear as are the demonstrated dangers of protectionism.

FOREST PRODUCTS WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, as I am sure you know, our Nation's forests, and the products they produce, are a major factor in the progress and growth of our Nation's economy. This is especially true in the State of Alaska. Forest products are a major part of the State's economy and the continuing development of the forest products industry in Alaska is essential to the growth of the State.

The Nation as well as Alaska could not survive without a strong forest industry. To illustrate this industry's importance, Governor William A. Egan proclaimed the week of October 17, 1971 Forest Products Week. I join with him in paying tribute to those Alaskans connected with the forest industry.

The Governor's tribute follows:

PROCLAMATION: FOREST PRODUCTS WEEK

Alaska's development, present and future, depends to a great extent upon development of our forest products. The forest products industry in Alaska is a major sector of our economy. Alaska's bountiful forest resources will be an important aspect in our future by providing a means of livelihood, as well as recreation and enjoyment through wise management.

Wood products have played a significant part in our economic growth. The timber industry has made substantial contributions to the well-being of our great Nation. Our own state of Alaska has a great and growing potential for the production of fine wood products for the local, national, and international markets.

The Nation has depended on the forest products industry for supplying the materials to build our homes, schools, churches, farms, towns, and cities through more than three centuries of our history. Lumber is our oldest manufacturing industry, dating back to 1608 when the first shipment of clapboards came from Jamestown, Virginia Colony. The Nation could not live without a continuous supply of lumber, pulp, paper and thousands of other products made from wood.

Therefore, I, WILLIAM A. EGAN, Governor of Alaska, do hereby proclaim the week of October 17 to 23, 1971, as Forest Products Week in Alaska and urge all citizens to participate in appropriate ceremonies and observances as a tribute to our growing and important wood products industry.

Dated this 13th day of October, 1971.

WILLIAM A. EGAN, *Governor*.

THE DEATH—AND BURIAL—OF PRIVACY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. GALLAGHER. Mr. Speaker, a very interesting dispatch from Reuters caught my eye over this weekend and I would like to share it with my colleagues. As you know, I have long been concerned with the invasion of privacy and the ability of the new technology to penetrate everywhere and to disclose personal and business details to anyone.

The Reuters dispatch of October 26 tells the story of a French undertaker who found her business sharply curtailed. I insert the dispatch at this point in my remarks:

PERPIGNAN, FRANCE, October 26.—Undertaker Marie Brison couldn't understand why business was so bad. Then she discovered a rival funeral director had been "body-snatching" with a phone-tap.

Mrs. Brison became suspicious when the number of burials handled by her funeral parlor in this southern French town suddenly dropped by two-thirds last summer.

But it was only last week that she tracked down the root of the problem—a combined microphone and phone-tap hidden in the ceiling.

By listening in and even redirecting calls to his own number, a rival had been beating Mrs. Brison to bereaved families telephoning for her services by rushing his assistants around ahead of her.

Mrs. Brison has lodged an official complaint with the public prosecutor.

Mr. Speaker, it appears that we will not even be able to have privacy rest in peace and we all certainly face a grave threat from the new technology. This cradle to the grave surveillance is assisted by the rigor mortis setting into our Bill of Rights, and we may someday look at the skeleton of our Constitution and paraphrase Hamlet: "Alas, poor privacy, I knew you well."

Mr. Speaker, invasion of privacy is obviously no laughing matter because if it dies, it will mean the funeral of America's cherished freedoms. I hope my colleagues and those who read the RECORD will understand the deep seriousness of the issue which faced Mrs. Brison and which, in a very magnified version, faces American society.

SOME FACTUAL FIGURES ON FARMER COST-PRICE SQUEEZE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ZWACH. Mr. Speaker, I have talked at such length about the wisdom of increasing prices to our producers as the only avenue of restoring economic equality to our countryside that many of my colleagues call me "Mr. Parity."

I am proud of that title because I am convinced that there is no other way to lift our rural producers out of the depression in which they find themselves today.

Many of our Minnesota newspapers have been printing a comparison of prices and costs put together by former Minnesota Gov. Elmer A. Benson of Appleton in our Sixth Congressional District.

Our former Governor points out that in 1948, when corn sold for $2.63 per bushel, the producer could buy a TD tractor for $4,500.

Today, corn is bringing .90 cents a bushel but the producer must pay $17,500 for his TD tractor.

His corn brings him only two fifths of what it did in 1948 but he pays almost four times as much for his tractor. These relative prices carry through a long list.

Here, in a nutshell, is the problem of our countryside; here is what is taking our producers off the farmers in unprecedented numbers; here is the trend we must stop if we are to save our countryside and urban America.

Mr. Speaker, for the information of all of those who read the CONGRESSIONAL RECORD, I insert these cost-price squeeze figures which were printed in the Willmar Daily Tribune. The figures follow:

SOME ACTUAL FIGURES ON FARMER COST-PRICE SQUEEZE

To the Editor:

Political leaders are again suggesting plans to help agriculture and most of these plans suggest that more credit be made available to farmers. I should think by this time, even politicians would know that it is not more credit that is needed but a better price for the things the farmer produces.

For more than twenty years the price of everything the farmer buys has gone up 300 or 400 per cent while what he produces has gone down 300 per cent.

The following table should be interesting:

	1948	1968	1971
Flax	$6.95	$3.05	$2.72
Soybeans	4.16	2.55	2.79
Rye	2.63	.98	.78
Corn	2.63	1.00	1.00
Oats	1.29	.67	.53
Eggs A	.41	.18	.18
Cream L	.92	.72	.68
Tractor TD	4,500.00	16,000.00	17,500.00
Tractor MD	2,600.00	6,000.00	7,500.00
5 bottom plow	650.00	1,200.00	1,800.00
Drill	600.00	1,500.00	2,200.00
Truck 1½ ton	1,800.00	3,000.00	5,500.00
Truck 2½ ton	2,225.00	5,000.00	6,500.00
Combine	3,400.00	7,000.00	13,000.00
Jeep	1,400.00	3,500.00	4,200.00
Digger 17 ft	400.00	900.00	1,500.00
Taxes R. E	179.68	448.50	629.84

For the past twenty years we have had a Federal Law making it possible for the Secretary of Agriculture to set support prices at 90 per cent of parity or more but not no time have they been set at more than 70 per of parity. Furthermore, during most of the same twenty year period the government's policy has been to sell farm commodities in order to keep farm prices depressed and this policy has been so stated by the Secretary of Agriculture.

Sincerely,

ELMER A. BENSON,
Appleton, Minn.

COURANT CLUB OF THE YEAR AWARDS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. GRASSO. Mr. Speaker, the dedicated volunteer work performed by community clubs is a truly worthwhile endeavor. It serves as an inspiration for direct citizen participation which marks the growth and spirit of all communities. Community volunteer clubs engage in a wide array of activities—such as projects to save the Salmon River, to teach youngsters bicycle safety, to provide enrichment programs for preschoolers, or to detect learning disabilities in children. Each contributes immensely to town development in its own way. Club members quietly donate much time and effort to help meet the rigorous challenges facing their communities now and in the future—with dedication and commitment which deserves recognition.

With great pleasure, I read of the Hartford Courant's second annual Courant Club of the Year Awards. By so honoring many of the most active and enterprising of community clubs, the Courant has brought to the public's attention the unselfish achievements of concerned citizens throughout Connecticut. I am especially proud to note that five of the

14 clubs so honored are in the Sixth District.

For the interest of my colleagues, information on these award-winning clubs and their activities as it appeared in the Courant follows:

CHILDREN SEE PUPPETS AND BALLET

A Cultural Enrichment Series for preschoolers and elementary school children, sponsored by the Greater Vernon Jaycee Wives Inc., won second prize in Category A of the Courant Club of the Year Awards.

In September 1970, the Greater Vernon Jaycee Wives voted to bring two cultural events to the Vernon area. They chose a puppet show for the fall and a ballet for the spring.

Thirty-five Jaycee Wives divided into two committees to organize the puppet show and the ballet. They contracted the Ragamuffin Marionettes for the fall show and the Hartford Junior Ballet Company for the spring event.

The women contacted local P.T.A.'s and women's groups to avoid a conflict in date and to ask for support. They reserved the school for performances, hired custodians and policemen, printed and sold tickets and began publicity via radio and television public service announcements, newspaper articles, posters in local stores and by distributing flyers to local elementary schools.

The membership voted that any profit realized from the puppet show would be donated to provide gym equipment at the Talcottville School, the regional school for the mentally retarded.

Benefits from the Hartford Junior Ballet Company's two performances of "Snow White" provided camperships for needy children in the tri-town area. Twenty-five tickets for each performance were set aside to be given away to needy children by means of the school social worker, and the Jaycee Wives provided these children with transportation to and from the ballet.

The cultural enrichment series was totally new and had not been previously attempted by any groups in the area. The main objective was not to raise money, but to provide a cultural program and any money that was raised was in turn donated to benefit children.

The Greater Vernon Jaycee Wives accomplished much for children of the area and plan to continue the series on a yearly basis.

WETHERSFIELD JUNIORS TEST CHILDREN

Many members of the Wethersfield Junior Woman's Club Inc. have pre-school children and the members were therefore enthusiastic in their assistance to the director of special education for Wethersfield when they volunteered their services to help with testing of pre-school children.

In an attempt to significantly change the lives of children by early detection of learning disabilities, 25 club members attended a training session of three hours to learn how to give the tests and how to handle the children and problems which may have arisen.

The project has won the Wethersfield Junior Women first prize in the second annual Courant Club of the Year Awards, B-Category, clubs with 100 or more members.

A pilot project in four schools to test preschool children in the spring before they were to enter kindergarten was approved by the Board of Education and eventually expanded to include the whole town. The reason for early testing was to enable the teachers and special personnel to give immediate help at the start of school to any child who was found to have a learning disability. Formerly kindergarten children were tested by the teacher and testing was not completed for several months.

In the two weeks of actual testing the Juniors supplied the Town of Wethersfield with approximately 200 hours of volunteer time. The members were assigned to help with testing at various schools according to a plan drawn up by Henry Ferri, director of pupil personnel and special services for Wethersfield.

After the testing was completed several of the Club's members corrected the entire group of tests and put them in proper order so that the final evaluations could be done. Because this was a daytime project, other members assisted by baby-sitting for the testing mothers.

Three hundred fifty children were tested and 60 children have been receiving special help since they entered school this September.

The club will continue the project this next spring and hope to do so for many years to come.

PONEMAH CLUB PRESERVES SALMON RIVER

The Preservation of Salmon River, a favorite of thousands of Connecticut hikers, campers, fishermen, bathers and naturalists for many years, was the project of the Ponemah Club of Westchester, first prize winner in the Second Annual Courant Club Awards Contest A-category (clubs with up to 99 members).

The 35 members of the Ponemah Club of Westchester organized a meeting with qualified participants to answer any questions residents of Westchester had concerning the proposed sewage treatment plant the Borough of Colchester planned to build on the banks of the Salmon River. Club members delivered notices and followed up with telephone calls to ensure public knowledge about the meeting.

All members of the Club wrote and telephoned senators and representatives who were members of the Environmental Committee. A re-hearing on Bill 796, an act concerning the maintaining of the water quality standard of Salmon River, all of its tributary streams and their respective watershed areas, was scheduled at the Capitol.

Schools, Fish and Game associations and all concerned people were notified of the hearing, and the Club worked for many weeks gathering 5000 signatures for a petition which they turned over to legislators.

On March 31, the club provided transportation for people interested in attending the hearing by hiring a bus and driving cars. Because of the large turnout, the hearing was moved to the Hall of the House. There were representatives from the National Wild Life Federation, the Institute of Environmental Sciences, the Appalachian Mountain Club, from Fish and Game Associations, as well as clergymen, scientists, housewives and students who testified at the hearing.

Although the Club preferred that there be no sewage treatment plant on the Salmon River banks, the legislature passed a bill which allowed the building of a tertiary treatment plant. A tertiary plant is one which breaks down effluents in three steps of cleansing processes.

Since the March re-hearing, the Ponemah Club has learned that there is a variety of tertiary treatment plants ranging from good to not too efficient. The Club is still actively trying to discourage the building of the plant, but if it becomes inevitable, the Ponemah Club hopes to ensure that the best tertiary treatment plant possible is built.

PRESCHOOLERS LEARN SAFETY RULES

Continuing efforts in safety programs in the town of Vernon has won the Vernon Junior Women's Club Inc., second prize in B-Category of the Club of the Year Award Contest sponsored by The Courant. The Club won an honorable mention last year for their bicycle safety project, and this year they sponsored a "Safety Town" program.

With full cooperation from the mayor, police department, bus company, fire department and recreation commission, the Junior Women made posters, road signs, donated peddle cars and art supplies for diplomas.

Designed to help pre-school age children gain a safety education, the program included a special demonstration for each day of the week for the 35 accepted pre-schoolers. To ensure success and enthusiasm, the group was kept small with hope of expansion in the future.

In May the special "Safety Town" was built and the children came from 9:30 to noon for one week. The first day was a lesson in pedestrian safety, the second in fire safety with fire department assistance, the third day the police came and the children walked and rode peddle cars through Safety Town observing the safety rules they had learned; stop signs, railroad crossing, sidewalks etc. set up throughout the town.

The fourth day the bus company participated and safety was put into motion as the children rode a bus. On the fifth day testing was held followed by a graduation ceremony with parents in attendance and diplomas given out. All 35 children passed the course.

A phone check with mothers after the program revealed that the children were using what they had learned and were even reminding parents of safety rules.

HONORABLE MENTION B-CATEGORY: CLUB MEMBERS DONATE TIME AND EFFORT

Fifty-eight club fashion benefit

The Simsbury Ambulance Association and the Social Worker Contingency Fund were the beneficiaries of a "Sew Yourself Into Spring" fashion show sponsored by the 58 Club of Simsbury. The club has won an honorable mention in the second annual Courant Club of the Year Awards Contest.

The project, which was a creative one and one which involved 100 of the club members in various capacities, centered around 36 members or their daughters who made and modeled their own clothes from bathing suits to cocktail gowns for the show.

Fifty women baked cakes to be served as dessert the night of the show and the remaining club members bought and sold tickets.

A profit of $900 was realized and distributed to the Social Worker's Contingency Fund which provides aid to health and welfare families in the town of Simsbury, and to the Simsbury Ambulance Association which supplies free ambulance service to Simsbury residents and which is staffed by volunteers on call 24 hours each day.

Glastonbury history told

"From Settlement to Suburb" by Marjorie Grant McNulty, a readable, comprehensive history of Glastonbury, was financed in part and assembled by the Woman's Club of Glastonbury.

By discussing the project with various groups within the town, the Club found that this civic effort would truly benefit Glastonbury. For this book, the Woman's Club of Glastonbury has won Honorable Mention in the Courant Club of the Year Awards Contest.

Members of the organization collated pages, punched and inserted plastic binders for the book. Illustrations and the cover design were done by members who donated their time as professional artists to the project.

School received help

Children at tht Talcottville School have more learning and play equipment as a result of the efforts of the Suburban Women's Club of Vernon, Ellington and Tolland, Inc.

This organization has been awarded an Honorable Mention in the second annual Courant Club of the Year Contest for their fund raising and volunteered time to benefit the Talcottville School.

In August, 1970, the project chairman of the club was told by the director of the Talcottville School for mentally retarded children that due to a new wing and strict budgeting, many items, were needed for the 100 students.

During the club season, the organization's newsletter carried a list of items that members could donate. Members donated plastic fruits, doll clothing, toy dishes, ice cream sticks, good grooming tools, stencils and slate boards in addition to numerous other articles.

Members compiled scrapbooks for the children, and at Easter gave the children a party.

To raise funds for the School, a "Clown Town" Fair was held in May, 1971. From these proceeds, the club was able to present a check to the school's director at their annual banquet.

In addition to this primary project to help the Talcottville School, the club served other youths in the community by donating to the scholarship funds of Big Brother, Vernon Hockey Association and Indian Valley YMCA.

Booklet describes town

The League of Women Voters of Farmington and Avon has been awarded an Honorable Mention in the second annual Courant Club of the Year Awards.

As stated by Mrs. W. Bruce Ashworth, president of the League, "It is the hope of the organization that the booklet will aid the citizen in becoming more informed about his community and thereby stimulate his interest in town affairs."

A booklet describing Farmington's government, town services, voting regulations and history was prepared by the women for distribution to the whole town.

In October, 1970, following two years of studying the town's various specs, editing the material and having the booklet published, 3500 copies were passed out by League members, Girl and Boy Scouts and members of the Farmington Junior League.

Booklets have also been passed out in Farmington schools and are given to each new resident via the town's Welcome Wagon.

The booklet follows in the League's tradition of providing pamphlets to the citizens to better help them know their community.

COURANT CLUB AWARDS HONOR OUTSTANDING EFFORTS

Wallingford Thrift Shop

A Community Thrift Shop, opened and operated by the Wallingford Junior Woman's Club Inc., has won an Honorable Mention in the second annual Courant Club of the Year Awards.

"Ye Olde Thrift Shoppe" was opened to meet a community need for low-priced clothing and household articles. The project started with $96 from a cake sale and a $200 loan, repaid in one month, from the club treasury.

The Junior Women began by looking into rents, advertising for donations, informing the needy and by painting and refurbishing a run-down ski shop with help from husbands. The store's sales promotion effort was supplemented by signs placed in the VNA and welfare offices as well as the local day care center.

From March to June, "Ye Olde Thrift Shoppe" provided approximately 3,000 low income people with easy-to-afford clothing and small household articles. Proceeds from the Shoppe have been donated to the Meriden-Wallingford Hospital for purchase of medical equipment.

The success of the Thrift Shoppe is partly based on the degree of club participation. Over 80 percent of the members have worked in the store. Although the Thrift Shoppe is not an original idea with the Wallingford Junior Women's Club, originality is manifested in unusually creative window displays, in store merchandise arrangements and a 30-day stock turnover policy.

Any item of merchandise which is not sold within 30 days is donated to Good Will Industries. Although a charitable policy, it also assures the store's customers of a continuous supply of fresh merchandise, explaining why many of the customers come back again and again.

Juniors aid HARC

The Hartford Junior Woman's Club enthusiastically designated the National Association of Retarded Children (NARC), as their project of the year. All 60 club members donated their time and effort to the local organization, the Hartford Association of Retarded Children (HARC), as well.

Through the club Newsletter and the press, the Junior Women informed the public of activities and fund raising programs they had put into action, they mentioned areas where volunteers and monies would be appreciated and they tried to encourage good legislation for the handicapped.

Fund raising projects included a potato sale, potatoes were purchased at a farm, scrubbed, bagged and sold, a fashion show and the women provided refreshments for a dance to benefit HARC, given by Hartford College students.

Because the surroundings in which HARC functioned were lacking many necessities, the Hartford Junior Women solicited Betty Crocker coupons to purchase items for the HARC kitchen. They also entered into a joint venture with the Hartford Women's Club to take HARC for their Community Improvement Project, and when the senior women purchased furniture, the Juniors donated a color coordinated wall to wall carpet.

The women also covered huge factory windows with creative, decorative, educational, inserts using ribbon, yarn, glitter and picture cut-outs depicting the alphabet and numerals.

Windsor Juniors' FISH

Windsor Junior Women have received an honorable mention in the second annual Courant Club Awards of the Year for their efforts in organizing and supporting a program to benefit all people in Windsor.

FISH, Friends In Service Here, was begun by holding a fashion show and a dance to raise funds for the project. An open house was held to inform the town of the new emergency services being offered and to recruit volunteers from other organizations in town.

A steering committee was formed with two representatives from each church in town, and two representatives from the Windsor Juniors. A board of directors was elected from this committee, monthly meetings were established, by-laws adopted, insurance obtained, and a 24-hour phone service was established through the cooperation of the Windsor Police Department.

The members of the Windsor Junior Women's Club form the nucleus of volunteers. Every three months, a schedule is made of all volunteers and the service which they can provide. There are volunteers for phone duty, transportation, babysitting, preparation of meals, shopping and housecleaning. A log is kept of all calls and services rendered each day. If the Club is unable to assist the caller directly, the caller is referred to the proper agency for his particular problem. A volunteer legal advisor is also at the Club's disposal. FISH receives approximately 20 calls a month.

The procedure followed when FISH receives a call for emergency service is as follows: the phone officer of the day takes the caller's name, address, phone number and specific need requested; she then refers to her list of volunteers and makes all the necessary arrangements in assisting the caller.

The FISH program is financed by the Windsor Juniors. Monetary assistance has also been received from various church groups and from Combustion Engineering, Inc.

Enfield "Story Hour"

In a program which involved two teachers, a local dairy, the library, husbands and 33 members of the Enfield Junior Women's Club, children coming from economically deprived areas in Enfield were provided with an experience of warmth and joy at a "Story Hour" held twice weekly for two hours each session.

The project, which has won the Enfield Juniors an honorable mention in The Courant Club Awards Contest, was started when Mrs. Geri Gonzales, senior field director of the Neighborhood Center, informed the Club of the great need for a program for preschool aged children. The Neighborhood Center is a social agency located in the downtown economically depressed area of Enfield. Its purpose is to offer assistance to the people right there in their own neighborhood.

The "Story Hour" became a reality when two teachers organized the "curriculum," and each member of the club volunteered for a turn as teacher. Members donated books, crayons, scissors, paper and other supplies. Husbands made a long, low table, and a local dairy agreed to donate milk for snack time. The library offered the use of library books, films and audio visual equipment.

Three club members were present at each "Story Hour," and time was included for playing, story reading, coloring, singing, eating and cleaning up. The children made special projects to bring home planted seeds, and visited a fire station. The sessions were concluded at the end of May for summer vacation, but the Enfield Juniors have continued the program for another year as of September.

Plymouth Youth Club

Last year the Junior Woman's Club of Terryville won first prize for its efforts in establishing the Plymouth Community Boys and Girls Club and this year the Club has won an honorable mention in the second annual Courant Club Award of the Year by ensuring that the club would function as a recreation center should.

The Junior Women were elected as representatives on the board of directors of the Youth Center. The board then formed a community Improvement Committee designed to extend recreation facilities, as swimming, dancing and basket weaving were the only activities available.

The first step taken was a public meeting where sub-committees were established to work on boys and girls activities. Letters were sent to 40 local organizations and individuals asking for volunteer service and support of the Club's programs. The Junior Women offered to reorganize the entire club operation and help the Center financially.

Classes were organized and began in April. They included cooking, arts and crafts, crocheting, sewing and baton. Although it was difficult to get male volunteers during the week, Saturdays were spent in sports or activities of the boys' choice.

As a result of the program, membership at the Center increased from 45 mostly inactive members to 115 active girls and boys.

The Junior Women also hired a director to carry out a successful summer program of outdoor cooking, summer sewing, self-improvement, and beauty care and a club newspaper as well as several field trips.

Working with retarded

"Our projects were many and great, but our personal satisfaction was even greater," is the summary given to the project of the Junior Women's Club of Berlin who worked with the mentally retarded and handicapped of all ages.

This is the second year the Junior Women have received an honorable mention for their project of the year. In the first annual Club of the Year Contest sponsored by The Courant, they won the award for their efforts in a drug education program for Berlin.

This year, enlisting 100 per cent club participation in their many projects to aid both young and old in the field of mentally handicapped or retarded, the Junior Women of Berlin engaged speakers on local and state levels to financially help the local Day Care center for mentally retarded youngsters. They visited regional centers and the Day Care center to learn all phases of operation and they compiled facts about retarded and handicapped centers and sent them to the 66 Junior Women's Clubs in Connecticut urging them to make the public more aware of the retarded child, encouraging them to participate in volunteer services, monetary donations, rubella vaccines and legislation benefitting the retarded child.

The Junior Women sponsored Christmas and birthday parties for their local association and donated monetary gifts, toys and books to them. They raised additional money to ensure Berlin children's attendance at the special Olympics for retarded children.

The women also volunteer one night a week throughout the summer months to aid the young and older adults in recreational activities. They participate in operation Deep Freeze, collecting cake mixes and frostings so patients at Connecticut Valley Hospital may bake their own birthday cakes, thus giving them a sense of achievement. They have also adopted ward 94 at the Hospital, visiting them once a month and entertaining them with Bingo, Valentine party, cards or just company and conversation, and by bringing them to Berlin or bowling, fondue demonstrations and parties.

JEWISH SUPPORT FOR PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, the following letter, with excerpts of a letter by the Lubavitcher rabbi, Rabbi Menachem Mendel Schneerson, was received in my office on October 29 and is related to the upcoming vote of House Joint Resolution 191, an amendment to permit nondenominational prayers in public schools and buildings.

This letter was forwarded to me by Rabbi J. N. Kranz of the Lubavitcher Center, Oak Park, Mich.

Rabbi Schneerson points out the need for a nondenominational prayer in public schools. He also addresses himself to the principle of the separation of church and state and the need for safeguards. I would urge all Members to read Rabbi Schneerson's letter prior to casting their vote on November 8 on this vital issue:

Lubavitcher Center,
Oak Park, Mich., October 10, 1971.

Honored Congressman: H.J. Res. 191, the amendment concerning non-denominational prayer in the public schools, has been discharged from the Judiciary Committee through petition, and will come before the House for a vote.

We respectfully bring to your attention the views on this matter of Rabbi Menachem M. Schneerson (the *Lubavitcher Rabbi*), world Jewish leader.

Sincerely yours,

J. N. Kranz,
Rabbi.
Y. M. Kagan,
Associate Rabbi.

Excerpts of a Letter by the Lubavitcher Rabbi, Rabbi Menachem Mendel Schneerson

On the contrary, if there could have been any change at all (in my views), it was to reinforce my conviction of the vital need that the children in the public schools should be allowed to begin their day at school with the recitation of a *non-denominational* prayer, acknowledging the existence of a Creator and Master of the Universe, and our dependence upon Him. In my opinion, this acknowledgment is absolutely necessary in order to impress upon the minds of our growing-up generation that the world in which they live is not a jungle, where brute force, cunning and unbridled passion rule supreme, but that it has a Master Who is not an abstraction, but a personal G–d; that this Supreme Being takes a "personal interest: in the affairs of each and every individual, and to Him everyone is accountable for one's daily conduct.

Juvenile delinquency, the tragic symptom of the disillusionment, insecurity and confusion of the young generation, has not abated; rather the reverse is the case. Obviously, it is hard to believe that the police and law-enforcing agencies will succeed in deterring delinquency and crime, not to mention completely eliminating them at the *root*, even if there were enough police officers to keep an eye on every recalcitrant child. Besides, this would not be the right way to remedy the situation. The remedy lies in removing the cause, not in merely treating the symptoms. It will not suffice to tell the juvenile delinquent that crime does not pay, and that he will eventually land in jail (if he is not smart enough). Nor will he be particularly impressed if he is admonished that lawbreaking is an offense against society. It is necessary to engrave upon the child's mind the idea that any wrongdoing is an offense against the Divine authority and order.

At first glance this seems to be the essential function of a house of prayer and of the spiritual leaders. However, anyone who does not wish to delude himself about the facts of house of prayer attendance, both in regard to the number of worshippers and the frequency of their visits, etc., etc., must admit that shifting the responsibility to the house of prayer will not correct the situation. Nor can we wait until the house of prayer will attain its fitting place in our society, and in the life of our youth in particular, for the young generation will not wait with its growing-up process.

Children have to be "trained" from their earliest youth to be constantly aware of "the Eye that seeth and the Ear that heareth". We cannot leave it to the law-*enforcing* agencies to be the keepers of the ethics and morals of our young generation. The boy or girl who has embarked upon a course of truancy will not be intimidated by the policeman, teacher or parent, whom he or she thinks fair game to "outsmart". Furthermore, the crux of the problem lies in the success or failure of bringing up the children to an awareness of a Supreme Authority, Who is not only to be feared, but also loved. Under existing conditions in this country, a daily prayer in the public schools is for a *vast* number of boys and girls the only opportunity of cultivating such an awareness.

On the other hand, as I have emphasized on more than one occasion, only a *strictly non-denominational* prayer, and no other, should be introduced into the public schools. Any denominational prayer or religious exercise in the public schools must be resoluting opposed on various grounds, including also the fact that this would create divisiveness and ill-feeling. Likewise must Bible reading in the public schools be resolutely opposed for various reasons, including the obvious reason that the reading of Koran and the New Testament will arouse dissention and strife. Moreover, the essential objective is a religious expression that would cultivate reverence and love for G–d, and this can best be accomplished by prayer, while Bible reading is not so important in this instance.

1. It has been argued that the child attending public school is in the category of a "captive", since his refusal to participate in a prayer would "stigmatize" him. His participation would therefore be involuntary and an encroachment on his freedom.

In my opinion, the notion of "captivity" as applied in this case should lead to a conclusion which is quite the reverse, for the following reasons:

The child attending public school knows that his attendance is compulsory, because his parents and the government consider his education of the utmost importance. Together with this comes the recognition that what is really important and essential to his education is taken care of in the school. The child's instinctive feeling and inference from this is that anything that is not included in the school curriculum is of secondary importance if, indeed, of any importance at all. Hence, if religion (prayer) is excluded from the school, the child would inevitabily regard it in the same category as an extra foreign language, or dancing, or music lessons, which are not required by the school but are left to the parents' free choice, and which the child, not illogically, considers a burden or even a nuisance. In other words, the present system of the public schoool education is such that it *impresses* upon the pupil the belief that everything connected with religion, such as knowledge of G–d's existence, etc., is of little consequence, or of no importance whatever.

It will neither interest nor impress the child if he were told that the exclusion of prayer from the school is due to the principle of the separation of State and Church, or to a constitutional technicality. These reasons or explanations, even if they be actually conveyed to the child from time to time will not nearly impress him as much as the plain fact itself, which reasserts itself each and every day, that nothing can be very important to his education if it is not included in the school program. Such a situation can only reinforce the child's attitude of indifference, or even disdain, to any religious beliefs.

The above would be true even in the case of a child who comes from a religious home and background. How much more so in the case of children whose parents and homes are not permeated with the religious spirit, or where religion is something which is practiced once a week, on the day of rest, or only on holidays and special occasions. This, after all, is the kind of home from which the vast majority of the public school children come, inasmuch as the truly religious parents make every sacrifice in order to provide their children with the religious education and environment of a parochial school.

2. To oppose non-denominational prayer "on constitutional grounds" is, in my opinion, altogether a misunderstanding or misrepresentation of the problem.

The issue is: Whether a non-denominational prayer wherewith to inaugurate the school day is, or is not, in the best interests of the children. If the answer is "yes", then obviously it should be made constitutional, for there can be no difference of opinion as to the fact that the Constitution has been created to serve the people, not vice versa.

It may be pertinent to add here that the approach that the Constitution of the U.S.A. must not be touched or amended under any circumstances, is in itself a flagrant violation of the letter and spirit of the Constitution, which has its own built-in machinery for future amendments that may be required in the public interest; machinery which has been used in the past to incorporate into the Constitution a number of amendments.

3. It is argued that the principle of separation of Church and State is the only safeguard for freedom of religion, equal rights for minorities, etc.

Without going into the question whether there actually exists a strict separation between State and Church in this country (for there are undeniable facts to the contrary, e.g. the institution of Chaplaincy in the armed forces; the opening of Congress with a prayer; the motto "In G-d we trust" on American currency, the emphasis on Divine Providence in the Declaration of Independence; etc., etc.), I submit that the validity of the argument is contingent upon the question who is behind this principle, and how is it to be interpreted and applied? Suffice it to cite an illustration from the representative States now in existence, in one of which the said principle is in full operational force, while in the other it is not. In the first, as the daily press reports, there is a calculated war on religion and religious practices, with the suppression of all religious freedom, etc. Incidentally (and perhaps it is quite relevant to our discussion), it all started there with a ban on religious instruction to young children. In other countries, for example England, there is no separation of Church and State, there is religious instruction in the public schools, yet you find there complete religious freedom for all religious denominations.

4. Some argue further that the principle of separation of State and Church must be maintained at all costs, in order to prevent a resurgence of religious persecution so prevalent in the Middle Ages, when an established state-religion denied equal or any, rights to other religions, etc.

The fallacy of this argument should be quite obvious. By way of illustration: Suppose a person was ill at one time and doctors prescribed certain medication and treatment. Suppose that years later the same person became ill again, but with an entirely different, in fact quite contrary, malady. Would it be reasonable to recommend the same medication and treatment as formerly?

In Medieval times the world suffered from an "excess" of religious zeal and intolerance. In our day the world is suffering from an excessive indifference to religion, or even from a growing materialism and atheism. Even where religion is practiced, it often lacks depth and inspiration. (The subject is too painful to discuss in detail). Thus, if separation of Church and State was necessary, it is not at all the answer to the problems of our contemporary youth. Besides, the preservation of the principle is not at stake here, and the introduction of a non-denominational prayer in the public school will not endanger it in the least. Moreover a special clause to this effect can be included in the amendment.

5. It has also been argued that if a non-denominational prayer were permitted and left to the discretion of every school board in the country, this practice would lead to abuse.

I do not consider this a valid argument. Firstly, we are talking here about a strictly non-denominational prayer, and agreement should not be difficult on this point. Nor could there be room for any undercover abuse, since prayer would be recited openly in the school. Besides, a proviso could be made which would require the unanimous approval by the representatives of religious denominations before the particular non-denominational prayer is introduced into the school. Moreover, there is no need to compose new non-denominational prayers, as there are already such.

6. The argument that a short non-denominational prayer would have no effect on the child reciting it, could not be considered as a serious argument by anyone who has knowledge or experience in child education. On the contrary, the fact that prayer will be recited in the school and classroom, and day after day, will inevitably become an integral part of the child's thinking and is bound to be a factor which could be further cultivated to the child's advantage in terms of spiritual and psychological development.

Summarizing the above-said, my standpoint indicates the following course:

(a) All efforts, petitions, etc., should be brought to bear towards the introduction of a constitutional amendment which would permit the recitation of a strictly non-denominational prayer in all public schools.

(b) At the same time it should be clearly emphasized that any other kind of prayer or religious exercise, including Bible reading, is not desirable in the public schools because of the friction and divisiveness which such a practice would inevitably entail. It would surely be detrimental to introduce an amendment which would do just that.

(c) I am gratified to see that there are representatives in Congress who expressed their support for an amendment that would permit a non-denominational prayer in the public schools, while opposing sectarian prayer and Bible reading.

(d) The whole controversy as to the constitutionality of such a non-denominational prayer is of little, if any consequence to the problem itself. The crucial problem is how to build the ethical and moral fibre of the young generation which is educated in the public school system: Is the American child to grow up under an educational system which excludes all mention of the Divine Name, so that he (or she) will inevitably regard the world around him (or her) as a G-dless jungle; or is he (or she) to be encouraged to think that there is a Supreme Being, the Creator and Master of the World, Who ordains justice and liberty for all, and Who is the source of true blessing.

Certainly a non-denominational prayer in the public schools will not, in itself, provide an adequate basis for the right and complete world-outlook, but it is an indispensable first step in this direction, considering the state of our society as it is at present, and as it is likely to remain for quite a long time, insofar as it can be judged from the prevailing conditions and factors.

RENT PROVISIONS HELD UNCONSTITUTIONAL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FAUNTROY. Mr. Speaker, the House Committee on the District of Columbia has approved H.R. 11341, as amended, the District of Columbia Revenue Act of 1971. The bill, as approved, contains a provision authorizing the Mayor to pay welfare payments directly to the landlord when a welfare recipient fails to pay rent. I was deeply concerned about the possible constitutional problems raised by this provision. I asked the highly respected law firm of Covington & Burling to research and analyze this question for me. The have concluded that "there is a substantial likelihood that [such a provision] would be held unconstitutional." I should point out that Covington & Burling's analysis was of an earlier version of the provision. In my judgment, the basic argument advanced by the firm would apply with equal force to the provision ultimately approved by the committee. Because this item is likely to be discussed in connection with the District of Columbia revenue bill next week, I would like to share this excellent legal memorandum with my colleagues:

Covington & Burling,
Washington, D.C., October 6, 1971.

Hon. Walter Fauntroy,
Delegate for the District of Columbia, U.S. House of Representatives, Washington, D.C.

Dear Delegate Fauntroy: You have requested our opinion as to the validity under the United States Constitution of a proposed rider to the pending District of Columbia appropriations bill that is now being considered by the Committee on the District of Columbia of the House of Representatives. It is our understanding that, while the provisions of the proposed rider have not yet been drafted, it would provide, in effect, that whenever a person who is receiving public welfare payments in the District of Columbia defaults on a monthly rental payment (regardless of the reason), the District of Columbia Welfare Department, upon notification of the default, must thereafter deduct monthly rental payments from the welfare recipient's check and pay them directly to the welfare recipient's landlord. The purpose of the proposed rider, as stated in the momorandum which you sent us, is to:

"Reduce vandalism of public and private rental property and foreclose the incentive to rent strikes by persons on public assistance and relieve the government of dual payments where the recipient of aid is in public housing."

We have concluded that, if a rider containing such provisions were enacted and subjected to a challenge in court, there is a very substantial likelihood that it would be held unconstitutional. In our opinion, the proposed rider would be vulnerable to constitutional attack on either of the following grounds:

(a) it deprives the affected welfare recipients of property without the opportunity for a hearing, in violation of the due process clause of the Fifth Amendment to the Constitution; and

(b) it denies to District of Columbia welfare recipients the equal protection of the laws, in violation of the due process clause of the Fifth Amendment to the Constitution.

In view of your need for prompt advice, we state below the reasons that lead us to these conclusions in rather summary fashion. We would be glad to expand the analysis at a later date, if you should so desire.

I. THE CONSTITUTIONALITY OF THE PROPOSED RIDER IS SUBJECT TO SERIOUS QUESTION ON DUE PROCESS GROUNDS

The due process clause of the Fifth Amendment to the United States Constitution, which operates as a constraint upon the powers of the federal government (including Congress' power to legislate for the District of Columbia), states that no person shall be deprived of life, liberty or property without due process of law. In *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969), the Supreme Court held invalid, under the substantially identical due process clause of the Fourteenth Amendment applicable to the states, a Wisconsin statute that required an employer to hold back or "freeze" a part of his employee's wages whenever an alleged creditor served the employer with a summons and complaint alleging that the employee was indebted to the alleged creditor. This pre-judgment garnishment procedure was described by the Court in *Sniadach* as follows:

"What happens in Wisconsin is that the clerk of the court issues the summons at the request of the creditor's lawyer; and it is the latter who by serving the garnishee sets in motion the machinery whereby the wages are frozen. They may, it is true, be unfrozen if the trial of the main suit is ever had and the wage earner wins on the merits. But in the interim the wage earner is deprived of his enjoyment of earned wages without any opportunity to be heard and to tender any defense he may have, whether it be fraud or otherwise." *Id.* at 338–339.

The Court, pointing out that wages are "a specialized type of property presenting distinct problems in our economic system," held that because the Wisconsin statute failed to provide the employee with notice and an opportunity for a prior hearing on the question of his liability to the alleged creditor, it violated "the fundamental principles of due process." *Id.* at 340, 343.

We believe that the requirement in the proposed rider that the D.C. Welfare Department must deduct rental payments from the check of any welfare recipient who is allegedly in default in his rental payments and remit them to the landlord would be held violative of the due process clause for reasons altogether comparable to those stated by the Court in holding the Wisconsin garnishment statute unconstitutional.

In the first place, it is clear that the welfare recipient's entitlement to benefits is "property" protected by the due process clause. That proposition is well established. The requirements of procedural due process are no less applicable in cases involving alleged deprivation of governmental "benefits" than they are in cases involving alleged deprivation of wages or other more traditional forms of property. As the Supreme Court pointed out in *Goldberg* v. *Kelly*, 397 U.S. 254, 261–262 (1970):

"Appellant does not contend that procedural due process is not applicable to the termination of welfare benefits. Such benefits are a matter of statutory entitlement for persons qualified to receive them. Their termination involved state action that adjudicates important rights. The constitutional challenge cannot be answered by an argument that public assistance benefits are a 'privilege' and not a 'right.' *Shapiro* v. *Thompson*, 394 U.S. 618, 627 n.6 (1969). Relevant constitutional restraints apply as much to the withdrawal of public assistance benefits as to disqualification for unemployment compensation, *Sherbert* v. *Verner*, 374 U.S. 398 (1963); or to denial of a tax exemption, *Speiser* v. *Randall*, 357 U.S. 513 (1958); or to discharge from public employment, *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956)."

Indeed, as we point out below, the very principle of the *Sniadach* decision was applied in *Goldberg* to invalidate the termination, without a hearing, of welfare benefits.

We can anticipate only one argument of any substance for distinguishing the proposed appropriations bill rider from Wisconsin's garnishment statute. It could be argued that the impact on welfare recipients of the procedure contemplated by the rider would be less drastic than the impact of the garnishment statute on employees because the Wisconsin statute requires a significant reduction, pending trial, of the income from which an employee must pay all his living expenses, including housing, whereas the proposed rider would only partially reduce the welfare recipient's income and would at the same time eliminate housing as one of the expenses he would have to pay out of his income.

On analysis, however, we do not believe that this argument would be found persuasive. It is now well established in the District of Columbia, both under the case law and the District of Columbia Housing Regulations, that if the landlord has failed to maintain a housing unit in compliance with the minimum standards required by the Housing Regulations, the tenant may not be legally obligated to pay him all, or even any, of the rent otherwise due for the period during which such violations of the Housing Code existed, depending on the nature and number of the violations in question. *Brown* v. *Southall Realty Co.*, 237 A.2d 834 (D.C.C.A. 1968); *Javins* v. *First National Realty Corp.*, 428 F.2d 1071 (D.C. Cir. 1970), *cert. denied*, 400 U.S. 925 (1970); Housing Regulations of the District of Columbia, § 2902. Thus, a tenant living in housing which his landlord has failed to maintain in accordance with the Housing Regulations may withhold his rent and when he is sued for nonpayment the court must decide, after receiving evidence as to the nature of the Housing Code violations in question, how much, if any, of the rent the landlord is entitled to recover. *Javins* v. *First National Realty Corp., supra* at 1082–1083. The landlord therefore has nothing more than the putative creditor in the *Sniadach* case, a chose in action by which he may be able to compel payment through the judicial process of the rent purportedly due him.

The proposed rider would deprive the welfare recipient of the only realistic means he has to bring before a court of law the question of his landlord's legal obligation to make repairs and the question of how much rent, under the circumstances, he is legally required to pay. Since the landlord would be receiving rent from the Welfare Department, he would have no such reason to sue the tenant and considerably less incentive to abate any existing Housing Code violations. The rider would thus shift the burden to the tenant to bring an affirmative action against the landlord to recover all or a part of the rent paid. In our view, the courts would recognize that indigent welfare tenants would rarely be able to bring affirmative actions against their landlords for back rent, especially in view of the regulations that in most cases prohibit legal services attorneys from representing clients in affirmative suits for damages.

In this regard, we note that in his concurring opinion in the *Sniadach* case Mr. Justice Harlan said that in his view the precise "property" of which the employee was deprived without hearing was the *use* of the withheld part of his wages between the time of the garnishment and the time of judgment on the creditor's claim. 395 U.S. at 342. Since the proposed rider to the D.C. appropriations bill would place upon the welfare tenant the burden of bringing before the courts the question whether he in fact owes the rent paid, he stands realistically not only to lose the use of his rent money pending a judgment as to whether he or the landlord is entitled to it, but to lose the money forever. It would therefore appear that the deprivation under the proposed rider to the D.C. appropriations bill is even more severe than the deprivation under the Wisconsin garnishment statute, which at least left the burden of bringing the action for money owed on the alleged creditor, thus ensuring that he could not recover from the employee unless there had been a trial on the merits of his claim.

In addition, we would point out that by withholding their rent, welfare tenants are able to use the rental money to make emergency repairs which the landlord has failed to make. Under the terms of the proposed rider, the tenant would be unable to use his housing allotment to make even the most fundamental repairs necessary to keep his dwelling unit in habitable condition or, for that matter, to use the money for any other emergency needs which he might have. Thus, even the temporary loss of rent allotments might have at least as severe an impact on the welfare tenant as the impact of the Wisconsin garnishment statute on the employee in *Sniadach*.

We recognize that the Court placed some emphasis in *Sniadach* on the "specialized" nature of wages. Cases decided since *Sniadach*, however, both by the lower courts and by the Supreme Court, indicate that the rationale of *Sniadach* will be applied to situations involving deprivations of many different kinds of property rights, even though the impact on the deprived party may not be as drastic as the impact which prejudgment garnishment of wages may have on an employee. See, *e.g.*, *Hall* v. *Garson*, 430 F.2d 430 (5th Cir. 1970) (landlord's peremptory seizure of a television set under a statutory landlord's lien); *Klim* v. *Jones*, 315 F. Supp. 109 (N.D. Cal. 1970) (innkeeper's seizure of personal belongings under statutory innkeeper's lien): *Laprease* v. *Raymours Furniture Co.*, 315 F. Supp. 716 (N.D.N.Y. 1970) (conditional vendor's seizure of furniture); *Larson* v. *Fetherston*, 172 N.W.2d 20 (Wis. Sup. Ct. 1969) (garnishment of bank accounts); *Mihans* v. *Municipal Court*, 87 Cal. Rptr. 17 (Cal. App. 1970) (landlord's prejudgment possession of premises if tenant is insolvent or lacks sufficient property to satisfy landlord's claim for damages); *contra*, *Fuentes* v. *Faircloth*, 317 F. Supp. 954 (S.D. Fla. 1970) (conditional vendor's seizure of furniture), *prob. juris. noted*, 401 U.S. 906 (1971). *See also* Note, *Some Implications of Sniadach*, 70 Colum. L. Rev. 942, 949 (1970).

In *Hall* v. *Garson*, *supra* at 441, the Court of Appeals for the Fifth Circuit pointed out that:

"[T]he same kind of deep personal hardship can result from the seizure of personal and household goods as resulted from the garnishment of wages under the Wisconsin statute in *Sniadach*."

The only post-*Sniadach* case of which we are aware in which a court has considered the question whether a tenant who has withheld rental payments may be required to pay rent to the landlord prior to trial on the question of his legal obligation to pay such rent is an unreported decision by the United States Court of Appeals for the District of Columbia Circuit in *Winston* v. *Shapiro*, Case No. 24,503 (D.C. Cir. Aug. 5, 1970). The question was before the court on a motion to stay lower court orders which required "the payment of prejudgment rent directly to the landlord provided the landlord files an appropriate bond with the Clerk." *Id.* at 2. While declining to decide the issue on a motion for a stay, the Court nevertheless noted that:

"This provision in the orders raises constitutional questions under *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969)." *Id.*

The *Shapiro* case was subsequently settled before it reached the Court of Appeals on the merits. However, we understand that the same issue is raised in another case now pending before the Court of Appeals. *See Blanks* v. *Fowler*, Case No. 24,548, United States Court of Appeals for the District of Columbia Circuit. In any event, we would point out that if the provisions of the lower court orders in the *Winston* case raise constitutional questions under *Sniadach*, then it follows *a fortiori* that the provisions of the proposed rider do also. The lower court orders in *Winston* required rental payments to the landlord for a specifically limited period, namely, until the pending trial on the issue of the landlord's right to such payments had been completed. The provisions of the proposed rider, however, are completely open-ended, requiring rental payments to the landlord that not only are not limited to a period prior to a trial on the merits of the tenant's justification for nonpayment but that, as we have said, probably would have the effect of ensuring that such a trial would never take place.

Two Supreme Court decisions subsequent to *Sniadach* likewise suggest that the rationale of that decision is not confined to situations involving a prehearing deprivation of "traditional" or "specialized" property such as wages. In *Goldberg* v. *Kelly*, 397 U.S. 254, 255 (1970), the Court was presented with the question "whether a State that terminates public assistance payments to a particular recipient without affording him the opportunity for an evidentiary hearing prior to termination denies the recipient procedural due process in violation of the Due Process Clause . . ." The Court answered the question in the affirmative, citing *Sniadach* in support of its decision:

". . .[W]e agree with the District Court that when welfare is discontinued, only a pre-termination evidentiary hearing provides the recipient with procedural due process. *Cf. Sniadach* v. *Family Finance Corporation*, 395 U.S. 337 (1969)." *Id.* at 264.

Similarly, in *Bell* v. *Burson*, 402 U.S. 535 (1971), the Court was faced with a due process challenge to the provisions of Georgia's Motor Vehicle Safety Responsibility Act which required that the motor vehicle registration and driver's license of an uninsured motorist involved in an accident shall be suspended unless he posts security to cover the amount of damages claimed by aggrieved parties in required reports of the accident. The Court held that "before the

State may deprive petitioner of his driver's license and vehicle registration it must provide a forum for the determination of the question whether there is a reasonable possibility of a judgment being rendered against him as a result of the accident." *Id.* at 542. In so holding, the Court emphasized that a person's right to a driver's license is the kind of property right of which a person may not be deprived without a hearing, in accordance with the principles set forth in *Sniadach;*

". . . Once licenses are issued, as in petitioner's case, their continued possession may become essential in the pursuit of a livelihood. Suspension of issued licenses thus involves state action that adjudicates important interests of the licensees. In such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment. *Sniadach* v. *Family Financial Corp.*, 395 U.S. 337 (1969); *Goldberg* v. *Kelly*, 397 U.S. 254 (1970). This is but an application of the general proposition that relevant constitutional restraints limit state power to terminate an entitlement whether the entitlement is denominated a 'right' or a 'privilege.' "

". . . [I]t is fundamental that except in emergency situations (and this is not one) due process requires that when a State seeks to terminate an interest such as that here involved, it must afford 'notice and opportunity for hearing appropriate to the nature of the case' before the termination becomes effective. *Ibid. Opp. Cotton Mills, Inc.* v. *Administrator*, 312 U.S. at 152-156 (1941); *Sniadach* v. *Family Finance Corp., supra; Goldberg* v. *Kelly, supra; Wisconsin* v. *Constantineau*, 400 U.S. 433 (1971)." *Id.* at 539, 542.

It would appear to follow that a procedure which requires rental payments to be deducted from a welfare recipient's check and to be paid directly to his landlord, without providing any opportunity for a hearing on the question of the welfare recipient's liability for such payments, is also at odds with the requirements of due process.

In view of the cases and considerations discussed above, we conclude that there is a very substantial likelihood that the proposed rider to the District of Columbia appropriations bill would be held to violate the due process clause of the Fifth Amendment.

II. THE CONSTITUTIONALITY OF THE PROPOSED RIDER IS SUBJECT TO SERIOUS QUESTION ON EQUAL PROTECTION GROUNDS

Unlike the Fourteenth Amendment to the Constitution, which is applicable only to the states and not to acts of Congress, the Fifth Amendment, by which Congress is bound, contains no explicit prohibition against denial of the "equal protection of the laws." However, the Supreme Court has held on several occasions that "[w]hile the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is 'so unjustifiable as to be violative of due process.'" *Shapiro* v. *Thompson*, 394 U.S. 618, 642 (1969); *Schneider* v. *Rusk*, 377 U.S. 163, 168 (1964); *Bolling* v. *Sharpe*, 347 U.S. 497, 499 (1954). Although the Supreme Court has never decided whether the "equal protection" principles thus incorporated in the due process clause of the Fifth Amendment are coextensive with those of the Fourteenth Amendment, it has been assumed by some lower courts that they are. In *Von Stauffenberg* v. *District Unemployment Compensation Board*, 269 A.2d 110 (1970), for example, the District of Columbia Court of Appeals stated flatly that:

"The Due Process Clause, which is applicable to the District of Columbia, encompasses equal protection of the laws." *Id.* at 110 n.2.

We have proceeded upon the assumption that the concept of equal protection is governed by the same general principles under both the Fifth and Fourteenth Amendments. We base this upon the solidity of the notion that the due process clause of the Fifth Amendment incorporates equal protection concepts and the difficulty of distinguishing discrimination "so unjustifiable as to violate due process" from discrimination that cannot be justified by reference to usual equal protection standards.

In our view, the proposed rider would create at least two discriminatory classifications that could be challenged on equal protection grounds. First, it would discriminate against all tenants who are on welfare in the District of Columbia, as opposed to all other tenants in the District of Columbia. Second, it would discriminate against all welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States. In our opinion, the first classification mentioned raises a very substantial equal protection question—the second, a real though probably less substantial one. Our analysis of the equal protection arguments that could be made against the proposed rider will consider each of the discriminatory classifications separately and will deal with the first in greater detail.

A. The classification of welfare tenants in the District of Columbia, as opposed to all other tenants in the District of Columbia

By requiring the D.C. Welfare Department to make direct rental payments to the landlord of any welfare recipient who is in default in at least one month's rent, the proposed rider would deprive such welfare tenants of many of the rights which other tenants in the District of Columbia enjoy, most significantly, the right to a prior judicial hearing on the question of their legal liability to pay the rent claimed. As we mentioned at pp. 4-5 above, the law in the District of Columbia provides that if a landlord fails to maintain a housing unit in compliance with the standards of the District of Columbia Housing Regulations, the tenant may not be liable for all, or even any, of the rent otherwise due for the period during which violations of the Regulations existed, depending on the severity of the violations involved. *Brown* v. *Southall Realty Co.*, 237 A.2d 834 (D.C.C.A. 1968); *Javins* v. *First National Realty Corp.*, 428 F.2d 1071 (D.C. Cir. 1970), *cert. denied*, 400 U.S. 925 (1970); Housing Regulations of the District of Columbia, § 2902. As a result, if a tenant withholds his rent because of alleged Housing Code violations and is sued by the landlord, the tenant is entitled to a trial on the question whether, in view of the alleged violations of the Housing Regulations, he owes the landlord all of the rent otherwise due, only a part of it or none of it.

District of Columbia law further provides that, if the landlord is concerned that the tenant may squander the rent money pending trial, he may make a motion for a protective order requiring that rental payments be paid into the registry of the court pending trial. *Bell* v. *Tsintolas Realty Co.*, 430 F.2d 474 (D.C. Cir. 1970). However, prepayment of rent into the registry of the court is not favored and such an order may be entered only after notice and opportunity for a hearing:

". . . We conclude that, although the court may, in the exercise of its equitable jurisdiction, order that future rent be paid into the registry of the court as it becomes due during the pendency of the litigation, such prepayment is not favored and should be ordered only in limited circumstances, only on motion of the landlord, and only after notice and opportunity for a hearing on such a motion." *Id.* at 479.

At the hearing on such a motion, the court is required to hear evidence not only as to the landlord's need for a protective order but also as to the existence and severity of the Housing Code violations claimed by the tenant, and the court may order payment into the registry of the court of less than the full monthly rent:

"Even if the landlord has adequately demonstrated his need for a protective order, the trial judge must compare that need with the apparent merits of the defense based on housing code violations. Relevant considerations would be whether the housing code violations alleged are *de minimis* or substantial, whether the landlord has been notified of the existence of the defects and, if so, his response to that notice, and the date, if known, of the last repair or renovation relating to the alleged defect.

"We express the view that, in the ordinary course of events, if prepayment of rent is required, the tenant will be called upon to pay into the court registry each month the amount which he originally contracted to pay as rent. However, there are circumstances likely to arise which, in our judgment, require that the trial court consider imposition of a lesser amount. Certainly a lesser amount would be desirable when the tenant makes a very strong showing that the condition of the dwelling is in violation of Housing Regulations norms. For example, he may adduce in support of his defense a finding of violation of an order to repair which the District of Columbia issued to the landlord and which the landlord has not acted upon within a reasonable time. Similarly, he may demonstrate that some portion of his potential payment of rent was instead expended on repairs to the premises." *Id.* at 484.

It is well settled in the District of Columbia, moreover, that pretrial payments of rent directly to the landlord generally may not be ordered, although the courts have so far left open the possibility that such an order might be appropriate after a hearing in which the landlord made an extraordinary showing of need and likelihood of success on the merits. *Dorfmann* v. *Boozer*, 134 U.S. App. D.C. 272, 414 F. 2d 1168 (1969); *Cooks* v. *Fowler*, 437 F.2d 669 (D.C. Cir. 1970). *Cf. Winston* v. *Shapiro*, Case No. 24,503 (D.C. Cir. Aug. 5, 1970), discussed at p. 7 above.

District of Columbia law thus provides every tenant who denies that he owes rent claimed the right to a trial (or at least a pre-trial hearing) on the issue of his liability for such rent *before* he can be forced to pay it over to the landlord. The law also provides that every tenant who denies he owes rent on the ground of the landlord's failure to maintain the premises in accordance with the Housing Regulations has a right to a pre-trial hearing on his claim before he can even be required to pay rent into the registry of the court pending trial.

The proposed rider would deprive tenant welfare recipients of these rights. It would thus discriminate against tenants who are welfare recipients, as opposed to all other tenants in the District of Columbia. The question is whether the discriminatory classification thus drawn by the rider is such as to violate the tenant welfare recipient's right to equal protection of the laws.

Under the "traditional" equal protection test, a discriminatory classification will not be invalid if there is shown to be a rational relationship between the classification and the purpose of the statute under which it is drawn. *See Rinaldi* v. *Yeager*, 384 U.S. 305, 309 (1966); *McLaughlin* v. *Florida*, 379 U.S. 184, 191 (1964); *F. S. Royster Guano Co.* v. *Virginia*, 253 U.S. 412, 415 (1920); *Gulf, Colorado & Santa Fe Ry.* v. *Ellis*, 165 U.S. 150, 155 (1897); Tussman & ten Broek, *The Equal Protection of the Laws*, 37 Calif. L. Rev. 341, 346 (1949). Given the stated purposes of the proposed rider—to discourage vandalism and rent strikes—it is difficult to discern how the classification effected by the rider between welfare recipients and other tenants bears any rational relationship to such purposes, particularly since in the District of Columbia Congress has the power, subject to the limitations imposed by the Constitution, to alter the existing landlord-tenant law by substantive enactment without making any such discriminatory classifications among tenants.

In any event, however, it has long been the law that there are certain discriminatory classifications that are inherently invidious and therefore either cannot be justified by any considerations or will be held invalid on equal protection grounds unless it can be demonstrated that they are necessitated by a compelling governmental interest. Foremost among the "suspect" classifications are those which discriminate against persons of a particular race. *See, e.g., Korematsu* v. *United States*, 323 U.S. 214, 216 (1944). Classifications that discriminate against persons on the basis of their economic status (*i.e.*, against the poor) likewise fall into the suspect category, although they have not always been deemed as invidious as discriminatory classifications based on race. *See, e.g., Griffin* v. *Illinois*, 351 U.S. 12 (1956); *Douglas* v. *California*, 372 U.S. 353 (1963); *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663 (1966); *But see James* v. *Valtierra*, 402 U.S. 137 (1971).

It is common knowledge that the vast majority of persons receiving welfare in the District of Columbia are black. Statistics indicate, for example, that for many years well over 90 percent of all AFDC recipients in the District of Columbia have been members of the black race. *See, e.g., Characteristics of Families Receiving Aid to Families with Dependent Children*, U.S. Dept. of Health, Education and Welfare, April, 1963. It could thus be argued that the discriminatory classification which the proposed rider would create is, in effect, a classification based on race. As such, it would be inherently invalid or, in any event, subject to the requirement that it be supported by a compelling governmental interest.

Even if such an argument did not prevail, it is clear that the classification which the rider would create is on its face based on economic status, since its provisions would apply only to welfare recipients, who are, by definition, poor. It would accordingly be "closely scrutinized" by the courts, for "lines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored." *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663, 668, 640 (1966).

Moreover, since the practical effect of the rider would be to make it virtually impossible for a tenant welfare recipient to bring before the courts a legitimate claim that the landlord had not fulfilled his legal obligations under the Housing Code and thus was not entitled to recover the rent claimed (see pp. 5–6 of this letter), it would be particularly difficult to justify. Both the Supreme Court and the United States Court of Appeals for the District of Columbia have repeatedly struck down on equal protection grounds classifications based on economic status which have the effect of erecting impediments to full access to the judicial process by indigent persons. *See, e.g., Griffin* v. *Illinois*, 351 U.S. 12 (1956); *Douglas* v. *California*, 372 U.S. 353 (1963); *Lee* v. *Habib*, 137 U.S. App. D.C. 403, 424 F.2d 891 (1970); *McKelton* v. *Bruno*, 138 U.S. App. D.C. 366, 428 F.2d 718 (1970). Thus, after reviewing its decisions in the latter two cases, the Court of Appeals in *Bell* v. *Tsintolas Realty Company*, 430 F.2d 474, 480 (1970), stated:

"The thrust of these cases has been to protect, under a variety of circumstances, the extent to which an indigent may have access to and participate in the judicial system. The requirement that an indigent tenant meet current rental payments in order to maintain his defense, . . . has the effect of restricting access to and participation in the judicial system. We have good reason for concern when a meritorious defense cannot be litigated because a monetary barrier has been erected; not only does the individual defendant lose, but the purposes of the adversary system as a whole are frustrated."

In view of the cases and considerations discussed above, we conclude that there is a very substantial likelihood that the proposed rider to the District of Columbia appropriations bill would be held to violate the welfare recipient's Fifth Amendment right to equal protection of the law.

B. The classification of welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States

Section 406(b)(2) of the Social Security Act, 42 U.S.C.A. § 606(b)(2), which is applicable to all AFDC (aid to families with dependent children) programs in the various states and the District of Columbia and must be complied with if the states are to receive matching Federal funds, authorizes "vendor payments," *i.e.*, payments made "directly to a person [other than the relative with whom a dependent child is living] furnishing food, living accommodations, or other goods, services, or items to or for such child," *only* when the state program includes provision for a hearing and determination that "the relative . . . has such inability to manage funds that making payments to him would be contrary to the welfare of the child." It is thus apparent that the proposed rider, if enacted, would either be deemed an amendment to the above provisions of the Social Security Act or would render the District of Columbia program ineligible to receive matching Federal funds.

Assuming that the rider would be deemed an amendment to the Social Security Act, its effect would be to discriminate against welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States, by denying D.C. welfare recipients the protection against direct payments to their landlords which the Social Security Act provides. The question, once again, is whether the discriminatory classification thus established would be such as to deprive District of Columbia welfare recipients of their right to equal protection of the laws.

Since the distinction between District of Columbia welfare recipients and other welfare recipients is not one which is based on race or wealth and would not appear to impinge upon any "fundamental" rights of the D.C. welfare recipients, *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969), its validity must be measured by the "traditional" equal protection standard mentioned earlier, *i.e.*, whether there is any rational relationship between the classification and the purpose of the statute under which it is drawn:

"[L]egislation may impose special burdens upon defined classes in order to achieve permissible ends. But the Equal Protection Clause does require that, in defining a class subject to legislation, the distinctions that are drawn have 'some relevance to the purpose for which the classification is made.'" *Rinaldi* v. *Yeager*, 384 U.S. 305, 309 (1966).

While we recognize that Congress has traditionally been permitted to treat the District of Columbia differently from the states, an argument could nevertheless be made that it is arbitrary and irrational to single out District of Columbia welfare recipients in the manner contemplated by the proposed rider. Certainly it could hardly be contended that welfare recipients in the District of Columbia are the only welfare recipients who have withheld their rent or gone on "rent strikes." It is common knowledge that in recent years welfare recipients in many cities have withheld rent in protest against substandard housing conditions.

It could thus be argued that the discriminatory classification that the rider would create is at least as arbitrary as the classification created by the one-year residency statutes (including the one enacted by Congress for residents of the District of Columbia) which the Court struck down in *Shapiro* v. *Thompson*, 394 U.S. 618 (1969). Although the stricter "compelling governmental interest" standard was found applicable in *Shapiro*, the Court nevertheless stated that:

". . . even under traditional equal protection tests a classification of welfare applicants according to whether they have lived in the State for one year would seem irrational and unconstitutional." *Id.* at 638.

Very truly yours,

COVINGTON & BURLING.
By EDWIN M. ZIMMERMAN.

COVINGTON & BURLING,
Washington, D.C., October 13, 1971.

Hon. WALTER FAUNTROY,
Delegate for the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR DELEGATE FAUNTROY: On October 7, 1971, the United States Court of Appeals for the District of Columbia Circuit decided a case with an opinion that is directly relevant to the issue discussed in part II B of our opinion letter of October 6, 1971, regarding a proposed rider to the District of Columbia appropriations bill. I am enclosing a Xerox copy of the opinion in the case, *United States* v. *Thompson*, No. 71–1182, for your information.

The Court of Appeals in *Thompson* was called upon to construe the bail provisions of the Court Reform Act of 1970, which apply only to the District of Columbia, with respect to their applicability to persons convicted in the District of offsenses prosecuted under federal criminal statutes having nationwide application. The Court held that the bail provisions of the Court Reform Act did not apply to such offenses and that, as to them, the provisions of the Bail Reform Act of 1966, a generally applicable national statute, are still applicable in the District. Consequently, the defendant in the *Thompson* case was entitled to have his application for bail pending appeal considered according to the criteria established by the Bail Reform Act and not the stricter criteria embodied in the Court Reform Act.

In so holding, the Court emphasized that if, as the government contended, the bail provisions of the Court Reform Act did apply to federal offenses when committed in the District of Columbia, those provisions would be unconstitutional in that they would deny residents of the District of Columbia the equal protection of the laws, in violation of the due process clause of the Fifth Amendment to the Constitution.

There is a clear parallel between the statutory situation with which the Court was dealing in *Thompson* and the situation that would be created by enactment of a local provision for payment direct to landlords of District welfare recipients' rent while no such direct payments are permitted under the national Social Security Act elsewhere in the country.

In beginning the analysis that led it to the conclusion that a statute that sought to exclude the District of Columbia from the otherwise nationally applicable protections of the Bail Reform Act would violate the Fifth Amendment, the Court pointed out that "when Congress decides to enact national legislation . . . the passage of such a law implies a threshold decision to override regional differences in favor of a uniform standard that will govern the entire country." Slip Opinion, p. 9. Applying the "traditional" equal protection test to such a statute, the Court stated that "we are hard pressed to see even a rational relationship between the classification created by this statute and any legitimate governmental policy." By the same token, as we pointed out at page 18 of our opinion letter, since Congress has adopted in the Social Security Act a national policy regarding the disposition of federal funds for dependent children, it is difficult to perceive any rational relationship between any legitimate governmental policy and a statutory classification which would authorize direct payments to landlords in the case of welfare recipients residing in the District of Columbia while continuing to prohibit such payments with respect to all other AFDC recipients.

The Courts of Appeals did not, however, rest its equal protection ruling in *Thompson* on the traditional "rational relationship" standard. It pointed out that because the discriminatory classification urged by the government would limit the right to bail pending appeal, it involved "fundamental personal liberties" and must accordingly be closely scrutinized. *Id.* at 12. The Court went on, moreover, to state that because of the "profoundly anomalous" position in the federal system occupied by residents of the District of Columbia any classification which discriminates against the residents of the District of Columbia is "particularly suspect" and can be upheld only if the justification for the classification is not merely "rational" or "plausible" but actually *"convincing"*:

"What is involved here is not just any arbitrary classification between two similarly situated groups. The residents of Washington occupy a profoundly anomalous position in the federal system, and any classification which discriminates against them is particularly suspect. Writing for the Court in *Reynolds* v. *Sims, supra,* Chief Justice Warren observed: 'The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.' But for residents of the District, the right to vote in congressional elections is not merely restricted—it is totally denied. This regrettable situation is a product of historical and legal forces over which this court has no control. See J. S. Young, the Washington Community 1800–1828 at 14–15 (1966). Until it is changed, however, the standard for review in equal protection cases involving the District may well be fundamentally affected. *See D.C. Federation of Civic Associations, Inc.* v. *Volpe, supra.*

"Although the courts have a vital role to play in preserving our constitutional rights, we normally depend upon the vote as 'preservative of other basic civil and political rights.' Minorities can usually protect themselves by playing their role in the political process and forming coalitions with other groups to secure a majority. But it is senseless to remit District residents to the political process, since for them there *is* no political process. The principle of majority rule loses its legitimacy when not all the votes are counted. *See Developments in the Law—Equal Protection,* 82 Harv. L. Rev. 1065, 1124–1126 & n.275 (1969). In this context, at least, the normal arguments for judicial restraint become no more than hollow shibboleths grotesquely detached from the logic which once supported them. There is no reason to pay deference to the views of a representative body which does not in fact represent those against whom it is discriminating. Therefore, discriminatory classifications affecting District residents must be subjected to the strictest possible review. *See Hobson* v. *Hansen,* D. D.C., 269 F. Supp 401, 508 & n.198 (1967), *affirmed, sub nom. Smuck* v *Hobson,* 132 U.S. App. D.C. 372, 408 F.2d 175 (1969) (*en banc*). It is not enough for such classifications to be merely rational or even plausible; the justification offered must actually be *convincing*. Otherwise, the danger of 'experimentation' with the rights of the voiceless residents of the District is too great to be tolerated." *Id.* at 13–14.

The opinion of the Court of Appeals in *Thompson* thus strengthens the argument summarized in part II B of our letter of October 6, 1971, that the proposed rider would be held unconstitutional even under the traditional equal protection standard and in addition indicates that, because of the "anomalous" position of District of Columbia residents, it would be "subjected to the strictest possible review" by the courts and could be justified only for "convincing" reasons. The *Thompson* opinion accordingly supports the conclusion that the proposed rider would be held unconstitutional on equal protection grounds.

Very truly yours,

COVINGTON & BURLING.
By EDWIN M. ZIMMERMAN.

CANADA: OUR FURIOUS FRIEND

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FRASER. Mr. Speaker, I continue to be concerned about United States-Canadian relations. Sunday, October 24, the Washington Post published an article by Claude Lemelin, associate editor of the Canadian newspaper Le Devoir de Montreal. It is a thoughtful examination of this important matter.

The article follows:

[The Washington Post, Oct. 24, 1971]

CANADA: OUR FURIOUS FRIEND

(By Claude Lemelin)

MONTREAL.—Relations between Canada and the United States have become increasingly strained since Aug. 15, when President Nixon jolted the international community by imposing his 10 per cent import surcharge and floating the U.S. dollar.

During the two months since then, the tone of public and private communications across the celebrated "longest undefended border in the world" has been raised to a new and grating pitch. Relations between Ottawa and Washington, once cited to the international community as a paragon of harmony, have deteriorated to the point where mutual distrust delays the resumption of fruitful negotiations.

A watershed may have been reached in U.S.-Canada relations. Even if the two nations succeed in patching up their disagreements in the coming months, it may well be that they are destined to grow further apart. Certainly, the Nixon administration's unilateral disruption of trade across the 49th parallel—the most intensive in the world—has compelled the Trudeau government to grope for an alternative to North American integration for the Canadian economy.

Such an "agonizing reappraisal"—a borrowed phrase used by Canada's Minister for Trade and Industry, Jean-Luc Pepin, in a speech delivered in Houston earlier this month—would merely extend to economic policy a basic decision taken three years ago by the Trudeau government in the field of foreign policy. To dilute the pervasive American influence that grew out of Canada's special and privileged postwar relationship with the United States, Ottawa then decided to "diversify" its foreign policy by establishing diplomatic relations with China and developing closer links with the Soviet Union, as well as by tightening existing relations with Europe, Japan and other countries in the Pacific basin.

It is unlikely that an early removal of the American import surcharge would end the search in Canada for an economic alternative. Come what may, Ottawa is expected at the very least to pursue with a new urgency its drive for diversification of Canada's economic relations.

"What happened once can always happen again," a government official close to Prime Minister Trudeau remarks. "We can no longer afford to be without contingency plans in the face of future isolationist moves by the U.S. government."

Last week, Soviet Premier Alexis Kosygin's visit to Ottawa provided the Trudeau government with the opportunity to explore one such alternative: The expansion of trade and economic cooperation with the Soviet Union. A general exchange agreement was signed, provided for regular contacts and possibly joint scientific and cultural projects, and both the Canadian and Soviet leader expressed high hopes for future trade between the two countries. But despite Trudeau's use of Mr. Kosygin's visit to induce the Nixon administration into a more amenable posture on U.S.-Canada economic relations, the Canadians harbor no illusions about the significance of the Soviet "alternative." No matter how fast Soviet-Canadian trade expands in coming years, it could not possibly compensate for any substantial shortfall in Canada's exports to the United States.

THE AUGUST 19 MEETING

The relentless deterioration in U.S.-Canada relations began at a meeting in Washington on Aug. 19, during which Treasury Department officials questioned the long-term viability of Canadian manufacturing industries within the North American economy and raised doubts about the desirability of maintaining relatively free access to the U.S. market for those industries. The same officials also indicated that policies recently implemented by Canada to spur the development of technologically advanced industries north of the border were unacceptable to the United States and suggested that Canada specialize instead in the extracting and processing of raw materials for American industry.

During the meeting, held at the urging of the Canadians and attended by Finance Minister Edgar Benson and his colleague Jean-Luc Pepin, Treasury Secretary John Connally refused to exempt Canada from the 10 per cent import surcharge. But the Canadians were less disturbed by Connally's rejection of their one specific request, which they half-expected, than by his officials' open challenge to the continental assumptions that have guided Ottawa's economic policies for more than a quarter century.

Unlike Japan, Britain and the Common Market countries, Canada was not unduly disturbed by the monetary aspects of President Nixon's new economic program. But the import surcharge and the "buy American" clause attached to the 7 per cent investment credit now before Congress were quite another matter.

Canada's exports to the United States reached $10.2 billion last year—representing 68 per cent of Canada's total exports and almost 15 per cent of her gross national product. The surcharge would severely affect more than a quarter of Canada's exports to America—$2.5 billion of goods—while the "buy American" clause would jeopardize an additional $300 million of Canadian machinery exports southward.

Canadian officials claim that such drastic curtailment of foreign trade would destroy in a single year more than 100,000 jobs, thus raising Canada's already high unemployment rate—7.1 per cent last month—by two full percentage points at the very least. Given the fast growth of the labor force and the inevitable concentration of unemployment in Quebec, the French-speaking province where separatist sentiment has been growing steadily in recent years, this prospect horrifies the Trudeau government.

In addition, the substantial tax break the United States would grant to the Domestic International Sales Corporations (DISCs) proposed by President Nixon would significantly reduce business investment in Canada. The DISCs—which Canadian officials maintain would violate the General Agreement on Tariffs and Trade—would receive long-term deferral of U.S. income taxes by acting as U.S. firms' domestic funnels for foreign sales, thereby encouraging the firms to substitute exports from American plants for production by overseas subsidiaries. About half of Canadian manufacturing industry and more than 60 per cent of resource industries are owned and controlled by American corporations. Consequently, any substantial disincentive to foreign investment enacted by Congress is bound to bring about economic stagnation in Canada.

For all those reasons, the Canadian cabinet decided on Aug. 16 to press at the earliest opportunity for an immediate and unconditional exemption of Canadian products from the import surcharge. Canadian embassy officials in Washington had strongly advised against the ministerial trek; U.S. Treasury officials had let them know that Secretary Connally had more pressing things to do than listen to Canadian grievances, and that the administration could not afford to take anything but a hard line.

But the Trudeau government could not afford to ignore internal political considerations: Not to go to Washington would have provided opposition parties with choice ammunition a few months away from the next federal elections. It was also felt in Ottawa that, even if an early exemption from the surcharge could not be expected, a top-level meeting would still be useful, if only to probe the Nixon administration's long-term views on U.S.-Canada relations and to remind it of the disastrous impact its new "game plan" would have on the Canadian economy.

After the rebuffs of the Aug. 19 meeting in Washington, the Canadian cabinet quietly began to draw up—almost from scratch—contingency plans to safeguard the country's economic interests. What shocked the Canadians into this fundamental economic review was not so much the U.S. Treasury's emphasis on the admittedly substantial bilateral balance-of-payments surplus from which Canada has benefited in the last two years—the first such surpluses since 1891. (Ottawa and Washington don't even agree on figures; according to Canadian statistics, the surplus was $1.1 billion in 1970, while U.S. statistics put it much higher, at $1.6 billion.) The Canadans were totally unprepared for a major onslaught against Canada's industrial development policies, an onslaught that could easily have been construed as an unwarranted American intrusion in the country's internal affairs.

REPORT OF THE U.S. VIEW

Canada's trade and development policies toward the United States are essentially mercantilist, U.S. Treasury officials are reported to have said. Not only do Canadians want to sell their natural resources, for which the United States has an urgent need, but they try to expand by all possible means—efficient or not—their output and exports of manufactured goods. Whenever the Canadian government agrees to import anything from the United States—be it automobiles, aircraft, military equipment or computers—it always tries to negotiate "Canadian content" and other offsetting clauses. In fact, the Nixon administration often has the impression that Canada would prefer not to import anything from the United States, it was further said. (Canada's imports from America totaled $9.2 billion in 1970, more than the total for Japan and Britain combined.)

In recent years, Treasury officials allegedly went on, Canada's industrial development has become distinctively more interventionist and more aggressive. Rather than let market forces freely determine the location of manufacturing plants within North America, Ottawa attracts U.S. firms to Canada with a wide range of subsidies. Branch plants recently established by Control Data and IBM are obvious examples.

Thus, concluded the American spokesmen, there are several aspects of Canadian economic policies that inevitably lead to dilemmas and contradictions with the United States. Many of Canada's secondary industries are inefficient and excessively dependent on the U.S. market, while their artificial expansion has put a ceiling on U.S. exports of manufactured goods to Canada. How, then, is the United States expected to get the foreign exchange it needs to buy Canadian raw materials? Canadians would clearly be better off if their secondary industries were based on the processing of natural resources. Continental economic integration could then proceed without conflicts of interest arising regularly between Canada and the United States.

Despite the near panic those blunt statements provoked within the Canadian government, politicians maintained a shocked silence in Ottawa for several weeks while officials probed further the Nixon administration's intentions toward the Canadian economy. When a second meeting in Washington between civil servants failed to dispel the ominous signs of a U.S. retreat into protectionism and economic nationalism, the Canadian cabinet feverishly began to draw up its contingency plans, both to counter the immediate threat of the U.S. import surcharge and to reassess Canada's long-term development strategy and trading pattern.

ACTIONS BY CANADA

On Sept. 7, Canada became the first country to take legislative action seeking to neutralize the impact of the import surcharge on its trade with the United States. For the remainder of the current fiscal year, which ends next March 31, $80 million has been allocated for so-called "employment maintenance grants"—a thinly disguised form of export subsidy that will enable firms exporting more than 20 per cent of their output to America to maintain at least in part their competitive position in the U.S. market. If the surcharge outlasts the current fiscal year, a further $200 million is expected to be allocated to the employment maintenance program. Ottawa also announced special government purchases of food exports that have been hurt by the U.S. surcharge. The resulting stocks will be donated to the world food program.

Also following the Washington meeting, Trudeau announced the indefinite postponement of talks with the United States on joint development and exploitation of energy resources on a continental basis. The Nixon administration is eager to negotiate with Canada a North American free trade agreement for energy resources, so Trudeau's curt announcement, justified by lack of ministerial time, given Canada's urgent economic problems, could be interpreted as a subtle reprisal against Secretary Connally's poker tactics.

Opposition parties in the House of Commons have repeatedly called for the imposition of a surcharge on Canadian exports of natural resources. Business lobbies in Canada have begun to press more and more forcefully for the imposition of a retaliatory surcharge on imports of manufactured goods from the United States.

On Oct. 15, Canada again became the first of the United States' trading partners to make substantial budgetary adjustments to neutralize the impact on her economy of the Nixon program. The $1 billion supplementary budget tabled by Finance Minister Benson included a 7 per cent cut in corporate income taxes, a 3 per cent cut in personal income taxes and new spending programs designed to boost employment this winter.

Since the abortive visit to Ottawa of Secretary of Commerce Maurice Stans on the last weekend of September, there have been no official communications between Ottawa and Washington, short of normal diplomatic contacts. During the IMF meeting at the end of September, however, John Petty, assistant secretary of the Treasury for international affairs, convoked the Canadian press corps in Washington for an unusual on-the-record briefing.

Though Canadian correspondents generally interpreted this move as a thinly disguised attempt at U.S. arm-twisting, Petty actually tried to dispel the ominous impressions gathered by Canadian ministers and civil servants during their August meetings with U.S. Treasury officials. He categorically denied that it was the Nixon administration's policy to reduce Canada to the role of raw material supplier for the United States; indeed, he expressed satisfaction at the recent expansion of Canadian output and exports of manufactured goods. To be sure, Petty reiterated Washington's criticism of several aspects of Canadian economic policies, but he emphasized that these disagreements could easily be resolved through bilateral negotiations.

UNOFFICIAL CHANNELS

Canadian officials were not displeased by Petty's somewhat irregular initiative, but wondered why the Nixon administration chose not to make its views known through official channels. Puzzlement verged on irritation when the Chicago Tribune, on Oct. 11, published an alleged Treasury document entitled "Grievances Against Canada." The document listed 17 U.S. demands (including unilateral tariff changes, amendments to Canada's tax reform bill, and revisions of her industrial development policies) as conditions for the exemption of Canadian goods from the import surcharge.

"We believe there is nothing wrong with communication (channels)," Prime Minister Trudeau told the House of Commons in answer to questions by opposition members. The problem, Trudeau said, is that "it is not American policy to put the proper stuff into the channels which would satisfy the Canadian people."

Ottawa's reaction to the Chicago Tribune article exemplifies the Trudeau government's tough, yet subdued stand toward what are literally considered in the country as "beggar-thy-neighbor" policies by the Nixon administration. Canadian officials first expressed skepticism about the authenticity of the document—at least on its status as a policy statement. The external affairs secretary, Mitchell Sharp, duly acknowledged a State Department denial that the list of grievances represented in any way official policy toward Canada. But at the same time, Sharp began to list Canada's own grievances against the United States, thereby implying that, in Ottawa's view, the Chicago Tribune leak had been deliberate and represented the U.S. Treasury's response to a tough speech in Toronto three days before by the national revenue minister, Herbert Grey.

Sharp mentioned the maintenance of the American Selling Price on chemicals, in violation of a commitment made during the Kennedy round of tariff cuts; the U.S. ban on the importing of uranium, of which Canada has the largest world reserves; the manufacturing clause in the U.S. copyright act, which prevents a Canadian author from selling in the United States more than 1,500 copies of a book published in Canada without forfeiting his copyrights; and restrictions on Canadian immigration into the United States. Why Canada should want to encourage the emigration of citizens is beyond comprehension, but no doubt the issue is a useful bargaining point since Canadian laws here are notably more liberal than America's and the country has recently received a substantial influx of U.S. immigrants—draft-dodgers, protesters against the Vietnam war, critics of the American way of life and whatnot.

"We have a long list," Sharp added, tongue-in-cheek, "but I think that these are matters that ought to be negotiated between our countries in the ordinary way and certainly ought not to be associated with the surcharge."

BARRAGE OF STATEMENTS

Quite obviously, then, the Trudeau government has been far from innocent of recourse to "unofficial" or "improper" channels. Indeed, Canadian ministers have mounted since mid-September a barrage of increasingly aggressive statements on the future of U.S.-Canada relations. Sharp fired the first shot in New York on Sept. 21; he was soon followed by Trudeau in Ottawa, Jean-Luc Pepin in Houston, Herbert Grey in Toronto and Edgar Benson all over the place.

"Suggestions from responsible authorities in the United States that Canada should reduce its secondary manufacturing industry and concentrate on the exploitation and processing of natural resources are as insensitive as they are misinformed," said Sharp. "We have the fastest-growing labor force in the world. Extractive and processing industries could not begin to absorb the labor force we have today, let alone provide the new jobs we need now and in the future.

"The enunciation of the Nixon Doctrine," continued the Canadian minister, "and more particularly the economic measures taken by the United States last month, has effectively, perhaps brutally, challenged some of our assumptions and led us to re-examine our position as an industrial and trading nation.

"Needless to say, we in Canada are asking some pretty fundamental questions about the future. We have proceeded in the postwar period on the assumption of freer trade and stable trading relationships between Canada and the United States, relationships which have been profitable to both countries. The announcement of Aug. 15 could not help but shake that assumption and, as a government responsible for the security and prosperity of more than 20 million Canadians, we have to look at the alternatives," Sharp said.

"A PROUD NATION"

Trudeau was even blunter on Sept. 23, during one of his infrequent television interviews. "When the Americans look at what they're doing they say: Well, you know, we're doing this to the Japanese and we're doing this to the Europeans." They don't seem to realize what they're doing to Canadians. If they do realize what they're doing and if it becomes apparent that they just want us to be sellers of natural resources to them and buyers of their manufactured products—all these 'ifs'—I repeat we will have to reassess fundamentally our relation with them, trading, political and otherwise.

"They will have to realize that Canadians are also a proud nation," the prime minister warned "and that if they are really trying to rearrange the North American continent so that we are just a supplier and that we won't be able to find jobs for our growing labor force and we won't be able to have an advanced technological society that we can manage ourselves, that is a very, very serious hypothesis. I don't think the Americans realize this or envisage it."

As part of Canada's reassessment of her economic relations with the United States, Sharp earlier this month submitted to the Canadian cabinet an External Affairs staff study outlining the various alternatives. None of the theoretical possibilities—which range from a trade war to a common market arrangement with the United States—has yet been excluded, Trudeau recently noted. But Sharp indicated earlier that, in practice, a common market arrangement was out of the question. This would provide not only for free trade between the two countries, but also for a common North American tariff against the rest of the world. It is felt in Ottawa that, given the relative size and political weight of the two economies, such an arrangement would virtually shift the responsibility for Canadian commercial and development policies from Ottawa to Washington, thereby drastically eroding Canada's sovereignty.

PRESIDENTS AND POT, OR WERE WASHINGTON AND JEFFERSON STONED?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CARTER. Mr. Speaker, before a public figure of the eminence of the Surgeon General of the United States speaks to the people, the content of his speech should be thoroughly researched and authenticated.

I regret very much the unfortunate misinformation that the Surgeon General of the United States, Dr. Jesse Steinfeld, foistered off onto the National Commission on Marihuana and Drug Abuse.

There has been an attempt by many to besmirch the character of men always held in highest esteem by the people of the United States.

I include for the perusal of the Members a recent article by Ronald G. Shafer which appeared in the Wall Street Journal.

The article follows:

PRESIDENTS AND POT, OR WERE WASHINGTON AND JEFFERSON STONED?

(By Ronald G. Shafer)

WASHINGTON.—Was George Washington high on marijuana as he crossed the Delaware? Was Thomas Jefferson puffing pot as he penned the Declaration of Independence?

Nobody has accused them of it yet, but the testimony in August from the government's top medical official was almost as startling. Tracing the historical use of pot, Dr. Jesse Steinfeld, Surgeon General of the United States, told the National Commission on Marijuana and Drug Abuse:

"Indeed, Dr. Burke, president of the American Historical Reference Society and consultant to the Smithsonian (Institution), reports that no less than seven U.S. Presidents smoked marijuana, including Washington, Jefferson, Madison, Monroe, Jackson, Taylor and Pierce."

This revelation prompted not one question from the commission at the time. Recently, however, some additional information has come to light.

There doesn't seem to be any Dr. Burke. There doesn't seem to be any American Historical Reference Society. There does seem to have been a hoax.

As a result, there is little euphoria today in the Surgeon General's office, where underlings are still trying to determine just how their boss got victimized. They now think the statement from the elusive "Dr. Burke" spread from the underground press to the establishment press, and then into testimony innocently prepared for Dr. Steinfeld by a researcher who noted the "fact" in three different publications.

DID THEY OR DIDN'T THEY?

The Smithsonian Institution, which says it never heard of Dr. Burke and doubts he even exists, traced one story quoting him to an underground newspaper, Chicago Seed. An official fired off an indignant letter to the editor, concluding: "In short, Dr. **Burke is** either an imposter or a figment of your imagination."

But the folks at the Seed don't know any more about the mysterious Dr. Burke than anybody else, insists a reporter there. "We just copied the story from another underground newspaper," he says.

It's doubtful that Dr. Steinfeld's office would have picked up the Burke story if it had seen it in its original context, the underground press. The Chicago Seed article, for example, told readers that "James Madison once remarked that had it not been for hemp, he would not have had the insights he had in the work of creating a new and democratic nation." The article went on to say that Presidents "Pierce, Taylor and Jackson, all military men, smoked pot with their troops," and concluded a few lines later: "Richard Milhous Nixon, on the other hand, really can't get into smoking. That's cause he's too busy shooting up." ("Shooting up" means using heroin.)

CHINESE REMEDY FOR GOUT

But if Dr. Burke proves nonexistent, does that mean the founding fathers kept off the grass? Not necessarily. As Dr. Steinfeld also stated in his testimony, citing recognized sources, marijuana has been used by man for "millennia," which is a pretty long time. He noted that the "first recorded reference to it dates back 4,708 years to 2737 B.C. Writings of the Chinese emperor Shen Nung recommended it for 'female weaknesses, gout, rheumatism, malaise, beriberi, constipation and absentmindedness.'"

Moreover, the hemp plant (marijuana is the dried flower clusters and leaves of the hemp plant) was cultivated in the early American colonies, according to Dr. Lester Grinspoon of Harvard in his book, Marijuana Reconsidered. Historians agree that Washington, and probably Jefferson and Madison, raised hemp, which was used to make rope. Indeed, a 1765 entry in Washington's Mount Vernon diary notes: "Sowed hemp at muddy hole by swamp."

BUT DID THEY OR DIDN'T THEY

"I doubt if the fact that people smoked hemp then can be denied," says a historian at the American Historical Association in Review. The question is whether the early Presidents may have sneaked some puffs on hemp, perhaps in pipes.

The evidence isn't clear. But "it is probably true that these men at one time or another used hemp byproducts (grass)," John J. Rumbarger, executive assistant secretary of the American Historical Association said in response to a student's inquiry about another Dr. Burke story more than a year ago. "But at the very most, these upper- and middle-class men had only a casual passing acquaintance with grass. In no sense can it be said they were regular or habitual pot-smokers."

And even if some of them were, the Mount Vernon Ladies Association, which maintains Mount Vernon, is convinced George wasn't. "As far as we know, Washington never smoked anything," a spokesman says. "He also grew corn. Do they say he smoked cornsilk, too?"

JUSTICE FOR THE POOR DURING ECONOMIC STABILIZATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RYAN. Mr. Speaker, the administration's proposed amendments to the Economic Stabilization Act of 1970 are now before the House Banking and Currency Committee and, presumably, will be brought to the floor very soon. As Congress considers phase II of the President's New Economic Policy, it is crucial that the plight of the working poor be recognized.

I have introduced legislation—H.R. 11406 and House Concurrent Resolution 414 and companion resolutions with 24 cosponsors—which would exempt from the wage freeze any individual whose earnings are substandard or who is amongst the working poor or near-poor, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

On Friday, October 29, I testified before the House Committee on Banking and Currency concerning economic stabilization. In that testimony I advocated that first, the wages of the working poor and near-poor be allowed to rise freely to the point where they are no longer substandard, second, the freeze on rents be continued, third, corporate profits be limited; and fourth, interest rates and dividends be controlled.

The full text of my testimony follows:

Testimony of Congressman William F. Ryan, Before the Committee on Banking and Currency, Oct. 29, 1971

I appreciate the opportunity to appear before the distinguished Committee on Banking and Currency to testify concerning economic stabilization legislation.

We are entering a period of serious economic adjustment in this country. The imposition of wage and price controls might be viewed as recognition of the Galbraithian notion that ours is an economy dominated by large and powerful economic organizations. Now the government is intervening directly to control these units to achieve stability. And these controls are not likely to be a short-run phenomenon.

The President's legislation before this committee contemplates wage and price control machinery which will last at least through April 30, 1973. This legislation can easily be extended beyond that date. The President has only told us that these restraints will continue until inflationary pressures are brought under control. In fact, it may well be that wage and price controls, in some form, will be a permanent part of the economic life in this country.

This fact only underscores the importance of the hearings before this committee. The more-or-less *ad hoc* self-enforced short-run freeze will soon be replaced with a system for administering long-term wage and price controls. The shape that this legislation takes now will have ramifications for the economy for years to come.

Thus I would like to address several critical issues with respect to the economic stabilization program. In particular, I advocate that, during this period of economic stabilization: 1) the wages of the working poor and near poor be freely allowed to rise to the point where they are no longer substandard; 2) the freeze on rents be continued; 3) corporate profits be limited; and 4) interest rates be controlled.

In addition, I urge that the President's request that the Administrative Procedure Act be suspended with respect to the workings of the Price Commission and the Pay Board be scrutinized very carefully.

1. WAGES OF THE WORKING POOR

There are millions of families and individuals in this country whose incomes, derived from decent, steady employment, fall below the most meager estimate of what is required for an acceptable standard of living.

According to figures released in May of this year, there are some 16 million families in this country who have incomes of less than $7,000. In addition, some 11 million individuals have incomes of less than $6,000. President Nixon when he announced to the Nation his family assistance plan, made a very significant statement when he said:

> (The) government would recognize that it has no less of an obligation to the working poor than to the nonworking poor. . .

We in government certainly do have an obligation to these millions of individuals who work industriously to support themselves and their families, and yet are barely able to sustain themselves. And that obligation most specifically is not to condemn them to the shackles of poverty for the foreseeable future. As I have said, we are now entering an era in which the government is undertaking much greater control of the economy. With this greater control comes greater responsibility. We must not lock these millions of hard-working people into poverty for the forseeable future.

An example of this problem is the plight of the workers of District 65, Distributive Workers of America. (Some of whom are here today.) These workers earn salaries of from $91 to $110 a week. Before the freeze, they were scheduled by contract for automatic increases of from $7 to $10 a week. In addition, they were scheduled for a cost of living increase of $5 a week. Thus overall they were slated for about a 12% salary increase, which is much greater than the allowable rate being discussed by the Pay Board. Yet even with these increases these workers will still be only making about $5,800 a year. Yet the Bureau of Labor Statistics estimates that a minimum budget for a family of four in an urban area is $6,960 a year.

As David Livingston, President of District 65, Distributive Workers of America, pointed out in a cogent letter which appeared in the October 6 New York Times,

> . . . If the President fails to meet the responsibility to those who don't make a living, then the Congress should. If both fail, it would be tantamount to a Government edict to condemn poorly paid American workers to permanent poverty.

Hence I have introduced several pieces of legislation relating to this matter, all of which are now before this committee. H. Con. Res. 414 (also H. Con. Res. 423 and H. Con. Res. 434 introduced with co-sponsors) expresses the sense of Congress that the Economic Stabilization Act of 1970, as amended and any successor amendments, shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poors or near-poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

My bill H.R. 11406 puts this concept in the form of a bill amending the Economic Stabilization Act of 1970. I urge the Committee on Banking and Currency to incorporate the language of H. Con. Res. 414 and H.R. 11406 in whatever bill the Committee finally reports out.

In addition to the arguments of equity in favor of this legislation, there is ample historical precedent for such Congressional action. Both the War Labor Board of World War II and the Wage Stabilization Board of the Korean War made provision for workers with substandard wages.

By an Executive Order, the War Labor Board of World War II was instructed not to authorize further increases in wages unless it was clearly necessary to correct substandards of living. The Board specifically exempted from any control any wage increases for workers whose earnings were at or below fifty cents an hour. At that time the Federal minimum wage was thirty cents an hour. Now the minimum wage is $1.60 an hour, and the legal minimum in New York is $1.85 an hour. Using a similar approach today would exempt from controls any union or non-union worker with hourly earnings of over $3.00 to $3.50 an hour.

Similarly, during the Korean War, Defense production workers were granted an exemption from wage controls if they were paid less than $1 an hour. At that time the minimum wage was 75 cents an hour.

Background of Wage Stabilization During World War II.

It is instructive to examine in detail the development of wage controls during World War II. This wage regulation was entered upon slowly, experimentally, until a durable, equitable system was finally achieved.

The initial step in wage regulation in World War II was the creation, in March 1941, ofthe National Defense Mediation Board (NDMB). This board had as its primary responsibility the prevention of work stoppages that would interfere with defense production.

In January of 1942, the NDMB was supplanted by the tri-partite War Labor Board, composed of representatives of labor, management and the public. The Board, as it was initially created, still had, like its predecessor, no power to fix wage rates. Thus the government again showed its reluctance to engage in direct wage controls. However, as the year wore on, it became clear that wage rates in critical industries were climbing rapidly.

In an effort to stem this rise, the NDMB in the summer of 1942 adopted a percentage formula for determining wage rises to which steel workers were entitled. This formula was based on the 15 percent rise in the cost of living which had occurred between January, 1941, and May, 1942. In October, recognizing that overall controls were necessary to check wage rises, Congress passed the Price Stabilization Act which for the first time gave the President the authority to control wages and salaries in all industries.

Pursuant to that act, the President issued an Executive Order instructing the War Labor Board not "to approve any increases in wage rates prevailing on September 15, 1942," unless it could be shown that an increase was necessary "to correct maladjustment or inequities, *to eliminate substandards of living,* to correct gross inequities, or to aid in the effective prosecution of the war." (emphasis added). Thus, even in the time of this great war, provision was made in the economic stabilization program to help the working poor improve their circumstances.

The problem of rising wages persisted, however, and in April of 1943 the President issued his "Hold-the-Line Order" on wages and prices. With respect to wages, the order specifically provided that the War Labor Board authorize no further increases except where 1) *it was clearly necessary to correct substandards of living,* or 2) it was necessary to compensate for the rise in the cost of living between January, 1941, and May, 1942. (emphasis added).

Statistics on wage rates in manufacturing in World War II indicate that the program of stabilization was eventually successful. Between January, 1941, and October, 1942, the period before the imposition of controls, wage rates rose at a monthly rate of 0.8 percent. Following the imposition of controls in October, 1942, wage rates rose at a monthly rate of 0.4 percent through August, 1945. During approximately this same period, with price controls in effect, prices rose at a rate of about 0.08 percent.

Thus allowing the wages of the working poor to rise during this period did not in any way undercut the overall success of the economic stabilization program during World War II, either with respect to holding the line on prices or on wages.

While we are in difficult economic times today, our economic and political problems are clearly not as acute as those we underwent during World War II. Yet even then we were able to provide our working poor with a chance to achieve some measure of economic equity. I urge, that we can do no less today. Today we are in an era of particularly great awareness of the problems of the poor. How can we today do any less for our working poor than we did for them in time of war three decades ago? To claim that it is not evenhanded to allow the wages of the working poor to rise while restricting the rest of the population's wage rates misses the point. To freeze the salary of a corporate executive at $25,000 and to freeze the wage of a worker with two children at $5,500 is not evenhanded. It is, in fact, most unjust.

Furthermore, from the point of view of the overall economy, it makes good sense to allow the wages of the working poor to rise to the point where they are not substandard. These workers of necessity spend a very great percentage of their total income. Thus, this money is pumped into the economy, stimulating aggregate demand. This in turn helps the GNP to rise. For, in order to put this economy back on its feet the GNP must rise substantially, in order to cut unemployment, while simultaneously holding the line on wages and prices.

Thus, by allowing the wages of the poor and the near poor to rise to the point where they are no longer substandard, we insure that this money will be pumped into the economy, with all its concomitant multiplier effects.

Therefore it is both equitable and economically sound to allow the wages of the poor and near poor to rise out of substandard levels during this period of economic stabilization.

2. CONTINUATION OF THE RENT FREEZE

It is almost incomprehensible that in this country one of the basic necessities of life—shelter—is becoming virtually non-affordable for millions of Americans. Across the Nation, rentals have been spiraling upwards for years. Meanwhile, tenants have stood helpless—caught between the need for decent, adequate housing, and their increasing inability to afford that housing.

For some reason, homeownership has always received the special blessing of Government. Homeowners receive Federal income tax deductions for the property taxes they pay. Similarly, they can deduct the interest costs they pay on their mortgages. The Federal section 235 homeownership program is geared to a 20-percent rent-income ratio. The Federal Housing Administration has served as the guarantor of billions in mortgages.

By contrast, tenants receive no tax deduction for their landlord's property taxes, even if those taxes are passed on to the tenants via rentals. The same applies to interests costs, and demonstration of how significant a role these play is the housing specialist's rule of thumb that each percentage point reduction in interest expenses translates into a rental reduction of $4.50 per room per month. Yet, the tenant receives no tax deduction for the interest expenses of his landlord even though these are passed on to him in higher rentals. Finally, I would note that the analog to the section 235 program—the Federal section 236 rental assistance program—embodies a 25-percent rent-income ratio requirement, contrasting with section 235's 20-percent requirement.

I am most familiar with the rental situation in my own city—New York—but the problem is not confined to that city alone. Across the country tenants are facing a situation where they simply cannot afford decent rental housing.

Most recently, the situation has been exacerbated in New York State by the enactment of a very damaging vacancy decontrol law. This past July and early August, rents in New York City began to soar for newly decontrolled apartments.

The scene has been revealed as even bleaker by virtue of newly disclosed figures revealing that 93 percent of the tenants in New York City's 1.3 million rent-controlled apartments face rent increases on January 1, 1972. Nearly half of the tenants face increases of 45 percent to be levied in rises of 7.5 percent a year until new maximum rents are reached. This is the consequence of the misguided rent-control law adopted by the New York City Council last year.

Nor is this problem confined to New York City. All across the country rents are rising alarmingly. In San Francisco and Honolulu rents have risen 25% in the last five years. In Philadelphia 18%, Atlanta 14%, all of these comparable to the 19% in New York City. Overall, the rent component of the Consumer Price Index has risen 15.4% in the last five years.

Furthermore, the increase in rents has accelerated over the past year. Rent over the last year in New York City increased 8.1%; in Philadelphia the increase 6.0%; in Boston 7.3%; and Pittsburgh 5.1%. Overall, in the last year alone rents have increased in this country 4.8%.

Thus I have introduced H.R. 10945 and H.R. 10946, which take cognizance of the plight of tenants. Eight colleagues have joined me in cosponsoring these bills. H.R. 10945 provides that rentals and carrying charges shall not exceed the levels at which they were stabilized during the 90 day freeze period between August 15 and November 13. However, since that bill was drafted to coincide with the Economic Stabilization Act of 1970, it is limited to April 30, 1972. Now that the President has asked for stand by authority through April 30, 1973, I would urge that the rent freeze be extended through that date. It is my intent that the rent freeze last as long as the phase II controls are in existence.

H.R. 10946, more narrowly drawn, applies to all federally assisted and federally insured housing.

Both bills provide for enforcement by private civil action as well as federal government enforcement. Sanctions of up to $5,000 are provided for each willful violation.

I urge the Committee to incorporate my legislation to freeze rentals and carrying charges in whatever bill is finally reported out.

I make no claim that this rent freeze legislation is perfect. It makes no exceptions for landlord hardship. I would expect to see subsequent legislation making some provision for legitimate landlord hardship. But—and again this is a very significant consideration—I expect to see legislation which recognizes, affirmatively and aggressively, the plight of the tenant. It is he who has been powerless—unorganized, without strong lobbying representation. It is time—long past time—that equity replace landlord tyranny.

3. LIMITATION OF CORPORATE PROFITS

The most egregious inequity in the President's economic stabilization program, as embodied in H.R. 11309, is the lack of any controls on corporate profits. The President, in his address to the nation on October 7, explained the lack of any controls on profits this way, and I quote:

> Let me turn now to the subject of profits. Many of my good friends have advised me that the only politically popular position to take is to be against profits. But let us recognize an unassailable fact of economic life. All Americans will benefit from more profits. More profits fuel the expansion that generates more jobs; it means more investment that will make our goods more competitive; it also means there will be more tax revenues to pay for the programs that help people in need.

Is it really an "unassailable fact of economic life" that all Americans will benefit from more profits? And if that's true, then why would not all Americans benefit even more from "exorbitant" or "windfall" profits, which President Nixon says will be limited. Presumably "exorbitant" or "windfall" profits are to be distinguished from merely big profits, which are good for everyone. But where do we reach the knife edge? How do we tell the difference? We have not heard any answers to these questions.

All we can say for sure from President Nixon's statement is that profits are not going to be subject to very much control.

President Nixon's lighthanded treatment of corporate profits is particularly inappropriate in view of the strong recent performance of corporation's profits and cash flow. After tax profits in the second quarter, the latest period for which figures are available, amounted to $46 billion at an annual rate. This is up from a recession low of $39.2 billion in the final three months of 1970. The corporate situation is even brighter when overall cash flow—which includes the results of recently allowed accelerated depreciation—is considered. Cash from depreciation can be used to meet many corporate expenses, including the purchase of additional machinery, which can lead in turn to larger profits. Since the bottom of the 1969–70 recession, corporations have increased their cash holdings by nearly $6 billion.

President Nixon seems to have a bee in his bonnet that all he has to do is throw a lot of money at large corporations and they will solve this country's economic problems by engaging in capital investment.

But corporate executives are hard-headed. They will not engage in substantial capital investment unless there is a need for it, unless there is consumer demand for their goods and services. With industrial plants currently operating at 75 percent of capacity, we are not likely to see a substantial increase in net capital investment.

Thus for these economic reasons, in addition to reasons of equity, there is a need for controls on profits during this period of economic stabilization. There are several possible ways to do this. One way is an excess profits tax. A second way is to set a profit rate and roll back prices if necessary to enforce it. A third way to control profits is to define acceptable profit margins by the yardstick of net income as a percentage of sales. If the acceptable profit margin is exceeded at any time, the difference can be taxed away. I commend all of these methods to your attention, without specifically endorsing any one of them over the others at this time. I think it unquestionable that profits must be controlled during this period of economic stabilization.

4. INTEREST RATES

In general, interest rates should be kept as low as possible. I agree with Sec. 202 of the President's H.R. 11309, which gives the President the authority to stabilize interest rates. Of course, interest rates are also strongly affected by Federal Reserve policy, as well as the actions of individual lenders and borrowers in capital markets.

5. SUSPENSION OF THE ADMINISTRATIVE PROCEDURE ACT

Section 207 of the President's bill, H.R. 11309, requests exemption of the economic stabilization program from the Administrative Procedure Act except for public information matters.

Basically, this provision would eliminate the entire panoply of procedure which protects the rights of interested parties in administrative proceedings, including provisions for rule-making procedures for adjudication, rules for hearings, burden of proof, evidence, record as a basis of decision, conclusiveness of decisions, review of decisions by the agency, and other provisions.

The Administrative Procedure Act is a complex and carefully drawn set of procedures to protect the rights of persons and corporations in administrative dealings with the government. These procedures should not be lightly discarded. It may be appropriate to make some changes in these procedures to fit them to the particular tasks of the new agencies charged with carrying out the economic stabilization program. But tossing out most of the Administrative Procedure Act should not be done without serious study of the long-term consequences. These procedural rights are not the less valid because they may be exercised in times of some stress.

In summary, I urge that: 1) the wages of the working poor and near poor be freely allowed to rise to the point where they are no longer substandard; 2) the freeze on rents be continued; 3) corporate profits be limited; 4) interest rates be controlled; and 5) the President's request to suspend the Administrative Procedure Act with respect to the Price Commission and the Pay Board be considered carefully.

FOR MAYOR: OUR UNCLE SAM

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the voters of Cleveland, Ohio, will elect a new mayor tomorrow and, because of the interest shown around the country in this political race, I want to keep my colleagues here fully informed. The latest development, on the eve of the election, is the disclosure that the strongest candidate has refrained from entering the race. This is an observation made by Wilson Hirschfeld, of the Cleveland Plain Dealer—an especially perceptive newsman. His column of October 25, which I bring to your attention, reads as follows:

For Mayor: Our Uncle Sam

(By Wilson Hirschfeld)

When all is said and done, what Cleveland really needs Nov. 2 is not a new mayor but the Army Corps of Engineers. After the mess piled up at City Hall in the last four years, the next mayor has just got to be an improvement. For anyone who wants to make a good record as mayor, this is the year to come on stage—what an act to follow, as they say in show business.

Yet, even with Carl B. Stokes gone from City Hall, (although he may not be very far away), immense problems will remain that are beyond solution by the next administration, the entire Establishment and all others with influence in local government. Erieview and some new downtown buildings notwithstanding, Cleveland is a declining city and, in some respects, a dying city. If the city is to be turned around, someone will have to produce a few miracles.

Very briefly, the stuff of which miracles are made is just not here. Not even if $2 billion jetports were built in the lake or if Erieview had twice as many new buildings would it make much difference. Cleveland is an old city. Its obsolescent and obsolete factories are certain to continue their exodus as they have since World War II. Residential neighborhoods likewise become more debilitated with age; there are few areas of the city today that are not old, outmoded and seedy.

Meanwhile, Cleveland needs more taxes just to stay above water. Cuyahoga County wants more revenues for its operations, which means Clevelanders will pay their share. The Cleveland Board of Education has found no mirrors to run its schools without more money from local taxpayers. Down Columbus way those noble state legislators soon will be coming up with new taxes that Clevelanders will be paying along with other Ohioans

Yet all of these new taxes will not produce even one small miracle to get Cleveland on the right road again. In fact, the faster that taxes pile up in cities such as Cleveland, the flight from the city may proceed even more rapidly.

So what about the corps of Engineers? The corps, it will be recalled, laid out the major railroad routes that opened the West. It built the Panama Canal. It conquered the Mississippi and Ohio rivers. It is responsible for perhaps 1,001 if not 10,001 other projects the length and breadth of the land. How many of these have been boondoggles, probably no living man knows.

The Corps of Engineers is practically a kingdom unto itself (even as the FBI under its superannuated J. Edgar Hoover. The corps gets its money and its power from Congress, and about all it really has to concern itself with is to make sure that the pork barrel is equally divided throughout the country—in this case "equally" meaning that congressmen who have the most clout get more for their regions.

What the people of this nation ought to do now is to get the word to their leaders, loud and clear, that it is time to get the Corps of Engineers out of the countryside, out of the plains and into the dying cities. Even the pork-barrel soldiers of the corps should know by now that it is time to halt their program of straightening every river and get into the metropolitan areas before the cities are destroyed under the terrible pressures that beset them.

It is time for the urban centers of this country to band together and get Congress to turn the Corps of Engineers loose in the cities. The big cities, for the most part, are in desperate straits. They can be rebuilt and should be. New mayors can't do the job. The Corps of Engineers, Uncle Sam that is, can. He gets our vote for mayor.

ALASKA PROCLAMATION ON WORKING WOMEN

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, I would like to bring to the attention of my fellow Congressmen the importance and the dedication of the business and professional women of my State of Alaska. These women represent a significant part of the American work force and are extremely dedicated to improving and creating better working conditions and standards for the women of the country.

We, Alaskans, are proud of the job these women have done in making America's work force a more equitable one for all. We feel that as a result of their responsible efforts they should be recognized and praised publicly. To accomplish this, Governor Egan proclaimed the week of October 17, 1971, as National Business Women's Week in Alaska.

I am inserting a copy of the proclamation sent to me by Governor Egan expressing our pride in these women.

Proclamation—National Business Women's Week

Working women constitute over 31½ million of the Nation's workforce, and are constantly serving their communities, their states, and their Nation in civic and cultural programs.

Major goals of business and professional women are to help create better conditions for business women through the study of social, educational, economic, and political problems. This helps them be of greater service to their communities, their families, and to further friendship with women throughout the world.

All Alaskans are proud of the outstanding leadership that has been shown by business and professional women in Alaska.

Therefore, as Governor of Alaska, I, William A. Egan, hereby proclaim the week of October 17, 1971, as National Business Women's Week in Alaska.

I urge all citizens of the state of Alaska, civic and fraternal groups, educational associations, news media, and other community organizations to join in this salute to working women in Alaska by encouraging and promoting the celebration of the achievements of all business and professional women in Alaska.

Dated this 12th day of October, 1971.

William A. Egan,
Governor.

MORE ON PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, among the indications of increasing opposition to the so-called prayer amendment, are two very strong editorials carried by leading Arkansas papers. The editorials from the Arkansas Gazette for October 12, and the Arkansas Democrat for October 3 follows:

State Prayer

The continuing school prayer controversy is basically a matter of individualism versus insecurity.

The individual, the person who is secure within himself, has no problem. He knows that nothing prohibits his praying any time and any place he wants to—at home, at work, at play, at school, even at church. All that the original Supreme Court prayer ruling prohibited was the institutional, group prayer that public school students were forced to take part in. Unfortunately, some silly interpretations have been made of this decision, leading to such ridiculous rules as prohibiting the studying of the Bible, etc. But since schools are a government institution, classroom religious activity is a violation of the constitutional principle of separation of church and state.

The only person who should even want such rituals is the person who is too insecure to pray as an individual and needs the encouragement of the group. For such a person, it probably is not even a prayer because the term implies some sincerity, and sincerity or even attention is seldom present in group rituals, whether they be prayers, pledges of allegiance or recitation exercises. The more likely effect of forced rituals is boredom or even disgust with the subject matter force fed.

It does the country no service that the school prayer enthusiasts, some of them no doubt with the best of motives, have pressured Congress into considering a constitutional amendment specifically to make institutional "prayers" constitutional. Our lawmakers have more important things to do than help with this attempt to dismantle the Constitution.

Dismantling is just what this amounts to. Nothing is clearer or more essential to our form of government than the separation of church and state. Religious freedom, which includes the freedom not to practice religion, is the very first item mentioned in the Bill of Rights, and for good reason. The founding fathers knew that no tyranny is more dangerous than the tyranny of those who would force their religion on others.

A majority of the members of the House have signed a petition to force the amendment out of the judiciary committee. It is scheduled for a vote in the House Nov. 8. It must be approved by two-thirds of both houses and ratified by three-fourths of the state legislatures to become law. We urge our senators and representatives to vote against it.

PRAYER AMENDMENT

The American political experiment has been highly successful for the most part for two centuries now but the system will not outlive the will of the people to preserve it. There are always threats to the American institutions and one of the more dangerous lies in the recurring campaigns to amend capriciously the Constitution and its Bill of Rights.

One of the most capricious of the proposed amendments, in turn, is the so-called "prayer amendment," which has finally been brought to the U.S. House calendar under the continuing pressure of a single-minded lobby. The amendment states:

Nothing contained in this constitution shall abridge the rights of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds to participate in non-denominational prayer.

No one actually knows what the amendment would turn out to mean, in actual practice, but there is no question that it would work to weaken the historic separation of church and state which is one of the unique strengths of the American political system. Moreover, the amendment itself is a fraud to begin with. It suggests that the U.S. Supreme Court has forbidden prayer in the schools, when, in fact, the Court has done no such thing. The Court in its famous prayer decision went to great lengths to explain that what it forbade was not voluntary prayer but rather official prayer, prescribed prayer led by teachers or other representatives of an agency of government.

Many—perhaps most—ministers in this country are opposed to the amendment because it is both damaging to the Constitution and, in fact, an insult to religion. A "non-denominational prayer" indeed! This amendment suggests that religion in this country is so vague and vacuous, so unspecific, so uncommitted, that prayers may be written or spoken to satisfy all faiths. In actuality this kind of prayer is satisfying to none.

There is endless complication in cluttering the Constitution with this frivolous amendment. The cartoonist Conrad, drawing a classroom scene, has pictured a teacher leading a recitation of a "non-denominational" Lord's prayer that began "To whom it may concern * * *."

It remains our conviction that the leading advocates of the "prayer amendment" are the people who understand religion the least and want to pass off on the school system the responsibility that belongs in the church or synagogue.

The vote of our Arkansas congressmen in the forthcoming House showdown on the "prayer amendment" should prove instructive, not only in concern for church-state separation but also for the sake of religion itself.

WITHOUT PESTICIDES, THE WORLD POPULATION WILL STARVE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ZWACH. Mr. Speaker, the last will and testament of Swedish inventor Alfred Nobel in 1895 provided that a prize should be awarded annually to the person "who during the preceding year shall have conferred the greatest benefit to mankind."

Dr. Norman Borlaug, an Iowa-born agronomist who received his higher education at the University of Minnesota, is director of an international wheat-research and production program in Mexico City. He won the Nobel Peace Prize in 1970 for his work in development of high-yielding wheat strains.

On October 7, Dr. Borlaug testified at hearings of the Environmental Protection Agency in Washington. Here are excerpts from a statement he issued at a news conference following that testimony, as reported in the U.S. News & World Report:

EXCERPTS FROM DR. BORLAUG

Environmentalists today seek a simple solution to very complex problems. The pollution of the environment is the result of every human activity as well as the whims of nature. It is a tragic error to believe that agricultural chemicals are a prime factor in the deterioration of our environment . . .

DDT, because it is a name popularly known to most segments of the public, has been the first target. Once that is accomplished, the so-called ecologists will work on hydrocarbons, then organo-phosphates, carbamates, weed killers and, perhaps, even fertilizers will come under the assault of their barrage of misinformation.

If this happens—and I predict it will if most DDT uses are canceled—I have wasted my life's work. I have dedicated myself to finding better methods of feeding the world's starving populations. Without DDT and other important agricultural chemicals, our goals are simply unattainable—and starvation and world chaos will result. . . .

I have spent my life working with the nations of the world to help them feed themselves. I know how they will react if we terminate uses of DDT in this country and in effect, label it "poison."

If it is not good enough for your purposes, they will reason, then it shouldn't be used in our countries. The impact will be catastrophic. All the urging and reasoning by me and other scientists will fall on deaf ears. . . .

Science without common sense is worthless, and environmentalists are not using common sense when they examine DDT and its effect on wildlife. . . .

The argument that pesticides are upsetting the balance of nature is utter nonsense.

Today we have 1 million to 1¼ million species of animals and 350,000 species of plants existing in the world. But throughout the history of the world, over 130 million species once existed.

In other words, today only 1 per cent of the species is left. The rest have perished for a variety of reasons. People who blame DDT and other pesticides for the elimination of species are ignoring geological history. Is DDT, which has only been in existence for 25 years, to be blamed for this, too?

The agricultural chemical industry has been the whipping boy of environmentalists, whose views have been so short-sighted that they haven't bothered to examine some key facts.

1. To produce food for ourselves and other nations, we required 290 million acres of farmland last year.

2. To get the same yield while relying on the technology we used 30 years ago—when most of today's pesticides and fertilizers were nonexistent—we would have required nearly 600 million acres, or twice the amount used last year.

3. This would have resulted in a huge loss of forest and grass lands which not only would have further crowded some animal species into extinction but would have caused other problems as well.

4. Pesticides, therefore, have actually helped prevent the development that environmentalists fear most—diminishing species of wildlife. . . .

Let's get our priorities in perspective. As much as I favor wildlife, man must come first. We must feed ourselves and protect ourselves against the health hazards of the world. To do that, we must have agricultural chemicals. Without them, the world population will starve.